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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10982

ADMINISTRATION OF THE ACT OF SEPTEMBER 26, 1961, RELATING TO EVACUATION PAYMENTS, ASSIGNMENTS, AND ALLOTMENTS, AND OTHER MATTERS.

By virtue of the authority vested in me by the act of September 26, 1961 (75 Stat. 662), and by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. As used in this order:

(a) The term "the act" means the act of September 26, 1961 (Public Law 87–304), 75 Stat. 662.

(b) The term "Federal agency" means any executive department of the Government of the United States of America, any agency or independent establishment in the executive branch of the Government, and any corporation wholly owned or controlled by the Government.

(c) The term "foreign area" means any area (including the Trust Territory of the Pacific Islands) situated outside (1) the United States (including the District of Columbia), (2) the Commonwealth of Puerto Rico, (3) the Canal Zone, and (4) any territory or possession of the United States.

SEC. 2. (a) Except as otherwise provided by section 2(b) and section 3(c) of this order, the Secretary of State in respect of civilian employees of Federal agencies who are located in foreign areas immediately prior to an emergency evacuation, and the Civil Service Commission in respect of all other civilian employees of Federal agencies, are hereby designated and empowered, without the approval, ratification, or other action of the President, to perform the functions conferred upon the President by section 3(a), section 3(b), and section 6(a) of the act.

(b) The Civil Service Commission is hereby designated and empowered, without the approval, ratification, or other action of the President, to perform the functions conferred upon the President by the provisions of section 6 of the act with respect to allotments and assignments authorized by section 5 of the act.

SEC. 3. The following regulations are hereby prescribed as necessary and appropriate to carry out the provisions, accomplish the purposes, and govern the administration of the act:

(a) To the maximum extent practicable, the Secretary of State, the Civil Service Commission, and the heads of other Federal agencies shall exercise their authority under the act and this order so that employees of different Federal agencies evacuated from the same geographic area under the same general circumstances may be treated uniformly.

(b) Advance payments of compensation, allowances, and differentials, as authorized by section 2 of the act, shall be held to the minimum period during which the order for evacuation is anticipated to continue, and shall in no event be made for a period of more than thirty days.

(c) It is hereby determined to be in the interest of the United States that payments of monetary amounts as authorized by section 3 of the act to and for the account of an employee whose evacuation is ordered and who is prevented from performing the duties of his position, under the circumstances set forth in section 3 of the act, should be extended beyond sixty days for not more than one hundred and twenty additional days only upon determination, pursuant to regulations of the head of the Federal agency concerned, that such additional payments are reasonably necessary to maintain a civilian staff available for performance of duty. Such payments of monetary

amounts under the authority of section 3 of the act shall be terminated as of such dates as may be determined by the Secretary of State or the Civil Service Commission, as appropriate, but not later than the date on which an employee resumes his duties at the post from which he has been evacuated or is assigned to another position.

SEC. 4. (a) The head of each Federal agency shall issue as soon as practicable such regulations as may be necessary and appropriate to carry out his functions under the act and this order.

(b) In order to coordinate the policies and procedures of the executive branch of the Government, all regulations of any Federal agency prepared for issuance under the provisions of section 6(c) of the act and section 4(a) of this order shall be submitted for prior approval to the Secretary of State, or to the Civil Service Commission, as may be appropriate, under section 2 of this order. The Secretary of State and the Civil Service Commission shall review such regulations for conformance with the purpose and intent of the act and of the regulations contained in section 3 of this order. No Federal agency shall make any payment under the provisions of the act or this order until such regulations have been approved by the Secretary of State, or the Civil Service Commission, as appropriate.

JOHN F. KENNEDY

THE WHITE HOUSE,
December 25, 1961.

[F.R. Doc. 62-140; Filed, Jan. 2, 1962; 12:24 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

Allotments and Assignments From Federal Employees

Effective March 25, 1962, Subpart F is added to Part 25 as follows:

SUBPART F—ALLOTMENTS AND ASSIGNMENTS FROM FEDERAL EMPLOYEES

Sec.
25.601 Definitions.
25.602 Authority of Federal agency.
25.603 Authorized allotters.
25.604 Circumstances under which allotments are permitted.
25.605 Purposes for which allotments may be made.
25.606 Authorized allottees.
25.607 Limitations on allotments.
25.608 Discontinuance of allotment.
25.609 Procedures.

AUTHORITY: §§ 25.601 to 25.609 issued under sec. 6, 75 Stat. 664.

Subpart F—Allotments and Assignments From Federal Employees

§ 25.601 Definitions.

For the purposes of this subpart, the following terms shall have the meanings as stated:

(a) "Act" means Public Law 87-304, approved September 26, 1961 (75 Stat. 662).

(b) "Allottee" is the person or institution to whom the allotment is made payable.

(c) "Allotter" is the officer or employee from whose civilian compensation the allotment is made.

(d) "Allotment" is either an allotment or assignment of a definite amount of the compensation of a civilian employee which is authorized to be paid to an allottee.

(e) "Compensation" is the net pay due an employee after all deductions authorized by law (such as retirement or social security deductions, Federal withholding tax, and others, when applicable) have been made.

(f) "Department" means each executive department of the Government of the United States of America, each agency or independent establishment in the executive branch of the Government, and each corporation wholly owned or controlled by such Government.

(g) "Continental United States" means the several States and the District of Columbia, but excluding Alaska and Hawaii.

§ 25.602 Authority of Federal agency.

(a) A department may permit allotments under section 5 of the Act only in accordance with the Act and the regulations in this subpart.

(b) Allotments may be permitted in the discretion of the head of the department concerned under such additional regulations, not inconsistent with the Act and the regulations in this subpart, as he deems necessary and appropriate.

§ 25.603 Authorized allotters.

Only those employees who are serving under appointments not limited to six months or less may be permitted to make allotments.

§ 25.604 Circumstances under which allotments are permitted.

(a) Allotments may be authorized on a current basis under the following circumstances:

(1) When an employee is assigned to a post of duty outside the continental United States; or

(2) When an employee is working on an assignment away from his regular post of duty when the assignment is expected to continue for three months or more; or

(3) When an employee is serving as an officer or a member of a crew on a vessel under the control of the Government of the United States.

(b) Allotments may be authorized to become effective when an order of evacuation is issued under the provisions of section 2 or section 3 of the Act. Payment of the allotments authorized under the provisions of this paragraph may not be made until the issuance of such evacuation order.

§ 25.605 Purposes for which allotments may be made.

(a) Allotments may be made for the following purposes:

(1) For the support of relatives or dependents of the allotter;

(2) For savings;

(3) For payment of commercial insurance premiums on the life of the allotter;

(4) For payment of U.S. Government or National Service Life Insurance; or

(5) For any other purpose, not otherwise prohibited, when approved by the head of the department or his authorized representative.

(b) Allotments may not be made for the following purposes:

(1) For payment of any indebtedness, except when the head of the agency specifically provides otherwise; or

(2) For contributions to charities; or

(3) For payment of dues to civic, fraternal, or other organizations.

§ 25.606 Authorized allottees.

(a) An allotment may be made to any person, or to any corporation, financial institution, or agency when the allotment is for one of the purposes permitted by § 25.605(a).

(b) The allottee must be specifically designated in writing by the allotter.

§ 25.607 Limitations on allotments.

The following limitations shall apply to the making or approving of allotments:

(a) Allotments shall be disbursed on one of the employee's regularly designated paydays and according to the conditions of the allotment except in those cases where the department and allotter may agree upon a later date;

(b) An employee may not have more than one allotment payable to the same allottee at the same time;

(c) Allotments cannot exceed the compensation due the allotter for a particular period.

§ 25.608 Discontinuance of allotment.

Allotments shall be discontinued under the following circumstances:

(a) On the retirement, separation from the Federal service, or death of the allotter.

(b) When an allottee's whereabouts are unknown or upon his death.

(c) Upon written notice from the allotter.

(d) Upon written notice from an authorized official of the department concerned.

(e) When the circumstances under which allotments are permitted under § 25.604 no longer exist.

§ 25.609 Procedures.

Each department shall prescribe and administer the necessary procedures to carry out the purposes of the Act and these regulations, and the procedures established shall be consistent with the provisions of the Act and these regulations.

(Sec. 6, 75 Stat. 664)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 62-147; Filed, Jan. 2, 1962; 12:30 p.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 C.C.C. Peanut Price Support Bulletin, Amdt. 2]

PART 446—PEANUTS

Subpart—1961 Crop Peanut Price Support Program

The regulations issued by Commodity Credit Corporation (hereinafter referred to as "CCC") with respect to the 1961 Crop Peanut Price Support Program (26 F.R. 7863 and 8247) are amended as follows in order to provide price support for peanuts in the Southwestern area which contain damaged kernels from 8 percent to 25 percent, inclusive.

The regulations in § 446.1301 to 446.1348 inclusive are amended as specified below:

1. The footnote in § 446.1305(d)(3) is amended to read as follows:

[1] Not eligible for price support, except as provided in paragraph (e) of this section, and in § 446.1306(a)(6).

2. Section 446.1305 is amended by adding the following paragraph (e) at the end thereof:

(e) Peanuts in the Southwestern area which contain damaged kernels from 8 percent to 25 percent, inclusive. Support prices (farmers stock basis) for peanuts in the Southwestern area which contain damaged kernels from 8 percent to 25 percent, inclusive, shall be as follows:

Peanuts containing damaged kernels of—	Support price (cents per pound)
8 or 9 percent	7.1
10 or 11 percent	6.8
12 or 13 percent	6.4
14 or 15 percent	6.0
16 to 19 percent, inclusive	5.6
20 to 25 percent, inclusive	5.3

3. Section 446.1306(a)(1) is amended to read as follows:

(1) Contain, except as provided in subparagraph (6) of this paragraph, not more than 10 percent foreign material and not more than 7 percent damaged kernels: *Provided, however*, That, in the Southwestern area, peanuts which contain more than 7 percent damaged kernels and which meet the other requirements of this section, shall be eligible for price support through a warehouse storage loan to the Association at the rates specified in § 446.1305(c);

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; sec. 201, 68 Stat. 899; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective as of date of signature.

Signed at Washington, D.C., on December 27, 1961.

CARL A. LARSON,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-18; Filed, Jan. 2, 1962; 8:46 a.m.]

Chapter V—Agricultural Marketing Service, Department of Agriculture

SUBCHAPTER B—EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

[Amdt. 1]

PART 519—FRESH IRISH POTATOES

Subpart—Fresh Irish Potatoes—Livestock Feed Diversion Program CMD 3a

RATE OF PAYMENT

For the purpose of increasing the rate of payment for the month of January 1962, from 40 cents to 60 cents per hundredweight, § 519.205 of these regulations is amended as follows:

§ 519.205 **Rate of payment.**

The rate of payment per 100 pounds of potatoes which meet the requirements of Specification A as defined in § 519.211 and which are diverted as prescribed in § 519.210 will be 60 cents for potatoes diverted during the months of September, October, November, December 1961, and January 1962, 40 cents during the month of February 1962, and 30 cents during the months of March and April 1962. No payment will be made for any fractional part of 100 pounds and such quantities will be disregarded.

Effective date. This amendment shall become effective January 1, 1962.

Dated this 28th day of December 1961.

FLOYD F. HEDLUND,
Authorized Representative of the Secretary of Agriculture.

[F.R. Doc. 62-39; Filed, Jan. 2, 1962; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-LA-7]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.48 of the regulations of the Administrator is to alter the Sahwave Mountains, Nev., Restricted Area R-4805.

The Department of the Navy has advised that the ceiling of R-4805 may be reduced from unlimited to Flight Level 550 and the time of designation from "continuous" to "one hour prior to sunrise to 1 hour after sunset," Monday through Friday." In addition, the Department of the Navy has concurred in joint use of this area. Therefore, the changes recommended by the Navy are effected herein and the Oakland ARTC Center is designated the Controlling Agency.

Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 608.48 Nevada, R-4805 Sahwave Mountains, Nev., Restricted Area (26 F.R. 7198) is amended to read:

R-4805 Sahwave Mountains, Nev.

Boundaries. Beginning at latitude 40°-40'00" N., longitude 118°49'00" W.; to latitude 40°04'00" N., longitude 118°49'00" W.; to latitude 40°00'00" N., longitude 118°57'00" W.; to latitude 40°00'00" N., longitude 119°13'00" W.; to latitude 40°40'00" N., longitude 119°13'00" W.; to the point of beginning.

Designated altitudes. Surface to Flight Level 550.

Time of designation. One hour before sunrise to 1 hour after sunset, Monday through Friday.

Controlling agency. Federal Aviation Agency, Oakland ARTC Center.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 26, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 62-3; Filed, Jan. 2, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service, Department of Agriculture

COUNTY ALLOTMENT; ALLOCATIONS TO COUNTIES FROM STATE RESERVE; AND REMAINDER OF STATE RESERVE

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for the 1962 Crop of Extra Long Staple Cotton—Amendment 3

The purpose of this amendment is to delete wording pertaining to a national reserve which is not applicable to extra long staple cotton and to correct an error in the 1962 State reserve and total State allotment of extra long staple cotton for Florida. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). Notice of the proposed issuance of acreage allotment regulations for the 1962 crop of extra long staple cotton was published in the FEDERAL REGISTER on August 25, 1961 (26 F.R. 7967), in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) prior to issuance of such regulations.

In order that the Agricultural Stabilization and Conservation State and county committees may perform their assigned functions in an orderly manner, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.566(g)(1) of the regulations pertaining to acreage allotments for the 1962 crop of extra long staple cotton (26 F.R. 11481) is corrected as follows:

For all States, delete the words "and national reserve" from item c.

For the State of Florida, item b., "State reserve available for missed and reconstituted farms and correction of errors," is 70 instead of zero and item c., "Total allotment available from national allotment for distribution in State," is 705 instead of 635.

(Secs. 344, 347, 375, 63 Stat. 670, as amended, 675, as amended; 52 Stat. 66, as amended; 7 U.S.C. 1344, 1347, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 27, 1961.

CARL A. LARSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-19; Filed, Jan. 2, 1962; 8:46 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER A—MARKETING ORDERS

[Orange Reg. 1]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

§ 906.301 **Orange Regulation 1.**

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 906 (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on December 19, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herin, shall have the same meaning as is given to the respective term in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680-51.712 of this title).

(2) During the period beginning at 12:01 a.m., c.s.t., January 8, 1962, and ending at 12:01 a.m., c.s.t., February 5, 1962, no handler shall handle:

(i) Any Navel or Early and Midseason oranges, grown in the production area, unless such oranges grade at least U.S. No. 2 Russet;

(ii) Any Navel or Early and Midseason oranges, grown as aforesaid, which are of a size smaller than 2 7/16 inches in diameter, except that not more than ten (10) percent, by count, of such oranges in any lot of containers, and not more than fifteen (15) percent, by count, of such oranges in any individual container in such lot may be of a size smaller than 2 7/16 inches in diameter;

(iii) Any Valencia or similar late type oranges, grown as aforesaid, unless such oranges grade at least U.S. No. 1;

(iv) Any Valencia and similar late type oranges, grown as aforesaid, which are of a size smaller than 3 3/16 inches in diameter, except that not more than ten (10) percent, by count, of such oranges in any lot of containers, and not more than fifteen (15) percent, by count, of such oranges in any individual container in such lot, may be of a size smaller than 3 3/16 inches in diameter;

(v) Any oranges of any variety, grown as aforesaid, packed in any box or carton of inside dimensions other than those specified in subdivision (vi), unless the oranges are of a size within the diameter limits specified for one of the following pack sizes and otherwise are packed in accordance with the requirements of standard pack, except that not to exceed a total of 10 percent, by count, of the oranges in any such container may be outside such diameter limits:

Pack Sizes	Diameter limits in inches	
	Minimum	Maximum
100	3 7/16	3 13/16
125	3 3/16	3 9/16
163	2 13/16	3 3/16
200	2 11/16	3 1/16
252	2 7/16	2 13/16

(vi) Any oranges of any variety, grown as aforesaid, packed in a box or carton having inside dimensions of 19¾ x 13½ x 13½ inches, unless such container is packed in accordance with one of the following pack sizes and contains the applicable number of oranges specified for the pack size: *Provided*, such oranges are within the diameter limits specified in subdivision (v) for the particular pack size, except that not to exceed a total of 10 percent, by count, of the oranges in any such container may be outside such diameter limits:

Pack sizes:	Number of oranges
100	100
125	125
163	163
200	198
252	252

(vii) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

(viii) The provisions of subdivisions (v) and (vi) shall not apply to the oranges in any gift package of fruit.

All oranges of any variety, grown as aforesaid, handled during the period

specified in this section are subject to all applicable container regulations which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 28, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–59; Filed, Jan. 2, 1962; 8:48 a.m.]

[Navel Orange Reg. 220, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(i) of § 914.520 (Navel Orange Reg. 220, 26 F.R. 12494) are hereby amended to read as follows:

(i) District 1: 400,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 29, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–12435; Filed, Dec. 29, 1961; 12:45 p.m.]

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

[Orange Reg. 1, Amdt. 2]

PART 944—IMPORT REGULATION

Oranges

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of § 944.300 (Orange Regulation 1; 26 F.R. 9668; 9905) are hereby amended to read as follows:

(a) On and after 12:01 a.m., e.s.t., January 8, 1962, the importation into the United States of any oranges is prohibited unless such oranges are inspected and meet the following applicable requirements:

(1) Navel or Early and Midseason oranges, shall grade at least U.S. No. 2 Russet, and be of a size not smaller than $2\frac{7}{16}$ inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in individual containers in such lot, may be of a size smaller than $2\frac{7}{16}$ inches in diameter; or

(2) Any Valencia or similar late type oranges, shall grade at least U.S. No. 1, and be of a size not smaller than $3\frac{3}{16}$ inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in individual containers in such lot may be of a size smaller than $3\frac{3}{16}$ inches in diameter.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674; 75 Stat. 305), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of oranges as the grade and size restrictions being made applicable to the shipment of oranges grown in Texas under Orange Regulation 1 (§ 906.301) which becomes effective January 8, 1962; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; (d) notice hereof in excess of three days, the minimum that is prescribed by section 8e, is given with respect to this import regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, December 28, 1961, to become effective at 12:01 a.m., e.s.t., January 8, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–60; Filed, Jan. 2, 1962; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8357 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Haffield Fruit Company, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Haffield Fruit Company, Inc., Vero Beach, Fla., Docket 8357, Sept. 26, 1961]

Consent order requiring a citrus fruit packer doing a substantial business in Vero Beach, Fla., to cease making unlawful brokerage payments to customers purchasing for their own accounts for resale, in violation of section 2(c) of the Clayton Act.

The order to cease and desist is as follows:

It is ordered, That the respondent Haffield Fruit Company, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of citrus fruit or fruit products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Paying, granting or allowing, directly or indirectly, to any buyer or to anyone acting for or in behalf of, or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of citrus fruit or fruit products to such buyer for his own account.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–8; Filed, Jan. 2, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2571]

[Montana 043471]

MONTANA

Reclamation Withdrawal; Missouri River Basin Project

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

Subject to valid existing rights, the following described public lands are hereby withdrawn in the first form from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, for use of the Bureau of Reclamation in connection with the Clark Canyon Reservoir, Missouri River Basin Project:

MONTANA PRINCIPAL MERIDIAN

T. 9 S., R. 10 W.,
sec. 31, N½SE¼.

Containing 80 acres.

JOHN A. CARVER, Jr.,
Acting Secretary of the Interior.

DECEMBER 22, 1961.

[F.R. Doc. 62–10; Filed, Jan. 2, 1962; 8:45 a.m.]

[Public Land Order 2572]

[New Mexico 0175794 (Okla.)]

OKLAHOMA

Withdrawing Lands for Use of the Bureau of Indian Affairs for School Purposes (Jones Academy Indian School)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described public lands in Oklahoma are hereby withdrawn from all forms of appropriation under the public land laws, and reserved under the jurisdiction of the Bureau of Indian Affairs for Indian school purposes:

INDIAN MERIDIAN

T. 5 N., R. 17 E.,
Sec. 21, E½SW¼SW¼ and SE¼SW¼;
Sec. 28, W½E½ and W½.

The areas described aggregate approximately 540 acres.

JOHN A. CARVER, Jr.,
Acting Secretary of the Interior.

DECEMBER 22, 1961.

[F.R. Doc. 62–11; Filed, Jan. 2, 1962; 8:45 a.m.]

[Public Land Order 2573]

[Sacramento 048401]

CALIFORNIA

Withdrawing the Minerals Belonging to the United States in Certain Patented Lands

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals reserved to the United States in the following described patented lands are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States and from leasing under the mineral leasing laws and reserved under the jurisdiction of the Secretary of the Interior in support of programs of the Department of the Navy involving the use of the surface of the lands as a bombing and target area:

MOUNT DIABLO MERIDIAN

T. 6 S., R. 5 E.,
Sec. 22, SE¼;
Sec. 26.
T. 6 S., R. 6 E.,
Sec. 20, E½NE¼ and NE¼SE¼.

Containing 920 acres.

JOHN A. CARVER, Jr.,
Acting Secretary of the Interior.

DECEMBER 22, 1961.

[F.R. Doc. 62–12; Filed, Jan. 2, 1962; 8:46 a.m.]

[Public Land Order 2574]

[BLM 054548]

[1906622]

MICHIGAN

Partly Revoking the Executive Order of May 28, 1868 (Grand Marais Harbor of Refuge Lighthouse Reserve)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of May 28, 1868, so far as it reserved the following described lands for lighthouse purposes, is hereby revoked:

MICHIGAN MERIDIAN

T. 50 N., R. 13 W.,
Sec. 35, lots 1 to 4, incl., and S½;
Sec. 36, lots 1 to 4 incl., and S½.

Containing 974.25 acres.

2. The lands are hereby restored to the operation of the public land laws, subject to any valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals provided, that, until 10 a.m. on June 22, 1962, the State of Michigan shall have a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

Inquiries concerning the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Washington 25, D.C.

JOHN A. CARVER, Jr.,
Acting Secretary of the Interior.

DECEMBER 22, 1961.

[F.R. Doc. 62–13; Filed, Jan. 2, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 161]

THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that, pursuant to the authority vested in the Secretary of the Interior by the act of June 28, 1934 (48 Stat. 1269, 43 U.S.C. 315, 315a-315r), as amended and supplemented, it is proposed to amend and revise the regulations issued under the said act as set forth below. The purpose for these changes is to permit the establishment of a grazing fee based on a percentage adjustment in the rate which would be determined by the same formula that is now in effect.

It is the policy of the Department, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within 30 days of publication of this notice in the FEDERAL REGISTER.

1. Paragraph (b) of § 161.8 is amended to read as follows:

§ 161.8 Fees; time of payment; refunds.

• • • • •

(b) *Licenses and permits; rates.* (1) Each regular licensee or permittee, and holder of a nonrenewable license will be charged for use of the range and a range improvement fee, for the animal unit months authorized by the license or permit, at a rate per animal unit month. All billing shall be issued in accordance with the rates prescribed in subparagraph (2) of this paragraph. All livestock 6 months of age or over allowed on the Federal range will be considered at any point of time during the grazing period as a part of the total number for which a license or permit has been issued. No fees will be charged for livestock under 6 months of age. Range improvement fees may vary in accordance with the character or requirements of the various districts or portions thereof. Grazing fees may differ in any district or unit thereof in which the grazing capacity of the Federal range is increased by reason of the addition of land not owned by the United States, or by reason of a cooperative agreement or memorandum of understanding between the Bureau of Land Management, and any State or Federal agency, or any person, association, or corporation. A minimum annual charge of $10 will be made on all regular licenses or permits, and nonrenewal licenses.

(2) (i) The fee or fees for any fee year, beginning on March 1, will be established by the Secretary at a rate which is equivalent to a specified percentage, to be fixed by the Secretary, of the average of the prices per pound of beef and lamb, rounded to the nearest whole cent, which was paid to growers during the preceding calendar year in the markets of the 11 Western States, as determined by the Secretary based upon market prices as reported by the Agricultural Marketing Service of the Department of Agriculture.

(ii) The fee for any fee year may be changed by the Secretary from that of the preceding year by fixing a new specified percentage of the average of the prices per pound of beef and lamb. The fee for any fee year shall, in any event, be adjusted by the Secretary, in addition to any percentage adjustment that may be made, to conform to changes in market price conditions whenever in the preceding calendar year there is a change in the average of such prices, rounded off to the nearest whole cent, of 2 cents or more above or below the corresponding average for the preceding year.

(iii) The fee or fees established by the Secretary for any fee year, including announcement of the portion thereof to be credited to the range improvement fund, will be published as a notice in the FEDERAL REGISTER. All regular billings shall be issued in accordance with the rate or rates prescribed in the notice.

JOHN A. CARVER, JR.,
Acting Secretary of the Interior.

DECEMBER 22, 1961.

[F.R. Doc. 62-9; Filed, Jan. 2, 1962; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 89]

STATEMENT OF POLICY UNDER THE TWENTY-EIGHT HOUR LAW

Notice of Proposed Revision

Notice is hereby given that, pursuant to authority delegated under the Twenty-Eight Hour Law (34 Stat. 607; 45 U.S.C. 71-74. 19 F.R. 74, as amended), it is proposed to revise the statement of policy with respect to said act as set forth in Part 89, Title 9, Code of Federal Regulations, to read as follows:

It is the view of the Department of Agriculture that the feeding, watering, and resting of livestock in the course of transportation by railroad, from one State, Territory, or the District of Columbia, into or through another State, Territory, or the District of Columbia, in accordance with the recommendations set out herein will meet the requirements of the Twenty-Eight Hour Law (34 Stat. 607; 45 U.S.C. 71-74).

§ 89.1 Amount of feed.

(a) Under normal conditions, the amounts of feed designated in the following schedule will be considered as sustaining rations for livestock in transit when fed at the intervals required by the Twenty-Eight Hour Law:

Species and quantity of livestock	At first feeding station	At second and subsequent feeding stations
Cattle and beef type or range calves (for each car [1])	200 lbs. of hay [1 2]	300 lbs. of hay. [1 2]
Dairy calves (for each car deck [1])	100 lbs. of hay [1 2]	150 lbs. of hay. [1 2]
Horses and mules (for each car [1])	400 lbs. of hay [1 2]	400 lbs. of hay. [1 2]
Sheep and goats (for each car deck [1])	200 lbs. of hay [1 2]	300 lbs. of hay. [1 2]
Lambs and kids (for each car deck [1])	100 lbs. of hay [1 2]	150 lbs. of hay. [1 2]
Swine (for each carload lot, in single or double deck car, the amount of shelled corn,[2] indicated):		
Lots of not more than 18,000 lbs	2 bushels	2 bushels.
More than 18,000 lbs. but not more than 21,000 lbs	2½ bushels	2½ bushels.
More than 21,000 lbs. but not more than 24,000 lbs	3 bushels	3 bushels.
More than 24,000 lbs. but not more than 27,000 lbs	3½ bushels	3½ bushels.
More than 27,000 lbs. but not more than 30,000 lbs	4 bushels	4 bushels.
More than 30,000 lbs.—proportionately larger amounts		

[1] The requirements set forth the sustaining rations for a full load of livestock in a railroad car 40 feet in length. The requirements for a full load of livestock in railroad cars of different sizes should be modified proportionately, i.e., a load of livestock transported in a car 50 feet in length would require an additional 25 percent of feed or 2.5 percent for each additional foot of car over 40 feet.

[2] Or the equivalent in other suitable feed. Dairy calves too young to eat hay or grain, or shipped without their dams, should be given a sufficient amount of prepared calf feed, milk, raw eggs, or other suitable feed. All feed should be of good quality.

(b) When the owner of a consignment of livestock desires that they be fed larger amounts of feed than those designated in paragraph (a) of this section for the particular kind and quantity of livestock, or the carrier believes that they should be fed larger amounts, the amounts to be fed should be agreed upon, if practicable, by the owner and the carrier at the time the animals are offered for shipment.

(c) When emergency conditions arise, such as severe changes in the weather, which increase the rigors of transportation, the livestock should receive amounts of feed, additional to those designated in paragraph (a) of this section sufficient to sustain them until they arrive at the next feeding station or destination.

(d) When the movement of livestock is delayed en route so that the period of their confinement in the cars materially exceeds that specified by the Twenty-Eight Hour Law, the livestock should receive additional feed in proportion to such excess time.

§ 89.2 Two or more feedings at same station.

When livestock are held at a feeding station 12 hours after the last previous feed has been substantially consumed, they should again be fed the ration prescribed by § 89.1(a) for that station; *Provided, however,* That they may be held without such feeding for a period longer than 12 hours if the time they are so held, added to the time required to reach the next feeding station or destination, whichever is closer, would not ordinarily exceed 40 hours.

§ 89.3 Feeding, watering, and resting livestock in the car.

(a) Livestock should be unloaded into pens of the character described in § 89.5 (a) for feeding, watering, and resting, unless there is ample room in the car for all of the animals to lie down at the same time.

(b) If livestock are watered in the car, adequate facilities should be provided and ample water furnished to insure all the animals an opportunity to drink their fill. In the case of hogs, water should be available for not less than 1 hour.

(c) Livestock unloaded for feed and water and returned to the car for rest should be allowed to remain in the pens not less than 2 hours.

(d) Livestock unloaded for water and returned to the car for feed and rest should be allowed to remain in the pens not less than 1 hour.

(e) When livestock are fed in the car, the feed should be evenly distributed throughout the car.

§ 89.4 Watering.

Livestock should be furnished an ample supply of potable water. Water treated with chemicals for industrial or boiler use, or taken from streams or ponds containing sewage, mud, or other objectionable matter should not be used. Troughs and other receptacles should be clean. In cold weather, the water should be free from ice.

§ 89.5 Feeding pens.

(a) Stock pens and other enclosures for feeding, watering, and resting livestock in transit should have (1) sufficient space for all of the livestock to lie down at the same time, (2) properly designed facilities for feeding and watering the livestock, (3) reasonably well-drained, clean, and safe floors of concrete, cinders, gravel, hard-packed earth, or other suitable material, and (4) suitable protection from weather reasonably to be expected in the region in which the pens are located.

(b) Care should be taken to protect livestock unloaded en route at a point having marked difference in temperature from that at the point from which they were shipped.

Any person who wishes to submit written data, views, or arguments concerning the proposed revision may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within 45 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of December 1961.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 62-41; Filed, Jan. 2, 1962; 8:48 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 911]

[Docket No. AO 262-A6]

MILK IN TEXAS PANHANDLE MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Amarillo, Tex., on April 14, 1961, pursuant to notice thereof issued on March 28, 1961 (26 F.R. 2750).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, U.S. Department of Agriculture, on November 29, 1961 (26 F.R. 11495; F.R. Doc. 61-11497), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. No exceptions were filed to the recommended decision.

The material issues on the record of the hearing relate to:

1. The classification and accounting for dietary products and other fortified fluid milk products.

2. Pooling requirements for pool plants distributing milk in more than one regulated area.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The classification and accounting for dietary products and other fortified fluid milk products.

Dietary products and other fortified fluid milk products should be classified as Class I only up to the extent of the weight of an unmodified product of the same nature and butterfat content, excluding the dry weight of any nonmilk additives such as flavoring, sugar, etc. The skim milk equivalent of the nonfat milk solids not classified as Class I should be considered a Class II disposition.

The existing order provisions provide for full skim milk equivalent accounting. Hence, when nonfat milk solids in the form of nonfat dry milk or condensed milk are added to a fluid milk product to increase the nonfat milk solids content, the skim milk equivalent of the total nonfat milk solids in the product is classified as Class I. Producer milk is given priority of assignment in Class I. When Class I utilization exceeds available producer receipts and other source milk is assigned to Class I a compensatory charge is applicable on the other source milk so assigned unless such milk has been classified and priced as Class I under another Federal order. When nonmilk products such as flavoring, etc., are used in making any milk product, the weight of such additives is deducted before reconciliation of the pounds of skim milk and butterfat to be classified.

Handlers proposed that fluid milk dietary foods be classified as Class II in lieu of the present Class I classification and that the skim milk equivalent accounting for nonfat milk solids used in fortification be discontinued. As an alternative, if the proposal to discontinue skim milk equivalent accounting was denied, handlers proposed that the skim milk equivalent be Class II. It was their position that the product cost resulting from the present Class I classification of dietary fluid milk products placed them at a competitive disadvantage with dietary milk products in dry form or in hermetically sealed containers made from non-Grade A milk and milk products distributed through grocery stores, drug stores, food establishments and similar outlets. They suggested that a lower classification and pricing would permit more competitive resale pricing and hence create a greater demand for their product. They contended that a Class I classification and pricing on the skim milk equivalent of nonfat milk solids used in the fortification of Class I products was unrealistic and resulted in undue cost to handlers. Their proposed change, they suggested, would serve to facilitate the economic disposition of the market's reserve supply.

Producers, on the other hand, opposed any change in the present accounting procedure. It was their position that full skim milk equivalent accounting is essential to protect the integrity of the classification scheme under the Federal order and that unless nonfat milk solids used in fortification are accounted for on a skim milk equivalent basis in Class I, handlers have opportunity to displace producer milk in Class I with lower priced other source milk.

A great deal of the testimony on the record was offered to substantiate that dietary milk products were, or were not, required to be made from locally approved milk under the health ordinance in effect in the marketing area. Regardless of the intent of the ordinance, it is apparent that the local health authority is not interpreting it in a manner so as to require that such products be made from locally approved milk. However, this is of little consequence since handlers are not permitted to bring fluid non-Grade A milk or skim milk into their fluid milk plants. Under any circumstances it is clear that, because of the perishability of the finished dietary product, handlers use only milk of the highest quality and hence they require and rely on local producers to furnish their full fluid milk require-

ments. Therefore, it is appropriate and necessary that the Class I classification be retained.

Fortified fluid milk products customarily result from the addition of nonfat milk solids in the form of condensed skim milk or nonfat dry milk to milk or skim milk in fluid form to yield a finished product of higher nonfat milk solids content than that of an equivalent amount of whole (producer) milk. Reconstituted products, on the other hand, generally involves the process of "floating" milk solids in the form of condensed milk or skim milk, dry milk, or nonfat dry milk in water to yield a weight of product approximately equal to the weight of milk from which the condensed or dried milk product was first made by the removal of water.

Nonfat dry milk and condensed milk or skim milk are ordinarily derived from unpriced milk or milk which has been priced as surplus under a Federal order. These products are not necessarily processed from producer milk and may be made from ungraded milk. An economic incentive exists for handlers to substitute, where possible, reconstituted fluid milk products for fluid milk products processed from current receipts of producer milk. Since such substitution would displace an equivalent amount of producer milk in Class I, the application of skim milk equivalent accounting in this circumstance is economically sound and is necessary to maintain orderly marketing.

The same economic incentive does not exist, however, with respect to the use of nonfat dry milk, or condensed milk or skim milk to fortify a fluid milk product. If nonfat milk solids are to be derived from producer milk, the skim milk must first be processed into usable form; i.e., nonfat dry milk or condensed skim milk. Such products processed from producer milk have no greater value for fortification purposes than similar products purchased on the open market. Such products are used in fortification to increase the palatability of, and hence the salability of, the finished product. Fortification only slightly increases the volume of the product and under no circumstances can it be concluded that the added solids displace producer milk in Class I beyond the minor increase in volume which results.

When the skim milk equivalent provision is applied to fortified milk products, it inflates significantly the utilization and disposition of Class I milk. The inflation in the case of dietary food products results in a Class I classification of about two and one-half times the actual volume. For reasons previously stated it is neither necessary nor appropriate that handlers continue to be required to account and pay for this inflated volume in Class I. Nevertheless, it is practical and administratively necessary to maintain full skim milk equivalent accounting. These conclusions can be reconciled by providing that fortified fluid milk products shall be classified as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content, excluding the dry weight of any nonmilk ingredient such as flavoring, sugar, etc. The skim milk equivalent of the nonfat milk solids not classified in Class I should be considered as Class II disposition.

No change was proposed in the accounting procedure followed in cases where flavoring and other nonmilk ingredients are used in processing unfortified products. In such cases the dry weight of such additives also should be deducted in determining the amount of skim milk and butterfat to be accounted for. This is generally consistent with the procedure now employed and of the conclusions previously set forth relative to the accounting procedure to be employed for fortified products. The changes in the fluid milk products definition and the classification provisions hereinafter set forth will implement these conclusions.

2. *Modification of the requirements for pooling plants also meeting the pooling requirements of another Federal order.* The pooling provisions of the order should be modified to permit a distributing plant meeting the requirements for full regulation under both this order and another Federal order and with a greater proportion of its Class I disposition in the other market, but which was pooled under this order in the most recent month, to retain pooling status under this order until the third consecutive month in which a greater volume of Class I sales is made in such other marketing area. However, it must be recognized that the provisions of the other order may require such plant to be pooled under such other order. In such circumstances, the plant should be exempted from regulation under this order except for a requirement to file reports and permit verification. Provision also should be made to exempt a distributing plant doing a greater proportion of its total Class I business in this marketing area but which, nevertheless, retains pooling status for the month under another order. Federal orders generally provide that a distributing plant meeting the pooling requirements of more than one order shall be regulated under that order covering the area in which the greater volume of Class I sales are made. Nevertheless, it should be recognized that other orders may contain similar provisions to those herein proposed to deter plants from changing back and forth between two orders on a month-to-month basis.

Under the present order provision a distributing plant which distributes fifty percent of its receipts as Class I milk on routes or through plant stores, and fifteen percent of receipts are so disposed of in the marketing area, is subject to full regulation under this order unless a greater volume of Class I milk is disposed of to retail or wholesale outlets in another marketing area and the plant is fully regulated under such other order.

A regulated handler under the North Texas order, operating packaging plants in both Fort Worth and Dallas, and distributing milk in both the North Texas and Central West Texas markets, as well as the Texas Panhandle market, proposed that the order be amended to exempt from pooling under this order a plant meeting the pooling requirements of this order, unless its Class I sales in this market should exceed Class I sales in another Federal order market over an extended period of time. He indicated that because of his company's experience in making sales in the Central West Texas and North Texas Federal order markets, where sales in the two markets were of such nature that a small increase in sales in one market or decrease in the other market could result in regulation of his plant under one order one month and under the second order the next month, it was desirable that a provision similar to that herein recommended be included in this order.

Proponent's distribution in the Texas Panhandle market is not presently of a magnitude that either of his North Texas pool plants is likely to become regulated under this order. Nevertheless, it should be recognized, with recent technological changes in the processing and distribution field, that milk is moved great distances and distribution routes are being greatly extended. It is possible that at some future time this handler or some other handler presently regulated under another order may expand his distribution in the market to such an extent that sales in the two markets are approximately equal. In such event the loss of an account in one market or the adding of an account in the other market might result in a shift in regulation. In situations where sales in two markets are virtually the same, an inadvertent sale, the result of a management error or error on the part of a plant employee or a route salesman, might result in an unintended change in pooling. It would also be possible, as proponent suggests, that a change in classification during audit might have the same effect.

The prospective situation can be substantially removed by adoption of the changes herein recommended. Under this procedure a handler would have two months warning that his plant was changing from one regulation to another, thus providing reasonable time to permit adjustment of his business in cases where such change was not contemplated or desired. At the same time this change retains the principle of regulating a distributing plant under that order where the greater proportion of its business is done. Since government contracts normally are made for longer periods than two months there is no reason to expect that the changes recommended will have any significant effect in the length of time in which a plant is pooled in a particular market where the change in proportion of business is the result of gaining or losing a government contract. Accordingly, the provision should be adopted.

Supply plants are regulated under this order in any month in which 50 percent of receipts from dairy farmers are shipped to pool distributing plants. Any plant shipping 50 percent of its receipts to the local market should be considered primarily associated with this market and should therefore be fully regulated. The existing order so provides and no change is needed in this regard.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Texas Panhandle Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Texas Panhandle Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of November 1961, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Texas Panhandle marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on December 27, 1961.

CHARLES S. MURPHY,
Under Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Texas Panhandle Marketing Area

§ 911.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order [and of the previously issued amendments thereto]; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas Panhandle marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Texas Panhandle marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 911.15 and substitute therefor the following:

§ 911.15 Fluid milk product.

"Fluid milk product" means milk (including concentrated milk), skim milk (including reconstituted skim milk), buttermilk, milk drinks (plain or flavored), cream, or any fluid mixture of cream and milk or skim milk (except storage cream, aerated cream products, eggnog, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers): *Provided*, That when any such product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content.

§ 911.41 [Amendment]

2. Delete § 911.41(a) and substitute therefor the following:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in the form of a fluid milk product (except as provided in paragraph (b)(2) of this section) and (2) not accounted for as Class II milk;

3. Delete the word "and" at the end of subparagraph (3) of § 911.41(b), renumber subparagraph (4) as subparagraph (5) and insert a new subparagraph (4) to read as follows:

(4) Reflecting the skim milk equivalent of nonfat milk solids used in the fortification of any fluid milk product and not accounted for as Class I milk pursuant to § 911.41(a) by virtue of the proviso of § 911.15; and

4. Delete § 911.61 and substitute therefor the following:

§ 911.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraphs (a) or (b) of this section except that the operator thereof shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A distributing plant meeting the requirements of § 911.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of to retail and wholesale outlets (excluding pool plants) in this marketing area, except that if such plant was subject to all the provisions of this order in the immediately preceding month, it shall continue to be subject to all the provisions of this order until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area un-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

less notwithstanding the provisions of this paragraph it is regulated under such other order.

(b) A distributing plant meeting the requirements of § 911.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month to retail and wholesale outlets (excluding pool plants) in this marketing area than is disposed of on routes in such other marketing area but which plant is nevertheless fully regulated under such other Federal order.

[F.R. Doc. 62-42; Filed, Jan. 2, 1962; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 420) has been filed by The Baker Castor Oil Company, 40 Avenue A, Bayonne, N.J., proposing the issuance of a regulation to provide for the safe use of castor oil as a lubricant for machinery used in the production of hard candy.

Dated: December 26, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-26; Filed, Jan. 2, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 570) has been filed by Chemical Process Company, Post Office Box 829, Redwood City, Calif., proposing the issuance of a regulation to provide for the safe use in food processing of ion exchange resins of the following types:

1. Phenol - formaldehyde activated with polyethyleneamines.
2. Polyethyleneamines cross linked with epichlorohydrin.
3. Sulfonated phenol-formaldehyde.
4. Sulfonated styrene-divinylbenzene copolymer.
5. Polystyrene activated with quaternary ammonium groups.
6. Phenol - formaldehyde activated with cupric sulfate.
7. Polymethacrylic acid - divinylbenzene copolymer.

Dated: December 26, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-27; Filed, Jan. 2, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 565) has been filed by Commercial Solvents Corporation, Terre Haute, Ind., proposing the issuance of a regulation to provide for the safe use of feed-grade zinc bacitracin or a combination of feed-grade zinc bacitracin and procaine penicillin (3:1 ratio) up to a level of 500 grams of antibiotic per ton of poultry feed, for the treatment of chronic respiratory disease in chickens and turkeys, infectious sinusitis in turkeys, blue comb (nonspecific infectious enteritis, mud fever) in chickens and turkeys, and early mortality in chicks.

Dated: December 26, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-28; Filed, Jan. 2, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 632) has been filed by Hercules Powder Company, Inc., 910 Market Street, Wilmington 99, Del., proposing the issuance of a regulation to provide for the safe use of ethyl cellulose as a component of protective coatings and as a binder and filler for vitamin and mineral preparations for human and animal use.

Dated: December 26, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-29; Filed, Jan. 2, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 659) has been filed by Vitagen Corporation, 354 South Spring Street, Los Angeles 13, Calif., proposing the issuance of a regulation to provide for the safe use of combustion product gas to remove or displace oxygen in the packaging of fresh leafy vegetables.

Dated: December 26, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-30; Filed, Jan. 2, 1962; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 610]

[Reg. Docket No. 1014; Draft Release No. 61-28]

MINIMUM EN ROUTE IFR ALTITUDES

Designated Mountainous Areas; Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27) notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 610.3 and 610.8 of the regulations of the Administrator, as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before February 19, 1962, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired.

The official docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

Under Part 610, certain areas of the United States have been designated by the Administrator as mountainous areas. In these areas, it is necessary to establish, with appropriate exceptions, minimum IFR altitudes at 2,000 feet above the highest obstacle on the airway or off-airway route because of the accompanying weather phenomena, pressure differentials and disturbed air flow attending the passage of strong winds over the mountains. Since these conditions exist in the mountainous areas of the Aleutian Group of the State of Alaska and the State of Hawaii, it is deemed advisable to designate these areas as "Mountainous Areas." Accordingly, it is proposed to delete § 610.8(c)(2)(v) which excepts the Aleutian Group from that portion of Alaska presently designated as "Mountainous Area." It is also proposed to except from the designated Mountainous Area of Alaska a small coastal area in northern Alaska where mountainous terrain does not exist.

Consideration is also being given to including the Commonwealth of Puerto Rico as a designated "Mountainous Area." A considerable portion of Puerto Rico is mountainous terrain and would generally be considered to qualify for such designation although very little weather in the area would be accompanied by icing, turbulence or atmospheric eddies, vortices, and waves that would produce pressure differentials that would be hazardous to flight operations.

This proposal also contains an exception to the criteria used in the establishment of minimum en route altitudes to permit the designation of specific routes at altitudes less than 2,000 feet for the mountainous areas in Puerto Rico and Hawaii.

The proposed changes in designated mountainous terrain are depicted on the maps accompanying this proposal.

In consideration of the foregoing, it is proposed that Part 610 of the regulations of the Administrator (14 CFR Part 610) be amended as follows:

§ 610.3 [Amendment]

1. By amending the introductory paragraph of § 610.3(b)(2)(i) to read as follows:

(i) *Exceptions.* Altitudes may be established providing only 1,200 feet obstruction clearance in the designated mountainous areas of the eastern United States and the Commonwealth of Puerto Rico, and 1,600 feet obstruction clearance in the designated mountainous areas of the western United States and the States of Alaska and Hawaii: *Provided*, That consideration will be given to the following items before altitudes providing less than 2,000 feet obstruction clearance in these areas are established:

§ 610.8 [Amendment]

2. By amending § 610.8(c)(2)(v) to read as follows:

(v) Beginning at a point where latitude 69°30' intersects the northwest coast of Alaska and eastward along the 69°30' parallel to the 150° medidian, thence northward along the 150° Meridian to 69°50' north latitude, thence eastward along the 69°50' parallel to a point where 69°50' intersects the northeast coastline of Alaska.

3. By substituting the accompanying map of mountainous terrain, Alaska, for the present map of mountainous terrain, Alaska, following § 610.8.

4. By amending § 610.8 by adding new paragraphs (d) and (e) to read as follows:

§ 610.8 Mountainous areas.

* * * * * *

(d) *Hawaii.*[11] All of the State of Hawaii.

(e) *Puerto Rico.*[12] All of the Commonwealth of Puerto Rico.

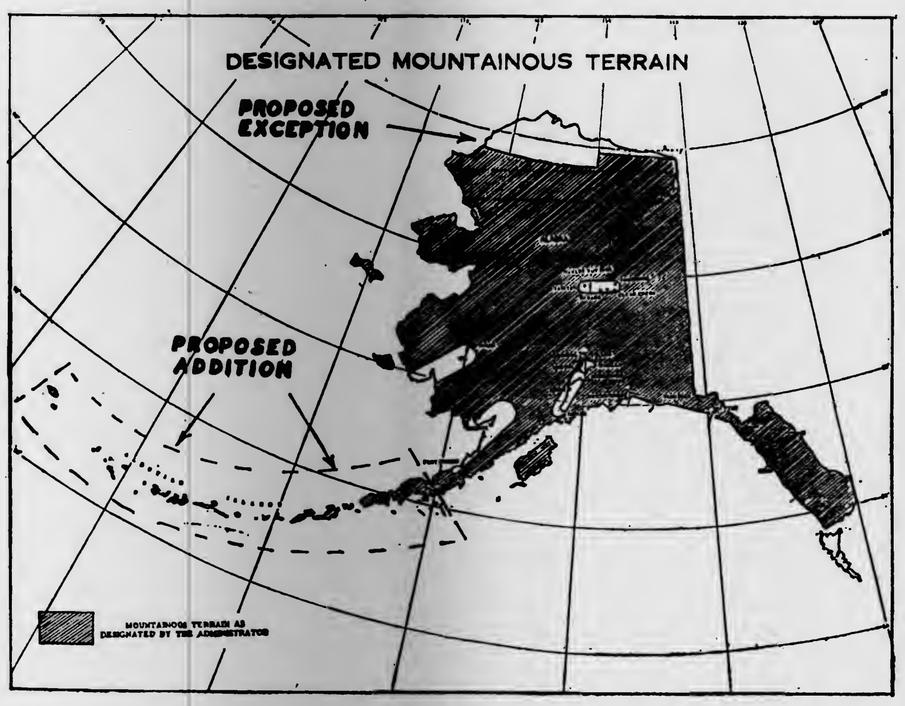
This amendment is proposed under section 313(a), 307(c), and 601 of the Federal Aviation Act of 1958.

(72 Stat. 752, 740, 775, 49 U.S.C. 1354(a), 1348(c), 1421)

Issued in Washington, D.C., on December 22, 1961.

GEORGE C. PRILL,
Director, Flight Standards Service.

[11] See map of mountainous terrain, Hawaii.
[12] See map of mountainous terrain, Puerto Rico.





[F.R. Doc. 62-2; Filed, Jan. 2, 1962; 8:45 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-WA-379]

SPECIAL USE AIRSPACE

Withdrawal of Proposal To Revoke Restricted Areas

On November 11, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 9210), stating that the Federal Aviation Agency (FAA) was considering a proposal to revoke the Patuxent, Md., Restricted Areas R-4005 (formerly R-39), R-4006 (formerly R-43), and R-4007 (formerly R-71), because of insufficient justification to warrant continued designation.

Subsequent to the publication of the notice, the Department of the Navy requested action be withheld pending further study of the Patuxent River restricted area complex.

The FAA concurred with this request and conducted studies of the Patuxent complex. These studies indicate apparent justification for continued designation of some special use airspace in this area, but of lesser dimensions than that presently designated. Thus, action is taken herein to withdraw Airspace Docket No. 59-WA-379; however, a proposal will be published in the near future advocating the release to general aviation of the portions of the Patuxent complex considered excess to the Navy's needs.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the proposal contained in Airspace Docket No. 59-WA-379 is withdrawn.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., December 27, 1961.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-4; Filed, Jan. 2, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 7, 8, 14]

[Docket No. 14375]

IMPLEMENTATION OF CERTAIN REQUIREMENTS OF THE GENEVA RADIO REGULATIONS (1959)

Maritime Mobile and Maritime Radio Determination Operations

The Commission having under consideration a petition, filed December 18, 1961, by the Radio Technical Committee, U.S. Power Squadrons (RTC) requesting a 60-day extension of time in which to file comments in this proceeding; a petition, filed December 21, 1961, by the American Merchant Marine Institute, Inc., requesting a 30-day extension of time; and a petition, filed December 20, 1961, by the Central Committee on Communications Facilities of the American Petroleum Institute (API) requesting a 30-day extension of time;

It appearing, that RTC's request is made so that its membership can consider the proposal at its meeting to be held January 13, 1962; that AMMI's request is based upon the fact that review of the volume of material contained in the proposal cannot be completed and recommendations prepared prior to January 5, 1962, the present date by which comments must be filed; and that API's request is made because it cannot complete formulation of its position prior to January 5, 1962; and

It appearing, that it is desirable to have the views of these organizations in this proceeding; and

It appearing, that an additional 30 days for filing comments is an ample and reasonable extension of the time period;

It is ordered, That the time for filing comments in the subject docket is hereby extended from January 5, 1962, to February 5, 1962;

It is further ordered, That reply comments must be filed on or before February 15, 1962;

It is further ordered, That the petition of AMMI is granted; the petition of RTC is granted insofar as it is consistent with the action herein taken and is denied in all other respects; and the petition of API is granted.

Adopted: December 26, 1961.

Released: December 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-38; Filed, Jan. 2, 1962; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[AA 643.3-w]

PORTLAND CEMENT FROM JAPAN

Notice That There Is Reason To Believe or Suspect Purchase Price Is Less or Likely To Be Less Than Foreign Market Value

DECEMBER 27, 1961.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of white portland cement imported from Japan is less or likely to be less than the foreign market value as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of white portland cement from Japan pursuant to section 14.9 of the Customs Regulations (19 CFR 14.9).

The complaint in this case was made by the firm of O'Melveny & Myers on behalf of the Riverside Cement Company, a division of the American Cement Corporation.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 62-31; Filed, Jan. 2, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

LOUISIANA AND MISSISSIPPI

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961), it has been determined that in the following counties in the States of Louisiana and Mississippi natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

LOUISIANA

Acadia	Madison
Bossier	Morehouse
Bienville	Pointe Coupee
Caddo	Rapides
Catahoula	Red River
Concordia	Richland
DeSoto	St. Landry
East Carroll	St. Martin
Franklin	Tensas
Lafayette	Union
LaSalle	West Carroll

MISSISSIPPI

Choctaw	Madison
Claiborne	Rankin
Jefferson	Simpson
Jefferson Davis	Webster
Lawrence	Winston

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 27th day of December 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-20; Filed, Jan. 2, 1962; 8:46 a.m.]

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR Part 181 the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.), which were officially reported on December 1, 1961, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after December 1, as using humane methods on December 1 or a later date in December, will be listed in a supplemental list. Previously published lists represented establishments reported in November or December 1961, as humanely slaughtering and handling the designated species of livestock on November 1 or some later date in November 1961 (26 F.R. 11742 and 11915). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AG	(*)					
Do.	2AT	(*)		(*)		(*)	
Do.	2AU	(*)		(*)	(*)		
Do.	2H	(*)					
Do.	2F	(*)	(*)	(*)		(*)	
Do.	2H	(*)	(*)	(*)		(*)	
Do.	2LT	(*)					
Do.	2SD	(*)	(*)	(*)	(*)	(*)	
Do.	2WN	(*)					
Swift and Co.	3A	(*)	(*)	(*)		(*)	
Do.	3AC	(*)					
Do.	3AF	(*)	(*)				
Do.	3AN	(*)					
Do.	3AW	(*)					
Do.	3C	(*)		(*)		(*)	
Do.	3D	(*)	(*)	(*)		(*)	
Do.	3E	(*)	(*)	(*)		(*)	
Do.	3FF	(*)					
Do.	3K	(*)					
Do.	3L	(*)					
Do.	3N	(*)	(*)	(*)		(*)	
Do.	3NN	(*)	(*)	(*)		(*)	
Do.	3R	(*)					
Do.	3W	(*)					
Do.	6C	(*)		(*)			
Lykes Bros., Inc.	8	(*)					
Hygrade Food Products Corp.	12	(*)	(*)	(*)		(*)	
Do.	12A	(*)					
Do.	12D	(*)					
Do.	12G	(*)	(*)			(*)	
Do.	12P	(*)					
John Morrell and Co.	17D	(*)	(*)	(*)		(*)	
C. Finkbeiner, Inc.	18	(*)					
The Cudahy Packing Co. of Nebraska	19E	(*)	(*)				
Wilson and Co., Inc.	20A	(*)				(*)	
Do.	20Y	(*)	(*)				
Swift and Co.	23	(*)	(*)	(*)		(*)	
Brander Meat Co.	25	(*)	(*)	(*)	(*)	(*)	
The Sperry and Barnes Co.	27C	(*)					
Patrick Cudahy, Inc.	28	(*)				(*)	
Kaelnberg and Krasny, Inc.	30	(*)					
Roegelein Provision Co.	32	(*)	(*)			(*)	
Kenton Packing Co.	36	(*)				(*)	
Pocomoke Provision Co.	39	(*)					
Armour and Co.	40	(*)				(*)	
Stark Wetzel and Co., Inc.	44	(*)					
Do.	44A	(*)				(*)	
Idaho Meat Packers	46	(*)	(*)	(*)		(*)	
Lackawanna Beef and Provision Co.	49	(*)					
Glover Packing Co. of Amarillo	60	(*)					
Selkirk Realty Co.	65	(*)				(*)	

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Somerville Packing Co.	66						
The Quaker Oats Co.	67E						
Eastern Packing Co.	74E						
Armour and Co.	75						
The Braun Brothers Packing Co.	79						
The Cudahy Packing Co.	81						
Hill Packing Co.	83E						
Edgar Packing Co.	84						
The E. Kahns Sons Co.	86						
Hygrade Food Products Corp.	90						
Sugardale Provision Co.	92						
The Val Decker Packing Co.	95						
John Engelhorn and Sons	97						
A. Krebs Sons	98						
Liberty Packing Co.	101						
J. Lyn Cornwell, Inc.	107						
Morris Packing Co.	113						
Wilson and Co., Inc.	119						
E. J. Archie and Sons, Inc.	122						
City Dressed Beef	125						
Superior Packing Co.	127						
Roth Packing Co., Inc.	130						
Tobin Packing Co., Inc.	133						
Ottawa Packing Co. Inc.	135						
Armour and Co.	139						
Edward J. Kluener, Inc.	142						
R. B. Rice Sausage Co., Inc.	144						
Siegel Weiler Packing Co.	153						
Armour and Co. Dressed Beef Co.	156						
Armour and Co.	158						
Missouri Farmers Assn. Packing Division	159						
Do.	159A						
Armour and Co.	177						
Peerless Packing Co.	180						
Montrose Beef Co.	181						
The Path Packing Co.	186						
Do.	186E						
John Morrell and Co.	189						
United Fryer and Stillman, Inc.	190						
George A. Hormel and Co.	199						
Do.	199A						
Do.	199D						
Do.	199X						
Mid Valley Beef Co., Inc.	201						
Emge Packing Co., Inc.	205						
Central Packing Co., Inc.	206						
S. Adams Packing Co.	211						
Elburn Packing Co.	213						
Kneip Packing Co.	213C						
Lincoln Meat Co.	217						
Yoder Packing Co., Inc.	220						
Hygrade Food Products Corp.	224H						
Raskin Packing Co.	235						
Armour and Co.	238						
Iowa Beef Packers, Inc.	245						
Harget Realty Corp.	247						
The Jones Dairy Farm	253						
Peoria Packing Co.	257						
Elliott Packing Co., Inc.	274						
American Stores Co.	275						
Agar Packing Co., Inc.	282						
Figge and Hutzweiler Co.	283						
Rossler Packing Co. of Erie	286						
Arlington and Rustan Co.	289						
Thos. Rath Packing Co.	290						
Sioux City Dressed Beef Co.	292						
Gus Juengling and Son, Inc.	296						
Survail Packing Co.	307						
Melton Provision Co.	311						
Ideal Packing Co., Inc.	312						
Weil Packing Co., Inc.	316						
Stahl Meyer Packing Co., Inc.	320						
C. and M. Meat Packing Corp.	321A						
Sokolik Packing Co.	322						
Shapiro Packing Co., Inc.	341						
Peters Packing Co., Inc.	344						
Aura Packing Co.	345						
Dean Packing Co.	351						
McClinton Beef Co., Inc.	355						
Meyers Packing Co.	362						
United Dressed Beef Co.	364						

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Westport Packing Corp.	369						
Howling Provision Co., Inc.	372						
Fischer Packing Co.	374						
Etage Packing Co., Inc.	380						
Lehmann Packing Co.	386						
Dauby Packing Co.	391						
Oldhams Packing and Storage Co., Inc.	392						
The Jacob Schlachter Sons Co.	395						
Dubuque Packing Co.	396						
Lucas Packing Co.	397						
Dunlap Packing Co., Inc.	400						
Wasely Marn Meats	410						
Tipe Collins Packing Co., Inc.	414						
Hebron Packing Co., Inc.	421						
Monarch Meat Packing Co.	425						
Queen Packing Corp.	435						
Schneider Packing Co.	436						
Omaha Dressed Beef Co., Inc.	439						
Jessup Packing Co., Inc.	441						
Morrison Packing Co.	448						
Pioneer Provision Co.	460						
Lancaster Packing Co.	461						
Jatvak Packing Co.	462						
Beewar Packing Co.	465						
Corn Husker Packing Co.	467						
Arbert Packing Co.	468						
Eldridge Packing Co., Inc.	471						
Middletown Beef Co., Inc.	478						
St. Cloud Meat Packing Co.	483						
Memphis Butchers Association, Inc.	485						
Nebraska Beef Co.	488						
Triangle Meat Distributors, Inc.	489						
Helm Brothers Packing Co.	494						
Greenlee Pack Co.	497						
H. Rothschild and Co.	501						
Frosty Morn Meats	503						
Armour and Co.	507						
Cudahy Packing Co.	509						
Tipe Hill and Collins Packing Co.	510						
Charles Miller and Co.	513						
Illinois Packing Co.	517						
Pearl Packing Co., Inc.	524						
Armour and Co.	525						
Smallwood Packing Co., Inc.	529						
Dunkin Packing Co.	532						
Oscar Mayer and Co., Inc.	536						
Do.	536A						
Midwest Packing Co.	538						
United Dressed Meats, Inc.	541						
Swift and Co.	545						
Black Packing Co.	550						
Springfield Rendering Co.	554						
Mid South Packers, Inc.	555						
The Cudahy Packing Co.	557						
D. and W. Packing Co.	561						
Parkerland Packing Co., Inc.	562						
John Morrell and Co.	564						
Kingsford Packing Co., Inc.	569						
Empire Packing Co., Inc.	579						
Stahl Meyer, Inc.	583						
City of Austin Municipal Abattoir	586						
Swift and Co.	590						
San Antonio Packing Co.	591						
Cornell Packing Co.	602						
Swift and Co.	606						
Eastern Oregon Meat Co., Inc.	611						
National Tea Co.	613						
Donner Packing Co.	614						
Kimmer Packing Co.	617						
Hill Packing Co.	623E						
E. A. Miller and Sons Packing Co., Inc.	627						
H. H. Keim Co.	628						
R and C Packing Co.	630						
Bird Provision Co.	645						
John Morrell and Co.	647						
	650						

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Nagle Packing Co.	653	(*)	(*)	(*)			
Milwaukee Dressed Beef Co.	654	(*)					
Wilson and Co., Inc.	655	(*)		(*)			
Baums Bologna, Inc.	657	(*)					
St. Louis Dressed Beef Co.	659	(*)					
Crown Packing Co.	666					(*)	
Scottsbluff Packing Co.	667	(*)		(*)			
San Joaquin Packing Co.	671	(*)					
Jacob Bauers Sons, Inc.	678	(*)					
Colville Meats, Inc.	679	(*)	(*)	(*)		(*)	
Armour and Co.	680	(*)	(*)	(*)		(*)	
Haas Davis Packing Co., Inc.	682	(*)	(*)	(*)		(*)	
The William Fockes Sons Co.	685	(*)	(*)	(*)	(*)	(*)	
The Sueher Packing Co.	689	(*)	(*)	(*)		(*)	
Marco Packing Co.	692	(*)	(*)				
Bryan Meat Co.	693	(*)	(*)				
Kramer Beef Co.	695	(*)					
Carter Packing Co.	698	(*)	(*)				
Central Nebraska Packing Co.	713E						(*)
Davenport Packing Co., Inc.	716	(*)					
Crawford County Packing Co.	717					(*)	
The Joseph N. Rice Co.	719	(*)	(*)				
Coast Packing Co.	724					(*)	
Decker and Son	727					(*)	
The Quaker Oats Co.	734E						(*)
Jacob Schlachters Sons Co.	739		(*)	(*)			
Pioneer Provision Co.	742	(*)				(*)	
Howard Pancero and Co.	747	(*)	(*)				
Luck Brothers Cooperative Packing Co.	753	(*)					
Monroe Packing Co., Inc.	755	(*)					
Seltz Packing Co., Inc.	756A	(*)				(*)	
Earl C. Gibbs, Inc.	770	(*)					
Modern Meat Packing Co.	774	(*)					
Dale Packing Co., Inc.	777	(*)					
Bryan Brothers Packing Co.	780	(*)	(*)			(*)	
Granite State Packing Co.	785	(*)	(*)				
Aurora Packing Co., Inc.	788	(*)					
Wimp Packing Co.	791	(*)					
Max Bauer Meat Packer	809	(*)	(*)				
The G. Erhardt Sons, Inc.	810	(*)	(*)				
McFarland, Inc.	811	(*)	(*)	(*)			
William N. H. Peters	813	(*)		(*)		(*)	
Rochester Independent Packer, Inc.	817	(*)					
Henry Meyers Sons, Inc.	822	(*)	(*)				
Home Packing Co.	823	(*)	(*)			(*)	
Penford Packing Co.	827	(*)	(*)				
Bristol Packing Co.	828	(*)	(*)				
Norman Peters Packing Co.	834	(*)					
John Morrell and Co.	836	(*)					
Nat Buring Packing Co. of Arkansas, Inc.	837H	(*)				(*)	
Frederick County Products, Inc.	838	(*)	(*)	(*)		(*)	
Herman Kempers Sons	839	(*)	(*)				
O. Bartusch Packing Co.	843	(*)					
Sioux City Dressed Beef, Inc.	857	(*)					
Siouxland Dressed Beef Co. Division of Needham.	857F	(*)		(*)			
Jordan Meat & Livestock Co.	858	(*)	(*)	(*)		(*)	
Wells and Davies, Inc.	860	(*)	(*)			(*)	
Gunsberg Beef Co.	867	(*)					
Genesee Packing Co.	868	(*)					
Walden Packing Co., Inc.	886	(*)					
William Davies Co., Inc.	888A	(*)				(*)	
Sambol Packing Co.	892	(*)					
Meats, Inc.	899	(*)	(*)				
Sigman Meat Co., Inc.	901	(*)	(*)				
Sigman Meat Co. of Montana	901A	(*)					
Hoosier Veterinary Laboratories, Inc.	912					(*)	
Chiapetti Packing Co.	910			(*)			
National Meat Packers, Inc.	917	(*)	(*)			(*)	
Valleydale Packers, Inc. of Bristol	922	(*)	(*)			(*)	
Wisconsin Packing Co.	924	(*)				(*)	
Kerber Packing Co.	929	(*)	(*)			(*)	
Tarpoff Packing Co.	931	(*)					
McKenney Meat Co.	932	(*)					
Wilson and Co., Inc.	940	(*)	(*)	(*)	(*)	(*)	
Deltch Meat Packers, Inc.	944					(*)	
Whitehall Packing Co.	946	(*)					
M. Brizer & Co.	948	(*)					
Joe Doctorman and Son Packing Co., Inc.	949	(*)	(*)	(*)	(*)		
Armour and Co.	956	(*)				(*)	
Reliable Packing Co., Inc.	959					(*)	
Earl Flick Wholesale Meats, Inc.	965	(*)	(*)				
Greeley Capitol Packing Co.	969	(*)		(*)			
Hawaii Meat Co., Ltd.	970	(*)	(*)	(*)			
National Food Stores, Inc.	981	(*)					
Reitz Meat Products Co.	983	(*)				(*)	
Hospers Packing Co.	985	(*)					
Eagle Packing Co.	987	(*)					
Everett C. Horlein and Son, Inc.	988	(*)					
The Klarer Co.	995	(*)	(*)				
Do.	995A					(*)	
Do.	995C	(*)				(*)	
Landy Packing Co.	1171	(*)					
The Harris Packing Co.	1175					(*)	
Nebraska Meat Packers, Inc.	1307	(*)					
McCabe Packing Plant	1312	(*)	(*)	(*)			
Nebraska Iowa Dressed Beef Co.	1318	(*)					

Done at Washington, D.C., this 26th day of December 1961.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62-40; Filed, Jan. 2, 1962; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEYS IN MANUFACTURING AREA

Notice of Determination

In conformity with the Act of Congress approved August 31, 1954, Title 13, United States Code, section 181, and due notice having been published (26 F.R. page 10579, November 9, 1961) pursuant to said act, I have determined that annual data to be derived from the surveys listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other government sources.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all establishments engaged in the production of the items covered by the following list of surveys with the exception of the lumber production and stocks survey which will be conducted on a sample basis. The surveys have been arranged under major group headings shown in the revised Standard Industrial Classification Manual (1957 edition) promulgated by the Bureau of the Budget for the use of Federal statistical agencies.

Major Group 20—Food and kindred products: Salad dressings, prepared animal feeds.

Major Group 22—Textile mill products: Stocks of wools (as of January 1, 1962), cotton and synthetic woven goods finished, broad woven fabrics, blends and mixtures; knit cloth, woolen and worsted machinery activity, yarn production.

Major Group 23—Apparel and other finished products made from fabrics and similar materials: Gloves and mittens, apparel, brassieres, corsets, and allied garments; sheets, pillowcases, and towels.

Major Group 24—Lumber and wood products, except furniture: Hardwood plywood, softwood plywood, softwood veneer, red cedar shingles, lumber.

Major Group 25—Furniture: Office furniture.

Major Group 26—Paper and allied products: Paper and board-detailed grades.

Major Group 28—Chemicals and allied products: Sulfuric acid, industrial gases, inorganic chemicals.

Major Group 32—Stone, clay and glass: Pressed and blown glassware.

Major Group 33—Primary metal industries: Steel mill products.

Major Group 34—Fabricated metal products, except ordnance, machinery, and transportation equipment: Aluminum foil, converted; steel power boilers; heating and cooking equipment.

Major Group 35—Machinery, except electrical: Internal combustion engines; tractors; farm machines and equipment; vending machines; refrigeration equipment; office, computing, and accounting machines; pumps and compressors.

Major Group 36—Electric machinery, equipment, and suplies: Radios, television and phonographs; motors and generators; wiring devices and supplies.

The following list of surveys represents annual counterparts of monthly, quarterly, an semi-annual surveys and will cover only those establishments which are not canvassed or do not report in the more frequent survey. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly, quarterly, and semi-annual reports except for Construction Machinery which will additionally call for data on shipments of power cranes and shovels, concrete mixers, and attachments for contractors' off-highway type tractors. Also, reports on man-made fiber, silk, woolen and worsted fabrics, on finishing plants, and on piece goods inventories listed below will call for information relating to the monthly fluctuations of stocks and unfilled orders for woven fabrics in addition to the annual production data.

Major Group 20—Food and kindred products: Flour milling products, confectionery products.

Major Group 22—Textile mill products: Man-made fiber, silk, woolen and worsted fabrics; finishing plant report-broad woven fabrics; piece goods inventories and orders; broad woven goods (cotton, wool, silk, and synthetic); consumption of wool and other fibers, and production of tops and noils.

Major Group 25—Furniture and fixtures: Mattresses and bedsprings.

Major Group 26—Paper and allied products: Pulp, paper, and board; consumers of wood pulp; converted flexible packaging products.

Major Group 28—Chemicals and allied products: Superphosphates; paint, varnish, and lacquer.

Major Group 29—Petroleum refining and related industries: Asphalt and tar roofing and siding products.

Major Group 31—Leather and leather products: Shoes and slippers.

Major Group 32—Stone, clay and glass: Glass containers, refractories, clay construction products.

Major Group 33—Primary metal industries: Nonferrous castings; steel forgings; iron and steel foundries, blast furnaces, and steel ingot producers.

Major Group 34—Fabricated metal products, except ordnance, machinery, and transportation equipment: Plumbing fixtures; steel shipping barrels, drums, and pails; closures for containers; metal cans.

Major Group 35—Machinery, except electrical: Construction machinery; farm pumps; fans, blowers, and unit heaters.

Major Group 36—Electrical machinery, equipment, and supplies: Electric lamps, fluorescent lamp ballasts.

Major Group 37—Transportation equipment: Complete aircraft and aircraft engines; backlog of orders for aircraft, space vehicles, missiles, engines, and selected parts; aircraft propellers.

Also, the Annual Survey of Manufactures will be conducted and will call for general statistical data such as employment, payroll, man-hours, capital expenditures, cost of materials consumed, etc., in addition to information on value of products shipped and quantity data for selected classes of products. This survey, while conducted on a sample basis, will cover all manufacturing industries.

A survey of Research and Development Costs will also be conducted as an annual counterpart to the more detailed survey collected and compiled by the Bureau of the Census for the National Science Foundation. The data to be obtained by the Census under its mandatory authority will be limited to total research and development costs of work performed by the company, total cost of research and development work performed for the Federal Government, and, for comparative purposes, total net sales and receipts, and total employment of the company. As for all counterpart type surveys there will be no duplication since firms that furnish the equivalent data as part of the more detailed voluntary survey conducted for the National Science Foundation will not be asked to file the separate Census questionnaire.

The report forms will be furnished to firms included in these surveys and additional copies are available on request to the Director, Bureau of the Census, Washington 25, D.C.

I have, therefore, directed that annual surveys be conducted for the purpose of collecting the data hereinabove described.

Dated: December 14, 1961.

[SEAL] RICHARD M. SCAMMON,
Director,
Bureau of the Census.

[F.R. Doc. 62-24; Filed, Jan. 2, 1962; 8:46 a.m.]

DISTRIBUTORS STOCKS OF CANNED FOODS

Notice of Determination To Continue Survey

In conformity with the Act of Congress approved August 31, 1954, 13 U.S.C. 181, 224, and 225, and due Notice of Consideration having been published November 25, 1961 (26 F.R. 11097), pursuant to said act, I have determined that year-end data on stocks of 29 canned and bottled products, including vegetables, fruits, juices, and fish, are needed to aid the efficient performance of essential governmental functions, and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other governmental sources. This is a continuation of the survey conducted in previous years.

All respondents will be required to submit information covering their December 31, 1961, inventories of 29 canned and bottled vegetables, fruits, juices, and fish. Reports will not be required from all firms but will be limited to a scientifically selected sample of wholesalers and retail multiunit organizations handling canned foods, in order to provide year-end inventories of the specified canned food items with measurable reliability. These stocks will be measured in terms of actual cases with separate data requested for "all sizes smaller than No. 10" and for "sizes No. 10 or larger."

Report forms will be furnished to firms covered by the survey. Additional copies of the forms are available on request to the Director, Bureau of the Census, Washington 25, D.C.

Reports are due 8 days after receipt of the report forms.

I have therefore directed that this annual survey be conducted for the purpose of collecting these data.

RICHARD M. SCAMMON,
Director,
Bureau of the Census.

[F.R. Doc. 62-25; Filed, Jan. 2, 1962; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-161]

MARTIN-MARIETTA CORP.

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to March 15, 1962, the latest completion date specified in Construction Permit No. CPCSF-1 for the construction of the production facility for processing multikilocurie quantities of irradiated material containing special nuclear material into forms suitable for isotopic power sources at a site the Corporation has leased at Quehanna, Pa.

Copies of the Commission's order and of the application by Martin-Marietta Corporation are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Maryland this 22d day of December 1961.

For the Atomic Energy Commission.

ESER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 62-1; Filed, Jan. 2, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13268]

CIA. RUTAS INTERNACIONALES PERUANAS S.A.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 10, 1962, at 10 a.m., e.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., December 27, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-33; Filed, Jan. 2, 1962; 8:47 a.m.]

[Docket 13313; Order No. E-17885]

UNITED AIR LINES, INC.

Passenger Fares; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of December 1961.

On November 1, 1961, United Air Lines, Inc. (United), filed a tariff effective January 1, 1962, proposing to increase its first-class jet fares by $1 and its first-class propeller fares by approximately 6 percent plus $1; to increase its day coach fares (jet and piston) by 5 percent plus $1; and to cancel its night coach fares. United states that these fare changes would increase its passenger revenues by 6.5 percent.

Six other carriers—American, Eastern, Braniff, Delta, Northeast, and TWA—have set forth their proposals for fare increases in letters to the Board and have stated their intention to file new tariffs in the future. The proposals embrace a fairly wide range of fare changes, at least in detail. These carriers appear unanimous in their proposals to decrease the spread between first-class and coach fares, generally (but not in every instance) by increasing coach fares approximately 5 percent, or to a range of 83 to 85 percent of first-class fares. Generally, the carriers propose little or no increases in first-class fares. American, however, would reduce long-haul (over 1,200 miles) first-class fares by 5 percent and increase the corresponding coach fares by 5 percent. Various carriers would cancel certain discounts or promotional fares.[1] In support of their fare proposals, the carriers state that for the past few years the rate of return on invested capital has been inadequate and below the return found appropriate by the Board in the General Passenger Fare Investigation. The carriers point out that in 1960 the domestic trunklines earned only 3.25 percent on their investment and that for the first 9 months of 1961 there is evidence of further decline in earnings. The carriers assert that if the present low level of earnings is continued, the industry's financial structure will be threatened; and that there must be some fare increase to check and possibly reverse this unfavorable trend in earnings.

The principal problem of the industry, according to the carriers, is the continuing diversion of passenger traffic from first class to coach; that coach service, particularly on jets, has been such a tremendous bargain that first-class passengers have been diverted to this service in large numbers, thus reducing passenger mile yields and overall profits.[2]

The 11 domestic trunklines reported a composite return on investment of 2.1 percent[3] for the 12-month period ended September 30, 1961. That level of earnings is inadequate by any standard. Moreover, those results mark the low point in a declining trend of earnings experienced during the last 6 years, notwithstanding a series of fare adjustments starting in February of 1958 which to date have increased the average first class fare by 23 percent and the average coach fare by 27 percent. The overall fare level has increased by almost 25 percent in this period.

This same 6-year period has seen a substantial reduction in the year-to-year rate of passenger traffic growth from growth rates enjoyed during the first half of the 1950's. Capacity, however, during this period was increased at a faster rate than traffic with the result that industry passenger load factors have declined nearly 7 points from the favorable levels maintained during 1954 and 1955. Furthermore, aircraft now on order and scheduled for delivery during 1962 and 1963 represent very substantial potential capacity increases, even assuming that passenger traffic volume increases at a moderate pace.

The industry has also experienced sizeable increases in operating costs per seat-mile flown but those increases have been almost entirely matched by the aggregate impact of the fare increases described above. Stated differently, the trunkline industry's composite break-even load factor is currently very close to the level experienced in the favorable 1954–5 period and the disparity between current earnings and those of the earlier period appears to be attributable largely to the sharp decline in passenger load factor.

With this background in mind, the Board is convinced that while limited fare changes may improve revenues moderately, no fare program alone can restore earnings to reasonable levels. On the contrary, the industry's economic problems must be attacked on a broad front of which load factor improvement is the cornerstone. We will, therefore, institute an investigation of United's proposed fare changes, except their proposed cancellation of night coach fares.

The carriers attribute much of their current financial distress to the shift of passengers from first-class to coach services and the attendant loss of revenues without commensurate cost savings. However, we are not convinced at this time that the present fare differential of approximately 25 percent is greater than the difference between the seat-mile costs of the respective services or that the coach services are inherently less profitable than first class. Moreover, the effectuation of a general revenue increase primarily by raising coach fares might tend to inhibit the growth of traffic and magnify the difficulty in improving load factors.

As an interim revenue measure, however, the Board would permit the domestic industry to effect a general fare increase of not more than 3 percent. Any such tariffs would have to be filed on at least 30 days' notice and provide for expiration not more than 6 months after effectiveness. During that period a series of steps will be undertaken in a program to resolve the underlying economic problems. In addition the Board urges the carriers to undertake the closest scrutiny of the various remaining special fares or fare discounts and to discontinue those of doubtful economic validity. On the basis of available information, the maintenance of the family fare between points where coach service is offered appears of doubtful economic value, since it results in a first-class family fare ticket being offered at a price significantly below the corresponding coach fare. As measures to enhance the relative attractiveness of first-class service without undue burden on the coach passenger or the required coach fares, the Board would not object to an increase in the first-class free baggage allowance to 66 pounds (as suggested by at least one carrier) and the establishment of a rule permitting stopovers at reasonable charge in first-class service.

In other than passenger fare areas, several programs are already underway and others will be promptly commenced. The Board has authorized inter-carrier discussions of matters relating to cabin services, the "no-show" problem,[4] and the use of joint facilities. The Board believes that cabin services tend to be overemphasized today and there exist opportunities for significant operating economies without eliminating the real necessities. The elimination of service of alcoholic beverages without appropriate charge appears to present one important area for economy measures at a time when first-class fares are clearly inadequate in relation to the cost of service. Similarly, the use of common facilities by two or more carriers appears to be a useful area to explore.

The load factor improvement program will include short and long range steps. For the long range, we anticipate that programs currently being embarked upon will, directly or indirectly, result in improved load factors for the trunkline industry. However, this program, which includes an increased emphasis on consolidated services at regional airports, suspension of service to uneconomic points, substitution of local service for trunkline service where mutually beneficial, and route investigations looking toward reduction in excessive competitive carrier authorizations can be implemented only after formal proceedings.

It is evident that the time required to complete the regulatory procedures necessary to effectuate any action which the Board can take in these area forecloses these affording any real prospect of immediate relief. The urgency of the need for capacity reduction or other economic operation action aimed at improving the imbalance between traffic and capacity, particularly on the normally profitable high density markets in which load factors are currently abnormally low makes it incumbent upon the carriers to initiate a short range interim program to provide fairly immediate relief. Therefore, each carrier will be requested to submit to the Board by January 15, 1962, its suggestions as to actions it may take to improve its load factor.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof, *It is ordered*, That:

1. An investigation is instituted to determine whether the fares, charges and provisions described in Appendix A hereto are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares, charges and provisions.

2. Pending hearing and decision by the Board, the fares, charges and provisions described in Appendix A hereto, so far as applicable to interstate air transportation, are suspended and their use deferred to and including March 31, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order shall be filed with the tariff and shall be served upon United Air Lines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

[SEAL] HAROLD R. SANDERSON, *Secretary.*

AGENT C. C. SQUIRE'S LOCAL AND JOINT PASSENGER FARES TARIFF NO. PF–5, C.A.B. NO. 44

All fares, charges and provisions on:
24th revised page 275.
9th revised page 276.
17th revised page 277.
18th revised page 278.
3d revised page 278–A.
3d revised page 278–B.
17th revised page 279.
18th revised page 280.
15th revised page 281.
16th revised page 282.
18th revised page 283.
21st revised page 284.
20th revised page 285.
17th revised page 286.
28th revised page 287.
29th revised page 288.
1st revised page 288–A.
30th and 31st revised pages 289.
34th revised page 290.
24th revised page 290–B.
17th revised page 290–C.
16th revised page 290–D.
11th revised page 290–E.
10th revised page 290–F.

[F.R. Doc. 62–34; Filed, Jan. 2, 1962; 8:47 a.m.]

[Docket 13214]

VENEZOLANA INTERNACIONAL DE AVIACION, S.A.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on January 9, 1962, at 10 a.m., e.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., December 27, 1961.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 62–35; Filed, Jan. 2, 1962; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14455, 14456; FCC 61–1504]

JEFFERSON RADIO CO. (WIXI) AND VOICE OF THE MID SOUTH

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of W. D. Frink, tr/as Jefferson Radio Company (WIXI), Docket No. 14455, File No. BL–8187, for license to cover Construction Permit BP–10672 authorizing a new standard broadcast station at Irondale, Ala.; Fred H. Davis and W. D. Frink, d/b as Voice of The Mid South, Docket No. 14456, File No. BP–14110, for construction permit to build a new standard broadcast station at Centerville, Ala., Requests: 1590 kc, 1 kw, Day.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of December 1961;

The Commission having under consideration (1) the above-captioned applications, (2) ownership reports (FCC Form 323) filed by W. D. Frinck, tr/as Jefferson Radio Company and (3) correspondence and other documents submitted by or on behalf of W. D. Frink, Thomas L. Whitley, Harold F. Byrnes and others.

It appearing, that, on October 12, 1960, the Commission granted the application of W. D. Frink to construct a new standard broadcast station at Irondale, Ala., to which the call letters WIXI were assigned; and

It further appearing, that, on November 25, 1960, W. D. Frink filed an application for license to cover the said construction permit, which application is now pending before the Commission; and

It further appearing, that, Fred H. Davis and W. D. Frink, d/b as Voice of the Mid South on May 2, 1960, filed an application for a permit to construct a new standard broadcast station at Centreville, Ala., which application has been listed in the FEDERAL REGISTER as available for study, and which is now pending before the Commission; and

It further appearing, that on October 9, 1958, while his Irondale proposal was pending before the Commission, W. D. Frink entered into an agreement with Thomas L. Whitley and Harold F. Byrnes d/b as Southeastern Radio Management Company under which responsibility for management of the Irondale station was to be transferred to Southeastern, thus providing for the abdication of control with respect thereto; and

It further appearing, that, the above agreement with Thomas L. Whitley and Harold F. Byrnes also included a purchase option on a 49-percent interest in the proposed station; and

It further appearing, that, the above-described transactions, which were not reported to the Commission until some time after the construction permit was issued and the application for station license tendered, were effectuated through apparent concealment and misrepresentation of material facts in contravention of sections 308(b) and 310(b) of the Communications Act of 1934, as amended, and the Commission's rules and policies promulgated thereunder; and

It further appearing, that, with respect to the above-captioned Centreville proposal, it cannot be concluded from the information submitted that the applicant has adequate cash or liquid assets

[1] American, Eastern, Northwest, and TWA propose increases in day coach fares of approximately 5 percent; Eastern and Northeast, however, would implement an increase of approximately 5 percent by raising these day coach fares to 83⅓ percent of first-class fares; Braniff and Delta would increase such fares to 85 percent of propeller first-class fares, rounded to the next higher even dollar and then add a jet surcharge. In addition to the 5 percent fare increase, TWA would add $1 to each ticket sold. With regard to first-class fares, American would reduce such fares by 5 percent for trips of 1,200 miles or more but would leave the fares for distances under 1,200 miles unchanged, although it would not oppose a moderate increase in such fares if proposed by other carriers, Braniff and Delta would increase all fares to the next higher even dollar, while Eastern and Northeast would retain present jet fares and increase first-class propeller fares 5 percent. TWA would increase each passenger fare in both jet and propeller services by $1 and would increase by 5 percent all piston fares for flights of less than 1,200 miles.

American, Braniff, Eastern, and TWA would increase night coach fares approximately 5 percent; TWA would also apply an increase of $1 for each passenger ticket sold and Eastern would add jet surcharges where not presently applied.

Some carriers propose publishing a rule that no food or alcoholic beverages will be served to coach passengers. The general view is that the present promotional fares should be limited or reduced in scope, although the carriers differ in their approaches. Braniff, Continental, Eastern, Northeast, TWA, and Western would discontinue family fares, while United and Northwest would retain these fares. Eastern, Braniff, and Western oppose the continuation of the present 10 percent discount for official military traffic within the United States, which is the subject of a carrier agreement which expires December 31, 1961.

[2] American states that in the first 9 months of 1960 first-class traffic was 51 percent of total passenger traffic, and that in the same period of 1961 first-class traffic declined to 43 percent of the total traffic, while coach traffic increased to 57 percent.

[3] Before interest and after income taxes. In the same period, the carriers reported a net loss of $19,390,000 after interest, and taxes.

[4] The trunkline carriers have reached agreement on a program to deal with the "no-show" problem and have filed that agreement with the Board. We anticipate passing on the agreement in the very near future.

[5] Murphy, Vice Chairman, and Minetti, Member, joint concurrence and dissent, filed as part of original document.

available to finance the construction and initial operation of the proposed station; and

It further appearing, that, in view of the above-described matters, the Commission is unable to find that a grant of the instant applications would serve the public interest, convenience and necessity and that said applications must therefore be designated for hearing;

It is ordered, That, pursuant to sections 309(e) and 319(c) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether W. D. Frink's failure to amend his original application (File No. BP-10672) to reflect ownership and management arrangements entered into after said application to construct the Irondale proposal was filed, constituted affirmative misrepresentation contrary to law and Commission policy.

2. To determine whether control of Radio Station WIXI has at any time been transferred by W. D. Frink contrary to the provisions of section 310(b) of the Communications Act of 1934, as amended, and the Commission's rules and policies promulgated thereunder.

3. To determine whether the instant applications and other documents filed by W. D. Frink contained misrepresentations and/or omissions of facts contrary to section 308(b) of the Communications Act of 1934, as amended.

4. To determine whether, during the period October 12, 1960, to February 27, 1961, W. D. Frink filed reports and copies of agreements reflecting outstanding station ownership and management arrangements, as required by the provisions of §§ 1.342 and 1.343 of the Commission's rules.

5. To determine whether Fred H. Davis and W. D. Frink, d/b as Voice of the Mid South, are financially qualified to construct and operate the proposed Centerville station.

6. To determine whether, in light of the evidence adduced with respect to the foregoing issues, Fred H. Davis and W. D. Frink, individually or jointly, are qualified to be a licensee or permittee of the Commission or to hold an ownership interest in a licensee or permittee of the Commission.

7. To determine whether, in light of the evidence adduced with respect to the foregoing issues, a grant of either or both of the above-captioned applications would serve the public interest, convenience and necessity:

It is further ordered, That, in the event of a grant of the Centerville proposal, the construction permit shall contain the condition that the permittee shall accept such interference as may result in the event of a subsequent grant of the application (File No. BP-14317) of Elton H. Darby, licensee of Radio Station WVNA, Tuscumbia, Ala., for permit to construct changed facilities.

It is further ordered, That, to avail themselves of an opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, with respect to the above-captioned Centerville proposal (File No. BP-14110) the applicant shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such Rule and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: December 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-36; Filed, Jan. 2, 1962; 8:48 a.m.]

[Docket No. 14457]

RAYMOND P. LAUBENSTEIN

Order To Show Cause

In the matter of Raymond P. Laubenstein, West Belmar, N.J.; order to show cause why there should not be revoked the license for Radio Station 2Q2459 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Communications Act of 1934, as amended, and the Commission's rules in connection with the operation of Citizens Radio Station 2Q2459, the license for which was granted April 14, 1961;

It appearing, that, at various times between April 1, 1961, and April 8, 1961, inclusive, prior to the issuance of the license for the captioned radio station, the licensee used or operated apparatus in the Citizens Radio Service for the transmission of communications by radio without a license in that behalf granted under the provisions of the Communications Act, in violation of section 301 of the Communications Act of 1934, as amended, and § 19.11 of the Commission's rules; and

It further appearing, that, on several occasions on July 14, 1961, the licensee failed to transmit the official call sign of his station at the beginning and termination of all communications, in violation of § 19.62 of the Commission's rules; and

It further appearing, that, at various times during October and November 1961, the licensee purported to transfer the operating authority conferred under the license for Citizens Radio Station 2Q2459 to one Marie Rogers, Spring Lake, N.J., in violation of section 310(b) of the Communications Act of 1934, as amended, and § 19.92 of the Commission's rules; and

It further appearing, that, on November 3, 1961, the Commission, pursuant to section 308(b) of the Communications Act of 1934, as amended, directed the licensee's attention to the above-mentioned violations and requested that he respond to certain interrogatories in connection therewith in order that it might have information upon which to base a determination as to whether or not the license for Citizens Radio Station 2Q2459 should be revoked; and

It further appearing, that, on or about November 15, 1961, the licensee furnished replies to the above-mentioned interrogatories in which he stated that he had permitted no person other than himself the use of the call sign 2Q2459, and that he did not operate a Citizens radio station between April 8, 1961, and June 29, 1961, which statements are false; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated sections 301, 308(b), and 310(b) of the Communications Act of 1934, as amended, and §§ 19.11, 19.62, and 19.92 of the Commission's rules; and

It further appearing, that, in view of the foregoing, the licensee has knowingly made false statements in a statement of fact required pursuant to section 308 of the Communications Act of 1934, as amended;

It is ordered, This 22d day of December 1961, pursuant to section 312(a) (1) and (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority that the licensee show cause why the license for Citizens Radio Station 2Q2459 should not be revoked and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this order by Certified Mail—Return Receipt Requested to Raymond P. Laubenstein, 1148 17th Avenue, West Belmar, N.J.

Released: December 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-37; Filed, Jan. 2, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-100]

COLORADO INTERSTATE GAS CO.

Notice of Application and Date of Hearing

DECEMBER 26, 1961.

Take notice that on October 19, 1961, Colorado Interstate Gas Company (Applicant), Colorado Springs National Bank Building, Colorado Springs, Colo., filed in docket No. CP62-100 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a meter station and appurtenant facilities and the sale of natural gas through said facilities to Plateau Natural Gas Company (Plateau) for resale in Franktown, Douglas County, Colo., all as more fully

set forth in the application which is on file with the Commission and open to public inspection.

The proposed facilities would be constructed on Applicant's Amarillo to Denver pipeline at a point near Franktown, Douglas County, Colo. The cost is estimated to be $4,620, which would be financed from funds on hand.

Applicant proposes to render service to Plateau under Applicant's existing FPC Gas Rate Schedule SG-1 (First Revised Volume No. 1, Original Sheet Nos. 7 and 8 of Applicant's FPC Gas Tariff).

Estimated annual and peak day requirements for each of the first 3 years of operation are 5,557 and 56 Mcf, respectively, at 14.73 psia.

No increase in Plateau's contract demand is anticipated.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 30, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 19, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5; Filed, Jan. 2, 1962; 8:45 a.m.]

[Docket No. E-7017]

EL PASO ELECTRIC CO.

Notice of Application

DECEMBER 26, 1961.

Take notice that on December 19, 1961, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by El Paso Electric Company ("Applicant"), a corporation organized under the laws of the State of Texas and authorized to do business in the States of Texas and New Mexico with its principal business office at El Paso, Tex., seeking an order authorizing the issuance of up to $10,500,000 principal amount of First Mortgage Bonds (New Bonds), -- percent series due February 1, 1992.

On or about January 31, 1962, Applicant proposes to invite bids for the purchase of the New Bonds. The New Bonds will be sold pursuant to Applicant's First Indenture of Mortgage, dated October 1, 1946, to State Street Trust Company (now State Street Bank & Trust Company), Trustee, as supplemented by various supplemental indentures, to and including a Seventh Supplemental Indenture to be dated February 1, 1962. The interest rate on the New Bonds will be supplied by amendment.

Applicant proposes to use the proceeds from the sale of $7 million, principal amount of the New Bonds for corporate purposes such as a reimbursement of its treasury for construction expenditures and to finance additional construction. The proceeds from the sale of $3,500,000 principal amount of the New Bonds will be used to refund Applicant's outstanding $3,500,000 principal amount of First Mortgage Bonds, 5⅛ percent Series of 1989, if in Applicant's opinion the refunding of the 1989 Series Bonds would be economically advisable. Should it appear to Applicant that such refunding would be economically inadvisable, Applicant states it will notify prospective bidders at least two days prior to the date fixed for presentation and opening of bids and that if a bid is accepted it will be accepted for only $7 million principal amount of the New Bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 18th day of January 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6; Filed, Jan. 2, 1962; 8:45 a.m.]

[Docket No. G-14740]

SOUTHERN NATURAL GAS CO.

Notice of Petition To Amend

DECEMBER 26, 1961.

Take notice that on August 28, 1961, Southern Natural Gas Company (Petitioner), Watts Building, Birmingham 2, Ala., filed a petition to amend the Commission's order issued August 26, 1958, in docket No. G-14740 so as to permit Petitioner to transport and deliver an additional 5,500 Mcf of natural gas per day on an interruptible basis to Mississippi Valley Portland Cement Company (Mississippi), served from Petitioner's Vicksburg lateral line near Vicksburg, Miss.

The order of August 26, 1958, authorized Petitioner to construct and operate certain facilities and to transport and deliver a maximum of 3,500 Mcf of natural gas per day on an interruptible basis to Mississippi. Petitioner requests herein permission to increase to 9,000 Mcf the maximum daily volumes of interruptible gas delivered to Mississippi.

Petitioner states that Mississippi will need additional natural gas commencing in the spring of 1962, as a result of an additional cement kiln that Mississippi proposes to install.

The estimated natural gas requirements of Mississippi are:

	Volumes in Mcf	
	Estimated daily maximum	Estimated yearly maximum
Present	3,500	1,190,000
1962	5,000	1,700,000
1963-64	7,500	2,550,000
1965	9,000	3,060,000

Petitioner proposes no additional facilities in order to make the requested increased deliveries.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 19, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7; Filed, Jan. 2, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 582]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 28, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below.

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64441. By order of December 21, 1961, the Transfer Board approved the transfer to H & S Express Transport, Inc., doing business as H & S Express, Baltimore, Md., of Certificates in Nos. MC 849 and MC 849 Sub 3, issued June 12, 1950, and April 4, 1960, respectively, to Charles G. Sheidy, doing business as H & S Express, Baltimore, Md., authorizing the transportation of: Plumbing equipment and accessories, paper napkins and cups, vending ma-

chines, pipe fittings, ice cream machinery, and gas ranges, over a regular route, between Baltimore, Md., and Rosslyn, Va., service authorized to and from the intermediate points of Washington, D.C., and those in Maryland and Virginia within 5 miles of Washington; and general commodities, excluding household goods, commodities in bulk, and other specified commodities between points within 10 miles of Baltimore, Md., including Baltimore; and monumental stone from Baltimore, Md., and points within 30 miles of Baltimore, Md., Washington, D.C., and points in Maryland and Virginia within 30 miles of Washington. James E. Wilson, 716 Perpetual Building, 1111 E Street NW., Washington, D.C., attorney for applicants.

No. MC–FC 64564. By order of December 18, 1961, the Transfer Board approved the transfer to Paul Martineau, Leo Paul Martineau, and Lucien Martineau, a partnership, doing business as Martineau's Towing Service, 27 Haverhill Street, Methuen, Mass., of Certificate No. MC 106724 issued November 1, 1946, to Paul Martineau, doing business as Martineau's Garage, 27 Haverhill Street, Methuen, Mass., authorizing the transportation of disabled motor vehicles, over irregular routes, between Lawrence, Mass., on the one hand, and, on the other; points in Vermont, New Hampshire, and Maine.

No. MC–FC 64565. By order of December 18, 1961, the Transfer Board approved the transfer to Paul Martineau, Leo Paul Martineau, and Lucien Martineau, a partnership, doing business as Martineau's Towing Service, 27 Haverhill Street, Methuen, Mass., of Certificate No. MC 111385 issued January 18, 1954, to Don Robbins, doing business as Don Robbins Towing Service, 785 Woburn Street, Wilmington, Mass., authorizing the transportation of disabled motor vehicles, over irregular routes, between points in Essex County, Mass. (except Lawrence and Methuen, Mass.), points on U.S. Highway 1 between the Essex-Middlesex, Mass., county line and Everett, Mass., inclusive, and points on Broadway between Everett and Boston (exclusive of Boston), on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

No. MC–FC 64573. By order of December 15, 1961, the Transfer Board approved the transfer to Terminal Transportation Co., Inc., Wilmington, Calif., of the operating rights in Certificate No. MC 44927, issued February 12, 1960, to Clyde R. Hoagland, doing business as Redway Transfer Co., Los Angeles, Calif., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, canned goods, between San Diego, Long Beach, and Los Angeles Harbor, Calif., and olive oil and chocolate candies and syrups, from Los Angeles Harbor and Long Beach, Calif., to San Diego, Calif. Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif., applicants' attorney.

No. MC–FC 64599. By order of December 20, 1961, the Transfer Board approved the transfer to Robert H. Pursell, doing business as Adam Meyer, Bethlehem, Pa., of Certificate No. MC 61262, issued March 22, 1949, to George H. Lazarus, doing business as Lazarus 20th Century Storage, Bethlehem, Pa., authorizing the transportation of household goods as defined by the Commission, over irregular routes, between points in Northampton and Lehigh Counties, Pa., on the one hand, and, on the other, points in New York, New Jersey, Maryland, Pennsylvania, Delaware, Virginia, New Hampshire, West Virginia, Ohio, Rhode Island, Massachusetts, Connecticut, and the District of Columbia. Albert E. Enoch, 556 Main Street, Bethlehem, Pa., Representative for applicant.

No. MC–FC 64625. By order of December 15, 1961, the Transfer Board approved the transfer to Pearl Pless Feiner, doing business as Pless Express, 34 Brendon Hill Road, Scarsdale, N.Y., of Permit No. MC 119314, issued August 26, 1960, to Harold Feiner, doing business as Pless Express, Scarsdale, N.Y., authorizing the transportation of: Metal stampings, between Yonkers, N.Y., on the one hand, and, on the other, points in Passaic, Hudson, Essex, and Union Counties, N.J.

No. MC–FC 64628. By order of December 15, 1961, the Transfer Board approved the transfer to Don M. Chapin, doing business as Chapin's Transportation Service, 440 Thain Road, Lewiston, Idaho, of Certificate No. MC 106165, issued March 27, 1947, to Robert Jeffrey, doing business as College Hill Bus, 102 True Street, Pullman, Wash., authorizing the transportation of: Passengers and their baggage, in charter operations over irregular routes, from Pullman, Wash., to points in Idaho north of the southern boundary of Idaho County, Idaho, points in Oregon, and Clarkston and Pomeroy, Wash., and return; from Moscow, Idaho, to points in Spokane, Whitman, Garfield, Columbia, Walla Walla, Benton, Franklin, and Asotin Counties, Wash., and points in Oregon and that part of Idaho north of the southern boundary of Idaho County and return.

No. MC–FC 64631. By order of December 15, 1961, the Transfer Board approved the transfer to Donald K. Couture, 236 Kaw Avenue., Garnett, Kans., of Certificate No. MC 59371 issued December 18, 1942, to R. E. Horn, doing business as R. E. Horn Transfer, 433 East Second, Garnett, Kans., authorizing the transportation of: Live poultry, eggs, wrecked automobiles, scrap iron, hay and grain, between Garnett, Kans., and Kansas City, Mo.; agricultural implements, lumber and building material, petroleum products, in containers, feed, hardware, fertilizer, grain, tile, fencing and roofing materials, iron and steel articles and steel tanks, from Kansas City, Mo., to Garnett, Kans., household goods and emigrant movables, between Garnett, Kans., and points within 20 miles of Garnett, on the one hand, and, on the other, points in Missouri; and livestock, between Garnett, Kans., and points within 20 miles of Garnett, on the one hand, and on the other, Kansas City and North Kansas City, Mo., and Kansas City, Kans.

No. MC–FC 64656. By order of December 15, 1961, the Transfer Board approved the transfer to Melrose Salvage Corp., New York, N.Y., of Permits Nos. MC 16675 and MC16675 Sub 1, issued June 27, 1941, and November 25, 1947, respectively, to Shore Haulage, Inc., New York, N.Y., authorizing the transportation of: Paper and paper products, over irregular routes, between New York, N.Y., and points in Albany, Columbia, Dutchess, Greene, Nassau, Orange, Putnam, Rensselaer, Rockland, Saratoga, Suffolk, Sullivan, Ulster, Washington, and Westchester Counties, N.Y., Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union Counties, N.J., Fairfield and New Haven Counties, Conn., and Bucks and Philadelphia Counties, Pa., and rags and skids, platforms, and pallets used in the transportation of paper and paper products, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Fairfield and New Haven Counties, Conn., those in Albany, Columbia, Dutchess, Greene, Nassau, Orange, Putnam, Rensselaer, Rockland, Saratoga, Suffolk, Sullivan, Ulster, Washington, and Westchester Counties, N.Y., and those in Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union Counties, N.J. Bert Collins, 140 Cedar Street, New York 6, N.Y., representative for applicants.

No. MC–FC 64706. By order of December 15, 1961, the Transfer Board approved the transfer to Michael Gallai, New Brunswick, N.J. of Certificate No. MC 107256, issued June 9, 1947, to John Pinter, New Brunswick, N.J., authorizing the transportation of household goods over irregular routes, between New Brunswick, N.J., on the one hand, and, on the other, points in Connecticut, New York, and Pennsylvania. Arthur Reich, 17 Schuyler Street, New Brunswick, N.J., attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62–16; Filed, Jan. 2, 1962; 8:46 a.m.]

[No. 33434]

MIDDLE ATLANTIC & NEW ENGLAND TERRITORY

Detention of Motor Vehicles

DECEMBER 28, 1961.

On October 25, 1960, the Commission instituted the above-entitled rulemaking proceeding with a view to determining whether a uniform detention rule applicable to all motor common carriers operating within Middle Atlantic territory and between that territory and New England should be prescribed (25 F.R. 10585). Evidence was presented by verified statements, and the proceeding was referred to a hearing examiner for recommendation of an appropriate order accompanied by the reasons therefor. The recommended report and order of the hearing examiner, recommending that the proposed rule not be prescribed and that the proceeding be discontinued, was served on December 28, 1961. Exceptions to that report may be filed by interested parties within 30 days from that date.

Copies of the recommended report and order may be obtained by any interested person upon request of the Secretary, Interstate Commerce Commission, Washington, 25, D.C.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62–17; Filed, Jan. 2, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2–13862 (22–2286) etc.]

BARTON DISTILLING CO.

Notice of Application and Opportunity for Hearing

DECEMBER 26, 1961.

In the matter of Barton Distilling Company, File Nos. 2–13862 (22–2286), 2–14212 (22–2395), 2–15322 (22–2608).

Notice is hereby given, that Barton Distilling Company (the Applicant) has filed an application under Clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1933, as amended (the Act) for a finding by the Commission that the trusteeship of American National Bank and Trust Company of Chicago (American National) under the four indentures hereinafter described is not so likely to involve a material conflict of interest under the Act as to make it necessary in the public interest or for the protection of investors to disqualify American National from acting as trustee under all four indentures.

Section 310(b) of the Act provides, in part, that if an indenture trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined therein) it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subdivision (1) of this section provides, with certain exceptions stated therein, that a trustee is deemed to have a conflicting interest if it is acting as trustee under a qualified indenture and is trustee under another indenture of the same obligor. However, an issuer may sustain the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under a qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under one or more of such indentures.

Applicant alleges that:

1. It has outstanding the following issues:

(a) One million dollars aggregate principal amount of its 6½ percent Secured Notes, due October 1, 1962 (the 1962 Notes), issued under an Indenture (the 1962 Note Indenture) dated as of October 1, 1957, between the Applicant and American National, trustee (of which notes, $250,000 principal amount were called for redemption on December 18, 1961). These 1962 Notes were registered under the Securities Act of 1933 under Registration No. 2–13862, and in connection therewith the 1962 Note Indenture was qualified under the Trust Indenture Act, (File No. 22–2286) effective February 27, 1958, as of February 16, 1958.

(b) One million dollars aggregate principal amount of its 6 percent Secured Notes, due July 1, 1964 (the 1964 Notes), issued under a separate Indenture (the 1964 Note Indenture), dated as of July 1, 1958, between the Applicant and American National, trustee. These 1964 Notes were registered under the Securities Act under Registration No. 2–14212, and in connection therewith the 1964 Note Indenture was qualified under the Trust Indenture Act (File No. 22–2395), effective July 10, 1958, as of July 9, 1958.

(c) Two million dollars aggregate principal amount of its 6 percent Secured Notes, due July 1, 1965 (the 1965 Notes), issued under a separate Indenture (the 1965 Note Indenture) dated as of July 1, 1959, between the Applicant and American National, trustee. These 1965 Notes were registered under the Securities Act under Registration No. 2–15322 and in connection therewith the 1965 Note Indenture was qualified under the Trust Indenture Act (File No. 22–2608), effective August 6, 1959.

2. On July 10, 1958, the Securities and Exchange Commission (the Commission) entered an order, pursuant to section 310(b)(1)(ii) of the Act, granting the application, filed with the Commission by the Applicant on June 20, 1958, for a finding and declaration that the trusteeship of American National under the 1962 Note Indenture, the 1964 Note Indenture and an additional Indenture dated as of July 1, 1958, relating to the Applicant's 6 percent Secured Notes, due July 1, 1963 (which Indenture has since been satisfied and discharged), was not so likely to involve a material conflict of interest as to make it necessary, in the public interest or for the protection of investors, to disqualify American National from acting as trustee under any of the said Indentures.

3. On August 6, 1959, the Commission entered an order, pursuant to section 310(b)(1)(ii) of the Act, granting the application, filed with the Commission by the Applicant on July 2, 1959, for a finding and declaration that the trusteeship of American National under the 1962 Note Indenture, the 1964 Note Indenture, the 1965 Note Indenture and the other Indenture referred to in paragraph 2 hereof was not so likely to involve a material conflict of interest as to make it necessary, in the public interest or for the protection of investors, to disqualify American National from acting as trustee under any of said Indentures.

4. The Applicant proposes to issue and sell $2 million aggregate principal amount of its 6 percent Secured Notes, due ----------, 1968, (the New Notes), to be issued under an Indenture (the New Indenture) to be dated as of July 1, 1961, between the Applicant and American National.

5. The New Notes are to be issued and sold to a limited number of institutional investors, which will purchase the New Notes for investment and not with a view to distribution. It is asserted that this proposed transaction will not involve a public offering, therefore that the New Notes will be exempt from registration under the Securities Act by virtue of section 4(1) thereof and that the New Indenture will be exempt from qualification under the Trust Indenture Act by virtue of section 304(b)(1) thereof. Accordingly, the Applicant does not propose to register the New Notes under the Securities Act or to qualify the New Indenture under the Trust Indenture Act.

6. The New Notes are to be secured by the pledge of whiskey warehouse receipts for not less than 2,500,000 original proof gallons of whiskey. The 1962, 1964, and 1965 Notes referred to supra, are similarly secured by the pledge of whiskey warehouse receipts, with the Notes issued under each of the 1962, 1964, and 1965 Indentures being secured by separate and distinct whiskey. The present value of the collateral under the aforementioned Indentures and the present value of the collateral to be deposited under the New Indenture is stated to be in excess of the principal amount of notes outstanding. Moreover, the value of such collateral is expected to increase in the ordinary course as the whiskey becomes older. The Applicant is not in default under either the 1962, 1964, or 1965 Indenture.

7. The 1962, 1964, and 1965 Indentures each contain language following the requirements of section 310(b)(1) of the Act. The New Indenture contains the same provision; but it provides that such provision is not to become operative for any purpose unless and until the New Indenture shall be qualified under the Act.

8. The 1962, 1964, and 1965 Indentures contain identical language in subdivision (e) of section 7.1 thereof concerning an event of default except that in the 1965 Note Indenture the words "any obligor on the Notes" are substituted for the words "the Company." The New Indenture contains the same provision except that the New Indenture provides that the breach shall not be an event of default under the New Indenture if such breach is cured before the other debt is declared due and payable.

9. The minor differences between the 1962 Note Indenture, the 1964 Note Indenture, and the 1965 Note Indenture were set forth in the applications referred to in paragraphs 2 and 3 supra, which applications are incorporated by reference. The New Indenture is substantially the same as the 1964 Note Indenture except that the New Indenture authorizes the issuance of printed notes as well as coupon notes and fully registered notes; it deletes the requirements in section 3.1 for delivery to the trustee prior to authentication of the notes of the written statement from Janes Smith and Geiger, the written statement of the accountants and the instrument containing representations and warranties by Lester S. Abelson and Oscar Getz and

provides instead for a certificate of the Chairman of the Board and President of the Company; the New Indenture contains some minor differences in the covenants contained in Article IV; the New Indenture in section 5.2 provides for examination of Government reports with respect to the whiskey to be made under the supervision of the Chairman of the Board and President of the Company rather than by an independent person; the New Indenture provides in section 6.8 for certain changes in procedures for redemption if only printed notes are outstanding; the New Indenture deletes reference to the "Events of Acceleration" set forth in subsections (h) and (i) of section 7.1 of the 1964 Note Indenture; and the provisions contained in sections 8.8 and 9.6, Article XI and section 12.3 of the New Indenture are to become operative only upon qualification of the New Indenture under the Trust Indenture Act. Other minor differences between the New Indenture and the Old Indentures include differences as to principal amounts, dates, interest rates, redemption prices, denominations and interchangeability of Notes and identity of pledged whiskey warehouse receipts.

10. The trusteeship of American National under the New Indenture and the Old Indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify American National from acting as trustee under any of said Indentures.

11. The Company proposes to issue and sell the New Notes as part of a continuing program for the financing of its whiskey inventories during their aging period. The Company anticipates that pursuant to this program it will issue and sell additional series of secured notes in the future, each such series to be issued under a separate indenture and to be secured by completely separate and distinct collateral, consisting in each case of whiskey warehouse receipts. Because of the number of indentures which will be involved, the company believes that this program would be impractical and overly expensive, unless the same trustee is allowed to serve as such under each of the indentures.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given, that an order granting the application may be issued by the Commission on or at any time after January 11, 1962, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Clause (ii) of section 310(b)(1) of the Act. Any interested person may, not later than January 9, 1962, submit to the Commission, in writing, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-14; Filed, Jan. 2, 1962; 8:46 a.m.]

[File No. 811-1025]

IOWA INTERESTS CORP.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

DECEMBER 22, 1961.

Notice is hereby given, that Iowa Interests Corporation ("Applicant"), 616 Insurance Exchange Building, Des Moines, Iowa, a corporation organized under Delaware law and a closed-end, nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company.

Applicant makes the following representations in its application:

On November 28, 1961, this Commission issued an order pursuant to section 17(b) of the Act exempting from the provisions of section 17(a) of the Act the proposed consolidation and merger of Applicant with and into International Bank ("International") (Investment Company Act Release No. 3370).

On November 29, 1961, in effectuation of the consolidation agreement between the companies, appropriate documents were filed with the Secretary of State for the State of Arizona, the state of incorporation of International, and with the Secretary of State for the State of Delaware. The consolidation of the two companies has been effected and the separate existence of Applicant has ceased. All securities issued by Applicant, of which there were ten holders, including International, have been assigned to the Secretary of Applicant for his cancellation, and all of its securities have now been canceled.

Section 8(f) of the Act provides, in relevant part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given, that any interested person may, not later than January 8, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-15; Filed, Jan. 2, 1962; 8:46 a.m.]

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FEDERAL REGISTER

VOLUME 27 NUMBER 2

Washington, Thursday, January 4, 1962

THE UNIVERSITY OF MICHIGAN
JAN 5 1962
MAIN READING ROOM

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1961–62 Edition

UNITED STATES GOVERNMENT ORGANIZATION MANUAL

[Revised as of June 1, 1961]

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3443

ESTABLISHING THE BUCK ISLAND REEF NATIONAL MONUMENT IN THE VIRGIN ISLANDS OF THE UNITED STATES

By the President of the United States of America

A Proclamation

WHEREAS Buck Island, situated off the northeast coast of St. Croix Island in the Virgin Islands of the United States, was included in the public, government, or crown lands ceded to the United States by Denmark under the convention entered into August 4, 1916, and proclaimed by the President January 25, 1917 (39 Stat. 1706); and

WHEREAS all property thus acquired by the United States from Denmark, not reserved by the United States for public purposes prior to June 22, 1937, was placed under the control of the Government of the Virgin Islands by the act of June 22, 1936, 49 Stat. 1807 (48 U.S.C. 1405–1405c), with the legal title remaining in the United States; and

WHEREAS Buck Island was not reserved by the United States for public purposes prior to June 22, 1937, but has been owned by the United States continuously since the convention with Denmark in 1916; and

WHEREAS Buck Island and its adjoining shoals, rocks, and undersea coral reef formations possess one of the finest marine gardens in the Caribbean Sea; and

WHEREAS these lands and their related features are of great scientific interest and educational value to students of the sea and to the public; and

WHEREAS this unique natural area and the rare marine life which are dependent upon it are subject to constant threat of commercial exploitation and destruction; and

WHEREAS the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, established pursuant to the act of August 21, 1935, 49 Stat. 666 (16 U.S.C. 463), impressed by the caliber and scientific importance of the coral reefs of Buck Island, has urged their prompt protection to prevent further despoliation; and

WHEREAS the Governor of the Virgin Islands, under the authority vested in him by the legislative assembly of the Virgin Islands by an act approved December 5, 1961, has relinquished to the United States, for the purposes of facilitating the establishment and administration of a national monument for the protection of the above-mentioned areas and objects of historic and scientific interest, such control as is vested in the Government of the Virgin Islands by the said act of Congress dated June 22, 1936, over the area hereinafter described; subject, however, to the condition that the United States, including any agency or instrumentality thereof, shall not adopt or attempt to enforce any rule, regulation or requirement limiting, restricting or reducing the existing fishing (including the landing of boats and the laying of fishpots outside of the marine garden), bathing or recreational privileges by inhabitants of the Virgin Islands, and shall not charge any fees for admission to the area.

WHEREAS it is in the public interest to preserve this area of outstanding scientific, aesthetic, and educational importance for the benefit and enjoyment of the people:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), do proclaim that, subject to valid existing rights, there is hereby

reserved and set apart, as the Buck Island Reef National Monument, the area embraced within lines drawn between the coordinates of latitude and longitude recited as follows:

Beginning at latitude 17°47'58" N., longitude 64°38'16" W.; thence approximately 10,450 feet to latitude 17°47'30" N., longitude 64°36'32" W.; thence approximately 1,500 feet to latitude 17°47'15" N., longitude 64°36'32" W.; thence approximately 4,500 feet to latitude 17°47'00" N., longitude 64°37'16" W.; thence approximately 8,600 feet to latitude 17°47'35" N., longitude 64°38'37" W.; and thence approximately 3,075 feet to latitude 17°47'58" N., longitude 64°38'16" W., the place of beginning, embracing an area of approximately 850 acres.

WARNING is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this monument and not to locate or settle upon any of the lands reserved for the monument by this proclamation.

The Secretary of the Interior shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An act to establish a National Park Service, and for other purposes," approved August 25, 1916, 39 Stat. 535 (16 U.S.C. 1–3), and all acts supplementary thereto and amendatory thereof: *Provided*, that neither the Department of the Interior, nor any other agency or instrumentality of the United States, shall adopt or attempt to enforce any rule, regulation or requirement limiting, restricting or reducing the existing fishing (including the landing of boats and the laying of fishpots outside of the marine garden), bathing or recreational privileges by inhabitants of the Virgin Islands, or charge any fees for admission to the area.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-eighth day of December in the year of our Lord nineteen hundred and [SEAL] sixty-one, and of the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62–152; Filed, Jan. 2, 1962; 4:39 p.m.]

Executive Order 10983

DESIGNATING THE CARIBBEAN ORGANIZATION AS A PUBLIC INTERNATIONAL ORGANIZATION ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

By virtue of the authority vested in me by section 1 of the International Organizations Immunities Act, approved December 29, 1945 (59 Stat. 669; 22 U.S.C. 288), and by the joint resolution of June 30, 1961, 75 Stat. 194, I hereby designate the Caribbean Organization as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the said International Organizations Immunities Act.

The designation of the above-named organization as a public international organization within the meaning of the said Act is not intended to abridge in any respect privileges, exemptions, and immunities to which such international organization may otherwise be or become entitled.

This order revokes Executive Order No. 10025 of December 30, 1948, to the extent that such order relates to the Caribbean Commission.

JOHN F. KENNEDY

THE WHITE HOUSE,
December 30, 1961.

[F.R. Doc. 62–149; Filed, Jan. 2, 1962; 3:12 p.m.]

Rules and Regulations

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6587]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Distribution Pursuant to Bank Holding Company Act of 1956

On January 20, 1961, notice of proposed rule making with respect to sections 1101, 1102, and 1103 of the Internal Revenue Code of 1954, as added by the Bank Holding Company Act of 1956 (70 Stat. 139) was published in the FEDERAL REGISTER (26 F.R. 615). The regulations as proposed are hereby adopted, subject to the following changes:

PARAGRAPH 1. Paragraph (b)(7) of § 1.1101–3 is deleted.

PAR. 2. Section 1.1101–4 is revised.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: December 26, 1961.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

The following regulations relating to distributions by qualified bank holding corporations are hereby prescribed under sections 1101, 1102, and 1103 of the Internal Revenue Code of 1954, as added by section 10(a) of the Bank Holding Company Act of 1956 (70 Stat. 133, 139):

DISTRIBUTIONS PURSUANT TO BANK HOLDING COMPANY ACT OF 1956

Sec.

1.1101 Statutory provisions; distributions pursuant to Bank Holding Company Act of 1956.
1.1101–1 In general.
1.1101–2 Certification by Board.
1.1101–3 Tax avoidance.
1.1101–4 Records to be kept and information to be filed with returns.
1.1102 Statutory provisions; distributions pursuant to Bank Holding Company Act of 1956; special rules.
1.1102–1 Basis of property acquired in distributions by qualified bank holding corporations.
1.1102–2 Filing of notification under section 1102(b) by qualified bank holding corporations.
1.1102–3 Allocation of earnings and profits in certain distributions by qualified bank holding corporations.
1.1103 Statutory provisions; distributions pursuant to Bank Holding Company Act of 1956; definitions.

AUTHORITY: §§ 1.1101 to 1.1103 issued under sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805.

DISTRIBUTIONS PURSUANT TO BANK HOLDING COMPANY ACT OF 1956

§ 1.1101 Statutory provisions; distributions pursuant to Bank Holding Company Act of 1956.

SEC. 1101. *Distributions pursuant to Bank Holding Company Act of 1956*—(a) *Distributions of certain non-banking property*—(1) *Distributions of prohibited property.* If—

(A) A qualified bank holding corporation distributes prohibited property (other than stock received in an exchange to which subsection (c)(2) applies)—

(i) To a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

(ii) To a shareholder, in exchange for its preferred stock; or

(iii) To a security holder, in exchange for its securities; and

(B) The Board has, before the distribution, certified that the distribution of such prohibited property is necessary or appropriate to effectuate section 4 of the Bank Holding Company Act of 1956,

then no gain to the shareholder or security holder from the receipt of such property shall be recognized.

(2) *Distributions of stock and securities received in an exchange to which subsection (c)(2) applies.* If—

(A) A qualified bank holding corporation distributes—

(i) Common stock received in an exchange to which subsection (c)(2) applies to a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

(ii) Common stock received in an exchange to which subsection (c)(2) applies to a shareholder, in exchange for its common stock; or

(iii) Preferred stock or common stock received in an exchange to which subsection (c)(2) applies to a shareholder, in exchange for its preferred stock; or

(iv) Securities or preferred or common stock received in an exchange to which subsection (c)(2) applies to a security holder, in exchange for its securities; and

(B) Any preferred stock received has substantially the same terms as the preferred stock exchanged, and any securities received have substantially the same terms as the securities exchanged,

then, except as provided in subsection (f), no gain to the shareholder or security holder from the receipt of such stock or such securities or such stock and securities shall be recognized.

(3) *Non pro rata distributions.* Paragraphs (1) and (2) shall apply to a distribution whether or not the distribution is pro rata with respect to all of the shareholders of the distributing qualified bank holding corporation.

(4) *Exception.* This subsection shall not apply to any distribution by a corporation which has made any distribution pursuant to subsection (b).

(5) *Distributions involving gift or compensation.* In the case of a distribution to which paragraph (1) or (2) applies, but which—

(A) Results in a gift, see section 2501, and following, or

(B) Has the effect of the payment of compensation, see section 61(a)(1).

(b) *Corporation ceasing to be a bank holding company*—(1) *Distributions of property which cause a corporation to be a bank holding company.* If—

(A) A qualified bank holding corporation distributes property (other than stock received in an exchange to which subsection (c)(3) applies)—

(i) To a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

(ii) To a shareholder, in exchange for its preferred stock; or

(iii) To a security holder, in exchange for its securities; and

(B) The Board has, before the distribution, certified that—

(i) Such property is all or part of the property by reason of which such corporation controls (within the meaning of section 2(a) of the Bank Holding Company Act of 1956) a bank or bank holding company, or such property is part of the property by reason of which such corporation did control a bank or a bank holding company before any property of the same kind was distributed under this subsection or exchanged under subsection (c)(3); and

(ii) The distribution is necessary or appropriate to effectuate the policies of such Act,

then no gain to the shareholder or security holder from the receipt of such property shall be recognized.

(2) *Distributions of stock and securities received in an exchange to which subsection (c)(3) applies.* If—

(A) A qualified bank holding corporation distributes—

(i) Common stock received in an exchange to which subsection (c)(3) applies to a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

(ii) Common stock received in an exchange to which subsection (c)(3) applies to a shareholder, in exchange for its common stock; or

(iii) Preferred stock or common stock received in an exchange to which subsection (c)(3) applies to a shareholder, in exchange for its preferred stock; or

(iv) Securities or preferred or common stock received in an exchange to which subsection (c)(3) applies to a security holder, in exchange for its securities; and

(B) Any preferred stock received has substantially the same terms as the preferred stock exchanged, and any securities received have substantially the same terms as the securities exchanged,

then, except as provided in subsection (f), no gain to the shareholder or security holder from the receipt of such stock or such securities or such stock and securities shall be recognized.

(3) *Non pro rata distributions.* Paragraphs (1) and (2) shall apply to a distribution whether or not the distribution is pro rata with respect to all of the shareholders of the distributing qualified bank holding corporation.

(4) *Exception.* This subsection shall not apply to any distribution by a corporation which has made any distribution pursuant to subsection (a).

(5) *Distributions involving gift or compensation.* In the case of a distribution to which paragraph (1) or (2) applies, but which—

(A) Results in a gift, see section 2501, and following, or

(B) Has the effect of the payment of compensation, see section 61(a)(1).

(c) *Property acquired after May 15, 1955*—(1) *In general.* Except as provided in paragraphs (2) and (3), subsection (a) or (b) shall not apply to—

(A) Any property acquired by the distributing corporation after May 15, 1955, unless (i) gain to such corporation with respect to the receipt of such property was not recognized by reason of subsection (a) or (b), or (ii) such property was received by it in exchange for all of its stock in an exchange to which paragraph (2) or (3) applies, or (iii) such property was acquired by the distributing corporation in a transaction in which gain was not recognized under section 305(a) or section 332, or under section 354 with respect to a reorganization described in section 368(a)(1)(E) or (F), or

(B) Any property which was acquired by the distributing corporation in a distribution with respect to stock acquired by such corporation after May 15, 1955, unless such stock was acquired by such corporation (i) in a distribution (with respect to stock held by it on May 15, 1955, or with respect to stock in respect of which all previous applications of this clause are satisfied) with respect to which gain to it was not recognized by reason of subsection (a) or (b), or (ii) in exchange for all of its stock in an exchange to which paragraph (2) or (3) applies, or (iii) in a transaction in which gain was not recognized under section 305(a) or section 332, or under section 354 with respect to a reorganization described in section 368(a)(1)(E) or (F), or

(C) Any property acquired by the distributing corporation in a transaction in which gain was not recognized under section 332, unless such property was acquired from a corporation which, if it had been a qualified bank holding corporation, could have distributed such property under subsection (a)(1) or (b)(1).

(2) *Exchanges involving prohibited property.* If—

(A) Any qualified bank holding corporation exchanges (i) property, which, under subsection (a)(1), such corporation could distribute directly to its shareholders or security holders without the recognition of gain to such shareholders or security holders, and other property (except property described in subsection (b)(1)(B)(i)), for (ii) all of the stock of a second corporation created and availed of solely for the purpose of receiving such property;

(B) Immediately after the exchange, the qualified bank holding corporation distributes all of such stock in a manner prescribed in subsection (b)(2)(A); and

(C) Before such exchange, the Board has certified (with respect to the property exchanged which consists of property which, under subsection (a)(1), such corporation could distribute directly to its shareholders or security holders without the recognition of gain) that the exchange and distribution are necessary or appropriate to effectuate section 4 of the Bank Holding Company Act of 1956,

then paragraph (1) shall not apply with respect to such distribution.

(3) *Exchanges involving interests in banks.* If—

(A) Any qualified bank holding corporation exchanges (i) property which, under subsection (b)(1), such corporation could distribute directly to its shareholders or security holders without the recognition of gain to such shareholders or security holders, and other property (except prohibited property), for (ii) all of the stock of a second corporation created and availed of solely for the purpose of receiving such property;

(B) Immediately after the exchange, the qualified bank holding corporation distributes all of such stock in a manner prescribed in subsection (b)(2)(A); and

(C) Before such exchange, the Board has certified (with respect to the property exchanged which consists of property which, under subsection (a)(1), such corporation could distribute directly to its shareholders or security holders without the recognition of gain) that—

(i) Such property is all or part of the property by reason of which such corporation controls (within the meaning of section 2(a) of the Bank Holding Company Act of 1956) a bank or bank holding company, or such property is part of the property by reason of which such corporation did control a bank or a bank holding company before any property of the same kind was distributed under subsection (b)(1) or exchanged under this paragraph; and

(ii) The exchange and distribution are necessary or appropriate to effectuate the policies of such Act,

then paragraph (1) shall not apply with respect to such distribution.

(d) *Distributions to avoid Federal income tax*—(1) *Prohibited property.* Subsection (a) shall not apply to a distribution if, in connection with such distribution, the distributing corporation retains, or transfers after May 15, 1955, to any corporation, property (other than prohibited property) as part of a plan one of the principal purposes of which is the distribution of the earnings and profits of any corporation.

(2) *Banking property.* Subsection (b) shall not apply to a distribution if, in connection with such distribution, the distributing corporation retains, or transfers after May 15, 1955, to any corporation, property (other than property described in subsection (b)(1)(B)(i)) as part of a plan one of the principal purposes of which is the distribution of the earnings and profits of any corporation.

(3) *Certain contributions to capital.* In the case of a distribution a portion of which is attributable to a transfer which is a contribution to the capital of a corporation, made after May 15, 1955, and prior to the date of the enactment of this part, if subsection (a) or (b) would apply to such distribution but for the fact that, under paragraph (1) or (2) (as the case may be) of this subsection, such contribution to capital is part of a plan one of the principal purposes of which is to distribute the earnings and profits of any corporation, then, notwithstanding paragraph (1) or (2), subsection (a) or (b) (as the case may be) shall apply to that portion of such distribution not attributable to such contribution to capital, and shall not apply to that portion of such distribution attributable to such contribution to capital.

(e) *Final certification*—(1) *For subsection (a).* Subsection (a) shall not apply with respect to any distribution by a corporation unless the Board certifies that, before the expiration of the period permitted under section 4(a) of the Bank Holding Company Act of 1956 (including any extensions thereof granted to such corporation under section 4(a)), the corporation has disposed of all the property the disposition of which is necessary or appropriate to effectuate section 4 of such Act (or would have been so necessary or appropriate if the corporation had continued to be a bank holding company).

(2) *For subsection (b)*—(A) Subsection (b) shall not apply with respect to any distribution by any corporation unless the Board certifies that, before the expiration of the period specified in subparagraph (B), the corporation has ceased to be a bank holding company.

(B) The period referred to in subparagraph (A) is the period which expires 2 years after the date of the enactment of this part or 2 years after the date on which the corporation becomes a bank holding company, whichever date is later. The Board is authorized, on application by any corporation, to extend such period from time to time with respect to such corporation for not more than one year at a time if, in its judgment, such an extension would not be detrimental to the public interest; except that such period may not in any case be extended beyond the date 5 years after the date of the enactment of this part or 5 years after the date on which the corporation becomes a bank holding company, whichever date is later.

(f) *Certain exchanges of securities.* In the case of an exchange described in subsection (a)(2)(A)(iv) or subsection (b)(2)(A)(iv), subsection (a) or subsection (b) (as the case may be) shall apply only to the extent that the principal amount of the securities received does not exceed the principal amount of the securities exchanged.

[Sec. 1101 as added by sec. 10(a), Bank Holding Company Act 1956 (70 Stat. 139)]

§ 1.1101–1 In general.

The Bank Holding Company Act of 1956 (12 U.S.C. ch. 17) requires, in certain cases, the separation of interests in nonbanking businesses held by a bank holding company, as defined in section 2(a) of the Act (12 U.S.C. 1841(a)), from its interests in banking and closely related businesses. In order to facilitate such separation, part VIII (section 1101 and following), subchapter O, chapter 1 of the Code, provides, to a limited extent, for the nonrecognition of gain on the receipt, by shareholders or security holders of a qualified bank holding corporation, of property distributed pursuant to a certification by the Board of Governors of the Federal Reserve System that such distribution is necessary or appropriate to effectuate the policies of the Act. The provisions of such part VIII of subchapter O supersede other provisions of chapter 1 of the Code only to the extent that such provisions of part VIII specifically apply to a transaction and, where they are not applicable, do not prevent the application of any other provisions of law under which nonrecognition of gain may occur. For example, a bank holding company may retain, under section 4(c)(5) of the Act (12 U.S.C. 1843(c)(5)), up to five percent of the voting stock of another company. In such a case, a distribution of all the stock of such other company pursuant to a certification by the Board would result in nonrecognition of gain under section 1101 as to only 95 percent of such distribution. However, assuming the distribution is one that qualifies for nonrecognition of gain under section 355, relating to distribution of stock and securities of a controlled corporation, as well as under section 1101, nonrecognition of gain may be obtained under section 355 with respect to the five percent not qualifying for nonrecognition under section 1101. Further, the provisions of such part VIII of subchapter O do not provide for nonrecognition of gain to the distributing bank holding company. Accordingly, gain will be recognized to the distributing corporation in appropriate cases. For example, if a bank holding company, in a distribution qualifying under section 1101, distributes installment obligations, LIFO inventory, or property subject to a liability in excess of its adjusted basis, gain may be recognized to the corporation under section 453(d) or section 311. If, pursuant to section 1101(c)(2) or 1101(c)(3), a bank holding company places the property to be disposed of in a newly created corporation in exchange for all its stock which is then distributed by the bank holding company to its shareholders, the extent, if any, to which gain will be recognized to the bank holding company on either the exchange or the subsequent distribution is not affected by such part VIII of subchapter O and must be determined under other provisions of the Internal Revenue Code. For example, if the conditions of section 351 are satisfied, the exchange of property for stock will result in nonrecognition of gain to the bank holding company under that section.

§ 1.1101–2 Certification by Board.

(a) *Requirement of certification.* Part VIII (section 1101 and following), subchapter O, chapter 1 of the Code, is applicable only with respect to distributions and exchanges by a qualified bank holding corporation as defined in section 1103(b). A bank holding company shall be treated as a qualified bank holding corporation only if the Board of Governors of the Federal Reserve System issues a certification that the company satisfies the requirements of section 1103(b). (See 12 CFR 222.5(c).)

(b) *Nonrecognition of gain.* Distributions of property (other than stock and securities in a corporation created in accordance with the provisions of section 1101(c)(2) or (c)(3)) will not result in nonrecognition of gain to the shareholders and security holders of a bank holding company under section 1101(a)(1) or (b)(1) unless, before the distribution, the Board has issued a certification pursuant to section 1101(a)(1)(B) or (b)(1)(B), whichever is applicable. Distributions of stock and securities in a corporation created in accordance with section 1101(c)(2) or (c)(3) will not result in nonrecognition of gain to the shareholders and security holders of a bank holding company under section 1101(a)(2) or (b)(2) unless, before the exchange described in section 1101(c)(2)(A) or (c)(3)(A), the Board has issued a certification pursuant to section 1101(c)(2)(C) or (c)(3)(C), whichever is applicable. Further, unless a final certification is also made by the Board in accordance with section 1101(c), section 1101(a) or (b) will not apply to any distribution made by a bank holding company. Provisionally, however, pending the issuance of such final certification, section 1101(a) or (b) shall be deemed applicable to distributions otherwise qualifying under such part VIII of subchapter O which are made within the period described in section 1101(e)(1) or (e)(2)(B), whichever is applicable.

(c) *Limitations.* The period of limitations in section 6501 with respect to any deficiency resulting solely from the receipt by a shareholder or security holder of property, in a distribution certified by the Board in accordance with section 1101(a)(1)(B), (b)(1)(B), (c)(2)(C), or (c)(3)(C), shall not expire prior to the period prescribed in section 1102(b), notwithstanding that the shareholder or security holder relied on a provision of law other than section 1101(a) or (b), for example section 355, to obtain nonrecognition of gain on the distribution. (See §,1.1102–2.)

§ 1.1101–3 Tax avoidance.

(a) *Recognition of gain.* Irrespective of whether the transaction meets the other requirements of sections 1101, 1102, and 1103, a distribution will not qualify for nonrecognition of gain pursuant to the provisions of section 1101 if, in connection with such distribution, the distributing corporation retains, or transfers to any corporation after May 15, 1955, property pursuant to a plan one of the principal purposes of which is the distribution of earnings and profits of a corporation so as to avoid the Federal income tax on dividends. A certification that a particular distribution of property is necessary or appropriate in order to comply with the Bank Holding Company Act of 1956 (12 U.S.C. ch. 17) shall not be considered as permitting nonrecognition of gain where such distribution is a part of a plan to distribute earnings and profits in avoidance of the Federal income tax on dividends.

(b) *Continuity and other factors.* Section 1101 contemplates a continuity of the enterprise as modified and a continuity of interest in all or part of the property received or retained on the part of those who, directly or indirectly, were the owners of the enterprise prior to the distribution or exchange. Whether or not a distribution is made under section 1101 in such a manner as to be in avoidance of Federal income tax is a question to be decided in the light of all the facts and circumstances surrounding the transaction. Some of the factors which may evidence a tax avoidance plan in appropriate circumstances are the following:

(1) A company making acquisitions of property shortly before May 15, 1955, in anticipation of the legislation in order to qualify under the Bank Holding Company Act of 1956.

(2) A greatly disproportionate shift to banking or nonbanking assets shortly before or after May 15, 1955, from the normal course of holdings or any unusual shift within such groups of assets that is inconsistent with prior holdings, particularly if made to such assets that are or may be more readily marketable.

(3) A separation of assets, the acquisition of which was substantially financed out of the earnings of particular properties, from such properties (whether or not such properties are retained), particularly where said assets are in the form of cash or highly marketable securities, stocks, or other investments, and where such separation is not necessary or appropriate to effectuate the policies of the Bank Holding Company Act of 1956.

(4) A transfer of "other property" in an exchange described in section 1101(c)(2) or (c)(3), which property is greater in amount than that reasonably required by the newly created corporation for its working capital or is disproportionate to or inconsistent with the holding operations previously engaged in.

(5) An indication that a liquidation of either of the corporations separated pursuant to section 1101(c)(2) or 1101(c)(3) is contemplated or that dominant shareholders thereof intended to sell the stock received or retained.

(6) An indication that dominant shareholders contemplated the sale of property distributed directly.

A shift of assets to a corporation to be separated will not in itself establish a plan to avoid tax if such action is consistent with the holding operations previously engaged in and in conformity with good business practice. Similiarly, a reasonable transfer of cash and securities to a corporation availed of under section 1101(c)(2) or 1101(c)(3) for the reasonable working capital needs of a newly organized corporation will not, by itself, establish an attempt to distribute earnings and profits. Where it is established that a contribution to capital was made after May 15, 1955, and prior to the enactment of the Bank Holding Company Act of 1956 with one of the principal purposes of distributing earnings and profits of any corporation, such action will not in itself cause the proportionate remainder of a distribution to fail to qualify for treatment under section 1101. (See section 1101(d)(3).)

§ 1.1101–4 Records to be kept and information to be filed with returns.

Each stock or security holder who receives stock or securities or other property upon a distribution made by a qualified bank holding corporation under section 1101 shall maintain records of, and file as a part of his income tax return for the taxable year in which such distribution is received a complete statement of, all facts pertinent to the nonrecognition of gain upon such distribution, including—

(a) Name and address of the corporation from which the distribution is received; the date the distribution is received; and that the distribution was made pursuant to the Bank Holding Company Act of 1956.

(b) A statement of the name or designation, type, class, number, and fair market value on the date of receipt of the stock or securities or other property received upon the distribution and a record of the disposition made thereof, or of any stock or securities retained in the distributing corporation in the year of receipt.

(c) If preferred stock is exchanged for preferred stock or securities are exchanged for securities within the meaning of section 1101(a)(2)(A) or section 1101(b)(2)(A), a statement of the terms and amount of such newly issued securities or preferred stock, as well as of those surrendered.

(d) A statement as to the distributee's holdings immediately prior to the record date for the distribution of each class of stock or securities outstanding of the distributing corporation, together with

the date and manner of acquisition thereof.

(e) The value of the distributing corporation's stock per share or securities immediately prior to and after the distribution.

In the case of a return filed on or before January 4, 1962, such information shall be filed on or before April 4, 1962, by the taxpayer with the district director for the internal revenue district in which such return was filed.

§ 1.1102 Statutory provisions; distributions pursuant to Bank Holding Company Act of 1956; special rules.

SEC. 1102. *Special rules*—(a) *Basis of property acquired in distributions.* If, by reason of section 1101, gain is not recognized with respect to the receipt of any property, then, under regulations prescribed by the Secretary or his delegate—

(1) If the property is received by a shareholder with respect to stock, without the surrender by such shareholder of stock, the basis of the property received and of the stock with respect to which it is distributed shall, in the distributee's hands, be determined by allocating between such property and such stock the adjusted basis of such stock; or

(2) If the property is received by a shareholder in exchange for stock or by a security holder in exchange for securities, the basis of the property received shall, in the distributee's hands, be the same as the adjusted basis of the stock or securities exchanged, increased by—

(A) The amount of the property received which was treated as a dividend, and

(B) The amount of gain to the taxpayer recognized on the property received (not including any portion of such gain which was treated as a dividend).

(b) *Periods of limitation.* The periods of limitation provided in section 6501 (relating to limitations on assessment and collection) shall not expire, with respect to any deficiency (including interest and additions to the tax) resulting solely from the receipt of property by shareholders in a distribution which is certified by the Board under subsection (a), (b), or (c) of section 1101, until five years after the distributing corporation notifies the Secretary or his delegate (in such manner and with such accompanying information as the Secretary or his delegate may by regulations prescribe) that the period (including extensions thereof) prescribed in section 4(a) of the Bank Holding Company Act of 1956, or section 1101(e)(2)(B), whichever is applicable, has expired; and such assessment may be made notwithstanding any provision of law or rule of law which would otherwise prevent such assessment.

(c) *Allocation of earnings and profits*—(1) *Distribution of stock in a controlled corporation.* In the case of a distribution by a qualified bank holding corporation under section 1101 (a)(1) or (b)(1) of stock in a controlled corporation, proper allocation with respect to the earnings and profits of the distributing corporation and the controlled corporation shall be made under regulations prescribed by the Secretary or his delegate.

(2) *Exchanges described in section 1101(c)(2) or (3).* In the case of any exchange described in section 1101(c)(2) or (3), proper allocation with respect to the earnings and profits of the corporation transferring the property and the corporation receiving such property shall be made under regulations prescribed by the Secretary or his delegate.

(3) *Definition of controlled corporation.* For purposes of paragraph (1), the term "controlled corporation" means a corporation with respect to which at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock is owned by the distributing qualified bank holding corporation.

(d) *Itemization of property.* In any certification under this part, the Board shall make such specification and itemization of property as may be necessary to carry out the provisions of this part.

[Sec. 1102 as added by sec. 10(a), Bank Holding Company Act 1956 (70 Stat. 139)]

§ 1.1102–1 Basis of property acquired in distributions by qualified bank holding corporations.

In the case of a distribution to a shareholder with respect to stock, without the surrender by such shareholder of stock, to which section 1101 (a) or (b) applies, the sum of the basis of all the stock in the distributing corporation held immediately after the transaction plus the basis of all the nonrecognition property received in the transaction shall be the same as the basis of all the stock in such corporation held immediately before the transaction allocated in proportion to the respective fair market value of each. In the case of an exchange to which section 1101 (a) or (b) applies, in which property is received by a shareholder in exchange for stock or by a security holder in exchange for securities, the basis of all the property received in the exchange and as a part thereof shall be the same as the adjusted basis of the stock or securities exchanged, increased by—

(a) The amount of the property received as part of the exchange which was treated as a dividend, and

(b) The amount of gain to the taxpayer recognized on the property received as part of the exchange (not including any portion of such gain which was treated as a dividend).

The basis, in a case involving an exchange, must be apportioned to the properties received, and for this purpose there must be allocated to such other property received as part of the exchange (not permitted to be received without the recognition of gain) an amount of such basis equivalent to the fair market value of such other property at the date of the exchange. Any other property received in connection with a transaction under section 1101 on which gain is realized shall receive a basis in accordance with whichever Code section may be applicable to that portion of the transaction.

§ 1.1102–2 Filing of notification under section 1102(b) by qualified bank holding corporations.

Every distributing corporation which is certified as being a qualified bank holding corporation under section 1103 (b) shall, as soon as practical, by written statement notify the Commissioner of Internal Revenue, Washington 25, D.C., Attention: T:R:R, that the period (including extensions thereof granted by the Board of Governors of the Federal Reserve System) prescribed in section 4(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(a)), or section 1101(e)(2)(B) of the Code, whichever is applicable, has expired. In order for such statement to satisfy the requirements for notification under section 1102 (b), there shall be included a complete statement of all facts pertinent to the divestment of assets under part VIII (section 1101 and following), subchapter O, chapter 1 of the Code, including the following:

(a) Name and address of the distributing corporation.

(b) A copy of the plan of divestment forming the basis of the issuance by the Board of any certification under section 1101(a)(1)(B), section 1101(b)(1)(B), section 1101(c)(2)(C), or section 1101(c)(3)(C), as the case may be.

(c) A copy of any such certifications issued to the distributing corporation by the Board.

(d) A certified copy of the corporate resolution authorizing every distribution under section 1101.

(e) Identification and date of acquisition by the distributing corporation of all property distributed under section 1101.

(f) Identification and date of acquisition by the distributing corporation of all property which was transferred to a new corporation under section 1101(c)(2) or (3).

(g) If the date of acquisition in paragraph (e) or (f) of this section was after May 15, 1955, a complete statement of details surrounding the acquisition. If any of such property was acquired in a distribution under section 1101, a copy of the certification covering such distribution.

(h) A statement as to whether any of the distributions under section 1101 contained installment obligations, LIFO inventory, or property either subject to a liability in excess of its basis or in connection with the receipt of which any shareholder assumed a liability in excess of its basis. If so, the statement shall include complete details, including dates of distribution.

(i) [Reserved.]

(j) Name and address of each distributee.

(k) Number of shares of outstanding stock of the corporation, by class, and amount of securities actually owned by each distributee prior to the distribution.

(l) If preferred stock was exchanged for preferred stock or securities were exchanged for securities under section 1101(g)(2)(A) or section 1101(b)(2)(A), the terms and amount of the newly issued securities or preferred shares received and of those surrendered.

(m) Identification of the property distributed to each distributee under section 1101, by date, together with the fair market value at date of distribution.

(n) Fair market value of the distributing corporation's outstanding securities and stock per share immediately after a distribution.

(o) The amount of the undistributed earnings and profits of the distributing corporation accumulated after February 28, 1913, to date of transfer to a new corporation in an exchange to which section 1101(c)(2) or (3) applies.

(p) If property was transferred to a new corporation under the provisions of section 1101(c)(2) or (3), a statement giving the value of the assets transferred together with the value of assets retained. If cash was transferred, a complete substantiation thereof.

(q) If stock in a controlled corporation within the meaning of section 1102(c)(3) is distributed under section 1101(a)(1) or (b)(1), a statement giving the accumulated earnings and profits of the controlled corporation (or deficit in earnings as the case may be) immediately prior to the distribution.

(r) A copy of the final certification if issued to the distributing corporation by the Board pursuant to section 1101(e).

(s) The date of expiration of the period (including extensions thereof) prescribed in section 4(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(a)), or section 1101(e)(2)(B), whichever is applicable.

(t) A statement showing, for the 5-year period preceding any exchange or distribution described in section 1101, the amount of income and expenditures attributable to each of the respective activities and holdings of the bank holding company and further showing the holdings and activities, after the distributions and exchanges described in section 1101, of the bank holding company and the corporations the stock of which is distributed under section 1101.

The periods of limitation (section 6501) with respect to any deficiency, including interest and additions to the tax, resulting solely from the receipt of property by shareholders in a distribution certified by the Board under subsection (a), (b), or (c) of section 1101 shall not expire until 5 years following the date of the notification required under section 1102(b) and this section.

§ 1.1102–3 Allocation of earnings and profits in certain distributions by qualified bank holding corporations.

(a) *Exchanges described in section 1101(c)(2) or (3).* Under section 1102(c), if a qualified bank holding corporation transfers property to a newly created corporation in exchange for all of its stock in a transaction described in section 1101(c)(2)(A) or (3)(A) and immediately thereafter the stock and securities of the controlled corporation are distributed in a distribution or exchange to which section 1101 (a)(2) or (b)(2) applies, the earnings and profits of the bank holding corporation immediately before the transaction shall be allocated between such bank holding corporation and the controlled corporation. Such allocation generally shall be made in proportion to the fair market value of the assets retained by the bank holding corporation and the assets of the controlled corporation immediately after the transaction. In a proper case, allocation shall be made in proportion to the net basis of the assets transferred and of the assets retained or by such other method as may be appropriate under the facts and circumstances of the case. The term "net basis" means the basis of the assets less liabilities assumed or liabilities to which such assets are subject. The part of the earnings and profits of the taxable year of the bank holding corporation in which the transaction occurs allocable to the controlled corporation shall be included in the computation of the earnings and profits of the first taxable year of the controlled corporation ending after the date of the transaction.

(b) *Distribution of stock in a controlled corporation under section 1101(a)(1) or (b)(1).* If a qualified bank holding corporation distributes stock of a controlled corporation (as defined in section 1102(c)(3)) in a distribution or exchange to which section 1101 (a)(1) or (b)(1) applies, the earnings and profits of the bank holding corporation shall be decreased by the lesser of the following amounts:

(1) The amount by which the earnings and profits of the bank holding corporation would have been decreased if it had transferred the stock of the controlled corporation to a new corporation in a transaction to which section 1101(c)(2) or (3) applied and immediately thereafter distributed the stock of such new corporation under section 1101 (a)(2) or (b)(2) or,

(2) The net worth of the controlled corporation. (For this purpose the term "net worth" means the sum of the bases of all of the properties plus cash minus all liabilities.)

If the earnings and profits of the controlled corporation immediately before the transaction are less than the amount of the decrease in earnings and profits of the bank holding corporation (including the case in which the controlled corporation has a deficit) the earnings and profits of the controlled corporation, after the transaction, shall be equal to the amount of such decrease. If the earnings and profits of the controlled corporation immediately before the transaction are more than the amount of the decrease in the earnings and profits of the bank holding corporation they shall remain unchanged.

(c) *Deficits.* A deficit of the distributing corporation shall in no case be allocated to a controlled corporation.

§ 1.1103 Statutory provisions; distributions pursuant to Bank Holding Company Act of 1956; definitions.

SEC. 1103. *Definitions*—(a) *Bank holding company.* For purposes of this part, the term "bank holding company" has the meaning assigned to such term by section 2 of the Bank Holding Company Act of 1956.

(b) *Qualified bank holding corporation*—(1) *In general.* Except as provided in paragraph (2), for purposes of this part the term "qualified bank holding corporation" means any corporation (as defined in section 7701 (a)(3)) which is a bank holding company and which holds prohibited property acquired by it—

(A) On or before May 15, 1955,

(B) In a distribution in which gain to such corporation with respect to the receipt of such property was not recognized by reason of subsection (a) or (b) of section 1101, or

(C) In exchange for all of its stock in an exchange described in section 1101 (c)(2) or (c)(3).

(2) *Limitations.* (A) A bank holding company shall not be a qualified bank holding corporation, unless it would have been a bank holding company on May 15, 1955, if the Bank Holding Company Act of 1956 had been in effect on such date, or unless it is a bank holding company determined solely by reference to—

(i) Property acquired by it on or before May 15, 1955,

(ii) Property acquired by it in a distribution in which gain to such corporation with respect to the receipt of such property was not recognized by reason of subsection (a) or (b) of section 1101, and

(iii) Property acquired by it in exchange for all of its stock in an exchange described in section 1101(c)(2) or (3).

(B) A bank holding company shall not be a qualified bank holding corporation by reason of property described in subparagraph (B) of paragraph (1) of clause (ii) of subparagraph (A) of this paragraph, unless such property was acquired in a distribution with respect to stock, which stock was acquired by such bank holding company—

(i) On or before May 15, 1955,

(ii) In a distribution (with respect to stock held by it on May 15, 1955, or with respect to stock in respect of which all previous applications of this clause are satisfied) with respect to which gain to it was not recognized by reason of subsection (a) or (b) of section 1101, or

(iii) In exchange for all of its stock in an exchange described in section 1101(c)(2) or (3).

(C) A corporation shall be treated as a qualified bank holding corporation only if the Board certifies that it satisfies the foregoing requirements of this subsection.

(c) *Prohibited property.* For purposes of this part, the term "prohibited property" means, in the case of any bank holding company, property (other than nonexempt property) the disposition of which would be necessary or appropriate to effectuate section 4 of the Bank Holding Company Act of 1956 if such company continued to be a bank holding company beyond the period (including any extensions thereof) specified in subsection (a) of such section or in section 1101(e)(2)(B) of this part, as the case may be. The term "prohibited property" does not include shares of any company held by a bank holding company to the extent that the prohibitions of section 4 of the Bank Holding Company Act of 1956 do not apply to the ownership by such bank holding company of such property by reason of subsection (c)(5) of such section.

(d) *Nonexempt property.* For purposes of this part, the term "nonexempt property" means—

(1) Obligations (including notes, drafts, bills of exchange, and bankers' acceptances) having a maturity at the time of issuance of not exceeding 24 months, exclusive of days of grace;

(2) Securities issued by or guaranteed as to principal or interest by a government or subdivision thereof or by any instrumentality of a government or subdivision; or

(3) Money, and the right to receive money not evidenced by a security or obligation (other than a security or obligation described in paragraph (1) or (2)).

(e) *Board.* For purposes of this part, the term "Board" means the Board of Governors of the Federal Reserve System.

[Sec. 1103 as added by sec. 10(a), Bank Holding Company Act 1956 (70 Stat. 139)]

[F.R. Doc. 62-32; Filed, Jan. 3, 1962; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of the Interior

Effective upon publication in the FEDERAL REGISTER, subparagraph (24) is added to paragraph (a) of § 6.310 as set out below.

§ 6.310 Department of the Interior.

(a) *Office of the Secretary.* • • •

(24) The Administrator, Defense Electric Power Administration, Office of the Assistant Secretary for Water and Power Development.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 62-72; Filed, Jan. 3, 1962; 8:48 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (9) of paragraph (a) of § 6.302 is amended as set out below.

§ 6.302 Department of State.

(a) *Office of the Secretary.* • • •

(9) Three Confidential Assistants and one Private Secretary to the Under Secretary.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 62-73; Filed, Jan. 3, 1962; 8:48 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Post Office Department

Effective upon publication in the FEDERAL REGISTER, subparagraph (7) is added to paragraph (b) of § 6.309 as set out below.

§ 6.309 Post Office Department.

• • • • •

(b) *Bureau of Facilities.* • • •

(7) One Assistant Director for Community Programs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 62-74; Filed, Jan. 3, 1962; 8:48 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraph (37) is added to paragraph (a) of § 6.342 as set out below.

§ 6.342 Housing and Home Finance Agency.

(a) *Office of the Administrator.* • • •

(37) One Private Secretary to the Assistant Administrator (Urban Transportation).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 62-75; Filed, Jan. 3, 1962; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Mushrooms [1]

On October 22, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10099) regarding a proposed revision of the United States Standards for Grades of Canned Mushrooms.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Canned Mushrooms are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

PRODUCT DESCRIPTION, COLOR TYPES, STYLES, AND GRADES

Sec.
52.1481 Product description.
52.1482 Color types of canned mushrooms.
52.1483 Styles of canned mushrooms.
52.1484 Grades of canned mushrooms.

SIZES, FILL OF CONTAINERS, AND DRAINED WEIGHTS

52.1485 Sizes of mushrooms in whole and button mushrooms.
52.1486 Fill of container for canned mushrooms.
52.1487 Minimum drained weights for canned mushrooms.

FACTORS OF QUALITY

52.1488 Ascertaining the grade.
52.1489 Ascertaining the rating for the factors which are scored.
52.1490 Color.
52.1491 Uniformity of size and shape.
52.1492 Defects.
52.1493 Character.

LOT INSPECTION AND CERTIFICATION

52.1494 Ascertaining the grade of a lot.

SCORE SHEET

52.1495 Score sheet for canned mushrooms.

AUTHORITY: §§ 52.1481 to 52.1495 issued under sec. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, COLOR TYPES, STYLES, AND GRADES

§ 52.1481 Product description.

"Canned mushrooms", as defined in the definitions and standards of identity for canned vegetables (21 CFR 51.990) issued pursuant to the Federal Food, Drug, and Cosmetic Act, means the product prepared from the sound, succulent, fresh mushroom by proper trimming, washing, and sorting and is packed with the addition of water in hermetically sealed containers and sufficiently processed by heat to assure preservation of the product. Salt, or monosodium glutamate, or both may be added in a quantity sufficient to season the product. Ascorbic acid (Vitamin C) may be added in a quantity not to exceed 37.5 miligrams for each ounce of drained weight of mushrooms.

§ 52.1482 Color types of canned mushrooms.

(a) White or cream.
(b) Brown.

§ 52.1483 Styles of canned mushrooms.

(a) "Whole" is the style of canned mushrooms that consists of the caps with attached stems which are more than ⅛ inch in length when measured from the under side of the cap to the cut end of the stem.

(b) "Buttons" is the style of canned mushrooms that consists of the caps with attached stems which are cut transversely below the veil so that in 85 percent or more, by count, of the units the attached stem when measured from the under side of the cap to the cut end of the stem does not exceed ⅛ inch in length; and in the remaining units none of the attached stems may be more than ¼ inch in length.

(c) "Sliced whole" is the style of canned mushrooms that consists of units which have been sliced from whole mushrooms so that in 80 percent or more, by weight, of all the units the direction of the slice is approximately parallel to the longitudinal axis of the stem; and not more than 5 percent, by weight of all the units may be detached portions of stems.

(d) "Random sliced whole" is the style of canned mushrooms that consists of units which have been sliced from whole mushrooms in a random manner so that the direction of the slice may materially deviate from approximately parallel to the longitudinal axis of the stem; and not more than 15 percent, by weight of all the units may be detached portions of stem.

(e) "Sliced buttons" is the style of canned mushrooms that consists of units which have been sliced from button mushrooms so that in 90 percent or more, by weight, of all the units the direction of the slice is approximately parallel to the longitudinal axis of the stem.

(f) "Stems and pieces" or "pieces and stems" (hereinafter referred to as "stems and pieces") is the style of canned mushrooms that consists of units which do not conform to any of the foregoing styles and are predominantly cut or broken portions of the caps and stems and may contain units of any of the foregoing styles.

§ 52.1484 Grades of canned mushrooms.

(a) "U.S. Grade A" or ("U.S. Fancy") is the quality of canned mushrooms that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a good color; that are practically uniform in size and shape, except for the style of "stems and pieces"; that are practically free from defects; that possess a good character, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points: *Provided*, That canned mushrooms may be fairly uniform in size and shape for the applicable styles if the total score is not less than 90 points.

(b) "U.S. Grade B" or ("U.S. Extra Standard") is the quality of canned mushrooms that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a fairly good color; that are fairly uniform in size and shape, except for the style of "stems and pieces"; that are fairly free from defects; that possess a fairly good character; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 80 points: *Provided*, That canned mushrooms may fail to meet the requirements for U.S. Grade B for the factor of uniformity of size and shape for the applicable styles if the total score is not less than 80 points.

(c) "Substandard" is the quality of canned mushrooms that fail to meet the requirements of U.S. Grade B.

SIZES, FILL OF CONTAINER, AND DRAINED WEIGHTS

§ 52.1485 Sizes of canned mushrooms in the styles of whole and buttons.

(a) **No. 0 (Midget)** size mushrooms will pass through a round opening ½ inch in diameter.

(b) **No. 1 (Tiny)** size mushrooms will pass through a round opening ⅝ inch in diameter but will not pass through a round opening ½ inch in diameter.

(c) **No. 2 (Small)** size mushrooms will pass through a round opening ⅞ inch in diameter but will not pass through a round opening ⅝ inch in diameter.

(d) **No. 3 (Medium)** size mushrooms will pass through a round opening 1⅛ inches in diameter but will not pass through a round opening ⅞ inch in diameter.

(e) **No. 4 (Large)** size mushrooms will pass through a round opening 1⅝ inches in diameter but will not pass through a round opening 1⅛ inches in diameter.

(f) **No. 5 (Extra Large)** size mushrooms are those too large to pass through a round opening 1⅝ inches in diameter.

§ 52.1486 Fill of container for canned mushrooms.

The standard for fill of container for canned mushrooms is not incorporated in the grades of the finished product, since fill of container, as such, is not a factor of quality for the purpose of these grades. The standard of fill of container for canned mushrooms is such that the drained weight of mushrooms is not less than 56 percent of the water capacity of the container if such capacity is less than 11.0 ounces avoirdupois; not less than 59 percent of the water capacity of the container if such capacity is 11.0 ounces or more but less than 25 ounces avoirdupois; and not less than 62 percent of the water capacity of the container if such capacity is 25 ounces avoirdupois or more. Canned mushrooms which do not meet this requirement are "Below Standard in Fill".

§ 52.1487 Minimum drained weights for canned mushrooms.

(a) *General.* The total weight of drained mushrooms (drained weight) shall be not less than that shown for the respective size of containers in Table I of this section.

(b) *Method of ascertaining the drained weight.* The total weight of drained mushrooms is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937—±3 percent, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and mushrooms less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of a No. 3 size can (404 x 700) and smaller and a sieve 12 inches in diameter is used for containers larger than the equivalent of a No. 3 size can.

TABLE I

(Minimum drained weight of canned mushrooms)

Container designation (metal, unless otherwise stated)	Container size overall dimensions: Diameter (inches)	Container size overall dimensions: Height (inches)	Capacity weight H_2O at 68° F	Minimum drained weight ounces (avoirdupois)
2 Z Mushroom	2 5/16	2 1/16	3.57	2.0
2½ Z Glass			4.61	2.6
3 Z Mushroom	2 4/16	3 4/16	5.36	3.0
4 Z Mushroom	2 13/16	2 12 5/16	7.15	4.0
8 Z Mushroom	3	4	13.55	8.0
Jumbo	3 7/16	5 10 1/16	25.70	16.0
No. 10	6 3/16	7	109.45	68.0

FACTORS OF QUALITY

§ 52.1488 Ascertaining the grade.

(a) The grade of canned mushrooms is ascertained by considering in conjunction with the requirements of the respective grade the respective ratings for the factors of color, uniformity of size and shape, defects, and character.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors	Points
Color	30
Uniformity of size and shape	20
Defects	30
Character	20
Total score	100

(c) "Normal flavor and odor" means that the product is free from objectionable flavors and objectionable odors of any kind.

§ 52.1489 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.1490 Color.

(a) (*A*) *classification.* Canned mushrooms that possess a good color may be given a score of 27 to 30 points. "Good color" means that the canned mushrooms possess a color that is practically uniform, bright, and typical of canned mushrooms produced from mushrooms of similar varietal characteristics and meet the following additional requirements for the respective color type:

(1) *White or Cream.* The color of the surface of the individual caps or portions thereof is not darker than medium cream, which color may possess a slight tannish cast that does not more than slightly affect the overall color appearance of the units, individually or collectively; and with respect to the styles of sliced buttons, sliced whole, random sliced whole, and stems and pieces, the color of gills of the sliced units is not darker than light tannish gray: *Provided*, That in sliced units the contrast in color

between the gills and the surface of the cap of such sliced units does not more than slightly affect the overall color appearance of the product.

(2) *Brown.* The color of the surface of the individual caps is not darker than light brown, which color may possess a slight grayish cast that does not more than slightly affect the overall color appearance; and with respect to the styles of sliced buttons, sliced whole, random sliced whole, and stems and pieces, the color of the gills of the sliced units is not darker than medium brownish gray: *Provided*, That in sliced units the contrast in color between the gills and the surface of the cap of such sliced units does not more than slightly affect the overall color appearance of the product.

(b) *(B) classification.* Canned mushrooms that possess a fairly good color may be given a score of 24 to 26 points. Canned mushrooms that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the canned mushrooms possess a color that is typical of canned mushrooms produced from mushrooms of similar varietal characteristics and that such color may be dull but not to the extent that the appearance of the product is seriously affected; and that the canned mushrooms meet the following additional requirements for the respective color types:

(1) *White or Cream.* The color of the surface of the individual caps may be dark cream, which color may possess a gray or brown cast that does not seriously affect the overall color appearance of the product; and with respect to the styles of sliced buttons, sliced whole, random sliced whole, and stems and pieces, the color of the gills of the sliced units is not darker than tannish gray: *Provided*, That in sliced units the contrast in color between the gills and surface of the cap of such sliced units does not seriously affect the overall color appearance of the product.

(2) *Brown.* The color of the surface of the individual caps may be medium brown in color which color may possess a grayish cast that does not seriously affect the overall color appearance of the product, and with respect to the styles of sliced buttons, sliced whole, random sliced whole, and stems and pieces, the color of the gills of the sliced units may be dark brownish gray: *Provided*, That in sliced units the contrast in color between the gills and surface of the cap of such sliced units does not seriously affect the overall color appearance of the product.

(c) *(SStd.) classification.* Canned mushrooms that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1491 Uniformity of size and shape.

(a) *General.* The factor of uniformity of size and shape for the style of stems and pieces of canned mushrooms is not scored; the other three factors (color, defects, and character, as applicable) are scored and the total multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) *Definitions of terms*—(1) *Diameter.* The diameter of a cap in the styles of whole, buttons, sliced whole mushrooms, and sliced buttons means the greatest width of the cap when measured parallel with the under side of the cap.

(2) *Center slice.* "Center slice" in the styles of sliced buttons and sliced whole mushrooms means a unit sliced from a mushroom button or from a whole mushroom approximately parallel to the longitudinal stem axis; possesses two cut surfaces; and measures more than ½ inch in the longest dimension.

(3) *Small side-slice.* "Small side-slice" in the styles of sliced buttons, sliced whole mushrooms, and random sliced whole mushrooms means a slice without attached stem or portion of stem; which possesses only one cut surface; and which measures ½ inch or less in the longest dimension.

(c) *(A) classification.* Except in the style of stems and pieces, canned mushrooms that are practically uniform in size and shape may be given a score of 18 to 20 points. "Practically uniform in size and shape" has the following meanings with respect to the applicable styles of canned mushrooms:

(1) *Whole; buttons.* The units are practically uniform in shape; the stems are cut transversely; and the diameter of the cap with the largest diameter does not exceed the diameter of the cap with the smallest diameter by more than ¼ inch; and of all the units in the container, in the 85 percent, by count, with the most uniform diameters, the diameter of the cap with the largest diameter does not exceed the diameter of the cap with the smallest diameter by more than ⅛ inch.

(2) *Sliced whole mushrooms, sliced buttons.* The presence of irregular-shaped units does not materially affect the appearance of the product; not more than 5 percent, by weight, of the units may be small side-slices; and the diameter of the center slice with the largest diameter does not exceed the diameter of the center slice with the smallest diameter by more than ⅜ inch.

(3) *Random sliced whole mushrooms.* Not more than 5 percent, by weight, of all the units may be small side-slices.

(d) *(B) classification.* Except in the styles of stems and pieces, canned mushrooms that are fairly uniform in size and shape may be given a score of 16 or 17 points. "Fairly uniform in size and shape" has the following meanings with respect to the applicable styles of canned mushrooms:

(1) *Whole; buttons.* The units are fairly uniform in shape; the stems are cut transversely; and of all the units in the container, in the 85 percent, by count, with the most uniform diameters, the diameter of the cap with the largest diameter does not exceed the diameter of the cap with the smallest diameter by more than ¼ inch.

(2) *Sliced whole mushrooms; sliced buttons.* The presence of irregular shaped units does not seriously affect the appearance of the product; not more than 10 percent, by weight, of the units may be small side-slices; and the diameter of the center slice with the largest diameter does not exceed the diameter of the center slice with the smallest diameter by more than ⅜ inch.

(3) *Random sliced mushrooms.* Not more than 10 percent, by weight, of the units may be small side-slices.

(e) *(SStd.) classification.* Canned mushrooms that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 15 points. Canned mushrooms that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule).

§ 52.1492 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from units which are crushed or broken, damaged, or seriously damaged.

(b) *Definitions of terms.* (1) "Crushed or broken unit" with respect to all styles other than the style of "stems and pieces" means a unit that is crushed to the extent so as to destroy its normal shape or that is severed into two or more separate parts.

(2) "Damaged" means damaged by discoloration, pathological injury, mechanical injury, or damaged by other means to such an extent that the appearance or eating quality of the unit is materially affected. Knife marks resulting from the preparation of sliced whole mushrooms, random sliced whole mushrooms, or sliced buttons are not considered mechanical injury.

(3) "Seriously damaged" means damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(c) *(A) classification.* Canned mushrooms that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means:

(1) The product does not exceed the applicable allowances prescribed for the respective type of defect in Table II of this section; and

(2) Notwithstanding the specified allowances, the presence of crushed or broken units in the applicable styles, damaged, and seriously damaged units does not materially affect the appearance or eating quality of the product.

(d) *(B) classification.* Canned mushrooms that are fairly free from defects may be given a score of 24 to 26 points. Canned mushrooms that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means:

(1) The product does not exceed the applicable allowances prescribed for the respective type of defect in Table II of this section; and

(2) Notwithstanding the specified allowances, the presence of crushed or broken units in the applicable styles, damaged, and seriously damaged units does not seriously affect the appearance or eating quality of the product.

(e) *(SStd.) classification.* Canned mushrooms that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE II

(Summary of allowances for defects)

Grade classification	Maximum allowances		
	All styles except "Stems and Pieces"	All styles	
	Crushed or broken	Damaged	Seriously damaged [1]
A	5% by weight	5% by weight including 1% by weight	
B	10% by weight	10% by weight including 2½ by weight	
SStd	Fails to meet foregoing Grade B classification.	requirements for	

[1] One unit in a container is permitted to be seriously damaged: *Provided*, That the total number of such seriously damaged units in all of the containers comprising the sample is within the percentage permitted for such defect.

§ 52.1493 Character.

(a) *General.* The factor of character refers to the tenderness and texture of the canned mushrooms and the development of the cap in the styles of whole, buttons, sliced whole mushrooms, random sliced whole, and sliced buttons.

(b) *Definition of closed veil.* "Closed veil" means that the membrane which extends from the inner edge of the cap to the stem practically covers the gills.

(c) *(A) classification.* Canned mushrooms that possess a good character may be given a score of 18 to 20 points. "Good character" means that the units are firm and tender; the product is practically free from fibrous or rubbery units; and that with respect to the styles of "Whole", "Buttons", "Sliced whole", "Random sliced whole", and "Sliced buttons" not less than 95 percent, by weight, of all the units possess closed veils. One unit which fails to meet the requirements for closed veil is permitted in a container: *Provided*, That the average for such units in all the containers comprising the sample does not exceed 5 percent, by weight.

(d) *(B) classification.* Canned mushrooms that possess a fairly good character may be given a score of 16 or 17 points. Canned mushrooms that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the units are reasonably tender; may be slightly soft; the product is reasonably free from fibrous or rubbery units; and that with respect to the styles of "Whole", "Buttons", "Sliced whole", "Random sliced whole", and "Sliced buttons" not less than 90 percent, by weight, of all the units possess closed veils. One unit which fails to meet the requirements for closed veil is permitted in a container: *Provided*, That the average for such units in all the containers comprising the sample does not exceed 10 percent, by weight.

(e) *(SStd.) classification.* Canned mushrooms that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.1494 Ascertaining the grade of a lot.

The grade of a lot of canned mushrooms covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (7 CFR §§ 52.1 through 52.87 of this title).

SCORE SHEET

§ 52.1495 Score sheet for canned mushrooms.

Size and kind of container			
Container mark or identification			
Label			
Net weight (ounces)			
Vacuum (inches)			
Drained weight (ounces)			
Style			
Size			
Color			

Factors	Score points		
Color	30	(A)	27-30
		(B)	[1] 24-26
		(SStd.)	[1] 0-23
Uniformity of size and shape	20	(A)	18-20
		(B)	16-17
		(SStd.)	[2] 0-15
Defects	30	(A)	27-30
		(B)	[1] 24-26
		(SStd.)	[1] 0-23
Character	20	(A)	18-20
		(B)	[1] 16-17
		(SStd.)	[1] 0-15
Total score	100		

Grade	
Normal flavor and odor	

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

The United States Standards for Grades of Canned Mushrooms (which is the fourth issue) contained in this subpart shall become effective 45 days after the date of publication hereof in the FEDERAL REGISTER, and thereupon will supersede the United States Standards for Grades of Canned Mushrooms (7 CFR, Part 52) which have been in effect since January 19, 1953.

Dated: December 28, 1961.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-61; Filed, Jan. 3, 1962; 8:46 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 16]

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments for 1960 and Subsequent Crops of Wheat

INCREASED DURUM WHEAT (CLASS II) ALLOTMENTS FOR 1962

The amendments herein are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, including the amendments in section 125 of the Agricultural Act of 1961, and prescribe the percentage of increase and govern the establishment of increased 1962 farm wheat acreage allotments and marketing quotas in designated counties for the purpose of increasing the production of Durum Wheat (Class II) for 1962.

Section 125 of the Agricultural Act of 1961 amended 334(e) of the Agricultural Adjustment Act of 1938, as amended, to authorize the Secretary of Agriculture to determine with respect to each of the 1962, 1963 and 1964 crops of Durum Wheat (Class II) whether the acreage allotments for such crop for farms producing such wheat will be inadequate to provide for the production of a sufficient quantity of Durum Wheat (Class II) to satisfy the demand therefor (but not including export demand involving a subsidy by, or loss to, the Federal Government). If with respect to any such year's crop of Durum Wheat (Class II) the Secretary should determine that the acreage allotments of farms producing such wheat are inadequate to provide for the production of a sufficient quantity to satisfy such demands, the statute directs him to determine and designate the counties in the States of North Dakota, Minnesota, Montana, South Dakota, and California which are capable of producing Durum Wheat (Class II) and which have produced such wheat for commercial food products during one or more of the five years immediately preceding the year in which such crop is harvested, and determine the percentage factor by which the average annual production of Durum Wheat (Class II) in the two years 1960 and 1961 must be increased to supply such demand.

Notice was given (26 F.R. 9912) that the Secretary of Agriculture was preparing to make such determination with respect to the 1962 crop of Durum Wheat (Class II); and growers and millers of Durum Wheat (Class II), manufacturers of semolina products, and other interested persons were invited to submit data, views, and recommendations with respect thereto. The data, views, and recommendations which were submitted pursuant to such notice have been duly considered in the issuance of the amendments herein within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

In making the determination of counties in which the increased allotments and quotas for 1962 will be applicable and which are to be designated in § 728.-1026, paragraph (h), the Durum Wheat (Class II) acreage estimates of the Statistical Reporting Service, farm data obtained from wheat producers' production as reported by the grain trade, and reports from agronomists and experiment stations will be used to determine whether Durum Wheat (Class II) has been produced for commercial food products in one or more of the five years 1957 through 1961, which are the five years immediately preceding the crop year 1962.

The amendments herein which govern the increase in farm wheat acreage allotments provide for the determination

with respect to an eligible farm of an "original" allotment, which is the 1962 farm acreage allotment after the reduction required by § 728.1020a; a "conditional" allotment, computed by multiplying the average acreage of durum wheat on the farm during the years 1960 and 1961 by the percentage prescribed in § 728.1027(a) and adding such product to the original allotment; and a "final" allotment, determined after performance on the farm has been checked.

Section 334(e) of the Agricultural Adjustment Act of 1938, as amended, also provides that the increased allotments under that section shall be conditioned upon the producer planting to Durum Wheat (Class II) an acreage equal to the 1960–61 average acreage of Durum Wheat (Class II) plus the amount of increase. In view of the fact that wheat allotments for 1962 are ten percent less than they were for 1960 and 1961, this provision, if applied literally, would require some producers who receive increased allotments for 1962 and who planted all or nearly all their 1960 and 1961 allotments to Durum Wheat (Class II) to produce excess wheat in order to be eligible for the increase. Accordingly, in order to prevent such a result, provision is made in § 728.1027 to have the increased allotment and final allotment determinations for such farms made on the basis of the smaller of the 1960–61 average acreage of Durum Wheat (Class II) or the 1962 original allotment.

Section 334(e) of the 1938 Act, as amended, would also place many producers who planted Durum Wheat (Class II) in excess of the 1960–61 average acreage of such wheat but who did not plant to Durum Wheat (Class II) in 1962 the full amount of the increase in an excess position with respect to the original allotment for the farm. Therefore, in order to avoid the necessity of a producer planting to Durum Wheat (Class II) the exact amount of his increased allotment, § 728.1027 provides that the final allotment will be the 1962 original allotment plus the amount by which the 1962 acreage of Durum Wheat (Class II) on the farm exceeds the 1960–1961 average acreage of such wheat on the farm, but not to exceed the conditional allotment.

As indicated above, public notice was given that the Secretary of Agriculture was preparing to make certain determinations required by section 334(e) of the Agricultural Adjustment Act of 1938, as amended, with respect to the 1962 crop of wheat. Public notice was not specifically given of the proposed issuance of amendments to the regulations for determining wheat acreage allotments for 1962 to provide for the increases in allotment necessary to increase the production of Durum Wheat (Class II) for 1962. In order that producers may proceed with plans for seeding Durum Wheat (Class II) and other classes of wheat of the 1962 crop of wheat as expeditiously as possible and particularly to enable producers to determine whether to participate in the 1962 wheat stabilization program, it is hereby found that with respect to the amendments herein of which public notice has not been given compliance with the public notice and procedure requirements of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest; and that as to all the amendments herein compliance with the 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendments herein shall become effective upon filing of this document with the Director, Office of the Federal Register.

§ 728.1011 [Amendment]

1. Section 728.1011 is amended by adding a new paragraph (k) to read as follows:

(k) "Cropland well suited to wheat" means that acreage of cropland which is determined by the county committee in accordance with generally accepted local standards to be well suited to the production of wheat, considering topography, type of soil, drainage, freedom from overflow, and freedom from serious wind erosion.

2. A new § 728.1027 is added to read as follows:

§ 728.1027 Increase in 1962 acreage allotments for production of Durum Wheat (Class II).

(a) It is estimated that the domestic utilization of the 1962 crop of durum wheat will be from 27 to 30 million bushels, exports of such crop (without benefit of subsidy by, or loss to, the Federal Government) will be from 5 to 7 million bushels, and carry-over requirements of such crop will be from 5 to 8 million bushels, making total requirements of from 37 to 45 million bushels. For the purposes hereof the demands for the 1962 crop of such wheat are determined to be 37,856,000 bushels. It is determined that the average acreage planted to durum wheat during the years 1960 and 1961 was 1,690,000 acres. It is determined that because of less than average current subsoil conditions the estimated yield for the 1962 crop of durum wheat will be 16 bushels per planted acre. A 1962 planted acreage of durum wheat of 1,690,000 acres (the 1960–1961 average acreage) at a yield of 16 bushels per planted acre would produce a 1962 crop of durum wheat of 27,040,000 bushels, which is determined to be inadequate to meet the demands determined above. The increase in acreage planted to the 1962 crop of durum wheat over the average acreage planted to such wheat during the years 1960 and 1961 (i.e., 1,690,000) which would be required, at an estimated average yield of 16 bushels per acre, to produce a 1962 crop of such wheat required to meet the demands for the 1962 crop of such wheat determined at 37,856,000 bushels, would be 40 per centum. It is therefore determined that the acreage allotments for the 1962 crop of wheat for farms eligible for increases under this section shall be increased by forty per centum of the average acreage planted to durum wheat on such farms during the years 1960 and 1961, as determined under paragraph (e) of this section.

(b) Upon written application signed by the producer prior to the closing of the spring signup period under the 1962 wheat stabilization program, which will be March 30, 1962, the conditional acreage allotment established under the provisions of this section for any farm in any of the approved Durum Wheat (Class II) counties designated in paragraph (i) of this section shall be computed by multiplying the average acreage of Durum Wheat (Class II) on the farm during the years 1960 and 1961, as determined under paragraph (e) of this section, by 40 percent and adding such product to the 1962 farm acreage allotment after reduction as required by § 728.1020a, hereinafter referred to as the "original allotment": *Provided*, That such conditional allotment shall not exceed the cropland on the farm well suited to wheat.

(c) The final allotment for the farm shall, upon proof of performance, be the 1962 original allotment increased by the amount by which the 1962 acreage of Durum Wheat (Class II) on the farm is greater than the average acreage of Durum Wheat (Class II) on the farm during the two years 1960 and 1961, as determined under paragraph (e) of this section: *Provided*, That the final allotment shall not exceed the smaller of the conditional allotment or the 1962 acreage of Durum Wheat (Class II) on the farm plus the 1962 acreage of other wheat on the farm. Notwithstanding the above, if the total of all wheat acreage for 1962 does not exceed the original allotment, or if the 1962 acreage of Durum Wheat (Class II) is not greater than the average Durum Wheat (Class II) acreage on the farm during the years 1960 and 1961, as determined in paragraph (e) of this section, the final allotment shall be the original allotment.

(d) The increase in wheat acreage allotments authorized by this section shall be in addition to the National, State, and county wheat acreage allotments, and the acreage of Durum Wheat (Class II) on such increased allotments shall not be considered in establishing future State, county, and farm acreage allotments.

(e) For the purpose of the determinations in paragraphs (b) and (c) of this section, the 1960–61 average acreage of Durum Wheat (Class II) shall be considered to be the smaller of the actual 1960–61 average acreage of Durum Wheat (Class II) or the 1962 original allotment.

(f) For purposes of the determinations in paragraphs (b) and (c) of this section, in the counties of Modoc and Siskiyou, California, the 1962 original allotment shall be considered to be the allotment established under provisions of § 728.1020a or, if applicable to the farm, the special acreage allotment determined therefor under § 728.1026.

(g) If the total 1962 acreage of all wheat on the farm exceeds the final allotment, any wheat acreage in excess of such final allotment shall be regarded as excess wheat acreage.

(h) Any farm receiving an increased allotment in accordance with paragraphs (b) and (c) of this section shall not be permitted to participate in the 1962 wheat stabilization program.

(i) Approved Durum Wheat (Class II) counties are counties which (1) are capable of producing Durum Wheat (Class II), (2) have produced such wheat for commercial food products during one or more of the five years 1957 through 1961, and (3) are located in the States of North Dakota, Minnesota, Montana, South Dakota and California. A listing of such counties will be provided by a subsequent amendment.

(Secs. 334, 375, 52 Stat. 54, as amended, 66 75 Stat. 300; 7 U.S.C. 1334, 1375)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 28, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-65; Filed, Jan. 3, 1962; 8:46 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 850.145]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Proportionate Shares for Farms—1962 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the following determination is hereby issued:

§ 850.145 Proportionate shares for farms in the domestic beet sugar area.

(a) *Definitions.* For the purpose of this section, the terms:

(1) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(2) "State Committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State Committee, under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(3) "County Committee" means the persons elected within a county as the County Committee pursuant to regulations governing the selection and function of Agricultural Stabilization and Conservation County and Community Committees, under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(4) "Planted acres" means the acreage of sugar beets which is either harvested for the extraction of sugar or liquid sugar or was determined by a member of the County Committee to have been bona fide abandoned acreage to the extent of fulfilling at least the requirements for abandonment payment set forth in subparagraphs (1) through (5) of § 842.2(a) of this chapter, as shown by the office records of the County Committee.

(5) "Operator" means the person (or persons) who controls and directs the sugar beet operations on the farm and who bears the major portion of the risk of financial loss or the opportunity for financial gain resulting from such operations.

(6) "Farm" shall have the meaning set forth in Part 822 of this chapter.

(7) "Producer" shall have the meaning set forth in section 101(k) of the act.

(b) *Proportionate shares.* The proportionate share of the 1962 crop for each farm in the Domestic Beet Sugar Area shall be the number of acres planted thereon for the production of sugar beets to be marketed (or processed by the producer) for the extraction of sugar or liquid sugar during the 1962-crop season. For the purpose of establishing farm proportionate shares for subsequent crops, the sugar beet production record for any of the crop years 1958 through 1962 of any land removed from sugar beet production either because of transfer of such land by sale, lease or donation to any Federal, State or other agency or entity having the right of eminent domain, shall, upon application to the appropriate State Committee within three years from the date of such transfer, be added to the sugar beet production record for such crop years, if any, of other land within the State owned or purchased by the owner of the land so transferred.

(c) *Eligibility for payment under the act.* For any producer of 1962-crop sugar beets on the farm to be eligible for payment under the act, the requirements of the act with respect to child labor shall have been met and the requirements of the act and of the regulations issued pursuant thereto with respect to wage rates, and, in the case of a processor-producer (a producer who is also a processor), prices paid for sugar beets shall have been met.

(d) *Filing application for payment.* Application for payments authorized under Title III of the act with respect to sugar beets planted on a farm for harvest during the 1962-crop season shall be made on Form SU–110 by the producer on the farm, or his legal representative, who must sign the form and file it in the ASCS county office for the county wherein the farm is located, or with a representative of such office, no later than December 31, 1964.

(e) *Determination of eligibility and basis for payment; and appeals for review thereof.* Compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment, and the amount thereof, shall be determined by the County Committee, such determination to be subject to review and approval or reversal and redetermination by the State Committee or by the Secretary. Determinations by the County Committee and redeterminations by the State Committee or the Secretary shall be made and decided in accordance with the applicable provisions of the act and regulations issued by the Secretary thereunder, and on the facts in the individual case. Within 15 days after the notice of a determination by the County Committee is mailed to or otherwise made available to a producer, he may request the County Committee in writing to reconsider such determination. Within 5 days after all facts in the case have been considered, the County Committee shall notify him of its decision in writing. If the producer is dissatisfied with the decision of the County Committee, he may, within 15 days after the date of mailing of the decision to him, appeal in writing to the State Committee. The State Committee shall notify him in writing of its decision within 5 days after all facts in the case have been considered. The producer or his representative shall be afforded the opportunity of appearing in person before the County Committee with respect to his request for reconsideration of a determination, and before the State Committee in regard to his appeal. If the producer is dissatisfied with the decision of the State Committee, he may, within 15 days after the notice of the decision is forwarded to or otherwise made available to him, appeal the decision of the State Committee to the Secretary. The appeal to the Secretary shall be in writing, and the decision of the Secretary to affirm or modify the decision of the State Committee shall be final. The procedures applicable to claims for unpaid wages are provided for under regulations pertaining thereto, as issued by the Secretary.

(f) *Obtaining information regarding eligibility for payment.* Where it is necessary to obtain information to assist the County Committee in determining compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment or the amount thereof, or to assist the State Committee or the Secretary in reviewing, and acting upon, any such determination by the County Committee, any such information with respect to acreage or compliance shall be obtained to the extent possible as provided in the applicable provisions of Part 718 of Chapter VII of this title (24 F.R. 4223), as amended. In the absence of a provision in such Part 718 for obtaining any such information, any employee of the County Committee or employees of the State Committees designated respectively by the County Office Manager or by the State Executive Director to be qualified to perform such a duty may obtain such information. If the operator, or his representative, of any farm with respect to which application is made for any payment authorized under Title III of the act prevents the obtaining of the information necessary to determine compliance with the conditions for any such payment, the facts constituting the basis of any such payment or the amount thereof, as provided in this paragraph, the conditions prescribed by the act and regulations for any such payment shall be deemed not to have been met until such farm operator or his representative permits such information to be obtained.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar Act requirements. As a condition for payment, section 301(b) of the act provides that there shall not have been marketed (or processed), except for livestock feed or for the production of livestock feed, an acreage of sugar beets grown on the farm and used for the production of sugar or liquid sugar in excess of the proportionate share for the farm, as determined by the Secretary pursuant to section 302 of the act.

Section 302(a) of the act provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugar beets grown on a farm and marketed (or processed by the producer) for sugar or liquid sugar not in excess of the proportionate share established for the farm.

Section 302(b) provides that in determining the proportionate share for a farm, the Secretary may take into consideration the past production on the farm of sugar beets marketed (or processed) within the proportionate share for the extraction of sugar or liquid sugar and the ability to produce such sugar beets, and that the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants, or sharecroppers, and of the producers in any local producing area whose past production has been adversely, seriously and generally affected by drought, storm, flood, freeze, disease or insects, or other similar abnormal and uncontrollable conditions.

General. Pursuant to the foregoing provisions of the act, proportionate shares for sugar beet farms are established for each crop for use in determining the amounts of sugar for payment on individual farms. Restrictive proportionate shares are required in an area for any crop when the indicated production will be greater than the quantity needed to enable the area to meet the quota (and provide a normal carryover inventory) as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. For a restricted crop, the marketing of sugar beets within the restrictive proportionate shares established constitutes one of the conditions of payment.

Acreage limitations were in effect in the Domestic Beet Sugar Producing Area for each of the crops of 1955 through 1960. During this period, the national acreage limitations ranged from 850,000 acres (for the 1955 and 1956 crops) to 1,000,000 acres (for the 1960 crop). When unfavorable weather conditions and a shortage of irrigation water resulted in a considerable underplanting of the 1960-crop acreage, provision was made for reallocating unused acreages between States to permit the covering in under proportionate shares of overplanted acreages and to permit limited additional plantings so as to more fully utilize the acreage limitation.

During recent years, the quota for the beet area has been augmented by large deficit reallocations from Hawaii and Puerto Rico. Such augmented quotas have made it difficult for processors in the area to fully supply their market during the months of high demand and have, likewise, necessitated a large degree of dependence upon new-crop sugar during the last several months of the year. In each of the last three years, the area has not fully met its quota, despite substantial constructive deliveries of beet sugar.

To permit the production of sufficient 1961-crop beet sugar to meet anticipated quota and carryover requirements, the acreage of that crop was not restricted by the Government. Based upon the most recent information available, about 1,120,000 acres were planted to the crop, an increase of about 16 percent over the 1960-crop level. Yields of sugar per acre have been disappointing and it is now expected that production will be only slightly larger than that from the 1960 crop. Recent estimates of both production and marketing indicate that the effective carryover inventory of sugar (i.e. sugar on hand at the beginning of 1962 plus sugar produced after January 1 from 1961-crop sugar beets) on January 1, 1962, will be less than on January 1 of this year by at least 100,000 tons. Information concerning the yields, of course, became available after the public hearing.

Public hearing. In accordance with established practice and as announced in a press release of August 16, 1961, an informal public hearing was held by the Department in Denver, Colorado, on August 29 for the purpose of obtaining the views and recommendations of sugar beet producers, processors and other interested persons as to whether there would be a need to invoke the provisions of the act in restricting 1962-crop sugar beet acreages. To provide a basis for full discussion at the hearing, the Department sent a letter to sugar beet grower associations and to sugar beet processors on August 18 re-stating the purpose of the hearing and containing suggestions on how a restrictive program might operate should restrictions become necessary. Views were also invited on the desirable level of the effective inventory of beet sugar at the end of 1962 and, if the Department later determined that acreage restrictions would be necessary, the desirable level of the national acreage limitation. The hearing was attended by about 170 persons, many of whom presented testimony. Numerous briefs have been filed with the Department since the hearing.

At the hearing and in subsequent briefs, representatives of grower groups in several States wherein there is a desire to expand acreage, as well as spokesmen for districts in certain States where sugar beets are not now grown, strongly urged that 1962 beet acreage be unrestricted. Many of the latter submitted testimony favoring an increase in the quota for the beet area and expressed hope that their districts would be included in any acreage expansion that might result. Some of the grower groups recommending unrestricted acreage suggested that growers and processors working together could exercise the needed control by judicious contracting of acreage. Spokesmen for the majority of the established sugar beet growers in the country went on record at the hearing or in briefs submitted subsequent thereto as favoring acreage restrictions. The problems of storing and marketing large quantities of beet sugar and the resultant effects on net returns for sugar and prices for sugar beets were important considerations in the testimony of this group. Dissenting opinions were presented with respect to both viewpoints.

Of the processors testifying at the hearing or submitting briefs, three recommended that 1962-crop acreages be restricted to avoid an oversupply of beet sugar with the resultant detrimental effects on price. Four recommended that the crop be unrestricted. The uncertainty in the world situation, the need for flexibility in contracting for acreage to meet crop rotation problems, and the probability of an increase in the quota for the area, were the main reasons expressed by this latter group. Two processors suggested, in effect, that the decision as to whether or not acreage restrictions are required be made by the Department in light of probable marketing opportunities and other pertinent factors. Two testifying suggested that any necessary controls to avoid excessive supplies be exercised by grower and processor cooperation.

The recommendations with respect to the advisable national acreage limitation, if restrictions were determined necessary by the Department, ranged from 950,000 to not less than the estimated 1961 acreage level of 1,120,000.

Determination. This determination provides that the 1962-crop proportionate share for each farm in the domestic beet sugar producing area shall be the number of acres planted thereon for the production of sugar beets to be marketed (or processed by the producers) for the extraction of sugar or liquid sugar during the 1962-crop season. This determination of proportionate shares for the 1962 crop has been made upon a finding that it is not necessary to restrict farm proportionate shares for such crop to prevent the area from accumulating a quantity of sugar in excess of that needed to enable the Domestic Beet Sugar Area to meet its qouta as estimated for the calendar year during which the larger part of such crop normally would be marketed and to provide a normal carryover inventory.

The present Sugar Act expires June 30, 1962. Hence, anticipation of the quantity of beet sugar that will be needed from the 1962 crop to meet requirements in 1963, when most of the sugar from the crop will be marketed, involves assumptions as to future legislation. For the purposes of this determination it is assumed that the act will be extended and that the marketing opportunities for the area in 1962 will not be greatly less than in 1961 and that such opportunities may be somewhat higher in 1963.

It is recognized that the absence of legislation increasing the quota for the beet area in 1962 could, in conjunction with favorable weather conditions, result in a moderate increase in the effective inventory of sugar. However, except in a few areas, such as those wherein the lack of irrigation water and lack of farmer interest in acreage resulted in plantings below factory capacity, sugar beet production from the unrestricted 1961 crop represented nearly the maximum tonnages that existing processing facilities can handle. The processing of these beets has required considerable extension of the slicing period and unfavorable weather conditions could result in some losses of sugar beets in certain localities. If any processor did contract for more 1961-crop sugar beets than reasonable processing seasons dictate, it is presumed that appropriate adjustments will be made for the 1962 crop. Hence, it is not believed that unrestricted acreage in 1962 will result in any appreciable overall increase in sugar beet acreage from the 1961 level.

The absence of a Government acreage control program for the 1961 crop made possible (1) the general upward adjustment of the acreages of many producers whose operations had been too small to be economically feasible on a continuing basis, (2) the movement of acreages from areas wherein disease has made production uneconomical to areas better-suited to production, and (3) some desirable upward adjustments of sugar beet acreages for factories previously operating at levels far below capacity and in some instances below levels which would sustain future operation of the factories. In addition, many farmers who were able to obtain new-producer shares under unrestrictive programs received processor contracts in 1961. Many of these favorable changes would have been difficult under any type of Government restrictive program. No cases have been brought to the attention of the Department which would indicate that, in the absence of restrictions, processors have made downward adjustments in the contracted acreages of growers unless such adjustments were justified by desirable agronomic reasons or sound economics.

The possibilities of increased marketing opportunities for beet sugar, necessitating larger inventories, appear to outweigh the possibility of an excessive build up of inventories.

Accordingly, I hereby find and conclude that the aforestated determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 301, 302, 61 Stat 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on December 28, 1961.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 62-64; Filed, Jan. 3, 1962; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 15,342]

PART 545—OPERATIONS

Distribution of Earnings

DECEMBER 29, 1961.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of § 545.1–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.1–1) as hereinafter set forth, and for the purpose of effecting said amendment, hereby amends said § 545.1–1 as follows, effective immediately:

1. Paragraph (b) of said section is hereby amended to read as follows:

(b) *Quarterly.* A Federal association which has a charter in the form of Charter N or Charter K (rev.) may, after adoption by its board of directors of a resolution so providing and while such resolution remains in effect, distribute earnings on savings accounts as of March 31, June 30, September 30, and December 31 of each year, or as of the last business day of each March, June, September, and December, after providing as of March 31 and September 30 for the payment of expenses, and for the pro rata portion of credits to reserves required by section 10 of Charter N and Charter K (rev.) for the six-month period ending on June 30 and December 31, respectively, next succeeding: *Provided,* That no such Federal association may so distribute earnings prior to June 30, 1963, if the home office of such Federal association is in a State, district, or territory (including Puerto Rico, Guam, and the Virgin Islands) where building and loan or savings and loan associations, homestead associations, cooperative banks, and mutual savings banks are prohibited by the laws of such State, district, or territory from distributing earnings quarterly.

2. The last proviso of paragraph (c) of said section is hereby amended to read as follows: "*Provided further,* That, prior to June 30, 1963, no such Federal association may so distribute earnings on amounts so withdrawn if the home office of such Federal association is in a State, district, or territory (including Puerto Rico, Guam, and the Virgin Islands) where building and loan or savings and loan associations, homestead associations, cooperative banks, and mutual savings banks are prohibited by the laws of such State, district, or territory from distributing earnings on amounts withdrawn between the dates as of which earnings are regularly distributed."

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, as said amendments only relieve restrictions, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of § 508.12 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act and, as said amendments relieve restrictions, deferment of the effective date thereof is not required under section 4(c) of said Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 62-78; Filed, Jan. 3, 1962; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed and Animal-Feed Supplements

HYGROMYCIN B

The Commissioner of Foods and Drugs, having evaluated the data submitted in petitions filed by Elanco Products Company, Division of Eli Lilly and Company, Indianapolis 6, Indiana, and other relevant material, has concluded that the following regulation should issue with respect to permitting the addition of tylosin phosphate as a growth promotant to the food additive hygromycin B in swine feed, and deleting the statement that hygromycin B may not be fed continuously for more than 8 weeks. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.213 of the food additive regulations (21 CFR 121.213; 26 F.R. 1213) is amended and changed to read as follows:

§ 121.213 Hygromycin B.

Hygromycin B may be safely used in medicated feed when incorporated therein in accordance with the following prescribed conditions:

(a) It is used or intended for use, as follows:

(1) In chicken feed as an aid in the control of infestation of large roundworms (Ascaris galli), cecal worms (Heterakis gallinae), and capillary worms (Capillaria columbae) whereby the finished medicated feed contains 8 grams (8,000,000 units) of hygromycin B activity per ton of feed.

(2) In swine feed as an aid in the control of infestation of large roundworms (Ascaris suis), nodular worm (Oesophagostemum dentatum), and whipworm (Trichuris suis) whereby the finished medicated feed contains 12 grams (12,-

000,000 units) of hygromycin B activity per ton of feed when used alone or in combination with one of the following:

(i) Chlortetracycline in accordance with the conditions prescribed in § 121.208.

(ii) Tylosin in accordance with the conditions prescribed in § 121.217(a)(1).

(b) To assure safe use of the additive, the label and labeling of the additive and that of any intermediate premix prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) A statement of the concentration or strength of the additive contained therein.

(3) The word "medicated" prominently and conspicuously, wherever the term "feed" or "premix" is used, and in juxtaposition therewith.

(4) Adequate mixing directions to provide for a finished feed with the proper concentration of the additive, whether or not intermediate premixes are to be used.

(5) Adequate use directions to provide a finished feed labeled as provided in paragraph (c) of this section.

(c) To assure safe use of the additive, the label and labeling of the finished medicated feed shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) A statement of the concentration or strength of the additive contained therein.

(3) The word "medicated" prominently and conspicuously, wherever the term "feed" appears on the label.

(4) An appropriate statement of the conditions for which the feed is to be used.

(5) If the additive is to be used as prescribed in paragraph (a)(2) of this section, the label and labeling shall also include:

(i) A statement that the medicated feed is for swine only.

(ii) A statement that the medicated feed must be withdrawn 48 hours prior to slaughtering for food.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 27, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-54; Filed, Jan. 3, 1962; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SLIMICIDES

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Shell Chemical Company, 110 West Fifty-first Street, New York 20, New York, and other relevant material, has concluded that the following amendment should be made with respect to the regulation concerning food additives resulting from the use of slimicides in the manufacture of paper and paperboard for use in food packaging. Under the prescribed conditions of safe usage, substances approved for use in slimicides are not expected to become components of food in any significant amount. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR 121.2505 (26 F.R. 352, 4740, 8974)), are amended as follows:

Paragraphs (c) and (d) of § 121.2505 are changed to read:

§ 121.2505 Slimicides.

* * * * *

(c) Slime-control substances permitted for use in the preparation of slimicides include substances subject to prior sanction or approval for such use and the following:

List of substances	Limitations
Acrolein	
N-Alkyl (C_{12}-C_{16}) dimethylbenzyl ammonium chloride.	
bis(1,4-Bromoacetoxy)-2-butene	
Cupric nitrate	
3,5-Dimethyl-1,3,5,2*H*-tetrahydrothiadiazine-2-thione.	
Disodium cyanodithioimidocarbonate.	
2-Mercaptobenzothiazole	
Potassium *N*-methyldithiocarbamate.	
Potassium pentachlorophenate	
Potassium trichlorophenate	
Silver fluoride	Limit of addition to process water not to exceed 0.624 pound, calculated as silver fluoride, per ton of paper produced.
Silver nitrate	
Sodium dimethyldithiocarbamate	
Sodium 2-mercaptobenzothiazole	
Sodium pentachlorophenate	
Sodium trichlorophenate	

(d) Adjuvant substances permitted to be used in the preparation of slimicides include substances generally recognized as safe for use in food, substances generally recognized as safe for use in paper and paperboard, substances permitted to be used in paper and paperboard by other regulations in this chapter, and the following:

Acetone.
Ethanolamine.
Ethylenediamine.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 27, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-56; Filed, Jan. 3, 1962; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANIMAL GLUE

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by National Association of Glue Manufacturers, 55 West 42d Street, New York 36, New York, and Polyvinyl Acetate Emulsion Industry Technical Committee, c/o Colton Chemical Company, Division of Air Reduction Company, Inc., 6620 Union Avenue, Cleveland 5, Ohio, and other relevant material, has concluded that the following regulation should issue with respect to food additives resulting from the use of animal glue as a component of articles that contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2534 Animal glue.

Animal glue may be safely used as a component of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) Animal glue consists of the proteinaceous extractives obtained from hides, bones, and other collagen-rich substances of animal origin (excluding diseased or rotted animals), to which may be added other optional adjuvant substances required in its production or added to impart desired properties.

(b) The quantity of any substance employed in the production of animal glue does not exceed the amount reasonably required to accomplish the intended physical or technical effect nor any limitation further provided.

(c) Any substance employed in the production of animal glue and which is the subject of a regulation in this subpart conforms with any specifications in such regulation; and any substance that is not the subject of a regulation in this subpart conforms with the specifications, if any, prescribed by an order extending the effective date of the statute for such substance as an indirect additive to food.

(d) Optional adjuvant substances employed in the production of animal glue include:

(1) Substances generally recognized as safe in food.

(2) Substances subject to prior sanction or approval for use in animal glue and used in accordance with such sanction or approval.

(3) Substances identified in this subparagraph and subject to such limitations as are provided:

List of substances	Limitations
Alum (double sulfate of aluminum and ammonium, potassium, or sodium).	
4-Chloro-3-methylphenol (*p*-chloro-metacresol).	For use as preservative only.
3,5-Dimethyl-1,3,5,2*H*-tetrahydrothiadiazine-2-thione.	Do.
Disodium cyanodithioimidocarbonate.	Do.
Defoaming agents	As provided in § 121.2519.
Ethanolamine	
Ethylenediamine	
Formaldehyde	For use as a preservative only.
Potassium *N*-methyldithiocarbamate.	Do.
Potassium pentachlorophenate	Do.
Rosin and rosin derivatives	As provided in § 121.2514(b)(3)(v)
Sodium chlorate	
Sodium dodecylbenzenesulfonate	
Sodium 2-mercaptobenzothiazole	For use as preservative only.
Sodium pentachlorophenate	Do.
Sodium *o*-phenylphenate	Do.
Zinc dimethyldithiocarbamate	Do.
Zinc 2-mercaptobenzothiazole	Do.

(e) The conditions of use are as follows:

(1) The use of animal glue in any substance or article that is the subject of a regulation in this subpart conforms with any specifications or limitations prescribed by such regulation for the finished form of the substance or article.

(2) It is used as an adhesive or component of an adhesive in accordance with the provisions of § 121.2520 of this subpart.

(3) It is used as a colloidal flocculant added to the pulp suspension prior to the sheet-forming operation in the manufacture of paper and paperboard.

(4) It is used as a protective colloid in resinous and polymeric emulsion coatings.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 27, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-55; Filed, Jan. 3, 1962; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 145—NATIONAL DEFENSE GRADUATE FELLOWSHIP PROGRAM

Programs Approved and Fellowships Awarded After September 22, 1961

In view of the emphasis on most urgent needs reflected in the provision of the Department of Health, Education, and Welfare Appropriation Act, 1962 (Public Law 87-290; 75 Stat. 589, 596), relating to the appropriation for "Defense Educational Activities", Part 145 of Title 45 of the Code of Federal Regulations (25 F.R. 9289, Sept. 29, 1960) issued pursuant to title IV of the National Defense Education Act of 1958, as amended (72 Stat. 1590-1591, 20 U.S.C. 461-465), is hereby amended by adding a new section, § 145.9.

The new § 145.9 reads as follows:

§ 145.9 Fellowships awarded after September 22, 1961.

After September 22, 1961, no graduate programs shall be approved under § 145.3 and no fellowships shall be awarded initially under § 145.6 unless there has been a finding by the Commissioner that the fields of graduate study which would be supported by such approvals or awards are those where there is the most urgent need to train college-level teachers in order to insure trained manpower of sufficient quality and quantity to meet the national defense needs of the United States.

(Sec. 1001, 72 Stat. 1602; 20 U.S.C. 581)

[SEAL] STERLING M. MCMURRIN,
U.S. Commissioner of Education.

Approved: December 28, 1961.

ABRAHAM RIBICOFF,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 62-69; Filed, Jan. 3, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Corporations Improperly Accumulating Surplus, Personal Holding Companies, and Foreign Personal Holding Companies; Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the appendix below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner.

The Income Tax Regulations (26 CFR Part 1) are hereby amended to reflect the changes made in section 304 of the Small Business Investment Act of 1958 (15 U.S.C. 684) by section 6 of the Small Business Investment Act Amendments of 1960 (74 Stat. 196), and the changes made to the Internal Revenue Code of 1954 by the Act of April 22, 1960 (Public Law 86-435, 74 Stat. 77).

PARAGRAPH 1. Paragraph (d) of § 1.533-1 is amended to read as follows:

§ 1.533-1 Evidence of purpose to avoid income tax.

* * * * *

(d) *Small business investment companies.* A corporation which is licensed to operate as a small business investment company under the Small Business Investment Act of 1958 (15 U.S.C. ch. 14B) and the regulations thereunder (13 CFR Part 107) will generally be considered to be a "mere holding or investment company" within the meaning of section 533(b). However, the presumption of the existence of the purpose to avoid income tax with respect to shareholders which results from the fact that such a company is a "mere holding or investment company" will be considered overcome so long as such company—

(1) Complies with all the provisions of the Small Business Investment Act of 1958 and the regulations thereunder; and

(2) Actively engages in the business of providing a source of equity capital for incorporated small business concerns, in such manner and under such terms as the company may fix in accordance with regulations promulgated by the Small Business Administration.

On the other hand, if such a company violates or fails to comply with any of the provisions of the Small Business Investment Act of 1958 or the regulations thereunder, or ceases to be actively engaged in the business of providing a source of equity capital for incorporated small business concerns in the manner provided in subparagraph (2) of this paragraph, it will not be considered to have overcome the presumption by reason of any rules provided in this paragraph.

§ 1.542-3 [Amendment]

PAR. 2. Section 1.542-3 is amended by deleting paragraph (d).

PAR. 3. Section 1.543 is amended by revising paragraph (1) of section 543(a), by adding a new sentence at the end of paragraph (6) of section 543(a), by adding a new paragraph (9) to section 543 (a), and by adding a historical note at the end of the section. These amended provisions and historical note read as follows:

§ 1.543 Statutory provisions; definition of personal holding company income.

SEC. 543. *Personal holding company income*—(a) *General rule.* For purposes of this subtitle, the term "personal holding company income" means the portion of the gross income which consists of:

(1) *Dividends, etc.* Dividends, interest, royalties (other than mineral, oil, or gas royalties or copyright royalties), and annuities. This paragraph shall not apply to interest constituting rent as defined in paragraph (7) or to interest on amounts set aside in a reserve fund under section 511 or 607 of the Merchant Marine Act, 1936.

* * * * *

(6) *Use of corporation property by shareholder.* Amounts received as compensation (however designated and from whomsoever received) for the use of, or right to use, property of the corporation in any case where, at any time during the taxable year, 25 percent or more in value of the outstanding stock of the corporation is owned, directly or indirectly, by or for an individual entitled to the use of the property; whether such right is obtained directly from the corporation or by means of a sublease or other arrangement. This paragraph shall apply only to a corporation which has personal holding company income for the taxable year, computed without regard to this paragraph and paragraph (7), in excess of 10 percent of its gross income. For purposes of the preceding sentence, copyright royalties constitute personal holding company income.

* * * * *

(9) *Copyright royalties.* Copyright royalties, unless—

(A) Such royalties (exclusive of royalties received for the use of, or right to use, copyrights or interests in copyrights on works created in whole, or in part, by any shareholder) constitute 50 percent or more of the gross income,

(B) The personal holding company income for the taxable year not taking into account—

(i) Copyright royalties, other than royalties received for the use of, or right to use, copyrights or interests in copyrights in works created in whole, or in part, by any shareholder owning more than 10 percent of the total outstanding capital stock of the corporation, and

(ii) Dividends from any corporation in which the taxpayer owns at least 50 percent of all classes of stock entitled to vote and at least 50 percent of the total value of all classes of stock and which corporation meets the requirements of this subparagraph and subparagraphs (A) and (C)

is 10 percent or less of the gross income, and

(C) The deductions allowable under section 162 (other than deductions for compensation for personal services rendered by the shareholders and other than deductions for royalties to shareholders) constitute 50 percent or more of the gross income.

For purposes of this subsection, the term "copyright royalties" means compensation, however designated, for the use of, or the right to use, copyrights in works protected by copyright issued under title 17 of the United States Code (other than by reason of section 2 or 6 thereof), and to which copyright protection is also extended by the laws of any country other than the United States of America by virtue of any international treaty, convention or agreement, or interests in any such copyrighted works, and includes payments from any person for performing rights in any such copyrighted work. For purposes of this paragraph the term "shareholder" shall include any person who owns stock within the meaning of section 544. This paragraph shall not apply to compensation which is rent within the meaning of paragraph (7), determined without regard to the requirement that rents constitute 50 percent or more of the gross income.

* * * * *

[Sec. 543 as amended by the Act of Apr. 22, 1960 (Public Law 86-435, 74 Stat. 77)]

PAR. 4. Paragraph (b) of § 1.543-1 is amended by revising subparagraph (3), by revising subdivision (i) (b) of subparagraph (8), by revising subparagraph (9), and by adding a new subparagraph (12). These amended provisions read as follows:

§ 1.543-1 Personal holding company income.

* * * * *

(b) *Definitions.* * * *

(3) *Royalties (other than mineral, oil, or gas royalties or certain copyright royalties).* The term "royalties" (other than mineral, oil, or gas royalties or certain copyright royalties) includes amounts received for the privilege of using patents, copyrights, secret processes and formulas, good will, trade marks, trade brands, franchises, and other like property. It does not, however, include rents. For rules relating to rents see section 543(a)(7) and subparagraph (10) of this paragraph. For rules relating to mineral, oil, or gas royalties, see section 543(a)(8) and subparagraph (11) of this paragraph. For rules relating to certain copyright royalties for taxable years beginning after December 31, 1959, see section 543(a)(9) and subparagraph (12) of this paragraph.

* * * * *

(8) *Personal service contracts.* (i) * * *

(*b*) At any time during the taxable year 25 percent or more in value of the outstanding stock of the corporation is owned, directly or indirectly, by or for the individual who has performed, is to perform, or may be designated (by name or by description) as the one to perform, such services. For this purpose, the amount of stock outstanding and its value shall be determined in accordance with the rules set forth in the last two sentences of paragraph (b) and in paragraph (c) of § 1.542-3. It should be noted that the stock ownership requirement of section 543(a)(5) and this subparagraph relates to the stock ownership at any time during the taxable year. For rules relating to the determination of stock ownership, see section 544 and §§ 1.544-1 through 1.544-7.

* * * * *

(9) *Compensation for use of property.* Under section 543(a)(6) amounts received as compensation for the use of, or right to use, property of the corporation shall be included as personal holding company income if, at any time during the taxable year, 25 percent or more in value of the outstanding stock of the corporation is owned, directly or indirectly, by or for an individual entitled to the use of the property. Thus, if a shareholder who meets the stock ownership requirement of section 543(a)(6) and this subparagraph uses, or has the right to use, a yacht, residence, or other property owned by the corporation, the compensation to the corporation for such use, or right to use, the property constitutes personal holding company income. This is true even though the shareholder may acquire the use of, or the right to use, the property by means of a sublease or under any other arrangement involving parties other than the corporation and the shareholder. However, if the personal holding company income of the corporation (after excluding any such income described in section 543(a)(6) and this subparagraph, relating to compensation for use of property, and after excluding any such income described in section 543(a)(7) and subparagraph (10) of this paragraph, relating to rents) is not more than 10 percent of its gross income, compensation for the use of property shall not constitute personal holding company income. For purposes of the preceding sentence, in determining whether personal holding company income is more than 10 percent of gross income, copyright royalties constitute personal holding company income, regardless of whether such copyright royalties are excluded from personal holding company income under section 543(a)(9) and subparagraph (12)(ii) of this paragraph. For purposes of applying section 543(a)(6) and this subparagraph, the amount of stock outstanding and its value shall be determined in accordance with the rules set forth in the last two sentences of paragraph (b) and in paragraph (c) of § 1.542-3. It should be noted that the stock ownership requirement of section 543(a)(6) and this subparagraph relates to the stock outstanding at any time during the entire taxable year. For rules relating to the determination of stock ownership, see section 544 and §§ 1.544-1 through 1.544-7.

* * * * *

(12) *Copyright royalties*—(i) *In general.* The income from copyright royalties constitutes, generally, personal holding company income. However, for taxable years beginning after December 31, 1959, those copyright royalties which come within the definition of "copyright royalties" in section 543(a)(9) and subdivision (iv) of this subparagraph shall be excluded from personal holding company income only if the conditions set forth in subdivision (ii) of this subparagraph are satisfied.

(ii) *Exclusion from personal holding company income.* For taxable years beginning after December 31, 1959, copyright royalties (as defined in section 543 (a)(9) and subdivision (iv) of this subparagraph) shall be excluded from personal holding company income only if the conditions set forth in (*a*), (*b*), and (*c*) of this subdivision are met.

(*a*) Such copyright royalties for the taxable year must constitute 50 percent or more of the corporation's gross income. For this purpose, copyright royalties shall be computed by excluding royalties received for the use of, or the right to use, copyrights or interests in copyrights in works created, in whole or in part, by any person who, at any time during the corporation's taxable year, is a shareholder.

(*b*) Personal holding company income for the taxable year must be 10 percent or less of the corporation's gross income. For this purpose, personal holding company income shall be computed by excluding (*1*) copyright royalties (except that there shall be included royalties received for the use of, or the right to use, copyrights or interests in copyrights in works created, in whole or in part, by any shareholder owning, at any time during the corporation's taxable year, more than 10 percent in value of the outstanding stock of the corporation), and (*2*) dividends from any corporation in which the taxpayer owns, on the date the taxpayer becomes entitled to the dividends, at least 50 percent of all classes of stock entitled to vote and at least 50 percent of the total value of all classes of stock, provided the corporation which pays the dividends meets the requirements of subparagraphs (A), (B), and (C) of section 543(a)(9).

(c) The aggregate amount of the deductions allowable under section 162 must constitute 50 percent or more of the corporation's gross income for the taxable year. For this purpose, the deductions allowable under section 162 shall be computed by excluding deductions for compensation for personal services rendered by, and deductions for copyright and other royalties to, shareholders of the corporation.

(iii) *Determination of stock value and stock ownership.* For purposes of section 543(a)(9) and this subparagraph, the following rules shall apply:

(*a*) The amount and value of the outstanding stock of a corporation shall be determined in accordance with the rules set forth in the last two sentences of paragraph (b) and in paragraph (c) of § 1.542-3.

(*b*) The ownership of stock shall be determined in accordance with the rules set forth in section 544 and §§ 1.544-1 through 1.544-7.

(*c*) Any person who is considered to own stock within the meaning of section 544 and §§ 1.544-1 through 1.544-7 shall be a shareholder.

(iv) *Copyright royalties defined.* For purposes of section 543(a)(9) and this subparagraph, the term "copyright royalties" means compensation, however designated, for the use of, or the right to use, copyrights in works protected by copyright issued under Title 17 of the United States Code (other than by reason of section 2 or 6 thereof), and to which copyright protection is also extended by the laws of any foreign country as a result of any international treaty, convention, or agreement to which the United States is a signatory. Thus, "copyright royalties" includes not only royalties from sources within the United States under protection of United States laws relating to statutory copyrights but also royalties from sources within a foreign country with respect to United States statutory copyrights protected in such foreign country by any international treaty, convention, or agreement to which the United States is a signatory. The term "copyright royalties" includes compensation for the use of, or right to use, an interest in any such copyrighted works as well as payments from any person for performing rights in any such copyrighted works.

(v) *Compensation which is rent.* Section 543(a)(9) and subdivisions (i) through (iv) of this subparagraph shall not apply to compensation which is "rent" within the meaning of the second sentence of section 543(a)(7).

PAR. 5. Section 1.544 is amended by revising so much of section 544(a) as precedes paragraph (1), by revising paragraph (4)(B) of section 544(a), by revising section 544(b), and by adding a historical note at the end of the section. These amended provisions and historical note read as follows:

§ 1.544 Statutory provisions; rules for determining stock ownership.

SEC. 544. *Rules for determining stock ownership*—(a) *Constructive ownership.* For purposes of determining whether a corporation is a personal holding company, insofar as such determination is based on stock ownership under section 542(a)(2), section

543(a)(5), section 548(a)(6), or section 543(a)(9)—

• • • • •

(4) *Application of family-partnership and option rules.* Paragraphs (2) and (3) shall be applied—

(A) For purposes of the stock ownership requirement provided in section 542(a)(2), if, but only if, the effect is to make the corporation a personal holding company;

(B) For purposes of section 543(a)(5) (relating to personal service contracts), of section 543(a)(6) (relating to use of property by shareholders), or of section 543(a)(9) (relating to copyright royalties), if, but only if, the effect is to make the amounts therein referred to includible under such paragraph as personal holding company income.

• • • • •

(b) *Convertible securities.* Outstanding securities convertible into stock (whether or not convertible during the taxable year) shall be considered as outstanding stock—

(1) For purposes of the stock ownership requirement provided in section 542(a)(2), but only if the effect of the inclusion of all such securities is to make the corporation a personal holding company;

(2) For purposes of section 543(a)(5) (relating to personal service contracts), but only if the effect of the inclusion of all such securities is to make the amounts therein refered to includible under such paragraph as personal holding company income;

(3) For purposes of section 543(a)(6) (relating to the use of property by shareholders), but only if the effect of the inclusion of all such securities is to make the amounts therein referred to includible under such paragraph as personal holding company income; and

(4) For purposes of section 543(a)(9) (relating to copyright royalties), but only if the effect of the inclusion of all such securities is to make the amounts therein referred to includible under such paragraph as personal holding company income.

The requirement in paragraphs (1), (2), (3), and (4) that all convertible securities must be included if any are to be included shall be subject to the exception that, where some of the outstanding securities are convertible only after a later date than in the case of others, the class having the earlier conversion date may be included although the others are not included, but no convertible securities shall be included unless all outstanding securities having a prior conversion date are also included.

[Sec. 544 as amended by the Act of Apr. 22, 1960 (Public Law 86-435, 74 Stat. 77).]

PAR. 6. Section 1.544-1 is amended by making clerical revisions to subparagraphs (1) and (2) of paragraph (a), by adding a new subparagraph (4) to paragraph (a), and by revising the last sentence of paragraph (b). As so amended, paragraphs (a) and (b) of § 1.544-1 read as follows:

§ 1.544-1 Constructive ownership.

(a) Rules relating to the constructive ownership of stock are provided by section 544 for the purpose of determining whether the stock ownership requirements of the following sections are satisfied:

(1) Section 542(a)(2), relating to ownership of stock by five or fewer individuals.

(2) Section 543(a)(5), relating to personal holding company income derived from personal service contracts.

(3) Section 543(a)(6), relating to personal holding company income derived from property used by shareholders.

(4) Section 543(a)(9), relating to personal holding company income derived from copyright royalties.

(b) Section 544 provides four general rules with respect to constructive ownership. These rules are:

(1) Constructive ownership by reason of indirect ownership. See section 544(a)(1) and § 1.544-2.

(2) Constructive ownership by reason of family and partnership ownership. See section 544(a)(2), (4), (5), and (6), and §§ 1.544-3, 1.544-6, and 1.544-7.

(3) Constructive ownership by reason of ownership of options. See section 544(a)(3), (4), (5), and (6), and §§ 1.544-4, 1.544-6, and 1.544-7.

(4) Constructive ownership by reason of ownership of convertible securities. See section 544(b) and § 1.544-5.

Each of the rules referred to in subparagraphs (2), (3), and (4) of this paragraph is applicable only if it has the effect of satisfying the stock ownership requirement of the section to which applicable; that is, when applied to section 542(a)(2), its effect is to make the corporation a personal holding company, or when applied to section 543(a)(5), section 543(a)(6), or section 543(a)(9), its effect is to make the amounts described in such provisions includible as personal holding company income.

PAR. 7. Section 1.553 is amended by striking out "all royalties, whether or not mineral, oil, or gas royalties" in section 553 and inserting in lieu thereof "all royalties, whether or not mineral, oil, or gas royalties or copyright royalties", and by adding a historical note at the end of the section. As so amended, § 1.553 and the historical note read as follows:

§ 1.553 Statutory provisions; foreign personal holding company income.

SEC. 553. *Foreign personal holding company income.* For purposes of this subtitle, the term "foreign personal holding company income" means the portion of the gross income, determined for purposes of section 552, which consists of personal holding company income, as defined in section 543, except that all interests, whether or not treated as rent, and all royalties, whether or not mineral, oil, or gas royalties or copyright royalties, shall constitute "foreign personal holding company income".

[Sec. 553 as amended by the Act of Apr. 22, 1960 (Public Law 86-435, 74 Stat. 77).]

PAR. 8. Paragraph (b)(1) of § 1.553-1 is amended to read as follows:

§ 1.553-1 Foreign personal holding company income.

Foreign personal holding company income shall consist of the items defined under section 543 and §§ 1.543-1 and 1.543-2, relating to personal holding company income, with the following exceptions:

• • • • •

(b)(1) The entire amount received as "royalties", whether or not mineral, oil, or gas royalties, or copyright royalties, shall be considered to be foreign personal holding company income. Thus, subparagraphs (A) and (B) of section 543(a)(8) and paragraph (b)(11)(i) (*a*) and (*b*) of § 1.543-1 (relating to mineral, oil, or gas royalties), and subparagraphs (A), (B), and (C) of section 543(a)(9) and paragraph (b)(12)(ii) of § 1.543-1 (relating to copyright royalties), are inapplicable for the purpose of determining foreign personal holding company income.

[F.R. Doc. 62-70; Filed, Jan. 3, 1962; 8:47 a.m.]

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Income Attributable to Several Taxable Years; Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the appendix below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

The Income Tax Regulations (26 CFR Part 1) are hereby amended to reflect the changes in law made by sections 1, 2, and 3 of the Act of August 26, 1957 (Public Law 85-165, 71 Stat. 413, 414), relating to breach of contract damages, and by section 58 of the Technical Amendments Act of 1958 (72 Stat. 1646), relating to damages for injuries under the antitrust laws. Except as otherwise provided, the regulations, as so amended, are applicable to taxable years beginning after December 31, 1953, and ending after August 16, 1954.

PARAGRAPH 1. Section 1.1306 is renumbered to be § 1.1307 and as so renumbered is amended to read as follows:

§ 1.1307 Statutory provisions; rules applicable to part I (section 1301 and following), subchapter Q, chapter 1 of the Code.

SEC. 1307. *Rules applicable to this part—*
(a) *Fractional parts of a month.* For purposes of this part, a fractional part of a month shall be disregarded unless it amounts to more than half a month, in which case it should be considered as a month.

(b) *Tax on self-employment income.* This part shall be applied without regard to, and shall not affect, the tax imposed by chapter 2 relating to self-employment income.

(c) *Computation of tax attributable to income allocated to prior period.* For the purpose of computing the tax attributable to the amount of an item of gross income allocable under this part to a particular taxable year, such amount shall be considered income only of the person who would be required to include the item of gross income in a separate return filed for the taxable year in which such item was received or accrued.

(d) *Effective date of certain subsections.* Subsection (c) of section 1301 and subsection (c) of this section shall apply only to amounts received or accrued after March 1, 1954. Notwithstanding any other provision of this title, section 107 of the Internal Revenue Code of 1939 shall apply to amounts received or accrued as a partner on or before March 1, 1954, under this section and to the computation of tax on amounts received or accrued on or before March 1, 1954.

[Section 1307 as renumbered by sec. 1, Act of Aug. 11, 1955 (Public Law 366, 84th Cong., 69 Stat 688); sec. 1, Act of Aug. 26, 1957 (Public Law 85-165, 71 Stat. 413); sec. 58, Technical Amendments Act 1958 (72 Stat. 1646).]

PAR. 2. Section 1.1306-1 is renumbered to be § 1.1307-1 and as so renumbered is amended to read as follows:

§ 1.1307-1 Rules applicable to part I (section 1301 and following), subchapter Q, chapter 1 of the Code.

(a) *Fractional parts of a month.* For purposes of sections 1301, 1302, 1303, 1304, 1305, and 1306, and the regulations thereunder, a fractional part of a month shall be disregarded unless it amounts to more than one half of a month, in which case it shall be considered as a month.

(b) *Tax on self-employment income.* The provisions of sections 1301, 1302, 1303, 1304, 1305, and 1306, and the regulations thereunder, shall be applied without regard to, and shall not affect, the tax imposed by chapter 2 of the Internal Revenue Code of 1954 and section 480 of the Internal Revenue Code of 1939, relating to the tax on self-employment income.

(c) *Computation of tax attributable to income allocated to prior period.* In the case of either a husband or wife receiving income to which the provisions of section 1301, 1302, 1303, 1304, 1305, or 1306 apply, the tax attributable to the portion of the income allocated to a prior period shall be computed by considering such income as includible by the spouse who would have been required to include it in a separate return for the taxable year in which such income was received or accrued, assuming a separate return had been filed for such year. For example, A, an attorney on a calendar year basis, resides in a State in which the common law with respect to the ownership of property is applicable. In 1955, A receives compensation upon the completion of an employment which began in 1945. All the requirements for the application of section 1301(a) are satisfied. A and his wife file a joint income tax return for the taxable year 1955. They filed separate returns for the years 1945, 1946, and 1947 and joint returns in 1948 and subsequent years. The entire portion of such compensation allocable to the years for which separate returns were were filed shall be includible in A's return and no part thereof shall be includible in the separate return filed by A's wife for such years.

(d) *Effective date.* Section 1307(c) and paragraph (c) of this section shall apply only to amounts received or accrued after March 1, 1954. Pursuant to section 7851(a)(1)(C), the regulations prescribed in paragraph (c) of this section shall also apply to taxable years beginning before January 1, 1954, and ending after December 31, 1953, and to taxable years beginning after December 31, 1953, and ending before August 17, 1954, although such years are generally subject to the Internal Revenue Code of 1939. Notwithstanding any other provision of the Internal Revenue Code of 1954, section 107 of the Internal Revenue Code of 1939 shall apply to amounts received or accrued on or before March 1, 1954, and to the computation of tax on amounts received or accrued on or before March 1, 1954.

PAR. 3. Sections 1.1305-1, 1.1305-2, 1.1306, and 1.1306-1, as set forth below, are inserted immediately after § 1.1305.

§ 1.1305-1 Breach of contract damages.

(a) *Qualifications for limitation on tax.* If an amount of $3,000 or more representing damages is received or accrued by a taxpayer during a taxable year as a result of a single award in a civil action for breach of contract, or breach of a fiduciary duty or relationship, then the tax attributable to the inclusion in gross income for the taxable year of that part of such amount which would have been received or accrued by the taxpayer in a prior taxable year or years but for the breach of contract, or breach of a fiduciary duty or relationship, shall not be greater than the aggregate of the increases in taxes which would have resulted had such part been included in gross income for such prior taxable year or years.

(b) *Definition of damages for breach of contract or for breach of a fiduciary duty or relationship.* (1) For purposes of section 1305 and this section, the term "damages" used with respect to an award in a civil action for breach of contract, or breach of a fiduciary duty or relationship, means an amount awarded pursuant to a judgment or decree by a court as a result of such civil action. The term "damages" is limited to that portion of the award which represents damages to compensate the taxpayer for loss of income which he would have received or accrued but for the breach of contract, or breach of a fiduciary duty or relationship. The term does not include that portion of the award which represents damages awarded by the court over and above the amount found adequate to compensate for the breach, nor does it include attorney's fees, interest, or costs.

(2) An amount awarded pursuant to a consent decree or judgment may be considered damages for breach of contract, or breach of a fiduciary duty or relationship, for the purposes of section 1305 and this section.

(3) An amount received or accrued pursuant to a settlement of the action, after a decree or judgment awarding damages to the taxpayer has been entered, may be considered as damages for breach of contract, or breach of a fiduciary duty or relationship, even though such amount is not made a part of a consent decree. In such a case the taxpayer must show which portion of the amount received or accrued represents damages.

(4) An amount received or accrued pursuant to a settlement of the action where no judgment or decree, or consent judgment or decree, is entered will not constitute damages for breach of contract, or breach of a fiduciary duty or relationship.

(c) *Allocation of damages.* (1) If possible a portion or all of the damages shall be allocated to a prior taxable year or years during which the taxpayer would have received or accrued such income but for the breach of contract, or breach of a fiduciary duty or relationship. Such allocation is to be determined upon the facts of each case, for example, by reference to the decree or judgment awarding damages, information contained in court records, pleadings, or other pertinent matter.

(2) If any portion of the damages is not allocable to a particular taxable year or years, or to periods within any taxable year or years, in accordance with the rule prescribed in subparagraph (1) of this paragraph, then such portion shall be allocated equally to each of the calendar months (including those of the current taxable year and subsequent taxable years) which fall within the period during which the taxpayer would have received or accrued such income but for the breach and to which no portions previously have been allocated.

(3) The amount of damages, if any, which is allocated under this paragraph to taxable years subsequent to the taxable year of receipt or accrual shall be treated as income for such taxable year of receipt or accrual. The methods enumerated in this paragraph are not mutually exclusive; thus, it is possible that allocations with respect to an award may be made under more than one method. If more than one method is applicable they shall be used only in the order of their enumeration.

(d) *Computation of tax.* (1) The following computations shall be made in order to determine whether the limitation on tax prescribed in section 1305 and paragraph (a) of this section applies to damages received or accrued in the taxable year:

(i) Compute the tax for the current taxable year by including in the gross income of such year the entire amount of damages received or accrued in such year. In computing such tax the taxpayer shall be allowed all credits and deductions for depletion, depreciation, and other items to which he would have

been entitled if the entire amount of such damages were attributable to such year.

(ii) Compute the tax for the current taxable year without the inclusion prescribed in subdivision (i) of this subparagraph.

(iii) (*a*) Compute the tax attributable to the portion of the damages allocated to each of the taxable years (including the year in which the award is received or accrued) in accordance with paragraph (c) of this section. For this purpose taxable income (or net income) and the tax shall be computed with the allowance of all credits and deductions for depletion, depreciation, and other items to which the taxpayer would have been entitled had such damages been received or accrued by the taxpayer in the year during which he would have received or accrued the damages except for the breach of contract, or for the breach of fiduciary duty or relationship.

(*b*) The amount of tax attributable to the portion of damages allocated to each of such taxable years is the difference between the tax for each year computed with the inclusion in gross income of the portion of such damages so allocated to each year and the tax for each year computed without such inclusion.

(iv) The tax for the current taxable year shall be the lesser of (*a*) the tax for the current taxable year as computed under subdivision (i) of this subparagraph, or (*b*) the tax for such year as computed under subdivision (ii) of this subparagraph, plus the aggregate of the taxes attributable to the allocated damages as computed under subdivision (iii) of this subparagraph.

The credits, deductions, or other items referred to in subdivisions (i) and (iii) of this subparagraph shall include only deductions for expenditures actually made by the taxpayer and credits or deductions arising from actual use of capital or receipt of income. Thus, if the award represents gross income which the taxpayer should have received but did not, less costs and expenses which the taxpayer would have paid but did not, no deduction shall be allowed for such costs and expenses. Furthermore, credits, deductions, or other items, attributable to property, shall be allowed only with respect to that part of the award which represents the taxpayer's share of income from the actual operation of the property. Accordingly, if the property is subject to depreciation on the units-of-production method and the taxpayer receives an award based upon certain units of production which the paying party should have produced but did not, the taxpayer shall not be entitled to a depreciation deduction with respect to such units which were not produced. However, where an award is received by the taxpayer representing the gross income from mineral property less expenses that would have been imposed upon the taxpayer but for the breach, the deduction for percentage depletion will be computed with reference to both the reconstructed gross income and taxable income from the property.

(2) If damages of the type specified in paragraph (a) of this section are received or accrued by a partnership which initially instituted the civil action then, for purposes of subparagraph (1) of this paragraph, the partnership shall take such amount into account in computing taxable income (or net income) but the limitation on the tax under section 1305 shall apply to the individual partners. Thus, in recomputing his income tax, each partner shall take into account separately his distributive share of the partnership items enumerated in section 702(a) as recomputed by the partnership under subparagraph (1) of this paragraph. Section 1305 and this section shall not apply to a partner unless his total distributive share of the amount of damages is $3,000 or more. It is not necessary for the partner to have been a member of the partnership for the prior taxable years to which the amount of damages is allocable in order to have the limitation on tax provided by section 1305 apply.

(3) For effect of allocation of income on items based on amount of income and with respect to a net operating loss or a capital loss carryover, see paragraph (d) (2) of § 1.1301–2.

(4) See paragraph (d) (4) of § 1.1301–2 for the computations which are necessary when an amount of breach of contract damages is allocated to a period to which there has also been allocated other income entitled to the benefits of the provisions of part I (section 1301 and following), subchapter Q, chapter 1 of the Code.

(e) *Treatment of intangible drilling and development costs.* If the breach of contract damages have been awarded as a result of a suit involving the taxpayer's claim to ownership in a developing oil or gas well and section 1305 applies with respect to such damages, he shall not be entitled to deduct as expenses intangible drilling and development costs incurred in the prior taxable year or years unless he makes or has made the election to deduct such costs as expenses in the manner prescribed by § 1.612–4.

(f) *Limitation on amount of award.* Section 1305 and this section are not applicable unless the amount representing damages is $3,000 or more and such amount is received or accrued in a taxable year as a result of a single award for breach of contract, or breach of a fiduciary duty or relationship.

(g) *Applicability of another section under part I, subchapter Q, chapter 1 of the Code.* In any case where the amounts involved in a particular breach of contract, or breach of a fiduciary duty or relationship, are also covered by the particular terms of another section in part I, subchapter Q, chapter 1 of the Code, the rules for such other section shall apply, since those sections are directed to more specific situations than the provisions of section 1305. Thus, if a taxpayer receives an amount representing damages awarded in a civil action for breach of contract, or breach of fiduciary duty or relationship, and such award also constitutes the payment of an amount which qualifies for treatment prescribed in section 1302 and the regulations thereunder, such amount shall be subject to the provisions of section 1302 and § 1.1302–1, and section 1305 shall not apply.

(h) *Effective date of this section.* The provisions of section 1305 and this section apply with respect to taxable years ending after December 31, 1954, but only as to amounts received or accrued after such date as the result of awards made after such date.

§ 1.1305–2 Illustrations.

The provisions of section 1305 and § 1.1305–1 may be illustrated by the following examples:

Example (1). On December 31, 1957, a consent judgment is entered in favor of A, an accrual method taxpayer, for $500,000 damages to compensate him for the failure of the XYZ Company to pay royalties due him under the terms of a contract involving the operation by the XYZ Company of an oil lease. The court determined that the breach of contract covered the period from July 1, 1953, through December 31, 1957. The award of $500,000 includes $40,000 representing legal fees and court costs, and $460,000 representing compensation for loss of oil royalties for the period during which the contract was breached. Of the $460,000, the court determined that $110,000 was attributable to 1956 and $130,000 to January through October 1957. Information in the court records disclosed that $60,000 was attributable to 1955. A makes his income tax return on a calendar year basis. For purposes of determining the limitation on tax under section 1305, A must first compute the tax for 1957 under paragraph (d) (1) (i) of § 1.1305–1 by including the entire amount of damages ($460,000) in gross income for such year and then compute the tax for 1957 without including the $460,000 in gross income in accordance with paragraph (d) (1) (ii) of such section. A must then compute the tax for the current year and all prior years to which the amount of the award is allocable pursuant to paragraph (d) (1) (iii) of § 1.1305–1. In making such computation, A must allocate $110,000 to 1956, $130,000 to the first ten months of 1957, and $60,000 to 1955 in accordance with paragraph (c) (1) of § 1.1305–1. The remaining $160,000 of the $460,000 would be prorated over the unallocated twenty months, two in 1957, twelve in 1954, and six in 1953 or $8,000 per month in accordance with paragraph (c) (2) of § 1.1305–1. Thus, the proper allocations would be $146,000 to 1957, $110,000 to 1956, $60,000 to 1955, $96,000 to 1954, and $48,000 to 1953. In addition, A is entitled to a deduction for percentage depletion with respect to the amounts allocated to the current taxable year and to prior taxable years. For such purpose, A must reconstruct his gross income and taxable income from the property for 1957 and for the years 1953, 1954, 1955, and 1956. A is also entitled to all credits, deductions, or other items to which he would have been entitled had the royalties been received and included in the gross income in those years. Thus, if, for 1953, prior to the allocation of a part of the award to such year, A had no gains from the sale or exchange of capital assets and no taxable income and he had a capital loss carryover of $1,500 to such year, A may deduct $1,000 as a capital loss in computing the tax for 1953 as provided in paragraph (d) (1) (iii) of § 1.1305–1. See sections 1211(b) and 1212 and the regulations thereunder.

Example (2). B, a cash method taxpayer, is the author of a play presented in New York City, Chicago, and San Francisco. The play ran from April 6, 1957, through December 27, 1959. In September 1959, B sues the producer, M, for breach of contract respecting the agreement entered into between M and B. M contends that under the terms of the contract B was entitled to a payment of $25,000 on the production of the play and royalties thereafter limited to its earnings in New York City. B insists that he is also entitled to royalties on the earnings of the two companies established by M to present the play in Chicago and San Francisco. On December 29, 1959, the court awards B the sum of $38,000 representing compensation for the loss of royalty income over the period during which the play was presented in Chicago and San Francisco, including legal fees and other costs. This award is paid to B in 1960. In its decree, the court designates royalty payments to B for such period (April 6, 1957, to December 27, 1959) of $1,000 per month or a total of $33,000 for the full period. Although B is entitled to the benefits of section 1305, he must first ascertain whether section 1302 applies, since the other sections under part I (section 1301 and following), subchapter Q, chapter 1 of the Code, have prior applicability. However, B determines that section 1302 is not applicable for the reason that he worked only 18 months on the play. For the purpose of section 1305(a) and paragraph (a) of § 1.1305–1, B may allocate the $33,000 at the rate of $1,000 per month over the 33 months extending from April 1957 through December 1959. Upon receipt of the award and pursuant to agreement with his literary agent, B pays the agent $2,500 as agent's commission; had B received his royalties when due, he would have paid his agent $3,300 under his contract with the agent. In computing his taxable income for 1960 and for the years reflected in the period April 1957 through December 1959, B may, under the limitation prescribed in paragraph (d) (1) of § 1.1305–1, deduct only $2,500 for commissions paid to his agent.

§ 1.1306 Statutory provisions; damages for injuries under the antitrust laws.

SEC. 1306. *Damages for injuries under the antitrust laws.* If an amount representing damages is received or accrued during a taxable year as a result of an award in, or settlement of, a civil action brought under section 4 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (commonly known as the Clayton Act), for injuries sustained by the taxpayer in his business or property by reason of anything forbidden in the antitrust laws, then the tax attributable to the inclusion of such amount in gross income for the taxable year shall not be greater than the aggregate of the increases in taxes which would have resulted if such amount had been included in gross income in equal installments for each month during the period in which such injuries were sustained by the taxpayer.

[Section 1306 as added by sec. 58(a), Technical Amendments Act 1958 (72 Stat. 1646)]

§ 1.1306–1 Damages for injuries under the antitrust laws.

(a) *Qualifications for limitation on tax.* If an amount representing damages is received or accrued during a taxable year as a result of an award in, or settlement of, a civil action instituted under section 4 of the Act of October 15, 1914 (15 U.S.C. 15), commonly known as the Clayton Act, for injuries sustained by the taxpayer in his business or property by reason of anything forbidden in the antitrust laws, then the tax attributable to the inclusion of such amount in gross income for the taxable year shall not be greater than the aggregate of the increases in taxes which would have resulted if such amount had been included in gross income in equal installments for each month during the period in which such injuries were sustained by the taxpayer.

(b) *Definition of damages.* (1) For purposes of section 1306 and this section the term "damages" means an amount awarded pursuant to a judgment or decree by a court as the result of a civil action instituted under section 4 of the Act of October 15, 1914, for injuries sustained by the taxpayer in his business or property by reason of anything forbidden in the antitrust laws. The term "damages" includes treble damages awarded under section 4 of the Act but it does not include attorney's fees, interest, or costs.

(2) An amount awarded as damages pursuant to a consent decree or judgment shall be treated as provided in paragraph (a) of this section.

(3) An amount received or accrued as damages pursuant to a settlement of such action (after commencement of such action) shall be treated as provided in paragraph (a) of this section, regardless of whether such amount is received or accrued after a decree or judgment has been entered or whether any decree or judgment is entered.

(4) An amount received or accrued as a result of a settlement where no civil action has been brought under section 4 of the Act will not constitute damages to which section 1306 and this section are applicable.

(c) *Allocation of damages.* The amount representing damages of the type described in section 1306 is to be treated as if it had been received in equal portions in each of the calendar months (including those of the current taxable year) which fall within the period during which the injury in the taxpayer's business or property by reason of anything forbidden in the antitrust laws is determined to have been sustained. The period during which the injury was sustained is the period established in the action, except that, if no such period is established in the action, such period is to be determined upon the basis of the facts of the particular case. The portion of the damages allocable to each taxable year involved in such period of injury is an amount equal to the entire amount of damages, divided by the entire number of calendar months included within such period, and multiplied by the number of such calendar months falling within the particular taxable year.

(d) *Computation of tax.* (1) The computations set forth below in this subparagraph shall be made in order to determine whether the limitation on tax prescribed in section 1306 and paragraph (a) of this section applies to damages for injury sustained under the antitrust laws received or accrued in the taxable year:

(i) Compute the tax for the current taxable year by including in the gross income of such year the entire amount of damages received or accrued in such year.

(ii) Compute the tax for the current taxable year without the inclusion prescribed in subdivision (i) of this subparagraph.

(iii) Compute the tax attributable to the portion of the damages allocated to each of the taxable years in accordance with paragraph (c) of this section. The amount of tax attributable to the damages in each of such years is the difference between the tax for each year computed with the inclusion in gross income of each year of the portion of such damages so allocated to each year and the tax for such year computed without such inclusion.

(iv) The tax for the current taxable year shall be the lesser of (*a*) the tax for the current taxable year as computed under subdivision (i) of this subparagraph, or (*b*) the tax for such year computed under subdivision (ii) of this subparagraph, plus the aggregate of the taxes attributable to the allocated damages as computed under subdivision (iii) of this subparagraph.

(2) For the effect of allocation of income on items based on amount of income and with respect to a net operating loss or capital loss carryover, see paragraph (d) (2) of § 1.1301–2.

(3) See paragraph (d) (4) of § 1.1301–2 for the computations which are necessary when an amount of damages is allocated to a period to which there has also been allocated other income entitled to the benefits of Part I (section 1301 and following), subchapter Q, chapter 1 of the Code.

(e) *Effective date of this section.* The provisions of section 1306 and this section are applicable with respect to taxable years ending after September 2, 1958, but only with respect to amounts of damages received or accrued after such date as a result of awards or settlements made after such date.

(f) *Illustrations.* The provisions of section 1306 may be illustrated by the following example:

Example. A, the proprietor of a drug manufacturing concern, brings suit against the XYZ Pharmaceutical Corporation under section 4 of the Act alleging that, by reason of an unfair contract, his competitor had succeeded in pre-empting the supply of a chemical which was essential to the manufacture of his product. A wins his suit and in the course of the action it is established that A sustained losses resulting from the injury totaling $330,000 over the period from March 1959 through November 1961. The court in November 1961, accordingly, awards A treble damages of $990,000, $25,000 in attorney's fees, and $5,000 in costs. The XYZ Pharmaceutical Corporation in the same month pays A the amount of $1,020,000 covering the damages, fees, and costs. For the purpose of determining the limitation on tax under section 1306, A may allocate only the $990,000 received as damages. A makes his return on a calendar year basis. A must therefore allocate the amount of $990,000 over the 33 calendar months at the rate of $30,000 per month as follows: $300,000 to 1959, $360,000 to 1960, and $330,000 to 1961.

[F.R. Doc. 62–71; Filed, Jan. 3, 1962; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 647) has ben filed by E. I. du Pont de Nemours and Company, Inc., Wilmington 98, Delaware, proposing the issuance of a regulation to amend § 121.-2514 of the food additive regulations to provide for the safe use of copolymers of ethylene and vinyl acetate in the formulation of resinous and polymeric coatings.

Dated: December 28, 1961.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-53; Filed, Jan. 3, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 402]

MARKET AGENCIES AT UNION STOCK YARDS, CHICAGO, ILL.

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on December 21, 1961, continuing in effect to and including February 28, 1962, an order issued on December 16, 1959 (18 A.D. 1396), authorizing the respondents, Market Agencies at Union Stock Yards, Chicago, Illinois, to assess the current temporary schedule of rates and charges.

On December 11, 1961, a petition was filed on behalf of the respondents requesting authority to modify the current temporary schedule of rates and charges in several respects. The proposed modifications would:

(1) Define the term "Commission";

(2) Increase by 10 cents per head the charges for selling cattle;

(3) Increase by $3.50 the maximum charge for selling a consignment of cattle weighing 24,400 pounds or less, and increase by one and one-half cents the charge for selling each 100 pounds or fraction thereof in excess of the first 24,400 pounds of a consignment;

(4) Increase by 10 cents per head the charges for selling calves;

(5) Increase by $3.00 the maximum charge for selling each 100 calves or less of a consignment;

(6) Increase by 10 cents per head the charges for selling bulls;

(7) Increase by 10 cents per head the charges for selling tagged cattle;

(8) Increase by 5 cents per head the charges for selling hogs;

(9) Increase by $3.60 the maximum charge for selling a consignment of hogs weighing 18,000 pounds or less, and increase by one cent the charge for selling each 100 pounds or fraction thereof in excess of 18,000 pounds of a consignment;

(10) Increase by 5 cents per head the charges for selling boars;

(11) Increase by 5 cents per head the charges for selling sheep or goats;

(12) Establish a distinction between 40-foot and 50-foot double deck cars for purposes of determining the applicable maximum charge for buying a consignment of hogs moving out by rail, and increase by $10.00 such charge with respect to each 50-foot double deck car;

(13) Increase the per head charge for reselling for their account livestock purchased at the Chicago Union Stock Yards by registered dealers or registered market agencies, and without having been removed from said market, as follows: (1) 10 cents on bulls, 700 pounds or over, (2) 5 cents on other cattle, (3) 5 cents on calves, (4) 7 cents on boars, (5) 3 cents on other hogs, and (6) 4 cents on sheep or goats;

(14) With respect to livestock entered and/or exhibited in the International Livestock Exposition or in the Chicago Feeder Cattle Show, (1) restate existing service charges and auctioneers' fees relating to carlot and trucklot entries to make it clear that such charges are minimum charges based upon stated maximums of the number of head constituting a carlot or trucklot, viz, 15 fat cattle, 20 feeder cattle or calves, 25 sheep, or 10 hogs; (2) provide that for any entry constituting a lot which exceeds the stated maximum of a carlot or trucklot (a) the service charges are on a per head basis, viz, $1.66 for fat cattle, 50 cents for stocker and feeder cattle and calves, 20 cents for sheep, and 50 cents for hogs, and (b) the auctioneers' charges are on a per head basis, viz, 33 cents for fat cattle, 25 cents for stocker feeder cattle and calves, 8 cents for sheep, and 20 cents for hogs; and (3) establish separate service charges applicable to livestock sold for registered dealers at the same rates which apply to resales of livestock for the account of such dealers;

(15) Increase by 10 cents per head (1) the charges for purchasing feeder cattle or calves at auction by direct bid, and (2) the charges for having feeder cattle or calves which have been purchased by direct bid by a buyer weighed to or through a market agency for the buyer.

(16) Increase by $3.50 the maximum charge for the first 24,400 pounds of feeder cattle purchased for a buyer at auction by direct bid, and increase by one and one-half cents the charge for each 100 pounds or fraction thereof of such cattle in excess of 24,400 pounds;

(17) Increase by $3.00 the maximum charge for each 100 feeder calves or less purchased for a buyer at auction by direct bid;

(18) Increase by $2.50 the maximum charge for the first 24,400 pounds of feeder cattle which have been purchased at auction by direct bid by a buyer weighed to or through a market agency for the buyer, and increase by one and one-half cents the charge for each 100 pounds or fraction thereof of such cattle in excess of 24,400 pounds;

(19) Increase by $2.00 the maximum charge for each 100 feeder calves or less which have been purchased at auction by direct bid by a buyer and weighed to or through a market agency for the buyer;

(20) Increase by 10 cents per head the charge for any stockyard services rendered in connection with feeder cattle or calves acquired by a buyer at auction but which have been neither purchased nor paid for by the market agency;

(21) Increase by $1.75 the maximum charge for any stockyard services rendered in connection with the first 24,400 pounds of feeder cattle acquired by a buyer at auction but which have been neither purchased or paid for by the market agency, and increase by three-fourths cent the charge for rendering such services in connection with each 100 pounds or fraction thereof of such cattle in excess of 24,400 pounds;

(22) Increase by $1.50 the maximum charge for any stockyard services rendered in connection with each 100 feeder calves or less acquired by a buyer at auction but which have been neither purchased nor paid for by the market agency.

The portions of the current temporary schedule modified as indicated above would read as follows:

SECTION A

* * * * * *

A-10—Commission—the sum total of selling or buying charges and extra service charges to be described as such in one lump sum under the caption of Commisison or Commission Charge on accounts of sales or accounts of purchases.

* * * * * *

SECTION B

*

SELLING CHARGES

	Per head
B-1—Cattle:	
Consignments of one head and one head only	$1.70
Consignments of more than one head:	
First 5 head in each consignment	1.50
Next 10 head in each consignment	1.45
Each head over 15 head in each consignment	1.40
B-2—Cattle, maximum charge: In no instance shall the charge for selling a consignment of cattle exceed the aggregate of $48.00 for the first 24,400 pounds, plus 18 cents for each additional 100 pounds or fraction thereof, plus extra service charges provided in Section E.	
B-3—Calves:	
Consignments of one head and one head only	1.00
Consignments of more than one head:	
First 5 head in each consignment	.85
Next 10 head in each consignment	.70
Each head over 15 head in each consignment	.60
B-4—Calves, maximum charge: In no instance shall the charge for selling a consignment of calves exceed $41.00 for each 100 calves or less, plus extra service charges provided in Section E.	
B-5—Bulls:	
Consignments of:	
One head and one head only weighing over 1,000 pounds	2.10
One head and one head only weighing 700 to 1,000 pounds	1.80
Consignments of more than one head:	
Each animal weighing 700 pounds or over	1.80
All bulls weighing less than 700 pounds	(1)

[1] Apply cattle rate.

SECTION B—Continued

SELLING CHARGES—continued

	Per head
B-6—Tagged Cattle: Suspects, Condemned Cattle, T.B. or Bang's Reactor	$2.35
B-7—Hogs:	
Consignments of one head and one head only:	
Each head weighing 250 pounds or over	.80
Each head weighing under 250 pounds	.65
Consignments of more than one head:	
First 10 head in each consignment	.55
Next 15 head in each consignment	.50
Each head over 25 head in each consignment	.45
B-8—Hogs, maximum charge: In no instance shall the charge for selling a consignment of hogs exceed the aggregate of $38.00 for the first 18,000 pounds plus 18 cents for each additional 100 pounds or fraction thereof, plus extra service charges provided in Section E.	
B-9—Boars:	
Consignments of one head and one head only	1.05
Consignments of more than one head:	
First 10 head in each consignment	.90
Each head over 10 head in each consignment	.75
B-10—Sheep or goats:	
Consignments of one head and one head only	.55
Consignments of more than one head:	
First 10 head in each 250 head	.40
The next 50 head in each 250 head	.33
The next 60 head in each 250 head	.20
The next 130 head in each 250 head	.15

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SECTION C

OPEN MARKET BUYING CHARGES

	Per head
C-1—Cattle:	
Consignments of one head and one head only	$1.60
Consignments of more than one head:	
First 5 head in each consignment	1.40
Next 10 head in each consignment	1.35
Each head over 15 head in each consignment	1.30
C-2—Cattle, maximum charge: In no instance shall the charge for buying a consignment of cattle exceed the aggregate of $44.50 for the first 24,400 pounds, plus 16½ cents for each additional 100 pounds or fraction thereof, plus extra service charges provided in Section E.	
C-3—Calves:	
Consignments of one head and one head only	.90
Consignments of more than one head:	
First 5 head in each consignment	.75
Next 10 head in each consignment	.60
Each head over 15 head in each consignment	.50
C-4—Calves, maximum charge: In no instance shall the charge for buying a consignment of calves exceed $38.00 for each 100 calves or less, plus extra service charges provided in Section E.	

SECTION C—Continued

OPEN MARKET BUYING CHARGES—continued

	Per head
C-5—Bulls:	
Consignments of:	
One head and one head only weighing over 1,000 pounds	$2.00
One head and one head only weighing 700 to 1,000 pounds	1.70
Consignments of more than one head:	
Each animal weighing 700 pounds or over	1.70
All bulls weighing less than 700 pounds	(1)
C-6—Tagged cattle: Suspects, Condemned Cattle, T.B. or Bang's Reactor	2.25
C-7—Hogs:	
Consignments of one head and one head only	
Each head weighing 250 pounds or over	.65
Each head weighing under 250 pounds	.50
Consignments of more than one head:	
First 10 head in each consignment	.42
Next 15 head in each consignment	.37
Each head over 25 head in each consignment	.32
C-8—Boars:	
Consignments of one head and one head only	1.00
Consignments of more than one head:	
First 10 head in each consignment	.75
Each head over 10 head in each consignment	.60
C-9—Hogs, by rail, maximum charge: In no instance shall the charge for buying a consignment of hogs moving out by rail exceed $27.50 for each single deck car, $38.50 for each 40 foot double deck car and $48.50 for each 50 foot double deck car, plus extra service charges provided in Section E.	
C-10—Hogs, by other than rail, maximum charge: In no instance shall the charge for buying a consignment of hogs moving out other than by rail exceed the aggregate of $27.50 for the first 18,000 pounds, plus 13½ cents for each additional 100 pounds or fraction thereof, plus extra service charges provided in Section E.	
C-11—Sheep or goats:	
Consignments of one head and one head only	.50
Consignments of more than one head:	
First 10 head in each 250 head	.35
The next 50 head in each 250 head	.28
The next 60 head in each 250 head	.15
The next 130 head in each 250 head	.10

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SECTION D

OPEN MARKET BUYING SERVICE CHARGES

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SECTION F

RESALES

On live stock purchased on this market by registered traders, or registered market agencies, and without having been removed from this market, resold for account of such purchaser, the commission shall be $0.90 per head on cattle (other than bulls 700 pounds or over), $1.10 per head on bulls, 700 pounds or over, $0.40 per head on calves, $0.30 per head on hogs (other than boars), $0.60 per head on boars, and $0.15 per head on sheep or goats, plus extra service charges provided in section E.

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SECTION G

INTERNATIONAL LIVE STOCK EXPOSITION

CHICAGO FEEDER CATTLE SHOW AND FEEDER CATTLE AND CALF AUCTION SALES

In addition to the regular charges, the following service charges shall be made on all live stock entered and/or exhibited in the International Live Stock Exposition or in the Chicago Feeder Cattle Show, except on live stock sold for registered traders on the Chicago market:

For each carlot and trucklot, entered and or exhibited of:

	Per head	Minimum
Fat Cattle	$1.66	$25.00
Stocker and Feeder Cattle and Calves	.50	10.00
Hogs	.50	5.00
Sheep	.20	5.00

In addition there will be collected and paid to auctioneers for auctioning live stock in either of said shows or in the feeder cattle sales the following:

Carlot and Trucklot Entries:

	Per head	Minimum
Fat Cattle	$0.33	$5.00
Feeder Cattle and Calves	.25	5.00
Hogs	.20	2.00
Sheep	.08	2.00
Individual entries:		
Each Individual Open Class Steer	$1.50	
Each Junior Feeding Contest Steer	1.00	
Each Individual Hog	.50	
Each Individual Sheep	.50	

On feeder cattle and calves sold in the feeder cattle and calf auctions for registered traders on the Chicago market the charges in Section F shall apply, plus charges for auctioneering live stock provided in Section G.

(A carlot or trucklot entry is a lot of livestock sold as a group.)

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SECTION I

FEEDER CATTLE AND CALF AUCTION BUYING AND SERVICE CHARGES

No feeder livestock offered for sale at auction will be purchased or paid for by a market agency for a buyer, nor any other stockyard service rendered, unless arrangements satisfactory to the market agency to assure payment therefor have been made by the buyer.

When a market agency purchases feeder livestock at auction by direct bid for a buyer, the charge per consignment shall be:

Item No.	Per head
I-1—Cattle (average weight over 400 lbs.)	$1.45
Plus extra service charges provided in Section E. Maximum—$48.00 for the first 24,400 lbs., plus 18 cents for each additional 100 lbs. or fraction thereof, plus extra service charges provided in Section E.	
I-2—Calves (average weight 400 lbs. or under)	.75
Plus extra service charges provided in Section E. Maximum—$41.00 for each 100 calves or less, plus extra service charges provided in Section E.	

[1] Apply cattle rate.

SECTION I—Continued

FEEDER CATTLE AND CALF AUCTION BUYING AND SELLING CHARGES—continued

When feeder livestock purchased at auction by direct bid by a buyer is weighed to or through a market agency for the buyer, the charge per consignment shall be:

Item No.	Per head
I-3—Cattle (average weight over 400 lbs.)	$1.15
Plus extra service charges provided in Section E. Maximum—$36.00 for the first 24,400 lbs., plus 14 cents for each additional 100 lbs., or fraction thereof, plus extra service charges provided in Section E.	
I-4—Calves (average weight 400 lbs. or under)	.60
Plus extra service charges provided in Section E. Maximum—$30.50 for each 100 calves or less, plus extra service charges provided in Section E.	

When feeder livestock offered for sale at auction is neither purchased nor paid for by a market agency, the charge per consignment for any other stockyard service or services rendered by such market agency in connection with feeder livestock acquired by the buyer at auction shall be:

	Per head
I-5—Cattle (average weight over 400 lbs.)	$0.80
Plus ½ extra service charges provided in Section E. Maximum—$24.00 for the first 24,400 lbs., plus 9 cents for each additional 100 lbs. or fraction thereof, plus ½ extra service charges provided in Section E.	
I-6—Calves (average weight 400 lbs. or under)	.45
Plus ½ extra service charges provided in Section E. Maximum—$20.50 for each 100 calves or less, plus ½ extra service charges provided in Section E.	

When feeder livestock offered for sale at auction is neither purchased nor paid for by a market agency, nor any other stockyard service or services rendered by such market agency in connection with feeder livestock acquired by a buyer at auction, there shall be no charge.

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 28th day of December 1961.

CLARENCE H. GIRARD,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-63; Filed, Jan. 3, 1962; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-132]

AMERICAN PRESIDENT LINES, LTD.

Modification of Description Covering Subsidized Atlantic/Straits Service; Notice of Prehearing Conference

Pursuant to Rule 6(d) of rules of practice and procedure (46 CFR § 201.-94) a prehearing conference in the above-entitled proceeding will be held before the undersigned in Room 4458, General Accounting Office Building, 5th and G Streets NW., Washington, D.C., commencing at 10:00 a.m., e.s.t., Tuesday, January 16, 1962.

Requests for evidence should be served upon all interested persons of record and the undersigned by the close of business Friday, January 12, 1962.

Until such time as the initial or recommended decision is issued herein all documents relating to this proceeding should be addressed to the undersigned for filing in Room 3095 of the General Accounting Office Building, Washington 25, D.C.

Dated: January 2, 1962.

PAUL N. PFEIFFER,
Chief Hearing Examiner.

[F.R. Doc. 62-141; Filed, Jan. 3, 1962; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-154]

MARTIN-MARIETTA CORP.

Notice of Issuance of Facility License

Please take notice that the Atomic Energy Commission has issued License No. CX-18 authorizing Martin-Marietta Corporation to possess and operate, at power levels up to ten watts (thermal), its liquid fluidized bed reactor critical experiments facility on its site near Middle River, Maryland. The license is substantially as published in the FEDERAL REGISTER on September 28, 1960, 25 F.R. 9255, except that (1) the name of the applicant has been changed to Martin-Marietta Corporation from The Martin Company, (2) a condition has been added regarding the procedures which are to be followed with respect to operations with the reactor shut down which might involve a change in core reactivity, (3) a condition has been added requiring the submission of a report no later than 60 days after the initial criticality of the reactor which describes measured values of certain operating conditions or characteristics and evaluates any significant variation of a measured value from the corresponding predicted value, and (4) a condition has been added requiring a prompt report of any significant variation from a predicted value of the operating conditions or characteristics of the facility which might affect nuclear safety.

In view of the changes in the license from that which was published on September 27, 1960, 25 F.R. 9255, the Commission will, in accordance with its rules of practice (10 CFR Part 2), direct the holding of a formal hearing on the matter of the issuance of License No. CX-18 upon receipt of a request therefor from the licensee or a petition to intervene within 30 days after the issuance of the license. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see the application submitted by The Martin Company (now Martin-Marietta Corporation) and amendments thereto filed under Docket No. 50-154 available for public inspection at the Commission's Public Document Room.

Dated at Germantown, Md., this 28th day of December 1961.

For the Atomic Energy Commission.

M. B. BILES,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-43; Filed, Jan. 3, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 13224, 13171; Order No. E-17888]

ARTHUR J. BROWN ET AL.

Order Granting Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of December 1961.

In the matter of the application of Arthur J. Brown, ABC Freight Forwarding Corporation, et al., Docket 13224, for approval of certain control and interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended; in the matter of the application of Isadore Richman, ABC Air Freight Co., Inc., et al., Docket 13171, for approval of certain interlocking relationships pursuant to section 409 of the Federal Aviation Act of 1958, as amended.

On September 21, 1961, the Board approved, after hearing, pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), the holding by Arthur J. Brown directly or indirectly

of the controlling interest in ABC Freight Forwarding Corporation (ABC Freight), ABC Air Freight Co., Inc. (ABC Air), Paramount Freight Handling, Inc., ABCO Consolidators, Inc., ABC International, Inc. (ABC International), Blue Ribbon Express, Inc., Blue Seal Consolidators, Inc., Midland Forwarding Corp., Midland Terminal Corp., Vendors Consolidating Co., Association Consolidators, Inc., Freight Consolidators, Inc., Association Freight Agents, Inc. and Scat Cartage Company. In addition, the Board approved, pursuant to section 409 of the Act, interlocking relationships between the above companies arising from Arthur J. Brown's controlling interest in all of them and from his positions as president and director of several of them, and also permitted him to hold generally other positions within the same system of affiliated companies.[1]

ABC Air presently is authorized to operate as a domestic and international air freight forwarder, while ABC International is a foreign surface freight forwarder under the authority of the Federal Maritime Board, and is also an approved cargo agent for certain airline members of the International Air Transport Association. The other affiliates are engaged in such activities as surface freight forwarding, shippers agent, package consolidation, and local pick up and delivery service.

Subsequent to the issuance of Order E–17480, applicants decided to separate the domestic and international air freight forwarding activities which ABC Air is currently authorized to perform and, accordingly, ABC International filed an application seeking an international air freight forwarder authorization.[2] Concurrently, on November 29, 1961, Arthur J. Brown and the companies named above filed an application under sections 408 and 409 of the Act for approval of the relationships which would result from the grant of the requested international air freight forwarder authorization to ABC International. Applicants state, in effect, that ABC International will be able to conduct international air freight forwarding operations with greater efficiency and at lower cost than would be the case if ABC Air were to undertake actively such operations.

By separate application filed November 8, 1961, Isadore Richman and the companies named above, except Scat Cartage Co., request approval under section 409 of the Act for interlocking relationships which will result from Mr. Richman serving as director and/or officer of ABC Air and such of the affiliated companies to which he may be hereafter elected or appointed. The application states that Mr. Richman was elected a director of ABC Air on or about October 1, 1961, but presently holds no position as officer or director of any of the other companies, although it is contemplated that he will so serve with some or all of the companies.

No objections to the applications have been filed.

The Board, upon consideration of the applications, concludes that relationships within the purview of section 408(a) of the Act are created by the control of ABC Freight and affiliated companies by Arthur J. Brown as described supra. However, the Board further concludes tentatively that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly, and do not tend to restrain competition. Furthermore, the Board notes that no person disclosing a substantial interest in the matter is currently requesting a hearing. In view of the recently concluded formal proceeding in Docket 10240, the present application does not appear to present any new issues of substance. Since such approval, there has been no change in the activities of the various affiliated companies except as described herein. Similar arrangements have previously been approved by the Board.[3] It would therefore appear that approval of the control relationships would not be inconsistent with the public interest.

The Board further finds that interlocking relationships within the scope of section 409(a) of the Act will exist between ABC Freight and its affiliated companies enumerated herein from the holding by Messrs. Brown and Richman of the positions described herein. For the reasons expressed above, the Board finds that the parties have made a due showing in the form and manner prescribed that the interlocking relationships will not adversely affect the public interest and should be approved.

In view of the foregoing, the Board intends to approve the control relationships involved herein without a hearing, pursuant to the provisions of section 408(b). In accordance therewith, this order constituting notice of such intention will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to comment on the Board's tentative decision.[4]

Therefore, it is ordered:

1. That this order be published in the FEDERAL REGISTER;

2. That the Attorney General be furnished a copy of this order within one day of its publication; and

3. That interested persons are afforded a period of fifteen days within which to file comments or request a hearing with respect to the Board's proposed action herein.[5]

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-76; Filed, Jan. 3, 1962; 8:48 a.m.]

[Docket No. 12425]

ZANTOP AIR TRANSPORT, INC., AND COASTAL AIR LINES

Notice of Oral Argument

In the matter of the joint application of Zantop Air Transport, Inc. and Coastal Air Lines for acquisition of ownership and control and transfer of Coastal Air Lines' temporary certificate of public convenience and necessity for supplemental air service.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on January 17, 1962, at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., December 29, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-77; Filed, Jan. 3, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-9510 etc.]

CITIES SERVICE PRODUCTION CO. ET AL.

Order Approving Recess of Hearing for More Than Thirty Days

DECEMBER 27, 1961.

On December 4, 1961, at the conclusion of the presentation of Respondents' rebuttal case in the above-entitled proceedings, staff counsel requested a recess until March 6, 1962, for cross-examination of Respondents' rebuttal case. There was no opposition to this request and it was granted by the presiding examiner subject to Commission approval. On December 6, 1961, the presiding examiner certified the record to the Commission for its consideration of the request.

In support of the request, staff counsel states that additional time is necessary for preparation for cross-examination of Respondents' rebuttal case, which consists of "* * * approximately eight witnesses and about 20 exhibits. * * *".

The Commission finds: Good cause exists for granting staff's request to recess the subject hearing until March 6, 1962.

The Commission orders: The hearing in these proceedings is hereby recessed until March 6, 1962, at which time staff shall proceed with its cross-examination of Respondents' rebuttal case. Thereafter, the presiding examiner shall grant such recesses and specify such procedures as may be authorized by the Commission's rules of practice and procedure.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-44; Filed, Jan. 3, 1962; 8:45 a.m.]

[Docket No. G-4769 etc.]

EL PASO NATURAL GAS CO.

Order Approving Presiding Examiner's Continuance of Hearing for More Than 30 Days

DECEMBER 27, 1961.

El Paso Natural Gas Company Docket Nos. G-4769, G-12948, G-17929, RP60-3.

The Presiding Examiner's certification of a continuance of the hearing herein for more than 30 days was submitted November 28, 1961 pursuant to § 1.13(e) of the Commission's rules of practice and procedure.

Docket No. G-4769 is being heard pursuant to the decision of the Circuit Court of Appeals in *El Paso Natural Gas Company* v. *Federal Power Commission*, 281 F2d 567 and is for the limited purpose of receiving "such evidence as may be necessary to enable it (Commission) to fix a just and reasonable rate to permit a fair return on the wellmouth investment and provide the incentive necessary to attract capital to the exploration and development activities of the company." In each of the other proceedings, suspension orders have been issued and the hearing is upon all issues relevant to a section 4 rate case.

All of El Paso's direct case has been submitted (including rate of return and cost of service) and cross-examination thereon has been completed. In addition, all of the evidence (direct and cross) of all participants, including the staff, on the rate-of-return issue has been adduced. The next step is the presentation of the direct evidence of the staff on all issues other than rate of return. The staff has requested until January 5, 1962, for the preparation and service of such evidence. Interveners, not presently informed as to the specific position of the staff with respect to a number of the issues, request the period between January 5 and January 22, 1962, for the preparation and service of any direct evidence they may wish to offer. All parties agree that February 12, 1962, would afford sufficient opportunity for the preparation of cross-examination of all direct testimony which will have been served as above set out. Upon the showing made the Presiding Examiner on November 27, 1961, recessed the hearing to reconvene at 2:00 o'clock p.m. on February 12, 1962.

The Commission finds: Good cause has been shown herein for the approval of the continuance of the hearing for more than 30 days.

The Commission orders: Continuance of the hearing until February 12, 1962, in Washington, D.C., at 2:00 p.m., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., as fixed by the Presiding Examiner is approved.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-45; Filed, Jan. 3, 1962; 8:45 a.m.]

[Docket No. RI62-270—RI62-276]

MRS. LOUISE H. HERRINGTON ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

DECEMBER 27, 1961.

Mrs. Louise H. Herrington, Docket No. RI62-270; Cities Service Petroleum Co., Docket No. RI62-271; E. W. Marks, Sr., et al., Docket No. RI62-272; Anadarko Production Company, Docket No. RI62-273; The British-American Oil Producing Company (Operator), et al., Docket No. RI62-274; N. H. Wheless, et al., Docket No. RI62-275; The Atlantic Refining Company, Docket No. RI62-276.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI62-270	Mrs. Louise H. Herrington, P.O. Box 1011, Jennings, La.	2	4	American Louisiana Pipe Line Company (South Elton Field, Jefferson Davis Parish, La.).	$207	12-4-61	[1] 1-4-62	6-4-62	[3] 19.75	22.25	----------
RI62-271	Cities Service Petroleum Co., Cities Service Building, Bartlesville, Okla.	111	7	Phillips Petroleum Co., (West Panhandle Field, Moore County, Tex.) (R.R. District No. 10).	61	12-8-61	[2] 1-8-62	6-8-62	[4] 11.1292	11.2168	RI61-519
RI62-271	do	113	8	do	11	12-8-61	[2] 1-8-62	6-8-62	[4] 11.1292	11.2168	RI61-519
RI62-271	do	114	7	Phillips Petroleum Co. (West Panhandle Field, Gray County, Tex.) (R.R. No. 10).	3	12-8-61	[2] 1-8-62	6-8-62	[4] 11.0292	11.7168	----------
RI62-271	do	115	8	Phillips Petroleum Co. (West Panhandle Field, Moore County, Tex.) (R.R. District No. 10).	46	12-8-61	[2] 1-8-62	6-8-62	[4] 11.1292	11.2168	RI61-519
RI62-271	do	116	7	do	4	12-8-61	[2] 1-8-62	6-8-62	[4] 11.1292	11.2168	RI61-519
RI62-271	do	117	9	do	36	12-8-61	[2] 1-8-62	6-8-62	[4] 11.1292	11.2168	RI61-519
RI62-271	do	118	7	do	16	12-8-61	[2] 1-8-62	6-8-62	[4] 11.1292	11.2168	RI61-519
RI62-271	do	119	7	do	32	12-8-61	[2] 1-8-62	6-8-62	[4] 11.1292	11.2168	RI61-519
RI62-272	E. W. Marks, Sr., et al., c/o Harvey H. Hutchins, Suite 2-A, Fountainbleau Motor Hotel, 4000 Tulane Avenue, New Orleans, La.	1	3	United Gas Pipe Line Co. (Pistol Ridge Field, Pearl River County, Miss.).	13,680	12-1-61	[2] 1-1-62	6-1-62	[5] 21.0	24.0	----------
		2	2	do	4,800	12-1-61	[2] 1-1-62	6-1-62	[5] 20.0	24.0	----------
RI62-273	Anadarko Production Co., P.O. Box 351, Liberal, Kans.	3	2	Northern Natural Gas Co. (Camp Creek Field, Beaver County, Okla.).	115	12-4-61	[2] 1-4-62	6-4-62	[4] 15.0	16.0	----------
		5	2	do	1,142	12-4-61	[2] 1-4-62	6-4-62	[4] 15.0	16.0	----------
RI62-274	The British-American Oil Producing Co. (Operator), et al., P.O. Box 749, Dallas 21, Tex.	31	2	Texas Gas Transmission Corp. (Ramos Field, St. Mary and Assumption Parishes, Southern Louisiana).	5,975	12-5-61	[2] 1-5-62	6-5-62	[5] 20.75	21.75	----------
RI62-275	N. H. Wheless, et al., P.O. Box 1746, Shreveport, La.	1	7	Kansas-Colorado Utilities, Inc. (Hugoton Field, Stevens County, Kans.).	4,042	12-4-61	[2] 1-4-62	6-4-62	[4] 11.0	12.0	----------
RI62-276	The Atlantic Refining Co., P.O. Box 2819, Dallas 21, Tex.	257	2	Texas Gas Transmission Corp. (Jeanerette Field, St. Mary Parish, Southern Louisiana).	8,400	12-4-61	[2] 1-4-62	6-4-62	[4] 20.75	21.75	----------

[1] The stated effective date is that requested by respondent.
[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] The pressure base is 15.025 psia.
[4] The pressure base is 14.65 psia.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

[1] Order E-17480 (Docket 10240) adopted the initial decision of Examiner Richard A. Walsh.

[2] Applicants propose that the authorization of ABC Air as an international air freight forwarder be terminated upon the grant of such an authorization to ABC International. For the purposes of this proceeding ABC International is considered to be an air carrier.

[3] The common control of Barnett Aircargo, Inc., a domestic air freight forwarder, and Barnett International Airfreight Corp., an international air freight forwarder, was approved by Order E-11296, May 3, 1957 (Docket 8394). A similar arrangement involving Allied Air Freight, Inc., and Allied Airfreight International Corporation was approved by Order E-13456, January 30, 1959.

[4] Further action on the interlocking relationships under section 409 will be deferred pending final resolution of the control relationships which are subject to section 408.

[5] Such comments shall in all respects conform to the requirements of the Board's rules of practice for the filing of documents.

The proposed increased rates exceed the applicable area price levels.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), publi hearings shall be held upon dates to be fixed by notice from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before February 5, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-46; Filed, Jan. 3, 1962; 8:45 a.m.]

[Docket No. CP62-108]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application and Date of Hearing

DECEMBER 27, 1961.

Take notice that on October 30, 1961, as supplemented on November 2, 1961, and November 27, 1961, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 296, Houston 1, Texas, filed in Docket No. CP62-108 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of two 4-inch taps located on Applicant's 12-inch Woodbury Line and 20-inch Marcus Hook Loop, respectively, at milepost 12.49 on each line, in Gloucester County, New Jersey, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The application, as supplemented, states that the proposed taps would be used as additional delivery points to provide gas service to South Jersey Gas Company (South Jersey), an existing customer, for resale to Shell Chemical Company (Shell Chemical). South Jersey desires to render service to Shell Chemical, a new industrial customer, on a firm basis, which service South Jersey would be unable to render from its existing facilities.

Applicant states that South Jersey proposes to construct and own all facilities between the proposed taps and the Shell Chemical plant, including a meter station to be operated by Applicant. The meter station would be located adjacent to Applicant's lines at the subject taps. Section 5(a) of the General Terms and Conditions of Applicant's FPC Gas Tariff, Original Volume No. 1, provides that Applicant must construct and install measuring facilities at its own expense in a case such as that which is the subject of the application herein. Applicant requests that the forementioned provision of its FPC Gas Tariff be waived in the subject application inasmuch as the subject facilities are for the sole benefit of South Jersey.

The proposed volumes of natural gas which would be sold and delivered through the subject facilities would come out of South Jersey's presently authorized allocations sold to it under Applicant's rate schedules on file with the Commission.

Applicant estimates the cost of the proposed facilities to be $3,500, which would be financed from general funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 31, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application, as supplemented: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 19, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-48; Filed, Jan. 3, 1962; 8:45 a.m.]

[Docket Nos. RI 62-261—RI 62-268]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates and Allowing Proposed Increased Rates [1] To Become Effective Subject to Refund

DECEMBER 27, 1961.

Pan American Petroleum Corporation, Docket No. RI62-261; The Altex Corporation, Docket No. RI62-262; Sohio Petroleum Company, Docket Nos. RI62-263, 269; The Tarpon Oil Corporation, Docket No. RI62-264; J. C. Trahan Drilling Contractor, Inc. (Operator), et al., Docket No. RI62-265; Berkshire Oil Company, Docket No. RI62-266; Northern Pump Company (Operator), et al., Docket No. RI62-267; John B. Hawley, Jr., Docket No. RI62-268,

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. Sales made in Docket Nos. RI62-261, RI62-262, RI62-267, and RI62-268 are made at a pressure base of 14.65 psia, and all other sales are made at a pressure base of 15.025 psia. The Altex Corporation has submitted a proposed rate increase reflecting reimbursement of the Texas dedicated reserve tax applicable to gas sold to Tennessee Gas Transmission Company, which will be suspended for one day consistent with our action taken in similar matters. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62-261	Pan American Petroleum Corp., P.O. Box 591, Tulsa 2, Okla.	10	17	United Gas Pipe Line Co. (Blanconia Field, Bee County, Tex.) (R.R. District No. 2).	$146,144	12- 1-61	1- 1-62	6- 1-62	7.506	[1] 15.9	
RI62-262	The Altex Corp., P.O. Box 6798, San Antonio 9, Tex.	1	3	Tennessee Gas Transmission Co. (East Alice Field, Jim Wells County, Tex.) (R.R. District No. 4).	1,588	12- 1-61	1- 1-62	[2] 1- 2-62	15.0952	15.1645	
RI62-263	Sohio Petroleum Co., 970 First National Office Building, Oklahoma City 2, Okla.	35	9	Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, North Louisiana).	66	12- 1-61	1- 1-62	6- 1-62	16.211	[3] 16.4161	RI61-365
RI62-264	The Tarpon Oil Corp., 1305 Tulane Avenue, New Orleans, La.	1	1	United Gas Pipe Line Co. (Ansley Field, Hancock County, Miss.).	7,950	12- 4-61	1- 4-62	6- 4-62	18.5	[3] 20.5	
RI62-265	J. C. Trahan Drilling Contractor, Inc. (Operator), et al.	13	4	The Tarpon Oil Corp. (Ansley Field, Hancock County, Miss.).	7,950	12- 4-61	1- 4-62	6- 4-62	17.0	[3] 19.0	
RI62-266	Berkshire Oil Co., 840 Mellie Esperson Building, Houston, Tex.	3	3	Texas Gas Transmission Corp. (East Lake Palourde Field, Assumption Parish, South Louisiana).	1,320	11-30-61	1- 1-62	6- 1-62	21.75	[3] 23.75	
RI62-267	Northern Pump Co. (Operator), et al.	1	3	Northern Natural Gas Co. (Hugoton Field, Seward County, Kans.).	774	11-30-61	1- 1-62	6- 1-62	11.0	[3] 12.0	
		2	3	Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).	478	11-30-61	1- 1-62	6- 1-62	11.0	[3] 12.0	
		14	4	Northern Natural Gas Co. (Hugoton Field, Stevens County, Kans.).	3,103	11-30-61	1- 1-62	6- 1-62	11.0	[3] 12.0	
RI62-268	John B. Hawley, Jr., c/o Northern Pump Co., Columbia Heights P.P. Minneapolis 21, Minn.	2	9	Northern Natural Gas Co. (Hugoton Field, Haskell County, Kans.).	10	11-30-61	1- 1-62	6- 1-62	11.0	[3] 12.0	
RI62-269	Sohio Petroleum Co., 970 First National Office Building, Oklahoma City 2, Okla.	21	5	Texas Gas Transmission Corp. (Lewisburg Field, Acadia Parish, South Louisiana).	5,308	11-27-61	12-28-61	5-28-62	[4] 18.75	23.25	G-11884
RI62-269	....do	14	5	....do	7,679	11-27-61	12-28-61	5-28-62	[5] 18.75	23.25	G-11884
RI62-269	....do	16	7	....do	10,885	11-27-61	12-28-61	5-28-62	[5] 18.75	23.25	G-11884
RI62-269	....do	24	5	....do	8,130	11-27-61	12-28-61	5-28-62	[5] 18.75	23.25	G-11884

[1] Redetermined increase by letter agreement.
[2] Suspended for one day from Jan. 1, 1962, the date of expiration of the 30-day statutory notice.
[3] Periodic increase by contract.
[4] Includes 0.5 cent per Mcf for amortization of facilities deducted by buyer.
[5] Increase under favored-nation contract provision.

The proposed rates in each of the above-described filings exceeds the applicable area price levels.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon the dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That Supplement No. 3 to The Altex Corporation FPC Gas Rate Schedule No. 1, shall become effective on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order The Altex Corporation shall execute and file under Docket No. RI62-262 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless The Altex Corporation is advised to the contrary within 15 days after the filing of such agreement and undertaking, its agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 15, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-47; Filed, Jan. 3, 1962; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-WE-25]

PROPOSED TELEVISION ANTENNA STRUCTURE

Hearing

The American Broadcasting Company, Television Station KGO-TV, has petitioned the Administrator for a hearing with respect to the determination by the Agency Obstruction Evaluation Branch that the antenna structure proposed by it at Mt. Sutro, San Francisco, California, would be a hazard to air navigation. The Administrator has determined that the petition has an adequate foundation and has granted the hearing on the construction proposal in order to determine the effect of such construction on the safety of aircraft and the efficient utilization of the navigable airspace.

Notice is hereby given that a prehearing conference will be held beginning at 10:00 a.m., January 15, 1962, in the 7th Floor Conference Room of the Federal Aviation Agency's Building C, 1711 New York Avenue NW., Washington, D.C.

The following are designated as parties to the hearing:

Air Line Pilots Association.
Aircraft Owners and Pilots Association.
Air Transport Association.
American Broadcasting Company—KGO-TV.
California Aeronautics Commission.
California Association of Airport Executives, Inc.
Chronicle Publishing Company—KRON-TV.

Crocker Estate Company.
Department of the Air Force.
Department of the Army.
Department of the Navy.
Federal Communications Commission.
National Association of State Aviation Officials.
National Aviation Trades Association.
National Pilots Association.
Oakland International Airport.
San Francisco International Airport.

Designation as a party does not require participation in the hearing. Any person not designated who believes his activities would be substantially affected by the proposed construction may request the Presiding Officer for designation as a party to the hearing.

Issued: December 27, 1961.

CHARLES W. CARMODY,
Presiding Officer.

[F.R. Doc. 62-57; Filed, Jan. 3, 1962; 8:46 a.m.]

[OE Docket No. 61-WE-26]

PROPOSED TELEVISION ANTENNA STRUCTURE

Hearing

The Chronicle Publishing Company, Television Station KRON-TV, has petitioned the Administrator for a hearing with respect to the determination by the Agency Obstruction Evaluation Branch that the antenna structure proposed by it at Mt. Bruno, San Francisco, California, would be a hazard to air navigation. The Administrator has determined that the petition has an adequate foundation and has granted the hearing on the construction proposal in order to determine the effect of such construction on the safety of aircraft and the efficient utilization of the navigable airspace.

Notice is hereby given that a prehearing conference will be held beginning at 10:00 a.m., January 15, 1962, in the 7th Floor Conference Room of the Federal Aviation Agency's Building C, 1711 New York Avenue NW., Washington, D.C.

The following are designated as parties to the hearing:

Air Line Pilots Association.
Aircraft Owners and Pilots Association.
Air Transport Association.
American Broadcasting Company—KGO-TV.
California Aeronautics Commission.
California Association of Airport Executives, Inc.
Chronicle Publishing Company—KRON-TV.
Crocker Estate Company.
Department of the Air Force.
Department of the Army.
Department of the Navy.
Federal Communications Commission.
National Association of State Aviation Officials.
National Aviation Trades Association.
National Pilots Association.
Oakland International Airport.
San Francisco International Airport.

Designation as a party does not require participation in the hearing. Any person not designated who believes his activities would be substantially affected by the proposed construction may request the Presiding Officer for designation as a party to the hearing.

Issued: December 27, 1961.

CHARLES W. CARMODY,
Presiding Officer.

[F.R. Doc. 62-58; Filed, Jan. 3, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 8]

APPLICATIONS FOR "GRANDFATHER" ALASKA CERTIFICATE OR PERMIT AND HAWAII FREIGHT FORWARDER PERMIT

DECEMBER 28, 1961.

Under sections 206(a)(4), 206(a)(5), 209(a)(4), 209(a)(5), 309(a), 309(f), 410(a)(2), and 410(a)(3) of the Interstate Commerce Act, as amended July 12, 1960.

Section 1.243 of the Commission's special rules of practice have been amended to cover "grandfather" applications filed under the July 12, 1960, amendments.

Protests to the granting of an application must be filed with the Commission within 75 days of this publication in the FEDERAL REGISTER. A copy of the protest must be served on applicant's representative or on applicant if no practitioner represents him. The special rules provide further that failure to file a timely protest will be construed as a waiver of opposition and participation in the proceeding.

FREIGHT FORWARDER HAWAII "GRANDFATHER" RIGHTS

No. FF 266 (RESTRICTIVE AMENDMENT), filed December 27, 1960, published FEDERAL REGISTER issue of March 8, 1961, amended December 4, 1961, republished as amended, this issue. Applicant: MILTON J. DALY, doing business as HAWAIIAN EXPRESS & DILLON DRAYAGE CO., 646 First Street, San Francisco, Calif. Applicant's representative: Aaron H. Glickman, Monadnock Building, 681 Market Street, San Francisco, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, (1) between points within 50 miles of San Francisco, Calif., on the one hand, and, on the other, points in Hawaii.

NOTE: As originally filed applicant sought authority between all points in the United States and points in Hawaii.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-66; Filed, Jan. 3, 1962; 8:47 a.m.]

[Notice 413]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 28, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time, (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 203), filed December 26, 1961. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Nevada corporation, 1417 Clay Street, Oakland, Calif. Applicant's representative: Earl J. Brooks, 299 Adeline Street, Oakland 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from points in Idaho, Oregon, Utah and Washington to points in California, Indiana, Michigan, Minnesota, Ohio, Wyoming, and points in Wisconsin north of Wisconsin Highway 29; and (2) *Potato products, not frozen*, from points in Idaho, Oregon, Utah and Washington to points in California, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wyoming, and Wisconsin.

NOTE: Applicant states that any duplication of authority with that which it presently holds "shall not be construed as conferring more than a single operating right." Also applicant states that it controls Pacific and Atlantic Shippers, Inc., a freight forwarder operating under Permit No. FF-52 and related subs.

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 130 (Sub-No. 1), filed August 21, 1961. Applicant: DALLAS L. CORBET, Robinson, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk, and in packages, moving in combination with bulk shipments, from St. Joseph, Mo., to points in Atchison, Anderson, Brown, Chase, Coffey, Doniphan, Douglas, Franklin, Geary, Jackson, Jefferson, Johnson, Leavenworth, Linn, Lyon, Marshall, Miami, Nemaha, Pottawatomie, Riley, Shawnee, and Wabaunsee Counties, Kans., and to points in Cass, Johnson, Nemaha, Otoe, Pawnee, and Richardson Counties, Nebr., and *damaged shipments* of the above-specified commodity, on return.

HEARING: February 14, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 140.

No. MC 1124 (Sub No. 174), filed April 10, 1961. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Memphis, Tenn., and Jacksonville, Fla., as follows: from Memphis, Tenn., over U.S. Highway 78 to Birmingham, Ala., thence over U.S. Highway 280 to Richland, Ga., thence over Georgia Highway 55 to Dawson, Ga., thence over U.S. Highway 82 to Waycross, Ga., thence over U.S. Highway 23 to Jacksonville, Fla., and return over the same route, serving the intermediate points in Georgia and Florida located on Georgia Highway 55 and U.S. Highways 82 and 23; serving all points within 15 miles of Dawson, Albany, Tifton, and Waycross, Ga.; and serving the intermediate points of Tupelo, Miss., and Columbus, Ga., as points of joinder only. (2) Between Memphis, Tenn., and Pensacola, Fla., as follows: from Memphis, Tenn., over U.S. Highway 78 to Tupelo, Miss., thence over U.S. Highway 45 to Columbus, Miss., thence over Mississippi Highway 69 to Mississippi-Alabama State Line, thence over Alabama Highway 14 to Eutaw, Ala.; thence over U.S. Highway 43 to Grove Hill, Ala.; thence over U.S. Highway 84 to its intersection with Alabama Highway 21; thence over Alabama Highway 21 to Alabama-Florida State Line; thence over Florida Highway 97 to Pensacola, Fla.; and return over the same routes, serving the intermediate points of Tupelo, Miss., Purdue Hill, and Frisco City, Ala., as points of joinder only; serving Pensacola, Fla., as an intermediate point on applicant's presently authorized route between New Orleans, La., and Jacksonville, Fla., and serving all intermediate points in Florida located on Florida Highway 97, and U.S. Highway 29 between Pensacola, Fla., and junction of U.S. Highway 29 and Florida Highway 97; serving all points within 15 miles of Pensacola, Fla. (3) Between Columbus, Ga., and Savannah, Ga., as follows: from Columbus, Ga., over U.S. Highway 80 to Savannah, Ga., and return over the same route, serving all points within 15 miles of Savannah, Ga., and the intermediate point of Macon, Ga., and all points within 15 miles thereof, and serving Columbus, Ga., as a joinder only. (4) Between Savannah, Ga., and Marianna, Fla., as follows: from Savannah, Ga., over U.S. Highway 17 to its intersection with U.S. Highway 82, near Midway, Ga.; thence over U.S. Highway 82 to Waycross, Ga., thence over U.S. Highway 84 to Donalsonville, Ga., thence over Georgia Highway 91 to Georgia-Florida State Line, thence over Florida Highway 2 to its intersection with Florida Highway 165; thence over Florida Highway 165 to its intersection with Florida Highway 71; thence over Florida Highway 71 to Marianna, Fla., and return over the same routes, serving all intermediate points and all points within 15 miles of Valdosta, Ga., the off-route points of Attapulgus and Clyattville, Ga., and serving the intersection of U.S. Highway 17 and U.S. Highway 82 as point of joinder. (5) Between Macon, Ga., and Donalsonville, Ga., as follows: from Macon, Ga., over U.S. Highway 41 to Cordele, Ga., thence over Georgia Highway 257 to Albany, Ga., thence over Georgia Highway 91 to Donalsonville, Ga., and return over the same route, serving all intermediate points and the off-route point of Warner Robins, Ga. (6) Between Thomasville, Ga., and Tallahassee, Fla., as follows: from Thomasville, Ga., over U.S. Highway 319 to Tallahassee, Fla., and return over the same route, serving all intermediate points. (7) Between the intersection of U.S. Highway 17 and U.S. Highway 82 near Midway, Ga., and Jacksonville, Fla., as follows: from the intersection of U.S. Highway 17 and U.S. Highway 82 near Midway, Ga., over U.S. Highway 17 to Jacksonville, Fla., and return over the same route, serving all intermediate points; the off-route point of St. Marys, Ga., and serving the intersection of U.S. Highway 17 and U.S. Highway 82 near Midway, Ga., as a point of joinder. (8) Between Brunswick, Ga., and Waycross, Ga., as follows: from Brunswick, Ga., to Waycross, Ga., over U.S. Highway 84, and return over the same route, serving no intermediate points. (9) Between Tifton, Ga., and Lake City, Fla., as follows: from Tifton, Ga., to Lake City, Fla., over U.S. Highway 41, and return over the same route, serving all intermediate points. (10) Between Albany, Ga., and Quitman, Ga., as follows: from Albany, Ga., to Moultrie, Ga., over Georgia Highway 133; thence from Moultrie, Ga., to Quitman, Ga., over Georgia Highway 33, and return over the same routes, serving all intermediate points. (11) Between Albany, Ga., and Thomasville, Ga., as follows: from Albany, Ga., over U.S. Highway 19 to Thomasville, Ga., and return over the same route, serving all intermediate points. (12) Between Tifton, Ga., and Thomasville, Ga., as follows: from Tifton, Ga., to Thomasville, Ga., over U.S. Highway 319, and return over the same route, serving all intermediate points. (13) Between Tifton, Ga., and Cordele, Ga., as follows: from Tifton, Ga., to Cordele, Ga., over U.S. Highway 41, and return over the same route, serving all intermediate points. (14) Between Purdue Hill, Ala., and Frisco City, Ala., as follows: from Purdue Hill, Ala., to Frisco City, Ala., over Alabama Highway 23, and return over the same route, serving the termini as points of joinder only. (15) Between Monroe, La., and Columbus, Ga., as follows: from Monroe, La., over U.S. Highway 80 to Columbus, Ga., and return over the same route, serving Columbus, Ga., as a point of joinder only. (16) Between Monroe, La., and Pensacola, Fla., as follows: from Monroe, La., over U.S. Highway 80 to Jackson, Miss.; thence over U.S. Highway 49 to Hattiesburg, Miss., thence over U.S. Highway 98 to Mobile, Ala., thence over U.S. Highway 90 to Pensacola, Fla., and return over the same route, serving no intermediate points. (17) Service is proposed at Pensacola, Fla., as an intermediate point on applicant's presently authorized route between Jacksonville, Fla., and New Orleans, La.

HEARING: February 12–23, 1962, at the De Soto Hotel, Savannah, Ga., before Examiner Jerry F. Laughlin.

February 26–March 2, 1962, at the Albany Hotel, Albany, Ga., before Examiner Jerry F. Laughlin.

This assignment is for the sole purpose of applicant's initial presentation and the time and place or places for hearing the remainder of applicant's case in chief, will be at the discretion of the presiding examiner to be fixed at the conclusion of the Albany hearing indicated above.

No. MC 6616 (Sub-No. 9), filed November 8, 1961. Applicant: TOEDBE-BUSCH TRANSFER, INC., 926 Cass Avenue, St. Louis 6, Mo. Applicant's attorney: B. W. La Tourette, Jr., Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Pilot Grove, Mo., as an off-route point in connection with applicant's authorized regular-route operations between East St. Louis, Ill., and Kansas City, Kans.

HEARING: February 5, 1962, at the Post Office Building, Jefferson City, Mo., before Joint Board No. 179.

No. MC 22195 (Sub-No. 86), filed December 18, 1961. Applicant: DAN S. DUGAN, doing business as DUGAN OIL & TRANSPORT CO., P.O. Box 946, 41st Street and Grange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds, fertilizer ingredients, fertilizer*, and *fertilizer ammoniating solutions*, in bulk, in tank vehicles, from Mason City, Iowa and points within ten (10) miles thereof, to points in North Dakota, South Dakota, Minnesota, and Nebraska, and *rejected shipments* of the above-specified commodities, on return.

HEARING: January 23, 1962, in Room 393, Federal Building, and U.S. Court House, 110 South 4th Street, Minneapolis, Minn., before Examiner James Anton.

No. MC 22195 (Sub-No. 87), filed December 18, 1961. Applicant: DAN S. DUGAN, doing business as DUGAN OIL & TRANSPORT CO., P.O. Box 946, 41st Street and Grange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds, fertilizer ingredients* and *fertilizer*, in bulk, in tank vehicles, from Sanborn, Iowa, and points within ten (10) miles thereof, to points in North Dakota, South Dakota, Minnesota, and Nebraska and *rejected shipments* of the above-specified commodities, on return.

Crocker Estate Company.
Department of the Air Force.
Department of the Army.
Department of the Navy.
Federal Communications Commission.
National Association of State Aviation Officials.
National Aviation Trades Association.
National Pilots Association.
Oakland International Airport.
San Francisco International Airport.

Designation as a party does not require participation in the hearing. Any person not designated who believes his activities would be substantially affected

HEARING: January 22, 1962, in Room 393, Federal Building, and U.S. Court House, 110 South 4th Street, Minneapolis, Minn., before Examiner James Anton.

No. MC 50002 (Sub-No. 35), filed December 7, 1961. Applicant: T. CLARENCE BRIDGE AND HENRY W. BRIDGE, doing business as BRIDGE BROTHERS, North Santa Fe Trail, P.O. Box 588, Lamar, Colo. Applicant's attorney: C. Zimmerman, 503 Schweiter Building, Wichita 2, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gases*, in bulk, in tank vehicles, from points in Kansas to points in Nebraska on and west of Nebraska Highway 14, and *rejected shipments*, on return.

HEARING: February 16, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 19.

No. MC 52054 (Sub-No. 19), filed December 1, 1961. Applicant: S & C TRANSPORT COMPANY, INC., 65 State Street, South Hutchinson, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in sacks, from Hutchinson, Kans., to Alva, Chickasha, Duncan, Lawton, Oklahoma City, Muskogee, Durant, Edmond, and Clinton, Okla., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified above, on return.

HEARING: February 12, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 39.

No. MC 55885 (Sub No. 7) (AMENDMENT), filed May 24, 1961, published issue of December 6, 1961, and republished as amended this issue. Applicant: HOMER H. JACKSON, doing business as JACKSON TRUCKING COMPANY, Box 145, Otsego, Mich. Applicant's attorney: L. F. Richardson, Michigan National Tower, Lansing 8, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, and *rejected and returned shipments*, between Allegan, Mich., and points in California, Colorado, Florida, Maryland, Massachusetts, Minnesota, New Jersey, New York, Pennsylvania, and Texas.

NOTE: The purpose of this republication is to reflect the proposed operation as a between movement in lieu of a from and to movement.

HEARING: Hearing remains as assigned: January 16, 1962, at the Federal Building, Lansing, Michigan, before Examiner James Anton.

No. MC 60014 (Sub-No. 8), filed December 18, 1961. Applicant: AERO TRUCKING, INC., Box 278, R.D. 1, Oakdale, Pa. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Conduit and pipe, and attachments, parts and fittings therefor*, from Ravenna, Ohio, and points within a radius of four (4) miles thereof (including Rootstown Township, Portage County, Ohio), to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the District of Columbia; (b) *containers, racks, dividers, skids, pallets*, and *other shipping and protection devices* used in connection with outbound transportation of conduit and pipe, and attachments, parts and fittings therefor, from points in the destination states mentioned in (a) above, to Ravenna, Ohio, and points within four (4) miles thereof; and (c) *returned, damaged or rejected shipments of conduit and pipe, and attachments, parts and fittings therefor* from points in the destination states mentioned in (a) above to Ravenna, Ohio, and points within four (4) miles thereof.

HEARING: January 31, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 61734 (Sub-No. 8), filed November 8, 1961. Applicant: CARLSON TRUCK LINE, INC., Box 91, Clay Center, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags and in bulk, and *returned* and *rejected shipments*, between Lawrence, Kans., and points within ten (10) miles thereof and points in Nebraska.

NOTE: Applicant states the proposed operation is restricted to provide no service in either tank or hopper type vehicles.

HEARING: February 14, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 19.

No. MC 88685 (Sub-No. 16), filed October 30, 1961. Applicant: L. E. WHITLOCK TRUCK SERVICE, INC., 629 Broadway, Stafford, Kans. Applicant's attorney: Hollis B. Logan, 512 New England Building, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and fertilizer*, in bags and in bulk, between points in Kansas, on the one hand, and, on the other, points in Missouri and Nebraska.

HEARING: February 13, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 140.

No. MC 106456 (Sub-No. 36), filed December 21, 1961. Applicant: SUPER SERVICE MOTOR FREIGHT COMPANY, INC., Box 180, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, and those requiring special equipment) serving Oakbrook, Ill., as an off-route point in connection with applicant's regular-route operations to and from Chicago, Ill.

HEARING: January 19, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner James Anton.

No. MC 107403 (Sub-No. 372), filed December 18, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, commodities of unusual value and Classes A and B explosives) having prior or subsequent movement by barge, between East Liverpool, Ohio, on the one hand, and on the other, points in Ohio, points in Brooke, Doddridge, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Pleasants, Preston, Taylor, Ritchie, Tyler, Wetzel, and Wood Counties, W. Va., and points in Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Clarion, Crawford, Erie, Fayette, Greene, Indiana, Lawrence, Mercer, Venango, Washington, and Westmoreland Counties, Pa.

NOTE: Applicant states that it is authorized to control Reader Brothers, Inc., under MC-F-6886, and Clarke Bulk Transfer, under MC-F-7909. Note also that applicant holds contract carrier authority under MC-117637, so dual operations may be involved.

HEARING: January 16, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59.

No. MC 107515 (Sub-No. 377), filed December 13, 1961. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Oleomargarine, shortening, lard and tallow*, in straight and mixed shipments, and (2) *salad oils, salad dressings and table sauces*, in mixed shipments with commodities named in (1) above; From Jacksonville, Ill., to points in Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, and Tennessee (except Memphis).

HEARING: February 2, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Examiner Alton R. Smith.

No. MC 112020 (Sub-No. 147), filed December 26, 1961. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Juices* and *juice concentrates*, in bulk, from points in Texas to points in the United States including the District of Columbia but excluding Alaska and Hawaii.

HEARING: January 24, 1962, at 1 o'clock p.m. at the Granado Hotel, San Antonio, Tex., before Examiner Dallas B. Russell.

No. MC 115460 (Sub-No. 4), filed November 21, 1961. Applicant: RALPH NOE, 726 West First Street, Maryville, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed rock*, from the site of a rock quarry located approximately four (4) miles north of Ravenwood, Mo., to points in Taylor County, Iowa.

HEARING: February 6, 1962, at the Post Office Building, Jefferson City, Mo., before Joint Board No. 137.

No. MC 116004 (Sub-No. 5), filed July 31, 1961. Applicant: TEXAS OKLAHOMA EXPRESS, INC., 1017 South

Akard Street, Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Liberal and Wichita, Kans.; from Liberal over U.S. Highway 54 to Wichita, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

HEARING: February 16, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 105.

No. MC 118168 (Sub-No. 4) (AMENDMENT), filed November 20, 1961, published issue of December 20, 1961, amended December 22, 1961, and republished as amended this issue. Applicant: MARQUIS REFRIGERATED LINES, INC., Findley and Beltline Road, Irving, Tex. Applicant's attorney: M. Ward Bailey, 807 Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potato products not frozen* and *frozen foods*, from points in Oregon, Idaho, and Utah to points in New Mexico, Texas, Louisiana, Arkansas, and Oklahoma, and *exempt commodities*, on return.

NOTE: The purpose of this republication is to change the commodity description.

HEARING: Remains as assigned February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 123393 (Sub-No. 10), filed November 13, 1961. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green, unfinished cheese*, from points in Iowa to Neosho, Joplin, Springfield, and Carthage, Mo., and the Commercial Zones, of each city, as defined by the Commission.

NOTE: Applicant states it "is under common control with Bill Bilyeu doing business as Bilyeu Transport an exempt hauler of milk in tank trucks."

HEARING: February 7, 1962, at the Post Office Building, Jefferson City, Mo., before Joint Board No. 55.

No. MC 123458, filed February 23, 1961. Applicant: J. P. COLLIVER, 110 North Delaware, Salina, Kans. Applicant's attorney: Rudolph Barta, 111½ North Santa Fe, P.O. Box 359, Salina, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, from Kanopolis, Kans., to Springfield and Webb City, Mo., and (2) *gravel*, from points in Southeastern Mo., to Kanopolis, Kans., on return.

NOTE: It is expected that the territory proposed to be served in Item (2) vaguely referred to as "Southeastern Mo." will be clearly defined at the hearing.

HEARING: February 15, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 36.

No. MC 123781 (Sub-No. 1), filed November 13, 1961. Applicant: JAMES D. TURNER, Route 1, Stark City, Mo. Applicant's attorney: George Henry, 115 West Spring Street, Neosho, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, grain* and *poultry feeder equipment*, from Monett and Neosho, Mo., to points in Ottawa and Delaware Counties, Okla., and points in Benton and Carroll Counties, Ark., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

NOTE: Applicant states the proposed operation will be to poultry farms located in said counties in Oklahoma and Arkansas; said poultry farmers will be customers of Norris Grain Company or poultry producers for Norris Grain Company.

HEARING: February 6, 1962, at the Post Office Building, Jefferson City, Mo., before Joint Board No. 288.

No. MC 124015, filed October 23, 1961. Applicant: EDWIN D. JONES, doing business as JONES SUPPLY CO., 805 Hiawatha Avenue, Hiawatha, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular-routes, transporting: (1) *Feed* sacked and in bulk, from St. Joseph, Mo., to points in Atchison, Brown, Chase, Doniphan, Douglas, Jackson, Jefferson, Johnson, Leavenworth, Lyons, Morris, Shawnee, and Woodson Counties, Kans.; and (2) *Fertilizers*, between Tulsa, Okla., and points in Brown County, Kans.

NOTE: (1) Applicant indicates it will transport exempt commodities on return trips. (2) Application for contract authority is pending in MC 123373. Applicant states it does not seek dual operations but desires conversion to common carrier authority, and is willing to have its contract carrier authority cancelled if and when conversion is granted.

HEARING: February 12, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 180.

No. MC 124112, filed December 18, 1961. Applicant: ALLEN K. BROWN, doing business as A. K. VAN SERVICE, 3974 Beallwood Avenue, Columbus, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama and Georgia.

HEARING: February 1, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 157, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

MOTOR CARRIERS OF PASSENGER

No. MC 29623 (Sub-No. 25), filed November 27, 1961. Applicant: SOUTHEASTERN STAGES, INC., 457 Piedmont Avenue NE., Atlanta 8, Ga. Applicant's attorney: Allen Post, 1220 First National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, baggage, mail, package express*, and *newspapers*, in the same vehicle with passengers, between Atlanta, Ga., and Junction Georgia Highway 12 (U.S. Highway 278) and U.S. Interstate Highway 20 southeast of Lithonia, Ga.; from Atlanta over U.S. Interstate Highway 20 to Junction Georgia Highway 12 (U.S. Highway 278) and U.S. Interstate Highway 20, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations between Atlanta, Ga., and Savannah, Ga.

HEARING: February 1, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 101 or, if the Joint Board waives its right to participate before Examiner Alton R. Smith.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 57435 (Sub-No. 7), filed December 15, 1961. Applicant: LOUISIANA, ARKANSAS & TEXAS TRANSPORTATION COMPANY, a corporation, 4601 Blanchard Road, Shreveport, La. Applicant's attorney: William E. Davis, 114 West 11th Street, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (without exceptions)*; serving Alpine City, La. (including the plant site of Manning, Maxwell & Moore), located adjacent to U.S. Highway 71 approximately one-half mile north of intersection of U.S. Highways 71 and 167 and approximately 12 miles north of Alexandria, La., as an intermediate point in connection with applicant's presently authorized regular route operations in MC 57435 (Sub-No. 2).

NOTE: Applicant states it is a wholly owned subsidiary of Louisiana & Arkansas Railway Company.

No. MC 66562 (Sub-No. 1866), filed December 15, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Bangor, and Van Buren, Maine, (1) from Bangor, over U.S. Highway 2 to junction U.S. Highway 2 and Alternate U.S. Highway 2, thence over Alternate U.S. Highway 2 to Houlton, Maine, thence over U.S. Highway 1 to Van Buren, and return over the same route, (2) Also from junction U.S. Highway 2 and Maine Highway 157 to Millinocket, Maine, and return over the same route, and (3) serving the intermediate and off-route points of Houlton, Mars Hill, Caribou, and Millinocket, Maine, in connection with the service proposed above. RESTRICTION: The service to be per-

formed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 66562 (Sub-No. 1867), filed December 20, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Baltimore, Md., and Washington, D.C., from Baltimore, over city streets to U.S. Highway 1, south on U.S. 1 to junction Maryland Highway 166, west on Maryland Highway 166 to St. Denis, Md., and return over the same route to U.S. Highway 1, continue south on U.S. Highway 1, to junction Maryland Highway 175, east on Maryland Highway 175, to Jessup, Md., return over the same route to U.S. Highway 1, continue south on U.S. Highway 1 to junction Alternate U.S. Highway 1, continue on Alternate U.S. Highway 1 to Washington, D.C. and return over the same route serving the intermediate and off-route points of St. Denis, Jessup, Laurel, Beltsville, and Berwyn, Md. RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 73937 (Sub-No. 13), filed December 11, 1961. Applicant: HOGAN STORAGE & TRANSFER COMPANY, a corporation, 721 East Fourth Avenue, P.O. Box 613, Williamson, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Williamson, W. Va., on the one hand, and, on the other, points in Bell, Harlan, Leslie, Letcher, Magoffin, and Perry Counties, Ky., and points in Wise County, Va.

No. MC 102616 (Sub-No. 702), filed December 14, 1961. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation gasoline*, in bulk, in tank vehicles, from Neville Island, Pa., to Beckley, W. Va.

No. MC 107403 (Sub-No. 371), filed December 14, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst*, in bulk, in covered semi-trailer equipment; from Cincinnati, Ohio, to points in Oklahoma.

NOTE: Applicant also holds contract authority in Permit MC 117637.

No. MC 109028 (Sub-No. 5) (CLARIFICATION) filed November 8, 1961, published in FEDERAL REGISTER issue of November 22, 1961, clarified December 21, 1961, and republished, as clarified, this issue. Applicant: HILLSIDE TRANSIT CO., 3150 North 117th Street, Milwaukee 22, Wis. Applicant's attorney: W. E. Hustleby, 1681 Highland Parkway, St. Paul 16, Minn. Notice of the filing of the subject application was originally published in the FEDERAL REGISTER issue of November 22, 1961. In response to requests for clarification applicant states: "Additional territorial authority to be bounded by a line beginning at Stillwater, Minn., thence in a northeasterly direction along Wisconsin Highway 35 to the Twin Ports of Duluth, Minn., and Superior, Wis., including such points, thence in an easterly direction along U.S. Highway 2 to Ashland, Wis., for joinder with the presently authorized area in the Permit of October 24, 1960, under Docket MC 109028, the western boundary of the existing authority being designated as " " " territory bounded by a line beginning at Dubuque, Iowa, and extending in a northwesterly direction along the west bank of the Mississippi River through Winona, Minn., to the confluence of the Mississippi and St. Croix Rivers, thence along the west bank of the St. Croix River to Stillwater, Minn., thence in a northeasterly direction across the river and through Hayward, Wis., to Ashland, Wis., thence in a northeasterly direction along the shore of Lake Superior to Calumet, Mich. " " ", i.e, between points and places within the combined existing and enlarged territory, including the points named, and between points and places in such combined territory on the one hand, and, on the other, Gary, Ind., Princeton, Ill., Davenport, Iowa, and Minneapolis and St. Paul, Minn., the entire authority to be subject to the existing restriction as limited to service to be performed under special and individual contracts or agreements with persons (as defined in section 203(a) of the Act) who operate retail stores, the business of which is the sale of food, for the transportation of the commodities indicated and in the manner specified."

No. MC 113908 (Sub-No. 89), filed December 18, 1961. Applicant: ERICKSON TRANSPORT CORPORATION, 706 West Tampa, Springfield, Mo. Applicant's attorney: Turner White, 808 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brandy and wine*, in bulk, in tank vehicles, from Lake Alfred, Fla., to points in New Jersey and Minnesota.

No. MC 123190 (Sub-No. 44), filed December 18, 1961. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Bulding, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst*, from Cincinnati, Ohio, to points in Oklahoma.

No. MC 124106, filed December 20, 1961. Applicant: MIDWEST MAIL SERVICE, INC., 6779 Franklin Street, Omaha, Nebr. Applicant's attorney: C. J. Burrill, 904 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Original office records, commercial papers, written instruments or printed reports and copies or reproductions thereof, in any form including, but not limited to, exposed and processed film, microfilm, magnetic encoded documents, magnetic tapes, punch cards, and other data processing materials, containers, storage or housing units used in connection therewith, and any equipment used for the reproduction decoding or reading of such records*, between the site of the Underground Vault and Storage Company located at or near Hutchinson, Kans., and points in Nebraska.

NOTE: Applicant states, the proposed service will be for shippers under bilateral contracts related to the specific or individual requirements of Insurance companies, Public utilities, Banks, banking or other financial institutions, Building and loan or savings associations and other businesses or industries engaged in or contemplating Disaster Control programs involving the remote storage or vital records.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 254), filed December 18, 1961. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Robert J. Bernard (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, newspapers and mail*, in the same vehicle with passengers, (1) between junction U.S. Highways 60–460 and Kentucky Highway 841 near Middletown, Ky., and junction U.S. Highways 60–460–127 near Frankfort, Ky., and return over the same route serving all intermediate points, (2) between junction Interstate Highway 64 and Kentucky Highway 55 and junction Kentucky Highway 55 and U.S. Highways 60–460 near Shelbyville, Ky., and return over the same route serving all intermediate points, and (3) between junction U.S. Highway 60–460 and Kentucky Highway 53 and junction Kentucky Highway 53 and Interstate Highway 64, and return over the same route serving all intermediate points.

NOTE: Common control may be involved.

No. MC 1501 (Sub-No. 257), filed December 18, 1961. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Robert J. Bernard (same as applicant). Authority sought

to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, newspapers and mail*, in the same vehicle with passengers, between Nashville and Sparta, Tenn.; from Nashville, over U.S. Highway 70–N to its junction with Tennessee Highway 26 at Lebanon, thence over Tennessee Highway 26 to Sparta, and return over the same routes serving no intermediate points, for operating convenience only.

NOTE: Common control may be involved.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIERS OF PASSENGERS

No. MC 12786, filed December 19, 1961. Applicant: PACIFIC PALISADES EDUCATIONAL TOURS (TEENTOURS), 875 Via de la Paz, Pacific Palisades, Calif. Applicant's attorney: Richard Jay Collins, 875 Via de la Paz, Pacific Palisades, Calif. For a license (BMC 5) to engage in operations as a *broker* at Pacific Palisades, Calif., in arranging for the transportation in interstate or foreign commerce by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers (groups of persons attending school and others seeking educational experiences, plus counselors, guides and chaperones), in round-trip and one-way operations consisting of chartered and conducted educational and sightseeing tours originating at points in Los Angeles County, Calif., and extending to points in the United States, excluding Hawaii and Alaska.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–7978 (SOUTHERN TANK LINES, INC.—PURCHASE—LaGRETA LOWMAN REELY), published in the October 18, 1961, issue of the FEDERAL REGISTER on page 9801. Amendment filed December 26, 1961, to include in addition to the authority sought to be transferred: Broker's License No. MC–12336 as issued by the Interstate Commerce Commission, authorizing and licensing the holder to engage in operations as a broker, in the transportation service by motor vehicle, of household goods, as defined by the Commission, between points in Montana, on the one hand, and, on the other points in the United States except Alaska and Hawaii; authorized to engage in this specified operation at Missoula, Mont.

No. MC–F–8030. Authority sought for merger into E. BROOKE MATLACK, INC., Wilford Building, 33d and Arch Streets, Philadelphia 4, Pa., of the operating rights and property of READER BROTHERS, INC., Wilford Building, 33d and Arch Streets, Philadelphia 4, Pa., and for acquisition by DUVERNEY MATLACK, EDWIN L. MATLACK, E. BROOKE MATLACK, JR., and ROBERT W. MATLACK, all of Philadelphia, Pa., of control of such rights and property through the transaction. Applicants' attorney: Robert H. Shertz, Morgan, Lewis & Bocklius, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa. Operating rights sought to be merged: *Chemicals and solvents*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, between Philadelphia and Linfield, Pa., on the one hand, and, on the other, Baltimore and Elkton, Md., Claymont, Del., Gibbsboro, Carney's Point, and Deepwater, N.J., and points in that part of New Jersey on and north of New Jersey Highway 33, and between Bristol, Pa., on the one hand, and, on the other, points in that part of New Jersey on and north of New Jersey Highway 33; *liquids*, except milk, petroleum, petroleum products, coal tar, and coal tar products, in bulk, in tank vehicles, between Philadelphia, Pa., and points within 25 miles thereof, on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 100 miles of Philadelphia; *liquid chemicals*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Alabama, Georgia, Mississippi, South Carolina, Virginia, West Virginia, and Tennessee. E. BROOKE MATLACK, INC., is authorized to operate as a *common carrier* in Maryland, Delaware, Pennsylvania, Virginia, New Jersey, New York, Ohio, West Virginia, North Carolina, South Carolina, Georgia, Indiana, Alabama, Missouri, Tennessee, Minnesota, Michigan, Illinois, Wisconsin, Kentucky, Kansas, New Hampshire, Rhode Island, Connecticut, Massachusetts, Vermont, Florida, Iowa, Mississippi, Louisiana, Maine, and the District of Columbia, and as a *contract carrier* in Ohio, New York, New Jersey, Connecticut, Massachusetts, New Hampshire, Rhode Island, Pennsylvania and Vermont. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8031. Authority sought for merger into JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, Pa., of the operating rights and property of McCORMICK TRANSPORTATION COMPANY, Ninth and Church Streets, Wilmington, Del., and for acquisition by WM. S. JONES, R.D. 2, Phoenixville, Pa., R. C. JONES, JR., 1304 Monroe Street, Wyomissing, Pa., H. ELLIS JONES, 440 Highland Road, Pottstown, Pa., ALVIN JONES, 3053 Tremont Street, Allentown, Pa., H. A. HERSHEY, 751 Spruce Street, Royersford, Pa., and MARK R. HERR, R.D. 2, Collegeville, Pa., of control of such rights and property through the transaction. Applicants' attorneys and representative respectively: Rice, Carpenter & Carraway, 618 Perpetual Building, Washington 4, D.C., and H. A. Hershey, Vice President, Jones Motor Co., Inc., Spring City, Pa. Operating rights sought to be merged: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Wilmington, Del., and New York, N.Y., serving certain intermediate and off-route points; *general commodities*, excepting among others, household goods and commodities in bulk, over irregular routes, between points in New Castle County, Del., on the one hand, and, on the other, certain points in Maryland and certain points in Pennsylvania; *paper*, from Providence, Md., to Newark, N.J., and points in the NEW YORK, N.Y., COMMERCIAL ZONE, as defined by the Commission; *commodities* requiring specialized handling or rigging because of size or weight, between points in New Castle County, Del., on the one hand, and, on the other, points in Maryland, certain points in Pennsylvania and those in that part of New Jersey south of New Jersey Highway 33. JONES MOTOR CO., INC., is authorized to operate as a *common carrier* in New Jersey, New York, Maryland, Pennsylvania, Ohio, Michigan, Indiana, Illinois, West Virginia, Massachusetts, Rhode Island, Connecticut, Delaware, and the District of Columbia. Application has not been filed for temporary authority under Section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 62–67; Filed, Jan. 3, 1962; 8:47 a.m.]

[Notice 414]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 28, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Sub-No. 203), RISS & COMPANY, INC., ET AL. The abovenamed is the lead proceeding involving a number of applications seeking authority to transport commodities in so-called sealdtanks, sealdbins, sealddrums, and nest-a-bin containers. All of the proceedings were the subject of a pre-hearing conference held November 29, 1960, and notice of the filing of all of the applications was given by publication in the FEDERAL REGISTER, with the exception of three applications involving the transportation above-noted. Those applications are as set forth hereinbelow. An Order of the Commission, dated December 18, 1961, entered in the lead proceeding, MC 200 (Sub-No. 203), provides for the handling of these three above docketed applications under modified procedure, as well as the other applications referred to in that Order, and further provides that protests with respect to these three applications may be filed and served upon applicant, or its counsel, not

later than 30 days from the date of this publication of the issues in those applications in the FEDERAL REGISTER.

No. MC 7746 (Sub No. 114), filed June 12, 1961. Applicant: UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane 2, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities*, in collapsible tanks, drums or bins, or the equivalent thereof, including but not limited to, tanks, drums, or bins known as Sealdtanks, Sealbins, or Nelsabins, between points and over the routes as specified in applicant's Certificate in Docket No. MC 7746 and Subs thereunder, in the States of Idaho, Montana, Oregon, and Washington.

No. MC 71096 (Sub No. 36), filed December 23, 1960. Applicant: NORWALK TRUCK LINES, INC., 180 Milan Avenue, Norwalk, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities*, in containers (including but not limited to sealed tanks, sealed bins, sealed drums, and nest-O-bins, whether furnished by shipper or owner or leased by carrier), from, to, and between, all points and territories, and over the routes which applicant is authorized to serve in the states of Indiana, Illinois, Michigan, Ohio, New York, Pennsylvania, West Virginia, and Wisconsin.

No. MC 105458 (Sub No. 4), filed November 25, 1960. Applicant: CHARLES W. DILLIE, doing business as C. W. DILLIE, P.O. Box 4, Washington, Pa. Applicant's attorney: John A. Vuono, 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry commodities* in containers, including but not limited to, "Sealdtank", "Sealdbin", "Sealddrum", and "Nest-a-Bin" containers, in or upon ordinary vehicles, over the routes and in the territories, including all termini and all intermediate and/or off-route points which applicant is presently authorized to serve in the States of Ohio, Pennsylvania, and West Virginia.

NOTE: Applicant states it seeks to serve no new territory, it believes it is presently authorized to transport commodities moving in containers of any kind or description.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-68; Filed, Jan. 3, 1962; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

The Andala Co., Andalusia, Ala.; effective 12-1-61 to 11-30-62 (men's work shirts and pants).

Berwick Shirt Co., 10th and Pine Streets, Berwick, Pa.; effective 11-24-61 to 11-23-62 (men's sport shirts).

Blue Bell, Inc., 450 East Barnes Street, Bushnell, Ill.; effective 12-9-61 to 12-8-62 (men's cotton twill matched pants).

Burnley Shirt Corp., 502 22d Avenue, Meridian, Miss.; effective 11-22-61 to 11-21-62 (men's dress and sport shirts).

Byrds Manufacturing Co., Byrdstown, Tenn.; effective 11-29-61 to 11-28-62 (ladies' sport shirts and men's and boys' sport shirts).

Carolina Sleepwear Corp., Weldon, N.C.; effective 11-21-61 to 11-20-62 (ladies' woven nightwear).

Carteret Industries, Inc., Newport, N.C.; effective 11-22-61 to 11-21-62 (men's sport shirts).

Cowden Manufacturing Co., 112 Hamilton Avenue, Lancaster, Ky.; effective 11-28-61 to 11-27-62 (overalls and jackets).

Diaper Jeans, Inc., 315 West Chestnut Street, Denison, Tex.; effective 11-27-61 to 11-26-62 (infants' and children's outerwear).

Gattman Sportswear, Inc., Gattman, Miss.; effective 11-27-61 to 11-26-62 (men's dress slacks).

Hollywood Vassarette, West Railroad Avenue, Princeton, Ill.; effective 11-22-61 to 11-21-62 (women's girdles).

Manhattan Shirt Co., Tripp Street, Americus, Ga.; effective 11-27-61 to 11-26-62 (men's dress shirts).

Myco Manufacturing Co., Inc., Montgomery, Pa.; effective 12-1-61 to 11-30-62 (ladies' housecoats, dusters and robes).

Phillips Van-Heusen Corp., Brinkley, Ark.; effective 12-2-61 to 12-1-62 (dress shirts).

Rosemont Dress Co., 860 Moss Street, Reading, Pa.; effective 11-22-61 to 11-21-62 (women's dresses).

State Manufacturing Co., Inc., New Philadelphia, Pa.; effective 11-24-61 to 11-23-62; 10 percent of the total number of factory production workers engaged in the production of woolen suburban coats (men's wool suburban and cotton sport coats).

States Nitewear Manufacturing Co., Inc., Healy and Bates Streets, New Bedford, Mass.; effective 12-1-61 to 11-30-62 (ladies' nightgowns and pajamas).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Allee-Berry, Inc., Columbus, Kans.; effective 12-8-61 to 12-7-62; 10 learners (work pants and boys' and youths' semi-dress pants).

Briell-Rogers Division of Angelica Uniform Co., Cotter, Ark.; effective 11-21-61 to 11-20-62; 3 learners (men's and women's cotton washable service apparel).

Blue Bell, Inc., Warsaw, Ind.; effective 12-9-61 to 12-8-62; 10 learners (men's and boys' dungarees).

Carrol Ann, Inc., Municipal Building, Hastings, Pa.; effective 11-21-61 to 11-20-62; 10 learners (women's dresses).

Laura Fashions, Inc., 737 Main Street, Avoca, Pa.; effective 11-24-61 to 11-23-62; 10 learners (women's dresses).

Lorch Manufacturing Co., West Tex.; effective 12-1-61 to 11-30-62; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's dresses).

The Strouse-Baer Co., 110 South Paca Street, Baltimore 1, Md.; effective 11-22-61 to 11-21-62; 10 learners (boys' clothing-shirts, slacks, etc.).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Carolina Sleepwear Corp., Weldon, N.C.; effective 11-21-61 to 5-20-62; 30 learners (ladies' woven nightwear).

Carteret Industries, Inc., Newport, N.C.; effective 11-22-61 to 5-21-62; 10 learners (men's sport shirts).

Gould-Hayes, Inc., Bethune, S.C.; effective 11-22-61 to 5-21-62; 20 learners (infants' wear—crawlers, dresses).

Hicks-Ponder Co., Yuma, Ariz.; effective 11-21-61 to 5-20-62; 20 learners (men's utility pants and casual slacks).

Maine Dress Co., Cornish, Maine; effective 11-20-61 to 5-19-62; 10 learners (women's dresses).

Monroe Manufacturing Co., Gamaliel, Ky.; effective 11-22-61 to 5-21-62; 60 learners (men's cotton pants).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Burlington Industries, Inc., Scottsboro Hosiery Co., Scottsboro, Ala.; effective 11-22-61 to 5-21-62; 25 learners for plant expansion purposes (seamless).

Francis-Louise Full Fashion Mills, Inc., West Connelly Street, Valdese, N.C.; effective 11-28-61 to 11-27-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

Nebel Knitting Co., 101 West Worthington Avenue, Charlotte 3, N.C.; effective 11-22-61 to 11-21-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Ragan Knitting Co., Inc., 7 Cox Avenue, Thomasville, N.C.; effective 11-22-61 to 11-21-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Wigwam Mills, Inc., Sheboygan, Wis.; effective 12-5-61 to 12-4-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless slipperettes).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

The B.V.D. Co., Inc., 901 North Downing Street, Piqua, Ohio; effective 11-22-61 to 11-21-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (tee shirts, brevs).

Cluett, Peabody and Co., Inc., Eveleth, Minn.; effective 11-28-61 to 11-27-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's underwear).

Superior Mills, Division of B.V.D. Co., Inc., Carrboro, N.C.; effective 11-30-61 to 5-29-62; 10 learners for plant expansion purposes (underwear).

Superior Mills, Division of the B.V.D. Co., Inc., Carrboro, N.C.; effective 11-22-61 to 11-21-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Barbee's of Hawaii, 1473 South King Street, Honolulu 14, Hawaii; effective 11-27-61 to 5-26-62; 2 learners for normal labor turnover purposes in the occupations of sewing machine operator and hand sewer for the learning periods of 320 hours each at the rates of at least $1.00 an hour for the first 160 hours and not less than $1.05 an hour for the remaining 160 hours (ladies' garments and beach accessories).

Mauston Manufacturing Co., 424 La Crosse Street, Mauston, Wis.; effective 11-22-61 to 5-21-62; 70 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 320 hours at the rate of at least $1.00 an hour (mattress cover, shelter half tent, insect bars, etc.).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Brunswick Royal, Inc., GM, Ponce, P.R.; effective 11-13-61 to 5-12-62; 68 learners for plant expansion purposes in the occupations of: (1) stitching machine operator and hand lacer, for a learning period of 320 hours each, at the rates of 51 cents an hour for the first 160 hours and 59 cents an hour for the remaining 160 hours; (2) leather stamper, leather regrader, layer-off, turner, final glove layer-off, eyeletter, and final inspection for a learning period of 160 hours each at the rate of 51 cents an hour (baseball gloves and mitts).

Caribe Precision Balls, Inc., Roosevelt, P.R.; effective 11-15-61 to 11-14-62; 5 learners for normal labor turnover purposes in the occupations of grinders and inspectresses, each for a learning period of 480 hours at the rates of 87 cents an hour for the first 240 hours and $1.01 an hour for the remaining 240 hours (miniature precision balls).

Caribe Precision Balls, Inc., Roosevelt, P.R.; effective 11-15-61 to 5-14-62; 5 learners for plant expansion purposes in the occupations of grinders and inspectresses for a learning period of 480 hours each, at the rates of 87 cents an hour for the first 240 hours and $1.01 an hour for the remaining 240 hours (miniature precision balls).

Esquire Manufacturing Corp., Humacao, P.R.; effective 11-6-61 to 5-5-62; 13 learners for normal labor turnover purposes in the occupations of (1) sewing machine operators and final pressers for a learning period of 480 hours each, at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours; and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 65 cents an hour (men's and boys' pajamas).

Esquire Manufacturing Corp., Humacao, P.R.; effective 11-6-61 to 5-5-62; 62 learners for plant expansion purposes in the occupations of: (1) sewing machine operators and final pressers for a learning period of 480 hours each, at the rate of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 65 cents an hour (men's and boys' pajamas).

Finrico, Inc., Cayey, P.R.; effective 11-16-61 to 11-15-62; 10 learners for normal labor turnover purposes in the occupations of machine stitching and pressing for a learning period of 320 hours each, at the rate of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (sweaters).

Jurala Diamond Setting Co., 242 Franklin D. Roosevelt Avenue, Hato Rey, P.R.; effective 11-3-61 to 5-2-62; 10 learners for plant expansion purposes in the occupation of mounting of diamonds for a learning period of 320 hours at the rate of 87 cents an hour for the first 160 hours and $1.01 an hour for the remaining 160 hours. (jewelry).

Sigo Corp., Barriada Luberas, Yauco, P.R.; effective 11-16-61 to 5-15-62; 10 learners for plant expansion purposes in the occupations of: (1) knitting machine operators for a learning period of 480 hours at the rate of 78 cents an hour for the first 240 hours and 91 cents an hour for the remaining 240 hours; (2) loopers for a learning period of 360 hours at the rate of 78 cents an hour for the first 180 hours and 91 cents an hour for the remaining 180 hours; and (3) seamers and toppers for a learning period of 160 hours each, at the rate of 78 cents an hour (sweaters and shirts).

Tobacco Products Manufacturing Corp., of P.R., Caguas, P.R.; effective 10-23-61 to 10-22-62; 19 learners for normal labor turnover purposes in the occupation of sorters for a learning period of 240 hours at the rate of 63 cents an hour (processing of shade wrapper tobacco).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 28th day of December 1961.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-49; Filed, Jan. 3, 1962; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-VIII-12 (Rev. 2; Amdt. 2)]

BRANCH MANAGER, FARGO, NORTH DAKOTA

Delegation Relating to Financial Assistance, Procurement and Technical Assistance, Investment Program, and Administration

Delegation of Authority No. 30-VIII-12 (Revision 2), as amended (25 F.R. 6908 and 10301) is hereby amended by:

1. Adding subsection I. E. as follows:

E. *Investment program.* 1. To counsel and advise (but not to process) in the preparation of applications for the establishment of section 502 loans.

2. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 502 loans, except those classified as problem loans or loans in liquidation.

2. Adding subsection I. F. as follows:

F. *Eligibility.* 1. To make original determinations and determinations upon reconsideration thereof as to which concerns are small businesses within the meaning of the Small Business Size Standards Regulation, as amended, except you are not authorized to make determinations in those cases which involve questions of dominance, questions relating to cooperatives and questions involving franchise, license or other contractual agreements, unless otherwise authorized.

2. To determine the eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

3. Deleting Section II in its entirety and substituting the following in lieu thereof:

II. The specific authorities delegated in subsection I. A., I. B., I. C., and I. F. may not be redelegated.

Effective date: December 1, 1961.

ROBERT C. ALM,
Regional Director, Minneapolis Regional Office.

[F.R. Doc. 62-51; Filed, Jan. 3, 1962; 8:45 a.m.]

[Delegation of Authority No. 30-VIII-15 (Amdt. 1)]

BRANCH MANAGER, SIOUX FALLS, SOUTH DAKOTA

Delegation Relating to Financial Assistance, Procurement and Technical Assistance, Investment Program, and Administration

Delegation of Authority No. 30-VIII-15 (25 F.R. 10302) is hereby amended by:

1. Adding subsection I. A. 8 as follows:

8. To disburse approved loans.

2. Adding subsection I. E. as follows:

E. *Investment program.* 1. To counsel and advise (but not to process) in the preparation of applications for the establishment of section 502 loans.

2. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 502 loans, except those classified as problem loans or loans in liquidation.

3. Adding subsection I. F. as follows:

F. *Eligibility.* 1. To make original determinations and determinations upon reconsideration thereof as to which concerns are small businesses within the meaning of the Small Business Size Standards Regulation, as amended, except you are not authorized to make determinations in those cases which involve questions of dominance, questions relating to cooperatives and questions involving franchise, license or other contractual agreements, unless otherwise authorized.

2. To determine the eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

4. Deleting Section II in its entirety and substituting the following in lieu thereof:

II. The specific authorities delegated in subsections I. A. 1 through 7, I. B., I. C., and I. F. may not be redelegated.

Effective date: December 1, 1961.

ROBERT C. ALM,
Regional Director,
Minneapolis Regional Office.

[F.R. Doc. 62-52; Filed, Jan. 3, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1615]

TEXAS AND PACIFIC RAILWAY CO.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

DECEMBER 28, 1961.

In the matter of the Texas and Pacific Railway Company, Common Stock File No. 1-1615.

New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: The stock is no longer suitable for listing on the Exchange by reason of its limited distribution. Shares exclusive of concentrated holdings are only 79,427.

Upon receipt of a request, on or before January 12, 1962, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-50; Filed, Jan. 3, 1962; 8:45 a.m.]

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FEDERAL REGISTER

VOLUME 27 NUMBER 3

Washington, Friday, January 5, 1962

THE UNIVERSITY OF MICHIGAN
JAN 10 1962
MAIN READING ROOM

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Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Carrots [1]

On September 23, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 9148) regarding a proposed issuance of the United States Standards for Grades of Frozen Carrots. Such standards will supplant the United States Standards for Grades of Frozen Diced Carrots (7 CFR 52.701–52.711).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Carrots are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

PRODUCT DESCRIPTION, STYLES, GRADES

Sec.
52.701 Product description.
52.702 Styles of frozen carrots.
52.703 Grades of frozen carrots.

FACTORS OF QUALITY

52.704 Ascertaining the grade of a sample unit.
52.705 Ascertaining the rating for the factors which are scored.
52.706 Color.
52.707 Uniformity of size and shape.
52.708 Absence of defects.
52.709 Texture.

LOT INSPECTION AND CERTIFICATION

52.710 Ascertaining the grade of a lot.

SCORE SHEET

52.711 Score sheet for frozen carrots.

AUTHORITY: §§ 52.701 to 52.711 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.701 Product description.

Frozen carrots are the clean and sound product prepared from the fresh root of the carrot plant (Daucus carota) by washing, sorting, peeling, trimming, and blanching, and are frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.702 Styles of frozen carrots.

(a) "Whole" or "whole carrots" means carrots that retain the approximate conformation of a whole carrot.

(b) "Halves" or "halved" means carrots cut longitudinally into two units.

(c) "Quarters" or "quartered" means carrots cut longitudinally into four approximately equal units. Carrots cut longitudinally or cut longitudinally and crosswise into six or eight units approximating the size and appearance of quartered carrots are also permitted in this style.

(d) "Slices" or "sliced" means carrots sliced transversely to the longitudinal axis.

(e) "Diced" means carrots consisting of approximate cube-shaped units.

(f) "Double-diced" means carrots that consist of approximate rectangular shapes which resemble the equivalent of two cube-shaped units.

(g) "Strips" means carrots that consist of longitudinally-cut strips and includes such forms as French style (or shoestring).

(h) "Chips" means carrots that consist of predominantly small-sized units (such as less than one-half cube) and variously shaped pieces or slivers in which the longest-edge dimension approximates not more than one-half inch.

(i) "Cut" means carrots consisting of cut units which do not conform to any of the foregoing styles.

§ 52.703 Grades of frozen carrots.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen carrots of any style other than chips that possess similar varietal characterictics; that possess a normal flavor and odor; that possess a good color; that are practically uniform in size and shape for the applicable style; that are practically free from defects; that are tender; and that score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of frozen carrots of any style that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a reasonably good color; that are reasonably uniform in size and shape for the applicable style; that are reasonably free from defects; that are reasonably tender; and that score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen carrots that fail to meet the requirements of U.S. Grade B.

FACTORS OF QUALITY

§ 52.704 Ascertaining the grade of a sample unit.

(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product.

(1) *Factors not rated by score points.*
(i) Varietal characteristics.
(ii) Flavor and odor.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
Color	20
Uniformity of size and shape	20
Absence of defects	30
Texture	30
Total score	100

(b) *Evaluation of quality.* The score for the factors of color, uniformity of size and shape, and absence of defects in frozen carrots is determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. A representative sample of the product is cooked to determine texture and flavor and odor.

(c) *Definition of normal flavor and odor.* "Normal flavor and odor" means a good characteristic flavor and odor of properly prepared frozen carrots that are free from objectionable flavors and objectionable odors of any kind, as evaluated after thawing and after cooking.

§ 52.705 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.706 Color.

(a) *General.* The evaluation of color shall be determined on the thawed product. The color is based upon the uniformity and the brightness of the typical exterior yellow to orange-yellow color of the units. The presence of green, white, or orange-brown units are scored under this factor when the over-all color is affected.

(b) *(A) classification.* Frozen carrots that possess a good color may be given a score of 18 to 20 points. "Good color" means that the frozen carrots possess an orange-yellow color that is bright and typical of frozen carrots and that the presence of green, white, or orange-brown units does not more than slightly affect the appearance or eating quality of the product.

(c) *(B) classification.* If the frozen carrots possess a reasonably good color, a score of 16 or 17 points may be given. Frozen carrots that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen carrots possess a typical color of frozen carrots and such color may be slightly dull but not off color and that the presence of green, white, or orange-brown units does not materially affect the appearance or eating quality of the product.

(d) *(SStd) classification.* Frozen carrots that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.707 Uniformity of size and shape.

(a) *Ascertaining dimensions.* Size dimensions of the various units are measured as follows:

(1) *Diameter of whole carrots.* The diameter of a whole carrot is the shortest diameter at the greatest circumference measured at right angles to the longitudinal axis of the carrot.

(2) *Width of halved carrots.* The width of a half is the widest cut surface measured at right angles to the length.

(3) *Width of quartered carrots.* The width of a quarter is the widest cut surface measured at right angles to the length.

(4) *Diameter and thickness of sliced carrots.* The diameter of a slice is the shortest diameter of the larger of the two cut surfaces of the slice. The thickness of a slice is measured at its thickest portion.

(5) *Size of diced carrots.* The size of a dice is the length of the edge (other than rounded outer edges) which is most representative of the cube's size.

(b) *Definitions of shapes and sizes.* (1) "Other shapes and sizes" with respect to all styles include, but are not limited to, noticeably large units much in excess of normal size units for the style and large, irregularly-shaped units not normal for the style; and with respect to diced and double-diced styles include units of irregular shapes which are noticeably smaller than the equivalent of one-half the volume of an average size cube or double-diced cube, as the case may be.

(2) "Very small pieces" with respect to diced style means pieces smaller than the equivalent of one-fourth the volume of an average size cube, and with respect to double-diced style means pieces smaller than the equivalent of one-fourth the volume of an average size double-diced unit.

(c) *(A) classification.* Frozen carrots of styles other than "chips" that are practically uniform in size and shape may be given a score of 18 to 20 points. "Practically uniform in size and shape" means that:

(1) The carrots comply with the measurement, shape, and uniformity requirements for (A) classification in Table I of this subpart; and, in addition

(2) The over-all appearance of the product for the applicable style is not materially affected by sizes and shapes other than that of normal-shaped units which may vary moderately in shape.

(d) *(B) classification.* If the frozen carrots of any style are reasonably uniform in size and shape, a score of 16 or 17 points may be given. Frozen carrots that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably uniform in size and shape" means that:

(1) The carrots comply with the measurement, shape, and uniformity requirements for (B) classification in Table I of this subpart; and, in addition

(2) The overall appearance of the product for the applicable style is not seriously affected by sizes and shapes other than that of normal-shaped units which may vary considerably in shape.

(e) *(SStd) classification.* Frozen carrots that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I—UNIFORMITY OF SIZE AND SHAPE REQUIREMENTS FOR FROZEN CARROTS

Styles	(A) Classification: Measurement and/or shape of individual units	(A) Classification: Uniformity in 90%, by count, of units that are most uniform	(B) Classification: Measurement and/or shape individual units	(B) Classification: Uniformity in 90%, by count, of units that are most uniform
Whole	1⅝-inch maximum diameter.	Unit with largest diameter, or width, does not exceed unit with smallest diameter, or width, by more than 50%.	2¼-inch maximum diameter.	Unit with largest diameter, or width, is not more than twice that of unit with smallest diameter, or width.
Halved	1⅝-inch maximum width.		1¾-inch maximum width.	
Quartered	1¼-inch maximum width.		1¾-inch maximum width.	
Sliced	2-inch maximum diameter.	Unit with largest diameter is not more than twice that of unit with smallest diameter and uniformity of thickness does not vary markedly.	2½-inch maximum diameter.	No limits as to uniformity between largest and smallest diameters but variations in diameters and thickness do not seriously affect over-all appearance.
	Approximate ¾-inch maximum thickness.		Approximate ¾-inch maximum thickness.	
Diced	Approximate cube-shapes, ½ inch or less in size.	10%, by weight, maximum may be other shapes and sizes.[1]	Approximate cube-shapes, ½ inch or less in size.	20%, by weight, maximum may be other shapes and sizes.[2]
Double-diced	Approximate double-cube shapes, 1 inch or less long; ½ inch or less in cross-section diameter.	12%, by weight, maximum may be other shapes and sizes.[1]	Approximate double-cube shapes of varying sizes and shapes.	25%, by weight, maximum may be other shapes and sizes.[2]
Strips	Approximate french-cut shapes, ½ inch or more long.	12%, by weight, maximum may be less than ½ inch long.	Approximate french-cut shapes of varying sizes and shapes.	25%, by weight, maximum may be less than ½ inch long.
Cuts	Units may vary considerably in size and shape provided over-all appearance is not materially affected.		Units may vary considerably in size and shape provided over-all appearance is not seriously affected.	
Chips	[Limited to Grade B or lower]		Units are small (such as less than ½ cube), individually reasonably uniform in weight, may be variously shaped, approximating not more than ½ inch in longest-edge dimension.	

[1] Provided, presence of very small pieces does not materially affect appearance of product.
[2] Provided, presence of very small pieces does not seriously affect appearance of product.

§ 52.708 Absence of defects.

(a) *General.* The factor of absence of defects refers to the degree of freedom from defective units or defects. "Defective units" or "defects" are units damaged by mechanical injury or other means; unpeeled units; units blemished or seriously blemished by brown or black internal or external discoloration, sunburn, or green or white colored units, pathological injury or insect injury; and units blemished or seriously blemished by other means.

(b) *Definitions of defective units and defects.* (1) "Damaged by mechanical injury or other means" include crushed, broken, or cracked units; units with excessively frayed edges and surfaces; excessively or poorly trimmed units; or damaged by other similar means to an extent that the appearance or eating quality of the unit is seriously affected.

(2) "Unpeeled areas" are considered defects when on whole, halved, or quartered units the unpeeled area is greater than the area of a circle three-eighths inch in diameter; and on smaller units the unpeeled area is greater than the area of a circle one-eighth inch in diameter.

(3) "Blemished" means any unit blemished to the extent that the appearance or eating quality is materially affected.

(4) "Seriously blemished" means any unit blemished to the extent that the appearance or eating quality is seriously affected.

(c) *(A) classification.* Frozen carrots that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that:

(1) The limits for allowable defects or defective units in the applicable styles do not exceed the maximum limits for (A) classification in Table II of this subpart; and

(2) Notwithstanding the applicable allowances in Table II the defects or defective units (whether or not specifically defined), individually and collectively, do not materially affect the appearance or edibility of the product.

(d) *(B) classification.* If the frozen carrots are reasonably free from defects, a score of 24 to 26 points may be given. Frozen carrots that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule).

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

"Reasonably free from defects" means that:

(1) The limits for allowable defects or defective units in the applicable styles do not exceed the maximum limits for (B) classification in Table II of this subpart; and

(2) Notwithstanding the applicable allowances in Table II the defects or defective units (whether or not specifically defined), individually and collectively, do not seriously affect the appearance or edibility of the product.

(e) *(SStd) classification.* Frozen carrots that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE II—MAXIMUM ALLOWANCES FOR DEFECTS OR DEFECTIVE UNITS IN FROZEN CARROTS

Defects (For styles, as indicated)	(A) Classification	(B) Classification
Whole, halved, quartered: Total all defects, including blemished and seriously blemished.	15%, by count, of all units	25%, by count, of all units.
Blemished and seriously blemished.	Limitations [1]—7½%, by count, but no more than 2%, by count, seriously blemished.	Limitations [1]—12½%, by count, but no more than 4%, by count, seriously blemished.
Sliced, cut: Total all defects, including blemished and seriously blemished.	15%, by weight, of all units	25%, by weight, of all units.
Blemished and seriously blemished.	Limitations [1]—7½%, by weight, but no more than ¾ of 1%, by weight, seriously blemished.	Limitations [1]—12½%, by weight, but no more than 1½%, by weight, seriously blemished.
Diced, Double-diced, strips: Total all defects, including blemished and seriously blemished.	10%, by weight, of all units	16%, by weight, of all units.
Blemished and seriously blemished.	Limitations [1]—5%, by weight, but no more than ¾ of 1%, by weight, seriously blemished.	Limitations [1]—8%, by weight, but no more than 1½%, by weight, seriously blemished.
Chips: Total all defects, including blemished and seriously blemished.	Limited to Grade B or lower classification.	16%, by weight, of all units.
Blemished and seriously blemished.		Limitations [1]—8%, by weight, but no more than 1½%, by weight, seriously blemished.

[1] Provided such blemished and/or seriously blemished units do not materially affect the appearance or edibility of the product.
[2] Provided such blemished and/or seriously blemished units do not seriously affect the appearance or edibility of the product.

§ 52.709 Texture.

(a) *General.* The factor of texture refers after cooking to the tenderness and freedom from mushiness of the carrots and the degree of freedom from coarse or fibrous units.

(b) *(A) classification.* Frozen carrots that possess a tender texture may be given a score of 27 to 30 points. "Tender texture" means that the carrots are tender, not fibrous nor mushy, and possess a practically uniform texture.

(c) *(B) classification.* If the frozen carrots possess a reasonably tender texture, a score of 24 to 26 points may be given. Frozen carrots that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably tender texture" means that the carrots are reasonably tender, may be variable in texture but not generally tough, hard, nor mushy, and there may be present a few units which possess a coarse, fibrous, or mushy texture.

(d) *(SStd) classification.* Frozen carrots that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.710 Ascertaining the grade of a lot.

The grade of a lot of frozen carrots covered by these standards is determined by procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

SCORE SHEET

§ 52.711 Score sheet for frozen carrots.

Size and kind of container .....
Container marks or identification .....
Label .....
Net weight (ounces) .....
Style .....

Factors	Score points		
Color	20	(A)	18–20
		(B) [1]	16–17
		(SStd) [1]	0–15
Uniformity of size and shape	20	(A) [2]	18–20
		(B) [1]	16–17
		(SStd) [1]	0–15
Absence of defects	30	(A)	27–30
		(B) [1]	24–26
		(SStd) [1]	0–23
Texture	30	(A)	27–30
		(B) [1]	24–26
		(SStd) [1]	0–23
Total score	100		

Grade .....
Flavor and odor .....

[1] Indicates limiting rule.
[2] Limits style of "chips" to Grade B or lower grade.

The United States Standards for Grades of Frozen Carrots contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER, and thereupon will supplant the United States Standards for Grades of Frozen Diced Carrots, Second Issue (7 CFR 52.701–52.711) which have been in effect since March 30, 1953 (18 F.R. 7951; 22 F.R. 3535).

Dated: December 28, 1961.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-62; Filed, Jan. 4, 1962; 8:45 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—1962–63 Marketing Year

DETERMINATION OF COUNTY NORMAL YIELDS

The regulations contained in § 728.1208 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the determination of county normal yields of wheat for 1962, including the appraisal of yields for years in the 10-year period used in determining county normal yields for which the data are not available, or in which there were no actual yields.

Prior to preparing the regulations in § 728.1208, public notice (26 F.R. 3723) was given in accordance with the Administrative Procedure Act. No data, views, or recommendations pertaining to the regulations in § 728.1208 were submitted pursuant to such notice.

§ 728.1208 Determination of the county normal yields for the 1962 crop of wheat.

(a) A county normal yield shall be determined for each wheat producing county except counties in States designated by the Secretary as being outside the commercial wheat-producing area. The county normal yield for 1962 shall be determined on the basis of the average of the yields per harvested acre of wheat for the county during the 10 calendar years, 1951 through 1960, adjusted for abnormal weather conditions and trends in yields. In adjusting for abnormal weather conditions: (1) If the yield for the crop for any year of the 10-year period 1951 through 1960 is less than 75 per centum of the average of the remaining 9 years, such year shall be eliminated in calculating the normal yield per acre; (2) if the yield for the crop for any year of the 10-year period is determined to be abnormally low due to abnormal weather conditions, and is 75 per centum or more of the average of the remaining 9 years, such yield shall be adjusted by substituting therefor the average yield for the years remaining after the elimination of any of the annual yields required to be eliminated under the provisions of subparagraph (1) of this paragraph; (3) (i) if the yield for the crop for any year is determined to be abnormally high due to abnormal weather conditions, such yield shall be adjusted by substituting therefor 125 per centum of the average yield for the years remaining after the elimination of any of the annual yields required to be eliminated under the provisions of subparagraph (1) of this paragraph; (ii) if five or more years of the 10-year period are eliminated as required under the provisions of subparagraph (1) of this paragraph, and it is determined that the yield for any other year is abnormally high due to abnormally favorable weather conditions, and that the adjusted yield as determined under the provisions of subdivision (i) of this subparagraph is inappropriate because of the elimination of five or more years of the 10-year period, the yield for such year shall be adjusted by substituting therefor 128 per centum of the unadjusted 10-year average yield.

(b) The adjustment for trend in yields shall be made by averaging the 10-year average of the annual yields as adjusted for abnormal weather conditions as described above with the average of the annual yields for the 5-year period, 1956–60 inclusive, adjusted for abnormal weather conditions as described above, giving equal weight to each. No adjustment for trend shall be made in those counties in which it is determined that due to abnormally unfavorable weather conditions it is impossible to determine if there has been any trend in yields for the county.

(c) (1) If for any year of the 10-year period 1951 through 1960 the yield data are not available, or there was no actual yield, the yield for such year shall be appraised, taking into consideration the yields for years for which data are available and the yield for such year in nearby or adjacent counties or crop reporting districts recognized by the Statistical Reporting Service in which the production of wheat is similar.

(2) In those counties in which the production of wheat is partially on irrigated land, partially on summer fallow land, and partially on continuous cropping land, a normal yield computed in accordance with the method described above shall be determined for the land devoted to irrigation, summer fallow, and continuous cropping cultural practices, respectively. The normal yield for land devoted to each of these practices shall be averaged, using for weights the latest data available as to the acreage devoted to each practice.

(d) County normal yields are as follows:

1962 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE

ALABAMA

County	Normal yield	County	Normal yield
Autauga	21.1	Coffee	19.3
Baldwin	21.0	Colbert	23.6
Barbour	19.2	Conecuh	20.4
Bibb	19.8	Coosa	18.2
Blount	21.6	Covington	20.8
Bullock	19.4	Crenshaw	19.6
Calhoun	21.0	Cullman	21.6
Chambers	20.2	Dale	19.5
Cherokee	21.8	Dallas	20.2
Chilton	21.4	De Kalb	22.9
Clarke	19.5	Elmore	21.2
Clay	19.8	Escambia	22.3
Cleburne	20.3	Etowah	22.4
Fayette	20.8	Mobile	20.3
Franklin	21.8	Monroe	21.0
Geneva	20.0	Montgomery	20.0
Greene	20.2	Morgan	22.5
Hale	19.9	Perry	19.8
Henry	20.2	Pickens	19.4
Houston	20.4	Pike	19.3
Jackson	22.9	Randolph	19.2
Jefferson	20.4	Russell	19.2
Lamar	21.2	St. Clair	21.2
Lauderdale	23.0	Shelby	21.6
Lawrence	23.2	Sumter	20.0
Lee	20.1	Talladega	20.0
Limestone	22.5	Tallapoosa	19.0
Lowndes	19.8	Tuscaloosa	20.0
Macon	19.4	Walker	20.9
Madison	23.6	Washington	20.0
Marengo	19.4	Wilcox	20.5
Marion	21.6	Winston	20.0
Marshall	22.4		

ARIZONA

Apache*	16.0	Mohave*	30.0
Cochise*	24.8	Navajo*	18.0
Coconino*	16.0	Pima*	27.8
Gila*	22.5	Pinal*	34.0
Graham*	23.9	Santa Cruz*	24.0
Greenlee*	28.1	Yavapai*	25.6
Maricopa*	40.0	Yuma*	34.9

ARKANSAS

Arkansas	24.6	Little River	19.2
Ashley	22.5	Logan	20.0
Baxter	20.8	Lonoke	20.6
Benton	21.5	Madison	20.3
Boone	21.6	Marion	15.4
Carroll	19.1	Miller	19.0
Chicot	22.0	Mississippi	30.0
Clark	16.3	Monroe	24.2
Clay	21.7	Montgomery	16.2
Cleburne	18.5	Newton	18.2
Conway	22.8	Ouachita	15.0
Craighead	23.9	Perry	19.4
Crawford	26.2	Phillips	25.6
Crittenden	29.9	Pike	15.0
Cross	26.8	Poinsett	26.2
Desha	28.1	Polk	16.1
Drew	19.3	Pope	21.9
Faulkner	22.8	Prairie	20.7
Franklin	24.6	Pulaski	26.2
Fulton	16.6	Randolph	20.6
Garland	14.8	St. Francis	27.6
Grant	15.7	Saline	17.2
Greene	19.5	Scott	22.5
Hempstead	19.4	Searcy	15.6
Hot Spring	16.2	Sebastian	22.8
Independence	22.8	Sevier	15.0
Izard	15.9	Sharp	18.4
Jackson	21.6	Stone	17.2
Jefferson	22.1	Van Buren	16.3
Johnson	24.0	Washington	21.0
Lafayette	19.4	White	18.4
Lawrence	19.1	Woodruff	25.9
Lee	26.6	Yell	21.6
Lincoln	20.8		

CALIFORNIA

Alameda*	23.8	Kings*	33.2
Alpine*	30.0	Lake*	25.6
Amador*	23.6	Lassen*	19.0
Butte*	27.7	Los Angeles*	14.8
Calaveras*	17.8	Madera*	16.6
Colusa*	27.6	Marin*	25.5
Contra Costa*	29.6	Mariposa*	30.0
Fresno*	37.9	Mendocino*	22.9
Glenn*	24.5	Merced*	30.1
Humboldt*	28.6	Modoc*	27.1
Imperial*	53.8	Mono*	20.0
Inyo*	25.8	Monterey*	18.1
Kern*	17.9	Napa*	26.9
Orange*	17.4	Santa Clara*	23.4
Placer*	20.0	Shasta*	16.4
Plumas*	19.1	Sierra*	16.1
Riverside*	20.0	Siskiyou*	24.6
Sacramento*	36.3	Solano*	32.7
San Benito*	20.4	Sonoma*	21.6
San Bernardino	26.9	Stanislaus*	27.5
San Diego*	23.8	Sutter*	37.8
San Joaquin*	30.4	Tehama*	19.1
San Luis Obispo*	16.4	Trinity*	20.0
San Mateo*	21.6	Tulare*	23.4
Santa Barbara*	18.6	Tuolumne*	19.8
		Ventura*	20.9
		Yolo*	35.0
		Yuba*	26.4

*Indicates counties having special wheat cultural practices. See table below.

COLORADO

Adams*	23.9	La Plata*	18.6
Alamosa*	25.4	Larimer*	25.9
Arapahoe*	22.0	Las Animas*	13.2
Archuleta*	18.5	Lincoln*	18.8
Baca*	18.0	Logan*	22.4
Bent*	24.2	Mesa*	27.2
Boulder*	28.3	Moffat*	17.6
Chaffee*	26.6	Montezuma*	14.9
Cheyenne*	20.3	Montrose*	35.4
Conejos*	25.2	Morgan*	21.9
Costilla*	25.4	Otero*	36.4
Crowley*	19.5	Ouray*	22.6
Custer*	18.1	Park*	14.5
Delta*	34.8	Phillips*	25.5
Dolores*	12.9	Pitkin*	38.8
Douglas*	23.7	Prowers*	17.9
Eagle*	39.3	Pueblo*	25.8
Elbert*	20.6	Rio Blanco*	20.7
El Paso*	17.3	Rio Grande*	30.6
Fremont*	23.6	Routt*	20.4
Garfield*	22.3	Saguache*	26.8
Grand*	19.5	San Miguel*	15.6
Gunnison*	18.0	Sedgwick*	27.9
Huerfano*	17.3	Teller*	16.0
Jackson*	17.1	Washington*	22.9
Jefferson*	27.6	Weld*	22.8
Kiowa*	16.9	Yuma*	23.8
Kit Carson*	19.7		

DELAWARE

Kent	25.2	Sussex	23.2
New Castle	29.4		

GEORGIA

Appling	19.2	Colquitt	20.4
Atkinson	20.0	Columbia	15.1
Bacon	19.5	Cook	20.0
Baker	20.0	Coweta	18.0
Baldwin	17.9	Crawford	22.8
Banks	18.8	Crisp	22.2
Barrow	18.6	Dade	17.7
Bartow	21.0	Dawson	18.4
Ben Hill	19.2	Decatur	20.0
Berrien	22.0	De Kalb	20.2
Bibb	22.5	Dodge	17.1
Bleckley	17.1	Dooly	23.2
Brantley	20.0	Dougherty	25.2
Brooks	20.8	Douglas	18.2
Bryan	19.8	Early	24.7
Bulloch	21.8	Echols	20.0
Burke	17.4	Effingham	18.9
Butts	20.6	Elbert	20.0
Calhoun	20.3	Emanuel	18.3
Camden	20.0	Evans	20.1
Candler	19.9	Fannin	18.0
Carroll	20.6	Fayette	19.2
Catoosa	19.8	Floyd	19.3
Charlton	20.0	Forsyth	18.6
Chatham	20.0	Franklin	20.0
Chattooga	18.8	Fulton	22.1
Cherokee	20.1	Gilmer	17.6
Clarke	21.6	Glascock	18.2
Clay	18.0	Glynn	20.0
Clayton	18.0	Gordon	18.4
Clinch	20.0	Grady	23.2
Cobb	18.4	Greene	16.6
Coffee	19.6	Gwinnett	19.2

1962 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

GEORGIA—Continued

County	Normal yield	County	Normal yield
Habersham	19.5	Pike	21.8
Hall	17.3	Polk	18.6
Hancock	17.0	Pulaski	20.7
Haralson	19.0	Putnam	20.3
Harris	18.8	Quitman	21.4
Hart	21.4	Rabun	18.8
Heard	21.5	Randolph	20.5
Henry	20.6	Richmond	16.9
Houston	25.6	Rockdale	18.7
Irwin	20.0	Schley	20.2
Jackson	20.4	Screven	19.8
Jasper	19.7	Seminole	21.2
Jeff Davis	18.5	Spalding	21.2
Jefferson	20.1	Stephens	18.2
Jenkins	18.0	Stewart	20.1
Johnson	16.1	Sumter	22.0
Jones	17.1	Talbot	19.9
Lamar	20.5	Taliaferro	15.3
Lanier	20.0	Tattnall	18.9
Laurens	19.0	Taylor	19.8
Lee	25.8	Telfair	18.6
Liberty	20.0	Terrell	22.6
Lincoln	17.2	Thomas	20.0
Long	20.0	Tift	21.3
Lowndes	21.6	Toombs	20.4
Lumpkin	19.0	Towns	19.6
McDuffie	17.0	Treutlen	16.4
McIntosh	20.0	Troup	19.6
Macon	22.9	Turner	21.6
Madison	18.9	Twiggs	18.3
Marion	18.8	Union	21.0
Meriwether	20.9	Upson	20.3
Miller	20.0	Walker	20.5
Mitchell	21.9	Walton	19.7
Monroe	19.3	Warren	20.2
Montgomery	18.6	Washington	19.6
Morgan	18.2	Webster	19.9
Murray	19.6	Wheeler	17.0
Newton	18.1	White	18.5
Oconee	20.0	Whitfield	19.0
Oglethorpe	18.8	Wilcox	19.6
Paulding	17.6	Wilkes	17.8
Peach	25.0	Wilkinson	19.6
Pickens	17.8	Worth	21.6
Pierce	20.0		

IDAHO

Ada*	46.1	Gem*	44.2
Adams*	24.5	Gooding*	49.2
Bannock*	23.5	Idaho*	35.4
Bear Lake*	20.1	Jefferson*	46.1
Benewah*	37.3	Jerome*	56.9
Bingham*	45.8	Kootenai*	31.3
Blaine*	34.4	Latah*	39.1
Boise*	29.1	Lemhi*	41.9
Bonner*	21.7	Lewis*	39.9
Bonneville*	28.3	Lincoln*	49.0
Boundary*	41.8	Madison*	28.1
Butte*	31.5	Minidoka*	52.9
Camas*	20.9	Nez Perce*	41.5
Canyon*	53.7	Oneida*	22.3
Caribou*	24.7	Owyhee*	56.1
Cassia*	31.6	Payette*	42.2
Clark*	19.6	Power*	22.9
Clearwater*	38.3	Teton*	24.0
Custer*	44.7	Twin Falls*	57.1
Elmore*	29.3	Valley*	25.1
Franklin*	27.5	Washington*	29.5
Fremont*	28.5		

ILLINOIS

Adams	29.3	Christian	33.3
Alexander	24.1	Clark	26.8
Bond	28.0	Clay	23.4
Boone	31.2	Clinton	27.3
Brown	28.0	Coles	30.5
Bureau	31.5	Cook	33.7
Calhoun	26.1	Crawford	25.0
Carroll	30.1	Cumberland	29.1
Cass	30.6	DeKalb	34.4
Champaign	33.5	DeWitt	31.4

*Indicates counties having special wheat cultural practices. See table below.

1962 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

ILLINOIS—Continued

County	Normal yield	County	Normal yield
Douglas	38.4	Marshall	32.6
DuPage	35.8	Mason	29.2
Edgar	32.1	Massac	26.4
Edwards	24.8	Menard	31.9
Effingham	28.1	Mercer	26.1
Fayette	28.5	Monroe	29.4
Ford	31.1	Montgomery	30.9
Franklin	24.6	Morgan	34.2
Fulton	28.6	Moultrie	32.4
Gallatin	27.6	Ogle	31.4
Greene	31.3	Peoria	31.2
Grundy	32.2	Perry	25.4
Hamilton	22.7	Piatt	33.9
Hancock	27.6	Pike	29.0
Hardin	25.4	Pope	24.1
Henderson	27.8	Pulaski	25.2
Henry	31.4	Putnam	32.6
Iroquois	34.6	Randolph	26.2
Jackson	26.7	Richland	23.6
Jasper	27.3	Rock Island	26.0
Jefferson	26.2	St. Clair	31.7
Jersey	29.6	Saline	27.2
Jo Daviess	27.2	Sangamon	33.4
Johnson	21.5	Schuyler	30.0
Kane	35.6	Scott	29.6
Kankakee	33.5	Shelby	30.2
Kendall	35.0	Stark	31.4
Knox	29.4	Stephenson	28.8
Lake	33.3	Tazewell	30.4
LaSalle	34.7	Union	28.3
Lawrence	25.7	Vermilion	34.2
Lee	32.4	Wabash	26.6
Livingston	31.8	Warren	29.5
Logan	31.0	Washington	30.3
McDonough	29.6	Wayne	25.1
McHenry	32.4	White	26.4
McLean	33.1	Whiteside	31.4
Macon	36.4	Will	33.8
Macoupin	32.4	Williamson	24.8
Madison	29.2	Winnebago	29.4
Marion	26.8	Woodford	30.5

INDIANA

Adams	28.4	Knox	30.0
Allen	29.8	Kosciusko	30.4
Bartholomew	25.5	Lagrange	31.3
Benton	36.7	Lake	32.3
Blackford	27.7	LaPorte	31.5
Boone	31.4	Lawrence	25.1
Brown	22.8	Madison	33.2
Carroll	32.8	Marion	30.0
Cass	32.4	Marshall	30.4
Clark	23.1	Martin	24.2
Clay	25.6	Miami	31.8
Clinton	33.0	Monroe	25.7
Crawford	23.2	Montgomery	30.8
Daviess	29.0	Morgan	28.8
Dearborn	22.6	Newton	34.2
Decatur	25.0	Noble	29.8
DeKalb	27.3	Ohio	22.6
Delaware	31.4	Orange	24.6
Dubois	23.3	Owen	22.7
Elkhart	30.6	Parke	29.9
Fayette	23.9	Perry	21.3
Floyd	24.4	Pike	23.6
Fountain	30.4	Porter	32.9
Franklin	22.9	Posey	27.4
Fulton	29.5	Pulaski	30.2
Gibson	29.2	Putnam	29.0
Grant	32.2	Randolph	28.0
Greene	24.3	Ripley	22.8
Hamilton	31.1	Rush	25.0
Hancock	30.4	St. Joseph	31.4
Harrison	23.0	Scott	23.0
Hendricks	31.1	Shelby	25.2
Henry	28.9	Spencer	22.7
Howard	34.8	Starke	28.3
Huntington	30.5	Steuben	30.4
Jackson	23.0	Sullivan	27.2
Jasper	32.4	Switzerland	23.8
Jay	27.1	Tippecanoe	33.8
Jefferson	24.2	Tipton	35.3
Jennings	21.3	Union	25.1
Johnson	29.0	Vanderburgh	26.2

1962 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

INDIANA—Continued

County	Normal yield	County	Normal yield
Vermillion	31.8	Washington	25.1
Vigo	27.3	Wayne	25.6
Wabash	30.6	Wells	29.7
Warren	34.2	White	33.6
Warrick	26.8	Whitley	30.2

IOWA

Adair	22.4	Jefferson	20.9
Adams	23.8	Johnson	23.6
Allamakee	27.0	Jones	27.9
Appanoose	23.8	Keokuk	22.2
Audubon	24.9	Kossuth	28.7
Benton	26.3	Lee	26.3
Black Hawk	22.8	Linn	23.7
Boone	26.2	Louisa	27.3
Bremer	25.4	Lucas	19.9
Buchanan	25.1	Lyon	24.9
Buena Vista	19.9	Madison	24.7
Butler	30.2	Mahaska	24.7
Calhoun	26.6	Marion	25.0
Carroll	26.9	Marshall	28.2
Cass	26.8	Mills	28.6
Cedar	27.6	Mitchell	27.6
Cerro Gordo	27.8	Monona	23.2
Cherokee	27.6	Monroe	19.1
Chickasaw	22.4	Montgomery	28.0
Clarke	20.8	Muscatine	25.6
Clay	29.3	O'Brien	22.1
Clayton	26.6	Osceola	26.2
Clinton	28.9	Page	27.4
Crawford	26.5	Palo Alto	24.0
Dallas	25.3	Plymouth	26.8
Davis	22.9	Pocahontas	22.6
Decatur	22.6	Polk	28.0
Delaware	30.3	Pottawattamie	27.8
Des Moines	28.8	Poweshiek	26.4
Dickinson	22.1	Ringgold	21.0
Dubuque	27.0	Sac	31.0
Emmet	23.8	Scott	27.9
Fayette	24.4	Shelby	24.6
Floyd	26.0	Sioux	26.5
Franklin	27.6	Story	28.2
Fremont	29.3	Tama	23.8
Greene	23.8	Taylor	21.3
Grundy	26.4	Union	21.5
Guthrie	23.4	Van Buren	23.2
Hamilton	33.1	Wapello	23.0
Hancock	29.4	Warren	27.1
Hardin	30.6	Washington	24.9
Harrison	27.7	Wayne	22.2
Henry	22.9	Webster	30.6
Howard	25.6	Winnebago	27.6
Humboldt	31.0	Winneshiek	23.4
Ida	25.2	Woodbury	24.0
Iowa	25.8	Worth	26.6
Jackson	26.7	Wright	26.8
Jasper	26.6		

KANSAS

Allen	27.6	Ellis*	18.8
Anderson	29.2	Ellsworth*	19.9
Atchison	28.1	Finney*	24.5
Barber*	21.2	Ford*	18.5
Barton*	19.7	Franklin	28.2
Bourbon	24.0	Geary	27.2
Brown	27.8	Gove*	25.4
Butler	24.1	Graham*	20.2
Chase	27.2	Grant*	26.0
Chautauqua	26.4	Gray*	21.8
Cherokee	24.4	Greeley*	24.7
Cheyenne*	27.7	Greenwood	25.0
Clark*	18.8	Hamilton*	26.0
Clay*	21.5	Harper*	21.7
Cloud*	20.7	Harvey*	24.9
Coffey	28.5	Haskell*	22.4
Comanche*	18.0	Hodgeman*	19.8
Cowley	25.8	Jackson	28.1
Crawford	25.3	Jefferson	27.2
Decatur*	26.2	Jewell*	19.9
Dickinson*	23.8	Johnson	29.4
Doniphan	28.8	Kearny*	27.4
Douglas	28.7	Kingman*	17.7
Edwards*	20.0	Kiowa*	18.9
Elk	25.2	Labette	25.0

1962 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

KANSAS—Continued

County	Normal yield	County	Normal yield
Lane*	24.2	Republic*	19.8
Leavenworth	27.0	Rice*	20.0
Lincoln*	19.2	Riley	25.0
Linn	25.1	Rooks*	19.5
Logan*	23.8	Rush*	20.1
Lyon	28.2	Russell*	17.9
McPherson*	22.4	Saline*	22.7
Marion*	23.3	Scott*	31.1
Marshall	26.5	Sedgwick*	24.1
Meade*	17.3	Seward*	18.4
Miami	27.3	Shawnee	28.4
Mitchell*	20.6	Sheridan*	23.4
Montgomery	26.9	Sherman*	25.3
Morris	24.4	Smith*	20.9
Morton*	19.8	Stafford*	18.9
Nemaha	27.4	Stanton*	24.5
Neosho	27.1	Stevens*	23.8
Ness*	20.7	Sumner*	23.5
Norton*	23.8	Thomas*	25.8
Osage	28.7	Trego*	24.4
Osborne*	18.9	Wabaunsee	26.7
Ottawa*	21.9	Wallace*	23.0
Pawnee*	22.3	Washington*	22.6
Phillips*	20.6	Wichita*	27.2
Pottawatomie	26.0	Wilson	26.9
Pratt*	18.5	Woodson	26.4
Rawlins*	27.7	Wyandotte	30.1
Reno*	21.2		

KENTUCKY

Adair	20.8	Kenton	21.2
Allen	22.2	Knox	18.2
Anderson	20.6	Larue	21.0
Ballard	22.4	Laurel	19.8
Barren	21.6	Lee	16.2
Bath	21.6	Lewis	20.5
Boone	21.0	Lincoln	20.5
Bourbon	23.4	Livingston	21.7
Boyd	20.6	Logan	27.7
Boyle	21.6	Lyon	23.6
Bracken	23.2	McCracken	23.6
Breckenridge	21.9	McLean	23.4
Bullitt	22.4	Madison	21.8
Butler	19.5	Marion	21.2
Caldwell	24.5	Marshall	20.0
Calloway	22.7	Mason	21.6
Campbell	21.6	Meade	22.4
Carlisle	22.2	Mercer	21.0
Carroll	21.6	Metcalfe	19.4
Carter	20.2	Monroe	18.9
Casey	20.4	Montgomery	21.8
Christian	26.6	Morgan	18.8
Clark	23.3	Muhlenberg	22.0
Clay	17.3	Nelson	22.0
Clinton	20.4	Nicholas	21.0
Crittenden	22.6	Ohio	21.5
Cumberland	18.6	Oldham	24.1
Daviess	25.8	Owen	21.9
Edmonson	19.2	Pendleton	20.6
Fayette	24.4	Powell	19.3
Fleming	21.8	Pulaski	20.6
Franklin	21.4	Robertson	20.2
Fulton	25.2	Rockcastle	20.8
Gallatin	23.1	Rowan	19.2
Garrard	20.4	Russell	19.7
Grant	22.1	Scott	23.2
Graves	24.0	Shelby	22.6
Grayson	20.2	Simpson	27.5
Green	20.6	Spencer	21.8
Greenup	19.6	Taylor	20.9
Hancock	23.2	Todd	27.6
Hardin	21.0	Trigg	26.0
Harrison	23.0	Trimble	22.1
Hart	19.6	Union	26.2
Henderson	26.8	Warren	25.4
Henry	22.5	Washington	20.4
Hickman	24.3	Wayne	21.7
Hopkins	22.4	Webster	23.7
Jackson	19.1	Wolfe	17.5
Jefferson	25.0	Woodford	23.2
Jessamine	21.4		

*Indicates counties having special wheat cultural practices. See table below.

1962 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

MARYLAND

County	Normal yield	County	Normal yield
Allegany	20.2	Howard	25.7
Anne Arundel	17.2	Kent	27.7
Baltimore	26.2	Montgomery	26.4
Calvert	18.0	Prince Georges	17.8
Caroline	24.2	Queen Annes	25.0
Carroll	24.2	St. Marys	20.2
Cecil	27.0	Somerset	25.2
Charles	18.4	Talbot	25.6
Dorchester	25.4	Washington	24.9
Frederick	24.6	Wicomico	20.6
Garrett	24.3	Worcester	23.4
Harford	28.3		

MICHIGAN

Alcona	27.6	Keweenaw	16.5
Alger	20.0	Lake	23.0
Allegan	28.8	Lapeer	32.6
Alpena	28.6	Leelanau	24.0
Antrim	24.5	Lenawee	31.5
Arenac	29.0	Livingston	30.1
Baraga	20.0	Luce	16.0
Barry	28.8	Mackinac	17.8
Bay	32.8	Macomb	28.6
Benzie	19.6	Manistee	20.8
Berrien	31.0	Marquette	19.0
Branch	29.7	Mason	28.4
Calhoun	31.1	Mecosta	29.4
Cass	28.4	Menominee	29.4
Charlevoix	25.6	Midland	34.3
Cheboygan	24.0	Missaukee	28.2
Chippewa	19.6	Monroe	30.4
Clare	28.3	Montcalm	30.0
Clinton	30.6	Montmorency	25.0
Crawford	15.0	Muskegon	26.2
Delta	22.0	Newaygo	27.5
Dickinson	20.0	Oakland	31.4
Eaton	32.6	Oceana	27.6
Emmet	25.0	Ogemaw	27.5
Genesee	31.0	Ontonagon	21.0
Gladwin	29.2	Osceola	24.6
Gogebic	15.0	Oscoda	20.7
Grand Traverse	24.4	Otsego	22.4
Gratiot	34.0	Ottawa	28.2
Hillsdale	28.0	Presque Isle	26.5
Houghton	19.0	Roscommon	21.4
Huron	32.8	Saginaw	34.0
Ingham	31.6	St. Clair	29.3
Ionia	30.9	St. Joseph	30.2
Iosco	24.4	Sanilac	30.9
Iron	19.0	Schoolcraft	21.0
Isabella	31.2	Shiawassee	31.4
Jackson	30.2	Tuscola	36.0
Kalamazoo	31.4	Van Buren	28.0
Kalkaska	18.9	Washtenaw	30.1
Kent	27.4	Wayne	27.8
		Wexford	23.1

MINNESOTA

Aitkin	20.5	Houston	23.2
Anoka	20.2	Hubbard	20.5
Becker	25.2	Isanti	20.4
Beltrami	20.4	Itasca	20.2
Benton	20.0	Jackson	21.7
Big Stone	21.1	Kanabec	22.0
Blue Earth	26.1	Kandiyohi	22.1
Brown	23.0	Kittson	23.1
Carlton	19.5	Koochiching	22.0
Carver	26.8	Lac qui Parle	19.4
Cass	17.8	Lake of the Woods	22.4
Chippewa	21.6	Le Sueur	26.0
Chisago	20.4	Lincoln	20.4
Clay	26.3	Lyon	20.3
Clearwater	23.8	McLeod	26.8
Cottonwood	22.6	Mahnomen	26.2
Crow Wing	19.3	Marshall	25.6
Dakota	25.9	Martin	24.3
Dodge	27.1	Meeker	24.7
Douglas	22.8	Mille Lacs	21.9
Faribault	29.3	Morrison	19.2
Fillmore	23.6	Mower	26.6
Freeborn	27.9	Murray	21.8
Goodhue	24.2	Nicollet	25.0
Grant	23.5	Nobles	20.8
Hennepin	23.8	Norman	26.1

1962 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

MINNESOTA—Cotinued

County	Normal yield	County	Normal yield
Olmsted	25.2	Stearns	21.5
Otter Tail	22.8	Steele	28.0
Pennington	24.3	Stevens	20.8
Pine	19.5	Swift	20.6
Pipestone	20.6	Todd	20.7
Polk	26.8	Traverse	21.4
Pope	21.1	Wabasha	23.5
Ramsey	20.4	Wadena	19.0
Red Lake	24.2	Waseca	29.2
Redwood	22.2	Washington	23.0
Renville	23.7	Watonwan	21.6
Rice	24.4	Wilkin	24.4
Rock	20.4	Winona	24.0
Roseau	22.8	Wright	25.8
St. Louis	25.6	Yellow Medicine	19.9
Scott	26.5		
Sherburne	21.2		

MISSISSIPPI

Adams	17.4	Lincoln	20.0
Alcorn	20.3	Lowndes	21.4
Amite	17.0	Madison	22.1
Attala	18.0	Marion	19.0
Benton	21.9	Marshall	22.2
Bolivar	26.2	Monroe	21.0
Calhoun	21.0	Montgomery	20.0
Carroll	23.8	Neshoba	17.5
Chickasaw	22.4	Newton	18.0
Choctaw	16.0	Noxubee	21.3
Claiborne	21.3	Oktibbeha	20.6
Clarke	22.0	Panola	26.0
Clay	23.9	Pearl River	17.5
Coahoma	26.9	Perry	17.5
Copiah	21.0	Pike	20.0
Covington	19.2	Pontotoc	20.7
De Soto	25.3	Prentiss	24.5
Forrest	19.0	Quitman	25.4
Franklin	18.0	Rankin	22.0
George	19.0	Scott	20.0
Greene	19.0	Sharkey	26.7
Grenada	21.5	Simpson	20.0
Harrison	20.0	Smith	20.0
Hinds	21.6	Sunflower	26.1
Holmes	23.4	Tallahatchie	26.1
Humphreys	26.1	Tate	22.9
Issaquena	26.8	Tippah	19.0
Itawamba	21.0	Tishomingo	20.0
Jackson	18.0	Tunica	24.7
Jasper	17.5	Union	20.8
Jefferson	21.0	Walthall	20.0
Jefferson Davis	19.0	Warren	22.5
Jones	19.0	Washington	27.7
Kemper	23.4	Wayne	19.0
Lafayette	21.7	Webster	19.7
Lauderdale	17.0	Wilkinson	17.0
Leake	18.0	Winston	19.3
Lee	23.5	Yalobusha	20.4
Leflore	27.6	Yazoo	22.8

MISSOURI

Adair	30.5	Christian	25.3
Andrew	26.9	Clark	24.8
Atchison	26.1	Clay	31.4
Audrain	33.0	Clinton	31.2
Barry	25.1	Cole	27.0
Barton	25.2	Cooper	31.0
Bates	25.5	Crawford	22.1
Benton	25.2	Dade	26.9
Bollinger	22.4	Dallas	22.1
Boone	28.7	Daviess	27.8
Buchanan	30.0	DeKalb	28.9
Butler	30.3	Dent	20.9
Caldwell	28.8	Douglas	17.9
Callaway	31.2	Dunklin	30.7
Camden	22.1	Franklin	28.8
Cape Girardeau	30.9	Gasconade	28.7
Carroll	30.1	Gentry	28.8
Carter	23.8	Greene	25.1
Cass	27.8	Grundy	24.4
Cedar	23.3	Harrison	27.9
Chariton	27.9	Henry	25.6
		Hickory	23.1

1962 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

MISSOURI—Continued

County	Normal yield	County	Normal yield
Holt	27.0	Pettis	30.1
Howard	28.0	Phelps	25.0
Howell	18.5	Pike	27.5
Iron	20.3	Platte	31.1
Jackson	29.8	Polk	25.7
Jasper	27.3	Pulaski	20.9
Jefferson	25.2	Putnam	26.4
Johnson	27.2	Ralls	29.6
Knox	27.3	Randolph	27.1
Laclede	26.3	Ray	32.0
Lafayette	29.8	Reynolds	23.1
Lawrence	25.5	Ripley	17.2
Lewis	25.3	St. Charles	32.5
Lincoln	29.0	St. Clair	23.5
Linn	28.8	St. Francois	27.3
Livingston	30.1	St. Louis	28.3
McDonald	23.3	Ste. Genevieve	27.8
Macon	27.4	Saline	27.3
Madison	20.6	Schuyler	27.8
Maries	25.2	Scotland	24.0
Marion	28.4	Scott	29.4
Mercer	28.8	Shannon	21.1
Miller	26.2	Shelby	27.2
Mississippi	30.9	Stoddard	31.2
Moniteau	27.3	Stone	24.6
Monroe	27.4	Sullivan	28.0
Montgomery	32.2	Taney	19.0
Morgan	28.7	Texas	22.2
New Madrid	32.3	Vernon	24.0
Newton	25.6	Warren	30.3
Nodaway	28.9	Washington	28.5
Oregon	22.1	Wayne	22.7
Osage	27.6	Webster	21.6
Ozark	19.7	Worth	26.0
Pemiscot	35.3	Wright	23.1
Perry	28.5		

MONTANA

Beaverhead*	24.1	McCone*	15.0
Big Horn*	24.8	Madison*	21.2
Blaine*	18.8	Meagher*	18.0
Broadwater*	24.3	Mineral*	21.0
Carbon*	22.1	Missoula*	29.6
Carter*	14.2	Musselshell*	19.1
Cascade*	25.7	Park*	21.7
Chouteau*	25.2	Petroleum*	15.0
Custer*	18.9	Phillips*	17.4
Daniels*	14.5	Pondera*	26.2
Dawson*	15.6	Powder River*	20.6
Deer Lodge*	32.4	Powell*	24.9
Fallon*	13.3	Prairie*	16.4
Fergus*	24.4	Ravalli*	30.5
Flathead*	31.8	Richland*	17.8
Gallatin*	27.2	Roosevelt*	16.3
Garfield*	13.2	Rosebud*	20.0
Glacier*	24.3	Sanders*	22.3
Golden Valley*	19.2	Sheridan*	16.7
Granite*	26.2	Silver Bow*	20.5
Hill*	22.4	Stillwater*	20.4
Jefferson*	19.9	Sweet Grass*	18.6
Judith Basin*	22.1	Teton*	25.9
Lake*	23.9	Toole*	23.2
Lewis and Clark*	21.2	Treasure*	20.5
Liberty*	23.3	Valley*	15.6
Lincoln*	19.6	Wheatland*	18.0
		Wibaux*	15.8
		Yellowstone*	22.8

NEBRASKA

Adams*	23.4	Cass*	29.5
Antelope*	24.5	Cedar*	21.1
Arthur*	16.4	Chase*	24.9
Banner*	29.1	Cherry*	20.9
Boone*	25.9	Cheyenne*	28.0
Box Butte*	28.5	Clay*	22.6
Boyd*	16.7	Colfax*	27.4
Brown*	21.4	Cuming*	30.4
Buffalo*	24.7	Custer*	25.5
Burt*	32.9	Dakota*	26.8
Butler*	26.9	Dawes*	27.6

*Indicates counties having special wheat cultural practices. See table below.

1962 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

NEBRASKA—Continued

County	Normal yield	County	Normal yield
Dawson*	24.7	Madison*	25.7
Deuel*	30.0	Merrick*	23.2
Dixon*	26.8	Morrill*	26.2
Dodge*	28.4	Nance*	27.2
Douglas*	30.5	Nemaha*	25.9
Dundy*	25.7	Nuckolls*	23.1
Fillmore*	22.3	Otoe*	26.6
Franklin*	23.8	Pawnee*	23.9
Frontier*	26.4	Perkins*	26.9
Furnas*	25.1	Phelps*	28.0
Gage*	24.1	Pierce*	25.1
Garden*	29.2	Platte*	28.0
Garfield*	20.9	Polk*	27.7
Gosper*	27.5	Redwillow*	26.8
Greeley*	24.6	Richardson*	25.2
Hall*	23.0	Rock*	16.2
Hamilton*	24.5	Saline*	23.2
Harlan*	27.4	Sarpy*	31.6
Hayes*	25.1	Saunders*	27.3
Hitchcock*	25.4	Scotts Bluff*	29.0
Holt*	18.5	Seward*	25.7
Howard*	24.5	Sheridan*	26.7
Jefferson*	23.1	Sherman*	23.7
Johnson*	22.8	Sioux*	24.0
Kearney*	23.7	Stanton*	28.0
Keith*	28.3	Thayer*	22.7
Keya Paha*	19.1	Thomas*	14.0
Kimball*	24.6	Thurston*	25.7
Knox*	23.2	Valley*	25.7
Lancaster*	24.8	Washington*	33.0
Lincoln*	23.7	Wayne*	26.6
Logan*	23.4	Webster*	21.4
Loup*	19.8	Wheeler*	19.5
McPherson*	19.4	York*	24.5

NEW JERSEY

Atlantic	22.3	Middlesex	30.7
Bergen	29.5	Monmouth	31.6
Burlington	30.2	Morris	28.2
Camden	25.6	Ocean	28.9
Cape May	21.9	Passaic	28.8
Cumberland	29.2	Salem	31.2
Essex	28.8	Somerset	27.2
Gloucester	26.2	Sussex	29.3
Hunterdon	29.0	Union	28.4
Mercer	32.6	Warren	30.0

NEW MEXICO

Bernalillo*	17.9	Mora*	9.4
Catron*	8.9	Otero*	15.0
Chaves*	40.5	Quay*	9.8
Colfax*	12.4	Rio Arriba*	10.8
Curry*	16.7	Roosevelt*	10.9
De Baca*	26.4	Sandoval*	15.3
Dona Ana*	30.0	San Juan*	19.2
Eddy*	35.9	San Miguel*	10.5
Grant*	30.0	Santa Fe*	16.6
Guadalupe*	9.0	Sierra*	21.5
Harding*	9.3	Socorro*	6.0
Hidalgo*	25.0	Taos*	17.8
Lea*	8.3	Torrance*	8.4
Lincoln*	7.3	Union*	9.9
Luna*	24.0	Valencia*	16.8
McKinley*	8.8		

NEW YORK

Albany	28.9	Jefferson	21.7
Allegany	29.0	Lewis	27.4
Broome	30.9	Livingston	32.4
Cattaraugus	30.2	Madison	32.6
Cayuga	33.1	Monroe	31.6
Chautauqua	29.4	Montgomery	28.6
Chemung	30.6	Nassau	27.8
Chenango	31.6	Niagara	29.4
Columbia	30.2	Oneida	34.6
Corland	31.9	Onondaga	31.4
Delaware	28.2	Ontario	32.9
Dutchess	29.8	Orange	28.2
Erie	28.6	Orleans	32.2
Essex	26.5	Oswego	27.2
Fulton	27.8	Otsego	31.9
Genesee	32.4	Rensselaer	28.8
Greene	27.7	St. Lawrence	25.0
Herkimer	30.1	Saratoga	31.6

1962 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

NEW YORK—Continued

County	Normal yield	County	Normal yield
Schenectady	28.0	Tompkins	31.2
Schoharie	30.4	Ulster	29.8
Schuyler	27.4	Washington	30.2
Seneca	31.8	Wayne	29.2
Steuben	29.1	Westchester	30.5
Suffolk	33.4	Wyoming	31.4
Sullivan	28.9	Yates	32.2
Tioga	29.5		

NORTH CAROLINA

Alamance	22.7	Jones	23.9
Alexander	20.0	Lee	24.6
Alleghany	24.7	Lenoir	28.0
Anson	20.6	Lincoln	22.2
Ashe	23.4	McDowell	17.5
Avery	20.9	Macon	21.8
Beaufort	25.4	Madison	19.4
Bertie	23.8	Martin	25.1
Bladen	22.6	Mecklenburg	20.6
Brunswick	24.4	Mitchell	19.5
Buncombe	22.8	Montgomery	18.4
Burke	21.6	Moore	19.3
Cabarrus	19.8	Nash	27.8
Caldwell	20.8	New Hanover	23.4
Camden	28.4	Northampton	22.4
Carteret	23.2	Onslow	23.1
Caswell	22.6	Orange	22.2
Catawba	22.0	Pamlico	26.6
Chatham	21.6	Pasquotank	29.5
Cherokee	20.2	Pender	23.6
Chowan	25.2	Perquimans	26.8
Clay	19.0	Person	21.7
Cleveland	22.0	Pitt	26.0
Columbus	24.4	Polk	20.6
Craven	23.9	Randolph	22.2
Cumberland	22.4	Richmond	17.5
Currituck	27.0	Robeson	23.6
Davidson	23.0	Rockingham	23.4
Davie	22.2	Rowan	23.0
Duplin	26.7	Rutherford	21.2
Durham	22.3	Sampson	24.6
Edgecombe	26.8	Scotland	22.0
Forsyth	22.8	Stanly	19.8
Franklin	22.6	Stokes	21.8
Gaston	20.5	Surry	23.3
Gates	25.0	Swain	19.0
Graham	17.8	Transylvania	20.7
Granville	22.5	Tyrrell	25.4
Greene	26.4	Union	21.4
Guilford	22.8	Vance	22.6
Halifax	23.2	Wake	24.4
Harnett	25.4	Warren	21.4
Haywood	21.7	Washington	26.0
Henderson	22.2	Watauga	23.5
Hertford	22.0	Wayne	26.4
Hoke	21.5	Wilkes	23.1
Hyde	27.0	Wilson	29.2
Iredell	21.6	Yadkin	23.0
Jackson	19.9	Yancey	20.4
Johnston	25.6		

NORTH DAKOTA

Adams*	13.7	LaMoure*	18.5
Barnes*	22.1	Logan*	14.8
Benson*	19.2	McHenry*	16.0
Billings*	13.9	McIntosh*	13.7
Bottineau*	18.3	McKenzie*	16.0
Bowman*	14.3	McLean*	17.9
Burke*	17.2	Mercer*	15.5
Burleigh*	15.6	Morton*	13.9
Cass*	23.7	Mountrail*	15.8
Cavalier*	22.6	Nelson*	21.9
Dickey*	18.8	Oliver*	14.8
Divide*	14.2	Pembina*	25.9
Dunn*	15.2	Pierce*	15.9
Eddy*	18.2	Ramsey*	20.0
Emmons*	14.1	Ransom*	17.7
Foster*	20.3	Renville*	19.6
Golden Valley*	16.7	Richland*	21.0
Grand Forks*	27.3	Rolette*	17.5
Grant*	14.4	Sargent*	19.1
Griggs*	22.9	Sheridan*	16.6
Hettinger*	17.3	Sioux*	11.4
Kidder*	14.4	Slope*	16.9
		Stark*	16.8

1962 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

SOUTH DAKOTA—Continued

County	Normal yield	County	Normal yield
Steele*	27.1	Walsh*	24.9
Stutsman*	19.6	Ward*	20.1
Towner*	21.0	Wells*	19.5
Traill*	27.8	Williams*	14.4

OHIO

Adams	20.8	Licking	25.5
Allen	30.6	Logan	28.2
Ashland	27.7	Lorain	27.0
Ashtabula	24.2	Lucas	32.6
Athens	24.0	Madison	29.0
Auglaize	29.9	Mahoning	27.5
Belmont	26.8	Marion	30.4
Brown	19.8	Medina	27.6
Butler	24.5	Meigs	21.6
Carroll	27.5	Mercer	30.3
Champaign	29.6	Miami	29.8
Clark	29.6	Monroe	25.4
Clermont	22.7	Montgomery	27.2
Clinton	25.2	Morgan	23.8
Columbiana	28.0	Morrow	26.1
Coshocton	25.0	Muskingum	24.2
Crawford	29.3	Noble	24.2
Cuyahoga	25.9	Ottawa	29.2
Darke	28.2	Paulding	28.6
Defiance	27.5	Perry	23.8
Delaware	27.5	Pickaway	25.1
Erie	31.6	Pike	20.2
Fairfield	25.4	Portage	26.6
Fayette	26.6	Preble	26.3
Franklin	27.7	Putnam	29.9
Fulton	31.7	Richland	27.0
Gallia	22.7	Ross	23.1
Geauga	25.7	Sandusky	31.0
Greene	27.0	Scioto	22.4
Guernsey	23.3	Seneca	29.0
Hamilton	25.5	Shelby	29.0
Hancock	30.4	Stark	28.6
Hardin	30.7	Summit	27.8
Harrison	27.0	Trumbull	25.8
Henry	32.2	Tuscarawas	26.8
Highland	22.3	Union	27.6
Hocking	21.4	Van Wert	31.2
Holmes	27.2	Vinton	22.0
Huron	29.9	Warren	24.7
Jackson	21.4	Washington	23.4
Jefferson	28.0	Wayne	28.2
Knox	24.6	Williams	27.5
Lake	24.3	Wood	32.4
Lawrence	23.6	Wyandot	30.1

OKLAHOMA

Adair	18.4	Harper*	16.3
Alfalfa*	22.8	Haskell	22.1
Atoka	17.9	Hughes	20.2
Beaver*	16.3	Jackson*	21.6
Beckham*	17.5	Jefferson	16.4
Blaine*	20.5	Johnston	19.4
Bryan	18.0	Kay	25.7
Caddo*	20.4	Kingfisher*	20.1
Canadian*	20.1	Kiowa*	21.0
Carter	18.1	Latimer	17.0
Cherokee	19.6	LeFlore	21.0
Choctaw	19.2	Lincoln	18.5
Cimarron*	17.0	Logan	21.3
Cleveland	19.9	Love	16.4
Coal	18.6	McClain	21.8
Comanche*	17.4	McCurtain	20.2
Cotton*	18.2	McIntosh	20.4
Craig	22.7	Major*	21.6
Creek	16.2	Marshall	17.5
Custer*	19.1	Mayes	20.3
Delaware	22.9	Murray	22.2
Dewey*	18.2	Muskogee	21.1
Ellis*	16.1	Noble	22.1
Garfield*	23.5	Nowata	23.2
Garvin	21.7	Okfuskee	17.8
Grady*	21.1	Oklahoma	22.3
Grant*	22.2	Okmulgee	19.8
Greer*	20.5	Osage	23.2
Harmon*	20.7	Ottawa	23.5

*Indicates counties having special wheat cultural practices. See table below.

1962 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

OKLAHOMA—Continued

County	Normal yield	County	Normal yield
Pawnee	20.9	Sequoyah	21.2
Payne	18.6	Stephens	19.6
Pittsburg	17.3	Texas*	17.0
Pontotoc	20.0	Tillman*	21.0
Pottawatomie	21.8	Tulsa	22.7
Pushmataha	18.9	Wagoner	21.0
Roger Mills*	17.3	Washita*	20.2
Rogers	21.1	Woods*	22.3
Seminole	17.8	Woodward*	17.8

OREGON

Baker*	33.8	Lake*	22.7
Benton*	29.8	Lane*	26.2
Clackamas*	29.2	Linn*	26.6
Clatsop*	28.3	Malheur*	47.6
Columbia*	28.8	Marion*	29.6
Crook*	46.8	Morrow*	28.8
Deschutes*	36.6	Multnomah*	30.3
Douglas*	22.0	Polk*	32.2
Gilliam*	29.6	Sherman*	34.8
Grant*	26.1	Umatilla*	35.1
Harney*	22.3	Union*	39.4
Hood River*	33.5	Wallowa*	30.5
Jackson*	34.2	Wasco*	31.5
Jefferson*	34.8	Washington*	33.3
Josephine*	24.7	Wheeler*	24.2
Klamath*	30.1	Yamhill*	31.8

PENNSYLVANIA

Adams	25.2	Lancaster	32.8
Allegheny	27.0	Lawrence	27.0
Armstrong	24.2	Lebanon	29.8
Beaver	27.1	Lehigh	28.5
Bedford	26.8	Luzerne	24.2
Berks	27.0	Lycoming	25.0
Blair	29.4	McKean	24.6
Bradford	25.6	Mercer	25.6
Bucks	28.5	Mifflin	28.2
Butler	27.0	Monroe	25.2
Cambria	24.8	Montgomery	28.8
Cameron	21.6	Montour	23.4
Carbon	24.2	Northampton	30.7
Centre	27.1	Northumberland	25.4
Chester	32.1	Perry	25.9
Clarion	24.0	Philadelphia	29.3
Clearfield	28.4	Pike	23.3
Clinton	27.3	Potter	27.8
Columbia	25.8	Schuylkill	24.0
Crawford	24.4	Snyder	24.6
Cumberland	27.3	Somerset	25.8
Dauphin	25.4	Sullivan	23.9
Delaware	32.4	Susquehanna	25.9
Elk	24.2	Tioga	24.4
Erie	25.4	Union	26.5
Fayette	27.4	Venango	25.4
Forest	20.6	Warren	25.0
Franklin	25.6	Washington	27.4
Fulton	23.3	Wayne	25.2
Greene	24.1	Westmoreland	26.4
Huntingdon	26.5	Wyoming	24.4
Indiana	23.8	York	28.8
Jefferson	24.7		
Juniata	25.7		
Lackawanna	27.0		

SOUTH CAROLINA

Abbeville	19.4	Dorchester	22.4
Aiken	18.4	Edgefield	21.6
Allendale	21.4	Fairfield	20.7
Anderson	20.5	Florence	22.2
Bamberg	19.8	Georgetown	22.2
Barnwell	20.8	Greenville	20.5
Beaufort	23.5	Greenwood	20.8
Berkeley	21.4	Hampton	22.4
Calhoun	22.6	Horry	25.4
Charleston	22.8	Jasper	20.2
Cherokee	20.2	Kershaw	20.9
Chester	21.7	Lancaster	20.8
Chesterfield	19.6	Laurens	22.0
Clarendon	22.3	Lee	22.9
Colleton	21.4	Lexington	17.8
Darlington	21.8	McCormick	18.7
Dillon	23.4	Marion	24.4

1962 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

SOUTH CAROLINA—Continued

County	Normal yield	County	Normal yield
Marlboro	23.0	Saluda	20.6
Newberry	21.5	Spartanburg	19.6
Oconee	19.6	Sumter	22.3
Orangeburg	19.8	Union	19.0
Pickens	19.0	Williamsburg	22.3
Richland	21.4	York	20.8

SOUTH DAKOTA

Aurora*	18.8	Jackson*	25.7
Beadle*	14.6	Jerauld*	14.4
Bennett*	30.0	Jones*	25.3
Bon Homme*	17.1	Kingsbury*	15.5
Brookings*	18.5	Lake*	18.1
Brown*	17.1	Lawrence*	21.8
Brule*	20.7	Lincoln*	16.9
Buffalo*	20.4	Lyman*	25.5
Butte*	20.1	McCook*	19.4
Campbell*	15.8	McPherson*	15.2
Charles Mix*	21.2	Marshall*	17.3
Clark*	15.6	Meade*	19.2
Clay*	21.4	Mellette*	22.4
Codington*	15.9	Miner*	14.6
Corson*	13.7	Minnehaha*	17.8
Custer*	16.8	Moody*	21.6
Davison*	18.2	Pennington*	19.7
Day*	17.4	Perkins*	13.1
Deuel*	16.7	Potter*	18.9
Dewey*	17.3	Roberts*	18.0
Douglas*	18.9	Sanborn*	14.0
Edmunds*	17.3	Shannon*	28.1
Fall River*	24.4	Spink*	16.2
Faulk*	17.1	Stanley*	24.6
Grant*	18.6	Sully*	20.9
Gregory*	22.4	Todd*	25.5
Haakon*	23.0	Tripp*	26.0
Hamlin*	16.4	Turner*	18.3
Hand*	18.2	Union*	21.7
Hanson*	19.2	Walworth*	16.9
Harding*	14.3	Washabaugh*	26.3
Hughes*	21.4	Yankton*	18.4
Hutchinson*	16.4	Ziebach*	16.2
Hyde*	17.6		

TENNESSEE

Anderson	20.5	Henry	20.4
Bedford	17.2	Hickman	16.8
Benton	17.6	Houston	20.2
Bledsoe	17.8	Humphreys	17.7
Blount	21.6	Jackson	13.4
Bradley	17.8	Jefferson	21.9
Campbell	19.6	Johnson	21.3
Cannon	16.4	Knox	21.0
Carroll	18.6	Lake	28.2
Carter	22.2	Lauderdale	21.5
Cheatham	22.0	Lawrence	19.2
Chester	19.0	Lewis	15.4
Claiborne	19.4	Lincoln	16.9
Clay	16.6	Loudon	18.8
Cocke	19.4	McMinn	18.2
Coffee	20.5	McNairy	19.7
Crockett	18.6	Macon	17.6
Cumberland	17.4	Madison	18.9
Davidson	19.4	Marion	18.8
Decatur	15.6	Marshall	16.8
De Kalb	16.2	Maury	20.4
Dickson	17.2	Meigs	18.1
Dyer	22.6	Monroe	19.9
Fayette	19.0	Montgomery	24.2
Fentress	18.4	Moore	18.8
Franklin	23.6	Morgan	19.0
Gibson	17.0	Obion	21.8
Giles	17.0	Overton	19.3
Grainger	20.9	Perry	14.4
Greene	19.4	Pickett	18.2
Grundy	24.6	Polk	18.0
Hamblen	23.3	Putnam	18.6
Hamilton	18.8	Rhea	17.0
Hancock	18.2	Roane	17.0
Hardeman	19.4	Robertson	23.7
Hardin	16.6	Rutherford	18.2
Hawkins	20.6	Sequatchie	18.8
Haywood	18.9	Sevier	19.6
Henderson	18.7	Shelby	20.9

1962 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

TENNESSEE—Continued

County	Normal yield	County	Normal yield
Smith	14.6	Van Buren	20.0
Stewart	18.4	Warren	20.2
Sullivan	21.2	Washington	21.8
Sumner	18.5	Wayne	15.8
Tipton	22.4	Weakley	18.9
Trousdale	16.6	White	20.6
Unicoi	22.6	Williamson	18.5
Union	18.0	Wilson	16.1

TEXAS

County	Normal yield	County	Normal yield
Archer	13.4	Hamilton	13.7
Armstrong*	14.9	Hansford*	17.0
Atascosa	12.2	Hardeman*	15.8
Austin	11.0	Harris	10.0
Bailey*	20.3	Hartley*	15.1
Bandera	14.0	Haskell*	14.5
Bastrop	11.5	Hays	11.3
Baylor	15.6	Hemphill*	15.9
Bee	11.0	Henderson	12.2
Bell	13.4	Hill	16.5
Bexar	13.4	Hockley*	20.9
Blanco	15.4	Hood	13.6
Borden	13.0	Hopkins	13.0
Bosque	14.9	Houston	13.0
Bowie	15.6	Howard	12.8
Brazos	12.0	Hudspeth	20.0
Briscoe*	18.2	Hunt	17.3
Brown	12.6	Hutchinson*	20.7
Burnet	15.5	Irion	9.0
Caldwell	11.6	Jack	12.8
Callahan	13.5	Jackson	12.1
Carson*	18.3	Jeff Davis	19.0
Castro*	25.8	Johnson	17.4
Cherokee	12.5	Jones	13.5
Childress*	17.8	Karnes	13.4
Clay	14.9	Kaufman	16.2
Cochran*	18.6	Kendall	16.7
Coke	13.3	Kent	12.4
Coleman	12.0	Kerr	15.2
Collin	18.7	Kimble	12.5
Collingsworth*	14.4	King	13.0
Comal	12.1	Knox*	15.7
Comanche	12.3	Lamar	18.1
Concho	12.8	Lamb*	25.1
Cooke	19.1	Lampasas	14.6
Coryell	13.4	Leon	12.5
Cottle*	13.3	Limestone	13.4
Crosby*	17.3	Lipscomb*	17.0
Culberson	20.0	Live Oak	11.0
Dallam*	14.8	Llano	11.4
Dallas	18.2	Lubbock*	20.8
Dawson*	12.7	Lynn*	16.8
Deaf Smith*	22.8	McCulloch	15.3
Delta	16.7	McLennan	14.8
Denton	19.2	Madison	12.0
DeWitt	10.0	Martin	13.1
Dickens*	13.6	Mason	15.3
Donley*	15.5	Maverick	13.0
Eastland	12.1	Medina	13.0
Edwards	10.0	Menard	13.0
Ellis	16.8	Midland	15.0
Erath	11.6	Milam	13.4
Falls	13.3	Mills	15.3
Fannin	18.0	Mitchell	12.9
Fayette	10.0	Montague	15.9
Fisher	14.1	Moore*	18.8
Floyd*	20.0	Morris	13.0
Foard*	15.4	Motley*	15.3
Freestone	12.0	Nacogdoches	12.0
Frio	13.0	Navarro	15.7
Gaines*	13.9	Nolan	13.1
Garza*	12.3	Ochiltree*	16.2
Gillespie	17.0	Oldham*	14.1
Glasscock	13.4	Palo Pinto	13.7
Goliad	10.0	Panola	11.0
Gonzales	12.0	Parker	13.6
Gray*	17.6	Pecos	15.0
Grayson	18.0	Potter*	16.3
Guadalupe	10.9	Presidio	25.0
Hale*	26.9	Rains	13.0
Hall*	16.5	Randall*	18.3

*Indicates counties having special wheat cultural practices. See table below.

1962 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

TEXAS—Continued

County	Normal yield	County	Normal yield
Real	10.0	Terry*	18.6
Red River	13.9	Throckmorton	15.2
Reeves	15.0	Titus	12.0
Roberts*	19.4	Tom Green	13.0
Robertson	12.0	Travis	12.3
Rockwall	16.1	Uvalde	13.4
Runnels	11.7	Van Zandt	13.2
San Saba	15.9	Victoria	12.0
Schleicher	14.0	Walker	12.0
Scurry	13.6	Waller	12.5
Shackelford	13.0	Ward	15.0
Shelby	12.0	Wharton	12.0
Sherman*	16.1	Wheeler*	15.7
Somervell	12.7	Wichita*	17.4
Stephens	13.4	Wilbarger*	18.0
Sterling	13.4	Williamson	13.0
Stonewall	12.8	Wilson	13.7
Sutton	9.0	Wise	17.2
Swisher*	23.8	Yoakum*	13.9
Tarrant	15.1	Young	14.0
Taylor	15.0	Zavala	13.9

UTAH

County	Normal yield	County	Normal yield
Beaver*	34.2	Piute*	25.4
Box Elder*	19.0	Rich*	21.1
Cache*	25.1	Salt Lake*	26.2
Carbon*	32.2	San Juan*	14.4
Daggett*	33.0	Sanpete*	23.5
Davis*	49.9	Sevier*	44.8
Duchesne*	31.1	Summit*	29.9
Emery*	31.5	Tooele*	14.9
Garfield*	19.6	Uintah*	27.8
Grand*	17.4	Utah*	25.0
Iron*	16.2	Wasatch*	35.7
Juab*	15.8	Washington*	15.7
Kane*	17.1	Wayne*	31.2
Millard*	17.5	Weber*	46.8
Morgan*	25.4		

VIRGINIA

County	Normal yield	County	Normal yield
Accomack	26.4	Henry	21.2
Albemarle	24.8	Highland	22.4
Alleghany	20.6	Isle of Wight	25.2
Amelia	24.5	James City	27.4
Amherst	21.2	King and Queen	22.5
Appomattox	23.2	King George	25.7
Augusta	25.1	King William	25.2
Bath	20.9	Lancaster	24.7
Bedford	22.6	Lee	21.4
Bland	21.6	Loudoun	25.5
Botetourt	23.4	Louisa	23.4
Brunswick	23.4	Lunenburg	24.2
Buchanan	20.3	Madison	24.2
Buckingham	23.4	Mathews	23.1
Campbell	22.5	Mecklenburg	23.4
Caroline	24.3	Middlesex	24.5
Carroll	22.6	Montgomery	23.9
Charles City	27.2	Nansemond	26.2
Charlotte	25.4	Nelson	20.4
Chesterfield	23.2	New Kent	23.9
Clarke	25.1	Newport News	22.0
Craig	24.0	Norfolk	27.6
Culpeper	24.9	Northampton	26.2
Cumberland	23.9	Northumberland	26.9
Dickenson	20.0	Nottoway	26.0
Dinwiddie	24.7	Orange	25.1
Essex	24.0	Page	24.7
Fairfax	25.2	Patrick	22.9
Fauquier	24.7	Pittsylvania	23.2
Floyd	24.9	Powhatan	23.7
Fluvanna	23.6	Prince Edward	24.6
Franklin	23.8	Prince George	23.0
Frederick	23.3	Prince William	24.4
Giles	21.6	Princess Anne	27.6
Goochland	23.9	Pulaski	23.4
Grayson	21.1	Rappahannock	23.4
Greene	20.8	Richmond	26.4
Greensville	21.4	Roanoke	25.6
Halifax	23.7	Rockbridge	21.9
Hampton	22.5	Rockingham	25.2
Hanover	23.3	Russell	21.8
Henrico	24.8	Scott	20.6
Shenandoah	25.2	Smyth	22.8
Southampton	24.0	Spotsylvania	22.9
Stafford	24.2	Surry	23.6
Sussex	23.4	Tazewell	21.6
Warren	23.4	Washington	22.0
Westmoreland	27.0	Wise	20.4
Wythe	23.0	York	23.6

1962 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

VIRGINIA—Continued

County	Normal yield	County	Normal yield
Russell	21.8	Sussex	23.4
Scott	20.6	Tazewell	21.6
Shenandoah	25.2	Warren	23.4
Smyth	22.8	Washington	22.0
Southampton	24.0	Westmoreland	27.0
Spotsylvania	22.9	Wise	20.4
Stafford	24.2	Wythe	23.0
Surry	23.6	York	23.6

WASHINGTON

County	Normal yield	County	Normal yield
Adams*	28.4	Klickitat*	26.7
Asotin*	30.1	Lewis*	33.0
Benton*	26.2	Lincoln*	35.1
Chelan*	21.9	Okanogan*	21.9
Clallam*	45.0	Pend Oreille*	19.7
Clark*	24.9	Pierce*	30.2
Columbia*	42.6	San Juan*	37.3
Cowlitz*	29.6	Skagit*	46.4
Douglas*	24.2	Skamania*	39.2
Ferry*	27.4	Snohomish*	35.9
Franklin*	30.2	Spokane*	32.5
Garfield*	43.3	Stevens*	29.0
Grant*	30.1	Thurston*	40.5
Grays Harbor*	28.5	Walla Walla*	40.7
Island*	47.1	Whatcom*	42.0
Jefferson*	40.5	Whitman*	38.1
Kittitas*	40.1	Yakima*	

WEST VIRGINIA

County	Normal yield	County	Normal yield
Barbour	23.0	Mineral	23.2
Berkeley	24.0	Monongalia	24.9
Boone	19.8	Monroe	23.7
Braxton	21.7	Morgan	20.2
Brooke	26.8	Nicholas	25.3
Cabell	20.8	Ohio	26.0
Calhoun	22.2	Pendleton	23.1
Clay	21.4	Pleasants	23.6
Doddridge	23.7	Pocahontas	26.0
Fayette	22.6	Preston	25.2
Gilmer	22.4	Putnam	22.0
Grant	25.0	Raleigh	22.4
Greenbrier	24.8	Randolph	26.0
Hampshire	25.4	Ritchie	22.4
Hancock	26.8	Roane	21.4
Hardy	24.1	Summers	22.2
Harrison	24.1	Taylor	23.5
Jackson	21.4	Tucker	23.8
Jefferson	23.6	Tyler	21.8
Kanawha	21.6	Upshur	24.6
Lewis	24.6	Wayne	19.9
Lincoln	19.3	Webster	22.0
Marion	23.7	Wetzel	22.4
Marshall	23.6	Wirt	25.1
Mason	24.0	Wood	23.5
Mercer	24.6	Wyoming	19.8

WISCONSIN

County	Normal yield	County	Normal yield
Adams	19.2	Jackson	23.0
Ashland	19.0	Jefferson	30.0
Barron	23.6	Juneau	21.0
Bayfield	19.4	Kenosha	31.6
Brown	28.1	Kewaunee	28.6
Buffalo	23.7	La Crosse	23.4
Burnett	18.5	Lafayette	27.0
Calumet	30.6	Langlade	24.2
Chippewa	21.3	Lincoln	23.2
Clark	23.7	Manitowoc	29.6
Columbia	27.6	Marathon	24.6
Crawford	26.2	Marinette	23.2
Dane	29.6	Marquette	20.1
Dodge	30.2	Milwaukee	30.0
Door	26.8	Monroe	24.8
Douglas	18.0	Oconto	25.2
Dunn	22.0	Oneida	20.8
Eau Claire	21.6	Outagamie	29.8
Florence	19.1	Ozaukee	31.0
Fond du Lac	31.1	Pepin	22.5
Forest	20.2	Pierce	22.2
Grant	28.0	Polk	20.8
Green	27.2	Portage	20.8
Green Lake	24.5	Price	20.6
Iowa	26.9	Racine	33.0
Iron	19.2	Richland	24.4
Rock	29.0	Vilas	20.4
Rusk	18.4	Walworth	31.4
St. Croix	22.1	Washburn	19.4
Sauk	25.6	Washington	31.3
Sawyer	17.9	Waukesha	29.6
Shawano	26.5	Waupaca	22.0
Sheboygan	30.4	Waushara	20.4
Taylor	21.6	Winnebago	30.0
Trempealeau	23.4	Wood	23.0
Vernon	26.1		

WYOMING

County	Normal yield	County	Normal yield
Albany*	13.2	Natrona*	22.6
Big Horn*	35.0	Niobrara*	20.3
Campbell*	16.6	Park*	38.4
Carbon*	13.1	Platte*	21.3
Converse*	19.3	Sheridan*	22.7
Crook*	19.4	Sublette*	18.9
Fremont*	36.5	Sweetwater*	20.4
Goshen*	21.4	Teton*	30.3
Hot Springs*	33.0	Uinta*	21.5
Johnson*	16.9	Washakie*	35.5
Laramie*	23.7	Weston*	19.7
Lincoln*	16.8		

(Secs. 301, 375, 52 Stat. 38, as amended, 66; 7 U.S.C. 1301, 1375)

Effective thirty days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 27, 1961.

CARL A. LARSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

NORMAL YIELDS OF WHEAT FOR SPECIAL CULTURAL PRACTICES

ARIZONA

County	Irrigated	Summer fallow	Continuous cropping
Apache	30.0		16.0
Cochise	24.8		
Coconino	30.0		16.0
Gila	22.5		
Graham	23.9		
Greenlee	28.1		
Maricopa	40.0		
Mohave	30.0		15.0
Navajo	30.0		16.0
Pima	27.8		
Pinal	34.0		
Santa Cruz	24.0		
Yavapai	25.6		
Yuma	34.9		

CALIFORNIA

County	Irrigated	Summer fallow	Continuous cropping
Alameda		23.2	23.8
Alpine			30.0
Amador			23.6
Butte		27.3	28.1
Calaveras			17.8
Colusa		26.4	29.0
Contra Costa		23.5	29.6
Fresno	46.2	15.1	13.8
Glenn		26.2	22.8
Humboldt			28.6
Imperial	53.8		
Inyo			25.8
Kern	30.4	12.4	9.7
Kings	33.2		
Lake			25.6
Lassen	20.2	17.4	21.2
Los Angeles	25.8	11.9	6.7
Madera	30.2	14.0	9.8
Marin			25.5
Mariposa			30.0
Mendocino			22.9
Merced	35.1	25.1	22.7
Modoc	41.5	21.5	18.2
Mono			20.0
Monterey	33.6	18.4	15.1
Napa			26.9
Orange			17.4
Placer		20.4	16.9
Plumas			19.1

*Indicates counties having special wheat cultural practices. See table below.

NORMAL YIELDS OF WHEAT FOR SPECIAL CULTURAL PRACTICES—Continued

CALIFORNIA—continued

County	Irrigated	Summer fallow	Continuous cropping
Riverside	29.2	18.4	16.3
Sacramento	45.0	23.5	37.5
San Benito			20.4
San Bernardino			26.9
San Diego			23.8
San Joaquin	40.2	26.4	30.4
San Luis Obispo		16.7	13.4
San Mateo			21.6
Santa Barbara		17.3	22.0
Santa Clara			23.4
Shasta		13.7	16.4
Sierra			18.1
Siskiyou	40.4	17.9	16.4
Solano	48.4	24.0	44.8
Sonoma			21.6
Stanislaus			27.5
Sutter	41.0	29.6	39.4
Tehama		19.1	18.8
Trinity			20.0
Tulare	28.9	21.7	16.3
Tuolumne			19.8
Ventura			20.9
Yolo	37.4	32.8	37.0
Yuba			26.4

COLORADO

County	Irrigated	Summer fallow	Continuous cropping
Adams	31.8	24.0	14.0
Alamosa	25.4		
Arapahoe	33.6	22.3	13.9
Archuleta	27.8	15.8	10.9
Baca	28.2	17.7	14.3
Bent	31.0	15.9	10.8
Boulder	34.0	25.7	16.9
Chaffee	26.6		
Cheyenne	25.0	20.5	13.0
Conejos	25.2		
Costilla	25.4		
Crowley	34.0	13.9	11.8
Custer	28.0	14.2	9.5
Delta	35.2	17.9	12.5
Dolores	26.5	15.0	11.5
Douglas	28.5	24.0	17.4
Eagle	39.3		19.5
Elbert	28.4	20.7	16.4
El Paso	28.2	17.6	11.4
Fremont	28.2	16.6	8.5
Garfield	32.4	17.9	12.5
Grand	27.7	17.2	12.4
Gunnison	29.0	18.0	14.5
Huerfano	25.9	17.2	12.3
Jackson	29.5	17.1	14.0
Jefferson	30.1	28.1	15.9
Kiowa	30.1	17.2	13.0
Kit Carson	30.4	20.0	11.9
La Plata	27.8	16.2	12.5
Larimer	33.9	25.2	15.4
Las Animas	27.2	13.0	10.9
Lincoln	28.3	19.0	12.0
Logan	27.0	22.5	14.3
Mesa	32.2	14.2	12.9
Moffat	31.3	17.4	13.2
Montezuma	28.0	17.3	12.9
Montrose	37.6	14.5	11.8
Morgan	35.2	20.1	12.4
Otero	37.6	18.0	9.7
Ouray	33.8	16.6	11.4
Park			14.5
Phillips	28.0	25.7	14.0
Pitkin	38.8	18.0	16.5
Prowers	33.5	16.7	16.9
Pueblo	36.4	23.3	13.0
Rio Blanco	33.2	20.9	14.6
Rio Grande	30.6		
Routt	33.5	21.1	15.6
Saguache	26.8		
San Miguel	32.5	14.7	11.6
Sedgwick	29.2	28.0	16.5
Teller			16.0
Washington	33.1	23.1	12.2
Weld	32.5	22.4	14.2
Yuma	32.2	24.0	15.1

IDAHO

County	Irrigated	Summer fallow	Continuous cropping
Ada	49.2	23.2	18.7
Adams	43.1	21.4	
Bannock	45.4	21.7	16.8
Bear Lake	33.9	19.2	17.2
Benewah		38.4	24.3
Bingham	50.3	16.8	13.1
Blaine	41.6	16.7	18.6
Boise	38.4	22.1	
Bonner		22.8	19.7
Bonneville	52.1	21.8	15.9
Boundary		45.3	39.3
Butte	47.9	9.2	8.8
Camas	35.5	20.4	19.7
Canyon	54.1		21.3
Caribou	41.4	22.7	19.9
Cassia	54.5	19.1	17.0

NORMAL YIELDS OF WHEAT FOR SPECIAL CULTURAL PRACTICES—Continued

IDAHO—continued

County	Irrigated	Summer fallow	Continuous cropping
Clark	40.4	15.5	12.2
Clearwater		39.6	28.7
Custer	44.7		15.8
Elmore	41.4	21.2	16.4
Franklin	44.6	23.1	19.2
Fremont	44.8	24.2	18.2
Gem	46.4		19.5
Gooding	50.8		16.0
Idaho		36.7	24.4
Jefferson	47.8	15.7	12.2
Jerome	57.6		13.4
Kootenai	32.4	31.6	23.4
Latah		39.8	27.6
Lemhi	41.9		
Lewis		41.3	31.0
Lincoln	50.2	14.3	
Madison	50.0	24.6	19.2
Minidoka	54.5	14.6	10.5
Nez Perce	38.6	42.4	28.9
Oneida	40.3	21.4	17.8
Owyhee	56.1		20.0
Payette	43.4		18.9
Power	48.0	20.4	14.7
Teton	33.8	22.9	17.5
Twin Falls	60.8	13.0	10.5
Valley	34.0	19.1	
Washington	46.6	23.1	21.0

KANSAS

County	Irrigated	Summer fallow	Continuous cropping
Barber		23.9	20.9
Barton		22.4	18.8
Cheyenne		28.6	20.6
Clark		20.0	17.6
Clay		24.6	21.2
Cloud	32.0	24.7	20.2
Comanche		20.6	17.0
Decatur		26.8	21.7
Dickinson		26.8	23.6
Edwards	33.5	21.2	18.7
Ellis		22.5	16.2
Ellsworth		22.4	18.1
Finney	36.0	23.0	18.3
Ford	28.8	19.2	16.9
Gove		26.4	19.3
Graham		21.4	13.9
Grant	30.7	26.6	17.0
Gray	30.2	22.4	16.4
Greeley		25.2	20.8
Hamilton	31.5	27.4	17.1
Harper		26.6	21.4
Harvey		29.4	24.6
Haskell	29.2	22.5	17.8
Hodgeman	27.5	21.2	17.4
Jewell		24.5	18.6
Kearny	33.6	27.7	22.6
Kingman		22.8	17.4
Kiowa	23.7	20.7	16.4
Lane	32.6	24.7	19.6
Lincoln		22.2	18.3
Logan		24.2	21.1
McPherson		27.2	21.6
Marion		29.2	23.2
Meade	25.0	17.6	15.3
Mitchell		25.6	18.2
Morton	32.8	21.2	14.8
Ness	30.0	23.0	15.5
Norton	27.0	24.4	19.8
Osborne		21.5	17.2
Ottawa		26.3	21.2
Pawnee	28.8	24.8	20.2
Phillips		21.9	16.7
Pratt	24.0	20.5	17.3
Rawlins	27.0	28.5	21.8
Reno	31.0	25.7	20.8
Republic		25.9	19.1
Rice	27.0	24.4	19.2
Rooks		20.4	17.0
Rush	26.0	21.4	18.7
Russell		20.8	15.4
Saline		25.2	22.4
Scott	32.6	22.0	21.1
Sedgwick		28.4	24.0
Seward	29.2	18.2	16.4
Sheridan	27.0	23.9	19.0
Sherman	32.0	26.3	16.3
Smith		22.8	17.2
Stafford	30.0	21.0	17.3
Stanton	34.4	23.9	16.9
Stevens	31.6	26.3	15.3
Sumner		28.4	23.3
Thomas	32.0	26.5	18.6
Trego		25.7	19.7
Wallace	35.0	23.2	20.7
Washington		28.2	22.3
Wichita	34.7	26.8	21.5

MONTANA

County	Irrigated	Summer fallow	Continuous cropping
Beaverhead	38.1	18.0	14.0
Big Horn	29.1	24.4	16.6
Blaine	29.4	18.4	14.3

NORMAL YIELDS OF WHEAT FOR SPECIAL CULTURAL PRICES—Continued

MONTANA—continued

County	Irrigated	Summer fallow	Continuous cropping
Broadwater	34.0	20.6	14.0
Carbon	31.2	20.4	15.9
Carter	21.0	15.4	8.1
Cascade	31.9	25.7	19.0
Chouteau	29.1	25.2	19.0
Custer	30.6	18.2	10.6
Daniels		14.6	11.4
Dawson	30.2	15.8	11.0
Deer Lodge	32.4	22.8	20.3
Fallon		14.0	10.5
Fergus	29.9	24.5	13.9
Flathead	35.0	32.2	21.8
Gallatin	40.4	24.2	19.8
Garfield	21.9	13.5	8.6
Glacier	33.6	24.4	18.1
Golden Valley	24.8	19.2	11.4
Granite	30.7	21.6	13.8
Hill	29.2	22.5	15.4
Jefferson	28.6	19.9	13.7
Judith Basin	30.8	22.1	15.2
Lake	26.1	25.0	18.4
Lewis and Clark	27.5	20.8	15.8
Liberty		23.3	16.1
Lincoln	25.1	21.0	18.6
McCone	27.5	15.4	11.0
Madison	32.4	18.4	10.7
Meagher	21.3	20.8	14.0
Mineral	34.2	25.6	21.0
Missoula	38.5	25.6	21.5
Musselshell	25.1	19.1	11.7
Park	28.6	21.4	15.5
Petroleum	24.8	14.6	10.9
Phillips	28.1	17.3	11.1
Pondera	32.6	25.9	22.3
Powder River	29.7	21.7	11.3
Powell	34.4	19.0	15.5
Prairie	24.7	16.4	10.4
Ravalli	40.9	25.7	17.2
Richland	34.4	17.2	12.2
Roosevelt	25.4	16.7	12.5
Rosebud	30.4	19.4	10.1
Sanders	30.8	23.6	17.2
Sheridan	23.3	16.8	13.3
Silver Bow	25.0	17.6	14.2
Stillwater	30.0	20.4	18.4
Sweet Grass	26.8	19.1	13.0
Teton	34.3	25.9	20.2
Toole		23.2	19.2
Treasure	35.6	19.6	14.1
Valley	22.9	15.6	11.0
Wheatland	26.3	18.2	10.3
Wibaux		16.8	12.8
Yellowstone	35.6	21.6	14.6

NEBRASKA

Adams	32.8	27.4	21.2
Antelope			24.5
Arthur			16.4
Banner		29.3	14.0
Boone			25.9
Box Butte	32.0	28.6	15.0
Boyd			16.7
Brown			21.4
Buffalo	32.8	26.2	20.0
Burt			32.9
Butler	36.2	27.9	26.7
Cass	32.5	28.8	29.5
Cedar			21.1
Chase	34.4	25.1	16.8
Cherry			20.9
Cheyenne	34.5	28.1	14.3
Clay	32.3	26.2	21.9
Colfax	34.5	27.3	27.3
Cuming			30.4
Custer	32.2	27.1	20.7
Dakota			26.8
Dawes	31.8	27.7	15.8
Dawson	32.3	26.4	19.6
Deuel	40.0	30.0	16.7
Dixon			26.8
Dodge	35.8	27.8	28.4
Douglas		30.3	30.5
Dundy	34.5	26.2	15.1
Fillmore	33.7	25.4	22.0
Franklin	29.0	24.9	19.8
Frontier	31.2	26.6	18.3
Furnas	35.0	25.3	20.6
Gage	32.0	25.4	24.0
Garden	34.0	29.3	16.2
Garfield			20.9
Gosper	35.7	27.6	23.9
Greeley	30.0	26.1	23.6
Hall	37.6	26.4	21.9
Hamilton	32.0	26.8	24.1
Harlan	34.2	27.6	22.0
Hayes	32.7	25.2	13.5
Hitchcock	30.5	25.5	18.1
Holt			18.5
Howard	34.0	26.2	22.6
Jefferson	31.8	24.6	23.1
Johnson	32.5	24.0	22.8
Kearney	35.4	25.8	20.6

NORMAL YIELDS OF WHEAT FOR SPECIAL CULTURAL PRICES—Continued

NEBRASKA—continued

County	Irrigated	Summer fallow	Continuous cropping
Keith	36.2	28.4	17.6
Keya Paha			19.1
Kimball	32.4	24.7	12.5
Knox			24.2
Lancaster	32.5	25.0	24.8
Lincoln	31.2	24.2	16.5
Logan	34.2	24.0	19.6
Loup			19.8
McPherson			19.4
Madison			25.7
Merrick	31.2	24.9	20.0
Morrill	35.3	26.3	12.8
Nance	35.0	28.0	26.9
Nemaha		26.7	25.9
Nuckolls	30.5	25.3	21.6
Otoe		27.5	26.6
Pawnee	31.0	24.8	23.9
Perkins	32.6	27.1	15.7
Phelps	35.4	29.0	21.5
Pierce			25.1
Platte	37.2	29.9	27.6
Polk	33.2	28.4	27.6
Red Willow	35.4	26.9	20.9
Richardson		26.2	25.2
Rock			16.2
Saline	33.2	26.7	23.0
Sarpy		29.1	31.7
Saunders	35.3	26.9	27.3
Scotts Bluff	35.8	28.8	13.6
Seward	34.2	26.9	25.6
Sheridan	33.2	27.4	15.1
Sherman	35.2	26.0	19.7
Sioux	31.6	25.8	14.6
Stanton			28.0
Thayer	34.0	28.4	22.2
Thomas			14.0
Thurston			25.7
Valley	36.4	27.4	22.7
Washington		28.2	33.1
Wayne			26.6
Webster	30.0	22.1	19.1
Wheeler			19.5
York	35.0	27.4	24.3

NEW MEXICO

Bernalillo	24.8	7.0	6.0
Catron	20.0	7.0	6.5
Chaves	40.5		
Colfax	23.4	11.5	10.5
Curry	32.7	12.0	10.0
De Baca	30.4	8.0	6.5
Dona Ana	30.0		
Eddy	35.9		
Grant	30.0		
Guadalupe	20.0	7.5	6.0
Harding	20.0	10.0	9.0
Hidalgo	25.0		
Lea	25.0	8.0	7.0
Lincoln	23.0	6.5	5.5
Luna	24.0		
McKinley	17.8	7.0	6.5
Mora	22.2	7.5	6.2
Otero	23.0	8.0	7.0
Quay	23.2	10.0	7.6
Rio Arriba	19.8	10.5	9.0
Roosevelt	23.5	12.0	10.0
Sandoval	17.5	8.5	7.5
San Juan	22.6	8.0	7.0
San Miguel	18.8	7.5	6.2
Santa Fe	21.0	7.5	6.0
Sierra	21.5		
Socorro	20.0	6.0	5.0
Taos	17.8	10.0	8.5
Torrance	27.3	7.0	5.5
Union	24.8	9.5	7.5
Valencia	18.5	7.0	6.5

NORTH DAKOTA

Adams		15.5	12.3
Barnes		24.0	18.0
Benson		21.1	14.8
Billings		17.4	11.7
Bottineau		19.2	12.6
Bowman		17.0	10.9
Burke		17.6	11.2
Burleigh		21.7	14.1
Cass		27.6	21.2
Cavalier		23.6	18.2
Dickey		25.3	17.2
Divide		22.1	14.2
Dunn		17.5	13.2
Eddy		21.1	14.2
Emmons		20.4	13.3
Foster		22.4	16.8
Golden Valley		17.4	14.0
Grand Forks		29.0	24.4
Grant		17.3	12.3
Griggs		24.7	18.0
Hettinger		18.2	14.2

NORMAL YIELDS OF WHEAT FOR SPECIAL CULTURAL PRICES—Continued

NORTH DAKOTA—continued

County	Irrigated	Summer fallow	Continuous cropping
Kidder		18.2	13.6
LaMoure		22.3	14.5
Logan		20.3	13.4
McHenry		18.7	11.0
McIntosh		17.6	13.1
McKenzie	30.8	15.9	11.3
McLean		19.6	13.7
Mercer		17.6	14.5
Morton		17.7	12.3
Mountrail		16.4	11.9
Nelson		23.0	17.3
Oliver		16.6	14.3
Pembina		27.6	23.0
Pierce		18.7	11.9
Ramsey		21.4	15.2
Ransom		21.5	16.7
Renville		20.2	12.6
Richland		24.7	20.4
Rolette		18.6	12.5
Sargent		23.0	18.4
Sheridan		19.2	13.0
Sioux		16.1	10.2
Slope		18.4	14.1
Stark		18.2	14.0
Steele		28.4	22.4
Stutsman		22.3	14.8
Towner		22.4	15.8
Traill		29.0	26.3
Walsh		28.8	23.4
Ward		21.1	15.0
Wells		21.6	16.0
Williams	29.6	14.4	11.8

OKLAHOMA

Alfalfa		30.0	22.6
Beaver	26.4	20.6	13.5
Beckham		20.5	17.0
Blaine		28.2	20.0
Caddo	31.5	25.0	20.0
Canadian		27.5	20.0
Cimarron	35.0	18.3	13.1
Comanche		24.5	17.0
Cotton		25.0	17.8
Custer	27.8	22.6	19.0
Dewey	27.8	25.0	18.0
Ellis		21.6	15.5
Garfield		20.0	23.4
Grady		27.8	21.0
Grant		27.8	22.1
Greer	30.0	27.0	18.8
Harmon	29.0	27.0	18.5
Harper	25.0	19.8	15.7
Jackson	28.5	27.0	20.6
Kingfisher		26.7	20.0
Kiowa		28.0	20.5
Major		27.7	21.4
Roger Mills		20.7	17.0
Texas	29.2	17.9	15.0
Tillman	30.0	27.0	20.4
Washita	30.0	25.0	20.0
Woods		26.8	21.9
Woodward	27.1	24.6	17.3

OREGON

Baker	38.7	25.9	14.6
Benton			29.8
Clackamas			29.2
Clatsop			28.3
Columbia			26.8
Crook	52.6	23.6	19.1
Deschutes	38.0	23.0	21.5
Douglas			22.0
Gilliam	36.6	29.6	22.9
Grant	27.6	21.6	20.5
Harney	24.5	18.9	17.9
Hood River			33.5
Jackson			34.2
Jefferson	47.6	22.3	13.6
Josephine			24.7
Klamath	38.4	27.2	15.3
Lake	28.4	24.5	16.3
Lane			26.2
Linn			26.6
Malheur	50.4	22.3	15.0
Marion			29.6
Morrow	36.3	28.8	24.3
Multnomah			30.3
Polk			32.2
Sherman		34.8	27.4
Umatilla	41.8	35.0	30.0
Union	41.2	40.5	25.9
Wallowa	37.7	29.0	21.2
Wasco	32.1	31.6	21.3
Washington			33.3
Wheeler	29.1	24.2	28.3
Yamhill			31.6

NORMAL YIELDS OF WHEAT FOR SPECIAL CULTURAL PRICES—Continued

SOUTH DAKOTA

County	Irrigated	Summer fallow	Continuous cropping
Aurora		25.0	16.9
Beadle		22.0	13.8
Bennett		30.5	18.7
Bon Homme			17.1
Brookings			18.5
Brown		24.0	16.1
Brule		26.0	18.3
Buffalo		25.0	14.3
Butte		21.7	15.1
Campbell		22.2	13.2
Charles Mix		25.8	19.6
Clark		21.8	15.1
Clay			21.4
Codington		21.3	15.3
Corson		16.5	11.4
Custer		21.0	12.9
Davison			18.2
Day		24.6	16.5
Deuel		20.3	16.7
Dewey		22.0	12.6
Douglas		25.0	17.5
Edmunds		21.7	16.2
Fall River		25.7	15.2
Faulk		22.0	15.2
Grant		22.9	18.2
Gregory		28.1	17.4
Haakon		24.2	13.5
Hamlin		20.5	16.4
Hand		24.0	15.3
Hanson		19.0	19.2
Harding		16.4	12.2
Hughes		25.7	16.1
Hutchinson			16.4
Hyde		23.0	15.0
Jackson		27.5	17.4
Jerauld		21.0	13.8
Jones		28.0	15.6
Kingsbury		21.9	15.2
Lake			18.1
Lawrence		23.2	18.1
Lincoln			16.9
Lyman		27.7	18.0
McCook			19.4
McPherson		21.3	13.4
Marshall		22.7	16.9
Meade		21.9	12.0
Mellette		24.2	13.2
Miner			14.6
Minnehaha			17.8
Moody			21.6
Pennington		21.5	13.4
Perkins		15.9	10.5
Potter		24.0	16.2
Roberts		24.3	17.7
Sanborn			14.0
Shannon		28.4	10.3
Spink		22.2	15.0
Stanley		26.4	14.6
Sully		26.6	16.8
Todd		26.9	17.7
Tripp		27.8	16.7
Turner			18.3
Union			21.7
Walworth		22.3	14.0
Washabaugh		26.9	17.2
Yankton			18.4
Ziebach		20.0	10.6

TEXAS

Armstrong	27.5	16.8	13.0
Bailey	27.2	14.6	13.2
Briscoe	26.5	18.4	13.6
Carson	30.9	18.3	14.4
Castro	29.9	16.7	15.2
Childress	23.0		17.8
Cochran	23.0		18.6
Collingsworth	22.0		14.4
Cottle	22.0		13.3
Crosby	25.9	15.2	10.9
Dallam	23.0	15.6	12.2
Dawson	20.0		12.7
Deaf Smith	30.2	14.9	13.9
Dickens	22.0		13.6
Donley	24.0	16.6	14.4
Floyd	27.4	16.4	12.3
Foard	23.0		15.4
Gaines	20.0		13.9
Garza	21.5		12.3
Gray	27.4	16.5	18.1
Hale	29.8	16.6	13.8
Hall	22.0		16.5
Hansford	27.0	16.7	14.0
Hardeman	23.0		15.8
Hartley	24.1	15.9	12.7
Haskell	24.0		14.5
Hemphill	27.1	16.1	14.8

NORMAL YIELDS OF WHEAT FOR SPECIAL CULTURAL PRICES—Continued

TEXAS—continued

County	Irrigated	Summer fallow	Continuous cropping
Hockley	22.0		20.9
Hutchinson	26.9	18.2	13.7
Knox	24.0		13.7
Lamb	28.2	19.2	13.2
Lipscomb	30.9	19.1	13.7
Lubbock	25.6	17.3	14.8
Lynn	21.0		10.8
Moore	27.2	17.2	12.7
Motley	22.0		15.3
Ochiltree	28.2	17.3	14.8
Oldham	25.4	14.6	11.1
Parmer	32.0	17.1	12.9
Potter	27.5	16.8	13.0
Randall	27.8	16.3	14.3
Roberts	28.3	20.0	18.3
Sherman	27.2	16.6	12.4
Swisher	28.6	16.9	14.0
Terry	24.0		15.0
Wheeler	22.0	18.2	13.7
Wichita	23.0		17.4
Wilbarger	23.0		18.0
Yoakum	22.0		13.9

UTAH

Beaver		34.2	15.0
Box Elder		41.3	15.5
Cache		40.4	18.9
Carbon		32.2	15.0
Daggett		33.0	15.0
Davis		51.7	26.1
Duchesne		31.1	15.0
Emery		31.5	15.0
Garfield		27.5	15.0
Grand		30.0	15.0
Iron		26.4	18.4
Juab		30.8	15.3
Kane		25.0	15.0
Millard		32.0	14.4
Morgan		38.5	20.0
Piute		33.0	16.0
Rich		33.1	19.2
Salt Lake		44.6	15.4
San Juan		22.3	13.9
Sanpete		33.8	16.1
Sevier		44.8	15.0
Summit		35.0	17.5
Tooele		31.6	14.7
Uintah		27.8	20.0
Utah		41.0	14.6
Wasatch		38.0	20.0
Washington		26.6	14.6
Wayne		36.0	16.0
Weber		50.2	29.5

WASHINGTON

County	Irrigated	Summer fallow	Continuous cropping	Seeded after peas
Adams	48.3	28.0	23.8	33.0
Asotin		30.1	29.0	25.3
Benton	48.7	25.5	22.4	
Chelan	39.7	21.0	20.7	
Clallam			45.0	
Clark			24.9	
Columbia	46.2	41.9	35.7	46.1
Cowlitz			29.6	
Douglas	51.0	24.2	23.8	
Ferry	37.6	27.4	25.7	
Franklin	41.6	27.5	24.2	40.0
Garfield	48.0	43.3	38.0	44.1
Grant	41.8	27.8	23.9	
Grays Harbor			28.5	
Island			47.1	
Jefferson			40.5	
Kittitas	46.4	26.9	24.1	
Klickitat	39.3	27.3	21.4	25.4
Lewis			33.0	
Lincoln	49.2	35.0	31.4	34.5
Okanogan	31.8	21.3	18.8	21.1
Pend Oreille		18.4	27.9	
Pierce			30.2	
San Juan			37.3	
Skagit			46.4	
Snohomish			39.2	
Spokane	38.7	35.5	34.8	37.2
Stevens	39.7	36.4	25.6	28.3
Thurston			29.0	
Walla Walla	46.1	39.2	35.2	43.4
Whatcom			40.7	
Whitman	43.1	42.4	37.1	41.0
Yakima	47.3	30.9	21.1	23.4

NORMAL YIELDS OF WHEAT FOR SPECIAL CULTURAL PRICES—Continued

WYOMING

County	Irrigated	Summer fallow	Continuous cropping
Albany	19.6	13.2	8.7
Big Horn	35.0		
Campbell	23.7	17.0	10.9
Carbon	21.5	12.6	11.1
Converse	23.4	19.6	12.2
Crook	30.0	20.4	14.3
Fremont	36.5		
Goshen	26.7	21.4	12.4
Hot Springs	33.0		
Johnson	26.6	16.7	10.8
Laramie	28.4	23.8	15.2
Lincoln	26.2	17.6	14.1
Natrona	22.6	16.3	8.0
Niobrara	20.0	20.8	12.4
Park	38.4		
Platte	24.1	21.4	11.6
Sheridan	30.6	21.8	14.8
Sublette	18.9		
Sweetwater	20.4		
Teton	35.2	23.7	20.7
Uinta	21.5	17.0	13.5
Washakie	35.5		
Weston	24.1	20.6	13.5

[F.R. Doc. 61-12418; Filed, Dec. 28, 1961; 12:30 p.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Tangerine Reg. 1]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.301 Tangerine Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905 as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when the section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the pro-

duction area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 2, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1834; 25 F.R. 8216 of this title).

(2) Tangerine Regulation 228 (§ 933.1080; 26 F.R. 11281) is hereby terminated effective at 12:01 a.m., e.s.t., January 5, 1962.

(3) During the periods beginning at 12:01 a.m., e.s.t., January 5, 1962, and ending at 12:01 a.m., e.s.t., January 22, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, that do not grade at least U.S. No. 1; or

(ii) Any tangerines, grown in the production area, that are of a size smaller than the size that will pack 246 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 3, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–183; Filed, Jan. 4, 1962; 9:27 a.m.]

[Grapefruit Reg. 1]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

§ 906.302 Grapefruit Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 906 (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on December 19, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620–51.658 of this title).

(2) During the period beginning at 12:01 a.m., c.s.t., January 8, 1962, and ending at 12:01 a.m., c.s.t., February 5, 1962, no handler shall, except as otherwise provided, handle:

(i) Any container of grapefruit of any variety, grown in the production area, unless such grapefruit meet the requirements of one of the following grades:

(*a*) U.S. Fancy;

(*b*) U.S. No. 1 Bright;

(*c*) U.S. No. 1 with not more than one-third of the surface, in the aggregate, affected by discoloration;

(*d*) U.S. Combination with not less than 80 percent, by count, of the grapefruit meeting the requirements of (*c*) of this subdivision and the remainder of such grapefruit meeting the requirements of (*e*) of this subdivision;

(*e*) U.S. No. 2 with not more than one-half of the surface, in the aggregate, affected by discoloration; or

(*f*) U.S. No. 2 Russet.

(ii) Any seedless grapefruit, grown as aforesaid, which are of a size smaller than $3^{9}/_{16}$ inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than $3^{8}/_{16}$ inches in diameter: *Provided*, That none of such grapefruit may be smaller than $3^{6}/_{16}$ inches in diameter;

(iii) Any seeded grapefruit, grown as aforesaid, which are of a size smaller than $3^{13}/_{16}$ inches in diameter, except that not more than ten (10) percent, by count, of such seeded grapefruit in any lot of containers may be of a size smaller than $3^{13}/_{16}$ inches in diameter, but not more than fifteen (15) percent, by count, of such seeded grapefruit in any individual container in any lot may be of a size smaller than $3^{13}/_{16}$ inches in diameter.

(iv) Any grapefruit of any variety, grown as aforesaid, in any box or carton having inside dimensions other than those specified in subdivision (v) unless (*a*) the grapefruit are packed in accordance with the requirements of standard pack; or (*b*) are of a diameter within the diameter limits specified for one of the following pack sizes except that not more than 10 percent, by count, of the grapefruit in such container may be outside of such diameter limits:

Pack size	Diameter limits in inches	
	Minimum	Maximum
46	$4^{5}/_{16}$	5

(v) Any grapefruit of any variety, grown as aforesaid, in a container having inside dimensions of 19¾ x 13½ x 13½ inches unless such container is packed in accordance with one of the following pack sizes and contain the applicable number of grapefruit that are within the diameter limits specified for the particular pack size, except that not more than 10 percent, by count, of such grapefruit in such container may be outside such diameter limits:

Pack size:	Number of grapefruit
46	48
54 or 56	56
64	64
70 or 72	72
80	80
96	96

(vi) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

(vii) The provisions of subdivisions (iv) and (v) shall not apply to the grapefruit in any gift package of fruit.

All grapefruit of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container regulations which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 29, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–81; Filed, Jan. 4, 1962; 8:45 a.m.]

PART 912 [1]—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Order Regulating Handling

Sec.
912.0 Findings and determinations.

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AUTHORITY: §§ 912.0 to 912.75, inclusive, issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 912.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Vero Beach, Florida, August 30–31, 1961, upon a proposed marketing agreement and a proposed marketing order regulating the handling of grapefruit grown in the Indian River District in Florida. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of grapefruit grown in the Indian River District in Florida in same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carryout the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the Indian River District in Florida which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of grapefruit grown in the Indian River District, as defined in the order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found on the basis hereinafter indicated that good cause exists for making the provisions of this order effective January 8, 1962; and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (5 U.S.C. 1001–1011). As soon as practical after such effective time it will be necessary to establish the Indian River Grapefruit Committee, the agency charged with administration of the program. Subsequently, and prior to imposition of regulations, it will be necessary for the committee and the Secretary to initiate, and complete, various actions of both organizational and regulatory natures, including the formulation and promulgation of rules and regulations to govern operations under the program. Shipments of grapefruit normally extend from October into May. The period during which volume regulations are most likely to be imposed begins with the second full calendar week in January and ends with and includes the third full calendar week in April. Hence, for the program to be of maximum benefit during the 1961–62 shipping season the order should be made effective on January 8, 1962, the last Monday prior to the start of the aforesaid period. The provisions of the order are well known to handlers of Indian River grapefruit since the public hearing in connection with the order was completed August 31, 1961, and the recommended decision and the final decision were published in the FEDERAL REGISTER on November 25, 1961 (26 F.R. 11062), and December 14, 1961 (26 F.R. 11982), respectively. Copies of the regulatory provisions of this order were made available to all known interested parties; such provisions do not place any restrictions on handlers until regulations are issued thereunder and shipment of grapefruit takes place; and, therefore, compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant hereto.

(c) *Determinations.* It is hereby determined that:

(1) A marketing agreement regulating the handling of grapefruit grown in the Indian River District in Florida, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in proc-

[1] Previously published as Part 1028 (F.R. Doc. 61–11858; 26 F.R. 11982).

essing, distributing, or shipping the grapefruit covered by this order) who, during the period beginning August 1, 1960, through July 31, 1961, handled not less than 50 percent of the volume of grapefruit covered by this order; and

(2) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (August 1, 1960, through July 31, 1961) were engaged, within the production area specified in this order, in the production of grapefruit for market; such producers having also produced for market at least two-thirds of the volume of grapefruit represented in such referendum.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of grapefruit grown in the said Indian River District shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 912.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 912.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 912.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 912.4 Fruit or grapefruit.

"Fruit" or "grapefruit" means any or all varieties of Citrus grandis, Osbeck, grown in the Indian River District.

§ 912.5 Producer or grower.

"Producer" is synonymous with "grower" and means any person who is engaged in the production for market of grapefruit in the Indian River District and who has a proprietary interest in the grapefruit so produced.

§ 912.6 Handler or shipper.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting grapefruit for another person) who, as owner, agent, or otherwise, handles grapefruit in fresh form, or causes grapefruit to be handled.

§ 912.7 Handle or ship.

"Handle" or "ship" means to sell or transport grapefruit, or in any other way to place grapefruit, in the current of commerce between the regulation area and any point outside thereof in the United States, Canada, or Mexico.

§ 912.8 Standard packed box.

"Standard packed box" means a unit of measure equivalent to one and three-fifths (1⅗) United States bushels of grapefruit, whether in bulk or in any container.

§ 912.9 Fiscal period.

"Fiscal period" means the period of time from August 1 of any year until July 31 of the following year, both dates inclusive: *Provided,* That the initial fiscal period shall begin on the effective date of this part.

§ 912.10 Committee.

"Committee" means Indian River Grapefruit Committee.

§ 912.11 Central marketing organization.

"Central marketing organization" means any organization which markets grapefruit for more than one handler pursuant to a written contract between such organization and each such handler.

§ 912.12 Regulation area.

"Regulation area" means that portion of the State of Florida which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico.

§ 912.13 Indian River District or district.

"Indian River District" or "district" means that part of the State of Florida particularly described as follows: Beginning at a point on the shore of the Atlantic Ocean where the line between Flagler and Volusia Counties intersects said shore, thence follow the line between said two counties to the southwest corner of Section 23, Township 14 South, Range 31 East; thence continue south to the southwest corner of Section 35, Township 14 South, Range 31, East; thence east to the northwest corner of Township 18 South, Range 32 East; thence south to the southwest corner of Township 17 South, Range 32 East; thence east to the northwest corner of Township 18 South, Range 33 East, thence south to the St. Johns River; thence along the main channel of the St. Johns River and through Lake Harney, Lake Poinsett, Lake Winder, Lake Washington, Sawgrass Lake, and Lake Helen Blazes to the range line between Ranges 35 East and 36 East; thence south to the south line of Brevard County; thence east to the line between Ranges 36 East and 37 East; thence south to the southwest corner of St. Lucie County; thence east to the line between Ranges 39 East and 40 East; thence south to the south line of Martin County; thence east to the line between Ranges 40 East and 41 East; thence south to the West Palm Beach Canal (also known as the Okeechobee Canal); thence follow said canal eastward to the mouth thereof; thence east to the shore of the Atlantic Ocean; thence northerly along the shore of the Atlantic Ocean to the point of beginning.

ADMINISTRATIVE BODY

§ 912.20 Establishment and membership.

There is hereby established an Indian River Grapefruit Committee consisting of twelve members, each of whom shall have an alternate who shall be nominated and selected in the same manner, and who shall have the same qualifications, as the member for whom each is an alternate. Six of the members and their respective alternates shall be growers who shall not be handlers, or employees of handlers, or employees of central marketing organizations. Six of the members and their respective alternates shall be handlers, or employees of handlers, or employees of central marketing organizations.

§ 912.21 Term of office.

The term of office of members and alternate members shall begin on the first day of August and continue for one year. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their successors are selected and have qualified. The consecutive terms of office of a member shall be limited to three terms. The terms of office of alternate members shall not be so limited.

§ 912.22 Nomination of grower members for the Indian River Grapefruit Committee.

(a) The Secretary shall give public notice of a meeting or meetings of producers to be held not later than July 10th of each year, for the purpose of making nominations for grower members and alternate members of the committee: *Provided,* That the initial nomination meeting or meetings shall be held as soon as practicable following the effective date of this part.

(b) The Secretary shall prescribe uniform rules to govern such meeting or meetings and the balloting thereat. The chairman of each meeting shall publicly announce at such meeting the names of the persons nominated and the total number of votes cast for each, and the chairman and secretary of each such meeting shall transmit to the Secretary their certificate as to the number of votes so cast, the names of the persons nominated, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July, except that the nomination made for membership on the initial committee shall be so submitted within 10 days after the close of the nomination meetings.

§ 912.23 Selection of grower members of the Indian River Grapefruit Committee.

From the nominations made pursuant to § 912.22, or from other qualified persons, the Secretary shall select six members and six alternate members of the committee. Three such members and their alternates shall be affiliated with bona fide cooperative fresh fruit marketing organizations, and three such members and their alternates shall not be so affiliated.

§ 912.24 Nomination of handler members for the Indian River Grapefruit Committee.

(a) The Secretary shall give public notice of meetings of handlers to be held not later than July 10th of each year, for the purpose of making nominations for handler members and alternate members of the committee: *Provided,* That the initial nomination meetings shall be held as soon as practicable following the effective date of this part. Separate meetings shall be held for bona fide cooperative marketing organizations and for other handlers.

(b) The Secretary shall prescribe uniform rules to govern such meetings and the balloting thereat. In voting for nominees each handler shall be entitled to cast but one vote, which shall be weighted by the volume of fruit shipped by such handler during the then current fiscal period: *Provided,* That each such vote cast at the meetings to nominate the initial members and alternate members shall be weighted by the volume of fruit handled by such handler during the preceding fiscal period. The chairman of each meeting shall publicly announce at such meeting the names of the persons nominated and the total number of votes cast for each, and the chairman and secretary of each such meeting shall transmit to the Secretary their certificate as to the number of votes so cast, the names of the persons nominated, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July, except that the nominations made for membership on the initial committee shall be so submitted within 10 days after the close of the nomination meetings.

§ 912.25 Selection of handler members of the Indian River Grapefruit Committee.

From the nominations made pursuant to § 912.24, or from other qualified persons, the Secretary shall select six members and six alternate members of the committee. Three such members and their alternates shall be affiliated with bona fide cooperative fresh fruit marketing organizations, and three such members and their alternates shall not be so affiliated.

§ 912.26 Failure to nominate.

In the event nominations for a member or an alternate member of the committee are not made pursuant to the provisions of § 912.22 or § 912.24 the Secretary may select such member or alternate member without regard to nominations.

§ 912.27 Acceptance of membership.

Any person selected by the Secretary as a member or alternate member of the committee shall qualify by filing a written acceptance with the Secretary within 10 days after being notified of such selection.

§ 912.28 Inability of members to serve.

(a) An alternate for a member of the committee shall act in the place and stead of such member (1) in his absence, or (2) in the event of his removal, resignation, disqualification, or death, and until a successor for his unexpired term has been selected.

(b) In the event of the death, removal, resignation, or disqualification of any person selected by the Secretary as a member or an alternate member of the committee, a successor for the unexpired term of such person shall be selected by the Secretary. Such selection may be made without regard to the provisions of this subpart as to nominations.

§ 912.29 Powers of the Indian River Grapefruit Committee.

The committee, in addition to the power to administer the terms and provisions of this subpart, as herein specifically provided, shall have power (a) to make, only to the extent specifically permitted by the provisions contained in this subpart, administrative rules and regulations; (b) to receive, investigate and report to the Secretary complaints of violations of this subpart; and (c) to recommend to the Secretary amendments to this subpart.

§ 912.30 Duties of the Indian River Grapefruit Committee.

It shall be the duty of the committee:

(a) To select a chairman from its membership, and to select such other officers and adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To keep minutes, books, and records which will clearly reflect all of its acts and transactions, which minutes, books, and records shall at all times be subject to the examination of the Secretary;

(c) To act as intermediary between the Secretary and producers and handlers;

(d) To furnish the Secretary with such available information as he may request;

(e) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees;

(f) To cause its books to be audited by one or more certified or registered public accountants at least once for each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary copies of all audit reports;

(g) To prepare and publicly issue a monthly statement of financial operations of the committee; and

(h) To provide an adequate system for determining the total crop of grapefruit, and to make such determinations, as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this subpart.

§ 912.31 Compensation and expenses of committee members.

The members and alternate members of the committee shall serve without compensation but may be reimbursed for expenses necessarily incurred by them in attending committee meetings and in the performance of their duties under this subpart.

§ 912.32 Procedure of committee.

(a) Except as provided in paragraph (b) of this section, eight members of the committee shall constitute a quorum and any decision or action of the committee shall require at least eight concurring votes.

(b) For any decision or recommendation with respect to regulations to be effective during any calendar week except a week during the period beginning with and including the second full calendar week in January and ending with and including the third full calendar week in April, twelve members shall constitute a quorum and twelve concurring votes shall be required. The same quorum and voting requirements shall be necessary to make a recommendation for regulation for any week immediately following three or more continuous weeks of regulation. The requirements of this paragraph shall not apply to recommendations to amend an existing regulation.

(c) The votes of each member cast for or against any recommendations made pursuant to this subpart, shall be duly recorded. Each member must vote in person.

(d) In the event any member of the committee and his alternate are not present at any meeting of the committee, any alternate for any other member selected by a majority of the committee present, may serve in the place and stead of the absent member and his alternate: *Provided,* That, to the extent practical, the representation provided in §§ 912.23 and 912.25 shall be maintained.

(e) The committee shall give to the Secretary the same notice of meetings of the committee as is given to the members thereof.

§ 912.33 Funds.

(a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes herein specified and shall be accounted for in the manner provided in this subpart.

(b) The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the terms of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records in his possession, to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this subpart.

EXPENSES AND ASSESSMENTS

§ 912.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and necessary to carry out the functions of the committee under this subpart during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in § 912.41.

§ 912.41 Assessments.

(a) Each handler who first handles fruit shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by such committee for its maintenance and functioning during each fiscal period. Each such handler's share of such expenses shall be that proportion thereof which the total quantity of fruit shipped by such handler as the first handler thereof during the applicable fiscal period is of the total quantity of fruit so shipped by all handlers during the same fiscal period. The Secretary shall fix the rate of assessment per standard packed box of fruit to be paid by each such handler. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) At any time during or after the fiscal period, the Secretary may increase the rate of assessment so that the sum of money collected pursuant to the provisions of this section shall be adequate to cover the said expenses. Such increase shall be applicable to all fruit shipped during the given fiscal period. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

§ 912.42 Handler's accounts.

If, at the end of a fiscal period, it shall be determined that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period unless he demands payment of the sum due him, in which case such sum shall be paid to him.

REGULATION

§ 912.45 Marketing policy.

(a) Prior to the first recommendation for regulation during any marketing season, the committee shall submit to the Secretary its marketing policy for such season. Such marketing policy shall contain the following information: (1) The estimated available crop of grapefruit in the district, including estimated quality; (2) the estimated utilization of the crop that will be marketed in domestic, export, and byproduct channels, together with quantities otherwise to be disposed of; (3) a schedule of estimated weekly shipments of grapefruit during the ensuing season; (4) the available supplies of competitive deciduous fruits in all producing areas of the United States; (5) level and trend in consumer income; (6) estimated supplies of competitive citrus commodities; and (7) any other pertinent factors bearing on the marketing of grapefruit. In the event that it becomes advisable substantially to modify such marketing policy, the committee shall submit to the Secretary a revised marketing policy.

(b) All meetings of the committee held for the purpose of formulating such marketing policies shall be open to growers and handlers.

(c) The commitee shall transmit a copy of each marketing policy report or revision thereof to the Secretary and to each grower and handler who files a request therefor. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 912.46 Recommendations for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week: *Provided*, That such regulations shall not be recommended during the period beginning with and including the second full calendar week in January and ending with and including the third full calendar week in April after regulations during such period have limited the volume of grapefruit handled during 10 weeks.

(b) In making its recommendations, the committee shall give due consideration to the following factors: (1) Market prices for grapefruit; (2) supply of grapefruit on track at, and en route to, the principal markets; (3) supply, maturity, and condition of grapefruit in the production area; (4) market prices and supplies of citrus fruits from competitive producing areas, and supplies of other competitive fruits; (5) trend and level in consumer income; and (6) other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to § 912.47, has fixed the quantity of grapefruit which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reason for such recommendation, shall be submitted promptly to the Secretary.

§ 912.47 Issuance of volume regulation.

Whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of grapefruit which may be handled during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided*, That such regulations shall not, in the aggregate, limit the volume of grapefruit shipments during more than 10 weeks of the period beginning with and including the second full calendar week in January and ending with and including the third full calendar week in April. The quantity so fixed for any week may be increased by the Secretary at any time during such week. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

§ 912.48 Prorate bases.

(a) Each person who desires to handle grapefruit, shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this section and § 912.49.

(b) Such application shall be substantiated in such manner and shall be supported by such information as the committee may require.

(c) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(d) Each week during the marketing season when volume regulation is likely to be recommended, the committee shall compute a prorate base for each person who has made application in accordance with the provisions of this section. Such prorate base for each handler shall, except as provided in paragraph (e) of this section, be the average weekly quantity of grapefruit shipped by him in all of the weeks in the period beginning with and including the second full calendar week in January and ending with and including the third full calendar week in April during the immediately preceding three marketing seasons.

(e) If an applicant for a prorate base is a new handler, the committee shall compute a prorate base based upon his prior shipments of grapefruit, if any, packinghouse facilities, grapefruit under contract, trade outlets, and other factors which, in the judgment of the committee, are relevant and proper to be used in arriving at an equitable prorate base for such handler. Any person who has made no shipments of grapefruit in the season immediately preceding the season for which prorate bases are established shall be considered a new handler.

§ 912.49 Allotments.

Whenever the Secretary has fixed the quantity of grapefruit which may be handled during any week, the committee shall calculate the quantity of grapefruit which may be handled during such week by each person who has applied for a prorate base. Such quantity shall be the allotment of such person and shall be that portion of the total quantity fixed by the Secretary which, expressed in terms of percent, is equal to the percentage that such applicant's prorate base is of the aggregate of the prorate bases of all such applicants. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this section.

§ 912.50 Overshipments.

During any week for which the Secretary has fixed the total quantity of grapefruit which may be handled, any person who has received an allotment may handle, in addition to the total allotment available to him for use during such week, an amount of grapefruit equivalent to 10 percent of such total allotment, or 500 boxes, whichever is greater. The quantity of grapefruit so handled in excess of the total allotment which such person had available for use during such week (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from such person's allotment for the next week. If such person's allotment for such week is in an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *Provided*, That at any time there is no volume regulation in effect it shall be deemed to cancel all requirements to undership allotments because of previous overshipments pursuant to this part.

§ 912.51 Undershipments.

If any person handles during any week a quantity of grapefruit, covered by a regulation issued pursuant to § 912.47, in an amount less than the total allotment available to him for such week, he may handle, during the next succeeding week, a quantity of grapefruit, in addition to that permitted by the allotment available to him for such week, equivalent to such undershipment or 50 percent of the allotment issued to him for the week during which the undershipment was made, whichever is the lesser: *Provided*, That the committee, with the approval of the Secretary, may increase or decrease such percentage.

§ 912.52 Allotment loans.

(a) A person to whom allotments have been issued may lend such allotments to other persons to whom allotments have also been issued. Each party to any such loan agreement shall, prior to completion of the agreement, notify the committee of the proposed loan and obtain the committee's approval of the agreement. Each such agreement shall specify that such loan is to be repaid from the borrower's allotment the next succeeding week or, if such borrower's allotment for such week is insufficient to repay all of such loan, that he will repay the balance of such loan as soon thereafter as he has allotment available to him.

(b) The committee may act on behalf of persons desiring to arrange allotment loans. In each case, the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to an approval of the loan agreement.

§ 912.53 Inspection and certification.

Whenever the handling of grapefruit is regulated pursuant to § 912.47, each handler who handles any grapefruit shall, prior to the handling of any lot of grapefruit, cause such lot to be inspected by the Federal or Federal-State Inspection Service and certified by it as meeting all applicable requirements of such regulation: *Provided*, That such inspection and certification shall not be required if the particular lot of fruit previously had been so inspected and certified.

REPORTS

§ 912.60 Reports.

Upon request of the committee, made with approval of the Secretary, each handler shall maintain such records and furnish to the committee, in such manner and at such time as it may prescribe, reports of overshipments and undershipments and such other reports and information as may be necessary for the committee to perform its duties under this part.

MISCELLANEOUS PROVISIONS

§ 912.65 Fruit not subject to regulation.

Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 912.47 through 912.53 and the regulations issued thereunder, ship grapefruit for the following purposes: (a) To a charitable institution for consumption by such institution; (b) to a relief agency for distribution by such agency; (c) to a commercial processor for conversion by such processor into canned or frozen products or into a beverage base; (d) by parcel post; and (e) in such minimum quantities, types of shipments, or for such purposes as the committee with the approval of the Secretary may specify. No assessment shall be levied on fruit so shipped. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, or safeguards as it may deem necessary to prevent grapefruit handled under the provisions of this section from entering channels of trade for other than the purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle grapefruit pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the grapefruit will not be used for any purpose not authorized by this section.

§ 912.66 Compliance.

Except as provided in this part, no person shall handle grapefruit during any week in which a regulation issued by the Secretary pursuant to § 912.47 is in effect, unless such grapefruit are, or have been, handled pursuant to an allotment therefor, or unless such person is otherwise permitted to handle such grapefruit under the provisions of this part; and no person shall handle grapefruit except in conformity with the provisions of this part and the regulations issued under this part.

§ 912.67 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 912.68 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 912.69.

§ 912.69 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of fruit: *Provided*, That such majority have, during such period, produced for market more than 50 percent of the volume of such fruit produced for market, but such termination shall be effective only if announced on or before July 31 of the then current fiscal period.

(c) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 912.70 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the same committee, of all the funds and property then in the possession of or under control of such administrative committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees (1) shall continue in such capacity until discharge by the Secretary; (2) shall, from time to time, account for all receipts and disbursements, or deliver all property on hand, together with all books and records of the committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee, or the joint trustees pursuant to this part.

(c) Any funds collected pursuant to § 912.41, over and above the amounts necessary to meet outstanding obligations and expenses necessarily incurred during the operation of this part and during the liquidation period, shall be returned to handlers as soon as practicable after the termination of this part. The refund to each handler shall be represented by the excess of the amount paid by him over and above his pro rata share of the expenses.

(d) Any person to whom funds, or claims have been transferred or delivered by the committee, or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said joint trustees.

§ 912.71 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue

of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 912.72 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 912.73 Derogation.

Nothing contained in this part is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 912.74 Personal liability.

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 912.75 Separability.

If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Issued at Washington, D.C., this 29th day of December 1961 to become effective January 8, 1962.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-80; Filed, Jan. 4, 1962; 8:45 a.m.]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Subpart—Rules and Regulations

The order[1] regulating the handling of grapefruit grown in the Indian River District in Florida (Order 912), filed simultaneously herewith, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides in §§ 912.22 and 912.24 thereof that the Secretary shall prescribe uniform rules to govern meetings for nominating members and alternate members of the Indian River Grapefruit Committee (the agency established for the local administration of such order) and the balloting thereat. In order that eligible persons may participate in selecting nominees for member and alternate member positions on the Indian River Grapefruit Committee, the following rules and regulations, governing the procedure to be followed in effecting such nominations, are hereby promulgated:

§ 912.120 Nomination procedure.

Meetings shall be called by the designated representative of the Secretary in accordance with §§ 912.22 and 912.24, for the purpose of making nominations for members and alternate members of the Indian River Grapefruit Committee. The time of the meetings for nominating the initial members and alternate members shall be not later than 10 days after the effective date of this part. The manner of nominating members and alternate members shall be as follows:

(a) At each such meeting the said agent shall announce the requirements as to eligibility for voting for nominees and the procedure for balloting, and shall explain the functions of the committee under §§ 912.1 to 912.75, inclusive.

(b) A chairman and a secretary of each meeting shall be selected.

(c) At each meeting of growers there shall be presented for nomination and there shall be nominated not less than six grower members, all of whom shall have the qualifications specified in §§ 912.20 and 912.23. Each grower voting at such meeting shall submit his name and address to the chairman or secretary of the meeting.

(d) At each meeting of handlers there shall be presented for nomination and there shall be nominated not less than six handler members, all of whom shall have the qualifications specified in §§ 912.20 and 912.25. Any person authorized to represent a handler may cast a ballot for such handler. Each person voting at such meeting shall submit his name and address to the chairman or secretary of the meeting.

(e) All voting shall be by ballot and all ballots shall be delivered by the chairman or the secretary of the meeting to the said agent of the Secretary. The number of ballots to be cast in selecting the nominees shall be determined at the respective meeting. Each person eligible to cast a ballot for a nominee for a member or alternate member position may cast one ballot for each such position to be filled.

(f) The agent of the Secretary shall give reasonable notice of each meeting to be held pursuant to this section.

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) for the reasons set forth in § 912.0 (b) *Additional findings* of said Order 912, and to enable eligible persons to participate within the limited time available in the selection of nominees for member and alternate member positions on the committee.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated December 29, 1961, to become effective January 8, 1962.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-157; Filed, Jan. 4, 1962; 8:53 a.m.]

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Handling Limitations

§ 927.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Portland, Oregon, on July 13, 1961, upon proposed amendments to the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Buerre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such regional production area would not effectively carry out the declared policy of the act; and

(4) The said order, as amended, and as hereby further amended, prescribes such different terms, applicable to different production and marketing areas, as are necessary to give due recognition to differences in the production and marketing of such pears.

(b) *Determinations.* It is hereby determined that:

(1) The marketing agreement, as amended, regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the pears covered by this order) who, during the period July 1, 1960, through June 30, 1961, shipped not less than 50 percent of the pears covered by said order, as amended, and hereby further amended;

(2) The aforesaid marketing agreement, as amended, and as hereby further amended, has been executed by handlers who were signatory parties to said marketing agreement and who during the preceding fiscal period shipped not less than 67 percent of the volume of pears, covered by the said order, as amended, and as hereby further amended, shipped by all signatory handlers to said marketing agreement during such representative period;

(3) The issuance of this order, amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (July 1, 1960, through June 30, 1961) were engaged within the area in the production for market of the pears covered by the said order; and

(4) The issuance of this order, amending the aforesaid order, is favored or approved by producers who, during the aforesaid representative period, produced for market at least two-thirds of the volume of the said varieties of pears produced for market within the States of Oregon, Washington, and California.

It is therefore ordered, That, on and after the effective date hereof, all handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Section 927.42 *Handler accounts* is revised to read as follows:

§ 927.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carryover such excess into subsequent fiscal periods as a reserve: *Provided,* That funds already in the reserve do not exceed aproximately one fiscal period's expenses. Such reserve may be used (1) to cover any expense authorized under this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. Any such excess not retained in a reserve or applied to any outstanding obligation of the person from whom it was collected shall be refunded proportionately to the persons from whom it was collected. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

2. A new § 927.47 is added as follows:

§ 927.47 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of pears.

§ 927.60 [Amendment]

3. Section 927.60 *Inspection and certification* is amended as follows:

a. The following is added at the beginning of the first sentence: "(a) Except as hereinafter provided,".

b. A new paragraph (b) is added as follows:

(b) Any handler may ship pears, on any one conveyance and in such quantity as the committee, with the approval of the Secretary, may prescribe, exempt from the inspection and certification requirements of paragraph (a) of this section.

§ 927.32 [Amendment]

4. The following phrase is deleted from § 927.32(c): "to engage in such research and service activities relative to the handling of pears as may be approved by the Secretary."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated December 29, 1961, to become effective 30 days after publication in the FEDERAL REGISTER.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-82; Filed, Jan. 4, 1962; 8:45 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 15]

PART 1015—MILK IN CONNECTICUT MARKETING AREA

Order Amending Order

§ 1015.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Connecticut marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than January 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary was issued October 5, 1961, and the decision

[1] F.R. Doc. 62-80, *supra.*

of the Acting Secretary containing all amendment provisions of this order was issued December 15, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1962, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Connecticut marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

§ 1015.2 [Amendment]

1. Delete § 1015.2(e) and substitute the following:

(e) "Producer" means any dairy farmer (except a producer-handler under any Federal order, a dairy farmer with respect to exempt milk delivered, or a dairy farmer who is a producer under another Federal order) who produces milk which is received during the month at a pool plant, or is diverted by a pool handler from a pool plant to a nonpool plant in accordance with subparagraph (1), (2) or (3) of this paragraph, if such pool handler, in filing the report required pursuant to § 1015.30, reports such milk as received from a producer at such pool plant: *Provided*, That any dairy farmer whose milk is diverted during any month of July through March, inclusive, on more than the number of days specified shall not be considered to qualify under this paragraph with respect to any of his deliveries of milk during such month.

(1) To a nonpool plant (except a plant of a producer-handler) during any month of July through September on not more than 10 days (5 days in the case of every-other-day delivery) during such month: *Provided*, That the dairy farmer producing such milk delivered milk to a pool plant earlier in such month, or held producer status during the immediately preceding month.

(2) To a nonpool plant (except a plant of a producer-handler) during any month of October through March on not more than 12 days (6 in the case of every-other-day delivery) during such month: *Provided*, That the dairy farmer producing such milk delivered milk to a pool plant earlier in such month, or held producer status during the immediately preceding month.

(3) To a nonpool plant (except a plant of a producer-handler) during any month of April through June if the dairy farmer producing such milk held producer status throughout the two months immediately preceding such month and delivered all his pool milk to a pool plant(s) in the same zone location as the plant from which diversion is claimed: *Provided*, That this requirement or the requirements set forth in the provisos of subparagraphs (1) and (2) of this paragraph, shall not be applicable in the case of a dairy farmer whose milk is moved from the farm in a tank truck in which it is commingled with milk from other producers, the majority of which meet such requirement.

2. Delete the periods at the end of paragraphs 1015.2 (g) and (h), insert commas, and add the following to each such paragraph: "or with respect to the milk of any producer lost or destroyed by such association under the conditions set forth in 1015.4(f)".

3. In § 1015.2(i) insert the word "transferred" after the word "products" where it appears for the second time before the first proviso.

4. Add prior to the second proviso in § 1015.2(i), the following: "*Provided further*, That any fluid milk product which such person, his agent, partner or other associate acquired or purchased from a nonpool source, which was not physically received at his plant, and which such person distributed to or caused to be delivered at retail or wholesale outlets, including vending machines in any Federal milk order marketing area, shall be included in such person's nonpool source of supply of milk products:"

§ 1015.3 [Amendment]

5. Add a new § 1015.3(c)(2)(v) as follows:

(v) Any two receiving plants each of which meets the pooling requirements of this subparagraph for at least one of the months of July through November, and which are operated by the same handler, or for which one handler is responsible for the movement of milk to pool plants described in subparagraph (1) of this paragraph, to a producer-handler or to a regulated plant other than a pool plant, may, during the remaining months of August through November, be considered as a unit for the single purpose of having shipments therefrom to plants described in such subparagraph (1), to a producer-handler or to a regulated plant other than a pool plant combined for determining pool plant status pursuant to this subparagraph: *Provided*, That the operator of such plants submits written notice to the market administrator on or before the 15th day of the month for which such status is first intended to apply specifying the plants to be considered as a unit and the period during which such consideration should apply. A receiving plant that is a pool plant as part of a unit pursuant to this subparagraph may be a nonpool plant if the operator of such plant submits a written request to the market administrator to withdraw such plant from pool plant status, and shall be a nonpool plant if fully regulated under another Federal order pursuant to § 1015.47. Such request shall be submitted on or before the 15th day of the month to which such nonpool status is to apply. Such nonpool status shall be effective until the receiving plant requalifies as a pool plant on the basis of shipments as provided in this section. Such plant shall not be included in a unit prior to the next following August: *And provided also*, That if such combined shipments of the unit are less than would be required to qualify each of the plants separately under this subparagraph, the individual plants may regain pool plant status on the basis of shipments as provided in this section, but shall not be included in a unit prior to the next following August.

§ 1015.4 [Amendment]

6. Delete § 1015.4(e) and substitute:

(e) "Fluid milk product" means milk, skim milk, flavored milk or flavored skim milk (including that marketed as a liquid dietary weight control product), cultured skim milk, buttermilk, concentrated milk in fluid form, and any mixture in fluid form of milk, skim milk and cream containing less than 12 percent of butterfat (except eggnog, yogurt, ice cream mix, ice milk mix, milk shake base mix, evaporated or condensed milk or skim milk (plain or sweetened), and sterilized products in hermetically sealed containers).

7. Delete § 1015.4(f) and substitute therefor the following:

(f) "Producer milk" means only that skim milk and butterfat contained in milk which during the month was (1) received at a pool plant directly from producers, or (2) diverted from a pool plant in accordance with the conditions set forth in § 1015.2(e): *Provided*, That milk which is moved from the farm in a tank truck and which is subsequently received at a pool plant or diverted in accordance with the conditions set forth in § 1015.2(e) shall be considered as having been received as of the date the milk was taken into the truck: *And provided further*, That in instances where it can be established, to the satisfaction of the market administrator, that milk was transferred by a handler (including a cooperative association) or his agent from the producer's farm tank into a tank truck during the month, and such milk was not delivered to any plant because of loss or destruction by accident or faulty equipment enroute to the plant, such milk shall be accounted for (i) as a receipt of producer milk at the pool plant of the handler where milk from the same farm was received as producer milk during the month whenever the milk was transferred from the producer's farm tank by that handler or his agent, or (ii) as a receipt of producer milk by the cooperative association of producers (at the same plant zone location as the pool plant at which milk from the same farm was received as producer milk during the month) whenever the milk was transferred from the producer's farm tank by the cooperative association of producers.

8. Delete § 1015.4(h)(1) and substitute the following:

(1) Receipts (including any Class II milk product produced in the handler's plant during a prior month), in a form other than fluid milk products, which are reprocessed, converted or combined into another product during the month, including any disappearances of nonfat milk products not otherwise accounted for, and

§ 1015.22 [Amendment]

9. Delete § 1015.22(a)(2) and substitute the following:

(2) As Class I milk if transferred in bulk from a pool plant to another pool plant and a Class II use is not indicated in writing to the market administrator by the operators of both plants on or before the 10th day after the end of the month within which such transfer was made: *Provided*, That the skim milk or butterfat classified in either class shall not exceed the remainder of use in such class at the plant of the transferee-handler after the subtraction of other source milk pursuant to § 1015.24(b)(8), and the comparable steps in § 1015.24(c): *And provided also*, That in the case of transfers from a plant subject to a zone price differential, the quantity classified as Class II milk shall be the quantity on which the Class II zone price differential is applicable pursuant to § 1015.42(b).

§ 1015.24 [Amendment]

10. Delete the proviso in § 1015.24(a) and substitute the following: "*Provided*, That when nonfat milk solids derived from nonfat dry milk, condensed skim milk or any other product condensed from milk or skim milk are utilized or unaccounted for by the handler, the total pounds of skim milk computed shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids, except that for dietary weight control products and milk, skim milk and buttermilk fortified, the actual weight of any such products shall be included in computing the total product weight; and"

11. Delete § 1015.24(b)(1) through (15) and substitute the following:

(1) Subtract from the pounds of skim milk in Class I milk, the pounds of skim milk received during the month as exempt milk.

(2) Subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk received during the month as packaged fluid milk products from fully regulated plants under the provisions of another Federal order.

(3) Subtract from the total pounds of skim milk in Class II milk, the pounds of skim milk shrinkage allocated pursuant to § 1015.21(b)(5).

(4) Subtract from the remaining pounds of skim milk in each class, beginning with Class II milk, the pounds of skim milk received during the month in other source milk in a form other than fluid milk products.

(5) Subtract from the remaining pounds of skim milk in each class, beginning with Class II milk, the pounds of skim milk in other source milk in the form of fluid milk products received during the month from other than fully regulated plants under the provisions of another Federal order.

(6) Subtract from the remaining pounds of skim milk in Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the end of the month.

(7) During the months of July through November, subtract from the remaining pounds of skim milk in Class II milk, a quantity equal to such remainder or 15 percent of the pounds of skim milk in receipts of producer milk, whichever is less.

(8) Subtract from the remaining pounds of skim milk in Class II milk, a quantity equal to such remainder or the pounds of skim milk in bulk fluid milk products received during the month from fully regulated plants under the provisions of another Federal order, whichever is less.

(9) Subtract from the remaining pounds of skim milk in each class, respectively, the skim milk received from other pool plants and assigned to such class.

(10) Add to the pounds of skim milk remaining in Class II milk, the pounds of skim milk subtracted pursuant to subparagraph (7) of this paragraph.

(11) Subtract from the remaining pounds of skim milk in each class, beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month.

(12) Add to the remaining pounds of skim milk in Class II milk, the pounds of skim milk subtracted pursuant to subparagraph (6) of this paragraph.

(13) Subtract from the remaining pounds of skim milk in each class beginning with Class I milk, the pounds of skim milk in bulk fluid milk products received during the month from fully regulated plants under the provisions of another Federal order and not assigned pursuant to subparagraph (8) of this paragraph.

(14) Add to the pounds of skim milk in Class II milk, the pounds of skim milk subtracted pursuant to subparagraph (3) of this paragraph.

(15) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in the producer milk of such handler, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class in sequence beginning with Class II milk.

§ 1015.33 [Amendment]

12. Amend § 1015.33(a) by adding a comma between the words "receipts" and "movements".

§ 1015.42 [Amendment]

13. Delete § 1015.42(b) and insert the following:

(b) The zone price differentials for each plant shall be those applicable to its zone location as shown in the table at the end of this paragraph. For the purpose of applying such zone price differentials, transfers of fluid milk products in bulk between pool plants shall be first assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 1015.24(b)(8), and the comparable step in (c): *Provided*, That where the transferee-plant is not subject to a zone price differential such remaining Class II milk shall be reduced, during each of the months of December through June, by an amount equal to five percent of Class I utilization at such plant or remaining Class II use, whichever is less, and any amount so subtracted shall be assigned to available direct receipts of producer milk at such transferee-plant and then to transferor-plants in sequence beginning with the plants nearest to Hartford. The assignment of remaining Class II milk to transferor-plants shall be made in sequence according to the zone price differential applicable at each plant beginning with the plant most distant from Hartford.

§ 1015.50 [Amendment]

14. Delete the references to §§ 1015.24 (b)(9) and (b)(11) in § 1015.50(d), and substitute the following, respectively: "§ 1015.24(b)(11)" and "§ 1015.24(b)(13)".

§ 1015.51 [Amendment]

15. Amend § 1015.51(a) by deleting the word "were" and substitute "was".

§ 1015.63 [Amendment]

16. Delete § 1015.63(b) and substitute:

(b) In making payments to producers for milk received from a farm located outside the area described in paragraph (a) of this section, but within that portion of New York State east of the Hudson River and south of the northern boundaries of North Greenbush, Sand Lake and Stephentown townships in Rensselaer County, and that portion of Berkshire County, Massachusetts north of the Massachusetts Turnpike, there shall be added 23 cents per hundredweight.

§ 1015.3 [Amendment]

17. In § 1015.3(c)(2) change the words "subdivision (i) through (iv)" to "subdivision (i) through (v)".

§ 1015.46 [Amendment]

18. In § 1015.46(c) change the numeral "(11)" to "(13)".

§ 1015.30 [Amendment]

19. In the preamble of § 1015.30(a) insert the following immediately after the reference to "§ 1015.2(e),": "or lost or destroyed pursuant to § 1015.4(f),"

20. To § 1015.30(a)(1) add the following:

(vi) The quantity of milk that was lost or destroyed under conditions set forth in § 1015.4(f).

§ 1015.40 [Amendment]

21. In § 1015.40(b)(3) delete the table and substitute the following:

Month:	*Amount*
January and February	$0.701
March and April	.751
May and June	.7785
July	.526
August and September	.591
October, November and December	.626

22. In § 1015.40(c)(2) delete the table and substitute the following:

Month:	*Amount*
January	$+0.094
February	+.094
March	−.006
April	−.056
May	−.081
June	−.006
July	+.344
August	+.344
September	+.244
October	+.219
November	+.219
December	+.194

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: January 1, 1962, except for § 1015.40 (b)(3) and (c)(2) which will become effective on and after March 1, 1962.

Signed at Washington, D.C., on December 29, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62–86; Filed, Jan. 4, 1962; 8:46 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Commerce; Maritime Administration

Effective upon publication in the FEDERAL REGISTER, subparagraphs (2) and (5) of paragraph (1) of § 6.312 are revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–89; Filed, Jan. 4, 1962; 8:46 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 3, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Flaxseed Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 4315, 8413, 12157 and containing the specific requirements of the 1961-crop flaxseed price support program are hereby amended as follows:

Section 421.583 (c) is amended by increasing the following basic county support rate:

SOUTH DAKOTA

County	Rate per bushel	
	From—	To—
Spink	$2.76	$2.77

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1054; 15 U.S.C. 714 b and c, 7 U.S.C. 1447, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed in Washington, D.C., December 29, 1961.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62–87; Filed, Jan. 4, 1962; 8:46 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 6, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Wheat Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 3873, 7247, 7824, 6697, 7247, 7824, 8963, 10093, 11281, 12157 and containing the specific requirements of the 1961-crop wheat price support program are hereby amended as follows:

Section 421.147(a) is amended by increasing the following basic county support rates:

NEVADA

County	Rate per bushel	
	From—	To—
Clark	$1.22	$1.23

SOUTH DAKOTA

Brown	1.87	1.88
Spink	1.87	1.88

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed in Washington, D.C., December 29, 1961.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62–88; Filed, Jan. 4, 1962; 8:46 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

SUBCHAPTER A—GENERAL PROVISIONS

[Order No. 255–61]

PART 3—BOARD OF IMMIGRATION APPEALS

Powers; and Reopening or Reconsideration of Cases

I hereby prescribe the following amendments of the regulations relating to the Board of Immigration Appeals.

1. Section 3.1(d)(1) of Part 3 is amended to read as follows:

§ 3.1 Board of Immigration Appeals.

* * * * * *

(d) *Powers of the Board*—(1) *Generally.* Subject to any specific limitation prescribed by this chapter, in considering and determining cases before it as provided in this part the Board shall exercise such discretion and authority conferred upon the Attorney General by law as is appropriate and necessary for the disposition of the case.

2. Section 3.2 of Part 3 is amended to read as follows:

§ 3.2 Reopening or reconsideration.

The Board may on its own motion reopen or reconsider any case in which it has rendered a decision. Reopening or reconsideration of any case in which a decision has been made by the Board, whether requested by the Commissioner or any other duly authorized officer of the Service, or by the party affected by the decision, shall be only upon written motion to the Board. Motions to reopen in deportation proceedings shall not be granted unless it appears to the Board that evidence sought to be offered is material and was not available and could not have been discovered or presented at the former hearing; nor shall any motion to reopen for the purpose of affording the alien an opportunity to apply for any form of discretionary relief be granted if it appears that the alien's right to apply for such relief was fully explained to him and an opportunity to apply therefor was afforded him at the former hearing unless the relief is sought on the basis of circumstances which have arisen subsequent to the hearing. A motion to reopen or a motion to reconsider shall not be made by or in behalf of a person who is the subject of deportation proceedings subsequent to his departure from the United States. Any departure from the United States of a person who is the subject of deportation proceedings occurring after the making of a motion to reopen or a motion to reconsider shall constitute a withdrawal of such motion. For the purpose of this section, any final decision made by the Commissioner prior to the effective date of the Act with respect to any case within the classes of cases enumerated in § 3.1(b)(1), (2), (3), (4), or (5) shall be regarded as a decision of the Board.

This order shall become effective on January 22, 1962.

Dated: December 28, 1961.

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 62–135; Filed, Jan. 4, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 65; Reg. SR–436B]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Airborne Weather Radar Equipment Requirements for Airplanes Carrying Passengers; Special Civil Air Regulation

Special Civil Air Regulation No. SR–436A (25 F.R. 6130), which superseded SR–436 (25 F.R. 167), requires the installation of approved airborne weather radar equipment in certain transport category airplanes used for the carriage of passengers under Parts 40, 41 or 42 of the Civil Air Regulations. This requirement is based on the fact that airborne weather radar equipment facilitates the early detection and location by the pilot of certain areas of turbulence and enables him to avoid such areas or to take such other action as may be necessary in the interest of safety.

Section 4 of SR–436A expressly excepts from the provisions of the regulation airplanes used solely within the States of Alaska and Hawaii. These operations were excluded because thunderstorms and other potentially hazardous meteorological conditions detectable by weather radar rarely occur in those areas.

Recently, the Federal Aviation Agency received a request from an air carrier operating in the State of Alaska to amend section 4 of SR–436A to expand the exceptions contained in that section to include certain areas of the Dominion of Canada. In support of its request the air carrier points out that because of the physical shape of the State of Alaska, the use of airways which overfly northwest Canada provide a more direct route between northeast Alaska and southeast Alaska. Moreover, when operating over the Canadian Airways Dawson and Whitehorse, Yukon Territory, Canada, are ideally located and suitably equipped to provide refueling service. However, when carrying passengers under the provisions of Parts 41 or 42, compliance with the present provisions of SR–436A prevents the use of both the more direct airways over Canada and the Canadian refueling stops unless approved airborne weather radar is installed on the airplane being utilized.

At an industry meeting held in the State of Alaska, subsequent to this request, the feasibility of amending SR–436A was discussed. It was suggested at this meeting that if an amendment is made to section 4 of SR–436A it should include all of the Dominion of Canada west of a north-south line which would encompass the city of Edmonton, Alberta, Canada. This would include all of Canada west of longitude 110° W., between the northern coastline of Canada and the northern boundary of the continental United States. This request was based upon a contention that there is light thunderstorm activity in that part of Canada.

As a result of these requests, the Federal Aviation Agency initiated a study into the feasibility of amending section 4 of SR–436A to except airplanes operated in certain parts of Canada from the requirement of installing airborne weather radar. Information was received from the U.S. Weather Bureau that the area of Canada west of longitude 130° W., between latitude 70° N. and latitude 53° N., has meteorological conditions similar to the State of Alaska. This information also shows that thunderstorms and other potentially hazardous meteorological conditions rarely occur in that area. However, in the area of Canada that is east and south of that area and adjacent to the United States northern boundary and which encompasses Edmonton, Alberta, the thunderstorm activity increases considerably and is equal to or greater than that of a large portion of the United States where airborne weather radar is mandatory.

After considering the foregoing, it has been determined that the level of safety in air carrier passenger operations would not be reduced by excluding from the provisions of SR–436A airplanes used for the carriage of passengers within Alaska and that portion of Canada west of longitude 130° W., between latitude 70° N. and latitude 53° N., where thunderstorms and other potentially hazardous weather conditions rarely occur. In addition, such an exclusion would permit the use of more direct routes and refueling stops between northeast and southeast Alaska. Therefore, section 4 of SR–436A is amended to exclude airplanes used within the State of Alaska and that portion of Canada west of longitude 130° W., between latitude 70° N. and latitude 53° N., from the weather radar requirements.

This Special Civil Air Regulation incorporates into one document all of the provisions of SR–436A with amendments to exclude the foregoing portions of Canada. Since it imposes no additional burden on any person and relieves a restriction, I find that notice and public procedure hereon are unnecessary, and that good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted:

1. *Airborne weather radar equipment requirement.* After the dates specified, the following transport category airplanes shall not be used for the carriage of passengers under the provisions of Parts 40, 41 or 42 of the Civil Air Regulations, unless approved airborne weather radar equipment is installed in such airplanes:

(a) July 1, 1960, for all turbine-powered airplanes certificated under the transport category rules;

(b) January 1, 1961, for the Douglas DC–7 Series, Douglas DC–6 Series, and Lockheed 1049 and 1649 Series type airplanes; and

(c) January 1, 1962, for all airplanes certificated under the transport category rules, except C–46 type airplanes.

NOTE: Airplanes subject to the provisions of paragraph (c) of this section include, but are not limited to, the following types: Boeing 377; Convair 240, 340, and 440; Lockheed 049 and 749; Martin 202 and 404; and Douglas DC–4.

2. *Schedule for installation of equipment.* (a) Each operator conducting passenger operations under the provisions of Parts 40, 41 or 42 of the Civil Air Regulations with transport category airplanes on which airborne weather radar is not installed, shall establish a schedule for the progressive completion of such radar installations, in accordance with the provisions of section 1 of this regulation. The schedule shall provide for the completion of all required radar installations on or before the dates specified in section 1 of this regulation, and the completion of at least 40 percent of the required installations on or before the following dates:

(1) August 1, 1960, for airplanes of the types specified in section 1(b), and

(2) February 1, 1961, for airplanes of the types specified in section 1(c).

(b) On or before July 1, 1960, a copy of the schedule required by paragraph (a) of this section shall be submitted to an authorized representative of the Administrator, together

with a list of any airplanes the operator intends to discontinue using in the carriage of passengers prior to the date on which radar equipment must be installed.

3. *Requirement for dispatch and continuance of flight.* After the effective date specified in section 6 of this regulation, all transport category airplanes having approved airborne weather radar installed shall be operated in accordance with the following rules when used in passenger operations under Part 40, 41, or 42:

(a) *Dispatch.* No airplane shall be dispatched (or flight of an airplane started under the provisions of Part 42) under IFR or night VFR conditions when current weather reports indicate thunderstorms, or other potentially hazardous weather conditions which can be detected by airborne weather radar, may reasonably be expected to be encountered along the route to be flown, unless approved airborne weather radar equipment installed in the airplane is in a satisfactory operating condition.

(b) *En route.* In the event the airborne weather radar becomes inoperative en route, the airplane shall be operated in accordance with the instructions and procedures specified in the operations manual for such occurrence. After the data specified by section 1 of this regulation for the mandatory installation of approved airborne weather radar on the type of airplane involved, such instructions and procedures shall meet with the approval of an authorized representative of the Administrator.

4. *Exceptions.* The provisions of this regulation shall not apply to airplanes used (a) solely within the State of Hawaii or within the State of Alaska and that portion of the Dominion of Canada west of longitude 130° West, between latitude 70° North and latitude 53° North, or (b) during all-cargo, training, test, or ferry flights.

5. *Electrical power supply.* Contrary provisions of the Civil Air Regulations notwithstanding, an alternate electrical power supply need not be provided for airborne weather radar equipment.

6. *Effective date.* This Special Civil Air Regulation shall become effective on January 5, 1962, and supersedes Special Civil Air Regulation No. SR–436A.

(Secs. 313, 601, 604, 605; 72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1424, 1425)

Issued in Washington, D.C., on December 28, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–98; Filed, Jan. 4, 1962; 8:47 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1018; Amdt. 382]

PART 507—AIRWORTHINESS DIRECTIVES

Piper J3 Series and PA–11 Aircraft

Airworthiness Directive 51–15–1 (21 F.R. 9506), requires periodic inspection of the wing lift strut fork ends on Piper J3 Series and PA–11 aircraft. A later directive (AD 52–7–3, 21 F.R. 9512), requires rework of the lift strut including replacement of the fork end with a new part which does not need the special periodic inspection. Having AD 51–15–1 still in effect has caused some confusion. Since it no longer is necessary, it is hereby rescinded.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by rescinding AD 51–15–1.

This amendment shall become effective January 5, 1962.

(Sec. 313, 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1423)

Issued in Washington, D.C., on December 29, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 62–99; Filed, Jan. 4, 1962; 8:47 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–LA–17]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration and Revocation of Federal Airways and Associated Control Areas

On August 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6940) stating that the Federal Aviation Agency proposed to revoke the segment of VOR Federal airway No. 23 west alternate between Portland, Oreg., and Seattle, Wash., and to extend VOR Federal airway No. 287 from Portland to Neah Bay, Wash.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, the following actions are taken:

§ 600.6023 [Amendment]

1. In the text of 14 CFR 600.6023 (26 F.R. 572, 26 F.R. 1209, 26 F.R. 4052) the following change is made: "including a west alternate from the Portland VOR to the Seattle VOR via the INT of the Portland VOR 353° and the Olympia VOR 165° radials, the Olympia, Wash., VOR and the point of INT of the Olympia VOR 337° and the Seattle VOR 247° radials;" is deleted.

2. Section 600.6287 (14 CFR 600.6287, 26 F.R. 2082), is amended to read:

§ 600.6287 VOR Federal airway No. 287 (North Bend, Oreg., to Neah Bay, Wash.).

From the North Bend, Oreg., VOR via the Newberg, Oreg., VOR; Portland, Oreg., VORTAC including an E alternate via the Newberg VOR 069° and the Portland VORTAC 196° radials; INT of the Portland VORTAC 353° and the Olympia, Wash., VOR 165° radials; Olympia VOR; INT of the Olympia VOR 010° and the Seattle, Wash., VORTAC 322° radials; INT of the Seattle VORTAC 322° and the Port Angeles, Wash., VOR 090° radials; Port Angeles VOR; to the Neah Bay, Wash., radio range, excluding the portions outside the United States and the portion which coincides with Restricted Area R–6705. The portion which coincides with the McChord AFB Restricted Area/Military Climb Corridor, R–6711 shall be used only after obtaining prior approval from the appropriate authority.

§ 601.6023 [Amendment]

3. The text of § 601.6023 (14 CFR 601.6023, 26 F.R. 572, 26 F.R. 1209, 26 F.R. 4052) is amended to read: "All of VOR Federal airway No. 23 including an E alternate."

§ 601.6287 [Amendment]

4. In § 601.6287 (14 CFR 601.6287, 26 F.R. 2082) the following change is made: In the caption "Portland, Oreg." is deleted and "Neah Bay, Wash." is substituted therefor.

These amendments shall become effective 0001 e.s.t. March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 29, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62–101; Filed, Jan. 4, 1962; 8:47 a.m.]

[Airspace Docket No. 60–WA–203]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Rule

On December 7, 1961, Airspace Docket No. 60–WA–203 was published in the FEDERAL REGISTER (26 F.R. 11728) amending in part § 601.5001 of the regulations of the Administrator by altering the description of the Azalea and Gateway intersections to be effective January 11, 1962.

These intersections were described in part via a line bearing 189° from the Wilmington (Carolina Beach), N.C., RBN. Subsequent to publication of the amendment, it was determined that the 189° bearing was in error and that the correct bearing should be 188° from the Wilmington (Carolina Beach) RBN. Therefore, action is taken herein to alter these descriptions accordingly.

Since these amendments are minor in nature, notice and public procedure hereon are unnecessary, and they may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60–WA–203 (26 F.R. 11728) is amended by deleting in the text of § 601.5001 (14 CFR 601.5001) items 3(a) and 3(d) "a line bearing 189° from the Wilmington (Carolina Beach), N.C., RBN" and substituting therefor "a line bearing 188° from the Wilmington (Carolina Beach), N.C., RBN".

(Sec. 307, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 28, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62–100; Filed, Jan. 4, 1962; 8:47 a.m.]

[Airspace Docket No. 60–WA–249]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Routes

On October 29, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10439) stating that the Federal Aviation Agency proposed to alter the segment of Jet Route No. 4 from Phoenix, Ariz., to El Paso, Texas.

On August 1, 1961, an Alteration of Proposal was published in the FEDERAL REGISTER (26 F.R. 6861) stating that the Federal Aviation Agency proposed to alter the segment of Jet Route No. 4 from Los Angeles, Calif., to El Paso and the segment of Jet Route No. 65 from Phoenix to Palmdale, Calif.

The Department of the Army objected to the proposed alignment of the segment of J–4 from the Thermal, Calif., VORTAC to the Gila Bend, Ariz., VORTAC. The Army stated that this segment would traverse the eastern portion of Caution Area C–308 in which a very high concentration of military manned and unmanned aircraft (drones) operate. The Army further stated that it feels the operation of drone and commercial aircraft in the same airspace would be an incompatible operation and would create an undue hazard.

On June 2, 1960, a meeting attended by the U.S. Air Force, Army, Navy, Marines and the FAA was held to consider the Army's request that C–308 be made a restricted area. As a result of this meeting it was concluded that there was insufficient justification for the designation of C–308 as a restricted area. The FAA has never considered restricted airspace a requirement for conducting drone operations. In fact, drone flights are currently being conducted outside of restricted areas using radar and control aircraft to insure safety.

The Air Transport Association of America (ATA) concurred in the alignment proposed for Jet Routes Nos. 4 and 65 assuming that the route segments affected would be provided with jet advisory areas. The jet advisory areas presently designated along Jet Routes Nos. 4 and 65 will cover all of the segments which are realigned in this docket except for a segment of J–65 southwest of the Palmdale, Calif., VOR, which is not used by civil turbojet aircraft.

The Department of the Air Force offered no objection to the proposal as modified. No other comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Alteration of Proposal, § 602.100 (26 F.R. 7079) is amended as follows:

1. Jet Route No. 4 is amended to read:

Jet Route No. 4 (Los Angeles, Calif., to Florence, S.C.). From Los Angeles, Calif., via Thermal, Calif., INT of the Thermal 088° and the Gila Bend, Ariz., 315° radials; Gila Bend; INT of the Gila Bend 098° and the San Simon, Ariz., 286° radials; San Simon; El Paso, Tex.; Wink, Tex.; Abilene, Tex.; Dallas, Tex.; Shreveport, La.; Jackson, Miss.; Montgomery Ala.; Augusta, Ga.; Columbia, S.C.; to Florence, S.C.

2. Jet Route No. 65 is amended to read:

Jet Route No. 65 (Phoenix, Ariz., to Red Bluff, Calif.). From Phoenix, Ariz., via the INT of the Phoenix 280° and the Thermal, Calif., 088° radials; Thermal; Palmdale, Calif.; INT of the Palmdale 291° and the Bakersfield, Calif., 149° radials; Bakersfield; Fresno, Calif.; Sacramento, Calif.; to Red Bluff, Calif.

These amendments shall become effective 0001 e.s.t., February 8, 1962.

(Sec. 307, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 29, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62–102; Filed, Jan. 4, 1962; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—TEST FEE SCHEDULES

PART 202—METROLOGY

Radiometry

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This amendment is effective from December 11, 1961.

1. Part 202 is amended by the addition of a new item (f) to § 202.174 *Radiometry* to read as follows:

Item	Description	Fee
202.174f.....	Standard of total radiance—carbon filament lamp seasoned and calibrated for total irradiance at distance of 2 meters.	$79.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
Director.

[F.R. Doc. 62–148; Filed, Jan. 4, 1962; 8:52 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7718 o.]

PART 13—PROHIBITED TRADE PRACTICES

Yakima Fruit & Cold Storage Co.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Yakima Fruit & Cold Storage Company, Yakima, Wash., Docket 7718, Sept. 28, 1961]

Order requiring a Yakima, Wash., packer-distributor of apples and other fresh fruit with annual sales approximating $3,000,000, to cease violating section 2(d) of the Clayton Act, by such acts as paying the Houston, Tex., operator of a large chain of retail stores in Texas, Louisiana, and Tennessee, sums of $192.50 and $100 in connection with periodic sales promotion campaigns, while making no comparable payments available to its customers competing with said chain.

The order to cease and desist is as follows:

It is ordered, That respondent, Yakima Fruit & Cold Storage Company, a corporation, its officers, employees, agents or representatives, directly or through any corporate or other device, in or in connection with the sale in commerce, as "commerce" is defined in the Clayton Act, as amended, of fresh fruits or other merchandise, do forthwith cease and desist from:

Making or contracting to make, to or for the benefit of J. Weingarten, Inc., or any other customer, any payment of anything of value as compensation or in consideration for advertising or other services or facilities furnished by or through such customer, in connection with the handling, offering for resale, or resale of the respondent's products, unless such payment is made available

on proportionally equal terms to all other customers competing in the distribution or resale of such products.

By "Order", report of compliance was required as follows:

It is further ordered, That respondent, Yakima Fruit & Cold Storage Company, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 28, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-112; Filed, Jan. 4, 1962; 8:48 a.m.]

[Docket 7708 o.]

PART 13—PROHIBITED TRADE PRACTICES

Sunshine Biscuits, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.710 *Cash discounts;* § 13.770 *Quantity rebates or discounts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Sunshine Biscuits, Inc., Long Island City, N.Y., Docket 7708, Sept. 25, 1961]

Order requiring a substantial manufacturer of potato chips, peanut butter, biscuits, cookies, and pretzels, among other food products, with net sales in 1958 of approximately $180,000,000, to cease discriminating in price in violation of section 2(a) of the Clayton Act by granting, through its Velvet—Krun-Chee Division, 5 percent volume plus 2 percent cash discounts on "Krun-Chee" potato chips to certain large retail grocery and drug chains in Cleveland, Ohio—including Marshall-Miller Drugstores, Pick-N-Pay Supermarkets, Foodtown Supermarkets, and Fazio Markets—while not offering the discounts to competitors of the chains.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Sunshine Biscuits, Inc., a corporation, its officers, directors, representatives, agents and employees, directly or through any corporate or other device, in or in connection with the sale of grocery products, including potato chips, in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

Discriminating in price by selling such products of like grade and quality to any purchaser at prices higher than those charged any other purchaser, where such other purchaser competes with the unfavored purchaser in the resale and distribution of the aforesaid products.

It is further ordered, That respondent, Sunshine Biscuits, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 25, 1961.

By the Commission, Commissioner Elman dissenting.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-111; Filed, Jan. 4, 1962; 8:48 a.m.]

[Docket 8198 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

General Foods Corp. et al.

Subpart—Combining or conspiring: § 13.397 *To cut off competitor's supplies;* § 13.410 *To eliminate competition in conspirators' goods;* § 13.430 *To enhance, maintain or unify prices;* § 13.432 *To fix and maintain uniform freight charges.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, General Foods Corp. (White Plains, N.Y.) et al., Docket 8198, Sept. 28, 1961]

In the Matter of General Foods Corporation, a Corporation; The Glidden Company, a Corporation; Calvert, Vavasseur & Company, Inc., a Corporation; Red V Coconut Products Company, Inc., a Corporation; and Wood & Selick Coconut Company, Inc., a Corporation

Consent order requiring five companies—which together imported 75 percent of all the Philippine desiccated coconut imported into the United States, processed sweetened coconut, and sold the product to bakeries, candy and confection manufacturers, ice cream makers, and others—to cease carrying out their agreements to fix and maintain identical F.O.B. port of entry base prices for all types of Philippine coconut imported and identical base prices for all types of sweetened coconut sold in the United States; to maintain a system of price differentials composed of freight and handling and storage charges at specified warehouse distribution points to be applied to the aforesaid base prices; to eliminate free delivery and allowances for such services from port of entry, warehouse distribution point, or other selling location; to maintain a price leadership plan whereby General Foods generally announced changes in prices and other selling factors; to hold meetings for the exchange of confidential price information; and to eliminate competition by restricting sources of supply of competing processors, effectuating price squeezes between Philippine desiccated and sweetened coconut, and other unfair practices.

The order to cease and desist is as follows:

It is ordered, That respondents General Foods Corporation, The Glidden Company, Calvert, Vavasseur & Company, Inc., Red V Coconut Products Company, Inc., and Wood & Selick Coconut Company, Inc., corporations (the three last named corporations being considered and treated as a single respondent), their respective officers, agents, representatives and employees, directly or through any corporate or other device, in or in connection with the importation, offering for sale, sale or distribution of Philippine desiccated coconut or sweetened coconut, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or practices:

1. Fix, maintain, stabilize or adhere to any prices, terms or conditions of sale or delivery for said products;

2. Adopt, use or maintain any system, employing established base prices or price differentials in calculating or determining prices, terms or conditions of sale for said products, to fix, maintain or stabilize, or where the intent or purpose is to fix, maintain or stabilize, anywhere in the United States, prices, terms or conditions of sale or delivery for said products;

3. Communicate or exchange information relating to present or future prices, terms or conditions of sale or delivery of said products anywhere in the United States to fix, maintain or stabilize, or where the intent or purpose of same is to fix, maintain or stabilize, the prices, terms, or conditions of sale or delivery for said products;

4. Inhibit, restrict or limit independent domestic processors of said products in selling said products;

5. Engage in any acts or practices to effectuate or perpetuate, or for the purpose or with the intent of effectuating or perpetuating, any of the acts or practices prohibited herein:

Provided, however, Nothing herein contained shall be construed or interpreted as prohibiting any single respondent, or subsidiary thereof, from buying, selling, processing or having processed, said products, or from communicating, negotiating, or contracting relative thereto, where the effect of same is not inconsistent with any of the prohibitions of this order.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-110; Filed, Jan. 4, 1962; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of 1-Methoxycarbonyl-1-Propen-2-yl-Dimethylphosphate and its Beta Isomer

A petition was filed with the Food and Drug Administration by Shell Chemical Company, 110 West Fifty-first Street, New York 20, New York, requesting the establishment of a tolerance for residues of 1-methoxycarbonyl-1-propen-2-yl-dimethylphosphate and its beta isomer in or on grapefruit, lemons, and oranges at 0.25 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.157 (21 CFR 120.157; 26 F.R. 24) a tolerance for residues of the subject pesticide chemical in or on grapefruit, lemons, and oranges. As amended, the items under the 0.25 part per million tolerance limitation are changed to read as follows:

§ 120.157 **Tolerances for residues of 1-methoxycarbonyl-1-propen-2-yl-dimethylphosphate and its beta isomer.**

• • • • •

0.25 part per million in or on beans, carrots, corn grain (including field corn, popcorn, sweet corn), cucumbers, eggplant, grapefruit, lemons, okra, onions (green), oranges, peas, peppers, potatoes, summer squash, tomatoes, turnips, walnuts (determined on the nut meats with shell removed).

Any person who will be adversely affected by the forgeoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 29, 1961.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 62-114; Filed, Jan. 4, 1962; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55539]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Invoices and Entry; Manufactures of Cotton and Stainless Steel Table Flatware

The present procedure for reporting statistical data to the Bureau of Census, which necessitates the filing of extra copies of certain entries on customs Form 7501 or 7502, will be altered effective January 1, 1962, and the said extra copies will no longer be required.

The Customs Regulations are amended as follows effective January 1, 1962.

Section 8.27 is amended to read as follows:

§ 8.27 Form of entry.

Entry for consumption shall be made on customs Form 7501. Such entries shall be numbered in two series, one for dutiable consumption entries and the other for free consumption entries. The dutiable entries shall be made in triplicate; the free entries shall be made in duplicate. An additional legible copy of the entry, marked or stamped "For Internal Revenue Purposes," shall be presented for each entry covering tobacco materials, tobacco products, cigarette papers and tubes when the entry of those articles is subject to Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275) and tax is payable to customs upon release of such articles or if tobacco materials are to be released in accordance with § 11.2(a) of this chapter.

(Sec. 484, 46 Stat. 722, as amended; 19 U.S.C. 1484)

§ 8.30 [Amendment]

Section 8.30(a) is amended by deleting the first sentence and substituting the following: "Entry for warehousing shall be made in duplicate on customs Form 7502."

(R.S. 251, secs. 484, 624, 46 Stat. 722, as amended, 759; 19 U.S.C. 66, 1484, 1624)

[SEAL] PHILIP NICHOLS, JR., *Commissioner of Customs.*

Approved: December 28, 1961.

JAMES A. REED, *Assistant Secretary of the Treasury.*

[F.R. Doc. 62-144; Filed, Jan. 4, 1962; 8:51 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

Section 203.12 is amended to read as follows:

§ 203.12 Application fee.

The mortgagee shall pay an application fee to cover the cost of processing. This fee shall be paid in accordance with the following requirements:

(a) *Amount of fee.* A fee in the amount of:

(1) $20 shall be paid for an application involving existing construction;

(2) $45 shall be paid for an application involving proposed construction;

(3) $10 shall be paid for an application for insurance of a mortgage of the character described in § 203.43(b)(4); and

(4) $10 shall be paid after insurance of a mortgage processed under the Certified Agency Program.

(b) *Time of payment.* The application fees shall be due and payable by the mortgagee upon receipt from the FHA of a monthly statement covering the related transactions.

(c) *Credit for fee previously charged.* Credit for an application fee previously charged will be allowed the mortgagee under the following conditions:

(1) A credit of $25 will be allowed the mortgagee where a mortgage is endorsed for insurance on the basis of an application and commitment relating to proposed construction.

(2) Credit will be allowed to the mortgagee under such other conditions as the Commissioner may determine.

(d) *No fee required.* A mortgagee will not be required to pay an application fee where:

(1) The application is not accepted for processing; or

(2) The application is made on behalf of a veteran for the insurance of a mortgage to refinance an existing insured mortgage which is in default by reason of his military service, if the Commissioner finds that the charging of such fee would be inequitable under the circumstances of the transaction. For the purposes of this subpart the word "veteran" shall mean a person who has served in the active military or naval service of the United States at any time on or after September 16, 1940, and prior to July 26, 1947, or on or after June 27, 1950, and prior to February 1, 1955.

Section 203.60 is amended to read as follows:

§ 203.60 Application fee.

(a) *Amount of fee.* The lender shall pay an application fee in the amount of $20 to cover the cost of processing. This fee shall be paid in accordance with the requirements of § 203.12(b).

(b) *Credit for fee previously charged.* Credit for an application fee previously charged will be allowed the mortgagee under such circumstances as the Commissioner may determine.

(c) *No fee required.* A mortgagee will not be required to pay an application fee where the application is not accepted for processing.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER L—MORTGAGE INSURANCE FOR INDIVIDUALLY OWNED UNITS IN MULTIFAMILY STRUCTURES

PART 234—CONDOMINIUM OWNERSHIP

Subpart A—Eligibility Requirements

Section 234.13 is amended to read as follows:

§ 234.13 Application fee.

(a) *Amount of fee.* The mortgagee shall pay an application fee in the amount of $20 to cover the cost of processing. This fee shall be paid in accordance with the requirements of § 203.12(b).

(b) *Credit for fee previously charged.* Credit for an application fee previously charged will be allowed a mortgagee under such conditions as the Commissioner may determine.

(c) *No fee required.* No fee shall be required where:

(1) The application is not accepted for processing; or

(2) The application is made on behalf of a veteran for the insurance of a mortgage to refinance an existing insured mortgage which is in default by reason of his military service, if the Commissioner finds that the charging of such fee would be inequitable under the circumstances of the transaction. For the purposes of this subpart the word "veteran" shall mean a person who has served in the active military or naval service of the United States at any time on or after September 16, 1940, and prior to July 26, 1947, or on or after June 27, 1950, and prior to February 1, 1955.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

Issued at Washington, D.C., December 29, 1961.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 62-146; Filed, Jan. 4, 1962; 8:51 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

[Hazardous Occupations Order No. 16]

PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

Subpart E—Occupations Particularly Hazardous for the Employment of Minors Between 16 and 18 Years of Age or Detrimental to Their Health or Well-Being

ROOFING OPERATIONS

On October 31, 1961, notice was published in the FEDERAL REGISTER (26 F.R. 10180) that the Secretary of Labor proposed to find and by order to declare all occupations in roofing operations to be particularly hazardous for the employment of minors between 16 and 18 years of age and thus to constitute "oppressive child labor" within the meaning of the Fair Labor Standards Act of 1938 (sec. 3(1), 52 Stat. 1060, as amended; 29 U.S.C. 203(1)).

Interested persons were given an opportunity to submit orally and in writing data, views and arguments concerning the proposal. All relevant matter has been considered, and pursuant to section 3(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1060 as amended; 29 U.S.C. 203(1)) Part 4 of Title 29, Code of Federal Regulations is hereby amended, effective February 5, 1962, by adding an additional section thereto reading as follows:

§ 4.67 Occupations in Roofing Operations (Order 16).

(a) *Finding and declaration of fact.* All occupations in roofing operations are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health.

(b) *Definition of "roofing operations".* The term "roofing operations" shall mean all work performed in connection with the application of weatherproofing materials and substances (such as tar or pitch, asphalt prepared paper, tile, slate, metal, translucent materials, and shingles of asbestos, asphalt or wood) to roofs of buildings or other structures. The term shall also include all work performed in connection with: (1) The installation of roofs, including related metal work such as flashing and (2) alterations, additions, maintenance, and repair, including painting and coating, of existing roofs. The term shall not include gutter and downspout work; the construction of the sheathing or base of roofs; or the installation of television antennas, air conditioners, exhaust and ventilating equipment, or similar appliances attached to roofs.

(c) *Exemptions — (1) Apprentices.* This section shall not apply to the employment of an apprentice in the occupations declared particularly hazardous in paragraph (a) of this section: *Provided, however,* That (i) the apprentice is employed in a craft recognized as an apprenticeable trade; (ii) the work of the apprentice in the occupations declared particularly hazardous in paragraph (a) of this section is incidental to the apprentice training; such work is intermittent and for short periods of time, and such work is under the direct and close supervision of a journeyman as a necessary part of such apprentice training; and (iii) the apprentice is registered by the Bureau of Apprenticeship and Training of the United States Department of Labor as employed in accordance with the standards established by that Bureau, or is registered by a State agency as employed in accordance with the standards of the State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, or is employed under a written apprenticeship agreement under conditions which are found by the Secretary of Labor to conform substantially with such Federal or State standards.

(2) *Student-learners.* This section shall not apply to the employment of a student-learner in the occupations declared particularly hazardous in paragraph (a) of this section: *Provided, however,* That such a student-learner is enrolled in a course of study and training in a cooperative vocational training program under a recognized State or local educational authority or in a course of study in a substantially similar program conducted by a private school: *Provided further,* That such student-learner be employed under a written agreement which shall provide: (i) That the work of the student-learner in the occupations declared particularly hazardous in paragraph (a) of this section shall be incidental to his training, that such work shall be intermittent and for short periods of time, and that such work shall be under the direct and close supervision of a qualified and experienced person; (ii) that safety instruction shall be given by the school and correlated by the employer with on-the-job training; and (iii) that a schedule of organized and progressive work processes to be performed on the job shall have been prepared. Such a written agreement shall contain the name of the student-learner, and shall be signed by the employer and the school coordinator or principal. Copies of the agreement shall be kept on file by both the school and the employer. This exemption for the employment of student-learners may be revoked in any individual situation wherein it is found that reasonable precautions have not been observed for the safety of minors employed thereunder.

(d) *Higher standards.* This section shall not justify noncompliance with any Federal or State law or municipal ordinance establishing higher standards than those established in this section.

(Sec. 3(1), 52 Stat. 1060, as amended; 29 U.S.C. 203(1). Interpret or apply sec. 18, 52 Stat. 1069, 29 U.S.C. 218)

Signed at Washington, D.C., this 27th day of December 1961.

W. WILLARD WIRTZ,
Acting Secretary of Labor.

[F.R. Doc. 62-136; Filed, Jan. 4, 1962; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2575]

IDAHO AND UTAH

Withdrawing Lands for Use of the Forest Service as Recreation Areas, and Administrative Sites and for Roadside Zone Addition

By virtue of the authority vested in the President, and pursuant to Exective Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in the Payette National Forest, Idaho, and the Fishlake National Forest, Utah, are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States, and reserved as follows:

a. For use of the Forest Service, Department of Agriculture, as administrative sites and recreation areas, as indicated:

[Idaho 011736]

BOISE MERIDIAN

PAYETTE NATIONAL FOREST

Canyon Recreation Area

Beginning at the intersection of the south line of section 20 and the west bank of the South Fork Salmon River at low water, thence north 40 chains, more or less, to the north line of Lot 6, thence east approximately 6 chains to the west bank of South Fork Salmon River at low water line, thence southerly along west bank of said river at low water line to point of beginning and located wholly within the following described subdivisions;

T. 20 N., R. 7 E.,
Sec. 20, lots 6 and 7.

Hamilton Bar Recreation Area

T. 20 N., R. 6 E.,
Sec. 35, lots 3 and 4.

Indian Recreation Area

T. 19 N., R. 6 E.,
Sec. 3, W½ of lot 4, SE¼ of lot 4, E½SW¼ NW¼, W½SE¼NW¼, NW¼NE¼SW¼, and NE¼NW¼SW¼.

Mann Creek Administrative Site

T. 13 N., R. 5 W.,
Sec. 4, N½NW¼NE¼NW¼.
T. 14 N., R. 5 W.,
Sec. 33, S½SE¼NE¼SW¼, NE¼SE¼ SW¼, E½SE¼SE¼SW¼, W½NW¼ SW¼SE¼, and SW¼SW¼SE¼.

Paddy Flat Administrative Site

T. 17 N., R. 4 E.,
Sec. 27, SE¼.

Camp Creek Seed Production Area

T. 18 N., R. 6 E.,
Sec. 15, SE¼SE¼SW¼SE¼, S½NE¼ SE¼SE¼, and S½SE¼SE¼;
Sec. 22, N½N½NE¼NE¼.

Circle C Seed Production Area

T. 20 N., R. 2 E.,
Sec. 19, S½S½ of lot 2, lot 3.

Long Tom Creek Recreation Area

Beginning at the section corner common to Secs. 5 and 6 on the surveyed north line of T. 24 N., R. 5 E.; thence west along the north line of said Sec. 6, 660 feet; thence north to the south bank of the Salmon River; thence easterly along the south bank of the Salmon River approximately 850 feet; thence south to the north line of Sec. 5, T. 24 N., R. 5 E.; thence west along the north line of Sec. 5, T. 24 N., R. 5 E.; 165 feet to the point of beginning and located wholly within the following subdivisions of unsurveyed land which will be when surveyed:

T. 25 N., R. 5 E.,
Sec. 31, SE¼SE¼;
Sec. 32, SW¼SW¼.
The areas described aggregate 483.14 acres.

b. For use of the Forest Service, Department of Agriculture, as an addition to the Salina-Emery Highway Roadside zone reserved by Public Land Order No. 2354 of April 27, 1961:

[Utah 010063]

SALT LAKE MERIDIAN

FISHLAKE NATIONAL FOREST

T. 24 S., R. 4 E.
A strip of land 200 feet on each side of the center line of Utah Highway No. 10 through the following legal subdivisions:
Sec. 2, H.E.S. 180, lots 2 to 5, incl.
Containing 162.47 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

DECEMBER 28, 1961.

[F.R. Doc. 62-120; Filed, Jan. 4, 1962; 8:50 a.m.]

[Public Land Order 2576]

[Wyoming 059852]

WYOMING

Withdrawal for Forest Service Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights the following-described lands in the Targhee National Forest are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States for use of the Forest Service as the West Table Creek Recreation Area:

SIXTH PRINCIPAL MERIDIAN

T. 38 N., R. 117 W. (unsurveyed), Sec. 36, SW¼.
Containing 160 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

DECEMBER 28, 1961.

[F.R. Doc. 62-121; Filed, Jan. 4, 1962; 8:50 a.m.]

[Public Land Order 2577]

[Utah 058228]

UTAH

Withdrawing Lands for Use of Department of the Air Force

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Department of the Air Force for military purposes:

SALT LAKE MERIDIAN

T. 11 N., R. 5 W.,
Sec. 4, SE¼SE¼.
Containing 40 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

DECEMBER 28, 1961.

[F.R. Doc. 62-122; Filed, Jan. 4, 1962; 8:50 a.m.]

[Public Land Order 2578]

[Wyoming 075755]

WYOMING

Withdrawing Lands for Use of Bureau of Land Management as Administrative Site

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Wyoming are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Bureau of Land Management, Department of the Interior, as an administrative site:

SIXTH PRINCIPAL MERIDIAN

T. 21 N., R. 87 W.,
Sec. 8, lot 161.
Containing 5.81 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

DECEMBER 28, 1961.

[F.R. Doc. 62-123; Filed, Jan. 4, 1962; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 10—PUBLIC SAFETY RADIO SERVICES

Definition of Terms

In the matter of amendment of Part 10 of the Commission's rules to effect certain editorial changes concerning the definition of terms therein.

The Commission having under consideration the need of amending the list of definitions of terms in use in Part 10 of its rules; and

It appearing that, by its second memorandum opinion and order in Docket 13928, released October 25, 1961 (FCC 61-1235), the Commission amended Part 2, inter alia, to make the definitions of terms therein conform to those adopted in Geneva Radio Regulation (1959), and that Part 10 should be amended to conform to Part 2 in that respect, and to make certain other adjustments of an editorial nature; and

It further appearing that, the amendments ordered herein are editorial in nature, hence the notice, procedural and effective date provisions of section 4 of the Administrative Procedures Act are not applicable; and

It further appearing that, the amendments adopted herein are issued pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 29th day of December 1961, that effective January 8, 1962, § 10.2, Part 10, is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: December 29, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

In § 10.2 (a), (b), and (c), the definitions for Public Safety Radio Services, Base Station, Land Station, and Harmful Interference are amended and new definitions for Land Mobile Service, Radiolocation, Radiolocation Mobile Station and Safety Service are added in alphabetical order as follows:

§ 10.2 Definitions.

• • • • •

(a) • • •

Land mobile service. A mobile service between base stations and land mobile stations, or between land mobile stations.

• • • • •

Public safety radio services. Any service of radiocommunication essential either to the discharge of non-Federal government functions or the alleviation of an emergency endangering life or property, the radio transmitting facilities of which are defined as fixed, land, mobile, or radiolocation stations.

Radiolocation. Radiodetermination used for purposes other than those of radionavigation. (For the purposes of this part, radiolocation will include speed measuring devices.)

Safety Service. A radiocommunication service used permanently or temporarily for the safeguarding of human life and property.

• • • • •

(b) • • •

Base station. A land station in the land mobile service carrying on a service with land mobile stations.

• • • • •

Land station. A station in the mobile service not intended to be used while in motion.

• • • • •

Radiolocation mobile station. A station in the radiolocation service intended to be used while in motion or during halts at unspecified points.

• • • • •

(c) • • •

Harmful interference. Any emission, radiation or induction which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with this chapter.

[F.R. Doc. 62-93; Filed, Jan. 4, 1962; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 12—AREAS CLOSED TO HUNTING

Certain Lands and Waters Within and Adjacent to Back Bay National Wildlife Refuge, Virginia

On page 4285 of the FEDERAL REGISTER of October 19, 1939, there was published Presidential Proclamation No. 2370, dated October 16, 1939, designating as a closed area certain lands and waters adjacent to the Back Bay Migratory Waterfowl Refuge. The name of the refuge was changed to the Back Bay National Wildlife Refuge by Presidential Proclamation No. 2416, dated July 25, 1940, and published in the FEDERAL REGISTER on July 30, 1940.

Since the closed area was established by Proclamation No. 2370, erosion has so changed the shorelines or island extremities in a number of cases that it has been necessary to resurvey and reestablish the proclamation boundary either with permanent monumentation or references thereto.

Pursuant to the Act of July 3, 1918 (40 Stat. 755, as amended; 16 U.S.C. 704) and the 1939 Reorganization Plan No. II (53 Stat. 1433), certain areas of land and water not now owned by the United States and adjacent to lands of the Back Bay National Wildlife Refuge in Princess Anne County, Virginia, and lying within the boundary as set forth below are hereby designating as closed to the hunting of migratory birds.

The effect of this designation is merely to make a few minor changes in the boundary of the previously established closed area and for this reason it has been deemed unnecessary to publish it as proposed rule making (5 U.S.C. 1003).

This designation shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

The text of the designation is as follows:

Having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, I hereby designate as a closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, an area of land and water in Princess Anne County, Virginia, comprising certain lands and waters adjacent to the Back Bay National Wildlife Refuge, and embraced within the following boundary:

Commencing at U.S. Coast and Geodetic Survey triangulation station CLUB; Geographic Position 36°41'35.53" north latitude and 75°55'28.19" west longitude; thence S. 10°43' W., 1,958.3 feet to Corner 1, an iron pipe, the place of beginning, which is also Corner 6, of United States tract (39), in the eastern part of Deep Creek, at Shipps Bay; thence EAST, across marsh and sand dunes, a distance of approximately 1,550 feet to Corner 2, in the line of mean low water of the Atlantic Ocean; thence southerly along said line of mean low water, approximately 22,416 feet to Corner 3, in said line of mean low water; thence S. 87°59' W., across sand dunes, flats and marsh, at approximately 6,180 feet pass a standard concrete post, and continuing 69.6 feet further a total distance of approximately 6,250.0 feet to Corner 4, an iron pipe, approximately in the line of mean low water on east side of Sand Bay; thence with 10 lines in Sand Bay, S. 89°57' W., 2,979.6 feet to Corner 5, an iron pipe; S. 14°27' W., 952.3 feet to Corner 6, an iron pipe; S. 7°13' E., 288.0 feet to Corner 7, an iron pipe; S. 23°49' E., 1,005.4 feet to Corner 8, an iron pipe; S. 39°31' E., 1,171.3 feet to Corner 9, an iron pipe; S. 8°04' E., 1,146.9 feet to Corner 10, an iron pipe; S. 25°44' W., 1,044.6 feet to Corner 11, an iron pipe; S. 20°03' W., 1,363.4 feet to Corner 12, an iron pipe; S. 31°44' W., 986.9 feet to Corner 13, an iron pipe; N. 89°08' W., approximately 1,500 feet to Corner 14, a wood post, approximately in the line of mean low water of Cedar Island Gap, opposite the most southern point of Ragged Island; thence E. 70°56' W., in Cedar Island Gap, 241.3 feet to Corner 15, a wood post, approximately in the line of mean low water and 16 feet southwesterly from a point of marsh on Ragged Island; thence N. 51°14' W., in Back Bay, 12,026.1 feet to Corner 16, an iron pipe, approximately 40 feet southwesterly from Rock Point, the southwestern point of Haul Over Island; thence W. 9°26' E., between Back Bay and Red Head Bay, 906.7 feet to Corner 17, an iron

pipe, approximately in the line of mean low water at North Point, the most northwesterly point of Haul Over Island; thence N. 56°55' E., in Red Head Bay, 5,189.9 feet to Corner 18, an iron pipe, approximately in the line of mean low water at Heaven Point; thence N. 21°04' W., continuing in Red Head Bay, 2,932.3 feet to Corner 19, an iron pipe, in water and approximately 25 feet from edge of marsh; thence N. 9°26' W., 2,657.1 feet to Corner 20, an iron pipe, in the eastern part of Great Narrows; thence S. 87°86' W., crossing Great Narrows, 1,260.0 feet to Corner 21, an iron pipe, approximately in the line of mean low water on west side of Great Narrows; thence S. 10°49' W., 1,605.9 feet to Corner 22, an iron pipe, approximately in the line of mean low water and 13 feet from edge of marsh at South Point and also at the confluence of the southwest part of Great Narrows with Red Head Bay; thence S. 83°06' W., within Red Head Bay, 2,340.7 feet to Corner 23, an iron pipe, in Red Head Bay, approximately 50.5 feet southerly from Long Point; thence N. 23°40' W., continuing in Red Head Bay, 2,761.0 feet to Corner 24, an iron pipe, approximately in the line of mean low water at the southeast corner of Head Bay Cove; thence N. 63°59' W., between Red Head Bay and Head Bay Cove, 695.5 feet to Corner 25, which is also Corner 4 of United States tract (39a), approximately in the line of mean low water at West Head Bay Point, now monumented with a standard concrete post; thence N. 80°35' W., across marsh, 2,853.8 feet to corner 26, in the line between marsh and high land, now monumented with a standard concrete post; thence along the line between marsh and high land, N. 23°17' E., 736.6 feet to Corner 27, an iron pipe; N. 16°29' W., 785.4 feet to Corner 28, a standard concrete post; thence N. 1°57' W., 155.1 feet to Corner 29, an iron pipe; thence N. 12°58' E., 458.7 feet to Corner 30, an iron pipe, at edge of marsh and high land; thence along line between marsh and high land, N. 2°04' W., 135.3 feet to a point; N. 25°44' W., 163.0 feet to a point; N. 7°38' E., 701.6 feet to a point; N. 25°14' W., 37.0 feet to Corner 31, a standard concrete post; thence across marsh, S. 73°22' E., 2,277.0 feet to Corner 32, an iron pipe; thence S. 74°04' E., 1,057.3 feet to Corner 33, an iron pipe; thence N. 8°00' E., 940.5 feet to Corner 34, a standard concrete post; thence N. 18°35' W., 308.9 feet to Corner 35, an iron pipe, approximately in line of mean low water on the southeast side of Sylvester's Cove; thence N. 57°05' E., a distance of 278.7 feet to Corner 36, a wood post, approximately in line of mean low water opposite small point of marsh and south of Sylvester's Island; thence N. 65°29' E., in the waters of Sylvester's Cove and Shipps Bay, 1,139.0 feet to Corner 37, an iron pipe, approximately in the line of mean low water, 10 feet westerly from point of marsh on the north side of Kemps Creek; thence N. 49°15' E., a distance of 2,197.2 feet to Corner 38, an iron pipe, approximately in the line of mean low water, six feet northeast from small point of marsh; thence N. 64°37' E., in Shipps Bay, 1,593.6 feet to Corner 39, an iron pipe, in water, 40 feet northwest from small point of marsh and about 350 feet southeast from Auger Island; thence N. 33°58' E., in Shipps Bay, 1,632.8 feet to Corner 40, a wood post, approximately in line of mean low water and eight feet northerly from Walkers Island Point; thence N. 66°13' E., continuing in Shipps Bay, 6,794.9 feet to Corner 41, an iron pipe, approximately in the line of mean low water and 18 feet north from the most northerly point of Long Island, from which a standard concrete post marked, "21 WC CORNER 1 TRACT 39F 1937", used for a reference mark, bears S. 43°48' E., 27.7 feet; thence from said Corner 41, N. 89°40' E., crossing Deep Creek, 1,480.6 feet to the place of beginning.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 29, 1961.

[F.R. Doc. 62-115; Filed, Jan. 4, 1962; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Filing of Certain Information; Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954.

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order to require the use of Form 2950 to supply certain information required under § 1.404(a)–2 of the Income Tax Regulations (26 CFR Part 1), to require that such information be filed with the income tax return, and to make certain other administrative changes, paragraphs (a) (7), (8), and (9), (b), (c), (d), and (e) of such section are hereby amended to read as follows:

§ 1.404(a)–2 Information to be furnished by employer claiming deductions.

(a) • • •

(7) If a pension or annuity plan, a detailed description of all the methods, factors, and assumptions used in determining costs and in adjusting the costs for actual experience under the plan (including any loadings, contingency reserves, or special factors and the basis of any insured costs or liabilities involved therein) explaining their source and application in sufficient detail to permit ready analysis and verification thereof, and, in the case of a trust, a detailed description of the basis used in valuing the investments held.

(8) In the case of a pension or annuity plan, a summary of the costs or liabilities and adjustments for the year under the plan based on the application of the methods, factors, and assumptions used under the plan, in sufficient detail to permit ready verification of the reasonableness thereof.

(9) A statement of the contributions paid under the plan for the taxable year showing the date and amount of each payment. Also, a statement of the applicable limitations under section 404 (a) (1), (2), (3), or (7) and an explanation of the method of determining such limitations, a summary of the data, and a statement of computations necessary to determine the allowable deductions for the taxable year.

(b) For taxable years subsequent to the year for which all of the applicable information under paragraph (a) of this section (or corresponding provisions of prior regulations) has been filed, information is to be filed only to the following extent:

(1) If there is any change in the plan, instruments, methods, factors, or assumptions upon which the data and information specified in paragraph (a) (1), (2), or (7) of this section are based, a detailed statement explaining the change and its effect is to be filed only for the taxable year in which the change is put into effect. However, if there is no such change, unless otherwise requested by the district director, merely a statement that there is no such change is to be filed.

(2) The information specified in paragraph (a) (3) of this section which has been filed for a taxable year, unless otherwise requested by the district director and so long as the plan and the method and basis of allocations are not changed, is to be filed for subsequent years only to the extent of showing in the tabulation such information with respect to employees who, at any time in the taxable year, own, directly or indirectly, more than 5 percent of the voting stock, considering stock so owned by an individual's spouse or minor lineal descendant as owned by the individual for this purpose.

(3) The information specified in paragraph (a) (4), (5), (6), (8), and (9) of this section.

In the case of corporate employers, the information required to be submitted by this paragraph shall, except as otherwise provided by the Commissioner, be filed on Form 2950 for taxable years ending on or after December 31, 1961. In the case of other employers, the information required to be submitted by this paragraph shall, except as otherwise provided by the Commissioner, be filed on Form 2950 for taxable years ending on or after December 31, 1962.

(c) If a deduction is claimed under section 404(a)(5) for the taxable year, the taxpayer shall furnish such information as is necessary to show that the deduction is not allowable under the other paragraphs of section 404(a), that the amount paid is an ordinary and necessary expense or an expense for the production of income, and that the employees' rights to, or derived from, such employer's contribution or such compensation were nonforfeitable at the time the contribution or compensation was paid. In the case of corporate employers, the information required to be submitted by this paragraph shall, except as otherwise provided by the Commissioner, be filed on Form 2950 for taxable years ending on or after December 31, 1961. In the case of other employers, the information required to be submitted by this paragraph shall, except as otherwise provided by the Commissioner, be filed on Form 2950 for taxable years ending on or after December 31, 1962.

(d) For the purpose of the information required by this section, contributions paid in a taxable year shall include those deemed to be so paid in accordance with the provisions of section 404(a)(6) and shall exclude those deemed to be paid in the prior taxable year in accordance with such provisions. As used in this section, "taxable year" refers to the taxable year of the employer and, unless otherwise requested by the district director, a "year" which is not specified as a "taxable year" may be taken as the taxable year of the employer or as the plan, trust, valuation, or group contract year with respect to which deductions are being claimed provided the same rule is followed consistently so that there is no gap or overlap in the information furnished for each item. In any case the date or period to which each item of information furnished relates should be clearly shown. In the case of a taxable year ending on or after December 31, 1962, all the information required by this section shall be filed with the tax return for the taxable year in which the deduction is claimed. In the case of a taxable year ending before December 31, 1962, all the information required by this section should be filed with the tax return for the taxable year in which the deduction is claimed, except that, unless sooner requested by the district director, such information, other than that specified in paragraph (a) (4) (I) and (9) of this section, may be filed within 12 months after the close of the taxable year provided there is filed with the tax return a statement that the information cannot reasonably be filed therewith, setting forth the reasons therefor.

(e) In any case all the information and data required by this section must be filed in the office of the district director in which the employer files his tax returns and must be filed independently of any information and data otherwise submitted in connection with a determination of the qualification of the trust or plan under section 401(a). The district director may, in addition, require any further information that he considers necessary to determine allowable deductions under section 404 or qualification under section 401. For taxable years ending on or before December 31, 1961, the district director may waive the filing of such information required by this section which he finds unnecessary in a particular case. For taxable years ending after December 31, 1961, the Commissioner may waive the filing of such information.

[F.R. Doc. 62-145; Filed, Jan. 4, 1962; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

OPERATION AND MAINTENANCE CHARGES

Colorado River Indian Irrigation Project, Arizona

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 USC 385–387), it is proposed to amend § 221.8 of Title 25, Code of Federal Regulations, as set forth below. The purpose of the amendment is to permit the payment of 50 percent of the annual operation and maintenance assessment on February 1 and the remaining 50 percent on or before July 1 of each year.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendments to the Bureau of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

The introductory paragraph of § 221.8 is amended to read as follows:

§ 221.8 Payment.

One-half the basic water charge fixed in § 221.6 shall become due and payable on February 1 of each year, which entitles the water user to not more than one-half of the total basic water allotment prior to July 1, on which date the second half of the basic water charge shall be paid. Water delivery will not be continued for any tract after July 1 of any year unless and until the remaining half of the basic water charge shall have been paid. To all charges assessed against Indian lands under lease which are not paid on or before July 1 of each year there shall be added a penalty of one-half of one percent per month or fraction thereof from February 1 until paid. Water will not be delivered to any tract of land in succeeding years until full payment of the previous years' operation and maintenance assessments, inclusive of penalties, has been made, or unless arrangements have been made under paragraph (a), (b) or (c) of this section.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

DECEMBER 28, 1961.

[F.R. Doc. 62-117; Filed, Jan. 4, 1962; 8:49 a.m.]

Fish and Wildlife Service

[50 CFR Part 274]

FROZEN FLOUNDER AND SOLE FILLETS

United States Standards for Grades

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 6(a) of the Fish and Wildlife Act of August 8, 1956 (16 U.S.C. 742e), it is proposed to amend Title 50 Code of Federal Regulations by the addition of a new Part 274. The purpose of this amendment is to issue standards for grades of frozen flounder and sole fillets in accordance with the authority contained in Title II of the Agricultural Marketing Act of August 14, 1946, as amended (7 U.S.C. 1621–1627). These regulations, if made effective, will be the first issued by the Department of the Interior prescribing Government standards for this commodity.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Director, Bureau of Commercial Fisheries, U.S. Fish and Wildlife Service, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

JAMES K. CARR,
Acting Secretary of the Interior.

DECEMBER 29, 1961.

PART 274—UNITED STATES STANDARD FOR GRADES OF FROZEN FLOUNDER AND SOLE FILLETS [1]

274.1 Description of the product.
274.2 Styles of frozen flounder and sole fillets.
274.3 Grades of frozen flounder and sole fillets.
274.11 Determination of the grade.
274.21 Definitions.
274.25 Tolerances for certification of officially drawn samples.

[1] Compliance with the provisions of this standard shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 274.1 Description of the product.

Frozen flounder and sole fillets consist of clean, wholesome fillets processed and frozen in accordance with good commercial practice and maintained at temperatures necessary for their preservation. The fillets may be cut transversely or longitudinally into subunits.

NOTE: This standard does not provide for the grading of units of fish flesh cut from previously frozen fish blocks, slabs, or similar material.

The product covered by this standard is prepared from the following species only:

SOLE

Dover sole (Microstomus pacificus)
English sole (Parophrys vetulus)
Gray sole (Glyptocephalus cynoglossus)
Petrale sole (Eopsetta jordani)
Lemon sole (Pseudopleuronectes americanus, over 3½ pounds)
Rock sole (Lepidopsetta bilineata)
Sand sole (Psettichthys melanostictus)

FLOUNDER

Blackback (Pseudopleuronectes americanus, less than 3½ pounds)
Yellowtail flounder (Limanda ferruginea)
Dab, plaice (Hippoglossoides platessoides)
Fluke (Paralichthys dentatus)
Starry flounder (Platichthys stellatus)

§ 274.2 Styles of frozen flounder and sole fillets.

(a) *Style I—Solid pack.* Fillets are frozen together. Individual fillets can be separated only by thawing the entire package or part of the package, depending on absence or presence of separators.

(1) *Substyle A.* Fillets are packed into a single solid block.

(2) *Substyle B.* Fillets are subpacked with separators into smaller weight units.

(b) *Style II—Individually-quick-frozen pack (IQF).* Fillets are individually quick frozen. Individual fillets can be separated without thawing.

§ 274.3 Grades of frozen flounder and sole fillets.

(a) "U.S. Grade A" is the quality of frozen flounder or sole fillets for which the total score is not less than 85 points, when the fillets are rated in accordance with the scoring system outlined in the following sections.

(b) "U.S. Grade B" is the quality of frozen flounder or sole fillets for which the total score is less than 85 points but is not less than 70 points, when the fillets are rated in accordance with the scoring system outlined in the following sections.

(c) "Substandard" is the quality of frozen flounder or sole fillets that fail to meet the requirements of the U.S. Grade B.

§ 274.11 Determination of the grade.

The grade is determined by observing the product in the frozen, thawed, and cooked states and is evaluated by numerical scoring. Points are deducted for variations of quality for each factor in accordance with the schedule in table 1. The total of the points deducted is subtracted from 100 to obtain the score. The maximum score is 100; the minimum score is 0.

TABLE 1—SCHEDULE OF POINT DEDUCTIONS PER POUND OF FLOUNDER OR SOLE FILLETS AND GRADING SCORE SHEET

	Scored factors	Description of quality variation			Deduct	Deductions
Frozen	1. Appearance	Adversely affected by imbedded packaging material, voids, depressions, surface irregularity, and poor arrangements of fillets:		Slight	2	
				Moderate	4	
				Excessive	10	
	2. Dehydration	For each inch square (determined by grid) of affected area.	Color masking, easily scraped off		½	
			Deep, not easily scraped off		1	
Thawed	3. Weights	(a) For each fillet or piece less than 1 oz., except first fillet or piece			5	
		(b) For sole only: For each fillet from 1-2 oz., except first fillet			2	
		For flounder only: For each fillet from 1-2 oz., except first three fillets			2	
	4. Workmanship defects	For each inch square (determined by grid) of affected area.	(a) Cutting and trimming (ragged edges, holes, tears, improper or unnecessary cuts and lace).		½	
			(b) Blemishes (belly lining, blood spots, bruises, extraneous material, fins, discolored pugh marks, scales and skin).		2	
			(c) Bones (bones normally removed)		3	
	5. Color	(a) Deteriorative discoloration (yellowing of fatty portion and/or darkening of light portion).		Slight	2	
				Moderate	5	
				Excessive	15	
		(b) Non-uniformity of color (natural color differences within package due to packing fish of contrasting color).		Moderate	3	
				Excessive	5	
	6. Abnormal condition	Usability and/or desirability of fillets impaired by abnormal conditions (jellied, milky, chalky).		Moderate	16	
				Excessive	31	
Cooked	7. Texture	Tough, dry, fibrous, or watery for species involved.		Slight	4	
				Moderate	8	
				Excessive	15	
	8. Odor and flavor	Very good: Full typical odor and flavor of fresh fish				
		Good: Noticeable decrease in typical odor and flavor of fresh fish			6	
		Reasonably good: Lacking typical odor and flavor of fresh fish, but not objectionable.			16	
		Substandard: Objectionable odor and/or flavor			31	
	Total deductions					
	Score (100 minus total deductions)					
	Grade (100 to 85=Grade A; 84 to 70=Grade B; 69 and below=Substandard)					

Label_____
Size of lot_____
Size of sample_____
Number of packages per master carton_____
Remarks_____

Actual net weight_____lb. _____or. _____
Size and kind of container_____
Container mark or identification_____
Type of overwrap_____

§ 274.21 Definitions.

(a) "Slight" refers to a condition that is scarcely noticeable but that does affect the appearance, desirability, and/or eating quality of the fillets.

(b) "Moderate" refers to a condition that is conspicuously noticeable but that does not seriously affect the appearance, desirability, and/or eating quality of the fillets.

(c) "Excessive" refers to a condition that is conspicuously noticeable and that does seriously affect the appearance, desirability, and/or eating quality of the fillets.

(d) "Bones normally removed" refers to (1) nape membrane bones (adjacent to visceral cavity) and to (2) radial bones (adjacent to fins and lace area).

(e) "Determined by grid" means that a transparent grid of 1-inch squares is placed over the defect area, and points are deducted (as specified in table 1) for each square of affected area under the grid, each square being counted as one whether it is full or fractional.

(f) "Thawed state" means that the frozen product has been placed within a film-type pouch and warmed to an internal temperature of about 32° F by immersing the pouch in running tap water of about 50° to 70° F. Thawing time usually takes 25 to 45 minutes for a 1-pound package.

(g) "Cooked state" means that the thawed, unseasoned product has been placed within a boilable film-type pouch and heated to an internal temperature of about 160° F by immersing the pouch in boiling water. Cooking time usually ranges from 3 to 5 minutes for single fillets and from 7 to 10 minutes for 1-pound packages of fillets.

(h) "Actual net weight" means the weight of the fish flesh within the package after all packaging material, ice glaze, or other protective coating have been removed. ("Actual net weight" of frozen glazed fillets is determined as follows: (1) Rapidly remove excessive ice layers or pockets with running tap water or nozzle-type water spray. (2) Rapidly thaw remaining surfaces of frozen fish sufficiently with tap water or spray to prevent refreezing free surface water. (3) Gently wipe off all free water with a moisture-saturated paper towel. (4) Weigh the fish to obtain "actual net weight").

(i) "Abnormal condition" means that the normal physical and/or chemical structure of the fish flesh has been sufficiently altered so that the usability and/or desirability of the fillet is adversely affected. It includes, but is not limited to, the following examples:

(1) "Jellied" refers to the abnormal condition wherein a fillet is partly or wholly characterized by a gelatinous, glossy, translucent appearance, feels slimy to the touch, and retains its gelatinous, slimy properties in the cooked state.

(2) "Milky" refers to the abnormal condition wherein a fillet is partly or wholly characterized by a milky-white, excessively mushy, pasty, or fluidized appearance.

(3) "Chalky" refers to the abnormal condition wherein a fillet is partly or wholly characterized by a dry, chalky, granular appearance and fiberless structure.

(j) "Odor and flavor" is classified as follows:

(1) "Very good": Fish in this category have essentially the full, good typical odor, and flavor of the indicated species.

(2) "Good": Fish in this category show a noticeable decrease of the good, typical odor and flavor of the indicated species, and/or may have certain less acceptable natural environmental odors and flavors of slight intensity (iodoform-type, phenolic-type, feed-type, etc.), but may have no off odors and flavors.

(3) "Reasonably good": Fish in this category may be flat, or completely lacking in the good typical odor and flavor of the indicated species, and/or may have certain less acceptable natural environmental odors and flavors of moderate intensity (iodoform-type, phenolic-type, feed-type, etc.) but may have no objectionable odors and flavors.

(4) "Substandard": Fish in this category have odors and flavors that are objectionable.

LOT CERTIFICATION TOLERANCES

§ 274.25 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 260 of this chapter (Regulations Governing Processed Fishery Products, Vol. 25 F.R. 8427 Sept. 1, 1960).

[F.R. Doc. 62-116; Filed, Jan. 4, 1962; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 959]

[A0-322-A1]

ONIONS GROWN IN SOUTH TEXAS

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendments to Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, United States Department of Agriculture, of this recommended decision with respect to proposed amendments to Marketing Agreement No. 143 and Order No. 133 (7 CFR Part 959 (formerly Part 1033)), regulating the handling of onions grown in designated counties in South Texas (the Counties of Val Verde, Kinney, Uvalde, Medina, Wilson, Karnes, Goliad, Victoria, Calhoun, Maverick, Zavala, Frio, Atascosa, Dimmit, La Salle, McMullen, Live Oak, Bee, Refugio, Webb, Duval, Jim Wells, San Patricio, Nueces, Zapata, Jim Hogg, Brooks, Kleberg, Kenedy, Starr, De Witt, Aransas, Hidalgo, Willacy, and Cameron). This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674) hereinafter called the "act."

Interested persons may file exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than the close of business on the 10th day after its publication in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing was held on November 28, 1961, at Edinburg, Texas, to consider proposed amendments to Marketing Agreement No. 143 and Order No. 133 (hereinafter referred to as the present order). This hearing was held pursuant to notice thereof which was published in the November 17, 1961, FEDERAL REGISTER (26 F.R. 10772). Such notice set forth the proposed amendments.

Material issues. The material issues presented on the record of hearing are as follows:

(1) The amendment of § 959.7, *Handle*, to extend its applicability to shipments of onions within the production area;

(2) The amendment of § 959.12, *Pack;*

(3) The amendment of § 959.31, *Alternate members;*

(4) The amendment of § 959.52, *Issuance of regulations*, to authorize the establishment of "shipping holidays"; and

(5) The amendment of such other sections as are necessary to conform the present order to the proposed amendments.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence presented at the hearing and the record thereof, are as follows:

(1) The term "handle," as defined in the present order, is synonymous with "ship" and means to package, sell, transport, or in any way to place onions in the current of the commerce between the production area and any point outside thereof. Such term shall not include the transportation, sale, or delivery of onions to a person in the production area who is a registered handler.

The proposed amendment to this section adds "within the production area" to the commerce in onions which may be regulated as handling within terms of the order. It excludes only "field-run" onions delivered or sold to a registered handler from the definition of "handle" instead of "onions" as provided in the present order.

A million people or more, according to the record evidence, live in the production area. They comprise an important portion of the consuming public and a substantial market for all onions, including South Texas onions.

The market within the production area should be protected against the sale of off-grade and poor quality onions, the same as markets outside the production area. The practice of selling culls and off-grades within the production area has, according to the record, practically eliminated markets in Texas from receiving good quality Texas onions. Consumers, shippers, and growers alike have been adversely affected since cull onions give only little, if any, satisfaction to consumers, while they depress prices of better quality onions which they displace in the market. In addition, and most important, they return little or nothing to the producer.

During the 1960-61 marketing season, the first period of operation under the present order, shipments of onions out of the production area were regulated as to grade, size, quality and condition. However, shipments within the production area, which comprises 35 counties in South Texas, were not regulated. As a result, culls and other off-grade onions were permitted to move freely within the production area. A "cull" in trade terminology is an onion of inferior quality which falls below the requirements of any grade and is not considered suitable for fresh market use from the standpoint of quality.

With no limitations on movement within the production area, cull onions moved freely in volume from packing houses and fields, from one town to another, and from one district to another. In previous years, shippers as a matter of usual marketing, sold pickouts (onions of inferior quality or size, sorted out of the marketable onions of good quality and size) to truckers. Packing house operators frequently engaged someone to haul the culls away for disposal and these culls would find their way to a trucker who would purchase them for a small amount. Occasionally a grower would have a field of onions which could not make grade because of excessive seed stems or other defects. Sometimes these onions would find their way into normal channels of commerce by being sold to a trucker or someone for a small sum as salvage. Some packing house operators have sold pick-outs and cull onions to truckers as a salvage operation. It generally costs about 20 cents a bag to harvest the onions and haul them to the packing house. If a shipper could salvage a part of that cost by selling the culls to a trucker at a nominal sum of $20 to $25 for a load of about 20,000 pounds, this would salvage part of the cost and save the cost of having the culls hauled away for disposal. However, the grower as a rule gets nothing out of the cull onions.

A trucker, for example, could come into the Valley, obtain a load of off-grade onions, transport them past the Valley check points with the declaration that the onions were being transported to another point within the production area, such as Corpus Christi or Eagle Pass, then take the onions outside the production area and sell them at discount prices. Such sales would be in competition with onions properly graded and packed in accordance with regulations in effect under the order.

Cull onions compete with preferred grades and sizes. They find a place on the market and displace the sale of good quality onions. To sell, they must be discounted. Once they are discounted, lower prices are offered for quality onions. This reflects a lower price to the grower, and the grower generally has never received anything for the culls.

South Texas onions are marketed widely in interstate and foreign commerce and in the State of Texas, including the production area. The chief competition at the start of the season comes from old onions in storage which were grown in the northern states. Some onions are imported from Mexico and Chile and these imports compete with South Texas onions. Also, shipments from southern California and from Arizona begin during the Texas marketing period and they compete directly with South Texas onions.

Modern methods of rapid communication enable onion buyers and sellers to be in close touch with each other. When markets are generally overloaded with onions at the receiving end, prices decline and shipments back up resulting in a temporary surplus at shipping points and a weakening of prices. Also, reductions in supplies at shipping points, due to weather or other conditions, are quickly reflected in receiving markets by a strengthening of prices for onions. Prices at shipping points and at terminal markets tend to be closely related because factors affecting supplies at shipping points are soon known and reflected in prices at terminal markets and the reverse is also true.

Production area onions that are shipped to a market within the production area are sometimes diverted to markets outside the production area. It is not always known at the time of shipment whether the onions will be marketed within the production area or outside thereof. On very short notice a shipper can divert onions moving to a particular market to some other market. Such diversions are common in the onion trade.

Because of the interdependence of markets and the effect on all markets of any shipment or sale of onions, whether for distribution within the production area or outside thereof, it is found that all handling, as described herein, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce. Hence, the right to exercise Federal jurisdiction with respect to handling operations within the production area is established.

The transportation, sale, or delivery of field-run onions to a registered handler in the production area for grading and packing should be excepted from the definition of "handle." Such onions

have not yet been prepared for market nor are they in their existing condition being transported to market. Most sellers and buyers do not consider them as yet suitable or appropriate for commercial transactions in the commodity, and as such, they have not yet entered the stream of commerce. Hence, they should be exempted from regulation at this time.

Field-run onions should also be allowed to move freely between registered handlers, since registered handlers occasionally need additional onions of a special variety or size to fill out an order which they customarily obtain from another handler. Packaged onions are also commonly bought, sold, or traded between registered handlers. Usually such packaged onions will have been inspected and move under a transfer certificate which will identify them as meeting the regulations which are in effect.

It is concluded, therefore, that the definition of "handle" should be amended as hereinafter set forth and that such amendment will tend to effectuate the declared policy of the Act.

(2) "Pack," as defined in the existing order means a quantity of onions in any type of container and which falls within specific weight limits, numerical limits, grade limits, size limits, or any combination of these, recommended by the committee and approved by the Secretary.

"Pack" as commonly used in the onion trade means one or more of these factors in combination with the type and condition of the container. "Container" as commonly used by the onion trade, means bright, clean, attractively printed, open mesh bags. This is taken as a matter of course and so understood, in regular trading in onions, as is the 50-pound net weight, unless otherwise specified. For example, a typical pack would be U.S. No. 1 medium Granos in new open mesh 50-pound sacks, with the name or brand of the shipper prominently displayed on the bag.

Some onions have been packed in used burlap bags and in dirty, misshapen, mesh bags. Also, cabbage sacks and "misprints" have been used at times for onion shipments. A "misprint" is a bag which has been misprinted and is sold at a discount to be inverted prior to filling. Onions packed in bags of this type or condition do not present a good appearance and sell for lower prices than onions packed in new mesh bags.

Bags are generally stretched out of shape by previous use so 56 or 57 pounds of onions may be required to fill them the next time. But if they are not filled to capacity they appear to be short weighted and usually are discounted. Yet, any extra weight is most likely to be a gift from the grower, as settlements with the grower usually are on a pack-out basis. This has the same effect as lowering the price of onions.

Some bags are constructed from material providing poor ventilation resulting in poor delivery condition. Onions so packed are discounted in price, often requiring reconditioning and sale to another buyer rather than the original buyer for an even lower price.

When onions are packed in used or unsuitable containers for sale in normal fresh market channels, they are usually discounted in price. Also, if such onions should reach their destination and be rejected they may eventually be sold at drastically reduced prices which would be reflected back to the grower. Since such selling prices are often reported without a description of the special conditions of the sale they often have a depressing effect on the prices of all production area onions.

The grade, size and quality of production area onions are regulated under this program so that only the better quality and preferred sizes will be offered to the trade. To pack such onions in bags other than standard types or condition containers or otherwise unsuitable containers would be detrimental to the pack and would defeat the objectives of the grade and size regulations. Therefore, it is essential that the committee should have authority to recommend, and the Secretary to issue, regulations in terms of packs and to define and establish such packs in terms of the various factors which make up the definition of pack including types and condition of containers. Such authority is necessary to effectuate the other provisions of the order and § 959.12 *Pack*, should be amended to read as hereinafter set forth.

(3) The proposed amendment to § 959.31, *Alternate members*, would add the following provision to this section: "In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member, his alternate, or the committee (in that order) may designate another alternate from the same district and from the same group (handler or grower) to serve in such member's place and stead."

When both a member and his alternate are unable to attend committee meetings the committee is handicapped in its operations. The best interests of the committee, a district, and the group would be served by allowing any other alternate from the same district and group, i.e., handler or grower, to attend in place of the absent member or his designated alternate. This authority would make it easier for the committee to have a quorum at its meetings and would obviate the waste of time and funds resulting from meetings held without enough members present to make up a quorum.

The privilege of designating an alternate to serve in place of a member or his alternate should first be afforded the member, then his alternate, whose place is being filled. In this way the alternate designated to attend the meeting would more likely express opinions similar to those he is replacing. If, however, there is no opportunity for the member or his alternate to name a replacement, the committee should have the authority to do so, provided the alternate named is from the same district and group as the absentee member.

It is concluded, therefore, that § 959.31, *Alternate members*, should be amended to read as hereinafter set forth.

(4) The proposed amendment to § 959.52 would add a new paragraph (b) (5) to provide authority to "establish holidays by prohibiting the packaging and loading of onions on week-ends or other special periods. Special holidays may not be effective for more than 72 hours and not less than seven days may elapse between the termination of such a holiday and the beginning of the next such holiday."

There are times during the marketing season for South Texas onions when more onions are packed and loaded into cars and trucks than can be sold. Usually, these unsold cars are shipped as "rollers," i.e., cars in transit that have not been sold and which are usually consigned to the shipper. Only a few days of heavy shipments of rollers usually result in glutted markets and depressed prices for production area onions. As a consequence, the market becomes demoralized and onion prices often drop below the cost of production, harvesting, and packing. Without some curtailment of loadings there is little recovery from this condition. Past experience has proven that substantial curtailment of loadings, due to weather conditions or other causes, results in fairly rapid market stabilization. The most practical approach to this problem, according to record evidence, would be the establishment of a "holiday" which would completely stop packaging and loading of onions in the production area for a short period of time. In its practical effect, this would mean that the packing sheds would be shut down. The grading, packaging, and loading of onions would be temporarily discontinued. Such a holiday would, however, permit the movement of onions that were already inspected and billed, and would not stop the harvesting of onions in the field or bringing them to the packing house for storage or to the dryer. Also, selling would be permitted during a holiday since shippers would not want to miss any sales. Holiday periods should provide an opportunity to sell unsold cars already in transit and in the terminal markets.

Holidays could be put into effect when the market is glutted, or on week-ends, so as to eliminate the preparation for market and loading of onions when receivers and other buyers in the terminal markets are not open for business. Most terminal markets now operate on a five day week, while some onion shippers in the production area still operate six or seven days a week. Thus week-end holidays, consisting of one or two days a week, as may be recommended by the committee and approved by the Secretary, would tailor shipments of onions from the production area more closely to the ability of receiving markets to accept marketings at reasonable prices.

A period of 72 hours, exclusive of week-end holidays, is an appropriate limit on packaging and loading holidays. Longer periods are not warranted by record evidence. Although holidays could be for 72 hours maximum, they could be limited to one day, two days, or three days, as the committee may recommend.

A minimum of seven days lapse between holidays, exclusive of week-end holidays, is enough to meet accumulated sales obligations.

Growers and shippers would thereby be allowed time to harvest, pack and ship onions after a holiday period. However, intervals between holidays, other than week-end holidays would normally be longer than seven days, since such holidays would be recommended by the committee only on those occasions necessary to alleviate a temporary glut in the markets.

To protect the interests of each district, the committee should require a greater number of concurring votes to recommend a holiday for relieving glutted markets than the usual number required to approve other committee actions.

It is concluded, therefore, that § 959.52 should be amended by the addition of a new paragraph (b) (5) as hereinafter set forth.

The proposal to provide authority to regulate differently for different markets was not supported at the hearing. It, therefore, can not be made a part of the proposed amendments.

(5) Section 959.54. *Safeguards*, of the present order provides authority for the committee to recommend and the Secretary to issue adequate safeguard rules to prevent shipments for special purposes which may be exempted from regulations pursuant to § 959.53, from entering fresh market channels. Such purposes include (a) relief or charity; (b) experimental purposes; (c) export; and (d) other purposes which may be recommended by the committee and approved by the Secretary.

According to the record evidence, onions used for "(d) other purposes" should include the disposition of packing house pick-outs and other culls which should be kept out of fresh market channels. The committee should have the authority, with the approval of the Secretary, to establish safeguard rules to require that pick-outs and other culls be kept out of fresh market channels. Such rules, for example, could require that culls be disposed of in properly guarded places or that they be rendered unfit for fresh market use by multilation or other appropriate means. The authority in § 959.54 *Safeguards*, as supported by these findings, is concluded as adequate for establishing the necessary safeguards essential to effective administration of the marketing order.

Ruling on proposed findings and conclusions. At the conclusion of the hearing the Presiding Officer fixed December 10, 1961, as the latest day on which briefs must be filed with the Hearing Clerk. No brief was filed, hence no ruling is necessary.

General findings. Upon the basis of evidence introduced at the hearing and the record thereof it is found that:

(1) The marketing agreement and the order, as both are hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to onions produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such onions above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such onions as will be in the public interest;

(2) The marketing agreement and the order, as both are hereby proposed to be amended, regulate the handling of onions grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing order upon which hearings have been held;

(3) The said marketing agreement and the order, as both are hereby proposed to be amended, are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and the order, as both are hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

(5) All handling of onions as defined in this part is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendments to the marketing agreement and order:

The following proposed amendments to the marketing agreement and the order are recommended as the detailed means by which the aforesaid findings and conclusions may be carried out.

1. Amend § 959.7 *Handle* to read as follows:

§ 959.7 Handle.

"Handle" or "ship" means to package, sell, transport, or in any way to place onions in the current of the commerce within the production area or between the production area and any point outside thereof. Such terms shall not include the transportation, sale, or delivery of field-run onions to a person in the production area who is a registered handler.

2. Amend § 959.12 *Pack* to read as follows:

§ 959.12 Pack.

"Pack" means a quantity of onions specified by grade, size, weight, or count, or by type or condition of container, or any combination of these recommended by the committee and approved by the Secretary.

3. Amend § 959.31 *Alternate members* to read as follows:

§ 959.31 Alternate members.

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence or when designated to do so by the member for whom he is an alternate. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or his alternate or the committee (in that order) may designate another alternate from the same district and the same group (handler or grower) to serve in such member's place and stead. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

§ 959.52 [Amendment]

4. Amend § 959.52 *Issuance of regulations* by adding a new subparagraph (5) under paragraph (b) as set forth below:

(5) Establish holidays by prohibiting the packaging and loading of onions on week-ends or other special periods. Special holidays may not be effective for more than 72 hours and not less than seven days may elapse between the termination of such a holiday and the beginning of the next such holiday.

Copies of this notice of recommended decision may be obtained from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or may be there inspected.

Dated: December 29, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-83; Filed, Jan. 4, 1962; 8:45 a.m.]

[7 CFR Part 950]

[Docket No. AO-255-A1]

IRISH POTATOES GROWN IN MAINE

Decision With Respect to Proposed Amendments to Marketing Agreement and Order; and Referendum Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Presque Isle, Maine, on August 4, 1961, pursuant to notice thereof, which was published July 28, 1961, in the FEDERAL REGISTER (26 F.R. 6769), upon proposed amendments to Marketing Agreement

No. 122 and Marketing Order No. 950, regulating the handling of Irish potatoes grown in Maine.

On the basis of the evidence introduced at the aforesaid hearing, and the record thereof, a recommended decision was filed November 21, 1961, with the Hearing Clerk, United States Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exception thereto, was published November 25, 1961, in the FEDERAL REGISTER (26 F.R. 11053).

No exceptions were filed.

Material issues. The material issues presented on the record of hearing are as follows:

(1) The amendment of § 950.7 *Handle or ship* to extend its applicability to shipments of potatoes between points outside the production area;

(2) The addition of a new definition of *Committee* § 950.11 which replaces the current definition § 950.11 *Marketing Committee* and § 950.12 *Administrative Committee;*

(3) The amendment of § 950.17 to redefine *Pack*, and the addition of new definitions § 950.19 *Container*, § 950.20 *Label*, and § 950.21 *Maturity;*

(4) The addition of a new § 950.25 *Establishment and membership* to provide for the establishment of the committee as defined in § 950.11;

(5) The amendment of § 950.31 *Nominations* to require that only one nominee be designated for each committee vacancy and to provide that eligible voters may ballot in a manner they choose in selecting these nominees;

(6) The amendment of § 950.39 *Duties* to reflect the change in committee organization as provided in §§ 950.11 and 950.25;

(7) The amendment of § 950.47 *Refunds* to authorize the establishment of an operating reserve;

(8) The amendment of §§ 950.50 *Marketing policy* and 950.51 *Recommendation for regulations* to provide for proposed changes in § 950.52;

(9) The amendment of § 950.52 *Issuance of regulations* to provide for the issuance of regulations by markets and the authority for labeling and container regulation and to specifically provide authority for maturity regulations;

(10) The amendment of § 950.53 *Modification, suspension, or termination* to provide for modified regulations under this section for potatoes moving to chippers;

(11) The amendment of § 950.65 *Inspection and certification* to require inspection under this section without regulation under §§ 950.52 or 950.53; to provide flexibility in determining the validity period for inspection certificates under this part; to require that evidence of inspection accompany truck shipments, and that containers may be marked to indicate compliance with inspection requirements;

(12) The amendment of § 950.80 *Reports* to more clearly define the types of reports which may be required under this section, to require reports only from those needed, and to establish a definite period for the retention of records under this section.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing in the record thereof, are as follows:

(1) The term "handle" as defined in the present order is synonymous with "ship" and means to sell or transport potatoes or cause the sale or transportation of potatoes within the production area or between the production area and any point outside thereof. When the present order was issued in 1954 this definition included the handler activities common at that time, and was found to be adequate for effective administration.

However, upon the basis of evidence introduced at the hearing on the proposed order it is found that (i) operating experiences indicate the definition should be broadened and clarified to include handling activities performed outside the production area, (ii) Maine potatoes which failed to meet regulations in effect at the time of shipment and which were shipped for special purposes have been diverted to tablestock markets, (iii) under the present definition out-of-production area handlers are not subject to the provisions of the present order, (iv) with the increased importance of processing this practice may be expected to become more common, and (v) unless such potatoes are subject to and meet the requirements of the order they can adversely affect prices received by Maine growers.

Therefore, it is concluded that it is necessary and desirable to expand the definition of "handle" to include handling performed outside the production area under the terms of appropriate rules and regulations which may be recommended by the committee and approved by the Secretary. It is further concluded that such potatoes are in the current of commerce between the production area and their final destination in receiving markets, so certain activities by out-of-production area handlers, which will be specified in the rules and regulations, should be subject to the requirements of the program.

This authority is further necessary in view of the proposed amendments with respect to potatoes for special purposes under the provisions of § 950.53 as hereinafter set forth. Section 950.53 of the proposed order would provide that potatoes for chipping do not necessarily have to be conditioned—i.e., stored under heat—to qualify for special consideration. Testimony at the hearing was to the effect that procedures should be established whereby unconditioned potatoes for chipping but which fail to meet current regulations may be shipped and then conditioned outside of the production area. Unless some authority is retained on such potatoes they could be diverted to tablestock outlets.

Since the present order was originally issued in 1954, potato marketing has changed considerably. New methods of processing and transportation and changes in buying and packing practices have been developed. The manufacture of potato chips, potato flakes, and canning or freezing are examples of either new products or outlets of increased importance. Buyers, brokers, and processors located outside the production area may legitimately buy potatoes for such purposes and then for various reasons they may re-sort such potatoes and sell some in fresh markets or occasionally they will simply divert some shipments directly to the fresh market. Unless such potatoes meet the requirements applicable to potatoes handled within the production area or between the production area and any point outside thereof, they can damage the reputation of the properly graded, sized, and packed Maine potatoes with adverse effects on growers' prices.

Under the present order the shipping point handler can act in good faith and comply with all regulations, but can be in violation if the receiver diverts the potatoes. Under the proposed order persons handling Maine potatoes outside the production area would be subject to the conditions of the order if they handled such potatoes contrary to the appropriate rules and regulations recommended by the committee and issued by the Secretary governing such shipments. The receiver would have to agree to comply with regulations before potatoes could be shipped under special purpose conditions, and, in turn, will be fully informed and appraised of his responsibilities if he diverts and such potatoes so received.

Provisions of the present order are such that the burden of compliance with regulations rests with the handler within the production area. As mentioned above, the shipping point handler may be in violation for reasons beyond his control. Therefore persons performing handler functions outside the production area should, under rules and regulations issued pursuant to § 950.56, bear the responsibility of a handler under the proposed order. Extension of this authority will tend to promote more orderly marketing and effectuate the declared policy of the act.

(2) The definition of "committee" in the proposed order is to identify the administrative agency responsible for assisting in the administration of the program. "Committee" means the Maine Potato Marketing Committee as authorized by the act and which is necessary and incidental to the operation of the proposed order. The new definition replaces the definitions of § 950.10 *Marketing Committee* and § 950.11 *Administrative Committee* in the present order.

(3) "Pack" should be defined as set forth in the proposed order as a means for establishing a method of regulation and as the basis for distinguishing among the various units in which potatoes are prepared for market and shipped. The term "pack" is commonly used throughout the potato trade and refers to a combination of factors including the grade, size, maturity, and variety of the potatoes together with the size and type of container. For example, a common or usual pack for Maine is a "U.S. No. 1, 2½ minimum–3½ maximum, Katahdin variety, in 10-pound 'poly' bags."

The State of Maine Department of Agriculture has established standards for certain "packs" of potatoes specifying the grade, size, type of container, etc. In order to cooperate with this agency the committee should have authority to use these pack specifications and pack designations in recommending pack regulations.

The development of new potato packs is continuous. Consumer size packages continue to gain in popularity. A recently developed 50-pound box contains potatoes which are sized and hand packed. The definition should cover other developments in packing as they occur in the future. The committee should be able to recommend such pack regulations as will permit taking advantage of any practice or innovation which will tend to improve growers' returns. The particular packs which may be handled should be specified by recommendation of the committee, with approval of the Secretary, and thereby permit the tailoring of particular regulations to particular packs.

"Container" should be defined in the proposed order as a basis for differentiating among the numerous shipping units in which potatoes may move to market outlets, since authority to regulate by type of container is included in the proposed order.

"Label" as defined in the proposed order means the same as it does in the common use of the trade, namely, to mark, brand, or otherwise designate on containers the grade or size or both of the potatoes contained therein.

Under the proposed order, authority is specifically included for regulating by "maturity." Maturity is considered in the United States Standards for Potatoes in terms of the development or condition of the outer skin of the potatoes. The term as defined in the proposed order conforms with the concept in the standards, and should be included to provide a basis for the authority to regulate by maturity.

(4) The present order provides for a marketing committee and for an administrative committee. The marketing committee consists of 20 members and 5 alternates. The administrative committee is selected from members and alternates of the marketing committee, and must have three or more members. Under the proposed order, only one committee, the Maine Potato Marketing Committee, will be established with the same membership as the marketing committee in the present order.

The proposed committee would assume all the functions of the administrative committee in the present order. No change is proposed in the selection, qualification and present distribution of membership by districts for the proposed committee over the current methods used for selecting the marketing committee. Members of the present marketing committee would continue as members of the initial committee under the proposed order. An administrative committee could become the initial subcommittee of the committee.

Testimony at the hearing shows that the dual committee arrangement has caused some misunderstanding within the industry. Also, there is a delay between the organization of the Maine Potato Marketing Committee and appointment of the Maine Potato Administrative Committee. The proposed arrangement of a single committee should result in more effective administration of the order.

(5) The proposed order would amend paragraph (c) of § 950.31 *Nominations*, so only one nominee must be submitted to the Secretary for each vacancy on the committee. Testimony shows that there is some confusion upon the part of nominees with respect to the current nomination procedure of submitting two names for each position. Nominees have been confused by the submission of their names for consideration for appointment and cannot understand why they are not appointed after being recommended to the Secretary. Also, some qualified persons do not wish to have their names submitted only for consideration with actual appointment going to another, and for that reason do not allow their names to be submitted for nomination. Since the nominee who receives the highest number of votes has always been selected the present procedure serves no useful purpose and should be amended. Several persons are usually nominated for each position, so the procedure of submitting only one name for appointment would not necessarily limit the Secretary in his selection. Therefore, it is found that the provisions of § 950.31 should be amended accordingly.

(6) In the proposed order § 950.39 *Duties* must reflect changes required by the elimination of the administrative committee and marketing committee in the present order and assignment of their duties to the single committee established in the proposed order. All duties currently assigned the administrative committee would be assigned to the new committee but could be reassigned to a subcommittee. The listed duties have proven satisfactory in the present order and should be continued in the proposed order.

(7) Section 950.44 *Refunds* of the present order provides methods for disposing of any excess funds remaining after each fiscal period's expenses have been met. These methods include the crediting of each handler's account with his share of the refund, or by payment to him if demanded. Authority is also included in the present order to set aside some of the excess funds as a reserve for possible liquidation.

Good business practice requires provision for contingencies. The committee should be authorized to set aside some of the funds remaining at the end of each fiscal year after expenses for the period have been met, to be carried over into following periods in a general reserve to be used for operations and for possible liquidation of the affairs of the committee.

The reserve could be built up over a period of years provided it does not exceed approximately one year's operating expenses. This reserve could be used for several purposes. It could be used to allow the committee to function at the beginning of each season prior to the time assessment income is available; to cover any deficits during a fiscal period in which assessment income falls short of expenses; to pay expenses during any period when any or all of the provisions of the order are suspended or are inoperative; or for other expenses authorized under the proposed order.

A reserve fund would be needed in the event of termination; to pay the expenses of winding up committee affairs. Any balance remaining after liquidation should be prorated, to the extent practical, to the persons from whom such funds were collected.

It is concluded, that the revision of § 950.44, authorizing operating reserve, as hereinafter set forth, should be incorporated in the proposed order.

(8) The proposed order contains additional authority in § 950.52 and § 950.53 for recommending regulations. The sections relating to marketing policy, § 950.50, and recommendation for regulations, § 950.51, incorporate these changes. Testimony was given that a marketing policy statement has been prepared each season since 1954 under the provisions of § 950.50. In the event the proposed order is adopted, the Committee would need to consider any changes in the present regulating authority when making recommendations for regulations. Likewise, under § 950.51, the Committee should have authority to recommend any regulations authorized in §§ 950.52 and 950.53.

(9) The types and methods of limiting shipments are contained in §§ 950.52 and 950.53 of the proposed order. These should include all the types and methods in the present order together with certain additional types of regulations and the further defining of other types of regulations contained in the present order.

The record of hearing shows that in considering regulations for the 1960–61 season, the marketing committee gave consideration to the recommendation of a regulation which would allow the shipment of a pack of U.S. No. 1 potatoes, 2 to 2½ inches in diameter; however, it was found this pack, especially in a closed container, could not be distinguished from the regular Maine pack (U.S. No. 1, 2¼ to 4 inches in diameter) of the past few seasons. Authority contained in the proposed order requiring containers be labeled as to grade and size would not only serve to permit the pack of smaller sizes to stand on their own merit and avoid being substituted for the standard pack, but would have given additional recognition to the standard Maine pack. Although a large volume of Maine shipments are U.S. No. 1 grade, some shipments for special purposes or under exemption procedures are of a lesser grade and labels could be used to advantage in distinguishing between grades of certain packs.

The use of the State of Maine's Blue, White and Red trademark in place of grade and size should be recognized. State of Maine packs such as "Chefs Specials," which in themselves have grade and size requirements which are recognized by the trade should be authorized. When handlers are authorized to use such labels and trade names the committee should have authority to recognize such as meeting labeling requirements.

Authority to require labeling upon committee recommendations; of containers for Maine potatoes and to establish this as a standard trade practice would help to promote orderly marketing in that consumers would know what they are purchasing and the potatoes of each quality and size would sell for what they are worth. If lower grades and less acceptable sizes of potatoes are labeled for what they are, they would not be confused with the better quality and sizes which in turn would not adversely affect prices received by growers for the more acceptable grades and sizes.

Labeling authority in the proposed order is incidental to, not inconsistent with, and necessary to effectuate its grade, size, and quality regulations. Such authority is not inconsistent with the other provisions of the order. Authority in the proposed order should be flexible enough to permit the committee, with approval of the Secretary, after careful study, to issue such labeling regulations as would be beneficial to producers and handlers of production area potatoes. It is concluded that the labeling provision, as hereinafter set forth, should be authorized in the proposed order.

Provision is included in the proposed marketing order authorizing different regulations for different markets. It was testified that this provision is intended to distinguish only between markets within the production area and those outside. Markets within the production area, particularly for certain processing uses, are close to source of supply and could at times be allowed to take different grade and sizes of potatoes than those outside the production area, or could be relieved from grade and size regulations if it may be practical to do so in terms of administering the program and helping to promote orderly marketing. At the same time, it would be impractical to consider distinguishing between terminal markets outside the production area.

The present order authorized pack regulations. It is found that this authority should be continued under the proposed order based upon the testimony and evidence with respect to the new definition of *Pack* (§ 950.16 of the proposed order). It is further found that because various factors of a pack affect the price received therefor, it is necessary to authorize regulations covering each of the factors making up a pack. Each of the factors has an influence on price. Testimony introduced at the hearing showed that if one factor of a pack was contrary to the original contract or order, the shipment was usually subject to an adjustment which in turn was reflected in the price received by the grower. More emphasis is being placed upon proper grading and packing now than when the present order was originally considered in 1954. Unless each element of packs is regulated so as to promote orderly marketing, pack regulations under the proposed order would be ineffective in attaining the objectives of the act.

The proposed order provides for the committee to recommend, and the Secretary to fix, through rules and regulations, the size, weight, capacity, dimensions, or pack of the containers which may be used in the packaging or handling of potatoes. This is not a particularly disturbing problem at the present time, but if malpractices should develop, such as the use of off-size or deceptive containers, or with respect to the net weights of containers, it is necessary that authority should be available for the committee, with the approval of the Secretary, to correct any abuses which may develop and to prohibit the use of undesirable or deceptive containers.

Maturity is a quality factor and, as such, is included within the authority of the present order. Testimony was offered at the hearing that the authority to regulate specifically by maturity, in terms of skinning classifications should be provided in the proposed order for clarity and so that all parties concerned will know that such regulations will be in accordance with the aforementioned standards.

The present order authorized the Committee to recommend and the Secretary to establish such minimum standards of quality and maturity and such grading and inspection requirements during any or all periods when potato prices reach the equivalent parity as will be in the public interest. Such authority should be contained under the proposed order.

(10) Authority is contained in § 950.53 of the present order for the marketing committee to recommend, and the Secretary to provide, for the modification, termination or suspension of regulations on shipments for manufacture or conversion into specified products. Testimony was offered at the hearing that potatoes for chipping be added to the outlets listed in § 950.53. Potatoes used for chipping require special cultural practices and early harvest which tend to increase the cost of growing a crop for chippers when compared to tablestock. Potatoes which will make satisfactory chips, although they may not meet tablestock grades and sizes, may be of greater value to chippers than potatoes which meet tablestock grades and sizes that fail to chip satisfactorily. Therefore, chippers' requirements for potatoes differ from those for the tablestock market, with chippers being less interested in the outside or external appearance of the potato, but look for internal factors or conditions which will make good chips. Shipments for chipping reduce the total supply of potatoes available for shipment from the production area to the domestic fresh market; and therefore, such shipments tend to increase the value of the crop. Therefore it is concluded that shipments of potatoes for chipping should be included in the outlets considered under § 950.53.

(11) Provisions are included in the present order for requiring inspection whenever the shipments are limited under the provisions of §§ 950.45, 950.52, and 950.53. In the proposed order the committee may recommend, and the Secretary may issue, regulations requiring inspection even when no regulations are in effect under the aforementioned sections. Testimony was given that some committee activities and functions are necessary even when regulations are not in effect. Inspection is necessary so assessments as provided in § 950.45 may be levied equitably upon all handlers. Inspection certificates would also provide a method whereby statistical information would be available to the committee to assist in preparation of, or review of, the marketing policy statement. The Maine Branding Law requires that all potatoes be labeled as to grade. Inspection under this section would permit the committee to cooperate with the State agency in the administration of this law.

Under the provisions of the present order, § 950.65 authorizes the committee to recommend, and the Secretary to issue, rules limiting the period for which inspection certificates may be valid. At the hearing, testimony was offered that this section in the proposed order should provide for the establishment of this period differently by types of carriers (truck vs. rail), types of inspection certificates (standard vs. lot), and for special outlets established under § 950.53. Such requirement is reasonable and necessary. The validity time in the past has been based upon the maximum period necessary on truck shipments. Experience has shown that this period may be too short for rail shipments. In the case of warehouse or lot inspections, a time could be fixed which would allow adequate opportunity for the handling of all inspected potatoes, thereby accommodating handlers and truckers. Or under this provision a longer period of validity could be established for inspection certificates issued in the case of chipping potatoes placed in storage for conditioning and then shipped out of storage at some later date. Conditioned potatoes are subject to shriveling and sprouting, due to conditioning, which makes inspection difficult at the time of shipment. Shipments of such potatoes could be handled under the provision of § 950.56 *Safeguards* under which a system of registering handlers of such shipments may be used to facilitate its provisions.

In the proposed order, the provisions of § 950.65 are amended to require handlers shipping potatoes by truck to provide the trucker with a copy of the applicable inspection certificate for such shipment, and for the trucker to surrender such certificate to those enforcement authorities designated by the committee. This provision is necessary to determine that requirements are being met. It was testified that most handlers are following this practice now, so this requirement is practical and should not impose any extra burden upon handlers.

The committee should be authorized to recommend, and the Secretary to require, that all lots of potatoes inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to each container thereof by the handler thereof, under the direction or supervision of the Federal or Federal-State Inspection Service or the committee. Such identification requirements would result in more efficient and effective administration of the program because compliance problems would be minimized. It would supplement and assist in the administration of the order, particularly if labeling requirements authorized in § 950.52 were in effect. The proposed order should contain such authority.

Other provisions of § 950.65 in the present order would continue unchanged in the proposed order.

(12) Testimony at the hearing supported the proposal for amending §950.80 *Reports* to provide that reports may be requested of individual handlers rather than all handlers in the production area. In the event reports are needed from only one handler or small group of handlers, no useful purpose would be served by requesting reports of all handlers in the production area. For example, if a particular section or district was affected by an unusual circumstance, no purpose would be served in requesting reports of the amount of this damage, to assist in preparation of a marketing policy, from all handlers; rather reports from only those handlers affected would be needed. Also, a time limit was established for which handlers must retain records for this part. A period of 2 years following each fiscal period is established as the length of time records should be retained. Paragraph (a) is included to notify handlers of the types of reports which might be requested under this section. Paragraph (b) is included so that handlers will know that information supplied under this section would receive appropriate protection. General provision for these two paragraphs was established in the 1954 hearing record on the present order. The changes contained in the proposed order specify in detail what may be required in the way of reports to make such requirements more readily available and known.

(13) Changes and modifications in drafting some provisions, including changes in reference numbers and cross-references between sections, are necessary to conform the present order with the proposed amendments. These changes are made and the proposed order conforms with them.

General findings. Upon the basis of evidence introduced at the hearing and the record thereof it is found that:

(1) The marketing agreement and the order, as both are hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to potatoes produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) The marketing agreement and the order, as both are hereby proposed to be amended, regulate the handling of potatoes grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing order upon which hearings have been held;

(3) The said marketing agreement and the order, as both are hereby proposed to be amended, are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and the order, as both are hereby proposed to be amended, prescribed, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the production area; and

(5) All handling of potatoes as defined in this part is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Marketing agreement, as amended, and Order, as amended. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Irish Potatoes Grown in Maine" and "Order, as Amended, Regulating the Handling of Irish Potatoes Grown in Maine" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. The aforesaid marketing agreement, as amended, and aforesaid order, as amended, shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the Order, as amended, which will be published with this decision.

Order, as Amended,[1] *Regulating the Handling of Irish Potatoes Grown in Maine*

Sec.
950.0 Findings and determinations.

[1] This order, as amended, shall not become effective unless and until the requirements of §§ 900.14 (7 CFR 900.14) of the rules and practice and procedure governing proceedings to formulate marketing agreements and marketing order have been met.

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AUTHORITY: §§ 950.0 to 950.92, inclusive, issued pursuant to secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 950.0 Findings and determinations.

Findings and determinations hereinafter set forth are supplementary and

in addition to the findings and determinations made in connection with the issuance of the aforesaid order, and all of said previous findings and determinations, are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Presque Isle, Maine, on August 4, 1961, upon proposed amendments to Marketing Agreement No. 122 and Order No. 950 (7 CFR Part 950), regulating the handling of Irish potatoes grown in Maine. Upon the basis of evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to potatoes produced in the production area by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) The said order, as hereby amended, authorizes regulation of the handling of potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities specified in a marketing order upon which a hearing has been held;

(3) The said order, as hereby amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said order, as hereby amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the production area; and

(5) All handling of potatoes grown in the production area, as defined in the order, as amended, is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

Order relative to handling. It is, therefore, ordered, that on and after the effective time hereof, the handling of Irish potatoes grown in the production area as defined herein shall be in conformity to, and in compliance with, the terms and conditions of this order, as amended, and such terms and conditions are as follows:

DEFINITIONS

§ 950.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 950.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 950.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 950.4 Production area.

"Production area" means all territory included within the boundaries of the State of Maine.

§ 950.5 Potatoes.

"Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 950.6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes or causes potatoes to be shipped.

§ 950.7 Ship or handle.

"Ship" or "handle" means to sell or transport potatoes within the production area or between the production area, and any point outside thereof, or between points outside the production area.

§ 950.8 Grading.

"Grading" is synonymous with "preparation for market" and means the sorting or separation of potatoes into grades and sizes for market purposes.

§ 950.9 Grade and size.

"Grade" means any one of the officially established grades of potatoes and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1559 of this title) or amendments thereto, or modification thereof, or variations based thereon:

(b) United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (§§51.-1575 to 51.1587 of this title) or amendments thereto, or modifications thereof, or variations based thereon;

(c) State of Maine Standards for Potatoes issued by the State of Maine Commissioner of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon.

§ 950.10 Producer.

"Producer" means any person engaged in the production of potatoes for market.

§ 950.11 Committee.

"Committee" means the Maine Potato Marketing Committee established pursuant to § 950.25.

§ 950.12 Fiscal period.

"Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 950.13 Varieties.

"Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 950.14 Seed potatoes.

"Seed potatoes" is synonymous with "seed" and means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State of Maine or other seed certification agencies which the Secretary may recognize.

§ 950.15 Table stock potatoes.

"Table stock potatoes" is synonymous with "table stock" and means and includes all potatoes not included within the definition of "seed potatoes."

§ 950.16 Pack.

"Pack" means a quantity of potatoes specified by weight, grade, size, or numerical limits, or by type of container, or any combination of these, recommended by the committee and approved by the Secretary.

§ 950.17 Export.

"Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 950.18 District.

"District" means each one of the geographical divisions of the production area initially established pursuant to § 950.28 or as reestablished pursuant to § 950.29.

§ 950.19 Container.

"Container" means a sack, bag, crate, box, basket, barrel, or bulk load or any other unit used in packaging, transportation, or sale of potatoes.

§ 950.20 Label.

"Label" means to mark, brand, or otherwise designate on containers the grade or size, or both of potatoes therein.

§ 950.21 Maturity.

"Maturity" means the stage of development or condition of the outer skin (epidermis) of the potato determined according to skinning classifications defined by the United States Standards for Potatoes (§§ 51.1540 to 51.1559, inclusive, of this title).

COMMITTEE

§ 950.25 Establishment and membership.

The Maine Potato Marketing Committee, consisting of 20 members, 15 of whom shall be producers and 5 shall be handlers, is hereby established.

§ 950.26 Selection.

Committee members shall be selected on the basis of districts as established in §§ 950.28 or 950.29. From each district, three producers shall be selected as committee members and one producer shall be selected as committee alternate. From each district one handler shall be selected as member and one handler shall be selected as alternate.

§ 950.27 Qualifications for committee membership.

Persons selected as committee members or alternates to represent producers shall be individuals who are producers in the respective district for which selected, or officers or employees of a corporate producer in such district, and such persons shall be residents of the respective district for which selected. Persons selected as committee members or alternates to represent handlers shall be individuals who are handlers in the district for which selected, or officers or employees of a corporate handler, and such persons shall be residents of the district for which selected.

§ 950.28 Districts.

For the purpose of determining the basis for selecting committee members, the following districts of the production area are hereby initially established:

District No. 1. The towns of Hamlin and Cyr, township 17, Range 3, townships 16 and 17, Range 4, townships 14, 15, and 16, Range 5, all townships 14, Ranges 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, and all area north thereof in Aroostook County, in the State of Maine.

District No. 2. The towns of Fort Fairfield, Caribou, Washburn, Wade, Perham, Woodland, Limestone, Caswell, Connor, New Sweden, Westmanland and Stockholm in Aroostook County, in the State of Maine.

District No. 3. The town of Bridgewater, township D, Range 2, all townships 9, ranges 3, 4, and 5, the town of Oxbow, all townships 9, ranges 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, and all area north thereof, not included in Districts 1 and 2, in the State of Maine.

District No. 4. The towns of Orient, Haynesville and Glenwood, township 2, Range 2, the towns of Silver Ridge and Benedicta, all townships 2, ranges 6, 7, 8, west of the east line of the State 9, 10, 11, 12, townships 2, 3, and 4, Range 13, townships 4 and 5, Range 14, all townships 5, ranges 15, 16, 17, 18, 19, and 20, and all area north thereof, not included in Districts 1, 2, and 3, in the State of Maine.

District No. 5. All the remaining counties, towns, and townships in the State of Maine not included in Districts 1, 2, 3, and 4.

§ 950.29 Redistricting.

The committee may recommend, and pursuant thereto, the Secretary may approve, the apportionment of members among districts, and the re-establishment of districts within the production area. In recommending any such changes the committee shall give consideration to: (a) Shifts in potato acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in reapportionment of members within districts may become effective within less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 950.30 Term of office.

(a) The terms of office shall begin as of July 1 and end as of June 30. The term of office of producer members shall be for three years. The term of office of the producer members of the initial committee shall be so determined by the Secretary that one-third shall be for term of one year, one-third for term of two years, and one-third for term of three years. The term of office of alternate producer members and of handler members and alternates shall be for one year. No producer member and no handler member shall serve for more than three consecutive years.

(b) Committee members and alternates shall serve during the term of office for which they have been selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 950.31 Nomination.

The Secretary may select the committee members and alternates from nominations which may be made in the following manner:

(a) The committee shall hold or cause to be held prior to May 1 of each year a meeting or meetings of producers in each district and a meeting or meetings of handlers shall be held in the production area to nominate members and alternates for the committee.

(b) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(c) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee and eligible voters may ballot to indicate the ranking of their choice for each nominee;

(d) Nominations for committee members and alternates, shall be supplied to the Secretary in such manner and form as he may prescribe, not later than June 1 of each year;

(e) Only producers may participate in designating nominees for producer members and alternates and only handlers may participate in designating nominees for handler members and alternates. Each person who is both a producer and a handler may vote either as a producer or as a handler and he may elect the group in which he votes. In the event a person is engaged in producing or in handling potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees;

(f) Regardless of the number of districts in which a person produces or handles potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled from the group in the respective district in which he elects to vote.

§ 950.32 Failure to nominate.

If nominations are not made within the time and in the manner specified in § 950.31, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 950.26 through 950.29, inclusive.

§ 950.33 Acceptance.

Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 950.34 Vacancies.

To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 950.31. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 950.26 through 950.29 inclusive.

§ 950.35 Alternate members.

In the event any member of the committee is unable to attend a meeting of the committee, the alternate, who was selected from the same district and from the same group as the absent member may act in the place and stead of the absent member. In the event of the death, removal, resignation, or disqualification of a member, a qualified alternate shall act for him until a successor of such member is selected and has qualified.

§ 950.36 Procedure.

(a) A majority of the members of the committee from each of at least four districts shall be necessary to constitute a quorum and a majority of concurring votes of the entire membership of such committee will be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

§ 950.37 Expenses and compensation.

Committee members and alternates shall be reimbursed for expenses necessarily incurred by them in the performance of duties and in the exercise of powers under this part. Committee members and alternates may receive compensation for official services rendered in connection with administration of this part and such compensation shall not be in excess of rates recommended by the committee and approved by the Secretary.

§ 950.38 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 950.39 Duties.

It shall be the duty of the committee:

(a) To meet prior to the beginning of the marketing season each year, to organize, to select from among its membership a chairman and such other officers as may be necessary, and to adopt such rules and regulations for the conduct of its business as it may deem advisable.

(b) To prepare a marketing policy;

(c) To recommend marketing regulations to the Secretary;

(d) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege or exemptions, or both;

(e) To establish a subcommittee or subcommittees whose duties, assigned by the committee, may include, but shall not be limited to, any of the following duties of the committee;

(f) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies, and to cooperate, and exchange information, in connection with all proper activities and objectives of such committees under this part.

(g) To act as intermediary between the Secretary and any producer or handler;

(h) To furnish to the Secretary such available information as he may request;

(i) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(j) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, as may be necessary for administration of this part;

(k) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(l) To make available to producers and handlers committee voting records on recommended regulations and on other matters of policy;

(m) At the beginning of each fiscal period, and as may be requested by the Secretary, to prepare a budget of its expenses and a proposed rate or rates of assessment for such fiscal period, together with a report thereon;

(n) To cause the books of the committee to be audited by a competent accountant at least once each year, and at such other time as such committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of such committee for inspection by producers and handlers; and

(o) To investigate an applicant's claim for exemption under § 950.70.

EXPENSES AND ASSESSMENTS

§ 950.43 Expenses.

The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses on the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes under regulation handled by the first handler thereof during a fiscal period and the total quantity of potatoes under regulation handled by all handlers as first handlers thereof during such fiscal period.

§ 950.44 Budget.

As soon as practicable after the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 950.45 Assessments.

(a) The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first ships potatoes shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the agencies' expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied equitably to each pack or unit.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes which were regulated under this part and which were shipped by the first handler thereof during such fiscal period.

§ 950.46 Accounting.

(a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee he shall account for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to such committee activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, agency, or person designated by the Secretary, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other property of the committee during periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 950.47 Refunds.

At the end of each fiscal period, if assessments collected are in excess of expenses incurred such excess shall be accounted for as follows:

(a) Except as provided in paragraphs (b) and (c) of this section, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal period unless such person demands repayment thereof, in which event it shall be paid to him. Refunds need not be paid or credited to any handler with outstanding obligations due the committee until his account is settled.

(b) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operating monetary reserve in an amount not to exceed approximately one fiscal period's operational expenses. Upon approval of the Secretary, funds in such reserve shall be available for use by the committee for all expenses authorized pursuant to § 950.43.

(c) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

REGULATIONS

§ 950.50 Marketing policy.

(a) At the beginning of each season, and as the Secretary may require, the committee shall prepare a marketing policy statement. Such policy statement shall indicate the data on potato supplies and demand on which the committee bases its judgments and recommendations. It shall indicate also the kind or types of regulations contemplated during the ensuing season, and, to the extent practical, shall include recommendations for specific regulations. Notice of such marketing policy shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media, and copies thereof shall be submitted to the Secretary and shall be available generally.

(b) Marketing policy statements relating to recommendations for regulations shall give appropriate consideration to potato supplies for the remainder of the season, with special consideration to:

(1) Estimates of total supplies including grade, size, and quality thereof, in the production area;

(2) Estimates of supplies in competing areas;

(3) Market prices by grades, sizes, containers, and packs;

(4) Estimates of supplies of competing commodities;

(5) Anticipated marketing problems;

(6) Level and trend of consumer income; and

(7) Other relevant factors.

§ 950.51 Recommendations for regulations.

Upon complying with the requirements of § 950.50, the committee may recommend regulations to the Secretary whenever it finds that such regulations as are provided for in this subpart will tend to effectuate the declared policy of the Act.

§ 950.52 Issuance of regulations.

(a) The Secretary shall limit by regulation the handling of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations would tend to effectuate the declared policy of the Act.

(b) Such regulations may:

(1) Limit in any or all portions of the production area, the handling of particular grades, sizes, qualities, maturities, or packs, or any combination thereof, of any or all varieties of tablestock or of seed potatoes, or both, during any period; or

(2) Limit the handling of particular grades, sizes, or qualities, of potatoes differently, for different varieties, for tablestock or seed, for different portions of the production area, for different markets, for different packs, for different sizes and types of containers, or for any combination of the foregoing, during any period;

(3) Require that containers for potatoes handled hereunder shall be labeled to show the grade or size, or both, thereof;

(4) Fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of potatoes, or

(5) Limit the handling of potatoes when parity prices have been established, by establishing and maintaining minimum standards of quality and maturity in terms of grades or sizes.

§ 950.53 Handling for special purposes.

Upon the basis of recommendation and information submitted by the committee, or other available information, the Secretary shall modify, suspend, or terminate regulations issued pursuant to §§ 950.45, 950.52, 950.53, 950.65, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes whenever he finds that it will tend to effectuate the declared policy of the Act;

(a) For grading or storage within the production area;

(b) For planting within the production area;

(c) For export;

(d) For distribution by the Federal Government;

(e) For manufacture or conversion into specified products;

(f) For charitable purposes;

(g) For livestock feed;

(h) For chipping; and

(i) For other purposes which may be specified.

§ 950.54 Minimum quantity regulation.

The committee, with the approval of the Secretary, may establish for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to §§ 950.45, 950.52, 950.53, 950.65, or any combination thereof.

§ 950.55 Notification of regulation.

The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 950.56 Safeguards.

(a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § 950.53 or § 950.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to §§ 950.53 and 950.54;

(2) Handlers shall obtain inspection provided by § 950.65, or pay the pro rata share of expenses provided by § 950.45, or both, in connection with potato shipments affected under the provisions of § 950.53: *Provided*, That such inspection or payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes affected or to be affected under the provisions of §§ 950.53 and 950.54.

(b) The committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that potatoes shipped by him for the purposes stated in §§ 950.53 and 950.54 were handled contrary to the provisions of this part.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 950.65 Inspection and certification.

(a) During any period in which shipments of potatoes are regulated pursuant to §§ 950.45, 950.52, or 950.53, or any combination thereof, or during any period recommended by the committee and approved by the Secretary, no handler shall ship potatoes unless each such shipment is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, except when relieved from such requirements pursuant to § 950.53 or § 950.54, or both.

(b) Regrading, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall ship potatoes after they have been regraded, resorted, repacked, or in any other way further prepared for market, unless each shipment of such potatoes is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(d) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(e) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of potatoes by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated.

(f) Upon recommendation of the committee, and approval of the Secretary, all potatoes inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the container by the handler under rules to be established by the committee.

EXEMPTION

§ 950.70 Policy.

(a) Any producer whose potatoes have been adversely affected by acts beyond his control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 950.52, is prevented from shipping during the season, or a specific portion thereof, as large a proportion of his potato crop as the average proportion shipped or to be shipped during comparable portions of the season by all producers in his immediate area of production, may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

(b) Any handler who has storage holdings of ungraded potatoes acquired during or immediately following the digging season that have been adversely affected by acts beyond the handler's control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 950.52 is prevented from shipping as large a proportion of his storage holdings of ungraded potatoes as the average proportion of ungraded storage holdings shipped by all handlers in said handler's immediate shipping area, may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

§ 950.71 Rules and procedures.

The committee may adopt, with approval of the Secretary, the rules and procedures for handling exemptions. Such rules and procedures should provide for handling applications for exemptions, for issuing certificates of exemption, for committee determinations with respect to areas and averages (as required by § 950.70), and for such other procedures as may be necessary to accomplish policies with respect to exemptions.

§ 950.72 Applications and issuance.

The committee may issue certificates of exemption to any qualified applicant who furnishes adequate evidence to such committee:

(a) That the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation;

(b) That by reason of regulations issued pursuant to § 950.52 in case of an applicant who is a producer, he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate area of production during the season, or a specific portion thereof;

(c) That by reason of regulations issued pursuant to § 950.52, in case of an applicant who is a handler who has storage holdings of ungraded potatoes acquired during or immediately following the digging season, he will be prevented from shipping as large a proportion of such storage holdings as the average proportion of similar storage holdings shipped by all handlers in said applicant's immediate shipping area during the season;

(d) Each certificate shall permit the recipient thereof to ship the potatoes described thereon, and evidence of such certificates shall be made available to subsequent handlers thereof.

§ 950.73 Investigation.

The committee shall be permitted at any time to make a thorough investigation of any applicant's claim pertaining to exemptions.

§ 950.74 Appeals.

If any applicant for exemption certificate is dissatisfied with the determination with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to such committee for a determination on the appeal. The committe shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 950.75 Records.

The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such other information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

MISCELLANEOUS PROVISIONS

§ 950.80 Reports.

(a) Upon the request of the committee with the approval of the Secretary, handlers shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties under this subpart. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the potatoes received, and of potatoes disposed of, by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

§ 950.81 Compliance.

Except as provided in this subpart, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall ship potatoes except in conformity to the provisions of this subpart.

§ 950.82 Right of the Secretary.

The members of the committee (including successors, and alternates), and any agent or employee appointed or employed by such committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval the disapproved action of the said committees shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 950.83 Effective time.

The provisions of this subpart shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 950.84 Termination or suspension.

(a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during the preceding marketing season, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such period produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced at least 30 days prior to the end of the then current fiscal period.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 950.85 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee and of all the funds and property then in the possession of or under control of such committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the joint trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims, have been transferred or delivered by the committee, or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of such committees and upon the said trustees.

§ 950.86 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or any regulation issued pursuant to this subpart or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 950.87 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 950.88 Agents.

The Secretary may, by designation in writing, name any person including any officer or employee of the Government, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 950.89 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 950.90 Personal liability.

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent except for acts of dishonesty.

§ 950.91 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 950.92 Amendments.

Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period from August 1, 1960, through July 31, 1961 (which is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the production area as defined in Section 950.4 of 7 CFR Part 950, in the production of potatoes for market to ascertain whether such producers approve or favor the issuance of the annexed amended order.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176). The ballots used in the referendum shall contain a summary describing the proposed amendments to the order.

R. L. Powers and K. W. Schaible of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture are hereby designated as agents of the Secretary of Agriculture, to conduct such referendum jointly or severally. Such agents may appoint any person or persons to assist them in performing their functions hereunder.

Copies of the text of the aforesaid annexed order may be examined in the office of the Hearing Clerk, Room 112, Administrative Building, United States Department of Agriculture, Washington, D.C., and at those places in the production area announced by the referendum agents.

Ballots to be cast in the referendum and copies of the text of said annexed order may be obtained from any referendum agent or any appointee hereunder.

Dated: December 29, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62–153; Filed, Jan. 4, 1962; 8:53 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 983]

[Docket No. AO 239–A1]

TYPE 62—SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Notice of Hearing With Respect to Proposed Amendment of Marketing Agreement and Order

Correction

In F.R. Doc. 61–12234 appearing at page 12528 of the issue for Wednesday, December 27, 1961, the first line of § 983.12 *Fiscal period* is corrected to read: "'Fiscal period' means the 12-month period".

[7 CFR Part 1047]

[Docket No. AO–33–A25]

MILK IN FORT WAYNE, IND., MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Alsonette Room, Hotel Indiana, Fort Wayne, Indiana, beginning at 10:00 a.m., local time, on February 5, 1962, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Fort Wayne, Indiana, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue

whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Wayne Cooperative Milk Producers, Inc.:

Proposal No. 1. Extend the marketing area by including the counties of Blackford, Jay and Wabash, all in the State of Indiana.

Proposal No. 2. Delete § 1047.51(b) and substitute the following:

(b) *Class II milk price.* The price for Class II milk of 3.5 percent butterfat content shall be the basic formula price, but in no event shall the Class II price exceed a price computed by adding together the plus amounts pursuant to subparagraphs (1), (2) and (3), as follows:

(1) From the Chicago butter price, subtract 3 cents and then multiply by 4.2;

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2; and

(3) Add 5 cents.

Proposals No. 3. Amend § 1047.62 (b) (1) (i) by adding thereto the following proviso:

Provided, That this computed amount shall be reduced for each of the months of April, May and June by an amount equal to 8 percent of the Class I price multiplied by the pounds of milk received from dairy farmers and during each of the months of October, November, and December the computed amount shall be increased by one-third of the total of the preceding deductions.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 4. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Richard J. Connolly, 503 Strauss Building, 809–11 South Calhoun Street, Fort Wayne, Indiana, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on December 29, 1961.

W. E. UNDERHILL,
Acting Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–64; Filed, Jan. 4, 1962; 8:45 a.m.]

[7 CFR Part 1049]

[Docket No. AO–319–A–1]

MILK IN INDIANAPOLIS, IND., MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Gold Room, Washington Hotel, 32 East Washington Street, Indianapolis, Indiana, beginning at 10:00 a.m., local time, on January 30, 1962, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Indianapolis, Indiana, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments set forth below have not received the approval of the Secretary of Agriculture.

Proposed by Central Indiana Dairy Association, Independent Milk Producers Association, Howard County Milk Producers, Inc., Miami Valley Milk Producers Association, Vigo County Milk Producers Association, Danville Producers Dairy and Wayne Cooperative Milk Producers, Inc.:

Proposal No. 1. Amend § 1049.6 by adding the following counties: Vigo, Clay, Owen and Monroe, all in the State of Indiana.

Proposal No. 2. Amend § 1049.12(a) to read as follows:

(a) A distributing plant from which not less than 50 percent of the Grade A milk received at such plant from dairy farmers and other plants is disposed of during the month on routes and not less than 10 percent of such receipts is disposed of on routes in the marketing area: *Provided*, That a pool distributing plant qualified pursuant to this paragraph in each of the immediately preceding months of September through May shall be a pool plant for each of the months of June through August in which it disposes of any milk on routes in the marketing area: *And provided further*, That only those dairy farmers whose milk was received by the handler at his pool plant in each of the three preceding months of March, April and May will be accorded producer status for a plant qualifying under this above proviso.

Proposal No. 3. Amend § 1049.12(b) to read as follows:

(b) A supply plant from which not less than 50 percent of the Grade A milk received at such plant from dairy farmers during the month is shipped as fluid milk products to pool plants qualified pursuant to paragraph (a) of this section: *Provided*, That a pool plant qualified pursuant to this paragraph in each of the immediately preceding months of September through January shall be a pool plant for the months of April through August unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through August during which it would otherwise not qualify as a pool plant: *And provided further*, That a supply plant will not be credited with meeting requirements for pool plant status under this paragraph on shipments to a plant qualified under the second proviso in paragraph (a) of this section.

Proposal No. 4. Amend the second proviso in § 1049.16 by deleting "July" and substituting therefor "September".

Proposal No. 5. Amend § 1049.32(j)(2) by deleting the phrase "the 10th day" and substituting therefor the phrase "the 11th day".

Proposal No. 6. Amend § 1049.35 by deleting the phrase "the 8th day" and substituting therefor the phrase "the 7th day".

Proposal No. 7. Amend § 1049.44(d) to read as follows:

(d) As Class I milk, if transferred or diverted in bulk either in the form of milk or skim milk to a nonpool plant not more than 275 miles from Monument Circle, Indianapolis, Indiana, by the shortest highway distance as determined by the market administrator, or in the form of cream to any nonpool plant unless:

Proposal No. 8. Amend §§ 1049.53(a) and 1049.72(a) by deleting the phrase "70 miles" and substituting therefor the phrase "75 miles".

Proposal No. 9. Amend §§ 1049.53(b) and 1049.72(b) by deleting the phrases "70 miles" and "80 miles" and substituting therefor, respectively, the phrases "75 miles" and "85 miles".

Proposal No. 10. Amend § 1049.70(a)(2) by deleting the phrase "the 15th day" and substituting therefor the phrase "the 17th day".

Proposed by Dean Milk Company:

Proposal No. 11. Amend § 1049.35 by changing the reporting date from the 8th day after the end of the month to the 9th day after the end of the month and making corresponding changes in §§ 1049.32(j)(2) and 1049.70 to extend the date one day and any other sections which may be affected by such date change.

Proposal No. 12. Amend § 1049.44(d) by extending the 150 mile limitation on milk transfers to include plants located at a greater distance and normally receiving milk from regulated plants under Order No. 125.

Proposal No. 13. Amend § 1049.45 so that nonfat milk solids used for fortification purposes be accounted for on an actual weight basis and change other sections to correspond to such amendment.

Proposal No. 14. Amend § 1049.51(b) by changing the Class II price formula to a closer relationship with the South Bend and Fort Wayne price for milk used in the lowest price class.

Proposed by the Beatrice Foods Company:

Proposal No. 15. Amend § 1049.45 by deleting the proviso or as an alternative, classify as Class I only that portion of a fluid milk product to which concentrated nonfat milk solids have been added an amount equal to the actual weight of a similar fluid milk product of the same butterfat content and the difference between the actual weight of the product and the milk equivalent to be classified in the lowest use class.

Proposal No. 16. Amend § 1049.44 by providing in paragraph (d) when either skim milk or butterfat is moved in any form to a nonpool plant fully regulated by another Federal order, that such milk when so moved shall be assigned to the same use class to which it is assigned by the market administrator of the other order.

Proposed by the Thompson Dairy Company, Inc., Thompson Dairy, Inc., Thompson-Glass Dairy Company, Inc., and Bedford Dairy, Inc.:

Proposal No. 17. Amend § 1049.6 by extending the marketing area to include the entire geographical limits of the counties of Bartholomew, Brown, Dearborn, Decatur, Jackson, Jefferson, Jennings, Lawrence, Monroe, Ohio, Ripley, Scott and Switzerland, all in the State of Indiana.

Proposed by Med-O-Bloom Dairy:

Proposal No. 18. Amend § 1049.16 to provide diversion of milk between pool plants.

Proposal No. 19. Amend §§ 1049.41 and 1049.45 to provide Class II classification of skim milk used for fortification.

Proposal No. 20. Amend § 1049.51(a) by changing $1.25 to $1.20.

Proposal No. 21. Delete § 1049.53(a).

Proposal No. 22. Amend § 1049.51 and any other necessary sections to provide a lower price for skim milk and butterfat classified under § 1049.41(b)(3).

Proposed by East Side Jersey Dairy, Inc.:

Proposal No. 23. Delete §§ 1049.53 and 1049.72, relating to location differentials.

Proposal No. 24. Amend § 1049.45, relating to reconstituted nonfat solids, by classifying into two groups, (a) fortification and (b) reconstitution, only the pounds of nonfat solids to be accounted for in Class I.

Proposal No. 25. Amend § 1049.16 to provide unlimited diversion to nonpool plants.

Proposal No. 26. Amend § 1049.78 by changing "4 cents" to "2 cents".

Proposed by The Kroger Company:

Proposal No. 27. Reconsider the shrinkage allowance provided for in § 1049.42.

Proposed by the Milk Foundation of Indianapolis, Inc.:

Proposal No. 28. Delete § 1049.21.

Proposal No. 29. Delete § 1049.41 and substitute the following:

Subject to the conditions set forth in § 1049.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products except those classified pursuant to paragraph (b) (2), (3) and (4) of this section, except that fluid milk products that are fortified with nonfat solids shall be Class I in an amount equal only to the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content, and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce eggnog, milk shake mix and sour cream;

(2) Disposed of for livestock feed;

(3) Dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(4) Contained in that portion of "fortified" fluid milk products not classified as Class I pursuant to paragraph (a)(1) of this section;

(5) Disposed of in fluid milk products delivered in bulk to and used at commercial food establishments devoted exclusively to the manufacture of bakery products, candy, or processed foods packaged in hermetically sealed containers;

(6) In inventory of fluid milk products on hand at the end of the month; and

(7) In shrinkage allocated to producer milk that is not in excess of 2 percent of the receipts of skim milk and butterfat, respectively, in producer milk, plus 1.5 percent of receipts of skim milk and butterfat, respectively, received in bulk tank lots from pool plants, less 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk tank lots to pool plants.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce a product other than a fluid milk product or a Class II product.

Proposal No. 30. Amend § 1049.51 by adding thereto the following:

(c) *Class III price.* The price for Class III milk shall be the Minnesota-Wisconsin average price per hundredweight for manufacturing grade milk f.o.b. plants, less 15 cents per hundredweight.

Proposal No. 31. Amend § 1049.52 by adding thereto the following:

(c) *Class III price.* Multiply the butter price for the month by 0.113.

Proposal No. 32. Delete § 1049.53(a).

Proposal No. 33. Delete § 1049.72(s).

Proposal No. 34. Amend § 1049.78 by substituting one and one-half cents per hundredweight, where 4 cents per hundredweight now appears.

Proposed by Frazier's Dairy:

Proposal No. 35. Amend § 1049.41(b)(5) by changing 0.5 percent and 1.5 percent, respectively, wherever such percentages appear and inserting 1.0 percent and 2.0 percent, respectively.

Proposal No. 36. Amend § 1049.45 by adding to the last sentence the following: When such powder or product is used for fortifying it will be charged for at actual pounds used.

Proposal No. 37. Delete § 1049.50(a).

Proposal No. 38. Delete § 1049.51(b) and substitute:

(b) The Class II price shall be the manufacturing price for 3.5 percent milk in the Minnesota-Wisconsin area.

Proposal No. 39. Amend § 1049.41 by adding a Class III utilization to cover the surplus skim milk and butterfat diverted to a nonpool plant during April, May, June and July.

Proposal No. 40. Amend § 1049.51 by adding a new paragraph (c) as follows:

(c) The price for Class III milk shall be the Minnesota-Wisconsin area manufacturing cost for 3.5 percent milk reduced by 30 cents per hundredweight.

Proposed by Miller Dairy Division, Miller Corporation:

Proposal No. 41. Amend § 1049.32 to provide audit of handlers' records at regular intervals so that at no time will a handler's records be over four months in arrears.

Proposal No. 42. Extend the marketing area to include the counties of Union, Franklin, Ripley and Decatur, all in the State of Indiana.

Proposed by Wayne Dairy Products, Inc.:

Proposal No. 43. Extend the marketing area to include the following additional counties: Randolph, Union, Franklin and Decatur, all in the State of Indiana.

Proposal No. 44. Amend § 1049.8 to read as follows:

"Producer" means an approved dairy farmer whose milk is received at a pool plant pursuant to § 1049.16.

Proposal No. 45. Amend the first proviso under § 1049.16 as follows:

Provided, That milk diverted from an approved plant to a pool plant or a nonpool plant, etc.

Proposal No. 46. Amend § 1049.17 to read as follows:

"Producer milk" means approved milk received at a pool plant pursuant to § 1049.16.

Proposed by Sutter's Dairy Products, Inc.:

Proposal No. 47. Amend § 1049.6 to include all the territory within the boundaries of Miami and Wabash Counties, Indiana.

Proposal No. 48. Amend §§ 1049.53(a) and 1049.72(a) by changing the limits of the price zone from 70 miles to 110 miles.

Proposal No. 49. Amend § 1049.16 to permit diversion between handlers.

Proposal No. 50. Amend § 1049.41 (b)(5) to permit the maximum allowable shrinkage on fluid milk products received in the plant which are either processed or changed in form.

Proposed by Johnson Creamery Company:

Proposal No. 51. Amend § 1049.6 to include all the territory within the boundaries of Greene, Lawrence and Monroe Counties, Indiana.

Proposed by the Miami Valley Milk Producers Association:

Proposal No. 52. Amend § 1049.12 to provide pool plant standards for a plant which is a distributing plant during a portion of the qualifying period and a supply plant during the remainder of such period.

Proposed by Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 53. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Wendell M. Costello, 5130 North Brouse Street, Indianapolis 5, Indiana, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., December 29, 1961.

W. E. UNDERHILL,
Acting Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-85; Filed, Jan. 4, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 202]

VALIDITY OF CERTAIN FOREIGN PASSPORTS

Under the provisions of section 212(a)(26) of the Immigration and Nationality Act, a nonimmigrant alien who makes application for a visa or for admission into the United States is required to be in possession of a passport which is valid for a minimum period of six months from the date of expiration of the initial period of his admission into the United States or his contemplated initial period of stay authorizing him to return to the country from which he came or to proceed to and enter some other country during such period. By reason of the foregoing requirement, certain foreign governments have entered into agreements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign-issuing authority for a period of six months beyond the expiration date specified in the passport. These agreements have the effect of extending the validity period of the foreign passport an additional six months notwithstanding the expiration date indicated in the passport. Notice is hereby given that the following foreign governments have concluded such an agreement with the Government of the United States:

Australia.
Austria (Reisepass only).
Bahamas (see United Kingdom).
Belgium.
Bolivia.
Brazil.
Cambodia.
Canada.
Ceylon.
Chile.
Colombia.
Cuba.
Cyprus.
Dominican Republic.
Ecuador.
Ethiopia.
Finland.
France.
Germany (Reisepass and Kinderausweis).
Greece (issued in Greece only).
Guatemala.
Guinea.
Honduras.
Iceland.
India.
Ireland.
Israel.
Korea.
Laos.
Lebanon.
Luxembourg.
Malagasy Republic.
Malaya.
Mexico.
Monaco.
The Netherlands.
Pakistan.
Peru.
Philippines.
Portugal.
Spain.
Switzerland.
United Arab Republic.
United Kingdom of Great Britain and Northern Ireland (including Jersey and Guernsey and its dependencies) and the Bahamas.
Venezuela.

In addition, travel documents issued by the Government of the Trust Territory of the Pacific Islands are considered to be valid for the return of the bearer to the Trust Territory for a period of six months beyond the expiration date specified therein.

This notice supersedes Public Notice 195 of September 21, 1961 (26 F.R. 9092).

Dated: December 22, 1961.

SALVATORE A. BONTEMPO,
Administrator, Bureau of Security and Consular Affairs.

[F.R. Doc. 62-138; Filed, Jan. 4, 1962; 8:51 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

LAMBERTUS HARDENBERG AND ESTATE OF PAUL NOTHMANN

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Lambertus Hardenberg, Administrator of the Estate of Paul Nothmann, deceased, Amsterdam, Holland; Vesting Order No. 17742; Claim No. 66938; $1,158.60 in the Treasury of the United States.

Executed at Washington, D.C., on December 28, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F.R. Doc. 62-151; Filed, Jan. 4, 1962; 8:52 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13055]

SEATTLE-FAIRBANKS FARE INVESTIGATION

Notice of Hearing

In the matter of reduced fares between Seattle, Washington, and Fairbanks, Alaska, proposed by Pan American World Airways, Inc.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on January 25, 1962, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C. before the undersigned examiner.

For further information concerning the issues involved and other details of this proceeding, interested persons are referred to Board Order E-17551, dated October 6, 1961, and the Report of Prehearing Conference in this matter served on December 6, 1961, each of which documents is on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 2, 1962.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 62-154; Filed, Jan. 4, 1962; 8:53 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Correction

The Organization, Functions, and Delegations of Authority of the Agricultural Marketing Service (26 F.R. 9758) is corrected as follows:

1. In section 5(c)(1) change the words "Export Grade and Plum Act" to read "Export Grape and Plum Act."

2. Also in section 5(c)(1) delete the phrase "section 8e of the act of August 24, 1935, as amended."

Issued at Washington, D.C., this 28th day of December 1961.

S. R. SMITH,
Administrator.

[F.R. Doc. 62-79; Filed, Jan. 4, 1962; 8:45 a.m.]

FOREIGN-TRADE ZONES BOARD

FOREIGN-TRADE ZONE NO. 5, SEATTLE, WASH.

Extension of Time for Permanent Relocation

Mr. H. M. Burke, General Manager, Port of Seattle, Seattle, Washington, as representative of the zone grantee, on October 27, 1961, advised the Foreign-Trade Zones Board of their inability to accomplish the permanent relocation of Foreign-Trade Zone No. 5 by the date established in Memorandum Order, dated June 2, 1960, and requests an extension of time to June 30, 1963.

The Committee of Alternates has reviewed the circumstances in this case and unanimously recommend that the request for an extension of time from December 31, 1961, to June 30, 1963, be granted.

Upon consideration the Board concurs in the Committee's recommendation and hereby adopts the following resolution: The Foreign-Trade Zones Board, after consideration of the request from the Port of Seattle Commission, Grantee, Foreign-Trade Zone No. 5 for an extension of time from December 31, 1961, to June 30, 1963, to permanently relocate the zone, approves the request.

The Executive Secretary of the Foreign-Trade Zones Board is directed to incorporate this Memorandum, the letters from the Assistant Secretary of the Treasury A. Gilmore Flues, dated December 18, 1961, and Colonel Carl H. Bronn, Department of the Army, dated December 8, 1961, approving the foregoing Resolution in the official records of the Foreign-Trade Zones Board. The Executive Secretary will publish the foregoing resolution in the FEDERAL REGISTER.

Dated: December 27, 1961.

LUTHER H. HODGES,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

[F.R. Doc. 62-113; Filed, Jan. 4, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

PLAN FOR STANDARD INSTRUMENT DEPARTURES

Revision

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, of the Federal Aviation Agency plan for the establishment and use of Standard Instrument Departures (SIDs).

A. A Standard Instrument Departure is a means of simplifying air traffic control clearances and relay and delivery procedures, and presents such air traffic control clearance to the pilot in pictorial and/or narrative form.

B. The Agency plans to establish Standard Instrument Departures at:

1. Civil airports for the most frequently-used departure routes, if their establishment would be advantageous to both the users and air traffic control and if the Standard Instrument Departure will materially reduce the verbiage of an air traffic control clearance; and

2. Military airports for the most frequently-used departure routes, regardless of the simplicity or complexity of the air traffic control clearance.

C. Application of the Standard Instrument Departure program will be limited to those flights where the pilots file in a proposed instrument flight plan a request for a specific Standard Instrument Departure or any Standard Instrument Departure available for the airport of departure.

D. The filing of a specific Standard Instrument Departure or any Standard Instrument Departure for the airport of departure in a proposed instrument flight plan or any request by the pilot, prior to take-off, for a specific or any Standard Instrument Departure will be considered by the Agency as a statement by the pilot that he is familiar with, and has available, the necessary charts and/or narrative of all the Standard Instrument Departures pertinent to his operation from the airport of departure.

E. Participation in this program is voluntary on the part of the pilot. However, an accepted SID must be complied with as provided in Civil Air Regulations, § 60.21 (14 CFR 60.21).

Issued in Washington, D.C., December 28, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 62-97; Filed, Jan. 4, 1962; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14268; File No. BP-14864; FCC 61M-2011]

CROSBY COUNTY BROADCASTING CO.

Order Continuing Hearing

In re application of Darrell Willis, W. R. Bentley, Phil Crenshaw, Galen O. Gilbert, and Lew D'Ella d/b as Crosby County Broadcasting Co., Ralls, Texas; for construction permit.

The Hearing Examiner having under consideration a request, filed December 22, 1961, on behalf of the Commission's Broadcast Bureau, that because of other commitments petitioner desires to change the hearing now scheduled for January 16, 1962, to January 30, 1962, as well as change the date for exchange of exhibits from January 5, 1962, to January 19, 1962;

It appearing that good cause exists why said petition should be granted and counsel for Crosby County Broadcasting Co., the only other party to the proceeding, has consented to grant of the instant request;

Accordingly, *It is ordered*, This 29th day of December, 1961, that the hearing now scheduled for January 16, 1962, be and the same is hereby rescheduled for January 30, 1962, at 10:00 a.m., in the Commission's offices, Washington, D.C., and *It is further ordered*, That the exchange of exhibits now scheduled for January 5, 1962, shall be accomplished on or before January 19, 1962.

Released: December 29, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-90; Filed, Jan. 4, 1962; 8:46 a.m.]

[Docket Nos. 14455, 14456; File Nos. BL-6187, BP-14110; FCC 61M-2013]

JEFFERSON RADIO CO. (WIXI) AND VOICE OF THE MID SOUTH

Order Scheduling Hearing

In re applications of W. D. Frink, tr/as Jefferson Radio Company (WIXI), for license to cover construction permit BP-10672 authorizing a new standard broadcast station at Irondale, Alabama; Fred H. Davis and W. D. Frink, d/b as Voice of the Mid South, for construction permit to build a new standard broadcast station at Centreville, Alabama.

It is ordered, This 28th day of December, 1961, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 28, 1962, in Washington, D.C.; and, *It is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, January 26, 1962.

Released: December 29, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-91; Filed, Jan. 4, 1962; 8:46 a.m.]

[Docket Nos. 14411, 14412; File Nos. BP-14116, BP-15073; FCC 61M-2012]

LaFIESTA BROADCASTING CO. AND MID-CITIES BROADCASTING CORP.

Order Continuing Hearing Conference

In re applications of J. R. Earnest and John A. Flache, d/b as LaFiesta Broadcasting Company, Lubbock, Texas, Mid-Cities Broadcasting Corporation, Lubbock, Texas, for construction permits.

The Acting Chief Hearing Examiner, in the absence of the Hearing Examiner, having under consideration a petition on behalf of LaFiesta Broadcasting Company, filed December 27, 1961, requesting that the prehearing conference in the proceeding be rescheduled from January 3, 1962 to January 11, 1962;

It appearing that good cause exists why the said petition should be granted and the other parties to the proceeding have consented to a continuance along with a waiver of Section 1.43 of the Commission's Rules to permit immediate consideration of the instant pleading;

Accordingly, *It is ordered*, This 29th day of December, 1961, that the prehearing conference now scheduled in the proceeding for January 3, 1962, be and the same is hereby rescheduled to January 11, 1962, at 9:00 a.m., in the Commission's offices, Washington, D.C

Released: December 29, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-92; Filed, Jan. 4, 1962; 8:46 a.m.]

[Docket Nos. 14394 etc.; File Nos. BPCT-2944 etc.; FCC 61-1511]

FLOWER CITY TELEVISION CORP. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: Flower City Television Corporation, Rochester, New York, Docket No. 14394, File No. BPCT-2929; Genesee Valley Television Co., Inc., Rochester, New York, Docket No. 14395, File No. BPCT-2944; for construction permits for new television broadcast stations.

In re applications of: Rochester Area Educational Television Association, Inc., Rochester, New York, Docket No. 14459, File No. BPCT-2943; Star Television, Inc., Rochester, New York, Docket No. 14460, File No. BPCT-2948; Community Broadcasting, Inc., Rochester, New York, Docket No. 14461, File No. BPCT-2953; Heritage Radio and Television Broadcasting Company, Rochester, New York, Docket No. 14462, File No. BPCT-2961; Ivy Broadcasting Company, Inc., Rochester, New York, Docket No. 14463, File No. BPCT-2963; Main Broadcast Company, Inc., Rochester, New York, Docket No. 14464, File No. BPCT-2964; Federal Broadcasting System, Inc., Rochester, New York, Docket No. 14465, File No. BPCT-2966; Citizen's Television Corporation, Rochester, New York, Docket No. 14466, File No. BPCT-2967; Rochester Broadcasting Corporation, Rochester, New York, Docket No. 14467, File No. BPCT-2972; Rochester Telecasters, Inc., Rochester, New York, Docket No. 14468, File No. BPCT-2974; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of December, 1961;

The Commission having under consideration the applications Rochester Area Educational Television Association, Inc. (BPCT-2943), Star Television, Inc. (BPCT-2948), Community Broadcasting, Inc. (BPCT-2953), Heritage Radio and Television Broadcasting Co. (BPCT-2961), Ivy Broadcasting Company, Inc. (BPCT-2963), Main Broadcasting Company, Inc. (BPCT-2964), Federal Broadcasting System, Inc. (BPCT-2966), Citizen's Television Corporation (BPCT-2967), Rochester Broadcasting Corporation (BPCT-2972), Rochester Telecasters, Inc. (BPCT-2974), captioned above, each requesting a construction permit for a new television broadcast station to operate on Channel 13 in Rochester, New York; and

It appearing, that on November 21, 1961, the Commission designated for hearing two applications (BPCT-2929 and BPCT-2944), each requesting a construction permit for Channel 13 in Rochester, New York (FCC-61-1367, Docket Nos. 14394 and 14395); and

It further appearing, that the above-captioned applications (BPCT-2943, 2948, 2953, 2961, 2963, 2964, 2966, 2967, 2972, 2974), were on file on November 20, 1961, the day preceding the date on which the prior applications were designated for hearing, and are mutually exclusive and entitled to comparative consideration therewith; and

It further appearing, that the above-captioned applications propose antenna locations in the vicinity of the antennas of Standard Broadcast Stations WBBF, WVET, WHEC, and WSAY; that the installation and operation of the television antennas as proposed are possible and feasible without adversely affecting the ability of the Station WBBF, WVET, WHEC, and WSAY to operate in accordance with the terms of their licenses, but that appropriate proof thereof should be submitted after installation of any of the proposed antennas; and that a grant, if made, of any of the above-captioned applications should be subject to the condition in this respect as follows:

The construction authorized herein is subject to the condition that the ability of Standard Broadcast Stations WBBF, WVET, WHEC, and WSAY to operate in accordance with the terms of their licenses shall not be adversely affected thereby, particularly with respect to their radiation patterns, and that at least five field intensity measurements on each radial established during the last proof of performance for each of these standard broadcast stations shall be submitted with the television application for license to prove that such patterns have not been materially affected.

It further appearing, that Rochester Area Educational Television Association, Inc., and Rochester Telecasters, Inc., propose a share-time operation; and

It further appearing, that the above-captioned applications are mutually exclusive with the exception that the applications of Rochester Area Educational Television Association, Inc., and Rochester Telecasters, Inc., are complementary and mutually contingent and considered together are mutually exclusive with the other applications; and

It further appearing, that the following matters are to be considered in connection with the issues specified below:

(a) The proposal of Star Television, Inc. (BPCT-2948).

Based on information contained in the application, it appears that cash in the approximate amount of $981,000 will be required for construction and initial operation of the proposed station. It appears that construction and operation will be financed, in part, by means of a line of credit from the Central Trust Bank in the amount of $1,000,000. This loan is subject to the condition that the applicant has paid in capital and loans by stockholders of not less than $600,000. This condition has not been met and, therefore, it cannot be determined that Star Television, Inc., is financially qualified.

(b) The proposal of Ivy Broadcasting Company, Inc. (BPCT-2963).

1. The applicant has pending an application (BPCT-2949) for a construction permit for a new television broadcast station to operate on Channel 9 in Syracuse, New York. In the event both applications were to be granted, it appears that substantial overlap would result. Under such circumstances and assuming a grant of the Syracuse application, it appears appropriate to consider the size, extent and location of the areas served and to be served; the extent of the overlap involved; the number of persons served; the number of persons residing within the overlap area; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present, with particular reference to the particular need of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that the overlap involved will not be in contravention of § 3.636(a)(1) of the Commission's rules.

2. Based on information contained in the application, it appears that cash in the approximate amount of $1,310,000 will be required for construction and initial operation of the proposed station. Applicant proposes to finance the costs of construction and operation by means of a bank loan of $1,000,000 and existing capital of $75,000. With respect to existing capital, the applicant's balance sheet shows that current assets exceed current liabilities by only $10,000. In addition, it appears that current liabilities are understated since Commission records show that the current portion of long term debts has not been included as a current liability. Moreover, the applicant has pending an application (BPCT-2949) for a permit to construct a television broadcast station on Channel 9 in Syracuse, New York and in connection therewith proposes the use of existing capital for financing the cost of construction and initial operation. In view of the foregoing, it cannot be determined that Ivy Broadcasting, Inc., is financially qualified to construct and operate the proposed station.

(c) The proposal of Main Broadcasting Company, Inc. (BPCT-2964).

1. Based on information contained in the application, it appears that cash in the approximate amount of $570,000 will be required for construction and initial operation of the proposed station. The applicant proposes to finance the construction and initial operation by means of a bank loan of $500,000 and stock subscriptions of $100,000 from the four stockholders. The balance sheets submitted for the stockholders do not disclose current and liquid assets in excess of current liabilities sufficient in amount to meet their commitments. Consequently, it cannot be determined that applicant is financially qualified to construct and operate the proposed television broadcast station.

2. The electrical center and gain for the type antenna proposed do not correspond with data filed with the Commission by the manufacturer. It is necessary, therefore, to determine the correct antenna gain and/or electrical center of the proposed antenna.

(d) Federal Broadcasting System, Inc. (BPCT-2966).

It appears that the site elevation figure utilized in determining the antenna height above average terrain and the

antenna height above sea level and the heights affected thereby is in error.

It further appearing, that upon due consideration of the above-captioned applications (BPCT–2943, 2948, 2953, 2961, 2963, 2964, 2966, 2967, 2972, and 2974), the Commission finds that Rochester Area Educational Television Association, Inc., is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; that Star Television, Inc. is legally and technically qualified to construct, own and operate the proposed television broadcast station and is otherwise qualified except with respect to issue "1" below; that Community Broadcasting, Inc. is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; that Heritage Radio and Television Broadcasting Company is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; that Ivy Broadcasting Company, Inc., is legally and technically qualified to construct, own and operate the proposed television broadcast station and is otherwise qualified except with respect to issues "2" and "3" below; that Main Broadcast Company, Inc., is legally qualified to construct, own and operate the proposed television broadcast station, is technically so qualified except with respect to issue "4" below and is otherwise qualified except with respect to issue "5" below; that Federal Broadcasting System, Inc., is legally and financially qualified to construct, own and operate the proposed television broadcast station and is technically and otherwise qualified except with respect to issue "6" below; that Citizen's Television Corporation is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; that Rochester Broadcasting Corporation is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; and that Rochester Telecasters, Inc. is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station.

It is ordered, That pursuant to section 309(3) of the Communications Act of 1934, as amended, the above-captioned applications (BPCT–2943, 2948, 2953, 2961, 2963, 2964, 2966, 2967, 2972, and 2974) are designated for hearing and consolidated into the pending proceeding in Docket Nos. 14394 and 14395 upon the following issues:

1. To determine whether Star Television, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine whether Ivy Broadcasting Company, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

3. To determine, assuming a grant of Ivy Broadcasting Company's application (BPCT–2949) for Channel 9, Syracuse, New York, whether a grant of the subject application would contravene the provisions of Section 3.636 of the Commission's Rules.

4. To determine the correct antenna gain and/or electrical center of the antenna proposed by Main Broadcasting Company, Inc.

5. To determine whether Main Broadcasting Company, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

6. To determine the exact elevation above mean sea level of the antenna site proposed by Federal Broadcasting System, Inc., and other elevations that would be affected thereby.

7. To determine on a comparative basis which of the mutually exclusive operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in light of the significant differences among the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television station.

(c) The programming service proposed in each of the above-captioned applications.

8. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That issues "7" and "8" of this order shall supersede the issues specified in the Commission's Order of November 15, 1961 (FCC 61–1367), in Docket Nos. 14394 and 14395.

It is further ordered, That the time and place of the consolidated hearing will be specified in a subsequent order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein and the applicants previously designated for hearing in Docket Nos. 14394 and 14395 shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

Released: January 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–155; Filed, Jan. 4, 1962; 8:53 a.m.]

[Docket Nos. 14407 etc.; File Nos. BPCT–2928 etc.; FCC 61–1510]

GRAND BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: Grand Broadcasting Company, Grand Rapids, Michigan, Docket No. 14407, File No. BPCT–2928; Atlas Broadcasting Company, Grand Rapids, Michigan, Docket No. 14408, File No. BPCT–2950; for construction permit for new television broadcast station.

In re applications of: West Michigan Telecasters, Inc., Grand Rapids, Michigan, Docket No. 14469, File No. BPCT–2956; MKO Broadcasting Corporation, Grand Rapids, Michigan, Docket No. 14470, File No. BPCT–2959; Major Television Company, Grand Rapids, Michigan, Docket No. 14471, File No. BPCT–2960; Peninsular Broadcasting Company, Grand Rapids, Michigan, Docket No. 14472, File No. BPCT–2962; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of December 1961;

The Commission having under consideration the applications of West Michigan Telecasters, Inc. (BPCT–2956); MKO Broadcasting Corporation (BPCT–2959); Major Television Company (BPCT–2960); and Peninsular Broadcasting Company (BPCT–2962), captioned above, each requesting a construction permit for a new television broadcast station to operate on Channel 13 in Grand Rapids, Michigan; and

It appearing, that on November 21, 1961, the Commission designated for hearing two applications (BPCT–2928 and BPCT–2950) each requesting a construction permit for Channel 13 in Grand Rapids, Michigan (FCC 61–1399, Docket Nos. 14407 and 14408); and

It further appearing, that the above-captioned applications (BPCT–2956, BPCT–2959, BPCT 2960 and BPCT–2962) were on file on November 20, 1961, the day preceding the date on which the prior applications were designated for hearing, and are mutually exclusive and entitled to comparative consideration therewith; and

It further appearing, that the following matters are to be considered in connection with the issues specified below:

(a) The proposal of West Michigan Telecasters, Inc. (BPCT–2956).

(1) Cash in the approximate amount of $656,000 will be required for down payment on the equipment, for buildings, miscellaneous items and for initial working capital. The applicant proposes to finance the construction and initial operation by means of a bank loan of $250,000, stock subscriptions of $340,000, and existing capital of $24,114; total $614,114. It appears that applicant has not shown the availability of sufficient funds for construction and initial operation. Consequently, the Commission cannot make the finding that West Michigan Telecasters, Inc. is financially qualified.

(2) No determination has yet been made as to whether the proposed antenna system and site may constitute a menace to air navigation.

(b) The proposal of MKO Broadcasting Corporation (BPCT–2959).

(1) It appears that cash in the amount of $794,000 will be required for down payment on equipment, land, transmitter buildings, miscellaneous and initial working capital. It also appears that additional funds will be needed for the studio building in an amount which the Commission is unable to determine. The applicant proposes to finance the construction and initial operation from existing capital of $13,500, stock subscriptions of $121,500, bank loan of $600,000, and debentures in the amount of $500,000. The subscribers to the stock and debentures, with the exception of Ivor F. Johnson, John S. Vanderplow, and John W. Bertsch, have failed to comply with the requirements of Section III, Page 2, Paragraph (d), FCC Form 301, in that the assets relied upon are not described in sufficient detail. Therefore, it cannot be determined that they have sufficient funds with which to meet their commitments. It cannot be determined that $13,500 in existing capital is available since there are offsetting liabilities in the approximate amount of $10,000. It cannot be determined that the bank loan of $600,000 is available to applicant since it has not been shown how the conditions of the loan are to be met. Consequently, the Commission cannot make the finding that the applicant is financially qualified.

(2) No determination has yet been made as to whether the proposed antenna system and site may constitute a menace to air navigation.

(c) The proposal of Major Television Company (BPCT–2960).

No determination has yet been made as to whether the proposed antenna system and site may constitute a menace to air navigation.

(d) The proposal of Peninsular Broadcasting Company (BPCT–2962).

(1) Cash in the approximate amount of $828,000 will be required for down payment on equipment, land, buildings, miscellaneous and for initial working capital. The applicant proposes to finance the construction and initial operation by a bank loan of $175,000, existing capital of $76,000, stock subscription of $304,000, and loans by major stockholders of $275,000. However, Fred J. Barr, William K. McInerney and John D. Loeks have not shown sufficient funds in compliance with Section III, Page 2, Paragraph (d) of FCC Form 301, to meet their commitments. Consequently, the Commission cannot make the finding that the applicant is financially qualified.

(2) No determination has yet been made as to whether the proposed antenna system and site may constitute a menace to air navigation.

It further appearing, that upon due consideration of the above-captioned applications (BPCT–2956, 2959, 2960, and 2962), the Commission finds that West Michigan Telecasters, Inc., is legally qualified to construct, own and operate the proposed television broadcast station, and is technically so qualified except with respect to issue "2" specified below, and is otherwise qualified except with respect to issue "1" below; that MKO Broadcasting Corporation is legally qualified to construct, own and operate the proposed television broadcast station, and is technically so qualified except with respect to issue "4" specified below, and is otherwise qualified except with respect to issue "3" below; that Major Television Company is legally and financially qualified to construct, own and operate the proposed television broadcast station, and is technically so qualified except with respect to issue "5" below; and that Peninsular Broadcasting Company is legally qualified to construct, own and operate the proposed television broadcast station, and is technically so qualified except with respect to issue "7" below, and is otherwise qualified except with respect to issue "6" below.

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing and consolidated into the pending proceeding in Docket Nos. 14407 and 14408, upon the following issues:

1. To determine whether West Michigan Telecasters, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine whether there is a reasonable possibility that the tower height and location proposed by West Michigan Telecasters, Inc., would constitute a menace to air navigation.

3. To determine whether MKO Broadcasting Corporation is financially qualified to construct, own and operate the proposed television broadcast station.

4. To determine whether there is a reasonable possibility that the tower height and location proposed by MKO Broadcasting Corporation would constitute a menace to air navigation.

5. To determine whether there is a reasonable possibility that the tower height and location proposed by Major Television Company would constitute a menace to air navigation.

6. To determine whether Peninsular Broadcasting Company is financially qualified to construct, own and operate the proposed television broadcast station.

7. To determine whether there is a reasonable possibility that the tower height and location proposed by Peninsular Broadcasting Company would constitute a menace to air navigation.

8. To determine, on a comparative basis, which of the proposed operations would better serve the public interest, convenience and necessity in light of the significant differences among the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming service proposed in each of the above-mentioned applications.

9. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

It is further ordered, That Issues "8" and "9" of this Order shall supersede Issues "5" and "6" specified in the Commission's Order of November 21, 1961 (FCC 61–1399), in Docket Nos. 14407 and 14408.

It is further ordered, That the time and place of the consolidated hearing will be specified in a subsequent Order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That the Federal Aviation Agency is hereby made a party to the proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the applicants herein and the applicants previously designated for hearing in Docket Nos. 14407 and 14408 shall pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually, or, if feasible, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

Released: January 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–156; Filed, Jan. 4, 1962; 8:53 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 954 (Sub-2)]

INVESTIGATION OF INCREASED RATES ON SUGAR, REFINED OR TURBINATED, IN BAGS IN ATLANTIC/GULF PUERTO RICO TRADE

Notice of Supplemental Order

On December 14, 1961, the Federal Maritime Commission entered the following First Supplemental Order to the original order in this proceeding dated December 7, 1961:

It appearing, that there is currently pending in this proceeding an investigation of an increase in rates on Sugar, refined or turbinated, in bags from Puerto Rico ports to Atlantic and Gulf ports, which said rates have been suspended and are now to become effective on April 8, 1962; and

It further appearing, that on November 15, 1961, A. H. Bull Steamship Co. filed with the Federal Maritime Commission (Commission) a tariff schedule designated Fifth Revised Page No. 27 to Homeward Freight Tariff No. 1, FMB–F No. 2, to become effective December 16, 1961, which said schedule published increased commodity rates on Sugar, refined or turbinated, in bags; and

It further appearing, that protests have been received petitioning the Commission to suspend said increased rates; and

It further appearing, that upon consideration of said rates and protests thereto, there is reason to believe that said rates would, if permitted to become effective, result in rates which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the Commission is of the opinion that the new rates on sugar, refined or turbinated, in bags named in said schedule should be made the subject of a public investigation and hearing to determine whether they are just, reasonable, and otherwise lawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the effective date of the said rates should be suspended pending such investigation;

Now therefore it is ordered, That this proceeding be, and it hereby is, expanded to include, in addition to the matters now under investigation, an investigation into and concerning the lawfulness of the increased rates on sugar, refined or turbinated, in bags named in the said schedule, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That said rates be, and they are hereby, suspended and that the use of the said rates, be, and they are hereby, deferred to and including April 17, 1962, unless otherwise authorized by the Commission, and that the rates heretofore in effect, and which were to be changed by the suspended rates, shall remain in effect during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That there shall be filed immediately with the Commission by A. H. Bull Steamship Co. a consecutively numbered supplement to the aforesaid tariff schedule which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid rates are suspended and may not be used until the 18th day of April 1962, unless otherwise authorized by the Commission, and that the rates heretofore in effect, and which were to be changed by the suspended rates, shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be determined and announced by the Chief Examiner, to receive evidence in this proceeding, which will provide an adequate record for proper disposition of the issues and that an initial decision be issued; (II) A. H. Bull Steamship Co., be and it is hereby made respondent in this proceeding; (III) a copy of this order shall forthwith be served upon the protestants, the A. H. Bull Steamship Co., and all others heretofore named respondents hereto; (IV) the said respondents and protestants be duly notified of the time and place of the hearing ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

By order of the Federal Martime Commission.

Dated: December 29, 1961.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–94; Filed, Jan. 4, 1962; 8:47 a.m.]

[Docket No. 954]

INVESTIGATION OF RATES AND PRACTICES IN ATLANTIC-GULF/PUERTO RICO TRADE

Notice of Supplemental Order

On December 18, 1961, the Federal Maritime Commission entered the following Tenth Supplemental Order to the Original Order in this proceeding dated July 17, 1961:

It appearing, that there is currently pending an investigation into and a hearing concerning certain reduced rates and practices from Atlantic and Gulf Coast ports of the United States to ports in the Commonwealth of Puerto Rico which became effective on July 6, 1961, and on various dates thereafter; and

It further appearing, that A. H. Bull Steamship Company, Inc. (Bull), has been named a respondent in this proceeding; and

It further appearing, that on October 4, 1961, Bull filed with the Federal Maritime Commission (Commission) a new tariff page setting forth a new rule which provides for increased rates and charges and a change in regulations and practices affecting such rates and charges, the said rule to become effective November 6, 1961, and being designated as follows:

A. H. Bull Steamship Co., Outward Freight Tariff No. 1, FMB–F No. 1, 2d revised page No. 20, item 2;
and

It further appearing, that the Federal Maritime Commission by Ninth Supplemental Order in Docket No. 954 dated November 2, 1961, suspended the operation of the above designated schedule and deferred the use thereof to and including March 5, 1962, unless otherwise authorized by the Commission; and

It further appearing, that the Commission having found good cause therefor has on November 27, 1961, granted Bull special permission to cancel such schedule on not less than one day's notice under special permission No. 3957 and pursuant thereto, such schedule has been properly cancelled;

Now therefore, it is ordered, That the Ninth Supplemental Order in Docket No. 954 be, and is hereby vacated; and

It is further ordered, That copies of this order shall be filed with said tariff schedules in the Bureau of Domestic Regulation, Federal Maritime Commission; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents and protestants herein; and that this order be published in the FEDERAL REGISTER.

By order of the Federal Maritime Commission.

Dated: December 29, 1961.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–95; Filed, Jan. 4, 1962; 8:47 a.m.]

[Docket No. 960]

HAWAIIAN RATES; SECOND GENERAL INCREASE (1961)

Notice of Amendment to Second Supplemental Order

On December 14, 1961, the Federal Maritime Commission issued the following amendment to the Second Supplemental Order in this proceeding dated November 30, 1961:

It appearing, that by Second Supplemental Order in Docket 960 dated November 30, 1961, the Commission instituted an investigation into the lawfulness of certain recently filed rate increases of the Atlantic and Gulf/Hawaii Conference, Walter R. Greiner, Agent, and suspended said increases; and

It further appearing, that certain changes should be made in said supplemental order;

Now therefore it is ordered, That the Commission's Second Supplemental Order in Docket No. 960 dated November 30, 1961 be, and it is hereby, amended as follows: The second appearing clause in said supplemental order, which currently reads:

It further appearing, that there has been filed with the Federal Maritime Commission a new tariff schedule to which American President Lines, Ltd., Isthmian Lines, Inc., Lykes Bros. Steamship Company, Inc. (Lykes Oriental Line), Matson Navigation Company, United States Lines Company (American Pioneer Line), and Waterman Steamship Corporation are parties, naming increases in freight rates from Atlantic and Gulf ports to ports in Hawaii to become effective on December 20, 1961, designated as Atlantic and Gulf/Hawaii Conference, Walter R. Greiner, Agent, Freight Tariff No. 15, FMB–F No. 22; and is hereby deleted and the following paragraph substituted therefor:

It further appearing, that there has been filed with the Federal Maritime Commission a new tariff schedule to which American President Lines, Ltd., Isthmian Lines, Inc., Lykes Bros. Steamship Company, Inc. (Lykes Oriental Line), Matson Navigation Company, United States Lines Company (American Pioneer Line), and Waterman Steamship Corporation are parties, naming increases in freight rates from Atlantic and Gulf ports to ports in Hawaii to become effective on December 20, 1961, designated as Atlantic and Gulf/Hawaii Conference, Walter R. Greiner, Agent, Freight Tariff No. 15, FMC–F No. 22; and

It is further ordered, That said supplemental order, as so modified, remain in full force and effect as issued; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents, protestants, and interveners herein, and that this order be published in the FEDERAL REGISTER.

Dated: December 29, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–96; Filed, Jan. 4, 1962; 8:47 a.m.]

[Docket No. 965]

PACIFIC COAST TERMINALS

Investigation of and Proposed Rules Relating to Practices in Granting Free Time and Collecting Wharf Demurrage and Storage Charges

Notice is hereby given that on December 14, 1961 the Federal Maritime Commission entered the following order:

It appearing, that, except for the requirements of the orders outstanding as a result of Docket No. 555 (2 U.S.M.C. 588 and 709), (1) the water terminals on the United States Pacific Coast may be granting free time of such length as to be prejudicial, unjust, and unreasonable within the meaning of sections 16 and 17 of the Shipping Act, 1916, as amended; (2) said terminals may be assessing and collecting wharf demurrage and storage charges so low as to be prejudicial, unjust, unreasonable, preferential or disadvantageous within the meaning of sections 16 and 17 of the Shipping Act, 1916, as amended: (3) there appears to be no uniformity among the practices and rates relating to free time, wharf demurrage, and storage among the aforesaid terminals; and (4) in order for just and reasonable practices, as required by section 17 of the Shipping Act, 1916, as amended, to exist at the aforesaid terminals it may be necessary that uniform rules for all terminals be established;

It further appearing, that, in order that just and reasonable regulations and practices may prevail at said Pacific Ports the Commission should promulgate rules requiring that all terminal operators at all Pacific Coast Ports establish practices, regulations and rates which:

(1) Permit no more than 10 days free time to any and all commodities, without regard to their nature and without regard to whether they are being exported from or imported into the United States or being transported in the interstate commerce of the United States;

(2) Charge rates for wharf demurrage and/or storage which do not discriminate unfairly among or between commodities and which exact charges bearing a fair relation to the cost of the service provided;

(3) Permit the waiver of the aforesaid 10 days free storage rule and charges for wharf demurrage and/or storage only upon the special permission of the Federal Maritime Commission for good cause shown and only in the instance of specific and individual cargo movements; and

(4) Prohibit (a) making or giving any undue or unreasonable preference or advantage to any particular person, locality, or description of traffic in any respect whatsoever, and (b) subjecting any particular person, locality, or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Now, therefore, it is ordered, That pursuant to sections 16, 17, 22, and 43 of the Shipping Act, 1916, as amended, there is hereby instituted an investigation to determine the necessity and advisability of promulgating rules requiring that persons (including common carriers by water) carrying on the business of furnishing wharfage, dock, warehouse, or other terminal facilities at Pacific Coast ports establish practices, regulations, and rates as aforesaid; and

It is further ordered, That, all interested persons, including but not limited to the persons named in Appendix A below, may submit written data, views, and arguments relative to the advisability and propriety of the promulgation of rules such as the aforesaid. All arguments and views should be supported by written data and/or statements of act. Requests for opportunity to present evidence and argument at a public hearing will be given due consideration by the Commission provided such requests are accompanied by a written summary of the facts intended to be proved at such public hearing if it is held. All views, data, arguments, and requests for hearing submitted in accordance herewith should be forwarded to the Federal Maritime Commission, Washington, D.C., and, to be entitled to consideration, must be received no later than 60 days from the publication of this order and notice in the FEDERAL REGISTER.

It is further ordered, That, a copy of this order shall be served upon all persons named in Appendix A below.

It is further ordered, That, a copy of the order shall be published in the FEDERAL REGISTER.

By the Commission.

Dated: January 2, 1962.

THOMAS LISI,
Secretary.

APPENDIX A

Kopper Co., Inc., 55 New Montgomery, Wilmington, Calif.
Los Angeles Harbor Grain Terminal, 914 San Clemente Avenue, Wilmington, Calif.
Encinal Terminals, Foot of Jay Street, Alameda, Calif.
Board of Harbor Commissioners, Oxnard Harbor District, P.O. Box 297, Port Hueneme, Calif.
Wagon Wheel Lumber Co., Hueneme, Calif.
Wholesale Forest Product Co., Hueneme, Calif.
Board of Harbor Commissioners, Port of Long Beach, 925 Harbor Plaza, P.O. Box 570, Long Beach, Calif.
Crown Zellerbach Building Products, One Bush Street, San Francisco 19, Calif.
Board of Harbor Commissioners, Los Angeles Harbor, City of Los Angeles, Room 1300, City Hall, Los Angeles 12, Calif.
J. H. Baxter & Co., 3450 Wilshire Boulevard, Los Angeles, Calif.
Diablo Seaway Terminals, 211 Berrellesa Street, Martinez, Calif.
West Coast Checkerboard Elevator Co., 2201 East Seventh Street, Oakland, Calif.
Howard Terminals, 95 Market Street, Oakland 4, Calif.
Board of Port Commissioners, Port of Oakland, Grove Street Pier, Oakland 7, Calif.
Oakland Dock and Warehouse Co., 1401 Middle Harbor Road, Oakland 20, Calif.
Board of Port Commissioners, Port of Redwood City, Redwood City, Calif.
Board of Harbor Commissioners, Port of San Diego, 1365 North Harbor Drive, San Diego 1, Calif.
San Francisco Port Authority, Ferry Building, Room 16, San Francisco 6, Calif.
Port of San Francisco Grain Terminal, Piers 90–92, San Francisco 24, Calif.
Pacific Vegetable Oil Corp., 62 Townsend Street, San Francisco, Calif.

Port of Stockton, P.O. Box 2089, Stockton, Calif.
Stockton Elevators, P.O. Box 1566, Stockton, Calif.
Lumber Terminal, Inc., 601 South Seaside, Terminal Island, Calif.
Consolidated Lumber Co., 1446 East Anaham, Wilmington, Calif.
Port of Grays Harbor, P.O. Box 100, Aberdeen, Wash.
Anacortes Port Commission, P.O. Box 280, Anacortes, Wash.
Port of Astoria Commission, Astoria, Oreg.
Port of Bandon Commission, Bandon, Oreg.
Bellingham Port Commission, P.O. Drawer 643, Bellingham, Wash.
Port of Camas—Washougal, P.O. Box 1017, Camas, Wash.
Central Dock Co., P.O. Box 148, 1116 North Front Street, Coos Bay, Oreg.
Everett Port Commission, Pier 1, Port of Everett, Everett, Wash.
Port of Longview Commission, Foot of Oregon Way, Longview, Wash.
Yaquina Bay Dock & Dredge Co., Inc., P.O. Box 245, Newport, Oreg.
Port of Olympia Commission, P.O. Box 827, Olympia, Wash.
Commission of Public Docks, City of Portland, 9630 NW. Front Avenue, Portland 10, Oreg.
Albina Dock Co., Foot of North Russell Street, Portland, Oreg.
Port of Willapa Harbor, Raymond, Wash.
Matson Terminals, Inc., Pier 48, Seattle 4, Wash.
American Mail Line, Ltd., 740 Stuart Building, Seattle, Wash.
Puget Sound Terminal, Inc., Pier 62, Seattle 1, Wash.
Alaska Terminal and Stevedoring Co., Pier 42, Seattle, Wash.
Arlington Dock, Inc., Pier 56, Seattle, Wash.
Canadian Pacific Railway Co., 515 White—Henry—Stuart Building, Seattle, Wash.
Olympia Steamship Co., Inc., 1000 Second Avenue, Seattle, Wash.
Port of Seattle, P.O. Box 1209, Seattle, Wash.
General Hardwood Co., Milwaukee Waterway, Tacoma, Wash.
Port of Tacoma, East 11th Street, Tacoma, Wash.
Tacoma Stevedore and Terminal Co., 7 North Dock Street, Tacoma, Wash.
Balfour, Guthrie and Co., Ltd., Milwaukee Ocean Dock No. 2, Tacoma, Wash.
Port of Vancouver Public Terminals, P.O. Box 570, Vancouver, Wash.
Salmon Terminals, Pier 24, North, Seattle 4, Wash.

[F.R. Doc. 62-150; Filed, Jan. 4, 1962; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-43]

ATLANTIC SEABOARD CORP.

Notice of Application

DECEMBER 28, 1961.

Take notice that on August 22, 1961, as supplemented on October 17, 1961, Atlantic Seaboard Corporation (Applicant), P.O. Box 1273, Charleston 25, West Virginia, filed in Docket No. CP62-43 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing (1) the construction and operation of approximately 40.3 miles of 30-inch gas transmission pipeline extending in a northeasterly direction from Applicant's 26-inch pipelines at Leesburg Gate, Loudoun County, Virginia, to a point of interconnection with Applicant's 20-inch and 26-inch pipelines at Linden Church, Howard County, Maryland, and (2) installation and operation of an additional 1320 horsepower at Applicant's Lost River Compressor Station, Hardy County, West Virgina, by the turbocharging of six existing compressor units from 1100 h.p. to 1320 h.p. each, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The application states that the estimated peak day gas requirements for the 1962-1963 winter season will increase approximately 45,800 Mcf over and above the estimated peak day gas requirements for the 1961-1962 winter season and that the proposed transmission facilities are necessary to provide sufficient transmission capacity to meet such increased requirements.

The application further states that Applicant's proposed 30-inch gas transmission pipeline is necessary in that it will permit Applicant to remove any additional pipeline operations from the urban area surrounding Washington, D.C.

Applicant does not propose to increase its present contract demand from United Fuel Gas Company, its principal source of supply.

The estimated cost of the proposed facilities is $5,476,000 which would be financed by The Columbia Gas System, Inc., Applicant's parent.

Protests, requests for hearing or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 22, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-105; Filed, Jan. 4, 1962; 8:47 a.m.]

[Docket No. G-19115 etc.]

HASSIE HUNT TRUST ET AL.

Order Denying Rehearing and Fixing Date for Hearing

DECEMBER 28, 1961.

Hassie Hunt Trust, Operator, et al., Docket No. G-19115; H. L. Hunt, Operator, et al., Docket No. G-19116; Hunt Oil Company, Docket No. G-19117; William Herbert Hunt Trust Estate, Operator, Docket No. G-19118; Lamar Hunt Trust Estate, Docket No. G-19119; George W. Graham, Inc., Operator, et al., Docket No. G-19123; Placid Oil Company, Operator, et al., Docket Nos. G-19124, G-19125.

On December 1, 1961, Placid Oil Company filed an Application for Rehearing of our Order Granting Intervention, Setting Aside Certificates and Issuing Temporary Authorizations, issued November 2, 1961, and Hassie Hunt Trust, H. L. Hunt, Hunt Oil Company, William Herbert Hunt Trust Estate, Lamar Hunt Trust Estate, and George W. Graham, Inc., filed an Application for Rehearing and Reconsideration of said order.[1] Petitioners allege that the Commission erred in vacating the certificate of public convenience and necessity theretofore issued to them in the above-listed dockets, that it erred in vacating the certificates without full hearing, that the Commission has no authority to issue temporary authorizations for the period during which service may be continued without permanent certificates outstanding, that the refund provision set forth in the aforesaid order was improper, and that we have no authority to order the filing of a copy of said order with Petitioners' rate schedules.

We have considered Petitioners' arguments, and find no reason to grant rehearing or to reconsider our order.

On November 24, 1961, the Public Service Commission of the State of New York filed, pursuant to ordering paragraph (B) of the aforesaid order a statement setting forth its position on the issues involved and its position thereon. In view of said position, and in order that the public interest be adequately served, we deem it necessary that a hearing be held concerning the applications in the above-listed dockets in order that it may be determined whether or not the public convenience and necessity require that permanent certificates should issue to Petitioners upon the terms and at the price sought.

On June 15, 1961, the Court of Appeals for the District of Columbia Circuit reversed our denial of intervention to the New York Commission and ordered that the instant cases be "remanded for such further proceedings as are not inconsistent with this opinion." Public Service Commission of New York v. F.P.C., 295 F. 2d 140, 144. In view of prior judicial determinations, we have taken in this proceeding the only action we could have taken to protect the right of the New York Commission to intervene in this case.

Petitioners argue that we should not have vacated the certificates, that they had become final because no appeal had been taken from them and that the court had no power to rule upon the effectiveness of the certificates. Petitioners ignore the fact that the New York Commission had sought to intervene to protect its rights, that the intervention had been denied, and that an appeal from said denial was pending before the courts at the time certificates were issued to Petitioners. Petitioners were undoubtedly aware of these facts, or should have been. The denial of intervention was reversed. To allow the certificates now to become final, in derogation of the New York Commission's right to intervene, would thwart completely the judgment of the Court. This we cannot do. In a similar case, Public Service Commission of New York v. F.P.C., 284 F. 2d 220, the same Court of Appeals made this clear when it stated:

> If a person has applied for intervention in a proceeding and been denied intervention, and has validly brought the order of denial to this court for review, the administrative agency cannot destroy the jurisdiction of this court by simply taking final action in the proceeding, the would-be intervenor being absent from that proceeding. Such a holding would create too ready a means by which the administrative agencies could thwart the power of a reviewing court to pass upon the validity of orders denying intervention. Such applicants for intervention have a right to judicial review of such denials.
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> If it be decided • • • that the order denying intervention was in error and that the New York Commission should have been allowed to intervene in the opening stages of the proceeding before the Federal Commission, it will follow that the proceeding before the Commission would have to be reopened to permit the New York Commission to become a full participant in the proceeding and to present whatever evidence and argument it might choose to present.

In view of this clear pronouncement, it is plain that the proceedings should be reopened so that the New York Commission may have its day in court and an opportunity to contest the initial prices sought by Petitioners. U.S. v. Seatrain Lines, Inc., 329 U.S. 424 and other cases cited by Petitioners are inapposite.

Nor are we foreclosed from the issuance of temporary certificates in cases of this kind. Once service in interstate commerce has been initiated, it must be continued unless permission to abandon has been received from the Commission under section 7(b) of the Natural Gas Act. In view of the requirement that we vacate the permanent certificates under the Court's order, as set forth above, and that we hold further hearings to determine the Petitioners' applications for certificates of public convenience and necessity, we found it necessary to issue temporary authorizations in order to maintain adequate service to Natural Gas Pipeline Company of America. This may be done without notice or hearing under the authority granted us in sections 7 and 16 of the Act.

The Commission's order provided for possible refunds in the event Petitioners failed to justify the price sought in the certificates. The power of the Commission to impose conditions upon certificates of public convenience and necessity has been held to extend to temporary certificates. Sunray Mid-Continent Oil Co. v. F.P.C., 270 F. 2d 404; Texaco Inc. v. F.P.C., 290 F. 2d 149; J. M. Huber Corp. v. F.P.C., — F. 2d — (Sept. 14, 1961). In ordering that refunds be made for revenues collected in excess of the amount computed at the rate determined to be required by the public convenience and necessity, we believe that we have "protected all interests pending [final] determination" The Pure Oil Co. v. F.P.C., — F. 2d — (July 7, 1961) of the application for permanent authority.

Petitioners further contend that we have no authority to order that a copy of our November 2, 1961, order be filed as part of their applicable rate schedules. Section 16 of the Natural Gas Act gives us the power to perform all acts necessary to carry out the provisions of that Act. We have ample authority to require that the rate schedule under which an independent producer will be collecting revenues be on file with us and that it truly represent the terms and conditions under which said revenues are being collected. We have accomplished this by requiring that the aforesaid order be filed as part of the Petitioners' rate schedules.

The Commission finds:

(1) The applications for rehearing and reconsideration filed by Petitioners set forth no new facts or legal considerations which were not fully considered by the Commission prior to the issuance of our order of November 2, 1961, or which have now been considered warrant the modification of said order.

(2) It is necessary and proper that a hearing be held in the above consolidated dockets to determine whether certificates of public convenience and necessity should issue to Petitioners on the terms and at the price sought.

The Commission orders:

(A) The applications for rehearing filed by Petitioners be and they hereby are denied.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and regulations thereunder and the rules of practice and procedure of the Commission, a hearing will be held commencing March 28, 1962, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented in the applications filed by Petitioners in the above-listed dockets.

(C) Any person heretofore permitted to intervene in the above-listed dockets shall be considered an intervenor in the reopened matter. Further protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 28, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-106; Filed, Jan. 4, 1962; 8:47 a.m.]

[Docket Nos. RI62-243, RI62-247]

SHELL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund

DECEMBER 28, 1961.

Shell Oil Company (Operator), et al., Docket No. RI62-243; Shell Oil Company, Docket No. RI62-247.

On November 29, 1961, Shell Oil Company (Shell)[1] tendered for filing proposed changes in rates for sales of natural gas subject to the jurisdiction of the Commission. These changes represent increases from 15.5017 cents[2] to 15.55987 cents per Mcf[3] to El Paso Natural Gas Company. The filings, designated Supplement No. 9 to Shell's FPC Gas Rate Schedule No. 33, Supplement No. 5 to Shell's FPC Gas Rate Schedule No. 40 and Supplement No. 5 to Shell's FPC Gas Rate Schedule No. 95, from the producing areas of Langmat Field, Tubb-Blinebry Field, and Bagley Field, respectively, in Lea County, New Mexico, reflect annual increases of $10, $65, and $20, respectively. Shell requests an effective date of December 30, 1961.

Concurrently with the above filings Shell Oil Company (Operator), et al.[4], tendered for filing Supplement No. 10 to its FPC Gas Rate Schedule No. 34 and Supplement No. 16 to its FPC Gas Rate Schedule No. 41, reflecting increases of the amounts described above to El Paso Natural Gas Company.[4] These increases relate to sales from the Langmat and Tubb-Blinebry, et al. Fields, Lea County, New Mexico, and represent annual increases of $182 and $2,011, respectively. The requested effective date is December 30, 1961.

The subject rate changes result from increase in tax reimbursement provided for by Shell's contract of sale, which Shell, however, did not file at the time of tendering its renegotiated rate changes currently in effect subject to refund in Docket No. RI61-475. The subject increases are, therefore, being suspended for one day.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notice from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated rate supplements is hereby suspended and the use thereof deferred until December 31, 1961, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That said supplements shall become effective sub-

[1] All parties are hereinafter referred to as Petitioners.

[1] 50 West 50th Street, New York 20, N.Y.

[2] Rate in effect subject to refund in Docket No. RI61-475.

[3] The pressure base is 14.65 psia.

[4] The rate presently in effect under Schedule No. 34 is subject to refund in Docket No. RI61-477 and the rate presently in effect under Rate Schedule No. 41 is subject to refund in Docket No. RI61-476.

ject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order Shell shall execute and file under the appropriate above-designated docket numbers with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless Shell is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before February 1, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-107; Filed, Jan. 4, 1962; 8:48 a.m.]

[Docket No. E-7019]

SOUTHERN CALIFORNIA EDISON CO.

Order Providing for Hearing and Suspension of Proposed Rate Schedule Change

DECEMBER 28, 1961.

Southern California Edison Company (Edison) on December 1, 1961, tendered for filing pursuant to section 205 of the Federal Power Act, a proposed change in rate schedule to supersede as of January 1, 1962, Edison's Rate Schedule FPC No. 1, as supplemented.[1] The proffered superseding rate schedule designated as Edison's Rate Schedule FPC No. 2, would increase Edison's rates and charges for wholesale electric service to the City of Colton, California, by an estimated $130,892 based upon Edison's 1960 deliveries of power and energy to the City of Colton. For the twelve-month period ending December 31, 1960, Edison furnished 27,211,200 kwh to the City of Colton. Based upon the schedule of rates and charges reflected in Edison's Rate Schedule FPC No. 1, the total charges to the City of Colton would be $215,817 and under the proposed increased rates and charges would be $346,709.[2]

The proposed rate schedule change and increased rates and charges may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Unless suspended by order of the Commission, Edison's Rate Schedule FPC No. 2 will become effective pursuant to the provisions of the Federal Power Act on January 1, 1962. Examination of that rate schedule and other data currently before the Commission indicates that the rates and charges embodied in Rate Schedule FPC No. 2 inter alia may produce an excessive return upon Edison's net investment properly allocated as a rate base to its service to the City of Colton; may reflect averaging of plant balances upon an improper basis for test year rate base purposes; may reflect improper inclusion in Edison's net investment rate base of amounts of construction work in progress; may reflect an insufficient credit of tax accruals to claimed working capital allowances; may reflect improper allocation of demand responsibility to the City of Colton; may reflect an insufficiently stated fuel adjustment clause; and may reflect improper inclusion of items in claimed production expenses of Edison.

The City of Colton on October 25, 1961, protested the filing of the proposed rate schedule change and requested that the proposed rate increase be suspended and the lawfulness, under the Federal Power Act, of Edison's Rate Schedule FPC No. 2 be determined following a hearing thereon.

The Commission finds: In view of the foregoing, it is necessary and appropriate for the purposes of the Federal Power Act that the Commission pursuant to the authority of that Act, particularly sections 205, 308, and 309 thereof, enter upon a hearing concerning the lawfulness of Edison's proposed Rate Schedule FPC No. 2 and that the operation of such proposed rate schedule be suspended and the use thereof deferred all as hereinafter provided.

The Commission orders:

(A) A public hearing be held concerning the lawfulness of Edison's proposed Rate Schedule FPC No. 2 at a time and place to be specified by notice of the Secretary.

(B) Pending such hearing and decision thereon, the operation of the proposed Rate Schedule referred to in Paragraph (A) above, hereby is suspended and the use thereof deferred until June 1, 1962. On that date the proposed rate schedule shall take effect in the manner prescribed by the Federal Power Act, subject to further order of the Commission, unless this proceeding has been disposed of previously.

(C) During the period of suspension Edison's Rate Schedule FPC No. 1, and Supplement No. 1 thereto, on file with the Commission shall remain and continue in effect.

(D) Unless otherwise ordered by the Commission, Edison shall not change the terms or provisions of its proposed Rate Schedule FPC No. 2 or its Rate Schedule FPC No. 1, and Supplement No. 1 thereto, until this proceeding has been disposed of or until the period of suspension has expired.

(E) Notice of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37) on or before January 31, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-108; Filed, Jan. 4, 1962; 8:48 a.m.]

[Docket No. CP60-122 etc.]

TEXAS EASTERN TRANSMISSION CORP ET AL.

Notice of Applications, Further Consolidations and Date of Hearing

DECEMBER 28, 1961.

Texas Eastern Transmission Corporation, Docket Nos. CP60-122, CP61-203; Algonquin Gas Transmission Company, Docket Nos. CP60-124, CP61-220; United Gas Pipe Line Company, Docket No. CP61-151; Southern Natural Gas Company, Docket No. CP61-206; Texas Gas Transmission Corporation, Docket No. CP61-247; Arkansas-Missouri Power Company, Docket No. CP62-20.

Take notice that, on November 23, 1960, United Gas Pipe Line Company (United) filed an application in Docket No. CP61-151, as supplemented on January 3, 1961, March 3, 1961, March 20, 1961, April 13, 1961, and October 16, 1961, for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act (Act) to construct, in two phases, and operate facilities, hereinafter more fully described, to enable United to replace declining gas supplies used to serve its northeast Texas and north Louisiana market areas with more abundant supplies from southern Louisiana.

Phase I, 1961 construction, consists of 317.3 miles of 30-inch pipeline and appurtenant facilities. These proposed facilities begin at a point in St. Mary Parish, Louisiana, where United's 20-inch Lafayette-Bayou Sale pipeline connects to United's 26 and 30-inch Eugene Island-Kosciusko pipeline, and extend in a northwesterly direction paralleling said Lafayette-Bayou Sale pipeline to the point at which United's 16-inch pipeline to Weeks Island Field connects to said 20-inch pipeline. The proposed facilities then proceed in a northerly direction ending at a point in Ouchita Parish, Louisiana, near Milepost 131 on United's 24 and 20-inch Carthage-Sterlington pipeline.

Phase II, 1962 construction, is a proposed 5,600 HP compressor station on United's proposed new 30-inch pipeline near Marksville, Avoyelles Parish, Louisiana. The total capacity of these new facilities will be approximately 453,000 Mcf per day.[3] The proposed facilities will enable United to supplement, with gas from south Louisiana, declining sources of supply in northeast Texas and north Louisiana.

United also proposes to sell and deliver increased quantities of natural gas to three of its existing pipeline customers, including Texas Eastern Transmission Corporation (Texas Eastern) and Texas Gas Transmission Corporation (Texas Gas).[1] Texas Eastern has agreed to purchase an additional 100,000 Mcf per day commencing on November 1, 1962, and 25,000 Mcf per day additional in 1963. These additional supplies will contribute to Texas Eastern's supply for the service it proposes to render in Docket No. CP61-203, a companion application. Texas Gas has agreed to purchase an additional 50,000 Mcf per day from United commencing on the same date, in order to render service proposed by it in Docket No. CP61-247.

United estimates the total capital cost of its proposed facilities at $34,188,000, which will be financed from retained earnings, depreciation and amortization accruals and from the issuance and sale of 4½ percent notes and 5⅛ percent first mortgage bonds to its parent, United Gas Corporation.

On May 11, 1961, United was granted temporary authority to construct and operate only those facilities designated as Phase I of its project, namely, the new 217 mile 30-inch pipeline and compressor facilities of 2,800 horsepower. On November 2, 1961, United was granted temporary authority to commence the proposed additional deliveries to Texas Eastern so that the latter could commence the service proposed in Docket No. CP61-203.[2]

Texas Eastern, on January 27, 1961, filed an application in Docket No. CP61-203, as supplemented on March 6, 1961, March 13, 1961, June 5, 1961, July 17, 1961, September 5, 1961, and September 29, 1961, for a certificate of public convenience and necessity pursuant to section 7(c) of the Act to construct and operate 473 miles of pipelines of various sizes and lengths and approximately 97,300 horsepower of additional compressor facilities at various stations in order to increase its peak day system capacity by approximately 230,000 Mcf per day (at 14.73 psia) and to serve additional quantities of gas to 40 percent customers and to initiate service to four new resale customers.[3] These proposed new sales will be made under long term service agreements and Texas Eastern's firm gas rate schedules and will total 224,617 Mcf per day. Approximately 4,900 Mcf of peak day capacity will be uncommitted and available for section 7(a) applicants or other customers. Approximately half of the additional volumes will be delivered commencing November 1, 1961, the remainder commencing November 1, 1962.

The facilities of Texas Eastern proposed herein are described as follows:

(1) Approximately 57.0 miles of 14-inch pipeline from Castor, Louisiana, to West Monroe, Louisiana.

(2) Approximately 165.0 miles of 20-inch pipeline from West Monroe, Louisiana, to Kosciusko, Mississippi.

(3) Approximately 215.0 miles of 30-inch pipeline loops on Texas Eastern's pipeline system at various locations and in various lengths between Kosciusko, Mississippi, and Lambertville, New Jersey.

(4) Approximately 12.5 miles of 14-inch and 13.5 miles of 12¾-inch pipeline extending north from a point on Texas Eastern's 36-inch pipeline in New Jersey between compressor stations 26 and 27.

(5) Approximately 11.0 miles of 10¾-inch pipeline from a point on Texas Eastern's 36-inch pipeline near Manville, New Jersey, to a point near Helmetta, New Jersey.

(6) A new compressor station near West Monroe, Louisiana, of approximately 7,500 horsepower.

(7) Approximately 12,500 additional horsepower at the Kosciusko, Mississippi, compressor station.

(8) Approximately 15,000 additional horsepower at the Gladeville, Tennessee, compressor station.

(9) Approximately 16,000 additional horsepower at the Danville, Kentucky, compressor station.

(10) Approximately 15,000 additional horsepower at the Wheelersburg, Ohio, compressor station.

(11) Approximately 15,000 additional horsepower at the Berne, Ohio, compressor station.

(12) Approximately 10,500 additional horsepower at the Delmont, Pennsylvania, compressor station.

(13) Approximately 2,050 additional horsepower at Station No. 16, Lebanon, Ohio.

(14) Approximately 2,000 additional horsepower at Station No. 17, Circleville, Ohio.

(15) Approximately 1,750 additional horsepower at Station No. 20, Wind Ridge, Pennsylvania.

(16) Change impellers at various existing compressors and add various meter and regulating stations for deliveries of natural gas in connection with the expansion program.

The total capital cost of Texas Eastern's proposed facilities is estimated at $84,521,000 to be financed through the issuance of $60,000,000 of 20 year First Mortgage Pipe Line Bonds, $15,000,000 of 5½ percent sinking fund preferred stock, and $20,000,000 of 5.1 percent subordinate convertible preferred stock. The total of $95,000,000 to be obtained through the issuance of these securities will be used for construction of other facilities in the future in addition to the subject proposal.

Texas Eastern will increase its daily pipeline purchases from United by 126,446 Mcf (Docket No. CP61-151); from Texas Gas by 50,000 Mcf (Docket No. CP61-247); and from Southern Natural Gas Company (Southern) by approximately 41,000 Mcf (Docket No. CP61-206).

Temporary authority was issued to Texas Eastern on June 29, 1961, as amended on August 2, 1961, authorizing construction and operation of facilities necessary to make the deliveries proposed commencing November 1, 1961. On November 2, 1961, temporary authority to sell and deliver the proposed increased volumes for the 1961-62 winter was issued to this applicant.

On February 3, 1961, Southern filed an application as supplemented on March 29, 1961, for certificate authority to construct and operate a total of 14.4 miles of 20-inch transmission loop line on its Gwinville-Pickens line in the State of Mississippi and an additional metering and regulating station at an existing interconnection with the facilities of Texas Eastern near Kosciusko, Mississippi. The proposed facilities would enable Southern to deliver approximately 40,000 Mcf of additional gas per day to Texas Eastern, an existing customer, under a proposed new rate schedule CDL-1, which will provide for the same demand and commodity charges as Southern's Rate Schedule CD-1.

Southern states that there will be available to it at Gwinville, Mississippi, some 190,000 Mcf per day of gas from reserves in south Louisiana along its Canfield line and from the Gwinville Field, which its present system lacks the capacity to move past Gwinville Station. It therefore proposes to complete the looping of the Gwinville-Pickens Line, which will enable 75,638 additional Mcf per day to be transported north from Gwinville to Pickens. Southern states that this will result in an excess capacity of 35,638 Mcf per day which will be needed; however, within the next one to three years to offset declines in deliverability from supply sources in North Louisiana and Texas. Further, Southern states that $61,000 in construction costs will be saved by the complete looping of the Gwinville-Pickens line now, instead of constructing only enough loop for the sale to Texas Eastern and completing the remainder at a later date.

[1] The proposed change in rate schedule was received, physically, in the Office of the Commission on October 2, 1961. Edison subsequently requested that the documents comprising the submittal be deemed to have been tendered for filing with the Commission as a change in rate schedule on December 1, 1961.

[2] Edison's actual billing to the City of Colton during the twelve-month period ending December 31, 1960, was at a schedule of rates and charges higher than those reflected in Edison's Rate Schedule FPC No. 1. These higher rates and charges were not filed with this Commission. See Commission Opinion No. 346 issued July 31, 1961, Docket No. E-6821, City of Colton, California v. Southern California Edison Company.

[1] United also has a precedent agreement with Mississippi River Fuel Corporation (Mississippi River) for increased gas supplies as follows:

Daily Volume (Mcf at 14.9 psia)

1962	1963	1964	1965
10,000	30,000	80,000	100,000

United, in its application herein states that Mississippi will need no certificate to handle these proposed increases.

[2] Temporary authority to construct and operate these facilities was granted to Texas Eastern on June 29, 1961, subject to condition that all costs associated with the installation of these facilities shall not be placed in Texas Eastern's rate base until such inclusion is permitted by further action of this Commission in this proceeding. Temporary authority to make the additional sales proposed for the 1961-62 winter was issued on November 2, 1961.

[3] See Appendix A below for customers and related proposed new volumes.

Southern estimates the total capital cost of construction of its proposed facilities at $1,049,420 to be financed from cash on hand or cash available from current operations.

Texas Gas, on March 20, 1961, filed an application in Docket No. CP61–247 for certificate authority to construct and operate 56.5 miles of 30-inch and 20.75 miles of 26-inch pipeline, looping its existing 26-inch transmission system at various points in Louisiana, Mississippi, Tennessee, Kentucky and Ohio; two 24-inch river crossings, and 4,000 additional compressor horsepower at its existing Hardinsburg, Kentucky, compressor station.

The proposed facilities are for the purpose of enabling applicant to increase its deliveries to Texas Eastern, as of November 1, 1962, by 50,000 Mcf per day to be delivered at an existing delivery point near Middletown, Ohio. The sale to Texas Eastern will be made under its existing rate schedule CD–4.

Texas Gas has contracted to purchase 50,000 additional Mcf per day from United (Docket No. CP61–151) beginning on November 1, 1961.

Texas Gas estimates the total capital cost of its proposed facilities at $12,913,600. It states, however, that since the proposed facilities need not be constructed until the summer of 1962, it plans to finance the construction in conjunction with the financing of such other facilities as may be needed to meet the requirements of its other customers during the 1962–1963 winter season. Therefore, the plans for financing the subject facilities are not known at this time.

Algonquin Gas Transmission Company (Algonquin) on February 23, 1961, filed an application in Docket No. CP61–220, as supplemented on March 27, 1961, and October 4, 1961, for certificate authority to construct and operate certain additional facilities in order to sell and deliver additional volumes of natural gas to certain of its existing customers.[4] Algonquin proposes to build a new 8,100 horsepower compressor station at Burrillville, Rhode Island and approximately 5.6 miles of 8-inch pipeline loop on its existing 6-inch G–8 lateral in order to commence deliveries of 10,061 Mcf per day on November 1, 1961. Further, it proposes to construct and operate an addition of 4,000 compressor horsepower at its existing Cromwell, Connecticut compressor station and approximately 5.8 miles of 20-inch pipeline loop on its existing G–1 lateral in order to commence deliveries of an additional 17,203 Mcf per day on November 1, 1962.

The total capital cost of Algonquin's proposed facilities is estimated at $4,848,900 to be financed through the use of retained earnings and a bank loan of $4,000,000 at 4½ percent.

The additional volumes proposed to be sold by Algonquin and for which the facilities are a necessary adjunct, will be made available by Texas Eastern as set forth in its application in Docket No. CP61–203.

Temporary authority to construct and operate the facilities necessary to commence the November 1, 1961, service was issued to Algonquin on June 29, 1961,[5] and temporary authority to sell up to 10,061 Mcf per day to certain existing customers was issued on November 2, 1961.

In Docket No. CP62–20, Arkansas-Missouri Power Company (Arkansas-Missouri) filed on July 24, 1961,[6] as supplemented on August 21, 1961, and October 16, 1961, an application for a certificate of public convenience and necessity under section 7(c) to construct and operate 20.96 miles of 3-inch lateral pipeline and distribution systems in four Arkansas cities.[7] These systems are to be constructed and owned by the cities but will be operated by Arkansas-Missouri. Arkansas-Missouri's estimate of the total cost to construct these facilities is $433,500, to be financed by the individual cities concerned. Arkansas-Missouri will operate, maintain the facilities, and make the retail deliveries. It will make annual lease and rental payments to each of the cities.

The estimated peak day requirements of the four communities for the first three years of service are 421,554 and 689 Mcf respectively.

Arkansas-Missouri owns and operates two separate and unconnected pipeline transmission systems. The main integrated system, from which the proposed new service will be rendered, receives its gas supply from Texas Eastern and Texas Gas. Arkansas-Missouri's ability to render the service proposed herein may be dependent upon certification of Texas Eastern's application in Docket No. CP61–203 wherein sales of 6,000 Mcf per day to applicant are proposed.

On September 15, 1960, there was issued notice of applications and consolidation in Texas Eastern Transmission Corporation, Docket No. CP60–122 and Algonquin Gas Transmission Company, Docket No. CP60–124, companion applications. Texas Eastern proposes to construct and operate a total of 66.28 miles of 30-inch pipeline loops at various places along its pipeline system between Vidor, Texas and Lambertville, New Jersey and install 33,710 additional compressor horsepower at four existing stations[8] as well as a change of centrifugal compressor impellers at various compressor stations.

Algonquin in its application in Docket No. CP61–124 seeks authority to construct and operate facilities so as to deliver an additional quantity of 13,432 Mcf per day to ten of its existing customers as further described in said notice. The availability of this additional service is dependent upon Texas Eastern's receiving certification of its application in Docket No. CP60–122 which contains a proposed additional allocation of 20,000 Mcf per day to Algonquin.

Temporary authority to construct and operate the proposed facilities in Docket No. CP60–122 and deliver the proposed additional gas volumes was issued to Texas Eastern by letter order of October 28, 1960. This authorization was subject to the condition that Texas Eastern eliminate its proposed investment from its rate base and that its stockholders bear all costs associated with such investment should the Commission ultimately deny the certificate requested in Docket No. CP60–122. This authorization was further conditioned on acceptance by Algonquin of the temporary authority concurrently issued to it in Docket No. CP60–124. This conditional temporary authorization was accepted by Texas Eastern by letter of November 25, 1960.

Temporary authority to construct and operate facilities and sell natural gas as proposed in Docket No. CP60–124 was granted to Algonquin by Commission letter order of October 28, 1960. This contained conditions similar to those in the temporary authorization issued to Texas Eastern, in Docket No. CP60–122. Algonquin accepted this temporary certificate and the attached conditions on November 25, 1960.

These matters are all interrelated and should be disposed of on a consolidated record, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 26, 1962, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene in these consolidated proceedings may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 1, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Customers of Texas Eastern	Quantity proposed to be sold (Mcfd)	
	15.025 psia	14.73 psia
Algonquin Gas Transmission Co.	20,410	20,000
Arkansas-Missouri Power Co. and Associated Natural Gas Co.	6,000	6,120
Batesville, Ind., City of	1,000	1,020
Belmont, Miss., Town of	200	204
The Brooklyn Union Gas Co.	20,000	20,321
Columbia, Ky., City of	625	638
Consolidated Edison Co. of N.Y., Inc.	20,000	20,401
Commons Gas Co., Albion, Ill.	1,300	1,377

[1] This temporary authorization contains the same condition as the temporary authorization issued to Texas Eastern on the same date. See footnote 2.

[2] Arkansas-Missouri filed a petition to amend the certificate issued in Docket No. G–1900; but since the proposal involves service to new communities, it is being treated as a new application and has been designated Docket No. CP62–20.

[3] Black Oak, Lake City, Caraway and Marmaduke.

[4] Vidor, Tex.; Opelousas, La.; Barton, Ala., and Tomkinsville, Ky.

[5] See Appendix B below.

APPENDIX A—Continued

Customers of Texas Eastern	Quantity proposed to be sold (Mcfd)	
	15.025 psia	14.73 psia
Consumers Gas Co., Omaha, Ill.	566	577
Crossville, Ill., Village of	300	306
Eastern Indiana Natural Gas Corp.[1]	1,500	1,530
Elizabethtown Consolidated Gas Co.	2,900	2,958
Equitable Gas Co.	25,000	25,501
Flora, Miss., Town of	220	224
Fort Branch Natural Gas Co., Inc.	1,500	1,530
Franklin, Tenn., Town of	700	714
Fulton, Miss., Town of	100	102
Grayville, Ill., City of	3,500	3,570
Hartsville Gas Co.	244	249
Huntingburg, Ind., City of	400	408
Illinois Electric & Gas Co.	2,000	2,040
Indiana Natural Gas Corp.[1]	1,000	1,020
Jasper, Ind., City of	500	510
Lawrenceburg, Tenn., City of	208	212
Lebanon, Tenn., City of	1,000	1,020
Liberty, Ky., City of	268	273
Long Island Lighting Co.	20,000	20,401
MidSouth Gas Co.	2,000	2,040
Missouri Utilities Co.	3,000	3,060
New Jersey Natural Gas Co.	7,000	7,140
Oxford Natural Gas Corp.[1]	3,029	3,090
Penn Fuel Group	2,170	2,213
Penn Fuel, Orviston, Pa.	3,125	3,188
Phillips, T. W., Gas & Oil Co.	3,000	3,060
Petersville Gas Co., Inc.	14,800	15,096
Public Service Electric and Gas Co.	26,700	27,235
Pulaski, Tenn., City of	1,151	1,174
Shippensburg Gas Co.	390	398
Smyrna, Tenn., Town of	200	204
Somerset, Ky., City of	500	510
Southeastern Illinois Gas Co., Division of United Cities Gas Co.	800	816
Tennessee Gas Co., Division of United Cities Gas Co.	500	510
United Natural Gas Co.	5,000	5,100
Westport Natural Gas Co., Inc.[1]	550	561
	220,206	224,617

[1] New resale customers.

APPENDIX B
(Nov. 1, 1961)

Customers of Algonquin	Additional sales proposed (Mcf at 14.73 psia)	
	Maximum daily quantity	Maximum annual quantity
Boston Gas Co.	3,000	810,000
Brockton Taunton Gas Co.	1,761	475,470
Buzzards Bay Gas Co.	400	124,200
The Connecticut Gas Co.	1,500	405,000
The Hartford Electric Light Co.	120	32,400
The Hartford Gas Co.	800	216,000
City of Norwich, Conn.	150	40,500
Worcester Gas Light Co.	1,270	342,900
Fall River Gas Co.	1,000	270,000
Total	10,061	2,716,470

(Nov. 1, 1962)

Customers of Algonquin	Additional sales proposed (Mcf at 14.73 psia)	
	Maximum daily quantity	Maximum annual quantity
Boston Gas Co.	4,500	1,215,000
Brockton Taunton Gas Co.	2,337	630,990
Buzzards Bay Gas Co.	400	108,000
The Connecticut Gas Co.	1,900	513,000
The Hartford Electric Light Co.	165	44,550
The Hartford Gas Co.	2,200	594,000
New Haven Gas Co.	1,526	412,380
City of Norwich, Conn.	150	40,500
Norwood Gas Co.	323	87,210
Providence Gas Co.	2,900	783,000
Worcester Gas Light Co.	800	216,000
Total	17,303	4,644,630

[F.R. Doc. 62–109; Filed, Jan. 4, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

DECEMBER 29, 1961.

In the matter of trading on the San Francisco Mining Exchange in the common stock, par value 15 cents a share of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.).

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.), being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, December 30, 1961, to January 8, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–137; Filed, Jan. 4, 1962; 8:51 a.m.]

TARIFF COMMISSION

SAFETY PINS

Report to the President

JANUARY 2, 1962.

The U.S. Tariff Commission today submited to the President its third periodic report on the developments in the trade in safety pins since the "escape clause" action, on December 30, 1957, modifying the concession granted in the General Agreement on Tariffs and Trade on such pins classifiable under paragraph 350 of the Tariff Act of 1930. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1962, which order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting its report, the Commission advised the President that the conditions of competition between imported and domestic safety pins had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401. This means that, in the Commission's view, the developments in the trade in safety pins do not warrant a formal inquiry into the question of whether a reduction in the duties on safety pins could be made without resulting in serious injury to the domestic industry concerned.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

By direction of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 62–139; Filed, Jan. 4, 1962; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W–0170311]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 29, 1961.

The Forest Service, U.S. Department of Agriculture, has filed an application, serial number Wyoming 0170311, for withdrawal of the lands described below from location and entry under the general mining laws of the United States.

The applicant desires the lands for recreational facilities and water influence zones.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the State Director, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If the circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

BLACK HILLS NATIONAL FOREST

Cook Lake Recreation Area

T. 53 N., R. 63 W.,
Sec. 10: SE¼SE¼SW¼, SW¼NW¼SE¼, SW¼SE¼;

Southern estimates the total capital cost of construction of its proposed facilities at $1,049,420 to be financed from cash on hand or cash available from current operations.

Texas Gas, on March 20, 1961, filed an application in Docket No. CP61–247 for certificate authority to construct and operate 56.5 miles of 30-inch and 20.75 miles of 26-inch pipeline, looping its existing 26-inch transmission system at various points in Louisiana, Mississippi, Tennessee, Kentucky and Ohio; two 24-inch river crossings, and 4,000 additional compressor horsepower at its existing Hardinsburg, Kentucky, compressor station.

The proposed facilities are for the purpose of enabling applicant to increase its deliveries to Texas Eastern, as of November 1, 1962, by 50,000 Mcf per day to be delivered at an existing delivery point near Middletown, Ohio. The sale to Texas Eastern will be made under its existing rate schedule CD–4.

Texas Gas has contracted to purchase 50,000 additional Mcf per day from United (Docket No. CP61–151) beginning on November 1, 1961.

Texas Gas estimates the total capital cost of its proposed facilities at $12,913,600. It states, however, that since the proposed facilities need not be constructed until the summer of 1962, it plans to finance the construction in conjunction with the financing of such other facilities as may be needed to meet the requirements of its other customers during the 1962–1963 winter season. Therefore, the plans for financing the subject facilities are not known at this time.

Algonquin Gas Transmission Company (Algonquin) on February 23, 1961, filed an application in Docket No. CP61–220, as supplemented on March 27, 1961, and October 4, 1961, for certificate authority to construct and operate certain additional facilities in order to sell and deliver additional volumes of natural gas to certain of its existing customers.[1] Algonquin proposes to build a new 8,100 horsepower compressor station at Burrillville, Rhode Island and approximately 5.6 miles of 8-inch pipeline loop on its existing 6-inch G–8 lateral in order to commence deliveries of 10,061 Mcf per day on November 1, 1961. Further, it proposes to construct and operate an addition of 4,000 compressor horsepower at its existing Cromwell, Connecticut compressor station and approximately 5.8 miles of 20-inch pipeline loop on its existing G–1 lateral in order to commence deliveries of an additional 17,203 Mcf per day on November 1, 1962.

The total capital cost of Algonquin's proposed facilities is estimated at $4,848,900 to be financed through the use of retained earnings and a bank loan of $4,000,000 at 4½ percent.

The additional volumes proposed to be sold by Algonquin and for which the facilities are a necessary adjunct, will be made available by Texas Eastern as set forth in its application in Docket No. CP61–203.

Temporary authority to construct and operate the facilities necessary to commence the November 1, 1961, service was issued to Algonquin on June 29, 1961,[2] and temporary authority to sell up to 10,061 Mcf per day to certain existing customers was issued on November 2, 1961.

In Docket No. CP62–20, Arkansas-Missouri Power Company (Arkansas-Missouri) filed on July 24, 1961,[3] as supplemented on August 21, 1961, and October 16, 1961, an application for a certificate of public convenience and necessity under section 7(c) to construct and operate 20.96 miles of 3-inch lateral pipeline and distribution systems in four Arkansas cities.[4] These systems are to be constructed and owned by the cities but will be operated by Arkansas-Missouri. Arkansas-Missouri's estimate of the total cost to construct these facilities is $433,500, to be financed by the individual cities concerned. Arkansas-Missouri will operate, maintain the facilities, and make the retail deliveries. It will make annual lease and rental payments to each of the cities.

The estimated peak day requirements of the four communities for the first three years of service are 421,554 and 689 Mcf respectively.

Arkansas-Missouri owns and operates two separate and unconnected pipeline transmission systems. The main integrated system, from which the proposed new service will be rendered, receives its gas supply from Texas Eastern and Texas Gas. Arkansas-Missouri's ability to render the service proposed herein may be dependent upon certification of Texas Eastern's application in Docket No. CP61–203 wherein sales of 6,000 Mcf per day to applicant are proposed.

On September 15, 1960, there was issued notice of applications and consolidation in Texas Eastern Transmission Corporation, Docket No. CP60–122 and Algonquin Gas Transmission Company, Docket No. CP60–124, companion applications. Texas Eastern proposes to construct and operate a total of 66.28 miles of 30-inch pipeline loops at various places along its pipeline system between Vidor, Texas and Lambertville, New Jersey and install 33,710 additional compressor horsepower at four existing stations[5] as well as a change of centrifugal compressor impellers at various compressor stations.

Algonquin in its application in Docket No. CP61–124 seeks authority to construct and operate facilities so as to deliver an additional quantity of 13,432 Mcf per day to ten of its existing customers as further described in said notice. The availability of this additional service is dependent upon Texas Eastern's receiving certification of its application in Docket No. CP60–122 which contains a proposed additional allocation of 20,000 Mcf per day to Algonquin.

Temporary authority to construct and operate the proposed facilities in Docket No. CP60–122 and deliver the proposed additional gas volumes was issued to Texas Eastern by letter order of October 28, 1960. This authorization was subject to the condition that Texas Eastern eliminate its proposed investment from its rate base and that its stockholders bear all costs associated with such investment should the Commission ultimately deny the certificate requested in Docket No. CP60–122. This authorization was further conditioned on acceptance by Algonquin of the temporary authority concurrently issued to it in Docket No. CP60–124. This conditional temporary authorization was accepted by Texas Eastern by letter of November 25, 1960.

Temporary authority to construct and operate facilities and sell natural gas as proposed in Docket No. CP60–124 was granted to Algonquin by Commission letter order of October 28, 1960. This contained conditions similar to those in the temporary authorization issued to Texas Eastern, in Docket No. CP60–122. Algonquin accepted this temporary certificate and the attached conditions on November 25, 1960.

These matters are all interrelated and should be disposed of on a consolidated record, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 26, 1962, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene in these consolidated proceedings may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 1, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Customers of Texas Eastern	Quantity proposed to be sold (Mcfd)	
	15.025 psia	14.73 psia
Algonquin Gas Transmission Co.	29,410	30,000
Arkansas-Missouri Power Co. and Associated Natural Gas Co.	6,000	6,120
Batesville, Ind., City of	1,000	1,020
Belmont, Miss., Town of	200	204
The Brooklyn Union Gas Co.	26,000	26,521
Columbia, Ky., City of	425	434
Consolidated Edison Co. of N.Y., Inc.	20,000	20,401
Consumers Gas Co., Albion, Ill.	1,350	1,377
Consumers Gas Co., Omaha, Ill.	566	577
Crossville, Ill., Village of	300	306
Eastern Indiana Natural Gas Corp.[1]	1,500	1,530
Elizabethtown Consolidated Gas Co.	2,900	2,958
Equitable Gas Co.	25,000	25,501
Ebera, Miss., Town of	220	224
Fort Branch Natural Gas Co., Inc.	1,500	1,530
Franklin, Tenn., Town of	700	714
Fulton, Miss., Town of	100	102
Grayville, Ill., City of	3,500	3,570
Hartsville Gas Co.	244	249
Huntingburg, Ind., City of	400	408
Illinois Electric & Gas Co.	2,000	2,040
Indiana Natural Gas Corp.[1]	1,000	1,020
Jasper, Ind., City of	500	510
Lawrenceburg, Tenn., City of	208	212
Lebanon, Tenn., City of	1,000	1,020
Liberty, Ky., City of	268	273
Long Island Lighting Co.	20,000	20,401
MidSouth Gas Co.	2,000	2,040
Missouri Utilities Co.	3,000	3,060
New Jersey Natural Gas Co.	7,000	7,140
Oxford Natural Gas Corp.[1]	3,029	3,090
Penn Fuel Group	2,170	2,213
Penn Fuel, Orviston, Pa.	3,125	3,188
Phillips, T. W., Gas & Oil Co.	3,000	3,060
Petersville Gas Co., Inc.	14,800	15,096
Public Service Electric and Gas Co.	26,700	27,235
Pulaski, Tenn., City of	1,151	1,174
Shippensburg Gas Co.	390	398
Smyrna, Tenn., Town of	200	204
Somerset, Ky., City of	500	510
Southeastern Illinois Gas Co., Division of United Cities Gas Co.	800	816
Tennessee Gas Co., Division of United Cities Gas Co.	500	510
United Natural Gas Co.	5,000	5,100
Westport Natural Gas Co., Inc.[1]	550	561
	220,206	224,617

[1] New resale customers.

APPENDIX B
(Nov. 1, 1961)

Customers of Algonquin	Additional sales proposed (Mcf at 14.73 psia)	
	Maximum daily quantity	Maximum annual quantity
Boston Gas Co.	3,000	810,000
Brockton Taunton Gas Co.	1,761	475,470
Bizzards Bay Gas Co.	460	124,200
The Connecticut Gas Co.	1,500	405,000
The Hartford Electric Light Co.	120	32,400
The Hartford Gas Co.	800	216,000
City of Norwich, Conn.	150	40,500
Worcester Gas Light Co.	1,270	342,900
Fall River Gas Co.	1,000	270,000
Total	10,061	2,716,470

(Nov. 1, 1962)

Customers of Algonquin	Additional sales proposed (Mcf at 14.73 psia)	
	Maximum daily quantity	Maximum annual quantity
Boston Gas Co.	4,500	1,215,000
Brockton Taunton Gas Co.	2,337	630,990
Bizzards Bay Gas Co.	400	108,000
The Connecticut Gas Co.	1,900	513,000
The Hartford Electric Light Co.	165	44,550
The Hartford Gas Co.	2,200	594,000
New Haven Gas Co.	1,528	412,560
City of Norwich, Conn.	150	40,500
Norwood Gas Co.	323	87,210
Providence Gas Co.	2,900	783,000
Worcester Gas Light Co.	800	216,000
Total	17,203	4,644,810

[F.R. Doc. 62–109; Filed, Jan. 4, 1962; 8:48 a.m.]

[1] See Appendix B below.

[2] This temporary authorization contains the same condition as the temporary authorization issued to Texas Eastern on the same date. See footnote 2.

[3] Arkansas-Missouri filed a petition to amend the certificate issued in Docket No. G–1900; but since the proposal involves service to new communities, it is being treated as a new application and has been designated Docket No. CP62–20.

[4] Black Oak, Lake City, Caraway and Marmaduke.

[5] Vidor, Tex.; Opelousas, La.; Barton, Ala., and Tomkinsville, Ky.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

DECEMBER 29, 1961.

In the matter of trading on the San Francisco Mining Exchange in the common stock, par value 15 cents a share of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.).

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.), being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, December 30, 1961, to January 8, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–137; Filed, Jan. 4, 1962; 8:51 a.m.]

TARIFF COMMISSION

SAFETY PINS

Report to the President

JANUARY 2, 1962.

The U.S. Tariff Commission today submited to the President its third periodic report on the developments in the trade in safety pins since the "escape clause" action, on December 30, 1957, modifying the concession granted in the General Agreement on Tariffs and Trade on such pins classifiable under paragraph 350 of the Tariff Act of 1930. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952, which order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting its report, the Commission advised the President that the conditions of competition between imported and domestic safety pins had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401. This means that, in the Commission's view, the developments in the trade in safety pins do not warrant a formal inquiry into the question of whether a reduction in the duties on safety pins could be made without resulting in serious injury to the domestic industry concerned.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

By direction of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 62–139; Filed, Jan. 4, 1962; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W–0170311]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 29, 1961.

The Forest Service, U.S. Department of Agriculture, has filed an application, serial number Wyoming 0170311, for withdrawal of the lands described below from location and entry under the general mining laws of the United States.

The applicant desires the lands for recreational facilities and water influence zones.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the State Director, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If the circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

BLACK HILLS NATIONAL FOREST

Cook Lake Recreation Area

T. 53 N., R. 63 W.,
Sec. 10: SE¼SE¼SW¼, SW¼NW¼SE¼, SW¼SE¼;

Sec. 15: NW¼NE¼, NW¼SW¼NE¼, E½NE¼NW¼, NE¼SE¼NW¼.
Total area 140 acres.

ED PIERSON,
State Director.

[F.R. Doc. 62-119; Filed, Jan. 4, 1962; 8:49 a.m.]

[W-0153858]

WYOMING

Correction Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 26, 1961.

The Notice of Proposed Withdrawal and Reservation of Lands in behalf of the Forest Service, U.S. Department of Agriculture, serial number Wyoming 0153858, published as F.R. Document 61-7455 on page 7112 of the FEDERAL REGISTER issued August 8, 1961, showed the total area as 17,096.54 acres, more or less. This acreage figure was in error. The correct acreage of land in the proposed withdrawal for the roadside zones is 3,464.5 acres, more or less.

ED PIERSON,
State Director.

[F.R. Doc. 62-118; Filed, Jan. 4, 1962; 8:49 a.m.]

Office of the Secretary

COMMITTEE MANAGEMENT

American Fisheries Advisory Committee

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

PART 630—AMERICAN FISHERIES ADVISORY COMMITTEE

CHAPTER 1—OBJECTIVES, RESPONSIBILITIES, AUTHORITY

.1 *Objectives.* The objective of the American Fisheries Advisory Committee is to consider and give advice and make recommendations on the matters relating to the commercial fisheries programs in the Department of the Interior. The Committee shall strive toward the furtherance of coordination in research programs, and the promotion of better relations within the fishing industry and the public.

.2 *Responsibilities.* The Committee shall be responsible to the Secretary of the Interior and shall submit to him its advice and recommendations on fishery matters in regard to the formulation of policy, rules, and regulations pertaining to requests for assistance and other matters as deemed appropriate by the Chairman of the Committee for consideration by the Committee. The American Fisheries Advisory Committee shall:

A. Consider the problems of producers, processors, distributors, and consumers;

B. Review the current research and other programs of the Bureau of Commercial Fisheries and recommend adjustments, terminations, and expansions, in order that available funds will be used on problems of greatest importance;

C. Recommend new work or the expansion of current programs and advise with respect to the relative priorities to be given various programs;

D. Consider future needs arising from long-term trends in world fisheries and international use of high-seas resources, plus the changes in the needs of the United States industry.

.3 *Authority.* The Secretary of the Interior is authorized "* * *" to appoint an advisory committee of the American fishing industry * * *" under the provisions of the Saltonstall-Kennedy Act of July 1, 1954 (68 Stat. 376; 15 U.S.C. 713c-3), as amended. The Committee is authorized by the same act to advise the Secretary of the Interior in the formulation of policy, rules, and regulations pertaining to requests for assistance from the commercial fishing industry and other matters.

.4 *Definitions.*

A. *Chairman.* The Chairman of the American Fisheries Advisory Committee shall be the Assistant Secretary for Fish and Wildlife, Department of the Interior.

B. *Executive Secretary.* The Executive Secretary shall be a full-time, salaried, career Federal Civil Service employee to be designated by Director, Bureau of Commercial Fisheries.

C. *Industry representative.* Industry representatives shall also be referred to as "Committee members" and are appointed by the Secretary of the Interior, under the authority vested in him under the Saltonstall-Kennedy Act of July 1, 1954, as amended, and under the provisions of Chapter 2 of this Part.

CHAPTER 2—POLICIES AND PROCEDURES

.1 *Composition of committee.* The American Fisheries Advisory Committee shall consist of not more than 20 members and not less than 12 members, of which 50 percent shall constitute a quorum at any meeting for the conduct of Committee business.

.2 *Qualifications for membership.* Persons appointed to the American Fisheries Advisory Committee shall be individuals actively engaged in the commercial fishing industry of the United States of America and, to the extent that it is possible, should represent the following industry segments:

A. Commercial fishery producers, processors, and distributors;

B. Representatives of fishermen's cooperatives, including fishermen actively engaged in a commercial fishery;

C. Officials or executives of trade associations and labor unions, provided they spend a principal portion of their working time in the operation of a business which is a constituent unit of the commercial fishing industry, and if his position as a trade association official or executive is incidental to that activity. No person appointed to membership on the American Fisheries Advisory Committee shall be considered as representing a trade association or labor union.

.3 *Terms of appointment for industry representatives.*

A. *Appointment period.* The term of office for Committee members is 3 years, with approximately one-third of the membership of the Committee changing each year. All terms of office shall terminate on the 30th of June in the calendar year designated by the Secretary of the Interior in his letter of appointment.

B. *Reappointment to committee.* Upon completion of one 3-year term of office or portion thereof, a Committee member shall be eligible, at the discretion of the Secretary of the Interior, for appointment to an additional term of office of 3 years. No Committee member may serve more than 6 consecutive years.

C. *Vacancies on the committee.* Vacancies shall be filled for the unexpired terms of Committee members in accordance with Chapter 2.2 of this Part.

(1) A replacement appointee shall be eligible, at the discretion of the Secretary of the Interior, for appointment for one additional 3-year term.

.4 *Alternates.* No Committee member may be represented by an alternate.

.5 *Allowances for committee members.* Members shall receive no compensation unless authorized by the Secretary of the Interior, subject to the provisions of Section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55a). Committee members shall be reimbursed for travel expenses to and from Committee meetings at standard government rates.

.6 *Committee meetings.*

A. *Number of meetings.* The American Fisheries Advisory Committee shall meet at least once each year.

B. *Place of meetings.* The time and place of all meetings of the Committee shall be determined by the Chairman of the Committee.

C. *Agenda.* The agenda of meetings held by the Committee shall be initiated within the Department of the Interior by the Bureau of Commercial Fisheries, and shall be approved by the Chairman of the Committee. Upon approval of the Chairman, the agenda shall become available to the members of the Committee prior to the meeting.

D. *Minutes of meetings.* The Executive Secretary shall be responsible for preparation of summary minutes of all meetings held by the Committee.

.7 *Information.* Requests for information concerning the activities and functions of the American Fisheries Advisory Commitee should be addressed to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington 25, D.C.

JAMES K. CARR,
Under Secretary of the Interior.

DECEMBER 29, 1961.

[F.R. Doc. 62-124; Filed, Jan. 4, 1962; 8:50 a.m.]

RALPH W. FACKLER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) Deletion—Burlington Industries.
(3) None.
(4) None.

This statement is made as of December 21, 1961.

Dated: December 21, 1961.

RALPH W. FACKLER.

[F.R. Doc. 62-125; Filed, Jan. 4, 1962; 8:50 a.m.]

FRANK W. GRIFFITH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Delete General Motors Corp., delete Massachusetts Investors Trust, delete Boston Fund, delete Iowa Electric Light and Power Co., and add General Telephone and Electronics Co.
(3) No change.
(4) No change.

This statement is made as of December 22, 1961.

Dated: December 22, 1961.

FRANK W. GRIFFITH.

[F.R. Doc. 62-126; Filed, Jan. 4, 1962; 8:50 a.m.]

ANDREW PAT JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 31, 1961.

Dated: December 22, 1961.

A. P. JONES.

[F.R. Doc. 62-127; Filed, Jan. 4, 1962; 8:50 a.m.]

CLARENCE W. MAYOTT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 18, 1961.

Dated: December 18, 1961.

CLARENCE W. MAYOTT.

[F.R. Doc. 62-128; Filed, Jan. 4, 1962; 8:50 a.m.]

GORDON S. MEYRICK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 22, 1961.

Dated: December 22, 1961.

G. S. MEYRICK.

[F.R. Doc. 62-129; Filed, Jan. 4, 1962; 8:50 a.m.]

LILBERT A. MOLLMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 19, 1961.

Dated: December 19, 1961.

L. A. MOLLMAN.

[F.R. Doc. 62-130; Filed, Jan. 4, 1962; 8:50 a.m.]

RIGGS SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Banks: Hondo National Bank, Hondo, Texas; National Bank of Commerce, San Antonio, Texas; American Bank of Commerce, Victoria, Texas.
(2) Texas Savings & Loan—San Antonio, Texas.
(3) Stocks: Marine Capitol Corporation, Fidelity Capital Corporation, Aileen Incorporated.
(4) Gulf American Land.

This statement is made as of December 19, 1961.

Dated: December 19, 1961.

RIGGS SHEPPERD.

[F.R. Doc. 62-131; Filed, Jan. 4, 1962; 8:50 a.m.]

STANLEY J. SICKEL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 22, 1961.

Dated: December 22, 1961.

S. J. SICKEL.

[F.R. Doc. 62-132; Filed, Jan. 4, 1962; 8:50 a.m.]

STANLEY C. TOWNSEND

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Unchanged.
(2) Additions: Central Securities Corp. Deletions: Atlantic Refining Co., Page-Hersey Tubes Co., Coca Cola Co., Tennessee Gas Transmission Co., Pennsylvania Power & Light Co.
(3) Unchanged.
(4) Unchanged.

This statement is made as of December 20, 1961.

Dated: December 20, 1961.

STANLEY C. TOWNSEND.

[F.R. Doc. 62-133; Filed, Jan. 4, 1962; 8:50 a.m.]

WILFORD D. WILDER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 22, 1961.

Dated: December 22, 1961.

W. D. WILDER.

[F.R. Doc. 62-134; Filed, Jan. 4, 1962; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 2, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37492: *Express rates in the United States.* Filed by Railway Express Agency, Incorporated (No. 1-61), for itself. Rates on commodities moving on less-than-carload express rates from, to, and between points in the United States.

Grounds for relief: Short-line distance formula and grouping.

FSA No. 37494: *Methanol from Houston, Tex., to Chicago, Ill.* Filed by Southwestern Freight Bureau, agent (No. B-8123), for interested rail carriers. Rates on methanol (methyl alcohol), in tank-car loads, from Houston, Tex., to Chicago, Ill., (applicable only for deliveries on railroad tracks serving the Lake River Terminals at Crawford, Ill.).

Grounds for relief: Unregulated barge and market competition.

Tariff: Supplement 215 to Southwestern Freight Bureau tariff I.C.C. 4064.

FSA No. 37495: *Ethylene glycol from Louisiana and Texas points.* Filed by Southwestern Freight Bureau, agent (No. B-8124), for interested rail carriers. Rates on ethylene glycol, in tank-car loads, from Chaison, Houston, Orange and Port Arthur, Tex., Lake Charles and West Lake Charles, La., to Clinton, Iowa.

Grounds for relief: Market competition.

Tariff: Supplement 215 to Southwestern Freight Bureau tariff I.C.C. 4064.

FSA No. 37497: *Scrap iron or steel from Cincinnati, Ohio to Butler, Pa.* Filed by Traffic Executive Association-Eastern Railroads, agent (ER No. 2596), for the Pennsylvania Railroad Company. Rates on scrap iron or steel (not copper clad), in carloads, from Cincinnati, Ohio to Butler, Pa.

Grounds for relief: Market competition.

Tariff: Supplement 39 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 4807 (Hinsch series).

AGGREGATE-OF-INTERMEDIATES

FSA No. 37493: *Express rates in the United States.* Filed by Railway Express Agency, Incorporated (No. 2-61), for itself. Rates on commodities moving on less-than-carload express rates from, to, and between points in the United States.

Grounds for relief: Maintenance of single-factor through rates which exceed the aggregates of the intermediate rates.

FSA No. 37496: *Ethylene glycol from Louisiana and Texas points.* Filed by Southwestern Freight Bureau, agent (No. B-8125), for interested rail carriers. Rates on ethylene glycol, in tank-car loads, from Chaison, Houston, Orange and Port Arthur, Tex., Lake Charles and West Lake Charles, La., to Clinton, Iowa.

Grounds for relief: Maintenance of depressed rates not applicable in constructing combination rates from or to points beyond the named points.

Tariff: Supplement 215 to Southwestern Freight Bureau tariff I.C.C. 4064.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-143; Filed, Jan. 4, 1962; 8:51 a.m.]

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Washington, Saturday, January 6, 1962

THE UNIVERSITY OF MICHIGAN
JAN 10 1962
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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment) Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—1962–63 Marketing Year

PROCLAMATIONS AND DETERMINATIONS WITH RESPECT TO MARKETING QUOTAS AND NATIONAL ACREAGE ALLOTMENT FOR 1962 CROP, AND APPORTIONMENT OF 1962 NATIONAL ACREAGE ALLOTMENT AMONG THE SEVERAL STATES

Sec.
730.1301 Basis and purpose.
730.1302 Marketing quotas on 1962 crop rice.
730.1303 National acreage allotment of rice for 1962.
730.1304 Apportionment of 1962 national acreage allotment of rice among the several States.

AUTHORITY: §§ 730.1301 to 730.1304 issued under secs. 301, 352, 353, 354, 375, 52 Stat. 38, 60, 61, 66, as amended; 7 U.S.C. 1301, 1352, 1353, 1354, 1375.

§ 730.1301 Basis and purpose.

(a)(1) Section 730.1302 is issued under and in accordance with sections 301 and 354 of the Agricultural Adjustment Act of 1938, as amended, to proclaim the total supply and normal supply of rice for the marketing year beginning August 1, 1961, and to proclaim that marketing quotas will be applicable to the 1962 crop of rice. Section 730.1303 is issued under and in accordance with sections 352 and 353 of the Agricultural Adjustment Act of 1938, as amended, to proclaim the national acreage allotment of rice for the calendar year 1962. Section 353(c)(6) of the act, as amended by section 301 of Public Law 85–835, 72 Stat. 994, provides that the national acreage allotment of rice for 1962 shall be not less than the total acreage allotted in 1956.

(2) Section 730.1304 is issued under and in accordance with section 353 of the Agricultural Adjustment Act of 1938, as amended, to apportion among the several States the national acreage allotment of rice for 1962 as proclaimed in § 730.1303 hereof. Section 353 of the act provides that the national acreage allotment of rice for 1962, less a reserve of not to exceed one per centum for apportionment to farms receiving inadequate allotments, shall be apportioned among the States in the same proportion that they shared in the total acreage allotted in 1956.

(3) Section 353(b) of the act, as amended by Public Law 85–443, authorizes the Secretary of Agriculture under certain circumstances to divide any State into two administrative areas to be designated "producer administrative area" and "farm administrative area", and provides that if any State is so divided into administrative areas the term "State acreage allotment" for the purposes of section 353 of the Agricultural Adjustment Act of 1938, as amended, shall be deemed to mean that part of the State acreage allotment apportioned to each administrative area. For each of the 1959–60, 1960–61, and 1961–62 marketing years, the State of Louisiana was divided into a "farm administrative area" and a "producer administrative area" pursuant to section 353(b) of the act. Notice was given (26 F.R. 8982) pursuant to the Administrative Procedure Act that for the 1962–63 marketing year it was expected that farm acreage allotments in the entire State of Louisiana would be determined on a "producer" basis, which would have the effect of discontinuing the division of the State into administrative areas for such year; however it was stated that a public hearing would be held in Crowley, Louisiana, on October 3, 1961, in order to give interested producers the opportunity to express their views as to such change. After consideration of the oral data, views, and recommendations expressed at that meeting, as well as of written data, views, and recommendations submitted at that hearing and by mail pursuant to the FEDERAL REGISTER notice, and in view of the adverse effect which the discontinuance of the "farm administrative area" in the State of Louisiana would possibly have on the production and processing of rice in such area, it has been determined, upon recommendation of the Louisiana State Committee, that the State of Louisiana shall for the 1962–63 marketing year be divided into a "farm administrative area" and a "producer administrative area", each such area to comprise the same parishes as were applicable to it for the 1959–60, 1960–61, and 1961–62 marketing years.

(4) Section 353(c)(1) of the act, as amended by Public Law 85–443, provides that if any State is divided into administrative areas the allotment for each area shall be determined by apportioning the State acreage allotment among counties as provided in section 353(c) of the Agricultural Adjustment Act of 1938, as amended, and totaling the allotments for the counties in such area. The acreage allotments for the "farm administrative area" and "producer administrative area" in the State of Louisiana which are set out in § 730.1304 were determined by apportioning the State acreage allotment for Louisiana among the counties in the State in the same proportion which each such county shared in the total acreage allotted in the State in 1956, as provided in section 353(c)(1) of the Agricultural Adjustment Act of 1938, and totaling the allotments for the counties in each such area.

(b) The findings and determinations made in §§ 730.1302, 730.1303, and 730.1304 have been made on the basis of the latest available statistics of the Federal Government. The findings in § 730.1302 show that marketing quotas are required for the 1962 crop of rice. The determinations made in § 730.1303 indicate the amount of the 1962 national acreage allotment of rice.

(c) Prior to taking action herein, public notice (26 F.R. 8675) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003), that the Secretary was preparing to determine whether marketing quotas are required for the 1962 crop of rice, to determine and proclaim the national acreage allotment of rice for 1962, and to apportion among the States the 1962 national acreage allotment of rice. The data, views, or recommendations pertaining thereto which were submitted pursuant to such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(d) The Agricultural Adjustment Act of 1938, as amended, requires that the proclamation with respect to marketing quotas for the 1962 crop of rice be issued not later than December 31, 1961; that the referendum to determine whether farmers are in favor of or opposed to such quotas be held within 30 days after the issuance of the proclamation; and that insofar as practicable operators of farms be notified of their farm rice acreage allotments prior to the holding of the referendum. Therefore, it is necessary to waive the 30-day effective date provision of section 4 of the Administrative Procedure Act and such provision is hereby waived. Accordingly, the regulations in §§ 730.1301 to 730.1304, inclusive, shall become effective upon the date of their publication in the FEDERAL REGISTER.

§ 730.1302 Marketing quotas on 1962 crop of rice.

The total supply of rice in the United States for the marketing year beginning August 1, 1961, is determined to be 64,038 thousand hundredweight (rough basis). The normal supply of rice for such marketing year is determined to be 62,700 thousand hundredweight. Since the total supply of rice for the 1961–62 marketing year exceeds the normal supply for such marketing year, marketing quotas shall be in effect on the 1962 crop of rice.

§ 730.1303 National acreage allotment of rice for 1962.

The normal supply of rice for the marketing year commencing August 1, 1962, is determined to be 65,711 thousand hundredweight (rough basis). The carry-over of rice on August 1, 1962, is determined to be 6,540 thousand hundredweight. Therefore, the production of rice needed in 1962 to make available a total supply of rice for the 1962–63 marketing year equal to the normal supply for such marketing year is 59,171 thousand hundredweight. The national average yield of rice for the five calendar

years, 1957 through 1961 is determined to be 3,255 pounds per planted acre. The national acreage allotment of rice for 1962 computed on the basis of the production of rice needed in 1962 and the national average yield per planted acre of rice for the five calendar years, 1957 through 1961, is 1,817,856 acres. Since this amount is more than the total acreage allotted in 1956, which is the minimum for 1962 provided by law, the national acreage allotment of rice for the calendar year 1962 shall be 1,817,856 acres.

§ 730.1304 Apportionment of 1962 national acreage allotment of rice among the several States.

The national acreage allotment proclaimed in § 730.1303, less a reserve of 300 acres, is hereby apportioned among the several rice-producing States as follows:

State	Acres
Arizona	252
Arkansas	438,920
California	329,748
Florida	1,052
Illinois	22
Louisiana:	
Producer administrative area	18,646
Farm administrative area	503,871
State total	522,517
Mississippi	51,343
Missouri	5,244
North Carolina	42
Oklahoma	164
South Carolina	3,131
Tennessee	569
Texas	464,552

Effective upon date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 27, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-12429; Filed, Dec. 28, 1961; 3:55 p.m.]

SUBCHAPTER D—SPECIAL PROGRAMS

PART 775—FEED GRAINS

Subpart—1962 Feed Grain Program Regulations

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775.102 Definitions.
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775.125 Scheme or device and fraudulent representation.
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AUTHORITY: §§ 775.101 to 775.128 issued under sec. 16(d), 49 Stat. 1151, as amended by 75 Stat. 302; secs. 4 and 5, 62 Stat. 1070—1072, as amended; sec. 133, 75 Stat. 303; 16 U.S.C. 590 p; 15 U.S.C. 714 b and c.

GENERAL

§ 775.101 Purpose.

The regulations in this subpart provide terms and conditions for the 1962 Feed Grain Program, a special agricultural conservation program for 1962 under which conservation payments are made to producers who divert acreage from the production of corn and grain sorghums, and barley, respectively, to an approved conservation use and increase their average acreage of cropland devoted in 1959 and 1960 to designated soil conserving crops or practices by an equal amount. Producers may elect in lieu of such payment to devote the diverted acreage to castor beans, guar, safflower, sunflower or sesame. Supplement 2 to these regulations provides for payments to be made by the delivery or constructive delivery of negotiable certificates which Commodity Credit Corporation (CCC) shall redeem in feed grains and for cash advances to be made to producers who wish CCC's assistance in the marketing of certificates earned by them. The 1962 Feed Grain Program provided in this subpart is referred to herein as the "program." Participation in the program to the extent provided in 1962 CCC grain price support regulations is required as a condition of eligibility for price support on corn, grain sorghums, barley, oats and rye.

§ 775.102 Definitions.

As used in the regulations in this subpart and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meaning assigned to them herein unless the context or subject matter otherwise requires.

(a) The following words or phrases are defined in Part 719 of this chapter, Reconstitution of Farms, Farm Allotments, and Farm History and Soil Bank Base Acreages (23 F.R. 6731), as amended, and shall have the meaning assigned to them by such regulations: "combination," "county," "county committee," "county office," "county office manager," "cropland," "Department," "Deputy Administrator," "division," "farm(s)," "farm serial number," "field," "operator," "person," "reconstitution," "Secretary," "soil bank contract," "State committee" and "subdivision."

(b) "Barley acreage" means:

(1) For 1959 and 1960—any acreage planted to barley for harvest in 1959 and 1960 as grain and any acreage of barley used as silage. It does not include barley used for hay, pasture, green manure or as a protective conservation cover, except where the county committee determines that such acreage was seeded for harvest as grain, but due to abnormal conditions over which the producer had no control, harvesting was not carried out.

(2) For 1962—any acreage as defined in subparagraph (1) of this paragraph which was planted for harvest in 1962 but excluding (i) any acreage of barley planted on a farm as an approved conservation use in accordance with § 775.106 and (ii) any acreage of barley which is planted on the farm in excess of the permitted acreage and which is destroyed by the producer or from some cause beyond his control not later than the applicable date for the disposal of excess acreage. Such date is the same as the applicable disposal date for wheat specified in the wheat marketing quota regulations (26 F.R. 4716), as amended, or if no date is specified, such date shall be as established by the State committee.

(3) An acreage devoted to a mixture of barley and other grains is considered barley acreage for the purpose of this subpart, provided the barley meets the requirements of this paragraph (b), and the county committee determines that 50 percent or more of the crop is barley, except that an acreage devoted to a mixture of barley and wheat shall not be considered as barley acreage if the crop is considered as wheat under the wheat marketing quota program.

(c) "Corn acreage" means:

(1) For 1959 and 1960—any acreage planted to field corn for harvest in 1959 and 1960, and any acreage of sweet corn harvested in 1959 and 1960 primarily for silage. It does not include close sown corn used for pasture or green manure, sweet corn harvested primarily for market even though the forage is used for silage, popcorn, irrespective of use, and corn on a wildlife farm (consisting solely of Federal or State-owned land) not harvested but left on the land for wildlife feed.

(2) For 1962—any acreage as defined in subparagraph (1) of this paragraph planted for harvest in 1962, but excluding (i) any acreage of corn planted on a farm as a conservation use in accordance with the provisions of § 775.106, and (ii) any acreage of corn which is planted on the farm in excess of the permitted acreage and which is destroyed by the producer or by some cause beyond his control not later than the applicable date for the disposal of excess acreage as provided in Part 718 of this chapter, Determination of Acreage and Performance (22 F.R. 3747), and any amendments thereto.

(d) "Grain sorghum acreage" means:

(1) For 1959 and 1960—any acreage planted to grain sorghums of a feed grain or dual purpose variety that was planted for harvest in 1959 and 1960 as grain, silage or fodder, and any acreage of sweet sorghums harvested in 1959 and 1960 for silage. It does not include sweet sorghums harvested for other than silage and grain sorghums on a wildlife farm consisting solely of Federal or State-owned land not harvested but left on the land for wildlife feed.

(2) For 1962—any acreage as defined in subparagraph (1) of this paragraph planted for harvest in 1962, but excluding (i) any acreage of grain sorghums planted on a farm as an approved conservation use in accordance with the provisions of § 775.106, and (ii) any acreage of grain sorghums planted on the farm which is in excess of the permitted acreage and which is destroyed by the producer or from some cause beyond his control not later than the applicable date for the disposal of excess acreage as provided in Part 718 of this chapter, Determination of Acreage and Performance (22 F.R. 3747), and any amendments thereto.

(e) "Conservation Reserve Program" means the program formulated under regulations issued pursuant to the Soil Bank Act, 6 CFR Part 485, recodified in Part 750 of this chapter.

(f) "Intended diverted acreage" means the number of acres that the operator (or owner) of a farm intends to divert in 1962 from the production of corn and grain sorghums, or barley, as indicated on Form 477.

(g) "Minimum diversion acres" means the minimum number of acres which must be diverted in 1962 from the production of corn and grain sorghums, or barley, as the case may be, by producers on a farm in order to be eligible to participate in the program.

(h) "1962 Wheat Stabilization Program" means the program formulated under section 124 of the Agricultural Act of 1961 under which producers divert acreage from the production of wheat.

(i) "Producer" means a person who produces corn, grain sorghums, barley, oats or rye in 1962 as landowner, landlord, tenant or sharecropper.

(j) "Representative of the county committee" means a member of the county committee or any employee of the county committee.

(k) "Representative of the State committee" means a member of the State committee or any employee of the State committee.

§ 775.103 Geographical applicability.

The program is applicable throughout the United States wherever a person complies with the pertinent provisions of these regulations, except in such areas as may be designated by the Administrator, Agricultural Stabilization and Conservation Service (ASCS).

§ 775.104 Administration.

(a) The program, other than that portion thereof relating to redemption of certificates, will be administered under the general supervision of the Administrator, ASCS, and in the field will be carried out by Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation county committees (herein called State and county committees). Feed grain bases, yields, payment rates and productivity indexes will be established by the county committee and will be approved by a representative of the State committee before notices are mailed to producers. Applications for advance and final payments will be approved by the county committee or an authorized representative thereof.

(b) That portion of the program relating to redemption of certificates will be administered by ASCS, under the general direction and supervision of the Executive Vice President, CCC, and in the field will be carried out by State and county committees and ASCS commodity offices.

(c) State and county committees, ASCS commodity offices, and representatives and employees thereof, do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

REQUIREMENTS FOR PARTICIPATION IN PROGRAM

§ 775.105 Requirements of eligibility.

(a) *General.* A person is eligible to participate in the corn and grain sorghum program and in the barley program if he is a producer on a farm which meets the applicable requirements of paragraph (b) of this section and if he fulfills the applicable requirements of paragraph (c) of this section.

(b) *Farm requirements.* (1) A 1962 Feed Grain Program—Intention To Participate and Application for Advance Payment, Form ASCS-477 (herein referred to as Form 477) must be filed for the farm by the operator or the owner in accordance with § 775.118.

(2) Subject to the requirements of § 775.121, in the case of a producer who participates in the corn and grain sorghum program, an acreage equivalent to at least 20 percent of the corn and grain sorghum feed grain base established for the farm must be diverted from the production of corn and grain sorghums in 1962, and in the case of a producer who participates in the barley program, an acreage equivalent to at least 20 percent of the barley feed grain base established for the farm must be diverted from the production of barley in 1962. Notwithstanding the foregoing, with respect to any farm under a conservation reserve contract, if the total permitted acreage of soil bank base crops minus (i) the acreage diverted under the 1962 Wheat Stabilization Program and (ii) the acreage diverted under the barley program in the case of the corn-grain sorghum program, or the acreage diverted under the corn-grain sorghum program in the case of the barley program, is less than the minimum acreage otherwise required for participation in the corn-grain sorghum or barley program, as applicable, participation to the extent of such acreage shall satisfy the minimum acreage requirements.

(3) An acreage equivalent in area to the acreage diverted in 1962 from the production of corn and grain sorghums, and barley, respectively, must be devoted in 1962 to one or more of the approved conservation uses specified in § 775.106 and must comply with the requirements of § 775.107.

(4) In addition to the acreage referred to in subparagraph (3) of this paragraph and the acreage diverted under the 1962 Wheat Stabilization Program, an acreage equal to the normal conserving acreage for the farm must be devoted to an approved conservation use on the farm in 1962. Land devoted to both a depleting and conserving use in the same year shall not be considered as devoted to an approved conservation use for this purpose. The normal conserving acreage for a farm is the average of the cropland acreage devoted in 1959 and 1960 to the approved conservation uses specified in § 775.106 as adjusted by the county committee for abnormal weather conditions or other factors affecting production, established crop-rotation practices on the farm, changes in the constitution of the farm, or participation in other Federal farm programs. Notwithstanding the foregoing, in counties designated by the State committee, the normal conserving acreage required to be devoted to an approved conservation use may be adjusted downward by the county committee upon request of the producer to the extent that the conserving use on such acreage is destroyed in 1962 by flood, drought, insects, or other natural causes.

(5) In case of a producer participating in the corn and grain sorghum program, other than a producer of malting barley as described in § 775.111, the acreage of barley on the farm for 1962 in which he has an interest as producer must not exceed the barley feed grain base established for the farm, unless it is determined as provided in § 775.110, that the barley feed grain base was not knowingly exceeded. In the case of a producer participating in the barley program, the acreage of corn and grain sorghums on the farm for 1962 in which he has an interest as producer must not exceed the corn and grain sorghum feed grain base established for the farm, unless it is determined as provided in § 775.110 that the corn and grain sorghum feed grain base was not knowingly exceeded.

(6) A farm on which a conservation reserve contract has been cancelled since January 1, 1960, because of a scheme or device to exceed the $5,000 payment limitation under the Conservation Reserve Program shall not be eligible for participation: *Provided*, That in any case where the Deputy Administrator determines that participation in the program would not be against the public interest, acceptance of such farm may be authorized.

(7) Land owned by the Federal government which has been leased subject to restrictions prohibiting the production of the applicable feed grain commodity or commodities or requiring the use of land for other purposes, or prohibiting the receipt of Federal payments for diversion of such acreage, will not be eligible for participation in corn and

grain sorghum or barley program, as applicable. In addition, land owned by the Federal government being occupied without a lease, permit, or other right of possession, shall not be eligible for participation in the program.

(c) *Producer requirements.* (1) In the case of a producer who participates in the corn and grain sorghum program, the producer must be a person who would have had an interest as producer in 1962-crop corn and grain sorghums had such crops been produced on the diverted acreage referred to in paragraph (b) of this section, and in the case of a producer who participates in the barley program, the producer must be a person who would have had an interest as producer in 1962-crop barley had such crop been produced on the diverted acreage referred to in paragraph (b) of this section.

(2) Each other farm in which the producer shares in the production of corn and grain sorghums and in the production of barley in 1962 must be in compliance with the provisions of this program; or the corn and grain sorghum feed grain base and the barley feed grain base for each such farm (if established, otherwise the average acreage of corn and grain sorghums, and of barley, for 1959–1960) must not have been exceeded. This requirement as to barley does not apply to a producer of malting barley as defined in § 775.111. For the purpose of this subparagraph (2), a producer shall not be considered as violating the foregoing requirement as to a farm other than the one with respect to which an application for payment is made if the producer satisfies the county committee that he did not have control of the management of the operations of such farm, that he has made a reasonable effort to encourage compliance with the requirements of this paragraph, and that it was through no fault of his own that such farm was not in compliance.

(3) A minor who otherwise meets the requirements of this program will be eligible for payment only if he also meets one of the following requirements: (i) The right of majority has been conferred on him by court proceedings; (ii) a guardian has been appointed to manage his property and the applicable documents are signed by the guardian; or (iii) a bond is furnished under which a surety guarantees to protect ASCS from any loss incurred for which the minor would be liable had he been an adult. Notwithstanding the foregoing, payment may be made to a minor after December 31, 1962, upon a determination by the county committee that the minor has met the requirements of the program.

§ 775.106 Approved conservation uses.

(a) Subject to the provisions of paragraph (b) of this section, the approved conservation uses under this program are as follows:

(1) Permanent or rotation cover of grasses and legumes consisting of perennial grasses, perennial or biennial legumes or mixtures of legumes and perennial grasses.

(2) Summer cover crops consisting of small grains, legumes, or grasses. (Wheat and barley may be used as a cover crop only under the condition stated in subparagraph (11) of this paragraph.)

(3) Winter cover crops consisting of small grains, legumes, or grasses (seeded in the fall of 1961 or seeded in the fall of 1962). However, other approved conservation uses will be required in conjunction with the winter cover crop, if necessary to protect the land throughout the 1962 cropping season. (Wheat and barley may be used as a cover crop only under the condition stated in subparagraph (11) of this paragraph.)

(4) Trees or shrubs for erosion control, shelter belts, or other forestry purposes.

(5) Water storage for any purpose, including fish or wildlife habitat.

(6) Wildlife food plots or habitat when plantings are for wildlife food plots or establishment of wildlife habitat. An acreage devoted to wheat, barley or rice may not be considered as wildlife food plots or wildlife habitat under the program. Corn and grain sorghums may qualify if planted in small plots and designated for such purpose and approved by the county committee for such purpose.

(7) Idle cropland (necessary protective measures, including volunteer cover, must be carried out on diverted acreage).

(8) Summer fallowed cropland (prescribed protective measures must be carried out on summer fallow designated as diverted acreage).

(9) Corn or grain sorghums may be plowed down as green manure and considered as a conservation use on diverted acreage provided other approved conservation measures are carried out if necessary to protect the land throughout the 1962 cropping season.

(10) In those counties where the practice is applicable and customarily carried out, grain sorghums may be planted as a cover or litter crop in preparation of a seedbed for establishing permanent cover under ACP and CRP A–2 and GP Practice GP–1, provided the grain sorghums are clipped while still green and left on the land in preparation of the seedbed.

(11) Wheat or barley plowed down as green manure or clipped and left on the land before the disposal date specified in the Wheat Marketing Quota Regulations (26 F.R. 4716), as amended, may be considered as a conserving use provided other approved conservation measures are carried out if necessary to protect the land throughout the 1962 cropping season.

(12) Other uses approved by the State committee which are not in conflict with other provisions of the program.

(b) Idle cropland and summer fallowed land may be used in meeting the conservation use requirement on diverted acres only where the county committee determines that it would not be practicable to devote the diverted acres to other approved conserving uses in view of the conditions prevailing on the farm in 1962 or where such a determination has been made for an area by the State committee.

§ 775.107 Designation and use of diverted acreage.

(a) *General.* Land diverted from the production of corn and grain sorghums, and barley, respectively, under the program must be designated by the operator of the farm and must be (1) cropland that was intensively cultivated during at least one of the years 1959, 1960, or 1961, (2) cropland that was devoted to a conservation use other than a water storage facility or trees under a conservation reserve contract which has been terminated or has expired with respect to such land, or (3) cropland which was designated and approved as diverted acreage under the 1961 Feed Grain Program, except acreage devoted to trees. Any land retired to noncrop use, including any land retired to replace noncropland in accordance with § 775.108, any land devoted in 1962 to asparagus, strawberries, or bush fruits (including new plantings of such crops) shall not be eligible for designation as diverted acreage. Any acreage diverted from the production of corn and grain sorghums, or of barley, respectively, to conservation uses for which payment is made under the program shall be in addition to any acreage diverted to conservation uses for which payment is made under any other Federal program except that the foregoing shall not preclude the making of cost-sharing payments under the Agricultural Conservation Program or the Great Plains Program for conservation practices carried out on any acreage devoted to soil-conserving uses under the program.

(b) *Restriction on harvesting.* No crop shall be harvested from the designated diverted acreage in 1962 for which payment is made under the program except (1) where the Secretary considers it necessary to permit harvesting the diverted acreage in order to alleviate a shortage of forage for use in the area resulting from severe drought, flood, or other natural disaster, or (2) an acreage approved for double-cropping (information as to such areas and the conditions under which such harvesting is permitted may be obtained from the county office). If there is unauthorized harvesting of a crop from the designated diverted acreage and it is determined that such harvesting was intentional or the result of gross negligence, the entire amount of payment to the operator and any other producer on the farm shall be forfeited or refunded: *Provided*, That such forfeiture or refund shall not apply to a producer (other than the operator) if it is determined that such producer did not cause, aid in, or benefit from, the harvesting of the crop. If there is unauthorized harvesting of a crop from the designated diverted acreage and it is determined that such harvesting was done under circumstances other than those specified in the preceding sentence, payments shall be forfeited or refunded by an amount determined by multiplying the number of acres from which a crop is harvested by the applicable lowest minimum payment rate per acre established for the farm: *Provided*, That such forfeiture or refund shall apply first to the extent possible to payments to producers who cause, aid in, or benefit from, the harvesting of the crop, in the proportion in which they share in the payment to such producers. In addition, no grain or oilseed crop which matures in 1962 shall be harvested from the designated diverted acreage after December 31, 1962. If there is harvesting in violation of the provisions of the preceding sentence, the entire amount of payment for the farm shall be forfeited or refunded. For restrictions on the use of diverted acreage devoted to castor beans, guar, safflower, sunflower, or sesame in lieu of payment, see paragraph (d) of this section.

(c) *Restriction on grazing.* The designated diverted acreage shall not be grazed after May 1, 1962, and on acreage approved for double-cropping none of the designated diverted acreage may be grazed during the entire year of 1962. Notwithstanding these provisions, the Secretary may permit the diverted acreage to be grazed when he considers it necessary in order to alleviate a shortage of forage for use in the area resulting from severe drought, flood, or other natural disaster. If there is unauthorized grazing of the designated diverted acreage and it is determined that such grazing was intentional or the result of gross negligence, the entire amount of payment to the operator and any other producer on the farm shall be forfeited or refunded: *Provided*, That such forfeiture or refund shall not apply to a producer (other than the operator) if it is determined that such producer did not cause, aid in, or benefit from, the grazing of the designated diverted acreage. If there is unauthorized grazing of the designated diverted acreage and it is determined that such grazing was done under circumstances other than those specified in the preceding sentence, payments shall be forfeited or refunded by an amount representing the value of the grazing on the diverted acreage: *Provided*, That such forfeiture or refund shall apply first to the extent possible to payments to producers who cause, aid in, or benefit from, the grazing, in the proportion in which they share in the payment to such producers. If the grazing is determined to have no value, no forfeiture or adjustment of payment is required.

(d) *Restriction on use of crops planted in lieu of receiving payment.* Castor beans, guar, safflower, sunflower or sesame planted on the designated diverted acreage in lieu of receiving payment under the program shall not be grazed, and violation of this provision shall render the acreage ineligible for designation as diverted acreage.

(e) *Use of land.* Measures normally carried out in the fall for the area in connection with the production of a crop for harvest in a subsequent year may be carried out on the diverted acreage in the fall of 1962. New orchards consisting of fruits or nut trees may be planted on the designated diverted acreage provided other required conservation measures are carried out on such land.

(f) *Control of insects, weeds and rodents.* The county committee will prescribe measures and methods of application that are appropriate for the county in controlling insects, weeds and rodents on the designated diverted acreage if such measures are needed. If insects, weeds, and rodents are not timely controlled in a manner satisfactory to and as required by the county committee, the designated diverted acreage shall, for purposes of determining the total diverted acreage on which payment is based under § 775.121, be deemed reduced by the number of acres on which insects, weeds, and rodents are not controlled.

§ 775.108 Noncropland used for crops in 1962.

The number of acres of noncropland which is planted to crops for harvest in 1962 (excluding noncropland planted to perennial grasses and perennial legumes on which no nurse crop is harvested for grain or oilseed), shall be subtracted from the acreage otherwise eligible for payment to the extent that an equal acreage of cropland on the farm is not retired to permanent cover of trees, perennial grasses, or perennial legumes. Any acreage so retired to non-crop use shall not be eligible for designation as diverted acreage or considered as meeting the normal conserving acreage requirements for the farm in 1962.

§ 775.109 Use of normal conserving acreage in 1962.

(a) *Use of crops.* There are no restrictions on the use of crops produced on land used in meeting the normal conserving acreage requirements for the farm in 1962, except as follows:

(1) An acreage of small grains seeded alone and harvested for grain, hay or silage shall not be considered as devoted to an approved conservation use in 1962; however, an acreage of small grains seeded as a nurse crop with grass or legumes and cut green for hay or silage by a date well ahead of maturity of the grain as established for the area by the State committee, and in the case of wheat and barley not later than the disposal date under the wheat marketing quota regulations, will be considered as meeting the normal conserving acreage requirements in 1962. An acreage of small grain used as a nurse crop and harvested for any purpose after such date shall not be considered as devoted to an approved conservation use in 1962.

(2) An acreage of annual grasses (including millet) and soybeans, cowpeas, field and canning peas and field and canning beans harvested as seed or grain, or for processing purposes shall not be considered as devoted to an approved conservation use in 1962.

(3) An acreage of barley, wheat or rice which is left standing as of the final disposition date shall not be considered as devoted to an approved conservation use in 1962. The final disposition dates for wheat and rice are set forth in the applicable marketing quota regulations. The disposition date for barley shall be the same as the disposition date established for wheat.

(b) *Use of land.* Measures normally carried out in the fall for the area in connection with the production of a crop for harvest in a subsequent year may be carried out in the fall of 1962 on acreage used in meeting the normal conserving acreage requirements in 1962. New orchards consisting of fruit or nut trees may be planted on such acreage provided other required conservation measures are carried out on such land.

§ 775.110 Knowingly exceeding farm feed grain base.

If the barley feed grain base for the farm, or the corn and grain sorghum feed grain base for the farm is exceeded in 1962, such feed grain base shall be considered as having been knowingly exceeded by a producer participating in the corn and grain sorghum program, or barley program, respectively, for the purpose of § 775.105, unless the operator of the farm establishes to the satisfaction of the county committee in accordance with paragraph (a), (b) or (c) of this section that he has not knowingly exceeded the applicable feed grain base for the farm and the determination of the county committee is approved on review by the State executive director.

(a) *Erroneous notice of feed grain base acreage.* The applicable feed grain base for the farm will not be considered to be knowingly exceeded in any case where through error in a county or State office, the farm operator was officially notified in writing on Form 471 of a feed grain base which was larger than the finally-approved feed grain base and the farm operator or any producer on the farm acting solely on the information contained in the erroneous notice planted an acreage to the commodity in excess of the finally-approved feed grain base and where the other conditions of this paragraph are satisfied. The determination of eligibility under the foregoing circumstances will be based on the feed grain base contained in the erroneous notice, and if the acreage planted to the commodity on the farm is adjusted to the feed grain base contained in the erroneous notice within the time limits for disposal of excess acreages provided in 7 CFR Part 718 of this chapter (Determination of Acreage and Performance, 22 F.R. 3747), and any amendments thereto, the farm will not be considered to be overplanted. Before the farm operator or any producer on the farm can be said to have relied upon the erroneous notice, the circumstances must have been such that he had no cause to believe that the feed grain base was in error. To determine this fact, the date of any corrected notice in relation to the time of planting, the size of the farm, the amount of the commodity customarily planted and all other pertinent facts shall be taken into consideration.

(b) *Erroneous notice of measured acreage.* The feed grain base for the farm will not be considered to be knowingly exceeded in any case where (1) the lack of compliance was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage issued in accordance with applicable regu-

lations; (2) neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with applicable regulations; (3) the incorrect notice was the result of an error made by the performance reporter or by another employee of the county or State office in reporting, computing or recording the acreage for the farm; (4) neither the farm operator nor any producer on the farm was in any way responsible for the error; and (5) the extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

(c) *Failure to measure acreage or notify operator.* The feed grain base for the farm will not be considered to be knowingly exceeded in any case where through no fault of the farm operator or any producer on the farm the acreage was not measured or the farm operator was not notified of the measured acreage prior to the time the crop is harvested from the acreage: *Provided*, That the excess acreage was relatively small and the farm operator establishes that because of the relative smallness of the excess and the unavailability to him of any recent measurements of the field acreages on the farm, he had no reason to believe the acreage was in excess of the feed grain base for the farm.

§ 775.111 Producers of malting barley.

(a) A producer of malting barley may participate in the corn and grain sorghum program without regard to whether he has exceeded his barley feed grain base in 1962 if (1) the owner or operator of the farm in 1962 planted an acceptable malting variety of barley during one or more of the years 1957 through 1961, or if he was prevented from planting such barley during this period because the farm was participating in the Soil Bank Program, he planted barley of an acceptable malting variety in any one of five years prior to the soil bank contract; (2) a barley feed grain base has been established for the farm in 1962; (3) a Form 477 has been timely filed in which the producer has requested a malting barley exemption under this paragraph for the farm; (4) barley only of an acceptable malting variety is planted by the producer for harvest in 1962 on a farm located in an area for which such variety is approved; and (5) an acreage of barley is not knowingly produced in excess of 110 percent of the barley feed grain base for the farm. If the barley feed grain base is, in fact, exceeded, such acreage shall be considered as having been knowingly exceeded, unless the operator of the farm establishes to the satisfaction of the county committee in accordance with paragraph (a), (b), or (c) of § 775.110 that the barley feed grain base has not been knowingly exceeded and the determination of the county committee is approved on review by the State executive director.

(b) The approved malting varieties of barley are Atlas, Barbless, Betzes, Forrest, Hanna, Haisa II, Hannchen, Heines Hanna, Idaho Club, Kindred, Larker, Manchuria, Montcalm, Moravian, O.A.C. 21, Oderbrucker, Odessa, Parkland, Traill, Trophy, White Winter, Winter Club, and Winter Tennessee. The malting barley exemption applies only to approved malting varieties of barley produced in California, Colorado, Idaho, Illinois, Iowa, Michigan, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, and Wisconsin.

§ 775.112 Maximum permitted acreage.

The maximum number of acres of corn and grain sorghums, or barley, respectively, which may be planted on a farm for harvest in 1962 by producers eligible to participate in the program (herein referred to as "maximum permitted acreage") shall not exceed the acreage obtained by multiplying the applicable feed grain grain base by 80 percent, except as otherwise provided in § 775.121. The permitted acreage (based on intention) is the acreage obtained by subtracting the intended diverted acres on the farm from the applicable feed grain base established for the farm and is indicated on Form 477. Notwithstanding the foregoing, in the case of any farm participating in the Conservation Reserve Program, the acreage of corn and grain sorghums, barley, and of other soil bank base crops (excluding designated diverted acreage under the Wheat Stabilization Program and this program on which soil bank base crops are accepted as an approved conservation use) shall not exceed the acreage determined by subtracting the sum of the number of acres diverted from the production of feed grains under this program and the number of acres diverted from the production of wheat under the 1962 Wheat Stabilization Program from the acreage of soil bank base crops permitted under the conservation reserve contract.

NOTICE OF FEED GRAIN BASE, PAYMENT RATES, AND YIELDS—APPEALS

§ 775.113 Farm feed grain base.

(a) *How obtained.* The corn and grain sorghum feed grain base shall be the sum of the feed grain bases established for corn and grain sorghums on the farm. A separate feed grain base shall be established for barley. The feed grain base for each such commodity shall be the average of the 1959 and 1960 acreages of the commodity produced on the farm, as established from information obtained from producers and other information available to the county committee, adjusted in such amounts deemed necessary by the county committee with the approval of a representative of the State committee for producer overstatement and to correct for abnormal factors affecting production and to give due consideration to tillable acreage, crop-rotation practices, type of soil, soil and water conservation measures, and topography. On farms with recognized irrigated and non-irrigated corn, grain sorghum or barley history for 1959 or 1960, and where irrigation was extensively used during such period on only a part of the acreage of the commodity, the feed grain base for each applicable commodity shall be divided into separate irrigated and non-irrigated feed grain bases upon such history. Separate irrigated and non-irrigated feed grain bases shall not be established for farms where irrigation is used intermittently in dryer years only. In those counties where the Department of Agriculture has estabilshed the average adjusted acreage of the commodity produced in the county in 1959 and 1960 for use as a guide in determining the feed grain base of the commodity for farms in the county, the total feed grain base of the commodity for all farms in the county (excluding any increase in farm feed grain bases resulting from corrections, requests for reconsideration, or appeals pursuant to the provisions of § 775.117) to the extent practicable, shall not exceed 105 percent of such average adjusted acreage.

(b) *Final dates for establishing feed grain bases.* If a farm feed grain base has not been established for a farm and the operator or owner is interested in participating in the program, such person must file a Feed Grain Acreage Report, Form CSS–532, hereinafter referred to as Form 532, not later than ten calendar days prior to the final date for filing the applicable Form 477. If after such date the producer requests the establishment of a feed grain base for any such farm for the purpose of determining cross compliance with acreage requirements on farms other than the farm with respect to which payment is requested, a base shall be established for such cross-compliance purposes. A producer may obtain the date referred to herein from the county committee.

(c) *Farms with no 1959 and 1960 production.* A farm shall not qualify for payment under the corn and grain sorghum program if there was no acreage of such commodities on the farm in 1959 and 1960, and a farm shall not qualify for payment under the barley program if there was no acreage of barley on the farm in 1959 and 1960, unless cropland on the farm was in the Conservation Reserve Program during either or both of the years 1959 and 1960 and the conservation reserve contract is no longer in effect for all or part of such land. A feed grain base may be established for a farm on which the applicable commodity was grown in 1957 or 1958 for cross-compliance purposes, as specified in § 775.105 (b)(5) and (c)(2) even though an acreage was not devoted to the commodity on the farm in 1959 and 1960 if the county committee determines that failure to plant the commodity was due to (1) a definite crop-rotation practice which did not provide for planting of feed grains in 1959 and 1960, but does provide for planting of feed grains in 1962, (2) practices carried out to eradicate or control weeds, or (3) extreme floods or droughts not common for the farm. The feed grain base established as provided in subparagraphs (2) and (3) of this paragraph shall not exceed the acreage that otherwise would have been devoted to the commodity in 1959 and 1960.

(d) *Feed grain bases on farms removed from agricultural production because of acquisition by Federal, State or other agency having right of eminent domain.* If the owner of a farm on which there was an acreage of corn or grain sorghums in 1959 or 1960 or on which there was an acreage of barley in 1959 or 1960 is displaced because the farm has been acquired for any purpose other than for the continued production of agricultural crops, by any Federal, State or other agency having the right of eminent domain and the owner has acquired another farm in lieu thereof, the following provisions shall apply. If the owner had such an acreage of corn or grain sorghums in 1959 or 1960, the corn and grain sorghum feed grain base for the new farm shall be established by adjusting, if necessary, the base otherwise applicable to the new farm to reflect the applicable feed grain base of similar farms in the area, taking into consideration similarities in tillable acreage, crop-rotation practices, type of soil, soil and water conservation measures, and topography. If the owner had such an acreage of barley in 1959 or 1960, the barley feed grain base for the new farm shall be established in a similar manner.

§ 775.114 Payment rates, productivity index and county average yields.

(a) Payment rates used in computing advance and final payments shall be determined as provided in paragraph (b) of this section. Separate payment rates shall be established for corn, grain sorghums and barley.

(b) The applicable minimum acre payment rate for the farm shall be obtained by multiplying the productivity index for the farm applicable to the commodity by the applicable minimum acre payment rate, as set forth in Supplement 1 to this program, for the county in which the farm is located. The minimum acre payment rate for the county has been obtained by multiplying 50 percent of the county average yield for the commodity, as set forth in Supplement 1 to this program, by the basic county support rate for the commodity. The applicable additional acre payment rate for the farm shall be obtained by multiplying the productivity index for the farm applicable to the commodity by the applicable payment rate, as set forth in Supplement 1 to this program, for the additional diversion acres for the county in which the farm is located. The additional acre payment rate for the county has been obtained by multiplying 60 percent of the county average yield for the commodity, as set forth in Supplement 1 to this program, by the basic county support rate for the commodity.

(c) The productivity index for the commodity represents, as nearly as it is practicable to classify, the farm's relationship in productivity to the average of the farms in the county. In arriving at the productivity index for the commodity on the farm, the county and community committees will take into consideration the relative production capabilities of the farm for the commodity. Such productivity index shall reflect the relative production capabilities of the farm in a normal crop year under usual cultural practices with such adjustment as the committee considers proper to provide equitable treatment for the farm. In the event both irrigated and non-irrigated feed grain bases were established for a commodity on the same farm, separate productivity indexes for the respective practices will be established.

(d) The county average yield for corn, grain sorghums, and barley shall be the average yield per acre for the 1959 and 1960 crop acreages of the commodity in the county, adjusted in such amounts as may be deemed necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop rotation practices, type of soil, soil and water conservation measures and topography. Separate county average yields shall be established for corn, grain sorghums and barley in each county in which such crops are produced and shall be contained in Supplement 1 to this program.

(e) The rate of payment under the program with respect to land which is leased or rented on a cash-rent basis from the Federal, State, county, or local government, or subdivisions thereof, if such land is not otherwise ineligible for participation in the program, shall not exceed a fair payment rate as determined by the county committee. Such payment rate shall be the smaller of (1) the minimum acre payment rate for the farm, or (2) one-half the minimum acre payment rate plus the actual cash rent per acre of the land adjusted to take into account the quality of the acres actually diverted when compared with the total acres rented, and the services performed and improvements made at the producer's expense which are in addition to rent.

§ 775.115 Maximum diversion acreage.

The maximum number of acres which may be diverted on the farm from corn and grain sorghums and from barley for which payment may be received under this program shall be:

(a) The applicable farm feed grain base if such base is 25 acres or less;

(b) Twenty acres plus 20 percent of the applicable farm feed grain base if such base is in excess of 25 acres but not in excess of 100 acres; and

(c) Forty percent of the applicable farm feed grain base if such base is 100 acres or more. Such acreage is herein called the maximum diversion acreage. Notwithstanding the foregoing, in the case of a producer participating in the Conservation Reserve Program, the maximum number of acres which may be diverted from feed grains and wheat shall not exceed the acreage of soil bank base crops permitted under the conservation reserve contract.

§ 775.116 Notice of feed grain base acreage, yields and payment rates.

Each operator and owner of a farm for which a feed grain base is established will be notified in writing of the applicable feed grain base for the farm, and the established yield per acre, the minimum acre payment rate and the additional acre payment rate for corn, grain sorghums and barley, as applicable. Such notice will be on Form ASCS–471, hereinafter referred to as Form 471.

§ 775.117 Appeals and proof of acreages and yields.

(a) Any producer may request in writing a reconsideration of the applicable feed grain base, yields or payment rates established for his farm if he believes that such feed grain base, yields or payment rates were not correctly established as required under these regulations or that they are inequitable as compared with feed grain bases, yields, or payment rates determined for similar farms. Such request must be submitted within 15 days from the date of mailing appearing on the Form 471. If dissatisfied with the decision of the county committee, the producer may appeal in writing to the State committee within 15 days from the date of the mailing of the notice of the decision of the county committee. The determination of the State committee shall be final. If the producer fails to request reconsideration by the county committee or appeal from its decision as provided herein, the determination as provided in Form 471 shall be final. Any request for reconsideration or appeal shall not operate to extend the applicable closing date for filing Form 477 in the program. Each appeal must be supported by a written statement of fact outlining the basis for the appeal. Nothing herein shall preclude the county committee or the State committee on its own motion or on request at any time, from revising or requiring revision of a feed grain base or payment rate established for any farm to correct mechanical or clerical errors resulting from action solely on the part of a county or State committee representative.

(b) To the extent that a producer proves the actual acreages and yields for the farm for the 1959 and 1960 crop years prior to receipt of a notice of his feed grain base and yields on Form 471 or pursuant to a request for reconsideration by the county committee or an appeal under paragraph (a) thereof, such acreages and yields shall be used in making determinations.

(c) Except as otherwise provided in paragraph (a) of this section, a producer may request a reconsideration of any determination of a county or State committee concerning a question of fact or may appeal such determination in accordance with the provisions of this paragraph. The producer shall first request a reconsideration by the committee initially making the determination. If the producer is dissatisfied with a determination of the county committee with respect to his request for reconsideration, he may then appeal the determination to the State committee. If the producer is dissatisfied with a determination of the State committee (1) with respect to his appeal from the determination of the county committee, or (2) with respect to his request for reconsideration by the State committee, he may then appeal to the Deputy Administrator. The determination of the Deputy Administrator shall be final. Each request for reconsideration or appeal shall be in writing and shall be supported by a written statement of facts upon which it is based. Each request for reconsideration or appeal shall be

filed with the committee or person to which it is made within 15 days after notice of the determination is mailed to or otherwise made available to the producer: *Provided*, That a request for reconsideration or appeal may be accepted and acted upon even though not filed within such time limit if, in the judgment of the committee or person to which such request for reconsideration or appeal is made, the circumstances warrant such action.

(d) In any request for reconsideration or appeal, the producer or his representative shall be afforded an opportunity to appear before the person or committee to which the request for reconsideration or appeal is made and present and submit written or oral evidence.

DETERMINATION AND DIVISION OF PAYMENTS

§ 775.118 Intention to participate in the program.

(a) *Who may file.* A Form 477 may be filed for corn and grain sorghums and for barley by the operator or the owner of any farm who wishes to participate in the program for such commodities after he has received an applicable Form 471 for the farm.

(b) *Where to file.* Such form shall be filed with the office of the county committee with jurisdiction over the county where the farm is located.

(c) *When to file.* Such form shall be filed not later than December 1, 1961, for fall-seeded barley and not later than the date established by the Administrator, ASCS, for spring-seeded barley and for corn and grain sorghums, except that in counties where barley is both fall and spring seeded, such form may be filed not later than the closing date established for either fall or spring-seeded barley unless the State committee determines that only one signup period is practicable. Notwithstanding the foregoing, the closing date may be extended by the county committee if the producers on the farm establish to the satisfaction of the county committee that they intended to participate in the program and their failure to file by such date is due to a cause beyond their control. A producer may obtain the applicable closing date from the county office.

(d) *Contents.* The operator or owner shall provide in Form 477 the following information: The acreage which is intended to be diverted from the production of the applicable feed grain for the farm for which the form is filed; the acreage, if any, of castor beans, guar, safflower, sunflower or sesame which is intended to be produced on the diverted acreage; the serial number or location of other farms in which he has an interest as a producer in 1962; and whether or not an advance payment is desired for the farm. The total intended diversion acreage specified on Form 477 shall not exceed the maximum diversion acres.

§ 775.119 Advance payments.

(a) *Who may apply.* Producers who intend to comply with the requirements of eligibility of the program may apply for an advance payment upon the filing of a Form 477 for the farm. There shall be listed the names of all persons on the farm who would have had an interest as producer in 1962 crop corn or grain sorghums, or barley, as applicable, had such crop(s) been produced on the diverted acreage, together with the share of the advance payment that such person is to receive determined in accordance with paragraph (c) of this section. The sum of the total percentage shares so determined shall equal 100 percent.

(b) *Requirements.* Before an advance payment is made to a producer he must agree to comply with the provisions of the 1962 Feed Grain Program and that he will refund all or any part of such payment to which he is not entitled under the program. In the event the farm does not comply with at least the minimum participation requirements, he must refund the entire advance payment with interest at the rate of 6 percent per annum from the issue date of the advance payment to the date it is refunded.

(c) *Amount of advance payment.* The total advance payment to be made on a farm under the corn and grain sorghums program shall be the sum of (1) 50 percent of the result obtained by multiplying the acreage intended to be diverted from corn by the minimum acre payment rate per acre for corn for the farm and (2) 50 percent of the result obtained by multiplying the acreage intended to be diverted from grain sorghums by the minimum acre payment rate per acre for grain sorghums for the farm. The total advance payments to be made on a farm under the barley program shall be 50 percent of the result obtained by multiplying the acreage intended to be diverted from barley by the minimum acre payment rate per acre for barley for the farm. Each producer's share of the advance payment for the farm shall be obtained by multiplying his percentage share of the payment as specified on Form 477 by the total advance payment for the farm.

§ 775.120 Determination of compliance.

(a) Determinations with respect to the acreage planted to the commodity and the designated diverted acreage shall be made by a representative of the county or State committee in accordance with the regulations governing Determination of Acreage and Performance, Part 718 of this chapter (22 F.R. 3747), as amended.

(b) Before final payments are made, producers on the farm shall be required to certify that they have complied with all requirements of the program. If the county committee has reason to question whether the normal conserving acreage for the farm has been devoted to an approved conservation use on the farm for 1962, or whether the producer has otherwise complied with the program, it shall take the necessary action to verify the facts.

(c) A representative of the county or State committee or any authorized representative of the Secretary shall have the right at any reasonable time to enter a farm, concerning which representations have been made on any forms filed under the program, in order to measure the acreage planted to the commodity and the designated diverted acreage, to examine any records pertaining thereto, and otherwise to determine the accuracy of a producer's representations and the performance of his obligations under the program.

§ 775.121 Final payment.

(a) Payment of any amounts due the producers on a farm participating in the corn-grain sorghum program and to producers on a farm participating in the barley program shall be made when it has been determined by the county committee that the producers and the farm are in compliance with the applicable requirements of this program. To be eligible for payment the producer must complete Form 477-2 not later than May 1, 1963, unless otherwise approved by the Administrator, ASCS, or his designee. The percentage shares of all producers who would have had an interest in the applicable commodity on the farm in 1962 had such commodity been produced on the diverted acreage must equal 100 percent.

(b) The total diverted acreage of corn and grain sorghums, or of barley, on the farm shall be determined by subtracting the 1962 corn and grain sorghum acreage or the 1962 barley acreage on the farm from the applicable farm feed grain base. The total acreage diverted from corn and grain sorghums, and the total acreage diverted from barley, on which payments shall be based shall be the smallest of:

(1) The total diverted acreage of the applicable crop(s) on the farm determined as provided above;

(2) The total intended diverted acreage of the applicable crop(s) as specified on Form 477;

(3) The increased acreage devoted in 1962 to approved conservation uses on the farm, excluding (i) in the case of the corn-grain sorghum program, the designated diverted acreage under the barley program, and in the case of the barley program, the designated diverted acreage under the corn-grain sorghum program, (ii) designated diverted acreage under the 1962 Wheat Stabilization Program and (iii) cropland retired to replace non-cropland in accordance with § 775.108;

(4) The number of acres in the designated diverted acreage of the applicable crop(s) less any acreage on which castor beans, guar, safflower, sunflower or sesame are planted; or

(5) If the farm is covered by a Soil Bank Conservation Reserve contract, the number of permitted acres of soil bank base crops minus (a) in the case of the corn-grain sorghum program, the acreage diverted under the barley program, or in the case of the barley program, the acreage diverted under the corn-grain sorghum program; (b) the acreage diverted under the 1962 Wheat Stabilization Program, and (c) the acreage devoted in 1962 to soil bank base crops, excluding designated diverted acreage under the Wheat Stabilization Program and this program on which soil bank base crops are planted as a conservation use in accordance with the provisions of § 775.106.

Notwithstanding subparagraphs (1) through (5) of this paragraph, a reduction in diverted acreage otherwise eligible for payment will be made for each acre of non-cropland which is planted to crops for harvest in 1962 (excluding non-cropland planted to perennial grasses and legumes on which no nurse crop is harvested for grain or oilseed) that is not replaced by cropland retired to permanent cover of trees, or perennial grasses and/or perennial legumes. Except as provided below, no payment shall be made on any farm on which the total diverted acreage on which the payment is based (including acreage devoted to castor beans, guar, safflower, sunflower or sesame which has not been grazed as provided in § 775.107(d)) is less than 20 percent of the farm feed grain base. The provisions of the foregoing sentence shall not apply if (i) the farm is covered by a soil bank conservation reserve contract and the provisions of the second sentence in § 775.105(b)(2) are applicable, or (ii) noncompliance with such provisions was caused solely by (*a*) an understatement made in good faith by producers in supplying data to the county committees, or (*b*) an error, and the county committee determines that (*1*) producers on the farm were in no way responsible for the error, (2) the extent of the error was such that the producers would not reasonably be expected to question it, and (3) the producers in good faith complied with the program on the basis of the error.

(c) The amount of the total earned payment for the farm for the corn-grain sorghum program and for the barley program shall be computed in accordance with the provisions of the following subparagraphs (1) through (5) of this paragraph, as applicable:

(1) If the corn-grain sorghum feed grain base or the barley feed grain base, as applicable, on the farm is less than 100 acres, the total diverted acreage on which payment is based shall be divided into the following three categories for the purpose of computing the acreage eligible for payment at the minimum and additional acre payment rates:

(i) The number of acres equal to 20 percent of the total applicable feed grain base shall be computed at the applicable minimum acre payment rate per acre;

(ii) The number of acres, if any, between 20 percent of the total applicable feed grain base and 40 percent of such total feed grain base shall be computed at the applicable additional acre payment rate per acre; and

(iii) The number of acres, if any, in excess of 40 percent of the total applicable feed grain base shall be computed at the applicable minimum acre payment rate per acre.

(2) If the corn-grain sorghum feed grain base or the barley feed grain base, as applicable, on the farm is 100 acres or more, the total diverted acreage on which payment is based under the applicable program shall be divided into the following two categories for the purpose of computing the acreage eligible for payment at the minimum and additional acre payment rates:

(i) The number of acres equal to the first 20 percent of the total applicable feed grain base shall be computed at the applicable minimum acre payment rate per acre, and

(ii) The number of acres, if any, in excess of the first 20 percent of the total applicable feed grain base shall be computed at the applicable additional acre payment rate per acre.

(3) If the actual diverted acreage consists of an acreage of corn and an acreage of grain sorghums and the provisions of subparagraph (4) of this paragraph are not applicable, the acreage of each commodity eligible for payment shall be determined by crediting the commodity with the higher payment rate with an acreage equivalent to the smaller of the actual acres diverted from that crop, or the total corn-grain sorghum diverted acreage on which payment is based, and then crediting the balance of the eligible acres for payment to the commodity with the lower payment rate.

(4) On farms where separate irrigated and non-irrigated feed grain bases have been established for the commodity, the irrigated and non-irrigated acreages of such commodity eligible for payment shall be determined as follows:

(i) In the case of corn and grain sorghums, the commodity and practice category having the highest payment rate shall be credited with an acreage equivalent to the smaller of the actual acreage diverted from such crop and practice or the total corn-grain sorghum farm diverted acreage on which payment is based. Each of the remaining commodity and practice categories shall be credited with the smaller of the actual acreage diverted from such crop and practice or the remainder of the total corn-grain sorghum farm diverted acreage on which payment is based. Such computation shall be made for each commodity and practice category in the order of their payment rates. The total acres eligible for payment at the irrigated rate shall not exceed the total actual irrigated diverted acreage.

(ii) Irrigated barley shall be credited with an acreage equivalent to the smaller of the actual barley acreage diverted from such practice category or the total barley farm diverted acreage on which payment is based and non-irrigated barley shall be credited with the remainder, if any, of the barley farm diverted acreage on which payment is based.

(5) In the case of corn and grain sorghums, the acreage of each commodity and practice category eligible for payment at the minimum and additional acre payment rates shall be determined by multiplying the acreage eligible for payment for each crop and practice category by the ratio of the corn-grain sorghum acreage eligible for payment at the minimum or additional rate, as applicable, determined under subparagraph (1) or (2) of this paragraph to the total corn-grain sorghum acreage eligible for payment on the farm. In the case of barley, the acreage of each practice category eligible for payment at the minimum and additional payment rates shall be determined by multiplying the barley acreage eligible for payment in each practice category by the ratio of the barley acreage eligible for payment at the minimum or additional rate, as applicable, determined under subparagraph (1) or (2) of this paragraph to the total applicable barley acreage eligible for payment on the farm.

(d) The balance of the total earned payment due each eligible producer under the corn-grain sorghum program and under the barley program shall be determined by multiplying the total earned payment under the applicable program for the farm by the producer's share of the total payment under the corn-grain sorghum program or under the barley program, as applicable, and subtracting therefrom the advance payment made to such producer under the applicable program. Producers shall refund any payment previously made to which they are not entitled.

(e) Notwithstanding any provision of these regulations, if a producer declines, for personal reasons, to accept all or any part of his share of the payment computed for a farm in accordance with the provisions of this section, such payment or portion thereof shall not become available for any other producer on the farm.

§ 775.122 Division of payment.

(a) Payments made under this program shall be divided in such a way that all eligible producers will share in the payments on a fair and equitable basis and in keeping with existing rental and cropping contracts. The names of all persons on the farm who would have had an interest as producers in 1962-crop corn or grain sorghums, or in 1962-crop barley, as applicable, had it been produced on the diverted acreage shall be entered in Part IV of Form 477 and on Form 477-2. If all such producers agree to their respective percentage shares of the advance and final payments and certify that their shares of the payments are fair and equitable, the division of payments so determined shall be approved by a representative of the county committee subject to the provisions of §§ 775.123 and 775.124.

(b) The following factors should be given consideration in arriving at the division of payments:

(1) The basis on which producers would have shared in the production of the corn and grain sorghums, or barley, as applicable, had such crops been produced on the diverted acreage;

(2) The savings or benefits accruing to each producer on the diverted acreage;

(3) The respective contributions of each producer to the establishment and maintenance of the conservation uses on the acreage designated as diverted from production; and

(4) The respective relationship of the diverted acreages and increased conservation acreage to the various ownership tracts comprising a farm.

(c) In those cases where a person who would have had an interest as producer in corn or grain sorghums, or in barley, as applicable, had such crops been produced on the diverted acreage, refuses or fails to sign an application for payment, or is ineligible because of being out of compliance on other farms, the share of the payment to which he would otherwise be entitled shall be shown on

the applicable Forms 477 and 477–2. Payment shall not be made for the farm until the sum of the percentage shares equals 100 percent.

(d) If producers whose names are listed on Forms 477 and 477–2 cannot agree on the division of the payment among eligible producers on the farm, the county committee will determine the sharing of payments among such producers on a fair and equitable basis and in keeping with existing rental and cropping contracts based on the factors provided in this section. Payment of amounts so determined shall be made to eligible producers upon their request.

§ 775.123 Additional provisions and requirements relative to tenants and sharecroppers.

(a) No Form 477 or Form 477–2 shall be approved by the county committee or payments made for any individual farm if the county committee determines:

(1) That the landlord or operator has not afforded his tenants and sharecroppers, if any, an opportunity to participate in the program.

(2) That the landlord or operator has, in anticipation or because of participating in the program, reduced the number of tenants and sharecroppers on the farm. (If a tenant or sharecropper leaves the farm voluntarily, or for some reason other than being forced off the farm by the landlord or operator in anticipation or because of participation in the program, the failure to replace such tenant or sharecropper shall not be considered as a reduction in anticipation or because of participating in the program.)

(3) That there exists between the operator or landlord and any tenant or sharecropper any lease, contract, agreement or understanding unfairly exacted or required by the operator or landlord which was entered into in anticipation of participating in the program, the effect of which is:

(i) To force the tenant or sharecropper to pay over to the landlord or operator any payment earned by him under the program;

(ii) To change the status of any tenant or sharecropper so as to deprive him of any payment or right which he would otherwise have had under the program;

(iii) To reduce the size of the tenant's or sharecropper's producer unit; or

(iv) To increase the rent to be paid by the tenant or decrease the share of the crop or its proceeds to be received by the sharecropper.

(4) That any other scheme or device has been adopted for the purpose of depriving any tenant or sharecropper of the payment to which he would otherwise be entitled to receive under this program.

(b) If prior to making an advance payment, the county committee determines that the Form 477 has been improperly prepared, it shall not approve the application for payment. The producers will be afforded an opportunity to agree mutually to a proper division of payments in accordance with the factors specified in § 775.122 hereof. If the producers cannot agree to a proper division of payment, the county committee shall determine the division of payments among eligible producers on the farm on a fair and equitable basis, in accordance with the factors specified in § 775.122.

(c) If the county committee determines after affording the producers on a farm an opportunity to present evidence that any payment which it has made has been improperly divided among the eligible producers for the reasons specified in paragraph (a) of this section, the county committee shall determine the sharing of payments to be made among the eligible producers on the farm on a fair and equitable basis in accordance with the factors specified in § 775.122. Persons shall refund to the county committee any payment received to which they are not entitled. In the event of fraud, the person involved shall be subject to the provisions of § 775.125.

§ 775.124 Successors-in-interest.

(a) In case of the death, incompetency, or disappearance of any producer who is entitled to a payment under this program, the payment due him shall be made to his successor, as determined in accordance with provisions of the regulations in ACP 122, as amended, issued by the Secretary (Part 1108 of this title), or any amendments thereto, for payments made pursuant to section 8 of the Soil Conservation and Domestic Allotment Act, as amended.

(b) When any person who would have had an interest as producer (herein called "predecessor") in corn or grain sorghums or in barley, as applicable, if it had been produced on the diverted acreage leaves the farm after Form 477 has been filed and has been succeeded on the farm by another producer (herein called "successor") whose name is listed on Form 477–2, their share of the advance and final payment shall be divided on such basis as the predecessor and successor agree is fair and equitable. If such persons are unable to agree to a division of their payments, the county committee shall determine the division taking into consideration the following, among other factors it deems pertinent:

(1) The respective interests which the predecessor and successor would have had in corn and grain sorghums if they had been produced on the diverted acreage;

(2) The respective contributions to the diversion in acreage which have been made by the predecessor and by the successor; and

(3) The respective contributions of the predecessor and successor to the establishment and maintenance of the conservation uses on the additional acreage devoted to soil conserving crops in 1961.

(c) Notwithstanding the foregoing, if a tenant or sharecropper who would have had an interest in the applicable commodity if it had been produced on the diverted acreage leaves a farm after Form 477 has been filed for the farm, but before the final payment has been made and is not succeeded on the farm by another person, his name shall be included on Part IV of Form 477 and on Form 477–2 and the division of payment to which he is entitled shall be determined as provided in § 775.122.

MISCELLANEOUS

§ 775.125 Scheme or device and fraudulent representation.

(a) A producer who is determined by the State committee or by the county committee with the approval of the State committee to have adopted any scheme or device which tends to defeat the purposes of this program shall not be entitled to receive a payment under the program and shall refund any payment received by him.

(b) The making of a fraudulent representation by a person in the payment documents or otherwise for the purpose of obtaining a payment from the county committee shall render the person liable, aside from any additional liability under criminal and civil frauds statutes, for a refund of the payments received by him with respect to which the fraudulent representation was made.

§ 775.126 Reconstitution of farms.

(a) Reconstitution of farms shall be in accordance with the regulations governing reconstitution of farms, farm allotments and farm history and soil bank base acreages (Part 719 of this chapter, 23 F.R. 6731) and any amendments thereto. If, under such regulations, two or more farms as constituted at the time a feed grain base and a productivity index were established are combined into one farm, or if one farm as constituted at such time is later divided into two more farms, feed grain bases shall be determined for such farm(s) in accordance with such regulations. The productivity index for such farms will be determined by the county committee in accordance with § 775.114.

(b) The feed grain base for corn and grain sorghums and for barley on the combined farm shall not exceed the sum of the applicable feed grain bases for the component parts. The productivity index established for the commodity for a combined farm shall not exceed the weighted average of the indexes established for the commodity for the component parts. When a parent farm is divided into two or more parts, the sum of the feed grain bases for corn and grain sorghums and for barley established for the component parts shall not exceed the applicable feed grain base for the parent farm. The weighted average of the productivity indexes established for the component parts shall not exceed the applicable productivity index established for the farm prior to being divided. The normal conserving acreages shall be credited to the reconstituted farm(s) by the county committee in a fair and equitable manner.

(c) Notwithstanding the foregoing provisions of this section, a farm shall not be reconstituted for the purpose of this program after the final date for filing a Form 477 in the county, unless the farm(s) was not properly constituted as of such date. In such event, a corrected Form(s) 477 may be prepared for the farm(s) as properly constituted even though this action is necessary after the closing date.

§ 775.127 Provision for handling exceptional cases.

Where a producer, in reasonable reliance upon any instruction or commitment of any member, employee, or representative of a county or State committee, in good faith, substantially performs under the program, the Deputy Administrator may review the requirements of any provision of the regulations in this subpart and if, in his judgment, relief from the requirements of such provision is justified under all the circumstances of the case to permit a proper disposition thereof, allow payment for such substantial performance in an amount not to exceed the amount which would have been due for the required performance, provided such action is not prohibited by statute.

§ 775.128 Delegation of authority.

No delegation herein to a State or county committee shall preclude the Administrator, ASCS, or his designee, from determining any question arising under the program, or from reversing or modifying any determination made by a State or county committee.

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D.C., this 28th day of December 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-12427; Filed, Dec. 28, 1961; 3:54 a.m.]

[1962 Feed Grain Program, Supplement 1]

PART 775—FEED GRAINS

Subpart—1962 Feed Grain Program Regulations

Sec.
775.151 Purpose.
775.152 County average yields and county payment rates for barley.

AUTHORITY: §§ 775.151 and 775.152 issued under Sec. 16(d) 49 Stat. 1151, as amended; Sec. 105, 72 Stat. 993, as amended; Sec. 133, 75 Stat. 303, 7; 16 U.S.C. 590p; 7 U.S.C. 1441 note.

§ 775.151 Purpose.

Sections 775.151 to 775.152, supplement the 1962 Feed Grain Program Regulations, which provide terms and conditions for a special agricultural conservation program for 1962 under which conservation payments are made to producers who divert acreage from the production of corn and grain sorghums, and barley, respectively, to an approved conservation use and increase their average acreage of cropland devoted in 1959 and 1960 to designated soil conserving crops or practices by an equal amount. This supplement contains county average yields and county payment rates used in determining payment rates for the farm, which are the basis for computing payments to producers under the 1962 Feed Grain Program. County average yields are also used as provided in 1962 CCC grain price support regulations and any amendments thereto, in determining the maximum quantity of 1962 crop corn and grain sorghums, and barley on which price support may be received on each eligible farm.

§ 775.152 County average yields and county payment rates for barley.

County average yields and county minimum acre payment rates (50 percent payment rate per acre) and additional acre payment rates (60 percent payment rate per acre) for barley are as follows:

1962 FEED GRAIN PROGRAM

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley

ALABAMA

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Colbert	31.5	$15.80	$18.90
	Franklin	29.0	14.50	17.40
2	Lauderdale	30.5	15.20	18.30
	Lawrence	30.0	15.00	18.00
	Limestone	31.0	15.50	18.60
	Madison	31.0	15.50	18.60
	Morgan	28.5	14.20	17.10
2A	Saint Clair	28.5	14.20	17.10
	Shelby	29.0	14.50	17.40
3	Cherokee	30.0	15.00	18.00
	De Kalb	30.0	15.00	18.00
	Jackson	30.0	15.00	18.00
4	Hale	27.0	13.50	16.20
5	Antauga	30.5	15.20	18.30
	Dallas	27.5	13.80	16.50
	Wilcox	27.5	13.80	16.50
6	Chambers	27.0	13.50	16.20
	Lee	27.0	13.50	16.20
7	Washington	27.0	13.50	16.20
9	Houston	27.0	13.50	16.20

ARIZONA

		Bushels		
2	Apache	42.5	$14.40	$17.30
	Coconino	42.5	15.10	18.10
	Mohave	44.5	17.10	20.60
	Navajo	42.5	14.40	17.30
	Yavapai	50.0	20.00	24.00
5	Maricopa	69.5	35.50	42.50
	Pinal	60.5	30.80	37.00
7	Yuma	61.0	31.40	37.70
9	Cochise	45.0	21.20	25.40
	Gila	40.0	15.00	18.00
	Graham	55.0	24.80	29.70
	Greenlee	45.0	16.90	20.20
	Pima	66.0	32.70	39.20
	Santa Cruz	41.3	19.60	23.60

ARKANSAS

		Bushels		
1	Benton	26.4	$11.90	$14.20
	Carroll	25.4	12.10	14.50
	Madison	19.9	9.00	10.70
	Washington	29.6	13.30	16.00
2	Baxter	14.4	6.80	8.10
	Cleburne	11.0	5.70	6.80
	Searcy	8.5	3.90	4.70
	Sharp	10.5	5.00	6.10
3	Clay	27.6	14.20	17.10
	Craighead	30.2	15.60	18.60
	Greene	32.0	16.50	19.80
	Independence	29.6	14.80	17.80
	Jackson	43.1	22.20	26.70
	Lawrence	17.6	9.10	10.90
	Mississippi	31.1	16.10	19.30
	Poinsett	25.5	13.20	15.80
	Randolph	30.9	15.90	19.10
	White	20.8	10.70	12.90
4	Crawford	39.8	18.30	22.00
	Franklin	29.8	13.80	16.60
	Johnson	27.2	12.60	15.20
	Logan	34.0	15.60	18.80
	Pope	52.5	24.60	29.60
	Sebastian	34.2	15.70	18.90
	Yell	21.0	9.90	11.80
5	Conway	26.5	13.30	16.10
	Faulkner	24.6	12.40	14.90
	Garland	40.0	18.80	22.60
	Perry	28.5	13.30	16.10
	Pulaski	22.5	11.40	13.80

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

ARKANSAS—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
6	Arkansas	27.4	$14.10	$16.90
	Crittenden	17.4	9.00	10.70
	Cross	28.2	14.50	17.40
	Lee	30.1	16.40	18.60
	Lonoke	40.0	20.60	24.70
	Monroe	27.0	13.90	16.70
	Phillips	48.3	24.90	29.90
	Prairie	27.4	14.10	16.90
	Saint Francis	30.2	15.60	18.60
	Woodruff	28.2	14.50	17.40

CALIFORNIA

		Bushels		
1	Humboldt	50.5	$23.90	$28.80
	Mendocino	31.0	15.70	18.80
2	Shasta	24.5	12.00	14.40
	Siskiyou	51.0	25.00	30.00
3	Lassen	30.6	14.40	17.30
	Modoc	53.0	25.70	30.80
	Plumas	40.5	20.00	24.10
4	Alameda	32.0	17.30	20.70
	Contra Costa	31.0	16.70	20.10
	Lake	28.0	14.40	17.30
	Marin	42.0	22.70	27.20
	Monterey	30.5	15.80	19.00
	Napa	33.0	17.80	21.40
	San Benito	33.0	17.30	20.80
	San Luis Obispo	23.0	11.60	13.90
	San Mateo	27.0	14.60	17.50
	Santa Clara	42.0	22.70	27.20
	Santa Cruz	35.0	18.60	22.30
	Sonoma	29.5	16.80	18.90
5	Butte	49.0	25.50	30.60
	Colusa	39.5	20.80	24.90
	Glenn	32.5	16.70	20.10
	Sacramento	55.0	29.70	35.60
	Solano	43.5	23.30	27.90
	Sutter	48.0	25.20	30.20
	Tehama	26.0	13.00	15.60
	Yolo	47.0	24.90	29.90
	Yuba	43.5	23.10	27.70
5a	Fresno	55.0	28.60	34.30
	Kern	58.5	24.70	29.70
	Kings	59.5	31.00	37.10
	Madera	27.0	14.30	17.20
	Merced	39.0	20.90	25.00
	San Joaquin	69.0	32.40	38.90
	Stanislaus	37.5	20.50	24.50
	Tulare	43.0	22.40	26.80
6	Amador	33.5	18.10	21.70
	Calaveras	37.0	20.00	24.00
	Placer	24.5	13.10	15.70
	Sierra	21.3	9.90	11.90
	Tuolumne	22.0	12.00	14.40
8	Imperial	60.5	31.70	38.10
	Los Angeles	28.5	15.20	18.30
	Orange	24.6	13.00	15.70
	Riverside	33.0	17.20	20.60
	San Bernardino	23.5	12.50	14.90
	San Diego	26.0	13.30	15.90
	Santa Barbara	32.0	16.30	19.60
	Ventura	33.5	18.00	21.50

COLORADO

		Bushels		
1	Chaffee	41.0	$15.00	$18.00
	Eagle	37.6	13.20	15.80
	Grand	20.8	7.60	9.10
	Gunnison	29.1	10.20	12.20
	Jackson	20.8	7.80	9.40
	Moffat	21.8	7.60	9.20
	Park	18.0	6.60	7.90
	Pitkin	45.0	15.80	18.90
	Rio Blanco	25.4	8.90	10.60
	Routt	25.5	9.00	10.70
2	Boulder	44.0	18.70	22.40
	Jefferson	33.6	14.30	17.20
	Larimer	45.5	19.40	23.20
	Logan	25.0	10.60	12.80
	Morgan	33.2	14.10	16.90
	Sedgwick	27.4	11.90	14.30
	Weld	36.0	15.30	18.40
6	Adams	29.8	12.70	15.90
	Arapahoe	29.6	12.60	15.10
	Cheyenne	23.0	10.00	12.00
	Douglas	21.4	9.10	10.90
	Elbert	23.5	10.00	12.00
	El Paso	19.9	8.50	10.10
	Kiowa	21.5	9.30	11.10
	Kit Carson	25.6	11.10	13.40
	Lincoln	23.0	9.80	11.70
	Phillips	32.1	13.90	16.80

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

COLORADO—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
6	Washington	25.8	$11.00	$13.20
	Yuma	27.2	11.80	14.20
7	Archuleta	28.2	9.90	11.80
	Delta	44.4	15.50	18.60
	Dolores	14.5	4.80	5.70
	Garfield	46.3	16.20	19.50
	La Plata	34.0	11.90	14.30
	Mesa	37.4	13.10	15.70
	Montezuma	40.8	13.90	16.70
	Montrose	50.2	17.60	21.10
	Ouray	28.4	9.90	11.90
	San Miguel	40.1	13.60	16.40
8	Alamosa	36.0	13.70	16.40
	Conejos	41.0	15.60	18.70
	Costilla	36.5	14.00	16.90
	Rio Grande	43.5	16.60	19.90
	Saguache	43.5	17.30	20.70
9	Baca	20.0	8.60	10.30
	Bent	32.4	13.90	16.70
	Crowley	30.6	13.00	15.60
	Custer	27.0	10.90	13.10
	Fremont	29.8	12.20	14.70
	Huerfano	27.8	11.50	13.90
	Las Animas	22.0	9.40	11.20
	Otero	33.7	14.30	17.20
	Prowers	26.9	11.70	14.00
	Pueblo	34.6	14.70	17.70

DELAWARE

		Bushels		
2	New Castle	45.0	23.40	$28.10
5	Kent	38.5	20.00	24.00
8	Sussex	35.7	18.50	22.30

FLORIDA

		Bushels		
1	Walton	21.5	$11.10	$13.30

GEORGIA

		Bushels		
1	Bartow	35.5	$18.30	$21.90
	Catoosa	28.2	14.50	17.40
	Murray	24.5	12.60	15.10
	Polk	25.5	13.20	15.90
	Walker	45.0	23.20	27.80
	Whitfield	48.0	24.70	29.70
2	Barrow	26.2	13.50	16.20
	Cherokee	32.0	16.50	19.80
	Clarke	40.5	20.80	25.00
	De Kalb	29.0	14.90	17.90
	Fulton	43.5	22.50	26.90
	Gwinnett	27.8	14.30	17.20
	Hall	27.0	13.90	16.70
	Jackson	32.5	16.70	20.10
	Oconee	31.5	16.30	19.50
	Walton	37.0	19.10	22.90
	White	22.2	11.40	13.70
3	Banks	32.8	16.90	20.30
	Elbert	27.2	14.00	16.80
	Franklin	30.0	15.40	18.50
	Habersham	23.0	11.80	14.20
	Hart	28.8	14.80	17.80
	Madison	27.8	14.30	17.20
	Oglethorpe	29.5	15.20	18.20
	Stephens	31.0	16.00	19.20
	Wilkes	22.5	11.50	13.90
4	Carroll	32.0	16.50	19.80
	Clayton	27.8	14.30	17.20
	Coweta	36.0	18.50	22.20
	Harris	21.6	11.10	13.40
	Henry	30.2	10.40	12.50
	Lamar	28.8	14.80	17.80
	Macon	37.8	19.50	23.40
	Marion	21.1	10.90	13.10
	Meriwether	32.0	16.50	19.80
	Schley	19.5	10.10	12.10
	Spalding	27.8	14.30	17.20
	Talbot	37.0	19.10	22.90
	Upson	25.0	12.90	15.40
5	Baldwin	25.0	12.90	15.40
	Bibb	38.5	19.80	23.80
	Butts	25.2	13.00	15.60
	Crawford	35.0	18.00	21.60
	Hancock	26.0	13.40	16.10
	Houston	37.8	19.50	23.40
	Jasper	35.0	18.00	21.60
	Johnson	22.5	11.50	13.90
	Jones	22.4	11.50	13.60
	Monroe	32.2	16.60	19.90

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

GEORGIA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
5	Montgomery	25.4	$13.10	$15.70
	Morgan	37.5	19.40	23.20
	Newton	30.2	15.60	18.60
	Peach	42.2	21.70	26.10
	Pulaski	20.8	10.70	12.90
	Rockdale	26.5	13.60	16.40
	Treutlen	20.5	10.50	12.70
	Washington	23.8	12.30	14.70
	Wheeler	28.0	14.40	17.30
6	Burke	25.0	12.90	15.40
	Columbia	22.5	11.50	13.90
	Emanuel	20.8	10.70	12.90
	Jefferson	24.2	12.50	14.90
	Richmond	20.5	10.50	12.70
	Screven	32.8	16.90	20.30
	Warren	30.0	15.40	18.50
7	Dougherty	35.0	18.00	21.60
	Lee	38.2	19.70	23.60
	Sumter	21.8	11.20	13.50
	Terrell	23.0	11.80	14.20
8	Dooley	45.2	23.30	27.90
	Wilcox	32.4	16.70	20.00

IDAHO

		Bushels		
1	Benewah	27.0	$13.20	$15.90
	Bonner	24.5	11.30	13.50
	Boundary	38.7	17.50	20.90
	Clearwater	33.5	16.10	19.30
	Idaho	31.7	15.00	18.00
	Kootenai	28.0	13.70	16.50
	Latah	35.7	17.40	21.00
	Lewis	35.2	16.90	20.30
	Nez Perce	36.0	17.60	21.20
7	Ada	35.0	15.20	18.30
	Adams	28.5	12.20	14.70
	Boise	29.0	12.60	15.10
	Canyon	54.0	23.80	28.50
	Elmore	34.2	14.70	17.60
	Gem	35.2	15.50	18.60
	Owyhee	55.0	23.90	28.70
	Payette	41.5	18.30	21.90
	Valley	27.2	11.70	14.00
	Washington	35.5	15.80	19.00
8	Blaine	35.5	14.80	17.70
	Camas	18.5	7.60	9.20
	Cassia	35.7	14.80	17.80
	Gooding	46.0	19.30	23.20
	Jerome	58.2	24.20	29.00
	Lincoln	49.5	20.60	24.70
	Minidoka	48.2	20.00	24.00
	Twin Falls	52.2	21.70	26.00
9	Bannock	27.3	11.60	13.90
	Bear Lake	30.5	12.90	15.60
	Bingham	37.2	15.60	18.70
	Bonneville	31.0	12.90	15.40
	Butte	42.2	17.50	21.00
	Caribou	30.0	12.80	15.30
	Clark	29.8	12.40	14.90
	Custer	37.7	15.60	18.80
	Franklin	33.8	14.40	17.30
	Fremont	32.0	13.30	15.90
	Jefferson	37.5	15.60	18.70
	Lemhi	37.8	15.70	18.80
	Madison	29.8	12.40	14.90
	Oneida	26.2	11.10	13.30
	Power	18.0	7.60	9.20
	Teton	26.5	11.00	13.20

ILLINOIS

		Bushels		
1	Bureau	35.0	$17.30	$20.80
	Carroll	40.5	20.00	24.10
	Henry	39.0	19.10	22.90
	Jo Daviess	35.0	17.30	20.60
	Lee	35.0	17.50	21.00
	Mercer	30.0	14.60	17.50
	Ogle	37.2	18.60	22.30
	Putnam	32.0	15.80	19.00
	Rock Island	32.0	15.70	18.80
	Stephenson	38.5	19.00	22.90
	Whiteside	41.5	20.60	24.70
	Winnebago	38.1	18.80	22.70
3	Boone	41.5	21.00	25.10
	Cook	38.5	20.20	24.30
	De Kalb	40.7	20.80	24.90
	Du Page	37.4	19.30	23.10
	Grundy	34.0	17.20	20.60
	Kane	35.8	18.40	22.10
	Kendall	33.5	17.10	20.50
	Lake	39.0	20.50	24.60
	La Salle	40.8	20.60	24.70
	McHenry	36.6	18.70	22.40
	Will	41.5	21.40	25.60

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

ILLINOIS—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
4	Adams	25.7	$12.40	$14.90
	Brown	25.4	12.30	14.70
	Fulton	26.0	12.90	15.40
	Hancock	27.4	13.20	15.70
	Henderson	27.0	13.10	15.70
	Knox	32.5	15.90	19.10
	McDonough	27.0	13.10	15.70
	Schuyler	27.8	13.80	16.50
	Warren	33.0	16.20	19.40
4a	Bond	24.1	12.10	14.60
	Calhoun	30.0	15.00	18.00
	Cass	28.2	14.00	16.70
	Christian	34.1	16.80	20.30
	Greene	32.8	16.60	19.90
	Jersey	34.9	17.70	21.30
	Macoupin	32.5	16.50	19.90
	Madison	27.6	14.10	16.90
	Montgomery	29.2	14.60	17.50
	Morgan	31.0	15.30	18.40
	Pike	30.0	14.80	17.80
	Sangamon	31.5	15.60	18.70
	Scott	30.5	15.00	18.10
5	De Witt	30.0	14.80	17.80
	Logan	36.0	17.80	21.40
	McLean	31.2	15.40	18.50
	Macon	29.4	14.60	17.40
	Marshall	32.0	15.80	19.00
	Mason	24.5	12.10	14.60
	Menard	32.0	15.80	19.00
	Peoria	31.0	15.30	18.40
	Stark	31.0	15.30	18.40
	Tazewell	33.0	16.30	19.60
	Woodford	31.0	15.30	18.40
6	Champaign	38.8	19.40	23.30
	Ford	31.0	15.30	18.40
	Iroquois	32.0	16.50	19.80
	Kankakee	35.8	18.60	22.40
	Livingston	34.3	17.20	20.60
	Piatt	30.5	15.00	18.10
	Vermilion	34.6	17.60	21.20
6a	Clark	24.6	12.20	14.70
	Clay	23.4	11.60	13.90
	Coles	31.8	15.70	18.90
	Crawford	24.0	11.60	14.00
	Cumberland	23.5	11.70	14.00
	Douglas	37.0	18.70	22.40
	Edgar	36.9	18.20	21.90
	Effingham	25.5	12.70	15.10
	Fayette	23.1	11.40	13.80
	Jasper	23.5	11.60	13.80
	Lawrence	31.8	15.70	18.90
	Marion	27.8	13.80	16.50
	Moultrie	29.5	14.80	17.70
	Richland	24.9	12.30	14.60
	Shelby	24.1	12.00	14.50
7	Alexander	29.8	14.80	17.70
	Clinton	27.9	14.30	17.00
	Jackson	28.8	14.30	17.10
	Johnson	24.4	11.70	14.00
	Monroe	31.8	16.10	19.30
	Perry	32.0	15.80	19.00
	Pulaski	27.3	13.50	16.20
	Randolph	29.6	14.70	17.60
	St. Clair	29.2	14.90	17.80
	Union	28.1	13.90	16.70
	Washington	32.2	15.90	19.10
	Williamson	28.5	14.10	16.90
9	Edwards	25.0	12.20	14.70
	Franklin	28.6	14.20	17.00
	Gallatin	30.2	14.50	17.40
	Hamilton	24.0	11.90	14.30
	Hardin	25.2	11.70	14.00
	Jefferson	25.7	12.70	15.20
	Massac	26.8	13.30	15.90
	Pope	25.2	12.00	14.30
	Saline	27.6	13.20	15.90
	Wabash	28.2	13.70	16.40
	Wayne	23.1	11.40	13.60
	White	24.7	11.90	14.20

INDIANA

		Bushels		
1	Benton	39.0	$19.30	$23.20
	Jasper	39.0	19.70	23.60
	Lake	31.1	16.20	19.40
	La Porte	38.4	19.20	23.00
	Newton	43.0	21.90	26.30
	Porter	39.2	19.80	23.70
	Pulaski	33.4	16.70	20.00
	Starke	35.0	17.30	20.80
	White	35.6	17.80	21.40
2	Carroll	36.8	18.00	21.70
	Cass	28.1	13.70	16.60
	Elkhart	32.6	16.00	19.20
	Fulton	28.1	13.90	16.70

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

INDIANA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
2	Kosciusko	31.7	$15.50	$18.60
	Marshall	30.8	15.10	18.10
	Miami	38.9	19.00	22.80
	St. Joseph	35.2	17.20	20.70
	Wabash	38.4	18.80	22.50
3	Adams	39.4	18.90	22.70
	Allen	38.4	18.40	22.10
	De Kalb	28.6	13.70	16.50
	Huntington	34.5	16.50	19.90
	Lagrange	38.8	18.80	22.60
	Noble	35.3	16.90	20.40
	Steuben	38.6	18.50	22.30
	Wells	35.2	16.90	20.30
	Whitley	31.6	15.30	18.40
4	Clay	28.2	13.80	16.60
	Fountain	23.2	11.10	13.30
	Montgomery	28.5	13.80	16.60
	Owen	22.8	10.70	12.90
	Parke	32.8	15.70	18.90
	Putnam	27.3	12.90	15.60
	Tippecanoe	26.7	13.10	15.70
	Vermillion	30.2	15.40	18.50
	Vigo	30.8	15.70	18.90
5	Bartholomew	26.9	12.50	15.00
	Boone	37.5	18.00	21.60
	Clinton	36.5	17.80	21.50
	Decatur	38.9	18.00	21.70
	Grant	35.0	17.00	20.40
	Hamilton	34.2	16.40	19.70
	Hancock	35.8	17.00	20.40
	Hendricks	29.7	14.20	17.10
	Howard	35.8	17.50	21.10
	Johnson	35.3	16.50	19.90
	Madison	39.8	19.10	22.90
	Marion	40.8	19.40	23.30
	Morgan	29.9	14.10	16.80
	Rush	33.0	15.50	18.60
	Shelby	29.8	14.00	16.80
	Tipton	37.2	18.00	21.60
6	Delaware	30.8	14.80	17.80
	Clay	32.0	15.00	18.00
	Fayette	36.0	17.30	20.70
	Henry	31.4	15.10	18.00
	Jay	34.0	16.30	19.60
	Randolph	32.5	15.20	18.30
	Union	32.8	15.70	18.90
7	Wayne	36.0	17.30	20.80
	Dubois	29.0	13.20	15.80
	Gibson	34.0	16.70	20.00
	Greene	30.2	14.20	17.00
	Knox	34.3	16.70	20.00
	Martin	29.2	13.60	16.30
	Pike	30.4	14.10	16.90
	Posey	28.4	13.90	16.70
	Spencer	30.2	13.30	15.90
	Sullivan	30.7	15.10	18.00
	Vanderburch	31.4	15.90	19.00
	Warrick	29.2	13.10	15.80
8	Crawford	27.2	12.40	14.80
	Floyd	31.5	14.40	17.20
	Harrison	28.9	13.10	15.70
	Jackson	30.0	14.00	16.70
	Lawrence	29.2	13.70	16.40
	Monroe	28.2	13.30	15.90
	Orange	28.2	12.80	15.40
	Perry	28.8	12.70	15.20
	Washington	27.8	12.60	15.20
9	Clark	31.4	14.30	17.10
	Dearborn	32.2	14.70	17.60
	Franklin	32.0	14.90	17.90
	Jefferson	29.6	13.50	16.20
	Jennings	29.0	13.30	16.00
	Ohio	29.5	13.50	16.10
	Ripley	27.1	12.40	14.80
	Scott	25.5	11.60	13.90
	Switzerland	33.8	15.00	18.10

IOWA

		Bushels		
1	Buena Vista	39.4	$18.70	$22.40
	Cherokee	36.6	17.60	21.10
	Clay	38.4	18.20	21.80
	Dickinson	30.0	14.10	16.90
	Emmet	35.0	16.80	20.20
	Lyon	34.8	16.50	19.90
	O'Brian	46.0	22.10	26.50
	Osceola	38.8	18.40	22.10
	Palo Alto	45.4	21.30	25.60
	Plymouth	34.3	16.90	20.20
	Pocohontas	48.2	22.90	27.50
2	Sioux	35.6	17.30	20.80
	Butler	28.3	13.30	16.00
	Cerro Gordo	42.0	20.00	23.90

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

IOWA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
2	Floyd	32.6	$15.50	$15.60
	Franklin	38.2	18.00	21.50
	Hancock	41.6	19.80	23.80
	Humboldt	52.5	24.90	29.90
	Kossuth	35.3	16.70	20.10
	Mitchell	40.6	19.50	23.40
	Winnebago	39.1	18.80	22.60
	Worth	49.0	23.50	28.20
	Wright	39.8	18.70	22.50
3	Allamakee	39.4	18.50	22.20
	Black Hawk	43.6	20.30	24.40
	Bremer	46.2	21.70	26.00
	Buchanan	36.6	17.20	20.70
	Chickasaw	36.0	17.10	20.50
	Clayton	37.2	17.50	21.00
	Delaware	36.6	17.40	20.90
	Dubuque	43.0	20.60	24.80
	Fayette	36.5	17.10	20.60
	Howard	34.8	16.70	20.10
	Winneshiek	34.7	16.40	19.60
4	Audubon	27.2	13.50	16.10
	Calhoun	38.4	18.60	22.30
	Carroll	35.1	17.40	20.90
	Crawford	31.4	15.50	18.60
	Greene	33.6	16.30	19.60
	Guthrie	25.3	12.20	14.70
	Harrison	22.6	11.40	13.70
	Ida	34.7	16.90	20.20
	Monona	26.6	13.30	16.00
	Sac	34.8	16.90	20.30
	Shelby	30.8	15.40	18.50
	Woodbury	27.9	13.70	16.40
5	Boone	32.2	15.50	18.50
	Dallas	29.8	14.30	17.20
	Grundy	38.1	17.70	21.30
	Hamilton	41.8	19.90	23.80
	Hardin	40.8	19.20	23.00
	Jasper	27.1	12.80	15.30
	Marshall	32.2	15.30	18.30
	Polk	36.8	17.70	21.20
	Poweshiek	27.0	12.60	15.10
	Story	40.4	19.40	23.20
	Tama	28.8	13.40	16.10
	Webster	50.0	24.00	28.80
6	Benton	34.7	16.50	19.80
	Cedar	43.2	20.70	24.90
	Clinton	36.0	17.50	21.00
	Iowa	25.0	12.20	14.70
	Jackson	32.2	15.60	18.70
	Johnson	34.6	16.60	20.00
	Jones	32.0	15.40	18.40
	Linn	34.8	16.50	19.90
	Muscatine	37.0	17.80	21.30
	Scott	34.4	16.70	20.00
7	Adair	32.4	15.70	18.80
	Adams	26.0	12.70	15.30
	Cass	33.0	16.20	19.40
	Fremont	24.5	12.30	14.80
	Mills	26.2	13.20	15.90
	Montgomery	30.6	15.30	18.40
	Page	23.4	11.70	14.00
	Pottawattamie	29.5	14.50	17.30
	Taylor	29.6	14.50	17.40
8	Appanoose	25.8	12.30	14.70
	Clarke	25.0	12.00	14.40
	Decatur	20.1	9.40	11.40
	Madison	32.9	15.70	18.90
	Marion	32.2	14.70	17.60
	Monroe	21.2	10.00	11.90
	Union	24.4	11.80	14.20
	Warren	28.0	13.40	16.10
9	Davis	21.0	10.00	12.00
	Des Moines	36.0	17.30	20.70
	Henry	24.8	11.80	14.20
	Jefferson	21.9	10.30	12.30
	Keokuk	24.6	11.40	13.80
	Lee	27.0	13.00	15.60
	Mahaska	38.7	18.00	21.60
	Wapello	24.0	11.30	13.50
	Washington	30.6	14.50	17.50

KANSAS

		Bushels		
1	Cheyenne	34.8	$15.50	$18.60
	Decatur	30.5	13.80	16.70
	Graham	25.7	11.90	14.30
	Norton	26.0	12.10	14.50
	Rawlins	32.0	14.40	17.30
	Sheridan	31.7	14.40	17.30
	Sherman	32.0	14.20	17.10
	Thomas	31.0	14.00	16.70
4	Gove	29.0	13.20	15.80
	Greeley	28.5	12.60	15.20

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

KANSAS—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
4	Lane	27.5	$12.60	$15.00
	Logan	25.5	11.50	13.80
	Ness	23.0	10.60	12.70
	Scott	27.0	12.20	14.60
	Trego	27.1	12.50	15.00
	Wallace	24.0	10.70	12.80
	Wichita	29.0	12.90	15.50
7	Clark	17.4	7.80	9.40
	Finney	29.5	13.30	15.90
	Ford	23.0	10.60	12.70
	Grant	24.5	10.90	13.10
	Gray	20.0	9.00	10.80
	Hamilton	29.0	12.90	15.50
	Haskell	25.0	11.20	13.50
	Hodgeman	20.5	9.40	11.30
	Kearny	26.5	11.70	14.20
	Meade	19.5	8.80	10.50
	Morton	22.5	9.70	11.70
	Seward	19.5	8.60	10.30
	Stanton	26.0	11.40	13.70
	Stevens	18.5	8.10	9.80
2	Clay	25.4	12.20	14.60
	Cloud	23.5	11.20	13.40
	Lewell	25.0	11.80	14.10
	Mitchell	23.5	11.10	13.30
	Osborne	22.0	10.30	12.40
	Ottawa	25.0	11.90	14.20
	Phillips	25.0	11.60	14.00
	Republic	25.5	12.20	14.50
	Rooks	24.5	11.30	13.70
	Smith	25.0	11.80	14.10
	Washington	28.3	13.60	16.30
5	Barton	22.2	10.30	12.40
	Dickinson	25.2	12.00	14.30
	Ellis	23.2	10.80	12.90
	Ellsworth	24.8	11.70	14.00
	Lincoln	22.5	10.50	12.70
	McPherson	24.5	11.50	13.80
	Marion	25.5	12.20	14.50
	Rice	24.0	11.30	13.50
	Rush	22.0	10.20	12.30
	Russell	21.0	9.80	11.70
	Saline	26.0	12.20	14.70
8	Barber	24.5	11.30	13.70
	Comanche	21.4	9.70	11.60
	Edwards	23.7	11.00	13.20
	Harper	22.0	10.30	12.40
	Harvey	24.5	11.60	14.00
	Kingman	21.5	10.20	12.10
	Kiowa	22.4	10.40	12.50
	Pawnee	25.0	11.60	14.00
	Pratt	21.0	9.80	11.70
	Reno	24.0	11.30	13.50
	Sedgwick	26.0	12.40	14.80
	Stafford	23.0	10.70	12.80
	Sumner	26.0	12.40	14.80
3	Atchison	21.5	10.90	13.00
	Brown	26.5	13.10	15.70
	Doniphan	24.9	12.30	14.80
	Jackson	24.0	11.90	14.30
	Jefferson	25.5	12.90	15.50
	Leavenworth	22.0	11.10	13.30
	Marshall	27.2	13.30	16.00
	Nemaha	24.5	12.00	14.40
	Pottawatomie	23.6	11.60	13.90
	Riley	26.7	13.10	15.70
	Wyandotte	26.2	13.20	15.90
6	Anderson	32.0	16.00	19.20
	Chase	23.7	11.30	13.60
	Coffey	28.5	13.90	16.80
	Douglas	26.0	13.10	15.80
	Franklin	30.0	15.20	18.20
	Geary	27.0	13.00	15.60
	Johnson	28.0	14.10	17.00
	Linn	30.0	15.20	18.20
	Lyon	25.0	12.20	14.70
	Miami	29.0	14.60	17.60
	Morris	23.0	11.00	13.20
	Ossge	26.0	12.90	15.40
	Shawnee	24.5	12.10	14.60
	Wabaunsee	21.5	10.60	12.60
9	Allen	30.5	14.90	17.90
	Bourbon	29.5	14.70	17.50
	Butler	25.0	11.90	14.30
	Chautauqua	25.5	12.30	14.70
	Cherokee	29.5	14.50	17.30
	Cowley	27.0	12.80	15.40
	Crawford	29.0	14.20	17.10
	Elk	28.5	11.30	13.50
	Greenwood	22.5	10.90	13.10
	Labette	28.5	13.90	16.80
	Montgomery	28.0	13.70	16.50
	Neosho	28.0	13.70	16.50
	Wilson	27.5	13.50	16.20
	Woodson	26.0	12.70	15.30

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

KENTUCKY

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Ballard	32.8	$16.10	$19.30
	Calloway	34.8	17.10	20.50
	Carlisle	28.8	14.10	17.00
	Fulton	27.5	13.50	16.20
	Graves	27.0	13.20	15.90
	Hickman	34.8	17.10	20.50
	Livingston	19.0	9.30	11.20
	Lyon	22.5	11.00	13.20
	McCracken	26.5	12.90	15.60
	Marshall	28.8	14.10	17.00
	Trigg	29.2	14.30	17.20
2	Caldwell	31.8	15.60	18.70
	Christian	33.5	16.50	19.70
	Crittenden	27.8	13.60	16.40
	Daviess	27.5	13.50	16.20
	Hancock	25.5	12.50	15.00
	Henderson	31.2	15.30	18.30
	Hopkins	28.0	13.70	16.50
	Logan	35.0	17.20	20.60
	McLean	33.5	16.50	19.70
	Muhlenberg	26.5	12.90	15.60
	Ohio	24.8	12.20	14.60
	Simpson	40.7	20.00	23.90
	Todd	38.8	19.00	22.80
	Union	27.0	13.20	15.90
	Webster	26.5	12.90	15.60
3	Adair	28.8	14.10	17.00
	Allen	31.0	15.20	18.20
	Barren	29.2	14.30	17.20
	Breckinridge	31.8	15.60	18.70
	Bullitt	32.2	15.80	18.90
	Butler	23.5	11.60	13.80
	Casey	37.0	18.10	21.80
	Clinton	34.8	17.10	20.50
	Cumberland	36.0	17.60	21.20
	Edmonson	22.5	11.00	13.20
	Grayson	29.2	14.30	17.20
	Green	30.0	14.70	17.60
	Hardin	28.2	13.80	16.60
	Hart	32.2	15.80	18.90
	Jefferson	37.0	18.10	21.80
	Larue	25.2	12.30	14.80
	Marion	29.5	14.50	17.30
	Meade	34.2	16.80	20.10
	Metcalfe	24.5	12.00	14.40
	Monroe	36.8	18.00	21.70
	Nelson	29.5	14.50	17.30
	Russell	35.8	17.50	21.10
	Taylor	34.0	16.70	20.00
	Warren	40.0	19.60	23.50
4	Bracken	33.2	16.30	19.50
	Campbell	28.2	13.80	16.60
	Carroll	31.0	15.20	18.20
	Gallatin	27.0	13.20	15.90
	Henry	36.8	18.00	21.70
	Oldham	31.8	15.60	18.70
	Owen	39.2	19.20	23.00
	Trimble	36.8	18.00	21.70
5	Anderson	25.2	12.30	14.80
	Bath	22.2	10.90	13.00
	Bourbon	34.8	17.10	20.50
	Boyle	32.0	15.70	18.80
	Clark	27.0	13.20	15.90
	Fayette	35.0	17.20	20.60
	Fleming	27.0	13.20	15.90
	Franklin	35.0	17.20	20.60
	Gerrard	27.5	13.50	16.20
	Harrison	27.5	13.50	16.20
	Jessamine	29.0	14.20	17.10
	Lincoln	28.5	13.90	16.80
	Madison	36.0	17.60	21.20
	Mason	25.8	12.60	15.20
	Mercer	33.5	16.50	19.70
	Montgomery	28.8	14.10	17.00
	Nicholas	24.2	11.90	14.20
	Scott	35.0	17.20	20.60
	Shelby	26.7	13.10	15.70
	Spencer	37.0	18.10	21.80
	Washington	22.2	10.90	13.00
	Woodford	33.5	16.50	19.70
6	Breathitt	29.0	14.20	17.10
	Greenup	29.2	14.30	17.20
	Laurel	26.8	13.10	15.80
	Lewis	21.8	10.70	12.80
	Pulaski	29.8	14.60	17.50
	Rockcastle	39.5	19.40	23.20
	Wayne	33.0	16.20	19.40

LOUISIANA

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Bossier	30.0	$13.60	$16.40
2	Ouachita	30.0	13.60	16.40
3	Madison	30.0	13.60	16.40
7	Jefferson Davis	30.0	13.60	16.40

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

MAINE

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Aroostook	37.7	$19.60	$23.50
2	Hancock	33.0	17.20	20.60
	Penobscot	30.0	15.60	18.70
	Somerset	35.8	18.60	22.40
	Waldo	37.0	19.20	23.10
3	Cumberland	31.5	16.40	19.70
	Kennebec	36.0	18.70	22.50

MARYLAND

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Allegany	36.6	$19.00	$22.90
	Garrett	38.4	20.00	23.90
2	Baltimore	41.0	21.30	25.60
	Carroll	39.8	20.70	24.90
	Cecil	43.2	22.50	26.90
	Frederick	39.2	20.40	24.40
	Harford	44.2	23.00	27.60
	Howard	44.5	23.10	27.80
	Kent	40.3	21.00	25.20
	Montgomery	39.6	20.60	24.80
	Queen Annes	39.9	20.80	24.90
	Washington	37.8	19.70	23.60
8	Anne Arundel	32.5	16.80	20.30
	Calvert	32.9	17.10	20.50
	Charles	30.0	15.60	18.70
	Prince Georges	30.0	15.60	18.70
	St. Marys	33.0	17.20	20.60
9	Caroline	40.0	20.80	25.00
	Dorchester	41.3	20.40	25.80
	Somerset	36.4	18.60	22.70
	Talbot	39.8	20.70	24.90
	Wicomico	34.0	17.70	21.20
	Worcester	32.1	16.60	20.10

MICHIGAN

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Alger	31.8	$14.00	$16.80
	Baraga	31.6	14.50	17.50
	Chippewa	21.4	9.10	10.90
	Delta	31.0	14.00	16.70
	Dickinson	28.9	13.10	15.70
	Gogebic	31.4	14.80	17.70
	Houghton	25.8	11.40	13.60
	Iron	23.1	10.30	12.40
	Keweenaw	19.0	8.40	10.00
	Luce	19.0	8.10	9.70
	Mackinac	19.8	8.40	10.10
	Marquette	31.0	13.80	16.60
	Menominee	35.0	16.10	19.30
	Ontonagon	19.0	8.80	10.50
	Schoolcraft	17.2	7.50	9.00
2	Antrim	28.7	12.20	14.60
	Charlevoix	23.9	10.10	12.00
	Emmet	30.9	12.80	15.40
	Grand Traverse	21.0	9.20	11.10
	Kalkaska	18.5	7.80	9.40
	Leelanau	26.5	11.20	13.50
	Manistee	33.5	15.10	18.10
	Missaukee	18.4	8.20	9.80
3	Alcona	25.6	10.80	12.90
	Alpena	22.6	9.40	11.30
	Cheboygan	21.4	8.90	10.60
	Iosco	27.4	11.60	13.90
	Montmorency	15.2	6.30	7.60
	Ogemaw	26.7	12.20	14.60
	Osceola	24.0	10.90	13.10
	Otsego	16.4	6.90	8.20
	Presque Isle	30.4	12.60	15.10
	Roscommon	24.0	10.20	12.20
4	Lake	18.2	8.20	9.80
	Mason	28.3	11.10	13.40
	Muskegon	25.8	10.90	13.20
	Newaygo	27.4	12.60	15.10
	Oceana	24.6	9.70	11.70
5	Clare	30.5	14.10	17.00
	Gladwin	31.5	14.40	17.20
	Gratiot	36.0	16.90	20.30
	Isabella	37.3	17.10	20.60
	Mecosta	29.4	13.50	16.30
	Midland	37.8	17.60	21.10
	Montcalm	38.2	17.60	21.10
	Osceola	20.5	9.20	11.10
6	Arenac	40.5	18.60	21.60
	Bay	37.5	17.30	20.70
	Huron	40.0	18.60	21.60
	Saginaw	36.0	16.90	20.30
	Sanilac	32.8	15.10	18.10
7	Tuscola	45.9	21.20	25.30
	Allegan	34.6	16.40	19.80
	Berrien	36.6	18.50	22.20
	Cass	31.0	15.20	18.20
	Kalamazoo	35.4	17.20	20.60

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

MICHIGAN—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
7	Kent	32.9	$15.40	$18.50
	Ottawa	29.4	14.00	16.70
	Van Buren	34.8	16.70	20.10
8	Barry	34.6	16.40	19.80
	Branch	26.7	12.90	15.40
	Calhoun	34.1	16.30	19.70
	Clinton	36.3	17.10	20.50
	Eaton	40.1	19.00	22.90
	Hillsdale	29.6	14.10	16.90
	Ingham	35.6	16.90	20.30
	Ionia	37.2	17.50	21.00
	Jackson	34.8	16.50	19.90
	St. Joseph	28.2	13.70	16.40
	Shiawassee	33.8	15.90	19.10
9	Genesee	33.2	15.60	18.70
	Lapeer	38.6	18.10	21.80
	Lenawee	31.0	14.70	17.70
	Livingston	36.8	17.50	21.00
	Macomb	35.8	17.00	20.40
	Monroe	31.3	14.80	17.90
	Oakland	31.6	14.90	17.90
	St. Clair	36.6	17.20	20.70
	Washtenaw	31.6	15.00	18.00
	Wayne	24.7	11.80	14.10

MINNESOTA

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Becker	32.5	$15.20	$18.30
	Clay	32.5	15.20	18.30
	Clearwater	31.5	14.90	17.80
	Kittson	29.5	13.30	15.90
	Mahnomen	34.0	15.80	19.00
	Marshall	30.0	13.60	16.40
	Norman	32.5	15.10	18.10
	Pennington	30.0	13.80	16.60
	Polk	32.5	14.90	17.90
	Red Lake	29.0	13.50	16.20
	Roseau	27.3	12.40	14.90
2	Beltrami	30.5	14.30	17.20
	Cass	28.6	13.90	16.70
	Hubbard	32.0	15.20	18.20
	Itasca	31.0	15.20	18.20
	Koochiching	32.0	14.60	17.50
	Lake of the Woods	29.5	13.60	16.30
3	St. Louis	31.0	15.20	18.20
4	Big Stone	31.0	14.70	17.70
	Chippewa	34.5	16.50	19.90
	Douglas	34.5	16.70	20.10
	Grant	34.0	16.20	19.40
	Lac qui Parle	31.2	14.80	17.80
	Otter Tail	33.0	15.80	19.00
	Pope	35.0	17.00	20.40
	Stevens	33.2	15.90	19.10
	Swift	35.0	17.00	20.40
	Traverse	33.3	15.60	18.80
	Wilkin	31.5	14.90	17.80
	Yellow Medicine	33.1	15.90	19.10
5	Benton	31.5	15.60	18.70
	Carver	45.5	22.60	27.00
	Kandiyohi	36.5	18.00	21.70
	McLeod	39.5	19.60	23.50
	Meeker	38.0	18.80	22.60
	Morrison	27.5	13.40	16.00
	Renville	38.0	18.60	22.30
	Scott	35.0	17.30	20.80
	Sherburne	27.5	13.70	16.30
	Sibley	36.0	17.80	21.40
	Stearns	33.5	16.60	19.90
	Todd	31.0	15.00	18.00
	Wadena	32.5	15.70	18.90
	Wright	40.0	19.80	23.80
6	Aitkin	31.5	15.60	18.70
	Anoka	27.5	13.70	16.30
	Carlton	33.5	16.80	20.10
	Chisago	32.0	15.80	19.00
	Crow Wing	28.0	13.60	16.30
	Hennepin	39.0	19.30	23.20
	Isanti	31.0	15.30	18.40
	Kanabec	29.0	14.20	17.10
	Mille Lacs	30.0	14.80	17.80
	Pine	31.0	15.30	18.40
	Ramsey	30.0	14.80	17.80
	Washington	36.5	18.00	21.70
7	Cottonwood	33.0	15.80	19.00
	Jackson	33.5	16.00	19.10
	Lincoln	32.0	15.20	18.20
	Lyon	35.0	16.80	20.20
	Murray	33.5	16.00	19.10
	Nobles	35.0	16.40	19.70
	Pipestone	34.5	16.20	19.50
	Redwood	33.6	16.30	19.60
	Rock	32.7	15.40	18.40
8	Blue Earth	34.5	16.90	20.30
	Brown	34.1	16.70	20.10

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

MINNESOTA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
8	Faribault	44.0	$21.10	$25.30
	Freeborn	42.3	20.80	24.90
	Le Sueur	40.5	20.00	24.10
	Martin	34.9	16.70	20.10
	Nicollet	34.8	17.20	20.70
	Rice	35.0	17.30	20.80
	Steele	37.7	18.40	22.10
	Waseca	36.5	17.80	21.50
	Wantonwan	31.8	15.40	18.50
9	Dakota	36.5	18.00	21.70
	Dodge	37.9	18.60	22.20
	Fillmore	35.0	16.60	20.00
	Goodhue	37.4	18.50	22.20
	Huston	38.0	18.00	21.70
	Mower	37.5	18.20	21.80
	Olmsted	32.7	16.10	19.20
	Wabasha	35.0	17.30	20.80
	Winona	34.5	16.90	20.30

MISSISSIPPI

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Bolivar	36.2	$18.10	$21.70
	Coahoma	31.5	15.80	18.90
	Quitman	31.3	15.60	18.80
	Tallahatchie	32.1	16.00	19.30
	Tunica	32.0	15.00	19.20
2	Marshall	27.1	13.60	16.30
	Tate	26.0	13.00	15.60
3	Lee	30.0	15.00	18.00
	Pontotoc	30.0	15.00	18.00
4	Leflore	26.7	13.40	16.00
	Sharkey	33.0	16.50	19.80
	Sunflower	30.8	15.40	18.50
	Washington	29.8	14.90	17.90
5	Carroll	26.0	13.00	15.60
	Holmes	30.6	15.30	18.40
	Madison	28.7	14.40	17.20
6	Chickasaw	34.7	17.40	20.80
	Clay	33.5	16.80	20.10
	Lowndes	34.8	17.40	20.90
	Monroe	34.1	17.00	20.50
	Noxubee	34.7	17.40	20.80
	Oktibbeha	30.0	15.00	18.00
	Winston	25.0	12.50	15.00
7	Adams	30.0	15.00	18.00
	Hinds	21.0	10.50	12.60

MISSOURI

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Andrew	24.4	$12.20	$14.60
	Atchison	28.8	14.50	17.50
	Buchanan	23.6	11.90	14.30
	Caldwell	23.8	11.90	14.30
	Clay	25.0	12.60	15.20
	Clinton	22.7	11.40	13.60
	Daviess	22.0	11.00	13.20
	De Kalb	22.2	11.10	13.30
	Gentry	23.2	11.80	13.80
	Harrison	24.6	12.10	14.50
	Holt	22.8	11.30	13.60
	Nodaway	23.7	11.80	14.20
	Platte	27.4	13.80	16.60
	Ray	25.4	12.80	15.40
	Worth	25.0	12.20	14.70
2	Adair	27.1	13.10	15.60
	Carroll	25.2	12.60	15.10
	Chariton	22.4	11.10	13.30
	Grundy	25.4	12.60	15.00
	Linn	27.0	13.20	15.90
	Livingston	29.2	14.60	17.50
	Macon	27.4	13.20	15.70
	Mercer	25.0	12.10	14.60
	Putnam	25.0	12.10	14.60
	Randolph	26.4	13.10	15.90
	Schuyler	27.0	12.80	15.40
	Sullivan	27.9	13.60	16.20
3	Audrain	34.6	17.00	20.40
	Clark	31.0	15.00	18.00
	Knox	27.0	13.00	15.60
	Lewis	30.6	15.00	18.00
	Marion	32.2	15.80	18.90
	Monroe	27.2	13.30	16.00
	Pike	31.6	15.60	18.80
	Ralls	30.6	15.00	18.00
	Scotland	29.0	13.90	16.70
	Shelby	29.2	14.20	17.00
4	Bates	33.5	17.00	20.30
	Cass	28.4	13.30	16.00
	Cedar	28.8	14.30	17.10
	Henry	28.4	14.20	17.00
	Jackson	24.3	12.30	14.70
	Johnson	27.6	13.80	16.60
	Lafayette	26.0	13.00	15.60

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

MISSOURI—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
4	St. Clair	27.6	$13.80	16.60
	Vernon	30.6	15.10	18.20
5	Benton	32.6	16.10	19.40
	Boone	28.8	14.10	17.00
	Callaway	32.2	15.80	18.90
	Camden	29.0	13.90	16.70
	Cole	29.8	14.50	17.40
	Cooper	29.8	14.60	17.50
	Dallas	27.1	13.10	15.60
	Hickory	28.0	13.70	16.50
	Howard	24.5	12.00	14.40
	Laclede	27.6	13.10	15.80
	Maries	32.1	15.80	19.10
	Miller	28.4	13.60	16.30
	Moniteau	31.4	15.20	18.20
	Morgan	30.8	14.90	17.90
	Osage	34.6	17.00	20.40
	Pettis	34.6	17.10	20.60
	Phelps	32.8	16.10	19.30
	Polk	27.9	13.70	16.40
	Pulaski	26.0	12.50	15.00
	Saline	26.1	13.00	15.70
6	Crawford	27.6	13.70	16.40
	Franklin	32.8	16.70	20.10
	Gasconade	33.8	16.70	20.10
	Jefferson	32.8	16.70	20.10
	Lincoln	30.6	15.60	18.80
	Montgomery	33.5	16.80	20.10
	Perry	32.0	15.80	19.00
	St. Charles	31.2	15.90	19.10
	St. Francois	28.1	14.00	16.90
	Ste. Genevieve	34.0	17.00	20.40
	St. Louis	29.8	15.20	18.30
	Warren	29.2	14.90	17.80
	Washington	30.2	15.10	18.10
7	Barry	31.6	15.20	18.20
	Barton	31.0	15.20	18.20
	Christian	32.5	15.60	18.70
	Dade	33.5	16.50	19.70
	Greene	34.6	16.60	20.00
	Jasper	33.6	16.50	19.80
	Lawrence	31.5	15.20	18.10
	McDonald	29.5	14.20	17.00
	Newton	33.6	16.10	19.40
	Stone	30.0	14.40	17.30
8	Bollinger	29.6	14.90	18.00
	Carter	31.3	14.50	17.50
	Dent	25.3	12.20	14.70
	Douglas	28.0	13.20	15.80
	Howell	25.2	12.00	14.30
	Iron	24.0	12.00	14.40
	Madison	26.8	13.40	16.10
	Oregon	34.0	16.50	19.80
	Ozark	30.2	14.20	17.00
	Reynolds	31.5	15.20	18.10
	Ripley	27.6	14.10	16.90
	Shannon	29.0	13.50	16.20
	Taney	23.9	11.40	13.60
	Texas	27.7	13.00	15.60
	Wayne	30.1	15.30	18.50
	Webster	29.0	13.80	16.50
	Wright	26.5	12.40	14.90
9	Butler	26.8	13.70	16.40
	Cape Girardeau	32.6	16.50	19.80
	Dunklin	25.4	13.10	15.70
	Mississippi	28.6	14.60	17.50
	New Madrid	31.1	16.10	19.30
	Pemiscot	32.0	16.50	19.80
	Scott	32.6	16.60	20.00
	Stoddard	33.6	17.10	20.60

MONTANA

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Deer Lodge	27.2	$11.20	$13.40
	Flathead	31.7	13.00	15.60
	Granite	31.4	13.00	15.60
	Lake	27.6	11.70	14.10
	Lincoln	26.2	10.70	12.90
	Mineral	28.1	12.20	14.70
	Missoula	32.0	13.90	16.70
	Powell	24.9	10.30	12.40
	Ravalli	37.4	15.90	19.00
	Sanders	25.2	11.00	13.10
2	Blaine	22.6	8.00	9.70
	Chouteau	32.7	12.00	14.30
	Glacier	36.4	13.50	16.10
	Hill	29.7	10.80	13.00
	Liberty	32.0	11.70	14.00
	Phillips	19.8	7.10	8.60
	Pondera	38.0	13.90	16.60
	Teton	36.4	13.30	15.90
	Toole	32.5	11.80	14.20
3	Daniels	23.0	8.50	10.40
	Dawson	16.1	6.20	7.60
	Garfield	14.4	5.50	6.50

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

MONTANA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
3	McCone	15.0	$5.80	$6.90
	Richland	21.6	8.40	10.10
	Roosevelt	22.5	8.70	10.50
	Sheridan	27.6	10.60	12.80
	Valley	19.8	7.30	8.80
5	Broadwater	28.5	11.20	13.50
	Cascade	28.2	10.30	12.30
	Fergus	28.3	10.40	12.40
	Golden Valley	25.2	9.10	10.90
	Judith Basin	29.6	10.80	13.00
	Lewis and Clark	25.1	9.20	11.00
	Meagher	20.4	7.40	8.90
	Musselshell	23.5	8.50	10.20
	Petroleum	22.2	8.10	9.70
	Wheatland	23.0	8.40	10.10
7	Beaverhead	39.8	15.10	18.20
	Gallatin	22.0	12.60	15.20
	Jefferson	25.8	10.60	12.70
	Madison	35.1	14.10	16.90
	Silver Bow	39.5	16.20	19.40
8	Big Horn	30.5	10.80	13.00
	Carbon	25.9	9.10	10.80
	Park	26.5	9.60	11.60
	Stillwater	28.6	10.30	12.40
	Sweet Grass	22.2	8.10	9.70
	Treasure	34.2	12.30	14.80
	Yellowstone	30.1	10.80	13.00
9	Carter	18.0	7.10	8.50
	Custer	19.0	7.30	8.80
	Fallon	18.0	7.00	8.40
	Powder River	21.7	8.10	9.80
	Prairie	17.0	6.50	7.90
	Rosebud	25.6	9.30	11.20
	Wibaux	22.6	8.90	10.70

NEBRASKA

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Banner	25.0	$10.50	$12.60
	Box Butte	26.6	11.60	13.90
	Cheyenne	27.8	11.80	14.20
	Dawes	25.0	10.60	12.80
	Deuel	29.6	12.90	15.50
	Garden	30.0	13.20	15.80
	Kimball	24.9	10.50	12.70
	Morrill	31.4	13.50	16.20
	Scotts Bluff	32.6	13.90	16.70
	Sheridan	25.2	11.00	13.10
	Sioux	23.5	9.90	11.80
2	Boyd	25.6	12.00	14.50
	Brown	23.0	10.60	12.70
	Cherry	22.2	10.00	12.00
	Garfield	27.0	12.70	15.20
	Holt	24.0	11.40	13.70
	Keya Paha	24.0	11.00	13.20
	Logan	22.7	10.50	12.50
	Loup	25.4	11.90	14.30
	Rock	22.4	10.30	12.30
	Wheeler	23.4	11.30	13.60
3	Antelope	27.0	13.00	15.60
	Boone	25.8	12.50	15.00
	Burt	29.6	14.80	17.80
	Cedar	30.8	14.60	17.60
	Cuming	31.6	15.80	19.00
	Dakota	31.2	15.30	18.30
	Dixon	29.1	14.20	17.00
	Knox	26.6	12.60	15.20
	Madison	27.0	13.10	15.70
	Pierce	27.0	13.10	15.70
	Stanton	28.0	13.70	16.50
	Thurston	30.8	15.20	18.30
	Wayne	30.4	14.60	17.50
5	Buffalo	26.0	12.40	14.80
	Custer	25.1	11.70	14.00
	Dawson	25.2	11.80	14.20
	Greeley	25.9	12.50	14.90
	Hall	27.2	13.10	15.60
	Howard	26.6	12.80	15.40
	Sherman	25.0	11.90	14.20
	Valley	27.0	12.70	15 20
6	Butler	28.9	14.40	17.30
	Cass	26.4	13.10	15.80
	Colfax	28.9	14.40	17.30
	Dodge	30.4	15.40	18.40
	Douglas	30.0	15.20	18.20
	Hamilton	29.0	14.10	16.90
	Lancaster	26.4	13.30	16.00
	Merrick	27.8	13.50	16.20
	Nance	26.4	12.90	15.50
	Platte	26.0	12.70	15.30
	Polk	30.5	14.90	17.90
	Sarpy	30.8	15.60	18.70
	Saunders	27.0	13.60	16.40
	Seward	29.6	14.80	17.80
	Washington	30.5	15.40	18.50
	York	31.0	15.20	18.20

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

NEBRASKA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
7	Chase	27.5	$12.10	$14.50
	Dundy	25.0	11.40	13.70
	Frontier	24.3	11.20	13.40
	Hayes	27.2	12.10	14.50
	Hitchcock	26.0	11.70	14.00
	Keith	27.7	12.10	14.60
	Lincoln	26.1	11.80	14.30
	Perkins	26.4	11.60	13.90
	Redwillow	25.6	11.70	14.10
8	Adams	28.9	13.70	16.40
	Franklin	27.2	12.80	15.30
	Furnas	25.0	11.50	13.80
	Gosper	24.1	11.20	13.50
	Harlan	27.2	12.60	15.20
	Kearney	26.2	12.30	14.80
	Phelps	27.2	12.80	15.30
	Webster	26.5	12.50	15.10
9	Clay	30.3	14.60	17.50
	Fillmore	28.4	13.80	16.50
	Gage	27.8	13.80	16.50
	Jefferson	27.8	13.50	16.20
	Johnson	30.0	14.80	17.80
	Nemaha	30.6	15.10	18.20
	Nuckolls	26.4	12.50	15.00
	Otoe	27.0	13.50	16.20
	Pawnee	26.1	12.70	15.40
	Richardson	27.4	13.40	16.10
	Saline	26.8	13.30	15.90
	Thayer	29.8	14.50	17.40

NEVADA

		Bushels		
1	Churchill	40.5	$18.20	$21.90
	Douglas	37.0	16.60	20.00
	Humboldt	22.5	10.10	12.20
	Lyon	36.0	16.20	19.40
	Pershing	45.5	20.50	24.60
	Washoe	42.0	18.90	22.70
3	Elko	27.0	12.20	14.60
	White Pine	35.5	16.00	19.20
8	Clark	50.0	22.50	27.00
	Lincoln	50.0	22.50	27.00
	Nye	50.5	22.70	27.30

NEW JERSEY

		Bushels		
2	Hunterdon	42.6	$22.20	$26.60
	Morris	34.7	18.10	21.60
	Somerset	41.0	21.30	25.60
	Sussex	38.5	20.00	24.00
	Union	42.0	21.80	26.20
	Warren	38.2	19.90	23.80
5	Burlington	46.7	24.30	29.10
	Mercer	47.0	24.40	29.30
	Middlesex	43.0	22.40	26.80
	Monmouth	41.3	21.40	25.80
	Ocean	44.7	23.30	27.90
8	Atlantic	44.0	22.90	27.50
	Camden	39.7	20.60	24.80
	Cape May	46.0	23.90	28.70
	Cumberland	43.5	22.70	27.10
	Gloucester	44.0	22.90	27.50
	Salem	46.0	23.90	28.70

NEW MEXICO

		Bushels		
1	Bernalillo	36.5	$13.60	$16.40
	McKinley	11.0	3.50	4.20
	Rio Arriba	18.0	6.30	7.60
	Sandoval	36.5	13.60	16.40
	San Juan	28.5	7.50	9.10
	Santa Fe	32.5	11.70	14.00
	Taos	29.0	11.00	13.20
	Valencia	33.0	11.70	14.10
3	Colfax	22.0	8.70	10.40
	Curry	28.0	13.30	16.00
	De Baca	50.5	22.90	27.60
	Guadalupe	25.0	11.10	13.40
	Harding	18.0	8.20	9.80
	Mora	32.0	12.00	14.40
	Quay	20.0	9.40	11.30
	Roosevelt	32.5	15.20	18.30
	San Miguel	21.0	7.90	9.40
	Torrance	29.5	11.40	13.60
	Union	21.5	10.00	12.00
7	Catron	44.0	14.70	17.70
	Grant	44.0	16.50	19.80
	Hidalgo	43.0	18.50	22.20
	Luna	43.0	18.50	22.20
	Sierra	49.0	18.40	22.00

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

NEW MEXICO—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
7	Socorro	49.0	$18.40	$22.00
9	Chaves	48.0	22.10	26.50
	Dona Ana	60.5	22.60	27.20
	Eddy	57.0	25.90	31.10
	Lea	33.0	15.70	18.80
	Lincoln	30.0	13.00	15.70
	Otero	30.0	13.00	15.70

NEW YORK

		Bushels		
2	Jefferson	35.0	$18.20	$21.80
	Lewis	35.5	18.50	22.20
	St. Lawrence	31.5	16.40	19.70
3	Clinton	38.5	20.00	24.00
	Franklin	36.5	18.90	22.80
4	Erie	31.8	16.50	19.90
	Genesee	34.9	18.10	21.70
	Livingston	33.9	17.70	21.10
	Monroe	33.6	17.50	21.00
	Niagara	32.6	17.00	20.40
	Ontario	33.1	17.30	20.70
	Orleans	33.9	17.70	21.10
	Seneca	34.8	18.10	21.70
	Wayne	29.7	15.40	18.50
	Wyoming	34.0	17.70	21.20
	Yates	35.6	18.50	22.30
5	Cayuga	33.6	17.50	21.00
	Chemango	37.0	19.20	23.10
	Cortland	42.5	22.00	26.50
	Herkimer	32.0	16.60	20.00
	Madison	38.5	20.00	24.00
	Oneida	38.5	20.00	24.00
	Onondaga	36.0	18.70	22.50
	Oswego	37.0	19.20	23.10
	Otsego	40.0	20.80	25.00
6	Montgomery	30.5	15.80	19.00
	Rensselaer	34.0	17.70	21.20
	Saratoga	34.0	17.70	21.20
	Schenectady	32.0	16.60	20.00
	Schoharie	32.5	16.80	20.30
	Washington	34.0	17.70	21.20
7	Allegany	31.0	16.10	19.30
	Cattaraugus	33.0	17.20	20.60
	Chautauqua	30.0	15.60	18.70
	Steuben	28.8	15.00	18.00
8	Broome	37.5	19.60	23.40
	Chemung	31.0	16.10	19.30
	Schuyler	27.0	14.00	16.80
	Tioga	31.0	16.10	19.30
	Tompkins	31.0	16.10	19.30
9	Columbia	35.5	18.50	22.20
	Delaware	35.0	18.20	21.80
	Dutchess	36.5	18.90	22.80
	Greene	29.9	15.60	18.60
	Ulster	34.0	17.70	21.20

NORTH CAROLINA

		Bushels		
1	Caldwell	32.0	$16.60	$20.00
	Surry	36.0	18.70	22.50
	Watauga	27.0	14.00	16.80
	Wilkes	30.0	15.60	18.70
	Yadkin	37.0	19.20	23.10
4	Buncombe	29.0	15.10	18.10
	Burke	41.5	21.60	25.90
	Henderson	36.5	18.90	22.80
	McDowell	31.5	16.40	19.70
	Madison	28.0	14.60	17.50
	Polk	38.0	19.80	23.70
	Rutherford	29.5	15.40	18.40
	Yancey	26.5	13.70	16.50
2	Alamance	40.0	20.80	25.00
	Caswell	30.5	15.80	19.00
	Durham	39.0	20.30	24.30
	Forsyth	40.0	20.80	25.00
	Franklin	35.0	18.20	21.80
	Granville	28.0	14.60	17.50
	Guilford	39.5	20.60	24.60
	Orange	39.5	20.60	24.60
	Person	29.0	15.10	18.10
	Rockingham	37.5	19.60	23.40
	Stokes	35.5	18.50	22.20
	Vance	33.0	17.20	20.60
	Warren	33.5	17.50	20.90
5	Alexander	33.5	17.50	20.90
	Catawba	36.5	18.90	22.80
	Chatham	39.0	20.30	24.30
	Davidson	39.0	20.30	24.30
	Davie	42.5	22.00	26.50
	Iredell	37.5	19.60	23.40
	Lee	33.9	17.70	21.10
	Randolph	37.0	19.20	23.10
	Rowan	37.0	19.20	23.10

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

NORTH CAROLINA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
5	Wake	36.5	$18.90	$22.80
8	Anson	32.0	16.60	20.00
	Cabbarus	29.0	15.10	18.10
	Cleveland	37.5	19.60	23.40
	Gaston	35.5	18.50	22.20
	Lincoln	36.5	18.90	22.80
	Mecklenburg	37.5	19.60	23.40
	Montgomery	34.5	17.90	21.50
	Moore	24.5	12.70	15.30
	Richmond	26.0	13.50	16.20
	Stanly	37.5	19.60	23.40
	Union	37.0	19.20	23.10
3	Bertie	31.5	16.40	19.70
	Camden	25.0	13.00	15.60
	Chowan	27.0	14.00	16.80
	Currituck	38.1	19.80	23.80
	Edgecombe	32.0	16.60	20.00
	Gates	32.5	16.80	20.30
	Halifax	36.0	18.70	22.50
	Hertford	29.5	15.40	18.40
	Martin	27.0	14.00	16.80
	Nash	32.5	16.80	20.30
	Northampton	30.0	15.60	18.70
	Pasquotank	31.5	16.40	19.70
	Perquimans	33.0	17.20	20.60
	Washington	36.0	18.70	22.50
6	Beaufort	32.5	16.80	20.30
	Carteret	23.0	12.00	14.40
	Craven	26.0	13.50	16.20
	Greene	29.5	15.40	18.40
	Hyde	33.5	17.50	20.90
	Johnston	32.0	16.60	20.00
	Jones	29.0	15.10	18.10
	Lenoir	35.5	18.50	22.20
	Pamlico	31.0	16.10	19.30
	Pitt	34.0	17.70	21.20
	Wayne	35.0	18.20	21.80
	Wilson	39.5	20.60	24.60
9	Bladen	33.0	17.20	20.60
	Brunswick	33.0	17.20	20.60
	Columbus	33.5	17.50	20.90
	Cumberland	33.0	17.20	20.60
	Duplin	32.5	16.80	20.30
	Harnett	34.5	17.90	21.50
	Hoke	33.5	17.50	20.90
	New Hanover	27.0	14.00	16.80
	Pender	31.5	16.40	19.70
	Robeson	32.0	16.60	20.00
	Sampson	32.5	16.80	20.30
	Scotland	33.5	17.50	20.90

NORTH DAKOTA

		Bushels		
1	Burke	20.5	$8.50	$10.20
	Divide	22.0	9.00	10.80
	Mountrail	30.5	8.60	10.30
	Renville	22.9	9.20	11.10
	Ward	23.5	9.90	11.80
	Williams	19.7	8.00	9.70
2	Benson	25.3	11.10	13.40
	Bottineau	22.2	9.30	11.20
	McHenry	21.7	9.30	11.20
	Pierce	23.0	10.00	12.00
	Rolette	20.5	8.80	10.60
3	Cavalier	25.0	11.00	13.20
	Grand Forks	31.5	14.40	17.20
	Nelson	26.1	11.60	14.00
	Pembina	29.5	13.20	15.80
	Ramsey	25.0	11.00	13.20
	Towner	23.0	10.00	12.00
	Walsh	29.0	12.90	15.50
4	Dunn	22.0	9.13	11.00
	McKenzie	21.0	8.40	10.10
	McLean	23.4	10.10	12.00
	Mercer	22.0	9.40	11.20
	Oliver	22.0	9.40	11.20
5	Eddy	26.6	11.80	14.20
	Foster	26.6	12.00	14.40
	Kidder	21.0	9.20	11.10
	Sheridan	22.0	9.60	11.50
	Stutsman	25.2	11.30	13.60
	Wells	26.9	11.80	14.20
6	Barnes	27.5	12.60	15.00
	Cass	31.5	14.50	17.40
	Griggs	27.2	12.40	14.80
	Steele	26.2	12.80	15.40
	Traill	31.9	14.60	17.40
7	Adams	20.2	8.40	10.00
	Billings	22.0	9.10	11.00
	Bowman	22.0	9.00	10.80
	Golden Valley	24.0	9.60	11.50
	Hettinger	23.6	9.90	11.90
	Slope	22.5	9.00	10.80
	Stark	22.2	9.30	11.20

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

NORTH DAKOTA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
8	Burleigh	22.0	$9.60	$11.50
	Emmons	21.7	9.30	11.20
	Grant	21.8	9.20	11.00
	Morton	21.0	8.90	10.70
	Sioux	17.7	7.50	9.00
9	Dickey	25.0	11.40	13.60
	LaMoure	24.5	11.00	13.20
	Logan	22.4	9.90	11.80
	McIntosh	21.1	9.30	11.20
	Ranson	25.0	11.50	13.80
	Richland	31.0	14.40	17.30
	Sargent	27.2	12.50	15.00

OHIO

		Bushels		
1	Allen	35.8	$17.20	$20.60
	Defiance	36.4	17.30	20.70
	Fulton	42.0	20.00	23.90
	Hancock	42.0	20.20	24.20
	Henry	41.8	19.90	23.80
	Lucas	43.4	20.60	24.70
	Paulding	34.0	16.30	19.60
	Putnam	41.0	19.70	23.60
	Van Wert	43.2	20.70	24.90
	Williams	37.1	17.90	21.40
	Wood	40.0	19.20	23.00
2	Ashland	37.5	18.20	21.80
	Crawford	39.8	19.10	22.90
	Erie	46.5	22.30	26.80
	Huron	37.0	17.80	21.30
	Lorain	33.0	16.00	19.20
	Ottawa	36.5	17.50	21.00
	Richland	35.5	17.30	20.70
	Sandusky	39.5	19.00	22.80
	Seneca	41.4	19.90	23.80
	Wyandot	35.0	16.80	20.20
3	Ashtabula	33.5	16.60	19.90
	Columbiana	39.0	19.10	22.90
	Geauga	36.1	17.80	21.50
	Lake	39.5	19.40	23.20
	Mahoning	37.5	18.60	22.30
	Medina	39.7	19.20	23.10
	Portage	39.3	19.00	22.90
	Stark	41.7	20.20	24.20
	Summit	35.0	17.00	20.40
	Trumbull	40.3	20.00	24.00
	Wayne	41.5	20.20	24.20
4	Auglaize	37.5	18.00	21.60
	Champaign	43.5	20.50	24.50
	Clark	39.5	18.60	22.30
	Darke	38.5	18.60	22.40
	Hardin	34.5	16.50	19.90
	Logan	37.0	17.60	21.10
	Mercer	37.5	18.00	21.60
	Miami	41.5	19.80	23.70
	Shelby	33.0	15.80	19.00
5	Delaware	37.5	18.00	21.60
	Fairfield	37.5	18.00	21.60
	Fayette	35.5	16.70	20.00
	Franklin	40.6	19.40	23.30
	Knox	34.0	16.30	19.60
	Licking	36.0	17.30	20.70
	Madison	39.0	18.50	22.20
	Marion	34.5	16.50	19.90
	Morrow	37.5	18.00	21.60
	Pickaway	33.5	16.00	19.10
	Ross	34.7	16.50	19.80
	Union	31.5	15.20	18.10
6	Belmont	39.5	19.20	23.00
	Carroll	40.5	19.60	23.60
	Coshocton	39.0	18.90	22.70
	Harrison	38.5	18.60	22.40
	Holmes	42.0	20.40	24.40
	Jefferson	41.5	20.40	24.40
	Tuscarawas	42.0	20.40	24.40
7	Butler	35.0	16.40	19.70
	Clermont	27.4	12.90	15.40
	Clinton	32.0	15.00	18.00
	Greene	38.0	17.90	21.40
	Hamilton	30.0	14.10	16.90
	Montgomery	36.5	17.10	20.60
	Preble	38.5	18.00	21.70
	Warren	32.0	15.00	18.00
8	Adams	25.0	11.80	14.10
	Brown	29.0	13.60	16.40
	Gallia	37.5	17.70	21.20
	Highland	29.6	13.90	16.70
	Jackson	26.0	16.90	20.30
	Pike	28.5	13.20	15.80
	Scioto	37.0	17.40	20.90

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

OHIO—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
9	Athens	35.0	$16.80	$20.20
	Guernsey	34.0	16.50	19.80
	Hocking	31.0	14.90	17.90
	Meigs	30.0	14.10	16.90
	Monroe	37.0	17.90	21.50
	Morgan	37.0	17.90	21.50
	Muskingum	38.0	18.40	22.10
	Noble	35.5	17.30	20.70
	Perry	40.5	19.40	23.30
	Vinton	36.5	17.50	21.00
	Washington	37.0	17.90	21.50

OKLAHOMA

		Bushels		
1	Beaver	17.8	$8.00	$9.60
	Cimarron	16.4	7.10	8.50
	Ellis	17.6	8.00	9.60
	Harper	17.5	8.00	9.60
	Texas	18.0	7.90	9.50
2	Alfalfa	26.9	12.50	15.00
	Garfield	26.7	12.50	14.90
	Grant	26.1	12.10	14.60
	Kay	30.9	14.30	17.20
	Major	24.8	11.40	13.70
	Noble	27.4	12.70	15.30
	Woods	24.5	11.20	13.50
	Woodward	22.0	10.10	12.10
3	Craig	24.0	11.60	14.00
	Delaware	27.4	13.20	15.70
	Mayes	28.0	13.30	16.00
	Nowata	24.6	11.90	14.40
	Osage	24.6	11.60	13.90
	Ottawa	25.3	12.20	14.70
	Pawnee	25.3	11.70	14.10
	Rogers	23.2	11.10	13.30
	Tulsa	21.6	10.30	12.40
	Wagoner	23.2	11.00	13.20
	Washington	23.0	11.20	13.40
4	Beckham	20.6	9.60	11.50
	Blaine	25.4	11.80	14.10
	Custer	22.3	10.40	12.50
	Dewey	19.6	9.00	10.90
	Roger Mills	17.1	7.90	9.50
	Washita	22.3	10.40	12.50
5	Canadian	25.4	11.80	14.10
	Cleveland	23.0	10.70	12.80
	Creek	19.2	8.90	10.70
	Grady	27.4	12.70	15.30
	Kingfisher	25.4	11.80	14.10
	Lincoln	22.3	10.40	12.50
	Logan	26.7	12.50	14.90
	McClain	27.4	12.70	15.30
	Okfuskee	21.6	10.00	12.10
	Oklahoma	24.7	11.50	13.80
	Payne	25.0	11.60	14.00
	Pottawatomie	23.2	10.80	12.90
	Seminole	24.0	11.20	13.40
6	Adair	22.0	10.20	12.30
	Cherokee	19.2	9.00	10.80
	Haskell	28.8	13.40	16.10
	Hughes	16.6	7.70	9.30
	McIntosh	26.6	12.40	14.90
	Muskogee	22.4	10.40	12.50
	Okmulgee	17.0	7.90	9.50
	Pittsburg	20.0	9.30	11.20
	Sequoyah	30.8	14.30	17.20
7	Caddo	25.4	11.80	14.10
	Comanche	24.4	11.30	13.60
	Cotton	24.9	11.50	13.90
	Greer	21.3	9.90	11.90
	Harmon	21.6	10.00	12.10
	Jackson	27.2	12.60	15.20
	Kiowa	26.4	12.30	14.70
	Tillman	26.4	12.30	14.70
8	Atoka	22.8	10.60	12.70
	Bryan	20.0	9.30	11.20
	Carter	21.0	9.80	11.70
	Coal	16.0	7.40	8.90
	Garvin	23.6	11.00	13.20
	Jefferson	24.1	11.20	13.50
	Johnston	21.2	9.90	11.80
	Love	25.2	11.70	14.00
	Marshall	28.2	13.10	15.70
	Murray	25.4	11.80	14.10
	Pontotoc	22.4	10.40	12.50
	Stephens	24.0	11.20	13.40
9	Choctaw	20.0	9.30	11.20
	Latimer	17.5	8.20	9.80
	Le Flore	23.8	11.10	13.30
	McCurtain	27.0	12.60	15.10
	Pushmataha	25.0	11.60	14.00

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

OREGON

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Benton	36.0	$18.20	$21.80
	Clackamas	32.0	16.50	19.80
	Columbia	34.6	17.50	21.10
	Lane	34.0	16.70	20.00
	Linn	30.0	15.20	18.20
	Marion	35.3	18.10	21.80
	Multnomah	40.2	21.30	25.50
	Polk	39.0	19.90	23.90
	Washington	40.2	21.10	25.30
	Yamhill	39.2	20.40	24.40
2	Gilliam	33.0	17.30	20.80
	Hood River	35.0	18.40	22.00
	Morrow	31.4	16.30	19.60
	Sherman	38.0	20.00	23.90
	Wasco	34.6	18.70	22.50
3	Baker	30.6	15.00	18.00
	Umatilla	43.8	22.60	27.10
	Union	38.6	19.10	23.00
	Wallowa	32.6	15.60	18.80
7	Douglas	32.7	15.40	18.40
	Jackson	41.4	18.40	22.10
	Josephine	24.5	10.90	13.10
8	Crook	37.5	19.40	23.20
	Deschutes	29.0	14.90	17.90
	Grant	29.6	15.20	18.30
	Harney	23.0	9.70	11.60
	Jefferson	38.1	20.00	24.00
	Klamath	38.4	18.60	22.30
	Lake	23.0	11.20	13.40
	Malheur	46.2	20.40	24.40
	Wheeler	24.4	12.60	15.00

PENNSYLVANIA

		Bushels		
1	Crawford	31.3	$16.20	$19.60
	Erie	34.8	18.10	21.70
	Forest	32.0	16.60	20.00
	Mercer	37.4	19.40	23.30
	Venango	37.6	19.60	23.50
	Warren	36.0	18.70	22.50
2	Bradford	34.4	17.90	21.40
	Cameron	29.0	15.10	18.10
	Clinton	35.8	18.60	22.40
	Elk	34.5	17.90	21.50
	Lycoming	34.2	17.80	21.30
	McKean	32.9	17.10	20.50
	Potter	32.6	17.00	20.40
	Sullivan	30.4	15.80	18.90
	Tioga	29.2	15.20	18.20
3	Lackawanna	40.0	20.80	25.00
	Susquehanna	39.0	20.30	24.30
	Wayne	35.0	18.20	21.80
	Wyoming	43.4	22.60	27.00
4	Armstrong	32.1	16.60	20.10
	Beaver	41.4	21.50	25.80
	Butler	39.0	20.30	24.30
	Clarion	34.6	18.00	21.60
	Indiana	40.6	21.10	25.40
	Jefferson	33.6	17.50	21.00
	Lawrence	36.8	19.10	23.00
5	Blair	37.6	19.60	23.50
	Cambria	34.9	18.10	21.70
	Centre	35.4	18.40	22.00
	Clearfield	33.9	17.70	21.10
	Columbia	37.1	19.30	23.20
	Dauphin	33.8	17.60	21.10
	Huntingdon	38.4	20.00	23.90
	Juniata	35.0	18.20	21.80
	Mifflin	40.6	21.10	25.40
	Montour	31.5	16.40	19.70
	Northumberland	37.0	19.20	23.10
	Perry	38.1	19.80	23.80
	Snyder	37.5	19.60	23.50
	Union	38.6	20.10	24.10
6	Carbon	35.4	18.40	22.00
	Lehigh	39.1	20.40	24.40
	Luzerne	32.0	16.60	20.00
	Monroe	29.1	15.20	18.20
	Northampton	39.6	20.60	24.80
	Pike	34.0	17.70	21.20
7	Schuylkill	36.3	18.90	22.70
	Allegheny	34.4	17.90	21.40
	Fayette	37.4	19.40	23.30
	Greene	36.2	18.80	22.60
	Somerset	33.2	17.30	20.70
	Washington	35.7	18.50	22.30
	Westmoreland	38.8	20.20	24.20
8	Adams	36.6	19.00	22.90
	Bedford	35.5	18.50	22.20
	Cumberland	37.6	19.60	23.50
	Franklin	37.4	19.40	23.30
	Fulton	34.4	17.90	21.40
	York	42.6	22.20	26.60

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

PENNSYLVANIA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
9	Berks	40.0	$20.80	$25.00
	Bucks	42.2	21.90	26.30
	Chester	44.4	23.10	27.70
	Delaware	41.5	21.60	25.90
	Lancaster	44.4	23.10	27.70
	Lebanon	41.8	21.70	26.10
	Montgomery	40.0	20.80	25.00
	Philadelphia	43.3	22.50	27.00

SOUTH CAROLINA

		Bushels		
1	Anderson	28.8	$15.00	$18.00
	Cherokee	31.6	16.40	19.80
	Greenville	30.5	15.80	19.00
	Laurens	29.9	15.60	18.60
	Oconee	27.2	14.10	17.00
	Pickens	28.6	14.90	17.90
	Spartanburg	27.8	14.50	17.40
	Union	26.5	13.70	16.50
2	Chester	29.7	15.40	18.50
	Fairfield	33.3	17.30	20.80
	Kershaw	24.9	12.90	15.50
	Lancaster	27.6	14.40	17.30
	York	36.2	18.80	22.60
3	Chesterfield	28.4	13.20	15.80
	Darlington	27.0	14.00	16.80
	Dillon	27.8	14.50	17.40
	Florence	32.2	16.70	20.10
	Georgetown	31.5	16.40	19.70
	Horry	26.5	13.70	16.50
	Marion	25.6	13.30	16.00
	Marlboro	25.8	13.40	16.10
	Williamsburg	25.0	13.00	15.60
4	Abbeville	27.7	14.40	17.30
	Aiken	24.8	12.90	15.50
	Edgefield	32.8	17.10	20.50
	Greenwood	34.3	17.90	21.40
	McCormick	33.0	17.20	20.60
	Newberry	36.0	18.70	22.50
	Saluda	30.1	15.60	18.80
5	Calhoun	28.4	14.80	17.70
	Clarendon	26.4	13.70	16.40
	Lee	27.5	14.40	17.20
	Lexington	25.2	13.10	15.70
	Orangeburg	27.0	14.00	16.80
	Richland	33.2	17.30	20.70
	Sumter	30.8	16.00	19.20
8	Allendale	29.7	15.40	18.50
	Bamberg	21.7	11.30	13.50
	Barnwell	24.8	12.90	15.50
	Berkeley	20.0	10.40	12.50
	Charleston	30.6	15.90	19.10
	Colleton	19.3	10.00	12.10
	Dorchester	20.0	10.40	12.50
	Hampton	21.6	11.20	13.50

SOUTH DAKOTA

		Bushels		
1	Butte	22.0	$8.90	$10.70
	Corson	17.4	7.40	8.80
	Dewey	17.0	7.10	8.60
	Harding	20.8	8.60	10.40
	Perkins	18.4	7.50	9.10
	Ziebach	17.0	7.10	8.50
2	Brown	28.4	13.10	15.60
	Campbell	20.8	9.00	10.90
	Edmunds	22.3	10.10	12.10
	Faulk	27.8	12.50	15.00
	McPherson	22.4	10.00	11.90
	Potter	26.0	11.80	14.20
	Spink	26.8	12.30	14.80
	Walworth	23.0	10.10	12.10
3	Clark	26.7	12.50	14.90
	Codington	27.5	13.00	15.50
	Day	28.4	13.10	15.60
	Deuel	31.5	14.90	17.80
	Grant	30.0	14.10	16.90
	Hamlin	28.3	13.30	16.00
	Marshall	28.7	13.20	15.80
	Roberts	31.5	14.70	17.60
4	Haakon	23.6	9.80	11.80
	Jackson	21.6	9.10	10.90
	Lawrence	20.2	8.30	9.90
	Meade	20.8	8.40	10.10
	Pennington	20.8	8.40	10.10
	Stanley	24.0	10.60	12.70
5	Aurora	27.3	12.50	15.10
	Beadle	25.4	11.70	14.00
	Brule	26.3	12.00	14.40
	Buffalo	26.3	12.00	14.40
	Hand	26.5	12.00	14.50
	Hughes	28.5	12.50	15.00
	Hyde	27.0	12.00	14.40

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

SOUTH DAKOTA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
5	Jerauld	26.8	$12.30	$14.80
	Sully	27.6	12.00	14.40
6	Brookings	32.3	15.20	18.20
	Davison	31.3	14.50	17.50
	Hanson	31.5	14.90	17.80
	Kingsbury	28.1	13.00	15.70
	Lake	31.2	14.50	17.40
	McCook	31.6	14.90	17.90
	Miner	31.0	14.40	17.30
	Minnehaha	33.2	15.80	18.90
	Moody	34.4	16.20	19.40
	Sanborn	27.0	12.40	14.90
7	Bennett	22.5	9.90	11.90
	Custer	18.4	7.60	9.10
	Fall River	26.4	11.00	13.10
	Shannon	21.2	9.20	11.00
	Washabaugh	22.4	9.40	11.30
8	Gregory	26.2	12.20	14.60
	Jones	24.3	10.50	12.60
	Lyman	24.8	11.00	13.30
	Mellette	24.2	11.00	13.20
	Todd	22.0	10.00	12.00
	Tripp	23.5	10.90	13.00
9	Bon Homme	26.0	12.40	14.80
	Charles Mix	27.3	12.60	15.30
	Clay	31.8	15.40	18.50
	Douglas	28.6	13.30	16.00
	Hutchinson	30.9	14.50	17.40
	Lincoln	32.0	15.20	18.20
	Turner	30.0	14.20	17.10
	Union	32.2	15.60	18.70
	Yankton	28.0	13.40	16.10

TENNESSEE

		Bushels		
1	Dyer	26.0	$13.10	$15.80
	Lake	34.9	17.60	21.10
	Lauderdale	26.6	13.40	16.20
	Obion	27.0	13.60	16.40
	Shelby	21.1	10.90	13.10
	Tipton	29.2	14.70	17.70
2	Carroll	24.2	11.70	14.00
	Crockett	23.7	11.90	14.30
	Fayette	20.0	10.10	12.10
	Gibson	23.7	11.90	14.30
	Hardeman	35.0	17.70	21.20
	Haywood	28.8	14.50	17.50
	Henderson	34.8	17.60	21.10
	Henry	21.2	10.70	12.80
	Madison	33.8	17.10	20.50
	Weakley	22.9	11.50	13.80
3	Benton	20.0	10.10	12.10
	Cheatham	34.4	17.40	20.80
	Decatur	20.0	10.10	12.10
	Dickson	23.8	12.00	14.40
	Hardin	20.0	10.10	12.10
	Hickman	23.6	11.90	14.30
	Houston	31.5	16.00	19.10
	Humphreys	23.0	11.60	13.90
	Lawrence	22.0	11.10	13.30
	Lewis	20.0	10.10	12.10
	Montgomery	30.0	15.20	18.20
	Perry	20.0	10.10	12.10
	Robertson	31.6	16.00	19.20
	Stewart	20.0	10.10	12.10
	Wayne	20.0	10.10	12.10
4	Bedford	24.1	10.70	12.80
	Cannon	19.0	9.60	11.50
	Clay	25.2	12.70	15.30
	Davidson	23.3	11.70	14.10
	De Kalb	23.4	11.80	14.10
	Giles	21.1	10.70	12.80
	Jackson	21.0	10.60	12.70
	Lincoln	22.8	11.50	13.80
	Macon	31.4	15.90	19.00
	Marshall	20.5	10.30	12.40
	Maury	21.8	11.00	13.20
	Moore	20.5	10.30	12.40
	Rutherford	23.3	11.70	14.10
	Smith	22.7	11.50	13.70
	Sumner	27.4	13.80	16.60
	Trousdale	22.0	11.10	13.30
	Williamson	26.4	13.30	16.00
5	Wilson	22.2	11.20	13.40
	Bledsoe	30.0	15.20	18.20
	Coffee	25.0	12.60	15.20
	Cumberland	30.0	15.20	18.20
	Fentress	33.8	17.10	20.50
	Franklin	28.4	14.30	17.20
	Grundy	27.0	13.60	16.40
	Marion	28.0	14.10	17.00
	Morgan	29.0	14.60	17.60
	Overton	32.2	16.30	19.50
	Pickett	29.4	14.80	17.80
	Putnam	27.5	13.90	16.70

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

TENNESSEE—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
5	Sequatchie	26.4	$13.30	$16.00
	Van Buren	22.0	11.20	13.30
	Warren	22.0	11.10	13.30
	White	22.0	11.10	13.30
6	Anderson	30.4	15.40	18.40
	Blount	34.7	17.60	21.00
	Bradley	27.4	13.80	16.60
	Carter	31.6	16.00	19.20
	Claiborne	37.4	18.90	22.60
	Cocke	37.0	18.70	22.40
	Grainger	37.0	18.70	22.40
	Greene	30.9	15.60	18.70
	Hamblen	37.0	18.70	22.40
	Hamilton	20.0	10.10	12.10
	Hancock	20.8	10.50	12.60
	Hawkins	27.4	13.80	16.60
	Jefferson	30.0	15.20	18.20
	Johnson	33.2	16.80	20.10
	Knox	35.5	18.00	21.50
	Loudon	28.4	14.30	17.20
	McMinn	34.6	17.50	21.00
	Meigs	28.8	14.50	17.50
	Monroe	36.2	18.30	21.90
	Polk	33.6	17.00	20.40
	Rhea	22.8	11.50	13.80
	Roane	23.5	11.90	14.20
	Sevier	31.2	15.80	18.90
	Sullivan	33.6	17.00	20.40
	Unicoi	30.0	15.20	18.20
	Washington	37.0	18.70	22.40

TEXAS

		Bushels		
1-N	Armstrong	20.8	$10.10	$12.10
	Briscoe	22.6	11.00	13.20
	Carson	20.0	9.70	11.60
	Castro	31.0	15.00	18.00
	Dallam	15.2	7.10	8.60
	Deaf Smith	34.8	16.90	20.30
	Floyd	23.6	11.40	13.80
	Gray	19.1	9.30	11.20
	Hale	30.8	14.90	17.90
	Hansford	16.8	7.90	9.50
	Hartley	15.4	7.20	8.60
	Hemphill	16.5	7.80	9.40
	Hutchinson	17.6	8.40	10.10
	Lipscomb	15.7	7.30	8.70
	Moore	18.0	8.50	10.20
	Ochiltree	19.8	9.20	11.10
	Oldham	14.6	7.00	8.40
	Parmer	30.1	14.40	17.40
	Potter	21.0	10.20	12.20
	Randall	23.2	11.30	13.50
	Roberts	18.6	8.80	10.60
	Sherman	15.8	7.40	8.90
	Swisher	28.4	13.80	16.50
1-S	Bailey	30.2	14.60	17.50
	Cochran	23.6	11.40	13.80
	Crosby	24.4	11.80	14.20
	Dawson	15.4	7.50	8.90
	Gaines	15.9	7.80	9.20
	Glasscock	41.2	19.80	23.70
	Hockley	25.6	12.40	14.90
	Howard	20.0	9.70	11.60
	Lamb	27.0	13.10	15.70
	Lubbock	26.0	12.60	15.10
	Lynn	20.2	9.80	11.70
	Martin	41.2	19.80	23.70
	Midland	13.8	6.60	8.00
	Terry	23.5	11.40	13.70
	Yoakum	26.8	13.00	15.60
2-N	Borden	15.8	7.70	9.20
	Childress	22.2	10.80	12.90
	Collingsworth	19.0	9.20	11.10
	Cottle	21.0	10.20	12.20
	Dickens	21.6	10.50	12.60
	Donley	20.8	10.10	12.10
	Foard	21.7	10.50	12.60
	Garza	17.4	8.40	10.10
	Hall	20.2	9.80	11.70
	Hardeman	24.6	11.90	14.40
	Kent	20.9	10.10	12.10
	Motley	20.2	9.80	11.70
	Wheeler	17.0	8.20	9.90
	Wichita	22.8	10.80	13.00
	Wilbarger	24.3	11.80	14.20
2-S	Baylor	24.5	11.80	14.30
	Coleman	20.0	10.00	12.00
	Fisher	21.3	10.30	12.40
	Haskell	22.6	11.00	13.20
	Jones	21.2	10.30	12.30
	Knox	22.8	11.10	13.30
	Mitchell	18.5	8.90	10.80
	Nolan	21.4	10.40	12.40
	Runnels	22.4	11.10	13.30

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

TEXAS—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
2-S	Scurry	20.9	$10.10	$12.10
	Stonewall	20.9	10.10	12.10
	Taylor	20.8	10.20	12.20
3	Archer	21.6	10.50	12.60
	Brown	19.7	10.00	12.00
	Callahan	20.0	9.90	11.90
	Clay	22.7	11.30	13.50
	Comanche	18.2	9.30	11.10
	Eastland	18.9	9.40	11.30
	Erath	19.0	9.60	11.50
	Hood	26.4	13.50	16.10
	Jack	19.8	9.90	11.90
	Mills	19.3	10.00	12.10
	Montague	23.6	11.80	14.20
	Palo Pinto	19.6	9.80	11.80
	Parker	20.0	10.30	12.40
	Shackelford	17.5	8.60	10.30
	Somervell	19.8	10.20	12.30
	Stephens	17.0	8.50	10.20
	Throckmorton	21.2	10.40	12.40
	Wise	23.6	12.00	14.50
	Young	20.6	10.30	12.40
4	Bell	18.7	10.10	12.00
	Bosque	19.6	10.30	12.40
	Collin	24.4	12.60	15.00
	Cooke	27.4	13.80	16.60
	Coryell	18.6	9.90	11.90
	Dallas	23.0	12.00	14.40
	Delta	15.8	8.00	9.60
	Denton	22.6	11.50	13.90
	Ellis	20.4	10.80	12.90
	Falls	18.6	10.00	12.10
	Fannin	21.8	11.00	13.20
	Grayson	21.2	10.70	12.80
	Hamilton	17.7	9.10	10.90
	Hill	18.8	10.00	12.00
	Hunt	19.7	10.00	12.00
	Johnson	23.4	12.20	14.60
	Kaufman	17.9	9.30	11.00
	Lamar	19.5	9.80	11.70
	Limestone	18.4	9.90	11.90
	McLennan	19.6	10.50	12.60
	Milam	18.2	9.90	11.90
	Navarro	19.4	10.40	12.40
	Rockwall	21.8	11.10	13.40
	Tarrant	19.7	10.20	12.30
	Williamson	16.1	8.60	10.50
4-N	Bowie	37.4	18.90	22.60
	Cass	16.0	8.20	9.80
	Henderson	15.0	8.00	9.50
	Hopkins	16.0	8.10	9.70
	Panola	18.0	9.50	11.40
	Rains	13.0	6.80	8.10
	Red River	22.4	11.10	13.30
	Van Zandt	20.4	10.60	12.70
4-S	Freestone	18.4	9.90	11.90
	Grimes	27.6	15.50	18.60
	Robertson	18.6	10.10	12.20
	San Augustine	18.0	9.60	11.60
6	Culberson	61.3	22.30	26.80
	El Paso	49.3	21.40	25.80
	Hudspeth	49.3	21.40	25.80
	Jeff Davis	42.0	18.30	21.90
	Loving	42.0	18.70	22.40
	Pecos	47.0	20.70	24.80
	Presidio	42.0	18.30	21.90
	Reeves	42.4	18.70	22.40
	Ward	42.0	19.60	23.20
	Winkler	10.6	5.00	6.10
7	Bandera	26.4	13.70	16.40
	Blanco	22.2	11.90	14.20
	Burnet	19.4	10.20	12.20
	Coke	21.0	10.20	12.20
	Concho	21.5	10.80	12.90
	Gillespie	26.5	13.60	16.40
	Irion	21.0	9.60	11.50
	Kendall	24.0	12.40	14.80
	Kerr	25.8	13.30	16.00
	Kimble	25.6	12.90	15.60
	Kinney	25.6	12.80	15.40
	Lampasas	22.1	11.60	14.00
	Llano	22.9	12.00	14.40
	McCulloch	21.1	10.70	12.80
	Mason	24.1	12.20	14.80
	Menard	20.4	10.20	12.20
	Real	25.6	13.10	15.70
	San Saba	21.4	10.90	13.10
	Schleicher	21.0	9.70	11.60
	Sterling	21.0	9.70	11.60
	Tom Green	21.9	10.70	12.70
	Upton	36.2	16.10	19.30
	Uvalde	25.6	13.10	15.70
	Van Verde	21.6	10.50	12.60
8-N	Austin	20.6	11.60	14.00
	Bastrop	17.5	9.60	11.40
	Bexar	25.6	13.60	16.30
	Burleson	21.6	11.90	14.30
	Caldwell	18.8	10.20	12.20

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

TEXAS—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
8-N	Comal	24.2	$12.90	$15.50
	De Witt	22.7	12.40	14.80
	Fayette	26.2	14.40	17.30
	Goliad	23.9	13.10	15.60
	Gonzales	22.6	12.30	14.80
	Guadalupe	29.4	15.70	18.80
	Hays	22.9	12.30	14.80
	Karnes	22.6	12.10	14.60
	Lee	17.5	9.60	11.40
	Medina	28.4	14.80	17.70
	Travis	17.5	9.50	11.30
	Washington	20.6	11.50	13.90
	Wilson	22.6	12.00	14.40
9	Jackson	18.0	9.90	11.90
10-N	Atascosa	15.8	8.20	9.90
	Frio	16.6	8.60	10.40
	La Salle	13.8	7.20	8.60
	Live Oak	15.8	8.40	10.10
	Maverick	26.4	13.10	15.60
	Zavala	25.6	12.50	15.10

UTAH

		Bushels		
1	Box Elder	43.5	$18.50	$22.20
	Cache	40.5	17.20	20.70
	Davis	48.8	20.70	24.90
	Morgan	54.6	23.20	27.90
	Rich	32.2	13.70	16.40
	Salt Lake	41.0	17.40	20.90
	Tooele	35.7	15.10	18.20
	Weber	50.8	21.60	25.90
5	Juab	37.8	16.10	19.30
	Millard	45.5	19.40	23.20
	Sanpete	43.8	18.60	22.40
	Sevier	59.5	25.30	30.30
	Utah	54.2	23.00	27.60
6	Carbon	38.8	16.50	19.80
	Dagrett	28.8	12.20	14.70
	Duchesne	35.0	14.90	17.80
	Emery	41.0	17.40	20.90
	Grand	46.0	19.60	23.50
	San Juan	12.8	5.40	6.50
	Summit	49.8	21.20	25.40
	Uintah	39.0	16.60	19.90
	Wasatch	63.2	26.90	32.20
7	Beaver	42.2	17.90	21.50
	Garfield	47.5	20.20	24.20
	Iron	52.0	22.10	26.50
	Kane	29.5	12.60	15.00
	Piute	49.8	21.20	25.40
	Washington	49.8	21.20	25.40
	Wayne	48.5	20.60	24.70

VIRGINIA

		Bushels		
2	Clarke	38.2	$19.90	$23.80
	Culpeper	41.4	21.50	25.80
	Fairfax	38.7	20.20	24.10
	Fauquier	36.5	18.90	22.80
	Frederick	37.0	19.20	23.10
	Loudoun	41.2	21.40	25.70
	Madison	40.4	21.00	25.20
	Page	40.6	21.10	25.40
	Prince William	39.2	19.90	23.80
	Rappahannock	38.4	20.00	23.90
	Rockingham	41.8	21.70	26.10
	Shenandoah	39.1	20.40	24.40
	Stafford	40.4	21.00	25.20
	Warren	36.8	19.10	23.00
4	Alleghany	37.2	19.30	23.20
	Augusta	45.5	23.70	28.50
	Bath	37.5	19.60	23.40
	Botetourt	41.2	21.40	25.70
	Craig	43.9	22.90	27.40
	Highland	34.2	17.80	21.30
	Roanoke	42.4	22.00	26.40
	Rockbridge	36.7	20.50	24.80
5	Albermarle	40.0	20.80	25.00
	Amelia	44.7	23.30	27.96
	Amherst	31.6	16.40	19.60
	Appomattox	36.0	18.70	22.50
	Bedford	42.6	22.20	26.60
	Buckingham	37.4	19.40	23.30
	Campbell	36.4	18.90	22.70
	Caroline	39.2	20.40	24.40
	Chesterfield	33.9	17.70	21.10
	Cumberland	39.7	20.60	24.80
	Fluvanna	41.0	21.30	25.60
	Goochland	37.4	19.40	23.30
	Greene	35.4	18.40	22.00
	Hanover	30.9	28.80	24.90
	Henrico	30.7	20.60	24.80

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

VIRGINIA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
5	Louisa	34.0	$17.70	$21.20
	Nelson	37.0	19.20	23.10
	Orange	42.8	22.30	26.70
	Powhatan	40.0	20.80	25.00
	Prince Edward	37.5	19.60	23.40
	Spotsylvania	41.6	21.60	26.00
6	Accomac	38.0	19.80	23.70
	Charles City	40.0	20.80	25.00
	Essex	44.6	23.20	27.90
	Gloucester	42.6	22.20	26.60
	James City	44.1	22.90	27.60
	King and Queen	39.2	20.40	24.40
	King George	42.0	21.80	26.20
	King William	42.7	22.30	26.60
	Lancaster	40.0	20.80	25.00
	Mathews	38.5	20.00	24.00
	Middlesex	42.1	21.80	26.30
	New Kent	39.6	20.60	24.80
	Northampton	37.5	19.60	23.40
	Northumberland	41.0	21.30	25.60
	Richmond	41.4	21.50	25.80
	Westmoreland	44.5	23.10	27.80
	York	39.6	20.60	24.80
7	Bland	38.0	19.80	23.70
	Carroll	35.0	18.20	21.80
	Floyd	41.8	21.70	26.10
	Giles	39.8	20.70	24.90
	Grayson	43.1	22.50	26.90
	Lee	36.0	18.70	22.50
	Montgomery	36.1	18.70	22.60
	Pulaski	43.0	22.40	26.80
	Russell	44.8	23.30	28.00
	Scott	39.0	20.30	24.30
	Smyth	36.0	18.70	22.50
	Tazewell	37.5	19.60	23.40
	Washington	39.2	20.40	24.40
	Wythe	41.3	21.40	25.80
8	Charlotte	39.0	20.30	24.30
	Franklin	37.0	19.20	23.10
	Halifax	33.8	17.60	21.10
	Henry	31.7	16.40	19.80
	Lunenburg	36.5	18.90	22.80
	Nottaway	39.2	20.40	24.40
	Patrick	34.0	17.70	21.20
	Pittsylvania	34.0	17.70	21.20
9	Brunswick	32.6	17.00	20.40
	Dinwiddie	35.4	18.40	22.00
	Greensville	34.9	18.10	21.70
	Isle of Wight	37.1	19.30	23.20
	Mecklenburg	34.0	17.70	21.20
	Naasemond	31.0	16.10	19.30
	Norfolk	31.7	16.40	19.80
	Prince George	34.9	18.10	21.70
	Princess Anne	35.8	18.60	22.40
	Southampton	31.6	16.40	19.80
	Surry	37.0	19.20	23.10
	Sussex	35.6	18.50	22.30
	City of Hampton	40.0	20.80	25.00
	City of Newport News	40.0	20.80	25.00

WASHINGTON

		Bushels		
1	Clallam	58.5	$27.20	$32.60
	Clark	38.8	20.40	24.50
	Cowlitz	35.0	18.20	21.80
	Grays Harbor	44.5	22.20	26.70
	Island	42.0	21.60	26.00
	Jefferson	52.5	24.90	29.90
	King	37.5	19.70	23.60
	Kitsap	35.5	17.40	20.90
	Lewis	34.4	17.20	20.60
	Pierce	31.1	16.40	19.60
	San Jaun	29.5	15.10	18.10
	Skagit	50.4	25.70	30.80
	Skamania	42.5	22.30	26.80
	Snohomish	40.0	20.60	24.70
	Thurston	38.6	19.50	23.40
	Whatcom	48.8	24.40	29.40
2	Benton	30.5	15.80	19.00
	Chelan	19.2	9.80	11.70
	Kittitas	45.4	24.10	28.80
	Klickitat	31.9	16.80	20.10
	Okanogan	21.2	10.70	12.80
	Yakima	51.2	26.40	31.60
3	Ferry	23.2	9.70	11.70
	Pend Oreille	28.1	12.80	15.40
	Spokane	35.7	17.40	21.00
	Stevens	31.5	14.70	17.60
5	Adams	33.6	17.10	20.60
	Douglas	25.5	12.90	15.60
	Franklin	33.8	17.40	20.90
	Grant	31.2	15.90	19.10
	Lincoln	34.4	17.70	21.30

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

WASHINGTON—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
9	Asotin	32.4	$15.90	$19.00
	Columbia	47.8	24.40	29.30
	Garfield	46.4	23.20	27.80
	Walla Walla	47.6	24.80	29.50
	Whitman	43.8	21.70	26.00

WEST VIRGINIA

		Bushels		
2	Barbour	34.6	$17.50	$21.00
	Brooke	35.4	17.90	21.40
	Hancock	34.4	17.40	20.80
	Harrison	35.4	17.90	21.40
	Lewis	37.0	18.70	22.40
	Marshall	28.2	14.20	17.10
	Monongalia	34.9	17.60	21.10
	Ohio	34.4	17.40	20.80
	Preston	39.4	19.90	23.80
	Ritchie	36.5	18.00	21.50
	Taylor	36.8	18.60	22.30
	Upshur	33.3	16.80	20.30
	Wood	37.4	18.90	22.60
4	Cabell	35.0	17.70	21.20
	Calhoun	31.0	15.70	18.80
	Fayette	31.6	16.00	19.20
	Mason	31.5	16.00	19.10
	Nicholas	32.0	16.20	19.40
	Putnam	32.5	16.40	19.70
6	Berkeley	43.2	21.80	26.20
	Grant	32.9	16.60	19.90
	Greenbrier	32.4	16.40	19.60
	Hampshire	36.4	18.40	22.00
	Hardy	35.8	18.10	21.70
	Jefferson	37.4	18.90	22.60
	Mineral	29.6	14.90	18.00
	Monroe	34.4	17.40	20.80
	Morgan	35.2	17.80	21.30
	Pendleton	37.7	19.00	22.80
	Pocahontas	33.8	17.10	20.50
	Randolph	37.2	18.80	22.50
	Summers	27.8	14.00	16.90
	Tucker	38.2	19.30	23.10

WISCONSIN

		Bushels		
1	Barron	34.0	$16.50	$19.80
	Bayfield	28.8	14.00	16.80
	Burnett	28.0	12.40	14.80
	Chippewa	36.0	17.30	20.70
	Douglas	34.0	17.00	20.40
	Polk	31.6	15.70	18.90
	Rusk	34.0	16.30	19.60
	Sawyer	34.0	16.50	19.80
	Washburn	30.0	14.70	17.60
2	Ashland	30.9	14.80	17.80
	Clark	29.0	13.30	22.00
	Iron	29.8	14.00	16.80
	Lincoln	29.8	13.70	16.50
	Marathon	38.5	17.90	21.50
	Oneida	29.0	13.20	15.80
	Price	34.0	16.00	19.20
	Taylor	36.0	16.90	20.30
	Vilas	30.0	13.50	16.20
3	Florence	29.0	13.20	15.80
	Forest	36.0	16.60	19.90
	Langlade	37.7	17.50	21.00
	Marinette	33.0	15.20	18.20
	Oconto	37.0	17.40	20.90
	Shawano	41.3	19.60	23.60
4	Buffalo	42.0	20.40	24.40
	Dunn	37.5	18.40	22.00
	Eau Claire	39.1	19.00	22.80
	Jackson	38.0	18.20	21.90
	La Crosse	42.0	20.00	23.90
	Monroe	35.0	16.60	20.00
	Pepin	36.0	17.60	21.20
	Pierce	35.4	17.50	21.00
	St. Croix	38.5	19.00	22.90
	Trempealeau	40.5	19.40	23.30
5	Adams	29.0	13.80	16.50
	Green Lake	40.0	19.20	23.00
	Juneau	39.0	18.70	22.50
	Marquette	30.0	14.20	17.10
	Portage	27.0	12.80	15.40
	Waupaca	38.0	18.00	21.70
	Waushara	27.0	12.80	15.40
	Wood	35.5	16.70	20.00
6	Brown	35.5	17.10	20.40
	Calumet	39.0	18.70	22.50
	Door	38.0	17.70	21.20
	Fond du Lac	38.0	18.00	22.70
	Kewaunee	41.5	19.60	23.40
	Manitowoc	40.5	19.40	23.30

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yield and Per Acre Payments for Barley—Continued

WISCONSIN—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
6	Outagamie	40.5	$19.40	$23.30
	Sheboygan	39.0	19.10	22.90
	Winnebago	39.5	19.00	22.80
7	Crawford	39.0	18.30	22.00
	Grant	39.0	18.50	22.20
	Iowa	36.0	17.10	20.50
	Lafayette	36.0	17.30	20.70
	Richland	41.5	19.80	23.70
	Sauk	37.2	17.90	21.40
	Vernon	37.5	17.70	21.20
8	Columbia	40.0	19.20	23.00
	Dane	38.5	18.80	22.60
	Dodge	37.0	17.90	21.50
	Green	40.5	19.80	23.80
	Jefferson	39.0	19.20	23.20
	Rock	40.5	20.00	24.10
9	Kenosha	38.0	19.60	23.50
	Milwaukee	38.5	19.90	23.80
	Ozaukee	36.6	17.90	21.60
	Racine	37.5	19.40	23.20
	Walworth	38.5	19.00	22.90
	Washington	37.2	18.20	21.90
	Waukesha	37.0	18.30	22.00

WYOMING

		Bushels		
1	Big Horn	46.1	$16.30	$19.70
	Fremont	41.2	14.60	17.50
	Hot Springs	38.8	13.80	16.50
	Park	47.4	16.60	19.90
	Washakie	48.8	17.30	20.80
2	Campbell	18.2	7.00	8.40
	Crook	17.2	6.80	8.10
	Johnson	26.6	10.00	12.00
	Sheridan	27.7	10.40	12.40
	Weston	14.2	6.50	7.80
3	Lincoln	31.8	11.10	13.40
	Sublette	20.8	7.30	8.80
	Teton	35.6	14.60	17.80
	Uinta	36.0	12.60	15.10
4	Albany	31.6	12.60	15.20
	Carbon	31.8	11.90	14.30
	Natrona	29.5	10.80	12.90
	Sweetwater	29.8	10.40	12.50
5	Converse	27.8	10.80	13.00
	Goshen	33.9	14.30	17.10
	Laramie	26.6	11.30	13.60
	Niobrara	26.2	10.60	12.70
	Platte	25.5	11.10	13.40

Issued at Washington, D.C., this 28th day of December 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-12428; Filed, Dec. 28, 1961; 3:55 p.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 1]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.302 Orange Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 2, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., January 8, 1962, and ending at 12:01 a.m., e.s.t., January 22, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, including Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2⅜₆ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2⅜₆ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2¹⁵⁄₁₆ inches in diameter or smaller; or

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than 2⅜₆ inches in diameter, except that a tolerance of ten percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the aforesaid United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 4, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-220; Filed, Jan. 5, 1962; 8:53 a.m.]

[Grapefruit Reg. 1]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.303 Grapefruit Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905 as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 2, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., January 8, 1962, and ending at 12:01 a.m., e.s.t., January 22, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided*, That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade, and may have slightly rough texture caused only by speck type melanose;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than 3¹⁵⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than 3⅜₆ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 4, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-221; Filed, Jan. 5, 1962; 8:53 a.m.]

[Tangelo Reg. 1]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.304 Tangelo Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 2, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are

identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., January 8, 1962, and ending at 12:01 a.m., e.s.t., January 22, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than 2⁵⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 4, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-222; Filed, Jan. 5, 1962; 8:53 a.m.]

[Navel Orange Reg. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.301 Navel Orange Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 4, 1962.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., January 7, 1962, and ending at 12:01 a.m., P.s.t., January 14, 1962, are hereby fixed as follows:

(i) District 1: 375,000 cartons;
(ii) District 2: 225,000 cartons;
(iii) District 3: unlimited movement;
(iv) District 4: unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 5, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-238; Filed, Jan. 5, 1962; 11:11 a.m.]

[Lemon Reg. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.301 Lemon Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 3, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., January 7, 1962, and ending at 12:01 a.m., P.s.t., January 14, 1962, are hereby fixed as follows:

(i) District 1: 18,600 cartons;
(ii) District 2: 148,800 cartons;
(iii) District 3: unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 4, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-223; Filed, Jan. 5, 1962; 8:53 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 1]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Miscellaneous Amendments

There was published in the FEDERAL REGISTER on September 29, 1961 (26 F.R. 9179), a notice of intention to amend § 107.716 relating to the restriction of borrowing power of a Licensee and officers and directors thereof, and there was published on November 15, 1961 (26 F.R. 10702), a notice of intention to amend §§ 107.11, 107.104, 107.301, 107.402, 107.403, 107.704, 107.707, and 107.708 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations as revised in 26 F.R. 8232–8242.

Interested persons were given an opportunity to present their comments or suggestions pertaining thereto to the Investment Division, Small Business Administration, Washington 25, D.C., within fifteen days and twenty-one days, respectively, of the date of publication of the notices in the FEDERAL REGISTER. After consideration of all such relevant matter as was presented by the interested persons regarding the proposed amendments, the amendments of regulations as so proposed with changes resulting from such consideration are hereby adopted as set forth below. Proposed § 107.708(a) is being further considered and does not appear in the amendments set forth below.

Because of the necessity for promptly applying the proposed procedures to the program authorized under the Small Business Investment Act of 1958, as amended, the subject amendments of regulations shall become effective upon publication thereof in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies (26 F.R. 8232–8242) is hereby amended by:

1. Deleting the period at the end of § 107.11(a) and substituting a comma in lieu thereof and by adding "and the Small Business Investment Act Amendments of 1961, which became effective October 3, 1961." As amended, § 107.11 (a) reads as follows:

§ 107.11 Scope of part.

(a) The Small Business Investment Act of 1958 became law August 21, 1958. Such Act has been amended by the Small Business Investment Act Amendments of 1960, which became effective June 11, 1960, and the Small Business Investment Act Amendments of 1961, which became effective October 3, 1961.

2. Adding at the end of § 107.102(a) a new sentence which reads as follows: "The Proposal consists of three parts: Part I deals with the plans of operation; Part II deals with the experience of the proposed operators; and Part III is a financial statement of each proposed officer, director and ten or more percent stockholder." As amended, § 107.102(a) reads as follows:

§ 107.102 Proposal.

(a) A Proposal shall be submitted on SBA Form No. 414[1] to SBID through a Regional Office of SBA. The Proposal consists of three parts: Part I deals with the plans of operation; Part II deals with the experience of the proposed operators; and Part III is a financial statement of each proposed officer, director and ten or more percent stockholder.

3. Deleting the words "financial institutions" as they appear in § 107.104(g) and substituting in lieu thereof "investors or lenders, incorporated or unincorporated". As amended, § 107.104(g) reads as follows:

§ 107.104 Charter requirements.

• • • • • •

(g) To undertake its operations in cooperation with banks or other investors or lenders, incorporated or unincorporated, as contemplated under section 308(a) of the Act;

4. Deleting § 107.301 in its entirety and substituting a new § 107.301 which reads as follows:

§ 107.301 Capital and surplus of Licensee.

(a) SBA, in considering whether to issue a License to a Proposed Operator, will, in addition to other criteria set forth in these regulations and the material submitted with SBA Forms 414 and 415, give preference to those Proposals which contemplate the minimum use of Government funds.

(b) Each Licensee authorized to operate under the Act must have a paid-in capital and paid-in surplus equal to at least $300,000 as required under § 107.202(c). The management of a Proposed Operator or Licensee shall encourage the maximum investment therein of private funds.

(c) In order to facilitate the formation of small business investment companies, SBA may, to the extent that the necessary funds are not available to the Proposed Operator from private sources on reasonable terms, upon request contained in the License Application, purchase or agree to purchase debentures of such Proposed Operator in an amount equal to such deficiency but not in excess of $150,000.

(d) In order to facilitate the growth of small business investment companies, SBA may, to the extent that necessary additional paid-in capital and paid-in surplus are not available to the Licensee from other sources on reasonable terms, upon request filed pursuant to § 107.709, purchase or agree to purchase debentures of a Licensee in an amount not to exceed the lesser of $400,000 or the amount of paid-in capital and paid-in surplus of such Licensee, excluding therefrom any debentures previously purchased.

(e) In connection with any application for funds pursuant to paragraphs (c) and (d) of this section, the Licensee shall submit evidence satisfactory to SBA that such funds are not available on reasonable terms from other sources.

(f) Any request for funds under paragraph (d) of this section must be submitted to SBA by a Licensee within two years from the issuance of its License or October 3, 1961, whichever is later. SBA may issue commitments for such funds extending for a period of twelve months from the date of the issuance of the commitment; provided, however, that the purchase by SBA of any debentures under paragraph (d) of this section must be consummated within three years after the date of the issuance of the License or October 3, 1961, whichever is later.

(g) Any debentures (which may be prepaid by a Licensee without penalty) so purchased by SBA under the provisions of section 302(a) of the Act shall be subordinate to any other debenture bonds, promissory notes, or other obligations which may be issued by a Licensee as determined by SBA, and while treated and accounted for as a debt transaction, shall be deemed a part of the paid-in capital and paid-in surplus of such Licensee for the statutory purposes of sections 302(a), 303(b), and 306 of the Act.

(h) Any such subordinated debentures of a Licensee purchased under section 302(a) of the Act shall contain such terms and conditions, including provisions with respect to subordination, as shall be determined by SBA. Such debentures shall be purchased from only one Licensee among Licensees having substantially the same beneficial ownership. Interest upon the amount of such

[1] Filed with the Federal Register Office as part of the original document. Copies of SBA Form 414, Proposal To Operate a Small Business Investment Company, together with instructions, are available at the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

debentures shall be at the rate of five percent per annum, and amortization shall commence no later than the beginning of the second half of the term thereof. Maturities shall not exceed twenty years.

(i) The commitment of SBA to purchase subordinated debentures of a Licensee under the provisions of paragraph (c) of this section shall constitute the equivalent of cash in an amount equal to the amount of such SBA commitment, which amount shall thereupon be deemed to be paid in as a part of the capital and surplus of such Licensee for the statutory purposes of sections 302(a), 303(b), and 306 of the Act. Any commitment of SBA to purchase subordinated debentures of a Licensee under the provisions of paragraph (d) of this section shall not constitute the equivalent of cash in an amount equal to the amount of such SBA commitment but subordinated debentures purchased under the provisions of paragraph (d) of this section shall be deemed to be paid in as a part of the capital and surplus of the Licensee for the statutory purposes of sections 303(b) and 306 of the Act only upon disbursement by SBA of funds therefor to the Licensee.

(j) The proceeds derived from the sale of any such subordinated debentures of a Licensee under section 302(a) of the Act shall be used to provide Equity Capital and make long-term loans to small business concerns: *Provided, however*, That Licensee cannot use such proceeds for investments and loans involving enterprises which derive a substantial portion of their net sales from the sale of alcoholic beverages, and accordingly, within thirty days after the disbursement of any funds to Licensee under authority of section 302(a) of the Act, and thereafter during period in which any such subordinated debentures remain unpaid, the Licensee shall maintain assets consisting of cash, eligible Government obligations, and portfolio investments and loans involving enterprises which do not derive a substantial portion of their net sales from the sale of alcoholic beverages (exclusive of all investments and loans already in the Licensee's portfolio at the time that the proceeds of such subordinated debentures were disbursed), equal in face value to no less than the unpaid principal of such subordinated debentures.

(k) A commitment charge at the rate of one-twelfth of one percent of the principal amount of any commitment of SBA to purchase subordinated debentures of a Licensee under the provisions of paragraphs (c) or (d) of this section for each thirty-day period shall be paid to SBA by such Licensee beginning with the first day after the first thirty days following such commitment. Disbursement of such commitment shall be requested by the Licensee at any time prior to the end of one year but such commitment shall be reduced to the extent private equity funds are acquired for such purpose prior to any disbursement by SBA on account of such commitment.

5. Inserting the phrase "on reasonable terms," following the words "from private sources" in § 107.402(a) and by deleting the period at the end of § 107.402 (a) and inserting a comma in lieu thereof and by adding thereafter "or $4,000,000, whichever is less." As amended, § 107.402(a) reads as follows:

§ 107.402 SBA operating loans to Licensees under section 303 of the Act.

(a) To the extent that a Licensee is unable to borrow or otherwise secure operating funds from private sources, on reasonable terms, SBA may lend or agree to lend to such Licensee funds for such purpose up to a total amount outstanding at any one time not in excess of fifty percent of the paid-in capital and paid-in surplus of such Licensee, including as a part of such capital and surplus any outstanding balance due SBA under subordinated debentures purchased by SBA under the provisions of section 302 (a) of the Act, or $4,000,000, whichever is less.

6. Deleting in its entirety § 107.402(b) and substituting in lieu thereof a new § 107.402(b) which reads as follows:

§ 107.402 SBA operating loans to Licensees under section 303 of the Act.

* * * * *

(b) The funds applied for shall be deemed to be available from private sources on reasonable terms, unless it is satisfactorily demonstrated that: Proof of refusal of the required funds has been obtained from:

(1) The Licensee's bank of account, or

(2) If the amount of the loan applied for is in excess of the legal lending limit of the Licensee's bank or in excess of the amount that the bank normally lends to any one borrower, then a refusal from a correspondent bank or from any other lending institution whose lending capacity is adequate to cover the loan applied for, or

(3) Not less than two banks in cities where the population exceeds 200,000.

Proof of refusal must contain the date, amount, and terms requested, and the reasons for not granting the desired credit.

7. Deleting § 107.403(a) in its entirety and substituting a new § 107.403(a) which reads as follows:

§ 107.403 Purpose and loan requirements.

(a) Disbursement of loans under section 303 of the Act will be subject to the execution and delivery of the certificate required by § 107.709.

8. Striking the words "gross income" as they appear in § 107.403(b) and substituting in lieu thereof "net sales". As amended, § 107.403(b) reads as follows:

§ 107.403 Purpose and loan requirements.

* * * * *

(b) The proceeds of any loan obtained by Licensee under the provisions of section 303(b) of the Act shall be used to provide Equity Capital and make long-term loans to small business concerns: *Provided, however*, That Licensee cannot use such proceeds for investments and loans involving enterprises which derive a substantial portion of their net sales from the sale of alcoholic beverages, and, accordingly, within thirty days after the disbursement of any loan funds to Licensee under authority of section 303(b) of the Act, and thereafter during the period in which any such loan, or any part thereof, remains unpaid, the Licensee shall maintain assets consisting of cash, eligible Government obligations, and portfolio investments and loans involving enterprises which do not derive a substantial portion of their net sales from the sale of alcoholic beverages (exclusive of all investments and loans already in the Licensee's portfolio at the time that the proceeds of such loans were disbursed), equal in face value to no less than the unpaid principal of such loans.

9. Adding at the end of § 107.704(c)(1) a new sentence which reads as follows: "A post licensing amendment involving a change in the officers, directors or owners of ten or more percent of the stock of the Licensee shall include as a part thereof an executed Part III to SBA Form 414 (Financial Statement) for each such officer, director or stockholder." As amended, § 107.704(c)(1) reads as follows:

§ 107.704 Activities of Licensee.

* * * * *

(c)(1) A Licensee shall not voluntarily at any time reduce or increase its paid-in capital and paid-in surplus without the prior written consent of SBA, and a Licensee shall not change its investment policy, plans to raise additional capital, borrowing or other plans, previously submitted to SBA in its Proposal or in any other document at any other time, without the prior written consent of SBA. Any change in the officers, directors, or owners of ten or more percent of its stock, as set forth in its Proposal or otherwise previously submitted to SBA, shall be reported immediately to SBA. All such changes shall be filed in the form of a post licensing amendment and subject to the approval of SBA as a condition for the continuance of the License of such Licensee. Any conditions imposed by SBA in connection with the latter shall be complied with by the Licensee. A post licensing amendment involving a change in the officers, directors or owners of ten or more percent of the stock of the Licensee shall include as a part thereof an executed Part III to SBA Form 414 (Financial Statement) for each such officer, director or stockholder.

10. Deleting the phrase "and such written contract shall specifically:" as it appears at the end of the opening paragraph of § 107.704(d) and by inserting a semicolon after the word "services" and thereafter the following: *"Provided, however*, That no Licensee may contract for such services with any person or other entity which renders the same or similar services to any other Licensee. The contract shall specifically:". As amended, the opening paragraph of § 107.704(d) reads as follows:

§ 107.704 Activities of Licensee.

* * * * *

(d) Every Licensee which obtains investment advisory services or management services on a continuing basis, performed for, or supplied to such Licensee by any person or other entity other than the directors, officers, or employees in their capacities as such shall contract in writing for such services: *Provided, however*, That no Licensee may contract for such services with any person or other entity which renders the same or similar services to any other Licensee. The contract shall specifically:

11. Striking the words "financial institutions" from the heading of § 107.707 and inserting in lieu thereof "investors or lenders". As amended, the heading reads as follows: "§ 107.707 *Services to banks or other investors or lenders.*"

12. Striking the words "financial institutions" as they appear in § 107.707 and substituting in lieu thereof "investors or lenders, incorporated or unincorporated,". As amended, § 107.707 reads as follows:

§ 107.707 Services to banks or other investors or lenders.

A Licensee may render services for and receive compensation from banks or other investors or lenders, incorporated or unincorporated, only in connection with the financing of, or the providing of consulting and advisory services to, a small business concern by the Licensee in participation or cooperation with such bank or other investors or lenders.

13. Deleting § 107.708 in its entirety and substituting a new § 107.708 which reads as follows:

§ 107.708 Participation among Licensees.

Without the prior written approval of SBA, no more than five Licensees may, by participation or otherwise, provide Equity Capital or long-term loans to any single small business concern unless the total financing involved is $300,000 or less.

14. Adding at the end of § 107.716 a new § 107.716(c) which reads as follows:

§ 107.716 Self-dealing limitation.

* * * * *

(c) Without the prior written approval of SBA, no Licensee, nor any officer or director thereof, shall borrow money from a small business concern, or from any officer, director or owner thereof, which has sold Equity Securities as defined in § 107.501 to or has borrowed money from said Licensee.

Dated: January 4, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-209; Filed, Jan. 5, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR-57]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Subpart H—Rules Applicable to the Loan Guaranty Program

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of December 1961.

At the present time, the Board's Loan Guaranty Program as provided in the Act of September 7, 1957, 71 Stat. 629, is administered without formal rules of practice. The Board finds that the experience gained in this field indicates the need for procedural regulations.

Under this regulation, the procedural steps will remain essentially the same as those presently followed in the present informal procedure. However, the formalization of the procedural methods will facilitate and speed up the steps which must be taken to obtain such loan guaranties.

Under the rule, a proceeding to obtain Board approval for government guaranty of aircraft purchase loans may be instituted by the filing of appropriate CAB application forms by the lender and air carrier, together with supporting documents. The rule sets forth the contents of such application forms. Action taken on applications will continue to be on an informal basis. Requests for formal hearing will not be entertained. Upon receipt of such material, the Board will make its determination and issue its decision in the form of a Board Order. Where necessary, the Board will communicate with both lenders and air carriers in order to avail itself of additional or clarifying information prior to its disposition of the applications. The rule also states the procedure to be followed in obtaining Board approval for any deviations from the terms of the guaranty and loan agreements.

Since this amendment is not a substantive rule, but one of agency procedure, notice and public procedure hereon are not required and the amendment may become effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 302 of the Board's Procedural Regulations (14 CFR Part 302), effective January 6, 1962, by adding a new Subpart H to read as follows:

Subpart H—Rules Applicable to the Loan Guaranty Program

Sec.

302.800 Applicability of this subpart.
302.801 Institution of proceedings.
302.802 Contents of applications.
302.803 Action taken on applications.
302.804 Deviations from the terms of loan agreements.

AUTHORITY: §§ 302.800 to 302.804 issued under sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 3, Act of September 7, 1957, 71 Stat. 629.

§ 302.800 Applicability of this subpart.

This subpart sets forth the special rules applicable to the filing and processing of applications for loan guaranties as provided in the Act of September 7, 1957, 71 Stat. 629 or any extensions thereof.

§ 302.801 Institution of proceedings.

A proceeding to obtain Board approval for government guaranty of an aircraft purchase loan may be instituted by the filing of CAB Forms 411A and 411B by the lender and air carrier, respectively, together with supporting documents. The provisions of Subpart A of this part respecting documents apply; however, only an original and four copies of supporting documents are required.

§ 302.802 Contents of applications.

(a) *CAB Form 411A—Application for Loan Guaranty.*[1] This form contains requests for the following information: (1) Name and address of lender, (2) name and address of carrier, (3) amount of loan, maturity date, interest rate, purchase price, term of loan (years), guaranty requested, (4) disbursement schedule, (5) repayment schedule, (6) collateral, (7) yes or no answer as to whether lender would grant this loan, or a comparable loan, without guaranty by the Civil Aeronautics Board, and (8) the lender's name, an authorized signature, title and date.

(b) *CAB Form 411B—Statement of Carrier in Support of Application for Loan Guaranty.*[1] This form contains requests for the following information: (1) A list of all banks (or other sources) with whom the air carrier has attempted to negotiate a loan during the past year, (2) a yes or no answer as to whether the air carrier has attempted to obtain equity capital during the past year, (3) the type, quality, and cost of equipment to be purchased with the proceeds of this loan, (4) name and address of seller(s) of aircraft and major groups of spare parts, (5) the purchase plan, (6) use to be made of new equipment, (7) expected financial effect of new equipment, (8) common stockholders controlling, directly or indirectly, more than 5 percent of the stock of both the lender and the aircarrier, and (9) the air carrier's name and authorized signature, title and date.

§ 302.803 Action taken on applications.

Action taken on applications will be on an informal basis. Requests for formal hearings will not be entertained. Upon receipt of the applications and supplemental material, the Board will make its determination and issue its decision in the form of a Board Order. Prior to issuance of said Order, the Board may communicate with both lenders and air carriers where necessary, in order to

[1] Forms available from Subsidy Division, Civil Aeronautics Board.

avail itself of additional or clarifying information.

§ 302.804 Deviations from the terms of loan agreements.

Following the grant of a loan guaranty, no deviations from the terms of the guaranty and loan agreements may be made without prior Board approval. An original and nineteen copies of requests for such approval and two copies of any supporting documents must be filed with the Docket Section of the Board. Information contained in such requests and supporting documents shall be withheld from public disclosure during the life of the loan guaranty involved unless the Board finds that disclosure of such information is required in the public interest.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-177; Filed, Jan. 5, 1962; 8:52 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-106]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration of Federal Airway

On June 29, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5833), stating that the Federal Aviation Agency proposed to alter the segment of intermediate altitude VOR Federal airway No. 1530 between Farmington, N. Mex., VOR and Cimarron, N. Mex., VOR. It was proposed to realign this segment from the Farmington VOR via the Taos, N. Mex., VOR to the Cimarron VOR.

The Air Transport Association of America objected to the proposal on the basis that the navigational guidance between Cimarron VOR and Farmington VOR is satisfactory and realignment via Taos VOR would require an additional compulsory reporting point, navigational frequency change and heading changes. No other adverse comments were received.

The present minimum en route altitude between Farmington VOR and Cimarron VOR is 20,000 feet MSL. Subsequent to the publishing of the notice, the Federal Aviation Agency has determined that realignment of Victor 1530 via the Taos VOR would reduce the minimum en route altitude to 14,500 feet MSL between Farmington VOR and Taos VOR and 15,200 feet between Taos VOR and Cimarron VOR. The availability of additional altitudes along this segment is considered to compensate for the inconvenience of a navigational frequency change and a minor heading change.

The Federal Aviation Agency is cognizant of the position reporting requirements currently being imposed upon the user by the incorporation of additional NAVAIDS into the intermediate altitude system. A study is now being conducted to alleviate this condition and the results of the study will be the subject of separate airspace action.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following action is taken:

In the text of § 600.1530 (26 F.R. 1084, 10874) "Farmington, N. Mex., VOR; Cimarron, N. Mex., VOR;" is deleted and "Farmington, N. Mex., VOR; Taos, N. Mex., VOR; Cimarron, N. Mex., VOR;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 2, 1961.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 62-159; Filed, Jan. 5, 1962; 8:47 a.m.]

[Airspace Docket No. 61-FW-62]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways and Associated Control Areas; Alteration of Control Area Extension

On August 16, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 7607), stating that the Federal Aviation Agency proposed to alter low altitude VOR Federal airway No. 9 from Memphis, Tenn., to Malden, Mo., and Victor 11 from Memphis to Dyersburg, Tenn. In addition, it was proposed to make minor alterations to the Memphis control area extension and the Blytheville, Ark., control area extension. No formal action is taken regarding the Blytheville control area extension; this control area extension is so designated that it would automatically conform to the alteration of VOR Federal airway No. 9 taken herein.

Subsequent to publication of the notice, the Memphis control area extension was altered in Airspace Docket No. 61-WA-160 (26 F.R. 12285). This action obviates the requirement to redefine the Memphis control area extension in this document.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In the text of § 600.6009 (14 CFR 600.6009) "Memphis, Tenn., VOR, including an east alternate via the INT of the Greenwood VOR 027° and the Memphis VOR 168° radials and also a west alternate; INT Memphis VOR 322° and the Malden VOR 195° radials; Malden, Mo., VOR, including an east alternate from the Memphis VOR to the Malden VOR via the INT of the Memphis VOR 345° and the Malden VOR 185° radials;" is deleted and "Memphis, Tenn., VORTAC, including an E alternate via the INT of the Greenwood VOR 027° and the Memphis VORTAC 168° radials and also a W alternate; INT Memphis VORTAC 345° and the Blytheville, Ark., Air Force Base VOR 186° radials; Blytheville VOR, including a W alternate from Memphis to Blytheville via the INT of the Memphis VORTAC 322° and the Blytheville VOR 201° radials; Malden VOR," is substituted therefor.

2. In the text of § 600.6011 (14 CFR 600.6011, 26 F.R. 2220) "From the Memphis, Tenn., VOR via the point of INT of the Memphis VOR 345° and the Malden, Mo., VOR 185° radials; point of INT of the Malden, Mo., VOR 185° and the Dyersburg VOR 235° radials; Dyersburg, Tenn., VOR;" is deleted and "From the Memphis, Tenn., VORTAC via the INT of the Memphis VORTAC 322° and the Blytheville Air Force Base VOR 201° radials; the INT of the Blytheville VOR 201° and the Dyersburg VORTAC 235° radials; Dyersburg, Tenn., VORTAC;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 3, 1962.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 62-180; Filed, Jan. 5, 1962; 8:53 a.m.]

[Airspace Docket No. 61-AN-47]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extension

On December 1, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11368), stating that the Federal Aviation Agency proposed to alter the Anchorage, Alaska, control area extension.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.1398 (14 CFR 601.1398) is amended to read as follows:

§ 601.1398 Control area extension (Anchorage, Alaska).

Within a 55-mile radius of the Anchorage, Alaska, VOR extending clockwise from the NW boundary of VOR Federal airway No. 456 SW of Anchorage to the Anchorage VOR 309° radial; within a 72-mile radius of the Anchorage VOR extending clockwise from the Anchorage VOR 309° radial to the E boundary of VOR Federal airway No. 438 N of Anchorage; and within a 50-mile radius of the Anchorage VOR extending clockwise from the E boundary of VOR Federal airway No. 438 N of Anchorage to the NW boundary of VOR Federal airway No. 456 SW of Anchorage; excluding the portion which coincides with R-2203. The portion which coincides with R-2201 shall be used only after obtaining prior approval from appropriate authority.

This amendment shall become effective 0001 e.s.t., February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 3, 1962.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 62-178; Filed, Jan. 5, 1962; 8:53 a.m.]

[Airspace Docket No. 61-NY-34]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Control Area Extension, Control Zone and Restricted Area

On December 14, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11988), stating that the Federal Aviation Agency (FAA) proposed to alter the Fort Dix, N.J., Restricted Area R-5001, the New York, N.Y., control area extension and the Wrightstown, N.J. (McGuire AFB), control zone.

No adverse comments were received regarding the proposed amendments.

Subsequent to publication of the notice, the Army requested that the using agency of R-5001 be changed to "Commanding General, Fort Dix, N.J.". Such action is taken herein.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given all relevant matter presented.

The substance of the proposed amendments having published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the notice the following actions are taken:

1. In § 608.50 (26 F.R. 7198) R-5001 Fort Dix, N.J., Restricted Area is amended to read:

R-5001 Fort Dix, N.J.

Boundaries. Beginning at latitude 40°-02'45" N., longitude 74°27'00" W.; to latitude 39°58'45" N., longitude 74°25'40" W.; to latitude 39°58'45" N., longitude 74°31'25" W.; to latitude 39°59'15" N., longitude 74°33'30" W.; to latitude 40°01'53" N., longitude 74°33'30" W.; to latitude 40°02'45" N., longitude 74°32'30" W.; to point of beginning.

Designated altitudes. Surface to 8,000 feet MSL east of and surface to 4,000 feet MSL west of a line drawn from latitude 40°02'45" N., longitude 74°31'25" W. to latitude 39°-58'45" N., longitude 74°31'25" W.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, New York ARTC Center.

Using agency. Commanding General, Fort Dix, N.J.

2. Section 601.2269 (26 F.R. 6236) is amended by deleting "SW of the TACAN, excluding the portions which would coincide with R-5001. The portions of this control zone which coincide with R-5003 shall be used only after obtaining prior approval from appropriate authority." and substituting therefor the following: "SW of the TACAN. The portions of this control zone within R-5001 and R-5003 shall be used only after obtaining prior approval from appropriate authority.".

3. Section 601.1066 (26 F.R. 10475) is amended by deleting "The portions of this control area which lie within R-5002, R-5003, R-5205, and R-5206 shall be used only after obtaining prior approval from the appropriate authority. The portions of this control area extension which lie within R-2801 and R-5001 are excluded during times of designation of these restricted areas.", and substituting the following: "The portions of this control area extension which lie within R-5001, R-5002, R-5003, R-5205, and R-5206 shall be used only after obtaining prior approval from appropriate authority. The portion of this control area extension which lies within R-2801 is excluded during the time of designation of this restricted area.".

These amendments shall become effective 0001 e.s.t., February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 3, 1962.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 62-179; Filed, Jan. 5, 1962; 8:53 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter IV—Federal National Mortgage Association, Housing and Home Finance Agency

PART 1600—MORTGAGE PURCHASES, SERVICING AND SALES, AND SHORT-TERM LOANS ON THE SECURITY OF MORTGAGES

Part 1600 of Chapter IV of Title 24 of the Code of Federal Regulations is revised to read as follows:

Sec.
1600.0 Scope of part.

ORGANIZATION AND SCOPE OF OPERATIONS
1600.1 General.
1600.2 Area of operations.

SECONDARY MARKET OPERATIONS
1600.11 General.
1600.12 Mortgage purchases.
1600.13 Purchase price.
1600.14 Loans on mortgages.
1600.15 Financing of secondary market operations.

SPECIAL ASSISTANCE FUNCTIONS
1600.21 General.
1600.22 Original mortgagee.
1600.23 Mortgage interest rate.
1600.24 Fees or charges.
1600.25 Financing of special assistance functions.

MANAGEMENT AND LIQUIDATING FUNCTIONS
1600.31 General.
1600.32 Financing of management and liquidating functions.

GENERAL ACCEPTABILITY REQUIREMENTS FOR MORTGAGES
1600.41 General requirements.
1600.42 Ownership.
1600.43 Offering period.
1600.44 Maximum mortgage.
1600.45 VA mortgages, extent of guaranty and other matters.
1600.46 Maturity.
1600.47 Advances by Seller.
1600.48 Credit.
1600.49 Property.
1600.50 Occupancy.
1600.51 Mortgage Lien.
1600.52 Title evidence.
1600.53 Hazard Insurance.

ELIGIBLE SELLERS
1600.61 General.
1600.62 VA-guaranteed mortgages.
1600.63 FHA-insured mortgages.

MORTGAGE SERVICING
1600.71 Servicing requirements.
1600.72 Servicer's compensation.

MORTGAGE SALES
1600.81 Eligible purchasers.
1600.82 Mortgages for sale and prices.
1600.83 Reservations.
1600.84 Consummating sales.

EXCEPTIONS
1600.91 Exceptions.

AUTHORITY: §§ 1600.0 to 1600.91 issued under sec. 309, 68 Stat. 620; 12 U.S.C. 1723a.

§ 1600.0 Scope of part.

This part consists of general information, and does not purport to set forth

all of the procedures and requirements that apply to the purchase, servicing, and sale of mortgages by FNMA, or to short-term loans made by FNMA on the security of mortgages. All such transactions are governed by the specific terms and provisions of contracts entered into by the parties. Complete specific information may be obtained from the FNMA Agency Offices listed below.

LOCATION OF FNMA AGENCIES AND AREA SERVED

Atlanta 3, Georgia, 34 Peachtree Street NE.: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.

Chicago 3, Illinois, 1120 Commonwealth-Edison Building, 72 West Adams Street: Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin.

Dallas 1, Texas, Dallas Federal Savings Building, 1505 Elm Street: Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Texas.

Los Angeles 5, California, 3540 Wilshire Boulevard: Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming.

Philadelphia 7, Pennsylvania, 211 South Broad Street: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virgin Islands, Virginia, West Virginia.

SALES OFFICE

149 Broadway, Room 2310, New York 6, New York

ORGANIZATION AND SCOPE OF OPERATIONS

§ 1600.1 General.

The Federal National Mortgage Association (called "FNMA" or "the corporation" in this part) purchases and sells mortgages (including home improvement loans) and makes short-term loans on the security of mortgages. All such mortgages are ordinarily Government-insured or guaranteed (FHA or VA). A mortgage may not be purchased at a rate in excess of par, nor in the usual instance if it is offered by, or covers property held by, a Federal, State, territorial, or municipal instrumentality. FNMA itself is a corporation that had its inception in 1938. In 1954 FNMA was rechartered by the Congress as a mixed-ownership corporation. All of the common stock of the corporation is owned by private shareholders, and the preferred stock is owned by the Federal Government (Secretary of the Treasury). The charter contemplates that in due course the preferred stock will be retired and the Secondary Market Operations (hereinafter described) will qualify to become privately owned and managed. The corporation is required to pay a full Federal income tax equivalent on the earnings of its Secondary Market Operations. Under its charter, known as the Federal National Mortgage Association Charter Act, 12 U.S.C. 1716 et seq., the corporation has established and maintained, dating from November 1, 1954, three independent portfolios of FNMA-owned mortgages, with separate accountability. These three portfolios resulted from three separate operations predicated on different purposes and objectives. FNMA is authorized to conduct:

(a) Secondary market operations, basically a privately financed activity, to provide supplementary assistance to the secondary market for home mortgages by providing a degree of liquidity for mortgage investments, thereby improving the distribution of investment capital available for home mortgage financing (described further in §§ 1600.11 to 1600.15);

(b) Special assistance functions, operated exclusively for the account of the Government, which, upon specific authorization by the President of the United States, or by the Congress, provide special assistance for financing selected types of home mortgages that qualify under special programs; the charter also makes provisions for special assistance through the purchase of home mortgages generally as a means of retarding or stopping a decline in mortgage lending and home building activities which threatens materially the stability of a high level national economy (described further in §§ 1600.21 to 1600.25); and

(c) Management and liquidating functions, under which FNMA manages and liquidates for the account of the Government the remaining portfolio of mortgages acquired pursuant to contracts entered into between February 10, 1938, and November 1, 1954, and certain other mortgages that have been or may be acquired from authorized sources, in an orderly manner, with a minimum of adverse effect upon the home mortgage market and minimum loss to the Federal Government (described further in §§ 1600.31 and 1600.32).

§ 1600.2 Area of operations.

FNMA is authorized to conduct its business in any State of the United States, including the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States. FNMA functions through its principal office located at 811 Vermont Avenue NW., Washington 25, D.C., and through the offices of its Agencies listed in § 1600.0. All inquiries concerning offerings of mortgages to FNMA should be directed to the office of the Agency serving the territory in which the mortgaged property is located. Inquiries concerning short-term loans should be made to the Agency serving the area in which the principal office of the prospective borrower is located.

SECONDARY MARKET OPERATIONS

§ 1600.11 General.

In accomplishing the purposes of the Secondary Market Operations FNMA purchases mortgages in areas where market funds are needed, holds such mortgages available for sale to private investors, and makes short-term loans on the security of mortgages. Certain fees and charges are imposed under these operations with the objective that they will reasonably prevent excessive use of FNMA's facilities and that the conduct of the operations will be within the income derived therefrom and will be fully self-supporting. The users of FNMA's Secondary Market Operations are required to subscribe for FNMA common stock as stated in § 1600.15(a).

§ 1600.12 Mortgage purchases.

Mortgage purchases are confined, insofar as practicable, to mortgages which are of such quality, type, and class as to meet, generally, the purchase standards imposed by private institutional mortgage investors. FNMA is not authorized to purchase participations under its Secondary Market Operations. Purchases are made by FNMA under the terms of specific contracts, and in accordance with certain conditions and requirements stated therein.

(a) *Immediate Purchase Contract.* A Seller may offer a mortgage to FNMA for immediate purchase by executing an Immediate Purchase Contract and delivering therewith required documents and forms. With each offer, the Seller must agree to subscribe for common stock in FNMA (as stated in § 1600.15 (a)) and to pay a Purchase and Marketing Fee.

(b) *Repurchase option.* With respect to Immediate Purchase Contract transactions, the Seller may obtain an Option Contract which will permit the Seller to repurchase, at Seller's election, the mortgages sold to FNMA, at a stated repurchase price rate or rates which may be the same as paid by FNMA. The Option Contract is issued for a stated period after the date of purchase of the mortgages by FNMA, upon payment by the Seller of an Option Fee.

(c) *Standby Commitment Contract.* A Seller may offer mortgages for future purchase by FNMA by executing a Standby Commitment Contract which, when accepted, obligates FNMA to purchase any or all mortgages specified in the contract that the Seller elects to deliver within the commitment period. With each such offer the Seller must pay a Commitment Fee which is nonrefundable if the contract is accepted by FNMA. The Seller is required to subscribe for common stock in FNMA as stated in § 1600.15(a). A part of the stock must be paid for at the time of the offer; the remainder must be paid for if and when the mortgage purchase is effected under the contract. A Seller is not required to pay a Purchase and Marketing Fee on mortgages purchased under a Standby Commitment Contract.

(d) *Eligible mortgages.* The insurance or guaranty of each mortgage purchased under FNMA's Secondary Market Operations must be pursuant to a section, as specified by FNMA, of the National Housing Act or of the Servicemen's Readjustment Act of 1944 or chapter 37 of title 38, United States Code. If required by FNMA, each such mortgage offered under an Immediate Purchase Contract must have been insured or guaranteed within such period as may be prescribed.

(e) *Special acceptability requirements.* On the date of the offer of a mortgage to FNMA, (1) subject to some exceptions, the unpaid principal balance may not be less than $5,000 and the unexpired term may not be less than 10 years, and (2) the rate of interest must be currently

acceptable to FNMA. In addition, the mortgage must meet general acceptability requirements, as indicated in §§ 1600.41 to 1600.53.

§ 1600.13 Purchase price.

(a) *Immediate Purchase Contracts.* The price to be paid under an Immediate Purchase Contract for a mortgage purchased by FNMA in its Secondary Market Operations is established within the range of market prices for the particular class of mortgages involved, as determined by FNMA. The price paid by FNMA for a mortgage may vary according to its interest rate, the location of the mortgaged property, the relative equity of the mortgagor, the term of the loan, and other factors. Information as to current prices at which FNMA purchases mortgages may be obtained by application to the FNMA Agency serving the area in which the mortgaged property is located. All prices quoted by FNMA are subject to change without notice. A quotation of prices is not to be considered as an offer by FNMA; it is solely an invitation to the Seller to make an offer to FNMA. FNMA is under no obligation to purchase any mortgage until the Seller has submitted, and FNMA has executed and delivered, a specific contract covering such purchase.

(b) *Standby Commitment Contracts.* FNMA issues Standby Commitment Contracts at prices which are sufficient to facilitate home financing, but which are sufficiently below the price then offered by the corporation for immediate purchase to prevent excessive sales to the corporation pursuant to such commitments.

§ 1600.14 Loans on mortgages.

FNMA, under its Secondary Market Operations, may make bank-type short-term loans which are secured by FHA-insured or VA-guaranteed mortgages. Loans may not have a term in excess of 12 months; consideration will be given to requests for extensions not in excess of 12 months. The volume of lending activities and the establishment of loan ratios, interest rates, maturities, and charges or fees are determined by FNMA from time to time with the objective of preventing excessive use of the facilities and of assuring that the Secondary Market Operations will remain fully self-supporting.

§ 1600.15 Financing of Secondary Market Operations.

Funds for the conduct of FNMA's Secondary Market Operations are obtained from subscriptions for FNMA capital stock, borrowings, and net proceeds from such operations.

(a) *Capital stock.* The corporation issues nonvoting common and preferred stock (par value $100 per share); the common stock is issued to lenders and other institutions that sell mortgages to, or that borrow funds from, FNMA in the Secondary Market Operations; the preferred stock, in its entirety, is held by the Secretary of the Treasury. The users of the Secondary Market Operations are required to subscribe for common stock in amounts determined by FNMA as prescribed by law. With respect to such subscriptions, the corporation issues to each subscriber shares of common stock (only in denominations of $100, or multiples thereof). The amount of any subscription that cannot be evidenced by a whole share of common stock may not be withdrawn by the subscriber, but the subscriber will be permitted to supplement any such amount by payment of an additional sum sufficient to pay for a full share. FNMA imposes no restrictions as to who may be the holder of such shares of common stock; however, the shares are transferable only on the books of the corporation. (Under the FNMA Charter Act any institution, including a National Bank or State member bank of the Federal Reserve System, or any member of the Federal Deposit Insurance Corporation, trust company, or other banking organization, organized under any law of the United States, including the laws relating to the District of Columbia, is authorized to subscribe to FNMA's common stock under conditions described in this paragraph and to receive, hold or dispose of such stock.)

(b) *Borrowings.* FNMA may issue, and have outstanding at any one time, obligations in an aggregate amount not exceeding ten times the sum of its capital and surplus, and not in excess of its ownership under its Secondary Market Operations, free from any liens or encumbrances, of cash, mortgages, short-term notes secured by mortgages, and other holdings of securities in which the corporation is authorized to invest. Although the issuance of such obligations is subject to the prior approval of the Secretary of the Treasury, the obligations themselves are not guaranteed by the United States and do not constitute a debt or obligation of the United States. FNMA's obligations are available from time to time for sale to private investors. The Secretary of the Treasury may, within certain limitations, purchase these obligations of FNMA's Secondary Market Operations until such time as all of the preferred stock of FNMA held by the Secretary of the Treasury has been retired.

SPECIAL ASSISTANCE FUNCTIONS

§ 1600.21 General.

To carry out the purposes of the Special Assistance Functions, FNMA makes commitments to purchase and purchases mortgages for such periods of time and to such extent as the President of the United States has determined to be in the public interest, and as otherwise authorized by law. The operations under the Special Assistance Functions are confined, so far as practicable, to mortgages which are deemed by FNMA to be of such quality as to meet, substantially and generally, the purchase standards imposed by private institutional mortgage investors but which, at the time the mortgages are offered to FNMA for purchase, are not necessarily readily acceptable to such investors. When and as authorized by the President of the United States or by the Congress, FNMA will announce the inauguration of Special Assistance Programs specifying the types of mortgages that will be purchased, the prices to be paid therefor, and any special acceptability requirements relating to such Programs. Purchases may be made under Immediate Purchase Contracts or Commitment Contracts, as announced in the Special Assistance Programs. Consideration will be given to Sellers' requests for the purchase of participations in mortgages by FNMA.

§ 1600.22 Original mortgagee.

Under the Special Assistance Functions, the Seller must be the original mortgagee, and must not have made any prior sale of the mortgage offered to FNMA.

§ 1600.23 Mortgage interest rate.

Each mortgage must bear interest at the highest rate permitted by FHA or VA rules and regulations for that type of mortgage at the time of issuance of the FHA insurance commitment or the VA Certificate of Reasonable Value.

§ 1600.24 Fees or charges.

Fees or charges for FNMA's services under the Special Assistance Functions are established with the objective that all costs and expenses of its operations thereunder will be within its income derived from such operations and that such operations will be fully self-supporting. In connection with the purchase of a mortgage by FNMA under these functions, unless otherwise specified in the Special Assistance Program, the Seller is required to pay a Purchase and Marketing Fee. As to commitments to purchase a mortgage in the future, a Commitment Fee is charged.

§ 1600.25 Financing of Special Assistance Functions.

Mortgage Sellers are not required to purchase common stock of FNMA in connection with purchases or contracts for purchases under these Special Assistance Functions, nor is there any recourse to the capitalization of FNMA with respect to such functions. Funds required for the operation of these functions are obtained principally through borrowings from the Secretary of the Treasury. All of the benefits and burdens incident to the administration of the Special Assistance Functions inure solely to the Secretary of the Treasury.

MANAGEMENT AND LIQUIDATING FUNCTIONS

§ 1600.31 General.

The Federal National Mortgage Association Charter Act authorizes FNMA to manage and liquidate its portfolio of mortgages acquired pursuant to contracts entered into prior to November 1, 1954, and those other mortgages that have been or may be acquired from authorized sources, in an orderly manner, with a minimum of adverse effect upon the home mortgage market and minimum loss to the Federal Government.

§ 1600.32 Financing of Management and Liquidating Functions.

Funds required for the Management and Liquidating Functions are obtained through borrowings from the Secretary of the Treasury, and from time to time through the sale to private investors of

FNMA's obligations issued under its Management and Liquidating Functions. The aggregate amount of such separate obligations issued to private investors, the proceeds of which are paid to the Secretary of the Treasury in reduction of the corporation's indebtedness under the Management and Liquidating Functions, may not exceed FNMA's ownership under such functions, free from any liens or encumbrances, of cash, mortgages, and other holdings of securities in which the corporation is authorized to invest. Such separate obligations are not guaranteed by the United States and do not constitute a debt or obligation of the United States. With respect to the Management and Liquidating Functions, there is no recourse to the capitalization of FNMA. All of the benefits and burdens incident to the administration of the Management and Liquidating Functions inure solely to the Secretary of the Treasury.

GENERAL ACCEPTABILITY REQUIREMENTS FOR MORTGAGES

§ 1600.41 General requirements.

As a condition precedent to the offering of a mortgage to FNMA for purchase, a designated Seller must have executed a Selling Agreement. Any mortgage offered or submitted to FNMA under the Secondary Market Operations or Special Assistance Functions must meet the conditions contained in such Agreement. The mortgage must also conform to special acceptability requirements prescribed by FNMA, and to general acceptability requirements, as indicated in §§ 1600.42 to 1600.53.

§ 1600.42 Ownership.

On the date of the Seller's offer to enter into an Immediate Purchase Contract with FNMA, the Seller must be the owner of the mortgage, and the mortgage must have been insured by FHA or guaranteed by VA.

§ 1600.43 Offering period.

(a) *Immediate Purchase Contract.* An offer of a mortgage under an Immediate Purchase Contract must be delivered subsequent to the date which precedes by one month the due date of the first installment of principal and interest and within such time as FNMA may require following the date of the FHA final insurance endorsement or the VA Loan Guaranty Certificate.

(b) *Standby Commitment Contract or Commitment Contract.* An offer of a Standby Commitment Contract or a Commitment Contract covering a home mortgage must be delivered subsequent to the issuance of the FHA insurance commitment or the VA Certificate of Reasonable Value and prior to the date of the FHA final insurance endorsement or the date of the VA Loan Guaranty Certificate. An offer of a Standby Commitment Contract or a Commitment Contract covering a multifamily housing mortgage must be delivered subsequent to the issuance of the FHA insurance commitment or the VA Certificate of Reasonable Value and prior to the commencement of construction.

§ 1600.44 Maximum mortgage.

Under the Secondary Market Operations the principal obligation must not exceed $20,000 for each family residence or dwelling unit covered by the mortgage. Under the Special Assistance Functions the original principal obligation of a mortgage must not exceed, or have exceeded, $17,500 for each family residence or dwelling unit covered by the mortgage. Such limitations do not apply to mortgages covering properties located in Alaska, Guam, or Hawaii, or to any mortgage insured by FHA under § 213 and covering property located in an urban renewal area, or under § 220, or under title VIII of the National Housing Act.

§ 1600.45 VA mortgages, extent of guaranty and other matters.

The extent of the VA guaranty must, in all cases, meet current FNMA requirements; and in cases in which there is more than one mortgagor, (a) all of the mortgagors must be jointly and severally liable on the mortgage indebtedness, (b) the original amount of the loan must not have exceeded $50,000, and (c) the number of living units must not exceed four.

§ 1600.46 Maturity.

The mortgage must mature within the period prescribed by law or the applicable FHA or VA regulations.

§ 1600.47 Advances by Seller.

On the date of submission to FNMA, the mortgage must be current with respect to matured installments of principal, interest, and deposits. Interest accruing to the date which precedes by one month the due date of the first installment of principal and interest shall have been paid by or for the account of the mortgagor. The Seller, within the immediately preceding 3 months, must not have advanced funds, nor have induced or solicited any advance of funds by another, directly or indirectly, for the payment of any amount required by the note or mortgage, except for interest accruing from the date of the note or the date of disbursement of the loan proceeds, whichever is later, to the day which precedes by one month the due date of the first full installment of principal and interest.

§ 1600.48 Credit.

There should not be any circumstances of, or conditions affecting, the mortgagor, the present owner, or their affairs, that would cause the mortgage to become delinquent.

§ 1600.49 Property.

There should not be any circumstances of, or conditions affecting, the mortgaged premises, that adversely affects the value or marketability of the mortgage, or that would cause private investors to regard the mortgage as unacceptable for prudent investment.

§ 1600.50 Occupancy.

Subject to specific contractual treatment otherwise, the property covered by a home mortgage must be occupied at the time the mortgage is submitted to FNMA for purchase, and the property covered by a multifamily housing mortgage must, at the time the mortgage is submitted to FNMA for purchase, be occupied to the extent that the income therefrom will cover all property expenses, carrying charges, and payments required by the mortgage.

§ 1600.51 Mortgage lien.

Except in the case of certain home improvement loans, the mortgage must be a first and paramount lien on the real property, and on the personal property if any is required to be covered, subject only to liens for taxes not due and payable, acceptable special assessments not in arrears, and conditions, restrictions and encumbrances not deemed by FNMA to be material.

§ 1600.52 Title evidence.

The title evidence to be delivered by the Seller must meet the requirements of the National Housing Act or the Servicemen's Readjustment Act of 1944 or chapter 37 of title 38, United States Code, as the case may be, and the applicable rules and regulations promulgated pursuant thereto. The title evidence must also be in such form and substance as to meet FNMA's title evidence requirements.

§ 1600.53 Hazard insurance.

Property securing each mortgage must be covered by hazard insurance that meets all of the hazard insurance requirements of FNMA including FNMA's specifications as to kinds and amounts of hazard insurance.

ELIGIBLE SELLERS

§ 1600.61 General.

Designation of an eligible Seller to sell mortgages to FNMA under its Secondary Market Operations and Special Assistance Functions is consummated by the execution of a Selling Agreement. The Selling Agreement, consistent with § 1600.71, requires the Seller, with respect to each mortgage offered or submitted for purchase, either to be qualified as a FNMA Servicer by the execution of a Servicing Agreement and agree to service, or to proffer facilities satisfactory to FNMA for servicing the mortgage. Sellers are not required to furnish servicing facilities in connection with the purchase by FNMA of multifamily housing mortgages.

§ 1600.62 VA-guaranteed mortgages.

In order to be eligible to sell a VA-guaranteed mortgage to FNMA, a Seller must be acceptable to FNMA and also must come within one of the following three classifications:

(a) Any lender that is classified by VA as a supervised lender under section 500(d) of the Servicemen's Readjustment Act or Chapter 37, title 38, United States Code, as applicable, including any National bank, State bank, private bank, building and loan association, insurance company, credit union, or mortgage and loan company, that is subject to examination and supervision by an agency of the United States, or of any State, including the District of Columbia.

(b) Any lender that is an FHA-approved mortgagee, as defined in section 1600.63; or

(c) Any other lender, if such lender has a net worth of not less than $100,000 in assets acceptable to FNMA. This net worth must be maintained at all times.

§ 1600.63 FHA-insured mortgages.

In order to be eligible to sell an FHA-insured mortgage to FNMA, a Seller must be acceptable to FNMA, and must be an FHA approved mortgagee, which term does not include a mortgagee that has been approved on the basis of being a duly authorized loan correspondent of an approved mortgagee that has qualified with FHA to originate loans under the National Housing Act.

MORTGAGE SERVICING

§ 1600.71 Servicing requirements.

A Seller may not service a mortgage purchased by FNMA under its Secondary Market Operations or Special Assistance Functions unless it has qualified as an eligible Servicer and has executed a Servicing Agreement. With respect to each mortgage that is offered by the Seller to FNMA for purchase, either the Seller must be a Servicer having an outstanding Servicing Agreement with FNMA and shall consent to service the mortgage, or the Seller shall represent that when the mortgage is submitted to FNMA for purchase it will proffer the facilities of a Servicer having an outstanding Servicing Agreement with FNMA that will consent to service the mortgage. The Seller must also represent that, in either instance, there is an office with servicing facilities satisfactory to FNMA located within 100 miles of the mortgaged property. When the mortgage is submitted to FNMA for purchase, the Servicer (whether the Seller, or another Servicer that the Seller has previously ascertained is satisfactory to FNMA) must have consented to service the mortgage, and must have executed documentary evidence of such consent. This requirement does not apply to multifamily housing mortgages.

§ 1600.72 Servicer's compensation.

As compensation for the performance of its servicing duties, a Servicer may retain from each full monthly installment collected by it an amount equal to one-half of 1 percent per annum computed on the same principal amount and for the same period as the interest portion of said installment, and may also retain the late charges, if any, paid by the mortgagor. However, no compensation will be due the Servicer with respect to any period either prior to the date of commencement of its servicing duties or subsequent to the date of termination of its servicing duties.

MORTGAGE SALES

§ 1600.81 Eligible purchasers.

Any investor that is an FHA-approved mortagee is eligible to purchase FHA-insured mortgages, and any investor that in the opinion of FNMA has satisfactory facilities to service mortgages is eligible to purchase VA-guaranteed mortgages.

§ 1600.82 Mortgages for sale and prices.

Lists of mortgages owned by FNMA and available for sale, together with the current sale prices, may be obtained by prospective purchasers upon application to the FNMA Agency Office serving the area in which the investor desires to purchase mortgages.

§ 1600.83 Reservations.

Except for multifamily housing mortgages, FNMA does not issue firm options; instead, available mortgages may be reserved for a prospective purchaser and will not be available for sale to any other investor for a period of 15 calendar days. During such period, mortgaged properties may be inspected and the mortgage documents examined in FNMA's Agency Office.

§ 1600.84 Consummating sales.

FNMA will endeavor to comply with the wishes of purchasers with respect to arranging closing schedules and other matters incident to consummating sales. Unusual expenses that may be incurred by FNMA at the request of the purchaser, in connection with the transfer of mortgages, must be assumed by the purchaser. All sales of mortgages by FNMA shall be made pursuant to the terms and conditions of a form of contract furnished by FNMA, to be executed by the purchaser and FNMA. Since existing servicing arrangements, that are transferable with the mortgages as may be provided in the sales contract, are cancellable on 30 days' notice to the Servicer, at the option of the owner of the mortgages, purchasers will always be able to effect their own arrangements for future servicing.

EXCEPTIONS

§ 1600.91 Exceptions.

In the conduct of its affairs, in individual cases or classes of cases, FNMA reserves the right, consistent with law, to alter or waive any of the requirements contained in this part, or to impose other and additional requirements; it further reserves the right to amend or rescind any or all of the material set forth in this part.

(Sec. 309, 68 Stat. 620; 12 U.S.C. 1723a)

FEDERAL NATIONAL MORTGAGE ASSOCIATION,
J. S. BAUGHMAN,
President.

[F.R. Doc. 62-174; Filed, Jan. 5, 1962; 8:51 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

PART 525—EMPLOYMENT OF HANDICAPPED CLIENTS IN SHELTERED WORKSHOPS

On September 8, 1961, notice of proposed rule making regarding a revision of the regulations dealing with the employment of handicapped workers in sheltered workshops contained in 29 CFR Part 525 was published in the FEDERAL REGISTER (26 F.R. 8458). After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the regulations as so published are hereby adopted, effective February 6, 1962, subject to the following change:

Paragraph (a) of the proposed § 525.11 is amended.

Signed at Washington, D.C., this 29th day of December 1961.

CLARENCE T. LUNDQUIST,
Administrator.

PART 525—EMPLOYMENT OF HANDICAPPED CLIENTS IN SHELTERED WORKSHOPS

Sec.
525.1 Applicability of regulations.
525.2 Definitions.
525.3 Advisory committee on sheltered workshops.
525.4 Application for a special certificate.
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525.9 Workers other than handicapped clients in sheltered workshops.
525.10 Industrial homework.
525.11 Records to be kept.
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525.13 Review.
525.14 Submission of information, investigations, and hearings.
525.15 Relation to other laws.
525.16 Amendment of this part.

AUTHORITY: §§ 525.1 to 525.16 issued under sec. 14, 25 Stat. 1068, as amended; 29 U.S.C. 214. Additional authority cited in parentheses following sections affected.

§ 525.1 Applicability of regulations.

The regulations contained in this part are issued pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended, to provide for the employment by sheltered workshops of handicapped workers, as those terms are defined in § 525.2, at wages lower than the minimum wage applicable under section 6 of the Act. Such special certificates issued to sheltered workshops for handicapped clients engaged in or producing goods for interstate commerce shall state the special minimum wages permitted and the duration of the special certificate, and, in addition, shall be subject to the conditions prescribed in the regulations in this part.

§ 525.2 Definitions.

(a) "Administrator" means the Administrator of Wage and Hour and Public Contracts Divisions, United States Department of Labor.

(b) "Sheltered workshop" or "workshop" means a charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and of providing such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature.

(c) "Handicapped client" or "client" means an individual whose earning capacity is impaired by age or physical or mental deficiency or injury, and who is being served in accordance with the recognized rehabilitation program of a sheltered workshop within the facilities of such agency or in or about the home of a client.

(d) "Act" means the Fair Labor Standards Act of 1938.

§ 525.3 Advisory Committee on Sheltered Workshops.

(a) The Advisory Committee on Sheltered Workshops appointed from time to time by administrative orders published in the FEDERAL REGISTER shall advise and make recommendations to the Administrator concerning the administration and enforcement of this part and the need for amendments thereof from time to time and for such other purposes as may be desired by the Administrator.

(b) The Administrator or his authorized representative may notify the Advisory Committee on Sheltered Workshops prior to the denial or cancellation of any special certificate under §§ 525.6, 525.8, or 525.12 and may afford the Committee 15 days, or such additional time as he may allow, to present its views. The Administrator or his authorized representative may also afford the Committee an opportunity to present its views in connection with any petition for review filed under § 525.13, any hearing held under § 525.14, or any petition for amendment of this part filed under § 525.16.

§ 525.4 Application for a special certificate.

(a) Application for a special certificate may be filed by any sheltered workshop with the Regional Director of the administrative region of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, in which the workship is located. Application forms may be obtained from the appropriate Regional Director.

(b) The application shall contain, among other things, a description of the nature of the disabilities of the clients served by the workshop, a description of the types of employment and the rehabilitation program provided clients by the workshop, and the earnings of each handicapped client engaged in work covered by the Act.

(c) The application shall be signed by the president of the board of directors and a duly authorized official of the workshop.

(d) Application during the life of a special certificate for an individual rate for a client who is unable to earn the applicable certificate rate may be filed by a workshop with the appropriate Regional Director. Such application may be made on forms which can be obtained from the Regional Director or by a letter from the workshop executive or his authorized representative stating the name of the client, his straight-time hourly earnings during the most recent payroll period, whether he is paid at piece rates or time rates, the type of work he is doing, the hourly rate the workshop proposes to guarantee, and the reason for requesting such rate when the proposed rate is substantially less than the client's actual earnings. An individual client rate does not become effective until authorized by the Administrator or his authorized representative.

§ 525.5 Criteria for consideration in issuance of a special certificate.

The following criteria may be considered by the Administrator or his authorized representative in determining the necessity of issuing a special certificate and the conditions to be specified therein:

(a) The present and previous earnings of handicapped clients of the workshop engaged in work covered by the Act;

(b) The nature and extent of the disabilities of clients served by the workshop;

(c) The wages of non-handicapped employees employed in private industry engaged in work comparable to that performed in the workshop;

(d) The types and duration of medical, educational, therapeutic, social work and other rehabilitative services given to handicapped clients;

(e) The extent to which clients share, through wages, in the receipts for work done in the workshop;

(f) The extent to which the handicapped clients may be learners or otherwise inexperienced;

(g) The extent to which earned operating income, other than normal depreciation allowances, is used for capital expenditures for equipment, buildings or expansion of activities in situations where the adequacy of the wage rates proposed by the workshop cannot clearly be established;

(h) Whether there exists any workshop-customer arrangement or subcontract agreement which constitutes an unfair method of competition in commerce and which tends to spread or perpetuate substandard wage levels;

(i) Whether, in the case of non-government operated workshops, the organization has obtained an exemption under section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and has registered as a non-profit organization with the appropriate state or local agencies providing for such registration.

§ 525.6 Issuance of a special certificate.

(a) If the application and other available information indicate that the applicant is a sheltered workshop within the meaning of § 525.2(a), that the clients of the workshop are paid commensurate with their productivity at the prevailing rates in the vicinity in regular commercial industry maintaining approved labor standards for the type of work being performed, and that the clients are unable to earn the applicable statutory minimum wage, the Administrator or his authorized representative shall issue a special certificate. Otherwise he shall deny a special certificate.

(b) If a special certificate is issued, a copy shall be sent to the workshop. If denied, the workshop shall be notified in writing of the denial.

(c) A special certificate may be issued for the entire workshop, a department of the workshop, an individual handicapped client or any combination thereof.

§ 525.7 Terms and conditions of a special certificate.

(a) A special certificate shall specify the terms and conditions under which it is granted.

(b) A special certificate shall apply to every handicapped client of the sheltered workshop or department thereof, for which the special certificate is granted.

(c) A special certificate shall be effective for a period to be designated by the Administrator or his authorized representative. Clients may be paid wages lower than the statutory minimum only during the effective period of a special certificate.

(d) A special certificate may provide a minimum wage rate below which a client may not be paid during a specified period or periods, designated as "training period" or "training periods", to allow for evaluation of the client's capacities and for job-training. Such rate may apply during the training period or periods specified to a client who has never previously worked in the workshop, or to a client who is transferred to a skilled or semi-skilled job in the workshop at which he has never previously worked, or to a client who has returned to the workshop after such period of separation as would require retraining.

(e) A special certificate may provide a minimum wage rate for the workshop or minimum wage rates for departments of the workshop below which a client may not be paid following completion of the specified training period or periods, unless a lower special individual wage rate has been authorized in such a special certificate for a client who is unable to earn the workshop or applicable department minimum wage rate.

(f) The wage rates paid clients working at time rates shall be based on the prevailing rates in the vicinity in regular commercial industry maintaining approved labor standards, taking into account the type, quality, and quantity of the work produced by the client. In no instance, however, shall wage rates be less than the hourly rate or rates specified in the special certificate.

(g) The wage rates paid clients working at piece rates shall not be less than prevailing piece rates paid non-handicapped employees in the same work in the vicinity in regular commercial industry maintaining approved labor standards. In the absence of industry piece rates, time studies or other tests may be used by the workshop to establish piece rates. Such time studies should be made with non-handicapped persons, although clients may be used in those situations where they are not handicapped for the type of work being tested and their production is comparable to that of non-handicapped persons of average ability. The base hourly rate used in making time studies should be not less than the prevailing rate in regular commercial industry for work requiring similar skill.

(h) Each client working at piece rates must be paid his full piece-rate earnings

but not less than the hourly rate specified in the special certificate. Pooling of earnings is not permitted except where piece rates cannot be established for each individual worker, e.g., in a team operation where each worker's individual contribution to the finished product cannot be separately tallied.

(i) Clients of the workshop shall be paid not less than time and one-half the regular rate for all hours over forty worked in the workweek.

(j) The terms of any special certificate may be amended for cause upon request of the sheltered workshop or handicapped client or upon the initiative of the Administrator or his authorized representative.

§ 525.8 Renewal of a special certificate.

(a) Application may be filed for renewal of any special certificate. It shall be filed in the same manner as an original application.

(b) If an application for renewal has been properly and timely filed prior to the expiration date of a special certificate, the certificate shall remain in effect until the application for renewal has been granted or denied.

(c) Handicapped clients may be paid wages less than the statutory minimum after notice that the application for renewal has been denied, if review of such denial is requested in accordance with § 525.13: *Provided, however,* That if the denial is affirmed on review, the sheltered workshop shall reimburse any person covered by the special certificate in an amount equal to the difference between the applicable minimum wage and any lower wage paid such person subsequent to the effective date of denial.

§ 525.9 Workers other than handicapped clients in sheltered workshops.

No individual who is not a handicapped client within the meaning of § 525.2(b) shall be employed under any special certificate issued pursuant to this part at wages lower than the minimum required under section 6 of the Act.

§ 525.10 Industrial homework.

A special certificate issued pursuant to this part authorizes a sheltered workshop to employ a handicapped client in or about a home, apartment, tenement, or room in a residential establishment, without the necessity of obtaining a special industrial homeworker's certificate for such client under regulations of the Administrator governing the employment of industrial homeworkers; nor shall it be necessary for a sheltered workshop to obtain a special industrial homeworker's certificate for clients working in or about a home, apartment, tenement, or room in a residential establishment, who are earning the minimum required under section 6 of the Act.

(Sec. 11, 52 Stat. 1066, as amended; 29 U.S.C. 211)

§ 525.11 Records to be kept.

(a) Every sheltered workshop shall keep, maintain and have available for inspection by the Administrator or his authorized representative at all times a record of the nature of each client's disability and records that reflect the productivity of each client on a continuing basis or at periodic intervals not exceeding 6 months, and in addition the records required under all of the applicable provisions of Part 516 of this chapter, except that any provision pertaining to homeworker's handbooks shall not be applicable to clients of a sheltered workshop working in or about a home, apartment, tenement, or room in a residential establishment.

(b) Every sheltered workshop engaged in interstate commerce or in the production of goods for interstate commerce shall at all times post a poster, as prescribed by the Administrator, in a conspicuous place in the workshop where it may be observed readily by the handicapped clients and other workers in the workshop.

(Sec. 11, 51 Stat. 1066, as amended; 29 U.S.C. 211)

§ 525.12 Cancellation of a special certificate.

(a) The Administrator or his authorized representative may cancel any special certificate for cause. A special certificate may be canceled (1) as of the date of issuance, if it is found that fraud has been exercised in obtaining the special certificate or in permitting a handicapped client to work thereunder; (2) as of the date of violation, if it is found that any of the provisions of the Act or of the terms of the special certificate have been violated; or (3) as of the date of notice of cancellation, if it is found that the special certificate is no longer necessary in order to prevent curtailment of opportunities for employment, or that the requirements of this part have not been complied with.

(b) If a petition for review is filed under § 525.13, the effective date of the cancellation shall be postponed until action is taken thereon: *Provided, however,* That if the cancellation order is affirmed on review, the workshop shall reimburse any person covered by the special certificate in an amount equal to the difference between the applicable minimum wage and any lower wage paid such person subsequent to the effective date of cancellation.

(c) Except in cases of willfulness or those in which the public interest requires otherwise, before any special certificate shall be canceled, facts or conduct which may warrant such action shall be called to the attention of the sheltered workshop in writing and it shall be afforded an opportunity to demonstrate or achieve compliance with all lawful requirements.

§ 525.13 Review.

Any person aggrieved by any action of an authorized representative of the Administrator taken pursuant to this part may, within 15 days or such additional time as the Administrator may allow, file with the Administrator a petition for review. Such review, if granted, shall be made either by the Administrator or by an authorized representative who took no part in the action under review, who may, to the extent he deems it appropriate, afford other interested persons an opportunity to present data and views.

§ 525.14 Submission of information, investigations, and hearings.

The Administrator or his authorized representative may require at any time the submission of such information, other than that specified elsewhere in this part, as is deemed appropriate, or may conduct an investigation, which may include a hearing prior to taking any action pursuant to this part. To the extent he deems appropriate, the Administrator or his authorized representative may provide an opportunity to other interested persons to present data and views.

§ 525.15 Relation to other laws.

Nothing contained in this part shall be construed as authorizing any act that is contrary to any Federal or State law or municipal ordinance.

§ 525.16 Amendment of this part.

The Administrator may at any time upon his own motion or upon written request of any interested person setting forth reasonable ground therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the terms of this part.

[F.R. Doc. 62-162; Filed, Jan. 5, 1962; 8:53 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 502—DISASTER RELIEF

Relief Shipments

Sections 502.10 and 502.12 are revoked and § 502.11 is revised, to read as follows:

§ 502.11 Commercial freight shipments of supplies by voluntary non-profit relief agencies.

(a) *Scope of section.* Provided in this section are the rules under which the Department of the Army, in order to further the efficient use of United States voluntary contributions for relief in the foreign country hereinafter named, will pay ocean freight charges from United States ports to designated foreign ports of entry on supplies donated to or purchased by United States voluntary non-profit relief agencies registered with and recommended by the Advisory Committee on Voluntary Foreign Aid (called "the Committee" in this section), for distribution in the Ryukyu Islands.

(b) *Agencies within scope of this section.* Any United States voluntary non-profit relief agency may make application to the Chief of Civil Affairs, Department of the Army, Washington 25, D.C., for reimbursement of ocean freight charges on shipments of supplies donated to or purchased by it for distribution within the foreign country listed in paragraph (a) of this section, *Provided:*

(1) The agency is registered with and recommended by the Committee to the Department of the Army;

(2) The supplies are within the general program and projects of the agency as previously submitted to and approved by the Committee, and are essential in support of such programs and projects;

(3) The agency's representatives to whom the supplies are consigned for distribution abroad are acceptable to the Committee;

(4) The Committee has notified the Department of the Army that:

(i) The agency is not engaged in commercial or political activities;

(ii) Contributions to the agency are eligible for tax exemption under income tax laws;

(iii) The agency is directed by an active and responsible board of American citizens who serve without compensation;

(iv) The accounts of the agency are regularly audited by a certified public accountant;

(v) The agency currently reports its activities and operations to the Committee including its budget and reports of income and expenditures, its transfer of funds, and its exports of commodities and such other information as the Committee may deem necessary, and such reports are open for public inspection;

(vi) The general program and projects by countries of operation of the agency have been approved by the Committee to permit the coordination of private agency programs with each other and with the programs of the Department of the Army in the Ryukyu Islands;

(vii) The Government of the country in which the supplies are distributed affords appropriate facilities for the necessary and economic operation of the agency's general program and projects;

(viii) The supplies are free of customs duties, other duties, tolls, and taxes;

(ix) The agency has assumed responsibility for noncommercial distribution of the supplies free of cost to the person or persons ultimately receiving them and distribution of the supplies is supervised by United States citizens, and such operations are appropriately identified as to their American character.

(c) *Manner of payment of ocean freight charges.* (1) The Department of the Army will reimburse agencies qualified under this section, to the extent of ocean freight charges paid by them for shipments made in conformity with this section: *Provided*, That application for such reimbursement on shipments, must be submitted to the Department within thirty days of date of shipment, together with receipted invoices for such charges, supported by ocean bills of lading, showing that such charges are limited to the actual cost of transportation of the supplies from end of ship's tackle at the United States port of loading to end of ship's tackle at port of discharge, correctly assessed at the time of loading by the carrier for freight on a weight, measurement or unit basis, and free of any other charges.

(2) The voluntary non-profit relief agencies which qualify under this section may apply to the Office of the Chief of Civil Affairs, Department of the Army, Washington 25, D.C., for authorization to make shipments via Military Sea Transportation Service vessels, in conformity with this section. Upon approval of the request, the Chief of Civil Affairs will issue a Department of Army Approved Part Program authorizing shipment from a designated Port of Embarkation to end of ship's tackle at port of discharge, and including fund citation for reimbursement of Chief of Transportation. All costs of inland transportation are to be borne by the voluntary agencies.

(d) *Refund by agencies.* Any agency reimbursed under this section will refund promptly to the Department of the Army upon demand the entire amount reimbursed (or such lesser amount as the Department may demand) whenever it is determined that the reimbursement was improper as being in violation of any of the provisions of the Foreign Assistance Act of 1948, any acts amendatory thereof or supplemental thereto, any relevant appropriation acts, or any rules, regulation or procedures of the Department of the Army.

(e) *Saving clause.* The Secretary of the Army may waive, withdraw, or amend at any time or from time to time any or all of the provisions of this section.

[Regs., December 21, 1961, CA-EA] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply Title II, Public Law 87-329, September 30, 1961, 75 Stat. 719)

JULIAN A. WILSON,
Major General, U.S. Army,
Acting The Adjutant General.

[F.R. Doc. 62-158; Filed, Jan. 5, 1962; 8:40 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2579]

[Idaho 012028]

IDAHO

Revoking Stock Driveway Withdrawals in Whole or in Part (Nos. 226, 261, 271)

By virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

All departmental orders, including those of August 5, 1931, February 23, 1945, and September 10, 1940, reserving lands for stock driveways under authority of the act of December 29, 1916 (supra), are hereby revoked so far as they affect the following described lands:

BOISE MERIDIAN

IDAHO COUNTY

T. 29 N., R. 1 E.,
Sec. 5, lot 2 and S½NE¼.
T. 29 N., R. 8 E.,
Sec. 7, S½SE¼ and SE¼SW¼;
Sec. 8, S½SW¼ and SW¼SE¼;
Sec. 17, N½NE¼ and SE¼NE¼.
T. 30 N., R. 1 W.,
Sec. 25, lots 4, 6, 7, 8, and 10.
T. 28 N., R. 2 W.,
Sec. 15, lots 1, 2, 3, and SW¼NE¼;
Sec. 23, lots 1, 3, 4, and 5.
T. 29 N., R. 3 W.,
Sec. 5, lots 3, 5, 6, SE¼NW¼, and SW¼SW¼;
Sec. 6, lots 7 and 12;
Sec. 7, lots 1, 6, 7, SE¼NE¼, SE¼SW¼, and W½SE¼;
Sec. 18, W½E½ and SE¼SE¼;
Sec. 19, E½NE¼;
Sec. 20, SW¼NW¼ and W½SW¼;
Sec. 27, lots 1, 2, SW¼NW¼, and NE¼SW¼;
Sec. 28, lot 3;
Sec. 29, lots 1, 2, 3, and 4;
Sec. 34, lots 1, 2, 3, 4, and NW¼NE¼.
T. 30 N., R. 3 W.,
Sec. 5, lots 1, 6, 7, 8, and SW¼SW¼;
Sec. 6, lot 11;
Sec. 7, lots 1, 6, 7, and 12;
Sec. 18, lots 1, 4, 5, and 10;
Sec. 19, lots 1, 6, 7, and 12;
Sec. 20, SW¼SW¼;
Sec. 29, lots 1, 3, 4, 7, SE¼SE¼, and NE¼NW¼;
Sec. 30, lot 1;
Sec. 32, lots 1 and 4.

LEWIS COUNTY

T. 31 N., R. 3 W.,
Sec. 26, lots 3, 4, 7, 8, and SE¼SW¼;
Sec. 27, lot 5.

NEZ PERCE COUNTY

T. 31 N., R. 3 W.,
Sec. 28, lots 4 and 5;
Sec. 32, lot 3;
Sec. 33, lots 1, 3, 4, and SW¼SW¼.
T. 31 N., R. 4 W.,
Sec. 21, SW¼NE¼ and SE¼;
Sec. 27, W½;
Sec. 28, NE¼;
Sec. 34, N½NW¼.

The areas described aggregate 4,551.80 acres. They are in part withdrawn for other purposes, or patented.

2. The lands are situated in Idaho, Nez Perce and Lewis Counties. They are characterized generally by extremely steep slopes, deep canyons and sharp draws. Soil is mainly fine to coarse sand. The greater part of the area sustains little vegetative cover.

3. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, provided that until 10:00 a.m., on July 3, 1962, the State of Idaho shall have a preferred right to apply to select the lands in accordance with subsection drawals, provided that until 10:00 a.m., (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). They have been open to mineral leasing and mining location.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JANUARY 2, 1962.

[F.R. Doc. 62-161; Filed, Jan. 5, 1962; 8:48 a.m.]

[Public Land Order 2580]

[56486]

UTAH

Partly Revoking Forest Service Administrative Site Withdrawals (Cache National Forest)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Departmental order of June 5, 1908, and Public Land Order No. 694 of December 26, 1950, so far as they withdrew the following described lands for use of the Forest Service for administrative sites, are hereby revoked:

SALT LAKE MERIDIAN

CACHE NATIONAL FOREST

Elk Valley Administrative Site

T. 12 N., R. 4 E.,
Sec. 33, N½SE¼.
Containing approximately 80 acres.

High Creek Administrative Site

T. 14 N., R. 2 E.,
Sec. 5, N½S½S½.
Containing approximately 80 acres.

2. Beginning at 10:00 a.m., on February 7, 1962, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, Jr.
Assistant Secretary of the Interior.

JANUARY 2, 1962.

[F.R. Doc. 62-162; Filed, Jan. 5, 1962; 8:48 a.m.]

[Public Land Order 2581]

[Arizona 026592]

ARIZONA

Withdrawing Lands Within Tonto National Forest for School Purposes

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described lands within the Tonto National Forest, Arizona, are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States under jurisdiction of the Forest Service, Department of Agriculture, for school purposes:

GILA AND SALT RIVER MERIDIAN

TONTO NATIONAL FOREST

T. 10 N., R. 10 E.,
Sec. 4, NW¼SE¼ and W½NE¼SE¼.
(60) acres.)

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JANUARY 2, 1962.

[F.R. Doc. 62-163; Filed, Jan. 5, 1962; 8:48 a.m.]

[Public Land Order 2582]

[1030461]

ALASKA

Partly Revoking Executive Order No. 6039 of February 20, 1933

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 6039 of February 20, 1933, as amended by Executive Order No. 8442 of June 12, 1940, and as modified by Public Land Order No. 1612 of April 4, 1958, and which reserved public lands in Alaska for use of the War Department as a radio station, is hereby revoked so far as it affects the following-described lands:

KODIAK TOWNSITE

U.S. SURVEY 2536 A

Parcel A

From the southwest corner of the intersection of 6th Avenue and Mill Bay Road, said corner being the point of beginning, thence:

S. 47°24' W., 344.32 feet to corner No. 2; S. 63°19' W., 151.00 feet to corner No. 3; S. 34°43' E., 456.91 feet to corner No. 4; N. 55°17' E., 30.49 feet to corner No. 5; N. 34°43' W., 350 feet to corner No. 6; N. 55°17' E., 460 feet to corner No. 7; N. 34°43' W., 133.00 feet to corner No. 1, which is the point of beginning.

Containing 1.33 acres.

Parcel B

Beginning at corner No. 9, U.S. Survey No. 1272, thence:

North, 131.67 feet to a point that coincides with the south corner of the A.C.S. Reservation boundary; N. 55° 17' E., 1681.57 feet to the true point of beginning, which coincides with the east corner of the A.C.S. Reservation boundary; N. 34°43' W., 460 feet to a point on the A.C.S. Reservation boundary; S. 55°17' W., 460 feet to a point; S. 34°43' E., 460 feet to a point; N. 55°17' E., 460 feet along the A.C.S. Reservation boundary, to the true point of beginning.

Containing 4.85 acres.

2. Until 10:00 a.m., on April 3, 1962, the State of Alaska shall have a preferred right to select the lands in accordance with and subject to the limitations and requirements of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6g of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339). Thereafter, the lands will not be subject to disposition under the public land laws unless and until it is so provided by order of an authorized officer of the Bureau of Land Management.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JANUARY 2, 1962.

[F.R. Doc. 62-164; Filed, Jan. 5, 1962; 8:48 a.m.]

[Public Land Order 2583]

ALASKA

Revoking Public Land Order No. 2163 of July 15, 1960 and Departmental Order of July 8, 1947; Opening Public Lands

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), and otherwise, it is ordered as follows:

[1935558]

1. The departmental order of July 8, 1947, adding the following described lands to Air Navigation Site No. 167, is hereby revoked:

COPPER RIVER MERIDIAN

T. 4 N., R. 1 W.,
Sec. 6, NW¼.
T. 5 N., R. 1 W.,
Sec. 31, S½.
Aggregating 459.69 acres.

[Anchorage 039164]

2. Public Land Order No. 2163 of July 15, 1960, reserving 1.89 acres in the SW¼ of sec. 23, T. 4 N., R. 2 W., Copper River Meridian, for use of the Bureau of Sport Fisheries as an administrative site is hereby revoked. The lands have been conveyed to the State of Alaska.

[Anchorage 051064]

3. Public Land Order No. 616 of November 15, 1949, revoked Public Land Order No. 46 of October 8, 1942, so far as the latter affects the following described lands, but barred the initiation of any rights in the lands or any disposition thereof under the public land laws pending issuance of an order of classification and opening under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a):

COPPER RIVER MERIDIAN

T. 4 N., R. 1 W.,
Secs. 7 and 18;
Sec. 19, NE¼ and W½.
T. 4 N., R. 2 W.,
Secs. 20 to 24, incl.
Aggregating about 3,680 acres.

Some of the lands have been classified, disposals have been made of others, and portions are otherwise withdrawn or are within outstanding claims. Further small tract planning has been abandoned. Specific information concerning the status of any of the lands may be obtained by inquiring of the Manager of the Land Office, Bureau of Land Management, Anchorage Alaska. About 2,331 acres are public land.

4. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, provided, that until 10:00 a.m., on April 3, 1962, the State of Alaska shall have a preferred right to select the lands in accordance with and subject to the limitations and requirements of the act

of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JANUARY 2, 1962.

[F.R. Doc. 62-165; Filed, Jan. 5, 1962; 8:48 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER Q—SPECIFICATIONS

[CGFR 61-62]

PART 164—MATERIALS

Costs of Pre-Approval Tests of Materials, and Statutory Authorities for Material Specifications

The purpose for the amendments to 46 CFR 164.006-5(c)(4), 164.008-4(c)(2), and 164.009-4(c) is to change the procedures for approval to agree with present practices followed by the National Bureau of Standards. In lieu of requiring a check to cover estimated costs of the tests the manufacturer will be required to submit a commitment stating he will reimburse the National Bureau of Standards for the costs of the tests when billed by them. The National Bureau of Standards no longer requires advance payment of estimated costs of tests to be made by check payable to the Treasurer of the United States. The revised procedures require the payment be made direct to the National Bureau of Standards.

In accordance with 1 CFR 13.46, the citations of authority in 46 CFR Part 164 are brought up to date.

Because the amendments to the regulations in this document are changes in procedures, or changes considered to be editorial in nature, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon and effective date requirements thereof) is impracticable and unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), and 167-38, dated October 26, 1959 (24 F.R. 8857), the following amendments are prescribed and shall be in effect on and after the date of publication of this document in the FEDERAL REGISTER:

Subpart 164.001—Cork, Sheet, for Merchant Vessels

1. The authority note for the sections in Subpart 164.001 is amended to read as follows:

AUTHORITY: §§ 164.001-1 to 164.001-5 interpret or apply R.S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, secs. 1, 2, 49 Stat. 1544, 1545, as amended, secs. 6, 17, 54 Stat. 164, as amended, 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 481, 489, 367, 526e, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

Subpart 164.002—Balsa Wood for Merchant Vessels

2. The authority note for the sections in Subpart 164.002 is amended to read as follows:

AUTHORITY: §§ 164.002-1 to 164.002-6 interpret or apply R.S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, secs. 6, 17, 54 Stat. 164, as amended, 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 481, 489, 367, 526e, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

Subpart 164.003—Kapok, Processed

3. The authority note for the sections in Subpart 164.003 is amended to read as follows:

AUTHORITY: §§ 164.003-1 to 164.003-5 interpret or apply R.S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, secs. 6, 17, 54 Stat. 164, as amended, 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 481, 489, 367, 526e, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

Subpart 164.006—Deck Coverings for Merchant Vessels

4. The authority note for the sections in Subpart 164.006 is amended to read as follows:

AUTHORITY: §§ 164.006-1 to 164.006-5 interpret or apply R.S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, 4488, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 5, 68 Stat. 675; 46 U.S.C. 391, 391a, 392, 404, 481, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

5. Section 164.006-5(c)(4) is amended to read as follows:

§ 164.006-5 Procedure for approval.

* * * * * *

(4) A commitment that he will reimburse the National Bureau of Standards for the cost of the tests when billed by them.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

Subpart 164.008—Bulkhead Panels for Merchant Vessels

6. The authority note for sections in Subpart 164.008 is amended to read as follows:

AUTHORITY: §§ 164.008-1 to 164.008-4 interpret or apply R.S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, 4488, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 391a, 392, 404, 481, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

7. Section 164.008-4(c)(2) is amended to read as follows:

§ 164.008-4 Procedure for approval.

* * * * * *

(2) A commitment from the manufacturer that he will reimburse the National Bureau of Standards for the cost of the tests when billed by them shall be submitted to the Coast Guard prior to testing.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416.)

Subpart 164.009—Incombustible Materials for Merchant Vessels

8. The authority note for the sections in Subpart 164.009 is amended to read as follows:

AUTHORITY: §§ 164.009-1 to 164.009-4 interpret or apply R.S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, 4488, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 391a, 392, 404, 481, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

9. Section 164.009-4(c) is amended by adding a subparagraph (3) reading as follows:

§ 164.009-4 Procedure for approval.

* * * * * *

(3) A commitment that he will reimburse the National Bureau of Standards for the cost of the tests when billed by them.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

Dated: December 28, 1961.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 62-175; Filed, Jan. 5, 1962; 8:52 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Table of Frequency Allocations

The Commission having under consideration certain editorial changes in § 2.106 of its rules; and

It appearing, that the Commission has amended Parts 7 and 8 of its rules to make the frequencies 4072.4 kc/s, 4377.4 kc/s and 8210.8 kc/s available for assignment to coast and ship stations operating in the Mississippi River system and connecting inland waters (other than the Great Lakes) beginning December 22, 1961 (26 F.R. 10918) in lieu of 4067 kc/s, 4372.4 kc/s and 8205.5 kc/s, respectively; and

It further appearing, that Footnote NG29 to § 2.106 should be amended to reflect these changes in Parts 7 and 8; and

It further appearing, that this amendment is editorial in nature and hence that section 4 of the Administrative Procedure Act is not applicable; and

It further appearing, that the amendment adopted herein is issued pursuant to authority contained in sections 4(i) and 303 (c), (f) and (r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority, and Other Information;

It is ordered, This 2d day of January 1962, that effective January 10, 1962, § 2.106 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: January 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

§ 2.106 [Amendment]

1. Footnote NG29 to § 2.106 of the Commission's rules and regulations is amended to read as follows:

NG29 Ship or coast radiotelephone stations operating in the Mississippi River system may be authorized to use the frequencies 4072.4, 4377.4 and 8210.8 kc/s. These frequencies are replacements for 4067, 4372.4 and 8205.5 kc/s, respectively, which shall not be used for such operations after June 30, 1962.

[F.R. Doc. 62-165; Filed, Jan. 5, 1962; 8:53 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

Lease and Interchange of Vehicles by Motor Carriers

In the matter of postponement of the effective date of the fifth supplemental report of the Commission in this proceeding.

Upon consideration of the record in the above-entitled proceeding, and good cause appearing therefor:

It is ordered, That the effective date of the fifth supplemental order in this proceeding, entered July 24, 1961, by the Commission, be, and it is hereby, indefinitely postponed until further order of the Commission.

Dated at Washington, D.C., this 28th day of December A.D. 1961.

By the Commission, Chairman Hutchinson.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-170; Filed, Jan. 5, 1962; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50–202]

PUMPS AND COMPRESSORS INDUSTRY

Hearing to Determine Prevailing Minimum Wages

Pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), notice is hereby given that a hearing to determine the prevailing minimum wages in the Pumps and Compressors Industry under section 1 of the Walsh-Healey Public Contracts Act (41 U.S.C. 35) will be held on January 30, 1962, at 10 o'clock, a.m. in Room 2325, United States Department of Labor Building, 14th Street and Constitution Avenue NW., Washington, D.C.

The Pumps and Compressors Industry is defined tentatively as that industry which manufactures hand and power-driven pumps, compressors, and pumping equipment, including parts especially designed therefor. Products of this industry include, but without limitation, industrial pumps, pumps for fluid power systems, hydraulic pumps, vacuum pumps, domestic water systems and pumps, domestic hand and windmill pumps, oil well and oil field pumps, air and gas compressors, tire inflators, and dusting and spraying outfits for metals, paints, and chemicals (except agricultural dusting and spraying machinery and equipment).

Excluded is the manufacture of refrigerating and air conditioning compressors, laboratory vacuum pumps, fuel pumps for motor vehicles, aircraft engine pumps, propeller feathering pumps, gasoline and oil measuring and dispensing pumps, grease guns, and agricultural dusting and spraying machinery and equipment.

Interested persons may appear at the hearing to submit evidence relative to the following subjects and issues: (1) Any amendments which should be made in the tentative definition of the industry, (2) whether the geographic area of competition for contracts subject to the Walsh-Healey Public Contracts Act for products in the industry extends to all the area in which the industry has its plants, so as to require industry-wide determination, or whether such competition is limited to smaller geographic areas (including the boundaries of such areas) so as to authorize separate wage determinations for each area or locality, and (3) what are the prevailing minimum wages for the areas for which determinations should be made. Interested persons may also submit evidence on the question of whether there is good cause to delay the effective date of any prevailing minimum wage determination made in a final decision in this proceeding for more than seven days after it is published in the FEDERAL REGISTER. In two recent decisions in similar proceedings relating to the Manifold Business Forms Industry (26 F.R. 7698) and the Paper and Pulp Industry (26 F.R. 7699) good cause was found to shorten the delay in effective date to seven days since such determinations are only applicable to contracts for which bids are solicited or negotiations otherwise commenced on or after its effective date (26 F.R. 9042; 41 CFR 50–201.1) and consequently there would be sufficient time for potential contractors to adjust to any minimum wage obligations resulting from such a determination without undue postponement in the application of such a determination.

Data relating to competition in this industry for contracts subject to the Walsh-Healey Public Contracts Act have been collected by the Department of Labor. Employment and wage data in this industry for the payroll period ending nearest September 15, 1961, have also been gathered. This information will be submitted for consideration at the hearing, and is now available to interested persons.

Written statements may be filed with the Chief Hearing Examiner at any time prior to the hearing by persons who cannot appear personally. An original and three copies of any such statement shall be filed and shall include the reason or reasons for non-appearance. Such statements shall be under oath or affirmation, and will be offered in evidence at the hearing. If objection is made to the admission of any such statement, the presiding officer shall determine whether it will be received in evidence.

To the extent possible, the evidence of each witness and any sworn or affirmed statements of persons who cannot appear personally should permit evaluation on a plant-by-plant basis, and should state: (1) The number and location of establishments in the industry to which the testimony of such witness or such written statement is applicable, (2) the number of workers in each such establishment, (3) the minimum wage paid to covered workers presently and, if possible, on or about September 15, 1961, and the number of covered workers (41 CFR 50–201.-102) at each such establishment receiving such wages, and (4) the identity of any product not now included in the tentative definition of the industry which should be included and of any product now included which should be excluded.

The hearing shall be conducted pursuant to the rules of practice for minimum wage determinations under the Walsh-Healey Public Contracts Act (41 CFR 50–203.15—203.22), and the amendments thereto published in the FEDERAL REGISTER on September 22, 1961 (26 F.R. 8945).

Signed at Washington, D.C., this 28th day of December 1961.

W. WILLARD WIRTZ,
Acting Secretary of Labor.

[F.R. Doc. 62–181; Filed, Jan. 5, 1962; 8:53 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Terpene Polychlorinates; Notice of Proposal To Establish a Higher Tolerance

An order was published in the FEDERAL REGISTER of August 31, 1961 (26 F.R. 8172), establishing a tolerance of 3 parts per million for residues of terpene polychlorinates (chlorinated mixture of camphene, pinene, and related terpenes, containing 65–66 percent chlorine), calculated as a chlorinated terpene of molecular weight 396.6 containing 67 percent chlorine, in or on cottonseed. On December 8, 1961, an order was published in the FEDERAL REGISTER (26 F.R. 11799) establishing a tolerance of 5 parts per million for residues of toxaphene (chlorinated camphene containing 67–69 percent chlorine), calculated as a chlorinated terpene of molecular weight 396.6 containing 67 percent chlorine, in or on cottonseed.

Since residues of these two pesticides are practically indistinguishable analytically, tolerances on cottonseed were established in terms of the same chlorinated intermediary. When the tolerance for toxaphene was established, the order provided that where tolerances are established for both terpene polychlorinates and toxaphene on the same raw agricultural commodities, the total amount of such pesticides shall not yield more residue than that permitted by the larger of the two tolerances, calculated as the chlorinated intermediary. In effect, this provision increased the tolerance limit for terpene polychlorinates on cottonseed to 5 parts per million. Consequently, for clarification the tolerance for terpene polychlorinates on cottonseed should be established at this level.

Available data show that residues of terpene polychlorinates on cottonseed at 5 parts per million will not be concentrated at a higher level in cottonseed oil or flour prepared for human consumption. The data also show that residues at this level in cottonseed meal and hulls from such cottonseed, when fed to livestock, will not result in residues in meat and milk, and that the proposed increase in tolerance will involve no hazard to health.

Accordingly, notice is given that the Commissioner of Food and Drugs, on his own initiative, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 348(e)) and in accordance with the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to amend § 120.164 (21 CFR 120.164; 26 F.R. 8172) by changing the terpene polychlorinates residue tolerance in or on cottonseed to read as follows:

§ 120.164 Tolerance for terpene polychlorinates.

A tolerance of 5 parts per million is established for residues of terpene polychlorinates (chlorinated mixture of camphene, pinene, and related terpenes, containing 65–66 percent chlorine), calculated as a chlorinated terpene of molecular weight 396.6 containing 67 percent chlorine, in or on cottonseed.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing terpene polychlorinates may request, within 30 days from the publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act. Any interested person is invited at any time prior to the thirtieth day from the date of publication of this notice in the FEDERAL REGISTER to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof.

All documents shall be filed in quintuplicate.

Dated: December 29, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62–168; Filed, Jan. 5, 1962; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[342.02]

IMPORTED BRANDIED CHERRIES

Notice of Prospective Assessment of Internal-Revenue Tax

DECEMBER 29, 1961.

It appears that imported brandied cherries (1) in syrup containing more than 12 percent of alcohol by volume, (2) in syrup containing 12 percent of alcohol by volume and a solids content (mostly sugar) of less than 60 grams per 100 ml., or (3) in syrup containing less than 12 percent alcohol by volume and a solids content which, expressed in grams per 100 ml., is numerically less than five times the percentage of alcohol by volume, or in any case, solids of less than 25 grams per 100 ml., are properly subject to the internal-revenue tax on imported distilled spirits under section 5001, Internal Revenue Code of 1954, at the rate of $10.50 a proof gallon of syrup content or wine gallon of syrup content when below proof.

It is the present uniform and established practice not to assess the internal-revenue tax on such imported merchandise.

Pursuant to § 16.10a(d), Customs Regulations, notice is hereby given that the correctness of this practice is under review. Consideration will be given to any relevant data, views or arguments pertaining to assessment of the tax on such merchandise which are submitted to the Bureau of Customs, Washington 25, D.C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 62-176; Filed, Jan. 5, 1962; 8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

RICE

Notice of Marketing Quota Referendum for 1962 Crop

Marketing quotas for the crop of rice to be produced in 1962 have been duly proclaimed pursuant to provisions of the Agricultural Adjustment Act of 1938, as amended. Said act requires a referendum to be conducted within 30 days after the date of the insurance of said proclamation of farmers who were engaged in the production of rice in 1961 to determine whether such farmers are in favor of or opposed to such quotas. Prior to establishing the date for the referendum on the 1962 crop of rice, public notice (26 F.R. 8675) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003) that it was proposed to hold the referendum on December 12, 1961. No data, views, or recommendations pertaining thereto were submitted pursuant to such notice. However, it was found necessary to delay the proclamation with respect to marketing quotas beyond the date originally anticipated and likewise to delay the date of the referendum. Such proclamation has now been made and it is hereby determined that the rice marketing quota referendum under said act for the 1962 crop of rice shall be held on January 23, 1962, which is within thirty days from the date of issuance of the proclamation of marketing quotas.

Signed at Washington, D.C., on December 27, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-12430; Filed, Dec. 28, 1961; 3:55 p.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14085 etc.; FCC 62M-2]

COMMUNITY SERVICE BROADCASTERS, INC., ET AL.

Order Continuing Hearing

In re applications of Community Service Broadcasters, Incorporated, Ypsilanti, Michigan, Docket No. 14085, File No. BP-13846; et al. Group III, Docket Nos. 14287, 14288, 14289, 14290, 14291, 14292, 14293, 14294, 14295, 14296, 14298, 14299, 14300, 14301, 14303, 14304, 14305, 14306, for construction permits.

The Hearing Examiner having under consideration petition filed by Wilbur J. Meyer, tr/as Peter-Mark Broadcasting Company, requesting continuance;

It appearing that counsel for other applicants in Group III have consented to immediate consideration and grant of the petition, and Counsel for the Chief of the Commission's Broadcast Bureau has consented to the revised schedule provided the hearing date is satisfactory to the Hearing Examiner;

It is ordered, This 2d day of January 1962, that the above petition is granted; and the dates for procedural steps for Group III are continued as follows:

	From—	*To—*
Preliminary exchange of engineering exhibits	Jan. 10	Feb. 5, 1962
Final exchange of all exhibits	Jan. 23	Feb. 19, 1962
Notification of witnesses	Feb. 1	Feb. 26, 1962
Commencement of hearing	Feb. 6	Mar. 6, 1962

Released: January 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-184; Filed, Jan. 5, 1962; 8:53 a.m.]

FEDERAL MARITIME COMMISSION

REDERIAKTIE-BOLAGET NORDSTJERNAN ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8738, between Rederiaktie-Bolaget Nordstjernan (Johnson Line) and Grace Line, Inc., covers a through billing arrangement in the trade from Port-au-Prince, Haiti, to Pacific Coast ports of the United States and Canada, with transhipment at Cristobal, Canal Zone.

Agreement 8757, between the carriers comprising the Knutsen Line and the A. P. Moller-Maersk Line joint services, covers a through billing arrangement in the trade between U.S. Atlantic Coast ports and Fremantle, Western Australia, with transhipment at Hong Kong or Singapore.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with requests for hearing should such hearing be desired.

Dated: January 3, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-172; Filed, Jan. 5, 1962; 8:50 a.m.]

TRANS-PACIFIC PASSENGER CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 131-236, between the member lines of the Trans-Pacific Passenger Conference, modifies the basic Agreement (No. 131, as amended) to include a new By-Law providing that fares for passengers utilizing the services of member lines within the Conference jurisdiction on Sea/Air combination tickets, in conjunction with the services of cooperating and connecting air carriers, may be constructed on the basis of one-half the respective carrier's normal round-trip fare, for the section of travel in which the member carrier participates. Such reduction shall apply only when the passenger travels by an air carrier recognized as an approved international or national scheduled air carrier or a member of the International Air Transport Association.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 3, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-173; Filed, Jan. 5, 1962; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

RETAILERS' INVENTORIES, SALES, NUMBER OF STORES

Notice of Determination To Continue Survey

Pursuant to the Act of Congress approved August 31, 1954, 13 U.S.C. 181, 224, and 225, and due Notice of Consideration having been published November 30, 1961 (26 F.R. 11301), I have determined that certain 1961 annual data for retail trade establishments are needed to provide a sound statistical basis for the formation of policy by various government agencies and are also applicable to a variety of public and business needs. The survey is part of a continuing Census series on retail trade, and for 1961 will cover year-end inventories, annual sales, and number of retail stores operated as of the end of the year. The data are not publicly available from non-governmental or other governmental sources.

Reports will be required only from a selected sample of retail establishments in the United States. The sample will provide, with measurable reliability, statistics on the subjects specified above. Reports will be requested from sampled stores on the basis of their sales size and/or location in Census Sample Areas. A group of the largest firms, in terms of number of retail stores, will be requested to report their sales summarized by geographic areas.

Report forms will be furnished to the firms covered by the survey and will be due 15 days after receipt. Additional copies of the forms are available on request to the Director, Bureau of the Census, Washington 25, D.C.

I have therefore directed that an annual survey be conducted for the purpose of collecting these data.

RICHARD M. SCAMMON,
Director, Bureau of the Census.

[F.R. Doc. 62-206; Filed, Jan. 5, 1962; 8:50 a.m.]

Maritime Administration

TRADE ROUTE NO. 21; U.S. GULF/UNITED KINGDOM AND CONTINENT

Notice of Conclusions and Determinations Regarding the Essentiality and United States Flag Service Requirements

Notice is hereby given that on December 21, 1961, the Maritime Administrator acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 21 and ordered that the following conclusions and determinations reached by the Maritime Administrator with respect to said trade route be published in the FEDERAL REGISTER:

1. Trade Route No. 21 as described below is reaffirmed as an essential foreign trade route of the United States: Trade Route No. 21—U.S. Gulf/United Kingdom and Continent between United States Gulf ports (Key West to Mexican border) and ports in the United Kingdom, Republic of Ireland and Continental Europe north of Portugal.

2. Requirements for United States flag operations on Trade Route No. 21 are approximately 17 freighter sailings per month, of which approximately 2 sailings per month should serve the West Coast United Kingdom/Ireland area of the route.

3. Existing Victory type, C-1 and C-2 type freighters are suitable for operation on Trade Route No. 21, pending replacement.

4. Replacement freighters which serve the major portion of the route should be superior in speed and have approximately the same carrying capacity as the present C-2 type ships.

Dated: January 3, 1962.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-169; Filed, Jan. 5, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-110]

SOUTHWEST GAS CORP.

Notice of Application and Date of Hearing

DECEMBER 29, 1961.

Take notice that on October 30, 1961, as supplemented on November 3, 14 and 21, 1961, and December 6, 1961, Southwest Gas Corporation (Applicant), P.O. Box 271, Las Vegas, Nevada, filed in Docket No. CP62-110 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to acquire by merger and to operate all of the facilities of Nevada Natural Gas Pipe Line Co. (Nevada Natural), to perform all acts and services now being performed by Nevada Natural, and to make all sales now being made by Nevada Natural, to the extent that such facilities, acts, services and sales are subject to the jurisdiction of the Commission, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

Applicant is a public utility distributing natural gas at retail to some 40,000 customers in the States of Arizona, California and Nevada. Applicant buys gas from (1) El Paso Natural Gas Company (El Paso) for service in several towns in Arizona, (2) Pacific Gas and Electric Company for service in several towns in California and (3) Nevada Natural for service in Las Vegas, Nevada, and vicinity.

Nevada Natural owns and operates two parallel transmission lines extending from a connection with El Paso near the Arizona-Nevada state line north through a portion of California to the Las Vegas area where it sells gas to Applicant for resale in and near Las Vegas and to California-Pacific Utilities Company for resale in Henderson, Nevada, and to Boulder City, Nevada, for resale in Boulder City. Nevada Natural also transports and sells gas directly to six industrial customers near Las Vegas. Nevada Natural's facilities consist of approximately 223 miles of main transmission lines, 32.5 miles of sales laterals and other appurtenant facilities. In addition, Nevada Natural owns all the outstanding stock of the Utility Financial Corp. and the Carson Water Company.

The application shows that pursuant to the agreement of merger, dated August 15, 1961, Applicant proposes to issue on the effective date of the merger:

(1) 240,000 shares of $1.00 Dividend Cumulative Convertible Preferred Stock, $5.00 par value, in exchange for 480,000 shares of $1.00 par value Common Capital Stock of Nevada Natural, or on a basis of one share for two shares.

(2) 19,806 shares of $1.50 Dividend Cumulative Preferred Capital Stock, $21.00 par value, in exchange for 19,806 shares of $1.50 Dividend Cumulative Preferred Capital Stock, $21.00 par value, issued and outstanding of Nevada Natural.

The application further shows that as of August 31, 1961, the total depreciated plants of Applicant and Nevada Natural were $12,434,167 and $5,893,404, respectively.

Required authorizations have been received from the appropriate regulatory agencies of Arizona and California.

Applicant as the surviving corporation will continue all services presently being rendered by Nevada Natural at the latters existing filed FPC rates; therefore, Applicant states that there will be no interruption or abandonment of service now being rendered by Nevada Natural.

Applicant requests that its name be substituted for that of Nevada Natural in all certificate authorizations heretofore granted to Nevada Natural by this Commission.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 25, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 22, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-160; Filed, Jan. 5, 1962; 8:47 a.m.]

[Docket Nos. CP61-234 etc.]

MONTANA-DAKOTA UTILITIES CO. ET AL.

Notice of Further Postponement of Hearing

DECEMBER 4, 1961.

Montana-Dakota Utilities Co., Docket Nos. CP61-234; CP61-297; Amerada Petroleum Corporation, Docket No. CI61-1133; Signal Oil and Gas Company, Docket No. CI61-1271; Lyda Hunt-Herbert Trusts, et al., Docket No. CI61-1621; The TXL Oil Corporation, Docket No. CI61-1687; Continental Oil Company, Operator, et al., Docket No. G-14440.

Notice is hereby given that the hearing in the above-designated matters now scheduled to commence on December 12, 1961, is hereby postponed to January 22, 1962, at 10:00 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-211; Filed, Jan. 5, 1962; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-223 etc.]

ARKANSAS FUEL OIL CORP. AND CITIES SERVICE CO.

Order Approving and Releasing Jurisdiction in Respect of Certain Fees and Expenses and Continuing Reservation of Jurisdiction in Respect of Other Requests for Allowances

DECEMBER 20, 1961.

In the matter of Arkansas Fuel Oil Corporation (Shreveport, Louisiana), Cities Service Company (New York, New York); File Nos. 54-223; 54-226; 54-227; 31-622; 54-186; 59-93; 70-1804.

In the above consolidated proceedings the Commission; pursuant to section 11(d) of the Public Utility Holding Company Act of 1935 ("Act"), among other things, approved a plan, as modified (Holding Company Act Release No. 14260, July 14, 1960, approved and enforced by the United States District Court for District of Delaware, No. 2223, September 2, 1960), to effectuate compliance with the order issued September 20, 1957 (Holding Company Act Release No. 13549) under section 11(b)(2) of the Act. Under the plan, as modified, the 48.5 percent publicly-held minority stock interest in Arkansas Fuel Oil Corporation ("Arkansas"), a subsidiary company of Cities Service Company ("Cities"), a registered holding company, was eliminated by the payment to the public stockholders of Arkansas, of $41 in cash per share, or a total of $75,577,186. In the order approving the section 11(d) plan, the Commission reserved jurisdiction in respect of the allowance and allocation of fees and expenses, incurred in connection with the consolidated proceedings, which are to be paid by Cities.

Pursuant to notice given by the Commission, applications for the allowance of the fees and expenses or the approval of sums paid therefor, have been filed by the various parties to and participants in the consolidated proceedings.

Subsequently, as a first step in the procedure for determining whether the fees requested are for compensable services rendered and whether the amounts of fees and expenses requested are reasonable, the Commission, in order to expedite the proceeding in respect thereof, and to assist it in making such determinations, requested Cities in writing (with a copy to each of the applicants) to advise the Commission, on or before July 25, 1961 (later extended to September 11, 1961), as to the amounts of fees and expenses which the Company is willing to pay and which each of the applicants, after negotiations with the company, has indicated a willingness to accept as settlement in full of his request for allowance of fees and expenses in connection with the consolidated proceeding. Thereafter, Cities and certain of the fee claimants have agreed that the following such persons are to be paid the following amounts:

	Fees	Expenses
1. Cities Service Co.—		
Counsel:		
Cravath, Swaine & Moore, and Meyer, Kissel, Matz & Seward	$200,000.00	$18,359.01
Experts:		
Stone & Webster Service Corp	161,535.00	21,400.88
DeGolyer and Mac Naughton	81,818.10	93,551.57
Standard Research Consultants, Inc	70,618.96	3,845.46
Thompson, Knight, Wright & Simmons	70,000.00	7,095.04
Distribution trustee:		
Wilmington Trust Co. (plus $1.50 per transaction subsequent to Mar. 30, 1961)	17,434.50	3,970.18
Total	601,406.56	148,222.14
2. Common Stockholders Committee of Cities Service Co.—		
Members:		
Estate of James M. Fawcett, deceased	1,500.00	----------
Norman S. Nemser	1,500.00	----------
Dr. Samuel R. Berlin	1,000.00	----------
Irwin L. Feinberg	1,000.00	----------
Counsel:		
Nemerov & Shapiro and Stanley Nemser	50,000.00	8,319.72
Experts:		
Theodore R. Mackoul	25,000.00	1,040.18
Total	80,000.00	9,359.90
3. Arkansas Fuel Oil Corp.—		
Counsel:		
Blanchard, Goldstein, Walker & O'Quin	30,000.00	1,003.19
Total	30,000.00	1,003.19
4. Arkansas Fuel Oil Corp. Public Common Stock Committee—	----------	5,095.84
Members:		
Dr. Louis Alfano	2,500.00	----------
Herbert H. Lederman	2,500.00	----------
William Stuberfield	2,500.00	----------
Perry King	5,000.00	----------
Counsel:		
Percival E. Jackson	532,500.00	24,545.89
Experts:		
King and Co	45,000.00	1,481.26
Purvin & Gertz, Inc	58,418.75	9,856.74
H. J. Gruy and Associates, Inc	11,742.50	1,799.22
Joseph T. Foley	475.00	516.00
Total	660,636.25	43,294.95
5. Section 11(d) plan proponents—		
Counsel:		
Shanley & Fisher	85,000.00	2,357.63
Total	85,000.00	2,357.63

As a part of the agreements pursuant to which the amounts of fees and expenses set forth above were fixed, the applications of Berl, Potter and Anderson for allowance of fees in the sum of $7,250.00 and expenses in the sum of $176.83; of Madison Fund, Inc. for allowance of expenses in the sum of $23,990.70; and of Louis E. Marron for allowance of expenses in the sum of $36,192.02, were withdrawn.

Upon motion of counsel for Cities, the various applications for the amounts set forth above were severed for disposition from the remaining applications.

The Commission having considered the applications filed by applicants whose names are set forth above and the amounts agreed upon; and being of the opinion that the allowances itemized above are for necessary services and reasonable in amounts, and that an order should be entered approving such fees and expenses, directing payment thereof, and releasing jurisdiction in respect thereof;

It is ordered, That the applications for allowances of fees and reimbursement of expenses incurred by the applicants named and in the amounts set forth above, be, and they hereby are, approved, and that Cities is hereby directed to pay such amounts to them to the extent that any portion thereof has not been heretofore paid, and that the jurisdiction heretofore reserved in respect thereof is hereby released.

It is further ordered, That the jurisdiction reserved in respect of the other applications for allowances of fees and expenses be, and hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-166; Filed, Jan. 5, 1962; 8:49 a.m.]

[File No. 812-1473]

TOWNSEND MANAGEMENT CO.

Notice of Filing of Application for Order Permitting Closed-End Investment Company To Purchase Stock Issued by It

DECEMBER 28, 1961.

Notice is hereby given that Townsend Management Company ("TMC"), 38 Chatham Road, Short Hills, N.J., a registered closed-end, non-diversified investment company has filed an application under section 23(c)(3) of the Investment Company Act of 1940 (the "Act") for an order exempting from the provisions of section 23(c) the proposed acquisition by TMC of 20,000 shares of its stock at $31 per share from Pennsylvania Investment and Real Estate Corporation ("PIRE").

The request of TMC is based upon the following representations and information contained in its application:

TMC owns (a) 163,431 shares of Class A common stock (non-voting) of FIF Associates, Inc. ("Associates"), (b) 18,159 shares (33.9 percent) of the Class B common stock (voting) of Associates, (c) 163,431 shares of Class A common stock (non-voting) of FIF Management Company ("Management"), and (d) 18,159 shares (32.7 percent) of the Class B common stock (voting) of Management.

Under an agreement dated November 10, 1959, TMC sold to PIRE 20,000 shares of TMC stock at $25 a share, and agreed to repurchase such shares upon demand two years thereafter at $31 per share, which is in excess of its current net asset value. The repurchase obligation was secured by a pledge of 36,000 shares of Class A common stock of Associates, 4,000 shares of Class B common stock of Associates, 36,000 shares of Class A common stock of Management, and 4,000 shares of Class B stock of Management.

TMC registered as an investment Company pursuant to the Act on June 19, 1960, and on April 24, 1961, this Commission commenced an action against TMC in the United States District Court for the District of New Jersey ("Court") seeking injunctive relief with respect to alleged violations of, and seeking to enforce compliance with, certain sections of the Act. TMC consented to the entry of a final decree enjoining certain violations of the Act, specifying the procedure required for compliance with the Act, and appointing an interim board of directors ("Interim Board").

The decree directed that TMC take prompt action to divest itself, through sale or other distribution, of all of its holdings of Class A and Class B common stock in both Management and Associates, including the securities pledged under the repurchase agreement. The Interim Board has discussed many alternative methods of divesting TMC of these Securities, and has taken steps to investigate the possibility of a public offering as well as the possibility of a private sale. After negotiations, the Interim Board, subject to the Court's approval, has entered into contracts for the sale of all the securities, including the pledged securities, with two insurance companies and five individuals associated with them. In order to make delivery to the purchasers of all of the stock of Associates and Management that TMC owns, it must perform its agreement to repurchase the 20,000 shares of its stock held by PIRE.

The Application states that while the repurchase of the shares from PIRE would be at a price in excess of the current net asset value of TMC shares, it would not be an unfair discrimination against other shareholders since the purchase would be made pursuant to the terms of an agreement under which PIRE has contractual rights, secured by portfolio securities of TMC, beyond those of a shareholder.

Section 23(c)(3) of the Act prohibits a registered investment company from purchasing its own securities other than on a securities exchange or pursuant to tenders, except under such circumstances as the Commission may permit by order to insure that such purchases are made in a manner or on a basis which does not unfairly discriminate against any holders of the class of securities to be purchased. Since the proposed purchase by TCA from PIRE of the 20,000 shares of its stock does not involve purchase on a securities exchange or pursuant to tenders, such purchase is prohibited unless the Commission issues its order permitting it.

Notice is further given that any interested person may not later than January 11, 1962, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon TMC. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order or hearing upon said application shall be issued on request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-167; Filed, Jan. 5, 1962; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 583]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 3, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64368. By order of December 27, 1961, the Transfer Board approved the transfer to Walter W. Nogay, doing business as Nogay & Sons, Movers, Weirton, W. Va., of Certificate No. MC 76339, issued May 20, 1949, to Anthony Nogay and Walter Wm. Nogay, a partnership, doing business as Nogay & Son, Movers, Weirton, W. Va., authorizing the transportation of: Household goods, as defined in *Practices of Motor Common Carriers of Household goods, 17 M.C.C. 467*, over irregular routes, between points in Hancock County, W. Va., on the one hand, and, on the other, points in West Virginia, Ohio and Pennsylvania. George P. Bohach, 3216 Main Street, Weirton, W. Va., Attorney for applicants.

No. MC–FC 64635. By order of December 27, 1961, the Transfer Board approved the transfer to James McAllister, doing business as B & H Transfer, P.O. Box 256, Butte, Nebr., of Certificate No. MC 88966, issued October 19, 1949, to Ben Hahn, Butte, Nebr., authorizing the transportation of: Livestock, between Atkinson, O'Neill and Butte, Nebr., and points within 50 miles of Butte, on the one hand, and, on the other, Sioux City, Iowa; household goods and grain, between Butte, Nebr., and points within 10 miles of Butte, on the one hand, and, on the other, points in Iowa; coal, building materials, supplies and equipment, fencing materials, feed, seeds, agricultural implements, between Butte, Nebr., and points within 10 miles of Butte, on the one hand, and, on the other, Sioux City, Iowa; livestock, agricultural commodities, feed, and agricultural implements, between Naper, Nebr., and points in Nebraska within 12 miles of Naper, on the one hand, and Sioux City, Iowa, on the other; petroleum products, in containers, and binder twine, from Sioux City, Iowa, to Butte, Nebr.; empty petroleum containers, from Butte, Nebr., to Sioux City, Iowa; and emigrant movables, from Butte, Nebr., and points within 10 miles of Butte, to points in Iowa.

No. MC–FC 64640. By order of December 27, 1961, the Transfer Board approved the transfer to Shamrock Transport, Inc., Towson, Md., of Certificate No. MC 35539, issued April 4, 1957, to John Robert Walker, Jr., doing business as Dallas Express Co., Philadelphia, Pa., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in the Philadelphia, Pa., Commercial Zone, as defined by the Commission. John W. Hessian III, Campbell Building, Towson 4, Md., attorney for applicants.

No. MC–FC 64648. By order of December 27, 1961, the Transfer Board approved the transfer to General Transfer Company, a corporation, Decatur, Ill., of the operating rights in Certificates Nos. MC 98952 Sub 2 and MC 98952 Sub 8, issued March 21, 1958 and December 8, 1960, respectively, to M. W. Crosby and C. E. Maxey, a partnership, doing business as General Transfer Co., Decatur, Ill., authorizing the transportation over irregular routes of meat, meat products, meat byproducts, dairy products, and articles distributed by the meat-packing houses, as described in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 empty containers used in transporting such commodities, and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers, between Decatur, Ill., on the one hand, and, on the other, Paducah, Owensboro, and Henderson, Ky., and points within 5 miles of each point, and points in 53 specified counties in Indiana, meat, meat products, meat byproducts, dairy products, and articles distributed by meat-packing houses, between Decatur, Ill., and points in Illinois, petroleum products, in bulk, in tank vehicles, from New Goshen, Ind., and points within 5 miles thereof in Vigo County, Ind., to points in Illinois, and agricultural machinery, agricultural implements, and parts thereof, from Springfield, Ill., to points in 44 specified counties in Missouri. Marvis S. Lieberman, 602 Millikin Building, Decatur, Ill., attorney for applicants.

No. MC–FC 64652. By order of December 29, 1961, the Transfer Board approved the transfer to E. J. Davies, Inc., New York (Bronx), N.Y., Permits Nos. MC 88726 and MC 88726 Sub 1, issued May 16, 1950 and April 4, 1958, respectively, to L. M. & M. Trucking Co., Inc., New York (Bronx), N.Y., authorizing the transportation of concrete reinforcements of wire and steel, over regular routes, between New York, N.Y., and Trenton and Camden, N.J., Component parts used in wire display racks, bar accessories, and barbecue grills, which do not require special equipment, from the site of the plant of Display and Construction Units Company at Freeland, Pa., to the site of the plant of Conver Steel and Wire Company, Inc., New York (Bronx), N.Y.; and wire, in coils, and steel sheets and blanks, not requiring special equipment, from the site of the plant of Conver Steel and Wire Company, Inc., New York (Bronx), N.Y., to the site of the plant of Display and Construction Units Company at Freeland, Pa. William D. Traub, 350 Fifth Avenue, New York 1, N.Y., representative for applicants.

No. MC–FC 64713. By order of December 28, 1961, the Transfer Board approved the transfer to William F. Broderick, doing business as John W. Broderick Company, 311 North Harvard Street, Allston, Mass. of Certificate No. MC 11698, issued February 19, 1942, to John W. Broderick, 311 North Harvard Street, Allston, Mass., authorizing the transportation of: Acoustical tile, from Portsmouth, N.H., to Boston, Mass.; printed matter, chemicals, plywood, metal, building materials, auto parts, oil burners, and machinery, from Boston, Mass., to points in Rhode Islands, gas stoves, machinery, electric refrigerators, and acoustical stock, from Boston, Mass., and points within 10 miles of Boston, to points in Connecticut; building material, acoustical stock, asphalt in containers, tools, advertising matter and chemicals, from Boston, Mass., to Manchester and Nashua, N.H.; and household goods, between Boston, Mass., and points within 20 miles of Boston, on the one hand, and, on the other, points in New York, Rhode Island, New Hampshire, Connecticut, and New Jersey.

No. MC–FC 64728. By order of December 29, 1961, the Transfer Board approved the transfer to Keenan Transit Co., a corporation, Melrose Park, Ill., of Permit No. MC 116510 issued April 7, 1958, to William B. Keenan, doing business as Keenan Transit Co., Stone Park, Ill., authorizing the transportation of: Cast iron pipe, and fittings, cast iron manhole covers, jute, caulking leads, fire hydrants and waterworks valves only when transported with cast iron pipe, from Bensenville, Ill., to points in Indiana, Iowa, Wisconsin, Minnesota (except St. Paul and Minneapolis), and Michigan. Carl L. Steiner, 39 South La Salle Street, Chicago, Ill., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–171; Filed, Jan. 5, 1962; 8:50 a.m.]

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Washington, Tuesday, January 9, 1962

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There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10984

AMENDING THE SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by the Universal Military Training and Service Act (62 Stat. 604), as amended, I hereby prescribe the following amendments of the Selective Service Regulations prescribed by Executive Orders No. 9988 of August 20, 1948, No. 10001 of September 17, 1948, No. 10008 of October 18, 1948, No. 10116 of March 9, 1950, No. 10202 of January 12, 1951, No. 10292 of September 25, 1951, No. 10328 of February 20, 1952, No. 10363 of June 17, 1952, No. 10562 of September 20, 1954, No. 10594 of January 31, 1955, No. 10650 of January 6, 1956, No. 10659 of February 15, 1956, No. 10714 of June 13, 1957, No. 10735 of October 17, 1957, and No. 10809 of March 19, 1959, and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

1. Section 1617.10 of Part 1617, *Registration Certificate*, is amended to read as follows:

"§ 1617.10 *Duty of registrant separated from active duty in Armed Forces.*

"Every registrant who is separated from active duty in the Armed Forces and who does not have a Registration Certificate (SSS Form No. 2) shall, within 10 days after the date of his separation, request his local board to issue to him a duplicate Registration Certificate (SSS Form No. 2). The registrant shall make this request by a letter mailed to his local board or on a Request for Duplicate Registration Certificate or Notice of Classification (SSS Form No. 6) which he shall file with his own or any other local board."

2. (a) Section 1622.2 of Part 1622, *Classification Rules and Principles*, is amended (1) by inserting immediately following Class I–W in the list of classes appearing therein "Class I–Y: Registrant qualified for military service only in time of war or national emergency.", and (2) by deleting from the list of classes "Class IV–F: Physically, mentally, or morally unfit." and inserting in lieu thereof "Class IV–F: Registrant not qualified for any military service."

(b) Paragraph (b) of section 1622.12 of Part 1622 is amended to read as follows:

"(b) Every registrant who is a cadet, United States Military Academy; or a midshipman, United States Navy; or a cadet, United States Air Force Academy; or a cadet, United States Coast Guard Academy."

(c) Paragraphs (a), (b), (c), and (f) of section 1622.13 of Part 1622 are revoked and paragraphs (d), (e), (g), (h), (i), (j), (k), and (l) of section 1622.13 are redesignated as paragraphs (a), (b), (c), (d), (e), (f), (g), and (h), respectively.

(d) The following new section is added to Part 1622 immediately following section 1622.16:

"§ 1622.17 *Class I–Y: Registrant qualified for military service only in time of war or national emergency.*

"In Class I–Y shall be placed any registrant who would have been classified in Class I–A or Class I–A–O as being currently available for service in the Armed Forces but for the fact that he has been found to be physically, mentally, and morally qualified for such service only in time of war or national emergency declared by the Congress."

(e) Section 1622.25 of Part 1622 is amended to read as follows:

§ 1622.25 *Class II–S: Registrant deferred because of activity in study.*

"(a) In Class II–S shall be placed any registrant whose activity in study is found to be necessary to the maintenance of the national health, safety, or interest.

"(b) The Director of Selective Service, after consultation with such departments and other agencies of the executive branch of the Government as may be appropriate, may promulgate criteria, which shall be advisory only, concerning the placing of registrants in Class II–S."

(f) (1) Subparagraphs (1) and (4) of paragraph (a) of section 1622.40 of Part 1622 are revoked and subparagraphs (2), (3), (5), (6), (7), (8), (9), (10), and (11) of paragraph (a) are redesignated as subparagraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9), respectively.

(2) Paragraph (b) of section 1622.40 is amended to read as follows:

"(b) For the purpose of computation of period of active duty referred to in subparagraphs (1), (2), or (3), of paragraph (a) of this section, no credit shall be allowed for—

(1) Periods of active duty training performed as a member of a reserve component pursuant to an order or call to active duty solely for training purposes;

(2) Periods of active duty in which the service consisted solely of training under the Army specialized training program, the Army Air Force college training program, or any similar program under the jurisdiction of the Navy, Marine Corps, or Coast Guard;

(3) Periods of active duty as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, or in a preparatory school after nomination as a principal, alternate, or candidate for admission to any of such academies;

(4) Periods of active duty in any of the Armed Forces while being processed for entry into or separation from any educational program or institution referred to in subparagraphs (2) or (3) of this paragraph; or

(5) Periods of active duty performed by medical, dental, or allied specialists in student programs prior to receipt of the appropriate professional degree or in intern training."

(g) Section 1622.44 of Part 1622 is amended to read as follows:

"§ 1622.44 *Class IV–F: Registrant not qualified for any military service.*

"(a) In Class IV–F shall be placed any registrant (1) who is found to be physically, mentally, or morally not qualified for any service in the Armed Forces; or (2) who would have been classified in Class I–O under the provisions of section 1622.14 but for the fact that he is found to be physically, mentally, and morally qualified for service in the Armed Forces only in time of war or national emergency declared by the Congress.

"(b) In Class IV–F shall be placed any registrant in the medical, dental, and allied specialist categories who has applied for an appointment as a Reserve officer in one of the Armed Forces in any of such categories and has been rejected for such appointment on the sole ground of a physical disqualification."

3. (a) Section 1623.2 of Part 1623, *Classification Procedure*, is amended to read as follows:

"§ 1623.2 *Consideration of classes.*

"Every registrant shall be placed on Class I–A under the provisions of section 1622.10 of this chapter except that when grounds are established to place a registrant in one or more of the classes listed in the following table, the registrant shall be classified in the lowest class for which he is determined to be eligible, with Class I–A–O considered the highest class and Class I–C considered the lowest class according to the following table:

Class: I–A–O
I–O
I–S
I–Y
II–A
II–C
II–S
I–D
III–A
IV–B
IV–C
IV–D
IV–F
IV–A
V–A
I–W
I–C"

(b) Section 1623.7 of Part 1623 is amended to read as follows:

"§ 1623.7 *Issuing a duplicate of a lost, destroyed, mislaid, or stolen Notice of Classification (SSS Form No. 110).*

"A duplicate Notice of Classification (SSS Form No. 110) may be issued to a registrant only by the local board which mailed the original Notice of Classification (SSS Form No. 110) to him upon his written request therefor made by letter or on a Request for Duplicate Registration Certificate or Notice of Classification (SSS Form No. 6) and the presentation of proof satisfactory to the local board that his Notice of Classification (SSS Form No. 110) has been lost, destroyed, mislaid, or stolen. When the request for the duplicate notice is made by a letter which does not present sufficient information concerning the basis for the request, the local board shall mail to the registrant a copy of Request for Duplicate Registration Certificate or Notice of Classification (SSS Form No. 6) and direct him to complete thereon and return to the local board the request for the duplicate notice. Whenever the local board issues a duplicate Notice of Classification (SSS Form No. 110), it shall mark it 'Duplicate' and note the issuance of such notice upon the request, which shall be filed in the registrant's Cover Sheet (SSS Form No. 101)."

4. (a) Paragraph (a) of section 1626.24 of Part 1626, *Appeal to Appeal Board*, is amended to read as follows:

"(a) The appeal board shall consider appeals in the order in which they are received unless otherwise directed by the Director of Selective Service, in which event, they shall be considered in such order as the Director of Selective Service shall prescribe."

(b) Paragraph (a) of section 1626.26 of Part 1626 is amended to read as follows:

"(a) The appeal board shall classify the registrant, giving consideration to the various classes in the same manner in which the local board gives consideration thereto when it classifies a registrant, except that an appeal board may not place a registrant in Class IV–F because of his physical or mental condition unless he has been found by the local board or the Armed Forces to be physically or mentally not qualified for any service in the Armed Forces."

(c) Section 1626.51 of Part 1626 is revoked and the center heading "SPECIAL APPEAL" preceding that section is deleted.

5. (a) Paragraphs (a) and (b) of section 1628.11 of Part 1628, *Physical Examination*, are amended to read as follows:

"(a) In accordance with instructions of the Director of Selective Service, the State Director of Selective Service shall periodically issue to each local board in his State a Physical Examination Call on Local Board (SSS Form No. 202) specifying the number of registrants to be delivered for armed forces physical examination and the time and place fixed for their delivery.

"(b) In complying with such Physical Examination Call on Local Board (SSS Form No. 202), the local board shall mail an Order to Report for Armed Forces Physical Examination (SSS Form No.

223) to registrants who have been classified in Class I–A, Class I–A–O, and Class I–O without regard to whether the registrants have requested or will request a personal appearance before the local board and without regard to whether an appeal has been or will be taken. The local board shall, so far as is practicable, select and order to report for armed forces physical examination first such registrants who are volunteers in the sequence in which they have volunteered for induction or for civilian work contributing to the maintenance of the national health, safety, or interest and then such registrants who are nonvolunteers in the order of their liability for service."

(b) Subparagraph (3) of paragraph (a) of section 1628.13 of Part 1628 is amended to read as follows:

"(3) Assemble and attach to the registrant's Record of Induction (DD Form No. 47) any information in the possession of the local board which should be considered in determining whether the registrant is qualified for service in the Armed Forces."

(c) Paragraphs (f) and (h) of section 1628.14 of Part 1628 are amended to read as follows:

"(f) The local board to which such registrant is transferred for armed forces physical examination, when it receives the papers from the registrant's own local board as provided in paragraph (e) of this section, shall prepare a new Order to Report for Armed Forces Physical Examination (SSS Form No. 223), in duplicate, mail the original to the registrant, file the copy, and add the name of the registrant to its Physical Examination List (SSS Form No. 225) indicating in the 'Remarks' column thereof that the registrant has been transferred from another local board."

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"(h) The State Director of Selective Service for the State in which the local board of origin is located shall, upon receipt of the completed original Transfer for Armed Forces Physical Examination or Induction (SSS Form No. 230), record on his copy of that form the disposition of the transferred registrant and forward the original of the form together with all other papers received from the local board of transfer to the local board of origin, except that he shall retain one copy of the Record of Induction (DD Form No. 47) and one copy of the Report of Medical Examination (Standard Form 88) whenever the registrant has been found not qualified for service in the Armed Forces."

(d) Paragraph (c) of section 1628.16 of Part 1628 is amended to read as follows:

"(c) Upon reporting for armed forces physical examination, it shall be the duty of the registrant (1) to follow the instructions of a member or clerk of the local board as to the manner in which he will be transported to the location where his armed forces physical examination will take place, (2) to obey the instructions of the leader or assistant leaders appointed for the group being forwarded for armed forces physical examination, (3) to appear for and submit to such examination as the commanding officer of the examining station shall direct, and (4) to follow the instructions of a member or clerk of the local board as to the manner in which he will be transported on his return trip from the place where his armed forces physical examination takes place."

(e) Paragraphs (e) and (f) of section 1628.17 of Part 1628 are amended to read as follows:

"(e) When it is necessary, travel tickets or transportation requests, and meal and lodging requests for the group, both for the trip to the examining station and for the return trip, shall be issued. The leader shall be instructed to deliver the sealed packet containing the original and two copies of the Physical Examination List (SSS Form No. 225), the originals and three copies of the Record of Induction (DD Form No. 47), and other information to the commanding officer of the examining station or his representative. He shall be instructed to return any unused portions of the transportation requests or any unused meal and lodging requests to the local board.

"(f) The local board shall instruct all registrants in the group that it is their duty to obey the instructions of the leader and assistant leaders during the time they are going to and returning from the examining station, that they will be met by proper representatives of the Armed Forces, that while they are at the examining station, they will be subject to and must obey the orders of the representatives of the Armed Forces, that they must present themselves for and submit to such examination as the commanding officer of the examining station shall direct, and that they will be returned to the local board when the examination is completed."

(f) Section 1628.25 of Part 1628 is amended to read as follows:

"§ 1628.25 · *Disposition of records.*

"(a) The commanding officer of the examining station will forward to the local board the following documents concerning registrants forwarded for armed forces physical examination:

(1) For all registrants whether found qualified or not qualified for service in the Armed Forces, the original Physical Examination List (SSS Form No. 225) indicating in the 'Disposition' column the disposition of each registrant forwarded for armed forces physical examination, and two copies of the Statement of Acceptability (DD Form No. 62).

(2) For each registrant found qualified for service in the Armed Forces, the original and three copies of the Record of Induction (DD Form No. 47), the original and three copies of the Report of Medical Examination (Standard Form 88), any X-ray films, and two copies of the Report of Medical History (Standard Form 89).

(3) For each registrant found not qualified for service in the Armed Forces, the original and one copy of the Record of Induction (DD Form No. 47), the original and one copy of the Report of Medical Examination (Standard Form 88), and one copy of the Report of Medical History (Standard Form 89).

(4) All other records forwarded by the local board.

"(b) The commanding officer of the examining station will retain one copy of the Physical Examination List (SSS Form No. 225) and send one copy of that form to the State Director of Selective Service.

"(c) For each registrant found not qualified for service in the Armed Forces, the commanding officer of the examining station will retain two copies of the Record of Induction (DD Form No. 47), two copies of the Report of Medical Examination (Standard Form 88), and one copy of the Report of Medical History (Standard Form 89).

"(d) Except as otherwise provided in sections 1628.14 and 1628.15, the local board, upon receipt of the documents described in paragraph (a) of this section, shall take the following action:

(1) File the original Physical Examination List (SSS Form No. 225).

(2) Mail the registrant's copy of the Statement of Acceptability (DD Form No. 62) together with any attachments thereto to the registrant, record the date of mailing on the registrant's Classification Questionnaire (SSS Form No. 100), and file the local board's copy of the Statement of Acceptability (DD Form No. 62) in the registrant's Cover Sheet (SSS Form No. 101).

(3) For each registrant found qualified for service in the Armed Forces, file the original and three copies of the Record of Induction (DD Form No. 47), the original and three copies of the Report of Medical Examination (Standard Form 88), any X-ray films, and two copies of the Report of Medical History (Standard Form 89) in the registrant's Cover Sheet (SSS Form No. 101). These forms and X-ray films shall be retained in the registrant's Cover Sheet (SSS Form No. 101) until such time as he may be forwarded for induction.

(4) For each registrant found not qualified for service in the Armed Forces, file the original of the Record of Induction (DD Form No. 47), the original of the Report of Medical Examination (Standard Form 88), and the copy of the Report of Medical History (Standard Form 89) in the registrant's Cover Sheet (SSS Form No. 101)

and forward to the State Director of Selective Service the copy of the Record of Induction (DD Form No. 47) and the copy of the Report of Medical Examination (Standard Form 88)."

(g) Section 1628.26 of Part 1628 is revoked.

6. (a) Section 1630.1 of Part 1630, *Volunteers*, is amended to read as follows:

"§ 1630.1 *Who may volunteer.*

"(a) Any registrant who has attained the age of 18 years and who has not attained the age of 26 years may volunteer for induction into the Armed Forces by completing and filing with his local board an Application for Voluntary Induction (SSS Form No. 254) which shall be completed and filed in duplicate if he has not attained the age of 18 years and 6 months.

"(b) Any person who has attained the age of 17 years and who has not attained the age of 18 years may volunteer for induction into the Armed Forces by completing and filing with his local board two copies of the Application for Voluntary Induction (SSS Form No. 254) on both copies of which the consent to his induction has been signed by his parents or guardian."

(b) Paragraphs (a) and (b) of section 1630.3 of Part 1630 are amended to read as follows:

"(a) If a person who is required to be registered but who has failed to register volunteers for induction, he shall be registered and shall be given a selective service number in the same manner as in the case of a late registrant.

"(b) If a person not required to be registered volunteers for induction, including a person who volunteers under the provisions of paragraph (b) of section 1630.1, he shall be registered and shall be given a selective service number in exactly the same manner as any other registrant."

(c) Paragraph (d) of section 1630.4 of Part 1630 is amended to read as follows:

"(d) He is found to be physically, mentally, or morally not qualified for service in the Armed Forces."

7. (a) Paragraphs (b), (c), and (d) of section 1631.2 of Part 1631, *Quotas and Calls*, are amended to read as follows:

"(b) The Armed Forces will furnish to each State Director of Selective Service a Notification of Entry into Active Military Service (DD Form No. 53) for each person, whether a registrant or not, who is a resident of that State and who enters upon active duty in the Armed Forces other than by induction through a local board.

"(c) When a person on active duty in the Armed Forces is transferred to an inactive duty status or is discharged, the appropriate State Director of Selective Service will receive from the Armed Forces a report of transfer or discharge for each such person.

"(d) Each State Director of Selective Service shall report periodically to the Director of Selective Service on State Monthly Report of Deliveries, Inductions, and Examinations (SSS Form No. 262) the number of Notifications of Entry into Active Military Service (DD Form No. 53) and the number of reports of transfer or discharge properly forwarded to him for crediting and debiting purposes in his State. Each State Director of Selective Service shall also compute and allocate the debits and credits for each local board in his State."

(b) Paragraph (a) of section 1631.7 of Part 1631 is amended by substituting "Statement of Acceptability (DD Form No. 62)" for "Certificate of Acceptability (DD Form No. 62)" wherever the latter appears in such paragraph.

(c) Paragraph (a) of section 1631.8 of Part 1631 is amended to read as follows:

"(a) Notwithstanding any other provision of the regulations in this chapter, any registrant enlisted in the Ready Reserve of any reserve component of the Armed Forces pursuant to authority conferred by section 6(c)(2) of the Universal Military Training and Service Act, as amended, or under section 262 of the Armed Forces Reserve Act of 1952, as amended, or any registrant who is a member of the National Guard deferred from training and service by section 6(c)(2)(A) of the Universal Military Training and Service Act, as amended, or any registrant enlisted or appointed in the Ready Reserve of any reserve component of the Armed Forces (other than under section 511(b) of title 10, United States Code), the Army National Guard, or the Air National Guard after October 4, 1961, but prior to his attaining the age of 26, who fails to serve satisfactorily as a member of such Ready Reserve or National Guard or the Ready Reserve of another reserve component of which he becomes a member as certified by the respective armed force, shall be ordered to report for induction by the local board regardless of the class in which he is classified and without changing his classification. Any registrant who is ordered to report for induction under this paragraph shall be forwarded for induction at the next time the local board is forwarding other registrants for induction or at any prior time when special arrangements have been made with the induction station, without any calls being made for the delivery of such registrants. Whenever the local board desires to deliver such a registrant specially, it shall request the State Director of Selective Service to make the special arrangements for the time and place at which the registrant may be delivered for induction."

8. (a) Paragraph (b) of section 1632.2 of Part 1632, *Delivery and Induction*, is amended to read as follows:

"(b) The local board shall issue to each registrant whose induction is postponed a Postponement of Induction (SSS Form No. 264), shall mail a copy of such form to the State Director of Selective Service, and shall file a copy in the registrant's Cover Sheet (SSS Form No. 101). The local board shall note the date of the granting of the postponement and the date of its expiration in the 'Remarks' column of the Classification Record (SSS Form No. 102)."

(b) Subparagraph (2) of paragraph (a) of section 1632.5 of Part 1632 is amended to read as follows:

"(2) Assemble the original and three copies of each registrant's Record of Induction (DD Form No. 47), the original and three copies of the Report of Medical Examination (Standard Form 88), two copies of the Report of Medical History (Standard Form 89), any X-ray films made at the time of the armed forces physical examination, any waiver of disqualification, any order terminating civil custody, all other information concerning the qualification of the registrant for service in the Armed Forces, and, if the registrant has volunteered for induction and has not attained the age of 18 years and 6 months, one copy of the Application for Voluntary Induction (SSS Form No. 254)."

(c) Paragraphs (g), (i), and (j) of section 1632.9 of Part 1632 are amended to read as follows:

"(g) When the local board to which the registrant has been transferred for induction receives the papers from the registrant's own local board, as provided in paragraph (f) of this section, it shall proceed to deliver him for induction as soon as practicable after the date fixed for him to report for induction in the Order to Report for Induction (SSS Form No. 252) issued by his own local board. Whenever possible, the local board of transfer shall deliver the transferred registrant for induction with its next induction call, but if there is to be no such call within 30 days after the local board of transfer receives the papers from the registrant's own local board, it shall deliver the transferred registrant specially. When the transferred registrant is to be delivered specially, the local board of transfer shall request its State Director of Selective Service to make the necessary arrangements to deliver the transferred registrant specially at the earliest possible date. The local board to which the registrant has been transferred for induction shall prepare an Order for Transferred Man to Report for Induction (SSS Form No. 253), in duplicate, mail the original to the transferred registrant, and file the copy. The local board to which the registrant has been transferred for induc-

tion shall add the name of the registrant to its Delivery List (SSS Form No. 261) indicating in the 'Remarks' column thereof that the registrant has been transferred from another local board."

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"(i) When the transferred registrant has been inducted or found not qualified for induction or if he fails to report for or submit to induction, the local board to which the registrant was transferred for induction shall complete Part 4 on the original and one copy of Transfer for Armed Forces Physical Examination or Induction (SSS Form No. 230), forward the original together with all the papers pertaining to the induction of the registrant to the State Director of Selective Service for the State in which the local board of origin is located, retain the completed copy, and destroy the copy it retained when the application for transfer was approved.

"(j) The State Director of Selective Service for the State in which the local board of origin is located shall, upon receipt of the completed original Transfer for Armed Forces Physical Examination or Induction (SSS Form No. 230), record on his copy of that form the disposition of the transferred registrant and forward the original of the form together with all other papers received from the local board of transfer to the local board of origin, except that he shall retain one copy of the Record of Induction (DD Form No. 47) and one copy of the Report of Medical Examination (Standard Form 88) whenever the registrant has been found not qualified for service in the Armed Forces."

(d) Paragraph (c) of section 1632.10 of Part 1632 is amended to read as follows:

"(c) When the local board to which the registrant has been transferred for induction receives the papers from the registrant's own local board, as provided in paragraph (b) of this section, it shall proceed to deliver him for induction as soon as practicable. The local board to which the registrant has been transferred for induction shall prepare the Order to Report for Induction (SSS Form No. 252), in duplicate, in the same manner as if the transferred registrant were one of its own registrants, mail the original to the transferred registrant, and file the copy. The local board to which the registrant has been transferred for induction shall add the name of the registrant to its Delivery List (SSS Form No. 261), shall make a notation of such transfer in the 'Remarks' column of the Delivery List (SSS Form No. 261), and shall take the other actions provided for in paragraphs (h) and (i) of section 1632.9. The State Director of Selective Service for the State in which the registrant's own local board is located shall take the action provided for in paragraph (j) of section 1632.9."

(e) Paragraph (b) of section 1632.14 of Part 1632 is amended to read as follows:

"(b) Upon reporting for induction, it shall be the duty of the registrant (1) to follow the instructions of a member or clerk of the local board as to the manner in which he shall be transported to the location where his induction will be accomplished, (2) to obey the instructions of the leader or assistant leaders appointed for the group being forwarded for induction, (3) to appear at the place where his induction will be accomplished, (4) to obey the orders of the representatives of the Armed Forces while at the place where his induction will be accomplished, (5) to submit to induction, and (6) if he is found not qualified for induction, to follow the instructions of the representatives of the Armed Forces as to the manner in which he will be transported on his return trip to the local board."

(f) Paragraphs (a) and (e) of section 1632.15 of Part 1632 are amended to read as follows:

"(a) The roll shall be called, using the previously prepared Delivery List (SSS Form No. 261) and noting any absences thereon in the 'Remarks' column. If any registrant fails to report for delivery, fails to report at the place of induction, is transferred to another local board for delivery, or is found not qualified for induction, the local board shall not furnish a replacement for such registrant."

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"(e) The local board shall inform all registrants in the group that it is their duty to obey the instructions of the leader or assistant leaders during the time they are going to the place of induction; that they will be met by representatives of the Armed Forces at the place of induction; that while they are at the place of induction they will be subject to and must obey the orders of the representatives of the Armed Forces; that they must present themselves for and submit to induction; and that, if they are found not qualified for induction, the representatives of the Armed Forces will, to the extent prescribed by the regulations of the Armed Forces, provide transportation and subsistence for their return trip."

(g) Section 1632.16 of Part 1632 is amended to read as follows:

"§ 1632.16 *Induction.*

"At the induction station the selected men who have been forwarded for induction and found qualified will be inducted into the Armed Forces."

(h) Section 1632.20 of Part 1632 is amended to read as follows:

"§ 1632.20 *Records returned to local board.*

"(a) The commanding officer of the induction station will return to the local board the following documents concerning registrants forwarded for induction:

(1) The original Delivery List (SSS Form No. 261), indicating in column 4 the disposition of each registrant forwarded for induction.

(2) For each registrant inducted, a copy of the Record of Induction (DD Form No. 47), a copy of the Report of Medical Examination (Standard Form 88), and any previous records of induction and reports of medical examination submitted.

(3) For each registrant found not qualified for service in the Armed Forces, the original and one copy of the Record of Induction (DD Form No. 47), the original and one copy of the Report of Medical Examination (Standard Form 88), one copy of the Report of Medical History (Standard Form 89), and any copy of the Application for Voluntary Induction (SSS Form No. 254) submitted.

"(b) Except as otherwise provided in sections 1632.9 and 1632.10, the local board, upon receipt of the documents described in paragraph (a) of this section, shall take the following action:

(1) File the original Delivery List (SSS Form No. 261).

(2) For each registrant inducted, file the copy of the Record of Induction (DD Form No. 47) and the copy of the Report of Medical Examination (Standard Form 88) in the Cover Sheet (SSS Form No. 101).

(3) For each registrant found not qualified for service in the Armed Forces, file the original Record of Induction (DD Form No. 47), the original Report of Medical Examination (Standard Form 88), the copy of the Report of Medical History (Standard Form 89), and any copy of the Application for Voluntary Induction (SSS Form No. 254) in the Cover Sheet (SSS Form No. 101) and forward to the State Director of Selective Service the copy of the Record of Induction (DD Form No. 47) and the copy of the Report of Medical Examination (Standard Form 88)."

(i) Paragraphs (a) and (b) of section 1632.21 of Part 1632 are amended to read as follows:

"(a) For each registrant inducted, retain the original and two copies of the Record of Induction (DD Form No. 47), the original and two copies of the Report of Medical Examination (Standard Form 88) together with any X-ray film, two copies of the Report of Medical History (Standard Form 89), and any copy of the Application for Voluntary Induction (SSS Form No. 254) submitted.

"(b) For each registrant found not qualified for service in the Armed Forces, retain two copies of the Record of Induction (DD Form No. 47), two copies of the Report of Medical Examination (Standard Form 88) together with any X-ray film, and one copy of the Report of Medical History (Standard Form 89)."

(j) Section 1632.30 of Part 1632 is amended to read as follows:

"§ 1632.30 *Classification of registrants inducted or finally found not qualified.*

"Upon receiving notice from the induction station that a selected man who has been forwarded for induction has been inducted or finally found not qualified for service in the Armed Forces, the local board shall reopen his classification and classify him anew."

9. Section 1642.11 of Part 1642, *Delinquents*, is amended to read as follows:

"§ 1642.11 *Registration and classification of unregistered delinquents.*

"Whenever a person who is a delinquent because he has not registered reports or is brought before a local board, he shall be registered in the normal manner, except that if the local board with which he registers determines that because of his delay in registering he should be declared to be a delinquent under the provisions of section 1642.4 and processed for induction as a delinquent, the local board may enter in item 2 of the Registration Card (SSS Form No. 1) an address within its jurisdiction. If the local board makes such determination and retains jurisdiction of the registrant, it shall, as soon as possible after his registration, declare the registrant to be a delinquent and classify him as provided in section 1642.12."

10. (a) Section 1660.10 of Part 1660, *Civilian Work in Lieu of Induction*, is amended to read as follows:

"§ 1660.10 *Volunteering for civilian work.*

"Any registrant who is between the ages of 18 and 26 and who has been classified in Class I–O, or who claims eligibility for classification in Class I–O, may volunteer at his local board for civilian work contributing to the maintenance of the national health, safety, or interest in lieu of induction. The local board shall promptly classify any such volunteer who claims eligibility for Class I–O. Each such volunteer who is in Class I–O and who has been found qualified for service in the Armed Forces after his armed forces physical examination shall be processed in the same manner as a volunteer for induction except that, in lieu of induction, he shall be ordered by the local board to perform civilian work contributing to the maintenance of the national health, safety, or interest as defined in section 1660.1."

(b) Paragraph (a) of section 1660.20 of Part 1660 is amended to read as follows:

"(a) When a registrant in Class I–O has been found qualified for service in the Armed Forces after his armed forces physical examination or when such a registrant has failed to report for or to submit to armed forces physical examination, he shall, within ten days after a Statement of Acceptability (DD Form No. 62) has been mailed to him by the local board or within ten days after he has failed to report for or submit to armed forces physical examination, submit to the local board three types of civilian work contributing to the maintenance of the national health, safety, or interest as defined in section 1660.1, which he is qualified to do and which he offers to perform in lieu of induction into the Armed Forces. If the local board deems any one of these types of work to be appropriate, it will order the registrant to perform such work, but such order shall not be issued prior to the time that the registrant would have been ordered to report for induction if he had not been classified in Class I–O, unless he has volunteered for such work."

11. Paragraphs (a), (b), and (c) of section 1680.3 of Part 1680, *Selection of Certain Persons Who Have Critical Skills for Enlistment in Units of the Ready Reserve of the Armed Forces*, are amended to read as follows:

"(a) Upon receipt of the request of the registrant for his selection for enlistment in the Ready Reserve, the local board shall suspend any further processing in his case pending consideration of his request, except that if the registrant has not been found to be qualified for service in the Armed Forces after an armed forces physical examination, the local board shall forward him for such an examination.

"(b) If the registrant is found to be not qualified for service in the Armed Forces after such an examination, the local board shall reopen his classification and classify him anew and shall advise the registrant by letter that his request for selection for enlistment cannot be approved because he is not qualified for service.

"(c) If the registrant has been or is found to be qualified for service in the Armed Forces after an armed forces physical examination, the local board shall refer the registrant's request to the appropriate State Advisory Committee on Scientific, Engineering, and Specialized Personnel established pursuant to the instructions of the Director of Selective Service and to such other groups or agencies as may be appropriate for consideration and recommendation."

JOHN F. KENNEDY

THE WHITE HOUSE,
January 5, 1962.

[F.R. Doc. 62-281; Filed, Jan. 8, 1962; 10:09 a.m.]

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 1019; Amdt. 383]

PART 507—AIRWORTHINESS DIRECTIVES

Fairchild Model F–27 Aircraft

Amendment 253, 26 F.R. 1241, requires replacement of the Walter Kidde chemical drier housing on Fairchild F–27 Series aircraft every 2,000 hours' time in service. Subsequently, the manufacturer has redesigned the housing to provide improved service life. Therefore, Amendment 253 is being superseded by a new directive which continues the provisions of Amendment 253, and, in addition, provides for the use of the new housing with longer replacement intervals.

Since this amendment imposes no additional burden on any person, and affords an alternative means of compliance, notice and public procedure hereon are unnecessary and it may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive:

FAIRCHILD. Applies to Walter Kidde Company Chemical Drier Housings, P/N 890395 and P/N 890800–0001, used on Fairchild F–27 Series aircraft.

Compliance required as indicated.

It has been determined that Walter Kidde Company Chemical Drier Housing, P/N 890395, is subject to cycling failure at a time limit lower than originally established by the manufacturer. Accordingly, the following shall be accomplished:

Chemical Drier Housing, P/N 890395, shall be removed from service at each 2,000 hours' time in service, or 2 years, whichever occurs first.

Chemical Drier Housing, P/N 890800–0001, may be installed as a replacement for P/N 890395. This replacement housing shall be removed from service at each 4,300 hours' time in service.

All housings shall be visually inspected at each cartridge change during their service life. If cracking, distortion or corrosion is evidenced, remove the housing for a detail inspection. If cracks or distortion are found in either the housing tube or end caps, or if corrosion is found in the threaded areas, the entire unit shall be replaced prior to further flight. Any surface corrosion, other than in the threaded areas, may be removed provided the wall thickness is not reduced below the following:

P/N 890395: 0.160 inch.

P/N 890800–0001: 0.206 inch.

After the removal of corrosion, clean the surface and apply a corrosive resistant finish.

(Fairchild Aircraft and Missiles Division Service Bulletin No. 36–6, Revision 1, covers this same subject.)

This supersedes AD 61–4–3.

This amendment shall become effective January 9, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 2, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–186; Filed, Jan. 8, 1962; 8:45 a.m.]

[Regulatory Docket No. 1020; Amdt. 384]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 49, 149, 649, 749, and 1049 Series Aircraft

Amendment 23 (AD 59–7–3) 24 F.R. 4651, as amended by Amendment 353, 26 F.R. 10097, requires inspection of the main landing gear cylinder cap weld on certain Lockheed 49, 149, 649, 749, and 1049 Series aircraft. As a result of additional failures it has been determined that the inspection techniques, procedures, and rejection criteria specified are not adequate. Better inspection techniques and different rejection criteria have been developed, and accordingly Amendment 23, as amended, is being superseded by a new directive.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

LOCKHEED. Applies to all Models 49, 149, 649, 749, and 1049 Series aircraft incorporating Cleveland Pneumatic Tool Company main landing gear cylinders, P/N's 9040–2, 9040A–2, 9106–2, 9291–2, 9291B–2, 9291B–2B, or 9291D–2.

Compliance required as indicated.

As a result of failures of the cap weld on main landing gear cylinders which have been returned to service following compliance with the provisions of AD 59–7–3, as amended (24 F.R. 4651 and 26 F.R. 10097) all aircraft shall be inspected and/or modified as follows:

(a) Within the next 400 hours' time in service after the effective date of this AD, unless already accomplished, all landing gear cylinders with cap welds which previously have been inspected by the double-wall gamma radiographic technique in compliance with AD 59–7–3, shall be reinspected in accordance with (c), or shall be replaced with cylinders which have been inspected in accordance with (c) and found to exhibit no evidence of cracks.

(b) Within the next 1,200 hours' time in service after the effective date of this AD, unless already accomplished, all landing gear cylinders with cap welds which previously have been radiographically inspected by a method other than the double-wall gamma technique in compliance with AD 59–7–3, shall be reinspected in accordance with (c), or shall be replaced with cylinders which have been inspected in accordance with (c) and found to exhibit no evidence of cracks.

(c) The inspection techniques and procedures to be applied to all cylinders noted in (a) and (b) shall be those prescribed by section B of Lockheed Field Service Letter No. FS/254049L, dated August 29, 1961, or FAA engineering approved equivalent. The entire periphery of the cap weld shall be inspected.

(d) Any cylinder with a cap weld which is found to exhibit any evidence of cracks when inspected as required by (a) or (b), shall be replaced prior to further flight of the aircraft. Cracked cylinders are not eligible for any further use in certificated aircraft.

(e) The cap welds on all cylinders which have been installed or which have been inspected, found to exhibit no evidence of cracks, and returned to service in accordance with (a) or (b), shall be reinspected in accordance with (c), at periods thereafter not to exceed 5,000 hours' time in service. The first periodic reinspection of any cylinder in service which, prior to the effective date of this AD, was inspected in the manner prescribed by (c) shall be accomplished within 5,000 hours' time in service following the date of that inspection.

(f) Cylinders with the cap welds which exhibit any evidence of cracks during any of these periodic reinspections shall be replaced prior to further flight of the aircraft. Cracked cylinders are not eligible for any further use in certificated aircraft.

(g) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(h) When the cylinders described above are replaced with new cylinders, TPC Co. P/N's 9040A–2A, 9106–2A, and 9291D–2A, incorporating flash welded caps, the inspections specified in (a) through (g), may be discontinued.

(Lockheed Field Service Letter FS/254049L covers this same subject.)

This supersedes AD 59–7–3.

This amendment shall become effective January 9, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 2, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–187; Filed, Jan. 8, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–WA–119]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Advisory Area

On August 26, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8040), stating that the Federal Aviation Agency was considering the designation of a radar jet advisory area within 16 miles either side of Jet Route No. 50 from flight level 240 to flight level 390 inclusive, between Alexandria, La., and Crestview, Fla.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the notice, the following action is taken:

In the text of § 602.200 Enroute Jet Advisory Areas (26 F.R. 7079) the following is added:

Jet Route No. 50 jet advisory area. Radar—Alexandria, La., to Crestview, Fla.

This amendment shall become effective 0001 e.s.t. March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 3, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–186; Filed, Jan. 8, 1962; 8:45 a.m.]

[Airspace Docket No. 61–WA–234]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.48 of the regulations of the Administrator is to alter the descriptions of the Las Vegas, Nev., Restricted Areas R–4806 and R–4808 and the Tonopah, Nev., Restricted Area R–4807.

The Department of the Air Force has stated an urgent and immediate requirement for the alteration of R–4808. This alteration would include portions of R–4806 and R–4807 and would also entail the inclusion of approximately 145 square miles of airspace not previously designated. The Department of the Air Force has stated that this alteration and inclusion of additional airspace is required in support of a classified project and has justified this requirement as a matter of military urgency and necessity, and in the interest of national defense.

For the reasons stated above, the Administrator finds that a condition exists which requires expeditious action in the interest of national defense and safety and that notice and public procedure hereon are impracticable and contrary to the public interest, and that good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

In § 608.48 Nevada, the following changes are made:

1. R–4806 Las Vegas, Nev. (26 F.R. 6233), is amended as follows:

Boundaries. Beginning at latitude 37°–17'00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°23'–00"W.; to latitude 36°35'00" N., longitude 115°37'00" W.; to latitude 36°35'00" N., longitude 115°42'00" W.; to latitude 36°41'00" N.; longitude 115°42'00" W.; to latitude 36°–41'00" N., longitude 115°56'00" W.; to latitude 37°12'00" N., longitude 115°56'00" W.; to latitude 37°12'00" N., longitude 115°45'–00" W.; to latitude 37°17'00" N., longitude 115°45'00" W.; to the point of beginning.

is deleted and

Boundaries. Beginning at latitude 37°17'–00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°23'00" W.; to latitude 36°35'00" N., longitude 115°–37'00" W.; to latitude 36°35'00" N., longitude 115°42'00" W.; to latitude 36°41'00" N., longitude 115°42'00" W.; to latitude 36°41'–00" N., longitude 115°56'00" W.; to latitude 37°06'00" N., longitude 115°56'00" W.; to latitude 37°06'00" N., longitude 115°35'00" W.; to latitude 37°17'00" N., longitude 115°–35'00" W.; to the point of beginning.

is substituted therefor.

2. R–4807 Tonopah, Nev. (26 F.R. 6233) is amended as follows:

Boundaries. Beginning at latitude 36°51'–00" N., longitude 116°33'30" W.; to latitude 37°26'30" N., longitude 117°04'30" W.; to latitude 37°53'00" N., longitude 117°01'00" W.; to latitude 37°53'00" N., longitude 116°–55'00" W.; to latitude 37°47'00" N., longitude 116°55'00" W.; to latitude 37°33'00" N., longitude 116°43'00" W.; to latitude 37°–33'00" N., longitude 116°26'00" W.; to latitude 37°53'00" N., longitude 116°26'00" W.; to latitude 37°53'00" N., longitude 116°11'–00" W.; to latitude 37°42'00" N., longitude 116°11'00" W.; to latitude 37°42'00" N., longitude 115°53'00" W.; to latitude 37°33'00" N., longitude 115°53'00" W.; to latitude 37°–33'00" N., longitude 115°48'00" W.; to latitude 37°17'00" N., longitude 115°48'00" W.; to latitude 37°17'00" N., longitude 115°56'–00" W.; to latitude 37°16'00" N., longitude 115°56'00" W.; to latitude 37°16'00" N., longitude 116°34'00" W.; to the point of beginning.

is deleted and

Boundaries. Beginning at latitude 36°51'–00" N., longitude 116°33'30" W.; to latitude 37°26'30" N., longitude 117°04'30" W.; to latitude 37°53'00" N., longitude 117°01'00" W.; to latitude 37°53'00" N., longitude 116°–55'00" W.; to latitude 37°47'00" N., longitude 116°55'00" W.; to latitude 37°33'00" N., longitude 116°43'00" W.; to latitude 37°–33'00" N., longitude 116°26'00" W.; to latitude 37°53'00" N., longitude 116°26'00" W.; to latitude 37°53'00" N., longitude 116°11'–00" W.; to latitude 37°42'00" N., longitude 116°11'00" W.; to latitude 37°42'00" N., longitude 115°53'00" W.; to latitude 37°33'00" N., longitude 115°53'00" W.; to latitude 37°–33'00" N., longitude 115°48'00" W.; to latitude 37°17'00" N., longitude 115°48'00" W.; to latitude 37°17'00" N., longitude 115°56'–00" W.; to latitude 37°16'00" N., longitude 115°56'00" W.; to latitude 37°16'00" N., longitude 116°34'00" W.; to the point of beginning.

is deleted and

Boundaries. Beginning at latitude 36°41'–00" N., longitude 115°56'00" W.; to latitude 36°41'00" N., longitude 116°26'30" W.; to latitude 36°51'00" N., longitude 116°26'30" W.; to latitude 36°51'00" N., longitude 116°–33'30" W.; to latitude 37°16'00" N., longitude 116°34'00" W.; to latitude 37°16'00" N., longitude 116°00'00" W.; to latitude 37°–28'00" N., longitude 116°00'00" W.; to latitude 37°28'00" N., longitude 115°35'00" W.; to latitude 37°06'00" N., longitude 115°35'–00" W.; to latitude 37°06'00" N., longitude 115°56'00" W.; to the point of beginning.

is substituted therefor.

These amendments shall become effective 0001 e.s.t. January 15, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 2, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–189; Filed, Jan. 8, 1962; 8:45 a.m.]

[Reg. Docket No. 986; Amdt. 250]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those estal lished for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn-10	300-1	300-1	200-½
				T-dn-28	500-1	500-1	500-1½
				C-dn	700-1	700-1	700-1½
				S-dn	NA	NA	NA
				A-dn	900-2	900-2	900-2

Procedure turn S side SW crs, 209° Outbnd, 029° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 085°—1.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles after passing Aniak LFR, turn right climbing to 2300′ on SW crs 209° Outbnd within 20 miles.
NOTES: (1) ADF approach NA. (2) Final approach from holding pattern at Aniak LFR NA. Procedure turn required.
CAUTION: 1000′ terrain 2.1 miles North of Aniak LFR.

City, Aniak; State, Alaska; Airport Name, Aniak; Elev., 86′; Fac. Class., BMRLZ; Ident., ANI; Procedure No. 1, Amdt. 6; Eff. Date, 6 Jan. 62; Sup. Amdt. No. 5; Dated, 16 Dec. 61

PROCEDURE CANCELLED, EFFECTIVE 6 JANUARY 1962.

City, Fort Worth; State, Tex.; Airport Name, Meacham; Elev., 692′; Fac. Class., SBRAZ; Ident., FTW; Procedure No. 2, Amdt. 8; Eff. Date, 15 Nov. 58; Sup. Amdt. No. 7; Dated, 28 May 55

PROCEDURE CANCELLED, EFFECTIVE 6 JANUARY 1962, OR UPON DECOMMISSIONING OF LFR.

City, Greenwood; State, Miss.; Airport Name, Municipal; Elev., 129′; Fac. Class., BMLZ; Ident., GRW; Procedure No. 1, Amdt. 7; Eff. Date, 14 Dec. 57; Sup. Amdt. No. 6; Dated, 4 June 55

Nashville VOR	LFR	Direct	2100	T-dn	300-1	300-1	200-½
Lebanon Int	LFR	Direct	2100	C-dn	400-1	500-1	500-1½
Brentwood HW (LOM)	LFR	Direct	2100	S-dn-23	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes: 346°-195° within 10 miles, 2000′; 346°-196° within 10-25 miles, 2500′; 195°-346° within 25 miles, 3000′. All bearings and distances are from radar site with sector azimuths progressing clockwise.
Procedure turn North side of crs, 066° Outbnd, 246° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 249°—2.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles, climb to 3000′ on SW crs within 15 miles.
CAUTION: 2049′ tower 11 miles SW of airport.

City, Nashville; State, Tenn.; Airport Name, Nashville Municipal (Berry Field); Elev., 605′; Fac. Class., SBRAZ; Ident., BA; Procedure No. 1, Amdt. 10; Eff. Date, 6 Jan. 62; Sup. Amdt. No. 9; Dated, 9 Dec. 61

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
TRI-VOR	LOM (HW)	Direct	6000	T-dn	300-1	300-1	*200-½
Telford Int	LOM (HW)	Direct	4100	C-dn	900-1	900-1	900-1½
Hilton Int	LOM (HW)	Direct	5000	C-n#	900-2	900-2	900-2
Int BFO-VOR R-187 and brng 224° to LOM (HW).	LOM (HW) (Final)	Direct	4100	S-d-22#	900-1	900-1	900-1
				S-n-22#	900-2	900-2	900-2
				A-dn	1000-2	1000-2	1000-2

Procedure turn East side of crs, 044° Outbnd, 224° Inbnd, 4100′ within 10 mi. Nonstandard due to terrain NW.
Minimum altitude over facility on final approach crs, %3800′.
Crs and distance, facility to airport, 224°—6.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 miles, climb to 4000′ on crs of 224° from LOM (HW) within 20 miles or, when directed by ATC, turn left, climb to 4100′ and return via crs of 044° to LOM (HW).
CAUTION: Abrupt changes in terrain elevation immediately adjacent to procedure areas.
*Runway 4 and 22 only.
#No reduction of any landing ceiling or visibility minimum is authorized.
%Descent from 4100′ authorized in holding pattern at LOM (HW). Descent from 4100′ also authorized on final after passing TRI-VOR R-332.

City, Bristol; State, Tenn.; Airport Name, Tri-City Municipal; Elev., 1519′; Fac. Class., LOM (HW); Ident., BRI; Procedure No. 1, Amdt. Orig.; Eff. Date, 6 Jan. 62, or upon com. of facility

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Brownsville VOR	BO RBn	Direct	1600	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-17R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn West side of crs, 335° Outbnd, 155° Inbnd, 1600′ within 10 mi.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 155°—2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.0 miles, turn left, climb to 1600′ on BO RBn brng 065° within 20 mi.
CAUTION: 156′ water tank 0.5 mi WEST of airport.

City, Brownsville; State, Tex.; Airport Name, Rio Grande Valley International; Elev., 22′; Fac. Class., BII; Ident., BO; Procedure No. 2, Amdt. Orig.; Eff. Date, 6 Jan. 62; or upon com. of facility

CRP VOR	CP RBn	Direct	1400	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn North side of crs, 039° Outbnd, 219° Inbnd, 1400′ within 10 mi.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 216°—2.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles, turn left, climb to 1400′ on the 039° brng from CP RBn within 20 miles or, when directed by ATC, turn right and climb to 1800′ on brng 231° within 20 mi.

City, Corpus Christi; State, Tex.; Airport Name, International; Elev., 44′; Fac. Class., BII; Ident., CP; Procedure No. 2, Amdt. Orig.; Eff. Date, 6 Jan. 62, or upon com. of facility

				T-dn	300-1	300-1	
				C-dn	500-1	500-1½	
				S-dn-3	500-1	500-1	
				A-dn*	NA	NA	

Procedure turn West side of crs, 210° Outbnd, 030° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 030°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles, make a right climbing turn to 2000′ to intercept the 068° brng from RKD MHW. Reverse course and return to RKD MHW at 2000′. Hold RKD MHW one-minute, right turns, 030° Inbnd.
NOTE: Rockland RBn operated by town of Rockland, Maine.
CAUTION: Lights inoperative on Runway 17-35.
*Alternate minimums of 800-2 authorized for those who have approved arrangements for weather service at the airport.

City, Rockland; State, Maine; Airport Name, Rockland Municipal; Elev., 60′; Fac. Class., MHW; Ident., RKD; Procedure No. 1, Amdt. 2; Eff. Date, 6 Jan. 62; Sup. Amdt. No. 1; Dated, 18 June 54

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 237° Outbnd, 057° Inbnd, 1600′ within 10 mi.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 057°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi, climb to 1800′ on R-057 within 15 mi or, when directed by ATC, make right turn, climbing to 1600′ and return to GRW VOR.
Other change: Deletes transition from Greenwood LFR.

City, Greenwood; State, Miss.; Airport Name, Municipal; Elev., 120′; Fac. Class., BVOR; Ident., GRW; Procedure No. 1, Amdt. 2; Eff. Date, 6 Jan. 62; Sup. Amdt. No. 1; Dated, 14 Dec. 57

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-22	400-1	400-1	400-1
				A-dn*	800-2	800-2	800-2

Procedure turn N side of crs, 052° Outbnd, 232° Inbnd, 2000′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 232°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 mi. after passing Kinston VOR, make immediate right climbing turn to 2000′, returning to ISO VOR.
CAUTION: 390′ MSL radio tower 2 mi. SW of airport.
Other change: Deletes transitions and transition note.
*Authorized as an alternate for air carriers only; provided they have approval of communications and weather service at this airport. Weather service not available to the general public.

City, Kinston; State, N.C.; Airport Name, Stallings Field; Elev., 93′; Fac. Class., BVOR; Ident., ISO; Procedure No. 1, Amdt. 2; Eff. Date, 6 Jan. 62; Sup. Amdt. No. 1; Dated, 7 Jan. 61

Nashville LFR	BNA-VOR	Direct	2000	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-31	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes: 346°-195° within 10 miles, 2000′; 346°-195° within 10-25 miles, 2500′; 195°-346° within 25 miles, 3000′. All bearings and distances are from radar site with sector azimuths progressing clockwise.
Procedure turn N side of crs, 131 Outbnd, 311 Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 318°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles, climb to 3000′ on R-335 within 20 miles.
CAUTION: High tension line 138′ above field elevation between the VOR station and the airport.

City, Nashville; State, Tenn.; Airport Name, Nashville Municipal; Elev., 605′; Fac. Class., BVORTAC; Ident., BNA; Procedure No. 1, Amdt. 10; Eff. Date, 6 Jan. 62; Sup. Amdt. No. 9; Dated, 25 Nov. 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
BTL VOR	AZO VOR	Direct	2500	T-dn	300-1	300-1	200-½
GRR LOM	AZO VOR	Direct	3000	C-dn	700-1	700-1	700-1½
PMM VOR	AZO VOR	Direct	2500	S-dn-17*	700-1	700-1	700-1
ELX VOR	AZO VOR	Direct	2900	A-dn**	NA	NA	NA
Cooper Int	AZO VOR	Direct	2500				
Leroy Int	AZO VOR	Direct	2500				
Lawton Int	AZO VOR	Direct	2900				
Centerville Int	AZO VOR	Direct	2500				
Int R-258 LFD and R-180 AZO	AZO VOR	Direct	2500				

Procedure turn West side of crs, 002° Outbnd, 182° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, breakoff point to Runway 17, 173°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing AZO VOR, climb to 2500′ on R-182 within 20 miles.
NOTE: All approaches controlled by Battle Creek CS/T.
*400-1 minimums authorized for aircraft equipped with functioning dual omni receivers after passing the R-270 of the BTL VOR inbound on the final approach course.
**AIR CARRIER NOTE: Alternate minimums 800-2 authorized for those air carriers with weather reporting service.
#1300′ minimum altitude over facility on final approach if 400-1 straight-in minimums authorized.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo; Elev., 874′; Fac. Class., VVOR; Ident., AZO; Procedure No. TerVOR-17, Amdt. Orig.; Eff. Date, 6 Jan. 62

BTL VOR	AZO VOR	Direct	2500	T-dn	300-1	300-1	200-½
GRR LOM	AZO VOR	Direct	3000	C-dn	500-1	500-1	500-1½
PMM VOR	AZO VOR	Direct	2500	S-dn-35*	500-1	500-1	500-1
ELX VOR	AZO VOR	Direct	2900	A-dn**	NA	NA	NA
Cooper Int	AZO VOR	Direct	2500				
Leroy Int	AZO VOR	Direct	2500				
Lawton Int	AZO VOR	Direct	2900				
Centerville Int	AZO VOR	Direct	2500				
Int R-258 LFD and R-180 AZO	AZO VOR	Direct	2500				

Procedure turn East side of crs, 168° Outbnd, 348° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, breakoff point to Runway 35, 353°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing AZO VOR, climb to 3000′ on R-348 within 20 miles.
NOTE: All approaches controlled by Battle Creek CS/T.
*400-1 minimums authorized for aircraft equipped with functioning dual omni receivers after passing the R-233 of the BTL VOR inbound on the final approach course.
**AIR CARRIER NOTE: Alternate minimums 800-2 authorized for those air carriers with weather reporting service.
#1300′ minimum altitude over facility on final approach if 400-1 straight-in minimums authorized.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo; Elev., 874′; Fac. Class., BVOR; Ident., AZO; Procedure No. TerVOR-35, Amdt. Orig.; Eff. Date, 6 Jan. 62

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	
				C-d	600-1	600-1	
				C-n	600-2	600-2	
				S-d-15	500-1	500-1	
				S-n-15	500-2	500-2	
				A-dn*	NA	NA	

Procedure turn West side of crs, 320° Outbnd, 140° Inbnd, 2800′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, breakoff point to approach end of runway, 147°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right, climb to 2900′ on R-185 RIII-VOR within 20 miles.
NOTE: 122.1 receiver remoted from Rhinelander VOR to Wausau FSS.
CAUTION: Radio Towers 1933′ MSL 3.5 miles East and 1919′ MSL 1.7 miles ESE of airport.
*AIR CARRIER NOTE: 800-2 authorized for those air carriers with weather reporting service.

City, Rhinelander; State, Wis.; Airport Name, Rhinelander-Oneida County; Elev., 1599′; Fac. Class., BVOR; Ident., RIII; Procedure No. TerVOR-15, Amdt. Orig.; Eff. Date, 6 Jan. 62

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceiling. are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
16 mi fix R-324	6 mi fix R-324 (Final)	Direct	2000	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-13	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes: 300°-100° within 25 miles, 1900′; 100°-180° within 25 miles, 1600′; 180°-300° within 10 miles, 1600′; 180°-300° within 10-15 miles, 1700′; 180°-300° within 15-25 miles, 2700′. All bearings and distances are from radar site on Robins Air Force Base with sector azimuths progressing clockwise.
Procedure turn West side of crs, 324° Outbnd, 144° Inbnd, 2000′ between 6 and 16 miles of VOR. Beyond 16 mi NA.
Facility on airport.
Minimum altitude over 6 mi fix R-324 on final approach crs, 2000′.
Crs and distance, breakoff point to approach end of Runway 13, 129°—0.22 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, turn right and climb to 2000′ on R-324 within 16 miles.
NOTE: When authorized by ATC, DME may be used within 16 miles at 2000′ in all directions to position aircraft for a final approach with the elimination of a procedure turn.

City, Macon; State, Ga.; Airport Name, Macon Municipal (Cochran); Elev., 354′; Fac. Class., LBVORTAC; Ident., MCN; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. Date, 6 Jan. 62

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Anchorage LFR	LOM	Direct	1500	T-dn*	300-1	300-1	200-½
Delta Island Int	LOM	Direct	1500	C-dn	600-1	600-1	600-1½
Susitna Int	LOM	Direct	1500	S-dn-6**	200-½	200-½	200-½
Turnagain Int	LOM	Direct	1500	A-dn	600-2	600-2	600-2
Anchorage VOR	LOM	Direct	1500				

Radar transitions to final approach course authorized. Radar transitions and vectoring using Anchorage radar authorized in accordance with approved radar patterns
Procedure turn S side of W crs, 244 Outbnd, 064 Inbnd, 1500′ within 10 mi of LOM.
Minimum altitude at G.S. interception inbnd, 1500′.
Altitude of G.S. and distance to approach end of runway at OM, 1486′—4.4 mi; at MM, 336′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 1500′ on SW crs AC-LFR within 20 miles or, when directed by ATC, climb to 1500′ on W crs ILS (244°) within 20 miles of LOM.
CAUTION: Terrain 384′ MSL 1.6 miles SSW of airport and 1.6 miles S of approach to Runway 6.
NOTE: Narrow localizer course 4 degrees.
Other change: Deletes portion of caution note regarding unuseable sectors.
*Runway visual range 2600′ also authorized for takeoff on Runway 6 in lieu of 200-½ when 200-½ is authorized provided high intensity runway lights are operational.
**Runway visual range 2600′ also authorized for landing on Runway 6; provided all components of the ILS, high intensity runway lights, approach lights, condenser discharge flasher, middle and outer compass locators and all related airborne equipment are operating satisfactory. Descent below 324′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of the clouds.

City, Anchorage; State, Alaska; Airport Name, Anchorage International; Elev., 124′; Fac. Class., ILS; Ident., I-ANC; Procedure No. ILS-6, Amdt. 11; Eff. Date, 6 Jan. 62; Sup. Amdt. No. 10; Dated, 29 Apr. 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE 6 JANUARY 1962.							
City, Augusta; State, Ga.; Airport Name, Bush; Elev., 142'; Fac. Class., ILS; Ident., I-AGS; Procedure No. ILS-17, Amdt. 2; Eff. Date, 26 Nov. 60; Sup. Amdt. No. 1; Dated, 14 June 58							
CLT VOR	LOM	Direct	2100	T-dn	300-1	300-1	200-½
Fort Mill VOR	Clover Int**	Direct	2300	C-dn	400-1	500-1	500-1½
Clover Int**	LOM (Final)	Direct	2300	S-dn-5*	200-½	200-½	200-½
Union Int	York Int	Direct	3000	A-dn	600-2	600-2	600-2
Bradley Int	LOM	Direct	2900				
Mount Holly Int	LOM	Direct	2300				
Weddington Int	LOM	Direct	2100				
Fort Mill VOR	LOM	Direct	2300				
Bethany Int	LOM	Direct	2300				
York Int	Clover Int**	Direct	2300				

Procedure turn N side of SW crs, 230° Outbnd, 050° Inbnd, 2300' within 10 miles.
Minimum altitude at glide slope int inbnd, 2300'.
Altitude of O.S. and distance to appr end of rny at OM 2290'—4.6 mi, at MM 950'—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2900' on CLT-VOR R-051 within 20 miles or, when directed by ATC, turn left, climb to 2400' on FML-VOR R-007 to Mount Holly Int or turn right, climb to 2100' on R-007 to FML-VOR.
*400-¾ required when glide slope not utilized.
**Clover Int: Int R-329 FML-VOR and CLT-ILS SW crs.

City, Charlotte; State, N.C.; Airport Name, Douglas Municipal; Elev., 748'; Fac. Clas., ILS; Ident., I-CIT; Procedure No. ILS-5, Amdt. 17; Eff. Date, 6 Jan. 62; Sup. Amdt. No. 16; Dated, 15 Apr. 61

LAX RBn	Compton Int (Final)*	Direct	1600	T-dn#	300-1	300-1	200-½
				C-dn	800-2	800-2	800-2
				S-dn-12	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectors to final approach course utilizing Long Beach Radar authorized in accordance with approved patterns.
Procedure turn NA.
Minimum altitude over *Compton Int on final approach crs, 1600'.
Crs and distance, *Compton Int to airport, 120°—5.5 mi.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 mi of *Compton Int, climb via the SE crs of the localizer to 1000', intercept and proceed via the R-171 Long Beach VOR to Albacore Int at 1500' or, when directed by ATC, climb via the SE crs of the localizer to 1500' and proceed to the Long Beach LOM.
CAUTION: 500' hill with oil derricks one mile south of airport, all maneuvering and circling shall be accomplished North of field.
#300-1 required for takeoff on Runways 16L, 25L, 34R; 600-1¼ required for takeoff on Runway 16R.
*Compton Int: Int NW (back) crs LGB ILS and 042° brng to Dow RBn.

City, Long Beach; State, Calif.; Airport Name, Long Beach Municipal; Elev., 58'; Fac. Class., ILS; Ident., I-LGB; Procedure No. ILS-12, Amdt. Orig.; Eff. Date, 6 Jan. 62

Ventura VOR	Thousand Oaks Int*	Direct	5000	T-dn	300-1	300-1	300-1
Thousand Oaks Int*	Woodland Int (Final)**	Direct	3200	C-d	700-1	700-1	700-1½
Twin Lakes Int	Woodland Int**	Direct	4000	C-n	700-2	700-2	700-2
Fillmore VOR	Woodland Int**	Direct	4500	A-dn	800-2	800-2	800-2
Int. LAX VOR R-277 and LHS R-169	Woodland Int**	Direct	4500				
				If 4 mi. radar fix received west of airport, the following minimums apply:			
				C-dn	500-1	500-1	500-1½

Radar transitions and vectoring using Burbank Radar via approved patterns authorized.
Procedure turn not authorized. Holding at Woodland Int, right hand 1 minute 4000'.
Minimum altitude over **Woodland Int on final approach crs, 3200'; at 4 mile radar fix, 2000'.
Crs and distance, Woodland Int** to airport, 076°—6.5 mi.
BUR ILS OM on Van Nuys Airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead within 3.0 miles of BUR ILS OM, reverse course to the left and climb via W crs BUR ILS Loc. to Woodland Int. Cross **Woodland Int at minimum altitude 3200'.
CAUTION: Disregard glide slope indications.
*Thousand Oaks Int: Int W crs BUR ILS and Fillmore VOR R-148.
**Woodland Int: Int W crs BUR ILS and Fillmore VOR R-111.

City, Van Nuys; State, Calif.; Airport Name, Van Nuys; Elev., 799'; Fac. Class., BUR ILS Loc.; Ident., I-BUR; Procedure No. ILS-08, Amdt. Orig.; Eff. Date, 6 Jan. 62

7. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE 6 JANUARY 1962.							
City, Ewa; State, Hawaii; Airport Name, NAS Barbers Point; Elev., 21'; Fac. Class. and Ident., Barbers Point Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 28 May 60							
All directions	Radar site	Within 25 miles	1500	Surveillance approach			
				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-9, 23, 27, and 30.	400-1	400-1	400-1
				S-dn-5, 12	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar control will provide 1000' vertical clearance within a 2-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of radio antenna towers 995' MSL 7.1 mi, 1003' 6.3 mi, and 615' MSL 10.3 mi South of radar antenna, and also must provide separation from restricted area R-161A.
Procedure turn NA.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1500' straight ahead, then proceed to JX-LFR or VOR.
Other change: Deletes Runway 18 for straight-in.

City, Jacksonville; State, Fla.; Airport Name, Imeson; Elev., 52'; Fac. Class. and Ident., Imeson Radar; Procedure No. 1, Amdt. 2; Eff. Date, 6 Jan. 62; Sup. Amdt. No. 1; Dated, 2 July 55

PROCEDURE CANCELLED, EFFECTIVE 6 JANUARY 1962.

City, Santa Ana; State, Calif.; Airport Name, Orange County; Elev., 54'; Fac. Class. and Ident., El Toro Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 22 Apr. 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., December 4, 1961.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-21; Filed, Jan. 8, 1962; 8:53 a.m.]

[Reg. Docket No. 995; Amdt. 251]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Scarsdale VHF Int	LA-LFR (Final)	Direct	*1500	T-dn¢	300–1	300–1	300–1½
				C-dn#	700–1	700–2	700–2
				S-dn-22R**	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn N side NE crs, 043° Outbnd, 223° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′** (1000′** authorized after New Rochelle MHW). Crs and distance, facility to airport, 223°—2.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing La Guardia LFR, climb to 2500′ on SW crs La Guardia LFR to Coney Island Int. Hold Coney Island Int right turns, one-minute, 043° inbnd.
CAUTION: Standard clearance not provided over obstructions in final approach area and in missed approach area. Bridge towers 383′ msl 2.5 mi NE; tank 422′ msl 2 mi North.
NOTE: La Guardia LFR must be monitored aurally if ADF approach is made on this procedure.
*If New Rochelle MHW not received, straight-in minimums not authorized.
**Descent to landing minimums authorized only after passing La Guardia LFR.
¢Takeoff minimums for Runways 4 and 31 will not be less than 200–1 during periods when tower advisories indicate presence of surface ships in channel.
#AIR CARRIER NOTE: Sliding scale not authorized for landings on Runways 13, 31, and 22.

City, New York; State, N.Y.; Airport Name, La Guardia; Elev., 20′; Fac. Class., SABRAZ; Ident., LA; Procedure No. 1, Amdt. 9; Eff. Date, 11 Jan. 62; Sup. Amdt. No. 8; Dated, 11 Nov. 61

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	300–1	300–1
				C-d	500–1	500–1	500–1½
				C-n	500–1	600–1	600–1½
				A-dn*	NA	NA	NA

Procedure turn W side of crs 038° Outbnd, 218° Inbnd, 2000 within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 218°—2.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles, make a right climbing turn, climb to 2000′ on brng to 250° from Bar Harbor MHW within 10 mi.
Reverse crs and return to Bar Harbor MHW at 2000′, hold BHB MHW one-minute right turns, 055° inbnd.
AIR CARRIER NOTE: No reduction in minimums authorized.
NOTE: Facility must be monitored aurally during approach.
*Alternate minimums of 800–2 authorized for those who have approved arrangement for weather service at the airport.

City, Bar Harbor; State, Maine; Airport Name, Municipal; Elev., 84′; Fac. Class., MHW; Ident., BHB; Procedure No. 1, Amdt. 3; Eff. Date, 13 Jan. 62; Sup. Amdt. No. 2; Dated, 18 June 54

Boston LFR to LOM	LOM	Direct	1800	T-dn%	300–1	300–1	200–1½
East Boston Int to LOM	LOM	Direct	1500	C-dn	600–1	600–1	600–1½
Franklin Int to Brng 035° to LOM*	LOM	085°–12.4	1800	S-dn-4L-R	600–1	600–1	600–1
Bedford RBn to LOM	LOM	Direct	2300	A-dn	800–2	800–2	800–2
Radar Terminal Area Transitions to Radar Site.		Within 25 mi	@1900				

Procedure turn East side of South crs, 215° Outbnd, 035° Inbnd, 1800′ within 10 mi.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 035°—5.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing LOM, climb to 1300′ on crs 035° from LOM within 15 miles or, when directed by ATC, make a right turn to 1500′ on East crs Boston LFR.
CAUTION: Straight-in and circling minimums do not provide standard clearance over 370′ stacks SW of airport. 1349′ TV tower 10.5 mi W of airport.
NOTE: All fixes may be determined and supplemented by surveillance radar.
NOTE: Nonstandard approach light system serving Runway 4R contains displaced outboard green threshold lights 2523′ from runway end.
% Except where radar vectoring is used, and when weather is 1000–3 or below, departures from Rby 27 make left or right turn as soon as practicable and departures from Runways 22 and 33 climb straight ahead to at least 1000′ prior to proceeding toward 1349′ WHZ-TV tower.
@Except 2300′ when more than 6 mi from airport between SW and NW courses of Boston LFR.
*Final authorized after interception of final approach course inbound.

City, Boston; State, Mass.; Airport Name, Logan; Elev., 19′; Fac. Class., LOM; Ident., BO; Procedure No. 1, Amdt. 11; Eff. Date, 13 Jan. 62; Sup. Amdt. No. 10; Dated, 10 June 61

PROCEDURE CANCELLED, EFFECTIVE 13 JANUARY 1962, OR UPON DECOMMISSIONING OF FACILITY.

City, Detroit; State, Mich.; Airport Name, Detroit City; Elev., 626′; Fac. Class., MH; Ident., DET; Procedure No. 1, Amdt. 7; Eff. Date, 22 Feb. 58; Sup. Amdt. No. 6; Dated, 18 Aug. 56

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
HSV-VOR	LOM	Direct	3000	T-dn	300–1	300–1	200–½
Gurley Int	LOM	Direct	3000	C-d#	800–1½	900–1½	900–2
Hobbs Island Int	LOM	Via R-158 HSV-VOR and brng 357° to LOM.	3000	C-n#	800–2	900–2	900–2
				S-d-18	800–1	800–1	800–1
				S-n-18	800–2	800–2	800–2
Princeton Int	LOM	Direct	3000	A-dn	1000–2	1000–2	1000–2

Procedure turn West side of crs, 357° Outbnd, 177° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 177°—6.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 mi of LOM, climb to 3000′ on R-158 HSV-VOR within 15 miles or, when directed by ATC, climb to 3000′ on crs of 177°, turn right and return direct to LOM.
CAUTION: #Circling approaches, avoid high terrain 1.3 mi E of airport.

City, Huntsville; State, Ala.; Airport Name, Huntsville; Elev., 619′; Fac. Class., LOM; Ident., HS; Procedure No. 1, Amdt. 1; Eff. Date, 13 Jan. 62; Sup. Amdt. No. Orig; Dated, 30 Dec. 61

Amboy VHF Int	LOM (Final)	Direct	1000	T-dn	300–1	300–1	200–½
Chatham RBn	LOM	Direct	2000	C-dn	600–1	600–1	600–1½
Radar Transitions:		Within:		S-dn-4	600–1	600–1	600–1
S Quadrant Newark LFR	Radar Site	15 mi	1500	A-dn	800–2	800–2	800–2
NE sector from 058° to 090°	Radar Site	20 mi	2500				
All other sectors	Radar Site	20 mi	2000				

Procedure turn West side of crs, 217° Outbnd, 037° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 037°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles, climb to 1000′ on crs 037° from LOM, then make left climbing turn to 2000′ direct to Chatham RBn. Hold SW CAT RBn, 2000′, right turns, one minute, inbnd crs 065°.
Other changes: Deletes transitions from New Brunswick Int, Colts Neck VOR and Newark LFR.

City, Newark; State, N.J.; Airport Name, Newark; Elev., 18′; Fac. Class., LOM; Ident., EW; Procedure No. 1, Amdt. 15; Eff. Date, 11 Jan. 62; Sup. Amdt. No. 14; Dated, 22 July 61

Sandy Hook VHF Int	Scotland RBn	Direct	1500	T-dn	300–1	300–1	200–½
Scotland RBn	IDL RBn	Direct	1000	C-dn	500–1	500–1	500–1½
Radar Terminal Area Transitions:	All directions	Within		S-dn-4R, 4L	500–1	500–1	500–1
	E of NE-SW crs of LGA-LFR	Within 15 miles	1500	A-dn	800–2	800–2	800–2

Procedure turn South side of crs 223° Outbnd, 043° Inbnd, 1200′ within 10 miles of OM/RBn.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to Runway 4R, 043°—2.6 mi; to Runway 4L, 032°—2.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles after passing OM/RBn, climb to 500′ on crs of 043° from OM/RBn, then make a right climbing turn to 1500′ and proceed to Lido RBn and hold SW. 1 min right turns inbound course 035°.
CAUTION: Circling landing minimums do not provide standard clearance over stack 278′ MSL 1.7 mi SSE of airport.

City, New York; State, N.Y.; Airport Name, International; Elev., 12′; Fac. Class., MHW; Ident., IDL; Procedure No. 1, Amdt. 19; Eff. Date, 11 Jan. 62; Sup. Amdt. No. 18; Dated, 5 Mar. 60

Idlewild VOR	LOM	Direct	1500	T-dn	300–1	300–1	200–½
Deer Park VHF Int	*Roslyn Int	Via LGA VOR R-100.	2000	C-dn	500–1	500–1	500–1½
				S-dn-22L	500–1	500–1	500–1
Roslyn Int*	LOM (final)	Direct	1500	A-dn	800–2	800–2	800–2

Radar transitions: All directions 2500′ within 25 miles East of NE/SW crs LGA-LFR; 1500′ within 15 miles.
Procedure turn East side NE crs, 043° Outbnd, 223° Inbnd, 1500′ within 10 mi of LOM (Nonstandard to avoid LaGuardia traffic).
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 223°—5.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1000′ direct to Scotland MHW/Int. After Scotland, climb to 1500′, hold SW on Scotland MHW/Int one minute, right turns, inbound course 044°.
CAUTION: Circling minimums do not provide clearance over 278′ stack 1.1 mi SE of Runway 4R and 185′ control tower on airport.
Other change: Deletes transitions from Glen Cove MHW and Mitchel LFR.
*Roslyn Int: Int LGA-VOR R-101 and 043° brng from IDL LOM.

City, New York; State, N.Y.; Airport Name, International; Elev., 12′; Fac. Class., LOM; Ident., IW; Procedure No. 2, Amdt 1; Eff. Date, 11 Jan. 62; Sup. Amdt. No. Orig.; Dated, 10 Dec. 60

Liberty VHF Int	Prospect VHF Int	Via IDL R-271	2500	T-dn*	300–1	300–1	200–½
Prospect VHF Int	LOM (final)	Direct	1200	C-dn**	700–1	700–2	700–2
LGA-VOR	LOM	Direct	2500	S-dn-4**	500–1	500–1	500–1
LGA-LFR	LOM	Direct	2500	A-dn	800–2	800–2	800–2

Radar transitions authorized in accordance with approved radar patterns.
Procedure turn South side of crs, 224° Outbnd, 044° Inbnd, 2500′ within 10 mi of LOM.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 044°—2.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 mi after passing LOM, climb to 2500′ on crs 043° or NE crs LaGuardia LFR to New Rochelle RBn. Hold New Rochelle RBn right turns, one-minute, 043° inbnd.
NOTE: LaGuardia LFR must be monitored during ADF approach.
CAUTION: (1) Standard clearance not provided over obstructions in final approach area and in missed approach area. (2) Unlighted obstructions in approach zone (Runway 4) protruding 40′ above lights at beginning of approach lightlane decreasing to 10′ above lights at 1100′ from approach end of runway. (3) Tower 415′ msl 3.8 mi SW; tower 390′ msl 3.5 mi SW; bldg 968′ msl 6.7 mi SW.
*Takeoff minimums for Runways 4 and 31 will not be less than 200–1 during such periods when tower advisories indicate presence of surface ships in channel.
**AIR CARRIER NOTE: Sliding scale not authorized for landing on Runways 13/31 and 22.

City, New York; State, N.Y.; Airport Name, LaGuardia; Elev., 20′; Fac. Class., LOM; Ident., LG; Procedure No. 1, Amdt. 16; Eff. Date, 11 Jan. 62; Sup. Amdt. No. 15; Dated, 11 Nov. 61

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
RST-VOR	RST LOM	Direct	2500	T-dn	300–1	300–1	200–½
ODI-VOR	Bell Int*	Direct	2800	C-dn	400–1	500–1	500–1½
Bell Int*	RST LOM (Final)	Direct	2500	S-dn-31	400–1	400–1	400–1
Byron Int**	RST LOM	Direct	2500	A-dn	800–2	800–2	800–2

Procedure turn North side crs, 127° Outbnd, 307° Inbnd, 2500′ within 10 mi.
Crs and distance, facility to airport, 307°—4.3 mi.
Minimum altitude over facility on final approach crs, 2500′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, climb to 2500′ on 307° crs from LOM within 20 mi or, when directed by ATC, make left climbing turn to 3000′, proceed direct to the RST-VOR.
*Bell Int: Int RST-VOR R-076 and 307° brng to LOM.
**Byron Int: Int RST-VOR R-351 and 127° brng to LOM.

City, Rochester; State, Minn.; Airport Name, Rochester Municipal; Elev., 1310′; Fac. Class., LOM; Ident., RS; Procedure No. 1 Amdt. 4; Eff. Date, 13 Jan. 62; Sup. Amdt. No. 3; Dated, 11 Nov. 61

SAT-VOR	LOM	Direct	2500	T-dn	300–1	300–1	200–½
SAT RBn	LOM	Direct	2500	C-dn	600–1	600–1	*600–1½
				S-dn-12	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Radar terminal area maneuvering altitudes measured clockwise around radar antenna site:
045° to 150° 0–25 mi 2000′.
150° to 230° 0–10 mi 2200′, 10–25 mi 2000′.
230° to 045° 0–10 mi 2200′, 10–15 mi 2500′, 15–20 mi 3000′.
Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of radio towers 2049′ MSL 19 mi SE, 1241′ MSL 5 mi SSE, 1190′ MSL 10 mi SE, 1107′ MSL 3.5 mi SE of airport.
Procedure turn West side of NW crs, 308° Outbnd, 123° Inbnd, 3000′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over LOM on final approach crs, 2600′.
Crs and distance, facility to airport, 123°—5.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, intercept and climb to 3000′ on 174° brng from SAT RBn within 20 miles or, when directed by ATC, turn right, climb to 3000′ on SAT VOR R-158 within 20 miles.
*Runway 17–35 restricted to 2-engine aircraft and smaller.

City, San Antonio; State, Tex.; Airport Name, International; Elev., 808′; Fac. Class., LOM; Ident., AN; Procedure No. 3, Amdt. 5; Eff. Date, 13 Jan. 62; Sup. Amdt. No. 4; Dated, 9 Dec. 61

Chatham RBn	EB LMM	Direct	2000	T-dn	300–1	300–1	200–1
Newark LOM	EB LMM	Direct	1800	C-dn	1000–1	1000–1	1000–1½
Paterson RBn	EB LMM	Direct	2000	A-dn	1000–2	1000–2	1000–2
Morristown VHF Int	EB LMM	Direct	2000				

Radar sectors may be utilized to effect the above transitions.
Procedure turn W side of crs, 230° Outbnd, 050° Inbnd, 1800′ within 10 mi of OM.
Minimum altitude over EB LMM on final approach, 1400′#.
Crs and distance OM to airport, 050°—4.1 mi.
Crs and distance, EB—LMM to airport, 050°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.5 mi after passing EB-LMM, make a climbing left turn to 2000′ on direct crs to Paterson RBn.
CAUTION: Teterboro OM and Newark OM at approximately same geographic location and signals are simultaneously keyed to indicate one OM serving two ILS systems. Empire State Building 1822′, 6.5 miles SE of airport.
#Descent to airport minimums authorized after passing OM; if OM not received maintain 1400′.

City, Teterboro; State, N.J.; Airport Name, Teterboro; Elev., 7′; Fac. Class., LMM; Ident., EB; Procedure No. 1, Amdt. 3; Eff. Date, 11 Jan. 62; Sup. Amdt. No. 2; Dated, 30 May 59

Herndon VOR	GTN-ADF	Direct	1800	T-dn	300–1	300–1	200–½
Springfield MHW	GTN-ADF	Direct	1800	C-dn	900–1	900–1	900–1½
Washington LFR	GTN-ADF	Direct	1800	S-dn-15, 18	900–1	900–1	900–1
				A-dn	1000–2	1000–2	1000–2

Procedure turn W side of crs, 330° Outbnd, 150° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 150°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing Georgetown MHW, climb to 1000′ on crs of 150°, make a right turn and proceed to DA-LFR at 1500′.
NOTE: Radar transition altitudes: 1500′ in the E, W, and S quadrants of the Washington LFR and 1800′ in the N quadrant within 25 miles of the Washington National Airport. 2500′ in all quadrants within 40 miles, exclusive of danger and prohibited areas. Radar fixes may be substituted for all fixes shown.
Other change: Deletes transition from Riverdale MHW.

City, Washington; State, D.C.; Airport Name, National; Elev., 16′; Fac. Class., MHW; Ident., GTN; Procedure No. 3, Amdt. 7; Eff. Date, 13 Jan. 62; Sup. Amdt. No. 6, Dated, 2 Sept. 61

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Nashville LFR	BNA-VOR	Direct	2000	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-31	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar Terminal Area Transition Altitudes: 346°–195° within 10 miles, 2000′; 346°–195° within 10–25 miles, 2500′; 195°–346° within 25 miles, 3000′. All bearings and distances are from radar site with sector azimuths progressing clockwise.
Procedure turn N side of crs, 132° Outbnd, 312° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 312°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles, climb to 3000′ on R-335 within 20 miles.
CAUTION: High tension line 138′ above field elevation between the VOR station and the airport.

City, Nashville; State, Tenn.; Airport Name, Nashville Municipal; Elev., 605′; Fac. Class., BVORTAC; Ident., BNA; Procedure No. 1, Amdt. 11; Eff. Date, 13 Jan. 62; Sup. Amdt. No. 10; Dated, 6 Jan. 62

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
BL-LFR	BAL VOR	Direct	1500	T-dn	300–1	300–1	300–1½
Bowie Int	BAL VOR	Direct	1800	C-dn	500–1	500–1	500–1½
				C-dn	500–1	500–1	500–1½
				S-dn-28#	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved Radar procedures.
Procedure turn North side of crs, 096° Outbnd, 276° Inbnd, 1500′ within 10 mi of Green Haven Int.*
Minimum altitude over facility on final approach crs, 646′. Maintain 1300′ until passing Green Haven Int.*
Crs and distance, breakoff point to approach end of runway, 284°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing BAL VOR, climb to 2000′ on R-276 BAL VOR within 20 miles. Return to VOR, hold on R-276 one-minute right turns.
CAUTION: Procedure turn NA when Restricted Area R-4001 in use.
Other change: Deletes transition from Beltsville FM.
#Descend to landing minimums after passing Green Haven Int.*
*Int R-096 BAL VOR and S crs BAL LFR.

City, Baltimore; State, Md.; Airport Name, Friendship International; Elev., 146′; Fac. Class., BVORTAC; Ident., BAL; Procedure No. TerVOR-28, Amdt. 5; Eff. Date, 13 Jan. 62; Sup. Amdt. No. 4; Dated, 16 Sept. 61

Bedford HW	BOS-VOR	Direct	1700	T-dn%	300–1	300–1	200–½
Boston LFR	BOS-VOR	Direct	1500	C-dn	700–1	700–1	700–1½
Squantum RBn	BOS-VOR	Direct	1500	S-dn-4	700–1	700–1	700–1
Radar Terminal Area Transition Altitudes:		Within:		A-dn	800–2	800–2	800–2
All directions (except between SW and NW courses of BOS LFR).		25 mi	1800				
		6–25 mi	2300				

All fixes may be determined and supplemented by surveillance radar.
%Except where radar vectoring is used, and when weather is 1000–3 or below, departures from Runway 27 make left or right turn as soon as practicable, and departures from Runways 22 and 33 climb straight ahead to at least 1000′ prior to proceeding toward 1349′ WBZ-TV tower.
Procedure turn E side of crs, 237° outbnd, 057° inbnd, 1800′ within 10 mi of Dorchester Int.
Minimum altitude over Dorchester Int on final approach 1300′; over BOS-VOR 700′.
Crs and distance, breakoff point to app end Runway 4R, 035°—0.87. mi.
Dorchester Int: Int R-237 BOS and NW crs Squantum LFR.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of BOS-VOR, climb to 1300′ on R-029 within 10 miles, or when requested by ATC, climb to 1500′ on R-100 within 10 miles.
CAUTION: 1349′ TV tower 10.5 mi WSW of airport.
NOTE: Nonstandard approach light system serving Runway 4R contains displaced outboard green threshold lights 2523′ from runway end.

City, Boston; State, Mass.; Airport Name, Logan Airport; Elev., 19′; Fac. Class., BVORTAC; Ident., BOS; Procedure No. TerVOR-4R, Amdt. 3; Eff. Date, 13 Jan. 62; Sup. Amdt. No. 2; Dated, 23 Feb. 57

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
Bedford HW	BOS-VOR	Direct	1700	T-dn%	300-1	300-1	200-½
Boston LFR	BOS-VOR	Direct	1500	C-dn	#500-1	600-1	600-1½
Squantum RBn	BOS-VOR	Direct	1500	S-dn-33	500-1	500-1	500-1
Radar Terminal Area Transition Altitudes: All directions (except between SW and NW courses of BS LFR).		Within: 25 mi; 6-25 mi	1800; 2300	A-dn	800-2	800-2	800-2

#600-1 required when circling west of airport.
All fixes may be determined and supplemented by surveillance radar.
% Except where radar vectoring is used, and when weather is 1000-3 or below, departures from Runway 27 make left or right turn as soon as practicable, and departures from Runways 22 and 33 climb straight ahead to at least 1000' prior to proceeding toward 1349' WBZ-TV tower.
Procedure turn E side of crs, 159° Outbnd, 339° Inbnd, 1500' within 10 miles of Hull Int*.
Minimum altitude over Hull Int* on final approach, 1200'; over BOS-VOR, 500'.
Crs and distance, breakoff point to app end Runway 33, 339°—0.32 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of BOS-VOR, make a left climbing turn to 1800' on R-215 within 10 miles, or when directed by ATC, climb to 1300' on R-029 within 10 miles.
CAUTION: 1349' TV tower 10.5 mi WSW of airport. 600' circ minimums do not provide std clrnc over 370' stack SW or arpt.
*Hull Int : Int R-159 BOS and 079° brng from Squantum nondirectional RBn.

City, Boston; State, Mass.; Airport Name, Logan; Elev., 19'; Fac. Class., BVORTAC; Ident., BOS; Procedure No. TerVOR-33 Amdt. 4; Eff. Date, 13 Jan. 62; Sup. Amdt. No. 3; Dated, 16 Sept. 61

Deer Park VHF Int (23 mi DME fix IDL-VOR R-077).	IDL-VOR R-065 (23 mi DME fix)*	23 mile counter clockwise arc.	3000	T-dn	300-1	300-1	200-½
				C-dn	1000-3	1000-3	1000-3
				A-dn	1000-3	1000-3	1000-3

Terminal Area Radar Transition altitudes from R-030 clockwise through R-150 IDL-VOR, 1500' within 20 mi, 2500' within 25 mi.
Procedure turn NA. Radar vectors to final approach are required.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, breakoff point to appr. end of Runway 25, 252°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished within 0 mile of IDL-VOR, make a left climbing turn to 2000' on R-190 IDL-VOR to Sandy Hook VHF Int. (19 mi DME fix), hold South one minute right turns inbnd crs 010°.
NOTE: DME Fixes line of sight.
*Final approach radial 065.

City, New York; State, N.Y., Airport Name, International; Elev., 12'; Fac. Class., BVORTAC; Ident., IDL; Procedure No. TerVOR-25, Amdt. 1; Eff. Date, 11 Jan. 62; Sup. Amdt. No. Orig.; Dated, 4 Sept. 59

Deer Park VHF Int (23 mi DME fix IDL-VOR R-077).	IDL VOR R-117 (23 mi DME fix)*	23 mi. clockwise arc.	3000	T-dn	300-1	300-1	200-½
				C-dn	1000-3	1000-3	1000-3
Sandy Hook VHF Int (19 mi. DME fix IDL VOR R-190).	IDL-VOR R-117 (19 mi DME fix)*	19 mi counter clockwise arc.	2000	A-dn	1000-3	1000-3	1000-3

Terminal Area Radar Transition Altitudes from R-030 clockwise through R-210 of IDL VOR, 1500' within 20 miles, 2500' within 25 miles.
Procedure turn not authorized. Radar vectors to final approach are required.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, breakoff point to approach end of Runway 31R, 312°—2.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of IDL-VOR, make a left climbing turn to 2000' on R-190 IDL-VOR to Sandy Hook VHF Int (19 mi DME fix.) Hold South one minute right turns inbound crs 010°.
NOTE: DME Fixes are line of sight.
*Final approach R-117.

City, New York, State, N.Y.; Airport Name, International; Elev., 12'; Fac. Class, BVORTAC; Ident., IDL; Procedure No. TerVOR-31R, Amdt. Orig.; Eff. Date, 11 Jan. 62

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
38 mile fix R-105	10 mile fix R-105	Direct	1500	T-dn	300-1	300-1	200-½
10 mile fix R-096	5 mile fix R-096 (Final)	Direct	1300	C-dn	500-1	500-1	500-1½
5 mile fix R-096	1 mile fix R-096 (Final)	Direct	600	S-dn-28	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn North side of crs, 096° Outbnd, 276° Inbnd, 1500' to be accomplished between 5 mile DME fix and 15 mile DME fix. Descend to landing minimums after passing 5 mile DME fix. DME may be used within 10 miles from 270° clockwise to 030° at 2000'; 030° clockwise to 140° at 1500' to position aircraft for a straight-in approach.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing BAL VOR, climb to 2000' on R-276 BAL VOR within 10 miles. Return to BAL VOR, hold on R-276 one-minute right turns.
CAUTION: Procedure turn NA when restricted area R-4001 in use.

City; Baltimore; State, Md.; Airport Name, Friendship International; Elev., 146'; Fac. Class., BVORTAC; Ident., BAL; Procedure No. VOR/DME-28, Amdt. Orig.; Eff. Date 13 Jan. 62

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedures, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
Asheville VOR	Broad River Int	Direct	5500	T-dn*	500-1	500-1	500-1
Owen Int	Broad River Int	Direct	5000	C-d**	1000-2	1000-2	1000-2
Spartanburg VOR	Int R-214 AVL-VOR and AVL ILS Localizer.	Direct	5000	C-n	NA	NA	NA
				S-dn-34#	500-1	500-1	500-1
Int R-214 AVL-VOR and AVL ILS Localizer.	Broad River Int (Final)	Direct	5000	A-d	1000-2	1000-2	1000-2
				A-n	NA	NA	NA

Procedure turn East side of crs, 162° Outbnd, 342° Inbnd, 5000' within 10 mi of Broad River Int.
Minimum altitude over Broad River Int on final approach crs, 5000'.
Crs and distance, Broad River Int to LOM (HW), 342°—5.2 mi.
Minimum altitude at glide slope intercept ion inbnd, 5000' (Broad River Int).
Altitude of glide slope and distance to approach end of Runway at OM, 3519'—4.7 mi; at MM, 2329'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb on crs of 312° to Owen Int and continue climb, if necessary, in holding pattern south of Owen Int (right turns, one minute) to 5000' or higher as directed by ATC before returning to Broad River Int or continuing climb on course or, when directed by ATC, climb on crs of 342° from LOM (HW) to 9000' within 20 miles before proceeding on course.
NOTES: No approach lights. This procedure is authorized only for aircraft having an operating VOR receiver in addition to the normal ADF/ILS equipment.
*IFR Departure Procedures: Takeoffs to the North will comply with missed approach procedure when climbing to altitude. Takeoffs to the South will climb on crs of 162° over the LOM (HW) and continue on crs of 162° to Broad River Int. Upon reaching 5000', or higher as directed by ATC, continue climb on course.
**CAUTION: Terrain rises rapidly 2.0 miles West of airport. All maneuvering for circling approach must be accomplished East of airport.
#800-1 required when glide slope not utilized.

City, Asheville; State, N.C.; Airport Name, Asheville Municipal; Elev., 2161'; Fac. Class., ILS; Ident., I-AVL; Procedure No. ILS-34, Amdt. 1; Eff. Date, 13 Jan. 62; Sup. Amdt. No. Orig.; Dated, 30 Dec. 61

Boston LFR	LOM	Direct	1800	T-dn%f	300-1	300-1	200-½
East Boston Int	LOM	Direct	1500	C-dn	*500-1	600-1	600-1½
Franklin Int	ILS SW crs**	085°—12.4	1800	S-dn-4R¢f	#200-½	#200-½	#200-½
Bedford RBn	LOM	Direct	2300	A-dn	600-2	600-2	600-2
Radar terminal area transitions Radar Site		Within 25 mi	@1800				

Procedure turn E side S crs, 215° Outbnd, 035° Inbnd, 1800' within 10 mi.
Minimum altitude at glide slope int Inbnd, 1800'.
Altitude of glide slope and distance to displaced threshold, 2523' from approach end of runway, at OM, 1700'—5.3 mi; at MM, 270'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing LOM, climb to 1300' on NE crs ILS within 15 mi or, when directed by ATC, make a climbing right turn to 1500' on East crs of Boston LFR.
CAUTION: ILS point of touchdown approx. 3500' in from approach end of runway pavement to allow clearance of ship channel. 1349' TV tower 10.5 mi W of airport. Circling minimums do not provide standard clearance over 370' stack SW of airport.
NOTES: (1) All fixes may be determined and supplemented by surveillance radar. (2) Nonstandard approach light system serving Runway 4R contains displaced outboard green threshold lights 2523' from runway end.
%Except where radar vectoring is used, and when weather is 1000-3 or below, departures from Runway 27 make left or right turn as soon as practicable, and departures from Runways 22 and 33 climb straight ahead to at least 1000' prior to proceeding toward 1349' WBZ-TV tower.
**Ceiling 200' and Runway Visual Range 2600' also authorized for landing on Runway 4R; provided that all components of the ILS and all related airborne equipment are in satisfactory operating condition.
fRunway Visual Range 2600' is also authorized for takeoff on Runway 4R in lieu of 200-½ when 200-½ authorized; providing associated high-intensity runway lights are operational.
#400-¾ required with glide slope inoperative.
@Except 2300' when more than 6 miles from airport between SW and NW crs of BOS LFR.
*600-1 required when circling W of airport.
**Final authorized after interception of final approach course inbound.

City, Boston; State, Mass.; Airport Name, Logan International; Elev., 19'; Fac. Class., ILS; Ident., I-BOS; Procedure No. ILS-4R, Amdt. 13; Eff. Date, 13 Jan. 62; Sup. Amdt. No. 12; Dated, 10 June 61

TRI-VOR	LOM (HW)	Direct	6000	T-dn	300-1	300-1	**200-½
Telford Int	LOM (HW)	Direct	4100	C-d#	700-1	800-1	800-1½
Hilton Int	LOM (HW)	Direct	5000	C-nf	700-1½	800-1½	800-2
Int BFO-VOR R-187 and brng 224° to LOM (HW).	LOM (HW) (Final)%	Direct	4100	S-dn-22#	300-¾	300-¾	300-¾
				A-dn	1000-2	1000-2	1000-2

Procedure turn East side of crs, 044° Outbnd, 224° Inbnd, 4100' within 10 mi. (Nonstandard due to terrain NW.)
Final approach from holding pattern at LOM (HW) not authorized, procedure turn required.
Minimum altitude at glide slope intercept ion inbnd, %3600'.
Altitude of glide slope and distance to approach end of runway at OM, 3538'—6.2 mi; at MM, 1741'—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 4000' on brg of 224° from LOM (HW) within 20 miles or, when directed by ATC, turn left, climb to 4100' and return via localizer course to LOM (HW).
CAUTION: Abrupt changes in terrain immediately adjacent to procedure areas. No approach lights.
** Runways 4 and 22 only.
*700-1 required when glide slope not utilized.
#No reduction of any landing ceiling or visibility minimum is authorized.
%Descent from 4100' must be made on glide slope or SW of TRI-VOR R-332 on final.

City, Bristol; State, Tenn.; Airport Name, Tri-City; Elev., 1519'; Fac. Class., ILS; Ident., I-TRI; Procedure No. ILS-22, Amdt. Orig.; Eff. Date, 13 Jan. 62, or on com. of facility

BRO VOR	LOM	Direct	1600	T-dn	300-1	300-1	200-½
BO Rbn	LOM	Direct	1600	C-dn	500-1	500-1	500-1½
Int BRO-VOR R-339 and HRL-VOR R-110.	BRO ILS N crs (Final)	Via BRO R-330	1600	S-dn-17	*200-½	*200-½	*200-½
				A-dn	600-2	600-2	600-2

Procedure turn W side N crs, 353° Outbnd, 173° Inbnd, 1600 within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope interception inbnd, 1200'.
Altitude of G.S. and distance to appr end of runway at OM 1150'—3.8 mi; at MM 240'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb to 1600' on BRO-VOR R-062 within 20 miles or, when directed by ATC, climb to 1200' on S crs ILS within 4.5 miles.
CAUTION: 156' water tank 0.5 mile W of airport.
*400-¾ required when glide slope not utilized.

City, Brownsville; State, Tex.; Airport Name, Rio Grande Valley International; Elev., 22'; Fac. Class., ILS; Ident., I-BRO; Procedure No. ILS-17, Amdt. 16; Eff. Date, 13 Jan. 62; Sup. Amdt. No. 15; Dated, 25 Nov. 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
HSV VOR	LOM	Direct	3000	T-dn	300-1	300-1	200-½
Gurley Int	LOM	Direct	3000	C-dn#	800-1½	900-1½	900-2
Hobbs Island Int	LOM	Via R-158 HSV-VOR and lrng 357° to LOM.	3000	S-dn-18°	400-¾	400-¾	400-¾
				A-dn	1000-2	1000-2	1000-2
Princeton Int	LOM	Direct	3000				

Procedure turn West side of crs, 357° Outbnd, 177° Inbnd, 2900′ within 10 mi.
Minimum altitude at glide slope interception inbnd 2600′.
Altitude of glide slope and distance to approach end of runway at OM, 2558′—6.2 mi; at MM, 527′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on R-158 HSV-VOR within 15 miles or, when directed by ATC, climb to 3000′ on crs of 177°, turn right and return direct to LOM.
NOTE: No approach lights.
CAUTION: #Circling approaches, avoid high terrain 1.3 mi E of airport. *700-1 required when glide slope not utilized.

City, Huntsville; State, Ala.; Airport Name, Huntsville; Elev., 619′; Fac. Class., ILS; Ident., I-HSV; Procedure No. ILS-18, Amdt. 1; Eff. Date, 13 Jan. 62; Sup. Amdt. No. Orig.; Dated, 30 Dec. 61

GGG-VOR	LOM	Direct	1900	T-dn	300-1	300-1	200-½
Int UIM-VOR R-140 and GGG-VOR R-262.	LOM	Direct	1900	C-dn	400-1	500-1	500-1½
				S-dn-13	*300-¾	*300-¾	*300-¾
Int UIM-VOR R-140 and GGG-VOR R-265.	LOM	Direct	1900	A-dn	600-2	600-2	600-2

Procedure turn S side of NW crs, 306° Outbnd, 126° Inbnd, 1900′ within 10 mi.
Minimum altitude at glide slope interception Inbnd, 1900′.
Altitude of glide slope and distance to approach end of runway at OM, 1856′—5.5 mi; at MM, 545′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1900′ on SE crs of GGG-ILS within 20 miles.
NOTE: No approach lights.
CAUTION: 644′ MSL Tower 5 mi NW of airport.
*400-¾ required when glide slope not utilized.

City, Longview; State, Tex.; Airport Name, Gregg County Municipal; Elev., 365′; Fac. Class., ILS; Ident., I-GGG; Procedure No. ILS-13, Amdt. 1; Eff. Date, 13 Jan. 62; Sup. Amdt. No. Orig.; Dated, 2 Dec. 61

Amboy VHF Int	LOM (Final)	Direct	1500	T-dn**	300-1	300-1	200-½
Chatham RBn	LOM	Direct	2000	C-dn	600-1	600-1	600-1½
Radar Transitions:		Within:		S-dn-4°#	200-½	200-½	200-½
S Quadrant Newark LFR	Radar Site	15 mi	1500	A-dn	600-2	600-2	600-2
NE sector from 058° to 090°	Radar Site	20 mi	2500				
All other sectors	Radar Site	20 mi	2000				

Procedure turn W side SW crs, 217° Outbnd, 037° Inbnd, 1500′ within 10 mi. (Nonstandard due to ATC.)
Minimum altitude at glide slope interception inbnd, 1500′.
Altitude of glide slope and distance to approach end of runway at OM, 1500′—4.9 mi; at MM, 250′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on 037° crs from LOM to interception of LGA-VOR R-292, make left turn and proceed to Morristown VHF Int at 2000′, hold SW one minute, left turns inbound crs 061°.
*Runway Visual Range 2000′ also authorized for takeoff and landing on Runway 4; provided that all components of the ILS, high intensity runway lights, approach lights, condenser-discharge flashes, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 218′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2000′ also authorized for takeoff on Runway 4 in lieu of 200-½ when 200-½ authorized, providing high intensity runway lights are operational.
#800-1 required with glide slope inoperative.
Other changes: Deletes transitions from New Brunswick Int, Newark LFR, Colts Neck VOR.

City, Newark; State, N.J.; Airport Name, Newark; Elev., 18′; Fac. Class., ILS; Ident., I-EWR; Procedure No. ILS-4, Amdt. 16; Eff. Date, 11 Jan. 62; Sup. Amdt. No. 15; Dated, 22 July 61

Chatham RBn	NE crs ILS	095-14.5	1900	T-dn	300-1	300-1	200-½
Paterson RBn	NE crs ILS (Final)	161-7.5	1800	C-dn	600-1	600-1	600-1½
Teterboro LMM	OM (Final)	Direct	1800	S-dn-22°	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

Radar vectors may be used to effect above transitions.
Radar transitions: 058°-090° within 20 mi 2500′; 090°-058° within 20 mi 2000′; S quad EWR-LFR within 15 mi 1500′.
Procedure turn W side NE crs, 037° Outbnd, 217° Inbnd, 1800′ within 10 miles.
Minimum altitude at G.S. int inbnd, 1800′.
Altitude of G.S. and distance to appr end of runway at OM 1763′—6.1 mi; at MM 210′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ straight ahead on SW crs of Newark ILS to Amboy VHF Int, then turn right and proceed direct to Kilmer VHF Int at 2000′. Hold SW Kilmer Int right turns, one minute, 069° inbnd.
CAUTION: 50′ hangar row 200′ east of approach light lane between MM and end of Rnwy 22. Procedure turn accomplished over Teterboro LMM. Teterboro OM and Newark OM at approximately same geographic location and signals are simultaneously keyed to indicate one OM serving two ILS systems.
Other change: Deletes transition from Int NW crs LGA-LFR and NE crs ILS and from Newark LFR.
*600-1 required when glide path inoperative.

City, Newark; State, N.J.; Airport Name, Newark; Elev., 18′; Fac. Class., ILS; Ident., I-ARK; Procedure No. ILS-22, Amdt. 5; Eff. Date, 11 Jan. 62; Sup. Amdt. No. 4; Dated, 21 Jan. 61

Sandy Hook VHF Int	Scotland RBn	Direct	1500	T-dn*	300-1	300-1	200-½
Scotland RBn	LOM (Final)	Direct	1000	C-dn	500-1	500-1	500-1½
Sandy Hook VHF Int (19 mi DME Fix)	ILS SW crs (19 mi DME fix Idlewild VOR R-224).	19 mi clockwise arc.	2000	S-dn-4R**	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2
ILS SW crs (19 mi DME Fix Idlewild VOR R-224).	LOM	Direct	1200				
Radar Terminal Area Transitions	All directions	Within 25 mi	2500				
	E of NE-SW crs of LGA-LFR	Within 15 mi	1500				

Procedure turn South side of crs, 223° Outbnd, 043° Inbnd, 1200′ within 10 mi of LOM.
Minimum altitude at glide slope int inbnd, 1000′.
Altitude of glide slope and distance to approach end of runway at OM, 747′—2.6 mi; at MM, 209′—.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 500′ on NE crs of ILS, then make a climbing right turn to 3000′ on IDL R-077 to Deer Park VHF Int (23 mi DME fix). Hold East one-minute left turns, inbnd crs 257°.
CAUTION: Circling landing minimums do not provide standard clearance over airport control tower and stack 278′ MSL 1.7 mi SSE of airport.
NOTE: DME fixes—Line of sight.
*Runway visual range 2000′ is authorized for takeoff on Runway 4R and RVR 2600′ on Runway 31L in lieu of 200-½ when 200-½ authorized; provided associated high intensity runway lights are operational.
**Runway Visual Range 2000′ also authorized for landing on Runway 4R; provided that all components of the ILS, high intensity runway lights, approach lights, condenser-discharge flashes, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 212′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, New York; State, N.Y.; Airport Name, International; Elev., 12′; Fac. Class., ILS; Ident., I-IDL; Procedure No. ILS-4R, Amdt. 3; Eff. Date, 11 Jan. 62, Sup Amdt. No. 2; Dated 22 July 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Deer Park VHF Int (23 mi DME fix IDL R-077).	Roslyn VHF Int#	IDL R-077 to 12 mi counter clockwise arc.	2000	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
Roslyn VHF Int#	OM (Final)	Direct	1500	S-dn-22L*	300-¾	300-¾	300-¾
Idlewild VOR	OM	Direct	1500	A-dn	600-2	600-2	600-2
Deer Park VHF Int	Roslyn VHF Int#	LGA R-101	2000				

Radar Terminal Area Transition Altitudes: All directions—within 25 mi, 2500′; E of NE/SW crs LaGuardia LFR—within 15 mi, 1500′.
Procedure turn East side of NE crs, 043° Outbnd, 223° Inbnd, 1500′ within 10 mi of OM. (Nonstandard to avoid LGA traffic.)
Minimum altitude at glide slope int inbnd, 1500′.
Altitude of glide slope and distance to approach end of Rnwy at OM, 1514′—5.5 mi; at MM, 199′—0.6 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 500′ on SW crs ILS, make climbing left turn to 2000′ on IDL R-190 to Sandy Hook VHF Int (19 mi DME fix), hold South one-minute right turns inbound course 010°.
CAUTION: Circling minimums do not provide standard clearance over the following obstructions: 278′ stack 1.1 mi SE of Runway 4; 185′ control tower on airport.
Other changes: Deletes transitions from Glen Cove MHW and Mitchell LFR.
NOTE: DME fixes—Line of sight.
*400-¾ required with glide slope inoperative.
#Roslyn Int: Int LGA VOR R-101 and IDL NE ILS crs (12 mi DME fix IDL VOR R-042).

City, New York; State, N.Y.; Airport Name, International; Elev., 12′; Fac. Class., ILS; Ident., I-IWY; Procedure No. ILS-22L, Amdt. 3; Eff. Date, 11 Jan. 62; Sup. Amdt. No. 2; Dated, 24 June 61

Keansburg VHF Int	Prospect VHF Int	Direct	2500	T-dn#	300-1	300-1	200-½
LGA-VOR	Prospect VHF Int	Direct	2500	C-dn#	700-1	700-2	700-2
Liberty VHF Int	Prospect VHF Int (Final)	Via IDL R-271	2500	S-dn-4#*	400-¾	400-¾	400-¾
				A-dn	700-2	700-2	700-2

Radar vectors may be substituted for the above transitions.
Procedure turn S side SW crs, 224° Outbnd, 044° Inbnd, 2500′ S of Prospect Int but within 10 mi of LOM.
Minimum altitude at glide slope intercepton inbnd, 2500′ at Prospect Int.
Altitude of G.S. and distance to appr end of rny at OM 1310′—3.9 mi, at MM 295′—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 4000′ on LGA-VOR R-046 to Stamford VHF Int, cross Scarsdale VHF Int at 3000′ or above, hold NE Scarsdale Int one-minute left turns, inbnd crs 226°.
CAUTION: (1) Standard clearance not provided over obstructions in final approach area, circling area of airport, and in missed approach area. (2) Unlighted obstructions in approach zone (Rnwy 4) protruding 40′ above lights at beginning of approach lightlane decreasing to 10′ above lights at 1100′ from approach end of runway. (3) Tower 415′ msl 3.8 mi SW, tower 390′ msl 3.5 mi SW, Bldg 968′ msl 6.7 mi SW.
Other Changes: Deletes transitions from LaGuardia LFR, Glen Cove RBn, and Flatbush FM/Int.
*500-1 required with any component of the ILS inoperative.
#Takeoff minimums for Runways 4 and 31 will not be less than 200-1 during period when tower advisories indicate presence of surface ships in channel.
#AIR CARRIER NOTE: Sliding scale not authorized for landing on Runways 13, 31, and 22.

City, New York; State, N.Y.; Airport Name, LaGuardia; Elev., 20′; Fac. Class., ILS; Ident., I-LGA; Procedure No. ILS-4, Amdt. 16; Eff. Date, 11 Jan. 62; Sup. Amdt. No. 15; Dated, 11 Nov. 61

Chatham RBn via crs 095	ILS SW crs	Direct	2000	T-dn	300-1	300-1	300-1
Chatham RBn	ILS SW crs	Via crs 095°	2000	C-dn	1000-1	1000-1	1000-1
Newark LOM	ILS SW crs	Via crs 348°	1800	S-dn-6°	500-1	500-1	500-1
Paterson RBn	EB LMM	Direct	2000	A-dn	1000-1	1000-2	1000-2
Cranford VHF Int⅚	EB OM	Direct	#1800				
Morristown VHF Int	EB LMM	Direct	2000				

Radar vectors may be utilized to effect above transitions.
Procedure turn W side SW crs, 239 Outbnd, 059 Inbnd, 1800 within 10 miles of OM.
Minimum altitude at glide slope interception inbnd, 1400′.
Altitude of glide slope and distance to approach end of runway at Kearney VHF Int**, 1800′—6.0 mi; at OM, 1325′—4.0 mi; at MM, 240°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1000′ on a heading of 059°, turn left, climb to 2000′ on ADF crs to Paterson RBn.
CAUTION: Teterboro OM and Newark OM at approximately same geographic location and signals are simultaneously keyed to indicate one OM serving two ILS systems. Empire State Building 1522′ 6.5 mi SE of airport.
*700-1¼ required with any component of the ILS inoperative.
#Final ILS descent authorized after passing Kearney VHF Int.
⅚Cranford VHF Int: Int R-181 SAX VOR and Teterboro SW localizer course.
**Kearney VHF Int: Int Idlewild VOR R-309 and Teterboro SW localizer course.

City, Teterboro; State, N.J.; Airport Name, Teterboro; Elev., 7′; Fac. Class., ILS; Ident., TEB; Procedure No. ILS-6, Amdt. 11; Eff. Date, 11 Jan. 62; Sup. Amdt. No. 10; Dated, 30 May 59

7. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All directions	Radar site	Within 25 mi	#1800		Precision approach		
				C–ln–4R	*500–1	600–1	600–1½
				S–ln–4R	200–½	200–½	200–½
				A–ln–4R	600–2	600–2	600–2
					Surveillance approach		
				T–ln ⅁ ¢¢	300–1	300–1	200–½
				S or C–ln**	700–1	700–1	700–1½
				C–ln*** ##	600–1	600–1	600–1½
				S–ln*** ##	600–1	600–1	600–1
				C–ln###	*500–1	600–1	600–1½
				S–ln###	500–1	500–1	500–1
				A–ln–All	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1300' on the N ers of the Boston LFR within 8 mi. Alternate missed approach when requested by ATC: climb to 1500' on E ers of the Boston LFR within 10 mi.

CAUTION: PAR point of touchdown approx 3500' in from appr end of runway to allow clearance for ship channel.

NOTE: Nonstandard approach light system serving Runway 4R contains displaced outboard green threshold lights 2523' from runway end.

#Except 2300' when more than 6 mi from airport between NW and SW ers Boston LFR.

##CAUTION: Standard clearance not provided over 370' stack SW of airport.

###Runways 27 and 33.

*600–1 required when circling W of airport.

**Runways 4R and 15.

***Runway 22L.

⅁ Except where radar vectoring is used, and weather is 1000–3 or below, departures from Runway 27 make left or right turn as soon as practicable, and departures from Runways 22 and 33 climb straight ahead to at least 1000' prior to proceeding toward 1349' WBZ–TV tower.

¢ Ceiling of 200' and runway visual range 2600' also authorized for landing on Runway 4R; provided, that all components of the PAR and all related airborne equipment are operating satisfactorily.

¢¢ Runway Visual Range 2600' also authorized for takeoff on Runway 4R in lieu of 200–½ when 200–½ authorized, providing high-intensity runway lights are operational.

City, Boston; State, Mass.; Airport Name, Logan International; Elev., 19'; Fac. Class., Logan; Ident., Radar; Procedure No. 1, Amdt. 14; Eff. Date, 13 Jan. 62; Sup. Amdt. No. 13; Dated, 2 Dec. 61

All sectors	Radar site	Within 25 mi	2800		Surveillance approach		
035° clockwise to 260°	Radar site	Within 16 mi	2300	T–dn	300–1	300–1	200–½
				C–dn	600–1	600–1	600–1½
				S–dn–1, 19, and 7R	400–1	400–1	400–1
				S–dn–13	500–1	500–1	500–1
				S–dn–25L and 31	600–1	600–1	600–1
				A–dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:
Runway 1—climb to 2700' on N crs MW–LFR within 20 mi.
Runway 19—climb to 2500' on localizer crs to LOM.
Runways 7R–13—right turn climb to 2500' and proceed to the LOM.
Runways 25L–31—left turn climb to 2500' and proceed to LOM.

CAUTION: TV towers 1695' MSL 7.8 NM N of airport, 1735' MSL 9.2 NM N of airport, and 1746' MSL 15.2 NM N of airport.

City, Milwaukee; State, Wis.; Airport Name, General Mitchell Field; Elev., 696'; Fac. Class., Milwaukee; Ident., Radar; Procedure No. 1, Amdt. 7; Eff. Date, 13 Jan. 62; Sup. Amdt. No. 6; Dated, 16 Dec. 61

		Within:			Precision approach		
058	020	20 mi	2500				
All other sectors	Radar site	20 mi	2000	S–dn–4*	200–½	200–½	200–½
South quandrant EWR–LFR	Radar site	15 mi	1500	A–db–4	600–2	600–2	600–2
					Surveillance approach		
				T–dn⅁	300–1	300–1	200–½
				C–dn⅁	600–1	600–1	600–1½
				C–dn–22	900–1	900–1	900–1½
				S–dn⅁	600–1	600–1	600–1
				S–dn–22	900–1	900–1	900–1
				A–dn⅁	800–2	800–2	800–2
				A–dn–22	900–2	900–2	900–2

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.

⅁ Runways 4–11–29.

*Runway 4 only—200–½ or runway visual range of 2000'; provided, that approaches conducted on the basis of reported runway visual range shall be governed by the following: (1) All components of the approach lights and high intensity runway lights shall be in normal operation and (2) descent below the authorized landing minimum altitude of 218' MSL shall not be made unless (a) visual contact with the approach lights has been established or (b) the aircraft is clear of clouds. (3) Both compass locators required to be operative for RVR 2000'.

#Runway 4 only—runway visual range of 2000' may be utilized in lieu of 200–½ when 200–½ is authorized.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000' on 037° crs from LOM to interception of LGA–VOR R–292, make left turn, proceed to Morristown VHF Int at 2000', hold SW, one minute left turns, 061° inbnd.

City, Newark; State, N.J.; Airport Name, Newark; Elev., 18'; Fac. Class., Newark; Ident., Radar; Procedure No. 1, Amdt. 11; Eff. Date, 11 Jan. 62; Sup. Amdt. No. 10; Dated, 19 Oct. 57

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
		Within:			Precision approach		
All directions	Radar site	25 mi	2300	T–dn*	300–1	300–1	200–½
E of NE–SW ers LGA–LFR	Radar site	15 mi	1500	C–dn	500–1	500–1	500–1½
				S–dn–4R**	200–½	200–½	200–½
				A–dn–4R**	600–2	600–2	600–2
				A–dn–All	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 500' on heading of 043°, make a climbing right turn to 3000' on IDL R–077 to Deer Park VHF Int, hold East one minute left turns inbnd crs 257°.

CAUTION: Ceiling minimums do not provide standard clearance over 278' stack 1.1 statute miles SSE of Runway 4R and 165' airport control tower.

*Runway Visual Range 2000' is authorized for takeoff on Runway 4R and RVR 2600' on Runway 31L in lieu of 200–½ when 200–½ authorized; provided associated high intensity runway lights are operational.

**Runway Visual Range 2000' also authorized for landing on Runway 4R; provided that all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 212' msl shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, New York; State, N.Y.; Airport Name, International; Elev., 12'; Fac. Class., Idlewild; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 11 Jan. 62; Sup. Amdt. No. Orig.; Dated, 16 Apr. 60

					Precision approach		
				T–dn¢	300–1	300–1	200–½
				C–dn#	700–1	700–2	700–2
				S–dn–4*#	400–¾	400–¾	400–¾
				A–dn	700–2	700–2	700–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 4000' on LGA–VOR R–046 to Stamford VHF Int Hold NE, one minute left turns, inbnd crs 226°.

CAUTION: (1) Standard clearance not provided over obstructions in final approach area and in missed approach area. (2) Unlighted obstructions in approach zone (Runway 4) protruding 40' above lights at beginning of approach lightlane decreasing to 10' above lights at 1100' from approach end of runway. (3) Tower 415' msl 3.8 mi SW, tower 390' msl 3.5 mi SW, bldg 968' msl 6.7 mi SW.

¢Takeoff minimums for Runways 4 and 31 will not be less than 200–1 during periods when tower advisories indicate presence of surface ships in channel.

*500–1 required with approach lights inoperative.

#AIR CARRIER NOTE: Sliding scale not authorized for landing on Runways 13, 31, and 22.

City, New York; State, N.Y.; Airport Name, LaGuardia; Elev., 20'; Fac. Class., LaGuardia; Ident., Radar; Procedure No. 1, Amdt. 9; Eff. Date, 11 Jan. 62; Sup. Amdt. No. 8; Dated, 11 Nov. 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on December 8, 1961.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62–22; Filed, Jan. 8, 1962; 8:53 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

Sick Leave

Effective January 9, 1962, paragraphs (a), (c) and (d) of § 30.702 and paragraph (b) of § 30.704 are amended as set out below.

§ 30.702 Sick leave recredit.

(a) An employee's sick leave account shall be certified for credit or charge when he transfers without a break in service between positions subject to the Act. If there is a break in service not in excess of three years, the employee's sick leave shall be recredited upon reemployment in the Federal service, subject to the limitations in these regulations.

• • • • •

(c) When an employee transfers to a position under a different leave system to which he can transfer only a part of his sick leave, the untransferred leave shall be recredited to him if he returns to the leave system under which it was earned without a break in service in excess of three years.

(d) When an employee transfers to a position to which he cannot transfer his sick leave, the untransferred leave shall be recredited to him if he returns to the leave system under which it was earned without a break in service in excess of three years.

§ 30.704 Reestablishment of leave account as a credit or charge.

Any employee who leaves his civilian position to enter the military service shall have his existing leave account certified for credit or charge and such leave account shall be reestablished as a credit or charge when:

• • • • •

(b) He is reemployed in a position under the Act not more than three years after separation from active military duty.

(Sec. 206, 65 Stat. 681; 5 U.S.C. 2065)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–198; Filed, Jan. 8, 1962; 8:48 a.m.]

Chapter III—Foreign and Territorial Compensation

PART 350—DIFFERENTIALS AND COST-OF-LIVING ALLOWANCES PAYABLE IN NON-FOREIGN AREAS

Christmas Island

Effective December 5, 1961, § 350.10 is amended by the addition of the following item:

§ 350.10 Places and rates at which differentials shall be paid.

• • • • • •

Christmas Island: 25 percent of rate of basic compensation.

(Sec. 207, 62 Stat. 194, as amended; 5 U.S.C. 118h; sec. 202, E.O. 10000, 13 F.R. 5453, 3 CFR, 1948 Supp.; E.O. 10636, 20 F.R. 7025, 3 CFR, 1955 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–199; Filed, Jan. 8, 1962; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56541]

PART 3—DOCUMENTATION OF VESSELS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Trade With Noncontiguous Territory—Home Ports

Definition of noncontiguous territory; definition of home port; and clearances of vessels in trade with noncontiguous territories; §§ 3.1, 3.17, and 4.84, Customs Regulations, amended.

In view of an apparent inadvertency in amending the regulations following the admission of Alaska to the Union, § 3.1(g), Customs Regulations, is amended by deleting the words "Alaska and".

In view of the further amendment of section 1 of the Act of February 16, 1925 (46 U.S.C. 18), by Public Law 86-624 (74 Stat. 421), footnote 9 to § 3.17(a), Customs Regulations, which quotes section 1 in part, is similarly amended by striking out the words "Alaska, Hawaii, and".

(R.S. 161, sec. 2, 23 Stat. 118, as amended; 5 U.S.C. 22, 46 U.S.C. 2)

Section 4.84(a), Customs Regulations, provides for clearances of vessels in trade with noncontiguous territory of the United States, pursuant to the provisions of the Act of April 29, 1902, as amended (46 U.S.C. 95), but provides for an exception for Alaska and Hawaii pursuant to the amendment of April 7, 1948 (62 Stat. 161), to the above-cited act adopted when Alaska and Hawaii were territories of the United States. Upon the admission of Alaska and Hawaii to the Union, the provisions of the Act of April 29, 1902, as amended, became applicable to them as States. Accordingly, the first sentence of § 4.84 (a), Customs Regulations, is amended to delete the word "continental" in the phrase "the continental United States" appearing therein and to delete the clause of exception for Alaska and Hawaii at the end thereof so that that sentence will read as follows: "No vessel shall depart from a port in noncontiguous territory of the United States for any other port in such territory or for any port in the United States,[113a] nor from any port in the United States for any port in such territory, until a clearance for the vessel has been granted.[114]"

Part 4 is amended to add a new footnote designated as footnote 113a reading as follows:

[113a] The term "United States" as used in this section includes all the States and the District of Columbia.

(R.S. 4197, as amended, 4200, as amended, 32 Stat. 172; 46 U.S.C. 91, 92, 95)

The amendments of §§ 3.1 and 4.84 shall be effective on and after January 1, 1962. The amendment of § 3.17 shall be effective upon publication in the FEDERAL REGISTER.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: December 29, 1961.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-207; Filed, Jan. 8, 1962; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 932, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(i) and (ii) of § 910.1039 (Lemon Regulation 932, 26 F.R. 12752) are hereby amended to read as follows:

(i) District 1: 32,550 cartons;
(ii) District 2: 167,400 cartons.

(Secs. 1-19, 48 Stat. 1, as amended; 7 U.S.C. 601-674)

Dated: January 4, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-224; Filed, Jan. 8, 1962; 8:53 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

FOOD STARCH-MODIFIED

The Commissioner of Food and Drugs has evaluated the data submitted in petitions submitted by the Corn Industries Research Foundation, Inc., 1001 Connecticut Avenue NW., Washington 6, D.C., Stein Hall and Company, Inc., 285 Madison Avenue, New York, New York, and A. E. Staley Manufacturing Company, Decatur, Illinois, proposing amendments to § 121.1031 of the food additive regulations for modified starch. In addition to requesting the amendments to provide for certain additional modifications of starch, the Corn Industries Research Foundation, Inc., requested that the name of the additive be changed to "food starch-modified." The petitioner also requested modification of paragraph (b)(2) of the regulations to permit substitution of a code number to fulfill the label requirement of how the starch has been modified.

Based upon the evidence submitted and after consideration of other relevant material, the Commissioner has concluded that the label of the additive should provide information as to how the starch has been modified, that the name of the additive should be changed as indicated, and that the following amendment to § 121.1031 should issue. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1031 (21 CFR 121.1031; 26 F.R. 6583, 7580) is amended in the following respects:

1. The name of the additive is changed to read "food starch-modified" in the section title, the introduction to the section, and paragraph (a), and paragraph (a) is further amended by adding thereto new subparagraphs (9) through (17) as follows:

§ 121.1031 **Food starch-modified.**

Food starch-modified may be safely used in foods as a thickener, to improve texture and palatability, and to impart stability, under the following prescribed conditions:

(a) Food starch-modified is a food starch which, in accordance with good manufacturing practice, has been structurally altered in part, in one of the following ways:

• • • • • •

(9) By treatment with hydrochloric acid or sulfuric acid.

(10) By treatment with not more than 5.0 percent acetic anhydride.

(11) By treatment with not more than 0.3 percent epichlorohydrin in the presence of not more than 5.0 percent acetic anhydride.

(12) By treatment with not more than 0.16 percent active oxygen obtained from hydrogen peroxide and/or peracetic acid.

(13) By treatment with not more than 7.5 percent vinyl acetate so as to provide no more than 2.5 percent acetyl groups.

(14) By treatment with not more than 0.1 percent phosphorus oxychloride and 8.0 percent propylene oxide and so processed as to remove unreacted residues of these ingredients.

(15) By treatment with not more than 0.5 percent sodium chlorite.

(16) By treatment with not more than 0.2 percent potassium permanganate and so processed that residues of manganese do not exceed 50 parts per million.

(17) By treatment with not more than 0.12 percent adipic anhydride in the presence of not more than 5.0 percent acetic anhydride.

2. Subparagraph (1) in paragraph (b) is changed to read as follows:

(b) • • •

(1) The name of the additive, "food starch-modified".

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue, SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 3, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-197; Filed, Jan. 8, 1962; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

INDUSTRIAL STARCH-MODIFIED

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by the Corn Industries Research Foundation, Inc., 1001 Connecticut Avenue NW., Washington 6, D.C., and other relevant material has concluded that the following amendment to § 121.2506 of the food additives regulations should issue with respect to changing the name of the food additive "packaging starch" to "industrial starch-modified," permitting substitution of a code number to fulfill the label requirement as to how the starch is modified, and permitting use of the additive on textiles. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2506 of the food additive regulations (21 CFR 121.2506; 26 F.R. 189, 7581) is amended to read as follows:

§ 121.2506 **Industrial starch-modified.**

Industrial starch-modified may be safely used in the preparation of packaging materials under the following prescribed conditions:

(a) Industrial starch-modified is food starch-modified or starch which in accordance with good manufacturing practice has been structurally altered in part in one of the following ways:

(1) By treatment with ethylene oxide so that the finished modified starch contains not more than 3.0 percent of reacted ethylene oxide.

(2) By treatment with not more than 3.0 percent β-diethylamino-ethylchloride hydrochloride.

(3) By treatment of food starch-modified (§ 121.1031(a)(1)) with not more than 0.3 percent epichlorohydrin.

(4) By treatment with not more than 1.0 percent sodium hydroxide.

(b) It is intended for use as follows:

(1) In the preparation of surface sizing or coatings for paper, paperboard, or textiles intended for food packaging.

(2) In the fabrication of other food packaging materials when so authorized by the regulations in this subpart f.

(c) To assure safe use of the additive, the label of the food additive container shall bear, in addition to the other information required by the act:

(1) The name of the additive.

(2) Information describing how the starch is modified.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 3, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-195; Filed, Jan. 8, 1962; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

PART 1617—REGISTRATION CERTIFICATE

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

PART 1623—CLASSIFICATION PROCEDURE

PART 1626—APPEAL TO APPEAL BOARD

PART 1628—PHYSICAL EXAMINATION

PART 1630—VOLUNTEERS

PART 1631—QUOTAS AND CALLS

PART 1632—DELIVERY AND INDUCTION

PART 1642—DELINQUENTS

PART 1660—CIVILIAN WORK IN LIEU OF INDUCTION

PART 1680—SELECTION OF CERTAIN PERSONS WHO HAVE CRITICAL SKILLS FOR ENLISTMENT IN UNITS OF THE READY RESERVE OF THE ARMED FORCES

Amending Selective Service Regulations

CROSS REFERENCE: For a document affecting the regulations of the above-mentioned parts, see Title 3, Executive Order 10984, *supra*.

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—LOAN GUARANTY

Miscellaneous Amendments

1. In § 36.4301, a new paragraph (gg) is added and former paragraphs (ee), (x), (y), (z), (aa), (ff), (bb), (dd), and (cc) have been redesignated (x) through (ff) respectively so that these paragraphs read as follows:

§ 36.4301 **Definitions.**

• • • • • •

(x) "Net loss" (insured loans) means the indebtedness, plus any other charges authorized under § 36.4313, remaining

unsatisfied after the liquidation of all available security and recourse to all intangible rights of the holder against those obligated on the debt.

(y) "Non-real estate loan" means any obligation incurred for the purchase, alternation, improvement, or repair of personal property; or any loan which is not a real estate loan.

(z) "Purchase price" means the entire legal consideration paid or payable upon or on account of the sale of property, exclusive of acquisition costs, or for the cost of materials and labor to be applied thereto.

(aa) "Real estate loan" means any obligation incurred for the purchase of real property or a leasehold estate as limited in §§ 36.4300 to 36.4375, inclusive, or for the construction of fixtures or appurtenances thereon or for alterations, improvements, or repairs thereon required by §§ 36.4300 to 36.4375, to be secured by a lien on such property or is so secured.

(bb) "Reasonable value" means that figure which represents the amount a reputable and qualified appraiser, unaffected by personal interest, bias, or prejudice, would recommend to a prospective purchaser as a proper price or cost in the light of prevailing conditions.

(cc) "Registered mail." The term "registered mail" wherever used in the regulations concerning guaranty or insurance of loans to veterans shall include certified mail.

(dd) "Repairs" means any alteration of existing realty, machinery, or equipment which is necessary or advisable for protective, safety, or restorative purposes.

(ee) "Repossession-repossessed" means recovery or acquisition of such physical control of property (pursuant to the provisions of the security instrument or as otherwise provided by law) as to make further legal or other action unnecessary in order to obtain actual possession of the property or to dispose of the same by sale or otherwise.

(ff) "Residential property" means (1) any improved real property or leasehold estate therein as limited by §§ 36.4300 to 36.4375, inclusive, the primary use of which is for occupation as a home, consisting of not more than four family units, plus an added unit for each eligible veteran if more than one participates in the ownership thereof; or (2) any land to be purchased out of the proceeds of a loan for the construction of a dwelling, and on which such dwelling is to be erected.

(gg) "Three months": For the purposes of section 1803(a) of Title 38, United States Code, this term shall mean 90 calendar days.

2. In § 36.4312(d), paragraph C of Part I is amended to read as follows:

§ 36.4312 Allowable charges and fees.

* * * * *

(d) * * *

PART I—LOANS FOR THE PURCHASE, CONSTRUCTION, REPAIR, ALTERATION, OR IMPROVEMENT OF RESIDENTIAL PROPERTY (38 U.S.C. 1810)

* * * * *

C. In cases where a lender makes advances to a veteran during the progress of construction, alteration, improvement, or repair, either under a commitment of the Veterans Administration to issue a guaranty certificate or insurance credit upon completion, or where the lender would be entitled to guaranty or insurance on such advances when reported under automatic procedure, the lender may make a charge against the veteran of not exceeding 2 percent of the amount of the loan for its services in supervising the making of advances and the progress of construction notwithstanding that the "holdback" or final advance is not actually paid out until after the construction, alteration, improvement, or repair is fully completed: *Provided*, That the major portion (51 percent or more) of the loan proceeds is paid out during the actual progress of the construction, alteration, improvement, or repair. Such charge may be in addition to the 1 percent charge allowed under paragraph B above.

3. In § 36.4335, paragraph (b) is amended to read as follows:

§ 36.4335 Supplementary administrative action.

* * * * *

(b) The requirement in § 36.4303(d) that a lender originating a loan under a certificate of commitment report the loan for issuance of guaranty or insurance evidence within 30 days following actual payment of the full proceeds of the loan. In such cases it is not necessary that a finding be made that the loan is not in default.

4. In § 36.4501, a new paragraph (n) is added and former paragraph (n) is redesignated (o) to read as follows:

§ 36.4501 Definitions.

* * * * *

(n) "Three months." For the purposes of section 1803(a) of Title 38, United States Code, this term shall mean 90 calendar days.

(o) "Veterans Administration" means the Administrator of Veterans Affairs, or any employee of the Veterans Administration authorized by him to act in his stead.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective January 9, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-205; Filed, Jan. 8, 1962; 8:50 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 61—MONEY ORDERS

PART 62—NONPOSTAL STAMPS AND BONDS

PART 63—POSTAL SAVINGS

Nonmail Service Regulations

The regulations of the Post Office Department are amended as follows:

I. In Part 61—Money Orders, as published in 26 F.R. 11596–11601, make the following changes:

§ 61.1 [Amendment]

A. In § 61.1 *Issuance of domestic money orders* make the following changes:

1. In paragraph (b), subparagraph (3) is amended to show that United States coins are legal tender in any amount. As so amended, subparagraph (3) reads as follows:

(3) *Paying for money orders.* Money orders must be paid for in American money. Coins are legal tender in any amounts. Postmasters may accept, at their own risk, from a person whose endorsement is acceptable, a Federal Government check in payment for a money order.

NOTE: The corresponding Postal Manual section is 171.123.

2. In paragraph (c)(1), subdivision (i), with the exception of the illustration, is amended to give further details on the proper issuance of a money order. As so amended, subdivision (i) reads as follows:

(i) *Manual method.* (*a*) Use post office ballpoint pen and write the whole dollar amount in words on the "Pay" line and the dollar and cents amount in figures in the "Amount" block and draw two lines through unused "Dollar" blocks on the order portion only.

(*b*) Enter control stamp for the same or next higher amount after the words "Not Valid For More Than."

(*c*) Draw a straight line in the space between the words "Pay" and "Dollars" when the amount is cents only.

(*d*) Write figures "00" in "Cents" block when the amount is for even dollars.

The following illustration shows the proper manner of issuing order for payment in Canada: (The rate of exchange used in the illustration is hypothetical.)

NOTE: The corresponding Postal Manual section is 171.1.

§ 61.2 [Amendment]

B. In § 61.2 *Issuance of international money orders*, make the following changes to clarify the regulations as to the issuance of money orders:

1. In paragraph (b) make the following changes:

a. Delete subparagraph (1) and redesignate subparagraphs (2) through (5) as subparagraphs (1) through (4) respectively.

b. In redesignated subparagraph (1) strike out the reference to paragraphs (f) and (g) and insert in lieu thereof "(h) and (i) of this section."

c. In redesignated subparagraph (3) strike out the reference to paragraph (c) and insert in lieu thereof "paragraph (d)(2)(iii) of this section."

2. Redesignate paragraphs (c), (d), (e), (f), (g) as paragraphs (d), (e), (f), (h) and (i) respectively and insert new paragraphs (c) and (g) to read as follows:

(c) *Issuance of domestic international money orders.* For countries listed in paragraph (g) of this section the domestic money order form is used and there is no application.

* * * * *

(g) *Countries where service is available on domestic basis.*

Antigua.	Dominica.
Bahamas.	Grenada.
Barbados.	Jamaica.
Bermuda.	Montserrat.
British Honduras.	Nevis.
British Virgin Islands.	Saint Kitts.
Canada.	Saint Lucia.
Canal Zone.	Saint Vincent.
Cuba.	Tobago.
	Trinidad.

3. In redesignated paragraph (d)(2) amend the parenthetical phrase in subdivision (iii) to read "(See paragraph (b)(2) of this section.)"

NOTE: The corresponding Postal Manual section is 171.2.

§ 61.3 [Amendment]

C. In § 61.3 *Cashing money orders* make the following changes:

1. In paragraph (f), the last sentence of subparagraph (4) is amended to provide for the use of Form 31 in lieu of Form 6006. As so amended, the last sentence of subparagraph (4) reads as follows: "If in doubt as to the date or amount on a domestic order, an inquiry shall be sent to the issuing postmaster for verification, using Form 31, 'Office Memorandum.'"

2. Redesignate paragraph (i) as new § 61.4 *Wrong payment*, and insert a new paragraph (i) as follows to include regulations for cashing money orders issued by foreign countries:

(i) *Cashing money orders issued by foreign countries.* Money orders issued in countries listed in § 61.2(g) with or without an advice and money orders issued by the New York, San Francisco, and Dallas Exchange Offices for the countries listed in § 61.2 (h) and (i) are valid for one year from the last day of the month of original issue. Except for the period of validity, payment shall be made in accordance with instructions covering domestic money orders.

NOTE: The corresponding Postal Manual sections are 171.3 and 171.4.

§§ 61.5, 61.6, 61.7 [Redesignation]

D. Redesignate the original §§ 61.4, 61.5 and 61.6 as §§ 61.5, 61.6, and 61.7 respectively as a result of the foregoing amendment.

NOTE: The corresponding Postal Manual sections are 171.5 through 171.7.

E. In redesignated § 61.6 *Inquiries*, paragraph (b)(2) is amended to specify when Form 6684 may be accepted. As so amended, paragraph (b)(2) reads as follows:

(2) *Orders issued on international form.* Send Form 6684, "Inquiry Concerning International Money Order Issued in the United States," to proper U.S. exchange office for order issued in the United States. Do not accept until 30 days after the issue date of the money order. When reply is received from the exchange office, enter the required information on Form 6860 "Reply to Inquiry Concerning Payment of International Money Order," and forward it to the patron.

NOTE: The corresponding Postal Manual section is 171.6.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 506, 507, 5101–5104)

II. In Part 62—Non Postal Stamps and Bonds, as published in 26 F.R. 11601–11603, make the following changes:

A. In § 62.1 paragraph (c) is amended to show the current list of internal revenue stamp denominations available; and a new paragraph (e) is added to include regulations on the redemption of internal revenue stamps. As so amended and added paragraphs (c) and (e) respectively read as follows:

§ 62.1 Documentary internal revenue stamps.

* * * * *

(c) *Denominations.* Documentary internal revenue stamps are furnished in denominations of 1, 2, 3, 4, 5, 8, 10, 20, 25, 40, 50, 55, and 80 cents; 1, 1.10, 1.65, 2, 2.20, 2.75, 3, 3.30, 4, 5, 10, 20, 30, 50, 60, 100, 500, and 1,000 dollars. The 30, 50, 60, 100, 500, and 1,000 dollar stamps are each furnished in books of 40 stamps and the other denominations are furnished in sheets of 100. All denominations are for sale singly or in quantities desired.

* * * * *

(e) *Redemption.* Stamps shall not be redeemed, repurchased or exchanged. Persons desiring to sell, exchange or redeem internal revenue stamps shall be directed to apply to the nearest District Collector of Internal Revenue.

NOTE: The corresponding Postal Manual section is 172.1

§§ 62.4, 62.5 [Redesignation]

B. Redesignate §§ 62.3 and 62.4 as §§ 62.4 and 62.5 respectively, and insert a new § 62.3 to read as follows:

§ 62.3 Boat stamps.

(a) *Denominations.* Boat stamps are in denominations of $1 and $3.

(b) *Use.* The $3 stamp is attached to boat owner's application for number, Form CG–3876, for boats used principally in the District of Columbia and any of the following States: Alaska, Hawaii, Maine, New Hampshire, New Jersey, Pennsylvania, Tennessee, Washington, and Wyoming. The $1 stamp is attached to Form CG–3919 to secure a duplicate certificate of number when the original certificate has been lost or destroyed.

(c) *Where sold.* Boat stamps are sold at any post office, except in Puerto Rico, Virgin Islands, Guam, and Samoa, where there is a demand in connection with vessels used principally in any one of the 9 States or the District of Columbia. They are not sold loose or unaffixed to applications for number (Forms CG–3876 and CG–3919). Loose boat stamps for philatelic purposes only may be purchased directly from the Philatelic Sales Agency, Post Office Department, Washington, 25, D.C.

(d) *Additional information.* Applicants with questions that cannot be answered at the post office should contact the nearest Coast Guard facility.

NOTE: The corresponding Postal Manual sections are 172.3 through 172.5.

(R.S. 161, as amended; 68 Stat. A 830; 72 Stat. 1756; 5 U.S.C. 22, 26 U.S.C. 6802, 39 U.S.C. 501, 46 U.S.C. 527)

III. In Part 63—Postal Savings, as published in 26 F.R. 11603–11606, make the following changes:

A. Section 63.6 is amended to clarify the procedures for handling inactive postal saving accounts. As so amended, § 63.6 reads as follows:

§ 63.6 Inactive accounts.

The main post office stations, and branches shall review Forms PS 600 once each year for inactive accounts and proceed as follows:

(a) Pull out accounts that have been inactive for 10 years. Whenever possible, turn them over to a supervisory official or designated employee who shall keep a control record of all accounts turned over to him. If inactive accounts cannot be taken from the custody of the postal savings clerk because of a limited office staff, they may be kept in the same file cabinet with the active accounts but shall be grouped separately. When a transaction occurs in an inactive account, return the account to the active files.

(b) Report accounts inactive or unclaimed for 20 years to the regional controller, and await instructions. Count the 20 years from date of last transaction or date of depositor's reply to an inquiry on Form PS 159 (now obsolete) whichever is later.

(c) When a depositor whose account has been transferred to the regional controller as unclaimed requests payment, furnish him a Form 315 and instruct him to complete and send it, together with the endorsed certificates, to the regional controller where the account is held. Payment will be made by the regional controller direct to the depositor. Partial payment of unclaimed accounts will not be made; they must be paid in full.

NOTE: The corresponding Postal Manual section is 173.6.

B. In § 63.8, paragraph (b) is amended to clarify the regulations for handling Form PS 607. As so amended, paragraph (b) reads as follows:

§ 63.8 Depositor's lost, stolen, or destroyed certificates.

* * * * *

(b) *Application for replacement.* Form PS 607, "Depositor's Application for New Postal Savings Certificates", shall be prepared if depositor knows certificate cannot be recovered, following instructions on the form. If depositor is uncertain as to what happened to his certificates, he should be asked to search again and return in 10 days to fill out Form PS 607. (Exception may be made when delay will cause depositor hardship.) The serial numbers of the certificates should be verified against those on Form PS 600. The application must not be certified in the postmaster's name until the identification data in section E, page 4 has been verified with that on

Form PS 600 to identify the applicant as the true depositor. Depositors must not be asked to apply for reissue of certificates to determine if the account record is correct. Any difference between item 39 of the postal savings records and the total of the Forms PS 600 should be shown on Form PS 607.

NOTE: The corresponding Postal Manual section is 173.8.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 5203, 5204)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-218; Filed, Jan. 8, 1962; 8:52 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 82, 5th Rev.]

PART 309—VESSEL VALUES FOR WAR RISK INSURANCE

Part 309 is hereby revised by changing the existing text to read as follows:

FINDINGS AND SCOPE

Sec.
309.1 Findings.
309.2 Scope.

BASIC VALUES

309.3 Vessels built during or after 1939.
309.4 Vessels built prior to 1939.

GENERAL PROVISIONS

309.5 Adjustments for condition, equipment, and other considerations.
309.6 Definitions.
309.7 Modifications.
309.8 Vessel data forms.

VALUES FOR INDIVIDUAL VESSELS

309.101 Determination of values.

AUTHORITY: §§ 309.1 through 309.8 and 309.101 issued under sec. 204, 49 Stat. 1987, as amended, sec. 1209, 64 Stat. 775, as amended, 70 Stat. 984; 46 U.S.C. 1114, 1289.

FINDINGS AND SCOPE

§ 309.1 Findings.

The Maritime Administrator has found that the values provided in this part constitute just compensation for the vessels to which they apply, computed in accordance with subsection 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242), pursuant to section 1209(a), Merchant Marine Act, 1936, as amended (46 U.S.C. 1289(a)), Public Law 958, 84th Congress, and the authority delegated to the Maritime Administrator by the Secretary of Commerce in section 3, of Department Order No. 117 (Revised) (26 F.R. 7713, August 17, 1961).

§ 309.2 Scope.

(a) *Vessels included.* This part establishes values for self-propelled ocean-going iron and steel vessels (other than vessels excluded pursuant to paragraph (b) of this section) for which war risk insurance is provided by the Maritime Administrator pursuant to Title XII, Merchant Marine Act, 1936, as amended (46 U.S.C. 1281–1294), Public Law 763, 81st Congress, Public Law 209, 84th Congress, Public Law 958, 84th Congress. The values established by this part represent the maximum amounts for which the Maritime Administrator will provide war risk hull insurance for damage to or actual or constructive total loss of the vessel and for which claims for damage to or actual or constructive total loss of such insured vessels may be adjusted, compromised, settled, adjudged, or paid, by the Maritime Administrator with respect to insurance attaching on or after July 1, 1961, under the Standard Forms of War Risk Hull Insurance Interim Binder or policy prescribed by §§ 308.106 and 308.107 of this chapter (General Order 75, 2d Rev., 26 F.R. 4541, May 26, 1961). Revised values will be prescribed in subsequent revisions of this part, which are expected to be issued at least every six months. The latest published values will remain in effect until new ones are published.

(b) *Vessels excluded.* The values established pursuant to §§ 309.3 through 309.5 do not apply to passenger vessels, lumber schooners, car ferries, seatrains, cable ships, bulk cement and ore carriers other than colliers built prior to 1939, vessels operated on the Great Lakes and inland waterways, fully refrigerated vessels, vessels of less than 1,500 gross tons, or any other vessels or class of vessels to which the Maritime Administrator finds that the provisions of said sections would not be appropriate. Values for vessels excluded by this paragraph (b), shall be specifically determined by the Maritime Administrator and set forth in § 309.101.

(c) *Fuel, stores, and supplies.* Values for fuel, stores and supplies will be prescribed at a later date.

BASIC VALUES

§ 309.3 Vessels built during or after 1939.

(a) *Basic values.* The values of vessels built during or after 1939 shall be determined in accordance with this section, subject to the applicable adjustments provided in § 309.5.

(b) *War-built vessels.* (1) The values of the standard types of war-built vessels listed in this subparagraph (1) which have the lawful right to engage in the coastwise trade of the United States are as follows:

Standard-type vessel	*Value*
EC2-S-C1	$260,000
EC2-S-AW1	300,000
VC2-S-AP2	512,500
C1-M-AV1	325,000
C1-A and B (Steam)	400,000
C1-A and B (Diesel)	380,000
C2-S-B1	700,000
C3-S-A2	900,000
C4-S-B5	1,000,000
T1-M-BT	350,000
T2-SE-A1	430,000
T3-S-A1	475,000
T3-S-BZ1	1,015,000

(2) The values of the standard types of war-built vessels (whether under United States or foreign flag) listed in this subparagraph (2) which do not have the lawful right to engage in the coastwise trade of the United States are as follows:

Standard-type vessel	*Value*
EC2-S-C1	$240,000
EC2-S-AW1	280,000
C1-M-AV1	300,000
VC2-S-AP2	470,000
C1-A (Diesel)	355,000
T2-SE-A1	265,000
T1-M-BT	225,000

(3) The values of the standard subtypes of warbuilt vessels listed in this subparagraph (3) shall be determined as follows:

(i) If the subtype vessel has the lawful right to engage in the coastwise trade of the United States, by multiplying the basic value of the standard-type vessel listed in subparagraph (1) of this paragraph by the factor shown opposite the subtype in the table set forth in this subparagraph (3), or

(ii) If the subtype vessel does not have the lawful right to engage in the coastwise trade of the United States, by multiplying the basic value of the standard-type vessel listed in subparagraph (2) of this paragraph by the factor shown opposite the subtype in this table, set forth in the subparagraph (3).

TABLE

Subtype	*Factor*
VC2-S-AP3	112%—VC2-S-AP2
VC2-M-AP4	90%—VC2-S-AP2
C1-M-AV6	100%—C1-M-AV1
C1-M-AV8	100%—C1-M-AV1
C2-S-A1	85%—C2-S-B1
C2-S-AJ1	100%—C2-S-B1
C2-S-AJ2	110%—C2-S-B1
C2-S-AJ3	100%—C2-S-B1
C2-S-AJ5	105%—C2-S-B1
C2-Cargo	100%—C2-S-B1
C2-S-E1	100%—C2-S-B1
C2-F	100%—C2-S-B1
C2-S	103%—C2-S-B1
C2-SU	95%—C2-S-B1
C3-Cargo	100%—C3-S-A2
C3-S-A1	100%—C3-S-A2
C3-S-A3	80%—C3-S-A2
C3-S-A4	109%—C3-S-A2
C3-S-A5	109%—C3-S-A2
C3-E	74%—C3-S-A2
C3-M	100%—C3-S-A2
C3-S-BH1	100%—C3-S-A2
C3-S-BH2	105%—C3-S-A2
C4-S-A4	100%—C4-S-B5
T1-M-BT1	100%—T1-M-BT
T1-M-BT2	100%—T1-M-BT
T2-SE-A2	108%—T2-SE-A1
T2-SE-A3	108%—T2-SE-A1
T2	108%—T2-SE-A1
T3-M-AZ1	112%—T3-S-A1
T3-S-BF1	132%—T3-S-A1

(c) *Other vessels.* The value of a vessel built during or after 1939 which is not included in paragraph (b) of this section shall be the current domestic market value as determined by the Maritime Administrator.

§ 309.4 Vessels built prior to 1939.

The basic values of vessels built prior to 1939 shall be as follows, subject to applicable adjustments provided in § 309.5:

(a) For dry cargo vessels, $6.25 per deadweight ton;

(b) For tank vessels, $6.00 per deadweight ton;

(c) For collier vessels, $6.25 per deadweight ton.

GENERAL PROVISIONS

§ 309.5 Adjustments for condition, equipment, and other considerations.

The basic values provided in § 309.3 shall be adjusted for individual vessels to the extent provided in paragraphs (a) to (d) of this section. The basic values provided in § 309.4 shall be adjusted for individual vessels to the extent provided in paragraphs (a) to (f) of this section.

(a) *Adjustment for a vessel of substandard condition.* If the Maritime Administrator is of the opinion that a vessel is not in class or is in substandard condition for a vessel of her type or subtype and age, there shall be subtracted from the basic value of such vessel, as determined pursuant to §§ 309.3 and 309.4, the amount estimated by the Administrator as the cost of putting the vessel in class or the amount estimated by the Administrator as the difference in value of the substandard vessel and a vessel in standard condition.

(b) *Special equipment.* For any special equipment of material utility in the handling of cargo or utilization of the vessel, not otherwise included in determining the basic value pursuant to § 309.3 or § 309.4, if the depreciated reproduction cost less construction subsidy, if any, of all such special equipment is in excess of $50,000.00, an allowance in such amount as the Maritime Administrator shall determine to be the fair and reasonable value of such equipment less construction-differential subsidy thereon, shall be added to the basic value.

(c) *Government installations.* The values provided by this part shall not include any allowance for any special installations or equipment to the extent that their cost was borne by the United States.

(d) *Construction subsidized vessel.* In the case of a construction subsidized vessel, for the period of insurance prior to requisition for title or use the valuation determined in accordance with § 309.3 shall be reduced by such proportion as the amount of construction subsidy paid with respect to the vessel bears to the entire construction cost and capital improvements thereof (excluding the cost of national defense features), and for the period of insurance after requisition for use the valuation determined in accordance with § 309.3 shall not exceed the amount which would be payable under section 802 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1212), in the case of requisition for title or use.

(e) *Speed.* The basic values determined pursuant to § 309.4 for vessels built prior to 1939 shall be adjusted as provided in subparagraph (1) or (2) of this paragraph.

(1) *Allowance for speed or more than 11 knots.* For vessels having a speed of more than 11 knots, there shall be added to the basic values provided in § 309.4 $0.15 per deadweight ton for each knot thereof in excess of 11 knots (fractions of knots to be prorated to the nearest one-fourth).

(2) *Deductions for speeds of less than 9 knots.* For vessels having a speed of less than 9 knots, there shall be deducted from the basic values provided in § 309.4 $0.15 per deadweight ton for each knot thereof less than 9 knots (fractions of knots to be prorated to the nearest one-fourth).

(f) *Refrigeration.* (1) The basic values determined pursuant to § 309.4 shall be adjusted for refrigerated space as provided in this paragraph, subject to the limitation provided in paragraph (c) of this section:

(2) The net cubic capacity of each separately insulated refrigerated compartment of the vessel, exclusive of any refrigerated space ordinarily required for vessel's stores, shall be computed, and the total cubic capacity of all such compartments shall then be ascertained.

(3) The number of net cubic feet of the sum of all refrigerated compartments of the vessel, exclusive of the refrigerated space ordinarily required for the vessel's stores, shall then be multiplied by $0.05 for vessels built prior to 1939.

§ 309.6 Definitions.

(a) *Date vessel is built.* The date a vessel is built is the date upon which the vessel is delivered by the shipbuilder.

(b) *Deadweight tonnage.* The deadweight tonnage of a vessel means her deadweight capacity established in accordance with normal Summer Freeboard as assigned pursuant to the International Load Line Convention, 1930, and shall be her capacity (in tons of 2,240 pounds) for cargo, fuel, fresh water, spare parts and stores, but exclusive of permanent ballast.

(c) *Speed of vessel.* The speed of a vessel means the speed determined in accordance with the formulae provided in Part 246 of this chapter (General Order 43, 3d Revision, 24 F.R. 3793, May 12, 1959).

(d) *Passenger vessel.* A passenger vessel is a ship which carries more than twelve passengers.

(e) *Construction subsidized vessel.* A construction subsidized vessel is a vessel built, reconstructed, or reconditioned with the aid of a construction-differential subsidy under Title V of the Merchant Marine Act, 1936, as amended, or a vessel sold by the United States which is subject by operation of law or contract to the provisions of section 802 of the Merchant Marine Act, 1936, as amended.

(f) *Vessel.* The stated valuation of a vessel in this order applies to a vessel in Class A–1 American Bureau of Shipping or equivalent, with all required certificates, including but not limited to marine inspection certificates of the Coast Guard, Treasury Department, with all outstanding requirements and recommendations necessary for retention of class accomplished; and so far as due diligence can make her so, tight, staunch, strong and well and sufficiently tackled, appareled, furnished and equipped, and in every respect seaworthy and in good running condition and repair, with clean swept holds and in all respects fit for service. A vessel in substandard condition is subject to section 309.5(a). The stated valuation of a vessel provided in this order does not include vessel stores and supplies, which consist of (1) Consumable Stores, (2) Subsistence Stores, (3) Slop Chest, (4) Bar Stock, and (5) Fuel, as defined in Maritime Administration Inventory Manual, Vessel Inventories, Part 1, and Maritime Administration Inventory Books, Forms MA–4736, A through K, which will be valued separately.

§ 309.7 Modifications.

The Maritime Administrator reserves the right to exempt specific vessels from the scope of this part, or to amend, modify, or terminate the provisions hereof.

§ 309.8 Vessel data forms.

(a) *To accompany application for insurance.* Each application for war risk hull insurance submitted in accordance with § 308.101 of this chapter (General Order 75, 2d Rev., 26 F.R. 4541, May 26, 1961) shall be accompanied by information relating to the vessel for use by the Maritime Administrator in determining the value pursuant to this part. The information shall be submitted in duplicate on the applicable form prescribed in this section, copies of which may be obtained from the American War Risk Agency, 99 John Street, New York, N.Y., or the Chief, Division of Insurance, Maritime Administration, Washington 25, D.C.

(b) *Vessels of 1,500 gross tons or over*—(1) *War-built vessels.* If the vessel is a standard or subtype war-built vessel listed in § 309.3(b) (1), (2), or (3), vessel data shall be submitted on Form MA–470.

(2) *Construction subsidized vessels.* If the vessel is a construction subsidized vessel as defined in § 309.6(e) or a vessel for which the purchase price was adjusted under section 9 of the Merchant Ship Sales Act of 1946, vessel data shall be submitted on Form MA–471.

(3) *Other vessels built during or after 1939.* If the vessel was built during or after 1939, and if it is not included in subparagraph (1) or (2) of this paragraph, vessel data shall be submitted on Form MA–472.

(4) *Vessels built prior to 1939.* If the vessel is a dry cargo, tank or collier vessel built prior to 1939, vessel data shall be submitted on Form MA–473.

(5) *Vessels excluded by § 309.2(b).* If the vessel is 1,500 gross tons or more and is excluded by § 309.2(b), vessel data shall be submitted on Form MA–474.

(c) *Vessels of less than 1,500 gross tons.* If the vessel is of less than 1,500 gross tons, vessel data shall be submitted on Form MA–63.

(d) *Modifications to vessels.* Revised vessel data shall be submitted on the appropriate form prescribed above whenever a vessel undergoes a physical change which increases or decreases its value by five percent or more.

VALUES FOR INDIVIDUAL VESSELS

§ 309.101 Determination of values.

(a) *Vessels covered by §§ 309.3 through 309.5.* (1) Whereas, the Maritime Administrator has found that the values established pursuant to §§ 309.3 through 309.5 constitute just compensation for the vessels to which they apply, computed in accordance with section 902(a)

of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242); and section 1209(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289), Public Law 958, 84th Congress (70 Stat. 984); and pursuant thereto has determined the values of vessels covered by interim binders for war risk hull insurance, Form MA–184, prescribed by Part 308 of this chapter (General Order 75, 2d Rev., 26 F.R. 4541, May 26, 1961).

(2) Therefore, it is ordered that the interim binders listed below shall be deemed to have been amended as of July 1, 1961, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Nevertheless, the Assured shall have the right within sixty days after date of publication of this order or within sixty days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289).

Binder No.	Name of vessel	Official No.	Stated valuation
870	Achilles	261702	$9,350,000
94	Afoundria	244018	700,000
722	African Glade	245035	700,000
723	African Glen	247284	700,000
724	African Grove	244877	700,000
727	African Patriot	245795	700,000
728	African Pilgrim	245431	700,000
729	African Pilot	245725	700,000
1135	Agia Thalassini	442	240,000
369	Aimee Lykes	245548	700,000
605	Alamar	245810	520,000
939	Alaska Mail	247420	574,000
208	Alaskan	245065	430,000
1047	Alexander S. M	868	240,000
659	Alice Brown	249027	700,000
923	Almena	247291	430,000
352	Aloha State	243297	900,000
424	America Bear	251970	700,000
329	American Builder	247201	700,000
530	American Chief	246732	700,000
831	American Eagle	276327	8,450,000
533	American Flyer	247417	700,000
534	American Forester	248074	700,000
537	American Gunner	252677	700,000
539	American Hunter	252679	700,000
541	American Leader	249517	700,000
940	American Mail	247321	900,000
542	American Manufacturer	247643	700,000
543	American Marketer	245539	700,000
545	American Miller	243873	700,000
546	American Packer	243892	700,000
548	American Planter	254670	700,000
549	American Press	247390	700,000
550	American Producer	254616	700,000
553	American Retailer	252572	700,000
554	American Scientist	254653	700,000
671	American Starling	246427	240,000
557	American Supplier	253289	700,000
558	American Surveyor	252356	700,000
662	American Trader	247306	430,000
559	American Trapper	253678	700,000
561	American Veteran	247256	700,000
163	America Sun	240147	425,000
272	Ames Victory	247292	574,000
96	Andrew Jackson	247303	700,000
1099	Andros Fighter	539	240,000
1100	Andros Lady	1045	240,000
1101	Andros Laurel	533	240,000
19	Angelo Petri	243882	4,250,000
979	Anne-Marie	245176	430,000
877	Anne Quinn	243521	260,000
96	Antinous	245979	700,000
282	Arickaree	952	265,000
675	Arizona	247721	574,000
97	Arlipa	251707	700,000
139	Arlington	243896	300,000
164	Atlantic Sun	244096	532,000
953	Atlantic Victory	248749	512,500
418	Attleboro Victory	247475	470,000
789	Audrey J. Luckenbach	249884	1,000,000
210	Avila	267181	2,700,000
707	Badger State	245136	700,000
980	Barbara	249079	430,000
62	Barbara Frietchie	244708	260,000
347	Barbara Jane	278103	8,175,000
371	Barbara Lykes	245964	700,000
283	Battle Rock	954	265,000
708	Bayou State	254012	$700,000
949	Bay State	254130	700,000
72	Beatrice	252836	792,000
700	Beaver State	245363	574,000
122	Bents Fort	248010	430,000
121	Berwindvale	247645	300,000
606	Bethcoaster	256986	145,000
419	Biddeford Victory	248433	470,000
710	Blue Grass State	253956	700,000
140	Boston	247161	300,000
1146	MV Bradeverett	560	300,000
123	Bradford Island	247640	430,000
1095	Brighton	1445–59	5,975,000
821	Brooklyn Heights	247672	512,500
353	Buckeye State	244577	900,000
602	Bulkerude	245180	627,000
644	Bulklube	244616	627,000
226	Byron D. Benson	245173	430,000
645	Calballee	245560	430,000
609	Calmar	246161	520,000
284	Camp Namanu	955	265,000
426	Canada Bear	247385	574,000
941	Canada Mail	252476	900,000
124	Cantigny	247452	430,000
837	Captain Nicholas Sifinas	248133	430,000
67	Carbide Seadrift	241851	430,000
68	Carbide Texas City	242532	430,000
374	Charlotte Lykes	247157	512,500
333	Chemical Transporter	244902	1,485,000
243	Chena	242704	282,000
964	Chevron	250864	350,000
610	Chiltore	253219	1,020,000
427	China Bear	245837	700,000
872	Chris H	244656	240,000
1134	Chryssi S. M	491	240,000
100	City of Alma	247592	700,000
955	Clarke's Wharf	247758	430,000
920	Coalinga Hills	246810	430,000
244	Coastal Monarch	248699	725,000
245	Coastal Nomad	248382	725,000
246	Coastal Rambler	248648	725,000
266	Coeur D'Alene Victory	247113	574,000
273	Coe Victory	247804	574,000
186	Colina	242775	430,000
676	Colorado	248786	574,000
682	Columbia	243852	430,000
141	Concord	247870	300,000
711	Constitution State	245985	574,000
712	Copper State	244137	900,000
713	Cotton State	244140	512,500
704	Cottonwood Creek	249864	265,000
128	Council Grove	247806	430,000
362	C. R. Musser	246754	260,000
583	Curtis Woods	245009	430,000
137	Cynthia Olson	253441	205,000
131	David D. Irwin	242354	464,000
212	David E. Day	249880	2,625,000
229	David McKelvy	246355	430,000
319	Del Campo	241923	426,000
102	De Soto	245398	700,000
377	Dolly Turman	249747	700,000
1143	MV Dolpheverett	1507	355,000
1142	MV Doneverett	1372	355,000
74	Dorothy	242992	260,000
876	Dorothy Boylan	245895	260,000
700	Eagle Courier	277561	7,100,000
699	Eagle Transporter	277710	7,100,000
697	Eagle Traveler	278442	8,125,000
698	Eagle Voyager	279624	8,125,000
167	Eastern Sun	270025	6,000,000
795	Edgar F. Luckenbach	249882	1,000,000
75	Edith	248564	300,000
921	Elemir	247155	430,000
76	Elizabeth	245183	771,000
77	Emilia	245198	966,000
705	Empire State	248212	700,000
78	Evelyn	247951	300,000
354	Evergreen State	257827	900,000
855	Exilona	252393	720,000
858	Expeditor	251971	720,000
865	Express	252376	720,000
103	Fairport	249072	700,000
265	Federal	962	265,000
1018	Ferore	1568	240,000
365	F. E. Weyerhaeuser	245564	260,000
611	Flomar	247261	520,000
218	Flying A—California	286216	2,500,000
219	Flying A—Washington	268783	2,550,000
812	Flying Clipper	252991	700,000
813	Flying Cloud	247000	700,000
814	Flying Eagle	251664	700,000
816	Flying Enterprise II	245374	700,000
825	Flying Gull	240462	721,000
828	Flying Hawk	240632	721,000
818	Flying Independent	245131	400,000
819	Flying Spray	240217	400,000
820	Flying Trader	248750	512,500
266	Fort Bridger	956	265,000
584	Fort Fetterman	244035	2,325,000
956	Fort Mims	248736	430,000
247	Fortuna	245980	260,000
498	Four Lakes	244971	2,400,000
79	Frances	245541	771,000
222	Frank Haskell	246307	430,000
380	Frank Lykes	245540	700,000
177	Fruitvale Hills	246716	430,000
359	F. S. Bell	244714	260,000
962	F. S. Bryant	250827	470,000
248	Galena	248122	325,000
948	Garden State	248057	$574,000
382	Genevieve Lykes	252444	700,000
383	George Lykes	245132	400,000
138	George Olson	217960	205,000
1048	Georgia S.M	1446	240,000
361	Geo. S. Long	245913	260,000
384	Gibbes Lykes	245182	700,000
714	Golden State	246544	512,500
21	Gold Stream	275391	2,250,000
355	Gopher State	244979	900,000
884	Green Bay	244287	640,000
885	Green Cove	247266	700,000
886	Green Harbour	247760	512,500
887	Green Island	247079	470,000
950	Green Mountain State	247158	512,500
888	Green Point	248050	700,000
889	Green Valley	247950	512,500
890	Green Wave	252351	700,000
276	Gulf Banker	245160	700,000
790	Gulfbear	247309	2,150,000
791	Gulfbeaver	243657	2,150,000
792	Gulfcrest	270334	7,650,000
277	Gulf Farmer	244598	700,000
704	Gulfjaguar	246972	2,250,000
795	Gulfking	275193	7,925,000
796	Gulfknight	277183	8,025,000
797	Gulflion	246990	2,300,000
808	Gulflube	254406	900,000
278	Gulf Merchant	252445	700,000
798	Gulfpanther	246543	2,250,000
799	Gulfpass	249090	430,000
801	Gulfprince	276034	7,900,000
802	Gulfqueen	275583	7,700,000
805	Gulfseal	247457	2,400,000
811	Gulfservice	264224	2,450,000
279	Gulf Shipper	252443	700,000
807	Gulfstag	251066	2,300,000
804	Gulftiger	247747	2,325,000
280	Gulf Trader	244750	700,000
951	Gulfwater	243694	240,000
646	Hampton Roads	248748	1,015,000
824	Hans Isbrandtsen	277703	7,925,000
300	Hawaiian Builder	247386	1,139,000
301	Hawaiian Craftsman	247826	983,000
302	Hawaiian Educator	247322	955,000
303	Hawaiian Farmer	243860	1,011,000
304	Hawaiian Merchant	248845	1,139,000
305	Hawaiian Packer	243929	1,134,000
306	Hawaiian Pilot	245016	700,000
308	Hawaiian Rancher	246204	1,120,000
309	Hawaiian Refiner	245594	1,078,000
310	Hawaiian Retailer	252477	900,000
311	Hawaiian Tourist	248171	574,000
430	Hawaii Bear	247194	574,000
954	Hedge Haven	247650	430,000
385	Helen Lykes	245245	700,000
634	Hess Hunker	243804	430,000
635	Hess Diesel	248127	630,000
636	Hess Fuel	242867	1,550,000
637	Hess Mariner	247229	430,000
961	Hillyer Brown	269233	2,550,000
80	Hilton	245110	260,000
706	Hoosier State	247762	1,000,000
390	Horace Irvine	246933	260,000
787	Horace Luckenbach	245544	900,000
386	Howell Lykes	239905	900,000
105	Hurricane	246798	700,000
106	Iberville	248489	700,000
679	Idaho	252271	900,000
968	Idaho Standard	245461	430,000
249	Illamna	246848	282,000
680	Illinois	247454	574,000
432	India Bear	252568	700,000
943	India Mail	251767	900,000
81	Ines	249260	723,000
875	Isaac Mann	242477	260,000
1019	James Monroe	522	240,000
878	Janet Quinn	242949	260,000
945	Java Mail	252478	900,000
82	Jean	244612	943,000
107	Jean La Fitte	243814	700,000
274	Jefferson City Victory	247347	574,000
108	John B. Waterman	249234	700,000
366	John Weyerhaeuser	245356	260,000
63	Josefina	247042	260,000
647	Joshua Tree	247055	430,000
586	Julesburg	243523	2,450,000
83	Kathryn	252479	794,000
642	Kentmar	246962	520,000
109	Kenneth H. Stevenson	244960	260,000
508	Keystoner	266730	2,675,000
356	Keystone State	247763	1,000,000
930	Keytrader	267905	2,675,000
109	Kyska	248854	700,000
178	La Brea Hills	247455	430,000
288	Lake George	957	265,000
1028	Lake Palourde	1379	7,850,000
110	La Salle	251504	700,000
788	Lena Luckenbach	244049	900,000
1141	MV Loneverett	888	300,000
961	Letitia Lykes	246897	700,000
142	Lexington	248276	300,000
603	Lisa B	247279	240,000
715	Lonestar State	242765	900,000
267	Longview Victory	247077	574,000
613	Losmar	245111	520,000
658	Lucile Bloomfield	249291	700,000
111	Madaket	246092	700,000

Binder No.	Name of vessel	Official No.	Stated valuation
1136	Madison Bell	481	$240,000
84	Mae	248165	300,000
716	Magnolia State	247144	512,500
112	Maiden Creek	248908	700,000
143	Maiden	247987	300,000
394	Mallory Lykes	244881	700,000
275	Mankato Victory	248739	574,000
395	Margaret Lykes	245853	700,000
990	Margarett Brown	249174	700,000
86	Marine Courier	248019	275,000
20	Marine Electric	245675	430,000
23	Marine Leader	247806	300,000
87	Marine Pioneer	245000	295,000
88	Marine Progress	245086	285,000
89	Marine Ranger	246574	280,000
90	Marine Shipper	247596	300,000
91	Marine Trader	247274	309,000
92	Marine Transport	247991	335,000
93	Marine Voyager	247660	512,500
168	Maryland Sun	246101	430,000
664	Maryland Trader	247178	2,325,000
615	Marymar	246331	520,000
397	Mason Lykes	252446	700,000
616	Massmar	246328	520,000
922	Maxton	248800	430,000
01	Mayflower	264049	11,675,000
398	Mayo Lykes	247405	512,500
289	McKittrick Hills	999	265,000
909	M. E. Lombardi	240228	270,000
932	Mermaid	246868	430,000
681	Michigan	240590	900,000
188	Mobil Aero	278471	7,800,000
189	Mobil Fuel	274588	6,600,000
190	Mobilgas	271449	5,650,000
191	Mobil Lube	278681	6,800,000
192	Mobiloil	279064	7,875,000
193	Mobil Power	274966	6,150,000
420	Moline Victory	247346	512,500
682	Montana	247478	574,000
290	Montebello Hills	960	265,000
32	Mormacdove	245337	700,000
33	Mormaclan	245368	574,000
34	Mormacfir	249859	574,000
35	Mormacfuel	243450	430,000
36	Mormacguide	252847	900,000
38	Mormachawk	248033	700,000
44	Mormacoak	245955	574,000
45	Mormacowl	245338	700,000
47	Mormacpine	247477	574,000
50	Mormacrio	248745	900,000
53	Mormacsun	252346	900,000
56	Mormacteal	245040	700,000
60	Mormacwren	245914	700,000
832	Mount Evans	245087	260,000
833	Mount McKinley	245416	260,000
836	Mount Rainier	245641	260,000
838	Mount Shasta	246632	260,000
281	Mount Vernon Victory	284178	10,975,000
835	Mount Whitney	243226	260,000
250	Nadina	245864	274,000
588	Nasco	244063	1,160,000
648	Nashbulk	247307	1,015,000
927	Natalie	245322	700,000
251	Nenana	247015	260,000
661	Neva West	249283	700,000
421	Newberry Victory	248460	512,500
180	New Market	247276	430,000
144	Newton	247414	300,000
683	New York	248742	900,000
1144	MV Noreverett	589	300,000
268	Northwestern Victory	247492	574,000
936	Oakey L. Alexander	247479	420,000
939	Ocean Dinny	244215	700,000
931	Ocean Evelyn	249217	1,000,000
946	Ocean Mail	241750	665,000
869	Ocean Victory	248013	512,500
684	Ohio	246388	700,000
170	Ohio Sun	244069	430,000
964	Olympic Pioneer	245529	260,000
947	Oregon Mail	248844	900,000
971	Oregon Standard	246773	430,000
1093	Oswego Leader	1258	265,000
933	Overseas Eva	244878	700,000
934	Overseas Joyce	243008	700,000
935	Overseas Rebecca	245532	700,000
785	Overseas Rose	245023	900,000
31	Pacificus	245519	260,000
717	Palmetto State	247823	512,500
149	Pandora	243923	240,000
718	Pelican State	245354	574,000
342	Penn Explorer	246761	240,000
617	Pennmar	245945	520,000
343	Penn Mariner	247376	240,000
344	Penn Shipper	244982	260,000
171	Pennsylvania Sun	280302	11,250,000
345	Penn Trader	246934	240,000
346	Penn Voyager	245333	240,000
183	Penobscot	247706	300,000
589	Perote	243661	265,000
562	Pioneer Cove	249748	700,000
563	Pioneer Isle	256787	770,000
575	Pioneer Reef	246020	778,000
577	Pioneer Surf	254842	782,000
578	Pioneer Tide	249030	700,000
184	Plymouth	247867	300,000
938	Pocahontas Fuel	248655	600,000
294	Point Arena	245225	430,000
16	Ponca City	244338	430,000
618	Portmar	246063	520,000
701	Prairie Grove	246660	430,000
1130	Praxiteles	1036	$240,000
504	President Fillmore	245754	574,000
507	President Harding	248565	574,000
919	Producer	245888	430,000
226	Providence Getty	254689	350,000
624	P & T Adventurer	247220	574,000
625	P & T Builder	247121	574,000
626	P & T Explorer	252524	900,000
627	P & T Forester	242041	900,000
628	P & T Leader	245244	574,000
629	P & T Navigator	252304	900,000
630	P & T Seafarer	243909	900,000
631	P & T Voyager	248787	574,000
968	Rachel V	248785	574,000
145	Reading	248271	300,000
1145	MV Reneverett	591	300,000
822	Remsen Heights	247805	512,500
291	Republic	963	265,000
966	R. G. Follis	251140	470,000
1109	Ridgefield	1021	240,000
223	Robert E. Hopkins	247757	430,000
155	Robin Goodfellow	247254	900,000
156	Robin Gray	252626	900,000
157	Robin Hood	247255	900,000
158	Robin Kirk	254272	900,000
160	Robin Mowbray	255316	900,000
162	Robin Trent	254641	900,000
967	Rock Landing	248802	430,000
180	Royal Oak	247574	430,000
879	Russell L	247511	260,000
1140	MV Rutheverett	1373	355,000
172	Sabine Sun	241558	450,000
194	Sachem	243525	475,000
195	Sacona	244641	475,000
196	Saconnet	245543	475,000
828	Sag Harbor	244117	260,000
225	Samuel Q. Brown	246982	430,000
422	San Angelo Victory	248842	512,500
181	San Jacinto	248894	1,425,000
1056	Sansinena	1314	7,625,000
891	Santa Adela	242243	700,000
892	Santa Anita	245130	400,000
64	Santa Emilia	246633	240,000
899	Santa Fe	246602	400,000
900	Santa Flavia	247262	700,000
903	Santa Juana	242111	700,000
906	Santa Malta	245459	700,000
211	Santa Maria	263781	2,550,000
909	Santa Mariana	246038	700,000
619	Santore	254624	1,620,000
348	Sarcoula	277935	8,075,000
198	Satucket	245227	475,000
199	Saucon	244796	475,000
185	Seaconnet	247412	300,000
10	Seahis	245215	260,000
26	Sealady	244457	350,000
620	Seamar	246507	520,000
67	Seatrain New Jersey	239688	750,000
66	Seatrain New York	231905	470,000
69	Seatrain Savannah	231916	470,000
70	Seatrain Texas	239549	750,000
396	Shabonee	244028	475,000
336	Sierra	247831	919,000
823	Sir John Franklin	244734	400,000
201	Siwanoy	244362	475,000
337	Sonoma	252413	1,024,000
357	Sooner State	247139	700,000
582	Spirit of Liberty	243263	430,000
439	Steel Advocate	245731	900,000
440	Steel Age	244161	900,000
441	Steel Apprentice	252498	900,000
442	Steel Architect	247166	900,000
443	Steel Artisan	247833	900,000
444	Steel Chemist	252037	900,000
445	Steel Designer	247832	900,000
446	Steel Director	244978	900,000
447	Steel Executive	248843	900,000
448	Steel Fabricator	251781	900,000
449	Steel Flyer	244831	900,000
450	Steel King	252499	900,000
451	Steel Maker	247221	900,000
452	Steel Navigator	248846	900,000
453	Steel Recorder	251847	900,000
454	Steel Rover	252500	900,000
455	Steel Scientist	245730	900,000
456	Steel Seafarer	248738	900,000
457	Steel Surveyor	244968	900,000
458	Steel Traveler	247198	900,000
459	Steel Vendor	246464	900,000
460	Steel Voyager	252501	900,000
461	Steel Worker	247934	900,000
173	Sunoil	246908	430,000
252	Susitna	248389	325,000
85	Susanne	253226	780,000
404	Sylvia Lykes	247841	700,000
203	Syosset	247458	475,000
253	Talkeetna	245733	260,000
702	Tampico	246344	430,000
254	Tanana	247310	325,000
1114	Tascalusa	3254–FP	286,000
255	Tatalina	247995	325,000
462	Texaco Alabama	246968	430,000
463	Texaco California	266010	3,150,000
1073	MV Texaco Cristobal	2905–53	225,000
670	Texaco Indiana	244244	445,000
672	Texaco Louisiana	245053	430,000
1078	Texaco Maine	4500–59	6,075,000
480	Texaco New Jersey	245831	2,525,000
484	Texaco Oklahoma	275882	7,700,000
1094	Texaco Southampton	1165	265,000
209	Texan	249252	$1,975,000
174	Texas Sun	263997	11,850,000
665	Texas Trader	246753	430,000
497	The Cabins	240143	2,525,000
1137	Theopan	562	240,000
925	Thetis	279627	9,200,000
182	Tillamook	245104	430,000
834	Titan	281177	11,675,000
256	Tonsina	252547	267,000
115	Topa Topa	247906	700,000
880	Transamerican	245780	260,000
881	Transhorinquan	246540	400,000
882	Transcaribbean	247986	512,500
231	Transeastern	279438	10,125,000
633	Transnorthern	248011	430,000
883	Transunion	247060	260,000
1096	Trinidad	4336–58	5,775,000
696	Utah	245206	574,000
338	Ventura	252633	1,125,000
978	Vicksburg	244703	430,000
703	Village	246124	240,000
1204	Villa Marion	554	240,000
409	Virginia Lykes	245125	700,000
666	Virginia Trader	244789	430,000
928	Vivian	247467	512,500
719	Volunteer State	247292	512,500
116	Wacosta	245189	700,000
117	Warrior	243815	700,000
974	Washington Standard	246203	430,000
667	Washington Trader	245566	430,000
364	W. H. Peabody	246055	260,000
146	Winchester	247708	300,000
1059	Winnebago	213747	265,000
362	W. L. McCormick	244894	260,000
224	Wm. F. Humphrey	246557	430,000
358	Wolverine State	248740	1,000,000
687	Wyoming	248243	574,000
622	Yorkmar	246067	520,000

(b) *Vessels of less than 1,500 gross tons—as of July 1, 1961.* (1) Whereas, the Maritime Administrator has determined for certain vessels of less than 1,500 gross tons the values which constitute just compensation for the vessels to which they apply, computed in accordance with section 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242); and section 1209(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289), Public Law 958, 84th Congress (70 Stat. 984); and pursuant thereto has determined the values of vessels covered by interim binders for war risk hull insurance, Form MA–184 prescribed by Part 308 of this chapter (General Order 75, 2d Rev., 26 F.R. 4541, May 26, 1961).

(2) Therefore, it is ordered that the interim binders listed below shall be deemed to have been amended as of July 1, 1961, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Nevertheless, the Assured shall have the right within sixty days after date of publication of this order or within sixty days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289).

Binder No.	Name of vessel	Official No.	Stated valuation
1186	Barge 114	------	$14,000
1187	Barge 116	------	17,000
1188	Barge 118	------	14,000
1196	Barge 128	------	14,000
1197	Barge 129	------	14,000
1198	Barge 133	------	36,000
1199	Barge 134	------	15,000
1153	Britton	119	26,000
673	Curlew	243213	73,000
1138	Cyrus Field	147699	253,000
1165	Dammam 7	------	20,000
1166	Dammam 8	256059	21,000
1167	Dammam 9	------	63,000

Binder No.	Name of vessel	Official No.	Stated valuation
1168	Dammam 10	------	$93,000
1169	Dammam 11	------	93,000
1170	Dammam 12	------	80,000
1171	Dammam 13	------	69,000
1172	Dammam 14	------	80,000
674	Golden Eagle	241402	50,000
1150	Habib	112	22,000
1151	Horne	115	23,000
672	Kingfisher	252852	103,000
1176	Qatif 7	------	93,000
1177	Qatif 8	------	93,000
1148	Sandy	111	23,000
1152	Swigart	118	24,000

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: December 22, 1961.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-142; Filed, Jan. 8, 1962; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

Annual Report Form B–1; Refrigerator Car Lines Owned or Controlled by Railroad Companies

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 14th day of December A.D. 1961.

The matter of annual reports of refrigerator car lines owned or controlled by railroad companies being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 120.70 of the order of November 21, 1960, in the matter of Annual Report Form B–1 (Refrigerator Car Lines Owned or Controlled by Railroad Companies), be, and it is hereby, modified and amended with respect to annual reports for the year ended December 31, 1961, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 120.70 be, and its is hereby, modified and amended, to read as follows:

§ 120.70 Annual reports of refrigerator car lines owned or controlled by railroad companies.

Commencing with reports for the year ended December 31, 1961, and thereafter, until further order, all refrigerator car lines which are operated in interstate commerce subject to the provisions of section 20(6) of the Interstate Commerce Act, 49 U.S.C. 20, and which are owned or controlled by railroad companies, are required to file annual reports in accordance with Annual Report Form B–1 (Annual Reports of Refrigerator Car Lines Owned or Controlled by Railroad Companies), which is attached to and made a part of this section.[1] Such report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before March 31 of the year following the year to which it relates.

(Sec. 12, 24 Stat. 383, as amended: 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

And it is further ordered, That copies of this order and of Annual Report Form B–1 shall be served upon all refrigerator car lines subject to section 20(6) of the Interstate Commerce Act, owned or controlled by railroad companies, and upon every trustee, receiver, executor, administrator, or assignee of any such car line, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-203; Filed, Jan. 8, 1962; 8:49 a.m.]

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

Annual Report Form B–2; Persons Furnishing Cars, Other Than Railroad Refrigerator Car Lines

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 14th day of December A.D. 1961.

The matter of annual reports of persons furnishing cars, other than refrigerator car lines owned or controlled by railroad companies, and owning 10 or more cars, being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 120.70a of the order of January 22, 1960, in the matter of Annual Report Form B–2 (Persons Furnishing Cars, other than Refrigerator Car Lines), be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1961, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 120.70a be, and is hereby, modified and amended to read as follows:

§ 120.70a Annual reports of persons furnishing cars, other than refrigerator car lines owned or controlled by railroad companies.

Commencing with reports for the year ended December 31, 1961, and thereafter, until further order, all persons furnishing cars to railroads or express companies, other than refrigerator car lines owned or controlled by railroad companies, and owning or operating 10 or more cars, are required to file annual reports in accordance with Form B–2 (Annual Reports of Persons Furnishing Cars, Other than Refrigerator Car Lines Owned or Controlled by Railroad Companies), which is attached hereto and made a part of this section.[1] Such report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before March 31 of the year following the year to which it relates.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

It is further ordered, That copies of this order and of Annual Report Form B–2 shall be served upon all persons furnishing cars, other than refrigerator car lines owned or controlled by railroad companies, subject to its terms, and upon every trustee, receiver, executor, administrator or assignee of any such persons, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-202; Filed, Jan. 8, 1962; 8:49 a.m.]

[1] Filed as part of original document.

[Docket No. MC–C–3358]

PART 180a—REGULATIONS GOVERNING DISCRIMINATION IN OPERATIONS OF INTERSTATE MOTOR COMMON CARRIERS OF PASSENGERS

Use of Non-Discrimination Notice on Passenger Tickets

DECEMBER 11, 1961.

Inquiries have been received by the Commission concerning the proper usage of the notice required by the provisions of section 180a(3) of the regulations promulgated by the Commission in Docket No. MC–C–3358, Discrimination in Operations of Interstate Motor Carriers of Passengers. This section reads as follows:

180a(3) *Notice to be printed on tickets.* Every motor common carrier of passengers subject to section 216 of the Interstate Commerce Act shall cause to be printed on every ticket sold by it for transportation on any vehicle operated in interstate or foreign commerce a plainly legible notice as follows: "Seating aboard vehicles operated in interstate or foreign commerce is without regard to race, color, creed, or national origin." This section (49 C.F.R. 180a(3)) shall be applicable to all tickets sold on or after January 1, 1963.

The words, "Seating aboard vehicles operated in interstate or foreign commerce is without regard to race, color, creed, or national origin", should appear on the face of every ticket coming within the purview of the section. If the ticket is in parts or consists of additional elements, such as coupons, identification stubs, or checks, it shall be sufficient for the purposes of section 180a(3) that the notice appear only once on the ticket and be placed on the face of that portion of the ticket which is held by the passenger.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-201; Filed, Jan. 8, 1962; 8:49 a.m.]

Proposed Rule Making

SECURITIES AND EXCHANGE COMMISSION

[Release 33-4437]

[17 CFR Part 230]

EXEMPTION OF SHARES OFFERED IN CONNECTION WITH CERTAIN TRANSACTIONS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed new rule, to be designated Rule 236 (§ 230.236), which would exempt from registration under the Securities Act of 1933, under certain conditions, shares of stock of a corporation which are publicly offered to provide funds to be distributed in lieu of issuing fractional shares, script certificates or order forms, in connection with a stock dividend, stock split, reverse stock split, merger or similar transaction. The proposed new rule would be adopted pursuant to section 3(b) of the Act.

The condition of the proposed exemption are that the issuer files reports with the Commission pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934, that the aggregate market value of all shares so offered in the transaction does not exceed $50,000 and that the issuer furnish certain information to the Commission at least ten days prior to the offering of the shares.

The text of the proposed rule follows:

§ 230.236 Exemption of shares offered in connection with transactions.

Shares of stock of a corporation offered to provide funds to be distributed to shareholders in lieu of issuing fractional shares, script certificates or order forms, in connection with a stock dividend, stock split, reverse stock split, merger or similar transaction, shall be exempt from registration under the Act if the following conditions are met:

(a) The issuer of such shares files reports with the Commission pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934;

(b) The aggregate market value of all shares offered in connection with the transaction for the purpose of providing such funds, computed upon the basis of such value at the time of the offering, does not exceed $50,000; and

(c) At least ten days prior to the offering of the shares, the issuer shall furnish to the Commission in writing the following information: (i) That it proposes to offer shares in reliance upon the exemption provided by this rule; (ii) the estimated number of shares to be so offered; (iii) the aggregate market value of such shares as of the latest practicable date; and (iv) a brief description of the transaction in connection with which the shares are to be offered.

(Secs. 3(b) and 19(a), 48 Stat. 75, 85, as amended, 15 U.S.C. 77c, 77s)

All interested persons are invited to submit their views and comments in writing to the Securities and Exchange Commission, Washington 25, D.C., on or before January 30, 1962. Except where nondisclosure is requested, all such communications will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

DECEMBER 29, 1961.

[F.R. Doc. 62-192; Filed, Jan. 8, 1962; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 20, 25]

ESTATE AND GIFT TAXES

Notice of Proposed Rule Making

Proposed amendment of estate and gift tax regulations to conform to public Laws 86-141 and 86-175 and to prescribe regulations as to signing and verification of returns.

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN, *Commissioner of Internal Revenue.*

In order to conform the Estate Tax Regulations (26 CFR Part 20) to Act of August 7, 1959 (Public Law 86-141, 73 Stat. 288); Act of August 21, 1959 (Public Law 86-175, 73 Stat. 396); to prescribe Estate Tax Regulations and Gift Tax Regulations under section 6165 of the Internal Revenue Code relating to bonds, and under sections 6061, 6065, and 6091 relating to signing, verification, and place for filing of returns and other documents; and to change cross-references such regulations are amended as follows:

ESTATE TAX REGULATIONS

PARAGRAPH 1. Section 20.2011 is amended by revising section 2011(e) and the historical note to read as follows:

§ 20.2011 Statutory provisions; credit for State death taxes.

SEC. 2011. *Credit for State death taxes* • • •

(e) *Limitation in cases involving deduction under section 2053(d).* In any case where a deduction is allowed under section 2053(d) for an estate, succession, legacy, or inheritance tax imposed by a State or Territory or the District of Columbia upon a transfer for public, charitable, or religious uses described in section 2055 or 2106(a)(2), the allowance of the credit under this section shall be subject to the following conditions and limitations:

(1) The taxes described in subsection (a) shall not include any estate, succession, legacy, or inheritance tax for which such deduction is allowed under section 2053(d).

(2) The credit shall not exceed the lesser of—

(A) The amount stated in subsection (b) on a taxable estate determined by allowing such deduction authorized by section 2053(d), or

(B) That proportion of the amount stated in subsection (b) on a taxable estate determined without regard to such deduction authorized by section 2053(d) as (i) the amount of the taxes described in subsection (a), as limited by the provisions of paragraph (1) of this subsection, bears to (ii) the amount of the taxes described in subsection (a) before applying the limitation contained in paragraph (1) of this subsection.

(3) If the amount determined under subparagraph (B) of paragraph (2) is less than the amount determined under subparagraph (A) of that paragraph, then for purposes of subsection (d) such lesser amount shall be the maximum credit provided by subsection (b).

[Sec. 2011 as amended by sec. 3, Act of Feb. 20, 1956 (Public Law 414, 84th Cong., 70 Stat. 24); secs. 65(a) and 102(c)(1), Technical Amendments Act 1958 (72 Stat. 1657, 1674); sec. 3, Act of Aug. 21, 1959 (Public Law 86-175, 73 Stat. 397)]

PAR. 2. Section 20.2011-2 is revised to read as follows:

§ 20.2011-2 Limitation on credit if a deduction for State death taxes is allowed under section 2053(d).

If a deduction is allowed under section 2053(d) for State death taxes paid with respect to a charitable gift, the credit for State death taxes is subject to special limitations. Under these limitations, the credit cannot exceed the least of the following:

(a) The amount of State death taxes paid other than those for which a deduction is allowed under section 2053(d);

(b) The amount indicated in section 2011(b) to be the maximum credit allowable with respect to the decedent's taxable estate; or

(c) An amount, A, which bears the same ratio to B (the amount which would be the maximum credit allowable under section 2011(b) if the deduction under section 2053(d) for State death taxes were not allowed in computing the decedent's taxable estate) as C (the amount of State death taxes paid other than those for which a deduction is allowed under section 2053(d)) bears to D (the total amount of State death taxes paid). For the purpose of this computation, in determining what the decedent's taxable estate would be if the deduction for State death taxes under section 2053(d) were not allowed, adjustment must be made for the decrease in the deduction for charitable gifts under section 2055 or 2106(a)(2) (for estates of nonresidents not citizens) by reason of any increase in Federal estate tax which would be charged against the charitable gifts.

The application of this section may be illustrated by the following example:

EXAMPLE. The decedent died January 1, 1955, leaving a gross estate of $925,000. Expenses, indebtedness, etc., amounted to $25,000. The decedent bequeathed $400,000 to his son with the direction that the son bear the State death taxes on the bequest. The residuary estate was left to a charitable organization. Except as noted above, all Federal and State death taxes were payable out of the residuary estate. The State imposed death taxes of $60,000 on the son's bequest and death taxes of $75,000 on the bequest to charity. No death taxes were imposed by a foreign country with respect to any property in the gross estate. The decedent's taxable estate (determined without regard to the limitation imposed by section 2011(e)(2)(B)) is computed as follows:

PAR. 3. In § 20.2014 section 2014 is revised by deleting subsection (f) and the historical note and by substituting the following:

§ 20.2014 Statutory provisions; credit for foreign death taxes.

SEC. 2014. *Credit for foreign death taxes* • • •

(f) *Additional limitation in cases involving a deduction under section 2053(d).* In any case where a deduction is allowed under section 2053(d) for an estate, succession, legacy, or inheritance tax imposed by and actually paid to any foreign country upon a transfer by the decedent for public, charitable, or religious uses described in section 2055, the property described in subparagraphs (A), (B), and (C) of paragraphs (1) and (2) of subsection (b) of this section shall not include any property in respect of which such deduction is allowed under section 2053(d).

(g) *Possession of United States deemed a foreign country.* For purposes of the credits authorized by this section, each possession of the United States shall be deemed to be a foreign country.

[Sec. 2014 as amended by sec. 102(c)(2), Technical Amendments Act 1958 (72 Stat. 1674); sec. 2, Act of Aug. 21, 1959 (Public Law 86-175, 73 Stat. 397)]

PAR. 4. Paragraph (a) of § 20.2014-1 is amended by inserting new subparagraph (4) to read as follows:

§ 20.2014-1 Credit for foreign death taxes.

(a) *In general.* • • •

(4) Where a deduction is allowed under section 2053(d) for foreign death taxes paid with respect to a charitable gift, the credit for foreign death taxes is subject to further limitations as explained in § 20.2014-7.

PAR. 5. Paragraph (a) of § 20.2014-2 is amended to read as follows:

§ 20.2014-2 "First limitation".

(a) The amount of a particular foreign death tax attributable to property situated in the country imposing the tax and included in the decedent's gross estate for Federal estate tax purposes is the "first limitation." Thus, the credit for any foreign death tax is limited to an amount, A, which bears the same ratio to B (the amount of the foreign death tax without allowance of credit, if any, for Federal estate tax) as C (the value of the property situated in the country imposing the foreign death tax, subjected to the foreign death tax, included in the gross estate and for which a deduction is not allowed under section 2053(d)) bears to D (the value of all property subjected to the foreign death tax). Stated algebraically, the "first limitation" (A) equals—

$$\frac{\text{Value of property in foreign country subjected to foreign death tax, included in gross estate and for which a deduction is not allowed under section 2053(d) (C)}}{\text{Value of all property subjected to foreign death tax (D)}} \times \text{Amount of foreign death tax (B)}$$

The values used in this proportion are the values determined for the purpose of the foreign death tax. The amount of the foreign death tax for which credit is allowable must be converted into United States money. The application of this paragraph may be illustrated by the following example:

PAR. 6. Paragraph (b) of § 20.2014-3 is amended to read as follows:

§ 20.2014-3 "Second limitation".

* * * * *

(b) Adjustment is required to factor "G" of the ratio stated in paragraph (a) of this section if a deduction for foreign death taxes under section 2053(d), a charitable deduction under section 2055, or a marital deduction under section 2056 is allowed with respect to the foreign property. If a deduction for foreign death taxes is allowed, the value of the property situated in the foreign country, subjected to foreign death tax, and included in the gross estate does not include the value of any property in respect of which the deduction for foreign death taxes is allowed. See § 20.2014-7. If a charitable deduction or a marital deduction is allowed, the value of such foreign property (after exclusion of the value of any property in respect of which the deduction for foreign death taxes is allowed) is reduced as follows:

(1) If a charitable deduction or a marital deduction is allowed to a decedent's estate with respect to any part of the foreign property, except foreign property in respect of which a deduction for foreign death taxes is allowed, specifically bequeathed, devised, or otherwise specifically passing to a charitable organization or to the decedent's spouse, the value of the foreign property is reduced by the amount of the charitable deduction or marital deduction allowed with respect to such specific transfer. See example (1) of paragraph (c) of this section.

(2) If a charitable deduction or a marital deduction is allowed to a decedent's estate with respect to a bequest, devise or other transfer of an interest in a group of assets including both the foreign property and other property, the value of the foreign property is reduced by an amount, I, which bears the same ratio to J (the amount of the charitable deduction or marital deduction allowed with respect to such transfer of an interest in a group of assets) as K (the value of the foreign property, except foreign property in respect of which a deduction for foreign death taxes is allowed, included in the group of assets) bears to L (the value of the entire group of assets). As used in this subparagraph, the term "group of assets" has reference to those assets which, under applicable law, are chargeable with the charitable or marital transfer. See example (2) of paragraph (c) of this section.

Any reduction described in subparagraph (1) or (2) of this paragraph on account of the marital deduction must proportionately take into account the 50-percent limitation on the aggregate amount of the marital deduction contained in section 2056(c), if applicable. See example (3) of paragraph (c) of this section.

PAR. 7. Immediately after § 20.2014-6 insert the following new section:

§ 20.2014-7 Limitation on credit if a deduction for foreign death taxes is allowed under section 2053(d).

If a deduction is allowed under section 2053(d) for foreign death taxes paid with respect to a charitable gift, the credit for foreign death taxes is subject to special limitations. In such a case the property described in subparagraphs (A), (B), and (C) of paragraphs (1) and (2) of section 2014(b) shall not include any property with respect to which a deduction is allowed under section 2053(d). The application of this section may be illustrated by the following example:

EXAMPLE. The decedent, a citizen of the United States, died July 1, 1955, leaving a gross estate of $1,200,000 consisting of: Shares of stock issued by United States corporations, valued at $600,000; bonds issued by the United States Government physically located in the United States, valued at $300,000; and shares of stock issued by a Country X corporation, valued at $300,000. Expenses, indebtedness, etc., amounted to $40,000. The decedent made specific bequests of $400,000 of the United States corporation stock to a niece and $100,000 of the Country X corporation stock

to a nephew. The residue of his estate was left to charity. There is no death tax convention in existence between the United States and Country X. The Country X tax imposed was at a 50-percent rate on all beneficiaries. A State inheritance tax of $20,000 was imposed on the niece and nephew. The decedent did not provide in his will for the payment of the death taxes, and under local law the Federal estate tax is payable from the general estate, the same as administration expenses.

Distribution of the Estate		
Gross estate		$1,200,000.00
Debts and charges	$40,000.00	
Bequest of U.S. corporation stock to niece	400,000.00	
Bequest of country X corporation stock to nephew	100,000.00	
Net Federal estate tax	136,917.88	
		676,917.88
Residue before country X tax		523,082.12
Country X succession tax on charity		100,000.00
Charitable deduction		423,082.12
Taxable Estate and Federal Estate Tax		
Gross estate		$1,200,000.00
Debts and charges	$40,000.00	
Deduction of foreign death tax under section 2053(d)	100,000.00	
Charitable deduction	423,082.12	
Exemption	60,000.00	
		623,082.12
Taxable estate		576,917.88
Gross estate tax		172,621.26
Credit for State death taxes		15,476.72
Gross estate tax less credit for State death taxes		157,144.54
Credit for foreign death taxes		20,226.66
Net Federal estate tax		136,917.88
Credit for Foreign Death Taxes		
Country X tax		
Succession tax on nephew:		
Value of stock of country X corporation		$100,000
Tax (50% rate)		50,000
Succession tax on charity:		
Value of stock of country X corporation		200,000
Tax (50% rate)		100,000
Computation of exclusion under section 2014(b)		
Value of property situated in country X		$300,000
Value of property in respect of which a deduction is allowed under section 2053(d)		200,000
Value of property situated within country X, subjected to tax, and included in gross estate as limited by section 2014(f)		100,000

First limitation, § 20.2014–2(a)

$$\frac{\$100{,}000 \text{ (factor C of the ratio stated at § 20.2014–2(a))}}{\$100{,}000+\$200{,}000 \text{ (factor D of the ratio stated at § 20.2014–2(a))}} \times (\$50{,}000+\$100{,}000) \text{ (factor B of the ratio stated at § 20.2014–2(a))} = \$50{,}000.00$$

Second limitation, § 20.2014–3(a)

$$\frac{\$100{,}000 \text{ (factor G of the ratio stated at § 20.2014–3(a)) (as limited by section 2014(f))}}{\$1{,}200{,}000-\$423{,}082.12 \text{ (factor H of the ratio stated at § 20.2014–3(a))}} \times (\$172{,}621.26-\$15{,}476.72) \text{ (factor F of the ratio stated at § 20.2014–3(a))} = \$20{,}226.66$$

PAR. 8. Section 20.2038 is amended by adding at the end of section 2038 new subsection (c) and a historical note to read as follows:

§ 20.2038 Statutory provisions; revocable transfers.

SEC. 2038. *Revocable transfers* • • •

(c) *Effect of disability in certain cases.* For purposes of this section, in the case of a decedent who was (for a continuous period beginning not less than 3 months before December 31, 1947, and ending with his death) under a mental disability to relinquish a power, the term "power" shall not include a power the relinquishment of which on or after January 1, 1940, and on or before December 31, 1947, would, by reason of section 1000(e) of the Internal Revenue Code of 1939, be deemed not to be a transfer of property for purposes of chapter 4 of the Internal Revenue Code of 1939.

[Sec. 2038 as amended by Act of Aug. 7, 1959 (Public Law 86–141, 73 Stat. 288)]

PAR. 9. Section 20.2038–1 is amended by adding at the end thereof new paragraph (f) as follows:

§ 20.2038–1 Revocable transfers.

• • • • •

(f) *Effect of disability to relinquish power in certain cases.* Notwithstanding anything to the contrary in paragraphs (a) through (e) of this section the provisions of this section do not apply to a transfer if—

(1) The relinquishment on or after January 1, 1940, and on or before December 31, 1947, of the power would, by reason of section 1000(e), of the Internal Revenue Code of 1939, be deemed not a transfer of property for the purpose of the gift tax under chapter 4 of the Internal Revenue Code of 1939, and

(2) The decedent was, for a continuous period beginning on or before September 30, 1947, and ending with his death, after August 16, 1954, under a mental disability to relinquish a power.

For the purpose of the foregoing provision, the term "mental disability" means mental incompetence, in fact, to release the power whether or not there was an adjudication of incompetence. Such provision shall apply even though a guardian could have released the power for the decedent. No interest shall be allowed or paid on any overpayment allowable under section 2038(c) with respect to amounts paid before August 7, 1959.

PAR. 10. Section 20.2053 is amended by revising section 2053(d) and the historical note to read as follows:

§ 20.2053 Statutory provisions; expenses, indebtedness, and taxes.

SEC. 2053. *Expenses, indebtedness, and taxes* • • • (d) *Certain State and foreign death taxes*—(1) *General rule.* Notwithstanding the provisions of subsection (c)(1)(B) of this section, for purposes of the tax imposed by section 2001 the value of the taxable estate may be determined, if the executor so elects before the expiration of the period of limitation for assessment provided in section 6501, by deducting from the value of the gross estate the amount (as determined in accordance with regulations prescribed by the Secretary or his delegate) of—

(A) Any estate, succession, legacy, or inheritance tax imposed by a State or Territory or the District of Columbia upon a transfer by the decedent for public, charitable, or religious uses described in section 2055 or 2106(a)(2), and

(B) Any estate, succession, legacy, or inheritance tax imposed by and actually paid to any foreign country, in respect of any property situated within such foreign country and included in the gross estate of a citizen or resident of the United States, upon a transfer by the decedent for public, charitable, or religious uses described in section 2055.

The determination under subparagraph (B) of the country within which property is situated shall be made in accordance with the rules applicable under subchapter B (sec. 2101 and following) in determining whether property is situated within or without the United States. Any election under this paragraph shall be exercised in accordance with regulations prescribed by the Secretary or his delegate.

(2) *Condition for allowance of deduction.* No deduction shall be allowed under paragraph (1) for a State death tax or a foreign death tax specified therein unless the decrease in the tax imposed by section 2001 which results from the deduction provided in paragraph (1) will inure solely for the benefit of the public, charitable, or religious transferees described in section 2055 or section 2106(a)(2). In any case where the tax imposed by section 2001 is equitably apportioned among all the transferees of property included in the gross estate, including those described in sections 2055 and 2106(a)(2) (taking into account any exemptions, credits, or deductions allowed by this chapter), in determining such decrease, there shall be disregarded any decrease in the Federal estate tax which any transferees other than those described in sections 2055 and 2106(a)(2) are required to pay.

(3) *Effect on credits for State and foreign death taxes of deduction under this subsection*—(A) *Election.* An election under this subsection shall be deemed a waiver of the right to claim a credit, against the Federal estate tax, under a death tax convention with any foreign country for any tax or portion thereof in respect of which a deduction is taken under this subsection.

(B) *Cross references.* See section 2011(e) for the effect of a deduction taken under this subsection on the credit for state death taxes, and see section 2014(f) for the effect of a deduction taken under this subsection on the credit for foreign death taxes.

[Sec. 2053 as amended by sec. 2, Act of Feb. 20, 1956 (Public Law 414, 84th Cong., 70 Stat. 23); sec. 102(c)(3), Technical Amendments Act 1958 (72 Stat. 1674); sec. 1, Act of Aug. 21, 1959, Public Law 86–175 (73 Stat. 396)]

PAR. 11. Immediately after § 20.2053–9 the following new section is added:

§ 20.2053–10 Deduction for certain foreign death taxes.

(a) *General rule.* A deduction is allowed the estate of a decedent dying on or after July 1, 1955, under section 2053(d) for the amount of any estate, succession, legacy, or inheritance tax imposed by and actually paid to any foreign country, in respect of any property situated within such foreign country and included in the gross estate of a citizen or resident of the United States, upon a transfer by the decedent for charitable, etc., uses described in section 2055, but only if (1) the conditions stated in paragraph (b) of this section are met, and (2) an election is made in accordance with the provisions of paragraph (c) of this section. The determination of the country within which property is situated is made in accordance with the rules contained in §§ 20.2104 and 20.2105 in determining whether property is situated within or without the United States. See section 2014(f) and § 20.2014–7 for the effect which the allowance of this deduction has upon the credit for foreign death taxes.

(b) *Condition for allowance of deduction.* (1) The deduction is not allowed unless either—

(i) The entire decrease in the Federal estate tax resulting from the allowance of the deduction inures solely to the benefit of a charitable, etc., transferee described in section 2055, or

(ii) The Federal estate tax is equitably apportioned among all the transferees (including the decedent's surviving spouse and the charitable, etc., transferees) of property included in the decedent's gross estate.

For allowance of the deduction, it is sufficient if either of these conditions is satisfied. Thus, in a case where the entire decrease in Federal estate tax inures to the benefit of a charitable transferee, the deduction is allowable even though the Federal estate tax is not equitably apportioned among all the transferees of property included in the decedent's gross estate. Similarly, if the Federal estate tax is equitably apportioned among all the transferees of property included in the decedent's gross estate, the deduction is allowable even though a noncharitable transferee receives some benefit from the allowance of the deduction.

(2) For purposes of this paragraph, the Federal estate tax is considered to be equitably apportioned among all the transferees (including the decedent's surviving spouse and the charitable, etc., transferees) of property included in the decedent's gross estate only if each transferee's share of the tax is based upon the net amount of his bequest subjected to the tax (taking into account any exemptions, credits, or deductions allowed by chapter 11). See examples (2) through (5) of paragraph (e) of § 20.2053–9.

(c) *Exercise of election.* The election to take a deduction for a foreign death tax imposed upon a transfer for charitable, etc. uses shall be exercised by the executor by the filing of a written notification to that effect with the district director of internal revenue in whose district the estate tax return for the decedent's estate was filed. An election to take the deduction for foreign death taxes is deemed to be a waiver of the right to claim a credit under a treaty with any foreign country for any tax or portion thereof claimed as a deduction under this section. The notification shall be filed before the expiration of the period of limitation for assessment provided in section 6501 (usually 3 years from the last day for filing the return). The election may be revoked by the executor by the filing of a written notification to that effect with the district director at any time before the expiration of such period.

(d) *Amount of foreign death tax imposed upon a transfer.* If a foreign death tax is imposed upon the transfer of the entire part of the decedent's estate subject to such tax and not upon the transfer of a particular share thereof, the foreign death tax imposed upon a transfer for charitable, etc., uses is deemed to be an amount, J, which bears the same ratio to K (the amount of the foreign death tax imposed with respect to the transfer of the entire part of the decedent's estate subject to such tax) as M (the value of the charitable, etc., transfer, reduced as provided in the next sentence) bears to N (the total value of the properties, interests, and benefits subjected to the foreign death tax received by all persons interested in the estate, reduced as provided in the last sentence of this paragraph). In arriving at amount M of the ratio, the value of the charitable, etc., transfer is reduced by the amount of any deduction or exclusion allowed with respect to such property in determining the amount of the foreign death tax. In arriving at amount N of the ratio, the total value of the properties, interests, and benefits subjected to foreign death tax received by all persons interested in the estate is reduced by the amount of all deductions and exclusions allowed in determining the amount of the foreign death tax on account of the nature of a beneficiary or a beneficiary's relationship to the decedent.

PAR. 12. Immediately after § 20.6036–1 insert the following new sections:

§ 20.6061 Statutory provisions; signing of returns and other documents.

SEC. 6061. *Signing of returns and other documents.* • • • any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be signed in accordance with forms or regulations prescribed by the Secretary or his delegate.

§ 20.6061–1 Signing of returns and other documents.

Any return, statement, or other document required to be made under any provision of chapter 11 or subtitle F of the Code or regulations prescribed thereunder with respect to any tax imposed by chapter 11 of the Code shall be signed by the executor, administrator or other person required or duly authorized to sign in accordance with the regulations, forms or instructions prescribed with respect to such return, statement, or other document. See § 20.2203 for definition of executor, administrator, etc. The person required or duly authorized to make the return may incur liability for the penalties provided for erroneous, false, or fraudulent returns. For criminal penalties see sections 7201, 7203, 7206, 7207, and 7269.

§ 20.6065 Statutory provisions; verification of returns.

SEC. 6065. *Verification of returns*—(a) *Penalties of perjury.* Except as otherwise provided by the Secretary or his delegate, any return, declaration, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall contain or be verified by a written declaration that it is made under the penalties of perjury.

(b) *Oath.* The Secretary or his delegate may by regulations require that any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be verified by an oath. • • •

§ 20.6065–1 Verification of returns.

(a) *Penalties of perjury.* If a return, statement, or other document made under the provisions of chapter 11 or subtitle F of the Code or the regulations thereunder with respect to any tax imposed by chapter 11 of the Code, or the form and instructions issued with respect to such return, statement, or other document, requires that it shall contain or be verified by a written declaration that it is made under the penalties of perjury, it must be so verified by the person or persons required to sign such return, statement or other document. In addition, any other statement or document submitted under any provision of chapter 11 or subtitle F of the Code or regulations thereunder with respect to any tax imposed by chapter 11 of the Code may be required to contain or be verified by a written declaration that it is made under the penalties of perjury.

(b) *Oath.* Any return, statement, or other document required to be submitted under chapter 11 or subtitle F of the Code or regulations prescribed thereunder with respect to any tax imposed by chapter 11 of the Code may be required to be verified by an oath.

PAR. 13. Section 20.6091 is amended to read as follows:

§ 20.6091 Statutory provisions; place for filing returns or other documents.

SEC. 6091. *Place for filing returns or other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the place for the filing of any return, declaration, statement, or other document, or copies thereof, required by this title or by regulations.

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter—

• • • • •

(3) *Estate tax returns.* Returns of estate tax required under section 6018 shall be made to the Secretary or his delegate in the internal revenue district in which was the domicile of the decedent at the time of his death or, if there was no such domicile in an internal revenue district, then at such place as the Secretary or his delegate may by regulations prescribe.

(4) *Exceptional cases.* Notwithstanding paragraph • • • (3) of this subsection, the Secretary or his delegate may permit a return to be filed in any internal revenue district, and may require the return of any officer or employee of the Treasury Department to be filed in any internal revenue district selected by the Secretary or his delegate.

PAR. 14. Section 20.6091-1 is revised to read as follows:

§ 20.6091–1 Place for filing returns or other documents.

If the decedent was a resident of the United States, the preliminary notice required by § 20.6036–1 and the estate tax return required by § 20.6018–1 shall be filed with the district director in whose district the decedent had his domicile at the time of death. If the decedent was a nonresident (whether a citizen or not a citizen), the notice and the return shall be filed with the Director of International Operations, Internal Revenue Service, Washington 25, D.C.

PAR. 15. Immediately after § 20.6091–1 the following new section is added:

§ 20.6091–2 Exceptional cases.

Notwithstanding the provisions of § 20.6091–1 the Commissioner may permit the filing of the preliminary notice required by § 20.6036–1 and the estate tax return required by § 20.6018–1 in any internal revenue district.

PAR. 16. Paragraph (b) of § 20.6165–1 is amended to read as follows:

§ 20.6165–1 Bonds where time to pay tax or deficiency has been extended.

• • • • • •

(b) *Extensions under section 6163 of time to pay estate tax attributable to reversionary or remainder interests.* As a prerequisite to the postponement of the payment of the tax attributable to a reversionary or remainder interest as provided in § 20.6163–1, a bond equal to double the amount of the tax and interest for the estimated duration of the precedent interest must be furnished conditioned upon the payment of the tax and interest accrued thereon within six months after the termination of the precedent interest. If after the acceptance of a bond it is determined that the amount of the tax attributable to the reversionary or remainder interest was understated in the bond, a new bond or a supplemental bond may be required, or the tax, to the extent of the understatement, may be collected. The bond must be conditioned upon the principal or surety promptly notifying the district director when the precedent interest terminates and upon the principal or surety notifying the district director during the month of September of each year as to the continuance of the precedent interest, if the duration of the precedent interest is dependent upon the life or lives of any person or persons, or is otherwise indefinite. For other provisions relating to bonds where an extension of time has been granted for paying the tax, see the regulations under section 7101 contained in Part 301 of this chapter (Regulations on Procedure and Administration).

PAR. 17. Section 20.7101–1 is amended to read as follows:

§ 20.7101–1 Form of bonds.

See paragraph (b) of § 20.6165–1 for provisions relating to the bond required in any case in which the payment of the tax attributable to a reversionary or remainder interest has been postponed under the provisions of § 20.6163–1. For further provisions relating to bonds, see § 20.6165–1 of these regulations and the regulations under section 7101 contained in Part 301 of this chapter (Regulations on Procedure and Administration).

GIFT TAX REGULATIONS

PAR. 18. Immediately after § 25.6019–4 insert the following new sections:

§ 25.6061 Statutory provisions; signing of returns and other documents.

SEC. 6061. *Signing of returns and other documents.* • • • any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be signed in accordance with forms or regulations prescribed by the Secretary or his delegate.

§ 25.6061–1 Signing of returns and other documents.

Any return, statement, or other document required to be made under any provision of chapter 12 or subtitle F of the Code or regulations prescribed thereunder with respect to any tax imposed by chapter 12 of the Code shall be signed by the donor or other person required or duly authorized to sign in accordance with the regulations, forms or instructions prescribed with respect to such return, statement, or other document. The person required or duly authorized to make the return may incur liability for the penalties provided for erroneous, false, or fraudulent returns. For criminal penalties see sections 7201, 7203, 7206, 7207, and 7269.

§ 25.6065 Statutory provisions; verification of returns.

SEC. 6065. *Verification of returns*—(a) *Penalties of perjury.* Except as otherwise provided by the Secretary or his delegate, any return, declaration, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall contain or be verified by a written declaration that it is made under the penalties of perjury.

(b) *Oath.* The Secretary or his delegate may by regulations require that any return, statement, or other document required to be made under any provisior of the internal revenue laws or regulations shall be verified by an oath. • • •

§ 25.6065–1 Verification of returns.

(a) *Penalties of perjury.* If a return, statement, or other document made under the provisions of chapter 12 or subtitle F of the Code or the regulations thereunder with respect to any tax imposed by chapter 12 of the Code, or the form and instructions issued with respect to such return, statement, or other document, requires that it shall contain or be verified by a written declaration that it is made under the penalties of perjury, it must be so verified by the person or persons required to sign such return, statement, or other document. In addition, any other statement or document submitted under any provision of chapter 12 or subtitle F of the Code or regulations thereunder with respect to any tax imposed by chapter 12 of the Code may be required to contain or be verified by a written declaration that it is made under the penalties of perjury.

(b) *Oath.* Any return, statement, or other document required to be submitted under chapter 12 or subtitle F of the Code or regulations prescribed thereunder with respect to any tax imposed by chapter 12 of the Code may be required to be verified by an oath.

PAR. 19. Section 25.6091 is amended to read as follows:

§ 25.6091 Statutory provisions; place for filing returns or other documents.

SEC. 6091. *Place for filing returns or other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the place for the filing of any return, declaration, statement, or other document, or copies thereof, required by this title or by regulations.

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter—

(1) *Individuals.* Returns (other than corporation returns) shall be made to the Secretary or his delegate in the internal revenue district in which is located the legal residence or principal place of business of the person making the return, or, if he has no legal residence or principal place of business in any internal revenue district, then at such place as the Secretary of his delegate may by regulations prescribe.

• • • • • •

(4) *Exceptional cases.* Notwithstanding paragraph (1) • • • of this subsection, the Secretary or his delegate may permit a return to be filed in any internal revenue district, and may require the return of any officer or employee of the Treasury Department to be filed in any internal revenue district selected by the Secretary or his delegate.

PAR. 20. Immediately after § 25.6091–1 the following new section is added:

§ 25.6091–2 Exceptional cases.

Notwithstanding the provisions of § 25.6091–1 the Commissioner may permit the filing of the gift tax return required by section 6019 in any internal revenue district.

PAR. 21. Section 25.6165–1 is amended to read as follows:

§ 25.6165–1 Bonds where time to pay tax or deficiency has been extended.

If an extension of time for payment of tax or deficiency is granted under section 6161, the district director may, if he deems it necessary, require a bond for the payment of the amount in respect of which the extension is granted in accordance with the terms of the extension. However, such bond shall not exceed double the amount with respect to which the extension is granted. For provisions relating to form of bonds, see the regulations under section 7101 contained in Part 301 of this chapter (Regulations on Procedure and Administration).

PAR. 22. Section 25.7101–1 is amended to read as follows:

§ 25.7101–1 Form of bonds.

For provisions relating to form of bonds, see the regulations under section 7101 contained in Part 301 of this chapter (Regulations on Procedure and Administration).

[F.R. Doc. 62–208; Filed, Jan. 8, 1962; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

Operation and Maintenance Regulations

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the acts of March 1, 1907 (34 Stat. 1024), August 1, 1914 (38 Stat. 583), and August 31, 1954 (68 Stat. 1026), it is proposed to amend §§ 221.32 through 221.36 of the Code of Federal Regulations, Title 25—Indians, dealing with the management and operation of the Fort Hall Indian Irrigation Project, as set forth below.

The amendment establishes an operation and maintenance assessment rate for the irrigation system of the Michaud Division, Fort Hall Indian Reservation, and provides that the annual assessment for all lands shall be due and payable on April 1 of each year instead of the present practice permitted under existing regulations, which allows water to be delivered upon payment of 50 percent of the annual assessment on the due date and the balance on or before July 1 of each year. The amendment also provides that no water shall be delivered to non-Indian owned lands or Indian owned lands which have been under lease for a total period of three years to non-Indians or Indians who are not members of the tribe until all assessments have been paid. In the case of Indian owned lands leased to non-Indians or non-members of the tribe, an approved lease must be filed with the Superintendent of the Fort Hall Indian Agency prior to the delivery of water.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to the Bureau of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of the notice in the FEDERAL REGISTER.

1. Section 221.32 is amended to read as follows:

§ 221.32 Basic and other water charges.

(a) In compliance with the provisions for the acts of March 1, 1907 (34 Stat. 1024), and August 31, 1954 (68 Stat. 1026), the annual basic water charges for the operation and maintenance of the lands in non-Indian ownership and Indian owned lands leased to a non-Indian or non-member of the Shoshone-Bannock Tribe of the Fort Hall Indian Reservation, Idaho, to which water can be delivered for irrigation are hereby fixed for the calendar year 1962 and subsequent years until further notice as follows:

	Per acre
(1) Fort Hall Project: Basic rate	$3.75
(2) Michaud Division, Fort Hall Reservation: Basic rate	6.00
Additional rate for sprinkler irrigation when pressure is supplied by the project	3.00
(3) Minor Units, Fort Hall Reservation: Basic rate	1.25

(b) In addition to the foregoing charges, there shall be collected a minimum charge of $5.00 for the first acre or fraction thereof on each tract of land for which operation and maintenance bills are prepared. The minimum bill issue on any area will, therefore, be the basic rate per acre plus $5.00.

2. Section 221.33 is amended to read as follows:

§ 221.33 Payment.

The assessments fixed in § 221.32 shall become due on April 1 of each year and are payable on or before that date. To all assessments against lands in non-Indian ownership and against lands in Indian ownership which do not qualify for free water under § 221.34, there shall be added a penalty of one-half of one per cent per month or fraction thereof from the due date until paid. No water shall be delivered to any of these lands until the entire irrigation charges have been paid. To qualify Indian owned leased lands for exemption under § 221.34 an approved lease must be on file at the Fort Hall Agency.

3. The headnote and present text of § 221.34 are amended to read as follows:

§ 221.34 Lands owned by Indians that are not subject to assessments.

When lands owned by members of the Shoshone-Bannock Tribe of Indians of the Fort Hall Indian Reservation are leased to non-Indians or non-members of the tribe such leased lands are not subject to operation and maintenance assessments for three years. The three years that the land is not subject to assessment need not run consecutively. When the land has been leased for a total of three years, whether consecutively or at intervals, the lands thereafter, when under lease to non-Indians or non-members of the tribe, are subject to operation and maintenance assessments the same as lands in non-Indian ownership and lands owned by non-members of the tribe within the project. (See Solicitor's Opinion M28701, approved September 24, 1936, and the instructions of September 19, 1938, approved September 24, 1938, and instructions of December 1, 1938, approved December 17, 1938.)

4. The headnote and present text of § 221.35 are amended to read as follows:

§ 221.35 Lands owned by Indians that are subject to assessment.

Lands owned by members of the Shoshone-Bannock Tribe of Indians of the Fort Hall Indian Reservation which are under lease to non-Indians or non-members of the tribe shall not be entitled to water without the payment of operation and maintenance assessments as prescribed in § 221.33, except where water is to be furnished as authorized by § 221.34, of this part.

§ 221.36 Delivery to lessees with contracts [Revoked]

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

[F.R. Doc. 62–191; Filed, Jan. 8, 1962; 8:46 a.m.]

National Park Service

[36 CFR Part 7]

FREDERICKSBURG AND SPOTSYLVANIA COUNTY BATTLEFIELDS MEMORIAL NATIONAL MILITARY PARK, VA.

Night Parking, Travel on Lee Drive, and Fires for Cooking Purposes

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C., 3), Departmental Order 2640 (16 F.R. 5846), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Region One, Order No. 3 (21 F.R. 1493), as amended, it is proposed to amend Title 36 CFR Part 7 as set forth below. The purpose of this amendment is to add to Part 7 a new section that will control night parking, travel on Lee Drive, and fires for cooking purposes.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park, Box 679, Fredericksburg, Virginia, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

§ 7.64 Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park.

(a) *Night parking.* Vehicular parking along any park roadway is restricted

to daylight hours except to effect emergency repairs.

(b) *Travel on Lee Drive.* Travel on that portion of Lee Drive between the Lansdowne Valley Road and Hamilton's Crossing is permitted only during daylight hours.

(c) *Fires for cooking purposes.* Fires shall be built for cooking purposes only and shall be confined to the established picnic areas. Such fires shall be confined to existing fireplaces therein or to portable charcoal grills. All remaining fuel and embers in portable charcoal grills must be extinguished immediately after use.

OSCAR F. NORTHINGTON, JR.,
Superintendent, Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park.

[F.R. Doc. 62-190; Filed, Jan. 8, 1962; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[Procedural Regs., Docket No. 13232]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Supplemental Notice of Proposed Rule Making

JANUARY 4, 1962.

The Board, in 26 F.R. 11685 and by circulation of a notice of proposed rule making, PDR-15, dated December 1, 1961, gave notice that it had under consideration the adoption of a proposed amendment to Part 302 of the rules of practice which would establish an additional method for initiating route proceedings under sections 401 and 402 of the Act.

In its notice the Board requested interested parties to submit such comments as they may desire not later than January 4, 1962. A request has been received to extend the date for such comments because of the delay in preparation caused by the holiday season. The undersigned, acting under authority duly delegated to him by the Board, finds that good cause has been shown and that it will be in the public interest to grant the requested extension of time for the filing of comments.

Therefore, pursuant to the authority delegated under section 7.3 C of Public Notice PN 15 and redelegated under section 7.6 thereof, the undersigned hereby extends the date for comments on PDR-15 until January 15, 1962. All relevant matter in communciations received on or before January 15, 1962, will be considered by the Board before taking final action on the proposed amendments to Part 302. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Sec. 204(a) and 1001 of the Federal Aviation Act, 72 Stat. 743, 788; 49 U.S.C. 1324, 1481)

By the Civil Aeronautics Board:

[SEAL] GERALD F. KRASSA,
Acting Associate General Counsel, Rules and Legislation.

[F.R. Doc. 62-216; Filed, Jan. 8, 1962; 8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1070]

[Docket No. AO-229-A6]

MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Cedar Rapids, Iowa, on October 19, 1961, pursuant to notice thereof which was issued September 28, 1961 (26 F.R. 9347).

The material issues on the record of the hearing relate to:

1. Individual handler pooling;
2. Pool plant qualification of a plant operated by a cooperative association; and
3. Diversion of producer milk from pool plants to nonpool plants.

The notice of hearing included proposals pertaining to the pricing of Class II milk. However, no evidence was presented on the record with respect to such proposals and, therefore, no issue is presented herein.

The notice also contained a proposal to modify the allocation provision of the order. The proponent of the proposal presented testimony on the record in support of the proposal but in its brief requested that the issue be abandoned. No other supporting testimony was received. Accordingly, the issue is not presented herein.

Findings and Conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. Marketwide pooling should be continued in the Cedar Rapids-Iowa City order as the method of distributing to producers the use value of their milk.

A handler proposed that the order be amended to provide for individual handler pooling. Individual handler pooling would provide for payment of uniform prices for all milk delivered by producers delivering to the same handler depending on the use of the milk by the handler. Marketwide pooling provides for payment of uniform prices for all milk delivered by all producers to all handlers based upon the marketwide use of such milk.

The class utilization of milk in the market by handlers is not uniform. One handler in the market, the Eastern Iowa Cooperative Dairy Producers Association, handles most of the milk which is not needed for fluid purposes.

Distributing pool plants in the market tend to limit their purchases of milk to that amount required for use in Class I products plus what is used in ice cream and cottage cheese. They depend on the Eastern Iowa Cooperative Dairy Producers Association to care for excess supplies during periods of flush production and to furnish supplemental supplies during periods of short production. In addition to seasonal variations, handlers vary their purchases according to the day of the week. Some handlers do not take any milk from the cooperative on Sundays.

In a market such as this where one handler cares for the reserve supply for the market, an individual handler pool would not contribute the same degree of stability to the market that is accomplished through the present marketwide pool. The marketwide pool assures that all of the producers supplying the market share equally in the Class I sales in the market and that the burden of carrying reserve supplies is likewise shared equally among all producers.

2. The qualifications for pool plant status of a plant operated by a cooperative association under the order should be modified.

The order provides pool plant status for a plant operated by a cooperative association whose members are a majority of the total number of producers shipping to pool plants, and supply half or more of the total producer milk received at all pool plants during the month.

The Eastern Iowa Cooperative Dairy Producers Association, which represents over 70 percent of the producers supplying the market, proposed that such pool plant provisions be changed to afford pool plant status to a plant located within 10 miles of the marketing area which receives milk from dairy farmers and which is operated by a cooperative association having member producers whose milk is delivered to regulated plants of other handlers.

The association operates a plant located at Marion, Iowa, which is about four miles from the marketing area. This plant has facilities for receiving, cooling and storage of milk. It is used primarily for supplying spot loads of milk to distributing pool plants and assembling milk for shipment to other markets. The association supplies milk to all of the handlers in the market, however, two of the handlers also receive milk from other producers.

During 1960 distributing pool plants received 82 percent of their total milk supply from the members of the cooperative association. The proportion of such handlers' receipts from the cooperative association's members was at least 79 percent in all months of 1960.

In February 1961 the association failed to qualify its plant for pool status since, on February 1, 1961, the two largest handlers in the market obtained their entire supplies of milk from sources other than members of the Eastern Iowa Cooperative Dairy Producers Association. This was caused by a dispute arising in negotiation of prices above those established by the order. However, by early March both of these handlers resumed receiving milk from members of the association, but in limited amounts since a greater portion of their needs were being supplied by new producers.

Due to the increased amount of milk on the market from new producers, the proportion of milk received at distributing pool plants from members of the cooperative association has declined. By June 1961 the proportion of distributing pool plant receipts from members of the cooperative had dropped to 53.5 percent.

Pool plant status for the cooperative's plant became critical in July and the provision of the order which requires a cooperative to supply at least 50 percent of the milk received at other pool plants in order to have its plant qualify as a pool plant was suspended for the months of July and August 1961. It turned out that the cooperative did supply 50 percent of the milk received at other pool plants, however, this provision of the order should be changed in order to assure continued pool status for a cooperative's plant so long as its members' milk is associated with and needed in the market.

The provision proposed by the Eastern Iowa Cooperative Dairy Producers Association would qualify its plant for pool status on the basis of its location. However, there would be no assurance that its members' milk was sufficiently associated with and needed on the market to warrant pooling its plant as is the case under the present provision. Pool status of such a plant should continue to be based on performance standards which relate the cooperative's total supply of milk with distributing pool plants.

During 1960 the Eastern Iowa Cooperative Dairy Producers Association sold 78 percent of its members' milk to other pool plants. Its sales to pool plants varied seasonally from a low of 61 percent in June to 97 percent in November. The cooperative continues to sell a substantial proportion of its members' milk to pool plants.

From March through September 1961 the cooperative association sold 53 percent of its members' milk to other pool plants. During this period the proportion of such sales on a monthly basis varied from 41 percent in June to 72 percent in September. On many days in September 1961 virtually all of the cooperative association's supply of milk was sold to pool plants. Due to daily variation in demand by handlers, the monthly proportion of the cooperative association's supply received by other handlers was only 72 percent.

The amount of milk needed for bottling purposes is fairly constant from month to month. However, the available supply of producer milk is highest in the spring and lowest in the fall. Accordingly, the performance standards should be varied seasonally.

In view of the increased supply of milk on the market and that pool plants do not process the reserve supply, it cannot be expected that a majority of the available supplies be moved to such plants except during the season of short supply. Performance standards which would require that one-half the milk of members of a cooperative association be moved to distributing pool plants during September, October and November; 30 percent during May, June and July; and 40 percent in all other months, would assure that such milk is associated with and needed on the market. A cooperative association which supplies such proportions of the total milk of its producer members should be afforded pool plant status for any plant which it operates if the plant is approved by an appropriate health authority for the handling of Grade A milk. Pool status of such a plant would contribute to orderly marketing by allowing it to be used for storage of supplies that would be available to other handlers on short notice. In addition it could be used to assemble part loads of milk from farms for shipment to pool plants or transfer to nonpool plants.

3. The diversion provisions of the order should be modified to allow more liberal diversion of producer milk from farms to nonpool plants.

The order provides unlimited diversion during the months of April, May and June. During other months milk may be diverted on as many days as it is received at pool plants and still be pooled under the order. The entry of new producers on the market has resulted in the need to divert greater amounts of milk to nonpool plants since pool plants do not process the markets reserve supply. Direct movement of this reserve milk from farms to nonpool plants is the most economical means of handling it. However, the present diversion limits of the order are not liberal enough to allow this milk to be diverted and still be pooled under the order without being shipped to a pool plant and then transferred to a nonpool plant. The Eastern Iowa Cooperative Dairy Producers Association proposed that this be corrected by allowing milk to be pooled so long as it is not diverted for the entire month.

This cooperative association is the only handler experiencing difficulty with the present diversion limits since it is the sole handler of the increased reserve supply for the market. In order to keep its members' milk pooled, the cooperative association has had to bring the milk to its own plant and then transfer it to nonpool plants for manufacturing. Handlers have displaced producer milk of the cooperative association's members with milk from other producers. Since April 1961 the receipts of milk at distributing pool plants from producers who are not members of the Eastern Iowa Cooperative Dairy Producers Association has more than doubled. During the period April-September 1961 distributing pool plants received 28.7 million pounds of milk from such producers compared to 13.6 million pounds during the same period of 1960. The difference, an increase of 15.1 million pounds, was more than offset by the drop in sales of milk to such plants from the Eastern Iowa Cooperative Dairy Producers Association which were 58.1 million pounds during April through September 1960 and 39.5 million pounds for the same period of 1961, or a decrease of 18.6 million pounds.

Further evidence that this association has the role of caring for the reserve supply is that its sales of milk to handlers are inversely related to the normal seasonal production pattern while the opposite it true of such handler's receipts from other producers. For example, from July through September 1961 monthly receipts of milk at distributing pool plants from members of the Eastern Iowa Cooperative Dairy Producers Association increased from 5.5 million pounds to 7.7 million pounds while receipts from other producers dropped from 5.1 million pounds to 4.5 million pounds.

In addition to handling the seasonal reserve for the market this cooperative association handles the market's weekly reserve supply. Handlers tend to buy only enough milk from the Eastern Iowa Cooperative Dairy Producers Association to fulfill their daily bottling requirements. Handlers receive very little of the association's milk on weekends but take large amounts on Thursdays and Fridays. On these days during September 1961 virtually all of the cooperative's available supply of milk was received at distributing pool plants.

The present diversion limit applies during the period of July through March. Unlimited diversion is permitted during April, May and June. In 1958 these three months represented the lowest percentage of producer milk utilized in Class I. However, in 1959 the percentage of producer milk in Class I during July was lower than in April. During 1960 and 1961 a lower percentage of producer milk was utilized in Class I in both July and August than in April. In 1961 the percentage of producer milk utilized in Class I was 50 percent during July and 57 percent during August compared to 48 percent in June which was the month with the lowest percentage Class I use of producer milk. In addition, deliveries to

distributing pool plants by members of the Eastern Iowa Cooperative Dairy Producers Association during these two months represented 42 percent and 51 percent of the association's total available supplies. To conform to this changed condition unlimited diversion should be extended to include the months of July and August. This change in the order will enhance orderly disposal of the seasonal reserve supply on the market. It would also help preclude any recurrence of the need for emergency action to assure that producer milk which is historically associated with the market be pooled under the order as was the case in July and August 1961.

The diversion limits applicable during the months of September through March should also be modified to allow the weekly reserve supply to be moved directly from farms to nonpool plants. Most of the available producer milk is needed at least one day of the week. Accordingly, this milk should be pooled to assure its continued availability and allow it to be diverted on other days. This is accomplished by providing for diversion of up to 25 days' production of a producer during such months.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Delete paragraph (d) of § 1070.10 and substitute therefor the following:

(d) A plant (1) which is approved by a duly constituted health authority for the handling of Grade A milk; (2) which is operated by a cooperative association; and (3) from which the quantity of milk transferred by the association to plants of other handlers specified in paragraph (a) of this section plus that delivered by such association pursuant to paragraph (c) of this section and that delivered directly from the farms of members of such association to such plants is at least the following percentages, in the months indicated, of the total quantity of Grade A milk delivered by all producers who are members of the association:

Month:	*Minimum percentage*
September, October and November	50
May, June, and July	30
All other months	40

If written application is filed with the market administrator on or before the 5th day of any month, such plant may be designated a nonpool plant for such month and for any subsequent months, except such plant shall be a nonpool plant during any month in which it would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and pool plants in the Cedar Rapids-Iowa City marketing area than in the marketing area regulated pursuant to such other order.

2. Delete § 1070.14 and substitute therefor the following:

§ 1070.14 Producer milk.

"Producer milk" means all skim milk and butterfat produced by producers which is:

(a) Received at a pool plant directly from producers; or

(b) Diverted from a pool plant to a nonpool plant for the account of the operator of a pool plant or a cooperative association, subject to the following:

(1) Such diversions may be without limit during the months of April through August, but not be for more than 25 days' production of any producer during any other month and milk diverted in excess of this limit shall not be producer milk;

(2) Milk so diverted for the account of the operator of a pool plant shall be deemed to have been received at the plant from which diverted; and

(3) Milk so diverted from the plant of another handler for the account of a cooperative association shall be priced at the location of the plant from which diverted.

Signed at Washington, D.C., on January 3, 1962.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-219; Filed, Jan. 8, 1962; 8:52 a.m.]

Notices

DEPARTMENT OF COMMERCE

Bureau of International Programs

[File 23-777]

ALLKOR INDUSTRIE UND KOMMERZ IMPORT-EXPORT-BUERO AND RUDOLF ROHL

Order Denying Export Privileges for an Indefinite Period

The Director, Investigations Staff, Bureau of International Programs, U.S. Department of Commerce, applied for an order which would deny to Allkor Industrie und Kommerz Import-Export-Buero and to Rudolf Rohl, Operngasse 36/5, Vienna IV, Austria, all export privileges for an indefinite period because of their failure to furnish responsive answers to written interrogatories served upon them in connection with an investigation being conducted under the authority of the Export Control Act of 1949, as amended.

This application was made pursuant to § 382.15 of the Export Regulations, and in acordance with the practice thereunder, was referred to a Compliance Commissioner of the Bureau of International Programs who, after reviewing the application and the evidentiary materials in support thereof, recommended that it be granted.

After reviewing and considering the Compliance Commissioner's Report, the application, and the evidence submitted in support of the application, I make the following findings:

(1) The firm Allkor and Rudolph Rohl, its director, were and are engaged in business and located in Vienna, Austria, where service of a subpoena upon them was impracticable;

(2) A proper investigation was and is being conducted by the Investigations Staff of the Bureau of International Programs to determine whether there occurred, as is suspected, an unauthorized disposition by the Allkor firm and Rudolf Rohl of specific electronic equipment exported from the United States, namely, an oscilloscope, a pulse generator, and two oscilloscope record-cameras;

(3) Written interrogatories were duly served upon the Allkor firm and Rudolf Rohl; and

(4) The Allkor firm and Rudolf Rohl did not answer the interrogatories within 10 days after service as required by written notification in the letter of interrogatories, and the Allkor firm and Rudolf Rohl's response to the letter of interrogatories which was subsequently furnished was not full, direct, and responsive to the questions, and did not contain satisfactory reasons for the Allkor firm and Rudolf Rohl's not furnishing adequate and responsive answers.

It is concluded therefore that the Allkor firm and Rudolf Rohl, without reasonable cause or adequate explanation, failed and refused to furnish responsive answers to the interrogatories duly served upon them as is required by § 382.15 of the Export Regulations.

Now, therefore, in view of the foregoing and being of the opinion that the following order is reasonable and necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended, and regulations, licenses and orders pursuant thereto: *It is hereby ordered:*

I. All outstanding validated export licenses in which respondents, the Allkor firm and Rudolf Rohl, or either of them, appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of International Programs for cancellation.

II. Said respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit their participation, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to any validated export license application, (b) in the preparation or filing of any export license application or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. This denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which either of them may be now or hereafter related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade which may involve exports from the United States or services connected therewith.

IV. This order shall remain in effect until the respondents provide satisfactory answers, written information and documents in response to the interrogatories heretofore served upon them or give adequate reasons for their failure so to do, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. During the time when any respondent or related party is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Programs, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondent or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in, any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: December 27, 1961.

FORREST D. HOCKERSMITH,
Acting Director,
Office of Export Control.

[F.R. Doc. 62-196; Filed, Jan. 8, 1962; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13324 etc., Order No. E-17900]

TRANS WORLD AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 4th day of January 1962.

In the matter of reduced eastbound freight rates on perishables proposed by Trans World Airlines, Inc., Dockets 13324, 13307, 13309.

By tariff revisions marked to become effective January 7, 1962, Trans World Airlines, Inc. (TWA) proposes significantly lower rates at selected weight breaks on gladioli, iris, fresh fruits and vegetables, and seafood from Los Angeles and/or San Francisco to midwest and eastern markets. The proposals, except for that on seafood, would have an expiry date of June 30, 1962. TWA asserts that gladioli and iris have considerably higher densities and are hardier than other species of flowers, that California flower growers are at a rate disadvantage, which the proposals would reduce, in eastern markets as compared with Florida growers; that the proposals on fruits and vegetables would divert "quality" shipments from surface transport; that large gains in traffic are expected to result from the filings on flowers, fruits and vegetables, and that such gains

would coincide with the lowest volume of normal eastbound traffic.

American Airlines, Inc. (American) and The Flying Tiger Line Inc. (Tiger) have filed complaints requesting investigation and suspension of these proposals. In summary, the complaints allege that the proposals are below competitive levels and would dilute carrier revenues without adequate justification: that there is no difference in transportation cost characteristics, warranting rate differences between gladioli and iris and other species of cut flowers; that the proposals would still leave California growers at a substantial rate disadvantage in comparison with Florida; that large quantities of fruits and vegetables are now being flown from California, and it is very doubtful whether the proposed reductions would develop substantial additional volumes of traffic; that the Board had, in recent actions, suspended equal or even higher rates on the same commodities; and that the proposals are below TWA's operating costs.

Upon consideration of the matters of record, the Board finds that the rates proposed may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. The rates filed would significantly undercut competitive rates in effect for other carriers, by almost 20 percent for gladioli and iris, almost 10 percent for fresh fruits and vegetables, and 6 to 18 percent for seafood. For fruits and vegetables, the yields from the proposed rates would be low even for eastbound movements (which would involve directional imbalance), averaging about 10.5 cents per ton-mile, ranging as low as 9.7 cents; the proposals would typically be the lowest 100 pound rates in effect for any commodity for any carrier in the markets in which they are to apply. For gladioli and iris, the yields would average approximately 12.5 cents per ton-mile, significantly low for flowers, which have traditionally been hauled at higher rates than numerous other commodities eastbound. Although TWA claims that costs of transporting gladioli and iris are lower than on other species of flowers, it presents no data showing that the cost decreases are reasonably related to the decreases in rates proposed. The reduced rates proposed on seafood are also on a low level, yielding 11.8 cents per ton-mile, for which TWA offers no justification. Finally, we are not convinced on the basis of the facts available that significant volumes of these commodities would be attracted to air transportation from existing surface means.

As the Board has previously stated, it is important that the industry have "maximum flexibility and opportunity to experiment with promotional rates designed to increase air cargo traffic," (Order E–16432, dated February 24, 1961), but, as the Board added at that time, such experimentation must be "within the limits imposed by the rate-making criteria of the Act." In view of the significant reductions and the low levels of the proposed rates, the Board is not satisfied that the instant proposal meets such criteria. Because of the dilution of carrier revenues which might result from the application of the foregoing rates, the Board has concluded, in addition to instituting an investigation, to suspend these portions of the tariff revisions and defer their use pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions described in Appendix A[1] are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions.

2. Pending hearing and decision by the Board, the rates and provisions described in Appendix A[1] are suspended and their use deferred to and including April 6, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The complaints in Dockets 13307 and 13309 are consolidated herein.

4. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

5. Copies of this order shall be filed with the tariff and shall be served upon American Airlines, Inc., The Flying Tiger Line Inc., and Trans World Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62–217; Filed, Jan. 8, 1962; 8:52 a.m.]

[1] Filed as part of the original document.

CIVIL SERVICE COMMISSION

PROFESSOR OF FOREIGN AFFAIRS, NATIONAL WAR COLLEGE

Notice of Increase in Minimum Rate of Pay

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U.S.C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay as follows:

For the position of GS–130–15 Professor of Foreign Affairs, National War College, Fort Leslie J. McNair, Washington, D.C., to $15,030 (rate e). The increase is effective the first day of the second pay period which begins after January 9, 1962.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–204; Filed, Jan. 8, 1962; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 954 (Sub-1)]

ATLANTIC-GULF/PUERTO RICO TRADE

Investigation of Rates and Practices; Notice of Supplemental Order

On December 21, 1961, the Federal Maritime Commission entered the following Second Supplemental Order to the original order in this proceeding dated November 13, 1961.

It appearing that there is currently pending in this proceeding an investigation into and concerning certain rates and practices from Atlantic and Gulf coast ports of the United States to ports in the Commonwealth of Puerto Rico which became effective November 13, 1961, and on various dates thereafter; and

It further appearing that A. H. Bull Steamship Co. and American Union Transport, Inc. have been named respondents in this proceeding; and

It further appearing that there has been filed with the Federal Maritime Commission (Commission) by the A. H. Bull Steamship Co. a 7th revised page No. 81 to its Outward Freight Tariff No. 1, FMB–F No. 1 which became effective November 14, 1961, which page contains a new provision designated as "Note G" providing that an allowance of 10 percent will be made on buses stowed "on deck" of carrier's vessel when same is for the convenience of the carrier; and

It further appearing that said allowance may result in an unjust and unreasonable rate on buses which has been instituted by A. H. Bull Steamship Co. solely to meet the competition of American Union Transport, Inc. whose tariff publishes similar provisions, i.e. Rule 25, which provides that an allowance of 10 percent will be made on vehicles stowed "on deck" of the carriers vessel when same is for the convenience of the carrier; and

It further appearing that the Commission is of the opinion that said provisions as well as the rate on buses and vehicles to which they apply should be made the subject of a public investigation and hearing to determine whether they are just, reasonable, and otherwise lawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended;

Now therefore it is ordered, That this proceeding be, and it hereby is, expanded to include, in addition to the matters now under investigation, an investigation of and a hearing concerning, the lawfulness under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended, of Note G and the rate on "Buses, empty, boxed or unboxed", published on seventh revised page No. 81 of A. H. Bull Steamship Co.'s Outward Freight Tariff No. 1, FMB–F No. 1, and of Rule 25 on third revised page No. 11 and the rate on vehicles published on first revised page No. 44 of American Union Transport, Inc.'s Southbound Freight Tariff No. 6, FMB–F No. 6, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That all subsequent revisions of the said rates and provisions subsequently filed by the respondents in this proceeding, be, and they are hereby, placed under investigation in this proceeding; and

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulation of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be determined and announced by the Chief Examiner, to receive evidence in this proceeding, which will provide an adequate record for proper disposition of the issues and that an initial decision be issued; (II) a copy of this order shall forthwith be served upon the American Union Transport, Inc. and the A. H. Bull Steamship Co., and all others heretofore named respondents hereto; (III) the said respondents be duly notified of the time and place of the hearing ordered; and (IV) this order and notice of the said hearing be published in the FEDERAL REGISTER.

Dated: January 4, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–210; Filed, Jan. 8, 1962; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62–128]

NORTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

DECEMBER 26, 1961.

Take notice that on November 22, 1961, as supplemented on December 1, 1961, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha 1, Nebraska, filed in Docket No. CP62–128 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon its Otis, Kansas, Compressor Station, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Applicant states that this 500 H.P. station is no longer used due to the depletion of the Otis gas field in Rush and Barton Counties, Kansas. Applicant further states that the two 250 H.P. units comprising the station are obsolete and cannot efficiently be utilized on its system in other locations. Applicant has made arrangements to sell the subject facilities if permission and approval to abandon are received.

The Otis compressor facilities were certificated by the Commission in Docket No. G–667 on May 28, 1946.

The original cost of the subject facilities was $101,911, which has been depreciated by $90,311. Applicant proposes to sell the facilities for $25,000.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 30, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 19, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 61–212; Filed, Jan. 8, 1962; 8:51 a.m.]

[Docket No. CP62–37]

NORTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

JANUARY 3, 1962.

Take notice that on August 15, 1961, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska, filed in Docket No. CP62–37 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof from time to time during the calendar year 1962 at a total cost not to exceed $3,000,000, with no single project to exceed a cost of $500,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

The proposed facilities would be financed from funds on hand and from funds generated through operations.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 30, 1962 at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 24, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–213; Filed, Jan. 8, 1962; 8:51 a.m.]

[Docket No. CP62–122]

EL PASO NATURAL GAS CO.

Notice of Application and Date of Hearing

JANUARY 3, 1962.

Take notice that on November 14, 1961, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas, filed in Docket No. CP62–122 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of additional natural gas to Northwest Natural Gas Company (Northwest Natural), an existing customer, for resale and distribution in the communities of Scappoose and St. Helens, Columbia County, Oregon, and environs, all as more fully set forth in the application and exhibits which are on file with the Commission and open to public inspection.

Applicant proposes to make delivery to Northwest Natural at the existing measuring and regulating station located at the terminus of Applicant's 18-inch O.D. Portland-Vancouver sales lateral near Portland, from which point Northwest Natural will construct the necessary connecting line and the distribution systems at Scappoose and St. Helens.

Northern Natural estimates the annual and peak day requirements of the two communities as follows:

	Mcf at 14.73 psia		
	1st year	2d year	3d year
Peak day	3,493	5,524	8,455
Annual	909,600	1,492,000	2,329,000

The sale by Applicant will be on a firm and an interruptible basis. The gas will be used for residential, commercial and industrial purposes by the ultimate consumers.

Service under this application is proposed to be rendered in accordance with revised exhibits to service agreements contained in Applicant's FPC Gas Tariff, Original Volume No. 3, which revised exhibits were filed concurrently with the instant application.

No new facilities or construction are necessary for this additional service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 6, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 26, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-214; Filed, Jan. 8, 1962; 8:51 a.m.]

[Docket No. E-7018]

DUKE POWER CO.

Notice of Application

JANUARY 3, 1962.

Take notice that on December 27, 1961, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Duke Power Company (Applicant), a corporation organized under the laws of the State of New Jersey and qualified to do business as a foreign corporation in the States of North Carolina and South Carolina, with its principal place of business at Charlotte, North Carolina, seeking an order authorizing the issuance of $50,000,000, principal amount of First and Refunding Mortgage Bonds (Bonds) due 1992.

On or about February 7, 1962, Applicant proposes to invite bids for the purchase of the Bonds, which will be dated February 1, 1962 and which will bear interest from their date at an annual rate to be fixed by competitive bidding. The Bonds will be issued under Applicant's Indenture, dated December 1, 1927, to Guaranty Trust Company of New York (now Morgan Guaranty Trust Company of New York), as Trustee, as heretofore supplemented and amended, and as to be further supplemented and amended by a proposed Supplemental Indenture to be executed by Applicant and the above-mentioned Trustee and to be dated as of February 1, 1962. The proceeds from the proposed sale of the Bonds will be applied and used by Applicant for the purpose of financing in part the cost of construction of additions to its electric generating, transmission and distribution facilities and also for reimbursing, in whole or in part, its treasury for expenditures heretofore made and to be made by Applicant for such purpose between September 1, 1961 and February 28, 1962, including payment by Applicant of any short-term notes heretofore or hereafter issued by Applicant for the afore-mentioned purposes pending the issuance of the Bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 22d day of January 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-215; Filed, Jan. 8, 1962; 8:51 a.m.]

[Docket No. CI60-193 etc.]

GLENN F. THOMAS AND GEORGE W. BREWER JR. ET AL.

Notice of Applications and Date of Hearing

JANUARY 2, 1962.

Glenn F. Thomas & George W. Brewer, Jr., d.b.a. Thomas & Brewer, Docket No. CI60-193; Brown and Key, Inc., Docket No. CI60-816; Wellshire Development Company, Docket No. CI61-25; Kay Kimbell, Oil Properties (Operator) et al., Docket No. CI61-138; Kay Kimbell, Oil Properties, Operator, Docket No. CI61-154; Benson-Montin-Greer Drilling Corp., Docket No. CI61-156; Gulf Oil Corporation, Docket No. CI61-197; Caulkins Oil Company, Operator (for Caulkins Producing Co. et al.), Docket No. CI61-234; Petroleum Exploration, Inc. of Texas, Docket No. CI61-669; Gulf Oil Corporation, Docket No. CI61-820; E. C. Sidwell et al., Docket No. CI61-965; Val R. Reese & Associates, Inc., Operator, Docket No. CI61-991; Yates Petroleum Corporation, Docket No. CI61-993; C. H. Lyons, Sr. et al., Docket No. CI61-1001; Southwest Production Company, Docket No. CI61-1057; Texoma Production Company, Docket No. CI61-1059; The Ohio Oil Company, Operator, Docket No. CI61-1072; E. C. Ware et al., Docket No. CI61-1115; The Frontier Refining Company, Docket No. CI61-1139; The Frontier Refining Company, Operator et al., Docket No. CI61-1140; Texas Crude Oil Company, Operator et al., Docket No. CI61-1218; Jack L. Burrell et al., Docket No. CI61-1223; W. P. Luse et al., Docket No. CI61-1224; Keith F. Walker, Docket No. CI61-1239; Robert L. Wolff, Docket No. CI61-1248; Thelma Conley Oil & Gas Co. et al., Docket No. CI61-1264; Bower, Hall & Wetzel, Docket No. CI61-1278; Odessa Natural Gasoline Co., Docket No. CI61-1319; Rio Sabine, Inc., Docket No. CI61-1379; Alton Coats, d.b.a., Coats Drilling Company, Docket No. CI61-1381; Sinclair Oil & Gas Company, Docket No. CI61-1401; Northern Pump Company, Docket No. CI61-1409; Champlin Oil & Refining Co., Docket No. CI61-1426; Socony Mobil Oil Company, Inc., Docket No. CI61-1431.

Sun Oil Company, Docket No. CI61-1432; Cities Service Petroleum Company, Docket No. CI61-1446; Western Natural Gas Company, Docket No. CI61-1454; Hamilton Brothers, Ltd., Docket No. CI61-1458; Appalachian Land and Development Co., Docket No. CI61-1465; Tower Service Company, Docket No. CI61-1474; Odessa Natural Gasoline Co., Docket No. CI61-1482; John J. Eisner, Docket No. CI61-1487; Clyde J. Brannan, Jr. et al., Docket No. CI61-1506; See-Tee Mining Corp., Docket No. CI61-1523; Charles A. Haynes (Operator) et al., Docket No. CI61-1536; Deb Oil and Gas Company, Docket No. CI61-1540; Gulf Oil Corporation, Docket No. CI61-1555; Bert T. Combs, Docket No. CI61-1558; Rock Island Oil & Refining Co., Inc., Docket No. CI61-1563; Prior Oil Company, Docket No. CI61-1577; *Musgrove Drilling Company, Docket No. CI61-1698; Queen Gas Company, Docket No. CI61-1761; W. L. Meadows et al., Docket No. CI61-1762; Welcome Gragg Oil & Gas Company, Docket No. CI61-1765; Paul H. Ash and M. D. Carey, d.b.a., A. & C. Oil & Gas Co., Docket No. CI61-1767; James Drilling Corporation et al., Docket No. CI61-1768; Midway Oil Company, Docket No. CI61-1797; Hollis Kerby Oil and Gas Co., Docket No. CI61-1798; Cooper Gas Company, Well No. 1, Docket No. CI61-1801; D. A. Dorward et al., Docket No. CI61-1802; Laurel Fork Oil & Gas Company, Docket No. CI61-1815; Camden Gas Company, Docket No. CI61-1816; Blackwell Zinc Company, Inc., Operator, Docket No. CI61-1817; Joseph E. Newman, Operator, Docket No. CI61-1820; John B. Crawford, Agent, Docket No. CI62-10; Mutual Drilling Company, Inc., Docket No. CI62-11; Afroma Oil and Gas Co., Inc., Docket No. CI62-12; Mallard Petroleum, Inc. (Operator) et al., Docket No. CI62-15; Woods Exploration Co., Docket No. CI62-19; Otis Russell (Operator), Docket No. CI62-20; James Duskey Oil and Gas Co., Docket No. CI62-23; P. & J. Development Company, Inc., Docket No. CI62-24; Benjamin K. Harton, Richard W. Thorne and James Thorson, Docket No. CI62-29; H. F. Sears, Docket No. CI62-30; Robert B. Stallworth, Jr., d.b.a., Dominion Oil & Gas Company, Docket No. CI62-42; Palm Petroleum Corporation, Docket No. CI62-48; Pioneer Production Corporation, Docket No. CI62-50; Henry O. Gossett, Jr., Docket No. CI62-51; Consolidated Oil & Gas, Inc., Docket No. CI62-54; Belco Petroleum Corporation, Docket No. CI62-55; The Ohio Oil Company (Operator) et al., Docket No. CI62-71; Cities Service Petroleum Company, Docket No. CI62-72; Standard Oil Company of Texas, Docket No. CI62-78; Irving Pasternak, Docket No. CI62-79; Irving Pasternak, Docket No. CI62-80; Kansas Natural Gas Inc., Docket No. CI62-95; Sinclair Oil & Gas Company, Docket No. CI62-96; Twin Gas Company, Docket No. CI62-98; Texaco Inc., Docket No. CI62-138; Olin Gas Transmission Corporation, Docket No. CP61-255.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the sale of natural gas in interstate commerce, as hereinafter described, all as more fully represented in the respective applications, amendments and supplements thereto which are on file with the Commission and open to public inspection.

The Applicants herein produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No., Field and Location, Purchaser, Price per Mcf

CI60-193; Acreage in Meade County, Kans., Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.

CI60-816; Langlie-Mattix Oil Pool, Lea County, N. Mex.; El Paso Natural Gas Co.; 6.5 cents at 14.65 psia.

CI61-25; Fulcher Kutz Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

CI61-138; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

CI61-154; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

CI61-156 (as Supp.); Blanco Field, Blanco Mesaverde Field, and Dakota Field, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

CI61-197 (as Supp.); Ballard Field, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

CI61-234; Acreage in Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

CI61-669; Shäre-Mississippian Field, Ochiltree County, Tex.; Transwestern Pipeline Co.; 17.0 cents at 14.65 psia.

CI61-820; White City Area, Eddy County, N. Mex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.

CI61-965 (as Supp.); East Panhandle Field, Collingsworth County, Tex.; El Paso Natural Gas Co.; 12.0 cents at 14.65 psia.

CI61-991; Acreage in Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

CI61-993; Atoka-Penn Field, Eddy County, N. Mex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.

CI61-1001; Elmwood West Field, Beaver County, Okla.; Transwestern Pipeline Co.; 17.0 cents at 14.65 psia.

CI61-1057; San Juan Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

CI61-1059; Luther Hill Field, Ellis County, Okla.; Transwestern Pipeline Co.; 17.0 cents at 14.65 psia.

CI61-1072; Kutz Canyon Area, San Juan County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

CI61-1115; Tug River District, Mingo County, W. Va.; United Fuel Gas Co.; 23.0 cents at 15.325 psia.

CI61-1139; West Kutz Area, San Juan County, W. Va.; United Fuel Gas Co.; 23.0 cents at 15.025 psia.

CI61-1140; West Kutz Area, San Juan County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

CI61-1218; Worsham Field, Reeves County, Tex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.

CI61-1223; Acreage in Waha Field, Reeves and Pecos Counties, Tex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.

CI61-1224; Acreage in Waha Field, Reeves and Pecos Counties, Tex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.

CI61-1239; South Dixie Area, Jefferson County, Okla.; Lone Star Gas Corp.; 15.0 cents at 14.65 psia.

CI61-1248; Court House District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61-1264; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61-1278; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61-1319; Follet, North Morrow, and Undesignated, Lipscomb County, Tex.; Transwestern Pipeline Co.; 17.0 cents at 14.65 psia.

CI61-1379 (as Supp.); North Carthage Field; Panola and Harrison Counties, Tex.; Arkansas Louisiana Gas Co.; 15.0 cents at 14.65 psia.

CI61-1381; North Carthage Field, Panola and Harrison Counties, Tex.; Rio Sabine, Inc.; 15.0 at 14.65 psia.

CI61-1401 (as Supp.); Worsham Field, Reeves County Tex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.

CI61-1409; Texana Field, Jackson County, Tex.; Tennessee Gas Transmission Co.; 15.33333 cents at 14.65 psia.

CI61-1426; Unspecified, Texas County, Okla.; Panhandle Eastern Pipeline Co.; 16.0 cents at 14.65 psia.

CI61-1431; Kermit Field, Winkler County, Tex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.

CI61-1432; Waha Field, Pecos County, Tex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.

CI61-1446; Unspecified Texas County, Okla.; Panhandle Eastern Pipeline Co.; 16.0 cents at 14.65 psia.

CI61-1454; Hiway and Farmington Areas, San Juan County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

CI61-1458; Camrick Field, Texas County, Okla.; Kansas-Nebraska Natural Gas Co., Inc.; 16.8 cents at 14.65 psia.

CI61-1465; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61-1474; Collins Settlement District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61-1482; Undesignated, Eddy County, N. Mex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.

CI61-1487; Elmwood-Camp Creek Field, Beaver County, Oklahoma.; Northern Natural Gas Co.; 17.0 cents at 14.65 psia.

CI61-1506; Sonora Field, Sutton County, Tex.; El Paso Natural Gas Co.; 15.70925 cents at 14.65 psia.

CI61-1523; Twin Mounds Area, San Juan County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

CI61-1536; Mesa Vista McKee Field, Pecos County, Tex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.

CI61-1540; Warren District, Upshur County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61-1555; Palmer Field, Barber County, Kans.; Cities Service Gas Co.; 13.0 cents at 14.65 psia.

CI61-1563; North Scarborough Field, Winkler County, Tex.; El Paso Natural Gas Co.; 9.0 cents at 14.65 psia.

CI61-1577; Finster-Trees, Court House District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61-1558; Nunnery Branch of Johns Creek, Floyd County, Ky.; Kentucky West Virginia Gas Co.; 18.0 cents at 15.325 psia.

CI61-1670; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61-1698; Hugoton Gas Field, Finney County, Kans.; Kansas-Nebraska Natural Gas Co., Inc.; 11.0 cents at 14.65 psia.

CI61-1761; Hodgesville, Warren District, Upshur County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61-1762; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61-1765; Spruce Creek, DeKalb District, Gilmer County; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61-1767; Court House District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61-1768 (as Supp.); Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61-1797; Braman Area, Kay County, Okla.; Arkansas Louisiana Gas Co.; 11.0 cents at 14.65 psia.

CI61-1798; Lee District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61-1801; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61-1802; Glenville District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61-1815; Union District, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61-1816; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61-1817; Laverne Gas Field, Harper County, Okla.; Northern Natural Gas Co.; 17.0 cents at 14.65 psia.

CI61-1820; Belprie Field, Edwards County, Kans.; Northern Natural Gas Co.; 13.5 cents at 14.65 psia.

CI62-10; Troy District, Gilmer County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62-11; Skin Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62-12; Riggs Area, Goliad County, Tex.; United Gas Pipe Line Co.; 12.1536 cents at 14.65 psia.

CI62-15; Azalea Field, Midland County, Tex.; Phillips Petroleum Co.; 12.5 cents at 14.65 psia.

CI62-19; Southeast Sterling Field, Comanche County, Okla.; Cities Service Gas Co.; 15.0 cents at 14.65 psia.

CI62-20; West El Campo Area, Wharton County, Tex.; Tennessee Gas Transmission Co.; 14.5 cents at 14.65 psia.

*M. J. Moran et al., Docket No. CI61-1670.

CI62-23; Lee District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62-24; Eagle District, Harrison County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62-29; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.
CI62-30; West Panhandle Field, Hutchinson, Moore, and Potter Counties, Tex.; Colorado Interstate Gas Co.; 12.0 cents at 14.65 psia.
CI62-42; Union District, Clay County, W. Va.; United Fuel Gas Co.; 23.0 cents at 15.325 psia.
CI62-48; Weesatche Field, Goliad County, Tex.; United Gas Pipeline Co.; 12.1536 cents at 14.65 psia.
CI62-50; Acreage in Ochiltree County, Tex.; Northern Natural Gas Co.; 17.0 cents at 14.65 psia.
CI62-51; Troy District and Glenville District, Gilmer County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62-54; Cotton Valley Field, Weld County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 12.0 cents at 16.4 psia.
CI62-55; Birch Creek Area, Sublette and Lincoln Counties, Wyo.; Mountain Fuel Supply Co.; 15.0 cents at 14.65 psia.
CI62-71; Calhoun Field, Lincoln Parish, La.; Texas Gas Transmission Corp.; 18.75 cents at 15.025 psia.
CI62-72; Camrick Southeast Field, Beaver County, Okla.; Natural Gas Pipeline Co. of America; 17.0 cents at 14.65 psia.
CI62-78; Escrito-Gallup Pool, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.
CI62-79; Acreage in LaPlata County, Colo.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.
CI62-80; Acreage in LaPlata County, Colo.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.
CI62-95; Acreage in Sherman County, Tex.; Phillips Petroleum Co.; 10.0 cents at 14.65 psia.
CI62-96; Brown-Bassett Field, Terrell County, Tex.; El Paso Natural Gas Co.; 16.0 cents at 14.65 psia.
CI62-98; Tatums Field, Carter County, Okla.; Lone Star Gas Co.; 15.0 cents at 14.65 psia.
CI62-138; Eumont Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 15.11144 cents at 14.65 psia.
CP61-255; North Carthage Field, Panola and Harrison Counties, Tex.; Rio Sabine, Inc.; 4.0 cents at 14.65 psia.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 6, 1962, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 24, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest, petition to intervene, or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20 (m)(2) of the rules of practice and procedure.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-193; Filed, Jan. 8, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1419]

EQUITY ANNUITY LIFE INSURANCE CO.

Notice of Application for Relief From Undertaking

JANUARY 2, 1962.

Notice is hereby given that Equity Annuity Life Insurance Company ("Ealic"), 2480 16th Street NW., Washington, D.C., an open-end investment company registered under the Investment Company Act of 1940 ("Act") has filed, pursuant to section 6(c) of the Act, an application for an order of the Commission relieving Ealic from its undertaking to maintain reserves for variable annuity contracts in the pay-out period of not less than 125 percent of the reserves required for such contracts by the Life Insurance Act of the District of Columbia ("Insurance Act"). This undertaking was made in connection with an earlier application by Ealic to exempt Ealic's issuance of variable annuity contracts from certain provisions of the Act, including the prohibitions of section 18(f)(1) against the issuance of senior securities.

The Commission's Order of February 25, 1960 (Investment Company Act Release No. 2975), granted the requested exemption and the Commission's findings and opinion, on the basis of which such order was issued, referred to this undertaking as one of the substantial protections which exist to minimize the possibility that the risks involved in selling and administering the variable annuity and insurance contracts and the mortality risks inherent in the variable annuity contracts will not devolve upon the variable annuity contract holders.

Ealic points out that since the Commission's order of February 25, 1960, the Insurance Act has been amended to provide for the establishment of separate accounts in connection with the issuance of variable annuity contracts. Among other things, the new law provides that "Any surplus or deficit which may arise in any such separate account by virtue of mortality experience shall be adjusted by withdrawals from or additions to such account so that the assets of such account shall always equal the assets required to satisfy the company's obligations for such variable payments." The new law also provides that "the assets of such separate account shall not be chargeable with liabilities arising out of any other business the company may conduct."

The application states that because the new law insulates the assets held in the separate account from the other liabilities of the company, and requires that the assets in such segregated account must always equal the liability of the company under variable annuity contracts, maintenance of the additional reserve of 25 percent is no longer necessary to assure the financial integrity of such account.

In this connection Ealic points out that, in accordance with its undertaking in connection with the Commission's order of February 25, 1960, it will continue to reinsure all of its liabilities incurred as a result of the life and disability insurance written in connection with variable annuity contracts and that it does not presently intend to issue any other form of conventional insurance.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 16, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-194; Filed, Jan. 8, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 4, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37498: *Cement from Ironton, Ohio.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2595), for interested rail carriers. Rates on cement, hydraulic, natural or portland, in carloads, from Ironton, Ohio, to specified points in Kentucky, North Carolina, Virginia, and West Virginia.

Grounds for relief: Market competition.

Tariffs: Supplement 112 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 3826 (Hinsch series) and supplement 34 to Norfolk and Western Railway Company tariff I.C.C. 9685.

FSA No. 37499: *Wrought iron or steel pipe to Sharpstown, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8128), for interested rail carriers. Rates on wrought iron or steel pipe, and related articles, in carloads, from specified points in official, western trunkline, southwestern and southern territories, to Sharpstown, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 260 to Southwestern Freight Bureau tariff I.C.C. 4116.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37500: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 426), for interested rail carriers. Rates on motor fuel anti-knock compound, in tank-car loads, from Chalson, Tex., to specified points in Texas.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 21 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

FSA No. 37501: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 427), for interested rail carriers. Rates on synthetic plastics, other than liquid, in bulk, in carloads, from Beaumont, Chaison, Port Neches, and Spindletop, Tex., to Dallas, Ft. Worth, Great Southwest, and Tyler, Tex.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 22 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

By the Commission.

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-200; Filed, Jan. 8, 1962; 8:49 a.m.]

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Washington, Wednesday, January 10, 1962

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Labor

Effective upon publication in the FEDERAL REGISTER, paragraph (f)(1) is added to § 6.113 as set out below.

§ 6.113 Department of Labor.

* * * * * *

(f) *President's Commission on the Status of Women.*

(1) All positions on the staff of the President's Commission on the Status of Women established by Executive Order 10980 of December 14, 1961.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-255; Filed, Jan. 9, 1962; 8:52 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Commerce

Effective upon publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (i) of § 6.312 as set out below.

§ 6.312 Department of Commerce.

* * * * * *

(i) *Patent Office.* * * *

(2) Assistant to the Commissioner.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-256; Filed, Jan. 9, 1962; 8:52 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Post Office Department

Effective upon publication in the FEDERAL REGISTER, subparagraph (5) of paragraph (f) of § 6.309 is amended as follows:

§ 6.309 Post Office Department.

* * * * * *

(f) *Bureau of Operations.* * * *

(5) Two Deputy Assistant Postmasters General.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-257; Filed, Jan. 9, 1962; 8:52 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Programs, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th General Rev. of Export Regs.; Amdt. No. 56; Correction]

PART 385—EXPORTATIONS OF TECHNICAL DATA

Correction

In item 3 of Amendment No. 56 (§ 385.2, 26 F.R. 12763), the listing in subparagraph (4)(i)(b) of "oco process" is corrected to read "oxo process."

In subparagraph (4)(iii) of § 385.2 the reference to "U.S. Post Office" is corrected to read "United States Patent Office."

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023, E.O. 10945, 26 F.R. 4487)

F. D. HOCKERSMITH,
Acting Director, Office of Export Control.

[F.R. Doc. 62-241; Filed, Jan. 9, 1962; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

[Amdt. No. 17]

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments for 1960 and Subsequent Crops of Wheat

Basis and purpose. This amendment is issued to redesignate subparagraph (8) of § 728.1017b(b) as subparagraph (7). This amendment is required because subparagraph (6) was deleted and subparagraph (7) was designated subparagraph (6) by amendment 14 published in Federal Register Doc. 61-10266 (26 F.R. 10095). Subparagraph (8) was not redesignated. Since this amendment is for the purpose of providing the proper numbering of subparagraphs of § 728.1017b(b), compliance with the public notice, procedure and 30-day effective date provisions of section 4 of the Amendment Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment shall become effective upon its publication in the FEDERAL REGISTER.

Section 728.1017b(b) is amended by redesignation of subparagraph "(8)" as subparagraph "(7)."

(Secs. 334, 375, 377, 52 Stat. 53, as amended, 66, 71 Stat. 592, as amended; 7 U.S.C. 1334, 1375, 1377)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on January 5, 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-274; Filed, Jan. 9, 1962; 8:55 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8249 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Neiman-Marcus Company

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155-40 *Exaggerated as regular and customary;* § 13.155-45 *Fictitious marking;* § 13.155-70 *Percentage savings.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Neiman-Marcus Company, Dallas, Tex., Docket 8249, Sept. 28, 1961]

Consent order requiring a Dallas, Tex., department store to cease violating the Fur Products Labeling Act by advertising fictitious amounts as the usual prices for fur products in newspapers, through use of the term "comparable value" or the word "originally" with a larger figure followed by a purportedly reduced sale price; by representing prices falsely as "40% off" and "reductions---- ⅓ to ½ off"; and by failing to keep adequate records as a basis for pricing claims.

The order to cease and desist is as follows:

It is ordered, That Neiman-Marcus Company, a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transporta-

tion or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or the offering for sale, of fur products, and which:

1. Represents, directly or by implication, that any price is respondent's usual retail price when it is in excess of the price at which the merchandise has been usually and customarily sold by respondent at retail in the recent, regular course of business.

2. Represents, directly or by implication, that the price at which respondent offers fur products affords a savings to consumers unless such representation is true and the basis of such representation is truthfully stated.

3. Uses the term "originally" to designate prices unless they are the prices at which the merchandise has been usually and customarily sold by respondent in the recent, regular course of business.

4. Designates prices of fur products by the term "comparable value", or any other term of the same import, in connection with lower prices, in such manner as to represent that the prices so designated are respondent's usual and customary retail selling prices in the recent, regular course of business, unless they are such in fact.

5. Represents, directly or by implication, through percentage savings claims that the prices at which respondent had usually and customarily sold fur products in the recent, regular course of business were reduced in direct proportion to the amount of savings stated, when contrary to the fact.

B. Making price claims or representations respecting prices or values of fur produots unless respondent maintains full and adequate records disclosing the facts upon which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-225; Filed, Jan. 9, 1962; 8:46 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-204; Order No. 240]

PART 154—RATE SCHEDULES AND TARIFFS

Independent Producers of Natural Gas—Form of Filing for Rate Increases

JANUARY 4, 1962.

The Commission has under consideration in this proceeding the adoption of a single-page form for use by small independent producers (and in certain cases large producers) in submitting for filing proposed changes in rates pursuant to section 4(d) of the Natural Gas Act. The use of the form will obviate, in most cases, the submission of the full supporting statement now required, thereby lessening the burdens incident to rate filings.

In essence, the amendments to the regulations herein adopted provide that:

(1) Small producers, who sold 5,000,000 Mcf, or less, of gas in interstate commerce annually, in each year of their operations during the preceding five years will use the form without a further supporting statement for any proposed contractual rate change.

(2) Producers who sold more than 5,000,000 Mcf of gas in interstate commerce annually in any year during the preceding five years and are proposing a contractual rate level equal to, or less than, the applicable area price level for increased rates shall submit the information required by the form but need not submit any additional supporting statement.

(3) Producers who sold more than 5,000,000 Mcf of gas in interstate commerce annually in any year during the preceding five years and are proposing a contractual rate change to a level exceeding the announced applicable area rate level and all producers proposing an ex parte or unilateral rate change shall submit the information required by the form and a full supporting statement.

The Commission finds:

(1) Amendment of the regulations as herein ordered is appropriate and necessary for carrying out the provisions of the Natural Gas Act.

(2) The amendments herein ordered represent matters of practice and procedure which do not require notice or hearing under section 4(a) of the Administrative Procedure Act.

The Commission, acting pursuant to authority granted by sections 4 and 16 of the Natural Gas Act (15 U.S.C. 717c, 717o), orders:

(A) Part 154 of Subchapter E, Regulations Under the Natural Gas Act, Chapter I of Title 18 of the Code of Federal Regulations, is amended as follows:

In § 154.94, paragraphs (e), (f), and (g) are amended to read as follows—

(e) With each change in rate schedule not constituting a change in rate level by any means there shall be submitted reasons, nature and basis for the proposed change and the date upon which the change is proposed to be made effective. Changes in service such as compression, dehydration, etc., by either seller or buyer shall be considered as a change in the existing rate level.

(f) *Notice of change in rate level.* (1) An independent producer who has sold in interstate commerce 5,000,000 Mcf of gas or less annually in each year of his operations during the preceding five years and who is proposing a contractual change in rates, charges, etc., shall file the information called for in the following form:

NOTICE OF INDEPENDENT PRODUCER RATE CHANGE FILING

1. Producer

   (Name)

   (Address)
2. Buyer

   (Name)
3. Location of sale

   (Field) (County) (State)
4. (a) FPC gas rate schedule No. ------
   (b) Basic contract date ------
5. (a) Type of increase

   (Periodic, favored-nation, renegotiated, etc.)
   (b) Contract basis

   (Specify Contract Provision)
   (c)

   (Proposed Effective Date)
6. Rates in cents per Mcf at ------ psia: (Specify)

(a) Present effective rate:	
Base rate	*Tax reimbursement*
Other[1] *(specify separately)*	*Total rate*
(b) Proposed rate:	
Base rate	*Tax reimbursement*
Other[1] *(specify separately)*	*Total rate*

7. Statement of estimated sales volume and comparative revenues for the twelve-month period succeeding the proposed effective date (shown with volume and rates at the same psia as in Item 6):

Estimated volume (Mcf)	*Revenues at present effective rate*
Revenues at proposed rate	*Difference in revenues*

8. Average Btu content per cubic foot of the gas sold during the last twelve-month period ------; estimated for the succeeding twelve-month period ------

(Date) (Signed)

(Title)

[1] Dehydration, compression, Btu adjustment, etc.

(2) An independent producer who has sold in interstate commerce more than 5,000,000 Mcf of gas annually in any year during the preceding five years and who is proposing a contractual change in rate level to a price below or equal to the applicable area price level for increased rates as set out in the Statement of General Policy No. 61-1, as amended (§ 2.56 of this chapter), shall file the information required in subparagraph (1) of this paragraph and may, at his option, submit a statement in support of the proposed change but shall, in any event, submit additional information in explanation of any pertinent circumstance not specifically required by the form.

(3) An independent producer who has sold in interstate commerce more than 5,000,000 Mcf of gas annually in any year during the preceding five years and is proposing a contractual change in rate level to a price higher than the applicable area price level for increased rates set out in the Statement of General Policy No. 61-1, as amended (§ 2.56 of this chapter), and any independent producer (regardless of the quantity of annual sales) proposing an ex parte or unilateral rate change shall file, in addition to the information required by subparagraph (1) of this paragraph, a full statement in support of the proposed change in rate.

(g) A complete copy of all material filed pursuant to this section shall be furnished to each party to the rate schedule. With each such filing there shall be submitted to the Commission a list of the parties to whom such material has been furnished.

(B) The amendments herein adopted shall become effective February 12, 1962.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-226; Filed, Jan. 9, 1962; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-KC-39]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

Correction

In F.R. Doc. 61-12328, appearing at page 12684 of the issue for Friday, December 29, 1961, the last latitude in the boundaries paragraph of Restricted Area R-4201 should read "latitude 44°54'00" N.,", instead of "latitude 44°52'00" N.,".

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Further Extension of Effective Date of Statute

Effective as of the date of signature of this order, the item reading "1,2-dibromo-3-chloropropane" in § 120.37 is changed to read as follows:

Product	Specified uses or restrictions	Effective date of statute extended to—
1,2-Dibromo-3-chloropropane.	Soil fumigant for nematodes.	Jan. 1, 1963

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: December 29, 1961.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 62-237; Filed, Jan. 9, 1962; 8:49 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Temporary Suspension of Certain Provisions Requiring Front Panel Placement and Increase in Conspicuousness and Contrast for Warning Information

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 10, 74 Stat. 378; 15 U.S.C.A. 1269) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), on August 12, 1961, promulgated regulations for the efficient enforcement of this statute. The regulations become effective February 1, 1962.

On the basis of information obtained by field investigators, and from representations by the Manufacturing Chemists' Association, Chemical Specialties Manufacturers Association, National Paint and Varnish Association, American Petroleum Institute, and other interested persons, the Commissioner concludes that more time is necessary for full compliance with the requirements of main panel placement and increased conspicuousness and contrast.

Therefore, paragraphs (a), (c), and (d) of § 191.101 (21 CFR 191.101; 26 F.R. 7333, 11214) are suspended until August 1, 1962. Articles subject to the act must bear all the mandatory labeling by February 1, 1962. But the placement, conspicuousness, and contrast requirements of the implementing regulation will not be enforced before their new effective date, August 1, 1962.

Effective date. This order shall become effective on the date of signature.

(Sec. 10, 74 Stat. 378; 15 U.S.C.A. 1269)

Dated: January 2, 1962.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 62-236; Filed, Jan. 9, 1962; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Bayou Plaquemine, Louisiana

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended with respect to paragraph (j) by combining the present regulations in subparagraphs (1), (2) and (3) in one subparagraph (3) and by prescribing a new subparagraph (1) to permit The Texas and Pacific Railway Company bridge and the Louisiana Department of Highways bridge across Bayou Plaquemine, Louisiana, to remain in a closed position, effective on publication in the FEDERAL REGISTER since the Plaquemine Lock is closed to navigation, as follows:

§ 203.245 **Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.**

* * * * * *

(j) *Waterways discharging into Gulf of Mexico west of Mississippi River.* (1) Bayou Plaquemine, La.; The Texas and Pacific Railway Company and the Louisiana Department of Highways bridges at Plaquemine. The draws need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(2) [Reserved].

(3) Bayou Lafourche, La.; Texas and New Orleans Railroad Company bridge at Lafourche and Louisiana Department of Highways bridges at Thibodaux and

Labadieville. At least 48 hours' advance notice required.

[Regs., December 15, 1961, 285/91 (Bayou Plaquemine, La.)-ENGCW-ON]

(Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

JULIAN A. WILSON,
Major General, U.S. Army,
Acting The Adjutant General.

[F.R. Doc. 62-239; Filed, Jan. 9, 1962; 8:49 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Vicksburg National Military Park, Mississippi; Use of Radiomicrowaves (Radar)

On pages 10,600 and 10,601 of the FEDERAL REGISTER of November 10, 1961, there was published a notice and text of a proposed amendment to § 7.51 of Title 36, Code of Federal Regulations. The purpose of this amendment is to permit the use of radiomicrowaves (radar) or other electrical timing devices in checking the speed of motor vehicles at Vicksburg National Military Park.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(60 Stat. 238; 5 U.S.C. 1003; 39 Stat. 535; 16 U.S.C. 3)

R. K. RUNDELL,
Superintendent,
Vicksburg National Military Park.

Section 7.51 is amended by designating the present text as paragraph (a) (1) and by adding a new subparagraph (2) to read as follows:

§ 7.51 Vicksburg National Military Park.

(a) *Speed.* (1) • • •

(2) Speed electronically checked. The speed of any motor vehicle may be checked on any park road within Vicksburg National Military Park by the use of radiomicrowaves or other electrical device. Signs which read "Speed Checked by Radar" or "Speed Radar Enforced" shall be posted at each entrance to the park from all public access roads and streets.

[F.R. Doc. 62-227; Filed, Jan. 9, 1962; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In § 3.250(d), subparagraph (12) is added to read as follows:

§ 3.250 Dependency.

• • • • • •

(d) *Income excluded.* • • •

(12) Net profit from the sale of the claimant's residence, received during the calendar year of sale, as follows:

(i) To the extent that it is applied within the calendar year of the sale, or the succeeding calendar year, to the purchase price of another residence as his principal dwelling;

(ii) Such application of the net profit is reported within 1 year following the date so applied; and

(iii) The net profit is so applied after the date of promulgation of this amendatory regulation to a purchase made after said date. This exclusion will not apply where the net profit is applied to the price of a home purchased earlier than the calendar year preceding the calendar year of sale of the old residence.

2. In § 3.251(e), subparagraph (8) is added to read as follows:

§ 3.251 Income of parents, dependency and indemnity compensation.

• • • • • •

(e) *Income excluded.* • • •

(8) Net profit from the sale of the claimant's residence, received during the calendar year of sale, as follows:

(i) To the extent that it is applied within the calendar year of the sale, or the succeeding calendar year, to the purchase price of another residence as his principal dwelling;

(ii) Such application of the net profit is reported within 1 year following the date so applied; and

(iii) The net profit is so applied after the date of promulgation of this amendatory regulation to a purchase made after said date. This exclusion will not apply where the net profit is applied to the price of a home purchased earlier than the calendar year preceding the calendar year of sale of the old residence.

3. In § 3.252(d), subparagraph (14) is added to read as follows:

§ 3.252 Annual income; pension; World War I, World War II and Korean conflict.

• • • • • •

(d) *Income excluded (38 U.S.C. 503).* • • •

(14) Net profit from the sale of the claimant's residence, received during the calendar year of sale, as follows:

(i) To the extent that it is applied within the calendar year of the sale, or the succeeding calendar year, to the purchase price of another residence as his principal dwelling;

(ii) Such application of the net profit is reported within 1 year following the date so applied; and

(iii) The net profit is so applied after the date of promulgation of this amendatory regulation to a purchase made after said date. This exclusion will not apply where the net profit is applied to the price of a home purchased earlier than the calendar year preceding the calendar year of sale of the old residence.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective January 10, 1962.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 62-280; Filed, Jan. 9, 1962; 8:56 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 62-4]

PART 1—PRACTICE AND PROCEDURE

Notice of Violations

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 3d day of January 1962;

The Commission having under consideration § 1.76 of its rules of practice and procedure, pertaining to notice of violations; and

It appearing, that § 1.76 requires the filing of an answer to a notice of violation but does not, except where the violation involves the physical or electrical characteristics of the transmitter, require a statement concerning measures which have been taken to correct the condition or omission complained of and to preclude its recurrence; and

It further appearing, that such a statement is needed to determine whether further enforcement action is required, and that § 1.76(c) should be clarified to reflect this need and to apprise those answering violation notices as to the content of the answer; and

It further appearing, that the amendment herein adopted is issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended; and

It further appearing, that the amendment herein adopted pertains to matters of procedure, and hence that section 4 of the Administrative Procedure Act is inapplicable;

It is ordered, That, effective February 13, 1962, § 1.76(c) of the Commission's rules of practice and procedure is amended to read as follows:

§ 1.76 Notice of violations.

• • • • • •

(c) The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. In every instance the answer shall contain a statement of action taken to correct the condition or omission complained of and to preclude its recurrence. In addition:

(1) If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus and any new apparatus is to be installed, the answer shall state the date such apparatus was ordered, the name of the manufacturer, and the promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification shall be given as will permit ready identification of the application.

(2) If the notice of violation relates to lack of attention to or improper operation of the transmitter, the name and license number of the operator in charge shall be given.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: January 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-258; Filed, Jan. 9, 1962; 8:52 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 1—GENERAL RULES OF PRACTICE

Special Rules of Practice Governing Procedure of Certain Boards

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 29th day of December A.D. 1961.

There being under consideration § 1.225 of the special rules of practice:

It is ordered, That § 1.225 (a) and (b), of Chapter I of Title 49 of the Code of Federal Regulations (49 CFR 1.225) is revised (and to include a footnote) to read as follows:

§ 1.225 Special rules of practice governing the procedure of the Temporary Authorities Board, the Transfer Board, Finance Board [1] Nos. 1, 2, and 3, the Safety and Service Boards, the Motor Carrier Boards, the Special Permission Board, the Released Rates Board, and Operating Rights Board [1] Nos. 1 and 2.

(a) The proceedings of the Temporary Authorities Board, the Transfer Board, Finance Board Nos. 1, 2, and 3, the Safety and Service Boards, the Motor Carrier Boards, the Special Permission Board, the Released Rates Board, and Operating Rights Board Nos. 1 and 2 shall be informal. No transcription of such proceedings will be made. Subpoenas will not be issued and, except when applications or petitions are required to be attested, oaths will not be administered.

(b) A petition for reconsideration of an order of (1) the Temporary Authorities Board, the Transfer Board, a Safety and Service Board, a Motor Carrier Board, the Special Permission Board, the Released Rates Board, or Operating Rights Board No. 2 may be filed by any interested person, and (2) Operating Rights Board No. 1 and the Finance Boards may only be filed by a party to the proceeding. Such petition and reply thereto will be governed by the Commission's general rules of practice, except as otherwise provided in paragraphs (c), (d), and (e) of this section.

It is further ordered, That the foregoing amendment shall become effective February 12, 1962.

Notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended; secs. 204, 205, 49 Stat. 546, as amended, 548, as amended; sec. 304, 54 Stat. 933; sec. 403, 56 Stat. 285; 49 U.S.C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-242; Filed, Jan. 9, 1962; 8:50 a.m.]

[1] The general rules of practice apply to the procedure of all employee boards except to the extent specifically provided for in §§ 1.200 and 1.225.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 990]

HANDLING OF CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Notice for Additional Time for Receipt of Written Data, Views, or Arguments

Notice was published in the November 17, 1961, issue of the FEDERAL REGISTER (26 F.R. 10772), that there were under consideration certain proposed provisions of the Subpart—Administrative Rules and Regulations, including conversion factors and a shrinkage allowance, to be made effective pursuant to the provisions of Marketing Agreement No. 133 and Order No. 990 (26 F.R. 7797), regulating the handling of Central California grapes for crushing. Said notice afforded interested persons a 14-day period (which was to have expired December 1, 1961), in which to file written data, views, or arguments on the proposed provisions.

On November 22, 1961, notice was published in the FEDERAL REGISTER (26 F.R. 10933), that the time for the receipt of such written data, views, or arguments was extended to 5 p.m., e.s.t., December 15, 1961, and on December 14, 1961, notice was published in the FEDERAL REGISTER (26 F.R. 11982), that said period was further extended to 5 p.m., e.s.t., January 4, 1962. However, additional time is necessary for interested persons to give consideration to such proposed provisions.

Notice is hereby given that additional time is granted for the receipt by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., of written data, views, or arguments on the proposed provisions of the Subpart—Administrative Rules and Regulations, such time to expire 5:00 p.m., e.s.t., January 26, 1962.

Dated January 5, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-277: Filed, Jan. 9, 1962; 8:56 a.m.]

[7 CFR Part 1125]

[Docket No. AO-226-A7]

MILK IN PUGET SOUND, WASHINGTON, MARKETING AREA

Decision on Proposed Amendments To Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Seattle, Washington, on September 11, 1961, pursuant to notice thereof issued on August 18, 1961 (26 F.R. 7836).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on November 2, 1961 (26 F.R. 10486; F.R. Doc. 61-10623) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue on the record of the hearing relates to the status of state institutions in producing milk for use of their inmates.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The State of Washington, in producing milk for use of inmates of its institutions, should be exempt from the limitations imposed upon producer-handlers but should be considered a producer-handler with respect to movements of milk to or from regulated plants.

Under present provisions of the Puget Sound order the milk production resources and facilities, and the milk handling, processing or distributing facilities of each producer-handler are designated. The handling in the designated facilities of fluid milk products that are not from the designated production is limited to a daily average of 100 pounds of certain packaged products from pool plants, with provision for unlimited purchases in bulk or packaged form from such plants within a single span of 45 consecutive days in any 12-month period. Use of nondesignated facilities, or receipts in excess of these limits, results in cancellation of producer-handler status and pooling of production, and sales for the ensuing 12-month period.

The Department of Institutions of the State of Washington maintains dairy herds on farms operated in connection with three State institutions located in the marketing area. The milk produced is processed at a single plant located at one of these institutions and is used in feeding inmates of these three and ten other State institutions also located in the marketing area. All institutions under the supervision of the Department are mental hospitals, children's institutions and penal or corrective institutions. In carrying out these milk production and handling operations the Department of Institutions comes within the terms specified in the present order for producer-handlers and has been treated as a producer-handler.

The Department of Institutions differs from other producer-handlers in the market in that it produces for use in public institutions and makes no private sales except to avoid waste or spoilage. The State law under which operations are carried out precludes production for profit. The policy has been to produce only enough to meet the consumption needs of the inmates. With the exception of a short period in 1959 all milk produced on Department farms has been utilized by inmates of the various institutions. Due to fluctuations in production and inmate population, there is danger that the Department might become a fully regulated handler should it be necessary to purchase milk from pool sources to supply the needs of the inmates committed to its care.

Since the Department of Institutions operates no routes in competition with regulated handlers and is not permitted by law to do so, its operations cannot affect the volume of trade sales that represents the primary Class I market for producer milk. So long as this state agency makes no Class I trade sales there is no need to subject it to full regulation in the event that supplemental purchases are necessary in excess of the limits applicable to producer-handlers. The order should be amended to exempt the state agency from the limitations applicable to other producer-handlers; the agency should, however, continue to be classed as a producer-handler in order that milk it receives from regulated plants may continue to be classified as Class I milk and any milk it delivers to a regulated plant may be other source milk.

The cooperative associations in the market approved exemption of the Department of Institutions but requested that the Department continue to file monthly reports of receipts and utilization in order that statistics compiled and published by the market administrator will continue to reflect the total amount of exempt milk. This will not be necessary because statistics regarding its production and consumption are public information and therefore available for use by anyone.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, the exception received was carefully and fully considered in conjunction with the record evidence pertaining thereto. In the light of this exception certain clarifying changes have been made in the language of the amendatory provision. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with the exception, such exception is hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Puget Sound, Washington Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Puget Sound, Washington Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of September 1961 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Puget Sound, Washington marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sales within the aforesaid marketing area.

Signed at Washington, D.C., on January 5, 1962.

JAMES T. RALPH,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Puget Sound, Washington, Marketing Area

§ 1125.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Puget Sound, Washington, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Puget Sound, Washington marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Revise § 1125.16 to read as follows:

§ 1125.16 Producer-handler.

"Producer-handler" means a person who is both a dairy farmer and a handler, and who has been so designated by the market administrator upon his determination that all of the requirements of § 1125.102 have been met, and that none of the conditions therein for cancellation of such designation exists. All designations shall remain in effect until cancelled pursuant to § 1125.102(d). The Department of Institutions, State of Washington, shall be a producer-handler exempt from the provisions of §§ 1125.102 (other than paragraph (g) thereof), 1125.30 and 1125.32 with respect to milk of its own production and receipts from fluid milk plants and country plants processed or received for consumption in state institutions and with respect to movements of milk to or from a fluid milk plant or country plant.

[F.R. Doc. 62-275; Filed, Jan. 9, 1962; 8:55 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Agricultural Stabilization and Conservation Service

[7 CFR Part 1039]

[Docket No. AO-212-A11]

MILK IN MILWAUKEE, WIS., MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Milwaukee, Wisconsin marketing area, which was issued December 22, 1961 (26 F.R. 12580), is hereby extended to January 24, 1962.

Signed at Washington, D.C., on January 4, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-276; Filed, Jan. 9, 1962; 8:55 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 14476; FCC 62-6]

INTERNATIONAL TELECOMMUNICATION UNION

Notification Relative to Radio Astronomy Observatories and Frequencies; Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Administrative Radio Conference, Geneva (1959), conferred recognition on the Radio Astronomy Service. Pursuant to ratification of the Geneva (1959) Radio Regulations by this country on October 4, 1961, Part 2 of the Commission's rules was amended to reflect, among other things, most of the Geneva provision for the radio astronomy service.

3. The ability of the radio astronomy service to share frequencies with other services has not been specifically determined. However, in view of the extremely low-level signals involved in radio astronomical observations, this service requires a considerable degree of protection from man-made radio emissions.

4. Recommendation 32 of the International Radio Regulations recognizes the necessity for protection of the radio astronomy service and paragraph 4 of that Recommendation reads in part as follows: "administrations should notify to the Secretary General the locations of observatories in their countries and those of the bands allocated in the Table of Frequency Allocations that are in use at each observatory; and that the Secretary General should communicate this information to Members and Associate Members * * *".

5. Although paragraph 4 of Recommendation 32 requests notification of radio astronomical observations only in those bands allocated to the radio astronomy service, a list of all frequencies being observed during a particular period is considered of value for the purpose of information. Observations on out-of-band frequencies cannot normally be expected to receive any measure of protection from interference caused by duly authorized radio stations, inasmuch as such bands cannot be permitted to go unused in the normal assignment of frequencies to stations in the various radio services. However, if an extremely important out-of-band requirement develops, radio astronomers may petition the Commission to amend the rules to afford recognition of the radio astronomy service in the new band(s) for whatever possible protection can be extended to the service.

6. Nationally, the following bands have been allocated exclusively to the radio astronomy service. In the two lowest bands, 40.66–40.7 and 73–74.6 Mc/s, stations authorized prior to December 1, 1961, and still holding a valid authorization as of that date, are permitted to continue to operate. No new stations will be authorized in any of these bands however.

RADIO ASTRONOMY SERVICE

40.66–40.7 Mc/s	10,680–10,700 Mc/s
73.0–74.6 Mc/s	15,350–15,400 Mc/s
1400–1427 Mc/s	19,300–19,400 Mc/s
2690–2700 Mc/s	31,300–31,500 Mc/s
4990–5000 Mc/s	

In addition, the following bands may be used nationally for radio astronomy observations on a secondary basis:

2495–2505 kc/s	19990–20010 kc/s
4995–5005 kc/s	24990–25010 kc/s
9995–10005 kc/s	404–406 Mc/s
14990–15010 kc/s	

It should be noted, pursuant to § 2.105 (g) (Note 2) set forth below, that as a secondary service in the above bands the radio astronomy service: (a) Cannot claim protection from harmful interference from stations of a primary or permitted service to which frequencies are already assigned or may be assigned at a later date; and (b) can claim protection, however, from harmful interference from stations of other secondary service(s) to which frequencies may be assigned at a later date.

7. In view of the foregoing, it is proposed to amend Subpart B of Part 2, as set forth in the Appendix below, pursuant to the authority contained in sections 303(c), (f), and (r) of the Communications Act of 1934, as amended.

8. All interested persons are invited to file, on or before February 16, 1962, comments supporting or opposing the proposal set out below, or outlining any modifications or counter-proposals the parties may wish to submit. Comments in reply thereto may be submitted on or before February 26, 1962. The Commission will consider all comments filed hereunder prior to taking final action in this matter provided that, notwithstanding the provisions of § 1.213 of the rules, the Commission will not be limited solely to the comments filed in this proceeding.

9. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, the original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: January 3, 1962.

Released: January 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

It is proposed that Subpart B of Part 2 of the Commission's rules and regulations be amended as follows:

Subpart B of Part 2 of the Commission's rules and regulations is revised as follows:

The provisions of §§ 2.104 and 2.105 are incorporated into amended § 2.105 and a new § 2.104 is added as follows:

§ 2.104 Radio Astronomy notification.

Paragraph 4 of Recommendation 32 adopted by the International Telecommunication Union's Ordinary Administrative Radio Conference, Geneva (1959), provides for the notification of Members and Associate Members relative to radio astronomy observations being conducted throughout the world. Pursuant to this Recommendation, it is requested that each radio astronomy observatory file an annual report with the Federal Communications Commission, Washington, D.C., each January 1, supplying the following information, which will be forwarded to the International Telecommunication Union for distribution to its various Members and Associate Members.

(a) Location of observatory (nearest city, town, or recognizable hamlet).

(b) Geographic coordinates of observatory.

(c) Frequencies allocated nationally to the radio astronomy service on which observations are being made, and a brief statement of the purpose(s) of the observations.

(d) Frequencies allocated nationally to the radio astronomy service on which observations are planned to be made during the forthcoming calendar year, and a brief statement of the purpose(s) of the observations.

(f) Frequencies not allocated nationally to the radio astronomy service on which observations are planned to be made during the forthcoming calendar year, and a brief statement of the purpose(s) of the observations.

§ 2.105 Application and format of the Table of Frequency Allocations.

(a) In the Table of Frequency Allocations below 25 Mc/s, the authority extended to stations in the fixed service, unless otherwise specified, extends only to those stations in the following categories of service:

(1) Aeronautical fixed.

(2) Fixed (in U.S. possessions and Alaska).

(3) International fixed public.

(b) In the Table of Frequency Allocations between 5,000 and 25,000 kc/s, the authority extended to stations in the mobile service, unless otherwise specified, extends only to those stations in the following categories of service:

(1) Aeronautical mobile.

(2) Maritime mobile.

(c) Columns 1, 2, 3, and 4 of the Table of Frequency Allocations indicate the allocation applicable on a worldwide basis or in Region 2 in accordance with the Geneva Radio Regulations.

(d) In Column 6 (above 25 Mc/s) the letter G means Federal Government radio stations, i.e., those belonging to and operated by the United States. The symbol NG means other than Federal Government radio stations, i.e., those whose frequencies are assigned by the Commission.

(e) Column 10 lists certain frequencies which have national or international significance and are used for specific standardized purposes. These frequencies may be made available for assignment to stations which conform to the nature of service or station listed in Column 11 opposite the assignable frequency. The assignment and use of the frequencies listed in Column 10 is limited to those stations which, by definition, are included in the services and classes of stations (Column 8 or 9) to which the frequency band (Column 7) is allocated.

(f) In Column 11 "Services" are in large block print and "stations" in small print.

(g) Where, in Columns 2, 4, and 8, a band is indicated as allocated to more than one service, such services are listed in the following order:

(1) Services, the names of which are printed in all capital letters (example: FIXED); these services are called "primary" services;

(2) Services, the names of which are italicized and are printed with the first letter capitalized and all others small type (example: *Radionavigation*); these services are called "permitted" services;

(3) Services, the names of which are printed as in (2) above, but not italicized (example: Mobile); these are called "secondary" services, which are on a non-interference basis to the primary and permitted services.

NOTE 1. Geneva Radio Regulation No. 138: Permitted and primary services have equal rights, except that, in the preparation of frequency plans, the primary service, as compared with the permitted service, shall have prior choice of frequencies.

NOTE 2. Geneva Radio Regulation No. 139: Stations of a secondary service: (a) Shall not cause harmful interference to stations of primary or permitted services to which frequencies are already assigned or to which frequencies may be assigned at a later date; (b) cannot claim protection from harmful interference from stations of a primary or permitted service to which frequencies are already assigned or may be assigned at a later date; (c) can claim protection, however, from harmful interference from stations of the same or other secondary service(s) to which frequencies may be assigned at a later date.

(h) The following symbols are used to designate footnotes in the Table of Frequency Allocations.

(1) Any footnote consisting only of digits, e.g. (170), denotes a paragraph in the Geneva (1959) Radio Regulations. Where such a footnote is applicable, without modification, to the national Table of Frequency Allocations, the symbol appears in the national table as well as in Column 1, 2, 3, or 4.

(2) Any footnote consisting of the letters US followed by one or more digits, e.g., US1, denotes a stipulation the application of which is a matter of agreement between the Commission and other appropriate Government agencies.

(3) Any footnote consisting of the letters NG followed by one or more digits, e.g., NG1, is a stipulation applicable to non-Government stations.

[F.R. Doc. 62-260; Filed, Jan. 9, 1962; 8:52 a.m.]

[47 CFR Part 3]

[Docket No. 14273; FCC 62-43]

TELEVISION BROADCAST STATIONS (PALM SPRINGS, INDIO, SAN DIEGO, CALIFORNIA)

Table of Assignments; Further Notice of Proposed Rule Making

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. On July 26, 1961 the Commission granted the application of Norman H. Rogers for Channel 18 at San Bernardino, California. The proposed transmitter site of the grantee is only 50 miles from the reference point in Palm Springs to which Channel 19 is assigned and therefore the San Bernardino proposal did not meet the 55 mile adjacent channel separation required by § 3.610(c)(1) of the rules.

3. As there was no operating station, construction permit outstanding, or application on file for Channel 19 at Palm Springs the Commission on September 13, 1961 adopted a notice of proposed rule making to amend its Television Table of Assignments by deleting Channel 19 from Palm Springs and assigning it to Indio, California.

4. H & B Communications Corporation (formerly Transcontinent Communications Systems, Inc.) filed comments opposing the deletion of Channel 19 from Palm Springs stating that at the time of the issuance of the Commission's notice of proposed rule making it had for some time been preparing and intended to file in the near future an application for the Palm Springs channel; that in November 1958 when the Commission assigned Channel 19 to Palm Springs the mileage separation between the center of San Bernardino and the center of Palm Springs was 47 miles; that on July 26, 1961 when the Commission granted the application of Norman H. Rogers to operate Station KCHU at San Bernardino on Channel 18 the KCHU site was only 49.7 miles from the Palm Springs reference point whereas the rules require a separation of 55 miles; that it intends to file an application for Channel 19 at Palm Springs specifying a site located some 6½ miles east-northeast from the center of Palm Springs and 53 miles from the KCHU site; that the proposed site would be some two miles less than the 55 mile adjacent channel separation required by the rules; that prior to the issuance of the notice of proposed rule making it had made extensive local surveys to determine the availability of sites meeting the required 55 mile separation and that no such site was found to be practicable; that the only suitable area from which to serve Palm Springs is located in the Indio Hills to the east and northeast of the city; that the only site in this area found meeting the requirements of having road access and commercial power available was that which it proposed to use; that its proposed site provides a line of site path to Desert Hot Springs, California, a community of some 3,000 persons to which the proposed station would provide a first television service; and that the area along the radial from the KCHU site to the H & B proposed site is rugged mountain terrain ranging from 5,000 to 10,000 feet in the area of possible interference which area has only about 30 homes.

5. Norman H. Rogers, permittee of television Station KCHU, Channel 18, San Bernardino, California, filed reply comments stating that should H & B file an application for Channel 19 in Palm Springs it would not oppose the granting of a waiver of § 3.610(c)(1) of the rules to permit the station to be located between 53 and 55 miles from the Station KCHU site using low power, but, should higher power than now contemplated by H & B be sought it reserves the right to consider the effect of such an operation on its service area.

6. The mileage separation problem involved in this proceeding could be resolved by assigning another UHF channel to the city of Palm Springs. Since it appears that Channel 27 may be assigned to Palm Springs by deleting it from San Diego, California, in which community the channel has not been used, and that Channel 27 would be as satisfactory for use at Palm Springs as Channel 19, we have decided to invite comments on the following proposal:

City	Channel No.	
	Present	Proposed
Palm Springs, Calif.	19+	27
Indio, Calif.		19+
San Diego, Calif.	8, 10, *15+, 27, 39, 51	8, 10, *15+, 39, 51

Unless an active interest is manifested we find it desirable in the public interest to defer action on making available a substitute UHF channel for San Diego, California, until decisions are reached in Docket 14229 concerning the future methods of assigning stations on UHF channels.

7. Since Palm Springs and Indio are within 200 miles of the United States-Mexican border the reassignment of these channels is subject to coordination with the Mexican authorities.

8. Pursuant to applicable procedure set out in § 1.213 of the Commission's rules, interested parties may file comments on or before February 5, 1962, and reply comments on or before February 19, 1962. In reaching its decision on the rule amendment which is proposed herein the Commission will not be limited to consideration of comments on record, but will take into account all relevant information obtained in any manner from informed sources.

9. Authority for the adoption of amendments proposed herein is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

10. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: January 3, 1962.

Released: January 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-261; Filed, Jan. 9, 1962; 8:53 a.m.]

[47 CFR Part 3]

[Docket No. 14483 (RM-293); FCC 62-42]

TELEVISION BROADCAST STATIONS (STERLING, COLORADO-CHEYENNE, WYOMING

Table of Assignments; Notice of Proposed Rule Making

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it a petition, filed November 3, 1961, by Richard B. Steuer, requesting rule making on a proposal to shift television Channel 3 from Sterling, Colorado, to Cheyenne, Wyoming. The proposal would amend the television Table of Assignments as follows:

City	Channel No.	
	Present	Proposed
Sterling, Colo.	3, 25-	25-
Cheyenne, Wyo.	5+	3, 5+

3. Station KFBC-TV operates on Channel 5 at Cheyenne. No stations are operating on the Sterling television assignments. Steuer Broadcasting Company, a corporation wholly owned by petitioner, holds a construction permit for Station KHQL-TV on Channel 3 at Sterling. Two applications, filed on May 11, 1961, by Sterling Television Booster Committee, Inc., are also pending for VHF television translator stations on Channels 11 and 13 at Sterling.

4. Channel 3 was originally assigned to Cheyenne in the television Table of Assignments adopted in 1952. In 1957 we reassigned Channel 3 from Cheyenne to Sterling in response to the request of Bi-States Company which desired to use the channel at Sterling for a satellite station, broadcasting programs originated by its Channel 13 station at Kearney, Nebraska (KHOL-TV).[1] Since Cheyenne had one operating station (KFBC-TV, Ch. 5) and there was no evidence of any interest by anyone in the retention of use of Channel 3 at Cheyenne at that time, we were then of the view that the public interest would be served by using the channel to provide a first needed television service in the Sterling area.

5. We authorized Bi-States Company to construct a station on Channel 3 at Sterling in June of 1958, but the station was never built. In February of 1961, we authorized Bi-States to assign its construction permit for Channel 3 at Sterling to Richard B. Steuer, the petitioner herein. Mr. Steuer, in turn, sought and obtained authority on October 19, 1961, to assign his construction permit for Channel 3 to the present permittee, Steuer Broadcasting Company.

6. Petitioner states that he is interested in establishing a second local VHF television service at Cheyenne, which is much larger than Sterling,[2] and that Channel 3 could be used for such purposes there if the Channel 3 assignment at Sterling is deleted. He states that if the subject proposal is adopted and Steuer Broadcasting Company is authorized to construct and operate a station on Channel 3 at Cheyenne, it plans to give the Cheyenne Board of Education an opportunity to telecast educational programs a minimum of 45 minutes per day, Monday through Friday, on a direct cost basis.

7. The Commission is of the view that a rule making proceeding should be instituted in order that all interested parties may submit their views and relevant data on petitioner's proposal.

8. If the Commission decides to adopt the rule amendments proposed herein, it will take such further action as may be appropriate with respect to Steuer Broadcast Company's outstanding authorization for Channel 3 at Sterling.

9. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

10. Pursuant to the applicable procedures set out in § 1.213 of the Commission's rules, interested persons may file comments on or before February 5, 1962, and reply comments on or before February 19, 1962. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

11. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: January 3, 1962.

Released: January 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-262; Filed, Jan. 9, 1962; 8:53 a.m.]

[1] Report and Order (FCC 57-1223) adopted November 6, 1957, in Docket No. 12173 (15 Pike & Fischer RR 1622b).

[2] The U.S. Census for 1960 indicates that Cheyenne had a population of 43,505 and Sterling had a population of 10,751.

[47 CFR Part 3]

[Docket No. 14420; RM-287]

TELEVISION BROADCAST STATIONS (BLOOMINGTON – INDIANAPOLIS, INDIANA)

Table of Assignments; Order Extending Time for Filing Comments and Reply Comments

1. National Educational Television and Radio Center (NET) filed a petition December 29, 1961, requesting that time for filing comments and reply comments herein be extended. This proceeding, inter alia, is to explore "the question of whether more than three VHF commercial services are needed in the Indianapolis-Bloomington area and whether it would better serve the public interest and enable more effective use of VHF assignments in this area to reserve one of them for educational use."

2. NET points out its interest in commenting and that several other educational groups desire to participate in the proceeding but that, particularly in view of the intervening holiday season, more time is needed to enable these groups to crystallize and formulate their positions in order to present meaningful proposals for the Commission's consideration.

3. It appears that the petition sets forth good cause for the extension of time requested.

4. *Accordingly, it is ordered*, This 2d day of January 1962, That the aforesaid petition of National Educational Television and Radio Center is granted; and that the time for filing comments herein is extended from January 10, 1962 to February 10, 1962, and that the time for filing reply comments is extended from January 25, 1962, to February 25, 1962.

5. This action is taken pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and section 0.241(d)(8) of the Commission rules.

Released: January 4, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-263; Filed, Jan. 9, 1962; 8:53 a.m.]

[47 CFR Part 3]

[Docket No. 14484 (RM-289); FCC 62-44]

TELEVISION BROADCAST STATIONS (MODESTO AND SAN MATEO, CALIFORNIA)

Table of Assignments; Notice of Proposed Rule Making

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it a petition, filed October 26, 1961, by the National Educational Television and Radio Center (NET), requesting rule making on a proposal to shift television Channel 14 from Modesto, California, to San Mateo, California, and to reserve the channel for noncommercial educational use at San Mateo. The proposal would amend the television Table of Assignments as follows:

City	Channel No.	
	Present	Proposed
Modesto, Calif.	14+, 58	58
San Mateo, Calif.		*14+

3. There are no stations operating on the Modesto television channel assignments, and no applications are on file for their use. Petitioner submits that Channel 14 may be reassigned from Modesto to San Mateo in conformity with minimum spacing and other technical requirements and that it would be a desirable channel to use for a noncommercial educational station to serve San Mateo and the surrounding area, which includes hilly terrain.

4. NET states that the College of San Mateo, which is part of the California Junior College system and a tuition-free, two-year college serving the major portion of San Mateo County, has embarked on a rapid expansion program, including construction of a new twelve and a half million dollar campus now 20 percent complete and scheduled for occupancy in the fall of 1962. If Channel 14 is assigned to San Mateo, petitioner states that the College plans to apply for and use Channel 14 for a noncommercial educational station to expand its teaching program and to meet community needs for educational, cultural and informative programming that is different from that furnished by the commercial stations serving the area.

5. The Commission is of the view that a rule making proceeding should be instituted so that all interested parties may submit their views on the NET proposal.

6. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to the applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before February 5, 1962, and reply comments on or before February 19, 1962. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

8. In accordance with the provision of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: January 3, 1962.

Released: January 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-264; Filed, Jan. 9, 1962; 8:53 a.m.]

Notices

DEPARTMENT OF STATE

[Delegation of Authority No. 23–F–3]

PROCUREMENT TRANSACTIONS

Amendment of Delegation of Authority

Paragraph 1b of Delegation of Authority No. 23–F dated May 26, 1961, as amended, "Subject: Delegation of Authority for Procurement Transactions", is hereby cancelled effective close of business December 31, 1961.

Dated: December 29, 1961.

HERMAN POLLACK,
Acting Assistant Secretary for Administration.

[F.R. Doc. 62–253; Filed, Jan. 9, 1962; 8:51 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55543]

[Customs Delegation Order 1, Revised—Amended]

CERTAIN OFFICERS OF BUREAU OF CUSTOMS

Delegation of Authority and Assignment of Functions

JANUARY 4, 1962.

Treasury Department Order No. 165–13, dated November 3, 1961, published as T.D. 55508, 26 F.R. 10643, among other things, established the new office of Deputy Commissioner, Division of Marine Administration in the Bureau of Customs. I have decided that this new office shall replace the office formerly designated as Chief, Division of Marine Administration.

Therefore, by virtue of the authority vested in me by Treasury Department Order No. 165, Revised (T.D. 53654; 19 F.R. 7241), Customs Delegation Order No. 1 (T.D. 53161; 17 F.R. 11705), as revised by T.D. 53694 (19 F.R. 8756); and as amended by T.D. 53914 (20 F.R. 7554), T.D. 54654 (23 F.R. 5962), and T.D. 55431 (26 F.R. 6628), is hereby further amended as follows:

Section 1(c) is amended by substituting the title of Deputy Commissioner, Division of Marine Administration, for Chief, Division of Marine Administration.

Section 4 is amended to read as follows:

4. The delegations made by this order to the Deputy Commissioners relate to decisions to be made and functions to be performed at the headquarters office of the Bureau of Customs, and no such delegation to these officers shall be interpreted as revoking or modifying any delegation made to customs field officers.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 62–252; Filed, Jan. 9, 1962; 8:51 a.m.]

Office of the Secretary

[Dept. Circ. 570, 1961 Rev. Supp. No. 21]

STATE SURETY COMPANY

Surety Companies Acceptable on Federal Bonds

JANUARY 3, 1962.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6–13, as an acceptable surety on Federal bonds.

An underwriting limitation of $42,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1962. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company and Location of Principal Executive Office

Iowa, State Surety Company, Des Moines, Iowa.

[SEAL] W. T. HEFFELFINGER,
Fiscal Assistant Secretary.

[F.R. Doc. 62–251; Filed, Jan. 9, 1962; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[047492(SD)]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 2, 1962.

The Forest Service, U.S. Department of Agriculture has filed an application, Serial Number MONTANA/047492(SD) for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims. The applicant desires the land for public and recreational use.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

BLACK HILLS NATIONAL FOREST

U.S. Highway 385 Roadside Zone

A strip of land 330 feet on each side of the center line of U.S. Highway No. 385 through the following legal subdivisions:

T. 3 N., R. 3 E.,
Sec. 1: NE¼.
T. 4 N., R. 3 E.,
Sec. 1: SW¼SW¼;
Sec. 12: S½, NW¼;
Sec. 13: NE¼NE¼;
Sec. 36: E½E½.
T. 2 N., R. 4 E.,
Sec. 1: W½, SW¼SE¼;
Sec. 2: NE¼NE¼;
Sec. 12: NE¼.
T. 3 N., R. 4 E.,
Sec. 6: W½;
Sec. 7: SE¼, N½;
Sec. 17: SE¼, W½;
Sec. 20: NE¼;
Sec. 21: NW¼, SE¼;
Sec. 26: SW¼;
Sec. 27: S½, NW¼;
Sec. 28: NE¼;
Sec. 35: E½, NW¼.
T. 4 N., R. 4 E.,
Sec. 18: SE¼, N½;
Sec. 19: SW¼, NE¼;
Sec. 30: NW¼NW¼.
T. 2 N., R. 5 E.,
Sec. 7: SW¼;
Sec. 17: SW¼;
Sec. 18: E½, NW¼;
Sec. 20: NE¼;
Sec. 21: SW¼SW¼;
Sec. 28: SW¼, NE¼;
Sec. 33: NE¼NE¼;
Sec. 34: NW¼.
T. 1 S., R. 4 E.,
Sec. 36: W½SE¼.
T. 2 S., R. 4 E.,
Sec. 1: W½;
Sec. 11: SE¼;
Sec. 12: SW¼;
Sec. 14: W½;
Sec. 15: SE¼SE¼;
Sec. 22: NE¼NE¼, S½;
Sec. 27: W½;
Sec. 33: E½.
T. 3 S., R. 4 E.,
Sec. 4: NE¼;
Sec. 10: SW¼;
Sec. 15: NE¼NW¼, W½NE¼;
Sec. 35: S½.
T. 4 S., R. 4 E.,
Sec. 2: Lot 5;
Sec. 11: E½;
Sec. 14: E½;
Sec. 23: E½;
Sec. 25: SW¼;
Sec. 26: E½;
Sec. 36: W½.

T. 5 S., R. 4 E.,
Sec. 1: SW¼;
Sec. 2: SE¼;
Sec. 13: NW¼, SE¼.
T. 1 S., R. 5 E.,
Sec. 2: W½;
Sec. 14: SW¼;
Sec. 15: SE¼SE¼;
Sec. 22: N½NE¼.
T. 5 S., R. 5 E.,
Sec. 17: S½S½;
Sec. 18: S½S½;
Sec. 20: NE¼;
Sec. 21: N½;
Sec. 22: SW¼;
Sec. 27: NW¼SE¼, N½.
T. 1 N., R. 5 E.,
Sec. 11: NW¼SE¼;
Sec. 14: W½;
Sec. 15: NE¼SE¼;
Sec. 22: NE¼SE¼, NE¼;
Sec. 23: SW¼;
Sec. 26: W½;
Sec. 34: SE¼, SE¼NE¼;
Sec. 35: NW¼.

U.S. Highway No. 16, Roadside Zone

A strip of land 330 feet on each side of the center line of U.S. Highway No. 16 through the following legal subdivisions:

T. 4 S., R. 1 E.,
Sec. 1: S½S½;
Sec. 2: SE¼SE¼.
T. 4 S., R. 2 E.,
Sec. 1: N½N½;
Sec. 2: S½;
Sec. 3: S½;
Sec. 4: S½;
Sec. 5: S½;
Sec. 6: S½S½;
Sec. 10: N¼NW¼.
T. 3 S., R. 3 E.,
Sec. 31: S½S½;
Sec. 32: S½S½;
Sec. 33: S½S½;
Sec. 34: S½S½;
Sec. 35: S½.
T. 4 S., R. 3 E.,
Sec. 1: N½;
Sec. 2: NE¼NE¼;
Sec. 6: N½NW¼.
T. 3 S., R. 4 E.,
Sec. 32: SE¼SE¼;
Sec. 33: SW¼NE¼.
T. 4 S., R. 4 E.,
Sec. 5: N½;
Sec. 6: S½N½.

Rimrock Highway Withdrawal

T. 2 N., R. 5 E.,
Sec. 26: S½SW¼;
Sec. 27: S½SE¼;
Sec. 33: N½NE¼NE¼;
Sec. 35: N½N½;
Sec. 36: NW¼NW¼NW¼, E½NE¼.
T. 1 N., R. 6 E.,
Sec. 5: SW¼;
Sec. 6: NE¼NE¼SE¼;
Sec. 9: NE¼NW¼;
Sec. 10: NW¼NE¼, SE¼NE¼, NE¼SE¼;
Sec. 11: S½.

Ditch Creek Recreation Site

T. 1 S., R. 2 E.,
Sec. 14: NE¼NW¼SE¼, SE¼SW¼SE¼, E½SW¼SW¼SE¼;
Sec. 23: E½W½NE¼, E½W½W½NE¼, SW¼NW¼SE¼NE¼, W½SW¼SE¼NE¼, E½NE¼NW¼SE¼, NW¼NW¼NE¼SE¼.

Tepec Agate Area

T. 4 S., R. 2 E.,
Sec. 2: N½SW¼ (that portion north of centerline of U.S. 16);
Sec. 3: S½ (that portion north of centerline of U.S. 16);
Sec. 4: All that portion north of centerline of U.S. 16 (excluding patented HES 405);
Sec. 5: E½ (that portion north of centerline of U.S. 16);
Sec. 10: N½NW¼ (that portion north of centerline of U.S. 16).

Harry Mills Campground

T. 4 S., R. 3 E.,
Sec. 1: NW¼ (that portion south of U.S. 16 centerline, excluding M.S. 2134 and PLO 1344 withdrawal);
Sec. 2: E½E½NE¼ (that portion south of U.S. 16 centerline, excluding HES 165).

Clog Gulch Water System

T. 1 S., R. 5 E.,
Sec. 11: S½SE¼NW¼, NW¼NE¼SW¼, N½NE¼NE¼SW¼, NE¼NW¼SW¼, S½NW¼SW¼ (less patent), S½NW¼NW¼SW¼ (less patent).

R. PAUL RIGTRUP,
Manager, Land Office.

[F.R. Doc. 62–228; Filed, Jan. 9, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Amdt. 2]

AREAS OF VENUE FOR MARKETING QUOTA REVIEW COMMITTEE PANELS

Establishment

Pursuant to section 3(a)(1) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002) which requires that the field organization be published in the FEDERAL REGISTER and § 711.12 of the Marketing Quota Review Regulations (26 F.R. 10204) which provides for establishment of areas of venue for marketing quota review committee panels, notice is hereby given that the areas of venue established for the following States (26 F.R. 689, 10522) have been revised and established by the ASC State Committees as follows:

ARKANSAS

Counties of:

Area I—Clay, Conway, Craighead, Faulkner, Greene, Independence, Jackson, Lawrence, Mississippi, Poinsett, Randolph, White.

Area II—Arkansas, Crittenden, Cross, Lee, Lonoke, Monroe, Phillips, Prairie, Pulaski, St. Francis, Woodruff.

Area III—Ashley, Bradley, Calhoun, Chicot, Cleveland, Dallas, Desha, Drew, Grant, Jefferson, Lincoln, Union.

Area IV—Clark, Columbia, Garland, Hempstead, Hot Spring, Howard, Lafayette, Little River, Logan, Miller, Montgomery, Nevada, Ouachita, Perry, Pike, Polk, Saline, Scott, Sevier, Yell.

Area V—Baxter, Benton, Boone, Carroll, Cleburne, Crawford, Franklin, Fulton, Izard, Johnson, Madison, Marion, Newton, Pope, Searcy, Sharp, Stone, Van Buren, Washington, Sebastian.

CALIFORNIA

Counties of:

Area I—Del Norte, Humboldt, Lassen, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, Trinity.

Area II—Contra Costa, Mendocino, Sonoma, Lake, Napa, Marin, Solano.

Area III—Alpine, Amador, Butte, Colusa, El Dorado, Glenn, Inyo, Mono, Nevada, Placer, Sacramento, Sutter, Yolo, Yuba.

Area IV—Calaveras, Madera, Mariposa, Merced, San Joaquin, Stanislaus, Tuolumne.

Area V—Alameda, Monterey, San Benito, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz.

Area VI—Fresno, Kern, Kings, Tulare.

Area VII—Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Ventura.

GEORGIA

Counties of:

Area I—Bartow, Butts, Carroll, Catoosa, Chattoga, Cherokee, Clayton, Cobb, Coweta, Dade, DeKalb, Douglas, Fannin, Fayette, Floyd, Fulton, Gilmer, Gordon, Haralson, Heard, Henry, Meriwether, Murray, Newton, Paulding, Pickens, Pike, Polk, Rockdale, Spalding, Troup, Walker, Whitfield.

Area II—Banks, Barrow, Clarke, Columbia, Dawson, Elbert, Forsyth, Franklin, Greene, Gwinnett, Habersham, Hall, Hart, Jackson, Jasper, Lincoln, Lumpkin, McDuffie, Madison, Morgan, Oconee, Oglethorpe, Putnam, Rabun, Stephens, Taliaferro, Towns, Union, Walton, Warren, White, Wilkes.

Area III—Baker, Bibb, Calhoun, Chattahoochee, Clay, Crawford, Dougherty, Early, Harris, Jones, Lamar, Lee, Macon, Marion, Miller, Mitchell, Monroe, Muscogee, Quitman, Randolph, Schley, Seminole, Steward, Sumter, Talbot, Taylor, Terrell, Upson, Webster.

Area IV—Baldwin, Bleckley, Burke, Crisp, Dodge, Dooly, Glascock, Hancock, Houston, Jefferson, Johnson, Laurens, Montgomery, Peach, Pulaski, Richmond, Telfair, Treutlen, Twiggs, Washington, Wheeler, Wilcox, Wilkinson.

Area V—Atkinson, Ben Hill, Berrien, Brooks, Clinch, Coffee, Colquitt, Cook, Decatur, Echols, Grady, Irwin, Lanier, Lowndes, Thomas, Tift, Turner, Worth.

Area VI—Appling, Bacon, Brantley, Bryan, Bulloch, Camden, Candler, Charlton, Chatham, Effingham, Emanuel, Evans, Glynn, Jeff Davis, Jenkins, Liberty, Long, McIntosh, Pierce, Screven, Tattnall, Toombs, Ware, Wayne.

IDAHO

Counties of:

Area I—Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, Teton.

Area II—Bannock, Bear Lake, Bingham, Bonneville, Caribou, Franklin, Oneida, Power.

Area III—Blaine, Camas, Cassia, Gooding, Lincoln, Jerome, Minidoka, Twin Falls.

Area IV—Ada, Adams, Boise, Canyon, Elmore, Gen, Owyhee, Payette, Valley, Washington.

Area V—Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce.

ILLINOIS

Counties of:

Area I—Carroll, Joe Daviess, Lee, Stephenson, Whiteside.

Area II—Bureau, Henry, Mercer, Rock Island, Stark.

Area III—Boone, DeKalb, McHenry, Ogle, Winnebago.

Area IV—Cook, DuPage, Kane, Lake, Will.

Area V—Grundy, Kankakee, Kendall, La Salle, Marshall, Putnam.

Area VI—DeWitt, Livingston, McLean, Peoria, Tazewell, Woodford.

Area VII—Hancock, Henderson, Knox, McDonough, Warren.

Area VIII—Adams, Brown, Pike, Schuyler, Scott.

Area IX—Cass, Fulton, Logan, Mason, Menard, Morgan.

Area X—Christian, Montgomery, Sangamon, Shelby.

Area XI—Champaign, Edgar, Ford, Iroquois, Vermilion.

Area XII—Coles, Douglas, Macon, Moultrie, Piatt.

Area XIII—Clark, Crawford, Cumberland, Effingham, Jasper.

Area XIV—Edwards, Lawrence, Richland, Wabash.

Area XV—Calhoun, Greene, Jersey, Macoupin, Madison.

Area XVI—Bond, Clinton, Fayette, Monroe, St. Clair.
Area XVII—Clay, Franklin, Jefferson, Marion, Wayne.
Area XVIII—Gallatin, Hamilton, Saline, White.
Area XIX—Jackson, Perry, Randolph, Union, Washington, Williamson.
Area XX—Alexander, Hardin, Johnson, Massac, Pope, Pulaski.

INDIANA

Counties of:
Area I—Benton, Jasper, Lake, La Porte, Newton, Porter, Pulaski, Starke, Tippecanoe, White.
Area II—Brown, Daviess, Greene, Gibson, Knox, Lawrence, Martin, Monroe, Morgan, Owen, Sullivan.
Area III—Adams, Allen, De Kalb, Huntington, Jay, LaGrange, Noble, Steuben, Wells, Whitley.
Area IV—Boone, Clay, Fountain, Hendricks, Montgomery, Parke, Putnam, Vermillian, Vigo, Warren.
Area V—Blackford, Delaware, Grant, Hamilton, Hancock, Howard, Madison, Marion, Randolph, Tipton.
Area VI—Carroll, Cass, Clinton, Elkhart, Fulton, Kosciusko, Marshall, Miami, St. Joseph, Wabash.
Area VII—Bartholomew, Decatur, Fayette, Franklin, Henry, Johnson, Rush, Shelby, Union, Wayne.
Area VIII—Crawford, Dubois, Harrison, Orange, Perry, Pike, Posey, Spencer, Vanderburgh, Warrick, Washington.
Area IX—Clark, Dearborn, Floyd, Jackson, Jefferson, Jennings, Ohio, Ripley, Scott, Switzerland.

IOWA

Counties of:
Area I—Buena Vista, Cherokee, Clay, Dickinson, Emmet, Humboldt, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas and Sioux.
Area II—Butler, Cerro Gordo, Floyd, Franklin, Grundy, Hancock, Hardin, Kossuth, Mitchell, Winnebago, Worth, Wright.
Area III—Allamakee, Black Hawk, Bremer, Buchanan, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Howard, Jackson, Jones, Winneshiek.
Area IV—Audubon, Calhoun, Carroll, Crawford, Guthrie, Harrison, Ida, Monona, Sac, Shelby, Woodbury.
Area V—Boone, Dallas, Greene, Hamilton, Jasper, Madison, Marion, Marshall, Polk, Story, Warren, Webster.
Area VI—Benton, Cedar, Clinton, Iowa, Johnson, Linn, Louisa, Muscatine, Poweshiek, Scott, Tama, Washington.
Area VII—Adair, Adams, Cass, Clarke, Decatur, Fremont, Mills, Montgomery, Page, East Pottawattamie, West Pottawattamie, Ringgold, Taylor, Union.
Area VIII—Appanoose, Davis, Des Moines, Henry, Jefferson, Keokuk, Lee, Lucas, Mahaska, Monroe, Van Buren, Wapello, Wayne.

LOUISIANA

Parish of:
Area II—Change Cadwell to read Caldwell.

MISSOURI

Counties of:
Area I—Andrew, Atchison, Buchanan, Clay, Clinton, Daviess, DeKalb, Gentry, Harrison, Holt, Nodaway, Platte, Worth.
Area II—Caldwell, Carroll, Charlton, Grundy, Jackson, Lafayette, Lima, Livingston, Mercer, Putnam, Ray, Saline, Sullivan.
Area III—Adair, Clark, Knox, Lewis, Macon, Marion, Monroe, Ralls, Randolph, Schuyler, Scotland, Shelby.
Area IV—Audrain, Boone, Callaway, Howard, Lincoln, Montgomery, Pike, St. Charles, St. Louis, Warren.
Area V—Bates, Benton, Cass, Cole, Cooper, Henry, Johnson, Miller, Moniteau, Morgan, Pettis.
Area VI—Barton, Camden, Cedar, Dade, Dallas, Hickory, Laclede, Polk, Pulaski, St. Clair, Vernon, Webster, Wright.
Area VII—Crawford, Dent, Franklin, Gasconade, Jefferson, Maries, Osage, Phelps, St. Francois, Texas, Washington.
Area VIII—Bollinger, Cape Girardeau, Madison, Mississippi, New Madrid, Perry, Ste. Genevieve, Scott, Stoddard.
Area IX—Butler, Carter, Dunklin, Howell, Iron, Oregon, Pemiscot, Reynolds, Ripley, Shannon, Wayne.
Area X—Barry, Christian, Douglas, Greene, Jasper, Lawrence, McDonald, Newton, Ozark, Stone, Taney.

NEBRASKA

Counties of:
Area I—Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux.
Area II—Arthur, Blaine, Brown, Buffalo, Cherry, Custer, Dawson, Grant, Hooker, Keya Paha, Lincoln, Logan, McPherson, Rock, Thomas.
Area III—Antelope, Boone, Boyd, Burt, Cedar, Cuming, Dakota, Dixon, Garfield, Greeley, Holt, Howard, Knox, Loup, Madison, Merrick, Nance, Pierce, Platte, Sherman, Stanton, Thurston, Valley, Wayne, Wheeler.
Area IV—Chase, Dundy, Frontier, Furnas, Gosper, Hayes, Hitchcock, Keith, Perkins, Red Willow.
Area V—Clay, Fillmore, Franklin, Harlan, Jefferson, Kearney, Nuckolls, Phelps, Saline, Thayer, Webster.
Area VI—Adams, Butler, Colfax, Dodge, Hall, Hamilton, Polk, Saunders, Seward, York.
Area VII—Cass, Douglas, Gage, Johnson, Lancaster, Nemaha, Otoe, Pawnee, Richardson, Sarpy, Washington.

NEW YORK

County of:
Area II—Change Oswega to read: Oswego.

NORTH CAROLINA

County of:
Area VI—Change Puplin to read: Duplin.

WISCONSIN

Counties of:
Area I—Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Iron, Jackson, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau, Washburn.
Area II—Brown, Door, Florence, Forest, Kewaunee, Langlade, Lincoln, Marathon, Marinette, Menominee, Oconto, Oneida, Outagamie, Portage, Shawano, Vilas, Waupaca, Wood.
Area III—Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Juneau, LaCrosse, Lafayette, Monroe, Richland, Rock, Sauk, Vernon.
Area IV—Adams, Calumet, Fond du Lac, Green Lake, Kenosha, Manitowoc, Marquette, Milwaukee, Ozaukee, Racine, Sheboygan, Walworth, Washington, Waukesha, Waushara, Winnebago.

(Sec. 3, 60 Stat. 238; 5 U.S.C. 1002; Sec. 363, 52 Stat. 63, as amended; 7 U.S.C. 1363)

Effective date: January 1, 1962.

Signed at Washington, D.C., on January 5, 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-279; Filed, Jan. 9, 1962; 8:56 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

MOORE-McCORMACK LINES, INC.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that Moore-McCormack Lines, Inc., acting pursuant to Public Law 87-45, has applied to the Maritime Administration for approval of the following listed cruises:

Ship, sailing date, and itinerary

Brasil; Apr. 27, 1962; New York, Nassau, New York.
Argentina; May 1, 1962; New York, Bermuda, Nassau, New York.
Brasil; May 4, 1962; New York, Barbados, Martinique, St. Thomas, San Juan, New York.
Argentina; May 10, 1962; New York, San Juan, St. Thomas, Martinique, Trinidad, Barbados, Bermuda, New York.
Brasil; May 15, 1962; New York, Bermuda, San Juan, St. Thomas, Martinique, Barbados, Nassau, New York.
Argentina; May 24, 1962; New York, San Juan, St. Thomas, Martinique, Barbados, Cartagena, Cristobal, Nassau, New York.
Brasil; Sept. 19, 1962; New York, Bermuda, New York.
Brasil; Sept. 25, 1962; New York, Bermuda, New York.
Brasil; Oct. 2, 1962; New York, Barbados, Martinique, St. Thomas, San Juan, Nassau, Bermuda, New York.
Argentina; Oct. 24, 1962; New York, San Juan, Barbados, Trinidad, Cartagena, Nassau, New York.
Argentina; Nov. 9, 1962; New York, Port Everglades, San Juan, St. Thomas, Martinique, Barbados, Cartagena, Cristobal, Nassau, Port Everglades.
Argentina; Nov. 28, 1962; Port Everglades, San Juan, St. Thomas, Cartagena, Cristobal, Nassau, Port Everglades.
Argentina; Dec. 9, 1962; Port Everglades, St. Thomas, Martinique, Barbados, Trinidad, San Juan, Nassau, Port Everglades, New York.
Argentina; Dec. 22, 1962; New York, Nassau, Cristobal, Cartagena, Barbados, Martinique, St. Thomas, San Juan, New York.

Any person, firm or corporation having any interest, within the meaning of Public Law 87-45, in the foregoing who desires to offer data, views or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington 25, D.C., by close of business on January 30, 1962. In the event an opportunity to present oral argument is also desired, specific reason for such request should be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: January 5, 1962.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-272; Filed, Jan. 9, 1962; 8:55 a.m.]

Office of the Secretary

[Department Order No. 168 (Rev.)]

OFFICE OF FIELD SERVICES

Organization and Functions

The following order was issued by the Secretary of Commerce on December 19, 1961. The material appearing at 25 F.R. 1531-1532 of February 20, 1960, and at 26 F.R. 2270 of March 17, 1961, is superseded by the following:

SEC. 1. *Purpose:*

The purpose of this order is to describe the organization and define the functions of the Office of Field Services.

SEC. 2. *Organization and Functions:*

.01 The Office of Field Services is a constituent unit of the Office of the Secretary. The Office of Field Services shall be headed by a Director who shall report directly to the Under Secretary of Commerce.

.02 The Office of Field Services shall consist of the Office of the Director and the Business Service Center in Washington, D.C., the Administrative Service Office in Chicago, Illinois, and field offices located in such cities as may be designated by the Director of the Office of Field Services with the concurrence of the Under Secretary of Commerce.

.03 The Office of Field Services shall be responsible for carrying out the field programs of the Business and Defense Services Administration, the Bureau of International Programs, the Bureau of International Business Operations, and the Office of Business Economics, and such other organization units as the Secretary of Commerce may designate. In addition, it shall disseminate the reports, data, and statistical information published by the Bureau of the Census and other bureaus as they relate to the development of business.

.04 Continuing contacts with organization units whose field programs are executed under this order shall be maintained for the purpose of assisting such units in the initiation and development of programs and policies governing activities relating to their respective responsibilities and to obtain information helpful to the Business Service Center and the field offices in serving business and industry within their areas.

.05 Local and State associations, Chambers of Commerce, Boards of Trade, State development agencies, and similar organizations or groups shall be utilized to the fullest extent possible to increase the use and effectiveness of the services, facilities, and published information and data of the Department, and to develop close relationships between the Department of Commerce and such organizations and the business public in the areas they serve. To this end, the Director of the Office of Field Services is authorized to enter into formal cooperative office agreements or appropriate informal arrangements as may be feasible with such agencies.

SEC. 3. *The Office of the Director:*

.01 The Director, Office of Field Services, shall be responsible for formulating the policies, developing and coordinating the programs, and directing all operations of the Office of Field Services, including the organization and operation of the Business Service Center and the departmental field offices.

.02 The Deputy Director shall be the chief operating aide to the Director and shall assist in the direction of operations of the Office of Field Services and perform such other duties as the Director may assign.

.03 The Assistant Director shall assist the Director in fulfilling his responsibilities for administrative efficiency and economy in the operation of the office. He shall supervise the activities of the Administrative Service Office and perform such other duties as the Director may assign.

.04 The specific functions of the Office of the Director include but are not limited to the following:

1 Maintains contact with the operating divisions of the constituent units of the Department to develop information required by the Business Service Center and the field offices and to coordinate requests for information;

2 Reviews field programs of the constituent units of the Department designated in section 2.03; assists in developing appropriate programs based on the needs of business or on recommendations of the field offices; reviews operating procedures and instructions to determine adequacy and effectiveness as they relate to specific programs; and issues such implementing procedural and program instructions to the field offices as may be necessary;

3 Maintains liaison with the Office of Publications Management, the Office of Public Affairs and other units of the Department and other Government agencies on all matters pertaining to the distribution and sale of publications, and the distribution of manual issuances, releases, orders, and regulations to the Business Service Center and the field offices; issues the "Commerce Business Daily;" and maintains records and controls over publication sales by the field offices and accounting therefor to the Superintendent of Documents; and

4 Maintains necessary liaison with other Government agencies on matters relating to field operations.

SEC. 4. *Business Service Center:*

.01 A Business Service Center located in the Department of Commerce main building shall provide a focal point for business service and information concerning the functions and activities of the United States Government. The Business Service Center shall operate under the supervision of a Manager who shall report and be responsible to the Director, Office of Field Services.

.02 The functions of the Business Service Center are as follows:

1 Serves as a center for business information, providing guidance, information and service on inquiries and problems arising in dealing with any Department or Agency of the Federal Government; and coordinates all such inquiry services in the Department of Commerce;

2 Publicizes the center and promotes the services of offices and bureaus of the Department of Commerce and other departments and agencies by establishing liaison with knowledgeable, responsible officials throughout Government, by evaluating inquiries and problems for referral to the appropriate individual or office for resolution, and by making initial contacts and arranging appointments; and

3 Coordinates the activities of the Commerce Department concerning educational seminars for visiting High School and College classes, including the scheduling of conferences and arranging of programs.

SEC. 5. *Field Offices.*

.01 Each field office shall be operated under the supervision of a Field Office Manager who shall report and be responsible to the Director of the Office of Field Services. Field Office Managers shall act as the representatives of the Department in maintaining appropriate relationships between the Department and representatives of business and industry in the areas served. (See Appendix A below for location of field offices.)

.02 The functions of the field offices are as follows:

1 *International trade.* (1) Assists in the promotion of international trade, foreign investment and travel, by advising and consulting with exporters, importers, bankers, service agencies and trade associations, with respect to market and general economic conditions abroad including import quotas, exchange restrictions and other trade controls established by foreign governments; supplying export and import statistics for commodities or manufactured products both here and abroad; furnishing trade lists and World Trade Directory reports and similar promotional media relating to the establishment of contacts with agents, distributors, producers and suppliers abroad; supplying information and assistance relating to investment, insurance, travel, transportation, communications and utilities abroad; providing information on international trade fairs to develop American industry participation; furnishing information on trade development missions and nominating industry representatives to serve on them; aiding American and foreign firms in the amicable adjustment of international trade disputes; assisting and advising American firms, trade associations and attorneys in respect to laws, regulations and services pertaining to the protection of United States industrial property rights (patents, trademarks and copyrights) abroad;

(2) Assists in the administration of the Export Control Act of 1949, as amended; by keeping businessmen informed in export control policies, regulations, and procedures; assisting in emergency handling of export license applications; and, under an appropriate delegation of authority, amending and extending licenses and certifying documents under the Import Certificate/Delivery Verification procedures; and providing technical guidance and otherwise assisting Customs Officials and Postmasters in export control matters; and

(3) In accordance with the agreement entered into between the Department of Commerce and the Agency for International Development acts as the representative of the latter in disseminating to the business public information on the policies and programs of that agency, and assists the business community on procurement programs financed by the AID.

2 *Domestic trade.* (1) Assists businessmen and trade and industrial groups engaged in manufacturing, construction, distribution, banking, communications, advertising, publishing, transportation and other service trades by providing factual, analytical and interpretive data on comodities, products, industries, and marketing for use as basic guides for business in trade maintenance and expansion programs; maintains close contact with trade associations and other industrial and public service groups and advise such groups of activities and programs designed to promote close cooperation between them and the Department of Commerce; gathers factual information and data as may be required by the several organization units of the Department; upon request, conducts periodic studies of economic conditions throughout the area, analyzing trends and supply and demand factors for principal goods produced or consumed, marketing opportunities, sources of supply, accumulation of inventories, plans for expansion of new product facilities; maintains a business reference library with appropriate books, periodicals, reports and other printed materials of use and value to businessmen and trade and industrial groups in the area;

(2) Utilizing the services, facilities, publications, and reports of the Office of Technical Information and the National Bureau of Standards, assists businessmen on technological research and development problems and provide information on the development of new products or processes; and

(3) Maintains contact with State, local and industrial development groups to provide effective utilization of the services and facilities of the Area Redevelopment Administration on problems of labor surplus areas and assistance on community self-help development programs.

3 *Defense production activities.* Assists and advises all segments of business with respect to the orders, regulations, policies, directives, priorities, allocations, inventory controls, conservation orders and other actions of the BDSA; maintains continuing contact with industry and business so that BDSA may be kept informed of the views and reactions of business and industry on current programs and so that business and industry may in turn be kept informed as fully as possible on the activities and responsibilities of the BDSA; acts as the local contact in gathering of such information as may be required by the BDSA on a local or area basis.

SEC. 6. *Saving Provision.* Nothing in this order shall be deemed to supersede existing and currently effective Field Operations Orders, Field Administrative Orders, Field Operations Bulletins and Field Administrative Circulars.

Effective date: December 19, 1961.

[SEAL] JOHN PRINCE,
Deputy Assistant Secretary for Administration.

OFFICE OF FIELD SERVICES—FIELD OFFICES

Phoenix, Ariz.	Albuquerque, N. Mex.
Los Angeles, Calif.	Buffalo, N.Y.
San Francisco, Calif.	New York, N.Y.
Denver, Colo.	Greensboro, N.C.
Jacksonville, Fla.	Cincinnati, Ohio.
Miami, Fla.	Cleveland, Ohio.
Atlanta, Ga.	Portland, Oreg.
Savannah, Ga.	Philadelphia, Pa.
Honolulu, Hawaii.	Pittsburgh, Pa.
Chicago, Ill.	Charleston, S.C.
New Orleans, La.	Memphis, Tenn.
Boston, Mass.	Dallas, Tex.
Detroit, Mich.	Houston, Tex.
Minneapolis, Minn.	Salt Lake City, Utah
Kansas City, Mo.	Richmond, Va.
St. Louis, Mo.	Seattle, Wash.
Reno, Nev.	Cheyenne, Wyo.

[F.R. Doc. 62-249; Filed, Jan. 9, 1962; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-72]

UNIVERSITY OF UTAH

Notice of Issuance of Facility License Amendment

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on October 27, 1961, 26 F.R. 10103, the Atomic Energy Commission has issued Amendment No. 4 to Facility License No. R-25 authorizing University of Utah to operate its reactor Model AGN-201, Serial No. 107 at power levels up to 100 milliwatts (thermal) at the new location in the Merrill Engineering Building on the University's campus in Salt Lake City, Utah.

Dated at Germantown, Md., this 3d day of January 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-229; Filed, Jan. 9, 1962; 8:47 a.m.]

[Docket No. 115-3]

CONSUMERS PUBLIC POWER DISTRICT; POWER DEMONSTRATION REACTOR PROJECT

Provisional Operating Authorization

Please take notice that pursuant to paragraph A, Page 15 of the Intermediate Decision dated December 28, 1961, in this matter and based upon a review and evaluation by this Division of the results of an inspection by the Division of Compliance with respect to the status of completion of the Hallam Nuclear Power Facility located near Hallam, Nebraska, I have found that construction of the facility necessary for the performance of the "Dry Zero-Power Experiments" has been completed in conformity with the "Final Safeguards Report" and Supplements 1 and 2 thereto, for the Hallam Nuclear Power Facility.

Accordingly, pursuant to paragraph A, Page 15 of the above referenced decision and § 115.45, 10 CFR Part 115, Provisional Operating Authorization No. DPRA-1 effective January 2, 1962, has been issued to North American Aviation, Inc., authorizing operation of the Hallam Nuclear Power Facility only to the extent required for the conduct of the proposed "Dry Zero-Power Experiments".

Dated at Germantown, Md., this 4th day of January 1962.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 62-295; Filed, Jan. 9, 1962; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12435 etc.]

MACKEY AIRLINES, INC., RENEWAL CASE

Notice of Hearing

In the matter of applications of Mackey Airlines, Inc., and Riddle Airlines, Inc., for certificates of public convenience and necessity.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on January 23, 1962, at 10:00 a.m., e.s.t., at the Trade Winds Hotel, Fort Lauderdale, Florida, before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on December 18, 1961, Board order E-17745, adopted November 20, 1961, and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 5, 1962.

[SEAL] WILLIAM J. MADDEN,
Hearing Examiner.

[F.R. Doc. 62-273; Filed, Jan. 9, 1962; 8:55 a.m.]

FEDERAL AVIATION AGENCY

[Agency Order 9]

AVIATION RESEARCH AND DEVELOPMENT SERVICE

Organization and Functions

1. *Purpose.* The purpose of this Order is to prescribe the organizational structure and functions of the Aviation Research and Development Service.

2. *Organizational structure.* The Aviation Research and Development Service shall consist of the following organizational units:

Office of the Director:
  Technical Information Staff.
  European Aviation Research and Development Office.
Assistant Director for System Design:
  System Design Team.
Deputy Director for Technical Programs:
  System Management Division.
  Research Division.
  Development Division.
  Experimentation Division.
  Evaluation Division.
Deputy Director for Administration and Support:
  Administrative Services Division.
  Contracts Division.
Center Manager, National Aviation Facilities Experimental Center:
  Management Services Division.
  Supporting Services Division.
  Technical Services Division.

The Director, Aviation Research and Development Service, is authorized to prescribe further subdivision of organization in the Aviation Research and Development Service, provided this shall be done in writing and a copy filed with the Office of Management Services.

3. *Functions of the Service.* Under the general supervision of the Director and within Agency plans, policies and directives, the Aviation Research and Development Service shall:

a. Plan, design, develop, modify and test new systems, procedures, facilities, and equipment to meet the needs for safe and efficient navigation and traffic control of all civil and military aviation with the exception of those military needs peculiar to air warfare and primarily of military concern.

b. Recommend to the Deputy Administrator for Plans and Development new systems, procedures, facilities, and devices that will best serve the needs of the common air traffic control/navigation system.

c. Assist the Deputy Administrator for Plans and Development with respect to (1) the technical evaluation of research and development programs of military agencies or others that may have potential application to the needs of, or possible conflict with the common system and (2) determining whether the Federal Aviation Agency or others have the responsibility for such programs.

d. Maintain liaison with other Agency components to obtain system requirements and maximize interchange of technical data.

e. Plan and provide the necessary research, development, experimentation, and evaluation to meet the needs of the Agency with respect to improved aircraft airworthiness standards, safety regulations, and aircraft safety.

f. Direct, supervise, and conduct systems design, research, development, experimentation, and evaluation progams.

g. Provide operations research and technical research to support all Service functions.

h. Administer and operate the National Aviation Facilities Experimental Center at Atlantic City, New Jersey, and any other systems research and development facilities of the Agency.

i. Contract for research, development, experimentation, and evaluation services required in support of its programs. This may include property, utilities, and other services required at NAFEC in support of Service programs or for administrative purposes.

j. Operate and maintain aircraft and avionics used in support of Service programs.

k. Substantiate the need, as identified by ARDS or requested by other Agency components, for modifying or improving planned and installed air navigation, traffic control, communications, and related equipment, facilities and systems.

l. Develop and test modifications and improvements to the extent necessary to assure that they adequately meet system needs.

m. Obtain approval for inclusion of modifications and improvements in air navigation, traffic control, communications, and related equipment, facilities and systems through the selection procedures prescribed by Agency Order 52.

4. *Office of the Director.* Under the general supervision of the Director, the Office of the Director shall:

a. Direct and supervise the activities of the Aviation Research and Development Service.

b. As required, represent the Deputy Administrator for Plans and Development or the Administrator on all matters within the responsibilities of the Aviation Research and Development Service.

4.1 *Technical Information Staff.* Under the general supervision of the Chief, the Technical Information Staff shall:

a. Maintain liaison with other Bureaus, Services, and Offices of the Federal Aviation Agency, other governmental agencies, and the scientific, technical, and aviation community to obtain and provide information required for research and development.

b. Coordinate required briefings and assist appropriate Divisions in preparing briefing material.

c. Provide and coordinate program status information for distribution outside the Service.

d. Coordinate and monitor all activities of the Service concerned with international matters, such as those concerning IGIA, ICAO, ITU, IATA, etc.

4.2 *European Aviation Research and Development Office.* Under the general supervision of the Chief, the European Aviation Research and Development Office shall:

a. Coordinate, conduct, and maintain, between European countries and the Aviation Research and Development Service, and as required by the Federal Aviation Agency and the U.S. Government, a program for the exchange of aviation research and development information.

b. Represent the Director of the Aviation Research and Development Service, and as required, the Federal Aviation Agency and the U.S. Government, in jointly sponsored research and development programs with European countries.

5. *Functions of the Assistant Director for System Design.* The Assistant Director for System Design shall:

a. Direct and supervise the activities of the System Design Team to create a comprehensive system design for the Nation's air traffic control and navigation system.

b. Assist the Director in formulating policies for the Aviation Research and Development Service.

5.1 *System Design Team.* Under the general supervision of the Assistant Director for System Design, the System Design Team shall:

a. Create and recommend to the Director, a comprehensive system design for the Nation's air traffic control and navigation system.

b. Provide guidance to the Deputy Director for Technical Programs on programs and projects essential to carry out the research and development program to achieve the optimum system design and evaluate the feasibility of its implementation.

c. Coordinate the system design with other components of the Agency as appropriate.

d. Prepare briefings, seminars, and papers on system design for discussion with the Technical Advisory Board and with other organizations outside of the Agency as directed.

e. Consult with designated Department of Defense representatives on the integration of military requirements in the National aviation system design.

6. *Functions of the Deputy Director for Technical Programs.* The Deputy Director for Technical Programs shall:

a. Direct and supervise the technical program activities of the Aviation Research and Development Service within the limits of Service objectives, policies, and directives.

b. Assist the Director in formulating policies for the Aviation Research and Development Service.

6.1 *System Management Division.* Under the general supervision of the Chief, the System Management Division shall:

a. Plan and manage all technical programs from conception through evaluation.

b. Be the point of contact for an action office of the Aviation Research and Development Service for all operational requirements requiring research and development activity.

c. Define and formulate research and development programs which will fulfill requirements.

d. Recommend the initiation of projects for modifying or improving planned and installed air navigation, traffic control, communications, and related equipments, facilities, and systems.

e. Formulate and keep current the Service Five Year Plan.

f. Be responsible for reporting on the adequacy in terms of content, timeliness, deficiencies, etc., of all technical programs from program formulation through evaluation.

g. Set and maintain priorities for technical programs within the Service.

h. Prepare progress reports for all technical programs.

i. Represent the Service in the review and approval of plans and specifications prepared by other Agency components.

j. Represent and coordinate the activities of the Aviation Research and Development Service with respect to related military programs.

k. Prepare all Selection Memoranda for submission to the Administrator.

6.2 *Research Division.* Under the general supervision of the Chief, the Research Division shall:

a. Conduct applied research as required to establish the feasibility of using specific scientific principles, equipment, or advances in the state-of-the-art to make improvements in efficiency and safety of aircraft operations.

b. Conduct human factors research in support of ARDS programs, and provide human factors services.

c. Study and assess the logistical impact of the introduction of new systems.

6.3 *Development Division.* Under the general supervision of the Chief, the Development Division shall:

a. Plan, establish specifications for and supervise all equipment development of the Service.

b. Apply the results of research analysis, experimentation, and evaluation in development of new equipment systems.

c. Provide technical consultation and assistance in system implementation by the Agency.

6.4 *Experimentation Division.* Under the general supervision of the Chief, the Experimentation Division shall:

a. Provide experimentation services for air traffic control, aircraft safety, and other aviation support systems and equipment.

b. Provide technical services as required in connection with developmental equipments to other divisions of the Service.

6.5 *Evaluation Division.* Under the general supervision of the Chief, the Evaluation Division shall:

a. Conduct evaluation of systems, equipment, and procedures, to determine suitability to meet established criteria.

b. Demonstrate the operational capabilities of systems, equipment, and procedures developed by the Service to other Government agencies and private user organizations.

7. *Functions of the Deputy Director for Administration and Support.* The Deputy Director for Administration and Support shall:

a. Direct and supervise the administrative and support activities of the Aviation Research and Development Service within the limits of Service objectives, policies and directives.

b. Assist the Director in formulating policies for the Aviation Research and Development Service.

c. Direct the review of the Service budget.

7.1 *Administrative Services Division.* Under the general supervision of the Chief, the Administrative Services Division shall:

a. Recommend Service budget policy and direct the formulation of the Service budget.

b. Recommend Service policy on resources, accounting, personnel, training, security, supply, and general services.

c. Recommend Service policy relating to office equipment, space, mail distribution, messenger service, communications, records management, and transportation, and provide these services in Washington.

d. Coordinate the Service's overall resources requirements.

e. Perform financial management functions, and personnel coordination and liaison in Washington.

f. Provide the Service in Washington with information services, including operation of a technical data and file room, and a reports center.

g. Provide the Service with management analysis services.

h. Review and publish all Service Orders, Practices, and Bulletins.

7.2 *Contracts Division.* Under the general supervision of the Chief, the Contracts Division shall:

a. Recommend Service policy for contracting activities within the scope of the authority of the Service.

b. Conduct all Service contracting activities performed except those delegated for performance at NAFEC.

c. Compile and maintain a master list of prospective bidders.

d. Direct and carry out all administrative phases of negotiations, preparation, execution, and termination of contracts and agreements except those delegated for performance at NAFEC.

e. Coordinate with the Office of the General Counsel to insure Service compliance with all applicable policies, statutes, and regulations for contracting activities.

f. Provide the necessary liaison with the Office of Management Services and with technical, legal, inspection, auditing and other groups having functions relating to Service contracts.

8. *Office of the Center Manager—NAFEC.* Under the general supervision of the Center Manager, the Office of the Center Manager shall:

a. Direct and supervise the administrative and support activities of the Aviation Research and Development Service within the limits of Service plans, policies, and directives at the National Aviation Facilities Experimental Center.

b. Advise the Deputy Director for Administration and Support in formulating policies and plans which will affect administrative and support functions at NAFEC.

c. Act as the representative of the Office of the Director for community and public relations for NAFEC.

8.1 *Management Services Division.* Under the general supervision of the Chief, the Management Services Division shall:

a. Coordinate the budget preparation and perform financial management functions for activities located at NAFEC.

b. Direct and administer the NAFEC personnel, training, and personnel security programs.

c. Direct and administer NAFEC accounting and fiscal services.

d. Provide management analysis services at NAFEC.

e. Provide contracting services performed at NAFEC.

8.2 *Supporting Services Division.* Under the general supervision of the Chief, the Supporting Services Division shall:

a. Provide activities at NAFEC with services relating to office equipment, space, mail distribution, messenger services, communications, reproduction, and records management.

b. Plan, furnish, maintain, allocate, and protect the supporting plant, property, and administrative facilities for the National Aviation Facilities Experimental Center.

c. Provide activities at NAFEC with such services as local transportation, first aid, industrial and motor vehicle safety inspection, and the receipt, storage, and issuance of supplies.

d. Manage and operate a library and information retrieval service at NAFEC.

e. Manage the airport.

8.3 *Technical Services Division.* Under the general supervision of the Chief, the Technical Services Division shall:

a. Provide the Service with computation, simulation, measurement and other technical support services for Service programs.

b. Provide for operation, maintenance, and modification of aircraft for Service programs.

c. Plan, manage, and schedule all technical facilities at NAFEC.

9. *Effective date.* This order is effective immediately. It supersedes Agency Order 9 (Revised) of October 16, 1960, and Agency Bulletin 61-1 dated January 13, 1961. All other Orders or parts thereof issued prior to this date which are inconsistent or in conflict with this Order are amended or superseded accordingly.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-254; Filed, Jan. 9, 1962; 8:51 a.m.]

[OE Docket No. 61-CE-66]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Tri-County Broadcasting Company, Sauk Rapids, Minnesota, proposes to construct a radio antenna structure near Sauk Rapids, Minnesota, at latitude 45°35'48" north, longitude 94°09'26" west. The overall height of the structure would be 1,344 feet above mean sea level (262 feet above ground).

Objections were made in response to the circularization by the State of Minnesota Department of Aeronautics and the National Association of State Aviation Officials on the bases that the proposed structure would exceed the State of Minnesota Regulations and the horizontal surface criteria of the Joint Industry/Government Tall Structures Committee as applied to the Whitney Memorial Airport, St. Cloud, Minnesota; would be a hazard to Visual Flight Rules operations in the area; and would have an adverse effect upon a planned VOR Instrument Approach Procedure to the northeast/southwest runway of the Whitney Memorial Airport. The Airline Pilots Association objected on the bases that the proposed structure would exceed the criteria of the JIGTSC and this Agency's TSO-N18. At the FAA Kansas City Regional Airspace Meeting, the State of Minnesota Department of Aeronautics advised that the proposed structure exceeds the approach slope criteria contained in the zoning ordinances adopted by the City of St. Cloud and the State of Minnesota hopes to have a VOR instrument approach procedure approved using the State owned St. Cloud State TVOR located on this airport.

The proposed structure would be located approximately 1.7 miles northeast of the airport reference point of the Whitney Memorial Airport, St. Cloud, Minnesota. The Agency study disclosed that there is no current instrument approach procedure for this airport and no plans have been filed with this Agency for the establishment of an instrument approach procedure based on the use of the St. Cloud State TVOR. Part 626 of the regulations of the Administrator, § 626.12(b), precludes this Agency from considering the effect of a proposed structure on a prospective instrument approach procedure not on file with this Agency as of the filing date of the Notice of Proposed Construction or Alteration. The study further disclosed that although the proposed structure would penetrate the criteria of the JIGTSC and this Agency's TSO-N18, this factor would result in no substantial adverse effect upon VFR operations at the Whitney Memorial Airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation provided that the structure is obstruction marked and lighted in accordance with Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on December 27, 1961.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 62-231; Filed, Jan. 9, 1962; 8:48 a.m.]

[OE Docket No. 61-CE-75]

PROPOSED TELEVISION ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The South Dakota Television, Inc., Aberdeen, South Dakota, proposes to construct a television antenna structure near Crocker, South Dakota, at latitude 45°-06'32" north, longitude 97°53'30" west. The overall height of the proposed structure would be 3,048 feet above mean sea level (1,288 feet above ground).

Objections were made in response to the circularization by the Air Transport Association of America on the basis that the proposed structure would require an increase from 3,000 feet above mean sea level to 3,500 feet above mean sea level in the minimum en route instrument flight rules altitude on VOR Federal Airway No. 24 between the Aberdeen, South Dakota, VOR and the Watertown, South Dakota, VOR. The Aircraft Owners and Pilots Association objected on the basis that the proposed structure would exceed 1,000 feet above ground and would appear to violate Part 626 of the Regulations of the Administrator. At the FAA Kansas City Informal Airspace Meeting the ATA withdrew its objection. The AOPA was not represented at this meeting. The South Dakota Aeronautics Commission requested that special consideration be given to the Visual Flight Rules flyway requirements in that area.

The proposed structure would be located 5.3 miles west of Crocker, South Dakota, and 8.7 miles southwest of the centerline of Victor 24. It would require an increase from 3,000 feet MSL to 3,500 feet MSL in the MEA on Victor 24 between the Aberdeen VOR and the Watertown VOR. The 1961 peak day instrument flight rules traffic count for this segment of airway was 1 flight. The Agency study disclosed that this increase in MEA would have no substantial adverse effect upon IFR operations. During fiscal year 1961, there were 200 VFR general aviation flight plans filed between the Aberdeen and Watertown Airports. Of these flights, 180 were filed via direct route and 20 via airways. The study disclosed that the proposed structure would not be located in close proximity to these or other known routes generally used by VFR operations. The proposed structure would exceed the criteria contained in Part 626 of the regulations of the Administrator. However, the study further disclosed that this factor would have no substantial adverse effect upon aeronautical operations.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on December 28, 1961.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 62-232; Filed, Jan. 9, 1962; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 62-7]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY, AND OTHER INFORMATION

Inspection of Records

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 3d day of January 1962;

The Commission having under consideration sections 0.404 and 0.406 of its rules and regulations pertaining to records of the Commission which are open to the public for inspection, and the necessity to amend the aforementioned sections;

It appearing, that the amendments to the rules ordered herein codify existing practice, are procedural in nature, and that therefore the notice and effective date provisions of section 4 of the Administrative Procedure Act are inapplicable; and

It further appearing, that the authority for the adoption of these rules is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

It is ordered, That effective January 15, 1962, Part 0 of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: January 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. In section 0.404, paragraph (a) is amended and a new paragraph (g) is added as follows:

Sec. 0.404 *Public reference rooms.*

• • • • • •

(a) The Broadcast and Docket Reference Room. Here the public may inspect all broadcast applications and files relating thereto, lists designated in section 0.406 (g), (h), and (i), dockets relating to all Commission matters which have been designated for hearing or which are the subject of rule making proceedings, any other docketed matters, and undocketed petitions for rule making.

• • • • • •

(g) The Equipment and Systems Branch of the Technical Research Division of the Office of the Chief Engineer. Here the public may inspect the Radio Equipment List (list of type-approved and type-accepted equipment).

2. In section 0.406, paragraph (e) is redesignated paragraph (k), paragraph (g) is amended, and new paragraphs (e), (h), (i), and (j) are added as follows:

Sec. 0.406 *Inspection of records.*

• • • • • •

(e) The Master Frequency Records (Standard Form 128) are available for public inspection in the offices of the Frequency Registration and Notification Branch of the Frequency Allocations and Treaty Division, Office of Chief Engineer.

• • • • • •

(g) Lists of frequency assignments to radio stations authorized by the Commission are recapitulated periodically by means of a machine record system. All stations licensed by the Commission are included, except the following: Aircraft, Amateur, Citizens (except Class A), Civil Air Patrol, and Disaster. The resulting documents, the F.C.C. Service Frequency Lists, consist of several volumes arranged by Nature of Service, in frequency order, including station locations, call signs and other technical particulars of each assignment. These documents are available for public examination at each of the Commission's Field Engineering and Monitoring Bureau field offices (see section 0.49), and in Washington, D.C., at the Commission's Broadcast and Docket Reference Room, and in the offices of the Frequency Registration and Notification Branch of the Frequency Allocations and Treaty Division, Office of Chief Engineer. They may be purchased from the Seabrooke Printing Co., 514 10th Street N.W., Washington 4, D.C.

(h) Pursuant to the North American Regional Broadcast Agreement and the U.S./Mexican Agreement, appropriate countries are notified of standard broadcast station assignments as they are made. The information thus supplied by notice includes frequency, station location, call letters, power and other technical particulars. Every six months, a recapitulative list containing this information for all existing standard broadcast stations, arranged in frequency order, is prepared by the Commission. This is the so-called NARBA List. These lists are available for public examination at each of the Commission's Field Engineering and Monitoring Bureau field offices (see section 0.49), and in Washington, D.C., at the Commission's Broadcast and Docket Reference Room. They may be purchased from the Seabrooke Printing Co., 514 10th Street NW., Washington 4, D.C.

(i) Periodically the Commission prepares lists containing information about authorized broadcast stations and pending applications for such stations as set forth below. These lists, which are prepared by an addressing machine, contain frequency, station location, and other particulars. They are available for public examination at the Commission's Broadcast and Docket Reference Room, Washington, D.C., and may be purchased from Cooper-Trent, Inc., 1130 19th Street NW., Washington 6, D.C.

(1) For standard broadcast stations the lists are arranged as follows:

(i) Authorized stations arranged in frequency order, alphabetically by state and city, and by call letters.

(ii) Pending applications for new stations and major changes in existing facilities arranged in frequency order and alphabetically by state and city.

(2) For FM broadcast stations the lists are arranged as follows:

(i) Authorized stations arranged by call letters and alphabetically by state and city.

(ii) Pending applications for new stations and major changes in existing facilities arranged alphabetically by state and city.

(3) For television broadcast stations only one list is prepared. This list contains authorized stations and pending applications for new stations and major changes in existing facilities, and is arranged alphabetically by state and city.

(4) For television broadcast translator stations only one list is prepared. This list contains authorized stations and pending applications for new stations and major changes in existing facilities and is arranged alphabetically by state and city.

(j) Lists of type-approved and type-accepted equipment (the Radio Equipment Lists) are prepared periodically by the Commission. These documents are available for public examination at each of the Commission's Field Engineering and Monitoring Bureau field offices (see section 0.49) and in Washington, D.C., in the offices of the Equipment and Systems Branch of the Technical Research Division of the Office of the Chief Engineer.

[F.R. Doc. 62-265; Filed, Jan. 9, 1962; 8:54 a.m.]

[Docket No. 14477; FCC 62-46]

ALLOCATION OF FREQUENCY BANDS FOR RADIO ASTRONOMY

Notice of Inquiry

1. The Administrative Radio Conference, Geneva, 1959, gave recognition to radio astronomy as a new radio service meriting status in the international Table of Frequency Allocations. The new service was permitted access to a number of frequency bands by virtue of footnotes to the Table of Frequency Allocations and only the band 1400–1427 Mc/s was allocated exclusively to the radio astronomy service on a world-wide basis.[1]

2. Subsequent to the 1959 Geneva Conference, the Commission, in consultation with the Office of Civil and Defense Mobilization (recently renamed the Office of Emergency Planning (OEP)) and the Interdepartment Radio Advisory Committee (IRAC), came to the conclusion that it would be difficult to administer frequency bands wherein sharing was permitted between radio astronomy observatories and radio stations in other radio services. Consequently, the Commission's notice of proposed rule making in Docket No. 13928, adopted January 25, 1961, recommended that the national Table of Frequency Allocations be amended to provide exclusive allocations for radio astronomy in a considerable number of those frequency bands wherein the international Radio Regulations provided only footnote status. In certain other bands the Commission's proposal could recommend only secondary status for the new service. All comments filed with the Commission relative to its radio astronomy proposals in Docket No. 13928 were favorable. As a result, the Commission's Second Memorandum Opinion and Order adopted October 18, 1961, to become effective December 1, 1961, adopted its earlier radio astronomy proposals without change.

3. The Administrative Radio Conference, Geneva, 1959, also adopted Recommendation 36 wherein an Extraordinary Administrative Radio Conference (EARC) is tentatively scheduled for the latter part of 1963, to deal with the matter of frequency allocations for space radiocommunication. Although radio astronomy was not intended initially to be a subject for discussion at such an EARC, there is a rapidly growing sentiment throughout the scientific community to attempt to have it placed on the agenda, should that conference be convened, in an effort to obtain international allocation status comparable to that presently afforded within the United States.

4. The attached document, "Preliminary Views of the United States of America—Frequency Allocations for Radio Astronomy",[1] has been developed in anticipation of the above EARC and in response to the stated requirements of government and non-government radio astronomy interests. It is emphasized that this document does not constitute a U.S. position for presentation at the tentatively scheduled 1963 EARC for space radiocommunication but is designed to elicit the comments and reactions of other governments with respect to initial planning in this area. In the event the Administrative Council of the International Telecommunication Union (ITU) should take action to add frequency allocations for the radio astronomy service as a separate agenda item for the above mentioned EARC, the attached views[2] would be relevant. All parties having an interest in that conference are requested to comment specifically on the desirability of such action by the ITU.

[1] This exclusive allocation is modified somewhat by footnote No. 350 which reads as follows: "In Albania, Bulgaria, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the band 1400–1427 Mc/s is also allocated to the fixed service and the mobile, except aeronautical mobile, service."

5. The preliminary views propose the allocation of the following bands to the radio astronomy service on a worldwide, exclusive basis, except as indicated:

40.66–40.70 Mc/s.
73.0–74.6
328.6–335.4 (secondary to the aeronautical radionavigation service).
1400–1427
1664.4–1668.4 (secondary to meteorological satellites).
2690–2700
4990–5000
10.68–10.7 Gc/s.
15.35–15.4
19.3–19.4
31.3–31.5
88.0–90.0

6. Ideally, an allocation structure designed for the radio astronomy service should provide spectrum space at the more important spectral lines and also provide for continuum studies by designating frequency bands in octaves throughout the spectrum. It will be noted that the above bands are not fully responsive to the desires of radio astronomers, particularly in the latter regard. The bands 1400–1427 and 1664.4–1668.4 Mc/s are associated with the spectral lines of hydrogen and the hydroxyl complex, respectively, whereas the others represent an effort to meet the octave concept with a minimum of impact upon existing radio services. The band 40.66–40.70 Mc/s, for example, is only 40 kc/s wide rather than 500 kc/s as suggested by radio astronomers. This band, however, is in a very heavily congested portion of the spectrum and it is only because of unusual circumstances that even 40 kc/s appears usable on a world-wide basis for the radio astronomy service. At the present time, the center frequency of this band, 40.68 Mc/s, is designated in the Radio Regulations and in the national Table of Frequency Allocations for industrial, scientific and medical devices (ISM), which are required to contain their emissions within the band 40.66–40.70 Mc/s. Because this places a stringent technical requirement upon ISM devices designed for 40.68 Mc/s, there has been virtually no development anywhere in the world. The preliminary views propose to delete any provision for ISM in this band, allocating it exclusively to radio astronomy.

7. The proposal at 73.0–74.6 Mc/s would make the band exclusively radio astronomy on a world-wide basis. This would be an expansion of the existing footnote status for Region 2 (the Americas). Should this be adopted by a future radio conference, those operations presently permitted to use the band on a "grandfather clause" basis would be in derogation of the new Regulations and would be required to move if they caused interference to the radio astronomy service of other countries.

8. Following the octave concept, one would expect to find additional bands proposed in the vicinity of 150–160 Mc/s and 600–650 Mc/s. The lower band, however, is in what is undoubtedly the most heavily congested portion of the spectrum with literally thousands of land mobile systems spread throughout every state in the Union. The upper band falls within the UHF TV band. A possible solution for the radio astronomy service at these orders of frequency can be considered only as a very long range objective.

9. Attention is invited to the fact that the attached views[2] would delete the existing provision for radio astronomy at 404–406 Mc/s, substituting 328.6–335.4 Mc/s in its stead. This change is proposed on the ground that 328.6–335.4 Mc/s is better suited to the needs of the radio astronomy service on a long term basis and the allocation of two bands to radio astronomy, in the same portion of the spectrum, cannot be justified. The continuing expansion of meteorological aid operations in the band 404–406 Mc/s, coupled with increasing space satellite needs, is expected to render the band less and less useful for radio astronomy observations as time goes on.

10. With the exception of the band 88–90 Gc/s, which is well above that portion of the radio spectrum allocated to specific radio services, the bands remaining which have not been discussed are precisely those radio astronomy bands now specified in footnotes to the international Table of Frequency Allocations in the Radio Regulations. The attached views[2] propose exclusive allocation to radio astronomy in each case.

11. The Commission offers herein for public comment the "Preliminary Views of the United States of America—Frequency Allocations for Radio Astronomy".[2] Following study of the comments received in response to this Notice of Inquiry, the Commission, in consultation with the Office of Emergency Planning (OEP), expects to make such modifications in the attached statement[2] as appear to be appropriate and practicable. It is anticipated that the resultant statement would then be transmitted to the Department of State with a recommendation that it be distributed abroad through appropriate channels so that the ideas and reactions of other countries can be obtained and taken into account.

12. Inasmuch as the attached statement[2] has been prepared for international study, it is inappropriate to indicate the ultimate national provisions which might be applied to any given band. Additionally, since this document represents only preliminary views, it is reasonable to expect that it may be changed somewhat before it reaches the status of a U.S. proposal to an international conference empowered to allocate frequency space for the radio astronomy service. Following such a conference, and depending upon the results thereof, it then will be appropriate to perfect domestic arrangements for implementation of the new allocations.

13. Any interested person is invited to file comments with the Commission concerning this matter on or before February 16, 1962. Comments in response to initial comments may be filed on or before February 26, 1962. Due to the interest expected to be expressed in the subject of radio astronomy and the extensive intra-governmental coordination necessary to formulate a national position on this subject, it is requested that an original and 39 copies of each comment be furnished to the Commission.

Adopted: January 3, 1962.

Released: January 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-266; Filed, Jan. 9, 1962; 8:54 a.m.]

[2] Filed as part of the original document.

[Docket No. 14394 etc.; FCC 61-1511]

FLOWER CITY TELEVISION CORP., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Flower City Television Corporation, Rochester, New York, Docket No. 14394, File No. BPCT-2929; Genesee Valley Television Co., Inc., Rochester, New York, Docket No. 14395, File No. BPCT-2944; for construction permits for new television broadcast stations. In re applications of Rochester Area Educational Television Association, Inc., Rochester, New York, Docket No. 14459, File No. BPCT-2943; Star Television, Inc., Rochester, New York, Docket No. 14460, File No. BPCT-2948; Community Broadcasting, Inc., Rochester, New York, Docket No. 14461, File No. BPCT-2953; Heritage Radio and Television Broadcasting Co., Inc., Rochester, New York, Docket No. 14462, File No. BPCT-2961; Ivy Broadcasting Company, Inc., Rochester, New York, Docket No. 14463, File No. BPCT-2963; Main Broadcast Co., Inc., Rochester, New York, Docket No. 14464, File No. BPCT-2964; The Federal Broadcasting System, Inc., Rochester, New York, Docket No. 14465, File No. BPCT-2966; Citizens Television Corp., Rochester, New York, Docket No. 14466, File No. BPCT-2967; Rochester Broadcasting Corporation, Rochester, New York, Docket No. 14467, File No. BPCT-2972; Rochester Telecasters, Inc., Rochester, New York, Docket No. 14468, File No. BPCT-2974; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of December 1961;

The Commission having under consideration the applications Rochester Area Educational Television Association, Inc. (BPCT-2943), Star Television, Inc. (BPCT-2948), Community Broadcasting, Inc. (BPCT-2953), Heritage Radio and Television Broadcasting Co. (BPCT-2961), Ivy Broadcasting Company, Inc.

(BPCT-2963), Main Broadcasting Co., Inc. (BPCT-2964), The Federal Broadcasting System, Inc. (BPCT-2966), Citizens Television Corp. (BPCT-2967), Rochester Broadcasting Corporation (BPCT-2972), Rochester Telecasters, Inc. (BPCT-2974) captioned above, each requesting a construction permit for a new television broadcast station to operate on Channel 13 in Rochester, New York; and

It appearing, that on November 21, 1961, the Commission designated for hearing two applications (BPCT-2929 and BPCT-2944) each requesting a construction permit for Channel 13 in Rochester, New York (FCC-61-1367, Docket Nos. 14394 and 14395); and

It further appearing, that the above-captioned applications (BPCT-2943, 2948, 2953, 2961, 2963, 2964, 2966, 2967, 2972, 2974) were on file on November 20, 1961, the day preceding the date on which the prior applications were designated for hearing, and are mutually exclusive and entitled to comparative consideration therewith; and

It further appearing, that the above-captioned applications propose antenna locations in the vicinity of the antennas of Standard Broadcast Stations WBBF, WVET, WHEC, and WSAY; that the installation and operation of the television antennas as proposed are possible and feasible without adversely affecting the ability of the Stations WBBF, WVET, WHEC and WSAY to operate in accordance with the terms of their licenses, but that appropriate proof thereof should be submitted after installation of any of the proposed antennas; and that a grant, if made, of any of the above-captioned applications should be subject to the condition in this respect as follows:

The construction authorized herein is subject to the condition that the ability of Standard Broadcast Stations WBBF, WVET, WHEC and WSAY to operate in accordance with the terms of their licenses shall not be adversely affected thereby, particularly with respect to their radiation patterns, and that at least five field intensity measurements on each radial established during the last proof of performance for each of these standard broadcast stations shall be submitted with the television application for license to prove that such patterns have not been materially affected.

It further appearing, that Rochester Area Educational Television Association, Inc., and Rochester Telecasters, Inc., propose a share-time operation; and

It further appearing, that the above-captioned applications are mutually exclusive with the exception that the applications of Rochester Area Educational Television Association, Inc., and Rochester Telecasters, Inc. are complementary and mutually contingent and considered together are mutually exclusive with the other applications; and

It further appearing, that the following matters are to be considered in connection with the issues specified below:

(a) The proposal of Star Television, Inc. (BPCT-2948). Based on information contained in the application, it appears that cash in the approximate amount of $981,000 will be required for construction and initial operation of the proposed station. It appears that construction and operation will be financed, in part, by means of a line of credit from the Central Trust Bank in the amount of $1,000,000. This loan is subject to the condition that the applicant has paid in capital and loans by stockholders of not less than $600,000. This condition has not been met and, therefore, it cannot be determined that Star Television, Inc. is financially qualified.

(b) The proposal of Ivy Broadcasting Company, Inc. (BPCT-2963).

1. The applicant has pending an application (BPCT-2949) for a construction permit for a new television broadcast station to operate on Channel 9 in Syracuse, New York. In the event both applications were to be granted, it appears that substantial overlap would result. Under such circumstances and assuming a grant of the Syracuse application, it appears appropriate to consider the size, extent and location of the areas served and to be served; the extent of the overlap involved; the number of persons served; the number of persons residing within the overlap area; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present, with particular reference to the particular need of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that the overlap involved will not be in contravention of § 3.636(a)(1) of the Commission's rules.

2. Based on information contained in the application, it appears that cash in the approximate amount of $1,310,000 will be required for construction and initial operation of the proposed station. Applicant proposes to finance the costs of construction and operation by means of a bank loan of $1,000,000 and existing capital of $75,000. With respect to existing capital, the applicant's balance sheet shows that current assets exceed current liabilities by only $10,000. In addition, it appears that current liabilities are understated since Commission records show that the current portion of long term debts has not been included as a current liability. Moreover, the applicant has pending an application (BPCT-2949) for a permit to construct a television broadcast station on Channel 9 in Syracuse, New York and in connection therewith proposes the use of existing capital for financing the cost of construction and initial operation. In view of the foregoing, it cannot be determined that Ivy Broadcasting, Inc., is financially qualified to construct and operate the proposed station.

(c) The proposal of Main Broadcasting Co., Inc. (BPCT-2964).

1. Based on information contained in the application, it appears that cash in the approximate amount of $570,000 will be required for construction and initial operation of the proposed station. The applicant proposes to finance the construction and initial operation by means of a bank loan of $500,000 and stock subscriptions of $100,000 from the four stockholders. The balance sheets submitted for the stockholders do not disclose current and liquid assets in excess of current liabilities sufficient in amount to meet their commitments. Consequently, it cannot be determined that applicant is financially qualified to construct and operate the proposed television broadcast station.

2. The electrical center and gain for the type antenna proposed do not correspond with data filed with the Commission by the manufacturer. It is necessary, therefore, to determine the correct antenna gain and/or electrical center of the proposed antenna.

(d) The Federal Broadcasting System, Inc. (BPCT-2966). It appears that the site elevation figure utilized in determining the antenna height above average terrain and the antenna height above sea level and the heights affected thereby is in error.

It further appearing that upon due consideration of the above-captioned applications (BPCT-2943, 2948, 2953, 2961, 2963, 2964, 2966, 2967, 2972, and 2974), the Commission finds that Rochester Area Educational Television Association, Inc., is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; that Star Television, Inc., is legally and technically qualified to construct, own and operate the proposed television broadcast station and is otherwise qualified except with respect to issue "1" below; that Community Broadcasting, Inc., is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; that Heritage Radio and Television Broadcasting Co., Inc., is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; that Ivy Broadcasting Company, Inc., is legally and technically qualified to construct, own and operate the proposed television broadcast station and is otherwise qualified except with respect to issues "2" and "3" below; that Main Broadcast Co., Inc., is legally qualified to construct, own and operate the proposed television broadcast station, is technically so qualified except with respect to issue "4" below and is otherwise qualified except with respect to issue "5" below; that The Federal Broadcasting System, Inc., is legally and financially qualified to construct, own and operate the proposed television broadcast station and is technically and otherwise qualified except with respect to issue "6" below; that Citizens Television Corp. is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; that Rochester Broadcasting Corporation is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; and that Rochester Telecasters, Inc., is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station.

It is ordered, That pursuant to section 309(3) of the Communications Act of 1934, as amended, the above-captioned applications (BPCT-2943, 2948, 2953, 2961, 2963, 2964, 2966, 2967, 2972, and 2974) are designated for hearing and consolidated into the pending proceeding in Docket Nos. 14394 and 14395 upon the following issues:

1. To determine whether Star Television, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine whether Ivy Broadcasting Company, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

3. To determine, assuming a grant of Ivy Broadcasting Company's application (BPCT-2949) for Channel 9, Syracuse, New York, whether a grant of the subject application would contravene the provisions of § 3.636 of the Commission's rules.

4. To determine the correct antenna gain and/or electrical center of the antenna proposed by Main Broadcast Co., Inc.

5. To determine whether Main Broadcast Co., Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

6. To determine the exact elevation above mean sea level of the antenna site proposed by The Federal Broadcasting System, Inc., and other elevations that would be affected thereby.

7. To determine on a comparative basis which of the mutually exclusive operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in light of the significant differences among the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television station.

(c) The programming service proposed in each of the above-captioned applications.

8. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That issues "7" and "8" of this order shall supersede the issues specified in the Commission's Order of November 15, 1961 (FCC 61-1367) in Docket Nos. 14394 and 14395.

It is further ordered, That the time and place of the consolidated hearing will be specified in a subsequent order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicants herein and the applicants previously designated for hearing in Docket Nos. 14394 and 14395 shall, pursuant to § 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

Released January 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-267; Filed, Jan. 9, 1962; 8:54 a.m.]

[Docket No. 14076, etc.; FCC 61-1350]

KENT-RAVENNA BROADCASTING CO., ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Kent-Ravenna Broadcasting Co., Kent, Ohio, Docket No. 14076, File No. BP-13749; et al., for construction permits.

1. The Commission has before it for consideration a petition to enlarge, change, and clarify issues, filed May 15, 1961, by Carnegie Broadcasting Corporation; pleadings filed in response thereto; and a motion to strike, motion for leave to file reply, and reply, tendered June 23, 1961, by Carnegie.

2. This proceeding was designated for hearing by Commission order, 26 F.R. 3658, April 28, 1961. The instant pleadings principally involve four applications:

Petty Durwood Johnson, tr/as Radio Trumbull, Niles, Ohio. Requests: 1510 kc., 500 w, D.

Monroeville Broadcasting Co., Monroeville, Pa. Requests: 1510 kc., 250 w, D.

Carnegie Broadcasting Corp., Pittsburgh, Pa. Requests: 1510 kc, 50 kw, DA, D.

Miners Broadcasting Service, Inc. (WMBA), Ambridge-Aliquippa, Pa. Has: 1460 kc, 500 w, DA, D (Ambridge, Pa.). Requests: 1510 kc, 10 kw, DA, D (Ambridge, Aliquippa, Pa.).

SECTION 307(b) CONSIDERATIONS

3. A number of the hearing issues in this proceeding look toward a determination of various matters relating to the ultimate determination under section 307(b) of the Act, quoted in paragraph 6, infra. These issues read substantially as follows: [1]

9. To determine, in light of their location and urban and industrial characteristics, and other relevant factors, whether Monroeville, Pennsylvania, is a separate community with respect to Pittsburgh, Pennsylvania, for the purposes of 47 U.S.C. 307(b);

10. To determine, in the light of 47 U.S.C. 307(b), which of the instant proposals would best provide a fair, efficient, and equitable distribution of radio service;

11. To determine, if Monroeville is a separate community with respect to Pittsburgh, and if Monroeville is selected as having the greater need for a new facility, whether the proposal of Carnegie Broadcasting Corporation will provide service to Monroeville;

12. To determine, if (a) Monroeville and Pittsburgh are separate communities, and (b) Monroeville is deemed to have a greater need for the new facility and (c) Carnegie Broadcasting Corporation will provide service to Monroeville, which of the proposals of Monroeville Broadcasting Company or Carnegie Broadcasting Corporation would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station;

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station; and

(c) The programing service proposed in each of the said applications.

13. To determine, if Monroeville is found not to be a separate community, whether the proposal therefor will provide service to Pittsburgh;

14. To determine, if (a) Monroeville is not a separate community and (b) the proposal for Monroeville provides service to Pittsburgh and (c) Pittsburgh is determined to have the greater need for the new facility, which of the proposals of Monroeville Broadcasting Company or Carnegie Broadcasting Corporation would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station;

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station; and

(c) The programming service proposed in each of the said applications.

4. Alleging that certain of the foregoing issues need revision and clarification, and that further issues should be added, Carnegie contends:

[1] By Order, FCC 61M-829, May 11, 1961, an application for Green Tree, Pennsylvania, was dismissed and reference thereto in the issues has been deleted. By Memorandum Opinion and Order, 26 F.R. 5378, June 15, 1961, an issue was added and existing issues 8-16 were renumbered 9-17 (the cited issues reflect this renumbering).

a. There should be a "separate community" issue and a "contingent standard comparative" issue with respect to Pittsburgh vis-a-vis Ambridge-Aliquippa;

b. The comparison contemplated by Issue 12 would literally come into play even if Carnegie's 50 kw proposal were to be ultimately preferred under 307(b) (because of greater "efficiency"), and thus, it should be made clear that this comparison becomes necessary only if section 307(b) is not determinative;

c. Engineering (coverage) factors are relevant to the contingent standard comparative issues and this should be made clear;

d. The issues overlook the possibility that Pittsburgh and Monroeville may be separate, that Pittsburgh may have the greater need and that the Monroeville applicant may serve Pittsburgh, thus requiring comparison of Carnegie and Monroeville; and

e. In Issue 14, if Monroeville and Pittsburgh are not separate, there would be no choice to make, and therefore clause (c) should be deleted.

5. Consideration of the matters at hand requires an analysis of 47 USC 307 (a) and (b) which state:

(a) The Commission, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this Act, shall grant to any applicant therefor a station license provided for by this Act.

(b) In considering applications for licenses, and modifications and renewals thereof, when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same.

The heart of 47 USC 307(b) is the mandate "to provide a fair, efficient, and equitable distribution of radio service", and to do so "among the several States and communities". Read in the light of the requirement of 47 USC 307(a) that an application may be granted only if the "public convenience, interest, or necessity" would be served thereby, it is axiomatic that the requirements of 307(b) must be a constant consideration of the Commission and that the Commission must look to these directives in reviewing applications for broadcasting facilities. In making a choice between mutually exclusive applications, it is essential that all those relevant considerations which bear on "fair, efficient, and equitable distribution" must be weighed and balanced on the particular facts of each individual proceeding. We will here review some of those considerations and will discuss them as they relate to "fair and equitable" and "efficient" distribution.

6. The Commission has by rule [2] established, in the standard broadcast band, three broad classes of channels, designating one class for primarily local service and two classes for primarily wide area and regional service. Commission rules require each applicant to make a definitive showing of the entire area it proposes to serve, to specify some community and State as its station location, and requires certain engineering specifications to be met for such station location or "principal city". Implicit in these rules is the requirement that every station provide two types of service—a reception service for its entire proposed service area and a transmission service (i.e., outlet for local expression) for its proposed community of station location. It is recognized that some proposals may be so designed that the entire service area does not extend to any appreciable degree beyond the principal community itself; and that other proposals may contemplate an entire service area and population considerably greater than its station location. In each case, however, every proposal must look to providing both a transmission and reception service. In determining the relative needs of the proposed service areas for the respective proposed reception services where multiple applications are involved, principal reliance is had on the relative populations and extent of the areas proposed to be served and the number of reception services presently available to each of the proposed service areas and portions thereof.

7. The relative needs for a transmission service are weighed primarily in the light of the number of standard broadcast facilities in each of the communities and the populations of these communities. Whether a given concentration of population constitutes a community for purposes of 307(b) must, of course, be decided under the facts of each case and in accordance with the provisions of our Rules. It is not necessary for present purposes to list the various indicia of a "community"; that this question is present at some stage in every 307(b) determination is, however, clear. In this connection, see § 3.30 of our rules, and on order cited in 1 RR 53.156(a) (FCC 61-1157). In determining equitable distribution of broadcast facilities, the Commission will look to the relative needs of the respective proposed service areas for a reception service, and will also look to the relative needs of each of the principal communities for a new transmission service.

8. In determining which of the mutually exclusive proposals (whether for the same community or different communities) best meets the "efficient" distribution requirement of section 307(b), the types or classes of frequencies involved, the areas which would receive service, and the power and hours of operation proposed are relevant. Material to this consideration is whether a regional or local frequency is proposed for a regional or local use, as the case may be, or whether the power proposed for the frequency applied for is not suited to the use which is proposed. The importance of the transmission aspects may diminish where the proposal is designed to serve a wide area, and the importance of the reception aspects of the proposed service may be considerably secondary to its transmission aspects where the use of local channels is contemplated. In every case the amount of interference such proposals will cause and receive is relevant.

9. The application of these criteria has been complicated by the fact that in recent years there have been increasing numbers of applications for suburban area communities which conflicted with applications for those suburbs' principal cities. See, for example, Huntington Broadcasting Company, 6 RR 569 (1950); Manchester Broadcasting Co., 14 RR 219 (1958); Michigan Broadcasting Company, 20 RR 221 (1960). Recognizing the Commission's traditional view of attaching great importance to proposals that would provide a community with its first transmission service, central city applicants frequently have raised questions as to whether the suburb was in fact a community separate from the central city, and issues have been requested to permit the central city applicant to show that actually the suburb did not have that identity of interest which required a first transmission outlet, or that if it did, the proposal therefor was an inefficient use of frequency. As in the instant proceeding, such requested issues are complex and presuppose facts which are often in dispute. Since the problems underlying such requested issues are part of the overall 307(b) question, the Commission will in the future consider them as encompassed by the standard 307(b) issue. This will serve to relieve both the parties and the Commission of the necessity of attempting to predict the course of the proceeding by tailoring issues to facts not yet established, and will leave in the Hearing Examiner the responsibility of determining, on the basis of a showing made by any of the parties to the proceeding, what facets of the problem should be explored at the hearing. Should it be determined that the suburb is a separate community for 307(b) purposes, a choice between mutually exclusive proposals for the city and its suburb is to be made in the light of the criteria pertinent to a determination of which proposal would provide the more efficient and equitable distribution of broadcast facilities.

10. A second problem which has been presented with increasing frequency is the so-called reciprocal service consideration, e.g., where applicant A will by engineering standards provide primary service to applicant B's community. In some such instances, where B's community was favored under 307(b), applicant A has contended that it is entitled to comparative consideration with applicant B. To be entitled to comparative consideration, applicant A must not only provide primary service to B's community, but must also meet the same requirements imposed on applicant B by § 3.30 of our rules as to studio location and program origination. In the usual case, the latter requirements could not be met by applicant A, and should it desire comparative consideration with B it would in most instances be necessary for it to request an issue as to whether the requirements of § 3.30 should be waived. A request for such issue should be directed to the Commission. If, under such issue, it is determined that the requirements of that section should be waived, and if applicant A provides primary service to community B, comparative consideration of the two applicants is in order.

11. We wish to emphasize that those equitable and efficient factors relevant to any particular proceeding can be determined only with regard to the particular facts of the case, and they must be weighed and balanced to reach an ultimate conclusion as to which applications would best serve the public interest, convenience and necessity. In such cases as are designated for hearing it will be necessary for the Hearing Examiner to determine, under the designated 307(b) issue, the necessity for inquiry into any particular facet of this problem as it relates to the circumstances before him and to what extent any proffered evidence is desirable or necessary. When considering the multiple and complex questions involved with regard to mutually exclusive applicants, whether for the same or different communities, only in those situations in which, after the balancing of all those factors necessary in any particular case, neither proposal can be awarded a significant preference under section 307(b), will the Commission look to the standard comparative issue to make a choice between the proposals.[3]

12. With the foregoing discussion as a guide, we will now consider the specific questions raised by Carnegie. Its requested separate community issue, paragraph 4a, supra, is unnecessary, since it would only determine whether a denominated station community has such identity of interest as to require a transmission service and whether the proposal for that community constitutes an efficient use of frequencies. Henceforth, the Commission regards this matter as encompassed within the standard 307(b) issue, here Issue 10. In conformity with this view, Issue 9 will be deleted as unnecessary. Carnegie asserts, paragraph 4b, supra, that Issue 12 requires that it be compared with Monroeville under the standard comparative issue even if it is ultimately preferred on 307(b) grounds. Should it be determined that separate communities are not involved, and that the two "communities" are only one community in contemplation of section 307(b), the efficient and equitable [4] requirements nonetheless continue to be applicable.[5] As we have noted, if an applicant obtains a significant ultimate preference on a 307(b) issue, a further comparison of the applicants is unnecessary. Should it appear that a significant preference cannot be awarded under section 307(b), a comparison of the applicants under the standard comparative issue would be necessary; if such an issue was not included as a contingent issue in the designation order, a request for the addition of such an issue should be addressed to the Commission. Since, under the circumstances presented in this case, 307(b) considerations might not in every instance be decisive, we will add a contingent standard comparative issue, applicable to all applicants of this proceeding that must resort thereto. This action also meets Carnegie's request, paragraph 4a, supra, for a new standard comparative issue. In view of the scope of the matters subject to consideration under the standard 307(b) issue, and in view of our inclusion of the contingent standard comparative issue as to all of the applicants, there is no need for Issues 11 through 16, and they will accordingly be deleted. Carnegie seeks assurance, paragraph 4(c), supra, that engineering (coverage) factors will be relevant to the standard comparative issue; it is clear, from an examination of the contingent standard comparative issue, that a choice between applicants is to be made not only under the standard comparative criteria but also in the light of the "foregoing" issues, which includes the 307(b) issue and, hence, coverage considerations. The question of "reciprocal service", paragraph 4d, supra, is already encompassed by the 307(b) issue, and a separate issue is not necessary. In view of the deletion of Issue 14, Carnegie's contention in paragraph 4e, supra, becomes moot.

FINANCIAL QUALIFICATIONS

13. Carnegie seeks financial issues with regard to both Radio Trumbull and Miners. The petition in this respect fails to comply with 47 CFR 1.12(a)(2); [6] these questions are not properly addressed to the Commission and will not be considered, as neither will Carnegie's motion to strike, motion for leave to file reply, and reply; and pursuant to 47 CFR 1.12(c) the parties will be required to file additional copies with the Chief Hearing Examiner for his action.

Accordingly, it is ordered, This 15th day of November 1961, that the petition to enlarge, change, and clarify issues, filed May 15, 1961, by Carnegie Broadcasting Corporation is granted to the extent indicated by the foregoing discussion and following ordering clauses, and is denied in all other respects;

It is further ordered, That issues 10, 11, 12, 13, 14, 15 and issue 16 concerning Kettering, Ohio, are deleted, and that the following issue is added:

10. To determine, in the event it is concluded that a choice between the instant applications cannot be made on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station;

(b) The proposals of each of the instant applicants with respect to the management and operation of the proposed station;

(c) The programming service proposed in each of the instant applications;

and that the remaining issues herein are hereby renumbered as shown below:

1. To determine the areas and populations which would receive primary service from each of the instant proposals, except the proposal of Station WMBA, Ambridge-Aliquippa, Pennsylvania, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WMBA and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the following proposals would cause objectionable interference to the stations indicated below, or any other existing standard broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations:

Proposals and Existing Stations

BP-13783, Television Corporation of Michigan, Inc.; BP-13068 (WABJ), Adrian, Mich. Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-13834, Speidel Broadcasting Corp. of Ohio; WCKY, Cincinnati, Ohio, 50 kw, DA-LS, U; BP-12725 (WKBV), Richmond, Ind. Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-13846, Community Service Broadcasters, Inc.; KJBK, Detroit, Mich., 1 kw, 10 kw-LS, DA-2, U.

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[2] 47 CFR 3.21.

[3] As in the past, a contingent comparative issue will be included among the issues specified in the designation order where, under the facts then available, it appears that 307(b) considerations may not be determinative. Should such an issue not be included in the designation order, the Commission will, upon request of any of the parties, consider the addition of a contingent comparative issue should it subsequently appear that 307(b) considerations may not be determinative.

[4] Because different service areas would usually be involved in the two proposals, the equitable considerations are applicable. Television Corporation of Michigan v. FCC, 21 RR 2107 (C.A.D.C., 1961).

[5] Should it be determined that the two communities are not separate, a question may arise as to whether either, or both, of the proposals continue to meet the requirements of the rules as to the service to be provided to the single, larger community.

[6] 47 CFR 1.12 states: "(a) A separate pleading should be filed: * * * (2) For each request which, under Part 0, the Commission's Statement of Organization, Delegations of Authority, and Other Information, will be acted upon by different Bureau or Offices * * *

"(c) Where pleadings are filed containing requests which should be acted upon under said Part 0 by different Bureau or Offices, the petitioner may, except in case of a request for stay, be requested to file additional copies of the original pleading within a specified period of time. In such case the action on the pleading will be held in abeyance during the period so specified. In case of failure to timely comply with said request, the original pleading will be returned without consideration. The time within which responsive pleadings to such pleadings should be filed will be computed from the date of timely compliance with said request."

5. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing station would affect more than ten percent of the percent of the population within its normally protected primary service area in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

6. To determine whether the instant proposals of Portage County Broadcasting Corporation and Miners Broadcasting Service, Inc. are consistent with the requirements of § 3.30(b) of the Commission rules to warrant an authorization for dual city operation.

7. To determine whether James E. Vaughn, George W. Vaughn and Ralph J. Bitzer d/b as WXEN is financially qualified to construct and operate its proposed station.

8. To determine whether Portage County Broadcasting Corporation would have available to it the funds shown in its application.

9. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

10. To determine, in the event it is concluded that a choice between the instant applications cannot be made on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the signficant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

(b) The proposals of each of the instant applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the instant applications.

11. To determine, in the event it is concluded pursuant to Issue 9 that one of the proposals for Xeniz, Ohio should be favored, which of the proposals of James E. Vaughn, George W. Vaughn and Ralph J. Bitzer d/b as WXEN or R. Roy Stoneburner, Paul W. Stoneburner and Vernon H. Baker d/b as Greene County Radio would better serve the public interest, convenienee and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

12. To determine, in the event it is concluded pursuant to Issue 9 that either the City of Kent of Ravenna, Ohio has the greatest need for a new facility, which of the proposals of Kent-Ravenna Broadcasting Co. or Portage County Broadcasting Corp. would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

13. To determine whether Petty Durwood Johnson is financially qualified to construct his proposal herein, taking into consideration his existing financial status and such capital commitments as he may have undertaken.

14. To determine what efforts have been made by Petty Durwood Johnson to ascertain the programming needs and interests of the area he proposes to serve, and the manner in which he proposes to meet such needs and interests.

15. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the instant applications should be granted.

It is further ordered, That additional copies, expressly directed to the attention of the Chief Hearing Examiner, of the foregoing petition and related pleadings and Carnegie's motion to strike, motion for leave to file reply, tendered June 23, 1961, are to be filed within seven days of the release of this Memorandum Opinion and Order.

Released: January 4, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-268; Filed, Jan. 9, 1962; 8:54 a.m.]

[Docket Nos. 14404, 14405; FCC 62M-19]

KWTX BROADCASTING CO. (KWTX) AND KERRVILLE BROADCASTING CO. (KERV)

Statement and Order After Prehearing Conference

In re applications of KWTX Broadcasting Company (KWTX), Waco, Texas, Docket No. 14404, File No. BP-13806; Kerrville Broadcasting Company (KERV), Kerrville, Texas, Docket No. 14405, File No. BP-14050; for construction permits.

At a prehearing conference today, the transcript of which, when available, will be incorporated by reference, the following table was set:

1. Exchange of applicants' affirmative direct written cases; by February 12, 1962.

2. Receipt of notification of witnesses desired for cross-examination; by February 26, 1962.

3. Hearing—Rescheduled from February 1 to Monday, March 5, 1962, at 10 a.m., in the offices of the Commission, Washington, D.C.

So ordered, This 4th day of January 1962.

Released: January 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-269; Filed, Jan. 9, 1962; 8:54 a.m.]

[Docket Nos. 14275, 14276; FCC 62M-13]

LITTLE JOE ENTERPRISES (WJOE) AND SARASOTA-CHARLOTTE BROADCASTING CORP.

Order Continuing Hearing Conference

In re applications of Robert D. Sidwell, tr/as Little Joe Enterprises (WJOE), Ward Ridge, Florida, Docket No. 14275, File No. BP-14059; Sarasota-Charlotte Broadcasting Corporation, Englewood, Florida, Docket No. 14276, File No. BP-14211; for construction permits.

The Hearing Examiner having under consideration his order dated December 7, 1961 released December 8, 1961 which, among other things, scheduled a further prehearing conference in the above-entitled proceeding for January 9, 1962; and

It appearing that on December 29, 1961, the above applicants filed a Joint Request for Action on Applications pursuant to the provisions of §§ 1.316 and 1.363 of the Commission's rules, which request, if granted, will render unnecessary an evidentiary hearing in these proceedings; and

It further appearing, that on December 29, 1961, pursuant to the agreement attached to the above-mentioned Joint Petition, Robert D. Sidwell, tr/as Little Joe Enterprises (WJOE) filed a Petition for Leave to Amend; and

It further appearing that the orderly conduct of the Commission's business requires that the prehearing conference now scheduled for January 9, 1962 be continued pending Commission action on the above-mentioned pleadings;

It is ordered, This the 4th day of January 1962 on the motion of the Hearing Examiner that the further prehearing conference now scheduled to begin January 9, 1962 is continued to a date to be announced after the Commission has acted on the above-mentioned Joint Request for Action on Applications.

Released: January 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-270; Filed, Jan. 9, 1962; 8:54 a.m.]

[Docket Nos. 14473, 14474]

PENINSULA TELEVISION RELAY CORP. AND EASTERN SHORE MICROWAVE RELAY CO.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Peninsula Television Relay Corporation, Salisbury, Maryland, Docket No. 14473, File Nos. 2604/2605-C1-P-60; Eastern Shore Microwave Relay Company, Salisbury, Maryland, Docket No. 14474, File No. 3423-C1-P-60; for construction permits for common carrier point-to-point microwave relay stations.

1. The Commission, by its Chief of the Common Carrier Bureau acting under delegation of authority, pursuant to section 0.262 of the Commission's rules, has before it for consideration, the respective applications of Peninsula Television Relay Corporation (hereinafter called Peninsula); and Martin F. Malarkey, d/b as Eastern Shore Microwave Relay Company (hereinafter called Eastern); for construction permits for point-to-point microwave relay systems.[1]

2. The Peninsula application, filed on April 6, 1960, requests authorization to construct a two-hop four-channel point-to-point common carrier microwave radio relay system originating near Claibourne, Maryland, and terminating at a point near Salisbury, Maryland, which will enable the applicant to relay off-the-air pickup of TV broadcast signals, pursuant to customers' orders, from stations in Baltimore, Maryland, and Washington, D.C., to customers at Salisbury, Maryland. In addition, the applicant will provide Radio Station WBOC, at Salisbury, Maryland, with an audio channel to be used by this customer to enable it to rebroadcast material originating over FM stations at Annapolis, Maryland; Baltimore, Maryland, and Washington, D.C. Peninsula and its proposed customer, Peninsula TV Relay Corporation, are wholly owned subsidiaries and are directly controlled by WBOC, Inc., the licensee of WBOC-TV and WBOC-FM, Peninsula's other customers. WBOC, Inc., is a wholly owned subsidiary and is directly or indirectly controlled by A. S. Abell Company, the licensee of station WMAR-TV, Baltimore, Maryland. Consequently, a question exists as to whether there is a need for the holding out of this communication common carrier service in view of the apparent absence of any present or prospective request for such service from any public subscribers, i.e., subscribers not directly controlling or controlled by, or under direct or indirect common control with the applicant.

3. The Eastern application, filed on June 24, 1960, requests authorization to construct a one-hop four-channel point-to-point common carrier microwave radio system originating at Cambridge, Maryland, and terminating at a point near Salisbury, Maryland, which will enable the applicant to relay pursuant to the customer's order, off-the-air pickup of TV broadcast signals from stations in Baltimore, Maryland, and Washington, D.C., to its customer at Salisbury, Maryland. With regard to Eastern, questions remain as to the nature and extent of the interests existing between the applicant and its proposed customer, Delmarva Community Television Corporation; and as to whether Delmarva Community Television Corporation is a public subscriber, i.e., a subscriber not directly controlling or controlled by, or under direct or indirect common control with the applicant. In the event Eastern fails to meet the burden of proof on this issue, a further question will have to be resolved, namely, whether there is a need for a holding out of this communication common carrier service in view of the apparent absence of any present or prospective request for such service from any public subscriber, as previously defined.

4. In view of the fact that the respective applicants propose to provide what appears to be an essentially identical service to its proposed customers in Salisbury, Maryland, a question is also presented as to the need for two like common carrier point-to-point microwave radio systems.

5. Except as otherwise indicated below, we find and conclude that each of the applicants is legally, financially, and technically qualified to become a licensee for the service proposed.

6. In view of the foregoing: *It is ordered*, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, the above entitled application are designated for hearing, in a consolidated proceeding, to be held at the Commission's offices in Washington, D.C. on a date to be hereafter specified, upon the following issues:

(a) To determine the need for Peninsula's holding out of this particular common carrier service in view of the apparent absence of any present or prospective request for such service from any public subscribers, i.e., subscribers not directly controlling or controlled by, or under direct or indirect common control with the applicant.

(b) To determine the nature and extent of the interests existing between the applicant, Martin F. Malarkey, Jr., d/b as Eastern Shore Microwave Relay Company, and Delmarva Community Television Corporation.

(c) To determine whether Delmarva Community Television Corporation is a public subscriber, i.e., a subscriber not directly controlling or controlled by, or under direct or indirect common control with the applicant.

(d) To determine, in the event Eastern fails to meet the burden of proof under issue (c), the need for Eastern's holding out of this particular common carrier service in view of the apparent absence of any present or prospective request for such service from any public subscribers, as defined in issue (c).

(e) To determine the comparative facts with respect to the proposed facilities, personnel, rates, regulations, practices, and services of each applicant.

(f) To determine the subscribers who may be expected to receive service from the proposed facilities of Peninsula and Eastern, respectively, and the public need for either or both services.

(g) To determine, in the light of the evidence adduced on the foregoing issues, whether the public interest, convenience, or necessity would be served by a grant of either, or both, of the respective applications.

It is further ordered, That the Chief, Common Carrier Bureau is made a party to the proceeding herein;

It is further ordered, That the parties desiring to participate herein shall file their appearances in accordance with § 1.140 of the Commission's rules.

Adopted: December 28, 1961.

Released: January 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-271; Filed, Jan. 9, 1962; 8:55 a.m.]

[1] The captioned applications of Peninsula were dismissed by staff action on March 10, 1961, because of Peninsula's failure to timely file information requested in a Commission letter, dated February 21, 1961. The application of Eastern was, on the same date, granted. The Commission, on May 17, 1961, vacated the action dismissing Peninsula's applications, vacated and set aside the grant of Eastern's application, and restored all the applications to pending status.

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS

Acting Regional Director, Puerto Rico Regional Office

Section I, Description of Agency and Programs, is hereby amended as follows:

Paragraph F is amended by changing the list of officials authorized to serve as Acting Regional Director in the Puerto Rico Regional Office to read as follows:

1. Alberto Hernandez, Assistant Director for Development.

2. Jose R. Janer, Regional Management Coordinator.

Approved: January 3, 1962.

MARIE C. MCGUIRE,
Commissioner.

[F.R. Doc. 62-240; Filed, Jan. 9, 1962; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 192]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 5, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with serv-

ice at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 82 (Deviation No. 1), BEST WAY OF INDIANA, INC., 10 Cherry Street, Terre Haute, Ind., filed December 16, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Indiana Highway 67 to the junction of Indiana Highway 39, thence over Indiana Highway 39 to Martinsville, Ind., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis, over Indiana Highway 37 to Martinsville, and return over the same route.

No. MC 222 (Deviation No. 3), NEW YORK CONSOLIDATED FREIGHTWAYS CORPORATION, 715 South 25th Avenue, Bellwood, Ill., filed December 26, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 40 and Interstate Highway 70S over Interstate Highway 70S to junction Interstate Highway 80S (Pennsylvania Turnpike) at or near Interchange 8, thence over Interstate Highway 80S to Philadelphia, Pa., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Philadelphia over U.S. Highway 30 to Mansfield, Ohio, thence over U.S. Highway 30–N to Delphos, Ohio, thence over U.S. Highway 30 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, Ill. (also between Mansfield and Delphos, over U.S. Highway 30–S); from Pittsburgh, Pa., over U.S. Highway 19 to Washington, Pa.; and from Philadelphia over U.S. Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to St. Louis, Mo., and return over the same routes.

No. MC 2202 (Deviation No. 31), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed December 18, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route between Muskegon and Grand Rapids, Mich., over Interstate Highway 196, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Grand Rapids over U.S. Highway 16 to junction U.S. Highway 31, thence over U.S. Highway 31 to Muskegon, and return over the same route.

No. MC 2202 (Deviation No. 32), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed December 18, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route between Dayton and Toledo, Ohio, over Interstate Highway 75, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dayton over U.S. Highway 25 via Wapokoneta, Lima, and Findlay, Ohio, to Toledo, and return over the same route.

No. MC 2990 (Deviation No. 4), BLUE ARROW TRANSPORT LINES, INC., 525 Burton Street SW., Grand Rapids, Mich., filed December 22, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Jackson, Mich., over Interstate Highway 94 to junction U.S. Highway 20, near Michigan City, Ind.; (B) From Chicago, Ill., over the Indiana Tollway to Exit 8, thence over Indiana Highway 13 to the Michigan-Indiana State line, thence over Michigan Highway 103 to junction U.S. Highway 112; and (C) from Chicago, Ill., over city streets to the Calumet Expressway, thence over the Calumet Expressway to the Kingery Expressway, thence over the Kingery Expressway to Gary, Ind., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Bay City, Mich., over U.S. Highway 23, via Saginaw, Mich., to Flint, Mich., thence over Michigan Highway 21, via Owosso and Grand Rapids, Mich., to Holland, Mich., thence over U.S. Highway 31 to Benton Harbor, Mich., and thence over U.S. Highway 12, via Michigan City, Ind., to Chicago, Ill.; from Bay City over the above-specified route to Benton Harbor, thence over U.S. Highway 12 to junction Indiana Highway 212, thence over Indiana Highway 212 to junction U.S. Highway 20, thence over U.S. Highway 20 to Chicago; and from New Buffalo, Mich., over U.S. Highway 112 to junction U.S. Highway 127, thence over U.S. Highway 127 to Jackson, Mich., and return over the same routes.

No. MC 10761 (Deviation No. 14), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., filed December 14, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Cincinnati, and Columbus, Ohio, over Interstate Highway 71, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati over U.S. Highway 22 to junction U.S. Highway 62, thence over U.S. Highway 62 to Columbus, and return over the same route.

No. MC 10761 (Deviation No. 15), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., filed December 15, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 55 to St. Louis, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From St. Louis over U.S. Highway 67 to Alton, Ill., thence over Illinois Highway 140 to Hamel, Ill., and thence over U.S. Highway 66 to Chicago; and from Chicago over U.S. Highway 54 via Kankakee and Onargo, Ill., to junction Illinois Highway 48, thence over Illinois Highway 48 to junction U.S. Highway 66, thence over U.S. Highway 66 to St. Louis, and return over the same routes.

No. MC 18459 (Deviation No. 2), BRITTON MOTOR SERVICE, INC., 185 Eaton Avenue, St. Paul 7, Minn., filed December 18, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Eau Claire, Wis., over Interstate Highway 90 to Chicago, Ill., and (B) from Eau Claire, Wis., over Interstate Highways 90 and 94, via Milwaukee, Wis., to Chicago, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Eau Claire over U.S. Highway 12 to junction Wisconsin Highway 89, thence over Wisconsin Highway 89 to junction U.S. Highway 14, thence over U.S. Highway 14 to Chicago; and from Eau Claire, over U.S. Highway 12 to junction U.S. Highway 16, thence over U.S. Highway 16 to Wisconsin Highway 36, thence over Wisconsin Highway 36 to junction Wisconsin Highway 83, thence over Wisconsin Highway 83 to junction Illinois Highway 173, thence over Illinois Highway 173 to junction Interstate Highway 94, and return over the same routes.

No. MC 30073 (Deviation No. 4), JOHNSON FREIGHT LINES COMPANY, INC., 420 Sixth Avenue, South Nashville, Tenn., filed December 26, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Nashville, Tenn., over U.S. Highway 41 to junction unnumbered county highway, 2 miles north of Pelham, Tenn., thence over unnumbered county highway to junction Interstate Highway 24, thence over Interstate Highway 24 to junction U.S. Highway 64, thence over U.S. Highway 64 to junction U.S. Highway 41, thence over U.S. Highway 41 to Atlanta, Ga., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Nashville, over U.S. Highway 41 to Atlanta, and return over the same route.

No. MC 52629 (Deviation No. 4), HUBER & HUBER MOTOR EXPRESS, INC., 970 South Eighth Street, Louisville 3, Ky., filed December 20, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 64 and U.S. Highway 60, just east of Middletown (Jefferson Co.), over Interstate Highway 64 to junction Frankfort Interchange, approximately one mile west of Frankfort, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Louisville, Ky., over U.S. Highway 60 to junction Kentucky Highway 151, thence over Kentucky Highway 151 to junction Kentucky Highway 35, thence over Kentucky Highway 35 to junction U.S. Highway 62, thence over U.S. Highway 62 to junction U.S. Highway 60, thence over U.S. Highway 60 to Lexington, Ky., and return over the same route.

No. MC 52629 (Deviation No. 5), HUBER & HUBER MOTOR EXPRESS, INC., 970 South Eighth Street, Louisville 3, Ky., filed December 20, 1961. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Covington, Ky., over Interstate Highway 75 to the junction of U.S. Highway 25 and Interstate Highway 75 at Dry Ridge, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, Ohio, over U.S. Highway 25 to Lexington, Ky., and return over the same route.

No. MC 65967 (Deviation No. 3), WILSON TRUCK COMPANY, INC., 176 Lafayette Street, Nashville, Tenn., filed December 22, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From a point approximately two miles north of Pelham, Tenn., over unnumbered county highway to junction Interstate Highway 24, thence over Interstate Highway 24 to junction U.S. Highway 64, west of U.S. Highway 41 at Monteagle, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Nashville, Tenn., over U.S. Highway 41 to Chattanooga, Tenn., and return over the same route.

No. MC 69116 (Deviation No. 9), SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill., filed December 18, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highways 90 and 94 to Eau Claire, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago over U.S. Highway 12 to junction U.S. Highway 14, thence over U.S. Highway 14 to junction Wisconsin Highway 89, thence over Wisconsin Highway 89 to Whitewater, Wis., thence over U.S. Highway 12 to junction U.S. Highway 53, east of Eau Claire, thence over U.S. Highway 53 to Eau Claire, and return over the same route.

No. MC 69224 (Deviation No. 3), H & W MOTOR EXPRESS COMPANY, 3000 Elm Street, Dubuque, Iowa, filed December 18, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follows: (A) From Chicago, Ill., over Interstate Highways 90 and 94 to Minneapolis-St. Paul, Minn. (when completed, and until completed U.S. Highway 14 or 51 will be used between Rockford, Ill., and Beloit, Wis., and between Janesville and Madison, Wis.; U.S. Highway 12 will be used between Wisconsin Dells and Eau Claire, Wis., also, from Chicago over U.S. Highway 20 to junction Illinois Highway 5, thence over Illinois Highway 5 to Rockford, Ill.), and (B) From Dubuque, Iowa over U.S. Highway 20 to East Dubuque, Ill., thence over Illinois and Wisconsin Highways 35 to La Crosse, Wis., thence over U.S. Highway 61 to the Minneapolis-St. Paul, Minn., Commercial Area, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago over U.S. Highway 20, thence over U.S. Highway 52 to the Minneapolis-St. Paul, Minn., Commercial Zone; from Rockford, over U.S. Highway 20 to Dubuque, thence over U.S. Highway 52 to the Minneapolis-St. Paul, Minn., Commercial Zone; and from Dubuque over U.S. Highway 52 to the Minneapolis-St. Paul, Minn., Commercial Zone, and return over the same routes.

No. MC 78643 (Deviation No. 3), HART MOTOR EXPRESS, INC., 2417 North Cleveland, St. Paul 13, Minn., filed December 26, 1961. Attorney Val M. Higgins, 1000 First National Bank Building, Minneapolis 2, Minn. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Chicago, Ill., over Interstate Highway 90 to Madison, Wis., thence over Interstate Highways 90 and 94 to Tomah, Wis., thence over Interstate Highway 94 to St. Paul, Minn., (B) from Madison, Wis., over Interstate Highway 94 to Milwaukee, Wis., thence over Interstate Highway 94 to Chicago, Ill., and (C) from Tomah, Wis., over Interstate Highway 90 to La Crosse, Wis., thence over U.S. Highway 61 to Minneapolis and St. Paul, Minn., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago over U.S. Highway 20 to Marengo, Ill., thence over Illinois Highway 23 to junction U.S. Highway 14, thence over U.S. Highway 14 to junction Wisconsin Highway 89, thence over Wisconsin Highway 89 to junction U.S. Highway 12, thence over U.S. Highway 12 to Minneapolis, also from Chicago over U.S. Highway 12 to Minneapolis; from Madison over U.S. Highway 18 to Milwaukee, thence over Waukesha County Highway A to junction U.S. Highway 45, thence over U.S. Highway 45 to junction U.S. Highway 12, thence over U.S. Highway 12 to Chicago; and from Tomah, over U.S. Highway 12 to Minneapolis, and return over the same routes.

No. MC 106456 (Deviation No. 5), SUPER SERVICE MOTOR FREIGHT CO., Fessler Lane, Nashville, Tenn., filed December 22, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kingsport, Tenn., over U.S. Highway 11W to a point approximately 2½ miles west of Bristol, Tenn., thence over Interstate Highway 81 to junction U.S. Highway 11, approximately 2½ miles north of Abingdon, Va., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kingsport over U.S. Highway 11W to Bristol, thence over U.S. Highway 11 to a point beyond Abingdon, and return over the same route.

No. MC 108586 (Deviation No. 2), STEFFKE FREIGHT CO., 3100 South Wolcott Avenue, Chicago 8, Ill., filed December 18, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highways 90 and 94 to Eau Claire, Wis., and return over the same route, for operating convenience only,

serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, over U.S. Highway 20 to Rockford, Ill., thence over U.S. Highway 41 to junction Wisconsin Highway 73, thence over Wisconsin Highway 73 to junction Wisconsin Highway 13, thence over Wisconsin Highway 13 to junction U.S. Highway 10, thence over U.S. Highway 10 to junction U.S. Highway 12, thence over U.S. Highway 12, to Eau Claire, and return over the same route.

No. MC 110166 (Deviation No. 1), TENNESSEE CAROLINA TRANSPORTATION, INC., 905 Mile End Avenue, Nashville 7, Tenn., filed December 26, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Knoxville, Tenn., over Interstate Highway 40 to junction U.S. Highway 70, approximately 2 miles west of Kingston, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Nashville, Tenn., over U.S. Highway 70S to McMinnville, Tenn., thence over U.S. Highway 70S to junction U.S. Highway 70N, thence over U.S. Highway 70 to junction U.S. Highway 11, thence over U.S. Highway 11 to Knoxville, and from Nashville over U.S. Highway 70N to junction U.S. Highway 70S, thence over U.S. Highways 70 and 11 as above; and from Chattanooga, Tenn. over U.S. Highway 11 to Knoxville, and return over the same routes.

No. MC 110166 (Deviation No. 2), TENNESSEE CAROLINA TRANSPORTATION, INC., 905 Mile End Avenue, Nashville 7, Tenn., filed December 26, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 41 and an unnumbered county highway, approximately two miles north of Pelham, Tenn., over unnumbered county highway to junction Interstate Highway 24, thence over Interstate Highway 24 to junction U.S. Highway 64, thence over U.S. Highway 64 to junction U.S. Highway 41, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Nashville, Tenn., over U.S. Highway 41 to Chattanooga, Tenn., and return over the same route.

No. MC 111231 (Deviation No. 16), JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark., filed December 18, 1961. Carrier's representative B. J. Wiseman, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Missouri Highways 25 and 77, over Missouri Highway 77 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction Missouri Highway 84, thence over Missouri Highway 84 to Kennett, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 61 to Jackson, Mo., thence over Missouri Highway 25 to the Missouri-Arkansas State line, and return over the same route.

No. MC 111594 (Deviation No. 3), CENTRAL WISCONSIN MOTOR TRANSPORT COMPANY, P.O. Box 200, Wisconsin Rapids, Wis., filed December 26, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Eau Claire, Wis., over Interstate Highway 94 to junction Interstate Highway 90, near Tomah, Wis., thence over Interstate Highway 90 to junction Interstate Highway 94, thence over Interstate Highways 90 and 94, to junction said highways, approximately one mile northeast of Madison, Wis., thence over Interstate Highway 90 to Chicago, Ill., and (B) from Eau Claire, Wis., over Interstate Highway 94 to junction Interstate Highway 90, near Tomah, Wis., thence over Interstate Highways 90 and 94 to the junction of said highways, approximately one mile northeast of Madison, Wis., thence over Interstate Highway 94, via Milwaukee, Wis., to Chicago, Ill., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Eau Claire over U.S. Highway 12 to junction Wisconsin Highway 89, thence over Wisconsin Highway 89 to junction U.S. Highway 14, thence over U.S. Highway 14 to Chicago, Ill., and from Eau Claire over U.S. Highway 12 to Madison, thence over Wisconsin Highway 30 to Milwaukee, thence over Wisconsin Highway 32 to the Wisconsin-Illinois State Line, thence over Illinois Highway 42 to Chicago, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 73), THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago, Ill., filed December 22, 1961. Attorney Robert J. Bernard, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From Chicago, Ill., over Congress Expressway to junction U.S. Highway 20 at Elmhurst, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Chicago over city streets to Oak Park, Ill., thence over U.S. Highway 20 to Elmhurst, and return over the same route.

No. MC 2890 (Deviation No. 11), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha 2, Nebr., filed December 22, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From Webb City, Mo., over relocated U.S. Highway 66 to junction U.S. Highway 166, thence over U.S. Highway 166 to junction Missouri Highway 43, south of Joplin, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Webb City U.S. Highway 171 (formerly U.S. Highway 66) to junction Missouri Highway 43, thence over Missouri Highway 43 to Joplin, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-245; Filed, Jan. 9, 1962; 8:50 a.m.]

[Notice 415]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 5, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 223), filed December 7, 1961. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the new Plant Site of The Jeffrey Manufacturing Company at or near Belton, S.C., as an off-route point in connection with applicant's present authorized regular route operations.

NOTE: Applicant states that in MC-F 6161 it was authorized to own, control, and operate M & R Transportation Co., Inc., MC 61274.

HEARING: February 14, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 177.

No. MC 31600 (Sub-No. 517), filed December 6, 1961. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: H. C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* (except cement, salt, sugar, flour, ferro-alloys, fly ash, and building materials as defined by the Commission in 61 M.C.C. 666), in bulk, in tank or hopper-type vehicles, from points in Worcester County, Mass., to points in New Jersey, New York and Pennsylvania.

HEARING: February 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 52709 (Sub-No. 154), filed January 2, 1962. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. Applicant's attorney: Thomas F. Kilroy, Suite 610, 1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Boyertown, Dowingtown, Morgantown, Philadelphia, and Pottstown, Pa., to points in Arizona, California, Colorado, Kansas, Missouri, New Mexico, Oklahoma, Arkansas, and Texas.

HEARING: January 15, 1962, at the U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Henry A. Cockrum.

No. MC 59264 (Sub-No. 28), filed November 28, 1961. Applicant: SMITH & SOLOMON TRUCKING COMPANY, a corporation, How Lane, New Brunswick, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink* and *printing ink components*, in bulk, in tank vehicles, from Monmouth Junction, N.J., to Philadelphia, Pa.

HEARING: February 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

No. MC 59264 (Sub-No. 29), filed November 28, 1961. Applicant: SMITH & SOLOMON TRUCKING COMPANY, a corporation, How Lane, New Brunswick, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating oil*, in vacuum and pressure tank vehicles, *electrical cable* (power transmission system) *requiring the use of special equipment in the transportation of and for the installation of cable at point of installation*, and *related materials, equipment* and *supplies in the same vehicle when the transportation thereof is incidental to the transportation by carrier of the above-described electrical cable*, from Bayonne and Paterson, N.J., and Yonkers, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, West Virginia, Tennessee, Kentucky, Alabama, Mississippi, Ohio, Indiana, Illinois, Michigan, Texas, Wisconsin, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

HEARING: February 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry A. Cockrum.

No. MC 61396 (Sub-No. 87), filed December 28, 1961. Applicant: HERMAN BROS. INC., P.O. Box 189, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds, fertilizer ingredients* and *fertilizer*, in bulk, from Sanborn and Mason City, Iowa, and points within ten (10) miles of each, to points in Minnesota, North Dakota, South Dakota, and Nebraska, and *returned and rejected shipments* of the above-specified commodities, on return.

HEARING: January 23, 1962, in Room 393, Federal Building, and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner James Anton.

No. MC 66900 (Sub-No. 25), filed November 27, 1961. Applicant: HOUFF TRANSFER, INCORPORATED, P.O. Box 61, Weyers Cave, Va. Applicant's attorney: Spencer T. Money, Mills Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, pulpboard*, and *fibreboard*, from Hopewell, Va., to Gettysburg, Mt. Wolf, and Washington, Pa., and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

HEARING: February 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 250.

No. MC 78787 (Sub-No. 44), filed December 22, 1961. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a corporation, 110 Market Street, San Francisco 11, Calif. Applicant's attorney: John MacDonald Smith, 65 Market Street, San Francisco 5, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles and new trucks*, in initial movements, in truckaway and driveaway service, from the site of General Motors Corporation's assembly plant at Fremont, Calif., to Hawthorne, Carson City, Minden, Austin, Tonopah, and Yerington, Nev., and points in Nevada which are stations on the rail lines of Southern Pacific Company.

NOTE: Applicant states the proposed service is an extension of existing operations from Oakland, Calif., to the same destinations, authorized in MC 78787 and Subs 23, 31, and 34 thereunder. It is further noted that applicant is a wholly owned subsidiary of Southern Pacific Company, a carrier by railroad. Applicant has common control authority under MC 78786 and Subs thereunder, therefore dual operations may be involved.

HEARING: February 6, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 78, or, if the Joint Board waives its right to participate before Examiner F. Roy Linn.

No. MC 95540 (Sub-No. 393), filed January 2, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Boyerstown, Downingtown, Morgantown, Philadelphia, and Pottstown, Pa., to points in Arkansas.

NOTE: The purpose of this application is to include a request for authority to transport the above-named commodities to points in the State of Arkansas, which State was inadvertently omitted from the filing in application No. MC 95540 (Sub-No. 381).

HEARING: January 15, 1962, in Room 300, U.S. Custom House Bldg., Second and Chestnut Streets, Philadelphia, Pa., before Examiner Henry A. Cockrum.

No. MC 103993 (Sub-No. 356), (AMENDMENT), filed October 9, 1961, published FEDERAL REGISTER, issue December 20, 1961, amended January 2, 1962, republished as amended this issue. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service from points in Florida (except from Clearwater, Boca Raton, Jasper, Ocala, Sebring, Lake City, Fla., and points within five (5) miles of Lake City, and the plant site of General Coach Works, Inc., near Traveres, Fla.), to points in the United States, including Alaska (but excluding Hawaii), and (2) *Campers and camper coaches*, designed for installation on pickup trucks, in initial movements, in towaway and truckaway method, from points in Florida to points in the United States (except Hawaii), and (3) *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in (1) and (2), on return.

NOTE: The purpose of this republication is to include items (2) and (3).

HEARING: Remains as assigned, February 9, 1962, at the U.S. Court Rooms, Tampa, Fla., before Examiner James H. Gaffney.

No. MC 106965 (Sub-No. 184), filed December 5, 1961. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible oils*, in bulk, in tank vehicles, from Baltimore, Md., to (a) points in Delaware on and south of Delaware Highway 273 from the intersection of Delaware Highway 273 and U.S. Highway 13 to Christiana, Del., on and south or west of Delaware Highway 7 from Christiana, Del., to the Delaware-Pennsylvania State line, (b) points in Pennsylvania on and south of Pennsylvania Highway 41 from the Delaware-Pennsylvania State line to Cochranville,

Pa., on and west of U.S. Highway 122 from Cochranville, Pa., to Pottsville, Pa., on and north of U.S. Highway 209 from Pottsville, Pa., to Tamaqua, Pa., on and west of U.S. Highway 309 from Tamaqua, Pa. to Wilkes-Barre, Pa., on and south of Pennsylvania Highway 115 from Wilkes-Barre, Pa., to Williamsport, Pa. and on and west of U.S. Highway 220 from Williamsport, Pa., to the Pennsylvania-Maryland State line, (c) points in Virginia on and east of U.S. Highway 522 from the Virginia-West Virginia State line to Powhatan, Va., on and north of U.S. Highway 60 from Powhatan, Va., to Richmond, Va., on and north of U.S. Highway 360 from Richmond, Va., to Reedville, Va., and to points in Accomack and Northampton Counties, Va., and (d) points in the District of Columbia.

NOTE: Applicant states it is under common control with O'Boyle Tank Lines, Incorporated, a Virginia Corporation.

HEARING: February 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 107107 (Sub-No. 187), filed November 27, 1961. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery and ingredients thereof, chocolate, cocoa, coating, syrup*, and (2) *advertising, promotional, and display materials*, and *premiums*, from points in Berks County, Pa., to points in Florida.

HEARING: February 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 107107 (Sub-No. 188), filed November 27, 1961. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food, food ingredients, food coloring, food preservatives*, and (2) *advertising, promotional and display materials*, and *premiums*, from Baltimore, Md. to points in Florida.

HEARING: February 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James Anton.

No. MC 107107 (Sub-No. 189), filed November 27, 1961. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Nashville, Tenn., to points in Florida, Alabama, and Georgia, with service to Alabama and Georgia restricted to partial delivery of shipments on which final delivery is to be made in Florida.

HEARING: February 14, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 107496 (Sub-No. 215) (CORRECTION), filed November 9, 1961, published FEDERAL REGISTER issue December 13, 1961, corrected December 13, 1961, republished as corrected this issue. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa.

NOTE: The purpose of this republication is to show the origin point in previous publication to be that of "Princeton, Indiana", in lieu of "Princeton, Inc."

HEARING: Remains as assigned January 25, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 107515 (Sub-No. 375), (AMENDMENT), filed November 16, 1961, published FEDERAL REGISTER, issue December 13, 1961, amended December 22, 1961, republished as amended this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–17 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, (2) *Chilled citrus products* and, (3) *chilled citrus juice*, in bulk, in tank vehicles, from points in Cameron, Hidalgo, and Willacy Counties, Tex., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, and Tennessee. RESTRICTION: With the authority to be performed herein to be subject to the restriction that shipments to Memphis, Tenn., shall be restricted to those for partial unloading and subsequent delivery at destinations in the other states named.

NOTE: Applicant states "J. L. Lawhon, President of Refrigerated Transport and owner of ½ of the stock holds permits as a contract carrier, which authorize the transportation of carbonated beverages". The purpose of this republication is to show a change in the origin points.

HEARING: Remains as assigned, January 26, 1962, at the Southland Hotel, Dallas, Tex., before Examiner William N. Culbertson.

No. MC 107698 (Sub-No. 28), filed December 26, 1961. Applicant: BONANZA, INC., P.O. Box 5526, Southeast 28th and Sooner Road, Oklahoma City 10, Okla. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, and *potato products* not frozen, from points in Washington, Oregon, and Idaho to points in Texas, New Mexico, Kansas, Louisiana, and Arkansas, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 108449 (Sub-No. 133) (AMENDMENT), filed September 20, 1961, published issue of December 20, 1961, amended December 27, 1961, and republished as amended this issue. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds* (manufactured fertilizers), *urea, ammonium nitrate fertilizer*, and *superphosphate*, from Port Cargill, Minn., and points within one mile thereof, to points in Iowa, Minnesota, North Dakota, South Dakota, Wisconsin, and Nebraska and *returned and rejected shipments* of the above-specified commodities, on return.

NOTE: The purpose of this republication is to remove the restrictions on the commodities as previously published and to add the State of Nebraska as a destination State.

HEARING: Remains as assigned February 5, 1962, in Room 393, Federal Building, U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Henry C. Darmstadter.

No. MC 109637 (Sub-No. 195), filed December 29, 1961. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Applicant's representative: H. N. Nunnally (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from the pipeline terminal site of the Texas Eastern Transmission Corporation located near Oakland City, Ind., to points in Illinois.

NOTE: Applicant states it is under common control with Alabama Tank Lines, Inc., Louisville, Ky. J. F. Beaird, Stockholder and Director of Alabama Tank Lines, Inc. J. A. Gammon, Stockholder, President, and Director of applicant, is also Executive Vice-President and Director of Alabama Tank Lines, Inc.

HEARING: January 25, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 110098 (Sub-No. 29), filed December 6, 1961. Applicant: ZERO REFRIGERATED LINES, a corporation, 815 Merida Street (Station A, Box 4066), San Antonio 7, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from points in California, Oregon, and Washington to points in Arizona and (2) from points in California to points in New Mexico.

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 110525 (Sub-No. 487), filed December 22, 1961. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Conduits and pipe made of cement and asbestos fibre, attachments, parts, fittings* and *connections* therefor, *cement and asbestos fibre*, and *sealing and adhesive materials*, (b) *containers, backs, dividers, skids, pallets*, or *other shipping devices* used in connection with outbound transportation of the above-described commodities, from Rootstown and Ravenna, Ohio, and points within five (5) miles of each, to points in the United States on and east of U.S. Highway 85, and (c) *returned, damaged and rejected shipments* of conduits and pipe made of cement and fibre, and above-related materials, on return.

NOTE: Applicant holds contract carrier authority in MC 117507 and Subs thereunder.

HEARING: January 31, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 114019 (Sub-No. 76), filed December 29, 1961. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard, fats, and greases, and mixtures and blends thereof*, in bulk, in tank vehicles, from Louisville, Ky., to points in Illinois, Indiana, Iowa, Michigan, Wisconsin, Ohio, Pennsylvania, New York, New Jersey, Minnesota, Missouri, and Nebraska.

HEARING: January 10, 1962, at the U.S. Court Rooms, Louisville, Ky., before Examiner Samuel Horwich.

No. MC 114098 (Sub-No. 32), filed November 28, 1961. Applicant: LOWTHER TRUCKING COMPANY, a corporation, 521 Penman Street, P.O. Box 2115, Charlotte 1, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, meter boxes, manhole frames and covers* from Swan (near Tyler), Tex., and points within five miles thereof, to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maine, Maryland, Masachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

HEARING: February 14, 1962, at the Offices of the Interstate Commerce Commisison, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 115322 (Sub-No. 25), filed November 29, 1961. Applicant: J. M. BLYTHE, doing business as J. M. BLYTHE MOTOR LINES, P.O. Box 489, 2939 Orlando Drive, Sanford, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from Wilmington, Del., to points in North Carolina, South Carolina, Tennessee, Georgia, Alabama, Mississippi, Louisiana, and Florida.

HEARING: February 14, 1962, at the Office of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 116273 (Sub-No. 7), filed December 21, 1961. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero 50, Ill. Applicant's attorney: William B. Adams, Pacific Building, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Colorado, Wyoming, Nebraska (on and west of U.S. Highway 83), and South Dakota (on and west of U.S. Highway 83).

HEARING: January 11, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 118808 (Sub-No. 3), filed November 30, 1961. Applicant: A. B. C. EXPRESS COMPANY, Fifth Street and Columbia Avenue, Philadelphia 22, Pa. Applicant's attorney: Anthony C. Vance, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by department stores*, between Philadelphia, Pa., and Moorestown, N.J., and New York City, N.Y.

HEARING: February 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 123643 (REPUBLICATION), filed May 31, 1961, published in the FEDERAL REGISTER, issues of June 28 and August 2, 1961, and republished this issue. Applicant: C. J. BLICKHAN, doing business as BLICK'S TRUCK SERVICE, Quincy, Ill., and No. MC 123709 (REPUBLICATION), filed May 31, 1961, published in the FEDERAL REGISTER, issues of June 28 and August 2, 1961, and republished this issue. Applicant: ALVIN J. JANSEN, Quincy, Ill. Applicants' attorney: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. The subject proceedings were heard on a consolidated record together with six other applications seeking similar authority in the same general area. The two subject applications were amended at the hearing so as to broaden the scope of the authority sought. A Report of the Commission, division 1, decided December 18, 1961, and served December 26, 1961, finds that the present and future public convenience and necessity require operation by the respective applicants as *common carriers* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *road construction materials and building materials* (except cement), in bulk, in dump vehicles, between points in Hancock, Pike, and Adams Counties, Ill., and points in Marion, Lewis, Clark, Shelby, Monroe, and Knox Counties, Mo., except Quincy, Ill., and the commercial zone thereof. The Report further provides that any person or persons who might have been prejudiced by the allowance of the amendment broadening the scope, may, within 30 days from the date of this republication of the authority granted, file an appropriate pleading.

No. MC 123681 (Sub-No. 1) (CLARIFICATION), filed November 24, 1961, published FEDERAL REGISTER issue of December 20, 1961, republished as corrected and clarified this issue. Applicant: WIDING TRANSPORTATION, INC., 3347 Northwest St. Helens Road, Portland 10, Oreg. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro-nickel pigs*, from the plant site of Hanna Nickel Smelting Co., at or near Riddle, Oreg., to Portland, Oreg.

NOTE: The purpose of this republication is to strike reference to the transportation of liquid petroleum products on return.

HEARING: Remains as assigned: February 13, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 172, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 123984 (CLARIFICATION), filed October 12, 1961, published FEDERAL REGISTER, issue of December 20, 1961, and republished as clarified, this issue. Applicant: COPEY TRAILERS, INC., 606 Board of Trade Building, Indianapolis, Ind. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus, Ohio. Notice of the filing of the subject application was published in the FEDERAL REGISTER December 20, 1961. This is to advise that the portion of the commodity description reading: "in and on trailers" should read "general commodities, in or on trailers". Further, the base points in the application are Sharon, Pa., and Leavittsburg, Ohio, and the radial points named in the previous publication are all stations on the Erie-Lackawanna Railroad Company's lines.

HEARING: Remains as assigned January 29, 1962, at the Old Post Office Building, Cleveland, Ohio, before Examiner Joseph A. Reilly.

No. MC 124045, filed December 1, 1961. Applicant: D. R. LINGENFELTER, Claysburg, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from Mapleton (Huntingdon County) and McVeytown (Mifflin County), Pa., to points in New York, New Jersey, Delaware, Maryland, West Virginia, Ohio, and the District of Columbia.

HEARING: February 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Freidson.

MOTOR CARRIERS OF PASSENGERS

No. MC 58915 (Sub-No. 43), filed December 26, 1961. Applicant: LINCOLN TRANSIT CO., INC., U.S. Highway 46, East Paterson, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express*, and *newspapers* in the same vehicle with passengers, within the city of Newark, N.J., from the junction of Port Street and New Jersey Turnpike Interchange Road 14, over Port Street and Terminal Street to the Port of New York Authority Marine Terminal Port Newark, N.J., and return over the same route, serving all intermediate points.

HEARING: January 31, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 123895 (Sub-No. 1) (CORRECTION), filed August 3, 1961, published FEDERAL REGISTER issue December 28, 1961, corrected December 30, 1961, republished as corrected this issue. Applicant: H. B. SHEARIN AND WALTER LUTES, doing business as SHEARIN & LUTES TRANSPORTATION SERVICE, Route 2, Box 326–A, Blytheville, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Migrant workers, and their baggage*, in the same vehicle with passengers, between the Port of Entry at Hidalgo, Tex., on the International Boundary Line between the United States and Mexico, and points in Mississippi County, Ark.

NOTE: The purpose of this republication is to show that the proposed operations will be conducted as a contract carrier in lieu of common carrier operations as set forth in previous publication in error.

HEARING: Remains as assigned, February 7, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 152, or, if the Joint Board waives its right to participate before Examiner Leo M. Pellerzi.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 8964 (Sub-No. 19), filed December 22, 1961. Applicant: WITTE TRANSPORTATION COMPANY, a corporation, 2481 North Cleveland Avenue, St. Paul 13, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) Between Winona, Minn., and Mondovi, Wis., from Winona over Mississippi River Bridge to junction with Wisconsin Highway 35, thence north over Wisconsin Highway 35 to Alma, Wis., thence over Wisconsin Highway 37 to Mondovi, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's presently authorized regular-route operations; (2) Between junction U.S. Highway 10 and U.S. Highway 63 west of Ellsworth, Wis., and Red Wing, Minn., from junction U.S. Highway 10 and U.S. Highway 63, over U.S. Highway 63 to Red Wing, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's presently authorized regular-route operations; (3) Between Menomonie, Wis. and junction Wisconsin Highway 25 and U.S. Highway 10, from Menomonie over Wisconsin Highway 25 to junction U.S. Highway 10, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's presently authorized regular-route operations. (4) from Memphis over U.S. Highway 51 to junction Mississippi Highway 6 at Batesville, Miss.; thence over Mississippi Highway 6 to Oxford, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's regular route operations between Memphis and Oxford and between Memphis and Grenada; and (2) from Grenada over U.S. Highway 51 to junction Mississippi Highway 6 at Batesville; thence over Mississippi Highway 6 to Oxford and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's regular route operations between Grenada and Oxford and between Memphis and Grenada.

NOTE: The amendment clarifies the routes proposed to be utilized, and the origin and destination points. And, in addition, broadens the scope of the commodities proposed to be transported.

No. MC 110525 (Sub-No. 488), filed December 28, 1961. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Ronald N. Cobert, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Coshocton, Ohio, to Granite City, Ill.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 117507 therefore dual operations may be involved.

No. MC 112617 (Sub-No. 101) (AMENDMENT), filed November 22, 1961, published in FEDERAL REGISTER issue of December 6, 1961, amended December 28, 1961, and republished, as amended, this issue. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Bowling Green, Ky., to points in Tennessee (except points in the Nashville, Tenn., Commercial Zone and except petroleum chemicals from Bowling Green, Ky., to Elizabethton and Kingsport, Tenn.)

NOTE: The purpose of this republication is to delete "asphalt" as shown in the previous publication and to add the restriction: "except petroleum chemicals from Bowling Green, Ky., to Elizabethton and Kingsport, Tenn."

No. MC 112668 (Sub-No. 24), filed December 28, 1961. Applicant: HARVEY R. SHIPLEY & SONS, INC., Finksburg, Md. Applicant's representative: Donald E. Freeman, 97 Uniontown Road, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, (1) between points in Maryland, and (2) between points in Maryland on the one hand, and on the other, points in Fauquier, Fairfax, Loudoun, and Prince William Counties, Va., Berkley, Jefferson, and Morgan Counties, W. Va., and the District of Columbia.

No. MC 123078 (Sub-No. 1), filed December 26, 1961. Applicant: EVAN D. WHEELER, doing business as E. D. WHEELER & SONS, 2229 Washington Boulevard, Baltimore 30, Md. Applicant's representative: Donald E. Freeman, 97 Uniontown Road, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (including automobiles), wrecked and disabled, by standard wrecker trucks, between Baltimore, Md., on the one hand, and, on the other, points in Virginia and the District of Columbia.

NOTICE OF FILING OF PETITIONS

No. MC 105632 (PETITION FOR MODIFICATION OF KEY POINT RESTRICTIONS AND REVISION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY), filed November 21, 1961. Petitioner: CENTRAL OF GEORGIA MOTOR TRANSPORTATION COMPANY AND CENTRAL OF GEORGIA RAILWAY COMPANY, Savannah, Ga. Petitioner's attorney: James I. Collier, Jr., P.O. Box 2126, Savannah, Ga. By petition filed November 25, 1961, petitioner requests the Commission to enter an order reopening the proceeding and modifying the key-point restrictions embraced in petitioner's Certificate No. MC 105632, specifically that portion contained on sheet 6 of consolidated Certificate MC 105632, dated February 19, 1960, so as to eliminate therefrom the key points of Millen and Americus, Ga., and Andalusia, and Alexander City, Ala. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 115915 (Sub-No. 3) (PETITION FOR APPROVAL OF ADDITIONAL SHIPPERS), filed November 29, 1961. Petitioner: FRED E. HAGEN, doing business as HAGEN TRUCK LINES, Sioux City, Iowa. Petitioner's attorney: J. Max Harding, 605 South 12th Street, Lincoln, Nebr. The subject application, as originally filed and published in the FEDERAL REGISTER sought authority for the transportation of meat and packing house products, as described by the Commission, from Omaha, Nebr., to points in North Dakota, South Dakota, and a specified area in Iowa. An Order was entered by division 1 on May 18, 1961, and a Permit issued, dated December 21, 1961, granting the authority with certain conditions, and limiting the service to be performed to be that for Wilson & Co., only. The petition filed November 29, 1961, requests the Commission approve the addition of contracts with Swift & Company, Cudahy Packing Company, and Armour & Co., all of Omaha, Nebr., to the Permit in MC 115915 (Sub-No. 3). Any person or persons desiring to object to the addition of the additional shippers, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file a protest thereto.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 110325 (Sub-No. 28), filed December 19, 1961. Applicant: TRANSCON LINES, a corporation, 1206 Maple Avenue, Los Angeles 15, Calif. Applicant's attorney: Lee Reeder, Suite 1010, 1012 Baltimore Avenue, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except (a) used household goods and personal effects not packed, (b) automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles including jeeps, ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis, (c) livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine, (d) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment, (e) liquids, compressed gases, commodities in semi-plastic form, and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles, (f) commodities when transported in bulk in dump trucks or in hopper type trucks, (g) commodities when transported in motor vehicles equipped for mechanical mixing in transit, (h) logs); between points in the San Francisco, Calif. Territory, as described by applicant in note (1) below. (2) *Sugar;* between San Francisco, Salinas, and Manteca, Calif., on the one hand, and, on the other, San Jose, Calif.

NOTE: (1) Applicant states the San Francisco Territory in which it proposes to operate includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco–San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue; easterly along East Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbor Drive and Broadway Terrace to College Avenue; northerly along College to Dwight Way; easterly along Dwight Way to Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to the point of beginning. Also, within five miles laterally of all points and places on State Highway 17 between San Jose and junction with State Highway 9, and within five miles laterally of all points and places on State Highway 9 between junction with State Highway 17 and Hayward. (2) The application is directly related to a section 5 application No. MC-F-8028, published in the FEDERAL REGISTER, issue of December 28, 1961.

No. MC 112617 (Sub-No. 104), filed December 19, 1961. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including those of unusual *value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk*, and *those requiring special equipment*, between Hardinsburg, Ky., and Louisville, Ky., from Hardinsburg over U.S. Highway 60 to Irvington, Ky., thence over Kentucky Highway 448, via Brandenburg, Ky., to junction U.S. Highway 60, thence over U.S. Highway 60 to Louisville, and return over the same route, serving all intermediate points on that portion of the above-designated route between Hardinsburg, Ky., and the junction of combined U.S. Highways 60 and 31–W at Tip-Top, Ky.

NOTE: This application is directly related to MC–F–8029; applicant requests that they be handled concurrently.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section

5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-7962 (ALL STATES FREIGHT, INC—MERGER—ALL STATES FREIGHT, INC., OF INDIANA) published in the September 13, 1961, issue of the FEDERAL REGISTER on page 8583. Amendment filed January 3, 1962 seeks authority for ALL STATES FREIGHT, INC., to change its corporate domicile to the State of Rhode Island.

No. MC-F-8032. Authority sought for merger into C. A. WORTH & CO., 350 Second Street, San Francisco 7, Calif., of the operating rights and property of UNITED TRANSFER COMPANY-CARLEY & HAMILTON, INC., 1717 17th Street, San Francisco 3, Calif., and for acquisition by SIGNAL TRUCKING SERVICE, LTD., 4455 Fruitland Avenue, Los Angeles 58, Calif., and in turn by JOHN E. CARROLL, also of Los Angeles, Calif., of control of such rights and property through the transaction. Applicants' attorney: Geo. M. Carr, Berol, Loughran & Geernaert, 100 Bush Street, San Francisco 4, Calif. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in San Francisco County, Calif., on the one hand, and, on the other, points in Oakland, Berkeley, Alameda, Emeryville, Albany, and Piedmont, Calif., between points in San Francisco County, Calif., and between points in Oakland, Berkeley, Alameda, Emeryville, Albany, and Piedmont, Calif.; and *general merchandise*, between points in San Francisco, Calif., between points in Oakland, Calif., and between San Francisco, Calif., on the one hand, and, on the other, Bayshore, Brisbane, South San Francisco, Richmond, Alameda, Albany, Berkeley, El Cerrito, Emeryville, Oakland, Piedmont, and San Leandro, Calif.; operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of California, as more specifically described in MC-31114 Sub-1 and MC-31114 Sub-3. C. A. WORTH & CO. is authorized to operate under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act in the State of California. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8034. Authority sought for purchase by H. W. TAYNTON COMPANY, INC., 40 Main Street, Wellsboro, Pa., of the operating rights and property of ITHACA TRANSPORTATION SERVICE, INC., 716 West Clinton Street, Ithaca, N.Y., and for acquisition by TIOGA SAVINGS AND TRUST COMPANY, PAUL TAYNTON and ROBERT TAYNTON, all of Wellsboro, Pa., ACTING AS CO-EXECUTORS OF THE ESTATE OF HORACE W. TAYNTON, of control of such rights and property through the purchase. Applicants' attorneys: Robert DeKroyft, 233 Broadway, New York 7, N.Y., and Bowes & Millner, 1060 Broad Street, Newark, N.J. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes from Ithaca, N.Y., and points within 20 miles of Ithaca, to New York, N.Y., and points in Hudson, Essex, Bergen, Sussex, Morris, and Middlesex Counties, N.J., and from New York, N.Y., and points in Hudson, Essex, Bergen, Sussex, Morris, and Middlesex Counties, N.J., to Ithaca, N.Y., and points within 40 miles of Ithaca; *agricultural commodities*, from Ithaca, N.Y., and points within 30 miles of Ithaca, to New York, N.Y., and points in Hudson, Essex, Bergen, Sussex, Morris, and Middlesex Counties, N.J.; *honey*, from Ithaca, N.Y., and points within 50 miles of Ithaca, to New York, N.Y., and points in Hudson, Essex, Bergen, Sussex, Morris, and Middlesex Counties, N.J.; *sugar*, from Edgewater, N.J., to Westfield, Wellsboro, Blossburg, Canton, and Mansfield, Pa., Deposit, Hancock, Roscoe, Livingston Manor, Liberty, Jeffersonville, Callicoon, Monticello, South Fallsburg, Ellenville, Wurtzboro, Windsor, and Ithaca, N.Y., and points within 50 miles of Ithaca, and *glass bottles*, from Port Allegany, Pa., to Baltimore, Md. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Delaware, Ohio, Maryland, Rhode Island, Massachusetts, West Virginia, Connecticut, Indiana, and Kentucky. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8035. Authority sought for purchase by FOBER FREIGHT LINES, INC., 2 Kimball Street, Chicopee, Mass., of a portion of the operating rights of H & B FREIGHTWAYS, INC. (JOHN H. KRICK, TRUSTEE), Totoket Road, North Branford, Conn., and for acquisition by ALBERT J. FOBER, 60 Cabot Street, Chicopee, Mass., of control of such rights through the purchase. Applicants' attorneys: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn., and Gerald W. Brownstein, 157 Church Street, New Haven, Conn. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between New York, N.Y., and Pawcatuck, Conn., between Saybrook, Conn., and Norwichtown, Conn., between Norwich, Conn., and Pawcatuck, Conn., between Westbrook, Conn., and Deep River, Conn., between New Haven, Conn., and Hartford, Conn., between New Haven, Conn., and Chesire, Conn., between Bridgeport, Conn., and Plainville, Conn., and between New Haven, Conn., and Seymour, Conn., serving all intermediate and certain off-route points. Vendee is authorized to operate as a *common carrier* in New Hampshire, Connecticut, Rhode Island, Massachusetts, and New York. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8036. Authority sought for purchase by RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, doing business as RED STAR EXPRESS LINES, 24-50 Wright Avenue, Auburn, N.Y., of the operating rights and property of GERALD N. SPRINGER and HUGH R. SPRINGER, a partnership, doing business as SPRINGER'S EXPRESS LINES, 430 North West Street, Syracuse, N.Y., and for acquisition by JOHN BISGROVE, 264 East Genesee Street, Auburn, N.Y., of control of such rights and property through the purchase. Applicants' attorney: Leonard A. Jaskiewicz, Dow, Lohnes and Albertson, 600 Munsey Building, Washington 4, D.C. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Syracuse, N.Y., and Cortland, N.Y., serving all intermediate and certain off-route points; several alternate routes for operating convenience only; and operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of New York, as more specifically described in No. MC-32665 Sub-5. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC-59135 Sub-13 is a matter directly related.

No. MC-F-8037. Authority sought for control by PUGET SOUND FREIGHT LINES, Pier 62, Seattle 1, Wash., of ALASKA-SEATTLE MOTOR EXPRESS, INC., Pier 62, Seattle 1, Wash. and for acquisition by C. H. CARLANDER, H. E. LOVEJOY, INDIVIDUALLY AND AS CO-EXECUTOR OF THE ESTATE OF EDITH R. LOVEJOY, G. W. FOSS, J. KNOX WOODRUFF, JEAN LOVEJOY, INDIVIDUALLY AND AS CO-EXECUTRIX OF THE ESTATE OF EDITH R. LOVEJOY, L. S. CARLANDER, all of Pier 62, Seattle 1, Wash., and PEOPLES NATIONAL BANK OF WASHINGTON, in Seattle, AS CO-EXECUTOR OF THE ESTATE OF EDITH R. LOVEJOY, 1414 Fourth Avenue, Seattle 1, Wash., of control of ALASKA-SEATTLE MOTOR EXPRESS, INC., through the acquisition of PUGET SOUND FREIGHT LINES. Applicants' attorney: Charles J. Keever, 2112 Washington Building, P.O. Box 340, Seattle 1, Wash. Operating rights sought to be controlled: Authority applied for under application filed December 26, 1961, in Docket No. MC-124119 to transport, as a *common carrier* over irregular routes, *general commodities*, between points in Alaska east of an imaginary line constituting a southward extension of the International Boundary Line between the United States (Alaska) and Canada (Yukon Territory); between points in Washington and Oregon on the one hand and points in Alaska east of an imaginary line constituting a southward extension of the International Boundary Line between the United States (Alaska) and Canada (Yukon Territory) on the other hand. PUGET SOUND FREIGHT LINES is a water *common carrier* of commodities generally operating in interstate and foreign commerce on Puget Sound and adjacent inland waters of the State of Washington and in British Columbia waters under Certificate No. W-505 issued by this Commission. It is affiliated with PUGET SOUND TRUCK LINES, INC., Pier 62, Seattle 1, Wash., which is authorized to operate as a *common carrier* in Washington and Oregon. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F-8033. Authority sought for purchase by W. R. CHESTER, an individual, doing business at TRENTON-ST. JOSEPH COACHES, 1801 South Ninth Street, St. Joseph, Mo., of a portion of the operating rights of TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas 7, Texas. Applicant's attorney: C. Zimmerman, P.O. Box 730, Wichita, Kansas. Operating rights sought to be transferred: *Passengers and their baggage*, and express, and newspapers, in the same vehicle, as a *common carrier* over a regular route from Kansas City, Mo., to Monroe City, Mo., via Excelsior Springs and Carrollton, Mo., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Missouri and Kansas. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-246; Filed, Jan. 9, 1962; 8:50 a.m.]

[No. 33606]

GORDONS TRANSPORTS, INC., ET AL.

Assignment for Oral Argument

JANUARY 5, 1962.

Gordons Transports, Inc., et al. v. Strickland Transportation Company, et al.; investigation and suspension Docket No. M-13964 [1], substituted rail service between East St. Louis and New Orleans.

Notice: The above-entitled proceedings are assigned for oral argument on February 6, 1962, at 10:00 o'clock a.m., United States standard time, at the Office of the Interstate Commerce Commission, Washington, D.C., before the Commission.

These proceedings present for consideration issues which may involve certain important general principles governing so-called substituted rail-for-motor operation through the use of trailer-on-flat car service. Among them are whether, or under what conditions, a regular route motor common carrier of general commodities, in the movement of traffic it is certificated to handle from origin to destination, may, under motor carrier billing and rates, use or hold itself out as using in whole or in part the operations performed by a railroad in transporting trailers on flat cars, in a so-called substituted rail-for-motor service, with or without having on file with this Commission, and in effect, specific tariffs providing for such service; or whether such through transportation is actually a joint motor-rail-motor operation by connecting carriers which should be so reflected in the tariffs, and which need not be subject to any of the criteria generally applied in authorizing motor service over alternate routes, but which as to each separate segment of the motor operation must be covered by the carrier's certificate.

Those who are not parties to these proceedings but are interested in a determination of the principles involved may, without intervention, apply for an allotment of time at the oral argument. Requests for allotment of time by those who desire to participate in the oral argument should be addressed to the Secretary of the Commission and mailed so as to reach the Commission at least 10 days before the date of the argument.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-244; Filed, Jan. 9, 1962; 8:50 a.m.]

[1] Embraces also Investigation and Suspension Docket No. M-14022 (as supplemented), Substituted Service Between Chicago, Ill., and New Orleans, La., Investigation and Suspension Docket No. M-14089, Substituted Service Between Little Rock, Ark., and New Orleans, La., Fourth Section Application No. 36573, Substituted Service-Illinois Central Railroad Company; Fourth Section Application No. 36625, Same Title; Fourth Section Application No. 36655, Same Title; and Fourth Section Application No. 36682, Strickland Transportation Co., Inc.

[No. MC-C-3446]

SERVICE TRUCKING CO., INC.

Request for Order

JANUARY 5, 1962.

In the matter of Service Trucking Co., Inc., Federalsburg, Maryland.

Petitioner holds authority in Certificate No. MC-75185, which is here pertinent as follows: Agricultural commodities, live and dressed poultry, canned goods, preserved foods, forest products, seafood, and empty containers, from points in Delaware, Maryland, and Virginia east of Chesapeake Bay and south of the Chesapeake and Delaware Canal, to Norfolk, Portsmouth, and Richmond, Va., points in New Jersey, the District of Columbia, points in Maryland on and east of U.S. Highway 15, points in Pennsylvania within the area bounded by a line extending from the Maryland-Pennsylvania State line along U.S. Highway 15 to Sunbury, Pa., thence along U.S. Highway 11 to Scranton, Pa., thence along U.S. Highway 6 to the Delaware River, thence along the Delaware River to the Pennsylvania-Delaware State line, thence along the Pennsylvania-Delaware and Pennsylvania-Maryland State lines to junction U.S. Highway 15, the point of beginning, including points on the highways specified, points in New York on and south of U.S. Highway 6, points in Connecticut bounded by a line commencing at the New York-Connecticut State line and extending along U.S. Highway 6 to Danbury, Conn., thence along U.S. Highway 7 to Norwalk, Conn., thence along Long Island Sound to the Connecticut-New York State line, thence along the Connecticut-New York State line to junction U.S. Highway 6, the point of beginning, including points on the highways specified, and points on Long Island, N.Y., on and east of New York Highway 112, and points in Delaware north of the Chesapeake and Delaware Canal. General commodities, except those of unusual value, and except dangerous explosives, livestock, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, from points in the above-described destination territory to points in Delaware, Maryland, and Virginia east of Chesapeake Bay and south of the Chesapeake and Delaware Canal.

Petitioner states that under the authority set forth above, it conducts operations from points in Maryland, through a point in Delaware, principally, Bridgeville, Del. The subject petition, dated October 16, 1961, requests the Commission enter an order declaring that petitioner's Certificate authorizes interstate operations between Baltimore and points on the eastern shore of Maryland providing such operations are conducted through a sister state; the good faith of petitioner's operations between Baltimore and points on the eastern shore of Maryland so long as they are conducted through a sister state may not be challenged in a state forum for the issue of good faith has been conclusively determined by the Interstate Commerce Commission in its issuance of the Certificate.

Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication of the notice of the filing of this petition, file an appropriate pleading.

Petitioner's attorney: Francis W. McInerny, Suite 602, Solar Building, 1000 16th Street NW., Washington 6, D.C.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-243; Filed, Jan. 9, 1962; 8:50 a.m.]

OFFICE OF EMERGENCY PLANNING

JAMES B. ROSSER

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

I am a Vice President of Pullman-Standard, a division of Pullman Incorporated, and, in addition, I own 250 shares of Pullman Incorporated stock. Furthermore, I own the following shares of stock in the companies shown below:

Shares:
- 195—National Lead Co.
- 62—American Bakeries Co.
- 108—Commonwealth Edison Co.[1]
- 3—Northern Illinois Gas Co.[2]
- 3—Evans Products Co.

[1] 55 shares added since last statement.
[2] 1 share added since last statement.

Other than the above connection with Pullman-Standard and the ownership of the stocks listed above, I do not have any affiliation, connection or interest in any other corporation, partnership, or any other business.

This amends statement published July 6, 1961 (26 F.R. 6064).

JAMES B. ROSSER.

DECEMBER 28, 1961.

[F.R. Doc. 62-230; Filed, Jan. 9, 1962; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-929]

HONOLULU OIL CORP.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

JANUARY 4, 1962.

In the matter of Honolulu Oil Corporation, capital stock; File No. 1-929.

Pacific Coast Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: The company sold its operating properties on October 18, 1961, and is in process of dissolution.

Upon receipt of a request, on or before January 19, 1962, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-233; Filed, Jan. 9, 1962; 8:48 a.m.]

[File No. 1-929]

HONOLULU OIL CORP.

Notice of Application to Strike From Listing and Registration and of Opportunity for Hearing

JANUARY 4, 1962.

In the matter of Honolulu Oil Corporation, capital stock; File No. 1-929.

New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The company sold its operating properties on October 18, 1961, and is in process of dissolution.

Upon receipt of a request, on or before January 19, 1962, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-234; Filed, Jan. 9, 1962; 8:48 a.m.]

[File No. 2-16079 (22-2804)]

SOUTHWEST FOREST INDUSTRIES, INC.

Notice of Application and Opportunity for Hearing

JANUARY 3, 1962.

Notice is hereby given that Southwest Industries, Inc., (the Company) has filed an application pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the Act) for a finding by the Commission that the trusteeship of Bankers Trust Company of New York (Bankers Trust) under an indenture of the Company dated as of June 1, 1960 (1960 Indenture) which was heretofore qualified under the Act, and trusteeship by Bankers Trust under an indenture dated as of August 1, 1961 (New Indenture) which was not qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bankers Trust from acting as Trustee under both indentures.

Section 310(b) of the Act, which is included in the 1960 Indenture, provides in part that if a trustee under an Indenture qualified under the Act has or shall acquire any conflicting interest (as defined therein), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee is deemed to have conflicting interest if it is acting as trustee under a qualified indenture and is trustee under another indenture of the same obligor.

However, an issuer may sustain the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under a qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either or both of such indentures.

The application alleges that:

(1) It has outstanding the following two issues of unsecured subordinated debentures which are in equal rank to one another:

(a) $12,000,000 principal amount of its 6½ percent Subordinated Income Debentures due January 1, 1985 (the 1960 Indenture) to Bankers Trust Company of New York (Bankers Trust), as Trustee. These debentures were registered under the Securities Act of 1933 (File No. 2-16079).

(b) $3,000,000 principal amount of its 5½ percent Subordinated Convertible Debentures due August 1, 1981 (the New Indenture) to Bankers Trust Company of New York (Bankers Trust), as Trustee. These debentures were privately placed and not registered under the Securities Act of 1933.

(2) The debentures issued under the New Indenture are convertible into common stock of the Company, whereas the debentures issued under the 1960 Indenture are not.

(3) Interest on the Convertible Debentures must be paid semiannually whether or not earned, whereas interest on the Income Debentures issued under the 1960 Indenture, although cumulative, is paid only if earned in accordance with tests and formulas set forth in the 1960 Indenture. These computations are not made by the Trustee but by independent accountants.

(4) The trusteeship of the Trustee under the 1960 Indenture and the New Indenture is not likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under one of the Indentures because the differences mentioned above or any other differences in the terms of the Indentures are not of the type or scope which would involve the exercise of discretion on the part of the Trustee so as to result in any conflict of interest.

For a more detailed statement of the matters asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after January 19, 1962, unless prior thereto a hearing upon the application is ordered by the Commission, as provided by clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939. Any interested person may, not later than January 18, 1962, at 5:30 p.m., e.s.t., in writing, submit to the Commission, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communications or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-235; Filed, Jan. 9, 1962; 8:48 a.m.]

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Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER B—MILITARY PERSONNEL

[CGFR 61-37]

PART 40—CADETS OF THE COAST GUARD

Revision

By virtue of the authority contained in Title 14, United States Code, sections 92, 182, and 633 (sections 92, 182, 633, 63 Stat. 503, 508, 545), and delegated to me as Commandant, United States Coast Guard, by Treasury Department Orders 167, dated December 30, 1952 (18 F.R. 233), 167-3, dated May 6, 1953 (18 F.R. 2961, 2962), and 167-17, dated June 29, 1955 (20 F.R. 4976), Part 40 is amended in its entirety to read as follows, which shall be in effect on and after the date of publication of this document in the FEDERAL REGISTER:

Sec.
40.1 Purpose.
40.2 Applications.
40.3 General requirements for eligibility.
40.4 Specific requirements for eligibility.
40.5 Rejection of certificate.
40.6 Definition of units.
40.7 Scope of studies for required subjects.
40.8 Physical requirements.
40.9 Physical standards and disqualifications.
40.10 Physical aptitude test.
40.11 Designation for examination.
40.12 Date of examination.
40.13 Annual competitive examinations.
40.14 Schedule of examinations.
40.15 Sample questions, answer sheet, correct answers.
40.16 Appointments.
40.17 Deposit required.
40.18 Pay of cadets.
40.19 Expenses of cadets.
40.20 Contracting of debts.
40.21 Practice cruise.
40.22 Privileges.
40.23 Uniforms.
40.24 Graduation and promotion.
40.25 General requirements for admission of citizens of American Republics.

AUTHORITY: §§ 40.1 to 40.25 issued under secs. 92, 182, 633, 63 Stat. 503, 508, 545; 14 U.S.C. 92, 182, 633.

§ 40.1 Purpose.

Cadets are appointed in the Coast Guard for training to fit them to become commissioned officers in the Service. The Coast Guard Academy, located at New London, Conn., is maintained by the Government for the practical and theoretical training of young men to enable them to enter upon the duties of Ensign in the Coast Guard. Appointments are made through competitive examinations.

§ 40.2 Applications.

The Coast Guard is interested in receiving applications for cadetship from all young men who feel that they meet the requirements outlined in the regulations in this part. Any young man who recognizes in himself no serious deficiency and who is sincerely interested in a Coast Guard career is encouraged to make application.

§ 40.3 General requirements for eligibility.

(a) A candidate must be a citizen of the United States and must have reached his seventeenth but not his twenty-second birthday on July 1 of the calendar year in which he is appointed a cadet. If the candidate has not reached his seventeenth birthday, or if he has reached his twenty-second birthday, on July 1 of the calendar year in which he seeks to be appointed a cadet, he will be ineligible for appointment. If under 21 years of age, he will be required to furnish the written consent of parent or guardian before admission to the Coast Guard Academy.

(b) He must satisfy the Commandant of the Coast Guard as to his good moral character and standing in the community.

(c) He must satisfy the Commandant of the Coast Guard that he has sufficient credits in prescribed subjects to justify his being designated for examination.

(d) He must be unmarried and have never been married. Any cadet who shall marry, or who shall be found to be married, or to have been married before his final graduation, shall be required to resign. Refusal to resign will result in dismissal.

(e) He must be physically sound and not less than 5 feet 4 inches nor more than 6 feet 6 inches in height, stripped.

(f) No person who has been dismissed or compelled to resign from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the United States Coast Guard Academy for improper conduct is eligible for appointment as a cadet in the Coast Guard. No person whose discharge from any branch of the military service was under conditions other than honorable is eligible for appointment as a cadet.

§ 40.4 Specific requirements for eligibility.

(a) No waivers of educational or physical requirements are granted to applicants.

(b) A candidate must be a graduate of an accredited high school or preparatory school or be in actual attendance in his senior year at an accredited preparatory school or high school, and have already completed three (3) years' work at such a school. A candidate indicating prospective graduation from a preparatory school or high school must, as a condition of admission, satisfactorily complete his course not later than June 30. With the exception of courses completed through the United States Armed Forces Institute, for which credit has been granted by an accredited school, correspondence schools do not meet the requirements for "Accredited Schools." Certificates issued by correspondence schools will not be accepted. A total of 15 units obtained in high school, preparatory school, or college must be submitted.

REQUIRED [1]

(1) The subjects listed below, comprising 6 units, are mandatory and are required for eligibility:

Mathematics (1) (algebra to quadratics)	1
Mathematics (2) (quadratics and beyond)	1
Mathematics (3) (plane geometry)	1
English 1, 2, and 3	3
Total	6

OPTIONAL

(2) Further evidence of adequate preparation, amounting to 9 units of optional subjects is required and may be offered from the following groups:

Mathematics.
Fourth Year English.
Social Studies (history, civics, problems of democracy, citizenship, American problems, sociology).
Biological Science (biology, zoology, botany, physiology).
Physical Science (physics, chemistry, general science, geology, astronomy).
Foreign Language (not less than 2 units credit will be allowed in any language. This means the student must complete, successfully, a 2-year course in an accredited school).

(3) A total of not more than 2 units credit will be accepted from any or all of the following groups:

Agriculture.
Commercial Arithmetic.
Commercial History.
Commercial Law.
Driver Education.
Drama.
Fine Arts.
Industrial Problems.
Journalism.
Manual Training.
Mechanical Drawing.
Music.
Occupations.
Public Speaking.

(4) While not required, it is strongly recommended that a candidate include Solid Geometry, Trigonometry, Physics, and Chemistry in his preparation.

(c) Candidates whose high schools offer only 1½ years of Algebra may, at the discretion of the Commandant, be given credit for 1 unit of Algebra 2 on presentation of proof that they have covered the subject matter listed in § 40.7 (a) (2) "Mathematics, quadratics and beyond."

(d) To satisfy the requirements of § 40.3(c), a candidate may submit both high school and college credits. Be-

[1] A requirement of 4 credits in English, 2 credits in a foreign language, 1 credit in physics or chemistry, and ½ credit in trigonometry may be introduced in future years.

cause of the great variation in academic standards and credit requirements among schools, the Commandant reserves the right to evaluate each academic record submitted on its individual merits. In general, college credits from an accredited institution will be given greater weight than high-school credits for the same amount of work, but in no case will one semester of college work be considered equivalent to more than one unit of high-school work.

§ 40.5 Rejection of certificate.

The Commandant reserves the right to reject the certificate of any candidate whose assigned grades create doubt as to his ability to pursue successfully the course at the Coast Guard Academy.

§ 40.6 Definition of units.

(a) The definition of a unit and of the ground covered by the designated subjects is as follows: A unit represents a year's study in any subject in a secondary school. A 4-year secondary school curriculum should be regarded as representing not more than 16 units of work. This statement is designed to afford a standard of measurement for the work done in secondary schools. It takes the 4-year high-school course as a basis, and assumes that the length of the school year is from 36 to 40 weeks, that a period is from 40 to 60 minutes in length, and that the study is pursued for 4 or 5 periods a week; but under ordinary circumstances a satisfactory year's work in any subject cannot be accomplished in less than 120 sixty-minute periods or their equivalent. Schools organized on any other than a 4-year basis can, nevertheless, estimate their work in terms of this unit.

§ 40.7 Scope of studies for required subjects.

(a) Mathematics:

(1) *Algebra to quadratics.* One unit.

(i) The meaning, use, evaluation, and necessary transformations of simple formulas involving ideas with which the pupil is familiar, and the derivation of such formulas from rules expressed in words.

(ii) The graph and graphical representation in general. The construction and interpretation of graphs.

(iii) Negative numbers; their meaning and use.

(iv) Linear equations in one unknown quantity, and simultaneous linear equations involving two unknown quantities, with verification of results. Problems.

(v) Ratio, as a case of simple fractions; proportion, as a case of an equation between two ratios; variation. Problems.

(vi) The essentials of algebraic technic.

(vii) Exponents and radicals.

(2) *Quadratics and beyond.* One unit.

(i) Numerical and literal quadratic equations in one unknown quantity. Problems.

(ii) The binomial theorem for positive integral exponents, with applications.

(iii) Arithmetic and geometric series.

(iv) Simultaneous linear equations in three unknown quantities.

(v) Simultaneous equations, consisting of one quadratic and one linear equation, or of two quadratic equations of certain types. Graphs.

(vi) Logarithms.

(3) *Plane geometry.* One unit.

(i) The usual theorems and constructions of good textbooks, including the general properties of plane rectilinear figures; the circle and the measurement of angles; similar polygons; areas; regular polygons; and the measurement of the circle.

(ii) The solutions of numerous original exercises, including loci problems.

(iii) Applications to the mensuration of lines and plane surfaces.

(b) English 1, 2, and 3: Grammar, Composition, and Literature. Three units.

(1) Entrance to the Coast Guard Academy is based on the assumption that each successful candidate will be adequately grounded in the principles of English grammar and composition. The ability to write and speak clearly, correctly, and effectively should be the outgrowth of the candidate's experiences in his secondary-school English courses. There should be, in those courses, special emphasis on spelling, punctuation, and good usage as the normal requirement for successful work in composition. It is taken for granted that all candidates will have some ability to write clear and well-organized paragraphs or short essays, although the entrance examination may not require any such composition. Advantage should be taken of the oral work that is now a recognized part of most secondary English courses.

(2) The candidate's preparation in literature should conform to the standards set up in most States as a minimum for the college preparatory courses. These standards call for the appreciative reading and understanding of a number of Shakespeare's plays, some narrative and descriptive poems, and several of the classic short stories and novels. A survey of American or English literature is essential for the requirements in English. The candidate who has read widely and intelligently will generally be better prepared than the candidate who has limited the scope of his reading to one or two authors or one or two books. Because of the vast extent of the field and because of the wide variation in secondary English courses, no specific list of books or authors can be given. Standard high school texts or course outlines suggested by many of the State educational systems are adequate guides to prepartion in this field.

§ 40.8 Physical requirements.

(a) All candidates for the Coast Guard Academy must meet the physical standards established in this section and in § 40.9 under the heading Physical Standards and Disqualifications.

(b) The physical standards outlined in the succeeding paragraphs in this section and in § 40.9, although not all inclusive, cover general physical requirements which are necessary for an effective career in the Coast Guard. Conditions which are noted as disqualifying and make the applicant unacceptable fall in categories which may endanger the health of other personnel, require repeated admission to the sick list, cause prolonged hospitalization and early retirement for physical disability, or preclude an active general service career.

(c) Two physical examinations are required:

(1) formal physical examination before appointment is tendered;

(2) physical re-examination at the time of reporting to the Academy.

(d) Applicants are encouraged to obtain a preliminary physical examination from a private physician prior to submission of application for cadetship. A preliminary physical examination serves to rule out, at this stage of the potential cadet's processing, those applicants who obviously will not meet the required physical standards for appointment. The private physician should be requested to review the physical requirements set forth in § 40.9 and upon completion of his examination advise the candidate whether or not in his opinion the candidate meets the physical requirements for appointment. Inaccuracy in ascertaining defects and determining the physical status of the candidate at the time of his preliminary physical results in unnecessary work for the Coast Guard and disappointment to the candidate when defects are found later at the time of the formal physical examination.

(e) Candidates and their parents and sponsors are urged to refrain from requesting waivers for medical defects. The Coast Guard bases its decision to disqualify a young man on medical facts revealed in a thorough medical examination. Candidates unable to satisfy the minimum requirements are not suited for commissions in the Regular Coast Guard, and consequently are not eligible for training at the Coast Guard Academy. A request for waiver for a medical defect invariably results in disappointment to all concerned.

(f) Prior to formal physical examination, all applicants are required to execute Standard Form 89, Report of Medical History, furnishing a true account of all injuries, illnesses, operations and treatments since birth and present same to the examining medical officer. False statements or willful omissions in executing Standard Form 89 may result in the separation of the candidate from the service on arrival at the Academy or later in his service career.

(g) Formal physical examinations prior to acceptance of candidates must be performed by a U.S. Public Health Service, Navy, Army, Air Force or Veterans Administration medical officer. All candidates are instructed where to report for such examinations. The results of this formal physical examination must be reported on Standard Form 88, Report of Medical Examination.

(h) The medical officer, prior to the physical examination, will review the data furnished by the candidate on Standard Form 89 as to completeness of the medical history submitted and will then complete item 40, Standard Form 89, and sign same.

§ 40.9 Physical standards and disqualifications.

(a) *Physical proportions.* The applicant's weight should be well distributed and in proportion to age, height, and skeletal structure. Medical examiners will recommend rejection of individuals who show poor physical development, who appear to be undesirable candidates because of excess fat, or show a definite tendency to obesity regardless of height and weight table ratio. The following Table 40.9(a1) and Table 40.9(a2) are for growing youths and are for the guidance of medical officers in connection with the other data obtained at the examination, a consideration of all of which will determine the candidate's physical eligibility. The applicant's height should be measured in inches to the nearest ½ inch without shoes, and weight measured to the nearest pound without clothes.

TABLE 40.9(a1)

Height (inches)	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78
Weight (pounds):															
Minimum	112	116	120	124	128	132	136	140	144	148	152	156	160	164	168
Maximum	160	165	170	175	181	186	192	197	203	209	214	219	225	230	235

TABLE 40.9(a2)

	Inches
Minimum height	64
Maximum height	78
Minimum chest expansion	2

(b) *The head, scalp, face and neck.* The following conditions are causes for rejection:

(1) Tinea in any form.

(2) All benign tumors which are of sufficient size to interfere with the wearing of military headgear, or subject to chronic irritation.

(3) Imperfect ossification of the cranial bones or persistence of the anterior fontanelle.

(4) Extensive cicatrices, especially such adherent scars as show a tendency to break down and ulcerate.

(5) Depressed fractures or other depressions, or loss of bony substance of the skull, unless the examiner is certain the defect is slight and will cause no future trouble.

(6) Deformities of the skull resulting in any unusual physical appearance or of any degree associated with evidence of disease of the brain, spinal cord, or peripheral nerves.

(7) Hernia of the brain.

(8) Unsightly deformities, such as large birthmarks, large hairy moles, extensive cicatrices, mutilations due to injuries or surgical operations, tumors, ulcerations, fistulae, atrophy of a part of the face, or lack of symmetrical development.

(9) Persistent neuralgia, tic douloureux, or paralysis of central nervous origin.

(10) Ununited fractures of the maxillary bones, deformities of either maxillary bone interfering with mastication or speech, extensive exostosis, necrosis, or osseous cysts.

(11) Chronic arthritis of the temporomandibular articulation, badly reduced or recurrent dislocations of this joint, or ankylosis, complete or partial.

(12) Malignancy or substantiated history thereof, unless successfully removed 5 or more years previously.

(13) Cervical adenitis of other than benign origin, including cancer, Hodgkin's disease, leukemia, tuberculosis, syphilis, etc.

(14) Adherent or disfiguring scars from disease, injuries or burns.

(15) Thyroid adenoma; exophthalmic goiter or thyroid enlargement interfering with breathing or with the wearing of clothing; exophthalmic goiter or thyroid enlargement from any cause associated with toxic symptoms or which is disfiguring.

(16) Torticollis.

(17) Tracheal openings, thyroglossal or cervical fistulae.

(18) Restricted motility sufficient to limit the normal range of motion.

(19) Cervical rib when symptomatic; scalenus anticus syndrome.

(c) *The nose and sinuses.* The following conditions are causes for rejection:

(1) Loss of the nose, malformation, or deformities thereof that interfere with speech or breathing, or extensive ulcerations.

(2) Perforated nasal septum if considered causative of symptoms or local pathology, or likely to do so.

(3) Nasal obstruction due to septal deviation, hypertrophic rhinitis, or other causes, and particularly if sufficient to produce mouth breathing.

(4) Hay fever if more than mild or if likely to cause more than minimal loss of time from duty or if associated with nasal polyps or hyperplastic sinusitis.

(5) Atrophic rhinitis.

(6) Chronic sinusitis, if more than mild, and if not amenable to therapy.

(d) *The mouth and throat.* The following conditions are causes for rejection:

(1) Harelip, unless adequately repaired, loss of the whole or a large part of either lip, unsightly mutilation of the lips from wounds, burns, or disease.

(2) Malformation, partial loss, atrophy, or hypertrophy of the tongue, split or bifid tongue, or adhesions of the tongue to the sides of the mouth, provided these conditions interfere with mastication, speech, or swallowing, or appear to be progressive.

(3) Malignant tumors of the tongue, or benign tumors that interfere with its function.

(4) Marked stomatitis, or ulcerations, or severe leukoplakia.

(5) Ranula if at all extensive, or salivary fistula.

(6) Perforation or extensive loss of substance or ulceration of the hard or soft palate, extensive adhesions of the soft palate to the pharynx, or paralysis of the soft palate.

(7) Malformations or deformities of the pharynx of sufficient degree to interfere with function.

(8) Postnasal adenoids interfering with respiration or associated with middle-ear disease.

(9) Marked enlargement of the tonsils or markedly diseased tonsils.

(10) Laryngitis if not amenable to therapy or recurrent.

(11) Paralysis of the vocal cords, or aphonia.

(e) *The ears and hearing.* The following conditions are causes for rejection:

(1) The total loss of an external ear, marked hypertrophy or atrophy, or disfiguring deformity of the organ.

(2) Atresia of the external auditory canal, or tumors of this part.

(3) Acute or chronic suppurative otitis media, or chronic catarrhal otitis media.

(4) Mastoiditis, acute or chronic.

(5) Existing perforation of either membrana tympani.

(6) Deafness of one or both ears.

(7) Any diminution of auditory acuity in either ear, below 15/15 by whispered voice. If any question of diminuted auditory acuity arises on whispered voice test an audiometric determination should be made. Loss of hearing as determined by the audiometer must not be greater than 15 decibels in any of the frequencies 500, 1000, 2000 nor greater than 45 decibels in either of the frequencies 4000 or 5000. If hearing loss ascertained is not considered completely stabilized, candidate should be rejected.

(8) Any acute or chronic disease of the external, middle, or internal ear.

(f) *Eyes and vision.* (1) For appointment as a cadet in the Coast Guard a minimum uncorrected visual acuity of 20/30 each eye is acceptable provided that vision is correctible to 20/20 each eye and that refraction by an ophthalmologist reports eye grounds free from disease with no indication of an accelerated progression toward further decreased visual acuity. Refraction is not required where the vision in each eye is 20/20 uncorrected, unless medically indicated.

(2) Disease of the eye grounds shall be cause for rejection.

(3) Contraction of visual field.

(4) Both eyes must be free from any disfiguring or incapacitating abnormality and from acute or chronic disease.

(5) Any cadet in the United States Coast Guard Academy whose vision has dropped below 20/40, correctible to 20/20 in each eye, for any significant period of time shall be reported upon by a Board of Medical Survey.

(6) The requirement as given above is considered necessary in order to graduate cadets with vision sufficiently serviceable to enable them to carry out their duties at sea. During late adolescence it is quite common for developmental myopia to become manifest to such an extent that the resulting myopic visual defect is sufficient to disqualify the cadet. It is therefore imperative that a careful examination for visual acuity be performed.

(7) The following conditions are causes for rejection:

(i) Trachoma.

(ii) Chronic conjunctivitis, or xerophthalmia.

(iii) Pterygium encroaching upon the cornea.

(iv) Complete or extensive destruction of the eyelid, disfiguring cicatrices, adhesions of the lids to each other or to the eyeball.

(v) Inversion or eversion of the eyelids, or lagophthalmus.

(vi) Trichiasis, ptosis, blepharospasm, or chronic blepharitis.

(vii) Epiphora, corneal dystrophy, chronic dacryocystitis, or lachrymal fistula.

(viii) Chronic keratitis, ulcers of the cornea, staphyloma, or corneal opacities encroaching on the pupillary area and reducing the acuity of vision below the standard and any corneal distrophy.

(ix) Irregularities in the form of the iris, or anterior or posterior synechiae sufficient to reduce the visual acuity below the standard.

(x) Opacities of the lens or its capsule sufficient to reduce the acuity of vision below the standard, or progressive cataract of any degree.

(xi) Extensive coloboma of the choroid of iris, absence of pigment (albino), glaucoma, iritis, or history of recurrent iritis, extensive or progressive choroiditis of any degree.

(xii) Any retinopathy or detachment of the retina, neuroretinitis, optic neuritis, choreoretinopathy, or atrophy of the optic nerve.

(xiii) Loss or disorganization of either eye, or pronounced exophthalmos.

(xiv) Pronounced nystagmus, strabismus, or lack of continuous and complete third degree binocular fusion.

(xv) Diplopia, or night blindness.

(xvi) Abnormal condition of the eye due to disease of the brain.

(xvii) Malignant tumors of the lids or eyeballs.

(xviii) Asthenopia.

(xix) Any organic disease of either eye.

(xx) Ocular foreign bodies.

(8) Color perception:

(i) Color blindness, complete or partial, is cause for rejection. Color perception will be tested by the color plate test as set forth in the American Optical Test Book, 1940 Edition, or the Farnsworth Lantern test. Candidates who fail to pass the American Optical Company pseudo-isochromatic plate test shall be considered qualified if they pass the Farnsworth Lantern test. The results obtained with the Farnsworth Lantern test shall be considered final in the resolution of all cases of questionable color perception.

(ii) Detailed instruction for the administration of the Farnsworth Lantern test, as well as the criteria for passing the test, are engraved on a metal plate which is permanently attached to the instrument and shall be followed without exception. The results of the test shall be recorded in item 64, Report of Medical Examination as "Passed FaLant" or "Failed FaLant."

(iii) Candidates who failed the American Optical Company pseudo-isochromatic plate test at places where the Farnsworth Lantern test is not available may be given a reexamination on the Farnsworth Lantern test at places where same is available. The cost of travel to and from the place of reexamination and subsistence must be borne by the applicant.

(iv) The standard requirement for color perception will be ability to pass the abbreviated test with not more than three errors.

(g) *Lungs and chest.* The following conditions are causes for rejection:

(1) A chest expansion of less than 2 inches.

(2) Congenital malformations or acquired deformities which result in reducing the chest capacity and diminishing the respiratory function to such a degree as to interfere with vigorous physical exertion or to produce disfigurement when the applicant is dressed.

(3) Pronounced contractions or markedly limited mobility of the chest wall following pleurisy or empyema.

(4) Deformities of the scapulae sufficient to interfere with the carrying of equipment.

(5) Absence or faulty development of the clavicle.

(6) Old fracture of the clavicle where there is much deformity or interference with the carrying of equipment; ununited fractures, or partial or complete dislocation of either end of the clavicle.

(7) Suppurative periostitis or caries or necrosis of the ribs, the sternum, the clavicles or the scapulae.

(8) Old fractures of the ribs with faulty union, if interfering with function.

(9) Malignant tumors of the breast or chest walls or substantiated history of same, unless successfully treated 5 or more years previously in the absence of disqualifying residuals.

(10) Benign tumors or cysts of the breast or chest wall which are so large as to interfere with the wearing of a uniform or equipment.

(11) Unhealed sinuses of the chest wall.

(12) Scars of old operations for empyema unless the examiner is assured that the respiratory function is entirely normal.

(13) Active tuberculosis of any degree or extent.

(14) A history of tuberculosis clinically active within the preceding 5 years.

(15) A substantiated history of, or X-ray findings of, tuberculosis of more than minimal extent, at any time.

(16) Pleurisy with effusion of undetermined origin or history thereof.

(17) Recurrent spontaneous pneumothorax within the preceding 3 years.

(18) Pneumoconiosis, extensive pulmonary fibrosis or pulmonary emphysema.

(19) Acute or chronic pleurisy or empyema.

(20) Pneumothorax, hydrothorax, or hemothorax.

(21) Tumors of the lung, pleura or mediastinum.

(22) Chronic bronchitis if more than mild or if mild and does not respond to therapy.

(23) Bronchiectasis.

(24) Asthma or a history of asthma (except a history of childhood asthma with a trustworthy history of freedom from symptoms since the twelfth birthday) is a cause for rejection.

(25) Abscess of the lung.

(26) Pulmonary infiltration of undetermined origin.

(27) Cystic disease of the lung.

(28) Actinomycosis, nacardiosis, blastomycosis, coccidioidomycosis, aspergillosis or histoplasmosis if there is reason to suspect recent activity of the disease process.

(29) Sarcoidosis.

(30) Hydatid or echinococcus cysts of the lung.

(31) Foreign body in the lung or mediastinum causing symptoms, or active inflammatory reaction.

(32) History of pneumonectomy or lobectomy.

(33) Disqualifying defects demonstrable by a roentgenographic examination of the chest, such as:

(i) Evidence of reinfection (adult) type tuberculosis, active or inactive, other than slight thickening of the apical pleura or thin solitary fibroid strands.

(ii) Evidence of active primary (childhood) type tuberculosis.

(iii) Extensive calcification of the pleura, lung parenchyma or hilum, if of questionable stability or of such size and extent as to interfere with pulmonary function.

(iv) Evidence of fibrous or serofibrinous pleuritis, except moderate diaphragmatic adhesions with or without blunting or obliteration of the costophrenic sinus.

(h) *Heart and vascular system.* The following conditions are causes for rejection:

(1) All diastolic murmurs.

(2) Apical systolic murmurs, when persistent in both the recumbent and upright positions, when moderate in intensity, when transmitted to the axilla, and when not abolished nor significantly diminished in intensity by forced breathing.

(3) Harsh systolic nurmurs, heard at aortic area, even of less than moderate intensity with diminished or absent second sound.

(4) All organic valvular diseases of the heart, congenital heart disease, or pathological murmurs.

(5) Hypertrophy or dilation of the heart.

(6) History of angina pectoris, coronary occlusion, or coronary arteriosclerosis.

(7) A pulse of 100 or over, or of 50 or under if felt to be a manifestation of organic heart disease.

(8) Persistent marked cardiac arrhythmia or irregularity, unless due to sinus arrhythmia or an authenticated history of paroxysmal tachycardia, or auricular fibrillation or flutter.

(9) Arteriosclerosis.

(10) Arterial hypertension, essential hypertension (hypertensive vascular disease). The diagnosis of essential hypertension, especially in the earlier phases when blood pressure is still variable, requires judgment tempered by experience and with evaluation of any family history of hypertension, the vascular reaction to special tests, and repeated blood pressure and pulse rate determinations. In general, a persistent systolic blood pressure above 140, or a persistent diastolic blood pressure above 90, is cause for rejection, particularly if associated with a labile pulse rate or evidence of vasomotor lability, or with positive family history of hypertensive vascular disease (sitting blood pressure values). The objective is to disqualify those applicants who are most likely to develop severe and incapacitating hypertension within a relatively short time. Generally, youthful applicants with a healthy vascular system are to be considered qualified even though blood pressure values sometimes exceed the standard.

(11) Aneurysm of any variety in any situation.

(12) Intermittent claudication.

(13) Peripheral vascular disease including Raynaud's disease, Buerger's disease (thromboangiitis obliterans), erythromelalgia, arteriosclerotic and diabetic vascular disease. Special test wil be employed in doubtful cases.

(14) Thrombophlebitis of one or more extremities, if there is a persistence of the thrombus or any evidence of obstruction to circulation in the involved vein or veins.

(15) An authenticated history of rheumatic fever or chorea within the past 5 years, or a history of more than one attack of rheumatic fever.

(16) Arterial hypotension if it is causing, or has caused, symptoms.

(17) Varicose veins if large, or if associated with edema or with skin ulceration.

(i) *Abdomen and viscera, anus and rectum.* The following conditions are causes for rejection:

(1) Wounds, injuries, cicatrices, or muscular ruptures of the abdominal wall sufficient to interfere with function.

(2) Fistulae or sinuses from visceral or other lesions or following operation.

(3) Hernia of any variety.

(4) Large tumors of the abdominal wall.

(5) Scar pain, if severe or causing persistent or recurring complaints.

(6) Chronic diseases of the stomach or intestine or a history thereof, including such diseases as peptic ulcer, regional ileitis, ulcerative colitis and diverticulitis.

(7) Gastric resection, resection of peptic ulcers, gastroenterostomy, or bowel resection.

(8) Chronic appendicitis (so-called).

(9) Ptosis of the stomach or intestines.

(10) Acute or chronic disease of the liver, gall bladder, pancreas, or spleen.

(11) Chronic peritonitis or peritoneal adhesions.

(12) Chronic enlargement of the liver.

(13) Chronic enlargement of the spleen.

(14) Jaundice or substantiated history of recurrent jaundice.

(15) Splenectomy for any cause other than trauma, or congenital spherocytosis.

(16) Proctitis, stricture or prolapse of the rectum.

(17) Fissure of the anus of pruritus ani if severe or recurrent.

(18) Fistula in ano or ischiorectal abscess.

(19) External hemorrhoids sufficient in size to produce marked symptoms; internal hemorrhoids, if large or accompanied by hemorrhage, or protruding intermittently or constantly.

(20) Incontinence of feces.

(21) Amoebiasis; uncinariasis.

(j) *Endocrine system and metabolism.* The following conditions are causes for rejection:

(1) Toxic goiter and thyroid adenoma.

(2) Cretinism; hypothyroidism; myxedema, spontaneous or post-operative (with clinical manifestations and diagnosis not based solely on low basal metabolic rate).

(3) Gigantism or acromegaly; diabetes insipidus, Simmonds' disease; Cushing's syndrome, other diseases because of a disorder of the pituitary gland.

(4) Frohlich's syndrome.

(5) Hyperparathyroidism and hypoparathyroidism when the diagnosis is supported by adequate laboratory studies.

(6) Addison's disease.

(7) Glycosuria if persisting; diabetes mellitus; if sugar is found in the urine, further specimens voided in the presence of the physician or authorized assistant, should be examined. In doubtful cases the fasting blood sugar and glucose tolerance tests should be obtained. In the presence of diabetes mellitus in a parent, sibling, or grandparent, a standard glucose tolerance test is required.

(8) Nutritional deficiency diseases (including sprue, beriberi, pellagra and scurvy) which are severe or not readily remediable or in which permanent pathological changes have been established.

(9) Gout.

(10) Hyperinsulinism when established by adequate investigation.

(k) *Genito-urinary system.*

(1) All candidates for the Coast Guard Academy shall receive a serologic test for syphilis and a urinalysis. These tests shall be conducted at the time of the formal physical examination.

(i) When albumin, casts, hemoglobin, or red blood cells are found in the urine, the applicant shall not be accepted unless further study proves such findings to be of no significance. Such further study, if desired, should include daily complete examinations of the urine for at least 3 days and such other tests as are necessary, unless the presence of albumin and casts is associated with enlargement of the heart, high blood pressure, or other evidence of cardiovascular disease of such degree that a diagnosis of renal disease may be made immediately. When albumin or casts are constantly or intermittently present, the underlying pathological condition should, if possible, be determined and stated as the cause for rejection; but if albuminuria or casts are present daily during a period of 3 days, it should be regarded as reason for rejection, even if the origin cannot be determined.

(ii) When the specific gravity of the specimen first examined is under 1.010, further observation of the applicant and repeated complete urinary examinations are indicated.

(iii) A negative serological test will be accepted as satisfactory evidence of freedom from syphilis in the absence of a history of previous treatment for, or clinical signs of syphilis. When the serological test for syphilis is positive, the possibility of a false positive test should be considered. In view of the possibility of error in such a test the candidate will be given the opportunity of a reexamination. A repeated positive serological test, in the absence of a history of syphilis, will be cause for rejection.

(2) The following conditions are causes for rejection:

(i) Acute or chronic nephritis, diabetes, mellitus or insipidus, or glycosuria if accompanied by abnormal response to blood sugar tests.

(ii) Blood, pus, or albumin in the urine, if persistent.

(iii) Floating kidney, hydronephrosis, pyelonephrosis, pyelitis, tumor of the kidney, renal calculi, or absence of one kidney, horseshoe kidney, or double ureter.

(iv) Acute or chronic cystitis.

(v) Vesical calculi, tumors of the bladder, incontinence of urine, enuresis, or retention of urine.

(vi) Hypertrophy, abcess, or chronic infection of the prostate gland.

(vii) Urethral stricture or urinary fistula.

(viii) Epispadias or hypospadias, except for minor displacements of the urethral orifice with no impairment in function of micturition, and no symptoms or irritation.

(ix) Phimosis when prepuce is adherent in whole or in part to the glands.

(x) Hermaphroditism.

(xi) Amputation of the penis.

(xii) Varicocele, if large and painful, or hydrocele.

(xiii) Atrophy of both testicles or loss of both.

(xiv) Undescended testicle (acceptable if unilateral, abdominal and unassociated with hernia), infantile genital organs.

(xv) Chronic orchitis or epididymitis.

(xvi) A persistently positive serologic test for syphilis.

(xvii) Syphilis in any stage, or a clearly defined history thereof.

(xviii) Any active venereal infection, acute or chronic, or any active infectious process resulting therefrom.

(xix) Reiter's disease.

(l) *The extremities.* The following conditions are causes for rejection:

(1) All anomalies in the number, the form, the proportion, and the movements of the extremities which produce noticeable deformity or interfere with function.

(2) Atrophy of the muscles of any part, if progressive or if sufficient to interfere with function.

(3) Benign tumors if sufficiently large to interfere with function.

(4) Ununited fracture, fractures with shortening or callus formation sufficient to interfere with function, old dislocations unreduced or partially reduced, complete or partial ankylosis of a joint, or relaxed articular ligaments permitting of frequent voluntary or involuntary displacement.

(5) Reduced dislocation or united fractures with incomplete restoration of function; substantiated history of recurrent dislocations of major joints.

(m) *Hemic and lymphatic systems.* The following conditions are causes for rejection:

(1) Hemorrhagic diseases, such as hemophilia, purpura, thrombocytopenia, or hemorrhagic tendency.

(2) Polycythemia.

(3) Leukemia.

(4) Lymphadenopathy, generalized.

(5) Lymphosarcoma, Hodgkin's disease, or other malignant disease of the lymphatic system.

(6) Splenomegaly.

(7) Anemia, primary or secondary.

(n) *Skin.* The following conditions are causes for rejection:

(1) Chronic dermatitis, eczema, or extensive scarring.

(2) Tinea cruris, tinea pedis, or tinea corporis, if severe or persistent.

(3) Pediculosis capitis, pediculosis corporis, or pediculosis pubis.

(4) Scabies.

(5) Chronic or recurrent furunculosis.

(6) Chronic or recurrent cellulitis.

(7) Chronic or recurrent lymphangitis.

(8) Chronic or recurrent lymphadenitis.

(9) Chronic or recurrent sinus formation.

(10) Chronic or recurrent ulcers.

(11) Chronic or recurrent abscesses.

(12) Hyperhidrosis.

(13) Keloid formation.

(14) Pilonidal cyst or sinus.

(15) Tattoos, if they are of such character, size, or location as to be disfiguring, prejudicial to the interests of the service, or offensive to the average person.

(16) Malignant tumors.

(17) Benign tumors, if they are of such character, size, or location as to be disfiguring, prejudicial to the interests of the service, or offensive to the average person.

(18) Ichthyosis.

(19) Vitiligo.

(20) Moles, if they are of such character, size, or location as to be disfiguring, prejudicial to the interests of the service, or offensive to the average person.

(21) Nevi, if they are of such character, size, or location as to be disfiguring, prejudicial to the interests of the service, or offensive to the average person.

(22) Hyperkeratosis.

(23) Acne, if severe.

(24) Seborrhea, if severe.

(25) Psoriasis.

(26) Xeroderma.

(27) Any other chronic skin disease.

(o) *Neurologic system.* The following conditions are causes for rejection:

(1) Multiple sclerosis.

(2) Syringomyelia.

(3) Myasthenia gravis.

(4) Huntington's chorea.

(5) Cerebral palsy.

(6) Epilepsy.

(7) Cerebrovascular accidents.

(8) Migraine.

(9) Persistent severe headaches.

(10) Paralysis agitans.

(11) Chronic infections of the central nervous system.

(12) Hydrocephalus.

(13) Organic residuals of head injury, concussion, or skull fracture.

(14) Chronic pain or paresthesia.

(15) Any demyelinating disease.

(16) Any degenerative disease of the central nervous system.

(17) Any other chronic disease of the central nervous system.

(p) *Psychiatric.* The following conditions are causes for rejection:

(1) Any personality disorder which is severe enough to have interfered with social or occupational adjustment or is severe enough to interfere with adequate performance of duty.

(2) Any psychosis.

(3) Any transient personality disorder manifested by a situational reaction which is severe enough to be considered incapacitating.

(4) Any inadequate personality, as manifested by frequent changes of employment, frequent antisocial acts, or financial irresponsibility.

(5) Any history of addiction to the habitual use of alcohol to excess, or to the habitual use of narcotics, barbiturates, stimulants, or other habit-forming drugs.

(6) Any history of enuresis after the age of 13 years.

(7) Any history of somnambulism.

(8) Any obsessive-compulsive disorder.

(9) Any chronic severe anxiety state.

(10) Any chronic severe depressive state.

(11) Any other severe mental disorder.

(q) *Miscellaneous.* The following conditions are causes for rejection:

(1) Any acquired defect, infirmity, or disease which is of such character, size, or location as to be disfiguring, prejudicial to the interests of the service, or offensive to the average person.

(2) Any acquired defect, infirmity, or disease which may reasonably be expected to interfere with the performance of duty.

(3) Any acquired defect, infirmity, or disease which may require treatment or hospitalization at any time during the period of training.

(4) Any acquired defect, infirmity, or disease which may require the use of prosthetic appliances.

(5) Any acquired defect, infirmity, or disease which may require frequent absence from duty for treatment.

(6) Any acquired defect, infirmity, or disease which may require special duty.

(7) Any acquired defect, infirmity, or disease which may require limitation of assignment or of performance of duty.

(8) Any acquired defect, infirmity, or disease which may require frequent change of duty to meet individual requirements.

(9) Any acquired defect, infirmity, or disease which may require transfer to the Reserve.

(10) Any acquired defect, infirmity, or disease which may require discharge for the convenience of the Government.

(11) Any acquired defect, infirmity, or disease which may require retirement for physical disability.

(12) Any acquired defect, infirmity, or disease which may require disposition through the Physical Evaluation Board.

(13) Any acquired defect, infirmity, or disease which may require disposition through the Retiring Board.

(14) Any acquired defect, infirmity, or disease which may require disposition through the Disposition Board.

(15) Any acquired defect, infirmity, or disease which may require disposition through the Medical Survey Board.

(16) Any acquired defect, infirmity, or disease which may require disposition through the Medical Survey Review Board.

(17) Any acquired defect, infirmity, or disease which may require disposition through the Medical Survey Review Board of Review.

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(42) Any acquired defect, infirmity, or disease which may require disposition through the Medical Survey Review Board of Review.

(43) Any acquired defect, infirmity, or disease which may require disposition through the Medical Survey Review Board of Review.

(44) Any acquired defect, infirmity, or disease which may require disposition through the Medical Survey Review Board of Review.

(45) Any acquired defect, infirmity, or disease which may require disposition through the Medical Survey Review Board of Review.

(46) Any acquired defect, infirmity, or disease which may require disposition through the Medical Survey Review Board of Review.

(47) Any acquired defect, infirmity, or disease which may require disposition through the Medical Survey Review Board of Review.

(48) Any acquired defect, infirmity, or disease which may require disposition through the Medical Survey Review Board of Review.

(49) Any acquired defect, infirmity, or disease which may require disposition through the Medical Survey Review Board of Review.

(50) Any acquired defect, infirmity, or disease which may require disposition through the Medical Survey Review Board of Review.

(6) Amputation of any portion of a limb (except fingers or toes if there is no interference with military activities), or resection of a joint.

(7) Excessive curvature of a long bone or extensive, deep, or adherent scars interfering with motion.

(8) Severe sprains.

(9) Disease of the bones or joints; active osteomyelitis; history of an attack of hematogenous osteomyelitis; recurrent attacks of osteomyelitis; sequestrum demonstrable on X-ray; or a substantiated history of a single attack of osteomyelitis, except when treated successfully 3 or more years previously without subsequent recurrent or disqualifying sequelae.

(10) Chronic synovitis; torn cartilage; osteochonditis dessicans; or other internal derangement in a joint (particularly of knee joint with history of disability).

(11) Varicose veins in an extremity when they cover a large area; are markedly tortuous or much dilated, or are associated with edema, or are accompanied by subjective symptoms.

(12) Varices of any kind situated in the leg below the knee, if associated with varicose ulcers or scars from old ulcerations; chronic edema of a limb.

(13) Chronic or obstinate neuralgias, particularly sciatic neuritis.

(14) Adherent or united finger (web fingers).

(15) Deviation of the normal axis of the forearm to such a degree as to interfere with the proper execution of the manual of arms.

(16) (i) Permanent flexion or extension of one or more fingers, as well as irremediable loss of motion of these parts, if sufficient to interfere with proper execution of duties.

(ii) Entire loss of any finger.

(iii) Mutilation of either thumb to such an extent as to produce material loss of apposition or strength of the member.

(iv) Loss of more than one phalanx of the right index finger.

(v) Loss of the terminal and middle phalanges of any two fingers on the same hand.

(17) Perceptible lameness or limping.

(18) Knock-knee, when the gait is clumsy or ungainly, or when subjective symptoms of weakness are present; bow-legs if so marked as to produce noticeable deformity when the applicant is dressed.

(19) (i) Clubfoot unless the defect is so slight as to produce no symptoms.

(ii) Pes cavus if extreme and causing symptoms.

(iii) Flatfoot when accompanied with symptoms of weak foot or when the foot is weak on test. Pronounced cases of flatfoot attended with decided eversion of the foot and marked bulging of the inner border, due to inward rotation of the astragalus, are disqualifying, regardless of the presence or absence of subjective symptoms.

(20) Loss of either great toe or loss of any two toes on the same foot.

(21) Overriding or super position of any of the toes to such a degree as will produce pain.

(22) Ingrowing toenails when marked or painful.

(23) (i) Hallux valgus, particularly congenital type or when accompanied by bunion.

(ii) Bunions sufficiently pronounced to interfere with function.

(iii) Hammertoes when existing to such a degree as to interfere with function when wearing shoes.

(iv) Corns or calluses on the sole of the foot when they are tender or painful.

(24) (i) Hyperidrosis or bromidrosis when present to a marked degree.

(ii) Habitually sodden feet with blistered skin.

(iii) Unusually large or deformed feet for which proper shoes cannot be readily obtained.

(25) Severe fungoid infection of nailbeds.

(26) Surgical procedures involving major joints unless at least a six-month period since operation, has elapsed and full function has been restored.

(m) *The spine and other musculoskeletal.* The following conditions are causes for rejection:

(1) Lateral deviation of the spine from the normal midline of such degree that it impairs normal function or is likely to do so.

(2) Curvature of the spine of such degree that function is interfered with or is likely to be interfered with, or in which there is noticeable deformity when the applicant is dressed (scoliosis, kyphosis, or lordosis).

(3) Fracture or dislocation of the vertebrae.

(4) Vertebral caries (Pott's disease).

(5) Abscess of the spinal column or its vicinity; acute or chronic osteomyelitis.

(6) Osteo-arthritis of the spinal column, partial or complete.

(7) Coccydynia; spina bifida manifesta; spondylolisthesis; cervical rib.

(8) Active arthritic processes from any cause.

(9) Herniation of intervertebral disc (nucleus pulposus) or history of operation for this condition.

(10) Malformation and deformities of the pelvis sufficient to interfere with function.

(11) Disease of the sacroiliac and lumbo-sacral joints which is chronic in nature, associated with pain referred to legs, muscular spasm, postural deformities, and/or limitation of motion in the region of the lumbar spine.

(12) History of chronic or recurrent low back pain.

(n) *Skin.* The following conditions are causes for rejection:

(1) Eczema of long standing or which is resistant to treatment; allergic dermatosis, if severe.

(2) Chronic impetigo; sycosis; carbuncle; acne upon face or neck which is so pronounced as to be definitely unsightly.

(3) Actinomycosis; dermatitis herpetiformis; mycosis fungoides.

(4) Extensive psoriasis, ichthyosis; chronic lichen planus.

(5) Elephantiasis.

(6) Scabies; pediculosis (if indicative of unhygienic habits).

(7) Ulcerations of the skin not amenable to treatment, or those of long standing or of considerable extent, or of syphilitic or malignant origin.

(8) Extensive, deep, or adherent scars that interfere with muscular movements, or that show a tendency to break down and ulcerate.

(9) Naevi and other erectile tumors if extensive, disfiguring or exposed to constant pressure.

(10) Obscene, offensive, or indecent tattooing.

(11) Pilonidal cyst or sinus if evidenced by presence of readily palpable tumor mass or if there is a history of inflammation or of purulent discharge.

(12) Lupus vulgaris; other tuberculous skin lesions.

(13) Lupus erythematosus, discoid or generalized; scleroderma.

(14) Epidermolysis bullosa; pemphigus.

(15) Plantar warts on weight-bearing areas.

(16) Cysts and benign tumors of such a size and/or location as to interfere with the normal wearing of military equipment.

(17) Any other chronic skin disease of a degree which renders the individual unfit for military duty or so disfiguring as to render it difficult for the individual to adjust to the ordinary social relationships.

(o) *The nervous system.* The following conditions are causes for rejection:

(1) Neurosyphilis of any form (general paresis, tabes dorsalis, meningovascular syphilis).

(2) Degenerative disorders (multiple sclerosis, encephalomyelitis, cerebellar and Friedreich's ataxia, athetoses, Huntington's chorea, muscular atrophies and dystrophies of any type, cerebral arteriosclerosis).

(3) Residuals of infection (moderate and severe residuals of poliomyelitis, meningitis and abscesses, paralysis agitans, postencephalitis syndromes, Sydenham's chorea).

(4) Peripheral nerve disorder (chronic or recurrent neuritis or neuralgia of an intensity which is periodically incapacitating, multiple neuritis, neurofibromatosis).

(5) Residuals of trauma (residuals of concussion or severe cerebral trauma, post-traumatic cerebral syndrome, incapacitating severe injuries to peripheral nerves).

(6) Paroxysmal convulsive disorders and disturbances of consciousness (grand mal, petit mal, and psychomotor attacks, syncope narcolepsy, migraine).

(7) Miscellaneous disorders (tics, spasmodic torticollis, spasms, brain and spinal cord tumors, whether operated upon or not, cerebrovascular disease, congenital malformations, including spina bifida if associated with neurological manifestations and meningocele even if uncomplicated, Meniere's disease).

(p) *Psychiatric and personality deviations.* The following conditions are causes for rejection:

(1) Psychotic disorders or a substantiated history of psychotic episode.

(2) Psychoneurotic reactions which have been incapacitating.

(3) Character and behavior disorders which have prevented a good adjustment with particular reference to antisocial tendencies, sexual deviation, chronic alcoholism or drug addiction.

(4) Immaturity reactions.

(5) Disorders of intelligence.

(q) *Teeth.*

(1) All candidates shall be given a type 2 dental examination (mouth mirror and explorer examination; adequate natural or artificial light; posterior bitewing roentgenograms, when indicated)[1] by a dental officer at the time of physical reexamination and, if practicable, at formal physical examination, report of which shall be recorded under item 44, Standard Form 88, Report of Medical Examination.

(2) Candidates must have a minimum of 20 serviceable permanent, natural teeth, of which at least 10 must be in each arch. When third molar teeth have not erupted and are shown by X-ray examination to be present and in normal position for eruption, they may be counted as serviceable teeth in the event candidates do not otherwise meet the minimum requirement of 20 teeth.

(3) Definitions:

(i) Serviceable teeth are permanent, natural teeth which meet all of the following conditions:

(*a*) Adequately supported by healthy tissue.

(*b*) In satisfactory occlusion with opposing natural or artificial teeth.

(c) Of sufficient size (crown and/or roots) and without faulty calcification (severe dysplasia).

(*d*) If carious, capable of being satisfactorily restored.

(*e*) If filled or crowned, the tooth and restoration are in satisfactory condition.

(*f*) If nonvital, treated with satisfactory pulp canal fillings.

(ii) A nonserviceable tooth is one that fails to meet any of the above conditions.

(iii) Satisfactory masticatory function exists when a minimum of 3 masticating teeth (bicuspids and/or molars, natural or artificial) are in functional bilateral occlusion.

(4) Prior to the candidates' reporting to the Academy, missing teeth that cause unsatisfactory incisal and/or masticatory function or that result in unsightly spaces must be replaced by well-designed, functional, partial dentures or fixed bridges, and *all* carious teeth except those with incipient carious lesions must be satisfactorily restored.

(5) The following conditions are causes for rejection:

(i) Loss of teeth in excess of the number specified in subparagraph (2) of this paragraph.

(ii) Nonconformance with subparagraph (4) of this paragraph.

(iii) Malocclusion that interferes with satisfactory incisal and/or masticatory function or proper phonation.

(iv) Unsightly dento-facial deformity.

(v) Chronic subluxation of the mandible associated with pain and not amenable to treatment.

[1] These X-rays are only needed when unerupted third molars must be counted as serviceable permanent teeth to meet requirements of subparagraph (2) of this paragraph.

(vi) Advanced and extensive peridontoclasia.

(vii) Syphilitic lesions, malignant tumors.

(viii) Benign tumors or cysts, which require treatment or may require treatment in the foreseeable future.

(ix) Perforations from the oral cavity into the nasal cavity or maxillary sinus.

(r) *Miscellaneous conditions.*

(1) The following miscellaneous conditions are causes for rejection:

(i) Any deformity which is repulsive or which prevents the proper functioning of any part to a degree interfering with military efficiency.

(ii) Stuttering or other impediment of speech.

(iii) Deficient muscular development or deficient nutrition.

(iv) Evidences of physical characteristics of congential asthenia, such as slender bones, a weak ill-developed thorax, nephroptosis, gastroptosis, constipation, and "drop" heart, with its peculiar attenuation and weak and easily fatigued musculature.

(v) All acute communicable diseases.

(vi) All diseases and conditions which are not easily remediable or that tend physically to incapacitate the individual such as: chronic malaria or malarial cachexia; tuberculosis; leprosy, actinomycosis; rheumatoid arthritis; osteomyelitis; malignant disease of any kind in any location or substantiated history of same unless successfully treated 5 or more years previously; hemophilia; purpura, leukemia of all types; pernicious anemia; sickle cell anemia; trypanosomiasis; filariasis which has produced permanent disability or deformity, history of any acute attack of filariasis within 6 months of date of examination, or the finding of micro-filaria in the blood stream, chronic metallic poisoning, allergic manifestations such as hay fever, if more than mild or if likely to cause more than minimal loss of time from duty or if associated with nasal polyps or hyperplastic sinusitis; allergic conjunctivitis, allergic dermatoses, or allergic rhinitis particularly if there is associated hyperplastic sinusitis or nasal polyps, or a history thereof, when in the opinion of the examiner, the condition is likely to frequently recur, or to cause more than minimal loss of time from duty or otherwise is of present or future clinical significance.

(2) Conditions not enumerated or combinations of conditions which, in the opinion of the medical examiner, will not permit a full productive military career, should be recorded in detail with appropriate recommendations.

(3) If all defects present are recorded on Standard Form 88 and the medical examiner considers all defects in final determination as to qualification of candidate, the Commandant's acceptance or rejection of candidates will be simplified.

§ 40.10 Physical aptitude test.

In addition to the physical requirements in §§ 40.8 and 40.9, candidates are notified that if appointed a cadet in the United States Coast Guard they must, during the preliminary term at the Coast Guard Academy, qualify in physical aptitude as determined by a one-hour examination. This examination measures neuromuscular coordination, muscular power, muscular endurance, cardiovascular endurance, and flexibility. The examination comprises a series of tests involving such activities as running, jumping, throwing, climbing, dodging, pushing, and pulling. The examination will consist of a number of tests such as a vertical jump, standing broad jump, pull-ups, dips, push-ups, 300-yard shuttle run, squat jump, sit-ups, rope climb, etc. All candidates are advised to condition themselves physically by participation in a wide range of physical activities.

§ 40.11 Designation for examination.

A candidate who has been accepted as such will be designated to report for the examination and will be advised of the time and place he should so report.

§ 40.12 Date of examination.

Examinations will be held annually for two successive days, commencing on the third Monday in February, at places where examiners are available. If either of these days falls on Washington's Birthday, the examination will be held on the two days immediately following the holiday. The examiners will be commissioned officers of the Coast Guard, or civil-service examiners. All expenses connected with the candidate's appearance before examiners and medical boards must be borne by the candidate.

§ 40.13 Annual competitive examinations.

(a) *Purpose.* The annual competitive examination is designed to select, on a fair competitive basis, those candidates who are best qualified and most likely to succeed as cadets and officers in the United States Coast Guard.

(b) *Scope and form.*

(1) Successful completion of the Academy course and success as an officer depends:

(i) on an adequate educational background,

(ii) on the possession of aptitudes related to both technical and cultural studies,

(iii) on a sincere interest in the Coast Guard as a career, and

(iv) on relevant personality and physical characteristics.

(2) In addition to the essential virtues of honesty, dependability, and perseverance, item of subparagraph (1) (iv) of this paragraph above includes physical stamina, coordination, physical and mental courage, self-confidence, emotional stability, alertness, leadership, and the ability to live and work harmoniously in close contact with others. The complete examination will measure as fairly and accurately as possible the extent to which each candidate meets these four general qualifications.

(c) *Achievement tests.* The subject matter of the achievement tests will be material within the scope of most high-school curricula, i.e., knowledge ordinarily required for admission to college. In the construction of the tests, allowances will be made for the fact that high-school curricula are not completely uni-

form throughout the country. The tests are designed to be as fair as possible to students from all varieties of secondary schools, but no candidate can be expected to have had detailed instruction in all the topics covered in the various tests. Any candidate who has taken the required courses listed in § 40.4 can feel that he is qualified to take the tests as far as formal training is concerned. It must be stressed that this examination is competitive, not merely qualifying. Therefore, the examination will be difficult enough to discriminate between candidates of nearly equal educational achievement. Each candidate will be tested for knowledge in all the following subjects:

(1) English (Grammar, Composition, Literature, and Reading Comprehension).

(2) Mathematics (Algebra and Plane Geometry).

(d) *Aptitude tests.* (1) The examination will include a battery of short tests in the following:

(i) Science Aptitude.
(ii) Verbal Aptitude.
(iii) Spatial Aptitude.
(iv) Quantitative Aptitude.

(2) Because these tests stress ability factors rather than knowledge or achievement, they are comparatively uninfluenced by training and experience. It is not practical to prepare for them, and no specific information on their content will be furnished.

(e) *Index of background and activity questionnaire.* Each candidate will be given a questionnaire regarding his vocational interest, study habits, background, and personality characteristics.

(f) *Personal interview.* The examiner before whom the candidate appears will report to the Commandant his appraisal of the candidate's fitness and adaptability for a career as an officer in the Coast Guard. Particular attention will be paid to neatness, cleanliness, physical appearance, bearing, manner of speech, manliness, and qualities of leadership. The examiner will report in detail any defects of character or behavior that may hinder or prevent the development of leadership, any marked inaptitude or aversion for military training, and any evidence of evasion, insincerity, or immaturity.

(g) *General adaptability board.*

(1) A specially designated board of Coast Guard officers will be charged with the duty of assigning a mark in general adaptability to each candidate who has satisfied minimum requirements in the above written tests. The term "general adaptability" includes all the factors known to influence success as a cadet and officer. The marks will be based on the relative merit of candidates as shown by tests, questionnaires, and the interview reports noted in paragraph (f) of this section. While the term "general adaptability" is very broad, the board's decision will be based on factual objective information such as the following:

(i) The candidate's attitude toward assigned tasks and his willingness to work as shown by the consistency and pattern of his previous school work.

(ii) The candidate's previous extracurricular and athletic interests and experience, with particular attention to evidence of leadership and teamwork.

(iii) The candidate's personal qualities as shown by his reference questionnaire, the interviewer's report, his high-school principal's comments, etc.

(iv) The candidate's physical build, appearance, and his bearing, as shown by the photographs and the interviewer's report.

(v) The candidate's score on one or more tests of emotional stability, social adjustment, vocational interest, study habits, background, and personality characteristics as may be administered for the purpose.

(2) The board will be charged with the duty of obtaining the best possible cadets and officers for the Coast Guard. It is, therefore, to a candidate's interest to cooperate fully in supplying the board with all relevant information on the above factors. The board's judgment will be final and subject to review only by order of the Commandant.

(h) *Minimum requirements.* To establish a list of eligible candidates and eliminate those who are markedly deficient in one or more parts of the examination, the board will not consider candidates who fail to meet minimum test requirements. All raw scores will be converted to standard scores by the method commonly employed in modern testing techniques. The board will then set minimum standard score requirements. Candidates who have standard scores below the prescribed individual and/or combined test levels will be eliminated from further consideration.

(i) *Computation of final mark.* The final marks of each candidate will be computed by averaging the following subscores in accordance with the indicated weights:

(1) Achievement Tests:	
English	20
Mathematics	20
(2) Aptitude Tests:	
Science Aptitude	10
Verbal, Spatial, and Quantitative Aptitudes	10
(3) Index of Background and Activities	15
(4) General Adaptability	25
Total	100

(j) *Appointments.* A formal physical examination will be given about six weeks after the competitive examination to those candidates who are considered qualified. Candidates will be offered appointments in the order of their final marks until the vacancies for the year have been filled. A candidate who fails to receive an appointment may compete again in subsequent years without prejudice, provided he meets the age and physical qualifications.

§ 40.14 Schedule of examinations.

(a) The schedule of examination will normally be as follows:

(1) First Day:
8 a.m. to 12 noon—Mathematics and Science Aptitude.
1 p.m. to 4:30 p.m.—English, Personal Inventory.

(2) Second Day:
8 a.m. to 12 noon—Verbal, Spatial and Quantitative Aptitude Tests; Index of Background and Activities Questionnaire.

(b) All material necessary for taking the examination will be furnished each candidate. Drawing instruments and slide rules will not be permitted.

§ 40.15 Sample questions and answer sheet.

(a) The questions in this section, taken from objective-type examinations, and a sample answer sheet are intended for the information and use of candidates who may be unfamiliar with this type of test. These questions illustrate various kinds of questions used. The questions are answered by marking the answer sheet in accordance with instructions which precede the specific examination questions. You choose the one correct answer and blacken the space beneath the corresponding letter on the answer sheet.

MATHEMATICS

(1) If $2x+4y=17$ and $3y-2x=11$, then $y-2x=(?)$

(A) $\frac{1}{2}$
(B) 1
(C) 2
(D) 3
(E) 6

(2) Two triangles of equal area have bases of 4 and 9 inches, respectively. What is the ratio of the altitude of the first triangle to the altitude of the second triangle?

(A) 4 to 9
(B) 2 to 3
(C) 3 to 2
(D) 9 to 4
(E) 81 to 16

(3) The equation $x^2+px+q=0$ has equal roots if

(A) $p=0$
(B) $p=q$
(C) $p=2q$
(D) $p^2=2q$
(E) $p^2=5q$

(4) In Figure 1, points P, Q, R, and S lie on the same circle. PR and QS intersect at K. If $QK=12$, $RK=6$, and $SK=4$, then $PK=(?)$

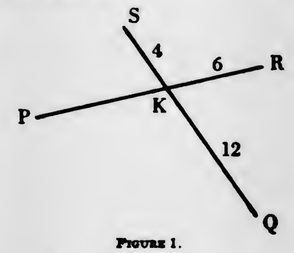


FIGURE 1.

(A) 2
(B) 6
(C) 8
(D) 10
(E) 18

(5) If $\log_x x=3+\log_x 4$, $x=(?)$

(A) 12
(B) 120
(C) 250
(D) 1004
(E) 4000

ENGLISH

(6) Several ways are given for writing the underlined portion of the sentence in quotation marks. Choose the one correct answer.

"The organization of the United Nations is more complex than the League of Nations."

(A) no change
(B) than was
(C) than that of
(D) than those of

(7) The sentences below are presented in scrambled form, and need to be rearranged to form a well-organized paragraph. Each sentence has a place in the paragraph; there are no extra sentences. "Which sentence did you put first?"

Sentences

(A) President Coolidge entered upon his duties at Washington without display of any sort and showed himself to be extremely simple in tastes, laconic in speech, and thoroughly absorbed in his exacting task.
(B) The oath of office was administered to the new President by his aged father.
(C) Vice-President Coolidge was enjoying his vacation at his boyhood home in Plymouth, Vermont, when the news of President Harding's death came over the wires.

(8) In rearranging the sentences in question 7, which sentence did you put after (B)? Directions: Consider that "D" means that nothing follows. If you arranged the sentences in the order C A B, your answer will be "D" i.e., "No sentence."

(9) This question concerns the following poem:

The sigh that heaves the grasses
Whence thou wilt never rise
Is of the air that passes
And knows not if it sighs.
The diamond tears adorning
Thy low mound on the lea,
Those are the tears of morning
That weeps, but not for thee.

The poem is written as if addressed to

(A) Nature
(B) the reader
(C) the poet
(D) a ruined dwelling
(E) someone dead

(10) In the poem quoted in subparagraph (9) of this section, the speaker feels that Nature:

(A) does not participate in his sadness
(B) should be reverenced
(C) is an affectionate mother to all her children
(D) inspires wonder in her beholders
(E) is a cruel and implacable foe

(b) The following figure 2 is a sample of the "answer sheet." The correct answer is marked on the answer sheet by making a solid line under the letter opposite the number of the question.

ANSWER SHEET
MATHEMATICS

	A	B	C	D	E
1					
2					
3					
4					
5					

ENGLISH

	A	B	C	D	E
6					
7					
8					
9					
10					

CORRECT ANSWERS

1. D
2. D
3. E
4. C
5. E
6. C
7. C
8. A
9. E
10. A

FIGURE 2.

§ 40.16 Appointments.

(a) The number of appointments to be made each year from candidates who have successfully passed the examinations is discretionary, and will depend upon the needs of the Service at the time.

(b) Candidates who are considered eligible for appointment and who have passed the required physical examination will receive appointments as cadets in the United States Coast Guard and will be sent instructions to report to the Coast Guard Academy early in July. A final physical examination is given at the Academy prior to execution of the oath of office.

(c) Having been appointed and having taken the oath of office, a cadet will be reimbursed for the actual mileage from his home to the Academy at the rate of 6 cents per mile.

(d) No person shall become a cadet in the Coast Guard who does not obligate himself, in such manner as the Commandant may prescribe, to serve at least 4 years as an officer in the Service after graduation, if his services be so long required.

§ 40.17 Deposit required.

A cadet, upon admission to the Coast Guard Academy, shall be credited with the sum of $600 to defray the cost of his initial clothing and equipment, this sum to be deducted subsequently from his pay in accordance with the regulations promulgated by the Commandant. In addition each cadet upon appointment shall deposit with the Superintendent of the Academy the sum of $300, this amount to be used to help defray initial clothing and equipment costs which exceed the amount of the $600 credited. The Superintendent of the Academy, in exceptional circumstances, is authorized to waive this requirement in part, but the amount so waived shall be made up by deductions in amounts to be determined by the Superintendent from the cadet's monthly cash allowances. A cadet may use so much of this $300 as may be necessary to defray his traveling expenses to the Academy. The amount thus used will be deposited with the Superintendent of the Academy when the cadet shall have been paid his mileage.

§ 40.18 Pay of cadets.

A cadet in the Coast Guard receives the same pay and allowances as are now or may hereafter be provided by law for midshipmen in the Navy. At present these equal $1,333.80 per annum and commutation one ration per day. Pay commences upon the date the oath of office as a cadet is taken. A cadet's pay is not a wage or salary for services rendered. It is money furnished by the Government for uniforms, equipment, textbooks, and other expenses incidental to his training. A cadet does not receive allowances for dependents. Cadet pay is disbursed and expended only as directed by the Superintendent.

§ 40.19 Expenses of cadets.

Practically all of a cadet's pay will be required to defray his expenses during his cadetship and for deposits that he will be required to make toward a fund which, upon his graduation, will be available to be applied toward the cost of the outfit required for a commissioned officer.

§ 40.20 Contracting of debts.

No cadet may contract any debt or receive any financial assistance from home or elsewhere without the permission of the Superintendent of the Academy. The pay of a cadet is sufficient for his support.

§ 40.21 Practice cruises.

During the months of June, July, and August, cadets are sent to sea in Coast Guard ships for instruction and practical experience in seamanship, navigation, gunnery, and marine engineering. These practice cruises include visits to foreign ports when conditions permit. Underclass cadets are required to perform the duties of seamen and firemen during their basic training. The First and Third Class are assigned the long cruise which lasts about 9 weeks; the Second Class and the new Fourth Class go on a short cruise of about 3 weeks duration at the end of the Summer Term.

§ 40.22 Privileges.

(a) With the approval of the Commandant, the Superintendent may grant leave of absence to cadets meriting it, exclusive of the fourth class, at the termination of the long practice cruise or,

for those cadets undergoing summer training ashore, at an appropriate time during the summer months.

(b) Studies and exercises shall be suspended on January 1, February 22, May 30, July 4, the first Monday in September, November 11, Thanksgiving Day, December 25, and on such other days as may be designated by the President as national holidays. On such days the Superintendent may grant liberty to cadets.

(c) The Superintendent may grant leave to cadets meriting it during the period which includes Christmas and New Year.

(d) Liberty and other privileges are granted to cadets meriting the same under regulations prescribed by the Superintendent.

(e) Relatives and friends of cadets may visit them at the Academy at such hours as the Superintendent may prescribe for visitors.

§ 40.23 Uniforms.

Cadet uniforms and equipment are supplied at the Academy in accordance with Academy uniform regulations and as directed by the Superintendent. Most articles must be of uniform design. For that reason it is best to take only those items of clothing which will be needed for the five or six days until you receive your prescribed uniforms. However, the following items need not be of uniform pattern and may be brought from home by a cadet on original entry if he so desires:

Garters, plain.	Shaving kit.
Hairbrush.	Whiskbroom.
Toothbrush.	Shoe-blacking kit.
Comb.	Sewing kit.

§ 40.24 Graduation and promotion.

(a) Upon graduation from the Coast Guard Academy, cadets are awarded degrees of bachelor of science and are eligible, if physically qualified, to be commissioned by the President to fill vacancies in the grade of ensign in the Coast Guard. When so commissioned, they shall have rank with second lieutenants in the Army, Air Force, and Marine Corps and ensigns in the Navy.

(b) Promotions of officers of the Coast Guard are made by seniority through the successive grades—lieutenant (junior grade), lieutenant, lieutenant commander, commander, and captain. When so commissioned, officers of the Coast Guard have parallel rank with officers of the Army, Air Force, Marine Corps and Navy of corresponding rank.

§ 40.25 General requirements for admission of citizens of American Republics.

(a) The Act of Congress approved 24 June 1938, and Executive Order 7964 of 29 August 1938 (3 CFR 1943 Cum. Supp.), provide for the admission of citizens of American Republics (other than the United States) to receive instruction at the United States Coast Guard Academy at New London, Conn. The total number of citizens from American Republics (other than the United States) to be enrolled at any one time shall not exceed twenty (20) and the number enrolled in each class shall not exceed five (5) at any one time. Not more than one (1) person from any such Republic shall receive instructions at the same time. The persons receiving instruction shall receive the same pay, allowances, and emoluments—no more and no less—as do citizens of the United States, to be paid by the respective Republics. The U.S. Government will not provide any funds for travel or maintenance of these students. However, the United States Coast Guard will absorb the cost of instruction. They shall be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as cadets at the Coast Guard Academy appointed from the United States, subject to such necessary exception as may be determined by the Commandant of the Coast Guard. However, such persons shall not be entitled to appointment to any office or position in the United States Coast Guard by reason of their graduation from the Coast Guard Academy.

(b) The following regulations are established:

(i) United States Coast Guard Academy, New London, Conn., 4-year basic course. Begins in July. Each candidate must:

(i) Be unmarried bona fide male citizen of the country transmitting the request, be not less than 17 years of age and not have reached his 22d birthday on 1 July of the calendar year in which he enters the Coast Guard Academy. (Candidate must not marry during the course of instruction.)

(ii) Possess physical qualifications as specified in this publication. All candidates must undergo a physical examination at the United States Coast Guard Academy. Requests for waivers for minor defects which would in no way prevent the individual from participating in all cadet activities may be submitted to the Commandant, United States Coast Guard.

(iii) Be proficient in reading, writing, and speaking idiomatic English and must demonstrate in the regular annual entrance examination ability to profit by instruction. Due consideration will be given in the English examination to the probable inadequacy of his preparation in English and American literature.

(iv) Be prepared to submit certificates of previous academic credits equivalent to those required of candidates from the United States as set forth in this publication.

(c) Regular examinations for entrance into the United States Coast Guard Academy may be taken either in the United States or in the candidates' respective native countries. In the latter case, the examination will be taken under the supervision of a diplomatic representative of the United States who shall furnish a report as to the candidate's proficiency in the use of idiomatic English.

(d) In lieu of the oath of allegiance to the United States, a substitute oath will be required in substance as follows:

I, _____
a citizen of _____
aged _____ years _____ months, having been appointed a cadet at the United States Coast Guard Academy do solemnly swear to comply with all regulations for the police and discipline of the Academy, and to give my utmost efforts to accomplish satisfactorily the required curriculum: do swear not to divulge any information of military value which I may obtain, directly or indirectly, in consequence of my presence at the United States Coast Guard Academy, to any alien government; and do agree that I shall be withdrawn from the United States Coast Guard Academy if deficient in conduct, health or studies.

Dated: January 5, 1962.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 62-301: Filed, Jan. 10, 1962; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (5) is added to paragraph (a) of § 6.104 as set out below.

§ 6.104 Department of Defense.

(a) *Office of the Secretary.* • • •

(5) Not to exceed January 1, 1964, 8 positions of Regional Director in the Office of the Assistant Secretary of Defense (Civil Defense).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-282; Filed, Jan. 10, 1962; 8:45 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Federal Aviation Agency

Effective upon publication in the FEDERAL REGISTER, paragraph (g) is added to § 6.364 as set out below.

§ 6.364 Federal Aviation Agency.

• • • • • •

(g) One Private Secretary to the Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-310; Filed, Jan. 10, 1962; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

PART 722—COTTON

Proclamation of Results of Marketing Quota Referendum for 1962 Crop of Upland Cotton

§ 722.506 Basis and purpose.

The purpose of this proclamation is to announce the results of the marketing quota referendum for the 1962 crop of upland cotton. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture on October 12, 1961, proclaimed a national marketing quota for the 1962 crop of upland cotton (26 F.R. 9703), and § 722.523 of the Acreage Allotment Regulations for the 1962 Crop of Upland Cotton (26 F.R. 9966) provided that a referendum would be held on December 12, 1961, to determine whether cotton farmers were in favor of or opposed to such quota. Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that, with respect to the proclamation, application of the notice and public procedure requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is unnecessary.

§ 722.507 Proclamation of results of the marketing quota referendum for the 1962 crop of upland cotton.

In a referendum held on December 12, 1961, of farmers engaged in the production of the 1961 crop of upland cotton, 280,499 farmers voted. Of those voting 271,824, or 96.9 percent, favored the national marketing quota proclaimed by the Secretary for the 1962 crop of upland cotton and 8,675, or 3.1 percent, opposed such quota. Therefore, the national marketing quota of 15,714,000 bales proclaimed by the Secretary of Agriculture on October 12, 1961, for the 1962 crop of upland cotton shall continue in effect.

(Secs. 342-345, 375, 52 Stat. 56-58, 66, as amended; 7 U.S.C. 1342-1345, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 8, 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-331; Filed, Jan. 10, 1962; 8:51 a.m.]

PART 722—COTTON

Proclamation of Results of Marketing Quota Referendum for 1962 Crop of Extra Long Staple Cotton

§ 722.555 Basis and purpose.

The purpose of this proclamation is to announce the results of the marketing quota referendum for the 1962 crop of extra long staple cotton. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture on October 12, 1961, proclaimed a national marketing quota for the 1962 crop of extra long staple cotton (26 F.R. 9704), and § 722.572 of the Acreage Allotment Regulations for the 1962 Crop of Extra Long Staple Cotton (26 F.R. 9975) provided that a referendum would be held on December 12, 1961, to determine whether extra long staple cotton farmers were in favor of or opposed to such quota. Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that, with respect to the proclamation, application of the notice and public procedure requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is unnecessary.

§ 722.556 Proclamation of results of the marketing quota referendum for the 1962 crop of extra long staple cotton.

In a referendum held on December 12, 1961, of farmers engaged in the production of the 1961 crop of extra long staple cotton, 1,175 farmers voted. Of those voting, 1,042, or 88.7 percent, favored the national marketing quota proclaimed by the Secretary for the 1962 crop of extra long staple cotton, and 133, or 11.3 percent, opposed such quota. Therefore, the national marketing quota of 102,800 bales proclaimed by the Secretary of Agriculture on October 12, 1961, for the 1962 crop of extra long staple cotton shall continue in effect.

(Secs. 342-345, 347, 375, 52 Stat. 56-59, 66, as amended; 7 U.S.C. 1342-1345, 1347, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 8, 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-332; Filed, Jan. 10, 1962; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-41]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Areas

On April 25, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3540) stating that the Federal Aviation Agency proposed to designate low altitude VOR Federal airway No. 526 from Winslow, Ariz., to Taos, N. Mex., via Crownpoint, N. Mex., and to designate the control areas associated with Victor 526 to extend upward from at least 1200 feet above the surface or, if appropriate, 500 feet below the minimum IFR en route altitude, when established, to the base of the continental control area.

On August 1, 1961, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6860) amending the original notice. The supplemental notice proposed that the control areas associated with Victor 526 extend upward from 700 feet above the surface to the base of the continental control area until such time as all control areas associated with the other airways in the vicinity of Winslow and Taos can be altered by applying Amendment 60-21 to Part 60 of the Civil Air Regulations.

No adverse comments were received regarding the proposed amendments.

The notice proposed that Victor 526 be designated from Winslow, Ariz., to Taos, N. Mex. The Federal Aviation Agency has re-evaluated this proposal and has determined that this airway segment should be designated as a segment of low altitude VOR Federal airway No. 514 which presently extends from Tobe, Colo., to Russell, Kans. This would simplify the air route structure by adding a segment to an existing airway instead of designating a new airway. Therefore, action is taken herein to designate a segment of Victor 514 from the Winslow VOR to the Taos VOR.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notices, the following actions are taken:

1. Section 600.6514 (26 F.R. 5) is amended to read:

§ 600.6514 (Winslow, Ariz., to Taos, N. Mex., and Tobe, Colo., to Russell, Kans.).

From the Winslow, Ariz., VOR via the Crown Point, N. Mex., VOR; to the Taos, N. Mex., VOR. From the Tobe, Colo., VORTAC via the Garden City, Kans., VORTAC; to the Russell, Kans., VOR.

2. Section 601.6514 (26 F.R. 5) is amended to read:

§ 601.6514 Control areas (Winslow, Ariz., to Taos, N. Mex., and Tobe, Colo., to Russell, Kans.).

All of VOR Federal airway No. 514.

These amendments shall become effective 0001 e.s.t., March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on January 4, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-289; Filed, Jan. 10, 1962; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD SAMPLES AND REFERENCE STANDARDS

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

Subpart B—Standard Samples and Reference Standards With Schedule of Weights and Fees

DESCRIPTIVE LIST

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These amendments are effective from the date of publication in the FEDERAL REGISTER.

In § 230.11 *Descriptive list*, paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i), and (k) are revised to read as follows:

(a) *Steels.*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
8l	Bessemer, 0.1 C	150	$6.00
10g	Bessemer, 0.2 C	150	6.00
170a	B.O.H., 0.05 C, 0.2 Ti	150	6.00
15f	B.O.H., 0.1 C	150	6.00
11g	B.O.H., 0.2 C	150	6.00
12g	B.O.H., 0.4 C	150	6.00
152	B.O.H., 0.5 C, 0.04 Sn	150	6.00
13f	B.O.H., 0.6 C	150	6.00
14d	B.O.H., 0.8 C	150	6.00
16d	B.O.H., 1.0 C	150	6.00
19f	A.O.H., 0.2 C	150	6.00
20f	A.O.H., 0.4 C	150	6.00
51b	Electric furnace, 1.2 C	150	6.00
65d	Basic electric, 0.3 C	150	6.00
100b	Manganese (SAE T1340)	150	6.00
105	High-sulfur, 0.2 C (carbon only)	150	6.00
125a	High-silicon, 3 Si	150	6.00
129b	High-sulfur (SAE X1112)	150	6.00
130a	Lead-bearing, 0.2 Pb	150	6.00
151	Boron-bearing, 0.003 B	150	3.00
30e	Cr-V (SAE 6150)	150	6.00
32e	Cr-Ni (SAE 3140)	150	6.00
33d	Ni-Mo (SAE 4820)	150	6.00
72f	Cr-Mo (SAE X4130)	150	6.00
111b	Ni-Mo (SAE 4620)	150	6.00
36a	Cr2-Mo1	150	6.00
106b	Cr-Mo-Al (Nitralloy G)	150	6.00
139a	Cr-Ni-Mo (AISI 9840)	150	6.00
156	Cr-Ni-Mo (NE 9450)	150	6.00
159	Cr1-Mo0.4-Ag0.1	150	6.00
50c	W18-Cr4-V1	150	7.50
132a	Mo5-W6-Cr4-V2	150	7.50
134a	Mo8-W2-Cr4-V1	150	7.50
153a	Mo9-W2-Cr4-V2-Co8	150	7.50
155	Cr0.5-W0.5	150	7.50
73b	Stainless (Cr 13) (SAE 420)	150	7.50
133a	Stainless (Cr13-Mo0.3-S0.3)	150	7.50
101c	Cr18-Ni9 (SAE 304)	150	7.50
121c	Cr18-Ni10 (Ti-bearing) (SAE 321)	150	7.50
123b	Cr-Ni-Nb0.7-Ta0.2 (SAE 347)	150	7.50
160a	Cr19-Ni14-Mo3 (SAE 316)	150	7.50
166b	Cr19-Ni9 (carbon only)	150	7.50
126b	High-nickel (Ni36)	150	7.50

(b) *Irons.*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
3	White iron	125	$7.50
4i	Cast iron	150	7.50
5k	Cast iron	150	7.50
6f	Cast iron	150	7.50
7g	Cast iron	150	7.50
55e	Ingot iron	150	7.50
82a	Nickel-chromium cast iron	150	7.50
107b	Nickel-chromium-molybdenum cast iron	150	7.50
115a	Nickel - chromium - copper cast iron	150	7.50
122d	Cast iron (car wheel)	150	7.50
341	Dnetile iron	150	7.50
342	Nodular iron	150	7.50

(c) *Steel-making alloys.*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
57	Refined silicon	60	$6.00
61a	Ferrovanadium (high carbon)	100	6.00
64b	Ferrochromium (high carbon)	100	6.00
66a	Spiegeleisen	100	6.00
71	Calcium molybdate	60	6.00
90	Ferrophosphorus	75	6.00
172	Ferroboron	100	6.00

(d) *Nonferrous alloys.*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
85b	Aluminum alloy, wrought	75	$6.00
86c	Aluminum-base casting alloy	75	6.00
87a	Aluminum-silicon alloy	75	6.00
53d	Bearing metal, lead-base	170	10.00
54d	Bearing metal, tin-base	170	10.00
37e	Brass, sheet	150	10.00
52c	Bronze, cast	150	10.00
184	Bronze, leaded-tin	150	10.00
62d	Bronze, manganese	150	10.00
164a	Bronze, aluminum	150	10.00
63c	Bronze, phosphorus	150	10.00
124d	Bronze (Cu85-Pb5-Sn5-Zn5)	150	10.00
158	Bronze silicon	150	10.00
167	Co43-Mo4-Nb3-W4	150	10.00
168	Co41-Mo4-Nb3-Ta1-W4	150	10.00
349	Nickel-base (Ni57-Co14-Cr20)	150	10.00
157a	Nickel silver (Cu58-Ni12-Zn29)	135	10.00
161	Nickel-base casting alloy	150	10.00
162a	Monel-type (Ni64-Cu31)	150	10.00
169	Ni77-Cr20 alloy	150	10.00
171	Magnesium-base alloy	100	6.00
127a	Solder (Pb70-Sn30)	170	10.00
94b	Zinc-base die-casting alloy	150	6.00

(e) *Titanium- and zirconium-base alloys.*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
173	A16-V4	100	$10.00
174	A14-Mn4	100	10.00
360	Zircaloy	100	20.00

(f) *Ores.*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
69a	Bauxite	50	$6.00
27d	Iron ore, Mesabi	110	6.00
28a	Iron ore, Norrie	50	3.00
181	Lithium ore (Spodumene)	45	6.00
182	Lithium ore (Petalite)	45	6.00
183	Lithium ore (Lepidolite)	45	6.00
25c	Manganese ore	100	6.00
120a	Phosphate rock	45	6.00
137	Tin ore (Bolivian concentrate)	50	6.00
138	Tin ore (N.E.I. concentrate)	50	6.00
113	Zinc ore (Tri-State concentrate)	50	6.00

(g) *Ceramic materials.*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
76	Burned refractory (40% Al_2O_3)	60	$6.00
77	Burned refractory (60% Al_2O_3)	60	6.00
78	Burned refractory (70% Al_2O_3)	60	6.00
103a	Chrome refractory	60	6.00
198	Silica refractory (0.2% Al_2O_3)	45	6.00
199	Silica refractory (0.5% Al_2O_3)	45	6.00
177	Cement, portland	15	6.00
99	Feldspar, soda	40	6.00
89	Glass, lead-barium	45	6.00
91	Glass, opal	45	6.00
92	Glass, low boron	45	6.00
93	Glass, high boron	45	6.00
165	Glass sand (low iron)	60	6.00
1a	Limestone, argillaceous	50	6.00
102	Silica, brick	60	6.00
104	Burned magnesite	60	6.00
112	Silicon carbide	85	6.00
154a	Titanium dioxide	40	6.00

(h) *Microchemical standards.*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
140b	Benzoic acid	2	$6.00
141a	Acetanilide	2	6.00
142	Anisic acid	2	6.00
143b	Cystine	2	6.00
145	2-Iodobenzoic acid	2	6.00
147	Triphenyl phosphate	2	6.00

(i) *Chemicals.*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
84f	Acid potassium phthalate	60	$4.00
39h	Benzoic acid	30	4.00
350	Benzoic acid	30	4.00
40g	Sodium oxalate	60	4.00
83b	Arsenic trioxide	75	4.00
136b	Potassium dichromate	75	4.00
17	Sucrose (cane-sugar)	60	4.00
41	Dextrose (glucose)	70	4.00
950	Uranium oxide (U_3O_8)	25	5.00

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(k) *Freezing-point standards.*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
44c	Aluminum	200	$6.00
45d	Copper	450	6.00
49c	Lead	600	6.00
42f	Tin	380	6.00
43g	Zinc	350	6.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
Director.

[F.R. Doc. 62-250; Filed, Jan. 10, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8208 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

George W. Reaves, Jr.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, George W. Reaves, Jr., Dallas, Tex., Docket 8208, Oct. 24, 1961]

In the Matter of George W. Reaves, Jr., an Individual Doing Business as George W. Reaves, Jr.

Consent order requiring a distributor of food products in Dallas, Tex., to cease violating section 2(c) of the Clayton Act by receiving from suppliers brokerage on purchases for his own account for resale, such as a discount of 10 cents per 1⅗ bushel box of citrus fruit from Florida sellers.

The order to cease and desist is as follows:

It is ordered, That George W. Reaves, Jr., an individual doing business as George W. Reaves, Jr., and respondent's agents, representatives, and employees, directly or through any corporate, partnership, sole proprietorship, or other device, in connection with the purchase of citrus fruit or produce in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or produce for his own account, or where respondent is the agent, representative, or other intermediary acting for or in behalf, or is subject to the direct or indirect control, of any buyer.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: October 24, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-283; Filed, Jan. 10, 1962; 8:45 a.m.]

[Docket 8308 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Perl Pillow Co. et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–40 *In general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Perl Pillow Company et al., Houston, Tex., Docket 8308, Sept. 28, 1961]

In the Matter of Perl Pillow Company, a Corporation, and Jack Perlman, Martin Perlman, Maurice Dubinski, and Joseph Arena, Individually and as Officers of Said Corporation

Consent order requiring Houston, Tex., manufacturers to cease misrepresenting the filling material in their pillows by such practices as labeling their "Countess" pillows as "All New Material Consisting of Imported White Goose Down" when they actually contained substantial quantities of other material.

The order to cease and desist is as follows (including order requiring report of compliance therewith):

It is ordered, That respondents Perl Pillow Company, a corporation, and its officers, and Jack Perlman, Martin Perlman, and Maurice Dubinski, individually and as officers of said corporation, and Arena Joseph Schwartz, as an officer of said corporation, and their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of feather and down products, do forthwith cease and desist from misrepresenting in any manner, or by any means, directly or by implication, the identity of the kind or type of filling material contained in any such products, or of the kinds or types, and proportion of each, when the filling material is a mixture of more than one kind or type.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to Arena Joseph Schwartz in her capacity as an individual respondent.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 28, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-290; Filed, Jan. 10, 1962; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

HYDROGEN CYANIDE

The Commissioner of Food and Drugs, having evaluated additional data submitted in a petition filed by the American Cyanamid Company, P.O. Box 400, Princeton, New Jersey, requesting the establishment of a tolerance for residues of hydrogen cyanide in cocoa derived from fumigation of the food, has concluded that the following regulation should issue amending § 121.1072 of the food additive regulations. Scientific information demonstrating rapid dissipation of these residues during and after shipment and loss of residues by heating in preparing cocoa for consumption has been taken into account. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1072(b) (21 CFR 121.1072; 26 F.R. 10476) is amended by adding thereto a new subparagraph (4), reading as follows:

§ 121.1072 Hydrogen cyanide.

• • • • •

(b) • • •.

(4) 200 parts per million (0.02 percent) in cocoa.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: January 5, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-302; Filed, Jan. 10, 1962; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

3,5-DIMETHYL-1,3,5,2*H*-TETRAHYDROTHIADIAZINE-2-THIONE

Correction

In F.R. Doc. 61-11276, appearing at page 11242 of the issue for Wednesday, November 29, 1961, only one "1" should appear in the wording of the section heading for § 121.2529, so that the heading reads as follows: "§ 121.2529 3,5-Dimethyl - 1,3,5,2*H* - tetrahydrothiadiazine-2-thione.".

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Ball-Point Ink Cartridges; Exemption From Labeling Requirements

There has been submitted to the Commissioner of Food and Drugs, pursuant to section 3(c) of the Federal Hazardous Substances Labeling Act and § 191.62 of the hazardous substances regulations, a request to exempt ball-point ink cartridges from the labeling requirements of section 2(p)(1) of the act. The petition deals with viscous liquids which are "toxic" substances as defined in § 191.1(f)(1) having an LD 50 single oral dose between 500 milligrams and 5 grams per kilogram of body weight of the test animals. Individual ball-point pen cartridges and refills are constructed in such a way that, with any reasonably foreseeable handling and use, including use by children, the contents do not present an ingestion hazard. The Commissioner therefore concludes that only a minor hazard is presented and full compliance with the labeling requirements of section 2(p)(1) of the act is not necessary in the case of these articles. Therefore, pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner (25 F.R. 8625), § 191.63 is amended by adding thereto a new paragraph (g), reading as follows:

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

* * * * *

(g) Rigid or semirigid ball-point ink cartridges are exempt from the labeling requirements of section 2(p)(1) of the act insofar as such requirements would be necessary because the ink contained therein is a "toxic" substance as defined in § 191.1(f)(1) provided that:

(1) The ball-point ink cartridge is of such construction that the ink will, under any reasonably foreseeable conditions of manipulation or use, emerge only from the ball-point end.

(2) When tested by the method described in § 191.1(f)(1), the ink does not have an LD 50 single oral dose of less than 500 milligrams per kilogram of body weight of the test animal.

(3) The cartridge does not have a capacity of more than 2 grams of ink.

The Commissioner finds that because of the minor hazard involved, all of the labeling statements required by section 2(p)(1) of the act are not necessary for the protection of the public health and therefore notice and public procedure are not necessary prerequisites to the promulgation of this order.

Effective date. This order shall become effective February 1, 1962.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: January 4, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-303; Filed, Jan. 10, 1962; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 50—Division of Public Contracts, Department of Labor

PART 50-201—GENERAL REGULATIONS

Miscellaneous Amendments

A recent determination published in the FEDERAL REGISTER on September 26, 1961 (26 F.R. 9042), that $1.15 per hour is the prevailing minimum wage in all those groups of industries currently operating in each locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under contracts subject to the Walsh-Healey Public Contracts Act (41 U.S.C. 35-45) except those particular or similar industries for which minimum wage determinations higher than $1.15 per hour have been made and the revision at that time of 41 CFR Part 50-202 have rendered obsolete the proviso to paragraph (b) of 41 CFR 50-201.1 and paragraph (a) and the last sentence in paragraph (b) of 41 CFR 50-201.1101. The purpose of these amendments is to delete these obsolete provisions. They shall become effective immediately upon publication in the FEDERAL REGISTER.

The procedural requirements of section 4 of the Administrative Procedure Act are found unnecessary because of the obsolescence of the provisions involved, and good cause is found for affording no delay in the effective date under that section for the same reason.

Accordingly, pursuant to section 4 of the Walsh-Healey Public Contracts Act (41 U.S.C. 2038, 41 U.S.C. 38), Part 50-201 of Title 41 of the Code of Federal Regulations is hereby amended in the manner indicated below.

1. The proviso to paragraph (b) of 41 CFR 50-201.1 is deleted. As amended by the deletion, paragraph (b) of that section reads as follows:

§ 50-201.1 Insertion of stipulations.

* * * * *

(b) All persons employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract will be paid, without subsequent deduction or rebate on any account, not less than the minimum wages as determined by the Secretary of Labor to be the prevailing minimum wages for persons employed on similar work or in the particular or similar industries or groups of industries currently operating in the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under the contract.

2. Paragraph (a) and the last sentence in paragraph (b) of 41 CFR 50-201.1101 are hereby deleted. As amended by these deletions, 41 CFR 50-201.1101 reads as follows:

§ 50-201.1101 Minimum wages.

Determinations of prevailing minimum wages or changes therein will be published in the FEDERAL REGISTER and sent to contracting officers by the Public Contracts Division of the Department of Labor.

(Sec. 4, 49 Stat. 2038; 41 U.S.C. 38)

Signed at Washington, D.C., this 8th day of January 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-333; Filed, Jan. 10, 1962; 8:52 a.m.]

Chapter 4—Department of Agriculture

APPLICABILITY OF FEDERAL PROCUREMENT REGULATIONS

Chapter IV—Department of Agriculture, is hereby added to Title 41.

Effective upon publication in the FEDERAL REGISTER, procurement by the Department of Agriculture is subject to the Federal Procurement Regulations, Chapter 1 of this title, except as may be otherwise authorized by law.

JOSEPH M. ROBERTSON,
Administrative Assistant Secretary.

JANUARY 8, 1962.

[F.R. Doc. 62-334; Filed, Jan. 10, 1962; 8:52 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER B—PERSONNEL

PART 21—COMMISSIONED OFFICERS

Prescription of Numbers in Grade

Section 21.111 of Subpart G is amended to read as follows:

§ 21.111 Prescription of numbers in grade.

The following maximum number of officers is authorized to be on active duty in the Regular Corps in each of the grades from the junior assistant grade to the director grade, inclusive, during the fiscal year beginning July 1, 1961, and ending June 30, 1962:

Director Grade	665
Senior Grade	830
Full Grade	710
Senior Assistant Grade	335
Assistant Grade	60
Junior Assistant Grade	0

(Sec. 206, 58 Stat. 694, as amended; 42 U.S.C. and Sup. 207)

This amendment shall be effective as of July 1, 1961.

Dated: December 6, 1961.

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: January 4, 1962.

ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 62-304; Filed, Jan. 10, 1962; 8:48 a.m.]

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 73—BIOLOGICAL PRODUCTS

Sterility Standards and Technical Correction in Blood Standards

On October 26, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER proposing several amendments to the sterility test provisions for licensed biological products and an editorial correction.

Views and arguments respecting the proposed amendments were invited to be submitted within 30 days after publication in the FEDERAL REGISTER, and notice was given of intention to make any amendments that were adopted effective 30 days after the date of publication of the adopted amendments.

No objections having been submitted, the following amendments to Part 73 of the Public Health Service regulations are hereby adopted to become effective 30 days after the date of publication in the FEDERAL REGISTER.

A. Amend § 73.73 in the following respects:

1. Amend paragraph (a)(1) by deleting the comma in each of the three instances where a comma precedes the word "fourth" and insert in lieu thereof the word "or". As thus amended paragraph (a)(1) reads as follows:

(a) *The test*—(1) *Using Fluid Thioglycollate Medium.* The volume of product, as required by paragraph (d) of this section (hereinafter referred to also as the "inoculum"), from samples of both bulk and final container material, shall be inoculated into test vessels of Fluid Thioglycollate Medium. The inoculum and medium shall be mixed thoroughly and incubated at a temperature of 30° to 32° C. for a test period of no less than seven days and examined visually for evidence of growth on the third or fourth or fifth day and on the seventh or eighth day. If incubation is continued beyond eight days, an additional examination shall be made on the last day of the test period. If the inoculum renders the medium turbid so that the absence of growth cannot be determined reliably by visual examination, portions of this turbid medium in amounts of no less than 1.0 ml. shall be transferred on the third or fourth or fifth day of incubation, from each of the test vessels and inoculated into additional vessels of medium. The material in the additional vessels shall be incubated at a temperature of 30°to 32° C. for no less than seven days. Notwithstanding such transfer of material, examination of the original vessels shall be continued as prescribed above. The additional test vessels shall be examined visually for evidence of growth on the third or fourth or fifth day of incubation and on the seventh or eighth day and if incubation is continued beyond a period of eight days, an additional examination shall be made on the last day of the incubation period. If growth appears, repeat tests may be performed as prescribed in paragraph (b) of this section and interpreted as specified in paragraph (c) of this section.

2. Amend paragraph (a)(2)(iii) by adding the words "or twelfth" between the word "eleventh" and the word "day" and as thus amended paragraph (a)(2)(iii) shall read as follows:

(2) *Using Fluid Sabouraud Medium.* Except for dried products, a test for fungi and yeast shall be made on final container material, following the procedures prescribed in subparagraph (1) of this paragraph except that (i) the medium shall be Fluid Sabouraud Medium; (ii) the incubation shall be at a temperature of 20° to 25° C.; (iii) the period of incubation shall be no less than ten days and an examination shall be made on the tenth or eleventh or twelfth day in lieu of an examination on the seventh or eighth day.

3. Amend paragraph (c) by inserting "(2) or (b)(3), whichever is applicable" after the letter (b) where it appears in the last sentence, and as thus amended paragraph (c) shall read as follows:

(c) *Interpretation of test results.* The results of all tests performed on a lot shall be considered in determining whether or not the lot meets the requirements for sterility, except that tests may be excluded when demonstrated by adequate controls to be invalid. The lot meets the test requirements if no growth appears in the tests prescribed in paragraph (a) of this section. If repeat tests are performed, the lot meets the test requirements if no growth appears in the tests prescribed in paragraph (b)(2) or (b)(3) of this section, whichever is applicable.

4. Amend paragraph (d) (1) and (2) by deleting the parenthetical sentence at the end of each paragraph and substituting therefor in each instance the following: "(Note exceptions in paragraph (f) of this section)". As amended paragraph (d) reads as follows:

(d) *Test samples and volumes*—(1) *Bulk.* Each sample for the bulk sterility test shall be representative of the bulk container material and the volume tested shall be no less than 10 ml. (Note exceptions in paragraph (f) of this section.)

(2) *Final containers.* The sample for the final container and first repeat final container tests shall be no less than 20 final containers from each filling of each lot, selected to represent all stages of filling from the bulk container. If the amount of material in the final container is 1.0 ml. or less, the entire contents shall be tested. If the amount of material in the final container is more than 1.0 ml., the volume tested shall be the largest single dose recommended by the manufacturer or 1.0 ml., whichever is larger, but no more than 10 ml. of material or the entire contents from a single final container need be tested. (Note exceptions in paragraph (f) of this section.)

5. Amend paragraph (f)(8) by inserting the words "Fibrinogen (Human)" before the word "when" where it appears in the first sentence and as thus amended subparagraph (8) of paragraph (f) shall read as follows:

(8) *Samples—large volume of product in final containers.* For Normal Serum Albumin (Human), Normal Human Plasma, Antihemophilic Plasma (Human) and Plasma Protein Solution (Human), Fibrinogen (Human), when the volume of product in the final container is 50 ml. or more, the final containers selected as the test sample may contain less than the full volume of product in the final containers of the filling from which the sample is taken: *Provided*, That the containers and closures of the sample are identical with those used for the filling to which the test applies and the sample represents all stages of that filling.

6. Amend paragraph (f) by adding a new subparagraph (10) to read as follows:

(10) *Human immune globulin preparation.* For human immune globulin preparations, the test samples from the bulk material and from each final container need be no more than two ml.

B. Amend § 73.304(b) by changing the word "inoculum" to the word "medium" where it appears in the third sentence, and as changed paragraph (b) reads as follows:

(b) *Periodic check on sterile technique.* Within the 18th to 24th day after collection, at least one container of blood that upon visual examination appears

normal, shall be tested each month as a continuing check on technique of blood collection. The test shall be performed with a total sample of no less than 10 ml. of blood and a total volume of fluid thioglycollate or thioglycollate broth medium 10 times the volume of the sample of blood. The test sample shall be inoculated into one or more test vessels in a ratio of blood to medium of 1 to 10 for each vessel, mixed thoroughly, incubated for seven to nine days at a temperature of 30° to 32° C., and examined for evidence of growth of microorganisms every workday throughout the test period. On the third, fourth, or fifth day at least 1 ml. of material from each test vessel shall be subcultured in additional test vessels containing the same culture medium and in such proportion as will permit significant visual inspection, mixed thoroughly, incubated for seven to nine days at a temperature of 30° to 32° C. and examined for evidence of growth of microorganisms every workday throughout the test period. If growth is observed in any test vessel, the test shall be repeated to rule out faulty test procedure, using another sample of blood from either, (1) the container from from which the initial test sample was taken, (2) the residual cells or plasma from that blood, or (3) two different containers of blood, each 18 to 24 days old and each tested separately. The formula for fluid thioglycollate medium shall be as prescribed in § 73.73(e)(1) and the formula for thioglycollate broth medium shall be as prescribed in § 73.73(f)(5). Media and design of container shall meet the requirements prescribed in § 73.73(e)(2)(i). In lieu of performing one test using an incubation temperature of 30° to 32° C., two tests may be performed, each in all respects as prescribed in this paragraph, one at an incubation temperature of 18° to 22° C. and one at an incubation temperature of 35° to 37° C. A different test may be performed provided that prior to the performance of such a test a manufacturer submits data which the Surgeon General finds adequate to establish that the different test is equal or superior to the test herein prescribed as a check on sterile technique and makes the finding a matter of official record.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: December 28, 1961.

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: January 4, 1962.

ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 62-305; Filed, Jan. 10, 1962; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2885]

[Anchorage 047014]

ALASKA

Withdrawing Lands for Use of Federal Aviation Agency

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 214), it is ordered as follows:

1. Subject to existing valid rights, the following-described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor materials disposals under the act of July 31, 1947, (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the Federal Aviation Agency in the maintenance of air navigation facilities.

KENAI AREA

SEWARD MERIDIAN

T. 6 N., R. 11 W., (unsurveyed),
Sec. 10, SW¼SE¼, S½SW¼;
Sec. 15, NW¼, N½N½SW¼, N½NW¼SE¼, and W½NE¼;
Sec. 16, E½E½NE¼.
Containing approximately 460 acres.

2. This order shall take precedence over but not otherwise affect the existing reservation of the lands as part of the Kenai National Moose Range established by Executive Order No. 8979 of December 16, 1941.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JANUARY 5, 1962.

[F.R. Doc. 62-291; Filed, Jan. 10, 1962; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Havasu Lake National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Havasu Lake National Wildlife Refuge, Arizona and California is permitted only on waters designated by signs as open to fishing. These open waters, comprising 22,880 acres and 50 percent of the total refuge area, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Large Mouth Bass, Channel Catfish, Crappie and other minor species permitted under State regulations.

(b) Open season: January 15, 1962, through December 31, 1962.

(c) Daily creel limits: Large Mouth Bass, 10; Channel Catfish, 10; Crappie, no limit; and other creel limits for minor species as are prescribed for State regulations.

(d) Methods of fishing:

(1) As prescribed by State regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective January 15, 1962, through December 31, 1962.

Dated: January 3, 1962.

LEWIS R. GARLICK,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-311; Filed, Jan. 10, 1962; 8:49 a.m.]

PART 33—SPORT FISHING

Imperial National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

Sport fishing on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on waters designated by signs as open to fishing. These open waters, comprising 8,100 acres and 16 percent of the total refuge area, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Large Mouth Bass, Channel Catfish, Crappie, and other minor species permitted under State regulations.

(b) Open season: January 15, 1962, through December 31, 1962, except an area of approximately 165 acres in Martinez Lake as posted be closed during the period October 1, 1962, through December 31, 1962.

(c) Daily creel limits: Large Mouth Bass, 10; Channel Catfish, 10; Crappie, no limit; plus other creel limits for minor species as are prescribed for State regulations.

(d) Methods of fishing:

(1) As prescribed by State regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective January 15, 1962, through December 31, 1962.

Dated: January 3, 1962.

LEWIS R. GARLICK,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-312; Filed, Jan. 10, 1962; 8:49 a.m.]

PART 33—SPORT FISHING

Monte Vista National Wildlife Refuge, Colorado

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

Sport fishing on the Monte Vista National Wildlife Refuge, Colorado, is permitted only on waters designated by signs as open to fishing. These open waters, comprising ½-acre and .004 percent of the total refuge area, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Trout.

(b) Open season: July 4, 1962 through October 31, 1962.

(c) Daily creel limit: 10

(d) Methods of fishing:

(1) As prescribed by State regulations, except as follows:

(2) The use of boats or other floating devices is prohibited.

(e) Other provisions:

(1) Fishing is restricted to children 15 years old and under.

(2) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(3) A Federal permit is not required to enter the public fishing area.

(4) The provisions of this special regulation are effective January 15, 1962 through December 31, 1962.

Dated: January 3, 1962.

LEWIS R. GARLICK,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-313; Filed, Jan. 10, 1962; 8:49 a.m.]

PART 33—SPORT FISHING

Kirwin National Wildlife Refuge, Kansas

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Kirwin National Wildlife Refuge, Kansas, is permitted only on waters designated by signs as open to fishing. These open waters, comprising 5,000 acres and 50 percent of the total refuge area, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Large Mouth Bass, Walleye, Channel Catfish, Crappie, and other minor species permitted under State regulations.

(b) Open season: January 15, 1962, through December 31, 1962.

(c) Daily creel limits: Large Mouth Bass and Channel Catfish, 10; including a combination of these species. Walleye 5, Crappie 30 pounds, plus other creel limits for minor species as are prescribed by State regulations.

(d) Methods of fishing:

(1) Tackle: It is unlawful to take fish by any means than by rods, lines, and baited fishhooks, except as otherwise provided by State regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective January 15, 1962, through December 31, 1962.

Dated: January 3, 1962.

LEWIS R. GARLICK,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-314; Filed, Jan. 10, 1962; 8:49 a.m.]

PART 33—SPORT FISHING

Charles Sheldon Antelope Range, Nevada

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEVADA

CHARLES SHELDON ANTELOPE RANGE

Sport fishing on the Charles Sheldon Antelope Range, Nevada, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 600 acres or less than 1 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland 8, Oregon.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: All species.

(b) Open season: January 20, 1962 through December 31, 1962.

(c) Daily creel limits: Trout—10 fish or 10 pounds, whichever is reached first, or 5 fish regardless of weight. Minor species—as per State regulations.

(d) Methods of fishing:

1. Tackle: One rod and line, closely attended, may be used to which will be attached not more than three baited hooks, nor more than three fly hooks, or not more than two plugs or similar lures. No more than two such plugs or lures, irrespective of the number of hooks or attractor blades attached thereto, shall be attached to the line. Only one such combination of hook, line and rod shall be used by one person at any time.

2. Boats: Boats without motors may be used for fishing.

(e) Other provisions:

1. Camping: Camping will be permitted at designated areas only.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to January 1, 1963.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 3, 1961.

[F.R. Doc. 62-315; Filed, Jan. 10, 1962; 8:50 a.m.]

PART 33—SPORT FISHING

Desert Game Range, Nevada

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEVADA

DESERT GAME RANGE

Sport fishing on the Desert Game Range, Nevada, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 1 acre or less than 1 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: All species.

(b) Open season: May 6, 1962 through October 31, 1962.

(c) Daily creel limits: 5 game fish.

(d) Methods of fishing:

1. Tackle: One rod and line only, closely attended, may be used to which will be attached not more than three baited hooks, nor more than three fly hooks, or not more than two plugs or similar lures. No more than two such plugs or lures, irrespective of the number of hooks or attractor blades attached thereto, shall be attached to the line. Only one such combination of hook, line and rod shall be used by one person at any time.

2. Boats: The use of boats is prohibited.

(e) Other provisions:

1. A Federal permit is not required to enter the public fishing area.

2. The provisions of this special regulation are effective to November 1, 1962.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 3, 1962.

[F.R. Doc. 62-316; Filed, Jan. 10, 1962; 8:50 a.m.]

PART 33—SPORT FISHING

Ruby Lake National Wildlife Refuge, Nevada

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEVADA

RUBY LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Ruby Lake National Wildlife Refuge, Nevada, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 500 acres or 1 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland 8, Oregon.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Bass, trout.

(b) Open season: Elko County—January 20, 1962 through September 30, 1962. White Pine County—January 20, 1962 through December 31, 1962.

(c) Daily creel limits: Bass—20 fish. Trout—15 fish or 10 pounds, whichever is reached first, or 5 trout may be taken regardless of weight.

(d) Methods of fishing:

1. Tackle: One rod and line, closely attended, may be used to which will be attached not more than three baited hooks, nor more than three fly hooks, or not more than two plugs or similar lures. No more than two such plugs or lures, irrespective of the number of hooks or attractor blades attached thereto, shall be attached to the line. Only one such combination of hook, line and rod shall be used by one person at any time.

2. Bait: Angling with fish (dead, live or parts thereof) is prohibited except that salmon eggs may be used.

3. Boats: No boats will be permitted in the area north of the south dike. Air thrust boats with motors of more than 5 horsepower prohibited. Boats with motors may be used for fishing south of the south dike from June 15, 1962 to end of fishing season.

(e) Other provisions:

1. A Federal permit is not required to enter the public fishing area, but fishermen will report at such checking stations as may be designated when entering or leaving the area.

2. The provisions of this special regulation are effective to January 1, 1963.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 3, 1962.

[F.R. Doc. 62-317; Filed, Jan. 10, 1962; 8:50 a.m.]

PART 33—SPORT FISHING

Stillwater National Wildlife Refuge, Nevada

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEVADA

STILLWATER NATIONAL WILDLIFE REFUGE

Sport fishing on the Stillwater National Wildlife Refuge, Nevada, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 4,000 acres or 16 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland 8, Oregon.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: All species.

(b) Open season: January 20, 1962 through December 31, 1962 except closed during migratory waterfowl hunting season.

(c) Daily creel limits: Bass—5 fish, minimum size 12 inches. Catfish—25 fish. Bluegill—25 fish. Minor species—As prescribed by State regulations.

(d) Methods of fishing:

1. Tackle: One rod and line, closely attended, may be used to which will be attached not more than three baited hooks, nor more than three fly hooks, or not more than two plugs or similar lures. No more than two such plugs or lures, irrespective of the number of hooks or attractor blades attached thereto, shall be attached to the line. Only one such combination of hook, line and rod shall be used by one person at any time.

2. Boats: Boats with motors up to 10 horsepower may be used for fishing.

(e) Other provisions:

1. A Federal permit is not required to enter the public fishing area.

2. The provisions of this special regulation are effective to January 1, 1963.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 3, 1962.

[F.R. Doc. 62-318; Filed, Jan. 10, 1962; 8:50 a.m.]

PART 33—SPORT FISHING

Bitter Lake National Wildlife Refuge, New Mexico

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE, NEW MEXICO

Sport fishing on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted only on waters designated by signs as open to fishing. These open waters, comprising 945 acres and 4 percent of the total refuge area, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Large Mouth Bass, White Bass, Channel Catfish, and other minor species permitted under State regulations.

(b) Open season: May 30, 1962, through October 15, 1962.

(c) Daily creel limits: Largemouth bass, 12; channel catfish, 12; white bass, no limit; plus other creel limits for minor species as are prescribed for State regulations.

(d) Methods of fishing:

(1) As prescribed by State regulations except as follows:

(2) Use of boats or floating devices are prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective January 15, 1962, through December 31, 1962.

Dated: January 3, 1962.

LEWIS R. GARLICK,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-319; Filed, Jan. 10, 1962; 8:50 a.m.]

PART 33—SPORT FISHING

Bosque del Apache National Wildlife Refuge, New Mexico

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW MEXICO

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

Sport fishing on the Bosque del Apache National Wildlife Refuge, New Mexico, is permitted only on waters designated by signs as open to fishing. These open waters, comprising 4,300 acres and 8 percent of the total refuge area, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Large Mouth Bass, Bluegill, and other minor species permitted under State regulations.

(b) Open season: May 30, 1962, through October 15, 1962.

(c) Daily creel limits: Largemouth bass, 12; bluegill, no limit; plus other creel limits for minor species as are prescribed for State regulations.

(d) Methods of fishing:

(1) As prescribed by State regulations except as follows:

(2) Use of boats or floating devices are prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective January 15, 1962, through December 31, 1962.

Dated: January 3, 1962.

LEWIS R. GARLICK,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-320; Filed, Jan. 10, 1962; 8:50 a.m.]

PART 33—SPORT FISHING

Salt Plains National Wildlife Refuge, Oklahoma

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Sport fishing on the Salt Plains National Wildlife Refuge, Oklahoma, is permitted only on waters designated by signs as open to fishing. These open waters, comprising 7,800 acres and 25 percent of the total refuge area, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth bass, channel catfish, crappie and other minor species permitted under State regulations.

(b) Open season: April 15, 1962 through October 15, 1962 in Great Salt Plains Lake, as posted. January 15, 1962 through December 31, 1962 for a portion of Great Salt Plains Lake, as posted. February 1, 1962 through October 15, 1962 in Sand Creek, the three main channels of Salt Creek, and the right-of-way of Oklahoma State Highway 11, as posted.

(c) Daily creel limits: Largemouth bass, 10; channel catfish, 15; crappie, 37; plus other creel limits for minor species as are prescribed by State regulations.

d. Methods of fishing:

(1) Tackle: It is illegal to take game fish by any means other than hook and line.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective January 15, 1962 through December 31, 1962.

Dated: January 3, 1962.

LEWIS R. GARLICK,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-321; Filed, Jan. 10, 1962; 8:50 a.m.]

PART 33—SPORT FISHING

Tishomingo National Wildlife Refuge, Oklahoma

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Tishomingo National Wildlife Refuge, Oklahoma, is permitted only on waters designated by signs as open to fishing. These open waters, comprising 10,000 acres and 62 percent of the total refuge area, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Channel catfish, largemouth bass, crappie and other minor species permitted under State regulations.

(b) Open season: January 15, 1962, through December 31, 1962, the waters east of the north-south center line of secs. 19, 30, and 31, T. 4. S., R. 7 E., and in Rock Creek, Bell Creek, Big Sandy Creek, Dick's Pond and Goose Pen Pond. April 1, 1962 through September 30, 1962 for all other waters of the refuge.

(c) Daily creel limits: Channel catfish, 15; largemouth bass, 10; crappie, 37; plus other creel limits for minor species as are prescribed for State regulations.

(d) Methods of fishing:

(1) Tackle: As prescribed by State regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective January 15, 1962 through December 31, 1962.

Dated: January 3, 1962.

LEWIS R. GARLICK,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-322; Filed, Jan. 10, 1962; 8:50 a.m.]

PART 33—SPORT FISHING

Wichita Mountains Wildlife Refuge, Oklahoma

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

WICHITA MOUNTAINS WILDLIFE REFUGE

Sport Fishing on the Wichita Mountains Wildlife Refuge, Oklahoma, is permitted only on waters designated by signs as open to fishing. These open waters, comprising 900 acres and 1.5 percent of the total refuge area, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque,

New Mexico. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth bass, channel catfish, crappie and other minor species permitted under State regulations.

(b) Open season: January 15, 1962 through December 31, 1962.

(c) Daily creel limits: Largemouth bass, 10; channel catfish, 15; crappie, 35; plus other creel limits for minor species as are prescribed for State regulations.

(d) Methods of fishing:

(1) As prescribed by State regulations, except as follows:

(2) Tackle: Fishing with pole and line only, including rod and reel.

(3) Use of outboard motors and boats is permitted on Lake Elmer Thomas. The use of boats or other floating devices on other lakes is prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective January 15, 1962, through December 31, 1962.

Dated: January 3, 1962.

LEWIS R. GARLICK,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-323; Filed, Jan. 10, 1962; 8:50 a.m.]

PART 33—SPORT FISHING

Hagerman National Wildlife Refuge, Texas

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

TEXAS

HAGERMAN NATIONAL WILDLIFE REFUGE

Sport fishing on the Hagerman National Wildlife Refuge, Texas, is permitted only on waters designated by signs as open to fishing. These open waters, comprising 2,900 acres and 25 percent of the total refuge area, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth bass, crappie, channel catfish, blue catfish, white bass, and other minor species permitted under State regulations.

(b) Open season: April 1, 1962, through September 30, 1962.

(c) Daily creel limits: Largemouth bass, 15; crappie, 25; channel catfish, 25; blue catfish, 25; white bass, 25; plus other creel limits for minor species as are prescribed for State regulations.

(d) Methods of fishing:

(1) As prescribed by State regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective January 15, 1962 through December 31, 1962.

Dated: January 3, 1962.

LEWIS R. GARLICK,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-325; Filed, Jan. 10, 1962; 8:51 a.m.]

PART 33—SPORT FISHING

Muleshoe National Wildlife Refuge, Texas

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

TEXAS

MULESHOE NATIONAL WILDLIFE REFUGE

Sport fishing on the Muleshoe National Wildlife Refuge, Texas, is permitted only on waters designated by signs as open to fishing. These open waters, comprising 40 acres and .007 percent of the total refuge area, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth bass, channel catfish, and other minor species permitted under State regulations.

(b) Open season: May 30, 1962 through September 30, 1962.

(c) Daily creel limits: Largemouth bass, 15; channel catfish, 25; plus other creel limits for minor species as are prescribed for State regulations.

(d) Methods of fishing:

(1) As prescribed by State regulations, except as follows:

(2) Use of boats and other floating devices is prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective January 15, 1962 through December 31, 1962.

Dated: January 3, 1962.

LEWIS R. GARLICK,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-326; Filed, Jan. 10, 1962; 8:51 a.m.]

PART 33—SPORT FISHING

Bear River Migratory Bird Refuge, Brigham, Utah

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

Sport fishing on the Bear River Migratory Bird Refuge, Utah, is permitted only on waters designated by signs as open to fishing. These open waters, comprising 10 acres and .01 percent of the total refuge area, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Catfish and other minor species permitted under State regulations.

(b) Open season: January 15, 1962, through December 31, 1962.

(c) Daily creel limits: Catfish 20, or 20 pounds and 1 fish whichever is caught first plus other creel limits for minor species as are prescribed for State regulations.

(d) Methods of fishing:

(1) As prescribed by State regulations except as follows:

(2) Tackle: Fishing with pole and line only, including rod and reel.

(3) The use of boats is prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) Permission is required to enter the public fishing area by registering at the refuge office.

(3) The provisions of this special regulation are effective January 15, 1962, through December 31, 1962.

Dated: January 3, 1962.

LEWIS R. GARLICK,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-327; Filed, Jan. 10, 1962; 8:51 a.m.]

PART 33—SPORT FISHING

National Elk Refuge, Wyoming

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WYOMING

NATIONAL ELK REFUGE

Sport fishing on the National Elk Refuge, Wyoming, is permitted only on waters designated by signs as open to fishing. These open waters, comprising 327 acres and 1.3 percent of the total refuge area, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Trout and other minor species permitted under State regulations.

(b) Open season:

Gros Ventre River and its tributaries: June 1, 1962, through October 31, 1962.

Flat Creek: August 1, 1962 through September 30, 1962.

(c) Daily creel limits: Trout, 12 or 10 pounds and 1 fish, plus other creel limits for minor species as are prescribed for State regulations.

(d) Methods of fishing:

(1) As prescribed by State regulations, except as follows:

(2) The use of boats or other floating devices is prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective January 15, 1962 through December 31, 1962.

Dated: January 3, 1962.

LEWIS R. GARLICK,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-328; Filed, Jan. 10, 1962; 8:51 a.m.]

PART 33—SPORT FISHING

Pathfinder National Wildlife Refuge, Wyoming

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Sport fishing on the Pathfinder National Wildlife Refuge, Wyoming, is permitted only on waters designated by signs as open to fishing. These open waters, comprising 16,500 acres and 33 percent of the total refuge area, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Trout and other minor species permitted under State regulations.

(b) Open season: January 15, 1962 through December 31, 1962, except that approximately 4,265 acres of Sand Creek Bay as posted be closed from April 1, 1962 through August 31, 1962.

(c) Daily creel limits: Trout 12, or 10 pounds and 1 fish, plus other creel limits for minor species as are prescribed for State regulations.

(d) Methods of fishing:

(1) As prescribed by State regulations for Drainage Area 5.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective January 15, 1962 through December 31, 1962.

Dated: January 3, 1962.

LEWIS R. GARLICK,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-329; Filed, Jan. 10, 1962; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1008 etc.]

HANDLING OF MILK IN CERTAIN MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Part, Docket No., and Marketing Area

1006, AO–268–A6, Greater Wheeling.
1009, AO–268–A6, Clarksburg, W. Va.
1030, AO–101–A25, Chicago, Ill.
1031, AO–170–A13, South Bend-LaPorte-Elkhart, Ind.
1032, AO–313–A4, Suburban St. Louis.
1033, AO–166–A26, Greater Cincinnati.
1034, AO–175–A16, Dayton-Springfield, Ohio.
1035–AO–176–A14, Columbus, Ohio.
1036, AO–179–A22, Northeastern Ohio.
1037, AO–197–A7, North-Central Ohio.
1038, AO–194–A7, Rockford-Freeport, Ill.
1039, AO–212–A13, Milwaukee, Wis.
1040, AO–225–A13, Southern Michigan.
1041, AO–72–A24, Toledo, Ohio.
1042, AO–240–A6, Muskegon, Mich.
1043, AO–247–A7, Upstate Michigan.
1044, AO–299–A3, Michigan Upper Peninsula.
1045, AO–334–A4, Northeastern Wisconsin.
1046, AO–308–A3, Ohio Valley.
1047, AO–33–A26, Fort Wayne, Ind.
1048, AO–325–A1, Greater Youngstown-Warren.
1049, AO–319–A2, Indianapolis, Ind.
1061, AO–327–A1, St. Joseph, Mo.
1062, AO–10–A27, St. Louis, Mo.
1063, AO–106–A15, Quad Cities-Dubuque.
1064, AO–23–A23, Greater Kansas City.
1067, AO–222–A11, Ozarks.
1068, AO–178–A13, Minneapolis-St. Paul, Minn.
1069, AO–153–A7, Duluth-Superior.
1070, AO–229–A7, Cedar Rapids-Iowa City.
1078, AO–272–A2, North-Central Iowa.
1079, AO–295–A3, Des Moines, Iowa.
1095, AO–123–A25, Louisville-Lexington, Ky.
1097, AO–219–A10, Memphis, Tenn.
1099, AO–183–A7, Paducah, Ky.
1108, AO–243–A7, Central Arkansas.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a joint public hearing to be held at the Sherman Hotel, Randolph and Clark Streets, Chicago, Illinois, beginning at 10:00 a.m., c.s.t., on each of the following days: January 17, 18, and 19, 1962. This hearing is with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in each of the marketing areas hereinafter specified.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposals with respect to the matters set forth below have been made by the following:

Dairymen's Cooperative Sales Association
Pure Milk Association
Sanitary Milk Producers, Inc.
Cincinnati Milk Sales Association, Inc.
Miami Valley Milk Producers Association
Central Ohio Cooperative Milk Producers
Milk Producers Federation of Cleveland
Northwestern Cooperative Sales Association
Midwest Dairymen's Association
Pure Milk Products Cooperative
Michigan Milk Producers Association
Kyana Milk Producers, Inc.
Wayne Cooperative Milk Producers, Inc.
Allen Milk Co.
St. Joseph Milk Producers Association
Nemaha Cooperative Creamery Association
United Dairy Producers Cooperative Association
Pure Milk Producers Association of Greater Kansas City, Inc.
Producers Creamery Co.
Shawnee Milk Producers Association, Inc.
Twin City Milk Producers Association
Twin Ports Cooperative Dairy Association
Arrowhead Creameries, Inc.
Mid-South Milk Producers Association
Paducah Graded Milk Producers Association
Central Arkansas Milk Producers Association

Proposal No. 1. That the basic formula price to be used in computing the price for Class I milk under each of the following orders (and the price for Class II milk under the order for the Chicago, Illinois, marketing area) shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the applicable month, adjusted to a 3.5 percent butterfat basis by a butterfat differential computed by multiplying the Chicago 92-score butter price by 0.12. with appropriate adjustments to be made in the Class I differentials of the orders.

This proposal affects the following marketing areas and order provisions:

Marketing area:	*Provisions affected (Section)*
Greater Wheeling	1008.50
Clarksburg, W. Va	1009.50
Chicago, Ill	1030.50
South Bend-LaPorte-Elkhart, Ind	1031.51
Suburban St. Louis	(1)
Greater Cincinnati	1033.50
Dayton-Springfield, Ohio	1034.50
Columbus, Ohio	1035.50
Northeastern Ohio	1036.50
North-Central Ohio	(2)
Rockford-Freeport, Ill	(2)
Milwaukee, Wis	1039.50
Southern Michigan	1040.50
Toledo, Ohio	1041.51
Muskegon, Mich	1042.50
Upstate Michigan	1043.50
Michigan Upper Peninsula	1044.50
Northeastern Wisconsin	1045.50
Ohio Valley	1046.50
Fort Wayne, Ind	1047.50
Greater Youngstown-Warren	(3)
Indianapolis, Ind	1049.50
St. Joseph, Mo	(4)
St. Louis, Mo	(3)
Quad Cities-Dubuque	(3)
Greater Kansas City	1064.50
Ozarks	(1)
Minneapolis-St. Paul, Minn	1068.51
Duluth-Superior	1069.50
Cedar Rapids-Iowa City	(3)
North Central Iowa	(3)
Des Moines, Iowa	(3)
Louisville-Lexington, Ky	1095.50
Memphis, Tenn	1097.50
Paducah, Ky	1099.50
Central Arkansas	1108.50

[1] Class I price based on that of Order No. 62 for St. Louis marketing area.
[2] Class I price based on that of Order No. 36 for Northeastern Ohio marketing area.
[3] Class I price based on that of Order No. 30 for Chicago marketing area.
[4] Class I price based on that of Order No. 64 for Greater Kansas City marketing area.

Under this proposal evidence will be received only with respect to change in the basic formula prices used to compute prices for the classes stated in the proposal. To the extent that prices now stated as basic formula prices or alternative basic formula prices in any of the orders are used to compute prices for other classes of milk it is anticipated that amendment of such orders on the basis of this proposal will require conforming changes to preserve present pricing provisions.

Proposal No. 2. That prices under the orders for the Ohio Valley, Louisville-Lexington, Memphis and Central Arkansas marketing areas be stated on a 3.5 percent butterfat basis.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be obtained from the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., or from offices of market administrators at the addresses listed below, or may be there inspected: 703 Hawley Building, 1025 Main Street, Wheeling, W. Va.; 72 West Adams Street, Room 814, Chicago 3, Ill.; 503 Strauss Building, 809–11 South Calhoun Street, Fort Wayne 2, Ind.; 2710 Hampton Avenue, St. Louis 39, Mo.; Hartman Building, Room 505, 79 East State Street, Columbus, Ohio; 7503 Brookpark Road, Cleveland 29, Ohio; 4920 West Burleigh Street, Milwaukee 10, Wis.; 2899 West Grand Boulevard, Detroit, Mich.; 3031 Parsons Road, Traverse City, Mich.; 903 Baxter Avenue, Louisville 4, Ky.; 5130 North Brouse Street, Indianapolis 5, Ind.; 7939 Floyd Avenue, Overland Park, Kans.; 223 P.O. and Courthouse, Rock Island, Ill.; 1750 Hennepin Avenue, Room 307, Minneapolis 3, Minn.; 407 Federal Building, Duluth 2, Minn.; 3108 Ingersoll Avenue, Des Moines 12, Iowa; 35 South Cooper Street, Memphis 12, Tenn.

Signed at Washington, D.C., on January 8, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–335; Filed, Jan. 10, 1962; 8:52 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50–202]

DRUGS AND MEDICINE INDUSTRY

Tentative Minimum Wage Redetermination

A complete record of proceedings under sections 1 and 10 of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 and 43a) to redetermine the prevailing minimum wages for persons employed in the drugs and medicine industry has been certified by the hearing examiner. The whole record has been considered, and it is now appropriate under section 8 of the Administrative Procedure Act (5 U.S.C. 1007) to make a tentative decision, including a statement of findings and conclusions, as well as the reasons therefor, on all material issues of fact, law, and discretion presented on the record, and any appropriate minimum wage redetermination.

DEFINITION

One of the issues set out in the notice of hearing (26 F.R. 8318) was whether any amendments should be made in the definition of the industry contained therein. No amendments were proposed by interested persons.

The noticed definition is the same as that in the present minimum wage determination for this industry except for the addition of the manufacture or packaging of processed botanical drugs and herbs. This addition makes the coverage of the definition the same as that in Standard Industrial Classification (SIC) Group 283.

The Wage and Hour economist testifying at the hearing stated that to his knowledge no administrative difficulties had been experienced with the present definition of the industry. He also stated that the noticed definition had been considered at a prehearing conference and had been acceptable to the representatives of labor and management who attended the conference. An economist representing the AFL–CIO and its principal member unions in this industry testified that he had no objection to the noticed definition. No other interested persons submitted evidence on this issue.

Upon the basis of the foregoing, the noticed definition is found appropriate for the purpose of this proceeding.

LOCALITY

The evidence in the record dealing with the geographic scope of any minimum wage determination in this industry consists entirely of that found in Government Exhibit 4. That exhibit shows the origin and destination of shipments of products of the industry under contracts subject to the Act.

From this evidence, the AFL–CIO proposes that an industrywide determination be made. There are no proposals suggesting that the area of competition for any Government contract in this industry is narrower than all of that area in which the plants of the industry are located.

An analysis of Government Exhibit 4 indicates that the competition for Government contracts in this industry is not restricted by regional boundaries. That exhibit shows that plants in the region of origin are awarded Government contracts calling for delivery in each region of destination and that a substantial portion of the contract awards call for delivery at a uniform price anywhere in the United States. Accordingly, I find that an industrywide determination for this industry is appropriate and that the "locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished" under any contract subject to this determination cannot be more narrowly defined than all of that area in which the industry has its plants.

PREVAILING MINIMUM WAGES

The only evidence relating to the issue of what are the prevailing minimum wages in this industry is a survey conducted by the Bureau of Labor Statistics (BLS) for use in these proceedings. The results of the survey are tabulated in Government Exhibit 8. The most significant table in that survey for the purpose of a minimum wage determination is table 3, which contains a frequency distribution of the lowest wage rates actually paid to workers of the type covered by the Walsh-Healey Public Contracts Act in the payroll period ending nearest March 15, 1961.

No single minimum wage rate in this distribution appears with such frequency that it may be fairly said on that ground alone to be the prevailing minimum wage for persons employed in the industry. There are 66 establishments with 2,107 covered workers which are shown to have paid $1.00 as their minimum wage. However, even if it is assumed that these plants and others in the range of $1.00 through $1.14 are now paying the minimum wage of $1.15 required by the Fair Labor Standards Act, as amended by the 1961 Amendments, such plants would constitute only about 28 percent of all the plants in the industry with less than 10 percent of the covered worker employment. The concentration of covered worker employment at the $1.80 interval (3 plants having a total of 2,713 covered workers with minimum wages of $1.80 and under $1.81) is not regarded as constituting prevailing practice for similar reasons.

Under such circumstances, there is abundant precedent for using a statistical approach giving appropriate weight to the minimum wages paid by about one-half of the establishments or production units and the minimum wages paid by establishments employing about one-half of the workers who would be protected by the determination when engaged on the work to which it would apply.

The spokesman for the AFL–CIO and its member unions in this industry, however, would have me consider the minimum wages of plants weighted by their covered worker employment, and attach little or no significance to the minimum wages paid by plants without such weighting. As a consequence, he proposes that the median minimum wage of establishments weighted by their covered worker employment, which is $1.69, be found to be the prevailing minimum wage as of the survey period.

Neither the terms of the statute nor the evidence in this proceeding compel such a finding. See: Drugs and Medicines Industry—tentative decision (23 F.R. 2863); Paper and Paperboard Containers and Packaging Products Industry—final decision (26 F.R. 7); and Battery Industry—final decision (22 F.R. 3012) and the reasons stated therein. Also, an analysis of the evidence indicates that 79.0 percent of the establishments in the industry employing 47.7 percent of the covered worker employment paid less than $1.69 as a minimum wage. The proposed finding does not give adequate consideration to the minimum wages paid by an overwhelming majority of the establishments. Consequently, I decline to follow the proposal.

In the payroll period covered by the BLS survey, 50.1 percent of the establishments with 80.0 percent of the covered worker employment paid a minimum wage of $1.29 or more, while 21.0 percent of the establishments with 52.3 percent of the covered worker employment paid a minimum wage of $1.69 or more. The most representative minimum wage appears to rest within the range between these medians, rather than at either of them. In this range, $1.42 appears to be the most representative in terms of establishments weighted by their covered employment, as well as establishments not weighted by such employment. There were 36.0 percent of the establishments with 69.1 percent of the covered worker employment paying that minimum wage or more. At this point the deficit in establishments is appropriately overbalanced by the surplus of employment. Therefore, I find $1.42 to be the prevailing minimum wage as of the survey period.

Turning now to the matter of what movements, if any, have occurred in the minimum wage level since the BLS survey period, there is uncontradicted testimony that the movement in average straight-time hourly earnings in this industry since the survey period is indicative of the movement in minimum wages. Government Exhibit 5 shows the movement in average straight-time hourly earnings from the survey period through July 1961. Government Exhibit 6, comparing the median minimum wage levels and average straight-time hourly earnings in August 1956 with those in March 1961, lends support to the testimony referred to above.

Average straight-time hourly earnings increased by 4.6 cents, or 2 percent, from March 1961 through July 1961. Both the Wage and Hour economist and the AFL–CIO economist testified that the comparable movement in minimum wages would be somewhere between the percentage increase and the penny increase, i.e., between 3 and 4.6 cents.

The AFL–CIO proposes a finding that an increase of 4 cents has occurred. The reasons assigned for the proposal are that so-called "across the board" penny increases in wages are common in the industry, and secondly that the BLS earnings data takes no account of advances in earnings which have continued since July 1961. However, there is testimony indicating that percentage increases are also common in the industry. Further, an attempt to assess the extent of advances in earnings since July 1961, for which the record contains no data, would appear to be only speculative.

When both percentage increases and penny increases are common, the amount of increase in median minimum wage levels would not generally be as great as the penny increase in average straight-time hourly earnings. Government Exhibit 6 illustrates this. It also shows that the increase in median minimum wage levels had a closer affinity to the percentage increase in average hourly earnings than to the penny increase in such earnings. Therefore, it appears more reasonable with regard to the period subsequent to the BLS survey to conclude that the amount of the increase in minimum wages rests closer to the extent of the percentage increase in average straight-time hourly earnings than it does to the amount of the penny increase in such earnings. Therefore, I find that the amount of that increase in minimum wages is 3 cents. The resulting prevailing minimum wage is $1.45.

At the hearing it was explained that good cause had been found to make final decisions determining prevailing minimum wages under the Walsh-Healey Public Contracts Act effective seven days after publication in the FEDERAL REGISTER in the paper and pulp and manifold business forms industries (26 F.R. 7698, 7699). It was further explained that any evidence or argument why such good cause should not be found in this industry would be considered in these proceedings. None has been offered. Accordingly, for the reasons expressed in the decisions cited above, this tentative decision finds good cause to provide a 7 day delay in the effective date of the final decision.

Accordingly, from the findings and conclusions hereinabove stated and pursuant to section 4 of the Walsh-Healey Public Contracts Act (41 U.S.C. 38), I propose to amend 41 CFR 50–202.22 (26 F.R. 9048) to read as follows:

§ 50–202.22 Drugs and medicine industry.

(a) *Definition.* The drugs and medicine industry is defined as that industry which manufactures (or packages) drugs and medicinal preparations (other than food) intended for internal or external use in the diagnosis, treatment, or prevention of diseases in, or to affect the structure or any functions of, the body of men or other animals, including without limitation the following products: Bulk organic and inorganic medicinal chemicals and their derivatives; processed botanical drugs and herbs; endocrine products; basic vitamins; active medicinal principles, such as alkaloids from botanical drugs and herbs; drugs and medicines in pharmaceutical preparations, such as ampules, tablets, capsules, ointments, solutions, and suspensions for human and veterinary use, including vitamin preparations and galenicals, such as fluid extracts and tinctures; viruses, serums, toxins, and analogous products, such as allergenic extracts, and normal serums and plasmas for human or veterinary use; and bacteriological media.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the drugs and medicine industry shall be not less than $1.45 per hour.

Within twenty-one days from the date of publication of this tentative decision in the FEDERAL REGISTER, interested persons may submit written exceptions to the proposed action described therein, together with supporting views. Exceptions shall be addressed to the Secretary of Labor, United States Department of Labor, Washington, D.C.

Signed at Washington, D.C., this 8th day of January 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62–336; Filed, Jan. 10, 1962; 8:52 a.m.]

[41 CFR Part 50–202]

ALASKA AND HAWAII

Enforcement of Minimum Wage Determinations

The prevailing minimum wage determinations under the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.), have legal application in the States of Alaska and Hawaii (41 CFR Part 50–202). On several occasions, however, the Department of Labor has announced in correspondence to particular individuals and in circular letters to contracting officers that the following prevailing minimum wage determinations would not be enforced in Alaska and Hawaii:

Photographic and Blueprinting Equipment and Supplies Industry (26 F.R. 9044; 41 CFR 50–202.5).
Soap and Related Products Industry (26 F.R. 9044; 41 CFR 50–202.6).
Small Arms Ammunition, Explosives, and Related Products Industry (26 F.R. 9044; 41 CFR 50–202.8).
Evaporated Milk Industry (26 F.R. 9044; 41 CFR 50–202.9).
Paint, Varnish, and Related Products Industry (26 F.R. 9044; 41 CFR 50–202.10).
Chemical and Related Products Industry (26 F.R. 9045; 41 CFR 50–202.11).
Woolen and Worsted Industry (26 F.R. 9045; 41 CFR 50–202.12).
Surgical Instruments and Apparatus Industry (26 F.R. 9045; 41 CFR 50–202.13).
Scientific, Industrial, and Laboratory Instruments Industry (26 F.R. 9046; 41 CFR 50–202.14).
Metal Business Furniture, and Storage Equipment Industry (26 F.R. 9046; 41 CFR 50–202.15).
Electric Lamp Industry (26 F.R. 9047; 41 CFR 50–202.17).
Battery Industry (26 F.R. 9048; 41 CFR 50–202.18).
Flour and Related Products Industry (26 F.R. 9048; 41 CFR 50–202.19).
Tires and Related Products Industry (26 F.R. 9048; 41 CFR 50–202.20).
Electron Tubes and Related Products Industry (26 F.R. 9048; 41 CFR 50–202.21).
Drugs and Medicine Industry (26 F.R. 9048; 41 CFR 50–202.22).
Paper and Paperboard Containers and Packaging Products Industry (26 F.R. 9048; 41 CFR 50–202.23).

It is proposed henceforth to enforce all wage determinations in Alaska and Hawaii. In the event this proposal is adopted, it shall become effective upon the expiration of 30 days after notice of such adoption is published in the FEDERAL REGISTER.

Any person adversely affected or aggrieved by this proposal (who shall be deemed to include any manufacturer of, or regular dealer in, materials, supplies, articles, or equipment purchased or to be purchased by the Government from any source in Alaska or Hawaii, who is in any industry to which this proposal is applicable, and any employee or representative of employees of any such person) may request an opportunity for a hearing upon timely application as hereinafter provided.

Any such hearing would be limited to the following issues: (1) Whether the geographic area or areas of competition for contracts subject to the Walsh-Healey Public Contracts Act for products of the industry (with which any particular hearing is concerned) is limited to Alaska or Hawaii (or subdivisions thereof) so as to authorize separate wage determinations for these areas; and (2) in the event such area or areas are so limited, what are the prevailing minimum wages in such area or areas.

An application for such a hearing shall be in writing, filed in quadruplicate (original and three copies) with the Administrator of the Wage and Hour and Public Contracts Divisions at the United States Department of Labor, Constitution Avenue and Fourteenth Street NW., Washington 25, D.C., within 30 days after this notice is filed for publication with the Office of the Federal Register. It shall state each of the applicant's contentions regarding the issues set out in the preceding paragraph. The application, and each copy thereof, shall be accompanied by a copy of expected documentary evidence, an identification of each witness intended to be called, and a summary of the expected testimony of such witness, the name and address of the counsel or other representative selected to present such evidence, and an estimate of the time the presentation may require.

The time and place of any requested hearing will be published in the FEDERAL REGISTER, if and after, applications are received. The procedure will be governed by sections 7 and 8 of the Administrative Procedure Act (5 U.S.C. 1006 and 1007), and 41 CFR Part 50–203, Subpart C, as recently amended (26 F.R. 8945), and the applicable provisions of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.).

Signed at Washington, D.C., this 8th day of January 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62–337; Filed, Jan. 10, 1962; 8:52 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601, 608]

[Airspace Docket No. 61–WA–188]

SPECIAL USE AIRSPACE, FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Designation of Restricted Areas and Federal Airways, and Alteration of Federal Airways, Control Areas and Control Zones; Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600, 601, and 608, and §§ 600.6012, 600.6017, 600.6074, 600.6077, 600.6190, 600.6280, 600.6516, 600.1530, 600.1531, 600.1539, 600.1541, 600.1644, 601.1168, 601.1182, 601.1260, 601.2270, and 601.7101 of the regulations of the Administrator, the substance of which is stated below.

The Department of the Air Force has declared a requirement for their undergraduate pilot training activities to be conducted in segregated airspace surrounding six selected Air Force bases. Since the bulk of this training involves students with little or no actual flight training it is the contention of the Air Force that this activity constitutes a hazard to non-participating aircraft. The Air Training Command has indicated that they require segregated airspace in the amount of 8,000 square miles surrounding each location, to contain this training activity.

In addition to U.S. students, from approximately 50 other nations will undergo flight training in the Undergraduate Pilot Training (UPT) program. Approximately 6,000 student and support missions will be flown monthly in jet trainers with approximately 63 sorties airborne continuously during daylight hours. The majority of the training sorties will consist of acrobatic maneuvers performed at high speeds, which are not adaptable to air traffic control and cannot be conducted on Federal airways. The ability of the student pilot to perform maneuvers while at the same time maintaining the necessary degree of vigilance for other aircraft is problematical, and his reactions are unpredictable.

The UPT program is the consolidation of all phases of undergraduate pilot training and is scheduled in three phases of instruction, preflight, primary flight training and basic flight training. During the primary and basic flight training periods, students perform a considerable amount of solo flight and it is during these phases, considering the type of maneuvers being performed, that the need for positive segregation from other flight activities becomes most apparent.

The effective operating range of the type of aircraft being utilized and the type of training to be performed dictates the outer limits of the flight training areas. In order for the missions to be effectively performed, the training areas must be situated within 75 nautical miles of the base. Training areas presently utilized by the Air Force are situated in a manner to avoid Federal Airways; however, some of these areas are beyond the optimum operating range of jet training aircraft. This decreases the effectiveness of the training mission.

As a result of discussions between representatives of the Federal Aviation Agency and the Air Force, the Administrator has under consideration the designation of restricted airspace as a means of meeting the stated requirement for segregation. The restricted airspace herein being proposed is of lesser dimensions than that requested by the Air Force but is considered sufficient to contain the UPT activity. This notice is concerned with the airspace surrounding the Vance AFB, Enid, Okla.

In order to insure the maximum degree of safety and minimum conflict between student training and other aircraft operations, it is proposed to concurrently designate restricted airspace and to realign certain Low and Intermediate altitude airways, alter others and designate certain alternates, adjacent to and through the proposed area. The airway modifications being proposed would permit the designation of airspace in a sufficiently large block to contain the complete flight profiles of the many types of maneuvers comprising the training syllabus while remaining within the maximum desirable range of 75 miles of the base. Since the flight profiles indicate that certain of the maneuvers can and will be conducted only between certain altitude levels, every opportunity has been taken to propose varying floors in order to make maximum effective use of all the airspace. The airway proposals contained herein would permit uninterrupted flow of non-participating aircraft around the proposed area during times when the area is in use. Low and Intermediate altitude airways which would traverse the proposed restricted area would be used only after obtaining prior approval from the Kansas City Air Route Traffic Control Center. Also, although practice penetrations, approaches and landings are not normally considered to be hazardous operations, the contemplated volume of such activity coupled with the level of training of the students would appear to dictate segregation of this type traffic to the extent practicable at the primary base, Vance, and at the satellite field at Kegelman. In consideration of these factors it is proposed to designate circular restricted areas at these two locations of sufficient size to contain this type activity at least during the phase of the maximum rate of descent. At Vance AFB, where there is both civil and military traffic, it is considered that since there is a full-time federally operated tower in operation the provisions of Amendment 60–24 to Civil Air Regulations will permit the desired segregation without the additional restrictions on other users which a restricted area would impose. Accordingly, at this location the floor of the restricted area would be placed at 2000 feet. At Kegelman, where only a part-time mobile tower with no provisions for Communications with transient aircraft will be in operation, the floor of proposed restricted airspace would be placed at ground level. The configuration of restricted airspace at these two locations would also take into account other existing airsports and existing airways. Further, since the restricted airspace being considered would be joint use airspace, it will be necessary to expand the controlled airspace between Anthony and Ponca City to include those areas not now so designated. Accordingly, the Federal Aviation Agency is considering the designation of the following restricted areas:

1. R–5602A Vance, Okla.

Boundaries. A circular area with a 5-nautical mile radius centered at latitude 36°20'20" N., longitude 97°55'00" W., excluding the area within a 2-nautical mile radius of the Woodring, Okla., Airport (latitude 36°22'45" N., longitude 97°47'30" W.).
Designated altitudes. 2,000 to 8,000 feet MSL.
Time of designation. 0700 to 1800 CST, Monday through Friday.
Controlling agency. Federal Aviation Agency, Kansas City ARTC Center.
Using agency. Commander, Vance AFB, Okla.

2. R–5602B Vance, Okla.

Boundaries. Beginning at latitude 36°-47'55" N., longitude 98°02'30" W.; clockwise along the arc of a 5-nautical mile radius circle centered at latitude 36°44'20" N., longitude 98°07'00" W. to latitude 36°-48'50" N., longitude 98°09'45" W.; to the point of beginning.
Designated altitudes. Surface to 8,000 feet MSL.
Time of designation. 0700 to 1800 CST, Monday through Friday.
Controlling agency. Federal Aviation Agency, Kansas City ARTC Center.
Using agency. Commander, Vance AFB, Okla.

3. R–5602C Vance, Okla.

Boundaries. Beginning at latitude 36°-37'30" N., longitude 97°15'00" W.; to latitude 36°05'20" N., longitude 97°15'00" W.; to latitude 35°52'30" N., longitude 98°02'-00" W.; to latitude 35°41'15" N., longitude 98°42'30" W.; to latitude 35°49'00" N., longitude 99°18'00" W.; to latitude 36°25'40" N., longitude 99°31'50" W.; to latitude 37°-04'40" N., longitude 98°10'20" W.; to latitude 37°02'30" N., longitude 97°30'30" W.; to latitude 36°50'00" N., longitude 97°20'30" W.; to the point of beginning.
Designated altitudes. From 8,000 feet MSL to 23,500 feet MSL.
Time of designation. 0700 to 1800 CST, Monday through Friday.
Controlling agency. Federal Aviation Agency, Kansas City ARTC Center.
Using agency. Commander, Vance AFB, Okla.

4. R–5602D Vance, Okla.

Boundaries. Beginning at latitude 36°-25'40" N., longitude 99°31'50" W.; to latitude 37°04'40" N., longitude 98°10'20" W.;

to latitude 37°14'00" N., longitude 98°34'15" W.; to latitude 36°51'30" N., longitude 99°-20'00" W.; to the point of beginning.

Designated altitudes. From 11,000 feet MSL to 23,500 feet MSL.

Time of designation. 0700 to 1800 CST, Monday through Friday.

Controlling agency. Federal Aviation Agency, Kansas City ARTC Center.

Using agency. Commander, Vance AFB, Okla.

The designation of the foregoing restricted areas would dictate the alteration of Low altitude VOR Federal airways, Intermediate altitude VOR Federal airways, Control area extensions, the Enid, Okla., control zone and the Continental Control Area as follows:

1. Low altitude VOR Federal airway No. 12 extends in part from the Gage, Okla., VOR via the Anthony, Kans., VOR to the Wichita, Kans., VOR including a north alternate from Gage to Wichita via the intersection of the Gage VOR direct radial to the Hutchinson, Kans., VOR with the Anthony VOR direct radial to the Dodge City, Kans., VOR. It is proposed to realign Victor 12 north alternate from Gage to Wichita via the intersection of the Gage VOR 028° and the Wichita VOR 250° True radials.

2. Low altitude VOR Federal airway No. 17 extends in part from the Oklahoma City, Okla., VOR to Gage, Okla., VOR including a west alternate via the intersection of the Oklahoma City VOR 282° and the Gage VOR 133° True radials. It is proposed to realign Victor 17 west alternate from Oklahoma City to Gage via the intersection of the Oklahoma City VOR 282° and the Gage VOR 146° True radials.

3. Low altitude VOR Federal airway No. 74 extends in part from the Anthony, Kans., VOR to the Ponca City, Okla., VOR. It is proposed to alter Victor 74 by designating a north alternate from Anthony to Ponca City via the intersection of the Anthony VOR 085° and the Ponca City VOR 327° True radials.

4. The portions of low altitude VOR Federal airways Nos. 12, 17, 74, 77, 190, 280, and 516 and the portions of intermediate altitude VOR Federal airways Nos. 1530, 1531, 1539, 1541, and 1644 which would coincide with the proposed restricted areas would be used only after obtaining prior approval from appropriate authority.

5. Intermediate altitude VOR Federal airway No. 1539 extends in part as a 10-mile wide airway from the Ponca City, Okla., VOR via the intersection of the Ponca City VOR 328° and the Wichita, Kans., VOR 190° True radials to the Wichita VOR. It is proposed to realign this segment of Victor 1539 as a 10-mile wide airway from the Ponca City VOR via the intersection of the Ponca City VOR 327° and the Wichita VOR 187° True radials to the Wichita VOR.

6. Designate intermediate altitude VOR Federal airway No. 1768 as a 10-mile wide airway from the Gage, Okla., VOR via the intersection of the Gage VOR 146° and the Oklahoma City, Okla., VOR 282° True radials to the Oklahoma City VOR.

7. Designate intermediate altitude VOR Federal airway No. 1770 as a 10-mile wide airway from the Gage VOR via the intersection of the Gage VOR 028° and the Wichita VOR 250° True radials to the Wichita VOR.

8. Designate intermediate altitude VOR Federal airway No. 1772 as a 10-mile wide airway from the Anthony, Kans., VOR via the intersection of the Anthony VOR 085° and the Ponca City VOR 327° True radials to the Ponca City VOR.

9. Designate intermediate altitude VOR Federal airway No. 1774 as a 10-mile wide airway from the Oklahoma City, Okla., VOR to the Ponca City, Okla., VOR via the intersection of the Oklahoma City VOR 040° and the Ponca City VOR 181° True radials.

10. The Ponca City, Okla., control area extension (601.1168) would be expanded to include the airspace bounded on the north and northeast by the proposed low altitude VOR Federal airway No. 74 north alternate between the Anthony VOR and the Ponca City VOR; on the south by low altitude VOR Federal airway No. 190; and on the northwest by low altitude VOR Federal airway No. 12. The portion of this control area extension which would coincide with the proposed restricted areas would be used only after obtaining prior approval from appropriate authority.

11. The portions of the Altus, Okla., control area extension (601.1260), the Enid, Okla., control area extension (601.1182) and the Enid, Okla., control zone (601.2270) which coincide with the proposed restricted areas would be used only after obtaining prior approval from appropriate authority.

12. The continental control area (601.7101) would be altered so as to include proposed Restricted Areas R-5602C and R-5602D.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 5, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-292; Filed, Jan. 10, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 14475; FCC 62-5]

RADIO ASTRONOMY SERVICE

Modification of Existing Frequency Allocation Provisions; Notice of Proposed Rule Making

1. On January 25, 1961, the Commission adopted a notice of proposed rule making in Docket No. 13928 wherein, among other things, a number of proposals were made relative to frequency allocations for the radio astronomy service. On the basis of comments received, those proposals were subsequently adopted, without change, by the Commission's second memorandum and order of October 18, 1961, in Docket No. 13928, and became effective December 1, 1961.

2. The Commission has adopted this day, January 3, 1962, a notice of inquiry in Docket No. 14477, wherein the draft preliminary views of the United States are set forth relative to future international frequency allocation changes considered desirable for the radio astronomy service. Although the results of that inquiry are intended for distribution abroad, to elicit the comments and reactions of other Administrations, it appears appropriate to institute rule making at this time to amend our national provisions for radio astronomy to align with the preliminary views.

3. Accordingly, it is proposed to amend the national Table of Frequency Allocations in Part 2 of the rules, as set forth in the Appendix below, for the reasons given below:

(A) Delete the existing allocation of 1003–1005 kc/s to the earth-space and space service in order to keep the band 9995–10005 kc/s free of all transmissions other than those of standard frequency stations.

(B) Delete radio astronomy from the band 20000–20010 kc/s; the band 19990–20000 kc/s will be kept free of all transmissions other than those of standard frequency stations. Delete Space and Earth-Space, 19990–20000.

(C) Delete provisions for industrial, scientific and medical (ISM) devices on 40.68 Mc/s. Although this frequency has been designated for ISM for a number of years, it remains virtually unused for that purpose. Delete ISM footnote No. 236 from Col. 5.

(D) Allocate the band 328.6–335.4 Mc/s to aeronautical radionavigation on a primary basis and to the radio astronomy service on a secondary basis. On a long term basis this band appears to offer the best opportunity for uninterrupted astronomical observations, provided the observatories are not in the vicinity of major airports.

(E) Delete the 404–406 Mc/s secondary allocation to the radio astronomy service. Increased space communication and meteorological aids activities in this band are expected to make it less and less useful for radio astronomy. Additionally, for continuum studies, the bands 328.6–335.4 Mc/s and 404–406 Mc/s are not sufficiently separated to warrant retention of both for radio astronomy.

(F) Re-allocate the band 1660–1670 Mc/s to provide a secondary allocation to the radio astronomy service at 1664.4–1668.4 Mc/s to encourage research on the hydroxyl complex spectral lines.

(G) Delete footnote US68 from Column 6 in the bands 4990–5000 Mc/s and 15350–15400 Mc/s inasmuch as the bands are allocated exclusively to radio astronomy.

(H) Allocate the band 88000–90000 Mc/s (88–90 Gc/s) to the radio astronomy service to permit observations at this "window" in the atmosphere.

4. In view of the foregoing, it is proposed to amend § 2.106, as set forth in the Appendix below, pursuant to the authority contained in sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

5. All interested persons are invited to file, on or before February 16, 1962, comments supporting or opposing the proposal set out in the Appendix to this notice, outlining any modifications or counterproposals the parties may wish to submit. Comments in reply thereto may be submitted on or before February 26, 1962. The Commission will consider all comments filed hereunder prior to taking final action in this matter provided that, notwithstanding the provisions of § 1.213 of the rules, the Commission will not be limited solely to the comments filed in this proceeding.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, the original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: January 3, 1962.

Released: January 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

APPENDIX

§ 2.106 [Amendment]

1. Section 2.106 Table of Frequency Allocations of the Commission's rules and regulations is amended to read, in part, as follows:

United States		Federal Communications Commission				
Band (kc/s)	Allocation	Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of services (of stations)
(5)	(6)	(7)	(8)	(9)	(10)	(11)
		9995-10005	STANDARD FREQUENCY. Radio astronomy (US74).	Radio astronomy. Standard frequency	10,000	RADIO ASTRONOMY. Standard frequency.
		19990-20000	STANDARD FREQUENCY. Radio astronomy (US74).	Radio astronomy. Standard frequency.	20,000	Standard frequency.
		20000-20010	STANDARD FREQUENCY. Earth-Space (US76). Space (US76).	Earth. Space. Standard frequency.		
Mc/s		*Mc/s*				
40.66-40.7	G, NG US21 US75	40.66-40.7	RADIO ASTRONOMY (US74).	Radio astronomy.		RADIO ASTRONOMY.
328.6-335.4 (310)	G, NG	328.6-335.4	AERONAUTICAL RADIONAVIGATION (311). Radio astronomy (US74).	Radio astronomy. Radio navigation land.		RADIO ASTRONOMY. Glide path.
401-406	G, NG	401-406	METEOROLOGICAL AIDS (US70).	Radiosonde		Radiosonde.
1660-1664.4	G	1660-1664.4				
1664.4-1668.4	G, NG	1664.4-1668.4	Radio astronomy (US74).	Radio astronomy.		RADIO ASTRONOMY.
1668.4-1670	G	1668.4-1670				
4990-5000	G, NG	4990-5000	RADIO ASTRONOMY (US74).	Radio astronomy.		
15350-15400	G, NG	15350-15400	RADIO ASTRONOMY (US74).	Radio astronomy.		
40000-88000	G, NG	40000-88000		Amateur. Experimental.		
88000-90000	G, NG	88000-90000	RADIO ASTRONOMY (US74).	Radio astronomy.		
Above 90000	G, NG	Above 90000		Amateur. Experimental.		

[F.R. Doc. 62-259; Filed, Jan. 10, 1962; 8:46 a.m.]

Notices

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 359]

MISSISSIPPI

Declaration of Disaster Area

Whereas, it has been reported that during the month of December 1961, because of the effects of certain disasters, damage resulted to residences and business property located in Hinds, Rankin, Lowndes, and Monroe Counties in the State of Mississippi;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from rain, flood, and accompanying conditions occurring on or about December 12 through 17, 1961.

Offices—

Small Business Administration Regional Office,
90 Fairlie Street NW.,
Atlanta 3, Ga.

Small Business Administration Branch Office,
511 East Yazoo Street,
Jackson 1, Miss.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to June 30, 1962.

Dated: December 27, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-300; Filed, Jan. 10, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

January Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during January 1962, were announced today by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), peanuts, wheat, rice (rough), corn, oats, barley, rye, grain sorghums, and gum turpentine.

Beginning January 1, CCC will discontinue charging sales of nonstorable corn and grain sorghums against its pool of 1961 Feed Grain Program certificates. Until further notice, all other sales of corn and grain sorghums for unrestricted use (domestic or export) will continue to be in redemption of the pooled certificates.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities except oats currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for special export sale under the CCC Export Credit Sales Program. The following commodities are currently eligible for barter: Nonfat dry milk, butter, cotton, tobacco, rice (Pearl rough), wheat, corn, rye, barley, and grain sorghums. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for January 1962 are 3½ percent for periods up to six months, 4 percent for periods from over six and up to 18 months, and 4½ percent for periods from over 18 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the ASCS Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS Office promptly upon appearance and therefore generally they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of International Programs (the Bureau of Foreign Commerce until Aug. 9, 1961), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Programs.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of, (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirements for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Programs or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in store at storage location of products. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland ASCS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati ASCS Commodity Office.
Butter	Domestic, unrestricted use; announced prices, under LD-29 as amended: 65.75 cents per pound: New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 65.0 cents per pound: Washington, Oregon, and California. All other States 64.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Offices— Announced prices under LD-35: When sales are made under LD-33, as amended, above, any butter offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.
Nonfat dry milk	Domestic, unrestricted use; announced prices, under LD-29 as amended: Spray process, U.S. extra grade, 17.40 cents per pound. Roller process, U.S. extra grade, 15.40 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati and Portland ASCS Commodity Offices. Announced prices under LD-35: When sales are made under LD-33 as amended, above, any nonfat dry milk offered but not sold under the invitation to bid will be offered for sale through the following Monday at prices announced in Washington each Tuesday.
Cheddar Cheese (standard moisture basis).	Domestic, unrestricted use; announced prices under LD-29 as amended: 39.75 cents per pound: New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean, and the Gulf of Mexico. All other States 38.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnat. ASCS Commodity Office. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any cheese offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.
Cotton, upland	Domestic, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-16 (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price support programs will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price plus reasonable carrying charges, or (b) the market price of such cotton, as determined by CCC. Export, CCC Credit Sales: Competitive bid under the terms and conditions of Announcements CN-EX-14 (Acquisition of Cotton for Export under Credit Sales Program) and NO-C-17 (Sale of Upland Cotton (for Credit Sales)). Cotton to be sold at the highest price offered but in no event at less than the higher of (a) 105 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC, less in either case an amount equal to the payment-in-kind cotton export payment rate in effect on the date of the acceptance of an offer.
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcement NO-C-6 (Revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements extra long staple cotton will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.
Catalogs	Catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans ASCS Commodity Offices.
Wheat, bulk	Domestic, unrestricted use: Market price basis in store,[1] but not less than 1961 applicable support price for the class, grade, and quality of the wheat plus the amount shown below applicable to the type of carrier involved.

Unit	Received by—		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
	Cents	*Cents*			
Wheat (commercial area) [2] Bushel	23	19	Chicago	No. 1 RW	$2.28
			Minneapolis	No. 1 DNS	2.35
			Kansas City	No. 1 HW	2.28
			Portland	No. 1 SW	2.18

Export:
(1) Under Announcement GR-345 (Revised June 30, 1960), as amended for redemption of certificates under export payment-in-kind program, (2) under Announcement GR-212 (Revision 2, Jan. 9, 1961), for specified offerings as announced and (3) as wheat under Announcement GR-261 (Revision 2, Jan. 9, 1961), or as flour under Announcement GR-262 (Revision 2, Jan. 9, 1961), for application under arrangements for barter which permits exportation of wheat as flour and approved credit sales only at prices determined daily.

Available Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.

See footnotes at end of table.

Commodity	Sales price or method of sale
Barley, bulk (continued)	Available: At bin sites through ASCS County Offices. In certain States in which emergency areas have been designated bin sites storable feed barley is available from bin sites only under the Livestock Feed Program, and to stockmen and livestock (including poultry) owners who use this grain for feeding their livestock and poultry. At other locations through the Evanston, Dallas, and Kansas City ASCS Commodity Offices. B. Redemption of 1961 Feed Grain Program Certificates: Until further notice, CCC will redeem rights represented by pooled certificates under the 1961 Feed Grain Program at market prices and as restricted points of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of grain delivered in redemption of such rights. CCC also reserves the right to restrict the availability of corn at any location whenever such action is deemed necessary. For information on the availability of such grain from bin sites, contact ASCS State or county offices. For information on the availability of such grain from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. As Available: From bin sites through ASCS County Offices in the Minneapolis area and at other locations through the Minneapolis and Portland ASCS Commodity Offices. Nonstorable, as available: at not less than market price as determined by CCC. At bin sites through ASCS County Offices. At other locations through the ASCS Commodity Offices indicated above. Export: At market prices and: Under Announcement GR-366 (Revised Aug. 31, 1960), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to arrangement for barter, approved credit and emergency sales. Available: Evanston, Dallas, and Kansas City ASCS Commodity Offices. Nonstorable, as available: At Commodity Office as available in terminal location in Minneapolis area.
Rye, bulk	Domestic, unrestricted use: Storable: Market price basis in store,[1] but not less than 105 percent of the applicable 1961 support price[2] for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.

Unit	Received by—	Examples of minimum prices (e/rail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
	Cents	*Cents*			
Bushel	11	8	Minneapolis	No. 2 or better (or No. 3 on TW only).	$1.30

Available: At bin sites through ASCS County Offices. At other locations through the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.
Nonstorable, as available: At not less than market price as determined by CCC, through the ASCS Commodity Offices indicated above.
Export: Under Announcement GR-366 (Revised Aug. 31, 1960), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangement for barter, approved credit and emergency sales.

See footnotes at end of table.

Commodity	Sales price or method of sale
Corn, bulk	Domestic and Export: Redemption of 1961 Feed Grain Program Certificates: Until further notice CCC dispositions of storable corn for domestic unrestricted use and for export, excluding sales under GR-366 and GR-212, will be in redemption of certificates or rights represented by pooled certificates under the 1961 Feed Grain Program. Such redemptions will be made at applicable market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of corn that will be made available for redemption. CCC also reserves the right to restrict the availability of corn at any location whenever such action is deemed necessary. For information on the availability of such grain from bin sites, contact ASCS State or county offices. For information on the availability of such grain from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. Other Export Sales: Under Announcement GR-366 (Revised Aug. 31, 1960), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter, approved credit and emergency sales. CCC reserves the right to determine the class, grade, quality and quantity to be made available for sale under these announcements. Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. Nonstorable, as available: At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS Commodity Offices indicated above.
Oats, bulk	Domestic: Storable—A. General Sales: Market price basis in store,[1] but not less than 105 percent of the applicable 1961 support price[2] for the class, grade, and quality of the amount shown below applicable to the type of carrier involved. For production to the present point of storage will also be added.

Unit	In store at—	Examples of minimum prices (e/rail or barge)		
	Point of production	Other point	Terminal	Class and grade	Price
	Cents	*Cents*			
Bushel	9	11	Chicago	No. 3	[4] 80.8½

Oats

Available: At bin sites through ASCS County Offices. In States in which emergency areas have been designated bin sites storable oats will be available only under the Livestock Feed Program and to stockmen and livestock (including poultry) owners who use this grain for feeding their livestock and poultry. At other locations through the Evanston, Dallas, and Kansas City ASCS Commodity Offices and at bin sites will not be available for sale by the Minneapolis ASCS Commodity Office.
B. Redemption of 1961 Feed Grain Program Certificates: Until further notice, CCC will redeem rights represented by pooled certificates under the 1961 Feed Grain Program at market prices and at restricted points of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of oats that will be made available for redemption. CCC also reserves the right to restrict the availability of oats at any location whenever such action is deemed necessary.
Available: Portland ASCS Commodity Office.
Nonstorable, as available: At not less than market price as determined by CCC. At bin sites through ASCS County Offices. At other locations through the ASCS Commodity Offices indicated on the preceding page.

Unit	Received by—	Examples of minimum prices (e/rail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
	Cents	*Cents*			
Bushels	10	8	Minneapolis	No. 2 or better	$1.20

Barley

Domestic
Storable—A. General Sales: Market price basis in store,[1] but not less than 105 percent of the applicable 1961 support price[2] for the class, grade, and quality of the grain plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.

Commodity	Sales price or method of sale
Grain sorghums, bulk	Domestic and export: Redemption of 1961 Feed Grain Program Certificates: Until further notice CCC dispositions of storable grain sorghums for domestic unrestricted use and for export, excluding sales under GR-366 and GR-212, will be in redemption of certificates or rights represented by pooled certificates under the 1961 Feed Grain Program. Such redemptions will be made at the applicable market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of grain sorghums that will be made available for redemption. CCC also reserves the right to restrict the availability of grain sorghums at any location whenever such action is deemed necessary. For information on the availability of such grain from bin sites, contact ASCS State or county offices. For information on the availability of such grain from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, or Portland ASCS Commodity Offices. Other export sales: Under Announcement GR-366 (Revised Aug. 31, 1960), as amended, for feed grain payment-in-kind program, and under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter and approved credit and emergency sales. CCC reserves the right to determine the class, grade, quality and quantity to be made available for sale under these announcements. Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. Nonstorable, as available: At not less than market price as determined by CCC. At bin sites through ASCS County Offices. At other locations through the ASCS Commodity Offices indicated above.
Rice, rough (as available)	Domestic, unrestricted use: Market price but not less than 105 percent of the applicable 1961 support price plus 28 cents per cwt., basis in store. Export: As milled or brown under Announcement GR-369 (Revision 1, Feb. 1, 1961), as amended, Rice Export Program Payment-in-Kind, and Under GR-379 (Revision 1, May 1, 1961), for approved credit sales. California Pearl rice only for application to approved barter contracts under GR-379. Price, quantities, and varieties of rough rice available from Dallas and Portland ASCS Commodity Offices.
Peanuts, shelled (as available)	Domestic, unrestricted use: Market price but not less than 105 percent of the 1961 support price (adjusted for milling) plus reasonable carrying charges, under Peanut Announcement 2.
Peanuts, shelled and unshelled (farmers stock) (as available).	Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (Revised) 1961.
Gum turpentine (bulk in tanks)	Domestic, unrestricted use: Competitive offers for unrestricted use, bulk in storage tanks, subject to Announcement TB-21-61 and supplements thereto. Available through Naval Stores Branch, Tobacco Division, ASCS, U.S. Department of Agriculture.

[1] On bin sites sales such delivery basis shall be f.o.b. buyers conveyance at the bin sites.
[2] Noncommercial producing area wheat shall be on the same basis as commercial producing area wheat except increase applicable support price by 23 percent.
[3] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent, and add amount shown above and any applicable freight for grain stored at other than the point of production.
[4] Includes paid in freight from Woodford County, Ill.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427)

Signed at Washington, D.C., on January 5, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-278; Filed, Jan. 10, 1962; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 81]

ARIZONA

Small Tract Classification

In Federal Register Document 61-12348, appearing on pages 12715-16, published December 29, 1961, the description should be amended to read as follows:

T. 1 N., R. 8 E.,
Sec. 3: Lots 3, 4, S½NW¼, SW¼, SW¼-NE¼, W½SE¼, S½NE¼SE¼, N½SE¼-SE¼.

Date: January 3, 1962.

FRED J. WEILER,
State Director.

[F.R. Doc. 62-393; Filed, Jan. 10, 1962; 8:45 a.m.]

[I-38]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 4, 1962.

The United States Forest Service, Department of Agriculture, has filed an application, Serial No. U-081486, for the withdrawal of lands described below from prospecting location, entry and purchase under the general mining laws, subject to existing valid claims.

The applicant desires the land for management as a scenic, recreational, and archeological area and preservation of scenic, archeological, and geological values contained therein. The lands are in the Manti-LaSal National Forest.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections or comments in writing to the State Director for Utah, Bureau of Land Management, Darling Building, P.O. Box 777, Salt Lake City 10, Utah. If any objections are filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the proposed withdrawal may state their views, and where proponents may explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN

MANTI-LASAL NATIONAL FOREST

Hammond Canyon Archeological and Scenic Area (Addition)

T. 35 S., R. 20 E.,
Sec. 20: SE¼NE¼, SW¼, NE¼SE¼, S½SE¼;
Sec. 21: NW¼SW¼, S½SW¼;
Sec. 27: W½;
Sec. 28: N½, N½S½, S½SE¼;
Sec. 29: N½, N½S½;
Sec. 30: Lots 1, 2, and 3, S½NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 33: N½NE¼.
T. 35 S., R. 19 E. (unsurveyed).

Beginning at the SW corner of Lot 1, Sec. 30, T. 35 S., R. 20 E., thence W. 1,320 feet, thence N. 1,320 feet, thence W. 2,640 feet, thence S. 6,600 feet, thence E. 2,960 feet to a point on the west line of T. 35 S., R. 20 E., thence N. along said township line 5,280 feet, more or less, to the point of beginning, containing 560 acres, more or less. When surveyed the tract will probably be in Sections 25 and 26, T. 35 S., R. 19 E.

The above area aggregates 2,839.33 acres, more or less.

R. D. NIELSON,
State Director.

[F.R. Doc. 62-294; Filed, Jan. 10, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13327; Order No. E-17914]

AMERICAN AIRLINES, INC., AND BRANIFF AIRWAYS, INC.

Order Tentatively Approving Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of January 1962.

In the matter of an agreement between American Airlines, Inc., and Braniff Airways, Inc., et al., Agreement CAB 16012, Docket 13327; filed pursuant to section 412 of the Federal Aviation Act of 1958, as amended.

On December 1, 1961, eleven trunkline carriers[1] (the carriers) filed with the Board pursuant to section 412 of the Federal Aviation Act of 1958 (the Act), as amended, copies of an agreement entitled "Reservation Service Charge Plan" which is to be applicable wholly within the Continental United States, wherein the parties have agreed upon procedures relating to ticketing time limits, a reservation service charge, and the method

[1] American Airlines, Inc., Baniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

of assessment of the service charge. Such agreement which, subject to prior Board approval is to become effective March 1, 1962 and continue in effect for an indefinite period,[2] has been entered into pursuant to discussions held pursuant to Board Order E–17515 dated September 28, 1961.[3] Such discussions were authorized on the Board's own motion in view of the present unsatisfactory financial condition of the domestic trunklines and the need for finding ways and means to reduce carrier costs and increase revenues without undue burden on the traveling public, and the Board's determination that it is in the public interest to authorize the carriers to enter into joint discussions for a limited period regarding, inter alia, the control of "no-shows," subject to certain conditions.

The provisions of the agreement relative to ticketing time limits specify that for reservations confirmed more than 48 hours before scheduled flight departure, tickets must be purchased at least 24 hours before scheduled flight departure;[4] that in cases where the 24 hour ticket pick-up requirement is considered to present undue hardship, and for reservations confirmed within 48 hours of scheduled flight departure, tickets may be purchased at the passenger's convenience only if the customer submits his full name and address at the time reservations are confirmed; that subscribers to the Universal Air Travel Plan (UATP) and all holders of On-Line Credit Plans, "Write-your-own-ticket" books, or Block Ticket Accounts, including Teleticketing or Government Transportation Requests (GTR), will be required to submit their account numbers or GTR numbers at the time their reservations are confirmed; and that tickets will not be accepted for travel over other than the carrier specified on the flight coupon, unless said coupon has been appropriately endorsed by said carrier, or the customer presents written evidence of cancellation.

The proposed reservation service charge rule provides that any ticketed passenger who submits a ticket for voluntary refund or voluntarily for use after the scheduled flight departure for which the first remaining flight coupon was validated, will be assessed a service charge of $5.00 or 50 percent (whichever is greater, except in no case will the service charge exceed $50.00 or the total value of the first remaining flight coupon) of the applicable one-way local fare of the first remaining flight coupon: Unless, the customer is able to present simultaneously written evidence, as provided by the carrier, that he canceled his reservation prior to scheduled flight departure for which the first remaining flight coupon was validated.[5] A like charge will be billed subscribers to credit plans (UATP, "Write-your-own-ticket," On-Line Credit Plans, Block Ticket Accounts, including Teleticketing and Government Transportation Requests) where account numbers have been submitted as applying to customers who held confirmed reservations and did not use the flight for which they held a reservation, and who had not presented or forwarded written proof of cancellation.[6] The carriers have further agreed that travel agents shall be responsible for advising passengers of the reservations service charge and for the collection of such charges (commissionable at the rate of 5 percent).

The Board is cognizant of the inherently complex nature of the reservation and ticketing aspects involved in the sale of air transportation, and of the need to improve further the reservation procedures. The adoption of ticketing time limit standards represents, in the Board's view, a desirable move. The Board was also aware of the long-standing economic and service problem to the airlines and air travelers alike resulting from the failure of ticketed passengers to cancel or use reserved seat space. Thus, a fully booked flight may actually depart with unoccupied seats that could have been used by other passengers, because prior seat reservations were made by persons who failed to use or cancel their reservations. This problem has resulted in a handicap on the earning power of the air carriers and has often resulted in a denial of available air transportation to the public. For these reasons, the Board believes that reservation and no-show controls are desirable. On the basis of the foregoing, the Board has tentatively concluded that the agreement should be approved subject to the terms and conditions hereinafter set forth and the receipt of comments from interested persons.

As noted above, the proposed service charge is $5.00 or 50 percent (whichever is greater) of the applicable one-way local fare of the first remaining validated flight coupon, except that in no case will the charge exceed $50.00 or the total value of such coupon. The Board is concerned that the penalty may be in excess of that necessary to accomplish the desired purpose, and thus be unduly harsh on the passenger. However, absent experience or appropriate guidelines, we are unable to determine what otherwise would be a reasonable service charge. Therefore, while we tentatively have decided to approve the penalty as submitted, we intend to consider further the level of assessment at the end of an experimental period of six months. Toward this end we have concluded that our tentative approval should be conditioned as to require the carriers to report in detail by September 1, 1962, as to their experience under the program, including a specific recommendation as to any desirable changes in the amount of the penalty.

The Board notes that, under the terms of the agreement, application of the service charge is related in part to a ticket for which the first remaining flight coupon was validated (or revalidated). The word "validated" is not defined and hence may be subject to misinterpretation by the public, the carriers and the Board, particularly in view of the different types of tickets now being used in providing air transportation and the various procedures applicable thereto. In order that all concerned may be adequately informed, the Board desires that a definition be adopted or that the matter otherwise be clarified by the parties, both with respect to subscribers to credit plans, as mentioned in the agreement, and all other users of air transportation. In addition, the Board expects that the carriers, individually or collectively, will adopt simplified procedures governing ticket endorsement and the furnishing to ticketed passengers of written notice of cancellation of space.

The Board further proposes that its approval of the agreement will extend to the participation therein of any other certificated route air carrier upon the filing with the Board by such a carrier of a notice of intent to be bound by the terms of the agreement. The Board will also retain jurisdiction over the agreement for the purpose of imposing any other conditions or limitations on the approval which may be justified in the future or of requesting such information as the Board or its staff may deem appropriate.

The imposition of a reservations service charge on no-show passengers raises the related question of the procedures which should obtain in any instance where a passenger, who presents himself for carriage at the appropriate time and place, is not transported on a flight that operated and for which he held a proper ticket because of insufficient seats on the aircraft.[7]

The overbooking practices of the trunkline carriers have been the basis for numerous complaints to the Board and on August 4, 1960, by Order E–15614, the Board directed its staff to undertake a comprehensive investigation of this problem. The staff issued a report on July 28, 1961 setting forth its tentative findings and conclusions in the overbooking investigation (Overbooking Practices of Trunkline Carriers, Docket 11683). Facts developed in the investigation indicate that substantial overbooking, either inadvertent or intentional, does occur and while the percentage of oversales is not large in relation to the total volume of traffic handled, the number of persons inconvenienced by oversales is not insignificant.[8] Therefore, the Board concludes that any program directed to a resolution of the no-show problem must consider also the oversale aspect of the reservations process and give weight to the carrier's, as well as the passenger's, responsibility in confirming a reservation.

Implementation of the no-show agreement will necessitate a filing by the carriers of appropriate tariff rules. However, the Board does not intend to permit such rules to become effective in advance of the submission by the carriers of a program, and such tariff revisions as may be necessary, establishing reciprocal payment to passengers in the event of oversales.[9] In this connection, it appears to the Board that a reasonable minimum payment by the carrier should be $25.00 or 50 percent, whichever is greater, of the applicable one-way local fare of the first remaining validated flight coupon of the ticket.[10] It is to be noted that such payment by a carrier would be higher than the service charge to be borne by a no-show passenger. However, a no-show passenger will be subject to the service charge irrespective of whether his failure to use the seat has, in fact, "injured" the carrier,[11] whereas the proposed payment by the carrier to the passenger would be made only if the passenger is not transported.

Because of the consequences of the foregoing proposals on the traveling public, the carriers and the Board, the Board will allow a period of twenty days for the filing of comments by interested persons and for the accomplishment of the other matters discussed above. For the duration of such period the Board also will authorize the air carrier parties to the agreement and any other certificated route air carrier to engage in discussions concerning the no-show and oversale programs.[12]

Accordingly, it is ordered:

1. That action on Agreement CAB 16012 be and it hereby is deferred for a period of twenty days to permit the filing of comments by interested persons[13] relative to the Board's tentative decision herein and the accomplishment of other matters discussed above;

2. That during the same period the air carrier parties to the agreement and any other certificated route air carrier may engage in discussions of the no-show and oversale programs, subject to terms and conditions of Order E–17515; and

3. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62–330; Filed, Jan. 10, 1962; 8:51 a.m.]

[2] The parties have agreed that no carrier will withdraw from the agreement prior to September 1, 1962, and then only with 30 days written notice, and that any early termination of the agreement would be only by unanimous agreement of the parties.

[3] As amended by Orders E–17657 and E–17784, dated October 31, 1961, and November 30, 1961, respectively.

[4] The ticketing time limit requirements are met by the issuance of a ticket which indicates at least the reserved space of the first flight segment held by the passenger, or the revalidation of a previously issued ticket to indicate at least that reserved space.

[5] In instances where the ticket is presented for use, the penalty will be assessed before the ticket is either revalidated or reissued.

[6] In cases where the names and addresses of passengers requesting reservations pursuant to any of the credit plans are given, instead of an account number, the resolution provides that the person (rather than the account) will be billed the service charge.

[7] The Board gave recognition to the dual nature of this problem in its order instituting an investigation of overbooking practices in stating: "It is, on the one hand, obvious that in overbooking on the assumption that there will be a calculated number of persons holding reservations who fail to appear, the carrier is imposing on the overbooked passengers the risk that reserved space will not be available when the aircraft takes off • • • It is, on the other hand, also apparent that failure to use reserved space, for whatever reason, presents real economic problems for the carriers." Order E–15614, Aug. 4, 1960, p. 4.

[8] The experienced oversale incidence to passengers enplaned of .07 percent for the two sample surveys, conducted in accordance with the staff's investigation, applied to passenger enplanements for 1960, would produce an estimated total of 33,600 oversales for an annual period.

[9] A passenger holding a valid ticket, or for whom the carrier's records show space was reserved, and who has complied with carrier requirements as to ticketing procedures, and who was not accommodated at flight departure, shall be deemed an oversold passenger.

Passengers holding first class space but provided space in the coach section of a flight shall be considered as accommodated, but shall be due the difference between the applicable first-class and coach fare in accordance with existing tariff provisions.

Passengers holding confirmed coach or tourist space or other reduced-fare space, but accommodated in the first-class section shall be considered as accommodated, but without liability for any additional collection. This shall not apply to coach stand-by passengers who are boarded in the first-class section.

[10] Where such minimum payment would not fully compensate the passenger for damages sustained as a result of the oversale, he would be free to claim and the carrier would be free to pay, such additional amount as the circumstances would warrant.

[11] E.g., if the aircraft never was fully reserved or if it otherwise departed fully loaded despite the no-show, the carrier was not injured.

[12] The Board anticipates that, following final action by it on the matters reviewed herein, the carriers would take all appropriate steps to advise those concerned of the details of the programs well in advance of their implementation.

[13] Such comments should be submitted in triplicate, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C.

[14] Filed as part of original document.

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED MUTUAL SAVINGS BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM

Call for Annual Report of Income and Dividends

Pursuant to the provisions of section 7(a) of the Federal Deposit Insurance Act each insured mutual savings bank not a member of the Federal Reserve System is required to make a Report of Income and Dividends for the calendar year 1961 on Form 73 (Savings), revised December 1951,[14] to the Federal Deposit Insurance Corporation within ten days after notice that such report shall be made. Said Report of Income and Dividends shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings and Report of Income and Dividends on Form 73 (Savings)," dated January 1961.[14]

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] LOUISE R. DENO,
Acting Secretary.

[F.R. Doc. 62–286; Filed, Jan. 10, 1962; 8:45 a.m.]

INSURED STATE BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM EXCEPT BANKS IN THE DISTRICT OF COLUMBIA AND MUTUAL SAVINGS BANKS

Call for Annual Report of Income and Dividends

Pursuant to the provisions of section 7(a) of the Federal Deposit Insurance Act each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, is required to make a Report of Income and Dividends for the calendar year 1961 on Form 73 (revised December 1961)[14] to the Federal Deposit Insurance Corporation within ten days after notice that such report shall be made. Said Report of Income and Dividends shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 73," dated December 1961.[14]

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] LOUISE R. DENO,
Acting Secretary.

[F.R. Doc. 62–287; Filed, Jan. 10, 1962; 8:45 a.m.]

COMPTROLLER OF THE CURRENCY AND BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Joint Call for Report of Condition of Insured Banks

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a Report of Condition as of the close of business, December 30, 1961, to the appropriate agency designated herein, within ten days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form 2130–A—Call No. 440.[14] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of

Condition on Federal Reserve Form 105—Call 162,[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 58,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Reports of Condition by National Banking Associations," dated January 1961.[1] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member banks of the Federal Reserve System," dated February 1961.[1] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64, by insured State Banks not members of the Federal Reserve System," dated January 1961.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated January 1961,[1] and shall send the same to the Federal Deposit Insurance Corporation. Each insured mutual savings bank which is a member of the Federal Reserve System shall make its original Report of Condition on Federal Reserve Form 105—Call 162,[1] prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member banks of the Federal Reserve System," dated February 1961,[1] and shall send the same to the Federal Reserve Bank of the District in which it is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation.

[SEAL] ERLE COCKE, Sr.,
Chairman, Federal Deposit Insurance Corporation.
C. C. BALDERSTON,
Vice Chairman, Board of Governors of the Federal Reserve System.
JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62-288; Filed, Jan. 10, 1962; 8:45 a.m.]

[1] Filed as part of original document.

FEDERAL AVIATION AGENCY

[OE Docket No. 61-CE-68]

PROPOSED TELEVISION ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: Station WKBT-TV, La Crosse, Wisconsin, proposes to construct a television antenna structure near Galesville, Wisconsin, at latitude 44°05'28" north, longitude 91°20'15" west. The overall height of the structure would be 2,449 feet above mean sea level (1,629 feet above ground).

This is the third proposal for a structure in the vicinity of La Crosse, Wisconsin, which has been submitted by the sponsor. Two prior proposals were withdrawn by the sponsor because of objections received. An objection to this proposal was made by the State of Wisconsin Aeronautics Commission on the basis that the proposed structure would require an increase in the procedure turn altitude for the VOR instrument approach procedure to Runway 18 at the La Crosse Airport and it would be a hazard to VFR operations. This proposal was discussed at the FAA Kansas City Informal Airspace Meeting and no objection was made. The State of Wisconsin Aeronautics Commission was not represented at this meeting.

The proposed structure would be located approximately 15.5 statute miles north of the La Crosse, Wisconsin, Airport and would require an increase from 2,400 feet MSL to 3,400 feet MSL in the procedure turn altitude for standard instrument approach procedure AL-219-VOR-RWY 18 to this airport. However, if the proposed structure is constructed, this approach procedure would be modified so that this approach could be effected without requiring an excessive rate of descent. The Agency study disclosed that this increase in the procedure turn altitude would have no substantial adverse effect upon this approach procedure. This increase in the procedure turn altitude would also have the side effect of precluding the use of 4,000 feet MSL on VOR Federal Airways Nos. 129, 170, and 2-97-171 during such time as this instrument approach procedure would be used. However, there are four instrument approach procedures established to this airport and instrument approach procedure AL-219-VOR-RWY 18 is least used. The study disclosed that this side effect would have no substantial adverse effect upon these operations.

The proposed structure would require an increase from 2,600 feet MSL to 2,800 feet MSL in the minimum en route altitude on VOR Federal Airway No. 129 from the Nodine, Minnesota, VORTAC to the Arcadia Intersection. The lowest Instrument Flight Rules cardinal en route altitude along this segment of airway is 3,000 feet MSL. The study disclosed that this increase would have no substantial adverse effect upon these operations. The study further disclosed that the proposed structure would not be located in close proximity to specific known routes generally used by VFR operations.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292) it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on January 2, 1962.

OSCAR W. HOLMES,
Chief, Obstruction Evaluation Branch.

[F.R. Doc. 62-296; Filed, Jan. 10, 1962; 8:46 a.m.]

PLAN FOR STANDARD INSTRUMENT DEPARTURES

Correction

In F.R. Doc. 62-97 appearing at page 126 of the issue for Friday, January 5, 1962, paragraph D is corrected by deleting the tenth and eleventh lines thereof and substituting the following: "has available in pictorial and narrative form or narrative form only, all the Standard".

FEDERAL POWER COMMISSION

[Docket No. RI60-395 etc.]

F. A. CALLERY, INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]; and Allowing Rate Changes To Become Effective Subject To Refund

JANUARY 4, 1962.

F. A. Callery, Inc., et al., Docket No. RI60-395; J. C. Trahan, Drilling Contractor, Inc., Docket No. RI62-277; The Superior Oil Company, Docket No. RI62-278; Harway Producers, Inc., Docket No. RI62-279; Crescent Production Company, Inc., et al., Docket No. RI62-280; Edwin L. Cox, Docket No. RI62-281; Amerada Petroleum Corporation, Docket No. RI62-282; Shell Oil Company, Docket No. RI62-283; Texaco Inc. (Operator) et al., Docket No. RI62-284.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI60-395	F. A. Callery, Inc. et al., Bank of the Southwest Building, Houston 2, Tex.	8	1-3	El Paso Natural Gas Co. (Pecos Valley Field, Pecos County, Tex.) (R.R. Dist. No. 8).	$73	12- 5-61	1- 5-62	1- 6-62	[4] 15.6488	[11][12] 15.70925	[10] RI60-395
RI62-277	J. C. Trahan Drilling Contractor, Inc., 2625 Line Ave., Shreveport, La.	8	1	Texas Gas Transmission Corp. (Bayou Chevruil Field, Lafourche, St. James, St. John the Baptist Parishes, La.) (South Louisiana).	18,829	12-11-61	1-11-62	6-11-62	[3] 21.75	[3] 23.25	----------
RI62-278	The Superior Oil Co., P.O. Box 1521, Houston 1, Tex.	69	3	Texas Gas Transmission Corp. (East Lake Palourde and Amelia Fields, Assumption Parish, La.) (South Louisiana).	31,916	12-11-61	2- 1-62	7- 1-62	[3] 21.875	[3] 23.875	G-17707
RI62-279	Harway Producers, Inc., 812 Ouachita National Bank Building, Monroe, La.	1	6	Mississippi River Fuel Corp. (North Choudrant Field, Lincoln Parish, La.) (North Louisiana).	78	12-14-61	1-14-62	1-15-62	[3] 13.586	[3] 14.036	G-20515
RI62-280	Crescent Production Co., Inc. et al., 812 Ouachita National Bank Building, Monroe, La.	10	6	Mississippi River Fuel Corp. (North Choudrant Field, Lincoln Parish, La.) (North Louisiana).	113	12-14-61	1-14-62	1-15-62	[3] 13.586	[3] 14.036	G-20514
RI62-281	Edwin L. Cox, 2100 Adolphus Tower, Dallas, Tex.	13	8	Natural Gas Pipeline Co. of America (Beaver County, Okla.).	277	12-14-61	1-23-62	6-23-62	[4] 17.0	[3] 17.2	RI61-325
		17	8	Natural Gas Pipeline Co. of America (Texas County, Okla.).	582	12-14-61	1-23-62	6-23-62	[4] 17.0	[3] 17.2	RI61-325
		25	4	Natural Gas Pipeline Co. of America (Texas County, Okla.).	98	12-14-61	1-23-62	6-23-62	[4] 17.0	[3] 17.2	RI61-325
RI62-282	Amerada Petroleum Corp., P.O. Box 2040, Tulsa 2, Okla.	12	6	Texas Gas Transmission Corp. (South Lewisburg Field, Acadia and St. Landry Parishes, La.) (South Louisiana).	5,035	12-14-61	1-14-62	6-14-62	[3][4] 18.875	[7] 23.25	[9] G-17538
RI62-283	Shell Oil Co., 50 West 50th St., New York 20, N.Y.	153	4	Texas Gas Transmission Corp. (Chalkley Field, Cameron Parish, La.) (South Louisiana).	265,619	12-11-61	1-14-62	6-14-62	[3] 18.5	[3] 23.758	G-12192
RI62-284	Texaco Inc. (Operator) et al., P.O. Box 2332, Houston Tex.	133	30	Natural Gas Pipeline Co. of America (Camrick Southeast Field, Texas and Beaver Counties, Okla., and Blakemore Area, Hansford County, Tex.) (R.R. Dist. No. 10).	9,152	12-14-61	1-23-62	6-23-62	[4][13] 17.0	[3] 17.2	RI60-507
					2,379	12-14-61	1-23-62	6-23-62	[4][16] 17.1632	[14] 17.36512	RI61-337

[1] The proposed effective date is the first day after expiration of the required 30 days' notice or, if later, the date requested by respondent.
[2] Periodic increase by contract.
[3] Pressure base is 15.025 psia.
[4] Pressure base is 14.65 psia.
[5] Includes 1.875 cents per Mcf tax reimbursement.
[6] Includes 2.3 cents per Mcf tax reimbursement.
[7] Favored-nation and tax reimbursement increase.
[8] Also subject to orders in docket Nos. G-15651 and G-11883.
[9] Redetermined increase by contract.
[10] Also subject to orders in docket No. G-19645.
[11] Correction to tax reimbursement.
[12] Subject to 0.5 cent per Mcf for compression (where applicable) deducted by purchaser.
[13] Also subject to orders in docket Nos. G-18564, G-15071, and G-12635, inter alia.
[14] Oklahoma production.
[15] Periodic increase plus applicable tax reimbursement.
[16] Texas production.

The proposed rate increases of J. C. Trahan, Drilling Contractor, Inc., The Superior Oil Company, Edwin L. Cox, Texaco Inc. (Operator), et al., Amerada Petroleum Corporation and Shell Oil Company exceed the applicable area price levels established by the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed increased rates of Harway Producers, Inc., and Crescent Production Company, Inc., et al. are below the applicable area price level, but include questionable reimbursement of the Louisiana Severance tax.[2] However, the suspension periods of these proposed increases and the tax correction of F. A. Callery, Inc., et al., may be shortened to one day.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Harway Producers, Inc., Crescent Production Company, Inc., et al., and F. A. Callery, Inc., et al., as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before February 19, 1962.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-297; Filed, Jan. 10, 1962; 8:46 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

[2] Only the tax portion of the increased rate shall be subject to refund.

[Project No. 2304]

PHELPS DODGE CORP.

Notice of Application for License

JANUARY 5, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Phelps Dodge Corporation (correspondence to Walter C. Lawson, Vice President and General Manager, Phelps Dodge Corporation, Box 872, Douglas, Arizona) for license for proposed Project No. 2304, to be known as Blue Ridge Project, to be located on East Clear Creek, a tributary of Little Colorado River, and on East Verde River, in Coconino and Gile Counties, Arizona, about 45 miles southwest of Winslow, Arizona, and affecting lands of the United States within Coconino and Tonto National Forests.

The proposed project will consist of: A concrete arch dam about 160 feet high with spillway at elevation 6,720 feet on East Clear Creek, creating a reservoir with a gross capacity of 15,000-acre-feet and a surface area of 275 acres; intake and pumphouse on reservoir shore; a steel pressure pipe line about 9 miles in length to a balancing reservoir with a capacity of about 10 acre-feet at elevation 7,276 feet on the Mogollon Rim divide between the Little Colorado and Verde River Basin; a penstock pipe about 2.5 miles to powerplant with impulse wheel nozzle at elevation 5,784 feet; switchyard; a 33 kv transmission line to pumphouse on reservoir shore; and other appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is February 20, 1962. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–298; Filed, Jan. 10, 1962; 8:47 a.m.]

[Docket No. CP62–107]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application and Date of Hearing

JANUARY 4, 1962.

Take notice that on October 27, 1961, as supplemented on November 27, 1961, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 296, Houston 1, Texas, filed in Docket No. CP62–107 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities and the sale of natural gas, as hereinafter described, all as more fully described in the application, as supplemented, which is on file with the Commission and open to public inspection.

Transco seeks authority to construct and operate a sales meter station and appurtenant facilities in Hudson County, New Jersey, near Transco's Central Manhattan meter station on the west bank of the Hudson River. The application states that the proposed meter station will be used as an additional delivery point to provide gas service to Public Service Electric and Gas Company (Public Service), an existing customer, for resale.

Transco states that Public Service has requested the proposed new delivery point in order that it might serve a new industrial customer, Lever Brothers Company (Lever Brothers), on a firm basis, which service Public Service would be unable to render from its existing facilities. Public Service will construct and operate the required facilities between the proposed meter station and Lever Brothers' plant, and such service will be rendered from authorized allocations of gas from Transco.

The proposed facilities are estimated to cost approximately $22,000 and will be financed initially by Transco from its general funds. Public Service has agreed to reimburse Transco in full for the cost of the facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regualtions and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 6, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 26, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–299; Filed, Jan. 10, 1962; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1436]

ALLIED CAPITAL CORP.

Notice of Filing of Application for Order Exempting Transaction Between Affiliates

JANUARY 3, 1962.

Notice is hereby given that Allied Capital Corporation, formerly Allied Small Business Investment Corporation ("Applicant") 7720 Wisconsin Ave., Bethesda, Md., a closed-end nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), which company is also a small business investment company licensed as such under the Small Business Investment Act of 1958 ("SBIA"), has filed an amended application pursuant to section 17(b) of the Act for an order exempting from section 17(a) thereof the proposed sale by Applicant of a 6 percent, 20-year convertible debenture ("Debenture") in the principal amount of $25,000 and four shares of Common Stock issued by Ritchie Market Corporation ("Ritchie") to Berens Real Estate Investment Corporation ("Berens").

The application makes the following representations:

On June 15, 1960, Applicant, acting as a co-lender, invested $25,400 in Ritchie through the purchase of its Debenture in the principal amount of $25,400. At that time a similar investment in the amount of $50,800 was made in Ritchie by the Small Business Investment Company of Pennsylvania. Thereafter, on January 24, 1961, Applicant converted $400 of its Debenture into four shares of the Common Stock issued by Ritchie; and the Small Business Investment Company of Pennsylvania converted $800 of its Debenture into eight shares of such Common Stock. These twelve shares constitute all of Ritchie's outstanding Common Stock. Ritchie invested $75,000 of the proceeds from the Debenture issue in the Ritchie Market partnership ("Partnership") which in turn organized and now holds all the outstanding stock of an operating company known as Ritchie Highway Farmers' Market, Inc. ("Operating Company") located in Glen Burnie, Maryland.

The Partnership consists of four general partners and 24.5 limited partnership units, or a total of 28.5 partnership units. The investment Applicant proposes to sell to Berens constitutes, in effect, one such unit. The combined net worth of the Operating Company and the Partnership as of May 14, 1961 was $623,890, or approximately $21,891 for each of the 28.5 partnership units. In the period from December 2, 1960 to May 14, 1961, net operating profits of the Operating Company, before income taxes and depreciation of $19,735.49, amounted to $68,382.62, and in the same period the net income of Ritchie amounted to $7,197.95 or $2,399.39 for each of the three partnership units it owns. On an annual basis, Allied's original investment of $25,400 would thus yield approximately 20 percent before depreciation and 14 percent after depreciation, but before income taxes.

In July 1961, the Small Business Administration advised Applicant that the formation of Ritchie as a financing vehicle through which Applicant and another licensee provided capital to a partnership was inconsistent with section 304 of the SBIA and violated §§ 107.308–9(a) and 107.304–1 of the rules and regulations promulgated under that Act which limit a small business investment company to investments in corporations and The Small Business Administration directed Applicant to correct such violations by making a bona fide disposal of all of its investment in Ritchie.

Pursuant to such advice and directions, Applicant's Board of Directors determined to offer its investment to Applicant's directors and to certain other persons familiar with the investment, including the 24 persons who owned the four general, and the other limited interests in the Partnership. Three bids were received, one in the amount of $25,000 plus adjustments for accrued earnings, from a director, one for $27,500 from a limited partner, and the other from Berens in the amount of $30,100 in cash plus accrued earnings to the date the transaction is consummated. Berens was awarded the bid subject to the approval of the Small Business Administration and subject to the compliance with the requirements of the Investment Company Act of 1940.

Berens is a publicly-held corporation with approximately forty-one percent of its stock owned, directly or indirectly, by George W. DeFranceaux, its President, and the various affiliated Berens companies of which Mr. DeFranceaux is the controlling stockholder. Mr. DeFranceaux is also President, Director and Chairman of the Board of Directors of the Applicant. He and Berens are affiliates of each other by reason of his stock holdings in Berens and he is an affiliate of Applicant by reason of his positions with the Applicant. The sale of the investment by Applicant and the purchase by Berens is therefore prohibited by section 17(a)(2) of the Act unless exempted therefrom pursuant to section 17(b).

Section 17(a) of the Act with certain exceptions not here relevant, prohibits an affiliated person (Mr. DeFranceaux) of a registered investment company (Applicant) or an affiliated person (Berens) of such a person from selling to, or purchasing from such registered company, any securities or other property. Section 17(b) provides, in pertinent part, that the Commission shall grant an exemption from the provisions of section 17(a) if it finds that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of any registered investment company concerned as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

The application states that on the date Applicant's Board of Directors decided to dispose of the Ritchie investment, there was no public market for the securities issued by Ritchie and the investment was, accordingly, valued by Applicant at its cost of $25,400; and it further states that the proposed transaction, including the price of $30,100 plus adjustments for earnings to be paid by Berens meets the standards contained in section 17(b) of the Act.

Notice is further given that any interested person may, not later than January 23, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such a request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–284; Filed, Jan. 10, 1962; 8:45 a.m.]

[File No. 1–3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

JANUARY 5, 1962.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, January 6, 1962, to January 15, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–285; Filed, Jan. 10, 1962; 8:45 a.m.]

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FEDERAL REGISTER

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Washington, Friday, January 12, 1962

THE UNIVERSITY OF MICHIGAN
JAN 24 1962
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Title 3—THE PRESIDENT

Proclamation 3444

HOMESTEAD CENTENNIAL YEAR

By the President of the United States of America

A Proclamation

WHEREAS May 20, 1962, marks the centennial of the enactment of the Homestead Act (12 Stat. 392), approved by President Lincoln, inducing settlement and cultivation of the undeveloped public lands and the establishment of homes thereon; and

WHEREAS the granting of patents to more than 270 million acres of public domain lands has promoted the economic, social, and political development of this country through the establishment of farms, ranches, and communities and has provided the foundation for our highly productive agricultural economy; and

WHEREAS the Homestead Act and supplemental acts of Congress, which are unique and distinctively American, stand as a tribute to the wisdom of those responsible for their enactment, in providing for the settlement of the public lands and thereby contributing to our free enterprise system by offering landless and laboring people an opportunity to acquire lands to provide for the needs of their families; and

WHEREAS the Homestead Act and supplemental acts provide for the further recognition of those who have served in the armed forces of the United States; and

WHEREAS specific Federal administration of the lands of the public domain began one hundred and fifty years ago with the establishment on April 25, 1812, of the General Land Office, now the Bureau of Land Management in the Department of the Interior, and the development of the West has been coextensive with, and based substantially upon, the acquisition, use, and disposal of these lands; and

WHEREAS the Nation's public lands have contributed to the development and maintenance of the land-grant colleges and universities and the transcontinental and other railroads, and constitute the resource from which our national forest and park systems have been created; and

WHEREAS the approximately 477 million acres of public domain, under the administration of the Department of the Interior, constitute a vital and necessary national land reserve, a trust dedicated to the greatest use and benefit of the public; and

WHEREAS the Congress, by a joint resolution approved September 22, 1961 (75 Stat. 571), has requested the President to issue a proclamation designating the calendar year 1962 as the centennial of the enactment of the Homestead Act:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the year 1962 as Homestead Centennial Year.

I call upon the Governors of the States, mayors of cities, and other public officials, as well as other persons, organizations, and groups, particularly in the States most directly affected by the Homestead Act, to observe such centennial by appropriate celebrations and ceremonies.

I request the Department of the Interior to plan and participate in appropriate commemorative activities recognizing the centennial of the enactment of the Homestead Act and the sesquicentennial of the establishment of the General Land Office; and I also request the Department of the Interior and other Federal agencies to cooperate fully with State and local governments during 1962 in commemorating these events.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington this fifth day of January in the year of our Lord nineteen hundred and sixty-two, and of the [SEAL] Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-427; Filed, Jan. 10, 1962; 4:37 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 820, Amdt. 1]

PART 820—REQUIREMENTS RELATING TO NON-QUOTA PURCHASE SUGAR FOR THE SIX-MONTH PERIOD ENDING JUNE 30, 1962

Non-Quota Purchases of Sugar Authorized

For the purpose of increasing the quantity of non-quota sugar authorized for purchase from 869,013 short tons, raw value, to 1,185,000 short tons, raw value, and to delete the reference in paragraph (b) to withholding of authorization for purchase of the proration for the Dominican Republic amounting to 315,987 tons, paragraphs (b) and (c) of § 820.22 of Part 820 are hereby amended to read as follows:

§ 820.22 Non-quota purchases of sugar authorized.

* * * * *

(b) Pursuant to section 408(b) of the Act, the President by Proclamation No. 3440 (26 F.R. 11714) established the amount of the quotas for sugar and for liquid sugar for Cuba for the 6-month period ending June 30, 1962, at zero. At a level of consumption requirements for consumers in the United States of 9,500,000 short tons, raw value of sugar for 1962, the amount of the quotas that otherwise would have been provided for Cuba under the terms of Title II of the Act for the 6-month period ending June 30, 1962, are 1,574,622 short tons, raw value of sugar and 3,985,279 wine gallons of liquid sugar, 72 per centum total sugar content, which represent the quantities that may be caused or permitted to be brought or imported into or marketed in the United States during the 6-month period ending June 30, 1962, pursuant to section 408(b) of the Act. In paragraph (c) of this section a total of 1,185,000 short tons, raw value of non-quota purchase sugar is authorized for purchase from foreign countries with which the United States is in diplomatic relations. This authorized quantity is based upon a proration, in accordance with section 408(b)(2) of the Act, of 1,185,000 short tons, raw value, to foreign countries for which quotas have been established pursuant to section 202 of the Act. Of the 1,185,000 short tons, raw value, authorized for purchase, 1,085,000 tons are authorized for purchase from countries for which quotas have been established pursuant to section 202 of the Act. Peru and Nicaragua will be unable to supply 85,096 and 10,691 short tons, raw value, respectively, of their prorations. The prorations for Canada of 2,311 tons, for the United Kingdom of 1,887 tons and for Hong Kong of 15 tons may not be authorized for the reasons set forth in § 820.20(c). A total of 100,000 short tons, raw value, which represents the sum of the prorations for Canada, the United Kingdom and Hong Kong and the portions of the prorations which Peru and Nicaragua will be unable to supply is authorized for purchase from India, Brazil and the Republic of China in accordance with the proviso in section 408(b)(2)(iii) of the Act. In accordance with the proviso in section 408(b)(2)(iii) of the Act, in authorizing the purchase of non-quota sugar from Brazil, the Republic of China and India, special consideration was given to countries of the Western Hemisphere and to those countries purchasing United States agricultural commodities. Of the total 1,574,622 short tons, raw value, which may be authorized for purchase during the 6-month period ending June 30, 1962, 389,622 short tons, raw value, is not prorated or authorized for purchase at this time. Also, the 3,985,279 wine gallons of liquid sugar are not allocated or authorized for purchase at this time.

(c) The amounts of non-quota purchase sugar permitted to be imported into the continental United States for consumption therein from individual foreign countries during the period January 1, 1962, through June 30, 1962, are as follows:

Country:	*Short tons, raw value*
Haiti	1,388
Netherlands	3,100
Republic of China	23,158
Panama	3,158
Costa Rica	3,163
Republic of the Philippines	175,655
Dominican Republic	315,987
Peru	280,070
Mexico	255,648
Nicaragua	42,700
Belgium	666
British Guiana	307
Brazil	30,000
India	50,000
Total	1,185,000

The regulation can be amended from time to time to increase or decrease the quantities of sugar authorized for purchase from any of the countries named herein as is necessary to meet United States consumption and market requirements, or to reflect each such country's ability to supply sugar consistent with United States market requirements. Also, quantities may be established for countries or groups of countries which are not named herein if it later appears that supplies from any country or countries named herein will not be forthcoming at any time in a manner that meets market requirements or if additional supplies are needed to meet consumption and market requirements.

Statement of bases and considerations. In view of the resumption of diplomatic relations between the United States and the Dominican Republic, the proration of non-quota sugar for the Dominican Republic under section 408(b) of the Sugar Act of 1948, as amended, amounting to 315,987 short tons, raw value, is herein authorized for purchase and importation during the first 6 months of 1962. The authorization to purchase such quantity previously had been withheld while the United States was not in diplomatic relations with the Dominican Republic.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 101, 408; 61 Stat. 922, as amended, 933, as amended; 7 U.S.C. 1101, 1158; Public Law 87-15, approved March 31, 1961. Presidential Proclamation 3440 (26 F.R. 11714))

Effective date. To permit the non-quota sugar herein authorized for purchase to be marketed in an orderly manner it is essential that the amendments made herein be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable, and contrary to the public interest, and this amendment to the regulations shall become effective when published in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of January 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-371; Filed, Jan. 11, 1962; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[970.302 Amdt. 1]

PART 970—CARROTS GROWN IN SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 142 and Order No. 970 (7 CFR Part 970), regulating the handling of carrots grown in designated counties in South Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the South Texas Carrot Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not post-

poning the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest than would otherwise prevail, will be promoted by regulating the handling of carrots in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances, for such preparation, and (5) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

Order as amended. In § 970.302 (26 F.R. 10124) delete paragraphs (b), (d) (2) (ii), and (e), and in lieu thereof substitute new paragraphs (b), (d) (2) (ii), and (e), as set forth below.

§ 970.302 Limitation of shipments.

* * * * *

(b) *Sizing requirements* — (1) *Medium-to-large:* 7/8 inch minimum diameter to 1½ inches maximum diameter, 6 inches minimum length;

(2) *Jumbos:* 1 inch minimum diameter to 3 inches maximum diameter and 6 inches minimum length.

* * * * *

(d) *Pack requirements.* * * *

(2) * * *

(ii) Master containers of packages with the following weight classifications may not weigh more than their average gross weight, plus the following tolerances.

(a) One-pound packages, 22.5 percent.

(b) Over 1-pound and including 2-pound packages, 15 percent.

(c) Over 2-pound packages, 10 percent.

* * * * *

(e) *Minimum quantities.* Pursuant to § 970.52(c) (2) of this part any person subject to these regulations may handle, except for export, up to but not to exceed 100 pounds of carrots per calendar month without regard to the requirements of this section or to the inspection and assessment requirements of this part, but this exception may not apply to any portion of a shipment of over 100 pounds of carrots.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. Dated January 9, 1962, to become effective January 14, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-360; Filed, Jan. 11, 1962; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

On October 31, 1961, there was published in the FEDERAL REGISTER (26 F.R. 10173), a notice with respect to a proposal to amend § 74.3(a), Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations. After due consideration of all relevant material and pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), § 74.3(a) of said Part 74 is hereby amended to read as follows:

§ 71.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, Territories, and parts thereof as specified, are being handled systematically to eradicate scabies in sheep and such States, Territories, and parts thereof, are hereby designated as eradication areas:

(1) Arkansas, Hawaii, Illinois, New Jersey, New York, Tennessee, and Wisconsin;

(2) That portion of South Dakota lying east of the Missouri River;

(3) The following Counties in Kansas: Barber, Barton, Cloud, Ellsworth, Harper, Harvey, Kingman, Lincoln, McPherson, Mitchell, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Russell, Sedgwick, Smith, Stafford, and Sumner Counties;

(4) All Counties in Nebraska except Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux, and Scottsbluff;

(5) That portion of Eddy County in New Mexico bounded on the north by the Chaves-Eddy County line road (FAS 1215), on the south by State Highway 83 (FAS 1200), on the east by U.S. Highway 285, and on the west by Range Line 24E; and that portion of Chaves County in New Mexico bounded on the north by Township 15S, on the south by the Chaves-Eddy County line road (FAS 1215), on the east by U.S. Highway 285, and on the west by Range Line 24E;

(6) All of the State of North Dakota except that area lying west of the Missouri River and State Highway No. 8, beginning at a point where said river intersects the South Dakota boundary line and continuing along said river to a point on the Garrison Dam Reservoir directly south of the intersection of State Highways Nos. 23 and 8; thence, directly north to the intersection of State Highways Nos. 23 and 8; thence, north along State Highway No. 8 to the North Dakota-Canadian boundary; and

(7) The following Counties in Michigan: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft Counties.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the counties of Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft, in Michigan, to the list of eradication areas since the cooperative sheep scabies eradication program is now being conducted in the specified counties. These counties are presently included in the infected areas as sheep scabies is known to exist in such counties. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to the specified counties.

The amendment imposes certain restrictions necessary to prevent the spread of scabies, a communicable disease of sheep, and must be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of January 1962.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 62-370; Filed, Jan. 11, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 908; Amdt. 53]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

TSO–C61a Portable Aircraft Emergency Communications Equipment; for Air Carrier Aircraft

A proposed amendment to § 514.66, Portable Aircraft Emergency Communications Equipment (for Air Carrier Aircraft) was published in 26 F.R. 9347.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One manufacturer recommended two changes: (1) The effective radiated power (ERP) from the antenna be at least 500 milliwatts instead of the proposed 225 milliwatts; and (2) the transmitter output carrier be capable of being tone modulated to a depth of 90 percent by an audio frequency signal between 900 and 1600 c.p.s. and by a 1000 c.p.s. signal applied to the microphone, if voice modulation is provided. These recommendations are not accepted for the following reasons: (1) The 225 milliwatt minimum ERP has been shown by test to be adequate for an operational range of 100 miles which is required for search and rescue equipment. (2) The recommended modulation capability is more restrictive than the standard specified for equipment which has performed satisfactorily in military service, and is more restrictive than that which we believe to be necessary for such equipment used on air carrier aircraft.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended by revising § 514.66 to read as follows:

§ 514.66 Portable aircraft emergency communications equipment (for air carrier aircraft)—TSO–C61a.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for portable aircraft emergency communications equipment which specifically is required to be carried on civil aircraft of the United States engaged in particular air carrier operations. The radio frequencies to be utilized by such equipment shall be selected from 500 kc., 8364 kc., or 121.5 mc. A single frequency or a combination of the above frequencies may be used. New models of portable aircraft emergency communications equipment manufactured for use on air carrier aircraft on or after the effective date of this section shall meet the standards in the following Radio Technical Commission for Aeronautics Papers:

49–59/DO–95[1] dated March 10, 1959, for 500 or 8364 kc. equipment; 26–59/DO–94[1] dated February 10, 1959, for 121.5 mc. equipment; 100–54/DO–60[1] dated April 13, 1954, Environmental Test Procedures; 256–58/EC–366[1] dated November 13, 1958, Amendment to 100–54/DO–60.

Exceptions, additions, and substitutions to these standards are listed in subparagraph (2) of this paragraph.

(2) *Exceptions.* (i) Radio Technical Commission for Aeronautics Paper 100–54/DO–60, and Amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(ii) (a) The vibration values specified below may be used in lieu of those specified in Paper 100–54/DO–60, as amended. If these values are used, no external shock mounting shall be used during the conduct of the test.

(b) Constant total excursion of 0.020" from 10 to 55 c.p.s. with a maximum acceleration of 3g.

(iii) Paper 26–59/DO–94, Paragraph 2.1, Operating Life. The capacity of the power supply shall be sufficient to provide continuous operation for at least 24 hours under the condition of maximum power consumption. At the end of the 24-hour period, the radiated power output shall not have deteriorated by more than 3 db from that specified in paragraph 2.2.1, as amended by subdivision (iv) of this subparagraph. These values also apply to the test procedures contained in Paragraph T–1, Appendix A.

(iv) Paper 26–59/DO–94, Paragraph 2.2.1, Radiated Power. The effective radiated power (ERP) from the antenna shall be at least 225 milliwatts. This value also applies to the test procedures contained in Paragraph T–2, Appendix A.

(v) Paper 26–59/DO–94, Paragraph 2.2.2, Modulation Capability. The transmitter output carrier shall be capable of being tone amplitude modulated a minimum of 90 percent downward and 10 percent upward by an audiofrequency signal between 900 and 1600 c.p.s. and by a 1000 c.p.s. signal applied to the microphone, if voice modulation is provided.

(vi) Paper 49–59/DO–95, Paragraph 2.1, Operating Life. The capacity of the power supply shall be sufficient to provide continuous operation for at least 24 hours under the condition of maximum power consumption. At the end of the 24-hour period, the radiated power output shall not have deteriorated by more than 3 db from that specified in paragraph 2.2.1. These values also apply to the test procedures contained in Paragraph T–1, Appendix A.

(b) *Marking.* In addition to the markings specified in § 514.3, equipment which has been designed to operate over the environmental conditions outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(3) Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Flight Standards Service, Federal Aviation Agency, Washington 25, D.C.

(i) Manufacturer's operating instructions and equipment limitations.

(ii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(iii) One copy of the manufacturer's test report.

(d) *Quality control.* Portable aircraft emergency communications equipment shall be produced under a quality control system, established by the manufacturer, which will assure that each equipment is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c) (2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

(e) *Previously approved equipment.* Portable aircraft emergency communications equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

(f) *Effective date.* February 15, 1962.

(Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on January 5, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-342; Filed, Jan. 11, 1962; 8:45 a.m.]

[1] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C., Paper 49–59/DO–95, 30 cents per copy; Paper 26–59/DO–94, 30 cents per copy; Paper 100–54/DO–60, with Amendment Paper 256–58/EC–366, 20 cents per copy.

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–LA–131]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Advisory Areas

The purpose of these amendments to § 602.200 of the regulations of the Administrator is to alter the enroute jet advisory areas associated with Jet Routes Nos. 9, 58, 60, 80, and 107.

At the present time nonradar jet advisory areas exist between flight levels 270 and 310, inclusive, and 370 and 390, inclusive, on the portions of J–9, J–58, J–60, J–80, and J–107 in the vicinity of Milford, Utah, which restricts civil turbojet air carrier aircraft to the use of these flight levels. The Federal Aviation Agency (FAA) is commissioning the secondary radar portion of the Milford Air Route Surveillance Radar (ARSR) on or about January 31, 1962, which will permit the use of flight levels 240 to 390, inclusive, for civil turbojet air carrier aircraft within the area of radar coverage of the Milford ARSR.

J–60 and J–80 are two of the most heavily used transcontinental routes. The FAA Enroute IFR Peak Day Survey for fiscal year 1961 shows a total of 41 aircraft movements on J–60 between Las Vegas, Nev., and Grand Junction, Colo., and a total of 25 aircraft movements on

J-80 between Tonopah, Nev., and Grand Junction.

In addition there are numerous direct flights operating between the Salt Lake City, Utah, Metropolitan area and terminals to the south and southwest which traverse the nonradar advisory areas in the vicinity of Milford and add to the complexity of the air traffic service. The utilization of the Milford ARSR would alleviate this complexity. The FAA has contacted the principal users, the Air Force, the Navy, and the Air Transport Association, to ascertain their views toward the conversion of these nonradar advisory areas to radar advisory areas and has received their concurrence.

Therefore, in order to provide increased safety and improved service in this heavily congested area of high-speed aircraft, the FAA is altering the jet advisory areas associated with the following jet route segments, from nonradar to radar:

J-9 From 40 nautical miles southwest of Milford, Utah, to 30 nautical miles northeast of Milford.

J-58 From 140 nautical miles east of Tonopah, Nev., to 20 nautical miles southeast of Bryce Canyon, Utah.

J-60 From 25 nautical miles southwest of Bryce Canyon, Utah, to 65 nautical miles southwest of Grand Junction, Colo.

J-80 From 145 nautical miles east of Tonopah, Nev., to 65 nautical miles southwest of Grand Junction, Colo.

J-107 From 40 nautical miles southwest of Milford, Utah, to 50 nautical miles northeast of Milford.

In addition, action is taken herein to delete the exclusion below flight level 290 from 20 nautical miles southeast of Bryce Canyon to 105 nautical miles southeast of Bryce Canyon presently appearing in the description of the jet advisory areas associated with J-58.

In view of the foregoing, the Administrator finds that a condition exists which requires expeditious action in the interest of safety and that notice and public procedure hereon are impracticable and contrary to the public interest and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

In § 602.200 *Enroute jet advisory areas* (26 F.R. 7082, 9131), the jet advisory areas associated with Jet Routes Nos. 9, 58, 60, 80 and 107 are amended to read:

1. Jet Route No. 9 jet advisory area. Radar—Los Angeles, Calif., to Salt Lake City, Utah.

2. Jet Route No. 58 jet advisory area. Radar—Oakland, Calif., to New Orleans, La., excluding the portion below FL 290 from 105 nmi SE of Bryce Canyon, Utah, to Farmington, N. Mex.

3. Jet Route No. 60 jet advisory area. Radar—Los Angeles, Calif., to 65 nmi SW of Grand Junction, Colo.; from 70 nmi WSW of Denver, Colo., to 160 nmi ENE of Denver; from 50 nmi WSW of Wolbach, Nebr., to Idlewild, N.Y. Nonradar—From 65 nmi SW of Grand Junction, Colo., to 70 nmi WSW of Denver, Colo.; from 160 nmi ENE of Denver to 50 nmi WSW of Wolbach, Nebr.

4. Jet Route No. 80 jet advisory area. Radar—Oakland, Calif., to 65 nmi SW of Grand Junction, Colo.; from 70 nmi WSW of Denver, Colo., to 120 nmi ESE of Denver; from 25 nmi W of Hill City, Kans., to Idlewild, N.Y. Nonradar—From 65 nmi SW of Grand Junction, Colo., to 70 nmi WSW of Denver, Colo.; from 120 nmi ESE of Denver to 25 nmi W of Hill City, Kans.

5. Jet Route No. 107 jet advisory area. Radar—From Los Angeles, Calif., to 40 nmi NE of Rock Springs, Wyo.; from 10 nmi NE of Crazy Woman, Wyo., to the United States/Canadian Border. Nonradar—From 40 nmi NE of Rock Springs, Wyo.; to 10 nmi NE of Crazy Woman, Wyo.

These amendments shall become effective 0001 e.s.t., February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 5, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-339; Filed, Jan. 11, 1962; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Bread, Enriched Bread, Milk Bread, Raisin Bread, Whole Wheat Bread; Effective Date of Order Amending Standards of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is given that no objections were filed to the order published in the FEDERAL REGISTER of November 9, 1961 (26 F.R. 10550) amending the identity standards applicable to the above-listed breads so as to provide the same status for hydroxylated lecithin that has heretofore been provided for lecithin and to delete "(except lauric acid)" from the mono- and diglyceride designation. Accordingly, the amendments promulgated by that order will become effective January 8, 1962.

Dated: January 4, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-359; Filed, Jan. 11, 1962; 8:47 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of Ronnel

A petition was filed with the Food and Drug Administration by The Dow Chemical Company, Midland, Michigan, requesting the establishment of tolerances for residues of ronnel (*O,o*-dimethyl *O*-(2,4,5-trichlorophenyl) phosphorothioate) in or on bananas, at 0.5 part per million in or on banana skins and zero in the pulp of bananas.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.177) are amended by changing this section to read as follows:

§ 120.177 Tolerances for residues of ronnel.

Tolerances for residues of ronnel (*O,o*-dimethyl *O*-(2,4,5-trichlorophenyl) phosphorothioate) in or on raw agricultural commodities are established as follows:

0.5 part per million on bananas (of which residue, zero shall be in the pulp after peel is removed and discarded).

Zero in or on the uncooked meat and meat byproducts from cattle.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 9, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-361; Filed, Jan. 11, 1962; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

CHELATING AGENTS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Stein, Hall and Company, Inc., 285 Madison Avenue, New York 17, New York, and other relevant material has concluded that the food additive regulations should be amended to broaden the use of chelating agents in the manufacture of paper and paperboard and to add disodium ethylenediamine tetraacetate as a chelating agent. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR 121.2515 (26 F.R. 2515)) are amended as follows:

1. In § 121.2515 *Chelating agents used in the manufacture of paper and paperboard*, paragraph (a) is amended by inserting in the "List of substances", preceding "Sodium glucoheptonate" the item "Disodium ethylenediamine tetraacetate."

2. Section 121.2515(c) is changed to read:

(c) The substances are added in an amount not greater than that required to accomplish the intended technical effect nor greater than any specific limitation, where such is provided.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 9, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-360; Filed, Jan. 11, 1962; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 89]

PART 1617—REGISTRATION CERTIFICATE

Issuing of Duplicate Certificate

Sections 1617.11 and 1617.12 of the Selective Service Regulations are amended to read as follows:

§ 1617.11 Issuing of duplicate registration certificate.

(a) Upon receipt of a request for a duplicate Registration Certificate (SSS Form No. 2), made by letter or on a Request for Duplicate Registration Certificate or Notice of Classification (SSS Form No. 6), from a registrant who has been separated from active duty in the Armed Forces, the local board with which the registrant is registered shall issue a duplicate Registration Certificate (SSS Form No. 2) to such registrant. The local board shall not issue more than one duplicate certificate to a registrant under this paragraph after each time he is separated from active duty in the Armed Forces.

(b) A duplicate Registration Certificate (SSS Form No. 2) shall be issued to a registrant by the local board with which he is registered upon receipt of his request therefor made by letter or on a Request for Duplicate Registration Certificate or Notice of Classification (SSS Form No. 6) and the presentation of satisfactory proof to the local board that the Registration Certificate (SSS Form No. 2) of the registrant has been lost, destroyed, mislaid, or stolen. Whenever the request for a duplicate certificate is made by a letter which does not indicate whether the certificate previously issued has been lost, destroyed, mislaid, or stolen, the local board shall mail to the registrant a copy of Request for Duplicate Registration Certificate or Notice of Classification (SSS Form No. 6) and direct him to complete thereon the request for the duplicate certificate and return it to the local board.

(c) When the local board issues a duplicate Registration Certificate (SSS Form No. 2), it shall mark it "Duplicate" and note the issuance of the duplicate certificate upon the request which shall be filed in the registrant's Cover Sheet (SSS Form No. 101).

§ 1617.12 Action by local boards when request for duplicate registration certificate is filed.

A registrant may complete and file a request for a duplicate Registration Certificate (SSS Form No. 2) made on a Request for Duplicate Registration Certificate or Notice of Classification (SSS Form No. 6) at his own or any other local board. When he makes such request by letter he may file it only at his own local board. If the registrant files a request made on Request for Duplicate Registration Certificate or Notice of Classification (SSS Form No. 6) at any local board other than the local board with which he is registered and the registrant's own local board or the place of residence of the registrant at the time of registration is within its State, the local board with which the request is filed shall immediately mail the request to the local board having jurisdiction of the registrant. If the local board with which the request is filed has any doubt as to which other local board in its State has jurisdiction or if the registrant's own local board or his place of residence at the time of registration is not within its State, it shall mail the request to the State Director of Selective Service for transmission to the proper local board. Upon receipt of the request, the local board with which the registrant is registered shall issue a duplicate Registration Certificate (SSS Form No. 2) to the registrant. If the registrant has appeared in person at his local board to file the request, the local board shall deliver the duplicate Registration Certificate (SSS Form No. 2) to him. If the registrant has filed the request through another local board or by letter, the duplicate Registration Certificate (SSS Form No. 2) shall be mailed to him at his mailing address.

(Sec. 10, 62 Stat. 618, as amended; 50 U.S.C. App. 460; E.O. 9979, July 20, 1948, 13 F.R. 4177; 3 CFR, 1943-1948 Comp.)

The foregoing amendments to the Selective Service Regulations shall become effective upon filing with the Office of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

JANUARY 9, 1962.

[F.R. Doc. 62-353; Filed, Jan. 11, 1962; 8:46 a.m.]

[Amdt. 90]

PART 1619—CANCELLATION OF REGISTRATION

Cancellation of Duplicate Registration

Section 1619.15 of the Selective Service Regulations is amended to read as follows:

§ 1619.15 Cancellation of duplicate registration when registrant found not qualified for service.

If a registrant who is registered with two or more local boards has responded to an order to report for armed forces physical examination or for induction from one of such local boards and has been found not qualified for service in the Armed Forces, the other local board or local boards with which he is registered, upon learning that he has been found not qualified for service, shall cancel his registration and write across the face of his Registration Card (SSS Form No. 1) "Canceled—Duplicate Registration—Delivered Local Board No. _____ (identify the local board which delivered him) and found not qualified for service. Date _____."

(Sec. 10, 62 Stat. 618, as amended; 50 U.S.C. App. 460; E.O. 9979, July 20, 1948, 13 F.R. 4177; 3 CFR, 1943–1948 Comp.)

The foregoing amendment to the Selective Service Regulations shall become effective upon filing with the Office of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

JANUARY 9, 1962.

[F.R. Doc. 62-354; Filed, Jan. 11, 1962; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In § 3.701, paragraph (a) is amended to read as follows:

§ 3.701 Elections of pension or compensation.

(a) *General.* Except as otherwise provided, a person entitled to receive pension or compensation under more than one law or sections of a law administered by the Veterans Administration may elect which benefit to receive regardless of whether it is the greater or lesser benefit and even though his election results in reducing the benefits of his dependents. This person may at any time elect or reelect the other benefit. An election by a veteran controls the rights of all dependents in that case and an election by a widow controls not only her claim but those of the children as well, including children over the age of 18 and children not in the widow's custody.

2. Section 3.711 is added to read as follows:

§ 3.711 Public Law 86–211.

(a) *Right to elect.* Effective July 1, 1960, any person receiving or entitled to receive pension based on service in World War I, World War II or the Korean conflict under laws in effect on June 30, 1960, may elect to receive pension under Title 38, United States Code as amended by Public Law 86–211. Effective September 1, 1960, veterans of the Indian Wars who meet the service requirements of 38 U.S.C. 511(b) and veterans of the Spanish American War who meet the service requirements of 38 U.S.C. 512(a) may elect to receive pension under this law. (Public Law 86–670)

(b) *Finality of election.* An election of pension under this law is final when the payee (or his fiduciary) has negotiated one check for this benefit. There is no right of reelection.

3. A new cross reference is added immediately following § 3.956:

CROSS REFERENCE: Concurrent benefits and elections, Public Law 86–211. See § 3.711.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective January 12, 1962.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 62-355; Filed, Jan. 11, 1962; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2584]

[1928430]

COLORADO

Amending Public Land Order No. 2547 of December 4, 1961

Public Land Order No. 2547 of December 4, 1961, which released the following-described lands from the withdrawal made by Public Land Order No. 61 of November 18, 1942, is hereby amended to the extent necessary to provide that the locatable minerals in the lands shall be open to location under the United States mining laws beginning at 10:00 a.m. on June 1, 1962, rather than January 9, 1962, as provided in Public Land Order No. 2547:

SIXTH PRINCIPAL MERIDIAN

T. 3 S., R. 75 W.,
Sec. 29, SW¼SW¼;
Sec. 30, S½S½;
Sec. 31, N½N½.
Aggregating 366.57 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JANUARY 4, 1962.

[F.R. Doc. 62-324; Filed, Jan. 11, 1962; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13766 (RM-101); FCC 62-39]

PART 3—RADIO BROADCAST SERVICES

FM and TV Broadcast Stations

1. On September 12, 1960, the Commission released a notice of proposed rule making in the above-captioned matter. Time for filing comments and reply comments expired on October 14 and October 24, 1960, respectively.

2. Comments in this proceeding were filed by Electronic Industries Association (EIA), Columbia Broadcasting System, Inc. (CBS), Radio Corporation of America (RCA), and General Electric. No reply comments were filed.

3. The commenting parties join in requesting that the proposed standards relating to transmitter response for color transmissions be relaxed slightly to provide that, at a modulating frequency of 4.18 Mc, the response may be down 4 db below its value at 3.58 Mc. It was suggested that the proposed standard, which specified a ±2 db tolerance for modulating frequencies between 2.1 and 4.18 Mc, be changed to provide that the ±2 db tolerance be restricted to modulating frequencies between 2.1 and 4.1 Mc and a −4 db tolerance be specified for a modulating frequency of 4.18 Mc. It is submitted that the requested modification will avoid placing an unduly severe requirement on the transmitter and is consistent with the color transmission standards submitted to the Commission by the National Television Systems Committee (NTSC).

4. All parties additionally request that the proposed standard specifying the accuracy tolerance for power output determinations be modified to reflect performance capabilities of available power measuring equipment. It is noted that, in the existing state of the art, commercially available equipment for measuring transmitter output power has an overall accuracy guarantee of ±5 percent.

5. CBS further suggests that the proposed rule amendment which would require installation of an output monitoring meter for stations electing to determine FM and TV aural transmitter power by the indirect method would tend to impose an unnecessary burden on such stations. Since the indirect method of determining power output is based upon values of the plate voltage and plate current of the last radio stage of the transmitter, and since the Commission's rules require that these same parameters be logged every 30 minutes, the operating power is automatically monitored.

6. The Commission has carefully considered the comments and concludes that the suggested modifications to the proposed rule amendments are in keeping with acceptable engineering practice and procedures and are consistent with public interest considerations.

7. *Accordingly, it is ordered,* This 3d day of January 1962, that, effective February 13, 1962, and pursuant to the authority contained in section 303 (e) and (r) of the Communications Act of 1934, as amended, the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: January 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 3.267 is amended to read as follows:

§ 3.267 Operating power: determination and maintenance of.

(a) *Determination.* The operating power of each station shall be determined by either the direct or indirect method.

(1) Using the direct method, the power shall be measured at the output terminals of the transmitter while operating into a dummy load of substantially zero reactance and a resistance equal to the transmission line characteristic impedance. The transmitter shall be unmodulated during this measurement. If electrical devices are used to determine the power output, such devices shall permit determination of this power to within an accuracy of ±5 percent of the power indicated by the full scale reading of the electrical indicating instrument of the device. If temperature and coolant flow indicating devices are used to determine the power output, such devices shall permit determination of this power to within an accuracy of 4 percent of measured average power output. During this measurement the direct plate voltage and current of the last radio stage and the transmission line meter shall be read and compared with similar readings taken with the dummy load replaced by the antenna. These readings shall be in substantial agreement.

(2) Using the indirect method, the operating power is the product of the plate voltage (E_p) and the plate current (I_p) of the last radio stage, and an efficiency factor, F, as follows:

$$\text{Operating power} = E_p \times I_p \times F$$

(3) The efficiency factor, F, shall be established by the transmitter manufacturer for each type of transmitter for which he submits data to the Commission, and shall be shown in the instruction books supplied to the customer with each transmitter. In the case of composite equipment, the factor F shall be furnished to the Commission with a statement of the basis used in determining such factor.

(b) *Maintenance.* (1) The operating power shall be maintained as near as practicable to the authorized power and shall not be less than 90 percent nor greater than 105 percent of authorized power except as indicated in paragraph (c) of this section.

(2) When determined by the direct method, the operating power of the transmitter shall be monitored by a transmission line meter which reads proportional to the voltage, current, or power at the output terminals of the transmitter, the meter to be calibrated at intervals not exceeding 6 months. The calibration shall cover, as a minimum, the range from 90 to 105 percent of authorized power and the meter shall provide clear indications which will permit maintaining the operating power within the prescribed tolerance or the meter shall be calibrated to read directly in power units.

(c) *Reduced power.* In the event it becomes technically impossible to operate with authorized power, the station may be operated with reduced power for a period of 10 days or less without further authority of the Commission: *Provided,* That the Commission and the Engineer in Charge of the radio district in which the station is located shall be immediately notified in writing if the station is unable to maintain the minimum operating schedule (specified in § 3.261) with authorized power and shall be subsequently notified upon resumption of operation with authorized power.

2. Section 3.567 is amended to read as follows:

§ 3.567 Operating power: determination and maintenance of.

(a) *Determination.* The operating power of each station shall be determined by either the direct or indirect method.

(1) Using the direct method, the power shall be measured at the output terminals of the transmitter while operating into a dummy load of substantially zero reactance and a resistance equal to the transmission line characteristic impedance. The transmitter shall be unmodulated during this measurement. If electrical devices are used to determine the power output, such devices shall permit determination of this power to within an accuracy of ±5 percent of the power indicated by the full scale reading of the electrical indicating instrument of the device. If temperature and coolant flow indicating devices are used to determine the power output, such devices shall permit determination of this power to within an accuracy of 4 percent of measured average power output. During this measurement the direct plate voltage and current of the last radio stage and the transmission line meter shall be read and compared with similar readings taken with the dummy load replaced by the antenna. These readings shall be in substantial agreement.

(2) Using the indirect method, the operating power is the product of the plate voltage (E_p) and the plate current (I_p) of the last radio stage, and an efficiency factor, F, as follows:

$$\text{Operating power} = E_p \times I_p \times F$$

(3) The efficiency factor, F, shall be established by the transmitter manufacturer for each type of transmitter for which he submits data to the Commission, and shall be shown in the instruction books supplied to the customer with each transmitter. In the case of composite equipment, the factor F shall be furnished to the Commission with a statement of the basis used in determining such factor.

(b) *Maintenance.* The operating power of stations licensed for transmitter power output greater than 10 watts shall be maintained in accordance with subparagraph (1) of this paragraph and the operating power of stations licensed for transmitter output power of 10 watts or less shall be maintained in accordance with subparagraph (2) of this paragraph.

(1) The operating power of stations licensed for transmitter output power greater than 10 watts shall be maintained as near as practicable to the authorized power and shall not be less than 90 percent nor greater than 105 percent of authorized power except as indicated in paragraph (c) of this section.

(i) When determined by the direct method, the operating power of the transmitter shall be monitored by a transmission line meter which reads proportional to the voltage, current, or power at the output terminals of the transmitter, the meter to be calibrated at intervals not exceeding 6 months. The calibration shall cover, as a minimum, the range from 90 to 105 percent of authorized power and the meter shall provide clear indications which will permit maintaining the operating power within the prescribed tolerance or the meter shall be calibrated to read directly in power units.

(2) Stations licensed to operate with a transmitter output power of 10 watts or less may be operated at less than authorized power but in no event shall the operating power be greater than 5 percent above the authorized power. The transmitter of each such station shall be so maintained as to be capable of operation at maximum licensed power.

(c) *Reduced power.* If a station licensed for transmitter power output greater than 10 watts finds it impossible to operate with authorized power, the station may operate with reduced power for a period not to exceed 10 days. In the event the period of reduced power operation exceeds 10 days, the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified in writing on the eleventh day and shall also be notified when operation with authorized power is resumed.

3. Section 3.687(a)(2) is amended to read as follows:

§ 3.687 Transmitters and associated equipment.

(a) *Visual transmitter.* • • •

(2) For color transmission, the standard given by subparagraph (1) of this paragraph applies except as modified by the following: A sine wave of 3.58 Mc/s introduced at those terminals of the transmitter which are normally fed the composite color picture signal shall produce a radiated signal having an amplitude (as measured with a diode on the R.F. transmission line supplying power to the antenna) which is down 6±2 db with respect to a signal produced by a sine wave of 200 kc/s. In addition, between the modulating frequencies of 2.1 and 4.1 Mc/s, the amplitude of the radiated signal shall not vary by more than ±2 db from its value at 3.58 Mc/s. At the modulating frequency of 4.18 Mc/s, the amplitude of the radiated signal shall not be down more than 4 db below its value at 3.58 Mc/s.

4. Section 3.689 is amended to read as follows:

§ 3.689 Operating power.

(a) *Determination—(1) Visual transmitter.* The operating power of the visual transmitter shall be determined at the output terminals of the transmitter, which includes any vestigial sideband and harmonic filters which may be used during normal operation. For this determination the average power output shall be measured while operating into a dummy load of substantially zero reactance and a resistance equal to the transmission line characteristic impedance. During this measurement the transmitter shall be modulated only by a standard synchronizing signal with blanking level set at 75 percent of peak amplitude as observed in an output monitor, and with this blanking level

amplitude maintained throughout the time interval between synchronizing pulses. If electrical devices are used to determine the output power, such devices shall permit determination of this power to within an accuracy of ±5 percent of the power indicated by the full scale reading of the electrical indicating instrument of the device. If temperature and coolant flow indicating devices are used to determine the power output, such devices shall permit determination of this power to within an accuracy of 4 percent of measured average power output. The peak power output shall be the power so measured in the dummy load multiplied by the factor 1.68. During this measurement the direct plate voltage and current of the last radio stage and the transmission line meter shall be read and compared with similar readings taken with the dummy load replaced by the antenna. These readings shall be in substantial agreement.

(2) *Aural transmitter.* The operating power of the aural transmitter shall be determined by either the direct or indirect method.

(i) Using the direct method, the power shall be measured at the output terminals of the transmitter while operating into a dummy load of substantially zero reactance and a resistance equal to the transmission line characteristic impedance. The transmitter shall be unmodulated during this measurement. If electrical devices are used to determine the output power, such devices shall permit determination of this power to within an accuracy of ±5 percent of the power indicated by the full scale reading of the electrical indicating instrument of the device. If temperature and coolant flow indicating devices are used to determine the power output, such devices shall permit determination of this power to within an accuracy of 4 percent of measured average power output. During this measurement the direct plate voltage and current of the last radio stage and the transmission line meter shall be read and compared with similar readings taken with the dummy load replaced by the antenna. These readings shall be in substantial agreement.

(ii) Using the indirect method, the operating power is the product of the plate voltage (E_p) and the plate current (I_p) of the last radio stage, and an efficiency factor, F, as follows:

$$\text{Operating power} = E_p \times I_p \times F$$

(iii) The efficiency factor, F, shall originally be established by the transmitter manufacturer for each type of transmitter for which he submits data to the Commission, and shall be shown in the instruction books supplied to the customer with each transmitter. In the case of composite equipment, the factor F shall be furnished to the Commission by the applicant along with a statement of the basis used in determining such factor.

(b) *Maintenance*—(1) *Visual transmitter.* The peak power shall be monitored by a peak reading meter which reads proportional to voltage, current, or power at the output terminals of the transmitter, this meter to be calibrated at intervals not exceeding 6 months. The meter shall cover, as a minimum, the range from 80 to 110 percent of authorized power and it shall be of sufficient accuracy and clarity of indication to permit maintaining the operating power within the prescribed tolerance or the meter shall be calibrated to read directly in power units. The operating power so monitored shall be maintained as near as practicable to the authorized power and shall not be less than 80 percent nor greater than 110 percent of authorized power except as indicated in subparagraph (3) of this paragraph.

(2) *Aural transmitter.* (i) The operating power shall be maintained as near as practicable to the authorized power and shall not be less than 80 percent nor greater than 110 percent of authorized power except as indicated in subparagraph (3) of this paragraph.

(ii) When determined by the direct method, the operating power of the transmitter shall be monitored using a transmission line meter which reads proportional to the voltage, current, or power at the output terminals of the transmitter, the meter to be calibrated at intervals not exceeding 6 months. The calibration shall cover, as a minimum, the range from 80 to 110 percent of authorized power and the meter shall provide clear indications which will permit maintaining the operating power within the prescribed tolerance or the meter shall be calibrated to read directly in power units.

(3) *Reduced power.* In the event it becomes technically impossible to operate with the authorized power, the station may be operated with reduced power for a period of 10 days or less without further authority of the Commission: *Provided*, That the Commission and the Engineer in Charge of the radio district in which the station is located shall be immediately notified in writing if the station is unable to maintain the minimum operating schedule (specified in § 3.651) with authorized power and shall be subsequently notified upon resumption of operation with authorized power.

[F.R. Doc. 62-386; Filed, Jan. 11, 1962; 8:51 a.m.]

[Docket No. 14311; FCC 62-11]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

Eligibility Rules for Authorizations in Certain Safety and Special Radio Services

1. Notice of proposed rule making in the above-captioned matter was released on October 23, 1961, and it was published in the FEDERAL REGISTER on October 26, 1961 (26 F.R. 10075). With the notice, the Commission invited comments on a proposal to amend its rules governing eligibility for authorizations for Power, Petroleum, Forest Products, Motion Pictures, Relay Press, Motor Carrier, Railroad radio stations, Limited coast stations using telegraphy, Limited coast stations using telephony, and Fixed stations associated with the Maritime Mobile Service, to extend the eligibility for such authorizations to a subsidiary corporation proposing to furnish a non-profit radiocommunication service to its parent corporation or to another subsidiary of the same parent corporation where the party to be served is engaged in one or more of the activities which establish the basic eligibility in the particular radio service. The Commission also proposed to amend § 16.3 to cover the parent-subsidiary arrangement, and to delete from §§ 7.203 and 7.351 of the rules the provisions contained in paragraphs (a)(2) of these sections. Comments were invited by November 15, 1961, and reply comments by November 25, 1961.

2. Timely comments were filed by The National Committee for Utilities Radio (NCUR), the Central Committee on Communications Facilities of the American Petroleum Institute (Central Committee), Forest Industries Radio Communications (FIRC), Humble Communications Company (Humble), and by The Association of American Railroads (AAR). No reply comments have been filed. All comments supported the Commission's proposed amendments; however, Central Committee conditioned its support of the Commission's proposed amendment of § 11.301 upon the retention of the provisions now contained in paragraphs (a) and (b) of that section. The notice of proposed rule making did not suggest that the Commission would consider other changes in the Rules beyond those specifically described therein. Accordingly, no other changes have been contemplated, nor are any undertaken herein.

3. Humble, in addition to supporting adoption of the proposed amendments, requested the Commission to expand or interpret the amendments to permit a licensee thereunder to furnish radiocommunication service to affiliates of the licensee in addition to its parent or to another subsidiary of the same parent. Humble's proposal to include affiliates into the arrangements adopted herein goes beyond the scope of the notice of proposed rule making. Furthermore, the term "affiliate" is not well defined and its adoption into our rules might cause serious problems of interpretation. Accordingly, Humble's request is denied.

4. As stated in the notice of proposed rule making, the purpose of the amendments is to incorporate into the eligibility rules of the various Safety and Special Radio Services the parent-subsidiary arrangement which is now found in the eligibility rules for certain other Safety and Special Radio Services; i.e., Special Industrial, Business, Telephone Maintenance and Citizens Radio Services, because this provision has been shown to have worked satisfactorily in these services in that it enables a group of corporations, under common ownership or control, having similar radiocommunication needs to meet these needs by operating one radio system. We adhere to that view.

5. In accordance with the policy contained in § 16.3, the same requirements are imposed upon applicants and licensees in the Motor Carrier and Railroad Radio Services under the parent-subsidiary arrangement adopted herein as those imposed in § 16.3(c) upon users of the other cooperative arrangements under Part 16 of the rules. The AAR, the only organization representing licensees under Part 16 which filed comments, stated that it did not oppose the imposition of this requirement.

6. The provision contained in paragraphs (a)(2) of §§ 7.203 and 7.351 are deleted. Persons who might conceivably be eligible under these provisions would be eligible, as far as it can be foreseen, under the parent-subsidiary arrangement or under the provisions of §§ 7.203(a)(3) or 7.351(a)(5).

7. Authority for the amendments ordered herein is found in sections 4(i) and 303 of the Communications Act of 1934, as amended.

8. *It is ordered*, This 3d day of January 1962, that effective February 13, 1962, Parts 7, 11, and 16 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: January 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 7.203(a)(2) is amended to read as follows:

§ 7.203 Supplemental eligibility requirements for limited coast station authorization.

(a) • • •

(2) A subsidiary corporation proposing to furnish a non-profit radiocommunication service to its parent corporation or to another subsidiary of the same parent where the party to be served is regularly engaged in performing a service for one or more governmental agencies; or

2. Section 7.351(a) (1) through (5) is amended to read as follows:

§ 7.351 Supplemental eligibility requirements.

(a) • • •

(1) Regularly engaged in the operation of one or more commercial transport vessels, or one or more vessels of a municipal or state government; or is

(2) Legally responsible for the operation, control, maintenance, or development of a harbor, port, or waterway used by commercial transport vessels; or is

(3) Engaged in furnishing a ship arrival and departure service, and will employ the station only for the purpose of obtaining the information essential to that service; or is

(4) A subsidiary corporation proposing to furnish a non-profit radiocommunication service to its parent corporation or to another subsidiary of the same parent where the party to be served is regularly engaged in one or more activities set forth in subparagraphs (1), (2), and (3) of this paragraph; or is

(5) A non-profit corporation or association, organized for the purpose of furnishing a maritime mobile service solely to persons who are engaged in the operation of one or more commercial transport vessels.

[1] Commissioner Cross dissenting.

3. Section 7.451 is amended to read as follows:

§ 7.451 Supplemental eligibility requirements.

(a) Subject to the basic eligibility requirements set forth in § 7.23, the following persons are eligible for authorizations for marine fixed stations:

(1) Persons engaged in prospecting for, producing, collecting, refining, or transporting petroleum or petroleum products in the immediate vicinity of the marine fixed station requested;

(2) Persons engaged in an activity in the immediate vicinity of the marine fixed station requested which activity is necessary to a construction project of a public character; or

(3) A subsidiary corporation proposing to furnish a non-profit radiocommunication service to its parent corporation or to another subsidiary of the same parent where the party to be served is engaged in one or more of the activities set forth in subparagraphs (1) and (2) of this paragraph.

(b) Additionally, and subject to the basic eligibility requirements set forth in § 7.23, authorizations for marine fixed stations may be granted to any non-profit corporation or association, organized for the purpose of furnishing a radiocommunication service solely to persons who are actually engaged, in the immediate vicinity of the marine fixed station, in one or more of the activities designated in paragraphs (a)(1) and (a)(2) of this section. Such a corporation or association shall render service only on a non-profit cost-sharing basis, said costs to be prorated on an equitable basis among all persons to whom service is rendered. Records which reflect the cost-sharing non-profit basis shall be maintained and held available for inspection by Commission representatives.

4. Section 11.251 is amended to add a new provision; as amended, paragraphs (d) and (e) read as follows:

§ 11.251 Eligibility.

• • • • • •

(d) A subsidiary corporation proposing to furnish a non-profit radiocommunication service to its parent corporation or to another subsidiary of the same parent where the party to be served is engaged in one of the activities set forth in paragraphs (a), (b), and (c) of this section.

(e) A non-profit corporation or association, organized for the purpose of furnishing a radiocommunication service to persons who are actually engaged in one or more of the activities set forth in paragraphs (a), (b), and (c) of this section. Such a corporation or association shall render service only on a non-profit cost-sharing basis, said costs to be prorated on an equitable basis among all persons to whom service in rendered. Records which reflect the cost-sharing non-profit nature of the arrangement shall be maintained and held available for inspection by Commission representatives. Each person licensed under the provisions of this paragraph shall obtain prior approval from the Commission for each person who proposes to participate in the licensee's service.

5. Section 11.301 is amended to add a new provision; as amended, paragraphs (b) and (c) read as follows:

§ 11.301 Eligibility.

• • • • • •

(b) A subsidiary corporation proposing to furnish a non-profit radiocommunication service to its parent corporation or to another subsidiary of the same parent where the party to be served is engaged in one or more of the activities set forth in paragraph (a) of this section.

(c) A non-profit corporation or association, organized for the purpose of furnishing a radiocommunication service to persons who are actually engaged in one or more of the activities set forth in paragraph (a) of this section. Such a corporation or association shall render service only on a non-profit cost-sharing basis, said costs to be prorated on an equitable basis among all persons to whom service is rendered. Records which reflect the cost-sharing non-profit nature of the arrangement shall be maintained and held available for inspection by Commission representatives. Each person licensed under the provisions of this paragraph shall obtain prior approval from the Commission for each person who proposes to participate in the licensee's service.

6. Section 11.351 is amended to add a new provision; as amended, paragraphs (b) and (c) read as follows:

§ 11.351 Eligibility.

• • • • • •

(b) A subsidiary corporation proposing to furnish a non-profit radiocommunication service to its parent corporation or to another subsidiary of the same parent where the party to be served is engaged in any of the activities set forth in paragraph (a) of this section.

(c) A non-profit corporation or association, organized for the purpose of furnishing a radiocommunication service solely to persons who are actually engaged in one or more of the activities set forth in paragraph (a) of this section. Such a corporation or association shall render service only on a non-profit cost-sharing basis, said costs to be prorated on an equitable basis among all persons to whom service is rendered. Records which reflect this cost-sharing, non-profit basis shall be maintained and held available for inspection by Commission representatives. Each person licensed under the provisions of this paragraph shall obtain prior approval from the Commission for each person who proposes to participate in the licensee's service.

7. Section 11.401 is amended to add a new provision; as amended, paragraphs (b) and (c) read as follows:

§ 11.401 Eligibility.

• • • • • •

(b) A subsidiary corporation proposing to furnish a non-profit radiocommunication service to its parent corporation or to another subsidiary of the same parent where the party to be served is engaged in the production or filming of motion pictures.

(c) A non-profit corporation or association, organized for the purpose of furnishing a radiocommunication service solely to persons who are actually engaged in one or more of the activities set forth in paragraph (a) of this section. Such a corporation or association shall render service only on a non-profit cost-sharing basis among all persons to whom service is rendered. Records which reflect this cost-sharing non-profit basis shall be maintained and held available for inspection by Commission representatives. Each person licensed under the provisions of this paragraph shall obtain prior approval from the Commission for each person who proposes to participate in the licensee's service.

8. Section 11.451 is amended to add a new provision; as amended, paragraphs (b) and (c) read as follows:

§ 11.451 Eligibility.

• • • • •

(b) A subsidiary corporation proposing to furnish a non-profit radiocommunication service to its parent corporation or to another subsidiary of the same parent where the party to be served is engaged in one or more of the activities set forth in paragraph (a) of this section.

(c) A non-profit corporation or association, organized for the purpose of furnishing a radiocommunication service solely to persons who are actually engaged in one or more of the activities set forth in paragraph (a) of this section. Such a corporation or association shall render service only on a non-profit cost-sharing basis, said costs to be prorated on an equitable basis among all persons to whom service is rendered. Records which reflect this cost-sharing non-profit basis shall be maintained and held available for inspection by Commission representatives. Each person licensed under the provisions of this paragraph shall obtain prior approval from the Commission for each person whb proposes to participate in the licensee's service.

9. Section 16.3(c) is amended to add a new provision; as amended, the introductory text of paragraph (c) reads as follows:

§ 16.3 Arrangements for cooperative use of facilities.

• • • • •

(c) A licensee authorized under the provisions of the various subparts of this part which makes eligible in certain of these services, either a non-profit corporation or association organized for the purpose of furnishing a private radiocommunication service to persons engaged in the respective activities, or a subsidiary corporation proposing to furnish a private radiocommunication service to the parent corporation or to another subsidiary of the same parent where the party to be served is engaged in the respective activities, may render that communication service only upon specific advance approval by the Commission with respect to every person to whom such radiocommunication service is to be rendered and upon satisfaction of the following additional conditions:

10. Section 16.251(a) is amended to add a new provision; as amended, subparagraphs (5) and (6) read as follows:

§ 16.251 Eligibility for license.

(a) • • •

(5) A subsidiary corporation proposing to furnish a non-profit radiocommunication service to its parent corporation or to another subsidiary of the same parent where the party to be served is engaged in one or more of the activities set forth in subparagraphs (1) through (4) of this paragraph.

(6) A non-profit corporation or association organized for the purpose of furnishing a radiocommunication service on a cost-sharing basis to persons all of whom are actually engaged in activities set forth in subparagraphs (1) through (4) of this paragraph: *Provided*, That the frequency on which such operation is proposed is available for assignment for use by base stations or mobile stations in connection with all such transportation activities.

11. Section 16.351(a) is amended to add a new provision; as amended, subparagraphs (2) and (3) read as follows:

§ 16.351 Eligibility.

(a) • • •

(2) A subsidiary corporation proposing to render a non-profit radiocommunication service to its parent corporation or to another subsidiary of the same parent where the party to be served is engaged in the activities set forth in subparagraph (1) of this paragraph.

(3) A non-profit organization or association organized for the purpose of furnishing a radiocommunication service solely to railroad common carriers who are actually engaged in the activity set forth under subparagraph (1) of this paragraph.

[F.R. Doc. 62-387; Filed, Jan. 11, 1962; 8:51 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.475]

PART 51—PASSPORTS

Pursuant to the authority vested in me by Paragraph 126 of Executive Order No. 7856 dated March 31, 1938, issued under the authority of section 1 of the Act of Congress approved July 3, 1926, 44 Stat. 887 (22 U.S.C. 211a) and section 4 of the Act of May 26, 1949, 63 Stat. 111 (5 U.S.C. 151c) I hereby revise §§ 51.135 to 51.170 inclusive of Part 51 of Title 22 of the Code of Federal Regulations to read as follows:

§ 51.135 Denial of passports to members of Communist organizations.

A passport shall not be issued to, or renewed for, any individual who the issuing officer knows or has reason to believe is a member of a Communist organization registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950 as amended. (50 U.S.C., sec. 786.)

§ 51.136 Limitations on issuance of passports to certain other persons.

In order to promote and safeguard the interests of the United States, passport facilities, except for direct and immediate return to the United States, shall be refused to a person when it appears to the satisfaction of the Secretary of State that the person's activities abroad would: (a) Violate the laws of the United States; (b) be prejudicial to the orderly conduct of foreign relations; or (c) otherwise be prejudicial to the interests of the United States.

§ 51.137 Tentative denial of passports and available administrative procedures.

Any person whose application for a passport or renewal of a passport has been tentatively denied under § 51.135 or § 51.136 shall be entitled to a notification in writing of the tentative denial. The notification shall set forth clearly and concisely the specific reasons for the denial and the procedures for review available to the applicant.

§ 51.138 Procedure for review of tentative denial.

(a) A person whose application for a passport or renewal of a passport has been tentatively denied in accordance with § 51.135 or § 51.136 shall be entitled, upon request, and before the denial becomes final, to present to the Passport Office any information he deems relevant to support his application. He shall be entitled to appear in person before a Hearing Officer in the Passport Office; to be represented by counsel; to present evidence; to be informed of the evidence upon which the Passport Office relied as a basis for the tentative denial; to be informed of the source of such evidence; and to confront and cross-examine adverse witnesses.

(b) The applicant shall, upon request by the Hearing Officer, confirm his oral statements in an affidavit for the record. After the applicant has presented his case, the Passport Office shall review the record and advise the applicant of its decision. In making its decision, the Passport Office shall not take into consideration confidential security information that is not made available to the applicant in accordance with paragraph (a) of this section. If the decision is adverse to the applicant, he shall be notified in writing, and the notification shall state the reasons for the decision. Such notification shall also inform the applicant of his right to appeal to the Board of Passport Appeals under § 51.139.

§ 51.139 Appeal by passport applicant.

In the event of a decision adverse to the applicant, he shall be entitled within thirty days after receipt of notice of such decision to appeal his case to the Board of Passport Appeals provided for in § 51.150.

§ 51.150 Creation and functions of Board of Passport Appeals.

There is hereby established within the Department of State a Board of Passport Appeals, hereinafter referred to as the Board, composed of not less than three officers of the Department to be designated by the Secretary of State. The Board shall act on all appeals under § 51.139. The Board shall adopt and make public rules of procedure to be approved by the Secretary.

§ 51.151 Organization of Board.

The Board of Passport Appeals shall consist of three or more members designated by the Secertary of State, one of whom shall be designated by the Secretary as Chairman. The Chairman shall assure that there is assigned to hear the appeal of any applicant a panel of not less than three members including himself or his designee as presiding officer, which number shall constitute a quorum.

§ 51.152 Chairman.

The Chairman, or his designee, shall preside at all hearings of the Board, and shall be empowered in all respects to regulate the course of the hearings and to pass upon all issues relating thereto, The Chairman, or his designee, shall be empowered to administer oaths and affirmations.

§ 51.153 Counsel to the Board.

A Counsel, to be designated by the Secretary of State, shall be responsible to the Board for the schedule and presentation of cases; for assistance in legal and procedural matters; for providing information to the applicant as to his procedural rights before the Board; for maintenance of records; and for such other duties as the Board, or the Chairman on its behalf, may determine.

§ 51.154 Examiner.

The Board may, in its discretion, appoint an examiner in any case, who may, with respect to such case be vested with any or all authority vested in the Board or the Chairman, subject to review and final decision by the Board, but an applicant shall not be denied an opportunity for a hearing before the Board unless he expressly waives it.

§ 51.155 Duty of Board to advise Secretary of State on action for disposition of appealed cases.

It shall be the duty of the Board, on the basis of the evidence on the record, to advise the Secretary of the action it finds necessary and proper to the disposition of the cases appealed to it, and to this end the Board may first call for clarification of the record; make further investigation; or take other action consistent with its duties.

§ 51.156 Basis for findings of fact by the Board.

In making or reviewing findings of fact, the Board, and all others with responsibility for so doing under §§ 51.135 to 51.154 shall be convinced by a preponderance of the evidence, as would a trial court in a civil case. In determining whether there is a preponderance of evidence supporting the denial of a passport, the Board shall consider the entire record before it. The Board shall not take into consideration any confidential security information which is not part of the record.

§ 51.157 Decisions of the Board.

Decisions shall be by majority vote. Voting may be either in open or closed session on any question except recommendations under § 51.155 which shall be in closed session. Decisions under § 51.155 shall be in writing and shall be signed by all participating members of the Board.

§ 51.158 Delivery of papers.

Appeals or other papers for the attention of the Board may be delivered personally, by registered mail, or by leaving a copy at the office of the Board at the address to be stated in the notification of adverse decision furnished to the applicant by the Passport Office.

§ 51.159 Notice of hearing.

An applicant shall receive not less than five business days notice in writing of the scheduled date and place of hearing, which shall be set for a time as soon as possible after receipt by the Board of the applicant's appeal.

§ 51.160 Appearance.

Any party to any proceeding before the Board may appear in person, or by or with his attorney, who must possess the requisite qualifications, as hereinafter set forth, to practice before the Board.

§ 51.161 Applicant's attorney.

(a) Attorneys at law in good standing who are admitted to practice before the Federal courts or before the courts of any State or Territory of the United States may practice before the Board.

(b) No officer or employee of the Department of State whose official duties have, in fact, included participation in the investigation, preparation, presentation, decision or review of cases of the class within the competence of the Board of Passport Appeals shall, within two (2) years after the termination of such duties, appear as attorney in behalf of an applicant in any case of such nature, nor shall any one appear as such attorney in a case of such class if in the course of prior government service he has dealt with any aspects of the applicant's activities relevant to a determination of the case.

§ 51.162 Hearings.

The record of proceedings held under § 51.138 shall be made available to the applicant in connection with his appeal to the Board. The applicant may appear and testify in his own behalf, be represented by counsel, present witnesses and offer other evidence in his own behalf. The Passport Office may also present witnesses and offer other evidence. The applicant and witnesses may be examined by any member of the Board or by counsel. If any witness whom the applicant wishes to call is unable to appear personally, the Board may, in its discretion, accept an affidavit by him or order evidence to be taken by deposition. Such deposition may be taken before any person designated by the Board and such designee is hereby authorized to administer oaths and affirmations for purposes of the depositions. The applicant shall be entitled to be informed of all the evidence before the Board and of the source of such evidence, and shall be entitled to confront and cross-examine any adverse witness.

§ 51.163 Admissability.

The Passport Office and the applicant may introduce such evidence as the Board deems proper. Formal rules of evidence shall not apply, but reasonable restrictions shall be imposed as to the relevancy, competency and materiality of evidence presented.

§ 51.164 Privacy of hearings.

Hearings shall be private. There shall be present at the hearing only the applicant, his counsel, the members of the Board, Board's Counsel, official stenographers, Departmental employees and the witnesses. Witnesses shall be present at the hearing only while actually giving testimony, or when otherwise directed by the Board.

§ 51.165 Misbehavior before Board.

If, in the course of a hearing before the Board, an applicant or attorney is guilty of misbehavior, he may be excluded from further participation in the hearing. In addition, an attorney guilty of misbehavior may be excluded from participation in any other case before the Board.

§ 51.166 Transcript of hearings.

A complete verbatim stenographic transcript shall be made of the hearing by qualified reporters, and the transcript shall constitute a permanent part of the record. Upon request, the applicant or his counsel shall have the right to inspect the complete transcript, and to purchase a copy thereof.

§ 51.167 Notice of decision.

The Board shall communicate to the Secretary of State the action that it recommends under § 51.155. In taking action upon such recommendation of the Board, the Secretary shall not take into consideration any confidential security information which is not part of the record. The decision of the Secretary shall be promptly communicated in writing to the applicant.

GENERAL APPLICABILITY OF REVIEW AND APPEAL PROCEDURES

§ 51.170 Applicability of §§ 51.138–51.167.

Except for action taken by reason of noncitizenship or geographical limitations of general applicability necessitated by foreign policy considerations, the provisions of §§ 51.135 to 51.167 shall apply in any case where the person affected takes issue with the action of the Secretary in refusing, restricting, withdrawing, canceling, revoking, or in any other fashion or degree affecting the ability of such person to receive or use a passport.

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the provisions thereof involve foreign affairs functions of the United States.

For the Secretary of State.

ROGER W. JONES,
Deputy Under Secretary for Administration.

JANUARY 11, 1962.

[F.R. Doc. 62-459; Filed, Jan. 11, 1961; 12:30 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 522]

EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Opportunity for Public Participation

Persons interested in the apparel industry have requested changes in the supplemental regulations dealing with that industry published in 29 CFR Part 522. Upon consideration of these requests, notice is hereby given that on February 26, 1962, at 10:00 a.m., in Conference Room B, Departmental Auditorium, Constitution Avenue, between Twelfth and Fourteenth Streets, NW., Washington, D.C., interested persons will be afforded an opportunity to make an oral presentation before hearing examiner Clifford P. Grant of data, views, and argument on the following subjects and issues:

1. Whether the issuance of special certificates for the employment of learners at wages lower than the minimum wages applicable under section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) for the production of garments in the sportwear and other odd outerwear, rainwear, and robes divisions of the apparel industry (29 CFR 522.21 (c), (d), and (e)) should be discontinued or limited under the standards provided in section 14 of the Fair Labor Standards Act of 1938 (29 U.S.C. 214);

2. Whether the issuance of special certificates for the employment of learners at wages lower than the minimum wages applicable under section 6 for the production of dresses and blouses in the women's apparel division of the apparel industry (29 CFR 522.21(a)) should be restricted by a maximum price provision, and the terms of any such provision;

3. Whether the final inspection of assembled garments and machine operating (other than sewing machine operating and pressing) should, under the standards of the aforementioned section 14, be restricted or discontinued as authorized occupations for the employment of learners under special certificates as provided by 29 CFR 522.23;

4. Whether, and the extent to which, the number or proportion of learners provided under 29 CFR 522.22(a) should be reduced;

5. Whether, and the extent to which, the maximum period of 480 hours at special minimum rates authorized in 29 CFR 522.23(a) for sewing machine operating, final pressing, hand-sewing, and finishing operations involving hand-sewing should be reduced.

Interested persons may also submit written data, views, and argument with regard to the above-described subjects and issues. All such data, views, and argument should be filed with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D.C., prior to the date of the oral proceedings, or they may be filed with the hearing examiner during the proceedings.

The oral proceedings shall be stenographically reported. Transcripts will be made available to interested persons on such terms as the hearing examiner shall prescribe. The hearing examiner shall regulate the proceedings; dispose of procedural requests or similar matters; and confine the proceedings to the above-described subjects and issues. The hearing examiner shall have discretion to keep the record open for a reasonable time after the close of the hearing to permit any person who participated in the proceedings to submit additional data, views, and argument responsive to the presentations made by other interested persons.

When the transcript of testimony is available, after the record has been closed, the hearing examiner shall certify it and the exhibits and written data received pursuant to this notice to the Administrator of the Wage and Hour Public Contracts Divisions, who shall make any appropriate changes in Part 522 of Title 29, Code of Federal Regulations, after considering all relevant matter presented and any other pertinent information which may be available to him.

Signed at Washington, D.C., this 9th day of January 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-345; Filed, Jan. 11, 1962; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 61-FW-17]

CONTROL AREAS AND CONTROL ZONES

Withdrawal of Proposal to Alter Control Zone

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 61-FW-17 on June 21, 1961 (26 F.R. 5527), it was stated that the Federal Aviation Agency (FAA) proposed the alteration of the Wink, Texas, control zone.

Subsequent to publication of the notice, the FAA has determined that a further review of this area is desirable prior to taking any action to alter the controlled airspace associated with the Wink Terminal Area. Accordingly, the notice is being withdrawn, and a new proposal will be issued upon completion of this review.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), notice is hereby given that the proposal contained in Airspace Docket No. 61-FW-17 is withdrawn.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Washington, D.C., on January 5, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-338; Filed, Jan. 11, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-NY-111]

CONTROL AREAS AND CONTROL ZONES

Withdrawal of Proposal To Alter Control Zone

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 60-NY-111 on November 11, 1960 (25 F.R. 10778), it was stated that the Federal Aviation Agency proposed the alteration of the Wilmington, Ohio, control zone.

The Federal Aviation Agency is presently conducting a review of the requirements for controlled airspace in the Wilmington area relating to implementing Amendment 60-21 to Civil Air Regulations; Part 60, Air Traffic Rules. Accordingly, with the Department of the Air Force concurrence, the notice is being withdrawn and a new proposal will be issued upon completion of the study.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), notice is hereby given that the proposal contained in Airspace Docket No. 60-NY-111 is withdrawn.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 5, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-340; Filed, Jan. 11, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12946]

TELEVISION BROADCAST STATIONS

Table of Assignments, San Francisco and Sacramento, Calif., and Reno, Nev.; Order Extending Time to Respond to Petition for Reconsideration

In the matter of amendment of § 3.606, *Table of Assignments*, television broadcast stations (San Francisco and Sacramento, California and Reno, Nevada), Docket No. 12946.

1. Golden Empire Broadcasting Co., licensee of Station KHSL-TV, Chico, California, and a party to the above-entitled proceeding, requests, by motion filed January 3, 1962, that the time for responding to the petition for reconsideration of the Commission's Further Report and Order of November 15, 1961, in this proceeding, filed on December 22, 1961, by S. H. Patterson, holder of a permit for UHF Station KSAN-TV at San Francisco, be extended from January 2, 1962, to January 19, 1962.

2. Golden Empire states that it did not receive a copy of the Patterson petition for reconsideration until December 28, 1961, and needs additional time to complete its study of it. Petitioner further states that Metropolitan Broadcasting Corporation of California, licensee of Station KOVR at Stockton, California, and also a party to the proceeding, also did not receive a copy of the Patterson petition until that date and joins in its instant motion. Golden Empire advises that counsel for S. H. Patterson has indicated that he has no objection to the immediate consideration and grant of the subject motion.

3. The requested extension of time will not delay the Commission's disposition of the petition for reconsideration or prejudice any party. Moreover, it is desirable that the Commission have before it the benefit of the views of other parties. We, therefore, believe that extending the time to January 19, 1962, for filing responses to the Patterson petition for reconsideration is warranted in the public interest.

4. *Accordingly, it is ordered,* This 5th day of January, 1962, That the aforesaid motion of Golden Empire Broadcasting Co. is granted; and that the time for filing responses to the above-mentioned petition for reconsideration of S. H. Patterson is extended from January 2, 1962, to January 19, 1962.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.241(d)(8) of the Commission's rules.

Released: January 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-385; Filed, Jan. 11, 1962; 8:51 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF LOUISIANA

Oil and Gas Lease Offer

JANUARY 5, 1962.

Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. sec. 1331 et seq.) and the regulations issued thereunder (43 CFR Part 201), sealed bids addressed to the Manager, Bureau of Land Management Office, T-9003 Federal Office Building, 701 Loyola Avenue, New Orleans 12, Louisiana, will be received on or before March 13, 1962, at 9:00 a.m., c.s.t., for the lease of oil and gas in certain areas of the Outer Continental Shelf, adjacent to the State of Louisiana. Bids will be opened at 10:00 a.m., c.s.t., March 13, 1962, in the Conference Room, T-13028 Federal Office Building, 701 Loyola Avenue, New Orleans 12, Louisiana. Bids may be delivered in person to the Office of the Manager or to the Conference Room between 8:00 a.m., c.s.t., and 9:00 a.m., c.s.t., March 13, 1962. Bids received by mail or delivered in person after 9:00 a.m., c.s.t., March 13, 1962, will not be considered.

All bids must be submitted in accordance with applicable regulations, particularly 43 CFR 201.20, 201.21, and 201.22. Bids may not be modified or withdrawn unless the modification or withdrawals are received prior to the time fixed for filing of the bids. Bidders are warned against violation of section 1860, Title 18 U.S.C., prohibiting unlawful combination or intimidation of bidders. Bidders must submit with each bid one-fifth of the amount bid in cash, or by cashier's check, bank draft, certified check or money order payable to the order of the Bureau of Land Management. The leases will provide for a royalty rate of one-sixth, and a rental or minimum royalty of $3 per acre or fraction thereof. Leases in Zone 3, Louisiana, will be subject to terms and conditions of the agreement of October 12, 1956, between the United States and the State of Louisiana.

Bids will be considered on the basis of the highest cash bonus offered for a tract but no total bid amounting to less than $15.00 per acre or fraction thereof will be considered. The United States Government reserves the right to reject any and all bids even though the bid may exceed the minimum referred to previously. Oil payment, overriding royalty, logarithmic or sliding scale bids will not be considered. No bid for less than a full tract, as listed below, will be considered. A separate bid, in a separate sealed envelope, must be submitted for each tract. The envelope should be endorsed "Sealed bid for oil and gas lease, Louisiana, (insert number of tract), not to be opened until 10:00 a.m., c.s.t., March 13, 1962."

The tracts offered for bid are as follows:

LOUISIANA

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 1

(Approved June 8, 1954; Revised July 22, 1954)

West Cameron Area

Tract No.	Block	Description	Acreage
La.-860	94	All	5,000
La.-861	98	S½	2,500
La.-862	115	All	5,000
La.-863	116	do	5,000
La.-864	174	That portion in Zone 3, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	2,748
La.-865	179	All	5,000
La.-866	181	do	5,000
La.-867	224	E½	2,500
La.-868	224	W½	2,500
La.-869	225	E½	2,500
La.-870	225	W½	2,500
La.-871	228	All	5,000
La.-872	229	do	5,000
La.-873	230	do	5,000
La.-874	241	do	5,000
La.-875	242	do	5,000
La.-876	244	E½	2,500
La.-877	244	W½	2,500
La.-878	245	E½	2,500
La.-879	245	W½	2,500
La.-880	256	E½	2,500
La.-881	256	W½	2,500
La.-882	262	All	5,000
La.-883	263	do	5,000
La.-884	272	do	5,000
La.-885	273	do	5,000
La.-886	275	do	5,000
La.-887	276	do	5,000
La.-888	277	do	5,000
La.-889	278	do	5,000
La.-890	279	do	5,000
La.-891	280	do	5,000
La.-892	281	do	5,000
La.-893	282	do	5,000
La.-894	284	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 1A

(Approved Nov. 15, 1955)

West Cameron Area, West Addition

La.-895	304	All	5,000
La.-896	305	do	5,000
La.-897	306	do	5,000
La.-898	311	do	5,000
La.-899	312	do	5,000
La.-900	313	do	5,000
La.-901	317	do	5,000
La.-902	318	do	5,000
La.-903	319	do	5,000
La.-904	320	N½	2,500
La.-905	320	S½	2,500
La.-906	321	N½	2,500
La.-907	321	S½	2,500
La.-908	327	All	5,000
La.-909	328	do	5,000
La.-910	329	do	5,000
La.-911	347	E½	2,500
La.-912	347	W½	2,500
La.-913	363	All	5,000
La.-914	364	do	5,000
La.-915	365	do	5,000
La.-916	366	do	5,000
La.-917	367	do	5,000
La.-918	368	do	5,000
La.-919	369	do	5,000
La.-920	370	do	5,000
La.-921	381	do	5,000
La.-922	382	do	5,000
La.-923	383	do	5,000
La.-924	384	do	5,000
La.-925	386	do	5,000
La.-926	388	do	5,000
La.-927	389	do	5,000
La.-928	390	do	5,000
La.-929	391	do	5,000
La.-930	433	do	5,000

LOUISIANA—Continued

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 1B

(Approved June 8, 1954)

West Cameron Area, South Addition

Tract No.	Block	Description	Acreage
La.-931	456	All	5,000
La.-932	457	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 2

(Approved June 8, 1954)

East Cameron Area

La.-933	41	That portion in Zone 3, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	1,410
La.-934	42	do	3,549
La.-935	43	do	4,982
La.-936	49	All	5,000
La.-937	50	do	5,000
La.-938	51	do	5,000
La.-939	52	do	5,000
La.-940	59	do	5,000
La.-941	60	do	5,000
La.-942	76	N½	2,500
La.-943	88	All (690 acres in Zone 3 and 4,310 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	5,000
La.-944	89	All (2,473 acres in Zone 3 and 2,527 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	5,000
La.-945	109	All	2,170.10
La.-946	110	do	2,114
La.-947	118	N½	2,500
La.-948	118	S½	2,500
La.-949	119	N½	2,500
La.-950	119	S½	2,500
La.-951	121	All	5,000
La.-952	122	do	5,000
La.-953	123	do	5,000
La.-954	131	do	5,000
La.-955	132	do	5,000
La.-956	138	do	5,000
La.-957	139	do	5,000
La.-958	140	do	5,000
La.-959	151	do	5,000
La.-960	152	do	5,000
La.-961	153	do	5,000
La.-962	154	do	5,000
La.-963	155	do	5,000
La.-964	156	do	5,000
La.-965	157	do	5,000
La.-966	158	do	5,000
La.-967	169	do	5,000
La.-968	170	do	5,000
La.-969	171	do	5,000
La.-970	172	do	5,000
La.-971	173	do	5,000
La.-972	174	do	5,000
La.-973	175	do	5,000
La.-974	176	do	5,000
La.-975	177	do	5,000
La.-976	186	do	5,000
La.-977	187	do	5,000
La.-978	188	do	5,000
La.-979	189	do	5,000
La.-980	190	do	5,000
La.-981	191	do	5,000
La.-982	192	do	5,000
La.-983	193	do	5,000
La.-984	194	do	5,000
La.-985	195	do	5,000
La.-986	204	do	5,000
La.-987	205	do	5,000
La.-988	206	do	5,000
La.-989	207	do	5,000
La.-990	208	do	5,000
La.-991	209	do	5,000
La.-992	210	do	5,000
La.-993	211	do	5,000
La.-994	212	do	5,000
La.-995	213	do	5,000

LOUISIANA—Continued

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 2—con.

(Approved June 8, 1954)

East Cameron Area—Continued

Tract No.	Block	Description	Acreage
La.-996	214	All	5,000
La.-997	215	do	5,000
La.-998	216	do	5,000
La.-999	217	do	1,496.87
La.-1000	218	do	1,440.77
La.-1001	219	do	5,000
La.-1002	220	do	5,000
La.-1003	221	do	5,000
La.-1004	222	do	5,000
La.-1005	223	do	5,000
La.-1006	224	do	5,000
La.-1007	229	do	5,000
La.-1008	230	do	5,000
La.-1009	231	do	5,000
La.-1010	232	do	5,000
La.-1011	233	do	5,000
La.-1012	234	do	5,000
La.-1013	235	do	1,384.67

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 2A

(Approved Sept. 8, 1959)

East Cameron Area, South Addition

La.-1014	236	All	3,828.56
La.-1015	237	do	2,500
La.-1016	241	do	5,000
La.-1017	245	do	5,000
La.-1018	259	do	5,000
La.-1019	260	do	5,000
La.-1020	261	do	5,000
La.-1021	262	do	5,000
La.-1022	264	do	5,000
La.-1023	265	do	5,000
La.-1024	266	do	5,000
La.-1025	278	do	5,000
La.-1026	279	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3

(Approved June 8, 1954; Revised June 25, 1954, and July 22, 1954)

Vermilion Area

La.-1027	101	N½	2,265.80

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 4

(Approved June 8, 1954; Revised July 22, 1954)

Eugene Island Area

La.-1028	106	All	5,000
La.-1029	214	do	5,000
La.-1030	217	do	5,000
La.-1031	220	do	5,000
La.-1032	230	do	5,000
La.-1033	231	do	5,000
La.-1034	236	do	5,000
La.-1035	237	do	5,000
La.-1036	238	do	5,000
La.-1037	252	do	5,000
La.-1038	253	do	5,000
La.-1039	254	do	5,000
La.-1040	256	E½	2,500
La.-1041	257	E½	2,500
La.-1042	258	All	5,000
La.-1043	259	do	5,000
La.-1044	260	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 4A

(Approved Sept. 8, 1959)

Eugene Island Area, South Addition

La.-1045	270	S½	2,500
La.-1046	272	All	5,000
La.-1047	273	do	5,000
La.-1048	275	do	5,000
La.-1049	276	do	5,000
La.-1050	277	do	5,000
La.-1051	278	E½	2,500
La.-1052	279	do	2,500
La.-1053	284	All	5,000
La.-1054	285	do	5,000
La.-1055	286	do	5,000
La.-1056	287	do	5,000
La.-1057	292	do	5,000
La.-1058	293	do	5,000
La.-1059	300	do	5,000
La.-1060	308	do	5,000
La.-1061	309	do	5,000

LOUISIANA—Continued

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 5

(Approved June 8, 1954)

Ship Shoal Area

Tract No.	Block	Description	Acreage
La.-1062	51	That portion in Zone 3, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	598
La.-1063	52	do	4,416
La.-1064	53	All	5,000
La.-1065	54	do	5,000
La.-1066	55	do	5,000
La.-1067	56	do	5,000
La.-1068	57	do	5,000
La.-1069	58	do	5,000
La.-1070	59	do	5,000
La.-1071	60	That portion in Zone 3, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	2,332
La.-1072	74	do	711
La.-1073	75	do	4,638
La.-1074	76	All	5,000
La.-1075	77	do	5,000
La.-1076	78	do	5,000
La.-1077	79	do	5,000
La.-1078	80	do	5,000
La.-1079	81	do	5,000
La.-1080	82	do	5,000
La.-1081	83	do	5,000
La.-1082	84	do	5,000
La.-1083	85	That portion in Zone 3, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	4,601
La.-1084	98	All	5,000
La.-1085	99	do	5,000
La.-1086	100	do	5,000
La.-1087	101	do	5,000
La.-1088	102	do	5,000
La.-1089	105	do	5,000
La.-1090	106	do	5,000
La.-1091	109	do	5,000
La.-1092	123	do	5,000
La.-1093	124	All (4,926 acres in Zone 3 and 74 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	5,000
La.-1094	145	All	5,000
La.-1095	170	N½	2,500
La.-1096	170	S½	2,500
La.-1097	171	All	5,000
La.-1098	181	E½	2,500
La.-1099	181	W½	2,500
La.-1100	182	E½	2,500
La.-1101	182	W½	2,500
La.-1102	217	All	5,000
La.-1103	218	do	5,000
La.-1104	223	do	5,000
La.-1105	224	do	5,000
La.-1106	225	W½	2,500
La.-1107	228	All	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 5A

(Approved Sept. 8, 1959)

Ship Shoal Area, South Addition

La.-1108	239	All	5,000
La.-1109	240	do	5,000
La.-1110	241	do	5,000
La.-1111	244	do	5,000
La.-1112	245	do	5,000
La.-1113	246	do	5,000
La.-1114	247	do	5,000
La.-1115	248	do	5,000
La.-1116	249	do	5,000
La.-1117	250	do	5,000
La.-1118	251	do	5,000
La.-1119	252	do	5,080
La.-1120	253	do	5,000
La.-1121	254	do	5,000
La.-1122	256	do	5,000
La.-1123	262	W½	2,500
La.-1124	263	All	5,000
La.-1125	265	do	5,000
La.-1126	266	do	5,000
La.-1127	267	do	5,000
La.-1128	268	do	5,000
La.-1129	269	do	5,000
La.-1130	270	do	5,000

LOUISIANA—Continued

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 5A—continued

(Approved Sept. 8, 1959)

Ship Shoal Area, South Addition—Continued

Tract No.	Block	Description	Acreage
La.-1131	271	All	5,000
La.-1132	273	do	5,000
La.-1133	274	do	5,000
La.-1134	275	do	5,000
La.-1135	276	do	5,000
La.-1136	277	do	5,000
La.-1137	280	do	5,000
La.-1138	290	do	5,000
La.-1139	291	do	5,000
La.-1140	292	do	5,000
La.-1141	293	do	5,000
La.-1142	294	do	5,000
La.-1143	299	do	5,000
La.-1144	300	do	5,000
La.-1145	301	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 6

(Approved June 8, 1954; Revised July 22, 1954, and Dec. 9, 1954)

South Timbalier Area

La.-1146	208	All	5,000
La.-1147	209	do	5,000
La.-1148	210	do	2,148.46

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 6A

(Approved Sept. 8, 1959)

South Timbalier Area, South Addition

La.-1149	227	All	5,000
La.-1150	228	do	5,000
La.-1151	229	do	2,148.46
La.-1152	230	do	2,148.46
La.-1153	231	do	5,000
La.-1154	232	do	5,000
La.-1155	255	do	5,000
La.-1156	256	do	5,000
La.-1157	257	do	2,148.46
La.-1158	258	do	2,148.46
La.-1159	259	do	5,000
La.-1160	260	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 7

(Approved June 8, 1954)

Grand Isle Area

La.-1161	29	That portion in Zone 3, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	624
La.-1162	30	do	4,234
La.-1163	33	All	5,000
La.-1164	34	That portion in Zone 3, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	4,510
La.-1165	35	do	993
La.-1166	44	S½	2,500
La.-1167	45	All	5,000
La.-1168	56	do	5,000
La.-1169	57	do	5,000
La.-1170	62	do	4,539.89
La.-1171	63	do	5,000
La.-1172	64	do	5,000
La.-1173	66	do	5,000
La.-1174	67	do	5,000
La.-1175	68	do	5,000
La.-1176	69	do	5,000
La.-1177	71	do	5,000
La.-1178	72	do	5,000
La.-1179	73	do	4,539.89
La.-1180	74	All (2,336.26 acres in Zone 3 and 2,203.63 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	4,539.89
La.-1181	75	All (2,652 acres in Zone 3 and 2,348 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	5,000

LOUISIANA—Continued

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 7 — con.

(Approved June 8, 1954)

Grand Isle Area—Continued

Tract No.	Block	Description	Acreage
La.-1182	76	All (2,734 acres in Zone 3 and 2,266 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	5,000
La.-1183	79	All (2,980 acres in Zone 3 and 2,020 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	5,000
La.-1184	81	All	5,000
La.-1185	82	do	5,000
La.-1186	83	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 7A

(Approved Sept. 8, 1959; Revised Mar. 7, 1961)

Grand Isle Area, South Addition

La.-1187	101	All	4,539.89
La.-1188	102	do	5,000
La.-1189	103	do	5,000
La.-1190	104	do	5,000
La.-1191	105	do	5,000
La.-1192	106	do	5,000
La.-1193	107	do	5,000
La.-1194	108	do	4,539.89
La.-1195	111	do	5,000
La.-1196	112	do	5,000
La.-1197	113	do	5,000
La.-1198	114	do	5,000
La.-1199	115	do	5,000
La.-1200	118	do	4,539.89
La.-1201	119	do	5,000
La.-1202	120	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 8

(Approved June 8, 1954)

West Delta Area

La.-1203	32	W½, that portion in Zone 3, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	594
La.-1204	33	That portion in Zone 3, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	2,327
La.-1205	34	do	3,467
La.-1206	35	do	3,838
La.-1207	36	do	3,215
La.-1208	37	do	801.47
La.-1209	38	All	1,796.21
La.-1210	39	do	5,000
La.-1211	40	do	5,000
La.-1212	41	do	5,000
La.-1213	42	do	5,000
La.-1214	43	do	5,000
La.-1215	46	That portion in Zone 3, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	3,734
La.-1216	61	All	5,000
La.-1217	62	do	5,000
La.-1218	63	do	5,000
La.-1219	64	do	5,000
La.-1220	65	do	5,000
La.-1221	66	do	5,000
La.-1222	67	N½	2,500
La.-1223	68	do	1,852.535
La.-1224	72	All	5,000
La.-1225	73	do	5,000
La.-1226	74	do	5,000
La.-1227	75	do	5,000
La.-1228	88	W½	2,500
La.-1229	88	E½, that portion in Zone 3, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	1,170
La.-1230	89	All	5,000
La.-1231	90	do	5,000
La.-1232	91	do	5,000

LOUISIANA—Continued

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 8 — con.

(Approved June 8, 1954)

West Delta Area—Continued

Tract No.	Block	Description	Acreage
La.-1233	92	All	5,000
La.-1234	93	do	5,000
La.-1235	95	do	5,000
La.-1236	96	do	3,665.07
La.-1237	97	do	3,665.07
La.-1238	98	do	5,000
La.-1239	99	do	5,000
La.-1240	100	do	5,000
La.-1241	102	do	5,000
La.-1242	106	That portion in Zone 3, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	2,730

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 8A

(Approved Sept. 8, 1959; Revised Nov. 24, 1961)

West Delta Area, South Addition

La.-1243	116	All	5,000
La.-1244	117	do	5,000
La.-1245	[1] 118	do	5,080.60
La.-1246	[1] 119	do	5,080.60
La.-1247	120	do	5,000
La.-1248	121	do	5,000
La.-1249	122	do	5,000
La.-1250	123	do	5,000
La.-1251	124	do	5,000
La.-1252	131	All (1387 acres in Zone 3 and 3613 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	5,000
La.-1253	132	All (1305 acres in Zone 3 and 3695 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	5,000
La.-1254	133	All (1223 acres in Zone 3 and 3777 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	5,000
La.-1255	134	All (1140 acres in Zone 3 and 3860 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	5,000
La.-1256	135	All (1058 acres in Zone 3 and 3942 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	5,000
La.-1257	[1] 136	All (991.04 acres in Zone 3 and 4089.56 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	5,080.60
La.-1258	139	All	5,000
La.-1259	140	do	5,000
La.-1260	141	do	5,000

[1] Official Leasing Map, Louisiana Map No. 8A was revised Nov. 24, 1961, to show the correct acreage of blocks 118, 119, 136, and 137 to be 5080.60 acres and to clarify the east-west dimension of these blocks. This revised map is included in a set of 12 official Louisiana leasing maps designated South and East Additions. The set can be purchased for $1.00 from Manager, Bureau of Land Management, New Orleans Office, T-9003 Federal Office Building, 701 Loyola Avenue, New Orleans 12, La., or the Director, Bureau of Land Management, Washington 25, D.C.

Some of the tracts offered for lease fall in fairway areas (including prolongations thereof) or anchorage areas, or both, as designated by the District Engineer, New Orleans District, Corps of Engineers, U.S. Army. For the location of these areas and for operational restrictions imposed by that Agency, the District Engineer should be consulted.

Until final determination of the position of the State boundary has been made, the acreage in Zone 3 and Zone 4 herein assigned to each tract will be considered administratively to be the acreage of that tract in the zone indicated.

Bidders are requested to submit their bids in the following form:

Manager,
Bureau of Land Management Office,
Department of the Interior,
T-9003 Federal Office Building,
701 Loyola Avenue,
New Orleans 12, La.

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on land of the Outer Continental Shelf specified below:

Area _____
Official Leasing Map No. _____
Tract No. _____
Total amount _____
Amount per acre _____
Amount submitted with bid _____

_____ (Signature)

_____ (Address)

Important. The bid must be accompanied by one-fifth of the total amount bid. This amount may be in cash, money order, cashier's check, certified check, or bank draft.

A separate bid must be made for each tract.

KARL S. LANDSTROM,
Director,
Bureau of Land Management.

[F.R. Doc. 62-247; Filed, Jan. 11, 1962; 8:45 a.m.]

OUTER CONTINENTAL SHELF OFF LOUISIANA AND TEXAS

Oil and Gas Lease Offer

JANUARY 5, 1962.

Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. sec. 1331 et seq.) and the regulations issued thereunder (43 CFR Part 201), sealed bids addressed to the Manager, Bureau of Land Management Office, T-9003 Federal Office Building, 701 Loyola Avenue, New Orleans 12, Louisiana, will be received on or before March 16, 1962, at 9:00 a.m., c.s.t., for the lease of oil and gas in certain areas of the Outer Continental Shelf, adjacent to the States of Louisiana and Texas. Bids will be opened at 10:00 a.m., c.s.t., March 16, 1962, in the Conference Room, T-13028 Federal Office Building, 701 Loyola Avenue, New Orleans 12, Louisiana. Bids may be delivered in person to the Office of the Manager or to the Conference Room between 8:00 a.m., c.s.t., and 9:00 a.m., c.s.t., March 16, 1962. Bids received by mail or delivered in person after 9:00 a.m., c.s.t., March 16, 1962, will not be considered.

All bids must be submitted in accordance with applicable regulations, particularly 43 CFR 201.20, 201.21, and 201.22. Bids may not be modified or withdrawn unless the modification or withdrawals are received prior to the time fixed for filing of the bids. Bidders are warned against violation of section 1860, Title 18 U.S.C., prohibiting unlawful combination or intimidation of bidders. Bidders must submit with each bid one-fifth of the amount bid in cash, or by cashier's check, bank draft, certified check or money order payable to the order of the Bureau of Land Management. The leases will provide for a royalty rate of one-sixth, and a rental or minimum royalty of $3 per acre or fraction thereof. Leases in Zone 3, Louisiana, will be subject to terms and conditions of the agreement of October 12, 1956, between the United States and the State of Louisiana.

Bids will be considered on the basis of the highest cash bonus offered for a tract but no total bid amounting to less than $15.00 per acre or fraction thereof will be considered. The United States Government reserves the right to reject any and all bids even though the bid may exceed the minimum referred to previously. Oil payment, overriding royalty, logarithmic or sliding scale bids will not be considered. No bid for less than a full tract, as listed below, will be considered. A separate bid, in a separate sealed envelope, must be submitted for each tract. The envelope should be endorsed "Sealed bid for oil and gas lease, Louisiana, (or Texas) (insert number of tract), not to be opened until 10:00 a.m., c.s.t., March 16, 1962."

The tracts offered for bid are as follows:

TEXAS

OFFICIAL LEASING MAP, TEXAS MAP NO. 6

(Approved July 16, 1954)

Galveston Area

Tract No.	Block	Description	Acreage
Tex.-184	426	SW¼	1,440
Tex.-185	427	NE¼	1,440
Tex.-186	427	SE¼	1,440
Tex.-187	462	NE¼	1,440
Tex.-188	463	NE¼	1,440

OFFICIAL LEASING MAP, TEXAS MAP NO. 7

(Approved July 16, 1954)

High Island Area

Tex.-189	33	S½	2,880
Tex.-190	50	W½	2,880
Tex.-191	51	E½	2,880
Tex.-192	51	NW¼	1,440
Tex.-193	53	SW¼	1,440
Tex.-194	67	N½	2,880
Tex.-195	67	SE¼	1,440
Tex.-196	68	S½	2,880
Tex.-197	69	E½	2,880
Tex.-198	69	SW¼	1,440
Tex.-199	70	W½	2,880
Tex.-200	89	NW¼	1,440
Tex.-201	90	N½	2,880
Tex.-202	91	N½	2,880
Tex.-203	94	SW¼	1,440
Tex.-204	95	All	5,760
Tex.-205	96	S½	2,880
Tex.-206	107	All	5,760
Tex.-207	108	do	5,760
Tex.-208	109	do	5,760
Tex.-209	139	do	5,760
Tex.-210	141	do	5,760
Tex.-211	155	do	5,760
Tex.-212	156	N½	2,880
Tex.-213	157	N½	2,880

LOUISIANA

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3

(Approved June 8, 1954; Revised June 25, 1954, and July 22, 1954)

Vermilion Area

Tract No.	Block	Description	Acreage
La.-1261	47	That portion in Zone 3, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	1,118
La.-1262	48	do	1,008
La.-1263	49	do	1,779
La.-1264	52	All	4,549.35
La.-1265	53	do	5,000
La.-1266	54	do	5,000
La.-1267	55	do	5,000
La.-1268	68	do	5,000
La.-1269	69	do	5,000
La.-1270	72	do	4,461.05
La.-1271	87	E½	2,500
La.-1272	87	W½	2,500
La.-1273	103	All	5,000
La.-1274	104	N½	2,500
La.-1275	130	All	5,000
La.-1276	133	do	5,000
La.-1277	149	do	5,000
La.-1278	150	do	5,000
La.-1279	151	do	4,850.67
La.-1280	152	do	4,814.57
La.-1281	153	do	5,000
La.-1282	154	do	5,000
La.-1283	161	do	4,858.21
La.-1284	162	do	4,924.32
La.-1285	169	do	5,000
La.-1286	170	do	5,000
La.-1287	171	do	4,778.47
La.-1288	172	do	4,742.38
La.-1289	173	do	5,000
La.-1290	174	do	5,000
La.-1291	189	N½	2,500
La.-1292	189	S½	2,500
La.-1293	190	All	5,000
La.-1294	191	do	4,706.28
La.-1295	192	do	4,670.18
La.-1296	193	do	5,000
La.-1297	194	N½	2,500
La.-1298	194	S½	2,500
La.-1299	199	All	5,000
La.-1300	200	do	5,000
La.-1301	203	do	5,000
La.-1302	204	do	5,000
La.-1303	214	do	5,000
La.-1304	215	do	5,000
La.-1305	217	do	5,000
La.-1306	218	do	5,000
La.-1307	221	do	5,204.83
La.-1308	222	do	5,260.93
La.-1309	225	do	5,000
La.-1310	226	do	5,000
La.-1311	228	do	5,000
La.-1312	229	do	5,000
La.-1313	231	do	4,561.89
La.-1314	232	do	4,525.79
La.-1315	233	do	5,000
La.-1316	234	do	5,000
La.-1317	235	do	5,000
La.-1318	236	do	5,000
La.-1319	237	do	5,000
La.-1320	238	do	5,000
La.-1321	239	do	5,000
La.-1322	240	do	5,000
La.-1323	241	do	5,317.03
La.-1324	242	do	5,373.13
La.-1325	243	do	5,000
La.-1326	244	do	5,000
La.-1327	245	do	5,000
La.-1328	246	do	5,000
La.-1329	247	do	5,000
La.-1330	248	do	5,000
La.-1331	249	do	5,000
La.-1332	250	do	5,000
La.-1333	251	do	4,489.70

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3B

(Approved Sept. 8, 1959)

Vermilion Area, South Addition

La.-1334	252	All	4,453.60
La.-1335	253	do	5,000
La.-1336	254	do	5,000
La.-1337	255	do	5,000
La.-1338	256	do	5,000
La.-1339	257	do	5,000
La.-1340	258	do	5,000
La.-1341	259	do	5,000
La.-1342	264	do	5,000
La.-1343	265	do	5,000
La.-1344	266	do	5,000
La.-1345	267	do	5,000
La.-1346	268	N½	2,500
La.-1547	268	S½	2,880
La.-1348	269	All	5,000
La.-1349	270	do	5,000

LOUISIANA—Continued

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3B—continued

(Approved Sept. 8, 1959)

Vermilion Area, South Addition—Continued

Tract No.	Block	Description	Acreage
La.-1350	271	All	4,417.50
La.-1351	272	do	4,381.41
La.-1352	273	do	5,000
La.-1353	274	do	5,000
La.-1354	275	do	5,000
La.-1355	276	do	5,000
La.-1356	287	do	5,000
La.-1357	288	do	5,000
La.-1358	289	do	5,000
La.-1359	290	do	5,000
La.-1360	293	do	5,000
La.-1361	294	do	5,000
La.-1362	295	do	5,000
La.-1363	296	do	5,000
La.-1364	297	do	5,000
La.-1365	298	do	5,000
La.-1366	299	do	5,000
La.-1367	304	do	5,000
La.-1368	305	do	5,000
La.-1369	306	do	5,000
La.-1370	307	do	5,000
La.-1371	308	do	5,000
La.-1372	309	do	5,000
La.-1373	310	do	5,000
La.-1374	311	do	4,273.11
La.-1375	312	do	4,237.01
La.-1376	313	do	5,000
La.-1377	317	do	5,000
La.-1378	318	do	5,000
La.-1379	319	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3A

(Approved Aug. 7, 1959)

South Marsh Island Area

La.-1380	1	All	5,000
La.-1381	2	do	5,107.46
La.-1382	3	do	5,143.56
La.-1383	4	do	5,000
La.-1384	5	do	5,000
La.-1385	6	do	5,000
La.-1386	7	do	5,000
La.-1387	8	do	3,146.45
La.-1388	9	do	5,000
La.-1389	10	do	5,000
La.-1390	11	do	5,000
La.-1391	12	do	5,000
La.-1392	13	do	5,000
La.-1393	14	do	5,179.66
La.-1394	15	do	5,215.75
La.-1395	16	do	5,000
La.-1396	17	do	5,000
La.-1397	18	do	5,000
La.-1398	19	do	5,000
La.-1399	24	do	5,000
La.-1400	25	do	5,000
La.-1401	26	do	5,000
La.-1402	27	do	5,000
La.-1403	28	do	5,251.55
La.-1404	29	do	5,287.95
La.-1405	30	do	5,000
La.-1406	31	do	5,000
La.-1407	34	do	5,000
La.-1408	40	do	5,000
La.-1409	41	do	5,000
La.-1410	42	do	5,324.05
La.-1411	52	do	5,000
La.-1412	53	do	5,000
La.-1413	57	do	5,432.34
La.-1414	58	do	5,000
La.-1415	59	do	5,000
La.-1416	60	do	5,000
La.-1417	61	do	5,000
La.-1418	62	do	5,000
La.-1419	63	do	2,987.71
La.-1420	64	do	2,965.03
La.-1421	65	do	5,000
La.-1422	66	do	5,000
La.-1423	67	do	5,000
La.-1424	68	do	5,000
La.-1425	69	do	5,000
La.-1426	70	do	5,468.44

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3C

(Approved Sept. 8, 1959)

South Marsh Island Area, South Addition

La.-1427	71	All	3,004.52
La.-1428	72	do	2,500
La.-1429	73	do	5,000
La.-1430	74	do	5,000
La.-1431	75	do	5,000
La.-1432	76	do	5,000
La.-1433	77	do	5,000
La.-1434	78	do	2,942.35
La.-1435	79	do	2,919.67
La.-1436	80	do	5,000

LOUISIANA—Continued

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 36—continued

(Approved Sept. 8, 1959)

South Marsh Island Area, South Addition—Con.

Tract No.	Block	Description	Acreage
La.-1437	81	All	5,000
La.-1438	82	do	5,000
La.-1439	86	do	3,040.62
La.-1440	87	do	3,078.71
La.-1441	91	do	5,000
La.-1442	92	do	5,000
La.-1443	93	do	5,000
La.-1444	94	do	2,896.99
La.-1445	97	do	5,000
La.-1446	102	do	3,112.81
La.-1447	141	do	5,000
La.-1448	142	do	2,760.91
La.-1449	143	do	2,738.23
La.-1450	144	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 4

(Approved June 8, 1954; Revised July 22, 1954)

Eugene Island Area

La.-1451	131	All (822 acres in Zone 3 and 4,178 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	5,000
La.-1452	132	All	5,000
La.-1453	133	do	5,000
La.-1454	158	do	5,000
La.-1455	178	do	5,000
La.-1456	179	do	5,000
La.-1457	180	do	5,000
La.-1458	181	do	5,000
La.-1459	200	do	5,000
La.-1460	201	do	5,000
La.-1461	222	do	5,000
La.-1462	223	do	5,000
La.-1463	242	do	5,000
La.-1464	243	do	5,000
La.-1465	244	do	5,000
La.-1466	245	do	5,000
La.-1467	247	do	5,000
La.-1468	248	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 5

(Approved June 8, 1954)

Ship Shoal Area

La.-1469	115	All	4,867.78
La.-1470	116	do	4,880.56
La.-1471	117	8½	2,500
La.-1472	118	8½	2,500
La.-1473	136	All (3294 acres in Zone 3 and 1706 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	5,000
La.-1474	137	All (3386 acres in Zone 3 and 1614 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	5,000
La.-1475	138	All (3478 acres in Zone 3 and 1522 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	5,000
La.-1476	208	All	5,000
La.-1477	210	do	5,000
La.-1478	211	do	5,050.02
La.-1479	212	do	5,072.80
La.-1480	213	do	5,000
La.-1481	215	do	5,000
La.-1482	235	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 5A

(Approved Sept. 8, 1959)

Ship Shoal Area, South Addition

La.-1483	236	All	5,118.36
La.-1484	259	do	5,141.14
La.-1485	260	do	5,163.92
La.-1486	261	do	5,000
La.-1487	282	do	5,000
La.-1488	283	do	5,186.70

LOUISIANA—Continued

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 6

(Approved June 8, 1954; Revised July 22, 1954 and Dec. 9, 1954)

South Pelto Area

Tract No.	Block	Description	Acreage
La.-1489	15	That portion in Zone 3, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	2,104
La.-1490	16	All	5,000
La.-1491	17	do	5,000
La.-1492	18	do	5,000
La.-1493	19	E½	2,500
La.-1494	21	All	5,000
La.-1495	22	do	5,000
La.-1496	23	do	5,000
La.-1497	24	do	5,000
La.-1498	25	do	5,000

South Timbalier Area

La.-1499	50	That portion in Zone 3, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	3,244
La.-1500	51	do	3,067.22
La.-1501	52	All	3,772.18
La.-1502	53	do	5,000
La.-1503	68	do	5,000
La.-1504	69	do	3,772.18
La.-1505	70	do	5,000
La.-1506	71	do	5,000
La.-1507	72	do	5,000
La.-1508	73	do	5,000
La.-1509	74	do	5,000
La.-1510	144	do	5,000
La.-1511	145	do	5,000
La.-1512	146	do	3,772.18
La.-1513	147	do	5,000
La.-1514	160	do	5,000
La.-1515	161	do	5,000
La.-1516	162	do	5,000
La.-1517	163	do	3,772.18
La.-1518	164	do	5,000
La.-1519	165	do	5,000
La.-1520	166	do	5,000
La.-1521	167	do	5,000
La.-1522	168	do	4,731.10
La.-1523	169	do	4,708.32
La.-1524	170	do	5,000
La.-1525	171	do	5,000
La.-1526	172	do	5,000
La.-1527	173	do	5,000
La.-1528	174	do	3,772.18
La.-1529	175	do	5,000
La.-1530	176	do	5,000
La.-1531	177	do	5,000
La.-1532	188	do	5,000
La.-1533	189	do	5,000
La.-1534	190	do	5,000
La.-1535	191	do	3,772.18
La.-1536	192	do	5,000
La.-1537	193	do	5,000
La.-1538	194	do	5,000
La.-1539	195	do	5,000
La.-1540	196	do	4,685.54
La.-1541	197	do	4,662.76
La.-1542	198	do	5,000
La.-1543	199	do	5,000
La.-1544	200	do	5,000
La.-1545	201	do	5,000
La.-1546	202	do	3,772.18
La.-1547	203	do	5,000
La.-1548	204	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 6A

(Approved Sept. 8, 1959)

South Timbalier Area, South Addition

La.-1549	211	All	5,000
La.-1550	212	do	5,000
La.-1551	213	do	5,000
La.-1552	214	do	5,000
La.-1553	215	do	4,639.98
La.-1554	216	do	4,617.25
La.-1555	217	do	5,000
La.-1556	218	do	5,000
La.-1557	219	do	5,000
La.-1558	220	do	5,000
La.-1559	223	do	5,000
La.-1560	224	do	5,000
La.-1561	235	do	5,000
La.-1562	236	do	5,000
La.-1563	239	do	5,000
La.-1564	240	do	5,000
La.-1565	241	do	5,000
La.-1566	242	do	5,000

LOUISIANA—Continued

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 6A—continued

(Approved Sept. 8, 1959)

South Timbalier Area, South Addition—Con.

Tract No.	Block	Description	Acreage
La.-1567	243	All	4,594.42
La.-1568	244	do	4,571.64
La.-1569	245	do	5,000
La.-1570	246	do	5,000
La.-1571	247	do	5,000
La.-1572	248	do	5,000
La.-1573	251	do	5,000
La.-1574	264	do	5,000
La.-1575	265	do	5,000
La.-1576	267	do	5,000
La.-1577	268	do	5,000
La.-1578	269	W½	2,500
La.-1579	270	All	5,000
La.-1580	271	E½	2,274.43
La.-1581	275	All	5,000
La.-1582	276	do	5,000
La.-1583	295	do	5,000
La.-1584	296	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 9A

(Approved Sept. 8, 1959)

South Pass Area, South and East Addition

La.-1585	62	All	5,000
La.-1586	63	All (900 acres in Zone 3 and 4,100 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	5,000
La.-1587	64	That portion in Zone 3 and Zone 4 (4,723 acres in Zone 3 and 163 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	4,886
La.-1588	75	That portion of Zone 3, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	1,920

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 10

(Approved June 8, 1954; Revised July 22, 1954)

Main Pass Area

La.-1589	29	That portion of Zone 3, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	3,895
La.-1590	37	do	3,285
La.-1591	38	All	4,994.55
La.-1592	39	do	4,994.55
La.-1593	40	E½	2,497.28
La.-1594	61	That portion of Zone 3 as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	1,979
La.-1595	96	All	4,994.55
La.-1596	97	do	4,994.55
La.-1597	98	do	4,994.55
La.-1598	99	do	4,994.55
La.-1599	100	do	4,994.55
La.-1600	101	That portion seaward of a line 3 marine leagues distant from Chapman line as defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	4,686
La.-1601	105	do	4,285
La.-1602	106	All	4,994.55
La.-1603	107	do	4,994.55
La.-1604	108	do	4,994.55
La.-1605	109	do	4,994.55
La.-1606	110	do	4,994.55
La.-1607	111	do	4,994.55
La.-1608	112	do	4,994.55
La.-1609	113	do	4,994.55

LOUISIANA—Continued

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 10—continued

(Approved June 8, 1954; Revised July 22, 1954)

Main Pass Area—Continued

Tract No.	Block	Description	Acreage
La. 1610	114	All (56.24 acres in Zone 3 and 4,938.31 acres in Zone 4, as those zones defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	4,994.55
La. 1611	115	That portion in Zone 3 and Zone 4 (3,750 acres in Zone 3 and 144.91 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	3,894.91
La. 1612	116	All	4,994.55
La. 1613	117	All (674.92 acres in Zone 3 and 4,319.63 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	4,994.55
La. 1614	118	All	4,994.55
La.-1615	119	do	4,994.55
La.-1616	120	do	4,994.55
La. 1617	126	That portion of Zone 3, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	1,438.58
La. 1618	127	All	4,994.55
La. 1619	140	do	4,994.55
La. 1620	141	All (3,729.50 acres in Zone 3 and 1,264.96 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	4,994.55
La. 1621	142	All	4,994.55
La. 1622	143	do	4,994.55
La. 1623	146	do	4,560.81
La. 1624	147	That portion of Zone 3, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	2,548
La. 1625	149	do	4,451
La. 1626	150	do	3,528
La. 1627	153	do	3,814

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 10A

(Approved Sept. 8, 1959)

Main Pass Area, South and East Addition

La.-1628	287	All	4,560.81
La.-1629	288	do	4,560.81
La.-1630	299	do	4,560.81
La. 1631	300	All (3,144.56 acres in Zone 3 and 1,416.25 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	4,560.81
La. 1632	301	All (2,023.14 acres in Zone 3 and 2,976.82 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	4,999.96
La. 1633	302	All	4,999.96
La.-1634	303	do	4,999.96
La.-1635	310	do	4,999.96
La.-1636	311	do	4,999.96

LOUISIANA—Continued

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 10A—continued

(Approved Sept. 8, 1959)

Main Pass Area, South and East Addition—Con.

Tract No.	Block	Description	Acreage
La. 1637	312	All (2,787.64 acres in Zone 3 and 2,212.32 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	4,999.96
La. 1638	313	All (3,340.51 acres in Zone 3 and 1,659.45 acres in Zone 4, as those zones are defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956).	4,999.96
La. 1639	314	All	4,999.96
La.-1640	315	do	4,999.96

Some of the tracts offered for lease fall in fairway areas (including prolongations thereof) or anchorage areas, or both as designated by the District Engineer, New Orleans District, or the District Engineer, Galveston District, Corps of Engineers, U.S. Army. For the location of these areas and for operational restrictions imposed by that Agency, the appropriate District Engineer should be consulted.

Until final determination of the position of the State boundary of Louisiana has been made, the acreage in Zone 3 and Zone 4 herein assigned to each tract will be considered administratively to be the acreage of that tract in the zone indicated.

Bidders are requested to submit their bids in the following form:

Manager,
Bureau of Land Management Office,
Department of the Interior,
T-9003 Federal Office Building,
701 Loyola Avenue,
New Orleans 12, La.

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on land of the Outer Continental Shelf specified below:

Area _____
Official Leasing Map No. _____
Tract No. _____
Total amount _____
Amount per acre _____
Amount submitted with bid _____

_____
(Signature)

_____
(Address)

Important. The Bid must be accompanied by one-fifth of the total amount bid. This amount may be in cash, money order, cashier's check, certified check, or bank draft.

A separate bid must be made for each tract.

KARL S. LANDSTROM,
Director,
Bureau of Land Management.

[F.R. Doc. 62-248; Filed, Jan. 11, 1962; 8:45 a.m.]

Bureau of Reclamation

[Public Announcement No. 34]

COLUMBIA BASIN PROJECT, WASHINGTON

Public Announcement of the Sale of Full-Time Farm Units

LANDS COVERED

DECEMBER 27, 1961.

SECTION 1. *Offer of farm units for sale.* It is hereby announced that certain farm units in the Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications for certificates of qualification to purchase farm units may be submitted beginning at 2:00 p.m., January 12, 1962.

In order to permit the continued orderly development and settlement of project lands, this public announcement is issued irrespective of there being pending applications for exchange pursuant to the Act of August 13, 1953 (67 Stat. 566).

a. *Farm units presently owned.* The farm units which are presently owned by the United States and hereby offered for sale are described as follows:

Irrigable block No.	Farm unit No.	Gross acres	Tentative irrigable acreage				Nonirrigable	Price
			Total	Class 1	Class 2	Class 3		
80	31	122.3	108.9	24.0	59.3	25.6	13.4	$2,182.85
	44	162.9	125.8	--	38.7	87.1	37.1	2,189.60
	80	144.7	121.2	12.4	64.2	44.6	23.5	2,252.50
	85	130.2	121.9	54.0	53.3	14.6	8.3	2,451.70
	87	142.4	129.3	32.3	70.7	26.3	13.1	2,315.45
	144	139.5	134.1	41.5	87.5	5.1	5.4	2,687.40
	146	163.7	152.8	5.4	147.4	--	10.9	2,707.40
	147	162.5	136.3	58.1	69.3	8.9	26.2	2,911.50
	148	144.4	133.1	86.7	46.4	--	11.3	3,424.85
18	224	161.6	124.9	72.5	32.5	19.9	36.7	10,743.90
20	227	275.5	132.0	--	116.9	15.1	143.5	5,808.40
	230	210.4	141.9	7.3	74.1	60.5	68.5	2,572.30
	231	162.1	132.2	3.7	98.0	30.5	29.9	3,374.50
	232	155.3	114.7	34.0	34.5	46.2	40.6	1,980.70
	233	180.2	126.6	26.3	53.0	47.3	53.6	4,649.60
201	10	217.5	133.4	98.2	29.5	5.7	84.1	3,092.30
	21	136.4	121.7	31.4	65.7	24.6	14.7	1,861.90
	22	199.0	123.3	1.3	82.9	39.1	75.7	2,460.70

b. *Additional farm units.* If, through the operation of its land acquisition program, the United States should, following the date of this announcement and prior to the date on which the first farm unit is offered for selection to an applicant under the provisions hereof, own additional farm units in the Columbia Basin Project which are scheduled to receive water before the close of the 1962 irrigation season, such farm units may be offered for sale under the provisions of this announcement.

The official plats of these irrigation blocks are on file in the offices of the Bureau of Reclamation at Ephrata, Washington, and Boise, Idaho. The prices of the farm units are subject to minor changes which may result from adjustments in the irrigable acreages due to changes in rights of way or other causes.

SEC. 2. *Limit of acreage which may be purchased.* The lands covered by this announcement have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Regional Director, Region 1, Bureau of Reclamation, will support an average size family at a suitable level of living. The law provides that no application for a certificate of qualification shall be received from (1) anyone who then has outstanding a certificate of qualification to select a farm unit on the Columbia Basin Project, (2) anyone who owns another farm unit on that project, or (3) any person who, or a member of whose family, has theretofore purchased or entered into a contract to purchase a farm unit under the Columbia Basin Project Act, except those whose farm units have been acquired by the United States for exchange purposes. A family is defined as comprising husband or wife, or both, together with their children under 18 years of age, or all of such children if both parents are dead.

PREFERENCE OF APPLICANTS

SEC. 3. *Nature of preference.* Except for a prior preference given applicants for exchange under the provisions of the Act of August 13, 1953 (67 Stat. 566), who are hereinafter called "exchange applicants", preference right to purchase the farm units described above will be given to persons who submit applications during a 45-day period beginning at 2:00 p.m., January 12, 1962, and endings at 2:00 p.m., February 26, 1962.

QUALIFICATIONS REQUIRED OF PURCHASERS

SEC. 4. *Examining board.* An examining board of three members has been appointed by the Regional Director to determine the qualifications and fitness of applicants to undertake the purchase, development, and operation of a farm on the Columbia Basin Project. The Board will make careful investigations to verify the statements and representations made by applicants. Any false statements may constitute grounds for rejection of an application and cancellation of the applicant's right to purchase a farm unit.

SEC. 5. *Minimum qualifications.* Certain minimum qualifications have been established which are considered necessary for the successful development of farm units. Applicants, unless qualified exchange applicants, must, in the judgment of the examining board, meet these qualifications in order to be eligible for the purchase of farm units. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No credit will be given for qualifications in excess of the required minimum. The minimum qualifications are as follows:

a. *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

b. *Farm experience.* Except as otherwise provided in this subjection, an applicant must have had a minimum of two years (24 months) of full-time farm experience, which shall consist of participation in actual farming operations after reaching the age of 17 years. At least one year of such full-time farm experience must have been obtained after a date five years prior to the date of this announcement, except as provided in Section 12. Except for the above-mentioned one year of recent farm experience, time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which in the opinion of the Board will be of value to an applicant in operating a farm, may be substituted for full-time experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time experience of this type will be allowed.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a non-irrigated farm, but all applicants must have had farm experience of such nature as in the judgment of the examining board will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

c. *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor.

d. *Capital.* To be eligible for a certificate of qualification for farms listed in Section 1, applicants must possess in excess of liabilities either (1) at least $7,500 in cash or (2) various assets amounting to at least $8,500. No value will be allowed for a passenger car or household goods. At the time he moves to the Project to take possession of the farm unit selected, the applicant must re-establish to the satisfaction of the Project Manager that he possesses in excess of liabilities either (1) at least $7,500 in cash or (2) at least $5,000 in cash plus $3,500 in property such as livestock, farm machinery, or equipment which, in the opinion of the Board and the Project Manager, will be useful in the development and operation of a new, irrigated farm on the Columbia Basin Project. Before executing a land sale contract and acquiring the right of possession of the farm unit, the purchaser must establish, to the satisfaction of the Project Manager, that he has moved to the Project to take possession of the farm unit selected and re-establish his net worth as required above, except that the amount paid as an earnest money deposit can be credited as part of the assets making up the applicant's net worth.

SEC. 6. *Other qualifications required.* Each applicant must meet the following requirements:

a. Be a citizen of the United States or have declared an intention to become a citizen of the United States.

b. In addition to the limitations in section 2, not own outright, or be acquiring under a contract to purchase, more than 10 acres of crop land or a total of 160 acres of land at the time of execution of a purchase contract for a farm unit.

c. Not previously have purchased a farm unit from the United States under provisions of the Reclamation Law, excepting therefrom actions under the Act of August 13, 1953.

d. Not have outstanding a certificate of qualification for the purchase of a farm unit on the Columbia Basin Project.

e. Not own outright, or be acquiring under a contract to purchase, a farm unit on the Columbia Basin Project.

f. If a married woman or a person under 21 years of age who is not a veteran with acceptable service, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family.

WHERE AND HOW TO SUBMIT AN APPLICATION

SEC. 7. *Filing application blanks.* Any person desiring to apply for a certificate of qualification to purchase a farm unit offered for sale by this announcement must fill out the attached application blank and file it with the Bureau of Reclamation, Ephrata, Washington, in person or by mail. Additional application blanks may be obtained from the office of the Bureau of Reclamation at Ephrata, Washington; Boise, Idaho; or Washington, D.C. No advantage will accrue to an applicant who presents an application in person. Each application submitted, including the evidence of qualification to be submitted following the public drawing, will become a part of the records of the Bureau of Reclamation and cannot be returned to the applicant.

SELECTION OF QUALIFIED APPLICANTS

SEC. 8. *Priority of applications.* All applications, except those received from qualified exchange applicants prior to 2:00 p.m., February 26, 1962, which shall be given prior preference, will be classified for priority purposes as follows:

a. *First Group.* All complete applications filed prior to 2:00 p.m., February 26, 1962. Such applications will be treated as simultaneously filed.

b. *Second Group.* All complete applications filed after 2:00 p.m., February 26, 1962. Such applications will be considered in the order in which they are filed if any farm units are available for sale to applicants within this group.

SEC. 9. *Public drawing.* After the priority classification, the Board will conduct a public drawing of the names of the applicants in the First Group as defined in subsection 8.a. of this announcement. Applicants need not be present at the drawing to participate therein. The names of a sufficient number of applicants (not less than four times the number of farm units offered for sale) shall be drawn and numbered in the order drawn for the purpose of establishing the order in which the applications drawn will be examined by the Board to determine whether the applicants meet the minimum qualifications prescribed in this announcement and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the Board will notify each applicant of his respective standing as a result of the drawing.

SEC. 10. *Submission of evidence of qualification.* After the drawing, a sufficient number of applicants, in the order of their priority as established by the drawing, will be supplied with forms on which to submit evidence of qualification showing that they meet the qualifications set forth in Sections 5 and 6 of this announcement. Full and accurate answers must be made to all questions. The completed form, together with any attachments required, must be mailed or delivered to the Bureau of Reclamation, Ephrata, Washington, within 20 days of the date the form is mailed to the last address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the time period specified will subject his application to rejection.

SEC. 11. *Examination and interview.* After the information outlined in section 10 of this announcement has been received or the time for submitting such statements has expired, the Board shall examine in the order drawn a sufficient number of applications, together with the evidence of qualification submitted, to determine the applicants who will be permitted to purchase farm units. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants. If the applicant fails to supply any of the information required or the Board finds that the applicant's qualifications do not meet the requirements prescribed in this announcement, the applicant shall be disqualified and shall be notified by the Board, by certified mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Project Manager, Bureau of Reclamation, Ephrata, Washington, within 15 days of the applicant's receipt of such notice or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Project Manager will promptly forward the appeal to the Regional Director.

If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the Board for the purposes of: (1) Affording the Board any additional information it may desire relative to his qualifications; (2) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (3) affording the applicant an opportunity to examine the farm units.

If an applicant fails to appear before the Board for a personal interview on the date requested, he will thereby forfeit his priority position as determined by the drawing. If the Board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such applicant shall be notified, in person or by certified mail, that he is a qualified applicant and shall be given an opportunity to select one of the farm units available then for purchase. Such notice will require the applicant to make a field examination of the farm units available to him and in which he is interested, to select a farm unit, and to notify the Board of such selection within the time specified in the notice.

SELECTION OF FARM UNITS

SEC. 12. *Order of selection.* The applicants who have been notified of their qualification for the purchase of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to complete his purchase, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the Board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the Board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this announcement remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit and if additional applicants remain in the First Group, all said remaining applicants will be advised by the Board as to the number and nature of the unsold units. If any of the applicants so advised wish to be considered for the possible purchase of one of the remaining units, they must so advise the Board in writing within 20 days of the date of the notice. The Board will consider, in the order of their selection priority as established by drawing, only those applicants who make affirmative reply within the period stipulated.

Any farm units remaining unselected after all qualified applicants in the First Group have had an opportunity to select a farm unit will be offered to applicants in the Second Group in the order in which their applications are filed, subject to the determination of the Board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this announcement. In considering the qualifications of applicants in the Second Group, the Board of Examiners may waive the requirement that one year of the two years' fulltime farm experience be obtained after a date five years prior to the date of this announcement if in the opinion of the Board the applicant has sufficient capital or outside income to make the required real estate improvements largely with his own resources.

If any farm units offered by or under this announcement remain unsold for a period of two years following the date of this announcement, the Project Manager may sell, lease, or otherwise dispose of such units to qualified applicants without regard to the provisions of section 9 of this announcement.

SEC. 13. *Failure to select.* If any applicant, except a qualified exchange applicant, refuses to select a farm unit or fails to do so within the time specified by the Board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

PURCHASE OF SELECTED UNIT

SEC. 14. *Execution of earnest money agreement and land sale contract.* When a farm unit is selected by an applicant as provided in section 12 of this announcement, the Project Manager will promptly give the applicant a written notice confirming the availability to him of the unit selected and will furnish an earnest money agreement together with instructions concerning its execution and return. In that notice, the Project Manager will inform the applicant of the amount of his down payment and the amount of the irrigation charges assessed by the irrigation district or, if such charges have not been assessed, of an estimate of the amount of the charges for the first year of the development period, to be deposited with the irrigation district.

The earnest money agreement will require the applicant to deposit $200 or 5 percent of the purchase price of the farm, whichever amount is greater, with the Project Manager. The amount deposited with the earnest money agreement will be applied to the down payment if the applicant (1) submits proof that he has moved to the Columbia Basin Project before March 1 of the year water is first declared available to the irrigation block in which the farm unit

is located or within six months of the earnest money agreement, whichever is later, and possesses the minimum capital assets required under subsection 5.d., (2) pays the real or estimated amount of the irrigation charges which will be required by the irrigation district for the first year of the development period following the date of contract, (3) pays the remainder of the required down payment on the purchase price of the farm unit, and (4) executes a land sale contract in accordance with the Project Manager's instructions. If the applicant fails to comply with any of the four requirements described in this paragraph, he will forfeit his right to purchase the farm unit and the amount he has deposited as earnest money will be retained by the United States as liquidated damages.

When the applicant submits proof to the Project Manager or his representative that he has moved to the Project to take possession of the farm unit and that he possesses the minimum capital assets required under subsection 5.d., the Project Manager will promptly furnish the applicant the necessary land sale contract, together with instructions concerning its execution and return. Such proof shall be in the form of an affidavit that he has actually moved to the Project area, a current financial statement, and where appropriate, a personal inspection of farm equipment by a representative of the Project Manager.

If the purchase is made subsequent to July 1 of any year during the development period, a deposit may be required to cover payment of water charges for the balance of that year as well as for the year following the purchase.

SEC. 15. *Terms of sale.* Contracts for the sale of farm units pursuant to this announcement will contain, among others, the following principal provisions:

a. *Down payment.* An initial or down payment of $400 or 10 percent of the purchase price of the lands being purchased from the United States, whichever is larger, will be required. Larger proportions or the entire amount of the price may be paid initially at the purchaser's option.

b. *Schedule for payment of balance; Interest rate.* If only a portion of the purchase price is paid initially, the remainder will be payable within a period of 20 years following the date of the contract. No payments on the principal, except the down payment, will be required during the first three years, and the Project Manager may postpone such payments for as long as the first five years of the contract. Interest on the unpaid balance at the rate of three percent per annum, however, will be payable annually. When payments on the principal are resumed, they will be payable each year. The schedule of principal payments, which will be established by the Project Manager, will provide for relatively small payments during the first years and larger payments during the later years of the contract period. Payment of any or all installments, or any portion thereof, may be made before their due dates at the purchaser's option.

c. *Development requirements.* In order that the irrigable area of the entire farm unit shall be developed with reasonable dispatch, each purchaser will be required, as a minimum, to clear, level, irrigate, and plant to crops by the end of each of the calendar years indicated below and to maintain in crops thereafter the following percentages of irrigable land as tentatively or finally classified:

Size of farm unit in irrigable acres	Percentage of land classified tentatively or finally as irrigable to be developed by end of each year. (Period will begin with year of purchase if contract is executed and water is available on or before May 1 of that year; otherwise period will begin with the next calendar year.)			
	2d year	3d year	4th year	5th year
61–80	50	65	75	
81–100	40	60	65	75
101–160	35	50	65	75

d. *Residence requirements.* A major objective of the settlement program for the Columbia Basin Project is to assist and encourage the permanent settlement of farm families. In keeping with this objective, each purchaser will be required to do the following with respect to residence: (1) Within one year from the date of his contract or by March 1 of the year water is first declared available to the irrigation block in which the farm unit is located, whichever is later, he must initiate residence by actually moving onto the unit, such residence to be maintained by living thereon for not less than 12 months within an 18-month period following the initial date of residence, and (2) before receiving title to the unit under the land sale contract, to establish a permanent and habitable dwelling on the unit. The time for compliance with the initiation of residence may be extended by the Project Manager for periods of as long as six months, upon his determination that an extension is necessary to avoid undue hardship to the purchaser and that it will not be detrimental to the orderly development of the irrigation block. The latest permissible date for initiating residence, however, will not be extended for more than one year in addition to the one-year period specified above.

e. *Speculation and landholding limitations.* Land sale contracts and deeds covering farm units offered by this announcement will include provisions governing (1) maximum permissible sizes of holdings of irrigable lands; (2) continued conformance of land to the area and boundaries of the farm unit plat for the block; (3) prices at which land can be resold during a period of five years following the date on which water is made available to the irrigation block; (4) disposal of land should it become excess at any time; and (5) limitations as to total area that may be operated on the Project, whether as lessee or as owner or both.

f. *Possession.* The purchaser may take possession of the lands being purchased when he has complied with the requirements described in section 14 and the land sale contract has been executed by the Project Manager for the United States, except that if a farm unit is under lease when sold possession may not be taken until the end of the period for which the unit is leased. Such leases occur infrequently and are of not more than one year's duration.

g. *Sales, assignments, leases.* Each purchaser shall be required to agree that he, his heirs, and assigns will not, except with the approval of the Project Manager, sell, assign, lease, or otherwise dispose of, or contract to sell, assign, lease, or otherwise dispose of, his land during a period ending five years from the date of his purchase contract.

h. *Copies of contract form.* The terms listed above and all other standard contract provisions are contained in the land sale contract form, copies of which may be obtained by writing to the Bureau of Reclamation, Ephrata, Washington.

IRRIGATION CHARGES

SEC. 16. *Water rental charges.* In Irrigation Block 80 some construction activities will be continuing and the system will be tested during the irrigation season of 1962. However, it is expected that water will be furnished on a temporary rental basis to those desiring it. The terms of payment, which will be at a fixed rate per acre-foot of water used, will be announced by the Project Manager before the beginning of the irrigation season.

SEC. 17. *Development period charges.* Pursuant to the provisions of the repayment contracts of October 9, 1945, between the United States and the three irrigation districts of the Columbia Basin Project, the Secretary of the Interior will establish a development period, normally ten years, for each irrigation block, during which time payment of construction charge installments will not be required. The Secretary will announce the development period for Irrigation Block 80 when the testing of the irrigation facilities gives assurance that the development period can begin. The development period began in 1959 for Irrigation Block 18, in 1960 for Irrigation Block 20, and will begin in 1962 for Irrigation Block 201.

During the development period, water rental charges, except as pointed out later in this section, will average an estimated $6.40 per year for each irrigable acre as tentatively or finally classified. This figure is an estimate and is subject to adjustment when the actual costs are determined. In any event, there will be a minimum charge per farm unit each year whether or not water is used. A notice establishing the details of the plan to be followed and announcing charges and governing provisions for the first year of the development period will be issued prior to January 1 of that year by the Project Manager.

The present plans are: (1) To vary the minimum charge according to the anticipated relative repayment ability of the various land classes; (2) to increase the minimum charge from 70 percent of the estimated cost for the first year to about 115 percent for the later years of the development period; and (3) to charge for water in excess of the amount furnished for the minimum charge on an acre-foot basis. The minimum charge will entitle each user to a quantity of water, to be specified by the Project Manager, varying with the water requirement classification of the land and the size of the farm unit. In addition to the water rental charges, the irrigation district will levy a charge to cover administrative costs and probable delinquencies in collections and to accumulate reserve funds.

SEC. 18. *Construction period repayment charges—a. Operation and maintenance charges.* After the development period has ended, water users will pay a charge for operation and maintenance of the Project irrigation system which will be uniform for the irrigation blocks throughout the Project. These charges may be graduated among land classes. Assessment procedure will be left for the Irrigation District Board of Directors to determine, but, in any case, there will be an annual minimum charge per acre. In order to encourage careful use of water, this annual minimum charge will entitle the water user to one-half acre-foot of water per acre less than the amount of water normally required. The normal requirements for the various classes of land will be determined and announced as provided in the repayment contracts with the irrigation districts. Water in excess of the quantity covered by the minimum charge will be paid for on an ascending, graduated scale.

b. *Construction charges.* The existing repayment contracts between the United States and the irrigation districts require the payment of construction charges for the Project irrigation system during the forty years following the end of the development period. Under the present repayment contracts, the average construction charge per irrigable acre for the entire Project is $2.12 per year. Thus, the total construction repayment obligation averages $85 per irrigable acre. However, that amount is predicated on an estimated total direct investment in irrigation works costing not to exceed $280,782,180, most of which has already been made. If the existing repayment contracts are amended to increase this amount, the construction repayment obligation of the districts will be increased, as will the average construction charge per irrigable acre. The present contracts further provide that construction charges shall be graduated according to the relative repayment ability of the land; consequently, the charge per irrigable acre will be larger for the better lands than for the poorer lands. This allocation of construction charges by classes of land will be made as soon as practicable.

SEC. 19. *Drainage charges.* In addition to the charges described in sections 17 and 18 above, a charge will be assessed to provide for the construction of drainage facilities. This charge could reach $3.50 per acre per year in addition to the annual water rental charge or the annual operation and maintenance charge. However, the drainage construction costs would be removed from the annual water rental charge or the annual operation and maintenance charge if the repayment contracts with the irrigation districts were amended to allow these costs to be capitalized and returned as part of the cost of construction of the project irrigation system.

KENNETH HOLUM,
Assistant Secretary of the Interior.

DECEMBER 27, 1961.

[F.R. Doc. 62-356; Filed, Jan. 11, 1962; 8:47 a.m.]

POWELL TOWNSITE, SHOSHONE PROJECT, WYOMING

Sale of Lots

1. *Statutory authority.* Certain lots in the townsite of Powell, Wyoming, identified in Par. 2 below, will be disposed of in accordance with the Act of August 17, 1961 (75 Stat. 388).

2. *Description, area, and appraised value.* A parcel of land together with improvements located thereon, consisting of Lots 21 and 22 of Block 48 in T. 55 N., R. 99 W., 6th P.M., Powell Townsite, Wyoming, containing 21,000 sq. ft., having an appraised value of $25,000.00.

3. *Public sale.* On February 8, 1962, at 2:00 p.m., at the Project Office, Shoshone and Heart Mountain Irrigation Districts, Powell, Wyoming, said parcel of land will be sold at public auction to the highest bidder at not less than the appraised value. Purchasers must be citizens of the United States or have declared their intention to become a citizen of the United States, and there will be reserved to the United States right-of-way as provided by the Act of August 30, 1890 (26 Stat. 391), and minerals as provided by the Act of July 17, 1914 (38 Stat. 509). The Shoshone and Heart Mountain Irrigation Districts shall have the right to occupy the office building located on the land and to remove all office equipment, records and other personal property located therein for a period of 180 days from the date the property is sold. F. Duffy Murry, Irrigation Division, Regional Office, Bureau of Reclamation, Billings, Montana, has been designated as superintendent of sale, and Robert M. Fagerberg, Project Manager, Shoshone and Heart Mountain Irrigation Districts, Powell Wyoming, will be the auctioneer, or in the event that they, or either of them are or is unable to act, the duly appointed designee of the Regional Director, Region 6, Bureau of Reclamation, Billings, Montana, will act in their, or his behalf.

4. *Terms of sale.* Full payment for the parcel of land must be made in cash on the date of the sale.

5. *Authority of the superintendent.* The superintendent conducting the sale is authorized to refuse any and all bids, and to suspend, adjourn, and postpone the sale to such time and place as he may deem proper. After the parcel of land has been offered, the superintendent will close the sale. If the property is not sold at the above time and place, it will be available for private sale at not less than the appraised value by the Regional Director, Bureau of Reclamation, Billings, Montana.

6. *Warning.* All persons are warned against forming any combination or agreement which will prevent the property from selling advantageously or which will in any way hinder or embarrass the sale. Any person so offending will be prosecuted under 18 U.S.C. 1860.

Approved: January 8, 1962.

BRUCE JOHNSON,
Regional Director.

[F.R. Doc. 62-451; Filed, Jan. 11, 1962; 11:04 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 11 (Rev. 2)]

DELEGATION OF AUTHORITY TO ACCEPT CERTAIN OFFERS IN COMPROMISE

DECEMBER 29, 1961.

Pursuant to the authority vested in me by Treasury Department Order No. 150-25, dated June 1, 1953, it is hereby ordered:

1. Subject to the limitations contained in applicable regulations and procedures, District Directors are delegated authority, under section 7122 of the Internal Revenue Code, to accept offers in compromise in cases in which the liability sought to be compromised (including any interest, additional amount, addition to the tax, or assessable penalty) is less than $50,000, and in cases involving specific penalties.

2. This authority may not be redelegated.

3. This Order supersedes Delegation Order No. 11 (Revised), issued April 13, 1960.

Effective date. January 1, 1962.

[SEAL] MORTIMER M. CAPLIN,
Commissioner.

[F.R. Doc. 62-351; Filed, Jan. 11, 1962; 8:46 a.m.]

[Order No. 75 (Rev. 1)]

AUTHORITY OF REGIONAL APPELLATE DIVISION IN OFFERS IN COMPROMISE

DECEMBER 29, 1961.

Pursuant to authority vested in me as Commissioner of Internal Revenue, it is ordered that:

1. Each Assistant Regional Commissioner (Appellate) as Chief of the Appellate Division of the region, is authorized and each Associate Chief of the Appellate Division is authorized to determine the disposition to be made of any offer in compromise submitted under the provisions of section 3761 of the Internal Revenue Code of 1939, or section 7122 of the Internal Revenue Code of 1954, in which (a) the proponent has made a written request for Appellate Division

consideration or (b) the liability was previously determined by the Appellate Division and the offer is based in whole or in part on doubt as to liability. Each Assistant Chief and each Special Assistant to the Chief is authorized to determine the disposition to be made of any such offer in compromise in which the unpaid amount of tax (including any interest, penalty, additional amount or addition to the tax) is less than $50,000.

2. A determination by the Appellate Division to accept an offer under the provision of paragraph (1) hereof will be subject to my approval if the unpaid amount of tax (including any interest, penalty, additional amount or addition to the tax) is $50,000 or more.

3. The authorities delegated in paragraph (1) hereof may not be redelegated and are not applicable to cases arising under laws relating to narcotics, smoking opium, marihuana, alcohol, tobacco tax or firearms or to offers in compromise coming within the jurisdiction of the Chief Counsel under existing procedures, rules or delegations.

4. This Order supersedes Delegation Order No. 75, issued February 18, 1960, and Amendment No. 1 thereto, issued June 1, 1960.

Effective date. January 1, 1962.

[SEAL] MORTIMER M. CAPLIN,
Commissioner.

[F.R. Doc. 62-352; Filed, Jan. 11, 1962; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CREAM CHEESE DEVIATING FROM IDENTITY STANDARD

Notice of Issuance of Temporary Permit To Cover Market Testing

Pursuant to § 3.12(j) of Title 21 of the Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Kraft Foods, 500 Peshtogo Court, Chicago 90, Illinois, to cover interstate marketing tests of cream cheese with sorbic acid added to inhibit mold growth. This article differs from cream cheese meeting the requirements of the standard of identity (§ 19.515 of Title 21), in that it contains sorbic acid. It is to be labeled in part, "Cream Cheese • • • Sorbic Acid Added As a Preservative." This permit expires January 8, 1963.

Dated: January 8, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-357; Filed, Jan. 11, 1962; 8:47 a.m.]

MAYONNAISE, FRENCH DRESSING, AND YELLOW MARGARINE DEVIATING FROM IDENTITY STANDARDS

Notice of Issuance of Temporary Permit To Cover Market Testing

Pursuant to § 3.12(j) of Title 21 of the Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to The Corn Products Company, 717 Fifth Avenue, New York 22, New York, to cover interstate marketing tests of mayonnaise, french dressing, and yellow margarine each containing calcium disodium ethylenediaminetetraacetate added as a chemical preservative. Each of the foods covered by this permit differs from one meeting the requirements of the respective identity standard (§§ 25.1, 25.2, or 45.1 of Title 21), in that it contains the specified preservative. These articles are to bear the label statement "Calcium disodium ethylenediaminetetraacetate added as a preservative". This permit expires December 31, 1962.

Dated: January 8, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-358; Filed, Jan. 11, 1962; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. RM-150-2]

STATE OF CALIFORNIA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of California for the assumption of certain of the Commission regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A summary of the California program submitted to the Commission is set forth below as Appendix A to this notice. A copy of the complete text of the California program, including proposed California regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Office of Radiation Standards, United States Atomic Energy Commission, Washington 25, D.C. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as proposed Part 150 to the Commission's regulations in FEDERAL REGISTER issuances of Sept. 29, 1961; Oct. 6, 1961; Oct. 13, 1961; Oct. 20, 1961; 26 F.R. 9174, 9428, 9678, 9873. In reviewing this proposed agreement, interested persons should also consider the aforementioned proposed exemptions, which the Commission still has under consideration.

Dated at Germantown, Md., this 9th day of January 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

Agreement Proposed by the State of California Pursuant to Section 274 of the Atomic Energy Act of 1954, as amended, for the Assumption of Certain of the AEC's Regulatory Authority

Whereas, the United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274b. of the Atomic Energy Act of 1954, as amended, to enter into an agreement with the Governor of any State providing for discontinuance of the regulatory authority of the Commission under Chapters 6, 7, and 8 and section 161 of that Act with respect to any or all of the following materials within the State: namely, byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass (hereinafter referred to as agreement materials); and

Whereas, the Governor of the State of California (hereinafter referred to as the State) is authorized under section 25830 of the California Health and Safety Code to enter into such an agreement, which agreement shall become effective when ratified by the State Legislature; and

Whereas, the Governor of the State has certified on December 15, 1961, that the State has a program for the control of radiation hazards adequate to protect the public health and safety with respect to agreement materials within the State, and that the State desires to assume the regulatory responsibility discontinued by the Commission for such materials; and

Whereas, the Commission has found on _____ that the State program is compatible with the Commission's program for the regulation of agreement materials, and that the State program is adequate to protect the public health and safety with respect to such materials; and

Whereas, the Commission and the State recognize the desirability and importance of maintaining compatibility between their respective programs for the control of agreement materials with respect to public health and safety; and

Whereas, the Commission and the State agree that reciprocal recognition of licenses issued by the Commission and by all States which enter into agreements with the Commission similar to this agreement (hereinafter referred to as agreement States) is of great importance for the development of the uses of agreement materials and that such reciprocal recognition must be based upon continuing compatibility of the programs of the Commission and such States for the control of agreement materials;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. For purposes of this agreement:

A. "Byproduct materials," "critical mass," and "ocean or sea" have the meanings given to such terms in Part 150 of the Commission's regulations in effect on the ratification date of this agreement.

B. "Source material," "special nuclear material," "production facility," and "utilization facility" have the meanings given to such terms in those parts of the Commission's regulations that are incorporated by reference in Part 150 and that are in effect on the ratification date.

C. "Ratification date" means the date on which the California Legislature transmits to the Governor for signature a bill ratifying this agreement.

Article II. Subject to the exceptions stated in Article III, the Commission shall discontinue, as of the effective date of this agreement, the regulatory authority of the Commission under Chapters 6, 7, and 8 and section 161 of the Atomic Energy Act of 1954, as amended, with respect to the following materials within the State:

A. Byproduct materials;

B. Source materials;

C. Special nuclear materials in quantities such that the amount authorized for possession at any one time under any one license is not sufficient to form a critical mass.

Article III. This agreement does not provide for discontinuance of any Commission responsibility and authority with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article IV. Notwithstanding this agreement, the Commission is authorized:

A. By rule, regulation, or order to require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license issued by the Commission; and

B. To issue rules, regulations, or orders under subsection 161 b. or i. of the Atomic Energy Act of 1954, as amended, to protect the common defense and security, to protect restricted data, or to guard against the loss or diversion of special nuclear material.

Article V. Each party to this agreement will:

A. Use its best efforts to maintain compatibility between its program for the control of agreement materials and the programs of the other party and of other agreement States. To this end, each party will consult with the other and with all agreement States prior to any modification of its regulations for the control of agreement materials and will seek to arrive at a common solution of differences, to be incorporated insofar as practicable into the regulations of both parties and all agreement States concurrently.

B. Provide for reciprocal recognition of licenses for agreement materials issued by the other party or by any agreement State, subject to such conditions as to duration of such recognition of each license, reporting of information, and compliance with regulations as are deemed necessary to protect the health and safety of the public. Such recognition is conditioned upon the continuance of program compatibility in accordance with paragraph A of this article.

Article VI. This agreement, upon acceptance by the Commission and the Governor of the State and ratification by law of the State, shall become effective on July 1, 1962.

Article VII. The Commission, upon its own initiative, after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Atomic Energy Act of 1954, as amended, if the Commission finds that such termination or suspension is required to protect the public health and safety.

APPENDIX A

Summary of California's Proposed Policies and Procedures for the Licensing and Regulation of Byproduct, Source, and Special Nuclear Materials

State policy and courses of action with respect to atomic energy development and radiation protection have been the subject of California legislative consideration for a number of years. Public hearings by the Assembly Interim Committee on Public Health in 1958 led to the enactment of the Atomic Energy Development and Radiation Protection Law in 1959, which:

1. Declared it to be State policy to "encourage the constructive development of industries producing or utilizing atomic energy and radiation and to eliminate unnecessary exposure of the public to ionizing radiation."

2. Established the position of Coordinator of Atomic Energy Development and Radiation Protection in the Governor's Office.

3. Directed the Department of Public Health to institute a program for the registration of sources of radiation.

The Congress, also in 1959, amended the Atomic Energy Act of 1954 to permit for the first time a transfer of certain regulatory authority from the U.S. Atomic Energy Commission to qualified states in accordance with negotiated agreements.

In implementation of the State statute and with a view toward appraising the desirability or necessity for a broad system of radiation control, including assumption of authority from the AEC, the registration program was so designed as to obtain a maximum of information regarding radiation use in California. The Assembly Interim Committee on Public Health, following public hearings on these subjects in 1960, concluded that a comprehensive program of radiation control should be instituted promptly and that the state should prepare to enter into agreement with the Atomic Energy Commission, subject to approval of such an agreement by the Legislature. The Coordinator of Atomic Energy Development and Radiation Protection, after consultation with the Advisory Council and the Departmental Coordinating Committee of his Office, and with representatives of industry and the professional groups that use atomic energy and radiation, made a similar recommendation in his annual report to the Governor and the Legislature in January 1961.

As a result of these recommendations, Assembly Bill 1975 was introduced in the 1961 session of the Legislature, providing the framework for such a program, including enabling provisions to permit the Governor to enter into agreement with the Atomic Energy Commission. The bill was derived in large measure from suggested legislation of the Council of State Governments. It was widely circulated and critically reviewed by a number of interested and affected persons and groups, and was revised to take into account appropriate comments. After extensive consideration by Committees of the Legislature, including several public hearings at which all interested parties were afforded opportunity to be heard, the measure was enacted as the Radiation Control Law (Chapter 1711, Laws of 1961).

The statute directed the State Department of Public Health to adopt regulations for effectuating the purposes of this legislation. In drafting regulations, the Department was guided by the statutory provision for compatibility with the standards and regulatory programs of the Federal government, an integrated effective system of regulation within the State, and a system consonant insofar as possible with those of other states. The regulations were drawn largely from models developed jointly by the Atomic Energy Commission, the U.S. Public Health Service, and the Council of State Governments; and from recommendations of the National Committee on Radiation Protection and Measurement.

Assistance in drafting the regulations was obtained from a number of individuals, agencies, and groups, including the Atomic Energy Commission, the U.S. Public Health Service, the California Coordinator of Atomic Energy Development and Radiation Protection, several California state and local agencies, and a distinguished twelve-member Advisory Committee. This Advisory Committee included representation from industry, labor, medicine, dentistry, medical physics, and local health departments.

Two public meetings were held under the auspices of the Department of Public Health to permit interested persons to present their views on the proposed regulations. These meetings were publicized in advance through regular news media. In addition, notices of the meetings, together with copies of the proposed regulations, were sent to some 500 persons and groups known to be concerned. Such notices were mailed to all persons who had previously requested notifications of this sort; known leaders of affected groups; leading industries, distributors, manufacturers, and insurance carriers; leading universities and colleges; major hospitals; the California Manufacturers' Association;' the California Medical Association; and others.

The first such meeting was held in Los Angeles on October 17, 1961, and 56 persons attended. The second meeting was held in Berkeley on October 20, with 64 persons in attendance. Each meeting lasted more than five hours and the proposed regulations were considered in detail. The notice announcing the meetings stated that written comments would also be welcomed. This was reiterated to those in attendance at the meetings. A number of written comments were received and given full consideration.

Following the public meetings, the Advisory Committee met to consider suggestions made at the meetings and in correspondence. This led to a final redrafting of the regulations. Copies were sent to all persons and groups that had received the initial draft.

In accordance with section 25734 of the Health and Safety Code, this final draft was submitted for review by the Coordinator of Atomic Energy Development and Radiation Protection and was approved for public notice of a hearing to be held before the State Board of Public Health. Such notice was published thirty days in advance of the hearing date in accordance with section 11423 of the Government Code, and notice of the hearing was also mailed to all persons and groups to whom copies of the proposed regulations had been sent. At the hearing on December 8, 1961, full opportunity was given to all interested persons to be heard before action was taken. The Board adopted the regulations and they constitute Title 17, Chapter 5, Subchapter 4, sections 30100 to 30397, inclusive, of the Administrative Code of California.

SECTION 1. *The Radiation Control Program.* The radiation control program of the

State is designed to regulate all sources of radiation other than those for which regulatory responsibility is to be retained by the U.S. Atomic Energy Commission. As the term "radiation sources" is used hereinafter in this narrative, it is intended to mean those sources under the control of the State. The sources are divided into two major categories: radioactive materials and radiation machines. Radioactive materials are to be regulated under a licensing program similar to the existing program of the U.S. Atomic Energy Commission, requiring possession of a license prior to acquisition or use of such materials. Radiation machines and certain generally licensed radioactive materials will be subject to a registration program involving the reporting of information by the registrant and the right of inspection by the State for compliance with prescribed safety standards. Each of these two major segments of the program is to be supported by a schedule of fees which relates to that specific part of the program. The agency charged with the responsibility of promulgating regulations and issuing licenses is the State Department of Public Health. A portion of the inspection and enforcement activities will be delegated by specific agreement to the Division of Industrial Safety of the State Department of Industrial Relations and may be delegated to local health agencies of cities and counties as the latter develop and demonstrate competence.

The regulations adopted by the State Department of Public Health will be controlling in this program throughout the State. As agreements for the delegation of responsibility for inspection and enforcement by other agencies are developed, it is planned to insure that no duplication or overlapping or jurisdiction occurs.

SEC. 2. *Licensing.* Provision is made for the issuance of both specific and general licenses comparable to those issued by the U.S. Atomic Energy Commission. Such licenses are required for the possession of radioactive materials above exempt amounts or concentrations, regardless of the mode of formation of such materials.

The responsibility for licensing of radioactive materials has been assigned by statute to the State Department of Public Health. The statute requires that Department to enter into agreement with the Division of Industrial Safety of the Department of Industrial Relations for the performance of certain inspection and enforcement activities. When such an agreement is concluded, it will allocate to that Division, among other duties, the responsibility for technical evaluations of license applications relating to industrial uses in general, prior to issuance of such licenses by the Department of Public Health. The Department of Public Health will itself conduct such technical evaluations with respect to other uses. As authorized by the Statute, the Department of Public Health plans to enter into agreement with such local health agencies as demonstrate adequate competence, authorizing them to conduct technical evaluations of license applications.

It is planned to make pre-licensing inspection a part of the evaluation procedure in general. In connection with licensing procedures, provision is made to give opportunity for all interested persons to be heard. With respect to human use of radioactive materials, the Department of Public Health will appoint a committee of not less than three qualified physicians to review license applications and make recommendations thereon. The Department will also have on its staff one or more physicians with special competence in radiological health who will review the recommendations of this committee.

SEC. 3. *Inspection.* Inspection for compliance with regulations and with license conditions will be carried on by the Department of Public Health, the Division of Industrial Safety, and any local health agencies with which agreements have been made as described in section 2—Licensing. Each license will be assigned to a single agency for such purposes.

Based upon the existing number and kind of the specific licenses, a priority system will be established under which inspection of the most hazardous activities will be conducted at least once each six months, and the remainder on a less frequent basis, depending upon the relative hazard. Initial priorities will be established on the basis of the pre-licensing evaluation and may be modified in accordance with subsequent inspections. It is expected that all licensed activities will be inspected at least once in two years.

Most inspections will be scheduled visits; a significant number may be on an unannounced basis. Inspection visits will usually entail a comprehensive review by the inspector of the licensee's equipment, facilities, in the handling or storage of radioactive material, the procedures in effect, including actual operation, and interviewing the personnel directly involved. The inspector will review the licensee's survey methods and results, personnel monitoring practices and results, the posting and labeling used, the instructions to personnel, and the methods and apparent effectiveness of maintaining control of people in the restricted area. He will review the licensee's records of receipts, transfers, and inventory of licensed material. He may physically check the inventory. He will examine records concerning disposal to the sewerage system and burial in the soil, if pertinent. He may make measurements of radiation levels. Prior to leaving the licensee's premises, he will meet with management to discuss the results of his inspection. During this meeting, he will attempt to answer questions concerning the regulatory program.

The inspector will prepare a report in sufficient detail to inform his supervisor of the facts and circumstances observed during the inspection. These reports will provide the basis for any necessary enforcement action. Appropriate elements of this information will be filed in the various agencies as needed. The Department of Public Health will review the operation of this system to insure that timely and adequate inspections are performed and that appropriate actions are taken.

In addition, there will be investigations of incidents and complaints involving licensed materials and operations to determine the cause, the steps taken by the licensee to cope with the incident, whether or not there was noncompliance with a regulation, and the steps the licensee is taking to avoid recurrence of the incident.

Licensees will be informed of the results of all inspections, first orally at the time of the inspection, and by letter or notice from the inspecting agency.

SEC. 4. *Enforcement.* Reports of inspections of licensees' activities will be evaluated by the inspecting agency to determine the status of compliance of the licensees with license conditions and regulations. If no item of noncompliance is observed, the licensee is so informed. If only minor matters of noncompliance, such as improper signs, failure to label, etc., are involved, which, at the time of the inspection, the licensee agrees to correct, the licensee will be informed in writing of the items of noncompliance and that corrective action will be reviewed during the next inspection. If the inspection reveals a noncompliance of a more serious nature, the licensee will be required to inform the inspecting agency in writing, usually within 15 to 30 days, as to corrective action taken and the date completed. In these cases, the inspecting agency representative will either conduct a prompt follow-up inspection or the matter will be reviewed during a regular inspection to insure that corrective action has, in fact, been accomplished. If the reply does not satisfactorily explain the noncompliance and assure that further violations will be prevented, the inspecting agency will take such administrative actions as are available to them.

It is expected that most of the enforcement functions will be administratively consummated by the inspecting agency. In cases where this is not successful, the inspecting agency will refer the matter to the State Department of Public Health, which may issue an order to show cause why the license should not be modified or terminated. In that event, there is provision for formal hearing in accordance with the California Administrative Procedures Act, and for judicial review of the final order resulting from such hearing. There is also provision for emergency action without notice or hearing, but such emergency action is subject to a prompt hearing upon request of the licensee. Among the enforcement procedures available to the State Department of Public Health are modification, suspension, or revocation of licenses, injunctive relief, and criminal sanctions afforded in the courts.

SEC. 5. *Participation by other agencies.* The statute provides for participation in the radiation control program by the State Division of Industrial Safety and by local health agencies in accordance with agreements that may be made between such agencies and the State Department of Public Health, subject to review by the Coordinator of Atomic Energy Development and Radiation Protection. Such agreements will permit the technical evaluation of license applications, the conducting of inspections for compliance with licenses and regulations, and such enforcement activities as may be administratively consummated within the agency. When further enforcement proceedings are required, involving formal hearings upon the suspension or revocation of licenses, such hearings will be conducted by the State Department of Public Health. Participating agencies will be required to maintain equivalent standards to those maintained by the State Department of Public Health with respect to educational and experience requirements of technical personnel engaged in the program, numbers of personnel in proportion to numbers of assigned licenses, adequacy of kinds and amounts of equipment and facilities, and procedures followed in inspection and enforcement. Inspecting agencies will be required to insure compliance by licensees with the license conditions and with the rules and regulations promulgated under the Radiation Control Law.

The statute permits the existence of local ordinances and regulations that are consistent with State Law and regulations. It provides that only the State shall assess a fee and that the proceeds from such fees shall be equitably distributed between the participating agencies. These provisions will be incorporated in agreements for the participation of such agencies in the program.

SEC. 6. *Organization and Personnel.* The radiation control program will be established in the Bureau of Radiological Health, an existing organizational unit of the State Department of Public Health. Technical positions in the existing program of this bureau are listed below. Personnel will be utilized in the control program to the degree required.

Acting Chief.
Senior Health Physicist.
Senior Engineer.
4 Associate Health Physicists—One position unfilled.
Associate Statistician.
2 Consultant Physicians—One position unfilled.
Consultant Engineer.

Upon consummation of an agreement with the AEC, the following additional personnel will be employed, as available, to perform license evaluations and to provide supervision over the inspection program:

1 Supervising Health Physicist.
2 Senior Health Physicists.
1 Associate Health Physicist.

The Department expects to maintain as inspectors qualified personnel trained in health physics in the approximate ratio of one for each 175 licenses. During the initial phases, the equivalent number of man-years is planned to be devoted to these purposes by the existing staff. This ratio of inspectors to licenses will also apply to other agencies having inspectional responsibilities.

The educational and experience requirements for the position categories directly related to the licensing program are as follows:

Supervising Health Physicist: Bachelor's degree in physical or life sciences, including or supplemented by courses in health physics or radiation biology. Seven years of responsible professional experience in health physics or a closely related field, at least three years of which must have included principal responsibility for a major program of radiological health.

Senior Health Physicist: Graduation from college with major work in the applied or life sciences and including or supplemented by at least four courses in nuclear or health physics or radiation biology. Five years of responsible professional experience in health physics or a closely related field, at least two years of which must have included responsibility for a major program in radiological health. (Master's degree or equivalent academic work in health physics or closely related fields may be substitutes for two years of experience; one year of Atomic Energy Commission fellowship training may be substituted for one year of experience.) As an alternate to these requirements, two years of experience as an Associate Health Physicist in the California State service will be acceptable.

Associate Health Physicist: Equivalent of college graduation with major work in physical or life sciences, including or supplemented by at least two courses in nuclear or health physics or radiation biology. Three years of responsible professional experience (excluding routine radiation monitoring and surveys) in health physics or closely related fields. (One year of full time graduate work in health physics or closely related fields, or completion of one-year Atomic Energy Commission health physics fellowship may be substituted for one year of required experience.)

[F.R. Doc. 62-364; Filed, Jan. 11, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13329 etc.; Order No. E-17917]

EASTERN AIR LINES INC., ET AL.

Order of Investigation and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of January 1962.

In the matter of the "bus" type fares of Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Docket 13329; In the matter of the complaints of Eastern Air Lines, Inc., National Airlines, Inc., Dockets 13248, 13297, and requests for suspension and investigation of Northeast Airlines, Inc. Local Sunliner Bus Tariff, C.A.B. No. 26; In the matter of the "Air-Bus" fares of Eastern Air Lines, Inc., Docket 12364.

By tariff filed to become effective January 3, 1962, Northeast Airlines, Inc., has proposed to introduce local "bus" type fares, rules, and regulations for travel between Boston and Miami/Tampa and between Miami and Tampa.[1] The more significant features of the tariff are that the fares between the Florida points and Boston will average 13 percent less than the applicable day coach fares; the fares will apply only on flights designated "Sunliner Bus" flights in Northeast's schedules operated with DC-6B aircraft having 76 or more seats; no food or alcoholic beverages will be served;[2] tentative reservations will not be made; purchase of a ticket for a specific flight on a specific date shall constitute a confirmed reservation on such flight and date; tickets may not be purchased more than 90 days before the date on which transportation is to commence; tickets must be purchased at designated points and will be valid only on the date and flight designated; if no portion of the ticket has been used a refund will be made if presented at a designated Northeast office at least 24 hours prior to scheduled departure time of the flight covered by the ticket; and no refund will be made on lost tickets. The tariff is marked to expire April 29, 1962.

Eastern Air Lines, Inc. and National Airlines, Inc., have filed complaints requesting suspension and investigation of Northeast's "bus" type tariff, contending that Northeast's proposed fares are unjust, unreasonable, unduly preferential, discriminatory, and otherwise unlawful. The carriers state that Northeast's "bus" tariff is an attempt to imitate their "bus" tariffs without providing high density seating; that Northeast's tariff, which provides service in 76-seat DC-6B aircraft having two-abreast seating configuration, will utilize the same configuration aircraft which Northeast is using in its coach service over competitive segments and in first class service over noncompetitive segments; that use of such aircraft for "bus" service is discriminating against coach and first class passengers who are required by Northeast to pay higher fares for like and contemporaneous acommodations and services; and that the use of such comparatively low density aircraft at the low "bus" fares is unreasonably and unjustly uneconomic. Eastern alleges, furthermore, that Northeast has not adopted pertinent baggage rules and beverage rules[3] pertaining to "bus" type service; and that the circumstances and conditions under which Northeast's services are offered result in a break-even load factor of 74.5 percent as compared to Eastern's break-even load factors varying between 51.4 and 62.6 percent.

In answer to Eastern's complaint, Northeast alleges that its DC-6B aircraft meet the Board's standards for coach service; that its tariff is substantially comparable to Eastern's "bus" tariff and that it is nearly identical to National's tariff; that the only difference between its tariff and Eastern's is that beverages may be sold[3] and baggage will be checked; that the sale of beverages is a profitable business which decreases the cost of service; that the data on break-even load factors submitted by Eastern fail to take into account savings in indirect cost; that Northeast's tariff has been filed as a defensive measure; and that the proposed service will be limited to weekend operations since the DC-6B aircraft to be used in the proposed service are used on week days in Northeast's commuter services in other areas.

The Board has permitted "bus" tariffs of Eastern and National to become effective between points in Florida and Boston, over objection of Northeast.[4] It was felt that these proposals were consistent with the Board's policy of encouraging the offering of "no frill" services at reduced fares designed to promote air travel, particularly the low fare type of service designed to enable air transportation to penetrate more effectively into a larger market. Northeast's proposed "bus" tariff is defensive in nature, for it competes with the "bus" service of both Eastern and National between Boston-Miami, and with Eastern's "bus" service between Boston-Tampa. Northeast's proposed "bus" tariff is substantially similar in fares, rules, regulations, and provisions to that of its competitors. The major complaint made against Northeast's "bus" tariff is that the aircraft it will utilize in this service are of comparatively low density.

Since Northeast proposes to provide "bus" type service with DC-6B aircraft with two-and-two abreast configuration and a total of only 76 seats, a question is raised concerning the reasonableness of the proposed fares for such service. In view of the questions of the lawfulness of the "bus" fares proposed by Northeast, it is found that an investigation is required. The Board will include in such investigation the domestic "bus" tariffs of Eastern and National because of their close relationship to that of Northeast and the necessity for uniform treatment thereof. The Board will also consolidate in such investigation the previous investigation instituted in Docket 12364, by Order E-16729, adopted April 27, 1961, with respect to certain refund rules contained in Eastern's "bus" tariff.[5]

The Board has concluded, however, not to suspend Northeast's proposed "bus" type tariff pending investigation. Although Northeast will provide "bus" type

[1] NEA Local Sunliner Bus Tariff, CAB No. 26.

[2] The original tariff did not prohibit the serving of alcoholic beverages. On Jan. 2, 1962, by special tariff permission, Northeast revised its "bus" tariff to prohibit service of alcoholic beverages.

[3] The beverage provision was subsequently revised. See footnote 2, supra.

[4] Order E-17808, adopted Dec. 7, 1961, and Order E-17834, adopted Dec. 13, 1961.

[5] By motion dated Aug. 16, 1961, supplemented Oct. 18, 1961, Eastern requests that the Board dismiss the investigation in Docket 12364. As reason therefor, Eastern states that experience under its "bus" tariff demonstrates that the refund problem has been minimal. The Board believes, however, that if investigation is held herein, opportunity should be provided for any party or interested person to present evidence on this issue. Accordingly, Eastern's motion to dismiss will be denied.

service in aircraft having two-and-two abreast seating, the seat pitch will be less than that of Eastern and National. Also, Northeast has stated to the Board that it will refrain from advertising its "bus" type service in any manner which may represent to the public that it is offering "bus" type service in two-and-two abreast or "luxury" type seats during the pendency of this investigation. This will minimize any competitive advantage Northeast may otherwise have due to the configuration of its aircraft. In light of these considerations, the Board has decided to permit Northeast's tariff to become effective pending investigation.

In permitting the "bus" type tariffs of Eastern and National to become effective, the Board directed these carriers to file certain statistical data each month. Northeast will be directed to file similar data. Also, Eastern and National were required to give adequate notice to ticket holders of the effect of the "bus" type refund rules which impose penalties on the traveling public. Northeast will be required to give similar notice. The ticket or ticket folder should contain a special notice printed in large bold face type which clearly informs the holder that no refund will be made unless the ticket is presented at least 24 hours prior to scheduled departure time. The Board will not require liberalization of the refund rule at this time as a condition to permitting the tariff to become effective. Northeast, however, is expected to retain sufficient records of tickets which are sold, used, and refunded, refunds denied, and complaints received, so that such data will be available to the Board during the investigation ordered herein.

The Board finds that its action herein is necessary and appropriate in order to carry out the provisions and objectives of the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, 407, and 1002 thereof.

Accordingly, it is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions in Eastern Air Lines, Inc., C.A.B. No. 78; National Airlines, Inc., C.A.B. No. 65; and Northeast Airlines, Inc., C.A.B. No. 26, including subsequent revisions and reissues thereof, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions.

2. Except to the extent granted herein, the complaints of Eastern Air Lines, Inc., in Docket 13248, and National Airlines, Inc., in Docket 13297, are dismissed.

3. The complaints in Dockets 13248 and 13297, to the extent granted, are consolidated herein.

4. The investigation instituted in Docket 12364 by Order E–16729, adopted April 27, 1961, is consolidated herein.

5. The motion of Eastern Air Lines, Inc., to dismiss the investigation in Docket 12364 is denied.

6. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

7. Northeast Airlines, Inc., is directed to report the following information for all "bus" flights operated in each of the months of January through April 1962:

"Bus" segment	Southbound			Northbound		
	Passengers	Seats	Load factor	Passengers	Seats	Load factor
Boston-Miami						
Boston-Tampa						

8. Northeast Airlines, Inc., is directed to file such reports in ten copies with the Docket Section of the Board not later than 20 days after the close of the month covered by the report.

9. Copies of this order shall be served upon Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc., which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62–365; Filed, Jan. 11, 1962; 8:49 a.m.]

[Docket No. 9977]

MUTUAL AID PACT INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 204(a), 407, 412 and 1002(b) thereof, that the above-entitled proceeding is hereby assigned for hearing on February 1, 1962, at 10 a.m., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Without limiting the issues raised by the orders and pleadings in this proceeding, notice is given that the principal issues include the investigation of CAB Agreements 12633–A1 through A7 and 14622 to determine whether these agreements are consistent with the public interest and not in violation of the Act.

Dated at Washington, D.C., January 9, 1962.

[SEAL] S. THOMAS SIMON, *Hearing Examiner.*

[F.R. Doc. 62–366; Filed, Jan. 11, 1962; 8:49 a.m.]

[Docket No. 11620]

TOOLCO-NORTHEAST CONTROL CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 18, 1962 at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., January 9, 1962.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 62–367; Filed, Jan. 11, 1962; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14482; FCC 62–31]

ASHEBORO BROADCASTING CO. (WGWR)

Order Designating Application for Hearing on Stated Issues

In re application of Asheboro Broadcasting Company (WGWR), Asheboro, North Carolina, Docket No. 14482, File No. BP–14051, Has: 1260 kc, 1 kw, D. Requests: 1260 kc, 500 w, 5 kw–LS, DA–2, U; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 3d day of January 1962;

1. The Commission having before it for consideration the above-captioned application to improve the facilities of standard broadcast Station WGWR, Asheboro, North Carolina. Apart from the matters and issues set forth below, the applicant appears to possess the requisite qualifications to construct and operate the subject proposal.

2. The following matters are to be considered in connection with the issues set forth below:

(a) According to data submitted by the applicant, 566 persons reside within the 1000 mv/m contour of the proposed daytime operation. Since this total (3 percent of population within the 25 mv/m contour) exceeds that permitted by § 3.24(g) of the Commission's rules, it will be necessary to determine whether circumstances warrant a waiver of the rule.

(b) The applicant's proposed operation would be limited, nighttime, to its 21.3 mv/m contour. Area and population losses within the normally protected 4 mv/m contour would, according to the applicant's data, be 84.4 percent and 43.5 percent, respectively. Although the subject proposal would provide a first local nighttime service to the city of Asheboro—and would therefore fall within an express exception to § 3.28(d)(3) of the rules—it cannot be determined, on the basis of data submitted, that the WGWR nighttime proposal would represent an efficient utilization of the requested channel, in accordance with § 3.24(b) of the Commission's rules.

(c) It appears that the proposed antenna system is in the immediate vicinity of a large tank situated approximately 700 feet north northeast of the proposed site. It will be necessary to determine whether this structure would prevent satisfactory adjustment of the proposed array.

3. In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below. *Accordingly, it is ordered*, Pursuant to section 309(e) of the Communications Act of 1934, as amended, that the instant application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WGWR and the availability of other primary service to such areas and populations.

2. To determine whether circumstances exist which would warrant a waiver of § 3.24(g) of the Commission's rules, with respect to the subject application.

3. To determine whether, because of interference received, the proposed nighttime operation of Station WGWR would be consistent with § 3.24(b) of the Commission's rules.

4. To determine whether the transmitter site proposed by the applicant is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of the order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: January 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62–372; Filed, Jan. 11, 1962; 8:50 a.m.]

[Docket No. 14261; FCC 62M–21]

CLAY SERVICE CORP.

Order Continuing Hearing

In re applications of Clay Service Corporation, Ashland, Alabama, Docket No. 14261, File No. BP–13795; for construction permits.

The Hearing Examiner having under consideration petition filed January 4, 1962, on behalf of Clay Service Corporation's Broadcast Bureau, has consented to and rescheduled for January 9, 1962, be continued and rescheduled for January 23, 1962;

It appearing, that good cause exists for the said petition to be granted, there is no opposition thereto, and the other party to the proceeding, the Commission's Broadcasting Bureau, has consented to a waiver of § 1.43 of the rules to permit immediate consideration of the instant pleading;

Accordingly, it is ordered, This 5th day of January 1962, that the petition is granted and the hearing now scheduled for January 9, 1962, be, and the same is hereby rescheduled for January 23, 1962, 9:00 a.m., in the Offices of the Commission, Washington, D.C.

Released: January 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62–373; Filed, Jan. 11, 1962; 8:50 a.m.]

[Docket No. 14479; FCC 62–29]

DeKALB BROADCASTING CO.

Order Designating Application for Hearing on Stated Issues

In re application of Samuel C. Chafin and N. W. Griffin d/b as DeKalb Broadcasting Co., Decatur, Georgia, Docket No. 14479, File No. BP–14133, requests 1310 kc, 500 w, Day; for construction permit.

1. The Commission has before it for consideration the above captioned application; a "Petition to Deny" filed August 31, 1961, by Telerad, Inc., licensee of standard broadcast Station WHIE, Griffin, Georgia; an opposition to the petition filed November 13, 1961 by the subject applicant; and a reply to the opposition filed December 6, 1961.[1]

2. Telerad asserts that the DeKalb 1310 kc proposal would involve an overlap of the 0.5 mv/m contours with the existing 1320 kc operation of WHIE and that the resulting interference would involve a prospective population loss of 6,376 persons within the WHIE normally protected contour. In support of its assertion, Telerad submits an engineering affidavit containing field measurement data taken on a radial from WHIE to a point north of the proposed Decatur site. Telerad locates the existing WHIE 0.5 mv/m contour through use of this measurement data and further asserts that the measurements indicate a higher conductivity in the area than that shown in Figure M–3 of the Commission's technical standards. Petitioner locates the 0.5 mv/m contour of the proposed DeKalb operation by employing this higher conductivity.

3. In its opposition, DeKalb objects to Telerad's attempt to depict the proposed DeKalb 0.5 mv/m contour as noted above and contends that in the absence of measurement data taken from the proposed DeKalb site, the proposed DeKalb contour must be located on the basis of Figure M–3 of the technical standards. DeKalb also submits its own measurement data taken on WHIE and, on the basis of this measurement data, concludes that the WHIE 0.5 mv/m contour falls short of the proposed DeKalb contour by approximately one-half mile.

4. Telerad, in reply, questions the accuracy of the DeKalb measurement data and asserts that even if M–3 conductivity were used to locate the proposed DeKalb 0.5 mv/m contour, that contour would overlap the WHIE normally protected contour as determined by Telerad's measurements. Thus, asserts petitioner, the question of whether or not the conductivity from the proposed DeKalb site towards WHIE is greater than shown by M–3 is relevant only to determining the magnitude of prospective interference to WHIE, and not to the question of whether or not such interference will in fact, occur.

5. It appears that neither petitioner nor the applicant has properly depicted both relevant 0.5 mv/m contours and, therefore, a substantial question exists as to whether the DeKalb proposal will cause objectionable interference to the existing operation of WHIE. Petitioner, Telerad, has apparently utilized measurement data taken on WHIE to establish the proposed DeKalb contour. Since reciprocity in the use of measurement data does not always depict the same attenuation in signal characteristics, it must be concluded that Telerad has not properly depicted the DeKalb contour. The applicant, in opposition, has submitted measurement data which were not taken in accordance with § 3.186 of the rules. No on radial measurements were taken within the first mile; therefore, the inverse field has not been adequately established. Additionally, the applicant's analysis of its measurement data does not appear to have accurately depicted the extent of the WHIE 0.5 mv/m contour. Finally, a substantial number of measurements (located at the area of alleged interference), were not made on the pertinent radial.

6. In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing at a time and place to be

[1] Apart from matters raised by the Telerad petition, DeKalb Broadcasting Co. appears to possess the requisite qualifications to construct and operate the proposed station. The parties to the present application, Samuel C. Chafin and N. W. Griffin are employed by standard broadcast Station WSB, Atlanta, Ga., which serves the Decatur area. Therefore, in the event of a grant of the application, the permittee will be required to submit evidence to show that Chafin and Griffin have severed their connections with WSB.

specified in a subsequent order, upon the following issues:

(a) To determine the areas and populations which would receive primary service from the proposed operation and the availability of other primary service to such areas and populations.

(b) To determine whether the instant proposal would cause objectionable interference to Station WHIE, Griffin, Georgia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

(c) To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Telerad, Inc., licensee of Station WHIE, Griffin, Georgia, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the application of the DeKalb Broadcasting Co., the construction permit will include the following condition: Program tests will not be authorized until the permittee has submitted evidence to prove that Samuel C. Chafin and N. W. Griffin have severed their connections with Station WSB, Atlanta, Georgia.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Adopted: January 3, 1962.

Released: January 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-347; Filed, Jan. 11, 1962; 8:50 a.m.]

[Docket No. 14485]

RAY CHARLES DAWSON

Order To Show Cause

In the matter of Ray Charles Dawson, Baltimore, Maryland, Docket No. 14485; order to show cause why there should not be revoked the license for radio station 4Q0996 in the Citizens Radio Service.

The Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Communications Act of 1934, as amended, by the captioned radio station licensee;

It appearing, that, on November 16, 1961, the Commission, pursuant to section 308(b) of the Communications Act of 1934, as amended, directed a letter to the licensee by Certified Mail—Return Receipt Requested (No. 97389), requesting that he respond to certain interrogatories contained therein under oath or affirmation within fifteen days of receipt of such letter; and

It further appearing, that the Commission's letter of November 16, 1961 was received on November 29, 1961, but no reply thereto was made; and

It further appearing, that, the Commission, on December 19, 1961, again directed a letter by Certified Mail—Return Receipt Requested (No. 97064) to the licensee pursuant to section 308(b) of the Communications Act of 1934, as amended, requesting that he reply to the interrogatories contained in the Commission's letter of November 16, 1961, within ten days of receipt of such letter; and

It further appearing, that the licensee did not respond to the Commission's letter dated December 19, 1961; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated section 308(b) of the Communications Act of 1934, as amended;

It is ordered, This 8th day of January 1962, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the Citizens Radio Station 4Q0996 should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to Ray Charles Dawson, 3005 Granada Avenue, Baltimore 7, Maryland.

Released: January 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-375; Filed, Jan. 11, 1962; 8:50 a.m.]

[Docket No. 14394 etc.; FCC 62M-25]

FLOWER CITY TELEVISION CORP. AND ROCHESTER BROADCASTING CORP.

Order Continuing Hearing Conference

In re applications of Flower City Television Corporation, Rochester, New York, Docket No. 14394, File No. BPCT-2929; Rochester Broadcasting Corporation, Rochester, New York, Docket No. 14467, File No. BPCT-2972; et al., Docket Nos. 14395, 14459, 14460, 14461, 14462, 14463, 14464, 14465, 14466, 14468; for construction permits for new television broadcast stations (Channel 13).

The Hearing Examiner having under consideration oral request of Rochester Broadcasting Corporation for continuance of the prehearing conference now scheduled for January 5, 1962, due to conflicting assignments of counsel;

It is ordered, This 5th day of January 1962, that the prehearing conference now scheduled for January 5, 1962, is continued to January 12, 1962, at 2:00 p.m.

Released: January 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-376; Filed, Jan. 11, 1962; 8:50 a.m.]

[Docket Nos. 13525, 14478; FCC 62-27]

SIMON GELLER AND RICHMOND BROTHERS, INC. (WMEX)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Simon Geller, Gloucester, Massachusetts, Docket No. 13525, File No. BP-14330, Requests: 1540 kc, 1 kw, DA-D, II; Richmond Brothers, Inc. (WMEX), Boston, Massachusetts, Docket No. 14478, File No. BP-13760, Has: 1510 kc, 5 kw, DA-1, U, II, Requests: 1510 kc, 5 kw, 50 kw-LS, DA-2, U, II; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 3d day of January 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that except as indicated by the issues specified below, Simon Geller possesses the necessary qualifications to construct and operate his proposed station; and

It further appearing, that the Commission makes no finding at this time regarding the qualifications of Richmond Brothers, Inc. to operate either the present or proposed facilities of WMEX and will make no finding in the evidentiary hearing ordered herein, except to the extent indicated by the issues set forth below; and

It further appearing, that in the event it is concluded, pursuant to the issues set forth below, that the application of Richmond Brothers, Inc. should not be denied, the application will be held without final grant until such time as dispositive action is taken with respect to the WMEX license renewal application, deferred since April 1960, and, at that time, the subject WMEX proposal shall be granted or dismissed, as appropriate; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The transmitter sites of the subject proposals are separated by 28.4 miles, but due to the salt water path involved the proposed 25 mv/m contours involve substantial overlap on land areas in contravention of § 3.37 of the Commission rules.

2. By petition filed October 23, 1961, Newton Broadcasting Company, applicant for a new station on 1550 kc, at Newton, Massachusetts (BP-12884), has requested that the application of Simon Geller be denied. (The Geller application was not timely filed to be considered concurrently with the Newton application, currently in hearing status.) In substance, Newton claims standing on the ground that its proposal would receive interference from the Geller proposal and argues that the latter should be denied for this reason and for other alleged defects in the application. The Commission has considered the Newton Petition, responsive pleadings filed by Geller, and further pleadings filed by petitioner, and finds the only substantial issue raised to be that of prospective interference to the Newton proposal. An appropriate issue is included below and Newton Broadcasting Company is made a party respondent in this proceeding.

3. A substantial question exists as to whether the Geller proposal would receive interference in excess of 10 percent population loss, in contravention of § 3.28(d)(3) of the Commission's rules.

It further appearing, That, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of Simon Geller and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WMEX and the availability of other primary service to such areas and populations.

3. To determine whether the instant proposal of Simon Geller would cause objectionable interference to the proposed operation of Newton Broadcasting Company, BP-12884, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether interference received from existing and proposed operations would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of Simon Geller, in contravention of § 3.28(d)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether the 25 mv/m contours of the two subject applications would overlap in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the application of Simon Geller should be granted.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the application of Richmond Brothers, Inc. should be denied.

It is further ordered, That Newton Broadcasting Company, applicant for a new standard broadcast station at Newton, Mass. (BP-12884), is made a party to the proceeding.

It is further ordered, That should the application of Richmond Brothers, Inc. not be denied, final action with respect to the application shall be withheld until dispositive action is taken with respect to the WMEX license renewal application.

It is further ordered, That in the event of a grant of the Simon Geller application, the construction permit shall contain a condition that permittee must use approved frequency and modulation monitors.

It is further ordered, That in the event the application of Richmond Brothers, Inc. should be granted, the construction permit shall contain the following conditions:

(1) Permittee shall assume responsibility for the installation of suitable filter circuits, or other equipment that may be necessary, to prevent excessive internal or external cross-modulation or the radiation of extraneous emissions resulting from the proximity of the proposed operation to Station WEZE, Boston, Massachusetts or any other station.

(2) Permittee shall submit new common point impedance measurements and sufficient field intensity measurements to establish that the new tower construction has not adversely affected the nighttime radiation pattern.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and the respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-377; Filed, Jan. 11, 1962; 8:50 a.m.]

[Docket Nos. 14413, 14414; FCC 62M-24]

DON L. HUBER AND BARTELL BROADCASTERS, INC. (WOKY)

Order Following Prehearing Conference

In re applications of Don L. Huber, Madison, Wisconsin, Docket No. 14413, File No. BP-13625; Bartell Broadcasters, Inc. (WOKY), Milwaukee, Wisconsin, Docket No. 14414, File No. BP-13652; for construction permits.

A prehearing conference in the above-entitled matter having been held on January 4, 1962, and it appearing that certain agreements were reached therein which properly should be formalized in an order;

It is ordered, This 4th day of January 1962, as follows:

(1) The direct cases of the applicants shall be submitted in the form of written exhibits under oath, subject to the understanding however, that supplementary explanations with reference to Issues 4 and 5 may be made by oral testimony;

(2) The applicants shall make a preliminary exchange of their proposed exhibits (except for measurement data to be prepared by WOKY and nonengineering evidence bearing on Issue 5) by March 1, 1962.

(3) A final exchange of all proposed exhibits of the applicants on the issues as presently specified shall be made by April 2, 1962.

(4) Notification as to those witnesses required to be present at the hearing on April 16, 1962, for cross-examination shall be given by April 9, 1962.

(5) Respondents shall be prepared to present any rebuttal evidence immediately upon conclusion of the direct cases of the applicants.

(6) The hearing heretofore scheduled to commence on February 5, 1962, at Washington, D.C. is continued to

April 16, 1962, at 10:00 a.m., in the offices of the Commission, Washington, D.C.

Released: January 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-378; Filed, Jan. 11, 1962; 8:50 a.m.]

[Docket No. 14406; FCC 62M-27]

LAKE SHORE BROADCASTING CO., INC. (WDOE)

Order Continuing Hearing

In re application of Lake Shore Broadcasting Company, Inc. (WDOE), Dunkirk, New York, Docket No. 14406, File No. BML-1943; for modification of license.

A prehearing conference in the above-entitled matter having been held on January 5, 1962, and it appearing from the record made therein that certain agreements were reached which properly should be formalized in an order;

It is ordered, This 8th day of January 1962, that:

(1) Exhibits to be offered in evidence in the presentation of the direct affirmative cases shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on January 29, 1962;

(2) The hearing in this matter presently scheduled to commence on February 1, 1962 is continued to February 5, 1962 commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: January 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-379; Filed, Jan. 11, 1962; 8:50 a.m.]

[Docket No. 14480, 14481; FCC 62-30]

LORD BERKELEY BROADCASTING CO., INC., AND GRAND STRAND BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Lord Berkeley Broadcasting Company, Inc., Moncks Corner, South Carolina, Docket No. 14480, File No. BP-14123, requests: 950 kc, 500 w, Day; Frank P. Larson, Jr., Charles T. Tilghman and John H. Nye, d/b as Grand Strand Broadcasting Company, Myrtle Beach, South Carolina, Docket No. 14481, File No. BP-14403, requests: 950 kc, 500 w, DA, Day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 3d day of January 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that except for matters involved in the issues set forth below, each of the subject applicants possesses the requisite qualifications to construct and operate its proposal; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. Simultaneous operation of the instant proposals would result, in each case, in extensive mutual interference greater than 10 percent of the population within the normally protected service contour.

2. By letter dated August 17, 1961, Grand Strand Broadcasting Company was advised by the Federal Aviation Agency that substantial aeronautical objections to the applicant's proposed antenna system would be withdrawn if the applicant agreed to reduce its proposed tower height by one foot. By letter of August 21, 1961, the applicant's attorney advised the Chief of Airspace Utilization Branch, F.A.A., that the subject application would be amended to reduce tower height by the necessary one foot. However, no such amendment has been submitted to the Commission.

3. The Lord Berkeley Broadcasting Company, Inc., indicates that deferred credit will be available for the purchase of equipment but did not submit evidence that such credit is, in fact, available. In addition, the Lord Berkeley Broadcasting Company stockholders indicate that they will purchase additional shares of stock to provide funds for the construction and initial operation of the proposed station. However, the balance sheets of said stockholders indicate that the bulk of their assets consist of corporate stocks, but the type of the stocks is not shown and it cannot be determined whether the stocks are readily convertible.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e), of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from either of the instant proposals.

3. To determine whether the interference received by each instant proposal from the other proposal herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28 (d)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether there is a reasonable possibility that the tower height and location proposed by Grand Strand Broadcasting Company would constitute a menace to air navigation.

5. To determine whether the Lord Berkeley Broadcasting Company, Inc., is financially qualified to contruct and operate its proposed station.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-380; Filed, Jan. 11, 1962; 8:50 a.m.]

[Docket Nos. 14453, 14454; FCC 62M-28]

WILLIAM B. NEAL AND JAMES R. WILLIAMS

Order Scheduling Hearing

In re applications of William B. Neal, Joplin, Missouri, Docket No. 14453, File No. BP-13695; James R. Williams, Lamar, Missouri, Docket No. 14454, File No. BP-14087; for construction permits.

It is ordered, This 8th day of January 1962, that Chester F. Naumowicz, Jr., will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 12, 1962, in Washington, D.C.; *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, February 12, 1962.

Released: January 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-381; Filed, Jan. 11, 1962; 8:50 a.m.]

[Docket Nos. 12666-12668; FCC 62-12]

PUBLIX TELEVISION CORP. ET AL.

Memorandum Opinion and Order

In re applications of Publix Television Corporation, Perrine, Florida, Docket No. 12666, File No. BPCT-2392; South Florida Amusement Co., Inc., Perrine, Florida, Docket No. 12667, File No. BPCT-2410; Coral Television Corporation, South Miami, Florida, Docket No. 12668, File No. BPCT-2493; for construction permits for television broadcast stations.

1. The Commission has before it for consideration (a) the Initial Decision of Hearing Examiner Forest L. McClenning, released September 12, 1960 (FCC 60D-113; Mimeo 93495); (b) Memorandum Opinion and Order, September 14, 1961 (FCC 61-1057; Mimeo No. 8477) and the pleadings recited in paragraph 1 thereof; (c) Petition for Reconsideration, filed by Broadcast Bureau, October 9, 1961; (d) Response of Coral Television Corporation, filed October 19, 1961; (e) Opposition of South Florida Amusement Co., Inc., filed October 20, 1961; (f) Reply to Opposition of South Florida by Broadcast Bureau, filed November 3, 1961; (g) response to Opposition of South Florida by Coral Television Corp., filed November 3, 1961; (h) Motion by South Florida Amusement Co., Inc. for Leave to File Pleading, filed November 21, 1961; (i) Response by South Florida Amusement Co., Inc. to Broadcast Bureau Reply ((f), supra), lodged November 21, 1961.

2. The pleading filed by Coral Television Corp. (par. 1, (g), supra) is an unauthorized pleading, leave to file which was neither sought of nor granted by proper authority under 47 CFR 1.13. It will be stricken and the ordering clause, infra, will so provide. The Motion for Leave to File Pleading, by South Florida (par. 1(h), supra) has been examined and, as the gravity of the situation is deemed to require it, the same will be granted. The Secretary is authorized and directed to file the pleading described in par 1(i), supra. Subject to these actions, all documents described in par. 1, supra, are incorporated by reference as fully as if set forth herein.

3. The relief sought by Broadcast Bureau's petition herein is reopening of the record and remand to the examiner for adduction of evidence bearing on and related to a charge more fully described in pars. 4(1), and 6 of the order cited in par. 1(b), supra, to wit: that Sherwin Grossman 50.5 percent owner of South Florida did, while participating in the operation of WBUF-TV, Buffalo, New York, aid, abet or connive at the faking of certain letters to the Commission requesting that an additional VHF channel be assigned to Buffalo and that it be awarded to (then) UHF WBUF-TV. Our examination of the conflicting affidavits and arguments submitted by the parties appears to indicate that, while a judgment that such letters were outright fakes (i.e. prepared, signed and submitted without authority from or knowledge by their purported authors) could not be justified, neither were the statements by Sherwin Grossman, and the other statements which he submitted in the document described in par. 1(c) of the order described in par. 1(b), supra, to the effect that neither he nor any other WBUF-TV personnel had anything to do with or knowledge of subject letters, the absolute truth either. We emphasize that the foregoing is in no way to be construed as a preliminary judgment on our part but is merely our effort to analyze the matters in dispute. We are of the opinion that an evidentiary hearing to explore more fully the truth of the conflicting claims is warranted.

4. On its own motion the Commission has turned to and reexamined the charge of log-concealment more fully described in pars. 3 and 8-11 of the order described in par. 1(b), supra. This may be briefly described for present purposes as a charge that Sherwin Grossman, at the time of the transfer of WBUF-TV to National Broadcasting Company in 1955 concealed the station logs rather than turning them over to NBC, but, upon a request for their production in this proceeding, falsely stated that they had been so turned over and hence were not available. Upon such reexamination, the Commission is of the opinion that further exploration of the questions presented is warranted.

Accordingly, it is ordered, This 3d day of January 1962, that the document described in par. 1(g), supra, is stricken; and

It is further ordered, That the Motion for Leave to File Pleading (par. 1(h), supra), is granted; and the Secretary is authorized and directed to file the pleading described in par. 1(i), supra; and

It is further ordered, That the Petition for Reconsideration of the Broadcast Bureau is granted, the Initial Decision in this proceeding is vacated, the record is reopened and the case is remanded to the Examiner for further hearing. Said hearing shall be upon the following issues:

1. To determine whether, during the preliminary stages of this proceeding, a request was made by Coral Television Corporation for production of the logs of WBUF-TV for the period of time that Sherwin Grossman was associated with that station.

2. In the event that Issue 1 be answered affirmatively, to determine whether a reply was made by South Florida Amusement Co., Inc. stating, in part: "All of the logs • • • of the station were transferred to NBC."

3. In the event that Issues 1 and 2 be answered affirmatively, to determine whether such reply is ascribable to and the responsibility of Sherwin Grossman.

4. To determine if the statement in the biography of Sherwin Grossman (South Florida Exhibit 2) in this proceeding, to wit: "The records of WBUF-TV are not available to applicant since they were transferred to the National Broadcasting Company when it purchased the station. Mr. Grossman attempted to secure them from NBC for the period covered by Mr. Grossman's presidency but was advised they had been destroyed." was ratified and adopted by the said Sherwin Grossman in his testimony in this proceeding at Tr. 357, Lines 15-20, inclusive.

5. To determine if the statement of Sherwin Grossman on page 2 of his affidavit attached to the pleading described in par. 1(c) of the order described in par. 1(b), supra, to wit: "To the best of my knowledge everything belonging to NBC was turned over to them. I have never seen the station logs since the date of transfer." when read in conjunction with the material on page 3 of the pleading described in par. 1(b) of the order described in par. 1(b), supra, was intended to and did constitute a statement by the said Sherwin Grossman that the logs in question were turned over to National Broadcasting Company.

6. To determine, in the event that under Issues 3 and/or 4 and/or 5 determinations are made that the statements therein were the statements of Sherwin Grossman, whether any or all such statements were false, in whole or in part.

7. To determine whether the affidavit of Sherwin Grossman appended to the pleading described in par. 1(c) of the order described in par. 1(b), supra, which reads in part: "6. • • • an affidavit by Betty Lou Paupst • • • (b) • • • the statement that for weeks toward the termination of her employment either Gary Cohen or I ordered her and other girls in our employ to compose letters to the FCC petitioning for a VHF channel. The letters were written allegedly on business letter head stationery of other companies and were signed either by myself or Gary Cohen or by the secretaries at our direction. This is not so • • • I can personally state that to my knowledge, neither I nor any other person at WBUF-TV to my knowledge authorized, directed or condoned the typing of letters to the FCC on other companies' stationery for signature by WBUF personnel." is false in whole or in part.

8. To conclude in the light of determinations made under Issues 1-7, supra, whether Sherwin Grossman possesses the necessary character qualifications to be a licensee of the Federal Communications Commission.

It is further ordered, That the Examiner, after a hearing pursuant to the

foregoing, issue a Cumulative Initial Decision.

Released: January 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-382; Filed, Jan. 11, 1962; 8:50 a.m.]

[Docket Nos. 14367-14372; FCC 62-23]

VETERANS BROADCASTING CO., INC., ET AL.

Memorandum Opinion and Order

In re applications of Veterans Broadcasting Company, Inc., Syracuse, New York, Docket No. 14367, File No. BPCT-2912; Syracuse Television, Inc., Syracuse, New York, Docket No. 14368, File No. BPCT-2924; W. R. G. Baker Radio and Television Corporation, Syracuse, New York, Docket No. 14369, File No. BPCT-2930; Onondaga Broadcasting, Inc., Syracuse, New York, Docket No. 14370, File No. BPCT-2931; Wage, Inc., Syracuse, New York, Docket No. 14371, File No. BPCT-2932; Syracuse Civic Television Association, Inc., Syracuse, New York, Docket No. 14372, File No. BPCT-2933; et al.; for construction permits for new Television Broadcast Stations.

1. The Commission has before it for consideration the petition of Onondaga Broadcasting, Inc., concerning waiver of § 3.613 of the rules, filed November 22, 1961. No responsive pleadings have been filed.

2. Three of the applicants in this proceeding requested in their applications waiver of Rule 47 CFR 3.613 to permit the location of their proposed main studios outside the city limits of Syracuse, New York. The designation order, released November 15, 1961 (FCC 61-1336, Mimeo No. 11921), granted the waivers as to two of the applicants. The requested waiver as to the third applicant, present petitioner, was not mentioned in the designation order. Petitioner requests that the designation order be amended to include a waiver of the rule with regard to it. Our review of the matter indicates that the omission in question was inadvertent and that good cause for waiver of the rule has been shown by petitioner.

Accordingly, it is ordered, This 3d day of January 1962, that the petition of Onondaga Broadcasting, Inc., filed November 22, 1961, is granted, and that the order of the Commission released November 15, 1961 (FCC 61-1336, Mimeo No. 11921), is hereby amended by the addition of the words "Onondaga Broadcasting, Inc.," immediately after the words "Syracuse Television, Inc.," in the third "Appearing" paragraph of that Order.

Released: January 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-383; Filed, Jan. 11, 1962; 8:50 a.m.]

[Docket No. 13596 (RM-156); FCC 62-37]

STANDARD BROADCAST STATIONS

Permit To Operate With Full Carrier and Single Sideband; Memorandum Opinion and Order

1. The Commission has before it a petition for rule making (RM-156) by the Kahn Research Laboratories, Inc. (Kahn), to amend Part 3 of the Commission's rules to permit standard broadcast stations to operate with a "compatible single sideband system of modulation" known as CSSB. It also has before it the comments and data filed in response to the Notice of Inquiry issued in this proceeding on June 20, 1960 (FCC 60-699). In this inquiry we raised certain issues which we felt were necessary in making a determination as to whether rule making would be warranted on the Kahn proposal.

2. Comments were filed by Kahn, Electronics Industries Association (EIA), Collins Radio Company, Westinghouse Broadcasting Co., Inc., Cleveland Broadcasting, Inc., General Electric Company, Gates Radio Co., WPAT, Inc. (WPAT), Paterson, N.J. and RKO General, Inc. Letters were also received from eight broadcasters which support the Kahn proposal but offer no data which would be of help to the Commission in making a determination in the matter.[1] GE and Gates submitted statements which said that they believe their transmitters will operate satisfactorily with the equipment proposed by Kahn.

3. *Proponent's comments on advantages of the system.* Kahn urges that the CSSB system has a number of advantages to both the broadcasters and the listening public and should be authorized on a permissive basis. The advantages of the system are claimed to be as follows:

(a) Provides two-to-one signal-to-noise power gain for a given signal fidelity.

(b) Improves audio fidelity.

(c) Reduces co- and adjacent channel interference.

(d) Provides a means for reducing interference produced by radiation from improperly shielded television receivers.

(e) Minimizes selective fading distortion.

4. *Proponent's suggested amendments of rules.* Kahn proposes several changes in the rules as follows:

Section 3.3: Should be amended to include single-sideband as well as double-sideband operation.

Section 3.14: The following definition of CSSB should be included: A single-sideband transmission will be considered compatible if it can be received on the existing conventional double-sideband receivers without any modifications whatsoever and with satisfactory quality of reception.

Technical Standards: Standards should be included in the rules requiring that the high frequency audio response should be limited to 8 kilocycles and the level should be down from 1 kc reference at least 20 db at 9 kc and 30 db at 10 kc and above. The average rejection of the undesired sideband for all frequencies above 500 cycles should be at least 20 db below the desired sideband. The radiation of the undesired sideband should be measured so as to include all sources of undesired sideband radiation such as odd order intermodulation products and noise.

Section 3.111: A provision should be inserted requiring a station utilizing CSSB to make log entries indicating whether CSSB or double-sideband transmissions are utilized.

5. Kahn submits that conversion of a transmitter to single-sideband operation can be made by the use of a simple adaptor without any major modification of the transmitter and that the resulting signals can be received on all existing AM receivers. No detailed description of the system or the equipment employed are given but references are made in the literature to articles by Kahn and others on such systems.

6. *Description of CSSB.* Briefly, the radiated signal produced by a standard broadcast transmitter incorporating the Kahn "compatible single sideband" adaptor comprises a full carrier which is both amplitude- and phase-modulated. The amplitude modulation is produced in the same manner as in the conventional double sideband AM transmitters. As a result, the envelope of the radio frequency output voltage has the same shape as the audio waveform being transmitted and may be received with a conventional linear detector, without inherent distortion. The phase modulation (PM) is adjusted in magnitude and waveform so that the sidebands produced by the PM cancel (approximately) the sidebands produced by the AM, either above or below the carrier frequency. The PM also produces sidebands which add to the AM sidebands on the other side of the carrier frequency. Thus, the spectrum of the complete signal consists principally of a full carrier and first and second order sidebands on one side of the carrier frequency. The second order components of the transmitted sideband are those sidebands which are situated from the carrier by twice the modulating frequency. Transmission and reception of the second order sideband components as well as the carrier and first order components are necessary in order to obtain approximately the distortion-free performance attributed to this system by Kahn. The second order component of the transmitted sideband is often called the "anti-distortion" component because this component approximately compensates for the waveform distortion which occurs if only the carrier plus the first order single sideband are received. The undesired sideband is estimated to be about 30 db below the desired sideband and the desired sideband has a level approximately 6 db higher than in the standard AM system. The CSSB adaptor contains two outputs which must be connected to the associated transmitter. The first contains the PM wave centered at the carrier frequency and is connected to a low-level point in the radio-frequency section of the transmitter. The second is the audio output of the adaptor which is connected to the audio system of the transmitter. Several methods of synthesizing the proposed signal have been suggested in the literature.

7. *Signal to noise improvement.* With respect to the claimed advantage on improved signal-to-noise ratio for CSSB, Kahn submits that there would be an improvement of 3 db or better for random noise and 6 db for impulse noise when perfect receivers are considered and even greater gains for typical home receivers, depending on the response characteristics of the receivers and the amount of detuning needed or used.

8. *Audio fidelity improvement.* The alleged improvement in audio fidelity occurs because of the narrow pass bands employed in typical receivers. These receivers have a response that is down 6 db at about 3.75 kc above and below the carrier frequency. Thus, using the CSSB system and tuning the receiver to favor the transmitted sideband makes more effective use of the pass band characteristic and is said to result in greater audio fidelity.

9. *Co-channel improvement.* Various combinations of side-band co-channel operation are possible. The greatest gain occurs when two stations utilize the CSSB system and select opposite sidebands. Under such conditions it is claimed that gains in the desired to undesired signal ratios up to a theoretical maximum of 30 db may be realized if it is assumed that perfect receivers are used and that the ratio of the desired to undesired sidebands of 30 db is maintained. The worst situation is obtained when the two stations transmit on the same sideband in which case no improvement is realized, although Kahn claims that the other advantages of the system will be realized. The listener to a conventional double-sideband AM station, it is alleged, could realize a gain in the presence of a CSSB station, but with some distortion, by detuning his receiver. No improvement would result if the listener tunes precisely to the AM carrier. Laboratory measurements were submitted to show verification of the theoretical results of two situations, one in which the desired station operated with CSSB and the interfering station with conventional AM and the other with two stations operating CSSB one on the lower sideband and the other on the upper sideband (optimum conditions).

10. *Adjacent channel interference.* Four conditions of adjacent channel operation are possible. Here again Kahn suggests that the optimum arrangement would be for the stations to operate on opposite sidebands and the worst situation would be for the stations to operate on adjacent sidebands. Kahn states that the theoretical improvement for the various combinations ranges from 43 db for the optimum to none for the poorest arrangement where one station uses the upper sideband and the other the lower. In the latter case, Kahn concedes that the advantage which might be realized by the proposed limitation of the high frequency components of the signal to 8 kc would be offset by the fact that the level of the sidebands in each case would be raised by 6 db. Laboratory measurements are also presented for operation under the various adjacent channel arrangements which purport to show close agreement with the theoretical calculations.

11. *Reduction of interference from TV receivers.* Kahn submits that the radiation from television receivers at harmonics of the 15.75 kc horizontal sweep frequency is a serious problem. CSSB, by permitting the broadcast station to operate on the sideband removed from the offending radiation, can reduce this type of interference as much as 16 db. It is assumed, of course, that the receivers are tuned to the desired sideband.

12. *Minimizing selective fading distortion.* Kahn states that laboratory tests on this type of interference are unwieldy and insufficient and that further proof would require extensive field testing under actual station operating conditions. He argues that time, expense, and the lack of available facilities make further tests on this condition impossible at this time. However, he does claim that CSSB is less sensitive to phase differences between the carrier and the sidebands and therefore should be more free of this type of distortion.

13. *Experimental results.* Kahn submits that the results of experimental operations in this country (KDKA, Pittsburgh, WBZ, Boston, WGBB, Freeport, L.I., WMGM, New York, WABC, New York, and WSM, Nashville) and in others substantiate the claims he makes for the system. In the case of WGBB a listener survey solicited by the station resulted in 118 favorable comments, 26 noting no difference and 7 stating that reception was poorer with CSSB.

14. *Petitioner's response to issues raised in notice of inquiry.* In response to the specific questions asked in the Notice of Inquiry Kahn states there has been an active interest by broadcasters and engineers in CSSB as witnessed by articles in technical journals, books, and elsewhere; that as far as petitioner is aware the proposed system is the only practical method for obtaining CSSB without undue distortion; that there is no greater interference potential to existing stations; and that no burdens are placed on existing receivers. Kahn further states that no changes are required in the co-channel and adjacent channel ratios; that no changes would occur in the signal intensity contours of a station when it uses CSSB; and that only minor changes are needed in the broadcast rules to provide for this type of operation on a permissive basis. As for parameters Kahn recommends that the high frequency audio response of the transmitter should be limited to 8 kc and that the level should be down from the 1 kc reference at least 20 db at 9 kc and 30 db at 10 kc and above; that the average rejection of the undesired sideband for all frequencies above 500 cycles should be at least 20 db below the desired sideband; and that the radiation of the undesired sideband should be measured so as to include all sources of undesired sideband radiation such as odd order intermodulation products and noise.

15. *Other comments.* Westinghouse, RKO General, Inc., Cleveland Broadcasting, Inc., and WPAT, Inc. support the proposal and urge the adoption of rules. Westinghouse cites its own knowledge of the system as a result of over 2600 hours of experimental operation with the Kahn-CSSB adaptor over the facilities of Station KDKA. It substantially agrees with the claimed advantages and supports the proposed parameters. Westinghouse contends that the petitioner went to "considerable effort to arrive at laboratory test conditions which produce data as close as possible to that likely to occur in the field under normal operating conditions". It urges that the principal advantage to the system is in the area of controlling and reducing interference but admits that, with respect to the reduction of selective fading, the tests at KDKA were inconclusive. EIA submits that it does not have enough information concerning the Kahn and other methods for obtaining single-sideband operation to comment. It raises some questions concerning the possibility of interference to other stations operating with CSSB and points out that data and measurements cannot be obtained until the system proposed is fully disclosed.

16. *Opposition.* Collins opposes the proposal urging that the Kahn CSSB is not a single sideband system but rather is basically a hybrid AM system and that the major advantages of SSB are not achieved to a significant degree. It urges that there is no available SSB system which is truly compatible with the present AM system and that authorization of the Kahn system would place a burden on receiver and transmitter manufacturers to produce equipment that will perform better with that system. Collins questions the ability of CSSB to reduce emission beyond 10 kc from the carrier as effectively as in conventional AM. Collins questions some of the other claims of the proponents of CSSB but presents no data to support these views. It alleges that equipment failures would double due to the number of added tubes and components.

17. *Reply of proponent.* In reply to Collins, Kahn submits that the definition he uses for CSSB is the same as that adopted by the CCIR and others.[2] He states that he has never claimed that all the benefits of SSB are obtained by his system; rather, that a comparison must be made with practical home receivers and not the more expensive receivers needed for SSB. He contests the argument that CSSB would place any burden on receiver or transmitter manufacturers by pointing out that such manufacturers

[1] KORD, Pasco, Wash., KUTY, Palmdale, Calif., KWJJ, Portland, Oreg., WWRJ, White River Junction, Vt., WPBC, Minneapolis, Minn., KREB, Shreveport, La., WROB, West Point, Miss., and WAVZ, New Haven, Conn.

[2] In the IXth Plenary Assembly Meeting in 1959 at Los Angeles the CCIR defined CSSB as follows: "A single-sideband transmission is considered to be compatible if it can be received on the existing conventional double-sideband receivers without any modification whatsoever and with satisfactory quality of reception."

as RCA, GE, and Gates have stated that their transmitters can be operated satisfactorily with CSSB equipment. As to receiver compatibility Kahn notes that during a five month period of experimental operation and tests of CSSB at KDKA no complaints were received by that station. With regard to the argument that the addition of CSSB equipment would increase the possibility of failures at broadcast stations, Kahn admits that this is so but points out that the CSSB equipment will include a device which will allow it to be automatically switched out in case of failure.

18. *Discussion and conclusions.* After careful review of the comments and data submitted we are of the view that the proponents of the permissive use of CSSB by standard broadcast stations have not made a sufficient showing to warrant the institution of rule making in this matter. First, it does not appear that there is sufficient interest on the part of the broadcasters or the public to warrant rule making. As a result of our Notice of Inquiry issued in this proceeding only ten broadcasters responded to the effect that they support the Kahn proposal. Two parties filed oppositions. This response in a service which includes over 3500 stations indicates very little interest in the proposal on the part of the standard broadcast industry. Only two of the parties supporting the proposal (one was the petitioner) submited data. Only one of the six broadcasters (Westinghouse) which conducted experimental operations with the Kahn system offered any comments in this proceeding.

19. *Interference potential.* Our greatest concern with the proposed system is the possibility of causing interference to other stations. This is especially important in a service such as standard broadcasting with millions of receivers in the hands of the public and long established listening habits. In the proposed system the transmitted sideband power is equal to the carrier power, whereas in the conventional AM system each sideband is only one-fourth of the carrier power. Thus the proposed system sideband contains four times as much power as is present in either sideband of the conventional AM system for the same carrier power and modulation percentage. This raises the question of possible increased interference to other stations. In this connection we find the showing made by Kahn to be lacking. There is no detailed explanation of how the co-channel and adjacent channel tests were conducted, what signals were changed, how the ratios of desired to undesired signals were determined, and to what extent listeners were involved in the tests in the event the tests were subjective. In all the tests the desired signal was modulated by a single tone at a low level of modulation. Thus, we do not have any assurance that operation of one or more stations with CSSB will not cause any more interference to other stations than they would receive under the present system.

20. *Effect on NARBA.* Kahn states that the proposed operation would not violate the spirit or letter of the NARBA since no increased interference would be created. Annex 2, Broadcast Regulations, Section B. 6. under the term Modulation reads as follows: "The form of modulation for broadcasting stations is amplitude modulation of an unsuppressed carrier of constant amplitude yielding two symmetrical sidebands."

In view of the fact that the proposed system does not conform to the NARBA definition, this agreement would require an understanding with the signatories to NARBA before CSSB operation could be approved in the United States.

21. *Claimed advantages of the proposed system.* Some of the advantages claimed for the proposed system could be obtained with conventional AM transmitters in view of the fact that they occur in the proposed system only because of the increased sideband power and such things as the proposed limitation of the transmitted audio frequency. Similar increase in power for standard stations and similar reductions in audio transmissions could result in increased signal to noise ratios and reduced adjacent channel interference. The proponents concede that measurements on the reduction of selective fading are inconclusive.

22. *Order.* In view of the foregoing: *It is ordered*, That the petition of Kahn Research Laboratories, Inc., is denied, and that this proceeding is terminated.

Adopted: January 3, 1962.

Released: January 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-384; Filed, Jan. 11, 1962; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI62-285, RI62-286]

NATHAN APPLEMAN ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JANUARY 5, 1962.

Nathan Appleman, d.b.a. N. Appleman Company (Operator), et al., Docket No. RI62-285; N. Appleman Company, et al., Docket No. RI62-286.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [2] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62-285	Nathan Appleman, d/b/a N. Appleman Co. (Operator), et al., 654 Madison Avenue, New York 21, N.Y.	6	4	Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).	[3] $5,415	12-7-61	1-7-62	6-7-62	[4] 12.0	[5] 12.0	—
RI62-286	N. Appleman Co., et al., 654 Madison Avenue, New York 21, N.Y.	2	2	do.	[6] 1,117	12-7-61	1-7-62	6-7-62	[7] 11.0	[8] 11.0	—

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] The pressure base is 14.65 psia.
[3] Renegotiated increase.
[4] Effective rate is reduced by heating value deficiency to 9.4292 cents per Mcf.
[5] Effective rate is reduced by heating value deficiency to 9.5400 cents per Mcf.
[6] Annual amount of increase due to imposition of 11.0 cents per Mcf floor on the downward Btu. adjustment.
[7] Base rate of 12.0 cents per Mcf for period from Jan. 1, 1962, to Dec. 31, 1966, with a downward Btu. adjustment to a floor of 11.0 cents per Mcf during this period.
[8] Base rate of 11.0 cents per Mcf for period from effective date to June 30, 1961, and Btu. adjustment during this period is eliminated.

The increased rates proposed herein may result in the sale of less than pipeline quality gas at the applicable area price level established for pipeline quality gas by the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed increased rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notice from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before February 20, 1962.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-343; Filed, Jan. 11, 1962; 8:45 a.m.]

[Docket No. RI62-101 etc.]

SUN OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JANUARY 5, 1962.

In the Order Providing For Hearings On and Suspension of Proposed Changes In Rates, issued October 20, 1961, and published in the FEDERAL REGISTER on October 27, 1961 (F.R. Doc. 61-10243; 26 F.R. 10110; Docket No. RI62-101), in the chart under the heading "Purchaser and Producing Area" change "Texas Eastern Transmission Corp." to read "Standard Oil Co. of Texas".

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-344; Filed, Jan. 11, 1962; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT LINES, INC., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8680, between American Export Lines, Inc., American President Lines, Ltd., Compagnie de Navigation Fraissinet et Cyprien Fabre, S.A., Costa Giacomo fu Andrea—Societa Nome Collettivo, "Italia" Societa per Azioni di Navigazione, Jugoslavenska Linijska Plovidba, Kulukundis Lines, Ltd., Mitsui Steamship Company, Ltd., Prudential Steamship Corporation, Villian & Fassio e Compagnia Internazionale di Genova—Societa Riunite di Navigazione, Societa per Azioni, and the carriers comprising the Concordia Line and Fresco Line joint services (all presently members of the West Coast of Italy, Sicilian and Adriatic Ports North Atlantic Range Conference, Agreement 2846, as amended), covers an arrangement for the division of revenues on cargo loaded at all ports of the West Coast of Italy, between and including Ventimiglia and Reggio Calabria, to all United States ports north of Cape Hatteras.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 9, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-382; Filed, Jan. 11, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

JANUARY 8, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.), being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, January 9, 1962, to January 18, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-346; Filed, Jan. 11, 1962; 8:46 a.m.]

[File No. 70-4003]

YANKEE ATOMIC ELECTRIC CO.

Notice of Filing Regarding Acquisition by Public-Utility Subsidiary Company of its Capital Stock

JANUARY 5, 1962.

Notice is hereby given that Yankee Atomic Electric Company ("Yankee") (441 Stuart Street, Boston 16, Mass.), a public-utility subsidiary company of New England Electric System, a registered holding company, has filed a declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act") seeking Commission authorization to acquire 46,600 shares of its outstanding capital stock, $100 par value, upon the concurrent payment in cash to its stockholder companies of an amount equal to the par value of the shares to be acquired, cancelled, and retired. Yankee has designated section 12(c) of the Act and Rules 42 and 46 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, as amended, on file in the office of the Commission for a statement of the proposed transaction which is summarized as follows:

Yankee was organized in 1954 by certain New England public-utility companies to construct and operate a nuclear power plant. These public-utility companies are Yankee's stockholders owning all of its outstanding capital stock in specified percentages. During the period from November 25, 1955, to June 12, 1959, the Commission authorized Yankee to issue and sell solely for the purpose of financing its business as a public-utility company $20,000,000 par amount of common stock, $17,000,000 face amount of 4¾ percent promissory notes, and $20,000,000 principal amount of 5 percent first mortgage bonds. This financing program was designed to provide funds equal to Yankee's capital requirements estimated at $57,000,000 and the senior security financing was arranged to permit the issuance and sale of the bonds and notes from time to time as needed and on the condition that the entire $20,000,000 of capital stock be first issued to and paid for by the stockholder companies.

Yankee's plant has been completed and was placed in regular commercial operation on July 1, 1961. The cost of construction proved to be less than the amount originally estimated. The aggregate amount of securities issued and sold by Yankee is $48,361,000, consisting

[1] Commissioner Cross dissenting.
[2] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

of $15,330,000 principal amount of bonds, $13,031,000 face amount of notes, and $20,000,000 par amount of common stock. Further, of the proceeds from the sale of the bonds and notes $4,670,000 was not needed for construction purposes and under the terms of the bond indenture and the note agreement became "Excess Cash". Such excess cash has been paid over to and will be used by Yankee (to the extent of $4,660,000) for the proposed acquisition of 46,600 shares of its outstanding common stock. After consummation of the proposed transaction, Yankee's capitalization ratios will be restored to those originally contemplated under the financing program.

In the declaration, as amended, Yankee states that Old Colony Trust Company, as trustee under the indenture securing the outstanding bonds, and The First National Bank of Boston, as holder of the outstanding notes, have been informed of the proposed reduction of capital and that both institutions regard the transaction as fully in accord with the provisions of the governing instruments. Massachusetts Department of Public Utilities has been informed by Yankee of the proposed transaction. The declaration states that approval thereof by the Massachusetts Department of Public Utilities is not required.

The declaration, as amended, further states that New England Power Service Company, an affiliated service company, will perform incidental services in connection with the proposed transaction and that such services will be performed at the actual cost thereof estimated not to exceed $4,600. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction with respect to the proposed transaction.

Notice is further given that any interested person may, not later than January 24, 1962, request in writing that a hearing be held in respect of the declaration, as amended, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after such date the declaration, as filed or as it may be further amended, may be permitted to become effective as provided in Rule 23 promulgated under the Act; or the Commission may grant exemption from its rules under the Act as provided by Rules 20(a) and 100 thereof or take such other action as is deemed appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-347; Filed, Jan. 11, 1962; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-V-35]

BRANCH COUNSEL, JACKSONVILLE, FLA.

Delegation Relating to Legal Functions

I. Pursuant to the authority delegated to the Branch Manager by Delegation of Authority No. 30-V-34, dated November 20, 1961 (26 F.R. 11261), there is hereby redelegated to the Branch Counsel, Jacksonville Branch Office, the following Authority:

A. *Legal.* To disburse all approved loans, including section 502 loans.

II. The authority delegated herein may not be redelegated.

III. The authority delegated herein may be exercised by any SBA employee designated as Acting Branch Counsel.

Effective date: November 20, 1961.

KENNON H. TURNER, *Acting Branch Manager, Jacksonville Branch Office, Atlanta Regional Office.*

[F.R. Doc. 62-348; Filed, Jan. 11, 1962; 8:46 a.m.]

[Delegation of Authority No. 30 (Rev. 6) Amdt. 4]

REGIONAL DIRECTORS

Delegation Relating to Financial Assistance, Investment Programs, Procurement and Technical Assistance and Administration

Delegation of Authority No. 30 (Revision 6), as amended, (25 F.R. 1706 and 7418, 26 F.R. 177 and 1456) is hereby amended by:

1. Deleting the words "and the Memorandum of Understanding, dated October 19, 1956, as amended, between the Secretary of the Interior and the Administrator of the Small Business Administration (pursuant to Sec. 4 of the Fish & Wildlife Act of 1956, 70 Stat. 1119, 1121) relating to the operation of the Fisheries Loan Fund," from Section I.

2. Deleting subsection I.A. 10 in its entirety.

Effective date: December 19, 1961.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-349; Filed, Jan. 11, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 9, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37503: *Iron or steel plate from Ashland, Ky., to Plaquemine, La.* Filed by Southwestern Freight Bureau, Agent (No. B-8133), for interested rail carriers. Rates iron or steel plate or sheet, noibn, in carloads, from Ashland, Ky., to Plaquemine, La.

Grounds for relief: Market competition.

Tariff: Supplement 235 to Southwestern Freight Bureau tariff I.C.C. 4308.

FSA No. 37504: *Iron and steel articles to points in Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-8134), for interested rail carriers. Rates on iron and steel articles, in carloads, from specified points in official, southern and western trunk-line territories, to Fortune, Oak Forrest, Rosslyn, and Mabry, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 235 to Southwestern Freight Bureau tariff I.C.C. 4308.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-350; Filed, Jan. 11, 1962; 8:46 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 8, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37502: *Motor fuel anti-knock compound from Dowling and Chaison, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8130), for interested rail carriers. Rates on motor fuel anti-knock compound, in tank-car loads, from Chaison and Dowling, Tex., to Chicago, East St. Louis, Hartford, Lemont, Lockport, Roxana, and Wood River, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 78 to Southwestern Freight Bureau tariff I.C.C. 4370.

By the Commission.

[SEAL] HAROLD D. McCOY, SECRETARY.

[F.R. Doc. 62-309; Filed, Jan. 10, 1962; 8:49 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MUTSUO ASAHARA

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mutsuo Asahara, Aza-Negi, Ahtho-Futajima, Yamaguchi Shi, Yamaguchi Ken, Japan; Claim No. 62975; Vesting Order No. 12938; $5,587.95 in the Treasury of the United States.

Executed at Washington, D.C., on January 4, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-306; Filed, Jan. 10, 1962; 8:49 a.m.]

IRENE KELLER-DU BOIS ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Irene Keller-Du Bois, Windisch, Switzerland; $4,960.00 in the Treasury of the United States; Miss Louise Du Bois, Peseux, Switzerland; $4,817.52 in the Treasury of the United States; Mrs. Anni Reiner, Frohburgstrasse 66, Zurich 6, Switzerland; $828.33 in the Treasury of the United States; Claims Nos. 62861, 62862, and 62863; Vesting Order No. 18249.

Executed at Washington, D.C., on January 4, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc 62-307; Filed, Jan. 10, 1962; 8:49 a.m.]

CARMEN MEYER

Amended Notice of Intention To Return Vested Property

The Notice of Intention to Return Vested Property to Ida Meyer, Hamburg, Germany, which was published in the FEDERAL REGISTER on May 20, 1959 (24 F.R. 4093), is hereby amended in the entirety to read as follows:

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Carmen Meyer, Rothenbaumchaussee 219, Hamburg, Germany; Claim No. 59176; Vesting Order No. 13244; $34,402.51 in the Treasury of the United States and all right, title, interest and claim of any kind or character whatsoever of Carmen Meyer in and to and arising out of or under that certain trust agreement dated April 21, 1936, by and between Ida Meyer, trustor, and Wells Fargo Bank & Union Trust Company, trustee, presently being administered by Wells Fargo Bank & Union Trust Company, trustee, Market Street, San Francisco 20, Calif.

Executed at Washington, D.C., on January 3, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-308; Filed, Jan. 10, 1962; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—JANUARY

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VOLUME 27 NUMBER 9

Washington, Saturday, January 13, 1962

THE UNIVERSITY OF MICHIGAN
JAN 24 1962
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FEDERAL REGISTER

Telephone WOrth 3–3261

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Rules and Regulations

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

PART 3—RULES OF PROCEDURE IN CONTRACT APPEALS

Revision of Rules

The Commission has adopted a revised 10 CFR Part 2, "Rules of Practice", governing procedure in all proceedings under the Atomic Energy Act of 1954, as amended, for granting, sustaining, revoking, or amending any license, authorization or construction permit, or application to transfer control of a licensed facility; public rule making; the disposition of appeals from decisions of contracting officers in disputes under contracts or subcontracts of the Atomic Energy Commission; and declaring a patent to be affected with the public interest or granting a patent license.

Part 2, which has been in effect since March, 1956, has been amended from time to time. On February 1, 1961, the Commission adopted "A Report on the Regulatory Program of the Atomic Energy Commission", which was the basis of a recent reorganization of its regulatory staff and functions. That Report recommended further action directed toward development of the Commission's procedural as well as substantive regulations.

In order to expedite and improve the performance of its regulatory functions, the Commission has adopted the following amendments to its regulations. The amendments are designed to expedite proceedings without sacrificing the fair and impartial consideration and adjudication of issues, and to embody the results of experience gained under the existing rules while incorporating useful provisions of the rules of practice or other regulatory agencies and of the Federal Rules of Civil Procedure.

The existing 10 CFR Part 3, "Rules of Procedure in Contract Appeals", largely incorporates by reference pertinent provisions of Part 2. The revision of Part 2 now incorporates the substance of Part 3 as a new Subpart D.

Inasmuch as this amendment relates to agency procedure and practice, the Commission has found that general notice of proposed rule making and public procedure thereon are unnecessary, and that good cause exists why this amendment should be made effective forty-five (45) days after publication in the FEDERAL REGISTER. The Commission will continue to study the problems involved in these rules with a view to making such further changes as may from time to time appear desirable. Members of the bar, commission contractors, and others are invited to submit comments and suggestions to the Commission. Comments and suggestions should be addressed to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., and will be reviewed by the Commission prior to the effective date of these rules.

Pursuant to the Administrative Procedure Act and the Atomic Energy Act of 1954, as amended, the following rules are published as a document subject to codification, to be effective forty-five (45) days after publication in the FEDERAL REGISTER.

On the effective date of these rules, 10 CFR Part 3, "Rules of Practice in Contract Appeals" is repealed.

Dated at Germantown, Md., this 8th day of January 1962.

For the Atomic Energy Commission.

WOODFORD B. McCOOL,
Secretary.

Sec.
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AUTHORITY: §§ 2.1 to 2.914 issued under sec. 161, 68 Stat. 948, as amended; 42 U.S.C. 2201.

§ 2.1 Scope.

This part governs the conduct of all proceedings under the Atomic Energy Act of 1954, as amended, for (a) granting, suspending, revoking, amending, or taking other action with respect to any license, authorization, construction permit, or application to transfer a license; (b) public rule making; (c) appeals from decisions of contracting officers in disputes arising, or alleged to arise, under a contract with the Atomic Energy Commission or a subcontract under such a contract; and (d) declaring a patent to be affected with the public interest, and the granting of a patent license under section 153 of the Act, but excluding all other patent matters.[1]

[1] The specifications, pursuant to Section 156 of the Act, for patent licenses to use Commission-held patents or those declared subject to licensing under Section 153 a. of the Act, are set forth in Part 81 of this chapter. Patent Compensation Board proceedings under Sections 157 and 173 of the Act are governed by Part 80 of this chapter.

§ 2.2 Subparts.

Each subpart other than Subpart G sets forth special rules applicable to the type of proceeding described in the first section of that subpart. Subpart G sets forth general rules applicable to all types of proceedings except rule making, and should be read in conjunction with the subpart governing a particular proceeding. Subpart I sets forth special procedures to be followed in proceedings in order to safeguard and prevent disclosure of Restricted Data.

§ 2.3 Resolution of conflict.

In any conflict between a general rule in Subpart G of this part and a special rule in another subpart applicable to a particular type of proceeding, the special rule governs.

§ 2.4 Definitions.

Words or phrases which are defined in the Atomic Energy Act of 1954, as amended, and in this chapter have the same meaning when used in this part. In addition, as used in this part:

(a) "ACRS" means the Advisory Committee on Reactor Safeguards established by the Act.

(b) "Act" means the Atomic Energy Act of 1954, as amended (68 Stat. 919).

(c) "Adjudication" means the process for the formulation of an order for the final disposition of the whole or any part of any proceeding subject to this part, other than rule making.

(d) "Authorization" means an authorization or order issued pursuant to Part 115 of this chapter authorizing construction or operation of certain nuclear reactors.

(e) "Commission" means the Commission of five members or a quorum thereof sitting as a body, as provided by section 21 of the Act, or any officer to whom has been delegated authority pursuant to section 161n of the Act.

(f) "Director of Regulation" means the Director of Regulation or any officer to whom he has delegated authority to act.

(g) "Hearing Examiner" means an individual appointed pursuant to section 11 of the Administrative Procedure Act to conduct proceedings subject to this part.

(h) "License" means a license, construction permit, or authorization issued by the Commission.

(i) "Licensee" means a person who is authorized to conduct activities under a license, construction permit, or authorization issued by the Commission.

(j) "Public Document Room" means the place at 1717 H Street NW., Washington, D.C., at which public records of the Commission will ordinarily be made available for inspection.

(k) "Regulatory staff" means the Director of Regulation, the offices and divisions under his authority, and such legal counsel as may be assigned by the General Counsel.

(l) "Secretary" means the Secretary to the Commission.

Subpart A—Procedure for Issuance, Amendment, Transfer, or Renewal of a License

§ 2.100 Scope of subpart.

This subpart prescribes the procedures for issuance of a license; amendment of a license at the request of the licensee; and transfer and renewal of a license.

§ 2.101 Filing of application.

(a) An application for a license or an amendment to a license shall be filed with the Director of Regulation as prescribed by the applicable provisions of this chapter. A prospective applicant may confer informally with the regulatory staff prior to the filing of an application. Each application will be assigned a docket number.

(b) An applicant for a license for a facility or to receive waste radioactive material from other persons for the purpose of packaging, storage or disposal, shall serve a copy of the application on the chief executive of the municipality in which the facility is to be located or the activity is to be conducted or, if the facility is not to be located or the activity conducted within a municipality, on the chief executive of the county. The Director of Regulation will send a copy of each such application to the Governor or other appropriate official of the State in which the facility is to be located or the activity is to be conducted, and will cause to be published in the FEDERAL REGISTER a notice of receipt of the application which states the purpose of the application and specifies the location at which the proposed activity would be conducted.

§ 2.102 Administrative review of application.

(a) During review of an application by the regulatory staff, an applicant may be required to supply additional information, and may be requested to confer informally.

(b) The Director of Regulation will refer the application to the ACRS as required by law and in such additional cases as he or the Commission may determine to be appropriate. The ACRS will render to the Commission one or more reports as required by law or as requested by the Commission.

(c) The Director of Regulation will make each report of the ACRS a part of the record of the application, and transmit copies to the appropriate State and local officials.

§ 2.103 Action on applications for byproduct, source, special nuclear material, and operator licenses.

(a) If the Director of Regulation finds that an application for a byproduct, source, special nuclear material or operator license complies with the requirements of the Act and this chapter, he will issue a license and inform the appropriate State and local officials.

(b) If the Director of Regulation finds that an application does not comply with the requirements of the Act and this chapter, he may issue a notice of proposed denial or a notice of denial of the application and inform the applicant in writing of:

(1) The information, if any, which is deficient;

(2) Other reasons, if any, for the proposed denial or denial;

(3) If a notice of proposed denial, the time within which the applicant must supply the additional information; and

(4) If a notice of denial, the right of the applicant to request a hearing within thirty (30) days from the date of the denial.

HEARING ON APPLICATION—HOW INITIATED

§ 2.104 Notice of hearing.

(a) In the case of an application on which a hearing is required by the Act or this chapter, or in which the Commission finds that a hearing is required in the public interest, the Secretary will issue a notice of hearing to be published in the FEDERAL REGISTER as required by law at least thirty (30) days prior to the date set for hearing in the notice. The notice will state:

(1) The time, place, and nature of the hearing;

(2) The authority under which the hearing is to be held;

(3) The matters of fact and law to be considered; and

(4) The time within which answers to the notice shall be filed.

(b) The Secretary will give timely notice of the hearing to all parties and to other persons, if any, entitled by law to notice. The Director of Regulation will transmit a notice of hearing on an application for a facility license or for a license to receive waste radioactive material from other persons for the purpose of packaging, storage or disposal, to the Governor or other appropriate official of the State and to the chief executive of the municipality in which the facility is to be located or the activity is to be conducted or, if the facility is not to be located or the activity conducted within a municipality, to the chief executive of the county.

§ 2.105 Notice of proposed action.

(a) If a hearing is not required by the Act or this Chapter, and if the Commission or the Director of Regulation has not found that a hearing is in the public interest, he will, prior to acting thereon, cause to be published in the FEDERAL REGISTER a notice of proposed action with respect to an application for:

(1) A license for a facility;

(2) A license to receive waste radioactive material from other persons for the purpose of packaging, storage, or disposal; or

(3) An amendment of a license specified in subparagraph (1) or (2) of this paragraph and which involves consideration of safety factors significantly different from those previously evaluated.

(b) The notice of proposed action will concisely state:

(1) The nature of the action proposed;

(2) The manner in which a copy of the safeguards analysis and of the ACRS report, if any, may be obtained or examined;

(3) A finding that the application does or does not comply with the requirements of the Act and this chapter; and

(4) The text of the proposed license.

(c) If an application for a construction permit is complete enough to permit all evaluations, other than completion inspection, necessary for the issuance of a construction permit and operating license, the notice of proposed issuance of a construction permit may provide that on completion of construction and inspection the operating license will be issued without further prior notice.

(d) The notice of proposed action will provide that, within not less than fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER:

(1) The applicant may file a request for hearing; and

(2) Any person whose interest may be affected by the proceeding may file a petition for leave to intervene.

(e) If no request for a hearing or petition for leave to intervene is filed within the time prescribed in the notice, the Director of Regulation will issue the license, inform the appropriate State and local officials, and cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Secretary will issue a notice of hearing or an appropriate order.

§ 2.106 Notice of issuance.

(a) The Director of Regulation will cause to be published in the FEDERAL REGISTER notice of the issuance of a license for which a notice of proposed action has been previously published.

(b) The Director of Regulation will cause to be published in the FEDERAL REGISTER, and inform the appropriate State and local officials of, the notice of issuance of an:

(1) Amendment of a license for a facility; or

(2) Amendment of a license to receive waste radioactive material from other persons for the purpose of packaging, storage or disposal, which does not involve consideration of factors significantly different from those previously evaluated.

(c) The notice of issuance will concisely state:

(1) The nature of the amendment;

(2) The manner in which copies of the safeguards analysis may be obtained and examined;

(3) A finding that the application for the amendment complies with the requirements of the Act and this chapter; and

(4) The text of the amendment.

(d) If a notice of proposed action has not been previously published, the notice of issuance will provide that, within not less than fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER:

(1) The applicant may file a request for a hearing;

(2) Any person whose interest may be affected by the proceeding may file a petition for leave to intervene.

(e) If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Commission will issue a notice of hearing or an appropriate order.

§ 2.107 Withdrawal of application.

(a) An applicant may withdraw an application at any time prior to the issuance of a notice of hearing.

(b) The withdrawal of an application does not authorize the removal of any document from the files of the Commission.

(c) The Director of Regulation will cause to be published in the FEDERAL REGISTER a notice of the withdrawal of an application if notice of receipt of the application has been previously published.

§ 2.108 Denial of application for failure to supply information.

(a) The Director of Regulation may deny an application if an applicant fails to respond to a request for additional information within thirty (30) days from the date of the request, or within such other time as may be specified.

(b) The Director of Regulation will cause to be published in the FEDERAL REGISTER a notice of denial when notice of receipt of the application has previously been published. The notice of denial will provide that, within thirty (30) days after the date of the denial, (1) the applicant may demand a hearing, and (2) any person whose interest may be affected by the proceeding may file a petition for leave to intervene.

§ 2.109 Effect of timely renewal application.

If a licensee files an application for a renewal or a new license at least thirty (30) days prior to the expiration of an existing license for any activity of a continuing nature, the existing license will not be deemed to have expired until the application has been finally determined.

Subpart B—Procedure for Imposing Requirements by Order, or for Modification, Suspension, or Revocation of a License

§ 2.200 Scope of subpart.

This subpart prescribes the procedure in cases initiated by the regulatory staff to impose requirements by order on a licensee or to modify, suspend, or revoke a license, or for such other action as may be proper.

§ 2.201 Notice of violation.

(a) Before instituting any proceeding to modify, suspend, or revoke a license or to take other action for alleged violation of any provision of the Act or this chapter or the conditions of the license the Director of Regulation will serve on the licensee a written notice of violation, except as provided in paragraph (c) of this section. The notice of violation will concisely state the alleged violation and will require that the licensee submit, within twenty (20) days of the date of the notice or other specified time, a written reply including a statement as to:

(1) Whether the licensee admits or denies the violation;

(2) The reasons for the violation, if admitted;

(3) Corrective steps which have been taken by the licensee, and the results achieved;

(4) Corrective steps which will be taken; and

(5) The date when full compliance will be achieved.

(b) The notice will provide that, if an adequate reply is not received within the time specified in the notice, the Director of Regulation may issue an order to show cause why the license should not be modified, suspended, or revoked or such other action be taken as may be proper.

(c) When the Director of Regulation finds that the public health, safety, or interest so requires, or that the violation is willful, the notice of violation may be omitted and an order to show cause issued.

§ 2.202 Order to show cause.

(a) The Director of Regulation may institute a proceeding to modify, suspend, or revoke a license or for such other action as may be proper by serving on the licensee an order to show cause which will:

(1) Concisely allege the violations with which the licensee is charged;

(2) Provide that the licensee may file a written answer to the order under oath or affirmation within twenty (20) days of its date, or such other time as may be specified in the order;

(3) Inform the licensee of his right, within twenty (20) days of that date of the order, or such other time as may be specified in the order, to demand a hearing;

(4) Specify the issues; and

(5) State the effective date of the order.

(b) A licensee may respond to an order to show cause by filing a written answer under oath or affirmation. The answer shall specifically admit or deny each allegation or charge made in the order to show cause, and may set forth the matters of fact and law on which the licensee relies. The answer may demand a hearing.

(c) If the answer demands a hearing, the Commission will issue an order designating the time and place of hearing.

(d) An answer may consent to the entry of an order in substantially the form proposed in the order to show cause.

(e) The consent of the licensee to the entry of an order shall constitute a waiver by the licensee of a hearing, findings of fact and conclusions of law, and of all right to seek Commission and judicial review or to contest the validity of the order in any forum. The order shall have the same force and effect as an order made after hearing by a presiding officer or the Commission.

(f) When the Director of Regulation finds that the public health, safety, or interest so requires or that the violation is willful, the order to show cause may provide, for stated reasons, that the proposed action be temporarily effective pending further order.

§ 2.203 Settlement.

At any time after the issuance of an order designating the time and place of hearing in a proceeding to modify, suspend or revoke a license or for other action the regulatory staff and a licensee may enter into a stipulation for the settlement of the proceeding. The stipulation shall be subject to approval by the designated presiding officer or, if none has been designated, by the Chief Hearing Examiner, according due weight to the position of the regulatory staff. The presiding officer, or if none has been designated, the Chief Hearing Examiner, may order such adjudication of the issues as he may deem to be required in the public interest to dispose of the proceeding. If approved, the terms of the settlement shall be embodied in a decision and order settling and discontinuing the proceeding.

Subpart C—Procedure for Declaring Patents Affected With the Public Interest and for Licensing of Patents

§ 2.300 Scope of subpart.

This subpart prescribes the procedures for declaring a patent to be affected with the public interest pursuant to Section 153a of the Act, and for granting a license pursuant to Sections 153b(2) and 153c of the Act.

§ 2.301 Definition.

(a) "Patent owner" means the owner of a patent of record in the United States Patent Office.

PROCEDURE FOR DECLARING A PATENT AFFECTED WITH THE PUBLIC INTEREST

§ 2.302 Notice.

Prior to a declaration pursuant to Section 153a of the Act that a patent is affected with the public interest, the Commission will serve upon the patent owner a written notice of intent to declare the patent to be affected with the public interest.

§ 2.303 Request for hearing.

(a) On written request by the patent owner for a hearing, filed within 30 days after the service of the notice or such other time as the Commission may provide by the terms of the notice, the Secretary will issue a notice of hearing.

(b) Failure of the patent owner to request a hearing within the time specified in the notice may result in a declaration by the Commission that the patent is affected with the public interest. The Secretary will serve the declaration on the patent owner.

PROCEDURE FOR GRANTING A LICENSE PURSUANT TO SECTION 153b(2)

§ 2.304 Administrative examination of applications, notice to others, informal conferences.

An application for a license pursuant to Section 153b(2) of the Act, under a patent declared to be affected with the public interest shall be filed with the Secretary, and will be assigned a docket number. The Secretary will give notice of the filing of the application as required by law, and such additional notice as the Commission may direct. The applicant may be required to submit additional information, and may be requested to confer informally.

§ 2.305 Action on application.

(a) If the Commission proposes to deny an application it will serve on the applicant a notice of denial, which will afford an opportunity to file within the time specified a demand for a hearing.

(b) If the Commission proposes to approve the application and issue a license, it will serve on the applicant and the patent owner a notice of intent to issue a license, which will specify the scope of the proposed license and afford an opportunity to file within the time specified a demand for a hearing.

§ 2.306 Request for hearing.

If either the applicant or the patent owner demands a hearing within the time specified in the notice, the Secretary will issue a notice of hearing. Failure of the applicant to demand a hearing within the time specified may result in a denial of the request for a license, and failure of the patent owner to demand a hearing within the time specified may result in the issuance of a license.

PROCEDURE FOR GRANTING A LICENSE PURSUANT TO SECTION 153c OF THE ACT

§ 2.307 Administrative examination of an application, notice to others, informal conferences.

An application for a license pursuant to Section 153c of the Act for a patent useful in the production or utilization of special nuclear material or atomic energy shall be filed with the Secretary, and will be assigned a docket number. The Secretary will give notice of the filing of the application as required by law, and such additional notice as the Commission may direct. The applicant may be required to submit additional information, and may be requested to confer informally.

§ 2.308 Notice of application.

Within thirty (30) days after the filing of the application, the Secretary will serve a copy of the application on the patent owner.

§ 2.309 Notice of hearing.

Within thirty (30) days after the filing of the application, the Secretary will serve on the applicant and patent owner a notice of hearing to be held not later than sixty days after the filing of the application.

ROYALTIES

§ 2.310 Royalties.

If the Commission grants a patent license pursuant to Section 153b or 153e of the Act, the patent owner shall be entitled to a reasonable royalty fee from the licensee pursuant to Section 153 of the Act. The royalty fee may be agreed upon by the patent owner and the licensee or, in the absence of an agreement, will be determined by the Commission pursuant to Section 157 of the Act.

Subpart D—Rules of Procedure in Contract Appeals

§ 2.400 Scope of subpart.

This subpart prescribes the procedure for the disposition of appeals from decisions of contracting officers under the disputes articles of contracts with the Atomic Energy Commission and subcontracts under those contracts.

§ 2.401 Definitions.

As used in this subpart:

(a) "Contracting officer" means a representative of the Commission who is authorized by the terms of a contract or subcontract to decide a dispute in the first instance.

(b) "Contractor" includes a subcontractor, and "contract" includes a subcontract.

(c) "Party" includes (1) the contracting officer and the prime contractor, if the dispute arises or is alleged to arise under a prime contract; (2) the prime contractor and subcontractor, if the dispute arises or is alleged to arise under a subcontract; and (3) any other person permitted to intervene in the proceeding. The hearing examiner may, for good cause shown, permit or require the contracting officer to participate as a party to an appeal under a subcontract.

§ 2.402 Security.

All proceedings under this subpart shall be so conducted as to insure compliance with the security regulations and requirements of the Commission. The contracting officer, the hearing examiner, and the Commission will take appropriate steps to insure compliance with those regulations and requirements.

PRELIMINARY PROCEEDINGS

§ 2.410 Initial determination.

When a dispute arising or alleged to arise under a contract cannot be settled by agreement, the contracting officer will expeditiously prepare and serve on the parties his specific written findings of fact, his decision, and a copy of this part.

§ 2.411 Appeal.

A contractor may appeal from a decision of the contracting officer by serving upon the contracting officer the original and three copies of a notice of appeal within the period provided in the contract or, if no such period is provided, within thirty days after service of the decision of the contracting officer upon the parties. A complaint may be served with the notice of appeal.

§ 2.412 Notice of appeal.

(a) The notice of appeal (1) shall be in writing, (2) shall indicate that an appeal is intended thereby, (3) shall identify by number the contract under which the dispute has arisen, or is alleged to arise, and the decision from which the appeal is taken, and (4) may request a hearing.

(b) A suggested form of notice of appeal is set forth in Appendix A to this subpart.

§ 2.413 Complaint.

(a) The contractor shall either (1) serve a complaint on the contracting officer with the notice of appeal, or (2) file the complaint with the Secretary within twenty (20) days thereafter. The hearing examiner assigned to the case, or the Chief Hearing Examiner in the absence of such assignment, may grant an extension of time on motion on reasonable notice to all parties. The complaint shall be served or filed, as the case may be, in an original and three copies.

(b) The complaint shall (1) identify the contract by number; (2) set forth the text of any articles of the contract pertaining to disputes; (3) identify any other articles of the contract alleged to be relevant to the dispute; (4) identify the decision from which the appeal is taken; and (5) specify the portion of the decision which the contractor alleges to be erroneous, with a brief statement of the grounds of the appeal. A suggested form of complaint is set forth in Appendix B to this subpart.

(c) Documentary material in support of the complaint may be attached to it and incorporated by reference. Such documentary material may be admitted in evidence on motion or on oral request at the hearing.

§ 2.414 Transmittal of notice of appeal.

(a) On service of a notice of appeal, the contracting officer shall forthwith endorse the date of receipt on the original and all copies and, within twenty days thereafter, shall file with the Secretary:

(1) The original and two (2) copies of the notice of appeal and the complaint, if served;

(2) Two (2) copies of the contract;

(3) Three (3) copies of his findings of fact and decision;

(4) Two (2) copies of any relevant information, correspondence and other documents; and

(5) Three (3) copies of a list of all documents transmitted.

(b) In complying with the requirement of service prescribed by § 2.712, the contracting officer shall serve on the contractor a copy of the contract and of any relevant information, correspondence, and other documents, only if the contractor demands them in writing within ten (10) days after service of the other documents specified in paragraph (a) of this section.

§ 2.415 Notification of parties by hearing examiner.

On receipt of the documents specified in § 2.414, the Secretary will transmit them to the Office of Hearing Examiners, which will assign a docket number to the appeal and transmit to all parties notice of the filing of the appeal.

§ 2.416 Answer.

(a) Within twenty (20) days after service of the complaint, the respondent shall file with the Secretary an original and three copies of an answer, unless an extension of time is granted.

(b) The answer shall admit or deny each material allegation of the complaint, and shall allege any matters of fact or law asserted to constitute a complete or partial defense. If the respondent has no knowledge or information sufficient to form a belief as to the truth of an allegation, the answer shall so state and the allegation will be deemed to be denied. Each affirmative defense shall be separately stated and numbered.

(c) Lack of jurisdiction of the hearing examiner to hear the appeal, or failure to state a claim on which relief can be granted, may be asserted in the answer or by motion.

(d) Documentary material in support of the answer may be attached to it and incorporated by reference. Such documentary material may be admitted in evidence on motion or on oral request at the hearing.

§ 2.417 Amendment of pleadings.

(a) The hearing examiner may at any time permit a party to amend his complaint or answer, or order that a party make a more definite statement of a complaint or answer, or reply to an answer. If evidence is objected to at the hearing on the ground that it is not within the issues raised by the complaint and answer, the hearing examiner may allow the pleadings to be amended within the scope of the appeal when justice will be served.

(b) Any issue within the scope of the appeal but not raised by the complaint and answer, and tried by express or implied consent of the parties, shall be treated in all respects as if it had been raised in the complaint and answer.

§ 2.418 Dismissal of complaint.

The hearing examiner may at any time order that a complaint be dismissed for lack of jurisdiction or for failure to state a claim on which relief can be granted or, for good cause found, may order a dismissal with or without leave to file an amended complaint.

§ 2.419 Decision by hearing examiner without hearing.

If a hearing has not been demanded by any party and the hearing examiner does not order a hearing on his own motion, he may (a) decide the appeal on the record as it then exists; or (b) direct that proposed findings, conclusions, and supporting briefs be filed by each party and may then proceed to decide the appeal.

HEARING

§ 2.430 Notice of hearing.

(a) If a hearing has been demanded or has been ordered by the hearing examiner on his own motion, a notice of hearing will be issued specifying the time and place for the hearing. The notice of hearing will be served on the parties at least thirty (30) days prior to the date set for a hearing, unless all parties stipulate to a shorter time.

(b) Hearings will ordinarily be held at the Commission office administering the contract, but may be held at Commission Headquarters, Germantown, Maryland, or such other place as the hearing examiner may designate.

§ 2.431 Conduct of hearing.

(a) The hearing will be conducted as a trial *de novo* of the issues of fact and any relevant issues of law. The hearing examiner will consider the appeal on the record for decision.

(b) Except as the hearing examiner may otherwise order in the interests of justice, the party making a claim has the burden of proof.

§ 2.432 Record for decision.

The record for decision shall consist of:

(a) The findings of fact and decision of the contracting officer;

(b) The notice of appeal;

(c) Such portions of the contract, relevant information, correspondence and other documents filed by the contracting officer as may be incorporated by reference into the record;

(d) The pleadings;

(e) The transcript of hearing, if any, and exhibits received in evidence; and

(f) All other written motions, orders, briefs, and other documents ordered to be made a part of the record.

§ 2.433 Decision by the hearing examiner.

(a) When the record is closed, the hearing examiner will consider and decide the issues of fact raised by the appeal and all questions of law necessary for the adjudication of such issues of fact.

(b) The hearing examiner will make specific findings of fact and conclusions of law supported by the substantial evidence of record.

(c) The decision of the hearing examiner will constitute the final action of the Commission thirty (30) days after its date unless any party files a petition for review within twenty (20) days of its date or the Commission directs the record be certified to it for final decision.

COMMISSION REVIEW

§ 2.440 Commission review.

(a) A party may seek an appeal from a decision of a hearing examiner as provided in Subpart G.

(b) In determining whether it will grant the appeal, the Commission may take into consideration:

(1) The propriety of the award on its face, and the size of the award;

(2) Compliance by the contractor, contracting officer, and hearing examiner with the requirements of law and of the contract; and

(3) Substantial and important questions of law, policy, or discretion presented by the record.

APPENDIX A TO SUBPART D

Form of Notice of Appeal

UNITED STATES ATOMIC ENERGY COMMISSION

Appeal of

(Contractor or subcontractor)

Under Contract (Subcontract) No. ------

Docket No. CA-------

NOTICE OF APPEAL

Notice of appeal hereby is filed by

(Name of contractor or subcontractor)

under its Contract (or Subcontract) No. ------ dated ---------- with ----------.

The decision(s) of the AEC Contracting Officer.

(Name and location)

from which the appeal is taken, with the date(s) thereof is (are) as follows:

(here insert by numbered paragraphs the decision or decisions, in substantially the following form:

1. The decision of the Contracting Officer dated November 4, 1958, that radiator valves must be furnished and installed on invectors.

2. The decision of the Contracting Officer dated November 4, 1958, denying the Contractor's claim for an equitable adjustment in contract price.)

(Name of contractor or subcontractor)

By: ---

(Authorized officer of, or attorney for, appellant)

Address ---

Telephone No. ---

Dated ---

APPENDIX B TO SUBPART D

Form of Complaint

UNITED STATES ATOMIC ENERGY COMMISSION

Appeal of

(Name of contractor or subcontractor)

Under Contract (Subcontract) No. ------

Docket No. CA-------

COMPLAINT

The appellant states to the Commission as follows:

1. This appeal arises under Contract (or Subcontract) No. ------ dated ----------.

2. Said Contract (or Subcontract) contains a disputes article reading as follows:

3. Other articles of the Contract (or Subcontract) relevant to the dispute which is the subject of this appeal are as follows:

4. This appeal is taken from the decision(s) of the Contracting Officer.

(Name and title)

dated ----------.

5. The portion or portions of said decision(s) which appellant claims to be erroneous, with reasons therefor, is (are) as follows:

6. The following document(s) is (are) submitted in support of the appeal:

NOTE: Here list, by exhibit number, a short description of the document(s) submitted, each copy of which should be marked, as follows:

Exhibit No. ------ to Complaint of ---

(Name of contractor or subcontractor)

Docket No. CA-------.

7. Appellant requests that an oral hearing on the appeal be held by the AEC Hearing Examiner (Note: This paragraph should be omitted where the right to hearing is waived).

Signed ---

(Authorized officer or representative of appellant)

Address ---

Telephone No. ---

Dated ---

Subpart G—Rules of General Applicability

§ 2.700 Scope of subpart.

The general rules in this subpart govern procedure in all adjudications initiated by the issuance of an order to show cause, a notice of hearing, or a notice of appeal.

§ 2.701 Filing of documents.

(a) Documents shall be filed with the Commission in adjudications subject to this part either (1) by delivery to the Public Document Room at 1717 H Street NW., Washington, D.C., or Office of the Secretary at Commission Headquarters, Germantown, Maryland; or (2) by mail or telegram addressed to the Secretary, United States Atomic Energy Commission, Washington 25, D.C.

(b) All documents offered for filing shall be accompanied by proof of service as required by law or by rule or order of the Commission.

(c) Filing by mail or telegram will be deemed to be complete as of the time of deposit in the mail or with a telegraph company.

§ 2.702 Docket.

The Secretary will maintain a docket of each proceeding subject to this part, commencing with the issuance of the initial notice of hearing or order to show cause or, in the case of a contract appeal, receipt of the notice of appeal. The Secretary will maintain all files and records, including the transcripts of testimony and exhibits and all papers, correspondence, decisions and orders filed or issued.

§ 2.703 Notice of hearing.

(a) In a proceeding in which the terms of a notice of hearing are not otherwise prescribed by this part, the order or notice of hearing will state:

(1) The nature of the hearing, and its time and place, or a statement that the time and place will be fixed by subsequent order;

(2) The legal authority and jurisdiction under which the hearing is to be held;

(3) The matters of fact and law asserted or to be considered; and

(4) The time within which an answer shall be filed.

(b) The time and place of hearing will be fixed with due regard for the convenience of the parties or their representatives, the nature of the proceeding, and the public interest.

§ 2.704 Designation of presiding officer, disqualification, unavailability.

(a) The Commission may provide in the notice of hearing that one or more members of the Commission, or a named officer to whom has been delegated final authority in the matter, shall preside. If the Commission does not so provide, the Chief Hearing Examiner will issue an order designating a hearing examiner appointed pursuant to Section 11 of the Administrative Procedure Act to preside.

(b) If a designated presiding officer deems himself disqualified to preside, he shall withdraw by notice on the record and shall notify the Commission of his withdrawal.

(c) If a party deems the presiding officer to be disqualified, he may move that the presiding officer disqualify himself. The motion shall be supported by affidavits setting forth the alleged grounds for disqualification. If the presiding officer does not grant the motion he will refer it to the Commission, which will determine the sufficiency of the grounds alleged.

(d) If a presiding officer becomes unavailable during the course of a hearing, the Commission will designate another presiding officer. If he becomes unavailable after the hearing has been concluded, the Commission may:

(1) Designate another presiding officer to make the decision;

(2) Direct that the record be certified to it for decision; or

(3) Designate another presiding officer.

(e) In the event of substitution of a presiding officer for the one originally designated, any motion predicated upon the substitution shall be made within five (5) days thereafter.

§ 2.705 Answer.

(a) Within twenty (20) days after service of the notice of hearing, or such other time as may be specified in the notice of hearing, a party may file an answer which shall concisely state (1) the nature of his defense or other position; (2) the items of the specification of issues he controverts and those he does not controvert, and (3) whether he proposes to appear and present evidence.

(b) If facts are alleged in the specification of issues, the answer shall admit or deny specifically each material allegation of fact; or, where the party has no knowledge or information sufficient to form a belief, the answer may so state and the statement shall have the effect of a denial. Material allegations of fact not denied shall be deemed to be admitted. Matters alleged as affirmative defenses or positions shall be separately stated and identified and, in the absence of a reply, shall be deemed to be controverted.

(c) If a party does not oppose an order or proposed action embodied in or accompanying the notice of hearing, or does not wish to appear and present evidence at the hearing, the answer shall so state. In lieu of appearing at the hearing, a party may request leave to file a statement under oath or affirmation of reasons why the proposed order or action should not be issued or should differ from that proposed. Such a statement, if accepted, will be accorded whatever weight is deemed proper.

§ 2.706 Reply.

A party may file a reply to an answer within five (5) days after it is served.

§ 2.707 Default.

On failure of a party to file an answer within the time prescribed in this part or as specified in a notice of hearing or pleading, or to appear at a hearing or prehearing conference, the Commission may:

(a) Find the facts as alleged and enter such findings or order as may be appropriate without further notice; or

(b) Proceed without further notice to take proof on the issues specified.

§ 2.708 Formal requirements for documents.

(a) Each document filed in an adjudication subject to this part to which a docket number has been assigned shall bear the docket number and title of the proceeding.

(b) Each document shall be bound on the left side and typewritten, printed or otherwise reproduced in permanent form on good unglazed paper of standard letterhead size. Each page shall begin not less than one and one-quarter inches from the top, with side and bottom margins of not less than one and one-quarter inches. Text shall be double-spaced, except that quotations may be single-spaced and indented. The requirements of this paragraph do not apply to original documents or admissible copies offered as exhibits, or to specially prepared exhibits.

(c) The original of each document shall be signed in ink by an attorney of record for the party or, in the case of a party not represented by counsel, by the party or his authorized representative. The capacity of the person signing, his address, and the date shall be stated. The signature of a person signing in a representative capacity is a representation that the document has been subscribed in the capacity specified with full authority, that he has read it and knows the contents, that to the best of his knowledge, information, and belief the statements made in it are true, and that it is not interposed for delay. If a document is not signed, or is signed with intent to defeat the purpose of this section, it may be stricken.

(d) Except as otherwise provided by this part or by order, a pleading or other document other than correspondence shall be filed in an original and fifteen conformed copies.

(e) The first document filed by any person in a proceeding shall designate the name and address of a person on whom service may be made.

§ 2.709 Acceptance for filing.

A document which fails to conform to the requirements of § 2.708 may be refused acceptance for filing and may be returned with an indication of the reason for nonacceptance. Any matter so tendered but not accepted for filing shall not be entered on the Commission's docket.

§ 2.710 Computation of time.

In computing any period of time, the day of the act, event, or default after which the designated period of time begins to run is not included. The last day of the period so computed is included unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor holiday. When the period of time is less than seven (7) days, intermediate Saturdays, Sundays, and holidays are excluded. Whenever a party has the right or is required to do some act or take some proceeding within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, three (3) days shall be added to the prescribed period.

§ 2.711 Extension of time.

Except as otherwise provided by law, whenever an act is required or allowed to be done at or within a specified time, the time fixed or the period of time prescribed may for good cause be extended or shortened by the Commission or the presiding officer.

§ 2.712 Service of papers, methods, proof.

(a) *Who may make service.* Except for subpoenas, service of which is governed by § 2.720, the Commission will serve all orders, decisions, notices, and other papers issued by it upon all parties.

(b) *Who may be served.* Any paper required to be served upon a party shall be served upon him or upon the representative designated by him or by law to receive service of papers. When a party has appeared by attorney, service may be made upon the attorney of record.

(c) *How service may be made.* Service may be made by personal delivery, by first class, certified or registered mail including air mail, by telegraph, or as otherwise authorized by law. Where there are numerous parties to a proceeding, the Commission may make special provision regarding the service of papers.

(d) *When service complete.* Service upon a party is complete:

(1) By personal delivery, on handing the paper to the individual, or leaving it at his office with his clerk or other person in charge or, if there is no one in charge, leaving it in a conspicuous place therein or, if the office is closed or the person to be served has no office, leaving it at his usual place of residence with some person of suitable age and discretion then residing there;

(2) By telegraph, when deposited with a telegraph company, properly addressed and with charges prepaid;

(3) By mail, on deposit in the United States mail, properly stamped and addressed; or

(4) When service cannot be effected in a manner provided by subparagraphs (1) to (3) inclusive of this paragraph, in any other manner authorized by law.

(e) *Proof of service.* Proof of service, stating the name and address of the person on whom served and the manner and date of service, shall be shown for each document filed, and may be made by:

(1) Written acknowledgment of the party served or his counsel;

(2) The certificate of counsel if he has made the service; or

(3) The affidavit of the person making the service.

§ 2.713 Appearance and practice before the Commission in Adjudicatory Proceedings.

(a) *Representation.* A person may appear in an adjudication on his own behalf or by an attorney-at-law in good standing admitted to practice before any court of the United States, the District of Columbia, or the highest court of any State, territory, or possession of the United States. An attorney appearing in a representative capacity shall file with

the Commission a written notice of appearance which shall state his name, address, and telephone number; the basis of his eligibility; and the name and address of the person on whose behalf he appears.

(b) *Standards of conduct.* An attorney shall conform to the standards of conduct required in the courts of the United States.

(c) *Suspension of attorneys.* A presiding officer may, by order for good cause stated on the record, suspend or bar from participation in a proceeding any attorney who engages in dilatory tactics or disorderly or contemptuous conduct in the course of a proceeding. An appeal from such an order by a presiding officer may be taken to the Commission.

§ 2.714 Intervention.

(a) Any person whose interest may be affected by a proceeding and who desires to participate as a party shall file a written petition under oath or affirmation for leave to intervene not later than five (5) days before the commencement of the hearing or within such other time as may be specified in the notice, or as permitted by the presiding officer. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner. A petition for leave to intervene which is not timely filed will be dismissed unless the petitioner shows good cause for failure to file it on time.

(b) Any party to a proceeding may file an answer to a petition to intervene within five (5) days after the petition is filed.

(c) The Commission or, in the event a presiding officer has been designated, the presiding officer will rule on the petition.

(d) An order permitting intervention may be conditioned on such terms as the Commission or presiding officer may direct. A person permitted to intervene becomes a party to the proceeding. The granting of a petition to intervene does not change or enlarge the issues specified in a notice of hearing unless otherwise expressly provided in the order allowing intervention.

§ 2.715 Participation by a person not a party.

(a) A person who is not a party may, in the discretion of the presiding officer, be permitted to make a limited appearance by making oral or written statement of his position on the issues within such limits and on such conditions as may be fixed by the presiding officer, but he may not otherwise participate in the proceeding.

(b) The Commission will give notice of a hearing to any person who requests it. When a communication bears more than one signature, the Commission will give the notice to the person first signing unless the communication clearly indicates otherwise.

(c) The presiding officer will afford a representative of an interested State which is not a party a reasonable opportunity to participate and to introduce evidence, interrogate witnesses, and advise the Commission without requiring the representative to take a position with respect to the issues.

§ 2.716 Consolidation.

On motion and for good cause shown or on its own initiative, the Commission may consolidate for hearing or for other purposes two or more proceedings if it finds that such action will be conducive to the proper dispatch of its business and to the ends of justice .

§ 2.717 Commencement and termination of jurisdiction of presiding officer.

(a) Unless otherwise ordered by the Commission, the presiding officer designated to conduct a hearing has jurisdiction over the proceeding, including motions and procedural matters, from the time when the proceeding commences until the initial decision is rendered. If no presiding officer has been designated, the Chief Hearing Examiner has such jurisdiction or, if he is unavailable, another hearing examiner has such jurisdiction. A proceeding is deemed to commence when a notice of hearing is issued or, in the case of a contract appeal subject to Subpart D, when a notice of appeal is filed. When a notice of hearing provides that the presiding officer is to be a hearing examiner, the Chief Hearing Examiner will designate by order the hearing examiner who is to preside.

(b) Administrative actions affecting persons or matters involved in a proceeding before a presiding officer may be taken by Commission officers authorized to act, subject to such modification as may be determined by the presiding officer to be appropriate to the purposes of the pending proceeding.

§ 2.718 Power of presiding officer.

A presiding officer has the duty to conduct a fair and impartial hearing according to law, to take appropriate action to avoid delay, and to maintain order. He has all powers necessary to those ends, including the powers to:

(a) Administer oaths and affirmations.

(b) Issue subpoenas authorized by law.

(c) Rule on offers of proof, and receive evidence.

(d) Order depositions to be taken.

(e) Regulate the course of the hearing and the conduct of the participants.

(f) Dispose of procedural requests or similar matters.

(g) Examine witnesses.

(h) Hold conferences before or during the hearing for settlement, simplification of the issues, or any other proper purpose.

(i) Certify questions to the Commission for its determination, either in his discretion or on direction of the Commission.

(j) Reopen a proceeding for the reception of further evidence at any time prior to initial decision.

(k) Issue initial decisions; and

(l) Take any other action consistent with the Act, this chapter, and the Administrative Procedure Act of 1946.

§ 2.719 Separation of functions.

(a) presiding officer shall perform no duties inconsistent with his responsibilities as a presiding officer, and will not be responsible to or subject to the supervision or direction of any officer or employee engaged in the performance of investigative or prosecuting functions.

(b) In any adjudication, the presiding officer may not consult any person other than a member of his staff on any fact in issue unless on notice and opportunity for all parties to participate, except as required for the disposition of ex parte matters as authorized by law.

(c) In any case of adjudication, no officer or employee of the Commission who has engaged in the performance of any investigative or prosecuting function in the case or a factually related case may participate or advise in the initial or final decision, except as a witness or counsel in the proceeding.

§ 2.720 Subpoenas.

(a) On application by any party, the designated presiding officer or, if he is not available, the Chief Hearing Examiner or other designated officer will issue subpoenas requiring the attendance and testimony of witnesses or the production of evidence. The officer to whom application is made may require a showing of general relevance of the testimony or evidence sought, and may withhold the subpoena if such a showing is not made; but he shall not attempt to determine the admissibility of evidence.

(b) Every subpoena will bear the name of the Commission, the name and office of the issuing officer and the title of the hearing, and will command the person to whom it is directed to attend and give testimony or produce specified documents or other things at a designated time and place. The subpoena will also advise of the quashing procedure provided in paragraph (f) of this section.

(c) Unless the service of a subpoena is acknowledged on its face by the witness or is served by an officer or employee of the Commission, it shall be served by a person who is not a party to the hearing and is not less than eighteen (18) years of age. Service of a subpoena shall be made by delivery of a copy of the subpoena to the person named in it and tendering him the fees for one day's attendance and the mileage allowed by law. When the subpoena is issued on behalf of the Commission, fees and mileage need not be tendered, and the subpoena may be served by registered mail.

(d) Witnesses summoned by subpoena shall be paid, by the party at whose instance they appear, the fees and mileage paid to witnesses in the district courts of the United States.

(e) The person serving the subpoena shall make proof of service by filing the subpoena and affidavit or acknowledgment of service with the officer before whom the witness is required to testify or produce evidence or with the Secretary. Failure to make proof of service shall not affect the validity of the service.

(f) On motion made promptly, and in any event at or before the time specified in the subpoena for compliance by the person to whom the subpoena is directed, and on notice to the party at whose instance the subpoena was issued, the presiding officer or, if he is unavailable, the Commission may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion on just and reasonable terms.

(g) On application and for good cause shown, the Commission will seek judicial enforcement of a subpoena issued to a party and which has not been quashed.

MOTIONS

§ 2.730 Motions.

(a) *Presentation and disposition.* All motions shall be addressed to the Commission. All written motions shall be filed with the Secretary and served on all parties to the proceeding. During the time when a proceeding is before the Commission, a motion for an extension of time which would ordinarily be granted as of course, and to which all parties consent, may be acted upon by the Chief Hearing Examiner.

(b) *Form and content.* Unless made orally on the record during a hearing, or the presiding officer directs otherwise, a motion shall be in writing, shall state with particularity the grounds and the relief sought, and shall be accompanied by any affidavits or other evidence relied on, and, as appropriate, a proposed form of order.

(c) *Answers to motions.* Within five (5) days after service of a written motion, or such other period as the Commission or presiding officer may prescribe, a party may file an answer in support of or in opposition to the motion, accompanied by affidavits or other evidence. If no answer is filed, the parties shall be deemed to have consented to the granting of the motion. The moving party shall have no right to reply, except as permitted by the presiding officer or the Commission.

(d) *Oral arguments; briefs.* No oral argument will be heard on a motion unless the presiding officer or the Commission directs otherwise. A written brief may be filed with a motion or an answer to a motion, stating the arguments and authorities relied on.

(e) *Disposition of motion.* A written motion will be disposed of by written order and on notice to all parties.

(f) *Interlocutory appeals to the Commission.* No interlocutory appeal may be taken to the Commission from a ruling of the presiding officer. When in the judgment of the presiding officer prompt decision is necessary to prevent detriment to the public interest or unusual delay or expense, the presiding officer may refer the ruling promptly to the Commission, and notify the parties either by announcement on the record or by written notice if the hearing is not in session.

(g) *Effect of filing a motion or allowance of an interlocutory appeal.* Unless otherwise ordered, neither the filing of a motion nor the allowance of an interlocutory appeal shall stay the proceeding or extend the time for the performance of any act.

§ 2.731 Order of procedure.

The presiding officer or the Commission will designate the order of procedure at a hearing. The proponent of an order will ordinarily open and close.

§ 2.732 Burden of proof.

Unless otherwise ordered by the presiding officer, the applicant or the proponent of an order has the burden of proof.

§ 2.733 Examination by experts.

At the request of a party, a presiding officer may permit a qualified individual who has scientific or technical training or experience to participate on behalf of that party in the examination and cross-examination of expert witnesses.

DEPOSITIONS AND WRITTEN INTERROGATORIES; DISCOVERY; ADMISSION; EVIDENCE

§ 2.740 Depositions and Written Interrogatories.

(a) On motion and for good cause shown, the Commission may order that the testimony of any party or other person be taken by deposition on oral examination or written interrogatories. The attendance of witnesses may be compelled by subpoena.

(b) The motion shall give reasonable notice of the proposed time and place of taking the deposition; the name and address of each person to be examined, if known, or, if the name is not known, a general description sufficient to identify him or the class or group to which he belongs; and the reasons why the deposition should be taken. If good cause is shown, an order will be issued authorizing the deposition and imposing any proper limitations for the benefit of witnesses or parties. The order shall be served on all parties by the person proposing to take the deposition a reasonable time in advance of the time fixed for taking testimony.

(c) Within the United States, a deposition may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the examination is held. Outside of the United States, a deposition may be taken before a secretary of an embassy or legation, a consul general, vice consul or consular agent of the United States, or a person authorized to administer oaths designated by the Commission.

(d) Unless the order provides otherwise, the deponent may be examined regarding any matter, not privileged, which is relevant to the subject matter involved in the hearing. He shall be sworn or shall affirm before any questions are put to him. Examination and cross-examination shall proceed as at a hearing. Except as the parties otherwise agree, the deposition upon written interrogatories shall be taken with only parties and counsel, the deponent, the officer, and the reporter or stenographer present during the interrogation, and the officer shall certify to that fact. Each question propounded shall be recorded and the answer taken down in the words of the witness. Objections on questions of evidence shall be noted in short form without the arguments. The officer shall not decide on the competency, materiality, or relevancy of evidence but shall record the evidence subject to objection. Objections to questions of evidence not made before the officer shall not be deemed waived unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(e) When the testimony is fully transcribed, the deposition shall be submitted to the deponent for examination and signature unless he is ill or cannot be found or refuses to sign. The officer shall certify the deposition or, if the deposition is not signed by the deponent, shall certify the reasons for the failure to sign, and shall promptly forward the deposition by registered mail to the Commission.

(f) Where the deposition is to be taken on written interrogatories, the party proposing the deposition shall file a copy of the proposed interrogatories showing each interrogatory separately and consecutively numbered, the name and address of the person who is to answer them, and the name, description, title, and address of the officer before whom they are to be taken. Within seven (7) days after filing, any other party may serve cross-interrogatories. Objections to interrogatories or cross-interrogatories shall be made promptly and will be ruled upon by the presiding officer. Objections to form, unless made before the order for taking the deposition is issued, shall be deemed waived. The interrogatories, cross-interrogatories, and answers shall be recorded and signed, and the deposition certified, returned, and filed as in the case of a deposition on oral examination.

(g) A deposition will not become a part of the record in the hearing unless received in evidence. If only part of a deposition is offered in evidence by a party, any other party may introduce any other parts. A party shall not be deemed to make a person his own witness for any purpose by taking his deposition.

(h) A deponent whose deposition is taken and the officer taking a deposition shall be entitled to the same fees as are paid for like services in the district courts of the United States, to be paid by the party at whose instance the deposition is taken.

(i) The witness may be accompanied, represented, and advised by legal counsel.

§ 2.741 Discovery and production of documents and things for inspection, copying, or photographing.

(a) *Order to produce.* On motion of any party showing good cause and on notice to all other parties, the Commission may:

(1) Order any party to produce and permit the inspection and copying or photographing, by and on behalf of the moving party, of any designated documents, papers, books, accounts, letters, photographs, objects or tangible things in his or its possession, custody, or control, which are not determined to be privileged, and which constitute or contain evidence (including the existence, description, nature, custody, condition and location of any books, documents,

or other tangible things and the identity and location of persons having knowledge of relevant facts) regarding any matter that is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the examining party or to the claim or defense of any party; or

(2) Order any party to permit entry upon designated land or other property in his or its possession or control for the purpose of inspecting, measuring, surveying, or photographing the property or any designated object or operation which is relevant within subparagraph (1) of this paragraph.

(b) *Relation to admissible evidence.* It is not ground for objection to the motion that the evidence will be inadmissible if the evidence sought appears reasonably calculated to lead to the discovery of admissible evidence.

(c) *Scope of order.* The order shall specify the time, place, and manner of making the inspection and taking the copies and photographing, and may prescribe such terms and conditions as are just. The Commission may make an order that the inspection, copying, measuring, surveying, or photographing shall be limited to certain matters or that secret processes, developments, or research need not be disclosed and any other order which justice requires to protect the party from annoyance, embarrassment, or oppression.

§ 2.742 Admissions.

(a) At any time after his answer has been filed, a party may file a written request for the admission of the genuineness and authenticity of any relevant document described in or attached to the request, or for the admission of the truth of any specified relevant matter of fact. A copy of the document shall be delivered with the request unless a copy has already been furnished.

(b) Each requested admission shall be deemed made unless, within a time designated by the presiding officer or the Commission, and not less than ten (10) days after service of the request or such further time as may be allowed on motion, the party to whom the request is directed serves on the requesting party either (1) a sworn statement denying specifically the relevant matters of which an admission is requested or setting forth in detail the reasons why he can neither truthfully admit nor deny them, or (2) written objections on the ground that some or all of the matters involved are privileged or irrelevant or that the request is otherwise improper in whole or in part. Answers on matters to which such objections are made may be deferred until the objections are determined. If written objections are made to only a part of a request, the remainder of the request shall be answered within the time designated.

(c) Admissions obtained pursuant to the procedure in this section may be used in evidence to the same extent and subject to the same objections as other admissions.

§ 2.743 Evidence.

(a) *General.* Every party to a proceeding shall have the right to present such oral or documentary evidence and rebuttal evidence and conduct such cross-examination as may be required for full and true disclosure of the facts.

(b) *Written testimony.* Where the interest of any party will not be prejudiced, it is expected that each party will submit all or part of the direct testimony of his witnesses in written form, unless objections are presented and as otherwise ordered by the presiding officer. Unless otherwise ordered by the presiding officer, a party may: Serve copies of proposed written testimony on all parties at least five (5) days in advance of the session of the hearing at which such testimony is to be presented, unless all parties agree that all or any part of such five (5) days' prior service be waived; the presiding officer may permit the introduction of written testimony after having given all parties present a reasonable opportunity to examine it. Whenever it is deemed necessary or desirable, the Commission or the presiding officer may direct that proposed testimony be reduced to written form and be served and offered in the manner described in this paragraph, allowing a reasonable time for the preparation of the written testimony.

(c) *Admissibility.* Only relevant, material, and reliable evidence which is not unduly repetitious will be admitted. Immaterial or irrelevant parts of an admissible document will be segregated and excluded so far as is practicable.

(d) *Objections.* An objection to evidence shall briefly state the grounds of objection. The transcript shall include the objection, the grounds, and the ruling. Exception to an adverse ruling is preserved without notation on the record.

(e) *Offer of proof.* An offer of proof made in connection with an objection to a ruling of the presiding officer excluding or rejecting proffered oral testimony shall consist of a statement of the substance of the proffered evidence. If the excluded evidence is written, a copy shall be marked for identification. Rejected exhibits, adequately marked for identification, shall be retained in the record.

(f) *Exhibits.* A written exhibit will not be received in evidence unless the original and two copies are offered and a copy furnished to each party, or the parties have previously been furnished with copies or the presiding officer directs otherwise. The presiding officer may permit a party to replace with a true copy an original document admitted in evidence.

(g) *Record of the application.* In any proceeding involving an application, there shall be offered in evidence the record of the application, including the application, amendments, correspondence related to the application, reports if any of the ACRS, and any other documents except as limited by section 181 of the Act or order of the Commission.

(h) *Official record.* An official record of a government agency or entry in an official record may be evidenced by an official publication or by a copy attested by the officer having legal custody of the record and accompanied by a certificate of his custody.

(i) *Official notice.* Official notice may be taken of any fact of which judicial notice might be taken by the courts of the United States and of any technical or scientific fact within the knowledge of the Commission as an expert body, if (1) the fact is specified in the record or is brought to the attention of the parties before final decision, and (2) every party adversely affected by the decision is afforded an opportunity to controvert the fact. Any party may oppose a request that official notice be taken of a fact. If a decision is stated to rest in whole or in part on official notice of a fact which the parties have not had a prior opportunity to controvert, a party may controvert the fact by filing a petition for review of an initial decision or a petition for reconsideration of a final decision, clearly and concisely setting forth the information relied on to show the contrary.

HEARINGS

§ 2.750 Official reporter; transcript.

(a) A hearing will be reported under the supervision of the presiding officer, stenographically or by other means, by an official reporter who may be designated from time to time by the Commission or may be a regular employee of the Commission. The transcript prepared by the reporter shall be the sole official transcript of the proceeding. Except as limited pursuant to Section 181 of the Act or order of the Commission, the transcript will be open for inspection at the Public Document Room. Copies of transcripts are available to parties and to the public from the official reporter on payment of the charges fixed therefor.

(b) Transcript corrections: Corrections of the official transcript may be made only in the manner provided by this paragraph. Corrections ordered or approved by the presiding officer shall be included in the record as an appendix, and when so incorporated the Secretary shall make the necessary physical corrections in the official transcript so that it will incorporate the changes ordered. In making corrections there shall be no substitution of pages but, to the extent practicable, corrections shall be made by running a line through the matter to be changed without obliteration and writing the matter as changed immediately above. Where the correction consists of an insertion, it shall be added by rider or interlineation as near as possible to the text which is intended to precede and follow it.

§ 2.751 Hearings to be public.

Except as may be requested pursuant to Section 181 of the Act, all hearings will be public unless otherwise ordered by the Commission.

§ 2.752 Prehearing conference.

(a) The Commission or the presiding officer may direct the parties or their counsel to appear at a specified time and place for a conference to consider:

(1) Simplification and clarification of the issues;

(2) The necessity or desirability of amendments to the pleadings;

(3) The possibility of obtaining stipulations and admissions of fact and of the contents and authenticity of documents which will avoid unnecessary proof;

(4) The limitation of the number of expert witnesses, and other steps to expedite the presentation of evidence, including the preparation of written testimony; and

(5) Such other matters as may aid in the orderly disposition of the proceeding.

(b) Prehearing conferences may be stenographically reported.

(c) The Commission or the presiding officer may enter an order which recites the action taken at the conference, the amendments allowed to the pleadings, and agreements by the parties, and which limits the issues. The order shall control the subsequent course of the proceeding unless modified for good cause.

§ 2.753 Stipulations.

The parties may stipulate in writing or orally on the record during a hearing as to matters of fact or procedure. Such a stipulation may be received in evidence.

§ 2.754 Proposed findings and conclusions.

(a) Within twenty (20) days after the record is closed, or within such reasonable additional time as may be allowed by the presiding officer, any party to the proceeding may, or if so directed by the presiding officer, shall file proposed findings of fact and conclusions of law, briefs and a proposed form of order or decision. Failure to file proposed findings of fact, conclusions of law or briefs when directed to do so may be deemed a default, and an order or initial decision may be entered accordingly.

(b) Except as otherwise ordered by the presiding officer:

(1) The party who has the burden of proof shall initially file proposed findings of fact and conclusions of law and briefs, and a proposed form of order or decision;

(2) Other parties may file proposed findings, conclusions of law and briefs within twenty (20) days thereafter;

(3) A party who has the burden of proof may reply within ten (10) days after service of proposed findings and conclusions of law and briefs by other parties.

(c) Proposed findings of fact shall be clearly and concisely set forth in numbered paragraphs and shall be confined to the material issues of fact presented on the record, with exact citations to the transcript of record and exhibits in support of each proposed finding. Proposed conclusions of law shall be set forth in numbered paragraphs as to all material issues of law or discretion presented on the record. Proposed findings of fact and conclusions of law submitted by a person who does not have the burden of proof and who has only a limited interest in the proceeding may be confined to matters which affect his interests.

§ 2.755 Oral argument before presiding officer.

When, in the opinion of the presiding officer, time permits and the nature of the proceeding and the public interest warrant, he may allow and fix a time for the presentation of oral argument. He will impose appropriate limits of time on the argument. The transcript of the argument shall be a part of the record.

INITIAL DECISION AND COMMISSION REVIEW

§ 2.760 Initial decision and its effect.

(a) After hearing, the presiding officer will render an initial decision which will constitute the final action of the Commission thirty (30) days after its date unless a party files a petition for review within twenty (20) days of its date or the Commission directs that the record be certified to it for final decision.

(b) Where the public interest so requires, the Commission may direct that the presiding officer certify the record to it without an initial decision, and may:

(1) Prepare its own initial decision, which will become final unless exceptions are filed; or

(2) Omit an initial decision on a finding that due and timely execution of its functions imperatively and unavoidably so requires.

(c) An initial decision will be in writing and will be based on the whole record and supported by reliable, probative, and substantial evidence. The initial decision will include:

(1) Findings, conclusions and rulings, with the reasons or basis for them, on all material issues of fact, law, or discretion presented on the record;

(2) All facts officially noticed and relied on in making the decision;

(3) The appropriate ruling, order or denial of relief with the effective date, and the time within which a petition for review may be filed;

(4) In the case of an initial decision which may become final in accordance with paragraph (a) of this section, the date when it may become final.

§ 2.761 Expedited decisional procedure.

(a) The presiding officer may determine a proceeding by an order after the conclusion of a hearing without issuing an initial decision, when:

(1) All parties stipulate that the initial decision may be omitted and waive their rights to file a petition for review, to request oral argument, and to seek judicial review;

(2) No unresolved substantial issue of fact, law, or discretion remains, and the record clearly warrants granting the relief requested; and

(3) The presiding officer finds that dispensing with the issuance of the initial decision is in the public interest.

(b) An order entered pursuant to paragraph (a) of this section shall be subject to review by the Commission on its own motion within thirty (30) days after its date.

(c) An initial decision may be made effective immediately, subject to review by the Commission on its own motion within thirty (30) days after its date, when:

(1) All parties stipulate that the initial decision may be made effective immediately and waive their rights to file a petition for review, to request oral argument, and to seek judicial review;

(2) No unresolved substantial issue of fact, law, or discretion remains and the record clearly warrants granting the relief requested; and

(3) The presiding officer finds that it is in the public interest to make the initial decision effective immediately.

§ 2.762 Petition for review.

(a) *Who may file.* A party may within twenty (20) days after the date of an initial decision file a petition for review of the initial decision by the Commission, and a brief in support of the petition.

(b) *Content.* The petition for review shall plainly and concisely state the facts, and the brief shall plainly and concisely state the legal grounds, on which the petitioner bases his claim that he has been aggrieved by the decision of the presiding officer, or that review is required in the public interest, and the relief which the petitioner seeks by review. Ten (10) copies of the petition and brief shall be filed.

(c) *Answer.* Within ten (10) days after the filing of the petition and brief a respondent may file ten (10) copies of an opposing brief.

(d) *Granting of petition.* The petition for review may be granted in the discretion of the Commission, giving due weight to the existence of a substantial question with respect to such considerations as the following:

(1) A finding of a material fact is clearly erroneous;

(2) A necessary legal conclusion is without governing precedent or is a departure from or contrary to established law;

(3) A substantial and important question of law, policy or discretion has been raised;

(4) The conduct of the proceeding involved a prejudicial procedural error; or

(5) Any other consideration which the Commission may deem to be in the public interest.

(e) *Effect of denial.* If the Commission denies the petition, the decision of the presiding officer will thereupon become the final action of the Commission.

(f) *Effect of granting petition.* If the Commission grants the petition, the petitioner shall file exceptions and a brief in support of them within twenty (20) days after service of the order granting the petition. Each party may file an opposing brief within ten (10) days after the service of the exceptions and brief. Ten (10) copies of the exceptions and brief and of each opposing brief shall be filed.

(g) *Exceptions.* Each exception shall relate only to an important procedural or substantive matter presented by the record as limited by the Commission's order granting review; shall be separately numbered; shall identify the part of the decision to which objection is made; and shall specify precisely the portions of the record relied upon. The brief shall state the grounds of the exception, including citation of authori-

ties. Any objection to a ruling, finding, or conclusion which is not made a part of the exceptions will be deemed to be waived.

(h) *Reason for denying relief.* The failure of a petitioner to present clearly, concisely, and accurately whatever is essential to a ready and adequate understanding of his exceptions and arguments will be sufficient reason for denying relief.

§ 2.763 Oral argument.

Oral argument will not be allowed on a petition for review. The Commission may allow oral argument of an appeal after granting a petition for review.

FINAL DECISION

§ 2.770 Final decision.

(a) The Commission will ordinarily consider the whole record on review, but may limit the issues to be reviewed and consider only findings and conclusions to which exceptions have been filed.

(b) The Commission may adopt, modify, or set aside the findings, conclusions and order in the initial decision, and will state the basis of its action. The final decision will be in writing and will include:

(1) A statement of findings and conclusions, with the basis for them on all material issues of fact, law or discretion presented;

(2) All facts officially noticed;

(3) The ruling on each material exception;

(4) The appropriate ruling, order, or denial of relief, with the effective date.

§ 2.771 Petition for reconsideration.

(a) A petition for reconsideration of a final decision may be filed by a party within ten (10) days after the date of the decision. No petition may be filed with respect to an initial decision which has become final through failure to file a petition for review.

(b) The petition for reconsideration shall state specifically the respects in which the final decision is claimed to be erroneous, the grounds of the petition, and the relief sought. Within seven (7) days after a petition for reconsideration has been filed, any other party may file an answer in opposition to or in support of the petition.

(c) Neither the filing nor the granting of the petition shall stay the decision unless the Commission orders otherwise.

EX PARTE COMMUNICATIONS

§ 2.780 Ex parte communications.

(a) Neither (1) Commissioners, members of their immediate staffs, or other AEC officials and employees who advise the Commissioners in the exercise of their quasi-judicial functions will request or entertain off the record except from each other, nor (2) any applicant for or holder of an AEC license or permit, or any officer, employee, representative, or other person directly or indirectly acting in behalf thereof, shall submit off the record to Commissioners or such staff members, officials, and employees, any evidence, explanation, analysis, or advice, whether written or oral, regarding any substantive matter at issue in a proceeding on the record then pending before the AEC for the issuance, denial, amendment, transfer, renewal, modification, suspension, or revocation of a license or permit. For the purposes of this section, the term "proceeding on the record then pending before the AEC" shall include any application or matter which has been noticed for hearing or concerning which a hearing has been requested pursuant to this part.

(b) Copies of written communications covered by paragraph (a) of this section shall be placed in the AEC public document room and served by the Secretary on the communicator and the parties to the proceeding involved.

(c) A Commissioner, member of his immediate staff, or other AEC official or employee advising the Commissioners in the exercise of their quasi-judicial functions, to whom is attempted any oral communication concerning any substantive matter at issue in a proceeding on the record as described in paragraph (a) of this section, will decline to listen to such communication and will explain that the matter is pending for determination. If unsuccessful in preventing such communication, the recipient thereof will advise the communicator that a written summary of the conversation will be delivered to the AEC public document room and a copy served by the Secretary of the Commission on the communicator and the parties to the proceeding involved. The recipient of the oral communication thereupon will make a fair, written summary of such communication and deliver such summary to the AEC public document room and serve copies thereof upon the communicator and the parties to the proceeding involved.

(d) This section does not apply to the disposition of ex parte matters authorized by law, or to communications requested by the Commission concerning:

(1) Its proprietary functions.

(2) General health and safety problems and responsibilities of the Commission; or

(3) The status of proceedings

Subpart H—Rule Making

§ 2.800 Scope of rule making.

This subpart governs the issuance, amendment and repeal of regulations in which participation by interested persons is prescribed under section 4 of the Administrative Procedure Act.

§ 2.801 Initiation of rule making.

Rule making may be initiated by the Commission at its own instance, on the recommendation of another agency of the United States, or on the petition of any other interested person.

§ 2.802 Petition for rule making.

Any interested person may petition the Commission to issue, amend, or rescind any regulation. The petition shall state the substance or text of any proposed regulation or amendment, or shall specify the regulation the rescission or amendment of which is desired, and shall state the basis for the request. The Secretary will assign a docket number to the petition, deposit a copy in the Public Document Room, and cause notice of the filing of the petition to be published in the FEDERAL REGISTER. Publication will be limited by the requirements of section 181 of the Act and may be limited by order of the Commission.

§ 2.803 Determination of petition.

No hearing will be held on the petition unless the Commission deems it advisable. If the Commission determines that sufficient reason exists, it will publish a notice of proposed rule making. In any other case, it will deny the petition and will notify the petitioner with a simple statement of the grounds of denial.

§ 2.804 Notice of proposed rule making.

(a) When the Commission proposes to adopt, amend, or repeal a regulation it will cause to be published in the FEDERAL REGISTER a notice of proposed rule making, unless all persons subject to the notice are named and either are personally served or otherwise have actual notice in accordance with law.

(b) The notice will include:

(1) Either the terms or substance of the proposed rule, or a specification of the subjects and issues involved;

(2) The manner and time within which interested members of the public may comment, and a statement that copies of comments may be examined in the Public Document Room;

(3) The authority under which the regulation is proposed;

(4) The time, place, and nature of the public hearing, if any;

(5) If a hearing is to be held, designation of the presiding officer and any special directions for the conduct of the hearing; and

(6) Such explanatory statement as the Commission may consider appropriate.

(c) The publication or service of notice will be made not less than fifteen (15) days prior to the time fixed for hearing, if any, unless the Commission for good cause stated in the notice provides otherwise.

§ 2.805 Participation by interested persons.

(a) The Commission will afford interested persons an opportunity to participate in rule making through the submission of statements, information, opinions, and arguments in the manner stated in the notice. The Commission may grant additional reasonable opportunity for the submission of comments.

(b) The Commission may hold informal hearings at which interested persons may be heard, adopting procedures which in its judgment will best serve the purpose of the hearing.

§ 2.806 Commission action.

The Commission will incorporate in the notice of adoption of a regulation a concise general statement of its basis and purpose, and will cause the notice and regulation to be published in the FEDERAL REGISTER or served upon affected persons.

§ 2.807 Effective date.

The notice of adoption of a regulation will specify the effective date. Publication or service of the notice and regulation, other than one granting or recognizing exemptions or relieving from restrictions, will be made not less than thirty (30) days prior to the effective date unless the Commission directs otherwise on good cause found and published in the notice of rule making.

AVAILABILITY OF OFFICIAL RECORDS

§ 2.810 Public inspection, exceptions, requests for withholding.

(a) Except as provided in paragraph (b) of this section, all records of a proceeding subject to this part, and related documents which constitute public records of the Commission as defined in Part 9 of this chapter, will be made available for public inspection at the Public Document Room.

(b) A person who proposes that a document or a part be withheld in whole or in part from public disclosure shall at the time of filing it submit an application for withholding or make timely application thereafter identifying the document or part, and stating reasons why it should be withheld. He shall, as far as possible, incorporate in a separate paper any part sought to be withheld. The Commission may withhold any document or part from public inspection if disclosure of its contents is not required in the public interest and would adversely affect the interest of a person concerned. Withholding from public inspection shall not, however, affect the right, if any, of persons properly and directly concerned to inspect the document. If the applicant fails to comply with the requirements of this paragraph, the Commission will inform him that it intends to deny his application unless he complies with those requirements within the time stated in the notice.

(c) If a request is denied, the Commission will notify an applicant of the denial with a statement of reasons. The notice of denial will specify a time, not less than thirty (30) days after the date of the notice, when the document will be placed in the Public Document Room. If, within the time specified in the notice, the applicant requests withdrawal of his application, the document will not be placed in the Public Document Room.

Subpart I—Special Procedures Applicable to Adjudicatory Proceedings Involving Restricted Data

§ 2.900 Purpose.

This subpart is issued pursuant to section 181 of the Atomic Energy Act of 1954, as amended, to provide such procedures in proceedings subject to this part as will effectively safeguard and prevent disclosure of Restricted Data to unauthorized persons, with minimum impairment of procedural rights.

§ 2.901 Scope.

This subpart applies to all proceedings subject to this part.

§ 2.902 Definitions.

As used in this subpart:

(a) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America, which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.

(b) "Interested party" means a party having an interest in the issue or issues to which particular Restricted Data is relevant. Normally the interest of a party in an issue may be determined by examination of the notice of hearing, the answers and replies.

(c) The phrase "introduced into a proceeding" refers to the introduction or incorporation of testimony or documentary matter into any part of the official record of a proceeding subject to this part.

§ 2.903 Protection of Restricted Data.

Nothing in this subpart shall relieve any person from safeguarding Restricted Data in accordance with the applicable provisions of laws of the United States and rules, regulations or orders of any Government Agency.

§ 2.904 Classification assistance.

On request of any party to a proceeding or of the presiding officer, the Commission will designate a representative to advise and assist the presiding officer and the parties with respect to security classification of information and the safeguards to be observed.

§ 2.905 Access to Restricted Data for parties; security clearances.

(a) *Access to Restricted Data introduced into proceedings.* (1) Restricted Data which is within a category specified in Appendix A, Part 25 of this chapter, and which is introduced into a proceeding subject to this part, will be made available to any party to the proceeding, to counsel and to such other individuals as a party intends to use in connection with the preparation and presentation of his case, provided that each such person has the required security clearance.

(2) Other Restricted Data introduced into a proceeding subject to this part will be made available to any interested party having the required security clearance; to counsel for an interested party provided the counsel has the required security clearance; and to such additional persons having the required security clearance as the Commission or the presiding officer determines are needed by such party for adequate preparation or presentation of his case. Where the interest of such party will not be prejudiced, the Commission or presiding officer may postpone action upon an application for access under this subparagraph until after a notice of hearing, answers and replies have been filed.

(3) Any party desiring access to Restricted Data introduced into the record of a proceeding subject to this part should file an application for order granting access pursuant to this section.

(b) *Access to Restricted Data not introduced into proceedings.* (1) On application showing that access to Restricted Data may be required for the preparation of a party's case, and except as provided in paragraph (h) of this section, the Commission or the presiding officer will issue an order granting access to such Restricted Data to the party upon his obtaining the required security clearance, to counsel for the party upon their obtaining the required security clearance, and to such other individuals as may be needed by the party for the preparation and presentation of his case upon their obtaining the required clearance.

(2) Where the interest of the party applying for access will not be prejudiced, the Commission or presiding officer may postpone action on an application pursuant to this paragraph until after a notice of hearing, answers and replies have been filed.

(c) The Commission will consider requests for appropriate security clearances in reasonable numbers pursuant to this section. A reasonable charge will be made by the Commission for costs of security clearance pursuant to this Section.

(d) The presiding officer may certify to the Commission for its consideration and determination any questions relating to access to Restricted Data arising under this section. Any party affected by a determination or order of the presiding officer under this section may appeal forthwith to the Commission from the determination or order. The filing by the regulatory staff of an appeal from an order of a presiding officer granting access to Restricted Data shall stay the order pending determination of the appeal by the Commission.

(e) An application under this section for orders granting access to Restricted Data within a category specified in Appendix A, Part 25 of this chapter, will normally be acted upon by the presiding officer, or if a proceeding is not before a presiding officer, by the Commission. An application for an order granting access to Restricted Data which is not within such a category will be acted upon by the Commission.

(f) To the extent practicable, an application for an order granting access under this section shall describe the subjects of Restricted Data to which access is desired and the level of classification (confidential, secret or other) of the information; the reasons why access to the information is requested; the names of individuals for whom clearances are requested; and the reasons why security clearances are being requested for those individuals.

(g) On the conclusion of a proceeding, the Commission will terminate all orders issued in the proceeding for access to Restricted Data and all security clearances granted pursuant to them; and may issue such orders requiring the disposal of classified matter received pursuant to them or requiring the observance of other procedures to safeguard

such classified matter as it deems necessary to protect Restricted Data.

(h) The Commission may refuse to grant access to Restricted Data which is not within a category specified in Appendix A to Part 25 of this chapter on a determination that the granting of access will be inimical to the common defense and security.

§ 2.906 Obligation of parties to avoid introduction of Restricted Data.

It is the obligation of all parties in a proceeding subject to this part to avoid, where practicable, the introduction of Restricted Data into the proceeding. This obligation rests on each party whether or not all other parties have the required security clearance.

§ 2.907 Notice of intent to introduce Restricted Data.

(a) If, at the time of publication of a notice of hearing, it appears to the regulatory staff that it will be impracticable for it to avoid the introduction of Restricted Data into the proceeding, it will file a notice of intent to introduce Restricted Data.

(b) If, at the time of filing of an answer to the notice of hearing it appears to the party filing that it will be impracticable for the party to avoid the introduction of Restricted Data into the proceeding, the party shall state in the answer a notice of intent to introduce Restricted Data into the proceeding.

(c) If, at any later stage of a proceeding, it appears to any party that it will be impracticable to avoid the introduction of Restricted Data into the proceeding, the party shall give to the other parties prompt written notice of intent to introduce Restricted Data into the proceeding.

(d) Restricted Data shall not be introduced into a proceeding after publication of a notice of hearing unless a notice of intent has been filed in accordance with § 2.908, except as permitted in the discretion of the presiding officer when it is clear that no party or the public interest will be prejudiced.

§ 2.908 Contents of notice of intent to introduce Restricted Data.

(a) A party who intends to introduce Restricted Data shall file a notice of intent with the Secretary. The notice shall be unclassified and, to the extent consistent with classification requirements, shall include the following:

(1) The subject matter of the Restricted Data which it is anticipated will be involved;

(2) The highest level of classification of the information (confidential, secret, or other);

(3) The stage of the proceeding at which he anticipates a need to introduce the information; and

(4) The relevance and materiality of the information to the issues on the proceeding.

(b) In the discretion of the presiding officer, such notice, when required by § 2.907(c), may be given orally on the record.

§ 2.909 Rearrangement or suspension of proceedings.

In any proceeding subject to this part where a party gives a notice of intent to introduce Restricted Data, and the presiding officer determines that any other interested party does not have required security clearances, the presiding officer may in his discretion:

(a) Rearrange the normal order of the proceeding in a manner which gives such interested parties an opportunity to obtain required security clearances with minimum delay in the conduct of the proceeding.

(b) Suspend the proceeding or any portion of it until all interested parties have had opportunity to obtain required security clearances. No proceeding shall be suspended for such reasons for more than 100 days except with the consent of all parties or on a determination by the presiding officer that further suspension of the proceeding would not be contrary to the public interest.

(c) Take such other action as he determines to be in the best interest of all parties and the public.

§ 2.910 Unclassified statements required.

(a) Whenever Restricted Data is offered in evidence in a proceeding, the party offering it shall submit to the presiding officer and to all parties to the proceeding an unclassified statement setting forth the information in the classified matter as accurately and completely as possible.

(b) In accordance with such procedures as may be agreed upon by the parties or prescribed by the presiding officer, and after notice to all parties and opportunity to be heard thereon, the presiding officer shall determine whether the unclassified statement or any portion of it, together with any appropriate modifications suggested by any party, may be substituted for the classified matter or any portion of it without prejudice to the interest of any party or to the public interest.

(c) If the presiding officer determines that the unclassified statement, together with such unclassified modifications as he finds are necessary or appropriate to protect the interest of other parties and the public interest, adequately sets forth information in the classified matter which is relevant and material to the issues in the proceeding, he shall direct that the classified matter be excluded from the record of the proceeding. His determination will be considered by the Commission as a part of the decision in the event of review.

(d) If the presiding officer determines that an unclassified statement does not adequately present the information contained in the classified matter which is relevant and material to the issues in the proceeding, he shall include his reasons in his determination. This determination shall be included as part of the record and will be considered by the Commission in the event of review of the determination.

(e) The presiding officer may postpone all or part of the procedures established in this section until the reception of all other evidence has been completed. Service of the unclassified statement required in paragraph (a) of this section shall not be postponed if any party does not have access to Restricted Data.

§ 2.911 Admissibility of Restricted Data.

A presiding officer shall not receive any Restricted Data in evidence unless:

(a) The relevance and materiality of the Restricted Data to the issues in the proceeding, and its competence, are clearly established; and

(b) The exclusion of the Restricted Data would prejudice the interests of a party or the public interest.

§ 2.912 Weight to be attached to classified evidence.

In considering the weight and effect of any Restricted Data received in evidence to which an interested party has not had opportunity to receive access, the presiding officer and the Commission shall give to such evidence such weight as is appropriate under the circumstances, taking into consideration any lack of opportunity to rebut or impeach the evidence.

§ 2.913 Review of Restricted Data received in evidence.

At the close of the reception of evidence, the presiding officer shall review the record and shall direct that any Restricted Data be expunged from the record where such expunction would not prejudice the interests of a party or the public interest. Such directions by the presiding officer will be considered by the Commission in the event of review of the determinations of the presiding officer.

§ 2.914 Access under Part 25 of this chapter not affected.

Nothing in this subpart or any order issued in a proceeding pursuant to the regulations in this subpart shall be deemed to abridge access to Restricted Data to which any person may be entitled under the regulations in Part 25 of this chapter.

[F.R. Doc. 62-363; Filed, Jan. 12, 1962; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 4—POLITICAL ACTIVITY

Investigation and Waiver of Hearing

Paragraph (b) of § 4.201 and § 4.206 of Subpart A are amended as set out below.

§ 4.201 Investigation.

* * * * *

(b) During the course of the investigation, the employee shall be afforded an opportunity to make a statement concerning the substance of the political activity disclosed by the investigation and to furnish the names of witnesses he wishes to have interviewed.

§ 4.206 Waiver of hearing.

If the employee waives a hearing and the General Counsel agrees to such waiver, the case shall be submitted, on the record, to the Commission.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521; 3 CFR 1954 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-419; Filed, Jan. 12, 1962; 8:48 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Health, Education, and Welfare

Effective upon publication in the FEDERAL REGISTER, paragraph (d)(3) of § 6.114 is amended as set out below.

§ 6.114 Department of Health, Education, and Welfare.

* * * * *

(d) *Social Security Administration.*

* * *

(3) Not to exceed 100 positions directly concerned with programs conducted by the Department in connection with the problems of Cuban refugees: *Provided*, That employment under this authority shall be temporary and no employment shall be made under it after June 30, 1963.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-418; Filed, Jan. 12, 1962; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 2]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.302 Navel Orange Regulation 2.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 11, 1962.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., January 14, 1962, and ending at 12:01 a.m., P.s.t., January 21, 1962, are hereby fixed as follows:

(i) District 1: 300,000 cartons;

(ii) District 2: 300,000 cartons;

(iii) District 3: unlimited movement;

(iv) District 4: unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 12, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-493; Filed, Jan. 12, 1962; 11:21 a.m.]

[Grapefruit Reg. 1]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 909.301 Grapefruit Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on January 4, 1962, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended regulation is based were received by the Fruit Branch on January 9, 1962; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this

section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., January 14, 1962, and ending at 12:01 a.m., P.s.t., February 11, 1962, no handler shall handle:

(i) From the State of California or the State of Arizona to any point outside thereof any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of White Water, California, unless (a) such grapefruit grade at least U.S. No. 2: *Provided*, That included in the tolerances for defects permitted by such grade not more than 5 percent, by count, shall be allowed for grapefruit having peel more than one inch in thickness at the stem end, measured from the flesh to the highest point of the peel, and (b) not less than 50 percent, by count, of such grapefruit in any lot, and not less than 40 percent, by count, of such grapefruit in any individual container in such lot are well formed; or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which measure less than $3^{11}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.925–51.955: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than $3^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{7}/_{16}$ inches in diameter and smaller.

(2) As used herein, "handler," "variety," "grapefruit," and "handle" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U.S. No. 2" and "well formed" shall each have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 10, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–429; Filed, Jan. 12, 1962; 8:49 a.m.]

[Lemon Reg. 2]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.302 Lemon Regulation 2.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 9, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., January 14, 1962, and ending at 12:01 a.m., P.s.t., January 21, 1962, are hereby fixed as follows:

(i) District 1: 18,600 cartons;

(ii) District 2: 148,800 cartons;

(iii) District 3: unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 11, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–452; Filed, Jan. 12, 1962; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Conversion of 6-months Time Certificate of Deposit Into 12-Months Certificate

§ 217.123 Conversion of 6-months time certificate of deposit into 12-months certificate.

(a) The Board of Governors has been requested to give its opinion on the question whether, under the current Supplement to the Board's Regulation Q, a 6-months certificate of deposit may be converted to a 12-months certificate bearing interest at the new maximum rate of 4 percent.

(b) In 1951, the Board took the position that where a time deposit subject to withdrawal upon 30 days' notice and bearing interest at 1 percent was amended so as to provide for 90 days' notice of withdrawal and interest at 1¼ percent, such action did not constitute payment before maturity in violation of Regulation Q, since the amendment made the deposit subject to more severe restriction as to withdrawal and did not result in payment to the depositor. (12 CFR 217.102) Similarly, conversion of an outstanding 6-months certificate, prior to its maturity, to a 12-months certificate would not constitute payment before maturity, since it would not cause the bank to pay out any funds to the depositor before the maturity date fixed by the original certificate. Consequently, as far as payment before maturity is concerned and without regard to maximum rate of interest, an outstanding certificate may be amended to extend its maturity either to a date 12 months after its original issue date or 12 months after the date of the amendment, or the same results may be accomplished by exchange of the outstanding certificate for a new certificate maturing either 12 months after the issue date of the original certificate or 12 months after the date of such exchange. However, the payment of the maximum rate of 4 percent in any such case presents a different question.

(c) In the 1951 case above mentioned, the more restrictive withdrawal provision became effective at the time of the amendment, and the Board therefore held that the higher maximum rate applicable to the more restrictive withdrawal provision could be paid on the deposit after the date of such amendment. Applying the same principle to the conversion of a certificate with a specified maturity to one to which a higher maximum rate is applicable, the condition precedent to payment of the higher rate will exist only if the amended or new certificate will have a maturity to which such higher rate is applicable, computed from the date of such conversion. Accordingly, where a 6-months certificate is converted to a 12-months certificate, the presently permissible maximum rate of 4 percent applicable to a 12-months certificate may be paid from the date of the conversion (whether by amendment or exchange of certificate) only if the certificate will have at least 12 months to run after the conversion before the new maturity date.

(d) For example, if a 6-months certificate issued on October 1, 1961, should be amended or exchanged on February 1, 1962, so that the amended or new certificate would mature on February 1, 1963, a maximum rate of 4 percent could be paid for the period following the date of such amendment or exchange. If, however, the outstanding certificate should be amended or exchanged on February 1, 1962, so as to mature on October 1, 1962, the deposit would never have been effectively "tied up" for more than 8 months, and the maximum permissible rate would continue to be that applicable to a certificate with a maturity of more than 6 but less than 12 months. Without a restriction of this kind, the maturity of an outstanding certificate could be extended so as to enable the depositor to obtain interest at a rate higher than that allowed for the additional time the funds are on deposit and thus faciiitate evasions of the limitations on maximum rates prescribed by the Board. For example, if a 12-months certificate could be amended to extend its maturity for an additional month, successive such amendments would make it possible for the depositor after 12 months to continue to obtain the maximum rate of 4 percent while in effect being able at all times to withdraw his deposit at the end of each additional month.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interprets or applies secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U.S.C. 264(c)(7), 371, 371a, 371b, 461)

Dated at Washington, D.C., this 5th day of January 1962.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62–392; Filed, Jan. 12, 1962; 8:45 a.m.]

PART 261—RULES REGARDING INFORMATION, SUBMITTALS, AND REQUESTS

Correction

In § 261.4, as revised effective December 15, 1961 (F.R. Doc. 12232; 26 F.R. 12496), the reference to § 262.3(b) should read § 262.2(b).

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62–393; Filed, Jan. 12, 1962; 8:45 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC–1, 265]

PART 563—OPERATIONS

Change of State-Chartered Mutual Insured Institution to a Guaranty or Permanent Stock Institution

JANUARY 9, 1962.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) for the purpose of establishing minimum requirements for conversion from a State-chartered mutual institution to a guaranty or permanent stock type institution by the addition of a new section to said Part 563 setting out such minimum requirements, and notice and public procedure having been duly afforded (26 F.R. 11217), and for the purpose of effecting such amendment, hereby amends said Part 563, effective February 12, 1962, as follows:

Part 563 aforesaid is hereby amended by adding thereto, immediately after § 563.22, the following new section:

§ 563.22–1 Change of State-chartered mutual institution to a guaranty or permanent stock type institution.

No State-chartered mutual insured institution may change from that type of institution to a guaranty or permanent stock type institution, or an institution of a type having stock of a similar nature, unless the following minimum requirements are complied with:

(a) The change may be effected only in accordance with a written plan approved by the Corporation, and in passing upon any such plan the Corporation may give consideration to any element of good-will value.

(b) All requirements of or under State law shall have been complied with.

(c) The plan shall be submitted to the Corporation by action of the board of directors of such mutual institution prior to the giving of notice as hereinafter provided.

(d) The plan shall contain provisions which, in the judgment of the Corporation, are adequate to assure that each shareholder of record at such date as the plan shall fix with the approval of the Corporation will be entitled to receive, without any payment, a withdrawable account or accounts in the changed type of institution equal in withdrawable amount to the withdrawable amount of such shareholder's account or accounts in the mutual institution plus the full equivalent in cash of the value of such shareholder's interest in the excess of the net worth of the mutual institution over the withdrawable amount of all accounts in such institution, as determined by the Corporation at the expense of the institution. The issuance and amount of such stock shall be as required by the Corporation, provided that full payment for such proposed stock will be made of a sum which shall be at least equal to the minimum amount required by or under the laws of the State or 5 percent of total withdrawable accounts, whichever is more.

(e) The plan shall include appropriate provisions to prevent reduction of the Federal insurance reserve as a result of action under the plan.

(f) The institution shall give formal notice of a special meeting called to vote on the plan, which notice shall be in such form as may be prescribed by the Corporation and shall be mailed, postage prepaid, at least 15 and not more than 30 days prior to the date of such meeting, and shall set forth the terms of the plan, the rights of the members, and such other matters as the Corporation may require.

(g) The plan shall be approved by a vote of those representing at least two-thirds in withdrawable amounts of the outstanding shares of the mutual institution as of the end of the month next preceding the date of such meeting and by not less than two-thirds in number of the eligible votes cast at such meeting. Voting by proxy shall be subject to such requirements and restrictions as the Corporation may prescribe.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 62–420; Filed, Jan. 12, 1962; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–FW–72]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone and Designation of Transition Area

On September 23, 1961, a notice of proposed rule making was published in

the FEDERAL REGISTER (26 F.R. 8990) stating that the Federal Aviation Agency proposed to alter the control zone and designate a transition area at Alma, Ga.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Part 601 (14 CFR Part 601, 26 F.R. 1908) is amended by adding the following section:

§ 601.10018 Alma, Ga., transition area.

The airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Alma Intermediate Field (latitude 31°32'05" N., longitude 82°30'35" W.).

2. Section 601.2172 (14 CFR 601.2172) Alma, Ga., control zone is amended to read:

§ 601.2172 Alma, Ga., control zone.

Within a 5-mile radius of the Alma Intermediate Field (latitude 31°32'05" N., longitude 82°30'35" W.); and within 2 miles either side of the Alma VOR 036° and 225° radials extending from the 5-mile radius zone to 8 miles NE and SW of the VOR.

These amendments shall become effective 0001 e.s.t. March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 9, 1962.

CHARLES W. CARMODY,
For Director,
Air Traffic Service.

[F.R. Doc. 62-390; Filed, Jan. 12, 1962; 8:45 a.m.]

[Reg. Docket No. 1023; Amdt. 83]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Amendments

This amendment is being adopted to insure the safety of IFR operations by establishing the minimum en route IFR altitudes for the route or portions thereof contained herein, and the altitudes which assure navigational coverage that is adequate and free of frequency interference for such routes or portions thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice, public procedure and effective date provisions of the Administrative Procedure Act would be impracticable.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 610 is hereby amended as follows:

Section 610.18 *Green Federal airway 8* is amended to delete:

From Cold Bay, Alaska; to LFR King Salmon, Alaska, LFR; MEA 4,000.

Section 610.107 *Amber Federal airway 7* is amended to read in part:

From Millinocket, Maine, LFR; to Presque Isle, Maine, LFR; MEA 3,500.

Section 610.299 *Red Federal airway 99* is amended to read in part:

From Iliamna, Alaska, LFR; to Bruin Bay INT, Alaska; MEA 6,000.

Section 610.625 *Blue Federal airway 25* is amended to read in part:

From Gulkana, Alaska, LFR; to *Big Delta, Alaska, LFR; MEA 13,000. *10,600—MCA Big Delta LFR, southbound.

Section 610.1001 *Direct routes—U.S.* is amended to delete:

From Lanai, TH., VOR; to *Southgate INT, TH.; MEA 5,000. *5,000—MCA Southgate INT, eastbound.

From Lanai, TH., VOR; to Makapun Pt. LF/RBN; MEA 5,000.

From Maui, TH., LFR; to Makapun Pt. LF/RBN; MEA 6,000.

From Fremont, Calif., LF/RBN; to Altamont INT, Calif., southwestbound only; MEA 5,000.

From Fremont, Calif., LF/RBN; to Bay Point, Calif., FM, southwestbound only; MEA 6,000.

From Fremont, Calif., LF/RBN; to Half Moon Bay INT, Calif.; MEA 4,500.

From Tampa, Fla., VOR; to West Palm Beach, Fla., VOR; MEA 4,000.

From West Palm Beach, Fla., LFR; to Int. 300 brg from West Palm Beach LFR and 045 brg from Fort Myers LF/RBN; MEA 1,200.

From Int. 300 brg from West Palm Beach LFR and 045 brg from Fort Myers LF/RBN; to Tampa, Fla., LFR; MEA 2,100.

From Orlando, Fla., LFR; to Tampa, Fla., VOR (ORL-225 and TPA-275); MEA 1,900.

From Valdosta, Ga., VOR; to Genoa INT, Fla.; MEA 1,300.

Section 610.1001 *Direct routes—U.S.* is amended by adding:

From Allendale, S.C., VOR; to Thomas INT, S.C.; MEA 2,000.

Section 610.6001 *VOR Federal airway 1* is amended to read in part:

From Charleston, S.C., VOR; to *Davis INT, S.C.; MEA 1,300. *3,000—MRA.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From Mullan Pass, Idaho, VOR; to Missoula, Mont., VOR; MEA 10,000.

From Albany, N.Y., VOR; to *Melrose INT, N.Y.; MEA 3,000. *4,600—MCA Melrose INT, eastbound.

From Melrose INT, N.Y.; to *Griswoldville INT, Mass.; MEA 5,600. *4,300—MCA Griswoldville INT, westbound.*

Section 610.6003 *VOR Federal airway 3* is amended to read in part:

From Daytona Beach, Fla., VOR, via E alter.; to *Croaker INT, Fla., via E alter.; MEA **2,000. *3,500—MRA. **1,100—MOCA.

From Croaker INT, Fla., via E alter.; to Marion INT, Fla., via E alter.; MEA *2,000. *1,100—MOCA.

From Sea Island INT, Ga., via E alter.; to *Sapelo INT, Ga., via E alter.; MEA **2,000. *4,000—MRA. **1,000—MOCA.

From Sapelo INT, Ga., via E alter.; to *Catherine INT, Ga., via E alter.; MEA **2,000. *4,000—MRA. **1,100—MOCA.

From Catherine INT, Ga., via E alter.; to Savannah, Ga., VOR via E alter.; MEA *2,000. *1,500—MOCA.

Section 610.6004 *VOR Federal airway 4* is amended to read in part:

From Allegheny INT, Pa.; to Johnstown, Pa., VOR; MEA 4,500.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From Cherokee, Wyo., VOR; to Medicine Bow, Wyo., VOR; MEA 11,000.

From Cherokee, Wyo., VOR, via N alter.; to Medicine Bow, Wyo., VOR, via N alter.; MEA 11,000.

From Medicine Bow, Wyo., VOR; to Bear Creek INT, Wyo.; MEA 10,500.

From *Lyman INT, Iowa; to **Middle River INT, Iowa; MEA 2,600. *3,500—MRA. **3,000—MRA.

From *Newcastle INT, Calif., via N alter.; to Blue Canyon INT, Calif., via N alter.; southwest bound, MEA 7,000; northeast bound, MEA 11,000. *7,500—MCA Newcastle INT, northeast bound.

From Wauseon INT, Ohio; to Waterville, Ohio, VOR; MEA *2,000. *1,800—MOCA.

Section 610.6008 *VOR Federal airway 8* is amended to read in part:

From *Lyman INT, Iowa; to **Middle River INT, Iowa; MEA 2,600. *3,500—MRA. **3,000—MRA.

From Hawkins INT, Calif., via N alter.; to *Barstow INT., Calif., via N alter.; MEA 12,500. *8,500—MCA Barstow INT, southwest bound.

Section 610.6013 *VOR Federal airway 13* is amended to read in part:

From Neosho, Mo., VOR, via W alter.; to Butler Mo., VOR, via W alter.; MEA 3,000.

From Butler, Mo., VOR; to Kansas City, Mo., VOR; MEA 3,000.

Section 610.6014 *VOR Federal airway 14* is amended to read in part:

From *Norge INT, Okla., via S alter.; to Oklahoma City, Okla., VOR, via S alter.; MEA 2,800. *4,300—MRA.

From Albany, N.Y., VOR; to *Melrose INT, N.Y.; MEA 3,000. *4,600—MCA Melrose INT, eastbound.

From Melrose INT, N.Y.; to *Griswoldville INT, Mass.; MEA 5,600. *4,300—MCA Griswoldville INT, westbound.

From *Coldwater INT, Ind.; to **Rockford INT, Ohio; MEA ***3,000. *3,000—MRA. **3,000—MRA. ***2,200—MOCA.

From Rockford INT, Ohio; to Findlay, Ohio, VOR; MEA *3,000. *2,500—MOCA.

Section 610.6015 *VOR Federal airway 15* is amended to read in part:

From Dallas, Tex., VOR; to Prosper INT, Tex.; MEA 2,100.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From Texarkana, Ark., VOR; to Hope INT, Ark.; MEA 1,700.

From Hope INT, Ark.; to Grapevine INT, Ark.; MEA *3,200. *1,500—MOCA.

From Mineral Wells, Tex., VOR; to Dallas, Tex., VOR; MEA 2,500.

Section 610.6018 *VOR Federal airway 18* is amended to read in part:

From *Ashton INT, S.C.; to **Ruffin INT, S.C.; MEA 1,500. *2,500—MRA. **2,400—MRA.

Section 610.6019 *VOR Federal airway 19* is amended to delete:

From *Billings, Mont., VOR, via W alter.; to Cushman INT, Mont., via W alter.; southeastbound, MEA 6,000; northwestbound, MEA 11,000. *6,800—MCA Billings VOR, northwestbound.

From Cushman INT, Mont., via W alter.; to *Lewistown, Mont., VOR, via W alter.; MEA 11,000. *9,500—MCA Lewistown VOR, southeastbound.

Section 610.6021 *VOR Federal airway 21* is amended to read in part:

From Pocatello, Idaho, VOR; to Idaho Falls, Idaho, VOR; MEA 7,000.

From Idaho Falls, Idaho, VOR; to *Dubois, Idaho, VOR; MEA 7,500. *9,800—MCA Dubois VOR, northbound.

From Idaho Falls, Idaho, VOR, via E alter.; to Dubois, Idaho, VOR, via E alter.; MEA 7,500.

From Helena, Mont., VOR, via W alter.; to *Simms INT, Mont., via W alter.; MEA 9,500. *9,500—MRA.

From Simms INT, Mont., via W alter.; to Choteau INT, Mont., via W alter.; MEA 9,500.

Section 610.6035 *VOR Federal airway 35* is amended to read in part:

From St. Petersburg, Fla., VOR, via W alter.; to *Oyster INT, Fla., via W alter.; MEA 1,300. *3,400—MRA.

Section 610.6050 *VOR Federal airway 50* is amended to read in part:

From Indianapolis, Ind., VOR, via N alter.; to *Cowan INT, Ohio, via N alter.; MEA 2,800. *4,000—MRA.

Section 610.6055 *VOR Federal airway 55* is amended to read in part:

From Dayton, Ohio, VOR, via E alter.; to *Rockford INT, Ohio, via E alter.; MEA 2,300. *3,000—MRA.

From Rockford INT, Ohio, via E alter.; to Fort Wayne, Ind., VOR, via E alter.; MEA 2,300.

Section 610.6056 *VOR Federal airway 56* is amended to read in part:

From Monetta INT, S.C., via N alter.; to *Summit INT, S.C., via N alter.; MEA 1,700. *2,300—MRA.

From Summit INT, S.C., via N alter.; to Columbia, S.C., VOR, via N alter.; MEA 1,700.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From Denton INT, Tex.; to Prosper INT, Tex.; MEA *2,100. *1,800—MOCA.

Section 610.6068 *VOR Federal airway 68* is amended to read in part:

From Andrews INT, Tex.; to Pipe Line INT, Tex.; MEA *4,800. *4,500—MOCA.

From Johnson INT, Tex.; to *Sterling INT, Tex.; MEA **5,000. *5,000—MRA. **3,800—MOCA.

Section 610.6072 *VOR Federal airway 72* is amended to read in part:

From Bennington INT, Vt.; to *Newfane INT, Vt.; MEA **6,000. *6,000—MCA Newfane INT, westbound. **5,700—MOCA.

Section 610.6077 *VOR Federal airway 77* is amended to read in part:

From *Norge INT, Okla.; to Oklahoma City, Okla., VOR; MEA 2,800. *4,300—MRA.

Section 610.6081 *VOR Federal airway 81* is amended to read in part:

From *Hale INT, Tex.; to Plainview INT, Tex.; MEA 4,500. *8,000—MRA.

Section 610.6083 *VOR Federal airway 83* is amended to read in part:

From Santa Fe, N. Mex., VOR; to Taos, N. Mex., VOR; MEA 11,000.

Section 610.6085 *VOR Federal airway 85* is amended to read:

From Medicine Bow, Wyo., VOR, via W alter.; to *Casper, Wyo., VOR, via W alter.; MEA 11,000. *9,500—MCA Casper VOR, southbound.

Section 610.6088 *VOR Federal airway 88* is amended to read in part:

From Vinita INT, Okla.; to *Waco INT, Mo.; MEA **6,500. *6,500—MCA Waco INT, southwestbound. **2,300—MOCA.

Section 610.6097 *VOR Federal airway 97* is amended to read in part:

From St. Petersburg, Fla., VOR, via W alter; to *Oyster INT, Fla., via W alter.; MEA 1,300. *3,400—MRA.

Section 610.6100 *VOR Federal airway 100* is amended to read in part:

From Medicine Bow, Wyo., VOR; to *Wheatland INT, Wyo.; MEA 11,000. *9,200—MCA Wheatland INT, westbound.

Section 610.6104 *VOR Federal airway 104* is amended to read in part:

From Massena, N.Y., VOR; to *Malone INT, N.Y.; MEA 3,000. *3,500—MCA Malone INT, eastbound.

Section 610.6114 *VOR Federal airway 114* is amended to read in part:

From Gregg Co., Tex., VOR, via N alter.; to Marshall INT, Tex., via N alter.; MEA 1,900.

Section 610.6118 *VOR Federal airway 118* is amended to read in part:

From Medicine Bow, Wyo., VOR; to *Laramie, Wyo., VOR; MEA 9,000. *10,000—MCA Laramie VOR southeastbound.

Section 610.6120 *VOR Federal airway 120* is amended to read in part:

From Mullan Pass, Idaho, VOR; to Charlo INT, Mont.; westbound, MEA 10,000; eastbound, MEA 13,000.

From Charlo INT, Mont.; to Augusta INT, Mont.; MEA *13,000. *11,500—MOCA.

From Augusta INT, Mont.; to *Simms INT, Mont; westbound, MEA 10,000; eastbound, MEA 7,000. *9,500—MRA.

From Simms INT, Mont.; to *Ft. Shaw INT, Mont.; westbound, MEA 10,000; eastbound, MEA 7,000. *8,000—MRA.

From Lewistown, Mont., VOR; to Forestgrove INT, Mont.; MEA 8,000.

From Forest grove INT, Mont.; to Sumatra INT, Mont.; MEA 9,000.

From Sumatra INT, Mont.; to Miles City, Mont., VOR; MEA *8,000. *6,000—MOCA.

Section 610.6132 *VOR Federal airway 132* is amended to read in part:

From McCune INT, Kans., via S alter.; to Waco INT, Mo., via S alter.; MEA 3,000.

Section 610.6133 *VOR Federal airway 133* is amended to read in part:

From Saginaw, Mich., VOR; to Traverse City, Mich., VOR; MEA *3,000. *2,600—MOCA.

Section 610.6138 *VOR Federal airway 138* is amended to read in part:

From Medicine Bow, Wyo., VOR; to Cheyenne, Wyo., VOR; MEA 10,500.

From Medicine Bow Wyo., VOR, via N alter.; to Cheyenne, Wyo., VOR, via N alter.; MEA 10,500.

Section 610.6139 *VOR Federal airway 139* is amended to read in part:

From Providence, R.I., VOR; to Whitman, Mass., VOR; MEA 2,000.

From Whitman, Mass., VOR; to Boston, Mass., VOR; MEA 2,000.

Section 610.6157 *VOR Federal airway 157* is amended to read in part:

From Lotts INT, Ga.; to Allendale, S.C., VOR; MEA 1,600.

Section 610.6159 *VOR Federal airway 159* is amended to read in part:

From *Dixie Ranch INT, Fla., via W alter.; to Bailey INT, Fla., via W alter.; **1,800. *1,500—MRA. **1,200—MOCA.

From Bailey INT, Fla., via W alter.; to *Gentry INT, Fla., via W alter.; MEA 1,200. *1,500—MRA.

From Gentry INT, Fla., via W alter.; to *St. Cloud INT, Fla., via W alter.; MEA 1,300. *1,500—MRA.

From St. Cloud INT, Fla., via W alter.; to Orlando, Fla., VOR, via W alter.; MEA 1,300.

Section 610.6168 *VOR Federal airway 168* is amended to read in part:

From Medicine Bow, Wyo., VOR; to Scottsbluff, Nebr., VOR; MEA 10,200.

Section 610.6185 *VOR Federal airway 185* is amended to delete:

From Augusta, Ga., VOR, via W alter.; to *McCormick INT, S.C., via W alter.; MEA 2,000. *3,000—MRA.

From McCormick INT, S.C., via W alter.; to Honea INT, Ga., via W alter.; MEA 2,000.

From Honea INT, Ga., via W alter.; to Greenville, S.C., ILS loc., via W alter.; MEA 4,000.

From Greenville, S.C., ILS loc., via W alter.; to Tigerville INT, S.C., via W alter.; MEA 4,000.

From Tigerville INT, S.C., via W alter.; to Asheville, N.C., VOR, via W alter.; MEA 6,000.

Section 610.6185 *VOR Federal airway 185* is amended to read in part:

From Savannah, Ga., VOR; to *Springfield INT, Ga.; MEA 1,500. *5,200—MRA.

From Springfield INT, Ga.; to Kildare INT, Ga.; MEA 1,500.

From Kildare INT, Ga.; to *Sardis INT, Ga.; MEA **2,000. *2,100—MRA. **1,500—MOCA.

From Statesboro INT, Ga., via W alter.; to Dover INT, Ga., via W alter.; MEA 1,600.

From Augusta, Ga., VOR; to Greenwood, S.C., VOR; MEA *2,300. *2,100—MOCA.

From Greenwood, S.C., VOR; to *Inman INT, S.C.; MEA **3,000. *4,000—MCA Inman INT, northbound. **2,500—MOCA.

From Inman INT, S.C.; to Asheville, N.C., VOR; MEA 6,000.

Section 610.6187 *VOR Federal airway 187* is amended by adding:

From Billings, Mont., VOR; to *Judith Gap INT, Mont.; northwest bound, MEA 8,000; southeast bound, MEA 7,000. *10,000—MCA Judith Gap INT, northwestbound.

From Judith Gap INT, Mont.; to Hughesville INT, Mont.; 11,000.

From Hugheaville INT, Mont.; to *Great Falls, Mont., VOR; 10,000. *7,400—MCA Great Falls VOR, southeastbound.

Section 610.6190 *VOR Federal airway 190* is amended to read in part:

From Oswego, Kans., VOR; to Waco INT, Mo.; MEA 3,000.

Section 610.6191 *VOR Federal airway 191* is amended to read in part:

From Memphis, Tenn., VOR; to Gilmore INT, Ark.; MEA *2,000. *1,700—MOCA.

From Gilmore INT, Ark.; to Walnut Ridge, Ark., VOR; MEA 2,300.

Section 610.6193 *VOR Federal airway 193* is amended to read in part:

From White Cloud, Mich., VOR; to Traverse City, Mich., VOR; MEA 3,000.

Section 610.6198 *VOR Federal Airway 198* is amended to read in part:

From Rocksprings, Tex., VOR; to *Haby INT, Tex.; MEA **5,000, *5,000—MRA. **3,800—MOCA.

Section 610.6210 *VOR Federal airway 210* is amended to read in part:

From Indianapolis, Ind., VOR; to *Cowan INT, Ohio; MEA 2,800. *4,000—MRA.
From Cowan INT, Ohio; to Dawn INT, Ohio; MEA *4,000, *2,500—MOCA.
From *Barstow INT, Calif.; to Hector, Calif., VOR; MEA 8,000. *8,500—MCA Barstow INT, southwestbound.

Section 610.6211 *VOR Federal airway 211* is amended to read in part:

From Rocksprings, Tex., VOR; to *Sabinal INT, Tex.; MEA **5,500. *5,500—MRA. **3,800—MOCA.

Section 610.6213 *VOR Federal airway 213* is amended to read in part:

From Woodstown, N.J., VOR; to Columbus INT, N.J.; MEA 2,000.

Section 610.6217 *VOR Federal airway 217* is amended to read in part:

From Green Bay, Wis., VOR; to Rhinelander, Wis., VOR; MEA 3,000.

Section 610.6222 *VOR Federal airway 222* is amended to read in part:

From Ozona INT, Tex.; to Junction, Tex., VOR; MEA *6,000. *3,900—MOCA.

Section 610.6231 *VOR Federal airway 231* is amended to read:

From Missoula, Mont., VOR; to Charlo INT, Mont.; MEA 10,000.

Section 610.6233 *VOR Federal airway 233* is amended to delete:

From Peoria, Ill., VOR; to Bradford, Ill., VOR; MEA 2,100.
From Bradford, Ill., VOR; to Annawan INT, Ill.; MEA 2,100.
From Annawan INT, Ill.; to Cordova, Ill., VOR; MEA 2,000.

Section 610.6233 *VOR Federal airway 233* is amended by adding:

From Springfield, Ill., VOR, via E alter.; to Peoria, Ill., VOR, via E alter.; MEA 2,300.
From Peoria, Ill., VOR; to Cordova, Ill., VOR; MEA 2,100.

Section 610.6235 *VOR Federal airway 235* is amended to read:

From *Provo, Utah, VOR; to Fort Bridger, Wyo., VOR; MEA 14,000. *12,500—MCA Provo VOR, northeastbound.

Section 610.6253 *VOR Federal airway 253* is amended to read in part:

From Lucin, Utah, VOR; to Rock Creek INT, Idaho; MEA *11,000. *10,000—MOCA.

Section 610.6262 *VOR Federal airway 262* is amended by adding:

From Peoria, Ill., VOR; to Bradford, Ill., VOR; MEA 2,100.

Section 610.6267 *VOR Federal airway 267* is amended to read in part:

From *Dixie Ranch INT, Fla.; to Bailey INT, Fla.; MEA **1,800. *1,500—MRA. **1,200—MOCA.
From Bailey INT, Fla.; to *Gentry INT, Fla.; MEA 1,200. *1,500—MRA.
From Gentry INT, Fla.; to *St. Cloud INT, Fla.; MEA 1,300. *1,500—MRA.
From St. Cloud INT, Fla.; to Orlando, Fla., VOR; MEA 1,300.

Section 610.6275 *VOR Federal airway 275* is amended to read in part:

From Cincinnati, Ohio, VOR; to Camden INT, Ohio; MEA 2,500.
From Camden INT, Ohio; to Dayton, Ohio, VOR; MEA *2,500. *2,200—MOCA.

Section 610.6277 *VOR Federal airway 277* is amended to read in part:

From Rosewood, Ohio, VOR; to Anna INT, Ohio; MEA 2,300.
From Anna INT, Ohio; to *Rockford INT, Ohio; MEA **3,000. *3,000—MRA. **2,300—MOCA.
From Rockford INT, Ohio; to Fort Wayne, Ind., VOR; MEA 2,300.

Section 610.6278 *VOR Federal airway 278* is amended to read in part:

From Texico, N. Mex., VOR; to Plainview INT, Tex.; MEA *5,500. *5,200—MOCA.
From Plainview INT, Tex.; to Guthrie, Tex., VOR; MEA *6,500. *5,200—MOCA.

Section 610.6284 *VOR Federal airway 284* is amened to read in part:

From Ozona INT, Tex.; to San Angelo, Tex., VOR; MEA *6,000. *3,700—MOCA.

Section 610.6295 *VOR Federal airway 295* is amended in part:

From Vero Beach, Fla., VOR; to Bailey INT, Fla.; MEA 1,300.
From Bailey INT, Fla.; to *Gentry INT, Fla.; MEA 1,200. *1,500—MRA.
From Gentry INT, Fla.; to *St. Cloud INT, Fla.; MEA 1,300. *1,500—MRA.
From St. Cloud INT, Fla.; to Orlando, Fla., VOR; MEA 1,300.

Section 610.6401 *Hawaii VOR Federal airway 1* is amended to read:

From Lanai, Hawaii, VOR; to Mango INT, Hawaii; MEA 4,600.
From Mango INT, Hawaii; to Harpoon INT, Hawaii; MEA 9,000.
From Harpoon INT, Hawaii; to Upolu Point, Hawaii, VOR; MEA 6,000.
From Upolu Point, Hawaii, VOR; to Paradise INT, Hawaii; MEA 6,000.
From Paradise INT, Hawaii; to *Grass Shack INT, Hawaii; MEA 3,000.
From Grass Shack INT, Hawaii; to Hibiscus INT, Hawaii; MEA 4,000.
From Hibiscus INT, Hawaii; to Hilo, Hawaii, VOR; MEA 3,000.

Section 610.6402 *Hawaii VOR Federal airway 2* is amended to read:

From South Kauai, Hawaii, VOR; to Lihue, Hawaii, VOR; MEA 5,000.
From Lihue, Hawaii, VOR; to Seaweed INT, Hawaii; southeastbound, MEA 3,000; northwestbound, MEA 4,000.
From Seaweed INT, Hawaii; to Breakers INT, Hawaii; MEA 4,000.
From Breakers INT, Hawaii; to Honolulu, Hawaii, VOR; MEA 3,600.
From Honolulu, Hawaii, VOR; to Kahala INT, Hawaii; MEA 5,000.
From *Kahala INT, Hawaii; to Penguin INT, Hawaii; MEA 2,000. *4,000—MCA Kahala INT, northwestbound.
From Penguin INT, Hawaii; to *Lanai, Hawaii, VOR; MEA 4,000. *4,600—MCA Lanai VOR, eastbound.
From Honolulu, Hawaii, VOR, via S alter.; to Ono INT, Hawaii, via S alter.; northwestbound, MEA 4,000; southeastbound, MEA 3,000.
From *Ono INT, Hawaii, via S alter.; to Sampan INT, Hawaii, via S alter.; MEA 2,000. *4,000—MCA Ono INT, northwestbound.
From Sampan INT, Hawaii, via S alter.; to *Lanai, Hawaii, VOR, via S alter.; MEA 4,000. *4,600—MCA Lanai VOR, eastbound.
From Lanai, Hawaii, VOR; to Mango INT, Hawaii; MEA 4,600.
From Mango INT, Hawaii; to Harpoon INT, Hawaii; MEA 9,000.
From Harpoon INT, Hawaii; to Upolu Point, Hawaii, VOR; MEA 6,000.
From Upolu Point, Hawaii, VOR; to Paradise INT, Hawaii; MEA 6,000.
From Paradise INT, Hawaii; to Hilo, Hawaii, VOR; MEA 4,000.
From *Hilo, Hawaii, VOR; to 33 miles E from Hilo VOR; MEA 2,000. *3,000—MCA Hilo VOR, northwestbound.

Section 610.6403 *Hawaii VOR Federal airway 3* is amended to read in part:

From *Hilo, Hawaii, VOR; to **Grass Shack INT, Hawaii; MEA 2,000. *3,000—MCA Hilo VOR, southbound. **3,000—MRA.

Section 610.6405 *Hawaii VOR Federal airway 5* is amended to read:

From Southgate INT, Hawaii; to Sampan INT, Hawaii; MEA 2,000.
From Sampan INT, Hawaii; to *Lanai, Hawaii, VOR; MEA 4,000. *4,600—MCA Lanai VOR, eastbound.
From Lanai, Hawaii VOR; to Mango INT, Hawaii; MEA 4,600.
From Mango INT, Hawaii; to *Kahului Hawaii, VOR; MEA 6,000. *6,000—MCA Kahului VOR, southbound.

Section 610.6410 *Hawaii VOR Federal airway 10* is deleted:

Section 610.6411 *Hawaii VOR Federal airway 11* is amended to read:

From INT 138 M rad Lanai VOR and 200 M rad Upolu Point VOR; to Upolu Point, Hawaii, VOR; MEA 6,000.
From Upolu Point, Hawaii, VOR; to Sweet Pea INT, Hawaii; MEA 5,000.

Section 610.6412 *Hawaii VOR Federal airway 12* is amended to read in part:

From Swordfish INT, Hawaii; to Orchard INT, Hawaii; westbound, MEA 7,000; eastbound, MEA 4,000.
From Orchard INT, Hawaii; to Breakers INT, Hawaii; MEA 4,000.
From Breakers INT, Hawaii; to Honolulu, Hawaii, VOR; MEA 3,600.

Section 610.6413 *Hawaii VOR Federal airway 13* is amended to read:

From Lihue, Hawaii, VOR; Hula Girl INT, Hawaii; MEA 4,000.
From Hula Girl INT, Hawaii; to Koko Head Hawaii, VOR; northeastbound, MEA 4,500; southwestbound, MEA 4,000.

Section 610.6414 *Hawaii VOR Federal airway 14* is added to read:

From Dogwood INT, Hawaii; to South Kauai, Hawaii, VOR; MEA 6,000.
From South Kauai, Hawaii, VOR; to Hula Girl INT, Hawaii; MEA 4,000.
From Hula Girl INT, Hawaii; to Koko Head, Hawaii, VOR; northeastbound, MEA 4,500; southwestbound, MEA 4,000.

Section 610.6415 *Hawaii VOR Federal airway 15* is amended by adding:

From Vanda INT, Hawaii; to South Kauai, Hawaii, VOR; MEA 6,000.
From South Kauai, Hawaii, VOR; to Int 097 M rad, South Kauai VOR and 119 M rad Lihue VOR; eastbound, MEA 4,000; westbound, MEA 5,000.
From Int 097 M rad, South Kauai VOR and 119 M rad Lihue VOR; to Breakers INT, Hawaii; MEA 4,000.
From Breakers INT, Hawaii; to Honolulu, Hawaii, VOR; MEA 3,600.
From Honolulu, Hawaii, VOR; to Koko Head, Hawaii, VOR; MEA 5,000.

Section 610.6436 *VOR Federal airway 436* is amended to read in part:

From *Chinitna INT, Alaska, via E alter.; to Homer, Alaska, VOR, via E alter.; MEA **3,300. *7,700—MCA Chinitna INT, westbound. **2,600—MOCA.

Section 610.6437 *VOR Federal airway 437* is amended by adding:

From Daytona Beach, Fla., VOR; to *Cronker INT, Fla.; MEA **2,000. *3,500—MRA. **1,100—MOCA.
From Croaker INT, Fla.; to Marion INT, Fla.; MEA *2,000. *1,100—MOCA.
From Marion INT, Fla.; to St. Johns INT, Fla.; MEA *8,000. *1,100—MOCA.
From St. Johns INT, Fla.; to Sea Island INT, Ga.; MEA *8,000. *1,000—MOCA.
From Sea Island INT, Ga.; to *Sapelo INT, Ga.; MEA **2,000. *4,000—MRA. *1,000—MOCA.
From Sapelo INT, Ga.; to *Catherine INT, Ga.; MEA **2,000. *4,000—MRA. **1,100—MOCA.
From Catherine INT, Ga.; to Savannah, Ga., VOR; MEA *2,000. *1,500—MOCA.

Section 610.6440 *VOR Federal airway 440* is amended to delete:

From Anchorage, Alaska, VOR; to *Alexander INT, Alaska; MEA **1,500. *5,400—MCA Anchorage VOR, southeastbound. **5,000—MCA Alexander INT, northwestbound.
From Alexander INT, Alaska; to Skwentna, Alaska, LFR; MEA 4,000.

Section 610.6440 *VOR Federal airway 440* is amended by adding:

From Anchorage, Alaska, VOR; to *Martha INT, Alaska; MEA 2,000. *5,000—MCA Martha INT, northwestbound.
From Martha INT, Alaska; to *Friday INT, Alaska; MEA 6,500. *7,000—MCA Friday INT, northwestbound.
From Friday INT, Alaska; to Puntilla Lake, Alaska, LF/RBN; MEA *11,500. *10,500—MOCA.
From Anchorage, Alaska, VOR, via N alter.; to *Alexander INT, Alaska, via N alter.; MEA 1,500. *5,000—MCA Alexander INT, northwestbound.
From Alexander INT, Alaska, via N alter.; to *Skwentna, Alaska, LFR, via N alter.; MEA 6,400. *7,000—MCA Skwentna LFR, northwestbound.
From Skwentna, Alaska, LFR, via N alter.; to Puntilla Lake, Alaska, LF/RBN, via N alter.; MEA 10,000.

Section 610.6450 *VOR Federal airway 450* is amended to read:

From Muskegon, Mich., VOR; to Larrabee INT, Wis.; MEA *3,800. *1,900—MOCA.
From Larrabee INT, Wis.; to Green Bay, Wis., VOR; MEA 3,000.

Section 610.6451 *VOR Federal airway 451* is added to read:

From Int. 192 M rad, Whitman, Mass., VOR and 128 M rad, Providence, R.I., VOR; to Whitman, Mass., VOR; MEA 1,500.
From Whitman, Mass., VOR; to Boston, Mass., VOR; MEA 1,500.

Section 610.6454 *VOR Federal airway 454* is amended to read in part:

From Liberty, N.C., VOR; to Lawrenceville, Va., VOR; MEA 5,000.

Section 610.6456 *VOR Federal airway 456* is amended to read in part:

From Copper INT, Alaska; to *Harriet INT, Alaska; MEA **13,000. *15,000—MRA. *11,000—MCA Harriet INT, Southwestbound. **12,100—MOCA.

Section 610.6477 *VOR Federal airway 477* is amended to read in part:

From *Magnolia INT, Tex., via W alter.; to Dobbin INT, Tex., via W alter.; MEA **3,000. *3,000—MRA. **2,100—MOCA.

Section 610.6490 *VOR Federal airway 490* is amended to read in part:

From Cambridge, N.Y., VOR; to Newfane INT, Vt.; MEA *6,000. *5,800—MOCA.
From Newfane INT, Vt.; to Manchester, N.H., VOR; MEA 5,000.

Section 610.6494 *VOR Federal airway 494* is amended to read in part:

From *Newcastle INT, Calif.; to **Auburn INT, Calif.; southwestbound, MEA 7,000; northeastbound, MEA 11,000. *7,500—MCA Newcastle INT, northeastbound. **9,000—MCA Auburn INT, eastbound.

Section 610.6494 *VOR Federal airway 494* is amended by adding:

From Elko, Nev., VOR; to Wells, Nev., VOR; MEA 13,000.
From Wells, Nev., VOR; to Etna INT, Utah; MEA 11,000.
From Etna INT, Utah; to Strevell INT, Utah; MEA 12,000.
From Strevell INT, Utah; to Malad City, Idaho, VOR; southwestbound, MEA 11,000; northeastbound, MEA 10,000.

Section 610.6504 *VOR Federal airway 504* is added to read:

From Nenana, Alaska, VOR; to Fairbanks, Alaska, VOR; MEA 3,900.

Section 610.6505 *VOR Federal airway 505* is added to read:

From Helena, Mont., VOR; to *Millegan INT, Mont.; MEA 11,000. *10,000—MRA. *10,000—MCA Millegan INT, southbound.
From Millegan INT, Mont.; to Great Falls, Mont., VOR; MEA 7,000.

Section 610.6810 *VOR Federal airway 810* is amended to read in part:

From Cherokee, Wyo., VOR; to Medicine Bow, Wyo., VOR; MEA 11,000.
From Medicine Bow, Wyo., VOR; to *Wheatland INT, Wyo.; MEA 11,000. *9,200—MCA Wheatland INT, westbound.

Section 610.6830 *VOR Federal airway 830* is amended to read in part:

From Texarkana, Ark., VOR; to Hope INT, Ark.; MEA 1,700.
From Hope INT, Ark.; to Grapevine INT, Ark.; MEA *3,200. *1,500—MOCA.

Section 610.6837 *VOR Federal airway 837* is amended to read in part:

From Providence, R.I., VOR; to Whitman, Mass., VOR; MEA 2,000.
From Whitman, Mass., VOR; to Cohasset INT, Mass.; MEA 2,000.

Section 610.6839 *VOR Federal airway 839* is amended to read in part:

From Lotts INT, Ga.; to Allendale, S.C., VOR; MEA 1,600.

Section 610.6853 *VOR Federal airway 853* is amended to read in part:

From Zanesville, Ohio, VOR; to Proctor INT, W. Va.; MEA 2,500.
From Proctor INT, W. Va.; to Morgantown, W. Va., VOR; MEA 4,000.

Section 610.6854 *VOR Federal airway 854* is amended to read in part:

From *Wheatland INT, Wyo.; to Medicine Bow, Wyo., VOR; MEA 11,000. *9,200—MCA Wheatland INT, westbound.
From Medicine Bow, Wyo., VOR; to Cherokee, Wyo., VOR; MEA 11,000.
From Blue Canyon INT, Calif.; to *Newcastle INT, Calif.; southwestbound, MEA 7,000; northeastbound, MEA 11,000. *7,500—MCA Newcastle INT, northeastbound.

Section 610.6881 *VOR Federal airway 881* is amended to read in part:

From Sardis INT, Ga.; to Dover INT, Ga.; MEA *2,000. *1,500—MOCA.

Section 610.6885 *VOR Federal airway 885* is amended to read in part:

From Providence, R.I., VOR; to Whitman, Mass., VOR; MEA 2,000.
From Whitman, Mass., VOR; to Cohassett INT, Mass.; MEA 2,000.
From Washington, D.C., VOR; to Glen INT, Va.; MEA 2,100.
From Glen INT, Va.; to Barnsville INT Va.; MEA 2,300.
From Barnsville INT, Va.; to Martinsburg, W. Va., VOR; MEA 3,200.

Section 610.6887 *VOR Federal airway 887* is amended to read in part:

From Grapevine INT, Ark.; to Hope INT, Ark.; MEA *3,200. *1,500—MOCA.
From Hope INT, Ark.; to Texarkana, Ark., VOR; MEA 1,700.

Section 610.1508 *VOR Federal airway 1508* is amended to read in part:

From Cherokee, Wyo., VOR; to Medicine Bow, Wyo., VOR; MEA 14,500; MAA 24,000.
From Medicine Bow, Wyo., VOR; to Sidney, Nebr., VOR; MEA 14,500; MAA 24,000.

Section 610.1510 *VOR Federal airway 1510* is amended to read in part:

From Ft. Bridger, Wyo., VOR; to Rock Springs, Wyo., VOR; MEA 14,500; MAA 24,000.
From Sacramento, Calif., VOR; to Reno, Nev., VOR; MEA 14,500; MAA 24,000.

Section 610.1512 *VOR Federal airway 1512* is amended to read in part:

From San Francisco, Calif., VOR; to Linden, Calif., VOR; MEA 14,500; MAA 24,000.

Section 610.1524 *VOR Federal airway 1524* is amended to read in part:

From Farmington, N. Mex., VOR; to Alamosa, Colo., VOR; MEA 15,000; MAA 24,000.

Section 610.1529 *VOR Federal airway 1529* is amended to read in part:

From Laramie, Wyo., VOR; to Medicine Bow, Wyo., VOR; MEA 14,500; MAA 24,000.
From Medicine Bow, Wyo., VOR; to Casper, Wyo., VOR; MEA 14,500; MAA 24,000.

Section 610.1531 *VOR Federal airway 1531* is amended to delete:

From Int. 067 M Kremmling VOR and 278 M rads Denver VOR; to Kremmling, Colo., VOR; MEA 16,000; MAA 24,000.

Section 610.1543 *VOR Federal airway 1543* is amended to read in part:

From Truth or Consequences, N. Mex., VOR; to Socorro, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Socorro, N. Mex., VOR; to Albuquerque, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Albuquerque, N. Mex., VOR; to Santa Fe, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Santa Fe, N. Mex., VOR; to Taos, N. Mex., VOR; MEA 14,500; MAA 24,000.
From Taos, N. Mex., VOR; to Alamosa, Colo., VOR; MEA 14,500; MAA 24,000.

Section 610.1547 *VOR Federal airway 1547* is amended to read in part:

From Los Angeles, Calif., VOR; to Ontario, Calif., VOR; MEA 14,500; MAA 24,000.
From Ontario, Calif., VOR; to Hector, Calif., VOR; MEA 14,500; MAA 24,000.
From Hector, Calif., VOR; to Las Vegas, Nev., VOR; MEA 19,000; MAA 24,000.
From Las Vegas, Nev., VOR; to Mormon Mesa, Nev., VOR; MEA 14,500; MAA 24,000.

Section 610.1553 *VOR Federal airway 1553* is amended to read in part:

From Sacramento, Calif., VOR; to Lake Tahoe, Calif., VOR; MEA 14,500; MAA 24,000.
From Lake Tahoe, Calif., VOR; to Reno, Nev., VOR; MEA 14,500; MAA 24,000.

Section 610.1553 *VOR Federal airway 1553* is amended by adding:

From Oakland, Calif., VOR; to Sacramento, Calif., VOR; MEA 14,500; MAA 24,000.

Section 610.1655 *VOR Federal airway 1655* is added to read:

From Jacksonville, Fla., VOR; to Savannah, Ga., VOR; MEA 15,000; MAA 23,000.

Section 610.1668 *VOR Federal airway 1668* is amended to read:

From Medicine Bow, Wyo., VOR; to Chadron, Nebr., VOR; MEA 14,500; MAA 24,000.

Section 610.1704 *VOR Federal airway 1704* is amened to read in part:

From Redmond, Oreg., VOR; to John Day, Oreg., VOR; MEA 14,500; MAA 24,000.
From John Day, Oreg., VOR; to Baker, Oreg., VOR; MEA 14,500; MAA 24,000.
From Baker, Oreg., VOR; to McCall, Idaho, VOR; MEA 14,500; MAA 24,000.

Section 610.1715 *VOR Federal airway 1715* is amended by adding:

From Santa Fe, N. Mex.; to Cimarron, N. Mex., VOR; MEA 15,500; MAA 24,000.
From Cimarron, N. Mex., VOR; to Tobe, Colo., VOR; MEA 14,500; MAA 24,000.

Section 610.1738 *VOR Federal airway 1738* is amended to read:

From Sacramento, Calif., VOR; to Lake Tahoe, Calif., VOR; MEA 14,500; MAA 24,000.
From Lake Tahoe, Calif., VOR; to Fallon, Nev., VOR; MEA 14,500; MAA 24,000.
From Fallon, Nev., VOR; to Mount Moses, Nev., VOR; MEA 14,500; MAA 24,000.
From Mount Moses, Nev., VOR; to Elko, Nev., VOR; MEA 14,500; MAA 24,000.

Section 610.1755 *VOR Federal airway 1755* is added to read:

From John Day, Oreg., VOR; to The Dalles, Oreg., VOR; MEA 14,500; MAA 24,000.
From The Dalles, Oreg., VOR; to Seattle, Wash., VOR; MEA 14,500; MAA 24,000.

Section 610.1756 *VOR Federal airway 1756* is added to read:

From Zuni, N. Mex., VOR; to Socorro, N. Mex., VOR; MEA 14,500; MAA 24,000.

(Secs. 313, 307, 72 Stat. 752, 749; 49 U.S.C. 1354, 1348)

These rules shall become effective February 8, 1962.

Issued in Washington, D.C., on January 5, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-341; Filed, Jan. 12, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8410 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Eastland Woolen Mills, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–40 *Federal Trade Commission Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Eastland Woolen Mills, Inc. (Corinna, Maine), et al., Docket 8410, Sept. 28, 1961]

In the Matter of Eastland Woolen Mills, Inc., a Corporation, Max Striar, Louis Striar, Bernard Striar, Individually and as Officers of the Said Corporation, and as Partners Doing Business as Striar Textile Mill, and Ski-Land Woolen Mill

Consent order requiring manufacturers with headquarters in Corinna, Maine, to cease violating the Wool Products Labeling Act and the Federal Trade Commission Act by labeling and invoicing as "50% Wool—50% Reprocessed Wool" and tagging as "100% Reprocessed Wool", fabrics which contained substantial quantities of nonwoolen fibers, and by failing to disclose on fabric labels the true generic names and percentage of the constituent fibers.

The order to cease and desist is as follows:

It is ordered, That respondents Eastland Woolen Mills, Inc., a corporation, and Max Striar, Louis Striar and Bernard Striar, individually, and as officers of said corporation, and, as partners, doing business as Striar Textile Mill and Ski-Land Woolen Mill, or under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of woolen fabrics or other "wool products", as such products are defined in and subject to said Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to, or place on, each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Eastland Woolen Mills, Inc., a corporation, and Max Striar, Louis Striar and Bernard Striar, individually and as officers of said corporation, and as partners doing business as Striar Textile Mill and Ski-Land Woolen Mill, or under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of fabrics or other products in commerce, as "commerce" is defind in the Federal Trade Commission Act, forthwith cease and desist from: Misbranding such products by misrepresenting the character or amount of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto or in any other manner.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued September 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-394; Filed, Jan. 12, 1962; 8:45 a.m.]

[Docket 8276 c.o., 8276]

PART 13—PROHIBITED TRADE PRACTICES

E. J. Korvette, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.235 *Source or origin:* § 13.235–35 *History.* Subpart—Combining or conspiring: § 13.490 *To sell products deceptively.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, E. J. Korvette, Inc. (New York, N.Y.), et al., Docket 8276, Oct. 24, 1961]

Identical orders consented to by a New York City department store chain, three men's retail clothing stores in California, and six New York City men's clothing manufacturers, and issued in default against four New York City men's clothing manufacturers, requiring them to cease engaging in a common course of action under which said chain arranged for the manufacturers to sew labels of the three fashionable California men's retail clothing stores into garments it purchased direct from the manufacturers and then falsely advertised the merchandise as previously stocked and offered for sale by the three retailers at stated "Original Prices" and that purchasers would save the differences between those amounts and advertised lower prices; and

Further consent order requiring said chain specifically to cease misrepresenting the sources, history, prices, and savings afforded purchasers of men's wearing apparel it sold under the above-described plan or otherwise.

Two identical orders (combining here all respondents) were issued separately against two groups of respondents as follows:

It is ordered, That respondent, E. J. Korvette, Inc., a corporation, its officers, agents, representatives and employees, respondent Richel, Inc., a corporation, doing business as Gus S. May, or doing business under any other trade name, its officers, agents, representatives and employees, respondent Ray Blumenthal, Jr., an individual doing business as Ray's Shop for Men, or doing business under any other trade name, his agents, representatives and employees, respondent Monte Factor, Ltd., a corporation, its officers, agents, representatives and employees, respondent Bank Street Clothes, Inc., a corporation, its officers, agents, representatives and employees, respondent Al Meirow, an individual doing business as Al Meirow, or doing business under any other trade name, his agents, representatives and employees, respondent Damon Creations, Inc., a corporation, its officers, agents, representatives and employees, respondents David Rappaport and Emanuel Rappaport, co-partners doing business as Lord Stuart Company, or doing business under any other trade name, their agents, representatives and employees, respondent Atlantic Shirt Co., Inc., a corporation, its officers, agents, representatives and employees, and respondent Lido Shirt Corporation, a corporation, its officers, agents, representatives and employees; and respondent corporations Blacker Bros., Inc., Kasinoff-Herman, Inc., Townsman Clothes, Inc., and Leslie Lloyds Clothes, Incorporated, and their respective officers, agents, representatives and employees, directly or through any corporate or other device, in or in connection with the advertising, offering for sale, sale or distribution of apparel merchandise and related products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, or combination between said respondents and any other respondent or respondents in the instant case, or between said respondents and any others not parties hereto, to:

1. Engage in, maintain or perpetuate any activities, acts, or practices or to attempt to engage in, maintain or perpetuate any activities, acts or practices in purchasing, selling, manufacturing, or distributing said merchandise or products, whereby the origin, prior places of sale, past or present prices, or the quality or any other characteristic of said merchandise or products, is misrepresented, by any means or in any manner, or where the intent, purpose, or effect of same is to deceive, to mislead or to make any false claims concerning the origin, prior places of sale, prices, quality or other characteristics of said merchandise or products.

Corporate respondent E. J. Korvette, Inc., was additionally ordered as follows:

It is further ordered, That respondent E. J. Korvette, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of apparel merchandise and related products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication:

(a) That any of said merchandise or products so advertised, offered for sale, sold, or distributed has been owned, was a part of the stock of, had been offered for sale by, or had been purchased by, any corporation, firm or individual when such is not the fact;

(b) That any of said merchandise or products previously has been offered for sale or sold in any place or geographical location, when such is not the fact;

(c) That any amount is the price at which any of said merchandise or products previously has been offered for sale or sold by any corporation, firm or individual, when such is not the fact; or

(d) That any saving is afforded in the purchase of said merchandise or products from the retail price of any corporation, firm or individual, which previously had sold or offered to sell same, unless the price, at which said merchandise or products are offered by respondent, constitutes a reduction from the price at which said merchandise or products previously have been offered for sale or sold by said corporation, firm or individual in the recent regular course of business.

2. Misrepresenting, in any manner, savings available to purchasers at retail of any of said merchandise or products from respondent, or the amount by which the price of any of said merchandise or products is educed from the retail price at which said merchandise or products previously have been offered for sale by respondent or another person in the recent regular course of business.

By two separate "Decision of the Commission", etc., reports of compliance were required from each of the two groups of respondents as follows:

It is ordered, That the respondents ordered to cease and desist in the initial decisions herein shall, within sixty (60) days after service upon them of these orders, file with the Commission reports in writing setting forth in detail the manner and form in which they have complied with the orders to cease and desist contained in the aforesaid initial decisions.

Issued: October 24, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-395; Filed, Jan. 12, 1962; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Swiss Cheese, Blue Cheese, and Certain Italian Style Cheeses; Rulings on Proposed Amendments Concerning Artificial Coloring and Bleaching

In the matter of amending the definitions and standards of identity for swiss cheese, blue cheese, gorgonzola cheese, provolone cheese, caciocavallo siciliano cheese, parmesan cheese, romano cheese, and asiago fresh cheese:

The Commissioner of Food and Drugs has considered the objections filed with respect to the final order issued in the above-entitled matter, published in the FEDERAL REGISTER of September 9, 1961 (26 F.R. 8487), and has concluded that the objections received did not afford a basis for a public hearing. Therefore, the order became effective November 8, 1961.

(Sec. 701, 52 Stat. 1055 as amended; 21 U.S.C. 371)

Dated: January 9, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-414; Filed, Jan. 12, 1962; 8:47 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Colorado River Indian Irrigation Project, Arizona

There was published in the FEDERAL REGISTER on November 8, 1961 (26 F.R. 10516) a notice of intention to amend §§ 221.6 and 221.7 of 25 CFR to provide for an increase of the annual operation and maintenance assessment rate from $8.50 to $9.00 per acre on the Colorado

River Indian Irrigation Project, Arizona, and for an increase of the assessment rate for excess water from $1.75 to $2.00 per acre-foot.

Interested persons were given an opportunity to submit their comments, suggestions, or objections with respect to the proposed amendments to the Phoenix Area Director within thirty days of the date of publication of the notice in the FEDERAL REGISTER. Only one objection was received. Its contents have been considered. However, in the opinion of the Area Director the increases in assessment rates are necessary.

1. Section 221.6 is hereby amended to read as follows:

§ 221.6 Charges.

Pursuant to the provisions of the acts of Congress approved August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 386–387), the annual basic charge against the land to which water can be delivered under the Colorado River Indian Irrigation Project in Arizona, for the operation and maintenance of that project, is hereby fixed at $9.00 per irrigable acre, whether water is used or not. Payment of this charge will entitle the water user to but not in excess of, eight acre-feet of water per acre per annum on certain sandy areas as described in a schedule on file at the Colorado River Indian Agency, and available for inspection by interested parties, and to five acre-feet of water per annum per irrigable acre on all other lands. With the approval of the Superintendent, additional water, reasonably sufficient to carry away alkali salts, may be allowed on certain alkali tracts at no additional charge for the purpose of reclaiming lands by the usual methods, such as flooding and leaching. The foregoing charges and allotments of water shall become effective for the calendar year 1962 and continue in effect thereafter, until further notice.

2. Section 221.7 is hereby amended to read as follows:

§ 221.7 Excess water charges.

Additional water, if and when available, in excess of basic allowances, may be delivered upon written request to the Superintendent by landowners or users at the rate of $2.00 per acre-foot, or fraction thereof.

(60 Stat. 336; Order 2252, F.R. Doc. 46-16562, 11 F.R. 10296; Order 551, Amdt. 1)

JAMES B. RING,
Acting Area Director.

[F.R. Doc. 62-396; Filed, Jan. 12, 1962; 8:45 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

PART 536—AREA OF PRODUCTION

Definitions; Revision

On pages 8460 and 8461 of the FEDERAL REGISTER of September 8, 1961, there was published a notice of proposed rule making to revise the regulations governing the definition of "area of production" as that term is used in section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)). Interested persons were given 15 days in which to submit written data, views or arguments with respect to the proposed regulations. No comments have been received. Accordingly, the proposed regulations are hereby adopted as set forth below without change, effective February 12, 1962.

Signed at Washington, D.C., this 5th day of January 1962.

CLARENCE T. LUNDQUIST,
Administrator.

Sec.
536.1 "Area of production" as used in section 7(c) of the Fair Labor Standards Act.
536.2 "Area of production" as used in section 13(a)(10) of the Fair Labor Standards Act.
536.3 "Area of production" as used in section 13(a)(17) of the Fair Labor Standards Act.
536.4 Petition for amendment of regulations.

AUTHORITY: §§ 536.1 to 536.4 issued under 52 Stat. 1060; 29 U.S.C. 201 et seq. Additional authority is cited in parentheses following sections affected.

§ 536.1 "Area of production" as used in section 7(c) of the Fair Labor Standards Act.

(a) An employer shall be regarded as engaged in the first processing of any agricultural or horticultural commodity during seasonal operations within the "area of production" within the meaning of section 7(c) of the Fair Labor Standards Act if he is so engaged in an establishment which is located in the open country or in a rural community and in which such first processing is performed on commodities 95 percent of which come from normal rural sources of supply located not more than the following air-line distances from the establishment:

(1) With respect to grain, soybeans, eggs, or tobacco—50 miles;

(2) With respect to any other agricultural or horticultural commodities—20 miles.

(b) For the purpose of this section:

(1) "Open country or rural community" shall not include any city, town, or urban place of 2,500 or greater population or any area within:

(i) One air-line mile of any city, town, or urban place with a population of 2,500 up to but not including 50,000 or

(ii) Three air-line miles of any city, town, or urban place with a population of 50,000 up to but not including 500,000, or

(iii) Five air-line miles of any city with a population of 500,000 or greater, according to the latest available United States Census.

(2) The commodities shall be considered to come from "normal rural sources of supply" within the specified distances from the establishment if they are received (i) from farms within such specified distances, or (ii) from farm assemblers or other establishments through which the commodity customarily moves, which are within such specified distances and located in the open country or in a rural community, or (iii) from farm assemblers or other establishments not located in the open country or in a rural community provided it can be demonstrated that the commodities were produced on farms within such specified distances.

(3) The period for determining whether 95 percent of the agricultural or horticultural commodities are received from normal rural sources of supply shall be the last preceding calendar month in which operations were carried on for two workweeks or more, except that until such time as an establishment has operated for such a calendar month the period shall be the time during which it has been in operation.

(4) The percentage of commodities received from normal rural sources of supply within the specified distances shall be determined by weight, volume or other physical unit of measure, except that dollar value shall be used if different commodities received in the establishment are customarily measured in physical units that are not comparable.

(Sec. 7(c), 52 Stat. 1063, 29 U.S.C. 207(c))

§ 536.2 "Area of production" as used in section 13(a)(10) of the Fair Labor Standards Act.

(a) An individual shall be regarded as employed within the "area of production" within the meaning of section 13(a)(10) of the Fair Labor Standards Act in handling, packing, storing, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products:

(1) If the establishment where he is employed is located in the open country or in a rural community and 95 percent of the commodities on which such operations are performed by the establishment come from normal rural sources of supply located not more than the following air-line distances from the establishment:

(i) With respect to operations on fresh fruits and vegetables—15 miles;

(ii) With respect to the storing of cotton and any operations on commodities not otherwise specified in this subparagraph—20 miles;

(iii) With respect to the compressing and compress-warehousing of cotton, and operations on tobacco, grain, soybeans, poultry or eggs—50 miles.

(b) For the purposes of this section:

(1) "Open country or rural community" shall not include any city, town, or urban place of 2,500 or greater population, or any area within:

(i) One air-line mile of any city, town, or urban place with a population of 2,500 up to but not including 50,000, or

(ii) Three air-line miles of any city, town, or urban place with a population of 50,000 up to but not including 500,000, or

(iii) Five air-line miles of any city with a population of 500,000 or greater, according to the latest available United States Census.

(2) The commodities shall be considered to come from "normal rural sources of supply" within the specified distances from the establishment if they are received (i) from farms within such specified distances, or (ii) from farm assemblers or other establishments through which the commodity customarily moves, which are within such specified distances and located in the open country or in a rural community, or (iii) from farm assemblers or other establishments not located in the open country or in a rural community provided it can be demonstrated that the commodities were produced on farms within such specified distances.

(3) The period for determining whether 95 percent of the commodities are received from normal rural sources of supply shall be the last preceding calendar month in which operations were carried on for two workweeks or more, except that until such time as an establishment has operated for such a calendar month the period shall be the time during which it has been in operation.

(4) The percentage of commodities received from normal rural sources of supply within the specified distances shall be determined by weight, volume or other physical unit of measure, except that dollar value shall be used if different commodities received in the establishment are customarily measured in physical units that are not comparable.

(Sec. 13(a)(10), 52 Stat. 1067, 29 U.S.C. 213(a)(10))

§ 536.3 "Area of production" as used in section 13(a)(17) of the Fair Labor Standards Act.

(a) An employee employed by an establishment commonly recognized as a country elevator and having not more than five employees (including such an establishment which sells products and services used in the operation of a farm) shall be regarded as employed within the "area of production", within the meaning of section 13(a)(17) of the Fair Labor Standards Act, if the establishment by which he is employed is located in the open country or in a rural community and 95 percent of the agricultural commodities received by the establishment for storage or for market come from normal rural sources of supply within the following air-line distances from the establishment:

(1) With respect to grain and soybeans—50 miles;

(2) With respect to any other agricultural commodities—20 miles.

(b) For the purpose of this section:

(1) "Open country or rural community" shall not include any city, town, or urban place of 2,500 or greater population or any area within:

(i) One air-line mile of the city, town, or urban place with a population of 2,500 up to but not including 50,000, or

(ii) Three air-line miles of any city, town, or urban place with a population of 50,000 up to but not including 500,000, or

(iii) Five air-line miles of any city with a population of 500,000 or greater, according to the latest available United States Census.

(2) The commodities shall be considered to come from "normal rural sources of supply" within the specified distances from the establishment if they are received (i) from farms within such specified distances, or (ii) from farm assemblers or other establishments through which the commodity customarily moves, which are within such specified distances and located in the open country or in a rural community, or (iii) from farm assemblers or other establishments not located in the open country or in a rural community provided it can be demonstrated that the commodities were produced on farms within such specified distances.

(3) The period for determining whether 95 percent of the commodities are received from normal rural sources of supply shall be the last preceding calendar month in which operations were carried on for two workweeks or more, except that until such time as an establishment has operated for such a calendar month the period shall be the time during which it has been in operation.

(4) The percentage of commodities received from normal rural sources of supply within the specified distances shall be determined by weight, volume or other physical unit of measure, except that dollar value shall be used if different commodities received in the establishment are customarily measured in physical units that are not comparable.

(Sec. 13(a)(17), added to sec. 13, 52 Stat. 1067, 29 U.S.C. 213, by sec. 9, Pub. Law 87-30)

§ 536.4 Petition for amendment of regulations.

Any interested person or association wishing a revision of any section of this part may submit in writing to the Administrator a petition for amendment thereof, setting forth the changes desired and the reasons for proposing them. If upon inspection of the petition the Administrator believes that reasonable cause for amendment of the regulations is set forth, the Administrator will either schedule a hearing with notice to interested parties or will make other provisions for affording interested parties an opportunity to present their views in support of or opposition to the proposed change.

[F.R. Doc. 62-397; Filed, Jan. 12, 1962; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER P—RECORDS

PART 288—SCHEDULE OF FEES AND CHARGES FOR COPYING, CERTIFICATION, AND SEARCH OF RECORDS

The Assistant Secretary of Defense (Comptroller) approved the following revision of Part 288 on August 31, 1961, to be placed into operation as soon as practicable but in no event later than ninety (90) days after the approval date.

Sec.
288.1 Purpose.
288.2 Applicability.
288.3 Fees.
288.4 Review of schedule of fees.
288.5 Disposition of receipts.
288.6 Exhibit A—Schedule of Fees.

AUTHORITY: §§ 288.1 to 288.6 issued under Title V, Independent Offices Appropriation Act of 1950 (5 U.S.C. 140) as amended.

§ 288.1 Purpose.

Part 289 of this chapter prescribed Department of Defense policies and procedures for developing an equitable and uniform system of charges for services and/or property which convey special benefits to recipients above and beyond those accruing to the public at large. This Part 288 designates certain types of common services relating to copying, certification and search of records that are rendered by the Department of Defense for which a prescribed fee shall be collected. In addition, this Part 288 establishes an amended schedule of fees that shall be collected for these services (Exhibit A, § 288.6).

§ 288.2 Applicability.

The provisions of this part are applicable to all components of the Department of Defense.

§ 288.3 Fees.

(a) *Services and fees.* The types of services rendered by the Department of Defense and its component agencies for which a prescribed fee shall be collected, subject to the exemptions indicated in § 288.3(b) are listed in § 288.6. The specific charges for such services are also indicated in § 288.6. No refunds of fees shall be made by reason of change in regulation, directive or fee schedule, or overpayments of one dollar ($1.00) or less.

(b) *Exemptions.* No fees shall be imposed for the following types of services when requests are received from the sources specified, provided the furnishing of such services is consistent with established policy, does not interfere with the mission of the furnishing agency, and the cost of the services can be provided with available funds. As used in this part, the term Armed Forces includes the Army, Navy, Air Force, Marine Corps and their civilian components.

(1) Any service requested by members of the Armed Forces when the document or information requested is required by such personnel in their capacity as members of the Armed Forces of the United States.

(2) Any service requested by members of the Armed Forces, who are in a casualty status, or by their next of kin or legal representatives; and requests for information from any source relating to a casualty.

(3) Any service requested by members (or retired members) of the Armed Forces for copies of or information from their own medical or dental records.

(4) Any service requested by members (or retired members) of the Armed Forces or their dependents for copies of or information from the medical or dental records of such dependents.

(5) The address of record of an active duty member or former member of the Armed Forces when it can be furnished informally through local director

(locator) reference, when requested by a member of the Armed Forces or a relative or legal representative of a member of the Armed Forces, or the address of record requested by any source when the address is required for the purpose of paying monies or forwarding property to a member or former member of the Armed Forces, or when the address is sought by a custodian or manager of property owned by a member or former member of the Armed Forces for purposes of communicating with the addressee regarding his property.

(6) Any service requested by or on behalf of a member or former member of the Armed Forces, or if deceased, their next of kin, pertaining to requests for:

(i) Information required to obtain financial benefits.

(ii) Document showing membership and military record in the Armed Forces if discharge or release was under honorable conditions.

(iii) Information relating to a decoration or award or information required for memorialization purposes.

(iv) Review or change in type of discharge or correction of records.

(v) Personal documents, e.g., birth certificates, when such documents were required to be furnished by the individual.

(7) Those services which are furnished free in accordance with statutes or Executive Orders.

(8) Information from or copies of medical and dental records and/or X-ray films of patients or former patients of military medical or dental facilities when such information is required for further medical or dental care and requests for such data are (i) submitted by an accredited medical facility, physician or dentist or (ii) requested by the patient, his next of kin or legal representative.

(9) Any service furnished relating to or in furtherance of the Armed Forces recruiting programs and any services furnished representatives of public information media or the general public in the interest of public understanding of the Armed Forces.

(10) Any service involving confirmation of employment or salaries of active or separated civilian or military personnel when requested by prospective employers or recognized sources of inquiry for credit or financial purposes.

(11) Any service requested by and furnished to a member of Congress for official use.

(12) Any service requested by a state, territorial, county or municipal government or an agency thereof which is carrying on a function related to or in furtherance of an objective of the Department of Defense.

(13) Any service requested by a court when the furnishing of such will serve as a substitute for personal court appearance of a military or civilian employee of the Department of Defense.

(14) Any service requested by a nonprofit organization which is carrying on a function related to or in furtherance of an objective of the Federal Government or in the interest of public safety, health and welfare.

(15) Any service requested when the cost of such services ultimately would be charged to the Federal Government.

(16) Any service requested by donors with respect to their gifts.

(17) Any request which results in an unsuccessful search of records other than requests to determine the existence or nonexistence of a record.

(18) Requests for service which are occasional and incidental (including any request from a resident of a foreign country), not of a type that is requested often, if it is administratively determined that a fee would be inappropriate in such an occasional case.

(19) Any request when the furnishing of the service without charge is an appropriate courtesy to a foreign country, international organization, or comparable fees are set on a reciprocal basis with a foreign country.

§ 288.4 Review of schedule of fees.

The schedule of fees shall be reviewed whenever significant changes in costs occur and at least once each year to determine whether a fee should be collected for any additional services rendered the public or whether any of the fees prescribed in the schedule should be changed or discontinued. Appropriate recommendations for change in the schedule of fees shall be submitted to the Assistant Secretary of Defense (Comptroller). The cost standards contained in Part 289 of this chapter shall be applied in establishing fees for additional services and for changing existing fees.

§ 288.5 Disposition of receipts.

As required by Part 289 of this chapter disposition of fees collected for services financed by working capital funds shall be made in accordance with regulations governing the use of working capital funds. In all other cases all fees or charges collected should be deposited in the General Fund of the Treasury as Miscellaneous Receipts unless other disposition is specifically authorized by law.

§ 288.6 Exhibit A—Schedule of fees.

Applicable to authorized services of copying, certifications and search of records rendered to the public by components of the Department of Defense.

Requests involving:	Fee
(1) Training and education, each	$2.50
(Including requests for transcripts, certificates and verification of attendance, course completion and graduation from service schools and other facilities.)	
(2) Medical and dental records of civilians (includes requests for information from or copies of medical records including clinical records, outpatient records, dental records and loan of X-rays):	
Up to and including two typewritten or two reproduced pages	2.00
Each additional page	1.00
Loan of each X-ray	1.00
(3) Medical and dental records of uniformed services personnel and their dependents when request is received from other than the member or their dependent (includes requests for information from or copies of medical records including clinical records, outpatient records, dental records and loan of X-rays).	
Up to and including two typewritten or two reproduced pages	$2.00
Each additional page	1.00
Loan of each X-ray	1.00
(4) Military membership and record:	
(i) Address of record, each	1.50
(ii) Certificate in lieu, statement of verification of service, or report of separation, each	2.50
(iii) Copy or extract of order or other record (excluding medical, dental and X-ray records), each	2.00
(iv) Furnishing information on decorations and awards to service organizations	2.00
(5) Photography:	
(i) Still pictorial or documentary photographic prints 8 x 10 black and white and not more than three prints may be sold from any individual negative on each order. Larger standard sizes of black and white prints will be furnished, if available, at proportionately higher fees.	
Single weight glossy finish, each	.55
Double weight matte finish, each	.60
4 x 5 color transparencies or color negative, each	5.00
8 x 10 color transparencies or color negative (in quantities not to exceed three copies any one view) each	10.00
Color prints will not be furnished for public use.	
(ii) Aerial Photographic Prints, contact prints, or exact negative sizes, single weight glossy or double weight semi-matte.	
Size 7 x 9" or 9 x 9", in quantities:	
1–100, each	.70
101–1,000, each	.55
Over 1,000, each	.50
Size 9 x 18", in quantities:	
1–100, each	1.40
101–1,000, each	1.10
Over 1,000, each	1.00
(iii) Aerial Photographic Indexes and Mosaic Copies in any number, size 20 x 24", each	1.20
(iv) Reproduction of cover overlays:	
Transparent Foil Film Overlays, each	1.50
Transparent Paper Overlays, each	.60
Transparent Paper Plot Maps, per square foot	.10
Photostat Plat Maps (maximum size 17½ x 23"), each	.65
(v) Motion picture, 16mm or 35mm black and white unedited footage and/or optical sound track, per foot	.10

Requests involving—Continued	Fee
(5) Photography—Continued	
Motion picture, etc.—Continued	
Requests involving—Continued	Fee
Color unedited footage:	
16mm, per foot	$.20
16mm, inter-negative	.26
35mm, per foot:	
Viewing or release print, each	.25
Separation master positive (3 required)	.75
Color inter-positive, each	.55
Color inter-negative, each	.55
Magnetic Tape (per foot)	
16mm (direct dubb), each	.05
35mm (direct dubb), each	.05
Searching (including overhead), each hour or fraction thereof (per hour)	5.00
All film used is duplication to furnish a requested end product shall be charged for on a per foot basis.	
Minimum charge (including stock search) per order	10.00
(6) Construction and engineering information:	
Copies of aerial photographic maps, specifications, permits, charts, blueprints, and other technical engineering documents.	
Searching per hour or fraction thereof (including overhead costs)	2.00
First print	.50
Each additional print of same document	.25
(7) Copies of medical articles and illustrations. Standards contained in Part 289 will be utilized in computing costs.	
(8) Claims and Litigations:	
(i) Requests from litigants pertaining to private litigation. (If not covered in § 288.6(a)(2) and (3).)	
Searching per hour or fraction thereof (including overhead costs)	2.50
Processing per hour—minimum charge ½ hour	2.50
Each photocopy	.25
Certification and validation with seal, each	.50
Certification and validation without seal, each	.25
(ii) Requests pertaining to cases in which the United States is a party and where court rules provide for reproduction of records without cost to the Government.	
Searching per hour or fraction thereof (including overhead costs)	2.50
Processing per hour—minimum charge ½ hour	2.50
Each photocopy	.25
Certification and validation with seal, each	.50
Certification and validation without seal, each	.25
(iii) Furnishing information from Investigative Reports, e.g., automobile collision investigations, safety reports.	
Searches, overhead, analysis and preparation of report (per hour—minimum charge ½ hour)	2.50
Requests involving—Continued	Fee
(9) General:	
Charges for any additional services not specifically provided above and consistent with the provisions of Part 289 will be made by the respective military department at the following rates:	
Searching per hour or fraction thereof (including overhead costs)	$2.50
Processing per hour—minimum charge ½ hour	2.50
Each photocopy	.25
Certification and validation with seal, each	.50
Certification and validation without seal, each	.25

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 62-405; Filed, Jan. 12, 1962; 8:47 a.m.]

PART 289—USER CHARGES AND USER CHARGES REPORT

The Deputy Secretary of Defense approved the following:

Sec.
289.1 Purpose.
289.2 Background.
289.3 Applicability.
289.4 Policies.
289.5 Responsibilities.
289.6 Costs.
289.7 Fees.
289.8 Disposition of collections.
289.9 Legislative proposals.
289.10 Annual report on user charges.

AUTHORITY: §§ 289.1 to 289.10 issued under Title V, Independent Officers Appropriation Act of 1950 (5 U.S.C. 140) as amended.

§ 289.1 Purpose.

This part prescribes Department of Defense policies and procedures for developing an equitable and uniform system of charges for services and/or property which convey special benefits to recipients above and beyond those accruing to the public at large and prescribes the submission of annual reports (Standard Form No. 4) to the Bureau of the Budget as required by BOB Circular No. A-25, dated September 23, 1959, Subject: "User Charges."

§ 289.2 Background.

Title V of the Independent Officers Appropriation Act of 1952 (5 U.S.C. 140), as amended, provides that it is the sense of Congress that fees shall be charged for services rendered by Federal Agencies in order that such services shall be performed on a self-sustaining basis to the fullest extent possible. This Act further provides that the President shall prescribe policies to insure uniform application of this objective within the Executive Branch. The general policies and implementing instructions for the Executive Branch of the Government are prescribed in BOB Circular No. A-25 referred to in § 289.1.

§ 289.3 Applicability.

(a) This part applies to all DoD activities which convey special benefits to recipients above and beyond those accruing to the public at large.

(b) The provisions of this part do not apply in the following areas which are governed by separate policies:

(1) Fringe benefits for military personnel and civilian employees.

(2) Sale or disposal under approved programs of surplus property.

(c) The provisions of this part are not to be construed in such a way as to reduce or eliminate fees and charges presently in effect.

§ 289.4 Policies.

Except for the specific exclusions and exemptions listed in this part, a reasonable charge, as prescribed below, will be made to each identifiable recipient for a measurable unit or amount of Government service or property from which a special benefit is derived.

(a) *Special services.* Where a service (or privilege) provides special benefits to an identifiable recipient above and beyond those which accrue to the public at large, a charge should be imposed to recover full costs of rendering the service. For example, a special benefit will be considered to accrue and a charge should be imposed when the service rendered:

(1) enables the recipient to obtain more immediate or substantial gain or values (which may or may not be measurable in monetary terms) than those which accrue to the general public, or

(2) is performed at the request of the recipient and is above and beyond the services regularly received by or available to the general public.

(b) *Lease or sale.* Where Federally-owned resources or property are leased or sold, a fair market value should be obtained. So far as practicable and feasible, charges should be based upon costs determined in accordance with comparable commercial practices. However, charges need not be limited to the recovery of costs—they may produce net revenues to the Government.

§ 289.5 Responsibilities.

The Secretaries of the military departments are responsible for initiating, developing, and adopting schedules of fees and charges consistent with the provisions of this part, except when fees or charges are prescribed by other Department of Defense issuances covering specific subject areas. Each military department shall:

(a) Identify each service or activity covered by this part;

(b) Determine the extent of the special benefit provided;

(c) Determine applicable costs;

(d) Establish appropriate charges;

(e) Prepare and submit to the Bureau of the Budget, annual reports as outlined in Appendixes A and B.[1]

[1] Filed as part of original document.

§ 289.6 Costs.

Costs shall be determined or estimated from the best available records. Cost accounting systems will not be established solely for this purpose. Cost determinations shall include both direct and indirect costs, including but not limited to:

(a) Salaries, employee leave, travel expenses, cost of fee collection, postage, materials and supplies used, operation and maintenance of buildings and equipment (including depreciation when appropriate), and personnel costs other than direct salaries (e.g., retirement and employee insurance).

(b) A proportionate share of the management and supervisory costs.

(c) A proportionate share of military pay and allowances, where applicable.

(d) The cost of research, establishing standards and regulations to the extent they are determined to be properly chargeable.

§ 289.7 Fees.

(a) The maximum fees for a special service will be governed by its total cost and not the value of the service to the recipient. If the amount of the fee can be determined in advance, normally it should be collected prior to rendering the service. In establishing new fees and increasing existing fees, exceptions to the policies outlined in this part may be made when:

(1) The cost of collecting the fees would be an unduly large part of the receipts from the activity;

(2) The furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization, or comparable fees are set on a reciprocal basis with a foreign country;

(3) The recipient is engaged in a nonprofit activity designed for the public safety, health, or welfare;

(4) The payment of full fee by a State, local government, or nonprofit group would not be in the interest of the program.

(b) All fees and charges shall be reviewed whenever significant changes in costs occur, and at least once a year, to determine whether a fee should be collected for any additional services rendered.

§ 289.8 Disposition of collections.

Disposition of fees or charges collected as a result of the provisions of this part for services financed by working capital funds shall be made in accordance with regulations governing the use of working capital funds. In all other cases all fees or charges collected should be deposited in the General Fund of the Treasury as Miscellaneous Receipts unless other disposition is specifically authorized by law.

§ 289.9 Legislative proposals.

In cases where collection of fees and charges for services or property is limited or restricted by provisions of existing law, each military department concerned will submit appropriate remedial legislative proposals under applicable legislative procedures.

§ 289.10 Annual report on user charges.

(a) As a result of the annual review specified in § 289.7(b), a report (Standard Form No. 4) covering all changes in fees or charges shall be made and submitted to the Bureau of the Budget by December 31 of each year. Each report will cover the situation as of the preceding June 30 and shall be prepared in accordance with the instructions set forth in Appendixes A and B[1] of this part.

(b) When one military department has the responsibility for the sale or lease of property or equipment belonging to two or more military departments, the military department having the responsibility will report such activity on its "User Charges" report.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 62-406; Filed, Jan 12, 1962; 8:47 a.m.]

Chapter VI—Department of the Navy

SUBCHAPTER D—PROCUREMENT, PROPERTY, PATENTS, AND CONTRACTS

PART 736—DISPOSITION OF PROPERTY

Sale of Personal Property

In § 736.3(a) the list of "Activities Authorized To Sell Contractor Inventory at Private Plants" is amended by revising the 5th item under *"Office and Area"* ("Dallas") to read as follows:

Dallas, 706 Jackson Street, Dallas, Tex.: 8th Naval District.

(Sec. 5031, 70A Stat. 278 as amended; 10 U.S.C. 5031.)

By direction of the Secretary of the Navy.

[SEAL] W. C. MOTT,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

JANUARY 8, 1962.

[F.R. Doc. 62-398; Filed, Jan. 12, 1962; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

St. Jones River, Delaware

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.237 is hereby amended to include the Delaware State Highway Department bridge across St. Jones River at Barkers Landing, Delaware, effective 30 days after publication in the FEDERAL REGISTER, as follows:

[1] Filed as part of original document.

§ 203.237 St. Jones River, Del.; Delaware State Highway Department bridges at Barkers Landing and at Lebanon.

(a) The owner of or agency controlling these bridges will not be required to keep draw tenders in constant attendance.

(b) Whenever a vessel unable to pass under the closed bridges desires to pass through the draws, at least 24 hours' advance notice of the time opening is required must be given to the authorized representative of the owner of or agency controlling the bridges to insure prompt opening thereof as the time required.

. . . . .

(d) The owner of or agency controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations of this section together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

[Regs., Dec. 19, 1961, 285/91 (St. Jones River, Del.)-ENGCW-ON]

(Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 62-388; Filed, Jan. 12, 1962; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 112—RATES AND CONDITIONS FOR SPECIFIC CLASSES

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Miscellaneous Amendments

The regulations of the Department are amended as follows:

I. In § 112.7 *Small packets*, as published in 26 F.R. 8701-8702, amend paragraph (h) by deleting "South Africa" from the alphabetical list of countries therein not accepting small packets.

NOTE: The corresponding Postal Manual section is 222.78.

II. In § 168.5 *Individual country regulations*, as published in 26 F.R. 8725-8805, make the following changes:

A. In country "Argentina", as amended by 26 F.R. 10771, under Parcel Post, amend the tabular information immediately following the item *Air parcel rates* by striking out "2 Form 2966" where it appears under "Postal forms required", and inserting in lieu thereof "3 Form 2966". Parcel post packages for Argentina must now be accompanied by three customs declarations.

B. In country "Canada", as amended by 26 F.R. 8945, under Postal Union Mail delete the third paragraph under the item *Observations*. Letter packages addressed to the Yukon District are no longer limited to 4 pounds 6 ounces in weight.

C. In country "South Africa" under Postal Union Mail, amend the item *Small packets*, by striking out "Not Accepted" and inserting in lieu thereof "Accepted".

D. In country "United Arab Republic (Egypt)" make the following changes to show that mail addressed to "United Arab Republic (Egypt)" should now be addressed to "United Arab Republic" without the name Egypt. The name United Arab Republic now applies only to the former Egyptian Region.

1. Under Postal Union Mail, amend the item *Observations* by inserting a new paragraph immediately preceding the first paragraph therein to read as follows:

Observations. Mail should be addressed "United Arab Republic", without the name "Egypt".

2. Under Parcel Post make the following changes in the item *Observations*.

a. Insert a new paragraph immediately preceding the first paragraph therein to read as follows:

Parcels should be addressed "United Arab Republic" without the name "Egypt".

b. In the last paragraph strike out "Egypt" where it appears in the first sentence therein and insert in lieu thereof "the United Arab Republic."

E. In country "United Arab Republic (Syria)", make the following changes to show that the Syrian Region of the United Arab Republic is now the Syrian Arab Republic and that mail may be addressed to "Syrian Arab Republic" or "Syria":

1. Amend the country heading to read "Syria" and redesignate the new country heading and the pertinent regulations in the proper alphabetical order of countries therein.

2. Under Postal Union Mail, amend the item *Observations* to read as follows:

Observations. Mail may be addressed "Syrian Arab Republic" or "Syria". The post office of destination should be written in Arabic if possible, as well as in English.

3. Under Parcel Post, strike out the second paragraph of the item *Observations*, and insert in lieu thereof the following:

Parcels may be addressed "Syrian Arab Republic" or "Syria". The post office of destination should be written in Arabic if possible, as well as in English.

III. In "Places Not Included in Alphabetical List of Countries", as amended by 26 F.R. 9857, 11833, make the following changes:

A. Delete the country "Syria (United Arab Republic)" where it appears in alphabetical order therein.

B. Amend the country "British Somaliland (Somaliland Protectorate)" where it appears in alphabetical order therein to read "British Somaliland (Somali Republic)".

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-409; Filed, Jan. 12, 1962; 8:47 a.m.]

PART 202—PROCEDURE GOVERNING THE ELIGIBILITY OF PERSONS TO PRACTICE BEFORE THE POST OFFICE DEPARTMENT

PART 204—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO THE DENIAL, SUSPENSION OR REVOCATION OF SECOND-CLASS MAIL PRIVILEGES

Revised Procedures; Correction

In F.R. Doc. 61-12390, appearing at pages 12771 through 12780 of the issue for Saturday, December 30, 1961, the following corrections are made:

1. On page 12777, the reference in § 202.3 (a) and (b) to "§ 202.2(d)" should read "§ 202.2(c)".

2. On page 12777, the reference in § 202.6(a)(1) to "§ 203.1" should read "§ 202.2".

3. On page 12778, the reference in § 204.8(a) to "§ 204" should read "§ 204.10".

4. On page 12779, the reference in § 204.13(b) to "Subpart A of Part 202 of this chapter" should read "Part 202 of this chapter".

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-408; Filed, Jan. 12, 1962; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9-7—CONTRACT CLAUSES

PART 9-15—CONTRACT COST PRINCIPLES AND PROCEDURES

Miscellaneous Amendments

Subpart 9-7.50 is amended as follows:

Section 9-7.5006-12 *Allowable costs and fixed fee (Architect-Engineer Contracts)* is amended by deleting [Reserved] and inserting in lieu thereof the following:

§ 9-7.5006-12 Allowable costs and fixed fee (Architect-Engineer Contracts).

(a) *Compensation for contractor's services.* Payment for the allowable cost as hereinafter defined, and of the fixed fee, if any, as hereinafter provided shall constitute full and complete compensation for the performance of the work under this contract.

(b) *Fixed fee.* The fixed fee payable to the contractor for the performance of the work under this contract is $_____.

NOTE: This provision may appropriately be changed to cover situations where the fee is for a period of time, or different fees are allowed for various phases of the work.

(c) *Allowable cost.* The allowable cost of performing the work under this contract shall be the costs and expenses (less applicable income and other credits) that are actually incurred by the contractor, are applicable and properly chargeable either as directly incident or as allocable through appropriate distribution or apportionment to the performance of the contract work in accordance with its terms and are determined to be allowable pursuant to this paragraph (c). The determination of the allowability of cost hereunder shall be based on: (1) reasonableness, including the exercise of prudent business judgment, (2) consistent application of generally accepted accounting principles and practices that result in equitable charges to the contract work and (3) recognition of all exclusions and limitations set forth in this clause or elsewhere in this contract as to types or amounts of items of cost. Allowable cost shall not include cost of any item described as unallowable in paragraph (e) of this clause, except as indicated therein. Failure to mention an item of cost specifically in paragraph (d) or paragraph (e) shall not imply either that it is allowable or that it is unallowable.

NOTE: This paragraph should be deleted and paragraph (c) of § 9-7.5006-9 inserted in lieu thereof for on-site architect-engineer contracts.

(d) *Examples of items of allowable cost.* Subject to the other provisions of this clause, the following examples of items of cost of work under this contract shall be allowable to the extent indicated:

(1) Bonds and insurance (including self-insurance) as provided in the clause entitled "Required Bonds and Insurance."

(2) Communication costs including telephone services, local and long distance telephone calls, telegrams, cablegrams, radiograms, postage and similar items.

(3) Consulting services (including legal and accounting) and related expenses, as approved by the Contracting Officer.

(4) Litigation expenses, including reasonable counsel fees, incurred in accordance with the clause of this contract entitled "Litigation and Claims."

(5) Losses and expenses (including settlements made with the consent of the Contracting Officer) sustained by the contractor in the performance of this contract and certified in writing by the Contracting Officer to be just and reasonable, except the losses and expenses expressly made unallowable under other provisions of this contract.

(6) Materials, supplies and equipment, including freight, transportation, material handling, inspection, storage, salvage, and other usual expenses incident to the procurement, use and disposition thereof, subject to approvals required under other provisions of this contract.

(7) Patents, purchased design, and royalty payments to the extent expressly provided for under other provisions in this contract or as approved by the Contracting Officer; and preparation of invention disclosures, reports and related documents, and searching the art to the extent necessary to make such invention disclosures in accordance with the Patent Clause of this contract.

(8) Personnel costs and related expenses incurred in accordance with Appendix A, or amendments thereto, such as:

(i) Salaries and wages; overtime, shift differential, holiday and other premium pay for time worked; non-work time including vacations, holidays, sick, funeral, military, jury, witness, and voting leave; salaries and wages to employees in their capacity as union stewards and committeemen for time spent in handling grievances, negotiating agreements with the Contractor, or serving on labor-management (contractor) committees; bonuses and incentive compensation, except that when the salaries and wages are directly

chargeable to the contract related bonuses and incentive compensation shall be subject to approval by the Contracting Officer;

(ii) Legally required contributions to old age and survivors' insurance, unemployment compensation plans and workmen's compensation plans (whether or not covered by insurance); voluntary or agreed upon plans providing benefits for retirement, separation, life insurance, hospitalization, medical-surgical and unemployment (whether or not such plans are covered by insurance);

(iii) Travel (except foreign travel which requires specific approval by the Contracting Officer on a case by case basis); incidental subsistence and other allowances of contractor employees, in connection with performance of work under this contract (including new employees reporting for work and transfer of employees, the transfer of their household goods and effects and the travel and subsistence of their dependents);

(iv) Employee relations, welfare, morale, etc., programs, including incentive or suggestion awards, employee counselling services, health or first-aid clinics and house or employee publications;

(v) Personnel training (except special education and training courses and research assignments calling for attendance at educational institutions which require specific approval by the Contracting Officer on a case by case basis) including apprenticeship training programs designed to improve efficiency and productivity of contract operations, to develop needed skills and to develop scientific and technical personnel in specialized fields required in the contract work; and

(vi) Recruitment of personnel (including help-wanted advertisement) including services of employment agencies at rates not in excess of standard commercial rates, employment office, travel of prospective employees at the request of the contractor for employment interviews.

Appendix A may be modified from time to time, in writing, without execution of an amendment to this contract for the purposes of effecting any changes in or additions to Appendix A as may be agreed upon by the parties.

NOTE: In appropriate circumstances, the lead sentence may be changed to read as follows:

"Personnel costs and related expenses incurred in accordance with the contractor's established personnel policies and programs applicable on a company-wide basis throughout the contractor's private operations, by collective bargaining contracts, or by custom in the industry or area, as approved by the Contracting Officer such as:"

Also delete last paragraph of text which refers to modifying Appendix A.

(9) Rentals and leases of land, buildings and equipment owned by third parties where such items are used in the performance of the contract, except that such rentals and leases when directly chargeable to the contract shall be subject to approval by the Contracting Officer.

(10) Repairs, maintenance, inspection, replacement and disposal of Government-owned property to the extent directed or approved by the Contracting Officer.

(11) Repairs, maintenance and inspection of contractor-owned property used in connection with the performance of this contract including reasonable standby facilities which are due to ordinary wear and tear from use and the action of the elements provided such maintenance and repairs keep the property in efficient operating condition and do not add to its permanent value or appreciably prolong its intended useful life; and major repairs (including replacement) to such property, except that such major repairs when directly chargeable to the contract shall be subject to approval by the Contracting Officer.

(12) Reproduction and art work, including such models and mock-ups as may be approved by the Contracting Officer.

(13) Structures and facilities of a temporary nature as approved by the Contracting Officer.

(14) Membership in trade, business and professional organizations, except that such memberships when directly chargeable to the contract shall be subject to approval by the Contracting Officer.

(15) Subcontracts, purchase orders and purchases from contractor controlled sources, subject to approvals required by other provisions of this contract.

(16) Subscriptions to trade, business, technical, and professional periodicals, except that such subscriptions when directly chargeable to the contract shall be subject to approval by the Contracting Officer.

(17) Taxes, fees and charges levied by public agencies which the contractor is required by law to pay, except those which are expressly made unallowable under other provisions of this contract.

(18) Utility services including electricity, gas, water, steam and sewerage.

(19) The costs of preparing proposals to the extent approved by the Contracting Officer, but not to exceed 1% of the direct material and direct labor costs of the contract work.

NOTE: This paragraph should be deleted for on-site architect-engineer contracts.

(e) *Examples of items of unallowable costs.* The following examples of items of costs are unallowable under this contract to the extent indicated:

(1) Advertising, except (i) help-wanted advertising, and (ii) other advertising (such as costs of participation in exhibits) approved by the Contracting Officer as clearly in furtherance of work performed under the contract.

(2) Bad debts (including expenses of collection) and provisions for bad debts not arising out of the performance of this contract.

(3) Bonuses and similar compensation under any other name, which (i) are not pursuant to an agreement between the contractor and employee prior to the rendering of the services or an established plan consistently followed by the contractor, (ii) are in excess of those costs which are allowable by the Internal Revenue Code and regulations thereunder, or (iii) provide total compensation to an employee in excess of reasonable compensation for the services rendered.

(4) Commissions, bonuses and fees (under whatever name) in connection with obtaining or negotiating for a Government contract or a modification thereto.

(5) Contingency reserves, provisions for (except provisions for reserves under a self-insurance program to the extent that the type, coverage, rates and premiums would be allowable if commercial insurance were purchased to cover the same risk, as approved by the Contracting Officer).

(6) Contributions and donations.

(7) Depreciation in excess of that calculated by application of methods approved for use by the Internal Revenue Service under the Internal Revenue Code of 1954, as amended, including the straight-line, declining balance (using a rate not exceeding twice the rate which would have been used had the depreciation been computed under the straight-line method) or sum-of-the-years-digits method, on the basis of expected useful life, to the cost of acquisition of the related fixed assets less estimated salvage or residual value at the end of the expected useful life. Amortization or depreciation of unrealized appreciation of values of assets or of assets fully amortized or depreciated on the contractor's books of account is unallowable.

(8) Dividend provisions or payments and, in the case of sole proprietors and partners, distributions of profits.

(9) Entertainment costs, except the costs of such recreational activities for on-site employees as may be approved by the Contracting Officer or provided for elsewhere in this contract.

(10) Fines and penalties, including assessed interest, resulting from violations of, or failure of the contractor to comply with Federal, State, or local laws, or regulations, except when incurred in accordance with written approval of the Contracting Officer or as a result of compliance with the provisions of this contract.

(11) Government-furnished property, except to the extent that cash payment therefor is required pursuant to procedures of the Commission applicable to transfers of such property to the contractor from others.

(12) Insurance (including any provision of a self-insurance reserve) on any person where the contractor under the insurance policy is the beneficiary directly or indirectly, and insurance against loss of or damage to Government property as defined in Clause _____

(13) Interest, however represented, except interest incurred in compliance with clause entitled "State and Local Taxes," bond discounts and expenses, and costs of financing and refinancing operations.

(14) Legal, accounting, and consulting services, and related costs incurred in connection with the preparation of prospectuses, preparation and issuance of stock rights, organization or reorganization, prosecution or defense of antitrust suits, prosecution of claims against the United States, contesting actions or proposed actions of the United States, and prosecution or defense of patent-infringement litigation.

(15) Losses (including litigation expenses, counsel fees, and settlements) on, or arising from the sale, exchange, or abandonment of capital assets, including investments; losses on other contracts, including the contractor's contributed portion under cost-sharing contracts; losses in connection with price reduction to and discount purchases by employees and others from any source; and losses where such losses or expenses:

(i) Are compensated for by insurance or otherwise, or which would have been compensated by insurance required by law or by written direction of the Contracting Officer but which the contractor failed to procure or maintain through its own fault or negligence, or which could have been covered by permissible insurance in keeping with ordinary business practice but which the contractor failed to secure or maintain;

(ii) Result from wilful misconduct or lack of good faith on the part of any of the contractor's directors, corporate officers, or a supervising representative of the contractor, as defined in Clause _____ of this contract;

(iii) Represent liabilities to third persons for which the contractor has expressly accepted responsibility under other terms of this contract.

(16) Precontract costs, except as expressly made allowable under other provisions in this contract.

(17) Reconversion, alteration, restoration, or rehabilitation of the contractor's facilities, except as expressly provided elsewhere in this contract.

(18) Research and development costs, unless specifically provided for elsewhere in this contract.

(19) Selling and distribution activities and related expenses not applicable to the performance of this contract.

(20) Storage of records pertaining to this contract after completion of operations under this contract irrespective of contractual or statutory requirement of the preservation of records.

(21) Taxes, fees and charges in connection with financing, refinancing, or refunding operations, including the listing of securities on exchanges; taxes which are paid contrary to the clause entitled "State and Local Taxes;" Federal taxes on net income and excess profits; and special assessments on land which represent capital improvement.

NOTE: The following additional examples of items of unallowable costs are to be used in on-site architect-engineer contracts:

(22) Costs of preparing proposals.

(23) Central and branch office expenses of the contractor, except as specifically set forth in the contract.

(24) Travel expenses of officers, partners, proprietors, executives, administrative heads and other employees of the contractor's central office or branch office organization concerned with the general management, supervision and conduct of the contractor's business as a whole, except to the extent that particular travel is in connection with the contract and approved by the Contracting Officer.

Subpart 9–15.50 is amended as follows:

§ 9–15.5001 [Amendment]

Section 9–15.5001 *Definitions,* is amended by adding the following to paragraph (e):

(1) "Off-site architect-engineer contract" is a contract where the design work is performed in the contractor's central or branch office.

(2) "On-site architect-engineer contract" is a contract where relatively complete staffing is required for the design work at an office other than a central or branch office of the contractor, and where a minimum of support is required from the contractor's central or branch office staff. The office where the design work is performed may be at the construction site or any other location.

Section 9–15.5002 is deleted and the following is inserted in lieu thereof:

§ 9–15.5002 Responsibilities.

(a) The Controller is responsible for developing and revising the policy and procedures for the determination of allowable costs, and for seeing that they are properly coordinated with the General Counsel, the Division of Contracts, and with other Divisions and Offices having joint interests.

(b) Directors of Headquarters Divisions and Offices negotiating contracts, and Managers of Field Offices are responsible for following the policy, principles and standards set forth herein in establishing the compensation provisions of contracts and subcontracts and for submission of deviations for Headquarters consideration.

(c) The General Counsel is responsible for the preparation and interpretation of contracts.

Section 9–15.5003 is deleted and the following is inserted in lieu thereof:

§ 9–15.5003 Deviation.

Deviations from the policy and principles set forth in this subpart shall not be made unless such action is authorized by the Headquarters Division Director concerned, after consultation with the Controller, General Counsel, and the Director, Division of Contracts, on the basis of a written justification stating clearly the special circumstances involved. Where appropriate, any approved deviation shall be reflected in the compensation provisions of the contract.

Section 9–15.5005–2 is deleted and the following is inserted in lieu thereof:

§ 9–15.5005–2 Compensation through fee.

(a) AEC compensates operating, construction and on-site architect-engineer contractors through the fixed fee for general and administrative expenses incurred in the general management and administration of the contractor's business as a whole by the contractor's home, divisional or branch offices.

(b) AEC generally compensates construction contractors through the fixed fee for the salary (and associated payroll costs, taxes, etc., related to such salary) of the contractor's responsible supervising representative in charge of the contract work. Accordingly, the salary of the supervising representative is generally not reimbursable as an allowable cost under construction contracts.

(c) In a particular case, the contractor may be compensated on the basis of allowable cost, rather than through the fixed fee for some or all of the expenses described in paragraphs (a) and (b) of this section if the appropriate Headquarters Division Director, the Manager of the Field Office, or a representative having the authority to approve the contract, authorizes use of this alternative approach and determines that the negotiated fixed fee reflects proper downward adjustment from that which would otherwise have been established. In the case of no-fee contracts (including contracts providing for nominal or token fees) these categories of expenses may be either reimbursed on the basis of actual costs or compensated through a predetermined fixed amount.

(d) The above-stated policy does not preclude the payment of expenses merely because they are incurred or accounted for at or by the contractor's home, divisional or branch offices; where expenses of a type typically incurred at construction or operation sites in support of the contract work, are, by reason of a particular contractor's greater centralization, incurred at such offices, rather than at the operation site, such expenses may be reimbursed.

(e) In the case of on-site architect-engineer contracts, the Contracting Officer may approve performance of some of the work in the contractor's central or branch office location. The direct costs of such work and an equitable portion of such indirect costs at the central office or branch office location as are properly applicable and apportionable to such work are allowable. In such cases, the indirect costs attributable to the performance at a central office or branch office location of work related directly and solely to individual contracts shall be distinguished with care from general and administrative expenses incurred by the contractor's home or branch offices in the general management, supervision, and conduct of its business, since these general administrative expenses are usually compensated for through fee and, in any event, where allowable, are related to and apportionable over all work under the supervision of the office concerned.

(f) As to work performed by an operating contractor in its own facilities, see § 9–15.5007–3.

§ 9–15.5005–3 [Amendment]

Section 9–15.5005–3 is amended by deleting the note at the end thereof and inserting in lieu thereof the following:

NOTE: For examples of allowable and unallowable costs see §§ 9–7.5006–9 through 9–7.5006–12.

§ 9–15.5005–4 [Amendment]

Section 9–15.5005–4 is amended by deleting paragraph (b) and inserting the following in lieu thereof:

(b) *Audit by other Federal agencies.* Where the amount of cost-type work to be performed for AEC in a particular facility is less than that being performed at the same facility for other Federal agencies, arrangements may be made to have the cognizant agency perform the audit of the AEC contract or subcontract. These arrangements shall be made administratively between AEC and the other agency involved, and wherever possible shall provide for the cognizant agency to audit against the AEC cost principles. In no case, however, shall the arrangements preclude determination by the AEC contracting officer of the allowable and unallowable costs in accordance with AEC cost principles set forth in §§ 9–7.5006–9 through 9–7.5006–12. Steps appropriate in the light of the magnitude and nature of the costs shall be taken by the contracting officer to ascertain that the audit results properly reflect the application of AEC cost principles (particularly as to types and amounts of items of cost including incidence, allocability, and equitable distribution thereof).

§ 9–15.5007–2 [Amendment]

Section 9–15.5007–2 is amended by deleting paragraph (a) and inserting the following in lieu thereof:

(a) The contractor's indirect costs, which must be appropriately identified and supported by adequate documentation, must be carefully examined with the objective of excluding for reimbursement purposes all types of indirect costs that are either unallowable in nature (see list of examples in Standard Cost Articles §§ 9–7.5006–9 through 9–7.5006–12) or not properly allocable to performance of work under the AEC contract. It may be that only a portion of a given pool of indirect costs will fail to meet these tests and require such exclusion. After excluding all such expenses, the remaining indirect costs require allocation by an acceptable method or methods that result in equitable charges to the AEC contract. Any item or items of indirect cost that are so excluded in whole or in part shall include an amount for absorption of their appropriate share of other related indirect and administrative expenses. Some examples of indirect costs that should include a fair share of other indirect and administrative expenses are: research and development costs, selling expenses, and bidding and proposal costs.

Section 9–15.5007–3 is deleted and the following is inserted in lieu thereof:

§ 9–15.5007–3 Company general and administrative expenses.

Although the AEC generally compensates operating, construction and on-site architect-engineer contractors through fee for company general and administrative expenses (see § 9–15.5005–2), it allows such company general and administrative expenses under off-site architect-engineer, supply, and research contracts with commercial contractors performing the work in their own facilities. Contractor's general and administrative expenses may, however, be included for reimbursement under AEC off-site architect-engineer, supply, and research contracts only to the extent that they are established, after careful examination, to be allowable in nature and properly allocable to the work. Work performed in a contractor's own facilities under an operating or construction contract may likewise be allowed to bear the properly allocable portion of allowable company general and administrative expense.

Section 9–15.5008–2 is deleted and the following is inserted in lieu thereof:

§ 9–15.5008–2 Cost data.

Where the use of cost data is required by § 9–15.5008–1, the cost principles outlined in this subpart including the items listed as unallowable costs in the Standard Cost Articles §§ 9–7.5006–9 through 9–7.5006–12 shall be applicable in the accounting reviews of contractor's proposals for pricing and in the preparation of the advisory accounting reports which are to be used as a guide by the Contracting Officer in negotiating the final price. An exception to this is the treatment of contingency reserves or allowances in connection with estimates of future costs. If contingencies are known to exist in such cases and the effects may be gauged within reasonable limits (such as anticipated costs of defective work), consideration thereof may be included in the estimates. Where conditions are known that may give rise to a contingency but the effects cannot be reasonably estimated (such as general business risks), the contingency should not be included as a cost factor but should be disclosed as a separate item for the consideration of the Contracting Officer.

The following are a few examples of expenses which, although not unallowable because of their basic nature, are not incident to the performance of an AEC contract:

§ 9–15.5009–5 [Amendment]

Section 9–15.5009–5 is amended by deleting the first two sentences of paragraph (a) and inserting in lieu thereof the following:

(a) *Allowability.* As indicated in § 9–15.5005–3, a contractor's general and administrative expenses may be accepted for apportionment to work under an AEC off-site architect-engineer, supply, or research contract only to the extent that they are established, after careful examination, to be allowable in nature and, on the basis of incidence to its performance, properly allocable to the work.

§ 9–15.5010–14 [Amendment]

Section 9–15.5010–14 is amended by deleting paragraph (c) and inserting in lieu thereof:

(c) Bonuses and incentive compensation paid to employees other than those whose pay is directly reimbursed will not be allowed in on-site architect-engineer, construction, and operating contracts where home office general and administrative expense is unallowable.

Section 9–15.5010–14 is amended by deleting paragraph (j) and inserting in lieu thereof:

(j) *Training and education expenses.* See §§ 9–7.5006–9(d)(8)(v), 9–7.5006–10(d)(8)(v), and 9–7.5006–12(d)(8)(v).

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486)

Effective date: These regulations are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 4th day of January 1962.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 62-389; Filed, Jan. 12, 1962; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 26]

GRAIN SORGHUM

Official Grain Standards of the United States; Notice of Proposed Rule Making

Pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), notice is hereby given that the United States Department of Agriculture has under consideration a proposed revision of the Official Grain Standards of the United States for Grain Sorghum (7 CFR 26.551 et seq.), promulgated under the authority of the United States Grain Standards Act, 39 Stat. 482, as amended (7 U.S.C. 71 et seq.).

Since the last revision of the Official Grain Standards of the United States for Grain Sorghum, effective July 1, 1935, there have been changes in the character of the grain sorghum crop due to the adoption of new varieties and the mechanization of the methods of harvesting the crop. The test weight per bushel of the varieties now grown is higher than that of the varieties grown 20 or 25 years ago. It has also been found that the varieties now grown are not true durra, milo, or kafir types but are crosses and therefore it is proposed that the subclasses associated with these types be eliminated. For the same reason it is proposed to eliminate the class Red grain sorghums. The change in methods of harvesting has to a large extent eliminated dockage in grain sorghum. It is therefore proposed that dockage as such be eliminated and that special limits for fine foreign material be included under the grading factor designated as foreign material. As an alternative to this proposal, dockage as applied at present is also proposed. In addition it is proposed to lower the moisture requirements in grades No. 1, No. 2, and No. 3, to provide for better keeping quality for the grain in these grades and an alternative proposal providing for a special grade "Tough" in lieu of specific moisture limits as numerical grading factors is also offered for consideration. It is further proposed that nongrain sorghum be eliminated as a grading factor since it is now seldom a grade determining factor. In addition, other minor changes are offered for consideration.

Accordingly, it is proposed that consideration be given to revising the Official Grain Standards of the United States for Grain Sorghum to read as follows:

§ 26.551 Terms defined.

For the purposes of the official grain standards of the United States for grain sorghum (Sorghum vulgare):

(a) *Grain sorghum.* Grain sorghum shall be any grain which consists of 50 percent or more of whole kernels of grain sorghum, which contains not more than 10.0 percent of other grains for which standards have been established under the United States Grain Standards Act, and which, after the removal of foreign material, contains not more than 10.0 percent of nongrain sorghum.

(b) *Classes.* Grain sorghum shall be divided into the following four classes: Yellow Grain Sorghum, White Grain Sorghum, Brown Grain Sorghum, and Mixed Grain Sorghum.

(1) *Yellow Grain Sorghum.* The class Yellow Grain Sorghum shall be grain sorghum with yellow, salmon-pink, or red seedcoats, which contains not more than 10.0 percent of grain sorghum of other colors.

(2) *White Grain Sorghum.* The class White Grain Sorghum shall be grain sorghum with white seed coats, which contains not more than 10.0 percent of grain sorghum of other colors. Colored spots upon kernels of grain sorghum otherwise white shall not affect their classification as White Grain Sorghum. Grain Sorghum with white seedcoats and brown subcoats shall not be classed as White Grain Sorghum.

(3) *Brown Grain Sorghum.* The class Brown Grain Sorghum shall be grain sorghum with brown seedcoats, which contains not more than 10.0 percent of grain sorghum of other colors. Grain sorghum with white seedcoats and brown subcoats shall be classed as Brown Grain Sorghum (see paragraph (b)(2) of this section).

(4) *Mixed Grain Sorghum.* The class Mixed Grain Sorghum shall be grain sorghum which does not meet the requirements for the class Yellow Grain Sorghum, White Grain Sorghum, or Brown Grain Sorghum.

(c) *Grades.* Grades shall be the numerical grades, Sample grade, and special grades provided for in section 26.553.

(d) *Foreign material (total).* Foreign material (total) shall be all matter including kernels and pieces of kernels of grain sorghum which will pass readily through a 5/64 triangular hole sieve and all matter other than grain sorghum which remains on the sieve after sieving.

(e) *Fine foreign material.* Fine foreign material shall be foreign material which will pass readily through a 2½/64 round hole sieve.

(f) *Other grains.* Other grains shall be barley, hull-less barley, corn, flaxseed, oats, rye, soybeans, wheat, cultivated buckwheat, einkorn, emmer, Polish wheat, popcorn, poulard wheat, rice, spelt, sweet corn, and wild oats.

(g) *Nongrain sorghum.* Nongrain sorghum shall be the seeds of sweet sorghum (sorgo), sorghum-sudan hybrids, sorgrass, broomcorn, Johnson grass, and Sudan grass.

(h) *Damaged kernels (total).* Damaged kernels (total) shall be kernels and pieces of kernels of grain sorghum, nongrain sorghum, and other grains which are heat damaged, sprouted, frosted, badly ground-damaged, badly weather-damaged, moldy, diseased, or otherwise materially damaged.

(i) *Heat-damaged kernels.* Heat-damaged kernels shall be kernels and pieces of kernels of grain sorghum, nongrain sorghum, and other grains which are materially discolored and damaged by heat.

(j) *Stones.* Stones shall be concreted earthy or mineral matter and other substances of similar hardness that do not disintegrate readily in water.

(k) *5/64 triangular hole sieve.* A 5/64 triangular hole sieve shall be an aluminum sieve 0.0319 inch thick with equilateral triangular perforations, the inscribed circles of which are 0.0781 (5/64) inch in diameter and which are ¼ inch from center to center. The perforations of each row shall be staggered in relation to the adjacent row.

(l) *2½/64 round hole sieve.* A 2½/64 round hole sieve shall be an aluminum sieve 0.0319 inch thick perforated with round holes 0.0391 (2½/64) inch in diameter which are 0.075 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent row.

§ 26.552 Principles governing application of standards.

The following principles shall apply in the determination of the classes and grades of grain sorghum:

(a) *Basis of determination.* Each determination of class, damaged kernels, heat-damaged kernels, nongrain sorghum, and stones shall be on the basis of the grain when free from that part of the "foreign material" which can be removed readily by the use of a 5/64 triangular hole sieve. All other determinations shall be upon the basis of the grain as a whole.

(b) *Percentages.* Percentages shall be upon the basis of weight.

(c) *Moisture.* Moisture shall be ascertained by the air-oven method for grain sorghum prescribed by the United States Department of Agriculture as described in Service and Regulatory Announcements No. 147 (1959 revision), issued by the Agricultural Marketing Service, or ascertained by any method which gives equivalent results.

(d) *Test weight per bushel.* Test weight per bushel shall be the weight per Winchester bushel, as determined by the method prescribed by the United States Department of Agriculture as described in Circular 921, issued June 1953, or as determined by any method which gives equivalent results.

§ 26.553 Grades, grade requirements and grade designations.

The following grades, grade requirements, and grade designations are applicable under these standards:

(a) *Grades and grade requirements for the classes Yellow Grain Sorghum, White Grain Sorghum, Brown Grain*

Sorghum, and Mixed Grain Sorghum. (See also paragraph (c) of this section.)

Grade	Minimum test weight per bushel	Maximum limits of—				
		Moisture	Damaged kernels		Foreign material	
			Total	Heat-damaged kernels	Total	Fine foreign material
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
1	58	13.0	2.0	0.2	3.0	0.5
2	56	14.0	5.0	.5	6.0	1.0
3	54	15.0	10.0	1.0	9.0	1.5
4	51	18.0	15.0	3.0	12.0	2.0

Sample grade: Sample grade shall be grain sorghum which does not meet the requirements of any of the grades from No. 1 to No. 4, inclusive; or which contains stones; or which is musty, or sour, or heating; or which is badly weathered; or which has any commercially objectionable foreign odor except of smut; or which is otherwise of distinctly low quality.

[1] Grain sorghum which is distinctly discolored shall not be graded higher than No. 3.

(b) *Grade designation for all classes of grain sorghum.* The grade designation for grain sorghum shall include, in the order named, the number of the grade or the words "Sample grade," as the case may be; the name of the class; and the name of each applicable special grade. In the case of the class Mixed Grain Sorghum, the grade designation shall also include, following the name of the class, the approximate percentages of yellow grain sorghum, white grain sorghum, and brown grain sorghum, if any, in the mixture.

(c) *Special grades, special grade requirements, and special grade designations for grain sorghum*—(1) *Smutty grain sorghum*—(i) *Requirements.* Smutty grain sorghum shall be grain sorghum the kernels of which are covered with smut spores, or which contains 20 or more smut masses in 100 grams of grain sorghum.

(ii) *Grade designation.* Smutty grain sorghum shall be graded and designated according to the grade requirements of the standards applicable to such grain sorghum if it were not smutty, and there shall be added to and made a part of the grade designation the word "Smutty."

(2) *Weevily grain sorghum*—(i) *Requirements.* Weevily grain sorghum shall be grain sorghum which is infested with live weevils or other live insects injurious to stored grain.

(ii) *Grade designation.* Weevily grain sorghum shall be graded and designated according to the grade requirements of the standards applicable to such grain sorghum if it were not weevily, and there shall be added to and made a part of the grade designation the word "Weevily."

The following alternative proposals will be given consideration:

A. Eliminate fine foreign material as a grading factor and provide that all material which will pass readily through a 2½/64 round hole sieve shall be considered as dockage.

This proposal requires the following changes in the several sections of the original proposal.

1. Substitute the following paragraphs, respectively, for paragraphs (a), (d), and (e) in § 26.551, as set out above:

(a) *Grain sorghum.* Grain sorghum shall be any grain which, before the removal of dockage, consists of 50 percent or more of whole kernels of grain sorghum, which contains not more than 10.0 percent of other grains for which standards have been established under the United States Grain Standards Act, and which after the removal of the dockage and foreign material, contains not more than 10.0 percent of nongrain sorghum.

* * * * *

(d) *Dockage.* Dockage shall be sand, dirt, finely broken kernels of grain sorghum, weed seeds, and any other material which will pass readily through a 2½/64 round hole sieve (see also paragraph (b) of § 26.552 and paragraph (b) of § 26.553).

(e) *Foreign material.* Foreign material shall be all matter including kernels and pieces of kernels of grain sorghum, except dockage, which will pass readily through a 5/64 triangular hole sieve and all matter other than grain sorghum which remains on the sieve after sieving.

2. Substitute the following paragraph for paragraphs (a) and (b) in § 26.552, as set out above:

(a) *Basis of determinations.* Each determination of foreign material shall be on the basis of the grain when free from dockage. Each determination of class, damaged kernels, heat-damaged kernels, nongrain sorghum, and stones shall be made upon the basis of the grain when free from dockage and that part of the foreign material which can be removed readily by the use of a 5/64 triangular hole sieve. All other determinations shall be upon the basis of the grain as a whole.

(b) *Percentages.* Percentages shall be upon the basis of weight. The percentage of dockage when equal to 1 percent or more shall be stated in terms of whole percent and when less than 1 percent shall not be stated. A fraction of a percent shall be disregarded.

3. Substitute the following paragraph for paragraphs (a) and (b) in § 26.553:

(a) *Grades and grade requirements for the classes of Yellow Grain Sorghum, White Grain Sorghum, Brown Grain Sorghum, and Mixed Grain Sorghum* (see also paragraph (c) of this section).

Grade	Minimum test weight per bushel	Maximum limits of—			
		Moisture	Damaged kernels		Foreign material
			Total	Heat-damaged kernels	
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*
1	58	13.0	2.0	0.2	3.0
2	56	14.0	5.0	.5	6.0
3	54	15.0	10.0	1.0	9.0
4	51	18.0	15.0	3.0	12.0

Sample grade: Sample grade shall be grain sorghum which does not meet the requirements of any of the grades from No. 1 to No. 4, inclusive; or which contains stones; or which is musty, or sour, or heating; or which is badly weathered; or which has any commercially objectionable foreign odor except of smut; or which is otherwise of distinctly low quality.

[1] Grain sorghum which is distinctly discolored shall not be graded higher than No. 3.

(b) *Grade designation for all classes of grain sorghum.* The grade designation for grain sorghum shall include, in the order named, the number of the grade or the words "Sample grade," as the case may be; the name of the class; the name of each applicable special grade, and when applicable the word "Dockage" together with the percentage thereof. In the case of the class Mixed Grain Sorghum the grade designation shall also include, following the name of the class, the approximate percentages of yellow grain sorghum, white grain sorghum, and brown grain sorghum, if any, in the mixture.

B. Eliminate moisture as a numerical grading factor in the table of grade requirements and substitute a special grade for tough grain sorghum.

This proposal would require the following changes in § 26.553 of the original proposal:

1. Substitute the following paragraph for paragraph (a) of § 26.553, as set out above:

(a) *Grades and grade requirements for the classes Yellow Grain Sorghum, White Grain Sorghum, Brown Grain Sorghum, and Mixed Grain Sorghum* (see also paragraph (c) of this section).

Grade	Minimum test weight per bushel	Maximum limits of—			
		Damaged kernels		Foreign material	
		Total	Heat-damaged kernels	Total	Fine foreign material
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*
1	58	2.0	0.2	3.0	0.5
2	56	5.0	.5	6.0	1.0
3	54	10.0	1.0	9.0	1.5
4	51	15.0	3.0	12.0	2.0

Sample grade: Sample grade shall be grain sorghum which does not meet the requirements of any of the grades from No. 1 to No. 4, inclusive; or which contains more than 18.0 percent of moisture; or which is musty, or sour, or heating; or which is badly weathered; or which has any commercially objectionable foreign odor except of smut; or which is otherwise of distinctly low quality.

[1] Grain sorghum which is distinctly discolored shall not be graded higher than No. 3.

1. Add a new subparagraph (3) to paragraph (c) of § 26.553, as set out above, to read as follows:

(3) *Tough grain sorghum*—(i) *Requirements.* Tough grain sorghum shall be grain sorghum which contains more than 13.0 but not more than 18.0 percent of moisture.

(ii) *Grade designation.* Tough grain sorghum shall be graded and designated according to the grade requirements of the standards applicable to such grain sorghum if it were not tough, and there shall be added to and made a part of the grade designation, the word "Tough."

The United States Grain Standards Act requires that public notice be given of the revision of standards adopted under its provisions not less than 90 days in advance of the effective date of such revision. If revised standards for grain sorghum are promulgated, they should be made effective on or about June 15, 1962.

Pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), informal public hearings will be held as follows:

Lubbock, Texas, beginning at 1:30 p.m., on January 29, 1962, in the MacKenzie Terrace, 407 East Broadway.

Kansas City, Missouri, beginning at 9:30 a.m., on January 31, 1962, in the Georgian Room of the Continental Hotel.

Written data, views, or arguments may also be submitted to the Director, Grain Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., to be received by him not later than February 15, 1962. Consideration will be given to all information obtained at the hearing, to written data, views, and arguments received by the Director not later than February 15, 1962, and to other information available in the United States Department of Agriculture before a decision is made as to what revisions, if any, shall be promulgated.

Lawrence Zeleny, Grain Division, Agricultural Marketing Service, is hereby designated to conduct the hearings. In case this designee is unable to conduct the hearings, any other officer of the Department designated by the Director, Grain Division, Agricultural Marketing Service, is hereby authorized to conduct such hearings.

Done at Washington, D.C., this 9th day of January 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-368; Filed, Jan. 12, 1962; 8:46 a.m.]

[7 CFR Part 959]

[AO-322-A1]

ONIONS GROWN IN SOUTH TEXAS

Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Marketing Agreement and Order

The time within which interested parties may file exceptions to the recommended decision (27 F.R. 108) of the Assistant Secretary, United States Department of Agriculture, with respect to the proposed amendments to the marketing agreement and order regulating the handling of onions grown in South Texas is hereby extended to not later than the close of business on January 19, 1962.

Dated: January 11, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-463; Filed, Jan. 12, 1962; 9:01 a.m.]

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

Amendment of the Administrative Rules and Regulations To Provide for Establishment of Independent Producer Districts; Notice of Proposed Rule Making

Notice is hereby given that there is under consideration an amendment of the Subpart—Administrative Rules and Regulations, operative pursuant to Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993; 26 F.R. 475), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

The proposed amendment was recommended by the Prune Administrative Committee and would establish seven independent producer districts so that such districts would have, insofar as practicable, equal representation by numbers of independent producers and production of dried prunes by such producers, as required by § 993.28. The description of each of the seven districts would be included in paragraph (a) of § 993.128. This paragraph was reserved for such purpose by action of August 29, 1961 (26 F.R. 8277), promulgating the Administrative Rules and Regulations under the amended program.

Consideration will be given to any written data, views, or arguments pertaining to the proposals which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received not later than the close of business on the tenth day after publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

§ 993.128 Nominations for membership.

(a) *Districts.* In accordance with the provisions of § 993.28, the districts referred to therein are described as follows:

District No. 1. The counties of Modoc, Lassen, Plumas, Sierra, Butte, Sutter, Yuba, Nevada, and Placer.

District No. 2. The counties of Marin, Napa, Lake, Mendocino, Humboldt, Del Norte, and that portion of Sonoma County south and east of a line described as follows: Beginning at the intersection of Bay Highway and Bodega Bay in Bodega Bay; thence easterly on Bay Highway to its junction with Bodega Highway in Bodega; thence easterly on Bodega Highway to its junction with Burbank Memorial Highway in Sebastopol; thence easterly on Burbank Memorial Highway to its junction with Sebastopol Avenue at Occidental Road; then east on Sebastopol Avenue to U.S. Highway 101 Freeway in Santa Rosa; thence north on U.S. Highway 101 Freeway to its junction with Redwood Highway North (U.S. Highway 101) at Mendocino Avenue; thence northwest on Redwood Highway North (U.S. Highway 101) to Pleasant Road near East Windsor; thence east on Pleasant Road to Chalk Hill Road; thence northerly on Chalk Hill Road to its junction with State Highway 128; thence easterly on State Highway 128 to the Napa County line.

District No. 3. All of that portion of Sonoma County not included in District No. 2.

District No. 4. The counties of Alameda, San Francisco, San Mateo, Santa Cruz, and all that portion of Santa Clara County north and west of a line described as follows: Beginning at the point where the eastern Santa Clara County line and the southern boundary of San Jose Township of said county meet; thence west on said township boundary to San Felipe Road No. 2; thence southerly on San Felipe Road No. 2 to San Felipe Road; thence westerly and northwesterly on San Felipe Road to White Road in Evergreen; thence northwest on White Road to Santa Clara Street in San Jose; thence west on Santa Clara Street to First Street in San Jose; thence south on First Street to San Carlos Street in San Jose; thence west on San Carlos Street to Meridian Road in San Jose; thence south on Meridian Road to Dry Creek Road; thence westerly on Dry Creek Road to the San Jose-Los Gatos Road; thence southwesterly on the San Jose-Los Gatos Road to Union Avenue; thence south on Union Avenue along a straight line continuing to the Santa Cruz County line.

District No. 5. That part of Santa Clara County east and south of District No. 4, extending in a southerly direction to a straight line extending from along the main portion of the Cochran Road, northeasterly to the Stanislaus County line and southwesterly to the Santa Cruz County line.

District No. 6. The counties of San Benito, Monterey, and San Luis Obispo, and all of that portion of Santa Clara County not included in Districts No. 4 and No. 5.

District No. 7. All of the counties in the State of California not included in Districts No. 1 to No. 6, inclusive.

Dated: January 10, 1962.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-428; Filed, Jan. 12, 1962; 8:49 a.m.]

Agricultural Research Service

[9 CFR Part 92]

IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

Miscellaneous Amendments

On December 28, 1961, there was published in the FEDERAL REGISTER (26 F.R. 12579) a notice of proposed amendments of Part 92, Code of Federal Regulations, governing the importation of certain animals and poultry and certain animal and poultry products. After further consideration of the matter it is now proposed that certain further changes be made in §§ 92.19, 92.27, and 92.31 as specified below:

1. Paragraph (a) of § 92.19 would be amended to read as follows:

(a) For ruminants, swine, horses, poultry, and animal semen intended for importation from Canada, the importer shall first apply for and obtain from the Division an import permit as provided in § 92.4: *Provided*, That an import permit is not required for horses or poultry offered for entry at a land border port designated in § 92.3(b) of this part; and *Provided further*, That an import permit is not required for a ruminant or swine offered for entry at a land border port designated in § 92.3(b) of this part if such animal: (1) Was born in Canada or the United States, and (2) has been in no country other than Canada or the United States, and (3) has not, during the preceding 60 days, been corralled, pastured, or held with, or bred by, or inseminated with semen from, any ruminants or swine for which a permit would be required under this part, and (4) is not pregnant as a result of having been bred by, or artificially inseminated with semen from, a ruminant or swine

for which a permit would be required under this part.

2. Paragraph (a) of § 92.27 would be amended by adding "horses," after the word "swine," in the first line thereof.

3. Paragraph (a) of § 92.31 would be amended to read as follows:

(a) For ruminants, swine, horses, poultry, and animal semen intended for importation from Mexico, the importer shall first apply for and obtain from the Division an import permit as provided in § 92.4: *Provided*, That an import permit is not required for horses offered for entry at a land border port designated in § 92.3(c) of this part; and *Provided further*, That an import permit is not required for a ruminant or swine offered for entry at a land border port designated in § 92.3(c) of this part if such animal: (1) Was born in the Mexican States of Tamaupilas, Nuevo Leon, Coahuila, Chihuahua, Sonora, Durango, and Baja California, or the United States, and (2) has been in no country other than the United States or Mexico, and in no Mexican State other than those specified above, and (3) has not, during the preceding 60 days, been corralled, pastured, or held with, or bred by, or inseminated with semen from, any ruminants or swine for which a permit would be required under this part, and (4) is not pregnant as a result of having been bred by, or artificially inseminated with semen from, a ruminant or swine for which a permit would be required under this part.

Any person who wishes to submit written data, views, or arguments concerning the foregoing proposed changes may do so by filing them with the Director, Animal Inspection and Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of January 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-430; Filed, Jan. 12, 1962; 8:49 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1126]

[Docket Nos. AO 231-A15, AO 231-A18]

MILK IN NORTH TEXAS MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the North Texas marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearings on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, were conducted at Dallas, Texas, on April 24, 25, and 26, and August 29, 1961, pursuant to notices thereof which were issued March 28, 1961 (26 F.R. 2750), and August 18, 1961 (26 F.R. 7837).

The material issues on the record of the hearings relate to:

1. Classification and accounting for dietary products and other fortified fluid milk products.
2. Modification of the conditions for pooling plants also meeting the pooling requirements of another Federal order.
3. "Individual-handler" pooling in lieu of the present marketwide pooling.
4. Classification of fluid milk products disposed of for animal feed.
5. Application of handler location adjustments.

The notice of hearing contained a proposal (No. 6) relating to the establishment of more definite handler, hauler and cooperative responsibilities, under the order, for individual producer's weights and tests of milk. No testimony was offered either in support of or in opposition to Proposal No. 6, therefore, no further mention is made of this proposal.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence at the hearing and the record thereof:

1. *Classification and accounting for dietary products and other fortified fluid milk products.* Fortified fluid milk products should be classified as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content, excluding the dry weight of nonmilk ingredients such as flavoring, sugar, etc. The skim milk equivalent of the nonfat milk solids not classified as Class I should be considered a Class II disposition.

The present order provisions provide for full skim milk equivalent accounting so that when nonfat milk solids in the form of nonfat dry milk or condensed skim milk are added to a fluid milk product to increase the nonfat milk solids content, the skim milk equivalent of the total nonfat milk solids in the product is classified as Class I. Producer milk is given priority of assignment in Class I and to the extent that producer receipts are available in the plant, producers receive credit for a Class I utilization on the full skim milk equivalent of other source nonfat milk solids received in concentrated form and used in fortification or reconstitution. When Class I utilization exceeds available producer receipts and "other source milk" is assigned to Class I a compensatory charge is applicable on such other source milk so assigned unless such milk has been classified and priced as Class I by another Federal order. Where nonmilk products such as sugar, flavoring, etc., are used in making any product, the weight of such additives is deducted before reconciliation of the pounds of skim and butterfat to be classified.

Proprietary handlers proposed that fluid milk dietary foods be classified as Class II in lieu of the present Class I classification and that the skim milk equivalent accounting for nonfat milk solids used in fortification be discontinued. It was their position that the product cost resulting from the present Class I classification of dietary fluid milk products placed them at a competitive disadvantage with similar products in dry form or in hermetically sealed containers made from non-Grade A milk and milk products and distributed through grocery stores, drug stores, food establishments and similar outlets. They suggested that a Class II classification and pricing would permit more competitive resale pricing and hence create a greater demand for their product. Their proposed changes, they suggested, would serve to facilitate the economic disposition of reserve supplies of milk of the market. They further contended that a Class I classification and pricing on the skim milk equivalent of nonfat milk solids used in the fortification of Class I products is unrealistic and unduly increases handlers' costs.

Producers, on the other hand, opposed any change in the present accounting procedure. It was their position that full skim milk equivalent accounting is essential to protect the integrity of the classification scheme under the order and that unless nonfat milk solids used in fortification are accounted for on a skim milk equivalent basis in Class I, handlers have opportunity to displace producer milk in Class I with lower priced other source milk.

A great deal of the testimony on the record was offered to substantiate that dietary milk products were, or were not, required to be made from locally approved milk under the various health ordinances in effect in the marketing area. Regardless of the intent of the ordinances it is apparent that the local health authorities are not interpreting them in a manner so as to require that such products be made from locally approved milk. However, this is of little consequence since handlers are not permitted to bring fluid non-Grade A milk or skim milk into their plants. Under any circumstances it is clear that, because of the perishability of the finished dietary product, handlers use only milk of the highest quality and hence they require and rely on their regular Grade A producers to furnish their full fluid milk requirements. Therefore, it is appropriate and necessary that the Class I classification be retained.

Fortification of fluid milk products customarily is accomplished by the addition of concentrated nonfat milk solids to fluid milk or skim milk to yield a finished product of higher nonfat milk solids content than that of an equivalent amount of whole (producer) milk. Reconstituted products, on the other hand, involve the process of "floating" concentrated milk solids in water to yield a weight of product approximately equal to the weight of milk from which the concentrated product was first made by the removal of water.

Nonfat dry milk and condensed skim milk are ordinarily derived from unpriced milk or milk which has been priced as surplus under a Federal order. These products are not necessarily processed from producer milk and may be made from ungraded milk. An economic incentive exists for handlers to substitute, where possible, reconstituted fluid milk products for fluid milk products processed from current receipts of producer milk. Since such substitution would displace an equivalent amount of producer milk in Class I, the application of skim milk equivalent accounting in this circumstance is economically sound and is necessary to maintain orderly marketing.

The same economic incentive does not exist, however, with respect to the use of nonfat dry milk or condensed skim milk to fortify a fluid milk product. If such solids are to be derived from producer milk, the skim milk must first be processed into usable form; i.e., nonfat dry milk or condensed skim milk. Such products processed from producer milk have no greater value for fortification purposes than similar products purchased on the open market. Concentrated products are used in fortification to increase the palatability of, and hence the salability of, the finished product. Fortification only slightly increases the volume of the product and under no circumstances can it be concluded that the added solids displace producer milk in Class I beyond the minor increase in volume which results.

When the skim milk equivalent provision is applied to fortified milk products, it inflates significantly the utilization and disposition of Class I milk. The inflation in the case of dietary food products results in a Class I classification of about two and one-half times the actual volume.

For reasons previously stated it is neither necessary nor appropriate that handlers continue to be required to account and pay for this inflated volume in Class I. Nevertheless, it is practical and administratively necessary to maintain full skim milk equivalent accounting. These conclusions can be reconciled by providing that fortified fluid milk products shall be classified as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content, excluding the dry weight of any nonmilk additive such as flavoring, sugar, etc. The skim milk equivalent of the nonfat milk solids not classified in Class I should be considered as Class II disposition.

No change was proposed in the accounting procedure followed in cases where flavoring and other nonmilk additives are used in processing unfortified products. The dry weight of such additives should be deducted in determining the amount of skim milk and butterfat to be accounted for. This is generally consistent with the procedure now employed and the conclusions hereinbefore set forth relative to the accounting procedure to be employed for fortified products.

2. *Modification of the conditions for pooling plants also meeting the pooling requirements of another Federal order.* The pooling provisions of the order should be modified to permit a distribution plant meeting the requirements for full regulation under this order and another Federal order and with a greater proportion of its Class I disposition in the other market, but which was pooled under this order in the most recent month, to retain pooling status under this order until the third consecutive month in which a greater volume of Class I sales is made in such other marketing area. However, it must be recognized that the provisions of the other order may require such plant to be pooled under such other order. In such circumstances, the plant should be exempted from regulation under this order except for a requirement to file reports and permit verification. Provision should also be made to exempt a distributing plant doing a greater proportion of its total Class I business in this marketing area, but which, nevertheless, retains pooling status for the month under another order. Federal orders generally provide that a distributing plant meeting the pooling requirements for more than one order shall be regulated under that order covering the area in which the greater volume of Class I sales are made. Nevertheless, it should be recognized that other orders may contain similar provisions to those herein proposed to deter plants from changing back and forth between two orders on a month-to-month basis.

Under the present order provisions, any distributing plant which disposes of Class I milk in the marketing area is subject to full regulation under this order, unless, a greater volume of Class I disposition is made in another Federal order marketing area.

A handler operating pool distributing plants in both Dallas and Fort Worth and also distributing milk in the Central West Texas, Austin-Waco, and San Antonio Federal order markets, proposed that the order be amended to permit his plants to retain pooling status under this order unless Class I sales in another market exceeding Class I sales in this market over an extended period of time. He indicated that his sales in the Central West Texas market were of such nature that a small increase in sales in that market or decrease of sales in this market could result in regulation of the Fort Worth plant under the Central West Texas order. He foresaw the possibility that audit adjustments could result in removal of this plant from regulation under this order, in favor of the Central West Texas order, retroactively. It was this handler's position that a shift in regulation of either of his plants would tend to create disorder in the two markets because of the effect on the respective market blend prices and because of the different procedures prescribed under the two regulations for distributing returns to producers (North Texas has a base rating plan).

While it seems likely that proponent's initial proposal (an identical proposal was also made to amend each of the other Texas Federal orders) was made with the view that its adoption would permit him to bid in military and other government contracts in other Federal order markets without the possibility of losing pooling status under this order, it is apparent that the distribution from his plants is such that a relatively inconsequential change in the proportion of distribution as between the Central West Texas market and the North Texas market could result in regulation under the Central West Texas order. It is also possible that the plant might later shift back to North Texas on a similar basis.

A plant doing business in several Federal order markets generally should be regulated under that order under which it does the greatest proportion of its Class I business. This is the principle under which the existing provisions were effected and this record provides no basis for changing this conclusion. Nevertheless, it must be recognized that with recent technological changes in the processing and distribution fields, milk is moved great distances and distribution routes have been greatly extended. It is apparent that while proponent has greatly increased his Central West Texas sales in recent years he does not contemplate or intend that his plant should become subject to regulation under that order. Such a change would have greater adverse affects on producers than on handlers since class prices as between the two orders are aligned. Nevertheless, it is possible, due to a management error or errors on the part of a plant employee or a route salesman that an inadvertent sale might result in an unintended change in pooling. It is also possible, as proponent suggests, that a change in classification during audit might produce the same result.

The situation can be substantially alleviated by adoption of the changes herein recommended. Under this procedure a handler would have two months warning that his plant was changing from one regulation to another, thus providing a reasonable time to permit adjustment of his business in cases where such change was not contemplated. At the same time, this change retains the principle of regulating a plant under that order where the greatest proportion of its Class I business is done. Since government contracts normally are made for longer periods than two months there is no reason to expect that the changes recommended will have any significant effect on the length of time in which a plant is pooled in a particular order where the change in the proportion of business is the result of gaining or losing a government contract.

While the situation prompting the proposal existed only between the Central West Texas and North Texas mar-

kets, and involved only one plant, nevertheless, because of the location of the North Texas, market in relation to other Federal order markets, it is possible that a similar situation could develop with a plant now regulated under another order or with some other plant now regulated under this order. The treatment herein prescribed would be equally appropriate in such instances.

While there is no indication that the existing pooling requirements for supply plants have presented any particular problem it cannot be presumed that this will be true in the future. Under the existing order provisions a supply plant which during any month ships 50 percent of its Grade A milk receipts to a pool distributing plant and which is assigned to reserve supply credit is eligible for pooling during such month. Under prescribed circumstances the plant may be pooled on the basis of 15 percent shipments if average shipments in the most recent four or less months equal 50 percent of Grade A milk receipts. A plant which is pooled in each of the months of September through December is eligible for automatic pooling status during the January–July period (and also August if a 15 percent shipping requirement is met) on application by the operator to the market administrator prior to January 31. During the September–December period any plant also meeting the pooling requirements of another order and which otherwise would be pooled under another order is exempted from regulation under this order.

During the short production months when milk is most needed to meet the fluid milk requirements of a market, it is desirable that supply plants meeting the pooling requirements of more than one order be pooled on a month-to-month basis under that order under which the greater qualifying shipments are made. This also is an appropriate standard for pooling plants during the flush production months except in the situation where a plant retains automatic pooling status under this order by virtue of performance during the short production months. During the flush production months when milk of supply plants is least likely to be needed for fluid uses this order (as well as many other Federal orders) provides automatic pooling status for supply plants which have been closely associated with the market in the previous short production months by virtue of substantial and regular shipments to the market. Requiring a supply plant with automatic pooling status under this order to be regulated under another order on the basis of casual shipments during any flush production month would normally adversely affect returns to established producers in the market to which shipments were made. It would therefore be more appropriate to permit such a plant to retain pooling status during the flush production months in the North Texas market with which it has had an established association and automatic pooling status. Any plant which might be qualified for automatic pooling status during the flush production months in another Federal order market would be required to make substantial shipments to the North Texas market (normally 50 percent) to qualify for pooling under this order during such months. Shipments of this magnitude could not be considered as casual shipments and under the circumstances it is appropriate to require that a plant shipping 50 percent or more of its supply and having it assigned to reserve supply be pooled under the order.

The recommended order revisions hereinafter set forth will implement the foregoing conclusions and in conjunction with changes recently recommended in the language of other Texas Federal orders will facilitate the determination of where a plant meeting the pooling requirements of more than one order should be regulated.

As was pointed out by proponent one of the major problems, involved in the shifting of plants from one regulation to another, is the impact on producer returns where a base-excess plan is involved. Under the present order provisions, if a plant is removed from regulation under this order in favor of regulation under another order during any part of the base-forming period and subsequently again becomes regulated under this order during all or any part of the base-operating period, the returns to dairy farmers associated with such plant are adversely affected by the fact that such dairy farmers did not acquire a full base. Similarly, dairy farmers delivering to any plant acquiring pooling status for the first time during the base-operating period would be paid only the excess price during the base-operating period. This situation cannot be concluded to be equitable as among producers nor can it be concluded to be in the interest of orderly marketing. Dairy farmers delivering milk to a fully regulated plant should share in returns from the market's Class I sales on the same basis as other producers.

The sole purpose of a base-excess plan is to encourage more even production throughout the year. This purpose will be implemented by providing opportunity for the operator of a newly regulated plant to establish his seasonality of receipts and hence, bases for each of his producers. However, the operator of the plant must assume the responsibility of providing the market administrator the necessary records to verify his receipts from each producer during the base-forming months. The recommended amendment to the computation of bases hereinafter set forth is necessary to implement these conclusions.

3. *Provision for individual-handler pooling in lieu of marketwide pooling.* The present provisions providing for a marketwide pooling should not be changed. The order has provided for marketwide pooling since its inception. Under this arrangement all handlers are required to account to the pool for all of their milk receipts on a classified use basis at specified minimum class prices. Each month the total value of the pool is distributed among all producers on the basis of a blended or uniform price, except that during the months of March through June one blended price is applicable to deliveries of milk not in excess of each producer's established base and another blended price is applicable to deliveries in excess of established bases.

A handler who generally receives little or no milk from members of the major cooperative association, which represents approximately eighty-five percent of all producers on the market, proposed that individual-handler pooling be substituted for the present marketwide pooling. He contended that marketwide pooling has deterred handlers' efforts to maintain self-imposed quality controls and management of producer milk supplies in line with Class I fluid milk requirements. He also said that marketwide pooling has encouraged an oversupply of milk in the market and suggested that under individual-handler pooling distant producers would be encouraged to seek other outlets for their milk.

Another handler distributing a "breed" milk as well as regular Grade A milk supported the proposal for individual-handler pooling. He pointed out that he could not depend on the reserve market supply to supplement his requirements for "breed" milk and that he had no need for a proportionate share of the reserve supply in his regular Grade A operations. He agreed with proponent, that marketwide pooling has attracted an excessive market supply which is adversely affecting producer returns. This he suggested was not in the interest of orderly marketing.

The proposal for individual-handler pooling was further supported by a number of producer witnesses most of whom deliver their milk to proponent's plant. The principal cooperative association opposed the proposal.

The pooling standards as set forth under the order establish what milk shall be subject to regulation. The prices established by the order are those prices which are deemed necessary to maintain an adequate but not excessive supply of milk for the market. The Class I pricing formula includes a supply-demand adjustment mechanism which serves to lower the Class I price as supplies tend to become excessive and increases the price when supplies shorten. It is through this means that supply adjustments are intended under the Act to be accomplished and it is not intended that the market supply will be adjusted by means of the type of pooling procedure.

The milk priced under the Federal order is that milk which the appropriate health authority deems acceptable for disposition as Grade A milk in the marketing area and which is marketed in a way that meets prescribed performance requirements. While handlers may demand higher quality standards than those generally applicable in the market, it is not an appropriate function of the Federal order to re-enforce handlers' efforts in this respect.

When the order was promulgated the Acting Secretary in his decision of July 17, 1951, concluded as follows:

"The alternative to the marketwide pool is the individual-handler pool. Under this latter system producers delivering to each handler receive a uniform price based on each handler's utilization of milk. Because different handlers utilize different proportions of their milk as Class I and Class II, the uniform prices of individual handlers would vary one from the other. The order has been written to permit a cooperative association to become a handler when necessary to market the surplus milk of its members. Under these circumstances an individual-handler pool would result in an unequal sharing of the market among producers and would not be conducive to orderly marketing. It is concluded, therefore, that marketwide pools are necessary to distribute the returns from the sale of milk equally among producers and to create orderly marketing of producer milk."

It must be concluded that the marketwide pooling arrangement has tended to maintain equality among producers and to assure the orderly disposition of the market's reserve supply. Handlers in the market have very limited manufacturing facilities, other than for ice cream and cottage cheese. Except for proponent, they generally rely on the major cooperative association for balancing supplies and disposition of milk in excess of fluid requirements. The cooperative operates two manufacturing plants, one at Muenster and the other at Sulphur Springs, Texas. In 1960 these plants handled over 50 percent of the total Class II milk (239 million pounds) in the market. Under such circumstances, marketwide pooling is essential to assure that each producer will receive an equitable share of the proceeds from milk utilized in fluid form and that all producers share equally in the cost of handling the market's reserve supply. Clearly also, individual-handler pools would not result in the equitable sharing of the costs of handling market reserves and hence its adoption would engender disorderly marketing conditions in this market. Accordingly, the request for individual-handler pooling is denied.

4. *Classification of fluid milk products disposed of for animal feed.* The provisions specifying the conditions under which fluid milk products disposed of for animal feed may be classified as Class II should be modified.

Under the present order, skim milk and butterfat disposed of in the form of fluid milk products for use as animal feed may be classified as Class II milk up to one-half of one percent of the volume of skim milk and butterfat in fluid milk products disposed of in fluid form, provided certain conditions are met. A handler is required to keep detailed records of the amount and butterfat test of all products disposed of for animal feed, to notify the market administrator prior to such disposition so that he can physically verify disposition, and to furnish a receipt signed by the purchaser of such products setting forth the details of the transaction.

In September 1957, a provision which provided a Class II classification for milk disposed of for livestock feed was deleted from the order on the basis that normal shrinkage plus disposition for animal feed did not exceed the two percent shrinkage allowance in the order. Subsequently, in June 1959, the existing provisions were adopted because it was found that the two percent shrinkage allowance was inadequate to cover both normal loss incurred in plant operations and route returns of fluid milk products sold for livestock feed.

One handler proposed the elimination of the requirements for record keeping and prior notification when fluid milk products are disposed of for livestock feed. He claimed that these conditions were working a hardship on all handlers and on the members of the market administrator's staff. It was his position that it required virtually the full time of one of his employees to maintain the necessary records and meet other requirements necessary to permit a Class II classification for milk which he necessarily disposed of as livestock feed.

Another handler had no objection to the record keeping and reporting requirements, but proposed that the one-half of one percent maximum allowance in Class II for milk disposed of for livestock feed be deleted. He contended that disposition for livestock feed was costly at any price and handlers used this outlet only when there was no means of salvaging the milk for other uses. Hence, there was no need for limiting the volume which might be disposed of in this manner under a Class II classification.

The order does not set forth the specific records which must be kept or the form of reports which must be made to accommodate classification of milk disposed of for other than animal feed. It provides that the handler shall report to the market administrator in the detail and on forms prescribed by the market administrator. In the case of records the handler is required to maintain and make available to the market administrator—such accounts and records of his operations—as are necessary for the market administrator to verify or establish the correct data with respect to receipts and utilization, the weights and tests for butterfat, and other content of all milk and milk products handled. This authority is wholly adequate to permit the market administrator to prescribe the type of report and detail of information which he deems necessary to verify disposition for livestock feed and, accordingly, there is no need to set forth the detailed requirements now contained in the order. However, since the existing order provides that reports relative to receipts and utilization of milk shall be filed on or before the 7th day after the end of each month, it is desirable that the order be amended to provide for the filing of reports relating to disposition for animal feed in the manner and at such times as the market administrator may require. Elimination of the present specified requirements, from the order, will permit the market administrator flexibility to meet varied situations and may relieve handlers of some reporting or record keeping if all of the information now specifically required is not needed by the market administrator for satisfactory verification.

The record provides no basis for deletion of the present condition restricting classification of disposition for animal feed in Class II only up to one-half of one percent of Class I disposition.

Data contained in the market statistics placed in the record by the market administrator show that over the period since June 1959, at no time has the volume of fluid milk products disposed of for animal feed exceeded one-half of one percent of total Class I disposition of fluid milk products. The market average for the entire period since June 1959, approximates only three-tenths of one percent. While some quantities of animal feed disposition were classified as Class I in each month it cannot be determined on the record whether this was the result of inadequate records on the part of certain handlers or whether, in fact, that classified as Class I represented disposition of certain handlers in excess of the one-half of one percent allowed in Class II. Under normal circumstances the existing allowance would appear to be wholly adequate to cover disposition in animal feed of those route returns for which there is no other salvageable uses. Accordingly, the limitation should be retained.

5. *Modification of the procedure for computing handler location adjustment credits.* The procedure for computing location differential credits to handlers should be modified to the extent of providing that the computation shall be made on the basis of the volume of milk remaining after producer shrinkage (deducted in step (1) of the allocation provisions) has been added back (step (9)), less 5 percent of direct producer receipts at the plant.

Under the existing procedure location differential credits are computed on the basis of the volume of milk remaining after the assignment of opening inventories (step (8) in the allocation procedure), less 5 percent of direct producer receipts at the plant.

A proprietary handler who regularly obtains a substantial part of his milk supply from a Missouri plant submitted a proposal (included in the hearing notice) which, under certain circumstances would have substantially increased the volume of his Missouri supply which would be eligible for location differential credits. However, no testimony was offered in support of the proposal.

A witness for the North Texas Milk Producers Association proposed a modification of the proposal contained in the hearing notice. His proposal would decrease the amount of country plant milk receipts on which a location differential credit would be claimed. It was his position that the assignment of any direct receipts from producers to Class II as a step in computing the volume of receipts from country plants eligible for location differential credits was no longer appropriate. He suggested that the existing provision was placed in the order under conditions of short supply in recognition of the fact that additional country plant supplies were needed to assure handlers an adequate supply. Because the supply situation has substantially changed he contended the Missouri milk was no longer needed and local producers should not be called upon to subsidize the shipments of milk from distant sources.

Under the order a handler has freedom of choice as to his source of milk supply. However, if his direct producer receipts exceed 105 percent of the available Class

I utilization plus shrinkage on producer milk no location adjustment credits are allowed on receipts from supply plants. Milk in excess of the market's fluid requirements and which is received at country plants need not be transported to the city for Class II disposition. Accordingly, no location adjustment credits are applicable to Class II milk.

The allocation of 5 percent of direct producer receipts to Class II prior to the allocation of receipts from country plants is intended to permit a handler to recover transportation on that milk which is lost in shrinkage and on that milk which is packaged and distributed but is returned and necessarily used in other than Class I uses. This procedure is concluded to be appropriate and should be continued. However, the existing provision permits location differential credits on a greater volume of milk. Since allowable shrinkage on producer receipts is two percent, the existing procedure has the effect of assigning seven percent of direct producer receipts to Class II rather than five percent, as was intended. This deficiency may be corrected by providing that location differential credits shall be considered on the basis of the volume of milk available after step (9) in the allocation procedure, rather than after step (8).

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the records were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the North Texas marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

§ 1126.32 [Amendment]

(1) Add a new paragraph (c) to § 1126.32 to read as follows:

(c) Each handler, with respect to fluid milk products disposed of for animal feed, shall report to the market administrator such information and at such time as the market administrator may prescribe.

§ 1126.41 [Amendment]

2. Delete paragraph (a) (1) of § 1126.41 and substitute therefor the following:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream (except cultured sour cream), and any mixture (except eggnog and bulk ice cream and frozen dairy product mixes) of cream and milk or skim milk: *Provided*, That when any fluid milk product is fortified with nonfat milk solids the amount of skim milk to be classified as Class I shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content;

3. Delete subparagraph (4) of § 1126.41(b) and substitute therefor the following:

(4) Disposed of in the form of fluid milk products and used for livestock feed subject to inspection (at his discretion) by the market administrator and the volume of skim milk and butterfat classified as Class II pursuant to this subparagraph shall not exceed 0.5 percent of the volume of skim milk and butterfat in fluid milk products disposed of in fluid form;

4. Delete the period at the end of subparagraph (6) of § 1126.41(b) and insert a semicolon and add a new subparagraph (7) as follows:

(7) That portion of fortified products excluded from a Class I skim milk classification pursuant to paragraph (a) of this section.

§ 1126.53 [Amendment]

5. In the proviso of § 1126.53, delete the reference "§ 1126.46(a) (1) through (8)" and substitute therefor the reference "§ 1126.46(a) (1) through (9)".

6. Delete § 1126.61 and substitute therefor the following:

§ 1126.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b) or (c) of this section except that the operator shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A plant meeting the requirements of § 1126.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order.

(b) A plant meeting the requirements of § 1126.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A plant meeting the requirements of § 1126.10(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of January through August if such plant retains automatic pooling status under this part.

§ 1126.80 [Amendment]

7. Delete the period at the end of paragraph (a) of § 1126.80 and insert a semicolon and add a new paragraph (b) as follows:

(b) In the case of producers delivering milk to a plant which was not a pool plant during the entire base forming period, a daily average base for each such producer shall be calculated pursuant to paragraph (a) of this section on the basis of his deliveries of milk to such plant during August through January: *Provided*, That records of such deliveries to the plant are made available to the market administrator.

Signed at Washington, D.C., on January 9, 1962.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-404; Filed, Jan. 12, 1962; 8:46 a.m.]

[7 CFR Parts 1127, 1129]

[Docket Nos. AO 256-A6, AO 232-A10]

MILK IN AUSTIN-WACO AND SAN ANTONIO, TEXAS MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at San Antonio, Texas, on April 20, 1961, pursuant to notice thereof issued on March 28, 1961 (26 F.R. 2751).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on December 11, 1961 (26 F.R. 12037; F.R. Doc. 61-11908), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. No exceptions were filed to the recommended decision.

The material issues on the record of the hearing relate to:

1. Classification and accounting for dietary products and other fortified fluid milk products.

2. Modification of the conditions for pooling plants also meeting the pooling requirements of another Federal order.

3. Modification of the payment provisions of the San Antonio order.

4. Modification of the procedure for computing handler location adjustment credits under the San Antonio order.

5. The classification of skim milk and butterfat disposed of for animal feed under the San Antonio order.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence at the hearing and the record thereof:

1. *Classification and accounting for dietary products and other fortified fluid milk products.* Fortified fluid milk products, including dietary products, should be classified as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content, excluding the dry weight of any nonmilk additives such as flavoring, etc. The skim milk equivalent of the nonfat milk solids not classified as Class I should be considered a Class II disposition.

Under the existing classification provisions of both the Austin-Waco and San Antonio orders the products included in Class I are those fluid milk products which are disposed of for fluid consumption and which are normally required to be made from locally approved milk supplies. Both orders presently provide for full skim milk equivalent accounting. When nonfat milk solids in the form of nonfat dry milk or condensed skim milk are added to a fluid milk product to increase the nonfat milk solids content of the finished product, the skim milk equivalent of the total nonfat milk solids in the product is classified as Class I.

The Austin-Waco order provides for individual-handler pooling and there is no provision for a compensatory payment on other source milk utilized in Class I. However, producer milk is given priority of assignment in Class I and hence, to the extent that skim milk in producer receipts is available, producer milk is credited as Class I utilization on the full skim milk equivalent of other source nonfat milk solids received in concentrated form and used in fortification or reconstitution. The San Antonio order provides for marketwide pooling and, similar to the Austin-Waco order, priority of assignment in Class I is given to producer milk. Where Class I utilization exceeds producer receipts, a compensatory charge is provided for other source milk assigned to Class I and not classified and priced as Class I in any Federal order market. Under both orders the weight of any nonmilk additives such as flavoring, etc., is deducted before reconciliation of the pounds of skim milk and butterfat to be classified.

Proprietary handlers proposed that fluid milk dietary products be classified as Class II in lieu of the present Class I classification and that skim milk equivalent accounting for nonfat milk solids used in fortification be discontinued. It was their position that the product cost resulting from the present Class I classification of dietary fluid milk products placed them at a competitive disadvantage with similar products in dry form or in hermetically sealed containers made from non-Grade A milk and milk products and distributed through grocery stores, drug stores, food establishments and similar outlets. They suggested that a lower classification and pricing would permit more competitive resale pricing and hence create a greater demand for their product. Their proposed changes, they suggested, would serve to facilitate the economic disposition of reserve supplies from these markets. They further contended that a Class I classification and pricing of the skim milk equivalent of nonfat milk solids used in the fortification of Class I products was unrealistic and resulted in an undue cost to handlers.

Producers, on the other hand, opposed any change in the present accounting procedure. It was their position that full skim milk equivalent accounting is essential to protect the integrity of the classification scheme under the Federal order and that unless nonfat milk solids used in fortification are accounted for on a skim milk equivalent basis in Class I, handlers have an opportunity to displace producer milk in Class I with lower priced other source milk.

A great deal of the testimony on the record was offered to substantiate that dietary milk products are, or are not, required to be made from locally approved milk supplies in effect in those marketing areas. Regardless of the intent of the ordinances it is apparent that the local health authorities are not interpreting them in a manner so as to require that such products be made from locally approved milk. However, this is of little consequence since handlers are not permitted to bring fluid non-Grade A milk or skim milk into their milk plants. Under any circumstances it is clear that, because of the perishability of the finished dietary product, handlers use only milk of the highest quality and hence they require and rely on local producers to furnish their full fluid milk requirements. Therefore, it is appropriate and necessary that the Class I classification be retained.

Fortified fluid milk products customarily result from the addition of concentrated nonfat milk solids to milk or skim milk in fluid form to yield a finished product of higher nonfat solids content than that of an equivalent amount of whole (producer) milk. Reconstituted products, on the other hand, involve the process of "floating" concentrated milk solids in water to yield a weight of product approximately equal to the weight of milk from which the concentrated product was first made by the removal of water.

Nonfat dry milk and condensed skim milk are ordinarily derived from unpriced milk or milk which has been priced as surplus under a Federal order. These products are not necessarily processed from producer milk and may be made from ungraded milk. An economic incentive exists for handlers to substitute, where possible, reconstituted fluid milk products for fluid milk products processed from current receipts of producer milk. Since such substitution would displace an equivalent amount of producer milk in Class I, the application of skim equivalent accounting in this circumstance is economically sound and is necessary to maintain orderly marketing.

The same economic incentive does not exist, however, with respect to the use of nonfat dry milk or condensed skim milk to fortify a fluid milk product. If such solids are to be derived from producer milk, the skim milk must first be processed into usable form; i.e., nonfat dry milk or condensed skim milk. Such products processed from producer milk have no greater value for fortification purposes than similar products purchased on the open market. Such products are used in fortification to increase the palatability of, and hence the salability of, the finished product. Fortification only slightly increases the volume of the product and under no circumstances can it be concluded that the added solids displace producer milk in Class I beyond the minor increase in volume which results.

When the skim milk equivalent provision is applied to fortified milk products, it inflates significantly the utilization and disposition of Class I milk. The inflation in the case of dietary food products results in a Class I classification of

about two and one-half times the actual volume.

For reasons previously stated it is neither necessary nor appropriate that handlers continue to be required to account for pay for this inflated volume in Class I. Nevertheless, it is practical and administratively necessary to maintain full skim milk equivalent accounting. These conclusions can be reconciled by providing that fortified fluid milk products shall be classified as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content, excluding the dry weight of any nonmilk additive such as flavoring, sugar, etc. The skim milk equivalent of the nonfat milk solids not classified in Class I should be considered as Class II disposition.

No change was proposed in the accounting procedure when flavoring and other nonmilk additives are used for processing unfortified products. The dry weight of such additives should be deducted in determining the amount of skim milk and butterfat to be accounted for. This is generally consistent with the procedure now employed and the conclusions hereinbefore set forth relative to the accounting procedure to be employed for fortified products.

The amendatory language of the respective orders as hereinafter set forth will implement these conclusions.

2. *Modification of the conditions for pooling plants also meeting the pooling requirements of another order.* No change should be made in the basic qualifications for pooling plants under the Austin-Waco and San Antonio orders. However, the provisions prescribing treatment of plants meeting the pooling requirements of more than one order should be clarified and modified to the extent of exempting from regulation, except for reporting and verification any plant which retains pooling status under another Federal order.

Under the present Austin-Waco order a packaging and distributing plant is subject to full regulation if Class I milk in an average amount of 500 pounds per day or 5 percent of Grade A receipts, whichever is less, is disposed of during the month on routes in the marketing area, unless such plant has greater disposition in another Federal order marketing area and would be fully regulated under the other order. A supply plant is subject to full regulation during any month of February through July if shipments are made to a distributing plant on four or more days during the month or if daily average shipments are not less than 3,300 pounds. In any month of August through January shipments must be made on 10 or more days or average not less than 8,300 pounds per day unless the plant was a supply plant in any month of February through July. In this situation the shipping requirement is identical to that for the month of February through July.

Under the present San Antonio order a distributing plant is pooled in any month in which route distribution in the marketing area equals 15 percent or more of receipts from pool plants and approved dairy farmers unless such plant disposed of a greater portion of its milk as Class I milk in another Federal order market in the current month as well as the two preceding months and would be subject to full regulation under such other order. A supply plant is pooled in any month in which not less than 50 percent of its receipts from approved dairy farms is shipped to pool distributing plants, except that if this requirement is met in each of the months of July through February the plant has automatic pooling status for the months of March through June unless nonpool status is elected.

A regulated handler under the North Texas order, operating packaging plants in both Fort Worth and Dallas and distributing milk in a number of the Texas Federal order markets, proposed that the Austin-Waco and San Antonio orders be amended to preclude the pooling of either of his plants under these orders unless its Class I sales in either of these markets should exceed its Class I sales in the North Texas market over an extended period of time. A similar proposal was made to amend each of the other Texas Federal orders.

While the handler's principal problem involves his sales as between the North Texas and Central West Texas markets, nevertheless, it was his position that a similar situation could develop involving either or both of these orders. It was pointed out that, when a handler has approximately equal sales under each of two Federal orders, minor shifts in the volume of sales in one market as compared to the other market could result in a shift in the regulation of the plant from one order to the other. Such a shift in sales could be inadvertent or the result of audit adjustments, whereas a shift in regulation was neither contemplated nor intended by the handler. It was proponents' position that such a shift would not be in the interest of orderly marketing and might have substantial adverse effect on producers involved.

The proposal was opposed by both regulated handlers and by producers. They pointed out that there was no existing situation of the nature described by proponent. They further pointed out that regulation of a plant under the Austin-Waco order, with individual handler pooling, where such plant did more business in another Federal order market could, under certain circumstances, provide the plant a significant competitive advantage.

A plant doing business in several Federal order markets generally should be regulated under that order under which it does the greatest proportion of its business. This is the usual standard by which it is determined under which order a plant should be regulated. Nevertheless, a number of Federal orders, including the San Antonio order, contain a provision similar to that requested by proponent.

In recommending this provision the Assistant Secretary in his decision of November 16, 1960 (F.R. Doc. 60–10848), concluded as follows:

"Some handlers dispose of fluid milk products in the marketing areas of more than one Federal order. Such handlers are regulated under the order in the marketing area where they dispose of the greatest proportion of their milk. If a handler disposes of nearly equal amounts in two marketing areas, it is possible that the regulation of such handlers may periodically shift from one order to the other depending upon slight changes in Class I sales. These shifts in sales are sometimes not discovered until audits are made a month or two later. Periodic shifting of the pooling of such a handler's milk from one order to another tends to be disruptive to both orders. To forestall erratic month-to-month shifts from one order to another in the regulation of a handler, it is concluded that if a handler disposes of a greater portion of his milk as Class I milk in another Federal order marketing area for more than two consecutive months, and the handler would be subject to full regulation under such order if he were exempt from this order, such handler should not be regulated under this order after the second month, except to make reports as the market administrator may require and allow verification of such reports."

It is apparent that proponent was not aware of the present order provision since his proposal was essentially for such a provision. Notwithstanding, his supporting testimony was compatible with the above quoted conclusions of the Secretary and it is concluded that the intent of the existing provision should be retained. However, it is desirable that the provision be clarified and that it be recognized that similar provisions may be contained in other Federal orders. Accordingly, a plant should be exempted from regulation under the San Antonio order, even though it might distribute a greater proportion of its Class I milk in the local market, if it retains pooling status in another market.

Under this procedure a handler would have two months warning that his plant was changing from one regulation to another, thus, providing reasonable time to permit adjustment of his business in cases where such change was not contemplated or desired. At the same time the principle is retained of regulating a plant under that order where the greater proportion of its business is done. Since government contracts normally are made for longer periods than two months there is no reason to expect that this provision will have any significant effect on the length of time in which a plant is pooled in a particular market where the change in proportion of business is the result of gaining or losing a government contract.

Supply plants performing under more than one order are normally pooled during the month under that order under which greater qualifying shipments are made. Since supply plants under the San Antonio order must meet a 50 percent shipping requirement to be eligible to pool no special direction is necessary to determine where a supply plant performing under two orders should be pooled.

It must be recognized that under the individual handler pooling arrangement in effect in the Austin-Waco market a handler might seek regulation under that order primarily for the purpose of

a pricing advantage through the use of unpriced other source milk. It is possible, under certain circumstances that the inclusion of a provision, such as that herein recommended to be retained in the San Antonio order, whereby a plant most recently regulated under the Austin-Waco order but which subsequently disposed of a greater proportion of its milk in a marketwide pool market could profit by holding regulated status for several months under the individual handler pool. In any event there was no showing that such a provision would likely have any application in the market under existing circumstances and since its adoption was generally opposed by both regulated handlers and by producers it is concluded that the requested change should not be adopted on the basis of this record. Nevertheless, in view of the provision of the San Antonio order, as herein proposed to be amended, and the fact that a similar provision is under consideration in the North Texas and Central West Texas orders it is necessary to exempt from regulation under the Austin-Waco order any distributing plant meeting the requirements for full regulation, but which nevertheless, is fully regulated under another Federal order. Since Federal orders generally provide that distributing plants meeting the pooling requirements of more than one order shall be regulated under that order covering the marketing area in which the greater volume of Class I milk is disposed of, this modification could have significance only under circumstances in which a plant retained pooling status under another order for a temporary period under a provision intended to give the operator reasonable time to make sales adjustments as between markets and thus avoid a change from one regulation to another if such change was not contemplated or intended.

The present Austin-Waco order provides no clear direction as to where a supply plant performing under two orders should be regulated. This deficiency can be corrected by providing that any plant meeting the requirements for regulation under this order and another Federal order shall be regulated under this order unless greater qualifying shipments are made during the month to plants regulated under another order or the plant retains automatic pooling status under such other order by virtue of performance in a previous period. During the flush production months, when milk of supply plants is least likely to be needed for fluid uses, many Federal orders provide automatic pooling status for supply plants which have been closely associated with the market in previous short production months by virtue of substantial and regular shipments to the market. Requiring a supply plant with automatic pooling status under another order to be regulated under this order during the flush months, on the basis of casual shipments could have an adverse effect on returns to dairy farmers delivering to such plant since their normal market would likely be operated under a marketwide pooling arrangement and regulation under an individual-handler pool (as provided in this order) would deny them a share of the Class I sales in the marketwide pool which they normally serve. It is therefore more appropriate to permit such a plant to retain pooling status during the flush production months in the market with which it had an established association and automatic pooling status.

3. *Modification of the payment provisions of the San Antonio order.* The payment provisions of the San Antonio order should be amended to provide that a handler shall pay a cooperative association for milk received from such cooperative association in its capacity as a handler on a twice a month basis.

The order presently provides that producers shall be paid twice monthly. On or before the last day of each month an advance payment must be made for milk received during the first 15 days of the month at not less than the Class II price for the preceding month. Final payment is due on the 15th day of each month for the full value of milk received from producers during the preceding month less advance payments previously made. Upon request of a cooperative association authorized to collect payments otherwise due its individual members the payments must be made to such cooperative on the 26th and 13th day of the month, respectively. However, where milk is purchased from a cooperative association in its capacity as a handler only one payment date is provided. On or before the 13th day of each month full payment is required for milk received from the cooperative during the preceding month.

The payments to a cooperative association are required a few days in advance of payments to individual producers in order that the cooperative may pay its members at the same time at which nonmembers are paid. In order that a cooperative may have the necessary funds to make an advance payment to producers by the last day of the month it is necessary that it receive advance payment from handlers for the milk which it delivered in its capacity as a handler as well as for the milk delivered in the names of its individual members. The order should be amended to require such payments. Producers proposed that the language of the payment provisions be further modified to clarify that the required payments be in the hands of the cooperative by the date specified. They suggested that handlers do not uniformly meet the payment schedules and that this seriously impedes their office work.

The uniform price is announced by the market administrator on the twelfth day of the month. Therefore, it would be impractical to require that handlers make final settlement to the association prior to the thirteenth day of the month. Under usual circumstances payments are made by mail and would ordinarily be received by the cooperative on the thirteenth or the fourteenth depending on time of mailing. Since earlier payment would necessarily be impractical except in situations where the uniform price was announced earlier than the date specified (and this would not normally be possible) the cooperative must adjust its operations to this schedule. On the other hand, any handler not mailing or delivering payments on the specified date is violating the order. Hence, no change in the order is needed in this regard.

Handlers proposed that the order be amended to eliminate some of the detail they are required to report regarding individual producer deliveries in making payments to a cooperative association. They suggested that the information was unnecessary and was not used by the cooperative in computing payments to its individual members. The cooperative on the other hand pointed out that all of the information now required was necessary in order to compute individual member payments. Since this is the identical information which is required to be reported in making payments to individual nonmember producers and it is needed by the cooperative in computing payments to its members, the proposal is denied.

The payment provisions should be further revised to make clear that each handler whose obligation is computed pursuant to § 1127.70 is required to make payment to the producer-settlement fund by the 14th day of the month of any amount by which such obligation exceeds his required payment pursuant to § 1127.80. This is clearly the intent of the present provision and no substantive change is intended. However, producers pointed out that the language was somewhat ambiguous and requested redrafting of § 1127.84. Accordingly, the payments to the producer-settlement fund provisions has been revised.

4. *Modification of the procedure for computing handler location adjustment credits under the San Antonio order.* The handler location adjustment provision of the order should be modified to provide that for purposes of computing location adjustment credits direct receipts at a pool plant of milk from dairy farmers for which a cooperative association is the handler shall be considered as receipts from producers at such plant.

The order presently provides that location adjustment credits may be applicable to receipts from other plants only on that volume of milk representing the excess of Class I disposition over 95 percent of receipts from producers. Assignment of such Class I disposition to transferor plants is made in sequence beginning with plants having the lowest rate of adjustment credit. The order further provides that unless it elects otherwise a cooperative association shall be the responsible handler for bulk tank milk of its producers which is delivered directly from the farm to a pool plant in tank trucks owned and operated by or under control of the association. Such milk is deemed to have been received by the cooperative at a pool plant at the location of the pool plant to which it is delivered.

A proprietary handler receiving milk both from local producers and from a supply plant proposed the amendment herein recommended. He pointed out that the local cooperative was not presently acting as the responsible handler on bulk tank milk. Hence, if the cooperative were to become the handler on

that milk, the result would be a reduction in the volume of supply plant milk for which location adjustment credits could be claimed.

Under the order a handler has freedom of choice as to his source of milk supply. However, if direct receipts at his pool plant are sufficient to cover his Class I requirements no location adjustment credits are allowed on receipts from supply plants. Milk in excess of the market's fluid requirements and which is received at country plants need not be transported to the city for Class II disposition. Accordingly, no location adjustment credits are applicable to Class II milk. The order does recognize, however, that a handler must have some milk in excess of his actual bottling requirements in his plant because of shrinkage, route returns, etc. Accordingly, location adjustment credits are applicable on that volume of milk represented by the amount by which actual Class I disposition exceeds 95 percent of direct producer receipts. The fact that the local cooperative association might elect to become the handler for its member milk delivered in bulk tanks directly from the farms would in no way change the proprietary handler's milk requirements. Hence, it is appropriate, for purposes of computing location differential credits to consider such receipts as direct receipts from producers.

5. *Classification of skim milk and butterfat disposed of for animal feed.* Skim milk and butterfat disposed of for animal feed under the San Antonio order should continue to be classified as Class II.

Producers proposed that the classification provisions be amended to limit the volume of skim milk and butterfat which a handler might dispose of for animal feed under a Class II classification to one-half of one percent of fluid milk products disposition and only under conditions where detailed requirements for reports and records are met. Proponents contended that the order provides a two percent shrinkage allowance and this in conjunction with a one-half of one percent maximum Class II disposition as animal feed would adequately cover normal shrinkage and losses from spoilage, etc., for which there is no use other than animal feed. Handlers, on the other hand, opposed any change in the classification of animal feed. They contended that disposition as livestock feed was costly to handlers and that such disposition was made only under circumstances where the milk involved could not be salvaged for other uses.

While producers seem to feel that some handlers in the market may be using livestock disposition to cover excess shrinkage or possibly even actual disposition in Class I uses it is apparent that they have no grounds for such a position. The market administrator has the authority under the order to require the necessary reports and records to permit satisfactory verification of any alleged livestock feed disposition and clearly he is exercising this authority. Hence, there can be no foundation for producers' position.

There is little or no prospect that a handler could realize a return over the order Class II price for milk disposed of for livestock feed. No handler is engaged in the manufacture of milk products into livestock feed. The only disposition for livestock feed is fluid milk and milk products which could not economically be otherwise used or which have deteriorated beyond the point of salvage. Since the market administrator requires specified reports and records which permit verification of such disposition to his own satisfaction, it must be concluded that any such reported disposition which cannot be verified to his satisfaction would not be permitted a Class II classification. Accordingly, there is no reason for any change in the existing provisions and the proposal is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which hearings have been held.

Marketing agreements and orders. Annexed hereto and made a part hereof are four documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Austin-Waco Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Austin-Waco Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the orders as hereby proposed to be amended by the attached orders which will be published with this decision.

Determination of representative period. The month of November 1961 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders amending the orders regulating the handling of milk in the Austin-Waco and San Antonio, Texas, marketing areas, are approved or favored by producers, as defined under the terms of the orders as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

Signed at Washington, D.C., on January 9, 1962.

JAMES T. RALPH,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Austin-Waco Marketing Area

§ 1129.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Austin-Waco marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Austin-Waco marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 1129.41 [Amendment]

1. Delete paragraph (a) of § 1129.41 and substitute therefor the following:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in fluid form as milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture of cream and milk or skim milk (other than frozen storage cream, aerated cream products, eggnog, ice cream mix or other frozen mixes, evaporated or condensed milk and any milk product contained in hermetically sealed containers): *Provided, however*, That when any such product is fortified with nonfat milk solids the amount of skim milk to be classified as Class I shall be only that amount equal to the weight of skim milk in an equal volume of unfortified product of the same nature and butterfat content, and (2) not accounted for as Class II milk.

2. Delete the word "and" at the end of subparagraph (3) of § 1129.41(b).

3. Replace the period at the end of subparagraph (4) of § 1129.41(b) with a semicolon, add the word "and" immediately thereafter and add a new subparagraph (5) to read as follows:

(5) Skim milk contained in any fortified product designed pursuant to paragraph (a)(1) of this section in excess of the pounds of skim milk in such product classified as Class I pursuant to such subparagraph.

4. Delete § 1129.61 and substitute therefor the following:

§ 1129.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to any plant specified in paragraph (a), (b), or (c) of this section except that the operator thereof shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) An approved distributing plant which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than is disposed of on routes (other than to a distributing plant(s)) in the Austin-Waco marketing area.

(b) An approved distributing plant which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes (other than to a distributing plant(s)) in the Austin-Waco marketing area than is disposed of on routes in such other Federal order marketing area, but which plant is, nevertheless, fully regulated under such other Federal order.

(c) An approved supply plant which (1) meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, or (2) retains automatic pooling status under another Federal order.

Order[1] Amending the Order Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area

§ 1127.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the San Antonio, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the San Antonio, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 1127.41 [Amendment]

1. Substitute a colon in place of a semicolon at the end of subparagraph (1) of paragraph (a) of § 1127.41 and add the following: *"Provided, however*, That when any such product is fortified with nonfat milk solids the amount of skim milk to be classified as Class I shall be only that amount equal to the weight of skim milk in an equal volume of unfortified product of the same nature and butterfat content;"

2. Add a new subparagraph (4) immediately following subparagraph (3) in § 1127.41(b) to read as follows:

(4) Skim milk contained in any fortified product designated in subparagraph (a)(1) of this section in excess of the pounds of skim milk in such product classified as Class I pursuant to such subparagraph.

§ 1127.54 [Amendment]

2a. Delete the proviso in § 1127.54 and substitute therefor the following: *"Provided*, That in calculating such adjustments, transfers to a pool plant at which a location adjustment is not applicable or at which it is less than at the transferor plant may be assigned to Class I only to the extent that Class I disposition at the transferee plant exceeds 95 percent of the receipts from producers and a cooperative association(s) in its capacity as a handler pursuant to § 1127.10(d) at such plant. Such assignment to transferor plants shall be made first to plants at which no location adjustment credit is applicable and then in sequence to plants at which the lowest rate of such adjustment credit would apply."

3. Delete § 1127.60 and substitute therefor the following:

§ 1127.60 Handlers subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a) or (b) of this section except that the operator thereof shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator, and, in the event he has disposed of on routes in the marketing area Class I milk which was neither classified nor priced under such other order or on which a compensatory payment was not made under any other order, shall pay to the market administrator on or before the 13th day of each month an amount computed by multiplying the total volume of such Class I milk disposed of on routes in the marketing area from such plant during the preceding month by the rate of compensatory payment computed pursuant to § 1127.65.

(a) A plant meeting the requirements for pooling pursuant to § 1127.8(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all of the provisions of this part in the immediately preceding month, it shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I route disposition is made in such other marketing area unless notwithstanding the provisions of this paragraph it is fully regulated under such other order.

(b) A plant meeting the requirements for pooling pursuant to § 1127.8(a) which also meets the pooling requirements of another Federal order on the basis of route distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area, but which plant is fully regulated under such other Federal order.

§ 1127.80 [Amendment]

4. Delete paragraph (a) of § 1127.80 and substitute therefor the following:

(a) Each handler shall pay to a cooperative association on or before the 13th day of the month, for milk received from it during the preceding month for which such association is a handler pursuant to § 1127.10(d), the value of such milk at not less than the applicable class prices: *Provided, however*, That for each hundredweight of milk so received during the first 15 days of any month, such handler shall, upon written request of the cooperative association make an advance payment to such association by the 26th day of the month at not less than the Class II price of the preceding month, in which case the obligation of the handler otherwise payable on or before the 13th day of the following month shall be reduced by the amount of such advance payment.

§ 1127.84 [Amendment]

5. Delete § 1127.84 and substitute therefor the following:

§ 1127.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of each month each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount by which the value of milk for such handler pursuant to § 1127.70, for such month exceeds the obligation pursuant to § 1127.80(b) of such handler to producers for milk received during the month.

[F.R. Doc. 62-402; Filed, Jan. 12, 1962; 8:46 a.m.]

[7 CFR Part 1128]

[Docket No. AO 238-A12]

MILK IN CENTRAL WEST TEXAS MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Abilene, Texas, on April 17-18, 1961, pursuant to notice thereof issued on March 28, 1961 (26 F.R. 2755).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on November 29, 1961 (26 F.R. 11498; F.R. Doc. 61-11496), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto

The material issues on the record of the hearing relate to:

1. Classification and accounting for dietary products and other fortified fluid milk products.
2. Classification of sour cream and related products.
3. The level of Class I price and the rate of location adjustments.
4. Revision of the pooling requirements for distributing plants.
5. Modification of the shrinkage provisions.
6. Modification of the conditions for pooling approved plants also meeting the pooling requirements of another Federal order.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Classification and accounting for dietary products and other fortified fluid milk products.* The order should be amended to provide for full skim milk equivalent accounting. Dietary products and other fortified fluid milk products should be classified as Class I only up to the weight of an equal volume of an unmodified product of the same nature and butterfat content. This skim milk equivalent of the added solids in excess of such weight should be classified as Class II.

Under the existing classification provisions the products to be classified as Class I are those fluid milk products which are disposed of for fluid consumption and which are normally required to be made from locally approved milk supplies. Unlike many Federal orders nonfat milk solids used to fortify Class I products or in the manufacture of Class II products are accounted for on a pound-for-pound basis, rather than on a milk equivalent basis. However, if producer milk is processed into Class II products in a pool plant and such products are later used in such plant in fortification, reclassification is on the basis of milk equivalent. Nonfat milk solids used to make reconstituted fluid milk products, also are accounted for on a milk equivalent basis. Where nonmilk products such as salt, sugar, flavoring, etc., are used in making any product, the weight of such additives is deducted from the finished product weight before reconciliation of the pounds of skim and butterfat to be classified.

Handlers proposed that fluid milk dietary foods be classified as Class II in lieu of the present Class I classification. It was their contention that the product cost resulting from the present Class I classification places them at a competitive disadvantage with similar products in dry form or in hermetically sealed containers made from non-Grade A milk and milk products distributed through grocery stores, drug stores, food establishments and similar outlets. They suggested that a lower classification and pricing would permit more competitive resale pricing and hence create a greater demand for such product. This they contended would serve to increase overall returns to producers because less milk would be disposed of necesarily in Class II-A (Cheddar cheese).

Producers opposed any change in the classification scheme, but proposed that the accounting procedure be amended to require full skim milk equivalent accounting for all nonfat milk solids used in fortification of any Class I product. They contended that full milk equivalent accounting is essential to protect the integrity of the classification scheme under the Federal order. It was their position that producers now are not returned the full use value of the skim milk and butterfat utilized in Class I products when fortification is involved and that handlers have opportunity to displace producer milk in Class I with lower priced other source milk.

A great deal of the testimony on the record was offered to substantiate that dietary milk products were, or were not, required to be made from locally approved milk under the various health ordinances in effect in the marketing area. Regardless of the intent of the

ordinances it is apparent that the local health authorities are not interpreting them in a manner so as to require that such products be made from locally approved milk. However, this is of little consequence since handlers are not permitted to bring fluid non-Grade A milk or skim milk into their fluid milk plants. Under any circumstances it is clear that, because of the perishability of the finished dietary product, handlers use only milk of the highest quality and hence they require and rely on local producers to furnish their requirements. Therefore, it is appropriate and necessary that the Class I classification be retained.

Notwithstanding producers' position, the existing accounting procedure has provided producers assurance that their milk will not be displaced in Class I by lower priced other source milk. Further, it must be concluded that producers have received the full use value for their milk. Nevertheless, the present accounting procedure in reality is neither product pound nor skim equivalent accounting. Because of the market's interrelationship with other regulated markets it is desirable that the accounting procedure be revised to conform with that employed under all of the other Texas Federal order markets, i.e., full skim milk equivalent accounting.

When nonfat milk solids are added to a fluid milk product for purposes of fortification such solids must be in the form of nonfat dry milk or condensed skim milk. If such solids are to be derived from producer milk, the skim milk must first be processed into usable form; i.e., nonfat dry milk or condensed skim milk. Such products processed from producer milk have no greater value for fortification purposes than similar products purchased on the open market. Such products are used in fortification to increase the palatability of, and hence the salability of, the finished product. Fortification only slightly increases the volume of the product and under no circumstance can it be concluded that the solids displace producer milk in Class I beyond the minor increase in volume which results. To the extent that fortification enhances the palatability of the finished product and hence its salability, it actually provides a greater outlet for producer milk in Class I. Hence, it would be inappropriate to increase handler's costs for fortified products.

It is concluded therefore that under the skim milk equivalent accounting procedure herein recommended fortified products should be classified as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content, excluding the dry weight of any nonmilk additive such as flavoring, minerals, etc. The skim milk equivalent of the nonfat milk solids not classified as Class I should be considered a Class II disposition. This procedure will provide essentially the same product cost to handlers as now results from the present accounting and classification procedure. However, it provides a uniform basis of accounting for all nonfat milk solids, regardless of use and hence is more logical and should be a better understood procedure than that presently employed.

Where flavoring and other nonmilk additives are used in processing unfortified products, the dry weight of such additives should be deducted in determining the amount of skim milk and butterfat to be accounted for. This is generally consistent with the procedure now employed and the conclusions hereinbefore set forth relative to the accounting for fortified products.

Notwithstanding the conclusions hereinbefore set forth, it is essential where reconstitution, rather than fortification, is involved that the full skim milk equivalent of the nonfat milk solids used be classified in Class I. Unlike fortification, when nonfat milk solids are used in reconstituting any fluid milk product they displace in Class I use a volume of producer milk equal to the volume of the finished reconstituted product. Unless handlers are required to account for such solids on a skim milk equivalent basis in Class I there would be a substantial incentive for them to reconstitute wherever possible. This would tend to result in unequal costs as between handlers. Further, if the order permitted handlers to obtain unpriced milk for Class I uses whenever it was advantageous to do so while producer milk was utilized in Class II it would not be effective in carrying out the purpose of the Act and the market would be deprived of a dependable milk supply.

2. *Classification of sour cream and related products.* The classification provisions should be revised to provide in the case of sour cream, that only sour cream and those sour cream products which are distributed under a Grade A label shall be classified as Class I. Such products distributed without a Grade A label should be classified as Class II.

Handlers proposed revision of the classification provisions to provide a Class II classification for all sour cream and sour cream derivatives such as sour cream dressings, dips, toppings, etc. They pointed out that they compete for sales of such products with handlers from adjacent Federal order markets where such products are classified as Class II. They also compete with such products processed in plants in distant unregulated markets and sold through grocery and dairy stores within the marketing area.

Producers opposed any change from the present Class I classification, pointing out that the applicable health regulations in the local market require that sour cream carry a Grade A label and that while sour cream products are not required to be so labeled, nevertheless, regulated handlers use only Grade A milk in processing such products.

The products required to be made from locally approved milk supplies are classified as Class I. A Class I classification and pricing for such products is essential to assure sufficient returns to producers to encourage the maintenance of an adequate milk supply for the market. However, it is not necessary that sufficient producer milk be available to supply the market's requirements for sour cream products not required to be made from approved milk. Such requirements, under normal circumstances, can be supplied more economically through manufactured dairy products procured on the open market. Nevertheless, to the extent that the reserve supply of the local fluid market is available for disposition in such products its economic utilization should be encouraged.

Products derived from sour cream and originating in unregulated markets are now being distributed in the marketing area in direct competition with locally made products. In addition, regulated plants under other orders, where sour cream products are classified as Class II, are distributing such products in the local market. None of these products are marketed under a Grade A label, however.

It is likely that locally regulated handlers are operating at a competitive disadvantage in the distribution of sour cream products, by virtue of their higher product costs under a Class I classification. Under the circumstances, it is desirable that the classification of sour cream products not distributed under a Grade A label be changed to Class II. However, if handlers sell their locally made products as sour cream or under a Grade A label to comply with local health regulations the product should continue to be classified as Class I.

3. *The level of the Class I price and the rate of location adjustment.* The current level of the Class I price under the Central West Texas order should be continued and no change should be made in the structure of, or in the amount of the location differentials provided.

The Class I price applicable at plants in the Abilene area is currently set at a level of 25 cents over the North Texas Class I price and the price applicable at plants located within 70 miles of Midland, Texas, is 15 cents over the Abilene price. The price at plants located east of the 103d principal meridian, more than 180 miles from Midland and in excess of 70 miles but less than 105 miles from Abilene is 20 cents less than the Abilene price. The price at plants so located but in excess of 105 miles from Abilene is 25 cents less than the Abilene price.

Three handler proposals to revise the Class I pricing provisions were considered at the hearing. The intent of these proposals generally was to provide one level of Class I pricing throughout the market at a level identical to that under the North Texas order. Adoption of the proposals would result in a 25-cent lesser price at Abilene and 40-cent lesser price for plants within 70 miles of Midland.

Proponents contend that under the existing pricing provisions they are placed at a competitive disadvantage with North Texas handlers who have a lesser product cost and who, they suggest, have lower processing costs because of their larger plant volumes. North Texas handlers opposed any change in pricing provisions. They pointed out that historically they have had substantial distribution in the local market and that the existing pricing as between the two markets does not fully reflect transportation costs from their processing plants to the local market. Producers

also opposed any change in the pricing mechanism, contending that the market was in a comfortable but not an oversupplied situation and that the existing price level was necessary to maintain an adequate market supply.

The Class I price in the Central West Texas market must be set at a level sufficient to maintain an adequate milk supply to meet the fluid milk requirements of local handlers. However, too high a price in relation to prices in adjacent regulated markets likely would result in a displacement of sales of local handlers by sales of handlers from the adjacent markets.

While production over an extended period has increased at a more rapid rate than have Class I sales, nevertheless, during 1960, 83 percent of total producer receipts were utilized in Class I. Official notice is taken of the market administrator's releases of receipts and utilization and price announcements for the months of April through July 1961. While producer receipts, thus far in 1961, have continued to increase in relation to Class I sales, the supply-Class I sales relationship in the local market is a component of the supply-demand adjustment mechanism used in computing the North Texas Class I price on which the Central West Texas Class I price is based. Hence, the increased supply situation is effecting a downward adjustment in the Class I price level for the local market and it cannot be concluded on the basis of the record that a further price adjustment is necessary at this time.

When the order was placed in effect in 1952, local handlers had approximately 70 percent of the Class I sales in the marketing area. The remaining sales were made by handlers from other markets, primarily North Texas. During 1957 local regulated handlers made 75 percent of the market's Class I sales. However, this percent has declined steadily since that year with the result that during 1960 local handlers made only 70 percent of the market's Class I sales, the identical position which they held at the inception of the order.

From 1957 through 1960, sales of nonpool handlers within the market increased at a higher rate than did sales of pool handlers. Since March 1960, on a month-to-month basis such sales have generally declined in comparison to the same month of the preceding year. During 1961 sales of nonpool handlers have also decreased in relation to the same period one year earlier.

In comparing local Class I sales of outside handlers with those of local handlers it must be recognized that there has been a substantial reduction in the number of local handlers. North Texas handlers have purchased a number of small businesses in the Central West Texas market, closed the plants and are serving portions of the market from their North Texas pool plants. In some cases, the businesses purchased and their areas of distribution are closer to the North Texas plants than to the plants of existing Central West Texas handler. While the remaining local handlers contend that they have lost substantial sales to North Texas handlers it cannot be established whether, in fact, the decline in the proportion of the market's total Class I business done by local handlers reflects the volume of sales made by plants absorbed by North Texas handlers or an actual loss of business by the remaining plants.

The location differentials presently contained in the order were established to reflect costs of transporting bulk milk from outlying plants and the differences in costs of transporting milk from the normal supply area to the various plant locations. They were deemed necessary to assure the maintenance of an adequate milk supply for the market. They do not necessarily reflect the cost of moving packaged milk from adjacent markets. Since the bulk of the local milk supply continues to move directly from the farm to local processing plants rather than through supply plants it cannot be concluded that the location allowances are excessive.

The 15-cent higher price applicable at the plant in the Midland area was established to reflect the greater distance and higher transportation cost of moving milk from producers' farms to that plant. Much of the local milk supply for the three Central West Texas distributing plants located at Abilene and San Angelo originates in the area east of Abilene, particularly, the counties of Erath, Comanche, Eastland, Hamilton, Wise and Archer. While there has been a substantial shift in the source of supply of the local Midland plant from Comanche County to western Texas and eastern New Mexico, nevertheless, a significant part (about 16 percent in 1961 as compared to 44 percent in 1954) of this plant's supply still comes from Comanche County. Under the circumstances, it is not apparent, on the basis of this record, that this plant could maintain an adequate milk supply if the differential between Abilene and Midland were reduced or eliminated.

4. *Revision of the pooling requirements for distributing plants.* The allowable Class I route disposition in the marketing area within which a distributing plant, not under the routine inspection of the local health authorities, may maintain unregulated status should be reduced to less than 10 percent (presently 15 percent) of such plant's total Class I sales.

One handler proposed that the pooling provisions be revised to require full regulation of all plants with any Class I disposition in the marketing area. As an alternative, he proposed that a plant, not under the routine inspection of the local health authority, with 5 percent or more of its total Class I business in the marketing area be subject to full regulation. He contended that the present provisions have permitted a multiple plant competitor, with two plants regulated under the order, to build sales in the marketing area from an unregulated plant on the basis of milk purchased at a price approximating the order blend price. When in-area sales from such plant approached the 15 percent limitation, which would require full regulation of the plant, a portion of the sales so established were transferred to a regulated plant, thus providing further opportunity for the handler to build additional sales from the unregulated plant.

It is neither necessary, nor desirable, that a distributing plant with only a small proportion of its total Class I sales within the marketing area be subject to full regulation. Such plant would be more closely associated with another market where prices paid producers might be either higher or lower than those in the regulated market. If such handler were competing for producers in a market where returns exceeded those which this order would provide, requiring such handler to equalize through the marketwide pool might place him at a serious competitive disadvantage in maintaining a milk supply. On the other hand, if pay prices in his local market were lower than the prices provided by the order, requiring such handler to account for all of his milk at higher prices might place him at a serious competitive disadvantage with his primary competition. Nevertheless, it would be inappropriate to permit a handler a pricing advantage on milk disposed of in this market. The requirement that an unregulated handler pay into the pool, on each hundredweight of milk distributed in the regulated market, the difference between the order Class I price and the lowest prices paid to his producers on an equivalent volume of milk was concluded to be the appropriate means for assuring equal pricing to all handlers for Class I milk disposed of in the marketing area. No request or suggestions were made for changing this procedure.

While it cannot be concluded that the operation of the existing provisions have been inappropriate, it is apparent, in the incident complained of, that the regulated handler, who also operates an unregulated plant, has for some reason continued to increase his in-area sales from the unregulated plant. Whether this is the result of a normal increase in demand in the particular sales area served or, in fact, an increase in business at the expense of regulated handlers, resulting from some procurement cost advantage cannot be ascertained on the basis of this record. Nevertheless, a substantial portion of the unregulated plant's sales in the market have now been transferred to one of the handler's fully regulated plants with the result that such unregulated plant's in-area sales are now less than 10 percent of its total Class I business. It is apparent that the multiple plant handler has considerable flexibility in his choice of serving certain customers from either his regulated or his unregulated plants. Accordingly, a reduction in the percentage of sales permitted to maintain unregulated status will not result in any undue hardship to this handler. Since no other unregulated plant has as much as 10 percent of its total Class I business in the marketing area it is appropriate to reduce the existing 15 percent requirement to 10 percent.

Proponent further proposed that as as his pro rata share of the costs of administration of the order, any unregulated handler with distribution in the marketing area be required to pay the administrative assessment in the same manner and on the same volume of milk as fully regulated handlers rather than merely on the volume of his in-area Class I sales. He contended that the audit costs in connection with such a handler are substantially the same as for a fully regulated handler and accordingly, such handler should share proportionately in the cost of order administration.

Contrary to proponent's position, the audit of records of a handler with minor sales in the market normally is not as extensive or costly as that of fully regulated handlers. Under usual circumstances the audit procedure involves merely ascertainment of the volume of milk disposed of on routes in the marketing area and of the lowest prices paid to producers for an equivalent volume of milk. It is only under circumstances where the volume of milk so disposed of approximates the maximum allowable percentage that extensive audit is required. Hence, the assessment presently provided for such a handler is appropriate and no change should be made in this regard.

5. *Modification of the shrinkage provisions.* The classification provisions of the order should be amended to provide a maximum 2 percent shrinkage allowance on skim milk and butterfat, respectively, in producer milk in Class II during all months of the year. Provision also should be made for an appropriate division of the shrinkage allowance between handlers when interhandler transfers are involved.

The present order provisions provide that each handler's total shrinkage during the month shall be prorated between his receipts of producer milk and other source milk. Actual shrinkage of skim milk in producer receipts, not in excess of two percent during the months of July through March and five percent during the months of April through June is classified as Class II. Actual shrinkage on butterfat in producer receipts to be classified as Class II is limited to two percent in all months of the year. The total shrinkage in other source milk is classified as Class II. No provision is made for a division of the shrinkage as between handlers where interhandler transfers are involved. The shrinkage allowance on producer milk applies only to the receiving handler.

A handler buying all of his fluid milk requirements from a cooperative association proposed that the 2 percent shrinkage allowance be split to permit the cooperative up to one-half of one percent in Class II and the transferee handler the remaining one and one-half percent shrinkage. He contended that, while an overall shrinkage limitation of 2 percent is reasonable, the greater proportion of actual shrinkage occurs in processing milk through a plant rather than in receiving milk. Notwithstanding, because he buys his milk from the cooperative association all of his plant shrinkage is classified as Class I.

While all producers on the market now have farm bulk tanks and the hauling is controlled by coperatives, whose membership include virtually 100 percent of the producers, nevertheless, with one exception the proprietary handlers in the market are the responsible handlers in accounting to the pool for the milk picked up at the farm and delivered to their plants. They account for the milk of each of their producers on the basis of the farm bulk tank stick reading and the butterfat tests of samples drawn at the farm. That part of their total shrinkage experience (including shrinkage between the farm and the plant) allocated to producer receipts and not in excess of 2 percent is accounted for as Class II milk.

In only one instance does the cooperative act as the responsible handler on the bulk milk which it picks up at the farm and delivers to the plant of a proprietary handler. In this situation the cooperative, as the responsible handler, accounts for its actual shrinkage experience, not in excess of two percent as Class II and the proprietary handler has no Class II shrinkage allowance on the processing of this milk.

Producers opposed any change in the present provision pointing out that the proponent handler purchases milk on the basis of the volume measured through a flow meter in his receiving pipe line and at the butterfat tests determined from samples taken by an automatic in-line sampler at his plant, whereas the cooperative's obligation to the pool is based on the farm tank stick measurements and the butterfat tests of the farm drawn samples. They further pointed out that the difference between volume determined on the basis of farm tank stick readings and as recorded through the flow meter was generally less than one-half of one percent. However, discrepancies between the butterfat test of the milk as determined from farm drawn samples and from samples taken by the in-line sampler were substantial and the cooperative required the full 2 percent shrinkage allowance because of their excessive butterfat losses. Other handlers, they pointed out, were purchasing milk on the basis of farm stick readings and butterfat tests of samples drawn at the farm.

The Secretary concluded in his decision of September 30, 1952, that unaccounted for producer milk in excess of a reasonable allowance for plant loss should be Class I milk in order to assure full accounting by handlers for all of their receipts. He further concluded that two percent was a reasonable maximum allowance for this purpose. The record of this hearing provides no basis for any change in this conclusion. However, the market situation has changed significantly since the order was originally promulgated. Effective February 1, 1958, the order was amended to require a cooperative association to be the responsible handler in accounting for bulk milk picked up at the farm in trucks owned and operated by the cooperative and delivered to the approved plant of another handler for the account of the association.

The effect of this amendment, in conjunction with the application of the shrinkage provisions, is that the proponent handler has been required to account for as Class I all of his plant loss associated with milk purchased from the association. Since milk for his fluid operations is purchased exclusively from the cooperative he, in effect, has no shrinkage allowance in connection with his fluid milk operations whereas prior to February 1, 1958, he had a full 2 percent shrinkage allowance to cover losses on both his receiving and processing operations.

There is no question but that under normal circumstances losses connected with processing and packaging exceed those of the receiving operation. The existing provisions cannot be considered to assure equities as between handlers when, on the one hand, because the cooperative delivers milk to certain handlers in the names of its individual producer members such handlers have a full 2 percent shrinkage allowance and on the other hand, because the cooperative delivers milk for its own account to another handler such handler receives no shrinkage allowance. The problem therefore is one of determining an appropriate distribution of shrinkage between the receiving and transferee handler.

Experience in other Federal milk markets indicates a one-half of one percent shrinkage allowance for a receiving handler to be appropriate. Data presented on the record by the Central West Texas Producers Association further substantiates this allowance to be reasonable. Their figures show that the total shrinkage in milk volumes, as indicated by the difference between stick readings at the farm and flow meter readings in the receiving plant, is somewhat less than one-half of one percent. While losses in butterfat, as indicated by the differences in the tests of farm drawn samples and those drawn from the in-line sampler at the plant, averaged about 1.3 percent during the period June 1960 through March 1961, and exceeded 2.0 percent in four of these months it must be concluded that these butterfat losses are extreme and far in excess of normal expectation.

It seems likely that this situation is the result of inaccurate sampling and/or testing either at the farm or at the plant and the parties involved should take appropriate steps to correct the situation. In the interest of effective and equitable regulation, the shrinkage allowed a receiving handler should be limited to an amount not in excess of normal expectations. It is therefore concluded that such shrinkage allowance should be limited to one-half of one percent. The remaining one and one-half percentage shrinkage allowance should be assigned to the transferee handler to cover normal losses in processing and packaging operations.

While there is no indication on the record of any problems in connection with the shrinkage provision in cases of transfers of milk between proprietary handlers, nevertheless, the apportionment of shrinkage herein recommended is appropriate where such transfers occur. The allowance of one-half of 1 percent of shrinkage to the original receiving plant is concluded to be a reasonable allowance for receiving operations and gives assurance to the operator thereof that he will be able to account

for his actual shrinkage experience within this limit as Class II milk. It also assures the transferee handler of a reasonable share of the total allowable shrinkage. Notwithstanding, should the parties involved agree that a different proration would be more equitable between them, appropriate adjustments could be made in the price at which such milk is transferred. Where the transferor-handler is a cooperative association, however, any such adjustment is not permissible if it results in a price less than that provided by the order.

The above conclusions would decrease the shrinkage allowance on producer skim milk from 5 percent to 2 percent during the months of April, May and June. The 5 percent allowance during those months was adopted on the basis of the evidence in the original promulgation record and recognized that small handlers might find it necessary to dump limited small lots of skim milk during these months as the only economical outlet. There are now only four handlers operating plants under the order and the cooperative association supplies milk to such handlers on a day-to-day basis in accordance with their specific requirements. Hence, there is no reason for continuation of the higher shrinkage allowance for skim milk during these months.

Several exceptions were filed pointing out that the recommended order changes did not fully implement the intended application of the shrinkage provisions in the case of interhandler transfers. Exceptors requested that the allocation provisions be revised to implement the allocation of shrinkage as provided in the shrinkage provisions. The requested revision has been incorporated in the proposed order language as hereinafter set forth. In addition, certain changes have been made in the recommended language of the shrinkage provisions solely for the purpose of clarity.

6. *Modification of the conditions for pooling approved plants also meeting the pooling requirements of another Federal order.* The pooling provisions of the order should be modified to permit an approved distributing plant with a greater proportion of its Class I disposition in another marketing area, but which was pooled under this order in the most recent month, to retain pooling status under this order until the third consecutive month in which a greater volume of Class I sales is made in such other marketing area. However, it must be recognized that the provisions of the other order may require such plant to be pooled under such order. In such circumstances, the plant should be exempted from regulation under this order except for a requirement to file reports and permit verification. Provision also should be made to exempt a distributing plant doing a greater proportion of its total Class I business in this marketing area but which, nevertheless, retains pooling status for the month under another order. While Federal orders generally provide that a distributing plant meeting the pooling requirements of more than one order shall be regulated under that order covering the area in which the greater volume of Class I sales are made, nevertheless, it should be recognized that other orders may contain similar provisions to those herein proposed to deter plants from changing back and forth between two orders on a month-to-month basis.

The pooling provisions also should be modified to permit a supply plant to pool on the basis of qualifying shipments to any pool distributing plant(s). Further, a supply plant meeting the pooling requirements of both this order and another Federal order should be pooled under this order in any month in which greater qualifying shipments are made to this market than to such other market, unless such plant retains automatic status in such other market for the month on the basis of performance in previous months.

Under the existing order provisions, a distributing plant under the routine inspection of a local health authority is eligible to pool its milk in any month in which Class I milk is distributed on routes in the marketing area unless a greater volume of Class I disposition is made in another Federal order marketing area. A distributing plant under the routine inspection of other than a local health authority is eligible to pool in any month in which 15 percent or more of its total Class I disposition is made in the marketing area unless a greater volume of Class I disposition is made in another Federal order marketing area. A supply plant must make specified qualifying shipments to a pool distributing plant under the routine inspection of a local health authority to be eligible for pooling. The order provides no criteria for determination under which order a supply plant meeting the pooling requirements of both this order and another Federal order should be regulated.

A regulated handler under the North Texas order, operating packaging plants in both Fort Worth and Dallas and distributing milk in both the North Texas and Central West Texas markets, as well as in other Federal order markets, proposed that the order be amended to preclude the pooling of either of his plants under this order unless their Class I sales in this market should exceed Class I sales in the North Texas market over an extended period of time. He indicated that his sales in the two respective markets were of such nature that a small increase in sales in this market or decrease in the North Texas market could result in regulation of his Fort Worth plant under this order rather than the North Texas order. He further indicated that in order to minimize the possibility of such a change in regulation he had resorted to shifting Class I sales between his two plants. Nevertheless, he foresaw the possibility that audit adjustments could result in the removal of his plant from regulation under the North Texas order in favor of the Central West Texas order. It was this handler's position that such a shift in regulation would tend to create disorder in the two markets because of the effect on the respective market blend prices and because of the different procedures prescribed under the respective regulations for distributing returns to producers. (North Texas has a base-rating plan.)

While it is apparent from proponent's testimony that his initial proposal was made with the view that its adoption would permit him to bid in military and other government contracts in the Central West Texas market without the possibility of pooling under this order, nevertheless, it is apparent that the distribution from his plants is such that a relatively inconsequential change in the proportion of distribution as between the two markets could result in regulation under this order rather than the North Texas order. It is also possible that the plant might later shift back to North Texas on a similar basis.

A plant doing business in several Federal order markets generally should be regulated under that order under which it does the greatest proportion of its business. This is the principle under which the existing provisions were effected and this record provides no basis for changing this conclusion. Nevertheless, it must be recognized that with recent technological changes in the processing and distribution fields, milk is moved great distances and distribution routes have been greatly extended. It is apparent that while proponent has greatly increased his Central West Texas sales in recent years he does not contemplate or intend that his plant should become subject to regulation under that order. Such a change would have greater adverse affects on producers than on handlers since class prices as between the two orders are aligned. Nevertheless, it is possible, due to a management error or error on the part of a plant employee or a route salesman, that an inadvertant sale might result in an unintended change in pooling. It is also possible, as proponent suggests, that a change in classification during audit might produce the same result.

The situation can be substantially alleviated by adoption of the changes herein recommended. Under this procedure a handler would have two months warning that his plant was changing from one regulation to another, thus providing reasonable time to permit adjustment of his business in cases where such change was not contemplated or desired. At the same time this change retains the principle of regulating a plant under that order where the greater proportion of its business is done. Since government contracts normally are made for longer periods than two months there is no reason to expect that the changes recommended will have any significant effect in the length of time in which a plant is pooled in a particular market where the change in proportion of business is the result of gaining or losing a Government contract.

While the situation prompting the proposal existed only between the Central West Texas and North Texas markets, nevertheless, because of the location of the Central West Texas market in relation to other Federal order markets it is possible that a similar situation could develop with some plant now regulated under another order or with a plant now regulated under this order. The treatment herein prescribed would be equally appropriate in such instances.

While there is no indication that the existing pooling requirements for supply plants have presented any problem it cannot be presumed that this will be true in the future. It is apparent that the market structure has changed significantly since the present order provisions were effected. It can be readily foreseen that the North Texas plant previously referred to could become fully regulated under this order. While the record does not disclose the sources of such plant's supplies, nevertheless, since the plant is under the routine inspection of the Fort Worth health department it is apparent that any supply plant connected with it could not be pooled under this order. It would be inappropriate and inequitable to require a distributing plant to pool but preclude the pooling of its supply plant. For this reason it is desirable that the pooling requirements for supply plants be modified to recognize as qualifying shipments, movements of milk to any pool distributing plant. This will permit the pooling of any supply plant meeting the pooling requirements and which might be a regular source of supply for the Fort Worth plant or any other plant which might become subject to regulation under the order.

As previously indicated the present order provides no direction as to where a supply plant performing under two orders should be pooled. This deficiency can be corrected by providing that any plant meeting the pooling requirement of both this and another order shall be pooled under this order unless greater qualifying shipments are made during the month to plants regulated under another order or the plant retains automatic pooling status under such other order by virtue of performance in a previous period. During the flush production months when milk of supply plants is least likely to be needed for fluid uses this order (as well as many other Federal orders) provides automatic pooling status for supply plants which have been closely associated with the market in the previous short production months by virtue of substantial and regular shipments to the market. Requiring a supply plant with automatic pooling status under one order to be regulated under another order on the basis of casual shipments during any flush production month would normally have an adverse affect on returns to established producers in the market to which shipments were made. It would therefore be more appropriate to permit such plant to retain pooling status during the flush production months in the market with which it had an established association and automatic pooling status. The recommended order amendments hereinafter set forth implement these conclusions.

Recommended changes in the order language, other than the provisions hereinbefore specifically discussed, are clarifying and conforming changes necessary to implement the previous conclusions. These include redrafting of the producer milk and other source milk definitions as well as minor changes in the language, but not in the application of other parts of the order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Central West Texas Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Central West Texas Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of November 1961 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Central West Texas marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on January 9, 1962.

JAMES T. RALPH,
Assistant Secretary.

Order[1] Amending the Order Regulating The Handling of Milk in the Central West Texas Marketing Area

§ 1128.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central West Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area,

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreement and marketing orders have been met.

and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Central West Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 1128.7 [Amendment]

1. Delete paragraph (a)(2) of § 1128.7 and substitute therefor the following:

(2) At which milk is received from producers as defined in § 1128.10(a) and which serves as a receiving station at which producer milk is received, weighed and commingled and from which milk or skim milk (i) is moved during the month to an approved plant(s) specified in subparagraph (1) of this paragraph or paragraph (b), or (ii) was moved to any such plant(s) in an amount equal to 60 percent or more of the total receipts of producer milk during the months of October through January immediately preceding any month of April, May or June during which no milk was moved to such plant(s); or

2. Delete the number "15" as it appears in paragraph (b) of § 1128.7 and substitute therefor the number "10".

§ 1128.9 [Amendment]

3. Delete the proviso of § 1128.9(c) and substitute therefor the following: "*Provided*, That such milk shall be deemed to have been received by the cooperative association at an approved plant at the location of the plant to which it is delivered; or"

4. Delete § 1128.11 and substitute therefor the following:

§ 1128.11 Producer milk.

"Producer milk" means only that skim milk or butterfat contained in (a) milk received at an approved plant directly from producers, (b) milk of producers diverted from an approved plant to an unapproved plant in accordance with the conditions set forth in § 1128.10(c), or (c) milk received by a cooperative association in its capacity as a handler pursuant to § 1128.9(c).

5. Delete § 1128.12 and substitute therefor the following:

§ 1128.12 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 1128.41(a) except (1) such products received from other approved plants, including milk received from a cooperative association in its capacity as a handler pursuant to § 1128.9(c), or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 1128.41 (b)(1) or (c) from any source (including those produced in the plant), which are reprocessed or converted to another product during the month.

§ 1128.41 [Amendment]

6. Delete paragraphs (a) and (b) of § 1128.41 and substitute therefor the following:

(a) Class I milk shall be: (1) All skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream, sour cream and sour cream products under a Grade A label, and any mixture (except eggnog, aerated cream products and mixes for ice cream or other frozen dairy products) of cream and milk or skim milk: *Provided*, However, that when any such product is fortified with nonfat milk solids the amount of skim milk to be classified as Class I shall be only that amount equal to the weight of skim milk in an equal volume of unfortified product of the same nature and butterfat content, and (2) all skim milk and butterfat not specifically accounted for as Class II or Class II-A;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) or (c) of this section;

(2) Disposed of for livestock feed;

(3) In actual shrinkage of skim milk and butterfat, respectively, not to exceed the following;

(i) Two percent of receipts directly from producers (excluding milk diverted pursuant to § 1128.10(c); plus

(ii) 1.5 percent of bulk receipts of milk from other handlers except that where the handler is purchasing milk from a cooperative association in its capacity as a handler pursuant to § 1128.9 (c) and files with the market administrator, prior to the first day of the month, notice that he is purchasing such milk on the basis of the butterfat tests of farm drawn samples and weights determined at the farm, the applicable percentage on such milk shall be 2 percent, less

(iii) 1.5 percent of bulk transfers of milk from an approved plant to other milk plants (in the case of a cooperative association selling milk to a handler on the basis of farm weights and tests, as provided in subdivision (ii) of this subparagraph (3) the applicable percentage shall be 2.0), plus.

(iv) Shrinkage in other source milk determined pursuant to § 1128.42.

(4) In inventory of any products specified in subparagraph (a)(1) of this section on hand at the end of the month; and

(5) Skim milk contained in any fortified product designated in paragraph (a)(1) of this section in excess of the pounds of skim milk in such product classified as Class I pursuant to such subparagraph.

7. Delete § 1128.42 and substitute therefor the following:

§ 1128.42 Shrinkage on other source milk.

The market administrator shall determine the shrinkage in other source milk as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler, and

(b) Assign a pro rata share of such shrinkage to other source milk on the basis of the percentage that such other source milk represents of total receipts at such plant to which shrinkage may be assigned to Class II pursuant to § 1128.41(b)(3).

§ 1128.43 [Amendment]

8. Delete paragraph (b) of § 1128.43.

§ 1128.45 [Amendment]

9. Add a proviso to § 1128.45 to read as follows: ": *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids."

§ 1128.46 [Amendment]

10a. Delete the words "from producers" as they appear in the preamble of § 1128.46.

b. In § 1128.46(a)(1) change the reference "§ 1128.41(b)(3)" to read "§ 1128.41 (b)(3) (i) through (iii)".

c. In § 1128.46(a) renumber subparagraph (5) as (6) and subparagraph (6) as (5).

11. Delete § 1128.61 and substitute therefor the following:

§ 1128.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except that the operator thereof shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) An approved plant pursuant to § 1128.7 (a)(1) or (b) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I route disposition is made in such other marketing area unless notwithstanding the provisions of this paragraph it is regulated under such other order.

(b) An approved plant pursuant to § 1128.7 (a)(1) or (b) which also meets the pooling requirements of another Federal order on the basis of route distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is fully regulated under such other Federal order.

(c) An approved plant pursuant to § 1128.7(a) (2) which (1) meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part or, (2) retains automatic pooling status for the month under another Federal order by virtue of its performance in previous months.

12. Delete that portion of § 1128.70 preceding paragraph (a) and substitute therefor the following:

§ 1128.70 Computation of each handler's pool obligation.

For each month, the market administrator shall compute the pool obligations of each handler as follows:

§ 1128.71 [Amendment]

13. Insert immediately following the word "payments" as it appears in paragraph (a) of § 1128.71, the word "due".

§ 1128.94 [Amendment]

14. Delete the words "value of the milk received by such handler from producers" as they appear in § 1128.94 and substitute therefor the words "pool obligation of such handler".

[F.R. Doc. 62-403; Filed, Jan. 12, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

SOUTHERN UTE AND UTE MOUNTAIN LAND RECORDS

Transfer to Gallup Area Office

JANUARY 9, 1962.

In accordance with 25 CFR Part 120, notice is hereby given that all title source documents and land records pertaining to trust or restricted Indian-owned lands on the Southern Ute Indian Reservation in the State of Colorado and the Ute Mountain Indian Reservation in the States of Colorado and New Mexico, and including Allen Canyon allotments in the State of Utah, have been transferred from the City of Washington to the Gallup Area Office, Bureau of Indian Affairs, Gallup, New Mexico.

Effective January 1, 1962, the Gallup Area Office will be the office for the maintenance of records for all trust and restricted lands as described above.

JOHN O. CROW,
Deputy Commissioner.

[F.R. Doc. 62-416; Filed, Jan. 12, 1962; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

SIERRA LEONE

Foreign Social Insurance and Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence submitted by Sierra Leone to the effect that Sierra Leone does not have a social insurance or pension system.

Accordingly, it is hereby determined and found that Sierra Leone does not have in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

Approved: January 8, 1962.

ABRAHAM RIBICOFF,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 62-415; Filed, Jan. 12, 1962; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-99]

BABCOCK & WILCOX CO.

Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 5, set forth below, to Facility License No. R-47, as amended. The license authorizes The Babcock & Wilcox Company to operate its Lynchburg Pool Reactor located near Lynchburg, Virginia. The amendment authorizes the licensee, as requested in its application for license amendment dated November 10, 1961, to use aluminum canned, graphite reflector elements in the reactor during the conduct of experiments which require that reflector elements be used to shape or thermalize the neutron flux. The Commission has found that the conduct of the proposed activities in accordance with License No. R-47, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the operation of the reactor in accordance with the terms of the license, as amended, does not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operation of the reactor.

In accordance with § 2.102(a) of the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or a petition to intervene pursuant to § 2.705 of the rules of practice within 30 days after the issuance of license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed in accordance with the provisions of § 2.700 of the Commission's rules of practice (10 CFR Part 2).

For further details see (a) the application for license amendment submitted by The Babcock & Wilcox Company and (b) a related hazards analysis prepared by the Research & Power Reactor Safety Branch of the Division of Licensing and Regulation, both available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (b) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 8th day of January 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-47; Amdt. 5]

In addition to the activities previously authorized by the Commission in License No. R-47, as amended, The Babcock & Wilcox Company is authorized, as requested in its application for license amendment dated November 10, 1961, to use aluminum canned, graphite reflector elements in its Lynchburg Pool Reactor located near Lynchburg, Virginia, during the conduct of experiments which require that reflector elements be used to shape or thermalize the neutron flux. The reflector elements shall be used and the experiments conducted in accordance with the procedures and subject to the limitations in License No. R-47, as amended, and in The Babcock & Wilcox Company's application for license amendment dated November 10, 1961.

This amendent is effective as of the date of issuance.

Date of issuance: January 8, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-413; Filed, Jan. 12, 1962; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 257-62]

CHARLES F. SIMMS

Designation as Representative From Department of Justice on Administrative Committee of Federal Register

By virtue of the authority vested in me by section 6 of the Federal Register Act, as amended (44 U.S.C. 306), I hereby designate Charles F. Simms, Office of Legal Counsel, as the representative from the Department of Justice on the Administrative Committee of the Federal Register in place of William O. Burtner, retired.

Dated: January 9, 1962.

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 62-426; Filed, Jan. 12, 1962; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12030]

OZARK AIR LINES, INC. "USE-IT-OR-LOSE-IT" INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on January 24, 1962 at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., January 10, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-431; Filed, Jan. 12, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[Reg. Docket No. 861]

INVESTIGATION OF COMPLAINT REGARDING TURBOJET OPERATIONS AT MOISANT INTERNATIONAL AIRPORT, LOUISIANA

Notice of Public Hearing

By a petition dated August 14, 1961, Rosemary and Mrs. A. Angell and 37 other persons residing east of the east-west runway of the Moisant International Airport, Kenner, Louisiana, have petitioned the Administrator of the Federal Aviation Agency to conduct an investigation and hearing of their alleged complaints and, either discontinue turbojet operations at Moisant International Airport, or revise existing patterns of take-offs and landings.

Upon review of the petition, it has been concluded that the Agency should obtain further statements, views or comments, either oral or written, of interested persons in regard to the subject matter of the petition.

Accordingly, notice is hereby given that a public hearing will be held before a representative of the Administrator at 9:30 a.m., c.s.t., on February 15, 1962, at the Hilton Hotel, 901 Airline Highway (opposite Moisant International Airport), New Orleans, Louisiana, for the purpose of receiving such statements, views, or comments.

All parties who wish to present their statements, views or comments at the public hearing should send advance written notice as soon as possible of such intentions, in duplicate, to the Docket Section, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. Such notice should include the name and number of persons expected to attend, the organization, if any, represented and an estimate of the time required for the presentation of views and comments.

All comments presented at the hearing will be considered before action is taken on the subject filed petition.

Issued in Washington, D.C., on January 10, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-407; Filed, Jan. 12, 1962; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13205 etc.; FCC 62M-34]

FRANCIS M. FITZGERALD ET AL.

Order Continuing Hearing

In re applications of Francis M. Fitzgerald, Greensboro, N.C., Docket No. 13205, File No. BP-13979; Ralph D. Epperson and Earlene S. Epperson, d/b as Frederick County Broadcasters, Winchester, Va., Docket No. 13624, File No. BP-12531; John Laurino, tr/as Virginia Regional Broadcasters, Chester, Va., Docket No. 14382, File No. BP-13752; Stuart W. Epperson, Wakefield, Va., Docket No. 14383, File No. BP-13754; York-Clover Broadcasting Co., Inc. (WYCL), York, S.C., Docket No. 14384, File No. BP-13898; Harry A. Epperson, Jr., Mount Holly, N.C., Docket No. 14385, File No. BP-14203; Boyce J. Hanna, East Gastonia, N.C., Docket No. 14386, File No. BP-14237; Wilkes Broadcasting Co., Mocksville, N.C., Docket No. 14388, File No. BP-14288; E. Raymond Parker, Gaffney, S.C., Docket No. 14389, File No. BP-14301; Risden Allen Lyon, Charlotte, N.C., Docket No. 14390, File No. BP-14661; Stuart W. Epperson, Winston-Salem, N.C., Docket No. 14391, File No. BP-14909; James P. Poston, Kernersville, N.C., Docket No. 14392, File No. BP-14918; for construction permits.

Pursuant to the agreements reached at the prehearing conference held on December 26, 1961, the evidentiary hearing in the above-entitled proceeding now scheduled for February 5, 1962, is continued to a date to be announced at the close of the further prehearing conference to be held on Monday, February 26, 1962, beginning at 10:00 a.m., in the offices of the Commission, Washington, D.C.

It is so ordered, This the 9th day of January 1962.

Released: January 10, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-421; Filed, Jan. 12, 1962; 8:48 a.m.]

[Docket No. 14407 etc.; FCC 62M-31]

GRAND BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Grand Broadcasting Co., Grand Rapids, Mich., Docket No. 14407, File No. BPCT-2928; Atlas Broadcasting Co., Grand Rapids, Mich., Docket No. 14408, File No. BPCT-2950; West Michigan Telecasters, Inc., Grand Rapids, Mich., Docket No. 14469, File No. BPCT-2956; MKO Broadcasting Corp., Grand Rapids, Mich., Docket No. 14470, File No. BPCT-2959; Major Television Co., Grand Rapids, Mich., Docket No. 14471, File No. BPCT-2960; Peninsular Broadcasting Co., Grand Rapids, Mich., Docket No. 14472, File No. BPCT-2962; for construction permits for new television broadcast stations.

It is ordered, This 9th day of January 1962, pursuant to the agreements reached at the prehearing conference held herein on January 8, 1962, that a further prehearing conference shall be held on January 30, 1962, commencing at 9:00 a.m., in the offices of the Commission at Washington, D.C.;

It is further ordered, That the hearing herein presently scheduled to commence on February 19, 1962, is continued without date.

Released: January 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-422; Filed, Jan. 12, 1962; 8:48 a.m.]

[Docket No. 14097 etc.; FCC 62M-33]

LINDSAY BROADCASTING CO. ET AL.

Order Scheduling Prehearing Conference

In re applications of Richard E. Lindsay, tr/as Lindsay Broadcasting Co., Punta Gorda, Fla., Docket No. 14097, File No. BP-12914; Peace River Broadcasting Corp., Punta Gorda, Fla., Docket No. 14098, File No. BP-13336; William H. Martin, Fort Myers, Fla., Docket No. 14100, File No. BP-13997; for construction permits.

The Hearing Examiner having under consideration:

(a) The Commission's Memorandum Opinion and Order herein (FCC 61-1497), released December 27, 1961, wherein it was ordered that the issues in the proceeding should be enlarged by the inclusion of an issue relating to the efforts made by each of the respective remaining applicants "to determine the programming needs of the area he proposes to serve and the manner in which he proposes to meet such needs;"

(b) Volume 10 of the transcript of testimony in the proceeding wherein it was ordered at page 1036 that the record in the proceeding "is closed;" and

(c) An Order of the Acting Chief Hearing Examiner (FCC 61M-2009), released December 29, 1961, wherein the time for the filing of proposed findings of fact and conclusions of law and for

replies thereto, if any, was continued to dates to be specified hereinafter by the Hearing Examiner;

It appearing, that since the Commission has added a new issue herein and required that the remaining applicants should respond thereto at an evidentiary hearing, it is necessary to reopen the record;

It further appearing, that prompt and orderly disposition of such issue would be furthered by the holding of an additional prehearing conference in this matter;

It is ordered, This 9th day of January 1962, on the Hearing Examiner's own motion that the record herein is reopened; and

It is further ordered, On the Hearing Examiner's own motion, that the remaining parties hereto or their counsel are directed to appear at a prehearing conference at the Offices of the Commission in Washington, D.C., at 10:00 a.m., on January 12, 1962, to discuss the appropriate procedures for the prompt compliance with requirements of the aforementioned Memorandum Opinion and Order of the Commission herein released December 27, 1961.

Released: January 10, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-423; Filed, Jan. 12, 1962; 8:48 a.m.]

[Docket Nos. 14360-14363; FCC 62M-32]

M & M TELECASTERS ET AL.

Statement and Order After Prehearing Conference

In re applications of L. E. Manseau and Daniel E. Molina, d/b as M & M Telecasters, Santa Maria, Calif., Docket No. 14360, File No. BPCT-2891; Mili Acquistapace, James H. Ranger, Burns Rick, Marion A. Smith, and Ed J. Zuchelli, d/b as Central Coast Television, Santa Maria, Calif., Docket No. 14361, File No. BPCT-2903; Thomas B. Friedman, tr/as Elson Electronics Co., Santa Maria, Calif., Docket No. 14362, File No. BPCT-2904; Santa Maria Telecasting Corp., Santa Maria, Calif., Docket No. 14363, File No. BPCT-2919; for construction permits for new television broadcast stations.

A prehearing conference was held on January 5, 1962. The transcript, when available, is incorporated by reference. Among other things the following timetable was set:

1. Exchange of applicants' affirmative direct written cases—by March 12, 1962, 5 p.m.
2. Receipt of notification of witnesses desired for cross-examination—by March 26, 1962.
3. Hearing—Rescheduled from January 15 to Monday, April 16, 1962 at 10 a.m., in the offices of the Commission, Washington, D.C.

So ordered, this 9th day of January 1962.

Released: January 10, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-424; Filed, Jan. 12, 1962; 8:48 a.m.]

[Docket Nos. 14473, 14474; FCC 62M-29]

PENINSULA TELEVISION RELAY CORP. AND EASTERN SHORE MICROWAVE RELAY CO.

Order Scheduling Hearing

In re applications of Peninsula Television Relay Corp., Salisbury, Md., Docket No. 14473, File Nos. 2604/2605-C1-P-60; Eastern Shore Microwave Relay Co., Salisbury, Md., Docket No. 14474, File No. 3423-C1-P-60; for construction permits for common carrier point-to-point microwave relay stations.

It is ordered, This 8th day of January 1962, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 6, 1962, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, February 6, 1962.

Released: January 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-425; Filed, Jan. 12, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7020]

PACIFIC POWER & LIGHT CO.

Notice of Application

JANUARY 8, 1962.

Take notice that on December 28, 1961, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Pacific Power & Light Company (Applicant) for authorization for the issuance of securities. Applicant is a corporation organized under the laws of the State of Maine and doing business as a foreign corporation in the States of Oregon, Wyoming, Washington, California, Montana, and Idaho. Applicant proposes to amend its Certificate of Organization and By-Laws so as to increase and change the common stock which it is authorized to issue from 8,212,679 shares of common stock of the par value of $6.50 per share to 16,425,358 shares of common stock of the par value of $3.25 per share, and to split and change the number of shares of its common stock of the par value of $6.50 per share which shall be outstanding immediately prior to the becoming effective of such amendments into twice such number of its proposed new $3.25 par value common stock. After the effective date of the proposed amendments (which will require the affirmative vote of Stockholders representing a majority of the voting power) outstanding certificates for shares of the present $6.50 par value common stock will be treated as evidencing, and will automatically represent, the same number of shares of the new $3.25 par value common stock. As promptly as possible after such effective date all holders of common stock of record at the close of business on such date will be sent certificates for the additional shares of $3.25 par value common stock to which they will become entitled as a result of the two-for-one split. Stockholders will then have, together with the certificates which they will retain, two shares of $3.25 par value common stock for each share of $6.50 par value common stock held before the split. Applicant states that the proposed split of its common stock, with the consequent lower market price per share, should result in a broadening of public interest in the stock, an increase in the number of stockholders and a greater availability of shares for purchase and sale, proving beneficial to both the Stockholders and Applicant. The capital and surplus accounts of the Applicant will not be affected by the proposed split of common stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 29th day of January 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-391; Filed, Jan. 12, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 10, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37505: *Substituted service—NYC&ST. L for Midwest Haulers, Inc.* Filed by Midwest Haulers, Inc. (No. 42), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Chicago, and East St. Louis, Ill., Buffalo, N.Y., Cleveland, Ohio, and Erie, Pa., on the one hand and specified points in Illinois, Indiana, Ohio, and Pennsylvania, on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 23 to Midwest Haulers, Inc., tariff MF-I.C.C. 22.

FSA No. 37506: *Clay, kaolin or pyrophyllite from Cartersville, Ga.* Filed by O. W. South, Jr., agent (No. A4147), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, as described in the application, in carloads from Cartersville, Ga., to points in southwestern territory.

Grounds for relief: Modified short-line distance formula, and grouping.

Tariff: Supplement 10 to Southern Freight Association tariff I.C.C. S-206.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-410; Filed, Jan. 12, 1962; 8:47 a.m.]

[Notice 584]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 10, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64149. By order of January 3, 1962, the Transfer Board approved the transfer to Edward Miller, Jr., doing business as Edward Miller & Son, Richmond Hill 18, N.Y., of Certificate No. MC 112744 issued March 26, 1952, in the name of Edward Miller, Sr., and Edward Miller, Jr., a partnership, doing business as Edward Miller & Son, Richmond Hill, N.Y., authorizing the transportation of household goods as defined by the Commission, over irregular routes, between New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in New York, Connecticut, New Jersey, and those in that part of Pennsylvania on and east of U.S. Highway 15. Joseph S. Williams, Jr., Jamaica Chamber of Commerce Building, 89-31 161st Street, Jamaica 32, N.Y., attorney for applicants.

No. MC-FC 64643. By order of January 4, 1962, the Transfer Board approved the transfer to Ernest Labumbard, Gladstone, Mich., of Certificate in No. MC 115705, issued September 10, 1956, to Edward Wender, Iron Mountain, Mich., authorizing the transportation of: Fertilizer, from Madison, Wis., to points in the upper peninsula of Michigan, with no transportation for compensation on return except as otherwise authorized. Michael D. O'Hara, Spies Building, Menominee, Mich., attorney for applicants.

No. MC-FC 64649. By order of January 5, 1962, the Transfer Board approved the transfer to Vrabel Trucking Corp., Yonkers, N.Y., of Certificate in No. MC 34688, issued November 6, 1950, to Abe Seidman, Brooklyn, N.Y., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, from New York, N.Y., to points in New Jersey within 25 miles of New York, N.Y. Martin Werner, 2 West 45th Street, New York 36, N.Y., attorney for applicants.

No. MC-FC 64657. By order of January 4, 1962, the Transfer Board approved the transfer to Bruno & D'Elia, Inc., Hackensack, N.J., of Certificates Nos. MC 100031 Sub 1, MC 100031 Sub 2, and MC 100031 Sub 3, issued July 2, 1953, October 29, 1959, and August 22, 1960, respectively, to Seaboard Mill Supply, Inc., New York 5, N.Y., authorizing the transportation of cork and cork board, nails, lumber, asphaltic emulsion, in cans, paper, paper products, and printed matter, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Essex and Union Counties, N.J., and those in that part of Bergen and Hudson Counties, N.J., not including the New York Commercial Zone as defined by the Commission; waste paper, from New York, N.Y., and points in Nassau County, N.Y., to points in Bergen, Essex, Hudson, Union, Passaic, Middlesex, Morris and Somerset Counties, N.J.; and from New York, N.Y., points in Nassau County, N.Y., and points in Bergen, Essex, Hudson, Union, Passaic, Middlesex, Morris, and Somerset Counties, N.J., to Versailles, Montville, and New Haven, Conn.; and skids, from points in Bergen, Essex, Hudson, Union, Passaic, Middlesex, Morris, and Somerset Counties, N.J., to New York, N.Y., and points in Nassau County, N.Y.; and empty skids, from Versailles, Montville, and New Haven, Conn., to points in Bergen, Essex, Hudson, Union, Passaic, Middlesex, Morris, and Somerset Counties, N.J. William D. Traub, 350 Fifth Avenue, New York 1, N.Y., representative for applicants.

No. MC-FC 64719. By order of January 3, 1962, the Transfer Board approved the transfer to G. Richard Arner, doing business as G. R. Arner, Tamaqua, Pa., of Certificate No. MC 52862 Sub 5, issued to Edward J. Boyle, doing business as E. J. Boyle, Tamaqua, Pa., authorizing the transportation of: Shale derived aggregate, in bulk, from Rahn Township, and points within five miles thereof, in Schuylkill County, Pa., to points in Delaware, Maryland, New Jersey (except those in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York, Virginia, West Virginia, and the District of Columbia. William J. Wilcox, 624 Commonwealth Building, Allentown, Pa., attorney for applicants.

No. MC-FC 64726. By order of January 3, 1962, the Transfer Board approved the transfer to Washington Moving & Storage Co., Inc., New York, N.Y., of Certificate No. MC 95642, issued July 23, 1959, to James J. Borda, doing business as Railway Crating & Packing Co., New York, N.Y., authorizing the transportation of: Household goods, between New York, N.Y., on the one hand, and, on the other, Bethlehem, and Philadelphia, Pa., and points in Connecticut, and New Jersey. Morris Honig, 150 Broadway, New York, N.Y., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-411; Filed, Jan. 12, 1962; 8:47 a.m.]

[No. 33750]

FOURTH CLASS MAIL

Reformation of Rates and Other Conditions of Mailability

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 9th day of January A.D. 1962.

It appearing, that on January 2, 1962, the Postmaster General submitted to the Commission for its consent, after investigation, specific proposals for reformations of rates and other conditions of mailability of fourth class mail, including revisions of the limits of size and weight of parcel post;

It further appearing, that the Commission's consent to the establishment of the reformations is requested pursuant to that part of the paragraph under the heading "General Provisions" under the appropriations for the Post Office Department contained in Chapter IV of the Supplemental Appropriations Act, 1951, approved September 27, 1950, 64 Stat. 1050, as amended by section 213 of the Postal Rate Increase Act, 1958, 72 Stat. 143 (31 U.S.C. 695); and section 207 of the Act of February 28, 1925, 43 Stat. 1067, as amended by section 7 of the Act of May 29, 1928, 45 Stat. 942 (39 U.S.C. 247, 1958 ed.);

And it further appearing, that the proposals for revision of the maximum limits of size and weight and for rate revisions are "interdependent and inseparable," and that the Commission's jurisdiction to consent to an increase in the maximum size and weight of parcels may have been abrogated by the provisions of Public Law 199 of the 82d Congress (65 Stat. 610):

It is ordered, That no investigation be instituted at this time.

It is further ordered, That within 15 days of the date of the service of this order, the Postmaster General shall file a brief, and serve copies thereof upon those parties who attended the public conference held at the Post Office Department on December 11-12, 1961, devoted solely to the jurisdiction of this Commission to consent to his proposals in the light of the purpose and provisions of Public Law 199.

It is further ordered, That any person interested may within 10 days after service of the aforesaid brief, file with

the Commission and serve upon the Postmaster General a brief limited to the same issue.

And it is further ordered, That notice of this order be given, (1) by depositing a copy in the office of the Secretary of the Commission for public inspection, (2) by filing a copy thereof with the Director, Office of the Federal Register, (3) by serving copies thereof on the Postmaster General and the Comptroller General of the United States, and (4) by serving copies thereof on all parties who attended the public conference held on December 11–12, 1961 at the Post Office Department.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-412; Filed, Jan. 12, 1962; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1472]

AMERICAN RESEARCH AND DEVELOPMENT CORP.

Notice of Filing of Application for an Order Exempting Proposed Transaction

JANUARY 8, 1962.

Notice is hereby given that American Research and Development Corporation ("Applicant"), The John Hancock Building, Boston 16, Mass., a Massachusetts corporation and registered closed-end, nondiversified management investment company, has filed an application under section 17(b) of the Investment Company Act of 1940 ("Act"), for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed extension of the maturity date of a promissory note in the principal amount of $50,000 issued to Applicant by Intercontinental Electronics Corporation ("Intercontinental"), an affiliated person of Applicant.

The application contains the following representations:

Intercontinental, a Delaware corporation, was organized in 1956, and is engaged in the business of the development and sale of various electronic, aircraft detection and navigation equipment. Applicant states that it owns approximately 17 percent of the outstanding voting securities of Intercontinental, and that it believes the proposed maturity date extension would be prohibited by section 17(a)(3) of the Act, unless exempted therefrom by an order of the Commission.

By an order dated December 19, 1960, the Commission exempted from the provisions of section 17(a)(3) of the Act a loan of $50,000 from the Applicant to Intercontinental evidenced by a promissory note dated December 2, 1960. The note provided for interest on the principal sum at the rate of six percent per annum, and matured December 2, 1961. Intercontinental, with the consent of Applicant, has withheld repayment of the loan pending disposition of this application, during which time Applicant does not intend to sue on the note. No other indebtedness of Intercontinental has been or will be accelerated by the note being overdue.

It is intended to extend the maturity date of the note to March 31, 1962. The extension of the maturity date of the note is proposed in order to allow the continued use of funds for working capital purposes by Intercontinental.

Applicant has determined that it would be in its best interests to divest itself of its securities investment in Intercontinental, and has made application to this Commission for an exemption of the proposed sale of its portfolio voting securities of Intercontinental to an affiliated person of Intercontinental. Pending disposition of that application, Applicant desires that Intercontinental be able to use the funds to promote the commercial development of its business enterprises.

Section 17(a)(3) of the Act, in relevant part, prohibits the borrowing of money from a registered investment company by an affiliated person thereof. Under section 17(b) of the Act, the Commission shall grant an exemption from the prohibitions of section 17(a) of the Act, if it finds that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; and that the proposed transaction is consistent with the policy of the registered investment company concerned, and consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than January 30, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-399; Filed, Jan. 12, 1962; 8:46 a.m.]

[File No. 70-4006]

COLUMBIA GAS SYSTEM, INC. AND ATLANTIC SEABOARD CORP.

Notice of Filing Regarding Issue and Sale of $6,000,000 Face Amount of Unsecured Installment Note by Subsidiary Company to Registered Holding Company

JANUARY 8, 1962.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), 120 East 41st Street, New York 17, N.Y., a registered holding company, and its wholly owned nonutility subsidiary company Atlantic Seaboard Corporation ("Seaboard"), 1700 MacCorkle Avenue SE., Charleston, W. Va., have filed a joint application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9, 10, and 12(f) of the Act and Rule 43 thereunder as applicable to the proposed transaction.

All interested persons are referred to the joint application-declaration on file in the office of the Commission for a statement of the proposed transaction which is summarized as follows:

Seaboard proposes to issue and sell to Columbia and Columbia proposes to acquire, an unsecured installment promissory note in the face amount of $6,000,000. The note is to be non-registered and dated when issued. The face amount thereof will be due in twenty-five equal annual installments on January 15, of each of the years 1963 to 1987, inclusive. Interest is to be paid semi-annually at the rate of 5.1 percent per annum, the cost of money to Columbia on its last sale of debentures.

The proceeds from the sale of the note will be used by Seaboard to repay to Columbia an emergency cash advance of $6,000,000 made by Columbia to Seaboard on June 27, 1961. Columbia advised the Commission, by letter dated June 29, 1961, that it had made the emergency loan pursuant to the provisions of Rule 45(b)(3) under the Act. Such advance was made as a non-interest-bearing short-term loan in the amount of $6,000,000 to assist Seaboard in making rate refunds to its customers in the amount of $8,653,700, pursuant to an Order of the Federal Power Commission issued April 21, 1961. A part of the revenues collected by Seaboard under the contested rate was used, in lieu of long-term debt financing, for plant improvements.

It is represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be incurred by Seaboard and Columbia are estimated at $100 for each company.

Notice is further given that any interested person may, not later than January 30, 1962, request this Commission in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of the request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants-declarants, and proof of service (by affidavit, or in the case of an attorney-at-law, by certificate) filed or dispatched contemporaneously with the request. At any time after that date the joint application-declaration, as amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act; or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-400; Filed, Jan. 12, 1962; 8:46 a.m.]

[File No. 70-4006]

NEW ORLEANS PUBLIC SERVICE INC.

Notice of Proposed Transfer of a Portion of Earned Surplus to Capital Surplus

JANUARY 8, 1962.

Notice is hereby given that New Orleans Public Service Inc. ("New Orleans"), New Orleans 9, Louisiana, a public-utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a)(2) and 7 of the Act as applicable to the proposed transaction.

All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized as follows:

New Orleans proposes to transfer from its earned surplus account to its capital surplus account as of December 31, 1961, an aggregate of $710,264.89 which is equivalent to 50 cents per share on its outstanding no par value common stock. At October 31, 1961, its earned surplus amounted to $12,346,604, after giving effect to net income of $4,754,516 for the 12-month period ended as of that date, the payment of dividends to its preferred and common stockholders in the aggregate amount of $3,979,152, and the transfer from earned surplus to capital surplus of $355,132.

The declaration states that no State regulatory body or agency and no Federal commission or agency, other than this Commission, has jurisdiction over the proposed transaction. It is also stated that no fees or commissions are to be paid and no special and separable expenses are anticipated in connection with the proposed transaction.

Notice is further given that any interested person may, not later than January 30, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-401; Filed, Jan. 12, 1962; 8:46 a.m.]

TARIFF COMMISSION

CYLINDER, CROWN, AND SHEET GLASS

Additional Report to the President

JANUARY 10, 1962.

The U.S. Tariff Commission's report to the President supplying information additional to that given in the Commission's report on escape-clause investigation No. 7–101 concerning cylinder, crown, and sheet glass was released today. The present report was prepared in response to the President's letter to the Commission of June 29, 1961; release of the report has been authorized by the President.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Address requests to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 62-417; Filed, Jan. 12, 1962; 8:48 a.m.]

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Washington, Tuesday, January 16, 1962

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JAN 17 1962
MAIN READING ROOM

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UNITED STATES STATUTES AT LARGE

[86th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1960, proposed amendment to the Constitution, and Presidential proclamations

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There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10985

AMENDMENT OF EXECUTIVE ORDER NO. 10501,[1] RELATING TO SAFEGUARDING OFFICIAL INFORMATION IN THE INTERESTS OF THE DEFENSE OF THE UNITED STATES

By virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States, and deeming such action necessary in the best interest of the national security, it is ordered that section 2 of Executive Order No. 10501 of November 5, 1953, as amended by Executive Order No. 10901 of January 9, 1961, be, and it is hereby, further amended as follows:

SECTION 1. Subsection (a) of section 2 is amended (1) by deleting from the list of departments and agencies thereunder the Operations Coordinating Board, the Office of Civil and Defense Mobilization, the International Cooperation Administration, the Council on Foreign Economic Policy, the Development Loan Fund, and the President's Board of Consultants on Foreign Intelligence Activities, and (2) by adding thereto the following-named agencies:

Agency for International Development
Office of Emergency Planning
Peace Corps
President's Foreign Intelligence Advisory Board
United States Arms Control and Disarmament Agency

SEC. 2. Subsection (b) of section 2 is amended by deleting from the list of departments and agencies thereunder the Government Patents Board, and by adding thereto the following-named agency:

Federal Maritime Commission

SEC. 3. The agencies which have been added by this order to the lists of departments and agencies under subsections (a) and (b) of section 2 of Executive Order No. 10501, as amended, shall be deemed to have had authority for classification of information or material from the respective dates on which such agencies were established.

JOHN F. KENNEDY

THE WHITE HOUSE,
January 12, 1962.

[F.R. Doc. 62-518; Filed, Jan. 15, 1962; 10:25 a.m.]

Executive Order 10986

AMENDMENT OF EXECUTIVE ORDER NO. 10898,[2] ESTABLISHING THE INTERDEPARTMENTAL HIGHWAY SAFETY BOARD

By virtue of the authority vested in me as President of the United States, it is hereby ordered that Executive Order No. 10898 of December 2, 1960, entitled "Establishing the Interdepartmental Highway Safety Board," be, and it is hereby, amended by substituting for subsection (b) of section 1 thereof the following:

[1] 18 F.R. 7049; 3 CFR, 1949–1953 Comp., p. 979.
[2] 25 F.R. 12429; 3 CFR, 1960 Supp., p. 90.

(b) The Board shall have as members the following:
(1) The Secretary of Commerce, who shall be the Chairman of the Board.
(2) The Secretary of Defense.
(3) The Postmaster General.
(4) The Secretary of Labor.
(5) The Secretary of Health, Education, and Welfare.
(6) The Chairman of the Interstate Commerce Commission.
(7) The Administrator of General Services.

JOHN F. KENNEDY

THE WHITE HOUSE,
January 12, 1962.

[F.R. Doc. 62-519; Filed, Jan. 15, 1962; 10:25 a.m.]

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SUBCHAPTER D—SPECIAL PROGRAMS

[1962 Feed Grain Program, Supp. 1]

PART 775—FEED GRAINS

Subpart—1962 Feed Grain Program Regulations

Correction

In F.R. Doc. 61-12428 appearing at page 155 of the issue for Saturday, Jan. 6, 1962, the following corrections are made in the table of § 775.152:

1. For "Marion County, Iowa", the "1959-60 adjusted average yield" should read "31.2".

2. For "Juneau County, Wisconsin", the "50 percent payment rate per acre" should read "18.70".

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 1, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(i) and (ii) of § 910.301 (Lemon Regulation 1, 27 F.R. 166) are hereby amended to read as follows:

(i) District 1: 23,250 cartons;
(ii) District 2: 176,700 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 11, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-453; Filed, Jan. 15, 1962; 8:46 a.m.]

PART 990—CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Establishment of Handler Charges

Notice was published in the November 8, 1961, issue of the FEDERAL REGISTER (26 F.R. 10516), that there was under consideration a proposal to establish a schedule of charges which handlers may deduct from any monies owed by them to producers (or their successors in interest) as compensation for costs incurred by the handlers in connection with setaside under Marketing Agreement No. 133 and Order No. 990 (7 CFR Part 990; 26 F.R. 7797), hereinafter referred to collectively as the "order", regulating the handling of Central California grapes for crushing. This marketing order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Said notice afforded interested persons a 14-day period (which was to have expired December 1, 1961) to submit written data, views, or arguments pertaining to the proposal. The period prescribed in said notice for the receipt of such comments was extended on November 22, 1961 (26 F.R. 10933), to expire December 15, 1961, and further extended on December 14, 1961 (26 F.R. 11982), to expire January 4, 1962.

After consideration of all relevant matters presented, including the committee's recommendations, said handler charges are hereby established for the period August 26, 1961-June 30, 1962, as follows:

§ 990.401 Establishment of charges to compensate handlers for receiving, processing, storing and certain other costs relating to setaside of the 1961-62 crop year.

(a) *Costs.* Each handler who incurs a setaside obligation during the period beginning on August 26, 1961, and ending on June 30, 1962, and sets aside proof gallons of products, or the concentrate equivalent thereof, in accordance with volume regulation in effect under §§ 990.54 and 990.203, shall be compensated as provided in paragraph (b) of this section, for the cost items pertaining to such setaside that are set forth below.

(1) Costs of receiving, processing, and storing, and other costs including:
(i) Sugar testing,
(ii) Maintenance and care,
(iii) Insurance, computed on the product at the rate of $20.00 per ton for an equivalent quantity of fresh grapes at 21 degrees Balling, or the maximum value allowed by carriers for insurance purposes, whichever is less,
(iv) County taxes,
(v) Loading out for delivery to the Grape Crush Administrative Committee, or its designee, for ultimate disposition, and
(vi) The processing of dessert wine to a condition which is acceptable for interwinery sales.

(b) *Establishment of charges*—(1) *Grapes for crushing, other than raisin residual material.* Each handler may deduct from money owed any producer (or his successor in interest) the amount of $12.00 per ton for each ton of that quantity of grapes for crushing obtained by applying the surplus percentage for the crop year established by § 990.203, adjusted to any subsequent reduction of such percentage, to the total receipts of grapes for crushing from such person during the period beginning on August 26, 1961, and ending on June 30, 1962, at premises within the State of California controlled or operated by such handler. The sum of $12.00 shall include compensation for all cost items specified in paragraph (a) of this section. Of such amount, $8.50 per ton shall constitute the charge for costs incurred during the period August 26, 1961-June 30, 1962; and $3.50 per ton shall constitute the charge for the cost of storage and for such of the costs specified in paragraph (a)(2) of this section as may be applicable, incurred during the crop year beginning on July 1, 1962. For the purposes of this subparagraph only, "total receipts of grapes for crushing" shall not include (i) sweepings or other residual material from raisin processing, and (ii) those varieties of grapes for crushing exempted by § 990.202 from volume regulation for the said period.

(2) *Grapes for crushing—raisin residual material.* [Reserved]

It is hereby found and determined that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The order became effective August 26, 1961, and beginning with that date handlers have been incurring setaside obligations on grapes for crushing, other than those exempted from volume regulation by § 990.202; (2) handlers have been incurring expenses of receiving, processing, storing and other costs of setaside in satisfaction of such obligations; (3) authorization contained herein for handlers to deduct said charges will auto-

matically apply from August 26, 1961, and (4) no advance preparation by handlers is required to comply with this subpart.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 11, 1962, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-464; Filed, Jan. 15, 1962; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Health, Education, and Welfare

Effective upon publication in the FEDERAL REGISTER, subparagraphs (7) and (8) are added to paragraph (a) of § 6.114 as set out below.

§ 6.114 Department of Health, Education, and Welfare.

(a) *St. Elizabeth's Hospital.* • • •

(7) Three Medical Officers (Internal Medicine Resident) for not to exceed three months' employment in the case of any one individual.

(8) One Medical Officer (Physical Medicine and Rehabilitation Resident) for not to exceed one year's employment in the case of any one individual.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-462; Filed, Jan. 15, 1962; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 15357]

PART 545—OPERATIONS

Fixing of Determination Date

JANUARY 11, 1962.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of § 545.1–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.1–1) as hereinafter set forth, and for the purpose of effecting said amendment, hereby amends said § 545.1–1 as follows, effective immediately:

Paragraph (d) of said section is hereby amended to read as follows:

(d) *Determination date.* For the purpose of computing earnings for distribution on savings accounts, the board of directors of a Federal association which has a charter in the form of Charter N or Charter K (rev.) may, after adoption of a resolution so providing and while such resolution remains in effect, fix a date, not later than the twentieth of the month, for determining the date of investment of payments on savings accounts or designated classes thereof: *Provided*, That, prior to June 30, 1963, no such Federal association may fix as such date a date later than the tenth of the month if it is a date which building and loan or savings and loan associations, homestead associations, cooperative banks, and mutual savings banks in the State, district, or territory (including Puerto Rico, Guam, and the Virgin Islands) in which the home office of such Federal association is located are prohibited by the laws of such State, district, or territory from fixing as such date, except that such a Federal association may fix as such date a date not later than the fifteenth of the month if its home office is located in a State, district, or territory the laws of which expressly provide that building and loan or savings and loan associations, homestead associations, cooperative banks, or mutual savings banks may fix as such date a date not later than the tenth business day of the month. Payments, affected by such determination date, received by the association on or before such determination date shall receive earnings as if invested on the first of such month; payments, affected by such determination date, received subsequent to such determination date shall receive earnings as if invested on the first of the next succeeding month.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, as the Board for good cause finds and determines that notice and public procedure herein are impracticable under the provisions of section 4(a) of the Administrative Procedure Act, because due and timely execution of its functions require the immediate amendment of paragraph (d) of said § 545.1–1 so as to give effect, for the present, to state laws in several states which prohibit determination dates as early as that provided for in the existing regulation, and for the same reason the Board finds and determines for good cause that deferment of the effective date of such amendment is impractical and that, under the circumstances, notice and public procedure under section 4(a) of said Act, and deferral of the effective date under section 4(c) of said Act, are not required.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 62-471; Filed, Jan. 15, 1962; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1013; Amdt. 385]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707/720 Series and Douglas DC–8 Series Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on December 22, 1961, and made effective immediately because of the safety emergency involved as to all known United States operators of Boeing 707, 720 Series and Douglas DC–8 Series aircraft equipped with Pratt and Whitney JT3D–3 turbofan engines. Due to recent failures of P/N 393504 fourth stage compressor rotor disc, the amendment required that the disc be inspected for cracks and if cracks were found, the engine was to be removed for disc replacement prior to further flight.

Since it was found that immediate corrective action was required in the interest of safety, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Boeing 707/720 Series and Douglas DC–8 Series aircraft equipped with Pratt and Whitney JT3D–3 turbofan engines by individual telegrams dated December 22, 1961. Since these conditions still exist, the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons. The provision of paragraph B of the telegraphic directive has been revised in this amendment to clarify the compliance requirement for engines with less than 200 hours' time in service.

BOEING AND DOUGLAS. Applies to all 707/720 Series and DC–8 Series aircraft equipped with Pratt and Whitney JT3D–3 turbofan engines.

Compliance required as indicated.

(a) For engines previously inspected by the procedure described in paragraph (c), reinspect in accordance with paragraph (c) every 225 hours' time in service thereafter.

(b) For engines not previously inspected by the procedure described in paragraph (c) inspect in accordance with paragraph (c) as follows:

(1) Inspect engines with 200 or more hours' time in service within the next 25 hours' time in service and every 225 hours' time in service thereafter.

(2) Inspect engines with less than 200 hours' time in service by the time 225 hours' time in service have been accumulated and every 225 hours' time in service thereafter.

(c) Due to recent failures of P/N 393504 fourth stage compressor rotor disc, inspect the disc for cracks adjacent to the inside edge of the tie bolt circular rib in the disc web. Such cracks may progress along the inside of the rib and then toward the disc bore through the bore stiffening section.

To accomplish the inspection, remove the front accessory drive support assembly (N1 gearcase) and the front accessory drive main spur gear (N1 gearcase coupling). Using a strong light and borescope or similar optical device, visually inspect the fourth stage compressor rotor disc in the area noted above. If any cracking is found, the engine must be removed for disc replacement prior to further flight.

(Pratt and Whitney Aircraft telegraphic message of December 19, 1961, covers the same subject.)

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated December 22, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 9, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-434; Filed, Jan. 15, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8412 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Acushnet Carpet Mills, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* § 13.30–75 *Textile Fiber Products Identification Act.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–80 *Textile Fiber Products Identification Act;* § 13.1323 *Size or weight.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–70 *Textile Fiber Products Identification Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–70 *Textile Fiber Products Identification Act.* Subpart—Using misleading name—Goods: § 13.2280 *Composition:* § 13.2280–70 *Textile Fiber Products Identification Act.**

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Acushnet Carpet Mills, Inc. (New Bedford, Mass.), et al., Docket 8412, Sept. 29, 1961]

In the Matter of Acushnet Carpet Mills, Inc., a Corporation, and Martin Berdy and Morris Lefkowitz, Individually and as Officers of Said Corporation; Arcco Selling Agency, Inc., a Corporation, and Myron S. Rosenberg, I. Stanley Bailey and Milton L. Rosenberg, Individually and as Officers of Said Corporation

Consent order requiring manufacturers in New Bedford, Mass., to cease violating the Textile Fiber Products Identification Act by advertising on a price list as "Woolray Blend of wool, rayon, cotton, nylon", rugs the constituent fibers of which were not designated in the order of predominance as required, and in which the wool content—implied to be substantial by the term "Woolray"—was insignificant; by failing to label rugs with the true generic name of fibers in the order of their predominance by weight and the "other fibers" present in amounts of 5 percent or less, together with percentages of each; and by failing to comply with other requirements of the Act; and to cease violating the Federal Trade Commission Act by labeling as "Approx. 9' x 12'", rugs which were substandard both in length and in width by as much as eight inches.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Acushnet Carpet Mills, Inc., a corporation, its officers, Martin Berdy and Morris Lefkowits, individually and as officers of said corporation, and Arcco Selling Agency, Inc., a corporation, its officers, and Myron S. Rosenberg and I. Stanley Bailey, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising or offering for sale, in commerce, or in the transportation or causing to be transported in commerce, or in the importation into the United States, of textile fiber products; or in connection with the selling, offering for sale, advertising, delivering, transporting, or causing to be transported, textile fiber products, which have been advertised or offered for sale, in commerce; or in connection with the selling, offering for sale, advertising, or causing to be transported, after shipment in commerce, textile fiber products, either in their original state or which were contained in other textile fiber products, as the terms "commerce" and "textile fiber products" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding such products by falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

B. Misbranding textile fiber products by failing to affix labels to such products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

C. Making any representations by disclosure or by implication of the fiber contents of any textile fiber product in any written advertisement which is used to aid, promote, or assist directly or indirectly in the sale or offering for sale of such textile fiber product unless the same information required to be shown on the stamp, tag, label or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

D. Making any representations as to fiber content of any textile fiber product or any portion of a textile fiber product which has been labeled as being composed of unknown or undetermined fibers.

It is further ordered, That respondents Acushnet Carpet Mills, Inc., a corporation, its officers, and Martin Berdy and Morris Lefkowitz, individually and as officers of said corporation, and Arcco Selling Agency, Inc., a corporation, its officers, and Myron S. Rosenberg and I. Stanley Bailey, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of rugs or any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Representing, directly or indirectly, the size of said products to be of larger dimensions than is the fact.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to Milton L. Rosenberg, individually and as an officer of Arcco Selling Agency, Inc.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 29, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-435; Filed, Jan. 15, 1962; 8:45 a.m.]

*New.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

Miscellaneous Amendments

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR

146a.67, 146b.106) are amended as follows:

1. Section 146a.67 *Procaine penicillin in streptomycin sulfate solution;* * * *, is amended in the following respects:

a. In the conclusion to paragraph (a), the words "by § 146b.101(a)" and "by § 146b.106(a)" are changed to read "by §§ 146b.101(a) or 146b.106(a)" and "by §§ 146b.103(a) or 146b.106(a)", respectively. As amended, the conclusion to paragraph (a) reads as follows:

The procaine penicillin used conforms to the requirements prescribed by § 146a.44(a). The streptomycin sulfate used conforms to the requirements prescribed by § 146b.101(a) or § 146b.106(a) of this chapter. The dihydrostreptomycin sulfate used conforms to the requirements prescribed by § 146b.103(a) or § 146b.106(a) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

b. Paragraph (d)(3)(iii) is amended by adding thereto the following new sentence: "If the streptomycin or dihydrostreptomycin used in making the batch is a solution of the drug, the person who requests certification shall dry a sufficient quantity of the solution to meet these sample requirements."

2. Section 146b.106 *Streptomycin sulfate solution;* * * *, is amended in the following respects:

a. Paragraph (d)(2)(ii) is changed to read as follows:

(ii) The streptomycin or dihydrostreptomycin sulfate used in making the batch; potency on dry basis and crystallinity if it is crystalline dihydrostreptomycin sulfate.

b. Paragraph (d)(3)(iii) is changed to read as follows:

(iii) The streptomycin or dihydrostreptomycin used in making the batch; one immediate container, unless it is crystalline dihydrostreptomycin, in which case the sample shall consist of three immediate containers. Each immediate container shall contain approximately 0.5 gram of the dried drug packaged in accordance with the requirements of § 146b.101(b). If the streptomycin or dihydrostreptomycin used in making the batch is a solution of the drug, the person who requests certification shall dry a sufficient quantity of such solution for potency testing on the dry basis.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments are a relaxation of existing requirements, in that they provide certification procedure to cover alternative methods of manufacture for certain antibiotic drugs. I also find that such changes in manufacture do not alter the safety and efficacy of these drugs, conditions pertinent to their certification under section 507 of the Federal Food, Drug, and Cosmetic Act.

Effective date. This order shall be effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: January 10, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-450; Filed, Jan. 15, 1962; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER E—ORGANIZED RESERVES

PART 562—RESERVE OFFICERS' TRAINING CORPS

Miscellaneous Amendments

1. In § 562.13, add new sentence to paragraph (b)(1) as follows:

§ 562.13 Establishment of senior division ROTC units.

* * * * * *

(b) *Procedure for the establishment of a senior division ROTC unit.* (1) * * *. The institution may make application for the Army to maintain accountability and responsibility for Government property provided for ROTC training at the institution at the same time application is made for the establishment of an ROTC unit.

2. In § 562.15, revise paragraph (e) to read as follows:

§ 562.15 Conditions for retention of units.

In order to retain an established ROTC unit, each institution must continuously meet the following requirements:

* * * * * *

(e) *Other factors.* (1) Each institution must maintain the appropriate requirements of AR 145-421 concerning storage of and responsibility for Government property provided for ROTC training at the institution.

(2) Each class MC and CC institution must maintain the requirements for establishment of a senior division unit as prescribed in § 562.13.

3. Add new paragraphs (d) to § 562.19, to read as follows:

§ 562.19 Enrollment quotas.

* * * * * *

(d) At class MC institutions, all students who qualify (§ 562.21) for enrollment in the ROTC will be enrolled therein without regard to quota limitations.

4. Revise paragraph (f) in § 562.21, to read as follows:

§ 562.21 General requirements for enrollment.

Each student must meet the following requirements to be eligible for enrollment in any division of the ROTC:

* * * * * *

(f) *Other requirements.* (1) The applicant must be selected by the PMS.

(2) The applicant must have the approval of the head of the institution or his representative.

(3) If previously enrolled in an officer candidate type training course, the applicant must be favorably recommended for other officer training programs by the officer in charge.

5. Revise § 562.25 to read as follows:

§ 562.25 Training of nonenrolled students.

Students who meet the requirements for enrollment prescribed in §§ 562.21 through 562.24 will not be authorized to pursue the ROTC courses under the provisions of this section. Students who are ineligible for enrollment or who do not fulfill the requirements for enrollment may pursue ROTC training under the authority of this section only if they are within one of the following categories. The provisions of paragraphs (a) and (f) of this section are applicable to all divisions of the ROTC:

(a) A noncitizen may be permitted to participate in ROTC training, and unclassified ROTC training materials may be disclosed to him, subject to subparagraph (1) or (2) of this paragraph:

(1) A noncitizen who intends to become a citizen of the United States must present evidence of such intent to the PMS. DA Form 1624-R (fig. 1), which will be reproduced locally on 8-inch by 5½-inch paper, will be used for this purpose.

(2) A national of a foreign country (who does not intend to become a citizen) with which the United States entertains friendly relations must present evidence of accreditation from his government. For this purpose each student will obtain a letter from the representative of his government in Washington, D.C., stating that there is no objection to the student receiving ROTC training. The PMS will retain the original of the letter in the student's 201 file and forward a copy for file to the Office of the Assistant Chief of Staff, G2, in the Army area in which the institution is located. If the PMS is in doubt regarding the maintenance of friendly relations between the United States and another country, he will forward all papers to the next higher headquarters for decision.

(b) At class HS, class MI and class MJC institutions, students under 14 years of age may pursue ROTC courses only under the provisions of this section.

(c) A student who meets requirements for enrollment in the senior division except for a requirement for which a request for waiver is submitted to higher authority may be permitted to pursue the course until a determination is made. Upon receipt of such determination, one of the following actions will be taken:

(1) A student whose request for waiver is approved will be enrolled, unless his enrollment is not desired for other reasons.

(2) A student whose request for waiver is not favorably considered will not be authorized to pursue the course at the discretion of the PMS only for the remainder of that semester, provided the student requires the academic credit toward graduation.

(d) A student who is found medically disqualified for initial or continued enrollment in the senior division, when his condition is considered remediable, or subject to reexamination within a specified period may pursue the course until final determination is made, see paragraph (g) of this section. However, if the student is already enrolled, he will be disenrolled and informed in writing of his disenrollment, as prescribed by the provisions of § 562.29a.

(e) Except students who are excluded from pursuing the ROTC courses for loyalty reasons (§ 562.24), any student attending a class MC institution who is ineligible for enrollment or does not meet enrollment requirements may pursue the course, if desired by the PMS and institutional authorities, under the following conditions:

(1) The student load must be within the capability of the ROTC instructor group. No authority exists for the assignment of additional military instructors for nonenrolled students.

(2) There must be no loss in effectiveness of military instruction and training.

(3) If DA Form 134 (Military Training Certificate—Reserve Officers' Training Corps) is presented to the student upon completion of his ROTC training, notation will be made thereon that the student participated in ROTC training in a "nonenrolled status." See § 562.9d.

(f) Pursuance of ROTC training other than in an enrolled status or under the provisions of this paragraph is not authorized. There is no provision for "provisional" or "informal" enrollment, or similar terms.

(g) Individuals, who have successfully completed MS I through MS IV training requirements (including or excluding summer camp training), and whose medical disqualifications have been determined to be remediable or subject to reexamination, may be retained in an eligible appointment status pending acceptable correction of identified medical defect. The students will not be authorized a period in excess of 18 months after graduation to meet medical requirements for appointment. Such students will be reported on DA Form 130 as prescribed in paragraph (h)(4) of this section.

(h) Any student authorized to pursue ROTC training in accordance with the provisions of this section will be subject to the following conditions:

(1) The institution will not receive a uniform allowance for such students, nor will the students be furnished a Government issued uniform while training at the institution. The conditions under which such students may be permitted to wear the ROTC uniform is set forth in paragraph (i) of this section.

(2) The students will not be eligible for commutation of subsistence.

(3) The students will not be eligible for an ROTC deferment or to be exempt from registration under the provisions of section 6(a) of the Universal Military Training and Service Act, as amended.

(i) Title 10, United States Code, section 773, as amended, authorizes a student permitted to pursue the course (not enrolled) to wear the ROTC uniform while attending the course of instruction. This provision does not include students denied enrollment because of refusal to sign the loyalty oath (§ 562.23). The uniform may be purchased by the institution or with the student's own funds. The students may wear the Army Green uniform while pursuing a course in which the enrolled students are permitted to wear the Army Green uniform. A foreign national may wear the Army Green uniform during his participation in ROTC training, provided:

(1) The uniform is purchased by the institution.

(2) The uniform remains the property of the institution.

(3) The student returns the uniform to the institution when he completes his ROTC training or withdraws therefrom.

(j) If the obstruction which prevented enrollment is removed, the student, if otherwise qualified, will be enrolled in the ROTC. Upon enrollment, the student will be:

(1) Reported on DA Form 131 as any other enrolled student.

(2) Granted credit for that portion of the course(s) successfully completed under provisions of this section.

(3) Eligible to receive a uniform or uniform allowance (as appropriate). Uniform allowances will be paid, or a uniform issued, as prescribed in AR 145-421 (administrative Army regulations).

(4) Eligible to receive commutation of subsistence (if appropriate). Commutation allowances will be paid as prescribed in AR 145-421.

(5) Eligible for ROTC deferment, if not otherwise deferred from induction.

(k) Students who are authorized to pursue the advanced course under the provisions of this section may be authorized to attend summer camp, as prescribed in paragraph 11, AR 145-30 (Army Regulations pertaining to summer training camps).

[C 1, AR 145-350, Dec. 15, 1961] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 4381-4387, 70A Stat. 246-248; 10 U.S.C. 4381-4387)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-432; Filed, Jan. 15, 1962; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Miscellaneous Amendments

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.95(b) governing the operation of the Connecticut State Highway Department bridge across Mystic River at Mystic, Conn., is hereby amended effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.95 Mystic River at Mystic, Conn.

* * * * * *

(b) *Connecticut State Highway Department bridge.* (1) Between the hours of 8:10 a.m. and 4:10 p.m. and between 5:10 p.m. and 5:40 p.m. each day, the drawspan shall be required to open for the passage of vessels only at thirty-(30)-minute intervals at 10 minutes after the hour and 20 minutes before each hour, except in an emergency, each opening to be of five (5) minutes' duration unless river traffic requires more or less to clear the drawspan. This will not apply to vessels owned or operated by the United States nor vessels employed for police or fire protection.

(2) Between 4:10 p.m. and 5:10 p.m., the draw need not be opened for the passage of vessels other than vessels owned or operated by the United States and vessels employed for police or fire protection.

(3) From May 1 to October 31, inclusive, between the hours of 5:40 p.m. and 8:10 a.m. and from November 1 to April 30, inclusive, between the hours of 5:40 p.m. and 8:00 p.m. and between the hours of 4:00 a.m. and 8:10 a.m., the draw shall be opened on call for passage of commercial vessels, vessels owned or operated by the United States, and vessels employed for police or fire protection. As soon as practicable and in no case later than 20 minutes after call signal, the draw shall be opened for all other vessels which cannot pass the closed bridge.

(4) From November 1 to April 30, inclusive, between the hours of 8:00 p.m. and 4:00 a.m., the draw shall be opened for the passage of commercial vessels, vessels owned or operated by the United States, and vessels employed for police and fire protection upon notice to the drawtender given at least one hour in advance of the time of the requested opening.

(5) All the times listed are local time at Mystic. The call signal for opening the draw shall be one long blast and two short blasts. If the draw cannot be opened immediately, a red flag or ball shall be conspicuously displayed on the bridge.

[Regs., Dec. 20, 1961, 285/91 (Mystic River, Conn.)-ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499) § 203.130 governing the operation of certain bridges over Poquonock River, Yellow Mill Channel and Johnsons River, Conn., is hereby amended to omit the Grand Street Highway Bridge and § 203.131 is hereby prescribed to govern the operation of the Grand Street Highway Bridge across Poquonock River, Conn., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.130 Poquonock River, Yellow Mill Channel, and Johnsons River, Conn.; bridges (highway and railroad) at Bridgeport, Conn.

(a) The regulations in this section are prescribed to govern the opening of cer-

tain drawbridges in the city of Bridgeport, Conn.:

Poquonock River:
Stratford Avenue Highway Bridge.
New York, New Haven, and Hartford Railroad Bridge.
Congress Street Highway Bridge.
East Washington Avenue Highway Bridge.
Yellow Mill Channel:
Yellow Mill Highway Bridge at Stratford Avenue.
Johnsons River:
Pleasure Beach Highway Bridge at end of Seaview Avenue.

(b) *The signals.* (1) The signals for opening the draws of the bridges shall be given by blast of a horn or steam whistle as follows:

For Stratford Avenue Highway Bridge, one long and one short blast.
For New York, New Haven, and Hartford Railroad Bridge, three short blasts.
For Congress Street Highway Bridge, four short blasts.
For East Washington Avenue Highway Bridge, one long and two short blasts.
For Yellow Mill Highway Bridge, one long and one short blast.
For Pleasure Beach Highway Bridge, one long and one short blast.

(2) In case the draw of any of the above bridges cannot be immediately opened when the signals are given, a red flag or ball by day and a red light by night shall be conspicuously displayed on the bridge.

(c) *The regulations.* (1) Except as hereinafter provided, the draws of the bridges shall be immediately opened upon the prescribed signal at all times of the day or night for the passage of foreign vessels and "vessels of the United States" as defined in section 4311 of the Revised Statutes (46 U.S.C. 251), and for any other vessels or watercraft which cannot pass the closed bridges the draws shall be opened at such time within 20 minutes after the prescribed signal as in the judgment of the bridge tender will cause the least interference with the land traffic over the bridge.

(2) *Exceptions.* Closed periods when the draws of the above highway bridges over the Poquonock River and the Yellow Mill Channel need not be opened:

(i) For vessels of any class:

6:45 a.m. 7:15 a.m.
7:45 a.m. 8:15 a.m.

(ii) Opened only for the passage of power-driven vessels other than yachts and pleasure craft, 50 feet or over in length or 25 tons or over net register:

11:45 a.m. to 1:15 p.m.

(iii) For vessels of any class, except when emergency condition exists, such emergency to be decided mutually by the Superintendent of Bridges or his authorized representative, and navigation interests involved, and is provisionally defined as the passage of boats that are unavoidably compelled to pass through the bridges during the period due to urgency of service or condition of tide:

4:30 p.m. to 6:10 p.m.

(iv) Pleasure Beach Highway Bridge for vessels of any class:

10:30 p.m. to 11:00 p.m.
11:15 p.m. to 11:45 p.m.

(v) Delay in opening the draw of the New York, New Haven, and Hartford Railroad Bridge for not more than 7 minutes after the giving of signal, is authorized when a train is actually ready to pass over the bridge.

(3) For every vessel that cannot pass the closed bridges, the operation of the draws shall afford full horizontal and vertical clearance of the draw opening regardless of the size or requirements of the passing vessel.

(4) There shall be conspicuously posted on both the upstream and downstream sides of the bridges in a manner that it can readily be read at any time a copy of the regulations of this section; a notice shall also be posted at the Stratford Avenue Bridge over the Poquonock River and the Yellow Mill Channel Bridge stating exactly how the Superintendent of Bridges, or his authorized representative, specified in subparagraph (2)(iii) of this paragraph may be reached.

§ 203.131 Poquonock River, Grand Street Highway Bridge, Bridgeport, Conn.

(a) The owner of or agency controlling this bridge will not be required to keep drawtenders in constant attendance.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge, except in case of emergency the draw shall be opened promptly upon notification. Advance notice shall be given either in person, by telephone, or otherwise to the mayor, city of Bridgeport, Bridgeport, Conn., or to such person as may be designated an authorized representative for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(c) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can be easily read at any time, a copy of the regulations of this section, together with a notice stating exactly how the drawtender may be reached in an emergency and how the representative specified in paragraph (b) of this section may be reached by telephone or otherwise.

[Regs., Dec. 20, 1961, 285/91 (Poquonock River, Conn.)–ENGCW–ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

3. Pursuant to the provisions of Section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.525 is hereby revoked and § 203.245 is hereby amended with respect to paragraph (j) revising subparagraphs (26) and (27), redesignating subparagraphs (29) and (30) as (30) and (31), and subparagraphs (31)–(37) as (34)–(40), by adding new subparagraphs (29), (32), (33), and (35)(ii) to govern certain bridges over Trinity River, Clear Creek, Chocolate Bayou, and Brazos River, Tex., and by making minor revisions, effective on publication in the FEDERAL REGISTER since the bridges covered by the new subparagraphs are presently being operated as indicated therein, as follows:

§ 203.525 Clear Creek at Seabrook, Tex.; bridge of Galveston, Harrisburg & San Antonio Railroad. [Revoked]

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where the constant attendance of draw tenders is not required.

* * * * * *

(j) *Waterways discharging into Gulf of Mexico west of Mississippi River.* * * *

(26) Sabine River, La. and Tex.; Texas and New Orleans Railroad Company bridge near Echo, Tex., Kansas City Southern Railway Company bridge near Ruliff, Tex., and Louisiana Department of Highways bridge between Starks, La., and Deweyville, Tex. At least 24 hours' advance notice required.

(27) Cow Bayou, Tex.; Orange County highway bridge on Round Bunch Road and Texas Highway Department bridge at Orangefield. At least 6 hours' advance notice required.

(28) Taylors Bayou, Tex. * * *

(29) Trinity River, Tex.; Texas and New Orleans Railroad Company bridge at Liberty and Missouri Pacific Railroad Company bridges near Kenefick and at Riverside. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(30) Buffalo Bayou, Tex.; Texas and New Orleans Railroad bridge at the head of Houston Turning Basin, Houston, and drawbridges upstream therefrom. At least 24 hours' advance notice required.

(31) Brays Bayou, Tex.; city of Houston highway bridge at Broadway, Houston. At least 12 hours' advance notice required.

(32) Clear Creek, Tex.; Texas and New Orleans Railroad Company bridge at Seabrook. The draw will be maintained in the open position for the passage of vessels except when it is necessary to close the draw for the passage of trains. A draw tender shall be in constant attendance when the draw is closed. Paragraphs (b) to (d), inclusive, of this section shall not apply to this bridge.

(33) Chocolate Bayou, Tex.; Missouri Pacific Railroad Company bridge near Liverpool. The draw is fixed in the closed position to navigation. Paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(34) Freeport Harbor, Tex.; Missouri Pacific Railroad Company bridge between Freeport and Velasco. At least 24 hours' advance notice required.

(35) Brazos River, Tex.

(i) Texas Highway Department bridge near Freeport. At least 12 hours' advance notice required.

(ii) Missouri Pacific Railroad Company bridge at Brazoria. The draw is fixed in the closed position to navigation. Paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(36) Colorado River, Tex. [Redesignated]

(37) Lavaca River, Tex.; Missouri Pacific Railroad Company and Texas Highway Department bridges near Vanderbilt. At least 48 hours' advance notice required, except in emergencies, when the draws will be opened as soon as possible after the receipt of notice.

(38) Nueces Bay, Tex.; Texas Highway Department bridge between Corpus Christi and Portland. On Sundays, Texas State holidays, and national holidays, and between 9:00 p.m. and 6:00 a.m. on all other days, advance notice required: *Provided*, That during a hurricane alert or in the event of a major disaster affecting the Nueces Bay area, a draw tender shall be in constant attendance and the draw shall be opened promptly on signal. Advance notice when required shall be given between the hours of 6:00 a.m. and 8:00 p.m. on a day the draw tender is required to be in attendance.

(39) Laguna Madre, Tex.; Padre Island Causeway (Nueces County) swing barge bridge across Humble Oil and Refining Company channel. Between 4:00 p.m. and 7:00 a.m., at least 1 hour advance notice required: *Provided*, That the regulations of this section may be temporarily suspended by the District Engineer, U.S. Army Engineer District, Galveston, Tex., for such periods as he may determine to be necessary upon notice to Nueces County.

(40) Arroyo Colorado, Tex.; Texas Highway Department bridge at Rio Hondo. At least 12 hours' advance notice required.

[Regs., Dec. 18, 1961, 285/91-ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

4. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.641 is hereby amended prescribing (f)(4) to govern the operation of the Chicago and North Western Railway bridge across the north branch of the Chicago River, mile 5.06, Chicago, Ill., effective on publication in the FEDERAL REGISTER since the bridge was last opened for navigation on July 30, 1960, as follows:

§ 203.641 Great Lakes tributaries; bridges where constant attendance of draw tenders is not required.

* * * * * *

(f) The bridges to which this section applies and the special regulations applicable in each case, are as follows:

* * * * * *

(4) Chicago River, North Branch, Chicago, Ill.: The Chicago and North Western Railway bridge, mile 5.06, will be opened on 2-hour advance telephone notice except during closed bridge hours which are between 7:00 and 8:00 in the morning and 5:30 and 6:30 in the evening, Monday through Saturday.

[Regs., Dec. 22, 1961, 285/91 (Chicago River, Ill.)–ENGCW–ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

5. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.712 is hereby amended revoking paragraph (f) governing the operation of the highway bridge across Novato Creek, near Ignacio, Calif., effective on publication in the FEDERAL REGISTER since the bridge no longer exists, as follows:

§ 203.712 Tributaries of San Francisco Bay and San Pablo Bay, Calif.

* * * * * *

(f) [Revoked.]

[Regs., Dec. 22, 1961, 285/91 (Novato Creek, Calif.)–ENGCW–ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-433; Filed, Jan. 15, 1962; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 62-38]

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Miscellaneous Amendments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 3d day of January 1962;

The Commission on October 18, 1961, after conducting the rule making thereon adopted a second memorandum opinion and order in Docket No. 13928 containing a revision of Subparts A and B of Part 2 of its rules primarily to conform them to the Geneva Radio Regulations (1959).

The editorial changes set forth below are now necessary in Part 4 of our rules to make them consistent with the Geneva Radio Regulations and the recently adopted changes in Part 2. Because rule making has already been conducted in Docket No. 13928 and the changes in Part 4 are simply to conform them to the results of that rule making, they are editorial in nature and pursuant to the provisions of section 4 of the Administrative Procedure Act additional rule making thereon is unnecessary.

Authority for adoption of the amendments herein is found in section 4 (i) and (j) and 303 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That effective January 3, 1962, the Commission's rules are amended as set forth below.

Released: January 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 4.161 is amended to read as follows:

§ 4.161 Frequency tolerance.

The licensee of an experimental television broadcasting station shall maintain the operating frequency of its station within the tolerance specified in the instrument of authorization.

2. Section 4.261 is amended to read as follows:

§ 4.261 Frequency tolerance.

The licensee of an experimental facsimile broadcasting station shall maintain the operating frequency of its station within the tolerance specified in the instrument of authorization.

3. Section 4.361 is amended to read as follows:

§ 4.361 Frequency tolerance.

The licensee of a developmental broadcasting station shall maintain the operating frequency of its station within the tolerance specified in the instrument of authorization.

§ 4.402 [Amendment]

4. Section 4.402 is amended by deleting note 2.

5. Section 4.502(c) is amended to read as follows:

§ 4.502 Frequency assignment.

* * * * * *

(c) FM intercity relay stations may be licensed to operate on any of the frequencies listed in paragraph (a) of this section, subject to the condition that no harmful interference is caused to stations operating in the band 942–952 Mc/s in accordance with the table of frequency allocations contained in § 2.106 of this chapter.

6. In § 4.602 paragraphs (a) and (f) are amended to read as follows:

§ 4.602 Frequency assignment.

(a) The following frequencies are available for assignment to television pickup, television STL, and television intercity relay stations:

Band A (Mc/s)	Band B (Mc/s)	Band C (Mc/s)	Band D (Mc/s)	
1990–2008	6875–6900	10550–10575	12700–12725	12975–13000
2008–2025	6900–6925	10575–10600	12725–12750	13000–13025
2025–2042	6925–6950	10600–10625	12750–12775	13025–13050
2042–2059	6950–6975	10625–10650	12775–12800	13050–13075
2059–2076	6975–7000	10650–10675	12800–12825	13075–13100
2076–2093	7000–7025	[1]	12825–12850	13100–13125
2093–2110	7025–7050	[1]	12850–12875	13125–13150
2450–2467	7050–7075	[1]	12875–12900	13150–13175
2467–2484	7075–7100	[1]	12900–12925	13175–13200
2484–2500	7100–7125	[1]	12925–12950	13200–13225
			12950–12975	13225–13250

[1] Pending further order by the Commission, frequencies between 7050 Mc/s and 7125 Mc/s will be reserved for use by communications common carriers to provide television pickup and television STL service to television broadcast stations.

Frequencies in the bands 17700–19300 Mc/s, 19400–19700 Mc/s, 27525–31300 Mc/s, and 38600–40000 Mc/s are available for assignment on a case-by-case basis for television pickup, STL and intercity relay purposes. Channel widths and frequency tolerance will be specified in individual authorizations. Frequencies shown above between 2450 and 2500 Mc/s in band A are allocated to accommodate the incidental radiations of industrial, scientific, and medical (ISM) equipment, and stations operating therein must accept any interference that may be caused by the operation of such equipment. Frequencies between 2450 and 2500 Mc/s are also shared with other communication services and ex-

clusive channel assignments will not be made, nor is the channeling shown above necessarily that which will be employed by such other services.

• • • • •

(f) The use of frequencies in the bands 1990–2110 Mc/s, 6875–7125 Mc/s and 12700–13200 Mc/s by television intercity relay stations shall be on a secondary basis, i.e., subject to the condition that no harmful interference is caused to stations operating in accordance with the table of frequency allocations in § 2.106 of this chapter.

[F.R. Doc. 62-465; Filed, Jan. 15, 1962; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[No. MC-C-2]

[Ex Parte No. MC-37]

PART 170—COMMERCIAL ZONES

New York, N.Y., Commercial Zones and Terminal Areas; Postponement of Effective Date

Upon consideration of the record in the above-entitled proceeding, and good cause appearing therefor:

It is ordered, That the effective date of the order of the Commission, entered November 17, 1961, in this proceeding, be, and it is hereby, postponed from January 4, 1962, to March 5, 1962.

Dated at Washington, D.C., this 4th day of January A.D., 1962.

By the Commission, Chairman Murphy.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-457; Filed, Jan. 15, 1962; 8:46 a.m.]

[No. MC-C-2]

[Ex Parte No. MC-37]

PART 170—COMMERCIAL ZONES

New York, N.Y., Commercial Zones and Terminal Areas

At a general session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 20th day of December A.D., 1961.

Upon consideration of the record in the above-entitled proceeding, and of:

1. Joint petition of The Port of New York Authority Brooklyn Chamber of Commerce, Inc., Shippers' Conference of Greater New York, New York Shipping Association, Inc., Commerce and Industry Association of New York, Inc., Newark Chamber of Commerce, New Jersey Industrial Traffic League, and Chamber of Commerce of Eastern Union County, filed June 30, 1961 for reconsideration and oral argument;

2. Joint reply by Middle Atlantic Conference and New Jersey Motor Truck Association, protestants, filed August 21, 1961;

3. Joint reply by Jayne's Motor Freight, Inc., and Johnson Bros. Trucking Co., Inc., protestants, and J. Leo Cooke Warehouse Corp., Allgood Terminal Warehouses, and General Warehouse Corp., interveners, filed August 21, 1961;

4. Reply of city of Jersey City, N.J., intervener, filed August 21, 1961;

and good cause appearing therefor:

It is ordered, That the said petition be, and it is hereby, denied, for the reasons that the findings of Division 1 are in accordance with the evidence and the applicable law, and no sufficient cause appears for reopening the proceeding for reconsideration or oral argument;

It is further ordered, That the corrected order of April 28, 1961, as postponed pursuant to section 17(8) of the Interstate Commerce Act, be, and it is hereby, reinstated and the effective date is fixed as February 19, 1962.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-458; Filed, Jan. 15, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 4]

ASSISTANT ADMINISTRATOR BUREAU FOR LATIN AMERICA

Delegation of Authority

By virtue of the authority delegated to me by Department of State Delegation No. 104, I hereby delegate to the Assistant Administrator Bureau for Latin America the authority to exercise on behalf of the Government of the United States all rights, duties, and obligations of the Government of the United States under the Agreement between the Government of the United States and the Pan American Union, dated November 29, 1961, including the authority to obligate and make provision for the advance, to carry out the purposes of said Agreement, of up to $6,000,000 of the funds appropriated for such purposes.

FOWLER HAMILTON, *Administrator.*

DECEMBER 19, 1961.

[F.R. Doc. 62-446; Filed, Jan. 15, 1962; 8:45 a.m.]

[Delegation of Authority 6]

ASSISTANT ADMINISTRATOR BUREAU FOR LATIN AMERICA

Delegation of Authority

By virtue of the authority delegated to me by Department of State Delegation No. 104, I hereby delegate to the Assistant Administrator Bureau for Latin America the authority to exercise on behalf of the Government of the United States all rights, duties, and obligations of the Government of the United States under the Social Progress Trust Fund Agreement dated June 19, 1961, between the Inter-American Development Bank and the Government of the United States.

FOWLER HAMILTON, *Administrator.*

DECEMBER 20, 1961.

[F.R. Doc. 62-448; Filed, Jan. 15, 1962; 8:45 a.m.]

[Delegation of Authority 5]

VARIOUS OFFICIALS

Delegation of Authority

DECEMBER 29, 1961.

To: the Assistant Administrator for the Near East-South Asia, the Assistant Administrator for Latin America, the Assistant Administrator for Africa and Europe, the Assistant Administrator for Far East.

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State, I hereby delegate the following functions to each of the Assistant Administrators listed above for the countries or areas within their responsibility, with authority to redelegate as stated herein, retaining for myself concurrent authority to exercise any of the functions herein delegated:

(1) Authority to negotiate, execute and implement:

(a) All loan and guaranty agreements authorized under the Foreign Assistance Act of 1961;

(b) All loan and guaranty agreements which have been authorized by the Board of Directors of the corporate Development Loan Fund;

(c) All guaranty agreements which have been authorized pursuant to section 413(b)(4) of the Mutual Security Act of 1954, as amended.

The authorities enumerated in this section may be redelegated as appropriate.

(2) Authority to approve, negotiate, execute and implement all amendments of, and ancillary agreements with respect to, the loans and guarantees enumerated in (1) above as the Assistant Administrator may deem necessary or desirable, provided that the foregoing authority may not be utilized to approve amendments which would increase the maximum total amount of a loan or potential liability of the United States under a guaranty. The authority to negotiate, execute and implement those agreements referred to in this section may be redelegated as appropriate.

Nothing in this Delegation shall be deemed to supersede paragraph 4 of my Delegation of Authority No. 3 of November 4, 1961.

This Delegation of Authority shall be effective immediately and shall continue in full force and effect until such time as it is rescinded by me.

FOWLER HAMILTON, *Administrator.*

DECEMBER 29, 1961.

[F.R. Doc. 62-447; Filed, Jan. 15, 1962; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

GEORGIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the following counties in the State of Georgia natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources:

Bartow.	Laurens.
Dodge.	Pulaski.
Floyd.	Screven.
Gordon.	Wilcox.
Johnson.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 10th day of January 1962.

ORVILLE L. FREEMAN, *Secretary.*

[F.R. Doc. 62-454; Filed, Jan. 15, 1962; 8:46 a.m.]

UTAH

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the entire State of Utah natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named State after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 10th day of January 1962.

ORVILLE L. FREEMAN, *Secretary.*

[F.R. Doc. 62-455; Filed, Jan. 15, 1962; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11620]

TOOLCO-NORTHEAST CONTROL CASE

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on January 18 is postponed to January 19, 1962, 10 a.m., e.s.t., Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., January 10, 1962.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 62-460; Filed, Jan. 15, 1962; 8:47 a.m.]

CIVIL SERVICE COMMISSION

CERTAIN POSITIONS OF PROFESSIONAL ENGINEERS AND SCIENTISTS THROUGHOUT THE WORLD

Notice of Increase in Minimum Rates of Pay

Under the provisions of section 803 of the Classification Act of 1949, as amended (63 Stat. 1106; 5 U.S.C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay as follows:

I.

GS-9: to $7,095 (rate e).
GS-10: to $7,655 (rate e).
GS-11: to $8,340 (rate d).

II. The above new minimum rates apply to classes of positions at grades GS-9, GS-10, and GS-11 in the following series and specializations:

A. All professional series in the GS-800 group. Professional Engineering Series at present in the GS-800 group are:

GS-801	General.
GS-803	Safety.
GS-804	Fire Prevention.
GS-805	Maintenance.
GS-806	Materials.
GS-808	Architectural.
GS-810	Civil.
GS-811	Construction.
GS-812	Structural.
GS-813	Hydraulic.
GS-819	Sanitary.
GS-820	Highway.
GS-824	Bridge.
GS-830	Mechanical.
GS-832	Automotive.
GS-840	Nuclear.
GS-850	Electrical.
GS-855	Electronic.
GS-861	Aerospace.
GS-862	Airways.
GS-870	Marine.
GS-871	Naval Architecture.
GS-880	Mining.
GS-881	Petroleum Production and Natural Gas.
GS-890	Agricultural.
GS-892	Ceramic.
GS-893	Chemical.
GS-894	Welding.
GS-896	Industrial.
GS-897	Valuation.

B. Until agencies have had an opportunity to change positions from the former GS-861 Aeronautical Engineering Series (recently superseded), and the former GS-834 Internal Combustion Power Plant Engineering Series (recently abolished), positions in those series are also included in the increases.

C. Science Series and specializations:

GS-015	Operations Research.
GS-1040	Architecture.
GS-1041	Landscape Architecture.
GS-1221	Patent Adviser.
GS-1224	Patent Examining.
GS-1306	Health Physics.
GS-1310	Physics.
GS-1313	Geophysics (Seismology).
GS-1313	Geophysics (Geomagnetics).
GS-1313	Geophysics (Earth Physics).
GS-1320	Chemistry.
GS-1321	Metallurgy.
GS-1330	Astronomy and Space Science.
GS-1340	Meteorology.
GS-1360	Oceanography (Physical).
GS-1372	Geodesy.
GS-1380	Forest Products Technology.
GS-1390	Technology, in the following Specializations:
	Rubber.
	Plastics.
	Rubber and Plastics.
	Aviation Survival Equipment.
	Industrial Radiography.
	Packaging and Preservation.
	Photographic Equipment.
GS-1510	Actuary.
GS-1520	Mathematics.
GS-1529	Mathematical Statistics.
GS-1301.1	Physical Science Subseries of the General Physical Science Series.

D. Until agencies have had an opportunity to change positions from the former GS-1330 Astronomy Series (recently revised), positions in that series are also included.

III. Geographic coverage for the increased rates for the classes of positions designated above is worldwide.

IV. Also under authority of section 803 of the Classification Act of 1949, as amended, the Commission has taken action to increase the minimum rate of compensation as follows:

A. For classes of positions in Series GS-861-0 Aerospace Engineering, and GS-1330-0 Astronomy and Space Science:

GS-5: to $5,335 (rate g).
GS-6: to $5,490 (rate e).
GS-7: to $6,345 (rate g).
GS-8: to $6,380 (rate d).

B. For classes of positions in GS-1301.-1-0 Physical Science Subseries:

GS-5: to $5,335 (rate g).
GS-7: to $6,345 (rate g).

V. Geographic coverage for the increased rates for the classes of positions designated in IV above is worldwide.

VI. Geographic coverage is extended to worldwide for existing section 803 rates for classes of positions shown in table I attached to Departmental Circular 793, Supplement 61 (dated July 6, 1960), and classes of positions in Series GS-840-0 Nuclear Engineering, grades 5, 6, 7, and 8.

VII. Geographic coverage is extended to worldwide for existing section 803 rates for classes of positions, grades 5 and 7, in the following series:

GS-1221-0	Patent Adviser.
GS-1224-0	Patent Examining.
GS-1340-0	Meteorology.
GS-1372-0	Geodesy.
GS-1510-0	Actuary.

VIII. Effective date for new minimum rates (I through V) and for action to extend geographic coverage of existing minimum rates (VI and VII above) will be the first day of the second pay period which begins after January 16, 1962.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-461; Filed, Jan. 15, 1962; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 62-36]

SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950

Communist Organization Sponsorship Required To Be Identified

JANUARY 8, 1962.

Under the Subversive Activities Control Act of 1950, the Communist Party of the United States has been found to be a Communist-action organization within the meaning of that act and an order requiring it to register as such is outstanding. In view of this development, the Federal Communications Commission calls attention to section 10 of the act which in relevant part provides:

> It shall be unlawful for any organization which is registered under section 786 of this title, or for any organization with respect to which there is in effect a final order of the Board requiring it to register under said section, or determining that it is a Communist-infiltrated organization or for any person acting for or on behalf of any such organization * * * (2) to broadcast or cause to be broadcast any matter over any radio or television station in the United States, unless such matter is preceded by the following statement, with the name of the organization being stated in place of the blank: "The following program is sponsored by ---------- a Communist organization."

Accordingly, the Commission hereby advises its licensees that in the case of any program broadcast or caused to be broadcast by the Communist Party of the United States, the program shall be preceded by the announcement, "The following program is sponsored by the Communist Party of the United States, a Communist organization."

Adopted: January 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-466; Filed, Jan. 15, 1962; 8:47 a.m.]

[Docket No. 14380; FCC 62M-37]

KSAY BROADCASTING CO.

Order Changing Place of Hearing

In re application of Grant R. Wrathall and Taft R. Wrathall as trustee for Grant R. Wrathall, Jr., Charlotte Wrathall, Lawrence Wrathall, and Loretta Wrathall, d/b as KSAY Broadcasting Co., San Francisco, Calif., Docket No. 14380, File No. BR-3528; for renewal of license of standard broadcast station KSAY.

The Acting Chief Hearing Examiner having under consideration petition filed December 21, 1961, on behalf of the applicant KSAY Broadcasting Co. requesting a change of place of hearing now scheduled to commence February 5, 1962, from Washington, D.C., to San Francisco, Calif.;

It appearing, that the Commission in its order of designation released November 22, 1961, set the hearing in this proceeding to commence in Washington, D.C., on February 5, 1962;

It further appearing, that petitioner pleads that the hearing was ordered solely because of alleged effects of the station's operation upon certain Army installations in Oakland, Calif., and further inter alia that its witnesses are located in the general area of San Francisco-Oakland;

It further appearing, that petitioner pleads that the Secretary of the Army, a party respondent, has advised that the Army is agreeable to holding the hearing in the San Francisco Bay area, with the understanding that sessions will be arranged in Washington if requested by any of the parties;

It further appearing, that counsel for the Commission's Broadcast Bureau has informally advised the Acting Chief Hearing Examiner that it interposes no objection to the transfer of the hearing from Washington, D.C., to San Francisco, Calif.;

It further appearing, that good cause exists why the petition should be granted and there is no objection thereto;

Accordingly, it is ordered, This 10th day of January 1962, that the petition is granted and the place of hearing now scheduled to commence February 5, 1962, is transferred from Washington, D.C., to San Francisco, Calif., at an hour and place to be announced.

Released: January 10, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-467; Filed, Jan. 15, 1962; 8:47 a.m.]

[Docket Nos. 12666-12668; FCC 62M-36]

PUBLIX TELEVISION CORP. ET AL.

Order Scheduling Prehearing Conference

In re applications of Publix Television Corp., Perrine, Fla., Docket No. 12666, File No. BPCT-2392; South Florida Amusement Co., Inc., Perrine, Fla., Docket No. 12667, File No. BPCT-2410; Coral Television Corp., South Miami, Fla., Docket No. 12668, File No. BPCT-2493; for construction permits for television broadcast stations.

The Hearing Examiner having under consideration the order of remand released herein on January 9, 1962;

It is ordered, This 9th day of January 1962, that a further hearing conference shall be held on February 16, 1962, commencing at 10:00 a.m., in the offices of the Commission at Washington, D.C.

Released: January 10, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-469; Filed, Jan. 15, 1962; 8:47 a.m.]

[Docket No. 14415; FCC 62M-41]

RARITAN VALLEY BROADCASTING CO., INC. (WCTC)

Order Continuing Hearing

In re application of Raritan Valley Broadcasting Co., Inc. (WCTC), New Brunswick, N.J., Docket No. 14415, File No. BP-14494; for construction permit.

A prehearing conference in the above-entitled matter having been held on January 10, 1962, and it appearing from the record made therein that certain agreements were reached which properly should be formalized by order;

It is ordered, This 10th day of January 1962, that:

(1) The direct case of the applicant shall be presented by written, sworn exhibits;

(2) Preliminary drafts of the exhibits shall be exchanged among the parties on January 25, 1962;

(3) The written, sworn exhibits constituting the direct case of the applicant shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on February 1, 1962;

(4) Rebuttal exhibits, if any, shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on or before February 12, 1962;

(5) Notification of witnesses to be called for cross-examination shall be given on or before February 14, 1962;

It is further ordered, That the hearing in this matter heretofore scheduled to commence on February 7, 1962, is continued to February 15, 1962, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: January 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-470; Filed, Jan. 15, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 585]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 11, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64435. By order of January 9, 1962, Division 3, acting as an Appellate Division, approved the transfer to Matco Transportation, Inc., Brooklyn, N.Y., of the operating rights issued by the Commission January 26, 1953, in Certificate No. MC 44513, to Silk City Express, Inc., Paterson, N.J., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, and other specified commodities, between points in Bergen, Hudson, Passaic, Union, and Essex Counties, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau and Suffolk Counties, N.Y. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y., transferee's attorney. Bert Collins, 140 Cedar Street, New York 6, N.Y., transferor's representative.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-456; Filed, Jan. 15, 1962; 8:46 a.m.]

TARIFF COMMISSION

[22-25]

COTTON PRODUCTS

Correction of Notice of Investigation

The use of the word "Cotton" first appearing in the last clause of the Tariff Commission's notice of investigation under section 22 of the Agricultural Adjustment Act, as amended, with respect to articles and materials wholly or in part of cotton, published in the FEDERAL REGISTER on November 28, 1961 (26 F.R. 11226), was an error. The clause is corrected so as to read as follows: "or to reduce substantially the amount of any product processed in the United States from cotton or products thereof with respect to which such programs or operations are being undertaken."

As previously announced, the hearing in connection with the above-mentioned investigation has been rescheduled for 10 a.m., e.s.t., on February 13, 1962 (26 F.R. 11402).

Issued: January 11, 1962.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 62-449; Filed, Jan. 15, 1962; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. NM No. 9]

NEW MEXICO

Order Providing for Opening of Public Lands

JANUARY 8, 1962.

Pursuant to authority delegated to me by Order No. 684 section 1.5 of the Director, Bureau of Land Management, approved August 28, 1961 (26 F.R. 8216), it is ordered as follows:

In exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended, the following described lands have been reconveyed to the United States:

NEW MEXICO PRINCIPAL MERIDIAN

T. 29 N., R. 11 E.,
Sec. 29, All.
T. 8 N., R. 9 W.,
Sec. 6, Lots 1, 2, SE¼NE¼, NE¼SE¼.
T. 6 N., R. 10 W.,
Sec. 10, SW¼.

The area described aggregates 929.80 acres.

The lands in T. 29 N., R. 11 E., are located 10 miles west of the village of Questa, New Mexico, and are accessible over graded and primitive roads. The soils are light to medium in texture, and the topography is smooth to moderately undulating with a moderate upslope from south to north. The extreme north end of the section is on a hillside. The vegetation consists chiefly of grama grass, white and other sage, blade grass, and a few scrub trees of no commercial value.

The lands in T. 8 N., R. 9 W., are located 16 miles southeast of the town of Grants, New Mexico. The soils are sandy loam and are subject to wind and gully erosion. The topography is flat to rolling with rocky slopes. Three gullies cross the tract varying from wide and shallow to narrow and very deep. Vegetation consists of grama grasses, Russian Thistle, chamisa, galleta, little bluestem, Apache plume, pinon, cedar, and juniper of no commercial value.

The lands in T. 6 N., R. 10 W., are located approximately 27 miles south of Grants, New Mexico. The southwest corner of the parcel is gently sloping and has a fair vegetative cover, whereas the remainder is primarily rocky mesa tops broken by a southward trending canyon which develops into an arroyo approximately 30 feet deep. The primary vegetative cover on the gently sloping part is grama grass, chamisa, and rabbit brush; the remainder is in juniper, cedar, and pinon with a few scattered Ponderosa Pine of no commercial value.

The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

Inquiries and applications concerning the above lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 1251, Santa Fe, New Mexico.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 62-436; Filed, Jan. 15, 1962; 8:45 a.m.]

Office of the Secretary

LESTER R. GAMBLE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 1, 1962.

Dated: December 24, 1961.

LESTER R. GAMBLE.

[F.R. Doc. 62-437; Filed, Jan. 15, 1962; 8:45 a.m.]

C. R. LEEVER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 1, 1962.

Dated: December 29, 1961.

C. R. LEEVER.

[F.R. Doc. 62-438; Filed, Jan. 15, 1962; 8:45 a.m.]

MAX R. LLEWELLYN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Arizona Public Service Co.; Dividend Shares; One Williams Street; Arden Farms; U.S. Savings Bonds, Series E; Bank Deposits; Safeway Stores; Allis Chalmers; Savage Industries.
(3) No change.
(4) No change.

This statement is made as of December 26, 1961.

Dated: December 26, 1961.

MAX R. LLEWELLYN.

[F.R. Doc. 62-439; Filed, Jan. 15, 1962; 8:45 a.m.]

JOHN P. MADGETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No changes.
(2) No changes.
(3) No changes.
(4) No changes.

This statement is made as of December 15, 1961.

Dated: December 27, 1961.

JOHN P. MADGETT.

[F.R. Doc. 62-440; Filed, Jan. 15, 1962; 8:45 a.m.]

WILLARD B. SIMONDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 22, 1961.

Dated: December 22, 1961.

WILLARD B. SIMONDS

[F.R. Doc. 62-441; Filed, Jan. 15, 1962; 8:45 a.m.]

JOSEPH F. SINNOTT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 3, 1962.

Dated: January 3, 1962.

JOSEPH F. SINNOTT

[F.R. Doc. 62-442; Filed, Jan. 15, 1962; 8:45 a.m.]

HARRY R. WALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 28, 1961.

Dated: December 28, 1961.

HARRY R. WALL.

[F.R. Doc. 62-443; Filed, Jan. 15, 1962; 8:45 a.m.]

ALAN A. WOODWARD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 29, 1961.

Dated: December 29, 1961.

ALAN A. WOODWARD.

[F.R. Doc. 62-444; Filed, Jan. 15, 1962; 8:45 a.m.]

Southwestern Power Administration

CHIEF, DIVISION OF CUSTOMER SERVICE

Delegation of Authority Concerning Marketing of Electric Power and Energy

The following material is a portion of the Administration's General Order Manual and the numbering system is that of the Manual.

SPA GENERAL ORDER No. 224

SECTION 1. *Revocation.* SPA General Order No. 194 (25 F.R. 3010), is hereby revoked.

SEC. 2. *Delegation of authority.* Pursuant to the provisions of 200 DM 3.2 (25 F.R. 325), the Chief, Division of Customer Service may, subject to the applicable provisions of the act of December 22, 1944, exercise the authority delegated by the Secretary of the Interior to the Administrator, Southwestern Power Administration, under 270 DM 2.2 (25 F.R. 2244), to enter into contracts for the sale or interchange of electric power and energy.

SEC. 3. *Limitation.* The authority granted to the Chief, Division of Customer Service, in section 2 above may not be redelegated.

DOUGLAS G. WRIGHT,
Administrator.

JANUARY 10, 1962.

[F.R. Doc. 62-445; Filed, Jan. 15, 1962; 8:45 a.m.]

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Washington, Wednesday, January 17, 1962

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Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

Price: $1.50

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

Psychologist

Sections 24.23, 24.44, and 24.101 are revoked, and a new § 24.152 is added as set out below.

§ 24.152 Psychologist [All specializations except Counseling Psychologist (Vocational Rehabilitation and Education), GS–180–11–12], GS–180–5–15.

(a) *Educational requirement.* Applicants must have successfully completed a bachelor's or higher degree including, or supplemented by, courses in psychology totalling at least 24 semester hours, and including at least one course in statistics.

(b) *Duties.* Psychologists perform, supervise, administer, or consult on professional or scientific work (not requiring medical licensure) which relates to behavior, capacities, traits, interests, and activities of both human and animal organisms. This work may involve any one or combination of the following functions: (1) Experimentation with and/or systematic observation of organisms in an effort to develop scientific principles or laws concerning relationships of behavior to factors of environment, experience, and physiology or with a view to the practical application of findings (research); (2) application of professional or technical knowledge of psychological principles, theories, methods, or data to practical situations and problems (direct services); or (3) provision of college-level training in psychological principles, theories, methods, and techniques to advance knowledge of them and their appropriate use (training). Psychologists are concerned with how an organism behaves in an environment (including sensing, perceiving, moving, learning and remembering, feeling and emoting, thinking and problem solving, and socializing) in response to internal and external stimuli; with the reasons for the behavior (e.g., heredity, present environment, and past history, conditioning and training); and with the prediction and modification of behavior.

(c) *Knowledge and training requisite for performance of duties.* In its totality, psychology covers the full gamut of human and animal behavior and behavior characteristics. Among occupational fields touched by its peripheries are psychiatry, physiology, pharmacology, engineering, sociology, social work, education, statistics, and personnel. In either research or direct services its aim is partly integrative of (either to discover or to apply relationships between) these various areas of psychological knowledge. Psychology contains a large body of fundamental theories and concepts, and of experimental data, and requires training in the concepts and techniques of scientific methodology. The breadth of its interests; the necessity for relating theories and concepts from the various areas; and the large body of behavioral theory and concepts, and experimental data with which a psychologist must be familiar can only be obtained through systematic formal training in an organized curriculum which will provide broad coverage of the relevant areas of human knowledge, and particular coverage of the major areas of the behavioral sciences, including provision of the necessary laboratory facilities.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–506; Filed, Jan. 16, 1962; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—SPECIAL PROGRAMS

PART 775—FEED GRAINS

Subpart—1962 Feed Grain Program Regulations

Correction

In F.R. Doc. 61–12427, appearing at page 146 of the issue for Saturday, January 6, 1962, the first sentence of § 775.124(b) should read as follows:

(b) When any person who would have had an interest as producer (herein called "predecessor") in corn or grain sorghums or in barley, as applicable, if it had been produced on the diverted acreage has been succeeded on the farm by another producer (herein called "successor") after Form 477 has been filed and the successor's name is listed on Form 477–2, their share of the advance and final payment shall be divided on such basis as the predecessor and successor agree is fair and equitable. * * *".

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 2]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

§ 906.303 Orange Regulation 2.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 906 (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on January 11, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of

oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680–51.712 of this title).

(2) Orange Regulation No. 1 (§ 906.301; 27 F.R. 7) is hereby terminated at 12:01 a.m., c.s.t., January 18, 1962.

(3) During the period beginning at 12:01 a.m., c.s.t., January 18, 1962, and ending at 12:01 a.m., c.s.t., February 5, 1962, no handler shall handle:

(i) Any oranges of any variety, grown in the production area, unless such oranges grade at least U.S. No. 2 Russet;

(ii) Any oranges of any variety, grown as foresaid, which are of a size smaller than $2^{3}/_{16}$ inches in diameter, except that not more than ten (10) percent, by count, of such oranges in any lot of containers, and not more than fifteen (15) percent, by count, of such oranges in any individual container in such lot may be of a size smaller than $2^{3}/_{16}$ inches in diameter;

(iii) Any oranges of any variety, grown as aforesaid, packed in any box or carton of inside dimensions other than those specified in subdivision (iv), unless the oranges are of a size within the diameter limits specified for one of the following pack sizes and otherwise are packed in accordance with the requirements of standard pack, except that not to exceed a total of 10 percent, by count, of the oranges in any such container may be outside such diameter limits:

Pack sizes:	Diameter limits in inches Min.	Max.
100	$3^{5}/_{16}$	$3^{15}/_{16}$
125	$3^{1}/_{16}$	$3^{9}/_{16}$
163	$2^{15}/_{16}$	$3^{3}/_{16}$
200	$2^{11}/_{16}$	$3^{1}/_{16}$
252	$2^{7}/_{16}$	$2^{13}/_{16}$
324	$2^{3}/_{16}$	$2^{9}/_{16}$

(iv) Any oranges of any variety, grown as aforesaid, packed in a box or carton having inside dimensions of $19^{3}/_{4}$ x $13^{1}/_{2}$ x $13^{1}/_{2}$ inches, unless such container is packed in accordance with one of the following pack sizes and contains the applicable number of oranges specified for the pack size: *Provided*, Such oranges are within the diameter limits specified in subdivision (iii) of this subparagraph for the particular pack size, except that not to exceed a total of 10 percent, by count, of the oranges in any such container may be outside such diameter limits:

Pack sizes:	Number of oranges
100	100
125	125
163	163
200	198
252	252
324	319

(v) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

(vi) The provisions of subdivisions (iii) and (iv) of this subparagraph shall not apply to the oranges in any gift package of fruit.

All oranges of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container regulations which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 15, 1962.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–606; Filed, Jan. 16, 1962; 11:24 a.m.]

[Orange Reg. 1, Amdt. 3]

PART 944—FRUITS; IMPORT REGULATIONS

Oranges

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of § 944.300 (Orange Regulation 1; 26 F.R. 9668, 9905; 27 F.R. 8) are hereby amended to read as follows:

(a) On and after 12:01 a.m., e.s.t., January 18, 1962, the importation into the United States of any oranges is prohibited unless such oranges are inspected and grade at least U.S. No. 2 Russet, and are of a size not smaller than $2^{3}/_{16}$ inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in individual containers in such lot, may be of a size smaller than $2^{3}/_{16}$ inches in diameter.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674; 75 Stat. 305), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of oranges as the grade and size restrictions being made applicable to the shipment of oranges grown in Texas under Orange Regulation 2 (§ 906.303) issued simultaneously herewith to become effective January 18, 1962; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of oranges.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated January 15, 1962, to become effective at 12:01 a.m., e.s.t., January 18, 1962.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–605; Filed, Jan. 16, 1962; 11:24 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Amendment of Administrative Rules and Regulations

Notice was published in the December 15, 1961 issue of the FEDERAL REGISTER (26 F.R. 12037) that the Department had under consideration an amendment of the Subpart—Administrative Rules and Regulations, operative pursuant to Marketing Agreement No. 110, as amended, and Order No. 993, as amended (7 CFR Part 993; 26 F.R. 475), hereinafter referred to collectively as the "order", regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment would provide for the addition of a new paragraph (f) to § 993.150 (Disposition of prunes by handlers). Said paragraph (f) would provide for the disposition of pitted prunes for (1) human consumption as pitted prunes, and (2) use in prune products, on the basis of the quality of such prunes prior to pitting.

Interested persons were afforded the opportunity to file written data, views, or arguments with respect to the proposal within the time limit specified in said notice. None were filed.

After consideration of all relevant matters presented, including the information and recommendations submitted by the committee, and other available information, it is concluded that amendment of this subpart, as hereinafter set forth, would tend to effectuate the declared policy of the act.

Therefore, it is hereby ordered, That § 993.150 be amended as follows:

§ 993.150 Disposition of prunes by handlers.

* * * * *

(f) *Pitted prunes*—(1) *For human consumption as such.* No handler shall ship or otherwise make final disposition of any lot of pitted prunes for human consumption as pitted prunes unless the lot, before pitting, met (i) the applicable minimum standards set forth in § 993.97 (Exhibit A), or as such standards may be modified, for standard prunes or standard processed prunes, and (ii) the requirements specified in § 993.50 (c) and (d).

(2) *For use in prune products.* Any lot of substandard prunes, whether natural condition or processed, if within the applicable tolerances prescribed in § 993.97 II C (1), (2), and (3), may be pitted and shipped or disposed of for use and used in prune products for human consumption: *Provided*, That prior to shipment or other final disposition by handler, such prunes have lost their form and character as prunes to the satisfaction of the inspector and the committee. An inspection certificate on such lot shall not be issued until the inspector has determined that the prunes therein have lost their form and character as prunes. Disposition of pitted prunes by handlers for use in prune products shall be in accordance with the applicable provisions of paragraph (e) of this section.

It is hereby found and determined that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) Certain handlers recently have begun marketing pitted prunes in consumer packages for human consumption as pitted prunes; (2) Therefore, in keeping with the quality objectives of the order and to be consistent with present requirements for prunes other than pitted prunes, it is necesary to ensure that (i) prunes to be pitted for human consumption as pitted prunes meet, prior to pitting, the same minimum level of quality as that required for prunes for human consumption as such, (ii) that substandard prunes not in excess of the tolerances specified for the food and drug defects of mold, imbedded dirt, insect infestation and decay, may be pitted and used in prune products for human consumption, and (iii) that pitted prunes, from substandard lots, will not be sold in consumer packages for human consumption as pitted prunes.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 12, 1962, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 62–494; Filed, Jan. 16, 1962; 8:47 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

PART 109—ADJUDICATIVE PROCEEDINGS; SMALL BUSINESS INVESTMENT COMPANIES

Pursuant to authority contained in sections 308 and 309 of the Small Business Investment Act of 1958, Public Law 85–699, 72 Stat. 694, as amended, the Small Business Administration hereby adopts new Part 109 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations.

Information and effective date. The Small Business Investment Act Amendments of 1961, Public Law 87–341, section 309, provides SBA with the power to suspend Licenses and to issue cease and desist orders. The new Part 109, as set forth below, establishes the rules of practice for such proceedings. Since these rules of practice relate to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003), they shall become effective upon publication in the FEDERAL REGISTER.

Sec.

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AUTHORITY: §§ 109.1 to 109.29 issued under sec. 308, Public Law 85–699 and sec. 309, Public Law 87–341.

§ 109.1 Scope of rules.

The following rules of practice govern proceedings under section 309 of the act concerned with the suspension of a license, the ordering of a licensee to cease and desist from action or failure to act, and the ordering of a licensee to take such action or to refrain from such action as the Administration deems necessary to ensure compliance with the act and the regulations of the Administration.

§ 109.2 Definitions.

Examiner. "Examiner" means the hearing examiner conducting a hearing pursuant to section 309 of the Act;

Order. "Order," except as used in the phrase "order to show cause" and except as otherwise indicated, shall mean an order to suspend or cease and desist;

Party. "Party" means the Administration or respondent;

Respondent. "Respondent" means a licensee named in an order to show cause;

Secretary. "Secretary" means the Administrative Secretary of the Administration, Small Business Administration, Washington 25, D.C.

§ 109.3 Appearances.

(a) *Qualifications.* (1) Members of the bar of a Federal court or of the highest court of any State or Territory of the United States not disbarred or suspended by any court or administrative agency, may practice before the SBA in an adjudicative proceeding.

(2) A Respondent may be represented by a bona fide officer thereof upon a showing of adequate authorization.

(b) *Restrictions as to former employees.* In addition to the provisions of § 105.3–1 of this chapter, no former employee of the Administration shall appear as attorney or counsel in any proceeding the subject matter of which was pending in any manner or form in the Administration while such former employee was employed by the Administration, unless and until the Administrator determines, upon the written statement of the former employee and a statement from the SBID Deputy Administrator, that such subject matter did not come to the official attention of such former employee during his employment by the Administration and that he did not participate personally and substantially in the proceeding.

(c) *Notice of appearance.* Any attorney desiring to appear before the Administration or an examiner, on behalf of a respondent, shall file with the secretary a written notice of such appearance, which shall contain a statement of such attorney's eligibility as provided in this section. No other application shall be required for admission to practice, and no register of attorneys shall be maintained.

(d) *Standards of conduct.* All counsel practicing before the Administration shall conform to the standards of ethical conduct required of practitioners in the courts of the United States and by the bars of which they are members.

(e) *Suspension or disbarment of attorneys.* (1) The examiner shall have the authority, for good cause stated on the record, to bar from participation in a particular proceeding any attorney who shall refuse to comply with his directions, or who shall be guilty of disorderly conduct, dilatory tactics, or contemptuous language in the course of such proceedings. Any attorney so barred shall have the right to appeal to the Administrator from such action of the examiner, whereupon the Administrator will review the action of the examiner and take such action as he deems warranted by the circumstances.

(2) The Administrator, for good cause shown, may issue an order requiring any alleged offender to show cause why he should not be suspended or disbarred from practice before the Administration. Such alleged offender shall be granted due opportunity to be heard in his own defense. Thereafter, if warranted by the facts, the Administration will issue against such offender an order of reprimand, suspension or disbarment.

§ 109.4 Commencement of proceeding.

An adjudicative proceeding under section 309 of the act is commenced by the issuance and service upon the Respondent of an order to show cause by the Administration.

§ 109.5 Order to show cause and notice of hearing.

(a) *Form and notice.* An order to show cause shall contain a statement of the matters of fact and law asserted by the Administration and the legal authority and jurisdiction under which a hearing is to be held, and shall inform the Respondent that a hearing will be held at a time, at least thirty days after service of the order to show cause, and place stated in said order.

(b) *Motion for more definite order to show cause.* If the statement in an order to show cause is so vague or ambiguous that a party cannot reasonably frame a responsive answer, the respondent may move for a more definite statement before filing its answer. Such a motion shall be filed within fifteen days after service of the order to show cause and shall point out the defects complained of and the details desired.

§ 109.6 Answer.

(a) *Time for filing.* A respondent shall have thirty days after service of the order to show cause within which to file an answer thereto: *Provided, however,* That the filing of a motion for a more definite statement alters this period of time as follows, unless a different time is fixed by the examiner: (1) If the motion is denied, the answer shall be filed within ten days after notice of such action; (2) if the motion is granted, in whole or in part, the answer shall be filed within ten days after service of the more definite statement: *Provided further, however,* That in no event need an answer be filed in less than thirty days after service of the order to show cause.

(b) *Content of answer.* An answer shall conform to the following:

(1) *Contesting allegations of order to show cause.* Such answer shall contain:

(i) A concise statement of the facts constituting the ground of defense;

(ii) Specific admission, denial, or explanation of each fact alleged in the order to show cause, or if the respondent is without knowledge thereof, a statement to that effect.

(2) *Admitting allegations of order to show cause.* If the respondent elects not to contest the allegations of fact set forth in the order to show cause, the answer shall consist of a statement that respondent admits all material allegations to be true. Such an answer shall constitute a waiver of hearings as to facts so alleged, and an initial decision containing appropriate findings and conclusions and an appropriate order disposing of the proceeding shall be issued by the examiner. In such answer, the respondent may, however, reserve the right to submit proposed findings and conclusions and the right to petition for review under § 109.21.

(c) *Default.* Failure of the respondent to file answer within the time provided shall be deemed to constitute a waiver of its right to appear and to authorize the Examiner, without further notice to respondent, to find the facts to be as alleged in the order to show cause and to enter an initial decision containing such findings, appropriate conclusions and order.

(d) *Signature on answer.* Every answer filed pursuant to this rule shall be signed by an officer of the respondent or by the attorney who represents the respondent.

§ 109.7 Motions.

(a) *Presentation and disposition.* During the time a proceeding is before an examiner, all motions therein, except as provided in § 109.14(e), shall be addressed to and ruled upon by him, and, if in writing, shall be filed with the Secretary. All motions addressed to the Administrator shall be in writing and shall be filed with the Secretary.

(b) *Content.* All written motions shall state the particular order, ruling, or action desired and the grounds therefor.

(c) *Answers.* Within ten days after service of any written motion, or within such longer or shorter time as may be designated by the examiner or the Administrator, the opposing party shall answer or be taken to have consented to the granting of the relief asked for in the motion. The moving party shall have no right to reply, except as permitted by the examiner or the Administrator.

(d) *Motions for extensions.* As a matter of discretion, the examiner or the Administrator may waive the requirements of this section as to motions for extensions of time, and may rule upon such requests ex parte.

(e) *Rulings on motions for dismissal.* When a motion to dismiss an order to show cause or for other relief is granted with the result that the proceeding before the examiner is terminated, the examiner shall make and file an initial decision in accordance with the provisions of § 109.20. When a motion to dismiss is made at the close of the evidence offered in support of the order to show cause based upon the alleged failure to establish a prima facie case, the examiner may, if he so elects, defer ruling thereon until the close of the case for the reception of evidence.

§ 109.8 Amendments and supplemental pleadings.

(a) *Amendments*—(1) *By leave.* If and whenever determination of a controversy on the merits will be facilitated thereby, the examiner may, upon such conditions as are necessary to avoid prejudicing the public interest and the rights of the parties, allow appropriate amendments to pleadings: provided, however, that an application for amendment of an order to show cause may be allowed only if the amendment is reasonably within the scope of the proceeding initiated by the original order to show cause.

(2) *Conformance to evidence.* When issues not raised by the pleadings, but reasonably within the scope of the proceeding initiated by the original order to show cause, are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings; and such amendments of the pleadings as may be necessary to make them conform to the evidence and to raise such issues shall be allowed at any time.

(b) *Supplemental pleadings.* The examiner may, upon reasonable notice and such terms as are just, permit service of a supplemental pleading setting forth transactions, occurrences, or events which have happened since the date of the pleading sought to be supplemented and which are relevant to any of the issues involved.

§ 109.9 Prehearing conferences.

(a) The examiner upon motion of any party or upon his own motion may direct counsel for all parties to meet with him for a conference to consider:

(1) Simplification and clarification of the issues;

(2) Necessity or desirability of amendments to pleadings, subject, however, to the provisions of § 109.8(a)(1);

(3) Stipulations, admissions of fact and of the contents and authenticity of documents;

(4) Expedition in the presentation of evidence, including, but not limited to, restriction of the number of expert, economic or technical witnesses; and

(5) Such other matters as may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses or furnishings for inspection or copying of nonprivileged documents, papers, books or other physical exhibits, which constitute or contain evidence relevant to the subject matter involved and which are in the possession, custody, or control of any party to the proceeding.

(b) Prehearing conferences, in the discretion of the examiner, may be stenographically reported as provided in § 109.15(f), but shall not be public unless all parties so agree.

(c) The examiner shall enter in the record an order which recites the action taken, the amendments allowed and the agreements made at the conference; and such order shall control the subsequent course of the proceeding, unless modified at the hearing to prevent manifest injustice. If counsel for any party after proper direction fails or refuses to disclose the names of witnesses or to make available for inspection or copying nonprivileged documents, papers, books or other physical exhibits, the Examiner, in his discretion, may also enter in the record an order providing, as appropriate:

(1) That the testimony of the witnesses whose names are not disclosed or the documents, papers, books or other physical exhibits which are not made available for inspection or copying in accordance with the direction shall not be introduced in evidence; or

(2) That counsel who fails or refuses to comply with the examiner's direction in respect to any of the foregoing shall be barred from participation in the proceeding in accordance with the provisions of § 109.3(e)(1).

§ 109.10 Voluntary intervention.

(a) Any individual, partnership, unincorporated association, or corporation desiring to intervene in an adjudicative proceeding shall make written application in the form of a motion setting forth the basis therefor. Such application shall have attached to it a certificate showing service thereof upon each party to the proceeding in accordance with the provisions of § 109.26(b). A similar certificate shall be attached to the answer filed by any party other than counsel in support of the order to show cause, showing service of such answer upon the applicant.

(b) The examiner or the Administrator may by order permit the intervention to such extent and upon such terms as are provided by law or as otherwise may be deemed proper. The examiner or the Administrator shall consider, among other matters, whether the intervention will unduly delay or prejudice the adjudication of the rights of the parties.

§ 109.11 Depositions.

(a) *When, how and by whom taken.* Good cause being shown, the testimony of any witness may be taken by deposition in any proceeding after answer to the order to show cause has been filed. Depositions may be taken orally before any person designated by the examiner and having power to administer oaths.

(b) *Application.* Any party desiring to take the deposition of a witness shall make application in writing to the examiner, setting forth the reasons why such deposition should be taken; the time when, the place where, and the name and post office address of the person before whom the deposition is to be taken; the name and post office address of each witness; and the subject matter concerning which each witness is expected to testify.

(c) *Notice.* Such notice as the examiner may order shall be given of the taking of a deposition, but this shall not be less than five days' written notice of the taking of a deposition within the continental United States, and not less than fifteen days' written notice when the deposition is to be taken elsewhere.

(d) *Taking and reception in evidence.* Each witness testifying upon deposition shall be duly sworn, and the adverse party shall have the right to cross-examine. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing and, in the presence of the officer before whom the deposition is taken, read to the witness, subscribed by him, and certified in the usual form by the officer. Thereafter, the officer shall forward the deposition, with three copies thereof, in an envelope under seal, endorsed with the title of the proceeding, to the examiner, and, subject to appropriate rulings on such objections to the questions and answers as were noted at the time of taking the deposition or as would be valid were the witness personally present and testifying, such deposition may be read in evidence by the party taking it as against any party who was present or represented at the taking of the deposition or who had due notice thereof.

§ 109.12 Admissions as to facts and documents.

(a) At any time after answer has been filed, any party may serve upon any other party a written request for the admission of the genuineness of any relevant documents described in the request, or the admission of the truth of any relevant matters of fact set forth in such documents. Copies of the documents shall be delivered with the request unless copies have already been furnished.

(b) Each requested admission shall be deemed made unless, within a period designated by the examiner, not less than ten days after service thereof, or within such further time as the examiner may allow, the party so served serves upon the party making the request either (1) a sworn statement denying specifically the relevant matters of which an admission is requested or setting forth in detail the reasons why he can neither truthfully admit nor deny them, or (2) written objections on the ground that some or all of the matters involved are privileged or irrelevant or that the request is otherwise improper in whole or in part, together with a copy of a request to the examiner for a hearing on the objections at the earliest practicable time. Answers on matters to which such objections are made may be deferred until the objections are determined, but if written objections are made to only a part of a request, the remainder of the request shall be answered within the period designated.

(c) Admissions obtained pursuant to this procedure may be used in evidence to the same extent and subject to the same objections as other admissions.

§ 109.13 Evidence.

(a) *Burden of proof.* Counsel supporting the order to show cause shall have the burden of proof, but the proponent of any factual proposition shall be required to sustain the burden of proof with reference thereto.

(b) *Admissibility.* Relevant, material, and reliable evidence shall be admitted. Irrelevant, immaterial, unreliable, and unduly repetitious evidence shall be excluded. Immaterial or irrelevant parts of an admissible document shall be segregated and excluded so far as practicable.

(c) *Official notice of facts.* When any decision of an examiner or of the Administrator rests, in whole or in part, upon the taking of official notice of a material fact not appearing in evidence of record, opportunity to disprove such noticed fact shall be granted any party making timely motion therefor.

(d) *Objections.* Objections to evidence shall timely and briefly state the grounds relied upon and the transcript shall include argument or debate thereon except as ordered by the Examiner. Rulings on all objections shall appear in the record.

(e) *Exceptions.* Formal exceptions to an adverse ruling by the examiner is not required.

(f) *Record of excluded evidence.* When an objection to a question propounded to a witness is sustained, the examining attorney may make a specific offer of what he expects to prove by the answer of the witness, or the examiner upon request shall receive and report the evidence in full, unless it clearly appears that the evidence is not admissible on any ground or that the witness is privileged. Similarly, rejected exhibits, adequately marked for identification, shall be retained in the record so as to be available for consideration by any reviewing authority.

§ 109.14 Presiding officials.

(a) *Who presides.* All hearings in adjudicative proceedings shall be presided over by an examiner.

(b) *Powers and duties.* Examiners shall have the duty to conduct fair and impartial hearings, to take all necessary action to avoid delay in the disposition of proceedings, and to maintain order. They shall have all powers necessary to that end, including the following:

(1) To administer oaths and affirmations;

(2) To issue subpoenas;

(3) To rule upon offers of proof and receive evidence;

(4) To take or cause depositions to be taken and to determine their scope;

(5) To regulate the course of the hearings and the conduct of the parties and their counsel therein;

(6) To hold conferences for simplification of the issues or any other proper purpose;

(7) To consider and rule upon all procedural and other motions appropriate in an adversary proceeding;

(8) To make and file initial decisions: and

(9) To take any action authorized by these rules or in conformance with the provisions of the Administrative Procedure Act (5 U.S.C. 1001 to 1011).

(c) *Substitution of examiner.* In the event of substitution of a new examiner for the one originally designated, any motion predicated upon such substitution shall be made within five days thereafter.

(d) *Interference.* In the performance of their adjudicative functions, Examiners shall not be responsible to, nor subject to the supervision or direction of, any officer, employee, or agent engaged in the performance of investigative or prosecuting functions for the Administration, and all directions by the Administrator to examiners concerning any adjudicative proceeding shall appear in and be made a part of the record.

(e) *Disqualification of examiners.* (1) When an examiner deems himself disqualified to preside in a particular proceeding, he shall withdraw therefrom by notice on the record and shall notify the Administrator of such withdrawal.

(2) Whenever any party shall deem the examiner for any reason to be disqualified to preside, or to continue to preside, in a particular proceeding, that party shall file with the Administrator a motion to disqualify and remove such examiner, such motion to be supported by affidavits setting forth the alleged grounds for disqualification. Copy of such motion shall be served by the Administration on the examiner whose removal is therein sought, who shall have ten days from such service within which to reply thereto. If the examiner does not disqualify himself within ten days, then the Administrator shall promptly determine the validity of the grounds alleged, either directly or on the report of another hearing examiner appointed to conduct a hearing for that purpose.

§ 109.15 Hearings; transcripts.

(a) *Public hearings.* All hearings in adjudicative proceedings shall be public unless otherwise specified in the order to show cause or ordered by the examiner for good cause shown.

(b) *Rights of parties.* Every party shall have the right to due notice, cross-examination, presentation of evidence, objection, motion, argument and all other rights essential to a fair hearing.

(c) *Adverse witnesses.* An adverse party, or an officer, agent, or employee thereof, and any witness who appears to be hostile, unwilling, or evasive, may be interrogated by leading questions and may also be contradicted and impeached by the party calling him.

(d) *Expedition.* Hearings shall proceed with all reasonable expedition. Unless the Administrator otherwise orders upon a certificate of necessity therefor by the examiner, all hearings will be held at one place and will continue without suspension until concluded. (This shall not bar overnight, week end, or holiday recesses, or other brief intervals of the sort normally involved in judicial proceedings.)

(e) *Notice.* Not less than ten days' notice of the time and place of any hearing shall be given, and in setting such hearings due regard shall be had for the public interest and the convenience and necessity of all parties, witnesses, and counsel.

(f) *Transcripts.* Hearings shall be stenographically reported and transcribed by the official reporter of the Administration under the supervision of the examiner, and the original transcript shall be a part of the record and the sole official transcript. Copies of transcripts are available to respondents and to the public from the reporter at rates not to exceed the maximum rates fixed by contract between the Administration and the reporter.

(g) *Corrections of the transcript.* Corrections of the official transcript may be made only when they involve errors affecting substance and then only in the manner herein provided: Corrections ordered by the examiner or agreed to in a written stipulation signed by all counsel and approved by the examiner shall be included in the record, and such stipulations, except to the extent they are capricious or without substance, shall be approved by the examiner. Corrections shall not be ordered by the examiner except upon notice and opportunity for the hearing of objections. Corrections so ordered or approved shall be incorporated in the record as an appendix and when so incorporated the Secretary shall make or cause to be made the necessary physical corrections in the official transcript so that it will incorporate the changes agreed upon or ordered. In making such physical corrections, there shall be no substitution of pages, but, to the extent practicable, such corrections shall be made by running a line through the matter to be changed, but without obliteration, and writing the matter as changed immediately above. Where the correction consists of an insertion, it shall be added, by rider or interlineation, as near as may be to the text which is intended to precede and follow it.

§ 109.16 Subpoenas.

(a) *Subpoenas ad testificandum.* Application for issuance of a subpoena requiring a witness to appear and testify before an examiner at a specified place and time may be made to the examiner, or to the Administrator.

(b) *Subpoenas duces tecum.* Application for issuance of a subpoena requiring a witness to appear before an Examiner at a specified time and place and produce specified documents shall be made in writing to the examiner or to the Administrator, and shall specify as exactly as possible the documents to be produced, showing their general relevancy and reasonable scope. Any motion to limit or quash such subpoena shall be filed within ten days after date of service of the subpoena.

(c) *Service.* A subpoena shall be served as provided in § 109.26(a).

(d) *Appeal.* An appeal to the Administrator from the examiner's ruling granting or denying a motion to issue, limit or quash any subpoena will be entertained by the Administrator only upon a showing that the ruling complained of involves substantial rights and will materially affect the final decision and that a determination of its correctness before conclusion of the hearing will better serve the interests of justice.

§ 109.17 Witnesses and fees.

(a) Witnesses at hearings shall be examined orally. Witnesses shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

(b) Witnesses whose depositions are taken, and the persons taking such depositions, shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(c) Witness fees and mileage, and fees for depositions, shall be paid by the party at whose instance witnesses appear.

§ 109.18 Proposed findings, conclusions, and order.

At the close of the reception of evidence in an adjudicative proceeding, or within a reasonable time thereafter fixed by the examiner, any party may file with the Secretary for consideration of the Examiner proposed findings of fact, conclusions of law, and order, together with reasons therefor and briefs in support thereof. Such proposals shall be in writing, shall be served upon all parties, and shall contain adequate references to the record and authorities relied on. The record shall show the examiner's ruling on each proposed finding and conclusion, except when his order disposing of the proceeding otherwise informs the parties of the action taken by him thereon.

§ 109.19 Interlocutory appeals.

Except as provided in § 109.16(d) and § 109.3(e), interlocutory appeals from rulings of an examiner may be filed only after permission is first obtained from the Administrator. Any request for such permission shall be in writing, not to exceed ten pages in length, and shall be filed within five days after notice of the ruling complained of. No such permission shall be granted by the Administrator unless he finds that such ruling involves substantial rights and will materially affect a final decision and that determination of its correctness before the conclusion of the proceeding would better serve the interests of justice.

Interlocutory appeals shall be in the form of a brief, not to exceed thirty pages in length, and shall be filed within five days after notice of the ruling complained of, in the case of appeals under § 109.16(d) or § 109.3(e), or within five days after notice of permission to file, in the case of appeals under § 109.19. Answer thereto may be filed within five days after service of the appeal brief. The appeal shall not operate to suspend the hearing unless otherwise ordered by the examiner or the Administrator.

§ 109.20 Initial Decision.

(a) *When filed and when effective.* Within thirty days after completion of the reception of evidence in a proceeding, or within such further time as the Administrator may allow on the examiner's written request, the examiner shall file an initial decision which shall become the decision of the Administration thirty days after service thereof upon the parties, unless (1) within fifteen days after service of such initial decision a petition for review thereof shall be filed, or (2) within such thirty-day period the Administrator issues an order placing the case on his own docket for review. A copy of the initial decision and order shall be served upon the respondent and each counsel or other representative who has appeared in the proceeding pursuant to § 109.3.

(b) *Content.* An initial decision shall include a statement of (1) findings and conclusions, with the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and (2) an appropriate order specifying the effective date thereof. Initial decisions shall be based upon a consideration of the whole record and supported by reliable, probative and substantial evidence.

(c) *By whom made.* The initial decision in an adjudicative proceeding shall be made and filed by the examiner who presided therein, except when he shall have become unavailable to the Administration, in which event a substitute examiner shall be designated.

(d) *Reopening: termination of examiner's jurisdiction.* (1) At any time prior to the filing of his initial decision, an examiner may reopen the proceeding for the reception of further evidence.

(2) Except for the correction of clerical errors, the jurisdiction of the examiner is terminated upon the filing of his initial decision, unless and until the proceeding is remanded to him by the Administrator.

§ 109.21 Petition for review.

(a) *Who may file.* Any party to a proceeding may file a petition for review within the time prescribed by § 109.20.

(b) *Content.* The petition for review shall concisely and plainly state (1) the questions presented for review, (2) the facts in abbreviated form, and (3) the reasons why review by the Administrator is deemed to be in the public interest. Such petition shall not exceed ten pages in length.

(c) *Answer.* Within ten days after service upon the opposing party of a petition for review, such party may file in opposition thereto an answer of not exceeding ten pages.

(d) *Disposition.* A petition for review will be granted where, on examination of the record, the petition for review, and the answer, the Administrator finds that the questions presented are substantial and that determination thereof by the Administrator is necessary or appropriate under the law to insure a just and proper disposition of the proceeding and to protect the rights of all parties. If the petition for review is denied, the initial decision of the examiner shall thereupon become the decision of the Administration.

§ 109.22 Administration review.

(a) Within thirty days after service of the Administrator's order granting the petition for review, the petitioner may file exceptions to the initial decision and a brief in support thereof.

(b) *Exceptions.* Each exception (1) shall relate only to substantive or procedural matters presented on the record, limited to the questions stated in the petition for review; (2) shall identify the part of the initial decision to which objection is made; (3) shall specify the portions of the record relied upon; and (4) shall state the grounds for the exception, including the citation of authorities in support thereof. Any objection to a ruling, finding, or conclusion which is not made a part of the exceptions shall be deemed to have been waived. Any exception which fails to present with accuracy, brevity and clearness whatever is essential to a ready and adequate understanding of the points requiring consideration may be disregarded.

(c) *Brief.* The brief in support of the exceptions shall contain, in the order indicated, the following:

(1) A subject index of the matter in the brief, with page references, and a table of cases, text books, statutes, and other material cited, with page references thereto;

(2) A concise statement of the case containing all that is material to the consideration of the questions presented;

(3) A specification of the assigned errors; and

(4) The argument presenting clearly the points of fact and law relied upon in support of the position taken on each question, with specific page references to the transcript and the legal or other material relied upon.

Material not included in the exceptions or brief may not be presented to the Administrator in oral argument or otherwise.

(d) *Answering brief.* Within thirty days after service of the brief upon the opposing party, such party may file an answering brief which shall also contain a subject index, with page references, and a table of cases, text books, statutes, and other material cited, with page references thereto. It shall be limited to the questions raised in the brief in support of the exceptions and shall present clearly the points of fact and law relied upon in support of the position taken on each question, with specific page references to the transcript and legal or other material relied upon.

(e) *Reply brief.* Reply briefs, not in excess of ten pages and limited to rebuttal of matter in an answering brief, will be received if filed and served within seven days after receipt of the answering brief or the day preceding the oral argument, whichever comes first. No answer to a reply brief will be permitted.

(f) *Length of briefs.* No brief in excess of sixty pages, including any appendices, shall be filed without leave of the Administrator.

(g) *Oral argument.* No oral arguments will be held in cases in which the Administrator grants review, unless he otherwise orders (1) upon request of any party made at the time of filing its brief, or (2) upon the Administrator's own motion. Oral arguments before the Administrator shall be reported stenographically unless otherwise ordered by the Administrator.

§ 109.23 Decision on review.

(a) Upon review of an initial decision, the Administrator will consider such parts of the record as are cited or as may be necessary to resolve the issues presented; and in addition will, to the extent necessary or desirable, exercise all the powers which he could have exercised if he had made the initial decision.

(b) In rendering his decision, the Administrator will adopt, modify, or set aside the findings, conclusions and order contained in the initial decision, and will include in the decision a statement of the reasons or basis for his action.

§ 109.24 Requirements as to form and filing of documents other than correspondence.

(a) *Filing.* All documents in proceedings hereunder before the Administration shall be addressed to and filed with the Administrative Secretary, Small Business Administration, Washington 25, D.C.

(b) *Title.* Documents shall clearly show the docket number and title of the proceeding.

(c) *Copies.* Ten copies shall be filed of a petition for review and of all briefs; five copies of all other documents shall be filed with the exception of reports of compliance under § 109.28, in which case only two copies need be filed, and notices of appearances under § 109.3, in which case only one copy need be filed.

(d) *Form.* (1) Documents, other than briefs filed with the Administrator on petitions for review, shall be printed, typewritten or otherwise processed in permanent form and on good unglazed paper. The paper must not be less than eight (8) inches nor more than eight and one-half (8½) inches by not less than ten and one-half (10½) inches nor more than eleven (11) inches. The left margin must be one and one-half (1½) inches and the right margin one (1) inch. Documents must be bound on the left side. If printed, the type shall be not less than ten (10) point adequately leaded.

(2) Briefs before the Administrator on review shall be printed on good unglazed paper seven (7) inches by ten (10) inches. The type shall not be less than ten (10) point adequately leaded. Citations and quotations shall not be less than ten (10) point single leaded and footnotes shall not be less than eight (8) point single leaded. The printed line shall not exceed four and three-quarter (4¾) inches in length.

(e) *Signature.* (1) One copy of each document shall be signed by an attorney of record for the party or, in the case of respondents not represented by counsel, by an officer of respondent.

(2) Signing a document constitutes a representation by the signer that he has read it, that to the best of his knowledge, information, and belief, the statements made in it are true, and that it is not interposed for delay. If a document is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false and the proceeding may go forward as though the document had not been filed.

§ 109.25 Time.

(a) *Computation.* Computation of any period of time prescribed or allowed by these rules, by order of the Administrator, or an examiner, or by any applicable statute, shall begin with the first business day following that on which the act, event or development initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday, or national holiday, or other day on which the office of the Administration is closed, the period shall run until the end of the next following business day. When such period of time, with the intervening Saturdays, Sundays and national holidays counted, is less than seven days, each of the Saturdays, Sundays and such holidays shall be excluded from the computation. When such period of time, with the intervening Saturdays, Sundays and national holidays counted, exceeds seven days, each of the Saturdays, Sundays and such holidays shall be included in the computation.

(b) *Extensions.* For good cause shown, the examiner may, in any proceeding before him, extend any time limit prescribed or allowed by these rules or by order of the Administrator or the examiner, except those governing interlocutory appeals and initial decisions and those expressly requiring Administrator action. Except as otherwise provided by law, the Administrator, for good cause shown, may extend any time limit prescribed by these rules or by order of the Administrator or the examiner: *Provided, however,* That in a proceeding pending before an examiner, the application shall first be made to him. Applications for extensions of time shall be made by motion.

§ 109.26 Service.

(a) *By the Administration.* (1) Service of orders to show cause, orders and other processes of the Administration may be effected as follows:

(i) *By registered mail.* A copy of the document shall be addressed to the person, partnership, corporation or unincorporated association to be served at his or its residence or principal office or place of business, registered, and mailed; or

(ii) *By delivery to an individual.* A copy thereof may be delivered to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation or unincorporated association to be served; or

(iii) *By delivery to an address.* A copy thereof may be left at the principal office or place of business of the person, partnership, corporation or unincorporated association, or it may be left at the residence of the person or of a member of the partnership or of an officer or director of the corporation or unincorporated association to be served.

(2) Documents other than orders to show cause, orders and other processes of the Administration, the service of which starts the running of prescribed periods of time provided or allowed by any of the rules in this part or by any order of the Administration or an examiner for the performance of some act or the occurrence of some event or development, shall be served in the same manner as orders to show cause, orders and other processes of the Administration, or by certified mail.

(3) All other documents may be similarly served, or they may be served by ordinary first-class mail.

(b) *By other parties.* Service of documents by parties other than the Administration shall be by delivering copies thereof as follows: Upon the Administration, by personal delivery or delivery by first-class mail to the office of the Secretary; upon any other party, by delivery to the party. If the party is an individual or partnership, delivery shall be to such individual or a member of the partnership; if a corporation or unincorporated association, to an officer or agent authorized to accept service of process therefore. Delivery to a party other than the Administration means handing to the individual, partner, officer, or agent; leaving at his office with a person in charge thereof, or, if there is no one in charge or if the office is closed or if he has no office, leaving at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein; or sending by mail.

(c) *Proof of service.* (1) When service is by mail, registered or ordinary first-class, it is complete upon delivery of the document by the post office.

(2) When a party has appeared in a proceeding by a partner, officer, or attorney, service upon such partner, officer, or attorney of any document other than an order to show cause, order or other process of the Administration shall be deemed service upon the party.

(3) The return post office receipt for a document registered and mailed, or the verified return or certificate by the person serving the document by personal delivery or ordinary mail, setting forth the manner of said service, shall be proof of the service of the document.

§ 109.27 Ex parte communication.

(a) In an adjudicative proceeding, no employee or agent of the Administration who performs any investigative or prosecuting function in connection with the proceeding and no respondent in the proceeding, or agent, or counsel, or anyone acting on behalf of a respondent, shall communicate ex parte, directly or indirectly, with the Administrator, or the examiner, or any employee involved in the decisional process in such proceeding, with respect to the merits of that or a factually related proceeding.

(b) In an adjudicative proceeding, the Administrator, examiner or employee involved in the decisional process of such proceeding, shall not communicate ex parte, directly or indirectly, with any employee or agent of the Administration who performs any investigative or prosecuting function in connection with the proceeding, or with any party respondent in the proceeding, or agent, or counsel, or anyone acting on behalf of a party respondent, with respect to the merits of that or a factually related proceeding.

(c) In an adjudicative proceeding, if any ex parte communication is made to or by the examiner, or employee involved in the decisional process, in violation of paragraph (a) or (b) of this section, such examiner or employee, as the case may be, shall promptly inform the Administrator of the substance of such communication and the circumstances thereof.

§ 109.28 Reports of compliance.

Unless otherwise specifically provided in an order, in every proceeding in which the Administration has issued an order, the respondent named in such order shall file with the Administration within twenty days after service thereof, a report in writing, signed by the respondent, setting forth in detail the manner and form of his compliance with the order, and shall thereafter file with the Administration such further signed, written reports of compliance as it may require. Reports of compliance shall be under oath if so requested. Where court review of an order of the Administration is pending, respondent shall file only such reports of compliance as the court may require. Thereafter, the time for filing report of compliance shall begin to run de novo from the final judicial determination.

§ 109.29 Reopening of proceedings.

(a) In any case where an order has been issued by the Administration it may, upon notice to the parties, modify or set aside, in whole or in part, its report of findings as to the facts or order in such manner as it may deem proper at any time prior to expiration of the time allowed for filing a petition for review or prior to the filing of the transcript of record in the proceeding in a United States Court of Appeals pursuant to a petition for review.

(b) In any case where an order issued by the Administration has become final by reason of court affirmance or expiration of the statutory period for court review without a petition for such review having been filed, the Administration may at any time after reasonable notice and opportunity for hearing as to whether changed conditions of fact or of law or the public interest so require, reopen and alter, modify or set aside, in whole or in part, its report of findings as to the facts or order therein whenever in the opinion of the Administrator such action is required by said changed conditions or by the public interest.

(c) After an order dismissing an order to show cause has been issued, the Administration may, upon reasonable notice to the parties and opportunity for a hearing as to whether said proceeding should be reopened, issue an order reopening such proceeding whenever, in the opinion of the Administrator, changed conditions of fact or of law or the public interest so require.

Dated: January 12, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62 505; Filed, Jan. 16, 1962; 8:49 a.m.]

PART 110—INVESTIGATIONS; SMALL BUSINESS INVESTMENT COMPANIES

Pursuant to authority contained in sections 308 and 310 of the Small Business Investment Act of 1958, Public Law 85–699, 72 Stat. 694, as amended, the Small Business Administration hereby adopts new Part 110 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations.

Information and effective date. The Small Business Investment Act Amendments of 1961, Public Law 87–341, section 310, provides SBA with the power to make investigations. The new Part 110, as set forth below, establishes the Rules Governing Investigations. Since these Rules Governing Investigations relate to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003), they shall become effective upon publication in the FEDERAL REGISTER.

Sec.
110.1 Scope of rules.
110.2 Right to copy of data or transcript of testimony.
110.3 Counsel for witnesses in investigations.
110.4 Suspension or disbarment of counsel.
110.5 Information obtained in investigations.

AUTHORITY: §§ 110.1 to 110.5 issued under sec. 308, Public Law 85–699 and sec. 310, Public Law 87–341.

§ 110.1 Scope of rules.

(a) The following rules govern investigations under section 310 of the Act. Where, from examinations made pursuant to section 308(c) of the Small Business Investment Act of 1958, as amended, complaints received from members of the public, examination of filings and reports made with the Administration, or otherwise, it appears that there may be a violation of the Small Business Investment Act of 1958, as amended, or the regulations thereunder, or where it appears that there is a likelihood that a violation has been or is about to be committed, the Administration may order a formal investigation if it is deemed necessary. Unless otherwise ordered by the Administration, the investigation is nonpublic and the reports thereon are for the Administration's use only.

(b) Where it appears after investigation or otherwise that there has been a violation of any of the provisions of the Small Business Investment Act of 1958, as amended, or the regulations thereunder, the Administration may take one or more of the following actions: Institution of adjudicative proceedings looking to the imposition of remedial sanctions, initiation of injunctive proceedings in the courts, or proceedings looking to the revocation of a license.

§ 110.2 Right to copy of data or transcript of testimony.

A person who has submitted data or evidence in such investigations shall be entitled to retain or procure a copy of his data or a transcript of his testimony on payment of the prescribed fees; provided, however, in the case of nonpublic investigations such person shall file a written request stating the reason for desiring to procure such copy or transcript. The Administration may in any nonpublic investigatory proceeding for good cause deny such request. In the latter event, such person, upon proper identification, shall have the right to inspect the official transcript of his testimony.

§ 110.3 Counsel for witnesses in investigations.

Any person compelled to appear in person at an investigation designated in paragraph (a) of § 110.1 may be accompanied, represented and advised by counsel, but such counsel may not represent any other witness or any person being investigated, unless permitted in the discretion of the officer conducting the investigation or of the Administration upon being satisfied that there is no conflict of interest in such representation and that the presence of identical counsel for other witnesses or persons being investigated would not tend to hinder the course of the investigation.

§ 110.4 Suspension or disbarment of counsel.

The Administrator, for good cause shown, may issue an order requiring any counsel in an investigation to show cause why he should not be suspended or disbarred from practice before the Administration for reason of disorderly or contemptuous conduct or dilatory tactics in the course of any investigation. Such counsel shall be granted due opportunity to be heard in his own defense. Thereafter, if warranted by the facts, the Administration will issue against such counsel an order of reprimand, suspension or disbarment.

§ 110.5 Information obtained in investigations.

Information or documents obtained by the Administration in the course of any investigation shall, unless made a matter of public record, be deemed confidential. Officers and employees are hereby prohibited from making such confidential information or documents or any other non-public records of the Administration available to anyone other than an officer or employee of the Administration, unless the Administration authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest. Any officer or employee who is served with a subpoena requiring the disclosure of such documents shall appear in court and, unless the authorization described in the preceding sentence shall have been given, shall respectfully decline to disclose the information or produce the documents called for, basing his refusal upon this section. Any officer or employee who is served with such a subpoena shall promptly advise the Administrator of the service of such subpoena, the nature of the information or documents sought, and any circumstances which may bear upon the desirability of making available such information or documents.

Dated: January 12, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62–504; Filed, Jan. 16, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 65; Reg. SR–436B]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Airborne Weather Radar Equipment Requirements for Airplanes Carrying Passengers; Special Civil Air Regulation

Correction

In F.R. Doc. 62–98, appearing at page 97 of the issue for Friday, January 5, 1962, the second sentence of paragraph 3(b) of the Special Civil Air Regulation should begin with the words "After the date specified * * *" instead of "After the data specified * * *".

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER–346]

PART 227—TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS: REDUCED RATES FOR FURLOUGHED MILITARY PERSONNEL AND IMMEDIATE FAMILIES OF MILITARY PERSONNEL

Reduced Rates for Dependents

JANUARY 12, 1962.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of January 1962.

The Board in 26 F.R. 10238 and by circulation of Economic Draft Release, EDR–38 dated October 30, 1961, Docket 13142, gave notice that it had under consideration an amendment to Part 227 of the Economic Regulations for the purpose of permitting air carriers and foreign air carriers to file tariffs providing for reduced-rate transportation for certain limited travel of members of the immediate families of military personnel stationed overseas.

The only timely comment received in response to the Notice suggests that final action on the proposal be deferred pending evaluation of certain reduced-rate transportation now being provided for military personnel and members of their immediate family in overseas and foreign air transportation on a temporary basis. No comments were received which opposed the adoption of the proposal.

The rules contained in Part 227 as well as the subject amendment are permissive. Therefore, it is discretionary with the air carriers or foreign air carriers whether they will file tariffs providing such reduced-rate transportation. In view of this the Board is of the opinion that no useful purpose will be served by delaying the finalization of this proposal.

Section 227.5 is being renumbered § 227.0, amended to remove the restriction of the applicability of Part 227 to round-trip or open-jaw transportation, and clarified to eliminate the implication that it stands in the way of carriers filing tariffs providing for group travel of individually ticketed passengers. Furthermore, the requirement that trips must originate at a foreign point has been deleted as irrelevant to the policy of this regulation. Since these changes relieve restrictions on the air carriers subject to this regulation, the Board finds that notice and public procedure thereon are unnecessary.

The amendment adopted herein relieves air carriers and foreign air carriers of a restriction and serves the public interest. Good cause therefore exists for making the amendment effective less than 30 days after publication.

Accordingly, the Board hereby amends Part 227 of its Economic Regulations, 14 CFR Part 227, effective January 17, 1962, by adopting the following amendments thereto:

§ 227.1 [Amendment]

(1) By amending paragraph (b) of § 227.1 to read:

(b) "Reduced rate transportation" means the carriage by a carrier subject to the provisions of this Part of any furloughed military personnel or members of the immediate family of military personnel on active duty status and stationed outside the continental United States, for compensation specified in the applicable tariff • • • [remainder unchanged].

(2) By adding a new paragraph (d) to § 227.1 of this part to read:

(d) "Immediate Family" means the spouse and dependent children, living in the same household, of a member of the Armed Forces of the United States who is on active duty status and stationed outside the continental United States.

(3) By amending § 227.2 of this part to read:

§ 227.2 Conditions governing the furnishing of reduced-rate transportation.

Subject to compliance with the other provisions of this Part and with the limitations imposed in an air carrier's certificate of public convenience and necessity, issued under section 401 of the Act; in the applicable regulation or order of the Board authorizing an air carrier's operation; or in a foreign air carrier's foreign air carrier permit issued under section 402 of the Act, any air carrier or foreign air carrier may furnish reduced-rate transportation to:

(a) Furloughed military personnel traveling on through tickets calling for overseas or foreign air transportation.

(b) Members of the immediate family of furloughed military personnel traveling on through tickets calling for overseas or foreign air transportation: *Provided*, That such members are accompanied on the trip by such military personnel.

(c) Members of the immediate family of military personnel traveling on a one-way through ticket calling for overseas or foreign air transportation from an overseas or foreign point to the United States, its territories or possessions.

§ 227.4 [Amendment]

(4) By changing the section heading of § 227.4 to read "Identification"; redesignating present § 227.4 as paragraph (a) of § 227.4; and adding a new paragraph (b) to § 227.4 to read:

(b) *Identification of members of the immediate family.* No air carrier or foreign air carrier shall sell reduced-rate tickets or furnish reduced-rate transportation, pursuant to this Part, to the immediate family of any member of the Armed Forces of the United States unless such member shall execute and have countersigned by his Commanding Officer and deliver to the representatives of the carrier at the time of sale a declaration of eligibility reading as follows:

I declare that I am a member of the United States Armed Forces on active duty status and stationed outside the continental United States and that I am purchasing a ticket or tickets for ---------- who is (are) my spouse and dependent child (children) and who live(s) in my household for travel in foreign or overseas air transportation.

(Commanding officer)

(Signed)

(Grade)

(Branch of service)

(Service number)

(5) By deleting § 227.5 and inserting in lieu thereof, at the beginning of Part 227, a new § 227.0 to read:

§ 227.0 Applicability.

This part applies to reduced rate transportation furnished to individually ticketed passengers traveling singly or in groups in overseas or foreign air transportation.

(6) By amending the title of Part 227 to read: "Part 227—Tariffs of Air Carriers and Foreign Air Carriers: Reduced Rates for Furloughed Military Personnel and Immediate Families of Military Personnel".

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 403(b), 72 Stat. 759; 49 U.S.C. 1373)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-507; Filed, Jan. 16, 1962; 8:49 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-FW-94]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration of Federal Airways

On October 3, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9325), stating that the Federal Aviation Agency proposed to alter VOR Federal airway Nos. 1515, 1517, 1521, and 1602.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the notice, the following actions are taken:

§ 600.1515 [Amendment]

1. In the text of § 600.1515 (26 F.R. 1083, 4052) "thence to the Pahokee, Fla., VOR; Vero Beach, Fla., VOR;" is deleted and "thence via the Pahokee, Fla., VOR; INT of the Pahokee VOR 009° and the Vero Beach, Fla., VOR 193° radials; Vero Beach VOR;" is substituted therefor.

2. Section 600.1517 (26 F.R. 1083, 4052) is amended to read:

§ 600.1517 VOR Federal airway No. 1517 (Miami, Fla., to Chicago, Ill.).

From the Miami, Fla., VOR to the La Belle, Fla., VOR; thence 10-mile wide airway via the Lakeland, Fla., VOR; Ocala, Fla., VOR; INT of the Ocala VOR 343° and the Taylor, Fla., VOR 170° radials; Taylor VOR; Alama, Ga., VOR; Macon, Ga., VOR; McDonough, Ga., VOR; to the INT of the McDonough VOR 345° and the Royston, Ga., VOR 273° radials; thence via the Crossville, Tenn., VOR; Bowling Green, Ky., VOR; Lewis, Ind., VOR; thence 10-mile wide airway to the INT of the Lewis VOR 349° and the Indianapolis, Ind., VOR 288° radials; thence to the INT of the Peotone, Ill., VOR 168° and the Bradford, Ill., VOR 098° radials; thence 10-mile wide airway to the Peotone VOR.

3. Section 600.1521 (26 F.R. 1083) is amended to read:

§ 600.1521 VOR Federal airway No. 1521 (Miami, Fla., to Farmington, Mo.).

From the Miami, Fla., VOR via the La Belle, Fla., VOR; to the INT of the St. Petersburg, Fla., VOR 133° and the Lakeland, Fla., VOR 227° radials; thence 10-mile wide airway via the St. Petersburg VOR; to the Tallahassee, Fla., VOR; thence via the Tuskegee, Ala., VOR; Birmingham, Ala., VOR; Muscle Shoals, Ala., VOR; Paducah, Ky., VOR; to the Farmington, Mo., VOR.

4. Section 600.1602 (26 F.R. 1087) is amended to read:

§ 600.1602 VOR Federal airway No. 1602 (Fort Myers, Fla., to Vero Beach, Fla.).

From the Fort Myers, Fla., VOR via the La Belle, Fla., VOR; to the Vero Beach, Fla., VOR.

These amendments shall become effective 0001 e.s.t., March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 11, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R Doc. 62-475; Filed, Jan. 16, 1962; 8:45 a.m.]

[Airspace Docket No. 61-LA-22]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Correction to an Amendment

On October 4, 1961, Federal Register Document 61-9473 was published in the FEDERAL REGISTER (26 F.R. 9335) and amended § 600.6248 of the regulations of the Administrator by altering VOR Federal airway No. 248 from Avenal, Calif., to Bakersfield, Calif.

In citing the number of this airway in the caption of the section amended, the airway number was incorrectly reported as No. 428; action is taken herein to correct this error.

Since this modification of amendment corrects an error and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Federal Register Document 61-9473 (26 F.R. 9335) is modified by deleting in the caption to § 600.6248 "No. 428" and substituting therefor "No. 248".

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 11, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-476; Filed, Jan. 16, 1962; 8:45 a.m.]

[Airspace Docket No. 61-NY-112]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration of Federal Airways

The purpose of these amendments to §§ 600.6016, 600.6103, 600.6258, 600.6260, and 600.6875 of the regulations of the Administrator is to change the name of the Hollins, Va., VORTAC to Roanoke, Va., VORTAC. This action will associate the en route navigational aid with the principal city at this location and will result in improved charting clarity.

Since these amendments are of a procedural nature and do not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In the text of § 600.6016 (14 CFR 600.6016, 26 F.R. 3521, 3852) "Hollins, Va., VOR;" and "including a north alternate from the Hollins VOR to the Gordonsville VOR via the point of INT of the Hollins VOR 035°" are deleted, and "Roanoke, Va., VORTAC;" and "including a N alternate from the Roanoke VORTAC to the Gordonsville VORTAC via the INT of the Roanoke VORTAC 035°" are substituted therefor.

2. In the text of § 600.6103 (14 CFR 600.6103, 26 F.R. 3771) "Hollins, Va., VORTAC;" is deleted and "Roanoke, Va., VORTAC;" is substituted therefor.

3. In the text of § 600.6258 (14 CFR 600.6258) "Hollins, Va., VOR;" is deleted and "Roanoke, Va., VORTAC;" is substituted therefor.

4. In the text of § 600.6260 (14 CFR 600.6260) "Hollins, Va., VORTAC;" and "including a S alternate via the INT of the Hollins VORTAC 177° and the Lynchburg VOR 253° radials;" are deleted, and "Roanoke, Va., VORTAC;" and "including a S alternate via the INT of the Roanoke VORTAC 177° and the Lynchburg VORTAC 253° radials;" are substituted therefor.

5. In the text of § 600.6875 (14 CFR 600.6875, 26 F.R. 21, 26 F.R. 8246) "Hollins, Va., VORTAC 035° radials; Hollins VORTAC;" is deleted and "Roanoke, Va., VORTAC 035° radials; Roanoke VORTAC;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 11, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-478; Filed, Jan. 16, 1962; 8:45 a.m.]

[Airspace Docket No. 61-NY-40]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

Designation of Federal Airway and Associated Control Areas

On August 9, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 7149), stating that the Federal Aviation Agency proposed to designate low altitude VOR Federal airway No. 423 from the Ithaca, N.Y., VOR to the Syracuse, N.Y., VORTAC via the intersection of the Ithaca VOR 001° True radial and the en route radial between the Watkins Glen, N.Y., VOR and Syracuse VORTAC. Subsequent to the publication of the notice, it has been determined that alignment of Victor 423 via the Ithaca VOR 356° radial will facilitate the flow of traffic between Ithaca and Syracuse and will provide a common intersection with Victors 14 and 35. Since this alteration constitutes a minor change in alignment of the airway as proposed, action is hereby taken to designate Victor 423 from Ithaca to Syracuse via the intersection of the Ithaca 356° radial and the en route radial between Watkins Glen, N.Y., and Syracuse, N.Y.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Parts 600 and 601 (14 CFR Parts 600, 601) are amended by adding the following sections:

§ 600.6423 VOR Federal airway No. 423 (Ithaca, N.Y., to Syracuse, N.Y.).

From the Ithaca, N.Y., VOR to the Syracuse, N.Y., VORTAC via the intersection of the Ithaca VOR 356° radial and the en route radial between Watkins Glen, N.Y., VOR and the Syracuse VORTAC.

§ 601.6423 VOR Federal airway No. 423 (Ithaca, N.Y., to Syracuse, N.Y.).

All of VOR Federal airway No. 423.

These amendments shall become effective 0001 e.s.t., March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 11, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-477; Filed, Jan. 16, 1962; 8:45 a.m.]

[Airspace Docket No. 61-LA-126]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Continental Control Area

The purpose of this amendment to § 601.7101 of the regulations of the Administrator is to alter the description of the continental control area to include the Bullion Mountains, Calif., Restricted Area R-2501.

R-2501 is currently designated as a joint use area with the Los Angeles ARTC Center as the controlling agency. The inclusion of R-2501 within the continental control area will provide additional controlled airspace southeast of the Hector, Calif., VORTAC for the radar vectoring of aircraft transiting the Hector-Daggett area. This area east northeast of Los Angeles is a point of convergence for three jet routes and two intermediate altitude airways that are the principal east-west routings for civil turbojet traffic arriving and departing Los Angeles. Therefore, inclusion of R-2501 within the continental control area will promote more efficient utilization of the airspace. Such action is taken herein.

Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary, and it may be made effective upon publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In the text of § 601.7101 (26 F.R. 1399), the following is added:

R-2501 Bullion Mountains, Calif.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 11, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-472; Filed, Jan. 16, 1962; 8:45 a.m.]

[Airspace Docket No. 66-LA-112]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On November 8, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10520), stating that the Federal Aviation Agency proposed to alter the Hoquiam, Wash., control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.2413 (14 CFR 601.2413) is amended to read:

§ 601.2413 Hoquiam, Wash., control zone.

Within a 5-mile radius of Bowerman Airport, Hoquiam, Wash., (latitude 46°58'16" N., longitude 123°56'08" W.), and within 2 miles either side of the Hoquiam VOR 059° radial extending from the 5-mile radius zone to the VOR.

This amendment shall become effective 0001 e.s.t., March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 11, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-473; Filed, Jan. 16, 1962; 8:45 a.m.]

[Airspace Docket No. 61-SW-116]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Control Zone

The purpose of this amendment to Part 601 of the regulations of the Administrator is to revoke the Marianna, Fla., control zone.

The Air Transport Association of America has stated that National Airlines has discontinued service into Marianna Municipal Airport and as a result airport weather service is no longer available. Therefore, action is taken herein to revoke the Marianna control zone.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), Part 601 (14 CFR Part 601) is amended as follows:

Section 601.2316 *Marianna, Fla., control zone* is revoked.

This amendment shall become effective 0001 e.s.t., March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 11, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-474; Filed, Jan. 16, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8363 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Seneca Quilting Co., Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053–90 *Wool Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–40 *Federal Trade Commission Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68)

[Cease and desist order, Seneca Quilting Co., Inc., et al. Brooklyn, N.Y., Docket 8363, Sept. 29, 1961]

In the Matter of Seneca Quilting Company, Inc., a Corporation, and Arthur Eisenberg, and Paul Melinger, Individually and as Officers of Said Corporation

Consent order requiring Brooklyn manufacturers to cease violating the Wool Products Labeling Act by labeling as "100% reprocessed wool, exclusive of ornamentation" and "90% reprocessed wool, 10% other fibers", interlining materials which contained substantially less woolen fibers than so represented, by failing to comply with other labeling requirements, and by furnishing false guaranties that certain of their wool products were not misbranded; and to cease violating the Federal Trade Commission Act by using on invoices the misrepresentations as to fiber content above set out .

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Seneca Quilting Company, Inc., a corporation, and its officers, and Arthur Eisenberg and Paul Melinger, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation or distribution, in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of wool interlining materials or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein;

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939, and in the manner and form prescribed by the rules and regulations promulgated under said Act.

B. Furnishing false guarantees that wool products are not misbranded under the provisions of the Wool Products Labeling Act, when there is reason to believe that the wool products so guaranteed may be introduced, sold, transported or distributed in commerce.

It is further ordered, That respondents Seneca Quilting Company, Inc., a corporation, and its officers, and Arthur Eisenberg and Paul Melinger, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of interlining materials or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting, directly or indirectly, the constituent fibers of which such products are composed, or the percentages thereof, in invoices, shipping memoranda, or in any other manner.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 29, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-483; Filed, Jan. 16, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

Correction

In F.R. Doc. 61-12280, appearing at page 12769 of the issue for Saturday, December 30, 1961, the following entry should be inserted as the third listing under "Silicone basic polymers • • •" in the Product column of the tabular material in § 121.91: "Vsi-Silicone elastomer methyl and vinyl groups.".

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

DELETION OF OBSOLETE MATERIAL FROM EXTENSION LIST

Correction

In F.R. Doc. 61-12424, appearing at page 12771 of the issue for Saturday, December 30, 1961, the parenthetical identification for Hexylene glycol should read as follows: "(2-methyl-2,4-dihydroxypentane)".

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER B—PERSONNEL

[Departmental Reg. 108.476]

PART 11—APPOINTMENT OF FOREIGN SERVICE OFFICERS

Eligibility

Part 11 is revised by changing §§ 11.1 through 11.7 to read as follows:

§ 11.1 Eligibility for appointment as Foreign Service officer.

No person shall be eligible for appointment as a Foreign Service officer unless he shall have demonstrated his loyalty to the Government of the United States and his attachment to the principles of the Constitution. The religion, race and political affiliations of a candidate will not be considered in designations, examinations or certifications.

§ 11.2 Written examination for appointment to class 8.

(a) The written examination will be given annually or semi-annually, if required, in designated cities in the United States and at Foreign Service posts abroad on dates established by the Board of Examiners for the Foreign Service.

(b) No person will be permitted to take a written examination for appointment as Foreign Service officer who has not been specifically designated by the Board of Examiners to take that particular examination. Prior to each written examination the Board will establish a closing date for the receipt of applications for designation to take the examination. No person will be designated for the written examination a candidate, as of the first day of the month preceding the closing date for the filing of applications, shall have been a citizen of the United States for at least 9 years and shall be at least 21 but under 31 years of age, except that an applicant who has been awarded a Bachelor's degree by a college or university, or has completed successfully his junior year at a college or university, may qualify as to age if at least 20 but under 31 years of age.

(c) Foreign Service staff employees and Civil Service employees of the Department of State who are 31 years of age or more may apply if they are under 35 years of age and will have completed not less than 3 years of satisfactory service as of the closing date for receipt of applications.

(d) The written examination is designed to permit the Board to test the candidate's intelligence and the breadth and quality of his knowledge and understanding. It will consist of 4 parts: (1) A general ability test, (2) an English expression test, (3) a general background test, and (4) a test in a modern language (French, German, Russian, or Spanish).

(e) The several parts of the written examination, exclusive of the modern language test, will be weighted in accordance with the rules laid down by the Board of Examiners. The modern language test will be graded separately.

§ 11.3 Oral examination for appointment to class 8.

(a) The oral examination will be given throughout the year at Washington and periodically in selected cities in the United States and at selected Foreign Service posts abroad.

(b) A candidate who receives a grade of 70 or above on the modern language portion of the written examination will receive a bonus of 5 points to be added to the weighted average grade he receives on the first three parts of the written examination. If a candidate's weighted average grade on the first three parts of the written examination, with the addition of the aforementioned 5 bonus points (if he is entitled to them), is 70 or higher, he will be eligible to take the oral examination. Candidates eligible for the oral examination will be given an opportunity, and will be required, to take the oral examination within 9 months after the date of the written examination. If a candidate fails to present himself for the oral examination on an agreed date within the 9 month period, his candidacy will automatically terminate. Time spent on Government duty outside the United States will not be counted.

(c) The oral examination will be given by a panel of deputy examiners selected by the Board of Examiners from a roster of Foreign Service officers, officers from the Department of State and other Government agencies, and qualified private citizens who by prior service as members of selection boards or through other appropriate activities have demonstrated special qualifications for this work. The examination will be conducted in the light of all available information concerning the candidate and will be designed to determine his competence to perform the work of a Foreign Service officer at home and abroad, his potential for growth in the Service, and his suitability to serve as a representative of the United States abroad. Determinations of duly constituted panels of deputy examiners are final, unless modified by specific action of the Board of Examiners for the Foreign Service.

(d) Candidates appearing for the oral examination will be graded "recommended for class 8", "recommended for class 7", or "not recommended".

§ 11.4 Physical examination for appointment to class 8.

(a) A candidate graded "recommended" on the oral examination will be eligible for the physical examination.

(b) The physical examination will be designed to determine the candidate's physical fitness to perform the duties of a Foreign Service officer and to determine the presence of any physical, nervous or mental disease or defect of such a nature as to make it unlikely that he would become a satisfactory officer. The Executive Director of the Board of Examiners for the Foreign Service, with the concurrence of the Director, Medical Division, may make such exceptions to these physical requirements as are in the interest of the Service. All such exceptions shall be reported to the Board of Examiners for the Foreign Service at its next meeting.

(c) The physical examination will be conducted either by medical officers of the Armed Services, the Public Health Service, the Department, or accredited colleges and universities, or, with the approval of the Board of Examiners, by private physicians.

(d) The Board of Examiners will determine on the basis of the report of the physician(s) who conducted the physical examination whether the candidate has met the standards set forth in paragraph (b) in this section.

§ 11.5 Certification for appointment to class 8.

No person will be certified as eligible for appointment as a Foreign Service officer of class 8 unless he is at least 21 years of age, has been a citizen of the United States for at least 10 years, and, if married, is married to a citizen of the

United States. A person shall be certified as eligible for direct appointment to class 7 if in addition to meeting these specifications he is at least 25 years old and has a record of graduate training or employment which clearly demonstrates ability and special skills for which there is a need in the Foreign Service. Recommended candidates who meet these requirements, who pass their physical examinations, and who, on the basis of investigation are found to be loyal to the Government of the United States and personally suitable to represent it abroad, will have their names placed on the rank-order register for class 8 appointments or, if deemed appropriate by the Board of Examiners, in the light of their age and education or employment record, on the rank-order register for class 7 appointments and they will be certified for appointment, in accordance with the needs of the Service in the order of their standing on their respective registers. Postponement of entrance on duty for required active military service will be authorized. A candidate may be certified for appointment to class 7 or 8 without first having passed the written examination in a modern language, but his appointment will be subject to the condition that he may neither be promoted to a higher class nor be retained in the Service unless within a specified period of time, he passes either a written examination in French, German, Russian, or Spanish, or an oral examination in any modern foreign language acceptable to the Department.

§ 11.6 Termination of eligibility.

Candidates who have qualified and whose names have been sent to the President, but who have not been appointed because of lack of vacancies, will be dropped from the rank-order register 30 months after the date of the written examination: *Provided, however,* That time spent in required active military service subsequent to establishing eligibility for appointment will not be counted.

§ 11.7 Travel expenses of candidates.

The travel and other personal expenses of candidates incurred in connection with the written and oral examinations will not be borne by the Government, except that the Department may issue round trip invitational travel orders to bring candidates to Washington at Government expense when it is determined that it is necessary in ascertaining a candidate's qualifications and adaptability for appointment.

(Secs. 212, 302, and 516, 60 Stat. 1001 and 1008, as amended; 22 U.S.C. 827, 842, and 911)

Dated: January 10, 1962.

For the Secretary of State.

WILLIAM J. CROCKETT,
Assistant Secretary,
for Administration.

[F.R. Doc. 62-512; Filed, Jan. 16, 1962; 8:50 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9-12—LABOR

Subpart 9-12.53 Workmen's Compensation Insurance

Part 9-12 is amended as follows:

Sec.
9-12.5300 Scope of subpart.
9-12.5301 Policies and requirements.
9-12.5301-1 General.
9-12.5301-2 Special requirements.
9-12.5301-3 Contractor employees' benefit plan—self insurers.
9-12.5302 Assignment of responsibilities.
9-12.5302-1 General.
9-12.5302-2 Responsibility of Managers of Field Offices.
9-12.5302-3 Responsibilities of the Director, Division of Labor Relations and Controller, Headquarters.

AUTHORITY: §§ 9-12.5300 to 9-12.5302-3 issued under sec. 161, 70 Stat. 1069; 42 U.S.C. 2201. Implement and supplement sec. 205, 63 Stat. 390; 40 U.S.C. 486.

Subpart 9-12.53—Workmen's Compensation Insurance

§ 9-12.5300 Scope of subpart.

This subpart establishes the policies and requirements applicable to AEC cost-type contractors managing, operating, maintaining, or constructing Government-owned facilities for insurance covering workmen's compensation and employers' liability. This subpart does not apply to supply contracts for materials, equipment, services, etc., which are to be performed in the contractor's own facilities, even though such contracts may provide for reimbursement of certain costs.

§ 9-12.5301 Policies and requirements.

§ 9-12.5301-1 General.

Workmen's compensation insurance protects employers against liability imposed by workmen's compensation laws for injury or death to employees arising out of or in the course of their employment. This type of insurance is required by State laws unless employers have acceptable programs of self-insurance.

§ 9-12.5301-2 Special requirements.

Certain workmen's compensation laws contain provisions which result in limiting the protection afforded persons subject to such laws. The policy of the AEC with respect to these limitations as they affect persons employed by cost-type contractors falling within the scope of this subpart is set forth below:

(a) *Elective provisions.* Some workmen's compensation laws permit an employer to elect not to be subject to its provisions. It is the policy of AEC to require cost-type contractors to be subject to workmen's compensation provisions in jurisdictions permitting election.

(b) *Statutory immunity.* Under the provisions of some workmen's compensation laws certain types of employers; e.g., non-profit educational institutions, are relieved from liability. If a contractor falling within any of these categories has a statutory option to accept liability it is the policy of AEC to require him to do so.

(c) *Limited medical benefits.* Some workmen's compensation laws limit the liability of the employer for medical care to a maximum dollar amount or to a specified period of time. In such cases, a cost-type contractor's workmen's compensation insurance policy should contain a standard extra-statutory medical coverage endorsement.

(d) *Limits on occupational disease coverage; employer's liability.* Some workmen's compensation laws do not provide coverage for all occupational diseases. In such situations, a contractor's workmen's compensation insurance policy should contain voluntary coverage for all occupational diseases.

§ 9-12.5301-3 Contractor employees' benefit plan—self insurers.

The policies and requirements set forth in § 9-12.5301-2 apply in situations where cost-type contractors at Government-owned atomic energy installations purchase workmen's compensation insurance. With respect to self-insured contractors, the objectives specified in that subsection shall also be met. Inasmuch as self-insurers cannot comply with the technical requirements of paragraphs (c) and (d) of § 9-12.5301-2, the AEC encourages the use of a contract supplement providing for a Contractor Employees' Benefit Plan. Under unusual or unique circumstances, where adequately justified, certain contractors who are not self-insurers may also be considered eligible for a Contractor Employees' Benefit Plan.

§ 9-12.5302 Assignment of responsibilities.

§ 9-12.5302-1 General.

Directors, Headquarters Divisions and Offices, and Managers of Field Offices consistent with their delegations of responsibilities, shall assure that AEC cost-type contract operations at Government-owned atomic energy installations are implemented consistent with the policies and requirements of § 9-12.5301.

§ 9-12.5302-2 Responsibility of Managers of Field Offices.

In discharging their assigned responsibilities Managers of Field Offices shall:

(a) Review periodically the workmen's compensation insurance programs of cost-type contractors to whom this subpart applies in the light of applicable workmen's compensation statutes to assure conformance with the requirements of § 9-12.5301.

(b) Evaluate the adequacy of coverage of "self-insured" workmen's compensation programs to determine the need for a Contractor Employees' Benefit Plan.

(c) Arrange for the establishment of procedures for both new and existing Contractor Employees' Benefit Plans which will:

(1) Permit informal agreement whenever possible between the contractor and an employee as to the origin and extent of disabilities and the amount of payments which will be made under the Benefit Plan, and

(2) Provide, in the case of failure of more informal methods, for an impartial determination of the origin and extent of disabilities and the appropriate payments to be made under a benefit plan.

(d) Submit to the Director, Division of Labor Relations, Headquarters, all proposals for the establishment of new Contractor Employees' Benefit Plans or the modification of existing Plans.

§ 9-12.5302-3 Responsibilities of the Director, Division of Labor Relations, and Controller, Headquarters.

The Director, Division of Labor Relations, and the Controller are responsible jointly for approving Contractor Employees' Benefit Plans.

These regulations are effective immediately upon publication.

Dated at Germantown, Md., this 9th day of January 1962.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 62-468; Filed, Jan. 16, 1962; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13852; FCC 62-66]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations; Augusta, Bangor, Calais and Presque Isle, Maine

1. The Commission has before it for consideration a Request for Reconsideration filed by the University of Maine (the University), and a Petition for Reconsideration filed by Community Telecasting Service (Community), licensee of WABI-TV, Bangor, Maine. These documents request reconsideration of the Report and Order adopted by the Commission on April 19, 1961, and released on April 24, 1961, in Docket No. 13852 (RM-102 and RM-183) wherein the television Table of Assignments contained in § 3.606 of the Commission's rules and regulations was amended by reserving for educational use Channel 10 in Augusta, Maine, and Channel 10 in Presque Isle, Maine, and by removing Channel 7 from Calais, Maine, and assigning it to Bangor, Maine. Community and the University do not request any change in the action of the Commission with regard to Augusta and Presque Isle, aiming their new pleadings solely at the action which transferred Channel 7 from Calais to Bangor. In the original rule making the University supported the reservation of Channel 7 in Calais for educational use, and Community, while supporting the position of the University, desired Channel 7 to remain in Calais for commercial use if not so reserved for education. In this connection, Community submitted an application for a construction permit for Channel 7 in Calais contingent on its not being reserved for educational use. The application was accepted for filing on March 22, 1961, and is now pending (BPCT-2860).

OTHER DOCUMENTS FILED AFTER ADOPTION OF THE REPORT AND ORDER

2. The University also filed a Request for Stay and a supplement thereto.[1] Community filed a Petition for Stay of the aforementioned Report and Order. In addition, both requested oral argument of the matter.[2] Leon P. Gorman filed the following pleadings: a letter opposing the requests for stay, an Opposition to Petitions for Stay, an Opposition to Request for Reconsideration, and a Petition To Accept Late Filing of Oppositions.[3] Responsive to some of the Gorman pleadings, the University filed a Statement Concerning "Opposition to Petitions for Stay" and a Reply to "Opposition to Request for Reconsideration."[4] On September 13, 1961, the University of Maine filed with the Commission a "Request for Waiver and Acceptance of Supplemental Comments" to which was attached a "Supplement to Request for Reconsideration."[5]

3. On October 3, 1961, Governor John H. Reed of Maine sent a telegram to the Chairman requesting that a final decision in this proceeding be held in abeyance until the conclusion of a special session of the Maine legislature which he planned to convene on November 27, 1961.[6] In response to a Public Notice issued by the Commission on October 5, 1961, inviting comments on the Governor's telegram, the following documents were timely[7] filed: "Statement of the University of Maine," "Further Comments of American Broadcasting Company," "Statement on Behalf of Dirigo Broadcasting, Inc.,"[8] "Comments of Downeast Television, Inc. in Opposition to Request for Delay,"[9] and "Request to Accept Late-Filed Material" (also filed by Downeast Television, Inc.).[10]

4. On December 4, 1961, the Commission received a telegram from the Governor of Maine stating that the special session of the Maine Legislature had enacted and that he had signed an act providing for construction of an Educational Television Network for the State of Maine and the issuance of not exceeding one million five hundred thousand dollars of State of Maine bonds for the financing thereof. It further stated that inasmuch as this is a bonding issue, it will be submitted to the electorate in a referendum election on June 18, 1962. The Governor then urged that in the light of this development the Commission reconsider its decision in this matter.[11]

DECISION OF THE COMMISSION

5. The Commission has given careful consideration to the record herein and is of the opinion that Channel 7 should remain in Calais but not be reserved for noncommercial educational use. There has been no request to reconsider our reservation for noncommercial educational use of Channel 10 in Augusta and Channel 10 in Presque Isle, and that portion of our previous decision stands.

REASONS FOR THE DECISION

6. Throughout this proceeding it has been clear that there is not only a need

[1] We did not consider the material appearing in the supplement because it contained no information not already within the purview of the Commission.

[2] We are of the opinion that the written documents filed in this proceeding supply an adequate picture of the various proposals and the conflicting points of view, and that oral argument is unnecessary. Accordingly we deny the requests for oral argument.

[3] The formal Gorman oppositions were not timely filed, both having been received by the Commission about a week late. The Petition To Accept Late Filing of Oppositions stated that the illness of counsel prevented timely preparation and filing. The petition is hereby granted although it is pointed out that the oppositions did not alter the decision of the Commission in this matter, since the record without the Gorman oppositions would have led us to the same result.

[4] Letters from Maine congressmen were also received and made part of the docket in addition to letters and petitions (consisting of lists of signatures) most of which came from the Calais area and which favored the reservation for educational use of Channel 7 in Calais.

[5] As a reason for the late filing, it is stated that the supplemental information was brought to the attention of the University since the filing of their "Request for Reconsideration." This new information consists of a statement that if Channel 7 were assigned to Calais and reserved for noncommercial educational use it would improve the chances of developing ETV in New Brunswick, Canada, and the chances for an interchange of ETV programs betwen Canada and the United States. The request for waiver and acceptance of supplemental comments is denied since the Commission gave consideration to the exchange of programs between Canada and the United States in the Report and Order herein and the supplemental comments contain no new material of decisional significance.

[6] The Governor stated that he would make a specific recommendation at such legislative session for appropriate funds to implement the proposed statewide educational television plan. (The legislature convened on Nov. 27, 1961.)

[7] A pleading of the University captioned "Reply of the University of Maine to Downeast Television, Inc., in Opposition to Request for Delay" was not timely and was therefore not given consideration.

[8] Dirigo and Downeast are applicants for construction permits for a new station on Channel 7 in Bangor. Each filed its application after the release of the Report and Order herein.

[9] Downeast filed comments in which it referred to an "attached statement" prepared by its consulting engineer, but because of an unavoidable delay in the mails, the statement was not available for timely filing with the comments which were filed on Friday, Oct. 20, 1961. It was filed, instead, on Monday, Oct. 23, 1961. Since parties are not prejudiced thereby and since sufficient cause was shown, Downeast's "Request to Accept Late-Filed Material" is granted.

[10] Since this telegram, at most, confirms predictions made in the Governor's earlier telegram, upon which opportunity to comment has been had, it has been associated with the file herein and considered by the Commission. However, attention is directed to paragraph 10 below.

for a third competitive service in Bangor, but for a first service, commercial as well as educational, in the Calais area. The problem has been to weigh the conflicting elements in the total picture and arrive at a solution that would most fully reflect the public interest. Many factors were considered, among which were the possibility of the earliest use of Channel 7, the problem of conversion, and methods for serving the Calais area if Channel 7 were removed from that city. The question was a close one.

7. Our decision in the Report and Order herein was predicated on the belief that a third service could be provided for Bangor while at the same time a satisfactory means could be found for furnishing an educational network service to the Calais area. One possibility of serving Calais was that of a UHF station at Calais. The record as supplemented by the petitions for reconsideration discloses that about 90 percent of the homes in that area have VHF television sets (even though it is a "white area" with regard to U.S.-originated programs) and that a serious conversion problem would exist which was not previously apparent. Although this in itself is not determinative, considered with other factors it weighs in the balance for reversal of our previous decision.

8. We stated in the Report and Order that the record led to the conclusion that the best chance for utilization of Channel 7 (which had been lying fallow at Calais since the Sixth Report and Order) in the foreseeable future lay in Bangor. This, coupled with other considerations, influenced our decision to remove the channel from Calais. Upon reconsideration it appears that, although prediction of such a matter is difficult, there is a substantial possibility that Channel 7 in Calais will be used in the not too distant future—if not by educators, then by a commercial group. Community, for example, has applied for the channel and emphasizes its firm intention to construct a commercial station.

9. In deciding that Channel 7 should be assigned to Calais without a noncommercial educational reservation, we are not deciding against the use of that channel for educational television. Such an assignment leaves the channel open for applications by both commercial and educational interests. Should both apply, the public interest question of commercial vs. educational use of the channel in that area may be fully explored in a comparative hearing. In view of the confusion which existed as to the ultimate status of Channel 7, action on applications for use of the channel in Calais will be deferred for a reasonable period of time.

10. Although we did not rule upon the Governor's request to hold this proceeding in abeyance until the conclusion of the special legislative session and the question is now moot, we find the arguments filed in opposition thereto persuasive. The same considerations are applicable to the present posture of the proceeding. The question of funds for educational television in Maine is still undetermined and must be submitted to the voters of the state six months hence. However, the proceeding has been lengthy, comprehensive and complete. All relevant data are in the record. There is a pressing need for administrative finality and orderly dispatch of the Commission's business. This is especially so since delay pending a referendum vote would serve no useful purpose, neither our original nor our present decision having been founded on the availability or nonavailability of funds. Thus, if any petitions were to be filed requesting further delay pending the outcome of the June, 1962, referendum, they would be denied.

ORDER

11. In view of the foregoing: *It is ordered*, That the request for reconsideration of the University of Maine is denied; that the petition for reconsideration of Community Telecasting Service is denied insofar as it requests that Channel 7 be reserved for noncommercial educational use in Calais and is granted insofar as it requests that Channel 7 be assigned to Calais without such a reservation; that the requests of both parties for oral argument are denied; that the request for stay of the University of Maine and the petition for stay of Community Telecasting Service are dismissed as moot; that the petition to accept late filing of oppositions, filed by Leon Gorman is granted; that the request for waiver and acceptance of supplemental comments filed by the University of Maine is denied; that the request to accept late-filed material of Downeast Television, Inc., is granted; that the request of the Governor of Maine asking that a decision herein be held in abeyance pending the conclusion of a special session of the Maine Legislature is dismissed as moot; and that the request of the Governor of Maine asking for reconsideration is denied.

12. *It is further ordered*, pursuant to the authority contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended, that effective February 26, 1962, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, to read as follows:

City:	*Channel No.*
Bangor, Maine	2−, 5+, *16−
Calais, Maine	7−, 20−

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: January 10, 1962.

Released: January 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[11]

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-511; Filed, Jan. 16, 1962; 8:50 a.m.]

[11] Dissenting statement of Commissioner Lee, and statements of partial dissent by Chairman Minow and Commissioners Hyde, Cross, and Craven, filed as part of original document.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Noxubee National Wildlife Refuge, Mississippi

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Noxubee National Wildlife Refuge, Mississippi, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 1,277 acres or 3 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth black bass, bream, crappie, catfish and other minor species permitted by State regulations.

(b) Open season: March 1, 1962, to October 31, 1962. Daylight hours only.

(c) Daily creel limits: Bass, 15; bream, 50; and crappie, 30.

Aggregate daily limit of all kinds shall not exceed 75 per day.

(d) Methods of fishing:

1. Pole and line, artificial baits and lures, trotlines, grappling in accordance with State regulations. Snaglines prohibited.

2. Boats and motors permitted.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A daily permit ($.50) is required by the Mississippi State Game and Fish Commission to fish in Bluff Lake and tail waters of the big and little spillways.

3. No permit is required in Betts Pond and Keaton Tower Pond, Parker Slough and Pete Slough and that portion of Cypress Creek, Oktoc Creek and Noxubee River within the refuge not covered by (2) above.

4. A Federal permit is not required to enter the public fishing area.

5. The provisions of this special regulations are effective to November 1, 1962.

LOUISIANA

SABINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Sabine National Wildlife Refuge, Louisiana, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 40,000 acres or 28 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass, yellow bass, white bass; crappie, sunfish and other minor species permitted by State regulations.

(b) Open season: March 15, 1962, through October 15, 1962. From 45 minutes before sunrise to 45 minutes after sunset.

(c) Daily creel limits: Black bass, 15; yellow bass, 25; white bass, 25; crappie, 25; and sunfish, 50.

Other creel limits for minor species are as prescribed for State regulations.

(d) Methods of fishing:

1. Rod and reel, pole and line, artificial and live baits permitted.

2. Boats with outboard motors no larger than 7½ h.p. permitted in refuge lakes and impoundments. No size restrictions on boats and motors in the canals and rivers.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. Boats may be left in the pool during fishing season but must bear the owner's name and address. Unmarked boats left in the pool will be removed to refuge headquarters. All boats must be removed from the refuge prior to the close of the fishing season.

3. Travel over the refuge is restricted to water ways.

4. A Federal permit is not required to enter the public fishing area.

5. The provisions of this special regulation are effective to October 16, 1962.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 10, 1962.

[F.R. Doc. 62-503; Filed, Jan. 16, 1962; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 907, 908]

[Docket Nos. AO-245-A5 and AO-250-A3]

HANDLING NAVEL AND VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Notice of Hearing With Respect to Proposed Amendments of the Marketing Agreements and Orders

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 810, Federal Building, 312 North Spring Street, Los Angeles, California, beginning at 10:00 a.m., P.s.t., February 8, 1962, with respect to proposed amendments to the marketing agreements and orders regulating the handling of navel and Valencia oranges grown in Arizona and designated part of California. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and to any appropriate modifications thereof.

Proposed by Pure Gold, Inc., Western Fruit Growers Sales Company, and Sunkist Growers, Inc.:

Proposal No. 1. A. Add a new § 907.33 as follows:

§ 907.33 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of navel oranges, the expense of such projects to be paid from funds collected pursuant to this part.

§ 907.60 [Amendment]

B. Delete the proviso and all subsequent language in § 907.60 and substitute in lieu thereof the following: "Early maturity allotments issued to any handler may be used only during the week for which issued, and the undershipment of any such allotment shall not entitle such handler to handle an additional quantity of oranges due to such undershipment. Upon the reaching of general maturity, the quantity of oranges available for current shipment of any handler who failed to use all of the early maturity allotments issued to him shall be adjusted by deducting therefrom a quantity of oranges equivalent to the total quantity of his oranges for which early maturity allotments were issued but were not used. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part. Early maturity allotments issued under this section shall be on a prorate district basis."

§ 907.4 [Amendment]

C. Revise the provisions of § 907.4 *Production area* to read as follows: "'Production area' means the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Turlock, California."

§ 907.66 [Amendment]

D. Delete paragraphs (a), (b), (c), and (d) of § 907.66 *Prorate districts* and substitute in lieu thereof the following:

(a) District 1 shall include that part of the State of California which is south of a line drawn due east and west through the post office in Turlock, California, and north of a line drawn due east and west through the post office in Oildale, California, but excluding San Luis Obispo County.

(b) District 2 shall include that part of the State of California which is south of a line drawn due east and west through the post office in Gorman, California, but including all of San Luis Obispo and Santa Barbara Counties, and west of a line drawn due north and south through the post office in White Water, California.

(c) District 3 shall include the State of Arizona and that part of the production area not included in Districts 1, 2, and 4.

(d) District 4 shall include that part of the State of California which is south of District 1 and north and east of District 2, but shall exclude that part of San Bernardino County located east of the 115th Meridian.

§ 907.31 [Amendment]

E. Delete the amount of $10 wherever it appears in § 907.31 and substitute in lieu thereof the amount $15.

§ 907.20 [Amendment]

F. Delete from § 907.20 the words "who shall not be handlers, or employees of handlers, or employees of central marketing organizations."

G. Revise the provisions of § 907.67 by adding immediately before the last sentence the following: "The exception provided in this section shall apply only if oranges are handled directly for the purposes specified in paragraphs (a) to (e) of this section by the initial handler thereof."

Proposal No. 2. A. Add a new § 908.33 as follows:

§ 908.33 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and comsumption of Valencia oranges, the expense of such projects to be paid from funds collected pursuant to this part.

§ 908.60 [Amendment]

B. Delete the proviso and all subsequent language in § 908.60 and substitute in lieu thereof the following: "Early maturity allotments issued to any handler may be used only during the week for which issued and the undershipment of any such allotment shall not entitle such handler to handle an additional quantity of oranges due to such undershipment. Upon the reaching of general maturity, the quantity of oranges available for current shipment of any handler who failed to use all of the early maturity allotments issued to him shall be adjusted by deducting therefrom a quantity of oranges equivalent to the total quantity of his oranges for which early maturity allotments were issued but were not used. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part. Early maturity allotments issued under this section shall be on a prorate district basis."

§ 908.4 [Amendment]

C. Revise the provisions of § 908.4 *Production area* to read as follows: "'Production area' means the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Turlock, California."

§ 908.66 [Amendment]

D. Delete paragraphs (a), (b), and (c) of § 908.66 *Prorate districts* and substitute in lieu thereof the following:

(a) District 1 shall include that part of the State of California which is south of a line drawn due east and west through the post office in Turlock, California, and north of a line drawn due east and west through the post office in Gorman, California, but excluding San Luis Obispo and Santa Barbara Counties, and that part of San Bernardino County located east of the 115th Meridian.

(b) District 2 shall include that part of the State of California which is south and west of District 1 and west of a line drawn due north and south through the post office in White Water, California.

(c) District 3 shall include the State of Arizona and that part of the production area not included in Districts 1 and 2.

§ 908.31 [Amendment]

E. Delete the amount $10 wherever it appears in § 908.31 and substitute in lieu thereof the amount $15.

§ 908.20 [Amendment]

F. Delete from § 908.20 the words "who shall not be handlers, or employees of handlers, or employees of central marketing organizations."

§ 908.67 [Amendment]

G. Revise the provisions of § 908.67 by adding immediately before the last sentence the following: "The exemption provided in this section shall apply only if oranges are handled directly for the purposes specified in paragraphs (a) to (e) of this section by the initial handler thereof."

Proposed by the Fruit and Vegetable Division, Agricultural Marketing Service:

§ 907.83 [Amendment]

Proposal No. 3. A. That paragraph (c)(3) of § 907.83 be amended to read as follows: "Upon recommendation of the committee, received not later than January 15 of each odd-numbered year, the Secretary shall conduct a referendum prior to March 15 of such year to ascertain whether continuance of this part is favored by the producers."

§ 908.83 [Amendment]

B. That paragraph (c)(3) of § 908.83 be amended to read as follows: "Upon recommendation of the committee, received not later than August 15 of each even-numbered year, the Secretary shall conduct a referendum prior to October 15 of such year to ascertain whether continuance of this part is favored by the producers."

That consideration be given to make such changes in the marketing agreements and orders as may be necessary to make the entire marketing agreements and orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California.

Dated: January 12, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-514; Filed, Jan. 16, 1962; 8:51 a.m.]

[7 CFR Part 910]

[Docket No. AO 144-A10]

HANDLING OF LEMONS GROWN IN CALIFORNIA AND ARIZONA

Notice of Hearing with Respect to Proposed Amendments to the Amended Marketing Agreement and Order

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674) and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 810, Federal Building, 312 North Spring Street, Los Angeles, California, beginning at 10 a.m., P.s.t., February 9, 1962, with respect to proposed further amendments to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of lemons grown in California and Arizona. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The following amendments to the marketing agreement and order, which have been proposed by the Pure Gold, Inc., Western Fruit Growers Sales Co., and Sunkist Growers, Inc., are as follows:

1. Add a new § 910.33 as follows:

§ 910.33 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of lemons, the expenses of such projects to be paid from funds collected pursuant to this part.

§ 910.12 [Amendment]

2. Delete the provisions of § 910.12(b) and substitute in lieu thereof the following:

(b) With respect to District 2, the total quantity of lemons which, in accordance with standards prescribed by the committee with the approval of the Secretary, potentially are marketable as fresh fruit under applicable laws and which were delivered to the handlers in such district during the preceding 20-week period.

3. Delete the words "ten percent" wherever they appear in § 910.57 and substitute in lieu thereof the words "twenty percent."

§ 910.15 [Amendment]

4. Delete the provisions of § 910.15 *Production area* and substitute in lieu thereof the following: "'Production area' means the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Turlock, California."

§ 910.64 [Amendment]

5. Delete paragraphs (a) and (b) of § 910.64 *Districts* and substitute in lieu thereof the following:

(a) "District 1" shall include that part of the State of California which is south of a line drawn due east and west through the post office in Turlock, California, and north of a line drawn due east and west through the post office in Gorman, California, but excluding San Luis Obispo and Santa Barbara Counties and that part of San Bernardino County located east of the 115th Meridian.

(b) "District 2" shall include that part of the State of California which is south and west of District 1, and west of a line drawn due north and south through the post office in White Water, California.

§ 910.29 [Amendment]

6. Delete the amount "$10" wherever it appears in § 910.29 and substitute the amount "$15."

7. Add a new § 910.61a as follows:

§ 910.61a Early availability allotments.

Notwithstanding the provisions of § 910.56 the committee may, prior to the reaching of general availability in Prorate District 3, issue special allotments for the handling of lemons of early availability. Handlers controlling lemons of early availability in Prorate District 3 may apply to the committee for such allotments on forms prescribed by the committee and shall furnish to the committee such information as it may require. On the basis of all available information and after consideration of all of the factors enumerated in § 910.51(b) the committee shall determine the extent to which early availability allotment shall be granted. Total early availability allotments approved by the committee for this prorate district shall be distributed to all handlers who qualify therefor in proportion to the quantity requested by each handler in his application: *Provided however*, That early availability allotments issued to any handler prior to the reaching of general availability shall not permit the handling of a larger share of the lemons available for current shipment controlled by such handler than the share of lemons available for current shipment in this prorate district estimated to be allotted to all handlers in the utilization schedule established by the committee at the beginning of the season. Early availability allotments may be loaned only to handlers to whom early availability allotments have been granted. Upon the reaching of general availability, allotments issued for early availability lemons shall be offset or repaid by reducing the lemons available for current shipment of each handler who has received early availability allotments by the quantity of lemons for which early availability allotments were issued to him. The committee shall, with the approval of the Secretary, adopt the procedural rules and regulations to effectuate the provisions of this part.

§ 910.51 [Amendment]

8. Delete paragraph (c) of § 910.51 and substitute in lieu thereof the following:

(c) At any time during a week for which the Secretary, pursuant to § 910.52, has fixed the quantity of lemons which may be handled during such week, the committee may, if such

action is deemed advisable, recommend to the Secretary that such quantity be increased for such week. Any such recommendation, together with the committee's reasons for such recommendation, shall be submitted promptly to the Secretary.

§ 910.22 [Amendment]

9. Add the following at the end of § 910.22(d): "At least one of the nominees for member or alternate member shall be a grower from District 3."

§ 910.23 [Amendment]

10. Amend the provisions of § 910.23 by deleting therefrom the last two sentences of the section and substituting in lieu thereof the following: "From the nominations made pursuant to § 910.22 (d) or from other qualified growers and handlers, the Secretary shall select two grower members of the committee and an alternate to such grower members; also one handler member of the committee and an alternate to such handler member. At least one of the growers so selected shall be a grower of lemons in District 3. From the nominations made pursuant to § 910.22(f) or from other qualified persons, the Secretary shall select one member of the committee and an alternate to such member."

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1065, Los Angeles 15, California.

Dated: January 12, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-513; Filed, Jan. 16, 1962; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 61-WA-180]

CONTROLLED AIRSPACE

Proposed Alteration of Control Area Extensions

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 601.1138 and 601.1013 of the regulations of the Administrator, the substance of which is stated below.

On January 11, 1962, new aircraft holding pattern procedures were implemented within the continental limits of the United States and in areas beyond such limits where adequate controlled airspace was currently established. Procedures requiring the designation of additional controlled airspace beyond the continental limits will be implemented upon completion of the processing of appropriate amendments to the Regulations of the Administrator. These procedures were developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment and provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, a number of these holding pattern areas require the designation of additional controlled airspace to encompass the increased dimensions of such areas. The pilot then need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Miami, Fla., Air Route Traffic Control Center area, the Federal Aviation Agency is considering the following airspace actions:

1. The Orlando, Fla., control area extension (§ 601.1138) would be altered to add that airspace northwest of Orlando, bounded on the northwest by VOR Federal airway No. 97 east alternate, on the east by VOR Federal airway No. 35 west alternate and on the southwest by VOR Federal airway No. 97, excluding the portion below 2,000 feet MSL. This would provide additional controlled airspace for the protection of aircraft in holding patterns at Shrimp, Fla., Intersection (intersection of the Cross City, Fla., VOR 185° and the St. Petersburg, Fla., VORTAC 335° True radials) and Scallop, Fla., Intersection (intersection of the Cross City, VOR 207° and the St. Petersburg VORTAC 335° True radials).

2. The Fort Myers, Fla., control area extension (§ 601.1013) would be redesignated as that area bounded on the northeast by VOR Federal airway No. 35, on the east by VOR Federal airway No. 225 and on the west by Tampa, Fla., control area extension (§ 601.1228), excluding the portion of this control area extension below 2,000 feet MSL and excluding the portion above 20,000 feet MSL south of the Miami, Fla., control area extension (§ 601.1230). This would provide additional controlled airspace for the protection of aircraft in holding patterns at Marco, Fla., Intersection (intersection of a 091° True bearing to the Miami, Fla., RBN and a 171° True bearing to the Key West, Fla., radio range) Cape Romano, Fla., Intersection (intersection of the Fort Myers, Fla., VOR 177° and the Miami, Fla., VORTAC 269° True radials) and the Fort Myers VOR. The presently designated portion of the Fort Myers Control Area Extension that is not included in the proposal would be revoked since this area is designated as control area associated with VOR Federal airways.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60-21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in this instance. Upon completion of the review of controlled airspace requirements attendant to these provisions, separate airspace action will be initiated to convert these control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie St., Atlanta 3, Georgia. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Airspace Utilization Division, Federal Air Traffic Division Chief, or the Chief, Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Service Division Chief.

This amendment is proposed under sections 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on January 12, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-496; Filed, Jan. 16, 1962; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 14486; FCC 62-49]

AUTHORIZATION PRACTICES WITH RESPECT TO THE RADIONAVIGATION SERVICE IN CERTAIN BANDS

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule-making in the above entitled matter.

2. This proceeding is being instituted by the Commission in order to reflect accurately existing operations or policies in the bands 90–110 kc/s, 200–415 kc/s and 1800–2000 kc/s which are allocated nationally to the Radionavigation Service. Radionavigation aids are normally operated by the United States Government, however, this service may require the operation of non-Government radionavigation stations which the Government is not yet prepared to furnish. Existing footnote US18 authorizes such non-Government radionavigation aid stations to operate in the band 200–415 kc/s subject to certain limitations.

3. It is the purpose of this proposal to extend the scope of footnote US18 to include the frequency bands 90–110 kc/s and 1800–2000 kc/s and thus reflect the actual availability of these bands to non-Government radionavigation aid stations.

4. This proposal will not involve, nor would it adversely affect, any stations operating in any service other than radionavigation.

5. The proposed amendment to the rules, as set forth below is issued pursuant to the authority contained in sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before March 1, 1962, and comments in reply to the original comments may be filed on or before March 12, 1962. The Commission will consider all such comments and such other material and information as may be deemed necessary and relevant prior to taking final action in this matter.

7. In accordance with the provisions of § 1.54 of the Commission's rules, the original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: January 10, 1962.

Released: January 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

§ 2.106 [Amendment]

Footnote US18 to § 2.106 of the Commission's rules and regulations is amended to read as follows:

US18 Navigation aids in the U.S. and possessions between 90 and 110 kc/s, 200 and 415 kc/s, and 1800 and 2000 kc/s, are normally operated by the U.S. Government. However, authorizations may be made by the Commission for non-Government operation in these bands subject to the conclusion of appropriate arrangements between the Commission and the Government agencies concerned and upon special showing of need for service which the Government is not yet prepared to render.

[F.R. Doc. 62-510; Filed, Jan. 16, 1962; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands; Correction

JANUARY 8, 1962.

The notice of Proposed Withdrawal and Reservation of Lands published on Page 10735 of the FEDERAL REGISTER, issue for Thursday, November 16, 1961 (F.R. Doc. 61-10902; Filed, Nov. 15, 1961; 8:47 a.m.), is hereby corrected as to land in T. 2 N., R. 4 W., SBM., Sec. 9 by deleting the S½NW¼SE¼ and replacing it with the S½NW¼, N½NW¼SE¼.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 62-485; Filed, Jan. 16, 1962; 8:46 a.m.]

NEW MEXICO

Amended Notice of Proposed Withdrawal and Reservation of Lands and Notice of Termination of Proposed Withdrawal and Reservation of Lands

JANUARY 8, 1962.

The Bureau of Reclamation has filed an application, Serial Number NM 094367 for the withdrawal of the lands described below, from all forms of appropriation including general mining but not the mineral leasing laws. The applicant desires the land for the Navajo Unit, Colorado River Storage Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 31 N., R. 5 W.,
Sec. 5, SW¼SE¼;
Sec. 8, NW¼NE¼NW¼, SW¼SW¼.
T. 32 N., R. 5 W.,
Sec. 7, W½ of Lot 1.
T. 30 N., R. 6 W.,
Sec. 8, S½NW¼;
Sec. 9, SE¼SE¼;
Sec. 10, Lots 1, 2, 3, 4, 5, W½SW¼.
T. 31 N., R. 6 W.,
Sec. 2, NE¼SW¼SE¼ (State owned);
Sec. 4, Lot 6, N½NW¼SE¼;
Sec. 20, NW¼NW¼, NE¼SE¼, SW¼SE¼;
Sec. 22, SE¼NW¼;
Sec. 29, NW¼NE¼, SW¼NW¼;
Sec. 30, SE¼NE¼.
T. 32 N., R. 6 W.,
Sec. 10, Lots 1 and 2;
Sec. 16, E½SW¼NW¼, E½NW¼SW¼ (State owned);
Sec. 24, NW¼NW¼NW¼.
T. 30 N., R. 7 W.,
Sec. 3, Lot 6, S½NE¼, SE¼NW¼;
Sec. 4, Lot 8, SW¼NW¼;
Sec. 5, S½NE¼, SE¼NW¼;
Sec. 10, S½SE¼;
Sec. 13, SW¼SW¼;
Sec. 14, S½;
Sec. 15, SE¼.
T. 31 N., R. 7 W.,
Sec. 18, Lot 7;
Sec. 23, S½SE¼SW¼;
Sec. 25, NW¼SE¼;
Sec. 26, E½NE¼NE¼, W½W½NE¼, NE¼NW¼, E½E½W½W½, W½NW¼SE¼;
Sec. 27, S½SW¼NW¼, SW¼SE¼NW¼, W½E½SW¼;
Sec. 28, S½NE¼SE¼;
Sec. 33, S½NW¼SW¼, S½SW¼, SW¼SE¼;
Sec. 34, S½N½NE¼;
Sec. 35, SW¼NW¼.
T. 30 N., R. 8 W.,
Sec. 1, Lots 1, 2, 3, 4, S½N½, N½S½, S½SW¼, SW¼SE¼;
Sec. 2, Lots 1, 2, S½NE¼ (State owned).
T. 31 N., R. 8 W.,
Sec. 36, All (State owned).

The area described above aggregates 3725.22 acres of which 854.30 acres are State owned.

Notice of applications Serial Nos. NM 030466 and NM 037508 for withdrawal and reservation of lands were published as Federal Register Document No. 58-465 on pages 400 and 401 of the issue for January 22, 1958, and Document No. 58-2236 on page 2048 of the issue for March 27, 1958, respectively. The applicant agency has cancelled its applications as to lands not in the amended application. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, those lands will be at 10:00 a.m. on January 15, 1962 relieved of the segregative effect of applications NM 030466 and NM 037508.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 62-486; Filed, Jan. 16, 1962; 8:46 a.m.]

Office of the Secretary

WALTER BRENTON

Statement of Changes in Financial Interests

In acordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months: No change.

This statement is made as of January 3, 1962.

Dated: January 3, 1962.

WALTER BRENTON.

[F.R. Doc. 62-487; Filed, Jan. 16, 1962; 8:47 a.m.]

JOHN L. McNEALEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 1, 1962.

Dated: January 5, 1962.

J. L. McNEALEY.

[F.R. Doc. 62-488; Filed, Jan. 16, 1962; 8:47 a.m.]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 1, 1962.

Dated: January 5, 1962.

CHARLES W. WATSON.

[F.R. Doc. 62-489; Filed, Jan. 16, 1962; 8:47 a.m.]

DEPARTMENT OF STATE

Agency for International Development

[Redelegation of Authority 7]

CERTAIN AID OFFICIALS

Delegation of Authority Regarding Foreign Excess Property

Pursuant to the authority vested in me by Delegation of Authority No. 104 from the Secretary of State, I hereby delegate to each AID Mission Director, AID Representative, or AID Liaison Officer, the authority to make the determination required under section 607 of the Foreign Assistance Act of 1961 to permit the furnishing of foreign excess property in an amount not to exceed $50,000 of original acquisition cost in any fiscal year, provided that: (1) Such property is available in the country for which the person making the determination is the AID Mission Director, AID Representative, or AID Liaison Officer, and (2) transfers pursuant hereto are made only to the government of the country in which such person is the AID Mission Director, AID Representative, or AID Liaison Officer. Determinations made pursuant to this authority shall be made in accordance with prescribed procedures approved by the Assistant Administrator for Materials Resources.

FOWLER HAMILTON,
Administrator of Agency for International Development.

DECEMBER 29, 1961.

[F.R. Doc. 62-494; Filed, Jan. 16, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TENNESSEE

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the following counties in the State of Tennessee natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources:

TENNESSEE

Franklin.	Giles.	Lincoln.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of January 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-495; Filed, Jan. 16, 1962; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN PRESIDENT LINES, LTD.

Notice of Application

Notice is hereby given that American President Lines, Ltd., has filed an application for a modification of a waiver previously granted under section 804 of the Merchant Marine Act, 1936, as amended, whereby Signal Oil and Gas Company, an affiliate of American President Lines, Ltd., or any Division or Subsidiary of Signal Oil and Gas Company, was permitted to operate or charter foreign-flag tanker vessels for world-wide carriage of petroleum and its products, so as to permit Signal Oil and Gas Company additionally, directly or through subsidiary or affiliated corporations, from time to time to construct or to take under long-term charter (up to 20 years or more in term) not more at any time than 5 tankers of foreign registry and each of 20,000-65,000 tons capacity, for use in world-wide carriage of petroleum and petroleum products.

Any person, firm or corporation having an interest in such application who desires to offer views and comments thereon for consideration by the Maritime Administrator should submit the same in writing, in triplicate, to the Secretary, Maritime Administration, Washington 25, D.C., by close of business on January 25, 1962. The Maritime Administrator will consider these views and comments and take such action with respect thereto as may be deemed appropriate.

Dated: January 15, 1962.

By Order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-557; Filed, Jan. 16, 1962; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

ASSOCIATED STEAMSHIP LINES (MANILA) CONFERENCE

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreements 5600-20 and 5600-21, between the member lines of the Associated Steamship Lines (Manila) Conference, modify, as indicated below, the basic agreement of that conference which covers the trade from ports in the Philippine Islands direct to, or with transshipment at or via ports in Ceylon, India, Pakistan, Malaya, East Indies, Indo-China, Burma, Siam, Hong Kong, China, Korea, Japan, Siberia, United States of America, Canada, Cuba, Mexico, Central America, Canal Zone, South America, Caribbean Sea ports, the West Indies, Australia and New Zealand.

Agreement 5600-20, adds a new paragraph to the conference By-Laws to provide that during the absence abroad of any member of the Management Committee, the two remaining members may select the representative of another member line as a substitute to serve on the Committee only for the duration of such temporary absence.

Agreement 5600-21 modifies the basic conference agreement to provide for a new method of appointment of arbitrators for handling of disputes between member lines under the present arbitration provision.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearings be desired.

By order of the Federal Maritime Commission.

Dated: January 11, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-502; Filed, Jan. 16, 1962; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14411, 14412; FCC 62M-44]

LA FIESTA BROADCASTING CO. AND MID-CITIES BROADCASTING CORP.

Order Continuing Hearing

In re applications of J. R. Earnest and John A. Flache, d/b as La Fiesta Broadcasting Co., Lubbock, Tex., Docket No. 14411, File No. BP-14116; Mid-Cities Broadcasting Corp., Lubbock, Tex., Docket No. 14412, File No. BP-15073; for construction permits.

The Hearing Examiner having under consideration agreement of parties participating at prehearing conference on January 11, 1962, regarding date for hearing;

It is ordered, This 11th day of January 1962, that the hearing now scheduled for February 12, 1962, is continued to April 2, 1962, at 10:00 a.m.

Released: January 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-508; Filed, Jan. 16, 1962; 8:50 a.m.]

[List No. 31]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

JANUARY 12, 1962.

In accordance with Commission action of January 10, 1962, granting a waiver of § 1.354(c) of the Commission rules permitting the below-described application to be placed at the top of the processing line, notice is hereby given that on February 19, 1962, the following application:

BP-15298 New, Tawas City-East Tawas, Mich.
Superior Broadcasting Co.
Req: 1480 kc, 1 kw, DA, Day.
(Requests the facility of Station WIOS.)

will be considered as ready and available for processing, and that pursuant to § 1.106(b)(1) and § 1.361(c) of the Com-

mission rules, an application, in order to be considered with this application or with any other application on file by the close of business on February 16, 1962, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C. by whichever date is earlier: (a) the close of business on February 16, 1962, or (b) the earlier effective cut-off date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.359(i) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: January 10, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-509; Filed, Jan. 16, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-114]

EL PASO NATURAL GAS CO.

Notice of Application and Date of Hearing

JANUARY 9, 1962.

Take notice that on November 3, 1961, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas, filed in Docket No. CP62-114 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of an additional 100,000 Mcf of natural gas per day to Pacific Gas and Electric Company (PG&E) on a best efforts basis for the limited term commencing December 1, 1961, and extending through April 30, 1962, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority, during the limited term commencing December 1, 1961, and extending through April 30, 1962, to sell and deliver up to 100,000 Mcf of natural gas per day to PG&E on an interruptible and best efforts basis, at the existing delivery point to PG&E located near Topock, Arizona. Said quantities of gas to be provided are in addition to the presently certificated quantities of gas delivered by Applicant to PG&E and are to be provided from Applicant's existing sources of gas supply by use of its certificated pipeline facilities only after meeting its other customer requirements throughout its pipeline system.

No additional pipeline facilities are proposed by Applicant to render the subject service.

The proposed service would be rendered by Applicant in accordance with a service agreement between Applicant and PG&E dated October 12, 1961, and at rates contained in Applicant's FPC Gas Rate Schedule G-X-1 on file with the Commission as a part of its FPC Gas Tariff, Original Volume No. 1.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 8, 1962 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 31, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-479; Filed, Jan. 16, 1962; 8:46 a.m.]

[Docket Nos. RI62-287—RI62-292]

HUMBLE OIL & REFINING CO. ET AL.

Order Providing for Hearings On and Suspension of Proposed Changes in Rates [1]

JANUARY 10, 1962.

Humble Oil & Refining Co. (Operator), et al., Docket No. RI62-287; Amerada Petroleum Corp. (Operator), et al., Docket No. RI62-288; Amerada Petroleum Corp., Docket No. RI62-289; Redfern Oil Co., Docket No. RI62-290; Herd Oil and Gas Co., Docket No. RI62-291; Sinclair Oil & Gas Co., Docket No. RI62-292.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62-287	Humble Oil & Refining Co. (Operator) et al., P.O.Box 2180, Houston 1, Tex.	127	1	Texas Gas Transmission Corp. (East Lake Palourde Field, St. Martin Parish, south Louisiana).	$58,716	12-15-61	1-15-62	6-15-62	[2] 21.75	[3] 23.75	.....
RI62-288	Amerada Petroleum Corp. (Operator) et al., P.O. Box 2040, Tulsa 2, Okla.	11	8	Texas Gas Transmission Corp. (South Lewisburg Field, Acadia Parish, south Louisiana).	12,173	12-15-61	1-15-62	6-15-62	[4] 18.875	[5] 23.25	.....
		13	8	Texas Gas Transmission Corp. (South Lewisburg Field, Acadia and St. Landry Parishes, south Louisiana).	13,612	12-15-61	1-15-62	6-15-62	[4] 18.875	[5] 23.25	G-17539
RI62-289	Amerada Petroleum Corp.	9	7	do	4,628	12-15-61	1-15-62	6-15-62	[4] 20.811	[5] 23.25	G-17538
RI62-290	Refern OilCo., P.O.Box 1747, Midland, Tex.	1	4	El Paso Natural Gas Co. (Denton plant, Lea County, N. Mex.).	1,657	12-18-61	1-18-62	6-18-62	[6] 13.9536	[7] 17.0816	G-18770
RI-62-291	Herd Oil and Gas Co., P.O. Box 1747, Midland, Tex.	1	4	do	1,092	12-18-61	1-18-62	6-18-62	[6] 13.9536	[7] 17.0816	G-18769
RI62-292	Sinclair Oil & Gas Co., P.O. Box 521, Tulsa 2, Okla.	169	1	Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).	(9)	12-11-61	1-11-62	6-11-62	[10] 12.0	[11] 12.0	.....

[1] The stated effective date is the first day after expiration of the required statutory notice or, if later, the date requested by respondent.
[2] The pressure base is 15.025 psia.
[3] The pressure base is 14.65 psia.
[4] Periodic increase by contract.
[5] Favored-Nation increase.
[6] Includes tax reimbursement of 1.75 cents per Mcf.
[7] Includes tax reimbursement of 2.3 cents per Mcf.
[8] Includes tax reimbursement of 1.875 cents per Mcf.
[9] Annual amount of increase due to imposition of a floor of 11.0 cents per Mcf on the downward BTU adjustment is approximately $410.
[10] Effective rate is reduced by heating value deficiency to 9.701052 cents per Mcf.
[11] Renegotiated increase.
[12] Effective rate is reduced by heating value deficiency to 11.0 cents per Mcf (amounting to increase of 1.296948 cents per Mcf).

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

The proposed increased rates, except that proposed by Sinclair Oil & Gas Company, exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56). The increased rate proposed by Sinclair Oil & Gas Company, may result in the sale of less than pipeline quality gas at the area price level for pipeline quality gas.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notice from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25 D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before February 22, 1962.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-480; Filed, Jan. 16, 1962; 8:46 a.m.]

[Docket No. CP62-137]

LAKE SHORE PIPE LINE CO.

Notice of Application and Date of Hearing

JANUARY 9, 1962.

Take notice that on December 1, 1961, Lake Shore Pipe Line Company (Applicant), 1717 East Ninth Street, Cleveland 14, Ohio, filed in Docket No. CP62-137 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof from time to time during the twelve-month period commencing on the date on which the order in this docket issues, at a total cost not to exceed $250,000, with no single project to exceed a cost of $50,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

The proposed facilities will be financed by cash on hand or short-term bank loans.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 8, 1962 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 29, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-481; Filed, Jan. 16, 1962; 8:46 a.m.]

[Project No. 675]

UTAH POWER AND LIGHT CO.

Notice of Application for Surrender of License

JANUARY 9, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Utah Power and Light Company, of Salt Lake City, Utah (correspondence to Leighton and Sherline, 910 Seventeenth Street NW., Washington 6, D.C.,), licensee for Project No. 675, situated in Utah County, Utah, and affecting lands of the United States within Wasatch National Forest (now known as Uinta National Forest).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is February 26, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-482; Filed, Jan. 16, 1962; 8:46 a.m.]

FEDERAL TRADE COMMISSION

CERTAIN OFFICIALS

Delegation of Functions

Pursuant to the authority provided by Reorganization Plan No. 4 of 1961, the Federal Trade Commission on January 9, 1962, made the following Delegations of Authority:

(1) *In re: Motions, requests, and interlocutory appeals.* The Commission delegates to an individual Commissioner to be designated by the Chairman the authority to consider and determine all motions, requests, and interlocutory appeals to the Commission filed under the Commission's rules of practice, other than those motions, requests, and interlocutory appeals concerning the merits of a proceeding, and to have prepared and issued in the name of the Commission orders disposing of such motions, requests, and interlocutory appeals.

(2) *In re: Closing of docketed investigational files.* The Commission delegates to the Director and Assistant Director, Bureau of Restraint of Trade; the Director and Assistant Director, Bureau of Deceptive Practices; and the Director and Assistant Director, Bureau of Textiles and Furs, severally and without power of redelegation, the authority to close docketed investigational files, except those involving alleged false advertising of food, drugs, devices or cosmetics which are inherently dangerous, the sale of fabrics and wearing apparel which are so highly flammable as to be dangerous, the suppression or restraint of competition through conspiracy or discriminatory or monopolistic practices, or violation of section 7 of the Clayton Act: *Provided, however,* That such closing shall not be effective until the files shall have been transmitted to the Secretary and he shall have advised the Commission of the direction to close and no one member, within five working days thereafter, shall have objected to the closing. If upon the expiration of such five-day period no Commissioner shall have objected, the Secretary shall enter upon the records of the Commission the closing of the matter and take such other action as the closing requires.

(3) *In re: Extensions of time prescribed for compliance with demands for access, subpoenas, or orders issued during investigation of any matter.* The

Commission delegates to the Director and Assistant Director, Bureau of Restraint of Trade; the Director and Assistant Director, Bureau of Deceptive Practices; the Director and Assistant Director, Bureau of Textiles and Furs; and the Director and Assistant Director, Bureau of Economics, severally and without power of redelegation, the authority, for good cause shown, to extend the time prescribed for compliance with demands for access, subpoenas, or orders issued during the investigation of any matter.

(4) *In re: Extensions of time for filing reports of compliance.* The Commission delegates to the Director and Assistant Director, Bureau of Restraint of Trade; the Director and Assistant Director, Bureau of Deceptive Practices; and the Director and Assistant Director, Bureau of Textiles and Furs, severally and without power of redelegation, the authority, for good cause shown, to extend the time prescribed in § 4.28 of the Commission's rules of practice, or in any order, within which reports of compliance with orders to cease and desist may be filed.

(5) *In re: Initiation of investigations.* The Commission delegates to the Director and Assistant Director, Bureau of Restraint of Trade; the Director and Assistant Director, Bureau of Deceptive Practices; and the Director and Assistant Director, Bureau of Textiles and Furs, severally and without power of redelegation, the authority to initiate investigations of alleged or suspected violations of any law, or provision thereof, which the Commission is empowered or directed to enforce; or the manner and form of compliance with final orders issued by the Commission.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

JANUARY 12, 1962.

[F.R. Doc. 62-501; Filed, Jan. 16, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File 7-2217, 7-2218]

LABORATORY FOR ELECTRONICS INC. AND PAN AMERICAN SULPHUR CO.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 11, 1962.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Laboratory For Electronics, Inc., File 7-2217.
Pan American Sulphur Co., File 7-2218.

Upon receipt of a request, on or before January 26, 1962, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-490; Filed, Jan. 16, 1962; 8:47 a.m.]

[File 7-2215, 7-2216]

LITTON INDUSTRIES, INC. AND SAN DIEGO IMPERIAL CORP.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 11, 1962.

In the matter of applications of the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in certain securities, which securities are listed and registered on one or more other national securities exchanges:

Litton Industries, Inc., File 7-2215.
San Diego Imperial Corp., File 7-2216.

Upon receipt of a request, on or before January 26, 1962, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-491; Filed, Jan. 16, 1962; 8:47 a.m.]

[File No. 1-1717]

UNITED STATES DIVERSIFIED INDUSTRIES, INC.

Notice of Application to Strike From Listing and Registration and of Opportunity for Hearing

JANUARY 11, 1962.

The Pittsburgh Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: Since this Company's auditors refuse to express an opinion as to its financial condition, the Annual Report for 1960 must be considered incomplete and unacceptable.

Upon receipt of a request, on or before January 26, 1962, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-492; Filed, Jan. 16, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 193]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 12, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 3261 (Deviation No. 5), KRAMER BROS. FREIGHT LINES, INC., 4195 Central Avenue, Detroit 10, Mich., filed January 4, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cleveland, Ohio, over Interstate Highway 90 to Buffalo, N.Y., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cleveland over Ohio Highway 283 to Willowick, Ohio, thence over Ohio Highway 288 to Willoughby, Ohio, thence over Ohio Highway 174 to junction Ohio Highway 84, thence over Ohio Highway 84 to Ashtabula, Ohio, thence over U.S. Highway 20 to Erie, Pa., thence over Pennsylvania Highway 5 to the Pennsylvania-New York State Line, and thence over New York Highway 5 to Buffalo, and return over the same route.

No. MC 13062 (Deviation No. 1), SUTTON TRANSFER, INC., 332 High School Avenue, Lebanon, Ky., filed January 5, 1962. Attorney Fred F. Bradley, P.O. Box 127, Frankfort, Ky. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 64 and U.S. Highway 60, just east of Middletown (Jefferson County), Ky., to the Frankfort Interchange, thence over U.S. Highway 127 to junction U.S. Highway 60, west of Frankfort, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Louisville, Ky., over U.S. Highway 60 to Winchester, Ky.; and from Louisville, Ky., over U.S. Highway 60 to the Parkers Mill Road, thence over the Lane Allen Road and Rosemont Gardens Street to junction U.S. Highway 27, thence over U.S. Highway 27 to Nicholasville, Ky., thence over U.S. Highway 29 to Wilmore, Ky., and return over the same routes.

No. MC 13900 (Deviation No. 1), MIDWEST HAULERS, INC., 228 Superior Street, Toledo, Ohio, filed January 5, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) Minneapolis-St. Paul, Minn., over Interstate Highway 94 to junction U.S. Highway 12, four miles west of Eau Claire, Wis., (B) from the junction of Interstate Highway 90 and U.S. Highway 12, at Wisconsin Dells, Wis., over Interstate Highways 90 and 94 to junction U.S. Highways 12, 51 and Interstate Highway 90, just south of Madison, Wis., (C) from the junction of U.S. Highways 12, 18, 51 and Interstate Highway 90, just south of Madison, Wis., over U.S. Highway 51 to junction U.S. Highways 14 and 51, near Janesville, Wis., and (D) from the junction of U.S. Highways 14, 51, and Interstate Highway 90, near Janesville, Wis., over Interstate Highway 90 to Chicago, Ill., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Dubuque, Iowa, over U.S. Highway 20 to Boston, Mass.; from Minneapolis-St. Paul over U.S. Highway 12 to junction Wisconsin Highway 89, thence over Wisconsin Highway 89 to junction U.S. Highway 14, thence over U.S. Highway 14 to Chicago, Ill.; from Madison, Wis., over U.S. Highway 18 to Waukesha, Wis.; from Waukesha, Wis., over Wisconsin Highway 59 to Milwaukee, Wis.; from Milwaukee, Wis., over U.S. Highway 41 to Evansville, Ind.; from Madison, Wis., over U.S. Highway 12 (formerly U.S. Highway 51) to junction U.S. Highway 51, thence over U.S. Highway 51, to Bloomington, Ill.; from Beloit, Wis., over Wisconsin Highway 15 to Milwaukee; Wis.; and from Effingham, Ill., over U.S. Highway 45 to junction Wisconsin Highway 15, and return over the same routes.

No. MC 36436 (Deviation No. 2), MOLAND BROTHERS TRUCKING CO., 2502 West Huron Street, Duluth, Minn., filed January 2, 1962. Attorney Claude J. Jasper, 111 South Fairchild, Madison, Wis. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 90 and U.S. Highway 12, at Wisconsin Dells, Wis., over Interstate Highway 90 to junction U.S. Highway 14, east of Janesville, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Duluth, Minn. over U.S. Highway 53 to Eau Claire, Wis., thence over U.S. Highway 12 to Wisconsin Dells, thence over U.S. Highway 16 to Watertown, Wis., thence over Wisconsin Highway 26 to Janesville, thence over U.S. Highway 14 to Walworth, Wis., also from Watertown, Wis., over Wisconsin Highway 26 to Fort Atkinson, Wis., thence over Wisconsin Highway 89 to junction U.S. Highway 14, thence over U.S. Highway 14 to Walworth, Wis., thence over U.S. Highway 14 to junction U.S. Highway 12, thence over U.S. Highway 12 to Chicago, Ill.; from Duluth, Minn., to Watertown, Wis., as specified above, thence over U.S. Highway 16 to junction Wisconsin Highway 67, thence over Wisconsin Highway 67 to junction U.S. Highway 18, thence over U.S. Highway 18, via West Allis, Wis., to Milwaukee, Wis. (also from West Allis over Wisconsin Highway 59 to Milwaukee), thence over U.S. Highway 41 to Chicago, Ill. (also from Milwaukee over Milwaukee County Trunk Highway A to junction Wisconsin Highway 100, thence over Wisconsin Highway 100 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction U.S. Highway 12, thence over U.S. Highway 12 to Chicago, Ill.); from Duluth, Minn., over U.S. Highway 53 to Chippewa Falls, Wis., thence over Wisconsin Highway 29 to Abbotsford, Wis., thence over Wisconsin Highway 13 to Wisconsin Rapids, Wis., thence over Wisconsin Highway 73 to Plainfield, Wis., thence over U.S. Highway 51 to Madison, Wis., thence over U.S. Highway 14 to Chicago, Ill.; and from Duluth, Minn., over U.S. Highway 53 to Eau Claire, Wis., thence over U.S. Highway 12 to junction U.S. Highway 16, thence over U.S. Highway 16 to Portage, Wis., thence over U.S. Highway 51 to Madison, Wis., thence over U.S. Highway 12 to Whitewater, Wis., thence over Wisconsin Highway 89 to junction U.S. Highway 14, thence over U.S. Highway 14 to junction Illinois Highway 31, thence over Illinois Highway 31 to junction Illinois Highway 62, thence over Illinois Highway 62 to Chicago, Ill., and return over the same routes.

No. MC 47848 (Deviation No. 1), HUDSON TRUCKING CO., INC., P.O. Box 222, Kendallville, Ind., filed January 2, 1962. Attorney Donald W. Smith, Suite 511 Fidelity Building, Indianapolis 4, Ind. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Kendallville, Ind., over U.S. Highway 6 to junction Indiana Highway 9, thence over Indiana Highway 9 to junction Indiana East-West Toll Road, thence over Indiana East-West Toll Road to the Illinois Calumet Expressway, thence over the Illinois Calumet Expressway to Chicago, Ill., (B) from Kendallville, Ind., over U.S. Highway 6 to junction U.S. Highway 421, thence over U.S. Highway 421 to junction Indiana East-West Toll Road, thence over Indiana East-West Toll Road to

the Illinois Calumet Expressway, thence over the Illinois Calumet Expressway to Chicago, Ill., (C) from Kendallville, Ind., over U.S. Highway 6 to junction Indiana Highway 49, thence over Indiana Highway 49 to the Indiana East-West Toll Road, thence over Indiana East-West Toll Road to the Illinois Calumet Expressway, thence over Illinois Calumet Expressway to Chicago, Ill., (D) from Kendallville, Ind., over U.S. Highway 6 to junction Indiana Highway 53, thence over Indiana Highway 53 to junction Kingery Expressway, thence over Kingery Expressway to the Illinois Calumet Expressway, thence over Illinois Calumet Expressway to Chicago, Ill., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kendallville over U.S. Highway 6 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, and return over the same route.

No. MC 52746 (Deviation No. 5), KNAUS TRUCK LINES, INC., 715 South 25th Avenue, Bellwood, Ill., filed January 5, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Leon, Iowa, over Iowa Highway 2 to junction U.S. Highway 169, thence over U.S. Highway 169 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 85, thence over U.S. Highway 85 to Denver, Colo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Kansas City, Kans., over U.S. Highway 69, via Osceola, Iowa, to Des Moines, Iowa; from Kansas City, Kans., over the Kansas Turnpike to Wichita, Kans.; from Wichita, Kans., over U.S. Highway 54 to Liberal, Kans.; from Bucklin over unnumbered highway to junction U.S. Highway 154, thence over U.S. Highway 154 to Dodge City, Kans., thence over U.S. Highway 50S (now U.S. Highway 50) to Garden City, Kans.; from Liberal over U.S. Highway 83 to junction U.S. Highway 24, thence over U.S. Highway 24 to Colby, Kans.; from Denver, over U.S. Highway 40, via Agate, Colo., to Limon, Colo., thence over U.S. Highway 24 to Halford, Kans., and thence over U.S. Highway 83 to Oakley, Kans., and return over the same routes.

No. MC 66562 (Deviation No. 6), RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y., filed December 26, 1961. Attorney William H. Marx, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, moving in express service, over a deviation route as follows: From St. Johnsbury, Vt., over U.S. Highway 5 to junction U.S. Highway 2, thence over U.S. Highway 2 to junction New Hampshire Highway 18, thence over New Hampshire Highway 18 to junction U.S. Highway 93, thence over U.S. Highway 93 to Littleton, N.H., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From White River Junction, Vt. over U.S. Highway 5 to Wells River, Vt., thence over U.S. Highway 302, via Woodsville, N.H., to Littleton, N.H., and thence over New Hampshire Highway 116 to Whitefield, N.H., and return over the same route.

No. MC 69116 (Deviation No. 10), SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill., filed January 4, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Chicago, Ill., and St. Louis, Mo., over Interstate Highway 55, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to Gardner, Ill., thence over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to junction U.S. Highway 67, thence over U.S. Highway 67 to junction Alternate U.S. Highway 67, thence over Alternate U.S. Highway 67 to St. Louis, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 45626 (Deviation No. 7), VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vt., filed January 5, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route between Waterbury and Bolton, Vt., over Interstate Highway 91, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Waterbury over U.S. Highway 2 to Bolton, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-498; Filed, Jan. 16, 1962; 8:48 a.m.]

[Notice 416]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 12, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 9895 (Sub-No. 122), filed January 8, 1962. Applicant: DENVER CHICAGO TRANSPORT COMPANY, INC., East 45th Avenue and Jackson Street, Denver, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids*, in bulk, in government-owned and shipper-owned specially designed tank trailers, loaded and empty (1) between Painesville, Ohio, and points in Tennessee and (2) between West Palm Beach, Fla., and points in Tennessee.

HEARING: February 5, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Richard H. Roberts.

No. MC 14514 (Sub No. 4), filed June 22, 1961. Applicant: JOHN KOEHN, JR., doing business as MERCHANTS DELIVERY, 115 Wabash Court, Danville, Ill. Applicant's attorney: Ray M. Foreman, 704–710 Baum Building, Danville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, packing-house products and groceries*, and *commodities* as described in paragraphs (a), (b), and (c) of the Appendix to the Report of the Commission in *Modification of Permits—Packing House Products*, 46 M.C.C. 23, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, from the site of Swift and Company plant at or near Rochelle, Ill., to points in Illinois and Indiana within seventy (70) miles of Danville, Ill., and (2) *Such merchandise* as is dealt in by mail order houses, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in (2) above, between Chicago, Ill., and points in Illinois and Indiana, within seventy (70) miles of Danville, Ill.

HEARING: March 12, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21, or, if the Joint Board waives its right to participate before Examiner Gordon M. Callow. This is to be heard on a consolidated record with MC 14514, John Koehn, Jr., doing business as Merchants Delivery, Danville, Ill., and MC 14514 (Sub-No. 3), John Koehn, Jr., doing business as Merchants Delivery, Conversion Proceeding.

No. MC 25798 (Sub-No. 56), filed November 3, 1961. Applicant: CLAY HYDER TRUCKING LINES, INC., Chimney Rock Highway, P.O. Box 1290, Gendersonville, N.C. Applicant's attorney: Thomas F. Kilroy, 1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate coating, cocoa, and ice cream coatings*, from Milwaukee, Wis., and Newark, N.J., to points in North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Virginia, Mississippi, Alabama, and West Virginia.

HEARING: February 20, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 27817 (Sub-No. 41), filed December 18, 1961. Applicant: H. C. GABLER, INC., R.D. No. 3, Chambersburg, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grass stop*, in rolls, *metal stove shovels, metal roofing and siding*, and *fabricated metal building products*, from the site of the plant of Penn Supply and Metal Corporation at Philadelphia, Pa., to points in Ohio, Indiana, Illinois, and Michigan.

HEARING: February 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 30837 (Sub-No. 290), filed December 15, 1961. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boat trailers*, in initial movements by the truckaway method, from Waukegan, Ill., to points in the United States (except in Hawaii).

NOTE: Applicant states that the authority sought does not in any way duplicate its present operating rights.

HEARING: February 21, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John B. Mealy.

No. MC 35334 (Sub-No. 53), filed December 20, 1961. Applicant: COOPER-JARRETT, INC., 2113 West 73d Street, Chicago 36, Ill. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* between Marshall, Carrollton, Moberly, and Macon, Mo., on the one hand, and on the other, New York, N.Y., Baltimore, Md., points in Ohio, New Jersey, Connecticut, Pennsylvania, and Delaware, and points in Nassau, Suffolk, Westchester, Orange, Rockland, and Putnam Counties, N.Y.

HEARING: February 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner W. Elliott Neffen.

No. MC 52709 (Sub-No. 150) (AMENDMENT) published in the FEDERAL REGISTER, issue of December 20, 1961, republished, as amended, this issue. Applicant: RINGSBY TRUCK LINES, INC., a Nebraska corporation, 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods; potatoes, dehydrated;* and *potato products other than frozen*, from Salt Lake City and Ogden, Utah, and points in Idaho, to points in Colorado, Nebraska, Iowa, Kansas, Missouri, Illinois, Indiana, and Ohio, and points in Wisconsin on and south of U.S. Highway 8.

NOTE: Applicant states that it "controls United Freight, Inc. (Docket FF 155), and Inter State Express, Inc. (Docket FF 102), both of which are wholly-owned by applicant; Arizona Pacific Tank Lines (MC–109584); Fortier Transportation Company under Temporary Management (MC–108398); and Colonial & Pacific Frigidways, Inc. (MC–111138), Temporary." This amendment adds potatoes, dehydrated, and potato products other than frozen, as commodities to be transported.

NOTE: Previous publication identified applicant's representative as an attorney in error. Mr. Hamilton is admitted to practice before the Commission's Bar as a Class B practitioner.

HEARING: Remains as assigned, February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 65525 (Sub-No. 14), filed November 2, 1961. Applicant: WHITE BROTHERS TRUCKING CO., a corporation, Wasco, Ill. Applicant's Representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast, prestressed, reinforced and prefabricated concrete products, including slabs, beams, columns, forms and piling*, and *accessories used in the installation thereof*, (1) between points in Illinois, on the one hand, and, on the other, points in Indiana, Iowa, Minnesota, Missouri, Michigan, Ohio, and Wisconsin, and (2) between points in Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, Pennsylvania, and Wisconsin.

HEARING: February 21, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 71331 (Sub-No. 10), filed October 23, 1961. Applicant: FOY CHALKER AND A. C. CREEL, a partnership doing business as, DOVE TRUCK LINE, Route 5, Dothan, Ala. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Table sauces, mayonnaise, salad dressing, sandwich spread, french dressing, chili sauce, prune juice* and *beverage syrup*, from Brundidge, Ala., to points in Florida east of a line beginning at the Georgia-Florida state line and extending along U.S. Highway 319, through Tallahassee, Fla., to junction with U.S. Highway 98, thence on and east of U.S. Highway 98, to the Gulf of Mexico at Panacea, Fla.

HEARING: March 2, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 99, or, if the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

No. MC 73165 (Sub-No. 168), filed December 11, 1961. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, P.O. Box 1348, Birmingham, Ala. Applicant's attorney: Maurice F. Bishop, 325 Frank Nelson Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cotton gin machinery* and *cotton gin machinery parts*, from Prattville, Ala., and Columbus, Ga., to points in Arizona, California, and New Mexico; and (2) between Prattville, Ala., and Columbus, Ga., on the one hand, and on the other, points in Texas.

NOTE: Applicant indicates that it proposes to transport only empty containers or other such incidental facilities (not specified) used in transporting the commodities specified in this application, on return.

HEARING: February 26, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner J. Thomas Schneider.

No. MC 83539 (Sub-No. 81), (CLARIFICATION), filed November 21, 1961, published FEDERAL REGISTER, issue of December 28, 1961, and republished as clarified, this issue. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Notice of the filing of the subject application was published in the FEDERAL REGISTER, issue of December 28, 1961. Applicant's attorney advised, in a letter dated January 5, 1962, that the purpose of the application is to remove the gateways contained in applicant's Certificates, Nos. MC 83539, Subs 6, 14, 32 and 47.

HEARING: Remains as assigned February 15, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 86687 (Sub-No. 62) (CORRECTION AND CLARIFICATION), filed October 27, 1961, published in the FEDERAL REGISTER, issue of December 20, 1961, republished as corrected and clarified, this issue. Applicant: SEABOARD AIR LINE RAILROAD COMPANY, a corporation, 3600 West Broad Street, Richmond, Va. Applicant's attorney: Wilkes C. Robinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Hamlet, Raleigh, Wilmington, Charlotte, and Henderson, N.C., and Columbia, S.C., over regular routes presently authorized in Certificate MC 86687, at sheets 1, 2, and 5 of said Certificate, serving the intermediate and off-route points named therein.

NOTE: (1) Applicant states that under its present Certificate MC 86687, the points of Raleigh, Hamlet, Wilmington and Charlotte, N.C., and Columbia, S.C., are designated as key points. Accordingly, no shipments can be transported by the Seaboard as a common carrier by motor vehicle between those points. Seaboard's less-than-carload shipments presently moving to and from these points and, also, Henderson, N.C. (not a key point), which involve another key point are presently being handled in Seaboard's regular merchandise box car service through the break-bulk point of Hamlet, N.C. At Hamlet, these shipments are reloaded in box cars for movement beyond to destination. The Seaboard proposes handling inbound shipments

to these points by rail to Hamlet, N.C., and from that point by truck to destination and handling outbound shipments originating at these points by truck to Hamlet and by rail beyond to destination. Therefore, all traffic moving to or from these points through Hamlet will either receive a prior rail haul to Hamlet or a subsequent rail haul from Hamlet. Applicant also states it is not here proposing to eliminate its presently applicable key point restrictions. Accordingly, shipments moving between these key points could still not move entirely by truck if the authority here sought is granted, but must move partly in rail service. This assures that the operation here proposed will be auxiliary and supplemental of rail service. (2) By letter dated January 3, 1962, subsequent to previous publication, applicant further clarifies the application as follows: "What applicant is proposing to do is handle inbound shipments to Raleigh, Wilmington, and Charlotte, N.C., and Columbia, S.C.; or outbound shipments from those points which move through Hamlet, N.C., by truck, provided such shipments receive a prior rail haul to Hamlet or will receive a subsequent rail haul from Hamlet. In other words, all traffic moving to or from the described points through Hamlet must receive either a prior or subsequent rail haul to or from Hamlet before it could be handled by applicant's truck between Hamlet and these key points. As to all other traffic, the key points will be operative. Therefore, an interstate shipment originating, for example, at Columbia, S.C., and destined to Charlotte, N.C., could not be handled entirely by truck through Hamlet should this application be granted. Such transportation would still be prohibited by application of the presently imposed key points". (3) This republication corrects the note as previously published, to that shown in note (1) above, and adds note (2) above.

HEARING: Remains as assigned, January 29, 1962, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 2.

No. MC 95540 (Sub-No. 366) (AMENDMENT), filed May 29, 1961, published issue of June 7, 1961, amended November 30, 1961, and republished as amended this issue. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, 205 Jackson Building, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Meats, meat products, meat by-products*, and *articles distributed by meat packing houses*, as defined by the Commission, from Rochelle, Ill., to points in Alabama, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina, and (b) *Dairy products*, from Rochelle, Ill., to points in Alabama, Georgia, Louisiana, and Mississippi.

NOTE: The purpose of this republication is to eliminate the destination points of North Carolina and South Carolina in (b) above.

FURTHER HEARING: March 14, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 95540 (Sub No. 371), filed June 12, 1961. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, wine, juices and oils* (other than petroleum and foodstuffs), in bulk, from Baltimore, Md.; Kansas City, Mo.; New Orleans, La.; Savannah, Ga.; Wilmington, N.C.; and points in California, Illinois, Iowa, New York, and Virginia, to points in Alabama, Florida, and Georgia.

HEARING: February 19, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner J. Thomas Schneider.

No. MC 95540 (Sub-No. 389), filed December 6, 1961. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, frozen and unfrozen, from points in Maine, New Hampshire, and Massachusetts, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE: Applicant states that "it is affiliated with Arctic Express, Inc. through stock ownership in Bill Watkins, and Watkins Motor Lines, Inc."

HEARING: February 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 95540 (Sub-No. 394), filed January 8, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Duane W. Acklie, 605 South 12th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and prepared foods and foodstuffs*, frozen and unfrozen, from points in Idaho, Oregon, Utah, and Washington, to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming.

NOTE: Applicant states that it is affiliated with Arctic Express, Inc. through stock ownership in Bill Watkins, and Watkins Motor Lines, Inc.

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 102616 (Sub-No. 701), filed December 11, 1961. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Cleveland, Ohio, to points in Illinois, Indiana, Minnesota, Wisconsin, and St. Louis, Mo.

HEARING: February 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 103880 (Sub 237), filed October 27, 1961. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* and *nitrogen solutions*, in bulk, in tank vehicles, from the plant site of the Amoco Chemicals Corporation located about six (6) miles southwest of Joliet, Ill., to points in Minnesota, Iowa, Wisconsin, Missouri, Indiana, Michigan, and Ohio.

NOTE: Applicant states that it is the owner of 50 percent of the outstanding shares of stock of Tank Truck Transport, Ltd.

HEARING: March 1, 1962, at Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 103993 (Sub-No. 156), (AMENDMENT), filed October 9, 1961, published FEDERAL REGISTER, issue December 20, 1961, amended January 2, 1962, republished as amended this issue. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. The republication of the subject application, as amended, showed the subsequent filing docket number assigned as Sub 356 in error. The correct sub number assigned as shown above is Sub No. 156.

No. MC 104589 (Sub-No. 19), filed January 8, 1961. Applicant: J. L. LAWHON, 209 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages, flavoring syrup, extracts of flavoring syrup, and advertising matter moving in connection with these commodities*, for the account of Canada Dry Corporation, from Atlanta, Ga., to points in Florida (except Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, and Gulf Counties), and *empty containers and bottles*, on return.

NOTE: Applicant states, "it owns one-half of the capital stock of Refrigerated Transport Co., Inc."

HEARING: February 23, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

No. MC 105813 (Sub-No. 56), filed December 1, 1961. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulating materials*, and *perlite products* from Florence, Ky., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

HEARING: March 8, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 106456 (Sub-No. 37), filed January 3, 1962. Applicant: SUPER SERVICE MOTOR FREIGHT COMPANY, INC., Box 180, Fessler Lane, Nashville, Tenn. Applicant's attorney: James R. Browder, Box 180, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, and those requiring special equipment), serving the plant site of Nachman Corporation near Milford, Ill., as an off-route point in connection with applicant's regular route operations to and from Chicago, Ill.

HEARING: January 22, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149.

No. MC 107107 (Sub-No. 192), filed January 4, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's representative: H. R. Marlane (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and packinghouse products*, as described by the Commission in Ex Parte MC–43, from Austin, Tex., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis, Tenn.).

HEARING: February 16, 1962, at the Baker Hotel, Dallas, Texas, before Examiner Leo M. Pellerzi.

No. MC 107403 (Sub-No. 370), filed December 6, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Cleveland, Ohio, to points in Illinois, Indiana, Minnesota, Wisconsin, and St. Louis, Mo.

NOTE: Applicant has contract authority under MC 117637 and Subs thereunder, therefore dual operations may be involved. Applicant states "it is authorized to control Reader Brothers, Inc., and Edwin E. Clarke dba Clarke Bulk Transfer."

HEARING: February 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 107496 (Sub-No. 206), filed October 23, 1961. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and liquid fertilizer solutions*, in bulk, in tank vehicles, from Joliet, Ill., and points within ten (10) miles thereof, to points in Iowa, Missouri, Indiana, Michigan, Ohio, Wisconsin, and Minnesota.

NOTE: Applicant states it is "wholly owned by John Ruan. Applicant controls and owns all of the outstanding capital stock of Illinois-Ruan Transport Corporation, an Illinois corporation, which also operates as a common carrier; by motor vehicles in interstate commerce for the transportation of petroleum and other products, in bulk, by authority of certificates issued by the I.C.C. and by various state regulatory commissions." Applicant has contract authority under MC 119136 and Subs thereunder, therefore, dual operations may be involved.

HEARING: March 1, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 108207 (Sub-No. 87), filed December 29, 1961. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Dallas, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chilled citrus products* from points in Cameron, Hidalgo, and Willacy Counties, Tex., to Memphis, Tenn., and points in Mississippi, Louisiana, Oklahoma, Arizona, New Mexico, California, Kansas, Missouri, Illinois, Indiana, Wisconsin, Minnesota, Iowa, Michigan, Arkansas, and Nebraska.

HEARING: January 25, 1962, at the Southland Hotel, Dallas, Tex., before Examiner Wm. N. Culbertson.

No. MC 109497 (Sub-No. 7), filed December 27, 1961. Applicant: A. F. COMER, doing business as A. F. COMER TRANSPORT SERVICE, Rocky Mount, N.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, fuel oils, jet fuels, and lubricating oils*, from Wilmington, N.C., to points in Virginia.

HEARING: January 31, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 110420 (Sub-No. 301), filed November 8, 1961. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chocolate*, in bulk, in tank vehicles, from Mt. Joy, Pa., to points in Ohio, Michigan, Indiana, Illinois, and Wisconsin; (2) *table sauce*, in bulk, in tank vehicles, from Harbor Beach, Mich., to points in Ohio, Indiana, Illinois, Wisconsin, Iowa, Minnesota, Missouri, Kentucky, and Pennsylvania; (3) *liquid sugar*, in bulk, in tank vehicles, from Clinton, Iowa, to points in Wisconsin, Indiana, Nebraska, Minnesota, Michigan, Missouri, Illinois, Ohio, Arkansas, Kentucky, South Dakota, North Dakota, and Tennessee; (4) *grain neutral spirits*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Pennsylvania, New York, New Jersey, Ohio, and Indiana.

NOTE: Applicant states that it also controls Bulk Transport Co. and Beaver Transport Co. (Dockets MC–F–4371 and MC–F–7372 respectively)

HEARING: February 23, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 110525 (Sub-No. 483), filed December 12, 1961. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Cleveland, Ohio, to points in Illinois, Minnesota, Wisconsin, and St. Louis, Mo.

HEARING: February 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 110525 (Sub-No. 484), filed December 13, 1961. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Security, Md., to points in Pennsylvania (except Franklin, Adams, Cumberland, Dauphin, York, and Lancaster Counties), and West Virginia (except Hardy, Mineral, Hampshire, Morgan, Berkeley, and Jefferson Counties).

NOTE: Applicant holds contract authority in MC 117507, therefore, dual operations may be involved.

HEARING: February 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 110698 (Sub-No. 194), filed December 28, 1961. Applicant: RYDER TANK LINE, INC. (York Division), 9020 La Porte Expressway, Houston 17, Tex. Applicant's attorney: Dale Woodall (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* and *coconut oils*, in bulk, in tank vehicles, from points in California, to points in Illinois, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Texas.

NOTE: Applicant states that capital stock of Ryder Tank Line, Inc. is held by Ryder System, Inc.

HEARING: January 22, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 111717 (Sub-No. 21), filed November 3, 1961. Applicant: TRACTOR TRANSPORT, INC., 535 South 84th Street, Milwaukee, Wis. Applicant's attorney: Frank M. Coyne, Bank of Madison Building, 1 West Main Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (a) from points in Washington, Oregon, Idaho, Montana, Wyoming, and Colorado to points in Wisconsin, Illinois, Minnesota, and Iowa, and (b) from ports of entry on the International Boundary between United States and Canada in North Dakota and Minnesota, to points in Minnesota, Wisconsin, Iowa, and Illinois.

HEARING: February 19, 1962, at the Midland Hotel, Chicago, Illinois, before Examiner Leo A. Riegel.

No. MC 112617 (Sub-No. 106), filed January 3, 1962. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville, Ky. Applicant's attorney: Leonard A. Jaskiewicz,

Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint, paint products, paint ingredients* and *varnish*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Illinois, Indiana, Iowa, Kentucky, Ohio, Michigan, Minnesota, Missouri, Georgia, and Pennsylvania.

HEARING: February 7, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 113336 (Sub-No. 52), filed December 27, 1961. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 29, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, fuel oils, jet fuels, lubricating oils*, from Wilmington, N.C., to points in Virginia.

HEARING: January 31, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 113678 (Sub-No. 13), filed January 2, 1962. Applicant: CURTIS, INC., 770 East 51st Street, Denver 16, Colo. Applicant's atttorney: Duane W. Acklie, 1319 First National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Kennewick, Wash., to Scottsbluff and Gering, Nebr., Alpine, El Paso and Pecos, Tex., and points in Arizona, Colorado, New Mexico, and Wyoming.

HEARING: January 31, 1962, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Lyle C. Farmer.

No. MC 113678 (Sub-No. 15), filed January 8, 1962. Applicant: CURTIS, INC., 770 East 51st Street, Denver 16, Colo. Applicant's attorney: Duane W. Acklie, 605 South 12th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products* and *packing house products*, as listed in Appendix I, subheadings A and C, Ex Parte No. MC 45, *Descriptions in Motor Carrier Certificates*, in mechanically refrigerated vehicles, from Booneville, Miss., to Topeka, Kans., Dubuque, Waterloo, Des Moines, and Davenport, Iowa, and points in Colorado, Idaho, Montana, Minnesota, Nebraska, North Dakota, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

HEARING: February 2, 1962, at the Arkansas Commerce Commission Justice Building, State Capital, Little Rock, Ark., before Examiner Wm. N. Culbertson.

No. MC 113828 (Sub-No. 9), filed December 26, 1961. Applicant: O'BOYLE TANK LINES, INCORPORATED, Arlington Towers, Arlington, Va. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, fuel oil, jet oil*, and *lubricating oil*, in bulk, in tank vehicles, from Wilmington, N.C., to points in Virginia.

NOTE: Applicant states it is a subsidiary of M. I. O'Boyle & Son, Inc., a Delaware Corporation, which is a common carrier of liquid and dry commodities, in bulk, in tank vehicles.

HEARING: January 31, 1962, at the U.S. Court Rooms, Uptown Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 114019 (Sub-No. 73), filed December 13, 1961. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products*, and *commodities used by packinghouses* as described in Appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Rochelle, Ill., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Delaware, Virginia, West Virginia and points in the District of Columbia.

NOTE: Applicant states it and Midwest Transfer Company of Illinois are commonly controlled and managed.

HEARING: February 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 114021 (Sub-No. 21), filed December 1, 1961. Applicant: MIDWEST TRANSFER COMPANY OF ILLINOIS, a corporation, 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing* and *insulating materials*, and *perlite products*, from Florence, Ky., to points in Delaware, the District of Columbia, Illinois, Indiana, Iowa, Maryland, the Lower Peninsula of Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

HEARING: March 8, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 114290 (Sub-No. 6), filed January 5, 1962. Applicant: EXLEY EXPRESS, INC., 2204 Southeast Eighth Avenue, Portland 14, Oreg. Applicant's attorney: James T. Johnson, 609–11 Norton Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *potato products*, not frozen, (1) from points in Oregon, Washington, and Idaho, to points in California, and Phoenix and Tucson, Ariz., and (2) from points in Idaho, to points in Oregon and Washington.

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 115162 (Sub-No. 69), filed November 6, 1961. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, P.O. Box 869, Montgomery 2, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clam shells, coquina shells, mussels shells* and *oyster shells*, from Mobile, Ala., to points in Georgia, Mississippi, Louisiana, Florida, and Arkansas.

HEARING: February 28, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Examiner J. Thomas Schneider.

No. MC 115162 (Sub-No. 70), filed December 4, 1961. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 407–8–9 Hill Building, Montgomery 2, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from points in Santa Rosa County, Fla., to points in Tennessee, Mississippi, Louisiana, South Carolina, and Georgia.

HEARING: February 28, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Examiner J. Thomas Schneider.

No. MC 115322 (Sub-No. 28), filed December 12, 1961. Applicant: J. M. BLYTHE, doing business as J. M. BLYTHE MOTOR LINES, P.O. Box 489, 2939 Orlando Drive, Sanford, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from points in Hartford County, Conn., to points in Virginia.

NOTE: Applicant states that it has leased operating rights of Seaboard Food Express under MC–F–7462.

HEARING: February 19, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 115499 (Sub-No. 10), filed December 20, 1961. Applicant: LOWER LAKES CARRIER, INC., P.O. Box 712, Ashtabula, Ohio. Applicant's attorney: D. G. Dottore, 502 Park Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide*, in containers, from Ashtabula, Ohio, and Niagara Falls, N.Y., to points in Massachusetts and Connecticut, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodity specified in this application, on return.

HEARING: February 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 116273 (Sub-No. 5), filed November 6, 1961. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Street, Cicero, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* and *nitrogen solutions*, in bulk, in tank vehicles, from the plant site of the Amoco Chemicals Corporation located approximately six (6) miles southwest of Joliet, Ill. to points in Minnesota, Iowa, Wisconsin, Missouri, Indiana, Michigan, and Ohio.

HEARING: March 1, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 117165 (Sub-No. 11), filed November 20, 1961. Applicant: C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, 1000 Michigan Avenue, St. Louis, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing, insulating materials* and *perlite products*, from Florence, Ky., to points in Illinois, Michigan, Missouri, and Wisconsin, and *damaged, rejected and refused shipments* of the above-specified commodities, on return.

HEARING: March 8, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 117574 (Sub-No. 60), filed January 7, 1962. Applicant: DAILY EXPRESS, INC., Box 311, R.D. No. 1, Carlisle, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, attachments, parts* and *fittings therefor*, between Rootstown, Ohio, and points within five miles thereof, on the one hand, and, on the other, points in Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Kansas, Nebraska, Kentucky, and Michigan.

HEARING: January 31, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 117995 (Sub-No. 4), filed January 9, 1962. Applicant: NEIL B. OLMSTED, E. B. OLMSTED AND ALVIN H. ANDERSON, doing business as REFRIGERATED TRUCK LINES, Route 3, Box 147, Mount Vernon, Wash. Applicant's attorney: George R. Labissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, not frozen, (1) between points in Washington, Oregon, Idaho, and California, on the one hand, and, on the other, points in New York, Kentucky, Wyoming, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Wisconsin, Oklahoma, Ohio, South Dakota, Utah, Arizona, and Louisville, Ky., (2) between points in Idaho, on the one hand, and, on the other, points in Oregon and Washington, and (3) between points in California, on the one hand, and, on the other, points in Washington and Oregon.

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 118865 (Sub-No. 5), filed December 6, 1961. Applicant: CEMENT EXPRESS, INC., Hokes Mill Road and Lemon Street, York, Pa. Applicant's representative: Adolph E. Solie, 1025 Seminole Highway, Madison 5, Wis. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Cement* portland and masonry), from York, Pa., to points in Connecticut, Massachusetts, New Jersey, New York, and Rhode Island.

NOTE: Applicant states it is controlled by certain stockholders and officers of Tose, Inc.

HEARING: February 19, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 118314 (Sub-No. 1), filed December 20, 1961. Applicant: MAGIC CITY PRODUCE CO., INC., 2501 Third Place W., Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413–414 Bell Building, Montgomery 4, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, (1) from New Orleans, La., and Gulfport, Miss., to points in Illinois, and (2) from Gulfport, Miss., to Birmingham, Ala., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: February 27, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner J. Thomas Schneider.

No. MC 119219 (Sub-No. 3), (REPUBLICATION), filed July 1, 1960, published FEDERAL REGISTER, issue of August 17, 1960, and republished this issue. Applicant: RAYMOND L. BURT, doing business as BURT DISTRIBUTING COMPANY, 935 Florida, SE., Albuquerque, N. Mex. Applicant's representative: L. C. Cypert, Room 2, 1115½ Central Avenue NE., Albuquerque, N. Mex. Notice of the filing of the subject application was published in the FEDERAL REGISTER of August 17, 1960. The application was heard at Sante Fe, N. Mex., on November 10, 1960. A Report and Order by Joint Board 87, composed of John Block, Jr., of New Mexico, was served December 2, 1960, and became effective by operation of law. An Order of the Commission, division 1, entered in the subject proceeding December 29, 1961, provides that upon consideration of the record in the above-entitled proceeding, and of petition of applicant, filed August 18, 1961, for reconsideration, that the proceeding be reopened for reconsideration on the present record, and also provides that notice of the application, as filed, be published in the FEDERAL REGISTER. The application on Form BMC 78, received July 1, 1960, sets forth the authority sought on page 1, Item II of the application, as follows: "to continue an operation instituted on May 28, 1960, as a contract carrier, by motor vehicle, in interstate or foreign commerce, over regular routes, in the transportation of meats, meat products, meat by-products, and dairy products, and listed in Sections A, B, and C of Appendix I of the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, in vehicles equipped with temperature control devices, in distribution service on traffic originating outside, N. Mex., from Albuquerque, N. Mex., to points and places in New Mexico." Item III, page 1 reads: "Serving all intermediate points and the off-route points of Espanola and Los Alamos, N. Mex., on route 2 between Albuquerque and Taos, N. Mex." Item IV, page 2 reads: "Empty containers or other such incidental facilities used in transporting the commodities specified in this application will be transported on return trips." A notation on page 1 reads as follows:

"From Albuquerque, N. Mex., over U.S. Highway 85 to junction New Mexico Highway 44, thence over New Mexico Highway 44 to junction New Mexico Highway 422, thence over New Mexico Highway 422 to junction U.S. Highway 85, thence over U.S. Highway 85 through Sante Fe, N. Mex., to Las Vegas, N. Mex.

"From Albuquerque, N. Mex., over U.S. Highway 85 to junction New Mexico Highway 44, thence over New Mexico Highway 44 to junction New Mexico Highway 422, thence over New Mexico Highway 422 to junction U.S. Highway 85, thence over U.S. Highway 85 to Santa Fe, N. Mex., thence over U.S. Highway 64 to Taos, N. Mex., serving the off-route points of Espanola and Los Alamos, N. Mex.

"From Albuquerque, N. Mex., over U.S. Highway 85 to junction New Mexico Highway 44, thence over New Mexico Highway 44 to junction New Mexico Highway 422, thence over New Mexico Highway 422 to junction U.S. Highway 85, thence over U.S. Highway 85 to Santa Fe, N. Mex., thence over U.S. Highway 285 to Espanola, N. Mex., thence over unnumbered New Mexico Highway 4 to junction unnumbered New Mexico Highway, thence over said unnumbered New Mexico Highway to Los Alamos, N. Mex.

"From Albuquerque, N. Mex., over U.S. Highway 85 to junction New Mexico Highway 44, thence over New Mexico Highway 44 to Aztec, N. Mex., thence over U.S. Highway 550 to Shiprock, N. Mex.

"From Albuquerque, N. Mex., over U.S. Highway 66 to Gallup, N. Mex.

"Serving all intermediate points on the above-described routes for delivery only."

No. MC 119513 (Sub-No. 2), filed December 14, 1961. Applicant: HARRY EUGENE DEVILBLISS, doing business as DEVILBLISS TRUCK SERVICE, Post Office, Uniontown, Md. Applicant's representative: Donald E. Freeman, 97 Uniontown Road, Westminster, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural wire and cordage*, in truckloads from Baltimore, Md., to points in Delaware, Florida, Georgia, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, and West Virginia.

NOTE: Applicant states the proposed operation will be under continuing contract with Allied Cordage Company, Baltimore, Md.

HEARING: February 21, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 119641 (Sub-No. 30), filed November 9, 1961. Applicant: RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building,

Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulating materials*, and *perlite products*, from Florence, Ky., to points in Illinois, Indiana, Iowa, Wisconsin, Missouri, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Arkansas, and Ohio, and *damaged and rejected shipments*, on return.

HEARING: March 8, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 119670 (Sub-No. 2), filed December 6, 1961. Applicant: THE VICTOR TRANSIT CORPORATION, P.O. Box 115, Winton Place Station, Cincinnati 32, Ohio. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building, roofing*, and *insulating materials*, and *perlite products*, from Florence, Ky., to points in Illinois, Indiana, the lower peninsula of Michigan, New York, Ohio, Pennsylvania, Virginia, West Virginia, Alabama, Tennessee, Wisconsin, and New Jersey, and (2) *machinery, equipment, materials* and *supplies* used in the manufacture, packing and shipping of building, roofing and insulating materials, and perlite products, from points in Illinois, Indiana, the lower peninsula of Michigan, New York, Ohio, Pennsylvania, Virginia, West Virginia, Alabama, Tennessee, Wisconsin, and New Jersey to Florence, Ky.

HEARING: March 8, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 119697 (Sub-No. 3), filed November 27, 1961. Applicant: CHRISPENS TRUCK LINES, INC., 348 West 42d Place, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile and refractory products*, from points in Lawrence and Beaver Counties, Pa., and points in Stark, Carroll, and Tuscarawas Counties, Ohio, to points in Illinois.

HEARING: March 5, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 119777 (Sub-No. 4), filed December 20, 1961. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, skids, bases, boxes, crating, veneer, baskets, oak treads, oak risers, oak sills, oak molding, cardboard cartons, nails* and *lumber* between points in Muhlenberg County, Ky., on the one hand, and on the other, points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and all states east of the Mississippi River.

HEARING: February 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 119917 (Sub-No. 7), filed January 2, 1962. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta 16, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424-35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shelled salted peanuts*, in mixed loads with bakery products, the quantity of peanuts not to exceed 5 percent of the aggregate load, from Atlanta, Ga., to points in Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Virginia, Tennessee, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above and *rejected shipments*, on return.

NOTE: Applicant states it already holds authority to transport bakery products from Atlanta, Ga., to all points in the aforesaid destination states, and is not herein seeking any additional authority to transport bakery products.

HEARING: February 23, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner J. Thomas Schneider.

No. MC 123067 (Sub-No. 13), filed December 1, 1961. Applicant: M & M TANK LINES, INC., P.O. Box 4174, North Station, Winston-Salem, N.C. Applicant's representative: Frank C. Philips, P.O. Box 612, Winston-Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, fuel oils, jet fuels*, and *lubricating oils*, in bulk, in tank vehicles, from Wilmington, N.C., to points in Virginia.

NOTE: Applicant states, "S. H. Mitchell, President, also controls Hennis Freight Lines, Inc., operating under MC 64994 and Subs thereto".

HEARING: January 31, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 123407 (Sub-No. 3), filed October 12, 1961. Applicant: SEURING TRANSIT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials*, from L'Anse, Mich., to points in Wisconsin, Illinois, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Missouri, Indiana, Ohio, and Pennsylvania, and (2) *Machinery, equipment, materials and supplies used in the manufacture, processing and transmission of building materials*, from points in the above-named States to L'Anse, Mich.

NOTE: Applicant states Robert W. Sawyer, president and principal stockholder of applicant, has applications pending for a Certificate in MC 123303, and Subs 1 and 4 thereof. It is intended that substitution of Seuring Transit, Inc. as applicant will be sought in those dockets.

HEARING: February 26, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 123470 (Sub-No. 1) (AMENDED AND REASSIGNED NEW DOCKET NUMBER), filed September 25, 1961, published FEDERAL REGISTER, issue of November 29, 1961, amended by letter of January 8, 1962, and republished as amended, this issue. Applicant: WILLIAM HAROLD HUSTON, doing business as HUSTON TRUCK LINE, 219 Maple Street, Friend, Nebr. Applicant's attorney: James E. Ryan, 214 Sharp Building, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lignite*, treated and untreated, in bags only, and *bentonite clay*, in bags only, from points in Butte County, S. Dak., Crook and Weston Counties, Wyo., and Bowman County, N. Dak., to points in Nebraska (except Omaha), in Oklahoma, Kansas (except Kansas City), Missouri (except Kansas City and St. Louis), Texas, Colorado (except Denver), Iowa, and South Dakota, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: As originally filed and noticed in the FEDERAL REGISTER, applicant sought authority to conduct the above-described operations as a *common carrier*. This republication reflects the amendment to show *contract authority* sought under a continuing contract with the American Colloid Company of Skokie, Ill. Carrier holds Certificate MC 104523 and subs thereunder. Accordingly, dual operations may be involved.

HEARING: Remains as assigned January 29, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner W. Elliott Neffen.

No. MC 123794 (Sub-No. 1), filed December 20, 1961. Applicant: A. F. T. MOTOR FREIGHT, INC., P.O. Box 349, Conshohocken, Pa. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel shelving, lockers* and *cabinets, sheet steel, culvert pipe, galvanized sheet steel, metal laths, pipe, reinforcing steel rods, nails*, and *other sheet metal products*, from the plant site of the Alan Wood Steel Company in the Philadelphia, Pa., Commercial Zone to New York, N.Y., Washington, D.C., points in Westchester, Putnam, and Dutchess Counties, N.Y., points in Virginia on, east and north of a line beginning at the Maryland-Virginia state line, and extending along U.S. Highway 15 to junction with U.S. Highway 250, thence along U.S. Highway 250 to junction with U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay and points in Accomack and Northampton Counties, Va.; (2) *returned or rejected shipments of the above-described commodities* from above-specified destination points to the site of the Alan Wood Steel Company plant in the Philadelphia, Pa., Commercial Zone; and (3) *sheet steel, sheet steel products, metal lath, pipe, reinforcing steel rods*, and *nails* between the site of the Alan Wood Steel Company plant in the Philadelphia Commercial Zone, on the one hand, and on the other, points in Delaware, Maryland, and New Jersey.

NOTE: Applicant states that it holds authority to transport the named commodities to and from the Philadelphia, Pa., Commercial Zone, but for reasons of convenience for both this shipper and the applicant, it would be preferable to serve the plant through another gateway or gateways leading to the plant property (compromising 1,000 acres of land) outside the Philadelphia Commercial Zone. In effect, therefore, applicant indicates its request is for no additional authority, but only for an additional approach to the plant property of the Alan Wood Steel Company.

NOTE: By amendment applicant adds: "It will be understood that applicant does not here seek authority to abandon any of its present operating rights; it merely seeks to add to its present rights to and from the Philadelphia Commercial Zone the right to serve the plant of the Alan Wood Steel Company through another gateway or other gateways lying outside of the Philadelphia Commercial Zone."

HEARING: February 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 123909 (Sub-No. 1), filed December 21, 1961. Applicant: LE MAR CORPORATION, P.O. Box 165, Winchester, Va. Applicant's attorney: Francis W. McInerny, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Finished and unfinished rocket and missile inert components* and *raw materials used in the assembly thereof*, for the account of Hercules Powder Company, Inc., between the Allegeny Ballistics Laboratory at Pinto, W. Va., near Cumberland, Md., on the one hand, and on the other, points in Connecticut, Delaware, Florida, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Utah, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states that M. I. Novick, Treasurer of Le Mar Corporation, and a 50 percent stockholder, is also Vice President and Director of Novick Transfer Co., Inc.

HEARING: February 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Dallas Russell.

No. MC 123952, filed October 2, 1961, originally published FEDERAL REGISTER issue of December 28, 1961, republished as reassigned this issue. Applicant: RENTAR TRUCKING, INC., 89-89 Union Turnpike, Glendale 27, N.Y. Applicant's attorney: Arthur Kaplan, 2 Lafayette Street, New York 7, N.Y. Previous notice of filing of the subject application covering the transportation of such merchandise as is dealt in by retail department stores, etc., between specified points in New York, New Jersey, Connecticut, and Pennsylvania, assigned the application for hearing January 30, 1962, at New York, N.Y., before Examiner Raymond V. Sar. This republication advises of the following change: ADVANCED DATE OF HEARING: January 24, 1962, at 346 Broadway, New York, N.Y. (same place), reassigned before Examiner Henry A. Cockrum.

No. MC 124072, filed November 29, 1961. Applicant: SEA, MOTOR, AIR, RAIL, TRANSPORTATION COMPANY, a corporation, 810 East 47th Street, Chicago 53, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber;* (a) between points in Illinois on and north of U.S. Highway 20, and points in New York, Connecticut, Massachusetts, Rhode Island, and those in Indiana, Ohio, Pennsylvania, Maryland, Delaware, and New Jersey on and north of U.S. Highway 40; and (b) between Sault Ste. Marie, Mich., and points in New York, Connecticut, Massachusetts, Rhode Island, and those in Indiana, Ohio, Pennsylvania, Maryland, and Delaware on and north of U.S. Highway 40. (2) *New furniture* (crated and uncrated); between Grand Rapids, Mich. and points in that part of Indiana bounded on the east by U.S. Highway 27 and on the south by U.S. Highway 40, including points on said highway boundaries, those in Missouri on and north of U.S. Highway 66, points in Kansas, those in Oklahoma on and north of U.S. Highway 66, those in Colorado on and east of U.S. Highway 85, and those in Nebraska and Iowa on and south of U.S. Highway 30. (3) *New furniture* (crated); between Hammond, Ind. and points in Ohio, Pennsylvania, New York, Maryland, Delaware, Massachusetts, Connecticut and Rhode Island. (4) *Building materials (limited to lumber, plaster, cement, nails, asbestos and siding)*; between Traverse City, Mich., and points in Illinois, Indiana, Kentucky, and Ohio. (5) *Machinery parts;* between East Chicago, Ind., and points in Ohio, Pennsylvania, Indiana, Missouri, Illinois, Wisconsin, and Michigan.

HEARING: March 6, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 124094, filed December 14, 1961. Applicant: ROBERT BAKER BAYLES, Box 102, Bluemont, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* between points in Maryland, Virginia, West Virginia, and the District of Columbia.

HEARING: February 21, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Laurence E. Masoner.

No. MC 124105, filed December 18, 1961. Applicant: BAGGETT BULK TRANSPORT, INC., 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* and *lime and limestone*, in bulk and in packages, and *masonry and portland cement*, in packages, from Longview (Shelby County), Ala., to points in Georgia.

NOTE: Applicant states it is a wholly-owned subsidiary of Baggett Transportation Company.

HEARING: March 5, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 157, or if, the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

No. MC 124107, filed December 21, 1961. Applicant: V. F. LANASA, INC., 1817 East Franklin Street, Richmond, Va. Applicant's attorney: Richard D. Obenshain, Mutual Building, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., to Norfolk, Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: February 16, 1962, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 68.

No. MC 124134, filed January 3, 1962. Applicant: ALABAMA TRANSPORT, INC., 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorney: John Andrew Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, from the plant site of the Lehigh Portland Cement Company, at Tarrant City (Birmingham), Ala., to points in Oktibbeha County, Miss., and *rejected and returned shipments* of the above-specified commodity, on return.

NOTE: Applicant has pending contract carrier authority in MC 119008, therefore, dual operations may be involved. Common control may also be involved.

HEARING: March 2, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 14, or if, the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

MOTOR CARRIERS OF PASSENGERS

No. MC 1002 (Sub-No. 16), filed January 2, 1962. Applicant: ASBURY PARK-NEW YORK TRANSIT CORPORATION, 275 Broadway, Keyport, N.J. Applicant's attorney: Edward W. Currie, 123 Main Street, Matawan, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) between Wall Township and Matawan Township, N.J., beginning at the junction of New Jersey Highway 34 and Monmouth County Highway 524, formerly known as Monmouth County Highway 19, in Wall Township, thence over New Jersey Highway 34 through Atlantic, Holmdel, and Marlboro Townships to the junction of New Jersey Highway 34 and Lloyd Road in Matawan Township, and return over the same routes, serving all intermediate points, (2) between Neptune Township and Wall Township, N.J., beginning at the junction of Main Street and New Jersey Highway 33, in Ocean Grove, Neptune Township, thence over New Jersey Highway 33 to junction New Jersey Highway 33 and New Jersey Highway 34 in Wall Township, and return over the same routes, serving all intermediate points, and (3) between points in Wall Township, N.J., beginning at the junction of New Jersey Highway 38 and the Garden State Parkway Northbound Entrance Ramp 97 in Wall Township, thence over New Jersey Highway 38 to the junction of New Jersey Highway 38

and New Jersey Highway 34 in Wall Township, and return over the same routes, serving all intermediate points.

NOTE: Applicant states Coastal Cities Coach Company, a New Jersey corporation, is owned by the same stockholders, and stock is held in the same proportion. It also operates under the same management.

HEARING: February 19, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 1501 (Sub-No. 253), filed December 6, 1961. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Robert J. Bernard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers and mail*, in the same vehicle with passengers, between Ozark, Ala., and Junction U.S. Highway 231 and Alabama Highway 134 near Newton, Ala.; from Ozark over unnumbered County Highway to its junction with Alabama Highway 134, thence over Alabama Highway 134 to its junction with U.S. Highway 231, and return over the same route, serving all intermediate points.

HEARING: March 1, 1962, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 100, or if the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

No. MC 3647 (Sub-No. 316), filed December 6, 1961. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between junction New Jersey Highway 34 and New Jersey Highway 79, Matawan Borough, N.J., and junction New Jersey Highway 34 and Lloyd Road, Matawan Township, N.J.; from junction New Jersey Highways 34 and 79, over New Jersey Highway 34 to junction Lloyd Road, and return over the same route, serving all intermediate points.

HEARING: February 19, 1962 at the State Office Building, Room 212, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 3647 (Sub-No. 317), filed December 7, 1961. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, Public Service Coordinated Transport, Law Department, 180 Boyden Avenue, Maplewood, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, (1) Between Howell Township, N.J., and Lakewood Township, N.J., as follows: From junction U.S. Highway 9 and Aldrich Road, Howell Township, N.J., over Aldrich Road to junction of New Prospect Road, Jackson Township, N.J., thence over New Prospect Road to junction County Line Road, Lakewood, N.J., thence over County Line Road to junction of U.S. Highway 9 (Madison Avenue), Lakewood, N.J., and return over the same route, serving all intermediate points; and (2) Within Jackson Township, N.J., as follows: From junction Aldrich Road and New Prospect Road, Jackson Township, N.J., over Bennetts Mills-Hyson Road and Bennetts Mills-Vanhiseville Road to junction Cooks Bridge Road, thence over Cooks Bridge Road to junction Hope Chapel Road, thence over Hope Chapel Road to junction Lakewood-New Egypt Road (County Road 528), Jackson Township, N.J., and return over the same route, serving all intermediate points.

HEARING: February 16, 1962, at the State Office Building, Room 212, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12776, filed October 27, 1961. Applicant: NEVADARAMA, INC., 181 O'Farrell Street, San Francisco, Calif. For a license (BMC 5) to engage in operations as a *broker* at San Francisco, San Jose, Sacramento, Stockton, and Oakland Calif.; in arranging for the transportation by motor vehicle in interstate or foreign commerce of *Passengers*, both as individuals and groups, in round-trip and charter all-expense conducted "package" tours, between points in California and Nevada.

HEARING: February 12, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate before Examiner F. Roy Linn.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 10928 (Sub-No. 43), filed January 2, 1962. Applicant: SOUTHERN PLAZA EXPRESS, INC., P.O. Box 10572, Dallas 7, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) serving the site of the Rice University Research Center located near Houston, Tex., as an off-route point in connection with applicant's authorized regular-route operations between Houston and Texas City, Tex., and (2) from the intersection of U.S. Highway 75 and Farm-to-Market Road 528, thence over Farm-to-Market Road 528 to the Rice University Research Center; alternate routes, from the intersection of U.S. Highway 75 with Spencer Highway, Genoa-Red Bluff Road, Kirby Road, and Farm-to-Market Road 528, thence over above-specified highways and roads to the Rice University Research Center, and return over the same routes, serving no intermediate points and coordinating the service with that rendered under other authority held by applicant.

NOTE: Common control may be involved

No. MC 41849 (Sub-No. 13), January 8, 1962. Applicant: KEIGHTLEY BROS., INC., 1601 South 39th Street, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1311–12 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities* (except petroleum products and cement), between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission.

No. MC 66562 (Sub-No. 1870), filed January 9, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Hammond, La., and Bogalusa, La.: from Hammond over U.S. Highway 190 to Covington, La., thence over Louisiana Highway 21 to Bogalusa, and return over the same route, serving the intermediate point of Covington, La. RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 86687 (Sub-No. 64), filed January 2, 1962. Applicant: SEABOARD AIR LINE RAILROAD COMPANY, a corporation, 3600 West Broad Street, Richmond, Va. Applicant's attorney: Wilkes C. Robinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between junction U.S. Highway 17 and South Carolina Highway 41; from junction U.S. Highway 17 and South Carolina Highway 41, thence over U.S. Highway 17 to Georgetown, S.C., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations, and (2) between junction U.S. Highways 521 and 17A and junction U.S. Highway 17A and South Carolina Highway 41; from junction U.S. Highways 521 and 17A, thence over U.S. Highway 17A to junction with South Carolina Highway 41, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations.

No. MC 107496 (Sub-No. 222), filed January 2, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Albany, Ill., and points within five (5) miles thereof to points in Iowa.

NOTE: Applicant states it is wholly owned by John Ruan. Applicant controls and owns all of the outstanding capital stock of Illinois-Ruan Transport Corporation, an Illinois corporation, which also operates as a common carrier by motor vehicle in interstate commerce for the transportation of petroleum and other products, in bulk.

No. MC 109637 (Sub-No. 198), filed January 8, 1962. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Applicant's representative: H. N. Nunnally (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles, from Bowling Green, Ky., to points in Tennessee (except Nashville, Tenn., and points within 10 miles thereof).

No. MC 112750 (Sub-No. 91), filed January 3, 1962. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: James K. Knudson, 1821 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film*, and *incidental dealer handling supplies and advertising literature* (excluding motion picture film used primarily for commercial theatre and television exhibition)—(a) between Boston, Mass., on the one hand, and on the other, points in Grafton, Merrimack, Belknap, Cheshire, and Sullivan Counties, N.H., under contract with Eastman Kodak Company; and (b) between Portland, Maine, on the one hand, and on the other, points in Strafford, Rockingham, Hillsboro, Merrimack, Keene, and Sullivan Counties, N.H., under contract with Bicknell Photo Service of Portland, Maine, (2) *Sales audit media*, consisting of *charge sales tickets, cash sales tickets, charge credit sales tickets, refund slips, cash register tapes, application forms and accompanying documents*, between Providence, R.I., on the one hand, and on the other, points in Middlesex, Essex and Bristol Counties, Mass., under contract with Cherry & Webb Company of Providence, R.I.

No. MC 113959 (Sub-No. 2), filed January 8, 1962. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rotodome units*, from Marion, Va., to Bethpage (Nassau County) and Peconic (Suffolk County), Long Island, N.Y., and Belmont, Calif.

NOTE: Applicant holds common carrier authority in MC 107544 and Subs thereunder.

No. MC 123992 (Sub-No. 1) (2d CORRECTION), filed November 15, 1961, republished as corrected in the FEDERAL REGISTER, issue of December 20, 1961, two words republished, as corrected, this issue. Applicant: SCHWERMAN CO. OF PA., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Application as previously republished in the FEDERAL REGISTER, issue of December 20, 1961, is corrected in two places as follows:

1. In line 22 (third column) the word printed as "Monogalia" is corrected to read "Monongalia".

2. In line 26 (third column) the last word printed as "Writ" is corrected to read "Wirt".

No. MC 124079 (CLARIFICATION), filed December 5, 1961, published FEDERAL REGISTER issue of December 20, 1961, clarified December 29, 1961, and republished, as clarified, this issue. Applicant: JACK BOWER, doing business as BOWER'S TOWING, 376 East Cuyahoga Falls Avenue, Akron, Ohio. Applicant's attorney: Harold M. Wilson, First National Tower, Akron, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Any motor or other highway vehicles designed for general highway transportation, which are dead, wrecked, disabled, abandoned, repossessed, stolen* and *embezzled*, with and without cargo, by wrecker equipment only, (2) *dollies*, where said vehicles are in such condition that the vehicle cannot be towed and (3) *replacement vehicles* and *equipment for wrecked and disabled vehicles*, by wrecker service only, between points in Medina, Portage, Stark, Summit, and Wayne Counties, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia.

NOTE: Applicant states that the proposed operation is restricted to exclude vehicles of the armed services or forces shipped by the United States Government, by wrecker service only. The purpose of this republication is to substitute the above restriction in lieu of the restriction previously published.

MOTOR CARRIERS OF PASSENGERS

No. MC 45626 (Sub-No. 46), filed January 5, 1962. Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vt. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, in special operations, including the right to tack or join intersecting routes over which carrier is presently authorized to operate; Between westerly junction New York Highways 7 and 22 and junction Vermont Highway 346 and U.S. Highway 7, from westerly junction New York Highways 7 and 22, over New York Highway 22 to junction New York Highway 346, thence over New York Highway 346 to the New York-Vermont State line, thence over Vermont Highway 346 to junction U.S. Highway 7, and return over the same route, serving all intermediate points.

NOTE: Applicant states it presently holds regular route authority over other routes authorizing and permitting operations between the terminal points of the route applied for. Applicant also states that the route applied for is being sought by applicant primarily in order to permit it to improve its existing routes for service to and from the new Pownal, Vermont, Race Track which is presently under construction on U.S. Highway 7 near the village of Pownal, Vt.

No. MC 119098 (Sub-No. 2), filed December 27, 1961. Applicant: SMITH BUS SERVICE, INC., 302 York Street, Manchester, Md. Applicant's representative: Donald E. Freeman, 97 Uniontown Road, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between Hanover, Pa., and Upperco-Fowblesburg, Md.: from Hanover, Pa., over Pennsylvania Highway 94 to the Maryland-Pennsylvania state line, and thence over Maryland Highway 30 to Upperco (Arcadia)-Fowblesburg, Md., and return over the same route, serving the intermediate points of Bandanna and State Line, Pa., and Melrose, Manchester, Greenmount, and Hampstead, Md.

No. MC 123082 (Sub-No. 2), filed December 26, 1961. Applicant: PEOPLES TRANSIT COMPANY, INC., Frostburg, Md. Applicant's representative: Donald E. Freeman, 97 Uniontown Road, Box 24, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Cumberland, Md., and Piedmont, W. Va.: from Cumberland over U.S. Highway 40 to Frostburg, Md., thence over Maryland Highway 36 to the Maryland-West Virginia state line (and Piedmont city line), and return over the same route, serving the intermediate points of Lavale, Eckhart Mines, Frostburg, Borden-Shaft, Midland, Lonaconing, Pekin, Moscow, Barton, Franklin, and Westernport, Md.

NOTE: Applicant states that it holds authority from the Maryland Public Service Commission to serve the same route and intermediate points in intrastate transportation.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–7978 (correction) (SHAMROCK VAN LINES, INC.—PURCHASE—LAGRETA LOWMAN REELY) published in the January 4, 1962, issue of the FEDERAL REGISTER on page 67. The vendee's name SHAMROCK VAN LINES, INC., was incorrectly shown as Southern Tank Lines, Inc.

No. MC–F–8012 (MIDWEST EMERY FREIGHT SYSTEM, INC.—PUR-

CHASE—INDEPENDENT TRUCKERS, INC. (EDWARD G. GARVEY, TRUSTEE), published in the December 6, 1961, issue of the FEDERAL REGISTER on page 11708. Supplement filed January 8, 1962, to show joinder of MIDWEST TRANSFER COMPANY OF ILLINOIS, 7000 South Pulaski Road, Chicago, Ill., as party applicant (together with MILTON D. RATNER), as parties controlling vendee.

No. MC–F–8034 (correction) (H. W. TAYNTON CO., INC.—PURCHASE—ITHACA TRANSPORTATION SERVICE, INC.), published in the January 10, 1962, issue of the FEDERAL REGISTER. APPLICATION SHOULD HAVE BEEN SHOWN AS A MERGER IN LIEU OF PURCHASE.

No. MC–F–8038. Authority sought for purchase by EAZOR EXPRESS, INC., 15 26th Street, Pittsburgh 2, Pa., of the operating rights and property of NORTHWESTERN TRANSFER CO., 134 North Young Street, Milwaukee 1, Wis., and for acquisition by THOMAS EAZOR, also of Pittsburgh, Pa., of control of such rights and property through the purchase. Applicant's attorneys: Axelrod, Goodman, and Steiner, 39 South La Salle Street, Chicago 3, Ill., and James F. Flanagan, 111 West Washington Street, Chicago, Ill. Operating rights sought to be transferred: *General commodities*, excepting, among others, commodities in bulk, but not excepting household goods, as a *common carrier* over regular routes between Milwaukee, Wis., and Chicago, Ill., serving all intermediate and certain off-route points; and, *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes between points in Milwaukee County, Wis., and between Milwaukee, Wis., on the one hand, and, on the other, points in Waukesha County, Wis. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Illinois, Indiana, New Jersey, Ohio, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8039. Authority sought for purchase by ARTHUR W. SORENSEN, an individual, doing business as SORENSEN TRANSPORTATION COMPANY, Old Amity Road, Bethany, Conn., of a portion of the operating rights of H & B FREIGHTWAYS, INC. (JOHN H. KRICK, TRUSTEE), Totoket Road, North Branford, Conn. Applicants' attorneys: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn., and Gerald W. Brownstein, 157 Church Street, New Haven, Conn. Operating rights sought to be transferred: *Groceries* and *packinghouse products*, as a *common carrier* over regular routes from New York, N.Y., to Hartford, Conn., serving certain intermediate and off-route points, and *general commodities*, excepting, among others, household goods and commodities in bulk over irregular routes between New Haven, Conn., on the one hand, and, on the other, Momauguin, Morris Cove, Lighthouse Point, Short Beach, Silver Sands, Double Beach, Stony Creek, and Guilford, Conn. Vendee is authorized to operate as a *common carrier* in New Jersey, Massachusetts, Connecticut, Delaware, Maryland, Pennsylvania, and New York. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8040. Authority sought for purchase by HENRY SCHMAELZLE, an individual, doing business as HENRY SCHMAELZLE TRANSPORTATION, 148 Davenport Avenue, New Haven, Conn., of a portion of the operating rights of H & B FREIGHTWAYS, INC. (JOHN H. KRICK, TRUSTEE), Totoket Road, North Branford, Conn. Applicants' attorneys: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn., and Gerald W. Brownstein, 157 Church Street, New Haven, Conn. Operating rights sought to be transferred: *Scrap metals*, as a *common carrier* over irregular routes between points in Connecticut, on the one hand, and, on the other, New York, N.Y., Philadelphia, Pa., and points in New Jersey. Vendee holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8041. Authority sought for control by TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas 7, Tex., of CONTINENTAL DISPATCH, INC., 425 Bolton Avenue, Alexandria, La. Applicants' attorney: Warren A. Goff, 315 Continental Avenue, Dallas 7, Tex. Operating rights sought to be controlled: Authority applied for under applications filed August 18, 1961, in Docket Nos. MC–123883 and MC–123883 Sub 1, to transport as a *common carrier* over irregular routes, *commercial papers, documents and written instruments*, ordinarily used in banks and banking institutions, destined to or originating at banks or banking institutions (excluding coins, currency, negotiable securities, stationary and supplies), between points in Arkansas, those in Mississippi on and north of U.S. Highway 80, those in Missouri on and south of Missouri Highway 84, on the one hand, and, on the other, Memphis, Tenn., and between points in Rapides Parish, La., points in Louisiana on and east of Louisiana Highway 19 from the Louisiana Mississippi State Line to Baton Rouge, La., thence from Baton Rouge over Louisiana Highway 1 to the Gulf of Mexico, points in Mississippi, on and south of U.S. Highway 80, points in Baldwin and Mobile Counties, Ala., and Pensacola, Fla., on the one hand, and, on the other, New Orleans, La. TRANSCONTINENTAL BUS SYSTEM, INC., is authorized to operate as a *common carrier* in Illinois, Missouri, Kansas, California, New Mexico, Colorado, Texas, Oklahoma, Utah, Arizona, Nevada, Nebraska, Arkansas, Louisiana, Indiana, and Iowa. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8042. Authority sought for purchase by PAUL E. MERRILL, an individual, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine, of the operating rights and property of CLESS G. DAVIS, an individual, doing business as QUEEN CITY TRANSPORTS, 179 St. Paul Street, Burlington, Vt. Applicant's attorney: Francis E. Barrett, Professional Building, 25 Bryant Avenue, East Milton 86, Mass. Operating rights sought to be transferred: *Petroleum products*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from South Portland, Maine, Troy, N.Y., and points within 20 miles of Troy, to points in Vermont, traversing New Hampshire for operating convenience only; from Fort Edward, Whitehall, and Montcalm Landing (about two miles south of Ticonderoga, N.Y.), N.Y., to certain points in Vermont; and from Burlington, Vt., to points in Coos and Grafton Counties, N.H. Vendee is authorized to operate as a *common carrier* in Maine, New Hampshire, Rhode Island, and Massachusetts. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8043. Authority sought for purchase by R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville 1, Ind., of the operating rights of ECK MILLER CONTRACT CO., INC., 1125 Sweeney Street, Owensboro, Ky., and for acquisition by R. L. JEFFRIES, 3015 Hartig Avenue, Evansville, Ind., C. R. JEFFRIES, 4209 Jennings Lane, Evansville, Ind., and O. E. JEFFRIES, 2926 Hartig Avenue, Evansville, Ind., of control of such rights through the purchase. Applicants' attorney: Ernest A. Brooks II, 1311 Ambassador Building, St. Louis 1, Mo. Operating rights sought to be transferred: *Such commodities* as require the use of special equipment by reason of size or weight, but not including motor vehicles, as a *common carrier* over irregular routes, from points in Ohio, Indiana, Illinois, Missouri, Tennessee, Virginia, West Virginia, and the lower Peninsula of Michigan, to points in Indiana, and Kentucky within 150 miles of Owensboro, Ky., including Owensboro; RESTRICTIONS: (1) The service authorized above is restricted against the transportation of traffic moving between any two points both of which are in Indiana, and (2) the above-specified authority may not be joined with any of the other authority granted herein for the purpose of rendering through service; *such commodities* as require the use of special equipment by reason of size or weight, and *parts thereof*, when moving in connection therewith, from points in Indiana, Illinois, Kentucky, and Tennessee within 150 miles of Owensboro, Ky., to points in Ohio, Indiana, Illinois, Missouri, Tennessee, Virginia, West Virginia, and the lower Peninsula of Michigan, and; *oil well and mine machinery, pipe, and supplies*, between points in Indiana, Illinois, Kentucky, and Tennessee within 200 miles of Owensboro, Ky., on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, Tennessee, Mississippi, and Georgia; and between points within 35 miles of Owensboro, Ky., on the one hand, and, on the other, points in West Virginia. Vendee is authorized to operate as a *common carrier* in Indiana, Illinois, Kentucky, Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, West Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8044. Authority sought for purchase by SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio, of a portion of the operating rights of PHILIP S. ZANGHI, an individual, doing business as RED LINE TRANSFER CO., 2320 Monumental Road, Baltimore, Md., and for acquisition by KENNETH SUBLER, BASIL SUBLER and RUBY SUBLER, all of Versailles, Ohio, of control of such rights through the purchase. Applicants' attorney: Taylor C. Burneson, 3430 Le Veque-Lincoln Tower, Columbus 15, Ohio. Operating rights sought to be transferred: *Agricultural commodities, packing-house products, groceries* (except bananas), and *canned goods*, as a *common carrier* over a regular route between Baltimore, Md., and Harrisburg, Pa., serving the intermediate point of York, Pa., *agricultural commodities, packing-house products, groceries* (except bananas), and *canned goods*, over irregular routes, from Baltimore, Md., Harrisburg, York, Scranton, and Philadelphia, Pa., and New York, N.Y., to Baltimore, Md., Harrisburg, York, Scranton, Philadelphia, Pittsburgh, and Wilkes-Barre, Pa., New York, N.Y., Richmond, Va., and Washington, D.C., traversing Delaware and New Jersey for operating convenience only, *bananas*, from New York, N.Y., and Philadelphia, Pa., to Harrisburg, York, Scranton, Wilkes-Barre, and Pittsburgh, Pa., and *bakery products*, from Wilkes-Barre, Pa., to Baltimore, Md., and Washington, D.C. Vendee is authorized to operate as a *common carrier* in Maryland, Illinois, Ohio, Delaware, New Jersey, Kentucky, New York, Wisconsin, Pennsylvania, New Hampshire, Maine, Connecticut, Virginia, Nebraska, Indiana, West Virginia, Massachusetts, Rhode Island, Minnesota, Michigan, Missouri, Vermont, Iowa, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8045. Authority sought for purchase by VON DER AHE VAN LINES, INC., 4601 Olive Street, St. Louis 8, Mo., of the operating rights of ARCHER VAN LINES, INC., 2900 South Main Street, Salt Lake City, Utah, and for acquisition by R. L. VON DER AHE, also of St. Louis, Mo., of control of such rights through the purchase. Applicants' attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. Operating rights sought to be transferred: *Household goods*, as a *common carrier* over irregular routes between Julesburg, Colo., and points within 75 miles thereof, on the one hand, and, on the other, points in Wyoming, South Dakota, Nebraska, and Kansas. Vendee is authorized to operate as a *common carrier* in 48 states and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8047. Authority sought for control by HOWARD H. HOLDCROFT, 3200 Highway 75 North, Sioux City, Iowa, of PREMIER TRUCKING SERVICE CO., 2315 East Fourth Street, Sioux City, Iowa. Applicants' attorney: R. G. May, 316 Security Bank Building, Sioux Falls, S. Dak. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between points in the Chicago, Ill., Commercial Zone, on the one hand, and, on the other, Sioux City, Iowa, and Omaha and South Omaha, Nebr., and *paper boxes*, from Morris, Ill., to Des Moines and Sioux City, Iowa, and Omaha and South Omaha, Nebr. HOWARD H. HOLDCROFT holds no authority from this Commission. However, he is affiliated with HOLDCROFT TRANSPORTATION COMPANY, 32d and Highway 75N, Box 266, Sioux City, Iowa, which is authorized to operate as a *common carrier* in Nebraska, Iowa, South Dakota, Missouri, and Minnesota. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8048. Authority sought for control by THEODORE EARL HAINES, P.O. Box 677, Winchester, Va., of THE J. P. BRESLIN TRUCKING & TERMINAL CORPORATION, 142 West Ostend Street, Baltimore, Md. Applicants' representative: Theodore Earl Haines, P.O. Box 81, Winchester, Va. Operating rights sought to be controlled: *Canned goods, dried fruit*, and *matches*, as a *common carrier* over irregular routes between Baltimore, Md., on the one hand, and, on the other, points in Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia, within 300 miles of Baltimore. THEODORE EARL HAINES holds no authority from this Commission. However, he is affiliated with THE J. AND L. LINES, INC., P.O. Box 677, Winchester, Va., which is authorized to operate as a *common carrier* in Maryland, Virginia, West Virginia, Ohio, Pennsylvania, New York, North Carolina, South Carolina, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8049. Authority sought for purchase by E. B. OLMSTED and NEIL B. OLMSTED, a partnership, doing business as OLMSTED TRANSPORTATION COMPANY, Route 3, Box 147, Mt. Vernon, Wash., of a portion of the operating rights of HOME TRANSFER & STORAGE CO., 1906 Southeast 10th, Portland, Oreg. Applicants' attorney: George R. LaBissoniere, 333 Central Building, Seattle 4, Wash. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Seattle, Wash., and Sedro Woolley, Wash., between Mount Vernon, Wash., and Deception Pass Bridge, Wash., serving all intermediate and certain off-route points, and over an alternate route for operating convenience only, *household goods*, over irregular routes between points in Skagit County, Wash., on the one hand, and, on the other, points in Idaho, Oregon, and Washington, and *heavy machinery*, between points in Skagit County, Wash., on the one hand, and, on the other, points in Whatcom, Snohomish, King, and Pierce Counties, Wash., and between points in Skagit County, Wash. Vendee holds no authority from this Commission, however, NEIL B. OLMSTED AND E. B. OLMSTED are equal partners with ALVIN ANDERSON, doing business as REFRIGERATED TRUCK LINES, Rt. 3, Box 147, Mt. Vernon, Wash., which are authorized to operate as a *common carrier* in Washington, Illinois, Iowa, Michigan, Minnesota, Nebraska, Utah, California, Wisconsin, and Oregon. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8050. Authority sought for purchase by RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa, of the operating rights and property of DENVER CHICAGO TRANSPORT COMPANY, INC., 45th Avenue at Jackson Street, Denver, Colo., and for acquisition by JOHN RUAN, also of Des Moines, of control of such rights and property through the purchase. Applicants' attorneys: Rex H. Fowler, 503 Central National Bank Building, Des Moines, Iowa, H. L. Fabritz, 408 Southeast 30th St., Des Moines, Iowa, and Axelrod, Goodman, and Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be transferred: *Petroleum products*, in bulk, in tank vehicles, as a *common carrier* over regular routes from Casper and Sinclair, Wyo., and the Texas Company refinery, near Casper, Wyo., to points in Colorado, serving the intermediate points on Colorado Highway 13 between the Wyoming-Colorado State line and Rifle, Colo., including Rifle, Colo., and those on U.S. Highway 6 between Rifle, Colo., and the Colorado-Utah State line; the intermediate and off-route points in Dolores, Montezuma, La Plata, San Juan, Archuleta, and Hinsdale Counties, Colo., and all other intermediate points in Colorado which on April 7, 1939, were not served by a standard guage railroad, restricted to delivery only; the intermediate and off-route points of Craig, Colo., and those within two miles of Craig, and the Texas Company refineries, near Casper, Wyo., restricted to pick-up only; and the off-route point of The White Eagle refinery, near Casper, Wyo., for pick-up of shipments moving via Durango, Colo., to points in the above-named Colorado Counties; *liquid petroleum products*, from Casper, Wyo., to Denver, Colo., serving the intermediate point of Berthoud, Colo., restricted to delivery only, from Denver, Colo., to Laramie, Wyo., and from Denver, Colo., to Evergreen, Colo., serving no intermediate points, *petroleum products*, in bulk, in tank vehicles, over regular and irregular routes, from Sinclair, Wyo., and the Texas Company refinery, near Casper, Wyo., over irregular routes to junction of the above-specified regular routes, thence over these routes to junction of certain specified routes in Colorado, thence over these routes to certain points in Colorado, *crude oil*, in bulk, in tank vehicles, over irregular routes, from points in Logan, Morgan, and Weld Counties, Colo., to points in Wyoming, *petroleum products*, in bulk, in tank vehicles, from points in Wyoming, to points in Colorado and South Dakota, and *rejected shipments* of petroleum products, in bulk, in tank vehicles from the destination points described immediately above, to points in Wyoming, *petroleum products*, in bulk, in tank vehicles, be-

tween points in Colorado, between points in Colorado, on the one hand, and, on the other, points in Utah, from points in Colorado to points in Kansas and Nebraska, from points in Wyoming to points in Nebraska, from Denver, Colo., and Cheyenne, Wyo., and points within ten miles of each, and from the site of the Texas Company refinery, near Casper, Wyo., to points in South Dakota, and from points in Wyoming to points in Utah, *petroleum and petroleum products*, in bulk, in tank vehicles, from points in Nebraska to points in Colorado and Wyoming, *petroleum and petroleum products* (except crude petroleum and liquefied petroleum gas), in bulk, in tank vehicles from Sidney, Nebr., to points in South Dakota, and from Sidney, Nebr., to points in Kansas, *hydrochloric acid*, in bulk, in tank vehicles, from Sterling, Colo., and Kimball, Nebr., to points in Wyoming, from Sterling, Colo., to points in Nebraska, and from Wichita, Kans., to Denver, Colo., *caustic soda*, in bulk, in tank vehicles, from Wichita, Kans., to Denver, Colo., and Cheyenne, Wyo., and from the plant site of the Dow Chemical Company located approximately nine miles from Denver, Colo., to points in Montana, *sulphuric acid*, in bulk, in tank vehicles, from Casper, Wyo., to points in South Dakota, from Denver, Colo., to Edgemont, S. Dak., and from Denver Colo., to Casper, Wyo., *ammonium hydroxide* and *ammonium phosphate*, in bulk in tank vehicles, from Henderson, Colo., to points in South Dakota, Nebraska, and Wyoming, *molasses*, in bulk, in tank vehicles, between Denver, Colo., on the one hand, and, on the other, points in Wyoming, Kansas, Nebraska and South Dakota, and from Gering, Nebr., to points in South Dakota, Colorado, and Wyoming, and from Torrington, Wyo., to points in South Dakota, Colorado, and Nebraska, *vegetable oils*, in bulk, in tank vehicles, from Sidney, Nebr., to points in Missouri, Kansas, Colorado, and Utah, *concrete aggregates* from Laramie, Wyo., to points in Colorado, Utah, Nebraska, Idaho, Kansas, and South Dakota, *petroleum products*, other than crude oil in its natural state, from points in Wyoming and Colorado, to points in Nebraska, from points in Colorado, to points in Wyoming and South Dakota, from points in Colorado and Laramie County, Wyo., to points in Kansas, and between points in Wyoming. RESTRICTION: The authority under the commodity description immediately above is restricted against the following transportation: *Petroleum products*, in bulk, in tank vehicles, from points in Wyoming and Colorado, to points in Nebraska, and from points in Colorado, to points in Kansas, *crude petroleum*, in bulk, in tank vehicles, between points in Moffat and Rio Blanco Counties, Colo., between points in Moffat and Rio Blanco Counties, Colo., on the one hand, and, on the other points in Uintah County, Utah, between points in Colorado, and from points in Colorado, to points in Nebraska, *sulphuric, hydrochloric, and hydrofluoric acids*, in bulk, in tank vehicles, from Denver and Sterling, Colo., to points in Wyoming, *air-entraining solutions*, in bulk, in tank vehicles, from Denver, Colo., to Glen Canyon Dam Site, Ariz., and points within five miles of the Dam Site, *asphalt* and *road oil*, in bulk, in tank vehicles, from Sinclair, Wyo., to Pocatello, Idaho, and points within five miles thereof, *residual fuel oils Nos. 4, 5, and 6*, in bulk, in tank vehicles, from Sinclair, Wyo., to points in Idaho, *petroleum products*, in bulk, in tank vehicles, from points in Colorado, to points in South Dakota, *spent sulphuric acid*, in bulk, in tank vehicles, from Casper, Wyo., to Denver, Colo., *nitric acid*, in bulk, in tank vehicles, from Louviers, Colo., to Jeffrey City, Wyo., *anhydrous ammonia*, in bulk, in tank vehicles, restricted to shipments having a prior movement by rail, from points in Wyoming, to Jeffrey City, Wyo., and Waltman, Wyo, *liquid caustic soda* (sodium hydroxide), and *solutions thereof*, in bulk, from the site of the Rocky Mountain Arsenal located near Ladora, Colo., to Harrisburg, Nebr., and points within 15 miles thereof, *anhydrous hydrazine*, in bulk, in tank vehicles, from Lake Charles, La., and Saltville, Va., to Nimbus and Santa Susana, Calif., and the site of the Rocky Mountain Arsenal at Denver, Colo., *unsymmetrical dimethylhydrazine*, in bulk, in tank vehicles, from Baltimore, Md., to Nimbus and Santa Susana, Calif., and the site of the Rocky Mountain Arsenal at Denver, Colo., *unsummetrical dimenthylhydrazine and anhydrous hydrazine mixtures*, in bulk, in tank vehicles, from the site of the Rocky Mountain Arsenal at Denver, Colo., to U.S. Government missile sites and supporting missile installations and to missile testing and research facilities in Arizona, Arkansas, California, Florida, Kansas, New York, and Tennessee, and *acids* and *chemicals* in bulk, from Denver, Colo., to points in South Dakota. Vendee is authorized to operate as a *common carrier* in Iowa, Illinois, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, North Dakota, South Dakota, Indiana, Michigan, Ohio, Colorado, Oklahoma, Arkansas, Louisiana, Kentucky, Texas, Pennsylvania, and Tennessee. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 62-499; Filed, Jan. 16, 1962; 8:48 a.m.]

[Nos. 33590, 33591]

RATES; GENERAL INCREASES

JANUARY 12, 1962.

General increases—transcontinental, No. 33590; general increases in transcontinental rates via freight forwarders, No. 33591.

In the above-entitled proceedings, by orders dated October 13, 1960, the Commission, by division 2, instituted investigations into the lawfulness of certain increases in the class and commodity rates for the transportation of property in transcontinental movements by motor common carriers and freight forwarders. Special procedures were followed as set forth in the amended order of February 2, 1961. Direct evidence and rebuttal were submitted in writing, and oral cross-examination was held at Kansas City, Mo. The initial decision of Hearing Examiner Leonard J. Kassel was served on January 12, 1962, upon the parties whose appearances are shown therein. The order of the Hearing Examiner directs the respondents to cancel the affected tariff schedules, and discontinues these proceedings. His findings are as follows:

Findings—In No. 33590, the examiner finds that:

(1) The weighted average operating ratios of the class I and II respondents are not shown to be substantially related to the traffic on which the increased rates apply;

(2) The respondents have not shown that any group of carriers are representative of the respondents generally in relation to the affected traffic;

(3) The respondents have not shown the effect of the increased expenses on the traffic on which the increased rates apply;

(4) The withholding of increases between certain points in the excluded territory and the application of the increases between other points cause undue preference to the former localities and undue prejudice to the latter localities;

(5) And that these respondents have failed to sustain the statutory burden of proving that the rates in issue are just and reasonable.

In No. 33591, the examiner finds that:

(1) The evidence relating to the increased expense to the forwarders is lacking in probative value for failure to supply the underlying data;

(2) Assuming the alleged increased expense has probative value, there is no showing (a) of its relation to the traffic on which the increased rates apply, and (b) that an increase in rates on a segment of traffic which will yield increased revenue approximately 2.25 times the increased expense on all traffic is just and reasonable;

(3) The withholding of increases between certain points in the excluded territory and the application of the increases between other points cause undue preference to the former localities and undue prejudice to the latter localities;

(4) And that the respondents have failed to sustain the statutory burden of proving that the rates in issue are just and reasonable.

Copies of the Hearing Examiner's initial decision may be obtained by any interested person from the Secretary, Interstate Commerce Commission, Washington 25, D.C.

Exceptions to the Hearing Examiner's initial decision may be filed by interested parties on or before February 16, 1962.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 62-500; Filed, Jan. 16, 1962; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 12, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37507: *Synthetic plastics cast of the Rocky Mountains.* Filed by Southwestern Freight Bureau, Agent (No. B-8129), for interested rail carriers. Rates on synthetic plastics, other than liquid (returned shipments), in carloads, between points in official (including Illinois), southern, southwestern and western trunk-line territories.

Grounds for relief: Carrier competition.

Tariffs: Supplements 26, 1, 1, and 1 to Southwestern Freight Bureau tariffs I.C.C. 4354, 4455, 4456 and 4457, respectively.

FSA No. 37508: *Barite from points in Arkansas and Missouri.* Filed by Southwestern Freight Bureau, Agent (No. B-8135), for interested rail carriers. Rates on barite (barytes), ground, not precipitated or refined by chemical process, in carloads, from Butterfield, Dierks, Glenwood, Malvern and National, Ark., Cadet Fountain Farm, Mineral Point, Potosi, Tiff, Valles Mines and Vineland, Mo., to specified points in Texas.

Grounds for relief: Market competition.

Tariff: Supplement 7 to Southwestern Freight Bureau tariff I.C.C. 4429.

FSA No. 37509: *Plaster from Cody, Wyo., to southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8132), for interested rail carriers. Rates on plaster and related articles, in carloads, from Cody, Wyo., to points in southwestern territory.

Grounds for relief: Market competition.

Tariff: Supplement 124 to Southwestern Freight Bureau tariff I.C.C. 4149.

FSA No. 37510: *Joint motor-rail rates—M-K-T and Chicago Express, Incorporated, et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 324), for interested carriers. Rates on commodities, moving on class and commodity rates, loaded in highway trailers of the motor carriers over the highway, thence transported on railroad flat cars of the railroad, between points in Kansas, Missouri, Oklahoma and Texas, on the one hand, and points in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania and Wisconsin, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 37511: *Iron or steel bars from and to points in WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A-2220), for interested rail carriers. Rates on iron or steel bars, in carloads, from Chicago and points grouped therewith, Chicago Heights, Joliet, Alton, East St. Louis and Federal, Ill., St. Louis, Mo., and Kansas City, Mo.-Kans. to Chicago, Ill., and points grouped therewith, Council Bluffs, Iowa, Jefferson City and North Jefferson, Mo., and Omaha, Nebr.

Grounds for relief: Barge and market competition.

Tariffs: Supplements 34 and 46 to Western Trunk Line Committee tariffs I.C.C. A-4347 and A-4271, respectively.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 62-497; Filed, Jan. 16, 1962; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—JANUARY

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Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Nursery Stock, Plants, and Seeds

PERMITS FOR IMPORTATION OF STRAWBERRY PLANTS AND REQUIREMENTS FOR THEIR FOREIGN CERTIFICATION

On October 7, 1961, there was published in the FEDERAL REGISTER (26 F.R. 9513) a notice of proposed rule making relating to the amendment of § 319.37(b) of the notice of quarantine relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37(b)) and § 319.37–13 of the regulations supplemental to said quarantine (7 CFR 319.37–13). After due consideration of all relevant matters presented, and pursuant to the provisions of sections 1, 5, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 162), in lieu of the proposed amendments, §§ 319.37–12 and 319.37–13 of said regulations (7 CFR 319.37–12, 319.37–13) are hereby amended in the following respects:

1. § 319.37–12 is amended by adding thereto a paragraph (e), to read as follows:

§ 319.37–12 Applications for and issuance of permits.

* * * * *

(e) Permits for the importation of strawberry plants (Fragaria spp.) from Europe will be issued only upon presentation to the Director of Division of satisfactory evidence that the red stele disease organism (Phytophthora fragariae Hickman) does not exist in the country where the plants were grown.

2. Section 319.37–13(a) is amended by adding at the end thereof another sentence to read as follows:

§ 319.37–13 Certification.

(a) * * * Further, a certificate accompanying a shipment of strawberry plants from Europe shall, in addition, state that the red stele disease organism (Phytophthora fragariae Hickman) is not known to occur in the country where the plants were grown.

(Secs. 1, 5, and 9, 37 Stat. 315, 316, 318, as amended; 7 U.S.C. 154, 159, 162)

The foregoing amendments shall become effective January 18, 1962.

These amendments must be made effective promptly to protect the United States against the entry of certain races of the red stele disease of strawberries. Certain races of this serious fungus disease, caused by Phytophthora fragariae Hickman, are not now prevalent in the United States. It has recently been reported to this Department that one or more of the races not reported as present here occur in a number of European countries. Although certain races of this fungus are known to exist in domestic strawberry plantings, many varieties of American strawberries are resistant to infection by the races prevalent here. However, recent experiments by Department scientists have shown that these resistant American varieties are all susceptible to infection by at least one of the foreign races. The fungus causing the disease is carried by infected strawberry plants and its presence or absence cannot be reliably determined by present port of entry inspection methods. Neither is there an effective treatment available for strawberry plants suspected of being infected. Moreover, it is impossible to distinguish between the races known to exist here and those found abroad, except by extensive laboratory work. Hereafter, a permit to import strawberry plants from any European country will be issued only when satisfactory evidence is submitted to the Director of the Plant Quarantine Division that such country is free of the red stele disease organism. Furthermore, the certificate accompanying such a permitted shipment from Europe must contain a statement that the red stele disease organism is not known to occur in the country where the plants were grown.

The amendments are less restrictive than the prohibitions originally proposed and it does not appear that further public rule making procedure will make new information available to the Department.

Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that further notice of rule making and other public procedure on the amendments are impracticable, unnecessary, and contrary to the public interest and good cause is found for making them effective less than 30 days after their publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of January 1962.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62–575; Filed, Jan. 17, 1962; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Changes in Representation of Certain Districts on Bartlett Pear Commodity Committee

Notice was published in the FEDERAL REGISTER issue of December 30, 1961 (26 F.R. 12782), that the Department was giving consideration to proposed amendments to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 917.100, 24 F.R. 469) currently in effect pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of Bartlett pears, plums, and Elberta peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was submitted by the Control Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment is hereby approved; and the said rules and regulations are amended as follows:

Delete § 917.116 and substitute therefor the following:

§ 917.116 Changes in representation of certain districts on Bartlett Pear Commodity Committee.

The representation or membership on the Bartlett Pear Commodity Committee is changed to provide for:

(a) One (1) member to represent the North Sacramento Valley District and the Central Sacramento Valley District;

(b) Three (3) members to represent the Sacramento River District, Stockton District, Contra Costa District, Santa Clara District, and Solano District;

(c) Two (2) members to represent the Placer District and the Colfax District;

(d) Three (3) members to represent the Lake District;

(e) One (1) member to represent the North Coast District and the North Bay District;

(f) Two (2) members to represent the El Dorado District; and all of the area not included in the North Sacramento Valley District, Central Sacramento Valley District, Colfax District, Placer District, Sacramento River District, Stockton District, Solano District, Contra Costa District, Santa Clara District, Lake District, North Coast District, and North Bay District.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) changes in the representation of districts on the commodity committees are required to be based, insofar as practicable, on shipments of fruit during the past 3 seasons; (2) accurate information concerning such shipments was not

available to the Department until December 8, 1961; (3) notice that consideration was being given to the proposed amendment was issued on December 27, 1961, and published in the FEDERAL REGISTER on December 30, 1961; (4) nominations for membership on the commodity committees are required to be made not later than February 15 of each year; and (5) it is necessary that this amendment be made effective as soon as practicable in order that the required nomination meetings may be scheduled and nominations made prior to such date.

Dated: January 12, 1962, to become effective upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–571; Filed, Jan. 17, 1962; 8:50 a.m.]

PART 950—IRISH POTATOES GROWN IN MAINE

Approval of Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 122 and Order No. 950 (7 CFR Part 950), regulating the handling of Irish potatoes grown in the State of Maine, was published in the FEDERAL REGISTER December 23, 1961 (26 F.R. 12294). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Maine Potato Administrative Committee established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 950.209 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Maine Potato Administrative Committee to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending August 31, 1962, will amount to $40,544.00.

(b) The rate of assessment to be effective for the fiscal period ending August 31, 1962, shall be $1.25 per railroad car, $1.00 per truckload of 25,000 pounds or over, and $0.50 (fifty cents) per truckload of less than 25,000 pounds, or the respective equivalent quantities, of potatoes handled during said fiscal year.

(c) The terms used in this section shall have the same meaning as when used in this part.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said marketing agreement and order require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period and (2) the current fiscal period began on September 1, 1961, and the rates of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 12, 1962, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 62–572; Filed, Jan. 17, 1962; 8:50 a.m.]

[971.304, Amdt. 3]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY OF SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971, formerly Part 1034), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas (Cameron, Hidalgo, Starr, and Willacy Counties), effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the South Texas Lettuce Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation on the part of handlers, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of lettuce grown in the production area.

Order, as amended. In § 971.304 (26 F.R. 10793, 11236, 12280), delete the provisions of paragraph (a) *Grade*, and paragraph (a) is, therefore, reserved.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. Dated January 15, 1962, to become effective January 15, 1962.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division.

[F.R. Doc. 62–570; Filed, Jan. 17, 1962; 8:50 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

STUDENTS AND EXCHANGE ALIENS

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Section 212.7 is amended by adding paragraph (c) to read as follows:

§ 212.7 Waiver of certain grounds of excludability.

* * * * *

(c) *Section 212(e).* An exchange alien who believes that compliance with the foreign-residence requirements of section 212(e) of the Act would impose exceptional hardship upon his spouse or child who is a citizen of the United States or a lawful permanent resident alien shall apply for a waiver on Form I–612. The applicant shall be notified of the decision and if the application is denied of the reasons therefor.

PART 214—NONIMMIGRANT CLASSES

1. Paragraph (a) of § 214.1 is amended to read as follows:

§ 214.1 Requirements for admission, extension, and maintenance of status.

(a) *General.* Every nonimmigrant alien applicant for admission or extension of stay in the United States shall establish that he is admissible to the United States or that a ground of inadmissibility has been waived under section 212(d)(3) of the Act; present a passport, valid for the period set forth in section 212(a)(26) of the Act, except as otherwise provided in this chapter, and, upon admission, a valid visa, except when either or both documents have been waived; agree that he will abide by all the terms and conditions of his admission or extension, and that he will depart at the expiration of the period of his admission or extension or on abandonment of his authorized nonimmigrant status; and post a bond on Form I–352 in the sum of not less than $500 if required by the district director, special inquiry officer, or the Board of Immigration Appeals at the time of admission or extension, to insure the maintenance of the alien's nonimmigrant status and his departure from the United States. A nonimmigrant other than one in the classes defined in (1) section 101(a)(15)(A)(i) or (ii) or (G)(i), (ii), (iii), or (iv) of the Act (members of which classes are not required to obtain extensions of stay if they continue to be so recognized by the Secretary of State as members of such classes); (2) section 101(a)(15)(C) or (D) of the Act (members of which classes are ineligible for extensions of stay); (3) section 101(a)(15)(J) of the Act, or (4) Title V of the Agricultural Act of 1949, as amended, and whose period of admission has not expired, shall apply on Form I–539 and may be granted or denied, without appeal, an extension of his period of temporary admission by an officer in charge of a suboffice or a district director.

2. Paragraphs (f) and (j) of § 214.2 are amended to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(f) *Students.* A student seeking admission to the United States under section 101(a)(15)(F)(i) of the Act and his accompanying spouse and minor children shall not be eligible for admission unless he presents Form I–20 properly filled out by himself and the school to which he is destined. The student's spouse and minor children following to join him shall not be eligible for admission into the United States unless they present Form I–20 from the school in which the student is enrolled stating that he is taking a full course of study and noted by the school to indicate the date of expiration of his authorized stay in the United States as shown on the student's Form I–94. Form I–20 presented by a student returning from a temporary absence may be retained by him and used for any number of reentries within one year of the date of its issuance. A student shall not be eligible for transfer to another school unless he presents a valid Form I–20 completed by the school to which he desires to transfer. An application by a student for permission to accept employment shall be filed on Form I–538 and may be granted or denied without appeal by an officer in charge of a suboffice or a district director. A student's spouse or child shall not be eligible for an extension of stay unless the student is eligible for an extension of stay.

* * * * *

(j) *Exchange aliens.* As used in this chapter the term "exchange alien" means a nonimmigrant alien who was admitted to the United States under section 101(a)(15)(J) of the Act or acquired such status after admission, or who acquired exchange-visitor status under the United States Information and Educational Exchange Act of 1948, as amended. An exchange alien coming to the United States as a participant in a program designated pursuant to section 101(a)(15)(J) of the Act and his accompanying spouse and minor children shall not be eligible for admission unless the participant presents completely executed Form DSP–66 or DSP–67. The spouse and minor children following to join the participant shall not be eligible for admission unless they present a copy of the current Form DSP–66 or DSP–67 issued to the participant by his program sponsor. Form DSP–66 or DSP–67 presented by an exchange alien returning from a temporary absence may be retained by such alien and used for any number of reentries within one year of the date of its issuance. When applying for an extension of stay, a spouse or child of a participant in a designated exchange program shall be classified under section 101(a)(15)(J) of the Act unless the spouse or child is applying for an extension of stay for a purpose other than to accompany the participant. A spouse or child accompanying a participant shall not be eligible for an extension of stay unless the participant is eligible for an extension of stay.

3. Section 214.3 is amended to read as follows:

§ 214.3 Petitions for approval of schools.

Any institution or place of study seeking approval for the attendance of alien students shall file with the district director having administrative jurisdiction over the place in which it is located a Form I–17. The petitioner shall be notified of the decision, and, if the petition is denied, of the reasons therefor and of the right to appeal in accordance with the provisions of Part 103 of this chapter. Whenever a district director having administrative jurisdiction over the place in which an approved institution of learning or place of study is located has reason to believe that it is no longer entitled to approval, he shall send it a notice containing the reasons why it is proposed within 30 days of the delivery of the notice to enter a decision withdrawing the approval previously granted. Within such 30-day period, which may be extended, the institution or place of study may submit to the district director written representations, under oath and supported by documentary evidence, setting forth reasons why the approval should not be withdrawn. After consideration of the facts presented, the district director shall notify the institution or place of study in writing of his decision and if said decision is to withdraw the approval previously granted the reasons therefor and of its right to appeal in accordance with the provisions of Part 103 of this chapter. The required report concerning each nonimmigrant F–1 student shall be made on Form I–20B.

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

Section 248.1 is amended to read as follows:

§ 248.1 Scope of part.

Any alien lawfully admitted to the United States as a nonimmigrant (including an alien who acquired such status pursuant to section 247 of the Act) who is continuing to maintain his nonimmigrant status, may apply to have his nonimmigrant classification changed to any other nonimmigrant classification for which he may be qualified. This section shall not apply to an alien classified as a nonimmigrant under section 101(a)(15)(D) of the Act, or to an alien classified as a nonimmigrant under section 101(a)(15)(C) who is within the purview of section 238(d) of that Act.

PART 282—FORMS FOR SALE TO PUBLIC

Section 282.1 is amended to read as follows:

§ 282.1 Forms printed by the Public Printer.

The Public Printer is authorized to print for sale to the public by the Superintendent of Documents the following forms prescribed by Subchapter B of this chapter: G–28, I–20, I–94, I–95, I–129B, I–130, I–131, and I–418.

PART 299—IMMIGRATION FORMS

1. The list of forms in § 299.1 *Prescribed forms* is amended in the following respects:

a. The following forms and references thereto are added:

Form No.	*Title and description*
DSP–67	Certificate of Eligibility for Program Transfer of Exchange Visitors.
I–538	Application by Nonimmigrant F–1 Student for Permission to Accept Employment.
I–612	Application for Waiver of the Foreign Residence Requirement of Section 212(e) of the Immigration and Nationality Act.

b. The following form and reference thereto is deleted:

Form No.	*Title and description*
I–21	Report of Initial Registration and Termination of Attendance of Nonimmigrant "F" Student.

2. Section 299.2 is amended to read as follows:

§ 299.2 Forms available from the Superintendent of Documents.

The following forms required for compliance with the provisions of Subchapter B of this chapter may be obtained, upon prepayment, from the Superintendent of Documents, Government Printing Office, Washington, D.C.: G–28, I–20, I–94, I–95, I–129B, I–130, I–131, and I–418. A small supply of those forms shall be set aside by immigration officers for free distribution and official use.

3. Section 299.3 is amended to read as follows:

§ 299.3 Reproduction of forms by private parties.

The following forms required for compliance with the provisions of Subchapter B of this chapter may be printed or otherwise reproduced by an appropriate duplicating process by private parties at their own expense: I–20, I–94, I–95, and I–418. Forms printed or re-

produced by private parties shall conform to the officially printed forms currently in use with respect to size, wording, arrangement, style and size of type, and paper specifications. Such forms and all entries required to be made thereon shall be printed or otherwise duplicated in the English language with black ink or dye that will not fade or "feather" within 20 years.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, implementing the Act of September 21, 1961 (75 Stat. 527), relate to agency procedure.

Dated: January 12, 1962.

R. F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 62-578; Filed, Jan. 17, 1962; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read respectively, as follows:

§ 74.2 **Designation of free and infected areas.**

(a) Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies and such States, Territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, North Carolina, Oregon, Puerto Rico, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington, and Wyoming;

(2) That portion of South Dakota lying west of the Missouri River;

(3) The following Counties in Nebraska: Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux, and Scottsbluff;

(4) That portion of McKinley and San Juan Counties in New Mexico, occupied by the Navajo Indian Reservation;

(5) All of that area of the State of North Dakota lying west of the Missouri River and State Highway No. 8, beginning at a point where said river intersects the South Dakota boundary line and continuing along said river to a point on the Garrison Dam Reservoir directly south of the intersection of State Highways Nos. 23 and 8; thence directly north to the intersection of State Highways Nos. 23 and 8; thence, north along State Highway No. 8 to the North Dakota-Canadian boundary; and

(6) The following Counties in Kansas: Phillips, Rooks, Ellis, Rush, Pawnee, Edwards, Kiowa, and Comanche, and all Counties in the State of Kansas lying west thereof.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

§ 74.3 **Designation of eradication areas.**

(a) Notice is hereby given that sheep in the following States, Territories, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep and such States, Territories, and parts thereof, are hereby designated as eradication areas:

(1) Arkansas, Hawaii, Illinois, New Jersey, New York, Tennessee, and Wisconsin;

(2) That portion of South Dakota lying east of the Missouri River;

(3) The following Counties in Kansas: Barber, Barton, Cloud, Ellsworth, Harper, Harvey, Kingman, Lincoln, McPherson, Mitchell, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Russell, Sedgwick, Smith, Stafford, and Sumner Counties;

(4) All Counties in Nebraska except Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux, and Scottsbluff;

(5) All Counties in New Mexico except that portion of McKinley and San Juan Counties occupied by the Navajo Indian Reservation;

(6) All of the State of North Dakota except that area lying west of the Missouri River and State Highway No. 8, beginning at a point where said river intersects the South Dakota boundary line and continuing along said river to a point on the Garrison Dam Reservoir directly south of the intersection of State Highways Nos. 23 and 8; thence, directly north to the intersection of State Highways Nos. 23 and 8; thence, north along State Highway No. 8 to the North Dakota-Canadian boundary; and

(7) The following Counties in Michigan: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft Counties.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment deletes all parts of New Mexico heretofore designated as free areas, with the exception of portions of McKinley and San Juan Counties, from the list of free areas and adds such parts to the list of infected and eradication areas, as sheep scabies is known to exist in these parts in New Mexico. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in the regulations in 9 CFR Part 74, as amended, will apply to such parts.

The amendment imposes certain restrictions necessary to prevent the spread of scabies, a communicable disease of sheep, and must be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of January 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-576; Filed, Jan. 17, 1962; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 262—RULES OF PROCEDURE

Applications and Requests

1. Effective January 12, 1962, Part 262 is amended by adding the following new subparagraph (7) to paragraph (f) of § 262.2:

§ 262.2 **Applications and requests.**

* * * * *

(f) *Bank holding company and merger applications.* * * *

(7) In any case in which the Board orders a public hearing or a public oral presentation of views, as soon as practicable following publication in the FEDERAL REGISTER of notice of such public proceeding, the application shall be available for inspection by the public except such portions thereof as to which the Board finds that disclosure would not be in the public interest.

2a. The purpose of this amendment is to make explicit in the Board's Rules of Procedure the present practice of the Board under which bank merger and bank holding company applications are made available for public inspection in cases in which the Board orders that a hearing or oral presentation of views shall be a public proceeding.

b. Notice, public participation, and deferred effective date are not required by section 4 of the Administrative Procedure Act for rules of agency procedure or practice, and therefore were not provided in connection with the adoption of these amendments.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i))

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-539; Filed, Jan. 17, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1026; Amdt. 388]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC-6 and DC-7 Series Aircraft

Investigation has shown that extensions of repetitive inspection intervals based on service experience may be granted to some operators of Douglas DC-6 and DC-7 Series aircraft in complying with Amendment 259, 26 F.R. 1854. Accordingly, Amendment 259 is being amended to permit extension of inspection intervals where justified.

Since this amendment provides a procedure by which a different inspection interval may be established for the operators concerned, and thus relieves a present restriction, compliance with notice and public procedure hereon is unnecessary, and it may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 259 (26 F.R. 1854), is amended by adding paragraph (d) as follows:

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective January 18, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 11, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-524; Filed, Jan. 17, 1962; 8:46 a.m.]

[Reg. Docket No. 1026; Amdt. 386]

PART 507—AIRWORTHINESS DIRECTIVES

Piper Models PA-18 and PA-18A Aircraft

There have been several failures of the rudder cable attachment fitting lug at the weld on the rudder pedals on Piper Models PA-18 and PA-18A aircraft. To preclude further failures, an airworthiness directive requiring inspection of the weld is considered necessary.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PIPER. Applies to all Models PA-18 and PA-18A Series aircraft.

Compliance required within the next 25 hours' time in service after the effective date of this AD unless already accomplished.

Several failures have been reported of the rudder cable attachment fitting lug, P/N 40831, at the weld on rudder pedals, P/N's 40842-04 and 40842-05. Accordingly, the following shall be accomplished:

Visually inspect the weld that attaches the rudder cable lug, P/N 40831, to the foot bar tube on both left and right rudder pedals for evidence of separation, cracks in the weld, insufficient length of weld, or excessive wear of weld. A weld of sufficient length will extend approximately three-fourths of the way round the tube.

If the weld is separated, cracked, excessively worn, or of insufficient length, replace the rudder pedal assembly prior to further flight.

(Piper Service Bulletin No. 207, dated December 15, 1961, covers this subject.)

This amendment shall become effective January 23, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 11, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-525; Filed, Jan. 17, 1962; 8:46 a.m.]

[Reg. Docket No. 1027; Amdt. 387]

PART 507—AIRWORTHINESS DIRECTIVES

Piper Model PA-25 Aircraft

Amendment 298, 26 F.R. 5621, requires inspection of the front spar hinge fittings on certain Piper PA-25 aircraft every 100 hours' time in service until FAA approved modified parts are installed. FAA approved parts have been designed and are now available. The results of the inspections required by Amendment 298, have shown that in the interest of safety the present fittings should be replaced rather than be repeatedly inspected. Therefore Amendment 298, 26 F.R. 5621, is being superseded by a new directive to require installation of the modified fittings.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PIPER. Applies to Model PA-25 aircraft, Serial Numbers 25-1 to 25-619 inclusive, 25-622, 25-623, 25-625, and 25-626.

Compliance required as indicated.

As a result of inspections performed on the aluminum front spar wing-to-fuselage attachment fittings, Piper P/N's 61111-00 and 61111-01, it has been determined that the following action is necessary. Within the next 25 hours' time in service after the effective date of this AD, but not later than February 15, 1962, unless already accomplished, replace the aluminum front spar wing-to-fuselage attachment fittings, Piper P/N's 61111-00 and 61111-01, with steel forgings, Piper P/N's 60113-00 and 60113-01, or equivalent parts approved by the FAA Eastern Region, Engineering and Manufacturing Branch. The steel forgings have ⅛ inch raised digits "60112" or "60112-1" on the parts.

The replacement shall be accomplished in accordance with Piper Service Bulletin No. 206, dated August 24, 1961, or FAA approved equivalent.

(Piper Service Bulletin No. 206, dated August 24, 1961, pertains to this subject.)

This supersedes Amendment 298, 26 F.R. 5621.

This amendment shall become effective January 18, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 11, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-526; Filed, Jan. 17, 1962; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-LA-57]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Segment of Low Altitude VOR Federal Airway and Associated Control Area and Alteration of Control Area Extension

The purpose of these amendments to §§ 600.6253, 601.6253 and 601.1416 of the regulations of the Administrator is to

revoke a segment of VOR Federal airway No. 253 and its associated control area, and to redefine the Salt Lake City, Utah, control area extension.

The segment of Victor 253 between the Timpie, Utah, intersection and the Tooele, Utah, intersection has a minimum en route altitude of 15,000 feet MSL which is above the ceiling of the low altitude airway structure in the continental United States. Consequently, this airway segment is, in effect, unusable and is therefore revoked herein. Intermediate altitude VOR Federal airway No. 1656 now serves this route at altitudes above 14,500 feet MSL.

The referred to portion of Victor 253 presently constitutes the southwest boundary of the Salt Lake City control area extension. It is therefore necessary to redefine this area using an appropriate radial of the Provo, Utah, VOR. This will not change the configuration of the existing Salt Lake City control area extension.

Since the changes effected by these amendments impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than thirty days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. Section 600.6253 (14 CFR 600.6253) is amended to read:

§ 600.6253 VOR Federal airway No. 253 (Provo, Utah, to Tooele, Utah, and Timpie, Utah, to Boise, Idaho).

From the Provo, Utah, VOR to the INT of the Ogden, Utah, VOR 194° and the Provo, VOR 315° radials. From the INT of the Salt Lake City, Utah, VOR 265° and the Ogden VOR 225° radials via the Bonneville, Utah, VOR; Lucin, Utah, VOR; Twin Falls, Idaho, VOR; to the Boise, Idaho, VOR.

2. Section 601.6253 (14 CFR 601.6253) is amended to read:

§ 601.6253 VOR Federal airway No. 253 control areas (Provo, Utah, to Tooele, Utah, and Timpie, Utah, to Boise, Idaho).

All of VOR Federal airway No. 253.

§ 601.1416 [Amendment]

3. In the text of § 601.1416 (14 CFR 601.1416) "NW along VOR Federal airway No. 253 to the INT of VOR Federal airway No. 32; and E along Victor 32 to the point of beginning." is deleted and "NW along a line parallel to and 5 miles NE of the Provo 315° radial to VOR Federal airway No. 32; thence E along Victor 32 to the point of beginning." is substituted therefor.

These amendments shall become effective 0001 e.s.t. March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 11, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-536; Filed, Jan. 17, 1962; 8:46 a.m.]

[Airspace Docket No. 61-FW-87]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone, Revocation of Control Area Extension and Designation of Transition Area

On September 27, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9090) stating that the Federal Aviation Agency (FAA) proposed to alter the El Dorado, Ark., control zone, revoke the El Dorado control area extension and designate the El Dorado transition area.

The Departments of Army and Air Force voiced no objections to the proposal, however, the Air Transport Association (ATA) recommended the control zone extension be increased from 8 to 10 miles.

With regard to the ATA's recommendation, coordination between offices of the FAA has resulted in revisions to the instrument approach procedure at the Goodwin Airport to provide for a procedure turn maneuvering altitude of 1,500 feet above the surface. It is the policy of the Agency to provide control zone protection to a point seven nautical miles outbound from the approach fix in those instances where the procedure turn is executed at or above 1,500 feet above the surface within 10 nautical miles of the approach fix, and the final approach fix crossing altitude is less than 1,500 feet above the surface. Accordingly, action is taken herein to designate the control zone extension as described in the notice.

No other adverse comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. Section 601.2398 (14 CFR 601.2398) is amended to read:

§ 601.2398 El Dorado, Ark., control zone.

Within a 5-mile radius of the Goodwin Airport, El Dorado, Ark. (Lat. 33°13'05" N, Long. 92°48'45" W), and within 2 miles either side of the El Dorado VORTAC 052° radial extending from the 5-mile radius zone to 8 miles NE of the VORTAC.

2. Part 601 (14 CFR 601) is changed as follows:

a. Add:

§ 601.10015 El Dorado, Ark. (Goodwin Airport), transition area.

That airspace extending upward from 1,200 feet above the surface within 8 miles NW and 5 miles SE of the El Dorado, Ark., VORTAC 052° and 232° radials, extending from the Goodwin Airport to 18 miles NE of the VORTAC.

b. Revoke:

§ 601.1417 Control area extension (El Dorado, Ark.). [Revoked]

These amendments shall become effective 0001 e.s.t. March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 11, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-527; Filed, Jan. 17, 1962; 8:46 a.m.]

[Airspace Docket No. 61-NY-119]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2198 of the regulations of the Administrator is to alter the description of the Montpelier, Vt., control zone.

The Montpelier control zone is designated, in part, on the northeast course of the Montpelier radio range. The Federal Aviation Agency is decommissioning this radio range. Therefore, since the Montpelier terminal area is adequately served by the Montpelier VOR, action is taken herein to alter the Montpelier control zone by deleting reference to the radio range. However, the designated airspace will not be altered.

Since the change effected by this amendment is less restrictive in nature than present requirements, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2198 (14 CFR 601.2198) is amended to read:

§ 601.2198 Montpelier, Vt., control zone.

Within a 5-mile radius of the Barre-Montpelier Airport (latitude 44°12'15" N., longitude 72°33'45" W.) and within 2 miles either side of the 034° bearing from the airport extending from the 5-mile radius zone to 13 miles NE of the airport.

This amendment shall become effective 0001 e.s.t. March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 12, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-528; Filed, Jan. 17, 1962; 8:46 a.m.]

[Airspace Docket No. 61-SW-119]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extension

The purpose of this amendment to § 601.1002 of the regulations of the Administrator is to alter the Austin, Tex., control area extension.

The Austin control area extension is designated on the Austin radio beacon.

The Federal Aviation Agency no longer has an air traffic service requirement for the Austin radio beacon. However, the present controlled airspace based on this facility is still utilized by aircraft executing prescribed VOR instrument approach procedures. Accordingly, action is taken herein to substitute the geographical coordinates of the Austin radio beacon, latitude 30°22'36" N., longitude 97°40'55" W., for the Austin radio beacon in the description of the Austin control area extension.

Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.1002 (14 CFR 601.1002) is amended to read:

§ 601.1002 Control area extension (Austin, Tex.).

Within a 40-mile radius of latitude 30°22'36" N., longitude 97°40'55" W.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 12, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-529; Filed, Jan. 17, 1962; 8:46 a.m.]

[Airspace Docket No. 61-SW-120]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2149 of the regulations of the Administrator is to alter the Jacksonville, Fla., control zone.

The Jacksonville control zone east extension as presently designated is based, in part, on the Fort George Island fan marker. The Federal Aviation Agency proposes to decommission this fan marker since its continued operation is no longer warranted for air traffic service purposes. However, the controlled airspace based, in part, upon this aid will still be utilized by aircraft executing prescribed radio range instrument approach procedures. Accordingly, action is taken herein to delete the Fort George Island fan marker from the description of the Jacksonville control zone and substitute therefor the corresponding mileage distance from the radio range.

Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

Section 601.2149 (14 CFR 601.2149) is amended to read:

§ 601.2149 Jacksonville, Fla., control zone.

Within a 5-mile radius of Imeson Airport, Jacksonville, Fla. (latitude 30°25'17" N., longitude 81°38'15" W.), within 2 miles either side of the Jacksonville VORTAC 064° radial extending from the 5-mile radius zone to 10 miles NE of the VORTAC; within 2 miles either side of the Jacksonville RR E course extending from the RR to 10.3 miles E of the RR; within a 3-mile radius of Mayport NAS, Fla. (latitude 30°23'45" N., longitude 81°25'15" W.) and within 2 miles either side of the 051° bearing from the Mayport RBN extending from the 3-mile radius zone to 10 miles NE of the RBN.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 12, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-530; Filed, Jan. 17, 1962; 8:46 a.m.]

[Airspace Docket No. 61-SW-121]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2270 of the regulations of the Administrator is to alter the time of designation of the Enid, Vance AFB, Okla., control zone.

The Enid control zone is designated from 0600 through 1800 hours local standard time Monday through Friday and from 1300 through 1700 hours local standard time on Sunday. The Federal Aviation Agency, with Department of the Air Force concurrence, is changing the time of designation of the Enid control zone from 0600 through 1800 hours local standard time Monday through Friday and from 1300 through 1700 hours local standard time on Sunday to 0600 through 1800 hours local standard time Monday through Friday, except holidays.

Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken: In the text of § 601.2270 (26 F.R. 8630) "from 0600 through 1800 hours local standard time Monday through Friday and from 1300 through 1700 hours local standard time on Sunday." is deleted and "from 0600 through 1800 hours local standard time Monday through Friday except holidays." is substituted therefor.

This amendment shall become effective 0001 e.s.t. March 8, 1962.

(Sec. 307(e), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 12, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-531; Filed, Jan. 17, 1962; 8:46 a.m.]

[Airspace Docket No. 61-SW-122]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2247 of the regulations of the Administrator is to alter the Abilene, Tex., control zone.

The present Abilene control zone is designated, in part, based on the Abilene radio range. The Federal Aviation Agency (FAA) proposes to convert the Abilene radio range to a nondirectional radio beacon. Therefore, the FAA has determined that the extension of the Abilene control zone based on the north course of the radio range is no longer required for air traffic service purposes and may be revoked, such action is taken herein.

Since the change effected by this amendment is less restrictive in nature than the present requirements, and imposes no additional burden on any person, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be

made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

Section 601.2247 (14 CFR 601.2247) is amended to read:

§ 601.2247 Abilene, Tex., control zone.

Within a 5-mile radius of the Abilene, Tex., Municipal Airport (latitude 32°25'10" N., longitude 99°41'20" W.); within 2 miles either side of the Abilene ILS localizer S course extending from the 5-mile radius zone to the ILS OM; within 2 miles either side of the Abilene VOR 112° radial extending from the 5-mile radius zone to the VOR; within a 5-mile radius of Dyess AFB, Abilene, Tex. (latitude 32°25'10" N., longitude 99° 51'15" W.); within 2 miles either side of the Abilene VOR 354° radial extending from the Dyess 5-mile radius zone to 12 miles N of the VOR; and within 2 miles either side of the 168° and 348° bearings from the Dyess AFB RBN extending from the 5-mile radius zone to 12 miles S of the RBN.

This amendment shall become effective 0001 e.s.t., March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 11, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-532; Filed, Jan. 17, 1962; 8:46 a.m.]

[Airspace Docket No. 61-SW-123]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2230 of the regulations of the Administrator is to alter the Brunswick, Ga., control zone.

The Brunswick control zone is designated within a 5-mile radius of the McKinnon Airport; within 2 miles either side of the 226° True bearing from the Brunswick radio beacon extending from the 5-mile radius zone to 12 miles southwest of the radio beacon and within 2 miles either side of the 023° True radial of the Brunswick VOR extending from the 5-mile radius to the VOR.

The control zone extension based on the Brunswick radio beacon is no longer required for air traffic control procedures. Therefore, action is taken herein to revoke the control zone extension based on this navigational aid.

Since the change effected by this amendment reduces a burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2230 (14 CFR 601.2230) is amended to read:

§ 601.2230 Brunswick, Ga. (McKinnon Airport), control zone.

Within a 5-mile radius of McKinnon Airport, Brunswick, Ga. (latitude 31°09'-05" N., longitude 81°23'20" W.), and within 2 miles either side of the 023° radial of the Brunswick VOR extending from the 5-mile radius zone to the VOR.

This amendment shall become effective 0001 e.s.t., March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 12, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-533; Filed, Jan. 17, 1962; 8:46 a.m.]

[Airspace Docket No. 61-WA-237]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment is to change the name of University of Illinois Airport to University of Illinois-Willard Airport in the description of the Champaign, Ill., control zone in order to correctly reflect the name of this facility.

Since this amendment is editorial in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken: In the text of § 601.2475 (14 CFR 601.2475) "University of Illinois Airport" is deleted and "University of Illinois-Willard Airport" is substituted therefor.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 12, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-535; Filed, Jan. 17, 1962; 8:46 a.m.]

[Airspace Docket No. 61-SW-124]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2352 of the regulations of the Administrator is to alter the Dalhart, Tex., control zone.

The Dalhart, Tex., control zone is designated within a 3-mile radius of the Municipal Airport with an extension to the southeast within 2 miles either side of a line bearing 132° True extending from the Dalhart radio beacon and an extension to the north within 2 miles either side of the 184° and 004° True radials of the Dalhart VOR.

The extension to the southeast is no longer required for air traffic control purposes. The extension to the north as presently designated will not fully protect the proposed instrument approach procedure. Therefore, action is taken herein to revoke the southeast extension and realign the north extension within 2 miles either side of the Dalhart VORTAC 002° True radial in lieu of the 004° True radial.

Since the change effected by this amendment reduces a burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

Section 601.2352 (14 CFR 601.2352) is amended to read:

§ 601.2352 Dalhart, Tex., control zone.

Within a 3-mile radius of the Dalhart, Tex., Municipal Airport (latitude 36°01'-30" N., longitude 102°32'55" W.), and within 2 miles either side of the 002° radial of the Dalhart VORTAC extending from the 3-mile radius zone to 10 miles N of the VORTAC.

This amendment shall become effective 0001 e.s.t. March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 11, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-534; Filed, Jan. 17, 1962; 8:46 a.m.]

[Airspace Docket No. 61-HO-5]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Transition Area, Revocation of Control Area Extension and Alteration of Control Area Extension

On October 5, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9386) stating that the Federal Aviation Agency proposed to revoke the Kaneohe, Hawaii, control area extension; designate, in lieu thereof, a transition area at the Kaneohe Marine Corps Air Station, Oahu, Hawaii; and alter the Oahu, Hawaii, control area extension.

Since these actions involve the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order No. 10854.

No adverse comments were received regarding the proposed amendments.

Subsequent to publication of the Notice, the Kahuku Point, Oahu, Hawaii, Restricted Area R-3106 was amended (Airspace Docket No. 61-WA-143, 26 F.R. 10636) by enlarging the area southeastward and designating a controlling agency. This action, to be effective January 11, 1962, results in a minor penetration of the Kaneohe transition area being designated herein. Therefore, appropriate reference to R-3106 in the description of the transition area is included herein. References to warning areas in § 601.1423 are also updated herein.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 601.1423 [Amendment]

1. In the text of § 601.1423 (14 CFR 601.1423, 26 F.R. 8171, 10636),

a. "The airspace south of the Kaneohe control area extension (601.1380) lying within" is deleted and "Within" is substituted therefor.

b. "Excluding the portion below 4,000 feet MSL which lies within the geographic limits of Warning Area (W-322 Area D). The portions of this control area extension which coincide with R-3102, R-3106 and R-3109 shall be used only after obtaining prior approval from appropriate authority; and the portions which lie within the geographic limits of, and between the established altitudes of, Warning Areas W-318, W-319 (Area A), W-320 (Area B), W-321 (Area C) and W-334 are excluded during these warning areas' times of established use." is deleted and "excluding the portion below 4,000 feet MSL within the geographic limits of W-322 (Area D), the portion within W-318 and the portion that coincides with and underlies the Kaneohe, Oahu, Hawaii, transition area (§ 601.10019). The portions of this control area extension within R-3102, R-3106 and R-3109 shall be used only after obtaining prior approval from appropriate authority." is substituted therefor.

2. Part 601 (14 CFR Part 601) is amended by deleting the following section:

§ 601.1380 Control area extension (Kaneohe, Hawaii). [Deleted]

3. Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.10019 Kaneohe, Oahu, Hawaii, transition area.

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 21°25'00" N., longitude 157°47' 00" W.; to latitude 21°23'00" N., longitude 157°41'00" W.; to latitude 21°41' 00" N., longitude 157°18'00" W.; thence counterclockwise along the arc of a 35-mile radius circle centered at latitude 21°27'00" N., longitude 157°47'00" W.; to latitude 21°56'00" N., longitude 157° 57'00" W.; to latitude 21°30'00" N., longitude 157°48'00" W.; thence counterclockwise along the arc of a 3-mile radius circle centered at latitude 21°27' 35" N., longitude 157°46'50" W., to point of beginning. The portion of this transition area which coincides with R-3106 shall be used only after obtaining prior approval from appropriate authority.

These amendments shall become effective 0001 e.s.t., March 8, 1962.

(Secs. 307(a), 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348, 1510, E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on January 12, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-537; Filed, Jan. 17, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7476 o.]

PART 13—PROHIBITED TRADE PRACTICES

Murray Space Shoe Corp. Et Al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170-22 *Corrective, orthopedic, etc.;* § 13.170-52 *Medicinal, therapeutic, healthful, etc.;* § 13.170-70 Preventive or protective.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Murray Space Shoe Corp. et al., Bridgeport, Conn., Docket 7476, Oct. 17, 1961]

In the Matter of Murray Space Shoe Corporation, a Corporation, and Alan E. Murray and Lucille Marsh Murray, Individually and as Officers of Said Corporation, and Alan E. Murray and Lucille Marsh Murray, Copartners Trading and Doing Business as Alan E. Murray Laboratories and Murray Space Shoe

Order requiring Bridgeport, Conn., manufacturers of molded shoes—custom made over plaster casts of customers' feet—to cease making in advertising unqualified claims that the shoes had therapeutic qualities and would correct, prevent, or relieve various diseases and disorders; and dismissing for lack of proof of competitive effect, charges of exclusive dealing.

The order to cease and desist is as follows:

It is ordered, That respondents Murray Space Shoe Corporation, a corporation, and its officers, and Alan E. Murray and Lucille Marsh Murray, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of molded shoes, that is, custom-made shoes constructed over plaster casts of the customers' feet, or any shoe of substantially similar construction or design, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement, including pamphlets and circulars distributed to customers and prospective customers, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents, directly or by implication:

(a) That their shoes have therapeutic qualities, except that nothing herein contained shall prevent respondents from making representations permitted under subparagraphs (b) and (d) hereof, and provided further that nothing herein contained shall prevent respondents from representing that said shoes, or the wearing thereof, will give relief from pains or disorders of the feet due to, or caused by, ill-fitting shoes, to the extent not prohibited by subparagraph (c) hereof.

(b) That their shoes, or the wearing thereof, will correct, prevent, or relieve swollen ankles, swollen joints, puffiness on ball of foot, pain in the hip, fatigue, or sagging ankles unless expressly and clearly limited to relief only of said diseases or ailments due to, or caused by, ill-fitting shoes.

(c) That their shoes, or the wearing thereof, will correct, prevent or relieve indigestion, stomach ulcers, high blood pressure or arthritis.

(d) That their shoes, or the wearing thereof, will correct hammer toes or bunions, provided, however, that nothing contained in this paragraph shall

prevent respondents from representing that their said shoes, or the wearing thereof, will give relief from pain suffered by a person with hammer toes or bunions.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said shoes, which advertisements contain any of the representations prohibited in Paragraph 1 above.

It is further ordered, That all allegations contained in the complaint under Count I, not hereinbefore mentioned under Paragraph 1, be, and the same hereby are, dismissed.

It is further ordered, That the allegations of the Commission's complaint herein under Count II thereof be, and the same hereby are, dismissed.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist, as modified.

Issued: October 17, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-560; Filed, Jan. 17, 1962; 8:49 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 241; Docket No. R-205]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Natural Gas Companies; Exempt Facilities

JANUARY 12, 1962.

The Commission has before it for consideration an amendment to § 2.55 of Part 2, Subchapter A, General Rules, Chapter I of Title 18, Code of Federal Regulations.

Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)) requires, inter alia, a certificate of public convenience and necessity issued by the Commission for any proposed construction or extension of natural gas facilities subject to the jurisdiction of the Commission. Section 2.55 of the Commission's rules (18 CFR 2.55) interprets the word "facilities" as used in section 7(c) of the Act to exclude from the requirement for certification certain types of facilities therein described. The pertinent portions of that section here under consideration are set forth below.

§ 2.55 *Definition of term used in section 7(c).* For the purposes of section 7(c) of the Natural Gas Act, as amended, the word "facilities" as used therein shall be interpreted to exclude:

* * * * *

(b) *Replacement of facilities.* Facilities which constitute the replacement of existing facilities which have or will soon become unserviceable: *Provided*, That such replacement will not result in a reduction or abandonment of service rendered by means of such facilities; and, *Provided, further*, That such replacement does not appreciably change the daily delivery capacity of the existing transmission pipeline system.

(c) *New delivery points.* Metering and regulating installations and branch lines necessary to the establishment of new delivery points required for the delivery of gas to an existing customer for resale in a local community presently served from the same pipeline system by such customer.

Questions have arisen in the past concerning the meaning of the word "unserviceable" and the clause "*Provided, further*, That such replacement does not appreciably change the daily delivery capacity of the existing transmission pipeline system" in § 2.55(b) and the words "local community presently served" in § 2.55(c). Accordingly, we are adopting amendments to those paragraphs for purposes of clarification.

The Commission finds:

(1) The amendments herein adopted represent matters of interpretation which do not require notice or hearing under section 4(a) of the Administrative Procedure Act.

(2) Adoption and promulgation of the proposed amendments are necessary and appropriate for the purposes of administration of the Natural Gas Act.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 7 and 16 thereof (52 Stat. 824, 830; 56 Stat. 83; 15 U.S.C. 717f, 717o), orders:

(A) In § 2.55 of Part 2, Subchapter A, General Rules, Chapter I of Title 18 of the Code of Federal Regulations, subsections (b) and (c) are amended to read as follows:

(b) *Replacement of facilities.* Facilities which constitute the replacement of existing facilities which have or will soon become physically deteriorated or obsolete to the extent that replacement is deemed advisable: *Provided*, That such replacement will not result in a reduction or abandonment of service rendered by means of such facilities: *Provided further*, That such replacement shall have substantially equivalent designed delivery capacity as the particular facilities being replaced.

(c) *New delivery points.* Metering and regulating installations and branch lines necessary to the establishment of new delivery points required for the delivery of gas to an existing customer for resale in a local community presently served from the same pipeline system by such customer: *Provided*, That the "local community presently served" shall include only the area in which distribution facilities are being operated by the distributor company, but shall not include any area outside the distribution system or beyond the confines of the community, whether incorporated or not, presently being served by the natural gas company's pipeline system.

(B) The statement and amendments herein prescribed shall become effective February 12, 1962.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-538; Filed, Jan. 17, 1962; 8:47 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER E—EDUCATION

PART 34—ADMINISTRATION OF A PROGRAM OF VOCATIONAL TRAINING FOR ADULT INDIANS

Selection of Applicants

On page 6476 of the FEDERAL REGISTER of July 19, 1961, there was published a notice and text of a proposed amendment of § 34.3 of Title 25, Code of Federal Regulations. The purpose of this amendment is to define further eligibility for Adult Vocational Training Services.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL, *Secretary of the Interior.*

JANUARY 11, 1962.

Section 34.3 is amended to read as follows:

§ 34.3 Selection of applicants.

The Vocational Training Program is available primarily to adult Indians of one-fourth or more degree of Indian blood who are not less than 18 and not more than 35 years of age and who reside within the exterior boundaries of Indian reservations under the jurisdiction of the Bureau of Indian Affairs or on trust or restricted lands under the jurisdiction of the Bureau of Indian Affairs. The Program is also available to additional Indians who reside near reservations in the discretion of the Secretary of the Interior when the failure to provide the services would have a direct effect upon Bureau programs within the reservation boundaries. An application for training services may be approved, within the limitation of available funds, when it is determined that the applicant is in need of such training in order to obtain reasonable and satisfactory employment, and that it is feasible for him to pursue such training. Reasonable and satisfactory employment is employment that provides:

(a) Sufficient income for the individual or family unit to live at an economic level considered as adequate in the community; and

(b) Opportunity for advancement on the basis of skill and experience acquired in the course of employment.

[F.R. Doc. 62-541; Filed, Jan. 17, 1962; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER C—MILITARY EDUCATION

PART 543—PROMOTION OF RIFLE PRACTICE

Issues of Equipment

Add new subparagraph (6) to § 543.2 (c), to read as follows:

§ 543.2 Issues of rifles, ammunition, etc., to civilian shooting clubs.

* * * * *

(c) *Issues.* * * *

(6) *Weapons for State rifle and pistol associations.* Each recognized and approved State rifle and pistol association may receive eight caliber .30 M1 National Match rifles and six caliber .45 National Match pistols to be used by members of the State civilian teams selected to represent their respective States at the National Matches. If the number of weapons authorized is insufficient, additional weapons may be approved by the Director of Civilian Marksmanship for issue upon receipt of proper justification from the organization. In States which have no recognized State Associations, a recognized civilian club may receive these weapons upon approval by the Director of Civilian Marksmanship. The weapons will remain in the custody of the State Association or authorized club on a year-round basis. No alteration or modification of these weapons is authorized. All existing regulations pertaining to the bonding, transportation, maintenance, and property accountability for civilian clubs apply to these organizations.

[C 3, AR 920-20, Jan. 3, 1962] (Sec. 4308, 70A Stat. 236; 10 U.S.C. 4308)

J. C. LAMBERT, *Major General, U.S. Army, The Adjutant General.*

[F.R. Doc. 62-515; Filed, Jan. 17, 1962; 8:45 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

[Canal Zone Order 59]

PART 24—SANITATION, HEALTH, AND QUARANTINE

Subpart H—Licensing of Pest Exterminators

Effective on the thirtieth day after publication in the FEDERAL REGISTER, Part 24 of Chapter I, Title 35, Code of Federal Regulations, is amended by adding thereto a new Subpart H embracing §§ 24.200 to 24.208, and reading as follows:

Sec.
24.200 License required to engage in business of pest extermination.
24.201 Licensed foreman required to be in charge.
24.202 Possession and display of licenses.
24.203 Renewal of licenses; suspension and revocation.
24.204 Approval of types, concentrations, and manner of use of insecticides and rodenticides required.
24.205 Sale of insecticides and rodenticides.
24.206 Inapplicability to Government agencies and their officers and employees.
24.207 Inapplicability to military reservations.
24.208 Punishment for violation.

AUTHORITY: §§ 24.200 to 24.208 issued under 2 C.Z. Code 371; sec. 3(c) of E.O. 9746, July 1, 1946 (11 F.R. 7329), as amended by E.O. 10595, Feb. 7, 1955 (20 F.R. 819).

§ 24.200 License required to engage in business of pest extermination.

No firm, establishment, company, corporation, or individual doing business in his own name shall engage in the business of extermination of pests such as rats, roaches, ticks, termites, ants or other harmful insects or rodents, unless licensed to do so by the Health Director of the Canal Zone Government. An applicant shall not be licensed unless it establishes to the satisfaction of the Health Director (a) that a sufficient number of its personnel are licensed under § 24.201 to ensure its capacity to conduct its business in conformity with the regulations in this subpart, and (b) that it is otherwise properly qualified and competent to conduct such business.

CROSS REFERENCE: See also 3 C.Z. Code 221 for certain statutory requisites applicable to corporations doing business in the Canal Zone.

§ 24.201 Licensed foreman required to be in charge.

Each crew or gang of pest exterminators performing pest eradication shall be under the direct and immediate supervision of a foreman or gang leader licensed as a pest exterminator under this section. In order to be licensed as a pest exterminator the applicant must establish to the satisfaction of the Chief, Division of Sanitation of the Health Bureau of the Canal Zone Government, or such other person as may be designated by the Health Director to issue such licenses, that he is familiar with the accepted methods of dispensing insecticides and rodenticides, with their toxicity and other significant qualities, and with safety precautions to be observed in their use.

§ 24.202 Possession and display of licenses.

The foreman or leader of each crew or gang of pest exterminators performing pest eradication shall have in his possession a legible copy of the license issued to him under § 24.201 and a legible copy of the license issued to his employer under § 24.200 and shall display such licenses on demand of personnel of the Health Bureau or of the Canal Zone Police.

§ 24.203 Renewal of licenses; suspension and revocation.

Licenses issued under §§ 24.200 and 24.201 shall be renewed annually. The licensing authority may require the same kind of showing of qualification of an applicant for renewal of a license as is required of an applicant for an original license. Licenses may be suspended at any time by the issuing authority, without prior notice to the licensee, for failure to comply with these regulations or with the terms of the license or for other good and sufficient cause. The suspended licensee shall be entitled to a hearing if he requests it within 10 days of receiving notice of the suspension. The hearing, if requested, shall be held by the licensing authority or his delegate within 10 days of the request therefor or within such later period as may be acceptable to the suspended licensee and the licensing authority. Upon completion of the hearing, or if no hearing is requested, the licensing authority shall: (a) Remove the suspension, (b) extend the suspension for a fixed period, or (c) revoke the license. A former licensee whose license has been revoked shall not be eligible to apply for a new license until expiration of a period of 1 year following the revocation.

§ 24.204 Approval of types, concentrations, and manner of use of insecticides and rodenticides required.

Licensees under §§ 24.200 and 24.201 shall use only such insecticides or rodenticides and only such concentrations thereof and shall employ only such techniques as are approved in writing by the Chief of the Sanitation Division for each licensee under § 24.200.

§ 24.205 Sale of insecticides and rodenticides.

The sale of insecticides and rodenticides is prohibited. This section does not prohibit pest exterminators who are issued licenses under §§ 24.200 and 24.201 from dispensing approved insecticides and rodenticides in the performance of pest eradication and including the cost thereof in the charges for the service.

§ 24.206 Inapplicability to Government agencies and their officers and employees.

The provisions of this subpart do not apply to agencies or instrumentalities of the United States or to their officers or employees who use, handle, dispense or sell insecticides or rodenticides in the performance of their official duties.

§ 24.207 Inapplicability to military reservations.

The provisions of this subpart do not apply within military or naval reservations.

§ 24.208 Punishment for violation.

A violation of any of the provisions contained in this subpart is punishable, as provided in section 373 of Title 2 of the Canal Zone Code, by a fine of not more than $25 or by imprisonment in jail for not more than thirty days, or by

both; and each day such violation continues constitutes a separate offense.

ELVIS J. STAHR, Jr.,
Secretary of the Army.

JANUARY 11, 1962.

[F.R. Doc. 62-550; Filed, Jan. 17, 1962; 8:48 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER M—BULK GRAIN CARGOES

[CGFR 61-65]

PART 144—LOADING AND STOWAGE OF GRAIN CARGOES

Transportation of Loose Grain in Bulk

The Merchant Marine Council held a public hearing on March 27, 1961, for the purpose of receiving comments, views and data with respect to the proposals regarding bulk grain cargoes, which was considered as Item VI on its Agenda. These proposals were included in the notice of proposed rule making published in the FEDERAL REGISTER on February 15, 1961 (26 F.R. 1278–1286). The Merchant Marine Council Public Hearing Agenda (CG–249), dated March 27, 1961, set forth the proposals in detail and copies thereof were furnished to all who indicated an interest in the subjects set forth therein.

The purpose for this revision is to promote safety in the handling, stowage and transportation of loose grain in bulk on board vessels by establishing minimum requirements. These requirements apply to cargo vessels of 500 gross tons or over or passenger vessels when such vessels are carrying loose grain in bulk on international voyages other than international voyages on the Great Lakes. A number of comments were received and in view of problems presented the final recommendations of the Merchant Marine Council were delayed. The primary problem was one regarding stability and related to the sufficiency of the "GM" limits contained in the proposals. It has been determined that the proposals regarding 12-inch and 14-inch "GM" limits are not sufficient for safety when applied to vessels larger than the Liberty ships. The values which are considered sufficient for such larger ships are 1¾ percent of the beam for one- or two-deck vessels and 2 percent of the beam for vessels having more than two decks. Thus a two-deck vessel of 68-foot beam is required to have a minimum "GM" of 1.19 feet or 14.3 inches, and a three-deck vessel of 75-foot beam, a minimum "GM" of 1.5 feet or 18.0 inches. Since these "GM" values are also higher in some cases than that provided in the 1960 Safety of Life at Sea Convention, action has been initiated to effect a reconsideration of the grain stability provisions in this 1960 Convention by the Intergovernmental Maritime Consultative Organization.

The proposals in Item VI regarding "Bulk Grain Cargoes" as revised are approved. Changes in 46 CFR 144.10–95, 144.20–1, 144.20–10, 144.20–20, 144.20–22, 144.20–28, 144.20–30, 144.20–32, 144.20–34, and 144.20–36 were made by the Merchant Marine Council. These changes were the direct result of comments received and problems presented or are deemed necessary to make the regulations sufficiently definitive. Except for those changes regarding stability, these changes neither increase nor decrease the severity of the requirements.

This document is the last of a series regarding the regulations and actions considered at the March 27, 1961, Public Hearing and Annual Session of the Merchant Marine Council. This document contains the final actions taken with respect to Item VI regarding "Bulk Grain Cargoes." The seventh document of this series summarized the actions taken by the Merchant Marine Council with respect to the March 27, 1961, Public Hearing and was published in the FEDERAL REGISTER of September 30, 1961 (26 F.R. 9253–9304). The eighth document dealt with smoke detecting systems on passenger vessels and was published in the FEDERAL REGISTER of September 23, 1961 (26 F.R. 8979). The ninth document dealt with shipboard cargo gear and power-operated industrial trucks and was published in the FEDERAL REGISTER of November 23, 1961 (26 F.R. 10995–11022).

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–14, dated November 26, 1954 (19 F.R. 8026), CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), and 167–38, dated October 26, 1959 (24 F.R. 8857), the following amendments to 46 CFR Part 144 are prescribed and shall be in effect on and after 30 days after the date of publication of this document in the FEDERAL REGISTER:

Subpart 144.10—General Requirements

1. Section 144.10–70 is amended to read as follows:

§ 144.10–70 Feeders, bins, and bulkheads.

(a) Feeders, bins, and bulkheads shall be of sufficient strength to withstand the pressure of the head of grain contained therein and shall be made grain tight. When the height of the 'tween decks is greater than normal, special attention should be given to the stiffening and support of feeders and bins.

(b) Wood feeders and bin bulkheads may be constructed:

(1) Of planks worked vertically not less than 2½-inch thickness, but where the vertical unsupported span exceeds 8 feet the thickness of the planks shall be increased, or additional stiffening fitted; or,

(2) Of studding and lined with grain-tight boards 2 inches in thickness or two 1 inch layers of shiplap, laid horizontally with broken joints. Studding where possible shall be placed inside the hatch coamings and shall be not less than 4 inches by 6 inches on edge spaced not more than 2 feet centers.

(c) Wing feeders may be constructed in a similar manner around trimming hatches. In all cases the planks at the corners shall be well secured to substantial vertical cants.

(d) Where the depth of the hatch end beams or coamings exceeds 15 inches below the surface of the deck, feeding holes shall be provided to allow the grain to flow through the coamings into the hold or 'tween decks; where the depth of the coamings below the surface of the deck exceeds 15 inches and is not more than 18 inches feeding holes 2 inches in diameter shall be provided. Where the depth exceeds 18 inches feeding holes of 3½-inch diameter shall be provided. Feeding holes shall be spaced approximately 2 feet apart.

(e) Engine room, boiler room, stokehold bulkheads and donkey boiler recesses where subjected to heat shall be sheathed with wood and made grain tight. An air space of at least 6 inches shall be left between the bulkhead and the sheathing and a box trunk ventilator 6 inches by 8 inches shall be provided from the top of the air space to a ventilator or hatchway, or other equal and approved means of ventilation adopted. Sheathing shall be supported on vertical runners spaced not more than 2 feet centers and shall consist of 2 inch planks or two thicknesses of 1 inch boards laid to break joint. Other approved means of insulation may be accepted.

(f) Feeders or bin bulkheads may be constructed of bagged grain: *Provided*, That:

(1) The bags are tightly stowed and interlocked.

(2) Whenever practicable the bags are so stowed as to engage firmly with the vessel's sides, bulkheads, and other convenient structures. Where this is not possible, the bagged bulkheads are to be not less than 11 feet (mean) in thickness and stepped.

(3) Transverse bagged bulkheads not in way of hatchways or forming feeders but supporting grain on one side only are to be not less than 11 feet (mean) in thickness and stepped.

(4) In place of bagged grain, as required by this section, cased, baled, or other suitable cargo may be used provided it is equally strongly supported and made grain-tight with strong separation cloths.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, sec. 1, 49 Stat. 1544, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

2. Section 144.10–95 is amended to read as follows:

§ 144.10–95 Responsibility of owner or master.

(a) The loading of bulk grain in accordance with the regulations in this part is a responsibility of the master, who shall designate a competent responsible person to be in constant attendance during loading operations. Nothing in the regulations in this part shall be deemed to relieve the owner or master of a ship from taking all necessary and reasonable precautions to prevent grain from shifting.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, sec. 1, 49 Stat. 1544, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

Subpart 144.20—Detailed Loading and Stowage Requirements

3. Sections 144.20–1 to 144.20–40, inclusive, which comprise the entire text of Subpart 144.20, are deleted and the following §§ 144.20–1 to 144.20–36, inclusive, are substituted in their place so that this subpart, as revised, reads as follows:

Sec.
144.20–1 Trimming and filling.
144.20–2 Bagged grain.
144.20–10 Stowage of full holds and compartments.
144.20–20 Feeders required.
144.20–22 Stowage of partly filled holds and compartments.
144.20–24 Exceptions to the requirements for longitudinal bulkheads.
144.20–26 Trimming and bagging of end spaces.
144.20–28 Common loading.
144.20–30 Bulk grain in 'tween decks and superstructures.
144.20–32 Stowage of specially suitable ships.
144.20–34 Stability conditions.
144.20–36 Grain loading plans.

AUTHORITY: §§ 144.20–1 to 144.20–36 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, sec. 1, 49 Stat. 1544, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.

§ 144.20–1 Trimming and filling.

(a) The safe loading of grain, in accordance with the regulations in this part, is vitally dependent upon compartments which are treated as entirely filled, being actually well trimmed so as to fill all the spaces between the beams and in the wings and ends. It is equally important that the feeders be loaded and trimmed so as to contain at least the minimum percentage of grain required by the regulations in this part.

(b) Spaces which are to be partly filled and bagged off, or equivalent, must be levelled for proper bagging.

§ 144.20–2 Bagged grain.

(a) Bagged grain stowed in a hold, compartment or bin with loose grain in bulk shall be in sound bags, well filled and securely closed.

§ 144.20–10 Stowage of full holds and compartments.

(a) Subject to the provisions of § 144.20–22, any hold or compartment which is entirely filled with bulk grain shall be divided either by a longitudinal bulkhead or by a shifting board in line with, or not more than 5 percent of the molded breadth of the vessel from the center line; or by longitudinal bulkheads or shifting boards off the centerline of the vessel, port and starboard, provided the distance between them shall not exceed 60 percent of the molded breadth of the vessel, and that in this latter case trimming hatches of suitable size shall be provided in the wings at longitudinal intervals of not more than 25 feet with end trimming hatches placed not more than 12 feet from transverse bulkheads. In every case the longitudinal bulkheads or shifting boards shall be properly constructed and fitted grain-tight with proper fillings between the beams. In holds such longitudinal bulkheads or shifting boards shall extend downwards from the underside of the deck to a distance of at least one-third of the depth of the hold or 8 feet, whichever is the greater. In compartments in tween decks and superstructures they shall extend from deck to deck. Except as provided otherwise in this section, longitudinal bulkheads or shifting boards shall extend to the top of the feeders of the hold or compartment in which they are situated.

(b) In the case of vessels loaded with bulk grain other than linseed, in which a metacentric height (after correction for the free surface effects of liquids in tanks and as otherwise noted in this part) is maintained throughout the voyage of not less than 1¾ percent of the vessel's beam but not less than 12 inches in the case of one or two deck vessels, and not less than 2 percent of the vessel's beam but not less than 14 inches in the case of other vessels, longitudinal bulkheads or shifting boards need not be fitted in the following locations and subject to the following conditions:

(1) Below and within 7 feet of a feeder, but only in way of a hatchway, if that feeder contains, or all the feeders collectively feeding a compartment contain, not less than 5 percent of the quantity of grain carried in that compartment. Feeders so considered shall have such dimensions that the free grain surface will remain within the feeders throughout the voyage, after allowing for a settling of grain amounting to 2 percent of the volume of the compartment fed and a shift of the free grain surface to an angle of 12 degrees to the horizontal. In calculating the net minimum metacentric height specified in paragraph, the heeling moment due to such a grain shift shall be allowed for by taking a deduction equal to this moment divided by the product of the displacement and the sine of 5 degrees.

(2) In way of the hatchway where the bulk grain beneath the hatchway is trimmed in the form of a saucer hard up to the deckhead beyond the hatchway and is topped off with bagged grain or other suitable bagged cargo extending to a height in the center of the saucer of not less than 6 feet above the top of the bulk grain (measured below the deck line). In this case, the bagged grain or other suitable bagged cargo shall fill the hatchway and the saucer below and shall be stowed tightly against the deckhead, the longitudinal bulkheads, the hatchway beams and the hatchway side and end coamings. For the purposes of this subparagraph suitable packaged general cargo having a stowage factor of not less than 25 cubic feet or not more than 70 cubic feet per ton, and of such unit dimension that it can be stowed tightly to completely fill the saucer, may be used in place of bagged cargo provided a tarpaulin or separation cloth is used between the cargo and the grain.

§ 144.20–20 Feeders required.

(a) Except as otherwise provided in § 144.20–10(b)(2) and as subsequently otherwise provided in this section, any hold or compartment which is entirely filled with bulk grain shall be fed by suitably placed and properly constructed feeders so as to secure a free flow of grain from the feeder to all parts of that hold or compartment. Each feeder shall contain not less than 2½ percent nor more than 8 percent of the quantity of grain carried in that part of the hold or compartment that it feeds, except as provided in § 144.20–10(b)(1). Feeders which do not extend to the weather deck but which instead open up into a tween deck shall either be of such dimensions and filling level that a shift of grain free surface to an angle of 12 degrees to the horizontal cannot spill out of the feeder, or the grain free surface shall be secured against such shifting and spillage.

(b) When bulk grain is carried in deep tanks primarily constructed for the carriage of liquids, or in other spaces of comparable size, location, arrangement, and construction, of breadth not exceeding half the vessel's beam, or that are divided by one or more permanent steel longitudinal divisions fitted grain-tight, feeders to these spaces may be omitted if the tanks and tank hatchways are completely filled and the hatch covers secured.

§ 144.20–22 Stowage of partly filled holds and compartments.

(a) Subject to the provisions of § 144.20–24, if any hold or compartment is partly filled with bulk grain, it shall comply with both of the following conditions:

(1) It shall be divided by a longitudinal bulkhead or shifting boards, in line with, or not more than 5 percent of the molded breadth of the vessel from the center line or by longitudinal bulkheads or shifting boards off the center line of the vessel port and starboard, provided that the distance between them shall not exceed 60 percent of the molded breadth of the vessel. In every case the longitudinal bulkheads or shifting boards shall be properly constructed and shall extend from the bottom of the deck, as the case may be, to a height of not less than 2 feet above the surface of the bulk grain. In the case of vessels loaded with bulk grain other than linseed, in which a metacentric height (after correction for the free surface effects of liquids in tank) is maintained throughout the voyage of not less than 1¾ percent of the vessel's beam but not less than 12 inches in the case of one or two deck vessels, and not less than 2 percent of the vessel's beam but not less than 14 inches in the case of other vessels, longitudinal bulkheads or shifting boards may be omitted in way of the hatchway.

(2) The bulk grain shall be levelled and topped off with bagged grain or other suitable cargo tightly stowed and extending to a height of not less than 4 feet above the top of the bulk grain within spaces or portions of spaces divided by such longitudinal bulkheads

or shifting boards, and not less than 5 feet within portions of spaces not so divided. The bagged grain or other suitable cargo shall be supported on suitable platforms laid over the whole surface of the bulk grain. Such platforms shall consist of bearers spaced not more than 4 feet apart and 1 inch boards laid thereon spaced not more than 4 inches apart, or of strong separation cloths with adequate overlapping.

(b) Unless stability data indicates that the metacentric height maintained throughout the voyage (after correction for the free surface effects of liquids in tanks) is at least 1¾ percent of the vessel's beam but not less than 12 inches in the case of one or two deck vessels, and not less than 2 percent of the vessel's beam but not less than 14 inches in the case of other vessels, not more than two holds or compartments shall be partly filled with bulk grain; except that other holds or compartments may be partly filled with bulk grain if they are filled up to the deckhead with bagged or other suitable cargo. For the purpose of this paragraph the following conditions apply:

(1) Superimposed tween decks shall be regarded as separate compartments and separate from any lower hold below them.

(2) Feeders and partly filled spaces, referred to in § 144.20–30(a)(2) shall not be regarded as compartments.

(3) Holds or compartments provided with one or more grain-tight longitudinal divisions shall be regarded as one hold or compartment.

§ 144.20–24 Exceptions to the requirements for longitudinal bulkheads.

(a) The fitting of longitudinal bulkheads or shifting boards in accordance with the provisions of § 144.20–10 and 144.20–22 is not required under the following conditions:

(1) In a lower hold (which term also includes the lower part of the hold of a single deck vessel) if the bulk grain therein does not exceed one-third of the capacity of the hold, or where such lower hold is divided by a shaft tunnel, one-half the capacity of that lower hold; or,

(2) In any space in a tween deck or superstructure provided that the wings are tightly stowed with bagged grain or other suitable cargo to a breadth on each side of not less than 20 percent of the breadth of the vessel in way thereof; or,

(3) In those parts of spaces where the maximum breadth of the deckhead within the said spaces does not exceed one-half of the molded breadth of the vessel.

§ 144.20–26 Trimming and bagging of end spaces.

(a) When the distance, measured in a fore and aft line, from any part of a hold or compartment to the nearest feeder exceeds 25 feet, the bulk grain in the end spaces beyond 25 feet from the nearest feeder shall be levelled off at a depth of at least 6 feet below the deck, and the end spaces filled with bagged grain built up on a suitable platform constructed as required in § 144.20–22(a)(2).

§ 144.20–28 Common loading.

(a) For the purpose of §§ 144.20–10 and 144.20–20 lower holds and tween deck spaces over them may be loaded as one compartment under the following conditions:

(1) The hatches to spaces so treated as common spaces shall be of such proportions and shall have sufficient volume within their coamings and above deck so as to serve as feeders, based upon the total volume of the common spaces served.

(2) Longitudinal bulkheads or shifting boards shall be fitted deck to deck, and in all cases for the full length of the space, in the tween deck of a vessel having two decks; in all other cases the longitudinal bulkheads or shifting boards shall be fitted for the upper third of the total depth of the common spaces.

(3) In order to secure an adequate flow of grain all spaces shall comply with the requirements of § 144.20–26. Additionally, openings shall be provided in the wings of the deck immediately below the uppermost deck forward and aft of the ends of the hatchways so as to provide in combination with the hatchways a maximum fore and aft feeding distance of 8 feet. Such openings shall be located approximately on the diagonal line between the hatch corners and the corners of the tween deck spaces.

(4) The metacentric height maintained throughout the voyage (after correction for the free surface effects of liquids in tanks) shall not be less than 1¾ percent of the vessel's beam but not less than 12 inches in the case of one or two deck vessels and not less than 2 percent of the vessel's beam but not less than 14 inches in the case of other vessels.

§ 144.20–30 Bulk grain in tween decks and superstructures.

(a) Bulk grain shall not be carried above deck, in the tween deck of a two-deck vessel, or in the upper tween deck of a vessel having more than two decks except under the following conditions:

(1) The bulk grain or other cargo shall be stowed so as to ensure maximum stability. The metacentric height maintained throughout the voyage (after correction for the free surface effects of liquids in tanks) shall not be less than 1¾ percent of the vessel's beam but not less than 12 inches in the case of one or two deck vessels, and not less than 2 percent of the vessel's beam but not less than 14 inches in the case of other vessels. Where specific data on metacentric height is not available, grain loaded above deck, in the tween deck of a two deck vessel, or in the uppermost tween deck of a vessel having more than two decks, shall not exceed 28 percent by weight of the total cargo below the space concerned; except that this limitation shall not apply when the grain carried above deck or in the uppermost tween deck is oats, barley, or cotton seed. The conditions in this subparagraph are in all cases subject to the additional condition that the master is satisfied that the ship will have adequate stability throughout the voyage.

(2) The deck area of any portion of the spaces referred to in this section which contains bulk grain and which is only partly filled shall not exceed 1,000 square feet.

(3) All spaces referred to in this section in which bulk grain is stowed shall be subdivided by transverse bulkheads at intervals of not more than 100 feet. When this distance is exceeded the excess space shall be entirely filled with bagged grain or other suitable cargo.

§ 144.20–32 Stowage of specially suitable ships.

(a) Ships which are generally of self-trimming type, specially designed and constructed for the carriage of bulk cargoes and having two or more vertical or sloping grain-tight longitudinal divisions suitably disposed to limit the effect of any transverse shift of grain, may carry bulk grain without regard to the requirements of §§ 144.20–10 through 144.20–30 subject however to compliance with the following requirements:

(1) As many holds and compartments as possible shall be full and trimmed full.

(2) For any specified arrangement of stowage the metacentric height at any stage of the voyage (after correction for the free surface effects of liquids in tanks) shall be sufficient so that the list resulting from the heeling moment due to the following assumed shift of grain shall not exceed 5 degrees or the angle at which one-half the freeboard is immersed, if less.

(3) In all holds and compartments, grain surfaces are assumed to settle 2 percent by volume and at a slope of 30 degrees under all surfaces which have an inclination of less than 30 degrees to the horizontal. All resulting grain free surfaces except those sloping opposite to the direction of list (i.e., sloping towards the high side after list) are assumed to shift to an angle of 12 degrees with the original horizontal.

(4) However, any grain surfaces which are overstowed in accordance with § 144.20–22 shall be assumed to shift after settling, to an angle of 8 degrees with the original horizontal.

(5) Where the metacentric height necessary to compliance with the provisions of this section is considered to be excessive, the design of vessel will be required to be suitably modified or stowage in accordance with §§ 144.20–10 through 144.20–30 will be required.

(6) Where acceptance under the provisions of this section is desired, calculations relative to the anticipated loading and to the foregoing stability requirements shall be submitted to the Commandant, U.S. Coast Guard, for approval prior to commencement of construction. These will be subject to confirmation by a stability test as provided in § 93.05–1 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(b) Where considered necessary, supplementary conditions shall be required either with respect to the vessel's design and construction, or with respect to particular loading precautions to prevent shifting of grain.

§ 144.20–34 Stability conditions.

(a) It is a condition of acceptance of loading based upon the stability limits specified in this subpart that the vessel shall be supplied with plans and stability data, approved by the Commandant, including the following information:

(1) A capacity plan, including grain capacities and centers.

(2) The minimum acceptable GM when carrying grain.

(3) Stability data applicable to typical loading conditions for grain and other homogeneous cargoes when loaded at stowage factors of 45, 55, 65, 75 cubic feet per ton. Such data shall be given, in each case, both for typical departure and arrival conditions. Where an arrival condition includes salt water ballast, and an intermediate tankage condition results in a lesser GM, such intermediate condition shall also be given. In calculating the available GM, free surface allowance shall be made for all slack liquids, but in no case shall the free surface correction used be less than that corresponding to maximum free surface for the pair of tanks, port and starboard, of each type, having the largest free surface, plus the fuel oil settlers, plus the virtual free surface at 5 degrees heel for all nominally full fuel oil tanks (taken 98 percent full).

(4) To provide for conditions wherein shifting boards may be omitted, as provided by § 144.20–10(b)(1), grain free surface applicable to feeders not fitted with shifting boards shall be given. In order to provide flexibility in the subsequent selection of feeder arrangements, this free surface shall be presented as a function of the aggregate length of feeders, grain density, and vessel displacement rather than as just applying to any specific grain stowage arrangement.

(b) The stability information supplied specially suitable ships shall, in general, comply with this section subject to such modification as is necessary, having regard for their special arrangements.

(c) Double bottom tanks having a width measured at half length in excess of 60 percent of the vessel's molded breadth shall in no case be permitted. Such tanks shall therefore be divided by a watertight longitudinal division.

§ 144.20–36 Grain loading plans.

(a) Vessels carrying grain shall be loaded in accordance with grain loading plans bearing the approval of the National Cargo Bureau, Inc., or of another agency otherwise officially designated. A grain loading plan shall take into account the applicable requirements of this subchapter and shall indicate the main characteristics of the fittings used to prevent the shifting of cargo. It shall indicate the distribution and the circumstances of loading. Additionally, in all cases where approval is dependent upon the stability limits specified in this subpart, it shall, in conjunction with the information called for by § 144.20–34, indicate the applicable minimum GM and associated tankage conditions.

(b) A grain loading plan, in addition to the language in which it is given, shall be annotated in at least one other of the following languages: English, French, Spanish, or Russian.

(c) A copy of the grain loading plan shall be maintained at all times on the vessel. The master, if so required, shall produce it for the inspection of the appropriate authority of the port in which loading takes place.

(d) A grain loading plan and associated stability information approved for a vessel belonging to a country which is a party to the effective International Safety of Life at Sea Convention, issued either under the authority of the government of that country or under the authority of another government which is a party to that Convention upon the request of the first government, will be accepted by the United States. Other contracting governments have agreed to accept such information as evidence that the vessel, when loaded in accordance with this grain loading plan, meets the applicable grain loading requirements of the effective Convention.

(e) Vessels not having a grain loading plan approved in accordance with the paragraph (d) of this section may expect to be required to comply in detail with the rules of the country in which the loading port is situated.

VESSELS SHIFTING PORTS

4. Section 144.30–1 is amended by revising paragraphs (b) and (c)(1) to read as follows:

§ 144.30–1 Shifting vessels with part cargoes of loose grain in bulk.

* * * * *

(b) Vessels subject to the regulations in this part, moving between ports totally within the inland waters of the United States, may load any amount of loose grain in bulk without securing the grain provided shifting boards extend above the grain in each hold at least 2 feet. Vessels that have no longitudinal bulkheads or shifting boards in the lower holds shall comply with § 144.20–10(c).

(c) * * *

(1) Any one hold with less than 50 percent of its bulk grain capacity provided shifting boards extend above the grain in each hold at least 2 feet.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, sec. 1, 49 Stat. 1544, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

Subpart 144.40—Equivalents Allowed for Construction of Feeders and Bin Bulkheads, and Stowage of Loose or Heavy Grain in Bulk

§§ 144.40–1—144.40–50 [Canceled]

5. Subpart 144.40, consisting of §§ 144.40–1 to 144.40–50, inclusive, is canceled in its entirety. (The requirements in these sections are either covered in revised regulations in this document or it has been determined they are no longer necessary.)

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

Dated: January 11, 1962.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 62–558; Filed, Jan. 17, 1962; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Commerce

Effective upon publication in the FEDERAL REGISTER, paragraph (l)(3) of § 6.312 is amended as set out below.

§ 6.312 Department of Commerce.

* * * * *

(l) *Maritime Commission.* * * *

(3) One Confidential Assistant to the Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 62–559; Filed, Jan. 17, 1962; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN SWEETPOTATOES [1]

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Frozen Sweetpotatoes pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). This standard, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standard should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 120 days after publication hereof in the FEDERAL REGISTER.

PRODUCT DESCRIPTION, COLOR, STYLES, GRADES

Sec.

52.5001 Product description.
52.5002 Colors of frozen sweetpotatoes.
52.5003 Styles of frozen sweetpotatoes.
52.5004 Grades of frozen sweetpotatoes.

FACTORS OF QUALITY

52.5005 Ascertaining the grade.
52.5006 Color.
52.5007 Uniformity of size.
52.5008 Defects.
52.5009 Character.

EXPLANATION AND METHOD OF ANALYSIS

52.5010 Preparation by heating.

LOT INSPECTION AND CERTIFICATION

52.5011 Ascertaining the grade of a lot.

SCORE SHEET

52.5012 Score sheet for frozen sweetpotatoes.

AUTHORITY: §§ 52.5001 to 52.5012 issued under sec. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, COLOR, STYLES, GRADES

§ 52.5001 Product description.

Frozen sweetpotatoes is the product prepared from the clean, sound root of sweetpotatoes (Ipomoea batatas) by washing, sorting, trimming, draining, and peeling, as the case may be. The product may or may not be cooked; may be prepared with the addition of suitable seasoning ingredient(s), sweetening ingredient(s), antioxidant(s), edible oil(s), or spices. Such ingredients may or may not be admixed with the sweetpotatoes or they may be contained separately from the sweetpotato ingredient. When the sweetpotatoes have been cooked or partially cooked prior to freezing and are packed with a high density sirup and/or sugar to produce a "candied" effect, the frozen sweetpotatoes may be considered "Candied Sweetpotatoes" for the purposes of this subpart. In lieu of peeling, the product may be prepared as unpeeled sweetpotatoes in baked or stuffed form, with or without the addition of edible fat or oil to the peel. "Stuffed" form consists of cooked potatoes where the flesh has been removed from the peel, has been comminuted or crushed, and has been replaced in the peel or a preformed shell. The product is frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.5002 Colors of frozen sweetpotatoes.

(a) Golden.
(b) Yellow.
(c) Mixed (golden and yellow).

§ 52.5003 Styles of frozen sweetpotatoes.

(a) *Whole.* (1) Peeled.
(2) Baked (unpeeled).
(3) Stuffed (in peel or preformed shell).

(b) *Halved (or halves).* (1) Peeled.
(2) Stuffed (in peel or preformed shell).

(c) *Sliced.* This style consists of peeled units, cut longitudinally and/or crosswise, with flat-parallel or corrugated-parallel surfaces.

(d) *French-cut.* This style consists of peeled units cut into strips, commonly called French-style cut, which may have flat or corrugated surfaces.

(e) *Diced.* This style consists of peeled units cut into recognizable cube-shape units.

(f) *Cut (or chunks).* This style consists of peeled units of irregular sizes and shapes which do not conform to any of the foregoing single styles.

(g) *Mashed (or Souffle).* This style consists of peeled, cooked, and wholly comminuted or crushed sweetpotatoes.

(h) *Mixed (or combination).* This style consists of peeled units which are a combination of two or more of the foregoing styles.

§ 52.5004 Grades of frozen sweetpotatoes.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen sweetpotatoes that (1) possess similar varietal characteristics, (2) have a normal flavor and odor, (3) have a good or reasonably good color, (4) are practically uniform, or reasonably uniform, in size for the applicable style, (5) are practically free from defects, (6) possess a good character, and (7) score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of frozen sweetpotatoes that (1) may possess similar or mixed varietal color characteristics, (2) have a normal flavor and odor, (3) have a reasonably good color, (4) are reasonably uniform in size for the applicable style, (5) are reasonably free from defects, (6) possess a reasonably good character, and (7) score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen sweetpotatoes that fail to meet the requirements of U.S. Grade B.

FACTORS OF QUALITY

§ 52.5005 Ascertaining the grade of a sample unit.

(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factors not rated by score points.* (i) Varietal characteristics, as applicable.

(ii) Flavor and odor. A representative sample of the product is cooked to determine flavor and odor. "Normal flavor and odor" means that the flavor of the product before and after cooking is characteristic of properly prepared sweetpotatoes and is free from objectionable flavors and objectionable odors of any kind.

(2) *Factors rated by score points.* (i) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	20
Uniformity of size	20
Absence of defects	40
Character	20
Total score	100

(ii) Quality factors of color, uniformity of size, and absence of defects are determined by observing the product in the frozen or partially frozen state as soon as the units are separable into individual units, as the case may be, and after the product has been prepared by heating in a suitable manner; the factors of color and character (including consistency, as applicable) and flavor are evaluated after the product has been prepared by heating in a suitable manner as prescribed in this subpart.

§ 52.5006 Color.

(a) *General.* The color of the product (before and after heating) is evaluated on the internal color in whole baked, whole stuffed, and halved stuffed styles and on the overall external color appearance for all other styles. Color variations due to packing media consisting of brown sugar or sweetening mixtures including brown sugar and spices are considered characteristic.

(b) (*A*) *classification.* Frozen sweetpotatoes that possess a good color may be given a score of 18 to 20 points. "Good color" means a reasonably bright characteristic color (either yellow or golden, but not mixed) and that there may be reasonable variations of such characteristic color among the units, in each unit, or in the mass.

(c) (*B*) *classification.* If frozen sweetpotatoes possess a reasonably good color, a score of 16 or 17 points may be given. "Reasonably good color" means that the color (yellow, golden, or mixed) may be variable among the units, in each unit, or in the mass and that the color may be no more than slightly dull. Mixed color types shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule).

(d) (*SStd*) *classification.* If frozen sweetpotatoes possess an off-color, a score of 0 to 15 points may be given. "Off-color" means that the over-all color is extremely dull, such as, but not limited to the presence of units that are extremely oxidized or the presence of units that are green colored. Frozen sweetpotatoes that score in this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5007 Uniformity of size.

(a) *General.* The factor of uniformity of size for the styles of mashed and mixed frozen sweetpotatoes is not scored; the other three factors (color, absence of defects, and character) are scored and the total multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) *Definition of a "small unit."* A unit that weighs less than 1/10 ounce is considered a "small unit" when contained in sliced, French-cut, or cut styles.

(c) (*A*) *classification.* Frozen sweetpotatoes that are practically uniform in size may be given a score of 18 to 20 points. "Practically uniform in size" in styles other than mashed or mixed means that:

(1) The frozen sweetpotatoes comply with the size and uniformity requirements for (A) classification in Table I of this subpart; and, in addition

(2) The over-all appearance of the product for the applicable style is not materially affected by units of abnormal size and shape.

(d) (*B*) *classification.* If the frozen sweetpotatoes are reasonably uniform in size, a score of 16 or 17 points may be given. "Reasonably uniform in size" in styles other than mashed or mixed means that:

(1) The frozen sweetpotatoes comply with the size and uniformity requirements for (B) classification in Table I of this subpart; and, in addition

(2) The over-all appearance of the product for the applicable style is not seriously affected by units of abnormal size and shape.

(e) (*SStd*) *classification.* Frozen sweetpotatoes that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I—UNIFORMITY OF SIZE REQUIREMENTS FOR CERTAIN STYLES OF FROZEN SWEETPOTATOES

Styles, as applicable	(A) Classification		(B) Classification	
	Uniformity of size		Uniformity of size	
Whole:				
(1) Peeled	May vary moderately in size. The weight of the smallest unit is no less than ½ the weight of the largest unit.		May vary considerably in size. The weight of the smallest unit is no less than ⅓ the weight of the largest unit.	
(2) Baked (unpeeled)				
(3) Stuffed				
Halves:				
(1) Peeled	May vary moderately in size. The weight of the smallest unit is no less than ⅔ the weight of the largest unit.		May vary considerably in size. The weight of the smallest unit is no less than ½ the weight of the largest unit.	
(2) Stuffed				
		Small units		Small units
Sliced	May vary moderately in size except that the thickness of slices are reasonably uniform.	Composite weight does not exceed 5% by weight of all units.	May vary considerably in size except that the thickness of slices are fairly uniform.	Composite weight does not exceed 10% by weight of all units.
French-cut				
Cuts (or chunks)				
Diced	May vary moderately in size.	No limits.	May vary considerably in size.	No limits.

§ 52.5008 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from particles of peel in peeled styles; broken skins and broken or distorted preformed shells in whole baked, whole stuffed, and halves stuffed styles; primary and secondary rootlets, fibrous ends, discolored areas, and corky areas, or from other defects that detract from the appearance or edibility of the unit or product.

(b) (*A*) *classification.* Frozen sweetpotatoes of any style that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" has the following meaning for the applicable styles:

(1) *Whole baked; whole stuffed; halves stuffed.* The peel or shell is not broken nor the shell distorted to any noticeable extent other than in the opening in whole stuffed style; and the units are practically free from primary and secondary rootlets, internal fibers, internal corky areas, and any other defects which do not affect materially the appearance or the edibility of the product.

(2) *Whole peeled; halves peeled; mashed.* The product may contain not more than a slight amount of particles of peel, primary and secondary rootlets, untrimmed fibrous ends, discolored areas, corky areas, and any other defects which do not affect materially the appearance or the edibility of the product.

(3) *All other styles.* The aggregate weight of all defective units does not exceed 5 percent, by weight, of all the units: *Provided,* The overall appearance and edibility of the product is not materially affected by the presence of defective units.

(c) (*B*) *classification.* If the frozen sweetpotatoes of any style are reasonably free from defects, a score of 32 to 35 points may be given. Frozen sweetpotatoes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" has the following meaning for the applicable styles:

(1) *Whole baked; whole stuffed; halves stuffed.* The peel or shell may be broken or the shell distorted to some extent other than in the opening in whole stuffed style; and the units are reasonably free from primary and secondary rootlets, internal fibers, internal corky areas, and any other defects which do not affect seriously the appearance or edibility of the product.

(2) *Whole peeled; halves peeled; mashed.* The product may contain not more than a moderate amount of particles of peel, primary or secondary rootlets, untrimmed fibrous ends, discolored areas, corky areas, and any other defects which do not affect seriously the appearance or edibility of the product.

(3) *All other styles.* The aggregate weight of all defective units does not exceed 10 percent, by weight, of all the units: *Provided,* The overall appearance and edibility of the product is not seriously affected by the presence of defective units.

(d) (*SStd*) *classification.* Frozen sweetpotatoes that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5009 Character.

(a) *General.* The factor of character refers to the texture or consistency and condition of the flesh, the degree of freedom from pithy units and tough or coarse fibers, the uniformity of tenderness of the frozen sweetpotatoes after heating in a suitable manner, and the tendency of the frozen sweetpotatoes (except for mashed style) to retain their apparent original conformation and size without disintegration.

(b) (*A*) *classification.* Frozen sweetpotatoes that possess a good character may be given a score of 18 to 20 points. "Good character and consistency" has

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

the following meaning for the applicable styles:

(1) *Whole baked.* The flesh is not soggy nor dry and is practically free from tough or coarse internal fibers.

(2) *Whole stuffed; halves stuffed; mashed.* The mass or stuffing possesses a uniformly smooth texture and consistency and is free from lumps and tough or coarse fibers.

(3) *All other styles.* The units possess a uniformly smooth texture, are practically free from tough or coarse fibers, and may be firm to soft but hold their apparent original conformation and size without material disintegration.

(c) *(B) classification.* If the frozen sweetpotatoes possess a reasonably good character, a score of 16 or 17 points may be given. "Reasonably good character and consistency" has the following meaning for the applicable styles:

(1) *Whole baked.* The flesh is not excessively dry and is reasonably free from tough or coarse internal fibers.

(2) *Whole stuffed; halves stuffed; mashed.* The texture and consistency of the mass or stuffing may be coarse and stiff but practically free from lumps, and not more than a few tough or coarse fibers may be present.

(3) *All other styles.* The units possess a reasonably uniform smooth texture, are reasonably free from tough or coarse fibers, and 75 percent, by weight, or more of the units hold their apparent original conformation and size without material disintegration.

(d) *(SStd.) classification.* Frozen sweetpotatoes that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATION AND METHOD OF ANALYSIS

§ 52.5010 Preparation by heating.

"Prepared by heating in a suitable manner" means by either of the following applicable methods:

(a) *Oven method.* (Applicable to any style).

(1) Place the product and packing media, if any, in a shallow pan (or use the open carton if suitable for heating) of sufficient size so that the product may be spread to a uniform thickness of not more than 1½ inches; and

(2) Place pan (or open carton) and frozen contents into a properly ventilated oven, preheated to 375 degrees F., and allow to remain 30 minutes or longer until the interior portions of the larger units are thoroughly heated and cooked; or

(b) *Pot method.* (Not applicable to baked and stuffed styles). Place the product while still in the frozen state in a stainless steel cooking utensil and add enough water to cover the product. Bring to a boil, cover, and simmer until the larger units are thoroughly cooked.

LOT INSPECTION AND CERTIFICATION

§ 52.5011 Ascertaining the grade of a lot.

The grade of a lot of frozen sweetpotatoes covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

SCORE SHEET

§ 52.5012 Score sheet for frozen sweetpotatoes.

Size and kind of container	
Container mark or identification	
Label	
Package contents (ounces)	
Weight of media (ounces)—if contained separately	
Style of pack of sweetpotatoes	
Count (whole; halves)	
Type of media (if any)	
Brix measurement of media (if liquid and contained separately)	
Color (yellow; golden; mixed)	

Factors		Score points	
Color	20	(A)	18–20
		(B)	[1] 16–17
		(SStd.)	[2] 0–15
Uniformity of size	20	(A)	18–20
		(B)	16–17
		(SStd.)	[2] 0–15
Absence of defects	40	(A)	36–40
		(B)	[1] 32–35
		(SStd.)	[2] 0–31
Character	20	(A)	18–20
		(B)	[1] 16–17
		(SStd.)	[2] 0–15
Total score	100		

Flavor and odor	
Grade	

[1] Limiting rule.
[2] "Mixed Color" limited to Grade B or lower grade (partial limit limiting rule).

Dated: January 12, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-553; Filed, Jan. 17, 1962; 8:48 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1051]

[Docket No. AO-329]

MILK IN MADISON, WISCONSIN, MARKETING AREA

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed marketing agreement and order regulating the handling of milk in the Madison, Wisconsin marketing area, which was issued December 22, 1961 (26 F.R. 12591), is hereby extended to February 3, 1962.

Signed at Washington, D.C., on January 15, 1962.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-577; Filed, Jan. 17, 1962; 8:50 a.m.]

[9 CFR Part 301]

[Dockets Nos. AO 336 RO 1, Dockets Nos. AO 337 RO 1]

TURKEY HATCHING EGGS AND TURKEYS

Notice of Reopening of Hearing on Proposed Marketing Agreements and Proposed Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the reopening of the hearing on proposed marketing agreements and orders regulating the handling of turkey hatching eggs and turkeys which was held in the cities of Richmond, Virginia; Des Moines, Iowa; Las Vegas, Nevada; Oklahoma City, Oklahoma; Chicago, Illinois; and Albany, New York during the period between November 20 and December 13, 1961. (26 F.R. 10286, 10516, and 10772).

Such hearing is hereby reopened and will be reconvened at 3d Floor, Windsor Room, Hotel Phillips, 12th and Baltimore Streets, Kansas City, Missouri, commencing on January 29, 1962, at 10:00 a.m., local time, and will continue as necessary through January 31, 1962.

Attached to this notice of hearing is a draft of a proposed marketing agreement and order regulating the handling of turkeys which incorporates modifications proposed and considered in the course of previous sessions of the hearing. This draft has been prepared solely for the purpose of aiding interested persons and has not received the approval of the Secretary of Agriculture. All interested persons will be afforded an opportunity at the hearing to submit additional evidence, data, and views as they may desire with respect to the proposed marketing agreements and orders which are the subject of the hearing and appropriate modifications thereof, including the attached draft.

Copies of this notice of the reopening of the hearing may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may there be inspected.

Dated: January 17, 1962.

JAMES T. RALPH,
Assistant Secretary.

Draft of Proposed Marketing Agreement and Order Regulating the Handling of Turkeys Incorporating Modifications Proposed in the Course of the Hearing

DEFINITIONS

§ 301.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 301.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted

and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 301.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 301.4 Production Area.

"Production area" means the 48 contiguous states of the continental United States and the District of Columbia.

§ 301.5 Turkey.

"Turkey" means that fowl belonging to the family Meleagridae, the genus Meleagris and the species Gallopavo.

§ 301.6 Type or variety.

"Type" or "variety" are synonymous and mean such classification of turkeys as the Committee may recommend and the Secretary shall approve.

§ 301.7 Quantity.

"Quantity" means the weight of live turkeys at the time of shipment to a handler or receipt by a handler or the equivalent thereof of processed turkeys as determined by the committee.

§ 301.8 Processed turkey.

"Processed turkey" means the eviscerated turkey (ready to cook) or the equivalent thereof of New York Dressed or Kosher processed turkey as determined by the committee.

§ 301.9 Handle.

"Handle" means the slaughtering of turkeys in the production area for the production of meat.

§ 301.10 Handler.

"Handler" means a person who handles turkey.

§ 301.11 Exempt handler.

"Exempt handler" means a handler who handles less than a quantity of 7,000 pounds of turkey per marketing year.

§ 301.12 Producer.

"Producer" means a person, other than a producer-handler, who (a) is directly engaged in the production of a quantity of turkeys in excess of 1,800 pounds per year and who ships or delivers turkeys to a handler, other than an exempt handler or producer-handler, and operates and controls the facilities for the production of turkeys and produces turkey with such facilities; or (b) is involved in the production of turkeys by having a proprietary interest in the turkeys defined in subparagraph (a): *Provided,* That for the purposes of this part, if two or more persons are producers with respect to the turkeys defined in (a) of this section, their respective shares in the turkeys shall be deemed to be a quantity of turkeys equal to the total number of turkeys so produced divided by the number of persons who are producers thereof.

§ 301.13 Proprietary interest.

"Proprietary interest" means participation in the risk of profit and loss of the production of turkeys.

§ 301.14 Producer-handler.

"Producer-handler" means a person who (a) handles a quantity of not more than 65,000 pounds of turkey per marketing year, of which not more than 5,000 pounds of such turkey are not of his own production, and (b) does not produce any turkeys other than those he handles.

§ 301.15 Board.

"Board" means the Turkey Advisory Board established pursuant to this part.

§ 301.16 Committee.

"Committee" means the Turkey Administrative Committee established pursuant to this part.

§ 301.17 Marketing year.

"Marketing year" means the 12-month period beginning February 1, of each year and ending January 31 of the following year, or such other period as may be recommended by the Committee and approved by the Secretary.

§ 301.18 Year.

"Year" means the marketing year when referring to a period after the order has become effective and the 12-month calendar year when referring to periods prior to the order becoming effective.

TURKEY ADVISORY BOARD

§ 301.20 Establishment and membership.

A turkey advisory board is hereby established, consisting of 60 members, of whom 57 shall be nominated to represent various states and regions, as listed below:

California-Nevada	6
Minnesota	6
Iowa	4
Wisconsin	3
Virginia-West Virginia	3
Missouri	3
Texas	3
Indiana	2
Utah and Arizona	2
Ohio	2
Arkansas	2
North Carolina	2
Colorado-New Mexico	1
New England States	1
Georgia-Florida	1
Washington	1
Oregon	1
Pennsylvania	1
Oklahoma	1
Michigan	1
Nebraska	1
North Dakota	1
Illinois	1
Kansas	1
South Dakota	1
Kentucky-Tennessee	1
New York	1
Delaware, Maryland, New Jersey, District of Columbia	1
Montana, Idaho, Wyoming, Alabama, Mississippi, Louisiana	1
South Carolina	1

The remaining three members shall be representatives-at-large and shall be selected at the discretion of the Secretary. Each member of the Board shall have an alternate member nominated in the same manner as members.

§ 301.21 Term of office.

Members and alternate members of the Board shall serve for terms of three years ending on the last day of January, and each such member and his alternate shall serve until his successor is selected and qualified: *Provided,* That the term of office of the initial board shall be three years for one-third of the members and their alternates, two years for one-third of the members and their alternates, and for the remaining one-third of the members and their alternates shall be from the effective date of this part to the last day of January 1963, such staggered terms of office to be determined by the Secretary.

§ 301.22 Nominations.

Nominees for membership on the Board shall be made at one or more nomination meetings called and supervised by the committee under rules and regulations promulgated by the committee and approved by the Secretary. Such meetings shall be held in and for each of the states of groups of states specified in § 301.20 and reasonable publicity shall be provided for such nomination meetings by the committee. Only producers and handlers other than exempt handlers shall be eligible to vote and each such person shall have but one vote. Voting shall be by secret ballot. Three nominations shall be made for each member position, which shall also be deemed nominations for such member's alternate. All nominations should be certified by the Committee to the Secretary as soon as practicable and, after the initial appointment of the Board, no later than January 4 immediately preceding the commencement of the term of office for the position for which a nomination is certified. Such certification shall include, for each nominee, a brief summary of his experience and association with the turkey industry. For the purpose of obtaining nominations for the initial Board, the Secretary shall perform the functions of the committee.

§ 301.23 Duties.

The duties of the Board shall consist of selecting from among its members a chairman and other officers, establishing procedures for performing its functions, the making of nominations for membership on the committee, the certifying of such nominations to the Secretary, the making of recommendations with respect to marketing policy, and the consideration of such other matters as it deems proper or as the committee or the Secretary may request.

TURKEY ADMINISTRATIVE COMMITTEE

§ 301.24 Establishment and membership.

A Turkey Administrative Committee is hereby established to administer the terms and provisions of this part. Such Committee shall consist of 19 members which shall include the chairman of the Board who shall also be chairman of the Committee. For each member there shall be an alternate member. No person shall be selected or continue to serve as a member or alternate member

of the Committee unless he is serving as a member or alternate member of the Board.

§ 301.25 Nomination.

The Board shall nominate from among its members and alternate members 38 nominees for appointment as members and alternate members of the Committee. All such nominations for the Committee shall be certified by the Board to the Secretary as soon as practicable following their nomination.

§ 301.26 Term of office.

Members and alternate members of the Committee shall serve for terms of one year ending on January 31, the initial term beginning with the effective date of this part and ending on January 31, 1963, but each such member and alternate member shall continue to serve until his successor is selected and has qualified.

§ 301.27 Powers.

The Committee shall have the following powers:

(a) To administer the terms and provisions of this part;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary, complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 301.28 Duties.

The Committee shall have among others the following duties:

(a) To act as intermediary between the Secretary and any producer or handler.

(b) To keep minutes, books, and other records which shall clearly reflect all of its acts and transactions and these shall be subject to examination by the Secretary at any time.

(c) To investigate and assemble data on the production, handling, and marketing of turkeys and to make recommendations concerning the issuance of regulations pursuant to this part.

(d) To submit to the Secretary or the Board such available information with respect to turkey hatching eggs and turkeys as may be requested and such other information as the Committee may deem desirable and pertinent;

(e) To select from among its members officers other than the chairman and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(f) To appoint or employ such other persons as it may deem necessary and to determine the salaries and define the duties of each such person;

(g) To cause the books of the Committee to be audited by a certified public accountant at least once each marketing year and at such other times as the Committee may deem necessary or as the Secretary may request, to submit two copies of each such audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the offices of the Committee by producers and handlers;

(h) To prepare and submit to the Secretary monthly statements of the financial operations of the Committee and to make such statements, together with the minutes of the meetings of said Committee and the Board, available for inspection at the offices of the Committee by producers and handlers;

(i) To give the Secretary the same notice of meetings of the Committee and the Board as is given to members;

(j) To investigate compliance with and to use means available to the Committee to prevent violation of the provisions of this part; and

(k) To establish with the approval of the Secretary such rules and regulations as are necessary or incidental to administration of this subpart, as are consistent with its provisions, and as would tend to accomplish the purposes of this subpart and the act.

BOARD AND COMMITTEE

§ 301.30 Selection.

The Secretary shall select and appoint members and alternate members of the Board and the Committee in the numbers and with the qualifications specified in this subpart. Such selections shall, to the extent feasible in the light of the following considerations, be made from the nominations certified by the Committee and the Board: *Provided*, That in making such selections and appointments the Secretary shall give major recognition to turkey producers, including consideration of the size, nature, and location of their production operations, and reasonable handler representation with a view to the extent possible and practicable to have representation from all segments of the industry.

§ 301.31 Failure to nominate.

In the event a nominee for any member or alternate member position is not certified pursuant to and within the time specified in this subpart, the Secretary may select an eligible person to fill such position without regard to nomination.

§ 301.32 Qualify by acceptance.

Each person selected as a member or as an alternate member shall, prior to serving, qualify by filing with the Secretary a written acceptance as soon as practicable after being notified of such selection.

§ 301.33 Alternate members.

An alternate for a member shall act in the place and stead of such member (a) during his absence, or (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

§ 301.34 Vacancies.

Any vacancy occasioned by the removal, resignation, disqualification, or death of any member, or any need to select a successor through failure of any person selected as a member or alternate member to qualify, shall be recognized by the Committee certifying to the Secretary a new nominee within 40 calendar days.

§ 301.35 Procedure.

All decisions of the Board and the Committee reached at an assembled meeting shall be by majority vote of the members present. All votes in an assembled meeting shall be cast in person and a quorum must be present for a valid decision. A quorum for the Board shall consist of not less than thirty (30) members and for the Committee not less than ten (10) members. Such quorum requirements may be changed by the Secretary, upon recommendation of the Board or Committee. The Committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram, to all such members. When any proposition is submitted to be voted on by such method, it must be favored by not less than fourteen (14) members of the Committee to constitute action by the Committee.

§ 301.36 Expenses and compensation.

The members of the Committee and the Board, and the alternate members, shall be allowed their necessary expenses, actual or per diem, as approved by the Committee. If the Secretary upon recommendation of the Board determines that it is necessary for the efficient and effective operation of the Board or Committee and that the members thereof receive reasonable compensation for their services, such members may receive such compensation at a rate recommended by the Committee and approved by the Secretary.

EXPENSES AND ASSESSMENTS

§ 301.40 Expenses and budget.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each marketing year for the maintenance and functioning of the Board and committee and for other such purposes, as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate. The Committee shall file a proposed budget of expenses and rate of assessment with the Secretary as soon as practicable after the beginning of the marketing year.

§ 301.41 Assessments.

Each handler shall pay to the committee, upon demand, with respect to turkeys handled by him, his pro rata share of all expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each marketing year. Each handler's pro rata share shall be at a rate of assessment per hundred pounds of processed turkey, fixed by the Secretary. At any time during the marketing year the Secretary may decrease the rate of assessment or may increase the rate of assessment to cover unanticipated expenses or a deficit in the anticipated quantity of turkeys handled but in no event shall such assessment exceed $.20 per 100 pounds of processed turkey: *Provided*, That no such assessment shall be retroactive. In order to provide funds to carry out the functions of the board and committee, the committee may accept advance payments from any handler and such shall be credited towards assessments levied pursuant to this section against such handler. The payment of expenses for the maintenance and functioning of the board and committee may be required throughout the period during which this part is in effect and irrespective of whether particular provisions thereof are suspended or become inoperative, or whether volume regulation is in effect.

§ 301.42 Accounting.

(a) If, at the end of a marketing year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, it shall be refunded proportionately and to the extent practicable to the persons from whom it was collected.

(2) The committee, with the approval of the Secretary, may carry over such excess into subsequent marketing year, as a reserve: *Provided*, That funds already in the reserve do not equal approximately one marketing year's expenses. Such reserve funds may be used (i) to defray expenses, during any marketing year, prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any marketing year when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided for in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the committee, and shall execute such assignments and other instruments as may be necessary and appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

(d) The committee may make recommendations to the Secretary for one or more of the members, thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

RESEARCH DEVELOPMENT

§ 301.45 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, and distribution of turkeys. The expenses of such projects shall be paid from funds collected pursuant to § 301.41.

REGULATIONS

§ 301.50 Marketing policy.

At least once each marketing year the Board shall prepare and submit to the Secretary through the committee a report setting forth its general marketing policy for such ensuing period or periods as it may deem appropriate. Notice of the Board's marketing policy shall be given promptly by reasonable publicity to producers and handlers. The report shall include any recommendation it may make for regulatory action in such period or periods as well as data and information used by the board in formulating the marketing policy. In developing the marketing policy, the board shall give consideration to the following factors:

(a) The estimated quantity of processed turkeys on hand in the production area at the beginning of such period or periods.

(b) The probable availability of additional turkeys during such period or periods.

(c) The estimated quantity of processed turkeys which should be carried over as a desirable inventory into any succeeding period or periods.

(d) The number of turkey hatching eggs set for hatching or the number of poults placed in such period or periods as will reflect probable availability of turkeys in the period or periods for which regulation is proposed.

(e) The estimated market requirements for processed turkeys for the period or periods for which regulation may be proposed, including in such estimates as separate items probable trade demands for such turkeys in the various available outlets for such turkeys.

(f) Current prices being received for turkeys and the probable general level of prices to be received for turkeys by producers and handlers.

(g) The trend and level of consumer income and any other factors which may affect consumer demand for processed turkeys.

(h) Any other pertinent factors bearing on the marketing of such turkeys, including the estimated supply or demand for particular types or sizes of turkeys or special problems relating thereto.

(i) The need for any regulations and recommendations with respect thereto dealing in any manner with any of the foregoing or with the authorities for regulation provided by this subpart.

Recommendations with respect to specific implementation of the general marketing policy recommended by the Board shall be made to the Secretary by the committee from time to time, as circumstances warrant, and the committee's recommendation shall contain the data and information upon which it is based, together with the specific regulatory action recommended.

§ 301.51 Issuance of regulations.

The Secretary shall regulate the handling of turkeys as authorized by this subpart whenever he finds from the recommendations and information submitted by the board or committee, or from other available information, that such regulation may tend to effectuate the declared policy of the act. Such regulation may:

(a) Limit the quantity of turkeys all handlers may receive for handling pursuant to § 301.56.

(b) Limit the handling for specified outlets of particular grades, sizes, qualities or packs of any or all types of turkeys during a specified period or periods.

(c) Fix, or provide methods for fixing, pursuant to §§ 301.55 and 301.57 through 301.68, free and surplus percentages applicable to the handling of all turkeys handled by handlers and for the pooling of set aside turkeys and the distribution of the proceeds of such pool.

(d) Limit the handling of turkeys differently for different period or periods, for difference regions, for different types, sizes or for different purposes, or any combination of the foregoing for any period.

VOLUME REGULATION

§ 301.55 Volume regulation.

The Secretary may establish, upon the recommendation of the board, or other available information, regulation of turkeys for the marketing year or for such period or periods as he may prescribe, by any one or both of the methods hereinafter specified if he determines that regulation by the method or methods employed may tend to effectuate the declared policy of the act. Such regulation may be based upon different desirable quantities or desirable free quantities for different types or sizes of turkeys, or for any or all portions of the production area; and when such quantities are established for such turkeys, the allocation of bases, allotments, or percentages under such regulation shall be equitably apportioned among producers: *Provided*, That if the Board recommends volume regulation for the balance of the fiscal year 1962, remaining after this part becomes effective, such volume regulation shall be restricted to Method No. II provided in §§ 301.57 through 301.68 and in such event the Board shall give due consideration to the regional differences in production of turkeys.

METHOD NO. I

§ 301.56 Desirable quantity.

Whenever a desirable quantity of turkeys which all handlers may acquire from producers in the marketing year has been established the committee shall equitably apportion such quantity among producers by establishing allocation bases and allotments for the marketing year as follows:

(a) *Allocation bases*. Each producer shall be apportioned an allocation base which shall be computed as follows:

(1) Each producer's base for the years 1963 and 1964 shall be the highest of the quantity of turkeys produced by him which were marketed in the years 1959, or 1960 or 85 percent of the quantity which were marketed by him in the year 1961: *Provided*, That where more than one producer is involved in the production of turkeys marketed from the same production facility, the year 1961, as adjusted, shall be used in computing their bases unless the producers concerned agree to the use of either 1959 or 1960.

(2) For the marketing years 1965 and thereafter each producer's allocation base shall be determined by taking the average of the highest quantity of turkeys produced by him which were marketed in any three of the five years immediately preceding the marketing year for which the allocation base is being determined: *Provided*, That for the purposes of this computation the 1961 quantity for allocation base purposes shall be limited as in subparagraph (1) of this paragraph; and the year 1962 shall not be used in the computation of bases: *Provided further*, That where more than one producer is involved in the production of turkeys marketed from the same production facility, the three most recent base years shall be used in computing their bases unless the producers concerned agree to the use of other years of said five years.

(3) A producer who operates and controls the facilities for production, the marketing from which was divided between producers in establishing his base, may have the option upon application to the committee to have his allocation base adjusted up to the total quantity of turkeys marketed from such facilities in his base period as if he had had the sole proprietary interest in such turkeys: *Provided*, Such producer may exercise such option only once and: *Provided further*, That such adjusted allocation base shall be available only when the total marketings from such facilities are turkeys in which the producer has the sole proprietary interest.

(4) (i) The committee may provide for adjustment of a producer's allocation base upon a showing that such producers' production in the applicable base periods provided in subparagraphs (1) and (2) of this paragraph was not representative.

(ii) A producer-handler who desires to relinquish his status as a producer-handler, may be apportioned an allocation base by the committee based upon his past production and marketing in accordance with regulations made by the committee and approved by the Secretary.

(iii) If the sum of the desirable quantity in any marketing year exceeds the sum of the allotments of the preceding year the committee may determine a portion of the difference between such sums which may be apportioned to persons who are not producers of turkeys and who can establish that they have the ability to produce.

(b) *Application.* Each producer desiring an allocation base for the marketing year shall, not later than 6 weeks preceding such marketing year, or prior to such date as the committee may otherwise prescribe, file with the committee or other agency specified by the committee an application therefore on forms prescribed by the committee, which shall supply all pertinent information required by the committee. The burden of supplying and supporting all such information filed with the committee shall rest upon the producer.

(c) *Committee verification.* The committee or agency shall check and determine the accuracy of the information submitted pursuant to this section and shall be authorized to make a thorough investigation of any application. Whenever the committee finds an error, omission, false statement or inaccuracy in any such application, it shall correct the same and shall give the person who submitted the application a reasonable opportunity to discuss with the committee or agency the factors considered in making the corrections. In the event of correction of a base, the allotment apportioned to the producer pursuant to paragraph (d) of this section shall likewise be corrected.

(d) *Allotments.* Each producer who has an allocation base shall be apportioned an allotment of turkeys which handlers may purchase or otherwise acquire or receive from such producer for their account or the account of such producer during the marketing year which allotment shall be computed by dividing the desirable quantity of turkeys established pursuant to this section by the sum of the allocation bases of all producers, and multiplying such producer's allocation base by the resulting percentage figure. The result shall be the producer's allotment of the established desirable quantity of turkeys and no handler shall acquire a quantity of turkeys from any producer (including such handler in his capacity as a producer) which would result in handlers having acquired or received a greater quantity of turkeys from such producer than the total quantity so apportioned to such producer, plus such additional amounts as may be specifically provided in this part.

(e) *Certification of allotments.* The committee, with the approval of the Secretary, may establish by regulation such means of certification or identification with respect to allotments of producers as may be required to effectuate the purposes of any regulation issued under this part.

(f) *Allotments by period.* Whenever the board recommends and the Secretary finds that such recommendation may tend to effectuate the declared policy of the Act, he may establish within the marketing year a period or periods within which handlers may acquire a producer's allotment or specified portion thereof. In determining the quantities of turkeys which handlers may acquire in such period or periods, the Board shall take into consideration the seasonal patterns of production by region, such regions to be established by the committee, and shall apportion such quantities to be acquired by handlers from producers so as to provide equity among producers.

(g) *Foundation breeders.* The committee may establish, by regulation, a definition of a foundation breeder and, notwithstanding the provisions of paragraphs (d) and (e) of this section if the committee finds, upon substantial information submitted by a producer who is a foundation breeder, that such producer's apportionment of the established desirable quantity of turkeys is having a substantial adverse affect upon the operation of a sound breeding program, the committee may adjust such producer's allotment which may be acquired by handlers to the extent necessary to avoid or mitigate such adverse affect. A determination as to whether a producer is a foundation breeder shall be made by the committee and shall be based upon an application for foundation breeder status, filed with the committee by the producer, containing such information as the committee may prescribe, and upon such other information as the committee may find necessary in order to arrive at its determination.

(h) *Allotment adjustment.* (1) In any marketing year or period or periods within such marketing year when allotments are in effect any handler may acquire from a producer a quantity of turkeys which will result in the total quantity of turkeys acquired from such producer by handlers exceeding such producer's allotment by not in excess of 5 percent thereof: *Provided*, That such producer furnishes the handler with a certification that his total marketings of turkeys during the period, including the excess quantity, consisted of turkeys of his own production only and upon such certification, the producer's allotment for the period shall be deemed adjusted accordingly: *Provided further*, That any handler receiving excess turkeys under these conditions shall make the producer's certification available to the committee and file such reports relating thereto as the committee may require and the committee shall reduce the allotment to be acquired from the producer for the ensuing period by the quantity by which his current allotment was adjusted.

(2) If handlers do not acquire from a producer that producer's full allotment for the marketing year, or period within a marketing year, then such quantity which was not acquired from such producer may, pursuant to regulations issued by the committee, be added to the quantity which may be acquired from such producer during the next marketing year, or period, but in no event shall such quantity exceed 5 percent of the quantity which may be acquired from a producer during the marketing year, or in a period within a marketing year.

(i) *Transfers of bases and allotments.* Allocation bases and allotments shall not be transferred except as authorized by regulations issued by the committee and then only in the following circumstances:

(1) *Allocation bases.* (i) In the event of a transfer of the producer's entire production facilities, the base may be transferred to the person acquiring and continuing the use of such facilities.

(ii) In the event of the death, retirement, or entry into military service of a producer, the entire allocation base may be transferred to a member of such producer's immediate family who carries on the turkey production operation.

(iii) If an allocation base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(2) *Allotments.* A producer's allotment may be transferable to another producer for a marketing year subject to regulations issued by the committee.

METHOD NO. II

§ 301.57 Desirable free quantity.

Whenever a desirable free quantity of turkeys has been established for any period or periods as may be prescribed, all handlers shall handle such turkeys in such period or periods subject to the percentage requirements of § 301.58.

§ 301.58 Free and surplus percentages.

(a) Whenever the committee concludes that the volume of turkeys which will be available for handling, in a period or periods for which there has been established a desirable free quantity of turkeys, will exceed such desirable free quantity it may recommend to the Secretary that the handling of turkeys in such period or periods be limited by establishing free and surplus percentages applicable to the handling of all turkeys, or the handling of turkeys of any grade, size or quality, or any combination thereof. If the Secretary finds that such recommendation may tend to effectuate the declared policy of the Act he may establish free and surplus percentages applicable to such total handlings or of any grade, size, or quality thereof, within such period or periods, which shall total 100 percent of the turkeys to which the percentages apply. If the Secretary determines that such percentages should be modified within any such period or periods, appropriate new percentages may be established: *Provided*, That any change in the applicable percentages may be applicable only to the remainder of the period and may not be retroactive.

(b) Whenever free and surplus percentages have been established for a period or periods, each handler shall set aside at such times as the committee may prescribe, and withhold for marketing a quantity of processed turkeys computed by multiplying the quantity of all turkeys handled by him in such period by the applicable surplus percentage.

(c) The committee, with the approval of the Secretary, may prescribe the grade, size, or quality of turkeys which shall be set aside to meet the surplus percentage and may require that such surplus percentage be set aside from each lot handled: *Provided*, That for purposes of this provision each day's slaughter of each producer's turkeys or of the handler's own turkeys shall be deemed a separate lot. The turkeys handled by a handler which are free quantity turkeys may be disposed of by him in any marketing outlet, subject, however, to any grade, size or quality restrictions otherwise provided by this part.

§ 301.60 Set aside turkeys.

(a) All turkeys set aside to meet the handler's set aside obligation shall be held by the handler for the account of the committee in compliance with regulations of the committee, approved by the Secretary, until the handler has been relieved of such responsibility by the committee. Such set aside turkeys shall be free and clear of all liens: *Provided*, That any liens which were outstanding at the time turkeys were set aside shall be subject in every way to this order and the regulations thereunder, and any lienholder with respect to such lien shall, to the extent of such lien, be deemed an assignee of a pro rata interest in the net proceeds of the applicable pool of set aside turkeys.

(b) The handler shall hold such turkeys in storage, in such facilities and under such storage conditions as the committee may prescribe.

(c) Set aside turkeys shall be labeled or otherwise marked in such manner as the committee may prescribe so as to be identifiable at all times and shall be subject to inspection by the committee or its representatives at all times.

(d) Upon reasonable notice by the committee, a handler shall commence delivery to the committee or its designee of any or all set aside turkeys held for the account of the committee and at such rate as may be prescribed.

(e) Handlers shall use good commercial practices in caring for set aside turkeys and be liable to the committee for losses of set aside resulting from lack of due care.

(f) The committee may, by regulation, authorize methods, other than processing and storage by which a handler may comply with his set aside requirements. Some such other methods might include, but are not limited to the following.

(1) The committee may allow the handler to purchase other handlers free percentage turkeys to fulfill his set aside requirement.

(2) The committee may, upon authorization and payment from the handler, purchase free percentage turkeys to fulfill the handlers set aside.

(3) The committee may designate in advance a point or points of delivery of set aside turkeys to which the handler may ship such turkeys whenever he has set aside commitments.

(4) The committee may allow the handler to satisfy his set aside requirements for a period or periods by setting aside at a time or times specified by the committee, the aggregate of his set aside requirements rather than meeting such requirements out of each day's processing.

§ 301.61 Set aside by grade, size, or type.

Upon recommendation by the committee and approval by the Secretary, the quantities of turkeys to be set aside by handlers may be segregated by grade, size, or type and separate pools may be established for the disposition thereof and the distribution of proceeds.

§ 301.62 Title.

The committee, with respect to turkeys set aside for the account of the committee, shall be deemed to have title thereto as trustees and is authorized to negotiate loans on such set aside surplus turkeys for the purpose of paying the expenses relating thereto, or for making advance payments, or both.

§ 301.63 Pooling period.

Any pool of set aside turkeys shall consist of all surplus percentage turkeys set aside by all handlers during any period or periods as may be prescribed, but any such period shall be not less than one month, nor more than one year in duration: *Provided*, That a pool may include surplus turkeys from one or more set aside periods within a marketing year.

§ 301.64 Handler compensation.

Each handler shall be compensated for processing and other costs relating to the surplus percentage set aside of turkeys as the committee may deem to be appropriate, in accordance with charges established at the beginning of the marketing year by the committee with the approval of the Secretary. Such costs shall be borne by the producers, or their successors in interest, and may be deducted from any monies owed by handlers to such persons.

§ 301.65 Committee disposition of set aside.

(a) *General.* The committee shall have the power and authority to sell and dispose of, or use any agency approved by the Secretary including cooperatives, to dispose of any and all set aside turkeys upon the best terms and at the highest prices attainable consistent with the provisions and objectives of this part, but only in the outlets specified in paragraph (b) of this section.

(b) *Outlets.* The committee may sell or dispose of set aside turkeys in the following outlets:

(1) By sales for disposition in export;

(2) By direct sale to any agency of the United States Government;

(3) In other outlets which the Secretary, upon recommendation of the committee, may specify by regulation to be substantially noncompetitive with those for normal outlets for turkeys, as defined by regulations, or

(4) To the extent feasible and consistent with the purposes of this part, the committee with the approval of the Secretary may sell or dispose of set aside surplus turkeys in any other outlets, including any normal outlets for turkeys.

(c) The committee shall make disposition of surplus turkeys in each pool as expeditiously as practical consistent with the provisions and objectives of this part, and in any event not later than August 1 of the following marketing year.

§ 301.66 Distribution of net proceeds.

The net proceeds from the disposition of any pool of set aside surplus turkeys shall be distributed, after deduction of any expenses incurred by the committee for the receiving, handling, holding, or disposition thereof, to handlers pro rata on the basis of the quantities of their respective contributions to the set aside contained in such pool, for distribution

by such handlers to the respective producers of such turkeys, or their successors in interest, in accordance with records of each handler showing their respective contributions to the handler's total set aside.

§ 301.67 Equity holders.

So that the handler may determine each producer's or his successor's or assignee's interest or equity in the handler's total set aside, each handler who sets aside turkeys to meet his surplus percentage shall determine, or cause to be determined, the size, grade, and quantity of turkeys so set aside which were received from each producer thereof, together with the name and address of such producer, or his successor in interest, and any other information which the Committee may require to identify all producers of the turkeys so set aside. The handler shall keep a record of all such information pertinent to each pool of set aside surplus turkeys to which it may be pertinent.

§ 301.68 Prohibition against disposition.

Except as provided herein, set aside turkeys shall not be used or disposed of by any handler.

CERTIFICATION FOR GRADE OR QUALITY

§ 301.69 Certification for grade or quality.

Whenever, for any period or periods, regulations are in affect which require the determination of grade or quality of turkeys, the Secretary, upon recommendation of the committee, may, by regulation, require each handler to cause such turkeys to be certified for grade by any agency or agencies which he may designate, and further require that any such agency certify the grade of such turkeys on forms or certificates to be prescribed by the committee with the approval of the Secretary. The cost of any such services shall be borne by the handler.

APPLICATION OF PROVISIONS

§ 301.70 Application of provisions.

(a) *Producer-handlers and exempt handlers.* Sections 301.41, 301.55, 301.56, except § 301.56(a)(3), and §§ 301.57 through 301.69 shall not apply to producer-handlers or exempt handlers.

(b) *Institutional exemptions.* The committee may, by regulations approved by the Secretary, exempt from the application of §§ 301.41, 301.55 and 301.56 through 301.69 turkeys produced by federal, state, or other governmental or private institutions for their own consumption.

(c) *Research and educational exemptions.* The committee may exempt from the application of sections 301.41 and 301.55 through 301.69 persons, other than foundation breeders, producing turkeys for research and educational purposes upon application by such persons to the committee, and a determination by the committee, that the quantity of turkeys sought to be exempted are reasonable for the purposes stated.

REPORTS AND RECORDS

§ 301.71 Reports.

(a) *Regular monthly reports.* At a time and in a manner prescribed by the committee, each handler shall file reports with the committee on forms prescribed by the committee and approved by the Secretary, relating to his handling of turkeys for the preceding month, and providing such information with respect thereto as the committee may prescribe.

(b) *Exempt-handler and producer-handler reports.* Each handler exempted under § 301.70 shall make reports at such times and in such manner and containing such information as the committee may request.

(c) *Other reports.* Upon the request of the committee, each handler shall furnish to the committee reports relating to the handling of turkeys other than producer turkeys and such other information as may be necessary to enable the committee to exercise its powers and perform its duties under this part.

§ 301.72 Records.

Each person required to file reports with the committee shall maintain such records pertaining to all turkeys handled as will substantiate the required reports and such others as may be prescribed by the committee. All such records shall be maintained for not less than six years after the termination of the marketing year to which such records relate.

§ 301.73 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports filed by handlers, producer handlers and other persons required to file reports to the committee, the Secretary and the committee, through its duly authorized employees, shall have access to any premises where applicable records are maintained, where turkeys are handled, and, at any time during reasonable business hours, shall be permitted to inspect such person's premises, and any and all records of such persons with respect to matters within the purview of this part.

§ 301.74 Confidential information.

All reports and records furnished or submitted to the committee, or obtained by the employees of the committee, which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from records shall at all times be kept in the custody and under the control of one or more employees of the committee, who shall disclose such information to no person other than the Secretary.

COMPLIANCE

§ 301.75 Compliance.

Except as provided in this subpart, no handler shall handle turkeys, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle turkeys except in conformity to the provisions of this subpart.

MISCELLANEOUS PROVISIONS

§ 301.80 Supervisory authority.

Regulations implementing this order shall be approved by the Secretary prior to being made effective. Nothing in this order shall impair the Secretary's right to take such action as necessary to carry out his responsibility to insure that actions taken are in the public interest, tend to effectuate the purpose of the Act, and are within legal authority. Any person having responsibilities in connection with the administration of this order may be removed or suspended by the Secretary at his discretion if he concludes such action to be in the public interest.

§ 301.81 Personal liability.

No member or alternate member of the committee or board, nor any employee, representative, or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person, for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, employee, representative, or agent, except for acts of dishonesty.

§ 301.82 Separability.

If any provision of this subpart, is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 301.83 Derogation.

Nothing contained in this subpart is or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 301.84 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart, shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 301.85 Agents.

The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any service, division or branch in the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions of this subpart.

§ 301.86 Effective time.

The provisions of this subpart, or any amendments thereto, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways specified in this subpart.

§ 301.87 Termination or suspension.

(a) *Failure to effectuate policy of act.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart on or before the 30th day of January of any marketing year whenever he is required to do so by the provisions of section 8c(16)(B) of the act. The Secretary may, at any time he deems it desirable, hold a referendum of producers to determine whether they favor termination of this subpart. However, the Secretary shall hold a referendum of producers between October 1 and October 31, 1964, to determine whether they favor termination of this subpart and thereafter shall hold a referendum for the same purpose between October 1 and October 31 of each subsequent even numbered year if the Secretary receives recommendation from the Board requesting the holding of such a referendum. The results of such a referendum shall be announced by the Secretary by November 30 of any marketing year in which held.

(c) *Termination of act.* The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 301.88 Procedure upon termination.

Upon termination of this subpart, the members of the committee then functioning shall continue as joint trustees, for the purposes of liquidating the affairs of the committee. Action by such trustees shall require the concurrence of a majority of said trustees. Such trustees shall continue in such capacity until discharged by the Secretary, and shall account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all the funds, properties, and claims vested in the committee or the joint trustees, pursuant to this subpart. Any person to whom funds, property, or claims have been transferred or delivered by the committee or the joint trustees, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon said joint trustees.

§ 301.89 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this subpart or any regulation issued under this subpart, or (b) release any set aside held for the account of the committee nor permit its disposition contrary to the provisions of this subpart, or (c) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (d) affect or impair any rights or remedies of the Secretary, or any other person, with respect to such violation.

§ 301.90 Amendments.

Amendments to this subpart may be proposed, from time to time, by any person or by the committee.

PROVISIONS APPLICABLE ONLY TO PROPOSED MARKETING AGREEMENT

§ 301.100 Counterparts.

This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 301.101 Additional parties.

After the effective date of this agreement, any handler may become a party hereto if a counterpart is executed by him and delivered to the Secretary. This agreement shall take affect as to such new contracting party at the time such counterpart is delivered to the Secretary and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 301.102 Order with marketing agreement.

Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of turkeys in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such order.

[F.R. Doc. 62-660; Filed, Jan. 17, 1962; 11:00 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 516]

RECORDS TO BE KEPT BY EMPLOYERS

Proposed Revision

Notice is hereby given that pursuant to section 11 of the Fair Labor Standards Act of 1938 (52 Stat. 1066, as amended; 29 U.S.C. 211), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, the Administrator of the Wage and Hour and Public Contracts Divisions proposes to revise Part 516 of Title 29, Code of Federal Regulations, in order to provide record-keeping requirements appropriate under the Fair Labor Standards Amendments of 1961 (Public Law 87–30). The proposed revision includes the changes in §§ 516.1 to 516.3 and 516.23 proposed earlier by notice published in the FEDERAL REGISTER on August 30, 1961 (26 F.R. 8114), together with a proposed further revision of § 516.23 relating to situations in which different minimum wage rates may apply to an employee's employment, during the same workweek.

Interested persons may submit written data, views, and arguments relating to the proposed revision to the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D.C., within fifteen days from its publication in the FEDERAL REGISTER.

The proposed revision reads as follows:

INTRODUCTORY

Sec.
516.1 Form of records.

Subpart A—General Requirements

516.2 Employees subject to minimum wage and 40-hour week overtime provisions; sections 6 and 7(a) of the act.
516.3 Bona fide executive, administrative, professional, and outside sales employees as referred to in section 13(a)(1) of the act—items required.
516.4 Posting of notices.
516.5 Records to be preserved three years.
516.5 Records to be preserved three years.
516.7 Place for keeping records and their availability for inspection.
516.8 Computations and reports.
516.9 Petitions for exceptions.
516.10 Amendment of regulations.

Subpart B—Records Pertaining to Employees Subject to Miscellaneous Exemptions Under the Act; Other Special Requirements

516.11 Employees under certain collective bargaining agreements who are partially exempt from overtime as provided in section 7(b)(1) or 7(b)(2) of the act.
516.12 Employees employed in industries "of a seasonal nature" who are partially exempt from overtime pay requirements pursuant to section 7(b)(3) of the act.
516.13 Employees exempt from overtime pay requirements during 14 workweeks pursuant to section 7(c) of the act.
516.14 Employees totally exempt from overtime pay requirements pursuant to section 7(c) and sections 13(b)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), and (11) of the act—items required.
516.15 Employees totally exempt from overtime pay requirements pursuant to section 13(b)(6) of the act—items required.
516.16 Employees exempt from both the minimum wage and overtime pay requirements under sections 23(a)(2), (3), (4), (5), (8), (9), (10), (11), (12), (13), (14), (15), (18), (19), (20), (21), or (22) of the act—items required.
516.17 Employees exempt from both the minimum wage and overtime pay requirements under section 13(a)(16) of the act—items required.
516.18 Employees exempt under section 13(a)(17) of the act—items required.
516.19 Employees employed pursuant to a bona fide individual contract or a collective bargaining agreement and compensated in accordance with sections 6 and 7(e) of the act—items required.

Sec.

516.20 Employees compensated for overtime work on the basis of the "applicable" piece rates or hourly rates as provided in sections 7(f)(1) and 7(f)(2) of the act—items required.
516.21 Employees compensated for overtime hours at a "basic" rate which is substantially equivalent to the employee's average hourly earnings, in accordance with section 7(f)(3) of the act—items required.
516.22 "Red caps" and other employees dependent on tips as part of wages—items required.
516.23 Learners, apprentices, messengers, or handicapped workers or students employed under special certificates as provided in section 14 of the act.
516.24 Industrial homeworkers.
516.25 Additional records required when additions or deductions are made to or from wages for "board, lodging, or other facilities" customarily furnished to employees.
516.26 Employees under more than one minimum hourly rate.
516.27 Minors employed in agriculture—items required.

AUTHORITY: §§ 516.1 to 516.27 issued under sec. 11, 52 Stat. 1066, as amended; 29 U.S.C. 211.

INTRODUCTORY

§ 516.1 Form of records.

(a) No particular order or form of records is prescribed by the regulations in this part. However, every employer who is subject to any of the provisions of the Fair Labor Standards Act of 1938, as amended (hereinafter referred to as the "act"), is required to maintain records containing the information and data required by the specific sections of this part.

(b) Scope of regulations:

(1) The regulations in this part are divided into two subparts. Subpart A of this part contains the requirements applicable to all employers employing covered employees, including the general requirements relating to the posting of notices, the preservation and location of records, and similar general provisions. This subpart also contains the requirements applicable to employers of employees to whom both the minimum wage provisions of section 6 and the overtime pay provisions of section 7(a) of the act apply. As most covered employees fall within this category, employers, in most instances, will be concerned principally with the recordkeeping requirements of Subpart A of this part. Section 516.3 thereof contains the requirements relating to executive, administrative, professional and outside sales employees.

(2) Subpart B of this part deals with the information and data which must be kept with respect to employees (other than executive, administrative, professional, and outside sales employees) who are subject to any of the exemptions provided in the act, and with special provisions relating to deductions from and additions to wages for "board, lodging, or other facilities," industrial homeworkers, employees dependent upon tips as part of wages, and employees subject to more than one minimum wage. The sections in Subpart B of this part require the recording of more, less, or different items of information or data than required under the generally applicable recordkeeping requirements of Subpart A of this part.

Subpart A—General Requirements

§ 516.2 Employees subject to minimum wage and overtime provisions; sections 6 and 7(a) of the act.

(a) *Items required.* Every employer shall maintain and preserve payroll or other records containing the following information and data with respect to each and every employee to whom both sections 6 and 7(a) of the act apply:

(1) Name in full, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records. This shall be the same name as that used for Social Security record purposes,

(2) Home address,

(3) Date of birth, if under 19,

(4) Occupation in which employed,

(5) Time of day and day of week on which the employee's workweek begins. If the employee is part of a work force or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment will suffice. If, however, any employee or group or employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees,

(6) (i) Regular hourly rate of pay for any week when overtime is worked and overtime excess compensation is due under section 7(a) of the act, (ii) basis on which wages are paid (such as "$1.30 hr."; "$10 day"; "$50 wk."; "$50 wk. plus 5 percent commission on sales over $300 wk."), and (iii) the amount and nature of each payment which, pursuant to section 7(d) of the act, is excluded from the "regular rate" (these records may be in the form of vouchers or other payment data),

(7) Hours worked each workday and total hours worked each workweek (for purposes of this section, a "workday" shall be any consecutive 24 hours),

(8) Total daily or weekly straight-time earnings or wages, that is, the total earnings or wages due for hours worked during the workday or workweek, including all earnings or wages due during any overtime worked, but exclusive of overtime excess compensation,

(9) Total overtime excess compensation for the workweek, that is, the excess compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked,

(10) Total additions to or deductions from wages paid each pay period. Every employer making additions to or deductions from wages shall also maintain, in individual employee accounts, a record of the dates, amounts, and nature of the items which make up the total additions and deductions,

(11) Total wages paid each pay period,

(12) Date of payment and the pay period covered by payment, except that,

(13) Subparagraphs (6)(i) and (iii) and (9) of this paragraph shall not apply prior to September 3, 1963, with respect to any employee with respect to whom the overtime provisions of section 7(a) of the act do not become effective until September 3, 1963.

(b) *Records of retroactive payment of wages.* Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16(c) of the act, shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment,

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

§ 516.3 Bona fide executive, administrative, professional, and outside sales employees as referred to in section 13(a)(1) of the act—items required.

With respect to persons employed in a bona fide executive, administrative or professional capacity or in the capacity of outside salesman, as defined in Part 541 of this chapter (pertaining to so-called "white collar" employee exemptions), employers shall maintain and preserve records containing all the information and data required by § 516.2 (a) except subparagraphs (6) through (10) thereof, and, in addition thereto the basis on which wages are paid (this may be shown as "$350 mo."; "$95 wk."; or "on fee").

§ 516.4 Posting of notices.

Every employer employing any employees who are (a) engaged in commerce or in the production of goods for commerce or (b) employed in an enterprise engaged in commerce or in the production of goods for commerce, and who are not specifically exempt from both the minimum wage provisions of section 6 and the overtime provisions of section 7(a) of the act, shall post and keep posted such notices pertaining to the applicability of the act, as shall be prescribed by the Wage and Hour Division, in conspicuous places in every establishment where such employees are employed so as to permit them to observe readily a copy on the way to or from their place of employment.

§ 516.5 Records to be preserved three years.

Each employer shall preserve for at least three years:

(a) Payroll records: From the last date of entry, all those payroll or other records containing the employee information and data required under any of the applicable sections of this part and

(b) Certificates, agreements, plans, notices, etc.: From their last effective date, all written:

(1) Collective bargaining agreements relied upon for the exclusion of certain costs under section 3(m) of the act,

(2) Collective bargaining agreements, under sections 7(b)(1) or 7(b)(2) of the act, and any amendments or additions thereto,

(3) Plans, trusts, employment contracts, and collective bargaining agreements under section 7(d) of the act,

(4) Individual contracts or collective bargaining agreements under section 7(e) of the act. Where such contracts or agreements are not in writing, a written memorandum summarizing the terms of each such contract or agreement,

(5) Written agreements or memoranda summarizing the terms of oral agreements or understandings under section 7(f) of the act, and

(6) Certificates and notices listed or named in any applicable section of this part.

(c) A record of (1) total dollar volume of sales or business, and (2) total volume of goods purchased or received during such periods (weekly, monthly, quarterly, etc.) and in such form as the employer maintains in the ordinary course of his business.

§ 516.6 Records to be preserved two years.

(a) *Supplementary basic records.* Each employer required to maintain records under this part shall preserve for a period of at least two years:

(1) *Basic employment and earnings records.* From the date of last entry, all basic time and earning cards or sheets of the employer on which are entered the daily starting and stopping time of individual employees, or of separate work forces, or the individual employee's daily, weekly, or pay period amounts of work accomplished (for example, units produced) when those amounts determine in whole or in part the pay period earnings or wages of those employees.

(2) *Wage rate tables.* From their last effective date, all tables or schedules of the employer which provide the piece rates or other rates used in computing straight-time earnings, wages or salary, or overtime excess computation, and

(3) *Work time schedules.* From their last effective date, all schedules or tables of the employer which establish the hours and days of employment of individual employees or of separate work forces.

(b) *Order, shipping, and billing records.* Each employer shall also preserve for at least two years from the last date of entry the originals or true copies of any and all customer orders or invoices received, incoming or outgoing shipping or delivery records, as well as all bills of lading and all billings to customers (not including individual sales slips, cash register tapes or the like) which the employer retains or makes in the course of his business or operations.

(c) *Records of additions to or deductions from wages paid.* Each employer who makes additions to or deductions from wages paid shall preserve for at least two years from the date of last entry:

(1) Those records of individual employee accounts referred to in § 516.2 (a)(10),

(2) All employee purchase orders, or assignments made by employees, all copies of addition or deduction statements furnished employees, and

(3) All records used by the employer in determining the original cost, operating and maintenance cost, and depreciation and interest charges, if such costs and charges are involved in the additions to or deductions from wages paid.

§ 516.7 Place for keeping records and their availability for inspection.

(a) *Place of records.* Each employer shall keep the records required by the regulations in this part safe and accessible at the place or places of employment, or at one or more established central recordkeeping offices where such records are customarily maintained. Where the records are maintained at a central recordkeeping office, other than in the place or places of employment, such records shall be made available within 72 hours following notice from the Administrator or his duly authorized and designated representative.

(b) *Inspection of records.* All records shall be open at any time to inspection and transcription by the Administrator or his duly authorized and designated representative.

§ 516.8 Computations and reports.

Each employer required to maintain records under this part shall make such extension, recomputation, or transcription of his records and shall submit to the Wage and Hour Division such reports concerning persons employed and the wages, hours, and other conditions and practices of employment set forth in his records as the Administrator or his duly authorized and designated representative may request in writing.

§ 516.9 Petitions for exceptions.

(a) *Submission of petitions for relief.* Any employer or group of employers who, due to peculiar conditions under which he or they must operate, desires authority to maintain records in a manner other than required in this part, or to be relieved of preserving certain records for the period specified in the regulations in this part, may submit a written petition to the Administrator setting forth the authority desired and the reasons therefor.

(b) *Action on petitions.* If, on review of the petition and after completion of any necessary investigation supplementary thereto, the Administrator shall find that the authority prayed for, if granted, will not hamper or interfere with enforcement of the provisions of the act or any regulation or orders issued thereunder, he may then grant such authority but limited by such conditions as he may determine are requisite, and subject to subsequent revocation. Where the authority granted hereunder is sought to be revoked for failure to comply with the conditions determined by the Administrator to be requisite to its existence, the employer or groups of employers involved shall be notified in writing of the facts constituting such failure and afforded an opportunity to achieve or demonstrate compliance.

(c) *Compliance after submission of petitions.* The submission of a petition or the delay of the Administrator in acting upon such petition shall not relieve any employer or group of employers from any obligations to comply with all the requirements of the regulations in this part applicable to him or them. However, the Administrator shall give notice of the denial of any petition with due promptness.

§ 516.10 Amendment of regulations.

(a) *Petitions for revision of regulations.* Any person wishing a revision of any of the terms of the regulations in this part with respect to records to be kept by employers may submit to the Administrator a written petition setting forth the changes desired and the reasons for proposing them.

(b) *Action on such petitions.* If upon inspection of the petition the Administrator believes that reasonable grounds are set forth for amendment of the regulations in this part, the Administrator shall either schedule a hearing with due notice to interested persons, or make other provisions for affording interested persons an opportunity to present data, views, or arguments relating to any proposed changes.

Subpart B—Records Pertaining to Employees Subject to Miscellaneous Exemptions Under the Act; Other Special Requirements

§ 516.11 Employees under certain collective bargaining agreements who are partially exempt from overtime as provided in section 7(b)(1) or 7(b)(2) of the act.

(a) *Items required.* Every employer of employees who are employed:

(1) In pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that no employees shall be employed more than 1,040 hours during any period of 26 consecutive weeks as provided in section 7(b)(1) of the act, or

(2) In pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that the employee shall be employed not more than 2,240 hours during a specified period of 52 consecutive weeks and shall be guaranteed employment as provided in section 7(b)(2) of the act, shall maintain and preserve payroll or other records, with respect to each and every such employee, containing all the information and data required by § 516.2, except that with respect to paragraph (a)(9) thereof, the employer shall record daily as well as weekly overtime excess compensation.

(b) *Submission of copy of agreement to the Administrator.* The employer shall also keep as part of his records and, within 30 days after such collective bargaining agreement has been made, re-

§ 516.20 Employees compensated for overtime work on the basis of the "applicable" piece rates or hourly rates as provided in sections 7(f)(1) and 7(f)(2) of the act—items required.

(a) *Items required.* Every employer who employs any employees who are compensated for overtime work on the basis of the "applicable" piece rates or hourly rates as provided in sections 7(f)(1) and 7(f)(2) of the act shall maintain and preserve payroll or other records containing the following information and data with respect to each and every employee to whom both sections 6 and 7(a) of the act apply:

(1) Name in full, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records. This shall be the same name as that used for Social Security record purposes,

(2) Home address,

(3) Date of birth, if under 19,

(4) Occupation in which employed,

(5) Time of day and day of week on which the employee's workweek begins. If the employee is part of a work force or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment will suffice. If, however, any employee or group or employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees,

(6) (i) Regular hourly rate of pay for any week when overtime is worked and overtime excess compensation is due under section 7(a) of the act, (ii) basis on which wages are paid (such as "$1.30 hr."; "$10 day"; "$50 wk."; "$50 wk. plus 5 percent commission on sales over $300 wk."), and (iii) the amount and nature of each payment which, pursuant to section 7(d) of the act, is excluded from the "regular rate" (these records may be in the form of vouchers or other payment data),

(7) Hours worked each workday and total hours worked each workweek (for purposes of this section, a "workday" shall be any consecutive 24 hours),

(8) Total daily or weekly straight-time earnings or wages, that is, the total earnings or wages due for hours worked during the workday or workweek, including all earnings or wages due during any overtime worked, but exclusive of overtime excess compensation,

(9) Total overtime excess compensation for the workweek, that is, the excess compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked,

(10) Total additions to or deductions from wages paid each pay period. Every employer making additions to or deductions from wages shall also maintain, in individual employee accounts, a record of the dates, amounts, and nature of the items which make up the total additions and deductions,

(11) Total wages paid each pay period,

(12) Date of payment and the pay period covered by payment, except that,

(13) Subparagraphs (6)(i) and (iii) and (9) of this paragraph shall not apply prior to September 3, 1963, with respect to any employee with respect to whom the overtime provisions of section 7(a) of the act do not become effective until September 3, 1963.

(b) *Records of retroactive payment of wages.* Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16(c) of the act, shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment,

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

§ 516.21 Employees compensated for overtime hours at a "basic" rate which is substantially equivalent to the employee's average hourly earnings, in accordance with section 7(f)(3) of the act—items required.

(a) *Items required.* Every employer who employs any employees who are compensated for overtime hours at a "basic" rate which is substantially equivalent to the employee's average hourly earnings, in accordance with section 7(f)(3) of the act shall maintain and preserve payroll or other records containing the following information and data with respect to each and every employee to whom both sections 6 and 7(a) of the act apply:

(1) Name in full, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records. This shall be the same name as that used for Social Security record purposes,

(2) Home address,

(3) Date of birth, if under 19,

(4) Occupation in which employed,

(5) Time of day and day of week on which the employee's workweek begins. If the employee is part of a work force or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment will suffice. If, however, any employee or group or employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees,

(6) (i) Regular hourly rate of pay for any week when overtime is worked and overtime excess compensation is due under section 7(a) of the act, (ii) basis on which wages are paid (such as "$1.30 hr."; "$10 day"; "$50 wk."; "$50 wk. plus 5 percent commission on sales over $300 wk."), and (iii) the amount and nature of each payment which, pursuant to section 7(d) of the act, is excluded from the "regular rate" (these records may be in the form of vouchers or other payment data),

(7) Hours worked each workday and total hours worked each workweek (for purposes of this section, a "workday" shall be any consecutive 24 hours),

(8) Total daily or weekly straight-time earnings or wages, that is, the total earnings or wages due for hours worked during the workday or workweek, including all earnings or wages due during any overtime worked, but exclusive of overtime excess compensation,

(9) Total overtime excess compensation for the workweek, that is, the excess compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked,

(10) Total additions to or deductions from wages paid each pay period. Every employer making additions to or deductions from wages shall also maintain, in individual employee accounts, a record of the dates, amounts, and nature of the items which make up the total additions and deductions,

(11) Total wages paid each pay period,

(12) Date of payment and the pay period covered by payment, except that,

(13) Subparagraphs (6)(i) and (iii) and (9) of this paragraph shall not apply prior to September 3, 1963, with respect to any employee with respect to whom the overtime provisions of section 7(a) of the act do not become effective until September 3, 1963.

(b) *Records of retroactive payment of wages.* Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16(c) of the act, shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment,

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

§ 516.22 "Red caps" and other employees dependent on tips as part of wages—items required.

(a) *Items required.* Every employer who employs any employees who are "red caps" and other employees dependent on tips as part of wages shall maintain and preserve payroll or other records containing the following information and data with respect to each and every employee to whom both sections 6 and 7(a) of the act apply:

(1) Name in full, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records. This shall be the same name as that used for Social Security record purposes,

(2) Home address,

(3) Date of birth, if under 19,

(4) Occupation in which employed,

(5) Time of day and day of week on which the employee's workweek begins. If the employee is part of a work force or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment will suffice. If, however, any employee or group or employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees,

(6) (i) Regular hourly rate of pay for any week when overtime is worked and overtime excess compensation is due under section 7(a) of the act, (ii) basis on which wages are paid (such as "$1.30 hr."; "$10 day"; "$50 wk."; "$50 wk. plus 5 percent commission on sales over $300 wk."), and (iii) the amount and nature of each payment which, pursuant to section 7(d) of the act, is excluded from the "regular rate" (these records may be in the form of vouchers or other payment data),

(7) Hours worked each workday and total hours worked each workweek (for purposes of this section, a "workday" shall be any consecutive 24 hours),

(8) Total daily or weekly straight-time earnings or wages, that is, the total earnings or wages due for hours worked during the workday or workweek, including all earnings or wages due during any overtime worked, but exclusive of overtime excess compensation,

(9) Total overtime excess compensation for the workweek, that is, the excess compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked,

(10) Total additions to or deductions from wages paid each pay period. Every employer making additions to or deductions from wages shall also maintain, in individual employee accounts, a record of the dates, amounts, and nature of the items which make up the total additions and deductions,

(11) Total wages paid each pay period,

(12) Date of payment and the pay period covered by payment, except that,

(13) Subparagraphs (6)(i) and (iii) and (9) of this paragraph shall not apply prior to September 3, 1963, with respect to any employee with respect to whom the overtime provisions of section 7(a) of the act do not become effective until September 3, 1963.

(b) *Records of retroactive payment of wages.* Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16(c) of the act, shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment,

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

§ 516.23 Learners, apprentices, messengers, or handicapped workers or students employed under special certificates as provided in section 14 of the act.

(a) *Items required.* Every employer who employs any learners, apprentices, messengers, or handicapped workers or students employed under special certificates as provided in section 14 of the act shall maintain and preserve payroll or other records containing the following information and data with respect to each and every employee to whom both sections 6 and 7(a) of the act apply:

(1) Name in full, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records. This shall be the same name as that used for Social Security record purposes,

(2) Home address,

(3) Date of birth, if under 19,

(4) Occupation in which employed,

(5) Time of day and day of week on which the employee's workweek begins. If the employee is part of a work force or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment will suffice. If, however, any employee or group or employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees,

(6) (i) Regular hourly rate of pay for any week when overtime is worked and overtime excess compensation is due under section 7(a) of the act, (ii) basis on which wages are paid (such as "$1.30 hr."; "$10 day"; "$50 wk."; "$50 wk. plus 5 percent commission on sales over $300 wk."), and (iii) the amount and nature of each payment which, pursuant to section 7(d) of the act, is excluded from the "regular rate" (these records may be in the form of vouchers or other payment data),

(7) Hours worked each workday and total hours worked each workweek (for purposes of this section, a "workday" shall be any consecutive 24 hours),

(8) Total daily or weekly straight-time earnings or wages, that is, the total earnings or wages due for hours worked during the workday or workweek, including all earnings or wages due during any overtime worked, but exclusive of overtime excess compensation,

(9) Total overtime excess compensation for the workweek, that is, the excess compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked,

(10) Total additions to or deductions from wages paid each pay period. Every employer making additions to or deductions from wages shall also maintain, in individual employee accounts, a record of the dates, amounts, and nature of the items which make up the total additions and deductions,

(11) Total wages paid each pay period,

(12) Date of payment and the pay period covered by payment, except that,

(13) Subparagraphs (6)(i) and (iii) and (9) of this paragraph shall not apply prior to September 3, 1963, with respect to any employee with respect to whom the overtime provisions of section 7(a) of the act do not become effective until September 3, 1963.

(b) *Records of retroactive payment of wages.* Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16(c) of the act, shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment,

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

§ 516.24 Industrial homeworkers.

(a) *Items required.* Every employer who employs any industrial homeworkers shall maintain and preserve payroll or other records containing the following information and data with respect to each and every employee to whom both sections 6 and 7(a) of the act apply:

(1) Name in full, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records. This shall be the same name as that used for Social Security record purposes,

(2) Home address,

(3) Date of birth, if under 19,

(4) Occupation in which employed,

(5) Time of day and day of week on which the employee's workweek begins. If the employee is part of a work force or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment will suffice. If, however, any employee or group or employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees,

(6) (i) Regular hourly rate of pay for any week when overtime is worked and overtime excess compensation is due under section 7(a) of the act, (ii) basis on which wages are paid (such as "$1.30 hr."; "$10 day"; "$50 wk."; "$50 wk. plus 5 percent commission on sales over $300 wk."), and (iii) the amount and nature of each payment which, pursuant to section 7(d) of the act, is excluded from the "regular rate" (these records may be in the form of vouchers or other payment data),

(7) Hours worked each workday and total hours worked each workweek (for purposes of this section, a "workday" shall be any consecutive 24 hours),

(8) Total daily or weekly straight-time earnings or wages, that is, the total earnings or wages due for hours worked during the workday or workweek, including all earnings or wages due during any overtime worked, but exclusive of overtime excess compensation,

(9) Total overtime excess compensation for the workweek, that is, the excess compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked,

(10) Total additions to or deductions from wages paid each pay period. Every employer making additions to or deductions from wages shall also maintain, in individual employee accounts, a record of the dates, amounts, and nature of the items which make up the total additions and deductions,

(11) Total wages paid each pay period,

(12) Date of payment and the pay period covered by payment, except that,

(13) Subparagraphs (6)(i) and (iii) and (9) of this paragraph shall not apply prior to September 3, 1963, with respect to any employee with respect to whom the overtime provisions of section 7(a) of the act do not become effective until September 3, 1963.

(b) *Records of retroactive payment of wages.* Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16(c) of the act, shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment,

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

§ 516.25 Additional records required when additions or deductions are made to or from wages for "board, lodging, or other facilities" customarily furnished to employees.

(a) *Items required.* Every employer who employs any employees who are employed in connection with "board, lodging, or other facilities" customarily furnished to employees shall maintain and preserve payroll or other records containing the following information and data with respect to each and every employee to whom both sections 6 and 7(a) of the act apply:

(1) Name in full, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records. This shall be the same name as that used for Social Security record purposes,

(2) Home address,

(3) Date of birth, if under 19,

(4) Occupation in which employed,

(5) Time of day and day of week on which the employee's workweek begins. If the employee is part of a work force or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment will suffice. If, however, any employee or group or employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees,

(6) (i) Regular hourly rate of pay for any week when overtime is worked and overtime excess compensation is due under section 7(a) of the act, (ii) basis on which wages are paid (such as "$1.30 hr."; "$10 day"; "$50 wk."; "$50 wk. plus 5 percent commission on sales over $300 wk."), and (iii) the amount and nature of each payment which, pursuant to section 7(d) of the act, is excluded from the "regular rate" (these records may be in the form of vouchers or other payment data),

(7) Hours worked each workday and total hours worked each workweek (for purposes of this section, a "workday" shall be any consecutive 24 hours),

(8) Total daily or weekly straight-time earnings or wages, that is, the total earnings or wages due for hours worked during the workday or workweek, including all earnings or wages due during any overtime worked, but exclusive of overtime excess compensation,

(9) Total overtime excess compensation for the workweek, that is, the excess compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked,

(10) Total additions to or deductions from wages paid each pay period. Every employer making additions to or deductions from wages shall also maintain, in individual employee accounts, a record of the dates, amounts, and nature of the items which make up the total additions and deductions,

(11) Total wages paid each pay period,

(12) Date of payment and the pay period covered by payment, except that,

(13) Subparagraphs (6)(i) and (iii) and (9) of this paragraph shall not apply prior to September 3, 1963, with respect to any employee with respect to whom the overtime provisions of section 7(a) of the act do not become effective until September 3, 1963.

(b) *Records of retroactive payment of wages.* Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16(c) of the act, shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment,

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

§ 516.26 Employees under more than one minimum hourly rate.

(a) *Items required.* Every employer who employs any employees who are employed under more than one minimum hourly rate shall maintain and preserve payroll or other records containing the following information and data with respect to each and every employee to whom both sections 6 and 7(a) of the act apply:

(1) Name in full, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records. This shall be the same name as that used for Social Security record purposes,

(2) Home address,

(3) Date of birth, if under 19,

(4) Occupation in which employed,

(5) Time of day and day of week on which the employee's workweek begins. If the employee is part of a work force or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment will suffice. If, however, any employee or group or employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees,

(6) (i) Regular hourly rate of pay for any week when overtime is worked and overtime excess compensation is due under section 7(a) of the act, (ii) basis on which wages are paid (such as "$1.30 hr."; "$10 day"; "$50 wk."; "$50 wk. plus 5 percent commission on sales over $300 wk."), and (iii) the amount and nature of each payment which, pursuant to section 7(d) of the act, is excluded from the "regular rate" (these records may be in the form of vouchers or other payment data),

(7) Hours worked each workday and total hours worked each workweek (for purposes of this section, a "workday" shall be any consecutive 24 hours),

(8) Total daily or weekly straight-time earnings or wages, that is, the total earnings or wages due for hours worked during the workday or workweek, including all earnings or wages due during any overtime worked, but exclusive of overtime excess compensation,

(9) Total overtime excess compensation for the workweek, that is, the excess compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked,

(10) Total additions to or deductions from wages paid each pay period. Every employer making additions to or deductions from wages shall also maintain, in individual employee accounts, a record of the dates, amounts, and nature of the items which make up the total additions and deductions,

(11) Total wages paid each pay period,

(12) Date of payment and the pay period covered by payment, except that,

(13) Subparagraphs (6)(i) and (iii) and (9) of this paragraph shall not apply prior to September 3, 1963, with respect to any employee with respect to whom the overtime provisions of section 7(a) of the act do not become effective until September 3, 1963.

(b) *Records of retroactive payment of wages.* Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16(c) of the act, shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment,

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

§ 516.27 Minors employed in agriculture—items required.

(a) *Items required.* Every employer who employs any minors employed in agriculture shall maintain and preserve payroll or other records containing the following information and data with respect to each and every employee to whom both sections 6 and 7(a) of the act apply:

(1) Name in full, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records. This shall be the same name as that used for Social Security record purposes,

(2) Home address,

(3) Date of birth, if under 19,

(4) Occupation in which employed,

(5) Time of day and day of week on which the employee's workweek begins. If the employee is part of a work force or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment will suffice. If, however, any employee or group or employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees,

(6) (i) Regular hourly rate of pay for any week when overtime is worked and overtime excess compensation is due under section 7(a) of the act, (ii) basis on which wages are paid (such as "$1.30 hr."; "$10 day"; "$50 wk."; "$50 wk. plus 5 percent commission on sales over $300 wk."), and (iii) the amount and nature of each payment which, pursuant to section 7(d) of the act, is excluded from the "regular rate" (these records may be in the form of vouchers or other payment data),

(7) Hours worked each workday and total hours worked each workweek (for purposes of this section, a "workday" shall be any consecutive 24 hours),

(8) Total daily or weekly straight-time earnings or wages, that is, the total earnings or wages due for hours worked during the workday or workweek, including all earnings or wages due during any overtime worked, but exclusive of overtime excess compensation,

(9) Total overtime excess compensation for the workweek, that is, the excess compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked,

(10) Total additions to or deductions from wages paid each pay period. Every employer making additions to or deductions from wages shall also maintain, in individual employee accounts, a record of the dates, amounts, and nature of the items which make up the total additions and deductions,

(11) Total wages paid each pay period,

(12) Date of payment and the pay period covered by payment, except that,

(13) Subparagraphs (6)(i) and (iii) and (9) of this paragraph shall not apply prior to September 3, 1963, with respect to any employee with respect to whom the overtime provisions of section 7(a) of the act do not become effective until September 3, 1963.

(b) *Records of retroactive payment of wages.* Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16(c) of the act, shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment,

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

port and file a copy thereof with the Administrator at Washington 25, D.C. Likewise, the employer shall keep a copy of each amendment or addition thereto and, within 30 days after such amendment or addition has been agreed upon, shall report and file a copy thereof with the Administrator at Washington 25, D.C.

(c) *Record of persons and periods employed under agreements.* The employer shall also make, keep, and preserve a record, either separately or as a part of the payroll:

(1) Listing each and every employee employed pursuant to each such collective bargaining agreement and each amendment and addition thereto.

(2) Indicating the period or periods during which the employee has been or is employed pursuant to an agreement under section 7(b)(1) or 7(b)(2) of the act, and

(3) Showing the total hours worked during any period of 26 consecutive weeks, if the employee is employed in accordance with section 7(b)(1) of the act or during the specified period of 52 consecutive weeks, if employed in accordance with section 7(b)(2) of the act.

§ 516.12 Employees employed in industries "of a seasonal nature" who are partially exempt from overtime pay requirements pursuant to section 7(b)(3) of the act.

(a) *Items required.* With respect to employees employed pursuant to the partial overtime pay exemption for 14 workweeks provided in section 7(b)(3) of the act, employers shall maintain and preserve records containing all the information and data required by § 516.2, except that with respect to paragraph (a)(9) thereof, the employer shall record the daily as well as the weekly overtime compensation.

(b) *Establishment operation records.* The employer shall also note in his records the beginning and ending of each workweek during which the establishment operates under the 14 workweek exemption provided in section 7(b)(3) of the act.

(c) *Posting of notice of weeks taken under the 14 workweek exemption.* (1) In addition every employer shall prepare a legible printed, typewritten or handwritten (in ink) notice reading:

NOTICE—OVERTIME PAYMENTS

This establishment has taken the workweek (or workweeks) beginning _____ and ending _____ in this pay period as a part of the 14 workweeks permitted under section 7(b)(3) of the Fair Labor Standards Act, when overtime, at a rate of not less than time and one-half the regular hourly rate, need only be paid for any hours worked over 12 hours a day and 56 hours a week.

This week (or these weeks) in this pay period completes the _____ week of the permissible 14 workweeks.

Date _____

Signed _____

(2) On the date when employees are paid for any pay period which includes any week or part of a week during which the establishment operates under the 14-workweek partial overtime exemption provided under section 7(b)(3) of the act, the employer shall, after making appropriate notations in the blank spaces in the above form, either (i) prominently post and display that notice at the pay window or other place or places where the employees affected are being paid or (ii) otherwise notify each such employee, in writing, to the same effect.

§ 516.13 Employees exempt from overtime pay requirements during 14 workweeks pursuant to section 7(c) of the act.

(a) *Items required.* With respect to employees employed pursuant to the total overtime pay exemption for 14 workweeks provided in section 7(c) of the act, employers shall maintain and preserve records containing all the information and data required by § 516.2 except paragraph (a)(9) thereof.

(b) *Establishment operation record.* Every such employer shall also note in his records the beginning and ending of each workweek during which the establishment operates under the 14 workweek exemption provided in section 7(c) of the act.

(c) *Posting of notice of weeks taken under 14 workweek exemption.* (1) In addition, every such employer shall prepare a legible printed, typewritten or handwritten (in ink) notice reading:

NOTICE—OVERTIME PAYMENTS

This establishment has taken the workweek (or workweeks) beginning _____ and ending _____ in this pay period as a part of the 14 workweeks permitted under section 7(c) of the Fair Labor Standards Act during which overtime excess compensation, as provided in section 7(a), is not due for overtime worked.

This week (or these weeks) in this pay period completes the _____ week of the permissible 14 workweeks.

Date _____

Signed _____

(2) On the date when employees are paid for any pay period which includes any week or part of a week during which the establishment operates under the 14-workweek partial overtime exemption provided in section 7(c) of the act, the employer, shall after making appropriate notations in the blank spaces in the aforesaid notice, either (i) prominently post and display that notice at the pay window or other place or places where the employees affected are being paid or (ii) otherwise notify each such employee, in writing, to the same effect.

§ 516.14 Employees totally exempt from overtime pay requirements pursuant to section 7(c) and sections 13(b)(1), (2), (3), (4), (5), (7), (8), (9), (10), and (11) of the act—items required.

Every employer operating under the complete exemption from the overtime pay requirements of section 7(a) of the act as provided in sections 7(c), 13(b)(1), (2), (3), (4), (5), (7), (8), (9), (10), and (11) of the act, shall maintain and preserve payroll or other records, with respect to each and every employee to whom section 6 of the act applies but to whom neither section 7(a) nor 7(b) applies, containing all the information and data required by § 516.2(a) except subparagraphs (6) and (9) thereof and, in addition thereto, containing information and data regarding the basis on which wages are paid (such as "$1.30 hr."; "$10 day"; "$50 wk."; "$50 wk. plus 5 percent commission on sales over $300 wk.").

§ 516.15 Employees totally exempt from overtime pay requirements pursuant to section 13(b)(6) of the act—items required.

Every employer operating under the complete exemption from the overtime pay requirements of section 7(a) of the act as provided in section 13(b)(6) of the act shall maintain and preserve payroll or other records, with respect to each and every employee to whom section 6 of the act applies, but to whom neither section 7(a) nor 7(b) applies, containing all the information required by § 516.2(a) except subparagraphs (5) through (9) thereof and, in addition thereto, the following:

(a) Basis on which wages are paid (such as "$1.20 hr."; "$10 day"; "$350 mo."),

(b) Hours worked each workday and total hours worked each pay period (for purposes of this section, a "workday" shall be any consecutive 24 hours; the "pay period" shall be the period covered by the wage payment, as provided in section 6(b)(2) of the act),

(c) Total straight-time earnings or wages for each pay period, and

(d) The name, type, and documentation, registry number, or other identification of the vessel or vessels upon which employed.

§ 516.16 Employees exempt from both the minimum wage and overtime pay requirements under sections 13(a)(2), (3), (4), (5), (8), (9), (10), (11), (12), (13), (14), (15), (18), (19), (20), (21), or (22) of the act—items required.

With respect to each and every employee covered by the act, but to whom the employer is neither required to pay the minimum wage provided in section 6 nor overtime compensation as provided in section 7, due to the applicability of section 13(a)(2), (3), (4), (5), (8), (9), (10), (11), (12), (13), (14), (15), (18), (19), (20), (21), or (22) of the act, employers shall maintain and preserve records containing the information and data required by subparagraphs (1) through (4) of § 516.2(a) and, in addition thereto, information indicating the place or places of employment.

§ 516.17 Employees exempt from both the minimum wage and overtime pay requirements under section 13(a)(16) of the act—items required.

(a) With respect to each and every employee covered by the act, but to whom the employer is neither required to pay the minimum wage provided in section 6 nor overtime compensation as provided in section 7, except as provided in, and due to the applicability of, section 13(a)(16) of the act, the employer shall maintain and preserve records containing the information and data required by subparagraphs (1) through (4) of § 516.2(a) and, in addition thereto, the employer shall maintain and preserve the records specified in paragraphs (b) and (c) of this section.

(b) For each workweek in which the employee is employed both in agriculture and in connection with livestock auction operations, the employee shall maintain and preserve records of: (1) The total number of hours worked by each such employee, (2) the total number of hours in which he was employed in agriculture during that workweek, and the total number of hours in which he was employed in connection with livestock auction operations during that workweek, and (3) the total straight time earnings for his employment in connection with livestock auction operations during that workweek.

(c) The employer shall maintain and preserve records indicating place or places of employment.

§ 516.18 Employees exempt from both the minimum wage and overtime pay requirements under section 13(a)(17) of the act—items required.

(a) With respect to each and every employee covered by the act, but to whom the employer is neither required to pay the minimum wage provided in section 6 nor overtime compensation as provided in section 7, due to the applicability of section 13(a)(17) of the act, the employer shall maintain and preserve records containing the information and data required by subparagraphs (1) through (4) of § 516.2(a) and, in addition thereto, the information and data required by paragraph (b) of this section.

(b) For each workweek, the employer shall maintain and preserve records containing: (1) The names of all employees described in paragraph (a) of this section actually employed (suffered or permitted to work) during any part of the workweek and (2) for all other persons employed in the elevator, whether or not covered by the act, the following information:

(i) Name in full,

(ii) Name of employer, and

(iii) Occupation in which employed in the elevator.

§ 516.19 Employees employed pursuant to a bona fide individual contract or a collective bargaining agreement, and compensated in accordance with sections 6 and 7(e) of the act—items required.

Every employer shall maintain and preserve payroll or other records, with respect to each and every employee to whom both sections 6 and 7(e) of the act apply, containing all the information and data required by § 516.2(a) except subparagraphs (8) and (9) and, in addition thereto, the following:

(a) Total weekly guaranteed earnings.

(b) Total weekly compensation in excess of weekly guaranty,

(c) A written memorandum summarizing the terms of the bona fide individual contract or the agreement made as a result of collective bargaining by representatives of employees, pursuant to which the employee is employed, where such contract or agreement is not in writing.

§ 516.20 Employees compensated for overtime work on the basis of the "applicable" piece rates or hourly rates as provided in sections 7(f)(1) and 7(f)(2) of the act—items required.

With respect to each and every employee compensated for overtime work in accordance with section 7(f)(1) or 7(f)(2) of the act, employers shall maintain and preserve records containing all the information and data required by § 516.2(a) except subparagraphs (6) and (9) thereof and, in addition thereto, the following:

(a)(1) Each hourly or piece rate at which the employee is employed, (2) basis on which wages are paid, and (3) the amount and nature of each payment which, pursuant to section 7(d) of the act, is excluded from the "regular rate,"

(b) The number of overtime hours worked at each applicable hourly rate or the number of units of work performed at each applicable piece rate during the overtime hours.

(c) Total weekly overtime excess compensation at each applicable rate; that is, the excess compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked,

(d) The date of the agreement or understanding to use this method of compensation and the period covered thereby. If the employee is part of a work force or employed in or by an establishment all of whose workers have agreed to use this method of compensation a single notation of the date of the agreement or understanding and the period covered will suffice.

§ 516.21 Employees compensated for overtime hours at a "basic" rate which is substantially equivalent to the employee's average hourly earnings, in accordance with section 7(f)(3) of the act—items required.

With respect to each and every employee compensated for overtime hours at a "basic" rate which is substantially equivalent to the employee's average hourly earnings, in accordance with section 7(f)(3) of the act, employers shall maintain and preserve records containing all the information and data required by § 516.2 except paragraph (a)(6) thereof and, in addition thereto, the following:

(a)(1) The hourly or piece rates applicable to each type of work performed by the employee, (2) the computation establishing the basic rate at which the employee is compensated for overtime hours. If the employee is part of a work force or employed in or by an establishment all of whose workers have agreed to accept this method of compensation, a single entry of this computation will suffice, (3) the amount and nature of each payment which, pursuant to section 7(d) of the act, is excluded from the "regular rate,"

(b) A copy of the written agreement or, if there is no such agreement, a memorandum summarizing the terms of the oral agreement or understanding to use this method of computation. If the employee is part of a group, all of whom have agreed to use this method of computation a single memorandum will suffice.

§ 516.22 "Red caps" and other employees dependent on tips as part of wages—items required.

Supplementary to the provisions of any section of the regulations in this part pertaining to the records to be kept with respect to such employees, every employer shall also maintain and preserve payroll or other records containing the following additional information and data with respect to each and every employee employed in any occupation in the performance of which the employee receives tips or gratuities from third persons and which tips or gratuities are accounted for or turned over by the employee to the employer:

(a) Actual total hours worked each workday in those occupations in the performance of which the employee receives tips or gratuities from third persons,

(b) Actual total hours worked each workday in any other occupation,

(c) Total daily or weekly straight-time earnings segregated according to:

(1) Time paid for under paragraph (a) of this section,

(2) Time paid for under paragraph (b) of this section,

(3) Tips or gratuities received and accounted for or turned over by the employee to the employer.

§ 516.23 Learners, apprentices, messengers, students, or handicapped workers employed under special certificates as provided in section 14 of the act.

(a) *Items required.* With respect to persons employed as learners, apprentices, messengers, or full-time students employed outside of their school hours in any retail or service establishment or handicapped workers at special minimum hourly rates under Special Certificates pursuant to section 14 of the act employers shall maintain and preserve records containing the same information and data required with respect to other employees employed in the same occupations.

(b) *Segregation or designation on payroll and use of identifying symbol.* In addition, each employer shall segregate on his payroll or pay records the names and required information and data with respect to those learners, apprentices, messengers (and handicapped workers and students), employed under Special Certificates. A symbol or letter shall also be placed before each such name on the payroll or pay records indicating that that person is a "learner," "apprentice," "messenger," "student," or "handicapped worker," employed under a Special Certificate.

§ 516.24 Industrial homeworkers.

(a) *Definitions.* (1) "Industrial homeworker" and "homeworker," as used in this section, mean any employee employed or suffered or permitted to perform industrial home work for an employer.

(2) "Industrial home work," as used in this section, means the production by any person in or about a home, apartment, tenement, or room in a residential

establishment of goods for an employer who suffers or permits such production, regardless of the source (whether obtained from an employer or elsewhere) of the materials used by the homeworker in such production.

(3) The meaning of the terms "person," "employ," "employer," "employee," "goods," and "production" as used in this section is the same as in the act.

(b) *Items required.* Every employer shall maintain and preserve payroll or other records containing the following information and data with respect to each and every industrial homeworker employed by him (excepting those homeworkers to whom section 13(d) of the act applies and those homeworkers in Puerto Rico to whom Part 545 or Part 681 of this chapter apply, or in the Virgin Islands to whom Part 695 of this chapter applies):

(1) Name in full, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records. This shall be the same as that used for Social Security record purposes,

(2) Home address,

(3) Date of birth if under 19,

(4) With respect to each lot of work:

(i) Date on which work is given out to worker, or begun by worker, and amount of such work given out or begun,

(ii) Date on which work is turned in by worker, and amount of such work,

(iii) Kind of articles worked on and operations performed,

(iv) Piece rates paid,

(v) Hours worked on each lot of work turned in,

(vi) Wages paid for each lot of work turned in,

(vii) Deductions for Social Security taxes,

(viii) Date of wage payment and pay period covered by payment,

(5) With respect to each week:

(i) Hours worked each week,

(ii) Wages earned for each week at regular piece rates,

(iii) Extra pay due each week for overtime worked,

(iv) Total wages earned each week,

(v) Deductions for Social Security taxes,

(6) With respect to any agent, distributor, or contractor: The name and address of each such agent, distributor, or contractor through whom home work is distributed or collected and name and address of each homeworker to whom home work is distributed or from whom it is collected by each such agent, distributor, or contractor.

(7) Record of retroactive payment of wages. Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16(c) of the act, shall:

(i) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.

(ii) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (a) preserve a copy as part of his records, (b) deliver a copy to the employee, and (c) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

(c) *Home work handbook.* In addition to the information and data required in paragraph (b) of this section, a separate handbook (to be obtained by the employer from the Wage and Hour Division and supplied by him to each worker) shall be kept for each homeworker. The information required therein shall be entered by the employer or the person distributing or collecting home work on behalf of such employer each time work is given out to or received from a homeworker. Except for the time necessary for the making of entries by the employer, the handbook must remain in the possession of the homeworker until such time as the Wage and Hour Division may request it. Upon completion of the handbook (that is, no space remains for additional entries) or termination of the homeworker's services, the handbook shall be returned to the employer for preservation in accordance with the regulations in this part. A separate record and a separate handbook shall be kept for each person performing home work.

§ 516.25 Additional records required when additions or deductions are made to or from wages for "board, lodging, or other facilities" customarily furnished to employees.

(a) In addition to keeping other records required by the regulations in this part, an employer who makes deductions from the wages of his employees for "board, lodging, or other facilities" (as these terms are used in section 3(m) of the act) furnished to them by the employer or by an affiliated person, or who furnishes such "board, lodging, or other facilities" to his employees as an addition to wages, shall maintain and preserve records substantiating the cost of furnishing each class of facility. Separate records of the cost of each item furnished to an employee need not be kept. The requirement may be met by keeping combined records of the costs incurred in furnishing each class of facility, such as housing, fuel, or merchandise furnished through a company store or commissary. Thus, in the case of an employer who furnishes housing, separate cost records need not be kept for each house. The cost of maintenance and repairs for all the houses may be shown together. Original cost and depreciation records may be kept for groups of houses acquired at the same time. Costs incurred in furnishing similar or closely related facilities, moreover, may be shown in combined records. For example, if joint costs are incurred in furnishing both housing and electricity and the records are not readily separable, the housing and electricity together may be treated as a "class" of facility for recordkeeping purposes. Merchandise furnished at a company store may be considered as a "class" of facility for recordkeeping purposes. Merchandise furnished at a company store may be considered as a "class" of facility and the records may show the cost of the operation of the store as a whole, or records showing the cost of furnishing the different kinds of merchandise may be maintained separately. Where cost records are kept for a "class" of facility rather than for each individual article furnished to employees, the records must also show the gross income derived from each such class of facility; e.g., gross rentals in the case of houses, total sales through the store or commissary, total receipts from sales of fuel, etc.

(1) Such records shall include itemized accounts showing the nature and amount of any expenditures entering into the computation of the reasonable cost as defined in Part 531 of this chapter, and shall contain the data required to compute the amount of the depreciated investment in any assets allocable to the furnishing of the facilities, including the date of acquisition or construction, the original cost, the rate of depreciation and the total amount of accumulated depreciation on such assets. If the assets include merchandise held for sale to employees, the records should contain data from which the average net investment in inventory can be determined.

(2) No particular degree of itemization is prescribed. The amount of detail shown in these accounts should be consistent with good accounting practices, and should be sufficient to enable the Administrator or his representative to verify the nature of the expenditure and the amount by reference to the basic records which must be preserved pursuant to § 516.6(c)(3).

(b) If additions to or deductions from wages paid (1) so affect the total cash wages due in any workweek (even though the employee actually is paid semimonthly) as to result in the employee receiving less in cash than the minimum hourly wage provided in section 6 of the act or in any applicable wage order, or (2) if the employee works in excess of 40 hours a week and (i) any addition to the wages paid are a part of his wages, or (ii) any deductions made are claimed as allowable deductions under section 3(m) of the act, the employer shall maintain records showing those additions to or deductions from wages paid on a workweek basis. (For legal deductions not claimed under section 3(m) and which need not be maintained on a workweek basis, see §§ 777.13 to 777.15 of this chapter.)

§ 516.26 Employees under more than one minimum hourly rate.

(a) *Additional items required.* An employer of any employees subject to different minimum wage rates of pay, who elects to pay less than an amount arrived at by applying the highest applicable minimum rate for all hours worked in any workweek, shall, in addition to any employee information and data required to be kept with respect to them by any applicable section of the regulations in this part maintain and preserve payroll or other records containing the following information and data with respect to each of those employees:

(1) The minimum rate of pay required to be paid for each different type of employment in which each such employee was engaged during the workweek (including, in Puerto Rico, the Virgin Islands, and American Samoa, the applicable wage order rates),

(2) The basis on which wages are paid for each such different type of employment ("$1.30 each hour"; $10.00 a day"; $50.00 wk."; 2¢ per piece"; $50 wk. plus 5 percent commission on sales over $300 wk."; etc.),

(3) The piece rate, if any, for each operation on each type of goods upon which the employee has worked under each such different applicable minimum rate of pay and the number of pieces worked upon at such piece rates (including, in Puerto Rico and the Virgin Islands, the lot number of each type of goods upon which the employee has worked),

(4) The total hours or fractions thereof worked that workweek by each such employee in employment covered by each such different applicable minimum rate, and

(5) The total wages due each such employee at straighttime for the hours worked in each such different type of employment including any amounts earned in excess of the applicable minimum rate of pay.

(b) *Records of workers whose work cannot be segregated.* The provisions of paragraph (a) of this section shall not be construed to affect in any way the records to be kept, or compensation to be paid employees whose activities cannot be segregated and who are, therefore, not subject to different minimum rates of pay.

§ 516.27 Minors employed in agriculture—items required.

Every employer (other than a parent or guardian standing in the place of a parent employing his own child or a child in his custody) who employs in agriculture any minor under 18 years of age shall maintain and preserve records containing the following data with respect to each and every such minor so employed:

(a) Name in full.

(b) Place where minor lives while employed. If the minor's permanent address is elsewhere, give both addresses.

(c) Date of birth.

Provided, however, That such data need not be maintained for any minor employees who work only on days when school is not in session.

Signed at Washington, D.C., this 12th day of January 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-549; Filed, Jan. 17, 1962; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that two petitions (FAP 634, 635) have been filed by Cook Paint and Varnish Company, Post Office Box 389, Kansas City 41, Missouri, proposing the issuance of a regulation to amend § 121.2514 of the food additives regulations to provide for the safe use of the following substances in the formulation of resinous and polymeric coatings that contact food:

1. Diphenolic acid (FAP 634).

2. 3-Pentadecyl phenol mixture obtained from cashew nut liquid (FAP 635).

Dated: January 11, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-551; Filed, Jan. 17, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 667), has been filed by the Department of Microbiology and Public Health, Michigan State University, East Lansing, Michigan, proposing the issuance of a regulation to establish a tolerance of 2 parts per million (0.0002 percent) for residues of paraformaldehyde in maple sirup, from the use of paraformaldehyde in controlling microbial or fungal growth in maple tree tapholes.

Dated: January 11, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-552; Filed, Jan. 17, 1962; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 30]

EXEMPTION OR GENERAL LICENSING OF CERTAIN BYPRODUCT MATERIALS FOR MEDICAL USE

Notice of Proposed Rule Making

A number of byproduct materials, such as iodine 131, phosphorus 32, chromium 51, cobalt 58, and cobalt 60, have been used for medical purposes for several years. Considerable experience has been obtained also with various devices containing byproduct material.

The Commission considers that the uses, contraindications, and necessary precautionary measures for safe handling of certain of these byproduct materials and devices have been determined. It appears feasible and desirable, therefore, to exempt physicians from the licensing requirements of Part 30 for relatively small quantities of certain byproduct materials. It also appears feasible and desirable to issue a general license to physicians for larger quantities of these byproduct materials if appropriate radiation safety limitations are made a condition of the general license.

The proposed amendments would exempt the use for diagnostic purposes by physicians of iodine 131, cobalt 58, cobalt 60, and chromium 51 in specified forms and relatively small quantities. A general license would be established for the medical use of iodine 131 and phosphorus 32 in specified forms and limited quantities sufficient for certain therapeutic and diagnostic uses. The exemption and this general license would apply only to byproduct material obtained from a supplier holding (a) an effective new drug application, or license issued by the Secretary, Department of Health, Education, and Welfare, and (b) a license issued by the Atomic Energy Commission under § 30.24(k) of the proposed amendment. A general license would be established also for needles and tubes containing cobalt 60.

The exemption and general licenses would apply only to physicians defined in 10 CFR 30.4(i) as "* * * an individual licensed by a state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico to dispense drugs in the practice of medicine." Cobalt 60 needles and tubes would be generally licensed for use by a physician who has at least three years of experience in the interstitial or intracavitary use of sealed sources containing radioactive materials, and who certifies to the Commission that he is familiar with the hazards and appropriate precautions associated with such sealed sources.

The general licensees would be required to register with the Commission and receive a registration number prior to obtaining the byproduct material or device for use under the general license. The conditions to which the general license would be subject will be reproduced upon the Registration Certificate. Thus, he will be informed of the conditions of the general license.

The proposed amendments also would establish licensing criteria for persons proposing to distribute byproduct material for use by physicians who would be exempted or generally licensed by the amendment.

STATEMENT OF RADIATION SAFETY CONSIDERATIONS

Section 30.11: Under the provisions of the exemption in § 30.11 the pharmaceutical containing radioactive material would be packaged in individual cali-

brated doses ready for administration. No processing by the physician would be required. The radioisotopes would be used only by physicians and for medical diagnosis. The proposed exemption requires that the radioactive material be stored, until administered, in the original shipping container or a container providing equivalent radiation protection. The maximum quantities of radioactive material which a physician could possess at any one time under the exemption would be 200 microcuries of iodine 131; 10 microcuries of cobalt 58; 10 microcuries of cobalt 60; and 200 microcuries of chromium 51.

The radiation doses received by physicians or technicians in the administration and handling of diagnostic doses of radioisotopes which would be exempted are quite small. Interstate Commerce Commission regulations specify that the radiation on the surface of a shipping container shall not exceed 200 milliroentgens per hour (mr/hr) and at one meter from the contained radioactive material shall not exceed 10 mr/hr. In practice, the radiation levels about containers of diagnostic doses of isotopes are much less than these maximum allowable levels. The radioisotope container is handled by physicians and technicians for very short periods of time. Remote handling equipment is unnecessary. The dose rate at a distance of one centimeter from a point source of 200 microcuries of iodine 131 is about 440 mr/hr or 7.3 mr/minute. A bottle of iodine 131 capsules is not a point source, but the dose rate close to it would be of this order of magnitude.

The dose rates from the other diagnostic radioisotopes which would be exempted will be much lower than for iodine 131. The dose rates at one centimeter from point sources of 10 microcuries of cobalt 58, 10 microcuries of cobalt 60 and 200 microcuries of chromium 51 are 60 mr/hr, 128 mr/hr and 80 mr/hr, respectively.

10 CFR Part 20 specifies that the hands of radiation workers may be exposed to 18¾ rems per quarter or an average dose of 1440 millirem per week. If an individual were exposed only through the handling of 200 microcuries of iodine 131, he could handle the cup or bottle containing the radioisotope $\frac{1440}{7.3}=198$ minutes each week without exceeding the limiting hand dose established by 10 CFR Part 20. In practice, diagnostic doses of radioisotopes are handled only one or two minutes during each administration and in a large diagnostic program perhaps no more than ten cases a week would be involved. The hand doses received by physicians and technicians from handling diagnostic doses of radioisotopes are small.

The whole body exposures to medical personnel are likewise small from the handling of these doses. The dose rate at one foot from 200 microcuries of unshielded iodine 131, 10 microcuries of unshielded cobalt 58, 10 microcuries of unshielded cobalt 60 and 200 microcuries of unshielded chromium 51 are 0.5 mr/hr, 0.06 mr/hr, 0.14 mr/hr and 0.09 mr/hr, respectively. Doses received by physicians and technicians who work in the radioisotope diagnostic programs are so small that personnel monitoring equipment is not required under the provisions of § 20.202 of 10 CFR Part 20.

Because of the low levels of radiation involved and the manner in which diagnostic radioisotopes are used, there is no need to specify minimum training or experience requirements for physicians. Further, a radiation survey meter is not needed. In the case of accidental spills, which are infrequent, the radiation instrumentation used by the licensee to interpret results of the diagnostic tests can be used to check for contamination. There is little likelihood that the radioisotopes will be ingested or inhaled by medical personnel since no processing of the radioisotopes will be involved. Since diagnostic radioisotopes are ordered by physicians on an as needed basis, very little of the material is disposed of as waste.

Section 30.26: Iodine 131 and phosphorus 32 which would be generally licensed under § 30.26 would be packaged in individual doses ready for administration. No additional processing of the material would be required and the radioisotopes would be used only by physicians and only for medical diagnosis or therapy. The maximum quantities of radioactive material which a physician could possess at any one time under this general license would be 15 millicuries of iodine 131 and 10 millicuries of phosphorus 32.

Since phosphorus 32 is a pure beta emitter, the radiation dose rates received by the hands of persons who handle this isotope in closed containers is quite low. The bremsstrahlung dose rate through the walls of a glass bottle containing 5 millicuries of the isotope is about 0.5 mr/hr at 10 centimeters from the bottle. The surface dose rate could be as high as $0.5\times(10)^2=50$ mr/hr. Quimby [1] found that the dose rate at the mouth of an "open" bottle with a 3 square centimeter area and 5 centimeters deep, containing 10 millicuries of phosphorus 32 was as high as 100 rads per hour. Hence, precautions must be taken when handling this isotope to assure that the hands are not overexposed. However, because of the type of container in which the isotope is received and the manner in which the material is used, the radiation doses to physicians and technicians working with phosphorus 32 are normally low.

The radiation levels outside of the bodies of patients who have been given phosphorus 32 are quite low. There is no external hazard to nursing personnel who care for such patients. Instructions for nursing personnel are standardized with respect to precautions to be observed in the event the patient should vomit after oral administration and precautions to be observed regarding excreta.

Therapeutic doses of iodine 131 are normally handled with forceps or tongs to reduce the radiation exposure. The dose rate at the surface of an unshielded bottle containing 15 millicuries of iodine 131 could be as high as 0.55 roentgens per minute. The provisions of the general license would, in effect, require that the iodine 131 be kept in a shielded container which would reduce the radiation level at the container surface to 200 mr/hr and at one meter from the contained radioactive material 10 mr/hr. Because of the shielding of the storage container and the routine manner in which the material is used, the radiation doses to physicians and technicians working with the material are kept well below the exposure limits of 10 CFR Part 20.

Special precautions are required in the handling of patients containing therapeutic levels of iodine 131 with respect to external radiation in the vicinity of the patient and with respect to vomitus and excreta. Extrapolating calculations given by Quimby,[1] the maximum dose which a nurse would be expected to receive while caring for a patient containing 15 millicuries of iodine 131 for six days would be about 25 millirem to the whole body and 250 millirem to the hands. A special duty nurse would be expected to receive a whole body exposure of about 50 millirem during the same period because of the extra time spent in the room.

The general license would apply only to iodine 131 and phosphorus 32 in capsules or other forms of prepackaged individual doses. Capsule form reduces the possibility of radio-contamination if the pharmaceutical is dropped. Suppliers of the general licensed radioisotopes would be required under the provisions of § 30.24(k) to provide the general licensee with instructions as to the precautions to be observed in handling this material. These instructions would be approved by the Commission's staff prior to issuance of a license to the supplier authorizing him to distribute radioisotopes to general licensees. With the safety instructions issued by the radioisotope supplier, these radioisotopes should be used in a safe manner.

Because of the high levels of radiation associated with millicurie amounts of unshielded phosphorus 32 and iodine 131, and possible contamination which could result from vomitus and excreta, a radiation survey instrument is considered necessary for use by the general licensee at all times to assure the safe use of this material.

As in the case of diagnostic radioisotopes, therapeutic doses are ordered by physicians on an as needed basis. Consequently, very little waste material results. Because of the short half-lives of iodine 131 and phosphorus 32 any contaminated equipment, including bedding, can be stored until the radioactivity has decayed to safe amounts.

The proposed general license of § 30.26 would not require the hospitalization of patients containing radioisotopes. The levels of radiation about patients containing phosphorus 32 are very low. Those about patients containing iodine 131 are substantial but are not considered sufficiently high to warrant hospitalization. Such patients are permitted to return home after administration under present specific licensing procedures. The dose rate at one foot from the thyroid of a patient who is administered 30 millicuries of iodine 131 is initially less than 20 mr/hr. Approximately 50 percent of the radioisotope is eliminated by urinary excretion during the first 48 hours and thereafter the radioisotope is reduced 50 percent each week due to biological and radiological decay.[1]

The general license would require each physician who proposes to receive byproduct material under the provisions of the general license to register with the Commission prior to receiving the byproduct material. Registration will provide the Commission with the names and addresses of the generally licensed physicians so that inspections may be conducted by the AEC.

Section 30.28: Cobalt 60 was one of the first artificial radioisotopes to be used therapeutically, since it seemed to be the most suitable replacement for radium.[2] Needles or tubes of this radioisotope are used to supplement or replace radium in intracavitary or interstitial treatments. The dosage delivered by 0.646 millicuries of cobalt 60 is the same in roentgens per hour as that delivered by one milligram of radium filtered by 0.5 mm of platinum.[3] The procedures for cobalt 60 therapy are essentially the same as for radium. Cobalt 60 is a relatively corrosion resistant metal while radium is a powder (radium sulfate). Absorbed cobalt 60 is rapidly excreted while radium may be deposited in the bone.

Cobalt 60 needles are prepared by hermetically sealing small segments of cobalt 60 wire in stainless steel tubing and other corrosion resistant metals. They are essentially the same size as radium needles. Needles are placed directly in the tumor mass with thread or wire by which they may be withdrawn after the desired dosage has been delivered.

There are five stages during which radiation hazards may exist during the use of cobalt 60. These are listed below along with a discussion of each.

1. *Storage and transfer from storage.* Under the provisions of the proposed general license the cobalt 60 must be stored in the shielded storage case in which the cobalt 60 is received or a container providing equivalent radiation protection. The maximum radiation level on the surface of the container would be 200 mr/hr and at 1 meter from the contained radioactive material 10 mr/hr. The sources are prepared for use with the aid of remote handling tools behind shields. The need for shielding and remote manipulators is evident inasmuch as the dose rate at one foot from 100 millicuries of unshielded cobalt 60 is 1.4 r/hr. Procedures for transfer are well established because of the experience gained over several years in the use of radium.

2. *Application to patient.* Cobalt 60 sources are normally applied to patients in the operating room. They are transferred to the operating room in their shielded container and placed in the patient by use of remote manipulators. The time required to insert sources in patients is kept at a minimum since the methods of implant are determined in advance. Sources are packed in place with dressings and special appliances to assure that sources are not accidentally extruded from the patient.

3. *Irradiation of patient.* Procedures for caring for patients with cobalt 60 implants are well established. Special instructions are required for nursing personnel to advise them of safe distances and times to spend in the vicinity of the patient, and to inform them of what should be done if a tube or needle should be extruded from the patient. Under the provisions of the general license the physician would be supplied such instructions by the supplier of the byproduct material.

Because of the high dose rates about patients containing cobalt 60 needles or tubes, the proposed general license would require hospitalization of the patient until the byproduct material is removed. The dose rate at three feet from a patient containing 100 millicuries of the isotope may be as high as 155 mr/hr. A radioisotope record card containing the radiation caution symbol would be required to be attached to the patient's bed or to the door of the room in which the patient is hospitalized. The card would accompany the patient whenever he leaves his room as long as the radioisotope is contained in his body. The card would serve to give warning to anyone performing services for the patient in order to minimize their radiation exposures.

4. *Removal of sources.* Sources may be removed in the operating room or at the patient's bedside. They are immediately returned to the storage container. Special care must be taken when removing the sources to assure that all sources placed in the patient are accounted for. The proposed general license would require that a physical inventory of the cobalt 60 needles or tubes be conducted after each use to account for all byproduct material used.

5. *Dismantling of cobalt 60 applicator and return to stock.* Following removal of the sources from the patient, the applicator is dismantled behind shielding with remote manipulators, cleaned and returned to the shielded container for future use. These procedures are well established.

Because of the high levels of radiation associated with the millicurie amounts of cobalt 60 which would be used, the general license would require the licensee to maintain and use a calibrated radiation survey instrument in his program. The instrument would also be useful to locate any source which is accidentally extruded from a patient.

The provisions of the general license require that the sealed source shall be tested for leakage at twelve-month intervals, and specify what should be done in event a leaking source is found. The manufacturer of the sealed sources would be required to test sources following manufacture to assure that they are properly sealed. Also, each source must be individually calibrated and marked by the manufacturer so as to identify the number of millicuries and linear intensity of each needle or tube.

Any physician who proposes to receive byproduct material under general license would be required to register with the Commission prior to receiving the material. The general licensee would not be permitted to transfer, abandon or dispose of the radioisotope except by transfer to a person generally or specifically licensed to receive the material. Further, persons who manufacture and distribute cobalt 60 under the provisions of § 30.24(1) would be required by § 30.32 (g) to inform the Commission of all transfers of cobalt 60 to general licensees. Because of the possible hazards of the radioisotope in the hands of an untrained person, the reporting requirements are considered necessary. Further, this will enable the Commission to perform inspections of the general licensed physician.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendments to Part 30 is contemplated. All interested persons who desire to submit written comments or suggestions in connection with the proposed amendments should send them to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., within ninety (90) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

1. A new § 30.11 is added to read as follows:

§ 30.11 Exemption of certain quantities of byproduct material for medical use.

(a) A physician is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in this part to the extent that he receives, possesses, uses or transfers in accordance with the provisions of paragraphs (b), (c), and (d) of this section the following byproduct materials:

(1) Iodine 131 in capsules, disposable hypodermic syringes or other forms of prepackaged individual doses.

(2) Cobalt 58 in capsules or other forms of prepackaged individual doses.

(3) Cobalt 60 in capsules or other forms of prepackaged individual doses.

(4) Chromium 51.

(b) A physician shall not possess at any one time, pursuant to the exemption in paragraph (a) of this section more than:

(1) 200 microcuries of iodine 131, and

(2) 10 microcuries of cobalt 58, and

(3) 10 microcuries of cobalt 60, and

(4) 200 microcuries of chromium 51.

[1] Quimby, Edith H., "Safe Handling of Radioactive Isotopes in Medical Practice," The MacMillan Company (1960).

[1] Quimby, Edith H., "Safe Handling of Radioactive Isotopes in Medical Practice," The MacMillan Company (1960).

[2] Blahd, William H., et al., "The Practice of Nuclear Medicine," Charles C. Thomas (1958).

[3] Quimby, Edith H., et al., "Radioactive Isotopes in Clinical Practice," Lea and Febiger (1958).

(c) The exemption in paragraph (a) of this section is effective only when:

(1) The container of the pharmaceutical bears a label which includes the following statement: "This pharmaceutical may be distributed to physicians under license exemption of the U.S. Atomic Energy Commission."

(2) The byproduct material is stored, until administered, in the original shipping container or in a container providing equivalent radiation protection.

(d) A physician who possesses byproduct material under the exemption in this section:

(1) Shall use the pharmaceutical received pursuant to the exemption in paragraph (a) of this section only for those uses described in the label or brochure accompanying the package.

(2) Shall not transfer, abandon, or dispose of the byproduct material except by transfer to a person authorized to receive the byproduct material pursuant to a specific license issued by the Commission or pursuant to the exemption in paragraph (a) in this section or the general license in § 30.26(a).

(3) Shall not transfer the byproduct material to another person except in the unopened, labeled shipping container as received from the supplier.

2. A new § 30.26 is added to read as follows:

§ 30.26 General license, certain diagnostic and therapeutic quantities.

(a) A general license is hereby issued to any physician to receive, possess, use, or transfer in accordance with the provisions of paragraphs (b), (c), and (d) of this section the following byproduct materials:

(1) Iodine 131 in capsules or other forms of prepackaged individual doses.

(2) Phosphorus 32 in capsules or other forms of prepackaged individual doses.

(b) No physician shall receive, possess, use, or transfer byproduct material pursuant to the general license established by paragraph (a) of this section until he has:

(1) Filed Form AEC 482, "Registration Certificate—Medical Use of Byproduct Material Under General License" in triplicate with the Director, Division of Licensing and Regulation, U.S. Atomic Energy Commission, Washington 25, D.C., and

(2) Received from the Commission a validated copy of the Form AEC–482 with registration number assigned.

(c) A physician who receives a pharmaceutical containing byproduct material pursuant to the general license established by paragraph (a) of this section shall comply with the following:

(1) He shall not possess at any one time, pursuant to the general license in paragraph (a) of this section, more than:

(i) 15 millicuries of iodine 131 in capsules or other forms of prepackaged individual doses, and

(ii) 10 millicuries of phosphorus 32 in capsules or other forms of prepackaged individual doses.

(2) He shall not receive, possess, or use the pharmaceutical pursuant to the general license in paragraph (a) of this section, unless the container bears a label which includes the following statement: "This pharmaceutical may be distributed to physicians pursuant to general license 10 CFR 30.26 of the U.S. Atomic Energy Commission."

(3) He shall use the pharmaceutical received pursuant to the general license in paragraph (a) of this section only for those uses described in the label or brochure accompanying the package.

(4) He shall not transfer, abandon, or dispose of the pharmaceutical except:

(i) By transfer to a person authorized to receive the byproduct material pursuant to a specific license issued by the Commission or pursuant to the general license in paragraph (a) of this section.

(ii) By release into a sanitary sewerage system: *Provided, however,* That the total quantity of byproduct material released into the sanitary sewerage system by the general licensee does not exceed more than 100 microcuries in any twenty-four hour period and the total quantity of byproduct material released into the sanitary sewerage system by the general licensee does not exceed 100 millicuries in any one year.

(5) He shall not transfer such pharmaceutical to another person except in the unopened, labeled shipping container as received from the supplier.

(6) He shall store the pharmaceutical until administered, in the original shipping container or a container providing equivalent radiation protection.

(7) He shall not use the pharmaceutical for any purpose other than medical diagnosis or therapy.

(8) He shall maintain, at each facility where the byproduct material is used, a calibrated and operable radiation survey instrument capable of measuring from 0.1 millirad per hour to 20 millirads per hour of the radiations emitted by the material generally licensed pursuant to paragraph (a) of this section.

(9) He shall calibrate or have calibrated each survey instrument at intervals not to exceed six (6) months and after each servicing.

(10) He shall secure byproduct material against unauthorized removal from the place of storage.

(11) He shall survey the immediate areas in which iodine 131 or phosphorus 32 is used for possible contamination immediately following a spill or unaccounted loss of any quantity of iodine 131 or phosphorus 32 and shall decontaminate such areas to a level not exceeding 2 millirads per hour measured at a distance of one centimeter from the surface.

(12) He shall maintain records showing the dates of calibration of each survey instrument, names of persons who performed the calibrations, and the results of surveys required by subparagraph (11) of this paragraph.

(13) He shall assure that each container in which a quantity of more than 10 microcuries of iodine 131 of phosphorus 32 is transported, stored, or used bears a durable, clearly visible label bearing the conventional three-bladed radiation symbol (magenta or purple on yellow background) and the words: "Caution—Radioactive Material." If the container is used for storage the label shall also state the quantities and kinds of radioactive materials in the container and the date of measurement of the quantities.

(14) He shall assure that each area or room in which a total of more than 100 microcuries of iodine 131 or phosphorus 32 is used or stored, excluding byproduct material contained in patients, is conspicuously posted with a sign bearing the conventional three-bladed radiation symbol and the words: "Caution—Radioactive Material(s)." Such posting is not required for an area or room which is under the licensee's control, and which contains byproduct material for less than eight hours, if the materials are constantly attended by an individual who will take necessary precautions to minimize exposure of individuals to the radiation.

(15) He shall comply with such radiation safety instructions which accompany the shipment of byproduct material and are referenced in the label attached to the container of the byproduct material.

(16) He shall report by telephone or telegraph to the Director, Division of Licensing and Regulation, Atomic Energy Commission within 24 hours after its occurrence becomes known to the licensee any loss or theft of more than one millicurie of iodine 131 or phosphorus 32.

(d) In addition to the conditions, limitations and requirements of paragraphs (b), (c), and (d) of this section, the general license provided in paragraph (a) of this section is subject to the conditions, limitations and requirements of §§ 30.32, 30.33, 30.41, 30.42, 30.43, 30.44, 30.52, and 30.61 of this part.

(e) The general licensee under paragraph (a) of this section is exempt from the requirements of Part 20 of this chapter with respect to the byproduct materials covered by the general license.

3. A new § 30.28 is added to read as follows:

§ 30.28 General license, cobalt 60 for interstitial, intracavitary therapy.

(a) A general license is hereby issued to any physician who has at least three years of experience in the interstitial or intracavitary use of sealed sources containing radioactive materials, and certifies to the Commission that he is familiar with the hazards and appropriate precautions associated with such sealed sources, to receive, possess, use, or transfer, in accordance with the provisions of paragraphs (b), (c), and (d) of this section, cobalt 60 contained in needles or tubes designed and manufactured for interstitial or intracavitary therapy.

(b) No physician shall receive, possess, use, or transfer byproduct material pursuant to the general license established by paragraph (a) of this section until he has:

(1) Filed Form AEC–482–A, "Registration Certificate—Generally Licensed Medical Devices," in triplicate with the Director, Division of Licensing and Regulation, U.S. Atomic Energy Commission, Washington 25, D.C., and

(2) Received from the Commission a validated copy of the Form AEC–482–A with registration number assigned.

(c) A physician who receives byproduct material pursuant to the general license established by paragraph (a) of this section shall comply with the following requirements:

(1) He shall not possess at any one time, pursuant to the general license in paragraph (a) of this section more than 100 millicuries of cobalt 60.

(2) He shall not receive, possess, or use byproduct material pursuant to the general license in paragraph (a) of this section, unless the container bears a label which includes the following statement: "This device may be distributed to physicians pursuant to general license 10 CFR 30.28 of the U.S. Atomic Energy Commission."

(3) He shall have the cobalt 60 needles and tubes tested for leakage of radioactive material by a person specifically licensed by the Commission to perform such tests, at no longer than twelve-month intervals by a test capable of detecting the presence of 0.005 microcurie of removable contamination on each sealed source. Any test which reveals the presence of 0.005 microcurie or more removable radioactive material shall be considered evidence that the sealed source is leaking.

(4) He shall immediately withdraw from use any cobalt 60 needle or tube which is leaking or has been damaged or broken and shall cause it to be repaired by the supplier or other person holding a specific license issued by the Commission to manufacture or repair such needle or tube, or dispose of it by transfer to a person specifically licensed by the Commission to receive the byproduct material. A report shall be filed in duplicate by the physician within 10 days after determining that any needle or tube is leaking, with the Director, Division of Licensing and Regulation, U.S. Atomic Energy Commission, Washington 25, D.C., describing the type of needle or tube involved, the test results, and the corrective action taken.

(5) He shall not transfer, abandon, or dispose of the needle or tube except by transfer to a person authorized to receive the byproduct material pursuant to a specific license issued by the Commission or pursuant to the general license in paragraph (a) of this section.

(6) He shall store the byproduct material, except when in use, in the shielded storage box or case in which it is received or in a container providing equivalent radiation protection.

(7) He shall secure each cobalt 60 needle or tube against unauthorized removal from its place of storage.

(8) He shall maintain, at each facility where the byproduct material is used, a calibrated and operable radiation survey instrument capable of measuring from 0.1 millirad per hour to 500 millirads per hour of the radiations emitted by the generally licensed material.

(9) He shall calibrate or have calibrated each survey instrument at intervals not to exceed six (6) months and after each servicing.

(10) He shall conduct after each use a physical inventory of the cobalt 60 needles or tubes to account for all the byproduct material used.

(11) He shall hospitalize any patient in whom the physician has inserted cobalt 60 until such time as the cobalt 60 is removed from the patient.

(12) He shall complete and attach a radioisotope record card to the bed or to the door of the room in which a patient with cobalt 60 in his body is hospitalized. The card shall accompany the patient whenever he leaves such room and shall include the following:

(i) The conventional three-bladed radiation caution symbol.

(ii) The name of the patient.

(iii) The number of millicuries of cobalt 60 which have been administered to the patient.

(iv) The name of the physician in charge.

(13) He shall post each area or room in which a cobalt 60 needle is being used or stored with a sign bearing the conventional three-bladed radiation symbol (magenta or purple on yellow background) and the words: "Caution—Radioactive material(s)."

(i) Such posting is not required for an area or room which is under the licensee's control and which contains cobalt 60 needles or tubes for less than eight hours if the cobalt 60 is constantly attended by an individual who will take necessary precautions to minimize exposure of individuals to the radiation.

(ii) Such posting is not required for a room or other area in a hospital because of the presence of cobalt 60 needles or tubes in patients provided there are personnel in attendance who will take necessary precautions to minimize the exposure of other persons to the radiation.

(14) He shall not possess, use or transfer generally licensed byproduct material in such a manner as to cause any individual, other than a patient to whom the byproduct material is administered, to receive in any period of one calendar quarter from generally licensed byproduct material and other sources of radiation in the licensee's possession a dose in excess of the limits specified in the following table:

Rems Per Calendar Quarter	
(i) Whole body; head and trunk; active blood-forming organs; lens of eyes; or gonads	1¼
(ii) Hands and forearms; feet and ankles	18¾
(iii) Skin of whole body	7½

(15) He shall supply a film badge, pocket chamber, or pocket dosimeter to, and shall require the use of such personnel monitoring equipment by, any individual who is likely to receive a radiation dose in any one calendar quarter in excess of 25 percent of the applicable values specified in subparagraph (14) of this paragraph.

(16) He shall make or cause to be made such radiation surveys as may be necessary for him to comply with the provisions of this section.

(17) He shall report by telephone or telegraph to the Director, Division of Licensing and Regulation, immediately after its occurrence becomes known to the physician, any loss or theft of a cobalt 60 needle or tube.

(18) He shall maintain records of:

(i) All tests performed on the cobalt 60 needle or tube as required under this section, including dates and results of the tests and names of individuals who conduct the tests.

(ii) Dates of calibration for each survey instrument and names of persons who performed the calibrations.

(iii) Inventories of cobalt 60 needles or tubes.

(iv) The radiation dose of all individuals for whom personnel monitoring is required by subparagraph (15) of this paragraph.

(v) Radiation surveys required by § 30.28(c)(16).

(19) He shall comply with such radiation safety instructions which accompany the shipment of byproduct material and are referenced in the label attached to the container of the byproduct material.

(d) The general license provided in paragraph (a) of this section is subject to the provisions of §§ 30.32, 30.33, 30.41, 30.42, 30.43, 30.44, 30.52 and 30.61 of this part.

(e) The general licensee under paragraph (a) of this section is exempt from the requirements of Part 20 of this chapter with respect to the byproduct materials covered by the general license.

§ 30.24 [Amendment]

4. A new paragraph (k) is added to § 30.24 to read as follows:

(k) *Manufacture and distribution of byproduct material for exempt or generally licensed medical use.* An application for a specific license to manufacture, import, label, package, and distribute byproduct material for use by physicians exempt from licensing under § 30.11 or generally licensed under § 30.26 will not be approved unless:

(1) The applicant satisfies the general requirements specified in § 30.23.

(2) The applicant submits evidence that the byproduct material is to be manufactured, labeled, and packaged in accordance with a new drug application which the Commissioner of Food and Drugs, Food and Drug Administration, has permitted to become effective, or in accordance with a license issued by the Secretary, Department of Health, Education and Welfare.

(3) The applicant submits complete information as to the labeling to be affixed to the container of the byproduct material which shall bear one of the following statements, as appropriate:

(i) "This pharmaceutical may be distributed to physicians under license exemption of the U.S. Atomic Energy Commission."

(ii) "This pharmaceutical may be distributed to physicians pursuant to general license 10 CFR 30.26 of the U.S. Atomic Energy Commission."

(4) The labels and brochures which accompany each package of byproduct material:

(i) Contain adequate information as to precautions to be observed in handling and storing such byproduct materials;

(ii) Include a copy of § 30.11 or § 30.26 as appropriate.

5. A new paragraph (l) is added to § 30.24 to read as follows:

(l) *Manufacture of cobalt 60 needles or tubes for distribution to persons generally licensed under § 30.28* An application for a specific license to manufacture, import, label, package and distribute cobalt 60 needles or tubes for use by physicians generally licensed under § 30.28 will not be approved unless:

(1) The applicant satisfies the general requirements specified in § 30.23.

(2) The applicant submits sufficient information relating to the design, manufacture, prototype testing and quality control procedures for the cobalt 60 needles or tubes, to provide reasonable assurance that the byproduct material contained in the needle or tube under normal conditions of use will not be likely to escape therefrom.

(3) The applicant submits sufficient information relating to the storage container for the cobalt 60 needles or tubes, to provide reasonable assurance that:

(i) No person would be likely to receive a radiation exposure to a major portion of his body in excess of 0.5 rem in a year under ordinary circumstances of storage.

(ii) The storage container may be kept locked.

(4) The applicant submits complete information as to the labeling to be affixed to the storage container for the cobalt 60 needles or tubes, which shall contain adequate information for the safe use or manipulation of the cobalt 60 needle or tube and shall bear the following statement: "This device may be distributed to physicians pursuant to general license 10 CFR 30.28 of the U.S. Atomic Energy Commission."

(5) In describing the label or labels to be affixed to the storage container for the cobalt 60 needles or tubes, the applicant shall separately indicate those instructions and precautions which are necessary to assure safe use of the byproduct material.

(6) Cobalt 60 needles or tubes will be comprised of cobalt 60 wire hermetically sealed within stainless steel tubing, or within other metal or alloy having equivalent properties of resistance to corrosion and abrasion.

(7) Each cobalt 60 needle or tube will:

(i) Be subjected to suitable tests to detect possible leakage of byproduct material.

(ii) Be individually calibrated.

(iii) Have engraved upon it a code marking which indicates the linear intensity and number of millicuries for such needle or tube.

§ 30.32 [Amendment]

6. A new paragraph (g) is added to § 30.32 to read as follows:

(g) Each licensee authorized under § 30.24(l) to manufacture, import, label, package, and distribute cobalt 60 needles or tubes to generally licensed physicians:

(1) Shall report in duplicate to the Director, Division of Licensing and Regulation, all transfers of such cobalt 60 needles or tubes to physicians generally licensed under § 30.28(a). Such report shall identify each general licensee by name and address and registration number; date of transfer; the type of cobalt 60 needles or tubes transferred and the amount in millicuries of byproduct material contained in the needles or tubes. The report shall be submitted within 10 days after the end of each calendar month in which such needle or tube is transferred to a generally licensed physician.

(2) Shall furnish to each general licensee to whom he transfers such cobalt 60 needle or tube,

(i) A copy of the general license established by § 30.28.

(ii) A certificate of calibration which shall include a statement that the needle or tube has been tested and shows no detectable leakage of radioactive material to the exterior of the needle or tube, a statement of the dosage rate, and the name of the manufacturer."

Dated at Germantown, Md., this 10th day of January 1962.

For the Atomic Energy Commission.

WOODFORD B. McCOOL,
Secretary.

[F.R. Doc. 62-517; Filed, Jan. 17, 1962; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1025]

EDO AIRCRAFT

Airworthiness Directives

Pursuant to the authority delegated to me by the Administrator, (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification of Edo Models 345 and 345A airborne Loran A receivers to reduce the radiation to an acceptable level. This proposed action is deemed necessary since it has been determined that excessive spurious radiation from these receivers can adversely affect the operation of other navigational or communication equipment installed in aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before February 19, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

Edo. Applies to all aircraft equipped with Model 345 and 345A airborne Loran A receivers.

Compliance required within 1,200 hours' time in service after the effective date of this AD.

In order to reduce the spurious radiation which can adversely effect other navigational and communication equipment, modify Models 345 and 345A receivers in accordance with Edo Field Change Bulletin No. 27, dated August 28, 1961, so that the maximum radiation is 400 micromicrowatts.

Issued in Washington, D.C., on January 11, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-521; Filed, Jan. 17, 1962; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-HO-9]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6409 and 601.6409 of the regulations of the Administrator, the substance of which is stated below.

Hawaiian VOR Federal airway No. 9 presently extends from the point of intersection of the Lanai, Hawaii, VOR 224° and the Honolulu VOR 179° True radials to the Honolulu, Hawaii, VOR. In addition, this airway includes the airspace between straight lines starting from a point on each outer boundary of the airway at a distance of 50 statute miles south from the Honolulu VOR, and diverging southward at angles of 6° relative to the centerline of the airway. The portion of this airway above 21,000 feet, mean sea level, which overlaps Warning Area (W-321 Area C) is excluded.

The Federal Aviation Agency is considering the alteration of VOR Federal airway No. 9 by redesignating it as follows:

From the intersection of the Lanai, Hawaii, VOR 223° and the Honolulu, Hawaii, VORTAC 179° True radials (Honolulu Oceanic Control Area Boundary), to the Honolulu VORTAC, including the additional area between lines diverging at angles of 5° from the centerline extending southward from the Honolulu VORTAC to the Honolulu Oceanic Control Area Boundary. It is proposed to designate the floors of the control areas associated with this VOR airway at 5,000 feet above the surface between the intersection of the Lanai VOR 223° and the Honolulu VORTAC 179° True radials, and the intersection of the Lanai VOR 232° and the Honolulu VORTAC 179° True radials; at 3,000 feet above the surface between the intersection of the Lanai VOR 232° and the Honolulu VORTAC 179° True radials, and the intersection of the Molokai, Hawaii, VOR 239° and the Honolulu VORTAC 179° True radials; and at 1,500 feet above the surface between the intersection of the Molokai, Hawaii, VOR 239° and the Honolulu VORTAC 179° True radials, and the Honolulu VORTAC. The portion of this airway which would fall within the geographic limits of, and between the established altitudes of Warning Area "C" (W-321) would be excluded during the time of use of the warning area.

This proposed action would release controlled airspace which is no longer required for the management of air traffic, and the outermost segment of the control area associated with this airway would have a floor which is compatible with the base of the Honolulu Oceanic Control Area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Pacific Region, Attn: Chief Air Traffic Division, Federal Aviation Agency, P.O. Box 4009, Honolulu 12, Hawaii. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 12, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-522; Filed, Jan. 17, 1962; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61-WA-173]

JET ROUTES AND JET ADVISORY AREAS

Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 602.100 and 602.200 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of Jet Route No. 501 from the Seattle, Wash., VORTAC to the intersection of the Seattle VORTAC 331° True radial and the United States/Canadian border, at which point it would join with Canadian High Level airway No. 501. This would provide the United States portion of a route for turbojet aircraft operating between Seattle and Alaskan and Canadian terminals. Radar jet advisory service would be provided civil turbojet aircraft operating via this jet route. This proposed jet route would not coincide with any high altitude refueling areas.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 12, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-523; Filed, Jan. 17, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 9]

[Docket No. 14452; RM 288]

FREQUENCIES, FREQUENCY STABILITY AND DEFINITIONS; PETITION FILED BY SYLVANIA ELECTRIC PRODUCTS, INC.

Order Extending Time for Filing Comments

In the matter of amendment of Part 9 of the Commission's rules relative to implementation of certain requirements of the Geneva Radio Regulations (1959) regarding frequencies, frequency stability and definitions. Petition filed by Sylvania Electric Products, Inc., New York, New York, October 24, 1961.

1. The Commission has before it for consideration a request from Aircraft Owners and Pilots Association (AOPA) dated January 5, 1962 for an extension of time for the filing of comments in the above-entitled proceeding to February 19, 1962.

2. The request is based on the grounds that insufficient time exists from actual receipt of the notice of proposed rule making to the closing date for comments, and the serious economic impact of the rules. Petitioner states that of the four weeks allowed for comments, almost two weeks elapsed before the Docket was in the hands of the interested parties. In addition, a survey by AOPA Foundation indicates that more than 65,000 VHF aircraft transmitters having an estimated replacement value of 60 million dollars will be affected by the proposal.

3. Inasmuch as the subject notice of proposed rule making was released on December 22, 1961, just prior to the Christmas and New Year holidays, it is understandable that the notice may have been delayed in reaching interested parties. The Commission, therefore, is of the view that an extension of time for the filing of comments in the above-entitled proceeding would serve the public interest, convenience and necessity, and is warranted.

In view of the foregoing: *It is ordered*, That the date for filing comments in the above-entitled matter is extended to February 8, 1962 and the date for filing replies to such comments is extended to February 19, 1962.

Adopted: January 12, 1962.

Released: January 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-569; Filed, Jan. 17, 1962; 8:50 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 259–62]

RESPONSIBILITY FOR PERFORMANCE OF CERTAIN FUNCTIONS RELATING TO IMMIGRATION AND NATIONALITY LAWS

By virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 122), and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), I hereby amend paragraph (1) of section 18(a) of Order No. 175–59, of January 19, 1959, to read as follows:

(1) Subject to the limitations contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) and the provisions for review by the Board of Immigration Appeals, administer and enforce the Immigration and Nationality Act and all other laws relating to immigration (including, but not limited to, admission, exclusion, and deportation), naturalization, and nationality. Nothing in this paragraph shall be construed to authorize the Commissioner of Immigration and Naturalization to supervise the litigation of, or to approve the filing of records on review, appeals, or petitions for writs of certiorari or to intervene or have independent representation in cases under the immigration and nationality laws except as provided in paragraph (5) of this subsection.

This order shall be effective as of October 26, 1961.

Dated: December 28, 1961.

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 62–556; Filed, Jan. 17, 1962; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Portland Area Office Redelegation Order 1, Amdt. 12, Correction]

IRRIGATION MATTERS

Redelegation of Authority

JANUARY 12, 1962.

In Federal Register Document 61–11515, appearing on page 11687 of the issue for December 6, 1961, the following change should be made:

SEC. 3.205 *Concessions on reservoir sites and other lands in Indian irrigation projects; leases for agriculture, business or grazing purposes.* The granting of concessions on reservoir sites, reserves for canals or flowage areas, and other lands which have been withdrawn or otherwise acquired in connection with the Fort Hall Irrigation Project and to permit or lease such lands for agricultural, business or grazing purposes pursuant to 25 CFR Part 203.

JOHN O. CROW,
Deputy Commissioner.

[F.R. Doc. 62–546; Filed, Jan. 17, 1962; 8:47 a.m.]

Bureau of Land Management

[Classification No. 95]

NEVADA

Small Tract Classification; Amendment

Effective January 10, 1962, Federal Register Document 53–8583 appearing on pages 6413–14 of the issue for October 18, 1953, is amended revising the appraised value, realigning the longer axes, amending the rights-of-way of 33 feet in width along the boundaries thereof for roads and public utilities.

A list of tracts affected is posted and available for public inspection in the Nevada Land Office, 50 Ryland Street, Reno, Nevada. Twenty-three of the twenty-four tracts affected are under application.

DANIEL P. BAKER,
Chief, Division of Lands and Minerals Management.

JANUARY 10, 1962.

[F.R. Doc. 62–542; Filed, Jan. 17, 1962; 8:47 a.m.]

[W–077497]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 10, 1962.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, serial number Wyoming 077497, for the withdrawal of lands described below, from all forms of appropriation under the first form of withdrawal as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388). Grazing administration will remain under the jurisdiction of the Bureau of Land Management until such time as the lands are actually required for reclamation purposes.

The applicant desires the land for reclamation development in connection with the Shoshone Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the State Director, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 57 N., R. 98 W.,
Sec. 4: Lots 1, 2, S½NE¼, SE¼.
T. 58 N., R. 98 W.,
Sec. 34: S½

The above areas aggregate 641.24 acres.

ED PIERSON,
State Director.

[F.R. Doc. 62–543; Filed, Jan. 17, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

JACKSONVILLE LIVE STOCK AUCTION ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the stockyards named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said act and are, therefore, no longer subject to the provisions of the act.

Name and Location of Stockyard and Date of Posting

Jacksonville Live Stock Auction, Jacksonville, Fla.; Mar. 8, 1960.
Wolverine Dairy Consignment Sale, Wolverine, Mich.; Dec. 18, 1959.
Luther E. Tadlock Stockyard, Forest, Miss.; Feb. 9, 1959.
Farmers Stock Yard, Asheville, N.C.; Apr. 1, 1959.
Stockman's Auction Co., Inc., Huron, S. Dak.; Dec. 11, 1950.
Farmers Livestock Market of Camden, Inc., Camden, Tenn.; May 5, 1959.
Smithville Livestock Commission Co., Smithville, Tex.; Oct. 30, 1959.

The owner of the Luther E. Tadlock Stockyard, Forest, Mississippi, has dismantled the stockyard facilities and will construct a new stockyard in the approximate location. Notice of proposed posting of the new market will be issued.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer within the definition of that term contained in the act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 15th day of January 1962.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62–573; Filed, Jan. 17, 1962; 8:50 a.m.]

WALKER COUNTY LIVESTOCK ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act, as amended (7 U.S.C. 202), and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name and Location of Stockyard and Date of Posting

ALABAMA

Walker County Livestock, Jasper; Dec. 8, 1961.

COLORADO

Davis Ranch Sales Pavilion, Fort Morgan; Nov. 22, 1961.

GEORGIA

Burke County Stockyard, Waynesboro; Nov. 9, 1961.

IOWA

O'Neill Livestock Auction, Eldora; Dec. 8, 1961.

KANSAS

Ottawa Livestock Commission Co., Ottawa; Nov. 27, 1961.
S. & J. Livestock Commission Co., Inc., Norton; Dec. 4, 1961.

LOUISIANA

Brown-Alsbrooks Stockyards, Inc., Marksville; Oct. 20, 1961.

MISSISSIPPI

Walnut Sales Company, Walnut; Dec. 4, 1961.

MONTANA

Dillon Livestock Auction Co., Dillon; Nov. 30, 1961.

OKLAHOMA

Henryetta Livestock Auction, Henryetta; Nov. 14, 1961.

OREGON

Valley Livestock Auction Market, Hood River; Nov. 26, 1961.

SOUTH DAKOTA

Madden Livestock Market, Inc., St. Onge; Dec. 7, 1961.

TENNESSEE

Lincoln County Live Stock Market, Fayetteville; Nov. 27, 1961.

TEXAS

Arlington Livestock Commission Co., Inc., Arlington; Dec. 19, 1961.
Coleman Live Stock Auction Commission Co., Inc., Coleman; Dec. 11, 1961.

Done at Washington, D.C., this 15th day of January 1962.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62–574; Filed, Jan. 17, 1962; 8:50 a.m.]

Office of the Secretary

MISSISSIPPI AND VIRGINIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87–128 (7 U.S.C. 1961) it has been determined that in the following counties in the States of Mississippi and Virginia natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources:

MISSISSIPPI

Bolivar.	Smith.
Coahoma.	Sunflower.
Carroll.	Tallahatchie.
Holmes.	Tunica.
Humphreys.	Warren.
Leflore.	Washington.
Pontotoc.	Yazoo.
Quitman.	

VIRGINIA

Accomack.	Northampton.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 12th day of January 1962.

JOHN P. DUNCAN, JR.,
Acting Secretary.

[F.R. Doc. 62–554; Filed, Jan. 17, 1962; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27–32]

BAY CITIES TRANSPORTATION CO.

Notice of Issuance of Byproduct, Source and Special Nuclear Material License

Please take notice that since no requests for a formal hearing have been filed following the filing of notice of proposed licensing action with the Federal Register Division on September 20, 1961, the Atomic Energy Commission has this date issued Byproduct, Source and Special Nuclear Material License No. 4–7774–1 authorizing Bay Cities Transportation Company, Pier No. 3, San Francisco 11, California to receive waste byproduct, source and special nuclear material and to transfer said material to AEC-designated land burial sites for disposal, in accordance with the terms and conditions of said license. The license differs from the proposed licensing action in that the licensee is not authorized to store waste byproduct, source and special nuclear material. Notice of the proposed licensing action was published in the FEDERAL REGISTER on September 21, 1961, 26 FR 8915.

Dated at Germantown, Md., January 12, 1962.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 62–516; Filed, Jan. 17, 1962; 8:45 a.m.]

FEDERAL AVIATION AGENCY

PLAN FOR STANDARD INSTRUMENT DEPARTURES

Correction

In F.R. Doc. 62–97 appearing at page 126 of the issue for Friday, January 5, 1962, paragraph A is corrected by deleting the language in the last line reading "and/or narrative form" and substituting therefor "and narrative form or narrative form only."

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14482; FFC 62M–57]

ASHEBORO BROADCASTING CO. (WGWR)

Order Scheduling Hearing

In re application of Asheboro Broadcasting Company (WGWR), Asheboro, North Carolina, Docket No. 14482, File No. BP–14051; for construction permit.

It is ordered, This 11th day of January 1962, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 6, 1962, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, February 6, 1962.

Released: January 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–561; Filed, Jan. 17, 1962; 8:49 a.m.]

[Docket No. 14487; FCC 62-59]

BELLEVILLE BROADCASTING CO., INC. (WIBV)

Order Designating Application for Hearing on Stated Issues

In re application of Belleville Broadcasting Company, Inc. (WIBV), Belleville, Illinois, has 1260 kc, 1 kw, Day, requests 1260 kc, 5 kw, DA-2, U, Docket No. 14487, File No. BP-13787; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 10th day of January 1962;

The Commission having under consideration the above-captioned and described application for an increase in the daytime power and establish nighttime operation for Station WIBV, Belleville, Illinois; and

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to construct and operate the facilities proposed but that, while data submitted by the applicant indicates that the proposed operation of WIBV will cause no objectionable interference to any existing or proposed operation, a study of the WIBV proposal indicates that the nighttime operation proposed would increase the RSS limitation of Station WALM, Albion, Michigan, from 14.0 mv/m to 15.7 mv/m; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the instant application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, that the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and population which may be expected to gain or lose primary service from the proposed operation of Station WIBV and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of WIBV would cause objectionable interference to Station WALM, Albion, Michigan, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Calhoun Broadcasting Company, licensee of Station WALM, Albion, Michigan is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicant herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: January 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-562; Filed, Jan. 17, 1962; 8:49 a.m.]

[Docket No. 14479; FCC 62M-55]

DEKALB BROADCASTING CO.

Order Scheduling Hearing

In re application of Samuel C. Chafin and N. W. Griffin, d/b as DeKalb Broadcasting Co., Decatur, Georgia, Docket No. 14479, File No. BP-14133; for construction permit.

It is ordered, This 11th day of January 1962, that Chester F. Naumowicz, Jr., will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 8, 1962, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, February 8, 1962.

Released: January 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-563; Filed, Jan. 17, 1962; 8:49 a.m.]

[Docket Nos. 14488-14492; FCC 62-60]

DOVER BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Dover Broadcasting Co., Richmond, Va., requests 1540 kc, 10 kw, 1 kw (CH), D, Docket No. 14488, File No. BP-13831; 1540 Radio, Inc., Richmond, Va., requests 1540 kc, 10 kw, DA-D, Docket No. 14489, File No. BP-14813; Oram C. Hutton, Milton Beyer and James T. Doukas d/b as Richmond Broadcasting Co., Richmond, Va., requests 1540 kc, 50 kw, DA-D, Docket No. 14490, File No. BP-14814; Homer C. Eliades and Plato G. Eliades d/b as Eliades Broadcast Co., Hopewell, Va., requests 1540 kc, 10 kw, 1 kw (CH), D, Docket No. 14491, File No. BP-14820; WDYL Radio, Inc. (WDYL), Ashland, Va., has 1430 kc, 1 kw, D, requests 1540 kc, 10 kw, 1 kw (CH), D, Docket No. 14492, File No. BMP-9493; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 10th day of January 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that except as indicated by the issues set forth below, each of the subject applicants possesses the necessary qualifications to construct and operate its proposal; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The five co-channel proposals involve mutually destructive interference.

2. The proposed operation of WDYL Radio, Inc. would cause interference to the operation of Station WDON, Wheaton, Maryland.

3. The aerial site photograph submitted with the application of the Richmond Broadcasting Company is not sufficiently clear and does not show sufficient detail to permit a determination as to whether the proposed site is satisfactory.

4. John Laurino, president, director and fifty-percent stockholder in WDYL Radio, Inc., is also the individual applicant for a new standard broadcast station at Chester, Virginia (File No. BP-13752, Docket No. 14382). Due to the proximity of Ashland and Chester, Virginia, it will be necessary to determine in the hearing ordered below whether a grant of the WDYL application would be in contravention of § 3.35 of the Commission's rules on multiple ownership. In considering the WDYL proposal and § 3.35 of the Commission's rules, it appears appropriate to consider the size, extent and location of the areas served and to be served; the extent of the overlap involved (if any); the number of persons residing within the overlap area; the classes of stations involved; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present with particular reference to the needs of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that the overlap and/or concentration of control involved will or will not be in contravention of § 3.35 of the Commission's rules.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposals for new standard broadcast stations and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WDYL and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations affected by interference from any of the instant proposals.

4. To determine whether the instant proposal of WDYL would cause objectionable interference to Station WDON, Wheaton, Maryland, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether a grant of the instant proposal of WDYL Radio, Inc., would be in contravention of the provisions of § 3.35 of the Commission rules.

6. To determine whether the transmitter site proposed by Richmond Broadcasting Company is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

7. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, whether the proposal for Hopewell, Virginia, or the proposal for Ashland, Virginia, or one of the three proposals for Richmond, Virginia, would better provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the event it is concluded pursuant to the foregoing issue that one of the three proposals for Richmond, Virginia, should be favored, which of the three proposals would best serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programing services proposed in each of the said applications.

9. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That Commercial Radio Equipment Company, licensee of Station WDON, Wheaton, Maryland, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the Dover Broadcasting Company application, the construction permit shall contain a condition that measurement data made on permittee and WANT, United Broadcasting Company of Virginia, Richmond, Virginia at a point where the antenna resistance is measured shall be submitted with the application for license to prove that the installation of the filter circuits or other isolation equipment do not prevent satisfactory performance, pursuant to § 3.45(e)(1) of the rules, and that field observations or measurements shall be made to clearly show that operations of the two stations with the same antenna do not result in spurious radiations to the extent that interference would result to other radio services.

It is further ordered, That, in the event of a grant of the application of 1540 Radio, Inc., the construction permit shall contain the condition that before program tests are authorized, permittee shall submit sufficient data made in accordance with §§ 3.48 and 2.524 of the Commission rules to establish that the transmitter installed meets Commission requirements.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's Rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue. To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-564; Filed, Jan. 17, 1962; 8:49 a.m.]

[Docket Nos. 13525, 14478; FCC 62M-45]

SIMON GELLER AND RICHMOND BROTHERS, INC. (WMEX)

Order Scheduling Hearing

In re applications of Simon Geller, Gloucester, Massachusetts, Docket No. 13525, File No. BP-14330, Richmond Brothers, Inc. (WMEX), Boston, Massachusetts, Docket No. 14478, File No. BP-13760, for construction permits.

It is ordered, This 11th day of January 1962, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 7, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, February 7, 1962.

Released: January 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-565; Filed, Jan. 17, 1962; 8:49 a.m.]

[Docket Nos. 14480, 14481; FCC 62M-56]

LORD BERKELEY BROADCASTING CO., INC., AND GRAND STRAND BROADCASTING CO.

Order Scheduling Hearing

In re applications of Lord Berkeley Broadcasting Co., Inc., Moncks Corner, S.C., Docket No. 14480, File No. BP-14123; Frank P. Larson, Jr., Charles T. Tilghman and John H. Nye, d/b as Grand Strand Broadcasting Co., Myrtle Beach, S.C., Docket No. 14481, File No. BP-14403; for construction permits.

It is ordered, This 11th day of January 1962, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 7, 1962, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, February 6, 1962.

Released: January 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-566; Filed, Jan. 17, 1962; 8:49 a.m.]

[Docket No. 14255; FCC 62M-49]

RADIO-ACTIVE BROADCASTING, INC. (WATO)

Order Continuing Hearing

In re application of Radio-Active Broadcasting, Inc. (WATO), Oak Ridge, Tenn., Docket No. 14255, File No. BP-13833; for construction permit.

The Hearing Examiner having under consideration a Motion to Cancel Presently Scheduled Procedural Dates in the

Above Proceeding and Request for Further Prehearing Conference, filed by the applicant herein on January 9, 1962;

It appearing, that, as stated in the aforementioned pleading it has now been determined that, by using a directional antenna, the applicant would be enabled to increase its power without creating any additional interference to Station WMTN, a respondent herein;

It further appearing, that it is stated in this pleading that by use of the aforementioned directional antenna the issues relating to a possible contravention of the Commission's multiple ownership rules (47 CFR 3.35) may be resolved without the necessity of a hearing;

It further appearing, that in order to provide for the directional antenna it is necessary for the applicant to seek to amend its application, and that in this connection it is stated that the necessary engineering amendment cannot be prepared prior to February 14, 1962;

It further appearing, that in accordance with an Order of the Examiner herein, released December 12, 1961 (FCC 61M-1946) specific dates were fixed for the exchange of exhibits, revised exhibits and notification of witnesses during the period between January 10 and 26, 1962, and that the hearing itself was rescheduled to commence on February 5, 1962;

It further appearing, that counsel for the other parties to the proceeding have consented to a grant of the motion above-described and have agreed to a waiver of the provisions of the Commission's rules (47 CFR 1.43), relating to the witholding of action on motions for a four-day period; and

It further appearing, that good cause has been shown for a prompt grant of the Motion herein;

It is ordered, This 11th day of January 1962, that the Motion of the applicant is granted; that the procedural dates set forth in the Examiner's Order of December 12, 1961, are cancelled; that a further prehearing conference is scheduled to commence on February 20, 1962, at 9:30 a.m. at the Offices of the Commission in Washington, D.C.; and that the hearing heretofore scheduled to commence on February 5, 1962, is postponed until further order of the Examiner.

Released: January 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-567; Filed, Jan. 17, 1962; 8:49 a.m.]

[Docket Nos. 14402, 14403; FCC 62M-52]

WNOW, INC. (WNOW) AND RADIO ASSOCIATES, INC. (WEER)

Order Continuing Hearing

In re applications of WNOW, Inc. (WNOW), York, Pa., Docket No. 14402, File No. BP-13793; Radio Associates, Inc. (WEER), Warrenton, Va., Docket No. 14403, File No. BP-14802; for construction permits.

It is ordered, This 11th day of January 1962, that pursuant to a prehearing conference in this proceeding on January 4, 1962, the hearing now scheduled for February 1, 1962, be, and the same is hereby rescheduled for March 1, 1962, 10:00 a.m., in the Commission's offices, Washington, D.C.

Released: January 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-568; Filed, Jan. 17, 1962; 8:49 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

CERTIFICATION OF STATE UNEMPLOYMENT COMPENSATION LAWS TO THE SECRETARY

In accordance with section 3 of the Administrative Procedure Act (5 U.S.C. 1002) notice is hereby given of the following certification:

The unemployment compensation laws of the States listed below, having been certified pursuant to paragraph (3) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(3)) and each of the States so listed having been certified by me to the Secretary of the Treasury for the taxable year 1961 as provided in section 3304 of the Internal Revenue Code of 1954 (26 U.S.C. 3304), are hereby certified, pursuant to paragraph (1) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(1)), to the Secretary of the Treasury for the taxable year 1961.

Alabama.	Mississippi.
Alaska.	Missouri.
Arizona.	Montana.
Arkansas.	Nebraska.
California.	Nevada.
Colorado.	New Hampshire.
Connecticut.	New Jersey.
Delaware.	New Mexico.
District of Columbia.	New York.
Florida.	North Carolina.
Georgia.	North Dakota.
Hawaii.	Ohio.
Idaho.	Oklahoma.
Illinois.	Pennsylvania.
Indiana.	South Carolina.
Iowa.	South Dakota.
Kansas.	Tennessee.
Kentucky.	Texas.
Louisiana.	Utah.
Maine.	Vermont.
Maryland.	Virginia.
Massachusetts.	Wisconsin.
Michigan.	Wyoming.
Minnesota.	

W. WILLARD WIRTZ,
Acting Secretary of Labor.

DECEMBER 31, 1961.

[F.R. Doc. 62-544; Filed, Jan. 17, 1962; 8:47 a.m.]

CERTIFICATION OF STATES TO THE SECRETARY OF THE TREASURY

In accordance with section 3 of the Administrative Procedure Act (5 U.S.C. 1002) notice is hereby given of the following certification:

Pursuant to section 3304(a) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(a)) the unemployment compensation laws of the following States have heretofore been approved:

Alabama.	Montana.
Alaska.	Nebraska.
Arizona.	Nevada.
Arkansas.	New Hampshire.
California.	New Jersey.
Colorado.	New Mexico.
Connecticut.	New York.
Delaware.	North Carolina.
District of Columbia.	North Dakota.
Florida.	Ohio.
Georgia.	Oklahoma.
Hawaii.	Oregon.
Idaho.	Pennsylvania.
Illinois.	Puerto Rico.
Indiana.	Rhode Island.
Iowa.	South Carolina.
Kansas.	South Dakota.
Kentucky.	Tennessee.
Louisiana.	Texas.
Maine.	Utah.
Maryland.	Vermont.
Massachusetts.	Virginia.
Michigan.	Washington.
Minnesota.	West Virginia.
Mississippi.	Wisconsin.
Missouri.	Wyoming.

In accordance with the provisions of section 3304(c) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(c)), I hereby certify the foregoing States to the Secretary of the Treasury for the taxable year 1961.

W. WILLARD WIRTZ,
Acting Secretary of Labor.

DECEMBER 31, 1961.

[F.R. Doc. 62-545; Filed, Jan. 17, 1962; 8:47 p.m.]

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Blue Bell, Inc., Tishomingo County, Tishomingo, Miss.; effective 1-1-62 to 12-31-62 (men's and boys' work pants).

Dillon Manufacturing Co., Inc., Wayne Road, Savannah, Tenn.; effective 12-30-61 to 12-29-62 (hospital gowns, shirts, pants, etc.).

Dury Clothing Co., Inc., 330 Philadelphia Avenue, West Pittston, Pa.; effective 1-9-62 to 1-8-63 (men's trousers).

The Exylin Co., Mount Vernon, Ind.; effective 1-2-62 to 1-1-63. Learners may not be employed at special minimum wage rates in the production of travel bags (raincoats).

Riviera Sportswear Co., 1207 South Seventh Street, La Crosse, Wis.; effective 1-3-62 to 1-2-63 (dresses).

Southern Manufacturing Co., Plant No. 1, 333 Fifth Avenue North, Nashville, Tenn.; effective 1-1-62 to 12-31-62 (work shirts).

Southern Manufacturing Co., Plant No. 2, 1202 Broad Street, Nashville, Tenn.; effective 1-1-62 to 12-31-62 (sport shirts).

The Turner Manufacturing Co., 117 French Street, Goodlettsville, Tenn.; effective 1-7-62 to 1-6-63 (ladies' and girls' blouses).

Vernon Manufacturing Co., Inc., 700 Texas Street, Vernon, Tex.; effective 1-1-62 to 12-31-62 (men's and boys' trousers and shorts).

Winchendon Fashions, Inc., 61 Railroad Street, Winchendon, Mass.; effective 1-2-62 to 1-1-63 (ladies' dresses).

Yunker Manufacturing Co., Inc., 315 Ann Street, Parkersburg, W. Va.; effective 1-2-62 to 1-1-63 (children's wear—outerwear).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Barry Bob Sportswear Co., Inc., 625 La Salle Street, Berwich, Pa.; effective 12-29-61 to 12-28-62; 10 learners. Learners may not be employed in the production of separate skirts (junior petites coordinates).

Blue Bell, Inc., Nappanee, Ind.; effective 1-6-62 to 1-5-63; 10 learners (boys' dungarees).

Gibson Garment Co., Inc., Gibson, Ga.; effective 1-2-62 to 1-1-63; 10 learners (men's and boys' pants).

Irene Garment Co., R. 410 East Diamond Avenue, Hazleton, Pa.; effective 1-4-62 to 1-3-63; 10 learners (women's dresses).

Klos Manufacturing Co., Muskogee, Okla.; effective 1-2-62 to 1-1-63; 10 learners (children's clothing—shorts and pants).

Mode O'Day Corp., 403½ South Main Street, Ottawa, Kans.; effective 1-1-62 to 12-31-62; 10 learners (ladies' cotton dresses).

Portland Dress Co., Inc., Brackett Street, Portland, Maine; effective 1-2-62 to 1-1-63; 10 learners (ladies' dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Dury Clothing Co., Inc., 330 Philadelphia Avenue, West Pittston, Pa.; effective 12-30-61 to 6-29-62; 10 learners (men's trousers).

The Exylin Co., Mount Vernon, Ind.; effective 1-2-62 to 6-1-62; 20 learners. Learners may not be employed at special minimum wage rates in the production of travel bags (raincoats).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Knoxville Glove Co., 819 McGhee Street Knoxville, Tenn.; effective 1-15-62 to 1-14-63; 10 percent of the total number of stitchers for normal labor turnover purposes (work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Ellwood Knitting Mills, Inc., 1110 Mecklen Lane, 911 Lawrence Avenue, Ellwood City, Pa.; effective 1-1-62 to 6-30-62; 40 learners for plant expansion purposes (men's and boys' knitted outerwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Miller Manufacturing Co., 1105 South Ayers, Fort Worth 5, Tex.; effective 1-1-62 to 6-30-62; 2 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 160 hours at the rate of $1.00 an hour (clothes pin bags, laundry bags, barbecue aprons, pot holders, etc.).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 8th day of January 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-546; Filed, Jan. 17, 1962; 8:47 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Alabama Textile Products Corp., Brantley, Ala.; effective 1-1-62 to 12-31-62 (men's work shirts).

Danville Manufacturing Co., Inc., 328 Ferry Street, Danville, Pa.; effective 12-26-61 to 12-25-62 (women's woven sleepwear).

Decatur Shirt Corp., Decatur, Miss.; effective 12-21-61 to 12-20-62 (boys' sport shirts).

Enterprise Manufacturing Co., Enterprise, Ala.; effective 1-1-62 to 12-31-62 (dress shirts).

Evergreen Textiles, Inc., Evergreen, Ala.; effective 12-21-61 to 12-20-62 (men's semi-dress slacks).

Forest City Manufacturing Co., Du Quoin, Ill.; effective 12-23-61 to 12-22-62 (misses' and women's dresses).

Forest City Manufacturing Co., Pinckneyville, Ill.; effective 12-21-61 to 12-20-62 (juniors' and misses' dresses).

Glenn Berry Manufacturers, Inc., Commerce, Okla.; effective 12-19-61 to 12-18-62 (fatigue trousers).

Granite Dress Corp., 40 County Street, Fall River, Mass.; effective 12-22-61 to 12-21-62 (ladies' and misses' cotton wash dresses).

Hollywood Vassarette, Athens, Tex.; effective 12-4-61 to 12-3-62 (brassieres).

Howard Manufacturing Co., Inc., Nashville, Ark.; effective 12-20-61 to 12-19-62 (men's bath robes).

I.B.S. Manufacturing Co., New Albany, Miss.; effective 1-1-62 to 12-31-62 (boys' and men's sport shirts).

Irwin Manufacturing Co., New Albany, Miss.; effective 1-1-62 to 12-31-62 (men's and boys' sport shirts).

Manufacturers Sportswear, Inc., Meadow Avenue at Maple Street, Scranton, Pa.; effective 1-6-62 to 1-5-63 (boys' trousers).

Martha Manning Co., 701 West Main Street, Collinsville, Ill.; effective 12-23-61 to 12-22-62 (women's and misses' dresses).

Metro Pants Co., Bridgewater, Va.; effective 12-22-61 to 12-21-62 (boys' trousers).

Pawnee Pants Manufacturing Co., Inc., 104-06 River Street, Olyphant, Pa.; effective 12-30-61 to 12-29-62 (men's and boys' trousers).

Richfield Shirt Factory, Monroe Township, Juniata County, Richfield, Pa.; effective 12-28-61 to 12-27-62 (men's and boys' dress and sport shirts).

Rutherford Garment Co., Rutherford, Tenn.; effective 12-29-61 to 12-28-62 (men's and boys' jackets and parkas).

Sampson Sewing Co., Inc., Railroad Street, Clinton, N.C.; effective 12-21-61 to 12-20-62 (women's and children's car coats).

Southern Garment Manufacturing Co., Culpeper, Va.; effective 12-28-61 to 12-27-62 (cotton work trousers, work-jackets).

Spring Corp. of America, Exmore, Va.; effective 12-21-61 to 12-20-62 (ladies' and children's blouses).

W. E. Stephens Manufacturing Co., Inc., Pulaski, Tenn.; effective 1-2-62 to 1-1-63 (men's and boys' work and sport pants).

Sunnyvale of Pennsylvania, Inc., 3 South Webster Avenue, Scranton, Pa.; effective 12-20-61 to 12-19-62 (women's dresses).

Swirl, Inc., Easley, S.C.; effective 1-13-62 to 1-12-63 (women's dresses).

Warner Brothers Co., Marianna, Fla., effective 12-22-61 to 12-21-62 (corsets and brassieres).

Warner Brothers Co., Thomasville, Ga.; effective 12-22-61 to 12-21-62 (corsets and brassieres).

The Warner Brothers Co., Moultrie, Ga.; effective 1-5-62 to 1-4-63 (corsets and brassieres).

The following learner certificates were issued for normal labor turnover pur-

poses. The effective and expiration dates and the number of learners authorized are indicated.

Angelica Uniform Co., Mountain View, Mo.; effective 1-1-62 to 12-31-62; 10 learners (men's washable service coats).

East Salem Shirt Factory, Delaware Township, Juniata County, Mifflintown, Pa.; effective 12-28-61 to 12-27-62; 5 learners (dress and sport shirts).

Hickory Flat Manufacturing Co., Hickory Flat, Miss.; effective 1-1-62 to 12-31-62; 10 learners (men's cotton work shirts).

Martha Manning Co., Mascoutah, Ill.; effective 1-6-62 to 1-5-63; 10 learners (women's and misses' dresses).

W. E. Stephens Manufacturing Co., Inc., Watertown, Tenn.; 12-29-61 to 12-28-62; 10 learners (men's and boys' work and sport shirts).

I. Taitel and Son, 12 South Prettyman Street, Knox, Ind.; effective 12-23-61 to 12-22-62; 10 learners (work pants).

Woolrich Woolen Mills, Avis, Pa.; effective 12-21-61 to 12-20-62; 5 learners (men's wool hunting and work shirts, men's wool casual coats).

Woolrich Woolen Mills, Woolrich, Pa.; effective 12-21-61 to 12-20-62; 10 learners (men's wool and hunting work pants).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Angelica Uniform Co., Mountain View, Mo.; effective 1-1-62 to 6-30-62; 25 learners (men's washable service coats).

Chase City Manufacturing Co., Inc., Walker Street, Chase City, Va.; effective 12-26-61 to 12-25-62; 100 learners (men's and boys' dungarees).

Florence Fashions, Youngsville, N.C.; effective 12-20-61 to 6-19-62; 25 learners (ladies' dresses).

Sampson Sewing Co., Inc., Railroad Street, Clinton, N.C.; effective 12-21-61 to 6-20-62; 30 learners (women's and children's car coats).

Vandalia Garment Co., Vandalia, Mo.; effective 12-27-61 to 6-26-62; 75 learners (ladies' dresses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

The Boss Manufacturing Co., 105 Elm Street, Chillicothe, Mo.; effective 12-21-61 to 12-20-62; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Holt Hosiery Mills, Inc., Glen Raven, N.C.; effective 12-21-61 to 6-20-62; 36 learners for plant expansion purposes (full-fashioned; seamless).

Interwoven Stocking Co., Martinsburg, W. Va.; effective 12-20-61 to 12-19-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Kayser-Roth Hosiery Co., Inc., Pittsboro Seamless Knitting Division, Pittsboro, N.C.; effective 12-22-61 to 6-21-62; 15 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Brookfield Mills Inc., 206 North Elm Street, Sanford, Fla.; effective 12-22-61 to 6-21-62; 15 learners for plant expansion purposes (ladies' swim wear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 5th day of January 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-547; Filed, Jan. 17, 1962; 8:48 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bestform Foundations of Windber Inc., 21st Street and Stockholm Avenue, Windber, Pa.; effective 12-9-61 to 12-8-62 (ladies' brassiers and girdles).

Brook Manufacturing Co., Inc., First and Miles Streets, Old Forge, Pa.; effective 12-28-61 to 12-27-62 (men's trousers).

Canton Manufacturing Corp., 307 South Second Avenue, Canton, Ill.; effective 12-8-61 to 12-7-62 (men's and boys' cotton work pants).

Cluett, Peabody & Co., Inc., Gilbert, Minn.; effective 12-17-61 to 12-16-62 (collars for quality dress shirts).

Cluett, Peabody and Co., Inc., 1221 West Third Street, Williamsport, Pa.; effective 12-8-61 to 12-7-62 (sport shirts).

Decherd-Franklin Co., Inc., Decherd, Tenn.; effective 12-7-61 to 12-6-62 (men's single slacks).

Edric Manufacturing Corp., 101 Bel Air Drive, Columbia, Tenn.; effective 12-5-61 to 12-6-62 (men's sport shirts).

Frances Gee Garment Co., Higginsville, Mo.; effective 12-9-61 to 12-8-62 (women's nylon and dacron uniforms).

Garan Sportswear, Inc., Adamsville, Tenn.; effective 12-7-61 to 12-6-62 (men's and boys' sport shirts).

Glen of Michigan, Division of Glen Manufacturing, Inc., 77 Hancock Street, Manistee, Mich.; effective 12-6-61 to 12-5-62. Learners may not be employed at special minimum wage rates in the production of separate skirts (dresses).

Henry I. Siegel Co., Inc., Trezevant, Tenn.; effective 12-26-61 to 12-25-62 (men's and boys' single pants).

Kenrose Manufacturing Co., Inc., Radford, Va.; effective 12-12-61 to 12-11-62 (women's dresses).

Liberty Manufacturing Corp., Liberty, Ky.; effective 12-8-61 to 12-7-62 (boys' sport shirts).

McAdoo Manufacturing Co., Inc., South Hancock Street, McAdoo, Pa.; effective 12-6-61 to 12-5-62 (children's polo shirts).

Madill Manufacturing Co., Inc., Madill, Okla.; effective 12-5-61 to 12-4-62 (men's dress trousers).

Mammoth Cave Garment Co., Cave City, Ky.; effective 12-11-61 to 12-10-62 (men's and boys' dungarees).

Mayflower Manufacturing Co., Inc., 460-506 North Main Avenue, Scranton, Pa.; effective 12-12-61 to 12-11-62 (boys' and students' trousers).

Pittston Apparel Co., East and Tompkins Streets, Pittston, Pa.; effective 12-8-61 to 12-7-62 (brassieres).

Prairie Manufacturing Co., East Prairie, Mo.; effective 12-5-61 to 12-4-62 (men's semidress and work pants).

Salant & Salant Inc., Henderson, Tenn.; effective 12-13-61 to 12-12-62 (men's cotton work shirts).

Salemburg Manufacturing Co., Salemburg, N.C.; effective 12-8-61 to 12-7-62 (ladies' dresses).

Samsons Manufacturing Corp., 525 East Fifth Street, Washington, N.C.; effective 12-10-61 to 12-9-62 (men's sport shirts).

Shane Manufacturing Co., 1500 West Franklin Street, Evansville, Ind.; effective 12-9-61 to 12-8-62 (pants, shirts, and jackets).

Stahl-Urban Co., North Second Street, Brookhaven, Miss.; effective 12-19-61 to 12-18-62 (men's and boys' outerwear jackets, blouses).

Van Bealen, Heilbrun & Co., Inc., 87-95 Camden Street, Rockland, Maine; effective 12-15-61 to 12-14-62 (men's and boys' house and beach robes, men's cabana sets).

Wyoming Valley Garment Co., 237 Old River Road, Wilkes-Barre, Pa.; effective 12-21-61 to 12-20-62 (men's and boys' trousers).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

The Loudoun Manufacturing Co., D B A Emmitsburg Manufacturing Co., Emmitsburg, Md.; effective 12-8-61 to 12-7-62; 10 learners (men's trousers).

Mohawk Dress Inc., 29 Chuctanunda Street, Amsterdam, N.Y.; effective 12-8-61 to 12-7-62; 10 learners (cotton and rayon moderately priced dresses).

Sherri-Lynn, Inc., Zebulon, Ga.; effective 12-5-61 to 12-4-62; 10 learners (ladies' dresses).

The following learner certificates were issued for plant expansion purposes.

The effective and expiration dates and the number of learners authorized are indicated.

Haynes Sportswear Co., Inc., Ruckersville, Va.; effective 12-5-61 to 6-4-62; 35 learners (women's dresses).

Jack Winter Manufacturing Co., Marianna, Ark.; effective 12-6-61 to 6-5-62; 30 learners (men's and ladies' slacks).

Prairie Manufacturing Co., East Prairie, Mo.; effective 12-5-61 to 6-4-62; 15 learners (men's semidress and work pants).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Diamond Mills Corp., Hanover Division, 3402 Carolina Beach Road, Wilmington, N.C.; effective 12-5-61 to 6-4-62; 120 learners for plant expansion purposes (seamless).

Exeter Wilmington Hosiery Mills, Inc., Fifth and Monroe Streets, Wilmington, Del.; effective 12-6-61 to 12-5-62; 5 learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Ashland Knitting Mills, Inc., Front and Chestnut Streets, Ashland, Pa.; effective 12-6-61 to 12-5-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (underwear).

Casa Grande Mills, Division of Parsons & Baker Co., Phoenix Highway, Casa Grande, Ariz.; effective 12-5-61 to 6-4-62; 5 learners for plant expansion purposes (cotton knit underwear).

Cluett, Peabody and Co., Inc., Gilbert, Minn.; effective 12-7-61 to 12-16-62; 5 learners for normal labor turnover purposes (underwear).

Manchester Knitted Fashions, 17 Brown Street, Whitefield, N.H.; effective 12-6-61 to 12-5-62; 5 learners for normal labor turnover purposes (women's girdles, brassieres, and swimming suits).

MK Manufacturing Corp., 205 West Sixth Street, West Wyoming, Pa.; effective 12-8-61 to 12-7-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's girdles, brassieres, and swimming suits).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Electrospace Corp. of Puerto Rico, Naguabo, P.R.; effective 11-6-61 to 5-5-62; 72 learners for plant expansion purposes, in the occupations of assemblers of electronic parts, cable assemblers, operators of automatic wire cutting machines, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (electronic signal equipment).

Each learner certificate has been issued upon the representations of the employers which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 2d day of January 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-548; Filed, Jan. 17, 1962; 8:48 a.m.]

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Title 3—THE PRESIDENT

Proclamation 3445

LAW DAY, U.S.A., 1962

By the President of the United States of America

A Proclamation

WHEREAS one of the great challenges of our age is man's struggle to sustain individual freedom, human dignity, and justice for all; and

WHEREAS one of the vital bulwarks in that struggle is the rule of law which underlies our whole social, economic and governmental structure, and through which we strive constantly to broaden and secure for all our citizens the rights and opportunities guaranteed by the Constitution and the Bill of Rights; and

WHEREAS the strengthening of the rule of law in our own country directly concerns every citizen because it is of fundamental importance both to the nation's welfare at home and to our hopes for building an enduring structure of world peace through wider application of the rule of law in relations between nations; and

WHEREAS, just as freedom itself demands constant vigilance, it is essential that we nurture through education and example an appreciation of the values of our system of justice and that we foster through improved understanding of the function of law and of independent courts an increased respect for law and for the rights of others as basic elements of our free society; and

WHEREAS the Congress of the United States, by a joint resolution approved April 7, 1961, 75 Stat. 43, has designated the first day of May of each year as Law Day, U.S.A.; has called upon the American people to rededicate themselves to "the ideals of equality and justice under law in their relations with each other as well as with other nations" and to cultivate "that respect for law that is so vital to the democratic way of life"; and has requested the President to issue a proclamation calling for appropriate observance of that day:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby request that the people of the United States observe Tuesday, May 1, 1962, with appropriate programs and ceremonies in recognition of Law Day, U.S.A. I especially urge that the schools, civic and service organizations, public bodies, the legal profession and the media of information participate in this worthy educational undertaking. I also call upon public officials to cause the flag of the United States to be displayed on all government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 16th day of January in the year of our Lord nineteen hundred and sixty-two, and of the [SEAL] Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-701; Filed, Jan. 18, 1962; 10:51 a.m.]

Executive Order 10987

AGENCY SYSTEMS FOR APPEALS FROM ADVERSE ACTIONS

WHEREAS the public interest requires the maintenance of high standards of employee performance and integrity in the public service, prompt administrative action where such standards are not met, and safeguards to protect employees against arbitrary or unjust adverse actions; and

WHEREAS the prompt reconsideration of protested administrative decisions to take adverse actions against employees will promote the efficiency of the service, assist in maintaining a high level of employee morale, further the objective of improving employee-management relations, and insure timely correction of improper adverse actions;

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution of the United States, by Section 1753 of the Revised Statutes (5 U.S.C. 631), by the Civil Service Act of 1883 (22 Stat. 403; 5 U.S.C. 632, et seq.), and as President of the United States, it is hereby ordered as follows:

SECTION 1. The head of each department and agency, in accord with the provisions of this order and regulations issued thereunder by the Civil Service Commission, and to the extent specified in such regulations, shall establish within the department or agency a system for the reconsideration of administrative decisions to take adverse action against employees. Information on the system shall be brought to the attention of all employees. Within the principles established by this order and subject to the broad guidelines contained in the regulations, each department and agency is authorized to develop such agency appeals procedures as may be appropriate to its own organizational requirements.

SEC. 2. (a) The Civil Service Commission shall, not later than April 1, 1962, issue regulations to put this order into effect and shall make a continuing review of the manner in which this order is being implemented by the departments and agencies.

(b) Nothing in this order shall be deemed to enlarge or restrict the authority of the Civil Service Commission to adjudicate appeals submitted in accordance with Chapter I of Title 5 of the Code of Federal Regulations.

SEC. 3. The Civil Service Commission in issuing regulations and the departments and agencies in developing an appeals system shall be guided by the following principles:

(1) The appeals system shall be a simple, orderly method through which an employee or former employee may seek timely administrative reconsideration of a decision to take adverse action against him.

(2) Employees and representatives of employee organizations shall have an opportunity to express their views as to the formulation and operation of the appeals procedures.

(3) An appeal shall be in writing and indicate clearly the corrective action sought and the reasons therefor.

(4) The system shall provide ordinarily for one level of appeal, except that it may include further administrative review when the delegations of authority or organizational arrangements of the agency so require.

(5) An employee who has not previously had an opportunity for a hearing in connection with the agency decision to take adverse action shall, on his request, be granted one hearing, except when the holding of a hearing is impracticable by reason of unusual location or other extraordinary circumstance.

(6) The employee shall be assured freedom from restraint, interference, coercion, discrimination, or reprisal in presenting his appeal.

(7) The employee shall have the right to be accompanied, represented, and advised by a representative of his own choosing in presenting his appeal.

(8) The employee shall be assured of a reasonable amount of official time to present his appeal.

(9) An appeal shall be resolved expeditiously. To this end, both the employee and the department or agency shall proceed with an appeal without undue delay.

SEC. 4. The head of each department and agency is authorized to include provision for advisory arbitration, where appropriate, in the agency appeals system.

SEC. 5. (a) This order shall not apply to the Central Intelligence Agency, the National Security Agency, the Federal Bureau of Investigation, the Atomic Energy Commission, and the Tennessee Valley Authority.

(b) The Civil Service Commission, on the recommendation of the heads of the agencies concerned, may exclude classes of employees the nature of whose work makes the application of the provisions of this order inappropriate.

SEC. 6. This order shall become effective as to all adverse actions commenced by issuance of a notification of proposed action on or after July 1, 1962.

JOHN F. KENNEDY

THE WHITE HOUSE,
January 17, 1962.

[F.R. Doc. 62-699; Filed, Jan. 18, 1962; 10:18 a.m.]

Executive Order 10988

EMPLOYEE-MANAGEMENT COOPERATION IN THE FEDERAL SERVICE

WHEREAS participation of employees in the formulation and implementation of personnel policies affecting them contributes to effective conduct of public business; and

WHEREAS the efficient administration of the Government and the well-being of employees require that orderly and constructive relationships be maintained between employee organizations and management officials; and

WHEREAS subject to law and the paramount requirements of the public service, employee-management relations within the Federal service should be improved by providing employees an opportunity for greater participation in the formulation and implementation of policies and procedures affecting the conditions of their employment; and

WHEREAS effective employee-management cooperation in the public service requires a clear statement of the respective rights and obligations of employee organizations and agency management:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution of the United States, by section 1753 of the Revised Statutes (5 U.S.C. 631), and as President of the United States, I hereby direct that the following policies shall govern officers and agencies of the executive branch of the Government in all dealings with Federal employees and organizations representing such employees.

SECTION 1. (a) Employees of the Federal Government shall have, and shall be protected in the exercise of, the right, freely and without fear of penalty or reprisal, to form, join and assist any employee organization or to refrain from any such activity. Except as hereinafter expressly provided, the freedom of such employees to assist any employee organization shall be recognized as extending to participation in the management of the organization and acting for the organization in the capacity of an organization representative, including presentation of its views to officials of the executive branch, the Congress or other appropriate authority. The head of each executive department and agency (hereinafter referred to as "agency") shall take such action, consistent with law, as may be required in order to assure that employees in the agency are apprised of the rights described in this section, and that no interference, restraint, coercion or

discrimination is practiced within such agency to encourage or discourage membership in any employee organization.

(b) The rights described in this section do not extend to participation in the management of an employee organization, or acting as a representative of any such organization, where such participation or activity would result in a conflict of interest or otherwise be incompatible with law or with the official duties of an employee.

SEC. 2. When used in this order, the term "employee organization" means any lawful association, labor organization, federation, council, or brotherhood having as a primary purpose the improvement of working conditions among Federal employees, or any craft, trade or industrial union whose membership includes both Federal employees and employees of private organizations; but such term shall not include any organization (1) which asserts the right to strike against the Government of the United States or any agency thereof, or to assist or participate in any such strike, or which imposes a duty or obligation to conduct, assist or participate in any such strike, or (2) which advocates the overthrow of the constitutional form of Government in the United States, or (3) which discriminates with regard to the terms or conditions of membership because of race, color, creed or national origin.

SEC. 3. (a) Agencies shall accord informal, formal or exclusive recognition to employee organizations which request such recognition in conformity with the requirements specified in sections 4, 5 and 6 of this order, except that no recognition shall be accorded to any employee organization which the head of the agency considers to be so subject to corrupt influences or influences opposed to basic democratic principles that recognition would be inconsistent with the objectives of this order.

(b) Recognition of an employee organization shall continue so long as such organization satisfies the criteria of this order applicable to such recognition; but nothing in this section shall require any agency to determine whether an organization should become or continue to be recognized as exclusive representative of the employees in any unit within 12 months after a prior determination of exclusive status with respect to such unit has been made pursuant to the provisions of this order.

(c) Recognition, in whatever form accorded, shall not—

(1) preclude any employee, regardless of employee organization membership, from bringing matters of personal concern to the attention of appropriate officials in accordance with applicable law, rule, regulation, or established agency policy, or from choosing his own representative in a grievance or appellate action; or

(2) preclude or restrict consultations and dealings between an agency and any veterans organization with respect to matters of particular interest to employees with veterans preference; or

(3) preclude an agency from consulting or dealing with any religious, social, fraternal or other lawful association, not qualified as an employee organization, with respect to matters or policies which involve individual members of the association or are of particular applicability to it or its members, when such consultations or dealings are duly limited so as not to assume the character of formal consultation on matters of general employee-management policy or to extend to areas where recognition of the interests of one employee group may result in discrimination against or injury to the interests of other employees.

SEC. 4. (a) An agency shall accord an employee organization, which does not qualify for exclusive or formal recognition, informal recognition as representative of its member employees without regard to whether any other employee organization has been accorded formal or exclusive recognition as representative of some or all employees in any unit.

(b) When an employee organization has been informally recognized, it shall, to the extent consistent with the efficient and orderly conduct of the public business, be permitted to present to appropriate officials its views on matters of concern to its members. The agency need not, however, consult with an employee organization so recognized in the formulation of personnel or other policies with respect to such matters.

SEC. 5. (a) An agency shall accord an employee organization formal recognition as the representative of its members in a unit as defined by the agency when (1) no other employee organization is qualified for exclusive recognition as representative of employees in the unit, (2) it is determined by the agency that the employee organization has a substantial and stable membership of no less than 10 per centum of the employees in the unit, and (3) the employee organization has submitted to the agency a roster of its officers and representatives, a copy of its constitution and by-laws, and a statement of objectives. When, in the opinion of the head of an agency, an employee organization has a sufficient number of local organizations or a sufficient total membership within such agency, such organization may be accorded formal recognition at the national level, but such recognition shall not preclude the agency from dealing at the national level with any other employee organization on matters affecting its members.

(b) When an employee organization has been formally recognized, the agency, through appropriate officials, shall consult with such organization from time to time in the formulation and implementation of personnel policies and practices, and matters affecting working conditions that are of concern to its members. Any such organization shall be entitled from time to time to raise such matters for discussion with appropriate officials and at all times to present its views thereon in writing. In no case, however, shall an agency be required to consult with an employee organization which has been formally recognized with respect to any matter which, if the employee organization were one entitled to exclusive recognition, would not be included within the obligation to meet and confer, as described in section 6(b) of this order.

SEC. 6. (a) An agency shall recognize an employee organization as the exclusive representative of the employees, in an appropriate unit when such organization is eligible for formal recognition pursuant to section 5 of this order, and has been designated or selected by a majority of the employees of such unit as the representative of such employees in such unit. Units may be established on any plant or installation, craft, functional or other basis which will ensure a clear and identifiable community of interest among the employees concerned, but no unit shall be established solely on the basis of the extent to which employees in the proposed unit have organized. Except where otherwise required by established practice, prior agreement, or special circumstances, no unit shall be established for purposes of exclusive recognition which includes (1) any managerial executive, (2) any employee engaged in Federal personnel work in other than a purely clerical capacity, (3) both supervisors who officially evaluate the performance of employees and the employees whom they supervise, or (4) both professional employees and nonprofessional employees unless a majority of such professional employees vote for inclusion in such unit.

(b) When an employee organization has been recognized as the exclusive representative of employees of an appropriate unit it shall be entitled to act for and to negotiate agreements covering all employees in the unit and shall be responsible for representing the interests of all such employees without discrimination and without regard to employee organization membership. Such employee organization shall be given the opportunity to be represented at discussions between management and employees or employee representatives concerning grievances, personnel policies and practices, or other matters affecting general working conditions of employees in the unit. The agency and such employee organization, through appropriate officials and representatives, shall meet at reasonable times and confer with respect to personnel policy and practices and matters affecting working conditions, so far as may be appropriate subject to law and policy requirements. This extends to the negotiation of an agreement, or any question arising thereunder, the determination of appropriate techniques,

consistent with the terms and purposes of this order, to assist in such negotiation, and the execution of a written memorandum of agreement or understanding incorporating any agreement reached by the parties. In exercising authority to make rules and regulations relating to personnel policies and practices and working conditions, agencies shall have due regard for the obligation imposed by this section, but such obligation shall not be construed to extend to such areas of discretion and policy as the mission of an agency, its budget, its organization and the assignment of its personnel, or the technology of performing its work.

SEC. 7. Any basic or initial agreement entered into with an employee organization as the exclusive representative of employees in a unit must be approved by the head of the agency or an official designated by him. All agreements with such employee organizations shall also be subject to the following requirements, which shall be expressly stated in the initial or basic agreement and shall be applicable to all supplemental, implementing, subsidiary or informal agreements between the agency and the organization:

(1) In the administration of all matters covered by the agreement officials and employees are governed by the provisions of any existing or future laws and regulations, including policies set forth in the Federal Personnel Manual and agency regulations, which may be applicable, and the agreement shall at all times be applied subject to such laws, regulations and policies:

(2) Management officials of the agency retain the right, in accordance with applicable laws and regulations, (a) to direct employees of the agency, (b) to hire, promote, transfer, assign, and retain employees in positions within the agency, and to suspend, demote, discharge, or take other disciplinary action against employees, (c) to relieve employees from duties because of lack of work or for other legitimate reasons, (d) to maintain the efficiency of the Government operations entrusted to them, (e) to determine the methods, means and personnel by which such operations are to be conducted; and (f) to take whatever actions may be necessary to carry out the mission of the agency in situations of emergency.

SEC. 8. (a) Agreements entered into or negotiated in accordance with this order with an employee organization which is the exclusive representative of employees in an appropriate unit may contain provisions, applicable only to employees in the unit, concerning procedures for consideration of grievances. Such procedures (1) shall conform to standards issued by the Civil Service Commission, and (2) may not in any manner diminish or impair any rights which would otherwise be available to any employee in the absence of an agreement providing for such procedures.

(b) Procedures established by an agreement which are otherwise in conformity with this section may include provisions for the arbitration of grievances. Such arbitration (1) shall be advisory in nature with any decisions or recommendations subject to the approval of the agency head; (2) shall extend only to the interpretation or application of agreements or agency policy and not to changes in or proposed changes in agreements or agency policy; and (3) shall be invoked only with the approval of the individual employee or employees concerned.

SEC. 9. Solicitation of memberships, dues, or other internal employee organization business shall be conducted during the non-duty hours of the employees concerned. Officially requested or approved consultations and meetings between management officials and representatives of recognized employee organizations shall, whenever practicable, be conducted on official time, but any agency may require that negotiations with an employee organization which has been accorded exclusive recognition be conducted during the non-duty hours of the employee organization representatives involved in such negotiations.

SEC. 10. No later than July 1, 1962, the head of each agency shall issue appropriate policies, rules and regulations for the implementation of this order, including: A clear statement of the rights of its

employees under the order; policies and procedures with respect to recognition of employee organizations; procedures for determining appropriate employee units; policies and practices regarding consultation with representatives of employee organizations, other organizations and individual employees; and policies with respect to the use of agency facilities by employee organizations. Insofar as may be practicable and appropriate, agencies shall consult with representatives of employee organizations in the formulation of these policies, rules and regulations.

SEC. 11. Each agency shall be responsible for determining in accordance with this order whether a unit is appropriate for purposes of exclusive recognition and, by an election or other appropriate means, whether an employee organization represents a majority of the employees in such a unit so as to be entitled to such recognition. Upon the request of any agency, or of any employee organization which is seeking exclusive recognition and which qualifies for or has been accorded formal recognition, the Secretary of Labor, subject to such necessary rules as he may prescribe, shall nominate from the National Panel of Arbitrators maintained by the Federal Mediation and Conciliation Service one or more qualified arbitrators who will be available for employment by the agency concerned for either or both of the following purposes, as may be required: (1) to investigate the facts and issue an advisory decision as to the appropriateness of a unit for purposes of exclusive recognition and as to related issues submitted for consideration; (2) to conduct or supervise an election or otherwise determine by such means as may be appropriate, and on an advisory basis, whether an employee organization represents the majority of the employees in a unit. Consonant with law, the Secretary of Labor shall render such assistance as may be appropriate in connection with advisory decisions or determinations under this section, but the necessary costs of such assistance shall be paid by the agency to which it relates. In the event questions as to the appropriateness of a unit or the majority status of an employee organization shall arise in the Department of Labor, the duties described in this section which would otherwise be the responsibility of the Secretary of Labor shall be performed by the Civil Service Commission.

SEC. 12. The Civil Service Commission shall establish and maintain a program to assist in carrying out the objectives of this order. The Commission shall develop a program for the guidance of agencies in employee-management relations in the Federal service; provide technical advice to the agencies on employee-management programs; assist in the development of programs for training agency personnel in the principles and procedures of consultation, negotiation and the settlement of disputes in the Federal service, and for the training of management officials in the discharge of their employee-management relations responsibilities in the public interest; provide for continuous study and review of the Federal employee-management relations program and, from time to time, make recommendations to the President for its improvement.

SEC. 13. (a) The Civil Service Commission and the Department of Labor shall jointly prepare (1) proposed standards of conduct for employee organizations and (2) a proposed code of fair labor practices in employee-management relations in the Federal service appropriate to assist in securing the uniform and effective implementation of the policies, rights and responsibilities described in this order.

(b) There is hereby established the President's Temporary Committee on the Implementation of the Federal Employee-Management Relations Program. The Committee shall consist of the Secretary of Labor, who shall be chairman of the Committee, the Secretary of Defense, the Postmaster General, and the Chairman of the Civil Service Commission. In addition to such other matters relating to the implementation of this order as may be referred to it by the President, the Committee shall advise the President with respect to any problems arising out of completion of agreements pursuant to sections 6 and 7, and shall receive the proposed standards of conduct for employee organizations and proposed code of fair labor practices in the

Federal service, as described in this section, and report thereon to the President with such recommendations or amendments as it may deem appropriate. Consonant with law, the departments and agencies represented on the Committee shall, as may be necessary for the effectuation of this section, furnish assistance to the Committee in accordance with section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691). Unless otherwise directed by the President, the Committee shall cease to exist 30 days after the date on which it submits its report to the President pursuant to this section.

SEC. 14. The head of each agency, in accordance with the provisions of this order and regulations prescribed by the Civil Service Commission, shall extend to all employees in the competitive civil service rights identical in adverse action cases to those provided preference eligibles under section 14 of the Veterans' Preference Act of 1944, as amended. Each employee in the competitive service shall have the right to appeal to the Civil Service Commission from an adverse decision of the administrative officer so acting, such appeal to be processed in an identical manner to that provided for appeals under section 14 of the Veterans' Preference Act. Any recommendation by the Civil Service Commission submitted to the head of an agency on the basis of an appeal by an employee in the competitive service shall be complied with by the head of the agency. This section shall become effective as to all adverse actions commenced by issuance of a notification of proposed action on or after July 1, 1962.

SEC. 15. Nothing in this order shall be construed to annul or modify, or to preclude the renewal or continuation of, any lawful agreement heretofore entered into between any agency and any representative of its employees. Nor shall this order preclude any agency from continuing to consult or deal with any representative of its employees or other organization prior to the time that the status and representation rights of such representative or organization are determined in conformity with this order.

SEC. 16. This order (except section 14) shall not apply to the Federal Bureau of Investigation, the Central Intelligence Agency, or any other agency, or to any office, bureau or entity within an agency, primarily performing intelligence, investigative, or security functions if the head of the agency determines that the provisions of this order cannot be applied in a manner consistent with national security requirements and considerations. When he deems it necessary in the national interest, and subject to such conditions as he may prescribe, the head of any agency may suspend any provision of this order (except section 14) with respect to any agency installation or activity which is located outside of the United States.

Approved—January 17th, 1962.

JOHN F. KENNEDY

THE WHITE HOUSE,
January 17, 1962.

[F.R. Doc. 62-700; Filed, Jan. 18, 1962; 10:18 a.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 7, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Wheat Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 3873, 7247, 7824, 6697, 7247, 7824, 8963, 10093, 11281, 12157, 27 F.R. 96 and containing the specific requirements of the 1961-crop wheat price support program are hereby amended as follows:

Section 421.147(a) is amended by increasing the following basic county support rates:

MINNESOTA

County	Rate per bushel	
	From—	To—
Aitkin	$1.97	$2.06
Becker	1.90	1.97
Beltrami	1.90	1.99
Benton	1.96	1.97
Big Stone	1.92	1.97
Blue Earth	1.95	1.97
Brown	1.95	1.97
Carlton	1.98	2.05
Cass	1.94	2.02
Chippewa	1.93	1.97
Clay	1.90	1.96
Clearwater	1.90	1.98
Crow Wing	1.94	2.03
Dodge	1.95	1.97
Douglas	1.93	1.97
Fillmore	1.92	1.97
Freeborn	1.95	1.97
Goodhue	1.96	1.97
Grant	1.92	1.97
Houston	1.92	1.97
Hubbard	1.91	1.99
Itasca	1.95	2.04
Kanabec	1.96	2.03
Kandiyohi	1.96	1.97
Kittson	1.85	1.91
Koochiching	1.87	1.97
Lac Qui Parle	1.91	1.97
Lake of the Woods	1.88	1.95
Lincoln	1.91	1.95
Lyon	1.92	1.97
Mahnomen	1.89	1.96
Marshall	1.87	1.93
Mille Lacs	1.97	2.00
Morrison	1.94	2.02
Mower	1.93	1.97
Norman	1.89	1.94
Olmsted	1.96	1.97
Otter Tail	1.92	1.98
Pennington	1.87	1.95
Pine	1.96	2.04
Polk	1.88	1.95
Pope	1.94	1.97
Red Lake	1.89	1.95
Redwood	1.94	1.97
Renville	1.95	1.97
Roseau	1.87	1.92
St. Louis	1.95	1.95
Stearns	1.96	1.97
Steele	1.95	1.97
Stevens	1.93	1.97
Swift	1.93	1.97
Todd	1.94	1.98
Traverse	1.92	1.97
Wabasha	$1.96	$1.97
Wadena	1.93	2.00
Waseca	1.95	1.97
Wilkin	1.91	1.97
Winona	1.96	1.97
Yellow Medicine	1.93	1.97

NEW MEXICO

Quay	$1.77	$1.78

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed in Washington, D.C., on January 16, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-631; Filed, Jan. 18, 1962; 8:50 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 6, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Barley Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 5195, 5565, 7007, 7572, 8097, 8559, 9308, 11233, and 12157, containing the specific requirements for the 1961-crop barley price support program are hereby amended as follows:

Section 421.187(b) is amended by increasing the following basic county support rates:

NEW MEXICO

County	Rate per bushel	
	From—	To—
Quay	$0.94	$0.95
Union	.93	.94

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714, 7 U.S.C. 1421, 1441, 1442)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on January 16, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-632; Filed, Jan. 18, 1962; 8:49 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 5, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Rye Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 5783, 9627, 6703, 9121, 9308, 12157, 12658 and containing the specific requirements of the 1961-crop rye price support program are hereby amended as follows:

Section 421.487(b) is amended by increasing the following basic county support rates:

MINNESOTA

County	Rate per bushel	
	From—	To—
Aitkin	$1.06	$1.13
Becker	1.00	1.06
Beltrami	1.00	1.06
Benton	1.06	1.06
Big Stone	1.01	1.06
Blue Earth	1.04	1.06
Brown	1.04	1.06
Carlton	1.07	1.13
Cass	1.03	1.10
Chippewa	1.02	1.06
Clay	.99	1.05
Clearwater	.99	1.07
Crow Wing	1.04	1.11
Dodge	1.04	1.06
Douglas	1.03	1.06
Fillmore	1.01	1.06
Freeborn	1.04	1.06
Goodhue	1.05	1.06
Grant	1.01	1.06
Houston	1.01	1.06
Hubbard	1.01	1.08
Itasca	1.04	1.13
Kanabec	1.05	1.11
Kandiyohi	1.05	1.06
Kittson	.94	1.00
Koochiching	.96	1.06
Lac Qui Parle	1.01	1.06
Lake of the Woods	.97	1.04
Lincoln	1.06	1.04
Lyon	1.04	1.06
Mahnomen	.98	1.05
Marshall	.97	1.03
Mille Lacs	1.05	1.06
Morrison	1.04	1.11
Mower	1.03	1.06
Norman	.98	1.04
Olmsted	1.04	1.06
Otter Tail	1.02	1.07
Pennington	.97	1.04
Pine	1.05	1.12
Pipestone	1.00	1.01
Polk	.97	1.04
Pope	1.03	1.06
Red Lake	.98	1.05
Redwood	1.03	1.06
Renville	1.04	1.06
Roseau	.96	1.01
St. Louis	1.04	1.05
Stearns	1.05	1.06
Steele	1.04	1.06
Stevens	1.02	1.06
Swift	1.03	1.06
Todd	1.03	1.07
Traverse	1.01	1.06
Wabasha	1.05	1.06
Wadena	1.03	1.06
Waseca	1.04	1.06
Wilkin	1.00	1.06
Winona	1.04	1.06
Yellow Medicine	1.02	1.06

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed in Washington, D.C., on January 16, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-630; Filed, Jan. 18, 1962; 8:49 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 4, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Flaxseed Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 4315, 8413, 12157, 27 F.R. 96, and containing the specific requirements of the 1961-crop flaxseed price support program are hereby amended as follows:

Section 421.583(c) is amended by increasing the following basic county support rates:

MINNESOTA

County	Rate per bushel From—	To—
Aitkin	$2.86	$2.94
Becker	2.79	2.86
Beltrami	2.79	2.88
Benton	2.85	2.86
Big Stone	2.90	2.86
Blue Earth	2.84	2.86
Brown	2.84	2.86
Carlton	2.87	2.94
Cass	2.83	2.91
Chippewa	2.82	2.86
Clay	2.78	2.85
Clearwater	2.79	2.87
Crow Wing	2.83	2.92
Dodge	2.84	2.86
Douglas	2.82	2.86
Faribault	2.81	2.82
Fillmore	2.90	2.86
Freeborn	2.84	2.86
Goodhue	2.85	2.86
Grant	2.81	2.86
Houston	2.90	2.86
Hubbard	2.80	2.88
Itasca	2.84	2.93
Kanabec	2.85	2.92
Kandiyohi	2.85	2.86
Kittson	2.73	2.80
Koochiching	2.75	2.86
Lac Qui Parle	2.90	2.86
Lake of the Woods	2.78	2.84
Lincoln	2.90	2.84
Lyon	2.81	2.86
Mahnomen	2.77	2.85
Marshall	2.78	2.82
Mille Lacs	2.86	2.89
Morrison	2.83	2.91
Mower	2.82	2.86
Nobles	2.79	2.82
Norman	2.77	2.83
Olmsted	2.84	2.86
Otter Tail	2.81	2.87
Pennington	2.76	2.84
Pine	2.85	2.93
Pipestone	2.80	2.82
Polk	2.77	2.84
Pope	2.82	2.86
Red Lake	2.77	2.85
Redwood	2.83	2.86
Renville	2.84	2.86
Rock	2.78	2.81
Roseau	2.75	2.80
St. Louis	2.84	2.85
Stearns	2.85	2.86
Steele	2.84	2.86
Stevens	2.82	2.86
Swift	2.82	2.86
Todd	2.83	2.87
Traverse	2.79	2.86
Wabasha	2.85	2.86
Wadena	2.82	2.80
Waseca	2.84	2.86
Wilkin	2.79	2.86
Winona	2.84	2.86
Yellow Medicine	2.82	2.86

(Sec. 4, 62 Stat. 1070 as amended; sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1054; 15 U.S.C. 714 b and c, 7 U.S.C. 1447, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on January 16, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-629; Filed, Jan. 18, 1962; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Okefenokee National Wildlife Refuge, Georgia

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

GEORGIA

OKEFENOKEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Okefenokee National Wildlife Refuge, Georgia, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 825 acres or .25 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth black bass, bream, eastern pickerel, and other minor species as permitted by State regulations.

(b) Open season: January 15, 1962, through December 31, 1962. Daylight hours only.

(c) Daily creel limits:

1. Largemouth black bass, 15; Bream, 70; Eastern pickerel, 15.

Other minor species as permitted by State regulations.

2. Total aggregate not more than 75 fish in one day.

(d) Methods of fishing: Pole and line, rod and reel, artificial and live baits (except live minnows) permitted. Rowboats, boats with motors not larger than 10 h.p., canoes and other floating devices permitted in the designated fishing areas.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) Persons entering refuge from main access points must register with the respective concessionaire.

(3) Appropriate State licenses must be exhibited at the request of any authorized Federal or State officer.

(4) Fishing on designated areas may be closed by the refuge officer in charge during periods of wildlife concentrations if necessary to provide adequate protection.

(5) A Federal permit is not required to enter the public fishing area.

(6) The provisions of this special regulation are effective to January 1, 1963.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Sport fishing on the Piedmont National Wildlife Refuge, Georgia, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 4 acres or 0.0001 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth black bass, bream and other minor species permitted under State regulations.

(b) Open season: March 1, 1962, through October 31, 1962, during daylight hours only.

(c) Daily creel limits:

(1) Largemouth black bass, 15; Bream, 70.

Other species as permitted by State regulations.

(d) Methods of fishing: Pole and line, rod and reel, artificial and live baits (except live minnows) permitted. Rowboats, canoes and other floating devices permitted; boats with motors prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to November 1, 1962.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-624; Filed, Jan. 18, 1962; 8:49 a.m.]

PART 33—SPORT FISHING

Buffalo Lake National Wildlife Refuge, Texas

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

TEXAS

BUFFALO LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Buffalo Lake National Wildlife Refuge, Texas, is permitted only on waters designated by signs as open to fishing. These open waters, comprising 2,358 acres and 37 percent of the total refuge area, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, New Mexico. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth bass, channel catfish, crappie and other minor species permitted under State regulations.

(b) Open season: March 1, 1962, through October 31, 1962, all waters of the Buffalo Lake National Wildlife Refuge. January 15, 1962, through February 28, 1962, and November 1, 1962, through December 31, 1962, all waters lying north of a diagonal line extending across the lake from the northwest corner to the southeast corner of Survey 116. Also the east shore line, for bank fishing only, from the above-mentioned diagonal line on the east shore to the Tierra Blanca Creek at the west refuge boundary except that said shore line will be closed to fishing during the waterfowl hunting season in that part of Texas.

(c) Daily creel limits: Largemouth bass, 15; channel catfish, 15; crappie, no limit; plus other creel limits for minor species as are prescribed for State regulations.

(d) Methods of fishing:

(1) As prescribed by State regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective January 15, 1962, through December 31, 1962.

Dated: January 9, 1962.

CAREY H. BENNETT,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-597; Filed, Jan. 18, 1962; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-545]

PART 202—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; INTERSTATE AND OVERSEAS ROUTE AIR TRANSPORTATION

Matters of Procedure and Administration Relating to Airport Authorizations and Service Pattern Changes

JANUARY 5, 1962.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of January 1962.

A notice of proposed rule making was published in the FEDERAL REGISTER on August 5, 1961 (26 F.R. 7061) and circulated to the industry as Economic Regulations Docket 12868, dated July 31, 1961, proposing an amendment to Part 202 of the Board's Economic Regulations to clarify the administrative and procedural provisions of this part.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matters presented. Though the comments received were generally in agreement with the amendment, some changes were suggested with respect to specific items proposed.

The Board adopts the suggestion that information required in airport notices be considered a minimum and that a carrier should be permitted to add more information if it so desires. Related suggestions that the notice should always include the facts relied upon by the air carrier and that no notice should become effective without a hearing were not adopted for the reasons that the application procedure calling for submission of an economic case by the air carrier would be invoked where any reasonable grounds therefor are present and that a hearing in every instance is not warranted.

In view of a question raised by a comment, another sentence has been added to § 202.3(a) explaining that the prohibition against carrying traffic between two airports serving the same point would not apply to through traffic which the air carrier performing the inter-airport service receives from, or transfers to, one of its own flights.

In response to a suggestion that applications need not reiterate information previously set forth in the notice, the Board finds that an application should be complete in itself and therefore retains the "full information" requirement.

Proposed § 202.3(c) called for elimination of service of airport notices on scheduled air carriers serving points intended to be served through the proposed airport. Since airport notices play an important part in such matters as schedule planning and establishment of through and connecting service, the Board has decided to retain the service requirement and add a suggested requirement that airport managers and air carriers serving either the currently used airport or the proposed airport be served.

The requirement for affidavits in §§ 202.3(b), 202.4(b), and 202.5(b) has been dropped in view of the penalty clause set forth in section 1001, Title 18, of the United States Code concerning false statements to any federal agency, which covers the respective submission to the Board.

The Board also adopts the suggestion that memoranda in response to airport notices and applications for permission to use an airport or for change in service pattern are to be served on all persons required by the rule to be served with said notices and applications. This will keep all interested persons cognizant of the status of such matters. Suggestions that air carriers be permitted to answer objections to airport notices and applications have not been adopted. As to notices, the Board would normally require an application to be filed where valid objections were raised to the notice; thus the decision to hold a hearing would be based upon the application rather than the notice. After an air carrier has received the objections to its notice and has filed an application with those objections in mind, allowing it to further reply to objections to the application would extend the procedure without serving any useful purpose in most instances.

The Board has extended the time limits for the filing of memoranda in support of, or opposition to, notices and applications as proposed in the notice, to fifteen days for memoranda in response to the notices and to twenty days for memoranda in response to the applications.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 202 of the Economic Regulations (14 CFR Part 202), effective February 16, 1962, by:

1. Amending the title to read "Part 202—Terms, Conditions and Limitations of Certificates of Public Convenience and Necessity; Interstate and Overseas Route Air Transportation."

2. Amending the opening text of § 202.1 to read:

§ 202.1 Applicability.

Unless a certificate or the order authorizing the issuance of such certificate shall otherwise provide, there shall be attached to the exercise of the privileges granted by each certificate (other than a certificate for supplemental air transportation) authorizing an air carrier * * * (remainder unchanged).

§ 202.2 [Amendment]

3. Amending § 202.2 by changing the reference to the Act from "section 405 (e)" to "section 405(b)."

4. Amending § 202.3 to read as follows:

§ 202.3 Airport authorization.

(a) *Airport notice.* An airport notice is required to be filed with the Board if the holder of a certificate desires to serve regularly a point named in such certificate, or a point which the holder is otherwise authorized to serve regularly, through an airport not then regularly used or authorized to be used by the holder to serve such point. Airport notices are not required of Alaskan air carriers, holders of certificates authorizing use of rotary wing aircraft only, and holders of certificates limited to community center service and interairport service. When an airport notice is required hereunder, the certificate holder shall file it with the Board at least 30 days prior to the proposed date of inauguration of the use of the airport. Such notice shall be conspicuously entitled Airport Notice; shall, as a minimum amount of information, describe such airport by name and, if it is not an airport already being used by an air carrier subject to the provisions of this part, state its location; shall state the

date of intended inauguration of service and whether a waiver of the 30-day notice provision is requested; and shall contain a notice to the persons served that they may, within 15 days of the date the notice was filed, file and serve memoranda in support of, or in opposition to, the notice. A recommended format of Airport Notice is set forth below as Appendix A. The use of such airport may be inaugurated 30 days after the filing of such notice, unless the Board notifies the holder within said 30-day period that it appears to the Board that such use may adversely affect the public interest, in which event such use shall not thereafter be inaugurated (except as may be expressly permitted by such notification from the Board) unless and until the Board finds, upon application filed by the holder, pursuant to paragraph (b) of this section, that the public interest would not be adversely affected by such use. The Board may permit the use of an airport at any time after the filing of the airport notice whenever the circumstances warrant such action. In no event shall the provisions of this section be construed as authorizing an air carrier to receive at one airport and discharge at any other airport serving the same point passengers or property moving locally between the two airports, or passengers or property moving as part of a through journey to or from some other point which such carrier receives from, or transfers to, another air carrier at one of the two airports. This prohibition does not apply to the carriage between airports of through traffic which the air carrier performing the interairport service receives from, or transfers to, one of its own flights.

(b) *Application for permission to use an airport.* Following notification by the Board that the use of an airport proposed in an airport notice may adversely affect the public interest, the air carrier may file an application for permission to use such airport. Such applications shall be conspicuously entitled "Application for Permission To Use the_____ _____ Airport for Serving _____" and shall set forth the information required in the airport notice as well as any other facts relied upon to establish that the proposed airport use is in the public interest, a statement of economic data or other matters which it is desired that the Board officially notice, and shall contain a notice to the persons served that they may, within 20 days of the date the application was filed, file and serve memoranda in support of, or in opposition to, the application.

(c) *Persons to be served.* A copy of each airport notice or application for permission to use an airport shall be served upon such persons as the Board may designate in a particular case, and shall be served upon the following persons in all cases:

(1) The Postmaster General, marked for attention of Assistant Postmaster General—Bureau of Transportation;

(2) Each scheduled air carrier which regularly renders service to or from the point intended to be served through either the currently used or proposed airport and the airport managers of said airports;

(3) The chief executives of the city (or other political subdivision) and of the State, in which are located the currently used airport, the proposed airport, and the point to be served, respectively. (If there be a state commission or agency having jurisdiction of transportation by air, notice shall be served on such commission or agency rather than on the chief executive of the State.)

§ 202.4 [Amendment]

5. Amending the second sentence of § 202.4(b) by replacing the period at the end thereof with a comma and adding the words: "a statement of economic data or other matters which it desired that the Board officially notice. The application shall also contain a notice to the persons served that they may, within twenty days of the date the application was filed, file and serve memoranda in support of, or in opposition to, the application."

6. Amending § 202.4(c)(1), by replacing the words "Second Assistant Postmaster General" by "Assistant Postmaster General—Bureau of Transportation."

7. Amending § 202.5 to read as follows:

§ 202.5 Filing and service of airport notices and applications for change in service pattern and permission to use an airport; procedure thereon.

(a) *Number of copies and certificate of service.* An original and three copies of each Airport Notice and an original and nineteen copies of each Application for Change in Service Pattern or application for permission to use an airport shall be filed with the Board, each setting forth the names and addresses of the persons required to be served and stating that service has been made on all such persons by personal service or by registered or certified mail, and the date of such service. In the case of service by mail, the date of mailing shall be considered the date of service. Each copy of a notice or application served pursuant to this part shall state that such service is made pursuant to this part.

(b) *Pleadings by interested persons.* Any interested person may file and serve upon the air carrier and those persons required by §§ 202.3 and 202.4 to be served with the airport notice or application for permission to use an airport or for change in service pattern, a memorandum in opposition to, or in support of, such notice or application within 15 days of the filing of airport notices and within 20 days of the filing of an application for permission to use an airport or change of service pattern. Such memoranda shall set forth in detail the reasons for the position therein taken, with a statement of economic data and other matters which it is desired that the Board shall officially notice. An executed original and three copies in the case of airport notices, nineteen copies in the case of applications for permission to use an airport or change of service pattern, shall be filed with the Docket Section of the Board. In the case of airport notices, such memoranda shall be marked for the attention of the Chief, Routes and Agreements Division. Unless ordered by the Board upon application or upon its own motion, further pleadings will not be entertained.

(c) *Petitions for reconsideration.* A petition for reconsideration of the Board's determination on an application for permission to use an airport or change in service pattern may be filed by any interested persons within ten days after the date thereof. Except for the date of filing, such petitions shall conform to the provisions of section 37 of Part 302 of the Procedural Regulations. Any interested person may file a memorandum in opposition to, or in support of the petition within ten days after it is filed. An executed original and nineteen copies of such petition for reconsideration or memorandum shall be filed with the Docket Section, and copies thereof shall be served upon the persons described in §§ 202.3(c) or 202.4(c), as the case may be. Unless ordered by the Board upon application or upon its own motion, further pleadings will not be entertained.

§ 202.6 [Amendment]

8. Amending § 202.6(c) by changing the word "gage" to read "gauge".

§ 202.7 [Amendment]

9. Amending § 202.7 by changing the reference to the Act from "section 401 (h)" to "section 401(g)".

§ 202.8 [Amendment]

10. Amending § 202.8(d) by changing the reference to the Act from "Civil Aeronautics Act" to "Federal Aviation Act."

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 403, 1001, 1002, 72 Stat. 758, 788, 790; 49 U.S.C. 1373, 1481, 1482)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

APPENDIX A

RECOMMENDED AIRPORT NOTICE FORM

Date_____

To: Chief, Routes and Agreements Division,
Bureau of Economic Regulation,
Civil Aeronautics Board,
Washington 25, D.C.

Re: Airport Notice filed pursuant to Part 202 of Economic Regulations.

DEAR SIR: Transmitted herewith are an original and three copies of this notice to advise that _____ (air carrier) intends to inaugurate service to the following points through the following airports:

Point _____
Airport _____
Service to be inaugurated on or after _____
Give exact longitude and latitude of the airport to be served _____
Indicate whether waiver of 30-day provision is requested _____

NOTICE: The regulations of the Civil Aeronautics Board provide that memoranda in support of or in opposition to this airport notice may be filed with the addressee above within 15 days of the date of filing hereof. Such memoranda shall be served on the applicant carrier and the persons on whom the notice has been served.

_____
(Signature)
_____
(Title)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served (state manner of service) copies of this airport notice on the Postmaster General, marked for the attention of the Assistant Postmaster General, Bureau of Transportation; the Mayor or Chief Executive of the cities of _____ (address), and the Governor of the State of _____ (address) (or the State Commission or agency having jurisdiction of transportation by air within the State of _____ (address)); the following scheduled air carriers: _____ (name and address); and the airport mangers of the following airports: _____ (Airport name and address).

_____
(Signature)
_____
(Title)

[F.R. Doc. 62-583; Filed, Jan. 18, 1962; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 962; Amdt. 389]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification of the secondary seals of the fuel dump chutes on Boeing 707 and 720 Series aircraft was published in 26 F.R. 10571.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment was received, recommending the compliance time be at aircraft overhaul. The established overhaul period for Boeing 707 and 720 Series aircraft is 3,250 hours' time in service. Since the modification is one which could be most satisfactorily accomplished at an overhaul, the compliance provision contained in the notice has been revised accordingly.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive:

BOEING. Applies to Models 707 and 720 Series airplanes which have not previously been modified in accordance with Boeing Service Bulletin No. 1359, dated June 30, 1961 (Service Bulletin No. 1359 contains a list of such airplanes), and to Model 707 airplanes on which retractable dump chutes have been installed per Boeing Service Bulletin No. 1200.

Compliance required as indicated.

In order to prevent leakage through the secondary seal of the fuel dump chute when fuel is allowed to enter the manifold for any reason, the following modification shall be accomplished within 3,250 hours' time in service after the effective date of this directive:

Remove the secondary fuel seal assembly, Boeing P/N 66-2538, and rebuild, using new parts from Boeing kit, P/N 65-9566-1. Upon completion of the rebuilding, change the part number of secondary seal assembly to 69-16258-1. Use new "O" ring seal P/N MS29512-226 when installing secondary seal assembly, P/N 69-16258-1.

(Boeing Service Bulletin No. 1359, dated June 30, 1961, covers this modification.)

This amendment shall become effective February 20, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 15, 1962.

GEORGE C. PRILL, *Director, Flight Standards Service.*

[F.R. Doc. 62-587; Filed, Jan. 18, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WA-6]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration of Federal Airway

The purpose of this amendment to § 600.6881 of the regulations of the Administrator is to alter VOR Federal airway No. 881, a preferred route between Cleveland, Ohio, and Miami, Fla.

Victor 881 is designated in part to coincide with a segment of VOR Federal airway No. 185 from Augusta, Ga., to Asheville, N.C., via Spartanburg, S.C. On December 9, 1961, an amendment to the regulations of the Administrator was published in the FEDERAL REGISTER (26 F.R. 11822) as Airspace Docket No. 61-FW-68. This amendment altered Victor 185 by realigning it from Augusta to Asheville via Greenwood, S.C., effective February 8, 1962. Since this segment of Victor 185 is a portion of a preferred route between Cleveland and Miami, action is taken herein to alter Victor 881 between Augusta and Asheville via the altered alignment of Victor 185.

Since this amendment is minor in nature, does not involve the assignment of additional airspace and imposes no burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 600.6881 (25 F.R. 8169) is amended as follows:

In the text "Spartanburg, S.C., VOR;" is deleted and "Greenwood, S.C., VOR;" is substituted therefor.

This amendment shall become effective 0001 e.s.t. March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 15, 1962.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 62-588; Filed, Jan. 18, 1962; 8:45 a.m.]

[Airspace Docket No. 61-AN-5]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway, Associated Control Areas and Reporting Points

On August 1, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6859) stating that the Federal Aviation Agency proposed to alter VOR Federal airway No. 438 and its associated control areas, and to designate the Fielding and Glacier Intersections and the Fairbanks, Alaska, ILS localizer as low altitude VOR reporting points.

No comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 600.6438 (26 F.R. 4488) is amended to read:

§ 600.6438 VOR Federal airway No. 438 (Shuyak, Alaska, to Fairbanks, Alaska).

From the Shuyak, Alaska, RBN via the Homer, Alaska, VOR; INT of the Homer VOR 027° and the Anchorage, Alaska, VOR 198° radials; Anchorage VOR; INT of the Anchorage VOR direct radial to the Nenana, Alaska, VOR and the SW course of the Fairbanks, Alaska, ILS localizer; to the Fairbanks ILS localizer, including a W alternate from the INT of the Anchorage VOR direct radial to the Nenana VOR with the SW course of the Fairbanks ILS localizer to the Fairbanks ILS localizer via the Nenana VOR, including the area within 16 miles either side of the centerline of the airway and its W alternate at and above 24,000 feet MSL from the Anchorage VOR to the Fairbanks ILS localizer. The portions of this airway which coincide with R-2203 and R-2206 are excluded. The portion of this airway which coincides with R-2201 shall be used only after obtaining prior approval from appropriate authority.

2. Section 601.6438 (14 CFR 601.6438, 26 F.R. 4488) is amended to read:

§ 601.6438 VOR Federal airway No. 438 control areas (Shuyak, Alaska, to Fairbanks, Alaska).

All of VOR Federal airway No. 438 including a W alternate.

§ 601.7001 [Amendment]

3. In § 601.7001 (14 CFR 601.7001) the following are added:

Fielding INT: INT of the Anchorage, Alaska, VOR 086° and the Talkeetna, Alaska, RBN 067° bearing.

Glacier INT: INT of the Nenana, Alaska, VOR 189° radial and the NW course of the Summit, Alaska, RR.

Fairbanks, Alaska, ILS localizer.

These amendments shall become effective 0001 e.s.t., March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 15, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-589; Filed, Jan. 18, 1962; 8:45 a.m.]

[Airspace Docket No. 61-FW-93]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways and Controlled Airspace

The purpose of these amendments to §§ 600.6035, 600.6157, 600.6843, 600.6881, 600.1519, 601.1013 and 601.1408 of the regulations of the Administrator is to provide for the relocation of the Fort Myers, Fla., VOR. The Fort Myers VOR is scheduled to be relocated to a new site on the Page Airport, Fort Myers, Fla., at Lat. 26°35'19" N., Long. 81°52'01" W. on or about March 8, 1962.

This move is necessary to improve the operation of the Fort Myers VOR as the present radials from 100° clockwise through 125° are not usable because of the extensive building of houses and associated power lines in the vicinity of the present VOR. Relocation of the Fort Myers VOR will require slight changes to the airways based on this VOR. Airways aligned direct between the Fort Myers VOR and other VORs will be altered slightly but no formal amendments will be required. Other airways will be altered as indicated below.

Alteration of the Miami, Fla., control area extension is made to provide continuity of the northern boundary of this control area extension with VOR Federal airway No. 35 since the relocation of the Fort Myers VOR and attendant alteration of Victor 35 would leave a gap in the controlled airspace along the northern boundary as presently designated.

A slight alteration would be made to the Fort Myers, Fla., control area extension to base this area on the appropriate radial of the relocated Fort Myers VOR. The size of the control area extension would be essentially the same. Implementation of the provisions of Amendment 60-21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred for the Miami and Fort Myers control area extensions. Upon completion of the review of controlled airspace requirements attendant to these provisions, separate airspace action will be initiated to convert these control area extensions to transition areas with appropriate controlled airspace floor assignments.

Since the changes effected by these amendments are minor in nature and will impose no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In the text of § 600.6035 (14 CFR 600.6035) "Miami, Fla., omnirange; intersection of the Miami omnirange 269° and the Fort Myers omnirange 134° radials including a west alternate from the point of intersection of the Miami omnirange 153° radial and the Miami International Airport ILS localizer west course to the point of intersection of the Miami omnirange 269° and the Fort Myers omnirange 134° radials via the intersection of the Miami International Airport ILS localizer west course and the Fort Myers omnirange 134° radials; Fort Myers, Fla., VOR; St. Petersburg, Fla., VOR; Cross City, Fla., VOR including an east alternate from the point of intersection of the St. Petersburg VOR 153° radial" is deleted and "Miami, Fla., VORTAC; INT of the Miami VORTAC 269° and the Fort Myers, Fla., VOR 137° radials, including a W alternate from the point of INT of the Miami VORTAC 153° radial and the Miami International Airport ILS localizer W course to the point of INT of the Miami VORTAC 269° and the Fort Myers VOR 137° radials via the INT of the Miami International Airport ILS localizer W course and the Fort Myers VOR 137° radial; Fort Myers VOR; St. Petersburg, Fla., VOR; Cross City, Fla., VOR including an east alternate from the point of INT of the St. Petersburg VOR 151° radial" is substituted therefor.

2. In the text of § 600.6157 (14 CFR 600.6157, 26 F.R. 573, 1754, 2344, 3462, 6810) "La Belle, Fla., VOR including a west alternate from the point of INT of the Miami VOR 221° and the Fort Myers, Fla., VOR 134° radials via the point of INT of the Fort Myers VOR 134° and the La Belle VOR 162° radials to the La Belle, Fla., VOR;" is deleted and "La Belle, Fla., VOR including a W alternate from the point of INT of the Miami VORTAC 221° and the Fort Myers, Fla., VOR 137° radials via the point of INT of the Fort Myers VOR 137° and the La Belle VOR 162° radials to the La Belle VOR;" is substituted therefor.

3. In the text of § 600.6881 (26 F.R. 8169) "INT of the Fort Myers VOR 134°" is deleted and "INT of the Fort Myers VOR 137°" is substituted therefor.

4. In the text of § 600.6843 (26 F.R. 21) "INT of the Fort Myers VOR 134° True" is deleted and "INT of the Fort Myers VOR 137°" is substituted therefor.

5. In the text of § 600.1519 (26 F.R. 1079) "INT of the Fort Myers VOR 333° and the Lakeland, Fla., VOR 202° radials" is deleted and "INT of the Fort Myers VOR 331° and the Lakeland, Fla., VOR 202° radials" is substituted therefor.

6. In the text of § 601.1013 (26 F.R. 714) "220° True radial" is deleted and "215° True radial" is substituted therefor.

7. In the text of § 601.1408 (26 F.R. 7328) "Lat. 25°49'00" N., Long. 81°47'00" W., to Lat. 25°46'40" N., Long. 81°09'15" W." is deleted and "Lat. 25°48'55" N., Long. 81°45'00" W., to Lat. 25°46'35" N., Long. 81°08'15" W." is substituted therefor.

These amendments shall become effective 0001 e.s.t. March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 15, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-590; Filed, Jan. 18, 1962; 8:45 a.m.]

[Airspace Docket No. 61-FW-43]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On September 19, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8817), stating that the Federal Aviation Agency had under consideration a request by the Department of the Army to alter the Salinas, P.R., Restricted Area R-7103 as follows: increase the designated altitudes from 5,000 feet MSL to 12,000 feet MSL; increase the designated time of use to continuous, June 1 through August 31, and to sunrise to sunset on Saturdays and Sundays from September 1 through May 31; and to slightly alter the restricted area boundaries.

Although not mentioned in the notice, the Department of the Army has concurred in a further alteration of the northeast boundary of R-7103 to eliminate a slight overlap of Route 4 between the Ramey VOR and the Point Tuna Intersection. Such action is taken herein.

No objections were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following action is taken:

In § 608.71 (26 F.R. 7205) the following change is made:

R-7103 Salinas, P.R.

Boundaries. Beginning at Lat. 18°03'00" N., Long. 66°14'35" W.; to Lat. 18°01'16" N., Long. 66°15'14" W.; to Lat. 17°59'57" N., Long. 66°16'00" W.; to Lat. 17°59'16" N., Long. 66°17'11" W.; to Lat. 18°01'00" N., Long. 66°19'58" W.; to Lat. 18°01'53" N., Long. 66°18'53" W.; to Lat. 18°02'34" N., Long. 66°18'47" W.; to Lat. 18°08'25" N., Long. 66°17'54" W.; to Lat. 18°04'07" N., Long. 66°17'00" W.; to point of beginning.

Designated altitude. Surface to 12,000 feet MSL.

Time of designation. Continuous, June 1 through August 31; and sunrise to sunset, Saturday and Sunday, September 1 through May 31.

This amendment shall become effective 0001 e.s.t., March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 15, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-591; Filed, Jan. 18, 1962; 8:46 a.m.]

[Airspace Docket No. 61-KC-27]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On September 27, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9091) stating that the Federal Aviation Agency was considering altering the time of designation of Upper Red Lake, Minn., Restricted Area R-4304 from "Sunrise to sunset, May 16, through October 14, and sunrise Saturday to sunset Sunday October 15, through May 15" to "0700 to 1700 c.s.t., May 1 through October 31".

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In § 608.43 *Minnesota*, R-4304 Upper Red Lake, Minn., (26 F.R. 7197), is amended by deleting "*Time of designation*, Sunrise to sunset, May 16 through October 14, and sunrise Saturday to sunset Sunday, October 15 through May 15." and substituting "*Time of designation*, 0700 to 1700 c.s.t., May 1 through October 31." therefor.

This amendment shall become effective 0001 e.s.t. April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 15, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-592; Filed, Jan. 18, 1962; 8:46 a.m.]

[Airspace Docket No. 61-NY-22]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On September 9, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8951), stating that the Federal Aviation Agency has under consideration a request by the Department of Army to expand the southern boundary of the Camp Breckinridge, Ky., Restricted Area R-3701 to abut State Highway 56. Additionally, the time of designation of this restricted area would be altered to 0400 to 2400 c.s.t., daily, June 1 through August 31.

No objections were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In § 608.37 (26 F.R. 7194) the following change is made:

R-3701 Camp Breckinridge, Ky.

Boundaries. Beginning at latitude 37°42'-45" N., longitude 87°47'30" W.; to latitude 37°38'35" N., longitude 87°42'00" W.; to latitude 37°36'10" N., longitude 87°42'00" W.; along State Highway 56 to latitude 37°38'30" N., longitude 87°52'20" W.; to latitude 37°39'20" N., longitude 87°52'20" W.; to latitude 37°40'20" N., longitude 87°51'10" W.; to latitude 37°40'20" N., longitude 87°49'40" W.; to latitude 37°42'20" N., longitude 87°49'40" W.; to the point of beginning.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. 0400 to 2400 c.s.t., June 1 through August 31.

Using agency. Commanding General, U.S. Army Armor Center, Fort Knox, Ky.

This amendment shall become effective 0001 e.s.t., March 8, 1962..

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 15, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-593; Filed, Jan. 18, 1962; 8:46 a.m.]

[Airspace Docket No. 61-NY-114]

PART 608—SPECIAL USE AIRSPACE

Modification of Restricted Area

The purpose of this amendment to § 608.52 of the regulations of the Administrator is to change the using agency of the Oswego, N.Y., Restricted Area R-5203. The activities conducted within this area are air to air gunnery and air to ground rocket firing.

The Department of the Air Force has requested a change in the using agency for Restricted Area R-5203 from "Commander, Air National Guard, Permanent Training Site, Hancock Field, Syracuse, N.Y." to "Commander, Air National Guard Base, Niagara Falls Municipal Airport, Niagara Falls, N.Y., Phone: Butler 5-6691, Extension 497". Such action is taken herein.

Since this amendment imposes no additional burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 608.52 New York (26 F.R. 7199, 7962), the Oswego, N.Y., Restricted Area R-5203 is amended to read:

R-5203 Oswego, N.Y.

Boundaries. Beginning at latitude 43°-37'00" N., longitude 76°45'00" W.; to latitude 43°24'00" N., longitude 76°45'00" W.; to latitude 43°24'00" N., longitude 78°00'00" W.; to latitude 43°37'00" N., longitude 78°-00'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 320.

Time of designation. Sunrise to sunset.

Using agency. Commander, Air National Guard Base, Niagara Falls Municipal Airport, Niagara Falls, N.Y., Phone: Butler 5-6691, Extension 497.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 15, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-594; Filed, Jan. 18, 1962; 8:46 a.m.]

[Airspace Docket No. 61-NY-116]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.41 of the regulations of the Administrator is to reduce the time of designation of the Nashawena, Mass., Restricted Area R-4104.

The Department of the Navy has advised that R-4104 will not be required during the period July 1 through September 30 annually. Therefore, action is taken herein to delete the current time of designation "0700 to 2400 e.s.t." and substitute therefor "0070 to 2400 e.s.t., October 1 through June 30 annually.".

Since this amendment reduces a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 608.41 Massachusetts (26 F.R. 7196) is amended as follows:

In R-4104 Nashawena, Mass., "*Time of designation.* 0700 to 2400 e.s.t." is deleted and "*Time of designation.* 0700 to 2400 e.s.t., October 1 through June 30 annually." is substituted therefor.

This amendment shall become effective upon date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 15, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-595; Filed, Jan. 18, 1962; 8:46 a.m.]

[Reg. Docket No. 1006; Amdt. 252]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 20 JANUARY 1962.

City, Gustavus; State, Alaska; Airport Name, Gustavus; Elev., 28'; Fac. Class., SBRAZ; Ident., GST; Procedure No. 2, Amdt. 5; Eff. Date, 1 Oct. 55; Sup. Amdt. No. 4; Dated, 31 May 54

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AC-LFR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
Delta Island Int	LOM	Direct	1500	C-dn	600-1	600-1	600-1½
Susitna Int	LOM	Direct	1500	S-dn-6°	400-1	400-1	400-1
Turnagain Int	LOM	Direct	1500	A-dn	800-2	800-2	800-2

Radar transition to final-approach course authorized. Radar transitions and vectoring using Anchorage Radar authorized in accordance with approved radar patterns.
Procedure turn S side of W crs, 244° Outbnd, 064° Inbnd, 1800' within 10 mi of LOM.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 064°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing LOM, climb to 1500' on SW crs (162°) AC-LFR within 20 miles or, when directed by ATC, (1) climb to 1500' on W crs (244°) within 20 mi of LOM; (2) climb to 1500' on NW crs AC-LFR (305°) to hold at Susitna Int.
CAUTION: Terrain 384' msl 1.6 mi SW of airport and 1.6 mi S of approach to Runway 6.
° If simultaneous ADF tracking on LOM and LMM not utilized, 400-1 NA and minima become 600-1.

City, Anchorage; State, Alaska; Airport Name, International; Elev., 124'; Fac. Class., LOM; Ident., AN; Procedure No. 1, Amdt. 10; Eff. Date, 20 Jan. 62; Sup. Amdt. No. 9; Dated, 17 June 61

GRB VOR	LOM	Direct	1900	T-dn	300-1	300-1	200-½
Sherwood Int	LOM	Direct	2000	C-dn	400-1	500-1	500-1½
Int 081I R-045 and GRB R-164	LOM	Direct	1900	S-dn-6	400-1	400-1	400-1
Int 081I R-045 and GRB R-130	LOM	Direct	3000	A-dn	800-2	800-2	800-2
Stadium Int**	LOM	Direct	2100				
Int R-204 GRB and 059° brng to LOM	LOM	Direct	2100				

Procedure turn South side of crs, 239° Outbnd, 059° Inbnd, 1900' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 059°—5.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles, make left turn, climbing to 1900' and return to LOM or, when directed by ATC, (1) climb to 2300' on 059° brng from LOM within 20 miles.
CAUTION: 2049' MSL tower 7 mi SE of airport.
NOTE: Due to 2049' MSL tower 7 mi SE of airport, aircraft departing on Runway 18 which are SE-bnd, climb to 2500' on runway heading before proceeding on course. Aircraft departing Runway 12 which are SE-bnd, turn left after takeoff, climb to above 2500' on an 075° mag. brng from the GR LOM before proceeding on course.
**Stadium Int: Int GRB-VOR R-115 and 239° brng to GR LOM.

City, Green Bay; State, Wis.; Airport Name, Austin-Straubel; Elev., 604'; Fac. Class., LOM; Ident., GR; Procedure No. 1, Amdt. 3; Eff. Date, 20 Jan 62; Sup. Amdt. No. 2; Dated, 15 July 61

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All directions	LOM	Direct	MEA	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-1½
				S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn North side of crs, 310° Outbnd, 130° Inbnd, 2500' within 10 miles.
Final approach from holding pattern not authorized. Procedure turn is required.
Minimum altitude over facility on final approach 2600'.
Crs and distance, facility to airport, 130°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles, climb to 2700' on 130° crs or, when directed by ATC, make left turn, climbing to 2500' and proceed to LOM.

City, Joplin; State, Mo.; Airport Name, Joplin Municipal; Elev., 980'; Fac. Class., LOM; Ident., JL; Procedure No. 1, Amdt. 4; Eff. Date, 20 Jan. 62; Sup. Amdt. No. 3; Dated, 27 Aug. 60

Minneapolis LFR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
Minneapolis VOR	LOM	Direct	2500	C-dn	500-1	500-1	500-1½
Farmington VOR	Gray Cloud Int*	Direct	2200	S-dn-29L	400-1	400-1	400-1
Gray Cloud Int*	LOM (Final)	Direct	2000	A-dn	800-2	800-2	800-2
Prior Int	LOM	Direct	2200				
St Paul Int	LOM	Direct	2500				
Farmington VOR	LOM	Direct	2200				
Radar Transitions as directed by ATC	Radar site	Within 20 mi	2500				

Procedure turn East side of crs, 115° Outbnd, 295° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 295°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles of LOM, climb to 2500' on crs of 295° to Loretto Int** or, when directed by ATC, (1) make left climbing turn, climb to 2600' on crs of 241° within 22 miles, or (2) make left climbing turn, climb to 2200' and return to LOM.
CAUTION: Tower 1222' MSL 6 miles Southeast of Outer Marker (LOM-MS).
*Gray Cloud Int: Int R-035 Farmington VOR and 116° brng from MS LOM.
**Loretto Int: Int 295° brng from MS LOM and R-226 MSP VOR.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International (Wold-Chamberlain); Elev., 840'; Fac. Class., LOM; Ident., MS; Procedure No. 1, Amdt. 5; Eff. Date, 20 Jan. 62; Sup. Amdt. No. 4; Dated, 9 Dec. 61

MY-LFR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
MSY-VOR	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
LaPlace MHW	LOM (Final)	Direct	1500	S-dn-10	400-1	400-1	400-1
Radar vectoring position	LOM (Final)	Direct	1500	A-dn	800-2	800-2	800-2

Radar terminal transition altitude 1500' within 25 miles. Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of 750' and 563' radio towers 12 miles S E of airport and 978' TV tower 16 miles East of airport. Radar may be used to position aircraft for a final approach within 5 miles West of LOM with the elimination of a procedure turn.
Procedure turn S side of crs, 279° Outbnd, 099° Inbnd, 1500' within 10 mi.
Minimum altitude over LOM on final approach crs, 1500'.
Crs and distance, facility to airport, 099°—6.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.6 mi after passing LOM, climb to 2000' on crs of 099° within 20 mi or, when directed by ATC, (1) climb to 1500' on E crs MY-LFR, or (2) turn left, climb to 1400' on N crs MY-LFR, or (3) turn right, climb to 1500' on S crs MY-LFR, all within 20 mi of MY-LFR.
CAUTION: 409' radio tower 2.3 miles North of airport.

City, New Orleans; State, La.; Airport Name, Moisant-International; Elev., 3'; Fac. Class., LOM; Ident., MS; Procedure No. 1, Amdt. 11; Eff. Date, 20 Jan. 62, or on completion of facility; Sup. Amdt. No. 10; Dated, 1 Nov. 58

Spring Int	Clinton RBn (Final)	Direct	2000	T-dn	300-1	300-1	200-½
Imperial VOR	Clinton RBn	Direct	3000	C-dn	500-1	500-1	500-1½
				S-dn-10	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn South side of West crs, 277° Outbnd, 097° Inbnd, 3000' within 10 miles of Clinton RBn.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 097°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing Clinton RBn, climb to 3000' on 097° crs to River RBn. Hold East right turns, one minute pattern, 277° inbnd.
NOTE: Radar may be used to position aircraft to final approach course inbound within 10 miles of Clinton RBn with the elimination of a procedure turn.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1168'; Fac. Class., MHW; Ident., GHW; Procedure No. 2, Amdt. 4; Eff. Date, 20 Jan. 62; Sup. Amdt. No. 3; Dated, 14 Dec. 61

Gaviota VOR	Int R-163 GVO-VOR and 073° brng to SBA LMM.	Direct	3500	T-dn	300-1	300-1	300-1
				C-dn	700-2	700-2	700-2
Int R-163 GVO-VOR and 073° brng to SBA LMM.	Naples Int*/OM (Final)	Direct	1400	S-dn-7	800-1	800-1	800-1
				A-dn	800-2	800-2	800-2
Santa Barbara VOR	Santa Barbara LMM	Direct	5000				

Procedure turn South side of final approach crs, 253° Outbnd, 073° Inbnd, 3000' within 10 mi of Naples Int*/OM.
Minimum altitude over Naples Int/OM inbnd, 1400'.
Crs and distance, Naples Int*/OM to airport, 073°—5.5 mi; LMM to airport, 073°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at LMM, climb straight ahead to 800', make climbing right turn and climb to 3000' on 165° crs from LMM, or on R-170 SBA-VOR within 15 miles.
CAUTION: All maneuvering must be accomplished south of final approach course. High terrain North.
NOTE: Simultaneous use of ADF and VOR receivers necessary for execution of this approach.
*Naples Int: Int 073° brng to SBA LMM and R-118 GVO-VOR. Collocated with Naples OM.

City, Santa Barbara; State, Calif.; Airport Name, Municipal; Elev., 14'; Fac. Class., LMM; Ident., BA; Procedure No. 1, Amdt. 1; Eff. Date, 20 Jan. 62; Sup. Amdt. No. Orig.; Dated, 1 July 61

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn*	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				S-dn-28	700–1	700–1	700–1
				A-dn	800–2	800–2	800–2

Procedure turn North side of crs, 098° Outbnd, 278° Inbnd, 2200′ within 10 mi.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 278°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi after passing SY LOM, climb to 2000′ on crs of 278° within 20 miles of SY LOM, then make right turn, proceed to the SY LOM. Hold SY LOM one minute right turns, 278° inbnd.
CAUTION: 836′ tower 1.1 mi SE of airport.
*600–1 required for takeoff Runway 14.

City, Syracuse; State, N.Y.; Airport Name, Hancock; Elev., 421′; Fac. Class., LOM; Ident., SY; Procedure No. 1, Amdt. 16; Eff. Date, 20 Jan. 62; Sup. Amdt. No. 15 (ADF portion Comb ILS–ADF); Dated, 7 Dec. 57

Shell Rock Int	LOM (Final)	Direct	2300	T-dn	300–1	300–1	200–½
New Hartford Int	LOM	Direct	2300	C-dn	400–1	500–1	500–1½
Waverly Int	LOM	Direct	2300	S-dn-12	400–1	400–1	400–1
ALO VOR	LOM	Direct	2300	A-dn	800–2	800–2	800–2

Procedure turn South side of crs, 303° Outbnd, 123° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 122°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, make left climbing turn to 2500′ on 102° crs from LOM within 20 miles or, when directed by ATC, (1) climb to 2500′ on ALO–VOR R–141 within 20 miles, (2) climb to 2500′ on ALO–VOR R–094 within 20 miles.

City, Waterloo; State, Iowa; Airport Name, Waterloo Municipal; Elev., 870′; Fac. Class., LOM; Ident., AL; Procedure No. 1, Amdt. 3; Eff. Date, 20 Jan. 62; Sup Amdt. No. 2; Dated, 10 Sept. 60

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	300–1	200–1½
				C-d	700–1	700–1	700–1½
				C-n	700–2	700–2	700–2
				A-dn	NA	NA	NA

Radar terminal area transition altitudes: 0°–360° within 25 mi, 3000′; 070°–290° within 15 mi, 2200′. All bearings are from the radar antenna site on Atlanta Airport with sector azimuths progressing clockwise.
Procedure turn North side of crs, 053° Outbnd, 233° Inbnd, 3000′ within 10 mi.
Minimum altitude over facility on final approach, 3000′.
Crs and distance, facility to airport, 241°—6.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.7 mi, make climbing right turn to 3000′ and proceed to Crabapple Int via MDU–VOR R–344.
NOTE: Approach authorized only during hours that control tower is in operation. No weather reporting facilities available. Air carrier use NA.

City, Atlanta; State, Ga.; Airport Name, De Kalb-Peachtree; Elev., 1002′; Fac. Class., BVORTAC; Ident., OOR; Procedure No. 1, Amdt. 1; Eff. Date, 20 Jan. 62; Sup. Amdt. No. Orig.; Dated, 6 June 59

				T-dn	300–1	300–1	300–1
				C-d	500–1	500–1	600–1½
				C-n	500–2	500–2	600–2
				S-d-23*	500–1	500–1	500–1
				A-dn	NA	NA	NA

Procedure turn East side of crs, 046° Outbnd, 226° Inbnd, 1500′ msl within 10 mi.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 234°—6.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 miles, climb to 1000′ straight ahead, make a right turn and return to Sea Isle VOR at 1500′.
NOTE: Instrument clearance and void time obtained by telephone with Millville Radio or Atlantic City approach control. Close flight plan by telephone with Millville Radio or Atlantic City approach control.
*Night operation not authorized on Runway 23.

City, Wildwood; State, N.J.; Airport Name, Cape May County; Elev., 22′; Fac Class., M–VORW; Ident., SIE; Procedure No. 1, Amdt. 2; Eff. Date, 20 Jan. 62; Sup. Amdt. No. 1; Dated, 16 Dec. 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
GRI-LFR	GRI-VOR	Direct	3200	T-dn	300–1	300–1	200–½
GRI-VOR	GRI-VOR	Direct	3200	C-dn	500–1½	500–1½	500–1½
				S-d-12#	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn West side of crs, 295° Outbnd, 115° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach course, 2000′; over Evers Int,* 2300′.
Crs and distance, breakoff point to Runway 12, 120°—1.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing VOR or within 5.4 mi after passing Evers Int,* climb to 2300′ on R–115 and return to GRI–VOR.
CAUTION: Runway 12–30 unlighted.
*Evers Int: Int R–176 Wolbach VOR and R–295 Grand Island VOR.
#400–1 minimums authorized for aircraft having dual operating VOR receivers and the Evers Int is identified in passing.

City, Grand Island; State, Nebr.; Airport Name, Grand Island Municipal; Elev., 1846′; Fac. Class., BVOR; Ident., GRI; Procedure No. TerVOR–12, Amdt. 1; Eff. Date, 20 Jan. 62; Sup. Amdt. No. Orig.; Dated, 30 Dec. 61

				T-dn	300–1	300–1	
				C-d	600–1	600–1	
				C-n	600–2	600–2	
				S-dn-25	600–1	600–1	
				A-dn	800–2	800–2	
				Following minimums apply for aircraft equipped to receive LFR and VOR simultaneously and the Linden Int* received:			
				C-d	500–1	500–1	
				C-n	500–2	500–2	
				S-dn-25	500–1	500–1	

Procedure turn North side of crs, 060° Outbnd, 240° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, breakoff point to airport, 247°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make right turn and climb to 2500′ on R–308 within 20 miles.
CAUTION: 1520′ tower 2.4 mi SW of airport.
*Linden Int: Int R–060 CMX VOR and E crs CX LFR.

City, Houghton; State, Mich.; Airport Name, Houghton-County Memorial; Elev., 1091′; Fac. Class., BVOR; Ident., CMX; Procedure No. TerVOR–25, Amdt. 2; Eff. Date, 20 Jan. 62; Sup. Amdt. No. 1; Dated, 22 July 61

Chino Int**	Olive Int***	Direct	3500	T-dn	300–1	300–1	NA
Olive Int***	Tustin Int# (Final)	Direct	2000	C-dn	500–1	500–1	NA
				S-dn-21	600–1	600–1	NA
				A-dn*	800–2	800–2	NA

Radar vector to final approach crs authorized via approved patterns.
Procedure turn NA.
Minimum altitude over Tustin Int# on final approach crs, 2000′; over Plant Int,## 600′; over SNA–VOR, 500′.
Crs and distance, Tustin Int# to SNA–VOR, 166°—5.7 mi; Plant Int## to SNA–VOR, 188°—2.0 mi; SNA–VOR to airport, 192°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi, climb to 2000′ on R–190 to Newport Int.
NOTE: Dual VOR or VOR/ADF necessary for execution of this approach.
Other change: Deletes transition from LGB–VOR to Tustin Int.
*Weather service 0600 to 2300.
**Chino Int: Int SNA R–008 and ONT–VOR R–255.
***Olive Int: Int SNA–VOR R–008 and LGB–VOR R–063, or 243° brng to LGB LFR.
#Tustin Int: Int SNA–VOR R–008 and LGB–VOR R–060, or 257° brng to LGB LFR.
##Plant Int: Int SNA–VOR R–008 and LGB–VOR R–066, or 272° brng to LGB–LFR.

City, Santa Ana; State, Calif.; Airport Name, Orange County; Elev., 54′; Fac. Class., VOR; Ident., SNA; Procedure No. TerVOR–21, Amdt. 3; Eff. Date, 20 Jan. 62; Sup. Amdt. No. 2; Dated, 9 Sept. 61

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED, EFFECTIVE JANUARY 20, 1962, OR UPON DECOMMISSIONING OF ILS UTILIZED FOR RUNWAY 27.

City, Bristol (Bristol, Johnson City, Kingsport); State, Tenn.; Airport Name, Tri-City; Elev., 1524′; Fac. Class., ILS; Ident., I-TRI; Procedure No. ILS–27, Amdt. 7; Eff. Date, 20 May 61; Sup. Amdt. No. 6; Dated, 20 Oct. 56

ILS STANDARD INSTRUMENT APPROACH PROCEDURE Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Int NW crs ILS and E crs CU LFR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
Int SE crs ILS and SW crs SF LFR	LOM	Direct	2700	C-d	400-1	500-1	500-1½
Int SE crs ILS and R-061 EOS VOR	LOM	Direct	2700	C-n	400-1½	500-1½	500-1½
				S-dn-13	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

Procedure turn N side NW crs, 310° Outbnd, 130° Inbnd, 2500' within 10 miles.
Final approach from holding pattern not authorized. Procedure turn is required.
Minimum altitude at G.S. int inbnd, 2200'.
Altitude of G.S. and distance to appr end of runway at LOM, 2132'—3.8 mi; at LMM, 1158'—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2700' on SE crs ILS within 20 mi or, when directed by ATC, make left turn, climbing to 2500' and proceed to LOM.

City, Joplin; State, Mo.; Airport Name, Joplin Municipal; Elev., 980'; Fac. Class., ILS, Ident., I-JLN; Procedure No. ILS-13, Amdt. 1, Eff. Date, 20 Jan. 62; Sup.Amdt. No. 3; Dated, 27 Aug. 60

MY-LFR	LOM	Direct	1800	T-dn	300-1	300-1	200-½
MSY VOR	LOM	Direct	1800	C-dn	400-1	500-1	500-1½
LaPlace MHW	LOM (Final)	Direct	1800	S-dn-10°	300-½	300-½	200-½
Radar vectoring position	LOM (Final)	Direct	1800	A-dn	600-2	600-2	600-2

Radar terminal transition altitude 1500' within 25 miles. Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of 750' and 563' radio towers 12 mi SE of airport and 978' TV tower 16 mi East of airport. Radar may be used to position aircraft for a final approach within 5 miles West of LOM with the elimination of a procedure turn.
Procedure turn S side W crs, 279° Outbnd, 099° Inbnd, 1800' within 10 mi.
Minimum altitude at glide slope int inbnd, 1840'.
Altitude of glide slope and distance to approach end of runway at OM, 1780'—6.6 mi; at MM, 189'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000' on E crs ILS within 20 mi or, when directed by ATC, (1) turn left, climb to 1400' on 030 radial MSY-VOR, or (2) turn left, climb to 1500' on R-060 MSY-VOR, or (3) turn right, climb to 1500' on R-175 MSY-VOR, all within 20 mi of MSY-VOR.
CAUTION: 409' radio tower 2.3 mi North of airport.
*800-¾ required when glide slope not utilized.

City, New Orleans; State, La.; Airport Name, Maisant International; Elev., 3'; Fac. Class., ILS; Ident., IMSY; Procedure No. ILS-10, Amdt. 11; Eff. date, 20 Jan. 62, or upon completion of facility; Sup. Amdt. No. 10; Dated, 1 Nov. 58

Keansburg VHF Int	Prospect VHF Int	Direct	2500	T-dn	300-1	300-1	200-½
LGA-VOR	Prospect VHF Int	Direct	2500	C-dn	700-1	700-2	700-2
Liberty VHF Int	Prospect VHF Int (Final)	Via HDL R-271	2500	S-dn-40°	400-¾	400-¾	400-¾
				A-dn	700-2	700-2	700-2

Radar vectors may be substituted for the above transitions.
Procedure turn S side SW crs, 224° Outbnd, 044° Inbnd, 2500' S of Prospect Int but within 10 mi of LOM.
Minimum altitude at glide slope interception inbnd, 2500' at Prospect Int.
Altitude of G.S. and distance to appr end of runway at OM 1310'—3.9 mi, at MM 295'—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 4000' on LGA-VOR R 046 to Stamford VHF Int, cross Scarsdale VHF Int at 3000' or above. Hold NE Stamford Int one minute left turns, inbnd crs 226°.
CAUTION: (1) Standard clearance not provided over obstructions in final approach area, circling area of airport, and in missed approach area. (2) Unlighted obstructions in approach zone (Runway 4) protruding 40' above lights at beginning of approach lightlane decreasing to 10' above lights at 1100' from approach end of runway. (3) Tower 415' msl 3.8 mi SW, tower 390' msl 3.5 mi SW, building 968' msl 6.7 mi SW.
*300-1 required with any component of the ILS inoperative.
¢Takeoff minimums for Runways 4 and 31 will not be less than 200-1 during period when tower advisories indicate presence of surface ships in channel.
#AIR CARRIER NOTE: Sliding scale not authorized for landing on Runways 13, 31, and 22.

City, New York; State, N.Y.; Airport Name, La Guardia; Elev., 20'; Fac. Class., ILS; Ident., I-LGA; Procedure No. ILS-4, Amdt. 17; Eff. Date, 20 Jan. 62; Sup. Amdt. No. 16; Dated 11 Jan. 61

RST-VOR	Ellie Int*	Direct	2500	T-dn	300-1	300-1	200-½
Bell Int	Ellie Int*	Direct	2500	C-dn	400-1	500-1	500-1½
RS LOM	Ellie Int*	Direct	2500	S-dn-13	400-1	400-1	400-1
Byron Int**	Ellie Int (Final)	Direct	2300	A-dn	800-2	800-2	800-2
Pine Island Int	Byron Int**	Direct	2500				

Procedure turn South side of crs, 307° Outbnd, 127° Inbnd, 2500' within 10 mi of Ellie Int*.
Minimum altitude over Ellie Int* on final approach crs, 2300'.
Crs and distance, Ellie Int* to airport, 127°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing Ellie Int,* climb to 2500' on SE crs ILS to RS LOM or, when directed by ATC, make right climbing turn to 3000', proceed direct to RST-VOR.
*Ellie Int: Int NW crs ILS and RST-VOR R-360.
**Byron Int: Int NW crs ILS and RST-VOR R-351

City, Rochester; State, Minn.; Airport Name, Rochester Municipal; Elev., 1310'; Fac. Class., ILS; Ident., I-RST; Procedure No. ILS-13, Amdt. 1; Eff. Date, 20 Jan. 62; Sup. Amdt. No. Orig.; Dated, 30 Dec. 61

SBA VOR	LMM	Direct	5000	T-dn	300-1	300-1	#300-¾
GVO-VOR	ILS W crs	R-163	3500	C-dn	700-2	700-2	700-2
Int E crs ILS and SBA-VOR R-107	LMM	Direct	5000	S-dn-7##	300-¾	300-¾	300-¾
Int W crs ILS and GVO-VOR R-163	Naples Int*/OM (Final)	Direct	1500	A-dn	800-2	800-2	800-2

Procedure turn S side W crs, 253° Outbnd, 073° Inbnd 3000' within 10 mi of Naples Int*/OM.
Minimum altitude at glide slope int inbnd 2000'.
Altitude of glide slope at Naples Int*/OM, 1500'; at MM, 195'.
Distance to approach end of runway from Naples Int*/OM, 5.5 mi; from MM, 0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead to 800', make climbing right turn and climb to 3000' on crs of 165° from SBA LMM or on SBA VOR R-170 within 15 mi.
CAUTION: All maneuvering must be accomplished South of localizer course. High terrain to the North.
*Naples Int: Int W crs ILS and GVO-VOR R-118 or SBA-VOR R-226.
#300-1 required on Runways 3 L-R, 7 and 33 L-R.
##500-1 required with glide slope inoperative.

City, Santa Barbara; State, Calif.; Airport Name, Municipal; Elev., 14'; Fac. Class., ILS; Ident., I-SBA; Procedure No. ILS-7, Amdt. 9, Eff. Date, 20 Jan. 62; Sup. Amdt. No. 8; Dated, 24 June 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lakeport Int	LOM	Direct	#1800	T-dn*	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				S-dn-28	200-½	200-½	200-½
				A-dn	800-2	800-2	800-2

Procedure turn North side of crs, 098° Outbnd, 278° Inbnd, 2200' within 10 miles.
Minimum altitude at G.S. int. Inbnd, 1800'.
Altitude of glide slope and distance to approach end of runway at OM, 1740'—4.0 mi; at MM, 597'—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000' on W crs ILS within 20 miles of SYR LOM. At 2000' turn right and proceed direct to SYR VOR, maintain 2000'. Hold SYR VOR on R-311, one minute, right turns, 131° inbnd.
AIR CARRIER NOTE: No reduction in minimums or sliding scale authorized for takeoff to the SE.
NOTE: ILS point of touchdown approximately 1000' from approach end of Runway 28.
#After interception of localizer crs inbnd, descent on glide slope to cross the outer marker at 1600' on final approach is authorized.
*600-1 required for takeoff to SE.

City, Syracuse; State, N.Y.; Airport Name, Hancock; Elev., 421'; Fac. Class., ILS; Ident., I-SYR; Procedure No. ILS-28, Amdt. 16; Eff. Date, 20 Jan. 62; Sup. Amdt. No. 15 (ILS portion comb ILS-ADF); Dated, 7 Dec. 57

Shell Rock Int	LOM (Final)	Direct	2300	T-dn	300-1	300-1	200-½
New Hartford Int	LOM	Direct	2300	C-dn	400-1	500-1	500-1½
Waverly Int	LOM	Direct	2300	S-dn-12	200-½	200-½	200-½
ALO-VOR	LOM	Direct	2300	A-dn	600-2	600-2	600-2

Procedure turn South side crs, 303° Outbnd, 123° Inbnd, 2300' within 10 miles.
Minimum altitude at glide slope interception inbnd, 2300'.
Altitude of glide slope and distance to appr end of runway at LOM, 2239'—4.5 mi; at LMM, 1060'—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb to 2500' on the ALO-VOR R-094 within 20 miles or, when directed by ATC, (1) climb to 2500' on the ALO-VOR R-141 within 20 miles, (2) climb to 2500' on SE crs of ILS within 10 miles.

City, Waterloo; State, Iowa; Airport Name, Waterloo Municipal; Elev., 870'; Fac. Class., ILS; Ident., I-ALO; Procedure No. ILS-12, Amdt. 1; Eff. Date, 20 Jan. 62; Sup. Amdt. No. Orig.; Dated, 10 Sept. 60

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
001°	360°	0-15 mi	2600	Surveillance approach			
065°	046°	15-25 mi	2600				
046°	065°	15-25 mi	2700	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-12, 30, 5	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb on crs to 2700' within 10 miles, proceed direct to DSM VOR. Aircraft executing missed approach may be radar controlled after being reidentified.
CAUTION: 1546' MSL TV tower located 3.2 mi NNE. When TV tower not visible on takeoffs on N, NW, E, and NE, climb to 2100' prior to turning toward TV tower.

City, Des Moines; State, Iowa; Airport Name, Municipal; Elev., 957'; Fac. Class. and Ident., Des Moines Radar; Procedure No. 1, Amdt. 1; Eff. Date, 20 Jan. 62; Sup. Amdt. No. Orig.; Dated, 21 Oct. 61

				Precision approach			
				T-dn¢	300-1	300-1	200-½
				C-dn#	700-1	700-2	700-2
				S-dn-4*#	400-¾	400-¾	400-¾
				A-dn	700-2	700-2	700-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 4000' on LGA-VOR R-046 to Stamford VHF Int cross Scarsdale VHF Int at 3000' or above. Hold NE Stamford Int one-minute left turns, inbnd crs 226°.
CAUTION: (1) Standard clearance not provided over obstructions in final approach area and in missed approach area. (2) Unlighted obstructions in approach zone (runway 4) protruding 40' above lights at beginning of approach lightlane decreasing to 10' above lights at 1100' from approach end of runway. (3) Tower 415' msl 3.8 mi SW, tower 390' msl 3.5 mi SW, building 968' msl 6.7 mi SW.
¢Takeoff minimums for Runways 4 and 31 will not be less than 200-1 during periods when tower advisories indicate presence of surface ships in channel.
*500-1 required with approach lights inoperative.
#AIR CARRIER NOTE: Sliding scale not authorized for landing on Runways 13, 31, and 22.

City, New York; State, N.Y.; Airport Name, LaGuardia; Elev., 20'; Fac. Class. and Ident., LaGuardia Radar; Procedure No. 1, Amdt. 10; Eff. Date, 20 Jan. 62; Sup. Amdt. No. 9; Dated, 11 Jan. 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on December 18, 1961.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-23; Filed, Jan. 18, 1962; 8:45 a.m.]

[Reg. Docket No. 1016; Amdt. 253]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Goshen VOR	GH-LFR (Final)	Direct	1500	T-dn	300–1	300–1	
				C-dn	500–1½	500–1½	
				S-dn-9	500–1	500–1	
				S-n-9	500–1½	500–1½	
				A-dn	NA	NA	

Procedure turn S side W crs, 270° Outbnd, 090° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 087°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, climb to 2400′ on E crs within 20 miles and proceed direct to the GSH LFR.

City, Goshen; State, Ind.; Airport Name, Goshen Municipal; Elev., 823′; Fac. Class., SBRAZ; Ident., GH; Procedure No. 1, Amdt. 7; Eff. Date, 27 Jan. 62; Sup. Amdt. No. 6; Dated, 2 Sept. 61

				T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn	NA	NA	NA
				A-dn	800–2	800–2	800–2

Procedure turn East side of crs 174° Outbnd, 354° Inbnd, 1800′ within 10 mi.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 251°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile, turn left, climb to 1000′ on South crs (174° Outbnd) within 20 miles.
NOTES: (1) This procedure not authorized for ADF approach. (2) VFR required from LFR to airport.
AIR CARRIER NOTE: Sliding scale NA.

City, Iliamna; State, Alaska; Airport Name, Iliamna; Elev., 190′; Fac. Class., BMRLZ; Ident., ILI; Procedure No. 1, Amdt. 7; Eff. Date, 27 Jan. 62; Sup. Amdt. No. 6; Dated, 27 May 61

Evans Creek FM	ME-LFR	Direct	4800	T-dn	300–1	300–1	200–½
MFR VOR	ME-LFR (Final)	Direct	2600	C-dn	700–1	700–1	700–1½
Gold Hill Int	ME-LFR	Direct	4800	A-dn	1000–2	1000–2	1000–2
Eagle Pt Int#	ME-LFR (Final)	Direct	2600				
Evans Creek FM	Eagle Pt Int#	Via N crs ME-LFR.	4000				

Procedure turn E side of crs, 332° Outbnd, 152° Inbnd, 4800′ within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 160°—2.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles, make an immediate right climbing turn, climb to 5000′ on N crs ME-LFR within 10 mi. All turns E of N crs.
CAUTION: High terrain all quadrants.
#Eagle Pt Int: Int N crs ME-LFR and R-060 MFR-VOR.

City, Medford; State, Oreg.; Airport Name, Medford Municipal; Elev., 1330′; Fac. Class., SBRAZ; Ident., ME; Procedure No. 1, Amdt. 8; Eff. Date, 27 Jan. 62; Sup. Amdt. No. 7; Dated, 1 Jan. 55

Port Chester Int	LA-LFR (Final)	Direct	*1500	T-dn¢	300–1	300–1	200–½
				C-dn¢	700–1	700–2	700–2
				S-dn-22¢%‡	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn N side NE crs, 043° Outbnd, 223° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, **1500′ (**1000′ authorized after New Rochelle MHW).
Crs and distance, facility to airport, 223°—2.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing LaGuardia LFR, climb to 2500′ on SW crs LaGuardia LFR to Coney Island Int. Hold Coney Island Int right turns, one-minute, 043° Inbnd.
CAUTION: Standard clearance not provided over obstructions in final approach area and in missed approach area. Bridge towers 383′ msl 2.5 mi NE; tank 422′ msl 2 mi North.
NOTE: LaGuardia LFR must be monitored aurally if ADF approach is made on this procedure.
*If New Rochelle MHW not received, straight-in minimums not authorized.
%Descent to landing minimums authorized only after passing LaGuardia LFR.
¢Takeoff minimums for Runways 4 and 31 will not be less than 200–1 during periods when tower advisories indicate presence of surface ships in channel.
‡AIR CARRIER NOTE: Sliding scale not authorized for landings on Runways 13, 31, and 22.

City, New York; State, N.Y.; Airport Name, LaGuardia; Elev., 20′; Fac. Class., SABRAZ; Ident., LA; Procedure No. 1, Amdt. 10; Eff. Date, 27 Jan. 62; Sup. Amdt. No. 9; Dated, 11 Jan. 62

LFR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SHV-VOR	ST-LFR	Direct	1700	T-dn	300–1	300–1	200–1
				C-d	600–1	600–1	600–1½
				C-n	600–1½	600–1½	600–1½
				A-dn	800–2	800–2	800–2

Procedure turn E side NW crs, 326° Outbnd, 146° Inbnd, 1900′ within 10 miles. Beyond 10 mi NA (nonstandard due to traffic).
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 152°—1.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles, turn left, climb to 1700′ on E crs (089°) within 20 miles.
CAUTION: 480′ MSL TV Tower located 1.6 mi S of airport. 1446′ MSL and 1403′ TV antennas located approx. 12 miles WNW of ST-LFR.
NOTES: (1) Air carrier use Not Authorized. (2) Radar vectoring authorized.

City, Shreveport; State, La.; Airport Name, Downtown; Elev., 179′; Fac. Class., SBRAZ; Ident., ST; Procedure No. 1, Amdt. 10; Eff. Date, 27 Jan. 62; Sup. Amdt. No. 9; Dated, 12 Sept. 59

Lamar Int	AW-LFR	Direct	3500	T-dn	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				A-dn	800–2	800–2	800–2

Procedure turn N side NE crs, 003° Outbnd, 183° Inbnd, 3500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 176°—3.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles, turn right, climb to 3500′ in a right-hand one-minute holding pattern on NE crs AW-LFR.
CAUTION: High terrain E of airport.

City, Walla Walla; State, Wash.; Airport Name, Walla Walla City-County; Elev., 1205′; Fac. Class., SBMRLZ; Ident., AW; Procedure No. 1, Amdt. 7; Eff. Date, 27 Jan. 62; Sup. Amdt. No. 6; Dated, 23 May 59

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ORD VOR	LOM	Direct	2200	T-dn	300–1	300–1	200–½
API VOR	LOM	Direct	2300	C-dn	500–1	500–1	500–1½
OBK VOR	LOM	Direct	2300	S-dn-27	400–1	400–1	400–1
Lakewood Int	LOM	Direct	2500	A-dn	800–2	800–2	800–2
Acorn Int	LOM	Direct	2500				
Temple Int*	LOM (Final)	Direct	2100				
Palmer Int**	LOM	Direct	2200				

Radar vectoring authorized in accordance with approved radar patterns. Aircraft executing missed approach may, after being reidentified, be radar controlled.
Procedure turn North side of crs, 088° Outbnd, 268° Inbnd, 2200′ within 10 mi.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 268°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 mi after passing LOM, make immediate right climbing turn to 2200′ and proceed direct to the NBU-LFR or, when directed by ATC, climb to 2000′ on ORD VOR R-250, then make right climbing turn to 2500′ and proceed to Elgin Int via ORD VOR R-271 or make immediate right turn climb to 2200′ and proceed to Northbrook VOR via R-170.
NOTE: No approach lights.
CAUTION: Takeoffs on Runway 27, when weather is below 2000–3, will intercept ORD R-250 and climb to 2000′ before proceeding westbound. Takeoffs on Runway 32L when weather is below 2000–3, will intercept ORD VOR R-302 and climb to 2000′ before proceeding westbound.
*Temple Int: Int ORD VOR R-076 and OBK VOR R-119 or ORD VOR R-076 and CGT VOR R-356.
**Palmer Int: Int API VOR R-059 and CGT VOR R-340.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667′; Fac. Class., LOM; Ident., IA; Procedure No. 3, Amdt. Orig.; Eff. Date, 27 Jan. 62

PROCEDURE CANCELED, EFFECTIVE JANUARY 27, 1962, OR UPON DECOMMISSIONING OF FACILITY.

City, Danville; State, Va.; Airport Name, Danville; Elev., 582′; Fac. Class., BMH; Ident., DAN; Procedure No. 1, Amdt. 6; Eff. Date, 11 Oct. 58; Sup. Amdt. No. 5; Dated, 22 Apr. 58

OKM VOR	MKO RBn	Direct	3000	T-dn	300–1	300–1	200–½
Mazie Int	MKO RBn	Direct	3000	C-dn	600–1	600–1½	600–1½
				S-dn-31	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Procedure turn South side of crs, 120° Outbnd, 300° Inbnd, 2000′ within 10 mi. Procedure turn nonstandard due to military requirements. Teardrop procedure turn authorized.
Minimum altitude over facility on final approach crs, 1200′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make immediate left turn, return to the MKO RBn climbing to 2500′, contact ATC for further clearance.
NOTES: Do not descend below 1900′ msl until well established on brng 300° to the MKO RBn. Procedure authorized for USAF and aircarriers having approval of their arrangements for use of facility, monitoring, and weather service.

City, Muskogee; State, Okla.; Airport Name, Davis Field; Elev. 610′; Fac. Class., MH; Ident., MKO; Procedure No. 1, Amdt. 2; Eff. Date, 27 Jan. 62; Sup. Amdt. No 1; Dated, 2 Dec. 61

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
YNG VOR	LOM	Direct	2600	T–dn	300–1	300–1	200–½
YNG LFR	LOM	Direct	2600	C–dn	400–1	500–1	500–1½
Hubbard RBn	LOM	Direct	2600	S–dn–32	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn North side of crs, 139° Outbnd, 319° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 319°—4.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing LOM, climb straight ahead to 2600′, make right turn and proceed to Youngstown LFR. Hold North 005° magnetic from LFR, 185° magnetic inbnd 1-minute right turns at 2600′.

City, Youngstown; State, Ohio; Airport Name, Youngstown Municipal; Elev., 1196′; Fac. Class., LOM; Ident., YN; Procedure No. 1, Amdt. 6; Eff. Date, 27 Jan. 62; Sup. Amdt. No. 5 (ADF portion Comb ILS–ADF); Dated, 23 Nov. 57

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AM LFR	AMA VOR	Direct	5000	T–dn	300–1	300–1	200–½
TDW RBn	AMA VOR	Direct	5000	C–dn	500–1	500–1	500–1½
TDW RBn	Potter Int.* (Final)	037°—4.4	4500	S–dn–3	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Procedure turn S side of crs, 210° Outbnd, 030° Inbnd, 5000′ within 10 mi of Potter Int.* Beyond 10 mi NA.
Minimum altitude over Potter Int* on final approach crs, 4500′.
Crs and distance, Potter Int* to airport, 030°—1.0 mi.
Is visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.0 mi after passing Potter Int. climb straight ahead to 4900′ on R–210 to the VOR, thence R–030 within 20 mi of AMA VOR or, when directed by ATC, climb to 4700′ on AMA VOR R–075 within 20 mi of VOR.
NOTE: This procedure is authorized only for aircraft equipped with VOR and ADF receivers.
CAUTION: Towers 3994 MSL 5 mi. SW; 3886 MSL 4 mi. SW; 3855 MSL 5 mi. SSW. 3764′ MSL grain elevator located adjacent to SW boundary of airport.
*Potter Int: Int AMA VOR R–211 and Brng 356° to AM LFR.

City, Amarillo; State, Tex.; Airport Name, AFB/Municipal; Elev., 3604′; Fac. Class., BVOR; Ident., AMA; Procedure No. 2, Amdt. 6; Eff. Date, 27 Jan. 62; Sup. Amdt. No. 5; Dated, 30 Sept. 61

				T–dn	300–1	300–1	200–1½
				C–d	600–1	600–1	600–1½
				C–n	600–2	600–2	600–2
				S–dn–17	600–1	600–1	600–1
				A–dn#	800–2	800–2	800–2

Procedure turn West side of crs, 346° Outbnd, 166° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 166°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 mi, make immediate right turn and climb to 2100′. Return to BVO–VOR and contact ARTC.
NOTES: (1) Public weather service not available. (2) All pilots using this procedure requested to close IFR flight plans immediately upon completion of approach with Tulsa Radio. Trans 122.1 Rec 122.2 or BVO Radio or commercial facilities.
AIR CARRIER NOTE: Runway 5–23 not authorized for air carrier operations. No reduction in landing minima authorized by application of sliding scale, or for local weather conditions. No reduction into or landing minima authorized for cargo or ferry flights. Procedure may be authorized only for carriers having approval of their requirement for weather service at this airport.
#Alternate usage authorized for air carrier only.
*Descent below 2500′ NA until well established on R–166 inbnd.

City, Bartlesville; State, Okla.; Airport Name, Phillips; Elev., 715′; Fac. Class., BVOR; Ident., BVO; Procedure No. 1, Amdt. 2; Eff. Date, 27 Jan. 62; Sup. Amdt. No. 1; Dated, 25 Feb. 61

GH LFR	GSH VOR	Direct	2400	T–dn	300–1	300–1	
				C–d	700–1	700–1	
				C–n	700–2	700–2	
				S–d–9	700–1	700–1	
				S–n–9	700–2	700–2	
				A–dn	NA	NA	
				When passage of GH LFR can be determined, the following minimums apply:			
				C–dn	500–1	500–1½	
				S–dn–9	500–1	500–1	

Procedure turn S side of crs, 270° Outbnd, 090° Inbnd, 2400′ within 10 miles.
Minimum altitude over GSH VOR on final approach crs, 2400′; over GH LFR on final approach crs, 1500′.
Crs and distance, facility to airport, 090°—10.0 mi; GH–LFR to airport, 090°—2.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10 miles of GSH–VOR or 2.4 miles of GH–LFR, climb to 2400′ on R–090 within 20 miles.

City, Goshen; State, Ind.; Airport Name, Goshen; Elev., 823′; Fac. Class., BVOR; Ident., GSH; Procedure No. 1, Amdt. 2; Eff. Date, 27 Jan. 62; Sup Amdt. No. 1; Dated, 2 Sept. 61

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ME LFR	MFR VOR	Direct	5700	T–dn	300–1	300–1	200–½
Evans Creek FM (Final)	MFR VOR	Direct	3700	C–dn*	700–1	700–1	700–1½
Gold Hill Int	MFR VOR	Direct	5700	S–dn–14*	500–1	500–1	500–1
				A–dn	1000–2	1000–2	1000–2
				If Table Int# not positively identified, the following minimums apply:			
				C–d	1000–1	1000–1	1000–1½
				C–n	1000–2	1000–2	1000–2
				S–dn	NA	NA	NA

Procedure turn E side of crs, 332° Outbnd, 152° Inbnd, 5700′ within 10 mi.
Minimum altitude over MFR VOR on final approach crs, 5700′; over Table Int.# 2700′.
Crs and distance, MFR VOR to airport, 145°—6.3 mi; Table Int# to airport, 145°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MFR VOR, make an immediate climbing right turn, climb to 6000′ in a one-minute right-hand holding pattern on R–156.
NOTE: Aircraft ADF must be fully operational to execute this approach to straight-in minimums.
CAUTION: High terrain in all quadrants.
#Table Int: Int R–145 MFR VOR and 249° brng to MF LOM.

City, Medford; State, Oreg.; Airport Name, Medford; Elev., 1330′; Fac. Class., BVORTAC; Ident., MFR; Procedure No. 1, Amdt. 4; Eff. Date, 27 Jan. 62; Sup. Amdt. No. 3; Dated, 22 Jan. 55

SJU HH	SJU VOR	Direct	1500	T–dn	300–1	300–1	200–½
SJP RBn	SJU VOR	Direct	1500	C–dn	*500–1	*500–1	*500–1½
				S–dn–7	*500–1	*500–1	*500–1
				A–dn	*800–2	*800–2	*800–2

Procedure turn N side of crs., 260° Outbnd, 080° Inbnd, 1500′ within 10 mi. Beyond 10 mi, NA.
Minimum altitude over Antenna Int.# on final approach crs, 1000′.
Crs. and distance, Antenna Int.# to airport, 080°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing Antenna Int.,# turn right and climb to 1500′ on R–095 within 20 miles of SJU VOR.
NOTE: Procedure turn non-standard due high terrain South of area.
*If Antenna Int.# not identified on final, descent below 1000′ MSL NA.
#Antenna Int.—Int. SJU VOR R–260 and 350° brng from SJP RBn.

City, San Juan; State, P.R.; Airport Name, Puerto Rico International; Elev., 9′; Fac. Class., BVOR; Ident., SJU; Procedure No. 4, Amdt. 1; Eff. Date, 27 Jan. 62; Sup. Amdt. No. Orig.; Dated, 28 Oct. 61

				T–d	800–2	800–2	
				C–d	800–2	800–2	

Procedure turn West side of crs, 030° Outbnd, 210° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 210°—8.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.4 miles, make left climbing turn to 2000′. Return to Rhinelander VOR on R–210.
CAUTION: 1700′ MSL tower 0.1 mile West of airport.
NOTE: 122.1 receiver remoted from Rhinelander VOR to Wausau FSS.

City, Tomahawk; State, Wis.; Airport Name, Drott; Elev., 1500′; Fac. Class., BVOR; Ident., RHI; Procedure No. 1, Amdt. Orig.; Eff. Date, 27 Jan. 62

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–4	500–1	500–1	500–1
				A–dn#	800–2	800–2	800–2

Procedure turn S side of crs, 232° Outbnd, 052° Inbnd, 1600′ within 10 mi.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, breakoff point to approach end of Runway 4, 043°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, turn left and climb to 1600′ on R–046 within 20 miles of LAL–VOR.
AIR CARRIER NOTE: Procedure may be authorized only for carriers having approval of their arrangements for weather and communication services at this airport.
NOTES: 1. Itinerant flights contact Tampa Approach Control for approach clearance or on missed approach. 2. Two-minute holding pattern, right turn 052° inbnd may be used in lieu of procedure turn.
CAUTION: 1135′ tower West of procedure turn area.
#Limited weather information available to public. Alternate usage authorized for air carriers only.

City, Lakeland; State, Fla.; Airport Name, Drane Field; Elev., 142′; Fac. Class., H–BVOR; Ident., LAL; Procedure No. TerVOR–4, Amdt. 3; Eff. Date, 27 Jan. 62; Sup. Amdt. No. 2; Dated, 2 Sept. 61

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Winona Int	Winona VOR	Direct	2400	T-d	500–1½	500–1½	
Dodge Int	Winona VOR	Direct	2800	T-n	500–2	500–2	
				C-dn	900–2	900–2	

Procedure turn West side of crs, 315° Outbnd, 135° Inbnd, 2400′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1600′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2800′ on R-103 ONA-VOR within 10 miles.
CAUTION: 1834′ MSL tower 3.1 miles SE of airport; 1200′ MSL bluffs 0.8 mi West of airport.

City, Winona; State, Minn.; Airport Name, Municipal; Elev., 656′; Fac. Class., VOR (State-owned facility); Ident., ONA; Procedure No. Ter VOR R-315, Amdt. Orig.; Eff. Date, 27 Jan. 62

ODI-VOR	Pickwick Int*	Direct	2800	T-d	800–1½	800–1½
Pickwick Int*	Home Int** (Final)	Direct	2000	T-n	800–2	800–2
Winona Int	Winona VOR	Direct	2800	C-dn	800–2	800–2
Dodge Int	Winona VOR	Direct	2800			

Procedure turn North side of crs, 103° Outbnd, 283° Inbnd, 2800′ within 10 mi of VOR.
Minimum altitude over Home Int** on final approach crs, 2000′.
Crs and distance, Home Int** to airport, 283°—3.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, climb to 2800′ on R-315 ONA-VOR within 15 miles.
NOTE: Procedure authorized only for aircraft equipped with operating dual omni receivers.
CAUTION: 1834′ MSL tower 3.1 miles SE of airport. 1200′ MSL bluffs 0.8 mi West of airport.
* Pickwick Int: Int R-336 ODI-VOR and R-103 ONA-VOR.
** Home Int: Int R-317 ODI-VOR and R-103 ONA-VOR.

City, Winona; State, Minn.; Airport Name, Municipal; Elev., 656′; Fac. Class., VOR (State-owned facility); Ident., ONA; Procedure No. TerVOR R-103, Amdt. Orig.; Eff. Date, 27 Jan. 62

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PIE-VOR	LOM	Direct	1300	T-dn	300–1	300–1	200–½
TPA-LFR	LOM	Direct	1500	C-dn	400–1	500–1	500–1½
Radar Terminal Area Transition Altitudes.	Radar Site	Within 25 miles	#1500	S-d-17	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Procedure turn West side of crs, 346° Outbnd, 166° Inbnd, 1308′ within 10 mi.
Minimum altitude at glide slope interception inbnd, 1308′.
Altitude of glide slope and distance to approach end of runway at OM, 1166′—4.2 mi; at MM, 189′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 1500′ on PIE-VOR R-270 within 20 miles or, when directed by ATC, turn right and climb to 1500′ on crs of 270°, intercept and proceed out 220° brng from P1 LOM within 20 miles.
NOTES: 880–2¼ required when glide slope not utilized.
#Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of radio towers 861′ msl 19.5 miles ESE and 1135′ msl 23 miles ESE of airport.

City, St. Petersburg; State, Fla.; Airport Name, St. Petersburg-Clearwater International; Elev., 10′; Fac. Class., ILS; Ident., I-PIE; Procedure No. ILS-17, Amdt. 1; Eff. Date 27 Jan. 62; Sup. Amdt. No. Orig.; Dated, 2 Dec. 61

GEG-VOR	LOM	Direct	4500	T-dn*	300–1	300–1	200–½
GG-LFR	LOM	Direct	4500	C-dn	500–1	500–1	500–1½
Rockford FM/Int	LOM	Direct	5300	S-dn-21**	200–½	200–½	200–½
Hayden Lake Int	LOM	Direct	6000	A-dn	600–2	600–2	600–2

Radar transitions and vectoring using Spokane Radar authorized in accordance with approved radar patterns. When used in lieu of procedure turn, alignment on final approach heading within 10 miles of LOM is required.
Procedure turn N side of NE crs, 025° Outbnd, 205° Inbnd, 4500′ within 10 mi. Beyond 10 mi NA.
Shuttle to 4500′ NE of LOM on NE crs of localizer, right turns, 1 min.
Minimum altitude at G.S. Int inbnd, 3600′.
Altitude of glide slope and distance to approach end of runway at LOM, 3510′—3.9 mi; at I-MM, 2560′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead to the GEG-VOR and climb to 4000′ on R-210 within 10 mi of GEG-VOR or, when directed by ATC, (1) Make a climbing right turn and climb to 4500′ on R-271 within 20 mi or make a climbing right turn, return to the LOM at 4500′.
CAUTION: Terrain and tower 6028′ MSL 16 mi NE of LOM; high terrain North through East of airport; 3188′ MSL tower 4.7 mi NE of GG-LFR; 4549′ MSL TV tower 6.5 mi E of LFR.
*Runway visual range 2600′ also authorized for takeoff on Runway 21 in lieu of 200–½ when 200–½ is authorized provided high intensity runway lights are operational.
**Runway visual range 2600′ also authorized for landing on Runway 21, provided all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are operating satisfactorily. Descent below 2572′ MSL shall not be made unless visual contact with approach lights has been established or the aircraft is clear of the clouds.

City, Spokane; State, Wash.; Airport Name, Spokane International; Elev., 2372′; Fac. Class., ILS; Ident., I-GEG; Procedure No. ILS-21, Amdt. 3; Eff. Date, 27 Jan. 62; Sup. Amdt. No. 2; Dated, 15 Oct. 60

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Youngstown VOR	Hubbard RBn	Direct	2600	T-dn	300–1	300–1	200–½
Youngstown LFR	Hubbard RBn	Direct	2600	C-dn	400–1	500–1	500–1½
Hubbard RBn	LOM (Final)	Direct	2600	S-dn-32	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Procedure turn N side of crs, 139° Outbnd, 319° Inbnd, 2600′ within 10 mi of Hubbard RBn.
Minimum altitude at Glide Slope interception inbnd, 2000′.
Altitude of G.S. and distance to approach end of rny at OM 2630—4.7 mi.; at MM 1385—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2600′ straight ahead, make right turn and proceed to Youngstown VOR. Hold North on R-005 YNG-VOR, 1-min. right turns, 185° inbnd at 2600′.

City, Youngstown; State, Ohio; Airport Name, Youngstown; Elev., 1196′; Fac. Class., ILS MHW; Ident., I-YNG IIBD; Procedure No. ILS-32, Amdt. 6; Eff. Date, 27 Jan. 62; Sup. Amdt. No. 5 (ILS portion comb. ILS-ADF); Dated, 23 Nov. 57

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final antborired landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
360	040	10	2000	20	2200									Precision approach			
040	065	10	2000	16	2200	20	2700										
065	095	10	2000	20	2200									T-dn**	300–1	300–1	200–½
095	122	10	2000	12	2300	20	2300							S-dn-5R***	200–½	200–½	200–½
122	230	10	2000	12	2200	20	1900							S-dn-5L	400–1	400–1	400–1
*230	295	10	2000	20	2200									C-dn	500–1	500–1	500–1½
*295	360	10	2000	16	2200	20	2600							A-dn	600–2	600–2	600–2
														Surveillance approach			
														T-dn	300–1	300–1	200–½
														C-dn-9L	600–1	600–1	600–1½
														S-dn-9L#	600–1	600–1	600–1
														C-dn-14, 36, 5L-R.	500–1	500–1	500–1½
														S-dn-14, 36, 5L-R.	500–1	500–1	500–1
														23 L-R, 18, 27 L-R, and 32:			
														C-dn	500–1	500–1	500–1½
														S-dn	400–1	400–1	400–1
														A-dn	800–2	800–2	800–2

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runways 23L, 23R, 27R, 27L, 14 and 18, climb to 2300′ and proceed to YIP LOM. Runways 5L, 5R, 9L, 36 and 32, climb to 2600′, proceed to SVM VOR on 170R or when directed by ATC, (1) climb to 2300′, proceed via W crs DTW LFR to the DTW LFR.
Aircraft executing missed approach may after being reidentified, be radar controlled.
#Surveillance approaches straight-in to runway 9R NA due to antenna location and ground clutter.
*Radar transitions in vicinity of 1240′ TWR 10 mi. W will be conducted at 2300′ within 3 mi. and 1800′ MSL within 3–5 mi. (inclusive).
**Runway visual range 2600′ authorized for take-off in lieu of 200–½ when 200–½ authorized providing high intensity runway lights are in satisfactory operating condition.
***Runway visual range 2600′ authorized for landing on Runwy 5R; provided that all components of the PAR, high-intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactorily. Descent below authorized landing minimum altitude of 916′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716′; Fac. Class. and Ident, Willow Run Radar; Procedure No. 1, Amdt. 6; Eff. Date, 27 Jan. 62; Sup. Amdt No. 5; Dated, 2 Sept. 61

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
000°	360°	Within 30 mi	6000				
				Precision approach			
				T-dn*¶	300-1	300-1	200-½
				C-dn*‡	700-1	700-1	700-1½
				S-dn-10R¶¶	200-½	200-½	200-½
				A-dn-All	700-2	700-2	700-2
				Surveillance approach			
				T-dn*	300-1	300-1	200-½
				C-dn*‡	700-1	700-1	700-1½
				S-dn-28R	700-1	700-1	700-1
				S-dn-10R§	700-1	700-1	700-1
				A-dn-All	800-2	800-2	800-2

Radar transitions and vectoring utilizing Portland Radar authorized in accordance with approved Radar patterns and sector altitudes.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished.

All runways: Climb to 2000' direct to PO-LFR or PDX-VOR or, when directed by ATC, Runway 10R: Climb to 2100' on crs 096° DX LMM within 10 miles; Runway 28R: Climb to 2300' on NW crs PDX ILS localizer 278° to Sauvies Island RBn.

*200-½ authorized on Runways 10R-L, 28R-L only. 700-2 required on Runway 20.

¶¶Runway visual range 2600' also authorized for landing on runway 10R; provided that all components of the PAR, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are in satisfactory operating condition. Descent below 223' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

§Runway visual range 2600' also authorized for takeoff on Runway 10R in lieu of 200-½ when 200-½ is authorized providing high intensity runway lights are operational.

‡CAUTION: 664' MSL terrain 1.8 mi SE of airport.

¶Minimum altitude over 3-mile radar fix inbnd on final, 900'.

City, Portland; State, Oreg.; Airport Name, Portland International; Elev., 23'; Fac. Class. and Ident., Portland Radar; Procedure No. 1, Amdt. 5; Eff. Date, 27 Jan. 62; Sup. Amdt. No. 4; Dated, 23 Sept. 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on December 22, 1961.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62-103; Filed, Jan. 18, 1962; 8:45 a.m.]

[Reg. Docket No. 1017; Amdt. 254]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedures unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approach, shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Cassville Int#	MG-LFR	Direct	2600	T-dn	300-1		
MGW-VOR	MG-LFR	Direct	3500	C-d	600-1		
Greensboro Int##	MG-LFR	Direct	3500	C-n	600-2		
				A-dn	800-2		

Procedure turn W side NW crs, 320° outbnd, 140° inbnd, 2600' within 10 mi.
Minimum altitude over facility on final approach crs, °2100'.
Crs and distance, facility to airport, 173°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 mi, climb to 4000' on SW crs within 10 mi, reverse course, proceed to MG LFR. Hold on NW crs MG LFR, 1-minute right turns.
°CAUTION: 2295' terrain 4 mi SE of airport.
#Int MG-LFR SW crs and R-328 MGW-VOR.
##Int NE crs MG-LFR and R-354 MGW-VOR.

City, Morgantown; State, W. Va.; Airport Name, Morgantown; Elev., 1256'; Fac. Class., SBMRLZ; Ident., MG; Procedure No. 1, Amdt. 3; Eff. Date, 3 Feb 62; Sup. Amdt. No. 2; Dated, 27 May 61

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Huntington RBn	LOM	Direct	2600	T-dn	300-1	300-1	200-½
Wayne Int	LOM	Direct	2600	C-dn	500-1	500-1	500-1½
Crown City Int	LOM	Direct	2600	B-dn	500-1	500-1	500-1
ECB VOR	Naples Int**	Direct	2600	A-dn	800-2	800-2	800-2
YRK VOR	Naples Int**	Direct	2600				
Naples Int	LOM (Final)	Direct	2000				

Procedure turn South side of crs, 294° outbnd, 114° inbnd, 2600' within 10 mi.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 114°—4.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 mi after passing LOM, make a right climbing turn to 2600' on crs 294° to LOM, hold W 1-minute, right turn, 114° inbnd, 294° outbnd or, when directed by ATC, right climbing turn to 2600' on crs 180°, intercept R-080 ECB-VOR, proceed to ECB-VOR, hold W 1-minute right turn, 084° inbnd, 264° outbnd.
**Naples Int: Int YRK-VOR R-144 and ECB-VOR R-024.

City, Huntington; State, W. Va.; Airport Name, Tri-State; Elev., 828'; Fac. Class., LOM; Ident., HT; Procedure No. 1, Amdt. 2; Eff. Date, 3 Feb. 62; Sup. Amdt. No. 1; Dated, 18 June 60

Las Vegas VOR	Las Vegas RBn	Direct	9000	T-d	300-1	300-1	300-1
				C-d	500-1	500-1	500-1½
				A-dn	NA	NA	NA

Procedure turn E side of crs, 182° outbnd, 002° inbnd, 9000' within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 7800'.
Crs and distance, facility to airport, 002°—2.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 mi after passing LV RBn, climb to 10,000' on 025° brng from LV RBn within 20 mi.
NOTE: Air carrier use not authorized.

City, Las Vegas; State, N. Mex.; Airport Name, Las Vegas; Elev., 6606'; Fac. Class., MHW; Ident., LV; Procedure No. 1, Amdt. Orig.; Eff. Date, 3 Feb. 62, or on com. of facility

				T-dn	300-1		
				C-d	600-1		
				C-n	600-2		
				S-17-d	600-1		
				S-17-n	600-2		
				A-dn	800-2		

Procedure turn W side of crs, 353° outbnd, 173° inbnd, 2600' within 10 mi.
Minimum altitude over facility on final approach crs, 2100'.
Crs and distance, facility to airport, 173—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 mi, climb to 4000' on crs of 216° within 10 mi of Morgantown LFR, reverse course, proceed to MG LFR.
Hold NW on 353° crs of MG LFR, 1-minute right turns.
CAUTION: High terrain 4 mi SE of airport.

City, Morgantown; State, W. Va; Airport Name, Morgantown; Elev., 1256'; Fac. Class., SBMRLZ; Ident., MG; Procedure No. 1, Amdt. 2; Eff. Date, 3 Feb. 62; Sup. Amdt. No. 1; Dated, 9 Jul. 55

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELED, EFFECTIVE FEBRUARY 3, 1962.

City, Columbus; State, N. Mex.; Airport Name, Columbus International Field; Elev., 4024'; Fac. Class., BVOR; Ident., CUS; Procedure No. 1, Amdt. 3; Eff. Date, 27 Apr. 57; Sup Amdt. No. 2; Dated, 27 May 54

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
HSV VOR	Ballard Int%	Direct	2200	T-dn	300-1	300-1	300-1
Ballard Int%	Rocket FM◉ or abeam HUA RBn	Direct	2000	S-d-17	500-1	500-1	500-1
Rocket FM◉ or abeam HUA RBn	HUA VOR (Final)	Direct	1200	S-n-17	600-2	600-2	600-2
				C-d	900-1	900-1	900-1½
				C-n	900-2	900-2	900-2
				A-dn	1000-2	1000-2	1000-2

Procedure turn W side of crs, 330° outbnd, 170° inbnd, 2500' within 10 mi N of Rocket FM◉ or abeam HUA RBn.
Minimum altitude over VOR on final approach crs, 1200'#.
Distance, Rocket FM◉ or abeam HUA RBn to runway, 3.5 mi.
Crs and distance, breakoff point to approach end of Runway 17, 167°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over HUA VOR, turn right and climb to 2500' on R-350.
NOTE: Military authority required. Airport not available to the general public.
Other Changes: Deletes transition from HUA-VOR.
#Maintain 2000' MSL until after passing abeam HUA RBn or Rocket FM◉ inbound on final.
%Ballard Int: Int R-351 HUA and R-238 HSV.
◉Rocket FM: Continuous dashes on 400 cycles—located at Redstone (HUA) RBn site.

City, Huntsville; State, Ala.; Airport Name, Redstone (Army); Elev., 679'; Fac. Class., VOR; Ident., HUA; Procedure No. TerVOR-17, Amdt. 3; Eff. Date, 3 Feb. 62; Sup. Amdt. No. 2; Dated, 3 Aug. 57

SHV VOR	DTN VOR	Direct	1800	T-dn	300-1	300-1	300-1
BAD VOR	DTN VOR	Direct	1400	C-dn	600-1½	600-1½	600-1½
Cotton Int	DTN VOR	Direct	1400	S-dn-14	500-1	500-1	500-1
Lucien Int	DTN VOR	Direct	1400	A-dn	800-2	800-2	800-2
Karnack Int	DTN VOR	Direct	1900				
Lee Int*	DTN VOR (Final)	Direct	700				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs at Lee Int*, 310° outbnd, 130° inbnd, 2400' within 10 mi.
Minimum altitude over facility on final approach crs, 700'; over Lee Int, *1900'.
Crs and distance, Lee Int* to airport, 130°—6.0 mi.
Crs and distance, breakoff point to end of runway, 132°—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished after passing VOR, climb on DTN R-130 to 1500' within 20 mi.
CAUTION: 878' MSL tower 1.6 mi NW of airport on approach path. 1446' MSL tower 12 mi NW of airport. Numerous towers and smoke stacks in area surrounding field.
NOTE: Air carrier use not authorized.
*Lee Int: Int ASL R-057 and DTN R-310 (minimum altitude 1900').

City, Shreveport; State, La.; Airport Name, Downtown; Elev., 179'; Fac. Class., VOR; Ident., DTN; Procedure No. TerVOR, Amdt. Orig.; Eff. Date, 3 Feb. 62

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
OXR-VOR	ILS W crs	057°—18'	5000	T-dn#	300-1	300-1	300-1
Sangus Int	LOM	Direct	5600	C-d*	900-1½	900-1½	900-1½
Malibu Int	LOM	Direct	5000	C-n*	900-2	900-2	900-2
Pt. Dume Int	LOM	Direct	5000	S-dn-7**	300-¾	300-¾	300-¾
Newhall LFR	LOM	Direct	5300	A-dn	900-2	900-2	900-2
Fillmore VOR	Woodland Int%	Direct	5000				
Int LAX-VOR R-277 and Lake Hughes VOR R-169.	Woodland Int%	Direct	5000				
Twin Lakes Int	Woodland Int%	Direct	5000				
Woodland Int%	LOM (Final)	Direct	2800				

Radar transitions and vectoring using Burbank radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 256° outbnd, 076° inbnd, 4000' within 10 mi of LOM. Beyond 10 mi NA.
Minimum altitude at glide slope interception inbnd, 2800'.
Altitude of G.S. and distance to appr end of rnwy at OM, 2738'—6.0 mi; at MM, 1355'—1.7 mi; at LIM, 924'—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished immediate right turn, climbing to 4000' on W crs BUR ILS within 10 mi W of LOM or, when directed by ATC, climb to 3000' on SE crs BUR LFR, turn right, return to LFR climbing to 5000', or climb to 5000' on SE crs BUR LFR within 15 mi.
CAUTION: High terrain NE and E of airport.
AIR CARRIER NOTES: Sliding scale prohibited below ¾ mi for takeoff on runways 7, 15, 33, and for straight-in landing minima. Sliding scale NA for circling minima.
NOTES: All components of ILS system must be utilized. Nonstandard installation. Localizer antenna at approach end of runway.
#200-½ authorized for takeoff on runway 25 only.
*Maneuvering NE and E of airport NA.
**Straight-in minimums will be 400-1 if glide slope not received.
%Woodland Int: Int BUR ILS W crs and Fillmore VOR R-111.

City, Burbank; State, Calif.; Airport Name, Lockheed Air Terminal; Elev., 778'; Fac. Class., ILS; Ident., I-BUR; Procedure No. ILS-7, Amdt. 14; Eff. Date, 3 Feb. 62; Sup. Amdt. No. 13; Dated, 11 Nov. 61

Huntington RBn	LOM	Direct	2600	T-dn	300-1	300-1	200-½
Wayne Int	LOM	Direct	2600	V-dn	500-1	500-1	500-1½
Crown City Int	LOM	Direct	2600	S-dn-11	400-1	400-1	400-1
ECB-VOR	Naples Int**	Direct	2600	A-dn	800-2	800-2	800-2
YRK-VOR	Naples Int**	Direct	2600				
Naples Int	LOM (Final)	Direct	2000				

Procedure turn S side of crs, 294° outbnd, 114° inbnd, 2600' within 10 mi.
Minimum altitude over facility on final approach crs, 2000' over LOM.
Crs and distance, facility to airport, 114°—4.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a right climbing turn to 2600' on crs 294° to LOM. Hold W, 1-minute, right turn 114° inbnd, 294° outbnd, or, when directed by ATC, right climbing turn to 2600' on crs 180°, intercept R-080 ECB-VOR, proceed to ECB-VOR, hold W, 1-minute, right turn, 084° inbnd, 264° outbnd.
NOTE: No glide slope. Procedure based on localizer—LOM and LMM.
**Naples Int: Int YRK-VOR R-144 and Huntington ILS crs 114° inbnd, and ECB-VOR R-024.

City, Huntington; State, W. Va.; Airport Name, Tri-State; Elev., 828'; Fac. Class., ILS; Ident., I-HTS; Procedure No. ILS-11, Amdt. 3; Eff. Date, 3 Feb. 62; Sup. Amdt. No. 2; Dated, 1 Apr. 61

LAX RBn	LOM	Direct	3000	T-dn*	300-1	300-1	200-½
La Habra Int	Downey FM-RBn	Direct	3000	C-dn	500-1	600-1	600-1½
LGB VOR	Downey FM-RBn	Direct	3000	S-dn-25L#	200-½	200-½	200-½
LGB VOR	LOM	Direct	3000	A-dn	600-2	600-2	600-2
Hollywood Hills FM	LOM	Direct	3000				
LAX VOR	LOM	Direct	3000				
Downey FM-RBn	LOM (Final)	Direct	1800				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 248° outbnd, 068° inbnd, 2000' within 10 mi.
Minimum altitude at glide slope int inbnd, 2000'. (Aircraft will maintain 3000' until intercepting glide slope unless otherwise advised by ATC.)
Altitude of glide slope and distance to approach end of runway at OM, 1830'—5.4 mi; at MM, 335'—0.65 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000' on W crs LAX ILS within 20 mi.
*Runway Visual Range 2600' also authorized for takeoff on Runways 25L and 25R; providing high-intensity runway lights are operational and runways are marked in accordance with TSO-N10a (all weather runway markings).
#Runway Visual Range 2600' also authorized for landing on Runway 25L; provided that all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 326' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Los Angeles; State, Calif.; Airport Name, International; Elev., 126'; Fac. Class., ILS; Ident., I-LAX; Procedure No. ILS-25L, Amdt. 22; Eff. Date, 1 Feb. 62; Sup. Amdt. No. 21; Dated, 18 Mar. 61

Downey FM-RBn	LOM (Final)	Direct	1800	T-dn	300-1	300-1	200-½
La Habra Int	Downey FM-RBn	Direct	3000	C-dn	500-1	600-1	600-1½
LGB VOR	Downey FM-RBn	Direct	3000	S-dn-25R	#200-½	#200-½	200-¾
LGB VOR	LOM	Direct	3000	A-dn	600-2	600-2	600-2
Hollywood Hills FM	LOM	Direct	3000				
LAX VOR	LOM	Direct	3000				
LAX RBn	LOM	Direct	3000				

Radar vectoring to final approach crs authorized.
Procedure turn S side of crs, 068° outbnd, 248° inbnd, 3000' within 10 mi of OM.
Minimum altitude at glide slope interception inbnd, 2000'. (Aircraft will maintain 3000' until intercepting glide slope unless otherwise advised by ATC.)
Altitude of glide slope and distance to approach end of runway at OM, 1830'—5.4 mi; at MM, 335'—0.65 mi. (LOM and LMM located 750' to left of runway centerline.)
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000' on W crs LAX ILS within 20 mi.
NOTE: Narrow localiser course 4°.
#AIR CARRIER NOTE: Due to lack of PAR coverage below 300', privileges of CAR 40.406(c) (Look-see) may be exercised only down to 300-¾.

City, Los Angeles; State, Calif.; Airport Name, International; Elev., 126'; Fac. Class., ILS; Ident., I-LAX; Procedure No. ILS-25R, Amdt. Orig.; Eff. Date, 1 Feb. 62

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
		Within:		Surveillance approach			
150°	110°	25 mi	ƒ1500				
110°	150°	0–15 mi	2000	T-dn	300–1	300–1	200–½
110°	150°	15–25 mi	1500	C-dn	400–1	500–1	500–1½
				S-dn–15/33, 21/3	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 15: Climb to 2000' on R-149 CHS VOR within 15 mi or, when directed by ATC, turn right, climb to 1300' and proceed direct to CHS LOM.
Runway 33: Climb to 1300' and proceed direct to CHS LOM.
Runway 3: Turn left, climb to 1300' and proceed direct to CHS LOM.
Runway 21: Turn right, climb to 1300' and proceed direct to CHS LOM.
ƒRadar control will provide 1000' vertical separation within a 3-mile radius of radio towers S19' and 1049' MSL located 9.0 and 11.5 mi SE of Charleston AFB/Mun. Airport or maintain 2000'. All bearings and distances are from radar site on Charleston AFB/Mun. Airport with sector azimuths progressing clockwise.

City, Charleston; State, S.C.; Airport Name, Charleston AFB/Mun.; Elev., 45'; Fac. Class., Charleston; Ident., RADAR; Procedure No. 1, Amdt. Orig.; Eff. Date, 3 Feb 62

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on December 28, 1961.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62-104; Filed, Jan. 18, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2586]

[88222]

MONTANA

Additions to Montana Grazing District No. 4

By virtue of the authority vested in the Secretary of the Interior by the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315, et seq.), as amended, it is ordered as follows:

1. The following-described lands are hereby added to and made a part of Montana Grazing District No. 4, as heretofore established and modified:

a. Those lands within the area known as the Buffalo Creek Land Use Adjustment Project (Mt–LU–23) all in Yellowstone County containing approximately 73,714.44 acres.

b. Those public domain lands all in Yellowstone County located within the following described area containing approximately 6,525.18 acres:

MONTANA PRINCIPAL MERIDIAN

T. 3 N., R. 25 E.,
Sec. 22, W½SW¼.
T. 4 N., R. 25 E.,
Sec. 12, E½;
Sec. 24, NW¼;
Sec. 30, SE¼.
T. 2 N., R. 26 E.,
Sec. 14, N½NE¼.
T. 3 N., R. 26 E.,
Sec. 32, S½SE¼.
T. 4 N., R. 26 E.,
Sec. 6, NE¼ and S½.
T. 3 N., R. 27 E.,
Sec. 24, S½SE¼.
T. 4 N., R. 27 E.,
Sec. 4, lots 1 and 3;
Sec. 18, lot 10;
Sec. 28, E½;
Sec. 30, lots 10, 11, and 12;
Sec. 34, SW¼NW¼, W½SW¼, and NE¼SW¼.
T. 5 N., R. 27 E.,
Sec. 14, W½;
Sec. 28, NW¼.
T. 3 N., R. 28 E.,
Sec. 2, E½E½, NW¼NE¼, NE¼NW¼, SW¼SE¼, and SE¼SW¼;
Sec. 4, NE¼NE¼ and NW¼NW¼;
Sec. 10, N½;
Sec. 14, SW¼SW¼;
Sec. 18, NE¼NE¼, lots 9 and 10;
Sec. 24, lot 5.
T. 4 N., R. 28 E.,
Sec. 30, N½NE¼, lots 1 and 2.
T. 5 N., R. 28 E.,
Sec. 28, NE¼ and NE¼SE¼;
Sec. 32, SW¼ and SW¼SE¼;
Sec. 34, NE¼NE¼.
T. 6 N., R. 28 E.,
Sec. 32, SE¼SE¼;
Sec. 34, NE¼NE¼.
T. 3 N., R. 29 E.,
Sec. 2, SW¼SW¼;
Sec. 20, lot 5;
Sec. 22, lots 5, 6, 7, and 8;
Sec. 24, lots 5 and 6.
T. 4 N., R. 29 E.,
Sec. 10, NE¼.
T. 5 N., R. 29 E.,
Sec. 34, SW¼SE¼ and SE¼SW¼.
T. 3 N., R. 30 E.,
Sec. 22, lots 5, 6, 7, and 8.
T. 4 N., R. 30 E.,
Sec. 6, lot 1;
Sec. 26, S½SW¼.
T. 3 N., R. 31 E.,
Sec. 4, lots 1, 2, 3, and 8;
Sec. 8, lots 5, 6, 7, and 8.
T. 4 N., R. 31 E.,
Sec. 24, E½SW¼ and NE¼NE¼;
Sec. 26, N½NE¼.
T. 5 N., R. 31 E.,
Sec. 4, lot 2;
Sec. 14, SW¼SE¼ and SE¼SW¼;
Sec. 16, E½E½.
T. 6 N., R. 31 E.,
Sec. 8, N½NE¼ and SE¼NE¼;
Sec. 16, E½, E½W½, SW¼NW¼, and NW¼SW¼;
Sec. 24, N½NE¼, NE¼NW¼, and NW¼SW¼;
Sec. 34, W½SE¼.
T. 4 N., R. 32 E.,
Sec. 18, NE¼SW¼, lot 3;
Sec. 30, lots 1, 2, 3, and 4;
Sec. 32, lots 6, 7, and 8.
T. 5 N., R. 32 E.,
Sec. 28, SW¼SW¼ and NW¼NE¼.
T. 5 N., R. 33 E.,
Sec. 32, E½SW¼, SW¼NW¼, and NW¼SW¼.
T. 5 N., R. 34 E.,
Sec. 30, N½NE¼, NE¼NW¼, lot 1.

2. The lands in the Buffalo Creek Land Use Adjustment Project are among those, jurisdiction over which was transferred from the Department of Agriculture to the Department of the Interior for use, administration, or exchange under the Taylor Grazing Act (48 Stat. 1269) as amended, and other acts, by Executive Order No. 10787 of November 6, 1958.

Subject to the conditions and provisions of Executive Order No. 10787, jurisdiction over the lands, among others, was transferred to the Bureau of Land Management for use, administration, or exchange under the Taylor Grazing Act or under the general land management authority of the Secretary of the Interior, by Departmental Order No. 2843 of November 17, 1959.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JANUARY 15, 1962.

[F.R. Doc. 62-600; Filed, Jan. 18, 1962; 8:47 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 545—HOMEWORKERS IN THE FABRIC AND LEATHER GLOVE INDUSTRY; THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY; THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY; THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECKWEAR INDUSTRY; THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY; AND THE SWEATER AND KNIT SWIMWEAR INDUSTRY IN PUERTO RICO

Minimum Piece Rate Increases

On December 7, 1961, a proposal to amend Schedule A and Schedule B of 29 CFR 545.13 was published in the FEDERAL REGISTER (26 F.R. 11735). Its purpose is to increase the piece rates appearing thereon commensurate with increases in the minimum hourly wage rates now applicable under the Fair Labor Standards Act of 1938 (29 U.S.C. 201) and the revised wage orders for the women's and children's underwear and women's blouse and neckwear industry in Puerto Rico (26 F.R. 10130), the handkerchief, square scarf, and art linen industry in Puerto Rico (26 F.R. 10130) and the children's dress and related products industry in Puerto Rico (26 F.R. 9819). The addition of new operations Nos. 21.1, 21.2, 22.2, and 22.3 were also proposed on the basis of production time studies conducted in Puerto Rico with a representative group of employees.

Interested persons were given 15 days in which to file written statements of data, views, or arguments in regard to these proposals. After consideration of all such relevant matter as was presented, I hereby adopt the proposals without change, effective February 19, 1962.

Signed at Washington, D.C., this 15th day of January 1962.

CLARENCE T. LUNDQUIST,
Administrator.

§ 545.13 Piece rates established in accordance with § 545.9.

SCHEDULE A—PIECE RATE SCHEDULE FOR THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECKWEAR INDUSTRY AND THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO [1]

No.	Operation	Women's and children's underwear and women's blouse and neckwear industry		Children's dress and related products industry	Unit of payment
		Blouses and neckwear and silk and synthetic underwear and nightwear	Cotton underwear nightwear		
		(1)	(2)	(3)	
1	Arenilla (seed stitch), close, ¼" squares	*Cents* 84.00	*Cents* 75.60	*Cents* 81.60	Per dozen squares.
2	Arenilla (seed stitch), scattered, ½" squares	42.00	37.80	40.80	Do.
3	Arrows, filled in, ¼"	21.00	18.90	20.40	Per dozen.
4	Back stitch on yokes, armholes, etc	[2] 46.67	[2] 42.00	58.33	Per yard.
5	Basting bias with cord	22.10	20.80	22.44	Do.
6	Basting darts before sewing	[2] 24.36	[2] 21.93	30.62	Do.
7	Basting for fagoting	6.32	5.69	6.14	Do.
8	Basting hems, 1" to 6" wide	[2] 14.00	[2] 12.60	17.50	Do.
9	Basting lace incidental to sewing on lace with solid cord stitch.	12.10	10.89	11.75	Do.
10	Basting waist lines, plackets, and facings, 2 to 3 stitches per inch.	[2] 8.76	[2] 7.89	10.96	Do.
11	Bias piping, joined, double, over 10 stitches per inch.	28.00	25.20	27.20	Do.
12	Bias piping, joined, single, over 10 stitches per inch.	35.00	31.50	34.00	Do.
13	Bias piping, second seam joined double, set flat on garment with running stitch.	42.19	37.97	40.98	Do.
14	Blanket stitch, folding included, 18 stitches per inch.	79.33	71.40	77.07	Do.
15	Buttons sewed on with double thread, 2 to 3 stitches.	[2] 9.15	[2] 8.23	11.39	Per dozen.
16	Buttonhole, stamped, 3/4" long	[2] 30.19	[2] 27.18	37.70	Do.
17	Buttonhole, stamped, 1/2" long	[2] 40.13	[2] 36.12	50.21	Do.
18	Buttonhole stitch, close	63.00	56.70	61.20	Per yard.
19	Buttonhole stitch for joining seams	63.00	56.70	61.20	Do.
20	Cord, twisted, over basting	7.00	6.30	6.80	Per dozen inches.
21	Cutting material applied over lace with solid cord stitch.	9.60	8.63	9.33	Per yard.
21.1	Hand cutting material over lace applique or other material and at edges of garment following machine embroidered cord, large outline, around scallops measuring 1" or more.	1.75			Do.
21.2	Hand cutting material over lace applique or other material and at edges of garment following machine embroidered cord, small outline around scallops measuring less than 1".	3.94			Do.
22	Cutting material under lace or at seams, straight outline, following hand-sewing operation.	3.94	3.55	3.82	Do.
22.1	Cutting material under lace or at seams, straight outline, following machine operations (formerly operation No. 93).	4.83	4.83	4.91	Do.
22.2	Hand cutting material underneath straight or nearly straight outline.	1.34			Do.
22.3	Hand cutting material underneath irregular outline.	2.00			Do.
23	Dots, baby, not finished off, 2 to 3 stitches	5.83	5.26	5.67	Per dozen.
24	Dots, medium, not filled in, finished off, 8 to 9 stitches.	9.24	8.32	8.97	Do.
25	Eyelets, up to 1/8" diameter	15.60	14.05	15.15	Do.
26	Eyelets, 3/16" diameter	28.00	25.20	27.20	Do.
27	Fagoting, straight lines	97.50	87.75	94.71	Per yard.
28	Fagoting, twisted lines	46.67	42.00	45.33	Do.
29	Feather stitch, 12 stitches per inch	46.67	42.00	45.33	Do.
30	Feather stitch cord	24.56	22.10	23.86	Do.
31	Flat fell seams, first seam by machine	[2] 27.35	[2] 24.61	34.14	Do.
32	Flat roll	[2] 21.23	[2] 19.10	26.50	Do.
33	French knots, not finished off	2.92	2.63	2.83	Per dozen.
34	French seams, over 12 stitches per inch	[2] 17.50	[2] 15.76	21.87	Per yard.
35	French seams, first seam by machine, 9 to 12 stitches per inch.	[2] 11.56	[2] 10.41	14.46	Do.
36	Furusecos, with tape	105.00	94.50	102.00	Do.
37	Furusecos, without tape	84.00	75.60	81.60	Do.
38	Guariquenas	7.00	6.30	6.80	Per dozen.
39	Half roll (with colored or emb. thread)	22.98	20.66	22.31	Per yard.
40	Hemming stitch for felling, 2 to 3 stitches per inch.	[2] 12.24	[2] 11.01	15.29	Do.
41	Hemming stitch for felling, cuffs, collars, plackets, and waist bands, 8 to 10 stitches per inch.	[2] 31.31	[2] 28.19	39.14	Do.
42	Hemstitch, double (tru-tru), 4 threads in a bundle, thread drawing not included.	86.80	78.12	84.32	Do.
43	Hemstitch, single, 4 threads in a bundle, thread drawing not included.	45.56	41.00	44.26	Do.

[1] See current wage orders for these two industries for definitions of the industries and of the classifications of "hand-sewing", "hand-embroidery", and "other operations", and for applicable minimum hourly wage rates.
[2] Piece rate not applicable when operation is performed on articles which are wholly machine-sewn or machine-knit.

SCHEDULE A—PIECE RATE SCHEDULE FOR THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECKWEAR INDUSTRY AND THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO [1]—Continued

No.	Operation	Women's and children's underwear and women's blouse and neckwear industry		Children's dress and related products industry	Unit of payment
		Blouses and neckwear and silk and synthetic underwear and nightwear (1)	Cotton underwear and nightwear (2)	(3)	
		Cents	*Cents*	*Cents*	
44	Lace, joined with whipping stitch	72.92	65.63	70.83	Per yard.
45	Lace, sewed on with hemming stitch or round roll.	35.00	31.50	34.00	Do.
46	Leaves, open, 1/4" long	28.00	25.20	27.20	Per dozen.
47	Leaves, open, 3/8" to 1/2" long	42.00	37.80	40.80	Do.
48	Leaves, simple	2.61	2.35	2.54	Do.
49	Leaves, solid, not finished off, 1/8" long	7.68	6.92	7.46	Do.
50	Leaves, solid, not finished off, 1/4" long	9.33	8.40	9.07	Do.
51	Leaves, solid, not finished off, 3/8" to 1/2" long.	14.00	12.60	13.60	Do.
52	Leaves, solid, finished off, 5/8" to 3/4" long	28.00	25.20	27.20	Do.
53	Loops, knitted, 1/4"	8.76	7.89	8.52	Do.
54	Loops, knitted, 1" to 1 1/2"	14.72	13.25	14.30	Do.
55	Loops, made with buttonhole stitch	21.00	18.90	20.40	Do.
56	Mounting fagoting appliques, including pinning and basting to garment, first seam with running stitch, felled with hemming stitch.	83.64	75.27	81.24	Per yard.
57	Overcasting seams	[2] 14.89	[2] 13.39	18.62	Do.
58	Pasadas, short, 1" to 8"		6.53		Per dozen pasadas.
59	Patches, sewed on with single point de turc	139.44	125.50	135.45	Per yard.
59.1	Patches, rectangular, sewed on with blind stitch, up to 1 1/2 inch.	8.80	7.92	8.55	Per dozen inches.
59.2	Patches, sewed on with solid cord, cutting and basting included.	137.20	123.48	133.28	Per yard.
60	Pin stitch, thread drawing not included, 1 inch squares.	168.00	151.20	163.20	Per dozen squares.
61	Point de turc double, with embroidery thread.	69.64	62.67	67.64	Per yard.
62	Point de turc plain, with embroidery thread	40.83	36.74	39.67	Do.
63	Randa, bundles twisted but not tied, thread drawing not included.	17.50	15.74	17.00	Do.
64	Randa, Don Gonzales, thread drawing not included.	73.50	66.14	71.40	Do.
65	Randa, Mexican, tied at center only, thread drawing not included.	21.00	18.90	20.40	Do.
66	Ribbons, setting ends of	9.60	8.63	9.33	Per dozen.
67	Rolling armholes and reboques	[2] 35.76	[2] 32.18	44.70	Per yard.
68	Rose buds, worm stitch, 4 worms, 1 or 2 colors or tones.	20.80	18.71	20.21	Per dozen.
69	Running stitch on darts, 8 to 10 stitches per inch.	[2] 17.50	[2] 15.76	21.87	Per yard.
70	Running stitch for felling, very close stitch	[2] 17.50	[2] 15.76	21.87	Do.
71	Running stitch on hems up to 1" wide, 12 stitches per inch.	[2] 18.81	[2] 16.92	23.55	Do.
72	Running stitch on lace	18.57	16.72	18.05	Do.
73	Running stitch for plain sewing	[2] 12.65	[2] 11.39	15.83	Do.
74	Scallops, plain, cutting included	70.47	63.42	68.45	Do.
75	Shadow stitch, up to 3/8" wide	135.33	121.80	131.47	Do.
76	Shell, 4 to 5 stitches per inch	24.00	21.61	23.31	Do.
77	Shirring, material to be measured before shirring.	14.09	12.68	13.70	Do.
78	Shirring and basting lace edging, material to be measured after shirring.	16.94	15.24	16.45	Do.
79	Shirring and setting lace edging with hemming stitch on straight outline, material to be measured after shirring.	30.44	27.39	29.56	Do.
80	Shoulder straps, set with buttonhole stitch, 14 1/2" x 1/4", measured after turning, sewing up to 3/8" at each end at strap.	82.74	74.46		Per dozen straps.
81	Size tickets set with hemming stitch, cutting tickets included.	[2] 14.00	[2] 12.60	17.50	Per dozen inches.
82	Smocking	.58	.51	.57	Per dozen stitches.
83	Snaps, sewing on, both sides	[2] 14.00	[2] 12.60	17.50	Per dozen.
84	Solid cord stitch on gores and embroidery	65.80	59.22	63.92	Per yard.
85	Solid cord stitch to sew on lace	59.50	53.54	57.80	Do.
86	Spiders, 4 legs	14.00	12.60	13.60	Per dozen.
87	Spiders, 8 legs	27.36	24.62	26.58	Do.
88	Tacks, set for fagoting	7.00	6.30	6.80	Do.
89	Tucks stamped, 1/4" to 1/4" wide up to 6" long	21.90	19.71	21.27	Do.
90	Tucks, pin, stamped up to 7" long	23.08	20.78	22.42	Do.
91	Tucks, pin, unstamped up to 6" long	28.00	25.20	27.20	Do.
93	(See operation No. 22.1.)				
94	Turning belts, machine sewn, 29" x 1/2", measured after turning.	19.99	19.99	20.34	Per dozen belts.
95	Turning belts, machine sewn, 60" x 1/2", measured after turning.	25.40	25.40	25.85	Do.
96	Turning shoulder pads, 5 3/4" long, with an unsewed slit of 1" for turning.	12.98	12.98	13.20	Per dozen pads.
97	Turning shoulder straps, 14 1/2" x 1/4", measured after turning.	39.85	39.85		Per dozen straps.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]—Continued

No.	Operation	Cents	Unit of payment
120	Dots, medium, not filled in, finished off, 8 to 9 stitches	3.83	Per dozen.
120.1	Dots, medium, in groups, not finished off, 5 stitches, with double embroidery thread.	2.48	Do.
120.2	Dots, medium, finished off, 5 stitches, with double embroidery thread.	3.28	Do.
121	Embroidery, solid, 3/16" to 3/4" thick, averages 28 stitches per inch [3]	11.60	Per dozen inches.
122	Embroidery, solid, straight or diagonal, same as image stitch, filled in, loose.	11.60	Do.
123	Embroidery, solid, straight or diagonal, same as image stitch, not filled in, loose.	8.70	Do.
124	Eyelets, 1/8" diameter	6.47	Per dozen.
125	Feather stitch, 12 stitches per inch	6.45	Per dozen inches.
126	Feather stitch cord	3.40	Do.
127	Flat hems without pasadas	[4] 3.01	Do.
128	French knots, not finished off	1.22	Per dozen.
128.1	French knots, finished off, with double embroidery thread	2.32	Do.
129	Guariquenas	2.90	Do.
130	Hand or French rolling, 10 stitches or less per inch	8.20	Per 48 inches.
131	Hand or French rolling, 11 stitches or more per inch	9.85	Do.
132	Hand-rolling one side of a corner	19.34	Per dozen handkerchiefs.
	The piece rate shall apply under the following conditions: (a) The machine-stitching runs to the end on one side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than 1/4" nor more than 1"; and (b) Only one side of each corner is hand-rolled; and the hand-rolling is not longer than 1".		
133	Hand-rolling both sides of a corner	38.66	Do.
	The piece rate shall apply under the following conditions: (a) The machine-stitching does not run to the end of either side of any corner; and the space left open for hand-rolling at each side of the corners is not less than 1/4" nor more than 1"; and (b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than one inch on either side of any corner		
134	Hand-rolling both sides of a corner	48.34	Do.
	The piece rate shall apply under the following conditions: (a) The machine-stitching runs to the end on one side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than 1/4" nor more than 1"; and (b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than two inches on any corner		
135	Hemstitch, double (tru-tru), 4 threads in a bundle, thread drawing not included	11.98	Per dozen inches.
136	Hemstitch, single, 4 threads in a bundle, thread drawing not included	6.30	Do.
137	Initials, simple, with hoops	29.00	Do.
138	Initials, simple, without hoops	17.98	Do.
139	Lace, joined at corners with hemming stitch	8.70	Do.
140	Leaves, simple	1.06	Per dozen.
141	Leaves, solid, not finished off, 1/4" long	3.86	Do.
142	Leaves, solid, not finished off, 3/8" to 1/2" long	5.80	Do.
143	Leaves, solid, not finished off, 5/8" to 3/4" long	11.60	Do.
144	Loops, made with worm stitch, 1/4"	1.94	Do.
145	Pasadas, 11" x 11" to 14" x 14", linen up to 1600 count, inclusive	5.80	Per dozen pasadas.
146	Pasadas, 11" x 11" to 14" x 14", linen 1700 count and over	8.12	Do.
147	Pasadas, 15" x 15", linen up to 1600 count, inclusive	9.86	Do.
148	Pasadas, 15" x 15", linen 1700 count and over	12.18	Do.
149	Pasadas, 16" x 16" to 20" x 20", linen up to 1400 count inclusive	13.92	Do.
150	Pasadas, short, 1" to 7", linen up to 1600 count inclusive	[4] 3.01	Do.
	Pasadas, short:		
151	Cambric, 1" to 10"	5.80	Do.
152	Crash, 1" to 10"	4.35	Do.
153	Cambric, 10 1/2" to 18"	11.60	Do.
154	Crash, 10 1/2" to 18"	8.70	Do.
155	Patches, circular, sewed on with hemming stitch, cutting included	6.35	Per dozen inches.
156	Patches, irregular outline, sewed on with hemming stitch, cutting included.	11.05	Do.
156.1	Patches, irregular outline, sewed on with blind stitch, up to 4"	8.12	Per dozen inches.
156.2	Patches, irregular outline sewed on with blind stitch, over 4"	4.13	Do.
157	Patches, rectangular, sewed on with hemming stitch, cutting included	5.21	Do.
158	Pin stitch, thread drawing not included, 1" sq	69.60	Do.
159	Randa, Don Diego, thread-drawing not included	12.05	Do.
160	Randa, Mexican, tied at center only, thread drawing not included	2.90	Do.
161	Randa, simple, not stitched at either side; thread drawing not included	2.20	Do.
162	Rose buds, worm stitch, 4 worms, 2 colors or tones	8.61	Per dozen.
163	Scallops, plain, cutting included	9.74	Per dozen inches.
164	Shadow stitch, up to 3/8" wide	18.68	Do.
165	Spiders, 4 legs	5.80	Per dozen.
166	Spiders, 8 legs	11.34	Do.

No.	Operation	Cents		Unit of Payment
		Cambric (1)	Crash (2)	
	Thread drawing			
	Art linens, first thread, not coming out at edge:			
167.0	Stamped 1" to 10"	2.07		Per dozen threads.
167.2	Not stamped 1" to 10"	2.89	1.54	Do.
	Art linens, unstamped, first thread, all-around, not coming out at edge:			
167.4	Doilies 12" x 18"	11.89	9.44	Per dozen pieces.
	Napkins:			
167.6	12" x 12"	9.27	7.85	Do.
167.7	15" x 15"	11.59	9.44	Do.
167.8	18" x 18"	13.91	10.90	Do.
	Scarves:			
168.0	17" x 36"	20.47	14.67	Do.
168.1	17" x 45"	23.95	16.54	Do.
168.2	17" x 54"	27.43	18.36	Do.
	Squares:			
168.3	36" x 36"	27.83	18.55	Do.
168.4	45" x 45"	34.77	22.05	Do.
168.5	54" x 54"	41.73	25.77	Do.
	Art linens, unstamped, first thread at one end, coming out at both edges:			
	Towels:			
168.6	9" x 15"		1.46	Do.
168.7	15" 24"		2.12	Do.
168.8	18" x 30"		2.43	Do.
169	Art linens, after first thread	[5]	[5]	

No.	Operation	Cents	Unit of Payment
	Thread drawing		
	Ladies handkerchiefs:		
170	First thread around edge, cotton or linen, up to 1600 count inclusive.	2.90	Per dozen threads.
171	First thread, inside, cotton or linen, up to 1600 count inclusive	3.64	Do.
172	After first thread (for example, for hemstitching)	[5]	
173	First thread around edge, linen up to 1500 count inclusive, 16" x 16" to 20" x 20".	4.35	Do.
174	First thread around edge, linen 1600 count and over, 16" x 16" to 20" x 20".	5.09	Do.
175	First thread, inside, linen up to 1500 count inclusive, 16" x 16" to 20" x 20".	5.09	Do.
176	First thread, inside, linen 1600 count and over, 16" x 16" to 20" x 20".	5.80	Do.
177	After first thread (for example, for hemstitching)	[5]	

[1] See current wage orders for these two industries for definitions of the industries and of the classifications of "hand-sewing", "hand-embroidery", and "other operations", and for applicable minimum hourly wage rates.

[2] Piece rate not applicable when operation is performed on articles which are wholly machine-sewn or machine-knit.

[3] These piece rates have been set on the basis of O.N.T. thread #5, corded, which averages 28 stitches per inch of solid cord. If corded threads are used which are not so thick, the rate should be increased in proportion to the increase in the number of stitches per inch. If corded thread #11 is used, 15 percent must be added to the piece rates established for thread #5.

[4] For each additional count of 100, add 1.16 cents.

[5] For second and third threads, 20 percent of rate for first threads; for additional threads, 15 percent of rate for first thread.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]—Continued

No.	Operation	Dollies			Napkins			Table scarves			Squares			Table cloths		
		8"x16"	10"x14"	12"x18"	12"x12"	15"x15"	18"x18"	17"x36"	17"x45"	17"x54"	36"x36"	45"x45"	54"x54"	54"x72"	72"x72"	72"x90"
179	Half roll, cambric and crash, at 3.17 cents per dozen inches	1.52	1.52	1.90	1.52	1.90	2.28	3.36	3.93	4.50	4.56	5.70	6.84	7.98	9.12	10.26
180	Hand or French rolling, 10 stitches or less per inch, cambric, and crash, at 2.05 cents per dozen inches	.99	.99	1.23	.99	1.23	1.48	2.18	2.54	2.91	2.96	3.69	4.43	5.17	5.91	6.65
	Hemming stitch over pasada, measuring all around edge:															
181	Cambric, at 1.94 cents per dozen inches [2]	.93	.93	1.16	.93	1.16	1.40	2.06	2.41	2.76	2.79	3.49	4.19	4.89	5.59	6.29
182	Crash, at 1.82 cents per dozen inches [2]	.87	.87	1.09	.87	1.09	1.31	1.93	2.25	2.58	2.62	3.27	3.93	4.58	5.24	5.89
	Second seams, for separate borders, measuring all around edge:															
183	Cambric, at 1.94 cents per dozen inches [2]	.93	.93	1.16	.93	1.16	1.40	2.06	2.41	2.76	2.79	3.49	4.19	4.89	5.59	6.29
184	Crash, at 1.82 cents per dozen inches [2]	.87	.87	1.09	.87	1.09	1.31	1.93	2.25	2.58	2.62	3.27	3.93	4.58	5.24	5.89
	Second seams, for separate borders, with French corners, measuring all around edge:															
185	Cambric, at 2.17 cents per dozen inches [2]	1.04	1.04	1.30	1.04	1.30	1.57	2.31	2.70	3.09	3.13	3.91	4.70	5.48	6.26	7.05
186	Crash, at 1.94 cents per dozen inches [2]	.93	.93	1.16	.93	1.16	1.40	2.06	2.41	2.76	2.79	3.49	4.19	4.89	5.59	6.29

No.	Operation	Cents	Unit of payment
	Scallop cutting		
	Hand-cutting machine-embroidered, shallow, curved scallops on handkerchiefs or square scarves:		
187.4	Small, measuring from 3/16" up to but not including 5/8", along outside edge.	29.12	Per dozen scallops.
187.5	Medium, measuring from 5/8" up to but not including 7/8", along outside edge.	36.67	Do.
187.6	Large, measuring from 7/8" to and inclusive of 1¼", along outside edge.	55.00	Do.
	Needlepoint operations [4] [7]		
200	Compact florals, figures and landscapes	30.16	Per 1,000 stitches.
201	Scattered florals	32.48	Do.
202	Scattered florals consisting of borders or garlands only	34.80	Do.
203	Combinations of compact center and scattered borders in which the compact portion totals 45 percent or more of the total design.	32.48	Do.
204	Combinations of compact center and scattered borders in which the compact portion totals less than 45 percent of the entire design.	34.80	Do.
205	2.32 cents must be added to the above piece rates to cover thumbtack mounting on frame for each piece of canvas. Employers using other methods must set individual rates for mounting and removing canvas in accordance with section 545.10.		

[1] See current wage order for this industry for definition of the industry and of the classification of "hand-sewing" and "other operations", and for applicable minimum hourly wage rates.
[2] Piece rate not applicable when operation is performed on articles which are otherwise wholly machine-sewn.
[4] *Exceptions.* These piece rates do not apply to the following types of needlepoint. For these and all other varieties of needlepoint not covered by the schedule and definitions, piece rates must be set by employers in accordance with Regulation 545.10.
1. Florals having more than 10,000 stitches.
2. Florals having more than 36 color tones.
3. Figures and landscapes having more than 3,000 stitches.
4. Figures and landscapes having more than 25 color tones.
5. Petit Point.
6. Stamped grospoint.
[7] *Definitions.* (1) A scattered design is one in which 50 percent or more of the component parts, when finished, are separated by spaces of unsewn canvas. (2) A compact design is one in which 50 percent or more of the finished piece contains no spaces of unsewn canvas.

[F.R. Doc. 62-634; Filed, Jan. 18, 1962; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—1962–63 Marketing Year

DETERMINATION OF COUNTY NORMAL YIELDS

Correction

In F.R. Doc. 61-12418, appearing at page 76 of the issue for Friday, January 5, 1962, the following corrections are made:

A. In the tabular material of §728.1208 (d):

1. At the top of the first column of page 81, the heading reading "South Dakota—Continued" should read "North Dakota—Continued".

2. Under "Virginia", the entry reading "Goodhue—24.2" should read "Gloucester—22.4".

3. Under "Wyoming", the listing for Teton County should read "30.8" instead of "30.3".

B. In the tabular material following the signature of the document: Under "Utah", the listings appearing under the heading "Summer fallow" should appear under the heading "Irrigated", and the listings appearing under the heading "Continuous cropping" should appear under the heading "Summer fallow". As corrected, there should be no listings appearing under the heading "Continuous cropping" for Utah.

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 820, Amdt. 1]

PART 820—REQUIREMENTS RELATING TO NON-QUOTA PURCHASE SUGAR FOR THE SIX-MONTH PERIOD ENDING JUNE 30, 1962

Non-quota Purchases of Sugar Authorized

Correction

In F.R. Doc. 62-371, appearing at page 335 of the issue for Friday, January 12, 1962, the following concurrence should appear at the end of the document, after the signature of Orville L. Freeman:

Concurred in for the Secretary of State:

EDWIN M. MARTIN,
Assistant Secretary.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 20—FROZEN DESSERTS; DEFINITIONS AND STANDARDS OF IDENTITY

Ice Cream, French Ice Cream; Effective Date of Order Amending Standard of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of December 6, 1961 (26 F.R. 11676) with regard to amending the standards of identity for ice cream and french ice cream to increase the factor by which the weight of chocolate or cocoa solids is multiplied from 1.5 to 2.5, to allow for additional sweetening ingredients. Accordingly, the amendment promulgated by that order will become effective February 4, 1962.

(Secs. 401, 701, 52 Stat. 1046, 1055; as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: January 15, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-613; Filed, Jan. 18, 1962; 8:47 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Further Extension of Effective Date of Statute

Effective as of the date of signature of this order, § 120.37 is amended by changing the effective date of statute of the item "arsenic acid" to read "Jan. 1, 1963."

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: January 15, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-614; Filed, Jan. 18, 1962; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed and Animal-Feed Supplements

METHYL ESTERS OF HIGHER FATTY ACIDS

Correction

In F.R. Doc. 61-11686, appearing at page 11828 of the issue for Saturday, December 9, 1961, the phrase "vegetable oil or tallow" appearing in § 121.224(a) should read "edible vegetable oil or tallow".

SUBCHAPTER C—DRUGS

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

Miscellaneous Amendments

Correction

In F.R. Doc. 62-450, appearing at page 443 of the issue for Tuesday, January 16, 1962, under item 2a: The opening words of § 146b.106(d)(2)(ii) should read "The streptomycin sulfate or dihydrostreptomycin sulfate • • •" instead of "The streptomycin or dihydrostreptomycin sulfate • • •".

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 201—PROCEDURE OF THE POST OFFICE DEPARTMENT

Subpart K—Procedures Under the Employment Policy of the Post Office Department

In Part 201, as published in 26 F.R. 11654–11666, and amended by 26 F.R. 12771–12780, Subpart K is amended to read as follows:

§ 201.90 Employment policy.

(a) *Purpose and scope.* Executive Order 10925 of March 6, 1961, establishes The President's Committee on Equal Employment Opportunity and reaffirms Government policy with respect to the exclusion and prohibition of discrimination against any employee or applicant for employment in the Federal Government because of race, creed, color, or national origin. The Executive Order points out that discrimination because of race, creed, color, or national origin is contrary to the Constitutional principles and policies of the United States and that it is the policy of the Executive Branch of the Government to encourage by positive measures equal opportunity for all qualified persons within the Government. These regulations also apply to cases pending under Executive Order 10590, as amended, and regulations promulgated thereunder.

(b) *Authority.* These instructions issued in conformity with and under the authority of E.O. 10925, constitute the basic regulations to govern the administration of employment policies in the Post Office Department.

(c) *Designation of employment policy officer.* The Assistant Postmaster General, Bureau of Personnel, is designated as the Employment Policy Officer for the Post Office Department.

(d) *Duties of employment policy officer.* The Employment Policy Officer shall:

(1) Advise the Postmaster General with respect to the preparation of regulations, reports, and other matters dealing with the exclusion and prohibition of discrimination under E.O. 10925.

(2) Process complaints of alleged discrimination in personnel matters within the Post Office Department headquarters and field installations and make recommendations to appropriate administrative officials for such corrective measures as he may deem necessary.

(3) Appraise the personnel operations of the Post Office Department headquarters and field installations at regular intervals to assure their continuing conformity to the policy expressed in Executive Order 10925 of excluding and prohibiting discrimination.

(4) Institute prompt investigation of each complaint, and shall be responsible for developing a complete case record, including an adequate transcript or agreed summary of any hearing, sufficient to dispose of all relevant issues. Whenever necessary or appropriate for a full development of the case, the investigation shall include an appraisal of employment practices in the organizational segment or unit in which the alleged discrimination occurred.

(e) *Designation of Deputy Employment Policy Officers.* The following officials are designated as Deputy Employment Policy Officers for the indicated units:

Unit and Deputy Employment Policy Officer
All Field Installations: Special Assistant to Regional Director for Employee Relations, where authorized, otherwise Regional Director.
Inspection Service Field Organizations: Chief Postal Inspector.
Headquarters Organizations: Bureau or Office Head.

(f) *Complaints*—(1) *Right to file.* The right to file complaints without restraint, interference, coercion or reprisal is recognized.

(2) *Who may file.* Any aggrieved postal employee or qualified applicant for postal employment who believes he has been discriminated against because of race, creed, color, or national origin may file a written signed complaint. The complaint may be submitted by an authorized representative of the aggrieved individual, such authorization to be in writing.

(3) *Where to file.* Complaints may be filed with the Deputy Employment Policy Officer, the Employment Policy Officer, or with The President's Committee.

(4) *When to file.* Written signed complaints shall be filed within 90 days from the date of the alleged discrimination unless such time is extended by the Department or the Executive Vice Chairman of The President's Committee for good cause shown.

(5) *What to file.* Each complainant should file Form 1776, "Equal Employment Opportunity Complaint" in duplicate. Failure to submit this form will not preclude the right of the employee to file a complaint under these regulations.

(6) *Right to counsel.* Parties to proceedings under these regulations shall have the right to be accompanied, represented and advised by counsel, or by other qualified representatives.

(7) *Action to be taken by deputy employment policy officer*—(i) *Copy of complaint.* The Deputy Employment Policy Officer shall send promptly a copy of each complaint he receives to the Employment Policy Officer for transmittal to the Executive Vice Chairman of the Committee.

(ii) *Negotiation and informal settlement.* On cases filed with him or referred to him, the Deputy Employment Policy Officer shall take necessary steps to secure the facts and to develop a complete record of the case. This will include an interview with the complainant and with the persons against whom the

complaint is made. When necessary, the Deputy Employment Policy Officer may request the Employment Policy Officer to have an investigation conducted by the Postal Inspection Service. After he has the facts, if the Deputy Employment Policy Officer belives there is sufficient justification for the complaint to support an effort to dispose of the matter informally, or if it appears there is no basis for the complaint, an attempt should be made to resolve the matter by informal means.

(iii) *Hearing and conclusion.* (a) In any case not disposed of by informal means, the complainant shall be afforded an opportunity for an informal oral hearing before the Deputy Employment Policy Officer, or his designee (but in no case shall the investigating officer be the hearing officer), at a convenient time and place, provided request therefor is made within 10 days from the receipt of the proposed resolution. At such hearing, the installation shall produce any witnesses under its jurisdiction upon a showing satisfactory to the hearing officer of reasonable necessity therefor. Parties to the hearing shall have the right of confrontation and cross-examination as may be necessary to a development of the facts. Any request for the attendance of necessary witnesses shall be made in writing by the complainant at least 10 days prior to the date of the hearing. The complainant shall have the right to receive a concise and accurate summary of the facts pursuant to his complaint, and upon which the Deputy Employment Policy Officer relied in making his proposed resolution, together with a statement of the reasons for the Deputy Employment Policy Officer's resolution in denying the claim of the complainant. The Deputy Employment Policy Officer may, in lieu of a summary statement, make available to the complainant the entire investigative report of the agency. In cases in which the complainant or his agent is provided with such summary statement, the Executive Vice Chairman or his representative shall have the right, upon request, to examine the entire record in such a case, including all data gathered pursuant to investigation of the complaint.

(b) The hearing officer shall make his proposed findings and recommended conclusions on the basis of the record before him and submit his findings and conclusions to the Deputy Employment Policy Officer. The Deputy Employment Policy Officer, after consultation with the Regional Director, where appropriate, will render his decision to the complainant based upon the total record. The letter of decision shall contain a concise and accurate summary of the facts which were relied upon in reaching the decision, together with a statement of the reasons for denying the claim of the complainant.

(iv) *Transcript of testimony.* Where practicable, a transcript of the testimony shall be made. If a verbatim transcript is not practicable, a full summary of the testimony shall be made by the Hearing Officer, or if the complainant does not agree with the summary, he may note and sign his exceptions, which will become a part of the summary. The complainant shall be furnished a copy of the summary or transcript.

(8) *Appeal to employment policy officer.* If the decision of the Deputy Employment Policy Officer is not satisfactory to the complainant, he may appeal the decision to the Employment Policy Officer within 10 days of the date of the decision by the Deputy Employment Policy Officer, unless the Employment Policy Officer waives this time limitation for good cause. The Employment Policy Officer will make the final decision for the Department and notify the complainant and the Deputy Employment Policy Officer. The letter of decision shall contain a concise and accurate summary of the facts which were relied upon in reaching the decision, together with a statement of the reasons for denying the claim of the complainant.

(9) *Referral to President's Committee for advisory opinion.* The Employment Policy Officer, if he so desires, may refer a case to the Executive Vice Chairman of The President's Committee for study and recommendation after the Employment Policy Officer has formulated his findings and recommendations and prior to any decision by the Employment Policy Officer. Where such referral has been made, final decision by the Employment Policy Officer may be made only after receipt of the recommendations of the Executive Vice Chairman.

(10) *Submission by complainant to President's Committee for review.* If the decision of the Employment Policy Officer is not satisfactory to the complainant, he may request the Employment Policy Officer to send the case to the Executive Vice Chairman of The President's Committee for review. Such request must be made by the complainant within 30 days of the date of final action by the Employment Policy Officer, unless the Executive Vice Chairman waives this time limitation for good cause.

(g) *Processing of complaints*—(1) *Time limitation.* Within 30 days from receipt of a complaint by the Deputy Employment Policy Officer or Employment Policy Officer, or within such additional time as may be allowed by the Executive Vice Chairman for good cause shown, the complaint shall be processed and report submitted to the Executive Vice Chairman as required by subparagraph (3) of this paragraph. Where the complainant requests a hearing, the complaint shall be processed within 60 days. When necessary, the Employment Policy Officer will request the Executive Vice Chairman to allow additional time.

(2) *Delay on part of complainant.* Where the complainant fails to appear without good cause shown or fails within 60 days to furnish requested information, or to otherwise process his complaint such case may be closed.

(3) *Report of disposition of complaint.* The Employment Policy Officer shall submit to the Executive Vice Chairman of The President's Committee a report of the final disposition of each written complaint filed under the Executive Order. The report shall contain the following:

(i) A copy of the complete case record, if requested by the Executive Vice Chairman.

(ii) A summary of the complete case record, which shall include the following:

(a) The name and address of the complainant.

(b) The date on which the complaint was filed with or referred to the Department, and, where the complaint was filed with the Department, the name and title of the officer with whom filed.

(c) A summary of the complaint indicating the specific type or types of discrimination alleged.

(d) A summary of the results of any appraisal of employment practices and the significant facts disclosed by the investigation and any hearing.

(e) A statement describing disposition of the complaint. If the complaint was withdrawn, the reason for withdrawal should be included.

(f) The date of the disposition of the complaint.

(4) *Report by Deputy Employment Policy Officer.* Deputy Employment Policy Officers will submit disposition reports to the Employment Policy Officer, in duplicate, in conformity with the format outlined in paragraph (g) (3) of this section.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501. E.O. 10925, 26 F.R. 1977)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-602; Filed, Jan. 18, 1962; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 11—INDUSTRIAL RADIO SERVICES

Definitions

The Commission having under consideration the need of amending the list of definitions of terms in use in Part 11 of its Rules; and

It appearing, that, by its Second Memorandum Opinion and Order in Docket 13928, released October 25, 1961 (FCC 61-1235), the Commission amended Part 2, inter alia, to make the definitions of terms therein conform to those adopted in Geneva Radio Regulation (1959), and that Part 11 should be amended to conform to Part 2 in that respect, and to make certain other adjustments of an editorial nature; and

It further appearing, that, the amendments ordered herein are editorial in nature, hence the notice, procedural and effective date provisions of section 4 of the Administrative Procedures Act are not applicable; and

It further appearing, that, the amendments adopted herein are issued pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 16th day of January 1962, that effective January 22, 1962, § 11.3 Part 11, is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: January 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 11.3 is revised to read:

§ 11.3 Definitions.

For the purpose of this part, the following definitions shall be applicable. For other definitions, refer to Part 2 of this chapter, Frequency Allocations and Treaty Matters; General Rules and Regulations:

Antenna structures. The term "antenna structures" includes the radiating system, its supporting structures and any surmounting appurtenances.

Assigned frequency. The frequency appearing on a station authorization, from which the carrier frequency may deviate by an amount not to exceed that permitted by the frequency tolerance.

Authorized bandwidth. The frequency band, specified in kilocycles and centered on the carrier frequency containing those frequencies upon which a total of 99 percent of the radiated power appears, extended to include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power.

Base station. See Land Station, this section.

Carrier frequency. The frequency of the carrier.

Control station. An Operational Fixed Station, the transmissions of which are used to control automatically the emissions or operation of another radio station at a specified location.

Duplex operation. Operating method in which transmission is possible simultaneously in both directions.

Fixed relay station. An Operational Fixed Station in the fixed service, established to receive radio signals directed to it from any source and to retransmit them automatically on a fixed service frequency for reception at one or more fixed points.

Fixed service. A service of radiocommunication between specified fixed points.

Harmful interference. Any emission, radiation or induction which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service operating in accordance with this chapter.

Industrial, scientific and medical equipment (ISM). Devices which use radio waves for industrial, scientific, medical, or any other purposes including the transfer of energy by radio and which are neither used nor intended to be used for radiocommunication.

Landing area. A landing area means any locality, either of land or water, including airports and intermediate landing fields, which is used, or approved for use for the landing and take-off of aircraft whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo. Aeronautical facilities not in existence at the time of filing of an application for radio facilities will be given consideration only when proposed airport construction or improvement plans are on file with the Federal Aviation Agency as of the filing date of the application for such radio facilities.

Land station. A station in the mobile service not intended to be used while in motion. (Of the various types of land stations, only the Base Station is pertinent to this part, and the term will be used interchangeably with the term Land Station.)

Mobile relay station. A Base Station in the mobile service, authorized primarily to retransmit automatically on a mobile service frequency communications originated by mobile stations.

Mobile service. A service of radiocommunication between mobile and land stations, or between mobile stations.

Mobile station. A station in the mobile service intended to be used while in motion or during halts at unspecified points. (For purposes of this part, the term includes hand-carried and pack-carried units.)

Operational fixed station. A Fixed Station not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the Public Safety, Industrial, Land Transportation, Aviation or Marine Services. (This term includes all stations licensed in the fixed service under this part.)

Person. An individual, partnership, association, joint stock company, trust, or corporation.

Public correspondence. Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.

Radiocommunication. Telecommunication by means of radio waves.

Radiodetermination. The determination of position, or the obtaining of information relating to position, by means of the propagation properties of radio waves.

Radiolocation. Radiodetermination used for purposes other than those of radionavigation.

Radiolocation land station. A station in the radiolocation service not intended to be used while in motion.

Radiolocation mobile station. A station in the radiolocation service intended to be used while in motion or during halts at unspecified points.

Radiolocation service. A radiodetermination service involving the use of radiolocation.

Radionavigation. Radiodetermination used for the purposes of navigation, including obstruction warning.

Radio Service. An administrative subdivision of the field of radiocommunication. In an engineering sense, the subdivisions may be made according to the method of operation, as, for example, mobile service and fixed service. In a regulatory sense, the subdivisions may be descriptive of particular groups of licensees, as, for example, the groups of persons licensed under this part.

Safety service. A radiocommunication service used permanently or temporarily for the safeguarding of human life and property.

Signaling. Intermittent or periodic transmission (excluding radiotelephony or any type of Morse code) of intelligence by means of prearranged tones, impulses, or combinations thereof, designed to actuate a mechanism at the point of reception.

Simplex Operation. Operating method in which transmission is made possible alternately in each direction, for example, by means of manual control.

Standard Metropolitan Area. Any or all of the areas within the continental limits of the United States described and enumerated as Standard Metropolitan Areas in the U.S. Census of Population, 1950; Vol. I, Number of Inhabitants; Chapter 1, U.S. Summary; Bureau of the Census, United States Department of Commerce. (The Standard Metropolitan Areas in the United States are listed in that publication in Table 26, beginning on page 1-66.) The publication is sold by the U.S. Government Printing Office, Washington 25, D.C.

Station authorization. Any construction permit, license, or special temporary authorization issued by the Commission.

Telemetering. The use of telecommunication for automatically indicating or recording measurements at a distance from the measuring instrument.

[F.R. Doc. 62-638; Filed, Jan. 18, 1962; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1133]

[Docket No. AO-275-A7]

MILK IN INLAND EMPIRE MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Inland Empire marketing area, which was issued December 22, 1961 (26 F.R. 12611), is hereby extended to January 19, 1962.

Dated: Washington, D.C., January 15, 1962.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-627; Filed, Jan. 18, 1962; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CREAM CHEESE

Notice of Proposal to Amend Standard of Identity

Notice is given that a petition has been filed by Kraft Foods Division of National Dairy Products Corporation, 500 Peshtigo Court, Chicago 90, Illinois, setting forth a proposed amendment to the definition and standard of identity for cream cheese (21 CFR 19.515).

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are hereby invited to present their views in writing regarding the proposal published in this notice. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

It is proposed that in § 19.515 *Cream cheese; identity; label statement of optional ingredients* paragraph (b)(2) be amended by inserting the words "guar gum" after the words "carob bean gum".

This will have the effect of permitting guar gum to be used in cream cheese, subject to the same limit on quantity (solids of the guar gum not to exceed 0.5 percent of the weight of the finished cream cheese) and the same provision for label declaration as a "vegetable gum" which the standard prescribes for gum karaya, gum tragacanth, and carob bean gum in paragraph (c).

Dated: January 12, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-612; Filed, Jan. 18, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 648) has been filed by Atlas Chemical Industries, Inc., Wilmington 99, Delaware, proposing the issuance of a regulation to provide for the safe use of glycerin made by the hydrogenolysis of carbohydrate as a plasticizer, in adhesives, and as a component of resinous or polymeric coatings in products used in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food. The glycerin contains not to exceed 0.1% 1,2,3-butanetriol and not to exceed 0.1% 1,2,4-butanetriol.

Dated: January 12, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-609; Filed, Jan. 18, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 658) has been filed by The Griffith Laboratories, Inc., 855 Rahway Avenue, Union, New Jersey, proposing the issuance of a regulation to provide for the safe use of ethylene oxide as a fumigating agent for isolated soybean protein employed as a sizing agent in the manufacture of paper and paperboard intended for use in contact with food.

Dated: January 12, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-611; Filed, Jan. 18, 1962; 8:47 a.m.]

[21 CFR Parts 121, 146]

ANTIBIOTICS; FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 639) has been filed by The Dow Chemical Company, Midland, Michigan, proposing the issuance of a regulation to amend § 121.207 for zoalene, as follows:

1. Provide for a minimum of 40 parts per million (0.004 percent) in the complete grower ration of replacement birds under conditions of light to moderate exposure to coccidiosis.

2. Provide for free-choice feeding in a scratch grain program providing levels of zoalene of not less than 40 parts per million (0.004 percent) in the total ration.

3. Change the term "up to 6 weeks of age" to "starter period" and the term "over 6 weeks of age" to "growing period" as used in § 146.26(b)(45).

Dated: January 15, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-610; Filed, Jan. 18, 1962; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[Docket No. 13305]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Supplemental Notice of Proposed Rule Making

JANUARY 15, 1962.

The Board, in 26 F.R. 12623 and by circulation of a notice of proposed rule making, PDR-17, dated December 21, 1961, gave notice that it had under consideration the adoption of a proposed amendment to Part 302 of the rules of practice which would establish special rules prescribing a standardized cost method for proceedings concerned with changes in the authorized operations of certain local service air carriers.

In its notice the Board requested interested parties to submit such comments as they may desire not later than January 26, 1962. Request has been received to extend the date for such comments for at least 45 days because of the need for analysis of the proposal by an economic consultant. The undersigned, acting under authority duly delegated to him by the Board, finds that good cause has been shown for a lesser extension than requested and that it will be in the public interest to allow an additional 28 days for the filing of comments.

Therefore, pursuant to the authority delegated under section 7.3 C of Public Notice PN 15 and redelegated under section 7.6 thereof, the undersigned hereby extends the date for comments on PDR-17 until February 23, 1962. All relevant matter in communications received on or before February 23, 1962, will be considered by the Board before taking final action on the proposed amendments to Part 302. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Secs. 204(a) and 1001 of the Federal Aviation Act, 72 Stat. 743, 788; 49 U.S.C. 1324, 1481)

[SEAL] ROSS I. NEWMANN,
Associate General Counsel, Rules and Legislation.

[F.R. Doc. 62-633; Filed, Jan. 18, 1962; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Proposals, License Applications; Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Pub. Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, §§ 107.102(g)(1), 107.201 (a) and (b), and 107.202(a) of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 26 F.R. 8232-8242. Prior to the final adoption of such amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Small Business Investment Division, Small Business Administration, Washington 25, D.C., within a period of twenty-one days of the date of this notice in the FEDERAL REGISTER.

Information. The amendments now under consideration emphasize and provide expressly that neither the submission of a proposal nor the issuance of a notice under § 107.102(g)(1) of the regulations, nor the submission of a License Application affects the statutory discretion of SBA to issue or not to issue a company a License.

It is proposed to amend the Small Business Investment Company Regulations as follows:

1. Delete the following language from § 107.102(g)(1): "and SBA shall be committed by said approval to issue a license if the terms and conditions of the approved proposal are completed;". As amended, § 107.102(g)(1) reads as follows:

§ 107.102 Proposal.

* * * * *

(g) After consideration of a Proposal SBA shall notify the Proponents, either:

(1) That the Proponents may proceed with all action necessary to qualify the Proposed Operator for execution and submission of a License Application; which action shall be completed and a License Application submitted by the Proposed Operator within 90 days from the date of said notice from SBA, unless such period is extended by SBA; or

2. Delete paragraphs (a) and (b) of § 107.201 and substitute in lieu thereof the following:

§ 107.201 License Application.

(a) A License Application may be submitted upon SBA Form No. 415[2] by the Proposed Operator only after issuance by SBA of the notice referred to under § 107.102(g)(1) and in accordance with instructions issued by SBA, including instructions contained in such notice. Such License Application shall be submitted within 90 days after issuance of said notice.

(b) Within 180 days after submission of a License Application SBA will give due regard, among other things, to the need for financing of small business concerns in the area in which the Proposed Operator intends to commence business, the general character of the proposed management of the Proposed Operator, and the number of existing Licensees and the volume of their operations, and after consideration of all relevant factors, will in its discretion either issue a License to the Proposed Operator or notify the Proposed Operator that after consideration of all relevant factors the SBA will not issue a License to the Proposed Operator.

3. Delete § 107.202(a) and substitute in lieu thereof the following:

§ 107.202 Prerequisites for issuance of License.

Prior to the issuance of a License, each Proposed Operator shall have:

(a) Executed and submitted a License Application, including such additional information, statements and representations as may be otherwise required by SBA.

Dated: January 15, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-625; Filed, Jan. 18, 1962; 8:49 a.m.]

[2] Filed with the Federal Register Office as part of the original document. Copies of SBA Form 415, License Application, together with instructions, are available at the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3–C]

TELEPHONE CABLE FROM CANADA

Fair Value Determination

JANUARY 12, 1962.

A complaint was received that paper-insulated, lead-covered telephone cable from Canada was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that paper-insulated, lead-covered telephone cable from Canada is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The complaint in this case was specifically against sales to a United States military department. Because the entry of the cable is effected under 10 U.S.C. 2383, the merchandise is entirely free of import duties, including any duty which might apply pursuant to the Antidumping Act of 1921. By virtue of the implementation of the United States-Canada Production and Development Sharing Program the Buy American Act does not apply. Duty, including possible dumping duty, is not an applicable factor in evaluating bids submitted under the Armed Forces Procurement Regulations by Canadian interests.

Available facts pertaining to sales in the United States of the subject merchandise to purchasers other than the United States Government, did not indicate sales, or a likelihood of sales, at less than fair value.

Since there could be no effective application of the Antidumping Act under the circumstances in this case, relative to United States Government importations, it was determined that a full-scale investigation was not warranted.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-618; Filed, Jan. 18, 1962; 8:47 a.m.]

[Dept. Circular; Public Debt Series—No. 1–62]

4 PERCENT TREASURY BONDS OF 1969

Offering of Bonds; Additional Issue

JANUARY 15, 1962.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at 99.75 percent of their face value and accrued interest, from the people of the United States for bonds of the United States, designated 4 percent Treasury Bonds of 1969. The amount of the offering under this circular is $1,000,000,000, or thereabouts. In addition to the amount offered for public subscription, the Secretary of the Treasury reserves the right to allot up to $100,000,000 of these bonds to Government Investment Accounts. The books will be open only on January 15, 1962, for the receipt of subscriptions for this issue.

II. *Description of bonds.* 1. The bonds now offered will be an addition to and will form a part of the series of 4 percent Treasury Bonds of 1969 issued pursuant to Department Circulars Nos. 996, 1024 and 1056, dated September 16, 1957, March 23, 1959, and November 18, 1960, respectively, will be freely interchangeable therewith, and are identical in all respects therewith except that interest on the bonds to be issued under this circular will accrue from January 24, 1962. Subject to the provision for the accrual of interest from January 24, 1962, on the bonds now offered, the bonds are described in the following quotation from Department Circular No. 996:

1. The bonds will be dated October 1, 1957, and will bear interest from that date at the rate of 4 percent per annum, payable semi-annually on April 1 and October 1 in each year until the principal amount becomes payable. They will mature October 1, 1969, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. Any bonds issued hereunder which upon the death of the owner constitute part of his estate, will be redeemed at the option of the duly constituted representatives of the deceased owner's estate, at par and accrued interest to date of payment: [1] *Provided:*

(a) That the bonds were actually owned by the decedent at the time of his death; and

(b) That the Secretary of the Treasury be authorized to apply the entire proceeds of redemption to the payment of Federal estate taxes.

Registered bonds submitted for redemption hereunder must be duly assigned to "The Secretary of the Treasury for redemption, the proceeds to be paid to the District Director of Internal Revenue at _____ for credit on Federal estate taxes due from estate of _____." Owing to the periodic closing of the transfer books and the impossibility of stopping payment of interest to the registered owner during the closed period, registered bonds received after the closing of the books for payment during such closed period will be paid only at par with a deduction of interest from the date of payment to the next interest payment date; [2] bonds received during the closed period for payment at a date after the books reopen will be paid at par plus accrued interest from the reopening of the books to the date of payment. In either case checks for the full six months' interest due on the last day of the closed period will be forwarded to the owner in due course. All bonds submitted must be accompanied by form PD 1782,[3] properly completed, signed and sworn to, and by proof of the representatives' authority in the form of a court certificate or a certified copy of the representatives' letters of appointment issued by the court. The certificate, or the certification to the letters, must be under the seal of the court, and except in the case of a corporate representative, must contain a statement that the appointment is in full force and be dated within six months prior to the submission of the bonds, unless the certificate or letters show that the appointment was made within one year immediately prior to such submission. Upon payment of the bonds appropriate memorandum receipt will be forwarded to the representatives, which will be followed in due course by formal receipt from the District Director of Internal Revenue.

6. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 5 percent of the combined amount of time and savings deposits, including time certificates of deposit, or 15 percent of the combined capital, surplus and undivided profits, of the subscribing bank, whichever is greater. Subscriptions from banking institutions generally for their own account and from States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, will be received without deposit. Subscriptions from all others must be accompanied by payment of 25 percent of the amount of bonds applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 25 percent payment in excess of 25 percent of the amount of bonds allotted may be released upon the request of the subscribers.

2. All subscribers are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any bonds of this additional issue, until after midnight January 15, 1962.

3. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

4. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of bonds applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at 99.75 percent of their face value and accrued interest from October 1, 1961, to January 24, 1962 ($12.63736 per $1,000), for bonds allotted hereunder must be made or completed on or before January 24, 1962, or on later allotment. The total amount of such payment will be $1,010.13736 per $1,000 face amount of bonds allotted. In every case where payment is not so completed, the payment with application up to 25 percent of the amount of bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit in its Treasury Tax and Loan Account for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its district.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62–619; Filed, Jan. 18, 1962; 8:48 a.m.]

[1] An exact half-year's interest is computed for each full half-year period irrespective of the actual number of days in the half year. For a fractional part of any half year, computation is on the basis of the actual number of days in such half year.

[2] The transfer books are closed from March 2 to April 1 and from September 2 to October 1 (both dates inclusive) in each year.

[3] Copies of Form PD 1782 may be obtained from any Federal Reserve Bank or from the Treasury Department, Washington, D.C.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group No. 459]

CALIFORNIA

Notice of Filing of Plats of Survey

JANUARY 12, 1962.

1. Plats of survey of the lands described below will be officially filed in the Land Office, Riverside, California, effective at 10:00 a.m., January 25, 1962.

SAN BERNARDINO MERIDIAN

T. 9 S., R. 21 E.,
Sec. 25, lots 2, 4, 5, 6, and 7.
The area described aggregates 202.50 acres.
T. 15 S., R. 24 E.,
Sec. 16, lots 2 and 3, SW¼SW¼;
Sec. 17, lots 5 to 13, inclusive;
Sec. 19, lots 8 to 12, inclusive;
Sec. 20, all;
Sec. 21, lots 1 to 6, inclusive, W½SW¼, SE¼SW¼;
Sec. 28, lots 1 to 9, inclusive;
Sec. 29, all;
Sec. 30, lots 9 to 16, inclusive;
Sec. 31, lots 5 to 8, inclusive, NE¼NE¼;
Sec. 32, lots 1 to 4, inclusive, N½NW¼.
The area described aggregates 3103.53 acres.

2. Except for and subject to valid existing rights, it is presumed that title to the following land passed to the State of California upon acceptance of the abovementioned plat of survey.

SAN BERNARDINO MERIDIAN

T. 15 S., R. 24 E.,
Sec. 16, lots 2 and 3, SW¼SW¼.
The area described aggregates 90.33 acres.

3. The following described lands are withdrawn by Departmental Order of October 16, 1931 ("F" of October 20, 1931) under the provisions of the Act of June 17, 1902 (32 Stat. 388):

T. 15 S., R. 24 E.,
Sec. 16, lots 2 and 3, SW¼SW¼;
Sec. 17, lots 5 to 13, inclusive;
Sec. 19, lots 8 to 12, inclusive;
Sec. 20, all;
Sec. 21, lots 1 to 6, inclusive, W½SW¼, SE¼SW¼;
Sec. 28, lots 1 to 9, inclusive;
Sec. 29, all;
Sec. 30, lots 9 to 16, inclusive;
Sec. 31, lots 5 to 8, inclusive, NE¼NE¼;
Sec. 32, lots 1 to 4, inclusive, N½NW¼.
The area described aggregates 3103.53 acres.

4. The following described lands are withdrawn by Departmental Order of February 19, 1929 ("F" of February 25, 1929) and included in First Form Reclamation withdrawal, Colorado River Storage Project under the provisions of section 3 of the Act of June 17, 1902 (32 Stat. 388):

T. 9 S., R. 21 E.,
Sec. 25, lots 2, 4, 5, 6, and 7.
The area described aggregates 202.50 acres.

5. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws, rules, and regulations.

6. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their application, setting forth all facts relevant to their claims.

7. Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, 1414 8th Street, P.O. Box 723, Riverside, California.

OLIVER W. JOHNSON, JR.,
Acting Manager,
Riverside Land Office.

[F.R. Doc. 62–598; Filed, Jan. 18, 1962; 8:46 a.m.]

NEVADA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JANUARY 12, 1962.

Federal Aviation Agency filed an application for withdrawal and reservation of lands, serial number Nevada 045129, on March 14, 1957. The applicant agency has canceled the application in its entirety.

Effective on publication of this notice in the FEDERAL REGISTER, the land described below will no longer be subject to the segregative effect of the application.

MOUNT DIABLO MERIDIAN, NEVADA

T. 35 N., R. 56 E.,
Sec. 26, E½NE¼NW¼, E½SE¼NW¼, NW¼NE¼, SW¼NE¼, W½NE¼NE¼, W½SE¼NE¼.

J. R. PENNY,
State Director, P.O. Box 1551,
Reno, Nevada.

[F.R. Doc. 62–599; Filed, Jan. 18, 1962; 8:46 a.m.]

Office of the Secretary

[Order No. 2860]

BONNEVILLE POWER ADMINISTRATION

Disposition of Power From Certain Projects; Related Matters

SEC. 1. *Designation as marketing agent.* The Bonneville Power Administrator (hereinafter called the "Administrator") is designated as the agent to market surplus electric power and energy generated at the following Federal projects in the Pacific Northwest: Bonneville Project; Columbia Basin Project, including the reserved power and energy made available pursuant to section 7(c) of the Coulee Dam Community Act of 1957 (71 Stat. 524); Hungry Horse Project; Chandler Power

Plant, Kennewick Division, Yakima Project; Roza Power Plant, Roza Division, Yakima Project; and all projects now or hereafter constructed in the drainage basin of the Columbia River and its tributaries and in all other river basins, except the Rogue River Basin, which drain into the Pacific Ocean in the states of Washington and Oregon, for which the Secretary of the Interior is authorized to market power pursuant to section 5 of the act of December 22, 1944 (58 Stat. 887), or section 2 of the act of March 2, 1945 (59 Stat. 10). In addition, the Administrator is designated as the marketing agent for power purchased by him pursuant to the act of July 27, 1954 (68 Stat. 573), or any other authority. The Administrator may exercise such of the authority vested in the Secretary of the Interior by any act or executive order applicable to the marketing of the surplus electric energy referred to in this order as may be necessary or appropriate for carrying out the program functions assigned to the Administrator.

SEC. 2. *Integration and interconnection.* The Administrator shall, consistent with applicable statutes, executive orders, and directives of the Secretary: (a) Integrate the power facilities of all projects for which he is the power marketing agent: *Provided*, That nothing in this order should be construed as conferring authority to operate power-producing facilities of such projects; (b) interconnect such power facilities with other power projects or systems and exchange electric energy with and purchase and sell electric energy from and to such projects or systems; (c) sell or dispose of all electric energy in accordance with the policies of the act of August 20, 1937 (50 Stat. 731), as amended, the act of December 22, 1944 (58 Stat. 887), and, with respect to projects subject thereto, the Federal Reclamation laws or any other applicable statute; and (d) enter into contracts for a period of years for the purpose of transmitting power generated by non-Federal entities in the area described in section 1 of this order to points within such area. In marketing power produced through the integrated operation of the generating projects for which he is designated the marketing agent, the Administrator may exercise any of the functions vested in him with respect to any project.

SEC. 3. *Power contracts.* The Administrator may, subject to applicable statutes, executive orders, and directives of the Secretary, enter into contracts for the sale or disposition of electric power and energy in the performance of the functions assigned by this order. Contracts or agreements for the sale or disposition of electric energy shall contain such terms as are necessary to protect fully the public interest, to implement the power policies of the Department, and to assure that electric energy be made available to the ultimate consumer at the lowest possible rates consistent with sound business principles.

SEC. 4. *Investigations, studies, and research.* The Administrator shall, either independently or in cooperation with other Federal or non-Federal agencies, make or assist in such surveys, investigations, studies, and informational reports as he determines to be necessary or appropriate (a) for or relating to the interconnection of the Columbia River power system with other power or storage projects or systems in adjacent regions of the United States or Canada and the exchange of electric energy therewith; (b) for the development and integration of additional sources of electric energy, whether hydro, thermal, or nuclear, for coordination with the Columbia River power system or for increasing the supplies of firm power that can be made available from the projects referred to in section 1 of this order; (c) for promoting or assisting the development of new outlets for or increased uses of electric energy available for disposition by him; and (d) for carrying out the responsibilities assigned to him. He shall undertake or participate with other agencies in (a) the gathering and dissemination of basic data necessary for achieving the most economical development and widespread distribution of the available or potential power resources of the Pacific Northwest; and (b) such engineering, research, developmental, and demonstrational work as he deems necessary or appropriate to promote the most efficient and economical use of the transmission facilities in the Pacific Northwest or the most widespread use of electric energy. He shall participate with other agencies in the multi-purpose comprehensive planning for the development of the water and related land resources of the Pacific Northwest and in studies and research on matters pertaining to such development which affect or are affected by the development of the power resources of that region.

SEC. 5. *Redelegation.* The Administrator may, in writing, redelegate to officers and employees of the Bonneville Power Administration any of the authority granted by this order and he may authorize written redelegation of such authority.

SEC. 6. *Revocation.* Order No. 2753 as amended (19 F.R. 2145; 22 F.R. 1090, 4169, 9196; 23 F.R. 9789) is hereby revoked.

(Sec. 2, Reorganization Plan No. 3 of 1950; 5 U.S.C. 113z-15, note)

JAMES K. CARR,
Acting Secretary of the Interior.

JANUARY 12, 1962.

[F.R. Doc. 62-601; Filed, Jan. 18, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

GENERAL SAFETY DISTRICT OFFICE AT CHARLESTON, W. VA.

Notice of Closing

Notice is hereby given that on or about March 1, 1962, the General Safety District Office in Charleston, West Virginia, will be closed. Services to the general aviation public of West Virginia, formerly provided by this office, will be rendered by the General Safety District Office in Pittsburgh, Pennsylvania. Those counties within Virginia and Kentucky formerly under the jurisdiction of the Charleston office will be served by the General Safety District Offices in Richmond, Virginia, and Louisville, Kentucky, respectively.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

Issued in Washington, D.C., on January 15, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-586; Filed, Jan. 18, 1962; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Change in List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1, the list of establishments operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) which use humane methods of slaughter and incidental handling of livestock, published as a notice in 27 F.R. 18 on January 3, 1962, is hereby amended as follows:

1. The reference to Siegel Weller Packing Co., Establishment 153, and the reference to cattle with respect to said establishment are deleted.

2. The reference to Central Packing Co., Inc., Establishment 208, and the reference to cattle with respect to said establishment are deleted.

Done at Washington, D.C., this 15th day of January 1962.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62-607; Filed, Jan. 18, 1962; 8:47 a.m.]

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1 the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the list previously published under the Act (27 F.R. 18) for December and represents those establishments and species which were reported too late to be included in the earlier list or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier list was based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2HT	(*)					
Swift and Co.	8AE	(*)	(*)			(*)	
Do.	3T	(*)	(*)				
Do.	3UU	(*)	(*)	(*)		(*)	
Lykes Bros., Inc.	8B	(*)					
Pauly Packing Co., Inc.	10	(*)	(*)				
Armour and Co.	35	(*)				(*)	
Hill Packing Co.	41E						(*)
Sunnyland Packing Co.	43	(*)				(*)	
Consolidated Dressed Beef Co., Inc.	47	(*)	(*)	(*)			
Nevada Meat Packing Co.	52	(*)	(*)	(*)		(*)	
Sunnyland Packing Co. of Alabama	56	(*)				(*)	
Weiland Packing Co., Inc.	61					(*)	
Minchs Wholesale Meats, Inc.	72	(*)	(*)	(*)		(*)	
Brown Thompson and Son	73					(*)	
Utica Veal Co., Inc.	88	(*)					
Shonyo Packing Co.	93	(*)	(*)	(*)	(*)		
Armour and Co.	100	(*)	(*)				
West Coast Meat Co., Inc.	117	(*)	(*)				
Carr Packing Co., Inc.	160	(*)					
New York State College of Agriculture	165	(*)	(*)			(*)	
Camp Packing Co., Inc.	174	(*)					
Heinzs Riverside Abattoir, Inc.	210	(*)					
Penn Packing Co.	212					(*)	
Gold Merit Packing Co., Inc.	232	(*)					
Waiti Schilling and Co., Inc.	235	(*)	(*)	(*)			
I. Klayman and Co.	243					(*)	
Frosty Morn Meats, Inc.	250	(*)				(*)	
Houston Packing Co.	271	(*)	(*)			(*)	
Solano Meat Co.	285	(*)	(*)	(*)			
San Jose Meat Co.	291	(*)	(*)	(*)			
Turlock Meat Co.	325	(*)	(*)				
Midland Empire Packing Co., Inc.	339	(*)	(*)				
Marks Meat Co.	362	(*)					
James Allan and Sons	365	(*)		(*)	(*)	(*)	
Cross Bros. Meat Packers, Inc.	376	(*)	(*)	(*)			
Watsonville Dressed Beef, Inc.	398	(*)	(*)				
Superior Packing Co.	399	(*)					
Los Banos Abattoir	400	(*)					
Alpine Packing Co.	412	(*)	(*)	(*)		(*)	
Philadelphia Boneless Beef Co.	418	(*)					
Lone Star Packing Co.	433	(*)	(*)				
Swift and Co.	505	(*)					
Greendell Packing Corp.	542	(*)	(*)				
Perretta Packing Co., Inc.	571	(*)					
Frosty Morn Meats, Inc.	576	(*)	(*)			(*)	
Armour and Co.	579	(*)	(*)			(*)	
E. S. Read and Sons, Inc.	672	(*)	(*)	(*)			
Mid State Meat Co.	741	(*)	(*)				
Philadelphia Dressed Beef Co.	758	(*)					
The Cudahy Packing Co.	779	(*)	(*)			(*)	
Baums Meat Packing	792	(*)					
Acees Meat Co., Inc.	809	(*)					
Berchems Meat Co.	830	(*)					
Pahler Packing Corp.	880	(*)					
Vermont Dressed Beef Co., Inc.	883	(*)					
Tobin Packing Co., Inc.	893					(*)	
South Philadelphia Willowbrook, Inc.	923	(*)	(*)	(*)			
Peoples Packing Co.	925	(*)	(*)	(*)	(*)	(*)	
Cappellino Abattoir, Inc.	939	(*)					
Valley Meat Co.	1009	(*)	(*)	(*)			
A. F. Moyer and Sons, Inc.	1311	(*)	(*)	(*)			

Done at Washington, D.C., this 15th day of January 1962.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62-608; Filed, Jan. 18, 1962; 8:47 a.m.]

Agricultural Stabilization and Conservation Service

MILK MARKETING ORDERS DIVISION; VARIOUS OFFICIALS

Delegation of Authority

Pursuant to the Authority delegated to the undersigned (26 F.R. 8820, 26 F.R. 7812, 26 F.R. 7796, 7 CFR Part 900), authority is hereby delegated to the various market administrators of Federal milk orders and to the various marketing specialists of the Milk Marketing Orders Division charged with the responsibility of representing the Director of said Division in the respective areas, to perform the functions of the Administrator prescribed by the General Regulations in § 900.4 (b) and (c) (7 CFR Part 900, 26 F.R. 7796), as follows:

(1) Except in the case of a new program pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the various market administrators of Federal milk orders, in respect to a hearing regarding an order administered by him, shall mail a true copy of the notice of hearing to each of the persons known to him to be interested in the hearing, based upon records available to the market administrator in the respective area, as required by the general regulations in § 900.4(b)(1)(ii) (7 CFR Part 900, 26 F.R. 7796), and execute the determination as therein prescribed.

(2) In the case of new programs and programs in operation pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the various marketing specialists of the Milk Marketing Orders Division, charged with the responsibility of representing the Director of said Division in connection with hearing regarding proposed milk orders or amendments to existing milk orders, with respect to which a notice of hearing has been issued, shall, except as notification has been given pursuant to Paragraph (1) above, mail a true copy of the notice of hearing to each of the persons known to such representatives to be interested in such hearings as required by the general regulations in § 900.4(b)(1)(ii) (7 CFR Part 900, 26 F.R. 7796), and execute the determination as therein prescribed.

(3) If for any reason, any person assigned functions hereunder, finds it impractical or impossible to give the notice involved with respect to any hearing, he shall immediately notify the Director of such facts with the reasons for his so finding in order that a decision may be made as to the need for a determination being filed in the proceeding as prescribed in § 900.4(c) of said regulations (7 CFR Part 900, 26 F.R. 7796).

Done at Washington, D.C., this 16th day of January 1962, to become effective immediately.

H. L. FOREST,
Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-626; Filed, Jan. 18, 1962; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. RM-150-2]

STATE OF CALIFORNIA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of California for the assumption of certain of the Commission regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A summary of the California program submitted to the Commission is set forth below as Appendix A to this notice. A copy of the complete text of the California program, including proposed California regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Office of Radiation Standards, United States Atomic Energy Commission, Washington 25, D.C. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Wash-

ington 25, D.C., within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as proposed Part 150 to the Commission's regulations in FEDERAL REGISTER issuances of Sept. 29, 1961; Oct. 6, 1961; Oct. 13, 1961; Oct. 20, 1961; 26 F.R. 9174, 9428, 9678, 9873. In reviewing this proposed agreement, interested persons should also consider the aforementioned proposed exemptions, which the Commission still has under consideration.

Dated at Germantown, Md., this 9th day of January 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

Agreement Proposed by the State of California Pursuant to Section 274 of the Atomic Energy Act of 1954, as amended, for the Assumption of Certain of the AEC's Regulatory Authority

Whereas, the United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274b. of the Atomic Energy Act of 1954, as amended, to enter into an agreement with the Governor of any State providing for discontinuance of the regulatory authority of the Commission under Chapters 6, 7, and 8 and section 161 of that Act with respect to any or all of the following materials within the State; namely, byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass (hereinafter referred to as agreement materials); and

Whereas, the Governor of the State of California (hereinafter referred to as the State) is authorized under section 25830 of the California Health and Safety Code to enter into such an agreement, which agreement shall become effective when ratified by the State Legislature; and

Whereas, the Governor of the State has certified on December 15, 1961, that the State has a program for the control of radiation hazards adequate to protect the public health and safety with respect to agreement materials within the State, and that the State desires to assume the regulatory responsibility discontinued by the Commission for such materials; and

Whereas, the Commission has found on ---------- that the State program is compatible with the Commission's program for the regulation of agreement materials, and that the State program is adequate to protect the public health and safety with respect to such materials; and

Whereas, the Commission and the State recognize the desirability and importance of maintaining compatibility between their respective programs for the control of agreement materials with respect to public health and safety; and

Whereas, the Commission and the State agree that reciprocal recognition of licenses issued by the Commission and by all States which enter into agreements with the Commission similar to this agreement (hereinafter referred to as agreement States) is of great importance for the development of the uses of agreement materials and that such reciprocal recognition must be based upon continuing compatibility of the programs of the Commission and such States for the control of agreement materials;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. For purposes of this agreement:

A. "Byproduct materials," "critical mass," and "ocean or sea" have the meanings given to such terms in Part 150 of the Commission's regulations in effect on the ratification date of this agreement.

B. "Source material," "special nuclear material," "production facility," and "utilization facility" have the meanings given to such terms in those parts of the Commission's regulations that are incorporated by reference in Part 150 and that are in effect on the ratification date.

C. "Ratification date" means the date on which the California Legislature transmits to the Governor for signature a bill ratifying this agreement.

Article II. Subject to the exceptions stated in Article III, the Commission shall discontinue, as of the effective date of this agreement, the regulatory authority of the Commission under Chapters 6, 7, and 8 and section 161 of the Atomic Energy Act of 1954, as amended, with respect to the following materials within the State:

A. Byproduct materials;

B. Source materials;

C. Special nuclear materials in quantities such that the amount authorized for possession at any one time under any one license is not sufficient to form a critical mass.

Article III. This agreement does not provide for discontinuance of any Commission responsibility and authority with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article IV. Notwithstanding this agreement, the Commission is authorized:

A. By rule, regulation, or order to require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license issued by the Commission; and

B. To issue rules, regulations, or orders under subsection 161 b. or i. of the Atomic Energy Act of 1954, as amended, to protect the common defense and security, to protect restricted data, or to guard against the loss or diversion of special nuclear material.

Article V. Each party to this agreement will:

A. Use its best efforts to maintain compatibility between its program for the control of agreement materials and the programs of the other party and of other agreement States. To this end, each party will consult with the other and with all agreement States prior to any modification of its regulations for the control of agreement materials and will seek to arrive at a common solution of differences, to be incorporated insofar as practicable into the regulations of both parties and all agreement States concurrently.

B. Provide for reciprocal recognition of licenses for agreement materials issued by the other party or by any agreement State, subject to such conditions as to duration of such recognition of each license, reporting of information, and compliance with regulations as are deemed necessary to protect the health and safety of the public. Such recognition is conditioned upon the continuance of program compatibility in accordance with paragraph A of this article.

Article VI. This agreement, upon acceptance by the Commission and the Governor of the State and ratification by law of the State, shall become effective on July 1, 1962.

Article VII. The Commission, upon its own initiative, after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Atomic Energy Act of 1954, as amended, if the Commission finds that such termination or suspension is required to protect the public health and safety.

APPENDIX A

Summary of California's Proposed Policies and Procedures for the Licensing and Regulation of Byproduct, Source, and Special Nuclear Materials

State policy and courses of action with respect to atomic energy development and radiation protection have been the subject of California legislative consideration for a number of years. Public hearings by the Assembly Interim Committee on Public Health in 1958 led to the enactment of the Atomic Energy Development and Radiation Protection Law in 1959, which:

1. Declared it to be State policy to "encourage the constructive development of industries producing or utilizing atomic energy and radiation and to eliminate unnecessary exposure of the public to ionizing radiation."

2. Established the position of Coordinator of Atomic Energy Development and Radiation Protection in the Governor's Office.

3. Directed the Department of Public Health to institute a program for the registration of sources of radiation.

The Congress, also in 1959, amended the Atomic Energy Act of 1954 to permit for the first time a transfer of certain regulatory authority from the U.S. Atomic Energy Commission to qualified states in accordance with negotiated agreements.

In implementation of the State statute and with a view toward appraising the desirability or necessity for a broad system of radiation control, including assumption of authority from the AEC, the registration program was so designed as to obtain a maximum of information regarding radiation use in California. The Assembly Interim Committee on Public Health, following public hearings on these subjects in 1960, concluded that a comprehensive program of radiation control should be instituted promptly and that the state should prepare to enter into agreement with the Atomic Energy Commission, subject to approval of such an agreement by the Legislature. The Coordinator of Atomic Energy Development and Radiation Protection, after consultation with the Advisory Council and the Departmental Coordinating Committee of his Office, and with representatives of industry and the professional groups that use atomic energy and radiation, made a similar recommendation in his annual report to the Governor and the Legislature in January 1961.

As a result of these recommendations, Assembly Bill 1975 was introduced in the 1961 session of the Legislature, providing the framework for such a program, including enabling provisions to permit the Governor to enter into agreement with the Atomic Energy Commission. The bill was derived in large measure from suggested legislation of the Council of State Governments. It was widely circulated and critically reviewed by a number of interested and affected persons and groups, and was revised to take into account appropriate comments. After extensive consideration by Committees of the Legislature, including several public

hearings at which all interested parties were afforded opportunity to be heard, the measure was enacted as the Radiation Control Law (Chapter 1711, Laws of 1961).

The statute directed the State Department of Public Health to adopt regulations for effectuating the purposes of this legislation. In drafting regulations, the Department was guided by the statutory provision for compatibility with the standards and regulatory programs of the Federal government, an integrated effective system of regulation within the State, and a system consonant insofar as possible with those of other states. The regulations were drawn largely from models developed jointly by the Atomic Energy Commission, the U.S. Public Health Service, and the Council of State Governments; and from recommendations of the National Committee on Radiation Protection and Measurement.

Assistance in drafting the regulations was obtained from a number of individuals, agencies, and groups, including the Atomic Energy Commission, the U.S. Public Health Service, the California Coordinator of Atomic Energy Development and Radiation Protection, several California state and local agencies, and a distinguished twelve-member Advisory Committee. This Advisory Committee included representation from industry, labor, medicine, dentistry, medical physics, and local health departments.

Two public meetings were held under the auspices of the Department of Public Health to permit interested persons to present their views on the proposed regulations. These meetings were publicized in advance through regular news media. In addition, notices of the meetings, together with copies of the proposed regulations, were sent to some 500 persons and groups known to be concerned. Such notices were mailed to all persons who had previously requested notifications of this sort; known leaders of affected groups; leading industries, distributors, manufacturers, and insurance carriers; leading universities and colleges; major hospitals; the California Manufacturers' Association; the California Medical Association; and others.

The first such meeting was held in Los Angeles on October 17, 1961, and 56 persons attended. The second meeting was held in Berkeley on October 20, with 64 persons in attendance. Each meeting lasted more than five hours and the proposed regulations were considered in detail. The notice announcing the meetings stated that written comments would also be welcomed. This was reiterated to those in attendance at the meetings. A number of written comments were received and given full consideration.

Following the public meetings, the Advisory Committee met to consider suggestions made at the meetings and in correspondence. This led to a final redrafting of the regulations. Copies were sent to all persons and groups that had received the initial draft.

In accordance with section 25734 of the Health and Safety Code, this final draft was submitted for review by the Coordinator of Atomic Energy Development and Radiation Protection and was approved for public notice of a hearing to be held before the State Board of Public Health. Such notice was published thirty days in advance of the hearing date in accordance with section 11423 of the Government Code, and notice of the hearing was also mailed to all persons and groups to whom copies of the proposed regulations had been sent. At the hearing on December 8, 1961, full opportunity was given to all interested persons to be heard before action was taken. The Board adopted the regulations and they constitute Title 17, Chapter 5, Subchapter 4, sections 30100 to 30397, inclusive, of the Administrative Code of California.

SECTION 1. *The Radiation Control Program.* The radiation control program of the State is designed to regulate all sources of radiation other than those for which regulatory responsibility is to be retained by the U.S. Atomic Energy Commission. As the term "radiation sources" is used hereinafter in this narrative, it is intended to mean those sources under the control of the State. The sources are divided into two major categories; radioactive materials and radiation machines. Radioactive materials are to be regulated under a licensing program similar to the existing program of the U.S. Atomic Energy Commission, requiring possession of a license prior to acquisition or use of such materials. Radiation machines and certain generally licensed radioactive materials will be subject to a registration program involving the reporting of information by the registrant and the right of inspection by the State for compliance with prescribed safety standards. Each of these two major segments of the program is to be supported by a schedule of fees which relates to that specific part of the program. The agency charged with the responsibility of promulgating regulations and issuing licenses is the State Department of Public Health. A portion of the inspection and enforcement activities will be delegated by specific agreement to the Division of Industrial Safety of the State Department of Industrial Relations and may be delegated to local health agencies of cities and counties as the latter develop and demonstrate competence.

The regulations adopted by the State Department of Public Health will be controlling in this program throughout the State. As agreements for the delegation of responsibility for inspection and enforcement by other agencies are developed, it is planned to insure that no duplication or overlapping or jurisdiction occurs.

SEC. 2. *Licensing.* Provision is made for the issuance of both specific and general licenses comparable to those issued by the U.S. Atomic Energy Commission. Such licenses are required for the possession of radioactive materials above exempt amounts or concentrations, regardless of the mode of formation of such materials.

The responsibility for licensing of radioactive materials has been assigned by statute to the State Department of Public Health. The statute requires that Department to enter into agreement with the Division of Industrial Safety of the Department of Industrial Relations for the performance of certain inspection and enforcement activities. When such an agreement is concluded, it will allocate to that Division, among other duties, the responsibility for technical evaluations of license applications relating to industrial uses in general, prior to issuance of such licenses by the Department of Public Health. The Department of Public Health will itself conduct such technical evaluations with respect to other uses. As authorized by the Statute, the Department of Public Health plans to enter into agreement with such local health agencies as demonstrate adequate competence, authorizing them to conduct technical evaluations of license applications.

It is planned to make pre-licensing inspection a part of the evaluation procedure in general. In connection with licensing procedures, provision is made to give opportunity for all interested persons to be heard. With respect to human use of radioactive materials, the Department of Public Health will appoint a committee of not less than three qualified physicians to review license applications and make recommendations thereon. The Department will also have on its staff one or more physicians with special competence in radiological health who will review the recommendations of this committee.

SEC. 3. *Inspection.* Inspection for compliance with regulations and with license conditions will be carried on by the Department of Public Health, the Division of Industrial Safety, and any local health agencies with which agreements have been made as described in section 2—Licensing. Each license will be assigned to a single agency for such purposes.

Based upon the existing number and kind of the specific licenses, a priority system will be established under which inspection of the most hazardous activities will be conducted at least once each six months, and the remainder on a less frequent basis, depending upon the relative hazard. Initial priorities will be established on the basis of the pre-licensing evaluation and may be modified in accordance with subsequent inspections. It is expected that all licensed activities will be inspected at least once in two years.

Most inspections will be scheduled visits; a significant number may be on an unannounced basis. Inspection visits will usually entail a comprehensive review by the inspector of the licensee's equipment, facilities, in the handling or storage of radioactive material, the procedures in effect, including actual operation, and interviewing the personnel directly involved. The inspector will review the licensee's survey methods and results, personnel monitoring practices and results, the posting and labeling used, the instructions to personnel, and the methods and apparent effectiveness of maintaining control of people in the restricted area. He will review the licensee's records of receipts, transfers, and inventory of licensed material. He may physically check the inventory. He will examine records concerning disposal to the sewerage system and burial in the soil, if pertinent. He may make measurements of radiation levels. Prior to leaving the licensee's premises, he will meet with management to discuss the results of his inspection. During this meeting, he will attempt to answer questions concerning the regulatory program.

The inspector will prepare a report in sufficient detail to inform his supervisor of the facts and circumstances observed during the inspection. These reports will provide the basis for any necessary enforcement action. Appropriate elements of this information will be filed in the various agencies as needed. The Department of Public Health will review the operation of this system to insure that timely and adequate inspections are performed and that appropriate actions are taken.

In addition, there will be investigations of incidents and complaints involving licensed materials and operations to determine the cause, the steps taken by the licensee to cope with the incident, whether or not there was noncompliance with a regulation, and the steps the licensee is taking to avoid recurrence of the incident.

Licensees will be informed of the results of all inspections, first orally at the time of the inspection, and by letter or notice from the inspecting agency.

SEC. 4. *Enforcement.* Reports of inspections of licensees' activities will be evaluated by the inspecting agency to determine the status of compliance of the licensees with license conditions and regulations. If no item of noncompliance is observed, the licensee is so informed. If only minor matters of noncompliance, such as improper signs, failure to label, etc., are involved, which, at the time of the inspection, the licensee agrees to correct, the licensee will be informed in writing of the items of noncompliance and that corrective action will be reviewed during the next inspection. If the inspection reveals a noncompliance of a more serious nature, the licensee will be required to inform the inspecting agency in writing, usually within 15 to 30 days, as to corrective action taken and the date completed. In these cases, the inspecting agency representative will either conduct a prompt follow-up inspection or the matter will be reviewed

during a regular inspection to insure that corrective action has, in fact, been accomplished. If the reply does not satisfactorily explain the noncompliance and assure that further violations will be prevented, the inspecting agency will take such administrative actions as are available to them.

It is expected that most of the enforcement functions will be administratively consummated by the inspecting agency. In cases where this is not successful, the inspecting agency will refer the matter to the State Department of Public Health, which may issue an order to show cause why the license should not be modified or terminated. In that event, there is provision for formal hearing in accordance with the California Administrative Procedures Act, and for judicial review of the final order resulting from such hearing. There is also provision for emergency action without notice or hearing, but such emergency action is subject to a prompt hearing upon request of the licensee. Among the enforcement procedures available to the State Department of Public Health are modification, suspension, or revocation of licenses, injunctive relief, and criminal sanctions afforded in the courts.

SEC. 5. *Participation by other agencies.* The statute provides for participation in the radiation control program by the State Division of Industrial Safety and by local health agencies in accordance with agreements that may be made between such agencies and the State Department of Public Health, subject to review by the Coordinator of Atomic Energy Development and Radiation Protection. Such agreements will permit the technical evaluation of license applications, the conducting of inspections for compliance with licenses and regulations, and such enforcement activities as may be administratively consummated within the agency. When further enforcement proceedings are required, involving formal hearings upon the suspension or revocation of licenses, such hearings will be conducted by the State Department of Public Health. Participating agencies will be required to maintain equivalent standards to those maintained by the State Department of Public Health with respect to educational and experience requirements of technical personnel engaged in the program, numbers of personnel in proportion to numbers of assigned licenses, adequacy of kinds and amounts of equipment and facilities, and procedures followed in inspection and enforcement. Inspecting agencies will be required to insure compliance by licensees with the license conditions and with the rules and regulations promulgated under the Radiation Control Law.

The statute permits the existence of local ordinances and regulations that are consistent with State Law and regulations. It provides that only the State shall assess a fee and that the proceeds from such fees shall be equitably distributed between the participating agencies. These provisions will be incorporated in agreements for the participation of such agencies in the program.

SEC. 6. *Organization and Personnel.* The radiation control program will be established in the Bureau of Radiological Health, an existing organizational unit of the State Department of Public Health. Technical positions in the existing program of this bureau are listed below. Personnel will be utilized in the control program to the degree required.

Acting Chief.
Senior Health Physicist.
Senior Engineer.
4 Associate Health Physicists—One position unfilled.
Associate Statistician.
2 Consultant Physicians—One position unfilled.
Consultant Engineer.

Upon consummation of an agreement with the AEC, the following additional personnel will be employed, as available, to perform license evaluations and to provide supervision over the inspection program:

1 Supervising Health Physicist.
2 Senior Health Physicists.
1 Associate Health Physicist.

The Department expects to maintain as inspectors qualified personnel trained in health physics in the approximate ratio of one for each 175 licenses. During the initial phases, the equivalent number of man-years is planned to be devoted to these purposes by the existing staff. This ratio of inspectors to licenses will also apply to other agencies having inspectional responsibilities.

The educational and experience requirements for the position categories directly related to the licensing program are as follows:

Supervising Health Physicist: Bachelor's degree in physical or life sciences, including or supplemented by courses in health physics or radiation biology. Seven years of responsible professional experience in health physics or a closely related field, at least three years of which must have included principal responsibility for a major program of radiological health.

Senior Health Physicist: Graduation from college with major work in the applied or life sciences and including or supplemented by at least four courses in nuclear or health physics or radiation biology. Five years of responsible professional experience in health physics or a closely related field, at least two years of which must have included responsibility for a major program in radiological health. (Master's degree or equivalent academic work in health physics or closely related fields may be substitutes for two years of experience; one year of Atomic Energy Commission fellowship training may be substituted for one year of experience.) As an alternate to these requirements, two years of experience as an Associate Health Physicist in the California State service will be acceptable.

Associate Health Physicist: Equivalent of college graduation with major work in physical or life sciences, including or supplemented by at least two courses in nuclear or health physics or radiation biology. Three years of responsible professional experience (excluding routine radiation monitoring and surveys) in health physics or closely related fields. (One year of full time graduate work in health physics or closely related fields, or completion of one-year Atomic Energy Commission health physics fellowship may be substituted for one year of required experience.)

[F.R. Doc. 62-364; Filed, Jan. 11, 1962; 8:48 a.m.]

[Docket No. 50-157]

CORNELL UNIVERSITY

Notice of Issuance of Utilization Facility License

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued License No. R-80 authorizing Cornell University to possess and operate at power levels up to 100 kilowatts (thermal) the TRIGA Mark II nuclear reactor located on the University's campus at Ithaca, New York.

The license as issued is substantially as set forth in the Notice of Proposed Issuance of Facility License published in the FEDERAL REGISTER August 3, 1961, 26 F.R. 6999, except that authorization to possess and use a 10 curie Polonium 210 sealed source for reactor startup has been added to paragraph 3C.

Dated at Germantown, Md., this 11th day of January 1962.

For the Atomic Energy Commission.

E. G. CASE,
Acting Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-585; Filed, Jan. 18, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13334; Order No. E-17929]

AMERICAN AIRLINES, INC.

Proposed Reduction of Eastbound Freight Rates on Perishables; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of January 1962.

By tariff revisions marked to become effective January 17, 1962, American Airlines, Inc. (American) proposes significantly lower rates at selected weight breaks on gladioli, iris, fruits and vegetables from Los Angeles and San Francisco to midwest and eastern markets. In addition, the carrier proposes to establish lower rates on various commodities in Groups 570 and 590 from Chicago to Los Angeles at selected weight breaks, equal to rates in effect for competitive carriers.

No complaints have been filed. However, American itself had filed a complaint, requesting investigation and suspension of identical proposals submitted by Trans World Airlines, Inc. (TWA) for effectiveness January 7, 1962, for gladioli, iris, fruits and vegetables. In summary, American had claimed that the proposals were below competitive levels, would dilute carrier revenues, and were not adequately justified. It stated that it had instructed its tariff agent to meet TWA's filings as a defensive measure.

By Order E-17900, adopted January 4, 1962, the Board initiated an investigation of and suspended the foregoing TWA proposals. In that order the Board found that such rate proposals would significantly undercut competitive rates in effect for other carriers, by almost 20 percent for gladioli and iris, and by almost 10 percent for fruits and vegetables. For fruits and vegetables, the yields from the proposed rates would be low even for eastbound movements (which would involve directional imbalance) averaging about 10.5 cents per ton-mile, ranging as low as 9.7 cents; proposals would typically be the lowest 100-pound rates in effect for any commodity for any carrier in the markets in which they are to apply. For gladioli and iris, the yields would average approximately 12.5 cents per ton-mile, significantly low for cut flowers, which have traditionally been hauled at higher eastbound rates than numerous other commodities.

Upon consideration of the matters of record, the Board finds that the rates proposed by American on gladioli, iris, and fruits and vegetables from Los Angeles and San Francisco may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudical, and should be investigated. Because of the dilution of carrier revenues which might result from the application of these rates, the Board has further concluded to suspend these portions of the tariff revisions and defer their use pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions described below are or will be unjust or unreasonable, or unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful rates and provisions.

2. Pending hearing and decision by the Board, the rates and provisions described below are suspended and their use deferred to and including April 16, 1962, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The investigation instituted herein is consolidated with the proceedings designated In the Matter of Reduced Eastbound Freight Rates on Perishables Proposed by Trans World Airlines, Inc., Docket 13324, et al.

4. Copies of this order shall be filed with the tariff, and shall be served upon American Airlines, Inc., The Flying Tiger Line Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

The specific commodity rates applying on Commodity Group No. 298 via routing "AA" from Los Angeles, Calif., to the points specified below as set forth on the following named revised pages of Agent B. H. Smith's Official Air Freight Specific Commodity Tariff No. 5-B, C.A.B. No. 12:

Revised pages:
78th and 79th revised pages 87 to Baltimore, Md.
84th and 85th revised pages 88 to Boston, Mass.
72d and 73d revised pages 89 to Chicago, Ill.
72d and 73d revised pages 89 to Cleveland, Ohio
72d and 73d revised pages 89 to Columbus, Ohio
73d and 74th revised pages 90 to Dayton, Ohio
73d and 74th Revised pages 90 to Detroit, Mich.
29th and 30th revised pages 90-A to Hartford, Conn.
64th and 65th revised pages 92 to New York, N.Y.

63d and 64th revised pages 93 to Philadelphia, Pa.
63d and 64th revised pages 93 to Pittsburgh, Pa.
15th, 16th and 17th, revised pages 94-A to Washington, D.C.

The specific commodity rates applying on Commodity Group No. 306 via routing "AA" from San Francisco, Calif., to the points specified below as set forth on the following named revised pages of Agent B. H. Smith's Official Air Freight Specific Commodity Tariff No. 5-B, C.A.B. No. 12:

Revised pages:
59th and 60th revised pages 102 to Baltimore, Md.
48th and 49th revised pages 103 to Boston, Mass.
48th and 49th revised pages 103 to Chicago, Ill.
39th and 40th revised pages 104 to Cleveland, Ohio
39th and 40th revised pages 104 to Columbus, Ohio
39th and 40th revised pages 104 to Dayton, Ohio
13th and 14th revised pages 104-A to Detroit, Mich.
15th and 16th revised pages 104-B to Hartford, Conn.
55th and 56th revised pages 107 to New York, N.Y.
55th and 56th revised pages 107 to Philadelphia, Pa.
37th and 38th revised pages 108 to Pittsburgh, Pa.
31st and 32d revised pages 110 to Washington, D.C.

Agent B. H. Smith's Official Air Freight Specific Commodity Tariff No. 5-B, C.A.B. No. 12:

On 64th and 65th revised pages 92, the specific commodity rate of $14.45, subject to minimum weight of 100 pounds, on Commodity Group Numbers 295 and 470, from Los Angeles, Calif., to New York, N.Y., via the routing "AA".

On 15th, 16th, and 17th revised pages 94-A, the specific commodity rates on Commodity Group Numbers 295 and 470 from Los Angeles, Calif., to Washington, D.C., via the routing "AA".

On 56th and 56th revised pages 107, the specific commodity rate of $15.15, subject to a minimum weight of 100 pounds, on Commodity Group Numbers 295 and 470 from San Francisco, Calif., to New York, N.Y., via the routing "AA."

On 31st and 32d revised pages 110, the specific commodity rate of $14.35, subject to a minimum weight of 100 pounds, on Commodity Group Numbers 295 and 470 from San Francisco, Calif., to Washington, D.C., via the routing "AA".

[F.R. Doc. 62-579; Filed, Jan. 18, 1962; 8:45 a.m.]

[Docket No. 13268]

CIA. RUTAS INTERNACIONALES PERUANAS, S.A.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held February 12, 1962, at 10 a.m., e.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., January 12, 1962.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 62-580; Filed, Jan. 18, 1962; 8:45 a.m.]

[Docket No. 10917]

PASSENGER CREDIT PLANS INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on February 7, 1962 at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., January 12, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-581; Filed, Jan. 18, 1962; 8:45 a.m.]

[Docket No. 11949]

TRANS-TEXAS AIRWAYS, INC., MAIL RATE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on February 13, 1962, at 10:00 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served December 1, 1961, Board Order E-11258, dated April 23, 1957, and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 15, 1962.

[SEAL] WILLIAM F. CUSICK,
Hearing Examiner.

[F.R. Doc. 62-582; Filed, Jan. 18, 1962; 8:45 a.m.]

[Docket No. 11620]

TOOLCO-NORTHEAST CONTROL CASE

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on January 19 is postponed to January 22, 1962, 10 a.m., e.s.t., Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., January 16, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-632; Filed, Jan. 18, 1962; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 964 (Sub-2)]

SUGAR, REFINED OR TURBINATED, IN BAGS IN THE ATLANTIC/GULF PUERTO RICO TRADE

Investigation of Increased Rates; Notice of Supplemental Order

On January 8, 1962, the Federal Maritime Commission entered the following Second Supplement Order to the original order in this proceeding dated December 7, 1961.

It appearing that there is currently pending in this proceeding an investigation of an increase in rates on Sugar, refined or turbinated, in bags from Puerto Rico ports to Atlantic and Gulf ports, which said rates have been suspended and are now to become effective on April 8, 1962 and later; and

It further appearing that on January 3, 1962, Sea-Land Service, Inc., Puerto Rican Division, filed with the Federal Maritime Commission (Commission) tariff schedules designated 11th Revised Page No. 34 and Original Page 34A to Homeward Freight Tariff No. 4, FMC-F No. 2 (Pan-Atlantic Steamship Corporation, FMC-F, Series) to become effective February 5, 1962, which said schedules provide for increased commodity rates on Sugar, refined or turbinated, in bags; and

It further appearing that upon consideration thereof there is reason to believe that said schedules would, if permitted to become effective, result in rates which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing that the Commission is of the opinion that the new rates on sugar, refined or turbinated, in bags should be made the subject of a public investigation and hearing to determine whether they are just, reasonable, and otherwise lawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing that the effective date of the said schedules should be suspended pending such investigation;

Now therefore it is ordered, That this proceeding be, and it is hereby, expanded to include, in addition to the matters now under investigation, an investigation into and concerning the lawfulness of the increased rates on sugar, refined or turbinated, in bags named in the said schedule, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That 11th Revised Page 34 and Original Page 34A to Sea-Land Service, Inc. Puerto Rican Division (Pan-Atlantic Steamship Corporation FMC-F Series) Homeward Freight Tariff No. 4, FMC-F No. 2, be, and they are hereby, suspended and that the use thereof be, and it is hereby, deferred to and including June 4, 1962, unless otherwise authorized by the Commission, and that the rates heretofore in effect, and which were to be changed by the suspended rates, shall remain in effect during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That there shall be filed immediately with the Commission by Sea-Land Service, Inc. Puerto Rican Division, a consecutively numbered supplement to the aforesaid tariff schedule which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid rates are suspended and may not be used until the 5th day of June 1962, unless otherwise authorized by the Commission, and that the rates heretofore in effect, and which were to be changed by the suspended rates, shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be determined and announced by the Chief Examiner, to receive evidence in this proceeding, which will provide an adequate record for proper disposition of the issues and that an initial decision be issued; (II) Sea-Land Service, Inc. Puerto Rican Division, be and it is hereby made respondent in this proceeding; (III) a copy of this order shall forthwith be served upon Sea-Land Service, Inc., Puerto Rican Division, and all others heretofore named protestants or respondents hereto; (IV) the said respondents be duly notified of the time and place of the hearing ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

Dated: January 15, 1962.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-620; Filed, Jan. 18, 1962; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14394; FCC 62M-62]

FLOWER CITY TELEVISION CORP. ET AL.

Order Continuing Hearing

In re applications of Flower City Television Corporation, Rochester, New York, Docket No. 14394, File No. BPCT-2929; et al., Dockets Nos. 14395, 14459, 14460, 14461, 14462, 14463, 14464, 14465, 14466, 14467, and 14468; for construction permits for new television broadcast stations (Channel 13).

The Hearing Examiner having under consideration agreements of parties participating at prehearing conference on January 12, 1962;

It is ordered, This 12th day of January 1962, that the hearing previously scheduled by the Chief Hearing Examiner for February 7, 1962, is canceled in view of the Commission's order of December 27, 1961; that a further prehearing conference is scheduled for February 2, 1962, at 10:00 a.m.; and that a new hearing date will be specified in a subsequent order.

Released: January 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-635; Filed, Jan. 18, 1962; 8:50 a.m.]

[Docket No. 14365; FCC 62M-61]

NEIGHBORLY BROADCASTING CO., INC.

Notice of Conference

In the matter of revocation of license of The Neighborly Broadcasting Co., Inc., for FM Broadcast Station WLOV, Cranston, Rhode Island, Docket No. 14365.

Notice is hereby given that a prehearing conference in the above-entitled proceeding will be held at 10:00 a.m. on Monday, February 5, 1962, in Washington, D.C.

Dated: January 12, 1962.

Released: January 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-636; Filed, Jan. 18, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP60-32, CR62-82]

CITIES SERVICE GAS CO.

Notice of Application and Date of Hearing and Notice of Application for Amendment

JANUARY 15, 1962.

Take notice that on September 27, 1961, as supplemented on November 22, 1961, Cities Service Gas Company (Applicant), P.O. Box 1995, Oklahoma City, Oklahoma, filed in Docket No. CP62-82 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of pipeline taps and block gates on Applicant's Kansas City-Hugoton pipeline at the intake side of Applicant's Hugoton Compressor Station in Grant County, Kansas, to enable Applicant to deliver natural gas to Cities Service Helex, Inc. (Helex), all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Applicant proposes to sell an estimated average daily volume of 60 MMcf of gas to Helex pursuant to a contract between Applicant and Helex dated September 11, 1961. Helex will use and consume the gas for fuel and the extraction of helium and liquid hydrocarbons at its plant to be located near the Hugoton Compressor Station. Helex will sell the helium to the United States of America pursuant to the Helium Act of 1960 and will sell the liquid hydrocarbons to another purchaser.

Applicant alleges that it will have natural gas available to it currently and through 1979 in the Kansas-Hugoton field in excess of the peak-day capacity and annual requirements of its Hugoton-Kansas City transmission pipeline delivering gas from the Kansas-Hugoton field before the requirements of Helex are added thereto, and through 1976 after the requirements of Helex are added thereto.

The cost of the proposed facilities is estimated to be $95,000, which would be financed with treasury cash.

Concurrently with the subject application, Applicant has submitted a study of its gas reserves. Based on this study, Applicant requests that paragraph (F) of the order issued December 27, 1960, in Docket No. CP60-32, be eliminated. That paragraph required that Applicant should limit its total annual sales of natural gas to an amount approximately equal to the total demands served as shown in line 43 of Exhibit No. 30 in Docket No. CP60-32 beginning with the calendar year 1961 and in each calendar year thereafter until Applicant makes a showing, satisfactory to the Commission, that such restriction should be eliminated or modified.

These matters should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 13, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the application in Docket No. CP62-82: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests, requests for hearing or petitions to intervene in either Docket No. CP60-32 or CP62-82 may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 7, 1962. Failure of any party to appear at and participate in the hearing in Docket No. CP62-82 shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-621; Filed, Jan. 18, 1962; 8:49 a.m.]

[Docket No. G-16842 etc.]

TENNESSEE GAS TRANSMISSION CO. ET AL.

Notice of Applications, Date of Hearing and Consolidation of Proceedings

JANUARY 15, 1962.

Tennessee Gas Transmission Company, Docket No. G-16842; Tennessee Gas Transmission Company, Docket No. CP60-94; Lowell Gas Company, Docket No. CP61-9; Tennessee Natural Gas Lines, Inc., Docket No. CP61-27; Central Illinois Electric and Gas Company, Docket No. CP61-122; Texaco Inc., Docket No. CI61-60; Texaco Inc., Docket No. CI61-1713; Midwestern Gas Transmission Company, Docket No. CP62-116; Allied Gas Company, Docket No. CP62-132; Alabama-Tennessee Natural Gas Company, Docket No. CP62-133; Village of Provencal, Louisiana, Docket No. CP62-152; Cities Service Production Company, Docket No. CI62-135; Tidewater Oil Company, Docket No. CI62-137; Atlantic Refining Company, Docket No. CI62-146; Continental Oil Company, Docket No. CI62-147; Arnold H. Brunner & Company, Docket No. CI62-305; Samedan Oil Corporation, Docket No. CI62-378.

Take notice that on November 7, 1961, Tennessee Gas Transmission Company (Tennessee), P.O. Box 2511, Houston 1, Texas, filed an Amended Application as supplemented on December 18, 1961, at Docket No. CP60-94 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Tennessee to construct and operate certain facilities for the transportation and sale of natural gas in interstate commerce, all as is more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee in its application at Docket No. CP60-94, as amended, seeks authorization to increase the presently authorized contract quantities of its existing Contract Demand and General Service customers by 160, 169 Mcf of natural gas per day at 14.73 psia and to render a storage service totalling 10,120 Mcf per day at 14.73 psia to two of its existing customers. The proposed additional service is scheduled to commence in the fall of 1962 and will be rendered pursuant to the terms of existing rate schedules. In order to render the proposed additional service, Tennessee seeks authorization to increase its design day delivery capacity to 2,785,000 Mcf. Its presently authorized design day delivery capacity of 2,669,031 Mcf was authorized by the Commission at Docket No. G-16842. The proposed facilities for which authorization is sought to afford the above-noted increase in design day delivery capacity consist of approximately 152 miles of 30-inch and 36-inch mainline loop in Ohio, Pennsylvania and New York; an additional 66,900 compressor horsepower at existing stations located in Louisiana, Mississippi, Alabama and Tennessee; and an additional 20,800 compressor horsepower at new stations to be located in Louisiana, Kentucky, Pennsylvania and New York.

Tennessee also requests authorization to construct 58.2 miles of 20-inch gathering line from its presently authorized on-shore facilities to Block 176 (offshore Louisiana) in the Ship Shoal area where it proposes to acquire gas reserves in place. Tennessee also seeks authorization to replace approximately two miles of 3-inch pipeline by a similar length of 6-inch pipeline in Northampton, Massachusetts.

The application states that the proposed facilities, which are estimated to cost $56,624,000, will be financed through Tennessee's revolving credit agreement during the construction period and permanently financed with bonds, debentures, common stocks and funds generated from its operations.

Tennessee proposes to acquire and develop the Ship Shoal area at a total estimated cost of $2,043,727,000 over a 29-year period.

The following producer-applicants seek authorization to sell gas to Tennessee for resale in interstate commerce:

Docket No., Producer, Name of Field and County

CI61-60; Texaco Inc.; Gross Isle, Vermilion Parish, La.
CI61-1713; Texaco Inc.; Chandeleur Sound, Block 69 (Off-shore, Louisiana).
CI62-135; Cities Service Production Co.; Cameron Area East Block 64 (Off-shore, Louisiana).
CI62-137; Tidewater Oil Co.; Cameron Area East Block 64 (Off-shore, Louisiana).
CI62-146; Atlantic Refining Co.; Cameron Area East Block 64 (Off-shore, Louisiana).
CI62-147; Continental Oil Co.; Cameron Area East Block 64 (Off-shore, Louisiana).
CI62-305; Arnold H. Brunner & Co.; Bayou Rambio, Terrebonne Parish, La.
CI62-378; Samedan Oil Corp.; Chalkley, Northwest, Calcasieu Parish, La.

On October 20, 1961, Tennessee filed a motion for the postponement of the hearing to amend the certificate issued it in Docket No. G-16842 and requested that the aforementioned hearing be consolidated with Tennessee's expansion application in Docket No. CP60-94, which we have described above.

On August 30, 1961, the Commission issued Tennessee temporary authority in Docket No. G-16842 to substitute certain compressor facilities for loopline

Page 34 and Original Page 34A to Sea-Land Service, Inc. Puerto Rican Divi-

[F.R. Doc. 62-620; Filed, Jan. 18, 1962; 8:48 a.m.]

plicant), P.O. Box 1995, Oklahoma City,

provisions of § 1.30(c) (1) or (2) of the

per day at 14.73 psia to two of its exist-

tain compressor facilities for loopline

facilities that Tennessee was previously authorized to construct on its gas supply system in southern Louisiana. The order temporarily authorizing the substituted facilities required that Docket No. G-16842 be re-opened and that Tennessee establish in formal hearing that these facilities were justifiable as an economic alternative to the previously authorized loopline facilities and that Tennessee file certain data to support such a proposition. Tennessee in its motion for consolidation alleges that it will supply the data requested by the Commission but that the data it will submit will be more meaningful when considered with its current expansion proposal in Docket No. CP60-94. Hence, it seems appropriate that these proceedings be consolidated for purposes of hearing,

On July 27, 1960, Tennessee Natural Gas Lines, Inc., (Tennessee Natural) whose principal place of business is located at 1003 Nashville Trust Building, Nashville 3, Tennessee, filed an application in Docket No. CP61-27 proposing an increase in its presently authorized firm service from Tennessee, its sole supplier, from 3,000 Mcf per day to 8,300 Mcf per day. Tennessee Natural proposes to sell this gas to the Ford Motor Company for use in sheet glass furnaces in its Nashville, Tennessee plant. Tennessee Natural also seeks an increase in its presently authorized interruptible service from 10,500 Mcf per day to 15,500 Mcf per day also for use in glass furnaces in the Nashville plant of the Ford Motor Company.

On July 15, 1960, Lowell Gas Company whose principal place of business is located in Lowell, Massachusetts filed an application in Docket No. CP61-9 for an order under section 7(a) of the Natural Gas Act directing Tennessee to establish physical connection of its facilities with those which Applicant proposes to construct, and to sell and deliver to Applicant volumes of natural gas for distribution and resale to the town of Wilmington, Massachusetts, whose requirements are estimated to be as follows:

Year	Requirements in Mcf at 14.73 psia	
	Peak day	Annual
1st	709	81,350
2d	1,221	141,617
3d	1,755	204,611

Tennessee would be required to build a metering station at a point on its 12-inch transmission line which runs through the town of Wilmington.

On November 27, 1961, Alabama Tennessee Natural Gas Company (Alabama Tennessee), P.O. Box 380, Florence, Alabama, filed an application in Docket No. CP62-133 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Alabama-Tennessee to construct and operate certain facilities to deliver the additional supply of natural gas required by Applicant's customers during the 1962-1963 winter heating season, all as is more fully set out in its application which is on file with the Commission and open to public inspection.

The facilities which the Applicant requests authorization to construct consist of approximately 6.65 miles of 12¾-inch main line and approximately 1.23 miles of 10¾-inch main line to be constructed parallel to Applicant's main line facilities in Lawrence, Morgan, and Madison Counties, Alabama.

The application reveals that Tennessee is the sole supplier of Alabama-Tennessee and that its presently authorized volume of natural gas from Tennessee is 79,435 Mcf per day. In Docket No. CP60-94, as amended, Tennessee requested authorization to deliver an additional quantity of 1,230 Mcf of gas per day to Alabama-Tennessee in order to enable that company to meet its requirements.

On November 7, 1961, Midwestern Gas Transmission Company (Midwestern) whose principal place of business is the Tennessee Building, Houston, Texas, filed an application in Docket No. CP62-116 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Midwestern to supply Northern Illinois Gas Company, an existing customer with an additional volume of contract demand gas in the amount of 15,000 Mcf per day at 14.73 psia commencing with the 1962-1963 heating season. No additional facilities will be necessary to render the increased natural gas service. The gas supply to support the above-noted proposal is to be obtained from Tennessee all as is more fully set forth in the application which is on file with the Commission and open to public inspection.

On November 27, 1961, Allied Gas Company (Allied) whose principal place of business is located at 134 North Market Street, Paxton, Illinois, filed an application in Docket No. CP62-132 for an order under section 7(a) of the Natural Gas Act directing Midwestern to establish physical interconnections of its transportation facilities with the facilities proposed to be constructed by Allied, and to sell and deliver to Allied volumes of natural gas for distribution and resale in the Towns of Gilman, Onarga and Cissna Park in Iroquois County, and Rankin and Potomac in Vermilion County, Illinois. The natural gas requirements of those towns are estimated to be as follows:

Year	Annual requirements (Mcf)	Maximum day contract (Mcf)
1st	36,000	394
2d	96,900	794
3d	116,300	949

On October 19, 1960, Central Illinois Electric and Gas Company (Central Illinois), an Illinois corporation having its principal place of business at 303 North Main Street, Rockford, Illinois filed an application at Docket No. CP61-122 and on December 13, 1960, a supplement thereto, pursuant to section 7(a) of the Natural Gas Act, for an order directing Midwestern to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Central Illinois its natural gas requirements for the Village of Oakwood, Illinois and its environs, all as more fully set forth in the application, which is on file with the Commission and open for public inspection.

Applicant intends to construct and operate a regulator station at a proposed point of connection on the main line of Midwestern and a 2-inch lateral 1,500 feet from the above-noted point of connection to the Village limits of Oakwood. Central Illinois also proposes to construct and operate the necessary distribution facilities in the Village of Oakwood.

The estimated annual and peak day requirements for the Village of Oakwood and its environs are as follows:

Year	Peak day demand (Mcf @ 14.73 psia)	Annual requirements (Mcf @14.73psia)
1st	270	17,200
2d	310	29,500
3d	365	34,400

A formal hearing was held on this application on June 12, 1961, and the Presiding Examiner issued an initial decision in that proceeding recommending that the application of Central Illinois be denied without prejudice. On October 20, 1961, Central Illinois filed a petition to reopen the proceeding in Docket No. CP61-122 and on December 15, 1961 this Commission issued an order granting the petition to reopen.

The above-captioned proceedings will serve as an appropriate forum in which the reopened proceeding in Docket No. CP61-122 can be heard.

On December 28, 1961, the Village of Provencal, Louisiana, a municipal corporation filed an application at Docket No. CP62-152 pursuant to section 7(a) of the Natural Gas Act for an order directing Tennessee to establish physical connection of its transportation facilities with those facilities proposed to be constructed by the Village of Provencal and to sell and deliver to that village its natural gas requirements all as more fully set forth in the application which is on file with the Commission and open for public inspection.

The estimated annual and peak day requirements for the Village of Provencal are estimated as follows:

Year	Peak day (Mcf @ 14.73 psia)	Annual requirements (Mcf @14.73psia)
1st	240	24,218
2d	265	27,395
3d	285	29,339

These related matters should be heard on a consolidated record under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 12, 1962, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power

Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 12, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-622; Filed, Jan. 18, 1962; 8:49 a.m.]

[Docket No. RI60-256 etc.]

TEXAS PACIFIC COAL AND OIL CO.

Order Terminating Proceedings as to One Co-Respondent, Redesignating Proceedings and Accepting Undertaking

JANUARY 15, 1962.

Texas Pacific Coal and Oil Company, Docket Nos. RI60-256, RI60-350, RI60-362, RI60-386, and RI60-442.

The increased rates subject to review in the instant proceedings were filed by Jal Oil Company (Jal Oil) and were permitted to become effective, under bond, subject to further orders of the Commission. On March 30, 1961, Texas Pacific Coal and Oil Company (Texas Pacific) and Jal Oil filed a joint motion to substitute, effective on and after January 1, 1961, Texas Pacific for Jal Oil as Respondent in these proceedings. Texas Pacific concurrently filed its agreements and undertakings and a Notice of Succession and Adoption of Rate Schedules by which Texas Pacific ratified and adopted the rate schedules under review in these proceedings and all supplements thereto. By order issued September 15, 1961, in these proceedings, the Commission (1) designated Texas Pacific as Co-respondent with Jal Oil in each of these proceedings, and (2) accepted the aforementioned Texas Pacific agreements and undertakings effective as of 7:00 a.m., January 1, 1961, and continued in effect the aforementioned surety bonds filed by Jal Oil to cover any refunds which may be ordered for the period prior to January 1, 1961.

On November 24, 1961, Texas Pacific and Jal Oil filed joint Motions to Dismiss these proceedings as to Jal Oil, leaving such pending as to Texas Pacific and to accept Texas Pacific's revised agreements and undertakings. Said motions recite that "Texas Pacific and Jal Oil have agreed between themselves that all refunds, if any, ordered in these proceedings will be made by Texas Pacific." Consistent with the foregoing Texas Pacific concurrently tendered revised agreements and undertakings "unlimited as to time."

The Commission finds: Good cause has been shown, and it is appropriate in the public interest, that these proceedings be terminated as to Jal Oil, that Jal Oil be released from its obligations under the surety bonds filed herein, that these proceedings be redesignated as hereinafter ordered and that agreements and undertakings filed herein on November 24, 1961 by Texas Pacific be accepted for filing.

The Commission orders:

(A) The proceedings in Docket Nos. RI60-256, RI60-350, RI60-362, RI60-386 and RI60-442 are terminated as to Jal Oil, effective as of the date of this order.

(B) Jal Oil is hereby released from its obligations under the surety bonds filed by it in these proceedings.

(C) The title of the proceedings in Docket Nos. RI60-256, RI60-350 and RI60-386 is changed from Texas Pacific Coal and Oil Company and Jal Oil Company, Inc. (Operator) et al., to Texas Pacific Coal and Oil Company and the title of the proceedings in Docket Nos. RI60-362 and RI60-442 from Texas Pacific Coal and Oil Company and Jal Oil Company, Inc., to Texas Pacific Coal and Oil Company.

(D) The agreements and undertakings filed on November 24, 1961, by Texas Pacific in these proceedings are hereby accepted for filing in lieu of those which became effective as of January 1, 1961.

(E) This order is without prejudice to any findings or orders which have been or hereafter may be made by the Commission in these proceedings.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-623; Filed, Jan. 18, 1962; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

JANUARY 15, 1962.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, January 16, 1962, to January 25, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-603; Filed, Jan. 18, 1962; 8:47 a.m.]

[File No. 24A-1551]

NATIONAL MERCANTILE CLEARING HOUSE, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JANUARY 15, 1962.

I. National Mercantile Clearing House, Inc. (issuer), a collection service company, filed with the Commission on October 23, 1961, a notification on Form 1-A and an offering circular relating to a proposed public offering of 75,000 shares of its 1 cent par value common stock at $4.00 per share for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The notification on Form 1-A fails to set forth the names and addresses of certain predecessors and affiliates of the issuer as required by Item 2 thereof.

2. The offering circular fails to disclose the remuneration of officers and directors of the issuer as required by Item 9(b) and to describe adequately material transactions between the issuer and insiders as required by Item 9(c) and Schedule I.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly in that:

1. The offering circular fails to disclose the manner and extent to which the securities being offered will be diluted due to issuer's financial condition and its issuance of stock to insiders at prices substantially lower than the public offering price.

2. It overstates the number of full-time employees.

3. It falsely describes certain letters as letters of recommendation of satisfactory use and merit" and fails to disclose their true nature.

4. It contains financial statements as of August 31, 1961, which are false and misleading because:

(a) Sales and profits of the issuer for the eight months ended August 31, 1961, are substantially overstated.

(b) Certain accounts receivable are shown as current assets without disclos-

ing that such receivables had been written off by the issuer's accountant as "bad debts" as of December 31, 1960.

(c) Certain assets, liabilities and transactions affecting issuer's capital are inaccurately and inadequately described in the financial statements and notes thereto.

(d) Material amounts claimed by issuer's former counsel for legal fees and material amounts claimed to be owed by the issuer to others are not disclosed in the financials and notes thereto.

C. The offering would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-604; Filed, Jan. 18, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 562; Taylor's I.C.C. Order No. 139]

CHICAGO GREAT WESTERN RAILWAY CO.

Diversion or Rerouting of Traffic

In the opinion of Charles W. Taylor, Agent, the Chicago Great Western Railway Company, due to weather conditions, is unable to transport traffic routed over its lines.

It is ordered, That:

(a) Rerouting traffic: The Chicago Great Western Railway Company and its connections, being unable to transport traffic in accordance with shippers routing because of weather conditions, are hereby authorized to divert or reroute traffic moving over its lines over any available route to expedite the movement.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is diverted or rerouted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 2:00 p.m., January 11, 1962.

(g) Expiration date: This order shall expire at 11:59 p.m., January 15, 1962, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D.C., January 11, 1962.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 62-617; Filed, Jan. 18, 1962; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 16, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37517: *Substituted service—L&N for motor carrier service.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 211), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between points in central, middlewest and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 5 to Eastern Central Motor Carriers Association tariff MF-I.C.C. A-200.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-615; Filed, Jan. 18, 1962; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 15, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37512: *Asphalt from Colorado and Wyoming.* Filed by Western Trunk Line Committee, Agent (No. A-2219), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain or varnish), in packages, or solid in bulk, except in tank cars, in carloads, from Casper, Cheyenne, Cody, Sinclair, Thermopolis, Wyo., and Denver, Colo., to Buchanan, Clovis, Encino and Vaughn, N. Mex.

Grounds for relief: Short-line distance formula.

Tariffs: Supplement 60 to Atchison, Topeka and Santa Fe Railway tariff I.C.C. 14812, and other schedules named in the application.

FSA No. 37513: *Cast iron pipe and fittings from Ft. Worth, Swan, and Tyler, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8136), for interested rail carriers. Rates on cast iron pipe and fittings, loaded in trailers and transported on railroad flat or open top equipment, from Ft. Worth, Swan and Tyler, Tex., to points in Illinois and western trunk-line territories.

Grounds for relief: Motor-truck competition, short-line distance formula, and grouping.

Tariffs: Supplements 72, 133, 32 and 61 to Southwestern Freight Bureau tariffs I.C.C. 4345, 4312, 4362 and 4307, respectively.

FSA No. 37514: *Iron and steel articles to southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8137), for interested rail carriers. Rates on iron or steel articles, loaded in trailers and transported on railroad flat or open top equipment, from points in Illinois and western trunk-line territories, to points in southwestern territory.

Grounds for relief: Motor-truck competition, short-line distance formula, and grouping.

Tariffs: Supplements 72, 133 and 61 to Southwestern Freight Bureau tariffs I.C.C. 4345, 4312, and 4307, respectively.

FSA No. 37515: *T.O.F.C. class rates from Las Cruces, N. Mex.* Filed by Southwestern Freight Bureau, Agent (No. B-8138), for interested rail carriers. Rates on various commodities moving on class rates, loaded in trailers and transported on railroad flat or open top equipment, from Las Cruces, N. Mex., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, Texas and Wisconsin.

Grounds for relief: Motor-truck competition, short-line distance formula and grouping.

Tariffs: Supplements 133, 57 and 22 to Southwestern Freight Bureau tariffs I.C.C. 4312, 4353, and 4362, respectively.

FSA No. 37516: *Petroleum products between points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8139), for interested rail carriers. Rates on petroleum or petroleum products, also lubricating oil or grease, noibn, other than petroleum, in trailers loaded on railroad flat or open top equipment, between points in southwestern territory, also between points in southwestern territory, on the one hand, and Natchez, Miss., and Memphis, Tenn., on the other.

Grounds for relief: Motor-truck competition, short-line distance formula and grouping.

Tariff: Supplement 57 to Southwestern Freight Bureau tariff I.C.C. 4353.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-555; Filed, Jan. 17, 1962; 8:48 a.m.]

[Notice 586]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 16, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64387. By order of January 10, 1962, the Transfer Board approved the transfer to L. A. Eureka Lines, a corporation, Montebello, Calif., of the claimed Section 7 Grandfather rights of Joe P. Cabral, doing business as L. A. Eureka Lines, Montebello, Calif., covering the transportation of: frozen fruits, frozen berries, frozen vegetables, bananas, and certain exempt commodities, from points in Oregon, Washington, and ports of entry in Washington, Idaho and California, to points in California, Oregon, Washington, Idaho, Montana, Nevada, Utah, and Phoenix, Ariz. R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles 17, Calif., attorney for applicants.

No. MC-FC 64412. By order of January 10, 1962, the Transfer Board approved the transfer to Keith L. Tremper, Rhinebeck, N.Y., of Certificate No. MC 102490 Sub 2, issued March 5, 1958, to Gordon E. Bailey, Parishville, N.Y., authorizing the transportation of household goods, over irregular routes, between Rhinebeck N.Y., and points in New York east of the Hudson River within 15 miles of Rhinebeck, except Poughkeepsie, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, Pennsylvania, Rhode Island, and the District of Columbia. Joseph Worona, 4 Liberty Street, Poughkeepsie, N.Y., attorney for applicants.

No. MC-FC 64589. By order of January 15, 1962, the Transfer Board approved the transfer to Martin Truck Line, Inc., Prairie Village, Kans., of the operating rights in Certificate No. MC 40783, issued November 18, 1940, to Floyd McMichael, Council Grove, Kans., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Council Grove, Kans., and Kansas City, Mo. Sol M. Yarowsky, 909 Waltower Building, Kansas City 6, Mo., applicant's attorney.

No. MC-FC 64666. By order of January 10, 1962, the Transfer Board approved the transfer to Vernon R. Doering, doing business as Michigan Ohio Motor Freight, Toledo, Ohio, of Certificate No. MC 61318, issued November 5, 1948, to V. R. Doering and O. K. Ingham, a partnership, doing business as Michigan and Ohio Motor Freight Company, Pontiac, Mich., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, over regular routes, between Pontiac, Mich., and Toledo, Ohio, and return to Pontiac. Service is authorized to the intermediate point of Detroit, Mich., restricted to traffic originating at Toledo, Ohio. Robert B. Gosline, Schumaker, Loop & Kendrick, attorneys for Carl F. Dorcas, receiver, 811 Madison Avenue, Toledo, Ohio.

No. MC-FC 64673. By order of January 10, 1962, the Transfer Board approved the transfer to Eugene E. Kiso, Morrison, Mo., of Certificate No. MC 109214, issued February 14, 1955, to Wm. W. Branson, Chamois, Mo., authorizing the transportation of: Ordinary livestock, from Morrison, Mo., and points in Osage and Gasconade Counties, Mo., within 15 miles of Morrison, to National City, Ill., and general commodities, excluding household goods, commodities in bulk, and other specified commodities from National City, and East St. Louis, Ill., and St. Louis, Mo., to Morrison, Mo., and points in Osage and Gasconade Counties, Mo., within 15 miles of Morrison. Thomas P. Rose, Jefferson Building, Jefferson City, Mo., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-616; Filed, Jan. 18, 1962; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

INGEBORG BUGENHAGEN AND LINDA HAYMAN

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Ingeborg Bugenhagen, Sao Paulo, Brazil; $2,218.80 in the Treasury of the United States.

Linda Hayman, East Sinchley, London, England, Claim No. 60977, Vesting Order No. 15071; $2,218.80 in the Treasury of the United States.

Executed at Washington, D.C., on January 15, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-584; Filed, Jan. 18, 1962; 8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—JANUARY

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Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

MISCELLANEOUS AMENDMENTS TO CHAPTER

In order to conform Chapter IV of Title 6 of the Code of Federal Regulations to the present organizational structure of the Department of Agriculture in accordance with Memorandum No. 1458 of the Secretary of Agriculture, dated June 14, 1961, the following changes are made:

A. Subchapter A of Chapter IV is amended as follows:

1. Wherever the designation "Commodity Stabilization Service" appears, it is deleted and the designation "Agricultural Stabilization and Conservation Service" is substituted therefor.

2. Wherever the designation "Director of the Division or Commodity Stabilization Commodity Office" appears, it is deleted and the designation "Director of the Agricultural Stabilization and Conservation Service Division or Commodity Office" is substituted therefor.

3. Wherever the designation "Agricultural Stabilization and Conservation State Offices" appears, it is deleted and the designation "Agricultural Stabilization and Conservation Service State Offices" is substituted therefor.

4. Wherever the designation "Agricultural Stabilization and Conservation County Office" appears, it is deleted and the designation "Agricultural Stabilization and Conservation Service County Office" is substituted therefor.

5. Wherever the designation "Director, Grain Division, Commodity Stabilization Service" appears, it is deleted and the designation "Director, Grain Division, Agricultural Stabilization and Conservation Service" is substituted therefor.

B. Subchapter B of Chapter IV is amended as follows:

1. Wherever the designations "Commodity Stabilization Service" and "CSS" appear, they are deleted and the designations "Agricultural Stabilization and Conservation Service" and "ASCS," respectively, are substituted therefor.

2. Wherever the designation "CSS Commodity Office" appears, it is deleted and the designation "ASCS Commodity Office" is substituted therefor.

3. Wherever the designation "ASC County Office" appears, it is deleted and the designation "ASCS County Office" is substituted therefor.

4. Wherever the designations "Agricultural Stabilization and Conservation state and county offices" and "ASC state and county offices" appears, they are deleted and the designations "Agricultural Stabilization and Conservation Service state and county offices" and "ASCS state and county offices", respectively, are substituted therefor.

5. Wherever the designation "State Administrative Officer" appears, it is deleted and the designation "State Executive Director" is substituted therefor.

6. Wherever in Part 443, the designation "Deputy Administrator for Price Support, CSS" appears, it is deleted and the designation "Deputy Administrator, Price and Production, ASCS" is substituted therefor.

7. Wherever in Part 472 the designation "Deputy Administrator, Production Adjustment, CSS" appears, it is deleted and the designation "Deputy Administrator, State and County Operations, ASCS" is substituted therefor.

8. Wherever in Part 474 the designation "Deputy Administrator for Operations, CSS" appears, it is deleted and the designation "Deputy Administrator, Management, ASCS," is substituted therefor.

C. Subchapter C of Chapter IV is amended as follows:

1. Wherever the designations "Commodity Stabilization Service" or "CSS" appear, they are deleted and the designations "Foreign Agricultural Service" or "FAS", respectively, are substituted therefor.

2. Wherever the designations "CSS Commodity Office" or "Commodity Stabilization Service Commodity Office" appear, they are deleted and the designations "ASCS Commodity Office" and "Agricultural Stabilization and Conservation Service Commodity Office", respectively, are substituted therefor.

3. Wherever the designation "Director, Grain Division, CSS" appears, it is deleted and the designation "Director, Grain Division, ASCS" is substituted therefor.

4. Sections 481.156, 483.196, 483.296 and 484.155 are each amended to read "Vice President means the Vice President who is the Administrator, Foreign Agricultural Service".

5. Wherever the designation "Executive Vice President, CCC" appears, it is deleted and the designation Vice President who is "Administrator, FAS," is substituted therefor.

6. Wherever the designation "CSS Cotton Products and Export Operations Office" appears, it is deleted and the designation "ASCS Cotton Products and Export Operations Office" is substituted therefor.

Effective date. The foregoing amendments shall be effective December 30, 1961.

The foregoing amendments relate solely to matters of agency management and personnel and therefore are excepted from the requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003).

Done at Washington, D.C., this 30th day of December 1961.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62–666; Filed, Jan. 19, 1962; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8430 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Kemworth Laboratories, Inc., and Harold H. Fisher

Subpart—Advertising falsely or misleadingly: § 13.130 *Manufacture or preparation;* § 13.195 *Safety:* § 13.195–60 *Product.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Kemworth Laboratories, Inc. et al., Orange, N.J., Docket 8430, Oct. 3, 1961]

In the Matter of Kemworth Laboratories, Inc., a Corporation, and Harold H. Fisher, Individually and as an Officer of Said Corporation

Consent order requiring distributors of drugs in Orange, N.J., including the preparations "Chorionic Gonadotropin Lyopholized", "Posterior Pituitary Solution, U.S.P.", and "Vitamin B–12 Solution", to cease representing falsely in advertisements in periodicals, by such statements as "Rigid quality control", that they employed an adequate control system.

The order to cease and desist is as follows:

It is ordered, That Kemworth Laboratories, Inc., a corporation and its officers, and Harold H. Fisher, individually and as an officer of said corporation, and Respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of drugs, do forthwith cease and desist, directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement:

(a) Uses the term "quality control" or any other term or words of similar import or meaning; or

(b) Represents, directly or indirectly, that Respondents, or any of them, have

an adequate control system, or misrepresents the nature or extent of the procedures used by them in the manufacture, preparation or distribution of drugs:

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of drugs, which advertisement contains the term, words or representations prohibited in paragraph 1 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-648; Filed, Jan. 19, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—1962–63 Marketing Year

STATE AND COUNTY RESERVE ACREAGES AND COUNTY ACREAGE ALLOTMENTS FOR 1962 CROP

Sec.
730.1305 Basis and purpose.
730.1306 State reserve acreages.
730.1307 County acreage allotments and county reserve acreages.

AUTHORITY: §§ 730.1305 to 730.1307 issued under secs. 301, 353, 375, 52 Stat. 38, 61, as amended, 66; 7 U.S.C. 1301, 1353, 1375.

§ 730.1305 Basis and purpose.

(a) The State and county reserve acreages and county acreage allotments for 1962 crop rice contained in §§ 730.1306 and 730.1307 have been determined pursuant to and in conformity with the provisions of section 353 of the Agricultural Adjustment Act of 1938, as amended. Said sections are issued to announce: (1) State reserve acreage for new farms or new producers in each of the applicable rice-producing States; (2) State reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments in the producer States of Arizona, California, Florida, North Carolina, Tennessee, Texas, and the "producer administrative area" in Louisiana; and (3) county acreage allotments and county reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments in the farm States of Arkansas, Illinois, Mississippi, Missouri, Oklahoma, South Carolina, and the "farm administrative area" in Louisiana. Since farm acreage acreage allotments for 1962 crop rice in the producer States, including the "producer administrative area" of Louisiana, will be established pursuant to the act primarily on the basis of past production of rice by the producer on the farm in lieu of past production of rice on the farm, the 1962 State acreage allotments of rice for those States will be apportioned directly to farms, and county acreage allotments and county reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments will not be determined for such States.

(b) The determinations made in §§ 730.1306 and 730.1307 indicate the amount of State reserve acreages for new farms or new producers in each of the applicable rice-producing States, the amount of State reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments in the "producer States"; and the amount of county acreage allotments and county reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments in the "farm States".

(c) The State and county reserve acreages in §§ 730.1306 and 730.1307 were established on the basis of the needs therefor as recommended by the State and county committees.

(d) The county acreage allotments in § 730.1307 were established by apportioning the State acreage allotment, minus the State acreage reserve for new farms, among the counties in the State in the same proportion that they shared in the total acreage allotted in 1956, as provided by section 353(c)(1) and section 353(c)(6) of the Agricultural Adjustment Act of 1938, as amended. No adjustments in county acreage allotments were made under the proviso in section 353(c)(1) of the act.

(e) Prior to the determination of State and county reserve acreages and county acreage allotments for 1962 crop rice, public notice (26 F.R. 8675) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). No data, views, or recommendations pertaining to the determination of the State and county reserve acreages and county acreage allotments for 1962 crop rice were submitted pursuant to such notice.

(f) The determinations made in §§ 730.1306 and 730.1307 have been made on the basis of the latest available statistics of the Federal Government as required by section 301(c) of the Agricultural Adjustment Act of 1938, as amended.

(g) Pursuant to the Agricultural Adjustment Act of 1938, as amended, marketing quotas on the 1962 crop of rice have been proclaimed (27 F.R. 145) and the date for the referendum to be held to determine whether farmers are in favor of or opposed to such quotas has been set for January 23, 1962 (27 F.R. 184). The act requires that, insofar as practicable, notices of farm acreage allotments, which are based on State and county allotments and reserves, be mailed to producers in time to be received prior to the referendum. Since the referendum will be held on January 23, 1962, it is necessary to waive the 30-day effective date provision of the Administrative Procedure Act as applied to the determinations herein. Accordingly, this document shall become effective upon filing with the Director, Office of the Federal Register.

§ 730.1306 State reserve acreages.

State	State reserve acreage for new farms or new producers	State reserve acreages for appeals, etc.[1] in producer States
Arizona	0	0
Arkansas	30	
California	2,400	8,742
Florida	23	0
Illinois	0	
Louisiana:		
Farm administrative area	50	
Producer administrative area	5	0
Mississippi	50	
Missouri	0	
North Carolina	0	0
Oklahoma	0	
South Carolina	15	
Tennessee	0	3
Texas	0	50

[1] For appeals and corrections, missed producers, and adjustments in factored allotments in producer States and the "producer administrative area" in Louisiana.

§ 730.1307 County acreage allotments and county reserve acreages.

ARKANSAS

County	County acreage allotment	County reserve acreage[1]
Arkansas	76,480	10
Ashley	6,559	4
Chicot	9,799	4
Clark	558	0
Clay	7,876	2
Conway	11	0
Craighead	17,512	15
Crittenden	6,450	3
Cross	36,371	3
Dallas	72	0
Desha	14,112	5
Drew	4,687	0
Faulkner	462	0
Grant	34	0
Greene	5,514	2
Hot Spring	476	0
Independence	869	5
Jackson	20,276	3
Jefferson	17,394	0
Lafayette	882	0
Lawrence	8,433	3
Lee	8,573	9
Lincoln	9,438	0
Little River	410	0
Lonoke	39,260	4
Miller	755	0
Mississippi	1,542	0
Monroe	14,642	3
Perry	1,000	0.1
Phillips	5,175	100
Poinsett	38,457	10
Prairie	40,396	2
Pulaski	1,803	0
Randolph	2,269	0
St. Francis	18,739	2
White	1,155	2
Woodruff	20,359	4
State total	438,800	195.1

[1] County reserve acreage for appeals and corrections, missed farms, and adjustments.

ILLINOIS

County	County acreage allotment	County reserve acreage[1]
Adams	22	0

LOUISIANA

FARM ADMINISTRATIVE AREA

Acadia	93,662	357
Allen	24,103	15
Avoyelles	2,790	139.5
Beauregard	5,017	50.2
Bossier	66	0
Calcasieu	66,143	38
Cameron	13,574	0
Evangeline	45,036	48.8
Grant	185	0
Iberia	6,433	15
Jefferson Davis	97,176	82
Lafayette	9,509	93.9
Rapides	574	0
St. Landry	17,149	47.7
St. Martin	4,143	10
St. Mary	3,204	0
Vermillion	115,057	185.9
Farm administrative area total	503,821	1,063

MISSISSIPPI

Bolivar	21,440	0
Coahoma	1,664	0
De Soto	1,487	0
Hancock	183	0
Humphreys	2,135	96
Issaquena	105	0
Leflore	3,873	0
Panola	79	0
Quitman	1,408	0
Sharkey	1,149	0
Sunflower	4,353	0
Tallahatchie	510	0
Tate	246	0
Tunica	3,062	0
Washington	9,579	0
State total	51,293	96

MISSOURI

Butler	1,581	0
Holt	2	0
Lewis	9	0
Lincoln	37	0
Marion	339	0
Mississippi	96	0
New Madrid	222	0
Pemiscot	653	0
Ripley	816	0
St. Charles	38	0
Scott	266	0
Stoddard	1,485	0
State total	5,244	0

OKLAHOMA

McCurtain	164	0

SOUTH CAROLINA

Berkeley	159	0
Charleston	518	0
Colleton	780	0
Georgetown	44	0
Horry	229	0
Jasper	1,386	0
State total	3,116	0

[1] County reserve acreage for appeals and corrections, missed farms, and adjustments.

Effective date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 17, 1962.

E. A. JAENKE, *Acting Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 62-702; Filed, Jan. 18, 1962; 12:35 p.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 2]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.305 Orange Regulation 2.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 16, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., January 22, 1962, and ending at 12:01 a.m., e.s.t., February 5, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, including Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than $2\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2\frac{9}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{1}{16}$ inches in diameter or smaller; or

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than $2\frac{9}{16}$ inches in diameter, except that a tolerance of ten percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the aforesaid United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 17, 1962.

FLOYD F. HEDLUND, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 62-704; Filed, Jan. 19, 1962; 8:51 a.m.]

[Grapefruit Reg. 2]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.306 Grapefruit Regulation 2.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905 as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos

grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 16, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., January 22, 1962, and ending at 12:01 a.m., e.s.t., February 5, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided*, That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade, and may have slightly rough texture caused only by speck type melanose;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 17, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–703; Filed, Jan. 19, 1962; 8:51 a.m.]

[Tangerine Reg. 2]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.307 Tangerine Regulation 2.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905 as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when the section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 16, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title; 25 F.R. 8216).

(2) During the periods beginning at 12:01 a.m., e.s.t., January 22, 1962, and ending at 12:01 a.m., e.s.t., February 5, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, that do not grade at least U.S. No. 1; or

(ii) Any tangerines, grown in the production area, that are of a size smaller than the size that will pack 246 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions $9\frac{1}{2}$ x $9\frac{1}{2}$ x $19\frac{1}{8}$ inches; capacity 1,726 cubic inches).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 17, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–706; Filed, Jan. 19, 1962; 8:51 a.m.]

[Tangelo Reg. 2]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.308 Tangelo Regulation 2.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 16, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., January 22, 1962, and ending at 12:01 a.m., e.s.t., February 5, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than $2^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 17, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–705; Filed, Jan. 19, 1962; 8:51 a.m.]

[Navel Orange Reg. 3]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.303 Navel Orange Regulation 3.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 18, 1962.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., January 21, 1962, and ending at 12:01 a.m., P.s.t., January 28, 1962, are hereby fixed as follows:

(i) District 1: 300,000 cartons;
(ii) District 2: 350,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 19, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–761; Filed, Jan. 19, 1962; 11:23 a.m.]

[Lemon Reg. 3]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.303 Lemon Regulation 3.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part

910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 16, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., January 21, 1962, and ending at 12:01 a.m., P.s.t., January 28, 1962, are hereby fixed as follows:

(i) District 1: 18,600 cartons;

(ii) District 2: 167,400 cartons;

(iii) District 3: unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 17, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–677; Filed, Jan. 19, 1962; 8:50 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Modification of Reserve and Surplus Percentages for 1961–62 Crop Year

The Raisin Administrative Committee has unanimously recommended that the percentages of standard natural (sun-dried) Thompson Seedless raisins acquired by handlers during the 1961–62 crop year (which began September 1, 1961) which shall be reserve tonnage and surplus tonnage, heretofore designated (§ 989.217, 26 F.R. 9815) as 15 percent and 20 percent, respectively, be modified by reducing the reserve percentage to 10 percent and increasing the surplus percentage to 25 percent. The committee is established under, and its recommendation is made pursuant to, Marketing Agreement No. 109, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. This marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act."

On the basis of the estimated 1961 production of 208,000[1] tons of standard natural (sun-dried) Thompson Seedless raisins, the reserve percentage of 15 percent and the surplus percentage of 20 percent provide a reserve tonnage of 31,200 tons and a surplus tonnage of 41,600 tons, respectively. Modification of the reserve percentage from 15 to 10 percent and the surplus percentage from 20 to 25 percent will transfer about 10,400 tons from the reserve pool to the surplus pool. This transfer is necessary to make reserve tonnage not needed in free tonnage outlets available promptly as surplus tonnage for export to countries outside of the Western Hemisphere.

None of the present reserve tonnage has yet been sold by the committee to handlers to augment their supplies available to meet trade demand in free tonnage outlets and for carryout. It is estimated that at least 10,400 tons of the reserve tonnage will not be needed by handlers for these purposes.

However, the committee has disposed of nearly all of the present surplus tonnage. There now exists good demand for additional quantities of surplus tonnage for export through handlers to countries outside the Western Hemisphere, and the transfer will provide raisins for this demand. While any reserve tonnage held unsold by the committee on August 1, 1962 will then automatically become surplus tonnage available for export to such countries, the prompt transfer of about 10,400 tons of reserve tonnage to surplus will provide raisins to supply current export demand and facilitate orderly disposition in export of raisins deemed to be in excess of trade demand and carryout requirements for free tonnage.

In view of the foregoing, and on the basis of the recommendation of the Raisin Administrative Committee and other available information, it is hereby found that to modify the reserve and surplus percentages, as set forth hereinafter, will tend to effectuate the declared policy of the act.

Therefore, § 989.217 (26 F.R. 9815) is hereby revised by modifying the reserve and surplus percentages to read as follows:

§ 989.217 Free, reserve, and surplus tonnage percentages for the 1961–62 crop year.

The percentages of standard natural (sun-dried) Thompson Seedless raisins acquired by handlers during the crop year beginning September 1, 1961, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, are designated as follows: Free tonnage percentage, 65 percent; reserve tonnage percentage, 10 percent; and surplus tonnage percentage, 25 percent.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) Under this regulatory program the percentages designated for a particular crop year and any modification thereof apply to all standard raisins of the applicable varietal type acquired by handlers from the beginning of the crop year, and most of the raisins for the current crop year have been acquired by handlers; (2) the current crop year began on September 1, 1961, and the modified percentages herein designated will automatically apply to such raisins acquired on and after that date; (3) prompt action to make the excess portion of the reserve tonnage of raisins available as surplus tonnage is necessary so that such raisins may be sold to meet current export demand, which may be lost to the California raisin industry if not promptly supplied; and (4) handlers are aware of the modification of the percentages recommended by the committee and no preliminary preparation is required to utilize or comply with this regulation.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 17, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 62–678; Filed, Jan. 19, 1962; 8:50 a.m.]

[1] All tonnage figures herein are in terms of natural condition weight.

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 64]

PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Greater Kansas City marketing area (7 CFR Part 1064), it is hereby found and determined that:

(a) The following provision of the order, relating to the qualification of a supply plant as a pool plant does not tend to effectuate the declared policy of the Act for the period January 1962: In § 1064.10(b) the words "not less than 50 percent of its supply of".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will permit a supply plant to qualify as a pool plant if it ships any milk to pool distributing plants. Such qualification is needed to make available to the market milk which is needed for Class I sales during an emergency supply situation resulting from extremely cold and snowy weather.

(4) Cooperative associations and handlers who handle a substantial volume of the producer milk on the market have requested suspension of this provision.

Therefore, good cause exists for making this order effective for the period January 1962.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of January 1962.

Effective upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Signed at Washington, D.C., on January 17, 1962.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62–679; Filed, Jan. 19, 1962; 8:50 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 61—MONEY ORDERS

Signature Requirement for Cashing Money Orders

A notice of a proposed change in the signature requirements for cashing money orders in § 61.3(c) of Title 39, Code of Federal Regulations, was published in the FEDERAL REGISTER of December 9, 1961, at page 11838. Interested persons were given 30 days in which to submit written comments with respect to the proposal.

No comments have been received with respect to the proposed changes. Accordingly, the proposal is adopted without change. As so adopted, § 61.3(c) is amended by adding a new subparagraph (6) to read as follows:

§ 61.3 Cashing money orders.

* * * * * * *

(c) *Signature requirements.* * * *

(6) *More than one payee.* Money orders completed by purchaser to show more than one firm or person as payee may be paid to any of them.

NOTE: The corresponding Postal Manual section is 171.336.

(R.S. 161, as amended; 5 U.S.C. 522, 39 U.S.C. 501, 507, 5101–5105)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62–675; Filed, Jan. 19, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1032; Amdt. 390]

PART 507—AIRWORTHINESS DIRECTIVES

Beech Model 35 Aircraft

Amendment 287 (AD 61–10–1) 26 F.R. 4283, requires inspection of the center section front and rear trusses of Beech Model 35 aircraft at 100-hour intervals. Because of the superiority of magnetic particle inspection over visual and dye penetrant inspections, which will not detect subsurface cracks, Amendment 287 is being superseded by a new directive which permits longer inspection intervals if magnetic particle inspection is used. Provision also is made for inspection periods to be increased when a heavier front truss is used for replacement.

Since this amendment relaxes a requirement and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and this amendment will become effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BEECH. Applies to all Model 35 aircraft Serial Numbers D–1 through D–1500.

Compliance required as indicated.

Service records disclose that the visual inspections required by previous issues of this airworthiness directive have not adequately covered the entire wing center section steel trusses. Also, since the magnetic particle inspection is superior to other types of inspections in this application, longer intervals between such inspections are acceptable. Therefore, the following inspection in accordance with either (a) or (b) shall be accomplished.

In order to gain access to the forward and rear trusses, remove the front seat bottom, rear seat, front spar forward partition, rear spar partition and all floorboards adjacent to the forward and rear spars and disconnect the air duct located on the right side of the forward spar. Also remove any other adjacent installations as found necessary for access.

(a) Dye penetrant or visual inspection: Within 100 hours' time in service since the last inspection performed in accordance with AD 61–10–1, inspect the center section front and rear wing carry through spar steel trusses for cracks using either the dye penetrant inspection method or a thorough visual inspection with adequate lighting, a 3-power magnifying glass and mirror. The entire truss must be inspected; however, the areas most prone to cracks are the tubes and end fittings adjacent to the four wing attached points on each truss, and in the center sections where the diagonal and vertical tubes attach. Boiled linseed oil or linoil deposits on the truss exterior are likely indications of a crack through the tube wall. Give particular attention to areas near welds. If no cracks are found, repeat the above inspection each 100 hours' time in service. If indications of cracks are found verify by a magnetic particle inspection in accordance with (b). Cracked trusses shall be replaced or repaired prior to further flight in accordance with Beech Service Bulletin 35–24 as revised December 1961, or FAA approved equivalent. If the repairs permitted by Service Bulletin 35–24 are accomplished, the subsequent inspections shall be performed each 100 hours' time in service from the time the repairs were made. If a truss is replaced by one of the same type, the initial repetitive inspection shall be performed within 500 hours' time in service thereafter for the center section front truss and within 1,000 hours' time in service thereafter for the rear truss, and repeated every 100 hours' time in service thereafter.

(b) Magnetic particle inspection: Within the next 100 hours' time in service since the last inspection performed in accordance with AD 61–10–1 inspect the center section front and rear wing carry through spar steel trusses for cracks using the magnetic particle inspection procedures outlined in Beech Service Bulletin 35–24 as revised December 1961, or FAA approved equivalent. If no cracks are found reinspect within each 500 hours' time in service thereafter for the center section front truss and within each 1,000 hours' time in service thereafter for the rear truss. Cracked truss shall be replaced or repaired prior to further flight in accordance with Beech Service Bulletin 35–24 as revised December 1961, or FAA approved equivalent. If the repairs permitted by Service Bulletin 35–24 are accomplished, the two subsequent inspections of the affected truss shall be performed at 100 hours' and 400 hours' time in service from the time the repairs were made. If no cracks are found in the repaired truss during these two inspections or if a truss is replaced by one of the same type, the 500-hour or 1,000-hour intervals become applicable from the time of repair or replacement.

(c) If the front truss is replaced with the new heavier truss P/N 35–410030–17, the repetitive inspection of the front truss required by (a) and (b) shall not commence until 2,000 hours' time in service after replacement. This new truss is readily identifiable since all clips are clamped on instead of welded to the truss. Inspect the rear truss in accordance with either (a) or (b) even though the front truss is replaced.

(d) The inspection agency shall indicate on the airplane log whether one or both trusses were inspected.

(Beech Service Bulletin No. 35-24 as revised December 1961, covers this same subject.)

This supersedes Amendment 287, 26 F.R. 4283.

This amendment shall become effective January 20, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 15, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-639; Filed, Jan. 19, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-KC-32]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On September 21, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8910), stating that the Federal Aviation Agency proposed to realign and extend a segment of intermediate altitude VOR Federal airway No. 1676.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice the following action is taken:

Section 600.1676 (26 F.R. 1090) is amended to read:

§ 600.1676 VOR Federal airway No. 1676 (Chicago, Ill. to Windsor, Ont.).

From the Northbrook, Ill., VOR via the South Bend, Ind., VOR; thence 10-mile wide airway to the INT of the South Bend VOR 075° and the Muskegon, Mich., VOR 157° radials; thence via the INT of the South Bend VOR 075° and the Windsor, Ont., VOR 261° radials; to the INT of the Windsor VOR 261° and the Salem, Mich., VOR 123° radials; thence 10-mile wide airway to the Windsor VOR, excluding the portion which lies over Canada.

This amendment shall become effective 0001 e.s.t., March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-641; Filed, Jan. 19, 1962; 8:45 a.m.]

[Airspace Docket No. 61-LA-77]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On September 28, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9137), stating that the Federal Aviation Agency proposed to alter intermediate altitude VOR Federal airway No. 1557 between Sacramento, Calif., and Linden, Calif.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the notice, the following action is taken: In the text of § 600.1557 (26 F.R. 1087, 10428) "to the Linden, Calif., VOR; thence via the Sacramento, Calif., VOR; thence 10 mile wide airway via the INT of Sacramento VOR 346° and the Red Bluff, Calif., VOR 158° radials;" is deleted and "Linden, Calif., VOR; Sacramento, Calif., VOR; INT of the Sacramento VOR 346° and the Red Bluff, Calif., VOR 158° radials;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-642; Filed, Jan. 19, 1962; 8:45 a.m.]

[Airspace Docket No. 61-WA-242]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Transition Area

On December 27, 1961, there was published in the FEDERAL REGISTER (26 F.R. 12507), an amendment to Part 601 of the regulations of the Administrator. This amendment, effective January 11, 1962, designated the Gila Bend, Ariz., transition area (§ 601.10861).

Subsequent to publication of the amendment, it has been determined that this transition area penetrates the northern boundary of the Ajo, Ariz., Restricted Area (R-2301) and the Gila Bend Restricted Area (R-2305) by ¾ of a mile. To eliminate the conflict between the transition area and the restricted areas, action is taken herein to alter the description of the transition area by excluding the portions of the transition area that coincide with the restricted areas. This action will not require a change to the holding pattern procedures executed within this transition area.

Since this action is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken: In § 601.10861 (26 F.R. 12507), "20 miles W of the VORTAC." is deleted and "20 miles W of the VORTAC, excluding the portions which coincide with R-2301 and R-2305." is substituted therefor.

This amendment shall become effective 0001 e.s.t., February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-645; Filed, Jan. 19, 1962; 8:45 a.m.]

[Airspace Docket No. 60-HO-4]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration

On March 25, 1961, there were published in the FEDERAL REGISTER (26 F.R. 2549), amendments to Parts 600 and 601 of the Regulations of the Administrator which, in part, designated the Breakers Intersection as the Intersection of the Honolulu, Hawaii, VORTAC 269° and the Lihue, Hawaii VOR 128° radials to become effective November 16, 1961. This effective date was postponed until February 8, 1962 (26 F.R. 9207, dated September 30, 1961).

In describing the Breakers Intersection, the Lihue VOR 128° radial was incorrectly cited. This should have read the Lihue VOR 130° radial. Action is taken herein to correct this error.

Since this alteration is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the effective date of the final rule as amended may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60-HO-4 (26 F.R. 2549, 9207), Item 16., (b), (2), is altered to read as follows:

Breakers INT: INT of the Honolulu, Hawaii, VORTAC 269° and the Lihue, Hawaii, VOR 130° radials.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-640; Filed, Jan. 19, 1962; 8:45 a.m.]

[Airspace Docket No. 61-WA-214]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Positive Control Area

On December 6, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11686), stating that the Federal Aviation Agency proposed to expand the Chicago, Ill./Indianapolis, Ind., positive control area.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.9011 (14 CFR 601.9011, 26 F.R. 5621) is amended to read:

§ 601.9011 Positive control area (Chicago, Ill.-Indianapolis, Ind.).

That airspace within the continental control area, from flight level 240 to and including flight level 600, bounded by a line beginning at:

Latitude 43°40'00" N., longitude 90°00'00" W.; thence to latitude 43°40'00" N., longitude 87°40'00" W.; thence to latitude 43°14'20" N., longitude 87°44'30" W.; thence to latitude 43°16'00" N., longitude 86°30'00" W.; thence to latitude 43°20'00" N., longitude 86°30'00" W.; thence to latitude 43°30'00" N., longitude 86°45'00" W.; thence to latitude 44°20'00" N., longitude 84°50'00" W.; thence to latitude 44°00'00" N., longitude 82°13'00" W.; thence southward and eastward along the United States/Canadian Border to latitude 43°38'00" N., longitude 76°47'30" W.; thence to latitude 42°45'00" N., longitude 76°50'00" W.; thence to latitude 40°45'00" N., longitude 78°35'00" W.; thence to latitude 40°15'00" N., longitude 78°25'00" W.; thence to latitude 38°33'00" N., longitude 80°55'00" W.; thence to latitude 38°00'00" N., longitude 81°00'00" W.; thence to latitude 37°00'00" N., longitude 83°40'00" W.; thence to latitude 37°40'00" N., longitude 87°30'00" W.; thence to latitude 38°30'00" N., longitude 88°00'00" W.; thence to latitude 39°22'00" N., longitude 88°00'00" W.; thence counterclockwise along an arc with a 65-statute mile radius centered at latitude 39°05'37" N., longitude 89°09'45" W.; to latitude 39°55'30" N., longitude 88°35'30" W.; thence to latitude 40°03'00" N., longitude 89°07'00" W.; thence counterclockwise along an arc with a 29-statute mile radius centered at latitude 39°-53'32" N., longitude 89°37'31" W.; to latitude 40°17'20" N., longitude 89°48'00" W.; thence to latitude 40°06'30" N., longitude 90°10'00" W.; thence to latitude 41°00'00" N., longitude 90°50'00" W.; thence to latitude 42°00'00" N., longitude 91°00'00" W.; thence to latitude 43°10'00" N., longitude 90°30'00" W.; thence to the point of beginning.

This amendment shall become effective 0001 e.s.t., March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-643; Filed, Jan. 19, 1962; 8:45 a.m.]

[Airspace Docket No. 61-KC-38]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Continental Control Area

On September 23, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8990), stating the Federal Aviation Agency was considering the alteration of the Camp Atterbury, Ind., Restricted Area R-3401 by increasing the designated altitude, increasing the designated time of use and assigning as controlling agency the Federal Aviation Agency, Indianapolis ARTC Center. In addition it was proposed to include R-3401 as part of the continental control area.

No adverse comment was received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 608.34 *Indiana*, R-3401 Camp Atterbury, Ind. (26 F.R. 7194), is amended to read:

R-3401 Camp Atterbury, Ind.:

Boundaries. Beginning at latitude 39°21'-30" N., longitude 86°06'00" W.; to latitude 39°21'30" N., longitude 85°59'30" W.; to latitude 39°13'00" N., longitude 86°06'00" W.; to the point of beginning.

Designated altitudes. Surface to 40,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Indianapolis ARTC Center.

Using agency. Commanding officer, Camp Atterbury, Ind.

2. In the text of § 601.7101 (26 F.R. 1399) the following is added:

R-3401 Camp Atterbury, Ind.

These amendments shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-644; Filed, Jan. 19, 1962; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55548]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Ports of Entry; Changes in Customs Field Organization

JANUARY 15, 1962.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 1 (26 F.R. 11877), the limits of the customs port of entry of Atlanta, Georgia, in Customs Collection District No. 17 (Georgia) which now comprise the corporate limits of the city of Atlanta, Georgia, are hereby extended to include:

All that area within Fulton, Cobb, and DeKalb Counties, Georgia, bounded by a line beginning at the point of intersection of Fulton, Clayton, and Fayette County lines; thence southwest along Fulton-Fayette County line to intersection with State Route 92; thence northwest along State Route 92 to intersection with Chattahoochee River; thence northeast along Chattahoochee River to intersection with State Route 3; thence northwest along State Route 3 to intersection with State Route 280; thence southeast along State Route 280 to intersection with U.S. Highway 41; thence southeast along U.S. Highway 41 to intersection with Chattahoochee River; thence along Chattahoochee River in a northeasterly direction to intersection with Fulton-Gwinett County line; thence south along Gwinett County line to intersection with U.S. Highway 23; thence in a southerly direction along U.S. Highway 23 to intersection with State Route 155; thence south along State Route 155 to intersection with Decatur city boundary; thence east and south along Decatur city boundary to intersection with State Route 155; thence south along State Route 155 to intersection with Flat Shoals Road; thence along Flat Shoals Road four-tenths (0.4) mile to intersection with Panthersville Road; thence south along Panthersville Road to intersection with Bouldercrest Road; thence south along Bouldercrest Road to intersection with DeKalb-Clayton County line; thence west and south along Clayton County line to point of beginning, and also the Atlanta Municipal Airport which lies partly in Fulton County and partly in Clayton County.

This extension is effective on the date of publication of this Treasury decision in the FEDERAL REGISTER.

Section 1.1(c), Customs regulations, is amended by adding after "Atlanta" in the column headed "Ports of Entry" in District No. 17 (Georgia) "(including territory described in T.D. 55548)."

In order to correctly reflect the status of Hawaii as a State, the second sentence of footnote 4 in Part 1 of the Customs regulations is amended to read as follows:

Marine documents may also be issued at the Commercial Port of Guam, under the supervision of the collector of customs at Honolulu, Hawaii.

In order to correctly reflect the status of Puerto Rico as a commonwealth, § 1.1(c) of the Customs regulations is amended by deleting "The Territory of Puerto Rico" in the column headed "Area of District" in District No. 40 (Puerto Rico) and substituting therefor "The Commonwealth of Puerto Rico."

Salisbury, Maryland, was designated as a customs station in Customs Collection District No. 13 (Maryland) on July 5, 1961. To reflect this designation, § 1.2 (d), Customs regulations is amended by inserting in its proper numerical order the following entry in the list of customs stations:

District No.	Customs station	Port of entry having supervision
13	Salisbury, Md	Baltimore.

In order to show district numbers for the various comptrollers of customs districts, the listing of assignments of customs districts to comptrollers of customs in § 1.4 of the Customs regulations is changed to read as follows:

Comptroller district	Address	Customs districts
1	Customhouse, Boston, Mass.	1, 2, 4, 5, 6, and 7.
2	Customhouse, New York, N.Y.	8, 9, and 10.
3	Customhouse, Philadelphia, Pa.	11, 12, 38, 40, 41, 42, and 43.
4	Customhouse, Baltimore, Md.	13, 14, 15, 16, 17, 18, 49, and 51.
5	Customhouse, Chicago, Ill.	33, 34, 35, 36, 37, 39, 45, and 47.
6	Customhouse, New Orleans, La.	19, 20, 21, 22, 23, 24, 26, and 50.
7	Customhouse, San Francisco, Calif.	25, 27, 28, 29, 30, 31, and 32.

In order to correct the addresses for the office locations of appraisers of merchandise in customs districts Nos. 1, 5, 12, 15, 17, 30, 34, 35, and 45, the following descriptions are substituted in § 1.6 of the Customs Regulations to replace those now appearing therein:

District No.	Name of district	Location of headquarters	Address of appraiser of merchandise
34	Dakota	Pembina, N. Dak	202 Federal Bldg.
17	Georgia	Savannah, Ga	1-3 E. Bay St.
1	Maine and New Hampshire	Portland 3, Maine	Box 593, Pearl St. Station.
35	Minnesota	Minneapolis 1, Minn	150 U.S. Courthouse.
15	North Carolina	Wilmington, N.C	Rm. 204, Princess and Water Sts.
12	Pittsburgh	Pittsburgh 19, Pa	7th Ave. and Grant St.
5	Rhode Island	Providence 3, R. I	24 Weybosset St.
45	St. Louis	St. Louis 1, Mo	1114 Market St.
30	Washington	Seattle 4, Wash	34 Federal Office Bldg.

(R.S. 161, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-674; Filed, Jan. 19, 1962; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 15—CEREAL FLOURS AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Enriched Corn Meals; Standard of Identity; Effective Date

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of November 28, 1961 (26 F.R. 11209) with regard to calcium in self-rising enriched corn meals. Accordingly, the amendment promulgated by that order will become effective January 27, 1962.

(Secs. 401, 701, 52 Stat. 1046, 1055; as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: January 15, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-662; Filed, Jan. 19, 1962; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141d—CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Miscellaneous Amendments

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141a.29, 141a.45, 141a.54, 141a.60, 141a.100, 141b.111, 141c.214, 141c.218, 141c.230, 141c.231, 141d.301, 141e.430) are amended as indicated below:

1. Section 141a.29(a) is amended to read as follows:

§ 141a.29 Procaine penicillin for aqueous injection.

(a) *Potency.* Using as the sample for assay a representative aliquot of the suspension equivalent to one dose (or, if it is a dry mixture of the drug, a representative aliquot of the drug equivalent to one dose after it has been reconstituted as directed in the labeling), proceed as directed in § 141a.1, using approximately 50 to 100 milliliters of redistilled methyl alcohol, dimethyl formamide, or formamide to dissolve the sample, or by the iodometric method as described in § 141a.5(d)(1), except dissolve the sample in about 5.0 milliliters of redistilled methyl alcohol, dimethyl formamide, or formamide prior to diluting with 1 percent phosphate buffer, pH 6.0. Its potency is satisfactory if it contains not less than 90 percent of the number of units that it is represented to contain.

2. Section 141a.45(a) is amended to read as follows:

§ 141a.45 *l*-Ephenamine penicillin G for aqueous injection.

(a) *Potency.* Proceed as directed in § 141a.43(a), using as the sample for assay a representative aliquot of the suspension equivalent to one dose; or if it is a dry mixture of the drug, a representative aliquot of the drug equivalent to one dose after it has been reconstituted as directed in the labeling. Its potency is satisfactory if it contains not less than 90 percent of the number of units that it is represented to contain.

3. Section 141a.54(a) is amended to read as follows:

§ 141a.54 Benzathine penicillin G for aqueous injection.

(a) *Potency.* Proceed as directed in § 141a.47(a), using as the sample for assay a representative aliquot of the suspension equivalent to one dose; or if it is a dry mixture of the drug, a representative aliquot of the drug equivalent to one dose after it has been reconstituted as directed in the labeling. Its potency is satisfactory if it contains not less than 90 percent of the number of units that it is represented to contain.

§ 141a.60 [Amendment]

4. In § 141a.60 *Penicillin and dihydrostreptomycin-streptomycin sulfates veterinary* • • •, a new sentence is inserted after "(a) *Potency.*"

(a) *Potency.* Use as the sample for assay a representative aliquot of the suspension equivalent to one dose; or if it is a dry mixture of the drug, a representative aliquot of the drug equivalent to one dose after it has been reconstituted as directed in the labeling.

§ 141a.100 [Amendment]

5. In § 141a.100 *Phenethicillin potassium (potassium α-phenoxyethyl penicillin)*, paragraph (h) is revised to read as follows:

(h) *Identity.* Add 0.5 milliliter of a methyl alcohol solution containing 2.0 milligrams per milliliter to a test tube, and dry under a current of air. Add one drop of an aqueous chromotropic acid solution containing 10 milligrams per milliliter. Add two milliliters of sulfuric acid and heat in a glycerol bath at 150° C. for 3 to 4 minutes. An olive-green color is produced. (Penicillin V or its salts give a blue or purple color.)

§ 141b.111 [Amendment]

6. In § 141b.111 *Streptomycin sulfate solution* • • •, paragraph (a) is amended by changing "and 141b.106(b)" to read "and 141b.106 (b) and (c)".

7. Section 141c.214(a) is amended to read as follows:

§ 141c.214 Chlortetracycline dressing.

(a) *Potency.* Using appropriate volumes of peroxide-free ether and 0.01 *N* HCl and individual dressing, or if it is a strip dressing an accurately weighed representative portion of approximately 1.5 grams, proceed as directed in § 141c.202(a).

§ 141c.218 [Amendment]

8. In § 141c.218 *Tetracycline hydrochloride*, paragraph (a) is amended to read as follows:

(a) *Potency.* Use the tetracycline hydrochloride working standard as the standard of comparison, and proceed as directed in § 141c.201(a), except:

(1) Use 0.1 *N* HCl instead of 0.01 *N* HCl for the preparation of the standard stock solution and the sample stock solution.

(2) In the cylinder-plate assay:

(i) Further dilute the samples in 0.1 *M* phosphate buffer, pH 4.5, to an estimated final concentration of 1.0 microgram per milliliter instead of 0.10 microgram per milliliter; and

(ii) The final concentrations for the standard curve are 0.64, 0.8, 1.0, 1.25, and 1.56 micrograms per milliliter.

(3) In the turbidimetric assay:

(i) Further dilute the samples in 0.1 *M* phosphate buffer, pH 4.5, to an estimated final concentration of 0.24 microgram per milliliter instead of 0.06 microgram per milliliter; and

(ii) The final concentrations for the standard curve are 0.146, 0.187, 0.240, 0.308, and 0.395 microgram per milliliter.

The potency of tetracycline hydrochloride intended for use by injection is satisfactory if each immediate container contains not less than 90 percent of the tetracycline hydrochloride that it is represented to contain.

§ 141c.230 [Amendment]

9. In § 141c.230 *Chlortetracycline hydrochloride powder topical* • • •, paragraph (a)(2) is changed to read as follows:

(a) *Potency.* • • •

(2) *Powder packaged with inert gases.* Spray, as directed in the labeling, the entire contents of each container to be tested into a separate 2-liter Erlehmeyer flask, held in a horizontal position. Add 500 milliliters of 0.1 *N* HCl and shake to dissolve the contents. Immediately remove aliquots of this solution and, using 0.1 *M* potassium phosphate buffer, pH 4.5, for further dilutions, proceed as directed in § 141c.201(a) if it is chlortetracycline hydrochloride powder or § 141c.218(a) if it is tetracycline hydrochloride powder. Calculate the average total amount of antibiotic expelled from the containers. The total potency is satisfactory if it contains not less than 85 percent of the number of milligrams of chlortetracycline hydrochloride or tetracycline hydrochloride that it is represented to contain.

§ 141c.231 [Amendment]

10. Section 141c.231 *Capsules tetracycline and oleandomycin phosphate* • • • is amended as follows:

a. Paragraph (a)(1)(ii) is amended to read as follows:

(a) *Potency.* • • •

(1) • • •

(ii) *Working standard and solutions.* Dissolve an appropriate amount of the working standard in sufficient 0.1 *N* HCl to give a concentration of 1,000 micrograms per milliliter. This stock solution may be kept in the refrigerator for 1 week. Make daily dilutions of the stock solution with 0.1 M potassium phosphate buffer (pH 4.5) to obtain concentrations of 0.146, 0.187, 0.240, 0.308, and 0.395 micrograms per milliliter. Add 1.0 milliliter of each such concentration to each of three 16 millimeters x 125 millimeters test tubes.

b. Paragraph (c)(1)(vi) is amended by changing the words "as described in subdivision (ii)(b)" to read "as described in subdivision (ii)(a)".

11a. Section 141d.301(a)(3) is amended to read as follows:

§ 141d.301 Chloramphenicol.

(a) *Potency.* • • •

(3) *Working standard.* Dissolve a weighing of the standard in sufficient ethyl alcohol to give a solution of 10,000 micrograms per milliliter. Further dilute in 1 percent phosphate buffer, pH 6.0, to give a stock solution of 1,000 micrograms per milliliter. This stock solution may be used for 1 month if stored in a refrigerator. The working standard is prepared from the stock solution by diluting a portion with 1 percent phosphate buffer, pH 6.0, to a concentration of 50 micrograms per milliliter.

§ 141d.301 [Amendment]

b. In § 141d.301, paragraph (a)(7) is amended by changing the fourth sentence to read as follows: "At the same time, prepare a standard curve by diluting the stock standard solution with 1 percent phosphate buffer, pH 6.0, to give final concentrations of 32.0, 40.0, 50.0, 62.5, and 78.1 micrograms per milliliter."

§ 141e.430 [Amendment]

12. In § 141e.430 *Bacitracin-neomycin-polymyxin powder topical;* • • •, paragraph (b) is amended by changing the second sentence to read: "Freeze the container by placing in a suitable sharp freezing unit having a temperature not higher than −30° C."

The setting of the effective date of this order will be delayed 30 days to permit any interested person to file comments or objections. Any such comments should be submitted in triplicate to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: January 16, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-664; Filed, Jan. 19, 1962; 8:47 a.m.]

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Sampling Requirements

In the matter of amending the regulations for the certification of penicillin and penicillin-containing drugs to require collection of samples during the time the batch is being packaged into market containers:

There was published in the FEDERAL REGISTER of March 11, 1961 (26 F.R. 2127) a proposal to amend the regulations affecting the collection of samples of tablets, troches, and capsules of antibiotic and antibiotic-containing drugs subject to section 507 of the Federal Food, Drug, and Cosmetic Act. The Commissioner of Food and Drugs has considered comments and objections to the proposal, some of which are accepted and some rejected, and has concluded that changes in the regulations should be made with respect only to penicillin and penicillin-containing drugs.

Therefore, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507(b), 59 Stat. 463, as amended; 701(a), 52 Stat. 1055; 21 U.S.C. 357(b), 371(a)), and delegated to the Commissioner by the Secretary (25 F.R. 8625), the regulations for certification of penicillin and penicillin-containing drugs (21 CFR 146a.17 (26 F.R. 7733), 146a.21, 146a.27, 146a.30, 146a.34, 146a.38, 146a.53, 146a.60, 146a.88, 146a.92, 146a.106) are amended as follows:

1. Section 146a.17(d)(1), (d)(2)(i), (d)(3)(i), and (e)(1) is changed to read as follows:

§ 146a.17 Phenethicillin potassium (potassium-phenoxyethyl penicillin) tablets.

• • • • • •

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a

batch of phenethicillin potassium tablets shall submit with his request a statement showing the batch mark, the number of tablets in such batch, the number of tablets of the batch packaged into dispensing-size containers during each day's packaging operations, the number of units in each tablet, the date on which the latest assay of the drug comprising such batch was completed, the date (unless submitted previously) on which the latest assay of the phenethicillin potassium used in making such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor, if any, by this section.

(2) • • •

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: Average potency and average moisture of tablets collected during the time of tableting the batch, and, unless the tablets are packaged into dispensing-size containers immediately after they are compressed, average moisture of tablets collected during each day of packaging the batch.

(*b*) If the person who requests certification is not the manufacturer of the batch: Average potency and average moisture of tablets collected during each day the tablets are being packaged into dispensing-size containers.

• • • • •

(3) • • •

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets collected by taking single tablets at such intervals throughout the entire time of tableting the batch that the quantities tableted during the intervals are approximately equal;

(*b*) If, after tableting, such person packages the batch into dispensing-size containers: 20 tablets collected at equal intervals during each day the tablets are being packaged, except that this sample is not required if the tablets are packaged immediately after they are compressed;

or

(*c*) If the person who requests certification is not the manufacturer of the batch (for the purposes of certification, a batch shall be that number of tablets filled by such person into dispensing-size containers during each day's packaging operations): One tablet for each 5,000 tablets, but in no case less than 30 tablets collected by taking single tablets at such intervals throughout each day of packaging the tablets that the quantities packaged during the intervals are approximately equal.

• • • • •

(e) *Fees.* • • •

(1) $0.75 for each tablet in the samples submitted in accordance with paragraph (d)(3)(i) (*a*) and (*c*) of this section; $3.00 for the sample submitted in accordance with paragraph (d)(3)(i)(*b*) of this section; $5.00 for each package in the sample submitted in accordance with paragraph (d)(3)(ii) of this section; $4.00 for each package in the sample submitted in accordance with paragraph (d)(3)(iii) of this section.

2. Section 146a.21 (d)(1), (d)(2)(i), (d)(3)(i), and (e)(1) is changed to read as follows:

§ 146a.21 Capsules penicillin-tetracycline phosphate complex-novobiocin-nystatin veterinary.

• • • • •

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark; the number of capsules in such batch; the number of capsules of the batch packaged into dispensing-size containers during each day's packaging operations; the batch marks and (unless submitted previously) the dates on which the latest assays of the penicillin, tetracycline phosphate complex, novobiocin, and nystatin used in making such batch were completed; the quantity of each ingredient used in making the batch; the date on which the latest assay of the drug comprising such batch was completed; and a statement that each other ingredient used conforms to the requirements prescribed therefor by this section.

(2) • • •

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: Average potency and average moisture of capsules collected during the time of capsuling the batch, and, unless the capsules are packaged into dispensing-size containers immediately after they are capsuled, average moisture of capsules collected during each day of packaging the batch.

(*b*) If the person who requests certification is not the manufacturer of the batch: Average potency and average moisture of capsules collected during each day the capsules are being packaged into dispensing-size containers.

• • • • •

(3) • • •

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: One capsule for each 5,000 capsules in the batch, but in no case less than 30 capsules collected by taking single capsules at such intervals throughout the entire time of capsuling the batch that the quantities capsuled during the intervals are approximately equal;

(*b*) If, after capsuling, such person packages the batch into dispensing-size containers: 20 capsules collected at equal intervals during each day the capsules are being packaged, except that this sample is not required if the capsules are packaged immediately after they are capsuled;

or

(*c*) If the person who requests certification is not the manufacturer of the batch (for the purposes of certification, a batch shall be that number of capsules filled by such person into dispensing-size containers during each day's packaging operations): One capsule for each 5,000 capsules, but in no case less than 30 capsules collected by taking single capsules at such intervals throughout each day of packaging the capsules that the quantities packaged during the intervals are approximately equal.

• • • • •

(e) *Fees.* • • •

(1) $1.50 for each capsule in the samples submitted in accordance with paragraph (d)(3)(i) (*a*) and (*c*) of this section; $3.00 for the sample submitted in accordance with paragraph (d)(3)(i)(*b*) of this section; $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(3)(ii), (iii), (iv), (v), and (vi) of this section.

3. Section 146a.27(d)(1), (d)(2)(i), (d)(3)(i), and (e)(1) is amended to read as follows:

§ 146a.27 Penicillin tablets.

• • • • •

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of tablets in such batch, the number of tablets of the batch packaged into dispensing-size containers during each day's packaging operations, the number of units in each tablet, the date on which the latest assay of the drug comprising such batch was completed, the date (unless submitted previously) on which the latest assay of the penicillin used in making such batch was completed, the quantity of each ingredient used in making the batch, and a statement that such ingredient conforms to the requirements prescribed therefor, if any, by this section.

(2) • • •

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: Average potency and average moisture of tablets collected during the time of tableting the batch, and, unless the tablets are packaged into dispensing-size containers immediately after they are compressed, average moisture of tablets collected during each day of packaging the batch.

(*b*) If the person who requests certification is not the manufacturer of the batch: Average potency and average moisture of tablets collected during each day the tablets are being packaged into dispensing-size containers.

• • • • •

(3) • • •

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets collected by taking single tablets at such intervals throughout the entire time of tableting the batch that the quantities tableted during the intervals are approximately equal;

(*b*) If, after tableting, such person packaged the batch into dispensing-size containers during each day's packaging operations): One capsule for each 5,000 capsules, but in no case less than 30 capsules collected by taking single capsules at such intervals throughout each day of packaging the capsules that the quantities packaged during the intervals are approximately equal.

• • • • •

(e) *Fees.* • • •

(1) $1.50 for each capsule in the samples submitted in accordance with paragraph (d)(3)(i) (*a*) and (*c*) of this section; $3.00 for the sample submitted in accordance with paragraph (d)(3)(i)(*b*) of this section; $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(3)(ii), (iii), (iv), (v), and (vi) of this section.

3. Section 146a.27(d)(1), (d)(2)(i), (d)(3)(i), and (e)(1) is amended to read as follows:

§ 146a.27 Penicillin tablets.

• • • • •

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of tablets in such batch, the number of tablets of the batch packaged into dispensing-size containers during each day's packaging operations, the number of units in each tablet, the date on which the latest assay of the drug comprising such batch was completed, the date (unless submitted previously) on which the latest assay of the penicillin used in making such batch was completed, the quantity of each ingredient used in making the batch, and a statement that such ingredient conforms to the requirements prescribed therefor, if any, by this section.

(2) • • •

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets collected by taking single tablets at such intervals throughout the entire time of tableting the batch that the quantities tableted during the intervals are approximately equal;

(*b*) If, after tableting, such person packages the batch into dispensing-size containers: 20 tablets collected at equal intervals during each day the tablets are being packaged, except that this sample is not required if the tablets are packaged immediately after they are compressed;

or

(*c*) If the person who requests certification is not the manufacturer of the batch (for the purposes of certification, a batch shall be that number of tablets filled by such person into dispensing-size containers during each day's packaging operations): One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets collected by taking single tablets at such intervals throughout each day of packaging the tablets that the quantities packaged during the intervals are approximately equal.

• • • • •

(e) *Fees.* • • •

(1) $0.75 for each tablet in the samples submitted in accordance with paragraph (d)(3)(i) (*a*) and (*c*) of this section; $3.00 for the sample submitted in accordance with paragraph (d)(3)(i)(*b*) of this section; $4.00 for each package submitted in accordance with paragraph (d)(3)(ii) and (iii) of this section.

4. Section 146a.30 (d)(1), (d)(2)(i), (d)(3)(i), and (e)(1) is amended in the following respects:

§ 146a.30 Penicillin troches.

• • • • •

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of troches in such batch, the number of troches of the batch packaged into dispensing-size containers during each day's packaging operations, the number of units in each troche, the date on which the latest assay of the drug comprising such batch was completed, the batch mark and date (unless submitted previously) on which the latest assay of the penicillin used in making such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor, if any, by this section.

(2) • • •

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: Average potency and average moisture of troches collected during time of making them, and, unless the troches are packaged into dispensing-size containers immediately after they are manufactured, average moisture of troches collected during each day of packaging the batch.

(*b*) If the person who requests certification is not the manufacturer of the batch: Average potency and average moisture of troches collected during each day the troches are being packaged into dispensing-size containers.

• • • • •

containers: 20 tablets collected at equal intervals during each day the tablets are being packaged, except that this sample is not required if the tablets are packaged immediately after they are compressed;

or

(*c*) If the person who requests certification is not the manufacturer of the batch (for the purposes of certification, a batch shall be that number of tablets filled by such person into dispensing-size containers during each day's packaging operations): One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets collected by taking single tablets at such intervals throughout each day of packaging the tablets that the quantities packaged during the intervals are approximately equal.

• • • • •

(e) *Fees.* • • •

(1) $0.75 for each tablet in the samples submitted in accordance with paragraph (d)(3)(i) (*a*) and (*c*) of this section; $3.00 for the sample submitted in accordance with paragraph (d)(3)(i)(*b*) of this section; $4.00 for each package submitted in accordance with paragraph (d)(3)(ii) and (iii) of this section;

4. Section 146a.30 (d)(1), (d)(2)(i), (d)(3)(i), and (e)(1) is amended in the following respects:

§ 146a.30 Penicillin troches.

• • • • •

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of troches in such batch, the number of troches of the batch packaged into dispensing-size containers during each day's packaging operations, the number of units in each troche, the date on which the latest assay of the drug comprising such batch was completed, the batch mark and date (unless submitted previously) on which the latest assay of the penicillin used in making such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor, if any, by this section.

(2) • • •

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: Average potency and average moisture of troches collected during time of making them, and, unless the troches are packaged into dispensing-size containers immediately after they are manufactured, average moisture of troches collected during each day of packaging the batch.

(*b*) If the person who requests certification is not the manufacturer of the batch: Average potency and average moisture of troches collected during each day the troches are being packaged into dispensing-size containers.

• • • • •

(3) • • •

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: One troche for each 5,000 troches in the batch, but in no case less than 30 troches collected by taking single troches at intervals throughout the entire time of making them that the quantities made during the intervals are approximately equal;

(*b*) If, after manufacturing, such person packages the batch into dispensing-size containers: 20 troches collected at equal intervals during each day the troches are being packaged, except that this sample is not required if the troches are packaged immediately after they are manufactured;

or

(*c*) If the person who requests certification is not the manufacturer of the batch (for the purposes of certification, a batch shall be that number of troches filled by such person into dispensing-size containers during each day's packaging operations): One troche for each 5,000 troches, but in no case less than 30 troches collected by taking single troches at such intervals throughout each day of packaging the troches that the quantities packaged during the intervals are approximately equal.

• • • • •

(e) *Fees.* • • •

(1) $0.75 for each troche without masticatory substance in the samples submitted in accordance with paragraph (d)(3)(i) (*a*) and (*c*) of this section; $2.00 for each troche with masticatory substance in such sample; $3.00 for the sample submitted in accordance with paragraph (d)(3)(i)(*b*) of this section; $4.00 for each package submitted in accordance with paragraph (d)(3)(ii) and (iii) of this section.

5. Section 146a.34 (d)(1), (d)(2)(i), (d)(3)(i), and (e)(1) is amended in the following respects:

§ 146a.34 Tablets aluminum penicillin.

• • • • •

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of tablets in such batch, the number of tablets of the batch packaged into dispensing-size containers during each day's packaging operations, the number of units in each tablet, the date on which the latest assay of the drug comprising such batch was completed, the batch mark and date (unless submitted previously) on which the latest assay of the penicillin used in making such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor, if any, by this section.

(2) • • •

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: Average potency and average moisture of tablets collected during the time of tableting the batch, and, unless the tablets are packaged into dispensing-size containers immediately after they are compressed, average moisture of tablets collected during each day of packaging the batch.

(*b*) If the person who requests certification is not the manufacturer of the batch: Average potency and average moisture of tablets collected during each day the tablets are being packaged into dispensing-size containers.

• • • • •

(3) • • •

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets collected by taking single tablets at such intervals throughout the entire time of tableting the batch that the quantities tableted during the intervals are approximately equal;

(*b*) If, after tableting, such person packages the batch into dispensing-size containers: 20 tablets collected at equal intervals during each day the tablets are being packaged, except that this sample is not required if the tablets are packaged immediately after they are compressed;

or

(*c*) If the person who requests certification is not the manufacturer of the batch (for the purposes of certification, a batch shall be that number of tablets filled by such person into dispensing-size containers during each day's packaging operations): One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets collected by taking single tablets at such intervals throughout each day of packaging the tablets that the quantities packaged during the intervals are approximately equal.

• • • • •

(e) *Fees.* • • •

(1) $0.75 for each tablet in the samples submitted in accordance with paragraph (d)(3)(i) (*a*) and (*c*) of this section; $3.00 for the sample submitted in accordance with paragraph (d)(3)(i)(*b*) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d)(3) (ii) and (iii) of this section.

6. Section 146a.38 (d)(1), (d)(2)(i), (d)(3)(i), and (e)(1) is amended to read as follows:

§ 146a.38 Capsules buffered penicillin with pectin hydrolysate (capsules buffered potassium penicillin with pectin hydrolysate).

• • • • •

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of capsules in such batch, the number of capsules of the batch packaged into dispensing-size containers during each day's packaging operations, the number of units in each capsule, the

date on which the latest assay of the drug comprising such batch was completed, the batch mark and (unless submitted previously) the date on which the latest assay of the penicillin used in making such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor, if any, by this section.

(2) • • •

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: Average potency and average moisture of capsules collected during the time of capsuling the batch and, unless the capsules are packaged in dispensing-size containers immediately after they are capsuled, average moisture of capsules collected during each day of packaging the batch.

(*b*) If the person who requests certification is not the manufacturer of the batch: Average potency and average moisture of capsules collected during each day the capsules are being packaged into dispensing-size containers.

• • • • • •

(3) • • •

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: One capsule for each 5,000 capsules in the batch, but in no case less than 30 capsules collected by taking single capsules at such intervals throughout the entire time of capsuling the batch that the quantities capsuled during the intervals are approximately equal;

(*b*) If, after capsuling, such person packages the batch into dispensing-size containers: 20 capsules, collected at equal intervals during each day the capsules are being packaged, except that this sample is not required if the capsules are packaged immediately after they are capsuled;

or

(c) If the person who requests certification is not the manufacturer of the batch (for the purpose of certification, a batch shall be that number of capsules filled by such person into dispensing-size containers during each day's packaging operations): One capsule for each 5,000 capsules in the batch, but in no case less than 30 capsules collected by taking single capsules at such intervals throughout each day of packaging the capsules that the quantities packaged during the intervals are approximately equal.

• • • • • •

(e) *Fees.* • • •

(1) $0.75 for each capsule in the samples submitted in accordance with paragraph (d)(3)(i) (*a*) and (c) of this section; $3.00 for the sample submitted in accordance with paragraph (d)(3)(i)(*b*) of this section; $4.00 for each package submitted in accordance with paragraph (d)(3) (ii) and (iii) of this section.

§ 146a.53 [Amendment]

7. In § 146a.53 *Capsules penicillin and novobiocin*, paragraph (b)(3) is amended by changing subdivision (i) to read as follows:

(i) $1.00 for each capsule submitted in accordance with the requirements of § 146a.27 (d)(3)(i) (*a*) and (c).

§ 146a.60 [Amendment]

8. In § 146a.60 *Penicillin-bacitracin troches* • • •, paragraph (b)(1) is amended to read as follows:

(1) $1.00 for each troche submitted in accordance with the requirements of § 146a.30 (d)(3)(i) (*a*) and (c).

§ 146a.88 [Amendment]

9. In § 146a.88 *Penicillin-streptomycin tablets* • • •, paragraph (b)(1) is amended to read as follows:

(1) $1.00 for each tablet submitted in accordance with the requirements of § 146a.27 (d)(3)(i) (*a*) and (c).

§ 146a.92 [Amendment]

10. In § 146a.92 *Tablets benzathine penicillin G and crystalline penicillin*, paragraph (d) is changed to read as follows:

(d) The fee for the services rendered shall be $1.00 for each tablet submitted in accordance with the requirements of § 146a.27 (d)(3)(i) (*a*) and (c).

§ 146a.106 [Amendment]

11. In § 146a.106 *Tablets benzathine penicillin G and penicillin V*, paragraph (d)(1) is amended to read as follows:

(1) $1.00 for each tablet submitted in accordance with the requirements of § 146a.27 (d)(3)(i) (*a*) and (c).

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issue for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 507, 701, 59 Stat. 463 as amended, 52 Stat. 1055 as amended; 21 U.S.C. 357, 371)

Dated: January 16, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-665; Filed, Jan. 19, 1962; 8:47 a.m.]

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Chlortetracycline or Tetracycline Hydrochloride Powder Topical; Changes in Expiration Dates

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR 146c.230) are amended as follows:

Section 146c.230 is amended as set forth below:

1. Paragraph (c)(1)(iii) is amended to read as follows:

§ 146c.230 Chlortetracycline hydrochloride powder topical; tetracycline hydrochloride powder topical.

• • • • • •

(c) *Labeling* • • •

(1) • • •

(iii) The statement "Expiration date ----------" the blank being filled in with one of the following dates:

(*a*) If it is chlortetracycline hydrochloride powder topical, 48 months after the month during which the batch was certified.

(*b*) If it is tetracycline hydrochloride powder topical, 24 months after the month during which the batch was certified, except that the date that is 36 months, 48 months, or 60 months after the month during which the batch was certified may be used if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed therefor by paragraph (a) of this section.

(c) If it is packaged with inert gases, 24 months.

2. In paragraph (f) *Exemption of chlortetracycline hydrochloride powder* • • •, subparagraph (2) is amended to read as follows:

(f) • • •

(2) The labels bear an expiration date that is 48 months, if it is chlortetracycline hydrochloride powder topical, or 24 months, if it is tetracycline hydrochloride powder topical, after the month in which the batch was last assayed and released by the manufacturer, except, if it is tetracycline hydrochloride powder topical, the date that is 36 months, 48 months, or 60 months may be used if the manufacturer has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed therefor by paragraph (a) of this section.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the changes are such that they cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data as required by section 507 of the Federal Food, Drug, and Cosmetic Act.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: January 15, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-663; Filed, Jan. 19, 1962; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1457—FISCAL YEAR BASIS FOR RENEGOTIATION AND EXCEPTIONS

Treatment of Contracts With Price Adjustment Provisions

Section 1457.5(c) *When price revision precedes renegotiation* is amended by deleting "1456.3(b) (2) and (3)" in the second sentence and inserting in lieu thereof "1466.4(c) (2) and (3)".

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: January 17, 1962.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 62-672; Filed, Jan. 19, 1962; 8:49 a.m.]

PART 1472—CONDUCT OF RENEGOTIATION

Filing of Information and Requests by Contractor

1. Section 1472.6(d) *Place for filing* is amended by deleting the names and addresses of the Regional Boards in subparagraph (1) and inserting in lieu thereof the following:

Eastern Regional Renegotiation Board, 1634 Eye Street NW., Washington 25, D.C.
Western Regional Renegotiation Board, 5504 Hollywood Boulevard, Los Angeles 28, Calif.

2. Section 1472.6(e)(2) *Hours of business* is amended by deleting the words "Los Angeles Regional Renegotiation Board" and inserting in lieu thereof "Western Regional Renegotiation Board".

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: January 17, 1962.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 62-673; Filed, Jan. 19, 1962; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Lewes and Rehoboth Canal, Delaware, and Satilla River, Georgia

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.237a is hereby prescribed to govern the operation of the Delaware State Highway Department bridges across the Lewes and Rehoboth Canal at Rehoboth, Delaware, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.237a Lewes and Rehoboth Canal, Del.; Delaware State Highway Department bridges at Rehoboth.

(a) The owner of or agency controlling these bridges will not be required to keep draw tenders in attendance from 5:00 p.m. to 7:00 a.m.

(b) Whenever a vessel unable to pass under the closed bridges desires to pass through the draws from 5:00 p.m. to 7:00 a.m., at least 24 hours' advance notice of the time opening is required must be given to the authorized representative of the owner of or agency controlling the bridges to insure prompt opening thereof at the time required.

(c) On receipt of such advance notice the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draws on signal at approximately the time specified in the notice.

(d) The owner of or agency controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representatives specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

[Regs., Dec. 29, 1961, 285/91 (Lewes and Rehoboth Canal, Del.)-ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended revoking paragraph (h)(20) governing the operation of the State Highway Department of Georgia bridge across Satilla River near Burnt Fort, Georgia, effective on publication in the FEDERAL REGISTER since the bridge has been removed, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

• • • • • •

(h) *Waterways discharging into Atlantic Ocean south of Charleston.* • • •

(20) Satilla River, Ga; State Highway Department of Georgia bridge near Burnt Fort. [Revoked]

[Regs., Dec. 29, 1961, 285/91 (Satilla River, Ga.)-ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-637; Filed, Jan. 19, 1962; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 1—Federal Procurement Regulations

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 1 of Title 41 is amended as set forth below:

PART 1–1—GENERAL

Subpart 1–1.7—Small Business Concerns

1. Section 1–1.710 of the table of contents is revised as follows:

Sec.
1–1.710 Subcontracting with small business concerns.
1–1.710–1 General.
1–1.710–2 Small business subcontracting program.
1–1.710–3 Required clauses.
1–1.710–4 Review of subcontracting program.

2. Section 1–1.710 is revised to read as follows:

§ 1–1.710 Subcontracting with small business concerns.

§ 1–1.710–1 General.

(a) It is the policy of the Government to enable small business concerns to be considered fairly as subcontractors and suppliers to contractors performing work or rendering services as prime contractors or subcontractors under Government procurement contracts, and to assure that prime contractors and subcontractors having small business subcontracting programs will consult through the appropriate procuring agency with the Small Business Administration when requested by SBA. However, the Small Business Administration is not authorized to prescribe the extent to which any contractor or subcontractor shall subcontract or specify the concerns to which subcontracts shall be granted, and is not vested with authority respecting the administration of individual prime contracts or subcontracts. (See § 1–1.805 for subcontract-

ing policies with respect to labor surplus area concerns.)

(b) This § 1–1.710 sets forth the program for furtherance of this policy and, together with Subpart 1–3.9, prescribes the contract clauses and procedures for use in carrying out the small business subcontracting program.

(c) As used in this Subpart 1–1.7, the term subcontractor includes a supplier and applies at any level of performance of the contract; and the term subcontract includes a purchase order.

§ 1–1.710–2 Small business subcontracting program.

The Government's small business subcontracting program requires Government prime contractors to assume an affirmative obligation with respect to subcontracting with small business concerns. In contracts which range from $5,000 to $500,000, the contractor undertakes the obligation of accomplishing the maximum amount of small business subcontracting which is consistent with the efficient performance of the contract. This undertaking is set forth in the contract clause prescribed in § 1–1.710–3(a). In contracts which may exceed $500,000, the contractor is required, pursuant to the clause set forth in § 1–1.710–3(b), to undertake a number of specific responsibilities designed to assure that small business concerns are considered fairly in the subcontracting role and to impose similar responsibilities on major subcontractors. (The liaison officer required by the latter clause may also serve as liaison officer for labor surplus area matters.)

§ 1–1.710–3 Required clauses.

(a) The Utilization of Small Business Concerns clause, set forth below, shall be included in all contracts in amounts which may exceed $5,000 except (1) contracts which, including all subcontracts thereunder, are to be performed entirely outside the United States, its possessions, and Puerto Rico, and (2) contracts for services which are personal in nature:

UTILIZATION OF SMALL BUSINESS CONCERNS

(a) It is the policy of the Government as declared by the Congress that a fair proportion of the purchases and contracts for supplies and services for the Government be placed with small business concerns.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

[End of Clause]

(b) The Small Business Subcontracting Program clause, set forth below, shall be included in all contracts which may exceed $500,000, which contain the clause required by § 1–1.710–3(a) and which, in the opinion of the procuring activity, offer substantial subcontracting possibilities. Furthermore, prime contractors who are to be awarded contracts which may not exceed $500,000, but which, in the opinion of the procuring activity, offer substantial subcontracting possibilities, shall be urged to accept this clause.

SMALL BUSINESS SUBCONTRACTING PROGRAM

(a) The Contractor agrees to establish and conduct a small business subcontracting program which will enable small business concerns to be considered fairly as subcontractors and suppliers under this contract. In this connection, the Contractor shall—

(1) Designate a liaison officer who will (i) maintain liaison with the Government on small business matters, (ii) supervise compliance with the Utilization of Small Business Concerns clause, and (iii) administer the Contractor's "Small Business Subcontracting Program."

(2) Provide adequate and timely consideration of the potentialities of small business concerns in all "make-or-buy" decisions.

(3) Assure that small business concerns will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of small business concerns. Where the Contractor's lists of potential small business subcontractors are excessively long, reasonable effort shall be made to give all such small business concerns an opportunity to compete over a period of time.

(4) Maintain records showing (i) whether each prospective subcontractor is a small business concern, (ii) procedures which have been adopted to comply with the policies set forth in this clause, and (iii) with respect to the letting of any subcontract (including purchase orders) exceeding $10,000, information substantially as follows:

(A) Whether the award went to large or small business.

(B) Whether less than three or more than two small business concerns were solicited.

(C) The reason for non-solicitation of small business if such was the case.

(D) The reason for small business failure to receive the award if such was the case when small business was solicited.

The records maintained in accordance with (iii) above may be in such form as the Contractor may determine, and the information shall be summarized quarterly and submitted by the purchasing department of each individual plant or division to the Contractor's cognizant small business liaison officer. Such quarterly summaries will be considered to be management records only and need not be submitted routinely to the Government; however, records maintained pursuant to this clause will be kept available for review.

(5) Notify the Contracting Officer before soliciting bids or quotations on any subcontract (including purchase orders) in excess of $10,000 if (i) no small business concern is to be solicited, and (ii) the Contracting Officer's consent to the subcontract (or ratification) is required by a "Subcontracts" clause in this contract. Such notice will state the Contractor's reasons for non-solicitation of small business concerns, and will be given as early in the procurement cycle as possible so that the Contracting Officer may give SBA timely notice to permit SBA a reasonable period to suggest potentially qualified small business concerns through the Contracting Officer. In no case will the procurement action be held up when to do so would, in the Contractor's judgment, delay performance under the contract.

(6) Include the Utilization of Small Business Concerns clause in subcontracts which offer substantial small business subcontracting opportunities.

(7) Cooperate with the Contracting Officer in any studies and surveys of the Contractor's subcontracting procedures and practices that the Contracting Officer may from time to time conduct.

(8) Submit such information on subcontracting to small business concerns as is called for the Contracting Officer.

(b) A "small business concern" is a concern that meets the pertinent criteria established by the Small Business Administration and set forth in § 1–1.701 of the Federal Procurement Regulations.

(c) The Contractor agrees that, in the event he fails to comply with his contractual obligations concerning the small business subcontracting program, this contract may be terminated, in whole or in part, for default.

(d) The Contractor further agrees to insert, in any subcontract hereunder which may exceed $500,000 and which contains the Utilization of Small Business Concerns clause, provisions which shall conform substantially to the language of this clause, including this paragraph (d), and to notify the Contracting Officer of the names of such subcontractors.

[End of Clause]

§ 1–1.710–4 Review of subcontracting program.

(a) The adequacy of the contractor's "Small Business Subcontracting Program" shall be reviewed by the procuring agency concerned, and any deficiencies shall be brought to the attention of the contractor's liaison officer with a request for corrective action.

(b) Each procuring agency shall assist the Small Business Administration to obtain such reasonably obtainable information and records concerning the subcontracting of its prime contractors and its subcontractors, having contracts which contain the Small Business Subcontracting Program clause, as the Small Business Administration may deem necessary. Accordingly, the contracting officer may separately or together with a representative of SBA, periodically conduct studies and surveys of the contractor's subcontracting procedures and practices and those of his subcontractors. Such studies and surveys may originate with the procuring agency in order to have available the pertinent data concerning subcontracting by its primes, or, if such data is not currently available, the studies and surveys may originate upon the request of the Small Business Administration for such data. On the basis of the foregoing studies, surveys, and records, the Small Business Administration may make recommendations to the procuring agency regarding methods for increasing small business participation in the contractor's subcontract awards. SBA and the procuring agency will freely interchange, at the operating level, information resulting from these surveys.

(c) Subcontracting records maintained by Government offices shall be made available for review, as requested by SBA.

Subpart 1–1.8—Labor Surplus Area Concerns

3. Section 1–1.805 of the table of contents is revised as follows:

Sec.
1–1.805 Subcontracting with labor surplus area concerns.
1–1.805–1 General.

Sec.
1–1.805–2 Labor surplus area subcontracting program.
1–1.805–3 Required clauses.
1–1.805–4 Review of subcontracting program.

4. Section 1–1.805 is revised to read as follows:

§ 1–1.805 Subcontracting with labor surplus area concerns.

§ 1–1.805–1 General.

(a) In furtherance of the general policy stated in § 1–1.802, procuring agencies shall encourage certain prime contractors to place subcontracts with concerns which will perform a substantial proportion of the production in areas of labor surplus, where this can be done consistent with efficient performance of contracts and at prices no higher than are obtainable elsewhere. (See § 1–1.710 for subcontracting policies with respect to small business concerns.)

(b) As used in this Subpart 1–1.8, the term subcontractor includes a supplier and applies at any level of performance of the contract; and the term subcontract includes a purchase order.

§ 1–1.805–2 Labor surplus area subcontracting program.

The Government's labor surplus area subcontracting program requires Government prime contractors to assume an affirmative obligation with respect to subcontracting with labor surplus area concerns. In contracts which range from $5,000 to $500,000, the contractor undertakes the obligation of using his best efforts to place his subcontracts with concerns which will perform such subcontracts substantially in areas of labor surplus, where this can be done consistent with the efficient performance of the contract and at prices no higher than are obtainable elsewhere. This undertaking is set forth in the contract clause prescribed in § 1–1.805–3(a). In contracts which may exceed $500,000, the contractor is required, pursuant to the clause set forth in § 1–1.805–3(b), to undertake a number of specific responsibilities designed to assure achievement of the objectives referred to above and to impose similar responsibilities on major subcontractors. (The liaison officer required by the latter clause may also serve as liaison officer for small business matters.)

§ 1–1.805–3 Required clauses.

(a) The Utilization of Concerns in Labor Surplus Areas clause, set forth below, shall be inserted in all contracts in amounts which may exceed $5,000, except—

(1) Contracts with foreign contractors which, including all subcontracts thereunder, are to be performed entirely outside the United States, its possessions, and Puerto Rico;

(2) Contracts for services which are personal in nature; and

(3) Contracts for construction.

UTILIZATION OF CONCERNS IN LABOR SURPLUS AREAS

It is the policy of the Government to place contracts with concerns which will perform such contracts substantially in areas of persistent or substantial labor surplus, where this can be done consistent with the efficient performance of the contract and at prices no higher than are obtainable elsewhere. The Contractor agrees to use his best efforts to place his subcontracts in accordance with this policy. In complying with the foregoing and with paragraph (b) of the clause of this contract entitled "Utilization of Small Business Concerns," the Contractor in placing his subcontracts shall observe the following order of preference: (a) persistent labor surplus area concerns which are also small business concerns; (b) other persistent labor surplus area concerns; (c) substantial labor surplus area concerns which are also small business concerns; (d) other substantial labor surplus area concerns; and (e) small business concerns which are not labor surplus area concerns.

[End of Clause]

(b) The Labor Surplus Area Subcontracting Program clause, set forth below, shall be included in all contracts which may exceed $500,000, which contain the clause required by § 1–1.805–3(a) and which, in the opinion of the procuring activity, offer substantial subcontracting possibilities. Furthermore, prime contractors who are to be awarded contracts which may not exceed $500,000 but which, in the opinion of the procuring activity, offer substantial subcontracting possibilities, shall be urged to accept this clause.

LABOR SURPLUS AREA SUBCONTRACTING PROGRAM

(a) The Contractor agrees to establish and conduct a program which will encourage labor surplus area concerns to compete for subcontracts within their capabilities. In this connection, the Contractor shall—

(1) Designate a liaison officer who will (i) maintain liaison with duly authorized representatives of the Government on labor surplus area matters, (ii) supervise compliance with the Utilization of Concerns in Labor Surplus Areas clause, and (iii) administer the Contractor's "Labor Surplus Area Subcontracting Program";

(2) Provide adequate and timely consideration of the potentialities of labor surplus area concerns in all "make-or-buy" decisions;

(3) Assure that labor surplus area concerns will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of labor surplus area concerns;

(4) Maintain records showing procedures which have been adopted to comply with the policies set forth in this clause; and

(5) Include the Utilization of Concerns in Labor Surplus Areas clause in subcontracts which offer substantial labor surplus area subcontracting opportunities.

(b) A "labor surplus area concern" is a concern which will perform, or cause to be performed, a substantial proportion of any contract awarded to it in "Areas of Substantial Labor Surplus" (also called "Areas of Substantial Unemployment"), as designated by the Department of Labor. A concern shall be deemed to perform a substantial proportion of a contract in a labor surplus area if the costs that the concern will incur on account of manufacturing or production performed in persistent or substantial labor surplus areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the price of such contract.

(c) The Contractor further agrees to insert, in any subcontract hereunder which may exceed $500,000 and which contains the Utilization of Concerns in Labor Surplus Areas clause, provisions which shall conform substantially to the language of this clause, including this paragraph (c), and to notify the Contracting Officer of the names of such subcontractors.

[End of Clause]

§ 1–1.805–4 Review of subcontracting program.

The adequacy of the contractor's "Labor Surplus Area Subcontracting Program" shall be reviewed by the procuring agency concerned, and any deficiencies shall be brought to the attention of the contractor's liaison officer with a request for corrective action.

PART 1–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 1–2.4—Opening of Bids and Award of Contract

In § 1–2.407–6, paragraph (b) is amended to read as follows:

§ 1–2.407–6 Equal low bids.

* * * * *

(b) If the application of (a) of this § 1–2.407–6 results in two or more bidders being eligible for award, the award shall be made to the bidder who will make the most extensive use of small business subcontractors. If two or more bidders still remain eligible for award, award shall be made by a drawing by lot limited to such bidders. If time permits, the bidders involved shall be given an opportunity to be present at the drawing by lot. Such drawing shall be witnessed by at least three persons and the contract file shall contain the names and addresses of those witnesses.

PART 1–3—PROCUREMENT BY NEGOTIATION

1. In § 1–3.000, paragraph (b) is amended by deleting subparagraphs (6) through (8) and including a new subparagraph (6). As so amended, paragraph (b) reads as follows:

§ 1–3.000 Scope of part.

* * * * *

(b) This part sets forth the following policies and procedures:

(1) The basic requirements for the procurement of property and services by means of negotiation;

(2) The different circumstances under which negotiation is permitted;

(3) Determinations and findings that may be required before a contract is entered into by negotiation;

(4) Types of negotiated contracts and their use;

(5) Price negotiation policies and techniques; and

(6) Subcontracting policies and procedures.

Subpart 1–3.1—Use of Negotiation

2. In § 1–3.102, paragraph (n) is amended to read as follows:

§ 1–3.102 Factors to be considered in negotiated contracts.

* * * * *

(n) Consideration of subcontracting, with the extensive use of small business subcontractors being considered a favorable factor.

3. The table of contents is amended to include new Subpart 1–3.9 as follows:

Subpart 1–3.9—Subcontracting Policies and Procedures

Sec.
1–3.900 Scope of subpart.
1–3.901 General.
1–3.902 "Make-or-buy" programs.
1–3.902–1 Review of program.
1–3.902–2 Approval of programs.
1–3.902–3 Contract clause.
1–3.902–4 Administration of program.
1–3.903 Review and approval of contractor's purchasing system and subcontracts. [Reserved]

AUTHORITY: §§ 1–3.900 to 1–3.903 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); sec. 8, 72 Stat. 389, 15 U.S.C. 637, sec. 7, Public Law 87–305.

4. Subpart 1–3.9 is added to read as follows:

Subpart 1–3.9—Subcontracting Policies and Procedures

§ 1–3.900 Scope of subpart.

This subpart sets forth policies and procedures for the evaluation, review, and approval of a contractor's "make-or-buy" program, purchasing system, and proposed subcontracts.

§ 1–3.901 General.

(a) Information as to the contractor's "make-or-buy" program, purchasing system, and proposed subcontracts may be important to (1) negotiation of reasonable contract prices (see § 1–3.808–5), (2) assurance of satisfactory contract performance, or (3) carrying out Government policies regarding small business (see § 1–1.710–1), labor surplus areas (see § 1–1.805–1), acquisition and use of Government facilities, maintenance of mobilization base, or other policies which may be appropriate to the particular procurement. Therefore, Government surveillance of a contractor's "make-or-buy" program, purchasing system, and proposed subcontracts is required as set forth in this Subpart 1–3.9. Where "make-or-buy" decisions and subcontracting will have a substantial impact on any of the above mentioned factors, the contractor's "make-or-buy" program and subcontracting should, to the extent practicable, be evaluated and agreed on during negotiations.

(b) The subcontracting policies and procedures in this Subpart 1–3.9 should generally be applied to procurement where (1) the item, system, or work is complex, the dollar value is substantial, or competition is restricted, and (2) either (i) cost-reimbursement, price redetermination, or incentive-type contracts are to be used, or (ii) make-or-buy decisions are expected to have a substantial impact on negotiations leading to a firm fixed-price contract.

§ 1–3.902 "Make-or-buy" programs.

§ 1–3.902–1 Review of program.

(a) A "make-or-buy" program is that part of a contractor's written plan for the development or production of an end item which outlines the major components, assemblies, subassemblies, and parts to be manufactured (including testing, treating, and assembling) in his own facilities, and those which will be obtained elsewhere by subcontract. A "make" item is any item produced, or work performed, by the contractor or his affiliate, subsidiary, or division.

(b) (1) Where the nature of the procurement is such that, in view of the factors referred to in § 1–3.901(b), review of the "make-or-buy" program is appropriate or is otherwise considered essential, the prospective contractor shall be required to submit his proposed "make-or-buy" program, together with sufficient related data, to the contracting officer for evaluation of such factors in (e) of this § 1–3.902–1 as are pertinent.

(2) At the time a request for proposals is issued, the procuring agency shall request potential suppliers to furnish a "make-or-buy" program on all negotiated procurements except as otherwise provided in (3), (4), or (5) of this § 1–3.902–1(b).

(3) A "make-or-buy" program will not be required when a proposed contract has a total estimated value of less than $1,000,000 unless the contracting officer specifically determines that a "make-or-buy" program is appropriate.

(4) Research and development contracts are exempt from the provisions of this § 1–3.902 unless it can reasonably be anticipated that follow-on quantities of the product will be procured.

(5) A "make-or-buy" program will not be required if the contracting officer determines that none of the factors in § 1–3.901(b) are applicable.

(c) The contractor will be informed that the program he submits should be confined to important items which, because of their complexity, quantity, cost or requirement for additional Government facilities, normally would require company management review of the make-or-buy decision. "Detail parts" or "off-the-shelf" items will not be incorporated in a "make-or-buy" program unless their potential impact on such program or production schedule makes their inclusion necessary. If the design status of the end item being procured is not sufficiently advanced to permit accurate precontract identification of all items that may be subject to "make-or-buy" decisions, the contractor shall be notified that such items must be submitted, when identifiable under the terms of the Changes to Make-or-Buy Program clause (see § 1–3.902–3).

(d) The contractor shall be required to submit, with his proposal, a "make-or-buy" program of important items including in addition to information required by § 1–3.902–1(b), (1) a description by which each such item can be readily identified, (2) a recommendation to make or buy the item or defer the decision, (3) when feasible, the names of proposed subcontractors, and (4) the important items to be made by the contractor, including a designation of the plant and division in which the contractor proposes to perform the work.

(e) "Make-or-buy" programs shall be evaluated and agreed upon by the contractor and the procuring activity at the earliest practicable time during negotiations. In reviewing the "make-or-buy" program during the negotiations, the effect of the following factors on the interests of the Government shall be considered:

(1) The effect of the contractor's plan to make-or-buy, as the case may be, on price, quality, delivery, and performance.

(2) Whether the contractor plans to broaden his base of subcontractors through competition.

(3) Whether the contractor has properly considered the competence, abilities, experience, and capacities available within other firms.

(4) Whether small business concerns can produce the item or perform the work in question and at what price.

(5) Whether the contractor or major subcontractors propose to do work in plant, the nature of which differs significantly from their normal in-plant operations or for which they are not historically suited.

(6) Whether production of the item or performance of the work will create a requirement, either directly or indirectly, for additional facilities to be furnished by the Government, or the continued use of Government-owned facilities, by the contractor or by subcontractors.

(7) Whether the contractor proposed to ask the Government to furnish additional facilities to do the work in plant for which there is capacity elsewhere which is competitive in quality, delivery, and overall cost, and is acceptable as a source to the contractor.

(8) Whether the item or work has been subcontracted on this or previous contracts.

(9) Other factors, such as the nature of the item, experience with similar items, future requirements, engineering, tooling, starting load costs, market conditions, and the availability of personnel and material.

(f) The procuring agency will review the "make-or-buy" program to determine if all appropriate items are included or if it contains items that should be deleted because of their relatively minor importance. In all considerations relative to a "make-or-buy" program, the procuring agency will obtain the advice and assistance of all appropriate personnel whose knowledge would contribute to the adequacy of the review.

(g) Before agreeing to a "make-or-buy" program (or consenting to any change therein which, in the opinion of the contracting officer, would reduce the anticipated participation of small business), the procuring activity shall invite the advice and counsel of the SBA by permitting SBA representatives (regularly assigned to the activity) to review all pertinent facts and make recommendations thereon. Such review by SBA should be concurrent with the review by the procuring activity (or, in the case of changes, the contracting officer). Where urgent circumstances do not permit such a concurrent review, or where SBA fails to respond on a timely basis, the contracting officer shall include an explanatory statement in the contract file and shall transmit a copy to the SBA representative.

(h) After agreement on the program is reached, the contracting officer shall notify the contractor as to the Government's approval of the program and shall inform the contractor as to any requirement for further review during performance of the contract. For example, if follow-on procurements occur, the procuring activity and the contractor will review the existing "make-or-buy" program to determine whether it should be revised.

§ 1–3.902–2 Approval of programs.

(a) Proposed "make" items shall not be agreed to when the products or services under consideration:

(1) Are not regularly manufactured or provided by the contractor, and are available—quality, quantity, delivery, and other essential factors considered—from other firms at prices no higher than if the contractor makes or provides the product or service; or

(2) Are regularly manufactured or provided by the contractor, and are available—quality, quantity, delivery, and other essential factors considered—from other firms at prices lower than if the contractor makes or provides the product or service;

Provided, That such items may be agreed to, notwithstanding (1) and (2), if in the opinion of the contracting officer the overall cost of the contract to the Government would be increased if the items were "bought".

(b) Approval of the contractor's purchasing system shall not constitute approval of the "make-or-buy" program.

§ 1–3.902–3 Contract clause.

The following clause shall be incorporated in all cost-reimbursement, price redetermination, or incentive type contracts as to which a "make-or-buy" program has been agreed upon:

CHANGES TO MAKE-OR-BUY PROGRAM

The Contractor agrees to perform this contract in accordance with the "make-or-buy" program attached to this contract, except as hereinafter provided. If the Contractor desires to change the "make-or-buy" program, he shall notify the Contracting Officer in writing of the proposed change reasonably in advance and shall submit justification in sufficient detail to permit evaluation of the proposed change. Changes in the place of performance of work on any "make" item in the "make-or-buy" program are subject to this requirement. With respect to items deferred at the time of negotiation of this contract for later addition to the "make-or-buy" program, the Contractor shall notify the Contracting Officer of each proposed addition at the earliest possible time, together with justification in sufficient detail to permit evaluation. The Contractor shall not, without the written consent of the Contracting Officer, make changes or additions to the program. However, in his discretion, the Contracting Officer may ratify in writing any changes or additions. The "make-or-buy" program attached to this contract shall be deemed to be modified in accordance with the written consent or ratification by the Contracting Officer.

[End of Clause]

§ 1–3.902–4 Administration of program.

(a) On applicable contracts, the cognizant contract administration office will establish a procedure with the contractor to assure timely compliance with the terms of the contract clause. This procedure will include provisions for processing changes to the established "make-or-buy" program and for obtaining "make-or-buy" decisions for items reserved for deferred decisions or unidentified at the time of contract negotiations.

(b) When a "make-or-buy" program is agreed upon with a contractor, or there are changes or additions to a "make-or-buy" program, the consideration given each item on such program will be documented in the contract file. If a contract (including supplemental agreements for new procurement) except one specifically exempted by § 1–3.902–1(b), does not include the Changes to Make-or-Buy Program clause, the contracting officer will document the contract file with a written statement of facts to sustain and make clear the appropriateness of the determination not to include the clause. Such determination will be based on one of the following: (1) the contract is on a firm fixed-price basis; (2) the contract is not exempt but there are no items which can be identified as requiring a "make-or-buy" program as defined in § 1–3.902–1(a); or (3) a deviation has been approved.

§ 1–3.903 Review and approval of contractor's purchasing system and subcontracts. [Reserved]

PART 1–7—CONTRACT CLAUSES

Subpart 1–7.1—Fixed-Price Supply Contracts

1. The table of contents is amended to revise the caption for § 1–7.101–26 and include a new § 1–7.101–27 as follows:

Sec.
1–7.101–26 Small business subcontracting program.
1–7.101–27 Labor surplus area subcontracting program.

2. Section 1–7.101 is amended by revising §§ 1–7.101–21, 1–7.101–25, and 1–7.101–26, and adding § 1–7.101–27, to read as follows:

§ 1–7.101 Clauses.

* * * * *

§ 1–7.101–21 Utilization of small business concerns.

Insert the clause set forth in § 1–1.710–3(a) under the conditions and in the manner prescribed therein.

* * * * *

§ 1–7.101–25 Utilization of concerns in labor surplus areas.

Insert the clause set forth in § 1–1.805–3(a) under the conditions and in the manner prescribed therein.

§ 1–7.101–26 Small business subcontracting program.

Insert the clause set forth in § 1–1.710–3(b) under the conditions and in the manner prescribed therein.

§ 1–7.101–27 Labor surplus area subcontracting program.

Insert the clause set forth in § 1–1.805–3(b) under the conditions and in the manner prescribed therein.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); sec. 8, 72 Stat. 389, 15 U.S.C. 637, sec 7, P.L. 87–305)

Effective date. These regulations are effective immediately.

Dated: January 17, 1962.

BERNARD L. BOUTIN,
Administrator of General Services.

Approved: January 9, 1962.

JOHN E. HORNE,
Administrator, Small Business Administration.

[F.R. Doc. 62–744; Filed, Jan. 19, 1962; 9:36 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2587]

[1878190]

ALASKA

Partly Revoking Executive Order No. 8877 of August 29, 1941

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 8877 of August 29, 1941, as amended by Public Land Order No. 1404 of April 3, 1957, and which withdrew public lands and water areas below mean high tide, described by metes and bounds, for use of the War Department for military purposes, is hereby revoked so far as it affects the following areas:

VICINITY OF SEWARD

(1) Rocky Point Area, approximately 4,650 acres.
(2) Resurrection Peninsula Area, approximately 900 acres.
(5) Rugged Island Area, approximately 1,020 acres.

VICINITY OF KODIAK

(1) North Cape, Spruce Island Area, approximately 520 acres.
(2) South Point and East Cape, Spruce Island Area, approximately 1,980 acres.

The areas described total in the aggregate approximately 9,070 acres, of which approximately 3,200 acres are withdrawn for other purposes.

2. Until 10:00 a.m. on April 16, 1962, the State of Alaska shall have a preferred right to select the lands released from withdrawal by this order in accordance with and subject to the limitations and requirements of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

3. Beginning at 10:00 a.m. on April 16, 1962, the lands shall be subject to operation of the public land laws generally, including the mining laws, subject to valid existing rights and equitable claims, the provisions of existing with-

drawals, and the requirements of applicable law, rules, and regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JANUARY 15, 1962.

[F.R. Doc. 62-649; Filed, Jan. 19, 1962; 8:45 a.m.]

[Public Land Order 2588]

[Idaho 08932]

IDAHO

Withdrawing Lands for Reclamation Purposes; Snake River Project

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The following described public lands are hereby withdrawn in the first form from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, and reserved for use of the Bureau of Reclamation in connection with the Mountain Home Division, Snake River Project:

BOISE MERIDIAN

T. 4 S., R. 2 E.,
Sec. 25, NW¼SW¼.
T. 1 S., R. 3 E.,
Sec. 25, SE¼SW¼ and S½SE¼.
T. 1 S., R. 4 E.,
Sec. 13, lot 3, SW¼NE¼, and NE¼NW¼;
Sec. 31, lots 3, 4, and E½SW¼.
T. 2 S., R. 4 E.,
Sec. 2, S½;
Sec. 3, lots 2, 3, 4, SW¼NE¼, S½NW¼, E½SW¼;
Sec. 5, lots 3, 4, S½NW¼, SE¼;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼;
Sec. 7, lots 1, 2, E½NW¼, E½SE¼;
Sec. 8, SW¼;
Sec. 17, N½NE¼, SW¼NE¼, N½NW¼, NW¼SE¼, SE¼SW¼;
Sec. 20, N½NW¼, E½SW¼;
Sec. 25, NE¼;
Sec. 29, SW¼NW¼, SW¼, S½SE¼;
Sec. 33, W½NW¼, SW¼.
T. 3 S., R. 4 E.,
Sec. 3, SW¼.
T. 5 S., R. 4 E.,
Sec. 1, lots 2, 3, 4, SW¼NE¼, S½NW¼;
Sec. 11, N½SW¼.
T. 1 S., R. 5 E.,
Sec. 15, S½SE¼;
Sec. 17, S½SW¼;
Sec. 18, N½SE¼;
Sec. 21, S½;
Sec. 30, lot 1, NW¼NE¼, NE¼NW¼.
T. 2 S., R. 5 E.,
Sec. 4, lot 1, SE¼NE¼;
Sec. 9, SW¼, S½SE¼;
Sec. 17, E½SE¼;
Sec. 21, E½NE¼, S½SW¼;
Sec. 22, N½SE¼, SE¼SE¼, NE¼SW¼;
Sec. 23, W½SE¼, SW¼;
Sec. 25, SW¼, W½SE¼;
Sec. 26, N½N½, SW¼NW¼, S½;
Sec. 29, E½SW¼, NE¼;
Sec. 30, NW¼NE¼, S½NE¼;
Sec. 32, NE¼NW¼;
Sec. 35, E½NE¼.
T. 3 S., R. 5 E.,
Sec. 1, lots 3, 4, S½NW¼, SW¼;
Sec. 2, lots 1, 2, S½NE¼;
Sec. 5, E½SE¼;
Sec. 11, E½SE¼;
Sec. 12, W½, S½SE¼;
Sec. 15, S½S½.
T. 4 S., R. 5 E.,
Sec. 30, lots 1, 2, 3, 4, 5, 6, 7, 8, E½W½;
Sec. 31, lots 1, 2, 3, 4, 5, 6, 7, 8, E½W½.
T. 5 S., R. 5 E.,
Sec. 13, S½S½;
Sec. 23, NW¼NE¼;
Sec. 24, N½.
T. 2 S., R. 6 E.,
Sec. 10, SE¼SE¼;
Sec. 11, N½NE¼, SW¼NE¼, SE¼NW¼, and SW¼;
Sec. 12, NW¼NW¼;
Sec. 14, W½NW¼, SW¼SW¼;
Sec. 15, E½NE¼;
Sec. 23, W½W½;
Sec. 26, NW¼, NW¼SW¼;
Sec. 27, NE¼SW¼, S½SW¼, SE¼, and SE¼NE¼;
Sec. 34, NW¼, N½SW¼, W½SE¼.
T. 3 S., R. 6 E.,
Sec. 17, N½NE¼;
Sec. 21, NE¼NE¼.
T. 4 S., R. 6 E.,
Sec. 28, SW¼NE¼, S½NW¼, and SE¼;
Sec. 29, S½NE¼, SE¼, and SW¼;
Sec. 30, SE¼;
Sec. 32, E½;
Sec. 33, NW¼.
T. 5 S., R. 6 E.,
Sec. 1, lots 3, 4;
Sec. 7, lots 3, 4, E½SW¼;
Sec. 17, SE¼SE¼;
Sec. 19, lots 1, 2, 3, 4, S½NE¼, E½NW¼, and SE¼;
Sec. 20, NE¼, S½;
Sec. 21, NE¼SW¼, S½SW¼, SW¼SE¼;
Sec. 28, All;
Sec. 29, N½, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 30, lot 4, NE¼NE¼;
Sec. 34, NE¼NE¼.
T. 5 S., R. 7 E.,
Sec. 30, NE¼SE¼;
Sec. 34, lot 3, SE¼NE¼;
Sec. 35, SW¼NW¼.
T. 1 S., R. 8 E.,
Sec. 18, NE¼SE¼.
T. 1 S., R. 2 W.,
Sec. 3, lot 4;
Sec. 4, lots 3, 4, S½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 5, lot 1;
Sec. 19, lot 3, SE¼NE¼, SE¼NW¼, NE¼SW¼, and NE¼SE¼;
Sec. 29, SE¼NW¼, NE¼NW¼.
T. 1 S., R. 3 W.,
Sec. 13, W½NW¼, NE¼SW¼;
Sec. 24, NE¼SE¼.
T. 1 N., R. 2 W.,
Sec. 21, SE¼NW¼, NE¼NW¼NW¼;
Sec. 28, W½NE¼, S½NW¼;
Sec. 29, S½NE¼;
Sec. 32, S½NE¼, SE¼;
Sec. 33, W½SW¼.
T. 2 N., R. 2 W.,
Sec. 31, lots 1, 3, SW¼NE¼.
T. 1 N., R. 3 W.,
Sec. 4, S½NE¼, S½SW¼, N½SE¼;
Sec. 5, lots 2, 3, 4, S½NE¼, S½NW¼, E½SW¼, and SE¼;
Sec. 8, N½NE¼;
Sec. 9, N½NW¼;
Sec. 10, NE¼, S½SW¼;
Sec. 15, N½NW¼, S½SW¼;
Sec. 18, SE¼NE¼;
Sec. 22, NE¼NW¼;
Sec. 25, SW¼NW¼;
Sec. 26, NW¼NE¼, SE¼NE¼, and NE¼NW¼;
Sec. 27, SE¼SW¼;
Sec. 28, E½SE¼;
Sec. 35, NE¼SW¼, SW¼SE¼.
T. 2 N., R. 3 W.,
Sec. 10, NE¼SE¼;
Sec. 11, SW¼NW¼, NW¼SW¼;
Sec. 17, N½NW¼SE¼, SE¼SE¼, SE¼NW¼;
Sec. 19, lot 3, NE¼SW¼;
Sec. 21, W½NE¼, SE¼SW¼, W½SE¼, E½NW¼, and NE¼SW¼;
Sec. 25, NW¼SW¼;
Sec. 27, W½NW¼, SW¼;
Sec. 28, N½, NE¼SW¼, SE¼;
Sec. 29, NE¼NW¼;
Sec. 30, N½SW¼, SE¼SW¼;
Sec. 31, SW¼NE¼, SE¼NW¼, and SE¼;
Sec. 32, SW¼.
T. 2 N., R. 4 W.,
Sec. 35, N½SE¼.

The areas described aggregate approximately 20,300 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JANUARY 15, 1962.

[F.R. Doc. 62-650; Filed, Jan. 19, 1962; 8:45 a.m.]

[Public Land Order 2589]

[Colorado 048805]

COLORADO

Withdrawing Lands for Use of Forest Service as Recreation Areas and Campgrounds

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described lands in the Arapaho, Pike, and Routt National Forests, are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States for use of the Forest Service, Department of Agriculture, as recreation areas and campgrounds as indicated:

SIXTH PRINCIPAL MERIDIAN

PIKE NATIONAL FOREST

Spruce Grove Campground

T. 10 S., R. 72 W.,
Sec. 32, E½NW¼SE¼, W½NE¼SE¼, S½SW¼SE¼NE¼, and S½SE¼SW¼NW¼.

Falls Hill Picnic Ground and Campground

T 6 S., R. 74 W.,
Sec. 19, SW¼NE¼SE¼, NE¼SW¼SE¼, and SE¼SE¼;
Sec. 29, NW¼NW¼NW¼, S½NW¼NW¼, and SW¼NW¼ less 12.85 acres lying in H.E.S. No. 51;
Sec. 30, NE¼NE¼NE¼.

SIXTH PRINCIPAL MERIDIAN

ARAPAHO NATIONAL FOREST

North Rock Creek Recreation Area

T 4 S., R. 78 W.,
Sec. 7, S½S½SE¼NE¼, SW¼NE¼, S½SE¼NW¼, N½NE¼SW¼, SE¼, and E½SE¼SW¼;
Sec. 8, S½S½S½NE¼, N½N½N½SE¼, S½S½S½NW¼, N½SW¼, and N½SE¼SW¼;
Sec. 18, Lots 2, 3, 4, NW¼NE¼, N½SW¼NE¼, E½NW¼, and NE¼SW¼.
T. 4 S., R. 79 W.,
Sec. 13, S½SE¼SE¼;
Sec. 24, N½N½.

SIXTH PRINCIPAL MERIDIAN

ROUTT NATIONAL FOREST

Lower Bear River Recreation Area

T. 1 N., R. 86 W.,
Sec. 1, S½SE¼NE¼, N½NE¼SE¼, SW¼NE¼SE¼, NE¼NW¼SE¼, S½NW¼SE¼, SW¼SW¼NE¼, W½NW¼SE¼, SE¼NW¼SE¼, and E½SE¼SW¼ (unsurveyed);
Sec. 14, E½NE¼, E½W½NE¼, NW¼NW¼NE¼, NE¼SE¼, and E½NW¼SE¼ (unsurveyed).

Smith Lake Recreation Area

T. 1 N., R. 87 W.,
Sec. 23, SE¼NE¼, E½SW¼NE¼, N½NE¼SE¼, and NE¼NW¼SE¼ (unsurveyed).

Upper Stillwater Recreation Area

T. 1 N., R. 87 W.,
Sec. 24, SE¼SE¼NE¼, N½NE¼SE¼, SW¼NE¼SE¼, S½NW¼SE¼, NW¼SW¼SE¼, SE¼NE¼SW¼, SE¼SW¼, and SE¼SW½SW¼;
Sec. 25, NW¼NW¼;
Sec. 26, E½NE¼NE¼, N½S½NE¼SW¼, SW¼NE¼, NW¼NW¼SE¼, S½SE¼NW¼, NE¼SE¼NW¼, N½SW¼, SW¼SW¼, N½SE¼SW¼, and SW¼SE¼SW¼;
Sec. 35, N½NW¼NW¼.

Causeway Recreation Area

T. 1 N., R. 87 W.,
Sec. 22, S½SW¼SE¼, SE¼SE¼SW¼ (unsurveyed);
Sec. 27, E½W½NE¼, W½NW¼NE¼, NW¼SW¼NE¼, NE¼NW¼SE¼, and NE¼NE¼NW¼.

Rainbow Lake Recreation Area

T. 1 N., R. 87 W.,
Sec. 27, S½NE¼SE¼, SE¼NW¼SE¼, S½SE¼, SE¼SW¼, and S½SW¼SW¼;
Sec. 28, E½SE¼ (unsurveyed);
Sec. 33, NE¼NE¼, SE¼NW¼NE¼, N½SE¼NE¼, SE¼SE¼NE¼, and NE¼SW¼NE¼ (unsurveyed);
Sec. 34, N½N½NE¼, SW¼NW¼NE¼, and NW¼ (partly unsurveyed).

Sec. 11, E½SE¼NE¼, SW¼SE¼NE¼, N½NE¼SE¼, SW¼NE¼SE¼, E½NW¼SE¼, SW¼NW¼SE¼, N½SW¼SE¼, SW¼SW¼SE¼, and S½SE¼SW¼;
Sec. 12, W½NE¼NW¼, E½NW¼NW¼, SW¼NW¼NW¼, N½SW¼NW¼, and SW¼SW¼NW¼;
Sec. 14, N½NE¼NE¼, SW¼NE¼NW¼, and NW¼SW¼.

Coal Creek Recreation Area

T. 1 N., R. 86 W.,
Sec. 4, SW¼SW½SW¼;
Sec. 9, N½NW¼NW¼.

Middle Bear River Recreation Area

T. 1 N., R. 86 W.,
Sec. 15, N½SE¼NW¼, SW¼SE¼NW¼, E½SW¼NW¼, and SW¼SW¼NW¼;
Sec. 16, S½S½NE¼, N½NW¼SE¼, W½SW¼SE¼, SE¼SW¼, E½SW¼SW¼, NW¼SW¼, N½NE¼SW¼, and S½S½NW¼;
Sec. 17, NE¼SE¼, S½NW¼SE¼, N½SE¼SE¼, SW¼SE¼SE¼, SW¼SE¼, SE¼SW¼, and SE¼SW¼SW¼;
Sec. 20, N½NW¼NE¼;
Sec. 21, NW¼NW¼NE¼, N½NE¼NW¼, SW¼NE¼NW¼, and E½NW¼NW¼.

Lower Stillwater Recreation Area

T. 1 N., R. 86 W.,
Sec. 18, lot 4, and SW¼SE¼SW¼;
Sec. 19, lots 5, 6, NE¼NE¼, S½NW¼NE¼, S½NE¼, N½NE¼NW¼, SE¼NE¼NW¼, and SE¼NW¼.

Upper Mandall Recreation Area

T. 1 N., R. 87 W. (unsurveyed),
Sec. 11, S½SE¼NE¼, E½SE¼, S½SW¼SE¼;
Sec. 12, SW¼SW¼NW¼, NW¼NW¼SW¼, S½NW¼SW¼, and SW¼SW¼.

Lower Mandall Recreation Area

T. 1 N., R. 87 W.,
Sec. 13, NW¼NW¼, SW¼NE¼NW¼, S½NW¼, N½SW¼, N½S½SW¼, SW¼SW¼NE¼, W½NW¼SE¼, SE¼NW¼SE¼, SW¼NE¼SE¼, NW¼SE¼SE¼, and E½SE¼SE¼ (unsurveyed);
Sec. 14, E½NE¼, E½W½NE¼, NW¼NW¼NE¼, NE¼SE¼, and E½NW¼SE¼ (unsurveyed).

Smith Lake Recreation Area

T. 1 N., R. 87 W.,
Sec. 23, SE¼NE¼, E½SW¼NE¼, N½NE¼SE¼, and NE¼NW¼SE¼ (unsurveyed).

Upper Stillwater Recreation Area

T. 1 N., R. 87 W.,
Sec. 24, SE¼SE¼NE¼, N½NE¼SE¼, SW¼NE¼SE¼, S½NW¼SE¼, NW¼SW¼SE¼, SE¼NE¼SW¼, SE¼SW¼, and SE¼SW½SW¼;
Sec. 25, NW¼NW¼;
Sec. 26, E½NE¼NE¼, N½S½NE¼SW¼, SW¼NE¼, NW¼NW¼SE¼, S½SE¼NW¼, NE¼SE¼NW¼, N½SW¼, SW¼SW¼, N½SE¼SW¼, and SW¼SE¼SW¼;
Sec. 35, N½NW¼NW¼.

Causeway Recreation Area

T. 1 N., R. 87 W.,
Sec. 22, S½SW¼SE¼, SE¼SE¼SW¼ (unsurveyed);
Sec. 27, E½W½NE¼, W½NW¼NE¼, NW¼SW¼NE¼, NE¼NW¼SE¼, and NE¼NE¼NW¼.

Rainbow Lake Recreation Area

T. 1 N., R. 87 W.,
Sec. 27, S½NE¼SE¼, SE¼NW¼SE¼, S½SE¼, SE¼SW¼, and S½SW¼SW¼;
Sec. 28, E½SE¼ (unsurveyed);
Sec. 33, NE¼NE¼, SE¼NW¼NE¼, N½SE¼NE¼, SE¼SE¼NE¼, and NE¼SW¼NE¼ (unsurveyed);
Sec. 34, N½N½NE¼, SW¼NW¼NE¼, and NW¼ (partly unsurveyed).

Mosquito Lake Recreation Area

T. 1 N., R. 87 W.,
Sec. 33, E½E½SE¼ (unsurveyed);
Sec. 34, N½NE¼SW¼, SW¼NE¼SW¼, and W½SW¼ (unsurveyed).
T. 1 S., R. 87 W. (unsurveyed),
Sec. 4, W½E½NE¼, E½SW¼NE¼, NW¼NE¼SE¼, and E½W½SE¼.

The areas described total in the aggregate 4,595.12 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JANUARY 15, 1962.

[F.R. Doc. 62-651; Filed, Jan. 19, 1962; 8:46 a.m.]

Title 46—SHIPPING

[CGFR 61-63]

Chapter I—Coast Guard, Department of the Treasury

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter I of Title 46 is amended in the following respects:

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

PART 2—VESSEL INSPECTIONS

Assessment, Mitigation or Remission of Penalties; and Navigation and Vessel Inspection Waivers

The purpose for the amendments in this document is to revise the procedures for assessment, mitigation or remission of civil penalties as authorized by law. These amendments will (1) permit the Coast Guard District Commander to delegate to the Chief of Staff or Chief, Merchant Marine Safety Division, who serves under his command, the authority to take final actions on civil penalty cases; (2) shorten the length of time allowed from 30 days to 15 days for violators to petition for mitigation or to appeal to the Commandant which may be extended in the discretion of the District Commander when circumstances warrant such action; and (3) prohibit the remission or mitigation of civil penalties in those cases where it has been determined that violations have been established but the offenders deny they committed the violations. The basic procedures are unchanged; however, editorial changes to clarify existing regulations and to recognize existing practices have been made.

To accomplish these changes, this document separates the present requirements in 46 CFR Subpart 2.50, presently entitled "Navigation and Vessel Inspection Laws," into two subparts. The requirements for waivers of navigation and vessel inspection laws in 46 CFR 2.50–1 are transferred to a new subpart designated "Subpart 2.45—Waivers of Navigation and Vessel Inspection Laws," and the five paragraphs are redesignated as §§ 2.45–1 to 2.45–20, inclusive. The heading for Subpart 2.50 is amended to read "Subpart 2.50—Assessment, Mitigation or Remission of Penalties" and the regulations in 46 CFR 2.50–20 to 2.50–30, inclusive, have been revised and redesignated as §§ 2.50–1 to 2.50–40, inclusive. These revised procedures will be in effect on and after April 1, 1962.

The regulations in this document describe the Coast Guard's procedures applicable to the public and therefore are exempt from the rule making procedures required by the Administrative Procedure Act (5 U.S.C. 1003).

However, interested persons may submit written comments on the revised procedures regarding assessment, mitigation or remission of penalties. These comments should be submitted to the Commandant (CMC), U.S. Coast Guard, Washington 25, D.C. Each comment received prior to February 15, 1962, will be considered and evaluated, and if it is believed that a comment received clarifies or improves a regulation, it will be changed accordingly. After adoption by the Commandant, the amended regulation will be published prior to April 1, 1962, the date when these revised procedures shall become effective.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), CGFR 51–1, dated January 23, 1951 (16 F.R. 731), 167–14, dated November 26, 1954 (19 F.R. 8026), 167–20, dated June 18, 1956 (21 F.R. 4894), CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), 167–32, dated September 23, 1958 (23 F.R. 7605), 167–33, dated September 23, 1958 (23 F.R. 7592), 167–38, dated September 26, 1959 (25 F.R. 10106), and 167–45, dated June 16, 1961 (26 F.R. 5585), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments and new regulations are prescribed, which shall become effective on and after April 1, 1962:

Subpart 2.45—Waivers of Navigation and Vessel Inspection Laws

1. Part 2 is amended by inserting after Subpart 2.30 a new Subpart 2.45, entitled "Waivers of Navigation and Vessel Inspection Laws," and consisting of §§ 2.45–1 to 2.45–20, inclusive, reading as follows:

Sec.
2.45–1 Authority for and limitations on issuance.
2.45–5 Policy.
2.45–10 Waivers issued.
2.45–15 Specific individual waivers.
2.45–20 General waivers.

AUTHORITY: §§ 2.45–1 to 2.45–20 issued under secs. 1, 2, 64 Stat. 1120; 46 U.S.C., note preceding section 1.

§ 2.45–1 Authority for and limitations on issuance.

Compliance with certain of the navigation and vessel inspection laws may be waived by the Commandant under authority of the act of December 27, 1950 (Public Law 50–891, secs. 1, 2, 64 Stat. 1120; 46 U.S.C., note preceding section 1), and the delegation of waiver authority contained in Department of the Treasury Order CGFR 51–1, dated January 23, 1951 (16 F.R. 731), in any case where such waiver is deemed necessary in the interest of national defense.

§ 2.45–5 Policy.

(a) It is the policy of the Coast Guard, in the current administration of the

laws and regulations relating to navigation and vessel inspection, to further the interests of national defense by simplifying the procedure involved therein, eliminating all causes of delay in the sailing of vessels, and by bringing about a proper balance between the factors of safety at sea and the national defense. While it is not the policy of the Coast Guard to countenance willful violations of the laws and regulations or negligence in meeting the requirements thereof, neither is it contemplated that masters who exercise all reasonable efforts to comply with the requirements in effect be cited for violations on technical grounds.

§ 2.45–10 Waivers issued.

(a) The waivers having general applicability are published in Part 154 of this chapter, as well as in 33 CFR Part 19.

§ 2.45–15 Specific individual waivers.

(a) Applications for waivers affecting only one vessel in any one order under the provisions of § 154.01 of this chapter are made on Form CG–2633, Application for Waiver Order. The application shall state the name of the vessel, her employment, the requirements of law or regulations, waiver of which is requested, the reasons why waiver is necessary, and shall be signed by the master, owner, or agent of the vessel, or by the representative of any interested Government agency. The application shall be made to the Coast Guard District Commander or to his designated representative at the port or place where the vessel is located. In any port or place of the Canal Zone or in any foreign port or place the application shall be made to the designated representative of the Commandant at such port or place or if the Coast Guard has not established facilities in such port or place to the nearest designated representative of the Commandant at a port or place where such facilities have been established.

(b) If the request is granted, the waiver order will describe the vessel, the requirements of law or regulations waived, the conditions to which the waiver is subject, and the period of time for which the waiver is effective.

§ 2.45–20 General waivers.

(a) Applications for waivers having general applicability should be addressed to the Commandant (M), U.S. Coast Guard, Washington, D.C.

(b) Only the Commandant is authorized to issue general waivers which affect more than one vessel in one order.

Subpart 2.50—Assessment, Mitigation or Remission of Penalties

2. The title for Subpart 2.50 is amended to read as set forth above.

§ 2.50–1 [Canceled]

3. Section 2.50–1 *Waivers* is canceled. (The text is transferred to §§ 2.45–1 to 2.45–20, inclusive.)

§ 2.50–20 [Canceled]

4. Section 2.50–20 *Reports and assessments of penalties for violations of laws or regulations* is canceled. (The revised text is transferred to §§ 2.50–10 and 2.50–20.)

§ 2.50–25 [Canceled]

5. Section 2.50–25 *Payment of penalties for violations of law or regulations* is canceled. (The revised text is transferred to § 2.50–35.)

§ 2.50–30 [Canceled]

6. Section 2.50–30 *Motorboat act violations* is canceled. (The revised text is transferred to § 2.50–40.)

7. Part 2 is amended by inserting new §§ 2.50–1 to 2.50–40, inclusive, reading as follows:

Sec.
2.50–1 Delegation of authority.
2.50–5 Statutes providing for assessment, mitigation or remission of civil penalties.
2.50–10 Reports of violations of laws or regulations and instituting civil penalty proceedings generally.
2.50–15 Transfer of civil penalty cases from one District Commander to another.
2.50–20 Civil penalties.
2.50–25 Criminal penalties.
2.50–30 Civil and criminal penalties.
2.50–35 Procedure for payment of civil penalty for violation of law or regulation.
2.50–40 Specific types of violations reported.

AUTHORITY: §§ 2.50–1 to 2.50–40 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 5294, as amended, sec. 26, 23 Stat. 59, as amended; 46 U.S.C. 7, 8.

§ 2.50–1 Delegation of authority.

(a) By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 (15 F.R. 4935), and by 14 U.S.C. 631, the Secretary transferred to the Commandant, U.S. Coast Guard, the functions vested in him under the navigation and vessel inspection statutes and amendments thereto (see § 2.50–40), by Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521), and subsequent Orders 167–14, dated November 26, 1954 (19 F.R. 8026), 167–20, dated June 18, 1956 (21 F.R. 4894), CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), 167–32, dated September 23, 1958 (23 F.R. 7605), 167–33, dated September 23, 1958 (23 F.R. 7592), 167–38, dated October 26, 1959 (24 F.R. 8857), 167–44, dated October 18, 1960 (25 F.R. 10106), and 167–45, dated June 16, 1961 (26 F.R. 5585).

(b) Pursuant to granted authority from the Secretary, the Commandant may make provision for the performance of assigned functions by subordinates in the Coast Guard. Accordingly, the Commandant hereby authorizes each District Commander in his assigned district to administer certain statutes in accordance with procedures set forth in this subpart. The District Commander may further delegate such authority as he deems proper, not inconsistent with the provisions of this subpart, to the Chief of Staff or to the Chief, Merchant Marine Safety Division, who serves under his command.

§ 2.50–5 Statutes providing for assessment, mitigation or remission of civil penalties.

(a) The general statutes authorizing the Coast Guard to assess, mitigate or remit civil penalties are sections 7 and 8 of Title 46, U.S. Code.

(b) Certain other specific statutes contain authority to assess, mitigate or remit civil penalties. (For examples, see sections 85g, 88g, 369, 457, 526p, and 527e of Title 46, U.S. Code.)

§ 2.50–10 Reports of violations of laws or regulations and instituting civil penalty proceedings generally.

(a)(1) Violations of the navigation and vessel inspection laws and regulations applicable thereto, more fully described in § 2.50–40, administered and enforced by the Coast Guard, are reported by Coast Guard personnel detecting them to the District Commander of the district in which the violations occurred. When practicable, the alleged offender shall be informed of the nature of the apparent violation at the time it is detected by any Coast Guard officer. In all other instances, he shall be so informed upon the completion of any proceeding or investigation which indicates that a violation has occurred. An appropriate form prescribed by the Commandant or a letter will be used to notify the alleged offender of the nature of the violation and to advise him relative to the administrative procedure employed in conducting civil penalty cases. The notification shall advise the alleged offender to reply within 15 days or such longer period as the District Commander may in his discretion allow in order that his statement may be considered by the District Commander. The District Commander is hereby authorized to determine whether there has been a violation of any of the pertinent laws or regulations. In the event of a violation for which a criminal sanction is not deemed to be appropriate, the District Commander shall determine whether to invoke the statutory civil penalty. He may thereafter mitigate or remit an assessed civil penalty upon receipt from the offender of a petition for relief therefrom. If after consideration of the petition for relief, the District Commander decides that no violation occurred, or that the person cited did not commit the violation, the penalty case shall be closed and that person notified of that action. Where no such petition is received, or where an offense has been established and the offender denies that he committed the violation, the District Commander shall take no mitigation or remission action but shall demand payment of the full penalty. Where demand for payment of the penalty is made and the penalty amount is not paid, the District Commander shall refer the case to the United States Attorney for collection. The civil penalty procedure is more fully described in § 2.50–20.

(2) If a report of boarding or an investigation report submitted by a Coast Guard officer or investigative body discloses evidence of violation of a Federal criminal statute, the District Commander in accordance with § 2.50–25 shall refer the findings to the United States Attorney for appropriate action.

(b)(1) The District Commander may by specific order in writing delegate to the Chief of Staff or the Chief, Merchant Marine Safety Division, under his command, the authority to determine whether to invoke the statutory civil penalty and, upon receipt from the offender of a petition for relief from a penalty so invoked, whether to mitigate, or to remit the penalty, as he may deem proper. The order shall prescribe the types of cases which the designated officer may initiate and process to the same extent permitted the District Commander by this subpart, and those types of cases which that officer may initiate and process to a lesser extent. With respect to the latter category of cases, the District Commander's order shall set forth in detail the limits of the authority delegated to the designated officer.

(2) The term "District Commander," as hereinafter used in this subpart to designate the officer authorized to assess, mitigate or remit penalties, shall also include the terms "Chief of Staff" or "Chief, Merchant Marine Safety Division," as appropriate, if such officer has been delegated authority to perform such functions.

§ 2.50–15 Transfer of civil penalty cases from one District Commander to another.

(a) Ordinarily the District Commander having jurisdiction over the situs of a violation of the navigation or vessel inspection laws will initiate civil penalty proceedings. Having assumed jurisdiction in a given case by initiating an investigation or other proceedings to determine fault, the District Commander may transfer that jurisdiction to another District Commander where convenience or necessity requires: *Provided*, That the rights of the alleged offender are not prejudiced thereby.

(b) The District Commander transferring jurisdiction will forward all records applicable to the case direct to the District Commander assuming jurisdiction.

§ 2.50–20 Civil penalties.

(a) Violations of 46 U.S.C. 526–526u (Act of April 25, 1940, as amended, Motorboat Act of 1940), or 46 U.S.C. 527–527h (Federal Boating Act of 1958) when observed by Coast Guard law enforcement officers will be brought to the attention of the alleged offender upon the issuance of Form CG–4100, "Report of Boarding and Notice of Violation." In a proper case, the alleged offender will be granted a period of two weeks to bring his vessel into compliance with the laws and regulations, and to advise the District Commander what steps were taken to comply therewith. Violations of other navigation and vessel inspection laws will be brought to the attention of the alleged offender by appropriate form prescribed by the Commandant or by letter. The District Commander will consider any statement made by the alleged offender in determining whether there has been a violation of law or regulations.

(b) If the District Commander determines a violation of a navigation or a vessel inspection law has occurred, he will then determine the appropriate action to be taken, and notice of his decision shall be given to the offender either by appropriate form prescribed by the Commandant or by letter. This action may include invocation of the statutory civil penalty which may then be mitigated or remitted in full, except as the latter action is limited by paragraph (f) of this section. When no penalty is invoked or the penalty is remitted, no further action by the offender will be necessary. When the penalty is mitigated, such mitigation will be made conditional upon payment within 15 days of the notice, or within such other longer period of time as the District Commander may, in his discretion, allow.

(c) If a statutory civil penalty, whether mitigated or not, for any violation of law or regulation is invoked by the District Commander, the offender will be informed of his right to apply for relief from the imposition of penalties within 15 days, or such longer period as the District Commander may in his discretion allow. He may, if he so desires, appear in person before the District Commander or his designated representative. The request for such an appearance is made to the District Commander or his designated representative, who shall, if practicable, establish a convenient meeting time and place.

(d) The offender will be given instructions for making an appeal to the Commandant from the actions of the District Commander. Any such appeal shall be submitted to the Commandant through the District Commander within 15 days of the date of notification by the District Commander, or such longer period of time as the District Commander may, in his discretion, allow. In the event that there is an appeal from the decision of the Chief of Staff or Chief, Merchant Marine Safety Division, acting under delegated authority, the District Commander shall review the case. Should the District Commander determine that the assessment of penalty was not warranted, the case shall be closed and notification thereof given to the appellant. Those cases which upon review by the District Commander are determined to be properly instituted and administered in accordance with the regulations in this subpart and for which remission of the penalty is not considered justified shall be forwarded to the Commandant with the District Commander's recommendation.

(e) Should the alleged offender require additional time to present matters favorable to his case at any stage of these penalty proceedings, a request for additional time shall be addressed to the District Commander who may grant a reasonable extension of time where proper justification is shown.

(f) Under the following circumstances the District Commander shall forward cases to the United States Attorney with the recommendation that action be taken to collect the full statutory penalty:

(1) When within the prescribed time the offender does not act to explain the violation or respond to letters or form inquiries from the District Commander concerning violations of the navigation and vessel inspection laws; or,

(2) Having responded to such inquiries the offender fails to pay or to appeal to the Commandant, within the prescribed time the assessed statutory penalty or mitigated penalty; or,

(3) When the offender fails to pay within the prescribed time the penalty as determined by the Commandant after consideration of the offender's appeal from the action of the District Commander.

§ 2.50–25 Criminal penalties.

(a) Prosecution in the Federal courts for violations of those laws or regulations enforced by the Coast Guard which provide, upon conviction, for punishment by fine or imprisonment is a matter finally determined by the Department of Justice. This final determination consists of deciding whether and under what conditions to prosecute or to abandon prosecution.

(b) Except in those cases where the approval of the Commandant is required, the District Commander is hereby authorized to determine whether or not a violation of a statute carrying a criminal penalty is one which would justify referral of the case to the United States Attorney. The Commandant's approval is required in the following cases where evidence of a criminal offense is disclosed:

(1) Marine casualties or motorboat accidents resulting in death.

(2) Marine Boards (Part 136 of this chapter).

(3) Marine investigations held jointly with a proceeding under the Uniform Code of Military Justice.

(4) Violations of port security regulations (33 CFR Parts 6, 121 to 126, inclusive).

(c) The District Commander will identify the laws or regulations which were violated and make specific recommendations concerning the proceedings to be instituted by the United States Attorney in every case.

(d) Referral of a case to the United States Attorney for prosecution terminates the Coast Guard's authority with respect to the criminal aspects of a violation.

§ 2.50–30 Civil and criminal penalties.

(a) If a violation of law or regulation carries both a civil and a criminal penalty, the District Commander is hereby authorized to determine whether to initiate civil penalty proceedings, in which case the procedure outlined in § 2.50–20 will be followed, or whether to refer the case to the United States Attorney for prosecution in accordance with § 2.50–25, which outlines the appropriate procedure for handling criminal cases.

(b) When the United States Attorney declines to institute criminal proceed-

ings, the District Commander shall decide whether to initiate civil penalty proceedings or to close the case, whereupon the alleged violator shall be notified regarding that decision.

§ 2.50–35 Procedure for payment of civil penalty for violation of law or regulation.

(a) The payment must be by postal money order or check payable to the order of the U.S. Coast Guard when mailed to the District Commander, attention of the Collection Clerk. If the payment is made in person at the Office of the District Commander, the payment may be in cash or by postal money order or check payable to the order of the U.S. Coast Guard.

(b) The payment of any penalty is acknowledged on Coast Guard Form CG–2688 (Collection Receipt).

(c) If the penalty paid is determined by the Commandant to have been improperly or excessively imposed, and the money has already been covered into the United States Treasury, the payor will be notified and requested to submit an application for a refund on Form CG–1086, "Claim for Navigation Fine Exacted in Excess or in Error," which should be mailed to the appropriate District Commander for transmission to the Commandant. Such application must be made by the payor within one year of the date of payment of the penalty. If the penalty paid is determined by the Commandant to have been improperly or excessively imposed and the money has not been covered into the United States Treasury, the Coast Guard will notify the payor and upon application will refund the penalty or that portion considered to be in excess of the proper amount.

§ 2.50–40 Specific types of violations reported.

(a) *General.* The procedures in this subpart apply to detected violations of navigation and vessel inspection statutes and the regulations issued pursuant thereto which provide for the imposition of civil penalties. These procedures do not apply to penalties set forth in Title 14, U.S. Code.

(b) *Inspection laws.* The vessel inspection laws in Title 46, U.S. Code, and implementing regulations in this chapter (unless otherwise provided in specific statutes) which invoke civil penalties for violations of those laws and regulations are set forth in sections 497 and 498 of Title 46, U.S. Code.

(c) *Numbering of undocumented vessels.* The penalty for violations of the Federal Boating Act and implementing regulations in Parts 170–173 of this chapter is in section 527e of Title 46, U.S. Code.

(d) *Motorboats.* The penalties for violations of the Act of April 25, 1940, as amended (46 U.S.C. 526–526u) and the implementing regulations in subchapter C of this chapter are in section 526o of Title 46, U.S. Code.

(e) *Marine regattas or parades.* The penalty for violating the act of April 28, 1908, as amended, and applicable regulations in 33 CFR Part 100 is in section 457 of Title 46, U.S. Code.

(f) *Reckless or negligent operation.* The civil penalty for violating the reckless and negligent operation provisions of the act of April 25, 1940 (46 U.S.C. 526*l*(a)) and the regulations in this chapter (Part 26) is applicable to the operation of all vessels and is in section 526o of Title 46, U.S. Code.

(g) *Rules of the road.* The penalties for violating applicable rules of the road and implementing regulations in 33 CFR Parts 80 to 96, inclusive, are in sections 158, 159, 244, 354, and 355 of Title 33, U.S. Code.

(h) *Load lines.* The penalties for violations of the Load Line Acts and the implementing regulations in parts 43 to 46 of this chapter are in sections 85g and 88g of Title 46, U.S. Code.

(i) *Great Lakes pilotage.* The civil penalty for violations of the Great Lakes Pilotage Act of 1960 is in section 216e of Title 46, U.S. Code.

(j) *Manning or employment of seamen.* The laws governing shipping of seamen or manning of certain vessels in Title 46, U.S. Code, and implementing regulations in this chapter in specific statutes invoke civil penalties for certain violations of those laws and regulations. (For example, see sections 562, 567, 568, 571, 575, 623, 641, 642, 643, and 672 of Title 46, U.S. Code.)

SUBCHAPTER C—UNINSPECTED VESSELS

PART 26—OPERATIONS

Subpart 26.10—Assessment, Collection, Mitigation, Remission of Fines or Penalties

Section 26.10–5(b) is amended by correcting the section references from "§§ 2.50–20 to 2.50–30" to "§§ 2.50–1 to 2.50–40" so that it reads as follows:

§ 26.10–5 Procedures.

* * * * *

(b) The procedures for the assessment, collection, remission, or mitigation are set forth in §§ 2.50–1 to 2.50–40 of Subchapter A (Procedures Applicable to the Public) of this chapter.

(R.S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 416, 526p)

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

PART 170—GENERAL PROVISIONS

Subpart 170.15—Appeals and Judicial Review

Section 170.15–25 is amended by correcting the section references from "§§ 2.50–20 to 2.50–30, inclusive" to "§§ 2.50–1 to 2.50–40" so that it reads as follows:

§ 170.15–25 Reports and assessments of penalties for violations.

The reports of violations, assessments, collection, mitigation or remission of civil penalties shall be in accordance with §§ 2.50–1 to 2.50–40 of Subchapter A (Procedures Applicable to the Public) of this chapter.

(Secs. 13, 17, 54 Stat. 166, as amended, sec. 7, 72 Stat. 1757; 46 U.S.C. 526l, 526p, 527d)

Dated: January 17, 1962.

A. C. RICHMOND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 62–717; Filed, Jan. 19, 1962; 8:51 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

Annual Report Form C Prescribed for Class II Railroads

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 2d day of January A.D. 1962.

The matter of annual reports of line-haul and switching and terminal railroad companies of Class II being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4 (a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 120.12 of the order of November 30, 1960, in the matter of Railroad Annual Report Form C, be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1961, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 120.12, be, and it is hereby, modified and amended to read as follows:

§ 120.12 Form prescribed for Class II railroads.

Commencing with reports for the year ended December 31, 1961, and thereafter, until further order, all line-haul and switching and terminal railroad companies of Class II, as described in § 126.1, viz., of this chapter, all carriers with average annual operating revenues of less than $3,000,000, subject to the provisions of section 20, Part I of the Interstate Commerce Act, are required to file annual reports in accordance with Railroad Annual Report Form C, which is attached to and made a part of this section.[1] Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before March 31 of the year following the year to which it relates.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

And it is further ordered, That copies of this order and of Annual Report Form C shall be served on all line-haul and switching and terminal railroad companies of Class II, subject to the provisions of section 20, Part I, of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator or assignee of any such railroad company, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secertary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–669; Filed, Jan. 19, 1962; 8:48 a.m.]

[1] Form filed as part of the original document.

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 625) has been filed by Nalco Chemical Company, 6216 West Sixty-sixth Place, Chicago 38, Illinois, proposing the issuance of a regulation to provide for the safe use of poly-1,4,7,10,13-pentaaza-15-hydroxyhexadecane as a retention aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard intended for use in contact with food.

Dated: January 12, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-661; Filed, Jan. 19, 1962; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601, 608]

[Airspace Docket No. 61-LA-3]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND SPECIAL USE AIRSPACE

Proposed Designation of Transition Area, Alteration of Continental Control Area, Federal Airways and Control Zones, Alteration and Designation of Restricted Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 600.6023, 600.6109, 600.6113, 601.1983, 601.7101, 600.1559, and 608.25 of the Regulations of the Administrator, the substance of which is stated below.

The Vernalis, Calif., Restricted Area R-2525 contains 512 square miles and is assigned to the Commander, Naval Air Bases, 12th Naval District, Alameda, Calif., for simulated low altitude bombing, rocketry and gunnery activities. It is designated from the surface to an unlimited altitude from 0500 to 2400 PST, Monday through Friday.

The Federal Aviation Agency has under consideration a proposal to redesignate R-2525 as two smaller restricted areas, hereinafter identified as R-2525 and R-2528. These areas would be designated to 17,000 feet MSL daily, from one hour before sunrise to one hour after sunset. R-2528 would have a floor of 2,000 feet MSL.

Although this alteration would result in an overall reduction of approximately 310 square miles of special use airspace in the Vernalis, Calif., area, it would entail the inclusion of approximately 35 square miles of airspace not previously designated.

In order to provide for the most efficient utilization of the airspace, the Oakland, Calif., ARTC Center would be designated as the controlling agency of R-2525 and R-2528.

Further, the Crows Landing, Calif., Navy Auxiliary Landing Field control zone would be enlarged to provide protection for aircraft executing prescribed instrument approach procedures at Crows Landing. That portion of the control zone within R-2528 would be excluded.

A transition area extending upward from 1,200 feet above the surface would be designated to supplement the Crows Landing control zone. This transition area would encompass approach procedures for Crows Landing ALF and would provide additional controlled airspace for radar vectoring of air traffic by the Oakland Center. The portions of this transition area within R-2525 and R-2528 would be used only after obtaining prior approval from appropriate authority.

As described herein R-2528 would impinge upon low altitude VOR Federal airways Nos. 23 west alternate, 109 and 113. Therefore the description of these airways would be altered to exclude the portions within R-2528. Further, intermediate altitude VOR Federal airway No. 1559 extends in part as a 10-mile wide airway from the Los Banos, Calif., VOR to the Stockton, Calif., VOR. A portion of this airway would coincide with R-2528. Therefore, it is proposed to redesignate Victor 1559 by reducing its width from 10 to 8 miles in the vicinity of R-2528.

Restricted Areas R-2525 and R-2528 would be included as part of the continental control area for air traffic control purposes.

Therefore the following actions are proposed:

1. R-2525 would be redesignated as follows:

R-2525 Vernalis, Calif.:

Boundaries. A 5-nautical mile radius circle centered at latitude 37°24'00" N., longitude 121°20'00" W.

Designated altitudes. Surface to 17,000 feet MSL.

Time of designation. One hour before sunrise to one hour after sunset.

Controlling agency. Federal Aviation Agency, Oakland ARTC Center.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

2. A new restricted area would be designated as follows:

R-2528 Newman, Calif.:

Boundaries. Beginning at latitude 37°19'-50" N., longitude 121°04'05" W.; to latitude 37°16'25" N., longitude 121°02'55" W.; thence clockwise along the arc of a 3-nautical mile radius circle centered at latitude 37°17'30" N., longitude 121°06'30" W.; to latitude 37°15'30" N., longitude 121°03'30" W.; to latitude 37°05'50" N., longitude 121°01'45" W.; to latitude 37°05'15" N., longitude 121°08'00" W.; to latitude 37°17'00" N., longitude 121°10'12" W.; thence along the arc of a 3-nautical mile radius circle centered at latitude 37°17'30" N., longitude 121°06'30" W.; to the point of beginning.

Designated altitudes. 2,000 feet MSL to 17,000 feet MSL.

Time of designation. One hour before sunrise to one hour after sunset.

Controlling agency. Federal Aviation Agency, Oakland ARTC Center.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

3. The Crows Landing control zone would be designated within 5 miles of the Crows Landing Navy Auxiliary Landing Field (latitude 37°24'35" N., longitude 121°06'40" W.), including an extension 2 miles either side of the Crows Landing Navy ALF TACAN 327° True radial extending from the 5-mile radius zone to 2 miles northwest, excluding the airspace within R-2528.

4. The Crows Landing transition area would be designated as that airspace extending upward from 1,200 feet above the surface, bounded on the southwest by low altitude VOR Federal airway No. 107, on the north by low altitude VOR Federal airway No. 244 south alternate and on the east by low altitude VOR Federal airway No. 109. The portion of this transition area that would be within R-2525 and R-2528 would be used only after obtaining prior approval from appropriate authority.

5. Restricted Areas R-2525 and R-2528 would be designated as part of the continental control area.

6. Low altitude VOR Federal airways Nos. 23 west alternate, 109 and 113 would be altered to exclude the airspace that would be within R-2528.

7. The segment of intermediate altitude VOR Federal airway No. 1559 extending as a 10-mile wide airway from the Los Banos VOR to the Stockton VOR would be redesignated from the Los Banos VOR as a 10-mile wide airway to the intersection of the Los Banos VOR 344° and the Salinas, Calif., VOR 042° True radials, thence as an 8-mile wide airway to the intersection of the Los Banos VOR 344° and the Salinas VOR 032° True radials, thence as a 10-mile wide airway to the Stockton VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 16, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-646; Filed, Jan. 19, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

RECORDS TO BE MAINTAINED AND PRESERVED BY REGISTERED INVESTMENT COMPANIES AND OTHERS

Extension of Time for Comments

The Securities and Exchange Commission has extended to January 26, 1962, the date for the filing by interested persons of views and comments on its "Notice of Proposal to Amend Rules 31a-1 and 31a-2 (§§ 270.31a-1 and 270.31a-2) and to Adopt Rule 31a-3 (§ 270.31a-3) under the Investment Company Act of 1940" (Investment Company Act Release No. 3368). This announcement was published also in the FEDERAL REGISTER of December 7, 1961 (26 F.R. 11738). The previous date fixed for such filings was January 12, 1962.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JANUARY 11, 1962.

[F.R. Doc. 62-657; Filed, Jan. 19, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Fannin County, Texas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 17th day of January 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-680; Filed, Jan. 19, 1962; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Trade Route No. 15-A]

U.S. ATLANTIC/SOUTH AND EAST AFRICA

Notice of Conclusions and Determinations Regarding the Essentiality and United States Flag Service Requirements

Notice is hereby given that on January 15, 1962, the Maritime Administrator, acting pursuant to Section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 15-A and ordered that the following conclusions and determinations reached by the Maritime Administrator with respect to said Trade Route be published in the FEDERAL REGISTER.

Trade Route No. 15-A as described below is affirmed as an essential foreign trade route of the United States: Between United States Atlantic ports (Maine-Atlantic Coast Florida to but not including Key West) and ports in South and East Africa from the southern border of Angola to Cape Guardafui in Somalia, including the islands of Ascension and St. Helena in the South Atlantic and Madagascar and adjacent islands in the Indian Ocean not east of 60° East Longitude.

The following United States flag services and ship requirements are found and determined to be essential for operation on Trade Route No. 15-A:

1. United States flag sailing requirements for freight service on Trade Route No. 15-A are approximately five freighter sailings per month. For interim operation pending replacement thereof C-2 and C-3 type freight ships are suitable for operation on the route. Replacement freighters should be superior in speed and have approximately the same carrying capacity as the present C-3 type ships.

2. United States flag sailing requirements for combination passenger cargo service on Trade Route No. 15-A are not less than one and not more than two voyages during each calendar year with the "SS Argentina" and/or the "SS Brasil," such voyages offering outbound service on Trade Route No. 1 prior to calling at Trade Route No. 15-A ports. The "SS Argentina" and "SS Brasil" are suitable for long range operation on this service.

Dated: January 16, 1962.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-659; Filed, Jan. 19, 1962; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 12130, 13335; Order E-17931]

EASTERN MOHAWK TRANSFER CASE AND SERVICE TO OGDENSBURG, N.Y. CASE

Order of Investigation and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of January 1962.

In the matter of the Eastern Mohawk Transfer Case, Docket 12130; in the matter of the Service to Ogdensburg, N.Y. Case, Docket 13335.

Mohawk Airlines, Inc. (Mohawk), is certificated to provide service to Ogdensburg, New York, on segments 2, 8, and 9 of its route 94. On segment 2, Ogdensburg is designated as a coterminal point with Watertown, New York (Order E-14740, December 15, 1959). Service on segments 8 (Order E-17617, October 20, 1961) and 9 (Order E-16412, February 21, 1961) is authorized to the hyphenated point Ogdensburg-Massena. By Order E-17617, October 20, 1961, the Board amended Mohawk's certificate to redesignate the coterminal point Ogdensburg on segment 2 as the hyphenated terminal point Ogdensburg-Massena, and thereafter permitted to become effective an airport notice filed by Mohawk proposing service to Ogdensburg-Massena through the use of Richards Field at Massena. On October 30, 1961, Ogdensburg filed in the United States Court of Appeals for the District of Columbia Circuit a petition for review of the Board's orders of August 31 and October 20 and its related airport action, City of Ogdensburg et al., v. Civil Aeronautics Board, No. 16,699. By Order E-17659, October 31, 1961, the Board stayed, until further order of the Board, the redesignation of Ogdensburg on segment 2 and the related airport action, insofar as it would allow service to Ogdensburg on segment 2 through the use of Richards Field.

On November 20, 1961, the City of Ogdensburg, New York, the Ogdensburg Chamber of Commerce, and the Odgensburg Bridge and Port Authority petitioned the Board for amendment of the Certificate of Public Convenience and Necessity of Mohawk Airlines, Inc., for route 94 (Docket 13197). In essence, Ogdensburg requests a public hearing to determine the future of air service to Ogdensburg.

The Board has determined that a certificate renewal proceeding investigating the requirements of air transportation to Ogdensburg over segment 2 of Mohawk's route 94 is warranted at this time. The question of whether or not the service on segment 8 should be to the hyphenated point Ogdensburg-Massena, or to Ogdensburg as an intermediate, coterminal, or terminal point will also be in issue. The Board also finds that service to Ogdensburg on segment 9 need not be an issue in the investigation, inasmuch as the requirement for this service was fully heard and determined in the recent Pittsburgh-Syracuse Case, Order E-16412, February 21, 1961.

Under the present set of circumstances, it appears that Ogdensburg is faced with a problem that can only be resolved upon the Board's investigation of the air transportation requirements indicated above. Mohawk, though manifesting a willingness to serve Ogdensburg, contends that the Ogdensburg airport, in its present condition, cannot accommodate the aircraft now predominant in Mohawk's fleet. Ogdensburg, on the other hand, alleges that upon the issuance of the Board's decision in the Eastern-Mohawk Transfer Case (E-17382, 17383, August 14, 1961), in which Ogdensburg and Massena were hyphenated on segments 2 and 8, the Federal Aviation Agency has withheld funds earmarked for Ogdensburg's airport expansion.

Though Mohawk's authority to serve Ogdensburg on segment 2 of route 94 does not expire until February 23, 1963, and the extended segment 8 authority has just been granted for an indefinite period, the Board finds that the unique problem presently facing Ogdensburg plus the importance of problems dealing with the concept of regional airports require the prompt investigation into the matter of air service to Ogdensburg on Mohawk's segments 2 and 8 of route 94.

The investigation contemplated herein shall encompass the following issues: (1) Whether Mohawk's certificate, as it pertains to segment 2 of route 94, should be altered, amended, modified, suspended, terminated, or renewed with respect to air service to Ogdensburg; (2) whether, in the event that service is continued to Ogdensburg on segment 2, the service should be to the hyphenated terminal point Ogdensburg-Massena, or to Ogdensburg as an intermediate, coterminal, or sole terminal point, and if so for what period; (3) whether service to Ogdensburg via segment 8 of route 94 should be to the hyphenated terminal point Ogdensburg-Massena, or to Ogdensburg as an intermediate, coterminal, or sole terminal point; (4) whether on segments 2 and/or 8, if it is determined that service is to be solely to the hyphenated point Ogdensburg-Massena, the Board should indicate the nature of the service or leave to the discretion of Mohawk's management the selection of the airport through which to serve the Ogdensburg-Massena area.

The Board's action instituting this investigation will be subject to any necessary approval by the Court of Appeals for the District of Columbia Circuit: *Accordingly, it is ordered:*

1. That, subject to any necessary approval by the United States Court of Appeals for the District of Columbia Circuit, an investigation be, and it hereby is instituted, pursuant to section 401(g) of the Federal Aviation Act of 1958, to consider:

(a) Whether the certificate of Mohawk Airlines, Inc., as it pertains to segment 2 of route 94, should be altered, amended, modified, suspended, terminated, or renewed with respect to Ogdensburg, New York;

(b) Whether, in the event that service is continued to Ogdensburg on segment 2, the service should be to the hyphenated terminal point Ogdensburg-Massena, or to Ogdensburg as an intermediate, coterminal, or sole terminal point, and if so, for what period;

(c) Whether service to Ogdensburg via segment 8 of route 94 should be to the hyphenated terminal point Ogdensburg-Massena, or to Ogdensburg as an intermediate, coterminal, or sole terminal point; and

(d) Whether, on segments 2 and/or 8, if it is determined that service is to be solely to the hyphenated point Ogdensburg-Massena, the Board should indicate the nature of the service or leave to the discretion of Mohawk's management the selection of the airport through which to serve the Ogdensburg-Massena area;

2. That the proceeding instituted herein shall be known as the Service to Ogdensburg, N.Y. Case, Docket 13335, and shall be set down for prompt hearing before an Examiner of the Board at a time and place to be hereafter determined;

3. That a copy of this order shall be served upon the city of Ogdensburg, New York, the Ogdensburg Chamber of Commerce, the Ogdensburg-Bridge and Port Authority, the city of Massena, New York, the New York State Department of Commerce, and Mohawk Airlines, Inc., who are hereby made parties to the proceeding;

4. That the stays set forth in Order E-17659 of October 31, 1961, shall continue in effect pending a final order in this proceeding;

5. That, subject to the limitations set forth in this order, Docket 13197 be, and it hereby is, consolidated with this proceeding; and

6. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-681; Filed, Jan. 19, 1962; 8:50 a.m.]

[Docket No. 13267]

SWISSAIR, SWISS AIR TRANSPORT CO., LTD.

Notice of Hearing

In the matter of the application of Swissair, Swiss Air Transport Company Limited for amendment of its foreign air carrier permit so as to include Frankfurt, Germany, as an intermediate point and Chicago, Illinois, as a coterminal point with New York, New York.

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on January 29, 1962, at 10 a.m., e.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Chief Examiner Francis W. Brown.

Dated at Washington, D.C., January 17, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-682; Filed, Jan. 19, 1962; 8:50 a.m.]

[Docket No. 12895; Order E-17932]

UNITED STATES-SOUTH AMERICA ROUTE CASE

Order on Motions for Modification and Motions for Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of January 1962.

On August 8, 1961, in Order E-17289, the Board instituted an investigation calling for a comprehensive review of the United States flag carrier route pattern between the domestic United States and South America. It was our intention at that time that this proceeding be conducted in two separate stages, the first dealing with the route pattern required by the public convenience and necessity, and the second dealing with the selection of an air carrier or air carriers to provide the required services. This intention is reaffirmed here.

In Order E-17289, we provided an opportunity for interested parties to file motions to modify the issues as set forth therein and motions to consolidate applications. Numerous motions and answers have been filed by air carriers and civic bodies. These will be discussed and considered herein to the extent that they bear on the scope of the first stage of this proceeding—the route pattern required by the public convenience and necessity.

We have reconsidered Order E-17289 in the light of the incoming documents, and it will stand except insofar as specifically modified herein.

The primary modification of our previous order which we feel is warranted relates to the definition and separation of the Caribbean Area issues as contrasted with United States-South America route problems. Our previous order and supporting staff report included the issues of the possible deletion of Maracaibo and Caracas from Delta Air Lines' route 114. In addition, Barranquilla and Guatemala were identified as points on route A. Considering the pleadings now before us, the Latin American Air Service Case, 6 CAB 857, 889 (1946), and our determination to go forward with a United States-South America Case, as distinct from a Caribbean Area Investigation,[1] we will exclude the issue as to the possible deletion of Delta's authorizations at Maracaibo and Caracas, and we will also exclude issues concerning new service to Barranquilla and Guatemala as well as Maracaibo and Caracas.[2] Following this course, there will no longer be any necessity for Delta to be a party to this proceeding.

In addition, there will be no issue in this proceeding as to the possibility of altering, amending or modifying Pan American's existing authority, as described in its certificate for route 136, for points north of the route junction Port of Spain, Trinidad. However, we will consider the issue as to whether Balboa-Miami authority should be deleted from proposed route A, as distinct from such authority in relation to services wholly within the Caribbean Area, which will be considered in the contemplated Caribbean Area Investigation. Also, there will be in issue the question of modification of the coterminal status of the cities in the northeastern part of the United States as named in Pan American's certificate.

A number of other requests for relief are governed by our separation of Caribbean Area issues from United States-South America route problems. In particular, National seeks the imposition of long-haul restrictions on all U.S.-South America services which would require flights to originate and/or terminate at points beyond the Caribbean Area. Since the overall Caribbean route pattern will be considered in the forthcoming proceeding directed specifically to the Caribean Area, we find no need, and no sound reason, for considering in the present case the possible imposition of restrictions on any existing certificate

[1] The Board will institute a separate Caribbean Area Investigation at a subsequent date.

[2] In the Latin American Air Service Case, *supra*, at page 889, the Board defined the Caribbean Area in part as "• • • embracing the Lesser and Greater Antilles, Venezuela and Colombia on the north coast of South America and the countries of Central America, including the Canal Zone • • •". This is consonant with our action herein.

authority to prohibit turnaround service between points in the United States and Caribbean points, such as Balboa. With respect to any new or expanded U.S.-South America authority that may come out of the present case, the issues as now framed are sufficiently broad to encompass the question of the imposition of long-haul restrictions on such authority.[1]

Miami, Washington, and New York will be considered as possible coterminals on route B, and Washington and New York will be considered as possible coterminals on route A. In addition, Miami will be considered as a separate terminal on route A. However, no traffic rights between the east coast United States points will be considered.

The city and chamber of commerce of Houston filed an application and motion seeking the inclusion of Houston on new and modified routes between Houston, on the one hand, and points in the Caribbean on the other. This proposal is without regard to whether or not such authority is part of a United States-South America route. Braniff and Pan American, in reply to such motions, have stated that the scope of the proceeding in this area should be clarified by the Board. Further the carriers urge that if applications, such as Houston's are to be included, carrier parties should be permitted to litigate applications for new services between Balboa-Panama City/Canal Zone and points in the United States. In our previous order (E–17289) we determined that there would be no issue in the instant proceeding as to new or additional route authority in the Caribbean Area. We would emphasize that this proceeding is aimed at the reduction and/or elimination of uneconomic competition. In short, the issues as to this area relate to the possible deletion of service rather than the addition of new service.

Rio de Janeiro and Sao Paulo are presently served by two United States flag carriers. Therefore, the parties to this proceeding will be given the opportunity to submit evidence as to whether this type of certification should be continued in the Board's proposed new route pattern.

Braniff and Panagra have requested, by motions for expansion and consolidation, that San Francisco and Los Angeles be named as coterminals on proposed route B either in addition to or in lieu of route A as shown in the staff study attached to the original order of investigation. Both carriers have alleged that a strong community of interest exists between the California points and the west coast of South America (points on route B). At this time there is little probative information before us to support or contradict this allegation. Nevertheless, we will include this request as an issue to be litigated in this proceeding. However, as a result of this action we will have competing carriers seeking a route which, on the basis of any information now before us, will not support more than one carrier. Despite our determination that this proceeding be directed toward the reduction or elimination of uneconomic competition, we will not deprive the parties of the opportunity to demonstrate that the California cities can strengthen either route A or B, or conceivably both.

Applications have been advanced for consolidation, which include many coterminal points within the interior of the United States, for which no specific support has been submitted. As set forth in the staff study appended to our previous order, it is our intention to limit consideration of United States terminals to the presently certificated gateways. Since there has been no showing that consideration of additional United States terminals is necessary to a sound disposition of the proceeding, or required to afford fairness to any person, no consideration will be given to new United States terminals for South America routes, and applications directed toward additional United States terminals will not be considered.

Applications for exclusive all cargo routes are beyond the scope of this proceeding and will be excluded. Similarly, the petition for intervention filed by Riddle will be denied since Riddle has no independent interest in a South America case.

Pan American seeks consolidation of the Panagra Management Agreement Proceeding, Docket 5140, which concerns the alleged control relationships between W. R. Grace and Company and Panagra. We see no necessity for such consolidation and the Panagra Management matter can be considered separately while we proceed with the first stage of the instant proceeding.

Dallas, Houston, San Antonio, New Orleans, Chicago, Oklahoma City, the Commonwealth of Puerto Rico, Aerovias Sud, Eastern, National, Mackey, Caribair and, as mentioned above, Riddle, all seek intervention. In view of the limitations which we will impose on the scope of this proceeding as discussed above, we will grant intervention to Houston, Puerto Rico, Aerovias Sud, Eastern, National and Mackey and deny intervention to Dallas, San Antonio, New Orleans, Chicago, Oklahoma City, Caribair and Riddle.

In accordance with the foregoing, we find that Trans Caribbean Airways' request for consolidation of Docket 12993 should be granted only insofar as it conforms to the designation of route B as modified herein.

As to Braniff, we will grant its request to consolidate Docket 12988 and Docket 3482, as amended, except as to the designation of Dallas and Houston as coterminal points. This issue is beyond the scope of the instant proceeding. Braniff also seeks consolidation of Docket 12987 which duplicates Docket 12988 for points south of Balboa with the addition of a proposed segment between routes A and B to Brasilia.

With respect to service to Brasilia, it is now served by Pan American[2] and will be considered as a possible point on either route A or route B. We have no historic traffic data as to this point, and, in view of our objective herein to reduce or eliminate uneconomic competition, consideration will not be given to possible United States flag competitive service to Brasilia at this early stage in its development.

Docket 12987 also includes a request that Seattle be named as a coterminal with San Francisco and Los Angeles, and that Guatemala City be named as an intermediate. Additionally, Braniff seeks Denver, Kansas City, San Antonio, Houston, Dallas, New Orleans as coterminals, Mexico City and Guatemala as intermediates in Part II of its application. Such requests are beyond the scope of this proceeding and we will deny consolidation of Docket 12987, as well as Braniff's contingent request to consolidate Dockets 3700 and 4380, which for the most part duplicate the application in Docket 12987, but also include numerous Caribbean Area points.

Caribair's motion to consolidate Docket 11078 raises matters which are entirely within the contemplated Caribbean Area Investigation. This motion will be denied.

Pan American's numerous requests and contingent requests for consolidation and modification will be denied except to the limited extent that they conform with our discussion above. Thus, consolidation is warranted of Pan American's application in Docket 11609 and its restated applications in Dockets 2720, 4833, and 8597, but only to the extent that they conform to the points named on proposed route B. Consolidation need not be granted as to Dockets 3862, 4958, 5417, 5453, 5629, 5874, 6603, 10054, 10619, and 12862. Each of these involves either services within the Caribbean Area or proposed services for points beyond the scope of the instant proceeding.

Panagra's motion to consolidate its applications in Dockets 4159 and 12688 will be granted. These applications request that the carrier's authority to serve Bogota, Colombia, be made permanent and that the carrier be granted authority to engage in air transportation between points on its present route 146 and New York, Washington, and Miami. As previously stated, local traffic rights between the three United States cities will not be considered.

National's request for consolidation of of its applications in Dockets 5032 and 12700 will be denied. Those applications relate to services within the Caribbean Area and should therefore be heard in the forthcoming proceeding directed to consideration of the route pattern in that area. We will not link our denial of consolidation with a limitation on the issues in the present proceeding that would preclude U.S.-Balboa turnaround service under any new U.S.-South America route authority that may be granted. To do so would prevent consideration of such a service on even a temporary basis pending disposition of the Caribbean proceeding. National, or any other carrier, will have a full opportunity to attempt to establish that the Board as a matter of law must, or as a matter of discretion should, impose a long-haul condition on any new authority that may come out of the case.

The United States-South America Route Case can now proceed to prehearing and hearing before an Examiner of the Board. The issues in the first stage will conform to those raised in Order E–17289, as modified herein. In accordance with Order E–17289, no further motions for modification, expansion, or consolidation will be considered in the first stage of this proceeding, nor will we entertain any motions for reconsideration of the actions taken herein. After decision as to the route pattern to be operated, interested parties will have an opportunity to submit proposals, through applications, for the particular routes: *Accordingly, it is ordered:*

1. That the issues as to the possible deletion of Delta's authorizations at Maracaibo and Caracas be excluded from this proceeding and that Delta be excluded as a party;

2. That issues as to new or amended authority related to Barranquilla and Guatemala be excluded from this proceeding;

3. That any issue as to the alteration, amendment or modification of Pan American's existing authority as described in its certificate for route 136 be excluded from this proceeding except to the extent its certificate authorizes Balboa-Miami service as a part of a United States-South America authorization, and the modification of the certificate designation as to the coterminal status of the northeastern United States cities named therein;

4. That Miami, Florida, Washington, D.C., and New York, New York, be considered as possible coterminals on route B, and Washington and New York be considered as possible coterminals on route A, and that Miami be considered as a separate terminal on route A;

5. That no traffic rights between the east coast United States points named in ordering paragraph 4 be considered;

6. That the possible deletion of Braniff's existing route authority between Houston, on the one hand, and Havana and Balboa on the other, and between Miami, on the one hand, and Havana and Balboa on the other be considered as it relates to United States-South America service;

7. That Rio de Janeiro and Sao Paulo be considered as possible points on both routes A and B;

8. That Brasilia be considered as a possible point on either route A or B but not both;

9. That exclusive all cargo route authorizations and issues are beyond the scope of this proceeding;

10. That Pan American's request to consolidate Docket 5140 be and hereby is denied;

11. That Houston, Texas, the Commonwealth of Puerto Rico, Aerovias Sud, Eastern, National and Mackey be and they hereby are granted leave to intervene;

12. That Trans Caribbean Airways be made a party to this proceeding and that the portion of its application in Docket 12993 which conforms to the designation of route B be consolidated and that the remainder of Docket 12993 be dismissed;

13. That Braniff's motion for consolidation of Dockets 12988 and 3482, as amended, be granted except as to the designation of Dallas as a coterminal point with Houston, and that the unconsolidated portions be dismissed, and that its application in Docket 12987 be dismissed;

14. That Pan American's restated applications in Dockets 2720, 4833, and 8597 be consolidated to the extent that they conform to the designated route B, and that its application in Docket 11609 be consolidated;

15. That Panagra's applications in Dockets 4159 and 12688 be consolidated;

16. That long-haul restrictions will not be included on either proposed routes A and B, but any interested party can support the necessity for the imposition of such a restriction to preclude any new United States-Caribbean Area turnaround service on a United States-South America route awarded as a result of this proceeding;

17. That the scope of the proceeding be expanded to include the issue as to the possible certification of San Francisco and Los Angeles, California, as coterminals on proposed route B, either in addition to, or in lieu of route A;

18. That, except to the extent granted herein, all motions, petitions and requests for relief be and they hereby are denied;

19. That this proceeding as instituted by Order E–17289, and as modified herein, be set for prompt hearing before an Examiner of the Board, and that no further motions for modification, expansion, consolidation, or reconsideration will be considered;

20. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62–683; Filed, Jan. 19, 1962; 8:50 a.m.]

[1] See infra.

[2] By temporary exemption (Order E–14872, January 28, 1960), Pan American and Braniff were authorized to serve Brasilia. Braniff has not initiated service.

FEDERAL POWER COMMISSION

[Docket No. CP62–110]

SOUTHWEST GAS CORP.

Order Defining Issues

JANUARY 12, 1962.

By notice issued on December 29, 1961, the application of Southwest Gas Corporation (Southwest), for a certificate of public convenience and necessity, authorizing the acquisition and operation of the facilities of Nevada Natural Gas Pipe Line Co. (Nevada Natural), by the Applicant, was set for an abridged hearing commencing on January 29, 1962, concerning the matters involved in and the issues presented by such application.

In addition to the questions generally considered in connection with an application for a certificate of public convenience and necessity, it appears to be in the public interest that the Commission also consider, more specifically, whether the application, which involves a proposed merger of the Applicant with an interstate pipeline, should be granted in light of the policies and provisions of the antitrust laws of the United States. For this reason the Commission is of the opinion that a formal, rather than an abridged, hearing should be held in this proceeding.

The Commission finds:

(1) Southwest has filed an application under section 7 of the Natural Gas Act for permission, inter alia, to acquire the jurisdictional facilities of Nevada Natural, which acquisition will result from the merger of Nevada Natural with Southwest through the exchange of stock between the two companies.

(2) Southwest proposes to continue all the sales and services presently rendered by Nevada Natural and the latter company will cease to exist, if the Commission approves the proposed merger.

(3) It is necessary and appropriate in the public interest that the Commission, in considering whether to approve the acquisition of the facilities of Nevada Natural by Southwest take into account the policies and provisions of the antitrust laws.

The Commission orders:

(A) The Applicant, Southwest, shall submit evidence inter alia indicating whether its proposed acquisition of the facilities of Nevada Natural would be consistent with the policies of the antitrust laws.

(B) The hearing on the application of Southwest, filed in Docket No. CP62–110, shall convene for formal hearing at the same time and date provided for in the original notice of application, issued December 29, 1961.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–647; Filed, Jan. 19, 1962; 8:45 a.m.]

[Docket No. G–9262 etc.]

HOUSTON TEXAS GAS AND OIL CORP. AND COASTAL TRANSMISSION CORP.

Order Granting Application for Issuance of Subpoena Duces Tecum

JANUARY 17, 1962.

Houston Texas Gas and Oil Corp., Docket Nos. G–9262, RP61–3, and RP62–4; Coastal Transmission Corp., Docket Nos. G–9960 and RP61–4.

These proceedings involve requests to modify certificate conditions and proposed increased rates under sections 4, 7, and 15 of the Natural Gas Act. Direct cases have been submitted by the Respondents, Sun Oil Company (Sun), an intervener herein, and the Commission staff. These proceedings are presently in recess until January 29, 1962, at which time the Commission staff is to file its direct case on original cost studies made on the original construction costs of the subject project and a revised direct case reflecting these original cost studies.

On January 5, 1962, Sun filed an application for a subpoena duces tecum,

wherein it requested that a subpoena be issued to the President of the Respondent companies requiring him to produce certain memoranda, letters, schedules, reports and financial and other statements and to testify thereon on January 22, 1962. The documents requested to be produced are described in said application under paragraphs (A), (B), (C), (D), and (E).

In support of its application, Sun states that the documents identified in Items 1 through 6 under paragraph (A) of its application contain forecasts of operating results for the year 1960 through 1964 on the basis of operating the originally certificated facilities; that these estimates are necessary to assess the reasonableness of the proposed rates herein; and that the operating results of the parent company, Houston Corporation, are pertinent to these proceedings in that they relate directly to the amount of income taxes includable in the Respondents' costs of service. In support of its request for the report identified in paragraph (B) of its application, Sun states that the operating results anticipated under the newly certificated expansion program of the Respondents, which are contained in this report, are necessary to test the reasonableness of Respondents' rates and would update the information on this aspect of the case, which information is contained in Exhibit Nos. 44, 50, and 51 admitted to evidence in these proceedings. In support of its request for the financial statements identified in paragraphs (C) and (D) of its application, Sun states that similar financial statements were admitted into evidence, Exhibit Nos. 26, 27, 48, and 49, and that the subject financial statements are necessary to update this information especially in light of the recent development of the accrual of Federal income taxes on the books of Coastal Transmission Corporation. In support of its request for the statement identified in paragraph (E) of its application, Sun states that the estimates contained in the subject statement should be reviewed in testing the reasonableness of the proposed rates. Sun, further, states that the "requested information containing, among other matters, projections of sales and revenues beyond the first three years of operations, goes directly to the subject of anticipated revenues", which bears on the issue of whether the additional and improved loads beyond the development period would be the solution to the problem of improving the Respondents' rate of return. In addition, Sun states that production of these documents would not place a burden on Respondents.

The Respondents filed a joint answer to Sun's application for a subpoena duces tecum, wherein they agree to furnish copies of the documents described in paragraphs (C) and (D) of Sun's application. However, with respect to the documents described in paragraphs (A), (B), and (E) of Sun's application, the Respondents, while conceding that these documents contain future sales forecasts, contend that they are not relevant or material to the issues involved in these proceedings inasmuch as the forecasts go beyond the test period of these proceedings. However, in its application, Sun states that the Commission, in setting prospective rates, must look at the operating results anticipated under the expanded operations. In view of the statements of both the Respondents and Sun, it would appear that one of the issues involved in these proceedings is the proper test period for determining the reasonableness of Respondents' rates and, inasmuch as financing of the expanded facilities were not completed until December 22, 1961, it appears that the forecasts contained in the requested documents will not extend beyond the third year of operations of the expanded facilities.

Section 6(c) of the Administrative Procedure Act, 5 U.S.C. 1005(c), reads, in part, as follows:

> • • • Agency subpoenas authorized by law shall be issued to any party upon request and, as may be required by rules of procedure, upon a statement or showing of general relevance and reasonable scope of the evidence sought. • • •.

The Commission is empowered to issue subpoenas (section 14(c) of the Natural Gas Act) and has promulgated rules of procedure for issuance thereof (§ 1.23(a) of the rules of practice and procedure).

The documents requested by Sun in its application for a subpoena appear to be generally relevant and material to the issues involved in these proceedings and meet the requirements of our regulation for issuance of a subpoena duces tecum.

As stated hereinbefore, these proceedings are presently in recess until January 29, 1962. Sun, in its application, states that it intends to offer revised exhibits to reflect therein the pertinent data in the documents specified in its application and the results of the staff's original cost studies. In order to avoid further delay of these proceedings, Sun requests that the subpoena be returnable on January 22, 1962, one week prior to the scheduled reconvening of these proceedings. In view of the foregoing, it is determined that the subpoena ordered herein should be made returnable on the date requested by Sun.

The Commission orders: That an appropriate subpoena duces tecum, in the usual form, be issued to W. J. Bowen, President of Houston Texas Gas and Oil Corporation and Coastal Transmission Corporation, to compel him to appear and produce the documents described in paragraphs (A), (B), (C), (D), and (E) of Sun's application for issuance of a subpoena duces tecum filed herein on January 5, 1962, at a hearing to convene on January 22, 1962, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-732; Filed, Jan. 19, 1962; 8:51 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 406]

SECRETARY OF DEFENSE

Authority to Represent Interests of the Federal Government in the Matter of American Telephone & Telegraph Company

1. Pursuant to the provisions of sections 201(a)(4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interest of the executive agencies of the Federal Government in the matter of American Telephone & Telegraph Company, Tariff F.C.C. No. 134 (SCAN), before the Federal Communications Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective December 18, 1961.

BERNARD L. BOUTIN,
Administrator.

JANUARY 16, 1962.

[F.R. Doc. 62-676; Filed, Jan. 19, 1962; 8:50 a.m.]

THE RENEGOTIATION BOARD

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN FUNCTIONS, POWERS AND DUTIES

Miscellaneous Amendments

The Delegation of Authority with Respect to Certain Funotions, Powers and Duties, dated February 8, 1952, and published in the issue of February 13, 1952 (F.R. Doc. 52-1777; 17 F.R. 1401), is amended in the following respects:

1. Section 1 is deleted in its entirety.

2. Section 2 is amended by deleting from paragraph (b) thereof the words "by section 1 of this delegation."

3. Sections 2, 3, 4, and 5 are hereby renumbered sections 1, 2, 3, and 4, respectively.

Dated: January 17, 1962.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 62-670; Filed, Jan. 19, 1962; 8:49 a.m.]

STATEMENT OF ORGANIZATION

Miscellaneous Amendments

The Statement of Organization published in the issue of September 28, 1956 (F.R. Doc. 56-7859; 21 F.R. 7467), as amended in the issues of July 23, 1957 (F.R. Doc. 57-6006; 22 F.R. 5848), and March 28, 1961 (F.R. Doc. 61-2702; 26 F.R. 2632), is hereby further amended as follows:

1. Section 3(b) is amended by deleting from the first sentence the word "three" and inserting in lieu thereof the word "two".

2. Section 3(b) is further amended by deleting the list under the heading "Location" and inserting in lieu thereof the following:

(1) Eastern Regional Renegotiation Board, 1634 Eye Street NW., Washington 25, D.C.
(2) Western Regional Renegotiation Board, 5504 Hollywood Boulevard, Los Angeles 28, Calif.

Dated: January 17, 1962.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 62-671; Filed, Jan. 19, 1962; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-223 etc.]

ARKANSAS FUEL OIL CORP. AND CITIES SERVICE CO.

Order Approving and Releasing Jurisdiction in Respect of Certain Fees and Expenses

JANUARY 15, 1962.

In the matter of Arkansas Fuel Oil Corp. (Shreveport, La.), and Cities Service Co. (New York, N.Y.); File Nos. 54-223; 54-226; 54-227; 31-622; 54-186; 59-93; 70-1804.

In the above consolidated proceedings the Commission, pursuant to Section 11(d) of the Public Utility Holding Company Act of 1935 ("Act"), among other things, approved a plan, as modified (Holding Company Act Release No. 14260, July 14, 1960, approved and enforced by the United States District Court for District of Delaware, No. 2223, September 2, 1960), to effectuate compliance with the order issued September 20, 1957 (Holding Company Act Release No. 13549) under section 11(b)(2) of the Act. Under the plan, as modified, the 48.5 percent publicly-held minority stock interest in Arkansas Fuel Oil Corporation ("Arkansas"), a subsidiary company of Cities Service Company ("Cities"), a registered holding company, was eliminated by the payment to the public stockholders of Arkansas, of $41 in cash per share, or a total of $75,577,186. In the order approving the section 11(d) plan, the Commission reserved jurisdiction in respect of the allowance and allocation of fees and expenses, incurred in connection with the consolidated proceedings, which are to be paid by Cities.

Pursuant to notice given by the Commission, applications for the allowance of the fees and expenses or the approval of sums paid therefor, have been filed by the various parties to and participants in the consolidated proceedings.

Subsequently, as a first step in the procedure for determining whether the fees requested are for compensable services rendered and whether the amounts of fees and expenses requested are reasonable, the Commission in order to expedite the proceeding in respect thereof, and to assist it in making such determinations, requested Cities in writing (with a copy to each of the applicants) to advise the Commission, on or before July 25, 1961 (later extended to September 11, 1961), as to the amounts of fees and expenses which the company is willing to pay and which each of the applicants, after negotiations with the company, has indicated a willingness to accept as settlement in full of his request for allowance of fees and expenses in connection with the consolidated proceeding.

Cities and Joseph S. Gruss having agreed that he is to be paid $6,000, and Cities having agreed to pay fee claimant Paul F. Moore the full amount requested, i.e., fee $100 and expenses $250; and

The Commission having considered the applications filed by such persons and the amounts agreed upon; and being of the opinion that such amounts are for and in connection with necessary services and reasonable in amounts, and that the applications of such persons should be severed for disposition from the remaining applications and an order entered approving such fees and expenses, directing Cities to pay them, and releasing jurisdiction in respect thereof;

It is ordered, That the applications of Joseph S. Gruss and Paul F. Moore for allowance of fees and expenses be, and they are hereby, severed for disposition, that allowances in the amounts above stated be, and they are hereby, approved, and Cities is hereby directed to pay such amounts; and that the jurisdiction heretofore reserved in respect thereof is hereby released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-654; Filed, Jan. 19, 1962; 8:46 a.m.]

[File No. 70-4009]

KINGSPORT UTILITIES, INC., AND AMERICAN ELECTRIC POWER CO., INC.

Notice of Proposed Issuance and Sale of Common Stock by Subsidiary and Acquisition Thereof by Holding Company

JANUARY 15, 1962.

Notice is hereby given that American Electric Power Company, Inc. ("American"), 2 Broadway, New York 8, N.Y., a registered holding company, and Kingsport Utilities, Incorporated ("Kingsport"), Roanoke, Virginia, an electric utility subsidiary company of American, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 10 of the Act as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized as follows:

Kingsport proposes to issue and sell to American, from time to time prior to December 31, 1962, an aggregate amount of 55,600 shares of its no par value common stock, and American proposes to acquire said shares for a cash consideration of $10 per share or a total consideration of $556,000. Kingsport's presently outstanding common stock, all of which is owned by American, is carried in its common stock account at $10 a share. The stock will be issued to provide funds for Kingsport's 1961-1962 construction program as needed.

The joint application-declaration states that expenses incident to the proposed transactions are estimated not to exceed $856, including a Federal original issue tax of $556. It is also stated that the issuance and sale of the common stock will be authorized by the Tennessee Public Service Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 1, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-655; Filed, Jan. 19, 1962; 8:46 a.m.]

[File No. 70-4004]

Metro Pants Co., Harrisonburg, Va.; effec-

Publix Tennessee Corp., Huntington

[File No. 70-4004]

NEW JERSEY POWER & LIGHT CO. AND JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Intrasystem Sales And Acquisition of Utility Assets

JANUARY 15, 1962.

Notice is hereby given that New Jersey Power & Light Company ("NJP & L") and Jersey Central Power & Light Company ("JCP & L"), both of Morristown, N.J., both public-utility subsidiary companies of General Public Utilities Corporation, a registered holding company, have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 9(a)(1), 10, 12(d), and 12(f) of the Act and Rules 43 and 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the joint application-declaration on file in the office of the Commission for a statement of the proposed transactions which are summarized as follows:

NJP & L proposes to sell and JCP & L proposes to acquire all of NJP & L's right, title, and interest in and to all property used or useful in connection with certain projects designated (1) the Longwood Valley pumped storage project, (2) the Portland-Greystone-Whippany 230 Kv transmission line right-of-way, (3) the Portland-Franklin 115 Kv transmission line right-of-way, (4) the Franklin-Montville 115 Kv transmission line right-of-way, and (5) one-third of the West Wharton-Roseland right-of-way for the aggregate consideration of $2,763,799 being the book cost, which is also the original cost to NJP & L of the projects, plus the assumption of certain contractual obligations of NJP & L in connection with the projects and the amount of interest during construction on the book cost of all of the projects (except one project which has been completed) in an amount equal to ½ percent per month from June 1, 1961, to the date of settlement.

Applicants-declarants state that the proposed transactions are in implementation of a general program whereby, so far as is reasonably feasible, JCP & L, rather than NJP & L, is undertaking the construction of major generating and transmission additions to the systems of both companies. Applicants-declarants further state that the above described projects are substantial in size and that the larger company, JCP & L, is more readily able to finance the projects and that NJP & L and JCP & L may ultimately merge.

In the application-declaration the total fees and expenses in connection with the proposed transactions (including legal fees aggregating $2,550) are estimated at $5,000 all of which will be paid by JCP & L. It is stated that the proposed sales by NJP & L are subject to the approval of the Board of Public Utility Commissioners of the State of New Jersey, that the Federal Power Commission does not have jurisdiction over the proposed transactions by virtue of the provisions of section 318 of the Federal Power Act, and that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 29, 1962, request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request shall be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if any person served is located more than 500 miles from the point of mailing) upon each applicant-declarant, and proof of service (by affidavit, or as in the case of an attorney-at-law, by certificate) filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-656; Filed, Jan. 19, 1962; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 360]

FLORIDA

Declaration of Disaster Area

Whereas, it has been reported that during the month of January 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Okaloosa County in the State of Florida;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about January 5, 1962.

Offices—

Small Business Administration Regional Office, 90 Fairlie Street NW., Atlanta 3, Ga.

Small Business Administration Branch Office, Third Floor, New First Federal Savings and Loan Building, 2030 First Avenue, North, Birmingham 3, Ala.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1962.

Dated: January 8, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-658; Filed, Jan. 19, 1962; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

B. Bennett Co., Inc., 123 Magazine Street, New Orleans, La.; effective 12-27-61 to 12-26-62 (work pants, work shirts).

Blue Bell, Inc., Prentiss County, Booneville, Miss.; effective 12-17-61 to 12-16-62 (men's shirts, women's and girls' blouses).

Blue Buckle Overall Co., 1415 Kemper Street, Lynchburg, Va.; effective 12-14-61 to 12-13-62 (women's dungarees, men's and boys' work clothes).

Chase City Manufacturing Co., Inc., Walker Street, Chase City, Va.; effective 12-19-61 to 12-18-62 (men's and boys' dungarees, single pants).

H. W. Gossard Co., Sullivan, Ind.; effective 12-28-61 to 12-27-62 (women's foundation garments).

Hickerson & Co., Brainerd, Minn.; effective 12-14-61 to 12-13-62 (men's wool utility coats and jackets).

Edward Hyman Co., Lake Street, Haselhurst, Miss.; effective 12-20-61 to 12-19-62 (men's cotton twill work pants and shirts).

Metro Pants Co., Harrisonburg, Va.; effective 12-15-61 to 12-14-62 (boys' and men's dress pants).

Princess Peggy, Inc., Items Division, Belleville, Ill.; effective 12-15-61 to 12-14-62 (women's dresses).

The following learner certificate was issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Florence Fashions, Youngsville, N.C.; effective 12-13-61 to 12-12-62; 10 learners (ladies' dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Canton Manufacturing Corp., 307 South Second Avenue, Canton, Ill.; effective 12-14-61 to 6-13-62; 15 learners (men's and boys' cotton work pants).

Ridgely Manufacturing Co., Ridgely, Tenn.; effective 12-14-61 to 6-13-62; 20 learners (otherwear jackets for boys, men, women, etc.).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Brookfield Mills, Inc., 206 North Elm Street, Sanford, Fla.; effective 12-15-61 to 12-14-62; 5 learners for normal labor turnover purposes (ladies' swim wear).

Ellwood Knitting Mills, Inc., 1110 Mecklen Lane, 911 Lawrence Avenue, Ellwood City, Pa.; effective 12-15-61 to 12-14-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted outerwear).

Each learner certificate has been issued upon the representations of the employers which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 12th day of January 1962.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 62-652; Filed, Jan. 19, 1962; 8:46 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Blue Bell, Inc., Lenoir, N.C.; effective 12-1-61 to 11-30-62 (men's and boys' trousers).

Blue Bell, Inc., Luray, Va.; effective 12-1-61 to 11-30-62 (boys' and men's dungarees).

Cleardon Manufacturing Co., 216 West Fourth Avenue, Clearfield, Pa.; effective 11-30-61 to 11-29-62 (men's and boys' outerwear jackets).

Corman & Wasserman, Inc., 1220 Curtain Avenue, Baltimore 18, Md.; effective 12-3-61 to 12-2-62 (men's trousers).

Dublin Garment Co., Inc., Dublin, Ga.; effective 12-10-61 to 12-9-62 (men's sport shirts).

Duti-Duds, Inc., 1117 Clay Street, Lynchburg, Va.; effective 12-2-61 to 12-1-62 (women's service garments, women's cotton, nylon and dacron uniforms for maids and nurses).

Heath Springs Manufacturing Co., Heath Springs, S.C.; effective 11-27-61 to 11-26-62 (children's wear).

The Hercules Trouser Co., Hillsboro, Ohio; effective 12-1-61 to 11-30-62 (men's and boys' single pants).

The Hercules Trouser Co., Manchester, Ohio; effective 12-1-61 to 11-30-62 (men's and boys' single pants).

Hickman Garment Corp., Hickman, Ky.; effective 12-2-61 to 12-1-62 (men's, boys', kiddies', girls' and ladies' jackets and raincoats).

Hollywood Vassarette, Arkadelphia, Ark.; effective 12-4-61 to 12-3-62 (brassieres).

Hollywood Vassarette, Paris, Tex.; effective 12-4-61 to 12-3-62 (brassieres).

The Jay Garment Co., Portland, Ind.; effective 12-1-61 to 11-30-62 (men's cotton work clothing).

Lady Ester Lingerie Corp., 10th and Walnut Streets, Berwick, Pa.; effective 12-1-61 to 11-30-62 (ladies' slips).

Lowenstein Dress Corp., 425 Pleasant Street, Fall River, Mass.; effective 12-4-61 to 12-3-62 (ladies' dresses).

Manhattan Shirt Co., Poplar Hill Avenue and Calvert Street, 416 East Main Street, Salisbury, Md.; effective 12-1-61 to 11-30-62 (men's and ladies' shirts).

Manhattan Shirt Co., 717 Capouse Avenue, Scranton, Pa.; effective 12-1-61 to 11-30-62 (men's sport shirts).

Manhattan Shirt Co., U.S. By Pass No. 29 and No. 70, Lexington, N.C.; effective 12-1-61 to 11-30-62 (ladies' blouses).

Manhattan Shirt Co., Leeds Avenue, Charleston Heights, S.C.; effective 12-1-61 to 11-30-62 (men's dress and sport shirts).

Oxford Manufacturing Co., Inc., 244 West Seneca Street, Oswego, N.Y.; effective 11-29-61 to 11-28-62 (dresses).

Primo Pants Co., Versailles, Mo.; effective 12-1-61 to 11-30-62 (men's pants).

Publix Tennessee Corp., Huntingdon, Tenn.; effective 12-1-61 to 11-30-62 (men's and boys' sport shirts).

Renovo Shirt Co., Inc., Mena, Ark.; effective 12-1-61 to 11-30-62 (men's and ladies' shirts).

Ridgely Manufacturing Corp., Ridgely, Tenn.; effective 12-2-61 to 12-1-62 (outdoor jackets for men, boys, women, girls and kiddies).

Schneierson Lingerie Co., 460 Globe Street, Fall River, Mass.; effective 12-1-61 to 11-30-62; 10 percent of the total number of factory production workers engaged in the production of women's and children's woven nightwear and underwear (women's and children's underwear and sleepwear).

Sun Garment Co., 2401 Hyde Parkway, St. Joseph, Mo.; effective 12-1-61 to 11-30-62 (shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Armored Garments, Inc., 223 Cabin Road, Spruce Pine, N.C.; effective 12-1-61 to 11-30-62; 10 learners (men's and boys' dungarees).

Bridgton Dress Co., Bridgton, Maine; effective 11-27-61 to 11-26-62; 10 learners (women's dresses).

Gloucester Pants Co., 377 Main Street, Gloucester, Mass.; effective 12-1-61 to 11-30-62; 10 learners (men's and boys' trousers).

Martin-Jay Dress Corp., 65 Guy Park Avenue, Amsterdam, N.Y.; effective 11-27-61 to 8-27-62; 5 learners (ladies' and misses' dresses).

Onalow Garment Industries, Piney Green Road, Jacksonville, N.C.; effective 11-28-61 to 11-27-62; 10 learners (raincoats, children's car coats).

Rock Hall Manufacturing Co., Rock Hall, Md.; effective 12-4-61 to 12-3-62; 10 learners (men's and boys' knit sport shirts).

Sorbeau Juvenile Manufacturing Co., 821 Central Avenue, Dubuque, Iowa; effective 12-1-61 to 11-30-62; 10 learners (infants' layette garments).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Ely and Walker, Dover, Tenn.; effective 11-28-61 to 5-27-62; 70 learners (work pants).

Heath Springs Manufacturing Co., Heath Springs, S.C.; effective 11-27-61 to 5-26-62; 25 learners (children's wear).

Onalow Garment Industries, Piney Green Road, Jacksonville, N.C.; effective 11-28-61 to 5-27-62; 10 learners (raincoats, children's car coats).

Pembroke Manufacturing Co., Inc., Highway 711, Pembroke, N.C.; effective 11-27-61 to 5-26-62; 10 learners (women's slacks, shorts, and pedal pushers).

Shawnut Manufacturing Co., New Bedford, Mass.; effective 11-30-61 to 5-29-62; 50 learners (women's dresses).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Magnet Mills, Inc., Cullom Street, Clinton, Tenn.; effective 11-29-61 to 11-28-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless and full-fashioned).

Selma Hosiery Co., Dillon, S.C.; effective 12-2-61 to 6-1-62; 40 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as

amended, and 29 CFR 522.30 to 522.35, as amended).

Dothan Manufacturing Co., Dothan, Ala.; effective 12-1-61 to 11-30-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's pajamas and shorts).

National Knitting Co., 50 First Avenue, Royersford, Pa.; effective 11-27-61 to 11-26-62; 5 percent of the total number of factory production workers for normal labor turn-

Schneierson Lingerie Co., 460 Glove Street, Fall River, Mass.; effective 12-1-61 to 11-30-62; 5 percent of the total number of factory production workers engaged in the production of women's and children's knitted underwear for normal labor turnover purposes (women's and children's knit underwear).

Each learner certificate has been issued upon the representations of the employers which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 12th day of January 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-653; Filed, Jan. 19, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 17, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37518: *Paper and paper articles from official territory.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2598, for interested rail carriers. Rates on paper and paper articles, also returned empty skids or platforms, wooden, and printing paper winding cores, in carloads, from points in official territory, to points in Illinois territory, also official—southern territory border points.

Grounds for relief: Market competition, short-line distance formula and grouping.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-667; Filed, Jan. 19, 1962; 8:48 a.m.]

[Notice 587]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 17, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64650. By order of January 12, 1962, the Transfer Board approved the transfer to Dale McLeod, doing business as McLeod Trucking Service, Reno, Nev., of Certificate in No. MC 52498, issued April 15, 1944, to Claude Cecil Rife, doing business as Rife Trucking Co., Yerington, Nev., authorizing the transportation of: General commodities, including household goods, excluding commodities in bulk, and other specified commodities, between Sacramento, Calif., and Yerington, Nev., and return to Sacramento; and between Minden, Nev., and Bridgeport, Calif. Service is authorized to and from the intermediate point of Wellington, Nev. Phil Jacobson, 510 West Sixth Street, Los Angeles 14, Calif., attorney for applicants.

No. MC-FC 64654. By order of January 12, 1962, the Transfer Board approved the transfer to Grocery Express, Inc., New York, N.Y., of Certificate in No. MC 80637, issued March 3, 1955, to Howard I. Sakin, New York, N.Y., authorizing the transportation of: Such commodities as are dealt in by wholesale grocery houses, between New York, N.Y., on the one hand, and, on the other, points in Bergen, Passaic, Hudson, Union, Essex, and Middlesex Counties, N.J., and Fairfield County, Conn. Charles H. Trayford, 220 East 42d Street, New York, N.Y., attorney for applicants.

No. MC-FC 64683. By order of January 15, 1962, the Transfer Board approved the transfer to John D. Holmes, Jr., doing business as Vanguard Transportation Company, Avenel, N.J., of a portion of Certificate No. MC 113041 Sub 4 issued June 29, 1960, to AC Transportation, Inc., Woodbridge, N.J., authorizing the transportation, over irregular routes, of petroleum products (except asphalt and tar of any kind), alcohol, commercial solvents, paint, lacquer, cleaning solvents, and acetates, in bulk, in tank trucks, from points in Bergen, Essex, Hudson, Middlesex, and Union Counties, N.J., to points in the New York, N.Y., Commercial Zone as defined by the Commission in 1 M.C.C. 665 and 2 M.C.C. 191, those in Dutchess, Rockland, Ulster, Sullivan, Orange, Nassau, Westchester, and Saratoga Counties, N.Y., and those in that part of Connecticut on and west of the Connecticut River; from New York, N.Y., to points in New Jersey; petroleum products (except medicinal oils, paraffin wax, hot asphalt, and hot tar), alcohol and inflammable solvents, inflammable lacquer and inflammable acetates, in bulk, in tank vehicles, from Bayonne, Bayway, and Jersey City, N.J., to points in Connecticut east of the Connecticut River; and lubricating oil, in bulk, in tank vehicles, from Douglasville, Pa., to Newark, N.J. Bowes & Miller, 1060 Broad Street, Newark, N.J., attorney for transferee. William D. Traub, 350 Fifth Avenue, New York 1, N.Y., representative for transferor.

No. MC-FC 64690. By order of January 12, 1962, the Transfer Board approved the transfer to V. C. Trucking Service, Inc., Maspeth, N.Y., of a portion of Certificate No. MC 114256, issued February 3, 1958, to Don-Dee Trucking Corporation, Ridgefield, N.J., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between New York, N.Y., and points in Bergen County, N.J. William D. Traub, 350 Fifth Avenue, New York 1, N.Y., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-668; Filed, Jan. 19, 1962; 8:48 a.m.]

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Peace Corps

Effective upon publication in the FEDERAL REGISTER, paragraph (o) is added to § 6.368 as set out below.

§ 6.368 Peace Corps.

* * * * *

(o) One Deputy Associate Director, Office of Program Development and Operations.

(R.S. 1753, sec. 2, 22 Stat. 403; as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-727; Filed, Jan. 22, 1962; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO

Proclamation of Results of Flue-Cured Tobacco Marketing Quota Referendum

§ 725.1309 Basis and purpose.

The purpose of this proclamation is to announce the results of the flue-cured tobacco marketing quota referendum for the three marketing years beginning July 1, 1962. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary proclaimed national marketing quotas for flue-cured tobacco for the 1962–63, 1963–64 and 1964–65 marketing years and announced the amount of the national marketing quota for the 1962–63 marketing year (26 F.R. 10927). The Secretary announced (26 F.R. 10933) that a referendum would be held on December 12, 1961, to determine whether flue-cured tobacco farmers were in favor of or opposed to marketing quotas for the three marketing years beginning July 1, 1962. Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that, with respect to this proclamation, application of the notice and public procedure requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is unnecessary.

§ 725.1310 Proclamation of results of flue-cured tobacco marketing quota referendum beginning July 1, 1962.

In a referendum held on December 12, 1961, of farmers engaged in the production of the 1961 crop of flue-cured tobacco, 194,121 farmers voted. Of those voting, 190,515 or 98.1 percent, favored national marketing quotas for the three marketing years, 1962–63, 1963–64 and 1964–65, and 3,606 or 1.9 percent were opposed to quotas. Therefore, the national marketing quota of 1,166,900,000 pounds proclaimed by the Secretary on November 22, 1961 (26 F.R. 10927) for flue-cured tobacco for the 1962–63 marketing year will be in effect for such year and marketing quotas on flue-cured tobacco will be in effect for the three marketing years beginning July 1, 1962.

(Secs. 725.1309 and 1310 are issued under secs. 312, 375, 52 Stat. 46, as amended; 66, as amended; 7 U.S.C. 1312, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 17, 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-709; Filed, Jan. 22, 1962; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 2, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(i) and (ii) of § 910.302 (Lemon Regulation 2, 27 F.R. 392) are hereby amended to read as follows:

(i) District 1: 20,460 cartons;
(ii) District 2: 170,190 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 17, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-708; Filed, Jan. 22, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 152; Amdt. 40-34; Supp. 36]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Carriage of Cargo in Passenger Compartments

Section 40.153 of Part 40 was revised by Civil Air Regulations Amendment 40-32 (26 F.R. 11354) issued November 27, 1961, to become effective January 2, 1962. This section provides a means by which cargo may be safely carried in the passenger compartment of an air carrier airplane.

Subsequent to the issuance of Amendment 40-32, certain air carriers requested reconsideration of § 40.153(a)(3) of that amendment which specified that approved cargo bins installed aft of passengers shall not be higher than the height of the passenger seats on the airplane. In addition, comments were received with regard to paragraphs (a)(1) and (4) which indicated a need for a clarification of the strength requirements which a cargo bin and its attachments must meet for approval.

The effective date of Amendment 40-32 was postponed from January 2, 1962, to January 20, 1962, by Amendment 40-33 (26 F.R. 12762). This postponement of the effective date was necessary to provide sufficient time for a complete reevaluation of the provisions of § 40.153(a)(3) and to make other clarifying changes.

As a result of this reevaluation it has been concluded that, regardless of its height, a properly loaded cargo bin which has been constructed and installed in the airplane to meet specific strength requirements will not adversely affect safety if it does not obscure any passenger's view of the "seat belt" or "no smoking" sign. Therefore, this amendment eliminates the height restriction for cargo bins and in lieu thereof adds provisions which (1) require proper distribution of the weight of the cargo within the bin, (2) prohibit use of bins which exceed the structural load limitation on components of the airplane, and (3) prohibit installing the bin in a location which will obscure any passenger's view of the "seat belt" or "no smoking" sign, unless an auxiliary sign, or some other approved means for notification of the passenger is provided.

The provisions of paragraphs (a) (1) and (4) of this amendment specify the strength which a cargo bin and its attachments must meet for approval. It was intended, in Amendment 40–32, that this strength be such that in the event the airplane was involved in a survivable crash involving high deceleration forces, the cargo bin would not shift forward or be dislodged and injure the passengers. To provide this safeguard, the strength of the bin and its attachments must be able to withstand at least the load factors and emergency landing conditions applicable to the passenger seats installed on the airplane. The combined weight of the cargo bin and its contents must be used to determine this strength. However, in view of the comments received, it appears that the wording of paragraphs (a) (1) and (4) of Amendment 40–32 did not make this strength requirement completely clear. Accordingly, this amendment rewords these paragraphs to specify more clearly the strength requirements which a cargo bin and its attachments must meet for approval.

In addition to the aforementioned changes, other editorial changes were made in this amendment for the purpose of clarification.

Since this amendment relaxes the height requirement of a previous rule which becomes effective January 20, 1962, and imposes no additional burden on any person, I find that notice and public procedure hereon are impractical and unnecessary, and good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, effective January 20, 1962, Amendment 40–32 and Supplement No. 34 (26 F.R. 11354) are hereby rescinded and Part 40 (14 CFR Part 40) is amended as follows:

§ 40.153–1 [Deletion]

1. By deleting § 40.153–1.

2. By amending § 40.153 to read as follows:

§ 40.153 Carriage of cargo in passenger compartments.

Cargo shall not be carried in the passenger compartment of an airplane except as provided in either paragraph (a) or (b) of this section.

(a) Cargo carried aft of the foremost seated passengers shall be carried in an approved cargo bin. Approved cargo bins shall meet the requirements of subparagraphs (1) through (8) of this paragraph.

(1) The bin shall be capable of withstanding the load factors and emergency landing conditions applicable to the passenger seats of the airplane in which the bin is installed multiplied by a factor of 1.15. The combined weight of the bin and the maximum weight of cargo which may be carried in the bin shall be used to determine this strength.

(2) The maximum weight of cargo which the bin is approved to carry and any instructions necessary to insure proper weight distribution within the bin shall be conspicuously marked on the bin.

(3) The bin shall not impose any load on the floor or other structure of the airplane which exceeds the structural load limitations of such components.

(4) The bin shall be attached to the seat tracks or to the floor structure of the airplane, and its attachments shall withstand the load factors and emergency landing conditions applicable to the passenger seats of the airplane in which the bin is installed multiplied by either the factor 1.15 or the seat attachment factor specified for the airplane, whichever is greater. The combined weight of the bin and the maximum weight of cargo which may be carried in the bin shall be used to determine this strength.

(5) The bin shall not be installed in a position which restricts access to or use of any required emergency exit, or the use of the aisle in the passenger compartment.

(6) The bin shall be fully enclosed and constructed of material which is at least flame resistant.

(7) Suitable safeguards shall be provided within the bin to prevent the cargo from shifting under emergency landing conditions.

(8) The bin shall not be installed in a position which obscures any passenger's view of the "seat belt" or "no smoking" sign, nor shall any required exit sign be blocked from view, unless an auxiliary sign or other approved means for proper notification of such passenger is provided.

(b) Cargo carried forward of the foremost seated passengers shall be carried either in approved cargo bins as specified in paragraph (a) of this section, or in accordance with the following requirements:

(1) It shall be properly secured by means of safety belts or other tiedowns having sufficient strength to eliminate the possibility of shifting under all normally anticipated flight and ground conditions;

(2) It shall be packaged or covered in a manner to avoid possible injury to passengers;

(3) It shall not impose any load on seats or the floor structure which exceeds the structural load limitation for those components;

(4) It shall not be located in a position which restricts the access to or use of any required emergency or regular exit, or the use of the aisle in the passenger compartment; and

(5) It shall not be located in a position which obscures any passenger's view of the "seat belt" or "no smoking" sign, nor shall any required exit sign be blocked from view, unless an auxiliary sign or other approved means for proper notification of such passenger is provided.

(Secs. 313(a), 601, 604, 605; 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424, 1425)

Issued in Washington, D.C., on January 19, 1962.

ALAN L. DEAN,
Acting Administrator.

[F.R. Doc. 62–792; Filed, Jan. 22, 1962; 8:58 a.m.]

[Reg. Docket No. 152; Amdt. 41–42]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

Carriage of Cargo in Passenger Compartments

Section 41.136 of Part 41 was promulgated by Civil Air Regulations Amendment 41–40 (26 F.R. 11355) issued November 27, 1961, to become effective January 2, 1962. This section provides a means by which cargo may be safely carried in the passenger compartment of an air carrier airplane.

Subsequent to the issuance of Amendment 41–40, certain air carriers requested reconsideration of § 41.136(a)(3) of that amendment which specified that approved cargo bins installed aft of passengers shall not be higher than the height of the passenger seats on the airplane. In addition, comments were received with regard to paragraphs (a)(1) and (4) which indicated a need for a clarification of the strength requirements which a cargo bin and its attachments must meet for approval.

The effective date of Amendment 41–40 was postponed from January 2, 1962, to January 20, 1962, by Amendment 41–41 (26 F.R. 12762). This postponement of the effective date was necessary to provide sufficient time for a complete reevaluation of the provisions of § 41.136 (a)(3) and to make other clarifying changes.

As a result of this reevaluation it has been concluded that, regardless of its height, a properly loaded cargo bin which has been constructed and installed in the airplane to meet specific strength requirements will not adversely affect safety if it does not obscure any passenger's view of the "seat belt" or "no smoking" sign, unless an auxiliary sign, or some other approved means for notification of the passenger is provided.

The provisions of paragraphs (a) (1) and (4) of this amendment specify the strength which a cargo bin and its attachments must meet for approval. It was intended, in Amendment 41–40, that this strength be such that in the event the airplane was involved in a survivable crash involving high deceleration forces, the cargo bin would not shift forward or be dislodged and injure the passengers. To provide this safeguard, the strength of the bin and its attachments must be able to withstand at least the load factors and emergency landing conditions applicable to the passenger seats installed on the airplane. The combined weight of the cargo bin and its contents must be used to determine this strength. However, in view of the comments received, it appears that the wording of paragraphs (a) (1) and (4) of Amendment 41–40 did not make this strength requirement completely clear. Accordingly, this amendment rewords these paragraphs to specify more clearly the strength requirements which a cargo bin and its attachments must meet for approval.

In addition to the aforementioned changes, other editorial changes were made in this amendment for the purpose of clarification.

Since this amendment relaxes the height requirement of a previous rule which becomes effective January 20, 1962, and imposes no additional burden on any person, I find that notice and public procedure hereon are impractical and unnecessary, and good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, effective January 20, 1962, Amendment 41–40 (26 F.R. 11355) is hereby rescinded and Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) is amended by adding a new § 41.136 to read as follows:

§ 41.136 Carriage of cargo in passenger compartments.

Cargo shall not be carried in the passenger compartment of an airplane except as provided in either paragraph (a) or (b) of this section.

(a) Cargo carried aft of the foremost seated passengers shall be carried in an approved cargo bin. Approved cargo bins shall meet the requirements of subparagraphs (1) through (8) of this paragraph.

(1) The bin shall be capable of withstanding the load factors and emergency landing conditions applicable to the passenger seats of the airplane in which the bin is installed multiplied by a factor of 1.15. The combined weight of the bin and the maximum weight of cargo which may be carried in the bin shall be used to determine this strength.

(2) The maximum weight of cargo which the bin is approved to carry and any instructions necessary to insure proper weight distribution within the bin shall be conspicuously marked on the bin.

(3) The bin shall not impose any load on the floor or other structure of the airplane which exceeds the structural load limitations of such components.

(4) The bin shall be attached to the seat tracks or to the floor structure of the airplane, and its attachments shall withstand the load factors and emergency landing conditions applicable to the passenger seats of the airplane in which the bin is installed multiplied by either the factor 1.15 or the seat attachment factor specified for the airplane, whichever is greater. The combined weight of the bin and the maximum weight of cargo which may be carried in the bin shall be used to determine this strength.

(5) The bin shall not be installed in a position which restricts access to or use of any required emergency exit, or the use of the aisle in the passenger compartment.

(6) The bin shall be fully enclosed and constructed of material which is at least flame resistant.

(7) Suitable safeguards shall be provided within the bin to prevent the cargo from shifting under emergency landing conditions.

(8) The bin shall not be installed in a position which obscures any passenger's view of the "seat belt" or "no smoking" sign, nor shall any required exit sign be blocked from view, unless an auxiliary sign or other approved means for proper notification of such passenger is provided.

(b) Cargo carried forward of the foremost seated passengers shall be carried either in approved cargo bins as specified in paragraph (a) of this section, or in accordance with the following requirements:

(1) It shall be properly secured by means of safety belts or other tiedowns having sufficient strength to eliminate the possibility of shifting under all normally anticipated flight and ground conditions;

(2) It shall be packaged or covered in a manner to avoid possible injury to passengers;

(3) It shall not impose any load on seats or the floor structure which exceeds the structural load limitation for these components;

(4) It shall not be located in a position which restricts the access to or use of any required emergency or regular exit, or the use of the aisle in the passenger compartment; and

(5) It shall not be located in a position which obscures any passenger's view of the "seat belt" or "no smoking" sign, nor shall any required exit sign be blocked from view, unless an auxiliary sign or other approved means for proper notification of such passenger is provided.

(Secs. 313(a), 601, 604, 605; 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424, 1425)

Issued in Washington, D.C., on January 19, 1962.

ALAN L. DEAN,
Acting Administrator.

[F.R. Doc. 62–793; Filed, Jan. 22, 1962; 8:59 a.m.]

[Reg. Docket No. 152; Amdt. 42–37]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Carriage of Cargo in Passenger Compartments

Section 42.66 of Part 42 was promulgated by Civil Air Regulations Amendment 42–35 (26 F.R. 11356) issued November 27, 1961, to become effective January 2, 1962. This section provides a means by which cargo may be safely carried in the passenger compartment of an air carrier airplane.

Subsequent to the issuance of Amendment 42–35, certain air carriers requested reconsideration of § 42.66(a)(3) of that amendment which specified that approved cargo bins installed aft of passengers shall not be higher than the height of the passenger seats on the airplane. In addition, comments were received with regard to paragraphs (a)(1) and (4) which indicated a need for a clarification of the strength requirements which a cargo bin and its attachments must meet for approval.

The effective date of Amendment 42–35 was postponed from January 2, 1962, to January 20, 1962, by Amendment 42–36 (26 F.R. 12762). This postponement of the effective date was necessary to provide sufficient time for a complete reevaluation of the provisions of § 42.66 (a)(3) and to make other clarifying changes.

As a result of this reevaluation it has been concluded that, regardless of its height, a properly loaded cargo bin which has been constructed and installed in the airplane to meet specific strength requirements will not adversely affect safety if it does not obscure any passenger's view of the "seat belt" or "no smoking" sign. Therefore, this amendment eliminates the height restriction for cargo bins and in lieu thereof adds provisions which (1) require proper distribution of the weight of the cargo within the bin, (2) prohibit use of bins which exceed the structural load limitation on components of the airplane, and (3) prohibit installing the bin in a location which will obscure any passenger's view of the "seat belt" or "no smoking" sign, unless an auxiliary sign, or some other approved means for notification of the passenger is provided.

The provisions of paragraphs (a) (1) and (4) of this amendment specify the strength which a cargo bin and its attachments must meet for approval. It was intended, in Amendment 42–35, that this strength be such that in the event the airplane was involved in a survivable crash involving high deceleration forces, the cargo bin would not shift forward or be dislodged and injure the passengers. To provide this safeguard, the strength of the bin and its attachments must be able to withstand at least the load factors and emergency landing conditions applicable to the passenger seats installed on the airplane. The combined weight of the cargo bin and its contents must be used to determine this strength. However, in view of the comments received, it

appears that the wording of paragraphs (a) (1) and (4) of Amendment 42-35 did not make this strength requirement completely clear. Accordingly, this amendment rewords these paragraphs to specify more clearly the strength requirements which a cargo bin and its attachments must meet for approval.

In addition to the aforementioned changes, other editorial changes were made in this amendment for the purpose of clarification.

Since this amendment relaxes the height requirement of a previous rule which becomes effective January 20, 1962, and imposes no additional burden on any person, I find that notice and public procedure hereon are impractical and unnecessary, and good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, effective January 20, 1962, Amendment 42-35 (26 F.R. 11356) is hereby rescinded and Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) is amended by adding a new § 42.66 to read as follows:

§ 42.66 Carriage of cargo in passenger compartments.

Cargo shall not be carried in the passenger compartment of an airplane except as provided in either paragraph (a) or (b) of this section.

(a) Cargo carried aft of the foremost seated passengers shall be carried in an approved cargo bin. Approved cargo bins shall meet the requirements of subparagraphs (1) through (8) of this paragraph.

(1) The bin shall be capable of withstanding the load factors and emergency landing conditions applicable to the passenger seats of the airplane in which the bin is installed multiplied by a factor of 1.15. The combined weight of the bin and the maximum weight of cargo which may be carried in the bin shall be used to determine this strength.

(2) The maximum weight of cargo which the bin is approved to carry and any instructions necessary to insure proper weight distribution within the bin shall be conspicuously marked on the bin.

(3) The bin shall not impose any load on the floor or other structure of the airplane which exceeds the structural load limitations of such components.

(4) The bin shall be attached to the seat tracks or to the floor structure of the airplane, and its attachments shall withstand the load factors and emergency landing conditions applicable to the passenger seats of the airplane in which the bin is installed multiplied by either the factor 1.15 or the seat attachment factor specified for the airplane, whichever is greater. The combined weight of the bin and the maximum weight of cargo which may be carried in the bin shall be used to determine this strength.

(5) The bin shall not be installed in a position which restricts access to or use of any required emergency exit, or the use of the aisle in the passenger compartment.

(6) The bin shall be fully enclosed and constructed of material which is at least flame resistant.

(7) Suitable safeguards shall be provided within the bin to prevent the cargo from shifting under emergency landing conditions.

(8) The bin shall not be installed in a position which obscures any passenger's view of the "seat belt" or "no smoking" sign, nor shall any required exit sign be blocked from view, unless an auxiliary sign or other approved means for proper notification of such passenger is provided.

(b) Cargo carried forward of the foremost seated passengers shall be carried either in approved cargo bins as specified in paragraph (a) of this section, or in accordance with the following requirements:

(1) It shall be properly secured by means of safety belts or other tiedowns having sufficient strength to eliminate the possibility of shifting under all normally anticipated flight and ground conditions;

(2) It shall be packaged or covered in a manner to avoid possible injury to passengers;

(3) It shall not impose any load on seats or the floor structure which exceeds the structural load limitation for those components;

(4) It shall not be located in a position which restricts the access to or use of any required emergency or regular exit, or the use of the aisle in the passenger compartment; and

(5) It shall not be located in a position which obscures any passenger's view of the "seat belt" or "no smoking" sign, nor shall any required exit sign be blocked from view, unless an auxiliary sign or other approved means for proper notification of such passenger is provided.

(Sec. 313(a), 601, 604, 605; 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424, 1425)

Issued in Washington, D.C., on January 19, 1962.

ALAN L. DEAN,
Acting Administrator.

[F.R. Doc. 62-791; Filed, Jan. 22, 1962; 8:58 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1038; Amdt. 391]

PART 507—AIRWORTHINESS DIRECTIVES

Vickers Viscount 745D and 810 Series Aircraft

Review of the results of the inspections of Vickers Viscount 745D and 810 Series aircraft shows that an increase in the inspection interval for certain flap motors required by Amendment 60, 24 F.R. 10714 (AD 59-26-3) will not adversely affect the current level of safety. Accordingly, the inspection interval in paragraph (a) (2) is being extended from 2,000 flights to 4,000 flights. Also, reference is being made to later issues of the manufacturer's service documents.

Since this amendment relaxes a requirement and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 69, 24 F.R. 10714, Vickers Viscount 745D and 810 Series aircraft, is amended by:

1. Changing paragraph (a)(2) to read:

(2) Flap Motors, P/N C.9601/1 (i.e. those embodying clutch drive shaft, P/N N145421), at periods not exceeding 4,000 flights.

2. Changing the parenthetical reference statement to read:

(Vickers-Armstrongs PTL 183, Issue 5, Modification D.2766 (700 Series), PTL 61, Issue 5, Modification FG.1294 (800/810 Series) and Rotax Modification No. 3017C cover this subject.)

This amendment shall become effective January 23, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 17, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-685; Filed, Jan. 22, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-KC-52]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Control Zone

The purpose of this amendment to Part 601 of the regulations of the Administrator is to revoke the Goshen, Ind., control zone (§ 601.2101).

There is no control tower at Goshen Airport and the Flight Service Station has been decommissioned. Weather observations, previously reported by the Flight Service Station, are no longer available. Therefore, action is taken herein to revoke the Goshen control zone.

Since the change effected by this amendment reduces a burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), Part 601 (14 CFR Part 601) is amended by revoking the following section: § 601.2101 *Goshen, Ind., control zone.*

This amendment shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-686; Filed, Jan. 22, 1962; 8:45 a.m.]

[Airspace Docket No. 61-SW-115]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Control Zone

The purpose of this amendment to § 601.1983 of the regulations of the Administrator is to revoke the Columbus, N. Mex., control zone.

Weather and communications are no longer provided at Columbus, therefore, the Federal Aviation Agency has determined that the Columbus control zone is no longer justified as an assignment of controlled airspace and action is taken herein to revoke the Columbus control zone.

Since the change effected by this amendment reduces a burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following action is taken:

In § 601.1983 (14 CFR 601.1983) "Columbus, N. Mex.: FAA intermediate field excluding the portion which lies outside the continental United States" is deleted.

This amendment shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-687; Filed, Jan. 22, 1962; 8:45 a.m.]

[Airspace Docket No. 61-WA-207]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2143 of the regulations of the Administrator is to alter the Fort Myers, Fla., control zone.

The Fort Myers VOR will be relocated to a new site on Page Airport on or about March 8, 1962. Therefore, action is taken herein to alter the Fort Myers control zone so that it will be compatible with the relocated navigational aid. In addition, the alteration will exclude the area within a 1-mile radius of the Cape Coral, Fla., Airstrip. Such action is taken herein. This will result in a reduction of the amount of controlled airspace presently designated in the control zone.

Since the changes effected by this amendment are minor in nature and will impose no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2143 (14 CFR 601.2143) is amended to read:

§ 601.2143 Fort Myers, Fla., control zone.

Within a 5-mile radius of Page Field (latitude 26°35'19" N., longitude 81°52'-01" W.), Fort Myers, Fla., excluding the portion within a 1-mile radius of the Cape Coral Airstrip (latitude 26° 33'56" N., longitude 81°57'07" W.); within 2 miles either side of the Fort Myers VOR 215° radial extending from the 5-mile radius zone to 8 miles SW of the VOR; and within 2 miles either side of a line bearing 040° and 220° from the Fort Myers RBN extending from the 5-mile radius zone to 8 miles SW of the RBN.

This amendment shall become effective 0001 e.s.t. April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-688; Filed, Jan. 22, 1962; 8:45 a.m.]

[Airspace Docket No. 61-FW-22]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Description of Transition Area; Correction

The purpose of this amendment to § 601.10805 of the regulations of the Administrator is to correct the description of the Salt Flat, Texas, transition area. In the description of the Salt Flat transition area published in the FEDERAL REGISTER on December 6, 1961, effective January 11, 1962 (Airspace Docket No. 61-FW-22, 26 F.R. 11674) the "INT of the Carlsbad, N. Mex., VOR 256°" should have read "INT of the Carlsbad, N. Mex., VOR 236°". Therefore, action is taken to correct this transition area description.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following action is taken:

In the text of § 601.10805 (26 F.R. 11675) "INT of the Carlsbad, N. Mex., VOR 256°" is deleted and "INT of the Carlsbad, N. Mex., VOR 236°" is substituted therefor.

This amendment shall become effective upon date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-689; Filed, Jan. 22, 1962; 8:45 a.m.]

[Airspace Docket No. 61-HO-8]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Transition Area; Modification

On December 6, 1961, there was published in the FEDERAL REGISTER (26 F.R. 11675) an amendment to Part 601 of the regulations of the Administrator which designated the Kailua, Kona, Hawaii, transition area.

Upon publication of the amendment, a geographical coordinate was inadvertently omitted from the description of the transition area as presented in the notice. Therefore, action is taken herein to add this coordinate.

Since this amendment corrects an ommission and imposes no additional burden on any person, the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately Airspace Docket No. 61-HO-8 (26 F.R. 11675) is hereby modified as follows:

In the description of the Kailua, Kona, Hawaii, transition area, "thence to point of beginning." is deleted and "to latitude 19°38'15" N., longitude 156°17'40" W.; thence to point of beginning." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 16, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-690; Filed, Jan 22, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8397 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Phoenix Pharmaceutical Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.85 *Government approval, action, connection or standards;* § 13.85–60 *Standards, specifications, or source;* § 13.170 *Qualities or properties of product or service;* § 13.170–52 *Medicinal, therapeutic, healthful, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Phoenix Pharmaceutical Company et al., Hartford, Conn., Docket 8397, Oct. 5, 1961]

In the Matter of Phoenix Pharmaceutical Company, a Corporation, The Vitamin Center, Inc., a Corporation, and Aaron Honiberg and Julian Gross, Individually and as Officers of Both of Said Corporations

Consent order requiring two associated concerns in Hartford, Conn.—one the retail outlet for the other—to cease representing falsely in advertising in newspapers, circulars, magazines, etc., that their various vitamin preparations were U.S. Government standard formulations, and that they would be beneficial in the treatment of such conditions as excessive fatigue, nervous irritability, low resistance, etc., as in the order below in detail set out.

The order to cease and desist is as follows:

It is ordered, That Phoenix Pharmaceutical Company, a corporation, and its officers, and Aaron Honiberg and Julian Gross, individually and as officers of this said corporation, and The Vitamin Center, Inc., a corporation, and its officers, and Aaron Honiberg and Julian Gross, individually and as officers of this said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparations designated "Vitagran—Formulation No. 115," "Phoenix No. 215 Vitagran-Forte," "Phoenix No. 116 Multi-Thera," "#110 Vegerol," "#114 Stressvite," "Phoenix #117 B-Plexol," "#119 Super-Plex," "#310 Vegerol Plus B-Plexol," "#50 Gerichol," and "Geri-Aids—Formulation No. 108," or any other preparations of substantially similar composition or possessing substantially similar properties, under whatever name or names sold, do forthwith cease and desist, directly or indirectly:

1. Disseminating, or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That their preparations, or any of them are United States Government standard formulations;

(b) That "Vitagran—Formulation No. 115," "Phoenix No. 215 Vitagran-Forte" or "Phoenix No. 116 Multi-Thera" will be of benefit in the treatment of excessive fatigue, nervous irritability, restless sleep, low resistance or loss of appetite, unless such advertisement expressly limits the effectiveness of the preparations to those persons whose symptoms have been caused by an established deficiency of one or more of the nutrients provided by the preparations and, further, unless the advertisement clearly and conspicuously reveals the fact that in the great majority of persons these symptoms are caused by conditions other than those which may respond to treatment by the use of the preparations, and that in such persons the preparations will not be of benefit.

(c) That "#114 Stressvite", "Phoenix #117 B-Plexol" or "#119 Super-Plex" will be of benefit in the treatment of lack of pep, weakness, tiredness, nervousness or digestive difficulty, unless such advertisement expressly limits the effectiveness of the preparations to those persons whose symptoms have been caused by an established deficiency of one or more of the nutrients provided by the preparations, and, further, unless the advertisement clearly and conspicuously reveals the fact that in the great majority of persons these symptoms are caused by conditions other than those which may respond to treatment by the use of the preparations, and that in such persons the preparations will not be of benefit.

(d) That "#310 Vegerol Plus B-Plexol" will be of benefit in the treatment of underweight, exhaustion, premature aging or loss of youthful vitality or appearance unless such advertisement expressly limits the effectiveness of the preparation to those persons whose symptoms have been caused by an established deficiency of one or more of the nutrients provided by the preparation, and, further, unless the advertisement clearly and conspicuously reveals the fact that in the great majority of persons these symptoms are caused by conditions other than those which may respond to treatment by the use of the preparation and that in such persons the preparation will not be of benefit.

(e) That "#110 Vegerol":

(1) Will be of benefit in the treatment of premature aging, restless sleep, nervous irritability, loss of strength or poor digestion, unless such advertisement expressly limits the effectiveness of the preparation to those persons whose symptoms have been caused by an established deficiency of one or more of the nutrients provided by the preparation, and, further, unless the advertisement clearly and conspicuously reveals the fact that in the great majority of persons these symptoms are caused by conditions other than those which may respond to treatment by the use of the preparation, and that in such persons the preparation will not be of benefit.

(2) Will improve liver function or fat metabolism.

(f) That "#50 Gerichol" will be of benefit in the treatment of cardiac conditions, or will lower the blood cholesterol level.

(g) That "Geri-Aids—Formulation No. 108" will improve liver function or fat metabolism.

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparations, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–696; Filed, Jan. 22, 1962; 8:46 a.m.]

[Docket 8429 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Rodless Decorations, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties;* § 13.1053–80 *Textile Fiber Products Identification Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185–80 *Textile Fiber Products Identification Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–70 *Textile Fiber Products Identification Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–70 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Rodless Decorations, Inc. et al., New York, N.Y., Docket 8429, Oct. 3, 1961]

In the Matter of Rodless Decorations, Inc., a Corporation, and Charles Druck, Individually and as an Officer of Said Corporation

Consent order requiring New York City manufacturers to cease violating the Textile Fiber Products Identification Act by labeling as "100% 'Dacron' polyester, trim consists of all cotton", curtains which contained no "Dacron" polyester; by failing to label curtains with the true generic names of constituent fibers and "other fibers" present, and the percentage of each by weight; by failing to keep proper records showing the fiber content of their products; and by furnishing false guaranties that their products were not misbranded or falsely invoiced.

The order to cease and desist is as follows:

It is ordered, That respondents Rodless Decorations, Inc., a corporation and its officers, and Charles Druck individually, and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported, in commerce, or the importation into the United States of textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of textile fiber products which have been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of textile fiber products, whether in their original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber products" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein;

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Failing to maintain records of fiber content of textile fiber products manufactured by them, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the Regulations thereunder.

C. Furnishing false guaranties that textile fiber products are not misbranded or falsely invoiced, under the provisions of the Textile Fiber Products Identification Act.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in the aforesaid initial decision, as modified.

Issued: September 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–726; Filed, Jan. 22, 1962; 8:49 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.475]

PART 51—PASSPORTS

Correction

In F.R. Doc. 62–459 appearing at page 344 of the issue for Friday, January 12, 1962, the file line at the end of the document is corrected to read "[F.R. Doc. 62–459; Filed, Jan. 11, 1962; 12:30 p.m.]".

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. Section 3.253 is revoked.

§ 3.253 Notice of material increase in income or change in status. [Revoked]

2. The cross references immediately following § 3.253 are deleted.

3. Section 3.256 is revised to read as follows:

§ 3.256 Annual income and net worth questionnaires.

A questionnaire will be sent once each calendar year to each payee who is receiving pension or dependency and indemnity compensation, whose entitlement is subject to an annual income (and net worth where applicable) limitation (38 U.S.C. 415(e) and 506(b)).

4. In § 3.500, paragraph (h) is amended to read as follows:

§ 3.500 General.

* * * * * *

(h) Dependency of parent (§§ 3.4 (a), (b)(2), 3.250 and 3.660). End of month in which evidence shows dependency ceased.

5. Section 3.660 is revised to read as follows:

§ 3.660 Material change in income, net worth or change in status.

(a) *Requiring reduction or discontinuance*—(1) *Dependency and indemnity compensation.* If, after approval of an award of dependency and indemnity compensation or the submission of an annual income questionnaire, the payee begins to receive additional income at a rate which if continued will cause his income to exceed the income limitation applicable to the rate of dependency and indemnity compensation being paid or by reason of a change in marital status he would not be eligible to receive the rate of dependency and indemnity compensation which was awarded, he must notify the Veterans Administration of such fact. The award to each payee will be adjusted as of the last day of the month (1962 and thereafter) in which such additional income was received or the change in marital status occurred. Where parents are living together, an overpayment will be established for each parent who was in receipt of dependency and indemnity compensation. Any overpayment created under this paragraph will be subject to recovery if not waived. (38 U.S.C. 415(f)).

(2) *Compensation to dependent parent.* If, after approval of an award of compensation to a dependent parent, the payee's status changes either as to income, property, dependents, or any other factor so that dependency no longer exists he must notify the Veterans Administration of such fact. The award of compensation will be discontinued as of the last day of the month (1962 and thereafter) in which the dependency ceased to exist.

(3) *Pension.* If, after approval of an award or the submission of an annual income (and net worth where applicable) questionnaire, the payee begins to receive additional income at a rate which if continued will cause his income to exceed the income limitation applicable to the rate of pension being paid, or if by reason of a change in marital or dependency status or increase in net worth he is not eligible to receive the rate of pension which was awarded he must notify the Veterans Administration of such fact. The award to the payee will be adjusted as of the last day of the month (1962 and thereafter) in which such additional income was received, net worth increased or the change in marital or dependency status occurred. Any overpayment created under this paragraph will be subject to recovery if not waived.

(b) *Requiring award or increase*—(1) *Dependency and indemnity compensation*—(i) *Income*—(a) *Anticipated income.* Dependency and indemnity compensation or increased dependency and indemnity compensation may be awarded on the basis of anticipated income. Where a claim was disallowed, discontinued, or reduced for the prior year because the actual income exceeded the statutory limitation or was in an amount as to require payment at a reduced rate, an award or increased award may be effective January 1 of the next calendar year if evidence is received not later than that calendar year that the income will not exceed the statutory limitation or will fall within a lower income increment. Where there is doubt as to the extent of anticipated income, payment of dependency and indemnity compensation may be withheld or paid at the lowest level consistent with the report of income. The withheld amount may be awarded when actual income is ascertained.

(*b*) *Actual income.* Where a claim was disallowed, award deferred or made at a lower rate based on anticipated income, an award or increased award may

be made from the first of that calendar year if evidence is received within the same or the next calendar year showing the income was less than the statutory limitation or was within a lower income increment.

(ii) *Change in marital status.* Where a change in marital status occurs which would permit payment at a higher rate, the increased rate will be effective the date of receipt of the evidence showing the change in status. Income will be computed in accordance with § 3.251(g).

(2) *Pension*—(i) *Income*—(a) *Anticipated income.* Pension or increased pension may be awarded on the basis of anticipated income. Where a claim was disallowed, discontinued, or reduced for the prior year because the actual income exceeded the statutory limitation or was in an amount as to require payment at a reduced rate, an award or increased award may be effective January 1 of the next calendar year if evidence is received not later than that calendar year that the income will not exceed the statutory limitation or will fall within a lower income increment. Where there is doubt as to the extent of anticipated income, payment of pension may be withheld or paid at the lowest level consistent with the report of income. The withheld amount may be awarded when actual income is ascertained.

(b) *Actual income.* Where payment was deferred or award was made at a lower rate based on anticipated income, an award or increased award may be made from the first of that calendar year if evidence is received within the same or next calendar year showing the income was less than the statutory limitation or was within a lower income increment.

(ii) *Change in marital status or status of dependents.* Where a change in marital status or status of dependents occurs which would permit payment at a higher rate, the increased rate will be effective from the date of receipt of the evidence showing the change in status. In such cases income will be computed in accordance with § 3.252(e).

(iii) *Reduction in net worth or change in circumstances.* Where a claim has been disallowed because of the net worth provisions of 38 U.S.C. 522 or 543, and evidence is received of a reduction in net worth or a change in circumstances such as health, acquisition of a dependent, increase in rate of depletion of "corpus of estate", benefits will be paid from the date of receipt of the evidence.

6. The cross reference immediately following § 3.660 is deleted.

7. Section 3.661 is revised to read as follows:

§ 3.661 Income and net worth questionnaires.

(a) *Determination and entitlement.* (1) Where the questionnaire shows a change in income, net worth, marital status, status of dependents or change in circumstances affecting the application of the net worth provisions, the award will be adjusted in accordance with § 3.660.

(2) Where there is doubt as to the extent of anticipated income payment of dependency and indemnity compensation or pension will be in accordance with § 3.660(b)(1)(i)(*a*) or (b)(2)(i)(*a*).

(b) *Failure to return questionnaire.* Discontinuance will be effective the first of the year for which the income or net worth was to be reported or the effective date of the award, whichever is the later date.

(1) *Adjustment of overpayment.* If evidence of entitlement is thereafter received adjustment in the retroactive discontinuance of benefits will be made for all periods of entitlement from the date of discontinuance of payments.

(2) *Resumption of benefits.* Payment may be made, if otherwise in order, from the date of last payment if evidence of entitlement is received within one year from the date the claimant is notified of the termination of pension; otherwise benefits may not be paid for any period prior to date of receipt of evidence establishing entitlement.

8. A new cross reference is added immediately following § 3.661.

CROSS-REFERENCE: Material change in income, net worth or change in status. See § 3.660.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective January 23, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-721; Filed, Jan. 22, 1962; 8:48 a.m.]

PART 7—SOLDIERS' AND SAILORS' CIVIL RELIEF

Miscellaneous Amendments

1. In § 7.26, paragraph (d) is amended to read as follows:

§ 7.26 Application.

* * * * *

(d) Upon receipt of a report from the insurer on VA Form 9-381, the Chief Actuary, will determine if the policy is entitled to the protection of the act, and the insurer and the insured will be notified of the decision.

2. In § 7.29, paragraph (e) is amended to read as follows:

§ 7.29 Maturity.

* * * * *

(e) The statement of account will show the amount of indebtedness by reason of the premiums with interest and the credits, if any, then available and will be subject to audit and approval by the Chief Actuary. The statement of account will include the rate of interest charged on all indebtedness, the dates of debit and credit entries, and such other information as may be deemed necessary in making an audit of the account. If there is a balance due by the United States to the insurer, payment in favor of the insurer will be certified.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective January 23, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-722; Filed, Jan. 22, 1962; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket Nos. 13928, 12404 (RM-116, 139)]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Second Memorandum Opinion and Order; Correction

In the matter of amendment of Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations to align that part with the Geneva (1959) Radio Regulations to the extent practicable, Docket No. 13928; allocation of frequencies, amendment of Part 2 of the Commission's rules and regulations, Docket No. 12404; petition filed by Lorac Service Corporation, Tulsa, Oklahoma, May 1, 1959, RM-116; petition filed by Hastings-Raydist, Inc., Hampton, Virginia, September 22, 1959, RM-139.

The Second Memorandum Opinion and Order (FCC 61-1235) in the above-entitled matter, adopted by the Commission on October 18, 1961, is hereby corrected as follows:

Under Geneva footnotes to the table in § 2.106, enter the definition of Geneva footnote 182 in its proper numerical sequence.

(182) The frequency 410 kc/s is designated for the maritime radionavigation service (radio direction-finding). Other allocated services in the band 405–415 kc/s shall not cause harmful interference to radio direction-finding. In the band 405–415 kc/s no frequency shall be assigned to coast stations.

Released: January 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-742; Filed, Jan. 22, 1962; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Coast Guard

[33 CFR Parts 126, 143]

[46 CFR Parts 2, 24, 25, 30, 31, 32, 33, 35, 38, 39, 43, 45, 51, 52, 54, 55, 56, 61, 70, 71, 72, 75, 76, 78, 90, 91, 92, 93, 95, 97, 98, 110, 111, 136, 146, 147, 160, 162, 167, 176, 181]

[CGFR 61-59]

NAVIGATION AND VESSEL INSPECTION REGULATIONS

Public Hearing on Proposed Changes

1. The Merchant Marine Council will hold a Public Hearing on Monday, March 12, 1962, commencing at 9:30 a.m., in the Departmental Auditorium, between 12th and 14th Streets on Constitution Avenue NW., Washington, D.C., for the purpose of receiving comments, views, and data on the proposed changes to the vessel inspection rules and regulations as set forth in Items I to IX, inclusive, of the Merchant Marine Council Public Hearing Agenda, CG-249, dated March 12, 1962. This agenda contains the changes proposed, and for certain items the present and proposed regulations are set forth in comparison form, together with the reasons for the changes where necessary.

2. This document contains a general description of the proposed changes in the navigation and vessel inspection regulations, together with the statutory authorities for making such changes. The complete description of the proposed changes are set forth in a separate pamphlet entitled "Merchant Marine Council Public Hearing Agenda" (CG-249), dated March 12, 1962. Copies of this pamphlet agenda are mailed to persons and organizations who have expressed a continued interest in the subjects under consideration and have requested that copies be furnished to them. Copies of the agenda will be furnished, upon request to the Commandant (CMC), United States Coast Guard Headquarters, Washington 25, D.C., so long as they are available. After the supply of extra copies is exhausted, copies will be available for reading purposes only in Room 4104, Coast Guard Headquarters, or at the offices of the various Coast Guard District Commanders.

3. Comments on the proposed regulations are invited. If it is believed a comment, view, or suggestion clarifies or improves a proposed regulation or amendment, it is changed accordingly, and, after adoption by the Commandant, the revised regulation is published in the FEDERAL REGISTER. Each person who desires to submit written comments, views or suggestions in connection with the proposed regulations as set forth in the agenda should submit them so that they will be received prior to March 9, 1962, by the Commandant (CMC), United States Coast Guard Headquarters, Washington 25, D.C. Comments, views or suggestions may be presented orally or in writing at the hearing before the Merchant Marine Council on March 12, 1962. In order to insure consideration of comments and facilitate checking and recording, it is essential that each comment be submitted on a separate Form CG-3287, showing the section number, the proposed change, the reason or basis, and the name, business firm or organization (if any), and the address of the submitter. A small quantity of Form CG-3287 is attached to each copy of the pamphlet agenda. Additional copies of this form may be obtained upon request from the Commandant (CMC) or from any Coast Guard District Commander, or it may be reproduced by typewriter or otherwise.

4. Each item in the agenda has been given a general title, intended to encompass the specific proposals presented. It is urged that each item be read completely because the application of proposals to specific employment or types of vessels may be found in more than one item. For example, Item V contains proposals applicable only to tank vessels, but Items III, IV, and VI also contain proposals affecting tank vessels.

ITEM I—RULES AND REGULATIONS FOR MILITARY EXPLOSIVES AND HAZARDOUS MUNITIONS

5. The regulations in 46 CFR 146.29-1 to 146.29-100 are applicable to the shipment of military explosives and hazardous munitions by, for or to the various agencies of the Department of Defense. These regulations apply when such shipments are made on commercial vessels which are subject to the Dangerous Cargo Statute in R.S. 4472, as amended (46 U.S.C. 170). The last revision of these regulations was published in 1958. In order to take care of all changes which have occurred since then, it is proposed to revise the regulations in 46 CFR 146.29-1 to 146.29-100, inclusive, and numerous editorial changes are proposed to make the language parallel to that used currently by the Interstate Commerce Commission and the Department of Defense. For example, words have been changed from "shell" to "cartridge" or "projectile" and "smokeless powder" to "propellant explosive."

6. It is proposed to change 46 CFR 146.29-11 (definitions and abbreviations) to differentiate between hazardous munitions which are fuels and oxidizers for missile propulsive systems when shipped with military explosives, and such fuels and oxidizers which may be shipped on a vessel not carrying military explosives. In the latter case, these different materials would be shipped under regulations in this part which are applicable to similar materials when moving in commercial shipments. The definitions falling under related terms have been put in alphabetical order and a new definition has been added to define a "van."

7. It is proposed to amend 46 CFR 146.29-29 (smoking), to permit smoking aboard a ship in a special room designated for use by ship's personnel as a "smoking room" provided miscellaneous firefighting equipment is present, the portholes, vents, and doors are effectively screened, and an electric cigarette lighter is installed.

8. It is proposed to amend 46 CFR 146.29-41 (weight per draft), to specify the cargo handling gear requirements when lifting portable magazines and vans.

9. It is proposed to amend 46 CFR 146.29-57 ("on deck stowage") by adding new requirements to provide for the stowage "on deck" of military explosives in deck boxes, portable magazines, or vans.

10. It is proposed to amend 46 CFR 146.29-73 (preparation of magazines, decks, hatches and holds for handling military explosives) to require that overhead deck beams, as well as bilges, shall be examined and cleaned of any residue of previous cargo.

11. It is proposed to amend 46 CFR 146.29-75 (location of magazines and ammunition stowage) to permit stowage of chemical ammunition except Class II-J in refrigerator spaces under certain conditions.

12. It is proposed to amend 46 CFR 146.29-81 (magazine stowage A) to provide for uprights spaced on 24-inch centers in lieu of 18-inch centers when ¾-inch plywood is used for the magazine bulkhead.

13. It is proposed to amend 46 CFR 146.29-89 (portable magazine stowage) to specify the stowage location for the portable magazine for compatibility purposes; to delete the requirement that wooden portable magazines be constructed watertight; to require that the magazines when stowed "on deck" be protected from the direct rays of the sun and the elements; and to require that the portable magazines be marked with the names of the military explosives stowed therein.

14. It is proposed to amend 46 CFR 146.29-93 (stowage of blasting caps, detonators, primer detonators, etc.) to except blasting caps stowed in portable magazines "on deck" from the requirement that Class VIII ammunition shall be stowed at least 8 feet from the vessel's side.

15. It is proposed to amend 46 CFR 146.29-99 (explosives admixture chart) to permit stowage of Class IV-A military explosives with other classes having a fire hazard only; and by deleting Class X-E compatability.

16. It is proposed to amend 46 CFR 146.29-100 (classification handling and stowage chart) by changing the various classes to include new explosives; deleting items which are no longer in the De-

partment of Defense stock; providing for the use of portable magazines for those classes of military explosives requiring ammunition stowage; inserting a new Class IV–C to cover missiles shipped with liquid fuel and oxidizer; and deleting Class X–E because these items are no longer in service in the Department of Defense.

17. The authority for the dangerous cargo regulations is in R.S. 4405, as amended, 4462, as amended, and 4472, as amended (46 U.S.C. 375, 416, 170). These regulations also interpret or apply sec. 3, 68 Stat. 675 (50 U.S.C. 198); E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.

ITEM II—DANGEROUS CARGOES

18. Various amendments to the Dangerous Cargo Regulations in 46 CFR Part 146 have been necessitated by corresponding changes made in the regulations of the Interstate Commerce Commission governing land transportation of the same commodities. R.S. 4472, as amended (46 U.S.C. 170), requires that the Coast Guard accept and adopt such definitions, descriptions, descriptive names, classifications, specifications of containers, packing, marking, labeling and certification of explosives or other dangerous articles or substances to the extent as are or may be established from time to time by the Interstate Commerce Commission insofar as they apply to shippers by carriers engaged in interstate and foreign commerce by water. 46 CFR 146.02–19 makes these Dangerous Cargo Regulations applicable to all types of carriers. Therefore, amendments applying only to shippers' requirements upon which the Interstate Commerce Commission has already complied with the Administrative Procedure Act are not included in this Agenda for the 1962 Merchant Marine Council Public Hearing, but will be published as a separate document in the FEDERAL REGISTER.

19. Miscellaneous changes to the Dangerous Cargo Regulations are proposed to clarify certain requirements. The amendment to 46 CFR 146.02–22 (preservation of records) will specify that the Commandant's authorized representative may also procure records for examination. The new regulation designated 146.03–1 will define the abbreviation "MIN" as used in these regulations. The amendment to 46 CFR 146.03–19 (inside containers) will provide that inside containers and packing must meet the requirements of the ICC. The amendment to 46 CFR 146.04–5 (list of explosives and other dangerous articles and combustible liquids) will add new items to the commodity list. The amendments to 46 CFR 146.06–8 (handling on board vessels) are revised to make the requirements compatible with the regulations in 46 CFR 146.07 which apply to handling of dangerous cargo in vans and portable containers. The amendment to 46 CFR 146.08–10 (tank containers) will clarify the requirements and provide that railroad and highway vehicles equipped with tanks containing explosives or other dangerous articles or substances must be specifically permitted by the tables in this part in order to be transported on board passenger ferry vessels. The amendment to 46 CFR 146.10–50 (stowage of explosives or other dangerous articles or substances on board barges) is amended to provide for the carriage of radioactive materials by barges.

20. In order to clarify requirements regarding explosives, various changes are proposed. The amendment to 46 CFR 146.20–17 (stowage of explosives in holds containing coal) will specify that the authorization must be granted by the Commandant. The amendment to 46 CFR 146.20–35 (handling explosives) will cancel requirements regarding the use of power-operated equipment since this subject is now in a new section.

21. It is proposed to amend 46 CFR 146.22–25 (exemptions for inflammable solids and oxidizing materials) by adding a new item to the list of nonexempted materials. The amendment to 46 CFR 146.22–30 (authorization to load or discharge ammonium nitrate and ammonium nitrate fertilizers) will permit certain ammonium nitrate products to be shipped in multiwall paper bags and ICC approved plastic bags enclosed in metal barrels or drums under the same conditions which apply to drums containing loose material. The changes in 46 CFR 146.22–100 (table E) will provide shipping requirements for new items contained in ICC Change Order No. 51 and permit the use of new containers now authorized by the ICC.

22. The proposed changes in requirements covering compressed gases are intended to clarify shipping requirements. The amendment to 46 CFR 146.–24–100 (table G) provides for the transportation of liquified petroleum gas without designating the vapor pressures. The categories determined by the designated vapor pressures have been eliminated and one entry will be used. The container and filling requirements will be as determined by the ICC.

23. It is proposed to change the exemptions and stowage and handling requirements for radioactive materials in order that these requirements will be in line with the recommendations of the Federal Radiation Council. The changes in 46 CFR 146.25–25 (exemptions for radioactive materials) and 146.25–35 (stowage and handling of radioactive materials on board vessels) will establish limitations regarding exposures and will specify stowage requirements in terms of distance rather than by radiation intensities. The maximum permissible dose for a 7-day period is revised downward from 300 milliroentgens to 100 milliroentgens of gamma radiation or equivalent. This reduction is in line with the current Atomic Energy Commission limitation.

24. It is proposed to amend 46 CFR 146.26–5 (application of regulations governing combustible liquids) to make a specific reference to proposed new regulations in 46 CFR Part 98 (Cargo and Miscellaneous Vessels) which apply to the transportation of combustible liquids in portable cargo tanks.

25. It is proposed to amend 46 CFR 146.27–100 (table K) to require that the shipping papers for empty cylinders shall bear a statement of identification of the most recent lading to permit ready identification of the residue in the event of a cylinder failure.

26. It is proposed to amend 46 CFR 147.05–100 (table S) to require that only slow burning cellulose acetate film be used as ships' stores and supplies.

27. The authority for dangerous cargo regulations is in R.S. 4405, as amended, 4462, as amended, and 4472, as amended (46 U.S.C. 375, 416, 170). These regulations also interpret or apply sec. 3, 68 Stat. 675 (50 U.S.C. 198); E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.

ITEM III—VESSEL OPERATIONS AND INSPECTIONS

IMMEDIATE REPORTING OF SPILLAGES, ETC., OF DANGEROUS MATERIALS OR LIQUIDS

28. The Coast Guard is assigned responsibility concerning the promotion of safety of life and property, including the protection of naval vessels, harbors, piers, and waters of the United States (see 14 U.S.C. 2, 88, 91; 50 U.S.C. 191; and Executive Order 10173, as amended). One responsibility arises in the inadvertent or accidental spillage of hazardous or dangerous materials, including combustible or inflammable liquids, which may create conditions endangering the vessel from which the spillage occurred, other vessels, or port facilities. The "SS Amoco Virginia" casualty, which occurred at Houston, Tex., on November 8, 1959, pointed up the need for the earliest possible notification of accidental spillage of any commodity which might create a hazard to safety. In this case, an early notification might have permitted measures, such as closing the channel, that would have prevented the ignition of the inflammable and combustible liquid on the water and the subsequent spreading of the fire to the "Amoco Virginia," two barges and dock facilities. This casualty resulted in the loss of 8 lives, injuries to 18 persons, and damage in excess of $2,000,000.

29. It is proposed to add new regulations designated 46 CFR 35.15–7, 38.15–7, 39.15–7, 78.07–17, 97.07–17, 98.01–3, 136.04–1, and 146.02–35 as well as a similar requirement in 33 CFR 126.34 which are designed to provide immediate reporting of spillage, leakage, or discharge into the navigable waters of the United States of hazardous or dangerous material, including inflammable or combustible liquids, in any amount. Immediate reporting to the Coast Guard by the most expeditious means will permit early action to prevent or minimize damage or injury to vessels, harbors, or waters of the United States. The regulations in 46 CFR Chapter I, will apply to inspected vessels or vessels carrying regulated cargoes while the regulations in 33 CFR 126.34 will apply to all vessels (including foreign vessels and uninspected vessels), as well as to all piers, wharves, or waterfront facilities.

30. The authority to prescribe regulations requiring the immediate reporting of spillages, leakage, or discharge into the navigable waters of the United States of hazardous or dangerous materials, including inflammable or combustible liquids, is in R.S. 4405, as amended, and 4462, as amended, sec. 633, 63 Stat. 545; 46 U.S.C. 375, 416, 14 U.S.C. 633. Interpret or apply R.S. 4417a, as amended, 4450, as amended, 4472, as amended, sec. 1, 40 Stat. 220, as amended; 46 U.S.C. 391a, 239, 170, 50 U.S.C. 191; E.O. 10173, 15 F.R. 7005, 3 CFR, 1950 Supp., E.O. 10277, 16 F.R. 7537, 3 CFR, 1951 Supp. E.O. 10352, 17 F.R. 4607, 3 CFR, 1952 Supp.

MARINE CASUALTY INVESTIGATIONS

31. It is proposed to delete 46 CFR 136.07–40 and 136.07–42 which will remove from the regulations the present requirements for casualty investigations to be conducted jointly under the Marine Investigation Regulations in 46 CFR Part 136 and the Coast Guard Supplement, Uniform Code of Military Justice, whenever a Coast Guard vessel is involved in collision with a private vessel or whenever a marine casualty occurs within the scope of Coast Guard rescue operations and involves loss of life. The requirements of the regulations under the two procedures are not compatible and the deletion of 46 CFR 136.07–40 and 136.07–42 will serve merely to separate those functions. One of the principal purposes of an investigation under the Coast Guard Supplement, Uniform Code of Military Justice, is to inquire into and evaluate the effectiveness of existing operations, administrative and training procedures, and recommend ways and means for improvement. Frequently this necessitates collateral inquiries not bearing on the casualty itself, Coast Guard witnesses will continue to be made available in all investigations of marine casualties involving Coast Guard and private vessels as heretofore. This change will in no way modify the determinations required to be made by the investigative body as set forth in 46 CFR 136.07–1.

32. The authority to prescribe regulations for marine investigations is under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. These regulations also interpret or apply R.S. 4450, as amended, secs. 1 and 2, 49 Stat. 1544, 1545, as amended, sec. 3, 70 Stat. 142, sec. 3, 68 Stat. 675; 46 U.S.C. 239, 367, 390b, 50 U.S.C. 198.

PREVENTION OF OIL POLLUTION

33. After the approval on August 30, 1961, of the Oil Pollution Act (Public Law 87–167) the United States Government deposited its ratification of the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954. The proposed amendments to the Tank Vessel Regulations (CG–123), Marine Engineering Regulations (CG–115), Cargo and Miscellaneous Vessel Regulations (CG–257), and Nautical School Ships (CG–269), are intended to revise current requirements or add new requirements so that all vessels regardless of tonnage will be provided with means to prevent oil from being pumped overboard within prohibited zones in order to limit possibility for unintentional violations of the Oil Pollution Act of 1961 and the 1954 Convention, as well as the Oil Pollution Act of 1924. The change made to Subchapter D (tank vessels) by the addition of a regulation designated 46 CFR 32.50–17 will provide for the collection of tank washings in tanks of adequate capacity on tank ships. The changes made to Subchapter F (marine engineering) by the addition of new regulations designated 46 CFR 55.07–25 and 55.10–35 and the changes made to 46 CFR 55.10–25 and 55.10–40 provide for the prevention of oil draining to the bilge in ships subject to these regulations. The change made in Subchapter I (cargo and miscellaneous vessels) by the addition of new regulations designated 46 CFR 93.13–1 to 93.13–10 will provide for the disposition of oily water ballast from ships of this type. The change made to Subchapter R (nautical schools) by the addition of a new regulation designated 46 CFR 167.20–35 will provide for the disposition of oily water ballast from nautical school ships.

34. The authority to prescribe regulations with respect to prevention of oil pollution is in R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. These regulations also interpret or apply R.S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, 4433, as amended, 4488, as amended, 41 Stat. 305, as amended, secs. 1 and 2, 49 Stat. 1544, 1545, as amended, sec. 3, 68 Stat. 675, sec. 8, 75 Stat. 404; 46 U.S.C. 391, 391a, 392, 404, 411, 481, 363, 367, 50 U.S.C. 198, P.L. 87–167; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.

PORTABLE CONTAINERS FOR COMBUSTIBLE LIQUID CARGOES

35. Requests have been received from various shippers and carriers for the use of large portable containers for combustible liquid cargoes to be transported on dry cargo vessels. The combustible liquids may be loaded either from shore hose connections after the portable tanks are secured in place or the cargo tanks may be filled ashore and lifted on and off the cargo vessels in a loaded condition. Under the provisions in 46 CFR 30.01–5 (tank vessels), dry cargo vessels may be granted a permit to carry liquid quantities of Grade D or E combustible liquid cargoes in bulk. Accordingly, the bulk movement of these grades of liquids has been authorized on certain cargo vessels subject to the provision that the portion of the vessel used for the carriage of combustible liquid cargo meets the requirement of Subchapter D (tank vessels) in addition to the requirements of Subchapter I (cargo vessels). However, the applicable regulations in Subchapters D and I are general in nature and do not prescribe specific requirements for tank design, testing and installations. Additionally, the requirements of the Tank Vessel Regulations for a fixed fire extinguishing system for cargo tanks do not appear to be practicable for the portable tank installations. The problem created by the shipment of combustible liquids on cargo vessels cannot be resolved by the application of the Dangerous Cargo Regulations since combustible liquids are not considered as regulated commodities on dry cargo vessels and therefore do not fall under the purview of such regulations.

36. As a guideline in establishing standards for portable containers, it was necessary to interpret the meaning of the phrase "drums, barrels, or other packages" as used in the Tanker Act and the Dangerous Cargo Act, as well as the phrase "combustible liquid cargo in bulk" as used in these acts. These interpretative rulings were published in the FEDERAL REGISTER of October 25, 1961 (26 F.R. 9997 and 9998), and designated 46 CFR 30.–01–20, 90.05–30 and 146.02–30. These interpretations read as follows:

a. The phrase "drums, barrels, or other packages" as used in the Tanker Act (R.S. 4417a, as amended, 46 U.S.C. 391a), and the Dangerous Cargo Act (R.S. 4472, as amended, 46 U.S.C. 170), is interpreted to include portable containers having a maximum capacity of 110 U.S. gallons, which are actually loaded and discharged from vessels with their contents intact.

b. The phrase "combustible liquid cargo in bulk" as used in the Tanker Act (R.S. 4417a, as amended, 46 U.S.C. 391a), and the Dangerous Cargo Act (R.S. 4472, as amended, 46 U.S.C. 170), is interpreted to include portable containers of a capacity of more than 110 U.S. gallons, whether or not such containers are actually loaded and discharged from vessels with their contents intact.

37. As there appeared to be a need for regulations to prescribe requirements for the design, construction, handling and stowage of large portable tanks to be used to transport combustible liquids on cargo vessels, the Coast Guard requested the American Merchant Marine Institute to help formulate such regulations. As a result, a Portable Cargo Tank Committee, formed under the sponsorship of the American Merchant Marine Institute, developed standards for such portable cargo tanks. The proposed amendments designated 46 CFR 98.30–1 to 98.30–45, inclusive, have been developed on the basis of the standards proposed by the American Merchant Marine Institute Portable Cargo Tank Committee. Cross-reference to the new regulations will be added to Subchapter D (tank vessels) and Subchapter N (dangerous cargo), which are designated 46 CFR 30.01–5 and 146.26–5 (see Item II).

38. The authority for regulations regarding portable containers for combustible liquid cargoes is in R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. These regulations also interpret or apply R.S. 4417a, as amended, 4472, as amended; 46 U.S.C. 391a, 170.

INSPECTION OF FOREIGN VESSELS OF UNUSUAL DESIGN OR CONSTRUCTION

39. Because of the continued rapid advance in engineering techniques and applications, it has been evident, for the past several years, that new developments involving hazards not envisaged by international regulations or by existing shipbuilding design or construction standards, need to be given special consideration. In order to do this it is proposed to require the inspection of foreign vessels of unusual design or construction and involving potential unusual operating risks. The degree of inspection will be such as to provide that the risks of U.S. life and property when such vessels are in U.S. ports is not

greater than that which exists with vessels of more usual type. The potential need for the application of this principle is recognized by the provision of the 1960 Safety of Life at Sea Convention relative to nuclear ships which leave to each country the authority for accepting or rejecting the entry of such ships into their home waters. The proposed amendments or regulations designated 46 CFR 2.01–10, 2.01–13, 30.01–5, 70.05–3, 90.05–1, and 146.02–2(i) are considered necessary to provide for necessary inspection of foreign vessels of unusual design or construction and involving potential unusual operating risks.

40. The authority for the regulations regarding inspection of foreign vessels of unusual design or construction is in R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. These regulations also interpret or apply R.S. 4417a, as amended, 4472, as amended, sec. 1, 40 Stat. 220, as amended; 46 U.S.C. 391a, 170, 50 U.S.C. 191; E.O. 10173, 15 F.R. 7005, 3 CFR, 1950 Supp., E.O. 10277, 16 F.R. 7537, 3 CFR, 1951 Supp., E.O. 10352, 17 F.R. 4607, 3 CFR, 1952 Supp.

VESSEL PLAN APPROVAL; VENTILATION AND HULL OPENING CLOSURES

41. The proposed revisions to 46 CFR Part 72 (construction and arrangement) are needed to clarify the requirements for ventilation and hull opening closures. The location of the means of operating the closures is required to be outside the space served by the system. This is a clarification of presently accepted practice. An editorial change for 46 CFR 72.10–5 includes passenger vessels carrying more than 150 passengers, a change made necessary by a recently published change to this Subchapter H (passenger vessels). These proposals are also in agreement with the action taken by the 1960 International Conference on Safety of Life at Sea. 46 CFR Part 71 (inspection and certification) is amended to include the field offices of Merchant Marine Technical Division, Coast Guard Headquarters, as authorized plan approval offices of the Commandant (MMT). This merely confirms present practice. 46 CFR Part 78 (operations) is amended to require that the location of ventilation fan shutdowns be shown on vessel's fire safety drawings. Since the shutdowns are part of the fire protection installation it is felt that their location on this drawing is needed for completeness. This change would also agree with the action taken in the 1960 International Conference on Safety of Life at Sea.

42. With respect to plan approval it is proposed to revise 46 CFR 71.65–15 and 71.65–20 to clarify requirements. Four copies of plans will be required. It is proposed to cancel 46 CFR 72.03–20 regarding segregation of spaces containing the emergency source of electrical power in order that requirements will be compatible with 46 CFR 72.05–5 and 72.05–10. The proposed amendment to 46 CFR 72.05–50 deals with ventilation systems and means for shutting them off. The proposed amendments to 46 CFR 72.10–5 and 72.10–25 are to clarify requirements regarding means of escape. It is proposed to amend 46 CFR 72.15–15, regarding ventilation, for closed spaces to provide for control of ventilating systems. The proposed amendment to 46 CFR 78.45–1, regarding display of plans, will require that plans required to be displayed on vessels shall show the locations of the remote means provided for stopping the fans.

43. It is proposed to add a new paragraph to 46 CFR 91.55–5 which will require submittal of general arrangement plans showing the arrangement or locations of the firefighting and fire-protection features of the vessel. This is standard practice on many new vessels and is considered necessary for ready reference to new crew members. The proposed change will agree with action taken by the 1960 International Conference on Safety of Life at Sea. A change to 46 CFR Part 97 (operations) would require posting of these plans. 46 CFR Part 91 (inspection and certification) is amended to include the field offices of Merchant Marine Technical Division, Coast Guard Headquarters, as authorized plan approval offices of the Commandant (MMT). This merely confirms present practice. A requirement for submitting four copies of each plan has been included as an amendment to 46 CFR 91.55–20. Four copies will be required when plan action is handled by a field office. It is proposed to amend 46 CFR Part 92 to require that means be provided for stopping ventilation fans and closing off all openings into the interior of the vessel. This is a clarification of presently accepted practice and agrees with the action taken by the 1960 International Conference on Safety of Life at Sea.

44. The proposed amendment to 46 CFR 91.55–5 deals with plan approval for structural fire protection required for cargo vessels of 4,000 gross tons and upward. The proposed amendment to 46 CFR 91.55–15 and 91.55–20 clarify requirements for submittal of plans to field technical offices. The proposed amendment to 46 CFR 92.15–10 deals with control of ventilation systems for closed spaces. The proposed regulation designated 46 CFR 97.36–1 will require posting of fire control plans on all self-propelled vessels and all barges with sleeping accommodations for more than 6 persons.

45. The authority for these regulations is in R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. These regulations also interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1 and 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, and sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 489, 363, 85a, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

DRYDOCKING OR HAULING OUT VESSELS; AUTHORIZING ADMINISTRATIVE EXTENSIONS OF TIME

46. It is proposed to provide authority for the Commandant to permit extension of drydocking intervals under certain conditions by amendments to 46 CFR 31.10–20, 71.50–1, 91.40–1 and 176.15–1.

47. The authority to prescribe regulations regarding drydocking of vessels is in R.S. 4405, as amended, 4462, as amended, 4488, as amended; 46 U.S.C. 375, 416, 481. These regulations also interpret or apply R.S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, secs. 1 and 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, and sec. 3, 68 Stat. 675; 46 U.S.C. 391, 391a, 392, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

GAS FREEING, INSPECTION AND TESTING REQUIRED WHEN MAKING ALTERATIONS, REPAIRS, ETC., INVOLVING HOT WORK

48. The regulation changes and additions proposed under this item will revise 46 CFR 35.01–1, 71.60–1 and 91.50–1. These changes are the result of study into casualties resulting in loss of life and involving inadequate or improper practices and procedures of gas freeing and related tests and inspections, including the maintenance of a safe condition throughout the operation, and other casualties where preservative coatings were applied to surfaces. These proposals are believed to be sufficiently broad to permit compliance with the existing organization and operating procedure of practically all shipyards and repair facilities. They are considered to be timely because of the increasing use of preservative coatings. These proposals were on the agenda of the Public Hearing of the Merchant Marine Council which was held on March 24, 1961. At that time requests were received for further time to study these proposals and this was granted. Notice was published in the FEDERAL REGISTER of September 30, 1961 (26 F.R. 9254), that these proposals were being studied further and that the revised proposals would be placed on the 1962 Merchant Marine Council Public Hearing Agenda.

49. The authority to prescribe regulations regarding gas freeing, inspection and testing of holds, etc., in which hot work will be performed, is in R.S. 4405, as amended, 4462, as amended, and 4488, as amended; 46 U.S.C. 375, 416, 481. These regulations also interpret or apply R.S. 4417, as amended, 4417a, as amended, 4418, as amended, secs. 1 and 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 391a, 392, 367, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

INSPECTION AND CERTIFICATION OF SEAGOING BARGES

50. The regulations in 46 CFR 90.05–25 (cargo and miscellaneous vessels) by its present wording which defines a "seagoing barge of 100 gross tons or over," makes the design or construction of such barge a governing factor in determining whether it is subject to inspection and certification as a seagoing barge. This resulted in barges that do in fact navigate the high seas, although not designed to do so, being exempt from inspection insofar as the regulations have been concerned, as long as they returned to the port of departure from the high seas and did not touch at any other port. This situation applies particularly to scows and barges which carry debris, etc., beyond inland waters to the high seas for dumping and then return to port. Accordingly, it is proposed to amend 46 CFR 90.05–25 to do away with present inconsistencies regarding inspection of seagoing barges and more accurately reflect the intent of Congress as expressed in the Act of May 28, 1908, as amended by the Act of June 4, 1956 (46 U.S.C. 395(b)) and to place in 46 CFR 90.10–36 a definition of "seagoing barge." It is recommended that the proposed 46 CFR 90.10–36 will become effective on publication in the FEDERAL REGISTER and that the other proposed changes will become effective January 1, 1964. The effect of this amendment will be that all non-self-propelled vessels of 100 gross tons and over that in fact navigate the high seas or ocean will now be subject to inspection and certification, regardless of whether or not designed for service on the high seas and whether or not another port is visited. In addition, an amendment to 46 CFR 91.01–10 (certificate of inspection) is proposed in order to provide in these regulations for a limited certificate of inspection for certain non-self-propelled vessels of 100 gross tons and over proceeding on the high seas or ocean for the sole purpose of changing place of employment or making rare or infrequent voyages on the high seas or ocean and returning to the port of departure.

51. The authority to prescribe regulations regarding inspection and certification of seagoing barges is in R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. These regulations also interpret or apply sec. 10, 38 Stat. 428, as amended; 46 U.S.C. 395.

INSPECTION AND CERTIFICATION OF MANNED SEAGOING BARGES

52. At the 1961 Coast Guard Western Area Conference on COTPMMS matters the subject of seagoing barges, which in fact are over 100 gross tons in size in terms of Custom measurement standards when considered without ballast exemption, was discussed. It was recommended to the Commandant that a regulation be promulgated so that an administrative determination could be made by the Commandant that such barges be made subject to all the various inspection regulations applicable to "seagoing barges of more than 100 gross tons." Therefore, it is proposed to amend 46 CFR 90.05–25 to enable the Commandant to make a determination that a seagoing barge which is manned is 100 gross tons or over, and therefore subject to inspection, when the gross register tonnage is not a valid criterion of the size of the seagoing barge.

53. The authority to prescribe regulations regarding inspection and certification of manned seagoing barges is in R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. These regulations also interpret or apply sec. 10, 38 Stat. 428, as amended; 46 U.S.C. 395.

OXYGEN-TYPE BREATHING APPARATUS

54. Present regulations require one unit of self-contained breathing apparatus to be stowed at each end of a liquid chlorine barge. Should a casualty occur or a leak develop, it may not be possible to reach either. The likelihood of such an incident is greater during the critical period of filling or discharging. To assure ready availability of a breathing apparatus during this critical period, the proposed amendment to 46 CFR 98.20–70 will permit self-contained air-type as well as self-contained oxygen-type breathing apparatus to be carried. It will also require equipment that can be started and operated in the temperatures encountered, and to require at least one member of the operating party to have a self-contained breathing apparatus on his person during filling or discharge operations.

55. Present regulations in 46 CFR Part 98 require one ammonia gas mask to be stowed at each end of an anhydrous ammonia barge. Should a casualty occur or a leak develop, it may not be possible to reach either gas mask. The likelihood of such an incident is greatest during the critical period of filling or discharging. To assure ready availability of an ammonia gas mask during this critical period, the proposed amendment to 46 CFR 98.25–90 will require at least one member of the operating party to have an ammonia gas mask on his person during filling.

56. The authority to prescribe regulations regarding breathing apparatus on liquid chlorine and anhydrous ammonia barges is in R.S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U.S.C. 375, 416, 170. These regulations also interpret or apply sec. 3, 68 Stat. 675, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

AUTOMATIC LIFT TOILET SEATS

57. It is no longer considered necessary to require that toilet seats shall be so constructed as to remain in an upright position when not in use. Therefore, it is proposed to delete this requirement from 46 CFR 32.40–1(d), 72.20–25(e), 72.20–90(d), 92.20–25(e), and 92.20–90(d).

58. The authority to prescribe regulations regarding accommodations is in R.S. 4405, as amended, 4417a, as amended, and 4462, as amended; 46 U.S.C. 375, 391a, 416.

ITEM IV—LIFESAVING AND FIRE PROTECTION

PAINTING OF LIFEBOAT INTERIORS

59. Effective January 1, 1961, the regulations required that the interiors of certain lifeboats be painted or colored international orange while the control handles for mechanical disengaging apparatus when used are required to be painted or colored red. This color scheme of international orange for lifeboat interiors and red for the mechanical disengaging gear control lever does not provide a satisfactory color contrast. Therefore, it is proposed to amend 46 CFR 33.25–5 (tank vessels), 78.47–60 (passenger vessels), 97.37–37 (cargo and miscellaneous vessels), 160.035–2 (lifeboat specification), and 167.37–25 (nautical school ships), when a mechanical disengaging apparatus is installed in a lifeboat, that a small area of the lifeboat interior, in way of the red mechanical disengaging gear control lever, shall be painted or otherwise colored white in lieu of the international orange, so as to provide a contrasting background for the red control handle. In addition, it is proposed to amend 46 CFR 33.25–5 (tank vessels) and 167.35–25 (nautical school ships), to require that an appropriate danger sign be on the control handles for mechanical disengaging apparatus when used. These proposals will be applicable to both existing lifeboat installations using mechanical disengaging apparatus and new installations, and when adopted will be in effect on and after 90 days after these regulations are published in the FEDERAL REGISTER.

60. The authority to prescribe regulations regarding lifeboats is in R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. These regulations also interpret or apply R.S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 481, 489, 367, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

DISTRESS SIGNALS ON PASSENGER VESSELS UNDER 100 GROSS TONS

61. Passenger vessels not exceeding 65 feet in length, operating in coastwise service, are required to provide 6 hand-held red flare distress and 6 hand-held orange smoke distress signals or 12 hand combination flare and smoke distress signals (46 CFR 180.35–5). Those passenger vessels over 65 feet in length and under 100 gross tons, operating in coastwise service, are required to provide 12 hand-held, rocket-propelled, parachute red flare distress signals (46 CFR 75.90–5). This proposal will amend 46 CFR 75.90–5 to permit the use of the same pyrotechnic signals on passenger vessels over 65 feet in length and under 100 gross tons, operating in coastwise service, as permitted on passenger vessels not exceeding 65 feet in length and subject to 46 CFR 180.35–5. At present these vessels have a temporary authorization permitting this substitution. While this proposal is a relaxation so far as expense is concerned, it is not considered a relaxation in safety standards. The hand-held red flare distress and hand-held orange smoke distress signals are considered sufficient and satisfactory for these passenger vessels when operating in the coastwise service.

62. The authority to prescribe regulations for distress signals on passenger vessels under 100 gross tons and over 65 feet in length is in R.S. 4405, as amended, 4462, as amended, 4488, as amended; 46 U.S.C. 375, 416, 481. These regulations also interpret or apply R.S. 4426, as amended, 4491, as amended, sec. 3, 54

Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 404, 489, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

SPECIFICATION FOR UNICELLULAR PLASTIC RING LIFE BUOY

63. It is proposed to revise the specification subpart 46 CFR 160.050 for the unicellular plastic ring life buoy in its entirety and to bring it up to date. The proposed amendments to 46 CFR 160.050–1 to 160.050–5, inclusive, will delete the use of nonsynthetic rigging materials (due to poor performance in the field) and permit the substitution of synthetic materials for rigging, will amplify the existing regulations as to production sampling and testing procedures, and will make editorial or other minor changes to bring the specification requirements up to date.

64. The authority to prescribe regulations regarding life buoys is in R.S. 4405, as amended, 4462, as amended, 4488, as amended; 46 U.S.C. 375, 416, 481. These regulations also interpret or apply R.S. 4417a, as amended, 4426, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, secs. 6, 17, 54 Stat. 164, as amended, 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 489, 367, 526e, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

SPECIFICATIONS FOR DISTRESS SIGNALS

65. With respect to the distress signal specifications which manufacturers of such approved equipment must follow, it is proposed to require the manufacturers of such signals to pay the costs of preapproval testing of distress signals. To accomplish this it is proposed to amend 46 CFR 160.021–7, 160.022–6, 160.023–7, 160.024–7, 160.036–7, and 160.037–7, which describe procedures for approval, to include a requirement for the manufacturer to pay the costs of preapproval testing distress signals submitted. It has been found that certain signal pistols and cartridges containing parachute red flare distress signals have not operated satisfactorily when the pistols and cartridges were manufactured by different companies. If replacement cartridges containing parachute red flare distress signals must be from the manufacturer of the signal pistol carried on board the vessel in order to assure satisfactory operation of such signal equipment, it is felt that this condition defeats the purpose for requiring such equipment and places an undue burden on the vessel operators and inspectors to have to check for such details. On reviewing the specification requirements for such equipment it was found that existing regulations do not provide construction limits which will assure interchangeability of pistols and cartridges. Therefore, it is proposed to amend 46 CFR 160.024–3 and 160.028–3 by appropriately defining construction limits. With respect to the equipment for the shoulder gun-type line-throwing appliance, it is proposed to amend the specification requirements in 46 CFR 160.031–4 to require that the service lines shall be of woven or braided nylon in lieu of linen or cotton, and each line shall be 600 feet long with a breaking strength of not less than 140 pounds.

66. The authority to prescribe regulations regarding distress signals is in R.S. 4405, as amended, 4462, as amended, 4488, as amended; 46 U.S.C. 375, 416, 481. These regulations also interpret or apply R.S. 4417a, as amended, 4426, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 489, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

FIRE PROTECTION EQUIPMENT

67. It is proposed to add requirements to 46 CFR 25.30–10 (uninspected vessels), 75.50–10 (passenger vessels), 95.50–10 (cargo and miscellaneous vessels), and 181.30–10 (small passenger vessels) making it mandatory that nonfreezing type extinguishers be used in locations where freezing temperatures are expected. It is proposed to amend 46 CFR 76.15–5 (passenger vessels), 95.15–5 (cargo and miscellaneous vessels), and 181.20–20 (small passenger vessels) to increase the maximum quantity of carbon dioxide required from "200 pounds" to "225 pounds" where the system has a minimum nominal pipe size of 3¼ inch. This proposal regarding carbon dioxide will bring Coast Guard requirements into agreement with the recommendations of the National Fire Protection Association as set forth in their pamphlet No. 12.

68. The authority to prescribe regulations regarding fire protection equipment is in R.S. 4405, as amended, 4462, as amended, 4488, as amended; 46 U.S.C. 375, 416, 481. These regulations also interpret or apply R.S. 4426, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347 as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 404, 489, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

PORTABLE FIRE EXTINGUISHERS

69. It is proposed to revise the regulations governing portable fire extinguishers to clarify and bring up to date the requirements for their inspection, marking, materials, and design features. The proposals also provide for new models of extinguishers found to be satisfactory for marine use.

70. For extinguishers which utilize a disposable nonrefillable container to store both the extinguishing agent and expellant pressure and not fitted with a pressure gage, the proposals include requirements regarding markings, maintenance, descriptions of checks which may be used to determine if the extinguishers needs to be reweighed or if disposable container needs to be replaced, and inspections. For such extinguishers it is proposed to also require the manufacturers to state where their reweighing to the manufacturer's standards once in each six months can be done. To accomplish this it is proposed to amend 46 CFR 71.25–20 (passenger vessels), 91.25–20 (cargo and miscellaneous vessels), and 176.25–25 (small passenger vessels) to provide inspection procedures for portable extinguishers of the dry chemical disposable container type and not fitted with a pressure gage. The amendments proposed to 46 CFR 162.028–3 (material specifications for extinguishers) will require the additional information and instruction markings required on stored pressure chemical extinguishers having disposable nonrefillable containers without pressure gages, as well as the nameplate markings required on replacement containers.

71. It is proposed to discontinue the permissibility of thinly applied platings of corrosion-resistant materials, such as cadmium, nickel, or chrome, for the protection of exposed ferrous parts of extinguishers by deleting this permission from 46 CFR 160.028–3 (material specifications for portable fire extinguishers). This proposal is based on 1 year exposure tests which showed that such thinly applied coatings do not provide suitable protection from corrosion.

72. It is proposed to cancel and remove from 46 CFR 162.028–3 the requirement that carbon dioxide-type extinguishers have a list of authorized recharge agents attached. This proposal is made because such lists are no longer considered to be necessary. Suitable recharging services for carbon dioxide extinguishers are now widely available, and may be easily located by consulting the yellow pages of a telephone directory of a large town or city.

73. It is proposed to cancel and remove from 46 CFR 162.028–3 the requirement that foam type extinguishers be fitted with a safety relief device. This proposal is based on the fact that currently the foam recharges available on the commercial market are sufficiently standardized so that excessive pressures will not occur if the wrong recharge should be placed and used in a foam-type extinguisher. This requirement for a safety relief device was originally based on the problem that there were rather wide differences in foam extinguisher design and construction which resulted in wide differences in the formulation and composition of the charges used.

74. The authority to prescribe regulations regarding portable fire extinguishers is in R.S. 4405, as amended, 4462, as amended, 4488, as amended; 46 U.S.C. 375, 416, 481. These regulations also interpret or apply R.S. 4417a, as amended, 4426, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, secs. 8, 17, 54 Stat. 165, as amended, 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 489, 367, 526g, 526p, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

ITEM V—TANK VESSELS

VENTING OF COFFERDAMS

75. It is proposed to clarify 46 CFR 32.55–45 by specifically providing that voids adjacent to cargo tanks shall be fitted with vents. This section is a source of controversy between the Coast Guard and the tank barge design agents. The designers contend that rake compartments and voids are not cofferdams, neither as defined by 46 CFR 30.10–13, nor in nautical dictionaries. Under their interpretation, flame screens are not required on rake or void vents. The Coast Guard follows the policy that while rake compartments and voids are not literally defined as cofferdams, they serve the same purpose and for all practical application are cofferdams and their vents will require flame screens. While this proposal appears to be retroactive in effect, it is felt that in fact it will not be because it expresses in words the present practice followed by the Coast Guard.

FIRE RETARDANT CONSTRUCTION

76. It is proposed to clarify the intent of the present regulations and to set forth a minimum standard of structural fire protection for new tank vessels in new regulations designated 46 CFR 32.57–1 to 32.57–10, inclusive, and by amendments to 46 CFR 32.60–1 and 32.60–25. For the greater part, these requirements are in general agreement with present practice, being an amplification of the information contained in Navigation and Vessel Inspection Circular No. 9–56. In addition, as one of the most important features of fire control is the elimination of drafts and flue effects, it is proposed to require means for closing off stairway openings. The regulations are to be further amended to prohibit the use of nitrocellulose-type motion picture film by a new proposal designated 46 CFR 35.30–40. Inasmuch as many of these proposals are also in general agreement with the 1960 Safety of Life at Sea Convention, little additional modification to these regulations will be required when the convention is ratified.

PUMP ROOM VENTILATION

77. The Committee on Tank Vessels of the American Petroleum Institute recommended a proposal regarding pump room ventilation. This proposal designated 46 CFR 32.60–20 revises minimum requirements for pump room ventilation on tank vessels, the construction or conversion of which is started on or after January 1, 1963. This proposal is the result of a lengthy study by an API Tanker Committee Group on Pump Room Ventilation. Certain other changes in 46 CFR 32.60–20 are proposed and they are primarily editorial in order to incorporate the proposal into the regulations.

EMERGENCY LIGHTING AND POWER SYSTEMS

78. The proposed changes designated 46 CFR 35.07–10(b)(8) and 35.10–15 will add new requirements pertaining to the testing of emergency lighting and power systems. This proposal will impose an additional operating requirement on the marine industry. The actual operation of the emergency installation and the recording of the facts pertaining to such operation will be required. Tank vessels are now required to have emergency lighting and power systems, but there are no requirements for testing of these systems. Periodic operation and inspection of machinery and equipment that is usually idle is considered to be good engineering practice. The master will be responsible for the operating and inspection of the emergency system and will be responsible for the logging of the facts pertaining to the test. This test and inspection may be done by the ship's crew or by shore personnel. In Chapter II, Reg. 26(a)(v) and 26(b)(iii), 1960 Safety of Life at Sea Convention, it is required that provision be made for the periodic testing of the complete emergency installation.

FREEBOARD FOR TANKERS ABOVE 600 FEET IN LENGTH

79. It is proposed to amend 46 CFR 43.30–70 (load lines) to revise the basic minimum freeboard for tank vessels above 600 feet in length to permit the maximum drafts consistent with the Load Line Convention obligations and with safety requirements. Rule CVI of Annex I to the International Load Line Convention, 1930, gives the basic freeboards for tankers up to and including 600 feet in length and provides that "* * * ships above 600 feet are to be dealt with by the Administration." It thus leaves to each contracting government discretion to adopt a consistent and suitable extension of values for vessels above 600 feet in length. The lesser freeboards now proposed are considered to be substantiated by recent experience with large tankers, as well as by the wartime experience with ordinary size tankers operating at freeboard less than those permitted by Rule CVI. While they do not represent as great a reduction as that advocated by the U.S. Committee on Load Lines, they are considered to represent the maximum reductions in freeboard which are possible prior to modification of the present Load Line Convention. These proposed freeboards fair between the present value for a length of 600 feet to a curve agreed upon by the classification societies, at their 1959 meeting, at a length of about 800 feet, and are thence upwards in agreement with the values recommended by the classification societies. They are essentially in agreement with revised values which have already been adopted by the Japanese Ministry of Transportation, and possibly, by other foreign governments.

The authority for prescribing regulations governing tank vessels is in R.S. 4405, as amended, 4417a, as amended, and 4462, as amended; 46 U.S.C. 375, 391a, 416. These regulations also interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; and E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp. The authority for prescribing regulations governing load line regulations for tank vessels is in sec. 2, 45 Stat. 1493, as amended, and sec. 2, 49 Stat. 888, as amended; 46 U.S.C. 85a, 88a.

ITEM VI—MARINE ENGINEERING

MATERIALS—MAXIMUM ALLOWABLE STRESSES, UNFIRED PRESSURE VESSELS, VALVES, FITTINGS, WELDING, AND STRESS RELIEVING

81. It is proposed to amend or add requirements to 46 CFR 51.01–10, 51.01–30, 51.04–1, 51.13–1, 51.22–1, 51.23–1, 51.24–1, 51.25–1, 51.34–1, 51.46–1, 51.49–1, 51.58–1 and 51.90–1, together with associated changes amending 46 CFR 52.05–10, 54.03–1, 55.07–10, 55.07–15, 56.01–70, and 56.05–5, so that Marine Engineering Regulations will be in substantial agreement with the latest editions of the American Society of Mechanical Engineers' (ASME) Boiler and Unfired Pressure Codes for ferrous materials and plastic pipe, and the American Society of Testing Materials' (ASTM) material standards. The proposed revisions to 46 CFR Part 1 (materials), and the associated changes to 46 CFR Parts 52 (construction), 54 (unfired pressure vessels), 55 (piping systems and appurtenances), and 56 (arc welding, gas welding, and brazing), which make reference to material requirements, include the currently accepted material specifications approved by ASTM and ASME. These specifications have been added to permit wider usage of these approved standards for merchant marine application in the fabrication of boilers, unfired pressure vessels and piping. New material standards include plate, forgings, castings, and pipe of carbon and alloy steel grades and of corrosion resistant properties, as well as materials for low temperature application. Additional allowable stresses meeting ASME Code requirements have been incorporated in 46 CFR Part 52 (construction) to cover the new material. In general, these proposals are considered to be relaxations as they permit the marine industry to use a greater variety of acceptable industrial material standards for merchant ships.

82. It is proposed to amend 46 CFR 52.05–15 (seamless pipe shells) in order to remove the limitation on unfired pressure vessels for seamless shells. The proposal amending 46 CFR 52.20–15 (detail requirements for dished heads) will make allowances in the design of hemispherical heads for their greater strength, when compared to dished heads of other forms. The proposed amendment to 46 CFR 55.07–1 (material) will permit the use of cast iron in liquid and gas services for use at 150 pounds as desired by industry. This constitutes a relaxation and is permitted in ASA B16. 1–60 noted in 46 CFR 55.07–15(e). It is also proposed to revise 46 CFR 55.–07–1 in order to provide for the preservation of watertight integrity of subdivision bulkheads when using plastic pipe. The proposed change to 46 CFR 55.07–10 (valves and fittings) will make these requirements applicable to butterfly and/or wafer type valves by providing a minimum design pressure leak tightness criteria. It is proposed to revise 46 CFR 55.10–25 (bilge and ballast piping) so that these requirements will be more reasonable and practical for vessels

above but near 65 feet in length and not over 150 gross tons in size. It is proposed to amend 46 CFR 55.10–30 (bilge pumps) so that the bilge pump capacity requirements for dry cargo and tank vessels less than 65 feet in length will be less severe than required under present regulations but equal to that now required for small passenger vessels operating over the same routes. It is proposed to amend 46 CFR 61.20–25 (boilers of foreign-built vessels) to clarify requirements by stating that Coast Guard approved safety valves will be required on boilers of foreign-built vessels when admitted to American registry. These valves are to be approved in accordance with 46 CFR Subpart 162.001 of Subchapter Q (Specifications).

USE OF FLEXIBLE HOSE

83. It is proposed to amend 46 CFR 55.07–1 (materials) and 55.17–25 (hydraulic hose and fittings) to carry out proposals recommended by industry. The proposed revisions to Part 55 (piping systems and appurtenances) will permit the use of flexible hose in cooling water systems to machinery fitted with duplicate piping systems, and will permit flexible hose to penetrate watertight bulkheads provided a metallic spool piece and remotely controlled valve are fitted at the bulkhead. Also, these proposed revisions would permit short lengths of flexible hose to be installed in fuel and lubricating lines at or near all machinery units where flexibility is required. In certain circumstances it will permit the use of larger lengths of flexible hose where required for proper operation of the system.

VENT OPENING CLOSURES

84. It is proposed to amend 46 CFR 55.10–60, 43.10–80, and 45.10–77 regarding vent closures. This proposal will clarify the phrase regarding "satisfactory means" to be provided for vent closures in both the Marine Engineering Regulations and the Load Line Regulations. This term "satisfactory means" as used in these regulations has been interpreted to require both a ball check valve and a cover. The intent of the regulation is to require only one device which will assure effective closure. The proposals to revise 46 CFR 55.10–60 in the Marine Engineering Regulations and 46 CFR 43.10–80 and 45.10–77 in the Load Line Regulations will bring into substantial agreement requirements regarding vent opening closures.

UNFIRED PRESSURE VESSELS; SHOP INSPECTIONS AND INSPECTIONS ON VESSELS

85. It is proposed to amend 46 CFR 54.01–1 and 61.25–20 to change the scope of application of Marine Engineering Regulations so as to include inspection of unfired pressure vessels when the Coast Guard conducts annual or biennial inspections. The unfired pressure vessels will be still exempt from shop inspections.

BOILER MOUNTINGS AND ATTACHMENTS

86. It is proposed to amend 46 CFR 61.20–20, regarding boiler mountings and attachments, to permit the Officer in Charge, Marine Inspection, to dispose with the required periodic removal of boiler mountings in those cases wherein a satisfactory examination of the mountings and their means of attachment can be made without removal. The wording of the present regulation requires that all boiler mountings be removed from the boiler after each 8 years of service for examination of the studs or bolts connecting them to the boiler and to permit examination of those parts of the valves, boiler mountings, and attachments which are not susceptible to examination by simply opening up the valves. There is no provision for any latitude on the part of the Officer in Charge, Marine Inspection, in those cases where periodic removal of boiler mountings may be unnecessary. In the case of older type boilers (scotch, fire tube, etc.) where boiler mountings are attached either directly to the boiler plates by studs and nuts, or bolts which are screwed directly into the boiler plate or into a reinforced pad attached directly to the boiler, the periodic removal of boiler mountings is considered essential. However, in the case of the more modern boilers, mountings are usually bolted to flanged nozzles which are welded directly to the boiler plates or headers. Where this method of attachment is used, the bolts or studs can usually be satisfactorily examined without removing the mountings from the boiler and an effective internal examination can usually be made by simply opening up the mountings.

87. The regulations with respect to marine engineering and material specifications are issued under R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. These regulations also interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4472, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 1544, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 404–409, 411, 412, 435, 170, 481, 489, 366, 363, 367, 526p, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp. The authority to prescribe load line regulations is in sec. 2, 45 Stat. 1493, as amended, and sec. 2, 49 Stat. 888, as amended; 46 U.S.C. 85a, 88a.

ITEM VII—ELECTRICAL ENGINEERING

88. The proposed changes to 46 CFR 110.10–1, 111.50–20, 111.60–10, and 111.65–45 are intended to bring these requirements up to date and into agreement with reference standards. In general, the proposed changes do not impose additional requirements on industry. In some cases the proposed changes will permit wider latitude by reducing the requirements governing particular installations.

89. The regulations with respect to electrical engineering are issued under R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. These regulations interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4433, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1 and 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 481, 489, 366, 395, 363, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.

ITEM VIII—UNINSPECTED VESSELS

MEASURING LENGTH OF MOTORBOATS

90. It is proposed to revise 46 CFR 24.10–17 by adding an interpretive ruling concerning the measurement of the length of motorboats. The present requirements state that the length of a motorboat "shall be measured from end to end over the deck excluding sheer." This regulation is subject to varying and sometimes conflicting interpretations in the case of motorboats of open construction, or which are partially decked over, or have more than one deck. The proposed interpretation will standardize the method of measurement, without regard to decks. It will provide for a straight line measurement from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline.

PORTABLE FIRE EXTINGUISHERS FOR ALL MOTORBOATS

91. It is proposed to amend 46 CFR 25.30–20 to require fire extinguishers on all motorboats, regardless of type of propulsion or construction. The basic change in the regulations will be to cancel the exemption regarding portable extinguishers for outboard motorboats of less than 26 feet in length, of open construction, and not carrying passengers for hire. If adopted, this means that for the 1962 boating season and in the future, all motorboats (regardless of construction or propulsion) will be required to carry portable fire extinguishers.

92. It is proposed to amend 46 CFR 25.40–1, regarding ventilation of fuel tank compartments, to require ventilation of bilges in outboard motorboats which have fuel tanks or containers in closed compartments in the hull. This proposal will require adequate ventilation of bilges and closed compartments within the hulls in outboard motorboats when fuel tanks and fuel containers are stowed or carried on board. Coast Guard statistical reports on boating accidents for the period from March 1959 to June 1961 show that 42 outboard motorboats experienced "fire or explosion of fuel" type casualties. A study of the individual reports indicates that the introduction of the "portable" tanks, pressure feed, plastic fuel lines, batteries and generators, has materially increased the hazards from fire and explosion in outboard motorboats. These potentially hazardous items were normally not carried in outboard motorboats prior to the introduction and accepted use of the detached fuel tank. Therefore, until recently there was no need for any ventilation requirements for fuel tank compartments in outboard motorboats as fuel tanks were integral with the motors and carried outside the hulls of the vessels.

93. The authority to prescribe regulations regarding uninspected vessels (motorboats) is in R.S. 4405, as amended, 4462, as amended, and secs. 8, 17, 54 Stat. 165, as amended, 166, as amended; 46 U.S.C. 375, 416, 526g, 526p.

ITEM IX—ARTIFICIAL ISLANDS AND FIXED STRUCTURES ON THE OUTER CONTINENTAL SHELF

94. It is proposed to amend 33 CFR 143.05–1, 143.05–5, and 143.05–10 regarding emergency means of escape from artificial islands and fixed structures. These proposals were initiated as a result of the recommendations by the Marine Board of Investigation which investigated an explosion and fire on the "Offshore Platform Timbalier Block 134–01," Gulf of Mexico, July 26, 1959, with loss of life. It was the opinion of the Board as a result of the casualty that present regulations regarding means of escape required clarification. The Board determined that in this casualty there was only one means of escape from the quarters level to the rig floor but that there were two fixed stairways from the rig floor to the surface of the water. Since the terminology of the oil industry describes the platform as the structure on which the drilling rig and equipment are placed, this platform had two means of escape. Therefore, the purpose of this proposal is to amend regulations so that two means of escape are required from each level to the surface of the water. These proposals were considered and endorsed by the National Offshore Operations Panel at its meeting on February 7, 1961, at Washington, D.C.

95. The authority to prescribe regulations regarding artificial islands and fixed structures is in sec. 633, 63 Stat. 545; 14 U.S.C. 633. These regulations interpret or apply sec. 4, 67 Stat. 462; 43 U.S.C. 1333.

Dated: January 12, 1962.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 62–731; Filed, Jan. 22, 1962; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 26]

GRAIN SORGHUM

Official Grain Standards of the United States; Notice of Proposed Rule Making

Correction

In F.R. Doc. 62–368 appearing at page 409 of the issue for Saturday, January 13, 1962, the table in § 26.553 is corrected by changing the second entry under the Percent column headed "Heat-damaged kernels" to read ".5".

[9 CFR Part 201]

REGULATIONS UNDER PACKERS AND STOCKYARDS ACT

Notice That Amendments to Registration and Bonding Regulations and Related Regulations Are Under Consideration

On September 28, 1961, there was published in the FEDERAL REGISTER (26 F.R. 9136), a notice that consideration was being given as to whether certain regulations under the Packers and Stockyards Act (9 CFR Part 201) should be amended or revised in view of the changes in current marketing conditions and the 1958 amendment to the Act which extended the scope of the Act in certain respects. The notification invited any interested persons who wished to do so to submit proposals with respect to changes in §§ 201.10 to 201.13, inclusive, concerning registrations, and §§ 201.29 to 201.34 inclusive, concerning market agency and dealer bonds (9 CFR 201.10–201.13, 201.29–201.34).

Recommendations which have been received from interested persons, if adopted, may require changes or revisions in regulations other than those specified in the notice of September 28, 1961. Specifically those regulations which may require changes are §§ 201.59, 201.60, 201.61, 201.66, 201.67, 201.68, 201.79, and 201.81, concerning certain trade practices and services of persons subject to the Act (9 CFR 201.59, 201.60, 201.61, 201.66, 201.67, 201.68, 201.79, and 201.81).

Any interested person who wishes to submit proposals and the reasons therefor, or comments with respect to these regulations may do so by filing them with the Director, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 30 days after publication hereof in the FEDERAL REGISTER. The time for filing proposals with respect to §§ 201.10–201.13 and 201.29–201.34 is hereby extended for the same period. Copies of the present regulations may be obtained on request from the Director. If it is decided after consideration of all proposals and comments received pursuant to this notice and consideration of all other relevant matters that the regulations should be amended a notice of proposed rule-making will be published in the FEDERAL REGISTER setting forth any specific proposed amendments. At that time all interested persons will have an opportunity to submit their views on such proposed amendments.

Done at Washington, D.C., this 17th day of January 1962.

CLARENCE H. GIRARD,
Director,
Packers and Stockyards Division.

[F.R. Doc. 62–707; Filed, Jan. 22, 1962; 8:46 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1064 [1]]

[Docket No. AO–23–A20 and AO–23–A22]

MILK IN GREATER KANSAS CITY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Correction

In F.R. Doc. 61–12366, appearing at page 12710 of the issue for Friday, December 29, 1961, the following words should be inserted immediately preceding the signature of James T. Ralph: "Signed at Washington, D.C., December 22, 1961.".

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 541]

EXECUTIVE, ADMINISTRATIVE AND PROFESSIONAL EXEMPTIONS

Notice of Proposed Rule Making

Section 13(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(1)), provides an exemption from the minimum wage and overtime requirements of the Act for any employee employed in a bona fide executive, administrative, or professional capacity. The Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor is authorized to define and delimit these terms. The regulations established pursuant to this authority are contained in 29 CFR Part 541. These regulations provide, among other things, that no person shall be considered a bona fide executive if he is paid less than $80 a week on a salary basis ($55 a week if employed in Puerto Rico or the Virgin Islands), and that no person shall be considered a bona fide administrative or professional employee if he is paid less than $95 a week on a salary or fee basis ($70 a week if employed in Puerto Rico or the Virgin Islands). These regulations also contain special provisions for such employees who are paid $125 a week or more. The widespread increases in wage and payroll levels which have taken place since these salary tests were established in February, 1959, indicates that consideration should be given to further changes of these rates.

Accordingly, notice is hereby given of proceedings to be held on Monday, March 26, 1962, at 10 o'clock a.m., in Conference Room B, Departmental Auditorium, Constitution Avenue, between 12th and 14th Streets NW., Washington, D.C., before Hearing Examiner, Clifford P. Grant, at which time interested persons may submit oral data, views, or arguments on the following question: What, if any, changes should be made in 29 CFR 541.1(f), 541.2(e), and 541.3(e) with respect to the level

[1] Formerly Part 913.

of the salaries or fees prerequisite to the exemption from the minimum wage and overtime requirements of the Act for executive, administrative, and professional employees who are engaged in commerce or in the production of goods for commerce? Similar proceedings on this question as it pertains to employees in Puerto Rico and the Virgin Islands will be held beginning April 9, 1962, at 10 o'clock a.m., on the seventh floor of the Condominio San Alberto Building, Santurce, Puerto Rico.

All persons wishing to be heard on the above question shall file with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D.C., not later than February 28, 1962, notice of intention to appear which shall contain the following information:

1. Name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the persons or organization he is representing.

3. Whether he is appearing in support of a change in the salary or fee levels and, if so, the nature of the change suggested.

4. The approximate length of time he will need for his presentation.

Written data, views, or arguments may be filed at the above address in lieu of personal appearances at any time prior to or at the oral proceedings.

In connection with the question presented above, interested persons are requested to submit prior to or at the oral proceedings the following kinds of data:

1. Salaries or fees currently paid to executive, administrative, and professional employees, including entrance and minimum salaries and fees and ranges of salary and fee rates.

2. Entrance salaries and fees paid to trainees and junior executive, administrative, and professional employees.

3. Wages, salaries and fees of other white collar workers, such as typists, stenographers, secretaries, clerks, accounting clerks, payroll clerks, bookkeepers, and accountants of various grades.

4. Changes in executive, administrative and professional salary and fee levels since 1958 and 1955.

5. Identification of the localities, type of communities, and industries for which data is presented.

The oral proceedings shall be stenographically reported. Transcripts will be made available to interested persons on such terms as the hearing examiner shall prescribe. The hearing examiner shall regulate the proceedings, dispose of procedural requests, objections, and related matters and confine the proceedings to matters pertinent to those hereinabove stated. He shall have discretion to keep the record open after the close of the hearing to permit any person who participated in the oral presentation to submit additional data, views, and arguments responsive to the oral presentations made by other persons. After the record has been closed, the hearing examiner shall certify it to me after which I will make any appropriate changes in 29 CFR Part 541.

Signed at Washington, D.C., this 17th day of January 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-698; Filed, Jan. 22, 1962; 8:46 a.m.]

[29 CFR Parts 602, 603, 657]

[Administrative Order No. 560]

REVIEW COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment; Convention; Notice of Hearings

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and paragraph (C) of proviso (1) of subsection 6(c) of the aforementioned Act, as amended by the Fair Labor Standards Amendments of 1961 (sec. 5(c), 75 Stat. 67), I hereby appoint Review Committee 3–A for the Fabric and Leather Glove Industry in Puerto Rico; Review Committee 3–B for the Leather, Leather Goods, and Related Products Industry in Puerto Rico; and Review Committee 4 for the Tobacco Industry in Puerto Rico to recommend the minimum rate or rates to be paid under paragraph (C) of proviso (1) of subsection 6(c) of the aforementioned Act in lieu of those provided under paragraph (A) of proviso (1) to employees in the designated industries.

The definitions of the industries for which review committees are appointed by this order are set forth below.

The Fabric and Leather Glove Industry in Puerto Rico (29 CFR Part 603) is defined as follows:

The manufacture of dress, semidress, and work gloves and mittens from woven or knit fabric, leather, or fabric or leather in combination with any other material: *Provided, however,* That the industry shall not include the manufacture of knit or crocheted gloves and mittens, sport and athletic gloves and mittens, or rubber gloves and mittens.

The Leather, Leather Goods, and Related Products Industry in Puerto Rico (29 CFR Part 602) is defined as follows:

The curing, tanning, or other processing of hides, skins, leather, or furs, and the manufacture of products therefrom; the manufacture from artificial leather, fabric, plastics, paper or paperboard, or similar materials of trunks, suitcases, brief cases, wallets, billfolds, coin purses, card cases, key cases, cigarette cases, watch straps, pouches, tie cases, toilet kits, checkbook covers, sport and athletic gloves and mittens, belts (except fabric belts), and like articles; and the manufacture of baseballs, softballs, footballs, and basketballs covered with leather, artificial leather, fabric, plastics, or similar materials: *Provided, however,* That the industry shall not include any product or activity included in the button, jewelry, and lapidary work industry in Puerto Rico (29 CFR Part 616), the chemical, petroleum, rubber, and related products industry in Puerto Rico (29 CFR Part 670), the needlework and fabricated textile products industry in Puerto Rico (29 CFR Part 612), the fabric and leather glove industry (29 CFR Part 603), or the shoe and related products industry (29 CFR Part 601).

The Tobacco Industry in Puerto Rico (29 CFR Part 657) is defined as follows:

The processing of leaf tobacco, including, but without limitation, the grading, fermenting, stemming, chopping, packing, storing, drying, and handling of tobacco; and the manufacture of cigarettes, cigars, cheroots, little cigars, snuff, chewing tobacco, and smoking tobacco.

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and the Fair Labor Standards Amendments of 1961 (sec. 5(c)(3), 75 Stat. 69), I hereby:

(1) Convene each of the above-appointed review committees;

(2) Refer to each of these review committees the question of the minimum rate or rates of wages to be fixed for the industry with which it is concerned;

(3) Give notice of the hearing to be held by each of them at the times and places indicated below. Each review committee shall investigate conditions in its industry, and each review committee, or any authorized subcommittee thereof, shall hear such witness and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the aforementioned Act. Each review committee shall recommend to the Administrator the highest minimum wage rates which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in its industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa.

Review Committee 3–A shall meet in executive session to commence its investigation at 10:00 a.m. on March 5, 1962, in the office of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, seventh floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, Puerto Rico, and shall commence its hearing at 2:00 p.m., on the same date at the same place. Following the hearing of Review Committee 3–A, Review Committee 3–B shall meet at the aforementioned office of the Wage and Hour and Public Contracts Divisions at an hour designated by its chairman to conduct its investigation and hold its hearing. Review Committee 4 shall meet in executive session to commence its investigation at 10:00 a.m., on March 21, 1962, in the aforementioned office of the Wage and Hour and Public Contracts Divisions, and shall commence its hearing at 2:00 on the same date at the same place.

Whenever any review committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, each review committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report containing such data as he is able to assemble pertinent to the matters referred to the committees. Copies of the report may be obtained at the National and Puerto Rican Offices of the United States Department of Labor as soon as they are completed and prior to the hearing. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted by evidence received at the hearing.

The procedure of each review committee shall be governed by Part 512 of Title 29, Code of Federal Regulations (26 F.R. 4636, 5421).

As a prerequisite to participation in the hearings of Review Committees 3–A and 3–B, interested persons shall file prehearing statements containing the data specified in 29 CFR 512.11, 511.8 (26 F.R. 4636, 6513) not later than February 23, 1962, and as a prerequisite to participation in the hearing of Review Committee 4, interested persons shall file such prehearing statements not later than March 12, 1962.

Signed at Washington, D.C., this 17th day of January 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor

[F.R. Doc. 62-734; Filed, Jan. 22, 1962; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 602]

[Airspace Docket No. 61-WA-191]

JET ADVISORY AREAS

Proposed Alteration of Jet Routes and Jet Advisory Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 602.100 and 602.200 of the regulations of the Administrator, the substance of which is stated below.

Jet Route No. 6 extends in part from Prescott, Ariz., to Albuquerque, N. Mex., via Grants, N. Mex. Jet Route No. 78 extends in part from Prescott to Albuquerque. The FAA has under consideration the alteration of J–6 by designating the route direct from the Prescott VORTAC to the Albuquerque VORTAC, thus eliminating the Grants VOR from the description of J–6. This alteration of J–6 would then coincide with J–78 between Prescott and Albuquerque.

Jet Route No. 24 extends in part from Gila Bend, Ariz., to Las Vegas, N. Mex., via Phoenix, Ariz., Grants, N. Mex., and Albuquerque. Radar jet advisory area is presently designated within 16 miles either side of J–24 from flight level 240 to flight level 390 from Phoenix to Albuquerque and from Indianapolis, Ind., to Charleston, W. Va. The Agency has under consideration the alteration of the segment of J–24 between Grants and Las Vegas by designating this route direct from the Grants VOR to the Las Vegas VORTAC. This would eliminate the Albuquerque VORTAC from the description of J–24 and provide a bypass route north of the Albuquerque terminal area. In addition, the Agency has under consideration the designation of radar jet advisory area from the Gila Bend VORTAC to the Phoenix VORTAC and from the Grants VOR to the Indianapolis VORTAC 16 miles either side of J–24 from flight level 240 to flight level 390. The radar jet advisory area proposed herein would provide a defined area along J–24 wherein jet advisory service would be provided to civil turbojet aircraft.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 16, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-684; Filed, Jan. 22, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14495 (RM-295); FCC 62-92]

TELEVISION BROADCAST STATIONS (ELMIRA, NEW YORK)

Table of Assignments; Notice of Proposed Rule Making

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it a petition for rule making, filed November 16, 1961, by the National Educational Television and Radio Center (NET), proposing that television Channel 30, now assigned to Elmira, New York, be reassigned to Elmira and Corning, New York, jointly for non-commercial educational use. The proposal would amend the television Table of Assignments as follows:

City	Channel No.	
	Present	Proposed
Elmira, N.Y.	18+, 24–, 30	18+, 24–, *30
Corning-Elmira, N.Y.		

3. Station WSYE–TV operates on Channel 18 at Elmira, a city with a 1960 population of 46,517 in southcentral New York. There are no outstanding authorizations for the other Elmira television channel assignments, and no applications are on file for their use. In the outstanding Binghamton, New York, deintermixture proceeding in Docket No. 14243, the Commission is considering a proposal to make Binghamton all UHF and to make an additional UHF assignment available to Binghamton by shifting Channel 24 from Elmira to Binghamton. A replacement for Channel 24 at Elmira was not proposed, for, unless an active interest is manifested, we find it desirable in the public interest to defer action on making available substitute UHF channels until decisions are reached in Docket No. 14229 concerning the future methods of assigning stations on UHF channels.

4. Corning, with a 1960 population of 17,085, is situated less than 15 miles to the west of Elmira. Although it has been assigned no television channels in the Table of Assignments, Elmira's channel assignments are also available, upon application, for use at Corning pursuant to § 3.607(b) of the rules.

5. NET's subject proposal would provide the Corning-Elmira area with its first non-commercial educational assignment. It appears from NET's petition that the proposal also holds promise of bringing a needed and valuable first educational television service to the area in the near future. NET states that, upon its adoption, a non-profit educational organization will be formed to own and operate an educational station on Channel 30 and to take immediate and effective steps toward the realization of that objective. It claims that there is a strong desire in the Corning-Elmira area for an educational television station to serve in-school and community educa-

tional and cultural needs; that the Corning City School District plans to take an active role in the development of educational television in the area; and that the plans for a UHF educational television station are supported by other local educational and civic organizations, including public and private schools, colleges, administrators, and teachers. It also notes that the New York State Education Department is desirous of having a regional educational television station in the area.

6. We are of the view that rule making should be instituted on NET's proposal, and interested parties are invited to submit their views and relevant data.

7. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested persons may file comments on or before February 19, 1962, and reply comments on or before March 5, 1962. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

9. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: January 17, 1962.

Released: January 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-741; Filed, Jan. 22, 1962; 8:51 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 62]

[File No. 21-543]

TRADE PRACTICE RULES FOR USED AUTOMOTIVE PARTS INDUSTRY

Notice of Hearing and of Opportunity To Present Views, Suggestions or Objections

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations and other parties, affected by or having an interest in the proposed trade practice rules for the Used Automotive Parts Industry to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises.

For this purpose copies of the proposed rules may be obtained upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than February 9, 1962. Opportunity to be heard orally will be afforded at the hearing beginning at 10:30 a.m., c.s.t., on Friday, February 9, 1962, in the Old Chicago Room, Sherman Hotel, North Clark and West Randolph Streets, Chicago, Illinois, to any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry is composed of the persons, firms, corporations and organizations engaged in the sale or distribution of automotive parts which have been used, or which contain used parts. The term "automotive parts" as herein used means any part designed for an automobile, truck, motorcycle, tractor or similar self-propelled vehicle, including, but not limited to, armatures, generators, starters, carburetors, clutches, distributors, connecting rods, crankshafts, cylinder blocks, engine assemblies, fuel pumps, brakes, master and wheel brake cylinders, power brakes, shock absorbers, starter drives, solenoids, automatic transmissions, regulators, spark plugs, springs, windshield wiper motors and water pumps. Automobile tires are not products of the industry.

The proceedings are directed to the elimination and prevention of certain acts and practices deemed violative of statutes administered by the Federal Trade Commission.

Issued: January 22, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-775; Filed, Jan. 22, 1962; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3-C]

PORTLAND CEMENT FROM THE DOMINICAN REPUBLIC

Determination of Sales at Less Than Fair Value

JANUARY 8, 1962.

A complaint was received that portland cement, other than white, nonstaining portland cement, from the Dominican Republic was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that portland cement, other than white, nonstaining portland cement, from the Dominican Republic is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

The United States Tariff Commission is being advised of this determination.

Statement of reasons. Sufficient volume was sold for home consumption in the Dominican Republic to make home market price the basis of fair value comparison with purchase price. No relationship other than buyer-seller existed between the United States purchaser and the seller.

The purchase price for cement in bulk, sold to importers in New York City and in Puerto Rico, was the net sales price, f.o.b. factory pier; no deductions or additions were required to find purchase price. Calculation of purchase price for cement in bags, sold only in Puerto Rico, involved deductions for trucking, storage on pier, and selling commission.

Calculation of home market price involved deductions for a cash discount, commission, loading costs, and the assumption of customers' advertising costs by the seller.

Purchase price was found, in all cases, to be lower than home market price, until late July, 1961, at which time the prices in each market were changed. After July 28, 1961, purchase price was found to be not less than home market price.

The sole importer offered evidence that with respect to all shipments made prior to July 28, 1961, it renegotiated the purchase price which it had paid to the seller notwithstanding that these shipments had already been exported to it. The importer also offered evidence that on the basis of the renegotiation it had paid additional sums to the seller with respect to these shipments and that if these sums were considered to be a part of the purchase price, the sales of this merchandise could not be considered as having been made at less than fair value. While no conclusion was reached whether evidence of this type should be considered in determining the existence of sales at less than foreign market value in the event that a determination of dumping is made, it was concluded that under the circumstances of this case evidence of this type should not be considered in determining the existence of likelihood of sales at less than fair value. The importer was informed that this conclusion was without prejudice to its right to offer evidence on these matters to the Tariff Commission in an effort to prove that importations of the subject commodity from the Dominican Republic are not injuring or are not likely to injure an industry in the United States.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-728; Filed, Jan. 22, 1962; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

IOWA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the following counties in the State of Iowa natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources:

IOWA

Adams.	Jefferson.
Allamakee.	Johnson.
Appanoose.	Jones.
Benton.	Keokuk.
Black Hawk.	Lee.
Bremer.	Linn.
Buchanan.	Louisa.
Cedar.	Lucas
Chickasaw.	Madison.
Clarke.	Mahaska.
Clayton.	Monroe.
Clinton.	Muscatine.
Davis.	Ringgold.
Decatur.	Scott.
Delaware.	Tama.
Des Moines.	Taylor.
Dubuque.	Union.
Fayette.	Van Buren.
Henry.	Wapello.
Howard.	Washington.
Iowa.	Wayne.
Jackson.	Winneshiek.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 17th day of January 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-710; Filed, Jan. 22, 1962; 8:47 a.m.]

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the following counties in the State of Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources:

TEXAS

Hunt.	Rockwall.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 17th day of January 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-711; Filed, Jan. 22, 1962; 8:47 a.m.]

Rural Electrification Administration

VARIOUS OFFICIALS

Delegations of Authority

Pursuant to the authority delegated by the Secretary of Agriculture to the Administrator, Rural Electrification Administration, by sections 116 and 1500 of the Delegations of Authority and Assignment of Functions dated December 24, 1953, effective January 2, 1954 (19 F.R. 74), as amended made pursuant to Reorganization Plan No. 2 of 1953 and other authorizations, the following delegations of authority have been made:

A. Authority has been delegated to the officials listed below to exercise, in the absence of the Administrator, and in the following order of precedence, any powers of the Administrator:

1. Deputy Administrator.
2. Assistant Administrator—Operations.
3. Assistant Administrator—Electric, designated to direct the electric program.
4. Assistant Administrator—Telephone, designated to direct the telephone program.
5. Such other official as shall be designated by the Administrator.

B. Authority has been delegated to the Deputy Administrator to approve or execute:

1. REA bulletins and staff instructions involving more than one program except those establishing policy.

2. Agreements or contracts covering management or operations services between telephone and electric borrowers.

3. Agreements between REA electric and telephone borrowers for the general joint use of facilities.

4. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs C through Z hereof..

C. Authority has been delegated to the Assistant Administrator—Electric, to approve or execute for electric borrowers:

1. REA bulletins and staff instructions for the electric program except those establishing policy.

2. Action concerning disapproval of the selection of a manager or an attorney by a borrower.

3. Electric wholesale, wheeling, and interchange power contracts.

4. Cash sales of property in place or sales of real estate by borrowers involving transactions of more than $50,000 or more than 10 percent of a borrower's total assets, but not in excess of $100,000, and releases of lien and all other documents relating to such sales.

5. Contracts for acquisition by electric borrowers of existing facilities in place.

6. The use and reimbursement of general funds for construction purposes exceeding $50,000 or 10 percent of a borrower's total assets when approval is required.

7. Authorization for advance of loan funds under "conditional agreements" or where waiver of loan contract provisions is involved; the placement and release of "stop orders" on loan funds.

8. Loan budget adjustments of more than 10 percent in the total amount budgeted for any primary loan purpose.

9. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs D, H, L, and U hereof.

D. Authority has been delegated to the Deputy Assistant Administrator—Electric, to approve or execute for electric borrowers:

1. Basis date agreements on approved forms providing for modification of existing mortgage notes.

2. Changes in borrowers' corporate status.

3. Action concerning payment of dividends or other cash distribution.

4. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs H, L, and U hereof.

E. Authority has been delegated to the Assistant Administrator—Telephone, to approve or execute for telephone borrowers:

1. REA bulletins and staff instructions for the telephone program except those establishing policy.

2. Action concerning disapproval of the selection of a manager or an attorney by a borrower.

3. Cash sales of property in place or sales of real estate by telephone borrowers involving transactions of more than $50,000 or more than 10 percent of a borrower's total assets, but not in excess of $100,000, and releases of lien and all other documents relating to such sales.

4. Contracts for acquisition by telephone borrowers of existing facilities in place.

5. Interim financing proposals subject to subsequent approval of a loan or first advance of funds.

6. Authorization for advance of loan funds under "conditional agreements" or where waiver of loan contract provisions is involved; the placement and release of "stop orders" on loan funds.

7. Engineering fee schedules.

8. Loan budget adjustments of more than 10 percent in the total amount budgeted for any primary loan purpose.

9. The use of general funds for reimbursable items exceeding $50,000 or 10 percent of a borrower's total assets except where such reimbursement is dependent on approval of a subsequent loan.

10. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs F, P, and V hereof.

F. Authority has been delegated to the Deputy Assistant Administrator—Telephone, to approve or execute for telephone borrowers:

1. Basis date agreements on approved forms providing for modification of existing mortgage notes.

2. Changes in borrowers' corporate status.

3. First advance of loan funds where waiver of loan contract conditions is not involved.

4. Cash sales and removals of borrower's property in place or sales of real estate involving transactions not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser, and releases of lien and all other documents relating to such sales.

5. The purchase price of properties to be acquired by telephone borrowers where the purchase price exceeds REA appraisal value.

6. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs P and V hereof.

G. Authority has been delegated to the Assistant Administrator—Operations, to approve or execute:

1. REA bulletins and staff instructions, except those establishing policy, concerning activities included in the following divisions: Controller's, Information Services, Personnel Management, and Program Services.

2. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs Y and Z hereof.

H. Authority has been delegated to the Area Directors—Electric, to approve or execute for electric distribution borrowers:

1. The award of contracts for construction and purchase of equipment.

2. Agreements for the joint use of electric borrowers' facilities except for general joint use agreements between electric and telephone borrowers.

3. Revisions of retail rate schedules.

4. Loan budget adjustments excluding adjustments of more than 10 percent in the total amount budgeted for any primary loan purpose.

5. Agreements between electric borrowers for operation of a borrower's facilities.

6. Waiver of defects in title and rights-of-way obtained by borrowers.

7. Cash sales of electric borrowers' property in place or sales of real estate involving transactions not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser; and releases of lien and all other documents relating to such sales.

8. The use or reimbursement of general funds for construction purposes not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser, when approval is required.

9. Use of non-standard drawings, materials, and equipment.

10. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs I, J, and K hereof.

I. Authority has been delegated to Chiefs, Engineering Branches—Electric, to approve or execute for electric distribution borrowers:

1. Right-of-way clearing contracts.

2. The selection by borrower of an engineer or architect and contracts for engineering and architectural services.

3. Contracts for construction and for the purchase of equipment.

4. Final inventory documents and payments to contractors and engineers.

5. Financial Requirement and Expenditure Statements and work order inventories.

6. Plans and specifications and work orders for construction of generation facilities and for headquarters, garage, and warehouse facilities.

7. Technical engineering studies of distribution and transmission facilities requiring REA approval.

8. Borrowers' selection of force account method of construction.

9. Proposals for off-peak load control equipment.

10. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraph J hereof.

J. Authority has been delegated to Field Engineers—Electric, to approve or execute for electric distribution borrowers:

1. Plans and specifications for construction of distribution and transmission facilities and for preliminary design data and plans and profile sheets for transmission facilities.

2. Estimate work orders for construction of distribution and transmission facilities.

3. Engineering approval of large power applications.

4. Final statements of engineering fees.

5. Annual work plans.

6. Certificates of completion for distribution and transmission contract construction.

7. Voltage drop, sectionalizing and power factor studies.

K. Authority has been delegated to Chiefs, Operations Branches—Electric, to approve or execute for electric distribution borrowers:

1. Retail rate contracts between borrowers and others relating to large power installations.

2. Borrowers' cash sales of material and equipment excluding property in place, when approval is required; and releases of lien and all other documents relating to such sales.

3. Insurance and fidelity coverage of borrowers.

4. Special legal fees to be paid by borrowers from loan funds.

5. Borrowers' requests for approval to loan in excess of $2,500 of section 5 loan funds other than to commercial or industrial enterprises.

6. Purchase of real estate by borrowers.

7. Certificates regarding a borrower's incorporation and changes in a borrower's corporate status or name.

8. Affidavits and certificates with respect to the recording and filing of mortgages and deeds of trust, including mortgages to be recorded as financing statements, pursuant to the Uniform Commercial Code.

9. Municipal and county franchise obtained by borrowers from the standpoint of acceptability for REA loans.

10. Selection of Certified Public Accountants by electric distribution borrowers.

L. Authority has been delegated to the Director, Power Supply Division—Electric, to approve or execute for electric power-type borrowers:

1. The award of contracts for construction and for the purchase and installation of generating equipment.

2. Agreements for the joint use of electric borrowers' facilities, except for general joint use agreements between electric and telephone borrowers.

3. Revisions of retail rate schedules.

4. Loan budget adjustments excluding adjustments of more than 10 percent in the total amount budgeted for any primary loan purpose.

5. Agreements between power-type borrowers for operation of a borrower's facilities.

6. Waiver of defects in title and rights-of-way obtained by borrowers.

7. Cash sales of borrowers' property in place or sales of real estate involving transactions not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser; and releases of lien and all other documents relating to such sales.

8. The use or reimbursement of general funds for construction purposes not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser, when approval is required.

9. Use of non-standard drawings, materials, and equipment.

10. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraphs M, N, and O hereof.

M. Authority has been delegated to the Chief, Power Plants Branch—Electric, to approve or execute for power-type borrowers:

1. The selection by borrower of an engineer or architect and contracts for engineering and architectural services.

2. Plans and specifications and work orders for construction of generation facilities.

3. Borrowers' selection of force account method of construction.

4. Final statements of engineering fees.

5. Purchase by power-type borrowers of generating plant sites.

6. Contracts for the construction and the purchase and installation of generating facilities.

N. Authority has been delegated to the Chief, Transmission Branch—Electric, to approve or execute for power-type borrowers:

1. Right-of-way clearing contracts.

2. The selection by borrower of an engineer and contracts for engineering services.

3. Technical engineering studies of transmission and distribution facilities requiring REA approval.

4. Borrowers' selection of force account method of construction.

5. Plans and specifications for construction of transmission and distribution facilities and for preliminary design data and plans and profile sheets for transmission facilities.

6. Estimate work orders for construction of transmission and distribution facilities.

7. Engineering approval of large power applications.

8. Final statements of engineering fees.

9. Certificates of completion for transmission and distribution contract construction.

10. Voltage drop, sectionalizing and power factor studies.

11. Contracts for the construction of transmission facilities.

12. Purchase of substation sites by power borrowers.

O. Authority has been delegated to the Chief, Management Branch—Electric, to approve or execute for power-type borrowers:

1. Final inventory documents and payments to contractors and engineers.

2. Financial Requirement and Expenditure Statements and work order inventories.

3. Retail rate contracts between power-type borrowers and others relating to large power installations.

4. Borrowers' cash sales of material and equipment excluding property in place, when approval is required, and releases of lien and all other documents relating to such sales.

5. Insurance and fidelity coverage of borrowers.

6. Special legal fees to be paid by borrowers from loan funds.

7. Certificates regarding a borrower's incorporation and changes in a borrower's corporate status or name.

8. Affidavits and certificates with respect to the recording and filing of mortgages and deeds of trust, including mortgages to be recorded as financing statements, pursuant to the Uniform Commercial Code.

9. Municipal and county franchise obtained by borrowers from the standpoint of acceptability for REA loans.

10. The selection by a borrower of a Certified Public Accountant to perform audits.

11. Contracts for construction of headquarters, garage, and warehouse facilities.

12. Plans and specifications and work orders for headquarters, garage, and warehouse facilities.

13. The selection by a borrower of an architect and contracts for architectural services.

14. Purchase of real estate other than substation and generating plant sites.

P. Authority has been delegated to the Area Directors—Telephone, to approve or execute for telephone borrowers:

1. Borrowers' lease agreements and contracts covering management or operations services except those involving electric borrowers.

2. The use of general funds for reimbursable items, not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser, where such reimbursement is not dependent on approval of a subsequent loan.

3. Borrowers' use of non-standard operating reports.

4. Designation of borrowers required to obtain CPA audits.

5. The use of equity funds by borrowers prior to the first release of loan funds.

6. Forms of stock and equity certificates.

7. Area coverage design report and Form 780.

8. Borrowers' requests to waive competitive bidding for central office equipment where the borrower has existing equipment to be retained.

9. Award of contracts for construction and for central office equipment.

10. Borrowers' proposals in amounts of $15,000 or more, for the purchase of (i) special equipment such as carrier, radio, repeaters, etc., and (ii) additions and modifications of central office equipment.

11. Loan budget adjustments excluding adjustments of more than 10 percent in the total amount budgeted for any primary loan purpose.

12. Selection by telephone borrowers of the force account method of construction.

13. Use of non-standard drawings, materials and equipment.

14. Waiver of defects in title and rights-of-way.

15. Letters to loan applicants setting forth loan requirements proposed for inclusion in a pending loan recommendation.

16. In addition, independently, all matters and documents to which authority to approve or execute its conferred upon others in paragraphs Q, R, and S hereof.

Q. Authority has been delegated to the Chiefs, Engineering Branches—Telephone, to approve or execute for telephone borrowers:

1. Contracts including amendments thereto for construction and central office equipment.

2. Plans and specifications for central office equipment, commercial office, garage, and warehouse buildings and for non-standard central office equipment buildings.

3. Joint use agreements between telephone borrowers and parties other than REA borrowers.

4. The selection by a borrower of an engineer or an architect and contracts for engineering and architectural services.

5. Statement of final engineering fees.

6. Borrowers' proposals and cost estimates for force account engineering and construction.

7. Borrowers' proposals in amounts less than $15,000 for the purchase of (i) special equipment such as carrier, radio, repeaters, etc., and (ii) additions and modifications of central office equipment.

8. Contracts and amendments thereto, for the purchase of special equipment such as carrier, radio, repeaters, etc.

9. Financial requirement statements.

10. Final inventory documents and payments to contractors and engineers.

11. Purchase of real estate by borrowers.

12. Line extension contracts.

13. In addition, independently, all matters and documents as to which authority to approve or execute is conferred upon others in paragraph R hereof.

R. Authority has been delegated to Field Engineers—Telephone, to approve or execute for telephone borrowers:

1. Plans and specifications for outside plant and standard central office buildings.

2. Borrowers' proposals for and completed construction of system improvements and extensions, when required.

S. Authority has been delegated to the Chiefs, Operations Branches—Telephone, to approve or execute for telephone borrowers:

1. Affidavits and certificates with respect to the recording and filing of mortgages and deeds of trust including mortgages to be recorded as financing statements, pursuant to the Uniform Commercial Code.

2. Municipal and county franchises obtained by borrowers from the standpoint of acceptability for REA loans.

3. Special legal fees to be paid by borrowers from loan funds.

4. Certificates regarding a borrower's incorporation and articles of incorporation and bylaws and changes in a borrower's corporate name.

5. State regulatory body orders and approvals from the standpoint of acceptability for REA loans.

6. Borrowers' cash sales of material and equipment, excluding property in place, when approval is required; and releases of lien and all other documents relating to such sales.

7. Borrowers' insurance and fidelity coverage.

8. Selection of Certified Public Accountants to perform audits.

T. Authority has been delegated to the Director, Rural Areas Development Staff to approve loans by borrowers of between $2,500 and $25,000 of section 5 loan funds to commercial or industrial enterprises.

U. Authority has been delegated to the Director, Electric Standards Division to approve or accept reports and invoices submitted under contracts covering research and services performed for REA in connection with the electric program.

V. Authority has been delegated to the Director, Telephone Standards Division to approve or accept reports and invoices submitted under contracts covering research and services performed for REA in connection with the telephone program.

W. Authority has been delegated to the Technical Standards Committee "A" (Electric and Telephone), to accept or reject all proposals of standards, standard specifications, drawings, materials and equipment submitted for acceptance for use on REA financed electric and/or telephone systems.

X. Authority has been delegated to the Technical Standards Committee "B" (Electric and Telephone) to review and make final decision on cases referred to it by Committee "A" or by appeal from a sponsor from an adverse decision of Committee "A".

Y. Authority has been delegated to the Controller and to the Chief, Administrative and Loan Accounting Branch, Controller's Division to:

1. Execute endorsements or assignments of promissory notes or other collateral pledged by borrowers as security for Rural Electrification Administration loans, as may be necessary in connection with the return of such documents to borrowers because of the payment of the obligations in full or in order that the borrowers may institute legal action thereon or in connection therewith.

2. Cancel or endorse the fact of payment on borrowers' notes which have been paid in full or which are to be returned to borrowers by reason of the cancellation of such notes resulting from the receipt by REA of refunding, renewal, or substituted notes.

Z. Authority has been delegated to the Director, Program Services Division, the Chief, General Services Branch, Program Services Division and to the Head, Supply and Space Management Unit, General Services Branch, Program Services Division, to approve the procurement of equipment, materials and services for REA.

In the event that any of the incumbents of positions to whom delegations are made herein are absent or are unable to act, the person designated to act for such incumbent shall have authority to exercise the authority conferred by such delegation. Incumbents of positions delegated authority herein are authorized to designate persons to act for them in their absence. Such designation shall be in accordance with any instructions issued by the incumbent's supervisors.

There is reserved in the Administrator authority for all matters not delegated hereby, or by other existing written delegations, including without limitations:

A. The making or recission of loans.

B. Extension of loan periods pursuant to section 12 of the Rural Electrification Act, as amended.

C. Execution of instruments relating to inter-borrower transfers involving the assumption of indebtedness.

These delegations supersede all prior delegations with reference to these matters.

Issued this sixteenth day of January 1962.

NORMAN M. CLAPP,
Administrator.

[F.R. Doc. 62-735; Filed, Jan. 22, 1962; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-54]

UNION CARBIDE CORP.

Notice of Proposed Issuance of Facility License Amendment

Please take notice that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission by the licensee or an intervener as provided by the Commission's rules of practice (Title 10, CFR, Chapter I, Part 2), the Commission proposes to issue Amendment No. 2, set forth below, to Facility License No. R-81, as amended. The license authorizes Union Carbide Corporation to operate its pool-type nuclear reactor located in Sterling Forest, New York. The amendment would authorize the licensee to conduct certain additional experiments in the reactor. Petitions for leave to intervene and requests for a formal hearing shall be filed in accordance with the provisions of § 2.700 of the Commission's rules of practice.

For further details see (a) the applications for license amendment submitted by Union Carbide Corporation and (b) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, both available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (b) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 16th day of January 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch Division of Licensing and Regulation.

[License No. R-81; Amdt. 2]

License No. R-81 issued to Union Carbide Corporation is hereby amended in the following respects:

A. Paragraph 1 is amended to read as follows:

1. This license applies to the pool-type nuclear reactor (hereinafter referred to as "the reactor") which is owned by Union Carbide Corporation (hereinafter referred to as "the licensee") and located on the licensee's site in Sterling Forest, Orange County, New York, and described in the licensee's application for license dated February 11, 1957, and amendments thereto dated July 3, 1957, July 23, 1957, August 9, 1957, December 28, 1960, April 28, 1961, June 7, 1961, October 27, 1961, November 1, 1961, and November 27, 1961 (hereinafter collectively referred to as "the application").

B. Paragraph 4.E. is deleted and a new paragraph 4.E. substituted therefor reading as follows:

4.E. The licensee is authorized to conduct the experiments described in the "Final Hazards Summary Report UCNC Reactor" dated November, 1960, as modified by the licensee's amendments to the application dated October 27, 1961, and November 27, 1961.

This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-723; Filed, Jan. 22, 1962; 8:48 a.m.]

[Docket No. 50-194]

PETROLITE CORP.

Notice of Application for Construction Permit and Utilization Facility License

Please take notice that Petrolite Corporation, 369 Marshall Avenue, Webster Groves 19, Missouri, under section 104c of the Atomic Energy Act of 1954, as amended, has submitted an application for a license to construct and operate a 10 kilowatt (thermal) pool-type nuclear research reactor at Webster Groves, Missouri.

A copy of the application is available for public inspection in the AEC Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 16th day of January 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-724; Filed, Jan. 22, 1962; 8:49 a.m.]

[Docket No. 50-114]

WILLIAM MARSH RICE UNIVERSITY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 5, set forth below, to Facility License No. R-54. The license authorizes William Marsh Rice University to operate its nuclear reactor Model AGN-211, Serial No. 101, located on its campus in Houston, Texas. The amendment adds conditions to the license regarding the functioning of equipment to detect any fission product leakage and certain steps to be undertaken should fission products be detected.

The Commission has found that operation of the reactor in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operations.

In accordance with § 2.102(a) of the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or a petition to intervene pursuant to § 2.705 of the rules of practice within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed in accordance with the provisions of § 2.700 of the Commission's rules of practice (10 CFR Part 2).

The licensee's letter dated December 29, 1961, consenting to the addition of the conditions to the license may be inspected at the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C.

Dated at Germantown, Md., this 16th day of January 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-54; Amdt. 5]

License No. R-54, which authorizes William Marsh Rice University to operate its nuclear reactor Model AGN-211, Serial No. 101, located on the University's campus in Houston, Texas, is hereby amended by adding the following additional conditions thereto:

1. Instrumentation capable of prompt detection of any fission product leakage to the pool water and to the air above the pool shall be functioning at all times when the reactor is operating.

2. In the event any fission products are detected in the pool water or in the air above the pool the reactor shall not thereafter be operated at a power level higher than one-half of the lowest power level at which it was being operated when fission products were detected without prior written authorization from the Commission.

3. A written report shall be submitted to the Commission on each occasion on which fission products are detected in the pool or in the air above the pool.

This amendment is effective thirty days after the date of issuance.

Date of issuance: January 16, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-725; Filed, Jan. 22, 1962; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11022]

CALIFORNIA FLORAL TRAFFIC CONFERENCE, ET AL.; TARIFF LIABILITY RULE COMPLAINT

Notice of Hearing

In the matter of the complaint of the California Floral Traffic Conference, et al., against certain tariff liability rules.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 204(a), 403, 404, and 1002 thereof, that the above-entitled proceeding is hereby assigned for hearing on January 29, 1962, at 10 a.m., in Courtroom 203-205, U.S. Post Office and Courthouse, San Francisco, Calif., before Examiner Ralph L. Wiser.

Without limiting the scope of the issues raised by the pleadings in this proceeding, particular attention will be directed to the following: Whether the tariff rules or any of them, as enumerated in the appendix hereto, together with revisions and reissues thereof, and the practices in interstate and overseas air transportation of the air carriers under such rule or rules, are, or will be, unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial and, if found to be so, what lawful rule, rules, and practices should be determined and prescribed.

For further details with respect to the issues involved in this proceeding, interested persons are referred to the orders and notices herein, the documents filed by the parties, and the examiner's report of prehearing conference served August 4, 1961, all of which are on file with the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding shall file with the Board on or before January 26, 1962, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D.C., January 17, 1962.

[SEAL] RALPH L. WISER,
Hearing Examiner.

APPENDIX

1. Rules appearing in Agent B. H. Smith's Official Air Freight Tariff C.A.B. No. 13:

Rule:	*Appearing on*
2.6(b)	3d revised page 13
3.2(b)	13th revised page 15
3.3(a)	16th revised page 16
4.3(a)5	15th revised page 20
3.7(a)	4th revised page 17
3.7(c)	4th revised page 17

Rule—Continued	Appearing on
3.10(a)	3d revised page 18
3.10(b)	3d revised page 18
6.2(a)	11th revised page 26

2. Rules appearing in Airborne Freight Corporation (Airborne Flower and Freight Traffic, Inc. Series) Official Airfreight Forwarder Rules Tariff C.A.B. No. 3:

Rule:	Appearing on
3.1(b)	5th revised page 14
3.3	2d revised page 15
3.7(a)	1st revised page 17
3.8(c)	1st revised page 17
3.8(d)	2d revised page 18
7.1(c)	4th revised page 27
7.1(g)	4th revised page 28

3. Rules appearing in Shulman Inc.'s Air Freight Forwarder Rules Tariff C.A.B. No. 9:

Rule:	Appearing on
3.2(a)	Original page 8
5.1(e)	Original page 11
5.3(b)	Original page 11-A

[F.R. Doc. 62-729; Filed, Jan. 22, 1962; 8:50 a.m.]

[Docket 13203 etc.; Order No. E-17936]

FLYING TIGER LINE, INC.

Petition for Reconsideration; Order Dismissing Investigation and Vacating Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of January 1962.

In the matter of petition for reconsideration submitted by The Flying Tiger Line, Inc., Dockets 13203, 13205, et al., and 13218.

By petition dated December 28, 1961, The Flying Tiger Line, Inc. (Tiger), requests simultaneous reconsideration of Orders E-17752, E-17806, and E-17812, adopted November 22, December 5, and December 8, 1961, respectively. In the first two of these orders the Board set for investigation and suspended certain freight rates proposed by Tiger, and in the third order it dismissed Tiger's complaint against certain proposals of American Airlines, Inc. (American), and Trans World Airlines, Inc. (TWA). The petition claims, inter alia, that the Board erred in that it suspended proposed rates in selected markets by Tiger on florist stock (Group 3001) and decorative cut evergreens (Group 3002) that were no lower than those which the Board subsequently permitted to become effective for American and TWA; that the proposed reductions covered traffic carefully chosen to increase eastbound load factors; and that the suspended rates were of the promotional type with which the Board had urged the industry to experiment. Comparisons are presented purporting to show that certain proposals suspended on florist stock (Group 3001) and decorative cut evergreens (Group 3002) are equal to or higher than rates permitted by the Board to go into effect for other carriers. In addition, the petition requests reconsideration of the Board's order of suspension with respect to rates which had been proposed on florist stock (as well as on decorative evergreens, Group 3010, and nursery stock, Group 5001) in other markets. It is requested that the Board reconsider its orders either by dismissing the investigations instituted of Tiger's proposals and vacating the suspensions ordered or, in the alternative, by instituting an investigation of the rates that the Board permitted American and TWA to put into effect on December 9, 1961, as a result of Order E-17812.

The Board has carefully considered Tiger's petition and, based upon all relevant matters, has concluded to dismiss the investigation instituted on rates proposed by the carrier on florist stock, Group 3001, for effectiveness November 23 and 26, 1961, to the extent that they apply to acacia, evergreen, ferns, galax leaves, gypsophila, heather, holly, huckleberry, laurel, moss, and decorative greens, and vacate the suspension thereof.

In Orders E-17752 and E-17806, the Board permitted Tiger to put into effect numerous rate reductions which, we stated, satisfied one or more of the following criteria: (1) the rates proposed were not lower than those in effect for other carriers; (2) the proposed rates were not below competition at 100 pounds and the volume spreads did not exceed those already in effect for Tiger, even if the proposed rates at higher weight breaks were below competitive rates; (3) the proposals were not below those which had previously been in effect; or (4) the rates filed were not unduly low. The Board intended to set for investigation and suspend rate proposals which did not fulfill at least one of the foregoing criteria. The foregoing rates on florist stock, to the extent that they apply to the specific items enumerated above, are alleged in the petition to be transported in nine markets by competitive carriers as Nursery Stock, at rates equal to or lower than proposed by Tiger and suspended by the Board. The difficulty apparently lies in the overlapping of the commodity descriptions in effect for the several carriers. Tiger's Group 3001, Florist Stock, N.O.S. (Not Otherwise Specified), by its terms applies to growing plants in pots or tubs, or rooted cuttings moss wrapped, whereas its Group 5001, Nursery Stock, N.O.S., applies to trees, shrubs, or vines, grown in the field, but specifically does not apply to potted or tubbed plants. The tariffs of American, TWA, and United define Florist Stock to comprise bulbs, tubers, growing plants and rooted cuttings, and Nursery Stock in Groups 379 or 380 is listed as, namely, acacia, evergreen, ferns, galax leaves, gypsophila, heather, holly, huckleberry, laurel, moss, and decorative greens, without any limitation as to form in which shipped. It thus appears that these items, if shipped as growing plants in pots or tubs, would be considered as Florist Stock by Tiger but are listed as Nursery Stock by these other carriers.

The Board will further dismiss the investigation on the entirety of Group 3001 rates proposed from Los Angeles to Boston and to Philadelphia for effectiveness November 23, 1961, at the 5,000 pound weight break, and on rates on Group 3002, decorative cut evergreens, from Oakland and San Francisco to Detroit proposed for effectiveness November 26, 1961, and to vacate the suspension thereof, since the foregoing rates are equal to or above competitive rates. Tiger also requests the Board to reconsider its action suspending certain rates on florist stock, nursery stock, and decorative evergreens in markets other than those wherein it showed a competitive disadvantage. To the extent that such rates are equal to or above competitive rates, they are included in the order dismissing the investigation and vacating the suspension. By vacating the suspension order, and dismissing the investigation to the extent described herein, we will be according Tiger the opportunity to meet the rates of its competitors.

The Board has carefully considered the relief requested in the petition in all other respects. The remaining points raised therein involve issues that were fully taken into account by the Board in its orders, and, therefore, will be denied.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof: *It is ordered*, That:

1. The investigation instituted in Ordering Paragraph 1 of Order E-17752, dated November 22, 1961, is hereby dismissed insofar as it encompasses specific commodity rates applying on Commodity Group No. 3001 as set forth in Appendix A thereto in numbered paragraph 12 to the extent that it applies to rates subject to the minimum weight of 5,000 pounds from Los Angeles, Calif., to Boston, Mass., and from Los Angeles, Calif., to Philadelphia, Pa., and in numbered paragraphs 12, 13, 14, 15, 17, and 18, to the extent that it applies to rates on acacia, evergreen, ferns, galax leaves, gypsophila, heather, holly, huckleberry, laurel, moss, and decorative greens; and insofar as it encompasses specific commodity rates applying on Commodity Group No. 3002 as set forth in Appendix A thereto in numbered paragraph 19.

2. The suspension directed in Ordering Paragraph 2 of Order E-17752, dated November 22, 1961, is hereby vacated insofar as it encompasses specific commodity rates applying on Commodity Group No. 3001 as set forth in Appendix A thereto in numbered paragraph 12 to the extent that it applies to rates subject to the minimum weight of 5,000 pounds from Los Angeles, Calif., to Boston, Mass., and from Los Angeles, Calif., to Philadelphia, Pa., and in numbered paragraphs 12, 13, 14, 15, 17, and 18, to the extent that it applies to rates on acacia, evergreen, ferns, galax leaves, gypsophila, heather, holly, huckleberry, laurel, moss, and decorative greens; and insofar as it encompasses specific commodity rates applying on Commodity Group No. 3002 as set forth in Appendix A thereto in numbered paragraph 19.

3. In all other respects the provisions of Order E-17752 remain in full force and effect.

4. The petition of The Flying Tiger Line Inc. in Dockets 13205 et al., 13203, and 13218 is denied except to the extent granted herein.

5. Copies of this order shall be served upon Airborne Freight Corporation, American Airlines, Inc., Continental Air Lines, Inc., The Flying Tiger Line Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-730; Filed, Jan. 22, 1962; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14487; FCC 62M-80]

BELLEVILLE BROADCASTING CO., INC. (WIBV)

Order Scheduling Hearing

In re application of Belleville Broadcasting Co., Inc. (WIBV), Belleville, Ill., Docket No. 14487, File No. BP-13787; for construction permit.

It is ordered, This 16th day of January 1962, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 22, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, February 21, 1962.

Released: January 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62-736; Filed, Jan. 22, 1962; 8:51 a.m.]

[Docket No. 14085 etc.; FCC 62M-83]

COMMUNITY SERVICE BROADCASTERS, INC., ET AL.

Order Continuing Hearing

In re applications of Community Service Broadcasters, Inc., Ypsilanti, Mich., Docket No. 14085, File No. BP-13846; et al. Group I, Docket Nos. 14287, 14288, 14289, 14290, 14291, 14292, 14293, 14294, 14295, 14296, 14298, 14299, 14300, 14301, 14303, 14304, 14305, 14306; for construction permits.

The Hearing Examiner having under consideration petition filed on January 16, 1962, by Chief Pontiac Broadcasting Co., requesting postponement of dates scheduled herein for Group I;

It appearing that counsel for the only other applicant in Group I has consented to immediate grant, and counsel for the Chief of the Commission's Broadcast Bureau has consented provided the hearing date is satisfactory to the Hearing Examiner;

It is ordered: This 16th day of January 1962, that the above petition is granted, and presently scheduled dates for Group I are continued as follows:

Preliminary exchange of engineering exhibits, from Jan. 16, 1962, to Jan. 30, 1962.
Final exchange of all exhibits, from Jan. 30, 1962, to Feb. 13, 1962.
Notification of witnesses, from Feb. 13, 1962, to Feb. 27, 1962.
Commencement of hearing, from Feb. 27, 1962, to Mar. 13, 1962.

Released: January 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62-737; Filed, Jan. 22, 1962; 8:51 a.m.]

[Docket Nos. 14488-14492; FCC 62M-81]

DOVER BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of Dover Broadcasting Co., Richmond, Va., Docket No. 14488, File No. BP-13831; 1540 Radio, Inc., Richmond, Va., Docket No. 14489, File No. BP-14813; Oram C. Hutton, Milton Beyer and James T. Doukas, d/b as Richmond Broadcasting Co., Richmond, Va., Docket No. 14490, File No. BP-14814; Homer C. Eliades and Plato G. Eliades, d/b as Eliades Broadcast Co., Hopewell, Va., Docket No. 14491, File No. BP-14820; WDYL Radio, Inc. (WDYL), Ashland, Va.; Docket No. 14492, File No. BMP-9493; for construction permits.

It is ordered, This 16th day of January 1962, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 21, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, February 21, 1962.

Released: January 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62-738; Filed, Jan. 22, 1962; 8:51 a.m.]

[Docket Nos. 14357, 14358; FCC 62M-70]

HIGSON-FRANK RADIO ENTERPRISES ET AL.

Order Continuing Hearing Conference

In re applications of James D. Higson and Peter Frank d/b as Higson-Frank Radio Enterprises, Houston, Tex., Docket No. 14357, File No. BP-13809; S B B Corp., Houston, Tex., Docket No. 14358, File No. BP-14632; for construction permits.

The Hearing Examiner having under consideration a joint "Motion for Continuance of Prehearing Conference" filed on January 11, 1962, by counsel for the above-named applicants, requesting that the prehearing conference now scheduled for January 17, 1962, be further continued until February 21, 1962, pending the consummation of arrangements for a merger;

It appearing that applicants' negotiations to effect a merger have progressed to the stage of forming a new corporation and drafting the merger agreement, and that a postponement of the prehearing conference for the additional period requested will enable the applicants to complete their merger arrangements, thereby obviating a hearing on comparative issues; and

It further appearing that all parties to this proceeding have consented to a grant of this motion and to waiver of the "4-day rule" (Section 1.43), and that good cause has been shown by movants for a grant of their instant request;

Accordingly, it is ordered, This 12th day of January 1962, that the joint "Motion for Continuance of Prehearing Conference" filed by the applicants on January 11, 1962, is granted, and that the prehearing conference is further continued from January 17 to February 21, 1962, at 9:00 a.m., in the offices of the Commission at Washington, D.C.[1]

Released: January 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62-739; Filed, Jan. 22, 1962; 8:51 a.m.]

[Docket No. 14380; FCC 62M-77]

KSAY BROADCASTING CO.

Order Continuing Hearing

In re application of Grant R. Wrathall and Taft R. Wrathall as trustee for Grant R. Wrathall, Jr., Charlotte Wrathall, Lawrence Wrathall and Loretta Wrathall, d/b as KSAY Broadcasting Company, San Francisco, California, Docket No. 14380, File No. BR-3528; for renewal of license of standard broadcast station KSAY.

As a result of agreements reached upon the record of a specially held prehearing conference on this date in the above-entitled matter: *It is ordered*, This 16th day of January 1962:

1. That exhibits will be exchanged on or before March 20, 1962;

2. That the hearing now scheduled for February 5, 1962, be postponed to April 3, 1962; and

3. That the prehearing conference now scheduled for January 26, 1962, be cancelled.

Released: January 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62-740; Filed, Jan. 22, 1962; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

MISSISSIPPI SHIPPING CO., INC., ET AL.

Agreements Filed for Approval

Notice is hereby given that the following described agreements have been

[1] By order of the Examiner (FCC 61M-1940) released Dec. 11, 1961, the hearing has been continued from Jan. 17, 1962, to a date to be specified at the prehearing conference.

filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8426–1, between Mississippi Shipping Co., Inc., as the "ocean service" trading between U.S. Gulf ports and Monrovia, and Farrell Lines, Inc., as the "feeder service", operating between Monrovia and Harbel, Grand Bassa, Sinoe, and Cape Palmas, Liberia, modifies the original approved agreement to provide for specific dollar apportionment of revenues derived from the carriage of bulk latex, packaged rubber and bagged rice when transshipped between the "ocean service" and the "feeder service."

Agreement 8462–1, between Compagnie Maritime des Chargeurs Reunis, as the "ocean service", trading between U.S. Atlantic ports and Monrovia, and Farrell Lines, Inc., as the "feeder service", operating between Monrovia and Harbel, Grand Bassa, Sinoe, and Cape Palmas, Liberia, modifies the original approved agreement to provide for the specific dollar apportionment of revenues derived from the carriage of bulk latex, packaged rubber, and bagged rice when transshipped between the "ocean service" and the "feeder service".

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 18, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-718; Filed, Jan. 22, 1962; 8:48 a.m.]

RIVER PLATE AND BRAZIL CONFERENCE ET AL.

Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 59–37, between the member lines of the River Plate and Brazil Conference modifies the basic agreement of that Conference (Numbered 59, as amended), covering the trade from ports of the United States of America and Canada (except Pacific Coast ports of the United States and Canada and except Newfoundland) to ports in Uruguay, Argentina, Paraguay and Brazil. The purpose of this modification is to provide that the expenses of maintaining each of the various conferences shall be paid pro rata by all the members, except as may otherwise be unanimously agreed.

Agreement 5458–29, between the member lines of the Brazil/United States-Canada Freight Conference, modifies the basic agreement of that Conference (Numbered 5450, as amended), covering the trade from Victoria and ports south thereof in Brazil to U.S. Atlantic and Gulf ports and to ports in Eastern Canada including ports on the St. Lawrence River and tributaries thereto including but not west of Montreal but not including Newfoundland. The purpose of this modification is to provide that the expenses of maintaining the conference shall be paid pro rata by all the members except as may otherwise be unanimously agreed.

Agreement 6900–9, between the member lines of the River Plate/United States-Canada Freight Conference, modifies the basic agreement of that Conference (Numbered 6900, as amended), covering the trade from ports in Argentina, Paraguay and Uruguay to U.S. Atlantic and Gulf ports and to ports in Eastern Canada including but not west of Montreal but not including Newfoundland. The purpose of this modification is to provide that the expenses of maintaining the conference shall be paid pro rata by all members except as may otherwise be unanimously agreed.

Agreement 8751, between Lykes Bros. Steamship Co., Inc. and the carriers comprising the Blue Funnel Line joint service (operating under approved joint service Agreement 7568, as amended), covers a through billing arrangement for the transportation of asbestos in bags from Western Australia to U.S. Gulf ports, with transhipment at Singapore.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 18, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-719; Filed, Jan. 22, 1962; 8:48 a.m.]

[Docket No. 966]

OLIVER J. OLSON & CO.

Reduction in Rates, Pacific Coast-Hawaii; Notice of Investigation and of Hearing

On December 27, 1961, the Federal Maritime Commission entered the following order:

It appearing, that there have been filed with the Federal Maritime Commission by Oliver J. Olson & Co., C. R. Nickerson, agent, revised pages to its Local Freight Tariff No. 5, FMC–F No. 32, naming reductions in freight rates from, to, and between Pacific coast ports and ports in the Hawaiian Islands, to become effective December 28, 1961, designated as follows:

Tariff Page and Item Number

2d revised page 18; 33, 40, 125, 130, 135.
2d revised page 19; 150.
2d revised page 20; 400.
2d revised page 21; 410, 415, 430, 460, 490, 492.
2d revised page 22; 505, 510, 545, 560, 565, 570, 575, 580, 590, 592, 595, 600, 585.
2d revised page 23; 605, 610, 700, 705, 710.

It further appearing, that a protest has been received petitioning the Commission to suspend said reductions; and

It further appearing, that the Commission is of the opinion that the new rates, charges, classifications, regulations, tariffs, and practices should be made the subject of a public investigation and hearing to determine whether they are just, reasonable, and otherwise lawful under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the Commission is of the opinion that the effective date of Item No. 460 (lumber) should be suspended, pending such investigation:

Now therefore it is ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the rates, fares, charges, rules, classifications, regulations, and practices contained in the said tariff schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That said Item No. 460 (lumber) be, and it is hereby, suspended, and that the use thereof be, and it is hereby, deferred to and including April 27, 1962, unless otherwise authorized by the Commission, and that the rates, fares, charges, classifications, rules, regulations, and practices heretofore in effect, and which were to be changed by the suspended item, shall remain in effect during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said schedules and of all other freight schedules of the carrier named herein from, to, and between Pacific coast ports of the United States and ports in the Hawaiian Islands under the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended; and

It is further ordered, That there shall be filed immediately with the Commission by the Oliver J. Olson & Co., C. R. Nickerson, agent, a consecutively numbered supplement to the aforesaid tariff schedule which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid Item 460 is suspended and

may not be used until 28th day of April 1962, unless otherwise authorized by the Commission; and that the rates heretofore in effect, and which were to be changed by the suspended rates, shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That all subsequent revisions of the said rates subsequently filed by the respondent in this proceeding, shall be, and they are hereby, placed under investigation in this proceeding; and

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be determined and announced by the Chief Examiner, to receive evidence in this proceeding, which will provide an adequate record for proper disposition of the issues and that an initial decision be issued; (II) Oliver J. Olson & Co., C. R. Nickerson, agent, be and it is hereby made respondent in this proceeding; (III) a copy of this order shall forthwith be served upon protestant and respondent herein; (IV) the said respondent and protestant be duly notified of the time and place of the hearing ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

Notice is hereby given that the hearing in this proceeding will be held before an examiner of the Commission's Office of Hearing Examiners at a date and place hereafter to be announced. The hearing will be conducted in accordance with the Commission's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with rule 5(n) (46 CFR 201.74) of said rules.

Dated: January 18, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-720; Filed, Jan. 22, 1962; 8:48 a.m.]

[Commission Order 1 (Amended)]

ORGANIZATION AND FUNCTIONS

SECTION 1. *Purpose.* 1.01. The purpose of this order is to describe the organization and functions of the Federal Maritime Commission.

SEC. 2. *Organization of the Federal Maritime Commission—2.01. Establishment and composition of the Commission.* The Federal Maritime Commission was established as an independent agency by Reorganization Plan No. 7 of 1961, effective August 12, 1961. The Federal Maritime Commission is composed of five members, appointed by the President, by and with the consent of the Senate. The President designates one of such members to be the Chairman.

2.02. *Quorum.* Any three members in office constitute a quorum for the transaction of the business of the Federal Maritime Commission. The affirmative vote of any three Commissioners shall be sufficient for the disposition of any matters which may come before the Commission.

2.03. *Organizational components.* The Federal Maritime Commission has the following major organizational components:

(a) Office of the Chairman of the Federal Maritime Commission,
(b) Offices of the Members of the Federal Maritime Commission,
(c) Office of the Secretary,
(d) Office of the General Counsel,
(e) Office of Hearing Examiners, and
(f) Executive Director:
(1) Office of Administrative Management,
(2) Office of Information Services,
(3) Bureau of Foreign Regulation,
(4) Bureau of Domestic Regulation,
(5) Bureau of Administrative Proceedings,
(6) Bureau of Investigation,
(7) Bureau of Financial Analysis, and
(8) Offices of District Managers.

SEC. 3. *Lines of responsibility.* 3.01. The Office of the Secretary, Office of the General Counsel and Office of Hearing Examiners and the Executive Director shall be responsible to, and report to, the Chairman, Federal Maritime Commission.

3.02. The Office of Administrative Management, Office of Information Services and the Bureau of Foreign Regulation, Bureau of Domestic Regulation, Bureau of Administrative Proceedings, Bureau of Investigation, Bureau of Financial Analysis and the Offices of the District Managers shall be responsible to, and report to, the Chairman, Federal Maritime Commission through the Executive Director.

SEC. 4. *General functions.* 4.01. The Federal Maritime Commission is responsible for administering the statutory functions and programs for the regulation of common carriers by water in the foreign and domestic off-shore commerce of the United States and of other persons, under provisions of the Shipping Act, 1916, as amended, Merchant Marine Act, 1920, as amended, the Intercoastal Shipping Act, 1933, as amended, and other applicable statutes.

SEC. 5. *Specific functions of the organizational components of the Federal Maritime Commission.* 5.01. The Office of the Chairman of the Federal Maritime Commission executes and administers the activities of the Federal Maritime Commission; serves as the executive head of the Commission, presides at meetings of the Commission; and administers the policies of the Commission to its responsible officials, and through conferences with and reports from such officials assures the efficient discharge of their responsibilities.

5.02. The Offices of the Members of the Federal Maritime Commission are responsible, with the Chairman, for establishing the policies of the Commission; making decisions and determinations in the disposition of docketed cases and other matters within the jurisdiction of the Commission; and performing other duties as may be assigned under the provisions of Reorganization Plan No. 7 of 1961.

5.03. The Office of the Secretary is responsible for preparing agenda and dockets of matters subject to action by the Federal Maritime Commission and the preparation of minutes with respect to such actions; issuing orders and notices of actions of the Commission; receiving formal communications, petitions, notices, documents and other instruments directed to the Chairman and/or the Commission and maintaining official files and records with respect thereto; authenticating instruments or documents of the Commission; administering oaths, and issuing subpoenas at the direction of the Commission.

5.04. The Office of the General Counsel serves as the law office of the Commission and provides legal counsel to the Commission and its staff; reviews and approves as to legality and/or prepares proposed Commission rules, regulations and orders; prepares drafts of proposed legislation and reports to congressional committees; represents the Commission in all matters before the courts.

5.05. The Office of Hearing Examiners holds hearings and renders decisions therein in formal rule-making and adjudicatory proceedings as provided in the Shipping Act, 1916, as amended, and other applicable laws, in accordance with the Administrative Procedures Act and the Commission's Rules of Practice and Procedure.

5.06. The Executive Director directs and administers the organizations and activities as enumerated in subsections 5.061 through 5.068 below; assists, advises, and consults with the Chairman and/or the Federal Maritime Commission in the performance of major executive functions; directs general administrative activities.

1. The Office of Administrative Management formulates recommendations and interprets budgetary policies and programs; collaborates with staff and operating officials in the development of fiscal plans; develops and presents budget requests and justifications; maintains control of funds; conducts studies of management practices, organizations, functions, authorities, and procedures for the improvement of operations; plans and administers personnel management activities; and provides administrative and office services.

2. The Office of Information Services issues information concerning the activities of the Federal Maritime Commis-

sion; prepares and edits press releases; and performs related informational services.

3. The Bureau of Foreign Regulation reviews the rates and practices of common carriers by water engaged in the foreign commerce of the United States and conferences of such carriers in accordance with the requirements of law and the rules, orders and regulations of the Commission; examines, processes, and as appropriate prepares recommendations to the Commission with respect to activities and practices of common carriers by water in the foreign commerce and conferences of such carriers and with respect to agreements and tariffs filed by such common carriers and conferences; reviews annual and special reports filed by common carriers by water and conferences in the foreign commerce of the United States, including minutes of conference meetings; initiates action involving the granting of special permissions to waive advance tariff filing requirements, or to depart from rules and regulations governing publication of tariffs; recommends the institution of rule-making proceedings, and where appropriate prepares drafts of rules and otherwise assists in the promulgation of rules; reviews informal complaints and protests against the practices, methods and operation of common carriers or conferences or against existing or proposed tariffs of such carriers or conferences and (1) requests the Bureau of Investigation to develop additional information and data through field investigations; (2) concludes complaints and protests by voluntary agreement between the parties or by administrative determination that the complaint or protest fails to represent a violation of the shipping statutes or the rules, or orders of the Commission; (3) prepares recommendations, collaborating with the Bureau of Administrative Proceedings, for formal action and proceedings by the Commission; and/or (4) refers, as appropriate, complaints and protests to the Bureau of Investigation for action by that bureau.

4. The Bureau of Domestic Regulation reviews the rates and practices of common carriers by water engaged in the domestic off-shore commerce of the United States and conferences of such carriers in accordance with the requirements of law and the rules, orders and regulations of the Commission; examines, processes, and as appropriate prepares recommendations to the Commission with respect to activities and practices of common carriers by water in the domestic off-shore commerce of the United States and conferences of such carriers, and with respect to agreements and tariffs filed by such common carriers, conferences, terminal operators, and freight forwarders; takes and/or initiates action involving the rejection of improper or incorrectly filed tariffs, granting of special permissions to waive the advance filing or publication requirements of tariffs, suspension of rates, and as appropriate the prescription of reasonable maximum and minimum rates; reviews annual and special reports filed by domestic off-shore carriers, conferences, terminal operators, and freight forwarders, including minutes of conference meetings; receives and processes applications for licensing of freight forwarders; recommends the institution of rule-making proceedings and, where appropriate drafts of rules and otherwise assists in the promulgation of rules; reviews informal complaints and protests against the practices, methods and operations of common carriers, terminal operators, freight forwarders or conferences or against existing or proposed tariffs of such common carriers, terminal operators, freight forwarders or conferences and (1) requests the Bureau of Investigation to develop additional information and data through field investigations; (2) concludes complaints and protests by voluntary agreement between the parties or by administrative determination that the complaint or protest fails to represent a violation of the shipping statutes or the rules or orders of the Commission; (3) prepares recommendations, collaborating with the Bureau of Administrative Proceedings, for formal action and proceedings by the Commission; and/or (4) refers, as appropriate, complaints and protests to the Bureau of Investigation for action by that bureau.

5. The Bureau of Administrative Proceedings acts as Hearing Counsel in all formal investigations, nonadjudicatory investigations, rule-making proceedings and any other proceedings initiated by the Federal Maritime Commission under the Shipping Act, 1916, and other applicable shipping acts; examines and cross-examines witnesses, prepares and files briefs, motions, exceptions, and other legal documents and participates in oral argument before the hearing examiners and the Federal Maritime Commission; acts as Hearing Counsel, where intervention is permitted, in formal complaint proceedings initiated under section 22 of the Shipping Act; reviews and concurs in all recommendations of other bureaus recommending the institution of formal proceedings; prepares all orders, notices, and other documents which institute formal or informal Commission proceedings; furnishes consultative and advisory services and otherwise assists other bureaus in formulating procedures to be followed in connection with investigations and/or formal Commission proceedings; serves, with the concurrence of the Executive Director, as requested by the General Counsel and under his direction in matters of court litigation by or against the Commission rising out of violations previously adjudicated by the Commission.

6. The Bureau of Investigation conducts investigations of the activities and practices of common carriers by water in the foreign and domestic off-shore commerce of the United States, conferences of such carriers, freight forwarders and terminal operators and other persons subject to the regulatory jurisdiction of the Federal Maritime Commission; conducts periodic field examinations of the activities, transactions and records of persons subjected to the shipping statutes; directs the field investigation staffs and plans and administers the field programs furnishing all technical direction to such staffs; prepares recommendations to the Commission, collaborating with appropriate other bureaus, for the referral of violations to the Department of Justice for its action, where field investigations have developed the existence of criminal violations of the shipping statues (these cases are restricted to those where the cases are to be disposed of by the Department of Justice, rather than by the Commission through formal action and/or proceedings); develops methods and purposes of investigations referred to other investigative bodies of the executive, legislative or judicial branches of the government; coordinates, where appropriate, with appropriate officers of the State Department those investigations concerning common carriers by water under foreign-flag operation engaged in the foreign commerce of the United States.

7. The Bureau of Financial Analysis is responsible for and makes recommendations with respect to annual and special financial reports to be submitted by common carriers and other persons subject to the act, including accounting and reporting instructions; reviews annual and special reports, including reports of field audits performed by the Commission's staff; determines the justification of increased or lower rates of common carriers and other persons subject to the act; directs field audit staffs and develops and administers a continuing program for the audit of the financial accounts and records of common carriers and other persons subject to the Federal Maritime Commission's regulatory authorities; develops and revises the accounting regulations of the Commission prescribing uniform systems of accounts for persons subject to the shipping statutes; develops cost formulas for application to the movement of water borne commerce in the domestic and foreign commerce of the United States; prepares reports and appears in rate proceedings and/or proceedings where rates and/or cost are a paramount issue; conducts studies, as appropriate, for the purpose of determining classes of depreciable property, depreciation percentages, replacement costs, reasonable overhead, etc.; prepares analytical reports for the consideration of the Commission and the staff in the processing and approval of tariffs and the approval of rates including studies of reasonable return on and current cost of capital both borrowed and invested; and conducts economic studies and prepares reports reflecting for trade areas under consideration the extent and nature of competition, commodities carried, the extent and effect of regularity of services, future commodity trends, etc.

8. The Offices of the Atlantic, Gulf, Pacific, and Great Lakes District Managers are responsible for the administrative coordination of all field programs and activities of the Federal Maritime Commission within their respective areas, subject to national policies and program determinations, standard procedures, and supervision and technical direction of the appropriate office or bureau director in Washington, D.C.; in addition the District Managers shall be responsible for maintaining contact with persons within their areas who are subject to the shipping statutes and rules and regulations of the Commission; further the District Managers shall be available for consultation and advisory services requested by common carriers by water in the foreign and domestic off-shore commerce of the United States, terminal operators, freight forwarders, conferences and shippers; finally the District Managers shall be responsible for performing other functions and duties as assigned by the Chairman, Executive Director and/or the Commission.

SEC. 6. *Delegation of authorities.* 6.01. Pursuant to section 105 of Reorganization Plan No. 7 of 1961, effective August 12, 1961, the Federal Maritime Commission hereby delegates the authorities set forth in Sections 7, 8, and 9 of this order to the officials designated therein, subject to the limitations prescribed in Sections 6.02, 6.03, 6.04, and 6.05 of this order.

6.02. The delegatees shall exercise the authorities delegated herein in a manner consistent with the established policy of the Federal Maritime Commission.

6.03. The authorities delegated herein, except those delegated to the Chief Examiner, may not be exercised unless resolution of all legal questions and the approval of the form of all legal documents have been obtained, either concurrently or previously, from the General Counsel, or his designee.

6.04. The delegatees may in their discretion redelegate their authorities, unless otherwise restricted herein, to subordinate personnel under their direction; provided that such redelegation does not grant the recipient the authority to subsequent redelegation. The delegatees retain full responsibility for actions taken by their subordinates under any authority redelegated by them.

6.05. Notwithstanding the delegations contained herein, the Commission retains its discretionary right of review as provided in section 105(b) of Reorganization Plan No. 7 of 1961.

SEC. 7. *Specific authorities delegated to the Executive Director.* 7.01. Authority to accept or reject tariff filings of domestic off-shore carriers or common carriers in the foreign commerce of the United States, or conferences of such carriers for failure to meet the requirements of statute or the Commission's requirements, or for lack of completeness and clarity of the rules and regulations governing the tariff, or noncompliance with special permission or other order of the Commission.

7.02. Authority to approve special permission applications submitted by domestic off-shore carriers or carriers in the foreign commerce of the United States, or conferences of such carriers for relief from a statutory and/or Commission tariff requirement, provided the relief sought is limited to one or more of the following (a) permission to deviate from prescribed tariff format; (b) permission to correct a clerical or typographical error; (c) permission to postpone the effective date of a previously submitted filing; or (d) permission to cancel or withdraw protested matter.

7.03. Authority to review and determine the validity of alleged or suspected violations, exclusive of formal complaints, of the shipping statutes and rules and regulations of the Commission by common carriers by water in the domestic off-shore or the foreign commerce of the United States, terminal operators, freight forwarders, and other persons subject to the provisions of the shipping statutes; authority to determine corrective action necessary with respect to violations and conduct negotiations and obtain compliance by the violating parties, except where violations involve major questions of policy or major interpretations of statutes, or orders, rules and regulations of the Commission, or acts having material effect upon the commerce of the United States.

7.04. Authority to approve, within the framework of prescribed Commission policy and criteria, applications for licenses, and issue licenses to all persons, partnerships, corporations, or associations desiring to engage in ocean freight forwarding activities and to recommend denial to the Commission of those that appear to warrant denial of licenses.

7.05. Authority to develop, prescribe and administer programs to assure compliance with the provisions of the shipping statutes of all persons subject thereto, including without limitation those programs for: (a) The submission of regular and special reports, information and data; (b) the conduct of a plan for the field audit of activities and practices of common carriers by water in the domestic off-shore trade and the foreign commerce of the United States, conferences of such carriers, terminal operators, freight forwarders, and other persons subject to the shipping statutes; and (c) the conduct of rate studies.

SEC. 8. *Specific authorities delegated to the Special Permission Committee (Secretary, Executive Director, Director, Bureau of Foreign Regulation, and Director, Bureau of Domestic Regulation).* 8.01. Authority, acting as the Special Permission Committee, to approve special permission applications for relief from a statutory and/or Commission tariff requirement for any relief sought beyond that delegated to the Executive Director in section 7.02 of this order; in the exercise of this authority the Director, Bureau of Foreign Regulation or the Director, Bureau of Domestic Regulation shall serve only as a member of the committee when the committee is acting on applications involving subject matter within his regular area of responsibility.

8.02. In the absence of the officials to whom this authority is delegated their Deputies or Assistants are authorized to act for them.

SEC. 9. *General authority delegated to the Secretary, General Counsel, Chief Examiner, and the Executive Director.* 9.01. Authority to exercise all functions and take all actions necessary, to direct and carry out the duties and responsibilities assigned to the Office of the Secretary, Office of the General Counsel, Office of Hearing Examiners, and the Executive Director in accordance with their functional assignments as heretofore prescribed in this order.

Dated: January 16, 1962.

THOS. E. STAKEM,
Chairman.

[F.R. Doc. 62-759; Filed, Jan. 22, 1962; 8:51 a.m.]

[Commission Order 201.1]

REDELEGATION OF AUTHORITIES BY THE EXECUTIVE DIRECTOR

SECTION 1. *Purpose.* 1.01. The purpose of this order is to redelegate certain authorities delegated to the Executive Director, pursuant to Federal Maritime Commission Manual of Orders, Commission Order No. 1 (amended), effective January 16, 1962.

SEC. 2. *Redelegations of authorities.* 2.01. The authorities set forth in sections 4 through 7 of this order are hereby redelegated to the respective officials having jurisdiction of the particular functional areas.

2.02. These officials shall exercise the authorities redelegated herein in a manner consistent with the established policy of the Federal Maritime Commission.

2.03. The authorities redelegated may not be exercised unless resolution of all legal questions and the approval of the form of all legal documents have been obtained, either concurrently or previously, from the General Counsel, or his designee.

2.04. These officials may not redelegate their authorities to subordinate personnel, except by prior approval of the Federal Maritime Commission and the Executive Director.

SEC. 3. *Limitation on the exercise of redelegated authorities.* 3.01. The officials to whom are redelegated the authorities specified herein shall, notwithstanding the provisions of this order, consult with the Executive Director on any matter or question involving:

1. Deviation from established policy or procedure.

2. An important decision or interpretation thereof.

3. Matters on which differences of opinion exist between bureaus under the direction of the Executive Director or with other offices of the Federal Maritime Commission.

SEC. 4. *Specific authorities redelegated to the Deputy Executive Director.* 4.01. Authority, in the absence or preoccupation of the Executive Director, to exercise all authorities of the Executive Director consistent with programs, policies and precedents established by previous action of the Commission or the Executive Director.

SEC. 5. *Specific authorities redelegated to the Director, Bureau of Foreign Regulation.* 5.01. Authority to accept or reject tariff filings submitted by common carriers by water engaged in the foreign commerce of the United States.

5.02. Authority to approve special permission applications submitted by common carriers by water in the foreign commerce or conferences of such carriers for relief from a statutory and/or Commission tariff requirement, provided the relief sought is limited to one or more of the following: (a) permission to deviate from prescribed tariff format; (b) permission to correct a clerical or typographical error; (c) permission to postpone the effective date of a previously submitted filing; or (d) permission to cancel or withdraw protested matter.

5.03. Authority to review and determine the validity of alleged or suspected violations, exclusive of formal complaints, of the shipping statutes and rules, regulations and orders of the Commission by common carriers by water or the foreign commerce of the United States, conference of such carriers, and other persons subject to the provisions of the shipping statutes; authority to determine corrective action necessary with respect to violations and conduct negotiations and obtain compliance by the violating parties, except where violations involve major questions of policy or major interpretations of statutes, or orders, rules and regulations of the Commission, or acts having material effect upon the commerce of the United States.

5.04. Authority to develop, prescribe and administer programs to assure compliance with the provisions of the shipping statutes of common carriers by water in the foreign commerce of the United States and steamship conferences, including but not limited to those programs for: (a) The submission of regular and special reports, information and data; (b) the conduct of field audit of the activities and practices of such common carriers and conferences; and (c) in collaboration with the Director, Bureau of Financial Analysis, the conduct of rate studies.

SEC. 6. *Specific authorities redelegated to the Director, Bureau of Domestic Regulation.* 6.01 Authority to accept or reject tariff filings of domestic off-shore carriers or conferences of such carriers for failure to meet the requirements of statute or the Commission's requirements, or for lack of completeness and clarity of the rules and regulations governing the tariff, or noncompliance with special permission or other order of the Commission.

6.02. Authority to approve special permission applications submitted by domestic off-shore carriers for relief from a statutory and/or Commission tariff requirement, provided the relief sought is limited to one or more of the following:

(a) Permission to deviate from prescribed tariff format;

(b) Permission to correct a clerical or typographical error;

(c) Permission to postpone the effective date of a previously submitted filing; or (d) permission to cancel or withdraw protested matter.

6.03. Authority to process, within the framework of prescribed Commission policy and criteria, applications for licenses, and issue licenses approved by the Executive Director or the Commission to persons, partnerships, corporations, or associations desiring to engage in ocean freight forwarding activities and to prepare recommendations to the Executive Director and the Commission for the denial of licenses.

6.04. Authority to review and determine the validity of alleged or suspected violations, exclusive of formal complaints, of the shipping statutes and rules, regulations and orders of the Commission by common carriers by water in the domestic off-shore commerce of the United States, conferences of such carriers, terminal operators, freight forwarders, and other persons subject to the provisions of the shipping statutes; authority to determine corrective action necessary with respect to violations and conduct negotiations and obtain compliance by the violating parties, except where violations involve major questions of policy or major interpretations of statutes, or orders, rules and regulations of the Commission, or acts having material effect upon the commerce of the United States.

6.05. Authority to develop, prescribe and administer programs to assure compliance with the provisions of the shipping statutes of common carriers by water in the domestic off-shore trade terminal operators, freight forwarders and other persons subject thereto, including but not limited to those programs for: (a) The submission of regular and special reports, information and data; (b) the conduct of field audit of the activities and practices of such common carriers by water in the domestic off-shore trade, terminal operators, freight forwarders, and other persons; and (c) in collaboration with the Director, Bureau of Financial Analysis, the conduct of rate studies.

SEC. 7. *General authority redelegated to all of the Bureau Directors.* 7.01. Authority to exercise all functions and take all actions necessary, to direct and carry out the duties and responsibilities assigned to their respective bureaus, in collaboration with and subject to the concurrence of other appropriate offices or bureaus, as may be required, in accordance with their functional assignments as prescribed in Manual of Orders, Commission Order No. 1 (amended).

Dated: January 16, 1962.

ELMER E. METZ,
Executive Director.

[F.R. Doc. 62-760; Filed, Jan. 22, 1962; 8:51 a.m.]

TARIFF COMMISSION

[AA1921-23]

PORTLAND CEMENT FROM DOMINICAN REPUBLIC

Notice of Investigation

Having received advice from the Treasury Department on January 18, 1962, that Portland Cement, other than white, nonstaining portland cement, from the Dominican Republic, is being, or is likely to be, sold in the United States at less than fair value, the United States Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing: A public hearing in connection with this investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.s.t., on March 1, 1962. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: January 18, 1962.

By order of the Commission:

DONN N. BENT,
Secretary.

[F.R. Doc. 62-743; Filed, Jan. 22, 1962; 8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2922]

GEORGE HARMON COMPANY, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JANUARY 16, 1962.

I. George Harmon Company, Inc. (issuer), 18141 Napa Street, Northridge, California, a Nevada corporation, filed with the Commission on July 21, 1961, a notification on Form 1-A and offering circular relating to a proposed public offering of 62,500 shares of common stock, 10 cents par value, at $4 per share on behalf of issuer, and 10,000 warrants for common stock at 10 cents per share, and the 10,000 shares of common stock underlying such warrants, for the benefit of Hamilton Waters & Co., Inc., 250 Fulton Avenue, Hempstead, New York, the underwriter, and certain finders, J. Homer Overholser, 9171 Wilshire Boulevard, Beverley Hills, California, and Milton Weinberg, address not known, all for an aggregate offering price of not to exceed $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. The shares were to be offered by the named underwriter on a best-efforts basis.

II. The Commission has reasonable cause to believe that:

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The representation in the offering circular that the issuer has a backlog of orders totalling $4,314,349;

2. The representation in the offering circular that the issuer has an order totalling $4,130,000 for telephone answering devices from Phonomatic, Inc., 1067 South Fairfax, Los Angeles, California;

3. The representation in the offering circular that the issuer has an order totalling $59,415 for Talk-A-Way Transceivers from AVTA Corporation, 3440 Wilshire Boulevard, Los Angeles, California;

4. The representation in the offering circular that the issuer has an order totalling $1,540,000 for inertia switches from a prime west coast missile contractor upon an adequate showing of working capital;

5. The representation in the offering circular that in management's opinion, adequate working capital would be available to the issuer for the anticipated interia switches contract upon completion of this offering;

6. The representation in the offering circular that bank financing would be available to the issuer to handle all of the foregoing orders if delivery schedules required bank financing.

B. The offering would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-520; Filed, Jan. 22, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI62-293—RI62-299]

J. M. HUBER CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JANUARY 16, 1962.

J. M. Huber Corporation, Docket No. RI62-293; Texaco Inc., Docket No. RI62-294; Union Oil Company of California, Docket No. RI62-295; Humble Oil & Refining Company, Docket No. RI62-296; Jackie Grubb Ankenman, et vir, Docket No. RI62-297; Estate of Naomi S. Grubb, Docket No. RI62-298; Kerr-McGee Oil Industries, Inc., Docket No. RI62-299.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate [2]	Rate in effect subject to refund in Docket Nos.
RI62-293	J. M. Huber Corp., 2401 East Second Avenue, Denver 6, Colo.	34	6	Natural Gas Pipeline Co. of America (Chunn Field, Hansford County, Tex.) (R.R. District No. 10).	$159	12-20-61	1-23-62	6-23-62	[3] 17.1632	17.3651	RI61-319
RI62-294	Texaco Inc., P.O. Box 2332, Houston, Tex.	216	3	Natural Gas Pipeline Co. of America (Hansford Field, Hansford County, Tex.) (R.R. District No. 10).	78	12-20-61	1-23-62	6-23-62	[3] 17.0	17.2	RI61-337
RI62-295	Union Oil Co. of California, P.O. Box 7600, Los Angeles 54, Calif.	13	7	Texas Gas Transmission Corp. (East Lake Pelsenda Field, Assumption and St. Martin Parishes, La.) (Southern Louisiana).	480,600	12-20-61	1-20-62	6-20-62	[4] 21.875	23.875	G-17705
RI62-296	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex.	21	6	Mississippi River Fuel Corp. (Woodlawn Field, Harrison County, Tex.) (R.R. District No. 6).	182	12-21-61	1-27-62	6-27-62	[3] 14.1344	14.6392	----------
RI62-297	Jackie Grubb Ankenman, et vir, 646 Bank of Commerce Building, Houston 2, Tex.	1	6	Iroquois Gas Corp. (Sheridan Field, Colorado County, Tex.) (R.R. District No. 3).	618	12-21-61	1-21-62	6-21-62	[3] 17.668	18.6776	G-17064
RI62-298	Estate of Naomi S. Grubb, c/o Mr. Charles W. Hamilton, 2101 Bank of Commerce Building, Houston 2, Tex.	1	6	Iroquois Gas Corp. (Sheridan Field, Colorado County, Tex.) (R.R. District No. 3).	1,236	12-21-61	1-21-62	6-21-62	[3] 17.668	18.6776	G-17063
RI62-299	Kerr-McGee Oil Industries, Inc., Kerr-McGee Building, Oklahoma City 2, Okla.	53	6	Natural Gas Pipeline Co. of America (Camrick Southeastern Field, Texas County, Okla.).	42	12-22-61	1-23-62	6-23-62	[3] 17.0	17.2	RI61-327

[1] The stated effective date is the first day after expiration of the required statutory notice or, if later, the date requested by respondent.
[2] Periodic increases by contract.
[3] Pressure base is 14.65 psia.
[4] Pressure base is 15.025 psia.

The proposed increased rates exceed the applicable area price levels.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indi-

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

cated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before March 6, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-691; Filed, Jan. 22, 1962; 8:45 a.m.]

[Docket Nos. G-17296, G-19087, G-20109]

NEW YORK STATE NATURAL GAS CORP.

Notice of Extension of Time and Postponement of Hearing

JANUARY 15, 1962.

Upon consideration of the motion filed January 9, 1962, by counsel for New York State Natural Gas Corporation (New York Natural) for an extension of time within which New York Natural shall serve its prepared testimony and exhibits for its case-in-chief upon all parties as required by the Commission's order issued November 21, 1961, and postponement of the hearing now scheduled for February 19, 1961, in the above-designated matter;

An extension is hereby granted to and including February 19, 1962, within which New York Natural shall serve its prepared testimony and exhibits for its case-in-chief upon all parties and the hearing now scheduled to commence on February 19, 1962, is hereby postponed to March 19, 1962, at 10:00 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. Paragraphs (C) and (D) of said order issued November 21, 1961, are amended accordingly.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-693; Filed, Jan. 22, 1962; 8:46 a.m.]

[Docket No. CP61-312]

KENTUCKY GAS TRANSMISSION CORP. AND THE UNION LIGHT, HEAT AND POWER CO.

Notice of Application and Date of Hearing

JANUARY 16, 1962.

Take notice that on June 7, 1961, as supplemented on September 21, 1961, Kentucky Gas Transmission Corporation (Kentucky Gas), 1700 MacCorkle Avenue SE., Charleston, West Virginia, and The Union Light, Heat and Power Company (Union), Seventh and Scott Streets, Covington, Kentucky (sometimes hereinafter referred to jointly as Applicants) filed a joint application in Docket No. CP61-312, for: (a) Permission and approval for Kentucky Gas to abandon by sale to Union and The Cincinnati Gas & Electric Company (Cincinnati) a segment of Kentucky Gas' 24-inch transmission pipeline AM-7 located in Kentucky and Ohio, including a multiple 20-inch O.D. crossing of the Ohio River; and (b) a certificate of public convenience and necessity authorizing Union to acquire and operate that portion of the subject 24-inch pipeline and subject river crossing located in Kentucky and authorizing Union to transport and deliver for the account of Kentucky Gas, through the facilities to be acquired, volumes of natural gas deliverable to Cincinnati by Kentucky Gas, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

The facilities to be sold by Kentucky Gas to Union and Cincinnati are:

	Original cost	Depreciated cost as of Dec. 31, 1960
To Union		
25,349 feet of 24-inch gas pipeline AM-7 including 4,915 feet of 20-inch river crossing and related facilities extending from Erlanger, Ky., to the Kentucky-Ohio State line	$683,169.93	$623,736.77
To Cincinnati		
1,572 feet of 20-inch river crossing and related facilities extending from the Kentucky-Ohio State line to an existing point of connection with Cincinnati near Anderson Ferry, Ohio	93,171.25	84,547.81

Applicants state that the proposed transfer of facilities is designed to eliminate the necessity of constructing duplicate pipeline facilities for the distribution of peak-shaving propane-air gas following the development by Union of propane storage facilities in the Commonwealth of Kentucky.

Union and Cincinnati have agreed to purchase the subject facilities at a price which would be the original cost less accrued depreciation as of the date of closing.

The proposed transportation service by Union is for the purpose of maintaining existing service rendered by Kentucky Gas to Cincinnati through the facilities herein proposed to be acquired.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 19, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such joint application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10 on or before February 9, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-692; Filed, Jan. 22, 1962; 8:46 a.m.]

[Docket No. CP61-169]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Petition to Amend Order Issuing Certificate of Public Convenience and Necessity

JANUARY 16, 1962.

Take notice that on October 30, 1961, Texas Eastern Transmission Corporation (Petitioner), P.O. Box 1189, Houston, Texas, filed in Docket No. CP61-169 a petition to amend an order issuing certificate of public convenience and necessity to include therein sales of natural gas from certain additional acreage in the Flora Vista area, San Juan County, New Mexico, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

On April 21, 1961, in Docket No. CP61-169 (Docket Nos. G-3196, et al.). Petitioner was granted a certificate of public convenience and necessity authorizing the field sale of natural gas to El Paso Natural Gas Company (El Paso) from acreage in the Flora Vista area, San Juan County, New Mexico. The petition states that Petitioner and El Paso have entered into a Supplemental Gas Purchase Agreement dated October 4, 1961, by the terms of which such additional acreage is added to the Gas Purchase Agreement between said parties dated March 18, 1957, upon which said certificate was issued, as aforesaid. Petitioner requests that said certificate be amended to include sales from the additional acreage.

Protests, petitions to intervene, or requests for hearing may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 9, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-694; Filed, Jan. 22, 1962; 8:46 a.m.]

[Docket No. RI62-300]

McALESTER FUEL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

JANUARY 17, 1962.

On December 18, 1961, McAlester Fuel Company (McAlester) [1] tendered for filing a proposed change in its presently effective rate schedule for jurisdictional sales of natural gas to Texas Eastern Transmission Corporation from the Fort Lynn Field, Miller County, Arkansas. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated December 14, 1961.
Rate schedule designation: Supplement No. 6 to McAlester's FPC Gas Rate Schedule No. 3.
Effective date: January 18, 1962 (effective date is the first day after expiration of the required 30 days' notice).
Rate in effect: 14.3¢ per Mcf at 14.65 psia.
Proposed increased rate: 14.475¢ per Mcf at 14.65 psia.
Annual increase: $607.00.

The proposed increase consists of reimbursement of a portion of the increase in the Arkansas gas severance tax plus a portion of the newly enacted Arkansas gas conservation assessment, under the terms of McAlester's gas purchase contract.

The proposed increased rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 6 to McAlester's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to McAlester's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 18, 1962, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 5, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-733; Filed, Jan. 22, 1962; 8:50 a.m.]

[1] Address: c/o Keith, Clegg & Eckert, 201 McAlester Bldg., Magnolia, Arkansas.

FEDERAL RESERVE SYSTEM

HACKENSACK TRUST CO.

Order Approving Merger of Banks

In the matter of the application of The Hackensack Trust Company for approval of merger with The Bank of Saddle Brook & Lodi.

There has come before the Board of Governors, pursuant to Section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), an application by The Hackensack Trust Company, Hackensack, New Jersey, for the Board's prior approval of the merger of The Bank of Saddle Brook & Lodi, Saddle Brook, New Jersey, with and into The Hackensack Trust Company, under the charter and title of the latter.

Pursuant to said section 18(c), notice of the proposed merger, in form approved by the Board of Governors, has been published, and reports on the competitive factors involved in the proposed transaction have been furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice and have been considered by the Board.

It is ordered, For the reasons set forth in the Board's statement [1] of this date, that said merger be, and hereby is, approved, provided that said merger shall not be consummated (a) sooner than 7 calendar days after the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 17th day of January 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-695; Filed, Jan. 22, 1962; 8:46 a.m.]

[1] Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of New York.

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bali Bra Manufacturing Co., 2445 Bedford Street, Johnstown, Pa.; effective 1-11-62 to 1-10-63 (brassieres).

Martin Manufacturing Co., Inc., 202 North Broadway, Martin, Tenn.; effective 1-11-62 to 1-10-63 (men's shirts and jumpers for armed services).

Salant & Salant, Inc., First Street, Lawrenceburg, Tenn.; effective 1-20-62 to 1-19-63 (men's cotton work shirts).

Waverly Garment Co., Waverly, Tenn.; effective 1-4-62 to 1-3-63 (men's and boys' cotton work pants).

The following learner certificate was issued for normal labor turnover purposes. The effective and expiration date and the number of learners authorized is indicated.

Nat Nast, Inc., Highway K-32, Bonner Springs, Kans., effective 1-5-62 to 1-4-63; 10 learners (men's bowling shirts, women's bowling shirts).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Atwood, Inc., Mooresville, N.C.; effective 1-3-62 to 7-2-62; 25 learners (pants, work shirts).

Metro Pants Co., Bridgewater, Va.; effective 1-4-62 to 7-3-62; 20 learners (boys' trousers).

Reidbord Brothers Co., Livingston Street, Elkins, W. Va.; effective 1-5-62 to 7-4-62; 30 learners (men's trousers and work shirts).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Cherrybell Manufacturing Corp., 1720 South Cherrybell Stravenue, Tucson, Ariz.; effective 1-5-62 to 7-4-62; 15 learners for plant expansion purposes (ladies undergarments).

Lady Jane Manufacturing Co., Inc., 125 South Spruce Street, Mt. Carmel, Pa.; effective 1-9-62 to 1-8-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Shadowline, Inc., Morganton, N.C.; effective 1-15-62 to 1-14-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' woven and knit lingerie).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 16th day of January 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-697; Filed, Jan. 22, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 33933]

NORTHERN PACIFIC RAILWAY CO. AND KNAUF & TESCH CO.

Rates on Shipments of Millet Seed From North Dakota Points to Points in New York

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 12th day of January A.D. 1962.

It appearing, that by petition filed November 6, 1961, the Northern Pacific Railway Company seeks a declaratory order under section 5(d) of the Administrative Procedure Act, determining the applicable rates on certain shipments of millet seed from Oakes, Wyndmere and Lisbon, North Dakota, to Brooklyn and New York, New York on and between October 30, 1956 and March 14, 1958, or, in the alternative, for such other action as is deemed proper in the premises, to which petition a reply was filed on November 21, 1961, by the shipper, the Knauf & Tesch Company, hereinafter called respondent; and, that court actions have been filed in the circuit court for Douglas County, State of Wisconsin, for the collection of undercharges, which suits have been stayed pending consideration by the Commission of the applicable rates and charges:

It is ordered, That the said petition be, and it is hereby, docketed with the number and title set forth above;

It is further ordered, That this proceeding be handled under modified procedure; that petitioner and any interested person subsequently permitted to intervene herein comply with §§ 1.45 to 1.54, inclusive, of the Commission's general rules of practice, the filing and service of pleadings to be as follows: (a) not later than February 21, 1962, opening statement of facts and argument by the petitioner and any party supporting the position of the petitioner; (b) 30 days thereafter statement of facts and argument by the respondent and any party supporting the position of the respondent, or taking a neutral position with respect thereto; and (c) 10 days thereafter reply by the petitioner or other person described in (a);

It is further ordered, That any pleadings filed responsive to this order shall be served upon all parties subsequently permitted to intervene herein, and also upon:

Mr. H. B. Krengel, Attorney,
Northern Pacific Railway Co.,
1018 Northern Pacific Building,
St. Paul 1, Minn.

from whom a copy of the said petition may be obtained.

And it is further ordered, That a copy of this order be filed with the Director, Division of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-713; Filed, Jan. 22, 1962; 8:47 a.m.]

MR. KEITH LYRLA

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F.R. 10086; 21 F.R. 3475; 21 F.R. 9198; 22 F.R. 3777; 22 F.R. 9450; 23 F.R. 3798; 23 F.R. 9501; 24 F.R. 4187; 24 F.R. 9502; 25 F.R. 102; 26 F.R. 1692, and 26 F.R. 6284) during the period from July 1, 1961 through December 31, 1961.

Increase in holding of Illinois Central Railroad Co. stock to 500 shares in August 1961.

Dated: January 5, 1962.

KEITH H. LYRLA.

[F.R. Doc. 62-714; Filed, Jan. 22, 1962; 8:47 a.m.]

FLOYD A. MECHLING

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part II, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (22 F.R. 996; 22 F.R. 6584; 23 F.R. 1062; 23 F.R. 6730; 24 F.R. 552; 24 F.R. 6251; 24 F.R. 9689; 24 F.R. 109; 26 F.R. 1693; and 26 F.R. 6463), for the period July 26, 1961, through January 25, 1962.

Additions:
(1) Barge Painting & Coating, Inc.

Dated: January 25, 1962.

F. A. MECHLING.

[F.R. Doc. 62-715; Filed, Jan. 22, 1962; 8:47 a.m.]

EUGENE S. ROOT

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F.R. 10086; 21 F.R. 3475; 21 F.R. 9198; 22 F.R. 3777; 22 F.R. 9450; 23 F.R. 3798; 23 F.R. 9501; 24 F.R. 4187; 24 F.R. 9502; 25 F.R. 102; 26 F.R. 1693; and 26 F.R. 6405) for the period from July 1, 1961 through December 31, 1961.

Nothing to report.

Dated: January 8, 1962.

E. S. ROOT.

[F.R. Doc. 62-716; Filed, Jan. 22, 1962; 8:47 a.m.]

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UNITED STATES STATUTES AT LARGE

[86th Cong., 2d Sess.]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 402—RAISIN CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR RAISIN CROP INSURANCE

Pursuant to authority contained in § 402.1 of the above-identified regulations, the following counties have been designated for raisin crop insurance for the 1962 crop year.

CALIFORNIA

Fresno.	Merced.
Kern.	San Joaquin.
Kings.	Stanislaus.
Madera.	Tulare.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-780; Filed, Jan. 23, 1962; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 2, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 907.302 (Navel Orange Regulation 2, 27 F.R. 391) are hereby amended to read as follows:

(i) District 1: 325,000 cartons;
(ii) District 2: 325,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 19, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-762; Filed, Jan. 23, 1962; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-347]

PART 288—EXEMPTION OF AIR CARRIERS FOR SHORT NOTICE MILITARY CONTRACTS

Reasonable Level of Compensation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of January 1962.

In a notice of proposed rule making dated September 15, 1961 (EDR-35; 26 F.R. 8815), the Board proposed certain revisions to Part 288. Additional comments were sought in a supplemental notice dated October 19, 1961 (EDR-35A; 26 F.R. 9913). Part 288 exempts air carriers, subject to certain conditions, limitations and requirements, from sections 401 and 403 of the Federal Aviation Act to enable such carriers to perform charter services for the Military Air Transport Service on short notice. The revisions proposed by the Board in the notice relate to the minimum rate criteria embodied in Part 288 as one of the conditions upon the grant of the exemption authority contained therein. One of the proposed revisions, an amendment to § 288.7(d) relating to standard mileage, was adopted as a final rule on November 30, 1961, effective December 15, 1961 (ER-342, 26 F.R. 11483).

Various air carriers, one applicant for a supplemental certificate and the Department of Defense have submitted comments in response to the notice and to the supplemental notice. The Board has given careful consideration to these comments, and has determined to adopt the amendments, proposed in the notice, with certain modifications, as set forth below.

The comments covered all aspects of the proposed modifications to the minimum rate criteria, namely: (1) Reduction in the level of certain of the minimum rates; (2) addition of new provisions permitting the application of round-trip rates to open-jaw trips, subject to certain conditions; and (3) specification of minimum available cabin loads for additional aircraft types. In addition, two carriers have proposed that the Board conduct an evidentiary hearing on the minimum rate question. These matters are treated in turn below.

1. *Level of minimum rates.* The notice proposed reductions in the minimum charges applicable to MATS operations as follows:

	Existing charges (cents)	Proposed charges (cents)
Round-trip passenger charter	[1] 2.9	[1] 2.7
One-way passenger charter	[1] 4.2	[1] 4.2
Round-trip cargo charter	[2] 13.75	[2] 12
Convertible cargo round-trip	[2] 16.5	[2] 13.8
One-way cargo charter	[2] 22.5	[2] 21.5

[1] Per passenger-mile.
[2] Per ton-mile.

All but one of the carriers submitting comments in response to the Board's notice object to the proposed reductions. These objections may be grouped as follows:

a. Objections to the overall methodology of the proposal;

b. Alleged errors in computing the cost of service for various carriers;

c. Alleged inadequacy of the rate of return on investment; and

d. Alleged errors in determining the rate for one-way charters and convertible aircraft.

a. *Methodology.* As set forth in the notice, the revisions to the minimum rates were based upon the average cost of operations under the long-term MATS contracts for transatlantic and transpacific services. Carriers objecting to the general approach employed state that it gives undue weight to the cost of Pan American passenger contracts and to costs projected for the as yet unproven CL-44 aircraft type; that no weight is given to the need for back-up equipment, the cost of substitute service, or expansion capability commitments; that the minimum rate for passenger service

is set too low for profitable operations by several of the participating carriers and particularly for operators of piston-powered aircraft; and that no weight is given to the higher costs of "call" operations, some carriers arguing that separate rates should be set for such services.

There is, of course, no single mathematical technique for the establishment of a rate applicable to a group of carriers performing similar but not identical operations. Obviously, it is impossible to establish a rate which will yield the predetermined rate of return for each carrier. A rate set on the basis of the lowest cost operator might be unfair to carriers with higher cost operations. Similarly, a rate based upon the highest cost operator might result in excessive returns to other carriers and unfair charges to the transportation user. In determining the fair and reasonable minimum rate in this situation, the point of departure necessarily is the overall weighted average cost of service. However, such cost must be tested against the cost of service of each individual carrier, both with and without the return element, as well as the average unit costs of groups of carriers, to determine whether any circumstances require the rate to be higher or lower than the weighted average cost of the service.

Round-trip passenger rate. Based upon the costs as revised herein and discussed below, the weighted average cost for round-trip passenger charters is 2.76 cents per passenger-mile, including return on investment. With one exception, which we regard as atypical,[1] the passenger unit costs of the individual carriers, including return element, fall within a range of 5 percent above and 4 percent below the weighted average. Thus, while the operations within this range would yield varying rates of return, in no case is there an extreme disparity, nor would the return be below the fully allocated operating cost of any of these carriers. Finally, while the return realized by piston operators may well be below that of the jet operators, this is a natural result of the introduction in quantity of the lower cost aircraft. To predicate the price for all carriers on piston costs would result in an excessive rate for the user. On balance, therefore, we conclude that a minimum rate for passenger services of 2.75 cents, based upon the weighted average costs, rounded off, of the major long-term contract operations, produces the most reasonable result. This represents an increase from the rate of 2.70 cents proposed in the notice.

Round-trip cargo rate. For round-trip cargo services the overall weighted average cost, as adjusted herein, is 12.12 cents per ton mile. This average cost is heavily weighted by the CL–44 data, which account for 90 percent of the fixed contract awards. The significance of this is underscored by the fact that the projected CL–44 costs are considerably lower than the costs of other cargo types as well as by the fact that in the absence of a substantial body of data based upon actual operations with the CL–44, the reliability of the forecast data available to the Board is not entirely insured.

The range of cost above and below the weighted average cost of 12.12 cents is wider than in the case of passenger operations. A rate based solely upon such cost would give undue weight to CL–44 data and would not cover the total operating costs of the L1049H aircraft which is the most efficient piston-cargo type. Under these circumstances the Board has concluded that the minimum rate for round-trip cargo services should be set at 12.5 cents per ton mile which is 3 percent above the weighted average and which will permit operations with the L1049H aircraft at a slight profit.

In fixing the rate for round-trip cargo services, the Board does not believe it has erred in failing to give weight to the CL–44 integration costs now being experienced. All of the available figures indicate that the CL–44 will in fact operate at lower unit costs than its predecessor piston-aircraft and no carrier appears to contest this fact. Moreover, while there have been substantial integration costs since the introduction of these aircraft in the past half year, we know of no theory which would support the establishment of a rate giving full and continuing impact to integration costs occurring only in a limited introductory period. By deferring the effectiveness of the proposed rate reductions until February 1, 1962, we believe that substantial justice will have been done. It is noteworthy that, notwithstanding the contentions made in this proceeding by CL–44 operators that the minimum rates are inadequate, the same carriers have made substantial reductions in their tariff rates applicable to military and commercial cargo, and have filed below-minimum rates with MATS on numerous occasions since last June.

We have considered the arguments that weight should be given to the need for back-up equipment and the cost of the expansion capability provisions of the MATS contracts. No carrier has provided any basis for reflecting these factors in the minimum rates. The carriers' cost estimates are based upon allocations of system costs and therefore include the cost of back-up aircraft, personnel and facilities. The expansion capability provisions impose no important restrictions on the use of the aircraft so committed. Until an emergency is declared by the Secretary of Defense, carriers are not obligated to fill expansion requests. To the extent that such aircraft are utilized by MATS, the services are paid for at the regular rates. If such aircraft are in fact productively engaged in other commercial operations there is no need to charge any part of their costs to the MATS service. If the aircraft are in fact idle, charging them to the other MATS services would produce an excessive rate for those services by burdening MATS with the cost of equipment which is not used and useful in the contract operations.

Several carriers contend that the proposed rates, being based solely on the costs of long-term fixed contracts, do not give weight to the alleged higher costs of so-called "call" service. In our opinion no specific upward adjustment for this factor is warranted. To begin with, the costs of call services vary widely. For example, while one award for one flight to an isolated area and requiring multiple crews might involve a very high cost to the carrier, other awards might dovetail with the carrier's operations and thus be capable of being performed at a cost comparable to those which would prevail under the long-term contracts. The same would be true of so-called call contracts which involve flights over an extended period of time and thus take on the cost characteristics of fixed-type contracts. While it is true that the minimum rate might be too low for particular call awards or for services as operated by a particular carrier, there is no obligation on the part of a carrier to bid the minimum rate or to bid at all if it believes that it cannot perform a particular contract profitably.

We have considered whether to establish a separate higher rate for call operations. The carriers engaged in call contract business are in competition with the long-term contract holders operating under the expansion capability provisions of their contracts. If a higher rate for call contracts were established, it appears obvious that MATS would offer additional business to the long-term contract holders under the expansion capability provisions, thus placing the call contract carriers at a competitive disadvantage. A majority of the carriers oppose a separate rate for call services on this ground. We conclude that the sound course is to establish the minima for fixed and call operations at the same level.

One carrier argues that the cargo rate (developed on the basis of transpacific operating costs) would be too low for transatlantic services because of the costs of landing at Gander and Shannon. The material submitted by the carrier suggested that these additional costs would be approximately one-half a cent per ton-mile on the CL–44. But the minimum round-trip cargo rate of 12.5 cents per ton-mile has deliberately been set somewhat above the average total cost of service with that airplane. It appears that the CL–44 operator should have no real difficulty in absorbing those additional costs even if they are in fact incurred. In any event, there has been no real showing that transatlantic operating costs are higher than transpacific or that different rates are warranted for either passenger or cargo operations as between the two areas.

Finally, although the carriers' comments stress consideration in favor of upward adjustments to the proposed minimum rates, there are other factors tending in the opposite direction. Thus, the minimum rates are based upon the carriers' own forecasts of expenses and investment. While we have made necessary adjustments to these forecasts we have not attempted to construct a hypothetical cost based on optimum operations. Moreover, it must be stressed that we are fixing rate minima only. No carrier is required to bid at these rates nor is any carrier compelled to engage in any particular MATS contract operation. And, although it is argued that the minimum rates tend to be maximum rates as well, this argument is not factually correct. In a substantial number of cases, particularly in cargo operations, the loads carried are in excess of the minimum load requirements established herein. On the basis of studies of data contained in exemption applications and reports filed in connection with Part 288, the plane-mile revenues for cargo flights average roughly 5 percent above the minimum revenues calculated on the basis of an application of the ton-mile minimum rate to the minimum cabin loads. In sum, on the basis of the facts before us, we are satisfied that the methodology which we have herein employed for fixing the minimum rates is sound.

b. *Cost adjustments.* Four carriers have objected to various adjustments made by the Board to the carriers' expense and investment forecasts which form the basis of the cost calculations contained in the notice. Certain of these objections appear to have merit and the Board has made appropriate revisions to its cost determinations as indicated below. As previously noted, the result of these revisions is to change the weighted average cost of the round-trip passenger service from 2.72 cents per passenger mile to 2.76 cents, and the cost of the round-trip cargo service from 12.00 cents per ton mile to 12.12 cents.

The cost adjustments set forth in the notice have been revised as follows:

(1) Provisions have been made for additional passenger service expense for Pan American to reflect the minimum seating capacity established for the Boeing 707–300 aircraft of 159 passengers.

(2) Pan American's investment has been revised to include an allowance for working capital and ground equipment and to reflect the book value of flight equipment as of December 31, 1961.

(3) Pan American's depreciation has been adjusted to reflect the reported costs for the nine months ended September 30, 1961 and to take into account authorization of aircraft pre-operating expenses of 4 cents per mile which was erroneously eliminated in the notice.

(4) As a partial offset to the above upward adjustments, we have reduced the level of Pan American's direct aircraft operating expenses (less depreciation) from 180.60 cents to 174.21 per mile. This adjustment is based upon a review of reported expense levels and trends for Pan American in the latest three quarters. Those reports show a declining trend in total operating expenses, and a level of direct aircraft operating expenses below that originally forecast by the carrier for MATS operations. Since there appears to be no reason why direct aircraft operating expenses for MATS operations should be any higher than for commercial operations, we have reduced the recognized expense level to the B–707 cost of 174.21 cents per mile reported by the Atlantic and Pacific Division for the year ended September 30, 1961.

(5) All adjustments to Seaboard's forecast of $3.26 per mile for CL–44 operations have been eliminated on the ground that Seaboard's total expense forecast per mile compares favorably with the adjusted forecasts of the other CL–44 operators.

(6) Seaboard's forecast has been corrected to reflect the cost of non-revenue miles related to the contract service.

(7) Where higher than minimum aircraft capacity was used in the calculation of cargo service costs, the data have been recalculated on the basis of minimum aircraft capacity.

(8) The upward adjustment to Flying Tiger's aircraft insurance expense has been eliminated on the basis of the carrier's explanation that its relatively low insurance costs are attributable to the large size of its CL–44 fleet as compared with other CL–44 operators.

(9) The downward adjustment to Riddle's DC–7F passenger liability insurance expense has been reversed, the Board finding that the carrier's forecast is reasonable when tested against the expense levels of other carriers.

The following cost determinations challenged by the carriers have been reviewed by the Board and found to be entirely proper.

(1) The adjustments to Pan American's passenger service and aircraft and traffic service expense levels and to Flying Tiger's passenger liability insurance expense are found required in order to bring the levels of these expense categories into line with those of other carriers, as set forth in Appendix 2.[2]

(2) The following contentions have been rejected as unsupported by substantial factual data: (a) Seaboard's argument that its submittal of CL–44 costs did not include all of its operating expenses; and (b) Flying Tiger's assertion that ONA's cost estimates are not reconcilable with the costs under ONA's CL–44 lease arrangement with Flying Tiger.

c. *Rate of return.* Certain carriers attack the 8 percent rate of return employed in costing the MATS charter services. The principal arguments are that the 8 percent rate ignores the risk of fluctuation of MATS business, is lower than that used by the Board for other rate-making purposes, offers no incentive to provide increased capacity for the national defense and ignores the low aircraft utilization and shorter debt amortization periods associated with the MATS operations of some carriers.

The fixing of an appropriate rate of return is essentially a matter of judgment requiring, among other factors, an evaluation of the effect on capital costs of the risks of MATS operations as compared with other types of air carrier operations. In the Board's opinion, the MATS contract service involves somewhat lesser risks than normal airline operations. Thus, although there are substantial fluctuations in the total volume of business for any given carrier, no carrier is under any obligation to offer to provide any service or to bid at the minimum rate if it believes such rate to be inadequate. Moreover, an operation once begun offers guaranteed revenues, which is not the case with scheduled operations, and the uncertainties are limited for the most part to operational problems and cost fluctuations. In view of these considerations, we are of the view that in fixing the minimum rate level for MATS contract services a return at the lower end of the zone of reasonableness is appropriate.

In our opinion, a rate of return of 8 percent after taxes will enable the carriers to pay their interest costs plus provide a moderate but reasonable return on equity capital. As shown in Appendix 3,[2] assuming an interest rate of 5.5 percent on debt capital, the returns on equity range from a low of 8 percent to a high of 59 percent depending on individual capital structures. Excluding carriers whose capital structures are atypical, the range of returns is in the area of 12 to 16 percent. We regard such returns as consistent with our findings on rate of return in the General Passenger Fare Investigation,[3] having due regard for the differences between military and commercial operations discussed above, and the fact that we are here concerned with rate minima only. An 8 percent return, combined with the protection and stability provided by the Board's minimum rate regulation should provide sufficient incentive to the carriers to devote adequate investment to the military requirements and to continue their re-equipment programs.

It is argued that the 8 percent rate of return ignores low aircraft utilization in MATS services. Since the minimum rates are based primarily on the carriers' operating cost estimates with minor adjustments, we must assume that the forecasts make appropriate allowance for this factor.

One carrier contends that an 8 percent return will result in a cash deficit to it after payment of interest and amortization on long-term debt incurred for the purchase of flight equipment. The return element is not intended to cover capital expenditures. Such expenditures are recouped through the depreciation account and to make an additional allowance in the profit element would result in duplicate reimbursement.

d. *One-way and convertible rates.* Some carriers object to the proposed one-way minimum rates of 4.2 cents per passenger-mile and 21.5 cents per cargo ton-mile on the ground that the cost savings related to the backhaul ferry trips are minimal and that the proposed rates produce less than the computed cost per plane-mile. The carriers' presentations in this regard generally overlook the fact that the one-way rate levels are predicated on the assumption that at least some backhaul flights will be sold to other charterers, thereby increasing the carrier's total revenues to a point which will more than cover total cost.

It is estimated that backhaul ferry legs can be performed at 15 percent less cost than a live passenger segment and 10

[1] This is a small passenger operation to Bangkok, requiring multiple crews and utilizing DC–6A aircraft which are relatively inefficient for this service.

[2] Appendix filed as part of original document.

[3] Order E–16068, Nov. 25, 1960.

percent less than a live cargo segment. Thus, the total cost of a one-way trip plus the backhaul would be 92.5 percent of the cost of a passenger round-trip, and 95 percent of the cost of a cargo round-trip. The one-way minimums are set so that the cost to the user is 76 percent and 86 percent respectively of the round-trip passenger and cargo rates. As a matter of judgment we are of the opinion that there will be sufficient opportunity for the carriers collectively to fill the backhaul flights with non-military charters to justify establishing the minimum rates for one-way charters moderately below the levels indicated on a purely cost basis. Accordingly, we adhere to our determination of minimums of 4.2 cents per passenger mile and 21.5 cents per cargo ton-mile.

The Department of the Air Force proposes a process of post-operations price adjustment which will take account of those flights on which the carrier was able to sell the backhaul. Under the Department's proposal, the round-trip rate would be applicable to any trip on which MATS traffic was carried one-way and non-MATS revenue traffic was carried in the other direction. Although this proposal is not without merit we are not persuaded that such a solution to the problem would be desirable. At the outset it may be noted that if the Defense Department is to take the benefit of backhaul revenues it would be necessary to increase the level of the one-way charges since, as described above, those charges have been computed on the basis that some backhaul traffic will be generated on the average. Secondly, under the Department's proposal, the round-trip rate would be applicable whenever traffic is carried on the return leg, regardless of the amount of such traffic, the revenues received therefrom and any special expense that may have been incurred in connection with such traffic. The effect of this would clearly be to discourage carriers from seeking backhaul traffic except in those cases where the backhaul revenues would more than offset the reduction in the yield under the MATS contract. In the long run, this would increase the cost of service to MATS. Finally, the suggestion would place carriers on an unequal footing in bidding for MATS business, depending upon their ability to generate backhaul business. Indeed, the proposal could lead to undesirable competitive practices as carriers vie with each other for military business by representations as to their ability to generate backhaul revenues. Accordingly, we believe that it is preferable that all carriers be kept on an equal competitive basis insofar as one-way MATS charters are concerned, and that MATS be given fair treatment in the average price of one-way transportation by reflecting therein a reasonable estimate of the average revenues carried on backhauls. The appropriate level of backhaul revenues to be taken into account will be reviewed from time to time as part of our periodic review of MATS rates.

Several carriers have objected to the 13.8 cents proposed minimum rate for convertible cargo flights. In convertible service, the carrier must ordinarily transport the seats and passenger equipment on both legs of the flight. This necessitates a reduction in the capacity available on the cargo leg, approximating 17 percent on the CL–44, L–1049 and DC–7F. We have increased the convertible cargo minimum to 15 cents per ton-mile in order to reflect this loss. On the other hand, we have made no allowance for alleged higher costs relating to a claimed lower utilization of convertible aircraft, to the carrying of the passenger service crew on both legs, and to aircraft servicing. These are believed to represent very minor expenses and the minimum rates have not been determined with the kind of precision which would justify the proposed refinements.

One carrier points out that the reduction in the convertible cargo rate will bring that rate below the 15.9 cent rate for individually waybilled Category A traffic performed on scheduled flights by route carriers. In our opinion, the full plane load charter rate should be below, not above, the rate for individually waybilled traffic, in view of the cost savings associated with the full use of aircraft capacity. Therefore, the new rate of 15 cents appears to be in better relationship to the Category A rate than was the old minimum of 16.5 cents.

2. *Round-trip definition.* In the notice, it was proposed to modify the definition of round-trip services so as (a) to permit the round-trip minimum rates to apply to trips which originate and terminate at different points provided that they are within 250 miles of each other, (b) to permit 50 ferry miles en route at no charge and (c) to permit 500 ferry miles en route at half rate.

Several carriers object to these proposals on the ground that they will result in a dilution of revenues. On the other hand, the Air Force would extend the application of the half-rate to ferry flights up to 1,500 miles.

Insofar as concerns the 50-mile free ferrying provision, the costs are minimal. The proposal with respect to flight origin and destination is not necessarily costly to the carriers. Since most MATS charters originate and terminate at military bases, there are pre-positioning and post-positioning ferries required in order to move the aircraft from the carrier's base and back. It should make little difference in the aggregate whether the pre- and post-positioning ferry flights are between the same points. We conclude that these two revisions will give MATS moderate flexibility in planning its operations at a minimum cost to the carriers and are reasonable.

The objections to the proposed half-rate for 500 mile ferry flights are more serious. On the one hand the carriers argue that the discount of 50 percent of the live mileage rate is excessive. On the other hand, the Air Force contends that the 500-mile limit on the application of the reduced rate deprives MATS of needed flexibility. We find that a rate of 75 percent of the live mile rate, applied to ferry flights not in excess of 1,500 miles, will reasonably accommodate the interests of carrier and user. While the carriers argue that the cost savings involved in ferrying empty aircraft are on the order of 10 percent of the live mile operating costs, we believe that a rate which reflects a discount of 25 percent will be more comparable to the added cost of the relatively short flights that typically will be required. Accordingly, the ferry rate will be fixed at 75 percent of the live mile rate for round-trip passenger services.

3. *Minimum cabin loads.* Upon consideration of carrier comments, the minimum passenger load for the B–707 has been reduced from 160 to 159 seats. We are also omitting reference to the DC–8 in view of questions raised regarding the capacity of that aircraft and the fact that it is not being used at the present time in MATS charter services. For the same reasons, we will not at this time attempt to fix a minimum load standard for the CV–880, as requested by one carrier.

One carrier objects to the 95-seat minimum passenger load proposed for the L–1049A aircraft, suggesting 83 for the Atlantic and 78 for the Pacific operations. In our opinion, the proposed load standards would not be properly related to the operating costs of the L–1049A aircraft and to the seating standards for other aircraft types. While in terms of operating costs, the L–1049A is more comparable to the DC–7 aircraft than to the DC–6, the carrier-proposed minimums would be at or below the DC–6 level. The fact that the carrier cannot carry more than 83 and 78 passengers on Atlantic and Pacific services, respectively, merely demonstrates that the aircraft cannot operate economically on the very long hops. To set a lower minimum for this type of aircraft would, moreover, give the carrier an unwarranted competitive advantage over the DC–7 on groups of 87 and fewer passengers. Accordingly, we find that minimum cabin loads for the L–1049A aircraft type should be reduced to those specified for the DC–7, namely 88 seats for passenger operations, 12 tons for convertible cargo operations and 15 tons for all-cargo operations.

4. *Procedural matters.* Two carriers have requested the Board to make no changes in the MATS minimum rates without a full evidentiary hearing. The Board finds that such a hearing is neither necessary nor appropriate under the circumstances. This is a rule-making proceeding which may be conducted by the use of the informal procedures set forth in the Administrative Procedure Act. Accordingly, an evidentiary hearing is not legally required.

It is to be borne in mind that we are dealing here with the relaxation of restrictions attached to operating authority. Both the restrictions and the basic operating authority were originally made effective without an evidentiary hearing. We recognize, of course, that our action will have an effect on the level of the rates charged and the revenues of the carriers. Nevertheless, we are satisfied that we have provided an adequate opportunity to all parties to express their views and to submit data, all of which have been carefully considered in reaching our final determination, and that the requests for a hearing have not pointed out pertinent factual issues which could be adequately resolved only after an evidentiary hearing.

The Board has examined the remaining comments of the carriers and finds that they do not alter our determinations herein.

Since delay in effectuating this amendment may result in unnecessary expense to the United States and since the amendment can be immediately implemented by the air carriers as to whom it is permissive in nature, the Board finds that there is good cause for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 288 of the Economic Regulations (14 CFR Part 288) effective February 1, 1962, by deleting § 288.7, paragraphs (a), (b), and (c), and substituting in lieu thereof the following:

§ 288.7 Reasonable level of compensation.

It shall be a condition on the exemptions granted by this part that the level of compensation for transportation provided for short notice MATS charter service shall not be uneconomically low. In the absence of specific Board approval, the compensation for such service shall not be less than the following:

(a) *Minimum charges.*

(1) For round-trip passenger services—2.75 cents per passenger-mile.

(2) For round-trip cargo services—12.5 cents per cargo ton-mile.

(3) For one-way passenger services—4.2 cents per passenger-mile.

(4) For one-way cargo services—21.5 cents per cargo ton-mile.

Provided, That a minimum of 15.0 cents per cargo ton-mile shall apply to segments of round-trips on which cargo is carried, in cases where passengers are carried on one or more other segments of the round-trip.

(b) *Minimum utilization of aircraft.* The minimum charges established by paragraph (a) of this section shall be deemed economic only when the resulting revenues are at least the equivalent of such charges applied to the following minimum loads:

Aircraft type	Number of passengers	Tons of cargo for convertible aircraft	Tons of cargo for all-cargo aircraft
B-707	159	23	28
CL-44	140	23	28
DC-4	60	6	8
DC-6/6A/6B/6C	83	9	13
DC-7	88	12	15
DC-7B/7C/7CF	95	15	18
L-1649A	95	15	18
L-1049A	88	12	15
L-1049/C/E/G/H	95	15	18

(c) *Round-trip services defined.* For the purposes of this section, round-trip services are those services performed pursuant to contracts with MATS where (1) passengers or cargo are transported on 2 or more successive revenue flights where the last revenue flight terminates within 250 statute miles of the point of origin of the first revenue flight, (2) the air carrier operates en route not more than one ferry flight not exceeding 50 statute miles without charge and not more than one ferry flight not exceeding 1,500 statute miles at not less than 75 percent of the minimum live-mile compensation which would otherwise be applicable in accordance with paragraphs (a) and (b) of this section: *Provided,* That the minimum ferry charge in the case of charters governed by the proviso in paragraph (a) of this section shall be 75 percent of the applicable minimum live-mile charge for round-trip passenger services, and (3) the scheduling permits departures within 4 hours after arrival from each point on route except at one point where the aircraft may be scheduled for departure within 72 hours after arrival. If the trip otherwise meets the requirements of this definition, it shall be deemed a round-trip although passengers are carried on one or more segments thereof, and cargo on one or more other segments.

(Secs. 204(a), 416, Federal Aviation Act of 1958; 72 Stat. 743, 771; 49 U.S.C. 1324, 1386)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62–777; Filed, Jan. 23, 1962; 8:48 a.m.]

SUBCHAPTER F—POLICY STATEMENTS

[Reg. Policy Statement No. 12]

PART 399—STATEMENTS OF GENERAL POLICY

Military Air Transport Service Charter Exemptions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of January 1962.

The Board, by publication in the FEDERAL REGISTER, 26 F.R. 8815, and circulation of PSDR–1, issued a proposed Policy Statement setting forth criteria which the Board proposed to use in granting individual exemptions to air carriers for the purpose of performing charter services for the Military Air Transport Service (MATS). No comments were received opposing the proposed Policy Statement.

Accordingly, the Board hereby amends Part 399—Statements of General Policy (14 CFR Part 399) by adding a new § 399.36, effective February 1, 1962, to read as follows:

§ 399.36 Military Air Transport Service charter exemptions.

In passing upon applications for exemptions from Sections 401 and 403 of the Act to enable air carriers to perform charters for the Military Air Transport Service (MATS), the Board will give great weight to the following criteria:

(a) Whether the carrier has executed a Civil Reserve Air Fleet standby contract;

(b) Whether the proposed service is in furtherance of the mission of the Department of Defense; and

(c) Whether the level of compensation provided in the charter contract is fair and reasonable.

The minimum charges set forth in Part 288 of this chapter (Board's Economic regulations) will be considered as the minimum fair and reasonable charges for foreign and overseas services and for services between the 48 contiguous states on the one hand and Hawaii or Alaska on the other hand.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Administrative Procedure Act, sec. 3, 60 Stat. 238, 5 U.S.C. 1002)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62–776; Filed, Jan. 23, 1962; 8:47 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1041; Amdt. 392]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC–8 Series Aircraft

As a result of several incidents of failure of the tab lockout bracket in the aileron control reversion mechanism of Douglas DC–8 Series aircraft, and airworthiness directive is considered necessary, requiring inspection of all aileron tab lockout bracket assemblies and replacement of cracked parts.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to DC–8 aircraft Serial Nos. 45252–45289, 45291–45306, 45376–45393, 45408–45413, 45416–45419, 45421–45431, 45433–45437, 45442–45445, 45526, 45565–45570, 45588–45614, 45616–45628, and 45636–45638.

Compliance required as indicated.

To prevent aileron tab lockout mechanism bracket assembly failure, resulting in partial or complete loss of control force to one aileron, the following shall be accomplished:

(a) At periods prescribed in (b), conduct close visual inspection, using low-power magnifying glass or equivalent means, for evidence of cracking of the left and right side aileron tab lockout bracket assemblies, P/N 4643350. The critical areas to be inspected are shown in Douglas Service Bulletin 27–115, Figure 1, Step 3. Any evidence of cracking shall be verified by dye check or equivalent means, with the tab lockout cylinder disconnected from the bracket assembly, within the next 10 hours' time in service following the detection of such evidence of cracking. Any part found to be cracked shall be replaced prior to further flight with an assembly of the same part number which has been inspected in accordance with the provisions of this paragraph and found to be free of cracks or with assembly P/N 3773970–1.

(b) The initial and repetitive inspections of assemblies, P/N 4643350, shall be conducted at the following times:

(1) On assemblies which have accumulated a total time in service of less than 3,000 hours as of the effective date of this AD: Initial inspection within next 350 hours'

time in service, but in no event to exceed 3,100 hours' assembly total time in service; repetitive inspections thereafter at intervals not to exceed 350 hours' time in service except that after the assembly total time in service reaches 3,000 hours the repetitive intervals shall not exceed 100 hours' time in service.

(2) On assemblies which have accumulated a total time in service of 3,000 hours or more as of the effective date of this AD: Initial inspection within next 100 hours' time in service; repetitive inspections thereafter at intervals not to exceed 100 hours' time in service.

(c) When assembly P/N 3773970-1 is installed in place of P/N 4643350, the repetitive inspections may be discontinued.

(d) When assembly P/N 4643350 is replaced with an assembly of the same part number which has been inspected in accordance with (a) and found to be free of cracks, the replacement part shall be reinspected in accordance with the provisions of (b).

(e) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Douglas Service Bulletin 27-115, Revision No. 1, dated October 25, 1961, pertains to this same subject.)

This directive shall become effective January 24, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 18, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62-745; Filed, Jan. 23, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-104]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On March 22, 1960, there were published in the FEDERAL REGISTER (25 F.R. 2387), amendments to the regulations of the Administrator which designated VOR Federal airway No. 451 and its associated control areas from VOR Federal airway No. 146, in the vicinity of New Bedford, Mass., to Boston, Mass. These amendments were to become effective January 12, 1961. This effective date was postponed until February 8, 1962 (26 F.R. 6709, dated July 27, 1961).

On May 27, 1961, Airspace Docket No. 60-WA-127 was published in the FEDERAL REGISTER (26 F.R. 4634), amending in part the regulations of the Administrator by realigning Victor 146 and its associated control areas approximately 3 miles further to the south in the vicinity of New Bedford and raising the floor of its associated control areas in this area to 1,200 feet above the surface. These actions were effective June 29, 1961. Accordingly, action is taken herein to extend Victor 451 and its associated control areas southward to the centerline of Victor 146 and to exclude the portion of Victor 451 below 1,200 feet above the surface within the confines of Victor 146. This will result in no additional assignment of controlled airspace because of existing designated Federal airways and controlled airspace in the immediate vicinity.

Since this alteration is minor in nature, and imposes no additional burden on any person, compliance with section 4 of the Administrative Procedure Act is unnecessary and the effective date of the final rule as amended may be retained.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 59-WA-104 (25 F.R. 2387, 12235, 26 F.R. 6709) is hereby amended as follows:

The text of Item 1 (§ 600.6451) is amended to read:

§ 600.6451 VOR Federal airway No. 451 (New Bedford, Mass., to Boston, Mass.).

From the INT of the Whitman, Mass., VOR 177° and the Providence, R.I., VOR 118° radials via the Whitman VOR; to the Boston, Mass., VOR, excluding the portion below 1,200 feet above the surface which lies within VOR Federal airway No. 146.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 17, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-746; Filed, Jan. 23, 1962; 8:45 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Crow Indian Irrigation Project, Montana

On page 11734 of the FEDERAL REGISTER of December 7, 1961, Vol. 26, No. 235, there was published a notice of intention to amend § 221.12 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Crow Indian Irrigation Project, Montana, that are not subject to the jurisdiction of the several irrigation districts. Purpose of this amendment is to establish the assessment charges for the season of 1962 and thereafter until further notice, and which charges are applicable to all irrigable lands in the Crow Indian Irrigation Project that are not included in the irrigation districts organizations.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No written communications were received. The amended regulations are adopted as set forth below.

Section 221.12 is amended to read as follows:

§ 221.12 Charges.

In compliance with the provisions of the act of August 1, 1914 (38 Stat. 583; 25 U.S.C. 385), the operation and maintenance charges, for irrigable lands under the Crow Indian Irrigation Project and under certain private ditches for the calendar year 1962 and subsequent years until further notice, are hereby fixed as follows:

For the assessable nondistrict area under constructed works on all Government-operated units excepting Coburn Ditch, per acre	$3.10
For the assessable area under constructed works on certain tracts of irrigable trust patent Indian land within and benefited by the Two Leggins Unit, per acre	1.74
For the assessable area on certain tracts of irrigable trust patent Indian land within and benefited by the Bozeman Trail Unit, per acre	1.30
For all lands in Indian ownership under the Bozeman Trail Unit on June 28, 1946, and under constructed works on all Government-operated units in the Little Big Horn watershed; for non-Indian, nonirrigation district lands, under private ditches, contracting for the benefits and repayment for the costs of the Willow Creek Storage Works; for operation of said Works, per acre	.15
For certain tracts of irrigable trust patent Indian lands within and benefited by the Two Leggins Drainage District (contract dated June 29, 1932), per acre	.75

M. A. JOHNSON,
Acting Area Director.

[F.R. Doc. 62-747; Filed, Jan. 23, 1962; 8:45 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 779—THE FAIR LABOR STANDARDS ACT AS APPLIED TO RETAILERS OF GOODS AND SERVICES

Appendix; Enforcement Policy With Respect to Certain Retail and Service Establishments

Pursuant to authority in the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR 1949-1953 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the following enforcement policy has been adopted under the Fair Labor Standards Act, effective September 3, 1961, with respect to compensation for certain employees employed by retail or service establishments having branch stores in the same local community.

1. As an enforcement policy in the administration of the Act, the Administrator of the Wage and Hour Division of the Department of Labor will, unless otherwise directed by the courts, consider that the minimum wage and overtime pay requirements of the Act are complied with, in the case of an employee whose employment in the particular workweek meets all the conditions set forth in paragraph 2, if for such workweek that employee is paid not less than the minimum wages specified in section 6(b) of the Act and compensation for any overtime worked in accordance with the provisions of section 7(a)(2) of the Act.

2. The applicability to an employee of the enforcement policy stated in paragraph 1 of this notice is subject to the conditions stated in this paragraph 2. The enforcement policy is intended to apply to any employee whose employment during his workweek is in all respects the same as that which was authorized to be treated as exempt from the minimum wage and overtime pay requirements of the Act under an enforcement policy which was in effect prior to September 3, 1961 as stated in paragraph 3 of this notice. This former enforcement policy, which was set forth in the former § 779.4(b)(3) of Title 29 of the Code of Federal Regulations, was applicable to certain employees of a retail organization having a main establishment and branch establishments in the same local community and had the effect of excepting such employees, under specified conditions, from the application of the general rule that employees performing central functions for two or more retail or service establishments are subject to the minimum wage and overtime pay requirements of the Act. The enforcement policy stated in paragraph 1 of this notice does not apply to any employee whose employment would not, prior to September 3, 1961, have satisfied all the conditions required by the former enforcement policy as prerequisites to his exempt treatment thereunder. Accordingly, the enforcement policy stated in paragraph 1, like the former enforcement policy, will not apply to an employee unless—

(a) He works in a retail or service establishment (as defined in the Act), more than 50 percentum of whose annual dollar volume of sales of goods or services is made within the State in which the establishment is located; and

(b) He is employed for the purpose of performing activities which are part of the ordinary business operations of such establishment, and his work relating to branch establishments is confined to similar functions; and

(c) The main establishment in which he works, and all the branch establishments to which his work also relates, are establishments which would qualify for exemption under section 13(a)(2) or 13(a)(4) of the Fair Labor Standards Act if the 1961 amendments to such Act had not been enacted; and

(d) The main establishment and its branches are, organizationally, operated in the same local community as integral parts of a single store; and

(e) The employer does not operate more than four such branches of his main establishment; and

(f) The annual dollar volume of sales of goods and services made by the main establishment is greater than the aggregate annual dollar volume of sales of goods and services made by all the branch establishments.

3. The enforcement policy stated in paragraph 1 of this notice will permit the application to the employees who come within its terms of the same minimum wage and overtime pay standards as are provided by the amended Act for employees who were brought under its provisions for the first time on September 3, 1961 as a result of the 1961 amendments. This is believed to be justified because until that date employers were entitled under section 10 of the Portal-to-Portal Act of 1947 (61 Stat. 84) to be relieved of liability or punishment for any failure to pay minimum wages or overtime compensation to the employees described in paragraph 2 of this notice. This could be done upon a showing of good-faith reliance (see 29 CFR 790.13-790.16, 790.18), on the former enforcement policy described in that paragraph, which was in effect during the period beginning October 28, 1950 (15 F.R. 7245, 29 CFR § 779.4(b)(3)) and ending September 2, 1961 (26 F.R. 8333, 29 CFR § 779.10). As published, this former enforcement policy was expressly limited by a statement that it would be followed "pending judicial clarification of the status of such employees". As a result of further clarification by the United States Supreme Court and other Federal appellate courts, which indicated that the statute would not support such a policy, no restatement of the former policy was included in the revised interpretative bulletin on the Fair Labor Standards Act as applied to retailers of goods or services, which was published on September 2, 1961, in the FEDERAL REGISTER (26 F.R. 8333, 29 CFR Part 779), following the enactment of the Fair Labor Standards Amendments of 1961 (75 Stat. 65).

Signed at Washington, D.C., this 18th day of January 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-756; Filed, Jan. 23, 1962; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2590]

[88234]

OREGON

Abolishment of Oregon Grazing District No. 7

By virtue of the authority vested in the Secretary of the Interior by the Act of June 28, 1934 (48 Stat. 1269; U.S.C. 315, et seq.), as amended, known as the Taylor Grazing Act, it is ordered as follows:

1. Departmental Order of December 18, 1936, establishing Oregon Grazing District No. 7, and Departmental Orders amendatory and supplementary thereto are hereby revoked and the said grazing district is hereby abolished.

2. The vacant unappropriated public domain lands shall be subject to lease for grazing purposes under the provisions of section 15 of the Taylor Grazing Act upon the expiration of current licenses. Applications to lease shall be filed in the Bureau of Land Management office, 2803 Broadway, Baker, Oregon.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JANUARY 17, 1962.

[F.R. Doc. 62-749; Filed, Jan. 23, 1962; 8:45 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 5]

PART 511—REPORTS BY COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

Notice of proposed rule making in the above matter appeared in the FEDERAL REGISTER issue of September 29, 1961 (26 F.R. 9178). Consideration was given to comments received relative to the proposed rules.

Notice is hereby given of the adoption of the rules as set forth below:

Sec.
511.1 Purpose.
511.2 Filing by operators of self-propelled vessels.
511.3 Filing by operators of vessels other than self-propelled.
511.4 Time for filing.

AUTHORITY: §§ 511.1 to 511.4 issued under sec. 204 (49 Stat. 1987, as amended; 46 U.S.C. 1114); sec. 21 (39 Stat. 736; 46 U.S.C. 870); sec. 43, Pub. Law 87-346 (75 Stat. 766).

§ 511.1 Purpose.

The data to be furnished are for the Federal Maritime Commission's use in discharging the statutory rate regulatory responsibilities with which it has been charged by applicable provisions of the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended.

§ 511.2 Filing by operators of self-propelled vessels.

All persons engaged in the operation of self-propelled vessels in the common carriage of persons or property in the domestic offshore trades (except persons engaged in intrastate operations in Alaska and Hawaii), and required by the Intercoastal Shipping Act, 1933, as amended, to file tariffs with the Federal Maritime Commission, shall execute and file with the Secretary, Federal Maritime Commission, the joint report presently referred to as the Maritime Administration Form MA-172 and the Interstate Commerce Commission Form M for the year 1961 and semi-annually for each year thereafter.

§ 511.3 Filing by operators of vessels other than self-propelled.

All persons engaged in the operation of vessels, other than self-propelled, in the common carriage of persons or property in the domestic offshore trades (except persons engaged in intrastate operations in Alaska and Hawaii), and required by the Intercoastal Shipping Act, 1933, as amended, to file tariffs with the Federal Maritime Commission, shall execute and file with the Secretary, Federal Maritime Commission, the report presently referred to as the Interstate Commerce Commission Form K–A for the year 1961 and semi-annually for each year thereafter.

§ 511.4 Time for filing.

For any fiscal year ending after June 30, 1961, and prior to the publication of this part, the persons concerned shall file the first annual statement covering that year within 120 days of the publication of this part. For any fiscal year ending after publication of this part but prior to July 1, 1962, the person concerned shall file the first annual statement covering that year within 120 days after the end of that fiscal year. After the filing of the first annual statement, each person concerned is required to file a semi-annual statement within 90 days of the close of the first six months of each fiscal year and an annual statement within 120 days of the close of each fiscal year.

Effective date. This part shall be effective as of the date of publication in the FEDERAL REGISTER.

Dated: January 15, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–773; Filed, Jan. 23, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 26]

BARLEY GRAIN STANDARDS

Notice of Additional Time for Submitting Comments on Proposed Amendments

On December 19, 1961, there was published in the FEDERAL REGISTER (26 F.R. 12132) a notice of proposed amendments of the Official Grain Standards of the United States for Barley (7 CFR 26.201–26.203) promulgated under the authority of the United States Grain Standards Act (7 U.S.C. 74). Interested persons were allowed until January 15, 1962, to submit written data, views, or arguments concerning the proposed amendments. A request has been received for additional time to submit comments. Therefore, pursuant to said Act and in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), notice is hereby given that written data, views, and arguments concerning the proposed amendments will be considered if they are received by the Director, Grain Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than January 25, 1962.

Done at Washington, D.C., this 18th day of January 1962.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 62–763; Filed, Jan. 23, 1962; 8:46 a.m.]

[7 CFR Part 989]

HANDLING OF RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Notice of Extension of Time for Receipt of Written Data, Views, or Arguments

Notice is hereby given that the time for receipt by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., of written data, views, or arguments with respect to the proposed revision of Subpart-Administrative Rules and Regulations, effective pursuant to Marketing Agreement No. 109, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, is extended to 5 p.m., e.s.t., February 16, 1962. Notice of the proposed revision was published in the FEDERAL REGISTER December 27, 1961 (26 F.R. 12520).

The extension affords interested persons necessary additional time to consider the proposal.

Dated: January 19, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–779; Filed, Jan. 23, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 42]

[Reg. Docket No. 1039; Draft Release No. 62–1]

IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Proposed Flight Time Limitations for Flight Engineers

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to amend Part 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before February 23, 1962, will be considered by the Administrator before taking action on the proposed rules. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired.

Part 42 of the Civil Air Regulations, unlike Parts 40 and 41, does not contain flight time limitations applicable to flight crewmembers other than pilots. At the time Part 42 was originally developed, operations conducted pursuant to the provisions of that part generally consisted of domestic flights utilizing airplane types which did not require the services of a flight engineer. At a later date, as a result of the development of international irregular air carrier operations, the operations specifications issued to operators conducting operations pursuant to Part 42 were amended to include flight time limitations applicable to all flight crewmembers engaged in overseas and international operations.

The irregular air carriers and commercial operators engaged in domestic operations now operate many large airplanes which require the inclusion of a flight engineer in the flight crew. The Federal Aviation Agency, therefore, considers it essential that the flight time, flight deck duty, duty aloft, and duty time limitations, and the rest requirements, presently applicable to pilots engaged in domestic operations conducted pursuant to Part 42 of the Civil Air Regulations, be made applicable to flight engineers engaged in such operations. The Agency believes that the limitations presently applicable to a flight crew consisting of two pilots should be made applicable to a flight engineer serving in a flight crew containing one flight engineer, and that, when the flight crew contains two or more flight engineers, the limitations presently applicable to a flight crew consisting of four pilots are appropriate.

It is recognized that in some instances an air carrier may wish to include in the flight crew one or more airmen who are appropriately qualified to serve both as a pilot and as a flight engineer. The rules proposed herein would not preclude such utilization of an airman provided that the total of his scheduled flight deck duty as a flight engineer and his scheduled flight deck duty as a pilot does not exceed 8 hours during any 24-hour period.

In consideration of the foregoing, it is proposed to amend Part 42 of the Civil Air Regulations as follows:

1. By redesignating § 42.49 as § 42.50.
2. By adding a new § 42.49 to read:

§ 42.49 Flight time limitations for flight engineers on large airplanes.

The flight time limitations prescribed in § 42.48 (a) and (b) shall apply to an airman serving as a flight engineer except that where two or more airmen serve as flight engineers in a flight crew containing three or more pilots, the flight time limitations prescribed in § 42.48(d) shall apply in lieu of those in § 42.48(b).

These amendments are proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (72 Stat. 752(a), 775, 778, 49 U.S.C. 1354(a), 1421, 1424).

Issued in Washington, D.C., on January 17, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62–750; Filed, Jan. 23, 1962; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61–NY–57]

FEDERAL AIRWAYS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.1681 of the regu-

lations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1681 extends in part from Washington, D.C., to Baltimore, Md. The Federal Aviation Agency has under consideration the designation of a segment of Victor 1681 from the intersection of the Flat Rock, Va., VOR 025° and the Gordonsville, Va., VOR 058° True radials as a 16-mile wide airway via the Flat Rock VOR and the intersection of the Flat Rock VOR 213° and the Raleigh-Durham, N.C., VOR 016° True radials to the Raleigh-Durham VOR. This proposed segment of Victor 1681 would provide a route south of Washington, D.C., overlying low altitude VOR Federal airway No. 3 for the accommodation of intermediate altitude traffic departing the Washington terminal area southbound which must transition into the intermediate altitude airway structure.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 18, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-751; Filed, Jan. 23, 1962; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61-LA-101]

FEDERAL AIRWAYS

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 600 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of intermediate altitude VOR Federal airway No. 1776 from the Las Vegas, Nev., VOR as a 16 mile wide airway via the intersection of the Las Vegas VOR 106° and the Peach Springs, Ariz., VOR 293° True radials; Peach Springs VOR to the Winslow, Ariz., VOR. This proposed airway would join intermediate altitude VOR Federal airway No. 1532 at Winslow and would provide a more direct route for intermediate altitude air traffic operating between Las Vegas and Albuquerque, N. Mex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 18, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-752; Filed, Jan. 23, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-NY-102]

FEDERAL AIRWAYS AND ASSOCIATED CONTROL AREAS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6226, 600.1723 and 601.6226 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 226 extends in part from Williamsport, Pa., to Thornhurst, Pa. The Federal Aviation Agency has under consideration the designation of a segment of Victor 226 and its associated control areas from the Ellwood City, Pa., VORTAC to the Keating, Pa., VOR.

Concurrently, the Federal Aviation Agency is considering the designation of a segment of Intermediate altitude VOR Federal airway No. 1723 which extends in part from Parkersburg, W. Va., to Pittsburgh, Pa. It is proposed to designate the proposed segment of Victor 1723 from the intersection of the Keating VOR 256° and the Pittsburgh VOR 354° True radials as a 16-mile wide airway via the Keating VOR to the Williamsport VOR.

The designation of these proposed airway segments would provide basic and intermediate airway routes to serve arrival traffic destined for the Pittsburgh terminal area from the New York Metropolitan area, and would provide the control facilities with improved handling capabilities for this traffic.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 18, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-753; Filed, Jan. 23, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-WA-236]

CONTROL AREA EXTENSIONS, TRANSITION AREA AND DESIGNATION OF TRANSITION AREAS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 601 and §§ 601.1246, 601.1385 and 601.10945 of the regulations of the Administrator, the susbtance of which is stated below.

Effective January 11, 1962, new aircraft holding pattern procedures were implemented by the FAA within the continental limits of the United States and in areas beyond such limits where adequate controlled airspace was currently established. These procedures were developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment and provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. Prior to the implementation of these procedures, the FAA processed a number of airspace dockets containing amendments to the regulations of the Administrator, effective on January 11, 1962, in which additional controlled airspace was designated to encompass the increased dimensions of the newly designed holding pattern areas. Subsequent to the publication of these amendments, a review of this newly allocated airspace revealed certain instances calling for adjustments in the amount of controlled airspace designated. In order to effect such changes necessary in the Boston and Indianapolis Air Route Traffic Control Center areas, the FAA is considering the following airspace actions:

1. The Greene, N.Y., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles east and 8 miles west of the Georgetown, N.Y., VOR 169° True radial extending from 12 miles south to 44 miles south of the VOR. This would provide protection for aircraft in holding patterns at the Greene, N.Y., Intersection (intersection of the Georgetown VOR 169° and the Binghamton, N.Y., VORTAC 064° True radials).

2. In Airspace Docket No. 61-NY-92 (26 F.R. 12516), effective January 11, 1962, the De Lancey, N.Y., transition area (§ 601.10945) was designated to extend upward from 1,200 feet above the surface within 7 miles north and 10 miles south of the De Lancey VOR 265° and 085° True radials extending from 9 miles west to 20 miles east of the VOR. This transition area was designated to provide protection for aircraft in holding patterns at the De Lancey VOR. A review of this transition area indicates that the north-south alignment should be within 10 miles north and 7 miles south of the same radials. Therefore, it is proposed to redesignate the De Lancey transition area as extending upward from 1,200 feet above the surface within 10 miles north and 7 miles south of the De Lancey VOR 265° and 085° True radials extending from 9 miles west to 20 miles east of the VOR.

3. The Albany, N.Y., transition area would be designated as that airspace southeast of Albany extending upward from 1,200 feet above the surface bounded on the northeast by VOR Federal airway No. 130, on the southeast by VOR Federal airway No. 487 and on the west by VOR Federal airway No. 91; and the airspace southwest of Albany bounded on the north by a line 10 miles south of and parallel to the Albany VORTAC 270° True radial, on the east by VOR Federal airway No. 91, on the south by VOR Federal airway No. 270 and on the west by longitude 74°16'00" W. This would provide protection for aircraft in holding patterns at the Athens Intersection (intersection of the Albany VOR 181° and the Chester, Mass., VOR 266° True radials), Brainard Intersection (intersection of the Albany VOR 140° and the Cambridge, N.Y., VOR 189° True radials) and the Greenbush Intersection (intersection of the Albany VOR 181° and the Chester VOR 293° True radials).

4. A review of Airspace Docket No. 61-NY-92 (see Item No. 2 above) indicates that a small amount of additional airspace is necessary for the protection of aircraft in holding patterns at the Summit Intersection (intersection of the Rockdale, N.Y., VOR 075° and the Utica, N.Y., VOR 137° True radials). Therefore, it is proposed to alter the southeast portion of the Rome, N.Y., control area extension (§ 601.1385), as revised in Airspace Docket No. 61-NY-92, by substituting longitude 74°24'00" W. for longitude 74°30'00" W. as the eastern boundary.

5. A review of Airspace Docket No. 60-NY-43 (26 F.R. 11894, effective January 11, 1962), indicates that a small amount of additional airspace is necessary for the protection of aircraft in holding patterns at the Princeton, Maine, VOR. Therefore, it is proposed to alter the Bangor, Maine, control area extension (§ 601.1047) by adding a small amount of airspace northeast and southeast of Princeton bounded on the north by the United States/Canadian border, on the east by the United States/Canadian border and longitude 67°30'00" W., and on the west by a line extending from latitude 45°37'30" N., longitude 67°39'00" W.; to latitude 44°45'00" N., longitude 67°30'00" W.

6. A review of Airspace Docket No. 61-WA-194 (26 F.R. 12288, effective January 11, 1962), indicates that a small amount of additional airspace is necessary for the protection of aircraft in holding patterns at the Weston Intersection (intersection of the Evansville, Ind., VORTAC 227° and the Samsville, Ill., VOR 177° True radials). Therefore, it is proposed to alter the Evansville, Ind., control area extension (§ 601.1246), as revised in Airspace Docket No. 61-WA-194, by adding the airspace southwest of Evansville within 12 miles southeast and 8 miles northwest of the Evansville VORTAC 227° True radial extending from 30 miles southwest of the VORTAC to 44 miles southwest of the VORTAC.

Implementation of the provisions of Amendment 60-21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 18, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-754; Filed, Jan. 23, 1962; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61-WA-233]

JET ROUTES

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.100 of the regulations of the Administrator, the substance of which is stated below.

Jet Route No. 60 extends in part from the Las Vegas, Nev., VORTAC via the intersection of the Las Vegas VORTAC 044° and the Bryce Canyon, Utah, VOR 247° True radials; the Bryce Canyon VOR; the Hanksville, Utah, VORTAC; to the Grand Junction, Colo., VORTAC. The Federal Aviation Agency has under consideration the alteration of this segment of J-60 by designating it from

the Las Vegas VORTAC direct to the Bryce Canyon, VOR, thence direct to the Grand Junction VORTAC. Such action would provide a more direct route between Las Vegas and Grand Junction, would reduce the route mileage, and would reduce the number of reporting points by deleting the Hanksville VOR from the high altitude structure. The jet advisory area associated with J-60 is so designated that it would automatically conform to the altered jet route.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 18, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-755; Filed, Jan. 23, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 14376]

TELEMETERING DEVICES AND WIRELESS MICROPHONES

Extension of Time for Filing Comments

The Commission has before it for consideration a request from Telemedics, Inc., for an extension of the time for filing comments in the above proceeding.

It appearing that Telemedics is in a position to offer information concerning the medical application of telemetering devices, that additional time is required in which to furnish such information, and that such information would be useful to the Commission in its consideration of this rule making proposal; and

It further appearing, in view of these facts, that the public interest will be served by granting an extension of time for this purpose;

It is ordered, This 18th day of January 1962, pursuant to section 0.322(b) of the Commission's Statement of Organization, Delegations of Authority, and Other Information, that comments concerning the medical application of telemetering devices may be filed in this proceeding on or before February 1, 1962, and that comments in reply thereto may be filed on or before March 12, 1962.

Released: January 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-790; Filed, Jan. 23, 1962; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Ch. IV]

[Docket No. 964]

FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN FOREIGN COMMERCE OF UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

Extension of Time for Filing Comments

Notice is hereby given that the time for submitting comments with respect to the regulations proposed in this proceeding is hereby extended to and including February 23, 1962.

Dated: January 22, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-882; Filed, Jan. 23, 1962; 11:59 a.m.]

Notices

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 117 (Rev.), Amdt. 1]

MARITIME ADMINISTRATION

Organization and Functions

The following amendment to the order was issued by the Secretary of Commerce, effective January 10, 1962. The material appearing at 26 F.R. 7713-7716 of August 17, 1961, is amended as follows:

Department Order No. 117 (Revised) of August 12, 1961, is amended by deleting the last sentence of section 6.0112 and substituting the following: "The Office of Research and Development has the following divisions: Division of Planning and Development, Division of Nuclear Projects, Division of Ship Mechanization, and Division of Operational Control;".

Effective date: January 10, 1962.

JOHN PRINCE,
Deputy Assistant Secretary for Administration.

[F.R. Doc. 62-778; Filed, Jan. 23, 1962; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-192]

UNIVERSITY OF TEXAS

Notice of Proposed Issuance of Construction Permit

Please take notice that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant or in the case of an intervener a petition for leave to intervene and a request for hearing is filed as provided by the Commission's rules of practice (Title 10, Chapter 1, Part 2), the Commission proposes to issue to The University of Texas, a construction permit substantially in the form annexed authorizing construction on The University of Texas campus at Austin, Texas, of a TRIGA Mark I, pool-type nuclear reactor. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application and (2) a hazards analysis prepared by the Test & Power Reactor Safety Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 18th day of January 1962.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

1. By application dated October 31, 1961 (hereinafter referred to as "the application"), The University of Texas requested a Class 104 license, authorizing construction and operation on The University of Texas campus at Austin, Texas, of a 10 kilowatt (thermal) TRIGA Mark I pool-type nuclear reactor (hereinafter referred to as "the reactor").

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act").

C. The University of Texas is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR, Part 50, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. The University of Texas and its contractor, General Atomics Division of General Dynamics Corporation, are technically qualified to design, construct and operate the reactor.

E. The University of Texas has submitted sufficient information to provide reasonable assurance that a reactor of the general type can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to The University of Texas will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to The University of Texas to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the reactor is July 1, 1962. The latest date for completion of the reactor is December 31, 1962. The term "completion date" as used herein, means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The reactor shall be constructed and located at the location on the campus of The University of Texas at Austin, Texas, specified in the application.

4. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless The University of Texas has submitted to the Commission (by amendment of the application) additional data required to complete the hazards analysis for operating the proposed facility and the Commission has found the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with specified procedures.

5. Upon completion (as defined in paragraph "3.A." above) of the construction of the reactor in accordance with the terms and conditions of this permit, upon filing of the additional information needed to bring the original application up-to-date, and upon finding that the reactor has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to The University of Texas pursuant to section 104c of the Act, which license shall expire ten (10) years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-764; Filed, Jan. 23, 1962; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13780; FCC 62M-96]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Scheduling Hearing

In the matter of American Telephone and Telegraph Co., regulations and charges for special arrangements provided as part of the communications system used in the Ballistic Missile Early Warning System (BMEWS) and regulations and charges for switching and signaling arrangements provided as part of the Command Post Alerting Network (COPAN); Docket No. 13780.

Pursuant to a prehearing conference as of this date: *It is ordered*, This 18th day of January 1962, that the hearing

in this proceeding is scheduled to commence April 24, 1962, 10:00 a.m. in the Commission's Offices, Washington, D.C.

Released: January 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-781; Filed, Jan. 23, 1962; 8:49 a.m.]

[Docket No. 14261; FCC 62M-91]

CLAY SERVICE CORP.

Order Continuing Hearing

In re application of Clay Service Corp., Ashland, Ala., Docket No. 14261, File No. BP-13795; for construction permit.

Pursuant to verbal request of the applicant and with the concurrence of counsel for the Broadcast Bureau: *It is ordered*, This 17th day of January 1962, that the hearing now scheduled for January 23, 1962, be and it is hereby rescheduled for February 6, 1962, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: January 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-782; Filed, Jan. 23, 1962; 8:49 a.m.]

[Docket No. 14085 etc.; FCC 62-84]

COMMUNITY SERVICE BROADCASTERS, INC., ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Community Service Broadcasters, Inc., Ypsilanti, Mich., Docket No. 14085; File No. BP-13846; John M. Bryan and Reid W. Dennis, Joint Venturers, d/b/a Mainliner Broadcasters, Louisville, Ky., et al., Docket No. 14291, File No. BP-14043 et al.; for construction permits.

1. The Commission has before it for consideration (1) a petition to enlarge issues, and supplement thereto, filed by Radio One Five Hundred, Inc., on November 8, 1961, and November 13, 1961, respectively; (2) Comments filed by the Broadcast Bureau on November 21, 1961; (3) a statement filed December 15, 1961, by Mainliner Broadcasters.

2. Petitioner alleges that the programming proposals made by Mainliner Broadcasters are nearly identical with those made by one of the partners in Mainliner Broadcasters in applications for two other communities. It therefore requests that the issues be enlarged by adding an issue to determine whether Mainliner Broadcasters made any effort to determine the programming needs of the community and area it proposes to serve. The Broadcast Bureau supports petitioner's request. Mainliner Broadcasters in its response to the petition states that the efforts it made in determining the programming needs of the area it would serve can be demonstrated better at an adjudicatory hearing than by affidavit, and it therefore does not oppose enlargement of the issues.

3. As pointed out by the Broadcast Bureau, the nearly identical programming proposals give rise to the question of whether Mainliner Broadcasters made a bona fide effort to ascertain the needs of the community it proposes to serve, and Mainliner Broadcasters in its responsive pleading does not make any showing that it made such effort. The issues will, therefore, be enlarged.

Accordingly, it is ordered, This 17th day of January 1962, that the request made by Radio One Five Hundred, Inc., in its petition filed November 8, 1961, that the issues be enlarged, is granted;

It is further ordered, That the Commission's Order (FCC 61-1204), released October 17, 1961, is amended by renumbering Issues 21 to 31 as Issues 22 to 32, respectively;

It is further ordered, That the issues are enlarged by the addition of the following issues:

21. To determine what efforts have been made by Mainliner Broadcasters to ascertain the program needs and interests of the area it proposes to serve, and the manner in which it proposes to meet such needs and interests.

Released: January 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-783; Filed, Jan. 23, 1962; 8:49 a.m.]

[Docket Nos. 14455, 14456; FCC 62M-93]

JEFFERSON RADIO CO. (WIXI) AND VOICE OF THE MID SOUTH

Order Continuing Hearing Conference

In re applications of W. D. Frink, tr/as Jefferson Radio Co. (WIXI), Docket No. 14455, File No. BL-8187; for license to cover construction permit BP-10672 authorizing a new standard broadcast station at Irondale, Ala.; Fred H. Davis and W. D. Frink, d/b as Voice of the Mid South, Docket No. 14456, File No. BP-14110; for construction permit to build a new standard broadcast station at Centreville, Ala.

The Hearing Examiner having under consideration an oral request from counsel for the applicants in this proceeding for a continuance of the prehearing conference now scheduled to convene at 9:00 a.m. on January 26, 1962;

It appearing that counsel for the Broadcast Bureau has consented to the requested continuance and that good cause has been shown therefor;

It is ordered, This 18th day of January 1962, that the request is granted and the prehearing conference is continued from January 26 at 9:00 a.m., to February 2, 1962, at 10:00 a.m.

Released: January 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-784; Filed, Jan. 23, 1962; 8:49 a.m.]

[Docket No. 14076 etc.; FCC 62-82]

KENT-RAVENNA BROADCASTING CO. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Kent-Ravenna Broadcasting Co., Kent, Ohio., Docket No. 14076, File No. BP-13749; Portage County Broadcasting Corporation, Kent-Ravena, Ohio, et al., Docket No. 14084, File No. BP-13845, et al.; for construction permits.

1. The Commission has before it for consideration (1) the petition to enlarge issues, filed October 24, 1961, by Portage County Broadcasting Corporation; (2) Broadcast Bureau's opposition, filed November 21, 1961; and (3) reply, filed December 8, 1961, by Kent-Ravenna Broadcasting Co.

2. Alleging that grant of the Kent-Ravenna Broadcasting Co. application would contravene § 3.35 of our rules, Portage County requests enlargement of the issues to include an issue as to Kent-Ravenna Broadcasting Co.'s compliance with § 3.35 of the Commission's rules. Noting that the issues in this proceeding were published in the FEDERAL REGISTER on April 28, 1961 (26 F.R. 3658), petitioner relies for its showing of good cause for late filing upon its allegations that the maze of interlocking Dix corporations is so complex that much time was required at research before a clear picture could be obtained of the extent of the Dix family holdings in media of mass communication. Petitioner submits that these interlocking holdings present a problem under § 3.35 of the rules. According to the petition and accompanying engineering statement, Kent-Ravenna's proposed operation in Kent and Station WWST in Wooster, Ohio, are commonly owned, and 70.5 percent of the total land area within the proposed Kent 0.5 mv/m contour lies within the existing WWST 0.5 mv/m contour, and 24 square miles within the existing WWST 2.0 mv/m contour lie within the proposed Kent 2.0 mv/m contour.

3. Kent-Ravenna and the Commission's Broadcast Bureau oppose the petition on grounds of untimely filing. At the same time the Broadcast Bureau agrees with petitioner that the facts alleged present a serious overlap problem under § 3.35 of the rules.

4. Portage County's petition will be denied on grounds of untimely filing. In view of the extensive overlap proposed, and in view of the alleged ownership and control by Kent-Ravenna of other media of mass communication (newspapers, FM and AM broadcast stations in Ohio and elsewhere), the Commission will on its own motion add an issue to determine whether a grant of the Kent-Ravenna application would be in contravention of either subsection (a) or (b) of § 3.35 of the rules. Clarksburg Publishing Co. v. FCC, 12 RR 2024, 225 F. 2d 511 (1955).

Accordingly, it is ordered, This 17th day of January 1962, that the petition to enlarge issues in the above-captioned proceeding, filed October 24, 1961, by Portage County Broadcasting Corporation is denied for reasons of untimely filing; and

It is further ordered, On the Commission's own motion, that the designation order released April 25, 1961 (FCC 61-533), is amended by adding the following issue: To determine whether a grant of the application of Kent-Ravenna Broadcasting Co., for a new standard broadcast station at Kent, Ohio, would be in contravention of § 3.35 of the Commission's rules.

Released: January 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-785; Filed, Jan. 23, 1962; 8:49 a.m.]

[Docket No. 14043; FCC 62-85]

MELODY MUSIC, INC. (WGMA)

Memorandum Opinion and Order Amending Issues

In re application of Melody Music, Inc. (WGMA), Hollywood, Florida, Docket No. 14043, File No. BR-2855; for renewal of license of Station WGMA, Hollywood, Florida.

1. The Commission has before it for consideration (1) Melody Music, Inc.'s petition for extension of time filed May 5, 1961, which was referred to the Commission on December 8, 1961, by the Acting Motion's Commissioner; (2) Melody's petition for reconsideration, filed September 19, 1961; (3) Melody's petition for clarification or enlargement of issues, filed October 2, 1961; and (4) pleadings properly filed in response thereto.

2. By Order released April 17, 1961 (FCC 61-495) the application of Melody Music, Inc., for renewal of its license to Station WGMA, Hollywood, Florida, was designated for hearing because the alleged "fixed" television quiz show activities of Daniel Enright raised a question regarding Melody's character qualifications. On May 5, 1961, Melody filed a petition challenging the validity of the designation Order contending that the renewal application should have been consolidated with its then pending assignment application, and the procedural provisions of then 47 U.S.C. 309(b), and 5 U.S.C. 1008(b) had not been complied with. On the same day, but in a separate pleading, Melody requested an extension of time so that it would not have to file, and the Commission would not be required to consider, a petition to enlarge, clarify, or delete issues until after the Commission had ruled on its challenge of the designation Order. By Order released September 18, 1961 (FCC 61-1101) the Commission rejected as moot the challenge to the designation Order, because Melody in the interim had withdrawn the pending assignment application. On December 8, 1961, the Acting Motion's Commissioner referred Melody's petition for extension of time to the full Commission.

3. Melody's petition for extension of time will be granted. Although petitions of this nature must be disposed on their particular facts, Melody's request was reasonable and proper in light of its vigorous attack on the designation Order which, if successful, would have mooted any request for modification of the issues. This situation is totally unlike that which prevailed in Sands Broadcasting Corp., FCC 61-690, May 29, 1961, where the petitioner sought an extension of time in order that it might conclude an investigation in order to determine whether any grounds existed for seeking enlargement of the issues, and the fact of whether a petition to enlarge issues would ever be filed was entirely speculative.

4. Melody has also requested reconsideration of our order released September 18, 1961 (FCC 61-1101), dismissing the challenge of the designation Order. This request will be denied because it violates our policy against entertaining petitions for reconsideration of interlocutory matters, except in circumstances that do not here prevail. KWK Radio, Inc., 21 RR 304 (1961). In addition, the contention that the Commission has failed to comply with former 47 U.S.C. 309(b) and 5 U.S.C. 1008 (b) in designating this proceeding for hearing, is totally without merit. The designation Order in this hearing was released April 17, 1961. Former section 309(b) is not applicable to this hearing Order which was released after December 12, 1960, the effective date of the amendment of former section 309(b), and the implementation of the amendment by 47 CFR 1.359. It is also clear that the notice requirement of section 9(b) of the APA does not apply to renewal hearings. Davis, Administrative Law (1951) 283.

5. The issues designated for hearing in the instant proceeding are:

(1) To determine the extent to which Daniel Enright was involved in the preparation or production of "fixed" television quiz shows.

(2) To determine, in light of the evidence adduced pursuant to the foregoing issue, whether the applicant, Melody Music, Inc., possesses the requisite qualifications to be a licensee of the Commission.

(3) To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of said application would serve the public interest, convenience and necessity.

Melody has requested clarification or enlargement of these issues so that it can introduce evidence regarding: the past or proposed operations of WGMA; the community's needs for WGMA's service; Enright's general character reputation; and deceptive practices in the communications industry.

6. Melody's request for an issue to ascertain the nature of the operations of WGMA will be granted. Although the Commission is not required to consider evidence of this type, which would essentially be offered in mitigation of any adverse findings under the existing issues, we are of the view that the public interest will be better served in this proceeding if evidence is adduced as to the overall broadcasting record of the licensee.

7. The request for an issue regarding the community's needs for WGMA's service will be denied. Proper evidence as to community need is admissible in establishing the nature of the operation of the licensee, and since we have added an issue regarding WGMA's operation, a specific issue regarding the needs of WGMA's community would be superfluous. The issue regarding Enright's general character reputation will be denied. This type of evidence is relevant, and if it complies with the rules of evidence, can be introduced pursuant to Issue 2, which is to ascertain whether the applicant, in which Enright is a principal, possesses the requisite character qualifications. However, in order to resolve any doubt as to the intended scope of the issue, the restrictive phrase "in the light of the evidence adduced pursuant to the foregoing issue" is hereby deleted from Issue 2. The final issue requested by Melody will also be denied because, to the extent that industry practices may be established to be relevant, proper evidence relating thereto can be introduced under the existing issues.

Accordingly, it is ordered, This 17th day of January 1962, that the petition of Melody Music, Inc., for reconsideration, filed September 19, 1961, is denied; and

It is further ordered, That the petition of Melody Music, Inc., for extension of time, filed May 5, 1961, is granted; and

It is further ordered, That the petition of Melody Music, Inc., for clarification or enlargement of issues, filed October 2, 1961, is granted to the extent indicated herein, and the designation Order released April 17, 1961 (FCC 61-495), is hereby amended by renumbering Issue 3 as Issue 4, and by the addition of the following issue:

3. To determine the manner in which Melody Music, Inc., operates and has operated Station WGMA, with particular regard to its reliability and candor as a licensee,

and by amending Issue 2 to read as follows:

2. To determine whether the applicant, Melody Music, possesses the requisite qualifications to be a licensee of the Commission.

Released: January 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-786; Filed, Jan. 23, 1962; 8:49 a.m.]

[1] Dissenting opinion of Commissioner Ford in which Commissioner Craven joins, filed as part of the original document.

[Docket Nos. 14193, 14194; FCC 62-81]

SMACKOVER RADIO, INC., AND MAGNOLIA BROADCASTING CO. (KVMA)

Memorandum Opinion and Order Amending Issues

In re applications of Smackover Radio, Inc., Smackover, Arkansas, Docket No. 14193; File No. BP-14663; Magnolia Broadcasting Company (KVMA), Magnolia, Arkansas, Docket No. 14194, File No. BP-14717; for construction permits.

1. The Commission has before it for consideration a petition to enlarge issues filed August 3, 1961, by Ouachita Valley Radio Corporation, together with pleadings properly filed in reply thereto.

2. We are asked to enlarge the issues to ascertain whether the applications of Smackover Radio, Inc., and Magnolia Broadcasting Co., were designed to block petitioner's proposal for Camden, Arkansas.[1]

3. Ouachita has alleged that there is a close connection between Station KAMD, the sole existing station at Camden, Arkansas, Smackover and Magnolia. To support the allegation regarding Smackover, it notes that Donald Cathey, president, director and 50 percent stockholder of Smackover is presently KAMD's station manager. It submits an affidavit from Floyd F. Hudson, formerly a staff announcer for Station KAMD, who states that Cathey utilized KAMD's chief engineer in preparing Smackover's application, and that KAMD's general manager was consulted on some problems concerning the application. Hudson also states that Cathey told him that he would personally do anything he could to prevent the licensing of a second station at Camden. In addition, petitioner submits a letter from a document analyst who states that Smackover's application was prepared on the same typewriter used to prepare documents submitted to the Commission by Station KAMD. These allegations, supported by affidavits raise a question as to whether the application of Smackover Radio, Inc. was filed in good faith, or for the benefit of Station KAMD. Such questions can best be resolved following an evidentiary hearing, and therefore, a good faith issue will be added as to Smackover.

4. To support the allegation of close connection between KAMD and Magnolia, petitioner notes that some of Magnolia's stockholders have substantial ownership interests in Station KAMD. Ouachita submits the affidavit of John W. Harrell, one of its incorporators, who states that E. K. Cochran, an individual not shown to be related to Magnolia in any way, told him that Magnolia's manager, W. M. Bigley, had admitted that Magnolia had no real intention to increase power, but had filed the application only to prevent a second station from being licensed for Camden. Harrell also states in the affidavit that KAMD's chief engineer told him that he had assisted in the preliminary surveys in connection with Magnolia's application to increase power. Magnolia challenges these allegations. It submits the affidavit of Cochran who states that Bigley never made any such admission to him, and Bigley's affidavit which avers that he never made such a statement. In addition, Magnolia submits affidavits which aver that the Magnolia stockholders who have interests in KAMD own only 15 percent of the stock in Magnolia, seldom participate in Magnolia's corporate activities and did not participate in the decision to increase power.

5. Insofar as the petition relies on Cochran's statement to Harrell, it will be rejected for failure to comply with 47 CFR 1.141 which requires that allegations of fact shall be supported by affidavits of persons having personal knowledge thereof. Even absent the rule, that portion of the affidavit would be unacceptable for it is hearsay of the most obvious sort unaccompanied by even an attempt to establish it as inherently credible. However, the unexplained participation of KAMD's chief engineer in the preparation of the Magnolia application coupled with the fact that certain Magnolia stockholders also hold stock in KAMD and the obvious economic benefit to KAMD if the Ouachita application were denied, establishes sufficient connection[2] between Magnolia and KAMD to raise a question as to whether Magnolia's application was filed in good faith, or to aid KAMD. Therefore, a good faith issue will also be added regarding Magnolia.

6. The enlarged issue clearly involves the interests of the licensee of Station KAMD, Camden, Arkansas, which is not a party to this proceeding. Accordingly, KAMD will be made a party to this proceeding with respect to Issue 8 which is added by this order.

Accordingly, it is ordered, This 17th day of January 1962, that the petition for enlargement of issues, filed August 3, 1961, by Ouachita Valley Radio Corporation is dismissed; and

It is further ordered, That on the Commission's own motion, the designation order released July 14, 1961, FCC 61-885, is amended by issues 8 and 9 being renumbered as 9 and 10 and by the addition of the following issue, the burden of proof of which shall be on the affected applicants:

(8) To determine whether the applications of Smackover Radio, Inc., and Magnolia Broadcasting Company (KVMA) were filed in good faith or were filed solely or in part for the purpose of preventing the granting of a construction permit at Camden, Arkansas, to Ouachita Valley Radio Corporation.

It is further ordered, That Camden Radio, Inc., licensee of Station KAMD, Camden, Arkansas, is made a party to this proceeding with respect to Issue 8;

It is further ordered, That the statement of the Broadcast Bureau in support of enlargement of issues, although Ouachita Valley Radio Corporation has been removed from the instant hearings, filed November 24, 1961; the response by Magnolia Broadcasting Company, filed December 21, 1961; and the response of Smackover Radio, Inc., filed December 21, 1961, are hereby dismissed because they violate the requirements of 47 CFR 1.13.

Released: January 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-787; Filed, Jan. 23, 1962; 8:49 a.m.]

[Docket Nos. 14493, 14494; FCC 62-90]

HAYWARD F. SPINKS AND GREENVILLE BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Hayward F. Spinks, Hartford, Ky., requests: 1600 kc, 500 w, D, Class III, Docket No. 14493, File No. BP-14291; C. P. Stovall, Sr., and C. P. Stovall, Jr., d/b/a Greenville Broadcasting Co., Greenville, Ky., requests: 1600 kc, 500 w, D, Class III, Docket No. 14494, File No. BP-15005; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 17th day of January 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The two applicants request cochannel, omnidirectional operations twenty-three miles apart and are, therefore, mutually prohibitive.

2. Since Hayward F. Spinks does not indicate that deferred credit is available, it must be assumed that all expenditures in connection with the construction and initial operation of his proposed station will be met with cash. Total funds required, including three months working capital, will be $27,475. An analysis of Mr. Spink's balance sheets, as of May 31, 1960, reveals cash in the amount of $7,351 and accounts receivable of $3,762, or total quick assets of $11,113. It will be necessary to establish the source of the additional necessary funds.

3. C. P. Stovall, Sr., and C. P. Stovall, Jr., d/b as Greenville Broadcasting Company have filed, in addition to the subject application, an application for a new FM facility at Greenville, (BPH-3559). It is not indicated in either application that construction costs or initial operating costs have been duplicated. Upon the assumption that there will be no duplication, the applicant will require a total of $32,925 to meet the costs of construction, down payment on equipment, and initial operating expenses. Only $17,000 is shown to be available—an amount sufficient to construct either the AM station or the FM station, but not both. No financial question has been raised with regard to the FM application.

4. It has not yet been determined whether the proposal of Greenville Broadcasting Company would constitute a menace to air navigation.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the subject proposals and the availability of other primary service to such areas and populations.

2. To determine whether either applicant is financially qualified to construct and operate its proposed station.

3. To determine whether there is a reasonable possibility that the tower height and location proposed by Greenville Broadcasting Company would constitute a menace to air navigation.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That the Federal Aviation Agency, is made a party to the proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding, may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of Fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the applications will be effectuated.

Released: January 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-788; Filed, Jan. 23, 1962; 8:49 a.m.]

[Docket Nos. 14331-14333; FCC 62M-90]

SUPERIOR COMMUNICATIONS CO., INC.

Order Continuing Hearing

In re applications of Superior Communications Co., Inc., for renewal of the license for Station KAQ73, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Virginia, Minn., Docket No. 14331, File No. 1710-C1-R-61; for renewal of the license for Station KAQ74, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Kabetogama, Minn., Docket No. 14332, File No. 1711-C1-R-61; for renewal of the licensee for Station KAQ75, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Gheen, Minn., Docket No. 14333, File No. 1712-C1-R-61.

The Hearing Examiner having under consideration a Motion for Continuance filed on January 10, 1962, by Superior Communications Co., Inc. (Superior), wherein it is requested that the hearing herein now set for January 29, 1962, be continued without date;

It appearing that at a consolidated preliminary conference herein held on November 27, 1961, it was stipulated among the parties that, if Superior filed an application for consent to transfer of control of Superior on or before January 15, 1962, the grant of which might obviate the necessity for an evidentiary hearing herein, the Examiner would entertain an appropriate Motion for continuance of the hearing now scheduled to commence on January 29, pending Commission action on the aforementioned application;

It further appearing that on January 10, 1962, Superior filed with the Commission an appropriate application for consent to such transfer of control; and

It further appearing that good cause has been shown for a grant of the Motion for Continuance;

It is ordered, This 17th day of January 1962, that the Motion for Continuance filed by Superior Communications Co., Inc., is granted and that the hearing now scheduled to commence on January 29, 1962, is postponed without date pending action by the Commission on the aforementioned application for consent to the transfer of control.

Released: January 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-789; Filed, Jan. 23, 1962; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP61-197, CP62-93]

TENNESSEE NATURAL GAS LINES, INC., AND TENNESSEE GAS TRANSMISSION CO.

Notice of Motion To Amend Order Issuing Certificate of Public Convenience and Necessity and Notice of Application and Date of Hearing

JANUARY 17, 1962.

Take notice that on October 30, 1961, as amended on November 16, 1961, Tennessee Natural Gas Lines, Inc. (Tennessee Natural), 1003 Nashville Trust Building, Nashville, Tennessee, filed in Docket No. CP61-197 a motion to amend an order issuing a certificate of public convenience and necessity, and on October 12, 1961, as supplemented and amended on November 2, 1961, Tennessee Gas Transmission Company (Tennessee), P.O. Box 2511, Houston 1, Texas, filed in Docket No. CP62-93 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity, both as hereinafter described, and as more fully set forth in the motion and application which are on file with the Commission and open to public inspection.

Tennessee Natural in Docket No. CP61-197 proposes in the subject motion to amend the order of the Commission issued April 10, 1961, in said docket which authorizes movant to sell up to 20,800 Mcf of interruptible gas per day to Ford Motor Company. (Ford), a direct industrial customer, for use in its glass plant in Nashville, Tennessee. Tennessee Natural now seeks authorization to sell Ford 15,500 Mcf of interruptible gas per day and 5,300 Mcf of firm gas per day instead of 20,800 Mcf of interruptible gas per day. The motion states that the change is necessary due to an expansion at the Ford plant. In Docket No. CP61-27 Tennessee Natural has a pending application to make the same conversion on a long-term basis, which application is dependent on Tennessee's expansion pending in Docket No. CP60-94. The

[1] At the time petitioner sought enlargement of the issues, it was a party applicant in this proceeding. It has subsequently amended its application and been returned to the processing line. However, since its allegations, if true, raise a question as to whether a grant of the Smackover and Magnolia applications would be in the public interest, Capitol Broadcasting Co., 29 FCC 677, 30 FCC 1, the requested issue is not rendered moot by Ouachita's removal from hearing.

[2] In Waco Radio Co., 19 RR 538 (1959) the issues were enlarged on a showing that the applicant had received assistance from an existing station which would benefit from applicant's proposal; and in Four States Broadcasting Co., 18 RR 616 (1959) a showing of business relationship was sufficient.

[3] Commissioner Cross dissenting in opinion.

motion proposes that the conversion be effective for the period ending November 30, 1962.

Tennessee seeks authorization in Docket No. CP62–93 to render interim additional service until November 30, 1962, to three of its existing customers as follows (Mcf per day at 14.73 psia):

Customers	Presently authorized long-term maximum contract quantity	Proposed interim service	Total long-term and interim service
Inland Gas Corp.	40,800	5,100	45,900
United Gas Pipe Line Co.:			
Oxford	5,945	1,055	7,000
Shaw, et al	8,318	1,166	9,484
Tennessee Natural Gas Lines, Inc.	111,364	5,300	116,664
Total	166,427	12,621	179,048

Tennessee states that these three customers are its only existing customers that will not have sufficient gas supply to meet their 1961–62 winter requirements. The proposed interim service would be rendered under Tennessee's FPC Gas Rate Schedules on file with the Commission. The application states that the proposed service can be rendered without any additional facilities.

Docket No. CP62–93 is a matter which should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 15, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Failure of any party to appear at and participate in the hearing in Docket No. CP62–93 shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

Protests or petitions to intervene may be filed in both dockets, and requests for hearing may be filed in Docket No. CP61–197, with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 5, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–774; Filed, Jan. 23, 1962; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MARIA FRAMARIN VEDOVA ZONIN

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maria Framarin Vedova Zonin, as successor in interest to Carolina Framarin, deceased; Gambellara (Vicenza), Italy; Claim No. 44046; Vesting Order No. 1421; $454.98 in the Treasury of the United States.

Executed at Washington, D.C., on January 17, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62–758; Filed, Jan. 23, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–2620]

BISHOP OIL CO.

Notice of Application to Strike From Listing and Registration and of Opportunity for Hearing

JANUARY 18, 1962.

In the matter of Bishop Oil Co., common stock.

The Pacific Coast Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2–1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: Stockholders of Bishop Oil Company at a Special Meeting held August 16, 1961, adopted a plan of complete liquidation of the Company.

Upon receipt of a request, on or before February 2, 1962, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–765; Filed, Jan. 23, 1962; 8:47 a.m.]

[File No. 1–3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

JANUARY 18, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.), being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, January 19, 1962, to January 28, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–766; Filed, Jan. 23, 1962; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DELEGATION OF FINAL AUTHORITY

Miscellaneous Amendments

Section II, Delegation of Final Authority, is amended as follows:

1. Paragraph C7 is hereby revoked.
2. Paragraph D2 is amended as follows: By deleting the title "Director of the Construction Branch," and by inserting in lieu thereof the title "Director of the Planning and Production Branch."
3. Paragraph D6 is amended as follows: By deleting the title "Director of the Land Branch," and by inserting in lieu thereof the title "Director of the Planning and Production Branch."

Approved: January 16, 1962.

[SEAL] MARIE C. MCGUIRE,
Commissioner.

[F.R. Doc. 62–757; Filed, Jan. 23, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 194]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 19, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 126 (Deviation No. 3), HUEY MOTOR EXPRESS, 1040 Flint Street, Cincinnati, Ohio, filed January 11, 1962. Attorney Fred F. Bradley, P.O. Box 127, Frankfort, Ky. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From the junction of U.S. Highway 25 and Interstate Highway 75, at Covington, Ky., over Interstate Highway 75 to junction U.S. Highway 25, south of Williamstown, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, Ohio, over U.S. Highway 25 to Williamstown, and return over the same route.

No. MC 2998 (Deviation No. 2), WOLVERINE EXPRESS INCORPORATED, 701 Erie Avenue, Muskegon, Mich., filed January 8, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Scottville, Mich., over U.S. Highway 10 to Clare, Mich., thence over U.S. Highway 27 to Lansing, Mich., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Scottville over U.S. Highway 10 to junction U.S. Highway 31, thence over U.S. Highway 31 to Muskegon, Mich., thence over U.S. Highway 16 to Lansing, and return over the same route.

No. MC 10761 (Deviation No. 16), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., filed January 8, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Peoria and Danville, Ill., over Interstate Highway 74, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Peoria over U.S. Highway 150 to Danville, and return over the same route.

No. MC 28961 (Deviation No. 1), McDUFFEE MOTOR FREIGHT, INC., High School Avenue and Woodlawn Street, Lebanon, Ky., filed January 8, 1962. Attorney Fred F. Bradley, P.O. Box 127, Frankfort, Ky. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From the junction of Interstate Highway 75 and U.S. Highway 25, at Covington, Ky., over Interstate Highway 75 to junction U.S. Highway 25, south of Williamstown, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, Ohio, over U.S. Highway 25 to Lexington, Ky., thence over U.S. Highway 68 to Shakertown, Ky., thence over Kentucky Highway 33 to Danville, Ky., thence over Kentucky Highway 35, via Liberty, Ky., to Wolfe Creek Dam, Ky., and return over the same route.

No. MC 41192 (Deviation No. 1), GRAND RAPIDS MOTOR EXPRESS, INC., 1520 Steele Avenue SW., Grand Rapids, Mich., filed January 8, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Kalamazoo, Mich., over Interstate Highway 94 to junction Indiana Highway 212, east of Michigan City, Ind., (B) from the Illinois-Indiana State Line, near Hammond, Ind., over Interstate Highways 80 and 90 to junction Indiana Highway 103, thence over Indiana Highway 103 to the Michigan-Indiana State Line, near White Pigeon, Mich., thence over U.S. Highway 131 to Kalamazoo, Mich., and (C) from the junction of U.S. Highway 12, Interstate Highway 94 and Michigan Highway 140, south of Watervliet, Mich., over Michigan Highway 140 to junction U.S. Highway 31, south of South Haven, Mich., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago, Ill., over U.S. Highway 20 to junction Indiana Highway 212, thence over Indiana Highway 212 to junction U.S. Highway 12, thence over U.S. Highway 12 to Benton Harbor, Mich., thence over U.S. Highway 31 to Holland, Mich., thence over Michigan Highway 21 to Grand Rapids; from Chicago over U.S. Highway 12 to Kalamazoo, thence over U.S. Highway 131 to Grand Rapids; and from the junction of U.S. Highway 31 and Allegan County Highway, at Saugatuck, Mich., over Allegan County Highway to junction unnumbered highway, thence over unnumbered highway to junction U.S. Highway 31, and return over the same routes.

No. MC 66562 (Deviation No. 7), RAILWAY EXPRESS AGENCY, INCORPORATED, 1117 West Bay Street, Jacksonville, Fla., filed January 11, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, moving in express service, over a deviation route between Bunnell and Palatka, Fla., over Florida Highways 20 and 100, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Jacksonville, Fla., over U.S. Highway 1 to New Smyrna Beach, Fla.; and from Jacksonville, Fla. over U.S. Highway 17 to Palatka, thence over Florida Highway 207 to St. Augustine, Fla., and return over the same routes.

No. MC 69833 (Deviation No. 3), ASSOCIATED TRUCK LINES, INC., 15 Andre Street SE., Grand Rapids 7, Mich., filed January 12, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 75 to a point south of Detroit, Mich., at or near the junction of U.S. Highways 24 and 25, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Detroit over U.S. Highway 24 to Toledo, Ohio, thence over U.S. Highway 25 to Cincinnati; and from Detroit over U.S. Highway 25 to Cincinnati, and return over the same routes.

No. MC 71743 (Deviation No. 1), BELLM FREIGHT LINES, INC., 1819 North 17th Street, St. Louis 6, Mo., filed January 12, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* with certain exceptions over a deviation route be-

tween East Peoria and Morton, Ill., over Interstate Highway 74, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From East Peoria over U.S. Highway 150 to Morton, and return over the same route.

No. MC 78632 (Deviation No. 5), HOOVER MOTOR EXPRESS COMPANY, INC., P.O. Box 450, Polk Avenue, Nashville, Tenn., filed January 7, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From a point approximately two miles north of Pelham, Tenn., over unnumbered county highway to junction Interstate Highway 24, thence over Interstate Highway 24 to junction U.S. Highway 64, west of U.S. Highway 41 at Monteagle, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Nashville, Tenn., over U.S. Highway 41 to Atlanta, Ga., and return over the same route.

No. MC 105957 (Deviation No. 3), DELTA MOTOR LINE, INC., P.O. Box 8367, Jackson, Miss., filed January 12, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between East Peoria and Morton, Ill., over Interstate Highway 74, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From East Peoria over U.S. Highway 150 to Morton, and return over the same route.

No. MC 105957 (Deviation No. 4), DELTA MOTOR LINE, INC., P.O. Box 8367, Jackson, Miss., filed January 12, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between St. Louis, Mo., and Hamel, Ill., over U.S. Highway 66, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From St. Louis over U.S. Highway 66 to junction Alternate U.S. Highway 67 (formerly City U.S. Highway 66), thence over Alternate U.S. Highway 67 to junction Illinois Highway 162 (formerly City U.S. Highway 66), thence over Illinois Highway 162 to junction Nameoki Avenue (formerly City U.S. Highway 66), thence over Nameoki Avenue to junction Illinois Highway 3 (formerly U.S. Highway 66), thence over Illinois Highway 3 to junction By-Pass U.S. Highway 66 (formerly U.S. Highway 66), thence over By-Pass U.S. Highway 66 to junction U.S. Highway 66, at Hamel, and return over the same route.

No. MC 105957 (Deviation No. 5), DELTA MOTOR LINE, INC., P.O. Box 8367, Jackson, Miss., filed January 12, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Alternate U.S. Highway 66 and Interstate Highway 55, approximately 13 miles north of Joliet, Ill., over Interstate Highway 55 to junction Alternate U.S. Highway 66, near Gardner, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction of U.S. Highway 66 and Alternate U.S. Highway 66 over Alternate U.S. Highway 66 to junction U.S. Highway 66, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-767; Filed, Jan. 23, 1962; 8:47 a.m.]

[Notice 417]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 19, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 112020 (Sub-No. 106) (as amended and clarified), filed November 28, 1960, amended October 25, 1961, and republished this issue. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. No. MC 113514 (Sub-No. 66) (as amended and clarified), filed October 5, 1960, amended October 25, 1961, and republished this issue. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex.

No. MC 116063 (Sub-No. 11) (as amended and clarified), filed August 29, 1960, amended October 23, 1961, and republished this issue. Applicant: C & R TRANSPORT COMPANY, INC., P.O. Box 12303, Fort Worth, Tex. Applicant's attorney: T. S. Christopher, 807 Continental Life Building, Fort Worth, Tex. The above-numbered proceedings were the subject of a Pre-Hearing Conference held November 30, 1960, at Chicago, Ill. The authority sought in all three applications, as amended and clarified, is as follows: Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, dry in bulk (except flour, catalyst, sugar, starch, barites, potash, carbon black, cement, and fly ash), in tank vehicles, hopper vehicles, hydraulic unloading dump vehicles, cable unloading dump vehicles, or tank type gravity unloading dump vehicles; (a) Between points in Texas and Louisiana, on the one hand, and, on the other, points in Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Tennessee, Wisconsin, Nebraska, Michigan, Oregon, Washington, Delaware, Alabama, Mississippi, Oklahoma, New Mexico, West Virginia, Virginia, Pennsylvania, New York, New Jersey, Maryland, and Utah; (b) Between points in Texas, Oklahoma, Kansas, Nebraska, Iowa, Missouri, Arkansas, Louisiana, Colorado, New Mexico, Arizona, Mississippi, Tennessee, and Illinois.

HEARING INFORMATION: February 26–March 2, 1962, at the Baker Hotel, Dallas, Tex., before Examiner James O'D Moran. March 5–9, 1962, at the Texas State Hotel, Houston, Tex., before Examiner James O'D Moran. This assignment is for the sole purpose of applicants' initial presentation and the time and place or places, if any, for hearing the remainder of applicants' case in chief, will be at the discretion of the presiding examiner to be fixed at the conclusion of the Houston hearing indicated above. If applicants' complete their presentation at the Houston hearing, consideration will also be given to the time and place for protestants' presentation by the examiner.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-768; Filed, Jan. 23, 1962; 8:47 a.m.]

[Notice 418]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 19, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub-No. 118) (REPUBLICATION), filed May 2, 1960, published

FEDERAL REGISTER, issue of November 9, 1960, amended and republished issue of February 22, 1961, and republished this issue. Applicant: GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P.O. Box 1554, Boise, Idaho. Notice of the filing of the application was originally published in the FEDERAL REGISTER, issue of November 9, 1960. A second notice of the filing of the application as amended was republished in the FEDERAL REGISTER, issue of February 22, 1961. A Report and Order served August 24, 1961, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle of dry fertilizer and dry fertilizer materials, (1) in bags, from Don, Idaho, to points in California, Oregon, Washington, Nevada, Utah, and Colorado, and (2) in bulk, from Don to points in California, over irregular routes in each instance. A Decision and Order of the Commission, division 1, dated December 6, and served December 14, 1961, provides that the grant of authority recommended by the examiner, to the extent it includes that portion of shipper's plant at Don, Idaho, lying within Power County, Idaho (incorrectly described as Parks County, Idaho, in the prior report), is broader in territorial scope than indicated in the notice previously published in the FEDERAL REGISTER, and allows 30 days from the date of this republication in the FEDERAL REGISTER, during which time any interested party who may have been adversely affected by the broadened territorial scope of such grant with respect to the notice as previously published, may file an appropriate pleading.

No. MC 873 (Sub-No. 39), filed January 12, 1962. Applicant: SOONER FREIGHT LINES, a corporation, 3000 West Reno, Oklahoma City, Okla. Applicant's attorney: Sidney P. Upsher, P.O. Box 2488, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *potato products*, between Denver, Colo., and points in Oklahoma, points in Missouri on and south of U.S. Highway 40, points in Kansas on and south of U.S. Highway 40, and points in Texas on, east and north of the following line: Beginning at the Texas-New Mexico State line on U.S. Highway 84, thence southeasterly over U.S. Highway 84 to Abilene, Tex., thence south over U.S. Highway 83 from Abilene, Tex., to Uvalde, Tex., thence over U.S. Highway 90 from Uvalde, Tex., to the intersection of U.S. Highway 90 with the Texas-Louisiana State line, east of Orange, Tex.

NOTE: Applicant states it is a wholly owned subsidiary of Lee Way Motor Freight, Inc.

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 1855 (Sub-No. 9), filed November 17, 1961. Applicant: SCHWENZER BROS., INC., 757 St. George Avenue, Woodbridge, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in containers, from Sewaren, N.J., to Macungie, Pa., and *empty containers* and *rejected, returned,* and *damaged shipments* of the above-specified commodities, on return. RESTRICTION: The proposed operation is restricted to service under contract with Shell Oil Company.

HEARING: March 2, 1962, at 346 Broadway, New York, N.Y., before Examiner James A. McKiel.

No. MC 2202 (Sub-No. 222), filed November 20, 1961. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Lexington, Ky., and Chattanooga, Tenn.; from Lexington over U.S. Highway 27 to Chattanooga, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's presently authorized regular route operations.

HEARING: March 20, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 388, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

No. MC 3468 (Sub-No. 146), filed October 27, 1961. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., 705 South Dort Highway, Flint, Mich. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements, in truckaway and driveaway service, (1) from points in Bergen and Hudson Counties, N.J., to points in Connecticut and (2) from points in Middlesex, Norfolk, and Suffolk Counties, Mass., to points in Maine, New Hampshire, Rhode Island, Vermont, Connecticut, and Massachusetts. RESTRICTION: Applicant states that the service involved is restricted to traffic: (1) Which originates at the sites of the plants of the Cadillac Division of the General Motors Corporation in Detroit, Mich., and (2) which has had an immediately prior movement by rail.

HEARING: March 7, 1962, at 346 Broadway, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 7228 (Sub-No. 24) (AMENDMENT), filed August 5, 1959, published issue of December 20, 1961, amended January 15, 1962, and republished as amended this issue. Applicant: HOME TRANSFER & STORAGE CO., a corporation, 1906 Southeast 10th Avenue, Portland 14, Oreg. Applicant's attorney: George La Bissoniere, 333 Central Building, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen foods*, all kinds, and *potato products* other than frozen, between points in Washington, Oregon, California, Idaho, Nevada, Arizona, Montana, Colorado, Utah, New Mexico, and Texas.

NOTE: The purpose of this republication is to include potato products other than frozen to the commodities above.

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 9429 (Sub-No. 5), filed November 27, 1961. Applicant: PAUL V. ADAMS TRUCKING, INC., 20 Schuler Street, P.O. Box 231, Sanford, Maine. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving North Berwick, Maine, as an intermediate point in connection with applicant's presently authorized regular-route operations between Portsmouth, N.H. and Biddeford, Maine.

HEARING: March 14, 1962, at the Senate Chamber, State House, Augusta, Maine, before Joint Board No. 70, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 20110 (Sub-No. 5), filed November 3, 1961. Applicant: MESSINGER TRUCKING & WAREHOUSE CORP., 604–610 West 37th Street, New York 18, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances, including* but not restricted to *refrigerators, freezers, washing machines, dryers, dishwashers, ironers, ranges, coolers, televisions, radios, phonographs* and *combinations thereof*, and *returned, refused and rejected shipments*, (1) between New York, N.Y., on the one hand, and, on the other, points in New Jersey and Connecticut, (2) between North Brunswick, Watchung, Audubon, Paramus, and Trenton, N.J., on the one hand, and, on the other, points in New Jersey on and north of U.S. Highway 40, and (3) between Trumbull and Hartford, Conn., on the one hand, and, on the other, points in Connecticut on and west of Connecticut Highway 32.

NOTE: Applicant states all duplicating authority is to be eliminated.

HEARING: February 26, 1962, at 346 Broadway, New York, N.Y., before Examiner James A. McKiel.

No. MC 23939 (Sub-No. 113), filed August 30, 1961. Applicant: ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: E. B. Evans, 718 Symes Building, Denver 2, Colo. Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nitrogen tetroxide*, in government-owned or carrier-owned specially designed trailers, loaded or empty, and (2) *empty trailers*, between Hopewell, Va., and Cape Canaveral, Fla.

HEARING: February 26, 1962, at the U.S. Court Rooms, Richmond, Va., before Examiner A. Lane Cricher.

No. MC 28536 (Sub-No. 8), filed November 9, 1961. Applicant: FOX & GINN, INC., 12 Howard Lane, Bangor, Maine. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, new furniture, uncrated commodities in bulk, and those requiring special equipment), between Moose River, Maine, and the International Boundary Line between the United States and Canada at or near Dennistown, Maine, from Moose River over U.S. Highway 201, to the International Boundary Line and return over the same route, serving no intermediate points.

HEARING: March 13, 1962, at the Senate Chamber, State House, Augusta, Maine, before Joint Board No. 115, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 31600 (Sub-No. 518), filed December 8, 1961. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvery Street, Waltham 54, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, from Bardstown, Ky., and points within fifteen (15) miles thereof, to points in Connecticut, Rhode Island, New Jersey, and Delaware.

HEARING: March 12, 1962, at the Federal Building, Providence, R.I., before Examiner Abraham J. Essrick.

No. MC 40858 (Sub-No. 51), filed November 13, 1961. Applicant: THE SILVER FLEET MOTOR EXPRESS, INC., 216 Pearl Street, Louisville 2, Ky. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except loose bulk commodities, livestock, Classes A and B explosives, currency, bullion, articles of virtu, and commodities which are contaminating or injurious to other lading, or which exceed ordinary equipment and loading facilities), between Elkton, Tenn., and Athens, Ala.; from Elkton over new, relocated U.S. Highway 31 to Athens, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, used in connection with applicant's presently authorized regular-route operations over old U.S. Highway 31.

HEARING: March 20, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 106, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

No. MC 41255 (Sub-No. 35), filed October 24, 1961. Applicant: GRUBB MOTOR LINES, INC., P.O. Drawer 567, Lexington, N.C. Applicant's attorney: William M. York, 201–204 Jefferson Building, Greensboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated, as listed in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 273–274, from Goldsboro, N.C., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Vermont, and the District of Columbia.

HEARING: March 2, 1962, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Examiner A. Lane Cricher.

No. MC 41255 (Sub-No. 36), filed November 14, 1961. Applicant: GRUBB MOTOR LINES, INC., Old Salisbury Road, P.O. Box 847, Lexington, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, as listed in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 273–274, from Siler City, N.C., to points in Connecticut, Delaware, Florida, Georgia, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, and *rejected shipments of new furniture*, on return.

HEARING: March 2, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner A. Lane Cricher.

No. MC 55811 (Sub-No. 75), filed November 9, 1961. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, Suite 1210 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, food preparations* and *baby supplies* from Fremont, Mich., to points in Iowa, and *rejected or returned shipments* on return.

HEARING: March 1, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 55811 (Sub-No. 76), filed January 11, 1962. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers* and *tubing* between Lapel, Ind., on the one hand, and on the other, points in Illinois and Ohio; points in the lower peninsula of Michigan; points in Iowa within ten (10) miles of the Iowa-Illinois State line; points in Missouri within ten (10) miles of the Missouri-Illinois State line; points in Kentucky within ten (10) miles of the Kentucky-Illinois State line, the Kentucky-Indiana State line and the Kentucky-Ohio State line; points in West Virginia within ten (10) miles of the West Virginia-Ohio State line; points in Pennsylvania within ten (10) miles of the Pennsylvania-Ohio State line; points in Allegheny, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa.; and Brockway, Jeannette, North East, Schenley, and South Connellsville, Pa., and points within ten (10) miles of Jeannette, Schenley, and South Connellsville, Pa.

HEARING: February 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 64806 (Sub-No. 7), filed October 16, 1961. Applicant: R. P. THOMAS TRUCKING COMPANY, INCORPORATED, 926 Danville Road, Martinsville, Va. Applicant's representative: Thaxton Richardson, Greensboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, (1) from Pulaski, Va., to points in Connecticut, Rhode Island, and Massachusetts, (2) from Bassett and Martinsville, Va., to points in Connecticut, Rhode Island, Massachusetts, and New York and (3) *damaged and rejected shipments of new furniture*, in (1) and (2) above, on return.

HEARING: March 1, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner A. Lane Cricher.

No. MC 77972 (Sub-No. 2), filed November 6, 1961. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 209, New Albany, Miss. Applicant's attorney: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, commodities in bulk. Commodities requiring special equipment, and those injurious or contaminating to other lading), from New Albany, Miss., to Pontotoc, Ackerman, and Louisville, Miss.; (1) from New Albany over Mississippi Highway 15 to Pontotoc, Ackerman, and Louisville, and return over the same route, serving no intermediate points, (2) between Ackerman and Starkville, Miss.; over Mississippi Highway 12 for operating convenience only, serving no intermediate points, and (3) between Louisville and Starkville, Miss.; over Mississippi Highway 25 for operating convenience only, serving no intermediate points.

NOTE: Applicant states it is already authorized to serve Pontotoc as an off-route point under Docket No. MC 77972.

HEARING: March 12, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 97, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

No. MC 81968 (Sub-No. 20), filed December 21, 1961. Applicant: B & L MOTOR FREIGHT, INC., 171 Riverside, Newark, Ohio. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials* and *supplies, used in the installation and erection of fiberglass materials and products, fibrous glass, mineral wool products, plastic materials and plastic products (in mixed shipments with such materials and products)*, between Newark, Ohio, on the one hand, and on the other, points in Ohio, Pennsylvania, West Virginia, Kentucky, New York, Indiana, Illinois, Michigan, Wisconsin, Missouri, Delaware, Maryland, New Jersey, Connecticut, Massachusetts, Rhode Island, the District of Columbia, and points in Kansas within the Kansas City, Mo.-Kansas City, Kans., Commercial Zone.

NOTE: Applicant states that it is under common control with Atlas Freight Lines, Inc., and Service Motor Freight, Inc., both contract carriers. Applicant also refers to its application to acquire control of Capitol Motor Freight, Inc. (MC–F–7753). Note further that applicant holds common carrier authority under MC–123255, so dual operation may be involved.

HEARING: February 28, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 95540 (Sub-No. 386), filed November 8, 1961. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Charleston, S.C., and Savannah, Ga., to points in Arkansas and Wisconsin.

NOTE: Applicant states that it is affiliated "with Arctic Express, Inc., through stock ownership in Bill Watkins, and Watkins Motor Lines, Inc."

HEARING: February 27, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 95540 (Sub-No. 390), filed December 6, 1961. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, from points in Maine, Massachusetts, New Hampshire, New Jersey, New York, N.Y., including the Commercial Zone, as defined by the Commission, and Pennsylvania, to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Applicant states, "it is affiliated with Artic Express, Inc., through stock ownership in Bill Watkins and Watkins Motor Lines, Inc."

HEARING: February 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William K. Royall.

No. MC 105813 (Sub-No. 48), filed October 30, 1961. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing house products, and commodities, used by packing houses*, as described in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, and 766, from Memphis, Tenn., to points in Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina.

HEARING: March 6, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Francis A. Welch.

No. MC 105813 (Sub-No. 52), filed November 16, 1961. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lighting fixtures, power hand saws, bath cabinets, sprayers*, and *compressors*, from Hopkinsville, Ky., Chicago, Ill., and Sheboygan, Wis., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

HEARING: March 2, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 107012 (Sub-No. 39), filed November 13, 1961. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. Applicant's representative: Charles H. Trayford, Room 3001, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos and piano benches* (uncrated), from New York, N.Y., and points in Warren County, N.Y., to points in Alabama, Alaska, Connecticut, Delaware, Florida, Georgia, Hawaii, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, and *rejected and returned pianos*, on return.

HEARING: March 9, 1962, at 346 Broadway, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 107323 (Sub-No. 36), filed November 15, 1961. Applicant: GILLILAND TRANSFER COMPANY, a corporation, 21 West Sheridan Street, Fremont, Mich. Applicant's attorney: Howell Ellis, 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, food preparations*, and *baby supplies*, from Fremont, Mich., to points in Iowa; and (2) *Returned and rejected shipments* of the above-specified commodities, from points in Iowa to Fremont, Mich.

HEARING: March 1, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 107475 (Sub-No. 50), filed November 6, 1961. Applicant: DANCE FREIGHT LINES, INC., 728 National Avenue, Lexington, Ky. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Clinton, Tenn., and Harriman, Tenn., from Clinton over Tennessee Highway 61 to Harriman, and return over the same route, serving no intermediate points and serving Harriman for joinder to existing routes only, as an alternate route for convenience only.

HEARING: March 16, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

No. MC 107496 (Sub-No. 218), filed November 20, 1961. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Mississippi, and Missouri.

NOTE: Dual operations may be involved, as applicant is presently authorized to conduct operations as a contract carrier in MC–119136 and subs thereunder. Applicant states that it is wholly owned by John Ruan, and it controls and owns all of the outstanding capital stock of Illinois-Ruan Transport Corporation, a certificated carrier in interstate commerce.

HEARING: March 5, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Francis A. Welch.

No. MC 108053 (Sub-No. 29), filed November 8, 1961. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 310, Fremont, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fresh meat and packing house products*, from Lincoln, Nebr., to points in California, and (2) *Fresh meat, packing house products, and frozen foods*, from Pueblo, Colo., to points in California.

NOTE: Applicant states it is controlled by Midwest Emery Freight System, Inc.

HEARING: February 26, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 108053 (Sub-No. 32), filed January 11, 1962. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 310, Fremont, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* and *potato products*, not frozen from points in Washington, Oregon, Idaho, and Utah, to points in Nevada, Utah, Arizona, New Mexico, Minnesota, Missouri, Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Wisconsin, Upper Peninsula of Michigan, Illinois, Iowa, Kansas, California, Louisiana, Oklahoma, Texas,

Arkansas, and Kentucky, (2) from points in Idaho and Utah, to points in Oregon and Washington, (3) from points in Oregon, to points in Washington and Idaho, and (4) from points in Washington to points in Oregon and Idaho.

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 108676 (Sub No. 6), filed October 2, 1961. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville 17, Tenn. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities requiring special equipment*, (1) between points in Tennessee, on the one hand, and, on the other, points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, and Virginia, and (2) between points in Tennessee.

NOTE: Applicant states no authority duplicating present rights is herein sought.

HEARING: February 28, 1962, at the U.S. Court Rooms, Knoxville, Tenn., before Examiner Francis A. Welch.

No. MC 108884 (Sub-No. 7), filed November 9, 1961. Applicant: ROGERS AND KASPER, INC., Route 46, Great Meadows, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in mechanically refrigerated vehicles, from New York, N.Y., Jersey City, Secaucus, and South Hackensack, N.J., to points in Warren County, N.J., Lehigh, Northampton, Berks, Lackawanna, Luzerne, Northumberland, Dauphin, and Cumberland Counties, Pa., Broome County, N.Y., and Hagerstown, Md., and *rejected, returned and damaged shipments*, on return.

NOTE: Applicant states it presently holds a substantial portion of the above authority, restricted to shipments of 5,000 pounds.

HEARING: March 1, 1962, at 346 Broadway, New York, N.Y., before Examiner James A. McKiel.

No. MC 109250 (Sub-No. 7), filed September 8, 1961. Applicant: ELMER N. WILKINSON, doing business as ELMER N. WILKINSON HAULING, West Center Street, Mebane, N.C. Applicant's attorney: Connie E. Bolden, Mebane, N.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated; from Mebane, N.C., and points within 2 miles thereof, to points in Pennsylvania and West Virginia, and *empty containers or other such incidental facilities*, used in transporting the above-described commodity, on return.

NOTE: Applicant states the above-described operation will be for the account of Craftique, Inc.

HEARING: March 1, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner A. Lane Cricher.

No. MC 109497 (Sub-No. 7) (AMENDMENT), filed December 27, 1961, published FEDERAL REGISTER, issue of January 17, 1962, amended January 17, 1962, and republished as amended this issue. Applicant: A. F. COMER, doing business as A. F. COMER TRANSPORT SERVICE, Rocky Mount, N.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, fuel oils, jet fuels, lubricating oils*, and *solvents*, from Wilmington, N.C., to points in Virginia.

NOTE: The purpose of this republication is to add solvents to the commodities proposed to be transported.

HEARING: Remains as assigned January 31, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 110420 (Sub-No. 302), filed November 8, 1961. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Adhesive*, in bulk, in tank vehicles, from Chicago, Ill., to points in Wisconsin, Iowa, Indiana, Nebraska, Minnesota, Michigan, Missouri, Ohio, Kentucky, Tennessee, and Pawtucket, R.I.; (2) *liquid softener*, in bulk, in tank vehicles, from Peoria, Ill., to points in Ohio, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kentucky, and Tennessee; (3) *talc*, dry, in bulk, in tank or hopper-type vehicles, from Great Lakes, Ill., to Sun Prairie, Wis.; (4) *rosin*, in bulk, in tank vehicles, from Columbia, Miss., to Chicago, Ill.; (5) *animal blood, ground bone*, and *ground animal offal*, and *blends or mixtures thereof*, in bulk, in tank vehicles, from Sioux City and Spencer, Iowa, and Madison, Wis., to Rockford, Ill.

HEARING: February 28, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 112815 (Sub-No. 3), filed October 25, 1961. Applicant: SARACCO TRUCKING CO., INC., 448 West Broadway, New York, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, and *returned, refused*, and *rejected shipments*, between points in the New York, N.Y., Commercial Zone as defined by the Commission in the Fifth Supplemental Report 53 M.C.C. 451, on the one hand, and, on the other, points in Connecticut, Massachusetts, and the District of Columbia.

NOTE: Carrier holds Certificate MC 112815 (Sub-No. 1) authorizing transportation of the above-named commodity from New York, N.Y., and the Commercial Zone thereof as defined by the Commission, to points in certain named States.

HEARING: March 5, 1962, at 346 Broadway, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 113106 (Sub-No. 9), filed December 26, 1961. Applicant: KENNETH K. ZECHMAN AND HARRY E. ZECHMAN, a partnership, doing business as BLUE DIAMOND CO., 4401 East Fairmont Avenue, Baltimore 24, Md. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insecticides, herbicides*, and *fungicides* (except in bulk, in tank vehicles), *sprayers, applicators*, or *distributors, and parts thereof*, for applying fertilizers, insecticides, herbicides, and fungicides, and *advertising paraphernalia and displays used in promoting the sale of the foregoing commodities*, limited to shipments transported simultaneously with fertilizer materials from Baltimore, Md., to Wilmington, Del., Washington, D.C., points in Pennsylvania and Virginia within 200 miles of Baltimore, Md., and points in that part of New York on and west of New York Highway 14; and (2) *damaged shipments of the immediately above-specified commodities* from the destination points specified above to Baltimore, Md.

NOTE: In the event the above authority is granted, applicant requests that upon issuance of same, cancellation of the presently held authority to transport *insecticides, herbicides* and *fungicides* (except in bulk, in tank vehicles), *sprayers, applicators*, or *distributors, and parts thereof*, for applying fertilizers, insecticides, and fungicides, and *advertising paraphernalia and displays used in promoting the sale of the foregoing commodities*, limited to shipments transported simultaneously with fertilizer materials, from the plant sites or warehouses of Swift & Company and Miller Chemical and Fertilizer Corp., Baltimore, Md., to Wilmington, Del., Washington, D.C., points in Pennsylvania and Virginia within 200 miles of Baltimore, Md., and points in that part of New York on and west of New York Highway 14; and *damaged shipments of the above-specified commodities* from the destination points specified immediately above, to the plant sites or warehouses of Swift & Company and Miller Chemical and Fertilizer Corp., Baltimore, Md.

HEARING: February 28, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 113267 (Sub-No. 52), filed November 15, 1961. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food* (when shipped in the same vehicle with shipments of meats, meat products, meat by-products, dairy products, and articles distributed by meat packing houses), from Memphis, Tenn., to points in that part of Alabama, north and west of Jackson, De Kalb, Etowah, St. Clair, Shelby, Bibb, Hale, Marengo, and Choctaw Counties, Ala., points in that part of Mississippi, north of Clarke, Jasper, Smith, Simpson, Copiah, and Clairborne Counties, Miss., points in that part of Arkansas east Columbia, Nevada, Pike, Montgomery, Scott, Logan, Johnson, Madison, and Carroll Counties, Ark., and points in that part of Tennessee, west of Sumner, Wilson, Rutherford, Bedford, and Lincoln Counties, Tenn.

NOTE: Applicant has pending contract carrier authority MC 50132 Sub 57. Applicant states they are "stockholders and officers" in the following Motor Carriers of passengers and baggage and express, Industrial Lines, Inc., MC 114168, Vandalia Bus Line, Inc., MC 2698. In addition thereto Oliver and Kathryn Anderson are officers and stockholders in Caseyville Bus Lines, Inc., MC 110845.

HEARING: March 2, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Francis A. Welch.

No. MC 113336 (Sub-No. 51), filed December 26, 1961. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 29, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from New York, N.Y., to points in Tennessee, Kentucky, Virginia, North Carolina, South Carolina, and Georgia.

NOTE: Common control may be involved.

HEARING: February 28, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 113336 (Sub-No. 52), (AMENDMENT), filed December 27, 1961, published FEDERAL REGISTER, issue of January 17, 1962, amended January 17, 1962, and republished as amended this issue. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 29, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, fuel oils, jet fuels, lubricating oils*, and *solvents*, from Wilmington, N.C., to points in Virginia.

NOTE: The purpose of this republication is to add solvents to the commodities proposed to be transported.

HEARING: Remains as assigned January 31, 1962, at the U.S. Court Rooms, Uptown Post Office, Raleigh, N.C., before Joint Board No. 7.

No. MC 114019 (Sub-No. 68), filed October 30, 1961. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing house products*, and *commodities used by packing houses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Memphis, Tenn., to points in Kentucky, Illinois, Indiana, Michigan, Ohio, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and the District of Columbia.

NOTE: Applicant states it controls Little Audrey's Transportation Co., Inc.

HEARING: March 6, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Francis A. Welch.

No. MC 114019 (Sub-No. 80), filed January 16, 1962. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Cleveland, Ohio, to Bismarck, N. Dak., Salt Lake City, Utah, Denver, Colo., and points in Oregon and Washington.

NOTE: Applicant states it controls Little Audrey's Transportation, Inc.

HEARING: January 30, 1962, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Joseph A. Reilly.

No. MC 114091 (Sub-No. 44), filed January 15, 1962. Applicant: FLEET TRANSPORT CO. OF KY., INC., 3601 South Seventh Street Road, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville 2, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from the pipeline terminal site of the Texas Eastern Transmission Corporation located near Oakland City, Ind., to points in Illinois.

HEARING: January 25, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 114569 (Sub-No. 46), filed December 26, 1961. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Peach Glen, Biglerville, and Orrtanna, Pa., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming.

HEARING: March 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 115322 (Sub-No. 27), filed December 7, 1961. Applicant: J. M. BLYTHE, doing business as J. M. BLYTHE MOTOR LINES, P.O. Box 489, Sanford, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wethersfield, Conn., to points in Alabama.

HEARING: March 5, 1962, at the New Post Office and Court House Building, Boston, Mass., before Examiner James A. McKiel.

No. MC 115471 (Sub-No. 8) (REPUBLICATION), filed September 26, 1960, published FEDERAL REGISTER, issue of November 16, 1960, and republished this issue. Applicant: JOSEPH WALSH, doing business as NORTH AMERICAN TRANSPORT CO., 5216 Perkins Avenue, Cleveland 3, Ohio. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington 6, D.C. The subject application as originally filed and published in the FEDERAL REGISTER, sought authority as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Radioactive waste*, in lead casks, on return. (2) *Liquid hydrogen* and *liquid nitrogen*, in government-owned research-type trailers, between Cleveland, Ohio, and Temperanceville, Va. The proceeding was heard on a consolidated record with No. MC 4405 (Sub-No. 364), Dealers Transit, Inc. A Report and Order of division 1, decided November 27, and served December 6, 1961, in the title proceeding embraced the findings in the instant proceeding, MC 115471 (Sub-No. 8), and granted applicant authority in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of irradiated fuel elements, in lead casks, from Sandusky, Ohio, to the National Reactor Test Station near Scoville, Idaho, under a continuing contract with the National Aeronautics and Space Administration. Any person or persons who might have been prejudiced by the notice of filing of the application as originally published in the FEDERAL REGISTER, may, within 30 days from the date of this republication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 116632 (Sub-No. 5), filed September 14, 1961. Applicant: RALPH E. CURTIS & SON, INC., 123 Mount Hope Avenue, Bangor, Maine. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from points in Washington and Hancock Counties, Maine, to points in Vermont; (2) from points in Aroostook and Penobscot Counties, Maine, to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania; (3) *Empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, from the destination points specified above to their respective origin points; and (4) *Lumber* and *empty containers or other such incidental facilities* (not specified) used in transporting Lumber, between points in Maine, on the one hand, and, on the other, ports of entry on the International Boundary line between the United States and Canada, located in the States named in (1) and (2) above.

HEARING: March 12, 1962, at the Senate Chamber, State House, Augusta, Maine, before Examiner James A. McKiel.

No. MC 116763 (Sub-No. 20), filed December 14, 1961. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio, and Benjamin J. Brooks, 4700 Connecticut Avenue, Washington 8, D.C. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodenware and related articles*, from points in Maine, New Hampshire, and Vermont to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: March 9, 1962, at the Federal Building, Federal Street, Portland, Maine, before Examiner James A. McKiel.

No. MC 117119 (Sub-No. 39), filed November 24, 1961. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food preparations*, and *foodstuffs*, in vehicles equipped with mechanical refrigeration, from Jackson, Bells, Humboldt, and Milan, Tenn., and Athens, Ala., to Oklahoma City, Okla., Springdale, Ark., and points in Montana, Arizona, California, Texas, New Mexico, Missouri, Iowa, Minnesota, and Nebraska; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

NOTE: Applicant indicates that it has no connection with any other carrier except that it is authorized, by order in MC-F-7816, to lease temporarily the properties of Pellham Transportation Co., Inc.

HEARING: March 16, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Francis A. Welch.

No. MC 117995 (Sub-No. 4) (AMENDMENT), filed January 9, 1962, published FEDERAL REGISTER, issue of January 17, 1962, and republished as amended, this issue. Applicant: NEIL B. OLMSTED, E. B. OLMSTEAD, AND ALVIN H. ANDERSON, doing business as REFRIGERATED TRUCK LINES, Route 3, Box 147, Mount Vernon, Wash. Applicant's attorney: George R. Labissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *potato products*, not frozen, (1) between points in Washington, Oregon, Idaho, and California, on the one hand, and, on the other, points in New York, Kentucky, Wyoming, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Wisconsin, Oklahoma, Ohio, South Dakota, Utah, Arizona, New Mexico, Texas, and Louisville, Ky., (2) between points in Idaho, on the one hand, and, on the other, points in Oregon and Washington, and (3) between points in California, on the one hand, and, on the other, points in Washington and Oregon.

NOTE: The purpose of this amendment is to include service to the additional destination points of New Mexico and Texas in Item (1) above.

HEARING: Remains as assigned February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 119219 (Sub-No. 3) (CORRECTION TO REPUBLICATION), filed July 1, 1960, published FEDERAL REGISTER, issue of August 17, 1960, republished issue January 17, 1962, and republished as corrected this issue. Applicant: RAYMOND L. BURT, doing business as BURT DISTRIBUTING COMPANY, 935 Florida SE., Albuquerque, N. Mex. Applicant's representative: L. C. Cypert, Room 2, 1115½ Central Avenue NE., Albuquerque, N. Mex. In the republication of the subject application setting forth the request for authority as originally filed, immediately following the description of the items, namely, empty containers, etc., set forth in Item IV of paragraph 2, the republication reads: "A notation on page 1 reads as follows:". Correctly stated, that reference should read: "A notation on page 1 reads as follows: 'See attached sheet 1, Item II'." The attachment sets forth the route description as contained in the republication, beginning "From Albuquerque, N. Mex., * * *."

No. MC 119367 (Sub-No. 6), filed November 13, 1961. Applicant: JOSEPH M. ANTONA, Box 315, Washingtonville, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, loose and baled, on flat bed and in dump vehicles, from Poughkeepsie, N.Y., to Port Newark, Jersey City, Harrison, New Brunswick, Carteret, and South Amboy, N.J.

NOTE: Applicant states the proposed service will be restricted to service under a continuing contract with Charles Effron & Son, of Poughkeepsie, N.Y.

HEARING: February 28, 1962, at 346 Broadway, New York, N.Y., before Examiner James A. McKiel.

No. MC 119777 (Sub-No. 5), filed December 20, 1961. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Tractors*, regardless of how equipped (except tractors used for pulling highway trailers); *scrapers; motor graders*, regardless of how equipped; *wagons; engine; generators; engines and generators combined; welders; road rollers and compactors; cranes*, regardless of how equipped; *power sweepers; ditchers; pavers; asphalt plants; conveyors;* and *parts, attachments and accessories for the above commodities*, from Peoria, Joliet, Decatur, Aurora, Morton, and Mossville, Ill., and points within ten (10) miles of each, to points in Kentucky, Tennessee, Indiana, Ohio (except Columbus), Pennsylvania, West Virginia, and the New York, N.Y., Commercial Zone.

NOTE: Applicant states that it already has authority to perform all the above service except the transportation of parts, attachments and accessories for the commodities authorized, and the purpose of this application is to obtain authority to transport such parts, attachments and accessories.

HEARING: February 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel C. Shoup.

No. MC 123067 (Sub-No. 13) (AMENDMENT), filed December 1, 1961, published FEDERAL REGISTER, issue of January 17, 1962, amended January 17, 1962, and republished as amended this issue. Applicant: M & M TANK LINES, INC., P.O. Box 4174, North Station, Winston-Salem, N.C. Applicant's attorney: Edward G. Villalon, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, fuel oils, jet fuels, lubricating oils, and solvents*, in bulk, in tank vehicles, from Wilmington, N.C., to points in Virginia.

NOTE: The purpose of this republication is to add solvents to the commodities proposed to be transported.

HEARING: Remains as assigned January 31, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 123304 (Sub-No. 3), filed October 31, 1961. Applicant: SOUTHERN COURIERS, INC., 1316 North Carroll Street, Dallas, Tex. Applicant's attorney: Val Sanford, 811 Third National Bank Building, Nashville 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Commercial papers, documents* and *written instruments such as are used in the businesses of banks and banking institutions* (excluding coin, currency, bullion and negotiable securities), (2) *exposed and processed film* and *prints, complimentary replacement film* and *incidental dealer handling supplies used in and for shipping said film* (other than for commercial theatre, or television exhibition), and (3) *punch cards* and *business papers* and *records* and *audit media* (other than plant removals), between Chattanooga, Tenn., and Birmingham and Montgomery, Ala., on the one hand, and, on the other, points in Georgia, lying on the north of U.S. Highway 80, as it extends from the Alabama-Georgia border easterly to the Atlantic Ocean; (B) (1) *Commercial papers, documents* and *written instruments as are used in the businesses of banks and banking institutions* (except coin, currency, bullion and negotiable securities), (2) *exposed and processed film and prints, complimentary replacement film and incidental dealer handling supplies used in and for shipping said film* (other than for commercial theatre, or television exhibition), between Memphis, Nashville, Knoxville, and Chattanooga, Tenn., and Atlanta, Ga., on the one hand, and, on the other, points in Lauderdale, Limestone, Madison, Jackson, DeKalb, Cherokee, Cleburne, Randolph, Clay, Talladega, Shelby, Jefferson, Tuscaloosa, Pickens, Lamar, Marion, Franklin, Colbert, Lawrence, Morgan, Marshall, Eutaw, Calhoun, St. Clair, Blount, Fayette, Walker, Winston, and Cullman Counties, Ala.; (C) *Sales audit media consisting of cash register tapes, charge sales* and *cash tickets, applications* and *other documents involved in the processing of these business or sales audit media, payroll time sheets, employees personnel records, payroll checks, including recaps of time sheets and payroll records*, (a) between Houston, Tex., on the one hand, and, on the other, Baton Rouge, Lafayette, Bogalusa, Hammond, Houma, Metairie, and New Orleans, La., and (b) between Beaumont, Tex., on the one hand, and, on the other, Lake Charles, La.; (D) (1) *Commercial papers, documents* and *written instruments such as are used in the businesses of banks and banking institutions* (excluding coin, currency, bullion and negotiable securities), (2) *exposed and processed film and prints, documentary replacement film and incidental dealer handling supplies used in and for shipping said film* (other than for commercial theatre, or television exhibition), and (3) *punch cards* and *business papers and records* and *audit media* (other than plant removals), between Memphis, Nashville, and Knoxville, Tenn., on the one hand, and, on the other, points in Kentucky lying on the south and on the west of the following line: Kentucky Highway 54 from the Indiana-Kentucky line to its junction with U.S. Highway 62 at Leitchfield, and continuing on U.S. Highway 62 to its junction with Springfield and U.S. Highway 150; thence eastward on U.S. Highway 150 to its junction with U.S. Highway 25 at Mt. Vernon; thence from Mt. Vernon to London on U.S. Highway 25 and Kentucky Highway 80; thence from London to Hyden on U.S. Highway 421; thence from Hyden along U.S. Highway 421 to the Kentucky-Virginia border; and (E) (1) *Commercial papers, documents* and *written instruments such as are used in the businesses of banks and banking institutions* (excluding coin, currency, bullion and negotiable securities), (2) *exposed and processed film and prints, documentary replacement film and incidental dealer handling supplies used in and for shipping said film* (other than for commercial theatre, or television exhibition), and (3) *punch cards and business papers and records and audit media* (other than plant removals), between Memphis, Nashville, Knoxville, and Chattanooga, Tenn., and points in Washington and Sullivan Counties, Tenn., on the one hand, and, on the other, Bristol, Va.

NOTE: Applicant states it is controlled by Arthur DeBevoise, who also controls Armored Carrier Corporation, a contract carrier operating under MC 112750.

HEARING: March 15, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Francis A. Welch.

No. MC 123811 (Sub-No. 1), filed August 22, 1961. Applicant: GRIFFIN BAKING CO., a corporation, 4411 West Market Street, Greensboro, N.C. Applicant's attorney: John W. Hardy, Greensboro, N.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Perishable bakery products such as cakes, pastries and other baked goods*, (1) from Charlotte, N.C., to Columbia, S.C., and Statesville, N.C., (2) from Statesville, N.C., to Greensboro, N.C., and (3) from Greensboro, N.C., to Greenville, N.C., Charlottesville, Va., and Washington, D.C., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, in connection with routes (1), (2), and (3), on return.

HEARING: February 28, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner A. Lane Cricher.

No. MC 123821, filed July 19, 1961. Applicant: LESTER R. SUMMERS, INC., 17 Gerhart Avenue, Ephrata, Pa. Applicant's attorney: John M. Musselman, State Street Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushed stone*, from points in Lancaster County, Pa., to points in Delaware and Maryland, and (2) *sand*, from points in Cecil and Harford Counties, Md., to points in Berks and Lancaster Counties, Pa., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in (1) and (2) above.

HEARING: February 28, 1962, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 199, or if, the Joint Board waives its right to participate, before Examiner Parks M. Low.

No. MC 123872 (Sub-No. 1), filed September 11, 1961. Applicant: W & L MOTOR LINES, INC., 948 10th Street NE., P.O. Box Annex 1580, Hickory, N.C. Applicant's attorney: Boyce A. Whitmire, Hendersonville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, cartoned and uncartoned, from points in Burke and Catawba Counties, N.C., to points in Minnesota, Kansas, and Colorado.

HEARING: February 26, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner A. Lane Cricher.

No. MC 123927 (Sub-No. 1), filed December 29, 1961. Applicant: JOHN F. KIRKSEY, doing business as KIRKSEY TRUCKING, Route 4, 9932 Jefferson Davis Highway, Richmond 34, Va. Applicant's attorney: Paul A. Sherier, 613 Warner Building, 13th and E Streets NW., Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Barrel staves and headings*, in bundles, from points in Powhatan County, Va., to Chicago, Danville and Joliet, Ill., Birmingham, Mich., St. Paul, Minn., St. Louis, Mo., Jersey City, Phillipsburg, Rahway and Trenton, N.J., New York and Port Chester, N.Y., Beaver Falls, Conshohocken, Lebanon, Philadelphia, and Pittsburgh, Pa., and Cudahy and Milwaukee, Wis.

HEARING: February 26, 1962, at the U.S. Court Rooms, Richmond, Va., before Examiner A. Lane Cricher.

No. MC 124005 (Sub-No. 1), filed December 6, 1961. Applicant: HOWARD W. SHERMAN, doing business as SHERMAN'S TOWING AND SERVICE, 298 Montgomery Avenue, Cranston, R.I. Applicant's representative: Russell B. Curnett, 49 Weybosset Street, Providence, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, by towaway and truckaway service, between points in Rhode Island on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New York, and Vermont.

HEARING: March 12, 1962, at the Federal Building, Providence, R.I., before Examiner Abraham J. Essrick.

No. MC 124009, filed October 27, 1961. Applicant: FRANCIS P. O'BRIEN and JOHN F. ESCHMANN, doing business as DIRECT AIRPORT SERVICE, 44 Caldwell Street, Huntington Station, N.Y. Applicant's attorney: Robert DeKroyft, Woolworth Building, 233 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, and Household Goods as defined by the Commission), between Newark Municipal Airport, Newark, N.J., New York International Airport (Idlewild), N.Y., LaGuardia Airport, N.Y., and MacArthur Airport, Islip, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y.

NOTE: Applicant states the proposed "service is restricted to shipments having an immediately prior, or immediately subsequent movement by aircraft."

HEARING: March 6, 1962, at 346 Broadway, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 124034, filed November 5, 1961. Applicant: SCHWERMAN TRUCKING CO. OF N.Y., INC., 620 South 29th Street, Milwaukee 26, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages, from College Point (located in the Borough of Queens, Queens County) and Port Washington (Town of North Hempsted) N.Y., and Jersey City, N.J., to points in Westchester, Orange, Dutchess, Ulster, Sullivan, Putnam, Rockland, Suffolk, and Nassau Counties, N.Y., points in the five (5) New York City Boroughs, i.e., Bronx (Bronx County), Brooklyn (Kings County), Manhattan (New York County), Queens (Queens County), and Staten Island (Richmond County), N.Y., and points in New Jersey and Connecticut.

NOTE: Applicant states it holds contract authority under MC 117538 and Subs thereto. Applicant further states it is controlled by Schwerman Trucking Co. (Wisconsin parent Corp.), who also controls Schwerman Trucking Co. of Ohio, Schwerman Co. of Pa., Inc., Schwerman Trucking Co. of Indiana, Inc., Schwerman Trucking Co. of Illinois, Inc. and Schwerman Trucking Co. of Texas.

HEARING: February 27, 1962, at 346 Broadway, New York, N.Y., before Examiner James A. McKiel.

No. MC 124034 (Sub-No. 1), filed November 5, 1961. Applicant: SCHWERMAN TRUCKING CO., OF N.Y., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in packages, from Providence, R.I., to points in Rhode Island, Massachusetts, and Connecticut.

NOTE: Applicant holds contract authority under MC 117538 and Subs thereunder therefore dual operations may be involved.

HEARING: March 14, 1962, at the Federal Building, Providence, R.I., before Joint Board No. 134, or, if the Joint Board waives its right to participate before Examiner Abraham J. Essrick.

No. MC 124034 (Sub-No. 2), filed November 8, 1961. Applicant: SCHWERMAN TRUCKING CO. of N.Y., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (Same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in packages, from the site of the transfer terminal of the Alpha Portland Cement Company at or near Westboro, Mass., to points in Rhode Island, points in Hillsboro and Rockingham Counties, N.H., points in Tolland and Windham Counties, Conn., and points in Barnstable, Bristol, Essex, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties, Mass.

NOTE: Applicant holds contract authority under MC 117538 and subs thereto; and therefore, dual operations may be involved. Applicant states, it "is controlled by Schwerman Trucking Co., (Wisconsin Parent Corporation)."

HEARING: March 8, 1962, at 346 Broadway, New York, N.Y. before Examiner Abraham J. Essrick.

No. MC 124040, filed November 13, 1961. Applicant: AVACO MOTOR LINES, INC., 552 West 48th Street, New York 19, N.Y. Applicant's representative: William D. Traub, 350 Fifth Avenue, New York 1, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, cosmetics*, and *materials, supplies*, and *equipment*, used in the manufacture, distribution, and sale of toilet preparations, between points in the New York, N.Y., Commercial Zone as defined by the Commission, and points in Bergen, Essex, Hudson, Passaic, Union, and Middlesex Counties, N.J., on the one hand, and, on the other, Rochester, N.Y.

HEARING: February 28, 1962, at 346 Broadway, New York, N.Y., before Examiner James A. McKiel.

No. MC 124058, filed November 20, 1961. Applicant: HAROLD LEVENSON, 317 West 35th Street, New York, N.Y. Applicant's attorney: Jerome G. Greenspan, 404 Clarendon Road, Uniondale, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Children's dresses on hangers, racks, and in boxes, cartons and other packages; cut goods, piece goods, zippers, buttons, bindings, lace, and trimmings*, which is used to manufacture children's dresses, between East Newark, N.J., and New York, N.Y.

HEARING: March 2, 1962, at 346 Broadway, New York, N.Y., before Examiner James A. McKiel.

No. MC 124063, filed November 24, 1961. Applicant: L. T. McCULLOUGH, doing business as MIDWAY TRAILER SALES, 3707 West Cummings Highway, Chattanooga, Tenn. Applicant's attorney: Raymond A. Graham, Title Guaranty & Trust Co. Building, 615 Walnut Street, Chattanooga, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes or trailers*, designed to be drawn by passenger automobiles, in secondary movements between Chattanooga, Tenn., and points located in Marion, Sequatchie, Meigs, Rhea, and Bradley Counties in Tennessee, points in Walker, Dade, and Catoosa Counties, Ga., and points in Jackson and De Kalb Counties, Ala., on the one hand, and on the other, points in the United States except Hawaii and Alaska.

HEARING: March 19, 1962, at the Dinkler-Andrew Jackson Hotel, before Examiner Francis A. Welch.

No. MC 124089, filed December 7, 1961. Applicant: ABREAU TRUCKING, INC., 21 Wilbur Street, Taunton, Mass. Applicant's representative: Russell B. Curnett, 49 Weybosset Street, Providence 3, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Highway construction materials* and *materials excavated directly from the ground*, when moving in dump vehicles and unloaded at destination by dumping, between points in Massachusetts on and east of a line beginning at the Massachusetts-Connecticut State line, thence north on U.S. Highway 5 to the Massachusetts Turnpike, thence east on the Massachusetts Turnpike to Massachusetts Highway 12, thence north on Massachusetts Highway 12 to Worcester, Mass., thence east on Massachusetts Highway 9 to U.S. Highway 20, thence east on U.S. Highway 20 to Boston, Mass., on the one hand, and, on the other, points in Rhode Island and that part of Connecticut on and east of U.S. Highway 5.

HEARING: March 13, 1962, at the Federal Building, Providence, R.I., before Joint Board No. 134, or, if the Joint Board waives its right to participate before Examiner Abraham J. Essrick.

No. MC 124126, filed January 2, 1962. Applicant: LUCIEN BISSON, INC., 29 Commercial Street, Bath, Maine. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, tools*, and *repair parts and supplies* for the repair and servicing of ships, rock crushers, and other machinery produced or served by the Bath Iron Works, from Bath, Maine, to points in New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, Pennsylvania, West Virginia, and Ohio; and (2) *salvaged machinery, tools and repair parts and supplies* from the above-named States to Bath, Maine.

HEARING: March 15, 1962, at the Senate Chamber, State House, Augusta, Maine, before Examiner James A. McKiel.

MOTOR CARRIERS OF PASSENGERS

No. MC 2866 (Sub-No. 14), filed November 2, 1961. Applicant: EDWARDS MOTOR TRANSIT COMPANY, a corporation, 56 East Third Street, Williamsport, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building (P.O. Box 432), Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail and newspapers*, in the same vehicle with passengers, between junction Pennsylvania Highways 45 and 145, at or near Lehigh Gap, Pa., and Philadelphia, Pa.; from junction Pennsylvania Highways 45 and 145, at or near Lehigh Gap, over Pennsylvania Highway 145 to Allentown, Pa., thence over U.S. Highway 309 to Quakertown, Pa., thence over Pennsylvania Highway 313 to junction U.S. Highway 611, north of Doylestown, Pa., thence over U.S. Highway 611 to Philadelphia, and return over the same route, serving all intermediate points. RESTRICTIONS: No passengers will be transported over the above-specified route: (1) between points on carrier's presently authorized interstate routes in the area bounded by Shamokin, Shenandoah, Hometown, Tamaqua, junction Pennsylvania Highway 443 and U.S. Highway 309, Pottsville, and Frackville, Pa., on the one hand, and, on the other, points beyond Philadelphia, via the Philadelphia gateway; and (2) between points in carrier's presently authorized interstate routes in the area bounded by Shamokin, Shenandoah, Hometown, Tamaqua, junction Pennsylvania Highway 443 and U.S. Highway 309, Pottsville, and Frackville, Pa., on the one hand, and, on the other, Allentown and Quakertown, Pa., and points intermediate thereto.

NOTE: Applicant states that in MC 2866 (Sub-No. 13) it holds the above-described authority but subject to the following additional restriction: "No passengers will be transported over the above-specified route: (1) between Allentown and Quakertown, Pa., and points intermediate thereto, on the one hand, and, on the other, points beyond Philadelphia, via the Philadelphia gateway;" The instant application, in effect, seeks to eliminate the foregoing restriction (1). If it is granted, applicant would request cancellation of its Certificate No. MC 2866 (Sub-No. 13).

HEARING: February 26, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Joint Board No. 65, or, if the Joint Board waives its right to participate before Examiner Abraham J. Essrick.

No. MC 3647 (Sub-No. 318), filed December 12, 1961. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at Irvington, N.J., and extending to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, South Carolina, Ohio, West Virginia, and Wisconsin.

HEARING: February 26, 1962, Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Edith H. Cockrill.

No. MC 3647 (Sub-No. 320), filed January 18, 1962. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers; (1) Between Matawan, N.J., and Wall Township, N.J., from Matawan over New Jersey Highway 34 to junction Garden State Parkway Interchange No. 96 at Garden State Parkway, Wall, N.J., and return from Garden State Parkway at Garden State Parkway Interchange No. 97 and New Jersey Highway 38, Wall, N.J., thence over New Jersey Highway 38 to junction New Jersey Highway 34, thence over New Jersey Highway 34 to Matawan, and return over the same route, serving all intermediate points; (2) Between junction New Jersey Highway 34 and County Highway 520, Holmdel, N.J., and Garden State Parkway Interchange No. 109 at Garden State Parkway, Middletown, N.J., from junction New Jersey Highway 34 and County Highway 520, Holmdel, over County Highway 520 to Garden State Parkway Interchange No. 109 at Garden State Parkway, Middletown, and return over the same route, serving all intermediate points; and (3) Between junction Garden State Parkway Interchange No. 123 at Garden State Parkway and U.S. Highway 9, Sayreville, N.J., and Garden State Parkway Interchange No. 91 at Burnt Tavern Road, Brick, N.J., from junction Garden State Parkway Interchange No. 123 at Garden State Parkway and U.S. Highway 9, over Garden State Parkway to Garden State Parkway Interchange No. 91 at Burnt Tavern Road, Brick, and return over the same route, serving all intermediate points.

NOTE: Applicant states it presently operates over the route shown as (3) above, except that the service is presently restricted as follows: "Said carrier shall not transport traffic over the Garden State Parkway between New York, N.Y., on the one hand, and, on the other, (1) points in Monmouth County, N.J., on or east of the Garden State Parkway, (2) points in Point Pleasant Borough and Point Pleasant Beach in Ocean County, N.J., (3) points in that part of Brick Township, Ocean County, N.J., on or north of Burnt Tavern Road between the Garden State Parkway and New Jersey Highway 70, and north of Herbertsville Road between New Jersey Highway 70 and the Point Pleasant Borough municipal line." Applicant further states it is its intention to remove said restriction.

HEARING: February 19, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 109495 (Sub-No. 8), filed November 22, 1961. Applicant: BRUNSWICK TRANSPORTATION COMPANY, INC., Elm and Middle Streets, Brunswick, Maine. Applicant's attorney: Kenneth B. Williams, 111 State Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage* in the same vehicle with passengers, in charter operations, between points in Cumberland, Androscoggin, Sagadahoc, and Kennebec Counties, Maine, on the one hand, and on the other, points in Maine, New Hampshire, Vermont, Massachuetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, District of Columbia, Virginia, Illinois, and Florida.

HEARING: March 8, 1962, at the Federal Building, Federal Street, Portland, Maine, before Examiner James A. McKiel.

No. MC 114677 (Sub No. 3), filed May 25, 1961. Applicant: RICHARD LAVERNE HESS, doing business as HESS BUS SERVICE, R.F.D. No. 1, Westminster, Md. Applicant's attorney: William J. Little, 1513 Fidelity Building, Baltimore 1, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express*, not exceeding 100 pounds in weight, *mail, and newspapers*, in the same vehicle with passengers (1) Between Baltimore, Md., and Littlestown, Pa.; from Baltimore over Maryland Highway 26 to Eldersburg, Md., thence over Maryland Highway 32 to Westminster, Md., thence over U.S. Highway 140 to Littlestown, and return over the same route, serving all intermediate points; (2) Between Eldersburg, Md., and Sykesville, Md.; from Eldersburg over Maryland Highway 32 to Sykesville, and return over the same route, serving all intermediate points; (3) Between Baltimore, Md., and Westminster, Md.; from Baltimore over U.S. Highway 140 to Westminster, and return over the same route, serving no intermediate points, but serving the termini for joinder purposes only, as an alternate route for operating convenience only, in connection with Route (1) above.

NOTE: Applicant states that it presently holds authority to transport passengers and their baggage over regular routes between Mayberry, Md. and Littlestown, Pa., serving the intermediate points of Westminster, Union Mills, and Silver Run, Md., with service restricted to traffic originating at or destined to the plants of the Carroll Shoe Company and the Littlestown Clothing Company at Littlestown, Pa. Applicant states it also seeks removal of this restriction.

HEARING: March 1, 1962, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 74, or, if the Joint Board waives its right to participate, before Examiner Parks M. Low.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 19945 (Sub-No. 10), filed January 8, 1962. Applicant: BEHNKEN TRUCK SERVICE, INC., Illinois Route 13, New Athens, Ill. Applicant's attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Jefferson County, Ill., to St. Louis, Mo., and points in St. Louis County, Mo.

No. MC 46518 (Sub-No. 9), filed January 12, 1962. Applicant: R. F. C. TRANSPORT, INC., P.O. Box 905, Rochester 3, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby supplies, such as, but not restricted to, plastic toys, baby pants, toddler pants, covers for jars and tins*, in mixed shipments with baby foods, from Rochester, N.Y., to Providence and Woonsocket, R.I., Hackensack, Elizabeth, Irvington, Newark, Passaic and Paterson, N.J., New York, N.Y., and points in Connecticut and Massachusetts, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

No. MC 85255 (Sub-No. 16), filed January 15, 1962. Applicant: PUGET SOUND TRUCK LINES, INC., Pier 62, Seattle, Wash. Applicant's attorney: Charles J. Keever, Washington Building, Seattle 1, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, hogged fuel, sawdust* and *wood waste*, from Vancouver, Wash., to Camas, Wash., by way of Portland, Oreg.

NOTE: Applicant states it would transport same load of subject commodities both into and out of Portland, Oreg.

No. MC 107002 (Sub-No. 169), filed January 15, 1962. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, Box 547, Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum residual fuel oil*, in bulk, in tank vehicles, from Holt, Ala., to Belton, Ky.

No. MC 119530 (Sub-No. 3), filed January 15, 1962. Applicant: CLARENCE M. MAY AND SCOTT PEARSON, doing business as MAY TRUCKING CO., P.O. Box 398, Payette, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, animal or poultry, manufactured or processed, in bulk or in containers, from Ontario, Oreg., to points in Idaho south of the Salmon River.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 258), filed January 2, 1962. Applicant: THE GREY-

HOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill., Applicant's attorney: Robert J. Bernard, The Greyhound Corporation, 140 South Dearborn Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, (1) between Covington, Ky., and junction Interstate Highway 75 and Kentucky Highway 36 at or near Williamstown, Ky., from Covington over Interstate Highway 75 to the Interchange, thence over unnumbered access road to junction Interstate Highway 75, thence over Interstate Highway 75 to junction Kentucky Highway 36 at or near Williamstown, and return over the same route, serving all intermediate points; and (2) between junction Interstate Highway 75 and Kentucky Highways 14 and 16 and Walton, Ky., at junction U.S. Highway 25, over Kentucky Highways 14 and 16, serving all intermediate points.

No. MC 1501 (Sub-No. 259), filed January 2, 1962. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Robert J. Bernard, commerce attorney, The Greyhound Corporation, 140 South Dearborn Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between junction U.S. Highway 31 and Interstate Highway 65 near Alabaster, Ala., and junction U.S. Highway 31 and Interstate Highway 65 north of Prattville, Ala., from interchange of U.S. Highway 31 and Interstate Highway 65 near Alabaster, Ala., over Interstate Highway 65 to its interchange with U.S. Highway 31, approximately eleven (11) miles north of Prattville, Ala., and return over the same route, serving all intermediate points.

No. MC 2866 (Sub-No. 15), filed January 15, 1962. Applicant: EDWARDS MOTOR TRANSIT COMPANY, a Pennsylvania corporation, 56 East Third Street, Williamsport, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers* and *their baggage*, *express, mail* and *newspapers*, in the same vehicle with passengers, (1) between Clearfield, Pa., and DuBois, Pa., serving no intermediate points; from Clearfield over Pennsylvania Highway 153 to junction with Pennsylvania Highway 410, thence over Pennsylvania Highway 410 to Rockton, Pa., thence over unnumbered highway via Oklahoma, Pa., to DuBois, and return over the same route; (2) between junction of Pennsylvania Highways 14 and 15, at or near Trout Run, Pa., and junction of New York Highways 328 and 14, at or near Southport, N.Y., serving no intermediate points: from junction of Pennsylvania Highways 14 and 15, over Pennsylvania Highway 14 and New York Highway 14 to junction with New York Highway 328, and return over the same route: and (3) between Wilcox, Pa., and Lantz Corners, Pa., serving no intermediate points: from Wilcox over U.S. Highway 219 to Lantz Corners, and return over the same route.

No. MC 58177 (Sub-No. 6), filed January 18, 1962. Applicant: SOUTHERN COACH COMPANY, a corporation, 1300 East Pettigrew Street, Durham, N.C. Applicant's attorney: Paul Coyle, 5631 Utah Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail and newspapers* in the same vehicle with passengers, between junction of U.S. Highway 421 and North Carolina Highway 40, and Wilmington, N.C.; from junction U.S. Highway 421 and North Carolina Highway 40, over U.S. Highway 421 to Wilmington, and return over the same route, serving all intermediate points.

No. MC 108531 (Sub-No. 3), filed January 10, 1962. Applicant: BLUE BIRD COACH LINES, INC., 502–504 North Barry Street, Olean, N.Y. Applicant's attorney: Albert J. Tener, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail and newspapers* in the same vehicle with passengers; (1) Between Port Allegany, Pa., and Buffalo, N.Y., from Port Allegany over Pennsylvania Highway 155 to junction Pennsylvania Highway 446, thence over Pennsylvania Highway 446 to the Pennsylvania-New York State line, thence over New York Highway 16 to Yorkshire, N.Y., thence over New York Highway 39 to Arcade, N.Y., thence return over New York Highway 39 to Yorkshire, N.Y., thence over New York Highway 16 through East Aurora, N.Y., to junction Transit Road, thence over Transit Road to junction Bullis Road, thence over Bullis Road to junction Lein Road, thence over Lein Road to junction Seneca Creek Road, thence over Seneca Creek Road to junction New York Highway 18B, thence over New York Highway 18B to Gardenville, N.Y. (also from East Aurora, N.Y., over New York Highway 78A to junction New York Highway 354, thence over New York Highway 354 to Gardenville, N.Y.), and thence over New York Highway 354 to Buffalo, and return over the same routes, serving all intermediate points; (2) Between Salamanca, N.Y., and Bradford, Pa., from Salamanca over New York Highway 17 to the intersection of New York Highway 17 and U.S. Highway 219 (sometimes referred to as Bradford Junction), thence over U.S. Highway 219 to Bradford, and return over the same route, serving all intermediate points; and (3) Between Olean, N.Y., and Bradford, Pa., from Olean over New York Highway 17 to the intersection of New York Highway 17 and U.S. Highway 219 (sometimes referred to as Bradford Junction), thence over U.S. Highway 219 to Bradford, and return over the same route, serving all intermediate points.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 59135 (Sub-No. 13), filed January 2, 1962. Applicant: RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, doing business as RED STAR EXPRESS LINES, 24–50 Wright Avenue, Auburn, N.Y. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Syracuse, N.Y., and Cortland, N.Y., as follows: From Syracuse over New York Highway 91 to Fabius, N.Y., thence over New York Highway 80 to New Woodstock, N.Y., thence over New York Highway 13 to Cortland, thence over New York Highway 41 to Gee Brook, N.Y., thence over New York Highway 26 to Otselic, N.Y., thence over New York Highway 80 to Sheds, N.Y., thence over New York Highway 13 to Cazenovia, N.Y., thence over New York Highway 20N to Fayetteville, N.Y., thence over New York Highway 5 to Syracuse, and return over the same route, serving all intermediate points, and serving the villages of Lebanon (Madison County), Pompey Center (Onandago County), and Willet (Cortland County), and the Hamlets of Apulia, Apulia Station, and Delphi Falls (the latter three located in Onondaga County), Chenango (Cortland County), Erieville (Madison County), and Pharsalia (Chenango County) as off-route points; (2) Between Syracuse, N.Y., and Oswego, N.Y., as follows: (a) from Syracuse over New York Highway 48 to Oswego (also from Syracuse over New York Highway 57 to Oswego), and return over the same route, serving all intermediate points; (b) from Syracuse over New York Highway 370 to Baldwinsville, N.Y., thence over New York Highway 48 to Oswego, and return over the same route, serving all intermediate points; and (c) from Syracuse over New York Highway 57 to Fulton, N.Y., thence over New York Highway 3 to junction New York Highway 48, thence over New York Highway 48 to Oswego, and return over the same route, serving all intermediate points; and (3) Between Syracuse, N.Y., and Cortland, N.Y., from Syracuse over U.S. Highway 11 to Cortland (also from Syracuse over New York Highway 281 to Cortland), and return over the same route, serving all intermediate points.

NOTE: This application is directly related to MC–F 8036. Applicant states this application is being filed concurrently with a section 5 application whereby Red Star Express Lines seeks authority to acquire the registered operating rights of Gerald N. Springer and Hugh R. Springer, doing business as Springer's Express Lines.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 8051. Authority sought for merger into MAISLIN BROS. TRANSPORT, LIMITED, 7401 Newman Boulevard, La Salle, Quebec, Canada, of the operating rights and property of MAISLIN TRANSPORT, INC., 7401 Newman Boulevard, La Salle, Quebec, Canada, and for acquisition by SAM MAISLIN, SYDNEY MAISLIN, SAUL MAISLIN, and ALEXANDER MAISLIN, all of La Salle, Quebec, Canada, of control of such rights and property through the transaction. Applicants' representative: William D. Traub, Transportation Consultant, 350 Fifth Avenue, New York 1, N.Y. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between New York, N.Y., and Watertown, N.Y., serving the intermediate points of Binghamton and Syracuse, N.Y., between New York, N.Y., and Utica, N.Y., with no service to intermediate points, between New York, N.Y., and Buffalo, N.Y., serving the intermediate point of Rochester, N.Y., and over an alternate route for operating convenience only, *general commodities*, with the above exceptions, over irregular routes, between points in New Jersey and New York, within 25 miles of the City Hall, New York, N.Y., and between points in New Jersey and New York within 25 miles of the City Hall, New York, N.Y., on the one hand, and, on the other, Oyster Bay, Ossining, and Peekskill, N.Y. MAISLIN BROS. TRANSPORT, LIMITED, is authorized to operate as a *common carrier* in New York and New Jersey. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8052. Authority sought for purchase by MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind., of a portion of the operating rights and certain property of ROBERT G. VESPER AND OTIS A. VESPER, a partnership, doing business as VESPER COMPANY, 2114 North Durfee Avenue, South El Monte, Calif., and for acquisition by RALPH H. MILLER, also of Elkhart, Ind., of control of such rights and property through the purchase. Applicants' attorney: John E. Lesow, Lesow & Lesh, 3737 North Meridian Street, Indianapolis 8, Ind. Operating rights sought to be transferred: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, as a *common carrier* over irregular routes, from the plant site of Modernistic Industries at Gardena, Calif., and from El Monte, Calif., to points in Arizona, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Texas, Utah, Washington, and Wyoming, *trailers*, designed to be drawn by passenger automobiles, in initial and secondary movements in truckaway services, from points in Los Angeles and Orange Counties, Calif., to points in Alaska, and *return of trailer undercarriages, springs, wheels and tires* which have been used or obtained, for use in the northbound movement of trailers, from points in Alaska, to points in Los Angeles and Orange Counties, Calif., and *trailers* designed to be drawn by passenger automobiles, in initial movements, in truck-away service, from the plant site of Transa Homes Corporation, Fullerton, Calif., to points in Arizona, Arkansas, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. Vendee is authorized to operate as a *common carrier* in 48 states and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8053. Authority sought for purchase by ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue, North, Saint Cloud, Minn., of a portion of the operating rights of DONALD B. TAYLOR, an individual, doing business as TAYLOR TRANSIT, 4261 Minnehaha Avenue, South, Minneapolis 6, Minn., and for acquisition by HAROLD E. ANDERSON, Saint Cloud, Minnesota, and ELMER ANDERSON, MABEL ANDERSON, ANNETTE ELLIASON, and KENNETH ELLIASON, all of Isle, Minn., of control of such rights through the purchase. Applicants' representative: Donald B. Taylor, P.O. Box 5111, Minneapolis 6, Minn. Operating rights sought to be transferred: *Agricultural implements*, as a *common carrier* over irregular routes from Waterloo, Iowa, to Nebraska City, Nebr., *washing machines*, from Newton, Iowa, to Nebraska City, Nebr., and *household goods* and *general commodities*, excepting, among others, commodities in bulk and Class A and B explosives, between points in Iowa, Missouri, and Nebraska within 25 miles of Nebraska City, Nebr., including Nebraska City. Vendee is authorized to operate as a *common carrier* in Minnesota, South Dakota, Wisconsin, Arizona, Iowa, Illinois, Nebraska, Indiana, Michigan, California, Ohio, Pennsylvania, New York, New Jersey, Maryland, Idaho, Delaware, New Hampshire, Kentucky, Missouri, Nevada, Maine, Kansas, Oklahoma, Connecticut, Massachusetts, New Mexico, Oregon, Rhode Island, Texas, Alabama, Arkansas, Florida, Georgia, Utah, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, North Dakota, Virginia, West Virginia, Vermont, Colorado, Montana, Wyoming, Washington, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8054. Authority sought for control and merger by E. BROOKE MATLACK, INC., Wilford Building, 33d and Arch Streets, Philadelphia 4, Pa., of the operating rights and property of CHARLES H. McCREARY, INC., 605 Garfield Avenue, Newark, Ohio, and for acquisition by DUVERNEY MATLACK, EDWIN L. MATLACK, E. BROOKE MATLACK, JR., AND ROBERT W. MATLACK, all of Philadelphia, Pa., of control of such rights and property through the transaction. Applicants' attorney: Robert H. Shertz, Wilford Building, 33d and Arch Streets, Philadelphia 4, Pa. Operating rights sought to be controlled and merged: *Commodities in bulk* (other than liquids, and except fly-ash), in vehicles especially designed for the transportation of dry bulk commodities, and in bulk shipping containers which require the use of special equipment for loading and unloading, and *returned empty containers* used in the transportation of such commodities, as a *common carrier* over irregular routes between points in Ashtabula, Cuyahoga, Lake Summit, Muskingum, Licking, Franklin, and Wayne Counties, Ohio, on the one hand, and, on the other, points in West Virginia, Pennsylvania, Kentucky, Indiana, and Michigan. RESTRICTION: The authority granted above is restricted against the transportation of : (1) shipments originating at, or destined to, points in Canada; (2) shipments of soda ash, in bulk, in hopper-type vehicles, from Barberton and Painesville, Ohio, to West Elizabeth, Pa; (3) shipments of salt, from Detroit, Mich.; (4) building materials and road construction materials ordinarily transported in dump trucks; (5) bulk shipping containers filled or empty on other than lowboy equipment; and (6) bulk cement, between points in Ashtabula, Cuyahoga, Franklin, Lake, Licking, Muskingum, Summit, and Wayne Counties, Ohio, on the one hand, and, on the other, points in Michigan; *limestone* and *limestone products*, from points in Wyandot County, Ohio, to points in Indiana and West Virginia, and *empty containers* used in the transportation of the commodities specified next above, and *dry bulk commodities* used in the production of limestone products, from points in Indiana and West Virginia to points in Wyandot County, Ohio. E. BROOKE MATLACK, INC., is authorized to operate as a *common carrier* in Maryland, Delaware, Pennsylvania, Virginia, New Jersey, New York, Ohio, West Virginia, North Carolina, South Carolina, Georgia, Indiana, Alabama, Missouri, Tennessee, Minnesota, Michigan, Illinois, Wisconsin, Kentucky, Kansas, New Hampshire, Rhode Island, Connecticut, Massachusetts, Vermont, Florida, Iowa, Mississippi, Louisiana, Maine, and the District of Columbia, and as a *contract carrier* in Ohio, New York, New Jersey, Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8056. Authority sought for control by ELTON E. BABBITT, an individual, doing business as NEW HOME TRANSIT, Box 398, New Brighton, Minn., of MILK TRANSPORT, INC., Box 398, New Brighton, Minn. Applicants' attorneys: Donald A. Morken and Val M. Higgins, Mackall, Crounse, Moore, Helmey & Holmes, 1000 First National Bank Building, Minne-

apolis 2, Minn. Operating rights sought to be controlled: *Milk* and *milk products*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from points in Minnesota to points in Arkansas, Colorado, Florida, Illinois, Louisiana, Massachusetts, Missouri, Nebraska, New Jersey, Ohio, Pennsylvania, New Mexico, New York, Oklahoma, and Texas, *liquid paraffin wax*, in bulk, in tank vehicles, from Beaumont, Tex., to Minneapolis, Minn., and Cedar Rapids, Iowa, from Ponca City, Okla., to Stillwater, Minn., from West Lake Charles, La., to Minneapolis and Stillwater, Minn., *vinegar*, in bulk, in tank vehicles, from Kansas City, Mo., to Omaha and Lincoln, Nebr., and points in Iowa and and Minnesota, from St. Joseph, Mo., to Minneapolis and St. Paul, Minn., and points in Iowa, from Chaska, Minn., to Eau Claire, Wis., *lard*, in bulk, in tank vehicles, from Dubuque, Iowa, to Worcester, Mass., and Dayton, Ohio, *tallow*, in bulk, in tank vehicles, from New York, N.Y., and Philadelphia, Pa., to Dubuque, Iowa, *edible oils*, in bulk, in tank vehicles, from Mankato, Minn., and Chicago, Ill., to points in Florida, *coffee beans*, from New York, N.Y., to Duluth, Minn., *liquid wax*, in bulk, in tank vehicles, from the plant site of Sun Oil Company's refinery at or near Marcus Hook, Pa., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, and *returned shipments of liquid wax*, in bulk, in tank vehicles, from points in the destination States specified above, to the plant site of Sun Oil Company's refinery at or near Marcus Hook, Pa. ELTON E. BABBITT, is authorized to operate as a *common carrier* in Minnesota, North Dakota, South Dakota, Colorado, Illinois, Iowa, Kansas, Michigan, Missouri, Montana, Nebraska, Wisconsin, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

NOTE: Applicant requests dismissal for lack of jurisdiction.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-769; Filed, Jan. 23, 1962; 8:47 a.m.]

[Notice 588]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 19, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64664. By order of January 18, 1962, the Transfer Board approved the transfer to Heavy Duty Haulers, Inc., Columbia, S.C., of a portion of Certificate No. MC 44401, issued July 12, 1961, to Maitland Brothers Transfer, Incorporated, Petersburg, Va., authorizing the transportation of: Heavy machinery, between points in Virginia, on the one hand, and, on the other, points in North Carolina. Clyde W. Carver, 214 Grant Building, Atlanta, Ga., attorney for applicant.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-770; Filed, Jan. 23, 1962; 8:47 a.m.]

[Notice 9]

APPLICATIONS FOR "GRANDFATHER" ALASKA CERTIFICATE OR PERMIT AND HAWAII FREIGHT FORWARDER PERMIT

JANUARY 19, 1962.

Under sections 206(a)(4), 206(a)(5), 209(a)(4), 209(a)(5), 309(a), 309(f), 410(a)(2), and 410(a)(3) of the Interstate Commerce Act, as amended July 12, 1960.

Section 1.243 of the Commission's special rules of practice have been amended to cover "grandfather" applications filed under the July 12, 1960, amendments.

Protests to the granting of an application must be filed with the Commission within 75 days of this publication in the FEDERAL REGISTER. A copy of the protest must be served on applicant's representative or on applicant if no practitioner represents him. The special rules provide further that failure to file a timely protest will be construed as a waiver of opposition and participation in the proceeding.

FREIGHT FORWARDER HAWAII "GRANDFATHER" RIGHTS

No. FF 266 (CLARIFICATION), filed December 27, 1960, published FEDERAL REGISTER, issue of March 8, 1961, amended December 4, 1961, and republished issue of January 4, 1962, and republished as clarified, this issue. Applicant: MILTON J. DALY, doing business as HAWAIIAN EXPRESS & DILLON DRAYAGE CO., 646 First Street, San Francisco, Calif. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, (1) between points within 50 miles of San Francisco, Calif., including San Francisco, on the one hand, and, on the other, points in Hawaii.

NOTE: The purpose of this republication is to reflect that applicant proposes to serve the 50-mile radius, including San Francisco, Calif., and also to show Mr. Handler as applicant's attorney.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-771; Filed, Jan. 23, 1962; 8:47 a.m.]

[Ex Parte No. MC-37 (Sub-No. 4)]

PETITION FOR DEFINITION OF COMMERCIAL ZONE AND TERMINAL AREA FOR NASHVILLE, TENNESSEE

JANUARY 19, 1962.

Petitioners: ASSOCIATED TRANSPORT, INC., C. & D. MOTOR DELIVERY CO., T.I.M.E., INCORPORATED, WILSON TRUCK COMPANY, INC., CAYCE TRANSFER & STORAGE CO., INC., OSBURN-HESSEY CO., FAYETTEVILLE TRANSFER CO., TOMPKINS MOTOR LINES, INC., THE DENVER CHICAGO TRUCKING, INC., OF KENTUCKY. Petitioners' attorneys: C. J. Braun, Jr., 380 Madison Ave., New York, N.Y. Robert Pearce, McClure Building, Frankfort, Ky. C. H. Hudson, Jr., Broadway National Bank Building, Nashville, Tenn. John Womack, 176 Lafayette Street, Nashville, Tenn. Jack Goodman, 39 South LaSalle Street, Chicago, Ill. By petition filed October 6, 1959, petitioners seek enlargement of the present zone limits of Nashville to include additional areas in Davidson County, Tenn., bounded generally on the south by the Williamson County-Davidson County boundary line, on the east by Old Hickory Boulevard, Lebanon Pike and the Wilson County-Davidson County boundary line, on the north by the Sumner County-Davidson County boundary line, Dickerson Pike, and Old Hickory Boulevard, and on the west by Old Hickory Boulevard, Hydes Ferry Pike, the Cheatham County-Davidson County Boundary line, River Road Pike and Old Hickory Boulevard. The matter has been assigned for hearing:

HEARING: March 21, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Francis A. Welch.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-772; Filed, Jan. 23, 1962; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 18, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37519: *Iron or steel articles from Ashland, Ky., to Laurel, Miss.* Filed by O. W. South, Jr., agent (No. A4148), for interested rail carriers. Rates on iron or steel articles, viz: bars or rods, noibn, plate or sheet, noibn, galvanized, painted or plain, corrugated or not corrugated, in carloads, from Ashland, Ky., to Laurel, Miss.

Grounds for relief: Barge-rail competition.

Tariff: Supplement 26 to Southern Freight Association Tariff I.C.C. S-163.

FSA No. 37520: *Cement from Grand Rapids and Schoolcraft, Mich.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2599), for interested rail carriers. Rates on cement and related articles, in carloads, from Grand Rapids and Schoolcraft, Mich., to specified points in Indiana and Michigan.

Grounds for relief: Market competition, and short-line distance formula.

Tariff: Supplement 56 to Traffic Executive Association-Eastern Railroads tariff I.C.C. C-56.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-712; Filed, Jan. 22, 1962; 8:47 a.m.]

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Title 3—THE PRESIDENT

Executive Order 10989

AMENDMENT OF EXECUTIVE ORDER NO. 10168[1] OF OCTOBER 11, 1950, AS AMENDED, PRESCRIBING REGULATIONS RELATING TO THE RIGHT OF ENLISTED MEMBERS OF THE UNIFORMED SERVICES TO ADDITIONAL PAY FOR SEA AND FOREIGN DUTY

By virtue of the authority vested in me by section 206 of the Career Compensation Act of 1949, as amended (37 U.S.C. 237), and as President of the United States and Commander in Chief of the armed forces of the United States, it is ordered that Executive Order No. 10168 of October 11, 1950, as amended, be further amended as follows:

1. Section 2(a) is amended by adding the following new clauses at the end thereof:

"(5) While assigned to an artificial island (such as a Texas Tower) located on the outer Continental Shelf outside the territorial waters of the United States pursuant to orders issued by competent authority, including periods not in excess of fifteen consecutive days each while on duty ashore or temporarily based ashore.

"(6) While on an artificial island (such as a Texas Tower) located on the outer Continental Shelf outside the territorial waters of the United States pursuant to orders issued by competent authority although based or stationed ashore, but only when such duty is eight consecutive days or more in duration in each case."

2. Section 3 is amended by striking out the words "and (3)" and inserting the words ", (3), (5), and (6)" in place thereof.

The amendments made by this order shall be effective as of the first day of the first month after the month in which this order is issued.

JOHN F. KENNEDY

THE WHITE HOUSE,
January 22, 1962.

[F.R. Doc. 62-883; Filed, Jan. 23, 1962; 12:39 p.m.]

[1] 15 F.R. 6877; 3 CFR, 1949–1953 Comp., p. 1071.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Commerce

Effective upon publication in the FEDERAL REGISTER, § 6.212(a)(1) is added to Part 6 as set out below.

§ 6.212 Department of Commerce.

(a) *Area Redevelopment Administration.* (1) Not to exceed January 31, 1963, one position of staff assistant to the Assistant Administrator for Area Operations.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-851; Filed Jan. 24, 1962; 8:53 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, and Marketing Practices), Department of Agriculture

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

PART 29—TOBACCO INSPECTION

Subpart C—Standards

A notice of proposed rule making to amend the Tentative Standard Grades for Puerto Rican Cigar-filler Tobacco, U.S. Type 46, was published in the FEDERAL REGISTER of December 28, 1961 (26 F.R. 12577). Interested persons were given 15 days following publication of the notice in the FEDERAL REGISTER in which to submit written data, views, or arguments with respect to the proposed amendment.

After consideration of the data, views, and arguments presented, the amended standards, as so published, are hereby adopted without change.

It is hereby found that good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER for the reason that the Puerto Rican tobacco sales of the 1961 crop will begin about February 1, 1962, and it is necessary that this amendment be effective prior to the marketing season, for utilization in the official inspection of the tobacco. Therefore, the earliest possible effective date will be beneficial to the industry and to the inspection service in that greater time will be afforded for the study of the amended standards to assure uniform application.

The amendment is set forth below.

Done at Washington, D.C., this 19th day of January 1962, to become effective on the date of publication in the FEDERAL REGISTER.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

1. Designate §§ 29.9101–29.9999 as Subpart F—Tentative Standards.

2. Insert in Subpart F of Part 29 these tentative standards to be codified as follows:

TENTATIVE STANDARD GRADES FOR PUERTO RICAN CIGAR-FILLER TOBACCO (U.S. TYPE 46)

DEFINITIONS

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29.9301 Definitions.
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29.9384 Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.9391 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.9396 Key to standard grademarks.

AUTHORITY: §§ 29.9301 to 29.9396 issued under sec. 14, 49 Stat. 734, 7 U.S.C. 511m.

DEFINITIONS

§ 29.9301 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.9302 Air-cured.

Tobacco cured under natural atmospheric conditions. Artificial heat is sometimes used to control excess humidity during the curing period to prevent pole-sweat, pole-burn, and shed-burn in damp weather. Air-cured tobacco should not carry the odor of smoke or fumes resulting from the application of artificial heat.

§ 29.9303 Body.

The thickness and density of a leaf or the weight per unit of surface.

§ 29.9304 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.9305 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more dirt or sand than those from higher stalk positions. (See rule 4.)

§ 29.9306 Condition.

The state of tobacco which results from the method or preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.9307 Crude.

A subdegree of maturity. Any leaf which is crude to the extent of 20 percent of its surface may be described as crude. (See rule 14.)

§ 29.9308 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.9309 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See Nondescript (N Group).)

§ 29.9310 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand. (See rule 15.)

§ 29.9311 Foreign matter.

Any extraneous substance or material such as stalks, straw, or abnormal amounts of dirt or sand. (See rule 15.)

§ 29.9312 Form.

The stage of preparation of tobacco such as stemmed or unstemmed.

§ 29.9313 Grade.

A subdivision of a type according to group and quality and to other characteristics when they are of sufficient importance to be treated separately.

§ 29.9314 Grademark.

A grademark normally consists of three symbols. A letter is used to indicate group and a number to indicate quality. In Type 46 the third factor denotes: P, heavy body; F, thin to medium body; T, second crop; and S, stained. For example, C1P means Strippers, first quality, heavy body.

§ 29.9315 Group.

A type division consisting of one or more grades. Groups in Type 46 are: Strippers (C), Grinders (X), Nondescript (N), and Scrap (S).

§ 29.9316 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state. (See definition of Damage.) Injury to tobacco may be caused by field diseases, insects, or weather conditions; insecticides, fungicides, or cell growth inhibitors; nutritional deficiencies or excesses; or improper fertilizing, harvesting, curing, or handling. Injured tobacco includes dead, burnt, hail-cut, torn, broken, ragged, sunburned, sunscalded, scorched, fire-killed, bulk-burnt, pole-burnt, barn-burnt, house-burnt, bleached, bruised, blackened, discolored, or deformed leaves; or tobacco affected by wildfire, rust, frogeye, mosaic, root rot, wilt, black shank, or other diseases. (See rule 12.)

§ 29.9317 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.9318 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip.

§ 29.9319 Lot.

A pile, basket, bulk, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

§ 29.9320 Maturity.

The degree of ripeness. Tobacco is mature when it reaches its prime state of development.

§ 29.9321 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged. (See rule 15.)

§ 29.9322 No Grade.

A designation applied to a lot of tobacco classified as nested, offtype, semicured, or wet, tobacco that is abnormally dirty or improperly baled, contains foreign matter, or has an odor foreign to the type. (See rules 3 and 15.)

§ 29.9323 Offtype.

Tobacco of distinctly different characteristics which cannot be classified in the grades of the type. (See rule 15.)

§ 29.9324 Order (case).

The state of tobacco with respect to its moisture content.

§ 29.9325 Package.

A bundle, bale, case, or other securely enclosed parcel.

§ 29.9326 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspecting. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.9327 Quality.

A division of a group or the second factor of a grade based upon the stated specifications.

§ 29.9328 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, or tobacco that has not been thoroughly dried in the curing process. (See definition of No Grade and rule 15.)

§ 29.9329 Side.

A certain phase of quality as contrasted with some other phase of quality, or any peculiar characteristic of tobacco.

§ 29.9330 Sound.

Free of damage.

§ 29.9331 Stained (S).

A term applied to tobacco that is blackened, bruised, or discolored by excessive moisture. Any leaf affected 10 percent or more by any of these conditions may be described as stained. (See rule 13.)

§ 29.9332 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.9333 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.9334 Strips.

The sides of tobacco leaves from which the stems have been removed or a lot of tobacco composed of strips.

§ 29.9335 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as fermented.

§ 29.9336 Sweating.

The condition of tobacco in the process of fermentation.

§ 29.9337 Tobacco.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semimanufactured products, stems, cuttings, clippings, trimmings, siftings, or dust.

§ 29.9338 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff, which is subject to Internal Revenue tax.

§ 29.9339 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.9340 Type 46.

That type of cigar-leaf tobacco, commonly known as Puerto Rican filler, produced principally in the inland and semicoastal areas of Puerto Rico.

§ 29.9341 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.9342 Uniformity.

A grade requirement designating the percentage of a lot which must meet the stated specifications. (See rule 11.)

§ 29.9343 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.9344 Unsweated.

The condition of cured tobacco which has not been sweated.

§ 29.9345 Wet (high-case).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See rule 15.)

RULES

§ 29.9356 Rules.

The application of these standard grades shall be in accordance with the following rules.

§ 29.9357 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.9358 Rule 2.

The determination of a grade shall be based upon a thorough examination of a lot of tobacco or a representative sample of a lot.

§ 29.9359 Rule 3.

Tobacco leaves shall be placed straight in bundles or bales of normal weight, size, and shape with the butts out and tips overlapping sufficiently to make a level, solid, and uniform pack. The sides of the bundles or bales shall be completely covered with burlap or other suitable protective material. Improperly packed tobacco shall be designated as "No-G."

§ 29.9360 Rule 4.

All standard grades must be clean.

§ 29.9361 Rule 5.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.9362 Rule 6.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.9363 Rule 7.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree than the minimum specifications of such grade.

§ 29.9364 Rule 8.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.9365 Rule 9.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards Branch and approved by the Director.

§ 29.9366 Rule 10.

The use of any grade may be restricted by the Director during any marketing season, when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.9367 Rule 11.

Uniformity shall be expressed in terms of percentages. These percentages shall govern the portion of a lot which must meet each specification of the grade. The remaining portion must be closely related. These percentages shall not affect limitations established by other rules.

§ 29.9368 Rule 12.

Injury tolerance shall be expressed in terms of a percentage. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury.

§ 29.9369 Rule 13.

First quality tobacco stained 30 percent or less shall be graded X1S. Any tobacco stained over 30 percent and under 75 percent shall be graded X2S. Tobacco stained over 75 percent shall be graded "N."

§ 29.9370 Rule 14.

Any lot containing 20 percent or more of crude tobacco shall be designated by the symbol "N."

§ 29.9371 Rule 15.

Tobacco shall be designated as No Grade, using the grademark "No–G," when it is abnormally dirty, improperly baled, nested, offtype, semicured, wet, contains foreign matter, or has an odor foreign to the type.

GRADES

§ 29.9381 Strippers (C Group).

Tobacco that is free of stain and is of long filler stemming quality.

U.S. grades	Grade names and specifications
C1P	First Quality Strippers Eighty-five percent must be heavy bodied, mature, and 13 inches or over in length. Injury tolerance, 15 percent.
C1F	First Quality Strippers Eighty-five percent must be thin to medium bodied, mature, and 13 inches or over in length. Injury tolerance, 15 percent.

§ 29.9382 Grinders (X Group).

Short fillers or grinders.

U.S. grades	Grade names and specifications
X1P	First Quality Grinders Seventy percent must be heavy bodied, mature, and 8 inches or over in length. Injury tolerance, 30 percent.
X2P	Second Quality Grinders Heavy bodied and over 30 percent injury tolerance; any hard or woody tobacco.
X1F	First Quality Grinders Seventy percent must be thin to medium bodied, mature, and 8 inches or over in length. Injury tolerance, 30 percent.
X2F	Second Quality Grinders Thin to medium bodied and over 30 percent injury tolerance; any yellow tobacco; or tobacco pole-burnt over 30 percent.
X2T	Second Quality Second Crop Grinders Heavy bodied and over 30 percent injury tolerance.
X1S	First Quality Stained Grinders Seventy percent must be thin to heavy bodied, mature, and 8 inches or over in length. Injury tolerance, 30 percent.
X2S	Second Quality Stained Grinders Thin to heavy bodied and over 30 percent injury tolerance.

§ 29.9383 Nondescript (N Group).

U.S. grade	Grade name and specifications
N	Nondescript Moldy, musty, or otherwise damaged tobacco; or tobacco bruised, blackened, stained, or injured over 75 percent.

§ 29.9384 Scrap (S Group).

U.S. grade	Grade name and specifications
S	Scrap Loose, tangled, whole or broken leaves, or the web portions of leaves reduced to scrap by any process. Scrap is free of strings, paper, excessive dirt, and other foreign matter.

SUMMARY OF STANDARD GRADES

§ 29.9391 Summary of standard grades.

2 Grades of Strippers

C1P C1F

7 Grades of Grinders

X1P X1F X1S
X2P X2F X2T X2S

1 Grade of Nondescript

N

1 Grade of Scrap

S

Tobacco not covered by standard grades is designated as "No–G."

KEY TO STANDARD GRADEMARKS

§ 29.9396 Key to standard grademarks.

Groups

C—Strippers.
X—Grinders.
N—Nondescript.
S—Scrap.

Qualities

1—First.
2—Second.

Third Factors

P—Heavy body.
F—Thin to medium body.
T—Second crop.
S—Stained.

[F.R. Doc. 62–835; Filed, Jan. 24, 1962; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 2]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments; Termination of Grapefruit Regulation 1

§ 906.305 Grapefruit Regulation 2.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 906 (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; and this regulation relieves restrictions on the handling of grapefruit grown in the Lower Rio Grande Valley in Texas.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter when used herein shall have the same meaning as is given to the respective term in the United States Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620–51.658 of this title).

(2) Grapefruit Regulation 1 (§ 906.302; 27 F.R. 86) is hereby terminated effective at 12:01 a.m., c.s.t., January 19, 1962.

(3) During the period beginning at 12:01 a.m., c.s.t., January 19, 1962, and ending at 12:01 a.m., c.s.t., July 1, 1962, no handler shall, except as otherwise provided, handle:

(i) Any grapefruit of any variety, grown in the production area, which are of a size smaller than 3 inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than 3 inches in diameter;

(ii) Any grapefruit of any variety, grown as aforesaid, in any box or carton having inside dimensions other than those specified in subdivision (iii) of this subparagraph unless (*a*) the grapefruit are packed in accordance with the requirements of standard pack; or (*b*) are of a diameter within the diameter limits specified for the following pack size except that not more than 10 percent, by count, of the grapefruit in such container may be outside of such diameter limits:

Pack size	Diameter limits in inches	
	Minimum	Maximum
46	$4\frac{5}{16}$	5

(iii) Any grapefruit of any variety, grown as aforesaid, in a container having inside dimensions of 19¾ x 13½ x 13½ inches unless such container is packed in accordance with one of the following pack sizes and contain the applicable number of grapefruit that are within the diameter limits specified for the particular pack sizes, except that not more than 10 percent, by count, of such grapefruit in such container may be outside such diameter limits:

Pack size:	Number of grapefruit
46	48
54 or 56	56
64	64
70 or 72	72
80	80
96	96
112 or 113	112
125 or 126	125

(iv) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

(v) The provisions of subdivisions (ii) and (iii) of this subparagraph shall not apply to the grapefruit in any gift package of fruit.

All grapefruit of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container regulations which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 19, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–833; Filed, Jan. 24, 1962; 8:50 a.m.]

[Orange Reg. 3]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments; Termination of Orange Regulation 2

§ 906.304 Orange Regulation 3.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 906 (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; and this regulation relieves restrictions on the handling of oranges grown in the Lower Rio Grande Valley in Texas.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680–51.712 of this title).

(2) Orange Regulation 2 (§ 906.303; 27 F.R. 457) is hereby terminated effective at 12:01 a.m., c.s.t., January 19, 1962.

(3) During the period beginning at 12:01 a.m., c.s.t., January 19, 1962, and ending at 12:01 a.m., c.s.t., July 1, 1962, no handler shall handle:

(i) Any oranges of any variety, grown as aforesaid, which are of a size smaller than 2⅜ inches in diameter, except that not more than ten (10) percent, by count, of such oranges in any lot of containers, and not more than fifteen (15) percent, by count, of such oranges in any individual container in such lot may be of a size smaller than 2⅜ inches in diameter;

(ii) Any oranges of any variety, grown as aforesaid, packed in any box or carton of inside dimensions other than those specified in subdivision (iii) of this subparagraph, unless the oranges are of a size within the diameter limits specified for one of the following pack sizes and otherwise are packed in accordance with the requirements of standard pack, except that not to exceed a total of 10 percent, by count, of the oranges in any such container may be outside such diameter limits:

Pack sizes	Diameter limits in inches	
	Minimum	Maximum
100	$3\frac{5}{16}$	$3\frac{13}{16}$
125	$3\frac{3}{16}$	$3\frac{9}{16}$
163	$2\frac{15}{16}$	$3\frac{5}{16}$
200	$2\frac{13}{16}$	$3\frac{1}{16}$
252	$2\frac{7}{16}$	$2\frac{12}{16}$
324	$2\frac{3}{16}$	$2\frac{8}{16}$

(iii) Any oranges of any variety, grown as aforesaid, packed in a box or carton having inside dimensions of 19¾ x 13½ x 13½ inches, unless such container is packed in accordance with one of the following pack sizes and contains the applicable number of oranges specified for the pack size: *Provided*, Such oranges are within the diameter limits specified in subdivision (ii) of this subparagraph for the particular pack size, except that not to exceed a total of 10 percent, by count, of the oranges in any such container may be outside such diameter limits:

Pack sizes:	Number of oranges
100	100
125	125
163	163
200	198
252	252
324	319

(iv) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

(v) The provisions of subdivisions (ii) and (iii) of this subparagraph shall not apply to the oranges in any gift package of fruit.

All oranges of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container regulations which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 19, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-834; Filed, Jan. 24, 1962; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies and such States, Territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, North Carolina, Oregon, Puerto Rico, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington, and Wyoming;

(2) That portion of South Dakota lying west of the Missouri River;

(3) The following Counties in Nebraska: Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux, and Scottsbluff;

(4) That portion of McKinley and San Juan Counties in New Mexico, occupied by the Navajo Indian Reservation;

(5) All of that area of the State of North Dakota lying west of the Missouri River and State Highway No. 8, beginning at a point where said river intersects the South Dakota boundary line and continuing along said river to a point on the Garrison Dam Reservoir directly south of the intersection of State Highways Nos. 23 and 8; thence, directly north to the intersection of State Highways Nos. 23 and 8; thence, north along State Highway No. 8 to the North Dakota-Canadian boundary; and

(6) The following Counties in Kansas: Phillips, Rooks, Ellis, Rush, Pawnee, Edwards, Kiowa, and Comanche, and all Counties in the State of Kansas lying west thereof.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, Territories, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep and such States, Territories, and parts thereof, are hereby designated as eradication areas:

(1) Hawaii, Illinois, New Jersey, New York, Tennessee, and Wisconsin;

(2) That portion of South Dakota lying east of the Missouri River;

(3) The following Counties in Kansas: Barber, Barton, Cloud, Ellsworth, Harper, Harvey, Kingman, Lincoln, McPherson, Mitchell, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Russell, Sedgwick, Smith, Stafford, and Sumner Counties;

(4) All Counties in Nebraska except Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux, and Scottsbluff;

(5) All Counties in New Mexico except that portion of McKinley and San Juan Counties occupied by the Navajo Indian Reservation;

(6) All of the State of North Dakota except that area lying west of the Missouri River and State Highway No. 8, beginning at a point where said river intersects the South Dakota boundary line and continuing along said river to a point on the Garrison Dam Reservoir directly south of the intersection of State Highways Nos. 23 and 8; thence, directly north to the intersection of State Highways Nos. 23 and 8; thence, north along State Highway No. 8 to the North Dakota-Canadian boundary; and

(7) The following Counties in Michigan: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft Counties.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments add the State of Arkansas to the list of free areas and delete this State from the list of infected and eradication areas as sheep scabies is no longer known to exist in this State. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in the regulations in 9 CFR Part 74, as amended, will not apply to this State. However, the restrictions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply thereto.

The amendments relieve certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of January 1962.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 62-848; Filed, Jan. 24, 1962; 8:52 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 3 (Rev. 1)]

PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Miscellaneous Amendments

The Loans to State and Local Development Companies Regulation (Revision 1, 26 F.R. 1822) is hereby amended by:

1. Deleting the figure "$250,000" each time it appears in paragraph (d) of § 108.502–1 and inserting in lieu thereof the figure "$350,000". As amended, paragraph (d) reads as follows:

(d) *Loan amount.* (1) Loans made by SBA under this section shall be limited to $350,000 for each identifiable small-business concern. The total unpaid amount of any such SBA loan or loans in aid of a particular small-business concern shall never exceed $350,000. (2) Development companies may be eligible to be considered for such additional loans of not more than $350,000 each, as there may be additional identifiable small-business concerns to be assisted.

2. Deleting the word "ten" each time it appears in paragraph (i) of § 108.502–1 and inserting in lieu thereof the word "Twenty-five". As amended paragraph (i) reads as follows:

(i) *Loan maturity.* The maturity of any loan under this section may not exceed twenty-five years plus such additional period as is estimated may be required to complete construction, conversion or expansion. It shall be the policy of SBA generally, in the case of a lease agreement between a local development company and an identifiable small-business concern, to require that the term of the lease shall be not less than the term of the loan. It shall also be the policy of SBA generally to require repayment of the loan in equal periodic installments. Extensions or renewals of loans for an additional period not to exceed twenty-five years beyond the stated maturity may be granted by SBA only if such extensions or renewals will aid in the orderly liquidation of such loans.

Dated: January 17, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-846; Filed, Jan. 24, 1962; 8:52 a.m.]

PART 122—BUSINESS LOANS

Foreclosure of Collateral

Section 122.7–21 of Part 122, Chapter I, Title 13 of the Code of Federal Regulations is revised to read as follows:

§ 122.7–21 Foreclosure of collateral.

Real and personal property, including contracts and claims, hypothecated as security for the payment of a loan which is in default may be sold in accordance with the provisions of the pledge or security instrument whereby such property was hypothecated.

Effective date: This revision shall become effective upon publication in the FEDERAL REGISTER.

Dated: January 19, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-845; Filed, Jan. 24, 1962; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-348]

PART 205—INAUGURATION AND TEMPORARY SUSPENSION OF SCHEDULED ROUTE SERVICE AUTHORIZED BY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 19, 1962.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of January 1962.

On July 25, 1961, the Board issued a notice of proposed rule making, Docket 12854, EDR–30, 26 F.R. 6855, proposing a revision of Part 205 to clarify procedures for obtaining Board authorization for delays of inauguration of authorized service and temporary suspension of service authorized and required pursuant to a certificate of public convenience and necessity, and to provide for notice to the Board of involuntary interruptions of such service. Notice was also given that the Board had under consideration a concurrent amendment to § 231.6 of Part 231 to require immediate notice to the Board and the filing of new schedule pages when such service is interrupted by a strike, and upon the resumption of service following a strike.

In response to this notice many air carriers submitted comments and suggested various changes to the proposed Part 205. All of the comments opposed the proposed addition of § 231.6 to Part 231.

The Board, after consideration of the comments received has decided to adopt revised Part 205 as proposed except for a number of modifications and changes suggested largely in the comments. Further, the Board has decided not to adopt the proposed amendment to Part 231.

The more significant changes from the provisions of the notice made in finalizing Part 205 are as follows:

1. Deleting the requirement with respect to the filing of an affidavit with answers in opposition to or in support of an application made pursuant to § 205.3 of the part (§ 205.4).

2. Adding a requirement that a petition for reconsideration be served on any person who has filed an answer in opposition to the original application (§ 205.7).

3. Deleting the requirement that the holder of a certificate give notice to the chief executive of any city, in cases of delayed inauguration or an interruption of service caused by a strike (§ 205.8 (b), and (c)).

4. Adding a new § 205.12 which will require an air carrier to submit a report, summarizing all flights that were canceled, the date they were canceled, and the date service was restored. Such report will be submitted in lieu of the proposed § 205.8 (b) and (c), and § 231.6 of Part 231 which would have required air carriers to submit revised schedule pages showing a cessation of service, and restoration of service during a strike.

In addition, many changes of a clarifying and editorial nature have been made in Part 205.

In adopting the revised Part 205 we have rejected the suggestion that § 205.4 be changed to reduce the time for filing answers from 20 days to 10 days. It is the view of the Board that a 10-day period would not provide sufficient time for cities or other public bodies to prepare an adequate answer to an application. We have also rejected the suggestion that replies to answers be permitted. The Board is of the view that the addition of this procedural step would result in an undue delay in the processing of applications and is not required if applicants exercise diligence in the preparation of their initial applications.

Interested persons have been afforded an opportunity to participate in the formulation of this revised part, and due consideration has been given to all relevant matter presented.

Accordingly, the Board hereby adopts revised Part 205, effective February 24, 1962, to read as follows:

Sec.
205.1 Applicability.
205.2 Board authorization required for delayed inauguration or temporary suspensions of service.
205.3 Applications pursuant to § 205.2.
205.4 Answers by interested persons.
205.5 Service.
205.6 Disposition.
205.7 Petition for reconsideration.
205.8 Automatic suspension authority for involuntary postponement of inauguration or involuntary interruption of service.
205.9 Re-examination of suspension authority.
205.10 Effect of failure to provide service.
205.11 Institution of service after suspension or postponement of inauguration: notice to the Board.
205.12 Strikes; report to be filed.

AUTHORITY: §§ 205.1 to 205.12 issued under sec. 205(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 401, 72 Stat. 754; 49 U.S.C. 1371.

§ 205.1 Applicability.

(a) This part shall apply to all air carriers holding currently effective certificates of public convenience and necessity authorizing scheduled route service between designated points (hereinafter referred to as certificates) issued by the Board pursuant to section 401 of the Act with respect to:

(1) Inauguration of new service pursuant to certificate awards;

(2) Applications to the Board for authority to temporarily suspend service to or from any point named in a certificate or included in an approved service plan designating points which may be served in a general area named in such certificate;

(3) Notice to the Board when all service to or from a point, pursuant to a certificate, shall have been interrupted or inauguration delayed because of circumstances or events beyond the carrier's control as provided in § 205.8(a); and

(4) Termination of suspension of service.

(b) Sections 205.2(a) and 205.10 shall not apply to the operations of certificated air carriers to or from points authorized for service in their certificates pursuant to section 401(e) of the Civil Aeronautics Act of 1938, 49 U.S.C. 481, but never regularly served. This part does not relieve any carriers from the obligation to file schedules pursuant to the requirements of Part 231 of this chapter.

§ 205.2 Board authorization required for delayed inauguration or temporary suspensions of service.

(a) *Inauguration of service.* Any service authorized by a certificate shall be inaugurated within 90 days after the effective date of the new or amended certificate unless the Board has fixed a longer period. If the recipient of a certificate award authorizing scheduled

route service between designated points desires to postpone inauguration of service to any such point or points beyond the 90-day period or such other period as the Board may have fixed, he shall, not later than 45 days prior to expiration of such period, file an application for postponement of the date of required inauguration of service.

(b) *Temporary suspension of service.* Service to or from any point, authorized in a certificate or included in an approved service plan, shall not be suspended by an air carrier except in accordance with the provisions of this part.

§ 205.3 Applications pursuant to § 205.2.

The application shall contain a specific statement of the relief requested and of the facts relied upon to establish that there is good cause for the postponement of inauguration or that the temporary suspension of service for which application is made is in the public interest, with a statement of economic data or other matters which it is desired that the Board officially notice. The application shall also contain a list of the persons upon whom copies thereof were served and a statement that any interested person may file an answer in opposition to or in support of the application within twenty (20) days after the filing of the application. An executed original and 19 copies of such application shall be filed with the Docket Section of the Civil Aeronautics Board, Washington 25, D.C. Applications which are incomplete or which fail to comply with the requirements of this part will be dismissed.

§ 205.4 Answers by interested persons.

Any interested person may file with the Board and serve upon the applicant a written answer in opposition to or in support of, an application made pursuant to § 205.3 within twenty (20) days of the filing thereof. Such answer shall set forth in detail the reasons why the postponement of inauguration of service or temporary suspension of service should be denied or authorized, with a statement of economic data and other matters which it is desired that the Board shall officially notice. An executed original and 19 copies of such answer shall be filed with the Docket Section. Unless ordered by the Board upon application or upon its own motion, further pleadings will not be entertained.

§ 205.5 Service.

(a) A copy of each application made and each answer addressed thereto pursuant to §§ 205.3 and 205.4 shall be served personally or by registered or certified mail upon such persons as the Board may designate in a particular case, and shall be served upon the following persons in all cases:

(1) Each certificated route air carrier which serves any point for which postponement of inauguration or suspension of service is sought, or its designated agent.

(2) The chief executive of the city, town or other unit or local government at any such point located in the United States or any possession thereof;

(3) The State commission or agency having jurisdiction of transportation by air in the State wherein any such point is located, or if there is no such commission or agency, the chief executive of such State;

(4) The Secretary of State (marked for the attention of Chief, Aviation Division) if such point is not located in the United States or any possession thereof;

(5) The Postmaster General (marked for the attention of the Assistant Postmaster General—Bureau of Transportation) if the applicant's certificate authorizes the transportation of United States mail to or from such point;

(6) In cases involving an application for suspension of service at a point located in the United States or any possession thereof, the manager or other individual having direct supervision over and responsibility for the management of the airport being used to serve such point at the time the application is filed.

(b) Local service carriers shall serve such applications also on each certificated route air carrier which provides or is authorized to provide nonstop service between points between which the applicant could provide nonstop service if the application were granted.

§ 205.6 Disposition.

An order may be issued authorizing such postponement or temporary suspension for such term and upon such conditions as the Board may find to be in the public interest. Where the public interest so requires, the Board may act on applications without waiting for answers thereto.

§ 205.7 Petition for reconsideration.

A petition for reconsideration of the Board's determination under § 205.6 may be filed by any interested person within twenty (20) days after the date of service thereof. Except for the time of filing, such petitions shall conform to the provisions of section 37 of Part 302 of the Procedural Regulations. Any interested person may file an answer in opposition to, or in support of, the petition within ten (10) days after it is filed. An executed original and 19 copies of such petition for reconsideration or answer shall be filed with the Docket Section, and copies thereof shall be served upon the persons described in § 205.5, the applicant and any person who filed an answer in opposition to the original application.

§ 205.8 Automatic suspension authority for involuntary postponement of inauguration or involuntary interruption of service.

(a) The holder of a certificate shall not be required to file an application under § 205.2 if the postponement of inauguration of new service or interruption of service to or from a point named in a certificate, or included in the holder's approved service plan is caused by conditions or events which the holder cannot reasonably be expected to foresee or control, such as rules, standards or other action or inaction of the Administrator of the Federal Aviation Agency or of a foreign government, emergency measures, strikes, weather conditions, construction work on airports, or disasters: *Provided*, That the provisions of this paragraph shall apply to interruptions due to airport inadequacies only if the holder is unable to serve the certificated point through any airport convenient thereto with the type of equipment last regularly used to serve such point.

(b) In the case of delayed inauguration or an interruption of service caused by a strike, the holder shall give immediate notice of such interruption to the Board (marked for the attention of the Chief, Routes and Agreements Division, Bureau of Economic Regulation).

(c) If service at a point is interrupted or inauguration delayed for more than three (3) consecutive days for reasons beyond the certificate holder's control other than a strike, the holder shall give notice to the Board (marked for the attention of Chief, Routes and Agreements Division, Bureau of Economic Regulation) within three (3) days following the date of required inauguration of service or suspension, setting forth the date of suspension, the actual or estimated duration of delay of service or suspension, and a full and complete statement of the reasons therefor.

NOTE: See also the reporting requirements of § 241.24 of this chapter, Schedule P-2(d) of Part 241 of the Board's regulations.

§ 205.9 Re-examination of suspension authority.

Authority to postpone inauguration or to suspend service, granted pursuant to § 205.6 or § 205.8, may be modified, conditioned or terminated by the Board at any time upon notice but without hearing where the public interest so requires.

§ 205.10 Effect of failure to provide service.

In the absence of circumstances excusing involuntary postponement or suspension of service (§ 205.8), if for a period of ninety (90) days (or such longer specific period as may have been designated by the Board) any service authorized by a certificate has not been inaugurated, or if for a period of 90 days such a service has not been operated, the Board may direct the carrier to inaugurate or resume service or may, as authorized by section 401(f) of the Act, by order entered after notice and hearing, direct that the holder's certificate shall cease to be effective to the extent of such service.

§ 205.11 Institution of service after suspension or postponement of inauguration: notice to the Board.

When service is inaugurated following postponement of inauguration, or resumed following suspension under either express or automatic authority, immediate notice thereof shall be given to the Board (marked for attention of the Chief, Routes and Agreements Division, Bureau of Economic Regulation), stating the time when service was inaugurated or resumed.

§ 205.12 Strikes; report to be filed

Within fifteen (15) days following resumption of service after a strike an air carrier shall file a report with the Board (marked for the attention of the Chief, Routes and Agreements Division, Bureau of Economic Regulation) containing a list of all flights that were canceled, the date they were canceled, and the date service was restored.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-850; Filed, Jan. 24, 1962; 8:52 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-FW-86]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On October 13, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9681), stating that the Federal Aviation Agency proposed to alter low altitude VOR Federal airway No. 154 by redesignating the south alternate from Montgomery, Ala., to Columbus, Ga., via the intersection of the Montgomery VORTAC 090° and the Columbus VOR 219° radials.

No adverse comments were received to the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In the text of § 600.6154 (14 CFR 600.6154) "including a south alternate from the Montgomery VORTAC to the Columbus VOR via the INT of the Montgomery VORTAC 088° True radial and the Columbus VOR direct radial to the Eufaula, Ala., VOR;" is deleted and "including a S alternate from the Montgomery VORTAC to the Columbus VOR via the INT of the Montgomery VORTAC 090° and the Columbus VOR 219° radials;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 19, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-805; Filed, Jan. 24, 1962; 8:46 a.m.]

[Airspace Docket No. 61-NY-107]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of these amendments to §§ 600.6839 and 600.6881 of the regulations of the Administrator is to redesignate portions of low altitude VOR Federal airways Nos. 839 and 881 in the Cleveland, Ohio, terminal area.

Victor 839 will be realigned, in part, from the Navarre, Ohio, VORTAC direct to the Cleveland VORTAC. Victor 881 will be realigned in part from the Cleveland VORTAC direct to the Tiverton, Ohio, VOR.

The realignment of Victor 839 and 881 is part of a plan to facilitate the flow of air traffic in the Cleveland terminal area.

Since these amendments impose no additional burden on any person, and do not involve the designation of additional controlled airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

1. In the text of § 600.6839 (26 F.R. 8168) "INT of the Navarre VORTAC 352° and the Akron, Ohio, VOR 298° radials; INT of the Akron VOR 298° and the Cleveland, Ohio, VORTAC 091° radials;" is deleted.

2. In the text of § 600.6881 (26 F.R. 8169) "From the Cleveland, Ohio, VORTAC via the INT of the Cleveland VORTAC 138° and the Tiverton, Ohio, VOR 017° radials; Tiverton VOR;" is deleted and "From the Cleveland, Ohio, VORTAC via the Tiverton, Ohio, VOR" is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 19, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-806; Filed, Jan. 24, 1962; 8:47 a.m.]

[Airspace Docket No. 61-SW-106]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of these amendments to §§ 600.6054 and 600.6176 of the regulations of the Administrator is to alter the segments of low altitude VOR Federal airways No. 54 south alternate and No. 176 south alternate between Holly Springs, Miss., and Memphis, Tenn.

Victor 54 south alternate and Victor 176 south alternate extend in part from the Holly Springs VOR to the Memphis VORTAC via the intersection of the Holly Springs VOR 294° and the Memphis VORTAC 168° True radials. Action is taken herein to realign these airway segments from the Holly Springs VOR to the Memphis VORTAC via the intersection of the Holly Springs VOR 281° and the Memphis VORTAC 168° True radials (Miller Intersection). This intersection is a clearance limit for aircraft arriving Memphis from over Holly Springs. Since these segments are not used for the routing of overflying aircraft, their realignment via the Miller Intersection will improve air traffic service by providing an airway routing for air traffic inbound to Memphis from Holly Springs. The control areas associated with these segments of Victor 54/176 south alternates are so designated that they will automatically conform to the realigned airways. Furthermore, no additional controlled airspace is necessary as the realignment will be contained within existing control area. Accordingly, no amendments relating to such control areas are necessary. The vertical extent of these control areas will remain as designated pending review of the adjacent airspace. Separate action will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Since these amendments will not involve the designation of additional airspace and will impose no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. The text of § 600.6054 (14 CFR 600.6054) is amended to read:

§ 600.6054 VOR Federal airway No. 54 (Quitman, Tex., to Pinehurst, N.C.).

From the Quitman, Texas, VOR via the Texarkana, Ark., VORTAC; INT of the Texarkana VORTAC 052° and the Little Rock, Ark., VORTAC 235° radials; Little Rock VORTAC, including a N alternate via the INT of the Texarkana VORTAC 033° and the Little Rock VORTAC 255° radials; INT of the Little Rock VORTAC 077° and the Memphis, Tenn., VORTAC 261° radials; Memphis VORTAC, including a N alternate via the INT of the Little Rock VORTAC 062° and the Memphis VORTAC 276° radials; Muscle Shoals, Ala., VOR; including a N alternate via the INT of the Memphis VORTAC 081° and the Muscle Shoals VOR 297° radials, and also a S alternate from the Memphis VORTAC to the Muscle Shoals VOR via the INT of the Memphis VORTAC 168° and the Holly Springs, Miss., VOR 281° radials; Holly Springs VOR; INT of the Holly Springs VOR 099° and the Muscle Shoals VOR 255° radials; Huntsville, Ala., VOR; Chattanooga, Tenn., VORTAC, including a N alternate via the INT of the Muscle Shoals VOR 067° and the Chattanooga VORTAC 282° radials; Spartanburg, S.C. VORTAC; Fort Mill, S.C., VOR; INT of the Fort Mill VOR 069° and the Pinehurst, N.C., VOR 281° radials; to the Pinehurst VOR.

2. The text of § 600.6176 (14 CFR 600.6176) is amended to read:

States or any possession thereof;

§ 600.6176 VOR Federal airway No. 176 (Memphis, Tenn., to Birmingham, Ala.).

From the Memphis, Tenn., VORTAC via the Holly Springs, Miss., VOR including a S alternate via the INT of the Memphis VORTAC 168° and the Holly Springs VOR 281° radials; to the Birmingham, Ala., VORTAC, including a N alternate via the INT of the Holly Springs VOR 099° and the Birmingham VORTAC 313° radials.

These amendments shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 18, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-807; Filed, Jan. 24, 1962; 8:47 a.m.]

[Airspace Docket No. 62-WA-1]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of this amendment to § 600.621 of the regulations of the Administrator is to alter low altitude Blue Federal airway No. 21.

Blue 21 is designated from the intersection of the southeast course of the Andrews, Md., radio range and the south course of the Baltimore, Md., radio range to the Baltimore radio range station and it is reduced in part to a width of two miles on the east side of the centerline to avoid the Chesapeake Bay, Md., Restricted Area R-4004. In Airspace Docket No. 60-WA-233 published in the FEDERAL REGISTER on September 6, 1961 (26 F.R. 8377), Restricted Area R-4004 was revoked effective on the date of publication. Accordingly, action is taken herein to alter Blue 21 by increasing the reduced portion to a standard 10-mile wide airway. Action is also taken herein to exclude the portion of Blue 21 which lies within R-4007 since the airway overlaps this restricted area to a slight degree.

The control areas associated with Blue 21 are so designated that they will automatically conform to the altered airway. The vertical extent of these control areas will remain as designated pending review of the adjacent airspace. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

The text of § 600.621 (14 CFR 600.621, 26 F.R. 8375) is amended to read:

§ 600.621 Blue Federal airway No. 21 (Coles Point, Va., to Baltimore, Md.).

From the INT of the SE course of the Andrews, Md., RR and the S course of the Baltimore, Md., RR to the Baltimore RR, excluding the airspace that lies within R-4007. The portion which lies within R-4003 shall be used only after obtaining prior approval from the appropriate authority.

This amendment shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 19, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-808; Filed, Jan. 24, 1962; 8:47 a.m.]

[Airspace Docket No. 61-KC-35]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Federal Airways and Associated Control Areas

On August 25, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 7971), stating that the Federal Aviation Agency proposed to designate low altitude VOR Federal airway No. 430 and its associated control areas from Williston, N. Dak., to Minot, N. Dak., and to designate intermediate altitude VOR Federal airway No. 1766 from Williston to Minot, to overlie the proposed Victor 430.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Parts 600 and 601 (14 CFR Parts 600, 601) are amended by adding the following sections:

§ 600.6430 VOR Federal airway No. 430 (Williston, N. Dak., to Minot, N. Dak.).

From the Williston, N. Dak., VOR to the Minot, N. Dak., VOR.

§ 601.6430 VOR Federal airway No. 430 control areas (Williston, N. Dak., to Minot, N. Dak.).

All of VOR Federal airway No. 430.

§ 600.1766 VOR Federal airway No. 1766 (Williston, N. Dak., to Minot, N. Dak.).

From the Williston, N. Dak., VOR to the Minot, N. Dak., VOR.

These amendments shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 19, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-809; Filed, Jan. 24, 1962; 8:47 a.m.]

[Airspace Docket No. 61-KC-39]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways and Associated Control Areas

On October 7, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9515), stating that the Federal Aviation Agency proposed to extend low altitude VOR Federal airway No. 97 and its associated control areas from Janesville, Wis., to Lakewood, Ill. It was also stated that the Federal Aviation Agency proposed to realign and extend low altitude VOR Federal airway No. 429 and its associated control areas from Joliet, Ill., to Milwaukee, Wis.

The Air Transport Association of America endorsed the proposed amendments. The Department of the Air Force offered no objection. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 600.6097 [Amendment]

1. In § 600.6097 (14 CFR 600.6097, 26 F.R. 8246) the following changes are made:

a. In the caption "(Miami, Fla., to Lake City, Minn.)." is deleted and "(Miami, Fla., to Chicago Heights, Ill., and Lakewood, Ill., to Lake City, Minn.)." is substituted therefor.

b. In the text, "From the Janesville, Wis., VOR via the" is deleted and "From the INT of the Northbrook, Ill., VORTAC 273° and the Naperville, Ill., VOR 340° radials via the INT of the Naperville VOR 340° and the Janesville, Wis., VOR 111° radials; Janesville VOR;" is substituted therefor.

§ 601.6097 [Amendment]

2. In the caption of § 601.6097 (14 CFR 601.6097) "(Miami, Fla., to Lake City, Minn.)." is deleted and "(Miami, Fla., to Chicago Heights, Ill., and Lakewood, Ill., to Lake City, Minn.)." is substituted therefor.

3. Section 600.6429 (14 CFR 600.6429) is amended to read:

§ 600.6429 VOR Federal airway No. 429 (Decatur, Ill., to Milwaukee, Wis.).

From the Decatur, Ill., VOR; via the Champaign, Ill., VOR; Roberts, Ill., VORTAC; Joliet, Ill., VORTAC; INT of the Joliet VORTAC 008° and the Naperville, Ill., VOR 340° radials; INT of the Naperville VOR 340° and the Milwaukee, Wis., VORTAC 198° radials; to the Milwaukee VORTAC.

§ 601.6429 [Amendment]

4. In the caption of § 601.6429 (14 CFR 601.6429) "Janesville, Wis." is deleted and "Milwaukee, Wis." is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 18, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-810; Filed, Jan. 24, 1962; 8:47 a.m.]

[Airspace Docket No. 61-NY-4]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Areas

On June 14, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5327), stating that the Federal Aviation Agency proposed to designate low altitude VOR Federal airway No. 511 and its associated control areas from the Akron, Ohio, VOR to the Windsor, Ontario, Canada, VOR. Subsequent to publication of the notice, it was determined that it would be more practical to extend low altitude VOR Federal airway No. 103 from Akron to Windsor rather than designate a new airway Victor 511. Accordingly, on October 13, 1961, there was published in the FEDERAL REGISTER (26 F.R. 9681), a supplemental notice of proposed rule making which altered the original notice by proposing that the segment of Victor 103 from Cleveland, Ohio, to Navarre, Ohio, be revoked and that a new segment of Victor 103 be designated from Akron to Windsor, excluding the portion outside the United States.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice and the supplemental notice, the following actions are taken:

1. Section 600.6103 (14 CFR 600.6103, 26 F.R. 3771) is amended to read:

§ 600.6103 VOR Federal airway No. 103 (Greensboro, N.C., to Navarre, Ohio, and Akron, Ohio, to United States/Canadian Border.).

From the Greensboro, N.C., VOR via the Roanoke, Va., VORTAC; Elkins, W. Va., VORTAC; Clarksburg, W. Va., VORTAC; Wheeling, W. Va., VOR; to the Navarre, Ohio, VORTAC. From the Akron, Ohio, VOR via the INT of the Akron VOR 319° and the Windsor, Ontario, Canada, VOR 121° radials; to the Windsor VOR, excluding the portion outside of the United States.

2. The caption of § 601.6103, (14 CFR 601.6103, 26 F.R. 3771) is amended to read:

§ 601.6103 VOR Federal airway No. 103 control areas (Greensboro, N.C., to Navarre, Ohio, and Akron, Ohio, to United States/Canadian Border.).

These amendments shall become effective 0001 e.s.t., March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 18, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-811; Filed, Jan. 24, 1962; 8:47 a.m.]

[Airspace Docket No. 61-WA-202]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Correction

On November 10, 1961, there was published in the FEDERAL REGISTER (26 F.R. 10589) amendments to §§ 601.7001 and 601.7003 revoking, designating and modifying designated reporting points. One of these amendments (§ 601.7003), referred to the Elmira, N.Y., intersection as the intersection of the Wellsville, N.Y., VOR 089° and the Syracuse, N.Y., VOR 211° radials. The correct reference should be to the intersection of the Wellsville, N.Y., VOR 090° and the Syracuse VOR 210° radials. Therefore, action is taken herein to effect these changes.

Since this correction is editorial in nature and imposes no additional burden on any person, this change is in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 601.7003 (26 F.R. 10589) the Elmira, N.Y., intersection is amended to read:

Elmira, N.Y., INT: INT of the Wellsville, N.Y., VOR 090° and the Syracuse, N.Y., VOR 210° radials.

This amendment shall become effective upon the day of publication.

(307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 18, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-815; Filed, Jan. 24, 1962; 8:48 a.m.]

[Airspace Docket No. 61-WA-168]

PART 602—DESIGNATION OF JET ROUTES; JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Advisory Area

On October 17, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9753), stating that the Federal Aviation Agency proposed to designate a nonradar jet advisory area from 75 nautical miles west of the Whitehall, Mont., VOR to 97 nautical miles east of Whitehall.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In § 602.200 *Enroute jet advisory areas* (26 F.R. 7083) Jet Route No. 16 jet advisory area is amended to read:

Jet Route No. 16 jet advisory area. Radar—Portland, Oreg., to Boston, Mass., excluding the portion below FL 310 from 75 NMI W of Whitehall, Mont., to 97 NMI E of Whitehall. Nonradar—From 75 NMI W of Whitehall, Mont., to 97 NMI E of Whitehall, FL 270 to FL 300 inclusive.

This amendment shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 18, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-812; Filed, Jan. 24, 1962; 8:47 a.m.]

[Airspace Docket No. 61-WA-170]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Advisory Areas

On October 7, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9517), stating that the Federal Aviation Agency proposed to designate a terminal radar jet advisory area for an instrument departure route from the Salt Lake City, Utah, terminal area.

The Department of the Air Force interposed no objection, but recommended that the area be redefined to exclude Restricted Areas R–6402, R–6405, and R–6406. By definition radar jet advisory areas include only areas within the continental control area. The restricted areas of concern to the Air Force are not a part of the continental control area and are therefore excluded by the action taken herein. No other comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the notice, the following action is taken:

In § 602.300 *Terminal jet advisory areas* (26 F.R. 7079) under Salt Lake City, Utah, jet advisory area—Radar the following is added:

1. INT of Ogden, Utah, 212° and Salt Lake City, Utah, 265° radials, via INT Delta, Utah, 004° and Provo, Utah, 257° radials; to Delta.

This amendment shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 18, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-813; Filed, Jan. 24, 1962; 8:47 a.m.]

[Airspace Docket No. 61-WA-201]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Route

On November 18, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10809), stating that the Federal Aviation Agency proposed to alter and extend Jet Route No. 35 between St. Louis, Mo., and Northbrook, Ill.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In § 602.100 *Jet routes* (26 F.R. 7081, 26 F.R. 10724), Jet Route No. 35 is amended to read:

Jet Route No. 35 (New Orleans, La., to Northbrook, Ill.). From New Orleans, La., via Jackson, Miss.; Greenwood, Miss.; Memphis, Tenn.; St. Louis, Mo.; Springfield, Ill.; the INT of the Springfield 086° and the Joliet, Ill., 204° radials; Joliet; to Northbrook, Ill.

This amendment shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D. C., on January 18, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-814; Filed, Jan. 24, 1962; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8214 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Seymour Lustig

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage, or other compensation under 2(c): § 13.800 *Buyers' agents;* § 13.820 *Direct buyers;* § 13.822 *Lowered price to buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Seymour Lustig, Orlando, Fla., Docket 8214, Oct. 10, 1961]

In the Matter of Seymour Lustig, an Individual Doing Business as Seymour Lustig

Consent order requiring an Orlando, Fla., distributor-broker of citrus fruit and produce to cease violating section 2(c) of the Clayton Act by unlawfully receiving brokerage or discounts in lieu of brokerage from various packers or sellers on purchases for his own account for resale, receiving a lower net price which reflected an allowance of brokerage, and receiving brokerage as the buyer's representative in numerous transactions.

The order to cease and desist is as follows, including the further order requiring report of compliance therewith:

It is ordered, That respondent Seymour Lustig, individually and doing business as Seymour Lustig, and respondent's agents, representatives, and employees, directly or through any corporate, partnership, sole proprietorship, or other device, in connection with the purchase of citrus fruit or produce in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or produce for respondent's own account, or where respondent is the agent, representative, or other intermediary acting for or in behalf, or is subject to the direct or indirect control, of any buyer.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: October 10, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-821; Filed, Jan. 24, 1962; 8:48 a.m.]

[Docket 8407 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Surgical Appliance Industries, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.130 *Manufacture or preparation.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misbranding or mislabeling: § 13.1255 *Manufacture or preparation.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Surgical Appliance Industries, Inc., et al., Cincinnati, Ohio, Docket 8407, Oct. 5, 1961]

In the Matter of Surgical Appliance Industries, Inc., a Corporation, and William A. Pease, Isaac M. Pease and Walter J. Gruber, Individually and as Officers of Said Corporation

Consent order requiring Cincinnati, Ohio, distributors of women's nylon elastic hosiery to retailers, to cease representing falsely in catalogs, in advertising mats supplied to customers, on boxes in which the hose was sold and on folders enclosed therein, that the hosiery was "70 gauge", when it was substantially less than 70 gauge.

The order to cease and desist is as follows:

It is ordered, That Respondents Surgical Appliance Industries, Inc., a corporation, and its officers, and Respondents William A. Pease and Isaac M. Pease, individually and as officers of said corporation, and Walter J. Gruber, individually, and Respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of elastic hosiery, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting, directly or indirectly, the gauge of said hosiery;

2. Representing directly or indirectly that hosiery knit on a circular knitting machine is of a stated gauge unless the term "gauge" denotes the number of needles employed per 1½ inches of the knitting circle of said machine;

3. Furnishing or otherwise placing in the hands of others the means and instrumentalities by and through which they may mislead and deceive the public in the manner or as to the things hereinabove inhibited.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to Respondent Walter J. Gruber as an officer of Respondent corporation.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Surgical Appliance Industries, Inc., a corporation, William A. Pease and Isaac M. Pease, individually and as officers of said corporation; and Walter J. Gruber, individually, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-822; Filed, Jan. 24, 1962; 8:48 a.m.]

[Docket 8278 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Tile and Appliance Mart, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–70 *Percentage savings;* § 13.155–100 *Usual as reduced, special, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Tile and Appliance Mart, Inc. (Wheeling, W. Va.), et al., Docket 8278, Oct. 9, 1961]

In the Matter of Tile and Appliance Mart,, Inc., and Tile Mart, Inc., of Youngstown, Corporations, and Irving M. Molever, Individually and as an Officer of Said Corporations

Consent order requiring two associated concerns—in Wheeling, W. Va., and Youngstown, Ohio, respectively—and their common officer, to cease deceptive pricing of their products through representing falsely in newspaper advertising—by such statements as "Armstrong Woodgrain Floor Tile Reg. 15¢ 10¢", "100 Blocks Asphalt Tile Reg. Value $7.00 $4.88"—that the higher prices following "Reg." or "Regularly" or "Reg. Value" were the usual retail prices and purchasers would save the difference between these and the lower "sale" prices; by statements "Save 62% and more", "Everything . . . sold at approximately 80% off", that prices had been reduced by the given percentage; and through use of the terms "Clearance Sale" and "Warehouse clearance Tile sale" that customary retail prices were reduced.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Tile and Appliance Mart, Inc., and Tile Mart, Inc., of Youngstown, corporations, and their officers, and Irving Molever, as an officer of said corporations, and the respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of tile and other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any amount is respondents' usual and customary retail price of merchandise when it is in excess of the price at which such merchandise is usually and customarily sold by respondents at retail in the recent regular course of business.

2. Using the word "Reg." or "Regularly" to describe or refer to the retail price of merchandise when such amount is not the price at which the merchandise has been usually and customarily sold by respondents at retail in the recent, regular course of business.

3. Representing, directly or by implication, that any amount is the price at which merchandise is usually and customarily sold at retail in the trade area, or areas, where the representation is made, when it is in excess of such price.

4. Using the words "Reg. value", "Value" or "Elsewhere" to describe or refer to the retail price of merchandise when such amount is not the price at which the merchandise has been usually and customarily sold at retail in the trade area, or areas, where the representation is made.

5. Representing, directly or by implication, that any savings are afforded from respondents' usual and customary retail prices in the purchase of merchandise unless the price at which the merchandise is offered constitutes a reduction from the price at which it has been sold by respondents at retail in the recent, regular course of business.

6. Representing, directly or by implication, that any saving is afforded in the purchase of merchandise from the price at which said merchandise is usually and customarily sold at retail in the trade area, or areas, where the representation is made unless the price at which it is offered constitutes a reduction from such price.

7. Using percentage savings claims to represent that merchandise is offered at a reduction from respondents' usual and customary retail price unless the price of such merchandise has been reduced in direct proportion to the percentage stated from respondents' usual and customary price in the recent, regular course of business.

8. Using the word "Sale" to represent, directly or by implication, that merchandise is offered at a reduction from respondents' usual and customary retail price in the recent, regular course of business, unless such is the fact.

9. Misrepresenting in any manner the amount of savings available to purchasers of respondents' merchandise, or the amount by which the price of said merchandise is reduced from the price at which it is usually and customarily sold by respondents in the recent, regular course of their business, or from the price at which said merchandise is usually and customarily sold in the trade area, or areas, where the representation is made.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to respondent Irving M. Molever in his individual capacity.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 9, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-823; Filed, Jan. 24, 1962; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55552]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Release of Merchandise Under Special Permits

Experience has demonstrated that where merchandise released under a special permit allowing immediate delivery is examined and notations as to value and classification are made on an invoice which is returned to the importer or broker who uses it as the regular entry invoice, a great reduction is made in the number of increases or refunds of duty upon liquidation of the entries. The values, etc., indicated by the examining officers are not binding on customs, but in the ordinary course of events final appraisement and subsequent liquidation will be in agreement with the notations made by the examiner.

However, the examination process and forwarding of documents is time consuming and can result in a failure of the importer to file an entry within the time limits presently prescribed in § 8.59(g), Customs Regulations.

Consequently, for use in conjunction with the above procedure only, the Bureau has decided to permit a four day extension to the basic two day period within which importers are ordinarily required to file an entry in support of a special permit for immediate delivery.

Therefore, § 8.59(g) of the Customs Regulations is amended by adding the following at the end thereof: "Where merchandise to be released on an immediate delivery permit is examined and notations as to value and classification are made on an invoice which is then filed by the importer as part of the entry, the collector may extend the period for filing entry and depositing duties for not to exceed 4 additional days, allowing 6 days in all, but the limitations set forth above on merchandise subject to quota will be observed. This privilege may be granted for individual entries or for special permits granted for a period not to exceed 1 year."

The citation of authority for § 8.59 is amended to read:

(Secs. 445, 484, 556, 60 Stat. 714, 722, as amended, 744, as amended; 19 U.S.C. 1445, 1484, 1556)

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: January 16, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-843; Filed, Jan. 24, 1962; 8:52 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 37—FISH; DEFINITIONS AND STANDARDS OF IDENTITY; STANDARDS OF FILL OF CONTAINER

Fish Flour; Identity

In the FEDERAL REGISTER of September 15, 1961 (26 F.R. 8641), there was published a proposal for a standard of identity for fish protein concentrate, whole fish flour as submitted by Mr. Harold Putnam of Washington, D.C.

During the 60-day period thereafter, the Hearing Clerk of the Department of Health, Education, and Welfare received over 1,800 comments on the published proposal. Of the several hundred received from individual consumers who were opposed to the proposal as published, many specifically stated that they would class the article as filthy because of the use of the entire fish. In addition to comments from consumers and groups representing consumer interests, views were received from many connected with various food industries. A great many communications came from firms and individuals identified as being associated with the fishery industry and, with few exceptions, these favored the adoption of the standard as proposed. The view was repeatedly expressed that the adoption of the standard would be economically helpful to the fishing industry. Many of the comments favoring the proposal did so on the basis of the view that the nutritive value of the article described was such that it should be made available to those individuals in other countries suffering from a deficiency of protein in their diet. Only a few letters suggested or implied that the diet of the American public, generally, is deficient in protein or needs supplementation with a whole fish flour.

Officials charged with the enforcement of 21 State food laws opposed the proposed standard on the grounds that such a product would be in conflict with the laws of the States because of the inclusion of filth; some also stated that, in their view, such a product should be classed as adulterated under the Federal Food, Drug, and Cosmetic Act.

Bakery groups, a number of individual bakers, and some other food manufacturers opposed the proposal as published on several grounds. They referred to the high standards of cleanliness in their industries, their use of clean, sound, wholesome ingredients and expressed the view that any official authorization of a whole fish flour, which they regarded as filthy, would have an adverse effect on public confidence in commercially prepared foods, and would significantly defeat effective law enforcement, local, State and Federal, in preventing the marketing of filthy foods and foods prepared under insanitary conditions.

Comments received came from more than half of the 50 States. In addition to firms in the United States indicating interest in manufacturing such a product, one comment was received from a producer of whole fish flour in Sweden stating that the firm has marketed most of its output principally for inclusion in a Swedish type of enriched bread. That firm contemplated that if the standard is adopted, it would be interested in marketing the product in the United States.

A few comments, including the one from the Swedish manufacturer, suggested some changes in the specifications of the proposed standard. These dealt with proposals to increase the moisture content, increase or decrease the protein content, increase or decrease the permitted ash content, and increase the bacteria limit. However, these comments furnished insufficient data to demonstrate that the changes advocated would promote the interests of consumers.

In view of section 402(a)(3) of the Federal Food, Drug, and Cosmetic Act, which states "A food shall be deemed to be adulterated if * * * it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food," the Commissioner was particularly interested in learning the views of those who commented on the question of whether they would be willing to eat foods containing a whole fish flour so manufactured.

Seven hundred and thirty six of the comments clearly opposed establishment of the proposed standard. One hundred and sixty-six of these specifically referred to their objection to the inclusion of viscera, heads, intestinal contents, etc., on the basis that they would regard the finished product as filthy. Of the 1,036 comments in favor of the standard as proposed, including the many duplicates signed by different individuals, only 17 specifically stated or strongly implied that they would be willing to eat such a product.

Therefore, on the basis of the information before him, the Commissioner finds:

1. That consumers in the United States generally would regard the product described in the proposal as filthy. Thus, such a product would be in conflict with section 402(a)(3) of the Federal Food, Drug, and Cosmetic Act.

2. That is would not promote honesty and fair dealing in the interest of consumers to establish a standard of identity for a whole fish flour containing those portions of the fish which would be regarded as filthy by American consumers generally.

3. That it is apparent from the information available that many persons who advocate the establishment of the proposed standard are concerned with the reported need for a source of good protein by people in underdeveloped countries of the world where local food supplies and raw materials are inadequate to supply that need. To the extent that such a need for a product as described in the proposal exists in countries other than the United States, section 801(d) of the Federal Food, Drug, and Cosmetic Act provides for the manufacture of such a product in the United States for export to any other country of the world, the laws of which do not prohibit that article.

4. That even though there is no evidence that there is a deficiency of protein in the diet of the people of the United States, a factor which would have no bearing on whether or not certain parts of fish in a ground product constitute filth, there appears to be a reasonable basis for establishing a standard of identity for fish flour prepared from properly cleaned and eviscerated fish.

Accordingly, it is concluded that it will promote honesty and fair dealing in the interests of consumers to establish a definition and standard of identity for fish flour, as hereinafter set forth. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625): *It is ordered*, That the following definition and standard of identity be established:

§ 37.5 Fish flour; identity.

(a) Fish flour is the finely ground, dried product made from edible species of fish. From the time of catching until the finished article is packaged the fish are handled expeditiously and with the sanitary precautions which are recognized as proper for fish which are used in other forms for human food. Before processing, the fish are properly prepared to remove and discard the heads, fins, tails, viscera, and intestinal contents. The cleaned fish are ground and treated to reduce the fat content of the finished fish flour to less than 1 percent. The product may be deodorized. The finished fish flour shall meet all of the requirements set out in paragraph (b) of this section.

(b)(1) *Protein content.* Protein content (N×6.25), measured by methods of the Association of Official Agricultural Chemists, shall not be less than 70 percent by weight of the final product (Official Methods of Analysis, A.O.A.C., 9th Ed. secs. 22.011; ch. 22, p. 285). Biological values of the finished fish flour shall not be less than 105 percent as measured by the official A.O.A.C. method for the biological evaluation of protein quality (secs. 39.133–39.137, inclusive, ch. 39, p. 680).

(2) *Moisture, ash and fat content.* Moisture, ash and fat content shall not exceed 6 percent, 25 percent and 1 percent respectively, by weight of the final product, measured by A.O.A.C. methods (secs. 22.003, 22.010, ch. 22, p. 283, 284; sec. 18.011–18.012, inclusive, ch. 18, p. 235).

(3) *Odor and taste.* The final product shall have no more than a faint fish odor and taste.

(4) *Storage stability.* Fish flour, after 6 months' storage at temperatures prevailing in areas of intended use (but not exceeding 38° C.) and when packed in metal containers or in polyethylene bags, shall show no spoilage as judged by the development of off-flavors, mold growth, production of toxic amines (histamine, tyramine), or by deterioration in protein quality.

(5) *Bacteria.* The product shall be free of Escherichia coli, Salmonella, and pathogenic anaerobes, and the total bacterial plate count shall not exceed 2,000 per gram.

(6) *Safety.* The finished product shall contain no food additive unless specifically authorized by regulation issued pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 90 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919; 21 U.S.C. 341, 371)

Dated: January 22, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-839; Filed, Jan. 24, 1962; 8:51 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

EPOXIDIZED LINSEED OIL

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Swift and Company, 4115 Packers Avenue, Chicago 9, Illinois, and other relevant material, has concluded that the following regulation should issue with respect to the food additive epoxidized linseed oil, used as a plasticizer in resinous and polymeric substances that contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2527 Epoxidized linseed oil.

Epoxidized linseed oil may be safely used as a component of articles that contact food, in accordance with the following prescribed conditions:

(a) The food additive meets the following specifications:

(1) Iodine number, maximum 5.

(2) Oxirane oxygen, minimum 9.0 percent.

(b) It is employed as a plasticizer in resinous and polymeric substances used to produce articles that contact food.

(c) The quantity used shall not exceed the least amount reasonably required to accomplish the intended technical effect, and the quantity that may become a component of food as a result of use in a resinous or polymeric substance or article shall not be intended to nor, in fact, accomplish any physical or technical effect in the food itself.

(d) The use as a plasticizer in any resinous or polymeric substance or article subject to any regulation in Subpart F of this part must comply with any specifications and limitations prescribed by such regulation for the finished form of the substance or article.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 18, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-838; Filed, Jan. 24, 1962; 8:51 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER R—IRRIGATION PROJECTS

PART 194—FLATHEAD IRRIGATION PROJECT, MONTANA

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Miscellaneous Amendments

There was published in the FEDERAL REGISTER on November 18, 1961 (26 F.R. 10808), a notice to amend Parts 194 and 221 of the Code of Federal Regulations, Title 25, Indians, by adding Sections 194.23 and 221.17(c) as set forth below. The purpose of the amendments is to provide for bringing lands that cannot be served by the gravity system, designated as pump lands, into the Flathead Indian Irrigation Project for service purposes and to establish assessment rates for assessing such pump lands.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received, and the proposed amendments are hereby adopted without change.

A new section is added to Part 194 to read as follows:

§ 194.23 Pump lands.

When requested in writing to do so, by the holder of legal title to the land, the Secretary of the Interior, or his authorized representative, may designate such land lying above the gravity flow delivery point which may be susceptible of irrigation through pumping operations as a part of the project. Lands thus designated shall be subject to the payment of the pro rata per acre share of the construction, operation and maintenance costs the same as all other project lands in the same general area receiving gravity flow water. In the Mission Valley Division of the project such designated land shall be obligated to pay an additional per acre foot assessment for water delivered to the "pump land" equal to the pumping cost from Flathead Lake or Flathead River and the cost of delivering such water to the land. In the Camas Division of the project such designated land shall be obligated to pay a per acre foot assessment for water delivered to the designated "pump land," equal to the pumping costs from the Little Bitterroot Lake and the costs of delivering such water to the land. All other costs incidental to the pumping and distribution of the delivered water from the project farm unit delivery point to the "pump land" shall also be borne by the landowner. Such landowner is obligated to comply with the regulations now or hereafter adopted for the Flathead Indian Irrigation Project. At the time of filing his petition the landowner will be required in writing to request the inclusion of such "pump land" in an existing irrigation district or a district

[Docket No. 13971 (RM-217); FCC 62-79]

subsequently formed pursuant to the laws of the State of Montana. No land in Indian ownership shall be included in the irrigation district as long as the title to the land remains in Indian ownership.

Paragraph (c), reading as follows, is added to § 221.17:

§ 221.17 Charges, Mission Valley and Camas Divisions.

. . . . . .

(c) The annual pumping charge for water pumped from Flathead Lake or Flathead River for use on land designated as "pump land" in the Mission Valley Division of the project under 25 CFR 194.23 shall be $2.00 per acre foot or fraction thereof until otherwise ordered. The annual charge for pumping water from the Little Bitterroot Lake for land designated as "pump land" in the Camas Division shall be $1.00 per acre foot or fraction thereof until otherwise ordered. After the pumped land has become a part of an irrigation district the charges assessed against such pump land during the calendar year shall be included in the notice furnished to the irrigation district for the following irrigation season.

STEWART L. UDALL,
Secretary of the Interior.

JANUARY 18, 1962.

[F.R. Doc. 62-826; Filed, Jan. 24, 1962; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 62-74]

PART 3—RADIO BROADCAST SERVICES

Participation by Telephone Companies

In the matter of amendment of § 3.980 to permit the rendition of free service by common carriers to the Government through interconnection of certain originating sources to the commercial radio networks for the purposes of national defense.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 17th day of January 1962;

The Commission having under consideration the provisions of section 210 (b) of the Communications Act of 1934, as amended, which permit the rendition by common carriers of free service to agencies of the Government in connection with preparation for the national defense; subject, however, to the provision that such free service may be rendered only in accordance with such rules and regulations as the Commission may prescribe therefor; and

It appearing that it is necessary and desirable that the Commission further implement the statutory provision so as to permit the rendition of such free service in connection with the Emergency Broadcast System and in furtherance of the national defense and the Commission's obligations under Executive Order 10312; and

It further appearing that it is necessary and desirable in the public interest that such service be made available for the furtherance of the national defense without delay, and that any delay would be contrary to the public interest; and

It further appearing that the amendments adopted herein pertain to military matters, and hence that section 4 of the Administrative Procedure Act is inapplicable; and

It further appearing that authority for the amendments adopted herein is contained in sections 1, 4(i), 210(b), and 303(r) of the Communications Act of 1934, as amended;

It is ordered, Effective January 29, 1962, that § 3.980 of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpreta or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: January 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. In § 3.980, the provisions of paragraph (b) are amended and a new paragraph is added. As amended, paragraphs (b) and (c) read as follows:

§ 3.980 Participation by telephone companies.

. . . . . .

(b) During a CONELRAD Drill or a CONELRAD Radio Alert, telephone companies that have facilities available in place may, without charge, connect an originating source designated by a National Industry Advisory Committee order to the nearest accessible commercial radio network and, at the expiration of such drill or Radio Alert, may disconnect such authorized originating source: *Provided*, (1) That the originating point has in service a telephone company local channel from the originating point to the telephone company principal central office (toll test); and (2) That the National Industry Advisory Committee order covering this service is placed in effect.

(c) Every such carrier rendering any such free service shall make and file, in duplicate, with the Commission, on or before the 31st day of July and on or before the 31st day of January in each year, reports covering the periods of six months ending on the 30th day of June and the 31st day of December, respectively, next prior to said dates. These reports shall show the call letters and locations of the broadcast stations and/or the originating source designated by a National Industry Advisory Committee order to which free service was rendered pursuant to this rule and the charges in dollars which would have accrued to the carrier for such service rendered if charges therefor had been collected at the published tariff rates.

[F.R. Doc. 62-856; Filed, Jan. 24, 1962; 8:53 a.m.]

[Docket No. 14052; FCC 62-76]

PART 9—AVIATION SERVICES

Developmental Operation

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 17th day of January 1962;

The Commission having under consideration the amendment of Part 9—Aviation Services, to include a new Subpart X to provide specific provisions for developmental operation in the Aviation Services:

It appearing that a need exists for specific provisions for developmental operation in the Aviation Services to enable the Commission to more effectively discharge its statutory responsibility to study new uses of radio and encourage the more effective use thereof in the public interest; and

It further appearing that the public interest would be served by the encouragement of developing new and more effective uses of radio; and

It further appearing that notice of proposed rule making in the above-entitled matter was released on April 24, 1961; and

It further appearing that the notice, which made provision for filing of comments by May 31, 1961 was duly published in the FEDERAL REGISTER on April 27, 1961 (26 F.R. 3614); and

It further appearing that Aerospace Flight Test Radio Coordinating Council and Lockheed Aircraft Corporation, the only respondents in this proceeding, submitted comments favoring the proposal; and

It further appearing that the rules adopted herein are the same as proposed with the exception of certain editorial changes made in § 9.1404; and

It further appearing, that authority for issuance of this order is contained in sections 301 and 303 (g) and (r) of the Communications Act of 1934, as amended:

It is ordered, That effective March 1, 1962, Part 9 of the Commission's Rules is amended as set forth below; and

It is further ordered, That the proceedings in Docket No. 14052 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082; 47 U.S.C. 301, 303)

Released: January 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Part 9 is amended as follows:

1. Section 9.113 is amended to read as follows:

§ 9.113 License period.

(a) For all stations in the Aviation Services, except those engaged in developmental operation, the license period is normally five years.

(b) Authorization for stations engaged in developmental operation will be made upon a temporary basis for a specific period of time, but in no event to extend beyond one year from date of grant.

2. Add new Subpart X as follows:

Subpart X—Developmental Operation

Sec.
9.1401 Eligibility.
9.1402 Showing required.
9.1403 Limitations on use.
9.1404 Frequencies available.
9.1405 Special provisions.
9.1406 Change or cancellation of authorization without hearing.
9.1407 Report of operation.

AUTHORITY: §§ 9.1401 to 9.1407 issued under sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082; 47 U.S.C. 301, 303.

Subpart X—Developmental Operation

§ 9.1401 Eligibility.

An authorization for developmental operation in any of the services in this part will be issued only to those applicants who are eligible to operate stations in those services on a regular basis.

§ 9.1402 Showing required.

(a) Except as provided in paragraph (b) of this section, each application for developmental operation shall be accompanied by a showing that:

(1) The applicant has an organized plan of development leading to a specific objective;

(2) A point has been reached in the program where actual transmission by radio is essential to the further progress thereof;

(3) The program has reasonable promise of substantial contribution to the expansion or extension of the radio art, or is along lines not already investigated;

(4) The program will be conducted by qualified personnel;

(5) The applicant is legally and financially qualified, and possesses adequate technical facilities for conduct of the program as proposed; and

(6) The public interest, convenience or necessity will be served by the proposed operation.

(b) The showing under paragraph (a) of this section may not be required when an application is made for developmental operation solely for the reason that the frequency requested is restricted to such developmental use.

§ 9.1403 Limitations on use.

(a) Stations used for developmental operation shall be constructed and used in such a manner as to conform with all of the technical and operating requirements of this part, unless deviation therefrom is specifically provided for in the station authorization.

(b) All developmental operation shall be subject to the condition that no harmful interference is caused to the operation of stations licensed on a regular basis under any part of this chapter.

§ 9.1404 Frequencies available.

The frequency or frequencies assigned will be from those available for the service in which operation is proposed, except that in individual cases the Commission may, without rulemaking proceedings, authorize on a temporary basis only, the use of frequencies not in accordance with the Table of Frequency Allocations for projects of short duration or emergencies where the Commission finds that important or exceptional circumstances require such utilization: *Provided*, That such authorizations are not intended to develop a service to be operated on frequencies other than those allocated such service.

§ 9.1405 Special provisions.

(a) The developmental program described in the application shall be substantially followed except as modified by the terms of an authorization which may be issued under this part.

(b) Where some phases of the developmental program are not covered by the provisions of this chapter, the authorization may specify supplemental or additional requirements or conditions in each case, as deemed necessary in the public interest, convenience, or necessity.

(c) From time to time, a station engaged in developmental work may be required, by modification of the instrument of authorization, to conduct special tests which are reasonable and desirable to the authorized developmental program.

§ 9.1406 Change or cancellation of authorization without hearing.

Every application for authority to engage in developmental operation shall be accompanied by a statement signed by the applicant in which it is agreed that any authorization issued pursuant thereto will be accepted with the expressed understanding of the applicant that it is subject to change in any of its terms or to cancellation in its entirety at any time, upon reasonable notice but without a hearing, if, in the opinion of the Commission, circumstances should so require.

§ 9.1407 Report of operation.

A report on the results of the developmental program shall be filed with and made a part of each application for renewal of authorization, or in cases where no renewal is requested, such report shall be filed within 60 days preceding the expiration of such authorization. In addition, interim reports may be required in certain instances. Matters which the applicant does not wish to disclose publicly may be so labeled; they will be used solely for the Commission's information, and will not be publicly disclosed without permission of the applicant. The report or reports shall include comprehensive and detailed information on at least the following:

(a) The final objective;
(b) Results of operation to date;
(c) Analysis of the results obtained;
(d) Copies of any published reports;
(e) Need for continuation of the program; and
(f) Such other information as may be specified in the instrument of authorization.

[F.R. Doc. 62-863; Filed, Jan. 24, 1962; 8:53 a.m.]

[Docket No. 13971 (RM-217); FCC 62-79]

PART 10—PUBLIC SAFETY RADIO SERVICES

Frequencies Available to the Local Government Radio Service

In the matter of amendment of Part 10 of the Commission's rules to make the frequency 39.06 Mc/s available to the Local Government Radio Service for control of traffic lights by mobile units installed in emergency vehicles, Docket No. 13971 (RM-217).

1. The Commission issued a notice of proposed rule making in the above-entitled matter (26 F.R. 2002, March 8, 1961) in response to a petition filed by the City of Erie, Pennsylvania. Subsequently, the petitioner requested that action be deferred on this notice to enable it to conduct tests looking toward a possible modification of its original proposal. This was granted by the Commission in a Report and Order, adopted June 28, 1961. Shortly thereafter, a petition for modification of notice of proposed rule making was submitted by the City of Erie in which it contended that the results of its tests indicated that its mobile radio traffic signal control system could operate efficiently with a bandwidth of 20 kc/s rather than the 32 kc/s originally requested. Since this would result in the occupancy of less frequency space and thus met one of the major objections which the original petition had induced, the Commission granted the request for modification and adopted a further notice of proposed rule making in accordance therewith.

2. This latter notice was duly published in the FEDERAL REGISTER (26 F.R. 6656, July 26, 1961) inviting comments on or before September 15, 1961, either in favor of or in opposition to the proposed rule amendments. All such timely filed comments have been considered by the Commission in reaching its determinations herein.

3. The original proposal sought these rule changes: (a) Amendment of § 10.104(b) to permit A9 emission and to allow a bandwidth of 32 kc/s on the frequency 39.06 Mc/s, (b) Amendment of § 10.555 to make the frequency 39.06 Mc/s available to the Local Government Radio Service as well as to the Police Radio Service and to permit an applicant in the former Service to obtain this frequency without regard to paragraph (d) which limits licensees in this Service to two frequencies. The comments in opposition attacked the proposal in part on the grounds that the excessive bandwidth requested would impair the usage of the frequencies adjacent to 39.06 Mc/s. However, since the present notice of proposed rule making "cured" this by proposing a bandwidth of 20 kc/s and since the comments in response thereto did not raise the question of bandwidth, it may be assumed that this is no longer an issue. As usage of this frequency is restricted to a power of 3 watts, the Commission is of the opinion that such operation utilizing A9 emission with a bandwidth of 39.06 Mc/s would present no serious problem.

4. The specific usage sought for this frequency is to enable mobile units to control traffic signals in times of emergency. While these mobile units will be installed primarily in police and fire vehicles, they may also be utilized by other emergency vehicles under the control of the licensed governmental entity. The Local Government Radio Service is the only public safety radio service which can provide this broad diversity of usage. There appears little doubt that this mode of controlling traffic lights in emergency situations is desirable. Even those who submitted comments opposing the proposal conceded that the idea had merit and that at some future time provision for its usage should be made in the Commission's rules. In fact, the Associated Public Communications Officers, Inc. (APCO), the principle objector, recommended alternative frequencies for this operation and suggested that rule making be initiated toward that end. It is, of course, the petitioner's contention that the need for its system is immediate and pressing, and that it should be permitted at once.

5. Those filing comments in opposition are of the opinion that the Police Radio Service "is still lacking in adequate frequency space." APCO also makes the following arguments:

a. * * * the frequency 39.06 Mc/s is ideally suited for certain types of police activity such as surveillance work involving low power equipment and there is now a limitation with respect to the power permissible on that frequency."

b. There are other frequencies available for the purposes desired by the petitioner. APCO suggests that the frequency 45.44 Mc/s, now available to the Local Government Radio Service, could be redesignated as a low-power frequency for the control of traffic signals by emergency vehicles. Alternatively, APCO suggests that rule making proceedings be instituted to make the frequency 46.56 Mc/s available to Local Government Radio users.

c. In a service (Police) so vital to public safety, the loss of frequency space should not be permitted upon the basis of one-channel-at-a-time scrutiny such as that proposed here.

The position of APCO is supported by the International Municipal Signal Association (IMSA) and International Association of Fire Chiefs (IAFC) which also suggests 45.44 Mc/s as an alternative for the City of Erie and other potential users.

6. The proposal received support from a considerable number of cities and towns throughout most areas of the country. They had evidently seen the system demonstrated, and their comments indicate that should the frequency 39.06 Mc/s be made available for the control of traffic signals from emergency mobile units they would be interested in installing such systems. Since the City of Erie is the only governmental entity holding a developmental authorization permitting this operation, its comments naturally contain the only real substantive evidence in support of the proposal. Its engineering data concerning its actual tests both under controlled conditions and while in use on a regular day-by-day basis in Erie lead to two conclusions. First, predicated on the low power which must be used on this frequency, the system does not receive interference from other units operating on this frequency, nor does it appear likely that it will cause such interference to other systems. Secondly, based on its observations of how its system has worked during emergencies in the City of Erie itself, this mode of traffic signal control by appropriate vehicles seems to be a valid aid in enabling these vehicles to reach the scene of the emergency more rapidly with less danger to themselves and to other traffic and pedestrians.

7. The City of Erie also refuted the contention of APCO that this proposal would result in the "piecemeal" loss of a police radio frequency; "* * * authorizing the 39.06 Mc/s emergency traffic light control device operation does not constitute a 'loss' of the frequency to the police. In fact, insofar as installation of the device in police cars would assist the police in arriving at the scene of crime or disaster, it would seem to constitute an augmentation of radio use for the police rather than a loss." The City defended its request to use the frequency 39.06 Mc/s on the grounds that it is being sparsely used by police licensees now and that it contains a 3 watt power limitation, thus making it ideal from an interference standpoint. Finally, Erie insists that the need for vehicular control of traffic signals is immediate and hence resists the APCO suggestion that alternative frequencies for this purpose be explored. It contends that this is unnecessary and will result in needless time-wasting.

8. Since, as was stated previously, there is unanimity that the proposal has merit, the sole question is whether provision for this type of operation should be made immediately by making the frequency 39.06 Mc/s available to the Local Government Radio Service, so that a device capable of controlling traffic signals can be installed in emergency vehicles. Alternatively, another frequency could be selected and appropriate rule making procedures initiated. The Commission is persuaded that the frequency 39.06 Mc/s should be made available for this purpose immediately. It should be emphasized that the Police Radio Service is not losing a frequency; licensees thereunder can continue their surveillance operations. It must also be recognized that heretofore police users have made extremely limited usage of this frequency, and, even conceding APCO's contention that this situation is due to change, all available evidence indicates that both functions can be accommodated on the same frequency compatibly. Further, even assuming arguendo that in a given locale the police needs on the frequency 39.06 Mc/s preclude sharing with emergency vehicles, the governmental entity licensee can simply elect not to so equip the emergency vehicles thus enabling its police department to use this frequency unilaterally.

9. It is, of course, possible to institute "substitute" rule making to make a different frequency available to the Local Government Radio Service for the purposes under consideration herein in lieu of the frequency 39.06 Mc/s. In view of the Commission's outstanding notice of proposed rule making in docket No. 14356 which would make the frequencies 46.54, 46.56, 46.58, and 46.60 Mc/s available to the Local Government Radio Service, this alternative may seem superficially attractive. However, there is a current shortage of available Local Government frequencies. To place a power restriction on one of these frequencies (which is necessary if the traffic control system proposed is to operate properly) and thus severely limit its use would not represent efficient frequency utilization. Similarly, amending the Rules to adopt one of the existing Local Government frequencies for vehicular traffic signal control would unnecessarily reduce the number of base-mobile frequencies available to this service and would undoubtedly require some present licensees to shift frequencies. Hence, selecting a substitute frequency for this purpose does not appear to be feasible.

10. In summary, the Commission concludes that there is a demonstrable immediate need for the control of traffic signals in emergencies by emergency vehicles using low power equipment. Further, in view of the fact that the frequency 39.06 Mc/s now contains a 3 watt power limitation and has been sparsely used by the Police Radio Service, it appears that shared usage by that service and the Local Government Radio Service—both consisting solely of governmental entities—is feasible and in terms of frequency utilization is desirable.

Therefore, it is ordered, This 17th day of January 1962, that effective February 26, 1962, Part 10 be amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: January 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Part 10 of the rules is amended as follows:

Section 10.555, paragraph (d) is amended, the frequency table in paragraph (f) is amended by adding in numerical sequence a new entry for the frequency 39.06 Mc/s, and paragraph (g) is amended by the addition of a new subparagraph (7).

§ 10.555 Frequencies available to the Local Government Radio Service.

* * * * *

(d) Normally, no more than two frequencies will be assigned unless a request therefor is adequately supported by a satisfactory showing of need, provided that request for operation on the frequency 39.06 Mc/s will be approved upon satisfactory showing of a need even though the licensee already has been assigned two other frequencies or provided that an applicant who obtains authorization to operate on the frequency 39.06 Mc/s shall still be allowed to request and obtain two other frequency assignments in this service.

* * * * *

(f) * * *

Frequency or band	Class of station(s)	Limitations
Mc/s		
39.06	Mobile	7

* * * * *

(g) * * *

(7) Available for assignment: *Provided*, That the maximum plate input power to the final radio frequency stage of any transmitter authorized to operate on this frequency shall not exceed 3 watts.

[F.R. Doc. 62-855; Filed, Jan. 24, 1962; 8:53 a.m.]

[Docket No. 14253; FCC 62-73]

PART 11—INDUSTRIAL RADIO SERVICES

Available Frequencies

In the matter of amendment of Parts 2 and 11 of the Commission's rules and regulations to substitute frequencies in the 406–420 Mc/s band available for assignment to non-Government stations transmitting hydrological and meteorological data in cooperation with agencies of the Federal Government, Docket No. 14253.

The Commission having under consideration the amendment of Parts 2 and 11 in the above-captioned matter;

It appearing that notice of proposed rule making in the above-entitled matter was adopted on September 13, 1961; and

It further appearing that notice of proposed rule making, which made provision for filing comments by October 27, 1961, and comments in reply by November 7, 1961, was duly published in the FEDERAL REGISTER on September 20, 1961 (26 F.R. 8854); and

It further appearing that no comments or reply comments were received in this proceeding; and

It further appearing that no reason appears why the amendments should not be adopted as proposed and that the public interest would be served thereby; and

It further appearing that subsequent to the adoption and release of our notice of proposed rule making in this proceeding, the rules format of one of the radio services affected, the Forest Products Radio Service, was substantially revised by Commission Order (26 F.R. 9033, September 26, 1961, and Erratum 26 F.R. 9816, October 19, 1961). Because of this change in the rules format, the material below will reflect an amendment to the Forest Products Radio Service rules which is different, both in numerical designation and in form, from that which appeared in our original notice. The substance, however, of the amendment proposed and the amendment ordered is the same.

It further appearing that the amendments to Footnote US25 proposed in the notice of September 13, 1961, were inadvertently included, with US25 renumbered as US13, with changes made by the Second Memorandum Opinion and Order in Docket No. 13928, released October 25, 1961 (FCC61-1235), published in the FEDERAL REGISTER of November 15, 1961 (26 F.R. 10855), and that no further amendment of this Footnote is necessary at this time with respect to the 406 and 412 Mc frequencies; and

It further appearing that the authority for the issuance of this Order is contained in section 303 (c), (f), and (r) of the Communications Act of 1934, as amended;

It is ordered, That Part 11 of the Commission's rules be amended effective February 26, 1962, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: January 17, 1962.

Released: January 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 11.254(a) of the Commission's rules and regulations is amended by deleting from the tabulation of frequencies, entries beginning 406.050 Mc/s and ending 412.750 Mc/s and substituting the following:

Frequency or band	Class of station(s)	Limitations
406.025	Operational fixed	4, 6
406.075	do	4, 6
406.125	do	4, 6
406.175	do	4, 6
412.625	do	4, 6
412.675	do	4, 6
412.725	do	4, 6
412.775	do	4, 6

2. Section 11.304(a) of the Commission's rules and regulations is amended by deleting from the tabulation of frequencies, entries beginning 406.050 Mc/s and ending 412.750 Mc/s and substituting the following:

Frequency or band	Class of station(s)	Limitations
406.025	Operational fixed	2, 4
406.075	do	2, 4
406.125	do	2, 4
406.175	do	2, 4
412.625	do	2, 4
412.675	do	2, 4
412.725	do	2, 4
412.775	do	2, 4

3. Section 11.354(a) of the Commission's rules and regulations is amended by deleting from the tabulation of frequencies, entries beginning 406.050 Mc/s and ending 412.750 Mc/s and substituting the following:

Frequency or band	Class of station(s)	Limitations
406.025	Operational fixed	2, 4
406.075	do	2, 4
406.125	do	2, 4
406.175	do	2, 4
412.625	do	2, 4
412.675	do	2, 4
412.725	do	2, 4
412.775	do	2, 4

4. Section 11.504(a) of the Commission's rules and regulations is amended by deleting from the tabulation of frequencies, entries beginning 406.050 Mc/s and ending 412.750 Mc/s and substituting the following:

Frequency or band	Class of stations	General reference	Limitations
406.025	Operational fixed.	Hydrological	4, 6
406.075	do	do	4, 6
406.125	do	do	4, 6
406.175	do	do	4, 6
412.625	do	do	4, 6
412.675	do	do	4, 6
412.725	do	do	4, 6
412.775	do	do	4, 6

5. Section 11.554(a) of the Commission's rules and regulations is amended by deleting from the tabulation of frequencies, entries beginning 406.050 Mc/s and ending 412.750 Mc/s and substituting the following:

Frequency or band	Class of stations	General reference	Limitations
406.025	Operational fixed.	Hydrological	4, 6
406.075	do	do	4, 6
406.125	do	do	4, 6
406.175	do	do	4, 6
412.625	do	do	4, 6
412.675	do	do	4, 6
412.725	do	do	4, 6
412.775	do	do	4, 6

[F.R. Doc. 62-854; Filed, Jan. 24, 1962; 8:53 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

PART 205—REPORTS OF MOTOR CARRIERS

Motor Carrier Annual Report Form E (Other Than Class I Carriers of Passengers) [1]

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 29th day of November A.D. 1961.

It appearing that the matter of annual reports of motor carriers of passengers other than Class I carriers being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 205.4 of the order dated June 23, 1960, in the matter of *Motor Carrier Annual Report Form E (Other than Class I Carriers of Passengers)* be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1961, and subsequent years to read as shown below.

It is further ordered, That 49 CFR 205.4 be, and it is hereby, modified and amended to read as follows:

§ 205.4 Annual reports of carriers of passengers other than Class I carriers.

Commencing with the year ended December 31, 1961, and for subsequent

[1] Form filed as part of original document.

years thereafter, until further order, all motor carriers of passengers other than Class I carriers, as defined in § 181.02-1 of this chapter, viz., carriers having gross operating revenues (including interstate and intrastate) of less than $200,000 annually from passenger motor carrier operations, are required to file annual reports in accordance with Motor Carrier Annual Report Form E (passenger), which is attached to and made a part of this section.[1] Such report shall be filed in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before April 30 of the year following the year to which it relates.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

And it is further ordered, That a copy of this order and of motor carrier annual report Form E (passenger) shall be served on all motor carriers of passengers (other than Class I carriers of passengers) and upon every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by posting a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-842; Filed, Jan. 24, 1962; 8:51 a.m.]

[Ex Parte No. MC-43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

Augmenting Equipment

At a session of the Interstate Commerce Commission, Motor Carrier Board No. 3, held at its office in Washington, D.C., on the 10th day of January A.D. 1962.

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Petition of National Tank Truck Carriers, Inc., filed August 25, 1961, seeking modification of § 207.4(a)(3)(ii) of this part (49 CFR 207.4(a)(3)(ii)) with respect to vehicles of tank truck carriers used in the transportation of dry commodities in bulk; and

(2) Reply filed October 2, 1961, by Class I Railroads; and

It appearing that it will be consistent with the purposes of the regulations prescribed in this part to grant the relief sought, and good cause appearing therefor; and

It further appearing that the modification requested will provide a limited exemption from certain general requirements heretofore applicable, and for good cause it is found that notice and public procedure pursuant to section 4 of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) is unnecessary:

It is ordered, That § 207.4(a)(3)(ii) be, and it is hereby, amended to read as follows:

§ 207.4 Augmenting equipment.

(a) • • •

(3) • • •

(ii) *Automobile and tank truck carriers.* That equipment owned by an automobile carrier or tank truck carrier or held by such authorized carriers under lawful leases and used in the transportation of motor vehicles or commodities in bulk, respectively, may be leased or subleased to other such authorized carriers.

(Sec. 204, 49 Stat. 546, as amended, 49 U.S.C. 304)

It is further ordered, That this order shall become effective February 9, 1962, and shall continue in effect until the further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commisison, Motor Carrier Board No. 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-841; Filed, Jan. 24, 1962; 8:51 a.m.]

[1] Form filed as part of original document.

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

DINOSAUR NATIONAL MONUMENT, UTAH-COLORADO

Proposed Stock Grazing

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), Department Order 2640 (16 F.R. 5846), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Region Two, Order No. 3 (21 F.R. 1494), as amended, it is proposed to amend Title 36 CFR 7 as set forth below. The purpose of this amendment is to establish suitable and reasonable stock grazing regulations in accordance with the Act of September 8, 1960 (74 Stat. 857, Public Law 86-729), to administer the grazing activities within the boundaries of Dinosaur National Monument.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Dinosaur National Monument, 91 West Main, Room 12, Cooper Building, Vernal, Utah, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Paragraph (b) is added to the new § 7.63 of Part 7 to read as follows:

§ 7.63 Dinosaur National Monument.

• • • • • •

(b) *Stock grazing.* (1) Privileges for the grazing of domestic livestock based on authorized used of certain areas at the time of approval of the act of September 8, 1960 (74 Stat. 857, Public Law 86-729), shall continue in effect or shall be renewed from time to time, except for failure to comply with such terms and conditions as may be prescribed by the Superintendent in these regulations and after reasonable notice of default and subject to the following provisions of tenure:

(i) Grazing privileges appurtenant to privately owned lands located within the Monument shall not be withdrawn until title to the lands to which such privileges are appurtenant shall have vested in the United States except for failure to comply with the regulations applicable thereto after reasonable notice of default.

(ii) Grazing privileges appurtenant to privately owned lands located outside the Monument shall not be withdrawn for a period of twenty-five years after September 8, 1960, and thereafter shall continue during the lifetime of the original permittee and his heirs if they were members of his immediate family as described herein except for failure to comply with the regulations applicable thereto after reasonable notice of default.

(iii) Members of the immediate family are those persons who are related to and directly dependent upon a person or persons, living on or conducting grazing operations from lands, as of September 8, 1960, which the National Park Service recognized as base lands appurtenant to grazing privileges in the monument. Such interpretation excludes mature children who, as of that date, were established in their own households and were not directly dependent upon the base lands and appurtenant grazing recognized by the National Park Service.

(iv) If title to base lands lying outside the monument is conveyed, or such base lands are leased to someone other than a member of the immediate family of the permittee as of September 8, 1960, the grazing preference shall be recognized only for a period of twenty-five years from September 8, 1960.

(v) If title to a portion or part of the base land either outside or inside the monument is conveyed or such base lands are leased, the new owner or lessee will take with the land so acquired or leased after September 8, 1960, such proportion of the entire grazing privileges as the grazing capacity in animal unit months of the tract conveyed or leased bears to the original area to which a grazing privilege was appurtenant and recognized. Conveyance or lease of all such base lands will automatically convey all grazing privileges appurtenant thereto.

(vi) Grazing privileges which are appurtenant to base lands located either inside or outside the monument as of September 8, 1960, shall not be conveyed separately therefrom.

(2) Where no reasonable ingress or egress is available to permittees or non-permittees who must cross monument lands to reach grazing allotments or non-Federal lands within the exterior boundary of the monument or adjacent thereto, the Superintendent will grant, upon request, a temporary nonfee annual permit to herd stock on a designated driveway which shall specify the time to be consumed in each single drive.

(3) After September 8, 1960, no increase in the number of animal unit months will be allowed on Federal lands in the monument.

(4)(i) A permittee whose privileges are appurtenant to base lands either inside or outside the monument may be granted total nonuse on a year to year basis not to exceed three consecutive years. Total nonuse beyond this time may be granted if necessitated for reasons clearly outside the control of the permittee. Total unauthorized nonuse beyond three consecutive years will result in the termination and loss of all grazing privileges.

(ii) Whenever partial or total non-use is desired an application must be made in writing to the Superintendent.

(5) Grazing fees shall be the same as those approved for the Bureau of Land Management and will be adjusted accordingly.

(6) Permittees or nonpermittees who have stock on Federal lands within the monument at any time or place, when or where herding or grazing is unauthorized may be assessed fifty cents per day per cow or horse and ten cents per day per sheep as damages.

(7) The Superintendent may accept a written relinquishment or waiver of any privileges; however, no such relinquishment or waiver will be effective without the written consent of the owner or owners of the base lands.

(8) Permits: Terms and conditions: The issuance and continued effectiveness of all permits will be subject, in addition to mandatory provisions required by Executive Order or law, to the following terms and conditions:

(i) The permittee and his employees shall use all possible care in preventing forest and range fires, and shall assist in the extinguishing of forest and range fires on, or within, the vicinity of the land described in the permit, as well as in the preservation of good order within the boundaries of the Monument.

(ii) The Superintendent may require the permittee before driving livestock to or from the grazing allotment to gather his livestock at a designated time and place for the purpose of counting the same.

(iii) Stock will be allowed to graze only on the allotment designated in the permit.

(iv) The permittee shall file with the Superintendent a copy of his stock brand or other mark.

(v) The permittee shall, upon notice from the Superintendent that the allotment designated in the permit is not ready to be grazed at the beginning of the designated grazing season, place no livestock on the allotment for such a period as may be determined by the Superintendent as necessary to avoid damage to the range. All, or a portion of the livestock shall be removed from the area before the expiration of the designated grazing season if the Superintendent determines further grazing would be detrimental to the range. The number of stock and the grazing period may be adjusted by the Superintendent at any time when such action is deemed necessary for the protection of the range.

(vi) No permit shall be issued or renewed until payment of all fees and other amounts due the National Park Service has been made. Fees for permits are due the National Park Service and must be paid at least 15 days in advance of the grazing period. No permit shall be effective to authorize grazing use thereunder until all fees and other

amounts due the National Park Service have been paid. A pro rata adjustment of fees will be made in the event of reduction of grazing privileges granted in the permit, except that not more than 50 percent of the total annual grazing fee will be refunded in the event reduced grazing benefits are taken at the election of the permittee after his stock are on the range.

(vii) No building or other structure shall be erected nor shall physical improvements of any kind be established under the permit except upon plans and specifications approved by the National Park Service. Any such facilities, structures, or buildings may be removed or disposed of to a successor permittee within three months following the termination of the permit; otherwise they shall become the property of the United States without compensation therefor.

(viii) The permittee shall utilize the lands covered by the permit in a manner approved and directed by the Superintendent which will prevent soil erosion thereon and on lands adjoining same.

(ix) The right is reserved to adjust the fees specified in the permit at any time to conform with the fees approved for the Bureau of Land Management, and the permittee shall be furnished a notice of any change of fees.

(x) All livestock are considered as mature animals at 6 months of age and are so counted in determining animal unit months and numbers of animals.

(xi) The Superintendent may prescribe additional terms and conditions to meet individual cases.

(9) The breach of any of the terms or conditions of the permit shall be grounds for termination, suspension, or reduction of grazing privileges.

(10) Appeals from the decision of the Superintendent to the Regional Director, and from the Regional Director to the Director shall be made in accordance with National Park Service Order No. 14, as amended (19 F.R. 8824) and Regional Director, Region Two Order No. 3, as amended (21 F.R. 1494).

(11) Nothing in these regulations shall be construed as to prevent the enforcement of the provisions of the General Rules and Regulations and the Special Rules and Regulations of the National Park Service or of any other provisions of said rules and regulations applicable to stock grazing.

EARL M. SEMINGSEN,
Superintendent,
Dinosaur National Monument.

[F.R. Doc. 62-860; Filed, Jan. 24, 1962; 8:54 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 673) has been filed by Merck and Company, Inc., Rahway, New Jersey, proposing the issuance of a regulation to provide for the safe use of disodium inosinate in food as a flavor-enhancer and modifier.

Dated: January 18, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-837; Filed, Jan. 24, 1962; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 17]

LABELING

Notice of Additional Time for Submitting Comments on Proposed Amendment Relating to Barbecued Meats

On December 21, 1961, there was published in the FEDERAL REGISTER (26 F.R. 12222) a notice of a proposed amendment of § 17.8 of the Meat Inspection Regulations (9 CFR 17.8), relating to barbecued meats, pursuant to the authority of the Meat Inspection Act (21 U.S.C. 71 et seq.) and section 306(b) of the Tariff Act of 1930 (19 U.S.C. 1306(b)). Interested persons were allowed 30 days to submit written data, views or arguments concerning the proposed amendment.

It has been determined that additional time should be allowed for submitting comments on the proposal. Therefore, any person who wishes to submit written data, views or arguments concerning the proposed amendment may do so by filing them with the Director, Meat Inspection Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 22d day of January 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-847; Filed, Jan. 24, 1962; 8:52 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1039]

[Docket No. AO-212-A11]

MILK IN MILWAUKEE, WISCONSIN MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Milwaukee, Wisconsin marketing area, which was issued December 22, 1961 (26 F.R. 12580) is hereby extended to February 3, 1962.

Signed at Washington, D.C., on January 22, 1962.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-836; Filed, Jan. 24, 1962; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 1, 6, 7, 8, 43]

[Reg. Docket No. 1040; Draft Release No. 62-2]

APPROVAL AND OPERATION OF ROTORCRAFT WITH EXTERNAL LOADS

Proposed Special Civil Air Regulation

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposed Special Civil Air Regulation concerning approval for rotorcraft to operate with external loads.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before March 26, 1962, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of the comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired.

In contrast to fixed-wing aircraft, rotorcraft have the unique ability to raise, lower, and transport external loads (for example, by means of a cable and hoist) and to tow objects on the surface. A considerable number of civil rotorcraft are now being used in such operations, and large "flying crane" helicopters are being designed.

While rotorcraft have been approved for use in the carriage of external cargo and the towing of objects on land or water surfaces in the restricted category under Part 8 of the Civil Air Regulations, this part does not permit the use of rotorcraft in operations for compensation or hire. Furthermore, approval under the standard certification requirements for rotorcraft in the configurations required for the carriage of all kinds of external cargo or for towing has not been accomplished primarily because of the difficulties encountered in showing full compliance with these requirements. Operations with external loads and the problems associated therewith were not considered at the time of the promulgation of either Part 6 or 7 of the Civil Air Regulations. Therefore, under the provision of Parts 6 and 7 compliance with the numerous flight characteristics requirements in those parts would have to be demonstrated for each anticipated external load configuration, resulting in a flight test program too burdensome and expensive to be considered by manufacturers of rotorcraft.

In view of the foregoing, the Agency considers it appropriate and in the public interest to permit a greater utilization of rotorcraft for the carriage of external cargo and towing under regulations which will insure that an adequate level of safety is maintained in such operations. Therefore, it is proposed to adopt a Special Civil Air Regulation containing provisions governing the approval of rotorcraft for use in the carriage of external cargo and in towing operations for compensation or hire and setting forth appropriate operating limitations applicable thereto.

The special regulation proposed herein establishes the specific requirements and operating limitations applicable to rotorcraft for which application has been made for the approval of such rotorcraft for use in operations involving the carriage of external cargo or the towing of objects on land or water surfaces. Such rotorcraft would be required to be certificated under Part 6 or 7 of the Civil Air Regulations. The rotorcraft would be limited to the certificated weights in operations conducted under the provisions of this regulation, except that a rotorcraft certificated under Category A of Part 7 could be approved for operation with a weight at which it could be shown to comply with the performance requirements of Category B of Part 7 and with the requirements of this regulation.

The applicant would define particular or representative external load weights and configurations for which he would be required to demonstrate compliance with specific strength and flight characteristics requirements. In addition, the proposed regulation would require demonstration that the rotorcraft is safely controllable while carrying the defined external loads. The results of these tests would be used to establish operating limitations for external loads, cargo configurations, weights, and airspeeds.

Since loads imposed during towing operations could exceed the loads imposed by the heaviest cargo that the rotorcraft is approved to carry, it is necessary to require that means be provided to avoid exceeding the load limitations of the rotorcraft. The direction at which a tow-line load is applied may be critical. If such is the case, this limitation would also be established and observed.

Where necessary to enable a safe emergency landing to be accomplished, a means for jettisoning external cargo or releasing tow lines would be required.

Certain phases of external loads operations may entail more risk for the occupants of the rotorcraft than is encountered during normal operations, therefore, the proposed regulation would limit occupancy during such operations to the flight crew and personnel necessary to perform the operation.

To protect the general public, the proposal would prohibit operation over congested areas with a rotorcraft carrying an external load which could be released in flight, or dropped as a result of any single structural failure. However, when justified by circumstances, special authorization for specific operations over congested areas might be granted by the Administrator.

An amendment to the Rotorcraft Flight Manual or an approved manual for external load operations would be required to inform the flight crew of the operating limitations and other information essential for safe operation of the rotorcraft.

In consideration of the foregoing, it is proposed to promulgate the following Special Civil Air Regulation:

1. *Applicability.* This regulation prescribes the requirements for the approval and use of a rotorcraft, type certificated under Part 6 or 7 of the Civil Air Regulations, in the carriage of external cargo, or the towing of objects on land or water surfaces for compensation or hire. As used in this regulation, external cargo means the cargo carried outside of the fuselage structure of a rotorcraft, the term "sling or hoist load" means an external cargo suspended by a rope or cable attached to a shackle, hoist, or similar device which is attached to the rotorcraft, and "external load" means external cargo and towing loads.

2. *Application for approval.* Any person may apply for approval under the provisions of this regulation. The applications for approval shall be submitted to the Chief, Flight Standards Division, Federal Aviation Agency, of the Region in which the applicant is located and shall contain the information required in this regulation.

3. *Requirements for approval.* Rotorcraft may be approved for use in operations involving the carriage of external cargo or the towing of objects on land or water surfaces if:

(a) The applicant has submitted data establishing and has demonstrated that the rotorcraft complies with the requirements of sections 4 through 6 of this regulation; and

(b) The Administrator finds, upon the completion of all tests and inspections, that there is no feature, characteristic, or condition of the rotorcraft which would render it unsafe when operated in accordance with the operating limitations established in section 7 of this regulation.

4. *Flight characteristics requirements.* Compliance with the flight characteristics requirements of paragraph (c) of this section shall be demonstrated for all the load configurations and weights established in accordance with paragraphs (a) and (b) of this section.

(a) *Rotorcraft maximum weight and center of gravity limitations.* The applicant shall select the maximum weight and the center of gravity limitations for which approval for carriage of external cargo or towing operations is desired. The weight and center of gravity limitations selected shall not exceed those limitations established in the basic certification of the rotorcraft, except that, for rotorcraft certificated under Category A of Part 7 of the Civil Air Regulations, a weight may be selected at which the rotorcraft is shown to meet the performance requirements of Category B of Part 7.

(b) *External load weights and configurations.* The applicant shall select and define the external load configurations and weights for which approval is desired. If the applicant elects not to select a particular configuration of sling and hoist loads to be carried, he shall select one or more of the representative configurations set forth in subparagraphs (1) through (3) of this paragraph. The limitations and procedures established for operation with external loads shall be based upon the characteristics of the load configuration(s) selected.

(1) A load with three dimensions of similar magnitude (high and/or low density bulky load).

(2) A load with one dimension no more than one-fifth of the smaller of the other two dimensions (flat-type load).

(3) A load with the length at least twelve times the larger of the other two dimensions or twelve times the diameter if a cylindrical load is selected (pole-type load).

(c) *Flight characteristics.* (1) It shall be possible to maintain a flight condition and to make a smooth transition from one flight condition to another without requiring an exceptional degree of skill, alertness, or strength on the part of the pilot, and without danger of exceeding the limit load factor, under all conditions of operation probable for the type of operation, including those conditions normally encountered in the event of sudden powerplant failure.

(2) The rotorcraft shall be demonstrated to be capable of safe operation on or near the ground under normal operating conditions in a 20 m.p.h. wind blowing from any direction.

(3) For each external load configuration selected in accordance with paragraph (b) of this section the flight characteristics required in subparagraph (1) of this paragraph shall be demonstrated for a speed range from hovering flight to a speed ten percent greater than the maximum allowable speed established for such external load configuration.

5. *Design requirements.* (a) The structure which supports the external load, including those portions of the airframe structure that are affected, and any mechanisms or devices which are used in the lifting and supporting of external loads shall comply with the applicable airworthiness requirements of Part 6 or 7 of the Civil Air Regulations.

(b) When external cargo that extends below the landing gear is carried by single-engine rotorcraft, or by multiengine rotorcraft that are not capable of continued hovering out of ground effect with one engine inoperative, or when an operation involving the raising or lowering by hoist or the dropping of cargo is being conducted with any rotorcraft, a means for jettisoning the cargo shall be provided. For towing operations, a means for releasing the tow line shall be provided. These means shall be demonstrated to function satisfactorily under the most critical loading condition, taking into account the direction of load application; and it shall be established that the cargo can be jettisoned in a manner such that it will not interfere with a one-engine-inoperative landing.

(c) When a means for jettisoning cargo or a tow-line release is required in compliance with paragraph (b) of this section, an emergency quick release control on the pilot's primary flight control or a manual mechanical emergency release readily accessible to the pilot shall be provided. This release control shall be clearly marked to indicate its purpose and method of operation.

(d) Means shall be provided to insure that during towing operations loading conditions on the rotorcraft which exceed the weight and center of gravity limits may be consistently avoided.

6. *Manual requirements.* (a) An approved amendment to the Rotorcraft Flight Manual or an approved manual for operation with external cargo or for towing, listing the types of such operations for which the rotorcraft is approved, shall be prepared by the applicant and shall include:

(1) The operating limitations, procedures, performance information, loading conditions, approved weights, center of gravity and cargo configurations, method of attaching and carrying all approved load configurations, towing load limitations, tow cable angle limitations, and information regarding possible critical configurations of load or manner of attaching the load; and

(2) A precautionary notice concerning hazards to personnel on the ground from static electricity.

(b) For the purpose of showing compliance with this regulation and during operations conducted in accordance with this regulation, the operating limitation established in compliance with § 7.741(f) of Part 7 of the Civil Air Regulations to outline the limiting heights and corresponding speeds for safe landing after power failure shall be classified as performance information.

7. *Operating limitations.* A rotorcraft approved under the provisions of this regulation for use in operations involving the carriage of external cargo or the towing of objects on land or water surfaces shall, when engaged in such operations, be operated in compliance with paragraphs (a) through (d) of this section.

(a) Occupancy of the rotorcraft shall be limited to the flight crew and such personnel as are necessary to carry out the operations and a placard stating this limitation shall be installed in the cockpit and/or the cabin.

(b) Operation over congested areas, towns, or settlements, or an open air assembly of persons of a rotorcraft carrying an external cargo which can be released in flight or which can drop as the result of any single likely structural failure is prohibited unless specific authority for such operation has been issued by the Administrator.

(c) Rotorcraft shall be operated in accordance with the specific airspeed limits established for operation with external cargo or for towing and the airspeed indicator markings shall include such airspeeds or a placard displaying such limitations shall be located adjacent to the airspeed indicator.

(d) Rotorcraft shall be operated only with the external load configurations and weights for which the capability of the rotorcraft has been demonstrated in accordance with this regulation and which are set forth in the required manual.

This regulation is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

Issued in Washington, D.C., on January 18, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

JANUARY 18, 1962.

[F.R. Doc. 62-804; Filed, Jan. 24, 1962; 8:46 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61-LA-47]

FEDERAL AIRWAYS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6025, 600.6027, and 600.6485 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 25 is designated in part from the Santa Barbara, Calif., VORTAC to the Los Angeles, Calif., VOR. Low altitude VOR Federal airway No. 27 is designated in part from the Gaviota, Calif., VOR to the Los Angeles, Calif., VOR. Low altitude VOR Federal airway No. 485 is designated in part from the Fellows, Calif., VOR to the Oxnard, Calif., VOR. Approval from the appropriate authority is required prior to use of the portions of these airways which lie within Restricted Areas R-2519 and R-2520. The Federal Aviation Agency has under consideration a reduction in width to a six-mile wide airway for Victor 25 and Victor 27 from the intersection of the Oxnard VOR 155° and Fillmore, Calif., VORTAC 196° True radials to the intersection of the Oxnard VOR 331° and the Fillmore VORTAC 222° True radials, and for Victor 485 from the Oxnard VOR to the intersection of the Oxnard VOR 331° and the Fillmore VORTAC 222° True radials.

The proposed reduction in airway width would permit simultaneous use of these airway segments and operations within R-2519 and R-2520. The control areas associated with these segments of Victor 25, 27, and 485 are so designated that they would automatically conform to the altered airway segments. The vertical extent of these control areas would remain as designated pending review of the adjacent airspace. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 19, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-794; Filed, Jan. 24, 1962; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61-NY-45]

FEDERAL AIRWAYS

Proposed Designation and Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 600, and §§ 600.1503 and 600.1548 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of intermediate altitude VOR Federal airway No. 1501 from the Cape Charles, Va., VOR; 8-mile wide airway to the Snow Hill, Md., VOR; thence 10-mile wide airway via the Sea Isle, N.J., VOR; intersection of the Sea Isle VOR 049° and the Hampton, N.Y., VOR 223° True radials to the Hampton VOR, including the additional airspace between lines diverging from the Sea Island VOR to points of tangency to a circle with a 9-statute mile radius centered at the intersection of the Sea Isle VOR 049° and the Hampton VOR 223° True radials; within the circumference of the circle and between lines tangent to that circle converging to the Hampton VOR. The designation of the segment of Victor 1501 between the Sea Isle VOR and the Hampton VOR where the 5° angle from the airway centerline exceeds the 10-mile airway width would assure adequate lateral protection for aircraft operating at the maximum distance from widely separated navigational aids, where minute errors, either in ground or airborne equipment, could result in more than 5 statute miles deviation from the airway centerline. The designation of Victor 1501 would provide a bypass route east of the New York terminal area for intermediate air traffic operating between southern and New England terminals. Portions of the airway would be reduced in width to provide lateral separation from Victor 1503 as proposed herein, Chincoteague Inlet, Va., Restricted Area R-6604, and Bethany Beach, Del., Restricted Area R-2801. The designation of Victor 1501 would also correspond to the alterations to low altitude VOR Federal airway No. 139 as designated in Airspace Docket No. 61-NY-50 (26 F.R. 10475), so that the offshore portion of these airways would coincide.

Intermediate altitude VOR Federal airway No. 1503 extends in part from the Salisbury, Md., VOR as a 10-mile wide airway via the intersection of the Woodstown, N.J., VOR 154° and the Coyle, N.J., VOR 203° True radials; Coyle VOR; intersection of the Coyle VOR 058° and the Riverhead, N.Y., VOR 218° True radials; to the Riverhead VOR. It is proposed to alter this segment of Victor 1503 by realigning it from the Salisbury VOR as a 10-mile wide airway via the intersection of the Salisbury VOR 025° and the Coyle VOR 215° True radials; the Coyle VOR; intersections of the Coyle VOR 057° and the Riverhead, N.Y., VOR 218° True radials; to the Riverhead VOR. The proposed realignment of Victor 1503 would permit the designation of Victor 1501 proposed herein. The reduced airway width would provide lateral separation from the Dover, Del., Restricted Area/Military Climb Corridor R-2803, and from intermediate altitude airway No. 1501.

Intermediate altitude VOR Federal airway No. 1548 extends in part as a 10-mile wide airway from the Coyle, N.J., VOR via the intersection of the Coyle VOR 058° and the Riverhead, N.Y., VOR 218° True radials; to the Riverhead VOR. It is proposed to realign Victor 1548 from the Coyle VOR as a 10-mile wide airway via the intersection of the Coyle VOR 057° and the Riverhead, N.Y., VOR 218° True radials; to the Riverhead VOR. The minor alteration proposed to Victor 1503 and Victor 1548 north of Coyle VOR would maintain conformity with the alignment of low altitude VOR Federal airway No. 16.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under sections 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on January 19, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R Doc. 62-795; Filed, Jan. 24, 1962; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61-NY-63]

FEDERAL AIRWAYS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.1534, 600.1505, and 600.1540 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1534 is designated in part from the Martinsburg, W. Va., VOR as a 16-mile wide airway via the intersection of the Martinsburg VOR 081° and the Pottstown, Pa., VOR 237° True radials; to the Pottstown VOR; thence as a 10-mile wide airway to the Solberg, N.J., VOR. Intermediate altitude VOR Federal airway No. 1540 is designated in part from the Herndon, Va., VOR as a 10-mile wide airway to the intersection of the Herndon VOR 038° and the Martinsburg, W. Va., VOR 081° True radials. Intermediate altitude VOR Federal airway No. 1505 is designated in part from the Pottstown, Pa., VOR as a 10-mile wide airway to the Solberg, N.J., VOR.

The Federal Aviation Agency has under consideration the following alterations to these airway segments:

1. Redesignate the Martinsburg-Solberg segment of Victor 1534 from the Martinsburg VOR as a 12-mile wide airway to the intersection of the Martinsburg VOR 058° and the Harrisburg, Pa., VOR 165° True radials; thence as a 16-mile wide airway via the intersection of the Martinsburg VOR 058° and the Pottstown VOR 260° True radials; Pottstown VOR; intersection of the Pottstown VOR 058° and the Solberg VOR 242° True radials to the Solberg VOR.

2. Extend Victor 1540 from the Herndon VOR as a 10-mile wide airway to the intersection of the Herndon VOR 038° and the West Chester, Pa., VOR 253° True radials; thence as a 12-mile wide airway to the West Chester VOR; thence as a 10-mile wide airway to the Solberg VOR.

3. Redesignate the Pottstown-Solberg segment of Victor 1505 from the Pottstown VOR via the intersection of the Pottstown VOR 058° and the Solberg VOR 242° True radials to the Solberg VOR.

These proposed actions would provide a dual intermediate altitude airway structure between Solberg and Washington, D.C., for air traffic operating between New York, N.Y./Philadelphia, Pa., and Washington. Victor 1540 would generally overlie low altitude VOR Federal airway No. 3 and Victor 1534 overlying low altitude VOR Federal airway No. 251. This conformity would permit air traffic to transition between the two airway structures.

The proposed airway width reduction to Victor 1540 and Victor 1534 would provide lateral separation between them and between Victor 1540 and other adjacent intermediate airways. The proposed realignment of Victor 1534 and Victor 1505 between the Pottstown VOR and the Solberg VOR is necessary to provide angular separation with the proposed Victor 1540 at the Solberg VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 19, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-796; Filed, Jan. 24, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-KC-47]

FEDERAL AIRWAY, ASSOCIATED CONTROL AREAS AND REPORTING POINTS

Proposed Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Low altitude Red Federal airway No. 23 extends from Lakehead, Ontario, Canada, to Buffalo, N.Y. The Federal Aviation Agency is considering revoking the portion of this airway within the United States. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that the route from Lakehead to Buffalo is adequately served by a combination of low altitude VOR Federal airways Nos. 470, 462, 300, and 36. Therefore, it appears that the retention of this airway is unjustified as an as-

signment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke the United States portion of Red 23, its associated control areas and reporting points. Adoption of this proposal would not result in the discontinuance of the low frequency navigational aids associated with this airway. Any proposals to discontinue one or more of these aids would be circularized separately and interested persons would be afforded an opportunity to comment.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 19, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-797; Filed, Jan. 24, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-LA-75]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to §§ 600.6212 and 601.6212 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 212 extends from Ukiah, Calif., to Williams, Calif. The FAA has under consideration the revocation of this airway and its associated control areas. Two recent traffic surveys indicate no instrument flight rule traffic on this airway during the area's most active periods. In addition, the area between Ukiah and Williams is apparently adequately served by VOR Federal airway No. 200. It would appear, therefore, that retention of this airway is unjustified as an assignment of controlled airspace.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 19, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-798; Filed, Jan. 24, 1962; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61-WA-111]

JET ADVISORY AREA

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.300 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a terminal radar jet advisory area at Memphis, Tenn. The en route radar jet advisory areas which presently overlie the Memphis terminal area are not adequate for the transition of civil turbojet aircraft to and from the jet route system while arriving and departing the Memphis terminal area. Accordingly, it is proposed to designate the Memphis, Tenn., radar terminal jet advisory area as the airspace between FL 240 and FL 390 inclusive, which lies within and 16 miles beyond the limits of the area described below:

From the Farmington, Mo., VORTAC to the Dyersburg, Tenn., VORTAC; to the Holly Springs, Miss., VOR; to the Greenwood, Miss., VOR; via the intersection of the Greenwood VOR 357° and the Pine Bluff, Ark., VOR 082° True radials to the Pine Bluff VOR; to the Little Rock, Ark., VORTAC; via the intersection of the Little Rock VORTAC 062° and the Walnut Ridge, Ark., VOR 188° True radials to the Walnut Ridge VOR; to the Farmington VORTAC.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 19, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-799; Filed, Jan. 24, 1962; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61-WA-209]

JET ADVISORY AREA

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.200 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of an en route radar jet advisory area within 16 miles either side of Jet Route No. 20 from flight level 240 to 390 between Orlando, Fla., and Jackson, Miss. By definition (§ 602.2 (26 F.R. 7079)), the jet advisory area would not occupy that airspace within restricted areas along Jet Route No. 20 which have not been

listed in § 601.7101 (26 F.R. 1399) as part of the continental control area.

The designation of this proposed en route radar jet advisory area would provide a defined area wherein jet advisory service would be provided to civil turbojet aircraft while operating on J-20 between Orlando and Jackson.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 19, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-800; Filed, Jan. 24, 1962; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61-WA-218]

JET ADVISORY AREA

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to § 602.200 of the regulations of the Administrator, the substance of which is stated below.

Radar jet advisory service is now provided from flight level 240 to flight level 390, inclusive, on the segment of Jet Route No. 41 from the Memphis, Tenn., VORTAC to the Springfield, Mo., VORTAC. This service is provided in part by FAA personnel assigned to the Walnut Ridge, Ark., AC&W site. It has been determined that adequate radar advisory service can be provided from the Memphis and Kansas City, Mo., ARTCCs from flight level 260 to flight level 390, inclusive, on this segment of J-41.

The FAA has under consideration placing a floor of flight level 260 on the segment of J-41 between Memphis and Springfield, which will permit the withdrawal of the FAA personnel from the Walnut Ridge AC&W site.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received with forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 19, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-801; Filed, Jan. 24, 1962; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61-WA-137]

JET ROUTE AND JET ADVISORY AREA

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 602.100 and 602.200 of the regulations of the Administrator, the substance of which is stated below.

Jet Route No. 70 presently extends from Seattle, Wash., to Idlewild, N.Y. The Federal Aviation Agency has under consideration extension of this jet route and its associated en route radar jet advisory area from Seattle to the intersection of the Seattle VORTAC 247° and the Portland, Oreg., VORTAC 318° True radials where it would join control area 1418. Aircraft presently operating between Seattle and Honolulu use the segment of Jet Route No. 93 from Seattle to Newport, Oreg. (intersection of the Medford VOR 339° and the Portland, Oreg., 222° True radials), when arriving and departing the Seattle terminal area. Extending Jet Route No. 70 from Seattle to the intersection of the Seattle 247° and the Portland 318° True radials would provide an arrival and departure route 46 nautical miles shorter than the present route. This would facilitate air traffic services and improve terminal area procedures. Radar advisory service would be provided civil turbojet aircraft operating on this proposed jet route segment. This proposed jet route segment would not traverse any high altitude refueling areas.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received with forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 19, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-802; Filed, Jan. 24, 1962; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61-WA-169]

JET ROUTE AND JET ADVISORY AREA

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to §§ 602.100 and 602.200 of the regulations of the Administrator, the substance of which is stated below.

Jet Route No. 4 presently extends in part from Dallas, Texas, to Florence, S.C. The Federal Aviation Agency has under consideration the extension of J-4 from Florence to Wilmington, N.C., which will provide an alternate routing for jet aircraft operating between southern terminals and the New York Metropolitan area.

A radar jet advisory area presently exists on J-4 from Los Angeles, Calif., to Dallas. The FAA has under consideration the extension of this radar jet advisory area from flight level 240 to flight level 390 inclusive, within 16 miles either side of the segment of J-4 from Dallas to Wilmington.

The designation of this proposed en route radar jet advisory area would provide defined areas wherein jet advisory service would be provided to civil turbojet aircraft while operating on J-4 between Dallas and Wilmington.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 19, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-803; Filed, Jan. 24, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group No. 407]

CALIFORNIA

Notice of Filing of Plats of Survey

JANUARY 18, 1962.

1. Plats of survey of the lands described below will be officially filed in the Land Office, Riverside, California, effective at 10:00 a.m., January 25, 1962.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 1 N., R. 20 E.,
Sec. 16: All;
Sec. 36: All.

The area described aggregates 1,280.00 acres.

T. 1 N., R. 21 E.,
Sec. 15: All;
Sec. 16: All;
Sec. 22: All;
Sec. 27: All;
Sec. 34: N½, SW¼.

The area described aggregates 3,040.00 acres.

T. 1 N., R. 25 E.,
Sec. 16: Lots 5, 6, 7, 8, NW¼, NW¼SW¼.

The area described aggregates 316.32 acres.

T. 2 N., R. 20 E.,
Sec. 16: All;
Sec. 36: All.

The area described aggregates 1,280.00 acres.

T. 2 N., R. 21 E.,
Sec. 16: All;
Sec. 22: All.

The area described aggregates 1,280.00 acres.

T. 2 N., R. 23 E.,
Sec. 16: Lots 1, 2, 3, 4, NE¼, NW¼, N½SW¼, N½SE¼;
Sec. 17: Lots 1 to 9 incl., SE¼NE¼, E½SE¼.

The area described aggregates 1,129.10 acres.

T. 2 N., R. 25 E.,
Sec. 16: All;
Sec. 36: Lot 3.

The area described aggregates 677.83 acres.

T. 3 N., R. 19 E.,
Sec. 36: All.

The area described aggregates 640.00 acres.

T. 3 N., R. 20 E.,
Sec. 16: All;
Sec. 36: All.

The area described aggregates 1,280.00 acres.

T. 3 N., R. 21 E.,
Sec. 16: All;
Sec. 36: All.

The area described aggregates 1,280.00 acres.

T. 3 N., R. 23 E.,
Sec. 16: All;
Sec. 36: All.

The area described aggregates 1,280.00 acres.

T. 3 N., R. 24 E.,
Sec. 16: All;
Sec. 36: All.

The area described aggregates 1,280.00 acres.

T. 4 N., R. 19 E.,
Sec. 36: All.

The area described aggregates 640.00 acres.

T. 4 N., R. 20 E.,
Sec. 16: All;
Sec. 36: All.

The area described aggregates 1,280.00 acres.

T. 4 N., R. 21 E.,
Sec. 15: Lots 1 to 12 incl.;
Sec. 16: Lots 1 to 12 incl., W½NW¼, W½SW¼.

The area described aggregates 1,117.78 acres.

T. 5 N., R. 19 E.,
Sec. 36: Lots 1 to 6 incl., NE¼, E½NW¼, E½SW¼, SE¼.

The area described aggregates 734.76 acres.

T. 5 N., R. 20 E.,
Sec. 15: Lots 1 to 4 incl., W½NE¼, NW¼, SW¼, W½SE¼;
Sec. 16: All;
Sec. 22: Lots 1 to 4 incl., W½NE¼, NW¼, SW¼, W½SE¼;
Sec. 27: Lots 1 to 4 incl., W½NE¼; NW¼, SW¼, W½SE¼;
Sec. 34: Lots 1 and 2, NE¼, NW¼, SW¼, W½SE¼.

The area described aggregates 3,177.84 acres.

2. Except for and subject to valid existing rights, it is presumed that title to all of the sec. 16 and sec. 36 lands above described passed to the State of California upon acceptance of the above mentioned plats of survey.

3. Land use characteristics:

SAN BERNARDINO MERIDIAN, CALIFORNIA

The lands in T. 1 N., R. 21 E., are located on the southeastern slope of the Turtle Mountains. The topography is rough and eroded; vegetation is sparse, consisting of creosote bush and annual grasses. The lands have no known use.

The land in T. 2 N., R. 21 E., is located on the northeastern slope of the Turtle Mountains. Topography is rough and eroded; vegetation is sparse, consisting of creosote bush and annual grasses. The land has no known use.

The land in T. 2 N., R. 23 E., is located on the southern edge of the Whipple Mountains. It is rough and broken; vegetation is sparse, consisting of yucca and annual grasses. The land has no known use.

The land in T. 4 N., R. 21 E., is on the northern slope of the Turtle Mountains. The land is fairly level, with an average elevation of 1600 feet. Vegetation consists of creosote bush, yucca, and annual grasses. The land has no known use.

4. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws, rules, and regulations.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their application, setting forth all facts relevant to their claims.

6. Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, 1414 8th Street, Riverside, California.

OLIVER W. JOHNSON, Jr.,
Acting Manager,
Riverside Land Office.

[F.R. Doc. 62-826; Filed, Jan. 24, 1962; 8:49 a.m.]

CALIFORNIA

Notice of Amendment and Partial Termination of Proposed Withdrawal and Reservation of Lands

JANUARY 17, 1962.

Notice of an application Serial No. Sacramento 050069, for withdrawal and reservation of lands, was published as FEDERAL REGISTER Document No. 60-10093 on pages 10323 and 10324 of the issue for October 27, 1960. The description of certain lands involved in the proposed withdrawal application is hereby amended to conform to the official survey plats to read as follows:

MOUNT DIABLO MERIDIAN

PLUMAS NATIONAL FOREST

Roadside Zone Along the U.S. Highway No. 40-A

A strip of land 200 feet on each side of the center line of the U.S. Highway No. 40-A through the following legal subdivisions:

T. 23 N., R. 5 E.,
Sec. 28: Lots 2, 3, and 4, SE¼SW¼.
T. 25 N., R. 8 E.,
Sec. 18: Lots 2, 3, and 6, SW¼NE¼, SW¼SE¼.
T. 24 N., R. 10 E.,
Sec. 22: Lots 2, 3, 4, and 5.
T. 23 N., R. 11 E.,
Sec. 10: Lots 5, 6, and 7.

The applicant agency has added the following lands to the application:

MOUNT DIABLO MERIDIAN

PLUMAS NATIONAL FOREST

Roadside Zone Along the Gold Lake County Road

A strip of land 200 feet wide on each side of the center line of the Gold Lake County Road through the following legal subdivisions:

T. 21 N., R. 12 E.,
Sec. 5: Lots 1 and 2, SE¼NE¼, E½SE¼.
T. 22 N., R. 12 E.,
Sec. 22: SE¼SW¼.

Roadside Zone Along the U.S. Highway No. 40–A

A strip of land 200 feet wide on each side of the center line of the U.S. Highway No. 40–A through the following legal subdivisions:

T. 22 N., R. 12 E.,
Sec. 4: E½SE¼SW¼;
Sec. 14: SW¼NE¼, NW¼SE¼, N½NE¼SE¼.
T. 22 N., R. 13 E.,
Sec. 18: N½NE¼NW¼.
T. 23 N., R. 11 E.,
Sec. 8: E½NE¼NE¼;
Sec. 9: W½NW¼NW¼, SE¼NW¼.
T. 23 N., R. 12 E.,
Sec. 19: Lot 1, N½ Lot 2, SE¼NW¼;
Sec. 29: W½SW¼SW¼;
Sec. 30: NE¼NW¼, E½SE¼SE¼;
Sec. 32: SW¼NW¼.
T. 24 N., R. 11 E.,
Sec. 30: Lot 37.

The above-described land added to the aplication aggregates approximately 684.16 acres of public land.

The applicant agency has cancelled its application insofar as it involved the land described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m. on February 19, 1962, relieved of the segregative effect of the above-mentioned application.

The lands terminated are:

MOUNT DIABLO MERIDIAN

PLUMAS NATIONAL FOREST

Roadside Zone Along the California State Highway No. 89

A strip of land 200 feet on each side of the center line of Highway No. 89 through the following legal subdivisions:

T. 25 N., R. 9 E.,
Sec. 9: Patented W½NE¼NE¼NE¼, NW¼NE¼NE¼, N½SW¼NE¼NE¼, NW¼SW¼NE¼.
T. 21 N., R. 13 E.,
Sec. 4: Patented E½NW¼SW¼, E½W½NW¼SW¼, N½NE¼SW¼SW¼, SE¼NE¼SW¼SW¼.
Sec. 5: Patented NW¼NE¼SE¼;
Sec. 15: Patented NW¼NW¼.

Roadside Zone Along the U.S. Highway No. 40–A

A strip of land 200 feet on each side of the center line of the U.S. Highway No. 40–A through the following legal subdivisions:

T. 23 N., R. 5 E.,
Sec. 14: Patented N½N½N½SW¼.
T. 25 N., R. 8 E.,
Sec. 14: Patented S½SW¼SW¼;
Sec. 15: Patented S½SE¼SE¼;
Sec. 17: Patented S½S½NE¼SW¼;
Sec. 18: That portion of patented Mineral Lot 43 and that portion of patented Mineral Survey 6231 extending into Lot 6;
Sec. 21: Patented S½SE¼NE¼, N½SW¼NW¼, N½SW¼SE¼NW¼, NW¼SE¼SE¼NW¼.
T. 24 N., R. 9 E.,
Sec. 2: Patented NW¼SE¼NE¼NE¼, S½SE¼NE¼NE¼, W½NE¼SE¼NE¼, E½E½SE¼NE¼, NW¼SE¼SE¼NE¼;
Sec. 24: Patented N½N½.
T. 25 N., R. 9 E.,
Sec. 8: Patented SW¼SE¼, NW¼SE¼SE¼, S½SE¼SE¼;
Sec. 9: Patented W½SW¼SE¼, NE¼SW¼SE¼;
Sec. 16: Patented N½N½;
Sec. 22: Patented SE¼NW¼, E½SW¼;
Sec. 27: Patented NE¼, NE¼NE¼NW¼, SW¼NE¼NW¼, N½SW¼NE¼SE¼, W½SE¼SE¼, W½E½SE¼SE¼;
Sec. 35: Patented SE¼NE¼SW¼.
T. 24 N., R. 10 E.,
Sec. 23: Patented NE¼SW¼NW¼SW¼, NW¼SE¼NW¼SW¼, S½SE¼NW¼SW¼;
Sec. 26: Patented SW¼NW¼NE¼, N½SW¼NE¼, NW¼SE¼NE¼, SE¼NE¼NW¼.
T. 23 N., R. 11 E.,
Sec. 8: Patented NE¼NW¼.
T. 24 N., R. 11 E.,
Sec. 31: Patented Lots 1, 3, 6, 7, and 8.
T. 22 N., R. 12 E.,
Sec. 4: Patented W½SE¼SW¼;
Sec. 14: Patented N½NE¼, N½NW¼, SE¼NW¼.

WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 62-827; Filed, Jan. 24, 1962; 8:49 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 16, 1962.

The United States Department of Agriculture has filed an application, Serial Number Sacramento 050138 for the withdrawal of the lands described below, from prospecting location, entry, and purchase under the mining laws, subject to existing valid claims.

The applicant desires the land to protect roadside zones.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Court House and Federal Building, 650 Capitol Avenue, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

SIERRA NATIONAL FOREST

Roadside Zone along the Mammoth Road

(Forest Development Road No. 0400)

A strip of land 200 feet wide on each side of the center line of the Mammoth Road through the following subdivisions:

T. 8 S., R. 23 E.,
Sec. 25: NE¼NE¼, S½NE¼, SE¼NW¼, N½SW¼, SW¼SW¼;
Sec. 26: SE¼SE¼;
Sec. 33: N½SE¼SE¼;
Sec. 35: NE¼NE¼, S½NE¼.
T. 9 S., R. 23 E.,
Sec. 2: Lot 3, S½NW¼;
Sec. 3: SW¼NE¼, NE¼SE¼.
T. 6 S., R. 24 E.,
Sec. 2: N½SW¼, SW¼SW¼;
Sec. 3: SW¼SE¼;
Sec. 9: E½SE¼;
Sec. 10: N½NE¼, SE¼NW¼;
Sec. 16: E½NE¼, NE¼SE¼, W½SE¼;
Sec. 20: SE¼;
Sec. 21: W½NE¼, SE¼NW¼, NE¼SW¼, S½SW¼;
Sec. 28: W½NW¼;
Sec. 29: N½NE¼, E½NW¼, N½SW¼;
Sec. 30: Lots 1, 2, and 3, S½NE¼, E½SW¼, NE¼SE¼;
Sec. 31: E½NW¼, E½SW¼, SW¼SE¼.
T. 7 S., R. 24 E.,
Sec. 5: SW¼SW¼;
Sec. 6: Lots 1 and 2, S½NE¼, E½SE¼;
Sec. 8: SE¼NE¼, N½NW¼, W½SE¼;
Sec. 16: SW¼NW¼, N½SW¼, W½SE¼, SE¼SE¼;
Sec. 17: W½NE¼, SE¼NE¼;
Sec. 21: E½NW¼, NE¼SW¼, S½SW¼, W½SE¼, SE¼SE¼;
Sec. 28: N½NE¼, NE¼NW¼, SW¼NW¼, N½SW¼, SE¼SW¼;
Sec. 33: NE¼NW¼, S½NW¼, W½SW¼, SE¼SW¼.
T. 8 S., R. 24 E.,
Sec. 4: Lot 2, lot 3, SW¼NE¼, SE¼NW¼, NE¼SW¼, W½SE¼;
Sec. 8: W½SE¼SE¼;
Sec. 9: NE¼, SE¼NW¼, E½SW¼, E½W½SW¼;
Sec. 16: W½NW¼, N½SW¼, SE¼SW¼;
Sec. 17: E½NE¼;
Sec. 19: S½SE¼;
Sec. 20: SW¼NE¼, SE¼NW¼, N½S½;
Sec. 21: S½NE¼, NE¼NW¼, N½SW¼, NW¼SE¼;
Sec. 30: Lot 1, NW¼NE¼, NE¼NW¼.

MOUNT DIABLO MERIDIAN

SIERRA NATIONAL FOREST

Roadside Zone along the Forest Highway No. 74

A strip of land 200 feet on each side of the center line of the Forest Highway No. 74 through the following legal subdivisions:

T. 7 S., R. 22 E.,
Sec. 5: Lots 7, 10, and 16, SW¼NE¼, W½SE¼;
Sec 35: W½NE¼.
T. 8 S., R. 22 E.,
Sec. 2: SW¼NE¼.
T. 9 S., R. 22 E.,
Sec. 12: SE¼SE¼;
Sec. 24: SE¼NE¼, W½SE¼.
T. 9 S., R. 23 E.,
Sec. 6: Lots 3, 4, and 5, SE¼NW¼;
Sec. 7: Lot 5;
Sec. 18: Lots 3, 6, 7;
Sec. 19: Lot 2, SE¼NW¼;
Sec. 30: Lots 1 and 2, E½NW¼, NE¼SW¼, NW¼SE¼.

MOUNT DIABLO MERIDIAN

SIERRA NATIONAL FOREST

Roadside zone along the Yosemite Highway, California State Highway No. 41

A strip of land 200 feet on each side of the center line of the Yosemite Highway through the following legal subdivisions:

T. 5 S., R. 21 E.,
Sec. 24: Lots 4 and 5, NW¼SW¼;
Sec. 26: S½NW¼, E½SW¼;
Sec. 35: Lot 1, NW¼SE¼NW¼, E½SW¼.
T. 6 S., R. 21 E.,
Sec. 2: SW¼NW¼, N½SW¼, SE¼SW¼, W½SE¼;
Sec. 3: SE¼NE¼;
Sec. 11: S½NE¼, NW¼NE¼, NE¼SE¼, E½SW¼SE¼SE¼, E½SE¼SE¼, NW¼SE¼SE¼;
Sec. 12: NW¼SW¼, SE¼SW¼, SW¼SW¼;
Sec. 13: Lots 3, 4, 5, and 6, N½SW¼;
Sec. 24: W½NW¼, NW¼SW¼.

The areas described above aggregate approximately 8,252 acres of public land.

WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 62-826; Filed, Jan. 24, 1962; 8:49 a.m.]

[Classification No. 95]

NEVADA

Small Tract Classification; Amendment

1. Effective January 17, 1962, Federal Register Document 53-8583 appearing on pages 6413-14 of the issue for October 8, 1953, is revoked as to the following described public land:

MOUNT DIABLO MERIDIAN

T. 20 S., R. 60 E.,
Sec. 10, NE¼SE¼NE¼SW¼.

The area described aggregates 2.5 acres.

2. The land included in this amendment is located in the Las Vegas Valley within 14 miles of Las Vegas, Nevada, at an elevation of approximately 2,400 feet above sea level. The climate is dry. The area receives from 5 to 7 inches of rainfall annually. The topography of the parcel is nearly level, the soils varying from sands to gravel, to caliche.

3. The subject land affected by this order is hereby restored as of 10:00 a.m. on February 22, 1962, to the operation of the public land laws, subject to any valid existing rights, with provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations.

DANIEL P. BAKER,
Chief, Division of Lands and Minerals Management.

JANUARY 17, 1962.

[F.R. Doc. 62-829; Filed, Jan. 24, 1962; 8:49 a.m.]

National Park Service

[Order No. 16, Amdt. 2]

ASSISTANT DIRECTOR, RESOURCE PLANNING CHIEF, DIVISION OF COOPERATIVE SERVICES

Delegation of Authority with Respect to Functions Relating to Surplus Land

Order No. 16, Amendment 1, dated March 14, 1957 (22 F.R. 1645) amended to read as follows:

(a) The Chief, Division of Cooperative Services, is authorized to determine, in accordance with subsection (h) of section 13 of the Surplus Property Act of 1944, as amended by the Act of June 10, 1948 (62 Stat. 350; 50 U.S.C. App., 1952 ed., section 1622 (h)), whether surplus land is suitable and desirable for use as a public park, public recreational area, or historic monument, for the benefit of the public, and to inform disposal agencies of such determination.

(b) The Assistant Director, Resource Planning, is authorized to determine and enforce compliance with the provisions of any instrument of transfer and take other actions necessary, including the issuance of necessary documents, pursuant to the provision of section 203(k)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C., Supp. V, sec. 484(k)(2)) with respect to property transferred pursuant to the Surplus Property Act of 1944, as amended and extended (50 U.S.C., 1946 ed., Supp. V, sec. 1622(h)) to States, political subdivisions and instrumentalities thereof, and municipalities, for use as a public park, public recreational area, or historic monument for the benefit of the public.

(Sec. 13, Secretary's Order No. 2640, as amended, March 30, 1954, 19 F.R. 1937)

CONRAD L. WIRTH,
Director, National Park Service.

[F.R. Doc. 62-858; Filed, Jan. 24, 1962; 8:54 a.m.]

[Order No. 3, Amendment No. 9]

SUPERVISORY ARCHEOLOGIST

Delegation of Authority Regarding Appointments to Ungraded Positions

Sections No. 7, 8, and 9 are hereby renumbered 8, 9, and 10 respectively.

A new section, numbered 7, and reading as follows is added:

SEC. 7. *Supervisory Archeologist.* The Supervisory Archeologist of the Archeological Research Unit is authorized to make appointments and status changes involving personnel in ungraded positions. This authority may be exercised on any archeological project in Region One under the direct supervision of the Supervisory Archeologist, Archeological Research Unit.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535; 16 U.S.C., WSB, sec. 2. Region One Order No. 3 (21 F.R. 1493)

ELBERT COX,
Regional Director.

OCTOBER 4, 1961.

[F.R. Doc. 62-859; Filed, Jan. 24, 1962; 8:54 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Programs

[File 38-3]

HYDROCARBON RESEARCH, INC.

Extension of Temporary Order Denying Certain Export Privileges

A Temporary Order was issued in this matter on December 7, 1961, extending for 45 days the provisions of a Temporary Order of June 15, 1961. These temporary orders have been issued in connection with an investigation instituted by the Investigations Staff, Bureau of International Programs, into the possible unauthorized use by respondent Hydrocarbon Research, Inc., 115 Broadway, New York, New York, and two affiliated companies, of unpublished technical data of United States origin in the design, construction and operation of an oil refining and petrochemical plant in a Soviet bloc country.

The Investigations Staff, Bureau of International Programs, has applied under § 382.11(b) of the Export Regulations for a further extension of the provisions of the Temporary Order of June 15, 1961, as extended, to be effective until the final disposition of any administrative compliance proceedings in the Bureau of International Programs involving these respondents.

This matter has been fully considered by the Compliance Commissioner, who, being fully advised thereof, has reported his recommendations to me that the present temporary order should be extended until the final disposition of any administrative compliance proceedings involving these respondents, since such will be in the public interest and necessary for effective enforcement of the law. I do so find. It is, therefore, ordered as follows:

(1) Hydrocarbon Research, Inc., its officers, directors, agents and employees, as well as Hydrocarbon Mineraloel, G.m.b.H., Duesseldorf, Germany, and Hydrocarbon Engineering, S.a.r.l., Paris, France, their officers, directors, agents and employees, as well as any other person, firm, corporation or business organization with which respondent may be now or hereafter related by ownership, affiliation or control, whether located in the United States or abroad, shall submit to the Bureau of International Programs full and complete documentation of the transaction and obtain the Bureau's specific written authorization therefor, prior to engaging in any manner, form or capacity in any transaction which may involve, directly or indirectly, the exportation from the United States, or the reexportation from another destination following exportation from the United States, to the Sino-Soviet bloc (including Poland) or Cuba of any commodity or of any published or unpublished technical data of U.S. origin or product thereof, as defined in the Export Regulations.

(2) No person, firm, corporation or other business organization, within the United States or elsewhere, without prior disclosure of the facts to, and specific written authorization from, the Bureau of International Programs, shall knowingly, directly or indirectly, in any manner, form or capacity, participate in any transaction within the scope of paragraph (1) of this Order in which the respondent, its related persons or firms are involved.

(3) This order shall take effect forthwith and shall remain in effect until the completion of any administrative compliance proceedings that may be initiated by the Investigations Staff, unless sooner vacated or extended.

(4) A certified copy of this Order shall be served upon the respondent and the named related firms.

Dated: January 19, 1962.

FORREST D. HOCKENSMITH,
Acting Director, Office of Export Control.

[F.R. Doc. 62-824; Filed, Jan. 24, 1962; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14043; FCC 62M-97]

MELODY MUSIC, INC. (WGMA)

Order, Continuing Hearing

In re application of Melody Music, Inc. (WGMA), Hollywood, Fla., Docket No. 14043, File No. BR-2855; for renewal of license of Station WGMA, Hollywood, Fla.

The Hearing Examiner having under consideration the request contained in a letter from counsel for Melody Music, Inc., dated January 16, 1962, for continuance of the hearing in the above-entitled matter now scheduled for January 22, 1962, to March 5, 1962; and

It appearing that counsel for the Broadcast Bureau has informally agreed to a waiver of the four-day requirement of § 1.43 of the Commission's rules and consented to a grant of the instant request for continuance; and good cause exists for the grant thereof;

It is ordered, This 17th day of January 1962, that the hearing in the above-entitled proceeding be and it is hereby continued to March 5, 1962, at 10:00 a.m.

Released: January 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-852; Filed, Jan. 24, 1962; 8:53 a.m.]

FEDERAL MARITIME COMMISSION

ISTHMIAN LINES, INC., ET AL.

Notice of Agreements Filed For Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8638-1, between Isthmian Lines, Inc., and Alcoa Steamship Company, Inc., modifies approved Agreement 8638, which covers a through billing arrangement of the parties in the trade from Federation of Malaya, Singapore, Thailand, Indonesia, Philippines, India, Pakistan, and Ceylon to Puerto Rico, via New York or Baltimore;

Agreement 8639-1, between Isthmian Lines, Inc., and Alcoa Steamship Company, Inc., modifies approved Agreement 8639, which covers a through billing arrangement of the parties in the trade from Federation of Malaya, Singapore, Thailand, Indonesia, Philippines, India, Pakistan, and Ceylon to the Virgin Islands, via New York or Baltimore;

Agreement 8641-1, between Isthmian Lines, Inc., and Alcoa Steamship Company, Inc., modifies approved Agreement 8641, which covers a through billing arrangement of the parties in the trade from Federation of Malaya, Singapore, Thailand, Indonesia, Philippines, India, Pakistan, and Ceylon to Puerto Rico, via Mobile or New Orleans; and

Agreement 8642-1, between Isthmian Lines, Inc., and Waterman Steamship Corporation of Puerto Rico, modifies approved Agreement 8642, which covers a through billing arrangement of the parties in the trade from Federation of Malaya, Singapore, Thailand, Indonesia, Philippines, India, Pakistan, and Ceylon to Puerto Rico, via Mobile or New Orleans.

These similar modifications provide for the inclusion of ports in the Persian Gulf, Red Sea and Gulf of Aden, Egypt, Cambodia, and Vietnam as ports of origin within the scope of the respective agreements.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 22, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-857; Filed, Jan. 24, 1962; 8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-71]

CENTRAL NATURAL GAS CO.

Notice of Application

JANUARY 19, 1962.

Take notice that on September 20, 1961, as supplemented on December 8, 1961, Central Natural Gas Company (Applicant), 201 East Main Street, Vermillion, South Dakota, filed in Docket No. CP62-71 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Northern Natural Gas Company (Northern) to establish physical connection of its facilities with those which Applicant proposes to construct and operate, and to sell and deliver to Applicant natural gas for resale and distribution in the Villages of Afton, Lakeland, Lakeland Shores, Lake St. Croix Beach and St. Mary's Point, in Washington County, Minnesota, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Applicant proposes to construct regulator stations at Afton, Lakeland and Lake St. Croix Beach, and distribution systems in all five of the communities named above, which communities have granted franchises for the proposed service. The estimated total investment in the subject facilities at the end of the third year of operation is $99,940, which Applicant proposes to finance through a temporary bank loan and the subsequent issue of bonds and preferred stock.

The estimated natural gas requirements of the communities involved herein are:

	1st year	2d year	3d year
Annual (Mcf)	34,200	43,720	51,600
Peak day (Mcf)	288	382	440

Northern Natural Gas Company filed its answer to the subject application on October 23, 1961, stating that it does not oppose said application and is willing to render service for the five proposed communities.

Protests, requests for hearing or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 9, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-817; Filed, Jan. 24, 1962; 8:48 a.m.]

[Docket Nos. CP62-106, G-18615]

HOUSTON TEXAS GAS AND OIL CORP.

Notice of Application and Date of Hearing and Notice of Application for Amendment

JANUARY 19, 1962.

Take notice that on October 23, 1961, Houston Texas Gas and Oil Corporation (Applicant), Post Office Box 10400, St. Petersburg 33, Florida, filed in Docket No. CP62-106 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities to enable Applicant to provide interruptible natural gas service to two direct industrial customers, Swift and Company (Swift), near Agricola, Florida, and Armour and Company (Armour), near the City of Fort Meade, Florida, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant has entered into contracts with Armour and Swift, dated September 15, 1961, and April 21, 1961, respectively, providing for the direct sale of maximum annual estimated natural gas volumes of 1,225,000 Mcf per year to Armour and 208,000 Mcf per year to Swift, both on an intermediate interruptible basis. Gas will be sold to both customers at a rate of 35 cents per Mcf.

Applicant also requests that the Commission amend its order issued August 9, 1961, in Docket No. G-18615, as amended, wherein Applicant was authorized, among other things, to construct and operate 12.0 miles of 2-inch lateral transmission pipeline extending from its existing 3-inch line at Agricola, Florida, to Ft. Meade and to sell and deliver natural gas for resale in and around Ft. Meade. Applicant requests authorization to construct and operate 8.78 miles of 2- and 6-inch pipeline between Ft. Meade and Agricola in lieu of the 12.0 miles of 2-inch line authorized in the order of August 9, 1961. The proposed amendment requires a relocation of the previously authorized lateral in order to enable Applicant to render the proposed service to the two industrial customers in Docket No. CP62-106.

Armour and Swift will use the natural gas in the production of fertilizer materials.

The total estimated cost of the proposed facilities in both dockets is $220,000 which is $37,200 greater than the estimated cost of the similar facilities authorized in Docket No. G-18615. The increased cost of construction will be financed from a contingency fund.

These related matters should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 26, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the application in Docket No. CP62-106: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests, requests for hearing or petitions to intervene in either Docket Nos. CP62-106 or G-18615 may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 12, 1962. Failure of any party to appear at and participate in the hearing in Docket No. CP62-106 shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-818; Filed, Jan. 24, 1962; 8:48 a.m.]

[Docket Nos. RI62-301—RI62-306]

SHELL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JANUARY 19, 1962.

Shell Oil Company, Docket No. RI62-301; The Shamrock Oil and Gas Corporation, Docket No. RI62-302; N. Bruce and Curtis E. Calder, Jr., d/b/a Horizon Oil & Gas Company, Docket No. RI62-303; J. M. Huber Corporation, Docket No. RI62-304; Columbian Fuel Corporation, Docket No. RI62-305; Humble Oil & Refining Company, Docket No. RI62-306.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All rates referred to herein are at a pressure measurement base of 14.65 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62-301	Shell Oil Co., 50 West 50th Street, New York 20, N.Y.	5	16	Texas Eastern Transmission Corp. (Gohlke Field, Dewitt and Victoria Counties, Tex.) (R.R. Dist. No. 2).	$7,660	12-22-61	[2] 2-1-62	7-1-62	[3] 16.1111	[3] [9] 16.4444	RI61-329
RI62-301	Shell Oil Co.	4	18	do	1,404	12-22-61	[2] 2-1-62	7-1-62	[3] 16.1111	[3] [4] 16.4444	RI61-330
RI62-302	The Shamrock Oil and Gas Corp., P.O. Box 631, Amarillo, Tex.	32	2	Panhandle Eastern Pipe Line Co. (Panhandle Field, Moore and Sherman Counties, Tex.) (R.R. Dist. No. 10).	111,415	12-26-61	[2] 2-1-62	7-1-62	[3] 16.1111	11.0	[4] 11.5	----------
RI62-303	N. Bruce and Curtis E. Calder, Jr., d/b/a Horizon Oil & Gas Co., Republic National Bank Building, Dallas 1, Tex.	9	4	Northern Natural Gas Co. (Perryton Field, Ochiltree County, Tex.) (R.R. Dist. No. 10).	600	12-26-61	[2] 2-1-62	7-1-62	[6] 15.5	[6] [7] 16.5	----------
RI62-304	J. M. Huber Corp., 2401 East Second Avenue, Denver 6, Colo.	23	1	Natural Gas Pipeline Co. of America (Milton Field, Harris County, Tex.) (R.R. Dist. No. 3).	3,401	12-26-61	[2] 2-1-62	7-1-62	[6] 15.0	[6] [8] 16.5	----------
RI62-305	Columbian Fuel Corp., 380 Madison Avenue, New York 17, N.Y.	28	1	do	3,238	12-26-61	[2] 2-1-62	7-1-62	[6] 15.0	[6] [8] 16.5	----------
RI62-306	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex.	190	5	Natural Gas Pipeline Co. of America (Texas County, Okla.).	(5)	12-27-61	[6] 1-27-62	6-27-62	17.0	[7] 17.2	RI61-362

[1] The stated effective date is the effective date proposed by respondent.
[2] Includes 0.5 cents per Mcf for dehydration and central point, delivery paid by buyer.
[3] Redetermined rate increase.
[4] Increase for acreage other than acreage dedicated under Supplement No. 9.
[5] Rate increase due to compression charge of 0.5 cent per Mcf as provided in contract.
[6] Subject to downward Btu adjustment.
[7] Periodic rate increase.
[8] The stated effective date is the first day after expiration of the required statutory notice.
[9] Annual amount is $0.42.

The proposed increased rates exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notice from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petition to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and Procedure (18 CFR 1.8 and 1.37(f)) on or before March 5, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-820; Filed, Jan. 24, 1962; 8:48 a.m.]

[Docket Nos. CP60-84, CP62-7]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Applications and Date of Hearing

JANUARY 19, 1962.

Take notice that on April 22, 1960, as supplemented on May 20, 1960, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), Hastings, Nebraska; filed in Docket No. CP60-84 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of transmission facilities extending from Alliance, Nebraska, to the communities of Chadron, Crawford, Gordon, Hay Springs, Hemingford and Rushville, all in Nebraska, and authorizing the sale and delivery of natural gas to Western Gas Fuel Company (Western) for resale and distribution in said communities, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate the following facilities: approximately 17 miles of 8-inch pipeline south of Alliance replacing an equal amount of 6-inch pipeline which will be salvaged; about 126 miles of 2 to 6-inch lines from Alliance to the six towns;[1] and approximately 24 miles of 8-inch pipeline extending from an existing 10-inch line in the vicinity of Sidney, Nebraska, to Applicant's existing 11 miles of 10-inch line leased to North Central Gas Company (North Central) south of Northport, Nebraska.

The application shows that gas is presently brought to the Alliance area from the Sidney area through partially looped lines extending from Sidney to Northport. One of these parallel lines is owned and operated by North Central and the other is the aforementioned 10-inch line owned by Applicant and leased to North Central. North Central presently transports gas for Applicant through this leased line. Originally Applicant sought herein to abandon the transportation agreement and to assume operation of the leased line itself. However, by its amendment to its application in the subject proceeding, filed September 7, 1961, Applicant requests deletion of requested authorization to construct and operate the 24 miles of 8-inch line to have been constructed from the vicinity of Sidney to Applicant's line leased to North Central. The amendment shows that North Central will continue the transportation service for Applicant and that Applicant will install three 125 horsepower compressor units at Northport rather than the originally proposed 24 miles of 8-inch line to be constructed between Sidney and Northport.

The application shows the following estimated natural gas requirements of Western for the areas proposed to be served:

Annual	Volumes—Mcf @ 14.73 psia		
	1st year	2d year	3d year
Total firm requirements	91,700	355,420	533,000
Total interruptible industrial requirements[1]	14,000	38,000	38,000
Total	105,700	393,420	571,000
Peak day			
Total firm requirements	2,290	3,950	4,115

[1] The industrial gas would be used at Nebraska State College for boiler fuel

On July 14, 1961, as supplemented on August 2, 1961, Applicant filed in Docket No. CP62-7 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to remove three 125 horsepower compressor units from its Holdrege compressor station and to reinstall said units at a new station at Northport, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

As set forth above, Applicant in Docket No. CP60-84 proposes, among other things, to construct and operate 24 miles of 8-inch pipeline between Sidney and Northport to help serve six new communities north of Alliance. Applicant states that the 1960-1961 peak demand of Alliance and the six new communities was met without the construction of the 8-inch line, and, therefore Applicant has decided to postpone installation of said line.[2]

Applicant states that it is currently completing contracts for purchase of new gas supplies in Wyoming which will probably require a change in its present operations between Sidney and Northport. Applicant further states that this contemplated change might enable it to provide service to the Alliance-Chadron area more economically than previously contemplated, and, therefore, rather than construct the subject Sidney-Northport 8-inch line, which may not be properly sized to handle the future Wyoming gas, Applicant proposes to relocate the three 125 horsepower units from Holdrege to Northport in order to meet the future increased requirements of the Alliance-Chadron area.

The total estimated cost of constructing the proposed facilities in Docket No. CP60-84 is $1,347,200, which estimate does not include the cost of constructing the postponed 8-inch Sidney-Northport line. The estimated net cost of relocating the facilities in Docket No. CP62-7 is $48,000. Applicant will finance the estimated costs in both dockets from current working capital.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 21, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 12, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-819; Filed, Jan. 24, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13340]

KINGSTON FLYING CLUB

Notice of Hearing

In the matter of the application of Kingston Flying Club for a foreign air carrier permit, issued pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on February 8, 1962, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., January 22, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-849; Filed, Jan. 24, 1962; 8:52 a.m.]

[1] Applicant will also build town border stations for the six communities.

[2] Applicant was granted temporary authorization by letter, dated July 6, 1960, to construct and operate facilities and to sell natural gas as proposed in Docket No. CP60-84.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4007]

APPALACHIAN POWER CO.

Notice of Proposed Issuance of Notes to Banks

JANUARY 18, 1962.

Notice is hereby given that Appalachian Power Company ("Appalachian"), 40 Franklin Road, Roanoke, Virginia, an electric utility company and a subsidiary company of American Electric Power Company, Inc., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6 thereof as applicable to the proposed transaction.

All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

Appalachian proposes to issue to a group of ten banks, from time to time prior to December 31, 1962, up to an aggregate of $42,000,000 of promissory notes. The notes will be dated in each case as of the date of the borrowings and will mature not more than 270 days after the date of issuance. They will bear interest from the date thereof at the then current prime credit rate (presently 4½ percent per annum) and are prepayable at any time, in whole or in part, without penalty or premium.

The proposed notes aggregate approximately 10 percent of the company's other securities outstanding, and the amount in excess of 5 percent may be exempted only pursuant to an order under section 6(b) of the Act. The filing requests the Commission's approval for the issuance of such excess amount.

The aggregate line of credit established with each of the ten banking institutions is as follows:

Irving Trust Co., New York, N.Y.	$6,300,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	4,200,000
Chase Manhattan Bank, New York, N.Y.	4,200,000
First National City Bank of New York, New York, N.Y.	6,300,000
Manufacturers Hanover Trust Co., New York, N.Y.	5,040,000
Morgan Guaranty Trust Co. of New York, New York, N.Y.	4,620,000
Continental Illinois National Bank and Trust Co. of Chicago, Chicago, Ill.	5,040,000
Bankers Trust Co., New York, N.Y.	2,100,000
Chemical Bank New York Trust Co., New York, N.Y.	2,100,000
The Northern Trust Co., Chicago, Ill.	2,100,000
Total	42,000,000

The proceeds from the issuance of the notes will be used by Appalachian to pay part of the cost of its construction program which, it is presently estimated, will amount to approximately $55,000,000 in 1962. During 1961, $20,000,000 of short-term notes were issued for construction purposes, and an additional $22,000,000 is proposed to be issued during 1962. The balance, it is estimated, will be obtained from internal sources. All of the notes outstanding at the time of Appalachian's permanent financing, which is expected to be carried out before the end of 1962 and which will be subject to a further proceeding before this Commisison, will be paid from the proceeds of such financing.

The application states that expenses incident to the proposed transaction are estimated not to exceed $200. It is also stated that the proposed transaction will be expressly authorized by the Virginia State Corporation Commission, the State commission of the State in which Appalachian is organized and doing business, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction thereover.

Notice is further given that any interested person may, not later than February 5, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-830; Filed, Jan. 24, 1962; 8:50 a.m.]

[File No. 812-1474]

EMPIRE FUND, INC.

Notice of Application

JANUARY 18, 1962.

Notice is hereby given that Empire Fund, Inc. ("Applicant"), of Boston, Massachusetts (44 School St., Boston, Mass.), a Maryland corporation, and an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14(a) of the Act.

Applicant has filed a registration statement under the Securities Act of 1933 for 1,250,000 shares of common stock, $1 par value, to be offered to investors in exchange for such investors' securities. Such registration statement has not yet become effective. The purpose of the Fund is to provide investors holding securities at relatively low tax bases with a means of exchanging such securities for shares of the Fund, thereby obtaining diversification without incurring any Federal capital gains tax liability at the time of such exchange. A. G. Becker & Co., Incorporated, the dealer manager, and a group of securities dealers which it will form and manage intend to solicit deposits of securities, to be held by a depository in safekeeping for the separate account of each investor for a period ending not later than three months from the effective date of the Applicant's registration statement under the Securities Act of 1933. At all times during the solicitation period, the depositing investor will retain all incidents of ownership to the securities deposited, with the right to withdraw such securities from the depository without charge.

The minimum deposit to be accepted from any investor is to be securities having a market value of $20,000, and the exchange will not be consummated unless the market value of the deposited securities as at the effective date of the planned exchange aggregates a minimum of $10,000,000. In the event that such value is not then realized, the deposited securities will be returned to investors without charge to them. If such value is obtained upon the termination of the solicitation period, a report describing the deposited securities, including their respective market values determined as at the end of the solicitation period and their bases for Federal income taxation, will be mailed to all depositing investors, who have the right to withdraw any or all of their deposited securities at any time prior to the mailing of the report to investors and during a period of twenty days thereafter. During this period Applicant may require any investor to withdraw any or all of his deposited securities, in which event such investor will have the right to withdraw any or all of his remaining securities from deposit. Also Applicant will

have the right to reject securities on deposit for a period of up to ten days after the end of the period during which the investor may withdraw. The total fair market value of securities to be deposited will not exceed $100,000,000. All of Applicant's shares which are issued in exchange for securities will be issued simultaneously on the effective date of the exchange. Each depositing investor is to represent that he will acquire shares of Applicant issued to him in the planned exchange without any intention of distributing them to the public.

Section 14(a) of the Act provides, in pertinent part, that no registered investment company shall make a public offering of its securities unless such company has a net worth of at least $100,000 or unless provision is made as a condition of the registration of its securities under the Securities Act which, in the opinion of the Commission, adequately insures (A) that, after the effective date of such registration statement, it will not issue any security or receive any proceeds of any subscription until no more than 25 responsible persons have made firm agreements to purchase securities in an aggregate net amount which will give the company a net worth of at least $100,000; (B) that said amount will be paid in to such company before subscriptions will be accepted from any persons in excess of 25; and (C) that arrangements will be made whereby any amounts so paid in, plus any sales load, will be refunded to any subscriber on demand in the event the net proceeds so received do not result in the company's having a net worth of at least $100,000 within ninety days after such registration statement becomes effective. Applicant presently has one outstanding share of capital stock, nominal assets, and no liabilities, and anticipates that it will have only one such outstanding share, nominal assets, and no liabilities prior to the planned exchange if the exemption sought in the instant application is obtained. The terms of the offering provide that unless the aggregate market value of all securities deposited by investors is $10,000,000 or more on the 31st day following the mailing of the report to investors the exchange will not be consummated. Accordingly the Applicant will be assured of commencing business as an investment company with assets substantially in excess of the $100,000 required by section 14(a) of the Act. Applicant submits that under the circumstances described the exemption sought would be consistent with the purposes intended to be served by section 14(a).

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 5, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-831; Filed, Jan. 24, 1962; 8:50 a.m.]

[File No. 811-477]

GRAHAM-NEWMAN CORP.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JANUARY 18, 1962.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 for an order of the Commission declaring that the Graham-Newman Corporation ("Applicant") (New York, N.Y.), a registered management open-end investment company, has ceased to be an investment company.

The application represents that, pursuant to shareholder approval given on August 20, 1956, applicant was dissolved on September 30, 1957 upon the issuance of a Certificate of Dissolution by the Secretary of State of the State of New York. The application further represents that all assets available after satisfying applicants' liabilities have been distributed to the shareholders.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 5, 1962 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-832; Filed, Jan. 24, 1962; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 22, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37521: *Iron or steel scrap to Calvert, Ky.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2597), for interested rail carriers. Rates on iron or steel scrap, in carloads, from Natrona and Washington, Pa., also Warwood, W. Va., to Calvert, Ky.

Grounds for relief: Market competition.

Tariff: Supplement 220 to Traffic Executive Association-Eastern Railroads tariff I.C.C. A–1079 (Boin series).

FSA No. 37522: *Cement from Waukegan, Ill.* Filed by Western Trunk Line Committee, Agent (No. A–2221), for interested rail carriers. Rates on cement and related articles, in carloads, from Waukegan, Ill., to specified points in Illinois Freight Association territory.

Grounds for relief: Market competition.

Tariff: Supplement 49 to Western Trunk Line Committee tariff I.C.C. A–4308.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-840; Filed, Jan. 24, 1962; 8:51 a.m.]

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Title 5—ADMINISTRATIVE PERSONNEL

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Post Office Department

Effective upon publication in the FEDERAL REGISTER, subparagraph (9) of paragraph (c) and subparagraph (2) of paragraph (f) of § 6.309 are amended as set out below.

§ 6.309 Post Office Department.

• • • • • •

(c) *Bureau of Transportation.* • • •

(9) One Executive Assistant to the Assistant Postmaster General.

• • • • • •

(f) *Bureau of Operations.* • • •

(2) One Executive Assistant and two Special Assistants to the Assistant Postmaster General.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-894; Filed, Jan. 25, 1962; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 18]

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments for 1960 and Subsequent Crops of Wheat

APPROVED DURUM WHEAT COUNTIES UNDER 1962 DURUM WHEAT PROGRAM

The amendment herein is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, including the amendments in section 125 of the Agricultural Act of 1961, and is for the purpose of designating the counties in California, Minnesota, Montana, North Dakota, and South Dakota which are capable of producing Durum Wheat (Class II) and which have produced such wheat for commercial food products during one or more of the five years 1957 through 1961.

The determination of eligibility of counties designated in § 728.1027(i) was based upon past historical records of the Department and of the Bureau of Census, wheat producers' records, and certification from State committees, which are determined to be the latest available statistics of the Federal Government.

Prior to the determination of the counties listed in § 728.1027(i), notice was given (26 F.R. 9912) that consideration would be given to written data, views, or recommendations with respect to such determination submitted not later than November 4, 1961. No data, views, or recommendations pursuant to such notice have been received with respect to determination of eligible counties.

In order that producers may proceed with plans for seeding Durum Wheat (Class II) and other classes of wheat of the 1962 crop as expeditiously as possible and particularly to enable producers to determine whether to participate in the 1962 wheat stabilization program, it is hereby determined that compliance with the 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment herein shall become effective upon publication in the FEDERAL REGISTER.

Section 728.1027(i) is amended by deleting the last sentence thereof and inserting in lieu thereof the following: "The list of approved Durum Wheat (Class II) counties are as follows:

State and Counties of:

California—Modoc and Siskiyou.

Minnesota—Becker, Beltrami, Big Stone, Blue Earth, Brown, Chippewa, Clay, Clearwater, Cottonwood, Dakota, Dodge, Douglas, Faribault, Freeborn, Goodhue, Grant, Jackson, Kandiyohi, Kittson, Lac qui Parle, Lake of the Woods, Le Sueur, Lincoln, Lyon, McLeod, Mahnomen, Marshall, Martin, Meeker, Mower, Murray, Nicollet, Nobles, Norman, Olmsted, West Otter Tail, East Ottter Tail, Pennington, West Polk, East Polk, Pope, Red Lake, Redwood, Renville, Rice, Rock, Roseau, Sibley, Steele, Stevens, Swift, Traverse, Wabasha, Waseca, Watonwan, Wilkin, Yellow Medicine.

Montana—Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Custer, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Hill, Judith Basin, Lewis and Clark, Liberty, McCone, Madison, Musselshell, Park, Petroleum, Phillips, Pondera, Powder River, Powell, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Sweet Grass, Teton, Toole, Valley, Wibaux, Yellowstone.

North Dakota—All counties.

South Dakota—Aurora, Beadle, Bennett, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Codington, Corson, Day, Deuel, Dewey, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hyde, Jackson, Jerauld, Jones, Kingsbury, Lincoln, Lyman, McPherson, Marshall, Meade, Mellette, Miner, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Sully, Todd, Tripp, Washabaugh."

(Secs. 334, 375, 52 Stat. 54, as amended, 66, 75 Stat. 300; 7 U.S.C. 1334, 1375)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on January 23, 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-899; Filed, Jan. 25, 1962; 8:49 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 125]

PART 1125—MILK IN THE PUGET SOUND, WASHINGTON, MARKETING AREA

Order Amending Order

§ 1125.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Puget Sound, Washington, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to Section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only

to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than February 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued November 2, 1961, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued January 5, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective February 1, 1962, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Puget Sound, Washington, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 1125.16 Producer-handler.

"Producer-handler" means a person who is both a dairy farmer and a handler, and who has been so designated by the market administrator upon his determination that all of the requirements of § 1125.102 have been met, and that none of the conditions therein for cancellation of such designation exists. All designations shall remain in effect until cancelled pursuant to § 1125.102(d). The Department of Institutions, State of Washington, shall be a producer-handler exempt from the provisions of §§ 1125.102 (other than paragraph (g) thereof), 1125.30 and 1125.32 with respect to milk of its own production and receipts from fluid milk plants and country plants processed or received for consumption in state institutions and with respect to movements of milk to or from a fluid milk plant or country plant.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: February 1, 1962.

Signed at Washington, D.C., on January 23, 1962.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-898; Filed, Jan. 25, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 773; Amdt. 60-27; Supp. 33]

PART 60—AIR TRAFFIC RULES

Radio Communications Failure

Draft Release No. 61-13 published as a notice of proposed rule making in the FEDERAL REGISTER on June 16, 1961 (26 F.R. 5404), gave notice that the Federal Aviation Agency proposed to amend § 60.49, Radio Failure, of Part 60 of the Civil Air Regulations. The reasons for the amendment were outlined in detail in the draft release. All comments received in response to this draft release have been reviewed and given due consideration. The majority of comments received either endorsed the proposed revision or recommended certain changes. Only one comment was in opposition to the amendment.

The proposed rule contained the provision that when weather conditions permit, the pilot shall terminate his flight in VFR conditions and land as soon as practicable. One organization and one individual tempered their concurrence with the recommendation to delete this mandatory requirement. It was contended that the ATC system either cannot or does not want to cope with aircraft which experience radio communications failure in VFR conditions. It is emphasized that the question is not whether the system can or cannot cope with the situation but whether the resultant adverse impact upon other users of the system is reasonable compared to the possible inconvenience to one pilot. Air traffic control provides standard separation to all en route IFR aircraft regardless of weather conditions. When a radio communications failure occurs, a near emergency situation is sometimes created, in that it may become necessary for air traffic control to reroute or reclear a substantial number of IFR aircraft in order to maintain proper separation. In essence, air traffic control is often forced, for reasons of safety, to grant priority to the aircraft experiencing the failure. It is not considered logical to permit an aircraft which is in VFR conditions to continue an extended flight to the destination at the possible inconvenience of other aircraft using the system. As stated in the Draft Release, the simplest way to eliminate such a problem is to remove the source, i.e., to require the pilot of the aircraft experiencing the malfunction to land.

In the original proposal, the requirement to terminate the flight under VFR would not apply to operations conducted within positive control airspace. Upon consideration of the safety factors involved, it has been determined that the requirement to land VFR should also apply to this airspace. Therefore, this regulation provides that, regardless of the airspace involved, when VFR conditions prevail the flight must be terminated as soon as practicable. It should be emphasized the pilot of an aircraft in such circumstances is fully responsible for the separation of his aircraft from all others.

It is not intended that the requirement to "land as soon as practicable" be construed to mean "as soon as possible." The pilot, of course, retains his prerogative of exercising his best judgment and is not required to land at an unauthorized airport, at an airport unsuitable for the type of aircraft flown, or to land only minutes short of his intended destination. The primary objective of this provision of the rule is to preclude extended IFR operations in the air traffic control system in VFR weather conditions. The regulation does not prohibit the pilot experiencing radio communications failure, after landing and cancelling his IFR flight plan, from taking off again and proceeding to the destination in accordance with VFR if he so desires.

The Air Line Pilots Association (ALPA) recommended that in the event of radio communications failure, a pilot would proceed according to the route and altitude filed in the flight plan, rather than via the route and altitude specified by air traffic control. Such a provision would require a pilot to proceed via the filed route which might be a considerable distance away from the route specified in the air traffic control clearance. In a similar manner, a pilot who has been assigned an altitude other than his filed altitude within a route structure would be required to climb or to descend, as might be appropriate, to the filed altitude. Obviously, pilot action which would disregard an ATC clearance and revert to a filed flight plan is not feasible since it is virtually impossible to develop procedures for transition to flight planned route and altitude which would be applicable in all situations.

ALPA also suggested that, when a climb to a higher route structure is necessary, the pilot should climb to the altitude or flight level specified in the flight plan rather than the cardinal altitude at or above the MEA of the filed route structure. Since pilots often may file multiple altitudes or multiple route structures in a single flight plan, such a regulation would only compound the problems and impair the ability of air traffic control to provide proper separation. It is concluded that one easily determined and easily recalled altitude for application during radio communication failure is imperative to meet the needs of the pilot and the air traffic control system.

The Air Traffic Control Association (ATCA) suggested that when a climb to a higher route structure is necessary, the pilot should be required to exercise his emergency authority and initiate climb at his discretion. Such a requirement would eliminate the provision to "initiate climb ten minutes after passing the first compulsory reporting point over which the failure prevented communications with air traffic control." ATCA contended that the controller would not, in all cases, be able to provide standard separation in the event of such a climb. This contention may be valid in some cases; however, the ten minute delay before initiating climb will provide a margin of safety which is considered indispensable. In addition, to require a pilot to use such emergency authority is not feasible since in most cases pilots do not consider radio communications failure to be an emergency situation.

British Overseas Airways Corporation suggested that transponder procedures be developed for use during radio communications failure. While such procedures would be very advantageous, the lack of decoding equipment in ATC facilities at present prohibits the adoption of this suggestion. The implementation of transponder procedures is contemplated when adequate decoding equipment becames available.

The one comment in opposition to the amendment contended that it would not be possible for military jet aircraft to complete certain flights if radio communication failure provisions require that the operation be conducted at Flight Level 240. It was recommended that the rule be amended to require a cruising altitude advisory prior to take-off in order that the pilot might proceed to his destination at the flight level advised by ATC. Procedures currently in effect provide that when a pilot is not issued a clearance within the filed route structure, the pilot must be issued an advisory as to when he may expect a clearance to an altitude in the requested structure. Since this procedure appears to satisfy the objective of this recommendation, it is not considered necessary to alter the provisions of the rule.

It is virtually impossible to promulgate a rule which provides definitive action for every conceivable eventuality associated with radio communications failure. Such a rule would be too voluminous for ready comprehension and application. Conversely, it is not intended to promulgate a rule so brief or general as to be ambiguous. It is not intended to attempt to regulate emergency or near emergency situations. For example, the rule omits reference to the problems arising from a missed approach. The circumstances would be so unpredictable in such a situation that it is considered that an emergency would exist and, as such, would not be subject to regulation.

Concurrently with the adoption of the rule contained herein, detailed procedures which shall be followed in the event of radio communications failure will be published in the Flight Information Manual. All necessary supplementary data will be consolidated in this publication. The Flight Information Manual will henceforth be the sole source of FAA supplementary material applicable to radio communications failure.

In consideration of the foregoing, Part 60 of the Civil Air Regulations (14 CFR Part 60) and Civil Aeronautics Manual 60 are amended as follows:

1. By amending § 60.49 to read as follows:

§ 60.49 Radio communications failure.

In the event of two-way radio communications failure the pilot shall comply with the following procedures, unless otherwise authorized by air traffic control:

(a) *VFR conditions.* If the failure occurs in VFR conditions or if such conditions are subsequently encountered, continue flight under VFR and land as soon as practicable.

(b) *IFR conditions.* If the failure occurs in IFR conditions or if the provisions of paragraph (a) of this section cannot be followed, continue flight to the airport of destination.

(1) *Route.* Via the route specified in the last air traffic control clearance received or, if no route has been specified, via the planned route.

(2) *Altitude.* At whichever of the following altitudes or flight levels is the higher:

(i) At the altitude or flight level specified in the last air traffic control clearance received;

(ii) At the minimum safe altitude; or

(iii) At the lowest cardinal altitude or flight level (1,000-foot level), at or above the MEA of the highest planned route structure.

When climb to a higher route structure is necessary, climb shall be initiated, unless required earlier by the minimum safe altitude, 10 minutes after passing the first compulsory reporting point over which the failure prevented communications with air traffic control.

(3) *Holding.* When holding instructions have been received, depart the holding fix at the expected further clearance time received or, if an expected approach clearance time has been received, depart the holding fix so as to arrive over the radio facility to be used for the approach at the destination airport as nearly as possible to the expected approach clearance time.

(4) *Descent.* Descent from the en route altitude or flight level shall be initiated at the radio facility to be used for the approach at the destination airport at whichever of the following times is the later:

(i) The expected approach clearance time, if received;

(ii) The estimated time of arrival as determined from the flight plan, as amended with air traffic control; or

(iii) The actual time of arrival over the facility.

§§ 60.21-1, 60.49-1 [Rescinded]

2. By rescinding §§ 60.21-1 and 60.49-1 of Civil Aeronautics Manual 60.

This amendment shall become effective May 1, 1962.

(Sec. 307; 72 Stat. 749, 49 U.S.C. 1348)

Issued in Washington, D.C., on January 19, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-865; Filed, Jan. 25, 1962; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1043; Amdt. 393]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707 and 720 Series Aircraft

Investigation has shown that extensions of certain repetitive inspection intervals based on service experience may be granted to operators of Boeing 707 and 720 Series aircraft in complying with Amendment 326, 26 F.R. 7873. Accordingly, the inspection interval in paragraphs (b) and (e)(3) are being extended from 65 to 100 hours and 3,500 to 4,000 hours respectively. Also, reference is being made to a later issue of the manufacturer's service bulletin and paragraph (b)(2) is being revised to redefine the area to be inspected. The aircraft affected also are listed by serial number.

Since this amendment relaxes a requirement and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 326, 26 F.R. 7873, Boeing 707 and 720 Series aircraft, is amended by:

1. Changing the applicability statement to read:

Applies to Boeing 707 Series aircraft Serial Nos. 17586-17652, 17658-17690, 17692-17712, 17718-17724, 17903-17906, 17918-17919, 17925-17930, 18012 and 18054 and Boeing 720 Series aircraft Serial Nos. 17907-17917, 18013-18020, 18023, and 18041 as indicated.

2. Changing the first paragraph to read:

Due to failure in a main landing gear trunnion support, the following inspections, contained in paragraphs (a), (b), and (c), are required on all specified 707 Series aircraft until paragraph (d) has been accomplished. Paragraph (e) is required on all specified 707 Series aircraft after paragraph (d) is accomplished and on all specified 720 Series aircraft.

3. Changing the inspection interval in paragraph (b) from "every 65 hours" to "every 100 hours".

4. Changing paragraph (b)(2) to read:

(2) A strip ½-inch wide around upper bearing support, from the upper barrel nut to lower 1.31 diameter inboard (tension) bolt hole, on aft side.

5. Deleting the following reference statement in paragraph (d)(3): "and S.B. No. 1044 (October 26, 1960, or later)."

6. Changing paragraph (e) to read:

(e) The following repetitive inspections are required on all specified 707 Series aircraft upon completion of the inspections and rework outlined in (d) and on all specified 720 Series aircraft.

7. Changing the inspection interval in paragraph (e)(3) from "every 3,500 hours" to "every 4,000 hours".

8. Changing reference to Boeing S.B. 859 from "(R–1 or later)" to "(R–2 or later)" in paragraphs (c), (e)(1), (d)(7), (e)(3)(iv), and the parenthetical reference statement.

This amendment shall become effective January 26, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 19, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–866; Filed, Jan. 25, 1962; 8:46 a.m.]

[Reg. Docket No. 989; Amdt. 394]

PART 507—AIRWORTHINESS DIRECTIVES

Lycoming VO–540 Series Engines

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring replacement of hydraulic value tappet bodies and plunger asemblies which are subject to failure on Lycoming VO–540 Series engines, with newly designed improved parts, was published in 26 F.R. 11870.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

LYCOMING. Applies to all VO–540 Series engines.
Compliance required as indicated.
To preclude failures of the hydraulic valve tappet body and plunger assembly, an improved hydraulic tappet body and plunger assembly has been provided.
Unless already incorporated, install a Lycoming P/N 72876 plunger assembly and a Lycoming P/N 73061 tappet body at the next engine overhaul after the effective date of this AD.
(Lycoming Service Instruction No. 1011 covers this same subject.)

This amendment shall become effective February 27, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 19, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–867; Filed, Jan. 25, 1962; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–SW–125]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone and Control Area Extension

The purpose of these amendments to §§ 601.2024 and 601.1238 of the regulations of the Administrator is to alter the Amarillo, Tex., control zone and control area extension.

The Amarillo control zone (§ 601.2024) and control area extension (§ 601.1238) are described, in part, with reference to the Amarillo radio range. The Federal Aviation Agency is converting the Amarillo radio range to a nondirectional radio beacon. Therefore, action is taken herein to revoke the control zone extension based on the north course of the radio range, delete the radio range from the description of the control zone, and substitute geographical coordinates in lieu of the radio range in the description of the control area extension.

Since these amendments impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. Section 601.2024 (14 CFR 601.2024) is amended to read:

§ 601.2024 Amarillo, Tex., control zone.

Within a 5-mile radius of the Amarillo, Tex., AFB/Municipal Airport (latitude 35°13′11″ N., longitude 101°42′42″ W.), within 2 miles either side of the 046° bearing from the Tradewind RBN extending from the 5-mile radius zone to the RBN, and within 2 miles either side of the Amarillo VORTAC 221° radial extending from the 5-mile radius zone to the VORTAC.

2. Section 601.1238 (14 CFR 601.1238) is amended to read:

§ 601.1238 Control area extension (Amarillo, Tex.).

That airspace within a 50-mile radius of latitude 35°13′42″ N., longitude 101°-44′24″ W.

These amendments shall become effective 0001 e.s.t. April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 22, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–868; Filed, Jan. 25, 1962; 8:46 a.m.]

[Airspace Docket No. 61–LA–71]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Advisory Area

On October 10, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9556) stating that the Federal Aviation Agency proposed to designate a terminal radar jet advisory area following a departure route from the San Francisco/Oakland, Calif., Metropolitan area toward the south.

The Department of the Air Force interposed no objection to the proposed amendment. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the notice, the following action is taken:

In § 602.300 *Terminal jet advisory areas* (26 F.R. 7084) under San Francisco/Oakland, Calif., jet advisory area—Radar, the following is added:

1. Oakland, Calif., via INT Oakland 221° and Point Reyes, Calif., 161° radials; the INT of Point Reyes 161° and Big Sur, Calif., 325° radials; Big Sur; thence via Big Sur 099° radial to Jet Route No. 1.

This amendment shall become effective 001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 19, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–869; Filed, Jan. 25, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8353 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Jerry Gross and Transparent Glass Coatings Co.

Subpart—Advertising falsely or misleading: § 13.15 *Business status, advantages, or connections;* § 13.15–235 *Producer status of dealer or seller;* § 13.15–235(m) *Manufacturer;* § 13.110 *Indorsements, approval and testimonials;* § 13.265 *Tests and investigations.* Subpart—Claiming or using indorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly;* § 13.330–60 *National organizations.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Jerry Gross trading as Transparent Class Coatings Company, Los Angeles, Calif., Docket 8353, Oct. 10, 1961]

In the Matter of Jerry Gross, an Individual, Trading and Doing Business as Transparent Glass Coatings Company

Consent order requiring a Los Angeles distributor of transparent window coatings to retailers, to cease representing falsely in newspaper and other advertising and through statements of salesmen that he manufactured said product, that it had been used, endorsed and approved by nationally known concerns, and that it had been tested by reputable testing companies.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Jerry Gross, an individual, trading and doing business as Transparent Glass Coatings Company, or trading and doing business under any other name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of transparent plastic glass coatings, or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That he manufactures the products sold by him when such is not the fact;

2. That any products have been used by, or had the endorsement and approval of any concern when such is not the fact; and

3. That any product has been tested by the United States Testing Company and Albert L. Chaney Chemical Laboratory, or any other organization, if such is not the case.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: October 10, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–870; Filed, Jan. 25, 1962; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55555]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Identification and Examination of Theatrical Paraphernalia Taken Abroad

It has been established that in the case of shipments abroad of theatrical scenery, properties, and effects by rail in carload lots in cars sealed by customs officers for entry at a foreign port where sufficient United States customs officers are regularly stationed the United States customs revenue will be adequately protected if the application for identification (customs Form 4455) is filed with such an officer and he examines the articles prior to their release from customs custody by the foreign customs officers.

Accordingly, § 10.68(a) is amended by adding at the end thereof the following sentence: "In the case of theatrical scenery, properties, and effects taken abroad by rail for temporary use in carload lots in cars sealed by customs officers for entry at Montreal or Toronto, application and examination prior to or at the time of exportation is waived if customs Form 4455 is filed with the United States customs officer in Montreal or Toronto, as the case may be, and that officer examines the articles prior to their release from customs custody by the foreign customs officers."

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: January 19, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62–891; Filed, Jan. 25, 1962; 8:48 a.m.]

[T.D. 55554]

PART 10—ARTICLES UNCONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

United States Government Importations

Certain provisions of the Customs Regulations limit blanket applications for immediate delivery of merchandise imported by a military department, the General Services Administration, or the Atomic Energy Commission to 1 year. The following amendment is made to permit these agencies to file general blanket applications for indefinite periods of time or specific blanket applications for particular classes of shipments or limited periods of time.

Section 10.104(a), Customs Regulations, is amended to read as follows:

(a) Shipments consigned to a military department, the General Services Administration, the Atomic Energy Commission, or other party acting for the Atomic Energy Commission, or to an officer or official of any such agency in his official capacity, shall be regarded for purposes of this regulation as shipments the immediate delivery of which is necessary within the purview of section 448(b), Tariff Act of 1930. Such shipments may be released upon the filing of immediate delivery applications on customs Form 3461 as set forth in § 8.59 of this chapter. Such applications may be limited to particular shipments or may cover all shipments imported by the government agency making the application. They may be approved for specific periods of time or for indefinite periods of time provided in either case they are supported by blanket carrier's certificates and stipulations as provided in paragraph (b) of this section.

(Secs. 448, 624, 46 Stat. 714, 759; 19 U.S.C. 1448, 1624)

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: January 19, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62–890; Filed, Jan. 25, 1962; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

In § 203.17 paragraph (d) is amended to read as follows:

§ 203.17 Mortgage provisions.

* * * * * * *

(d) *Maturity.* (1) The mortgage shall have a maturity as set forth in subparagraph (2) or (3) of this paragraph, whichever is the lesser.

(2) The mortgage shall have a maturity not in excess of three-quarters of the remaining economic life of the building improvements.

(3) The mortgage shall have a term of not less than 10 nor more than:

(i) Thirty years from the date of the beginning of amortization; or

(ii) Thirty-five years from the date of the beginning of amortization if the application for mortgage insurance involves the financing of a dwelling which was:

(*a*) Prior to the beginning of construction, approved for mortgage insurance by the Commissioner or approved for guaranty, insurance, or direct loan by the Administrator of Veterans Affairs; and

(*b*) Inspected by the FHA and found to have been completed in compliance with the terms of the FHA commitment or inspected by the VA and found to have been completed in compliance with the terms of the VA Certificate of Reasonable Value.

Subpart B—Contract Rights and Obligations

In § 203.367 paragraph (a)(3) is deleted.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In § 207.15 paragraphs (c) and (d) are amended as follows:

§ 207.15 Issuance of bonds secured by trust indenture.

* * * * *

(c) The holders of the bonds or other obligations shall look solely to the Trustee for the benefits of the contract of mortgage insurance and the trust indenture shall expressly authorize the Commissioner to make payment of any claim under the contract of mortgage insurance to the Trustee, without liability or accountability to the bond holders to see to the application of the mortgage insurance contract benefits; and

(d) The bonds or other obligations shall be issued only to holders meeting the following qualifications:

(1) A mortgagee approved by the Commissioner;

(2) A pension or retirement fund or a profit-sharing plan maintained and administered by a corporation or by a governmental agency or by a trustee or trustees, which has lawful authority to acquire the bonds or other obligations; or

(3) A charitable or nonprofit organization.

In § 207.19 paragraph (c)(6) is amended to read as follows:

§ 207.19 Required supervision of private mortgagors.

* * * * *

(c) * * *

(6) An irrevocable letter of credit acceptable to the Commissioner and the mortgagee and issued by an institution satisfactory to them may be substituted for any cash deposit required by subparagraphs (1), (3), and (5) of this paragraph.

Subpart B—Contract Rights and Obligations

In § 207.261 paragraph (b) is amended to read as follows:

§ 207.261 Assignment of insured mortgages.

* * * * *

(b) *Bonds.* Bonds or other obligations issued in connection with an insured mortgage executed in the form of an indenture of trust may be transferred as provided in the trust indenture and the provisions of paragraph (g) of this section shall not be applicable to these transfers.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

In § 213.19 paragraph (d) is amended to read as follows:

§ 213.19 Issuance of bonds secured by trust indenture.

* * * * *

(d) The bonds or other obligations shall be issued only to holders meeting the following qualifications:

(1) A mortgagee approved by the Commissioner;

(2) A pension or retirement fund or a profit-sharing plan maintained and administered by a corporation or by a governmental agency or by a trusteee or trustees, which has lawful authority to acquire the bonds or other obligations; or

(3) A charitable or nonprofit organization.

Section 213.26 is amended to read as follows:

§ 213.26 Working capital.

The amount of working capital, if any, required by the Commissioner to be deposited by the mortgagor with the mortgagee or in a depository satisfactory to the mortgagee and under its control, shall not exceed 2 percent of the original amount of the mortgage. Disbursements from such deposit shall be made only in a manner prescribed by the Commissioner. An irrevocable letter of credit acceptable to the Commissioner and the mortgagee and issued by an institution satisfactory to them may be substituted for any cash deposits required by this section.

Section 213.27 is amended by adding a new paragraph (f) to read as follows:

§ 213.27 Assurances of completion.

* * * * *

(f) An irrevocable letter of credit acceptable to the Commissioner and the mortgagee and issued by an institution satisfactory to them may be substituted for any cash deposit required by paragraphs (b) and (d) of this section.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Low Cost Homes

In § 221.30 paragraph (a)(2) is amended to read as follows:

§ 221.30 Maturity of mortgage.

(a) * * *

(2) Thirty-five years in the case of any other family if the application for mortgage insurance involves the financing of a dwelling which was:

(i) Prior to the beginning of construction, approved for mortgage insurance by the Commissioner or approved for guaranty, insurance, or direct loan by the Administrator of Veterans Affairs; and

(ii) Inspected by the FHA and found to have been completed in compliance with the terms of the FHA commitment or inspected by the VA and found to have been completed in compliance with the terms of the VA Certificate of Reasonable Value.

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.526 paragraph (d) is amended to read as follows:

§ 221.526 Issuance of bonds secured by trust indenture.

* * * * *

(d) The bonds or other obligations shall be issued only to holders meeting the following qualifications:

(1) A mortgagee approved by the Commissioner;

(2) A pension or retirement fund or a profit-sharing plan maintained and administered by a corporation or by a governmental agency or by a trustee or trustees, which has lawful authority to acquire the bonds or other obligations; or

(3) A charitable or nonprofit organization.

In § 221.540 add a new paragraph (d) as follows:

§ 221.540 Financial requirements.

* * * * *

(d) An irrevocable letter of credit acceptable to the Commissioner and the mortgagee and issued by an institution satisfactory to them may be substituted for any cash deposit required by paragraphs (a) and (c) of this section.

In § 221.542 delete the period in subparagraph (b) and substitute in lieu thereof "; or" and add a new subparagraph (c) as follows:

§ 221.542 Assurance of completion.

* * * * *

(c) An irrevocable letter of credit acceptable to the Commissioner and the mortgagee which is issued by an institution satisfactory to them in an amount at least equal to 10 percent of the estimated cost of construction of the project.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER I—HOUSING FOR ELDERLY PERSONS

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

Subpart A—Eligibility Requirements

In § 231.2 paragraph (i) is amended to read as follows:

§ 231.2 Definitions.

* * * * *

(i) "Private Mortgagor—Profit" means any mortgagor approved by the Commissioner, which, until the termination of all obligations of the Commissioner under the insurance contract and during such further period of time as the Commissioner shall be the owner, holder, or reinsurer of the mortgage, may in the Commissioner's discretion be regulated or restricted as to rents or sales, charges, capital structure, rate of return and methods of operation.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 231, 73 Stat. 665; 12 U.S.C. 1715v)

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES

PART 232—NURSING HOMES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In § 232.43 paragraph (d) is amended to read as follows:

§ 232.43 Issuance of bonds secured by trust indenture.

* * * * *

(d) The bonds or other obligations shall be issued only to holders meeting the following qualifications:

(1) A mortgagee approved by the Commissioner;

(2) A pension or retirement fund or a profit-sharing plan maintained and administered by a corporation or by a governmental agency or by a trustee or trustees, which has lawful authority to acquire the bonds or other obligations; or

(3) A charitable or nonprofit organization.

(Sec. 211, 52 Stat 23; 12 U.S.C. 1715b. Interprets or applies sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

SUBCHAPTER L—MORTGAGE INSURANCE FOR INDIVIDUALLY OWNED UNITS IN MULTIFAMILY STRUCTURES

PART 234—CONDOMINIUM OWNERSHIP

In Part 234 the table of contents is amended by adding two new section headings as follows:

Sec.
234.273 Assessment of taxes.
234.274 Certificate of tax assessment.

Subpart A—Eligibility Requirements

In § 234.26 paragraph (d)(3) is amended to read as follows:

§ 234.26 Eligibility family unit, multifamily structure, and plan of apartment ownership.

* * * * *

(d) Certificate of mortgagee. * * *

(3) The family unit is assessed and subject to assessment for taxes pertaining only to that unit.

Subpart B—Contract Rights and Obligations

In Part 234 two new §§ 234.273 and 234.274 are added as follows:

§ 234.273 Assessment of taxes.

When a family unit is conveyed to the Commissioner or a mortgage is assigned to the Commissioner, the unit shall be assessed and subject to assessment for taxes pertaining only to that unit.

§ 234.274 Certificate of tax assessment.

The mortgagee shall certify, as of the date of filing for record of the deed or assignment of the mortgage to the Commissioner, that the family unit is assessed and subject to assessment for taxes pertaining only to that unit.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

SUBCHAPTER T—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 803—ARMED SERVICES HOUSING—MILITARY PERSONNEL

Subpart A—Eligibility Requirements

In § 803.21 paragraph (d) is amended to read as follows:

§ 803.21 Issuance of bonds secured by trust indenture.

* * * * *

(d) The bonds or other obligations shall be issued only to holders meeting the following qualifications:

(1) A mortgagee approved by the Commissioner;

(2) A pension or retirement fund or a profit-sharing plan maintained and administered by a corporation or by a governmental agency or by a trustee or trustees, which has lawful authority to acquire the bonds or other obligations; or

(3) A charitable or nonprofit organization.

Subpart B—Contract Rights and Obligations

In § 803.261 paragraph (b) is amended to read as follows:

§ 803.261 Assignment of insured mortgages.

* * * * *

(b) *Bonds.* Bonds or other obligations issued in connection with an insured mortgage executed in the form of an indenture of trust may be transferred as provided in the trust indenture and the provisions of paragraph (g) of this section shall not be applicable to these transfers.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interpret or apply sec. 803, 69 Stat. 647, as amended; 12 U.S.C. 1748b)

Issued at Washington, D.C., January 22, 1962.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 62-893; Filed, Jan. 25, 1962; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6586]

PART 252—EXPORTATION OF LIQUORS

Miscellaneous Amendments

On November 7, 1961, a notice of proposed rule making to amend 26 CFR Part 252 was published in the FEDERAL REGISTER (26 F.R. 10484). In accordance with the notice, interested persons were given an opportunity to submit written comments or suggestions pertaining thereto.

All comments and suggestions received within the prescribed period were carefully considered but no changes were made in the proposed amendments, and the amendments as published in the FEDERAL REGISTER are hereby adopted.

This Treasury decision shall be effective on the first day of the first month that begins not less than 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved January 19, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order (a) to conform these regulations to the provisions of section 309(a) of the Tariff Act of 1930 (19 U.S.C. 1309(a)), as amended by section 5(a)(1) of Public Law 86-606, relating to supplies on vessels and aircraft engaged in trade between Hawaii and any other part of the United States or Alaska and any other part of the United States, (b) to remove the requirement that bottles of wine exported with benefit of drawback be labeled "For Export", (c) to clarify the provisions relating to the marking of containers, and (d) to eliminate a discrepancy in the instructions for the preparation of Form 206, 26 CFR Part 252, "Exportation of Liquors", is amended as follows:

1. Section 252.21 is amended by inserting ", or between Hawaii and any other part of the United States or between Alaska and any other part of the United States" immediately after "possessions", wherever it appears in paragraphs (b), (c), (e), and (f).

2. The second sentence of paragraph (a) of § 252.122 is amended to read: "Where the exporter is the proprietor of the bonded wine cellar from which the wine is to be withdrawn he shall, at the time of withdrawal of the wine, prepare a notice of the withdrawal and shipment, on Form 206, in quadruplicate."

3. Section 252.123 is amended by changing that portion of the section pre-

ceding paragraph (a) to read as follows: "In addition to the marks and brands required to be placed on packages and cases at the time they are filled under the provisions of Part 240 of this chapter, the proprietor shall place additional marks, as herein specified, on each such container before removal from the bonded premises:".

4. Section 252.154 is amended by changing that portion of the section preceding paragraph (a) to read as follows: "In addition to the marks and brands required to be placed on packages and cases at the time they are filled under the provisions of Part 201 of this chapter, the proprietor shall place additional marks, as herein specified, on each such container before removal from the bonded premises:".

5. Section 252.193 is amended by changing that portion of the section preceding paragraph (a) to read as follows: "In addition to the marks and brands required to be placed on packages and cases at the time they are filled under the provisions of Part 201 of this chapter, the proprietor of the export storage shall place additional marks, as herein specified, on each such container before removal from export storage for export, for use on vessels or aircraft, or for transfer to a foreign-trade zone:".

6. Section 252.213 is revoked.

7. Section 252.216 is amended by changing that portion of the section preceding paragraph (a) to read as follows: "In addition to the marks and brands required to be placed on each package and case under the provisions of Parts 201, 231, or 240, of this chapter, each such container removed under the provisions of this subpart shall have stenciled or otherwise marked thereon, in durable and legible letters and figures of not less than three-fourths of an inch in height, additional information, as specified below:".

8. Section 252.223 is amended by changing that portion of the section preceding paragraph (a) to read as follows: "In addition to the marks and brands prescribed in Part 245 of this chapter, each keg, barrel, case, crate, or other package containing beer removed under the provisions of this subpart shall have stenciled or otherwise marked thereon, in durable and legible letters and figures of not less than three-fourths of an inch in height, additional information as specified below:".

(Sec. 7805, Internal Revenue Code, 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 62-844; Filed, Jan. 25, 1962; 8:45 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 260-62]

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

By virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22) and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), I hereby prescribe the following regulations relating to the production or disclosure of material or information in the files of the Department of Justice:

Sec.
16.1 Response to subpoena or order for production or disclosure.
16.2 Action to be taken on adverse ruling by the court.

AUTHORITY: §§ 16.1 and 16.2 issued under R.S. 161; 5 U.S.C. 22.

§ 16.1 Response to subpoena or order for production or disclosure.

Whenever a United States Attorney or any other officer or employee of the Department of Justice is served with a subpoena or order for the production or disclosure of material or information contained in the files of the Department of Justice, the United States Attorney, or such other attorney as may be designated, shall appear with the person upon whom the demand is made and inform the court or other issuing authority that such person is not authorized to produce or disclose the material or information sought. Time shall be requested within which to refer the subpoena or order to the Attorney General, and the United States Attorney, or other attorney designated, shall refer the court to the regulations in this part. Advice as to such subpoena or order shall be given immediately to the Attorney General without awaiting court appearance.

§ 16.2 Action to be taken on adverse ruling by the court.

In the event the court declines to defer a ruling until instructions from the Attorney General have been received, or in the event the court rules adversely on a claim of privilege asserted under instructions of the Attorney General, the person upon whom such demand is made shall, pursuant to the regulations in this part, respectfully decline to produce the material or information sought (United States ex rel. Touhy v. Ragen, 340 U.S. 462).

This order supersedes Order No. 3229 (Revised) dated January 13, 1953.

Dated: January 19, 1962.

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 62-862; Filed, Jan. 25, 1962; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

Aircraft

On page 11363 of the FEDERAL REGISTER of December 1, 1961, there was published a notice and text of a proposed amendment to Part 1 of Title 36 Code of Federal Regulations. The purpose of this amendment is to preserve the wilderness qualities of the park by restricting landings and takeoff of float and amphibious aircraft in Isle Royale National Park.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

JANUARY 19, 1962.

Subparagraph (7) of paragraph (a), § 1.61 is amended and revised to read as follows:

§ 1.61 Aircraft.

(a) • • •

(7) *Isle Royale National Park, Michigan.* The portion of Tobin Harbor located in the NE¼ of Sec. 4, T. 66 N., R. 33 W.; the SE¼ of Sec. 33, T. 67 N., R. 33 W.; and the SW¼ of Sec. 34, T. 67 N., R. 33 W. The portion of Rock Harbor located in the SE¼ of Sec. 13, the N½ of Sec. 24, T. 66 N., R. 34 W, and the W½ of Sec. 18, T. 66 N., R. 33 W. The portion of Washington Harbor located in the N½ of Sec. 32, all of Sec. 29, SE¼ of Sec. 30, and the E½ of Sec. 31, T. 64 N., R. 38 W.

(39 Stat. 535; 16 U.S.C. 3)

[F.R. Doc. 62-876; Filed, Jan. 25, 1962; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 96—AIR TRANSPORTATION

First-Class Mail by Air

The regulations of the Post Office Department in Part 96—Air Transportation—as published in 26 F.R. 11638–11653, and as amended by 26 F.R. 12218–12220, are revised by making the following changes in Subpart E—First-class Mail (FCM) by Air.

I. In § 96.48 *Forms and procedures for dispatching and receiving FCM* make the following changes:

A. In paragraph (c) subparagraphs (1) and (2) are amended to clarify the instructions for preparing Form 2715–X and make certain editorial changes therein. As so amended, subparagraphs (1) and (2) read as follows:

(c) *Form 2715–X Carrier record of FCM dispatched by air.* (1) Air carriers receiving FCM on Forms 2713–X, will prepare Form 2715–X to provide a record for each 24-hour period of FCM dispatched to the various destinations.

(2) *Preparation.* The form is prepared by the air carrier representative as follows:

(i) Prepare original and one copy for each destination. Where dispatches are regularly made to a destination, but for any reason "no" dispatch is made on a particular date, prepare Form 2715–X and mark "Nil".

(ii) Complete headings.

(iii) Under heading "Received From AMF":

(*a*) Post pieces and weight of mail carried forward from previous day.

(*b*) Post bill order number, promptly on receipt of related mail described on each Form 2713–X.

(*c*) Post pieces and weight of mail, originating at that point, received by transfer from other carriers on Forms 2715–B. See paragraph (e)(3) of this section (transfers of FCM described in paragraphs (e) (4) and (5) of this section should not be entered on Forms 2715–X).

(*d*) At the close of the 24-hour period, add pieces and weight and enter on "Total" line.

(iv) Under heading "Transported by Carrier":

(*a*) Post pieces, weight and trip number on which FCM boarded. For FCM dispatched to interchange trips, show under "Remarks" the ultimate destination in brackets.

(*b*) At the close of the 24-hour period, add pieces and weight of mail boarded and enter total.

(*c*) Post total pieces and weight of mail from Forms 2715–B covering mail transferred to another carrier. Also, total pieces and weight from Forms 2753, "Receipt to Airline", for mail returned to the postal unit.

(*d*) Inventory any mail stockpiled and enter total pieces and weight of mail on hand.

(*e*) Post total pieces and weight.

(*f*) Verify that the total balances with the total under "Received from AMF" column.

(v) Sign and present Form 2715–X (original and one copy) to postal unit for verification.

(vi) Do not complete the portion of Form 2715–X under "Carrier's Statement of Service Performed".

NOTE: The corresponding Postal Manual sections are 534.431 and 534.432.

B. In paragraph (c)(4) amend subdivision (ii) by striking out "(See § 96.5(d)(3).)", and inserting in lieu thereof "(See § 96.5(c).)".

NOTE: The corresponding Postal Manual section is 534.434.

C. In paragraph (d), *Form 2713, Dispatch Record of First-Class Mail by Air,* make the following changes:

1. Subparagraph (1) is amended to show the use of Form 2713 when FCM is irregularly off-loaded. As so amended, subparagraph (1) reads as follows:

(1) *Use.* Form 2713 is used for FCM dispatches over local service air carriers; on the West Coast, over trunkline air carriers between points where no 24-hour dispatch is made on Forms 2715–X, and where FCM is irregularly off-loaded and turned in to the postal unit at a point where dispatches to any point are not made by use of Form 2715–X procedure. See § 96.47(b)(7).

2. Amend subparagraph (2) for the purpose of clarification to read as follows:

(2) *Preparation.* Form 2713 shall be prepared by the designated clerk at the airport mail facility or by the dispatching clerk at the air stop post office as follows:

(i) Prepare original and two copies for each trip to which FCM is dispatched.

(ii) Complete origin code block and first line across top of form. In the "Mail Ready" space, enter the time at which the FCM and forms are ready for delivery to the air carrier. (The departure time must be entered subsequently on AMF files copy on basis of information received from air carrier.)

(iii) Head columns on form, from left to right in station order served by trip, with three-letter alpha code for destination to which FCM is dispatched.

(iv) Provide separate column for listing FCM for dispatch to destination not served by trip of dispatch, and requiring "intraline" transfer to another trip of the same carrier (interline transfers by local service air carriers are not authorized), adjacent to column in which local FCM for the transfer point is recorded. Show (*a*) the actual or ultimate on-line destination of FCM, and (*b*) code of transfer point and trip being connected.

(v) Bulk list total pieces and total pounds of FCM due off at each stop point under appropriate destination column, cross add pieces and pounds, enter "Grand Total" in block at bottom of form and sign in space provided.

3. In subparagraph (5), strike out "(See § 96.5(d)(3).)"; and insert in lieu thereof "(See § 96.5(c).)"

NOTE: The corresponding Postal Manual sections are 534.441, 534.442, and 534.445.

D. In paragraph (e)(4) strike out the last sentence of subdivision (i)(c) and insert in lieu thereof "See § 96.47(b)(7) for proper handling by postal unit."

NOTE: The corresponding Postal Manual section is 534.454a(3).

E. In paragraphs (f) and (g) amend the heading of subparagraphs (2) to read *"Preparation".*

NOTE: The corresponding Postal Manual sections are 534.462, and 534.472.

II. In § 96.49 *Reporting and processing FCM irregularities,* make the following changes:

A. In paragraph (a)(3), subdivision (i) is amended to provide for a memorandum report of refusals/removals of FCM, in lieu of a report on Form 2759. As so amended, subdivision (i) reads as follows:

(3) *FCM irregularities requiring close attention.* (i) Removals of FCM are not subject to the preparation of briefs and the imposition of fines under the space available provisions of Order E–17255. However, remedial action may be required. Submit memorandum report with full particulars to enable the distribution and traffic manager to take such corrective action as may be necessary in situations where repetitive occurrences involving refusals and removals impair the service accorded FCM. See § 96.48(e)(4)(iii)(*d*) concerning situations involving Form 2715–B transfers requiring report on Form 2759.

NOTE: The corresponding Postal Manual section is 534.513.

B. In paragraph (b) amend subparagraph (2) for the purpose of clarification to read as follows:

(2) *Processing of finable FCM cases.* Reports of (i) damage to mail or equipment, including repetitive instances occurring at the same airport, (ii) failure to protect FCM from depredation, and (iii) neglect resulting in substantial delay, are to be forwarded to the Director, Air Transportation Branch, for appropriate disposition.

NOTE: The corresponding Postal Manual section is 534.522.

(R.S. 161, as amended, sec. 405, 72 Stat. 760; 5 U.S.C. 22, 39 U.S.C. 501, 6301, 6304, 49 U.S.C. 1375)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-888; Filed, Jan. 25, 1962; 8:48 a.m.]

PART 112—RATES AND CONDITIONS FOR SPECIFIC CLASSES

PART 131—AIR SERVICE

PART 132—REGISTRATION

PART 151—CUSTOMS

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 112.7, as published in 26 F.R. 8701–8702 and amended by 27 F.R. 404, amend paragraph (d) for purposes of clarification to read as follows:

§ 112.7 Small packets.

• • • • • •

(d) *Description.* Small packets offer a convenient and economical means for sending small quantities of merchandise to those countries that admit this class of postal union mail.

NOTE: The corresponding Postal Manual section is 222.74.

II. In § 131.4 as published in 26 F.R. 8710, paragraph (a) is amended to show that senders are responsible for marking Postal Union airmail with the words "Par Avion". As so amended, paragraph (a) reads as follows:

§ 131.4 Marking.

(a) *Postal union mail.* Senders should mark airmail articles in the left corner, immediately below the return address, with the words "Par Avion" in blue color. Post offices may furnish senders with label 19 for the purpose. Articles which the senders have failed to mark "Par Avion" shall not be returned for marking or be marked by postal employees.

NOTE: The corresponding Postal Manual section is 241.41.

III. In § 132.1, as published in 26 F.R. 8710, paragraph (a) is amended to show that direct sacks of mail sent by publishers and new agents abroad in quantity under prescribed conditions may not be registered. As so amended, paragraph (a) reads as follows:

§ 132.1 What may be registered.

(a) *Postal union mail.* Postal union articles of all classes may be registered to all countries unless a specific exception is stated under the country item in § 168.5 of this chapter. Direct sacks of mail as described in § 112.4(f) of this chapter may not be registered.

NOTE: The corresponding Postal Manual section is 242.11.

IV. In § 151.2 as published in 26 F.R. 8719, paragraphs (a) and (b) are amended to incorporate instructions for the use of label 81 on sacks containing dutiable mail. As so amended, paragraphs (a) and (b) read as follows:

§ 151.2 Separation points.

(a) *Exchange offices.* Articles believed liable to customs duty are submitted immediately to local customs officers or redispatched for customs treatment to designated distribution offices. In the latter case, exchange offices will attach label 81, a reusable pink slotted tag bearing the words "This sack contains mail 'SUPPOSED LIABLE TO CUSTOMS DUTY'," to the label holders or hasps of sacks or pouches containing matter to be submitted to customs officers.

(b) *Distribution offices.* Distribution offices will submit articles supposed liable to customs duty to customs officers as soon as possible after receipt. The reusable tags, label 81, removed from sacks containing this mail, will be returned periodically to the postmasters at New York, New Orleans, San Francisco, Seattle, or Miami, as may be appropriate from a geographical standpoint.

NOTE: The corresponding Postal Manual sections are 261.21 and 261.22.

§ 168.5 [Amendment]

V. In § 168.5 *Individual country regulations*, as published in 26 F.R. 8725–8805, the country "Mexico", under Parcel Post, is amended by inserting two new paragraphs immediately preceding the first paragraph of the item *Observations* to include requirements for import licenses. As so added, the paragraphs read as follows:

Observations. A large variety of items, when the value exceeds 200 Mexican pesos (about $16), require import licenses which the addressees must obtain before the goods arrive. The Mexican official valuation of articles may be higher than the purchase price. Also, customs duty is assessed at high rates. This applies to gifts and to Mexican goods being returned for replacement or repair, as well as commercial shipments. If the addressees have not obtained import licenses if required, before the parcels arrive, the Mexican customs authorities may assess fines in addition to the duty, or confiscate the parcels. Confiscated parcels are not released without authorization of the customs authorities, even if the addressees refuse them or the senders request their return.

Persons desiring to mail parcels to Mexico should be advised of the foregoing and advised to refrain from mailing unless they are assured that the addressee will be able to take delivery. Information concerning the Mexican import duties applicable to specific items and their status under Mexican import control may be obtained by sending a description of the items to the American Republics Division, Bureau of International Programs, Department of Commerce, Washington 25, D.C., or any field office of that Department.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-889; Filed, Jan. 25, 1962; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 14—Department of the Interior

PART 14–1—GENERAL

This chapter is effective upon publication in the FEDERAL REGISTER.

Sec.
14–1.000 Scope of part.

Subpart 14–1.1—Introduction

14–1.100 Purpose.
14–1.101 Authority.
14–1.102 Adoption of the Federal Procurement Regulations System.
14–1.103 Relationship of Chapter 14 to the FPR and other procurement instructions.
14–1.104 Applicability.
14–1.105 Method of issuance.
14–1.106 Exclusions.
14–1.107 Arrangement.
14–1.107–1 Numbering.

AUTHORITY: §§ 14–1.000 to 14–1.107 issued under R.S. 161; 5 U.S.C. 22.

§ 14–1.000 Scope of part.

This part establishes a system of procurement procedures applicable to purchases of personal property and nonpersonal services (including construction) by all bureaus and offices of the Department of the Interior, based upon the Federal Property and Administrative Services Act of 1949 and the Federal Procurement Regulations, and describes the method by which the Department of the Interior implements and supplements Federal Procurement Regulations, and sets forth policies and procedures which implement and supplement Part 1–1 of the Federal Procurement Regulations.

Subpart 14–1.1—Introduction

§ 14–1.100 Purpose.

Department of the Interior Procurement Regulations are hereby established as Chapter 14 of the Federal Procurement Regulations System in order to provide uniform policies and procedures for procurement of personal property and services by all bureaus and offices of the Department of the Interior in conformity with the Federal Property and Administrative Services Act and regulations thereunder. The material in this subpart explains the relationship of Department of the Interior Procurement Regulations to Federal Procurement Regulations and to other procurement instructions governing Department of the Interior operations.

§ 14–1.101 Authority.

Title III of the Federal Property and Administrative Services Act of 1949 provides a procurement system applicable to purchases of personal property and services by the General Services Administration and by other executive agencies to which the Administrator of General Services, pursuant to section 302(a)(2) of the Act, has delegated authority to apply the provisions of Title III. The Administrator on March 10, 1959, issued Delegation of Authority 363 (24 F.R. 1921, March 17, 1959) authorizing all executive agencies (except those governed by the Armed Services Procurement Act) to utilize the provisions of Title III, other than section 305, relating to advance payments. The Federal Procurement Regulations System was established by the Administrator in March 1959 (Procurement Circular 1, 24 F.R. 1933, March 17, 1959), to prescribe policies and methods of procurement by all executive agencies acting under the Federal Property and Administrative Services Act of 1949. Executive agencies are authorized by FPR 1–1.008 to prescribe agency regulations to implement, supplement, and deviate from Federal Procurement Regulations. For the Department of the Interior, the Secretary of the Interior is empowered by law to prescribe such regulations (5 U.S.C. 22).

§ 14–1.102 Adoption of the Federal Procurement Regulations System.

Pursuant to authority delegated by the Administrator of General Services, the provisions of Title III of the Federal Property and Administrative Services Act of 1949 and Federal Procurement Regulations shall, unless an exception is made by the Secretary for any purchase or class of purchases, govern the procurement of personal property and non-personal services (including construction) by all bureaus and offices of the Department of the Interior.

§ 14–1.103 Relationship.

(a) Chapter 14 implements and supplements the FPR. Material published in the FPR, which has Government-wide applicability, becomes effective throughout the Department of the Interior upon the effective date of the particular FPR issuance. Such material will not be repeated, paraphrased, or otherwise stated in Chapter 14 except to the extent necessary to implement, supplement or authorize deviations from the FPR.

(b) Procurement instructions necessary to implement or supplement the FPR and Chapter 14 will be issued by the Office of the Administrative Assistant Secretary, when necessary to accomplish Department-wide procurement objectives. Such issuances will be promulgated in the Departmental Manual.

(c) Instructions necessary to supplement the FPR, Chapter 14, and the Departmental Manual will be issued by the heads of the bureaus and contracting offices, and by their delegates in subordinate offices.

§ 14–1.104 Applicability.

(a) Chapter 14 applies to all purchases and contracts made by any bureau or office of the Department of the Interior for the procurement of personal property and nonpersonal services (including construction). Unless otherwise specified, it applies to purchases and contracts within and outside the United States.

(b) This chapter shall not be construed or applied in such a way as to impair the exercise of special statutory authority governing the production, sale or exchange of electric energy, the processing and sale of helium gas, or the production and sale of water or other products under the saline water program.

§ 14–1.105 Method of issuance.

All Chapter 14 material deemed necessary for business concerns and others interested to understand basic and significant Department of the Interior procurement policies and procedures will be published in the FEDERAL REGISTER. Other related material will be promulgated in the Departmental Manual, and copies of such material will be made available to interested individuals or organizations upon request.

§ 14–1.106 Exclusions.

(a) Certain Department of the Interior policies and procedures which come within the scope of this chapter may be excluded therefrom when there is justification therefor. These exclusions will include the following categories:

(1) Subject matter which bears a security classification.

(2) Policies or procedures which are expected to be effective for a period of less than six months.

(3) Experimental policies or procedures, for a reasonable period.

Procurement policies, procedures and instructions issued in other than FPR System format under subparagraphs (2) and (3) of this paragraph will be codified into Chapter 14 at the earliest practicable date.

§ 14–1.107 Arrangement.

§ 14–1.107–1 Numbering.

(a) The numbering system used in Chapter 14 conforms to that of the FPR. Thus, a particular procurement policy or procedure will be identified by the same number in Chapter 14 as in FPR, except that the first digit of the number is 1 (FPR) or 14 (Department of the Interior).

(b) Similarly, procedure and instructions which may be issued by the bureaus and offices of the Department of the Interior will be identified by alphabetical designations immediately following the Departmental Code (14), as illustrated below:

14A Office of the Secretary.
14B Division of Administrative Services (Chief Clerk).
14C Bureau of Commercial Fisheries and Wildlife.
14D Bureau of Sport Fisheries and Wildlife.
14E Bureau of Mines.
14F Geological Survey.
14G Office of Coal Research.
14I Bureau of Indian Affairs.
14J Bureau of Land Management.
14K National Park Service.
14L Office of Territories.
14M Alaska Railroad.
14R Office of Saline Water.
14S Bureau of Reclamation.
14T Bonneville Power Administration.
14U Southeastern Power Administration.
14W Southwestern Power Administration.

STEWART L. UDALL,
Secretary of the Interior.

JANUARY 19, 1962.

[F.R. Doc. 62-877; Filed, Jan. 25, 1962; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2591]

[Oregon 010715]

OREGON

Revoking Air Navigation Site Withdrawal No. 107

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of October 22, 1936, creating Air Navigation Site Withdrawal No. 107, which was partially revoked by Bureau of Land Management Order of June 10, 1957, is hereby revoked in its entirety. The following described lands are released from withdrawal by this order:

WILLAMETTE MERIDIAN

T. 7 S., R. 89 E.,
Sec. 26, NE¼NE¼NW¼SW¼.
Containing 2½ acres.

2. The lands are grazing lands located on a rocky knoll about 1½ miles northeast of Haines in Baker County, Oregon, at an elevation of approximately 3,400 feet. Temperatures vary from a summer high of 100° to winter lows of subzero, and precipitation is about nine inches per annum, most of which occurs in the form of rain and snow during the fall, winter, and spring seasons.

3. The lands are hereby restored to the operation of the public land laws, subject to any valid existing rights, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, provided, that until 10:00 a.m., on July 20, 1962, the State of Oregon shall have a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

The lands will be open to mining location at 10:00 a.m. on July 20, 1962.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JANUARY 19, 1962.

[F.R. Doc. 62-872; Filed, Jan. 25, 1962; 8:46 a.m.]

[Public Land Order 2592]

[Montana 043394]

MONTANA

Power Site Cancellation No. 160; Partly Revoking Power Site Classifications Nos. 301 and 369; Opening Lands Under Section 24 of the Federal Power Act

By virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to determinations of the Federal Power Commission in DA–169–170, Montana, it is ordered as follows:

1. The departmental orders of October 24, 1944, and August 31, 1937, creating Power Site Classifications No. 369 and No. 301, respectively, are hereby revoked so far as they affect the following described lands:

PRINCIPAL MERIDIAN

Departmental order of August 31, 1937, Power Site Classification No. 301:

T. 26 N., R. 12 E.,
Sec. 13, lot 1.

Departmental order of October 24, 1944, Power Site Classification No. 369:

T. 24 N., R. 8 E.,
Sec. 26, SW¼SE¼;
Sec. 35, NW¼NE¼.

The areas described aggregate 113.65 acres, of which lot 1, section 13, is patented.

2. In DA–169–170–Montana, the Federal Power Commission determined that the value of the following described lands would not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, as amended:

PRINCIPAL MERIDIAN

Power Site Classification No. 369

T. 24 N., R. 8 E.,
Sec. 26, lot 5.

Power Site Classification No. 301

T. 25 N., R. 10 E.,
Sec. 4, SW¼SE¼;
Sec. 9, lot 3.
T. 26 N., R. 11 E.,
Sec. 22, lot 4;
Sec. 23, NE¼NE¼ and SW¼NE¼.
T. 26 N., R. 12 E.,
Sec. 12, lot 10;
Sec. 13, lot 1, SE¼NW¼ and NE¼SW¼.

The areas described aggregate 275.76 acres.

3. The lands are situated in Chouteau County, Montana. They range from grassy benchland to rough badlands. Vegetative cover consists of native grasses and sagebrush.

4. The public lands described in this order are hereby restored to the opera-

tion of the public land laws, subject to any valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals; any disposals of the lands described in paragraph 2 hereof, being further subject to the provisions of section 24 of the Federal Power Act, supra: *Provided*, That, until 10:00 a.m. on July 20, 1962, the State of Montana shall have a preferred right of application to select the lands in accordance with the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). During this period the State may also apply for the reservation to it or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required as a right-of-way for a public highway, or as a source of materials for construction and maintenance of such highways, in accordance with section 24 of the Federal Power Act, as amended.

5. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

JOHN A. CARVER, JR.
Assistant Secretary of the Interior.

JANUARY 19, 1962.

[F.R. Doc. 62-873; Filed, Jan. 25, 1962; 8:46 a.m.]

[Public Land Order 2593]

NEW MEXICO

Additions to New Mexico Grazing Districts Nos. 1 and 6; Partial Revocations of Executive Orders Nos. 8095 and 10046

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952; and by virtue of the authority contained in the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315, et seq.), as amended, known as the Taylor Grazing Act; and in accordance with Executive Order No. 10787 dated November 6, 1958 (23 F.R. 8717), and Departmental Order No. 2843 dated November 17, 1959, it is ordered as follows:

1. The following-described lands are added to and made a part of New Mexico Grazing District No. 1, as heretofore established and modified:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 N., R. 1 W.,
Sec. 3, lots 1, 2, 3, 4, S½NW¼;
Sec. 4, lots 3 and 4.
T. 21 N., R. 1 W.,
Sec. 4, lots 1, 2, 3, and 4;
Sec. 8, SW¼SW¼;
Sec. 9, SE¼SW¼;
Sec. 14, lots 1, 2, 3, and 4;
Sec. 15, lots 1, 3, NE¼NE¼;
Sec. 17, lots 3, 6, and 7;
Sec. 18, SW¼NE¼ and N½SE¼;
Sec. 26, SE¼NE¼, E½SE¼, and SW¼SE¼;
Sec. 31, lots 10 and 11;
Sec. 34, lots 7 and 8;
Sec. 35, lot 7.
T. 22 N., R. 1 W.,
Sec. 4, N½N½NW¼SW¼, SE¼NE¼NW¼SW¼, NE¼SE¼NW¼SW¼, N½NE¼SW¼, SE¼NE¼SW¼, N½SW¼NE¼SW¼, SE¼SW¼NE¼SW¼, S½SW¼SW¼, N½SE¼;
Sec. 5, N½N½NE¼SE¼, N½NE¼NW¼SE¼, W½W½SE¼, SE¼SW¼SE¼, and S½SE¼SE¼;
Sec. 7, E½SW¼SE¼SE¼ and SW¼SW¼SE¼SE¼;
Sec. 8, NW¼NW¼NW¼SW¼;
Sec. 17, E½NE¼, NW¼NE¼, NE¼NW¼, E½NE¼SW¼, NW¼NE¼SW¼, N½SW¼NE¼SW¼, S½SW¼SW¼, S½NW¼SW¼SW¼, N½SE¼SE¼, SW¼SE¼SE¼, and N½SE¼SE¼SE¼;
Sec. 20, SW¼NE¼NE¼, W½NE¼SE¼NE¼, W½SE¼NE¼, and SE¼SE¼NE¼;
Sec. 28, lots 1, 2, 3, S½NW¼;
Sec. 29, SE¼NE¼, N½NW¼, W½SW¼, N½NE¼SW¼, and N½NW¼SE¼;
Sec. 30, NE¼NE¼;
Sec. 31, lots 2 and 3;
Sec. 33, lots 5, 6, S½S½, and NW¼SE¼.
T. 19 N., R. 2 W.,
Sec. 3, lots 3, 4, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 5, S½NE¼ and SE¼NW¼;
Sec. 6, lots 1, 2, S½SE¼;
Sec. 8, N½ and N½S½;
Sec. 9, NW¼SE¼ and N½SW¼;
Sec. 10, W½NW¼ and NW¼SW¼.
T. 20 N., R. 2 W.,
Sec. 5, SW¼;
Sec. 6, SE¼;
Secs. 7, 8, and 9;
Sec. 32, lot 2, NW¼SW¼;
Sec. 33, SW¼SE¼;
Sec. 34, SE¼NE¼, NE¼SE¼, and S½S½;
Sec. 35, SW¼NW¼.
T. 21 N., R. 2 W.,
Sec. 16, NE¼ and NE¼NW¼;
Sec. 21, SE¼NE¼ and E½ SE¼;
Sec. 27, N½ and SW¼;
Sec. 31, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 33, NW¼;
Sec. 34, N½NW¼.
T. 19 N., R. 3 W.,
Sec. 4, lots 3, 4, S½NW¼;
Sec. 6, lot 6;
Secs. 12, 13, and 14;
Sec. 15, SW¼.
T. 20 N., R. 3 W.,
Secs. 3, 10, and 11;
Sec. 12, S½;
Sec. 31, lots 3, 4, E½NE¼;
Sec. 34, SW¼;
Sec. 36.
T. 21 N., R. 3 W.,
Sec. 2, lot 4, SW¼NW¼;
Sec. 3, N½ and SE¼;
Sec. 4, SW¼NW¼ and NW¼SW¼;
Sec. 5, lots 1, 2, 3, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 6, lots 5, 6, SE¼;
Sec. 7;
Sec. 8, NW¼ and SW¼NE¼;
Sec. 9, SE¼SE¼;
Sec. 10, NE¼;
Sec. 13, E½SW¼;
Sec. 14, NW¼NE¼;
Sec. 16, NE¼ and NE¼SE¼;
Sec. 17, NE¼ and E½SE¼;
Secs. 18 and 19;
Sec. 22, S½NE¼ and SE¼;
Sec. 24, NW¼;
Secs. 27, 28, 29, and 30;
Sec. 32, NE¼;
Sec. 34.
T. 20 N., R. 4 W.,
Sec. 1;
Sec. 11, NE¼.
T. 21 N., R. 4 W.,
Sec. 1, E½SE¼ and SW¼SE¼;
Sec. 2, N½
Secs. 3, 4, 5, and 6;
Sec. 7, N¼, SE¼SW¼, and S½SE¼;
Sec. 8, N½, SW¼SW¼, and SE¼;
Secs. 9, 10, 11, and 12;
Sec. 13, E½NE¼;
Sec. 14, W½;
Sec. 18, NE¼;
Sec. 21, S½SW¼ and SW¼SE¼;
Sec. 22, NE¼;
Sec. 23, NW¼NE¼;
Sec. 24, NW¼NW¼;
Sec. 27, NW¼SW¼ and SE¼;
Sec. 32, S½S½;
Sec. 33, W½SW¼ and SE¼SW¼;
Sec. 34.
T. 21 N., R. 5 W.,
Sec. 11, SW¼ and N½SE¼;
Sec. 15;
Sec. 23, E½NW¼ and SW¼NE¼;
Sec. 24, S½;
Sec. 26, W½ and SE¼;
Secs. 27, 34, and 35.

The areas described total in the aggregate 33,290.73 acres.

2. The following-described lands are added to and made a part of New Mexico Grazing District No. 6, as heretofore established and modified:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 S., R. 21 E.,
Sec. 13, N½NW¼.
T. 17 S., R. 23 E.,
Sec. 6, N½SW¼;
Sec. 21, S½NE¼, SE¼NW¼, NE¼SW¼, and N½SE¼;
Sec. 22, S½SE¼.

The areas described total in the aggregate approximately 480 acres.

3. Section 2 of Executive Order No. 10046 of March 24, 1949, so far as it reserved the public lands described in Paragraph 1 hereof under the jurisdiction of the Department of Agriculture for use, administration, and disposition, in accordance with the provisions of Title III and the related provisions of Title IV of the Bankhead-Jones Farm Tenant Act, is hereby revoked.

4. Executive Order No. 8095 of April 19, 1939, so far as it reserved the public lands described in Paragraph 2 hereof for use of the Department of Agriculture in connection with the Hope Land Use Project, is hereby revoked.

5. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the requirements of applicable law, rules, and regulations, the provisions of any existing withdrawals, provided that until 10:00 a.m. on July 20, 1962, the State of New Mexico shall have a preferred right to apply to select the lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

The lands have been open to the operation of the mining and mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JANUARY 19, 1962.

[F.R. Doc. 62-874; Filed, Jan. 25, 1962; 8:47 a.m.]

[Public Land Order 2594]

[Los Angeles 0163998]

[Sacramento 065966]

CALIFORNIA

Establishing Monache-Walker Pass National Cooperative Land and Wildlife Management Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to existing valid rights, the following described public lands are hereby withdrawn from application under the nonmineral public land laws and from disposition under the homestead, desert land and scrip selection laws, and designated as the Monache-Walker Pass National Cooperative Land and Wildlife Management Area, to be managed by the Bureau of Land Management for the development, conservation, utilization, and maintenance of their natural resources, including their recreational and wildlife resources:

MOUNT DIABLO MERIDIAN

T. 25 S., R. 32 E.,
Sec. 25, N½N½, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 35, N½ and W½SW¼;
Sec. 36, S½ and W½NW¼.
T. 26 S., R. 32 E.,
Sec. 1, lots 1, 2, 3, and 4;
Sec. 2, lots 1, 2, 3, 4, S½NW¼, SW¼, SW¼NE¼, and W½SE¼;
Sec. 10;
Sec. 11, N½, N½SE¼, SW¼SE¼, N½SE¼SE¼, and SW¼;
Sec. 12, N½ and N½SW¼;
Sec. 13, NE¼NE¼, SW¼NW¼, N½SW¼, SE¼SW¼, and SE¼.
T. 27 S., R. 32 E.,
Sec. 1, lot 1 and W½;
Sec. 2, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 12, NW¼, N½SE¼NE¼, SE¼SE¼NE¼, and NW¼SE¼;
Sec. 13, NW¼SW¼ and S½S½;
Sec. 23, N½, N½S½, and S½SE¼;
Secs. 24 and 25;
Sec. 26, NE¼ and S½SE¼;
Sec. 27, NE¼SW¼;
Secs. 28 and 33;
Sec. 34, NW¼NW¼, E½E½, and W½SE¼;
Sec. 36, N½.
T. 28 S., R. 32 E.,
Sec. 3, lots 1, 3, 4, 5, 6, 7, 9, 10, 11, 37–A, 37–B, S½NE¼, NE¼SE¼, SW¼SE¼, and SE¼SW¼;
Sec. 4, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 9, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 44, NW¼NE¼, NW¼, W½SW¼, and SE¼SE¼;
Sec. 10, lots 1, 2, 3, 6, 7, and NW¼SW¼;
Sec. 12, E½NW¼, SE¼SW¼, SE¼SE¼, and SW¼NE¼;
Sec. 13, S½ and SW¼NW¼;
Sec. 14, E½, S½NW¼, and SW¼;
Sec. 16, W½E½ and W½;
Sec. 21, E½SW¼ and W½SE¼;
Sec. 23, E½ and E½W½;
Secs. 24, 25, and 26;
Sec. 27, SE¼;
Sec. 34, E½;
Sec. 35;
Sec. 36, E½ and SW¼.
T. 26 S., R. 33 E.,
Sec. 33.
T. 27 S., R. 33 E.,
Sec. 1, lots 1, 2, 3, S½NE¼, SE¼NW¼, SW¼SW¼, E½SW¼, and SE¼;
Sec. 2, SE¼SE¼;
Sec. 4;
Sec. 9, S½S½;
Secs. 10 to 13, incl.;
Sec. 14, N½, E½SW¼, and SE¼;
Sec. 15, N½N½ and S½SW¼;
Sec. 16;
Sec. 17, N½NE¼, SE¼NE¼, SE¼SW¼, and SW¼SE¼;
Sec. 19, lots 1, 2, 7 to 11, incl., 13 to 16, incl.;
Sec. 20, E½, E½W½, and SW¼SW¼;
Secs. 21 and 22;
Sec. 23, lots 1, 2, N½NE¼, and W½.
T. 26 S., R. 34 E.,
Sec. 26, E½NE¼, S½SW¼, and SE¼;
Sec. 27, SE¼SW¼ and S½SE¼;
Sec. 33, NE¼NE¼, S½N½, and S½;
Secs. 34 to 36, incl.
T. 23 S., R. 35 E.,
Sec. 25;
Sec. 36, N½, N½S½, SE¼SW¼, and S½SE¼.
T. 24 S., R. 35 E.,
Secs. 1, 12, 13, 24, 25;
Sec. 36, NW¼NW¼.
T. 25 S., R. 35 E.,
Sec. 34, N½, and N½SE¼;
Sec. 35, NW¼ and NW¼SW¼.
T. 26 S., R. 35 E.,
Sec. 1, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 2, S½S½;
Sec. 3, SW¼ and S½SE¼;
Sec. 4, lots 2 to 4, incl., and S½NW¼;
Sec. 5, N½;
Sec. 6, lot 2, and N½;
Sec. 10, NE¼NE¼ and SW¼SW¼;
Sec. 11;
Sec. 14, N½, E½SE¼, and SW¼SW¼SW¼;
Sec. 15, NW¼NW¼, S½NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 16, SE¼NE¼, W½, W½E½, and E½SE¼;
Sec. 17, E½S½NW¼, and SW¼;
Sec. 20, E½, N½NW¼, SE¼NW¼, and NE¼SW¼;
Sec. 21, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 22, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 23, E½NE¼, E½NW¼NE¼, NE¼SW¼NE¼, E½E½SE¼, SW¼SE¼SE¼;
Sec. 26, W½E½ and W½;
Sec. 27, E½ and N½NW¼;
Sec. 32, E½NE¼;
Secs. 33 to 35, incl.
T. 27 S., R. 35 E.,
Secs. 2 and 3;
Sec. 4, lots 1, 2, 3, S½NE¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 4, incl., W½E½, E½W½, and SE¼SE¼;
Sec. 9, N½NE¼, SE¼NE¼, E½SW¼, SW¼SW¼, and SE¼;
Secs. 10, 11, 14, and 15;
Sec. 16, NE¼, N½NW¼, and S½;
Sec. 17, SE¼;
Sec. 18, lots 1, 2, NE¼, E½NW¼, and NE¼SE¼;
Sec. 20, NE¼;
Sec. 21, N½N½, S½NW¼, N½N½SW¼, and N½NW¼SE¼;
Sec. 22, N½N½, SE¼NE¼, and NE¼SE¼;
Secs. 23 to 25, incl.;
Sec. 26, N½ and SE¼;
Sec. 30, lots 2 to 4, incl., SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 31;
Sec. 35, NE¼, and S½.
T. 28 S., R. 35 E.,
Sec. 1;
Sec. 2, lots 5 to 12, incl., S½N½, and S½;
Sec. 3, lots 5, 6, 11, 12, 14, 16, 17, 18, S½NE¼, and NE¼SE¼;
Sec. 4, lots 6 to 11, incl., 13 to 23, incl., S½NW¼, N½SW¼, and NW¼SE¼;
Sec. 5, lots 5 to 7, incl., 12 to 15, incl., 19, 21 to 23, incl., S½NE¼, S½SW¼, N½SE¼, and SW¼SE¼;
Sec. 6, lots 11 to 16, incl., 23 to 28, incl., 31, 33 to 35, incl., SE¼SW¼, and S½SE¼;
Secs. 7 and 8;
Sec. 9, lots 1 to 20, incl.;
Sec. 10, lots 1, 4 to 8, incl., and SE¼;
Sec. 11;
Sec. 12, lots 1 to 4 incl., N½NE¼, SE¼NE¼, N½NW¼, SW¼NW¼, NW¼SW¼, S½S½, and NE¼SE¼;
Secs. 13 and 14;
Sec. 15, E½, E½NW¼, and SE¼SW¼;
Secs. 16 to 19, incl.;
Sec. 20, E½E½, and W½;
Sec. 21, NW¼NE¼ and W½;
Secs. 22 to 27, incl.;
Sec. 28, SW¼NE¼, S½NW¼, and S½;
Sec. 29, S½NE¼, W½, and SE¼;
Secs. 30 to 35, incl.;
Sec. 36, lots 1 and 2.
T. 22 S., R. 36 E.,
Sec. 1;
Sec. 2, lots 1, 2, S½NE¼, and SE¼;
Secs. 3 and 4;
Sec. 5, lots 1, 2, S½NE¼, and S½;
Sec. 8, NE¼NE¼;
Sec. 9, N½N½, SE¼NE¼, and SE¼SE¼;
Sec. 10, N½NE¼, SW¼NE¼, NW¼, and W½SW¼;
Sec. 11, E½E½ and SW¼SE¼;
Secs. 12 and 13;
Sec. 14, E½;
Sec. 15, W½;
Sec. 19, SE¼;
Sec. 20, SW¼ and E½SE¼;
Sec. 22, E½NE¼ and NE¼NW¼;
Sec. 23, N½, N½S½, SE¼SW¼, and S½SE¼;
Sec. 24;
Sec. 25, lots 1 to 9, incl., and NE¼NE¼;
Sec. 26, N½NE¼ and S½SW¼;
Sec. 27, SE¼SE¼;
Sec. 28, W½NW¼, N½SW¼, and SW¼SE¼;
Sec. 29;
Sec. 30, lots 1, 2, 4, NE¼, E½NW¼, N½SE¼, and SE¼SE¼;
Sec. 31, lots 1 to 4, incl., SE¼NW¼, E½SW¼, NE¼SE¼, and S½SE¼;
Sec. 32, SW¼NW¼, SW¼, and S½SE¼;
Sec. 33, E½ and S½SW¼;
Sec. 34, E½NE¼ and W½;
Sec. 35, E½NE¼, W½, and SE¼;
Sec. 36, W½ and SE¼.
T. 23 S., R. 36 E.,
Sec. 1;
Sec. 2, lots 1, 4, SW¼, and SW¼SE¼;
Secs. 3 to 9, incl.;
Sec. 10, NE¼NE¼, NW¼NW¼, S½NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 11, NE¼, N½NW¼, SW¼SW¼, and N½SE¼;
Sec. 12;
Sec. 13, NE¼, E½NW¼, N½S½, and SW¼SW¼;
Sec. 14, W½E½, W½, and E½SE¼;
Secs. 15 and 16;
Sec. 17, N½, SW¼, and NE¼SE¼;
Secs. 18 and 19;
Sec. 20, W½, S½NE¼, and SE¼;
Sec. 21, NE¼NE¼, W½E½, and W½;
Sec. 22, N½N½, S½NE¼, and SE¼NW¼;
Sec. 23;
Sec. 24, W½ and SW¼SE¼;
Secs. 25 to 35, incl.;
Sec. 36, N½.
T. 24 S., R. 36 E.,
Sec. 1, S½;
Secs. 2 to 23, incl.;
Sec. 24, N½, N¼S½, S½SW¼;
Sec. 25, N½NW¼ and S½SW¼;
Sec. 26;
Sec. 27, N½, NE¼SW¼, S½SW¼, and SE¼;
Sec. 28, NE¼NE¼, W½E½, W½, and SE¼SE¼;
Secs. 29 to 35, incl.;
Sec. 36, NW¼NE¼, S½NE¼, NE¼NW¼, W½W½, and SE¼.

T. 25 S., R. 36 E.,
Secs. 1 to 7, incl.;
Sec. 8, N½, SW¼, and N½SE¼;
Sec. 9, N½, E½SW¼, and SE¼;
Secs. 10 and 11;
Sec. 13, E½, E½W½, and SW¼NW¼;
Sec. 14, N½, and NE¼SW¼;
Sec. 15, N½;
Sec. 16, NE¼, E½NW¼, SW¼NW¼, N½SW¼, and NE¼SE¼;
Sec. 18;
Sec. 24, E½, E½W½, and SW¼NW¼;
Sec. 25;
Sec. 26, W½E½, SE¼NE¼, W½, and E½SE¼;
Sec. 27, SE¼NE¼ and NE¼SE¼;
Sec. 30, lot 4, and E½SW¼;
Sec. 31, lots 1, 2, NE¼, E½NW¼, N½SE¼, and SE¼SE¼;
Sec. 32, S½NE¼, W½, and SE¼;
Sec. 33, SW¼NW¼, W½SW¼, SE¼SW¼, and E½SE¼;
Sec. 34, S½;
Sec. 35;
Sec. 36, N½, SW¼, N½SE¼, SW¼SE¼, N½SE¼SE¼, and SW¼SE¼SE¼.

T. 26 S., R. 36 E.,
Sec. 6, lots 1 and 2.

T. 27 S., R. 36 E.,
Sec. 12, NE¼, E½NW¼, NW¼NW¼, NW¼SE¼, and SW¼SW¼;
Sec. 13, N½NW¼, S½N½, and S½;
Secs. 19, 22, and 23;
Sec. 24, NE¼, E½NW¼, and N½SE¼;
Secs. 25 to 36, incl.

T. 28 S., R. 36 E.,
Secs. 1 to 13, incl.;
Sec. 14, N½NE¼, SE¼NE¼, NW¼, W½SW¼, E½SE¼, and SW¼SE¼;
Secs. 15 to 26, incl.;
Sec. 27, N½, N½S½, SE¼SW¼, and S½SE¼;
Secs. 28 to 35, incl.;
Sec. 36, NE¼ and S½.

T. 22 S., R. 37 E., Partially unsurveyed,
Sec. 3, W½, lot 2 of NE¼, lot 2 of NW¼, SW¼NE¼, S½NW¼, E½SW¼, W½SE¼;
Sec. 4, lot 2 of NE¼, S½NE¼, W½, and SE¼;
Secs. 5 to 9, incl.;
Sec. 10, W½NE¼, E½NW¼, and S½;
Sec. 11, SW¼SW¼;
Sec. 14, W½NW¼, SE¼NW¼, and SW¼;
Secs. 15 to 22, incl.;
Sec. 23, W½;
Sec. 26, W½W½;
Secs. 27 to 34, incl.;
Sec. 35, SW¼NE¼, W½, and W½SE¼.

T. 23 S., R. 37 E.,
Secs. 2 to 11, incl.;
Sec. 12, lots 7, 8, SW¼NE¼, W½NW¼, SE¼NW¼, SW¼, and W½SE¼;
Secs. 13 to 15, incl.;
Sec. 16, lots 1 to 4, incl., 6, and W½;
Sec. 17, N½, SW¼, and N½SE¼;
Sec. 18;
Sec. 19, lots 1, 3, 6, and E½;
Sec. 20, W½ and SW¼NE¼;
Sec. 21, E½, E½W½, and NW¼NW¼;
Secs. 22 to 27, incl.;
Sec. 28, E½ and E½W½;
Sec. 29, N½NW¼;
Sec. 30, lots 1, 8, 11, E½ lot 5, and N½NE¼;
Sec. 31, lots 1 to 12, incl., NE¼, and W½SE¼;
Sec. 32, NW¼NE¼ and N½NW¼;
Sec. 33, E½, E½W½, SW¼NW¼, and W½SW¼;
Secs. 34 to 36, incl.

T. 24 S., R. 37 E.,
Secs. 1 to 3, incl.;
Sec. 4, lots 1 to 3, incl., and S½;
Sec. 5, S½SW¼ and N½SE¼;
Sec. 6, lots 1 to 6, incl., E½SW¼, and S½SE¼;
Sec. 7;
Sec. 8, W½, NE¼NE¼, and SE¼SE¼;
Secs. 9 to 29, incl.;
Sec. 30, lots 1, 2, E½, and E½NW¼;
Sec. 31, lots 2 to 4, incl., SE¼NW¼, E½SW¼, and E½;
Secs. 32 and 33;
Sec. 34, SW¼ and S½SE¼;
Sec. 35, E½ and N½NW¼;
Sec. 36, E½, E½NW¼, and NW¼NW¼.

T. 25 S., R. 37 E.,
Sec. 1, lots 1 to 4, incl., S½N½, N½S½, and S½SE¼;
Sec. 2, lots 1 to 4, incl.;
Sec. 3, lots 1, 2, S½NE¼, W½, and W½SE¼;
Secs. 4 to 6, incl.;
Sec. 7, E½;
Secs. 8 to 10, incl.;
Sec. 11, S½ and S½N½;
Sec. 12;
Sec. 13, N½, N½S½, and SW¼SW¼;
Secs. 14 to 22, incl.;
Sec. 23, W½, W½E½, SE¼NE¼, and E½SE¼;
Sec. 24, SE¼SW¼ and S½SE¼;
Sec. 25, E½, E½W½, SW¼NW¼, and W½SW¼;
Secs. 26 to 31, incl.;
Sec. 32, N½, SW¼, W½SE¼, and NE¼SE¼;
Sec. 33, NE¼NE¼, W½NE¼, NW¼, and NW¼SE¼;
Secs. 34 and 35;
Sec. 36, N½S½.

T. 26 S., R. 37 E.,
Secs. 1 to 3, incl.;
Sec. 4, S½N½ and S½;
Sec. 5, lots 2 to 4, incl., S½N½ and S½;
Sec. 6, lots 1 to 3, incl., E½ lot 4, E½SE¼NW¼, S½NE¼, and SE¼;
Sec. 7, NE¼;
Sec. 8, N½ and SE¼;
Secs. 9 to 15, incl.;
Sec. 16, E½E½, NW¼NE¼, and W½;
Sec. 17, NE¼ and S½;
Sec. 18, lots 1 to 4, incl., S½NE¼, E½W½, and SE¼;
Sec. 21, E½NE¼, W½, and SE¼;
Secs. 22 to 25, incl.;
Sec. 26, E½;
Secs. 27, 28, and 33;
Sec. 34, W½, SW¼NE¼, and SE¼;
Sec. 35, NE¼, NE¼NW¼, W½SW¼, SE¼SW¼, E½SE¼, and SW¼SE¼;
Sec. 36.

T. 27 S., R. 37 E.,
Sec. 1, lot 2 of NE¼, lot 2 of NW¼, S½N½, and SE¼;
Secs. 2 to 4, incl.;
Sec. 7, lots 1 to 3, incl., E½, and E½W½;
Secs. 8 to 15, incl.;
Sec. 16, N½ and SW¼;
Sec. 17;
Sec. 18, lots 3, 4, N½NE¼, SE¼NE¼, E½SW¼, and E½SE¼;
Sec. 19, lots 1 to 3, incl., SE¼NE¼, E½NW¼, NE¼SW¼, and E½SE¼;
Secs. 20 to 23, incl.;
Sec. 24, N½N½, SW¼NE¼, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 26, N½NE¼ and NW¼;
Sec. 27, N½ and N½S½;
Secs. 28 to 32, incl.;
Sec. 33, W½NE¼, NW¼, N½SW¼, and SW¼SW¼.

T. 28 S., R. 37 E.,
Sec. 5, W½ lot 2 of NE¼, lot 2 of NW¼, S½NW¼, and W½SW¼;
Secs. 6 and 7;
Sec. 8, W½SW¼;
Sec. 17, W½NW¼ and SW¼;
Secs. 18 and 19;
Sec. 20, W½NE¼ and W½;
Sec. 28, SW¼SW¼;
Secs. 29 to 32, incl.;
Sec. 33, W½.

T. 23 S., R. 38 E.,
Sec. 19, lots 1 to 4, incl., and E½SW¼;
Sec. 30, lots 1 to 4, incl., and NE¼NW¼;
Sec. 31, lots 1 to 4, incl., and SE¼NW¼.

T. 24 S., R. 38 E.,
Sec. 19, SW¼;
Sec. 30, W½;
Sec. 31, W½E½ and W½.

T. 25 S., R. 38 E.,
Sec. 5, lots 2 to 4, incl., SW¼NE¼, S½NW¼, SW¼, and NW¼SE¼;
Sec. 6, lots 1 to 7, incl.;
Sec. 7;
Sec. 8, N½NW¼ and SW¼SW¼;
Sec. 17, W½W½ and SE¼SW¼;
Sec. 18;
Sec. 19, lots 1 to 5, incl., NE¼, E½NW¼, SE¼SW¼, and S½SE¼;
Sec. 20, W½NW¼ and SW¼;
Sec. 29, N½NW¼, SE¼NW¼, and SW¼;
Sec. 30, lots 7, 8, NE¼NE¼, SE¼SW¼, and SE¼;
Sec. 31;
Sec. 32, W½.

T. 26 S., R. 38 E.,
Sec. 5, lots 3, 4, 6, 7, S½NW¼, SW¼, and W½SE¼;
Secs. 6 and 7;
Sec. 8, W½NE¼, W½, and NW¼SE¼;
Sec. 17, W½, W½SE¼, and SE¼SE¼;
Secs. 18 to 20, incl.;
Sec. 21, W½, SW¼NE¼, and NW¼SE¼;
Sec. 28, lot 2 and W½NW¼;
Secs. 29 to 31, incl.;
Sec. 32, lots 1 to 10, incl., W½NW¼, and W½SE¼.

T. 27 S., R. 38 E.,
Sec. 5, W½ lot 2 of NE¼, lot 2 of NW¼, S½NW¼, and NW¼SW¼;
Sec. 6;
Sec. 7, lot 2 of NW¼, and E½NW¼ less 20 acre mining claim, lot 2 of SW¼, NE¼, SE¼SW¼, and SW¼SE¼;
Sec. 8, NW¼NW¼;
Sec. 18, lot 2 of NW¼, lot 2 of SW¼, and E½NW¼.

The areas described aggregrate approximately 306,422 acres.

2. For the purpose of furthering the objectives of this order, the Bureau of Land Management shall manage the lands with the advice of the Bureau of Sport Fisheries and Wildlife, the State of California (through its appropriate agencies or instrumentalities), and with such other interested parties as the Bureau of Land Management, after consultation with the State of California and the Bureau of Sport Fisheries and Wildlife, may agree should participate in the appropriate development, conservation, utilization, and maintenance of the lands and the resources thereon.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JANUARY 22, 1962.

[F.R. Doc. 62-875; Filed, Jan. 25, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[Docket No. AO-340]

HANDLING OF APRICOTS GROWN IN SOLANO AND YOLO COUNTIES IN CALIFORNIA

Notice of Hearing With Respect To Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Fortnightly Club Room, City Hall, 318 First Street, Winters, California, beginning at 10 a.m., P.s.t., February 15, 1962, with respect to a proposed marketing agreement and order regulating the handling of apricots grown in Solano and Yolo Counties in the State of California. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed marketing agreement and order hereinafter set forth, and to any appropriate modifications thereof.

The Apricot Promulgation Committee submitted, and requested the hearing on, the proposed marketing agreement and order, the provisions of which are as follows (the sections identified with asterisks (* * *) apply only to the proposed marketing agreement and not to the proposed order):

DEFINITIONS

Section 1. Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

Sec. 2. Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674).

Sec. 3. Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

Sec. 4. Production area.

"Production area" means Yolo County, California, and that portion of Solano County, California, north of the first standard parallel north of the Mt. Diablo Base and Meridian.

Sec. 5. Apricots.

"Apricots" means all varieties of apricots, grown in the production area, classified botanically as Prunus armeniaca.

Sec. 6. Varieties.

"Varieties" means and includes all classifications or subdivisions of Prunus armeniaca.

Sec. 7. Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period ending on the last day of February of each year, or such other period that may be approved by the Secretary pursuant to recommendations by the committee.

Sec. 8. Committee.

"Committee" means the Apricot Administrative Committee established pursuant to section 20.

Sec. 9. Grade.

"Grade" means any one of the officially established grades of apricots as defined and set forth in:

(a) United States Standards for Apricots (21 F.R. 9935) or amendments thereto, or modifications thereof, or variations based thereon;

(b) Standards for apricots issued by the State of California or amendments thereto, or modifications thereof, or variations based thereon.

Sec. 10. Size.

"Size" means the greatest diameter, measured through the center of the apricot, at right angles to a line running from the stem to the blossom end, or such other specification as may be established by the committee with the approval of the Secretary.

Sec. 11. Grower.

"Grower" is synonymous with producer and means any person who produces apricots for fresh market in fresh form, and who has a proprietary interest therein.

Sec. 12. Handler.

"Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting apricots owned by another person) who handles apricots.

Sec. 13. Handle.

"Handle" and "ship" are synonymous and mean to sell, consign, deliver, or transport apricots or cause the sale, consignment, delivery or transportation of apricots or in any other way to place apricots, or cause apricots to be placed, in the current of the commerce from any point within the production area to any point outside thereof: *Provided*, That the term handle shall not include the sale of apricots on the tree.

Sec. 14. District.

"District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to section 31(m):

(a) "District 1" shall include the Apricot School District of Yolo County;

(b) "District 2" shall include that portion of Yolo County not included in District 1.

(c) "District 3" shall include the Wolfskill and Olive School Districts of Solano County and that portion of Solano County north and west of the intersection of Putah Creek Road and Pleasants Valley Road.

(d) "District 4" shall include that portion of Solano County which is north of the first Standard Parallel north of the Mt. Diablo Base and Meridian and is not included in District 3.

Sec. 15. Pack.

"Pack" means the specific arrangement, size, weight, count, of a quantity of apricots in a particular type and size of container, or any combination thereof.

Sec. 16. Container.

"Container" means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of apricots.

ADMINISTRATIVE BODY

Sec. 20. Establishment and membership.

There is hereby established an Apricot Administrative Committee consisting of seven members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. The members and their alternates shall be growers or employees of growers. Each member and his alternate shall be a producer of apricots in the district he is chosen to represent as established pursuant to section 14. Three of the members and their respective alternates shall be producers of apricots in District 1; one member and his alternate shall be producers of apricots in District 2; two members and their respective alternates shall be producers of apricots in District 3; and one member and his alternate shall be producers of apricots in District 4.

Sec. 21. Term of office.

The term of office of each member and alternate member of the committee shall be for one year beginning March 1 and ending on the last day of February: *Provided*, That the terms of the initial members and their alternates shall end on the last day of February 1964. Mem-

bers and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

Sec. 22. Nomination.

(a) *Initial members.* Nominations for each of the initial members, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by the committee responsible for promulgation of this part. Such nominations may be made by means of group meetings of the growers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided in section 20.

(b) *Successor members.* (1) The committee shall hold or cause to be held not later than February 15 of each year (excluding the initial term) a meeting or meetings of growers for the purpose of designating nominees for successor members and alternate members of the committee. These meetings shall be supervised by the committee which shall prescribe such procedures as shall be reasonable and fair to all persons concerned.

(2) Only growers, including duly authorized officers or employees of corporate growers, who are present at such nomination meetings may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in any district in which he produces apricots.

Sec. 23. Selection.

From the nominations made pursuant to section 22, or from other qualified persons, the Secretary shall select the seven members of the committee and an alternate for each such member.

Sec. 24. Failure to nominate.

If nominations are not made within the time and in the manner prescribed in section 22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in section 20.

Sec. 25. Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

Sec. 26. Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in sections 22 and 23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in section 20.

Sec. 27. Alternate members.

An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate any other alternate member to serve in such member's place and stead.

Sec. 30. Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

Sec. 31. Duties.

The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent accountant at least once each fiscal year and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to apricots;

(i) To submit to the Secretary such available information as he may request;

(j) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To investigate compliance with the provisions of this part;

(m) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in fresh apricot production for fresh market within the districts and the production area.

Sec. 32. Procedure.

(a) Five members of the committee, including alternates acting for members, shall constitute a quorum; and any action of the committee shall require the concurring vote of at least four members: *Provided*, That any action of the committee to recommend regulations pursuant to sections 50 to 55 shall require at least five concurring votes.

(b) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

Sec. 33. Expenses.

The members of the committee and alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part: *Provided*, That at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses, as aforesaid.

Sec. 34. Annual report.

The committee shall, as soon as is practicable after the close of each marketing season, prepare and mail an annual report to the Secretary and make a copy available to each grower and handler who requests a copy of the report.

Sec. 37. Shippers' Advisory Committee.

(a) A Shippers' Advisory Committee, consisting of five members who shall be handlers, or employees of handlers, selected by the handlers in accordance with the provisions of this section, is hereby established. There shall be an alternate for each member of such committee. An alternate member shall, in the event of such member's absence from a meeting of the committee, act in the place and stead of such member, and, in the event of a vacancy in the office of such member, shall act in the place and stead of such member until a successor for the unexpired term of such member has been selected.

(b) The members and alternate members of the Shippers' Advisory Committee shall be elected by handlers at a general meeting of all handlers and shall serve in such capacities during the marketing season subsequent to such election. Such meeting shall be supervised by the Apricot Administrative Committee which may prescribe such rules and procedures as may be necessary to assure a membership representative of all shippers.

(c) The Shippers' Advisory Committee may attend each meeting of the Apricot Administrative Committee held to consider recommendations with respect to regulations of shipments pursuant to the provisions of this subpart. The Shippers' Advisory Committee may advise the committee on matters relating to such recommendations, but shall have no vote with such committee in any matter. Members of the Shippers' Advisory Committee may be reimbursed for expenses necessarily incurred in attendance of meetings of the Apricot Administrative Committee.

EXPENSES AND ASSESSMENTS

Sec. 40. Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee to enable it to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in section 41.

Sec. 41. Assessments.

(a) Each person who first handles apricots shall, with respect to the apricots so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal period. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all apricots handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose.

Sec. 42. Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, it shall be refunded proportionately to the persons from whom it was collected: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may carryover such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not equal approximately one fiscal period's expenses. Such reserve funds may be used (i) to defray expenses, during any fiscal period, prior to time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any fiscal year when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

RESEARCH

Sec. 45. Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of apricots. The expense of such projects shall be paid from funds collected pursuant to section 41.

REGULATIONS

Sec. 50. Marketing policy.

(a) Each season prior to making any recommendations pursuant to section 51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of apricots within the production area;

(2) The expected general quality and size of apricots in the production area and in other areas;

(3) The expected demand conditions for apricots in different market outlets;

(4) The expected shipments of apricots produced in the production area and in areas outside the production area;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) Other factors having a bearing on the marketing of apricots; and

(8) The type of regulations expected to be recommended during the season.

(b) In the event it becomes advisable, because of changes in the supply and demand situation for apricots, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report, including each revised marketing policy report, and copies thereof shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

Sec. 51. Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of apricots in the manner provided in section 52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for apricots during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

Sec. 52. Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of apricots whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Limit, during any period or periods, the shipment of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of apricots grown in the production area;

(2) Limit the shipment of apricots by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(3) Fix, during any period or periods, the size, capacity, weight, dimensions, markings, or pack of the container, or containers, which may be used in the packaging or handling of apricots.

(b) The committee shall be informed immediately of any such regulation is-

sued by the Secretary, and the committee shall promptly give notice thereof to growers and handlers.

Sec. 53. Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to section 52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of apricots in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such suspension.

Sec. 54. Special purpose shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of sections 41, 52, 53, and 55, and the regulations issued thereunder, handle apricots (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to sections 41, 52, 53, or 55, the handling of apricots for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to section 45), or in such minimum quantities or types of shipments, as may be prescribed.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent apricots handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle apricots pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the apricots will not be used for any purpose not authorized by this section.

Sec. 55. Inspection and certification.

(a) Whenever the handling of any variety of apricots is regulated pursuant to section 52 or section 53, each handler who handles apricots shall, prior thereto, cause such apricots to be inspected by the Federal-State Inspection Service and certified by it as meeting the applicable requirements of such regulation: *Provided*, That inspection and certification shall be required for apricots which previously have been so inspected and certified only if such apricots have been regraded, resorted, repackaged, or in any other way further prepared for market. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such apricots.

(b) The committee may, with the approval of the Secretary, prescribe rules and regulations waiving the inspection requirements of this section where it is determined that inspection is not available: *Provided*, That all shipments made under such waiver shall comply with all regulations in effect.

REPORTS

Sec. 60. Reports.

(a) Each handler shall furnish to the committee, at such times and for such periods as the committee may designate, certified reports covering, to the extent necessary for the committee to perform its functions, each shipment of apricots as follows:

(1) The name of the shipper and the shipping point;

(2) The car or truck license number (or name of the trucker), and identification of the carrier;

(3) The date and time of departure;

(4) The number and type of containers in the shipment;

(5) The quantities shipped, showing separately the variety, grade, and size of the fruit;

(6) The destination;

(7) Identification of the inspection certificate or waiver pursuant to which the fruit was handled.

(b) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as may be necessary to enable the committee to perform its duties under this part.

(c) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition to disclosure of individual handler's identities or operations.

(d) Each handler shall maintain for at least two succeeding years such records of the apricots received, and of apricots disposed of, by such handler as may be necessary to verify reports pursuant to this section.

MISCELLANEOUS PROVISIONS

Sec. 61. Compliance.

Except as provided herein, no person shall handle apricots, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle apricots except in conformity with the provisions of this part.

Sec. 62. Right of the Secretary.

The members of the committee (including successors and alternates), any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

Sec. 63. Effective time.

The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in section 64.

Sec. 64. Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production area in the production of apricots for fresh market: *Provided*, That such majority has produced for fresh market during such period more than 50 percent of the volume of apricots produced for fresh market in the production area; but such termination shall be effective only if announced before the last day of February of the then current fiscal period.

(d) The Secretary shall conduct a referendum within the period beginning December 1, 1963, and ending February 1, 1964, to ascertain whether continuance of this part is favored by the growers. The Secretary shall conduct such a referendum within the same two-month period of every second fiscal period thereafter.

(e) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

Sec. 65. Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this section shall be subject to the same obligation imposed upon the committee and upon the trustees.

Sec. 66. Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

Sec. 67. Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

Sec. 68. Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

Sec. 69. Derogation.

Nothing contained in the provisions of this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers to act in the premises whenever such action is deemed advisable.

Sec. 70. Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other act, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

Sec. 71. Separability.

If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the vadility of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Sec. 72. Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original. * * *

Sec. 73. Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party. * * *

Sec. 74. Order with marketing agreement.

Each signatory handler hereby request the Secretary to issue, pursuant to the act, an order providing for the regulating of the handling of apricots in the same manner as is provided for in this agreement. * * *

Copies of this notice of hearing may be obtained from the office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 701 K Street, Rooms 300–302, Sacramento 14, Calif.

Dated: January 22, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-878; Filed, Jan. 25, 1962; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR PART 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 662) has been filed by The Society of the Plastics Industry, Inc., 250 Park Avenue, New York 17, New York, proposing the issuance of a regulation to provide for the safe use in packaging materials, containers, and equipment intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food of polystyrene, polystyrene modified with butadiene, and polystyrene modified with butadiene-styrene, provided that the styrene monomer content does not exceed 1.0 percent by weight of the polymer.

Dated: January 22, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-881; Filed, Jan. 25, 1962; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 9]

PUBLIC RECORDS

Notice of Proposed Rule Making

Notice is hereby given that the Atomic Energy Commission has under consideration a proposed amendment to Part 9 of the Commission's regulations.

On October 5, 1961, the Commission published in the FEDERAL REGISTER (26 F.R. 9386), a notice of proposed rule making which would amend Part 9 and Part 20 of this chapter to provide for inclusion in the public records of the Atomic Energy Commission of reports of incidents filed by licensees, and to extend the provisions of Part 9, "Public Records", to holders of authorizations under Part 115 of this chapter.

The amendment to Part 9 now proposed would provide for inclusion in the public records of notices of violation issued by the Atomic Energy Commission as well as reports by licensees, and correspondence between the Commission and licensees. The term "licensee" would include a holder of an authorization under Part 115.

If the proposed amendment is adopted a notice of alleged violation would not be made public until after receipt of a response, if any, from a licensee, and until after dispatch of the Commission's acknowledgment of the licensee's response, at which time all three documents would simultaneously be placed in the Public Document Room.

This regulation is proposed under the authority of the Administrative Procedure Act and the Atomic Energy Act of 1954, as amended. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed regulation should send them to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., within sixty (60) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed

within the period specified. Copies of these comments will be available for examination by interested persons in the Public Document Room, 1717 H Street NW., Washington, D.C.

It is proposed to amend 10 CFR Part 9, "Public Records", as follows:

1. By adding the following new paragraph (h) to § 9.2 *Definitions:*

(h) "Licensee" includes any holder of an authorization subject to Part 115 of this chapter.

2. By adding the following new paragraph (f) to § 9.3 *Inclusions:*

(f) All reports required by AEC licenses, regulations or orders and filed by a licensee with the AEC and correspondence between the licensees and the AEC concerning these reports.

By notice published in the FEDERAL REGISTER on October 5, 1961, at page 9386, the Commission announced it proposed to amend § 9.3 by adding a proposed paragraph (f). The present notice modifies that notice by substituting the language quoted above for the language proposed in that notice.

3. By adding the following new paragraph (g) to § 9.3 *Inclusions:*

(g) Notices of alleged violations and correspondence between AEC and the licensee concerning alleged violations.

Dated at Germantown, Md., this 10th day of January 1962.

For the Atomic Energy Commission.

WOODFORD B. McCOOL,
Secretary.

[F.R. Doc. 62-861; Filed, Jan. 25, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 320, 321]

[Safety Investigation Regs. Docket No. 13341]

NOTIFICATION AND REPORTING OF AIRCRAFT ACCIDENTS AND OVERDUE AIRCRAFT; INSPECTION OF RECORDS, FACILITIES AND EQUIPMENT

Notice of Proposed Rule Making

JANUARY 19, 1962.

Notice is hereby given that the Civil Aeronautics Board is proposing to issue a revised Part 320—Rules Pertaining to Aircraft Accidents, Inflight Hazards, Overdue Aircraft and Safety Investigations, of its safety investigation regulations and is proposing to incorporate into the revised part, present Part 321—Inspection of Records, Facilities and Equipment. The principal features of the proposed revised Part 320 are explained in the explanatory statement below, and the proposed revised part is set forth below.

The revised Part 320 is proposed under the authority of sections 202, 204(a), 407(e), 415, 701, 702, 703, 1004 of the Federal Aviation Act of 1958, as amended (72 Stat. 741, 743, 766, 770, 781, 782, 792; 49 U.S.C. 1322, 1324, 1377, 1385, 1441, 1442, 1443 and 1484); section 2 of Reorganization Plan No. 13, 64 Stat. 1266; 5 U.S.C. 133z–15).

Interested persons may participate in the proposed rule making through submission of three (3) copies of written data, views or arguments pertaining thereto addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before February 26, 1962 will be considered by the Board before taking final action on the proposed revised part. Upon receipt by the Board, copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Part 320 (14 CFR Part 320) of the Board's Safety Investigation Regulations contains rules and regulations pertaining to the notification and reporting of aircraft accidents and overdue aircraft, and rules with respect to the preservation and release of aircraft wreckage and records.

The Board has reviewed this part in the light of experience gained during the past two years, and is of the view that a revision of the part is required in order to permit the more effective discharge of the Board's responsibilities under the Act to investigate aircraft accidents, determine their probable cause, initiate appropriate action to prevent the recurrence of similar accidents and develop an effective accident prevention program.

The Board proposes the following changes in Part 320 to accomplish the aforementioned objectives:

1. Amend the definition of "substantial damage" so as to exclude from the notification and reporting requirements of the Part any aircraft accident where it is reasonably estimated the cost to repair the damage resulting therefrom will be less than $300. Under the existing rules, an operator is required to report any aircraft accident in which it is reasonably estimated the cost of repair or replacement will be $100 or more. Since the adoption of this rule, repair costs for aircraft have substantially increased. Accordingly, the cost to repair even the most minor aircraft damage resulting from an accident, may well exceed the $100 criterion. In view of the foregoing, the Board is of the opinion that the $100 criterion is no longer realistic.

2. Require pilots or operators to notify the Board of certain specific inflight hazards that they may experience. Under the existing regulation, there is no requirement that such specific inflight hazards be reported except fire. The Board is of the view that such reported information will substantially increase the ability of the Board to discharge its responsibilities under Title VII, particularly in the development of an effective accident prevention program.

3. Incorporate into Part 320 the currently effective provisions of Part 321 (14 CFR Part 321) of the Board's safety investigation regulations. Part 321 contains the rules pertaining to the inspection of records, facilities and equipment by representatives of the Board in connection with their responsibilities and duties under Title VII of the Act.

Under this part such inspection of records, facilities and equipment may be in connection with a specific aircraft accident or occurrence; or in connection with a general investigation pertaining to safety in air navigation or the prevention of aircraft accidents. Since there is such a close relationship between the Board's rules pertaining to notifying, reporting, and investigating aircraft accidents, and its duties with respect to conducting special studies or investigations pertaining to safety in air navigation, the Board is of the view that such rules should be consolidated into one part. Moreover, such a consolidation of parts will allow all of the Board's safety investigation regulations to be contained in one document which should permit a better understanding of and added convenience to persons interested in such regulations.

4. Incorporate into Part 320 the authority of Director and Deputy Director of the Bureau of Safety and presiding and hearing officers of the Board in connection with aircraft accident investigations. Such authority was previously listed in PN–15, 26 F.R. 7231.

5. Finally, many changes of an editorial nature, and various clarifying changes have been made.

PART 320—RULES PERTAINING TO AIRCRAFT ACCIDENTS, INFLIGHT HAZARDS, OVERDUE AIRCRAFT AND SAFETY INVESTIGATIONS

Subpart A—General

§ 320.1 Applicability.

This part contains rules pertaining to:

(a) Giving notice of and reporting aircraft accidents, certain inflight hazards and overdue aircraft where such events involve civil aircraft of the United States wherever they occur or foreign civil aircraft where such events occur in the United States, its territories or possessions.

(b) Preservation and release of aircraft wreckage and records involving all civil aircraft in the United States, its territories and possessions.

(c) Investigation of aircraft accidents, certain inflight hazards and overdue aircraft and special studies and investigations conducted by the Board pertaining to safety in air navigation and the prevention of accidents.

§ 320.2 Definitions.

As used in this part the following words or phrases are defined as follows:

Fatal injury. A fatal injury is any injury which results in death within 48 hours.

Operator. An operator of an aircraft is any person who causes or authorizes the operation of an aircraft, such as the owner, lessee or bailee of an aircraft.

Serious injury. A serious injury is any injury which (1) requires hospitalization and/or medical treatment for a period of five or more days, commencing within seven days from the date the injury was received; (2) results in a fracture of any bone (except simple fractures of fingers, toes or nose); (3) involves lacerations which cause severe hemorrhages or muscle damage; (4) involves injury to any internal organ; (5) involves second or third degree burns, or any burns affecting more than five percent of the body surface.

Substantial damage. (a) Except as provided in paragraph (b):

(1) Substantial damage in aircraft of 12,500 pounds maximum certificated take-off weight or less means damage or structural failure reasonably estimated to cost $300.00 or more to repair.

(2) Substantial damage in aircraft of more than 12,500 pounds maximum certificated take-off weight means damage or structural failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component.

(b) Engine failure, damage limited to an engine, bent fairings or cowling, dented skin, small punctured holes in the skin or fabric, taxiing damage to propeller blades, damage to tires, engine accessories, brakes, or wing tips are not considered "substantial damage" for the purpose of this part.

Subpart B—Initial Notification of Aircraft Accidents, Inflight Hazards and Overdue Aircraft

§ 320.5 Immediate notification.

The pilot or operator of an aircraft shall immediately and by the most expeditious means available, notify the nearest office of the Civil Aeronautics Board, Bureau of Safety,[1] or Federal Aviation Agency Flight Service Station or Safety District Office when:

(a) As a result of the operation of an aircraft, any person (occupant or nonoccupant) is fatally or seriously injured or any aircraft receives substantial damage;

(b) Aircraft collide in flight;

(c) The following inflight hazards are experienced:

(1) Fire;

(2) Rapid decompression requiring emergency action;

(3) Unwanted or asymmetrical thrust reversal;

(4) Flight control system malfunction or failure;

(5) Incapacitation of any required flight crew member.

[1] The present addresses and telephone numbers of Civil Aeronautics Board, Bureau of Safety offices are as follows:

Office, Address, and Telephone

Anchorage; P.O. Box 2219, Anchorage, Alaska; BRoadway 2–7001.
Chicago; Suite 206, 6525 West North Avenue, Oak Park, Ill.; VIllage 8–9565.
Denver; 1549 Emporia Street, Aurora, Colo.; EMpire 6–8249.
Fort Worth; 100 North University Drive, University Plaza Building, Fort Worth 7, Tex.; EDison 6–3193.
Kansas City; 912 East 63d Street, Lower Floor, North, Kansas City 10, Mo.; EMerson 3–2220 and 3–2221.
Los Angeles; Los Angeles International Airport, 5620 Avion Drive, Los Angeles 45, Calif.; SPring 6–0117.
Miami; P.O. Box 48–0931, Miami International Airport, Miami 48, Fla.; TUxedo 8–2919.
New York; Federal Building, Room 101, New York International Airport, Jamaica, N.Y.; OLympia 9–7000, Ext. 316, 317, 318.
Oakland; P.O. Box 2386, Oakland Airport Station, Oakland 14, Calif.; LOckhaven 8–1290.
Seattle; Room 202, Administration Building, King County Airport, Seattle 8, Wash.; PArkway 3–0751.

The addresses listed above are subject to change. C.A.B. representatives, however, can generally be reached at the telephone numbers listed above.

(d) An aircraft is overdue and is believed to have been involved in an accident.

§ 320.6 Information to be given in notification.

The notification required in § 320.5 shall contain the following information, if available:

(a) Location;
(b) Date;
(c) Time;
(d) Aircraft make, model, and registration number and nationality;
(e) Names of operator and crew;
(f) Number of persons involved;
(g) Injuries of each person;
(h) Weather conditions;
(i) Point of last departure and destination;
(j) A description of any explosives, radioactive materials, or other dangerous articles carried;
(k) Nature of and circumstances surrounding the accident or occurence.

NOTE: See Subpart D of this part for subsequent reports required.

Subpart C—Preservation and Release of Aircraft Wreckage, Cargo, Mail and Records

§ 320.10 Preservation of aircraft wreckage, cargo, mail, and records.

The pilot or operator is responsible for preserving any aircraft wreckage, cargo, mail and all records, including those of flight recorders, pertaining to the operation and maintenance of the aircraft and to airmen involved in an accident for which notification must be given, until permission for release is granted pursuant to § 320.11.

(a) Prior to the release of aircraft wreckage, mail or cargo as provided in § 320.11, the aircraft wreckage, mail and cargo may be disturbed or moved only to the extent necessary:

(1) To remove persons injured or trapped;

(2) To protect the wreckage from further damage; or

(3) To protect the public from injury.

(b) Where it is necessary to disturb or move aircraft wreckage, mail or cargo, sketches, descriptive notes, and photographs shall be made, if possible, of the accident locale including original position and condition of the wreckage and any significant impact marks.

§ 320.11 Release of aircraft wreckage, cargo, mail and records.

Release of aircraft wreckage, cargo, mail and records may be granted by an authorized representative of the Civil Aeronautics Board only.[2]

Subpart D—Reporting of Aircraft Accidents, Inflight Hazards and Overdue Aircraft

§ 320.15 Reports and statements to be filed.

(a) *Reports.* The operator of an aircraft shall file a report as provided in paragraph (c) of this section on the appropriate CAB form: [3]

(1) Within seven (7) days after an aircraft accident for which notification is required by § 320.5 (a) and (b);

(2) When, after seven (7) days, an overdue aircraft is still missing;

(3) Upon request of an authorized representative of the Civil Aeronautics Board.

(b) *Crew member statement.* Each crew member, if physically able at the time the report is submitted, shall attach thereto a statement setting forth the facts, conditions and circumstances relating to the accident or occurrence as they appear to him to the best of his knowledge and belief. If the crew member is incapacitated, he shall submit the statement as soon as he is physically able.

(c) *Where to file the reports.* (1) The operator of an aircraft shall file with the nearest Field Office of the Board any report required by this section involving:

(i) Aircraft having a maximum take-off weight of more than 12,500 pounds; or helicopters regardless of weight;

(ii) Aircraft having a maximum take-off weight of 12,500 pounds or less operated by an air carrier certificated to engage in air transportation in the State of Alaska;

(iii) Aircraft regardless of maximum take-off weight where fatal injuries have occurred to any occupant of such aircraft; and

(iv) Any occurrence set forth in § 320.5 (b), (c), and (d), where requested by an authorized representative of the Board.

(2) The operator of an aircraft shall file with the nearest FAA Safety District Office any report required by this section involving fixed wing aircraft with a maximum take-off weight of 12,500 pounds or less except as provided in subparagraph (1) of this paragraph.

[2] An authorized representative of the FAA has authority to release aircraft wreckage or cargo in those accidents which the Board, pursuant to PN–13 (see footnote 3, infra), has requested the FAA to investigate.

[3] Forms are obtainable from the Civil Aeronautics Board Field Offices (see Footnote 1), the Civil Aeronautics Board, Washington 25, D.C., and Federal Aviation Agency Safety District Offices.

Subpart E—Special Studies and Investigations

§ 320.20 Authority of Board representatives.

Upon demand of an authorized representative of the Board and presentation of the credentials issued to such representative, any air carrier, airman, or person engaged in air commerce or in any phase of aeronautics, and any other person having possession or control of any aircraft, aircraft engine, propeller, appliance, air navigation facility, equipment, or any pertinent records and memoranda, including all documents, papers and correspondence now or hereafter existing and kept or required to be kept, shall forthwith permit inspection, photographing or copying thereof by such authorized representative for the purpose of investigating an aircraft accident,* inflight hazard or overdue aircraft, or any special study or investigation pertaining to safety in air navigation or the prevention of accidents. Authorized representatives of the Board may interrogate any person having knowledge relevant to an aircraft accident, inflight hazard, overdue aircraft, study or investigation.

§ 320.25 Authority of the Director, Deputy Director, and presiding or hearing officers pertaining to aircraft accidents.

(a) The Director or Deputy Director of the Bureau of Safety of the Board may exercise the following authority in connection with aircraft accidents:

(1) Order an inquiry, by depositions, or otherwise, into the facts, conditions, circumstances and probable cause of all accidents involving civil aircraft, and order a public hearing in accordance with the provisions of Part 303 of this chapter (Board's Procedural Regulations) on the following types of accidents:

(i) Accidents in which unusual, nation-wide public interest is demonstrated.

(ii) Fatal air carrier accidents in air transportation.

(iii) Accidents in air transportation involving an apparent serious departure from good operating practice or significant deficiency in design in which catastrophe is narrowly averted.

(iv) Accidents which appear indicative of serious and widespread hazards in air commerce.

(v) Other accidents where it is deemed that a public hearing is necessary in the public interest.

(2) Designate in writing a hearing officer and technical staff for public hearings in accordance with the provisions of Part 303 of this chapter (Board's Procedural Regulations); in cases where the Director, Bureau of Safety, will not personally serve on a Board of Inquiry, he may designate one of his staff to take his place.

(3) Designate one or more hearing officials with authority to sign and issue subpoenas, to administer oaths and affirmations, and to take depositions or cause them to be taken in connection with accident investigations.

(4) Order a special study or investigation on matters pertaining to safety in air navigation, and if necessary, designate a hearing officer in this connection who may be authorized to sign and issue subpoenas, administer oaths and affirmations, and take depositions or cause them to be taken.

(b) Presiding officers or hearing officers appointed by Director or Deputy Director may: (1) hold hearings, (2) sign and issue subpoenas, (3) administer oaths and affirmations, (4) examine witnesses, (5) receive evidence and take or cause depositions to be taken.

[F.R. Doc. 62-895; Filed, Jan 25, 1962; 8:49 a.m.]

* The Board in PN-13, 23 F.R. 10492, effective December 31, 1958, requested the Administrator of the FAA to investigate aircraft accidents involving fixed-wing aircraft with a maximum take-off weight of 12,500 pounds or less except accidents involving aircraft operated by air carriers authorized by certificate of public convenience and necessity to engage in air transportation in the State of Alaska, and accidents in which fatal injuries have occurred to any occupants of such aircraft; and to submit a report to the Board concerning each such investigation.

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 61-KC-50]

CONTROLLED AIRSPACE

Proposed Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2493 of the regulations of the Administrator, the substance of which is stated below.

The St. Charles, Ill., control zone is presently designated within a 3-mile radius of the DuPage County Airport from 0600 to 2200 hours local standard time daily. The Federal Aviation Agency has under consideration the alteration of the St. Charles control zone by enlarging the control zone to a 5-mile radius zone and designating an extension from the 5-mile radius zone to a VOR to be commissioned in April, 1962, near St. Charles (DuPage) at latitude 41°53'25" N., longitude 88°21'00" W. Designation of the control zone extension would provide protection for aircraft executing proposed prescribed instrument approach procedures based on the DuPage VOR. Expansion of the basic size of the control zone is required in preparation for the application of the provisions of Amendment 60-21 to the Civil Air Regulations, Part 60, Air Traffic Rules in the Chicago, Ill., terminal area, expected in the near future, which will result in the establishment of 1,200 foot floor transition area in a greater portion of this area. Thus, the increased radius zone will provide protection for departing aircraft climbing to the higher base of overlying controlled airspace.

If this action is taken, the St. Charles, Ill., control zone would be designated within a 5-mile radius of the DuPage County Airport (latitude 41°54'45" N., longitude 88°14'35" W.), and within 2 miles either side of the DuPage VOR 069° True radial extending from the 5-mile radius zone to the VOR, from 0600 to 2200 hours local standard time daily.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 19, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-864; Filed, Jan. 25, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSISSIPPI

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the following counties in the State of Mississippi natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources:

MISSISSIPPI

Attala.	Lowndes.
Calhoun.	Scott.
Leake.	Yalobusha.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 22d day of January 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-879; Filed, Jan. 25, 1962; 8:47 a.m.]

TEXAS

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Collin County in the State of Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

COLLIN.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 22d day of January 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-880; Filed, Jan. 25, 1962; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RAYMOND E. HEBERT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of January 11, 1962.

RAYMOND E. HEBERT.

JANUARY 11, 1962.

[F.R. Doc. 62-886; Filed, Jan. 25, 1962; 8:48 a.m.]

CLARENCE D. ENDER

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

Report of appointment

1. Name of appointee: Clarence D. Ender.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: January 12, 1962.

4. Title of position: Assistant Director for Mobilization Planning, Chemical and Rubber Division.

5. Name of private employer: Hercules Powder Co., Wilmington, Del.

CARLTON HAYWARD,
Director of Personnel.

JANUARY 9, 1962.

Statement of financial interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Hercules Powder Co., Wilmington 99, Del.
Unilever N.V., Museumpark, Rotterdam, The Netherlands.
Bank Deposit.

CLARENCE D. ENDER.

JANUARY 15, 1962.

[F.R. Doc. 62-884; Filed, Jan. 25, 1962; 8:48 a.m.]

MAX LARRY BLUESTONE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: Foster Wheeler; General Dynamics.

B. Additions: Vanadium Corp. of America; Great Western Products; Curtiss-Wright; Howard Johnson; Waldbaum; Pocket Book, Inc.

This statement is made as of January 8, 1962.

MAX LARRY BLUESTONE.

JANUARY 10, 1962.

[F.R. Doc. 62-885; Filed, Jan. 25, 1962; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. RM-150-2]

STATE OF CALIFORNIA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of California for the assumption of certain of the Commission regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A summary of the California program submitted to the Commission is set forth below as Appendix A to this notice. A copy of the complete text of the California program, including proposed California regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Office of Radiation Standards, United States Atomic Energy Commission, Washington 25, D.C. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Wash-

ington 25, D.C., within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as proposed Part 150 to the Commission's regulations in FEDERAL REGISTER issuances of Sept. 29, 1961; Oct. 6, 1961; Oct. 13, 1961; Oct. 20, 1961; 26 F.R. 9174, 9428, 9678, 9873. In reviewing this proposed agreement, interested persons should also consider the aforementioned proposed exemptions, which the Commission still has under consideration.

Dated at Germantown, Md., this 9th day of January 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

Agreement Proposed by the State of California Pursuant to Section 274 of the Atomic Energy Act of 1954, as amended, for the Assumption of Certain of the AEC's Regulatory Authority

Whereas, the United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274b. of the Atomic Energy Act of 1954, as amended, to enter into an agreement with the Governor of any State providing for discontinuance of the regulatory authority of the Commission under Chapters 6, 7, and 8 and section 161 of that Act with respect to any or all of the following materials within the State; namely, byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass (hereinafter referred to as agreement materials); and

Whereas, the Governor of the State of California (hereinafter referred to as the State) is authorized under section 25830 of the California Health and Safety Code to enter into such an agreement, which agreement shall become effective when ratified by the State Legislature; and

Whereas, the Governor of the State has certified on December 15, 1961, that the State has a program for the control of radiation hazards adequate to protect the public health and safety with respect to agreement materials within the State, and that the State desires to assume the regulatory responsibility discontinued by the Commission for such materials; and

Whereas, the Commission has found on ---------- that the State program is compatible with the Commission's program for the regulation of agreement materials, and that the State program is adequate to protect the public health and safety with respect to such materials; and

Whereas, the Commission and the State recognize the desirability and importance of maintaining compatibility between their respective programs for the control of agreement materials with respect to public health and safety; and

Whereas, the Commission and the State agree that reciprocal recognition of licenses issued by the Commission and by all States which enter into agreements with the Commission similar to this agreement (hereinafter referred to as agreement States) is of great importance for the development of the uses of agreement materials and that such reciprocal recognition must be based upon continuing compatibility of the programs of the Commission and such States for the control of agreement materials;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. For purposes of this agreement:

A. "Byproduct materials," "critical mass," and "ocean or sea" have the meanings given to such terms in Part 150 of the Commission's regulations in effect on the ratification date of this agreement.

B. "Source material," "special nuclear material," "production facility," and "utilization facility" have the meanings given to such terms in those parts of the Commission's regulations that are incorporated by reference in Part 150 and that are in effect on the ratification date.

C. "Ratification date" means the date on which the California Legislature transmits to the Governor for signature a bill ratifying this agreement.

Article II. Subject to the exceptions stated in Article III, the Commission shall discontinue, as of the effective date of this agreement, the regulatory authority of the Commission under Chapters 6, 7, and 8 and section 161 of the Atomic Energy Act of 1954, as amended, with respect to the following materials within the State:

A. Byproduct materials;

B. Source materials;

C. Special nuclear materials in quantities such that the amount authorized for possession at any one time under any one license is not sufficient to form a critical mass.

Article III. This agreement does not provide for discontinuance of any Commission responsibility and authority with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article IV. Notwithstanding this agreement, the Commission is authorized:

A. By rule, regulation, or order to require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license issued by the Commission; and

B. To issue rules, regulations, or orders under subsection 161 b. or i. of the Atomic Energy Act of 1954, as amended, to protect the common defense and security, to protect restricted data, or to guard against the loss or diversion of special nuclear material.

Article V. Each party to this agreement will:

A. Use its best efforts to maintain compatibility between its program for the control of agreement materials and the programs of the other party and of other agreement States. To this end, each party will consult with the other and with all agreement States prior to any modification of its regulations for the control of agreement materials and will seek to arrive at a common solution of differences, to be incorporated insofar as practicable into the regulations of both parties and all agreement States concurrently.

B. Provide for reciprocal recognition of licenses for agreement materials issued by the other party or by any agreement State, subject to such conditions as to duration of such recognition of each license, reporting of information, and compliance with regulations as are deemed necessary to protect the health and safety of the public. Such recognition is conditioned upon the continuance of program compatibility in accordance with paragraph A of this article.

Article VI. This agreement, upon acceptance by the Commission and the Governor of the State and ratification by law of the State, shall become effective on July 1, 1962.

Article VII. The Commission, upon its own initiative, after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Atomic Energy Act of 1954, as amended, if the Commission finds that such termination or suspension is required to protect the public health and safety.

APPENDIX A

Summary of California's Proposed Policies and Procedures for the Licensing and Regulation of Byproduct, Source, and Special Nuclear Materials

State policy and courses of action with respect to atomic energy development and radiation protection have been the subject of California legislative consideration for a number of years. Public hearings by the Assembly Interim Committee on Public Health in 1958 led to the enactment of the Atomic Energy Development and Radiation Protection Law in 1959, which:

1. Declared it to be State policy to "encourage the constructive development of industries producing or utilizing atomic energy and radiation and to eliminate unnecessary exposure of the public to ionizing radiation."

2. Established the position of Coordinator of Atomic Energy Development and Radiation Protection in the Governor's Office.

3. Directed the Department of Public Health to institute a program for the registration of sources of radiation.

The Congress, also in 1959, amended the Atomic Energy Act of 1954 to permit for the first time a transfer of certain regulatory authority from the U.S. Atomic Energy Commission to qualified states in accordance with negotiated agreements.

In implementation of the State statute and with a view toward appraising the desirability or necessity for a broad system of radiation control, including assumption of authority from the AEC, the registration program was so designed as to obtain a maximum of information regarding radiation use in California. The Assembly Interim Committee on Public Health, following public hearings on these subjects in 1960, concluded that a comprehensive program of radiation control should be instituted promptly and that the state should prepare to enter into agreement with the Atomic Energy Commission, subject to approval of such an agreement by the Legislature. The Coordinator of Atomic Energy Development and Radiation Protection, after consultation with the Advisory Council and the Departmental Coordinating Committee of his Office, and with representatives of industry and the professional groups that use atomic energy and radiation, made a similar recommendation in his annual report to the Governor and the Legislature in January 1961.

As a result of these recommendations, Assembly Bill 1975 was introduced in the 1961 session of the Legislature, providing the framework for such a program, including enabling provisions to permit the Governor to enter into agreement with the Atomic Energy Commission. The bill was derived in large measure from suggested legislation of the Council of State Governments. It was widely circulated and critically reviewed by a number of interested and affected persons and groups, and was revised to take into account appropriate comments. After extensive consideration by Committees of the Legislature, including several public

hearings at which all interested parties were afforded opportunity to be heard, the measure was enacted as the Radiation Control Law (Chapter 1711, Laws of 1961).

The statute directed the State Department of Public Health to adopt regulations for effectuating the purposes of this legislation. In drafting regulations, the Department was guided by the statutory provision for compatibility with the standards and regulatory programs of the Federal government, an integrated effective system of regulation within the State, and a system consonant insofar as possible with those of other states. The regulations were drawn largely from models developed jointly by the Atomic Energy Commission, the U.S. Public Health Service, and the Council of State Governments; and from recommendations of the National Committee on Radiation Protection and Measurement.

Assistance in drafting the regulations was obtained from a number of individuals, agencies, and groups, including the Atomic Energy Commission, the U.S. Public Health Service, the California Coordinator of Atomic Energy Development and Radiation Protection, several California state and local agencies, and a distinguished twelve-member Advisory Committee. This Advisory Committee included representation from industry, labor, medicine, dentistry, medical physics, and local health departments.

Two public meetings were held under the auspices of the Department of Public Health to permit interested persons to present their views on the proposed regulations. These meetings were publicized in advance through regular news media. In addition, notices of the meetings, together with copies of the proposed regulations, were sent to some 500 persons and groups known to be concerned. Such notices were mailed to all persons who had previously requested notifications of this sort; known leaders of affected groups; leading industries, distributors, manufacturers, and insurance carriers; leading universities and colleges; major hospitals; the California Manufacturers' Association; the California Medical Association; and others.

The first such meeting was held in Los Angeles on October 17, 1961, and 56 persons attended. The second meeting was held in Berkeley on October 20, with 64 persons in attendance. Each meeting lasted more than five hours and the proposed regulations were considered in detail. The notice announcing the meetings stated that written comments would also be welcomed. This was reiterated to those in attendance at the meetings. A number of written comments were received and given full consideration.

Following the public meetings, the Advisory Committee met to consider suggestions made at the meetings and in correspondence. This led to a final redrafting of the regulations. Copies were sent to all persons and groups that had received the initial draft.

In accordance with section 25734 of the Health and Safety Code, this final draft was submitted for review by the Coordinator of Atomic Energy Development and Radiation Protection and was approved for public notice of a hearing to be held before the State Board of Public Health. Such notice was published thirty days in advance of the hearing date in accordance with section 11423 of the Government Code, and notice of the hearing was also mailed to all persons and groups to whom copies of the proposed regulations had been sent. At the hearing on December 8, 1961, full opportunity was given to all interested persons to be heard before action was taken. The Board adopted the regulations and they constitute Title 17, Chapter 5, Subchapter 4, sections 30100 to 30397, inclusive, of the Administrative Code of California.

SECTION 1. *The Radiation Control Program.* The radiation control program of the State is designed to regulate all sources of radiation other than those for which regulatory responsibility is to be retained by the U.S. Atomic Energy Commission. As the term "radiation sources" is used hereinafter in this narrative, it is intended to mean those sources under the control of the State. The sources are divided into two major categories; radioactive materials and radiation machines. Radioactive materials are to be regulated under a licensing program similar to the existing program of the U.S. Atomic Energy Commission, requiring possession of a license prior to acquisition or use of such materials. Radiation machines and certain generally licensed radioactive materials will be subject to a registration program involving the reporting of information by the registrant and the right of inspection by the State for compliance with prescribed safety standards. Each of these two major segments of the program is to be supported by a schedule of fees which relates to that specific part of the program. The agency charged with the responsibility of promulgating regulations and issuing licenses is the State Department of Public Health. A portion of the inspection and enforcement activities will be delegated by specific agreement to the Division of Industrial Safety of the State Department of Industrial Relations and may be delegated to local health agencies of cities and counties as the latter develop and demonstrate competence.

The regulations adopted by the State Department of Public Health will be controlling in this program throughout the State. As agreements for the delegation of responsibility for inspection and enforcement by other agencies are developed, it is planned to insure that no duplication or overlapping or jurisdiction occurs.

SEC. 2. *Licensing.* Provision is made for the issuance of both specific and general licenses comparable to those issued by the U.S. Atomic Energy Commission. Such licenses are required for the possession of radioactive materials above exempt amounts or concentrations, regardless of the mode of formation of such materials.

The responsibility for licensing of radioactive materials has been assigned by statute to the State Department of Public Health. The statute requires that Department to enter into agreement with the Division of Industrial Safety of the Department of Industrial Relations for the performance of certain inspection and enforcement activities. When such an agreement is concluded, it will allocate to that Division, among other duties, the responsibility for technical evaluations of license applications relating to industrial uses in general, prior to issuance of such licenses by the Department of Public Health. The Department of Public Health will itself conduct such technical evaluations with respect to other uses. As authorized by the Statute, the Department of Public Health plans to enter into agreement with such local health agencies as demonstrate adequate competence, authorizing them to conduct technical evaluations of license applications.

It is planned to make pre-licensing inspection a part of the evaluation procedure in general. In connection with licensing procedures, provision is made to give opportunity for all interested persons to be heard. With respect to human use of radioactive materials, the Department of Public Health will appoint a committee of not less than three qualified physicians to review license applications and make recommendations thereon. The Department will also have on its staff one or more physicians with special competence in radiological health who will review the recommendations of this committee.

SEC. 3. *Inspection.* Inspection for compliance with regulations and with license conditions will be carried on by the Department of Public Health, the Division of Industrial Safety, and any local health agencies with which agreements have been made as described in section 2—Licensing. Each license will be assigned to a single agency for such purposes.

Based upon the existing number and kind of the specific licenses, a priority system will be established under which inspection of the most hazardous activities will be conducted at least once each six months, and the remainder on a less frequent basis, depending upon the relative hasard. Initial priorities will be established on the basis of the pre-licensing evaluation and may be modified in accordance with subsequent inspections. It is expected that all licensed activities will be inspected at least once in two years.

Most inspections will be scheduled visits; a significant number may be on an unannounced basis. Inspection visits will usually entail a comprehensive review by the inspector of the licensee's equipment, facilities, in the handling or storage of radioactive material, the procedures in effect, including actual operation, and interviewing the personnel directly involved. The inspector will review the licensee's survey methods and results, personnel monitoring practices and results, the posting and labeling used, the instructions to personnel, and the methods and apparent effectiveness of maintaining control of people in the restricted area. He will review the licensee's records of receipts, transfers, and inventory of licensed material. He may physically check the inventory. He will examine records concerning disposal to the sewerage system and burial in the soil, if pertinent. He may make measurements of radiation levels. Prior to leaving the licensee's premises, he will meet with management to discuss the results of his inspection. During this meeting, he will attempt to answer questions concerning the regulatory program.

The inspector will prepare a report in sufficient detail to inform his supervisor of the facts and circumstances observed during the inspection. These reports will provide the basis for any necessary enforcement action. Appropriate elements of this information will be filed in the various agencies as needed. The Department of Public Health will review the operation of this system to insure that timely and adequate inspections are performed and that appropriate actions are taken.

In addition, there will be investigations of incidents and complaints involving licensed materials and operations to determine the cause, the steps taken by the licensee to cope with the incident, whether or not there was noncompliance with a regulation, and the steps the licensee is taking to avoid recurrence of the incident.

Licensees will be informed of the results of all inspections, first orally at the time of the inspection, and by letter or notice from the inspecting agency.

SEC. 4. *Enforcement.* Reports of inspections of licensees' activities will be evaluated by the inspecting agency to determine the status of compliance of the licensees with license conditions and regulations. If no item of noncompliance is observed, the licensee is so informed. If only minor matters of noncompliance, such as improper signs, failure to label, etc., are involved, which, at the time of the inspection, the licensee agrees to correct, the licensee will be informed in writing of the items of noncompliance and that corrective action will be reviewed during the next inspection. If the inspection reveals a noncompliance of a more serious nature, the licensee will be required to inform the inspecting agency in writing, usually within 15 to 30 days, as to corrective action taken and the date completed. In these cases, the inspecting agency representative will either conduct a prompt follow-up inspection or the matter will be reviewed

during a regular inspection to insure that corrective action has, in fact, been accomplished. If the reply does not satisfactorily explain the noncompliance and assure that further violations will be prevented, the inspecting agency will take such administrative actions as are available to them.

It is expected that most of the enforcement functions will be administratively consummated by the inspecting agency. In cases where this is not successful, the inspecting agency will refer the matter to the State Department of Public Health, which may issue an order to show cause why the license should not be modified or terminated. In that event, there is provision for formal hearing in accordance with the California Administrative Procedures Act, and for judicial review of the final order resulting from such hearing. There is also provision for emergency action without notice or hearing, but such emergency action is subject to a prompt hearing upon request of the licensee. Among the enforcement procedures available to the State Department of Public Health are modification, suspension, or revocation of licenses, injunctive relief, and criminal sanctions afforded in the courts.

SEC. 5. *Participation by other agencies.* The statute provides for participation in the radiation control program by the State Division of Industrial Safety and by local health agencies in accordance with agreements that may be made between such agencies and the State Department of Public Health, subject to review by the Coordinator of Atomic Energy Development and Radiation Protection. Such agreements will permit the technical evaluation of license applications, the conducting of inspections for compliance with licenses and regulations, and such enforcement activities as may be administratively consummated within the agency. When further enforcement proceedings are required, involving formal hearings upon the suspension or revocation of licenses, such hearings will be conducted by the State Department of Public Health. Participating agencies will be required to maintain equivalent standards to those maintained by the State Department of Public Health with respect to educational and experience requirements of technical personnel engaged in the program, numbers of personnel in proportion to numbers of assigned licenses, adequacy of kinds and amounts of equipment and facilities, and procedures followed in inspection and enforcement. Inspecting agencies will be required to insure compliance by licensees with the license conditions and with the rules and regulations promulgated under the Radiation Control Law.

The statute permits the existence of local ordinances and regulations that are consistent with State Law and regulations. It provides that only the State shall assess a fee and that the proceeds from such fees shall be equitably distributed between the participating agencies. These provisions will be incorporated in agreements for the participation of such agencies in the program.

SEC. 6. *Organization and Personnel.* The radiation control program will be established in the Bureau of Radiological Health, an existing organizational unit of the State Department of Public Health. Technical positions in the existing program of this bureau are listed below. Personnel will be utilized in the control program to the degree required.

Acting Chief.
Senior Health Physicist.
Senior Engineer.
4 Associate Health Physicists—One position unfilled.
Associate Statistician.
2 Consultant Physicians—One position unfilled.
Consultant Engineer.

Upon consummation of an agreement with the AEC, the following additional personnel will be employed, as available, to perform license evaluations and to provide supervision over the inspection program:

1 Supervising Health Physicist.
2 Senior Health Physicists.
1 Associate Health Physicist.

The Department expects to maintain as inspectors qualified personnel trained in health physics in the approximate ratio of one for each 175 licenses. During the initial phases, the equivalent number of man-years is planned to be devoted to these purposes by the existing staff. This ratio of inspectors to licenses will also apply to other agencies having inspectional responsibilities.

The educational and experience requirements for the position categories directly related to the licensing program are as follows:

Supervising Health Physicist: Bachelor's degree in physical or life sciences, including or supplemented by courses in health physics or radiation biology. Seven years of responsible professional experience in health physics or a closely related field, at least three years of which must have included principal responsibility for a major program of radiological health.

Senior Health Physicist: Graduation from college with major work in the applied or life sciences and including or supplemented by at least four courses in nuclear or health physics or radiation biology. Five years of responsible professional experience in health physics or a closely related field, at least two years of which must have included responsibility for a major program in radiological health. (Master's degree or equivalent academic work in health physics or closely related fields may be substitutes for two years of experience; one year of Atomic Energy Commission fellowship training may be substituted for one year of experience.) As an alternate to these requirements, two years of experience as an Associate Health Physicist in the California State service will be acceptable.

Associate Health Physicist: Equivalent of college graduation with major work in physical or life sciences, including or supplemented by at least two courses in nuclear or health physics or radiation biology. Three years of responsible professional experience (excluding routine radiation monitoring and surveys) in health physics or closely related fields. (One year of full time graduate work in health physics or closely related fields, or completion of one-year Atomic Energy Commission health physics fellowship may be substituted for one year of required experience.)

[F.R. Doc. 62-364; Filed, Jan. 11, 1962; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

PINE RIDGE INDIAN RESERVATION LAND RECORDS

Transfer to Aberdeen Area Office

JANUARY 18, 1962.

In accordance with 25 CFR Part 120, notice is hereby given that all title source documents and land records pertaining to trust or restricted Indian-owned lands on the Pine Ridge Indian Reservation in the State of South Dakota have been transferred from the City of Washington to the Aberdeen Area Office, Bureau of Indian Affairs, 820 South Main Street, Aberdeen, South Dakota.

Effective February 1, 1962, the Aberdeen Area Office will be the office for the maintenance of records for all trust and restricted lands as described above.

JOHN O. CROW,
Deputy Commissioner.

[F.R. Doc. 62-871; Filed, Jan. 25, 1962; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13351 etc.; Order E-17945]

AMERICAN AIRLINES, INC., ET AL.

Reduced Westbound Freight Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of January 1962.

In the matter of reduced westbound freight rates proposed by American Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc.; Dockets 13351, 13330 and 13332.

By tariff revisions marked to become effective January 25, 1962, Trans World Airlines, Inc. (TWA), proposes significant reductions in its rates for group 567, containing numerous commodities, covering westbound movements from Boston, New York, and Philadelphia to Los Angeles and San Francisco, and from Chicago to San Francisco. Reductions are to be effected at weight breaks from 1,000 to 5,000 pounds, and a new rate at 10,000 pounds is to be introduced. American Airlines, Inc. (American), has filed identical rates to be effective on the same date for defensive purposes, and United Air Lines, Inc. (United), has filed such rates with effectiveness on January 27, 1962. TWA's proposals are identical in the foregoing markets to those filed for effectiveness November 17, 1961, and suspended by the Board in Order E-17736, of November 16, 1961;[1] the suspended rates were canceled pursuant to Special Tariff Permission, C.A.B. 15160, dated November 17, 1961. TWA asserts that its refiling of the suspended rates has the purpose of establishing the same volume spreads as those recently approved by the Board for eastbound application; that the proposed volume spreads are not as large as those in effect prior to October 1961; that the proposed spreads are the minimum required to retain large volume shipments for air transportation, because the current lower spreads threaten to cause diversion to surface carriage; that 35 to 40 percent of TWA's domestic freight business consists of shipments using such spreads and such shipments can be handled at substantial economies; that the proposals would be equal to current eastbound rates at higher rate breaks just as the current rates are equal in both directions at 100 pounds; and that there is no marked directional imbalance justifying higher rates westbound for large shipments.

[1] The rates proposed from Chicago to San Francisco were below those which had been suspended. However, by revisions to be effective Feb. 11, 1962, the proposed rates were increased to the level of the suspended matter.

American and The Flying Tiger Line Inc. (Tiger), have filed complaints requesting investigation and suspension. In summary, American requests the Board to suspend the proposed rates for the same reasons for which they were suspended previously, viz.: that the suspended proposals were on a low level, and had undercut competition without adequate justification. American also alleges that eastbound rates are normally significantly lower than westbound rates, and that TWA has not presented any facts justifying reduction of westbound rates for the commodities herein involved; that TWA does not claim that the reduced rates would be compensatory but makes only an unsupported statement that the present volume spreads threaten to cause diversion to surface carriage; that rates on such commodities at higher rate breaks have already been reduced by 25 percent since September 1961 in the transcontinental markets; and that large volumes of these commodities moved by air before such reductions are now continuing to move at current rates, and that there is no sound reason for believing that any significant diversion will occur at present rates. Tiger claims that the proposed rates are lower than those in effect for competitive carriers; that TWA does not present data justifying the proposed volume spreads on the basis of costs; and that they are not compensatory to TWA, based upon costs of operating the carrier's L-1049 aircraft.

Upon consideration of matters of record, the Board finds that the rates proposed by TWA may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. TWA's proposals are on a low level for westbound movements, averaging 12.5 cents per ton-mile at the 1,000 pound weight break and 10.9 cents at 10,000 pounds. The rates filed would effect reductions and be lower than the rates in effect for competing carriers, by an average of approximately 2.9 percent for 1,000 pound shipments to 9.8 percent at 10,000 pounds.

Eastbound rates have traditionally been on a relatively low level because they have been based on the added costs of handling return hauls opposite to the direction of the predominant traffic flow. TWA has not presented data to show that an alleged lack of imbalance for large shipments has reduced the cost of handling such shipments westbound to the level of added costs of eastbound movements. With respect to volume spreads, it is the Board's opinion that rates that are prima facie low cannot be justified solely by applying spreads which may be supported by costs and/or which are currently in effect in the reverse direction or on other commodities or in other periods to current rates for 100 pound shipments. TWA has not submitted data showing that the large volumes of traffic allegedly threatened by diversion to surface transportation have permitted attainment of costs warranting the low rates proposed.

Because of the dilution of carrier revenues which might result from the application of the proposed rates, the Board has further concluded to suspend these portions of the tariff revisions and defer their use pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof: *It is ordered*, That:

1. An investigation is instituted to determine whether the rates and provisions described in Appendix A hereto[2] are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe lawful rates and provisions.

2. Pending hearing and decision by the Board, the rates and provisions described in Appendix A hereto[2] are suspended and their use deferred to and including April 24, 1962, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission by the Board.

3. The complaints in Dockets 13330 and 13332 are consolidated herein.

4. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

5. Copies of this order shall be filed with the tariff and shall be served upon American Airlines, Inc., The Flying Tiger Line, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-896; Filed, Jan. 25, 1962; 8:49 a.m.]

[Docket No. 13202 etc.]

FLYING TIGER LINE

Notice of Prehearing Conference

The Flying Tiger Line rate cases; Dockets 13202, 13205 etc., and 13272.

Notice is hereby given that a prehearing conference on the above-numbered dockets is assigned to be held on February 9, 1962, at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

In order to facilitate the conduct of the conference it is requested that any party in this proceeding file with Examiner Donahue on or before January 31, 1962, motions with respect to the scope of the proceeding, including requests for consolidation, statement of the issues and requests for evidence.

Dated at Washington, D.C., January 22, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-897; Filed, Jan. 25, 1962; 8:49 a.m.]

[2] Filed as part of the original document.

FEDERAL AVIATION AGENCY

[OE Docket No. 61-CE-70]

PROPOSED TELEVISION ANTENNA STRUCTURES

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: Midwest Radio-Television, Inc. (WCCO-TV); Twin State Broadcasting, Inc. (WTCN-TV); United Television, Inc. (KMSP-TV); all of Minneapolis, Minnesota, and KSTP, Inc. (KSTP-TV), St. Paul, Minnesota, jointly propose to construct two television antenna structures near St. Paul, Minnesota. Site No. 1 is at latitude 45°03'46" north, longitude 93°08'23" west and the overall height of the proposed structure would be 2,649 feet above mean sea level (1,649 feet above ground). Site No. 2 is at latitude 45°03'34" north, longitude 93°07'20" west and the overall height of the proposed structure would be 2,649 feet above mean sea level (1,749 feet above ground). The two proposed structures would be approximately 0.8 mile apart.

This joint proposal was originally circularized specifying overall heights of 2,650 feet MSL (1,650 and 1,750 feet above ground at sites Nos. 1 and 2, respectively). However, at the FAA Kansas City Informal Airspace Meeting, the sponsors agreed to reduce the overall height of the proposed structures to 2,649 feet MSL as shown in the proposal.

Objections were received in response to the circularization from the following: Minneapolis-St. Paul Metropolitan Airports Commission; Chief Pilot, Minnesota Mining and Manufacturing Company; National Business Aircraft Association; Minnesota Business Aircraft Association; Aviation Department Manager, Northwestern Refining Company; Pilot, Archer-Daniels-Midland Company, and a conditional objection from the Department of the Air Force which advised that its objection would be resolved if this Agency found that aeronautical operations would not be adversely affected. In summary, these objectors concluded that the proposed structures would:

1. Violate criteria.
2. Be in the hub of several secondary airports.
3. Be a serious hazard to Visual Flight Rule operations.
4. Slow up Instrument Flight Rules approaches.
5. Be difficult to see.
6. Interfere with the traffic pattern of Anoka County Airport.
7. Raise Minimum En Route Altitudes on several airways and cause the loss of cardinal altitudes.
8. Affect departure procedures from the Minneapolis-St. Paul International Airport, Minneapolis, Minnesota.

As a result of the circularization of this proposal, comments of no objection and tacit approval were received from the

Air Transport Association of America and the Department of the Navy on the basis that this proposal was the best compromise solution to the problem. The Aircraft Owners and Pilots Association commented that this proposal is based upon compromises which may warrant AOPA approval after thorough discussion of the matter.

At the FAA Kansas City Informal Airspace Meeting, objections were made by the Minneapolis-St. Paul Metropolitan Airports Commission and the Minnesota Department of Aeronautics based upon the conclusions of the objectors that towers above 1,000 feet would be a serious hazard to general aviation, should not be constructed unless an improved marking system is used and might possibly interfere with the proposed improvement of Anoka County Airport. No other objections were made.

It is significant to note that the single structure multiple antenna concept and the collocation of the proposed structures embodied in this proposal are consistent with this Agency's policy expressed in § 626.75(b) of Part 626, Regulations of the Administrator. Although this is not a proposal for the establishment of an antenna farm area, the number of broadcast antennas, the area selected and the location relationship of the proposed structures as represented in this proposal appear to coincide with elements which could be taken into consideration for the establishment of an antenna farm area in the future. The complexities of the existing aeronautical operations and procedures in the Minneapolis-St. Paul area tend to preclude the selection of any area where the proposed structures would have no adverse effect upon aeronautical operations and would also meet the broadcast requirements of the four sponsors. Therefore, some degree of adverse influence upon aeronautical operations by any such structures anywhere in this general vicinity would be unavoidable. This joint proposal reflects the exemplary cooperative efforts of the four commercial television broadcast interests in the Minneapolis-St. Paul area and the mutual cooperation and understanding of both the aeronautical and the broadcast interests for their own and their reciprocal requirements with apparent compromise on the part of both interests. In view of the foregoing, the Agency study evaluated the effects and possible adjustments of aeronautical operations, procedures and minimum flight altitudes to determine whether or not the proposed structures might be accommodated within the existing aeronautical environment for the satisfactory fulfillment of both aeronautical and broadcast requirements in the Minneapolis-St. Paul area.

The proposed structures would be located approximately 12.7 miles north northeast of the Minneapolis-St. Paul International Airport and would have the following effects upon aeronautical operations, procedures and minimum flight altitudes:

A. The proposed structures would require an increase in IFR minimum en route altitudes as follows:

1. From 2,500 feet MSL to 3,600 feet MSL on VOR Federal Airway No. 78 between the Minneapolis VORTAC and the White Bear VOR and LF intersections.

2. From 2,500 feet MSL to 3,600 feet MSL on Victor 2 North between the Minneapolis VORTAC and the Elma intersection. The Minimum Obstruction Clearance Altitude would also be increased accordingly.

3. From 2,600 feet MSL to 3,600 feet MSL on Victor 2 between the Minneapolis VORTAC and the St. Paul intersection.

4. From 2,500 feet MSL to 2,600 feet MSL on Victor 82 between the Minneapolis VORTAC and the Farmington VOR.

5. From 3,200 feet MSL to 3,600 feet MSL on the direct off-airway route between the Minneapolis VORTAC and the Wausau, Wisconsin, VOR.

6. From 3,200 feet MSL to 3,600 feet MSL on the direct off-airway route between the Minneapolis VORTAC and the Wausau radio beacon.

7. From 2,500 feet MSL to 3,000 feet MSL on Victor 13 between the Farmington VOR and the St. Paul intersection.

8. From 2,500 feet MSL to 3,100 feet MSL on Victor 13 between the St. Paul intersection and the Grantsburg, Minnesota, VOR. (Note: This increase from 2,500 to 3,100 vs. 3,000 was determined subsequent to the FAA Kansas City Informal Airspace Meeting. However, following determination, it was discussed with interested persons and no objection was made.)

All of the increases stated above are confined to a relatively small area in the vicinity of Minneapolis-St. Paul; all are relatively low altitudes; and in accordance with the air traffic control procedures in effect in this area, these altitudes are not generally used by IFR operations. The Agency study disclosed that if the proposed structures are erected, the increases stated above could and would be effected, in order to provide appropriate vertical obstruction clearance, without resulting in inefficient utilization of airspace; and further, the air traffic procedures in this area could and would be modified with no substantial adverse effect upon aeronautical operations and procedures.

B. The proposed structures would derogate the Minneapolis-St. Paul International Airport departure procedure 031d as currently depicted on the Minneapolis arrival/departure chart. However, the study further disclosed that if the proposed structures are erected, a minor modification to the procedure could and would be effected with no substantial adverse effect upon this procedure.

C. With reference to VFR aeronautical operations, no unshielded tall structure can be erected without some apparent adverse influence upon VFR operations. The Agency study disclosed that the proposed structures would not have a substantial adverse effect upon VFR operations.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structures.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structures at the locations and mean sea level elevations specified herein, would, upon implementation of the above modifications, have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that neither of these structures would be a hazard to air navigation provided that each structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on January 17, 1962.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 62-863; Filed, Jan. 25, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-20509, RP60-15]

SOUTHERN NATURAL GAS CO.

Order Omitting Intermediate Decision Procedure and Fixing Date for Oral Argument

JANUARY 19, 1962.

On December 4, 1961, Southern Natural Gas Company (Southern) filed a motion for waiver and omission of intermediate decision procedure in these consolidated proceedings. Southern requests that the time limitations upon filing such motion imposed by § 1.30 (c)(3), under the circumstances of these proceedings, be waived. Southern also requests the opportunity to present oral argument before the Commission and reserved its right to apply to the Commission for rehearing and to petition for judicial review of the Commission's decision or order.

The proceedings in the above dockets relate to proposed increases in rates and charges tendered for filing by Southern which, after suspension by Commission order, became effective subject to refund on June 1, 1960 (G-20509), and on August 13, 1960 (TP60-15). Hearings were commenced in Docket No. G-20509 on January 26, 1960, and by order issued herein on July 8, 1960, we determined the allowable rate of return on Southern's pipeline properties, subject to final disposition of the related issues as to accumulated deferred taxes and tax benefits for statutory depletion and intangible well drilling expenses. Final determination of the rate of return to be allowed on Southern's production properties was reserved for further proceedings as were all remaining issues not therein decided.

Following consolidation of these two proceedings further hearings were held on all remaining issues and were concluded on July 20, 1961. Briefing of the remaining issues were completed on December 11, 1961, and the cases are ready for decision.

The aforementioned motion has been filed due to the untimely death of the Presiding Examiner who presided throughout the hearings in these proceedings. Southern also states that assignment of a new Examiner, unfamiliar with the evidence and issues here involved would entail substantial delay in final decision and would be detrimental to the public interest.

Answers in support of Southern's motion and requesting oral argument have been filed by Alabama Gas Corporation, Alabama Public Service Commission, Atlanta Gas Light Company, Mississippi Valley Gas Company, South Carolina Natural Gas Company and Georgia Kraft Company. No objections thereto have been filed.

The Commission finds:

(1) Due and timely execution of our functions requires that the intermediate decision procedure be omitted.

(2) It is appropriate in carrying out the provisions of the Natural Gas Act that oral argument be heard as hereinafter provided, on the remaining issues in these proceedings which were not determined by our order issued herein on July 8, 1960.

The Commission orders:

(A) The intermediate decision procedure in these proceedings is hereby omitted.

(B) Oral Argument before the Commission on all remaining issues herein, shall be heard on February 8, 1962, at 10:00 a.m., e.s.t., in a hearing Room of the Commission, at 441 G Street NW., Washington, D.C.

(C) All parties who desire to participate in the oral argument, shall notify the Secretary, on or before January 29, 1962, of their intent to do so and the amount of time they desire for such argument.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-892; Filed, Jan. 25, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 23, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37523: *Plaster and related articles to points in Wyoming.* Filed by Southwestern Freight Bureau, Agent (No. B-8141), for interested rail carriers. Rates on plaster and related articles, also gypsum wallboard and related articles, in carloads, from points in New Mexico, Oklahoma and Texas, to points in Wyoming.

Grounds for relief: Market competition, modified short-line distance scale and grouping.

Tariff: Supplement 109 to Southwestern Freight Bureau tariff I.C.C. 4017.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37524: *Passenger fares in the United States.* Filed by A. J. Winkler, Agent (No. A-11), for interested rail carriers. Involving basic one-way first-class fares for the transportation of persons, between points in the United States.

Grounds for relief: Maintenance of through one-factor fares in excess of lower combinations of intermediate fares, due to joint fares reflecting increased factors.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-887; Filed, Jan. 25, 1962; 8:48 a.m.]

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PART II

FEDERAL REGISTER

VOLUME 27 NUMBER 18

Washington, Friday, January 26, 1962

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1001, 1002, 1004, 1014, 1006, 1016, 1003, 1007, 1010, 1015]

[Docket Nos. AO–14–A 31, AO–71–A 41, AO–160–A 23, AO–302–A 5, AO–203–A 13, AO–312–A 2, AO–293–A 4, AO–204–A 13, AO–276–A 3, AO–305–A 5]

MILK IN THE GREATER BOSTON, MASS.; NEW YORK-NEW JERSEY; PHILADELPHIA, PA.; SOUTHEASTERN NEW ENGLAND; SPRINGFIELD, MASS.; UPPER CHESAPEAKE BAY; WASHINGTON, D.C.; WORCESTER, MASS.; WILMINGTON, DEL., AND CONNECTICUT MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders [(7 CFR Part 900) (7 CFR Chapter X note)] notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the respective tentative marketing agreements and orders regulating the handling of milk in the Greater Boston, New York-New Jersey, Philadelphia, Southeastern New England, Springfield, Upper Chesapeake Bay, Washington, D.C., Worcester, Wilmington, and Connecticut marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than close of business the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in six copies.

Preliminary statement. The hearing, on the record of which the proposed amendments, as hereinafter set forth, to the said tentative marketing agreements and to the orders were formulated, was conducted at New York City during the periods June 19–30 and July 10–August 2, 1961, pursuant to notice thereof issued June 2, 1961 (26 F.R. 5075).

The hearing, which lasted 28 days and consisted of over 5200 pages of testimony accompanied by 110 exhibits, was concerned primarily with the problem of establishing appropriate prices for reserve milk in the ten Federally-regulated fluid milk markets in the Northeastern section of the United States. From this general problem three central issues arose.

The first issue related to the propriety of the existing relationship between reserve milk prices in the Northeastern Federally-regulated markets and prices paid dairy farmers for milk of manufacturing grade at Midwestern plants. This was the dominant issue at the hearing, with a variety of price formula proposals presented for establishing appropriate price relationships.

The several proposals offered, and the testimony presented in support thereof, ranged from suggestions to lower the Class III milk price under Order No. 2[1] for the New York-New Jersey market, including the reinstatement of the butter-cheese differential at four cents per pound of butterfat during all months of the year, and to reduce Class II milk prices in the five New England Federal order markets, to proposed increases in the prices of such respective classes and in the comparable classes of the other Northeastern markets up to at least the level of the prices paid dairy farmers for manufacturing grade milk in the Midwest as reflected by the "Minnesota-Wisconsin Manufacturing Grade Milk-Price Series" (compiled by the Agricultural Estimates Division, U.S.D.A.). The focal point of the controversy involved in this issue was a proposal to use such Minnesota-Wisconsin price series as the basis for Class III milk prices under Order No. 2.

It was the general position of Midwestern representatives of processors, cooperatives and others, including representatives of the States of Minnesota and Wisconsin, testifying at the hearing, that prices resulting from the present Class III price formula in Order No. 2 are too low in relation to prices paid farmers for manufacturing grade milk at Minnesota and Wisconsin plants, producing competitive disadvantage to Midwestern processors in the sale of the "hard" products of milk, such as butter, nonfat dry milk and cheddar cheese, in Eastern seaboard markets.

Such representatives contended further that the profitability to New York-New Jersey market processors of manufacturing products in Class III milk tends to depress the manufactured products market generally by adding to the national surplus, to the detriment of all farmers producing for this market. An appeal was made that the Federal Government should revise price levels in the Northeastern markets, particularly in the New York-New Jersey market, to insure a pricing policy for milk over and above fluid requirements more consistent with the price aims of the national dairy price support program and to provide equitable pricing to Midwestern dairy farmers.

Although not adhering to any specific price formula to attain these ends, Midwestern representatives proposed rather that the Northeastern markets' minimum prices for surplus milk "be fixed at the highest level that a handler with reasonably efficient operations could afford to pay for such milk, who processes said milk into so-called hard products, so that such handler would not have a competitive advantage in the marketing of such hard products in the domestic market." They recommended, in this connection, careful consideration of the Minnesota-Wisconsin pay price series to obtain the desired result.

Three of the four major producer cooperative groups in the New York-New Jersey market and representatives of handlers of milk in that market strongly opposed the use of such series for pricing Class III milk in the New York-New Jersey market. In support of their general position they testified that the series is based on dairy farmer pay prices in an area approximately 1,000 miles from the New York-New Jersey milkshed

[1] Formerly Order No. 27.

where the seasonality of production, ratio of supply to demand, and other competitive factors differ substantially from conditions in the New York-New Jersey milkshed. They seriously questioned the use of a price series which, at the time of the hearing, had not yet been established statistically and under which no experience had been gained to test its effects on price levels under Order No. 2. They maintained that the pricing of over $200 million worth of surplus milk per year in Northeastern markets, where a one-cent change in the price can amount to $60,000 per month in milk value, is too important a matter for reliance upon an untested price series.

The second issue involved the relative levels of reserve milk (manufacturing class) prices in the ten Northeastern fluid milk markets, particularly in respect of problems of competition among processors in the sale of such products as cream, ice cream, ice cream mix, and condensed skim milk in these markets and adjacent areas. Although there were differences in the methods proposed for bringing about price alignment, all witnesses except one, who testified in regard to this issue, supported close alignment of the manufacturing class prices in the ten orders.

There also was testimony by several New York-New Jersey market handler representatives to the effect that extreme emergency conditions existed in the New York-New Jersey milkshed while the hearing was in progress and that immediate action should be taken to suspend the seasonal factors in the Class III formula of Order No. 2 for the fall months of 1961. A representative of several New England producer cooperative associations testified that the seasonal factors in the Class II price formula of the respective New England orders should be suspended, if necessary, to a level which would provide uniformity of surplus prices on a month-to-month basis as between New England and the New York-New Jersey markets during the remainder of 1961. The suspension proposals on which this testimony was offered were denied by determination issued August 11, 1961, and no further findings are necessary on this matter.

The third main issue was concerned with the proposition that at certain times more milk will be produced than handlers operating under the classified pricing system will be willing to accept at the specified minimum class prices in an order. Certain cooperative associations in the New York-New Jersey market, supporting this view, submitted a proposed plan to handle such "excess surplus" milk through a cooperative marketing agency and to price this milk under the orders on the basis of the return for the products of the milk as disposed of under the Federal dairy products price support program, less the expenses of handling and processing. The plan developed considerable opposition from New York-New Jersey handlers and New England-based cooperatives.

More briefly described, the material issues on the record of the hearing relate to:

(1) The establishment of pricing provisions for Class III milk under the New York-New Jersey order and for Class II milk under, respectively, the Greater Boston, Massachusetts; Philadelphia, Pennsylvania; Southeastern New England; Springfield, Massachusetts; Upper Chesapeake Bay; Washington, D.C.; Worcester, Massachusetts; Wilmington, Delaware, and Connecticut orders which are appropriately related: (a) to the value of milk in the Midwest for manufacturing uses and (b) to each other (discussed below as Issues Nos. 1 and 2); This involves consideration of the type and kind of formula or formulas to be used under the respective orders, including the continued applicability of the butter-cheese adjustment presently contained in the New York-New Jersey order;

(2) Provision for the separate and flexible pricing of "excess" surplus milk marketed by or for the account of an incorporated cooperative marketing agency under the Federal government's price support program for dairy products (discussed below as Issue No. 3).

The hearing was called following the submission of amendment proposals applicable to the ten orders by the principal cooperative associations of producers in the several New England, the New York-New Jersey, and the Philadelphia and Wilmington markets, and by certain cooperatives operating in the states of Wisconsin and Minnesota. Certain handlers individually, and the principal handler associations, in the New York-New Jersey market and certain processors of milk produced in Wisconsin and Kansas also submitted amendment proposals affecting one or more of the subject orders.

The proposals submitted, and the testimony presented by proponents and others in support thereof, were directed to the following types of pricing formulas for the respective reserve classes of milk under such orders:

(1) A formula (of the general type in current use in the New York-New Jersey market) based on central market prices for Grade A (92-score) butter at New York City and nonfat dry milk at Chicago area manufacturing plants or at New York City, minus an allowance for handling, including several variations as follows:

(a) Provision for a "basic" manufacturing price formula containing separate fat and skim values [(92-Score butter, New York City +2 cents×3.5−29 cents)+(average price of spray process nonfat dry milk at Chicago area plants −6 cents×7.8)]. Seasonal adjustments to the class price would be made whenever the percentage of total producer receipts allocated to Class I exceed a specified amount.

(b) Revision of the relative production weights given to roller and spray process nonfat dry milk and an increase in the yield factor for nonfat dry milk.

(c) Elimination of seasonal adjustments in the pricing of reserve milk.

(d) Use of the average price of spray process nonfat dry milk minus one cent, with preference to prices reported in "The Producers Price-Current".

(e) Adoption of offsetting plus and minus seasonal differentials in the Class III price formula.

(f) Addition of one cent to the monthly average price of Grade A butter at New York.

(g) The following proposals relating to the differential pricing of milk for butter and cheese within the reserve class (at present only the New York-New Jersey order results in such differential pricing) were offered:

(i) Establish a differential of four cents per pound of butterfat to be applicable in all months, except August through November if a seasonal adjustment, as explained in (a) above, is added to the class price during those months.

(ii) Make the differential applicable during the months of August through November, when the percentage of Class III milk during the month exceeds 35 percent of total receipts.

(iii) Provide a differential of three cents per pound of butterfat during the months of July through February and four cents during the months of March through June.

(iv) Provide in the New York-New Jersey order only, a differential of four cents per pound of butterfat in all months of the year.

(2) The "Minnesota-Wisconsin Manufacturing Grade Milk-Price Series".

(3) The "U.S. Average Manufacturing Grade Milk-Price Series".

(4) A "reverse" supply-demand adjustment factor for the Philadelphia and Wilmington Class II price formulas to operate as follows: Increase or decrease the surplus class price as the proportion of the receipts allocated to such class increases, or decreases, respectively, from the necessary quantity of reserve milk over the immediately preceding 12 months (proponent suggested a like adjustment for the New York-New Jersey order also), with a maximum price deviation of plus or minus 25 cents per hundredweight from the New York-New Jersey Class III price.

(5) A revised method, made with reference to the Philadelphia and Wilmington orders only, of computing the average price of cream at Philadelphia as used in such orders, and addition of a "sub-Class II" price during the spring months for milk in certain products.

Much of the testimony adduced at the hearing centered around the question of the type of formula most appropriate for fixing the minimum level of price for Class III milk in the New York-New Jersey market. Because of the dominant position of the New York-New Jersey market in the controversies involved, major emphasis is given first to the establishment of an appropriate formula for determination of the Class III milk price in Order No. 2 (Issue No. 1). A discussion of testimony relating to the need for appropriate alignment of prices among all ten Northeastern markets is set forth below under the heading Issue No. 2.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof.

ISSUE No. 1

Testimony of proponents of the product price minus handling allowance type of formula. At the present time minimum prices to producers for Class III milk in the New York-New Jersey Federal milk order are based upon the market prices of butter and nonfat dry milk. Basically, the price each month is determined by first adding two cents to the monthly average price of U.S. Grade A (92-Score) butter in New York City. This value is then multiplied by 1.22 to determine the value of one pound of butterfat, which is then multiplied by 3.5 to arrive at the value of butterfat in 3.5 percent milk. To this value is added the product of multiplying the weighted average price of nonfat dry milk made by the roller (weighted 70) and spray (weighted 30) process, f.o.b. manufacturing plants in the Chicago area, by 7.8. From this total is deducted a "make (processing) allowance" of 80 cents. A seasonal adjustment is then added.

The above computation, except for an additional 3 cents added to the average butter price when Class III utilization is relatively low during August through February, is the formula used each month to determine the monthly price of Class III milk in Order No. 2. During December through July, however, butterfat in milk used in the manufacture of butter and certain types of cheese is priced at certain specified differentials below such Class III price.

New York-New Jersey market proponents of the "product price minus handling allowance" type of formula maintained that this type of formula is the one better adapted to pricing milk for manufacturing in the Northeast, and more particularly in the New York-New Jersey milkshed, than any series of prices paid dairy farmers at milk manufacturing plants located several hundred miles away in the Midwest. They testified that their receiving and manufacturing costs for Class III milk products are higher than in the Midwest because practically all milk in the supply area is eligible for fluid use, with the alleged consequence that seasonal variations in the quantities of milk available for manufacturing in Class III are much greater than in the Midwest, causing the cost of maintaining standby manufacturing facilities to be relatively high in terms of per unit output. It was contended from this that the use of a pay price series, such as the proposed "Minnesota-Wisconsin" price series, does not reflect marketing conditions in the Northeast and thus would not result in Class III prices at a level which would "clear the market".

In supporting the use of the product price minus processing allowance type of formula, proponents claimed that this formula reflects the prices that handlers under the order actually receive for the finished products, and that it is most appropriate that the processing costs of such handlers should be specifically and directly reflected in the formula. It was testified that large quantities of reserve milk in the Northeast are used in the manufacture of ice cream and that high quality, unsalted butter and nonfat dry milk can be substituted readily for pool milk in its production, to wit., the Class III price should be based directly on the market prices of butter and nonfat dry milk.

Additional testimony was presented to show how conditions affecting the manufacture of milk in the Northeast differ from those in the Midwest. It was maintained that the Northeast and the Midwest are distinct and separate production areas. It was testified in this regard that (a) a hundredweight of milk of similar butterfat content yields less cheddar-cheese in New York State than in Wisconsin, and (b) Wisconsin milk is delivered directly from the farm to the cheese plant whereas in New York State receiving (feeder) stations receive much of the milk before it is transferred to the manufacturing plant, thus increasing delivery costs from farm to manufacturing plant.

It was stressed that butter and cheese are relatively more important uses for manufacturing milk in the Midwest while ice cream and other frozen products are the important uses of manufacturing milk in the Northeast. New York plants must maintain fluid market health approval, with resulting higher field and inspection expenses. From this it was argued that if a price series such as the "Minnesota-Wisconsin" series had been used during the fall and winter months of 1960 and 1961, any increase that would have resulted from it would have aggravated a difficult surplus situation.

One handler witness presented statistical data to show that prices paid for Class III milk in the New York-New Jersey market compare favorably with prices paid for milk for manufacturing into different specified products in nearby states. Prices paid at condensaries, creameries and cheese factories decline as distances from the states of Minnesota and Wisconsin increase. Comparisons were made for Minnesota-Wisconsin and (a) states to the East toward the Atlantic seaboard, (b) states to the South toward the deficit milk production areas in the Southeast, and (c) states to the Southwest.

The principal competitive sources of supplies for Class III milk uses were stated to be surplus quantities from unregulated markets in the Northeast, cream from states outside the Northeast and butter (as a source of fat for ice cream). From this it was concluded that since ice cream and fluid cream are the largest outlets for reserve milk in the Northeast, it is essential that the method of pricing used should keep reserve milk prices in the Northeastern Federally-regulated markets closely in line with those of competitive sources of butterfat. To accomplish this, it was proposed that any formula for the price of butterfat in reserve milk adopted be based on the price of Grade A (92-Score) butter, with preference for butter prices reported for the New York market.

The principal skim milk products manufactured from producer milk in the 11 Northeastern states are nonfat dry milk, cottage cheese, curd, and unsweetened condensed skim milk. In 1959 these products accounted for nearly 98 percent of all of the skim products produced. Nonfat dry milk can be and is sometimes used in lieu of fluid skim milk in making cottage cheese. Nonfat dry milk can be used also as a substitute for plain condensed skim milk. Proponents conclude that the market prices of nonfat dry milk are the best available measure of changes in the value of nonfat solids in reserve producer milk, and therefore, in the return to be received by producers for such milk.

In addition to such general support given to the product price minus handling allowance type of formula, each proponent presented further testimony in support of individual proposals.

The proposals to adopt a "basic" manufacturing price formula containing separate butterfat and skim milk values was supported at the hearing by one of the principal cooperatives in the new York-New Jersey market. Seasonal adjustments would be applicable when reserve milk is relatively low and a butter-cheese differential would be included in all months except August through November if seasonal adjustment is applied in the latter months. It was testified that confusion in regard to butterfat and skim milk values has resulted from the formula because they are not computed separately. Proponent claimed this confusion should be removed to reduce the number of controversies that exist in the buying and selling of manufactured dairy products. The proposed change from an average value of roller (weighted 70) and spray (weighted 30) nonfat dry milk to the average value of spray nonfat dry milk only was based on the relative importance of skim milk for nonfat dry milk manufacture in the milkshed and the fact that the bulk of nonfat dry milk being produced is spray process type. In 1960, 92 percent of the nonfat dry milk manufactured in the United States was made by the spray process.

Testimony was presented to the further effect that the seasonal adjustment factors contained in the present Class III formula should be applicable to all ten markets only during those months when the Class I utilization in the markets exceeds a specified percentage. The amount of the seasonal adjustment would be changed to 5 cents during March through June, and 10 cents during the remaining months of the year. If the seasonal adjustment factors were to be applicable during the months of August through November, then no butter-cheese adjustment would be applied during those months; however, a butter-cheese adjustment of four cents per pound of butterfat would be applicable during the remaining eight months of the year.

Another of the large producer groups testified that the present New York-New Jersey Class III price, with changes made in the relative weights given to roller and spray process nonfat dry milk

and an increase in the yield factor, should be applied as the Class II price formula under the other Northeastern orders. This proponent testified that the relative weight given to spray process nonfat dry milk should be increased while the weight given to roller process nonfat dry milk should be decreased. To support this change statistics were cited to indicate that of the total amount of nonfat dry milk manufactured, between 80 and 90 percent is by the spray process. This proponent also recommended an increase in the yield factor from the present factor of 7.8 to a factor of 8.2.

Several witnesses representing certain New York-New Jersey handlers testified that the plus seasonal factors contained in the present Class III price formula of Order No. 2 are no longer applicable in view of the general supply condition in the market during the summer and fall months. One such witness maintained there is no relationship between these differentials and production seasonality, and no attempt is made to synchronize them with either the total monthly production of pool milk or actual Class III utilization. This witness claimed also that seasonal pricing should not be used to yield producers additional returns, but rather should balance out (plus=minus) on a yearly basis.

Another witness, representing the principal handler association, concluded from a number of comparisons of pay prices for manufacturing milk for various states that an increase in the Class III price would be unwarranted and that, to the contrary, such price should be lowered to prevent further hardship to handlers. His proposals would eliminate the seasonal differentials in the Class III price formula whenever the utilization adjustment percentage in the Class I–A price formula falls below a certain level and would employ the average price of spray process nonfat dry milk minus one cent in the formula. He indicated the belief that spray quotations for the New York market in "The Producers Price-Current" would be more appropriate for use in the formula than quotations for manufacturing plants in the Chicago area. These proposals were supported on the basis that during those months in 1960 when no butter-cheese differential was applicable about three times as much milk was utilized in butter and cheese as during the corresponding months of 1959. In regard to the use of spray quotations only, he stated that because of the expansion of spray nonfat dry milk manufacture throughout the nation, it has become difficult to get representative quotations for roller nonfat dry milk. He contended also that roller nonfat dry milk prices have been more erratic in relation to the support level than in the case of spray nonfat dry milk prices, that open market roller prices recently have been higher than support prices, and that there has been a decline in the spread between spray prices and the weighted average nonfat dry milk price used in the present Class III price formula. In recommending use of the spray prices reported in "The Producers Price-Current", this handler representative claimed that the price quotations which most nearly reflect competitive conditions in the market where handlers sell the finished milk products should be used.

A witness for New York-New Jersey ice cream manufacturers testified that recent increases in the volume of whole milk deliveries by farmers in major butter-producing areas have increased the quantities of high quality butter available, and that New York ice cream manufacturers have been able to obtain high-grade, unsalted butter for about one-half cent to one cent over the 92-score butter price at New York. He concluded that the amount added to the "butter" price average in the formula should be reduced to no more than one cent.

A representative of a major producer association in the Philadelphia market suggested that as the proportion of milk in a market disposed of in the manufacturing class increases, the class price should be increased. The need for this, it was claimed, is to discourage the addition of additional supplies above necessary current reserves and thus tend to increase the percentage of Class I utilization. Without making a specific formula proposal, he stated that the maximum Class II price deviation for the Philadelphia and Wilmington markets above or below the Order No. 2 Class III price should not be more than 25 cents per hundredweight. This witness proposed, however, that the cream price used in the Class II price formula of Orders 4[2] and 10[3] (Philadelphia and Wilmington) should be a "weighted average" instead of a simple average of weekly "midpoint" prices of cream, in order to be more representative of actual cream values during the month.

Another recommendation of this witness, made with specific reference to Orders 4 and 10, was that milk moved to unregulated plants for manufacture into certain manufactured products, particularly butter and cheese (other than cottage or creamed), during the months of March through June should be priced at not more than 10 cents per hundredweight below the regular Class II price. It was maintained that this would produce the maximum competitive return for the milk consistent with its orderly movement into reserve uses.

Each of several proposals relating to the butter-cheese differential would have the effect of increasing the number of months each year that it could be applicable. Certain proponents testified in regard to its use in the New York-New Jersey order only, while others discussed its applicability, along with the proposed changes, to all ten markets. The basic reason given for increasing the number of months in which it could be applicable was that there are increasing quantities of milk which must go into butter and cheese during the months of August through November (the differential currently applies in the New York-New Jersey market during December through July).

[2] Formerly Order No. 61.
[3] Formerly Order No. 110.

Other testimony relating to milk handling and processing costs. Research studies on milk processing costs at New York State "cream-nonfat dry milk" plants and at "butter-nonfat dry milk" plants in the State of Minnesota were presented by witnesses from Cornell University and the University of Minnesota.

In the New York study, 8 plants engaged in the manufacture of cream and spray process nonfat dry milk were selected. All but one of the plants were units of multiple-plant organizations operating both fluid milk plants and manufacturing plants. Daily receipts during the month of average volume averaged 250,000 pounds for the 8 plants, with a range in average daily receipts for the 8 plants of 420,000 pounds during the month of highest volume and 151,000 pounds for the month of lowest volume.

Average plant operating costs per hundredweight of milk processed at the 8 New York manufacturing plants were as follows: Month of average volume, $0.576; high-volume month, $0.415; and low-volume month, $0.862. These costs included, however, only the costs of processing together with certain allocated overhead costs for the central office expenses of each of the multiple-plant firms. The additional costs for related handling functions not investigated in this study were estimated by the authors to approximate 50.5 cents per hundredweight of milk in a typical situation. The 50.5 cent estimate included the following: Feeder plant operation, 15 cents; transportation, 15 cents; plant losses, 8.5 cents; packing material, 3.5 cents; use and risk of capital, 7 cents; and selling services, 1.5 cents. Combining the average operating cost of the 8 plants for the month of average volume of 57.6 cents, and the costs associated with the related functions estimated at 50.5 cents, the total handling and processing cost would amount to $1.081.

In the Minnesota study, data were presented regarding the operations of five typical butter-nonfat dry milk plants in Minnesota. Although data for the five plants were not shown in terms of an average, one of the plants received an average 217,000 pounds of milk per day, an amount nearly the same as the average of quantities handled by the 8 plants in the New York study. The average cost of receiving and processing milk from producers was 39.9 cents per hundredweight at this Minnesota plant.

In another case, the costs of receiving milk at a creamery, separation of the milk, processing the butterfat into butter and shipping the skim milk to a central drying plant were shown through a budgetary cost study of four creameries of varying sizes. These data included the average cost of transporting the skim milk from creameries to central drying plants plus the cost of manufacturing nonfat dry milk by spray process. Combining the costs for an average size creamery (receiving 65,000 pounds of milk per day) and at the central drying plant, including the cost of transporting the skim milk to the central drying plant, the following total handling and processing costs were shown: Creamery processing, 23.31 cents; transportation, 8.2 cents; and central drying plant processing, 26.08 cents, making a total of 57.59 cents per hundredweight of whole milk.

Thus, the average cost of receiving and processing whole milk into cream and nonfat dry milk at 8 manufacturing plants, disclosed in the New York State study, including estimates for feeder plant handling and transportation, was about $1.08 per hundredweight, while in Minnesota the average receiving and processing cost at a plant comparable in size to the average of the 8 New York plants, but manufacturing butter and nonfat dry milk, was about 40 cents per hundredweight, or approximately 68 cents per hundredweight less than in New York. The cost of receiving and processing butter and nonfat dry milk in the two-plant (creamery and central drying plant) combination in Minnesota amounted to about 58 cents, or about 50 cents less than in the case of the New York plants. Since butter ordinarily is more costly to process than cream, these differences presumably would be greater if the New York plants were to manufacture butter rather than cream.

It was testified further by the author witness on the Cornell University study that even with only limited changes in physical facilities, such as rearrangement of plant equipment and the introduction of additional labor saving devices, important cost savings can be realized in New York manufacturing plants.

This was illustrated by other data presented in the study which related to specifications and cost estimates for a series of model plants of different capacities for the New York-New Jersey milkshed. Of the four model plants presented, receipts at Model Plant A, the first of the four general types indicated, were the closest, but somewhat lower than, the weighted average of receipts for the 8 actual manufacturing plants. Receipts at Model Plant C were the nearest to, but larger than, the receipts at the largest of the 8 plants studied. It was testified that as the quantity of milk handled at these model plants increases the per-unit processing cost decreases.

The reported unit operating costs at Model Plants A and C (bulk tank operation assumed) during the average volume month were 50.4 cents and 28.1 cents, respectively. The operating costs for the actual plants during the average volume month were 57.6 cents and 54.3 cents, respectively. Unit costs at the two model plants, therefore, were 7.2 cents and 26.2 lower, respectively, than costs for the actual manufacturing plants. It is recognized, however, that any precise comparison between total processing costs per hundredweight of milk at actual plants and at theoretical plants, unit operating costs for Model Plant A would decrease somewhat and conversely operating costs for Model Plant C would increase to some extent.

The largest of the four general types of model plants (Plant D) could receive up to 1,200,000 pounds of milk per day. The unit operating costs for this model plant were only 24.9 cents per hundredweight of milk during the average volume month.

The data presented for Minnesota plants also reflected theoretical model plant operations. From a comparison between processing costs for theoretical model plants and for actual plants, actual operations were found to be in close conformity (within 2 cents per hundredweight) with the hypothetical operations at model plants.

Presented also for the record was a six-part study entitled "Class III milk in the New York Milkshed." This study was referred to at the hearing as the "Clarke Study." It was a comprehensive analysis of the utilization and pricing of Class III milk under Order No. 2. The subject matter of the separate parts of the study was identified under the following titles:

(1) Manufacturing Operations; (2) Economic Description of the Manufactured Dairy Products Industry; (3) Costs of Manufacturing Dairy Products; (4) Processing Margins for Manufactured Dairy Products; (5) Processors' Decisions on Utilization; and (6) Economic Aspects of Class III Pricing.

This study was prepared as a marketing research project conducted under the general supervision of the Marketing Economics Research Division, Agricultural Marketing Service, U.S. Department of Agriculture. Direct responsibility for the collection and interpretation of data used in the study was assigned to a member of the faculty of the University of California, who testified in detail on the study at the hearing.

The study includes estimates of yields, processing costs and "partial net margins" relative to various combinations of Class III milk products. The study does not attempt, however, to break down processing costs or "partial net margins" for combinations of products into separate costs and margins for individual products or to make any allocation of input costs between individual products made at the same plant from the same milk.

The cost data used as an input in the determination of "partial net margins" for several different combinations of products were designed only for this purpose, and did not purport to represent complete cost data for any product or product combination. They were not designed to reflect average processing costs in New York milkshed plants. Marketing and administrative costs, which were determined to be similar for all Class III products, were excluded from consideration since this study was concerned only with those costs which differ among the several Class III products manufactured. The research was intended to provide information on the possible marketing effects of changes in Class III prices but was not designed as the basis for a determination of an appropriate Class III formula or price level.

Several witnesses presented testimony on relative yields of cheese in Wisconsin and in New York State, and on differences in processing costs between the two regions. Their testimony may be typified by the following references.

A witness from Cornell University reviewed reported cheese yields at three large cheese manufacturing firms in northern New York State during the cheese-manufacture seasons in 1959 and 1960. The weighted average cheese yield for these firms for the two seasons was stated to be 9.02 pounds (37 percent moisture) per hundredweight of 3.5 percent milk.

This yield of 9.02 pounds, based on data reported by the plants, was then compared with yields of cheese of similar moisture content from 3.5 percent milk reported for 12 Wisconsin cheese factories in a research study made at the University of Wisconsin. The Wisconsin study cited an average cheese yield of 9.84 pounds per hundredweight. Cheese yields in Wisconsin, therefore, were found to be 0.82 pounds per hundredweight greater than in New York. No specific reason was given for the stated difference in cheese yields.

Several manufacturers of Cheddar cheese and other cheeses in New York State presented additional data designed to demonstrate higher costs of manufacturing cheese in New York State than in the Midwest. One such manufacturer also operates a cheese plant in Vermont where milk priced at the Boston Class II milk price is the source of supply for cheese manufacture. Cheese yields from Vermont milk were compared with cheese yields from northern New York milk, which comparison involved higher butterfat content in Vermont and widely varying (up to 25 percent difference) moisture content of the cheese manufactured in the two states.

The company made no complaint about the cost of milk for cheese in the Vermont plant although in 1960 the level of the Boston Class II price exceeded the butter-cheese differential price under order No. 2 by an average of 24 cents per hundredweight and was computed in a manner quite comparable to the formula adopted herein.

This company also testified that it predetermines how much New York Cheddar cheese it will need during the year, and once that volume has been produced their New York State plants are closed regardless of the prevailing price of milk for this use. Further, that even if the butter-cheese differential under order No. 2 were extended to include more months (causing a price reduction), they would not manufacture more cheese in New York State during the year, but would only extend their operations to include more months.

The Director of the Bureau of Accounts and Statistics of the Pennsylvania Milk Control Commission also testified at this hearing. This witness recommended that the open market fluid cream quotations, which are announced for the Philadelphia market by the Agricultural Marketing Service, U.S.D.A., be changed to include only cream that is actually used as bottling cream or in producing ice cream in the Philadelphia market. He stated that this could increase the price of Class II milk by an amount equivalent to 11.76

cents per hundredweight to Pennsylvania producers and would be a method of making manufacturing prices more realistic throughout the region. He recommended also that nonfat dry milk prices be quoted for the spray process only.

Testimony of proponents of the competitive pay price type of formula. Although discussed later in more detail, the general considerations by proponents of competitive pay prices as a proper basis for pricing Class III milk are cited in the following paragraphs.

The major reasons presented by those supporting a competitive pay price series for pricing reserve milk in Northeastern markets were that (1) it would remove the Secretary from the role of "rate-making" and eliminate the need for making several judgments concerning the particular products (price quotations), the yield factors for such products, and appropriate "make allowances" to be used in the formulas, (2) competitive pay prices provide for automatic adjustments over time concerning needed changes in processing and marketing allowances resulting from dynamic competitive conditions and improved technology in the industry, and (3) such a series goes directly to current market values of milk as received from farmers for manufacturing use, is determined from current competitive conditions in milk procurement, and makes possible avoidance of problems involved in determining the separate values of the butterfat and skim milk ingredients in milk delivered by farmers.

Testimony was presented by representatives of Midwestern milk manufacturers to the effect that reserve milk in regulated markets of the Northeast, and particularly in the New York-New Jersey market, has not been priced competitively with Midwestern milk and that the relatively low Northeastern market prices of milk used for manufacture have damaged the competitive position of Midwest milk product manufacturers. They contend that the Federal government has conflicting policies with respect to its nation-wide price support program for dairy products on the one hand, and levels established for reserve milk prices in Northeastern Federal order markets on the other.

Midwest dairy interests also maintained that increases in the production of manufactured products in the Northeast has had a depressing effect on the national market for manufactured products, especially butter, nonfat dry milk and cheddar cheese. In support of this claim it was testified that manufacturers of milk products in the Midwest region had lost sales to lower-priced products manufactured from Class III milk in the New York-New Jersey market. They contended that an objective of pricing milk under a Federal order is to protect producer returns but not to maintain particular handler plants or cooperative associations which may not be able to withstand competition from other manufacturers of milk products. Testimony was presented to demonstrate the relative efficiency of Midwest manufacturers in the manufacture of butter and nonfat dry milk. Such testimony (Minnesota research study) was discussed previously in conjunction with other research studies presented for the record.

One such witness testified that the effect of maintaining a high Class I price in a Federal order market under classified pricing, while at the same time establishing a low reserve milk price which guarantees an ample margin to pool handlers of reserve milk, is, in effect, subsidization by the consumers of fluid milk of milk production for manufacturing uses. It was stated further that whenever the manufacturing milk price assures handlers under regulation a profitable margin, it follows that the amount of milk used in manufacturing increases and dilutes the effect of the Class I price on maintaining returns to producers through the medium of the uniform price.

One of the large producer cooperative associations in the New York-New Jersey market also testified in support of using a competitive pay price series. In support of its position five principles and objectives to achieve desirable reserve milk prices under Federal milk orders were set forth. These were to (1) promote adequate supply; (2) coordinate manufacturing operations with overall functions of the market (i.e., to balance and channel supplies and to process reserves); (3) influence procurement policies of handlers so that they do not procure additional milk from producers when the market reserve is unusually large; (4) facilitate the movement of milk between markets; and (5) promote efficiency in procurement, processing and marketing. This association proposed and supported adoption of the Minnesota-Wisconsin price series as the basis for pricing Class III milk (and Class II milk) in the Northeastern markets.

Representatives of the New England cooperatives and the largest proprietary handler of milk for manufacturing uses in the New England Federally-regulated markets proposed adoption of the "U.S. Average Manufacturing Grade Milk-Price Series" for pricing reserve milk under all ten Northeastern Federal orders, pointing out that such price series is used currently as the basis of pricing in the New England Federal order markets. These witnesses testified that the markets of New England and New York-New Jersey are highly competitive in respect to the sale of cream, ice cream, ice cream mix, cottage cheese and condensed milk. (This competition is further described in a subsequent part of this decision.)

A witness representing a major New England handler who manufactures large quantities of ice cream expressed a contrasting view from that expressed previously in this decision by the witness for New York ice cream manufacturers. This witness claimed that in the experience of his company prices for unsalted butter usually are about three cents above published butter market quotations. Another witness from New England testified that New England ice cream manufacturers have paid premiums for butterfat for use in ice cream in excess of 2 cents over the New York butter price.

Such representatives further testified that the pricing of reserve milk on competitive pay prices, as represented by the above-stated price series as the price mover, over a substantial period of time has assisted the New England markets to improve efficiency in the handling and processing of reserve milk supplies under regulation.

Competitive pay prices as the appropriate basis for establishing the general level of the Class III price in the New York-New Jersey market. The Secretary, in carrying out the responsibility placed on him by the statute to establish an appropriate method of fixing reserve milk prices, must decide, on the record evidence, between a "product price minus handling allowance" type of formula (involving the merits of the several variations in such formula as previously described) and a "competitive pay price series", which involves selection of the price series most appropriate in the circumstances as a "price mover" and determination of the amount of any differential that the minimum level of reserve milk prices under the orders should vary from the competitive pay price level.

The present butter-nonfat dry milk price formula contains two yield factors, two price series, and the manufacturing or processing allowance. Each affects the resulting price. In the case of a well-operated plant, using all of its milk in the manufacture of butter and creamery by-products, management should be able to ascertain, with a high degree of accuracy, yields of butter and nonfat dry milk per hundredweight of whole milk. In such cases figures would be available also on the average price received per pound of each product sold from the plant. With cost accounting procedures, receiving and processing costs at such a plant may be determined with accuracy.

The accurate determination of such data on a market-wide basis is complicated, however, by additional factors affecting handling and operational costs which are not, on the basis of the hearing evidence, susceptible of precise appraisal or measurement for the entire market. In the New York-New Jersey market substantial proportions of the producer milk received are shipped as milk, skim milk, or cream from country-located plants to fluid milk distributing plants during the year. Volumes of milk shipped from such country receiving stations, or feeder plants, to bottling plants vary substantially from day to day and from plant to plant. The fact that all milk received at a country receiving station, or feeder plant, is not used there, but is moved elsewhere for butter, cheese, or other Class III use, necessarily means that some allocation of cost between handling for the fluid market and handling for Class III processing must be made for such plants. This problem exists with respect to operations involving a large proportion of the milk supply available for Class III uses and none of the data submitted to show receiving and processing costs involved in manufacturing operations in the New York-New Jersey milkshed provide the basis for a reasonably accurate appraisal or reliable estimate of such cost allocation. Obviously, all costs of operating such stations should not be assessed to the manufacturing operation only sometimes served.

Although the apparent difference in processing costs between Minnesota and New York plants as shown by the two studies cited previously, amounts to more than 50 cents per hundredweight of milk, handlers subject to the New York-New Jersey order have been paying prices for milk used in butter and cheese within a range of 13 to 20 cents less annually than prices in Minnesota for manufacturing grade milk of the same butterfat content. It is the latter differences in price that are the center of the controversy. If handlers subject to the New York-New Jersey order experience processing costs that are at least 2½ times greater than the difference in the prices of milk between the regions, a logical conclusion would be that from an economic standpoint they could not manufacture butter with order No. 2 milk. In 1958, however, nearly 605 million pounds of order No. 2 milk were utilized in the manufacture of butter. This amounted to 6.0 percent of the total producer milk classified under the order. In 1959 and 1960, the amounts so used were 460 million and 897 million pounds, respectively, or 4.5 and 8.4 percent of total producer receipts.

While proponents of the product-handling allowance type of formula maintained that the processor must be reimbursed for his costs, even those who suggested a reduction in the Class III price did not propose, and past acceptance of milk by handlers at the prices prevailing certainly denies, that the difference in processing costs between the regions, exceeding 50 cents per hundredweight, shown by the studies would be properly reflected in a Class III pricing formula. Further, there is wide disparity between the cost allowances contained in the specific proposals offered by proponents of the product-handling allowance type of formula and the cost data provided by the study covering New York State plants. The paradoxical circumstances present create substantial doubt that any cost allowance could be developed from the evidence that would give reasonable assurance of providing, over time, a fair value for producer milk under an administered pricing program.

The problem of securing specific data to properly determine the appropriate components of the formula, and particularly the make allowance to be reflected, is only one shortcoming of this method of pricing milk for manufacturing purposes in the New York-New Jersey milkshed under present conditions. Because a wide variety of products is included in Class III milk, a formula based only on the prices for butter and nonfat dry milk does not accurately reflect the full value of producer milk for all Class III uses. For example, the value of milk for cheese is not reflected in the present formula although much cheese is produced in the Northeast, and especially in the New York-New Jersey milkshed. It would be difficult, indeed, to conclude that New York-New Jersey Class III (butter-nonfat dry milk) formula fully compensated New York-New Jersey producers last winter when the market for milk for cheddar cheese was generally strong.

Another problem with the present type of Class III formula is the lag in its adjustment to cost and technological changes affecting the manufactured products industry. Technological changes have resulted in some significant cost reductions during recent years. Changes which reduce costs of assembling, processing, packaging or merchandising milk and milk products do not have automatic, or even necessarily prompt, reflection in such formula. Such changes are not reflected in formula prices until order amendments are made. With proper adherence to administrative rules and procedures, rapid action in this connection may not be assured for a particular market or group of markets.

When the Class III price formula is based primarily upon the market price of one of these products (e.g., butter) minus a specified processing allowance, handlers under the order are assured, regardless of current values of producer milk competitively procured for the several manufactured product uses in Class III, of a predetermined operating margin. On the other hand, unregulated processors handling manufacturing grade milk pay a price to dairy farmers to maintain milk supplies determined from competition with other processors. When sudden price changes occur in the butter market, for example, manufacturers of butter, buying in competition with manufacturers of other products are not necessarily able to effectuate an immediate offsetting adjustment in pay prices to their farmers. When prices under the order are based on butter prices handlers, however, have the benefit of an offsetting adjustment automatically reflected in the price they pay for the milk. This is an advantage not available to manufacturers purchasing unregulated milk.

Regardless of the immediate relationship of the open market prices of various manufactured products to the competitive values of raw milk at unregulated plants, regulated handlers obviously are not subjected, under the present formula, to the same pressure to adjust to cost and technological changes affecting the unregulated portions of the manufactured products industry. This situation could be self-perpetuating in regulated markets, such as in the Northeast, where in the supply areas involved there are relatively minor quantities of unregulated milk to be manufactured, and the prices of most milk so utilized are administered by public authority. Such circumstances make important, in the public interest, that the administered price be one which is reflective of and promptly responsive to competitive conditions generally prevailing in the manufactured products segment of the dairy industry. The competitive pay price method meets this requirement.

The competitive pay price method of pricing milk is based upon the premise that in the existing highly competitive dairy industry, concerns buying in competition tend to purchase milk from farmers at prices commensurate with the ability of the more efficient concerns to pay for milk. As shifts in the relationship between finished product prices are indicated, one group of processors may be able to pay higher prices than others. Other processors must meet or approximate these prices or risk loss of milk supply. If a dairy concern in the unregulated manufactured products market fails to make the necessary adjustments in procurement competition, it will, in time, be forced out of business.

Increasing labor and other costs may tend to reduce prices paid farmers for milk. The use of new assembling, processing, packaging and marketing techniques which reduce plant-operating costs, or increase product returns, will tend, on the other hand, to increase the demand for the farmers' milk and thus the prices paid for such milk. These upward and downward price adjustments resulting from procurement competition are directly and automatically reflected in reserve milk prices when based on average competitive pay prices, thus tending, at any given time, to reflect the full value of milk for the basic manufacturing uses.

Much of the evidence presented at the hearing on the use of competitive pay prices as the Class III price formula centered on the so-called "Minnesota-Wisconsin Manufacturing Grade Milk-Price Series" (hereinafter referred to as the "Minnesota-Wisconsin series"). Principal questions raised in connection with this price series were whether the Department would be in position to announce within 5 days after the end of a given month a price which would be satisfactorily representative of prices paid to dairy farmers by manufacturing plants in the two-state area, and whether such a series, even if representative of conditions in such states, would be appropriate for pricing milk under conditions prevailing in the New York-New Jersey milkshed. Opponents of the series contended that a period of time should elapse before any such price series is employed in the pricing of over 7 billion pounds of milk per year, the approximate amount of milk in manufacturing uses under regulation in the Northeast, since the series had not yet been published (at the time of the hearing) and therefore had not been subject to appraisal over time.

The States of Minnesota and Wisconsin represent the two large areas of predominately "manufacturing grade" milk in the country. Approximately 50 percent of the total manufacturing grade milk sold off farms in the U.S. is produced in these two States. In Minnesota about 80 percent of the milk sold off farms is manufacturing grade while in Wisconsin it amounts to 65 percent of the milk produced. There are approximately 900 plants in Wisconsin that buy manufacturing grade milk, and in Minnesota there are about 425 such plants. Competition among processors for supplies of manufacturing milk is generally strong in both States.

Starting in January 1959 the Agricultural Estimates Division of the Department began publication of a series of prices for manufacturing grade milk, by States, each month in the Department's regular publication, "Agricultural Prices". At the time of the hearing, preliminary estimates of prices paid in each State for a given month were being published near the end of the following month. The prices, so published, are not available in time for use in determining minimum class prices under Federal orders. It is officially noticed, however, that beginning with September 1961 the two-State "Minnesota-Wisconsin series" has been published on or before the 5th day of the month following that for which the price is computed. This series is available for use in pricing milk under Federal orders and was adopted for this purpose in the milk order for the Chicago marketing area (official notice taken) effective September 1, 1961.

Manufacturing grade milk price information for Wisconsin and Minnesota is collected through the facilities of the Federal-State Crop Reporting Office in Madison and St. Paul, respectively. This information is obtained by mail questionnaire. Representatives of the Agricultural Estimates Division, although not proponents of the series for use in pricing milk under any of the ten Federal orders, described on the record a new statistical technique which in their judgment as statisticians would result in a representative price estimate which could be announced within five days after the end of the month for which computed. Reports from 200–220 plants that purchase from 20 to 22 percent of all manufacturing milk in the State of Wisconsin are available each month, while in Minnesota reports covering about 70 percent of all producer sales are similarly available. These prices, as reported for the preceding month, serve as the "benchmark" for computing a combined Minnesota-Wisconsin average price of manufacturing milk for the "current" month (month for which the minimum class price is computed).

The price change from the "benchmark" month to the current month is then measured. This involves collecting available current month data from a "sample" of about 100 plants in the two-State area. These data include quantities of milk being purchased, pounds of butterfat and total dollars paid for milk delivered the first half of such month. For the last half, to the extent possible, individual plant estimates are furnished by plant managers. On the basis of these data, current month price and butterfat test estimates are prepared.

For plants in each state separately, prices and tests are weighted within each product group (butter-nonfat dry milk, cheese, evaporated milk, etc.) by the quantities of milk purchased from farms to obtain weighted averages by product groups. This is done both for the current month and the benchmark month.

Product group averages are then weighted by their relative importance in the state total to obtain a statewide average for all milk of manufacturing grade. The average prices and butterfat tests for the two states are then combined into a weighted average price and test for the two-State area.

Industry proponents of this particular series of competitive pay prices were satisfied that such techniques would result in a representative manufacturing milk price series for Minnesota and Wisconsin plants. They maintained further that purely local conditions are no longer an adequate basis for pricing milk in manufacturing uses and that interregional relationships of prices, which must be recognized, would be recognized properly through use of such series for reserve milk pricing in the Northeastern markets.

It is concluded, however, that although the Minnesota-Wisconsin series is satisfactorily representative of the pay prices in the two-State area and has been adopted already for Class III pricing purposes under the Chicago milk order, it should not be used to determine the price of Class III milk in the New York-New Jersey market at the present time. Although there is no apparent reason why it could not be adapted to the pricing of reserve milk in the Northeastern markets with equitable results, there is no urgency which should deny the industry its request for an opportunity to examine the series in use and to compare its results with other price series and formulas which are available for pricing under regulation.

The "U.S. Average Manufacturing Grade Milk-Price Series" (hereinafter called the "U.S. average price"), on the other hand, has been published continuously since 1946 by the Department and is a widely known and accepted series of competitive pay prices. It is published by the Agricultural Estimates Division in "Agricultural Prices" on a preliminary basis near the end of each month. In computing this average price, separate prices are first determined for each of the three principal uses covered, i.e., butter-nonfat dry milk, cheese and evaporated milk. These prices are then volume weighted according to the relative quantities of manufacturing grade milk going into such uses. The weights used in 1960 were: Butter, 43 percent; American cheese, 39 percent; and evaporated milk, 18 percent.

It is the "national average" price series which is used in establishing the parity equivalent for manufacturing milk and therefore is directly involved in the determination of support prices for dairy products. The use of this series in computing the reserve milk prices in the Northeastern markets should provide, therefore, a reasonable and equitable basis for determining appropriate monthly price changes.

The use of the U.S. average price as the basis for pricing reserve milk in some of the fluid milk markets in the Northeastern area is well established. It has been the basis for determining the value of producer milk for Class II uses under Federal regulation in the New England markets regularly (except for two months) since May 1, 1957. Between 1951 and 1957 the U.S. average price shared with the "Boston weighted average cream price" in the performance of such price function.

In the New England markets, the annual level of the Class II price, including seasonal adjustments, averages (simple) 6.4 cents per hundredweight over the U.S. average price. The U.S. average price, the Minnesota-Wisconsin series, the Boston Class II prices, the announced New York-New Jersey Class III prices and the Philadelphia Class II prices per hundredweight may be compared as follows on a 3.5 percent butterfat basis:

	Annual averages				
	1960	1959	1958	1957	1956
Minnesota-Wisconsin series [1]	$3.12	$3.01	$2.99	$3.10	$3.06
Boston Class II prices [1] [2]	3.10	3.01	2.98	3.05	2.98
U.S. Average Price Series [1]	3.04	2.93	2.91	3.01	2.98
New York-New Jersey Class III [1] [3]	2.94	2.96	2.94	3.06	2.99
Philadelphia Class II [2] [4]	2.84	2.96	2.90	3.14	2.99

[1] Adjusted to 3.5 percent butterfat test by Boston order butterfat differential.
[2] For plants located 201–210 miles from the basing point in the marketing area.
[3] Class III price without butter-cheese differential.
[4] Adjusted to 3.5 percent by Philadelphia order butterfat differential.

The annual U.S. average price averages approximately 8 cents below the Minnesota-Wisconsin series. The New York-New Jersey annual average Class III price, on the other hand, was higher than the U.S. average price by one cent in 1956, by five cents in 1957, by three cents in 1958, and by three cents in 1959. In 1960, however, the U.S. average price averaged 10 cents higher than the New York-New Jersey Class III price for the year.

The Boston annual average Class II price was lower than the New York-New Jersey Class III price by three cents and one cent in 1956 and 1957, respectively, but in 1958 and 1959 the Boston Class II price averaged four cents and five cents, respectively, over the New York-New Jersey Class III price. In 1960, the Boston Class II price increased to a level 16 cents over the New York-New Jersey Class III price.

The annual average Class II price in the Philadelphia market was equal to the New York-New Jersey Class III price in 1956 and 1959, was higher in 1957 by eight cents, and was lower in 1958 and 1960 by four and ten cents, respectively. The Philadelphia Class II price, like New York-New Jersey Class III price, was higher than the U.S. average price during the period from 1956 through 1959, except for 1958 when it was one cent lower. In 1960, however, it declined to a level 20 cents below the U.S. average price.

During the four years 1956–59 Class III prices in the New York-New Jersey market averaged about 3 cents over the U.S. average prices. Only in 1960 did the Class III price fall substantially below U.S. average price plus the 6.4-cent differential used in the Boston formula.

Use of the U.S. average price as the price mover will tend to keep Class III prices in consistent relationship to the general level of prices being paid to farmers for manufacturing milk. Since the U.S. average price has been fairly consistently 8 cents lower than the Minnesota-Wisconsin series on an annual basis, the resulting New York-New Jersey Class III prices in the 201–210 mile zone should move in reasonable relationship to prices in Minnesota and Wisconsin.

It is appropriate, nevertheless, to continue seasonality in the pricing of reserve milk in the New York-NewJersey market. During the late winter and spring months when relatively greater quantities of reserve milk are available and must be utilized in the hard or storable products, the Class III price should be such that manufacturers of storable products share in the utilization of the available supplies. Manufacturers of butter and cheddar cheese should not receive a preferential price, however, with the effect that much of the competition in procurement from manufacturers of soft products is minimized or eliminated. The latter manufacturers, who provide a year-round outlet for reserve milk should not be disadvantaged in procurement in the months of seasonally heavy production by being required to pay a higher price than butter and cheese manufacturers during these months.

More seasonality in the pricing of reserve milk than is contained in the U.S. average price is needed in the Northeastern markets for the added reason that it will encourage handlers to dispose of the maximum amount of milk in Class I uses. Prices during the fall months should not be so high as to prohibit the necessary operating reserves of milk from going into manufacturing uses, but nevertheless should be at such a level that handlers will seek Class I sales rather than to use the milk in manufacturing. Further, during the fall months of the year, when the supply of milk available for manufacturing is used to a greater extent in the production of nonstorable (soft) products, the reserve milk price under the orders should reflect also this higher-valued use.

During the three-year period from January 1958 through December 1960, the New York-New Jersey Class III price (other than butter and cheese) deviation between the highest average monthly price and lowest average monthly price was 26 cents. The month with the lowest three-year average price was June with an average price of $2.80 per hundredweight. November was the month with the highest three-year average price of $3.06. If the seasonal variation in the price of milk for butter and cheese is reflected in the regular Class III price (an additional 14 cents per cwt.) it would increase the seasonality of the Class III price to 40 cents. A range in the Class III price of 40 cents from the month of highest price to the month of lowest price compares with the current seasonal range of 46 cents in the Boston Class II prices during the same three-year period. The monthly seasonal adjustments to the U.S. average price as contained in the current Boston Class II formula range from minus 12 cents during the month of May to plus 17 cents during the months of August, November, and December. To bring monthly reserve milk prices in the northeastern markets more nearly in line with the monthly U.S. average prices and the prices of manufacturing milk in the Midwest than has been the case in the past, a small reduction in such ranges is appropriate. It is concluded that the seasonal adjustments to be applied to the monthly U.S. average prices (which result in an annual (simple) average level 5.4 cents higher than such price) should be as follows:

Jan	$+0.8	July	$+0.08
Feb	+.07	Aug	+.15
Mar	.00	Sept	+.11
Apr	−.04	Oct	+.11
May	−.07	Nov	+.11
June	−.06	Dec	+.11

These seasonal adjustments, applied to the three-year period 1958 through 1960, would have resulted in a seasonal variation in prices averaging 37 cents. The resulting monthly prices, on the three-year average, would have varied from the average of Minnesota-Wisconsin prices by the following amounts:

Jan	$0.00	July	$+0.02
Feb	+.03	Aug	+.09
Mar	−.04	Sept	.00
Apr	−.09	Oct	−.01
May	−.15	Nov	.00
June	−.14	Dec	+.02

These monthly variations between the reserve milk prices in the Northeast and the Minnesota-Wisconsin pay prices are reasonable in view of the greater seasonality of reserve milk available in the northeastern markets and the need for channeling milk to Class I uses when needed.

The U.S. average prices adjusted by the monthly seasonal adjustments may be compared with the monthly Class III prices which have existed in the New York-New Jersey market. In the following table are shown the proposed monthly prices and the announced Class III prices for the three-year period 1958 through 1960, for 3.5 percent milk, f.o.b. plants in the 201–210 mile zone.

	1958			1959			1960		
	Proposed price, including seasonal adjustments	N.Y.-N.J. class III [1]	Proposed, minus N.Y.-N.J.	Proposed price, including seasonal adjustments	N.Y.-N.J. class III [1]	Proposed, minus N.Y.-N.J.	Proposed price including seasonal adjustments	N.Y.-N.J. class III [1]	Proposed, minus N.Y.-N.J.
January	$3.11	$3.07	$0.04	$3.00	$2.87	$0.13	$3.07	$2.92	$0.15
February	3.09	3.07	.02	3.03	2.87	.16	3.12	2.91	.21
March	3.09	3.02	−.02	2.94	2.85	.09	3.04	2.88	.16
April	2.79	2.86	−.09	2.87	2.84	.03	2.97	2.88	.09
May	2.75	2.79	−.04	2.80	2.82	−.02	2.87	2.83	.04
June	2.76	2.78	−.02	2.80	2.80	.00	2.87	2.82	.05
July	2.92	2.87	.05	2.96	2.91	.06	3.02	2.89	.13
August	3.03	2.91	.12	3.05	3.00	.05	3.14	2.94	.20
September	3.03	3.00	.03	3.03	3.12	−.09	3.21	3.03	.18
October	3.03	2.94	.09	3.06	3.12	−.06	3.24	3.04	.20
November	3.01	2.93	.08	3.13	3.18	−.05	3.29	3.08	.21
December	3.07	2.97	.10	3.12	3.09	.03	3.28	3.04	.24
Annual average	2.97	2.94	.03	2.98	2.96	.02	3.09	2.94	.15

[1] Does not include butter-cheese differential. Butter-cheese differential prices are 14 cents less than class III prices during the months of March through June and 10 cents less during the months of July and December through February. In 1960 only, the month of August also had a 10-cent butter-cheese differential.

The monthly seasonal adjustments adopted result in Class III prices nearly identical with the present Class III prices (other than butter and cheese) during the months of May and June over the three-year period. For the months of April and July, over the same period, the new formula yields a level of prices closely related to prices under the present Class III formula.

During the late summer, fall and winter months, the new formula results in prices which, on the average during this three-year period, exceeded actual Class III prices by somewhat greater amounts. It is during these months, however, when Class III milk should be priced at a somewhat higher level since it is used mostly in higher-valued products and competitive milk and milk products also carry higher prices. The higher level is needed also to encourage handlers to utilize the milk in Class I outlets.

The new formula will have the greatest effect in the New York-New Jersey market upon the prices for milk utilized in the manufacture of butter and cheese during April through July. During April, May, and June the price of milk used in butter and cheese will be increased 14 cents per hundredweight and in July, 10 cents per hundredweight plus any increases that apply in connection with regular Class III milk. Over the three-year period 1958–1960, the average increase in the regular Class III price would have been April, $0.01; May, $0.01; June, $0.01; and July, $0.04.

The U.S. average price, as so adjusted seasonally, will reasonably reflect monthly changes in the value of milk for the particular "product mix" of reserve milk in the Northeast.

While the "product mix" reflected in the U.S. average price represents a lower-valued "product mix" than that generally prevailing in the Northeast, such competitive pay price, which reflects the value of milk used in the manufacture of "hard products", will also reasonably

reflect changes in the value of milk used in, or to manufacture products competitive with, the "soft products" made from manufacturing milk in the Northeast.

The U.S. average price is based to a substantial degree on the use of milk for butter-nonfat dry milk and cheese. This, however, is a lower-valued "product mix" than the "product mix" of the Northeastern markets, which consists largely of ice cream, ice cream mix, cottage cheese and other "soft products", generally considered to represent higher-valued outlets. Manufacturers of "soft products" and handlers of cream in the major production areas of Minnesota and Wisconsin are in competition with manufacturers of the "hard products" for their milk supplies. It may not be reasonably concluded that "soft product" manufacturers in either the Northeast or Midwest can procure milk for less than competitive "hard product" manufacturers.

It is butter-nonfat dry milk and cheese that are considered the residual, or marginal, uses of milk both nationally and in the Northeast, into which milk must find a market when the demands for the higher-valued products have been satisfied. As previously indicated, the U.S. average price is the basis for computation of the support prices for butter, nonfat dry milk and cheese as the residual products of milk nationally.

In opposing competitive pay prices for formula uses, New York-New Jersey handlers maintained that it is the local supply and demand conditions in the regulated market that are the controlling statutory factors in establishing prices for Class III milk as well as the prices of other classes under the order.

In its decision in the "United States v. Rock Royal Co-operative, Inc., et al." case relating to the New York order and the classified pricing plan provided therein (official notice of which is taken), the Supreme Court of the United States recognized that the products made from reserve milk in the New York-New Jersey market not only are affected by, but also affect, the national market for such products:

"It is generally recognized that the chief cause of fluctuating prices and supplies is the existence of a normal surplus which is necessary to furnish an adequate amount for peak periods of consumption. This results in an excess of production during the troughs of demand. As milk is highly perishable, a fertile field for the growth of bacteria, and yet an essential item of diet, it is most desirable to have an adequate production under close sanitary supervision to meet the constantly varying needs. The sale of milk in metropolitan New York is ringed around with requirements of the health departments to assure the purity of the supply. Only farms with equipment approved by the health authorities of the marketing area and operated in accordance with their requirements are permitted to market their milk. More than sixty thousand dairies located in the states of New York, Connecticut, Massachusetts, Maryland, New Jersey, Pennsylvania and Vermont hold certificates of inspection and approval from the Department of Health of the City of New York. More than five hundred receiving plants similarly scattered have been approved for the receiving and shipping of grades A and B milk. Since all milk produced cannot find a ready market as fluid milk in flush periods, the surplus must move into cream, butter, cheese, milk powder and other more or less nonperishable products. Since these manufacturers are in competition with all similar dairy products, the prices for the milk absorbed into manufacturing processes must necessarily meet the competition of low-cost production areas far removed from the metropolitan centers. The market for fluid milk for use as a food beverage is the most profitable to the producer. Consequently, all producers strive for the fluid milk market. It is obvious that the marketing of fluid milk in New York has contacts at least with the entire national dairy industry. The approval of dairies by the Department of Health of New York City, as a condition for the sale of their fluid milk in the metropolitan area, isolates from this general competition a well recognized segment of the entire industry. Since these producers are numerous enough to keep up a volume of fluid milk for New York distribution beyond ordinary requirements, cut-throat competition even among them would threaten the quality and in the end of the quantity of fluid milk deemed suitable for New York consumption. Students of the problem generally have apparently recognized a fair division among producers of the fluid milk market and utilization of the rest of the available supply in other dairy staples as an appropriate method of attack for its solution. Order No. 27 was an attempt to make effective such an arrangement under the authority of the Agricultural Marketing Agreement Act."

Concern was expressed also by New York-New Jersey handlers that any increase in the Class III price would tend to raise uniform, or blended, prices to producers, stimulating a production response and therefore an increase in the quantity of milk to be used in Class III products. It was contended that reserve milk prices might well be reduced somewhat, rather than increased, in order to encourage a reduction in deliveries of milk by producers or at least to discourage further increases in deliveries.

The percentage of Class III utilization is such that for any given change in the level of the Class III prices a corresponding change in uniform prices of approximately 40 percent of the change in the Class III price will result. The above contention of handlers is not persuasive, however, in the present situation. Certainly it may not be concluded that a price for milk for manufacturing use only slightly above the national level of prices for ungraded milk would be sufficient to encourage an adequate supply of high quality milk as needed for the New York-New Jersey fluid market. An equitable price for milk for manufacture cannot be denied simply because it might result in some increase in the blended price, and particularly so when an outlet for any increased supply is available under the price support program.

Further testimony was presented to the effect that Midwestern milk production has generally contributed far more to the national milk surplus than has Northeastern milk production since milk used in manufactured dairy products, other than ice cream, in the eleven Northeast states amounts to only 5 percent of the total for the United States. From this New York-New Jersey handler representatives argued that complete discounting of the butter, cheese and nonfat dry milk produced in the Northeast would leave in excess nationally an overwhelming percentage of each of the surplus commodities purchased by the Government for price support purposes, and therefore, that the national price level for manufactured milk products is little affected by the prevailing prices for manufacturing milk in the Northeastern markets, particularly the New York-New Jersey market.

Under the dairy products price support program, the Federal government offers to purchase butter, cheese and nonfat dry milk at specified prices. These prices are established at a level which will reflect, on the nationwide average, a specified percentage of parity to dairy farmers deemed reasonable under national policy. The need for this program arises from an excess of milk and milk products produced in the United States over the amounts that can be sold through commercial outlets and still return the appropriate percentage of parity prices to farmers. This is a nationwide program as equally applicable to dairy farmers of the Northeast as to those in any other part of the United States. Products such as butter, cheese and nonfat dry milk, purchased under the support price program, are produced in sizeable quantities in the Northeast and are sold in the national market in direct competition with similar products from other parts of the nation, particularly the Midwest.

Government support purchases during the 5-year period from 1956 through 1960 amounted to only 3.5 percent (on a milk equivalent basis) of the total milk produced in the United States during this period. (Official notice taken of the November 1961 issue of "The Dairy Situation" published by Economic Research Service, USDA, page 41.)

This was the average percentage of the national milk production in surplus which indicated the need for support prices in order that reasonable prices could be returned to farmers. Under the support program, it is immaterial where the largest quantities, or percentages, of dairy products are produced. It is of great significance to dairy farmers, however, that surpluses of dairy products do exist and that these surpluses can undermine the entire structure for the milk used in their production.

While New York-New Jersey handler representatives maintained that manufactured products made from Class III milk under Order No. 2 are a relatively insignificant proportion of the national surplus, and therefore do not depress prices to other processors or to Midwestern dairy farmers, such handlers nevertheless complained strongly concerning

competition in ice cream mix from a plant regulated under the Washington, D.C., order which sells, in terms of the entire New York-New Jersey ice cream market, a very minor percentage of ice cream mix in such market, contending that sales from this plant demoralize the price structure for all ice cream mix sales in Metropolitan New York and Northern New Jersey.

Both grounds cannot be accepted as proper basis for the proposition that no substantial change should be made in the New York-New Jersey Class III price level. The national competition in manufactured dairy products is not, in our view, dissimilar to the kind of competition in Class III milk products which is found to prevail among markets in the Northeast.

The New York-New Jersey handler proponents of the continuance of the butter-nonfat dry milk formula requested that certain prior decisions of the Department on Order No. 2 amendments be taken into account as further evidence supporting their proposals and for denying the use of a competitive pay price series for pricing Class III milk. Official notice was taken at the hearing of all previous decisions and order amendments, as they affected Class III pricing, back to and including the decision leading to the amendment of April 1, 1949.

Review of these decisions has been made, particularly with respect to (a) level of Class III prices; and (b) importance and justification of employing butter and nonfat dry milk prices as the monthly movers in the Class III price formula.

In several of these previous decisions, it was found, on the particular evidence under review, that while the prices paid at unregulated plants were a reliable guide for determining the level of the Class III price, the product prices (butter and nonfat dry milk) were preferred to reflect month-to-month changes in the value of products made from Class III milk, or which could be substituted for producer milk in the manufacture of certain Class III products.

The value of competitive pay prices as an appropriate method of fixing Class III prices under the regulation was repeatedly recognized, but in the particular circumstances shown by the testimony, it was concluded in the several decisions that prices of products which could be made from Class III milk, or substituted for it, should be given preference as the basis of the formula. It is noted, however, that in the decision of June 10, 1957, the Acting Secretary concluded that, "Dairy product prices and yield factors employed in the Class III formula are designed primarily to reflect changes in the market value of products made from Class III milk, *and purport to constitute only an approximation of the actual returns to handlers from the sale of products made from Class III milk*" (emphasis supplied). It is clear from review of past decisions that although the product price type of formula was retained in use, the trend and level of price which it had produced, or was expected to produce, had been checked against the "reliable guide" of prices paid by unregulated plant operators.

It is noted that in most of the decisions since 1949 relating to the Class III price formula in Order No. 2 the Secretary, in determining the appropriate level of the Class III price, compared it specifically with the U.S. average price. The U.S. average milk price series, therefore, has been used in the past either directly or indirectly in determining the level of the reserve milk prices for more than 85 percent of the producer milk involved in this hearing.

In the present hearing, the evidence presented, taken in its entirety, represented a broad, almost nationwide, viewpoint concerning the implications on the national markets for dairy products when prices in the Northeastern markets for milk in manufacturing uses tend to depart from the general level and trend of prices to dairy farmers generally for milk in these uses. The milk used in manufactured products under these orders, and particularly Order No. 2, represents significant quantities. The large urban areas of the Northeast represent principal markets for manufactured dairy products such as butter and cheese produced in other parts of the nation. Thus, on the basis of the evidence presently before the Secretary, the pricing of reserve milk to producers in the Northeastern Federal order markets is no longer a matter of local economic interest only and therefore cannot be dealt with simply in local terms.

Issue No. 2

There is substantial competition among the 10 regulated markets of the Northeast, both in the procurement of milk supplies and in the marketing of milk products into which reserve supplies of the individual markets are manufactured.

Handlers regulated under several New England orders procure producer milk in Eastern New York State in competition with handlers regulated by the New York-New Jersey order. Located in Washington County, New York, for example, are plants regulated by the New York-New Jersey, Greater Boston, and Connecticut milk orders which draw milk from substantially a common supply area. In the past a Southeastern New England pool handler also has procured milk in this county. New York-New Jersey handlers procure milk in Vermont, the major supply area for the Greater Boston market.

In Pennsylvania there are five counties in which there are plants regulated by the Philadelphia and New York-New Jersey orders. Handlers regulated by the Philadelphia, Wilmington, and New York-New Jersey orders are in direct procurement competition with Upper Chesapeake Bay handlers. Three New York-New Jersey pool plants which receive milk from producers are located in Maryland and Delaware and 74 such plants are located in Pennsylvania. Six Philadelphia producer milk (regulated) plants are located in Maryland and Delaware. The eastern shore of Maryland, all of which is included in the Upper Chesapeake Bay marketing area, is part of the regular supply area for the Philadelphia and New York-New Jersey markets as well as for the Upper Chesapeake Bay market.

This results in considerable overlapping of procurement (milkshed) areas for the 10 Northeastern markets.

Handlers regulated by the various Northeastern market orders compete in the distribution of most products manufactured from the markets' reserve supplies of producer milk, although the principal competition is in the so-called "soft products" (principally cream, condensed milk, ice cream, ice cream mix and cottage cheese). The markets for these products are highly competitive, with a considerable degree of overlapping of sales territories among markets.

Products manufactured from New York-New Jersey pool milk in the plants of a New York-New Jersey handler are distributed from New York City to Florida, with added distribution therefrom throughout the major cities of the Northeast. These include cottage cheese, cream cheese, and yogurt.

A manufacturer of American-type cheese operates several plants in New York State at which New York-New Jersey pool milk is utilized. The same manufacturer also operates a plant in Vermont which utilizes Boston order pool milk. Cheese manufactured at all these plants is marketed through a central distribution facility at Philadelphia under common brand both in conjunction with, and in competition with, other cheese manufactured from reserve milk priced under Northeastern orders and cheese manufactured in Midwestern states.

A principal Boston handler distributes manufactured milk products from its Boston-regulated plant in New York State in direct competition with products manufactured from New York-New Jersey pool milk. Several New England handlers regularly purchase butterfat and milk solids from New York-New Jersey pool plants for Class II milk uses. Also, New England handlers sometimes depend on manufacturing facilities in New York State as an outlet for seasonal surpluses of milk.

A manufacturing milk plant at Laurel, Maryland, regulated by the Washington, D.C., order, distributes manufactured products in Metropolitan New York and New Jersey in direct competition with New York-New Jersey handlers. The products distributed from this plant are mainly for use in the ice cream trade.

A New York-New Jersey regulated handler operates an unregulated ice cream plant at Woburn, Massachusetts, in the Greater Boston marketing area. The principal sources of butterfat for this plant are New York-New Jersey order pool plants.

New York State plants are regular sources of fluid cream (from Class III milk) for both the Philadelphia and Boston markets. Philadelphia and New York-New Jersey handlers compete for sales in a common market for manufactured milk products in southeastern Pennsylvania and in southern New Jersey.

The record does not indicate that local or state regulations affecting the quality of the raw milk used in manufactured milk products in the markets of the Northeast, operate to reduce intermarket competition to any substantial degree. Some manufacturers compete in products which have "national" markets (customarily supplied to a major extent with products made from ungraded milk). Insofar as health requirements are concerned milk from other fluid markets or processed milk products, such as butter, condensed milk, or nonfat dry milk purchased in the open market, can be substituted in manufacturing milk operations, such as ice cream processing.

Several regulated plants manufacturing reserve supplies of producer milk in these fluid markets are located in close proximity to the large population centers of the Northeast; particularly is this true of plants regulated by the New England and the New York-New Jersey orders. Also, the manufacturing plant at Laurel, Maryland, near Washington, D.C., and regulated by the Washington order, is as near to New York City and northern New Jersey as are many manufacturing plants regulated by the New York-New Jersey order.

The marketing problems which result when reserve milk prices in these fluid markets are out of line were clearly illustrated. In late 1960 and early 1961 an unusually strong "national" market for cheddar cheese increased the U.S. average prices, and consequently Class II prices in New England in relation to reserve milk prices in other Northeastern markets which employ formulas based on the market prices for butter or cream and nonfat dry milk in pricing reserve milk.

During this period New York-New Jersey handlers were successful in obtaining outlets in New England for Class III products, particularly fluid cream and ice cream, which had previously been supplied by New England handlers. During this period also, competition from New York-New Jersey handlers resulted in substantial price reductions on such products in New England markets and placed New England regulated handlers, accounting for milk at the Class II price under their respective orders, at a serious competitive disadvantage in the marketing of manufactured dairy products in their local markets.

At other times, particularly in the months of flush production, when New England Class II prices have been seasonally low in relation to the New York-New Jersey Class III price, a reverse competitive condition exists. Also, New York manufacturers sometimes turn at such times to sources in New England for manufacturing milk. A New York manufacturer testified that in the spring months of the year, New England cooperatives are an important source of cream for his cream cheese plant in Upper New York State. Use of New England cream in New York manufacturing plants in these circumstances tends, of course, to force New York-New Jersey order producer milk into the lowest-valued butter and cheese uses, thereby reducing returns to New York-New Jersey producers.

Under these conditions the orderly marketing of reserve supplies of producer milk calls for close alignment of surplus prices in the Northeastern regulated markets. Except for representatives of the Philadelphia handler association, all interested parties who presented testimony at the hearing, supported a high degree of uniformity among reserve milk prices under the 10 Northeastern orders.

Because of the varying distances of major locations of procurement competition to the basing points in the respective marketing areas, and because of somewhat different transportation rates per mileage zone contained in the orders, an identical price for each location in each milkshed in respect of the basing point at which the price is announced may not be achieved for each of the markets. This, however, is not as significant as achieving at this time relatively close alignment of prices at the principal locations of procurement competition.

The New York-New Jersey market represents the largest market in the Northeast. Also, the New York-New Jersey market is the only market which is in direct competition for supplies with nearly all of the 9 other markets under consideration. The alignment of reserve milk prices under the five New England orders, the Philadelphia and Wilmington orders, and the Upper Chesapeake Bay and Washington orders should be fixed, therefore, in relation to Class III prices under the New York-New Jersey order.

Class III prices under the New York-New Jersey order are announced, on the basis of milk of 3.5 percent butterfat content, at plants located in the 201–210 mile zone. Class II prices for the Boston order also are announced for plants located in the 201–210 mile zone, but on 3.7 percent butterfat basis. These are the markets with the largest volumes of reserve milk for manufacture. The respective Class III and Class II prices under these orders should be similar at such location when adjusted to a common butterfat test.

The Class II prices under the four other New England orders (Connecticut, Southeastern New England, Springfield, and Worcester) presently are announced f.o.b. either city plants or other basing points in the respective marketing areas. The announced Class II price under each of these orders is the Boston Class II price plus 5.8 cents. Practically all the manufacturing facilities associated with these four orders are located within their marketing areas. The current alignment of prices among these orders, and between these orders and the Boston order, have not resulted in disruptive marketing conditions and no reason was presented to alter this relationship.

The transportation differential for Class II milk under the Connecticut, Southeastern New England, Springfield, and Worcester orders (specified in the orders as "zone price differentials") reduces the Class II prices under those orders 7 cents per hundredweight for plants located in the 201–210 mile zone. This compares with an 8-cent differential for such distance in the New York-New Jersey market. A plant regulated under the Connecticut order and in the 121–130 mile zone, but also so located that if it were subject to the New York-New Jersey order it would be in the 126–130 mile zone, would have a 1.7 cents lower Class II price under the Connecticut order than it would have Class III price if the plant were regulated by the New York-New Jersey order.

The major handler association in the Philadelphia market maintained that Class II prices under the Philadelphia order should not be aligned necessarily with Class III prices under the New York-New Jersey order and contended that local marketing conditions in Philadelphia dictate a different price structure. It was argued that Philadelphia is essentially a fluid milk market, with Class I sales amounting to 74 to 76 percent of producer receipts each year from 1949 through 1959. Because of this high Class I utilization, they contended that the seasonality of available Class II milk in the market is high, increasing the cost of manufacture under order No. 4.

The price relationship between the New York-New Jersey Federal order and the Philadelphia Federal order has varied by amounts up to 10 cents per hundredweight from year to year. The five-year average price (1956–1960) of Class II milk under the Philadelphia order, however, was less than the New York-New Jersey Class III price by only 1.5 cents per hundredweight. Over time, therefore, annual price differences between these orders have tended to balance out so that the long-term differences have been small.

There are five counties in Southeastern Pennsylvania (i.e., Chester, Berks, Cumberland, Franklin, and York), in which there are both Philadelphia and New York-New Jersey pool plants. These plants are located mainly in the 70.1–140 mile zone as set forth in the Philadelphia order. The plants in this area subject to the New York-New Jersey order are located in the 151–170 mile zone from the basing point in the New York-New Jersey marketing area.

Philadelphia price announcements are issued by the market administrator f.o.b. plants in the marketing area for 3.7 percent milk. The applicable location differential to handlers on Class II milk in the 70.1–140 mile zone is a minus 6 cents. The comparable price under the New York-New Jersey order at plants in the 151–170 mile zone is the Class III price in the 201–210 mile zone, plus two cents. To continue the close price alignment between these markets the price for Class II milk under order No. 4, as announced f.o.b. plants in the marketing area, for 3.7 percent milk should be the order No. 2 Class III price as announced for plants in the 201–210 mile zone for 3.5 percent milk (adjusted to a 3.7 percent basis), plus eight cents.

The announced Class II prices for the adjacent Wilmington market are identical with the announced Class II prices under the Philadelphia order. Appropriate changes made herein would maintain that same relationship on the findings previously made in this decision as to the need for aligning all the markets of the Northeast.

There are three order No. 2 plants located in the marketing area of the Upper Chesapeake Bay order. These plants are located in the 151–170 mile zone from the basing point in the New York-New Jersey marketing area. This mileage zone has a transportation differential on Class III milk of plus two cents over the 201–210 mile zone price. It is appropriate, therefore, that the Class II price under the Upper Chesapeake Bay order be set at two cents over the Class III price for 3.5 percent milk in the 201–210 mile zone under the New York-New Jersey order.

The Class II price formula effective in the Upper Chesapeake Bay order (also effective in the Washington, D.C., order) yielded Class II prices which, on the annual average in 1960, were two cents per hundredweight more than the New York-New Jersey Class III prices in the 201–210 mile zone.

Thus, it is reasonable that the Class II price level for the Upper Chesapeake Bay market continue in about the same relationship to New York-New Jersey Class III prices as in the past. In view of the direct and close competition in procurement between the Upper Chesapeake Bay market and the Washington, D.C., market, and the absence of indication in the record that the past price relationship between such adjacent markets has caused procurement or marketing difficulties, the same price formula should be adopted also for the Washington, D.C., market.

While a close alignment of prices among the 10 markets is appropriate, it is recognized that minor price differences among the markets will continue because of the varying location adjustment, or transportation, rates contained in the respective orders (the Upper Chesapeake Bay and Washington, D.C., orders do not provide for any plant location adjustment for Class II milk). Alignment within the limits provided by the evidence represents a substantial narrowing of past price differences among the markets, however, and will tend to promote the orderly marketing of milk. It would not be reasonable to delay the action proposed on the basis that minor differences resulting from variations in location adjustments, which were not under consideration at the hearing, would disrupt orderly marketing.

In the interest of maintaining the closest possible alignment of reserve milk prices in the 10 Northeastern markets, the attached amendments have deleted all references to "cream prices" in the computation of Class II prices under the five New England orders and the Philadelphia, Wilmington, Upper Chesapeake Bay and Washington orders.

The U.S. average price is reported on the basis of the average butterfat content of the milk covered. This butterfat test varies from month to month. Since the class prices under Federal orders are announced on a specified percentage of butterfat content, the U.S. average price should be adjusted to that butterfat test on which the price is announced in the particular market.

Prices under order No. 2 are based upon milk containing 3.5 percent butterfat content. The method to be used in converting the U.S. average price to a 3.5 percent basis should be as follows: Subtract for each one-tenth of one percent of average butterfat content above 3.5 percent, or add for each one-tenth of one percent of average butterfat content below 3.5 percent, an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the Department of Agriculture.

A similar method should be used in converting the U.S. average price as applied to the nine other Federal orders involved. In those markets, which base their announced prices on 3.7 percent butterfat, "3.7" should be used in the above method of computation in lieu of "3.5".

The butterfat differentials used in adjusting the prices of reserve milk vary considerably among the 10 markets. For example, the Boston, Springfield and Worcester Federal orders provided for an annual average butterfat differential of 7.5 cents per point 1/10 percent of butterfat) in 1958. The New York-New Jersey butterfat differential was 7.1 cents, and the Philadelphia and Wilmington butterfat differentials averaged 7.0 cents, per point for the same year. Between such three New England orders and the Philadelphia and Wilmington orders there was a difference of 0.5 cent per point. In 1959, the difference between the high and the low annual average butterfat differentials in such markets was 0.6 cent, and in 1960 it was 0.7 cent.

The monthly variations among the orders have been greater than the yearly average differences. For February 1961, the month in which the largest variation occurred, the Connecticut butterfat differential was 8.0 cents per point while the butterfat differential under each of the Philadelphia, Upper Chesapeake Bay, Washington, D.C., and Wilmington orders amounted to 6.8 cents, a difference of 1.2 cents per point.

Establishing uniformity in butterfat differentials on milk for manufacturing uses in Federal order markets in the Northeast also will assist in minimizing differences in prices to handlers under the different orders.

It will assist also in future comparisons of class prices among the markets, reducing confusion as to the proper basis for such comparisons. Today, price comparisons may vary depending upon which butterfat differentials are used in adjusting individual market prices to a common butterfat test. Prices compared may vary by as much as one or two cents per hundredweight depending upon the particular butterfat differentials used. An example of this is that for May and June 1960, conversion of the Boston Class II prices from 3.7 percent to 3.5 percent by use of the Boston butterfat differential results in Boston Class II prices lower than the New York-New Jersey Class III prices (May—Boston $2.822, New York-New Jersey $2.83; June—Boston $2.814, New York-New Jersey $2.82). If, however, New York-New Jersey Class III prices are converted from a 3.5 percent basis to 3.7 percent, using the New York-New Jersey butterfat differential, the Boston Class II prices exceed the New York-New Jersey Class III prices for such months (May—Boston $2.97, New York-New Jersey $2.966; June—Boston $2.96, New York-New Jersey $2.954). Although the differences in the prices arrived at by the two methods are relatively small in this example, such comparisons were used in the testimony to reach divergent conclusions.

For the purpose, therefore, of obtaining the best possible alignment of reserve milk prices, it is concluded that the Class III butterfat differential under the New York-New Jersey order and the Class II butterfat differentials under the Philadelphia, Pennsylvania, Upper Chesapeake Bay, Wilmington, Delaware, and Washington, D.C., orders should be computed in the same manner as the producer butterfat differential contained in the Boston, Southeastern New England, Springfield, and Worcester orders. Such differential is within the range of differentials currently in effect in the 10 markets. This is also the same butterfat differential used to convert the U.S. average price to a 3.5 precent butterfat basis under the respective orders.

The time period used in computing the average of the daily prices for Grade A (92-score) butter at wholesale, under the New York-New Jersey, Philadelphia, Wilmington, Upper Chesapeake Bay, and Washington orders has been changed from a monthly basis to "the period between the 16th day of the preceding month to the 15th day, inclusive, of the current month". This conforming change is desirable to make the butterfat differentials for reserve milk under all 10 of the orders the same.

A further conforming change is necessary to insure that the butterfat differential provision of the Connecticut order will be aligned with those in the other markets. The Connecticut order, like the four other New England orders, does not contain butterfat differentials for the separate classes of milk as such but provides for a single (producer) butterfat differential which, in effect, is applicable to each of the classes. Unlike the other New England markets, however, the present Connecticut producer butterfat differential is rounded to the nearest cent rather than to the nearest tenth of a cent. In order to make all butterfat differentials affecting the value of reserve milk identical, the Connecticut butterfat differential would be rounded to the nearest one-tenth of a cent rather than to the nearest full cent. This is appropriate since the difference in such "rounding" methods could result in a possible maximum difference, up or down, of 0.5 of a cent per point of butterfat (5 cents per pound of butterfat) changing the relative butterfat and skim milk values in producer milk by as much

as 2.5 cents per hundredweight of the skim milk portion of the producer milk when the butterfat content varies 5 points from the standard. Such change thus will place the Connecticut market on equal terms with the other markets in the month-to-month disposition of reserve milk. Over time there should be little difference in the average butterfat differential value resulting from the two methods of rounding.

The provisions of the Springfield and Worcester, Massachusetts, orders regarding Class II prices and butterfat differentials do not contain specific formula language, but instead, refer to the appropriate provisions of the Boston order since the formula language would be identical with that of the Boston market. It is not necessary, therefore, to amend these two orders as a result of this hearing. The new formula, however, carries to these orders on the basis of their present relationship to the Boston order.

ISSUE No. 3

It is concluded that the proposed separate pricing of "excess" surplus milk utilized in manufactured dairy products by or for the account of an "incorporated marketing agency" of producer cooperative associations, and sold to the Commodity Credit Corporation under the national price support program, should not be adopted.

Three of the major producer groups operating primarily in the New York-New Jersey market submitted a proposal for the separate pricing of milk marketed under the following conditions:

(1) The handler has refused to receive milk because he is unwilling to account for it at the minimum prices under the order;

(2) The milk has been marketed by or for the account of an incorporated marketing agency formed, controlled and operated by cooperatives, either qualified for cooperative payments under the New York-New Jersey order or qualified for marketing services under one of the other Northeastern orders (at the hearing, this was modified to include cooperatives qualified under the orders for voting purposes); and

(3) The milk is marketed for such agency under the Government price support program for dairy products.

Such milk was described by proponents as "excess" surplus milk and is so termed for the discussion herein.

The classification price for the producer milk, so marketed, would be computed at the net price received by the agency after deduction of its expenses.

The general objectives of such proposals, as stated by proponents, are: (1) to clear the market of all "excess" surplus by utilizing the product outlets of the national dairy price support program, (2) to obtain higher returns for milk in other Class III uses, and (3) to improve the bargaining position of the cooperative associations.

Although the general objectives apply to all the proposals, the method or approach differed. Proponents of proposals 3 and 5 in the notice would provide only for enabling language in the orders to establish and operate such a marketing agency. Proposal 3 would apply to all the Northeastern Federal milk orders and complementary New York and New Jersey State orders. Proposal 5 would apply to all the Northeastern Federal milk orders, companion New York and New Jersey State orders, and other Northeastern state milk orders as well. Proposal 14 would limit the agency's operation to the New York-New Jersey market and it also specifies more detailed operating conditions which such an agency would be required to meet.

In order to achieve the general objectives outlined, an additional use-category without a specific price or price formula is proposed for the disposition of producer milk under the above-described conditions. The marketing agency would market the excess surplus milk and would compute a "net" price after processing, and handling costs are deducted. Such net price would be used each month in computing the pool obligation on such milk. By being marketed in this manner it was contended that the milk would be insulated from competition with milk marketed in normal commercial channels.

The marketing agency proposals were prompted by certain other proposals which would change the basis and level of pricing surplus milk in the New York-New Jersey and other Northeastern Federal order markets. It was contended that if Class III milk prices under Order No. 2 are to be increased, there is need to provide additional mechanics for the disposal of both "tail-end" quantities of surplus milk which handlers do not accept and of such increased quantities of milk as might be induced by a higher Class III price level which might not be wanted by proprietary handlers. It was the position of proponents of proposals 3 and 5 that the expense associated with a "guaranteed" alternative market for excess surplus milk should be shared by producers of all regulated markets in the Northeast region.

Proponents generally envisage a marketing agency established and incorporated by those cooperative associations which meet any of the following conditions: are qualified for "cooperative payments" under Order No. 2, are qualified to receive deductions from monies due producer members as provided by the marketing services provisions contained in the other Federal milk orders of the Northeast where such provisions are effective, or meet the requirements of the "Capper-Volstead" Act.

As described by proponents, the organizational structure of the marketing agency would be determined entirely by the participating cooperatives. Each participating cooperative would be represented on the governing board of the agency as a matter of right. Voting representation of the participating cooperatives on the board would be left to the by-laws adopted by the agency. It was the expressed intent, particularly as to proposals 3 and 5, to keep the jurisdictional powers of the Secretary at a minimum in the formation and operations of the agency.

The cooperative marketing agency would establish an office apart from those of participating cooperatives. The agency, in disposing of excess-surplus milk, presumably would guarantee an "alternative" market for producers. However, at least one proponent testified that a cooperative marketing agency of this kind should not be required to accept all the milk referred to it.

Handlers who are unwilling to account for a quantity of Class III milk at the minimum (formula) Class III price established by the order could utilize the agency to market such milk. In practice, a handler would notify the cooperative marketing agency in advance that certain milk is not wanted. The cooperative marketing agency would negotiate with the handler to process the milk, or would arrange for its delivery to another plant for processing. In the first instance, the cooperative marketing agency and the handler would negotiate a handling allowance to the handler for services performed in receiving, weighing and testing the milk. Certain of the proponents would limit this allowance to not more than 17 cents per hundredweight of milk. To the extent that this amount would be insufficient to cover the actual cost of these services at a particular plant, such plant would make a contribution to the cost of the "rescue" operation performed by the cooperative marketing agency. Another proponent would limit the handling allowance to the actual costs involved plus 6 percent, or 17 cents per hundredweight, whichever is less. Any plant accepting milk from the cooperative marketing agency would contract to take it for a stated period of time with the guarantee that the products made from such milk would be acceptable for purchase by the government under the national price support program. Full processing and transport costs would be allowed in addition to the negotiated allowance for receiving and testing.

Certain basic operating conditions stated in connection with proposal 14 in the hearing notice were (1) the cooperative marketing agency must market all the milk offered to it if the handler certifies to the market administrator that his handling of the milk involved would be unprofitable at prevailing order prices, and (2) the market administrator could not approve such certification if the handler increased his total volume by adding producers to his payroll or by otherwise obtaining milk from producers who had delivered previously to other markets. The latter condition would require the market administrator to verify the alleged unprofitability in handling by the proprietary handler. The obligation on the cooperative marketing agency to take the milk from such handler would be dependent on such determination and verification. It is not clear from the testimony, however, whether such unprofitability has reference to the total operations of the handler, or to certain aspects of handling.

Having negotiated a handling charge, and arranged for milk to be processed at a plant, the cooperative marketing agency would notify the handler from whom the milk was taken of the "net" price at which the milk should be accounted for under the order. Unless

the cooperative marketing agency, or "clearing house", operated facilities of its own as a handler, accountability to the pool would be accomplished through the handler for whom the milk is marketed. Such net price would be the amount received by the agency less handling, transportation and overhead expense. The net price necessarily would be a preliminary figure subject to subsequent adjustment depending on the overhead expense of the cooperative marketing agency, as finally determined by the agency.

The proposals recognized the desirability of disclosure of the financial operations of the cooperative marketing agency. One proposal would vest accounting responsibility in the market administrator. The specific means for auditing agency operations were not indicated in connection with the other proposals.

Proponents contend that existing milk manufacturing facilities are sufficient in the New York-New Jersey market and in other markets of the Northeast to accommodate all quantities of milk likely to be handled by the cooperative marketing agency. Proponents do not preclude, however, the acquisition by the agency of its own processing facilities for the specified purposes. At least one proponent stated the position that the operations of the cooperative marketing agency could generate the funds therefor if such facilities were deemed necessary. The main objective of such an acquisition would be to place producers in position to compete favorably with efficient Midwestern plants processing butter and nonfat dry milk.

The principal effects of the proposals would be to (1) establish a limited use-classification for "excess" surplus milk without a corresponding fixed minimum price, or specific method for fixing minimum prices, which all handlers shall pay, (2) create a cooperative marketing agency to market the milk accounted for in such use, (3) permit handlers to avoid payment of the prevailing Class III milk price on a portion of their receipts, and (4) assess to all producers in the market the costs incurred in marketing excess surplus milk.

The concept of equalizing among producers the returns from the sale of their milk is contained in all the Federal milk marketing orders in the Northeast either by marketwide pooling or through individual-handler pools, as provided by the statute. Such equalization is dependent upon the minimum value of the milk utilized by handlers. This minimum value is determined from the specific methods for fixing the minimum class prices established by the respective orders. Classified pricing is fundamental to such equalization.

Since the proposed cooperative marketing agency would arrive at prices for milk disposed of from time to time as individual quanties of "excess" surplus milk on the basis of negotiation of the receiving and processing costs associated therewith, such prices under Order No. 2, or any of the other orders in the Northeast, normally would not be uniform among all handlers because of the variations resulting from separate negotiations. An "open-end" plan of negotiating different prices with various handlers for individual lots of milk does not provide assurance of uniform applicability to all handlers.

The preliminary nature of the net price which the proposed agency would determine could prevent or unduly delay the fixing of a specified time at which payment shall be made for milk. In large measure, the success of equalization revolves around a "producers" fund which is solvent and to which all contribute in accordance with a formula equitably determined and of uniform applicability. Failure by handlers to meet their obligations promptly would threaten the whole scheme. Even temporary defaults by some handlers could work unfairness to others, encourage wider noncompliance, and engender doubt and distrust which could dislocate delicate economic arrangements. None of the proposals under consideration contemplated full payment for the milk involved within the periods for payment provided by the several Northeast orders.

Discussion of the problems of determining appropriate Class III milk prices under Order No. 2 is contained in exhibits 14–19 of the record. These exhibits have been referred to earlier as the "Clark study", a marketing research project sponsored by the Department. This study concludes, among other things, that the price-making agency might find it feasible and desirable to control the physical handling of "excess" surplus milk by operating its own processing facilities, or by designating one or more firms within the industry to act in its behalf to dispose of milk not wanted by handlers, so that the pricing agency in setting the general price level for Class III milk under Order No. 2 would not need to be concerned with the possibility of some milk remaining unsold. We believe this suggestion was predicated on the assumption that the pricing agency would have the authority and responsibility of assuring that all the milk produced finds a market.

While such authority and responsibility are not provided, the Secretary is required, on the other hand, to fix classification prices or methods of pricing which, in meeting specific criteria, must be at a level in the public interest. The problem involved in achieving this result when delegation of such responsibility is involved was described in a final decision issued August 13, 1954, by the Assistant Secretary relating to proposed amendments to Order No. 2, official notice of which is taken. At that time the proposal was a "flexible" pricing plan, with a general objective somewhat similar to that underlying the present marketing agency proposal. The proposal at that time would have authorized the market administrator to establish, within prescribed limits, handling allowances to handlers in connection with the disposition of surplus milk. A condition of the 1954 proposal was that such allowances could be revoked by the Secretary within a specified time period. In view of this proposed "veto" it was found that the prospect of obtaining different decisions than might be arrived at by the Secretary would be indeed remote in any situation where the proposed delegation of authority tended to preclude the Secretary from effectively discharging the responsibilities for the fixing of minimum prices to producers imposed upon him by the statute. Thus, the 1954 decision correctly observed that the price-making responsibility vested in the Secretary by the Act must not be rendered ineffective by delegation. In denial of the proposal, it was found that such an arrangement was not an acceptable method of increasing flexibility in the pricing of Class III milk. A difficulty similar in principle is involved in the present proposal.

It is concluded that none of the proposals to establish a cooperative marketing agency to market "excess" surplus milk under the conditions contemplated may be adopted.

Rulings on proposed findings and conclusions and on motions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Rulings of the presiding officer to which specific objections were taken in the briefs have been reviewed. Objections were raised to the Presiding Officer's ruling upon the following: (1) denial of cross-examination of a cooperative association representative as to the circumstances now present which had not been considered previously by the Secretary in prior decisions on Class III price formula proposals; and (2) the exclusion of testimony in support of revision of transportation (location) differential rates for Class II or III milk in the respective orders as not being within the scope of the notice of hearing.

In compliance with § 900.9(b) of the rules of practice, a brief was filed in which it was maintained that the Presiding Officer was in error in his ruling on the admission of testimony as described in (1) above. The findings and conclusions contained herein are based necessarily upon the evidence adduced at this hearing. Official notice was taken of the findings and conclusions in previous decisions (as cited in the hearing record) by the Secretary, however, and the content thereof taken into account in relation to the other evidence adduced at this hearing.

The motion on the second objection cited above was supported by an offer of proof under § 900.8(d)(6) of the rules of practice (7 CFR Part 900). In compliance with § 900.9(b) of the rules of practice, a brief was filed by the interested party which requested review of the ruling made by the Presiding Officer to exclude testimony on a proposal contained in the Hearing Notice which re-

ferred to coordination of transportation, or plant location, differentials in all Northeastern Federal orders.

Specifically, this proposal would establish a new method of rate determination to result in revised zone rate schedules for each order currently containing such a schedule and providing a schedule where not so provided by the present order. In ruling on the admission of testimony on such proposal, the Presiding Officer stated his view that the notice would permit consideration of the coordination of transportation rates now in effect in the respective orders in relation to any changes made in the pricing formulas under review, but that the notice did not permit consideration of new bases for the determination of rates. The Presiding Officer granted the motion of those interested parties who complained that the notice was inadequate for the receipt of evidence on such matter. As further discussed in this decision, the relationship of reserve milk prices to be established by the amendments proposed herein takes into account price adjustments based on location.

A review of the supporting statements offered and rulings of the Presiding Officer on these motions has been made. Such rulings are hereby affirmed.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such respective prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following orders amending the orders regulating the handling of milk in the Greater Boston, Massachusetts; New York-New Jersey; Philadelphia, Pennsylvania; Southeastern New England; Springfield, Massachusetts; Upper Chesapeake Bay; Washington, D.C.; Worcester, Massachusetts; Wilmington, Delaware, and Connecticut marketing areas, respectively, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the respective orders, as hereby proposed to be amended:

Amendments to Greater Boston Order Provisions

1. Delete § 1001.41 and substitute therefor the following:

§ 1001.41 Class II price.

The Class II price per hundredweight at plants located in zone 21 shall be determined for each month pursuant to this section.

(a) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported on a preliminary basis by the United States Department of Agriculture for the month, by subtracting for each one-tenth of one percent of average butterfat content above 3.7 percent, or adding for each one-tenth of one percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture.

(b) Adjust the result obtained in paragraph (a) of this section by the amount shown below for the applicable month:

Month:	Amount (cents)	Month:	Amount (cents)
Jan	+08	July	+08
Feb	+07	Aug	+15
Mar	00	Sept	+11
Apr	−04	Oct	+11
May	−07	Nov	+11
June	−06	Dec	+11

2. Delete § 1001.44 and renumber §§ 1001.45 and 1001.46 as §§ 1001.44 and 1001.45.

3. Delete present § 1001.46(b) and substitute therefor the following as new § 1001.45(b):

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

4. Replace the semicolon in § 1001.50 (c) with a period, delete from such paragraph the word "and", and delete § 1001.50(d).

5. Delete § 1001.63 and substitute therefor the following:

§ 1001.63 Butterfat differential.

Each handler, in making payments to each producer for milk received from him, shall add for each one-tenth of one percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of one percent of average butterfat below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator by multiplying by 1.25 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture and dividing the result by 10.

Amendments to New York-New Jersey Order Provisions

1. Amend the opening paragraph of § 1002.40 by deleting the cross-reference "1002.44" wherever it appears and substitute therefor "1002.43."

2. Amend § 1002.40(b) by deleting "1002.46" wherever it appears and substitute therefor "1002.45."

3. Delete § 1002.40(e) and substitute therefor the following:

(e) For Class III milk, the price shall be the net amount determined pursuant to this paragraph:

(1) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported on a preliminary basis by the United States Department of Agriculture for the month, by subtracting for each one-tenth of one percent of average butterfat content above 3.5 percent, or adding for each one-tenth of one percent of average butterfat content below 3.5 percent, an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture and dividing the result by 10.

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

Month:	Amount (cents)	Month:	Amount (cents)
Jan	+08	July	+08
Feb	+07	Aug	+15
Mar	00	Sept	+11
Apr	−04	Oct	+11
May	−07	Nov	+11
June	−06	Dec	+11

4. Amend § 1002.41 by deleting the words "and Class III" immediately following the words "Class II", and adding a new sentence at the end of the section to read as follows: "The minimum price for Class III milk shall be plus or minus, for each one-tenth of one percent of butterfat therein above or below 3.5 percent, an amount computed as follows: Multiply by 0.125 and round to the nearest one-tenth cent the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market."

5. Amend § 1002.42 by deleting "1002.44" in the last sentence immediately preceding the table and substitute therefor "1002.43".

6. Delete § 1002.43 in its entirety and renumber §§ 1002.44, 1002.45 and 1002.46 as §§ 1002.43, 1002.44 and 1002.45, respectively.

7. Amend present § 1002.45 by deleting "1002.46" immediately following the words "§§ 1002.40 through" and substituting therefor "1002.45".

8. Amend present § 1002.46(b) by deleting subparagraphs (3), (7), and (8); by renumbering subparagraphs (4), (5), (6), (9), and (10) as (3), (4), (5), (6), and (7); and in present subparagraph (4) by deleting "1002.44" and substituting therefor "1002.43".

9. Amend the opening paragraph of § 1002.65 by deleting "1002.43" immediately preceding "1002.66"; by deleting paragraph (e); and by renumbering paragraphs (f), (g) and (h) as (e), (f), and (g).

10. Amend § 1002.82 by deleting paragraph (b) and renumbering paragraph (c) as (b).

11. Amend § 1002.83(b) by deleting "1002.44" wherever it appears and substituting therefor "1002.43"; and in subparagraph (3) by deleting the reference to "§ 1002.46(b)(9)" and substituting therefor "§ 1002.45(b)(6)".

12. Amend § 1002.84(b)(3) by deleting "1002.44" and substituting therefor "1002.43".

Amendments to Philadelphia Order Provisions

1. Delete § 1004.50(b) and substitute therefor the following:

(b) The price per hundredweight of Class II milk shall be determined for each month as follows:

(1) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported on a preliminary basis by the United States Department of Agriculture for the month, by subtracting for each one-tenth of one percent of average butterfat content above 3.7 percent, or adding for each one-tenth of one percent of average butterfat content below 3.7 percent an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture; and

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

Month:	Amount (cents)	Month:	Amount (cents)
Jan	+16	July	+16
Feb	+15	Aug	+23
Mar	+06	Sept	+19
Apr	+04	Oct	+19
May	+01	Nov	+19
June	+02	Dec	+19

2. Delete § 1004.51 and substitute therefor the following:

§ 1004.51 Butterfat differentials to handlers.

For milk containing more or less than 3.7 percent butterfat, the class prices for the month calculated pursuant to § 1004.50 shall be increased or decreased, respectively, for each one-tenth of one percent variation in butterfat content by the appropriate rate, rounded in each case to the nearest one-tenth cent determined as follows:

(a) *Class I milk.* Divide by 37 an amount calculated as follows: Add all market quotations (using the midpoint of any weekly range as one quotation) of prices per 40-quart can of fresh sweet cream of bottling quality of 40 percent butterfat content, not including prices for cream carrying special municipal approvals, reported at Philadelphia for each week ending within the month by the United States Department of Agriculture, divide by the number of quotations, subtract $2.00, divide by 9.19: *Provided,* That such butterfat value shall not be less than 3.7 times 120 percent of the average of the daily wholesale selling prices for Grade A (92-score) butter at New York as reported by the United States Department of Agriculture for the month for which payment is to be made, less 18 cents.

(b) *Class II milk.* Multiply by 0.125 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture for Grade A (92-score) butter in the New York City market.

3. Amend § 1004.81 by deleting all the words following the word "respectively" and substituting therefor the following "by the butterfat value computed pursuant to § 1004.51(a) and rounded to the nearest full cent."

Amendments to Southeastern New England Order Provisions

1. Amend § 1014.40(b) by deleting subparagraphs (1), (2), (3) and that part of (4) immediately preceding subdivision (i); and renumbering subdivisions (i) and (ii) as subparagraphs (1) and (2).

2. Amend subdivision (ii) of § 1014.40 (b)(4) (renumbered to be subparagraph (2)) by deleting the words "subdivision (i) of this subparagraph" and substitute therefor "subparagraph (1) of this paragraph", and by deleting the monthly seasonal adjustments and substituting therefor the following:

Month:	Amount	Month:	Amount
Jan	+$0.138	July	+$0.138
Feb	+.128	Aug	+.208
Mar	+.058	Sept	+.168
Apr	+.018	Oct	+.168
May	−.012	Nov	+.168
June	−.002	Dec	+.168

3. Amend § 1014.61 by deleting the language which begins "as follows: Subtract 52.5 cents" ____ through and including the words "the butterfat differential shall be determined".

Amendments to Upper Chesapeake Bay (Maryland) Order Provisions

1. Delete § 1016.50(b) and substitute therefor the following:

(b) *Class II price.* The price for Class II milk shall be determined for each month as follows:

(1) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported on a preliminary basis by the United States Department of Agriculture for the month, by subtracting for each one-tenth of one percent of average butterfat content above 3.5 percent or adding for each one-tenth of one percent of average butterfat content below 3.5 percent, an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture; and

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

Month:	Amount	Month:	Amount
Jan	+$0.10	July	+$0.10
Feb	+.09	Aug	+.17
Mar	+.02	Sep	+.13
Apr	−.02	Oct	+.13
May	−.05	Nov	+.13
June	−.04	Dec	+.13

2. Delete § 1016.51(b) and substitute therefor the following:

(b) *Class II milk.* Multiply by 0.125 the simple average of the daily wholesale selling prices per pound (using the midpoint of any range as one price) reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture for Grade A (92-score) butter in the New York City market.

Amendments to Washington, D.C., Order Provisions

1. Delete § 1003.50(b) and substitute therefor the following:

(b) *Class II price.* The price for Class II milk shall be determined for each month as follows:

(1) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported on a preliminary basis by the United States Department of Agriculture for the month, by subtracting for each one-tenth of one percent of average butterfat content above 3.5 percent, or adding for each one-tenth of one percent of average butterfat content below 3.5 percent, an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of

the current month by the United States Department of Agriculture; and

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

Month:	*Amount*	Month:	*Amount*
Jan	+$0.10	July	+$0.10
Feb	+.09	Aug	+.17
Mar	+.02	Sept	+.13
Apr	−.02	Oct	+.13
May	−.05	Nov	+.13
June	−.04	Dec	+.13

2. Delete § 1003.51(b) and substitute therefor the following:

(b) *Class II milk.* Multiply by 0.125 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture for Grade A (92-score) butter in the New York City market.

AMENDMENTS TO WILMINGTON ORDER PROVISIONS

1. Delete § 1010.50(b) in its entirety and substitute therefor the following:

(b) *Class II milk.* The Class II price per hundredweight shall be the Class II price determined each month pursuant to § 1004.50(b) of the Federal order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area.

2. Delete § 1010.51(b) in its entirety and substitute therefor the following:

(b) *Class II milk.* The amount per hundredweight determined for each month pursuant to § 1004.51(b) of the order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area.

AMENDMENTS TO CONNECTICUT ORDER PROVISIONS

1. Amend § 1015.40 by deleting paragraph (b) and renumbering paragraph (c) as (b).

2. Amend present § 1015.40(c) preceding subparagraph (1) to read as follows:

The Class II price per hundredweight shall be computed for each month as follows:

3. Amend present § 1015.40(c)(2) by deleting the monthly seasonal adjustments and substituting therefor the following:

Month:	*Amount*	Month:	*Amount*
Jan	+$0.138	July	+$0.138
Feb	+.128	Aug	+.208
Mar	+.058	Sept	+.168
Apr	+.018	Oct	+.168
May	−.012	Nov	+.168
June	−.002	Dec	+.168

4. Amend § 1015.61 by deleting the language which begins as follows: "Subtract 52.5 cents"____through and including the words "the butterfat differential shall be determined" and by deleting the last two words in the section, "nearest cent" and substituting therefor the following "nearest one-tenth cent".

Signed at Washington, D.C., on January 22, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-901; Filed, Jan. 25, 1962; 8:49 a.m.]

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3446

RED CROSS MONTH, 1962

By the President of the United States of America
A Proclamation

WHEREAS the American National Red Cross is officially designated by the Congress to act in matters of voluntary relief for uniformed personnel of the Armed Forces and their families; and

WHEREAS this vital contribution to national morale must necessarily be expanded whenever world tension requires a substantial increase in the strength of our armed services; and

WHEREAS, under Federal laws and regulations, the Red Cross renders emergency aid to victims of disaster and assists with the recovery and rehabilitation of those in need of help in the wake of those disasters; and

WHEREAS, together with eighty-six other societies affiliated in the League of Red Cross Societies, the American Red Cross participates in a program of international relief, and in concert with those societies provides technical assistance to other members of the world-wide Red Cross organization; and

WHEREAS the American Red Cross and its local chapters carry on programs of training in first aid and home nursing and engage in the collection and distribution of blood both of which services make an important contribution to the general welfare of the American people and, more particularly, are an essential part of the National Emergency Preparedness activities of this Nation; and

WHEREAS these essential services are voluntarily rendered to the Government of the United States and the American people by the members and volunteers of the Red Cross:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America and Honorary Chairman of the American National Red Cross, do hereby designate March 1962 as Red Cross Month; and I urge all Americans to honor the Red Cross during that month by supporting it as a channel of humanitarian assistance for their neighbors in need.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 24th day of January in the year of our Lord nineteen hundred and sixty-two, and [SEAL] of the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

GEORGE BALL,
Acting Secretary of State.

[F.R. Doc. 62-904; Filed, Jan. 26, 1962; 10:15 a.m.]

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Livestock Feed Bulletin 1; Rev. 1, Amdt. 1]

PART 475—EMERGENCY FEED PROGRAM

Subpart—Livestock Feed Program

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 8271 which contain specific requirements for the continuing Livestock Feed Program are amended as follows:

§ 475.210 [Amendment]

The second sentence of § 475.210(c)(4) is amended to read as follows: "CCC shall refund to the owner any storage charges which had been deducted by it from the loan proceeds on the quantity of grain purchased by the owner."

§ 475.211 [Amendment]

The third sentence of § 475.211 *Sales of CCC-owned grain* is amended to read as follows: "An owner who wishes to have grain delivered to him by CCC ground or custom mixed may do so, provided the grain which is ground or mixed is the very same grain as is delivered to him, or, if the grinding or mixing is performed by a custom operator, provided the product delivered after grinding or mixing is processed from the same kind, quality and quantity of grain that was delivered for grinding or mixing."

Section 475.212 *Grain on hand and not used* is amended to read as follows:

§ 475.212 Grain not used for approved purposes.

The owner must feed to his primary livestock by a date not later than 30 days after the end of his last authorized period (a) a total quantity of feed grain, either as grain or in mixed feed, equal in feed equivalents to the feed grain acquired by him under the program for primary livestock plus (b) a quantity of feed grain equal in feed grain equivalents to the feed grain which is otherwise available to the owner for feeding his primary livestock. The feed grain referred to in paragraph (a) of this section shall be determined by allocating the feed grain available to the owner (as defined in § 475.205(d)(4)) between primary livestock and other livestock in accordance with the owner's normal feeding operations. The owner shall not dispose of feed grain acquired from CCC to any other person. In the event the owner fails to feed such quantity to primary livestock or if the owner disposes of grain acquired from CCC to any other person, he shall report the fact promptly to the county office from which the grain was purchased and shall make proper settlement with the county committee. Settlement of violations shall be based on prices in effect at the time of the owner's last purchase of the applicable feed grain under the program and shall be determined as follows: (1) In the case of feed grain which the owner was required by the first sentence of this section to feed to primary livestock but which CCC determines was diverted to secondary livestock, the amount of settlement shall be based on the difference between the applicable price of the feed grain for primary livestock and the lowest price at which the owner could obtain the feed grain from CCC for secondary livestock times the number of bushels thus diverted; (2) In the case of any other failure to comply with the requirements of this section, settlement shall be based on the difference between the applicable price of the feed grain for primary livestock and the lowest price at which the owner could obtain such feed grain from CCC for unrestricted use times the total number of bushels in this category; (3) The kind and quality of feed grains on which settlement of violations shall be based shall be the applicable kind and quality obtained from CCC which (i) was disposed of to any other person, (ii) is still on hand, or (iii) is the kind and quality last purchased from CCC to the extent that such purchases from CCC equal the feed grain equivalent of the violation, and otherwise to the extent other feed grains purchased from CCC in reverse order of date of purchase equal the feed grain equivalent of the balance of the violation.

Signed at Washington, D.C., on January 23, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-940; Filed, Jan. 26, 1962; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 4]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.304 Navel Orange Regulation 4.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 25, 1962.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., January 28, 1962, and ending at 12:01 a.m., P.s.t., February 4, 1962, are hereby fixed as follows:

(i) District 1: 250,000 carloads;
(ii) District 2: 400,000 carloads;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 26, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-1003; Filed, Jan. 26, 1962; 11:17 a.m.]

[Lemon Reg. 4]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.304 Lemon Regulation 4.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 23, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., January 28, 1962, and ending at 12:01 a.m., P.s.t., February 4, 1962, are hereby fixed as follows:

(i) District 1: 9,300 cartons;
(ii) District 2: 186,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 24, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-938; Filed, Jan. 26, 1962; 8:49 a.m.]

[Orange Reg. 2]

PART 944—FRUITS; IMPORT REGULATIONS

Prohibitions of Imported Commodities

§ 944.301 Orange Regulation No. 2.

(a) *Findings and determinations with respect to imports of oranges.* On October 10, 1961, Orange Regulation No. 1 (§ 944.300; 26 F.R. 9668) was issued regulating the importation of oranges into the United States pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Such regulation included a determination that imports of oranges are in most direct competition with oranges grown in the State of Texas. The reasons and basis of such determination are set forth in the regulation and include (i) Mexico is the principle source of oranges imported into the United States and most of such imports enter the United States at points in Texas, (ii) such imports generally are shipped from the lower Rio Grande Valley in Texas by handlers of Texas oranges and often are commingled with shipments of Texas oranges, and (iii) Mexican oranges go to the same markets as oranges grown in Texas.

During the period January 9–12, 1962, freezing temperatures prevailed throughout the citrus fruit production area in Texas severely damaging the current Texas orange crop. Shipments of Texas oranges are expected to be curtailed drastically and will represent only a minor portion of the total domestic shipments of oranges during the remainder of the 1961–62 marketing season. It is therefore found and determined, on the basis of information now available, that after January 31, 1962, imports of oranges will no longer be in most direct competition with oranges grown in Texas but, during the effective time of this regulation, will be in most direct competition with oranges grown in the State of Florida. The requirements hereinafter set forth in the section are comparable to those in effect for domestic shipments of Florida oranges (Orange Regulation 1, § 905.302; 27 F.R. 164).

(b) *Limitation of imports.* On and after 12:01 a.m., e.s.t., February 1, 1962, the importation into the United States of any oranges is prohibited unless such oranges are inspected and grade at least U.S. No. 1 Russet, and are of a size not smaller than 2$\frac{8}{16}$ inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in individual containers in such lot, may be of a size smaller than 2$\frac{6}{16}$ inches in diameter.

(c) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of oranges that are imported into the United States under the provisions of section 8e of the act. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of oranges, is required on all imports of oranges. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of oranges should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the oranges will be imported:

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, 222 McClendon Bldg., Harlingen, Tex. (Phone: Garfield 3-5644) or Norman E. Taylor, Room 204, U.S. Court House, El Paso, Tex. (Phone: Keystone 3-9351, Ext. 340).	1 day.
All New York points.	Edward J. Beller, Room 306, 346 Broadway, New York 13, N.Y. (Phone: Rector 2-9000, Ext. 807).	Do.
All Arizona points.	R. H. Bertelsen, 136 Grande Av., Nogales, Ariz. (Phone Atwater 7-2902).	Do.
All Florida points.	Lloyd W. Boney, 1200 N.W. 2[Terrace, Room 5, Miami Fla. (Phone: Newton 5-7967) or Hubert S. Flynt, 775 Warner Street, Orlando Fla. (Phone: Garden 2-2447).	Do.
All California points.	Carley D. Williams, 784 South Central Ave., Room 294, Los Angeles 21, Calif. (Phone: Madison 2-8756).	3 days.
All other points.	E. E. Conklin, Fruit and Vegetable Division, AMS U.S. Department of Agriculture, Washington 25, D.C. (Phone: Dudley 8-5870).	Do.

(d) Inspection certificates shall cover only the quantity of oranges that is being imported at a particular port of entry by a particular importer.

(e) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(f) Each inspection certificate issued with respect to any oranges to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(g) Notwithstanding any other provision of this regulation, any importation of oranges which, in the aggregate, does not exceed five 1⅗ bushel boxes, or equivalent quantity, may be imported without regard to the restrictions specified herein.

(h) Nothing contained in this section shall be deemed to preclude any importer from reconditioning prior to importation any shipment of oranges for the purpose of making it eligible for importation under the act.

(i) No provisions of this section shall supersede the restrictions or prohibitions on oranges under the Plant Quarantine Act of 1912.

(j) The terms "U.S. No. 1 Russet" and "diameter" shall have the same meaning as when used in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title). "Importation" means release from custody of the United States Bureau of Customs.

(k) Orange Regulation No. 1 (§ 944.-301; 26 F.R. 9668, 9905; 27 F.R. 8, 458) is hereby terminated at 12:01 a.m., e.s.t., February 1, 1962.

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective time of this regulation beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674; 75 Stat. 305), which makes such regulation mandatory; (b) the grade and size requirements of this import regulation are comparable to those in effect on domestic shipments of oranges under Orange Regulation 1 (§ 905.302; 27 F.R. 164); (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time; (d) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 25, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-968; Filed, Jan. 26, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-197]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Route

On October 31, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10182), stating that the Federal Aviation Agency proposed to alter the segment of Jet Route No. 23 from San Antonio, Texas, to Oklahoma City, Okla.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In § 602.100 Jet routes (26 F.R. 7081), Jet Route No. 23 is amended to read:

Jet Route No. 23 (San Antonio, Tex., to Cheyenne, Wyo.). From San Antonio, Tex., via Mineral Wells, Tex.; Oklahoma City, Okla.; Wichita, Kans.; Hill City, Kans., to Cheyenne, Wyo.

This amendment shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., January 22, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-909; Filed, Jan. 26, 1962; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Ethylene Oxide on Black Walnut Meats; Tolerance for Residues

No comment having been received on the proposal of the Commissioner of Food and Drugs published in the FEDERAL REGISTER of November 30, 1961 (26 F.R. 11297), with reference to ethylene oxide as a fumigant on black walnut meats, and no request having been received for referral of the proposal to an advisory committee: *It is ordered*, That the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.151) be amended by adding black walnut meats to the list of commodities in § 120.151. As amended, this section reads as follows:

§ 120.151 Tolerances for residues of ethylene oxide.

A tolerance of 50 parts per million is established for residues of ethylene oxide, when used as a fumigant in or on the following raw agricultural commodities: Black walnut meats, copra, whole spices.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a (e)), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625).

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: January 23, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-924; Filed, Jan. 26, 1962; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of 1-Naphthyl N-Methylcarbamate

A petition was filed with the Food and Drug Administration by Union Carbide Corporation, 270 Park Avenue, New York 17, New York, requesting the establishment of a tolerance for residues of 1-naphthyl *N*-methylcarbamate in or on asparagus at 10 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(2), 68 Stat 512; 21 U.S.C. 346a (d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.169 a tolerance for this pesticide chemical in or on asparagus. As amended, the item containing the 10 parts per million tolerance limitation is changed to read as follows:

§ 120.169 Tolerances for residues of 1-naphthyl *N*-methylcarbamate.

* * * * * *

Ten parts per million in or on apples, apricots, asparagus, bananas, beans, blueberries, broccoli, brussels sprouts, cabbage, carrots, cauliflower, cherries, citrus fruits, cranberries, cucumbers, eggplants, grapes, kohlrabi, lettuce, melons, nectarines, okra, peaches, pears, peppers, plums (fresh prunes), pumpkins, sorghum grain, strawberries, summer squash, tomatoes, winter squash.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2))

Dated: January 23, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-922; Filed, Jan. 26, 1962; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Sulfur Dioxide and Sodium Metabisulfite; Final Order

Neither comments nor objections were received in response to the notice of proposed rule making published in the FEDERAL REGISTER November 18, 1961 (26 F.R. 10810), with regard to revoking the exemption from the requirement of a tolerance of sodium metabisulfite on stored grains and limiting the exemption with respect to the use of sulfur dioxide on grains.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 512, 514; 21 U.S.C. 346a (b), (e)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by changing § 120.180 (21 CFR 120.180) to read as follows:

§ 120.180 Exemption from the requirement of a tolerance for residues of sulfur dioxide from use in fumigants for stored grains.

Residues from the use of sulfur dioxide in liquid grain-fumigant formulations for marker or fire-retardant purposes at levels not exceeding 5 percent by weight of such formulations are exempted from the requirement of a tolerance in or on barley, buckwheat, corn, oats, popcorn, rice, rye, grain sorghum (milo), wheat.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408, 68 Stat. 511; 21 U.S.C. 346a)

Dated: January 23, 1962.

JOHN L. HARVEY,
Deputy Commissioner, of Food and Drugs.

[F.R. Doc. 62-934; Filed, Jan. 26, 1962; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of Folpet

A petition was filed with the Food and Drug Administration by California Chemical Company, Ortho Division, Lucas Street and Ortho Way, Richmond, California, requesting the establishment of tolerances for residues of *N*-(trichloro methylthio) phthalimide (common name folpet) in or on apples, avocados, blackberries, blueberries, boysenberries, cantaloups, celery, cherries, citrus fruits, crabapples, cranberries, cucumbers, currants, dewberries, endive (escarole), garlic, gooseberries, grapefruit, grapes, honeydew melons, huckleberries, leeks, lemons, lettuce, limes, loganberries, muskmelons, onions, oranges, pumpkins, raspberries, shallots, strawberries, summer squash, tangelos, tangerines, toma-

toes, watermelons, and winter squash at 50 parts per million. Endive (escarole) was later withdrawn from the petition.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding thereto the following new section:

§ 120.191 Tolerances for residues of folpet.

Tolerances for residues of folpet (*N*-(trichloromethylthio) phthalimide) in or on raw agricultural commodities are established as follows:

50 parts per million in or on apples, avocados, blackberries, blueberries, boysenberries, celery, cherries, citrus fruits, crabapples, cranberries, cucumbers, currants, dewberries, garlic, gooseberries, grapes, huckleberries, leeks, lettuce, loganberries, melons, onions, pumpkins, raspberries, shallots, strawberries, summer squash, tomatoes, winter squash.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 23, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-933; Filed, Jan. 26, 1962; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the effective date of the statute as it pertains to certain items of direct additives to food is further extended to the dates indicated in this order. It is therefore ordered that the following items in § 121.90 (21 CFR 121.90; 26 F.R. 5502, 6270, 6473, 7544, 8390) be changed to read as follows:

Product	Specified uses or restrictions	Effective date of statute extended to—
Betaine, anhydrous, or betaine hydrochloride (26 F.R. 7544).	Dietary supplement; limit 100 mg. per day	[1] Jan. 1, 1963
Hithionol (50%) and methiotriazamine (10%) (26 F.R. 6473).	In poultry feed as a coccidiostat; limited to 2 lb. per ton of feed with no residue in edible tissues of poultry. Discontinue feeding article 3 days prior to slaughter.	Do.[1]
1,1-bis(*p*-Chlorophenyl)-2,2,2-trichloroethanol (26 F.R. 5502).	100 p.p.m. as residue in mint oil from use on fresh mint leaves for control of mites.	Do.[1]
Butyl stearate (26 F.R. 5502)	Component of defoamer used in the production of beet sugar.	Do.[1]
Do	Component of defoamer used in production of yeast.	Do.[1]
Copper sulfate (26 F.R. 7544)	Dietary supplement; limit 2 mg. of copper per day.	Do.
Coumarone-indene resin (26 F.R. 6473)	Component of chewing gum base	Do.[1]
Disodium ethylenediamine tetraacetate (26 F.R. 6473).	Trace mineral solubilizer for feeds for ruminant animals; 200 p.p.m.	Do.[1]
Ferric choline citrate (26 F.R. 6473)	Nutrient and dietary supplement	Do.[1]
Formaldehyde (26 F.R. 5502)	Component of defoamer used in production of beet sugar; limit 0.01 p.p.m. in sugar.	Do.[1]
Iodine (from dehydrated kelp) (26 F.R. 6473)	In dietary supplements; limited to 0.7 mg. iodine per day.	Do.[1]
Menadione (26 F.R. 7544)	Dietary supplement; limit 1 mg. per day	Do.[1]
Monoglycerides and diglycerides and their lactic acid monoesters (26 F.R. 5502).	Components of defoamer in production of yeast	Do.[1]
Oxystearin (26 F.R. 5502)	Component of defoamer used in production of beet sugar and yeast.	Do.[1]
Petroleum hydrocarbon resin, aliphatic (mol. wt. approx. 1100) (26 F.R. 6473).	Component of chewing gum base	Do.[1]
Polyoxyethylene glycol (600) dioleate (26 F.R. 7544).	Component of defoamer used in production of yeast.	Do.[1]
Polyoxyethylene glycol (600) dioleate (26 F.R. 5502).	Component of defoamer used in the production of beet sugar.	Do.[1]
Polyoxyethylene glycol (600) monoricinoleate (26 F.R. 5502).	Component of defoamer used in the production of beet sugar and yeast.	Do.[1]
Propionaldehyde (26 F.R. 6390)	Synthetic flavoring substance	Do.[1]
Rosin or hydrogenated rosin polymers of glycerin or pentaerythritol. (26 F.R. 6473).	Component of chewing gum base	Do.[1]
Rutin (26 F.R. 7544)	Dietary supplement; limit 50 mg. per day	Do.[1]
Tallow, oxidized (26 F.R. 5502)	As a component of defoamer used in production of yeast; limit 40 p.p.m. in final product.	Do.[1]
Tallow, oxidized (26 F.R. 7544)	Component of defoamer in production of beet sugar; limit 40 p.p.m. in final product.	Do.[1]

[1] Progress report required by July 1, 1962.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87-19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: January 23, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-920; Filed, Jan. 26, 1962; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSIONS OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the effective date of the statute as it pertains to certain items of indirect additives to food is further extended to the dates indicated in this order. It is therefore ordered that the following items in § 121.91 (21 CFR 121.91; 26 F.R. 6271, 6323, 7963, 12242) be changed to read as follows:

Product	Specified uses or restrictions	Effective date of statute extended to—
DDD (dichloro-diphenyldichloroethane)	Residue from raw agricultural product. In dried tomato pomace for use in pet food; limit 100 p.p.m. in dried pomace.	[1] Jan. 1, 1963
DDT (dichloro-diphenyltrichloroethane)	do	Do.[1]
Petrolatum N.F. and U.S.P. Ultraviolet absorptivity (as defined in ASTM E-131) at 290 millimicrons-liters per gram centimeter: 2.0 maximum.	Lubricant for food-processing machinery	Do.[1]
Piperonyl butoxide	Component of insecticide for control of infestation in food-storage and food-processing areas; limit 20 p.p.m. in food.	Do.[1]
Polyoxyethylene glycol (1500) monostearate	Component of calender sizings for paper and paperboard.	Do.[1]
Pulps from reclaimed fibers, excluding material previously used for the packaging of pesticide chemicals and poisons.	Used as components of paper and paperboard surfaces intended for direct contact with food.	Do.[1]
Pyrethrins	Component of insecticide for control of infestation in food-storage and food-processing areas; limit 3 p.p.m. in food.	Do.[1]
Sodium lignosulfonate (sodium ligninsulfonate).	Dispersant in wax emulsions in paper and paperboard for food packaging.	Do.[1]
Urea-formaldehyde	In cellulose fiber felt used for cushioning foods	Do.[1]

[1] Progress report required by July 1, 1962.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87-19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: January 23, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-921; Filed, Jan. 26, 1962; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed and Animal-Feed Supplements

METHYL ESTERS OF HIGHER FATTY ACIDS; FATTY ACIDS

CORRECTIONS

1. In § 121.224(b)(4)(ii), the number "±1.3" is changed to read "+1.3". (21 CFR 121.224; 26 F.R. 11828)

2. In § 121.1070(c)(2) the number "±1.3" is changed to read "+1.3". (21 CFR 121.1070; 26 F.R. 11829)

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: January 23, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-923; Filed, Jan. 26, 1962; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYETHYLENE TEREPHTHALATE FILM

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by E. I. du Pont de Nemours and Company, Wilmington 98, Delaware, and other relevant material, has concluded that the following regulation should issue with respect to polyethylene terephthalate films as articles or components of articles used in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended by adding to Subpart F the following new section:

§ 121.2524 Polyethylene terephthalate film.

Polyethylene terephthalate film may be safely used as an article or component of articles used in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food subject to the provisions of this section.

(a) Polyethylene terephthalate film consists of a base sheet of ethylene terephthalate polymer, to which have been added optional substances, either as constituents of the base sheet or as constituents of coatings applied to the base sheet.

(b) The quantity of any optional substance employed in the production of polyethylene terephthalate film does not exceed the amount reasonably required to accomplish the intended physical or technical effect or any limitation further provided.

(c) Any substance employed in the production of polyethylene terephthalate film that is the subject of a regulation in Subpart F of this part conforms with any specification in such regulation, and any substance which is not the subject of a regulation in Subpart F conforms with the specifications, if any, prescribed by an order extending the effective date of the statute for such substance as an indirect additive to food.

(d) Substances employed in the production of polyethylene terephthalate film include:

(1) Substances generally recognized as safe in food.

(2) Substances subject to prior sanction or approval for use in polyethylene terephthalate film and used in accordance with such sanction or approval.

(3) Substances which by regulation in this Subpart F may be safely used as components of resinous or polymeric coatings and film used as food-contact surfaces subject to the provisions of such regulation.

(4) Substances identified in this subparagraph and subject to such limitations as are provided:

List of substances and limitations

(i) Base sheet:
- Ethylene terephthalate polymer: Prepared by the condensation of dimethyl terephthalate and ethylene glycol.
- Ethylene terephthalate polymer: Prepared by the copolymerization of terephthalic acid and ethylene glycol.

(ii) Coatings:
- 2-Ethylhexyl acrylate copolymerized with one or more of the following:
  - Acrylonitrile.
  - Methacrylonitrile.
  - Methyl acrylate.
  - Methyl methacrylate.
  - Itaconic acid.
- Vinylidene chloride copolymerized with one or more of the following:
  - Methacrylic acid and its methyl, ethyl, propyl, butyl, or actyl esters.
  - Acrylic acid and its methyl, ethyl, propyl, butyl, or octyl esters.
  - Acrylonitrile.
  - Methacrylonitrile.
  - Vinyl chloride.
  - Itaconic acid.

(iii) Emulsifiers:
- Sodium dodecylbenzenesulfonate: As an adjuvant in the application of coatings to the base sheet.
- Sodium lauryl sulfate: As an adjuvant in the application of coatings to the base sheet.

(e) Polyethylene terephthalate film conforming with the specifications prescribed in subparagraph (1) of this paragraph is used as provided in subparagraph (2) of this paragraph:

(1) *Specifications.* (i) The film, when exposed to distilled water at 250° F. for 2 hours, yields chloroform-soluble extractives not to exceed 0.5 milligram per

square inch of film surface exposed to the solvent; and

(ii) The film, when exposed to *n*-heptane at 150° F. for 2 hours, yields chloroform-soluble extractives not to exceed 0.5 milligram per square inch of film surface exposed to the solvent.

(2) *Conditions of use.* The film is used for packaging, transporting, or holding food, excluding alcoholic beverages, at temperatures not to exceed 250° F.

(f) Polyethylene terephthalate film conforming with the specifications prescribed in subparagraph (1) of this paragraph is used as provided in subparagraph (2).

(1) *Specifications.* (i) The film meets the specifications in paragraph (e) (1) of this section; and

(ii) The film, when exposed to 50 percent ethyl alcohol at 120° F. for 24 hours, yields chloroform-soluble extractives not to exceed 0.5 milligram per square inch of film surface exposed to the solvent.

(2) *Conditions of use.* The film is used for packaging, transporting, or holding alcoholic beverages that do not exceed 50 percent alcohol by volume.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 22, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-918; Filed, Jan. 26, 1962; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COPOLYMER OF 1,4-CYCLOHEXYLENE DIMETHYLENE TEREPHTHALATE AND 1,4-CYCLOHEXYLENE DIMETHYLENE ISOPHTHALATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 347) filed by Eastman Chemical Products, Inc., Kingsport, Tennessee, and other relevant material, has concluded that the following regulation should issue with respect to a copolymer of 1,4-cyclohexylene dimethylene terephthalate and 1,4-cyclohexylene dimethylene isophthalate to produce packaging materials, containers, and equipment that contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2533 Copolymer of 1,4-cyclohexylene dimethylene terephthalate and 1,4-cyclohexylene dimethylene isophthalate.

Copolymer of 1,4-cyclohexylene dimethylene terephthalate and 1,4-cyclohexylene dimethylene isophthalate may be safely used as an article or component of articles intended for use in packaging food subject to the provisions of this section.

(a) The copolymer is a basic polyester produced by the catalytic condensation of dimethyl terephthalate and dimethyl isophthalate with cyclohexanedimethanol-1,4, to which may have been added certain optional substances required in its production or added to impart desired physical and technical properties.

(b) The quantity of any optional substance employed in the production of the copolymer does not exceed the amount reasonably required to accomplish the intended physical or technical effect or any limitation further provided.

(c) Any substance employed in the production of the copolymer that is the subject of a regulation in this Subpart F conforms with any specification in such regulation, and any substance which is not the subject of a regulation in Subpart F conforms with the specifications, if any, prescribed by an order extending the effective date of the statute for such substance as an indirect additive to food.

(d) Substances employed in the production of the copolymer include:

(1) Substances generally recognized as safe in food.

(2) Substances subject to prior sanction or approval for use in the copolymer and used in accordance with such sanction or approval.

(3) Substances which by regulation in Subpart F may be safely used as components of resinous or polymeric coatings and film used as food-contact surfaces, subject to the provisions of such regulation.

(e) The copolymer conforms with the following specifications:

(1) The copolymer, when extracted with distilled water at reflux temperature for 2 hours, yields total extractives not to exceed 0.05 percent.

(2) The copolymer, when extracted with ethyl acetate at reflux temperature for 2 hours, yields total extractives not to exceed 0.7 percent.

(3) The copolymer, when extracted with *n*-hexane at reflux temperature for 2 hours, yields total extractives not to exceed 0.05 percent.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 22, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-917; Filed, Jan. 26, 1962; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Sodium Oxacillin

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay and certification of penicillin and penicillin-containing drugs (21 CFR Parts 141a, 146, 146a, 147) are amended as follows:

1. Part 141 is amended by adding thereto the following new sections:

§ 141a.104 Sodium oxacillin.

(a) *Potency.* Use the sodium oxacillin working standard as the standard of comparison, and proceed as directed in § 141a.1, except:

(1) *Plate assay.* (i) Prepare a stock solution containing 1,000 micrograms per milliliter. Prepare the standard curve by further diluting this stock solution, using 1 percent phosphate buffer, pH 6.0, to final concentrations of 3.2, 4.0, 5.0, 6.25, and 7.8 micrograms per milliliter. The 5.0 micrograms per milliliter is the reference concentration.

(ii) Determine the inoculum of the Staphylococcus aureus suspension to be used for the seed layer by adding varying volumes of the standard suspension to 100-milliliter volumes of the seed agar. Run test plates with the different inocula and the sodium oxacillin reference concentration. Select as the optimum inoculum the one that results in the clearest and best defined zones of inhibition (usually between 0.3 milliliter and 1.0 milliliter per 100 milliliters of seed agar).

(2) *Iodometric assay.* If the iodometric assay is used, use a solution containing 1.0 milligram per milliliter.

(b) *Toxicity.* Proceed as directed in § 141a.4, except use sodium chloride injection as the diluent and inject 0.5 milliliter of a solution containing 20 milligrams activity per milliliter.

(c) *Moisture.* Proceed as directed in § 141a.26(e).

(d) *pH.* Proceed as directed in § 141a.5(b).

(e) *Crystallinity.* Proceed as directed in § 141a.5(c).

(f) *Sodium oxacillin content.* Accurately weight approximately 60 milligrams of sample, and transfer to a 100-milliliter volumetric flask. Dissolve and dilute the sample to the mark with distilled water. Pipette a 5.0-milliliter aliquot of the sample solution into a 22 x 200 millimeter test tube, and add 5 milliliters of 10 *N* NaOH. Mix the solutions, and place the tube in a boiling water bath for 60 minutes. Cool the tube, carefully add 10 milliliters of 6 *N* HCl, mix, and place the tube in the boiling water bath for 10 minutes. Position the tube in the bath so that the two liquid levels are the same. After heating, remove the tube from the bath, carefully agitate the contents of the tube, and cool to room temperature. Quantitatively transfer the contents of the tube to a 250-milliliter volumetric flask. Add approximately 200 milliliters of freshly boiled and cooled distilled water, then 4.0 milliliters of 7.5 *N* NH_4OH, and dilute to volume with freshly boiled and cooled distilled water. Determine the absorbance on a suitable spectrophotometer at 235 millimicrons against a reagent blank. Run concurrently with the sodium oxacillin standard, and calculate as follows:

$$\frac{A \text{ sample} \times \text{mg. standard (anhydrous basis)}}{A \text{ standard} \times \text{mg. sample (anhydrous basis)}} \times 100 = \text{Percent sodium oxacillin}$$

(g) *Identity.* Use the sample solution prepared in paragraph (f) of this section and record the ultraviolet spectrum between 230 millimicrons and 260 millimicrons. It should be basically identical to that of the standard similarly treated.

§ 141a.105 Sodium oxacillin tablets.

(a) *Potency.* Place a representative number of tablets (usually 3 to 12) in a blending jar and add thereto approximately 200 milliliters of a 500-milliliter quantity of 1 percent phosphate buffer, pH 6.0. After blending for 1 minute with a high-speed blender, add the remainder of the 500 milliliters of buffer. Blend again for 1 minute and make the proper estimated dilutions to 5.0 micrograms per milliliter in 1 percent phosphate buffer, pH 6.0. Follow the plate assay procedure given in § 141a.104. The average potency of sodium oxacillin tablets is satisfactory if they contain not less than 90 percent of the number of milligrams per tablet that they are represented to contain.

(b) *Moisture.* Use four tablets and proceed as directed in § 141a.26(e).

§ 141a.106 Sodium oxacillin capsules.

(a) *Potency.* Proceed as directed in § 141a.105. The average potency of the sodium oxacillin capsules is satisfactory if they contain not less than 90 percent of the number of milligrams per capsule that they are represented to contain.

(b) *Moisture.* Use the contents of 4 capsules and proceed as directed in § 141a.26(e).

§ 146.1 [Amendment]

2. Section 146.1 *Definitions and interpretations* * * *, is amended in the following respects:

a. Paragraph (b)(1) is amended by adding thereto the following new sentence: "The term 'sodium oxacillin master standard' means a specific lot of sodium oxacillin that is designated by the Commissioner as the standard of comparison in determining the potency of the sodium oxacillin working standard."

b. Paragraph (c)(2) is amended by adding thereto the following new subdivision:

(ix) The term "microgram" applied to oxacillin means the oxacillin activity (potency) contained in 1.0996 micrograms of the sodium oxacillin master standard.

c. Paragraph (d)(1) is amended by adding thereto the following new subdivision:

(vi) The term "sodium oxacillin working standard" means a specific lot of a homogeneous preparation of sodium oxacillin.

3. Part 146a is amended by adding the following new sections:

§ 146a.12 Sodium oxacillin.

(a) *Standards of identity, strength, quality, and purity.* Sodium oxacillin is the crystalline monohydrated sodium salt of 5-methyl-3-phenyl-4-isoxazolyl penicillin. It is so purified and dried that:

(1) It contains not less than 815 micrograms of the free acid of oxacillin per milligram.

(2) It is nontoxic.

(3) Its moisture content is not more than 6.0 percent.

(4) Its pH in an aqueous solution containing 30 milligrams per milliliter is not less than 4.5 and not more than 7.5.

(5) Its sodium oxacillin content is not less than 90 percent.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U.S.P., and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(1) The batch mark.

(2) The number of micrograms per milligram and the number of grams in the immediate container.

(3) The statement "Expiration date ----------," the blank being filled in with the date that is 24 months after the month during which the batch was certified.

(4) The statement "For use in the manufacture of nonparenteral drugs only."

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, and the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him of the batch for potency, toxicity, moisture, pH, sodium oxacillin content, crystallinity, and identity.

(2) Such person shall submit with his request an accurately representative sample of the batch, consisting of nine packages, each containing approximately 300 milligrams plus one package containing approximately 2 grams, taken from a different part of the batch, packaged in accordance with the requirements of paragraph (b) of this section.

(e) *Fees.* The fees for the services rendered with respect to each batch under the regulations in this section shall be:

(1) $5.00 for each immediate container in the sample submitted in accordance with paragraph (d)(2) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by this paragraph shall accompany the request for certification, unless such fee is covered by an advance deposit maintained in accordance with § 146.8(d) of this chapter.

§ 146a.13 Sodium oxacillin tablets.

(a) *Standards of identity, strength, quality, and purity.* Sodium oxacillin tablets are tablets composed of sodium oxacillin, with or without one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings. The potency of each tablet is not less than 250 milligrams. Its moisture content is not more than 6.0 percent. The sodium oxacillin conforms to the requirements of § 146a.12 (a). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each sodium oxacillin tablet is enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U.S.P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the tablets by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* In addition to the labeling requirements prescribed by § 1.106 (b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on the outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(1) The statement "Expiration date ----------," the blank being filled in with the date that is 12 months after the month during which the batch was certified.

(2) If the batch contains buffer substances, the name of each such substance used in making the batch.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of sodium oxacillin tablets shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark (and unless it was previously submitted) the date on which the latest assay of the sodium oxacillin used in making such batch was completed, the number of milligrams in each tablet, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Average potency per tablet and average moisture.

(ii) The sodium oxacillin used in making the batch: Potency, content of sodium oxacillin, toxicity, moisture, pH, crystallinity, and identity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets, collected by taking single tablets at such intervals throughout the entire time of tableting that the quantities tableted during the intervals are approximately equal.

(ii) The sodium oxacillin used in making the batch: 10 packages, each containing not less than 300 milligrams, packaged in accordance with the requirements of § 146a.12(b).

(iii) In case of an initial request for certification, each other substance used in making the batch: One package of each, containing approximately 5 grams.

(4) The result referred to in subparagraph (2)(ii) of this paragraph and the sample referred to in subparagraph (3)(ii) of this paragraph are not required if such result and sample have been previously submitted.

(e) *Fees.* The fees for the services rendered with respect to each batch of tablets under the regulations in this section shall be:

(1) $0.75 for each tablet in the sample submitted in accordance with paragraph (d)(3)(i) of this section; $5.00 for each package in the sample submitted in accordance with paragraph (d)(3)(ii) of this section; $4.00 for each package in the sample submitted in accordance with paragraph (d)(3)(iii) of this section.

(2) If the Commissioner considers that investigations, other than examination of such tablets and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fees prescribed by subparagraph (1) of this paragraph shall accompany the request for certification, unless such fees are covered by an advance deposit maintained in accordance with § 146.8(d) of this chapter.

§ 146a.14 Sodium oxacillin capsules.

(a) *Standards of identity, strength, quality, and purity.* Sodium oxacillin capsules are capsules composed of sodium oxacillin, with or without one or more buffer substances, diluents, binders, lubricants, vegetable oils, colorings, and flavorings, enclosed in a gelatin capsule. The potency of each capsule is not less than 250 milligrams. The moisture content is not more than 6 percent. The sodium oxacillin conforms to the requirements of § 146a.12. Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging; labeling; request for certification, samples; fees.* Sodium oxacillin capsules conform to all requirements and procedures prescribed for sodium oxacillin tablets by § 146a.13 (b), (c), (d), and (e).

§ 147.1 [Amendment]

4a. In § 147.1 *Antibiotic sensitivity discs; tests and methods of assay; potency*, paragraph (c)(3) is amended by inserting in the table following the item "Ristocetin", the following new item:

Antibiotic	Volume of suspension added to each 100 ml. of seed agar used for test	Suspension number	Medium	
			Base layer	Seed layer
Sodium oxacillin...	1.0	3	' E	A

b. Section 147.1(d) is amended by inserting in the table, following the item "Ristocetin", the following new item:

Antibiotic	Solvent	Standard curve (antibiotic concentration per disc)
Sodium oxacillin....	...do.....	0.67, 0.82, 1.00, 1.22, 1.5 μg.

§ 147.2 [Amendment]

5. Section 147.2 *Antibiotic sensitivity discs; certification procedure* is amended as follows:

a. Paragraph (a) is amended by inserting in the first sentence, preceding "streptomycin," the word "oxacillin," and by adding to the paragraph a new subparagraph (10), as follows:

(10) Oxacillin: 1 μg.

b. Paragraph (c) is amended by changing the introduction to subparagraph (1)(iii)(*a*) to read as follows:

(*a*) For penicillin G, dimethoxyphenyl penicillin, and oxacillin.

In the promulgation of this order, I find that notice and public procedure and a delayed effective date would be contrary to the public health because they would delay the availability of this drug. I further find that the conditions for the certification of sodium oxacillin, concerning its safety and efficacy of use, have been complied with.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: January 23, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-931; Filed, Jan. 26, 1962; 8:48 a.m.]

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Bacitracin-Neomycin Tablets; Moisture

No comments nor objections were filed to the proposal of the Commissioner of Food and Drugs published in the FEDERAL REGISTER of October 20, 1961 (26 F.R. 9873) regarding moisture tests in bacitracin-neomycin tablets. Therefore, effective as of the date of publication of this order in the FEDERAL REGISTER, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and under the authority vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner (25 F.R. 8625): *It is ordered*, That the regulations for tests and methods of assay for bacitracin and bacitracin-containing drugs (21 CFR 141e.410) be amended as follows:

Section 141e.410(b)(3) is amended to read as follows:

§ 141e.410 Bacitracin-neomycin tablets; zinc bacitracin-neomycin tablets; bacitracin methylene disalicylate-neomycin tablets.

• • • • •

(b) • • •

(3) *Moisture.* In an atmosphere of about 10 percent relative humidity, transfer about 100 milligrams of the finely powdered sample to a tared weighing bottle equipped with ground-glass top and stopper. Weigh the bottle and place it in a vacuum oven, tilting the stopper on its side so that there is no closure during the drying period. Dry at a temperature of 60° C. and a pressure of 5 millimeters of mercury or less for 3 hours. At the end of the drying period fill the vacuum oven with air dried by passing it through a drying agent such as sulfuric acid or silica gel. Replace the stopper and place the weighing bottle in a desiccator over a desiccating agent such as phosphorous pentoxide or silica gel, allow to cool to room temperature, and reweigh. Calculate the percent loss.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: January 23, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-919; Filed, Jan. 26, 1962; 8:47 a.m.]

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Phenethicillin Potassium

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for certification of penicillin and penicillin-containing drugs (21 CFR 146a.16, 146a.17; 26 F.R. 7733) are amended as follows:

1. In § 146a.16, paragraph (c)(3) is amended to read as follows:

§ 146a.16 Phenethicillin potassium (potassium α-phenoxyethyl penicillin).

• • • • • •

(c) *Labeling.* • • •

(3) The statement "Expiration date ----------," the blank being filled in with the date that is 24 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 30 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

2. Section 146a.17 is amended in the following respects:

a. Paragraph (a) is amended by changing the text of the third sentence. As amended, this paragraph reads as follows:

§ 146a.17 Phenethicillin potassium (potassium α-phenoxyethyl penicillin) tablets.

(a) *Standards of identity, strength, quality, and purity.* Phenethicillin potassium tablets are tablets composed of phenethicillin potassium, with or without one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings, and with or without one or more suitable analgesic substances, antihistaminics, and vasoconstrictors. The potency of each tablet is not less than 50,000 units, and if it is less than 100,000 units it is unscored. Its moisture content is not more than 1.5 percent unless the person who requests certification has submitted to the Commissioner information adequate to prove that his drug is stable when it has a moisture content exceeding this amount. In no case shall its moisture content exceed 2.0 percent. The phenethicillin potassium conforms to the requirements of § 146a.16(a). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

b. Paragraph (c)(1)(v) is amended by changing the words "18 months or 24 months" to read "18 months, 24 months, or 30 months".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the changes are not restrictive in nature and cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: January 23, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-902; Filed, Jan. 26, 1962; 8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

Prompton and Navarro Mills Reservoir Projects

The Secretary of the Army having determined that the use of Prompton Reservoir Area, Lackawaxen River, Pennsylvania and Navarro Mills Reservoir, Richland Creek, Tex., by the general public for boating, swimming, bathing, fishing and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for their public use, pursuant to the provisions of Section 209 of the Flood Control Act of 1954 (68 Stat. 1266) adding the reservoirs to those listed in § 311.1, as follows:

§ 311.1 Areas covered.

• • • • •

PENNSYLVANIA

• • • • •

Prompton Reservoir Area, Lackawaxen River.

TEXAS

• • • • •

Navarro Mills Reservoir Area, Richland Creek.

[Regs., December 28, 1961, ENGCW-OM] (Sec. 4, 58 Stat. 889, as amended; 10 U.S.C. 460d)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-902; Filed, Jan. 26, 1962; 8:45 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

PART 3—FORMS FOR PATENT CASES

Miscellaneous Amendments

The following amendments are made, to take effect thirty days after publication in the FEDERAL REGISTER.

The text of amendments numbered 2 to 7 was published in the FEDERAL REGISTER for August 15, 1961 (26 F.R. 7550–1), and all persons who desired were invited to submit written data, views, arguments or suggestions in connection with the proposed amendments and the amendments are adopted after consideration of all the material submitted.

1. Section 1.4(a) is amended to read as follows:

§ 1.4 Nature of papers filed.

(a) Papers must be typewritten or printed, double spaced, on one side of flexible, strong, white paper of good quality. All papers must be clean and free from erasures or alterations. Papers must be suitable for the ordinary purposes of the Office and for reproduction by the processes used by the Office. Papers which are not typewritten or printed must be legible. Drawings may be made by a process which will give them the permanence of typewriting. Photographs must be on sensitized paper.

2. Section 1.6(a) is amended to read as follows:

§ 1.6 Receipt of papers.

(a) Papers and fees should be addressed to the Commissioner of Patents, Washington 25, D.C., unless otherwise specified. Papers and fees relating to applications should be addressed to the Commissioner of Patents, Washington 25, D.C., and should identify the application by the name of the applicant, the filing date, and the serial number, if known. Papers and fees relating to trademarks should be addressed to the Commissioner of Patents, Washington 25, D.C., and should identify the trademark by the name of the applicant, the filing date, and the trademark number, if known.

3. Section 1.8(a) is amended to read as follows:

§ 1.8 Time for filing papers.

(a) Papers and fees relating to applications should be filed in the Patent Office during business hours on a business day. Papers and fees relating to trademarks should be filed in the Patent Office during business hours on a business day. Papers and fees relating to interferences should be filed in the Patent Office during business hours on a business day. Papers and fees relating to disciplinary proceedings should be filed in the Patent Office during business hours on a business day.

4. Section 1.9(a) is amended to read as follows:

§ 1.9 Definitions.

(a) A "business day" is a day on which the Patent Office is open for the transaction of business. Business days are all days except Saturdays, Sundays, and holidays.

5. Section 1.11(a) is amended to read as follows:

§ 1.11 Files open to the public.

(a) All applications for patents, all abandoned applications, all papers or records in any application or interference, and all records of the Patent Office relating to trademarks are open to inspection by the public, and copies may be furnished upon request and payment of the fee therefor, except as otherwise provided in this part.

6. Section 1.12(a) is amended to read as follows:

§ 1.12 Assignments for recording.

(a) Assignments of applications, patents, or trademarks will be recorded in the Patent Office in the order in which they are received, and will be given a reel and frame number or a number in a consecutive series.

7. Section 1.14(a) is amended to read as follows:

§ 1.14 Patents and trademarks, in general.

(a) Patents and trademarks will be printed and issued as soon as practicable after allowance. The Patent Office cannot advise when a patent or trademark will be issued.

8. Section 1.15(a) is amended to read as follows:

§ 1.15 Specification.

(a) The specification must include a written description of the invention or discovery and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Section 1.16(a) is amended to read as follows:

§ 1.16 Oath or declaration.

(a) The oath or declaration required of the applicant (§ 1.63) must be made by all the actual inventors except as provided for in §§ 1.42, 1.43, and 1.47. When the application is made by a person other than the inventor, the oath or declaration may be made by the legal representative of a deceased inventor or of an inventor who is incapacitated to such an extent that he is unable to make oath or declaration, or by any person to whom the inventor is under an obligation to assign the invention provided he establishes a sufficient interest in the invention.

10. Section 1.17(a) is amended to read as follows:

§ 1.17 Drawings.

(a) The drawing must be made in black ink on white paper. The lines and strokes must be sufficiently black and heavy to permit reproduction with good definition. Shading should be used only where it is necessary to show clearly the form of the surface. Solid black areas should be used sparingly. Drawings must be made with a pen and ink, brush, or by a process which will give them the permanence of typewriting. Photographs must be on sensitized paper.

11. Section 1.18(a) is amended to read as follows:

§ 1.18 Models, exhibits, specimens.

(a) A model or exhibit will not be required unless deemed necessary for the proper examination of the case, but may be admitted with the consent of the Commissioner of Patents when it cannot adequately be represented by drawings or photographs.

12. Section 1.19(a) is amended to read as follows:

§ 1.19 Amendments.

(a) Amendments must be made in the application specification, drawings, or other parts of the record. Amendments must be typewritten or printed, double spaced, on one side of flexible, strong, white paper of good quality. All papers must be clean and free from erasures or alterations. Papers must be suitable for the ordinary purposes of the Office and for reproduction by the processes used by the Office. Papers which are not typewritten or printed must be legible.

13. Section 1.20(a) is amended to read as follows:

§ 1.20 Fees.

(a) The Commissioner of Patents is authorized to refund any fee paid by mistake or in excess of that required. A deposit to cover the cost of search made by the Patent Office will not be refunded.

14. Section 1.21(a) is amended to read as follows:

§ 1.21 Abandonment.

(a) An application may be abandoned by filing a written declaration of abandonment signed by the applicant and his attorney or agent of record, identifying the application by the name of the applicant, the filing date, and the serial number, if known.

15. Section 1.22(a) is amended to read as follows:

§ 1.22 Publication fee.

(a) The publication fee for each patent will be $25.00.

16. Section 1.23(a) is amended to read as follows:

§ 1.23 Printing of specification.

(a) The specification and drawings of each patent will be printed by the Patent Office.

17. Section 1.24(a) is amended to read as follows:

§ 1.24 Copies of patents and trademarks.

(a) Copies of patents and trademarks will be furnished to the public upon payment of the fee therefor.

18. Section 1.25(a) is amended to read as follows:

§ 1.25 Certified copies.

(a) Certified copies of patents and trademarks will be furnished to the public upon payment of the fee therefor.

19. Section 1.26(a) is amended to read as follows:

§ 1.26 Uncertified copies.

(a) Uncertified copies of patents and trademarks will be furnished to the public upon payment of the fee therefor.

20. Section 1.27(a) is amended to read as follows:

§ 1.27 Copies of records.

(a) Copies of records, abstracts of title, and certified copies thereof will be furnished to the public upon payment of the fee therefor.

21. Section 1.28(a) is amended to read as follows:

§ 1.28 Copies of drawings.

(a) Copies of drawings will be furnished to the public upon payment of the fee therefor.

22. Section 1.29(a) is amended to read as follows:

§ 1.29 Copies of specifications.

(a) Copies of specifications will be furnished to the public upon payment of the fee therefor.

23. Section 1.30(a) is amended to read as follows:

§ 1.30 Copies of Office file wrappers.

(a) Copies of Office file wrappers will be furnished to the public upon payment of the fee therefor.

24. Section 1.31(a) is amended to read as follows:

§ 1.31 Copies of assignments.

(a) Copies of assignments will be furnished to the public upon payment of the fee therefor.

25. Section 1.32(a) is amended to read as follows:

§ 1.32 Certified copies of records.

(a) Certified copies of records will be furnished to the public upon payment of the fee therefor.

26. Section 1.33(a) is amended to read as follows:

§ 1.33 Exemplification.

(a) Exemplification will be furnished to the public upon payment of the fee therefor.

27. Section 1.34(a) is amended to read as follows:

§ 1.34 Publications.

(a) Publications will be furnished to the public upon payment of the fee therefor.

28. Section 1.35(a) is amended to read as follows:

§ 1.35 Search.

(a) Search will be made to the public upon payment of the fee therefor.

29. Section 1.36(a) is amended to read as follows:

§ 1.36 Recording.

(a) Recording will be made to the public upon payment of the fee therefor.

30. Section 1.37(a) is amended to read as follows:

§ 1.37 Certificates.

(a) Certificates will be furnished to the public upon payment of the fee therefor.

31. Section 1.38(a) is amended to read as follows:

§ 1.38 Miscellaneous.

(a) Miscellaneous will be furnished to the public upon payment of the fee therefor.

32. Section 1.39(a) is amended to read as follows:

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33. Section 1.40(a) is amended to read as follows:

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§ 1.112 Miscellaneous.

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106. Section 1.113(a) is amended to read as follows:

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107. Section 1.114(a) is amended to read as follows:

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113. Section 1.120(a) is amended to read as follows:

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114. Section 1.121(a) is amended to read as follows:

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115. Section 1.122(a) is amended to read as follows:

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116. Section 1.123(a) is amended to read as follows:

§ 1.123 Miscellaneous.

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117. Section 1.124(a) is amended to read as follows:

§ 1.124 Miscellaneous.

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118. Section 1.125(a) is amended to read as follows:

§ 1.125 Miscellaneous.

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119. Section 1.126(a) is amended to read as follows:

§ 1.126 Miscellaneous.

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120. Section 1.127(a) is amended to read as follows:

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123. Section 1.130(a) is amended to read as follows:

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124. Section 1.131(a) is amended to read as follows:

§ 1.131 Miscellaneous.

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125. Section 1.132(a) is amended to read as follows:

§ 1.132 Miscellaneous.

(a) Miscellaneous will be furnished to the public upon payment of the fee therefor.

126. Section 1.133(a) is amended to read as follows:

§ 1.133 Miscellaneous.

(a) Miscellaneous will be furnished to the public upon payment of the fee therefor.

127. Section 1.134(a) is amended to read as follows:

§ 1.134 Miscellaneous.

(a) Miscellaneous will be furnished to the public upon payment of the fee therefor.

**128. Section 1.

The text of a proposed amendment corresponding to that listed first was similarly published in the FEDERAL REGISTER for October 7, 1961 (26 F.R. 9514–5), and an oral hearing was held on November 20, 1961. Objections to the breadth of the proposal as published were considered with the result that it is narrowed to the amendment as adopted, substantially in accordance with suggestions which were made. As a result of this change, the manner of taking effect originally announced is considered unnecessary and the new provision may be applied to any decision in accordance with its terms.

1. Section 1.14 is amended by adding a new paragraph (d) as follows:

§ 1.14 Patent applications preserved in secrecy.

* * * * *

(d) Selected decisions of the Board of Appeals, or of the Commissioner, in abandoned applications not otherwise open to public inspection (paragraph (b) of this section) may be published or made available for publication at the Commissioner's discretion, unless the applicant timely presents sufficient reasons for not doing so. The applicant will be notified, through the attorney of record in the application file, when it is proposed to release such a decision and a time not less than thirty days set for presenting any such reasons. The fact that the subject matter of the application has not been made public in any manner, or that the same subject matter is being prosecuted in a pending application, will be considered sufficient reason for not releasing the decision if the applicant so requests unless the text of the decision contains no description of such subject matter. Other reasons presented will be duly considered.

2. Paragraph (a) of § 1.203 is amended by cancelling the last sentence and inserting a sentence in lieu thereof; as amended paragraph (a) reads as follows:

§ 1.203 Preparation for interference between applications; suggestion of claims for interference.

(a) Before the declaration of interference, it must be determined that there is common patentable subject matter in the cases of the respective parties, patentable to each of the respective parties, subject to the determination of the question of priority. Claims in the same language, to form the counts of the interference, must be present or be presented, in each application; except that, in cases where, owing to the nature of the disclosures in the respective applications, it is not possible for all applications to properly include a claim in identical phraseology to define the common invention, an interference may be declared, with the approval of the Commissioner, using as a count representing the interfering subject matter a claim differing from the corresponding claims of one or more of the interfering applications by an immaterial limitation or variation.

3. Paragraph (a) of § 1.232 is amended by canceling "or if the interference involves a patent, a claim of which has been copied in modified form." and inserting in lieu thereof: "or as to a claim included as a count under the last sentence of § 1.203(a) or the last sentence of § 1.205(a)." As amended, paragraph (a) reads as follows:

§ 1.232 Motions to dissolve.

(a) Motions to dissolve an interference may be brought on the ground (1) that there has been such informality in declaring the same as will preclude the proper determination of the question of priority of invention, or (2) that the claims forming the counts of the interference are not patentable, or are not patentable to a particular applicant, while being patentable to another party, or (3) that a particular party has no right to make the claims, or (4) that there is no interference in fact if the interference involves a design or plant patent or application, or as to a claim included as a count under the last sentence of § 1.203(a) or the last sentence of § 1.205(a).

4. Paragraph (d) of § 1.233 is amended to read as follows:

§ 1.233 Motions to amend.

* * * * *

(d) The proposed claims (1) must be indicated to be patentable in the opinion of the moving party in each of the applications involved in the motion and (2) must, unless they stand allowed, be distinguished from the prior art of record or sufficient other reason for their patentability given. Furthermore, (3) the reason why an additional count is necessary must be stated. When more than one count is proposed, the motion (4) must point out wherein they differ materially from each other and (5) must show why each proposed count is necessary to the interference. The proposed claims (6) must also be applied to the disclosure of each application involved in the motion, except as to an application in which the claims already appear and the claims identified as originating therein.

5. Section 1.235 is amended to read as follows:

§ 1.235 Motions relating to burden of proof.

Any party may bring a motion to shift the burden of proof (a) on the ground that he is entitled to the benefit of the filing date of an earlier domestic or foreign application, or (b) on the ground that an opposing party is not entitled to the benefit of an earlier application of which he has been given the benefit in the declaration (see § 1.224).

6. Paragraph (g) of § 1.341 is amended by cancelling "in which he served, on the date he left said division" and inserting in lieu thereof "during his period of service therein". As amended, paragraph (g) reads as follows:

§ 1.341 Registration of attorneys and agents.

* * * * *

(g) *Former examiners.* No person who has served in the examining corps of the Patent Office will be registered after termination of his services, nor, if registered before such service, be reinstated, unless he undertakes (1) not to prosecute or aid in any manner in the prosecution of any application pending in any examining division during his period of service therein; and (2) not to prepare or prosecute nor to assist in any manner in the preparation or prosecution of any application of another filed within two years after the date he left such division, and assigned to such division, without the specific authorization of the Commissioner. Associated and related classes in other divisions may be required to be included in the undertaking or designated classes may be excluded. In case application for registration or reinstatement is made after resignation from the Office, the applicant will not be registered, or reinstated, if he has prepared or prosecuted, or assisted in the preparation or prosecution of any such application as indicated in this paragraph.

7. Section 3.47 is amended by changing the part of the form following the subheading "Proof of Service". As amended § 3.47 reads as follows:

§ 3.47 Interference; notice of taking testimony.

_____ }
v. } Interference No. ____
_____ }

_____, 19____

_____
(Name of opposing attorney)

_____
(Address of opposing attorney)

SIR: You are hereby notified that on _____, _____, 19____, at ____ o'clock in the forenoon at the office of _____, _____ Street, _____, _____, I shall proceed to take testimony on behalf of the party _____ in the above identified interference.

The witnesses to be examined are:

(Name of witnesses)	(Residence of witnesses)
_____	_____
_____	_____

The examination will continue from day to day until completed. You are invited to attend and cross-examine.

_____
(Signature of attorney)

Proof of Service

_____, 19____

I hereby certify that on _____, 19___, I served a copy of the foregoing notice of taking testimony upon _____, the attorney for the party _____, by mailing a copy thereof to him at his address as set out in the notice.

_____
(Signature of attorney)

(Sec. 1, 66 Stat. 793, 35 U.S.C. 6. Interprets or applies sec. 1, 66 Stat. 801; 35 U.S.C. 122, 135)

DAVID L. LADD,
Commissioner of Patents.

Approved:

HICKMAN PRICE,
Assistant Secretary of Commerce for Domestic Affairs.

[F.R. Doc. 62-915; Filed, Jan. 26, 1962; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2460]

[Sacramento 052890]

CALIFORNIA

Establishing Certain National Cooperative Land and Wildlife Management Areas

Correction

In F.R. Doc. 61–7876 appearing at page 7701 of the issue for Thursday, August 17, 1961, the land description for "Mount Diablo Meridian [Sacramento 052890]" is corrected by changing sec. 27 of T. 36 N., R. 5 E., to read "Sec. 27, NE¼, E½NW¼, E½SW¼, and N½SE¼;".

[Public Land Order 2595]

[Sacramento 053883]

CALIFORNIA

Modifying Public Land Order No. 2136 of June 22, 1960

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 2136 of June 22, 1960, so far as it withdrew lands for use of the National Park Service in connection with its administration of the Yosemite National Park, is hereby modified to the extent necessary to permit prospecting, location, entry, and purchase of the following described lands under the mining laws of the United States:

MOUNT DIABLO MERIDIAN

T. 3 S., R. 20 E.,
Sec. 18, a parcel of land situated in the S½SW¼ bounded by a line particularly described as follows:
Beginning at Corner No. 1, from which the ¼ Corner between sections 17 and 18 of said Township and Range bears N. 60°35'11" E., 4,101.2 feet distant; thence N. 0°55¼' W., 393.6 feet to Corner No. 2; N. 32°37½' W., 640.0 feet to Corner No. 3; N. 48°28' W., 174.9 feet to Corner No. 4; S. 12°9¼' W., 921.7 feet to Corner No. 5; S. 77°41¾' E., 692.3 feet, the point of beginning.

The tract described contains about 9.78 acres.

2. This order shall be effective at 10:00 a.m. of February 28, 1962.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JANUARY 23, 1962.

[F.R. Doc. 62–913; Filed, Jan. 26, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[27 CFR Parts 4, 5]

LABELING AND ADVERTISING OF WINE AND DISTILLED SPIRITS

Notice of Hearing on Proposed Amendments

Notice is hereby given, pursuant to the provisions of section 5 of the Federal Alcohol Administration Act (49 Stat. 981 as amended; 27 U.S.C. 205), of a public hearing to be held at 10:00 a.m., e.s.t., on February 27, 1962, in Room 3313, Internal Revenue Building, 12th Street and Constitution Avenue NW., Washington 25, D.C., at which time and place all interested parties will be afforded opportunity to be heard, in person or by authorized representative, with reference to proposals, the substance of which is stated below, to amend 27 CFR Part 4 relating to labeling and advertising of wine and 27 CFR Part 5 relating to labeling and advertising of distilled spirits.

Written data, views, or arguments relevant and material to these proposals may be submitted in duplicate for incorporation into the record of hearing (1) by mailing the same to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., provided they are received prior to the termination of the hearing, or (2) by presenting the same at the said hearing. At the conclusion of the hearing a reasonable opportunity will be afforded interested parties for examination of the record and for the submission of briefs.

SUBSTANCE OF PROPOSALS

1. To amend § 4.45 of 27 CFR Part 4 by redesignating that section as § 4.45(a) and adding a new paragraph reading substantially as follows:

(b) Notwithstanding the requirements of paragraph (a) of this section and of subparagraph (3) of § 4.39(b), imported wine may be withdrawn from customs custody without the immediate presentation of the prescribed certificate of origin or of vintage year if a bond in a penal sum equal to the value of the merchandise plus customs duty and internal revenue tax is given by the importer to the collector of customs at the port of entry, conditioned upon the production of such certificate within 90 days from the date of entry of the wine covered thereby. All bonds furnished under the provisions of this paragraph shall contain a proviso that if the required certificate is not produced there will be no mitigation of the penalty regardless of the circumstances alleged to have caused such failure.

2. To amend § 5.20 of 27 CFR Part 5 by deleting the last sentence thereof reading: "Nothing contained in these standards of identity shall be construed as authorizing the nonindustrial use of any distilled spirits produced in an industrial alcohol plant, except that 'alcohol' or 'neutral spirits,' as defined in this part, may be so used if produced pursuant to the basic permit requirements of the Federal Alcohol Administration Act."

3. To amend the first paragraph of § 5.21(b) of 27 CFR Part 5 and subparagraph (2) thereof, by deleting from each the phrase "and withdrawn from the distillery at not more than 110° and not less than 80° proof, whether or not such proof is further reduced prior to bottling to not less than 80° proof" and inserting in lieu thereof wording substantially as follows: "entered for storage in wooden containers of the appropriate type at not more than 125° proof and bottled at not less than 80° proof".

4. To amend § 5.32(b) of 27 CFR Part 5 by adding a new subparagraph reading substantially as follows:

(4) In the case of distilled spirits imported in bottles, which were bottled in a foreign country other than the country of origin, the name and address of the bottler or the place where bottled in accordance with § 5.35.

and

To amend § 5.35(b)(1) by adding a new sentence at the end thereof reading substantially as follows: "On labels of distilled spirits imported in bottles, which were bottled in a foreign country other than the country of origin, there shall also be stated the phrase 'bottled in -------', the blank to be filled in with the name of the country where bottled, or the name of the bottler preceded by the words 'bottled by' and followed by the address of the place where bottled".

5. To amend § 5.46 of 27 CFR Part 5 by adding at the end thereof a new paragraph reading substantially as follows:

(f) Notwithstanding the requirements of paragraphs (a) through (e) of this section, distilled spirits in bottles may be withdrawn from customs custody without the immediate presentation of the prescribed certificate of origin or of age and origin if a bond in a penal sum equal to the value of the merchandise plus customs duty and internal revenue tax is given by the importer to the collector of customs at the port of entry, conditioned upon the production of such certificate within 90 days from the date of entry of the distilled spirits covered thereby. All bonds furnished under the provisions of this paragraph shall contain a proviso that if the required certificate is not produced there will be no mitigation of the penalty regardless of the circumstances alleged to have caused such failure."

[SEAL] DWIGHT E. AVIS,
Director, Alcohol and Tobacco Tax Division, Internal Revenue Service.

[F.R. Doc. 62-995; Filed, Jan. 26, 1962; 10:17 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1131]

[Docket No. AO-271-A5]

MILK IN CENTRAL ARIZONA MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Ramada Inn, 3825 East Van Buren Avenue, Phoenix, Ariz., beginning at 10:00 a.m., local time, on February 14, 1962, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the central Arizona marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Federated Producers Association of Phoenix, Ariz.:

Proposal No. 1. Amend § 1131.6 to enlarge the marketing area to include the counties of Yavapai, Coconino, Navajo, Apache, and Gila, all in the State of Arizona.

Proposed by the Carnation Company of Los Angeles, Calif.:

Proposal No. 2. Expand the marketing area definition to include Yavapai, Mojave, Coconino, Gila, Navajo, and Santa Cruz Counties.

Proposed by the United Dairymen of Arizona:

Proposal No. 3. Delete § 1131.11 and substitute the following:

§ 1131.11 **Producer-handler.**

"Producer-handler" means any person who is both a dairy farmer and the operator of a plant from which fluid milk products are disposed of on routes in the marketing area, but who receives no milk from other dairy farmers or from any source other than a pool plant and who does not receive from pool plants an amount representing more than 5 percent of his total Class I utilization for the month: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled (other than that received from pool plants) is the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (b) the operation of such plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

Proposed by the Federated Producers Association of Phoenix, Ariz.:

Proposal No. 4. Delete § 1131.11 and substitute the following:

§ 1131.11 **Producer-handler.**

"Producer-handler" means any person who:

(a) Produces milk and operates a distributing plant; providing that such person provides satisfactory proof to the market administrator and, (1) the maintenance, care, and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled (other than that received from pool plants) is the personal enterprise and at the personal risk of such person in his capacity as a producer; and that the operation of such distributing plant and retail or wholesale outlets are the personal enterprise and at the personal risk of such person in his capacity as a producer-handler;

(b) Receives no milk from other producers;

(c) Disposes of no other source milk as Class I;

(d) Receives from pool plants an amount of milk equal to not more than five percent of his own production; and

(e) Whose Class I sales do not exceed 1,000 gallons of fluid milk daily.

Proposed by the United Dairymen of Arizona:

Proposal No. 5. Amend § 1131.22(k) to provide for the announcement of a price f.o.b. Phoenix rather than Tucson.

Proposal No. 6. In § 1131.41 provide a new Class II as all skim milk and butterfat used in the production of cottage cheese and change the present Class II designation to Class III, with skim milk and butterfat used in the production of cottage cheese being deleted from that classification.

Proposed by Beatrice Foods Company of Chicago, Ill.:

Proposal No. 7. Amend § 1131.41(b) by adding subparagraphs (4) and (5):

(4) Skim milk represented by nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk product prior to such addition;

(5) Skim milk and butterfat in fluid milk products disposed of in bulk to commercial food establishments such as bakeries, candy manufacturers or other commercial food processing plants;

Renumber present subparagraph (4) as subparagraph (6).

Proposal No. 8. Amend § 1131.44 "Computation of skim milk and butterfat in each class" by deleting the proviso relative to accounting for nonfat milk solids in concentrated form on a milk equivalent basis and make such other conforming changes as are necessary in other sections of the order so that such accounting shall be made on an actual weight basis.

Proposed by the Borden Company of Phoenix, Ariz.:

Proposal No. 9. Amend § 1131.44 in respect to the proviso so that the net accounting for skim milk by the handler is based on the weight of the product disposed of rather than an amount equivalent to the nonfat milk solids, plus all the water originally associated with such solids. This can be accomplished by eliminating the language contained in the proviso, or classifying in § 1131.41 the water originally associated with nonfat milk solids as Class II milk and consider such milk as receipts of other source milk.

Proposed by the United Dairymen of Arizona:

Proposal No. 10. Add as § 1131.50(c) the following:

(c) The average of the prices reported to have been paid for manufacturing milk at plants included in the listing by the Department and known as the Minnesota-Wisconsin manufacturing price series: *Provided*, That such price shall be adjusted from an average test basis to a 3.8 percent basis by the use of a direct ratio butterfat differential.

Proposal No. 11. Amend § 1131.51 as follows:

A. In § 1131.51(a) change present $2.75 to $2.65.

B. Substitute in § 1131.51(a)(2)(iii) the following standard utilization table:

Month for which price applies	Months used in computation	Standard utilization percentages	
		Minimum	Maximum
January	October-November	113	120
February	November-December	115	122
March	December-January	116	123
April	January-February	116	123
May	February-March	117	124
June	March-April	117	124
July	April-May	118	125
August	May-June	118	125
September	June-July	116	123
October	July-August	114	121
November	August-September	113	120
December	September-October	113	120

In § 1131.51(a)(3), change one cent each time it appears to one-half cent.

Proposed by the Federated Producers Association of Phoenix, Ariz.:

Proposal No. 12. Amend § 1131.51 as follows:

A. Insert between the words "decreased" and "by" in the fourth line of paragraph (a) "during the months of October through June".

B. Delete § 1131.51(a)(1) and substitute therefor:

(1) Divide the total gross volume of Class I milk (excluding inter-handler transfers that would result in the same milk being accounted for a second time as Class I milk) for the second and third months preceding (excluding Class I sales from another Federal order market) by the total producer production for the same months (excluding the Class I sales pounds from another Federal order market), and adjust to the nearest percentage point. The resulting percentage shall be known as the "Class I utilization percentage."

C. Delete § 1131.51(a)(2)(i), (ii), and (iii) and substitute therefor the following:

(i) If the Class I utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero,

(ii) Any amount by which the Class I utilization percentage is less than the minimum standard percentage specified below is a "minus net deviation percentage", and

(iii) Any amount by which the Class I utilization percentage exceeds the maximum standard utilization percentage specified below is the "plus net deviation percentage".

Months for which price applies	Months used in computation	Standard utilization percentages	
		Minimum	Maximum
January	October-November	81	85
February	November-December	82	86
March	December-January	82	86
April	January-February	80	84
May	February-March	80	84
June	March-April	76	80
October	May-June	75	79
November	June-July	78	82
December	July-October	79	83

D. In § 1131.51(a)(3) change the word "increased" in the second line to "decreased" and the word "decreased" in the fourth line to "increased".

Proposed by the United Dairymen of Arizona:

Proposal No. 13. In § 1131.51(b) following "pursuant to § 1131.50(b)" add the words "plus 20 cents".

Proposal No. 14. In § 1131.51 add the following paragraph (c):

(c) *Class III milk price.* The Class III milk price shall be the butter powder price computed pursuant to § 1131.50(b).

Proposed by the Beatrice Foods Company of Chicago, Ill.:

Proposal No. 15. In § 1131.50(a) delete the words "and multiply by 3.8" and in § 1131.50(b)(1), § 1131.52, and § 1131.72, delete the figure "3.8" and substitute "3.5".

Proposed by the United Dairymen of Arizona:

Proposal No. 16. In § 1131.52(a) delete the number "0.135" and substitute the number "0.130".

Proposal No. 17. In § 1131.52 add the following paragraph (c):

(c) *Class III price.* Multiply the Chicago butter price for the current month by 0.115.

Proposal No. 18. Delete § 1131.72 and substitute the following:

§ 1131.72 Butterfat differential to producers.

The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.8 percent, respectively, at the rate determined by multiplying the Chicago butter price by 0.130 and rounding to the nearest even tenth of a cent.

Proposed by the Federated Producers Association of Phoenix, Ariz.:

Proposal No. 19. In § 1131.53 change last sentence to read "For each additional 10 miles or fraction thereof an additional 0.5 (½) cent."

Proposed by the United Dairymen of Arizona:

Proposal No. 20. In § 1131.41(b)(4)(v) change the words "other milk plants" to read "other pool plants".

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 21. Clarify § 1131.61 by deleting the reference to "nonpool plant" in the introductory paragraph and substitute "exempt plant". In § 1131.61(a) delete the word "pool" which precedes "plant".

Proposal No. 22. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Mr. Wilson M. Haverfield, 2617 North 24th Street, Phoenix 8, Ariz., or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on January 24, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-949; Filed, Jan. 26, 1962; 8:50 a.m.]

[9 CFR Part 301]

[Dockets Nos. AO 336 RO 1, AO 337 RO 1]

TURKEY HATCHING EGGS AND TURKEYS

Amendment to Notice Reopening Hearing on Proposed Marketing Agreements and Proposed Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the amendment of the Notice of Reopening of the Hearing on Proposed Marketing Agreements and Orders Relating to Turkey Hatching Eggs and Turkeys which was published in the FEDERAL REGISTER on January 18, 1962 (27 F.R. 518). Such notice is hereby amended to extend the days of hearing from January 29 through January 31, 1962 to January 29 through February 1, 1962.

Copies of this notice amending the notice of reopening of the hearing may be obtained from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may there be inspected.

Dated: January 25, 1962.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-981; Filed, Jan. 26, 1962; 9:19 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 120, 121]

PESTICIDE RESIDUES; FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition has been filed by Hercules Powder Company, Wilmington 99, Del., proposing the establishment of pesticide tolerances of 4.9 parts per million for residues of 2,3-*p*-dioxanedithiol-*S,S*-bis(*O,O*-diethyl phosphorodithioate) in or on apples, crabapples, pears, and quinces.

The petition also proposes the issuance of a regulation to provide a food additive tolerance of 21 parts per million for residues of this pesticide chemical in dried apple pomace resulting from carryover and concentration of residues in this feed item processed from such apples.

The analytical method proposed in the petition for determining residues of 2,3-*p*-dioxanedithiol-*S,S*-bis(*O,O*-diethyl phosphorodithioate) is the method of C. L. Dunn reported in the Journal of Agricultural and Food Chemistry, Volume 6, pages 203–209 (March 1958).

Dated: January 22, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-930; Filed, Jan. 26, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 61-NY-51]

FEDERAL AIRWAY

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.1508 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1508 extends in part as a common airway segment with VOR Federal airway No. 1510 from the Selinsgrove, Pa., VOR to the Monmouth, N.J., intersection (intersection of the Yardley, Pa., VOR 098° and the Coyle, N.J., VOR 032° True radials). The Federal Aviation Agency has under consideration the realignment of Victor 1508 from the Selinsgrove VOR as a 10-mile wide airway to the intersection of the Selinsgrove VOR 103° and the Allentown, Pa., VOR 248° True radials; thence 12-mile wide airway to the intersection of the Selinsgrove VOR 103° and the Allentown VOR 223° True radials; thence 14-mile wide airway to the intersection of the Selinsgrove VOR 103° and the Allentown VOR 188° True radials at which point it would terminate. This realignment of Victor 1508 would provide a route east of the Selinsgrove VOR which would overlie low altitude VOR Federal airway No. 30 to the Coopersburg, Pa., intersection. This route would be utilized for the transitioning of high and intermediate altitude air traffic destined to land at Newark, N.J. The airway width reductions would provide separation from intermediate altitude VOR Federal airways Nos. 1510, 1514, 1516, and 1522.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 22, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-906; Filed, Jan. 26, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-FW-36]

CONTROLLED AIRSPACE

Proposed Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2081 of the regulations of the Administrator, the substance of which is stated below.

The Jacksonville, N.C., control zone is presently designated within a 3-mile radius of the New River MCAF, Jacksonville, N.C., and within 2 miles either side of a 226° True bearing extending from the New River MCAF to 12 miles southwest, excluding the portion within Restricted Area R-5306C.

The Federal Aviation Agency has under consideration the alteration of the Jacksonville control zone by designating a control zone extension to the northeast within 2 miles either side of the 046° True bearing from the New River radio beacon extending from the 3-mile radius zone to 12 miles northeast of the radio beacon. This would provide protection for aircraft executing the prescribed instrument approach procedure based on the 046° True bearing from the New River radio beacon. It is also proposed to redesignate the southwest control zone extension by basing it on the New River radio beacon in lieu of the New River MCAF to correctly identify the navigational facility used for ADF approach procedures at the New River MCAF.

If these actions are taken the Jacksonville, N.C., control zone would be redesignated within a 3-mile radius of the New River MCAF (latitude 34°42'25" N., longitude 77°26'35" W.), within 2 miles either side of the 046° and 226° True bearings from the New River radio beacon (latitude 34°43'18" N., longitude 77°25'48" W.) extending from the 3-mile radius zone to 12 miles northeast and southwest of the radio beacon, excluding the portion which would coincide with R-5306C. The portion of this control zone which would coincide with R-5307 would be used only after obtaining prior approval from appropriate authority.

After implementation of Amendment 60-21 to Civil Air Regulations, Part 60, Air Traffic Rules, further alteration of the Jacksonville control zone may be required. If this is necessary, a new proposal concerning the control zone will be initiated after completion of coordination and resolution of terminal procedures.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street NW., Atlanta 3, Ga. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 23, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-904; Filed, Jan. 26, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-WA-212]

CONTROLLED AIRSPACE

Proposed Alteration of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1065 of the regulations of the Administrator, the substance of which is stated below.

On January 11, 1962, new aircraft holding pattern procedures were implemented within the continental limits of the United States and in areas beyond such limits where adequate controlled airspace was currently established. Procedures requiring the designation of additional controlled airspace beyond the continental limits will be implemented upon completion of the processing of appropriate amendments to the regulations of the Administrator. These procedures were developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment and provide for the containment of aircraft holding manuevers within the holding pattern areas designed for such operation. However, a number of these holding pattern areas require the designation of additional controlled airspace to encompass the increased dimensions of such areas. The pilot then need only adhere to the standardized operating procedures to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the New Orleans, La., Air Route Traffic Control Center area, the FAA is considering the following airspace action:

The Biloxi, Miss., control area extension (§ 601.1065) would be redesignated within a 25-mile radius of the Keesler AFB radio beacon, including the airspace bounded on the east by longitude 88°30'00" W., on the southeast and south by a line 15 miles south of and parallel to low altitude VOR Federal airway No. 22, on the west by longitude 89°10'00" W., and on the north by the Biloxi control area extension 25-mile radius area, excluding the portion which would coincide with the Gulfport, Miss., Warning Area (W-453). This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Dog Intersection (intersection of the Gulfport VOR 173° and the New Orleans, La., VORTAC 085° True radials).

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60-21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in this instance. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert this control area extension to a transition area with an appropriate controlled airspace floor assignment.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street NW., Atlanta 3, Ga. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

(Secs. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on January 23, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-905; Filed, Jan. 26, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-FW-72]

CONTROLLED AIRSPACE

Alteration of Proposed Designation of Transition Area

In a notice of proposed rule making published in the FEDERAL REGISTER on September 22, 1961 (26 F.R. 8951), it was stated that the Federal Aviation Agency proposed to designate a transition area at Meridian (NAAS Meridian), Miss.

Subsequent to the publication of the notice, the Department of the Navy requested that additional airspace west northwest of NAAS Meridian be included within the proposed transition area for the protection of aircraft executing instrument approach and departure procedures in this area.

Accordingly, the notice is hereby amended to propose that the Meridian (NAAS Meridian) transition area be designated to extend upward from 1,200 feet above the surface within the airspace west and north of the Meridian NAAS bounded by a line beginning at latitude 32°47'00" N., longitude 89°30'00" W.; to latitude 32°50'00" N., longitude 89°21'00" W.; to latitude 32°41'30" N., longitude 88°44'00" W.; to latitude 33°03'00" N., longitude 88°57'40" W.; to latitude 33°05'40" N., longitude 88°52'40" W.; thence east along a 45-mile radius arc centered at the Columbus AFB latitude 33°38'35" N., longitude 88°26'40" W., Columbus, Miss., to the north boundary of VOR Federal airway No. 18 north alternate; thence via the north boundary of VOR Federal airway No. 18 north to the point of beginning, excluding the portion which would coincide with the Meridian control area extension (§ 601.1018); and within the airspace southeast of the Meridian NAAS bounded on the north by VOR Federal airway No. 18, on the east by VOR Federal airway No. 209, and on the south by VOR Federal airway No. 154.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views, or arguments, the date for filing such material will be extended to February 23, 1962.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 60-FW-72 is extended to February 23, 1962. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street NW., Atlanta 3, Ga..

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; U.S.C. 1348).

Issued in Washington, D.C., on January 22, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-907; Filed, Jan. 26, 1962; 8:45 a.m.]

[14 CFR Parts 601, 608]

[Airspace Docket No. 61-FW-103]

CONTROLLED AIRSPACE AND SPECIAL USE AIRSPACE

Proposed Alteration of Restricted Area and Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 608.51 and 601.1399 of the regulations of the Administrator, the substance of which is stated below.

The Melrose, N. Mex., Restricted Area R-5104 is designated from the surface to 23,000 feet MSL during the period from sunrise to sunset, daily. The Melrose, N. Mex., Restricted Area R-5105 is designated from the surface to 14,000 feet MSL during the period from sunrise to sunset, daily. The description of R-5105 further states that this restricted area will be used only when the ceiling is more than 3,000 feet and the visibility greater than 5 miles. The Clovis, N. Mex., control area extension is designated within a 30-mile radius of Clovis Air Force Base, excluding the portions which lie within R-185 and R-529. The Clovis AFB has since been named the Cannon AFB and R-185 and R-529 have been renumbered R-5104 and R-5105 respectively.

The Federal Aviation Agency and the Department of the Air Force have agreed to joint use of R-5104 and R-5105. Therefore, it is proposed to designate the Albuquerque, N. Mex., Air Route Traffic Control Center as the controlling agency for R-5104 and R-5105 and to delete the reference to the weather conditions contained in the description of R-5105. It is further proposed to alter the Clovis control area extension to include all of the airspace encompassed within R-5104 and R-5105. These proposed actions would reflect the joint-use status of R-5104 and R-5105, and promote more efficient utilization of the areas by providing additional controlled airspace for flexibility in routing traffic from the west to Cannon AFB and routing traffic departing Cannon AFB to points west and to join VOR Federal airway No. 1536. In addition, these actions will provide controlled airspace to facilitate jet aircraft penetrations to Cannon AFB from points southwest and west. The deletion of the reference to weather conditions in R-5105 will establish a more stable time designation during which planned operations can be more readily accomplished and will promote a more orderly release of the area for air traffic control purposes.

If these actions are taken, the Melrose Restricted Areas R-5104 and R-5105 (§ 608.51) would be amended to read:

R-5104 Melrose, N. Mex.

Boundaries. Beginning at latitude 34°28'-00" N., longitude 103°43'15" W.; to latitude 34°25'25" N., longitude 103°40'00" W.; to latitude 34°10'00" N., longitude 103°40'00" W.; to latitude 34°10'00" N., longitude 103°-55'00" W.; to latitude 34°28'00" N., longitude 103°55'00" W.; to point of beginning.

Designated altitudes. Surface to 23,000 feet MSL.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.

Using agency. Commander, Cannon AFB, N. Mex.

R-5105 Melrose, N. Mex.

Boundaries. Beginning at latitude 34°39'-00" N., longitude 103°55'00" W.; to latitude 34°39'00" N., longitude 103°40'00" W.; to latitude 34°25'25" N., longitude 103°40'00" W.; to latitude 34°28'00" N., longitude 103°-43'15" W.; to latitude 34°28'00" N., longitude 103°55'00" W.; to the point of beginning.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.

Using agency. Commander, Cannon AFB, N. Mex.

The Clovis control area extension (§ 601.1399) would be amended to read:

The airspace within a 30-mile radius of Cannon Air Force Base (latitude 34°23'01" N., longitude 103°18'58" W.) including the airspace west of Cannon AFB bounded on the S by latitude 34°10'00" N., on the W by longitude 103°55'00" W., on the N by latitude 34°39'00" N., and on the E by the arc of the Cannon AFB 30-mile radius circle. The portion of this control area extension within R-5104 and R-5105 shall be used only after obtaining prior approval from appropriate authority.

Implementation of the provisions of Amendment 60-21 to the Civil Air Regulations, Part 60, will be deferred in this area pending an evaluation of the controlled airspace requirements in the vicinity of Cannon AFB. Upon completion of this evaluation, separate airspace action will be initiated to redesignate the Clovis control area extension as a transition area with appropriate floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 23, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-908; Filed, Jan. 26, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14229 etc.; FCC 62-94]

[47 CFR Part 3]

FOSTERING EXPANDED USE OF UHF TELEVISION CHANNELS; AND DEINTERMIXTURE OF CERTAIN CITIES

Memorandum Opinion and Order

In the matter of fostering expanded use of UHF television channels, Docket No. 14229; in the matters of deintermixture of Madison, Wis.; Rockford, Ill.; Hartford, Conn.; Erie, Pa.; Binghamton, N.Y.; Champaign, Ill.; Columbia, S.C.; Montgomery, Ala., Docket Nos. 14239, 14240, 14241, 14242, 14243, 14244, 14245, 14246.

1. The Association of Maximum Service Telecasters (AMST) has filed a "Petition for Additional Required Information" in which it requested further information on the considerations which led to the issuance of the notices of proposed rule making in the above dockets which are concerned with fostering expanded use of the UHF television channels as well as proposals to deintermix certain specified markets. AMST contends that "it is essential that the Commission receive the most meaningful, helpful, thorough and sharply focused comments that can be prepared" and that "the preparation of such comments urgently requires that the Commission supplement in notices of proposed rule making in these proceedings by supplying interested parties with the necessary additional information specified in section II of this petition."[1]

2. The subject notices of proposed rule making were a further step in the progression which looks to developing, under the circumstances, the most advantageous solutions to pressing television allocation problems. Over the years, our inquiries, in which AMST extensively participated, have explored such diverse possibilities as expansion of the VHF space allocated for TV broadcasting, reductions in our present minimum station separations so as to squeeze in more assignments on each VHF channel, a shift of all television broadcasting to the UHF band, selective and area deintermixture, and others. Our study of these choices has compelled us to conclude that to have a truly nationwide television broadcasting system with a reasonable number of local outlets and a choice of national network programs, we must develop the potential of the 70 UHF channels.

3. To achieve this end a multi-pronged assault was suggested which includes deintermixture of certain markets in order to equalize competition between stations in those areas and a modification of some technical requirements to reduce the installation and operating costs of UHF stations. The proposals advanced by the Commission outline the approach which we believe may be used to create a favorable climate in which UHF broadcasting may develop and flourish. We have invited specific and detailed comments on the desirability and practicability of implementing the general proposals contained in the notice of proposed rule making in Docket 14229 and believe that meaningful comments can be addressed to these proposals without much of the further data requested by AMST.

4. With respect to the UHF "pool" proposal, AMST requests that we supply channel numbers for the "pool" of channels to be held in reserve to meet the potential needs of educational TV stations and the possible requirements of VHF stations. The specific channels which might ultimately be included in such a "pool" are, as discussed below, not significant at this stage of the proceeding when we are considering the broad outlines of a television allocations structure. The point to be resolved is whether "pool" requirements can be met in the 70 UHF channels and the degree to which they might saturate the UHF band. The table issued with the notice of rule making listed the number of channels that would be required in the "pool" and the places where they are needed on the basis of the current VHF and UHF station structure and the present educational reservations. We also indicated that the specific channels assigned to each city would be supplied subsequently. We have been examining many different allocation arrangements but are not prepared to announce a specific proposal at this time. There are, of course, many approaches to constructing an allocation table and in our notice we referred to a grouping system which appeared to have promise. AMST has asked for details on this plan and we are therefore attaching an Appendix as an example of one group method of assigning channels.

5. Our proposal to abandon the fixed city-by-city allocation table and permit applicants to select the lowest available UHF channel was intended to provide an incentive for the early development of UHF television broadcasting. From the standpoint of providing a television broadcasting service, we are not convinced that the upper UHF channels are significantly inferior technically to the lower UHF channels. We do recognize, however, that technology is more advanced on the low UHF channels than on the high and that in the present state of the art some advantage accrues to a licensee in having a low UHF assignment. In the development of radio technology, history demonstrates that the performance of transmitters, receivers, and antenna systems is at the outset likely to be better on low channels. This disparity will, hopefully, diminish. There is inherent danger in letting an assignment plan develop from actual applications in pursuit of the low channels because applicants may select lowest assignments without proper regard to impact on overall efficiency. Criteria will be needed to guide the selection toward the lowest, reasonably efficient assignment. A city-by-city assignment plan would accomplish this, but runs the risk of miscalculation as to exactly where future demands for channels are likely to arise. The proceedings contemplate the possible development of standards in this area and comments may be fruitfully addressed to these matters.

6. With respect to the deintermixture proposals in Dockets 14239 to 14246, much of the information requested is available in the public records of the Commission and need not be detailed here. In selecting markets for deintermixture, careful consideration was given to the impact of such a change on the general public. In all of the markets selected there are operating UHF stations. American Research Bureau audience surveys indicate substantial UHF reception potential and there is no probative evidence to the contrary. In determining service losses if existing VHF stations were required to shift to UHF channels, we were guided by the field strength charts in our present rules. These are not intended to be used to estimate the service area of an individual station, but they do provide a convenient administrative tool for comparing station coverage on a statistical probability basis. The theoretical service area of the existing VHF station was considered to extend to its Grade B contour selected from the appropriate F (50, 50) field strength chart in our present rules on the basis of the actual effective radiated power and antenna height used. The estimate of the probable UHF service area is more difficult to make. The only "official" field strength charts available are those contained in our present rules, which are the same curves as are used to estimate the Channel 2-6 coverage. There is almost unanimous agreement that these curves are too optimistic. The T.A.S.O. group developed a set of "critical distances" which purported to give the practical service range of UHF television stations derived empirically from field observations of picture quality. In 1956 the Commission issued a set of UHF field strength charts, commonly referred to as "Appendix A". There was no general agreement as to the acceptability of these curves and they were withdrawn. However, field strength measurement data obtained by T.A.S.O. closely approximated the Appendix A curves. In the absence of generally accepted curves, we used the Appendix A curves as a starting point and assumed that the UHF station would employ an effective radiated power of 500 kilowatts from an antenna about 750 feet above average terrain. Such a station was assumed to provide acceptable service for 50 percent of the locations 90 percent of the time out to a distance of approximately 40 miles, which is the highest "critical distance" from T.A.S.O., substantially below the

[1] The Commission also has before it the similar petitions of Gibraltar Enterprises, Inc., licensee of WICU-TV, Erie, Pa., and Midwest Television, Inc., licensee of WCIA, Champaign, Ill.

estimate derived from the F (50, 50) curves of our present rules and slightly below the distance to the Grade B contour shown by the Appendix A curves. The power and antenna height assumptions may be conservative in the case of an existing VHF station required to shift to the UHF band.

7. Our examination of the areas between the computed Grade B contour of an assumed UHF station and the Grade B contour of the existing VHF station showed (based upon ARB audience survey viewing habits) that most of the affected areas were reached by signals from 'other stations. The statistical curves used for estimating the coverage of VHF and UHF stations are intended to show only that within the Grade B contour a signal of sufficient strength to provide an acceptable picture on an average TV receiver employing a conventional roof-top antenna is likely to be available at 50 percent of all of the locations within the contour. It is impossible to determine whether a single community or similar small area inside or outside the Grade B contour will or will not obtain service. It is not unusual to find that a favorably situated community outside the estimated Grade B contour will obtain better service than one of similar size but less favorably situated inside the estimated Grade B contour. In no case does the service suddenly terminate at the Grade B contour. The field strength curves only signify that beyond the Grade B contour it is likely that something less than 50 percent of the locations will receive an adequate signal.

8. Our proposal for deintermixture of certain specified markets, along with the other proposals to modify our rules and procedures for UHF stations are aimed at creating more television service. The markets chosen are comparable in size and economy to other markets having three or more competitive TV stations. It is reasonable to assume that these markets can support three or more equally competitive TV stations. We have proposed to examine deintermixture along with the other proposals as a means of stimulating such development.

9. We have attempted to the best of our ability, in the light of the circumstance that these are early stages of complex explorations, to satisfy the requests for more information. Because some of the requests are addressed to matters not now specifically proposed, as in Item 9, are fruitlessly contentious, such as Item 10, or seek information, as in Item 11, which is readily available in our public files, we have not here dealt with these. One of the principal reasons for not specifying in our notice the kind of data requested was for the very purpose of inviting unrestricted comment. We have herein supplied some of the requested material but we do not desire that responses to our notice be inhibited by any figures the Commission may have used in its preliminary studies.

10. To the extent that the data requested is supplied by this document or is available in the public records of the Commission the subject requests are granted, in all other respects they are denied.

Adopted: January 17, 1962.

Released: January 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

APPENDIX

The maximum efficiency in the use of the 70 UHF channels can be achieved only by maintaining the average separation of all assignments on any given channel as close as possible to the prescribed minimum co-channel separation. The random distribution of cities as well as the impact of the "taboo channels" makes this difficult.

A pre-planned assignment table is one way of meeting this specific problem. However, this necessitates anticipation of the number and location of the channels. The alternate approach, which we are exploring in this proceeding, is to allow the assignment structure to develop as demand arises. This later approach can lead to devastating inefficiencies unless some guidance can be provided.

As set forth in the original notice of proposed rule making, we are studying the possibility of grouping UHF channels in a manner that will automatically lead to the selection of the most efficient channel for any given city. Under our present rules every sixth channel may be assigned to any single city if it otherwise meets the co-channel and "taboo channel" spacings. If the maximum number of 12 channels is assigned to any single city, there are only 4 other channels which may be assigned to other communities between 20 and 55 miles from this city. It is possible to reduce the total number of assignments available to a single city from 12 to 10 and rearrange these assignments into a certain pattern to increase the available number of channels between 20 and 55 miles from 4 to at least 15. One such grouping arrangement is shown below:

Group A: 16, 22, 32, 38, 44, 50, 60, 66, 72, 78.

Group B: 14, 20, 26, 28, 34, 40, 42, 48, 54, 56, 62, 68, 74, 76, 82.

The efficacy of a plan to make assignments in particular areas from specific groups of channels will probably require the establishment of a somewhat flexible grid by designating certain key cities or areas in which particular groups may be used.

[F.R. Doc. 62-947; Filed, Jan. 26, 1962; 8:50 a.m.]

[47 CFR Part 3]

[Docket No. 14229 etc.; FCC 62-96]

FOSTERING EXPANDED USE OF UHF TELEVISION CHANNELS; DEINTERMIXTURE OF CERTAIN CITIES; ASSIGNMENT OF ADDITIONAL VHF CHANNELS

Order Extending Time for Filing Comments and Reply Comments

In the matter of fostering expanded use of UHF television channels, Docket No. 14229; in the matters of deintermixture of Madison, Wis.; Rockford, Ill.; Hartford, Conn.; Erie, Pa.; Binghamton, N.Y.; Champaign, Ill.; Columbia, S.C.; Montgomery, Ala., Docket Nos. 14239, 14240, 14241, 14242, 14243, 14244, 14245, 14246; in the matters of assignment of an additional VHF channel to Oklahoma City, Okla.; Johnstown, Pa.; Baton Rouge, La.; Dayton, Ohio; Jacksonville, Fla.; Birmingham, Ala.; Knoxville, Tenn.; Charlotte, N.C., Docket Nos. 14231, 14232, 14233, 14234, 14235, 14236, 14237, 14238.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 19th day of January 1962.

In a Memorandum Opinion and Order adopted January 17, 1962, the Commission in response to a petition from the Association of Maximum Service Telecasters supplied additional information in connection with the notices of proposed rule making in the above dockets which are concerned with the fostering of expanded use of the UHF television channels, proposals to deintermix certain specified markets, and the assignment of additional VHF channels to other markets. The furnishing of additional information may, in some cases, necessitate more time for parties to prepare comments in these proceedings. A number of informal requests have already been received requesting extension of time.

For this and other circumstances which have been urged as a basis for deferring the dates, the Commission is of the opinion that a reasonable extension of time should be allowed.

Accordingly, it is ordered, That the time for filing comments and reply comments in these proceedings is extended to February 19, 1962, and March 23, 1962.

Released: January 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-948; Filed, Jan. 26, 1962; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

PROPOSED CITIZENS NATIONAL BANK OF HOLDENVILLE, OKLA.

Notice of Hearing

A hearing will be held at the request of the organizers of the proposed Citizens National Bank of Holdenville, Holdenville, Oklahoma, relative to the application to organize a new national banking association in Holdenville, Oklahoma.

The hearing will be held on February 16, 1962, at 9:30 a.m., in Room 4119, Main Treasury Building, Washington, D.C.

All persons desiring to testify should notify the Comptroller of the Currency by February 12, 1962.

Dated: January 23, 1962.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62-929; Filed, Jan. 26, 1962; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181.1, the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the lists previously published under the Act (27 F.R. 18 and 592) for December and represents those establishments and species which were reported too late to be included in the earlier lists or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier lists were based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AD	(*)	(*)				
Do.	2C	(*)	(*)	(*)		(*)	
Do.	2F	(*)	(*)	(*)	(*)		
Swift and Co.	3B	(*)	(*)	(*)		(*)	
Do.	3CC	(*)		(*)			
Do.	3F	(*)	(*)	(*)	(*)	(*)	
Do.	3S						
Do.	3Z	(*)	(*)				
Hygrade Food Products Corp.	12C	(*)	(*)			(*)	
Mickelberrys Food Products Co.	16					(*)	
John Morrell and Co.	17	(*)				(*)	
Do.	17A	(*)				(*)	
Glover Packing Co.	60A	(*)	(*)	(*)	(*)	(*)	
Swift and Co.	104	(*)	(*)	(*)	(*)	(*)	
Peyton Packing Co., Inc.	126	(*)		(*)		(*)	
Joel E. Harrell and Son, Inc.	162	(*)					
Swift and Co.	166A	(*)	(*)	(*)	(*)		
The Rath Packing Co.	186C	(*)		(*)		(*)	
Seattle Packing Co.	191	(*)					
Krey Packing Co.	192	(*)		(*)	(*)	(*)	
Hynes Packing Co.	197	(*)					
Geo. A. Hormel and Co.	199I					(*)	
Cudahy Packing Co.	202	(*)					
Fred Dold and Sons Packing Co.	214						
Gwaltney, Inc.	221A					(*)	
Armour and Co.	222	(*)				(*)	
Hygrade Food Products Corp.	224	(*)					
P.D. and J. Meats	240	(*)	(*)				
Greenwood Packing Plant	242	(*)		(*)			
John Morrell and Co.	246	(*)				(*)	
Swift and Co.	249	(*)				(*)	
Balentine Packing Co., Inc.	258	(*)	(*)				
Western Packing Co.	288	(*)					
Commercial Packing Co., Inc.	302	(*)					
Union Packing Co.	305A	(*)					
Star Packing Co.	306	(*)					
Frisco Packing Co.	327	(*)					
Royal Packing Co.	331	(*)					
Great Western Packing Co., Inc.	334	(*)					
Nobles Independent Meat Co.	335	(*)	(*)	(*)			
Des Moines Packing Co.	340	(*)					
Samuels E. Tex Packing Co.	353	(*)					
Fresno Meat Packing Co.	354		(*)				
Hell Packing Co.	357					(*)	
Smithfield Packing Co., Inc.	382					(*)	
Roth Packing Co.	394	(*)					
Neuhoff Bros.	406	(*)	(*)			(*)	
The Lundy Packing Co.	413					(*)	
E. W. Knaip Inc. of Iowa	422	(*)					
East Tennessee Packing Co.	487	(*)	(*)			(*)	
Goldring Packing Co., Inc.	490	(*)		(*)			
Gruensfelder Packing Co.	508	(*)	(*)	(*)			
Rosenthal Packing Co., Inc.	535	(*)	(*)	(*)	(*)		
Pride Packing Co., Inc.	549	(*)	(*)				
Salter Packing Co.	551	(*)					
Emery Land Co.	561	(*)					
Texas Meat Packers, Inc.	565	(*)	(*)			(*)	
Harman Packing Co.	596	(*)					
Acme Meat Co., Inc.	618	(*)					
General Meat Co.	632	(*)					
Ebner Bros. Packers	633	(*)	(*)			(*)	
Ziprin Bro. Inc.	635	(*)					
Spencer Packing Co.	648	(*)					
Wm. Schluderberg-T. J. Kurdle Co.	649	(*)	(*)	(*)		(*)	
Quality Meat Packing Co.	661	(*)	(*)				
Glebe Packing Co.	663	(*)					
Union Packing Co.	673	(*)					
Nations Brothers Packing Co.	684	(*)	(*)			(*)	
Pierce Packing Co., Inc.	691	(*)				(*)	
Wilmington Packing Co., Inc.	720					(*)	
Ruchti Bros.	749	(*)	(*)				
Schaake Packing Co., Inc.	761	(*)					
Karler Packing Co.	767	(*)	(*)				
Sheridan Meat Co., Inc.	768	(*)	(*)	(*)		(*)	
Cadwell Martin Meat Co.	773	(*)					
Atlas Packing Co.	775	(*)					
Diamond Meat Co., Inc.	783	(*)	(*)				
Hibbs Packing Co.	825	(*)	(*)				
Reelfoot Packing Co.	840	(*)	(*)			(*)	
Sam McDaniel and Sons, Inc.	859	(*)					
Sierra Meat Co.	862	(*)					
Samuels & Co., Inc.	878	(*)	(*)	(*)			
O'Neil Packing Co.	889	(*)					
Vernon Calhoun Packing Co.	897	(*)	(*)				
E. B. Manning and Son	934	(*)					
Vols Packing Co.	938	(*)					
Greater Omaha Packing Co., Inc.	960	(*)					
Virginia Packing Co., Inc.	963	(*)	(*)	(*)			
T. L. Lay Packing Co.	967	(*)				(*)	
Perlin Packing Co., Inc.	974	(*)	(*)	(*)	(*)		
Armour and Co.	1085	(*)	(*)				
Samuels and Co., Inc.	1313	(*)					
H. and H. Packing Co.	1315	(*)				(*)	

Done at Washington, D.C., this 22d day of January 1962.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62-900; Filed, Jan. 26, 1962; 8:45 a.m.]

Agricultural Stabilization and Conservation Service and Commodity Credit Corporation

GRAINS AND RELATED COMMODITIES

Notice of Final Date for Redemption Under Warehouse-Storage Loans Made Under 1961 Price Support Programs

Unless earlier demand is made by CCC, warehouse-storage loans under 1961 Price Support Programs on the agricultural commodities designated in the table below mature and are due and payable on the dates indicated. Unless on or before the final date for repayment specified below such loans are repaid or the producer notifies the ASC county committee in writing that the funds have been placed in the mail, title to the unredeemed collateral shall immediately vest in CCC without a sale thereof, on the date next succeeding the final date for repayment specified below. This notice applies to all such unredeemed collateral pledged to CCC under warehouse-storage loans, including, in the case of corn or grain sorghums, that quantity which has resulted in a producer receiving price support on a quantity of corn or grain sorghums in excess of the total quantity on which price support may be received under the applicable provisions of 1961 C.C.C. Feed Grain Bulletin A or which would so result if settlement were to be made on the basis of the price support value of the pledged commodity. (Such quantity is hereinafter called "excess commodity.") CCC shall have no obligation to pay for any market value which the unredeemed collateral may have in excess of the loan indebtedness; i.e., the unpaid amount of the note plus interest and charges. Nothing herein shall preclude making payment to a producer of any amount by which the settlement value of the pledged commodity may exceed the principal amount of the loan. Except as to the excess commodity, the settlement value as used herein is the price support value of the pledged commodity determined on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents in accordance with the applicable support rate provided in the Program Bulletin. The settlement value of the excess commodity is the market value as determined by CCC, or the price support value, whichever is the lower. Notwithstanding the foregoing provisions, if the producer has made a fraudulent representation in obtaining the loan, or in settlement or deliveries under the loan, the producer shall remain personally liable for the amounts specified in the Producer's Note and Loan Agreement and in the price support program regulations.

Amounts due the producer will be paid to the producer by the appropriate ASCS county office.

Commodity	Maturity date	Final date for repayment
Barley in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia	Feb. 28, 1962	Feb. 28, 1962
Arizona and California	Mar. 10, 1962	Mar. 12, 1962
In all other States	Apr. 30, 1962	Apr. 30, 1962
Corn—In all States	July 31, 1962	July 31, 1962
Dry Edible Beans—In all States	Apr. 30, 1962	Apr. 30, 1962
Flaxseed in Arizona and California	Jan. 31, 1962	Jan. 31, 1962
In all other States	Mar. 31, 1962	Apr. 2, 1962
Grain Sorghums—In all States	do	Do.
Oats in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia	Feb. 28, 1962	Feb. 28, 1962
In all other States	Apr. 30, 1962	Apr. 30, 1962
Rice—In all States	Apr. 15, 1962	Apr. 16, 1962
Rye in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia	Feb. 28, 1962	Feb. 28, 1962
In all other States	Apr. 30, 1962	Apr. 30, 1962
Soybeans—In all States	May 31, 1962	May 31, 1962
Wheat in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia	Feb. 28, 1962	Feb. 28, 1962
In all other States	Mar. 31, 1962	Apr. 2, 1962

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072, secs. 101, 105, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on January 24, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-941; Filed, Jan. 26, 1962; 8:50 a.m.]

Commodity Credit Corporation

CERTAIN COMMODITY CREDIT CORPORATION ACTIVITIES

Delegation of Authority

General. In order to provide for the execution of certain documents in connection with Commodity Credit Corporation transactions at Agricultural Stabilization and Conservation Service Commodity Offices and the Agricultural Stabilization and Conservation Service Data Processing Center, delegations of authority are provided below, pursuant to authority vested in me by the bylaws of Commodity Credit Corporation.

The authorities herein delegated shall be exercised in conformity with the bylaws, regulations, and programs of Commodity Credit Corporation, and the policies adopted by the Board of Directors of the Corporation.

Delegation—1. *Sight drafts.* The Directors or Acting Directors of the Agricultural Stabilization and Conservation Service Commodity Offices at Cincinnati, Ohio, Dallas, Tex., Evanston, Ill., Kansas City, Mo., Minneapolis, Minn., New Orleans, La., and Portland, Oreg., may sign Commodity Credit Corporation sight drafts issued in disbursement of capital funds of Commodity Credit Corporation. This authority may not be redelegated.

2. *Certificates of interest.* (a) The Director or Acting Director of the Agricultural Stabilization and Conservation Service Commodity Office at New Orleans, La., may sign Commodity Credit Corporation certificates of interest issued to commercial banks participating in the financing of pools of price support commodity loans. This authority may not be redelegated.

(b) The Directors or Acting Directors of the Agricultural Stabilization and Conservation Service Commodity Offices at Dallas, Tex., and Evanston, Ill., the Director or Acting Director of the Agricultural Stabilization and Conservation Service Data Processing Center at Kansas City, Mo., and other employees of such offices, to whom the authority is redelegated in writing by the Director or Acting Director of the respective office, may sign or countersign Commodity Credit Corporation certificates of interest issued to financial institutions participating in the financing of pools of price support commodity loans.

3. *Export payment certificates.* The Directors or Acting Directors of the Agricultural Stabilization and Conservation Service Commodity Offices at Cincinnati, Ohio, Dallas, Tex., Evanston, Ill., Kansas City, Mo., Minneapolis, Minn., New Orleans, La., and Portland, Oreg., and other employees of such offices, to whom the authority is redelegated in writing by the Director or Acting Director of the respective office, may sign Commodity Credit Corporation export payment certificates issued pursuant to any Commodity Credit Corporation regulation or contract providing for issuance of such certificates.

4. *Feed grain certificates.* The Directors or Acting Directors of the Agricultural Stabilization and Conservation Service Commodity Offices at Dallas, Tex., Evanston, Ill., Kansas City, Mo., Minneapolis, Minn., and Portland, Oreg., and other employees of such offices, to whom the authority is redelegated in writing by the Director or Acting Director of the respective office, may sign or countersign Commodity Credit Corporation feed grain certificates issued pursuant to any Commodity Credit Corporation regulation providing for issuance of such certificates.

Redelegations. Redelegations made by Directors or Acting Directors to employees in their respective offices shall remain in full force and effect until revoked by the Director or Acting Director or until the delegate is separated from his position in the office.

Revocation of delegations of authority. Delegations of authority, issued July 2, 1958 (23 F.R. 5216), as amended on August 4, 1959 (24 F.R. 6357), and delegation of authority issued August 24, 1961 (26 F.R. 8119), with respect to signing of Commodity Credit Corporation sight drafts and certificates, are hereby revoked. Redelegations of authority which were issued by the Director or Acting Director of the Agricultural Stabilization and Conservation Service Commodity Office at Kansas City, Mo., pursuant to such delegations in respect to signing or countersigning Commodity Credit Corporation certificates of interest are hereby revoked. All other redelegations of authority which were issued pursuant thereto shall remain in effect until revoked in writing by the Director or Acting Director of the respective office or until the delegate is separated from his position in the office.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b)

Date of signature: January 23, 1962.

Effective date of authority: Date of publication.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-939; Filed, Jan. 26, 1962; 8:49 a.m.]

Office of the Secretary

BENNETT COUNTY, SOUTH DAKOTA

Designation of Counties Within the Great Plains Area of the Ten Great Plains States Where the Great Plains Conservation Program is Specifically Applicable

For the purpose of making contracts based upon the approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115–1117), the following county in the following State is designated as susceptible to serious wind erosion by reason of its soil types, terrain, and climatic and other factors.

SOUTH DAKOTA
Bennett.

Done at Washington, D.C., this 23d day of January 1962.

FRANK J. WELCH,
Assistant Secretary.

[F.R. Doc. 62-925; Filed, Jan. 26, 1962; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

USE OF PUBLIC DOMAIN

Notice of Grazing Fees

JANUARY 24, 1962.

Notice is hereby given that in accordance with Departmental regulations (43 CFR 161.8), the grazing fee to be charged for the use of public domain will continue at 19 cents per animal unit month of forage until June 30, 1962. In computing the charge to be made, the following rates shall apply:

	Cents
1. One cow grazing for one month	19
2. One horse grazing for one month	38
3. One sheep or goat grazing for one month	03.8

No fees will be charged for livestock under six months of age.

This fee is based upon the livestock marketing data furnished by the Agricultural Marketing Service, United States Department of Agriculture, and applies to all grazing use on public domain lands authorized pursuant to section 3 of the Taylor Grazing Act. Twenty-five percent of the total fee collected shall be credited to the range improvement fund.

All billings to June 30, 1962, shall be issued in accordance with the rates prescribed in this notice.

Any subsequent change in the rate for the year 1962 will be published in the FEDERAL REGISTER.

KARL S. LANDSTROM,
Director.

[F.R. Doc. 62-926; Filed, Jan. 26, 1962; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ENRICHED CORN GRITS DEVIATING FROM IDENTITY STANDARD

Notice of Issuance of Temporary Permit to Cover Market Testing

Pursuant to § 3.12(j) of Title 21 of the Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to the Quaker Oats Company, Merchandise Mart Plaza, Chicago, Ill., to cover interstate marketing tests of enriched corn grits that may fail to meet the rinse-resistance requirements of the definition and standard of identity (21 CFR 15.514(a)(3)). This permit expires August 1, 1962.

Dated: January 22, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-916; Filed, Jan. 26, 1962; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[Agency Order 29]

AGENCY HEARING OFFICERS

Establishment, Functions, and Delegations of Authority

1. *Purpose.* This order establishes Hearing Officers in the Office of the Administrator, prescribes the functions of the Hearing Officers, and delegates to the Hearing Officers certain authority of the Administrator.

2. *Establishment.* There are hereby established in the Office of the Administrator, a Chief Hearing Officer and Hearing Officers. Hearing Officers shall, until the designation of the Chief Hearing Officer, report for administrative purposes to the Administrator through the Executive Director of the Agency Regulatory Council.

3. *Functions.* a. Upon request by holders of certificates which the Administrator purposes to amend, modify, suspend, or revoke under section 609 of the Federal Aviation Act, Hearing Officers shall, except in emergency cases, provide a hearing and shall render a decision upon the record thereof.

b. Hearing Officers shall conduct such other public and intra-Agency hearings as the Administrator may direct, and upon the record thereof, shall if so directed, recommend a decision to the Administrator or his delegee, or as authorized, shall make a decision on behalf of the Administrator.

c. The Chief Hearing Officer shall report to the Administrator and shall assign cases, provide administrative direction to, formulate procedures to be followed by, and convey the Administrator's policies to the other Hearing Officers. He shall additionally serve as a Hearing Officer.

4. *Delegation of authority.* In the performance of their functions under this order, the Hearing Officers are hereby delegated:

a. The authority vested in the Administrator by sections 313(c) and 1004 of the Federal Aviation Act of 1958, to administer oaths, take evidence, issue subpoenas, take depositions, and compel testimony.

b. The authority vested in the Administrator by section 609 of the Federal Aviation Act of 1958, to issue an order amending, modifying, suspending, or revoking, in whole or in part, any certificate issued by the Administrator.

In the exercise of this authority, the Hearing Officers shall be subject to policies and procedures established or approved by the Administrator.

5. *Administrative support.* a. Personnel services, payrolling, travel expenses, and the procurement of reporting services for Hearing Officers shall be provided by the Deputy Administrator for Administration.

b. Suitable office space and office services, and motor vehicles as necessary, shall be provided by the Assistant Administrators of the respective regions where the Hearing Officers are officially headquartered.

c. Over-all program, budget, and fiscal planning involved in the Hearing Officer program shall be coordinated by the Chief Hearing Officer.

6. *Effective date.* This order is effective this date.

N. E. HALABY,
Administrator.

JANUARY 17, 1962.

[F.R. Doc. 62-903; Filed, Jan. 26, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14076 etc.; FCC 62M-110]

KENT-RAVENNA BROADCASTING CO. ET AL.

Order Continuing Hearing Conference

In re applications of Kent-Ravenna Broadcasting Co., Kent, Ohio, Docket No. 14076, File No. BP-13749; et al., Group I: Docket Nos. 14079-14084, 14087, 14088; for construction permits.

The Hearing Examiner having under consideration petition filed on January 19, 1962, by Kent-Ravenna Broadcasting Co., requesting postponement of exchange of preliminary engineering exhibits and informal engineering conference;

It appearing that counsel for all parties directly affected by this petition have consented to the extension requested;

It is ordered, This 22d day of January 1962, that the petition is granted; and the dates designated for various procedural steps herein are postponed as follows:

Date of exchange of preliminary engineering exhibits, from Jan. 23, 1962, to Jan. 30, 1962.

Date of informal engineering conference, from Feb. 7, 1962, to Feb. 14, 1962.

Released: January 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-944; Filed, Jan. 26, 1962; 8:50 a.m.]

[Docket No. 14496]

GEORGE A. MORRIS

Order To Show Cause

In the matter of George A. Morris, San Diego, Calif., Docket No. 14496; order to show cause why there should not be revoked the license for radio station WE-6531 aboard the vessel "G.G.I." in the ship radio service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of alleged violations of Title 18, U.S. Code section 1464, in connection with the operation of the captioned station;

It appearing that, on or about August 8, 9, and 10, 1961, the licensee uttered obscene, indecent or profane language by means of the subject radio station, in violation of Title 18, U.S. Code 1464;

It is ordered, This 17th day of January 1962, pursuant to section 312 (a) (6) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the licensee show cause why the license for the captioned radio station should not be revoked and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by Certified Mail (Air Mail)—Return Receipt Requested to the licensee at 4664 North Avenue, San Diego 16, Calif.

Released: January 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-945; Filed, Jan. 26, 1962; 8:50 a.m.]

[Docket Nos. 14493, 14494; FCC 62M-107]

HAYWARD F. SPINKS AND GREENVILLE BROADCASTING CO.

Order Scheduling Hearing

In re applications of Hayward F. Spinks, Hartford, Ky., Docket No. 14493, File No. BP-14291; C. P. Stovall, Sr., and C. P. Stovall, Jr., d/b as Greenville Broadcasting Company, Greenville, Ky., Docket No. 14494, File No. BP-15005; for construction permits.

It is ordered, This 22d day of January 1962, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 21, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, February 23, 1962.

Released: January 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-946; Filed, Jan. 26, 1962; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

DE LA RAMA STEAMSHIP CO., INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 7739-3, between De La Rama Steamship Co., Inc., Swedish East Asia Co., Inc., Ocean Steamship Co., Ltd., and China Mutual Steam Navigation Co., Ltd. (carriers comprising the De La Rama Lines joint service), modifies approved Agreement 7739, as amended, of the parties, which covers a joint passenger and cargo service and pooling arrangement in the trade between U.S. Atlantic, Gulf and Pacific Coast ports, and ports of Japan, Pacific Coast of U.S.S.R., China, Korea, Taiwan, Hong Kong, Indo-China, and Philippine Islands. The purpose of the modification is to change the provisions of the agreement with respect to pooling.

Agreement 8529-A, between Ocean Steamship Co., Ltd., The China Mutual Steam Navigation Co., Inc. (as one party only), and The Swedish East Asia Co., Ltd., is a supplementary agreement to approved joint service Agreement 8529, between the same parties in the trade from U.S. Atlantic and Gulf ports, East Canadian ports, and U.S. and Canada Great Lakes ports, on the one hand, and ports in the Federation of Malaya, Singapore, Thailand, and Indonesia, on the other hand, not including any foreign flag operations between U.S. ports. Agreement 8529-A covers a pooling arrangement of the parties within their present joint service operations under Agreement 8529.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulations, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 24, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-935; Filed, Jan. 26, 1962; 8:49 a.m.]

[Docket No. 969]

ALASKA STEAMSHIP CO.

General Increase in Rates in the Peninsula and Bering Sea Areas of Alaska; Notice of Investigation and of Hearing

On January 15, 1962, the Federal Maritime Commission entered the following order:

It appearing that there have been filed with the Federal Maritime Commission various tariff schedules naming increases in freight rates from, to, and between U.S. Pacific coast ports and ports in Alaska, to become effective January 18, 1962, designated as follows:

Supplement No. 15, Alaska Steamship Company Tariff No. 793, FMC-F No. 89;
Supplement No. 11, Alaska Steamship Company Tariff No. 794, FMC-F No. 90;
Supplement No. 8, Alaska Steamship Company Tariff No. 797, FMC-F No. 93;
Supplement No. 9, Alaska Steamship Company Tariff No. 798, FMC-F No. 94;
Supplement No. 7, Alaska Steamship Company Tariff No. 805, FMC-F No. 98; and
Alaska Steamship Company Tariff No. 825, FMC-F No. 109; and

It further appearing that protests have been received petitioning the Commission to suspend said increases; and

It further appearing that upon consideration of the said schedules, statements in support thereof, and protests made thereto, there is reason to believe that the said schedules, if permitted to become effective, would result in rates, charges, classifications, regulations, tariffs or practices which would be unjust, unreasonable or otherwise unlawful in violation of the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing that the Commission is of the opinion that the new rates, charges, classifications, regulations, tariffs, and practices should be made the subject of a public investigation and hearing to determine whether they are just, reasonable, and otherwise lawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing that the Commission is of the opinion that the effective date of the said schedules should be suspended, pending such investigation;

Now therefore it is ordered, That an investigation be, and it is hereby instituted into and concerning the lawfulness of the rates, fares, charges, rules, classifications, regulations, and practices contained in the said tariff schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That said schedules be, and they are hereby, suspended and that the use of the said schedules be, and it is hereby, deferred to and including May 17, 1962, unless otherwise authorized by the Commission, and that the rates, fares, charges, classifications, rules, regulations, and practices heretofore in effect, and which were to be changed by the suspended schedules, shall remain in effect during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs unless otherwise authorized by the Commission; and

It is further ordered, That (I) there shall be filed immediately with the Commission by the Alaska Steamship Company consecutively numbered supplements to the aforesaid suspended schedules which supplements shall bear no effective date, shall reproduce the portion of this order wherein the suspended schedules are described, and shall state that the aforesaid schedules are suspended and that the rates, charges, classifications, regulations, tariffs, and practices therein stated may not be used until the 18th day of May 1962, unless otherwise authorized by the Commission; and (II) the rates, charges, classifications, regulations, tariffs, and practices hereby deferred may not be changed during the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulations of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner; (II) Alaska Steamship Company, be, and it is hereby, made respondent in this proceeding; (III) a copy of this order shall be forthwith served upon the said respondent and protestants herein; (IV) respondents and protestants be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

Notice is hereby given that the hearing in this proceeding will be held before an examiner of the Commission's Office of Hearing Examiners at a date and place hereafter to be announced. The hearing will be conducted in accordance with the Commission's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

Dated: January 24, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-936; Filed, Jan. 26, 1962; 8:49 a.m.]

[Docket No. 954 (Sub-1)]

ATLANTIC-GULF/PUERTO RICO TRADE

Investigation of Rates and Practices; Notice of Amendment to Second Supplemental Order

On January 15, 1962, the Federal Maritime Commission entered the following amendment to the Second Supplemental Order of the original order in this proceeding dated November 13, 1961.

It appearing that by Second Supplemental Order in Docket No. 954 (Sub-1) dated December 21, 1961, the Commission instituted an investigation into the lawfulness of certain recently filed tariff provisions of A. H. Bull Steamship Co., which provisions resulted in a reduced rate on "Buses" stowed on deck for the carrier's convenience, and of similar currently effective provisions published in the tariff of American Union Transport, Inc.; and

It further appearing that certain changes should be made in said supplemental order;

Now therefore it is ordered, That the Commission's Second Supplemental Order in Docket No. 954 (Sub-1) dated December 21, 1961, be, and it is hereby, amended as follows:

The first ordering clause in said supplemental order, which currently reads:

Now therefore it is ordered, That this proceeding be, and it hereby is, expanded to include, in addition to the matters now under investigation, an investigation of and a hearing concerning, the lawfulness under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended, of Note G and the rate on "Buses, empty, boxed or unboxed", published on seventh revised page No. 81 of A. H. Bull Steamship Co.'s Outward Freight Tariff No. 1, FMB-F No. 1, and of Rule 25 on third revised page No. 11 and the rate on vehicles published on first revised page No. 44 of American Union Transport, Inc.'s, Southbound Freight Tariff No. 6, FMB-F No. 6, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

is hereby deleted and the following paragraph substituted therefor:

Now therefore it is ordered, That this proceeding be, and it hereby is, expanded to include, in addition to the matters now under investigation, an investigation of and a hearing concerning, the lawfulness under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended, of Note G and the rate on "Buses, empty, boxed or unboxed", published on seventh revised page No. 81 of A. H. Bull Steamship Co.'s Outward Freight Tariff No. 1, FMB-F No. 1, and of Rule 25 on third revised page No. 11 and the rate on "Buses, boxed or unboxed" published on first revised page No. 44 of American Union Transport, Inc.'s Southbound Freight Tariff No. 6, FMB-F No. 6, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That said supplemental order, as so modified, remain in full force and effect as issued; and

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulation of the Federal Maritime Commission; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents, protestants, and interveners herein, and that this order be published in the FEDERAL REGISTER.

Dated: January 24, 1962.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-937; Filed, Jan. 26, 1962; 8:49 a.m.]

CIVIL SERVICE COMMISSION

CERTAIN PHARMACOLOGY POSITIONS THROUGHOUT THE UNITED STATES

Notice of Increase in Minimum Rates of Pay

Under the provisions of section 803 of the Classification Act of 1949, as amend-

ed (68 Stat. 1106; 5 U.S.C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for pharmacology positions in all specializations as indicated below. The increases will be effective on the first day of the second pay period which begins after January 29, 1962, and apply to these positions on a nationwide basis.

New minimum rates for pharmacology positions in all specializations have been set as follows:

GS-7 (step g)	$6,345
GS-9 (step g)	7,425
GS-11 (step f)	8,860
GS-12 (step f)	10,255
GS-13 (step f)	11,935
GS-14 (step f)	13,510
GS-15 (step e)	15,030

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-942; Filed, Jan. 26, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18900]

EL PASO NATURAL GAS CO. AND AMERADA PETROLEUM CORP.

Order Granting Motion To Dismiss As to Certain Respondents

JANUARY 22, 1962.

El Paso Natural Gas Co., Complainant-Petitioner v. Amerada Petroleum Corp., et al., Respondents, Docket No. G-18900.

On July 6, 1959, El Paso Natural Gas Company (El Paso) filed herein its complaint and petition for issuance of declaratory order to clarify the rights and liabilities of the parties in this proceeding with respect to spiral escalation and favored-nation provisions in approximately 750 gas-purchase contracts between El Paso and vendors of natural gas subject to the jurisdiction of the Commission.

On January 21, 1960, El Paso filed a motion to dismiss this proceeding with respect to certain of the respondents and to terminate the proceeding against them. El Paso stated in support of said motion, that it had renegotiated gas-purchase contracts with 305 respondents in such manner as to eliminate the contract provisions which constituted the subject matter of its complaint and petition; that in consequence, the relief sought against these respondents had become moot; and that therefore the proceeding should be dismissed and terminated with respect to the aforesaid parties identified in Exhibit "A" of El Paso's motion to dismiss.

On March 14, 1960, the Commission granted the foregoing motion in conjunction with the granting of an additional motion, filed on identical grounds. El Paso styled the latter motion, naming 23 respondents as "First Supplement" to its original motion to dismiss and said order issued herein March 14, 1960, dismissed as to a total of 328 respondents.

Subsequently El Paso filed its Second, Third, Fourth, Fifth, Sixth, and Seventh Supplements to its original motion to dismiss as to named respondents and stated that newly negotiated contracts had rendered the issues of the complaint and petition moot, with respect to the identified respondents. By orders issued herein the Commission granted the above-identified supplementary motions and dismissed as to 139 respondents.

On December 18, 1961, El Paso filed its Eighth Supplementary Motion to dismiss the proceeding against certain of the respondents and appended thereto Exhibit "A" identifying 36 respondents against whom it requests the proceeding be terminated for the same reasons set forth in its original motion filed January 21, 1960, or for reason of improper joinder.

The Commission finds: Under the provisions of the Natural Gas Act and in accordance with the Commission's rules of practice and procedure, good cause exists for granting El Paso's motion to dismiss and terminate this proceeding with respect to those respondents identified in Exhibit "A" to El Paso's "Eighth Supplement" to its motion to dismiss proceeding against certain of the respondents and to terminate the proceeding against them as hereinafter ordered.

The Commission orders: El Paso's motion to dismiss certain of the respondents in this proceeding and to terminate the proceeding against them is hereby granted as to those parties identified in Exhibit "A" to El Paso's "Eighth Supplement" to its above-identified motion, said parties being designated in below.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

1. Bartessa Oil Corp., et al. (successors in interest to Lomax Brothers Production Co.).
2. Welton Becket (successor in interest to Evro Becket).
3. F. G. Blackwood, et al. (successors in interest to John W. Nichols).
4. Jack H. Bryant, Trustee (successor in interest to Hack Drilling Co.).
5. BTA Oil Producers (successor in interest to Carlton Beal & Associates).
6. Champlin Oil & Refining Co.
7. Elliott Production Co. (successor in interest to Edna M. Elliott and Lawrence E. Elliott).
8. Gackle Oil Co. (successor in interest to Clay and Gackle Contracting Co.).
9. I. B. Goodman (successor in interest to Joe H. Goodman, successor in interest to Krupp-Flaherty Oil Corp.).
10. Lamar Hunt, N. B. Hunt, W. H. Hunt (successors in interest to Trinity Production Co.).
11. Kirby Production Co. (1) (successor in interest to Tokian Oil Corp.).
12. Wm. H. Martin, et al.
13. John I. Moore (successor in interest to F. H. McGuigan, Independent Executor of the Estate of P. D. Moore).
(1) Inadvertently listed on Exhibit "A" of the Complaint and Petition, filed on July 6, 1959, as Kirby Oil Co.
14. Grace Majorie Moran Parrish, et al. (successor in interest to E. F. Moran, Inc.).
15. Payne, Ltd.
16. J. W. Peery.
17. Bernard A. Ray (successor in interest to Adams and Ray).
18. A. W. Rutter.
19. Rutter & Co., Ltd.
20. Signal Oil and Gas Co. (successor in interest to Bankline Oil Co.).
21. Socony Mobil Oil Co., Inc. (successor in interest to Raymond F. Kravis and Nafco Oil and Gas, Inc., successors in interest to N. Applemen).
22. Gordon Street, Inc.
23. Sunset International Petroleum Corp. (successor in interest to David G. Baird).
24. Wolfson Oil Co. (successor in interest to J. C. Watson Drilling Co.).
25. Woods Petroleum Corp. (successor in interest to A. M. Woods and Roy G. Woods).
26. Mrs. V. M. Donnelly.
27. Cooperative Refinery Association.
28. Morsn Oil Producing and Drilling Corp.
29. Paula R. Hicks: Weir, et al.
30. Caroline Hunt Trust.
31. Sam G. Dunn.
32. J. H. Elder.
33. Harry P. Hubbard.
34. Sid Richardson Gasoline Co.
35. Kermit Oil Co.
36. Ojai O & G Corp. (1) (successor in interest to Sinclair Prairie Oil Co.).
(1) Inadvertently listed on Exhibit "A" of the Complaint and Petition, filed on July 6, 1959, as Ojai Oil & Gas Corp.

[F.R. Doc. 62-910; Filed, Jan. 26, 1962; 8:46 a.m.]

[Docket No. CP62-102]

NEW YORK STATE NATURAL GAS CORP. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Application and Date of Hearing

JANUARY 22, 1962.

Take notice that on October 19, 1961, New York State Natural Gas Corporation (New York Natural), 2 Gateway Center, Pittsburgh 22, Pennsylvania, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 1612, Shreveport 94, Louisiana, filed in Docket No. CP62-102 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas and the construction and operation of facilities for such exchange, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that New York Natural owns four gas wells in Monroe Township, Bedford County, Pennsylvania, an area in which it has no transmission pipeline of its own. In order to market the gas produced from these wells, New York Natural and Texas Eastern have entered into an exchange agreement dated August 16, 1961, in which New York Natural agrees to construct and operate approximately 7.1 miles of 6-inch pipeline from its Bedford County producing area to a point of connection with Texas Eastern's 20-inch and 24-inch transmission pipelines near Rock Hill Church, approximately three miles west of Mattie, Monroe Township, Bedford County, Pennsylvania, and to construct and operate a measuring station at the connection. New York Natural proposes to deliver the Bedford County production into Texas Eastern's lines at said point up to a maximum of 10,000 Mcf of gas in any 24-hour period unless otherwise agreed upon by the parties. The agreement further provides that Texas Eastern will simultaneously return equivalent daily quantities of gas to New York Natural at an existing interconnection of their respective pipeline systems in Greene County, Pennsylvania; or with prior consent of the parties, deliveries may be made at any other point of connection between their pipeline systems.

New York Natural estimates the total cost of the pipeline and measuring station to be $155,694, which will be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 21, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 12, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-911; Filed, Jan. 26, 1962; 8:46 a.m.]

[Docket No. CP62-81 etc.]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

Notice of Applications and Date of Hearing

JANUARY 22, 1962.

Texas Eastern Transmission Corp., Docket No. CP62-81; Shell Oil Co., Docket No. CI62-255; Sinclair Oil & Gas Co., Docket Nos. CI61-296 and CI62-297.

Take notice that on September 27, 1961, Texas Eastern Transmission Corporation (Texas Eastern), Memorial Professional Building, Houston 1, Texas, filed in Docket No. CP62-81 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 23 miles of 14-inch pipeline, and facilities appurtenant thereto, extending from the Sligo Field, Bossier Parish, Louisiana, to a point of connection with Texas Eastern's existing 24-inch Provident City-Castor pipeline, Red River Parish, Louisiana, to enable Texas Eastern to purchase and receive natural gas produced by Shell Oil Company (Shell) and Sinclair Oil & Gas Company (Sinclair) from the Sligo Field.

Take further notice that on September 5, 1961, in Docket No. CI62-255, and September 14, 1961, in Docket Nos. CI62-296 and CI62-297, Shell, 50 West 50th Street, New York 50, New York, and Sinclair, 10th and Boston Streets, Tulsa, Oklahoma, respectively, filed applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the sale of natural gas from the Sligo Field to Texas Eastern.

The proposals of Texas Eastern, Shell and Sinclair are more fully set forth in their respective applications on file with the Commission and open to public inspection.

Shell and Sinclair will make the proposed sales pursuant to separate gas purchase contracts with Texas Eastern, each dated July 1, 1961. Shell and Sinclair also propose to sell excess gas from the Sligo Field to Texas Eastern pursuant to separate letter agreements, each dated July 1, 1961; the excess sales are for terms of three years from the date of initial delivery. Shell has applied for authorization for both sales in Docket No. CI62-255; Sinclair has applied in Docket No. CI62-296 for authorization to make the sales under the basic contract, and in Docket No. CI62-297 for authorization to make the excess sales.

Texas Eastern will pay 14.75 cents per Mcf at 15.025 psia for excess gas, and 16.4161 cents per Mcf at 15.025 psia for gas purchased under the basic contracts.

The cost of Texas Eastern's proposed project is estimated to be $1,291,000, which cost will be financed from cash on hand or revolving credit with banks.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 27, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 16, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-912; Filed, Jan. 26, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Investigation and Suspension Docket No. M-15032; No. 33862]

ZINC OR ZINC ALLOY PIGS OR SLABS; ST. LOUIS, MO., TO HOLLAND, MICH.

Petition for Suspension and Investigation of Tariff Schedules

JANUARY 24, 1962.

On August 28, 1961, upon consideration of a petition for suspension and investigation of tariff schedules filed by certain motor carriers to reduce to 35,000 pounds the present truckload minimum weight of 36,000 pounds on zinc or zinc alloy pigs or slabs from St. Louis, Mo., to Holland, Mich., and origins and destinations grouped therewith, without changing the truckload rate applicable in connection therewith, the Commission by order in Investigation and Suspension Docket No. M-15032 suspended the operation of the proposed schedules until March 30, 1962, and entered into an investigation regarding the lawfulness thereof, and by order in No. 33862 also entered into an investigation concerning the lawfulness of the present rate and minimum weight on the described traffic.

Evidence in the form of verified statements was presented in I.&S. No. M-15032, but no evidence was presented in No. 33862. The proceedings were referred to a hearing examiner for recommendation of an appropriate order accompanied by the reasons therefor. The recommended report and order of the hearing examiner, recommending that the proposed reduction be found not shown to be just and reasonable; that the present schedules be found not shown to be unlawful, and that the proceedings be discontinued, was served on January 24, 1962. Exceptions to that report may be filed by interested parties within 30 days from that date.

Copies of the recommended report and order may be obtained by any interested person upon request to the Secretary, Interstate Commerce Commission, Washington 25, D.C.

[SEAL] HAROLD D. MCCOY,

[F.R. Doc. 62-914; Filed, Jan. 26, 1962; 8:46 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ISLA FERMANN

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Ilsa Fermann, Store Maehlum Gard, Ringsaker, Norway; Claim No. 60718; Vesting Order No. 16717; $5,104.06 in the Treasury of the United States.

Executed at Washington, D.C., on January 23, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-927; Filed, Jan. 26, 1962; 8:48 a.m.]

ANNE PAUL ADAMA VAN SCHELTEMA ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimants, Claim Nos., Property, and Location

Anne Paul Adama van Scheltema, 18 Teunisbluemaan, Bentveld, Netherlands, and Mrs. Johanna van Lanschot, Mallesingel 57, Utrecht, Netherlands, and Mrs. Mattha Cornelia Brender a Brandis, 1410 Haufaxplace, Burlington, Ontario, Canada; Claim No. 66991; Vesting Order No. 18519; all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18519 (16 F.R. 10101, October 3, 1951) in and to Cities Service Company 5 percent Debenture No. 1946, due January 1, 1966, in the principal amount of $1,000.00.

Executed at Washington, D.C., January 23, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-928; Filed, Jan. 26, 1962; 8:48 a.m.]

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Title 5—ADMINISTRATIVE PERSONNEL

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Labor

Effective upon publication in the FEDERAL REGISTER, subparagraph (14) is added to paragraph (a) of § 6.313 as set out below.

§ 6.313 Department of Labor.

(a) *Office of the Secretary.* • • •

(14) One Confidential Assistant to the Assistant Secretary for International Labor Affairs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-971; Filed, Jan. 29, 1962; 8:47 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Admt. 2]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Aggregate Limitation on Investments and Loans

There was published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10702) a notice of intention to amend, among others, § 107.708 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations as revised in 26 F.R. 8232–8242.

Interested persons were given an opportunity to present their comments or suggestions pertaining thereto to the Investment Division, Small Business Administration, Washington 25, D.C., within a period of twenty-one days of the date of publication of the notice in the FEDERAL REGISTER. After consideration of all such relevant matter as was presented by the interested persons regarding the proposed amendment, the amendment of regulation as so proposed is hereby adopted as set forth below.

Because of the necessity for promptly applying the proposed amendment to the program authorized under the Small Business Investment Act of 1958, as amended, the subject amendment of regulation shall become effective upon publication thereof in the FEDERAL REGISTER.

The regulations Governing Small Business Investment Companies (26 F.R. 8232–8242) is hereby amended by:

1. Deleting the heading of § 107.708 and substituting in lieu thereof "Aggregate limitation on investments and loans"; as amended, the heading reads as follows: § 107.708 Aggregate limitation on investments and loans.

2. Adding a new paragraph (a) to § 107.708 and by lettering the present paragraph under § 107.708 as (b). As amended, § 107.708 reads as follows:

§ 107.708 Aggregate limitation on investments and loans.

(a) Without the prior written approval of SBA, the aggregate amount of funds loaned to, or invested in Equity Securities of, any single small business concern, or for which commitments may be made, shall not exceed twenty percent of the combined paid-in capital and paid-in surplus of any Licensee (including in such Licensee's capital and surplus the outstanding amount of any SBA loans under section 302(a) of the Act) or $500,000, whichever is the lesser. Such $500,000 limitation shall apply only with respect to loans made to and Equity Securities acquired from a small business concern by a Licensee on or after October 3, 1961, but shall not apply with respect to any loans made, or Equity Securities acquired, pursuant to a commitment issued before such date. Furthermore, the $500,000 limitation shall not apply so long as fifty percent (amount invested, disbursed, or committed) of the Equity Securities acquired and loans made by a Licensee after October 3, 1961, meet such $500,000 limitation.

(b) Without the prior written approval of SBA, no more than five Licensees may, by participation or otherwise, provide Equity Capital or long-term loans to any single small business concern unless the total financing involved is $300,000 or less.

Dated: January 24, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-967; Filed, Jan. 29, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR-58; Amdt. 3]

PART 301—RULES OF PRACTICE IN AIR SAFETY PROCEEDINGS

Delegation of Function to Hearing Examiners

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of January 1962.

On September 12, 1961, the Board issued a notice of proposed rule making, PDR-8, Docket 13032 (26 F.R. 8642) proposing various amendments to the Board's rules of practice in Air Safety and Economic Proceedings which would expressly delegate to hearing examiners, under Reorganization Plan No. 3 of 1961, the Board's function of making the agency decision and prescribe appropriate procedures for discretionary review by the Board of Examiners' decisions made pursuant to such delegation.

In response to certain comments concerning the Part 302 phase of this notice, the Board has considerably broadened the permissible grounds upon which petitions for discretionary review may be filed in economic cases in the final regulation (PR-59) simultaneously adopted herewith. Since it appears desirable to apply the same provisions to petitions seeking discretionary review of initial decisions of examiners in safety enforcement cases, § 301.45(c) of the final regulation set forth below has been identically revised.

The notice provided that petitions for reconsideration of Board orders declining review of an initial decision will not be entertained. In response to suggestions that such petitions be permitted, the Board is permitting them but only in instances where the order exercises the Board's right of review in part and limited to the single question of whether any issue designated for review and any issue not so designated are so inseparately interrelated that the former cannot be reviewed independently or that the latter cannot be made effective before the final decision of the Board in the review proceeding § 301.45(e) has been revised accordingly.

Upon the Board's own initiative, § 301.46(a) has been revised to make it clear that review by the Board of the initial decision is committed to its discretion. Thus, the grounds specified in that section merely prescribe the contents of petitions for discretionary review and the Board remains free to decline to exercise its right of review if it believes that review is not required in the public interest. This coresponds to the intent of the Reorganization Plan and is similar to the traditional practice of the United States Supreme Court concerning petitions for writ of certiorari. However, the Board will review any initial decision when two or more members believe such action to be appropriate, irrespective of whether any petition for discretionary review has been filed or whether such petition alleges the prescribed grounds.

The notice of rule making proposed to delegate the Board's function of rendering a decision on the merits of a proceeding. We have revised the final regulation to make it clear that the delegation also encompasses all ancillary procedural issues which have not been decided at the time the record is closed and which have not been appealed to

der § 301.45(a)) or petition for dis-

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the Board in accordance with the requirements of § 301.11(d).

Upon further consideration of the matter, the Board has decided to liberalize the provisions of the notice of rule making which required petitions for discretionary review to be filed within 15 days after service of the initial decision and answers in opposition to be filed within 10 days after service of such petition. Accordingly, the final regulation set forth below extends the time for filing such petitions to 20 days and the time for filing such answers to 15 days. This extension restores the time limits presently in effect for the filing of a perfecting brief on appeal and a brief responsive thereto.

The notice also provided that the initial decision of an examiner made under delegated authority would become the final decision of the Board 30 days after service thereof if no petition for review was filed or if the Board failed to review on its own initiative. The provisions of the notice relating to this matter have been revised to provide for the filing of a notice of intent to petition for discretionary review within 10 days after service of the initial decision and to make the initial decision effective upon the expiration of that period unless, prior thereto, a notice of intent is filed or the Board orders the proceeding reviewed upon its own initiative. This new provision conforms to the presently effective practice whereby initial decisions become effective 10 days after service thereof if no notice of appeal has been filed and has been adopted in order to continue expeditious enforcement of the Civil Air Regulations.

Subparagraph (9) of present § 301.11(b), which authorized the examiners to certify questions to the Board in their discretion, has been deleted in order to reflect the enactment of new § 301.35 which permits the Board to direct the examiners to certify any questions or the entire record in the proceeding to it for decision. The exercise of such discretion by hearing examiners appears inconsistent with the intent of Reorganization Plan No. 3 of 1961 which contemplates that the Board, alone, will determine whether it will review any issues in a proceeding. After careful consideration of various comments which generally seek minor changes in the proposed rule, the Board has decided to reject them because they are either unnecessary or would not be consistent with the public interest and the effective and prompt dispatch of the Board's business. Certain editorial changes in the text of the proposed rule have also been made.

Interested persons have been afforded an opportunity to participate in the formulation of this new regulation, and due consideration has been given to all relevant matter presented.

Since this amendment is not a substantive rule but one of agency procedure, the amendment may be made effective less than 30 days after its publication in the FEDERAL REGISTER.

The Board has decided that this regulation shall be made effective with respect to any formal hearing proceeding governed by Part 301 in which hearings have not actually commenced on or before the effective date of these amendments.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 301 of the Procedural Regulations (14 CFR Part 301) effective February 1, 1962, as follows:

§ 301.1 [Amendment]

1. Amend § 301.1 by inserting two additional definitions to read respectively:

"Initial decision" means the examiner's decision on the substantive and procedural issues remaining for disposition at the close of the hearing in a proceeding, pursuant to delegation of authority under § 301.11(b) of this part, except that this delegation does not apply in cases where the record is certified to the Board, with or without a recommended decision by the examiner. This definition does not include the review of rulings by the examiner on interlocutory matters which have been appealed to the Board in accordance with the requirements of § 301.11(d) and does not apply to the term "initial decision" as used in § 301.50.

"Petition for discretionary review" means a petition to the Board for review of an initial decision made by an examiner pursuant to authority delegated in § 301.11(b).

§ 301.2 [Amendment]

2. Amend § 301.2 by inserting after the first sentence thereof the following sentence: "This part also contains the Board's delegation to hearing examiners pursuant to Reorganization Plan No. 3 of 1961, of the Board's function to render the agency decision, subject to discretionary review by the Board."

3. Amend Part 301 by adding a new § 301.4 thereto to read as follows:

§ 301.4 Effective date of amendments.

Amendments to §§ 301.1, 301.2, 301.11, 301.15, 301.40, 301.45, 301.46, 301.47, 301.48, 301.50, and the addition of a new § 301.35 (27 F.R. 851) shall be effective February 1, 1962, and the procedural changes made by such amendments and addition shall not apply to any proceeding in which the hearing has actually commenced on or before February 1, 1962.

§ 301.11 [Amendment]

4. Amend § 301.11 by deleting subparagraph (9) of paragraph (b) and renumbering subparagraph (10) as subparagraph (9).

5. Amend § 301.11 by redesignating paragraphs (b) through (d) as (c) through (e), respectively; amending the caption of redesignated paragraph (d) to read *"Appeals from examiners' interlocutory rulings"*; and inserting a new paragraph (b) to read:

(b) *Delegation of authority to make the agency decision subject to discretionary review.* Pursuant to the authority conferred on the Board and the Chairman of the Board by Reorganization Plan No. 3 of 1961, 26 F.R. 5989, there is hereby delegated to each hearing examiner assigned to a particular case subject to this part the Board's function of making the agency decision on the substantive and procedural issues remaining for disposition at the close of the hearing in such case, except that this delegation does not apply in cases arising under section 609 of the Act where the Administrator of the Federal Aviation Agency has advised the Board that an emergency exists and that safety in air commerce or air transportation requires the immediate effectiveness of his order appealed from. This delegation does not apply to the review of rulings by the examiners on interlocutory matters which have been appealed to the Board in accordance with the requirements of paragraph (d) of this section.

§ 301.15 [Amendment]

6. Amend § 301.15(b) in part to read:

(b) *Other pleadings, motions or documents.* All other pleadings, motions or documents, including petitions for discretionary review of an examiner's decision under authority delegated in § 301.11(b) of this part, shall be served before filing with the Board, by personal service or certified or registered mail. Service by certified or registered mail shall be complete * * * [remainder unchanged].

7. Add a new § 301.35 to read:

§ 301.35 Certification to the Board.

At any time prior to the close of the hearing, the Board may direct the examiner to certify any question or the entire record in the proceeding to the Board for decision. In cases where the record is certified to the Board, the examiner shall not render an initial decision but shall only recommend to the Board a decision as required by section 8(a) of the Administrative Procedure Act.

§ 301.40 [Amendment]

8. Amend § 301.40(a) to read:

(a) The examiner shall render his initial decision in writing after the close of the hearing. The decision shall recite that it is made under delegated authority, and contain notice of the provisions of § 301.45(a).

9. Amend § 301.40(c) to read as follows:

(c) The initial decision shall be served upon the parties. At any time before the date for filing a petition for discretionary review has passed, the examiner or the Board may, for good cause shown, extend the time within which to file a petition for such review and the examiner may also reopen the case for good cause upon notice to the parties.

10. Delete paragraph (d) of § 301.40.

11. Amend the descriptive caption preceding § 301.45 to read as follows: *"Discretionary Review of Decisions."*

12. Amend § 301.45 to read as follows:

§ 301.45 Procedure on petitions for discretionary review.

(a) *Notice of intent to petition for discretionary review.* Within 10 days after service upon him of an initial decision, a party may petition for review thereof by filing with the Board and serving upon the other parties (pursuant to § 301.15(b)) a notice of intent to petition for discretionary review. Such notice of intent need not specify the portions of the initial decision to which objections are taken nor adduce any supporting reasons therefor. Upon good cause shown, the Board may extend the time for filing a notice of appeal.

(b) *Effect of examiner's initial decision.* Unless a notice of intent to file a petition for discretionary review is filed pursuant to paragraph (a) of this section, or the Board issues an order to review upon its own initiative, the initial decision made by an examiner pursuant to § 301.11(b) shall become effective as the decision of the Board 10 days after service thereof. If such notice and such petition are timely filed or action to review is taken by the Board upon its own initiative, the effectiveness of the examiner's decision is stayed until the further order of the Board.

(c) *Petitions for discretionary review.* (1) Review by the Board pursuant to this section is not a matter of right but of the sound discretion of the Board. Any party to a proceeding subject to this subpart may file and serve a petition for discretionary review by the Board of a decision rendered pursuant to § 301.11(b) within 20 days after service thereof.

(2) Petitions for discretionary review shall be accompanied by proof of service on all parties, shall concisely and plainly state the issues presented for review and shall be filed only upon one or more of the following grounds:

(i) A finding of a material fact is erroneous;

(ii) A necessary legal conclusion is without governing precedent or is a departure from or contrary to law, Board rules, or precedent;

(iii) A substantial and important question of law, policy or discretion is involved; or

(iv) A prejudicial procedural error has occurred.

Petitions for discretionary review shall not exceed 10 pages in length.

(d) *Answer.* Within 15 days after service upon the opposing party of a petition for discretionary review, such party may file in opposition thereto an answer of not more than 10 pages, which shall be served on all parties and accompanied by proof of service.

(e) *Orders declining review.* Board orders declining to exercise the Board's right of review will specify the date upon which the examiner's decision shall become effective as the final decision of the Board. A petition for reconsideration of a Board order declining review will be entertained only when the order exercises, in part, the Board's right of review and such petition shall be limited to the single question of whether any issue designated for review and any issue not so designated are so inseparately interrelated that the former cannot be reviewed independently or that the latter cannot be made effective before the final decision of the Board in the review proceeding.

13. Amend § 301.46 to read as follows:

§ 301.46 Proceedings on review.

(a) *Orders exercising right of review.* The Board will exercise its right of review if it finds that the public interest so requires, or when two or more Board Members vote in favor of such review. An order of the Board providing for review will:

(1) Specify the issues to which review will be limited. Such issues shall constitute one or more of the objections urged in a petition for discretionary review and/or matters which the Board desires to review on its own initiative. Only those issues specified in such order will be considered by the Board.

(2) Specify those portions of the examiner's decision which are to be stayed as well as the effective date of the remaining portions thereof.

(3) Designate the parties to the review proceeding.

(b) *Briefs.* Petitioner's brief on the issues specified in the Board's orders on review shall be filed within 20 days after service of such order. When a party who has filed a petition for discretionary review fails to file a timely brief complying with the requirements of this section, the Board may rescind in whole or in part its order exercising its right of review.

(c) *Contents of briefs.* Each petitioner's brief shall set forth in detail the alleged errors in the initial decision and state the reasons for such objections and the relief requested. Where any objection is based upon evidence of record, such objection need not be considered by the Board if specific record citations to the pertinent evidence are not contained in the brief.

(d) *Answering briefs.* Within 15 days after service of a brief supporting the petition for discretionary review, any other party may file and serve an answering brief. No further briefs may be filed except upon specific leave of the Board granted upon a showing of good cause. Where the answering brief relies upon evidence of record, specific citations thereto shall be made in the brief.

(e) *Number of copies.* Eight copies of briefs shall be filed with the Board. The filing shall be accompanied by proof of service.

(f) *Oral argument.* Oral argument before the Board will normally not be held in proceedings conducted under this part. However, the Board may permit oral argument when it is specifically requested and a need therefor is shown.

14. Delete § 301.47 and insert in lieu thereof a new § 301.47 to read:

§ 301.47 Board decision on review of initial decisions.

The Board will dispose of the issues on review by appropriate order which includes a statement of the reasons for its findings and conclusions. If the Board determines that the examiner erred in any respect or that his order specifying the appropriate sanction or denial thereof should be changed, the Board may make any necessary findings or order in lieu thereof or remand the case for further hearing.

§ 301.48 [Amendment]

15. Amend the second sentence of § 301.48 to read as follows: "Initial decisions which have become final, in the absence of a timely notice of intent (under § 301.45(a)) or petition for discretionary review or because the Board has declined to order review thereof, shall not be deemed orders for this purpose."

§ 301.50 [Amendment]

16. Amend § 301.50 by inserting in paragraph (c), after the words "initial decision" in the second sentence thereof, the clause "(not made under authority delegated by § 301.11(b))."

17. Amend § 301.50(d) to read:

(d) Parties to the proceeding may appeal from an initial decision (not made under authority delegated by § 301.11(b)) as of right by filing with the Board and serving upon the other parties a notice of appeal within two days thereafter. Such notice of appeal need not comply with the requirements prescribed for petitions for discretionary review. Within five days of the notice of appeal, each party shall file one brief with the Board. Such briefs shall comply with the requirements of § 301.46 (c) and (e). The Board will give three days' notice of oral argument, where granted. The Board will not entertain petitions for reconsideration, rehearing, reargument or modification of its order except on the ground that new evidence has been discovered which could not have been discovered before by the exercise of due diligence. The Board, upon its own motion, may raise any issue the resolution of which it deems important to a proper disposition of the proceeding; in such a case a reasonable opportunity shall be afforded to the parties to submit argument thereon.

Effective date of Amendment No. 3. Amendment No. 3 to this part shall be effective February 1, 1962.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 1001, 72 Stat. 788; 49 U.S.C. 1481 and Reorgan. Plan No. 3 of 1961, 26 F.R. 5969)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-974; Filed, Jan. 29, 1962; 8:47 a.m.]

[Reg. No. PR-59, Amdt. 5]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Delegation of Function to Hearing Examiners

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of January 1962.

On September 12, 1961, the Board issued a notice of proposed rule making, PDR-8, Docket 13032 (26 F.R. 8642), proposing various amendments to the Board's rules of practice in Economic Proceedings which would delegate to hearing examiners, under Reorganization Plan No. 3 of 1961, the Board's function of making the agency decision and prescribe appropriate procedures for discretionary review by the Board of examiners' decisions made pursuant to such delegation.

Some of the comments received urged the Board to initially limit the scope of the proposed delegation of function to hearing examiners to routine and simple economic cases and to review its examiners' judgments in any case having a significant impact upon the parties thereto without regard to whether the questions involved are significant to the administration of the Federal Aviation Act. The Board is unable to accept this view concerning the best method of implementing the objectives underlying the enactment of Reorganization Plan No. 3. The major purpose sought to be achieved by the Board's proposed rule is the substitution of certiorari type review procedures which will afford the Board plenary administrative discretion to determine when review is appropriate for the present practice in which the Board gives de novo consideration to each and every issue which any party may elect to raise by exception to an examiner's decision without regard to the substantiality or importance of such issues. The final regulation which the Board has decided to adopt will enable the Board to achieve this major procedural objective by giving it full freedom to review all, or appropriate selected issues, in a proceeding whenever the Board or any two of its Members deem such review to be desirable. Thus, it is apparent that the Board will retain the ultimate decision-making power and can adequately protect the rights of parties to its proceedings against unsound decisions of an examiner acting under delegated authority without limiting the scope of the delegation.

However, in response to the comments urging the Board to review cases which involve economic judgments, particularly those of importance to the carriers, the final regulation broadens the permissible grounds upon which petitions for discretionary review may be filed. The notice of rule making limited the filing of petitions for discretionary review to cases where a finding of material fact was clearly erroneous; a legal conclusion was contrary to precedent; a substantial and important question of policy was involved; or a procedural error was committed. These standards have been liberalized by the deletion of the requirement that an examiner's finding of material facts be "clearly erroneous" so that parties may seek review of any error concerning such facts. The standards concerning review of legal questions have been enlarged to cover unprecedented situations as well as those where the examiner's decision departs from settled precedent. Finally, the standards have been broadened by the express inclusion of substantial and important questions of "law or discretion," in addition to questions of "policy," as grounds for the filing of petitions for discretionary review. Interested persons may now ask the Board to exercise its discretion by reviewing issues which have an important economic impact upon the petitioner although they are not necessarily signicant in the formation of Board policy.

Section 302.28(a)(2) has been revised to make it clear that review by the Board of the initial decision is committed to its discretion. Thus, the grounds specified in that section merely prescribe the contents of petitions for discretionary review and the Board remains free to decline to exercise its right of review if it believes that review is not required in the public interest. This corresponds to the intent of the Reorganization Plan and is similar to the traditional practice of the United States Supreme Court concerning petitions for writ of certiorari. However, the Board will review any initial decision when two or more members believe such action to be appropriate, irrespective of whether any petition for discretionary review has been filed or whether such petition alleges the prescribed grounds.

The notice of rule making proposed to delegate the Board's function of rendering a decision on the merits of a proceeding. We have revised the final regulation to make it clear that the delegation also encompasses all ancillary procedural issues which have not been decided at the time the record is closed and which have not been appealed to the Board in accordance with the requirements of § 302.18.

Several of the commenting parties requested that more time be given to file petitions for discretionary review and answers in opposition thereto. The notice proposed that such petitions and answers be filed within 15 and 10 days respectively after service of the initial decision and the opposing party's petition for review. In response to these comments, the attached final regulation extends the time for filing such petitions to 25 days and the time for filing answers thereto to 15 days. In response to many comments, the provisions of the proposed rule prescribing a maximum length of 10 pages for such petitions and answers have been liberalized by increasing the allowable length of such documents to 15 pages. A provision has also been added whereby a party desiring to answer two or more petitions for review may file a single document of not more than 20 pages in length. In the event that any of these prescribed filing dates or page limitations prove to be inequitable in a particular situation, parties may request the Chief Examiner to exercise his delegated authority by changing such procedural requirements.

The notice provided that petitions for reconsideration of Board orders declining review of an initial decision will not be entertained. In response to suggestions that such petitions be permitted, the Board is permitting them but only in instances where the order exercises the Board's right of review in part and limited to the single question of whether any issue designated for review and any issue not so designated are so inseparably interrelated that the former cannot be reviewed independently or that the latter cannot be made effective before the final decision of the Board in the review proceeding. Section 302.28(c) has been revised accordingly.

Other comments seeking relatively minor changes in the proposed rule have been rejected because the proposals are either unnecessary or would not be consistent with the public interest and the effective and prompt dispatch of the Board's business. Certain editorial changes in the text of the proposed rule have also been made.

Interested persons have been afforded an opportunity to participate in the formulation of this rule, and due consideration has been given to all relevant matter presented.

Since this amendment is not a substantive rule but one of agency procedure, it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

The Board has decided that this regulation shall be made effective with respect to any formal hearing proceeding governed by Part 302 in which hearings have not actually commenced on or before the effective date of these amendments.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 302 of the Procedural Regulations (14 CFR Part 302) effective February 1, 1962, as follows:

§ 302.1 [Amendment]

1. Amend § 302.1(a) by inserting after the first sentence thereof the following text: "This part also contains the Board's delegation to hearing examiners pursuant to Reorganization Plan No. 3 of 1961 of the Board's function to render the agency decision, subject to discretionary review by the Board."

§ 302.22 [Amendment]

2. Amend § 302.22 by deleting subparagraph (9) of paragraph (c) and renumbering subparagraphs (10) and (11) as, respectively, subparagraphs (9) and (10).

3. Amend the last sentence of § 302.22 by changing the words "exceptions to" to read "petitions for discretionary review of."

4. Amend § 302.22 by adding a new paragraph (d) thereto to read as follows:

(d) *Certification to Board for decision.* At any time prior to the close of the hearing, the Board may direct the examiner to certify any question or the entire record in the proceeding to the Board for decision. In cases where the record is thus certified, the examiner shall not render an initial decision but shall recommend a decision to the Board as required by section 8(a) of the Administrative Procedure Act unless, in rule making or determining applications for initial licenses, the Board advises him that it intends to issue a tentative decision.

5. Delete present § 302.27 and insert in lieu thereof a new § 302.27 to read:

§ 302.27 Delegation to examiners and action by examiners after hearing.

(a) *Delegation of authority to make the agency decision subject to discretionary review.* Pursuant to the authority conferred on the Board and the Chairman of the Board by Reorganization Plan No. 3 of 1961, 26 F.R. 5989, there is hereby delegated to each hearing examiner assigned to a particular case subject to this Part the Board's function of making the agency decision on the substantive and procedural issues remaining for disposition at the close of

the hearing in such case, except that this delegation does not apply in cases where the record is certified to the Board, with or without a recommended decision by the examiner, or in cases requiring Presidential approval under section 801 of the Act. This delegation does not apply to the review of rulings by the examiner on interlocutory matters which have been appealed to the Board in accordance with the requirements of § 302.18. The term "initial decision," as used in this part, shall encompass the examiner's decision pursuant, respectively, to this delegation of authority on the merits of the proceeding and upon all ancillary procedural issues remaining for disposition at the close of the hearing.

(b) *Action by examiner after hearing.*

(1) Every initial or recommended decision issued shall state the names of the persons who are to be served with copies of it, the time within which exceptions to, or petitions for review of, such decision may be filed, and the time within which briefs in support of the exceptions may be filed. In addition, every initial decision shall recite that it is made under delegated authority, and contain notice of the provisions of paragraph (c) of this section. In the event the examiner certifies the record to the Board without an initial or recommended decision, he shall notify the parties of the time within which to file proposed findings and conclusions with the Board and supporting briefs.

(2) Except where the Board directs otherwise, after the taking of evidence and the receipt of proposed findings and conclusions, if any, the examiner shall take the following action:

(i) *Cases subject to section 802 of the Act.* In cases where the action of the Board is subject to the approval of the President pursuant to section 801 of the Act, the examiner shall render a recommended decision orally on the record or in writing.

(ii) *Other matters.* If the proceeding relates to any matter not provided for in subdivision (i) of this subparagraph, the examiner shall render an initial decision in writing.

(c) *Effect of initial decision.* Unless a petition for discretionary review is filed pursuant to § 302.28 or the Board issues an order to review upon its own initiative, the initial decision shall become effective as the final order of the Board 30 days after service thereof. If a petition for discretionary review is timely filed or action to review is taken by the Board upon its own initiative, the effectiveness of the initial decision is stayed until the further order of the Board.

6. Delete present § 302.28 and insert in lieu thereof a new § 302.28 to read:

§ 302.28 Petitions for review of initial decisions and review proceedings.

(a) *Petitions for review.* (1) Review by the Board pursuant to this section is not a matter of right but of the sound discretion of the Board. Any party may file and serve a petition for discretionary review by the Board of an initial decision within 25 days after service thereof.

(2) Petitions for review shall be accompanied by proof of service and shall concisely and plainly state the issues presented for review and shall be filed only upon one or more of the following grounds:

(i) A finding of a material fact is erroneous;

(ii) A necessary legal conclusion is without governing precedent or is a departure from or contrary to law, Board rules, or precedent;

(iii) A substantial and important question of law, policy or discretion is involved; or

(iv) A prejudicial procedural error has occurred. Where objections are based on the record, the portions of the record relied upon shall be identified by detailed citation. Petitions for review shall not exceed 20 pages in length, and shall otherwise comply with the formal specifications set forth in § 302.31(b).

(b) *Answer.* Within 15 days after service upon the opposing party of a petition for review, such party may file in opposition thereto an answer of not more than 15 pages, which shall otherwise comply with the formal specifications set forth in § 302.31(b). *Provided, however,* That if any such opposing party desires to answer two or more petitions for review, such party shall file a single answer of not more than 20 pages.

(c) *Orders declining review.* Board orders declining to exercise the Board's right of review will specify the date upon which the examiner's decision shall be come effective as the final decision of the Board. A petition for reconsideration of a Board order declining review will be entertained only when the order exercises, in part, the Board's right of review and such petition shall be limited to the single question of whether any issue designated for review and any issue not so designated are so inseparably interrelated that the former cannot be reviewed independently or that the latter cannot be made effective before the final decision of the Board in the review proceeding.

(d) *Review proceeding.* The Board will exercise its right of review if it finds that the public interest so requires, or when two or more Board Members vote in favor of such review. An order of the Board providing for review will:

(1) Specify the issues to which review will be limited. Such issues shall constitute one or more of the objections urged in a petition for review and/or matters which the Board desires to review on its own initiative. Only those issues specified in such order will be considered by the Board.

(2) Specify those portions of the examiner's decision which are to be stayed as well as the effective date of the remaining portions thereof.

(3) Designate the parties to the review proceeding.

§ 302.30 [Amendment]

7. Amend § 302.30 in the following respects:

a. Delete the words "initial or" from the caption and first sentence thereof.

b. Delete the word "initial," from the second sentence thereof.

§ 302.31 [Amendment]

8. Amend paragraph (a) of § 302.31 as follows:

a. Delete the words "initial or" from the first sentence.

b. Insert immediately after the first sentence the following text: "Briefs on the issues specified in the Board's orders on review of initial decisions shall be filed within 30 days after the date of service of such orders."

9. Amend the first sentence of paragraph (b)(2) of § 302.31 to read as follows: "Briefs to the Board may not incorporate by reference any portion of briefs previously submitted to the examiner assigned to the proceeding."

10. Amend § 302.33 to read as follows:

§ 302.33 Waiver of procedural steps after hearing.

The parties to any proceeding may agree to waive any one or more of the following procedural steps provided in §§ 302.25 to 302.32: Oral argument before the examiner, the filing of proposed findings and conclusions for the examiner, or for the Board, a recommended decision of the examiner, a tentative decision of the Board, exceptions to a recommended decision of the examiner or a tentative decision of the Board, a petition for discretionary review of an initial decision, the filing of briefs with the Board, or oral argument before the Board.

§ 302.34 [Deletion]

11. Delete § 302.34.

12. Amend § 302.36 to read as follows:

§ 302.36 Final decision of the Board.

When a case stands submitted to the Board for final decision on the merits, the Board will dispose of the issues presented by entering an appropriate order which will include a statement of the reasons for its findings and conclusions. Such orders shall be deemed "final orders" within the purview of § 302.37(a).

§ 302.37 [Amendment]

13. Amend the first sentence of § 302.37(a) to read as follows: "A petition for reconsideration, rehearing or reargument may be filed by any party to a proceeding within twenty (20) days after the date of service of a final order by the Board in such proceeding unless the time is shortened or enlarged by the Board. *Provided,* That no such petition shall be filed with respect to an initial decision or any portion thereof which has become final."

14. Amend Part 302 by adding a new § 302.41 thereto to read as follows:

§ 302.41 Effective date of amendments.

Amendments to §§ 302.1, 302.22, 302.27, 302.28, 302.30, 302.31, 302.33, 302.36, 302.37, and the deletion of § 302.34 (27 F.R. 853) shall be effective February 1, 1962, and the procedural changes made by such amendments and deletion shall not apply to any proceeding in which the hearing has actually commenced on or before February 1, 1962.

Effective date of Amendment No. 5. Amendment No. 5 to this part shall be effective February 1, 1962.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 1001, 72 Stat. 788; 49 U.S.C. 1481, Reorg. Plan No. 3 of 1961, 26 F.R. 5969)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-975; Filed, Jan. 29, 1962; 8:47 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1045; Amdt. 395]

PART 507—AIRWORTHINESS DIRECTIVES

Hiller UH-12A and UH-12B Helicopters

Airworthiness Directive 55-8-3 (21 F.R. 9535), requires the installation of new cam follower rollers in the tail rotor drive slip joints of Hiller UH-12A and UH-12B helicopters. Service experience has shown that the replacement rollers also are subject to failure. To preclude further failures, a new directive superseding AD 55-8-3 is necessary. This directive requires the installation of improved rollers of a type which has given trouble free service in later UH-12 Series models, in both fore and aft slip joints.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

HILLER. Applies to all UH-12A and UH-12B helicopters.

Compliance required within the next 150 hours' time in service after the effective date of this AD.

To preclude additional failures of the tail rotor drive slip joints which can result in loss of power to the tail rotor, replace CR-10 or CR-10T type rollers of both fore and aft slip joints UH-12A Assembly Nos. 24560-9 and -10 and UH-12B Assembly Nos. 24565 and 24544, with the improved Torrington CR-10U type rollers.

(Hiller Service Bulletin No. 44, Revision A covers this same subject.)

This supersedes AD 55-8-3, 21 F.R. 9535.

This amendment shall become effective January 30, 1962.

(Sec. 313(a), 601, 608; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 23, 1962.

G. S. MOORE, *Acting Director, Flight Standards Service.*

[F.R. Doc. 62-952; Filed, Jan. 29, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-FW-45]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On October 10, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9555), stating that the Federal Aviation Agency proposed to reduce the width of certain segments of intermediate altitude VOR Federal airway Nos. 1507, 1509, 1669, and 1675 and realign a segment of low altitude VOR Federal airway No. 37 and intermediate altitude VOR Federal airway No. 1669.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the notice the following actions are taken:

§ 600.1507 [Amendment]

1. In the text of § 600.1507 (26 F.R. 1081) "thence to the INT of the Savannah VOR 195° and the Alma, Ga., VOR 083° radials;" is deleted and "thence 14-mile wide airway to the INT of the Savannah VOR 195° and the Alma, Ga., VOR 083° radials;" is substituted therefor.

§ 600.1509 [Amendment]

2. In the text of § 600.1509 (26 F.R. 1082) "thence to the INT of the Savannah VOR 195° and the Alma, Ga., VOR 083° radials;" is deleted and "thence 14-mile wide airway to the INT of the Savannah VOR 195° and the Alma, Ga., VOR 083° radials is substituted therefor.

3. Section 600.1669 (26 F.R. 1090) is amended to read:

§ 600.1669 VOR Federal airway No. 1669 (Alma, Ga., to Florence, S.C.).

From the Alma, Ga., VOR 10-mile wide airway to the INT of the Alma, Ga., VOR 035° and the Savannah, Ga., VOR 274° radials; thence to the Allendale, S.C., VOR; thence 12-mile wide airway via INT of the Allendale VOR 058° and the Florence, S.C., VOR 220° radials to the Florence VOR.

4. Section 600.1675 (26 F.R. 1090) is amended to read:

§ 600.1675 VOR Federal airway No. 1675 (Charleston, S.C., to Spartanburg, S.C.).

From the Charleston, S.C., VOR 10-mile wide airway via the INT of the Charleston VOR 300° and the Columbia, S.C., VOR 153° radials; to the Columbia VOR; thence to the Spartanburg, S.C., VOR.

§ 600.6037 [Amendment]

5. In the text of § 600.6037 (26 F.R. 10428) "Savannah, Ga., VORTAC via the INT of the Savannah VORTAC 346° and the Allendale, S.C., VOR 174° radials; Allendale VOR;" is deleted and "Savannah, Ga., VORTAC via the Allendale, S.C., VOR;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on Jan. 23, 1962.

LEE E. WARREN, *Acting Director, Air Traffic Service.*

[F.R. Doc. 62-953; Filed, Jan. 29, 1962; 8:45 a.m.]

[Airspace Docket No. 61-KC-36]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Federal Airways and Associated Control Areas

On August 23, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 7838), stating that the Federal Aviation Agency proposed to designate low altitude VOR Federal airway No. 439 and intermediate altitude VOR Federal airway No. 1763 from Dickinson, N. Dak., to Williston, N. Dak. It was also stated that the Federal Aviation Agency proposed to designate the control areas associated with Victor 439 to extend from 700 feet above the surface to the base of the continental control area, and that separate actions would be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

The Air Transport Association of America concurred with the proposed amendment. The Department of the Air Force offered no objection. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, the following actions are taken:

1. In Part 600 (14 CFR Part 600) the following sections are added:

§ 600.6439 VOR Federal airway No. 439 (Dickinson, N. Dak., to Williston, N. Dak.).

From the Dickinson, N. Dak., VORTAC to the Williston, N. Dak., VOR.

§ 600.1763 VOR Federal airway No. 1763 (Dickinson, N. Dak., to Williston, N. Dak.).

From the Dickinson, N. Dak., VOR to the Williston, N. Dak., VOR.

2. In Part 601 (14 CFR Part 601) the following section is added:

§ 601.6439 VOR Federal airway No. 439 control areas (Dickinson, N. Dak., to Williston, N. Dak.).

All of VOR Federal airway No. 439.

These amendments shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 24, 1962.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 62-954; Filed, Jan. 29, 1962; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—TEST FEE SCHEDULES

PART 203—HEAT

Resistance Thermometers

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This amendment is effective from the date of publication in the FEDERAL REGISTER.

1. Part 203 is amended by the addition of a new item (h) to § 203.103 *Resistance thermometers* to read as follows:

Item	Description	Fee
203.103h..	Capsule-type platinum resistance thermometers—mounting this type of thermometer for test under item 203.103 a or b. Not applicable to items 203.1034.....	$10.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN, *Director.*

[F.R. Doc. 62-976; Filed, Jan. 29, 1962; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 800—DEPARTMENT OF THE AIR FORCE SEAL

Part 800 is revised to read as follows:

Sec.
800.1 Purpose.
800.2 Description of the seal.
800.3 Use of the seal.
800.4 Coat of arms.
800.5 Official drawings.
800.6 Headquarters USAF responsibilities.

AUTHORITY: §§ 800.1 to 800.6 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.
SOURCE: AFR 11-10, June 17, 1960.

§ 800.1 Purpose.

Sections 800.1 to 800.6 describe the Department of the Air Force Seal, prescribe its use, and tell when the Seal may be reproduced in whole or in part.

§ 800.2 Description of the seal.

The Air Force Seal, established by Executive Order 9902, November 1, 1947, is the impression used on official documents and records of the Department of the Air Force.

(a) The Coat of Arms, in the center portion of the Seal, consists of two components:

(1) The Crest includes the eagle, cloud formation, and heraldic wreath. The American bald eagle symbolizes the United States and its airpower; the wreath beneath the eagle, composed of six alternate folds of metal and color, repeats the principal metal and color used in the Shield, white (representing silver) and light blue. The cloud formation behind the eagle depicts the creation of a new firmament—the Department of the Air Force.

(2) The Shield, immediately below the eagle, is divided horizontally into two parts by a nebuly line representing clouds. The top portion of the shield bears the heraldic thunderbolt, which portrays striking power through the medium of aerospace.

(b) The 13 encircling stars represent the original 13 colonies.

(c) Roman numerals beneath the shield indicate 1947, the year the Department of the Air Force was established.

(d) The band encircling the whole design bears the inscription "Department of the Air Force" and "United States of America."

(e) The official Air Force colors, ultramarine blue and golden yellow, are used in the Seal. Ultramarine blue is used for the circular background of the Seal, while the upper part of the Shield of the Coat of Arms is light blue, representing the sky. The lower part of the shield is white, representing the heraldic metal silver. The thunderbolt is golden yellow with flames in natural color. Alternate twists of white and light blue make up the wreath of the crest; the eagle and cloud are in their natural colors. The 13 stars are white, and the Roman numerals golden yellow. White, edged in golden yellow with black letters, is used on the encircling band.

§ 800.3 Use of the seal.

(a) *Official policy.* Use of the Seal or any part thereof is permitted only as authorized herein, or as approved by the Department of the Air Force in specific instances. Falsely making, forging, counterfeiting, mutilating, or altering the Seal, or knowingly using or possessing with fraudulent intent any such altered Seal, is punishable by law (62 Stat. 714; 18 U.S.C. 506).

(b) *Authorized uses.* The Seal or any part thereof, in black and white, color, monochrome reproduction, pictorial, or sculptured relief, may be used as follows:

(1) Motion pictures and television: In Air Force-approved training films, public relations films, and official USAF motion picture and television programs.

(2) Memorials and monuments: Those erected by the Department of the Air Force or for which both the purpose and design are specifically approved by Headquarters USAF.

(3) Display: With any official Air Force exhibit.

(4) Wall plaques: By museums, military societies, and governmental institutions, when specifically approved by Headquarters USAF.

NOTE: When use of the entire Seal or any part thereof is desired and the specific case is not covered in §§ 800.1 to 800.6, request for approval will be forwarded through channels to Hq USAF (AFPMP-12-C), Washington 25, D.C.

(c) *Unauthorized uses.* The Seal will not be used:

(1) On souvenir or novelty items of an expendable nature.

(2) On printed matter reproduced or procured by an Air Force activity, except as provided in paragraph (b)(1) of this section.

(3) On toys or commercial gifts and premiums.

(4) As a letterhead design on stationery.

(5) On menus, matchbook covers, sugar envelopes, calendars, and similar items.

(6) To adorn civilian clothing.

(7) On membership cards of military or quasi-military clubs, societies, etc.

(8) On athletic clothing and equipment.

(9) On any article which may discredit the Seal or reflect unfavorably upon the Department of the Air Force.

(10) In any manner which implies Air Force indorsement of commercial products or services.

(11) On commercial or private printed matter.

§ 800.4 Coat of arms.

Authorized uses of the Coat of Arms are given below:

(a) Coat of Arms, with or without encircling stars, in black and white, color, monochrome reproduction, pictorial or sculptured relief, may be used for ornamentation, for nonofficial use, on articles of jewelry, such as watches, rings, tie clasps, cuff links, bracelets, cigarette lighters, and similar articles where use of the Coat of Arms is in good taste and appropriate to the occasion.

NOTE: Use of the Coat of Arms in instances mentioned in paragraph (a) of this section must be specifically approved by Hq USAF (AFPMP-12-C), Washington 25, D.C. When Headquarters USAF approves use of the Coat of Arms for nonofficial purposes, it will do so only with the understanding that such usage in no way reflects Air Force endorsement of the product involved.

(b) Coat of Arms without encircling stars, in black and white, color, monochrome reproduction, pictorial, or sculptured relief, may be used for ornamentation by USAF military personnel, including members of the Reserve components and USAF retired personnel, as follows:

(1) For display on personal stationery or framing for display in the home as a painting or a wall plaque.

(2) For wear on civilian jackets or blazers of conservative color.

NOTE: Although Headquarters USAF approval is not required for use of the Coat of Arms without encircling stars in the cases mentioned in paragraph (b) of this section, Air Force personnel are reminded that it is the obligation of each member to protect the dignity of the Air Force Coat of Arms by insuring that its display is in good taste and is appropriate to the occasion.

§ 800.5 Official drawings.

Official drawings of the Seal or any part thereof required for reproduction purposes may be obtained through channels from Hq USAF (AFCAS-50), Washington 25, D.C. The request will be accompanied by a complete justification.

§ 800.6 Headquarters USAF responsibilities.

(a) The Administrative Assistant, Office of the Secretary of the Air Force, is the custodian of the Air Force Seal, and is solely responsible for approving use of its impression on official departmental documents and records.

(b) The Deputy Chief of Staff, Personnel, is responsible for approving use of facsimiles of the Seal, or portions thereof, on insignia, flags, medals, and similar items. He is also responsible for authorizing such other uses of elements of the Seal as Air Force organizations, civilian groups, and industry may request.

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62-742; Filed, Jan. 29, 1962; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 612—REGULATIONS TO IMPLEMENT THE MEXICAN LABOR PROGRAM

Deletion

Effective February 1, 1962, Part 612 of Title 20, Code of Federal Regulations, is hereby deleted. Because the deletions are of rules of agency procedure and not substantive rules, neither public procedure nor further delay in effective date is provided.

Signed at Washington, D.C., this 24th day of January 1962.

ROBERT C. GOODWIN,
Director, Bureau of Employment Security.

[F.R. Doc. 62-962; Filed, Jan. 29, 1962; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

PART 205—REPORTS OF MOTOR CARRIERS

Motor Carrier Annual Report Form A (Class I Carriers of Property)

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 17th day of January A.D. 1962.

The matter of annual reports of Class I motor carriers of property being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 205.1 of the order of December 9, 1960, in the matter of Motor Carrier Annual Report Form A (Class I Carriers of Property), be, and it is hereby, modified and amended with respect to annual reports for the year ended December 31, 1961, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 205.1 be, and is hereby, modified and amended to read as follows:

§ 205.1 Annual reports of Class I carriers of property.

Commencing with reports for the year ended December 31, 1961, and thereafter, until further order, all Class I motor carriers of property, as described in § 182.01-1, viz. of this chapter, carriers with average annual gross operating revenues (including interstate and intrastate) of $1,000,000 or more, from property motor carrier operations, are required to file annual reports in accordance with Motor Carrier Annual Report Form A (Property), which is attached to and made a part of this section.[1] Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before March 31 of the year following the year to which it relates.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

It is further ordered, That copies of this order and of Motor Carrier Annual Report Form A (Property) shall be served on all Class I motor carriers of property subject to its provisions, and upon every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-965; Filed, Jan. 29, 1962; 8:46 a.m.]

[1] Form filed as part of original document.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 12—AREAS CLOSED TO HUNTING

Certain Lands and Waters Within and Adjacent to Back Bay National Wildlife Refuge, Virginia

Correction

In F.R. Doc. 62-115, appearing at page 104 of the issue for Friday, January 5, 1962, the following corrections are made in the land description:

1. Immediately following the first occurrence of the name "Ragged Island", the text should read "thence N. 70°56' W., • • •" instead of "thence E. 70°56' W., • • •".

2. Immediately following the first occurrence of the name "Haul Over Island", the text should read "thence N. 9°26' E., • • •" instead of "thence W. 9°26' E., • • •"

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 3—NATIONAL CAPITAL PARKS REGULATIONS

Areas in Which Parades and Public Gatherings Are Prohibited

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), § 3.22 of Title 36, Code of Federal Regulations, is amended as set forth below. The purpose of the amendment is to close East Executive Avenue to parades and public gatherings so that this means of access to the White House and Treasury Building will be open at all times.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule-making process. However, because East Executive Avenue is a comparatively narrow and busy thoroughfare and is used as an access way for entry to the White House for all public tours, it is determined that the use of the street for other or additional public gatherings should be restricted as being contrary to the best interest of the general public. Accordingly, this amendment shall become effective upon publication in the FEDERAL REGISTER.

Paragraph (j) of § 3.22 is amended to read as follows:

§ 3.22 Areas in which parades and public gatherings are prohibited.

• • • • • •

(j) East, West, and South Executive Avenues.

STEWART L. UDALL,
Secretary of the Interior.

JANUARY 23, 1962.

[F.R. Doc. 62-961; Filed, Jan. 29, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 295]

REMOVAL OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, FOR USE OF THE UNITED STATES

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Preamble. 1. The regulations in this part shall supersede the 1955 edition of Part 295 of this Chapter as amended by T.D. 6379, effective July 1, 1959, and are promulgated in order to implement the Internal Revenue Code of 1954, as amended by the Excise Tax Technical Changes Act of 1958 (Public Law 85-859, 72 Stat. 1275).

2. These regulations shall not affect any act done, or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

Subpart A—Scope of Regulations

Sec.
295.1 Removal of tobacco products and cigarette papers and tubes, without payment of tax, for use of the United States.

Subpart B—Definitions

295.11 Meaning of terms.

Subpart C—Administrative Provisions

295.21 Alternate methods or procedures.
295.22 Emergency variations from requirements.

Sec.
295.23 Authority of internal revenue officers to enter premises.
295.24 Interference with administration.
295.25 Unlawful purchase, receipt, possession, or sale of tobacco products or cigarette papers or tubes, after removal.

Subpart D—Removals

295.31 Restrictions.
295.32 Under manufacturer's bond.
295.33 Return of shipment to factory.
295.34 Loss or shortage in shipment.
295.35 Liability for tax.
295.36 Payment of tax.
295.37 Assessment.

Subpart E—Packaging Requirements

295.41 Packages.
295.42 Mark for packages of tobacco products.
295.43 Notice for manufactured tobacco.
295.44 Notice for cigars.
295.45 Notice for cigarettes.
295.46 Tax-exempt label.

Subpart F—Records

295.51 Supporting record.

AUTHORITY: §§ 295.1 to 295.51 are issued under authority of section 7805, 68A Stat. 917; 26 U.S.C. 7805. Additional authority is cited in parentheses following the sections affected.

Subpart A—Scope of Regulations

§ 295.1 Removal of tobacco products and cigarette papers and tubes, without payment of tax, for use of the United States.

This part contains the regulations relating to the removal of tobacco products and cigarette papers and tubes, without payment of tax, for use of the United States.

Subpart B—Definitions

§ 295.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, each of the following terms shall have the meaning ascribed in this section. Words in the plural form shall include the singular, and words in the singular form shall include the plural, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Armed forces. The Army, Navy (including the Marine Corps), Air Force, and Coast Guard.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner.

Charge of the United States. A patient in a hospital or similar institution, or a Federal prisoner, if the hospital, institution, or prison is operated by a Federal agency and the support or care of such person results in a charge on, or an expense to, the United States Government.

Cigar. Any roll of tobacco wrapped in tobacco.

Cigarette. Any roll of tobacco, wrapped in paper or any substance other than tobacco.

Cigarette paper. Paper, or any other material except tobacco, prepared for use as a cigarette wrapper.

Cigarette papers. Taxable books or sets of cigarette papers, i.e., books or sets of cigarette papers containing more than 25 papers each.

Cigarette tube. Cigarette paper made into a hollow cylinder for use in making cigarettes.

Commissioner. The Commissioner of Internal Revenue.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C.

District director. A district director of internal revenue.

Federal agency. A department or agency of the United States Government, including the American National Red Cross, and the U.S. Soldiers Home, Washington, D.C.

Factory. The premises of a manufacturer of tobacco products or cigarette papers and tubes in which he carries on such business.

Internal revenue officer. An officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this part.

I.R.C. The Internal Revenue Code of 1954, as amended.

Large cigarettes. Cigarettes weighing more than three pounds per thousand.

Large cigars. Cigars weighing more than three pounds per thousand.

Manufactured tobacco. Tobacco (other than cigars and cigarettes) prepared, processed, manipulated, or packaged, for removal, or merely removed, for consumption by smoking or for use in the mouth or nose, and any tobacco (other than cigars and cigarettes), not exempt from tax under Chapter 52, I.R.C., sold or delivered to any person contrary to the provisions of such chapter or regulations thereunder.

Manufacturer of cigarette papers and tubes. Any person who makes up cigarette paper into books or sets containing more than 25 papers each, or into tubes, except for his own personal use or consumption.

Manufacturer of tobacco products. Any person who manufactures cigars or cigarettes, or who prepares, processes, manipulates, or packages, for removal, or merely removes, tobacco (other than cigars and cigarettes) for consumption by smoking or for use in the mouth or nose, or who sells or delivers any tobacco (other than cigars and cigarettes) contrary to the provisions of Chapter 52, I.R.C., or regulations thereunder. The term "manufacturer of tobacco products" shall not include (a) a person who in any manner prepares tobacco, or produces cigars or cigarettes, solely for his own personal consumption or use; (b) a proprietor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse; (c) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, if it is in the condition as cured on the farm; or (d) a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm, and if the association maintains records of all leaf tobacco, acquired or received and sold or otherwise disposed of, in accordance with Part 280 of this chapter.

Package. The container in which tobacco products or cigarette papers or tubes are put up by the manufacturer and offered for sale or delivery to the consumer.

Person. An individual, partnership, association, company, corporation, estate, or trust.

Region. An internal revenue region.

Regional commissioner. A regional commissioner of internal revenue.

Removal or remove. The removal of tobacco products or cigarette papers or tubes from the factory.

Small cigarettes. Cigarettes weighing not more than three pounds per thousand.

Small cigars. Cigars weighing not more than three pounds per thousand.

This chapter. Chapter I, Title 26, Code of Federal Regulations.

Tobacco products. Manufactured tobacco, cigars, and cigarettes.

United States. When used in a geographical sense shall include only the States and the District of Columbia.

U.S.C. The United States Code.

Subpart C—Administrative Provisions

§ 295.21 Alternate methods or procedures.

A manufacturer, on specific approval by the Director as provided in this section, may use an alternate method or procedure in lieu of a method or procedure specifically prescribed in this part. The Director may approve an alternate method or procedure, subject to stated conditions, when he finds that:

(a) Good cause has been shown for the use of the alternate method or procedure,

(b) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure, and affords equivalent security to the revenue, and

(c) The alternate method or procedure will not be contrary to any provision of law, and will not result in an increase in cost to the Government or hinder the effective administration of this part.

No alternate method or procedure relating to the giving of any bond or to the assessment, payment, or collection of tax, shall be authorized under this section. Where a manufacturer desires to employ an alternate method or procedure, he shall submit a written application to do so, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall specifically describe the proposed alternate method or procedure, and shall set forth the reasons therefor. Alternate methods or procedures shall not be employed until the application has been approved by the Director. The manufacturer shall, during the period of authorization of an alternate method or procedure, comply with the terms of the approved application. Authorization for any alternate method or procedure may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered. The manufacturer shall retain, as part of his records, any authorization of the Director under this section for three years following the close of the calendar year in which the operation under such authorization is concluded.

§ 295.22 Emergency variations from requirements.

The Director may approve methods of operation other than as specified in this part, where he finds that an emergency exists and the proposed variations from the specified requirements are necessary, and the proposed variations:

(a) Will afford the security and protection to the revenue intended by the prescribed specifications,

(b) Will not hinder the effective administration of this part, and

(c) Will not be contrary to any provision of law.

Variations from requirements granted under this section are conditioned on compliance with the procedures, conditions, and limitations set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations and the manufacturer thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variations may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such variation. Where a manufacturer desires to employ such variation, he shall submit a written application to do so, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall describe the proposed variations and set forth the reasons therefor. Variations shall not be employed until the application has been approved. The manufacturer shall retain, as part of his records, any authorization of the Director under this section for three years following the close of the calendar year in which the operation under such authorization is concluded.

§ 295.23 Authority of internal revenue officers to enter premises.

Any internal revenue officer may enter in the daytime any premises where tobacco products or cigarette papers or tubes removed under this part are kept, so far as it may be necessary for the purpose of examining such articles. When such premises are open at night, any internal revenue officer may enter them, while so open, in the performance of his official duties. The owner of such premises, or person having the superintendence of the same, who refuses to admit any internal revenue officer or permit him to examine the articles removed under this part shall be liable to the penalties prescribed by law for the offense.

(68A Stat. 872, 903; 26 U.S.C. 7342, 7606)

§ 295.24 Interference with administration.

Whoever, corruptly or by force or threats of force, endeavors to hinder or obstruct the administration of this part, or endeavors to intimidate or impede any internal revenue officer acting in his official capacity, or forcibly rescues or attempts to rescue or causes to be rescued any property, after it has been duly seized for forfeiture to the United States in connection with a violation of the internal revenue laws, shall be liable to the penalties prescribed by law.

(68A Stat. 855; 26 U.S.C. 7212)

§ 295.25 Unlawful purchase, receipt, possession, or sale of tobacco products or cigarette papers or tubes, after removal.

Any person who, with intent to defraud the United States, purchases, receives, possesses, offers for sale, or sells or otherwise disposes of tobacco products or cigarette papers or tubes which, after removal without payment of tax, have been diverted from the purpose or use specified in this part, shall be subject to the criminal penalties and provisions for forfeiture prescribed by law.

(72 Stat. 1424, 1425, 1426; 26 U.S.C. 5751, 5762, 5763)

Subpart D—Removals

§ 295.31 Restrictions.

Tobacco products and cigarette papers and tubes purchased by a Federal agency with funds appropriated by the Congress of the United States may be removed, without payment of tax, in accordance with this part, for delivery to such Federal agency for gratuitous distribution under the supervision of such agency. Such articles purchased by a donor from a manufacturer, or donated directly by a manufacturer, may also be removed, without payment of tax, in accordance with this part, for delivery to a Federal agency for gratuitous distribution under the supervision of such agency to charges of the United States, or to veterans of the armed forces of the United States who are patients in hospitals and institutions operated by the Government of a State or the District of Columbia. Tobacco products and cigarette papers and tubes removed under the provisions of this part may not be sold subsequent to removal.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 295.32 Under manufacturer's bond.

Removals of tobacco products and cigarette papers and tubes under this part shall be made under the bond filed by the manufacturer of such articles to cover the operations of his factory as required by section 5711, I.R.C., and regulations issued thereunder.

(72 Stat. 1418, 1421; 26 U.S.C. 5704, 5711)

§ 295.33 Return of shipment to factory.

Tobacco products and cigarette papers and tubes which have been removed, under this part, may be returned to the factory without internal revenue supervision.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 295.34 Loss or shortage in shipment.

Immediately upon receipt of information of a loss of all or part of a shipment, or of a shortage therein, of tobacco products or cigarette papers or tubes removed under this part, the manufacturer shall notify the assistant regional commissioner for the region in which the factory from which the articles were removed is located, furnish all pertinent details with respect to the loss or shortage, and either pay the tax due thereon in accordance with the provisions of § 295.36, or file claim for remission of the tax liability under the provisions of Parts 270 or 285 of this chapter, as the case may be.

(72 Stat. 1417, 1419; 26 U.S.C. 5703, 5705)

§ 295.35 Liability for tax.

The manufacturer who removes tobacco products or cigarette papers or tubes under this part shall be liable for the taxes imposed thereon by section 5701, I.R.C., until such tobacco products or cigarette papers or tubes are received by the Federal agency. Any person who possesses tobacco products and cigarette papers and tubes in violation of section 5751(a) (1) or (2), I.R.C., shall be liable for a tax equal to the tax on such articles.

(72 Stat. 1417, 1424; 26 U.S.C. 5703, 5751)

§ 295.36 Payment of tax.

Any tax which becomes due and payable on tobacco products and cigarette papers and tubes removed under this part shall be paid to the district director, for the district in which the factory from which such articles were removed is located, with sufficient information to identify the taxpayer, the nature and purpose of the payment, and the articles covered by the payment: *Provided*, That a manufacturer of tobacco products or cigarette papers or tubes may pay any tax for which he becomes liable under this part by an appropriate adjustment in his current semimonthly tax return, Form 3071, or his monthly tax return, Form 2137, as the case may be. In paying the tax, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(68A Stat. 776, 72 Stat. 1417; 26 U.S.C. 6313, 5708)

§ 295.37 Assessment.

Whenever any person required by law to pay tax on tobacco products and cigarette papers and tubes fails to pay such tax, the tax shall be ascertained and assessed against such person, subject to the limitations prescribed in section 6501, I.R.C. The tax so assessed shall be in addition to the penalties imposed by law for failure to pay such tax when required. Except in cases where delay may jeopardize collection of the tax, or where the amount is nominal or the result of an evident mathematical error, no such assessment shall be made until and after notice has been afforded such person to show cause against assessment. The person will be allowed 45 days from the date of such notice to show cause, in writing, against such assessment.

(72 Stat. 1417; 26 U.S.C. 5703)

Subpart E—Packaging Requirements

§ 295.41 Packages.

All tobacco products and cigarette papers and tubes shall, before removal under this part, be put up by the manufacturer in packages which shall be of such construction as will securely contain the articles therein and maintain the mark, notice, and label thereon, as required by this subpart. No package of tobacco products or cigarette papers or tubes shall have contained therein, attached thereto, or stamped, marked, written, or printed thereon (a) any certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery, or (b) any indecent or immoral picture, print, or representation.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 295.42 Mark for packages of tobacco products.

Every package of tobacco products shall, before removal under this part, have adequately imprinted thereon, or on a label securely affixed thereto, the name of the manufacturer removing such products and the location (by city and State) of the factory from which such products are to be so removed, or the permit number of such factory from which such products are to be so removed: *Provided*, That the Director may on application authorize a manufacturer to mark packages of tobacco products manufactured in and removed under this part from any of his factories with only the name of the manufacturer if the factory of production is identified on the package by a statement (e.g., manufactured in Richmond, Va.), symbol, or other means (other than a permit number), approved by the Director.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 295.43 Notice for manufactured tobacco.

Every package of manufactured tobacco shall, before removal under this part, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "manufactured tobacco", "tobacco", or "snuff" and the quantity, by weight, of such product contained therein.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 295.44 Notice for cigars.

Every package of cigars shall, before removal under this part, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "cigars", the quantity of such product contained therein, and the classification of the product for tax purposes, i.e., for small cigars, either "small" or "little", and for large cigars, the appropriate following class designation which corresponds with the rate of tax imposed by section 5701(b)(2), I.R.C.:

(a) "A. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be not more than 2½ cents each";

(b) "B. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 2½ cents each and not more than 4 cents each";

(c) "C. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 4 cents each and not more than 6 cents each";

(d) "D. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 6 cents each and not more than 8 cents each";

(e) "E. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 8 cents each and not more than 15 cents each";

(f) "F. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 15 cents each and not more than 20 cents each"; or

(g) "G. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 20 cents each".

(72 Stat. 1422; 26 U.S.C. 5723)

§ 295.45 Notice for cigarettes.

Every package of cigarettes shall, before removal under this part, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "cigarettes", the quantity of such product contained therein, and the classification for tax purposes, i.e., for small cigarettes, either "small" or "Class A", and for large cigarettes, either "large" or "Class B".

(72 Stat. 1422; 26 U.S.C. 5723)

§ 295.46 Tax-exempt label.

Every package of tobacco products and cigarette papers and tubes removed under this part shall have the words "Tax-Exempt. For use of the U.S. Not To Be Sold." adequately imprinted on the package or on a label securely affixed thereto.

(72 Stat. 1422; 26 U.S.C. 5723)

Subpart F—Records

§ 295.51 Supporting record.

Every manufacturer who removes tobacco products and cigarette papers and tubes under this part shall, in addition to the records kept under Part 270 of this chapter, keep a supporting record of such removals and shall make appropriate entries therein at the time of removal. The supporting record shall show, with respect to each removal, the date of removal, the name and address of the Federal agency to which shipped or delivered, the quantity, and, with respect to large cigars, the class, for tax purposes. Appropriate entries shall also be made in the supporting record of any tobacco products or cigarette papers or tubes removed under this part which are returned to the factory. Where the manufacturer keeps, at the factory, copies of invoices or other commercial records containing the information required as to each removal, in such orderly manner that such information may be readily ascertained therefrom, such copies will be considered the supporting record required by this section. The supporting record shall be retained by the manufacturer for 3 years following the close of the year covered therein and shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1423; 26 U.S.C. 5741)

[F.R. Doc. 62-970; Filed, Jan. 29, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

SWEET CORN FOR PROCESSING[1]

Proposed U.S. Standards for Grades

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Sweet Corn for Canning pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

Statement of considerations leading to the proposed revision. The existing U.S. Standards for Sweet Corn for Canning, last revised in 1945, have become badly outmoded and inadequate for present needs. During the intervening years, industry preferences and practices with regard to processed corn have changed a great deal. Freezing as a method of processing has become increasingly important, and the whole kernel style has become the overwhelming favorite. The demand for whole kernel packs has placed the emphasis on harvesting and packing corn at a young stage of maturity in order to meet the high standards for tenderness required in the U.S. Standards for Processed Corn. The existing standards for raw sweet corn for canning do not differentiate adequately between the gradations of quality and maturity.

The proposed revision will change the grade structure while preserving the basic principles of quality and maturity determination which have been contained in the standard from the beginning. The No. 1 and No. 2 grades will be continued, but will contain more explicit requirements. There will be more distinct differences between the two grades than there is at present, based upon size of the ear and degree of freedom from defects.

In the proposed standards, maturity of the corn does not enter into the determination of the grade of the ear, excepting that excessively young or excessively old ears are classed as "Culls". Each ear which falls within the range of "milk" to "dough" maturity is graded on its merits, aside from maturity.

The new maturity classifications for entire loads are considered to be potentially the most important and useful provision of the proposed standards. The present standards provide only for the classification of individual ears as A, B, or C maturity, with no provision for a general maturity rating for the load.

The proposed standards provide not only comparable maturity ratings for individual ears with more complete definitions of each, but they also provide seven different maturity classifications for the load as a whole based upon the range of maturity of the ears in the load. These classes will be highly significant as indicators of the probable grade ratings which will be given to the processed corn packed from the loads in question. It is presumed that growers and processors will use the maturity classifications as targets in timing their harvesting operations to obtain the best stage of maturity for the grade of pack which the processor intends to make.

The size of ears required in U.S. No. 1 grade, in terms of the amount of usable corn on the ear, would be increased from the present 3 inches to 4 inches, unless otherwise specified. This is in keeping with the greatly increased size of ears produced from present day hybrid varieties in contrast to the old open-pollinated varieties of yellow sweet corn. The No. 2 grade would retain the 3-inch requirement presently in effect.

A number of added definitions are proposed to more clearly state what are the limits permitted in the No. 1 grade and the No. 2 grade for various defects. These definitions include damage by worms, birds, freezing, and denting of the kernels. Definitions for damage by cross pollination and smut would be changed. All of these changes are intended to reflect the higher standards of products being packed which are made possible by improved growing and processing methods.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards, as revised, are as follows:

GRADES

Sec.
51.3365 U.S. No. 1.
51.3366 U.S. No. 2.

CULLS

51.3367 Culls.

MATURITY CLASSIFICATIONS

51.3368 Maturity classifications.

DEFINITIONS

51.3369 Similar color characteristics.
51.3370 Fresh.
51.3371 Damage.
51.3372 Blister stage.
51.3373 Milk stage.
51.3374 Cream stage.
51.3375 Dough stage.
51.3376 Hard stage.
51.3377 Serious damage.

APPLICATION OF STANDARDS

51.3378 Purpose of standards.
51.3379 Husked ear basis.
51.3380 Grade and maturity determination.

AUTHORITY: §§ 51.3365 to 51.3380 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GRADES

§ 51.3365 U.S. No. 1.

(a) "U.S. No. 1" consists of ears of sweet corn of similar color characteristics which are fresh and free from damage by freezing, cross pollination, denting, worms, birds, fermentation, smut or other disease, mechanical or other means. Kernels on each ear shall be developed beyond the "blister stage", but shall not have reached the "hard stage" of maturity.

(b) Unless otherwise specified, each ear shall have not less than an average of 4 inches of the cob covered with undamaged kernels.

§ 51.3366 U.S. No. 2.

(a) "U.S. No. 2" consists of ears of sweet corn of similar color characteristics which are fresh, free from damage by freezing, fermentation, smut or other disease, and free from serious damage by cross pollination, denting, worms, birds, mechanical or other means. Kernels on each ear shall be developed beyond the "blister stage", but shall not have reached the "hard stage" of maturity.

(b) Unless otherwise specified, each ear shall have not less than an average of 3 inches of the cob covered with undamaged kernels.

CULLS

§ 51.3367 Culls.

"Culls" consists of ears of sweet corn which fail to meet the requirements of U.S. No. 2 grade.

MATURITY CLASSIFICATIONS

§ 51.3368 Maturity classifications.

In addition to the grade classification, a lot of sweet corn may be classified for general overall maturity in terms of one of the following maturity classifications:

(a) A–1. Includes ears in the "milk stage" or younger, more than half of which are in the very tender early "milk

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

stage", and none of the remainder of which are bordering on the "cream stages".

(b) A–2. Includes ears in the "milk stage" or younger with not more than 5 percent bordering on the "cream stage".

(c) A–3. Includes ears in the "milk stage" with more than 5 percent bordering on the "cream stage".

(d) A–B. Includes ears generally in the "milk stage" with 1 to 10 percent in the "cream stage".

(e) B. Includes ears mostly in the "milk stage" with more than 10 percent in the "cream stage".

(f) B–C. Includes ears generally in either the "milk" or the "cream stage" with 1 to 10 percent in the "dough stage".

(g) C. Includes ears more than 10 percent of which are in the "dough stage".

DEFINITIONS

§ 51.3369 Similar color characteristics.

"Similar color characteristics" means that the kernels on the ears of corn in any lot are of the same general color.

§ 51.3370 Fresh.

"Fresh" means that the ear does not show evidence of dryness from excessive elapsed time after picking or from other causes.

§ 51.3371 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially lowers the processing quality of the ear. The following specific defects shall be considered as damage:

(a) Freezing when color, texture or flavor of the kernels has been materially affected;

(b) Denting when 5 percent or more of the kernels on the ear show conspicuous depressions in the exposed surface;

(c) Cross pollinations when 3 percent or more of the kernels on the ear are of a color or maturity which contrasts distinctly with most of the kernels on the ear;

(d) Worms when badly discolored remnants of worm-eaten kernels affect an area of the ear as great as that of a circle one inch in diameter, or when a corn borer has tunneled into the cob.

(e) Birds when badly discolored or dried remnants of birdpecked kernels affect an area of the ear as great as that of a circle one inch in diameter;

(f) Fermentation when any portion of the husked ear has a distinctly sour odor; and

(g) Smut when any kernel on the ear is more than slightly swollen due to smut infection.

§ 51.3372 Blister stage.

"Blister stage" means the stage of development in which the kernels are not sufficiently mature for processing. They are small, underdeveloped, have very tender pericarps and contain watery or cloudy liquid which runs freely when released.

§ 51.3373 Milk stage.

"Milk stage" means the stage of development in which the kernels are moderately to well filled out, have tender pericarps which break with light pressure from the thumb nail, and contain a milky or thin creamy liquid which spreads or runs moderately when released.

§ 51.3374 Cream stage.

"Cream stage" means the stage in which the kernels have attained full size, have fairly tender pericarps which break with moderate pressure from the thumb nail, and contain a thick creamy substance which spreads or runs very little when released.

§ 51.3375 Dough stage.

"Dough stage" means the stage in which the kernels have attained full size, have tough pericarps which require heavy pressure from the thumb nail to break, and contain a soft doughy substance which does not spread or run when released.

§ 51.3376 Hard stage.

"Hard stage" means the stage in which the kernels have very tough pericarps and contain a heavy, sticky, doughy substance. Ears in this stage are overmature for any processing purpose.

§ 51.3377 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously lowers the processing quality of the ear. The following specific defects shall be considered as serious damage:

(a) Cross pollination when 5 percent or more of the kernels on the ear are of a color or maturity which contrasts distinctly with most of the kernels on the ear;

(b) Denting when 10 percent or more of the kernels on the ear show conspicuous depressions in the exposed surfaces;

(c) Worms when areas having conspicuous worm-eaten kernels extend to or near to the central portion of the ear, necessitating side ("slab") trimming by hand, or when a corn borer has tunneled into the cob;

(d) Birds when areas having conspicuous bird-pecked kernels extend to or near to the central portion of the ear, necessitating side ("slab") trimming.

APPLICATION OF STANDARDS

§ 51.3378 Purpose of standards.

These standards are intended for use in describing the quality and maturity of loads of sweet corn being delivered by growers to processors. The grade and maturity classification of a load is useful in two ways. First, it provides an equitable basis for pricing the load in relation to its quality. Second, it enables the processor to use the corn more advantageously.

§ 51.3379 Husked ear basis.

The standards shall be applied on the basis of husked ears. All ears in the grade sample shall be completely husked during the grading process. A husked ear is one which has all of the husks removed, the shank or stem trimmed to one inch or less in length, and the cob trimmed, if necessary, so that the portion remaining without usable kernels is not more than one-fourth the length of the trimmed ear.

§ 51.3380 Grade and maturity determination.

(a) A representative sample from the load shall be used for grade and maturity determination. A weighed quantity of ears is husked and sorted into groups of U.S. No. 1, U.S. No. 2 and Cull ears. The weight of each of these groups of husked ears is used to calculate the percentage of each.

(b) The maturity of the individual ears is determined during the process of grading, and a maturity classification is assigned to the load on the basis of the percentages of ears in the various stages of maturity.

(c) All percentages shall be determined on the basis of weight.

Dated: January 24, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-976; Filed, Jan. 29, 1962; 8:48 a.m.]

[7 CFR Parts 907, 908]

[Docket Nos. AO–245–A5, AO–250–A3]

HANDLING OF NAVEL AND VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Supplemental Notice of Hearing With Respect to Proposed Amendments of the Marketing Agreements and Orders

On January 12, 1962 (27 F.R. 474; F.R. Doc. 62–514), there was issued by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, a notice of hearing with respect to proposed amendments to the marketing agreements and orders regulating the handling of navel and Valencia oranges grown in Arizona and designated part of California.

Notice is given pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure governing marketing agreements and orders (7 CFR Part 900), that, in addition to the proposal set forth in the said notice of January 12, 1962, evidence will be received with respect to the additional proposed amendments hereinafter set forth or appropriate modifications thereof. The proposed amendments set forth below have not received the approval of the Secretary of Agriculture.

Under Proposal No. 1, add a new paragraph H. as follows:

H. Revise the provisions of § 907.67(d) by adding at the end thereof the following: "in quantities of five cartons or less consigned to the same consignee on any one day."

Under Proposal No. 2, add a new paragraph H. as follows:

H. Revise the provisions of § 908.67(d) by adding at the end thereof the following: "in quantities of five cartons or less consigned to the same consignee on any one day."

Copies of this supplemental notice of hearing, together with the notice of hearing, may be obtained from the office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California.

Dated: January 25, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-979; Filed, Jan. 29, 1962; 8:48 a.m.]

Agricultural Research Service

[9 CFR Part 95]

SANITARY CONTROL OF ANIMAL BY-PRODUCTS (EXCEPT CASINGS), AND HAY AND STRAW, OFFERED FOR ENTRY INTO THE UNITED STATES

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, pursuant to section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306), and section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), it is proposed to amend Part 95 of Title 9, Code of Federal Regulations, governing the sanitary control of animal by-products (except casings), and hay and straw, offered for entry into the United States, in the following respects:

§ 95.1 [Amendment]

1. Section 95.1(e) would be deleted.

§ 95.2 [Amendment]

2. Section 95.2 would be amended by substituting the word "commercial" for the word "consular."

§ 95.7 [Amendment]

3. Section 95.7 would be amended by substituting the letter designation "(d)" for the letter designation "(e)" in the introductory paragraph thereof.

4. Section 95.7(e) would be deleted.

5. Section 95.14 would be amended to read:

§ 95.14 Blood meal, tankage, meat meal, and similar products, for use as fertilizer or animal feed; requirements for entry.

Dried blood or blood meal, lungs or other organs, tankage, meat meal, wool waste, wool manure, and similar products, for use as fertilizer or as feed for domestic animals, shall not be imported except subject to handling and treatment in accordance with paragraphs (a), (b), and (c) of § 95.16, unless:

(a) Such products originated in and were shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest; or

(b) The inspector at the port of entry finds that such products have been fully processed by tanking under live steam or by dry rendering.

6. Section 95.15 would be amended to read:

§ 95.15 Blood meal, blood albumin, intestines, and other animal by-products for industrial use; requirements for unrestricted entry.

Blood meal, blood albumin, bone meal, intestines, or other animal materials intended for use in the industrial arts shall not be imported except subject to handling and treatment in accordance with § 95.16, unless such products originated in and were shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest.

7. Section 95.17 would be amended to read:

§ 95.17 Glands, organs, ox gall, and like materials; requirements for unrestricted entry.

Glands, organs, ox gall or bile, bone marrow, and various like materials derived from domestic ruminants or swine, intended for use in the manufacture of pharmaceutical products shall not be imported except subject to handling and treatment in accordance with § 95.18, unless such glands, organs, or materials originated in and were shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest.

8. Section 95.21 would be amended to read:

§ 95.21 Hay and straw; requirements for unrestricted entry.

Except as provided in § 95.28, hay or straw shall not be imported except subject to handling and treatment in accordance with § 95.22 after arrival at the port of entry, unless such hay or straw originated in and was shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest.

Any person who wishes to submit written data, views or arguments concerning the proposed amendments, may do so by filing them with the Director, Animal Inspection and Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of January 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-980; Filed, Jan. 29, 1962; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Proposed Definition of Small Business for Hydraulic Dredging Industry

On July 26, 1961, there was published in the FEDERAL REGISTER (26 F.R. 6656), a notice of a hearing to be held September 12, 1961, at 10:00 a.m. e.d.s.t., in Room 442, 811 Vermont Avenue, NW., Washington 25, D.C., on the definition of small business for the hydraulic dredging industry for the purpose of Government procurement and SBA loans.

Interested persons were invited to make oral statements at the hearing or to file with the Director, Office of Small Business Size Standards, Small Business Administration, Washington 25, D.C., written statements of facts, opinions or arguments concerning the appropriate definition of a small business in the hydraulic dredging industry.

The present definition of a small business for the hydraulic dredging industry for the purpose of Government procurement and SBA business loans is a concern that: (1) is independently owned and operated, (2) is not dominant in its field of operation, and (3) with its affiliates has average annual receipts of $5,000,000 or less for the preceding three fiscal years.

The hearing was held in accordance with the notice.

After consideration of all such relevant matter as was presented by interested parties at the hearing and in written statements and after consideration of past Government procurements for the services of this industry, it has been determined that the present definition of a small business for the hydraulic dredging industry should not be changed.

JOHN E. HORNE,
Administrator.

JANUARY 19, 1962.

[F.R. Doc. 62-969; Filed, Jan. 29, 1962; 8:47 a.m.]

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Notice of Hearing on Proposed Definition of Small Business for Construction Industry Except Hydraulic Dredgers

Notice is hereby given that the Small Business Administration proposes to hold a hearing on the definition of small business for the construction industry except hydraulic dredgers, for the purpose of Government procurement and SBA business loans. Hydraulic dredging is excepted since a hearing was held for the hydraulic dredging industry on September 12, 1961.

The hearing will take place February 20, 1962, at 10:00 a.m. e.s.t., in Room 442, 811 Vermont Avenue NW., Washington 25, D.C.

Interested persons may file with the Director, Office of Small Business Size Standards on or before February 15, 1962, written statements of facts, opinions, or arguments concerning the appropriate definition of a small business in the construction industry. Those persons who wish to make oral statements should notify the Director in writing setting forth the name and title (if any) of the persons who will appear and whom they represent.

All correspondence on this matter shall be addressed to:

Samuel S. Solomon, Director.
Office of Small Business Size Standards.
Small Business Administration.
Washington 25, D.C.

The present definition of a small business for the construction industry for the purpose of both procurement and financial assistance is a concern that: (1) is independently owned and operated, (2) is not dominant in its field of operation, and (3) with its affiliates has average annual receipts of $5,000,000 or less for the preceding three fiscal years.

Dated: January 22, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-966; Filed, Jan. 29, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Billings Area Office Redelegation Order 1, Amdt. 10]

IRRIGATION MATTERS

Redelegation of Authority

JANUARY 22, 1962.

Order 1, as amended, is further amended by the addition of Sec. 3.205 under Part 3, "Functions Relating to Indian Irrigation Projects," to read as follows:

SEC. 3.205 *Concessions on reservoir sites and other lands in Indian irrigation projects; leases for agriculture, business, or grazing purposes.* The Superintendent of Flathead Indian Agency with the written concurrence of the Flathead Irrigation Project Engineer is authorized to grant concessions on reservoir sites, reserves for canals or flowage areas, and other lands which have been withdrawn or otherwise acquired in connection with the Flathead Irrigation Project, and to permit or lease such lands for agricultural, business or grazing purposes pursuant to 25 CFR Part 203.

JOHN O. CROW,
Acting Commissioner.

[F.R. Doc. 62-957; Filed, Jan. 29, 1962; 8:45 a.m.]

Bureau of Land Management

CALIFORNIA OUTER CONTINENTAL SHELF LEASING MAPS

Availability

JANUARY 25, 1962.

The following Outer Continental Shelf leasing maps for areas offshore from California, extending from Point Conception to the north boundary of California, were approved November 21, 1961:

California Map No.:
1N Eureka area (north half).
1S Eureka area (south half).
2 Pt. Arena area.
3 San Francisco area.
4 Carmel area.
5 Morro Bay area.

Publication of these maps does not imply acquiescence by the State of California in the Federal claim to the areas platted on these maps.

Reduced scale copies of these maps have been assembled in a set of six. Copies of the maps may be obtained for $1 per set from Manager, Bureau of Land Management, T-9003 Federal Office Building, 701 Loyola Avenue, New Orleans 12, La.; Land Office Manager, Bureau of Land Management, 1414 8th Street (Post Office Box 723), Riverside, Calif.; Land Office Manager, Bureau of Land Management, Federal Building and U.S. Court House, 650 Capitol Avenue, Sacramento 14, Calif.; or the Director, Bureau of Land Management, Washington 25, D.C.

KARL S. LANDSTROM,
Director,
Bureau of Land Management.

[F.R. Doc. 62-958; Filed, Jan. 29, 1962; 8:45 a.m.]

AREAS TO BE OFFERED FOR OIL AND GAS LEASING IN THE OUTER CONTINENTAL SHELF

Call for Nominations

JANUARY 25, 1962.

Pursuant to authority prescribed in 43 CFR 201.20, notice is hereby given that nomination of areas for prospective oil and gas leasing in the Outer Continental Shelf off California north of Point Conception may be submited to the Director, Bureau of Land Management, Washington 25, D.C., not later than April 27, 1962. Copies of any nominations must be sent to the Regional Oil and Gas Supervisor, Geological Survey, 1012 Bartlett Building, 215 West 7th Street, Los Angeles, Calif. Envelopes should be marked "Nominations for leasing in the Outer Continental Shelf—California."

All nominations must be described in accordance with the Outer Continental Shelf leasing maps for areas offshore from California, as prepared by the Bureau of Land Management, U.S. Department of the Interior. Properly described subdivisions of blocks may be nominated. Copies of the official leasing maps numbered 1N, 1S, 2, 3, 4, 5 may be procured from the Manager, Bureau of Land Management, T-9003 Federal Office Building, 701 Loyola Avenue, New Orleans 12, La.; Land Office Manager, Bureau of Land Management, 1414 8th Street (Post Office Box 723), Riverside, Calif.; Land Office Manager, Bureau of Land Management, Federal Building and U.S. Court House, Room 4017, 650 Capitol Avenue, Sacramento 14, Calif.; or the Director, Bureau of Land Management, Washington 25, D.C. at $1 per set of six maps.

Any areas selected for competitive bidding will be published in the FEDERAL REGISTER and the published notice of lease offers will state the conditions and terms for leasing (43 CFR 201.20) and the place, date, and hour at which bids will be received and opened.

KARL S. LANDSTROM,
Director,
Bureau of Land Management.

[F.R. Doc. 62-959; Filed, Jan. 29, 1962; 8:45 a.m.]

IDAHO

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

JANUARY 22, 1962.

Notice of an application Serial No. Idaho 011668, for withdrawal and reservation of lands was published as Federal Register Document No. 60-8357 on page 8724 of the issue for September 9, 1961. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m. on February 7, 1962, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN, IDAHO

T. 6 N., R. 5 W., B.M., Idaho.
Sec. 23: N½SE¼SW¼, N½SW¼SE¼;
Sec. 27: NW¼NE¼.

Totaling 80 acres.

JOE T. FALLINI,
State Director.

[F.R. Doc. 62-960; Filed, Jan. 29, 1962; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-157]

CORNELL UNIVERSITY

Notice of Issuance of Facility License Amendment

Please take notice that Amendment No. 1 to License No. R-80, set forth below, has been issued, effective as of the date of issuance. License No. R-80, as amended, authorizes operation of the Cornell University TRIGA Mark II nuclear reactor located on the university's campus at Ithaca, N.Y.

The amendment authorizes operation of the reactor in accordance with a revision in the application for license concerning personnel, qualifications of new personnel, plans for selection and training of additional operators, and a change in the requirement that two TRIGA licensed operators be present during reactor operations.

The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor under the license, as amended, would not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation of the reactor.

For further details see (1) the application amendment dated December 28, 1961, submitted by Cornell University, and (2) a hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and

Regulation, both to file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Md., or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 22d day of January 1962.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-80; Amdt. 1]

License No. R-80, issued to Cornell University, is hereby amended to authorize the changes described in the application amendment dated December 28, 1961, as follows:

1. Paragraph 1 of License No. R-80 is hereby amended to read as follows:

1. This license applies to the TRIGA nuclear reactor (hereinafter referred to as "the reactor") which is owned by Cornell University and located on the university's campus in Ithaca, N.Y., and described in the university's application for license dated March 8, 1960, and amendments thereto dated June 2, 1961 and December 28, 1961 (hereinafter collectively referred to as "the application") and authorized for construction by Construction Permit No. CPRR-58 issued to Cornell University.

This amendment is effective as of the date of issuance.

Date of issuance: January 22, 1962.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-950; Filed, Jan. 29, 1962; 8:45 a.m.]

[Docket No. 27-20]

OCEAN TRANSPORT CO.

Notice of Issuance of an Amendment to Byproduct, Source and Special Nuclear Material License

Please take notice that no requests for a formal hearing have been filed following filing of notice of the proposed amendment of License No. 4-5668-1 held by Ocean Transport Co., with offices at No. 1 Drumm Street, San Francisco 11, Calif. The Atomic Energy Commission has this date issued Amendment No. 10 to License No. 4-5668-1. This amendment is substantially in the form set forth in the notice of proposed amendment filed with the Federal Register office December 11, 1961, and published in the FEDERAL REGISTER on December 12, 1961, 26 F.R. 11878.

Dated at Germantown, Md., January 23, 1962.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 62-951; Filed, Jan. 29, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13336]

ALITALIA-LINEE AEREE ITALIANE-S.p.A.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on February 1, 1962, at 10 a.m., e.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Chief Examiner Francis W. Brown.

Dated at Washington, D.C., January 25, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-972; Filed, Jan. 29, 1962; 8:47 a.m.]

[Docket No. 13085; Order E-17955]

ANDREWS AIR SERVICES CORP. ET AL.

Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of January 1962.

In the matter of the application of Andrews Air Service Corp., et al., Docket 13085; for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958.

By Order E-16544, dated March 22, 1961, D. C. Andrews & Co., Inc. (Andrews), then an applicant for international air freight forwarder operating authority, was granted an exemption by the Board from the provisions of section 408 of the Federal Aviation Act of 1958 to permit it to control four wholly-owned subsidiaries. The interlocking relationships of the officers and directors of Andrews, who held the same positions in the four subsidiaries, were also approved under the provisions of section 409 of the Act. Thereafter, on June 9, 1961, Andrews was issued Operating Authorization No. 158 as an international air freight forwarder.

Subsequently, Andrews decided it would be more beneficial to conduct the air freight forwarder activities through a new wholly-owned subsidiary, Andrews Air Service Corporation (Service). Accordingly, applications have been filed for the issuance to Service of an operating authorization as an international air freight forwarder[1] and for necessary approvals under sections 408 and 409 of the Act permitting Andrews to control Service and the four other subsidiaries and authorizing interlocking relationships between the companies.[2] Applicants state in effect that the establishment of Service as an air freight forwarder, rather than Andrews, will be of assistance from the standpoint of customer identification and in other respects will simplify accounting and reporting procedures.

No objection to the application has been filed.

The Board, upon consideration of the application, concludes that the control by Andrews of Service and the other companies named above is subject to section 408(a) of the Act. The Board also concludes that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly, and do not tend to restrain competition. Furthermore, the Board notes that no person disclosing a substantial interest is currently requesting a hearing. Also, the establishment of Service for the purpose of becoming the air freight forwarder, in lieu of Andrews, does not alter significantly the relationships previously approved by the Board. It appears, therefore, that approval of the relationships would not be inconsistent with the public interest.

[1] The authorization of Andrews as an international air freight forwarder is to be terminated upon approval of the instant application and the subsequent grant of a forwarder authorization to Service. For the purpose of this proceeding Service is considered to be an air carrier.

[2] The subsidiaries, other than Service, are D. C. Andrews & Co. of Illinois, Inc., D. C. Andrews & Co. of Louisiana, Inc., D. C. Andrews & Co. of Massachusetts, and D. C. Andrews & Co. of Maryland, Inc. The companies operate as surface freight forwarders by water or land and/or as cargo sales agents for members of the International Air Transport Association. The individuals involved in the interlocking relationships and their positions, which are the same for all companies including Andrews and Service, are as follows:

Name and position
Charles C. Hartzell, president, director.
Frank R. Harlocker, executive vice president, director.
Erna B. (Mrs. Charles) Hartzell, director.
Hakon Olsson, treasurer.
Myron L. Shapiro, secretary, director.
Eugene R. Birchler, vice president.

The Board has also determined that interlocking relationships within the scope of section 409(a) of the Act will exist between Service and the other companies named above, from the holding by the individual applicants of the positions described herein. However, the Board finds that the parties have made a due showing that the interlocking relationships will not adversely affect the public interest.

In view of the foregoing, the Board tentatively finds that the control relationships involved herein should be approved and intends to approve them without a hearing, pursuant to the provisions of section 408(b). In accordance therewith, this order constituting notice of such intention will be published in the FEDERAL REGISTER, and interested persons will be afforded an opportunity to comment on the Board's tentative decision.[3]

Therefore, it is ordered:

1. That this order be published in the FEDERAL REGISTER;

2. That the Attorney General be furnished a copy of this order within one day of its publication; and

3. That interested persons are afforded a period of fifteen days within which to file comments with respect to the Board's proposed action herein.[4]

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-973; Filed, Jan. 29, 1962; 8:47 a.m.]

[3] Further action on the interlocking relationships under section 409 will be deferred pending final resolution of the control relationships which are subject to section 408.

[4] Such comments shall in all respects conform to the requirements of the Board's rules of practice for the filing of documents.

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 166]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

JANUARY 5, 1962.

Notification under the provisions of Part III section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph #47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location		Antenna	Schedule	Class	Expected date of commencement of operation
		600 kilocycles				
New	Grand Falls, Newfoundland.	5	DA-1	U	III	Delete assignment.
		610 kilocycles				
New	Thompson, Manitoba	1	ND	U	III	EIO 1-1-63.
CKYL	Peace River, Alberta (PO: 630 kc 1 kw DA-N).	1	DA-N	U	III	Do.
		800 kilocycles				
CJLX	Fort William, Ontario (PO: 800 kc 5 kw DA-1).	10 D/5 N	DA-1	U	II	Do.
		900 kilocycles				
New	Fredericton, New Brunswick	1	DA-1	U	II	Delete Assignment.
		980 kilocycles				
CKCY	Sault Ste. Marie, Ontario.	10 D/5 N	DA-2	U	III	NIO on new frequency.
CKCY	Sault Ste. Marie, Ontario (change in daytime pattern only).	10 D/5 N	*DA-2*	U	III	EIO 1-1-63.
		970 kilocycles				
New	Fredericton, New Brunswick.	5	DA-1	U	III	Do.
		1140 kilocycles				
CBI	Sydney, Nova Scotia (PO: 1140 kc 5 kw DA-1).	10	DA-N	U	II	Do.
		1240 kilocycles				
CJCS	Stratford, Ontario (notified on list #125 for 1 kw D/0.25 kw N 1240 kc DA-D).	0.5 D/0.25 N	ND	U	ND	
		1270 kilocycles				
CJCB	Sydney, Novia Scotia (PO: 1270 kc 5 kw D/1 kw N ND).	10	DA-N		III	Do.
		1280 kilocycles				
CJSL	Estevan, Saskatchewan	1	DA-1	U	III	Assignment of call letters.
New	Melfort, Saskatchewan	1	DA-1	U	III	Delete assignment.
		1310 kilocycles				
CFGM	Richmond Hill, Ontario	10 D/2.5 N	DA-1	U	III	NIO with increased daytime power.
		1330 kilocycles				
New	Tisdale, Saskatchewan	10	DA-1	U	III	Delete assign.
		1340 kilocycles				
CFGB	Goose Bay, Newfoundland.	1	ND	U	IV	NIO.
		1400 kilocycles				
CKCY	Sault Ste. Marie, Ontario.	0.25	ND	U	IV	Delete assignment Vide 980 kc.
		1410 kilocycles				
New	Goderich, Ontario	1	DA-N	U	III	Delete assignment.
		1490 kilocycles				
New	Wilmot Station, Saskatchewan (notified on list #163 for 0.25 kw 1490 kc ND).	1 D/0.25 N	ND	U	IV	EIO 1-1-63.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-943; Filed, Jan. 29, 1962; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

First Oklahoma Bancorporation

Notice of Receipt of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by First Oklahoma Bancorporation, Oklahoma City, Okla., pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), for the Board's prior approval of action to become a bank holding company through acquisition by that corporation of a minimum of 309,697 shares (28.15 percent) of The First National Bank and Trust Co. of Oklahoma City, Oklahoma City, Okla., and a minimum of 505 shares (50.5 percent) of The Idabel National Bank, Idabel, Oklahoma.

In determining whether to approve this application, the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the banks concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public

interest, and the preservation of competition in the field of banking.

Not later than 30 days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 24th day of January 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 62-955; Filed, Jan. 29, 1962; 8:45 a.m.]

DEPARTMENT OF STATE

[Public Notice 204; Delegation of Authority 23-F-3]

PROCUREMENT TRANSACTIONS

Amendment of Delegation of Authority

Delegation of Authority No. 23-F-2 dated December 29, 1961 (27 F.R. 262, January 10, 1962), is hereby cancelled effective close of business January 2, 1962. Paragraph 1b of Delegation of Authority No. 23-F dated May 26, 1961, as amended, "Subject: Delegation of Authority for Procurement Transactions", shall be again effective on and after January 3, 1962.

For the Secretary of State.

HERMAN POLLACK, *Acting Assistant Secretary for Administration.*

JANUARY 2, 1962.

[F.R. Doc. 62-977; Filed, Jan. 29, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 589]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 25, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64561. By order of January 19, 1962, the Transfer Board approved the transfer to Naglee Moving & Storage, Inc., Elmira Heights, N.Y., of Certificates Nos. MC 71262, MC 71262 Sub 4, and MC 71262 Sub 6, issued October 27, 1948, June 21, 1950, and July 7, 1950, respectively, to Arthur Naglee, doing business as Naglee Moving & Storage, Elmira Heights, N.Y., authorizing the transportation over irregular routes of household goods, between points in Chemung County, N.Y., on the one hand, and, on the other, points in Pennsylvania, Ohio, Virginia, West Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, New York, Massachusetts, and the District of Columbia; between points in Steuben, Allegany, Schuyler, and Yates Counties, N.Y., on the one hand, and, on the other, points in Pennsylvania, Ohio, West Virginia, Virginia, Maryland, District of Columbia, Delaware, New Jersey, Connecticut, Massachusetts, Rhode Island, and New York; between Corning, N.Y., on the one hand, and, on the other, points in Pennsylvania within 75 miles of Corning; and between points in Tioga County, N.Y., on the one hand, and, on the other, points in New York, Pennsylvania, Maryland, District of Columbia, Delaware, New Jersey, Connecticut, Massachusetts, and Rhode Island. J. Richard Benedict, 126 West 14th Street, Elmira Heights, N.Y., attorney for applicants.

No. MC-FC 64569. By order of January 19, 1962, the Transfer Board approved the transfer to E-B Trucking Co., Inc., P.O. Box 518, Battleboro, N.C., of Certificate No. MC 46828, issued June 4, 1958, to A & E Trucking Co., a corporation, P.O. Box 518, Battleboro, N.C., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, and of agricultural commodities, cottonseed meal and cottonseed hulls, cottonseed, cottonseed oil, and cotton linters, feed, grain, and flour, fertilizer and fertilizer materials, leaf tobacco, in hogsheads and sheets, peanuts, petroleum products, in containers, and scrap metal, from and to specified points in Maryland, Virginia, North Carolina, and Delaware, varying with the commodities transported.

No. MC-FC 64592. By order of January 19, 1962, the Transfer Board approved the transfer to Walter Taylor and Paul Peel, a partnership, doing business as Phillips Coach Lines Co., 102 Oak Street, Nicholasville, Ky., of Certificate No. MC 36290, issued December 29, 1959, to Walter Taylor, Paul Peel, Herman Brinegar, and F. S. Masterson, a partnership, doing business as Phillips Coach Lines Co., 102 Oak Street, Nicholasville, Ky., authorizing the transportation, over irregular routes, of passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between Lexington, Ky., and Wilmore, Ky.

No. MC-FC 64607. By order of January 19, 1962, the Transfer Board approved the transfer to Bailey's Express, Inc., East Hampton, Conn., of Certificate No. MC 37101, issued June 10, 1949, to Malcolm M. Hall, Jr., doing business as Bailey's Express, East Hampton, Conn., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between New Haven, Conn., and Moodus, Conn., between Middletown, Conn., and Durham, Conn., between New Haven, Conn., and Meriden, Conn., between New Haven, Conn., and Middletown, Conn., and between Middletown, Conn., and Cromwell and East Hampton, Conn. Theodore J. Racaska, 363 Main Street, Middletown, Conn., attorney for applicants.

No. MC-FC 64615. By order of January 19, 1962, the Transfer Board approved the transfer to Revell Transit Lines, Inc., 911 West Sheridan Avenue, Shenandoah, Iowa, of Certificates Nos. MC 69036, MC 69036 Sub 1, MC 69036 Sub 2, MC 69036 Sub 3, MC 69036 Sub 4, and MC 69036 Sub 6, issued January 22, 1951, January 22, 1951, March 7, 1952, March 7, 1952, October 11, 1956, and September 16, 1958, respectively, to Budd A. Revell and Leila M. Revell, a partnership, doing business as Revell Transit Lines, 911 West Sheridan Avenue, Shenandoah, Iowa, authorizing the transportation of general commodities, between Omaha, Nebr., and Clarinda, Iowa; general commodities, including household goods, between Essex, Iowa, and Omaha, Nebr.; general commodities including household goods, but excluding commodities in bulk, between junction U.S. Highway 275 and Iowa Highway 184 and Essex, Iowa; general commodities, excluding household goods and commodities in bulk, between Omaha, Nebr., Percival, Thurman, and Hamburg, Iowa; and from Omaha, Nebr., to Sidney, Iowa and points in Iowa within 25 miles of Sidney; household goods, between Shenandoah, Iowa, on the one hand, and, on the other, points in Illinois, Missouri, Nebraska, Kansas, and Colorado; household goods, between Hamburg, Iowa and Omaha, Nebr., and points within 10 miles of Hamburg, except Riverton and Sidney, Iowa; household goods and emigrant movables, between Sidney, Iowa, and points in Iowa within 100 miles thereof, on the one hand, and, on the other, points in Nebraska; and between Sidney, Iowa, and points within 50 miles thereof, on the one hand, and, on the other, points in Missouri; building materials, from Nebraska City, Nebr., to points in Fremont, Mills, Montgomery, and Page Counties, Iowa; livestock, between Hamburg, Iowa serving intermediate and off-route points within 10 miles of Hamburg, Iowa; from Hamburg, Iowa to Omaha, Nebr., serving intermediate and off-route points in Iowa within 10 miles of Hamburg, Iowa; and from points in Iowa, to points in Nebraska; milled feed, farm implements and machinery, lumber, hardware, and coal, commercial feed, and feed, from and to points in Nebraska and Iowa; sand, from point in Nebraska to points in Iowa.

No. MC-FC 64679. By order of January 19, 1962, the Transfer Board approved the transfer to Jenkins Bros., Inc., Mount Vernon, Oreg., of Certificate No. MC 119506, issued November 23, 1960, to Clarence Jenkins and Walter Jenkins, a partnership, doing business as Jenkins Bros., Mount Vernon, Oreg., authorizing the transportation, over irregular routes, of asbestos ore, in bulk, from points in Grant County, Oreg., to Los Angeles, Calif. J. R. Campbell, Ogilvie Building, John Day, Oreg., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-964; Filed, Jan. 29, 1962; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 25, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37525: *Wheat and wheat flour to Corpus Christi, Tex.* Filed by Texas-Louisiana Freight Bureau, agent (No. 428), for interested rail carriers. Rates on wheat and wheat flour, in carloads, from points in New Mexico and Texas, to Corpus Christi, Tex. (for export).

Grounds for relief: Port relationship.

Tariff: Supplement 109 to Texas-Louisiana Freight Bureau tariff I.C.C. 899.

FSA No. 37526: *Corn and corn products from Illinois and Indiana points to the east.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2600), for interested rail carriers. Rates on corn and corn products, as described in the application, in carloads, from specified points in Illinois and Indiana, to eastern points located on the lines of The New York Central Railroad Co.

Grounds for relief: Origin rate relationship and market competition.

Tariff: Supplement 194 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 4403 (Hinsch series).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-963; Filed, Jan. 29, 1962; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DELEGATION OF FINAL AUTHORITY

Regional Directors

Section II *Delegation of final authority*, is amended as follows:

Paragraph C1 is amended by adding the name "Kenneth C. Cavanaugh" below the title "Regional Directors."

Approved: January 19, 1962.

[SEAL] MARIE C. MCGUIRE, *Commissioner.*

[F.R. Doc. 62-956; Filed, Jan. 29, 1962; 8:45 a.m.]

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Washington, Wednesday, January 31, 1962

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

SUBCHAPTER B—FEDERAL FARM LOAN SYSTEM

Part 10—Federal Land Banks Generally

In order to reflect changes made in a general revision of the Federal Land Bank Manual issued as of December 31, 1959, Part 10, Subchapter B, Chapter I of Title 6 of the Code of Federal Regulations, is revised to read as hereafter set forth.

Subpart—Eligibility

Sec.
10.1 Eligibility of applicants.
10.2 Same; farming operations.
10.3 Same; farming corporations.
10.5 Same; joint owners.
10.6 Same; fiduciaries.
10.7 Eligibility of purposes.
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Subpart—Security

10.11 Security standards.
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10.13 Basis of loan and appraisal.

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10.34 Computing amount loanable to applicant.
10.40 Insurance.

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10.42–50 Deferments.
10.42–51 Unamortized or partially amortized loans.

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10.47 Future payment funds.
10.48 Same; terms and conditions.
10.52 Release of personal liability.

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10.64 Holding mineral rights for more than 5 years.

Subpart—Bonds

10.119 Method of calling consolidated Federal farm loan bonds.
10.120 Same; less than entire issue.
10.120a Exchanges and assignments of consolidated bonds.
10.120b Basis of relief on account of lost, stolen, destroyed, mutilated, or defaced consolidated bonds or coupons.
10.120c Claims and proof for lost, stolen, destroyed, mutilated, or defaced consolidated bonds or coupons.
10.120d Restrictive endorsements of bearer securities.
10.121 Lost or stolen bonds and coupons issued by a bank individually.
10.122 Same; bond of indemnity.

AUTHORITY: §§ 10.1 to 10.122 issued under sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665.

NOTE: That part of each section number which follows the first decimal is the same as the section number of the corresponding provision in the Federal Land Bank Manual, except for §§ 10.120a, 10.120b, 10.120c, and 10.120d which do not appear in the manual. Where the word "bank" appears alone, it refers to a Federal land bank; the word "association" refers to a Federal land bank association; the word "Administration" refers to the Farm Credit Administration.

Subpart—Eligibility

§ 10.1 Eligibility of applicants.

An eligible person as used in section 12 Sixth of the Federal Farm Loan Act (12 U.S.C. 771 Sixth) is one who is engaged, or shortly to become engaged, in farming operations or who derives the principal part of his income from farming operations.

§ 10.2 Same; farming operations.

A person will be deemed to be engaged in farming operations if, in the capacity of owner, lessee, or tenant of a farm, he actively participates personally or through an agent to a substantial degree in the management and conduct of the farming operations on any farm land.

§ 10.3 Same; farming corporations.

The term "person" includes a corporation engaged in farming operations. Loans may be made to such a corporation provided that (a) more than one-half of its income is derived from farming operations, (b) one or more individuals owning a substantial portion of the outstanding stock of the corporation are engaged in farming operations in connection with the farm to be mortgaged as security for the loan, and (c) one or more individuals owning a substantial portion of the outstanding stock of the corporation assume personal liability for the loan. Requirements (b) and (c) may be met by either the same or different individuals.

§ 10.5 Same; joint owners.

An application offering jointly held property as security may be accepted if it is signed by one or more of the joint owners, on behalf of all of the joint owners, provided it is understood that all of the owners will join in a mortgage if a loan is approved.

§ 10.6 Same; fiduciaries.

Loans may be made to an executor, administrator, trustee, or guardian if (a) the fiduciary, as such, or the beneficiary or ward is engaged, or shortly to become engaged, in farming operations, or derives the principal part of his income from farming operations; (b) a valid lien can or will be given on the property on which the loan is sought; and (c) an individual sufficiently interested to do so, can and will incur personal liability for the loan.

§ 10.7 Eligibility of purposes.

The statutory provision as to the purposes for which loans may be made is as follows (12 U.S.C. 771 Fourth):

Such loans may be made for general agricultural purposes and other requirements of the owner of the land mortgaged, under rules and regulations of the Farm Credit Administration.

While many of them might be placed in either category, the recognized purposes are as hereafter listed under the headings § 10.8 *Same; general agricultural purposes* and § 10.9 *Same; other requirements of the owner.*

§ 10.8 Same; general agricultural purposes.

(a) Purchase and improvement of farm real estate;

(b) Purchase of livestock, equipment, and supplies;

(c) Payment of farm operating expenses, including taxes and insurance;

(d) Provide a home for use in connection with farm operation;

(e) Removal of a lien from farm land;

(f) Refinance indebtedness incurred for any of the foregoing purposes or reimburse applicant for amounts spent out of his own funds for such purposes.

§ 10.9 Same; other requirements of the owner.

(a) Provide a home for the owner or his family;

(b) Pay family living expenses, including premiums on life insurance, educational, medical, and funeral expenses;

(c) Provide facilities for processing, storage, and marketing of farm products, and the handling of farm equipment and supplies, even though not located on the mortgaged farm;

(d) Discharge any bona fide liability of the owner, including income and other taxes, judgments, liens, liability as endorser or surety for the debt of another, etc.;

(e) If the owner is personally actually engaged in farming operations or receives the principal part of his income from farming operations, assist him or other family members in establishing and maintaining themselves, together or separately, on or off the farm.

Subpart—Security

§ 10.11 Security standards.

To be acceptable security for a loan, a property must meet each of the following minimum standards:

(a) It must be sufficiently desirable to be readily salable or rentable under normal agricultural conditions.

(b) It must be sufficiently durable to maintain satisfactory production during the loan term specified.

(c) It must have sufficient stability of value to assure that, on a loan that would be proper to a typical owner of the property, the bank could recover its

investment if unforeseen difficulties should result in acquirement of the property.

(d) It must be capable of producing, under typical operation, sufficient normal agricultural earnings to pay farm operating expenses, including taxes and other fixed charges, maintain the property, and meet family living expenses and installments on a loan that would be proper to a typical operator: *Provided*, That where income from dependable sources other than farm earnings is available to a typical operator, such income may be relied upon to meet loan installments and family living expenses including that part of the taxes, insurance, and maintenance costs chargeable to the dwelling.

§ 10.12 Normal agricultural value.

The normal agricultural value of a farm is the amount a typical purchaser would, under usual conditions, be willing to pay and be justified in paying for the property for customary agricultural uses, including farm home advantages, with the expectation of receiving normal net earnings from the farm and from other dependable sources.

§ 10.13 Basis of loan and appraisal.

The normal agricultural value of a farm shall be the basis for a loan. In making the appraisal the net earnings of the farm shall be determined by using normal commodity prices and the related level of farm operating costs. Normal prices and related costs shall be determined on the basis of the long-term economic outlook and be approved by the Administration. Likewise, the net earnings from other dependable sources shall be on a normal level that reflects the same long-term economic outlook.

Subpart—Limitations and Requirements

§ 10.33 Bona fide ownership.

A loan should not be made in any case if the ownership of the security by the applicant(s) is not bona fide, or if it was acquired with the intention to reconvey after the loan is closed in order to avoid limitations as to eligibility of person or amount of loan.

§ 10.34 Computing amount loanable to applicant.

(a) *Limitation.* The amount of any loan made by a bank may not exceed 10 percent of the legal reserve, surplus reserve, and earned surplus, as of the end of the preceding semiannual period (June 30 or December 31), of the bank making the loan; and the amount of loans to any one borrower, computed as hereinafter provided, may not exceed such 10 percent limitation.

(b) *Individuals.* In determining the amount loanable to an individual, within such 10 percent limitation, there shall be charged against his borrowing capacity the total unpaid principal of all indebtedness to any bank of the system which is secured by property presently owned or being acquired by him, either individually or jointly with others, or for which he is personally liable. The amount of any loan to a corporation engaged in farming operations shall be charged against the individual borrowing capacity of each stockholder who assumes personal liability for the loan to the corporation.

(c) *Farming corporations.* In determining the amount loanable to a corporation engaged in farming operations, within such 10 percent limitation, there shall be charged against its borrowing capacity the total unpaid principal of all indebtedness to any bank of the system which is secured by property presently owned or being acquired by it, or for which it is liable. The amount loaned to a corporation shall be limited to such amount as will not cause the amount chargeable against the borrowing capacity of any stockholder to exceed such 10 percent limitation.

§ 10.40 Insurance.

(a) *General requirements.* (1) Insurance on buildings shall be required against such risks and in such amounts as the bank may determine to be necessary for adequate protection of the interests of the bank and the endorsing association, and shall afford the same protection provided under the New York standard mortgage clause.

(2) Insurance requirements on existing loans may be reduced or discontinued upon the request of the borrower or on the initiative of the bank or association when such action is not prejudicial to the interest of the bank and the association.

(3) A bank may delegate to associations full or limited authority with respect to the determination of insurance requirements.

(b) *Application of loss proceeds.* (1) The bank may, in its discretion, permit individual losses not in excess of an amount fixed by the bank with due regard to adequate protection of the mortgagee to be paid directly to the mortgagor for use in the prompt reconstruction of the buildings destroyed.

(2) At the option of a mortgagor and subject to the provisions of these regulations any sum received in settlement of a loss covered by insurance required by these regulations may be used to pay for the reconstruction of the buildings involved. Upon giving notice of the exercise of such option or within 30 days thereafter, unless such time for good cause be extended, the mortgagor shall furnish information in such form as shall be satisfactory covering the plans of the mortgagor for the reconstruction of the building involved in sound and serviceable form and condition, at least equal to that which existed immediately prior to the loss. Within said 30 days the mortgagor shall also furnish satisfactory assurance that such reconstruction will be completed within a reasonable time, and that there will be no unsatisfied liens for labor, materials, and/or other expenses that will have priority over the mortgage when such reconstruction shall have been completed or when the said sum received shall have been paid to or for the account of the mortgagor. If the mortgagor desires to use the insurance money in whole or in part in order to replace the building involved with an insurable building of a less expensive type, or to substitute any other insurable building, the funds may be used for such purpose provided the bank or association is satisfied that the proposed building will be suitable and adequate to the agricultural needs of the farm.

(3) If the mortgagor fails or refuses to exercise his option in accordance with these regulations, or to comply with all of the conditions of these regulations with respect thereto, or if the mortgage be in process of foreclosure, or if the mortgagor be in default in such manner that the mortgage is subject to foreclosure, the sum received may be retained for application upon the indebtedness secured by such mortgage or as collateral security therefor. Any portion of the sum received which is not used for reconstruction may also be retained for application upon the indebtedness or as collateral security therefor.

Subpart—Interest Rates

§ 10.42 Special interest rates.

Subject to the maximum interest rate of 6 percent per annum prescribed by law, approval is given to an interest rate one-half of 1 percent per annum in excess of the interest rate otherwise authorized for bank loans through associations secured by first mortgages on the following farm property in the continental United States:

(a) Land that is employed primarily in the production of naval stores as defined by section 2 of the Naval Stores Act (sec. 2, 42 Stat. 1435; 7 U.S.C. 92);

(b) Land used for the raising of livestock, in estimating the earning power and in establishing the value of which leases or permits for the use of other lands were taken into consideration and were a factor in determining the amount of the loan; and

(c) Land, a substantial part of the earnings from which is derived from orchard crops.

Subpart—Repayment Plans

§ 10.42–50 Deferments.

(a) *Statutory authority.* The statutory provision as to deferments is as follows (12 U.S.C. 781 Nineteenth):

> To permit any borrower to defer payment of the principal portions of installments on his loan in order that he may pay, in whole or in part, any indebtedness which is secured by a lien junior to the lien of the bank upon the farm land mortgaged to secure his loan. Such a deferment may be permitted for other purposes for a period not exceeding 5 years under regulations prescribed by the Farm Credit Administration.

(b) *New loans.* Deferments may be granted as a part of making a loan and the original amortization plan may be drawn accordingly. However, no deferment shall be granted or promised when a loan is made which would have the effect of extending the period of repayment for more than 40 years or for more than the maximum term for which the appraiser states the security is suitable.

(c) *Outstanding loans.* The total period of deferment for purposes other than to pay off a junior lien shall not exceed 5 years during the life of the loan, although the deferment may be for a longer period if the purpose is to pay off a junior lien. Only in exceptional cases should deferments be granted which would extend the repayment of the loan for more than 40 years from its making or beyond the term for which the appraiser stated the security is suitable. Deferments exceeding the limitations indicated herein may be granted in certain circumstances when necessary to work out a delinquency situation.

§ 10.42–51 Unamortized or partially amortized loans.

(a) *General.* Loans ordinarily should be made on an amortization plan requiring a fixed number of one or more principal payments each year sufficient to liquidate the loan during the specified term of years (referred to herein as being "fully amortized"). If indicated by the special circumstances of a borrower, principal payments may be deferred as provided in § 10.42–50 of this chapter, or a loan may be made on an unamortized or partially amortized basis as hereinafter provided.

(b) *Security requirements.* Unamortized or partially amortized loans may be made only on security which is deemed acceptable for a fully amortized maximum loan for the term which usually would be allowed under the policy followed by the bank for the type of farm involved. If the characteristics of a particular security make it subject to more than the usual hazards for that type of property, it should be considered ineligible for an unamortized or partially amortized loan.

(c) *Limitation on amount of loan and repayment schedule.* If a fully amortized maximum loan for a term of 30 years or more would be allowed on the security offered, an unamortized loan or a partially amortized loan may be made up to that amount. In all other circumstances, the outstanding balance of an unamortized or partially amortized loan should not at any time substantially exceed the amount which would be outstanding under a fully amortized maximum loan for the term which usually would be allowed under the policy followed by the bank for the type of farm involved. In applying this limitation, however, allowance may be made for an initial deferment of principal for 5 years as is permitted for a fully amortized maximum new loan.

(d) *Term limitations.* An unamortized loan may not be made for a term of more than 10 years. On partially amortized loans, the term may not exceed that for which a fully amortized loan would be made on the type of farm involved and the period during which no principal payments are scheduled may not exceed 10 years.

(e) *Existing loans.* The payment of existing loans may be rescheduled on an unamortized or partially amortized basis subject to the same limitations as those applicable to new loans. In applying such limitations, unless an existing appraiser's report on the identical security can be utilized as permitted in connection with a new loan, a current appraisal report should be obtained.

Subpart—Payments

§ 10.47 Future payment funds.

Future payment funds shall be held for subsequent credit upon indebtedness to the bank except in cases of unusual circumstances where the release of the funds is justified.

§ 10.48 Same; terms and conditions.

Future payment funds accepted prior to January 1, 1954, for subsequent credit upon indebtedness to the bank shall continue to be held under such terms and conditions as were agreed upon at the time of their acceptance. As to future payment funds accepted on or after January 1, 1954, the agreement with the borrower shall specify the rate of interest to be allowed on such funds at a rate determined by the board of directors of the bank, and such agreement shall include and be consistent with the terms and conditions prescribed by statute for such funds (12 U.S.C. 781 Eighteenth). The form of such agreement, its conformity with the terms and conditions prescribed by statute, and the procedure for making it effective with the borrower shall have the approval of the district general counsel.

§ 10.52 Release of personal liability.

In case of the sale of land mortgaged to the bank and the assumption of the mortgage by the purchaser, a former owner or other person liable for the mortgage debt may be released from personal liability therefor: *Provided:*

(a) In the opinion of the bank, there is reasonable assurance that the assumptor of the mortgage will pay the loan in accordance with its terms; and

(b) The applicant for the release has transferred to the assumptor all his interests, if any, in the stock issued in connection with a bank loan from which he desires to be released of liability; and

(c) The endorsing association, if active, consents to the release; and

(d) Such title or other requirements are met as the bank or the bank's counsel may consider necessary or advisable for the protection of the mortgagee's interests.

Subpart—Retirement of Stock

§ 10.53 General policy.

It is the general policy of the Administration that the bank stock issued in connection with a loan made through an association shall not be retired in whole or in part until the loan has been paid in full except in individual cases where unusual circumstances are involved. Within the limitations and restrictions of section 7 (12 U.S.C. 722) and section 14 (12 U.S.C. 791 Fourth) of the Federal Farm Loan Act and applicable regulations of the Administration, and subject to authorization being given by the bank's board of directors by appropriate resolution, the Administration approves, under section 7 of the Federal Farm Loan Act (12 U.S.C. 721), the retirement of bank stock held as collateral for the payment of a loan, in the following cases or circumstances:

(a) Where the amount of bank stock held as security for a loan is substantially in excess of 5 percent of the unpaid balance of the loan and the bank determines that retirement of the excess stock is advisable;

(b) If the terms and conditions under which a bank holds future payment funds so permit, then, when the amount of stock and the future payment funds held in connection with a loan are sufficient to pay off the loan in full, they may be so applied and the stock may be retired for that purpose;

(c) When the amount of bank stock held as security for a loan is sufficient to complete payment of the loan, the bank may retire its stock and, with the consent of the association, credit an amount equal to the par value thereof as a last payment on the retiring borrower's loan;

(d) When a loan is called for foreclosure, or when a loan has been declared due and payable for the purpose of accepting deed, the bank may retire the related stock and apply the proceeds to the indebtedness concurrently with the transfer of the loan to the loans called for foreclosure account or at any time thereafter, not later than the date of recording the acquisition of the underlying security on the books of the bank;

(e) Where the mortgaged security for a land bank loan is transferred and the present owner thereof assumes the mortgage indebtedness, but either fails to acquire ownership of the stock interest on such loan or does not qualify for membership in the association endorsing the loan;

(f) Where the mortgaged security for a land bank loan is transferred and the present owner thereof assumes the mortgage indebtedness, is or becomes a member of the association endorsing the loan, and owns or acquires stock therein to the extent of 5 percent of the unpaid balance of the loan to be held as collateral for such loan;

(g) The bank stock may be retired so that the proceeds thereof may be applied to the related bank loan in any case where the bank finds that there is not sufficient equity in the security or probability of recovery from the borrower to justify further expenditure in connection therewith.

Subpart—Mineral Rights

§ 10.64 Holding mineral rights for more than 5 years.

In cases where, in connection with a sale of bank-owned real estate, the bank has retained royalty or other rights in or to minerals, and desires to hold such rights for a period in excess of 5 years, it is not considered that the bank has both "title and possession" of real estate within the meaning of section 13 Fourth (b) of the Federal Farm Loan Act (12 U.S.C. 781 Fourth(b)). However, retention of such minerals and mineral rights for periods in excess of 5 years, when in the bank's opinion it is in the bank's interest to do so, has the approval of the Administration.

Subpart—Bonds

§ 10.119 Method of calling consolidated Federal farm loan bonds.

When any Federal land bank shall desire to call for redemption any consolidated Federal farm loan bonds outstanding on its behalf, it shall, pursuant to appropriate authorization of the 12 Federal land banks, file with the Administration, at least 20 days prior to the date on which the call is to become effective, a certified copy of a resolution of its board of directors authorizing such call. The Administration shall, at least 15 days prior to the date on which the call is to become effective, approve or disapprove the call and, if the call is approved, shall cause formal notice thereof to be published, at least 15 days prior to the effective date of the call, in the FEDERAL REGISTER and through any other facilities that the Administration may elect. Such notice shall describe the bonds so called for redemption and shall designate the place or places where and the date on and after which they will be payable. Approval of the call and publication of notice as herein required shall be deemed a complete call. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

§ 10.120 Same; less than entire issue.

In any case in which it is desired to call for redemption less than all of the outstanding bonds of any issue or issues, the bonds to be so called shall be selected in such manner as the Administration shall prescribe.

§ 10.120a Exchanges and assignments of consolidated bonds.

(a) Consolidated bonds issued by the 12 Federal land banks dated before 1959 may be exchanged for bonds of the same issue, and assignments of registered consolidated bonds of all such issues may be effected, under and in accordance with the regulations of the United States Treasury Department governing exchanges and transfers of United States bonds.

(b) Consolidated bonds issued by the 12 Federal land banks dated after 1958 may be exchanged for bonds of the same issue, and assignments of registered consolidated bonds of all such issues may be effected, under and in accordance with the regulations of the United States Treasury Department governing exchanges and transfers of United States bonds, with the following exceptions: Denominational exchanges of coupon bonds may be effected at the Federal Reserve Bank of New York only. Exchanges as between coupon bonds and registered bonds and changes of registration may be effected at the Division of Loans and Currency, Treasury Department, Washington, D.C., or through the Federal Reserve Bank of New York.

§ 10.120b Basis of relief on account of lost, stolen, destroyed, mutilated, or defaced consolidated bonds or coupons.

The statutes of the United States, now or hereafter in force, and the regulations of the Treasury Department, now or hereafter in force, governing relief on account of the loss, theft, destruction, mutilation, or defacement of United States securities, and the regulations of the Treasury Department, now or hereafter in force, governing the payment of mutilated or defaced coupons of United States securities, so far as such statutes and regulations may be applicable, and as modified to relate to consolidated Federal farm loan bonds, and coupons of such bonds, shall govern the granting of relief on account of lost, stolen, destroyed, mutilated, or defaced consolidated Federal farm loan bonds, and mutilated or defaced coupons of such bonds.

§ 10.120c Claims and proof for lost, stolen, destroyed, mutilated, or defaced consolidated bonds or coupons.

Claims shall be presented, and proof shall be made, by applicants for relief on account of the loss, theft, destruction, mutilation, or defacement of consolidated Federal farm loan bonds, and the mutilation or defacement of coupons of such bonds, in accordance with the statutes of the United States, now or hereafter in force, and the regulations of the Treasury Department, now or hereafter in force, with respect to securities of the United States, and coupons of such securities.

§ 10.120d Restrictive endorsements of bearer securities.

When consolidated coupon bonds issued by the 12 Federal land banks are being presented to Federal Reserve Banks or Branches, or to the Treasurer of the United States, by or through banks (including Federal land banks) for payment, redemption, or exchange pursuant to an optional exchange offering, such bonds may be restrictively endorsed. The restrictive endorsement shall be placed thereon in substantially the same manner and with the same effects as prescribed in United States Treasury Department regulations, now or hereafter in force, governing like transactions in United States bonds; and consolidated coupon bonds so endorsed shall be prepared for shipment and shipped in the manner prescribed in such regulations for United States bonds.

§ 10.121 Lost or stolen bonds and coupons issued by a bank individually.

Whenever it appears by clear and satisfactory evidence that any interest-bearing bond or any coupon thereof issued by any Federal land bank has, without bad faith on the part of the owner, been lost, stolen, or destroyed, and is not lawfully held by any person as his own property, or has been so mutilated or defaced as to impair its value to the owner, and is identified by number and description, the bank of issue may make payment (upon approval of the proofs of loss, etc., bonds of indemnity and related papers filed with the banks of issue in such cases, detailed information as to which has been furnished the banks) without requiring the issuance of any new bonds for record purposes.

§ 10.122 Same; bond of indemnity.

The owner of any such lost, stolen, or destroyed bond or coupon shall file with the bank of issue a bond of indemnity in a penal sum equal to the face amount of the bond or coupon, plus an amount sufficient to protect the bank from any loss on account of interest which may be payable on such lost, stolen, or destroyed bond. A corporate surety to be approved by the bank of issue shall be required for the bond of indemnity when the penal sum exceeds $50.

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 62-1011; Filed, Jan. 30, 1962; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 3, Amdt. No. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 907.303 (Navel Orange Regulation 3, 27 F.R. 613) are hereby amended to read as follows:

(i) District 1: 325,000 cartons;
(ii) District 2: 375,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 26, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 62-1004; Filed, Jan. 30, 1962; 8:47 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Establishment of Independent Producer Districts

Notice was published in the January 13, 1962, issue of the FEDERAL REGISTER (27 F.R. 411) that there was under consideration a proposed amendment of the Subpart—Administrative Rules and Regulations, dividing the area into seven independent producer election districts and including the description of such districts in paragraph (a) of § 993.128, pursuant to Marketing Agreement No. 110, as amended, and Order No. 993, as amended (7 CFR Part 993; 26 F.R. 475), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). Said notice afforded interested persons the opportunity to submit written data, views, or arguments on the proposal. None were filed.

After consideration of all relevant matters presented, including the recommendations of the Prune Administrative Committee and other available information, it is concluded that amendment of this subpart, as hereinafter set forth, would tend to effectuate the declared policy of the act.

Therefore, it is hereby ordered, That § 993.128 be amended as follows:

§ 993.128 Nominations for membership.

(a) *Districts.* In accordance with the provisions of § 993.28, the districts referred to therein are described as follows:

District No. 1. The counties of Modoc, Lassen, Plumas, Sierra, Butte, Sutter, Yuba, Nevada, and Placer.

District No. 2. The counties of Marin, Napa, Lake, Mendocino, Humboldt, Del Norte, and that portion of Sonoma County south and east of a line described as follows: Beginning at the intersection of Bay Highway and Bodega Bay in Bodega Bay; thence easterly on Bay Highway to its junction with Bodega Highway in Bodega; thence easterly on Bodega Highway to its junction with Burbank Memorial Highway in Sebastopol; thence easterly on Burbank Memorial Highway to its junction with Sebastopol Avenue at Occidental Road; then east on Sebastopol Avenue to U.S. Highway 101 Freeway in Santa Rosa; thence north on U.S. Highway 101 Freeway to its junction with Redwood Highway North (U.S. Highway 101) at Mendocino Avenue; thence northwest on Redwood Highway North (U.S. Highway 101) to Pleasant Road near East Windsor; thence east on Pleasant Road to Chalk Hill Road; thence northerly on Chalk Hill Road to its junction with State Highway 128; thence easterly on State Highway 128 to the Napa County line.

District No. 3. All of that portion of Sonome County not included in District No. 2.

District No. 4. The counties of Alameda, San Francisco, San Mateo, Santa Cruz, and all that portion of Santa Clara County north and west of a line described as follows: Beginning at the point where the eastern Santa Clara County line and the southern boundary of San Jose Township of said county meet; thence west on said township boundary to San Felipe Road No. 2; thence southerly on San Felipe Road No. 2 to San Felipe Road; thence westerly and northwesterly on San Felipe Road to White Road in Evergreen; thence northwest on White Road to Santa Clara Street in San Jose; thence west on Santa Clara Street to First Street in San Jose; thence south on First Street to San Carlos Street in San Jose; thence west on San Carlos Street to Meridian Road in San Jose; thence south on Meridian Road to Dry Creek Road; thence westerly on Dry Creek Road to the San Jose-Los Gatos Road; thence southwesterly on the San Jose-Los Gatos Road to Union Avenue; thence south on Union Avenue along a straight line continuing to the Santa Cruz County line.

District No. 5. That part of Santa Clara County east and south of District No. 4, extending in a southerly direction to a straight line extending from along the main portion of the Cochran Road, northeasterly to the Stanislaus County line and southwesterly to the Santa Cruz County line.

District No. 6. The counties of San Benito, Monterey, and San Luis Obispo, and all of that portion of Santa Clara County not included in Districts No. 4 and No. 5.

District No. 7. All of the counties in the State of California not included in Districts No. 1 to No. 6, inclusive.

It is hereby determined that good cause exists for not postponing the time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The districts must be established promptly in order that independent producers will know in which districts their orchards are located and which nomination meetings to attend to nominate their candidates for representation on the Prune Administrative Committee; (2) the districts must be established promptly so that the committee management can schedule nomination meetings and notify independent producers of the time and place of such meetings; and (3) this regulation places no restriction on handlers.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated January 26, 1962, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-1017; Filed, Jan. 30, 1962; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER G—ANIMAL BREEDS

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PURE-BRED ANIMALS

Recognized Breeds and Books of Record in Canada

On December 12, 1961, there was published in the FEDERAL REGISTER (26 F.R. 11870), a notice with respect to a proposal to amend § 151.9(b)(1) of Part 151, Title 9, Code of Federal Regulations, by adding the Standardbred to the list of breeds of horses in Canada which will not be certified under the regulations as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved is submitted for the animal.

After the notice of proposed rule making was published in the FEDERAL REGISTER, the Department of Agriculture was advised, by the Canadian National Live Stock Records, that the Canadian Standard Bred Stud Book is now kept by the Canadian Standard Bred Horse Society, instead of the Canadian National Live Stock Records as specified in § 151.9 (b)(1). After due consideration of all relevant material and pursuant to paragraph 1606 of section 201 of the Tariff Act of 1930, as amended (19 U.S.C. 1201, par. 1606), § 151.9(b) of said Part 151 is hereby amended in the following respects:

1. A new subparagraph (4) is added to § 151.9(b), to read as follows:

§ 151.9 Recognized breeds and books of record.

* * * * * *

(b) *Breeds and books of record in Canada.* * * *

(4) *Standardbred horses in Canada (Code 2231).* The Canadian Standard Bred Stud Book kept by the Canadian Standard Bred Horse Society, 122 Brown's Line, Toronto 14, Ontario, Canada, is recognized for all Standardbred horses registered therein: *Provided,* That no Standardbred so registered shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred Standardbred ancestry, issued by the Canadian Standard Bred Horse Society, is submitted for each such horse.

2. The breed "Standardbred" is deleted from the table in § 151.9(b)(1).

(Par. 1606, sec. 201, 46 Stat. 673, as amended; 19 U.S.C. 1201, par. 1606)

Under the amendment, a Canadian Standardbred horse will not be certified as purebred by the Department of Agriculture, unless a pedigree certificate showing three complete generations of

known and recorded purebred Standardbred ancestry is submitted for the animal.

The change in § 151.9(b) recognizing the transfer of the Canadian Standard Bred Stud Book from the Canadian National Live Stock Records to the Canadian Standard Bred Horse Society does not materially affect the rights or obligations of persons subject to the regulations.

Effective date. The foregoing amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of January 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-1018; Filed, Jan. 30, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-60]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Routes and Associated Jet Advisory Area

On October 24, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9949), stating that the Federal Aviation Agency proposed to extend Jet Route No. 97 and its associated jet advisory area from Boston, Mass., to Nantucket, Mass.

Since these actions involve the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order No. 10854.

The Department of the Navy stated that this proposal was acceptable provided it would not conflict with the instrument procedures authorized at NAS South Weymouth, Mass. Any conflict between traffic cleared on J-97 and traffic at NAS South Weymouth will be resolved procedurally by the Boston Air Route Traffic Control Center. The Department of the Air Force interposed no objections and the Air Transport Association of America endorsed the proposal.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 602.100 Jet routes (26 F.R. 7082, 7576) Jet Route No. 97 is amended to read:

Jet Route No. 97 (Nantucket, Mass., to Plattsburgh, N.Y.). From Nantucket, Mass., via Boston, Mass., to Plattsburgh, N.Y.

2. In § 602.200 Enroute jet advisory areas (26 F.R. 7083) Jet Route No. 97 jet advisory area is amended to read:

Jet Route No. 97 jet advisory area. Radar—Nantucket, Mass., to Plattsburgh, N.Y.

These amendments shall become effective 0001 e.s.t., April 5, 1962.

(Secs. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on January 25, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-986; Filed, Jan. 30, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8328 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Pittsburgh Plate Glass Co.

Subpart—Discriminating in price under section 2, Clayton Act—Furnishing services or facilities for processing, handling, etc., under 2(e): § 13.843 *Promotional enterprises.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Pittsburgh Plate Glass Co., Pittsburgh, Pa.; Docket 8328, Oct. 11, 1961]

In the Matter of Pittsburgh Plate Glass Company, a Corporation

Consent order requiring a Pittsburgh manufacturer of glass products, including automobile replacement glass, to cease violating section 2(e) of the Clayton Act by paying for advertising for customers designated "A.I.D. dealers" ("autoglass installation dealer") on television, in trade publications and nationally published magazines, and also for placing names of such dealers in the "Yellow Pages" of the telephone directory, while according no comparable services to competitors of "A.I.D.'s".

The order to cease and desist is as follows:

It is ordered, That respondent Pittsburgh Plate Glass Company, a corporation, and its officers, employees, agents and representatives, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of automotive replacement glass in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Furnishing, contracting to furnish, or contributing to the furnishing of services or facilities in connection with the handling, processing, sale or offering for sale of respondent's automotive replacement glass to any purchaser from respondent of such automotive replacement glass bought for resale, when such services or facilities are not accorded on proportionally equal terms to all purchasers from respondent who resell respondent's automotive replacement glass in competition with such purchasers who receive such services or facilities.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: October 11, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-996; Filed, Jan. 30, 1962; 8:45 a.m.]

[Docket 8206 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Florida Citrus Distributors, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct Buyers;* § 13.822 *Lowered price to buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Florida Citrus Distributors, Inc., Orlando, Fla., Docket 8206, Oct. 16, 1961]

In the Matter of Florida Citrus Distributors, Inc., a Corporation

Consent order requiring an Orlando, Fla., broker and representative of various citrus fruit packers, to cease violating section 2(c) of the Clayton Act by receiving commissions on its own purchases for resale, such as a discount at the rate of 10 cents per 1⅗ bushel box or equivalent, or a lower price reflecting brokerage.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Florida Citrus Distributors, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase of citrus fruit or produce in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or produce for respondent's own account, or where respondent is the agent, representative, or other intermediary acting for or in behalf, or is subject to the direct or indirect control, of any buyer.

It is further ordered, That the Respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: October 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-997; Filed, Jan. 30, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of Diphenylamine

A petition was filed with the Food and Drug Administration by American Cyanamid Company, P.O. Box 400, Princeton, New Jersey, on behalf of themselves, the International Apple Association, Inc., 1302 Sixteenth Street NW., Washington 6, D.C., the National Apple Institute, Washington Building, Washington 5, D.C., and the Northwest Horticultural Council, 1002 Larson Building, Yakima, Washington, requesting the establishment of a tolerance for residues of diphenylamine at 10 parts per million in or on apples, and zero in meat and milk. The tolerance on apples was requested to cover residues from use of the chemical as a preharvest spray, postharvest spray, postharvest dip, or in impregnated wraps for scald control during storage. The petitioner withdrew postharvest sprays and postharvest dips from the uses proposed in the petition when it was found that available data were inadequate to show that residues from these uses would be within the proposed tolerance. The zero tolerance in milk and meat was requested in conjunction with a proposed label caution that pomace from treated apples should not be fed to livestock.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding thereto the following new section:

§ 120.190 Tolerances for residues of diphenylamine.

Tolerances for residues of diphenylamine are established as follows:

10 parts per million in or on apples to cover residues from preharvest spray or use of impregnated wraps.

Zero in milk and meat.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 23, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-1024; Filed, Jan. 30, 1962; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DISODIUM EDTA (DISODIUM ETHYLENEDIAMINETETRAACETATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Geigy Chemical Corporation, Post Office Box 430, Yonkers, New York, and other relevant material, has concluded that the following amendment to § 121.1056 should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive disodium EDTA (disodium ethylenediaminetetraacetate) with iron salts as a stabilizer for vitamin B_{12} in aqueous multivitamin preparations. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1056 (21 CFR 121.1056; 26 F.R. 6274) is amended by inserting the following item at the beginning of the list of foods in paragraph (b)(1):

§ 121.1056 Disodium EDTA (disodium ethylenediaminetetraacetate).

* * * * * *

(b) * * *
(1) * * *

Food	Limitation (parts per million)	Use
Aqueous multivitamin preparations.	150	With iron salts as a stabilizer for vitamin B_{12} in liquid multivitamin preparations.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 25, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-1022; Filed, Jan. 30, 1962; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER E—POST SERVICES

PART 858—SCHEDULE OF FEES AND CHARGES FOR COPYING, CERTIFYING AND SEARCHING RECORDS

SUBCHAPTER G—PERSONNEL

PART 878—DECORATIONS AND AWARDS

Miscellaneous Amendments

1. In Part 858 "Schedule of Fees and Charges for Copying, Certifying and Searching Records," §§ 858.1 to 858.4 are deleted and the following Cross Reference is inserted therefor:

CROSS REFERENCE: See Subchapter P, Part 288, Chapter I of this title.

2. In Part 878 "Decorations and Awards," §§ 878.41 to 878.80 are revised as follows:

SERVICE AWARDS

Sec.
878.41 Purpose.
878.42 Reason for awards.
878.43 Types of awards.
878.44 Authorized service medals and ribbons.
878.45 Eligibility.
878.46 Number of awards a person may receive.
878.47 Posthumous awards.
878.48 Awards by other United States agencies.
878.49 Awards by foreign countries.
878.50 Replacement of service medals.
878.51 Furnishing authorized awards.
878.52 Items not available.
878.53 Engraving.
878.54 Use of awards in exhibitions.
878.55 Manufacture, sale, and possession of awards.
878.56 Sources of information on other types of awards.

SERVICE MEDALS AND LONGEVITY SERVICE AWARD RIBBON

878.57 Good Conduct Medal.
878.58 American Defense Service Medal.
878.59 Women's Army Corps Service Medal.
878.60 American Campaign Medal.
878.61 Asiatic-Pacific Campaign Medal.
878.62 European-African-Middle Eastern Campaign Medal.
878.63 World War II Victory Medal.
878.64 Army of Occupation Medal.
878.65 Medal for Humane Action.
878.66 National Defense Service Medal.
878.67 Korean Service Medal.
878.68 Antarctica Service Medal.
878.69 Air Force Longevity Service Award Ribbon.
878.70 Armed Forces Reserve Medal.
878.71 Philippine Defense Ribbon.
878.72 Philippine Liberation Ribbon.
878.73 Philippine Independence Ribbon.

NON-UNITED STATES SERVICE MEDALS

878.74 United Nations Service Medal.
878.75 United Nations Medal.

SERVICE MEDAL RIBBONS, DEVICES, AND LAPEL BUTTONS

878.76 Service medal ribbon bars.
878.77 Clasps.
878.78 Service stars.
878.79 Arrowheads.
878.80 Berlin Airlift Device.
878.81 Hour-glass device.
878.82 Lapel buttons.

AUTHORITY: §§ 878.41 to 878.82 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Statutory provisions interpreted or applied are cited to text.

SOURCE: AFR 900-10, July 20, 1961.

§ 878.41 Purpose.

Sections 878.41 to 878.82 describe the Air Force service awards and explain who is eligible to receive them, how and by whom they are awarded, and how they are supplied, issued, and worn. It includes information on service awards conferred by other United States agencies and foreign countries.

§ 878.42 Reason for awards.

Service awards are normally awarded to recognize honorable, active Federal military service during periods of war or national emergency. For the purpose of §§ 878.41 to 878.82, the term "active Federal military service" is defined as all periods of military service in a Regular component of the Armed Forces of the United States or any of the Reserve components listed in § 878.70(b) while on extended active duty, and service as a cadet or midshipman at the United States Air Force, Army, or Naval Academies.

§ 878.43 Types of awards.

Service awards include medals, service ribbons, lapel buttons, and other types of devices such as clasps, stars, arrowheads, etc.

§ 878.44 Authorized service medals and ribbons.

The service medals and ribbons described in §§ 878.41 to 878.82 are listed below.

(a) Good Conduct Medal.
(b) American Defense Service Medal.
(c) Women's Army Corps Service Medal.
(d) American Campaign Medal.
(e) Asiatic-Pacific Campaign Medal.
(f) European-African-Middle Eastern Campaign Medal.
(g) World War II Victory Medal.
(h) Army of Occupation Medal.
(i) Medal for Humane Action.
(j) National Defense Service Medal.
(k) Korean Service Medal.
(l) Antarctica Service Medal.
(m) Air Force Longevity Service Award Ribbon.
(n) Armed Forces Reserve Medal.
(o) Philippine Defense Ribbon.
(p) Philippine Liberation Ribbon.
(q) Philippine Independence Ribbon.
(r) United Nations Service Medal.
(s) United Nations Medal.

§ 878.45 Eligibility.

(a) *Who is eligible.* A person is generally eligible for a service award if he:

(1) Was assigned or attached to and present for duty with a unit serving within the prescribed geographical area established for the award during the designated time period;

(2) Was assigned or attached to and present for duty with a unit designated in appropriate administrative orders as having received the award during the prescribed time period; or

(3) Otherwise meets the requirements for the award stated in §§ 878.57 to 878.82.

(b) *Who is ineligible.* No service award will be awarded to a person whose entire service for the period covered by the award was not honorable, nor to a person whose service for the period covered by the award was terminated under other than honorable conditions. However, if a person was awarded and presented an award for service prior to his dishonorable behavior, the award will not be revoked unless specifically directed by Headquarters USAF.

§ 878.46 Number of awards a person may receive.

Only one award of a specific United States service medal or Philippine service ribbon will be made to the same person. Devices will be awarded to denote additional awards in those instances specified in §§ 878.41 to 878.82.

§ 878.47 Posthumous awards.

The service awards and devices listed in §§ 878.41 to 878.82 may be awarded posthumously. In addition, the next of kin is entitled to receive a complete set of the service awards earned by the deceased member of the Air Force whether or not they were previously presented to him. If desired by the next of kin, the commander of the base furnishing casualty assistance will be responsible for furnishing a complete set of the awards. The next of kin, in order of precedence, are: widow, widower, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild. Awards to eligible next of kin, other than in the order given, must be approved by Headquarters USAF. Duplicate awards may be furnished free to the parents of the deceased when awards are given to the widow or widower.

§ 878.48 Awards by other United States agencies.

Service awards are also awarded by the United States Army, Navy, Marine Corps, and Coast Guard. Such awards are made in conformance with the regulations of the awarding authority. Service awards made by United States Government agencies other than the military services noted, or by States and other jurisdictions subordinate to the Federal Government, will not be worn on the Air Force uniform.

§ 878.49 Awards by foreign countries.

(a) *When acceptance and wearing of foreign service awards is unauthorized.* With the exception of the United Nations Service Medal and United Nations Medal (§§ 878.74 and 878.75), service awards tendered by foreign governments to an officer or airman for services rendered while a member of the United States Air Force or its Reserve components may not be accepted or worn on the Air Force uniform. See §§ 878.1 to 878.16 for acceptance and wear of foreign decorations.

(b) *Wearing of foreign service awards by persons who earned them as members of a friendly foreign force.* Foreign service awards earned while a bona fide member of the armed forces of a friendly country may be retained by the person, provided that they were presented to him prior to his entry on duty with the Armed Forces of the United States. However, to wear such awards on the Air Force uniform, the consent of the Congress is required, unless such Congressional authority was delegated under Public Law.

(1) Requesting congressional authorization: Congressional authorization is requested through Headquarters USAF. The member will send all elements of the award, including the medal, ribbon, and original certificate, and other documents pertaining to the award, to AFPMP-12C, Headquarters USAF. These will be sent by letter of transmittal including full name and service number of the member, name of the award and the country making it, citizenship status at time of the award, and inclusive dates of service recognized by the award. Headquarters USAF will forward the award to the Department of State, where it will be held pending authorization by Congress for the member to wear it.

(2) Notification to member when Congress authorizes wear on uniform: When Congress authorizes official wear, Headquarters USAF will withdraw the award from the Department of State and forward it to the member. This section does not apply to the Philippine service awards described in §§ 878.41 to 878.82.

NOTE: Pursuant to a White House instruction, the Department of State prepares an omnibus authorizing bill on all foreign awards held for retired persons, for transmittal to Congress one full month before the beginning of the Second Session of each alternate Congress, or every fourth year, i.e., 1962, 1966, etc. At the present time, such legislation may not be introduced for other than retired personnel. Since the seeking of authority to wear a foreign service award is at the option of the individual concerned, commanders should thoroughly explain the procedures stated in this section so that the individual will be fully aware of the legislative requirements before he elects to seek Congressional authorization to wear the award.

§ 878.50 Replacement of service medals.

10 U.S.C. 8751 provides that any medal that is lost, destroyed, or becomes unfit for use without fault or neglect of the owner may be replaced at cost. However, if the owner is a member of the Air Force, the medal may be replaced without charge.

§ 878.51 Furnishing authorized awards.

Persons not on active duty and not members of a Reserve component may obtain authorized awards from the General Services Administration, Air Force Branch, Military Personnel Records Center, 9700 Page Boulevard, St. Louis 32, Mo.

§ 878.52 Items not available.

Miniature service medals and service ribbons are neither issued nor sold by the Department of the Air Force, but may be purchased from commercial sources.

§ 878.53 Engraving.

Service medals will not be engraved at Government expense. Recipient may have the medal engraved with his name at his own expense.

§ 878.54 Use of awards in exhibitions.

(a) *By public institutions and patriotic societies.* Upon approval by the Secretary of the Air Force, sample service awards for exhibit purposes may be furnished at cost price, including charges for packing, transportation, and engraving each medal with the words "Exhibition Only." Samples will be furnished only to museums; libraries; and historical, numismatic, and military societies and institutions of such public nature as to assure an opportunity for the public to view them under circumstances beneficial to the Air Force.

(b) *By U.S. agencies outside the Department of Defense.* Upon approval by the Secretary of the Air Force, sample service awards may be furnished without charge for public display to United States Government agencies not under military jurisdiction.

(c) *Where to send requests.* All requests for service awards for exhibit or display will be submitted to AFPMP-12C, Headquarters USAF, for approval by the Secretary of the Air Force.

§ 878.55 Manufacture, sale, and possession of awards.

By law (18 U.S.C. 701 and 704), the manufacture, sale, or possession of any Air Force service award, or the pictorial representation in regulation size of such award, is prohibited unless authorized by the Department of the Air Force.

§ 878.56 Sources of information on other types of awards.

Sections 878.1 to 878.16 govern the award of decorations.

SERVICE MEDALS AND LONGEVITY SERVICE AWARD RIBBON

§ 878.57 Good Conduct Medal.

Established by Executive Order 8809, June 28, 1941, as amended by Executive Order 9323, March 31, 1943, and Executive Order 10444, April 10, 1953.

(a) *Description.* A metal disk, 1¼ inches in diameter, bearing in front an eagle standing on a book and a sword, encircled with the inscription "Efficiency-Honor-Fidelity." The ribbon is dark red silk, with three white stripes bordering each edge.

(b) *Requirements for award*—(1) *Quality of Service*—(i) General: The Good Conduct Medal is awarded for exemplary behavior, efficiency, and fidelity in an enlisted status while in the active Federal military service of the United States. During the period considered for the award, there must be no convictions by a civil court (other than for a minor traffic violation) or by courts martial, or a record of punishment under Article 15. Where such conviction or record of punishment exists, creditable service toward the Good Conduct Medal will begin the day following any time lost under 10 U.S.C. 8638, and/or the day following the completion of any punishment imposed by a courts martial, including punishment under Article 15.

(ii) Previous basis for award: All awards of the Good Conduct Medal properly made under the previous methods of determining eligibility are valid. Any awards for previous service will be made under the criteria in effect during the period of service under consideration. Note: Previous methods of determining eligibility are as follows. For service from August 28, 1937, to September 30, 1957, all "character" and "efficiency" ratings must have been recorded as "excellent" or higher, except that the following ratings are not disqualifying: ratings of "unknown"; service school efficiency ratings below "excellent" awarded prior to March 3, 1946. For service from October 1, 1957, to April 14, 1960, the specific recommendation of the unit commander must have been recorded in section X of AF Form 75, "Airman Performance Report."

(2) *Length of service.* Provided the above "quality" requirements are met, the basic Good Conduct Medal may be awarded for a period of 3 continuous years of active Federal service completed on or after August 26, 1940, except that it may be awarded for lesser periods of service under the following conditions:

	Other than separation		Upon separation [2]	
	Upon completion of—		Completion of 1 year but less than 3 years	For physical disability for less than 1 year
	1 year [1]	3 years		
Aug. 28, 1937-Dec. 6, 1941	No	Yes	No	No.
Dec. 7, 1941-Mar. 2, 1946	Yes	N/A	Yes	No.
Mar. 3, 1946-June 26, 1950	No	Yes	No	No.
June 27, 1950-July 27, 1954	Yes	N/A	Yes	Yes.
July 28, 1954-Present	No	Yes	Yes	Yes.

[1] After initial award, a period of 3 years is always required for additional award.
[2] Applicable only if there have been no previous awards of the Good Conduct Medal.

(i) For performance of 1 continuous year of service between December 7, 1941 and March 2, 1946 (WWII), between June 27, 1950, and July 27, 1954 (Korean Operation), or during any future period while the United States is at war.

(ii) Upon termination of active Federal military service for a period less than 3 continuous years but more than 1 year, provided that some portion of that service is performed after June 27, 1950, and no previous award of the Good Conduct Medal has been made. (This includes termination of active Federal military service in an enlisted status in order to accept a commission.)

(iii) Upon termination of active Federal military service of less than 1 continuous year, provided that:

(a) Some portion of the period of service is performed after June 27, 1950;

(b) Final separation is by reason of physical disability incurred in line of duty; and

(c) No previous award of the Good Conduct Medal has been made.

(c) *Computation of total service.* Periods of service as a commissioned officer or warrant officer, other than Regular Air Force, will not be considered as an interruption of continuous service, although such periods will not be included in computation of total service accumulated. A period in excess of 24 hours between enlistments or between periods of commissioned and enlisted service will be considered a break in continuous active service. Time spent in either aviation cadet or officer candidate status is creditable provided it meets the requirements of paragraph (b)(1) of this section.

(d) *Service in the Navy, Marine Corps, or Coast Guard.* Service performed in the United States Navy, Marine Corps, or Coast Guard may not be credited for award of the Good Conduct Metal under §§ 878.41 to 878.82.

§ 878.58 American Defense Service Medal.

Established by Executive Order 8808, June 28, 1941.

(a) *Description.* A metal disk, 1¼ inches in diameter, bearing in front an armed figure symbolic of defense under the inscription "American Defense." The ribbon is basically yellow, with blue, white, and red stripes right to left, and left to right symmetrically near the edges.

(b) *Requirements for award.* Awarded for any period of active duty service completed between September 8, 1939, and December 7, 1941, provided that the active duty orders specified service for a period of 12 months or longer.

(c) *Foreign Service Clasp.* The requirements for the Foreign Service Clasp are the same as for the medal itself, except that the service must have been performed outside the continental United States. Section 878.77(b) describes the clasp and explains how it is worn.

§ 878.59 Women's Army Corps Service Medal.

Established by Executive Order 9365, July 29, 1943.

(a) *Description.* A metal disk, 1¼ inches in diameter, bearing in front the head of Pallas Athene in profile facing dexter, superimposed on a sheathed sword crossed with oak leaves and a palm branch within a circle composed of the word "Women's" in the upper half, and in the lower half "Army Corps." The ribbon is predominantly moss-tone green with gold borders.

(b) *Requirements for award.* Awarded for service performed in both the Women's Army Auxiliary Corps between July 20, 1942, and August 31, 1943, and the Women's Army Corps between September 1, 1943, and September 2, 1945.

§ 878.60 American Campaign Medal.

Established by Executive Order 9265, November 6, 1942, as amended by Executive Order 9706, March 15, 1946.

(a) *Description.* A metal disk, 1¼ inches in diameter, bearing in front an offshore scene depicting a cruiser, an airplane, and a sinking submarine underneath the inscription "American Campaign." The ribbon is predominantly medium blue, striped white, black, red, and white from right to left, and left to right within each edge. In the center are three stripes of red, white, and blue. The blue stripe is worn to the wearer's right.

(b) *Requirements for award.* Awarded for service within the American Theater between December 7, 1941, and March 2, 1946, under any of the following conditions:

(1) Permanent assignment outside the continental United States.

(2) Permanent assignment as an aircrew member of an airplane making frequent flights over ocean waters for a period of 30 consecutive days or 60 days not consecutive.

(3) Outside the continental United States in a passenger status or on temporary duty for 30 consecutive days or 60 days not consecutive.

(4) In active combat against the enemy, provided that the individual was awarded a combat decoration or furnished a certificate by the commander of his unit stating that he actually participated in combat.

(5) Within the continental United States for an aggregate period of 1 year.

(c) *Antisubmarine Campaign Service Star.* A person assigned or attached to and present for duty with a unit which was accorded battle credit for the "Antisubmarine" campaign is entitled to wear a bronze service star. Section 878.78 explains how the star is worn.

§ 878.61 Asiatic-Pacific Campaign Medal.

Established by Executive Order 9265, November 6, 1942, as amended by Executive Order 9706, March 15, 1946.

(a) *Description.* A metal disk, 1¼ inches in diameter, depicting in front a tropical landing beneath the words "Asiatic-Pacific Campaign." The ribbon is basically yellow, with yellow, red, and white stripes near each end. In the center are three equal stripes of blue, white, and red. The blue stripe is worn to the wearer's right.

(b) *Requirements for award.* Awarded for service within the Asiatic-Pacific Theater between December 7, 1941, and March 2, 1946, under any of the following conditions:

(1) Permanent assignment.

(2) Passenger status or on temporary duty for 30 consecutive days or 60 nonconsecutive days.

(3) In active combat against the enemy, provided that the individual was awarded a combat decoration or furnished a certificate by the commander of his unit stating that he actually participated in combat.

(c) *Service stars.* A service star is awarded to denote participation in a battle campaign. Section 878.87 explains how the star is worn.

§ 878.62 European-African-Middle Eastern Campaign Medal.

Established by Executive Order 9265, November 6, 1942, as amended by Executive Order 9706, March 15, 1946.

(a) *Description.* A metal disk, 1¼ inches in diameter, depicting a landing scene beneath the words "European-African-Middle Eastern Campaign." The ribbon is principally dark-green, edged with brown bands separated from the green by green, white, and red stripes on the left (wearer's right), and by white, black, and white stripes on the right (wearer's left). In the center are equal stripes of blue, white, and red. The blue stripe is worn to the wearer's right.

(b) *Requirements for award.* Awarded for service within the EAME (European - African - Middle Eastern) Theater between December 7, 1941, and November 8, 1945, under the same conditions described in § 878.61(b) (1), (2), and (3).

(c) *Service stars.* A service star is awarded to denote participation in a battle campaign. Section 878.78 explains how the star is worn.

§ 878.63 World War II Victory Medal.

Established by Public Law 135, 79th Congress (59 Stat. 461).

(a) *Description.* A metal disk, 1¼ inches in diameter, bearing in front the figure of liberation holding a broken sword in the dawn. The ribbon is predominantly red with wide rainbow borders.

(b) *Requirements for award.* Awarded for any period of service between December 7, 1941, and December 31, 1946.

§ 878.64 Army of Occupation Medal.

Established by War Department General Orders 32, 1946.

(a) *Description.* A metal disk, 1¼ inches in diameter, bearing on the front of the disk a pictorial representation of the Remagen Bridge and on the reverse Mount Fujiyama and two Japanese junks. The ribbon is bordered with white bands with equal black and red stripes in the center. The black stripe is worn to the wearer's right.

(b) *Requirements for award.* Awarded for 30 consecutive days at a normal post of duty (as contrasted to inspector, visitor, courier, escort, passenger status, temporary duty, or detached service) while assigned to the United States occupation forces during the prescribed time limits in any of the following areas:

(1) Germany (exclusive of Berlin): Between May 9, 1945, and March 5, 1955. Service between May 9, 1945, and November 8, 1945, may be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.

(2) Berlin, Germany: Between May 9, 1945, and a terminal date to be announced later. Service between May 9, 1945, and November 8, 1945, will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.

(3) Austria: Between May 9, 1945, and July 27, 1955. Service between May 9, 1945, and November 8, 1945, may be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.

(4) Italy: Between May 9, 1945, and September 15, 1947, in the compartment of Venezia Giulia E Zara or Province of Udine, or with a unit specifically designated in Department of the Army General Orders 4, 1947. Service between May 9, 1945, and November 8, 1945, may be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.

(5) Japan: Between September 3, 1945, and April 27, 1952, in the four main islands of Hokkaido, Honshu, Shikoku, and Kyushu; the surrounding smaller islands of the Japanese homeland; the Ryuku islands; and the Bonin-Volcano Islands. Service between September 3, 1945, and March 2, 1946, may be counted only if the Asiatic-Pacific Campaign Medal was awarded for service prior to September 3, 1945. By the same token, service which meets the requirements for the Korean Service Medal (§ 878.67) may not be counted in determining eligibility for this award.

(6) Korea: Between September 3, 1945, and June 29, 1949. Service between September 3, 1945, and March 2, 1946, may be counted only if the Asiatic-Pacific Campaign Medal was awarded for service prior to September 3, 1945.

(c) *Berlin Airlift Device.* Service for 90 or more consecutive days between June 26, 1948, and September 30, 1949, while assigned or attached to a unit designated in general orders of the Department of the Air Force for participation in the Berlin Airlift, qualifies a person for award of the Army of Occupation Medal with Berlin Airlift Device. Section 878.80 describes the device and explains how it is worn.

§ 878.65 Medal for Humane Action.

Established by Public Law 178, 81st Congress.

(a) *Description.* A metal disk, 1¼ inches in diameter, depicting a C–54 airplane within a border of wheat centering the coat of arms of Berlin. The ribbon is predominantly blue with black edges, followed by white, red, and white stripes. The center bears three stripes: white, red, and white, in the order named.

(b) *Requirements for award.* Awarded to personnel who were assigned or attached to and present for duty for at least 120 days during the period June 26, 1948, and September 30, 1949, inclusive, with any of the units cited in general orders of the Department of the Air Force for participation in the Berlin airlift or for direct support thereof. The geographical boundaries of the Berlin airlift operations are as follows:

(1) Northern Boundary: 54th parallel north latitude.

(2) Eastern Boundary: 14th meridian east longitude.

(3) Southern Boundary: 48th parallel north latitude.

(4) Western Boundary: 5th meridian west longitude.

(c) *Award to members of foreign armed forces and civilians.* The Medal for Humane Action may be awarded to members of foreign armed forces and civilians (United States and foreign) for meritorious participation in the Berlin airlift. In each instance, however, an individual recommendation indicating meritorious participation is required.

(d) *Award to persons whose lives were lost participating in the Berlin airlift.* Persons whose lives were lost while participating in the Berlin airlift, or as a direct result of participating therein, may be awarded the Medal of Humane Action without regard to the length of such service, provided that all other requirements are met.

NOTE: The Berlin Airlift Device described in § 878.80 is not awarded or worn with the Medal for Humane Action.

§ 878.66 National Defense Service Medal.

Established by Executive Order 10448, April 22, 1953.

(a) *Description.* A metal disk, 1¼ inches in diameter, bearing on the obverse an eagle displayed with inverted wings standing on a sword and palm branch, all beneath the inscription "National Defense." The ribbon is basically red with a yellow band in the center. Equal stripes of white, blue, white, and red border the center yellow band.

(b) *Requirements for award.* Awarded for any period of honorable active duty service between June 27, 1950, and July 27, 1954. For the purpose of this award, the following persons shall not be considered as performing active duty service:

(1) Inactive Reserve personnel ordered to active duty for short periods of training under the Inactive Reserve Training program.

(2) Reserve component personnel on temporary active duty to attend service schools or serve on boards, courts, commissions, etc.

(3) Any person on active duty for the sole purpose of undergoing a physical examination.

(4) Any person on active duty for purposes other than for extended active duty.

§ 878.67 Korean Service Medal.

Established by Executive Order 10179, November 8, 1950, as amended by Executive Order 10429, January 17, 1953.

(a) *Description.* A metal disk, 1¼ inches in diameter. On the obverse is a Korean gateway; encircling the design is the inscription "Korean Service." On the reverse is the Korean symbol taken from the center of the Korean national flag, representing the essential unity of all beings, with the inscription "United States of America," and a spray of oak and laurel encircling the design. The medal is suspended by a ring from a silk moire ribbon composed of white piping on the ends, a center of United Nations blue intersected by a white band.

(b) *Requirements for award.* Awarded to persons assigned or attached to combat or service units designated by the Commander, Far East Air Forces, in general orders for service within the Korean Theater or adjacent areas between June 27, 1950, and July 27, 1954. The term "Korean Theater" as used herein is defined as those areas which encompass North and South Korea, Korean waters, and the air over North and South Korea, and over Korean waters.

(c) *Conditions for award.* (1) The Korean Service Medal is awarded for participation in any engagement against the enemy in North or South Korean territory, in Korean waters, or in the air over North or South Korea or over Korean waters. A person will also be considered as having participated in an engagement if that person:

(i) Was a member of a designated combat or service unit in the Korean Theater.

(ii) Was a member of a combat or service unit, other than one within the Korean Theater, which has been designated by the Commander, Far East Air Forces, as having directly supported the military operations in the Korean Theater.

(iii) Was a member of a designated headquarters of the Far East Air Forces who exerted a distinct and contributory effort to the military operations in the Korean Theater.

(2) The service prescribed must have been performed while:

(i) On permanent assignment;

(ii) On temporary duty with a designated unit or headquarters for 30 consecutive days or 60 nonconsecutive days; or

(iii) In actual combat against the enemy. In this case, the individual must have been awarded a combat decoration or furnished a certificate by the commander of a division, comparable or higher unit; commander of a ship, comparable or higher unit; or commander of an Air Force group, comparable or higher unit, stating that he actually participated in combat.

(d) *Award of service stars.* Service stars are awarded to members of designated combat or service units in combat, or units assigned to the command of the Far East Air Forces, or on temporary duty with Army Ground Forces under any of the following conditions:

(1) If the person was a member assigned or attached to and present for duty with a designated combat or service unit during the period which the unit participated in combat.

(2) If the person was under orders in the combat zone and, in addition, was awarded a combat decoration, or was furnished a certificate by a commander of a division, comparable or higher unit; commander of a ship, comparable or higher unit; commander of an Air Force group, compafable or higher unit, or independent force, stating that he actually participated in combat or served at a normal post of duty (as contrasted to occupying the status of an inspector, observer, or visitor) or aboard a vessel other than in a passenger status. A certificate must be furnished by the home port commander of the vessel for actual service in the combat zone of the Korean Theater.

(3) If the person was an evadee or escapee in the combat zone or recovered from a prisoner-of-war status in the combat zone during the time limitations of the campaign. Prisoners of war will not be given credit for the time spent in confinement or while otherwise in restraint under enemy control. Section 878.78 explains how the service star is worn.

(e) *Award of arrowhead.* An arrowhead is awarded to members of designated combat or service units in combat, units assigned to the command of the Far East Air Forces, or units on temporary duty with the Army Ground forces who have participated in an airborne or amphibious assault within the territorial limits of Korea. Section 878.79 describes the arrowhead and explains how it is worn.

§ 878.68 Antarctica Service Medal.

Established by Public Law 86–600, 86th Congress, July 7, 1960.

(a) *Description.* The medal, accompanying ribbon, and other appurtenances are presently being designed by the Department of the Navy for the approval of the Secretary of Defense. When the medal is available, announce-

ment will be made by Headquarters USAF.

(b) *Requirements for award.* Awarded to the following for service during the period January 1, 1946 to a date to be subsequently established by the Secretary of Defense:

(1) Any member of the U.S. Armed Forces or civilian citizen, national, or resident alien of the U.S. who, as a member of a U.S. expedition, participates in or has participated in scientific, direct support, or exploratory operations on the Antarctic continent.

(2) Any member of the U.S. Armed Forces or civilian citizen, national, or resident alien of the U.S. who participates in or who has participated in a foreign Antarctic expedition on that continent in coordination with a U.S. Antarctic expedition and who is or was under the sponsorship and approval of competent U.S. Government authority.

(3) Any member of the U.S. Armed Forces who participates in or who has participated in flights as a member of the crew of an aircraft flying to or from the Antarctic or within the Antarctic continent in support of operations on that continent.

(4) Any member of the U.S. Armed Forces who serves or has served in a U.S. ship operating south of latitude 60° south in support of U.S. operations in Antarctica.

NOTE: Any person, including a citizen of a foreign nation, who does not meet the requirements in subparagraphs (1), (2), (3), or (4) of this section, but who participated in or participates in a U.S. Antarctic expedition on that continent at the invitation of a participating U.S. agency, may be awarded the medal by the Secretary of the Department under whose cognisance the expedition falls, provided the commander of the military support force as senior U.S. representative in Antarctica considers that he has performed outstanding and exceptional service and shared the hardship and hazards of the expedition.

No minimum time limits of participation are prescribed under the foregoing qualifications. No person is authorized to receive more than one award of the medal.

(c) *Wintering over.* Personnel who stay on the Antarctic continent during the winter months shall be eligible to wear a bronze clasp with the words "Wintered Over" on the suspension ribbon of the medal. This eligibility will also be denoted by a bronze disk of 5/16-inch diameter, with an outline of the Antarctic continent inscribed thereon, fastened on the bar ribbon representing the medal. A gold clasp or disk is authorized in lieu of the second clasp or disk, and a silver clasp is authorized for personnel who winter over three times or more. Not more than one clasp or disk shall be worn on the ribbon.

§ 878.69 Air Force Longevity Service Award Ribbon.

Established by Department of the Air Force General Orders No. 60, November 25, 1957.

(a) *Description.* An ultramarine blue service ribbon divided by four equal stripes of turquoise blue. There is no medal authorized for this award.

(b) *Requirements for award*—(1) *Basis of eligibility.* Eligibility is based upon honorable active Federal military service with any branch of the United States Armed Forces.

(2) *Who is eligible.* (i) All members of the Air Force on active duty.

(ii) All members of the Reserve components not on active duty with the Air Force who meet the criteria in subparagraph (3) of this paragraph.

(iii) All retired personnel who are carried on the Air Force retired lists.

(3) *Award criteria.* (i) Basic award: An aggregate of 4 years of honorable active Federal military service with any branch of the United States Armed Forces.

(ii) Subsequent awards: A bronze oakleaf cluster for each additional 4 years of honorable active Federal military service. A silver oakleaf cluster is worn in lieu of five bronze clusters. The oak-leaf clusters mentioned herein are identical to the clusters used to denote additional awards of the same military decoration (see §§ 878.1 to 878.16). Although oak-leaf clusters are issued in two sizes (large and small), only the small clusters will be worn on the Air Force Longevity Service Award Ribbon.

NOTE: The Air Force Longevity Service Award Ribbon replaces the Federal Service Stripes optionally worn by enlisted personnel.

§ 878.70 Armed Forces Reserve Medal.

Established by Executive Order 10163, September 25, 1950, as amended by Executive Order 10439, March 19, 1953.

(a) *Description.* A metal disk, 1¼ inches in diameter. The obverse (same for all services) is a flaming torch in front of a crossed powder horn and bugle within a circle composed of 13 stars and 13 rays. The reverse (Air Force) is the American eagle symbolizing the United States and its air power, centered within the inscription "Armed Forces Reserve" placed around and near the outer rim. The medal is suspended by a ring from a silk ribbon which is buff bordered with blue and buff stripes, and the center section of buff is intersected by a blue line followed by blue and buff stripes.

(b) *Requirements for award.* Awarded to members or former members of the Reserve components of the Armed Forces of the United States who complete or have completed a total of 10 years of honorable and satisfactory service as defined in Public Law 810, 80th Congress, Army and Air Force Vitalization and Retirement Equalization Act of 1948. The 10 years of service need not be consecutive, provided that such service was performed within a period of 12 consecutive years. For the purpose of this award, service as a member of a Reserve component will include those Reserve components which are enumerated in title III, section 306(c) Public Law 810, 80th Congress, as follows:

(1) The National Guard of the United States.

(2) The National Guard while in the service of the United States.

(3) The federally recognized National Guard prior to 1933.

(4) A federally recognized status in the National Guard.

(5) The Officers' Reserve Corps and the Enlisted Reserve Corps prior to enactment of Public Law 460, 80th Congress approved March 25, 1948.

(6) The Organized Reserve Corps.

(7) The Army of the United States without component. (Normally, all enlisted service prior to July 1940 was with the Regular component and not creditable. Conversely, service subsequent to July 1940 was Army of the United States and is creditable for this award.)

(8) The Naval Reserve and the Naval Reserve Force, excluding those members of the Fleet Reserve and the Fleet Naval Reserve transferred thereto after completion of 16 or more years of active naval service.

(9) The Marine Corps Reserve, and the Marine Corps Reserve Forces, excluding those members of the Fleet Marine Corps Reserve transferred thereto after completion of 16 or more years of service.

(10) The Limited Service Marine Corps Reserve.

(11) The Naval Militia who have conformed to the standards prescribed by the Secretary of the Navy.

(12) The National Naval Volunteers.

(13) The Air National Guard.

(14) The Air Force Reserve (officer or enlisted sections).

(15) The Air Force of the United States without component.

(16) The Coast Guard Reserve.

(c) *Creditable service.* Each year of active or inactive honorable service as a member of any of the Reserve components listed in paragraph (b) of this section may be credited toward award of the Armed Forces Reserve Medal until July 1, 1949. For service performed on or after July 1, 1949, members must accumulate during each anniversary year a minimum of 50 retirement points as prescribed in section 302(b), Army and Air Force Vitalization and Retirement Equalization Act, 1948 (62 Stat. 1087; 10 U.S.C. 1332), except that those persons in the Army of the United States or Air Force of the United States must compute time as follows:

(1) Active or inactive service prior to July 1, 1948, is creditable for those Army of the United States or Air Force of the United States officers appointed under the Act of September 22, 1941 (55 Stat. 728). After July 1, 1948, only active duty under such Army of the United States or Air Force of the United States appointments will be creditable.

(2) Active or inactive service prior to July 1, 1949, will be creditable for those Army of the United States or Air Force of the United States officers appointed under section 127a, National Defense Act, or section 515(e), Officer Personnel Act of 1947 (61 Stat. 906; 10 U.S.C. 8444).

(3) For the purpose of computing eligibility for the Armed Forces Reserve Medal, all Army of the United States or Air Force of the United States appointments will be considered as having been made under the Act of September 22, 1941, unless otherwise indicated in the official records.

(d) *Service not creditable*—(1) *General.* Service in the following may not be credited:

(i) Inactive National Guard.

(ii) Inactive Air National Guard.

(iii) Nonfederally recognized status in the National Guard or Air National Guard.

(iv) Inactive Reserve Section or Honorary Reserve Section of the Officers' Reserve Corps.

(v) Inactive Section or Honorary Section of the Air Force Reserve.

(vi) Honorary Retired List of the Naval and Marine Corps Reserve.

(vii) Inactive Status List of the Standby Reserve.

(viii) Retired Reserve.

(ix) Women's Army Auxiliary Corps.

(2) *Regular service.* Service as a Regular officer, warrant officer, or Regular enlisted person in the Armed Forces, including the Coast Guard, and service for which the Naval Reserve Medal, Organized Marine Corps Reserve Medal, or the Marine Corps Reserve Ribbon has been or may be awarded, will not be credited toward the award of the Armed Forces Reserve Medal, except that service in a Reserve component which is concurrent, in whole or in part, with service in a Regular component of the Armed Forces will not be considered a break in the necessary service period of 12 consecutive years (see paragraph (b) of this section).

(3) Attendance at aviation cadet training schools considered regular service: For the purpose of §§ 878.41 to 878.82, periods of attendance at aviation cadet training schools (for those persons appointed "Aviation Cadets") are considered Regular service.

(e) *Determining eligibility.* Eligibility may be determined from data contained in items 5 and 19 of AF Form 11, "Officer Military Record"; AF Form 190, "USAF Reserve Personnel Record Card"; or a statement from the person concerned certifying that his service in a Reserve component meets the requirements of satisfactory Federal service as defined in section 306(b), Army and Air Force Vitalization and Retirement Equalization Act, 1948 (62 Stat. 1089; 10 U.S.C. 1332).

(f) *Hour-glass device.* One hour-glass device, with a Roman numeral "X" superimposed, may be worn on the suspension and service ribbon of the Armed Forces Reserve Medal to denote service for each additional 10-year period of service under the same conditions as prescribed for award of the basic medal. Section 878.41 describes the device and explains how it is worn.

§ 878.71 Philippine Defense Ribbon.

Established by General Orders 8, Army Headquarters, Commonwealth of the Philippines, 1944.

(a) *Description.* A red ribbon divided by wide white bands and centering three white stars which form a triangle. The single star is worn uppermost.

(b) *Requirements for award.* Awarded for combat service in the defense of the Philippines from December 8, 1941, to June 15, 1942, if the individual:

(1) Was a member of the Bataan or Manila Bay forces, or of a unit, ship, or airplane under enemy attack; or

(2) Was assigned or stationed in Philippine territory or in Philippine waters for at least 30 days during the period cited above.

(c) *Bronze service star.* A person who meets both conditions set forth in paragraph (b) of this section is authorized to wear a bronze service star on the ribbon.

§ 878.72 Philippine Liberation Ribbon.

Established by General Orders 8, Army Headquarters, Commonwealth of the Philippines, 1944.

(a) *Description.* A red ribbon with equal stripes of blue and white in the center. The blue stripe is worn to the wearer's right.

(b) *Requirements for award.* Awarded for participation in the liberation of the Philippines from October 17, 1944, to September 3, 1945, if the individual:

(1) Participated in the initial landing operations on Leyte or adjoining islands from October 17, 1944, to October 20, 1944. A person will be considered as having participated in such operations if he landed on Leyte or adjoining islands, was on a ship in Philippine waters, or was a crew member of an airplane which flew over Philippine territory during the pediod.

(2) Participated in any engagement against the enemy during the campaign on Leyte and adjoining islands. A person will be considered as having participated in such operations if he was a member of and present with a unit actually under enemy fire or air attack, served on a ship which was under enemy fire or air attack, or was a crew member in an airplane which was under enemy aerial or ground fire.

(3) Served in the Philippine Islands or ships in Philippine waters for not less than 30 days during the period cited above.

(c) *Bronze Service Star.* Persons who meet more than one of the conditions set forth in paragraph (b) of this section are authorized to wear a bronze service star on the ribbon for each additional condition under which they qualify.

§ 878.73 Philippine Independence Ribbon.

Established by General Orders 383, Army Headquarters, Commonwealth of the Philippines, 1946.

(a) *Description.* A predominantly blue ribbon edged with yellow stripes and bearing red, white, and red stripes, in the order named, in the center.

(b) *Requirements for award.* Awarded to personnel who are recipients of both the Philippine Defense and Philippine Liberation ribbons.

NOTE: Personnel who were awarded the Philippine Independence Ribbon in accordance with the criteria formerly announced in AFR 35-50 (now obsolete) may continue to wear the award notwithstanding the change in requirement stated in paragraph (b) of this section.

NON-UNITED STATES SERVICE MEDALS

§ 878.74 United Nations Service Medal.

Established by the United Nations General Assembly Resolution 483(V), December 12, 1950. The President accepted for the United States Armed Forces.

(a) *Description.* A metal disk, 1¼ inches in diameter. On the obverse is the emblem of the United Nations. On the reverse is the inscription "For Service In Defense Of The Principles Of The Charter Of The United Nations." The medal is suspended from a silk ribbon consisting of 17 stripes, 9 of United Nations blue and 8 of white, alternating, each stripe 0.08 inch wide. A bar bearing the word "Korea" constitutes a part of the suspension of the medal from the ribbon.

(b) *Requirements for award*—(1) *Qualifications.* Personnel must be:

(i) Members of the Armed Forces of the United States dispatched to Korea or adjacent areas of military operations specifically for service on behalf of the United Nations in the Korean Theater; or

(ii) Other personnel dispatched to Korea or adjacent areas as members of para-military and quasi-military units designated by the United States Government for service in support of the United Nations action in Korea and certified by the United Nations Commander-in-Chief as having directly supported the military operations in that area.

NOTE: Personnel awarded the Korean Service Medal automatically establish eligibility for the United Nations Service Medal.

(2) *Service.* The service must have been performed between June 27, 1950, and July 27, 1954, inclusive under any of the following conditions:

(i) While on permanent assignment to any designated combat or service unit;

(ii) While attached to any designated combat or service unit for a period of 30 days, consecutive or nonconsecutive; or

(iii) While in active combat against the enemy under conditions other than those prescribed in subdivisions (i) and (ii) of this subparagraph, provided that the individual was awarded a combat decoration or furnished a certificate by the commander of a division, comparable or higher unit; commander of a ship, comparable or higher unit; or commander of an Air Force group, comparable or higher unit, stating that he actually participated in combat.

(c) *Persons ineligible for award.* Personnel of the United Nations, its specialized agencies, or of any government service other than as prescribed in paragraph (b) of this section, and International Red Cross personnel engaged for service under the United Nations Commander-in-Chief with any United Nations relief team in Korea, will not be eligible for the award of the United Nations Service Medal.

§ 878.75 United Nations Medal.

Established by The Secretary General of the United Nations by Dispatch 109, July 30, 1959, and Regulations for the United Nations Medal, July 1959. The President accepted for the United States Armed Forces.

(a) *Description.* A round metal disk, 1¼ inches in diameter. On the obverse

is the emblem of the United Nations and the letters "U.N." On the reverse is the inscription "In The Service Of Peace." The medal is suspended from a ribbon of United Nations blue with two single narrow white stripes ¼ inch from each edge.

(b) *Requirements for award.* Military personnel who have been or are specifically identified by the United Nations as having performed qualifying service with one of the following organizations are eligible for an award of the medal:

(1) United Nations Observation Group in Lebanon.

(2) United Nations Truce Supervision Organization in Palestine.

(3) United Nations Military Observer Group in India and Pakistan.

(c) *Policy and procedures.* (1) Military personnel presently serving with any of the specified groups and those subsequently assigned will be awarded the United Nations Medal in the field by the Senior Representative of the Secretary General.

(2) The amount of service qualifying an individual for the award will be as designated by the Secretary General of the United Nations.

(3) Individuals with previous United Nations service with the specified groups who believe themselves eligible for the United Nations Medal may submit applications to AFPMP–12–C, Headquarters USAF. Each application should include complete details related to United Nations duty including geographical location and inclusive dates of service. Such applications will be referred to the United Nations for consideration and determination of eligibility.

SERVICE MEDAL RIBBONS, DEVICES, AND LAPEL BUTTONS

§ 878.76 Service medal ribbon bars.

A service medal ribbon is a service ribbon identical in color with the suspension ribbon of the service medal it represents, attached to a bar, 1⅜ inches long and ⅜ inch wide, equipped with (or without) an attaching device. The appropriate service ribbon is issued with each service medal described in §§ 878.57 to 878.73.

§ 878.77 Clasps.

Clasps are authorized for wear on the Good Conduct Medal, American Defense Service Medal, and Army of Occupational Medal.

(a) *Good Conduct Medal Clasp.* A bar, ⅛ inch wide and 1⅜ inches long, of bronze, silver, or gold, with loops, indicative of subsequent awards. It is worn on both the service ribbon and suspension ribbon of the medal itself. Clasps authorized for successive periods of service are as follows:

Successive periods of service:	Type of clasp
2d	bronze, 2 loops
3d	bronze, 3 loops
4th	bronze, 4 loops
5th	bronze, 5 loops
6th	silver, 1 loop
7th	silver, 2 loops
8th	silver, 3 loops
9th	silver, 4 loops
10th	silver, 5 loops
11th	gold, 1 loop
12th	gold, 2 loops
13th	gold, 3 loops
14th	gold, 4 loops
15th	gold, 5 loops

(b) *American Defense Service Medal Clasp.* A bronze bar, ⅛ inch wide and 1½ inches long; bearing the words "Foreign Service." It is worn only on the suspension ribbon of the medal. A bronze service star is worn on the service ribbon to denote award of the foreign service clasp.

(c) *Army of Occupation Medal Clasp.* A bronze bar, ⅛ inch wide and 1½ inches long, bearing the word "Germany" or "Japan." It is awarded to differentiate service in the various occupation areas during World War II.

(1) Areas represented by clasps:

(i) Germany Clasp: Represents service with the United States occupation forces in Germany, Italy, or Austria.

(ii) Japan Clasp: Represents service with the United States occupation forces in Japan or Korea.

(2) How worn: The clasp is worn only on the suspension ribbon of the Army of Occupation Medal. There is no device worn on the service ribbon to denote possession of the clasp. For wear of the Berlin Airlift Device, see § 878.80.

§ 878.78 Service stars.

The service star is a bronze or silver five-pointed star of 3/16-inch diameter. It is worn:

(a) On the service ribbon of the American Defense Service Medal to denote possession of the Foreign Service Clasp.

(b) On the service and suspension ribbons of the American Campaign, Asiatic-Pacific Campaign, European-African-Middle Eastern Campaign, and Korean Service Medals to denote battle participation credit. A silver service star is worn in lieu of five bronze service stars.

(c) On the Philippine Defense and Liberation Ribbons to denote additional honors.

§ 878.79 Arrowheads.

(a) *Description and requirements for award.* The arrowhead, a bronze replica of an Indian arrowhead, ¼ inch in height and ⅛ inch in width, is awarded to denote participation in a combat parachute jump, combat glider landing, or amphibious assault landing. The combat glider landing or parachute jump must have been made as an assigned or attached member of an organized force carrying out an assigned tactical mission. (An emergency combat parachute jump into enemy-held territory does not constitute eligibility for award of the arrowhead.) Units entitled to this award are designated in appropriate administrative orders.

(b) *How worn.* The arrowhead is worn on both the service and suspension ribbons of the Asiatic-Pacific Campaign Medal, European-African-Middle Eastern Campaign Medal, and the Korean Service Medal, point up, in a vertical position to the wearer's right of all service stars. Only one arrowhead will be worn on any one service or suspension ribbon, regardless of the number of times a person becomes eligible for the device.

§ 878.80 Berlin Airlift Device.

The Berlin Airlift Device is a gold-colored metal miniature of a C–54 aircraft of 3/8-inch wing span, other dimensions proportionate. It is worn on both the service and suspension ribbons of the Army of Occupation Medal, with the nose of the aircraft pointed upward at a 30° angle and toward the wearer's right shoulder.

§ 878.81 Hour-glass device.

This device is an hour-glass with a Roman numeral "X" superimposed thereon, of bronze, 5/16 inch in height. It is worn centered on both the service and suspension ribbons of the Armed Forces Reserve Medal.

§ 878.82 Lapel buttons.

The authorized lapel buttons are listed below. They may be worn only with civilian clothes.

(a) *Good Conduct Medal, American Defense Service Medal, and Women's Army Corps Service Medal lapel buttons.* These lapel buttons are 21/32 inch wide and ⅛ inch long and are in colored enamel, being a reproduction of the service ribbon.

(b) *World War II Honorable Service lapel button.* This button is of gold-colored metal; bearing an eagle on a ring around 13 stripes. It is awarded for honorable Federal military service between Septmber 8, 1939, and December 31, 1946.

(c) *Air Force Lapel Button.* The Air Force Lapel Button consists of the winged Air Force star in gold- and silver-colored metal. All members of the Air Force on active duty; members of the Reserve components, including members of the Air Force Reserve Officers' Training Corps; and personnel carried on Air Force retired lists are entitled to wear the lapel button.

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62–982; Filed, Jan. 30, 1962; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Anacostia River, Washington, D.C.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.330 is hereby amended by prescribing a new paragraph (c) to govern the operation of the District of Columbia highway bridge across Anacostia River, at South Capitol Street, Washington, D.C., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.330 Anacostia River, Washington, D.C., bridges.

* * * * *

(c) *District of Columbia highway bridge at South Capitol Street.* (1) Between the hours of 7:00 a.m., and 9:30 a.m., and between the hours of 4:00 p.m., and 6:30 p.m., daily, the draw need not be opened for the passage of navigation.

(2) The draw will occasionally be closed to navigation, without advance notice, to permit uninterrupted transit of dignitaries across the bridge.

(3) At all times not covered by the regulations in this paragraph, and in all other respects, the regulations contained in § 203.240 shall govern the operation of this bridge.

(4) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of the regulations of this paragraph.

[Regs., January 17, 1962, 285/112 (Anacostia River, Wash., D.C.)-ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army, The Adjutant General.

[FR. Doc. 62–984; Filed, Jan. 30, 1962; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 7—Agency for International Development

PART 7–60—CONTRACT APPEAL PROCEDURE

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AUTHORITY: §§ 7–60.1 to 7–60.28 issued under sec. 621, 75 Stat. 424, 22 U.S.C. 2381.

§ 7–60.1 Scope.

Except to the extent otherwise provided pursuant to § 7–60.26 (Optional accelerated procedure for cases involving $5,000 in amount or less), §§ 7–60.2 through 7–60.25 govern the procedure in all cases before the Board. They shall be construed for the purpose of securing just and inexpensive determination of appeals without unnecessary delay. All pleadings provided for hereunder shall be so construed as to do substantial justice.

§ 7–60.2 Definitions.

As used in this part, the terms:

(a) "Contracting officer" includes any officer or other authority whose decision may be reviewed by the Board pursuant to the order creating the Board.

(b) "Board" means the full Board, panel, panel chairman, member, or Executive Secretary, as may be appropriate.

§ 7–60.3 Notice of appeal.

(a) An appeal shall be made by submitting a notice in writing addressed to the Administrator of the Agency for International Development, Washington 25, D.C. The original notice, together with the two copies thereof, shall be mailed to or otherwise filed with the contracting officer from whose decision the appeal is taken. The notice shall be mailed or otherwise filed with the contracting officer within 30 days from the date of receipt of the written decision from the contracting officer, unless otherwise provided in the contract. The notice shall indicate that an appeal is thereby intended, and shall identify the contract (by number), the contracting officer, and the decision from which the appeal is taken. The notice shall be signed by the contractor or his attorney and shall state the address to which communications from the Board and Government counsel should be sent and where service is to be made. The complaint referred to in § 7–60.6 may be filed with the notice.

§ 7–60.4 Action by contracting officer.

(a) When the contracting officer receives a notice of appeal in any form, he shall endorse on the original and all copies the date of mailing or the date of receipt if otherwise filed and shall forward the original and one copy of the notice, together with the complaint if filed therewith, immediately to the Board for docketing. Within 15 days after he receives the notice, the contracting officer shall transmit one copy to the Assistant General Counsel (contract staff) for the use of Government counsel accompanied by a file containing all documents pertinent to the appeal, including the following:

(1) The findings of fact and the decision from which the appeal is taken and the letter or letters or other documents of claim in response to which the decision was issued;

(2) All documents relied upon in making the findings and decision;

(3) A copy of the contract and specifications, pertinent plans, amendments, and change orders;

(4) All correspondence between the parties and other data pertinent to the dispute;

(5) Transcripts of any testimony taken in connection with the dispute in addition to any affidavits or statements of any witnesses that were made prior to the filing of the notice of appeal with the Board; and

(6) Such additional information as the contracting officer may consider material.

(b) Clearly legible duplicate originals, photostat copies, or certified true copies of the documents should be furnished. The contracting officer should retain the original contract file and an original or duplicate original of each contract in his contract file unless otherwise specifically requested.

(c) The contracting officer and all other officers and employees of AID shall cooperate with the Board and Government counsel in the processing of the appeal so as to assure a speedy and just settlement.

§ 7–60.5 Docketing and notice to contractor.

When the Board receives the notice of appeal for docketing, the Executive Secretary shall assign it a docket number, shall promptly so advise the contractor and contracting officer, shall forward a copy of these rules to the contractor, and shall forward a copy of the notice of appeal to the Assistant General Counsel (Contract Staff).

§ 7–60.6 Complaint.

Within 30 days after receipt of notice of docketing of the appeal, or within such longer time as may be allowed by the Board, the contractor shall file with the Board, if not previously filed with the notice of appeal, a complaint setting forth simple, concise, and direct statements of each of his claims showing that he is entitled to relief including the dollar amount claimed. If the amount claimed involves $5,000 or less, he may, in his complaint, request that the appeal be handled under the optional accelerated procedure (§ 7–60.26). Each claim shall be stated with as much particularity as is practical. No technical form is required, but each claim should be separately identified. Documentary evidence in support of claims may be filed as exhibits to the complaint. All documents filed as exhibits to the complaint shall be plainly listed and identified in the complaint. An original and three copies of the complaint shall be filed. Upon receipt thereof, the Executive Secretary of the Board shall serve a copy of the complaint on the Assistant General Counsel (Contract Staff).

§ 7–60.7 Answer.

Within 60 days after service of the complaint, or within such longer period of time as may be allowed by the Board, counsel for the Government shall prepare and file with the Board an answer thereto. The answer shall set forth simple, concise, and direct statements of the Government's defenses to each claim asserted by the contractor. Each defense shall be stated with as much particularity as is practical. Defenses which go to the jurisdiction of the Board may be included in the answer, or may be raised by motion pursuant to the provisions of § 7–60.12. If the contractor requests recourse to the optional accelerated procedure (§ 7–60.26), the answer shall contain a statement as to whether

9th ---------- silver, 4 loops

such request is concurred in by the Government. Counsel for the Government shall at the same time file with the Board the following documents which shall be plainly listed and identified:

(a) The findings of fact, if any, and the decision from which the appeal is taken, and the letter or letters or documents of claim in response to which the decision was issued by the contracting officer;

(b) The contract and pertinent plans, specifications, amendments, and change orders.

Documentary evidence in support of the Government's defenses may be filed as exhibits to the answer. All documents filed as exhibits to the answer shall be plainly listed and identified in the answer. An original and three copies of the answer shall be filed with the Board. Upon receipt thereof, the Executive Secretary shall serve a copy of the answer on the contractor or his attorney.

§ 7–60.8 Reply.

The contractor may file a reply within fifteen days after receipt of the Government's answer.

§ 7–60.9 Appeal file.

The notice of appeal, the complaint and exhibits attached thereto, the answer and exhibits attached thereto, and the documents required to be filed therewith pursuant to § 7–60.7, all papers filed by the parties with the Board pursuant to this part, and all correspondence exchanged between the Board and the parties or their attorneys shall constitute the appeal file, which shall be available for inspection by the parties at the offices of the Board. Prior arrangements for inspection of the file shall be made with the Executive Secretary of the Board.

§ 7–60.10 Amendments to pleadings.

At any time before oral hearing or before submission of a case by the parties without an oral hearing, the Board in its discretion may permit a party, within the proper scope of the appeal, to amend its pleadings, upon conditions just to both parties. The Board upon its own initiative or upon application by a party may in its discretion order a party to make a more definite statement of its complaint or answer, or to reply to an answer. When issues within the proper scope of the appeal but not raised by the complaint and answer are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised therein. If evidence is objected to at the hearing on the ground that it is not within the issues made by the complaint and answer, the Board may allow the pleadings to be amended within the proper scope of the appeal and shall do so freely when the presentation of the merits of the action will be served thereby and the objecting party fails to satisfy the Board that admission of such evidence would prejudice him in maintaining his case or defense upon the merits. The Board may, however, grant a continuance to enable the objecting party to meet such evidence.

§ 7–60.11 Trial briefs.

The Board in its discretion may order the submission of trial briefs prior to oral hearing.

§ 7–60.12 Motions to dismiss for lack of jurisdiction.

(a) Defenses which go to the jurisdiction of the Board, or other challenges to the jurisdiction of the Board with respect to an appeal, may be raised by motion. Such motions may, upon application of either party, in the discretion of the Board, be determined before oral hearing on the merits. The lack of Board authority to proceed in a particular case may be recognized and the appeal dismissed at any time.

(b) Motions to dismiss for lack of jurisdiction by the parties shall be filed in writing with the Board, unless otherwise permitted by the Board. The moving party shall submit its supporting argument or brief in written form within five days or such other period as the Board may allow after the motion is made. The other party shall be allowed five days or such other period as the Board may allow after receipt of the motion to file a reply.

(c) The Board may, on its own motion, submit questions concerning its jurisdiction to the General Counsel. Before so doing, it shall notify the parties of its intent and permit them to submit argument or briefs in written form on such questions within such reasonable times as it may allow.

(d) Motions made pursuant to this section, with supporting written arguments or briefs, shall be referred by the Board to the General Counsel, who shall advise the Board of his decision. The Assistant General Counsel (Contract Staff), attorneys directly responsible to him, and other attorneys participating in preparation of the Government case or representation of the Government shall not participate in the deliberations leading to or the preparation of any decision by the General Counsel on such a motion except as otherwise provided in this section.

(e) Failure of the contractor to state a case on which any relief could be granted shall be treated as a jurisdictional question and, after the complaint is filed, shall be a proper ground for a motion to dismiss for lack of jurisdiction. The contractor shall be afforded the opportunity to move to amend the complaint within the proper scope of the appeal after the motion to dismiss has been made but no such motion shall be entertained unless it is received by the Board within 30 days after service of an order dismissing the appeal for lack of jurisdiction on the ground of failure to state a case.

(f) Defenses and challenges to the jurisdiction of the Board made in pleadings shall be deemed motions to dismiss for lack of jurisdiction under this section.

§ 7–60.13 Depositions and discovery.

(a) Depositions which a party desires to take for the purpose of offering in evidence shall be taken in accordance with the procedures set forth in § 7–60.27.

(b) Under appropriate circumstances, but not as a matter of course, the Board will entertain motions for permission to serve written interrogatories on the opposing party, motions for an order to produce and permit the inspection of designated documents, and motions for permission to serve upon the opposing party a request for the admission of specified facts. Such motions shall be granted only to the extent and upon such terms as the Board in its discretion considers to be consistent with the objective of securing just and inexpensive determination of appeals without unnecessary delay.

§ 7–60.14 Stipulations.

The parties may stipulate in writing any facts that are relevant and material to the issues involved and to those documents or facts which may be received in evidence without formal proof. Such stipulations shall be subject to approval by the Board.

§ 7–60.15 Prehearing conference.

(a) The Board, upon its own initiative or upon application of either or both of the parties, may direct the parties or their attorneys to appear before the Board at a specified time and place for a conference to consider:

(1) Simplification of the issues;

(2) The possibility of obtaining stipulations as to admissions of fact and introduction of documents which will avoid unnecessary proof;

(3) The limitation of the number of expert witnesses, if a hearing is to be held; and

(4) Such other matters as may aid in the disposition of an appeal.

(b) The results of the conference shall be reduced to writing by the Board and made part of the record.

§ 7–60.16 Failure to prosecute.

The Board may order the contractor to show cause why the appeal should not be dismissed for failure to prosecute. The Board shall serve or attempt to serve such order on the contractor at the most recent address it has, or if no appearance has been filed or address for service has been otherwise furnished to the Board, it shall use such address as the contracting officer may have. If the contractor fails to show cause to the Board's satisfaction, it may affirm the decision of the contracting officer, dismiss the appeal, or make such other order as it deems appropriate.

§ 7–60.17 Filing and service of papers.

(a) The parties shall file with the Board an original and three copies of all papers, subsequent to the complaint and answer. Upon receipt thereof, the Board shall serve or otherwise furnish the opposing party with a copy.

(b) Service shall be made personally, or by mailing the document to be served in a sealed envelope, registered or certified, return receipt requested, with postage prepaid, addressed to the party upon whom service shall be made, and the date of the receipt shall be the date of service. Waivers of service of any papers

may be noted thereon or on a copy thereof, or on a separate paper, signed by the parties or their attorneys and filed with the Board. When any party has appeared by attorney, service upon the attorney will be deemed proper service upon the party.

§ 7–60.18 Hearing.

(a) The contractor may submit the case on the record or request an oral hearing. The Board shall, at the request of either party filed within 15 days after the answer is served on the contractor, grant an oral hearing. The parties shall be given at least 15 days' notice of the time and place of hearing.

(b) Hearings shall be held in Washington, D.C., unless otherwise ordered by the Board.

(c) If either party does not wish to appear or to be represented at a hearing, he shall so advise the Board. A party who so advises the Board may file a brief within 20 days after the date assigned for the hearing, or within such other period as may be allowed by the Board.

(d) The unexcused absence of a party or his authorized representative at the time and place set for the hearing shall not be the occasion for delay. In such event, the hearing shall proceed and the case shall be regarded as submitted by the absent party.

(e) Hearings shall be as informal as may reasonably be allowable and appropriate under all circumstances. Both parties may offer oral and written evidence, subject to exclusion by the Board of any irrelevant, immaterial, or repetitious evidence. The general procedures as to the introduction of evidence and the calling of witnesses shall be in the discretion of the Board.

(f) Attention of the witnesses will be invited to 18 U.S.C. 1001. Testimony may be received under oath or affirmation.

(g) The Board shall make provision for a verbatim transcript of all oral hearings, except that under the optional accelerated procedure (§ 7–60.26) the stenographic record will not be transcribed unless requested by either of the parties. Copies of the transcript shall be furnished to the contractor at his expense.

(h) After a decision has become final the Board may, upon request and after notice to the other party, permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. Substitution of true copies of the exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

§ 7–60.19 Representation of the parties.

(a) An individual contractor may appear before the Board in person, a corporation by an officer thereof, a partnership or joint venture by a member thereof, or by an attorney-at-law duly licensed in any State, Commonwealth, Territory, or in the District of Columbia. In special cases, the Board may authorize contractors to be represented by persons other than those mentioned.

(b) If the person representing the contractor is not identified in the notice of appeal (§ 7–60.3), he should file a notice of appearance with the Board stating his name, address, and if an attorney-at-law, the jurisdiction in which he is licensed. The Government shall be represented by the Assistant General Counsel (Contract Staff), Agency for International Development, Washington 25, D.C. Appearances of other attorneys who will represent the Government with him may be filed with the Board. If the Assistant General Counsel (Contract Staff) is not to represent the Government, he shall so notify the Board, indicating who has been designated to do so.

§ 7–60.20 Post-hearing briefs.

The Board may fix a reasonable time after the close of an oral hearing within which additional briefs may be filed.

§ 7–60.21 Decisions.

Decisions of the Board shall be made in writing. Copies of decisions shall be served on the parties. All final orders and decisions (except those required for good cause to be held confidential) shall be available for public inspection.

§ 7–60.22 Reconsideration.

Motions for reconsideration must be received by the Board within 30 days after service on the party moving for reconsideration of the decision or order dismissing the case. Reconsideration of the decision, which may include a hearing or rehearing, may be granted if, in the judgment of the Board, sufficient reason therefor appears.

§ 7–60.23 Extensions of time.

The Board may grant extensions of time except with respect to the filing of the notice of appeal.

§ 7–60.24 Board actions.

(a) Except as otherwise provided in this part, each appeal shall be assigned to a panel of three Board members designated by the General Counsel, who will designate one member as Chairman. The Chairman shall be a duly licensed attorney-at-law. Alternates may be designated by the General Counsel for any panel member who dies, is absent, is disqualified, or is otherwise unable to participate.

(b) Oral hearings may be held before one or more members of the panel or before the full panel, as designated by the Chairman, provided that the presiding member is a duly licensed attorney-at-law.

(c) Except as otherwise provided in this part, decisions on preliminary motions, procedural matters, and the conduct of hearings shall be by the Chairman or presiding officer. Decisions on the merits of the specific disputes under appeal shall be by a majority of the panel.

(d) The Chairman should be designated not later than 15 days after the answer is filed pursuant to § 7–60.6. The other members of the panel should be designated not later than 10 days before the date set for the hearing, if there is to be an oral hearing, or not later than the date the record is closed and the case is ready for decision.

(e) Before a Chairman is designated, rulings on extensions of time pursuant to § 7–60.23 may be made by the Executive Secretary. Rulings and orders on extensions of time and other matters before such designation may be made by a member of the Board designated by the General Counsel to rule on preliminary motions.

(f) The Executive Secretary will act for the Board in docketing appeals, issuing appropriate notices to the parties, and corresponding with the parties on behalf of the Board.

§ 7–60.25 Address of Board.

Unless the parties are notified otherwise, correspondence with the Board and papers to be filed with it by them shall be addressed to:

Board of Contract Appeals, Office of the Administrator, Agency for International Development, Washington 25, D.C.

§ 7–60.26 Optional accelerated procedure for cases involving $5,000 in amount or less.

An appeal involving $5,000 in amount or less shall be processed under this section at the request of the contractor, subject to the concurrence of the Government. Under this section:

(a) The appeal will be decided by a single member of the Board, who shall have for this purpose all the authority and power of the full Board to hear, consider, determine, and reconsider the matter.

(b) The appeal shall be deemed submitted for decision on the record unless the contractor or the Government, within 10 days after receipt of the Government's answer by the contractor, requests the Board to schedule an oral hearing.

(c) Such oral hearing shall be fixed at such time and place as shall be agreeable to the parties and to the Board member concerned, taking into consideration any request therefor of the contractor.

(d) For the purpose of this section, the amount involved in an appeal shall be the difference between the amount of the contractor's claim as stated in his complaint and the amount, if any, determined by the decision from which the appeal is taken.

(e) If the Board member assigned to the case under this section determines that the amount involved exceeds or may exceed $5,000, the parties shall be so informed, and the appeal shall be disposed of in accordance with §§ 7–60.6 through 7–60.25. The determination so made shall be final and conclusive.

§ 7–60.27 Depositions.

(a) *When depositions may be taken.* After an appeal has been docketed by the Board either party may take the testimony of any person by deposition upon oral examination or written interrogatories for use as evidence in the appeal proceedings.

(b) *Before whom taken.* Depositions to be offered in evidence before the Board may be taken before and authen-

ticated by any person authorized by the laws of the United States, or by the laws of the place where the deposition is taken, to administer oaths.

(c) *Written interrogatories.* (1) A party desiring to take the deposition of any person upon written interrogatories shall serve them upon the opposite party with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the person before whom the deposition is to be taken. Within 20 days thereafter the party so served may serve cross interrogatories upon the party proposing to take the desposition.

(2) A copy of the notice and copies of all interrogatories served shall be delivered by the party taking the deposition to the person designated in the notice who should proceed promptly to take the testimony of the witness in response to the interrogatories.

(d) *Oral interrogatories.* When either party desires to take the testimony of any person by deposition upon oral examination, unless the parties stipulate as to the time and place where the deposition is to be taken and the name of the person before whom it is to be taken and the name and address of the witness, such party shall give the opposite party at least 30 days' written notice of the time and place where such deposition will be taken and the name and address and official title of the person before whom it is proposed to take the deposition, and the name and address of the witness.

(e) *Form and return of deposition.* Each deposition shall show the docket number and the caption of the proceedings, the place and date of taking, the name of the witness, and the names of all persons present. The person taking the deposition shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and shall enclose the original deposition and exhibits in a sealed packet with postage and other transportation prepaid and forward same to the Executive Secretary, Agency for International Development, Board of Contract Appeals.

(f) *Introduction in evidence.* Either party to the appeal may offer depositions in evidence. The entire deposition must be offered unless otherwise stipulated by the parties or directed by the Board.

§ 7-60.28 ICA Board of Contract Appeals.

Appeals pending before the ICA Board on the date of the establishment of the AID Board will be automatically transferred to the AID Board, and all pleadings and other documents filed with or actions taken by the ICA Board with reference to such appeals will be deemed to have been filed with or taken by the AID Board. Designations and appointments made in connection with the ICA Board are automatically adopted with respect to the AID Board until superseded.

Issued pursuant to the order of the Administrator on Establishment and Designation of AID Board of Contract Appeals, dated November 18, 1961.[1]

Dated: November 18, 1961.

SEYMOUR J. RUBIN,
General Counsel.

[F.R. Doc. 62-1007; Filed, Jan. 30, 1962; 8:47 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 53—GRANTS FOR SURVEY, PLANNING AND CONSTRUCTION OF HOSPITALS AND MEDICAL FACILITIES

Rehabilitation Facilities; Hospital Priority; Technical Amendments

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following amendments of this part, which relate solely to grants to States, political subdivisions and public or other nonprofit agencies for the construction of public and other nonprofit hospitals and medical facilities.

§ 53.10 [Amendment]

1. Section 53.1 (t) is amended to read as follows:

(t) *Rehabilitation facility.* (1) a facility providing community service which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program under competent professional supervision of (i) medical evaluation and services, and (ii) psychological, social, or vocational evaluation and services. The major portion of the required evaluation and services must be furnished within the facility; and the facility must be operated either in connection with a hospital or as a facility in which all medical and related health services are prescribed by or are under the general direction of, persons licensed to practice medicine or surgery in the State.

(2) An integrated program brings together as a team specialized personnel from the (i) medical, and (ii) psychological, social, or vocational areas for the purpose of pooling information, interpretations and opinions for the development of a rehabilitation plan of services in which the disabled individual is viewed as a whole. When members of the team contribute to the diagnosis and treatment of illness, their contributions must be coordinated under medical responsibility. These integrated services may be provided in a facility to care for many types of disabilities or a single type of disability.

(a) A disabled person is an individual who has a physical or mental condition which, to a material degree, limits, contributes to limiting, or if not corrected, will probably result in limiting, the individual's performance or activities to the extent of constituting a substantial physical, mental, or vocational handicap.

(4) Medical service, in the case of a rehabilitation facility operated in connection with a hospital, means a designated medical director who renders direct personal supervision, varied and extensive availability of specialized consultants, a physical therapy department, an occupational therapy department, and medical evaluation.

(5) Medical service, in the case of a rehabilitation facility not operated in connection with a hospital, means medical supervision, availability by agreement of medical consultants, and evaluation and services suitable to the needs of the disabled persons to be served.

(6) Social service means evaluation and services by a qualified social worker in amounts and variety appropriate to the rehabilitation needs of the disabled persons to be served.

(7) Psychological service means evaluation and services by a qualified psychologist in amounts and variety appropriate to the rehabilitation needs of the disabled persons to be served.

(8) Vocatiopal service, in the case of a rehabilitation facility operated in connection with a hospital, means evaluation and services by a qualified vocational rehabilitation counselor in amounts and variety appropriate to the rehabilitation needs of the disabled persons to be served.

(9) Vocational service, in the case of a rehabilitation facility not operated in connection with a hospital, means those vocational services required in hospitals plus a variety of vocational services appropriate to the program and the persons to be served, such as prevocational exploration, work evaluation and vocational training.

2. Section 53.51 is amended to read as follows:

§ 53.51 State allowance.

(a) Rehabilitation facilities shall be planned by each State so that all persons in the State shall have access to integrated rehabilitation services for all types of disabilities. The facility or facilities may be programmed in the State or by joint planning with one or more other States to service the residents of such States. In determining the number of rehabilitation facilities and services needed, the State shall consider such factors as the particular needs of the population to be served and the scope of services and organizational makeup of the facility proposed. The total number of rehabilitation facilities (including those existing and proposed) for purposes of the Federal Act may not exceed one per 75,000 State population.

(b) The acount of existing rehabilitation facilities shall exclude those which the State agency has determined to be unsuitable in accordance with the objective criteria contained in the State plan. In any event, a rehabilitation facility shall be regarded as unsuitable if it constitutes a public hazard. Only those existing facilities that meet the definition of § 53.1(t) will be charged against the State allowance.

[1] F.R. Doc. 62-1006 in Notices section, *infra*.

3. Section 53.52 is amended to read as follows:

§ 53.52 Distribution.

In determining the need for additional rehabilitation services as a basis for distribution of rehabilitation facilities, consideration shall be given to (a) rehabilitation services provided in existing facilities, avoiding duplication and overlapping of services and (b) availability of rehabilitation services to all geographical areas.

4. Sections 53.73, 53.74 and 53.75 are hereby deleted and a new § 53.73 is inserted to read as follows:

§ 53.73 Hospitals (excluding public health centers).

The priority of hospital projects shall be determined after consideration of the relative need for beds in the area in which the project will be located, the utilization of existing hospital beds in the area, and the extent to which beds will be made available for groups of the population which for any reason are less adequately served than other groups of the population. The adequacy of service facilities and service areas in existing hospitals may be utilized as an additional factor in establishing priority, in accordance with applicable objective criteria established in the construction program. In establishing the priority of chronic disease projects, special consideration shall be given to projects in which the chronic disease facilities will be operated as subunits of general hospitals.

5. Section 53.78 is amended to read as follows:

§ 53.78 Rehabilitation facilities.

Priority shall be given to rehabilitation facility projects in the order of importance as given below taking into consideration existing rehabilitation services in the community, the need for additional services in the community, and the extent to which rehabilitation services will be made available to groups of the population which for any reason are less adequately served than other groups of the population:

(a) Facilities offering for multiple disabilities, medical, psychological, social, and vocational services located in universities having a medical school, teaching hospital, school of social work, department of psychology, vocational rehabilitation counselor training course, school of physical therapy, and school of occupational therapy, or a major portion of these.

(b) Facilities offering rehabilitation services for multiple disabilities in hospitals and medical facilities capable of sustaining an organized department of physical medicine and rehabilitation.

(c) All other rehabilitation facilities.

§ 53.145 [Amendment]

6. Section 53.145(b) is amended by inserting immediately after the heading "Evaluation and treatment facilities" a provision to read as follows:

Evaluation and treatment facilities shall include medical facilities and, depending upon the program, one or more of the following: psychological, social or vocational, as listed below.

§ 53.146 [Amendment]

7. Section 53.146(b) is amended by inserting immediately after the heading "Evaluation and treatment facilities" a provision to read as follows:

Evaluation and treatment facilities shall include medical facilities and, depending upon the program, one or more of the following: psychological, social or vocational, as listed below.

§ 53.147 [Amendment]

8. Section 53.147(b) is amended by inserting immediately after the heading "Evaluation and treatment facilities" a provision to read as follows:

Evaluation and treatment facilities shall include medical facilities and, depending upon the program, one or more of the following: psychological, social or vocational, as listed below.

§ 53.150 [Amendment]

9. Section 53.150(b) is amended by deleting the provision under the subheading "Lavatories" and substituting a new provision to read as follows:

Lavatories: The front edge of the lavatory for patient use shall be set not less than 22 inches from the wall to which it is attached.[1] They shall be supported on brackets to allow wheel chairs to slide under.

§ 53.153 [Amendment]

10. Section 53.153(b)(13)(iv) is amended to read as follows:

(iv) Faucet spouts shall have the discharge opening above the rim of the fixture. Goose neck spouts shall be used for patients' lavatories, nurses' lavatories and sinks which may be used for filling pitchers. Knee or elbow action controls shall be used for doctors' wash up, utility and clinic sinks and in treatment rooms. Wrist action spade handles shall be used on other lavatories and sinks used by doctors or nurses.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 622, 60 Stat. 1042, sec. 653, 68 Stat. 463; 42 U.S.C. 291e, 291u)

These amendments were approved by the Federal Hospital Council on November 28, 1961, and shall become effective immediately upon publication in the FEDERAL REGISTER.

Dated: December 26, 1961.

[SEAL] ARNOLD B. KURLANDER,
Acting Surgeon General.

Approved:

ARNOLD B. KURLANDER,
Acting Chairman, Federal Hospital Council.

Approved: January 25, 1962.

ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 62-1025; Filed, Jan. 30, 1962; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

Railroad Annual Report Form A[1]

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 18th day of January A.D. 1962.

The matter of annual reports of line-haul and switching and terminal railroad companies of Class I being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 120.11 of the order of January 17, 1961, in the matter of Railroad Annual Report Form A, be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1961, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 120.11, be, and it is hereby, modified and amended to read as follows:

§ 120.11 Form prescribed for Class I railroads.

Commencing with reports for the year ended December 31, 1961, and thereafter, until further order, all line-haul and switching and terminal railroad companies of Class I, as described in 49 CFR 126.1, viz., all carriers with average annual operating revenues of $3,000,000 or more, subject to the provisions of section 20, Part I of the Interstate Commerce Act, are required to file annual reports in accordance with Railroad Annual Report Form A, which is attached to and made a part of this section.[1] Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before March 31 of the year following the year to which it relates.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

And it is further ordered, That copies of this order and of Annual Report Form A shall be served on all line-haul and switching and terminal railroad companies of Class I, subject to the provisions of section 20, Part I of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator or assignee of any such railroad company, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-1014; Filed, Jan. 30, 1962; 8:48 a.m.]

[1] Form filed as part of original document.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Wildlife refuges in Tennessee, Arkansas, Louisiana, Georgia, and South Carolina

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

TENNESSEE

REELFOOT NATIONAL WILDLIFE REFUGE

Sport fishing on the Reelfoot National Wildlife Refuge, Tennessee, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 9,092 acres or 92 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth bass, crappie, bluegill, and other minor species permitted under State regulations.

(b) Open season: January 30, 1962, through October 23, 1962.

(c) Daily creel limits: Largemouth bass—10; No limit on other species.

(d) Methods of fishing:

1. Tackle: Hook and line, live and artificial bait permitted.

2. Boats: Boats with outboard motors, and inboard motors of not more than six (6) horsepower may be used.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 24, 1962.

TENNESSEE

LAKE ISOM NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Isom National Wildlife Refuge, Tennessee, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 750 acres or 41 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth bass, crappie, bluegill, and other minor species permitted under State regulations.

(b) Open season: March 16, 1962, through September 30, 1962. Sunrise to sunset.

(c) Daily creel limits: Largemouth bass—10; No limit on other species.

(d) Methods of fishing:

(1) Tackle: Pole and line, artificial and live baits permitted.

(2) Boats: Rowboats and canoes without motors permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 1, 1962.

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Big Lake National Wildlife Refuge, Arkansas, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,400 acres or 35 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass, striped bass, crappie, bream and other minor species permitted by state regulations.

(b) Open season: February 1 through October 31, 1962, sunrise to sunset.

(c) Daily creel limits: Black bass—8, striped bass—15, bream—20, and crappie—15; other minor species as permitted by state regulations, total aggregate of all game fish shall not exceed 35 by any person during one day. No limitations on weight, size, etc.

(d) Methods of fishing:

(1) Pole and line, rod and reel, artificial and live baits permitted.

(2) Row boats, canoes, skiffs and boats with motors permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to November 1, 1962.

LOUISIANA

LACASSINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacassine National Wildlife Refuge, Louisiana, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 28,000 acres or 90 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass, yellow bass, white bass, crappie and sunfish; and other minor species permitted by State regulations.

(b) Open season: March 15, 1962, through October 15, 1962. From 45 minutes before sunrise to 45 minutes after sunset.

(c) Daily creel limits: Black bass—15, yellow bass—25, white bass—25, crappie—25, sunfish—50; other creel limits for minor species are as prescribed for State regulations.

(d) Methods of fishing:

(1) Rod and reel, pole and line, artificial and live baits permitted.

(2) Boats with outboard motors no larger than 7½ h.p. permitted in refuge impoundments. No size restrictions on motors in the canals and streams.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) Entry to the Lacassine Pool is restricted to the four roller-ways provided.

(3) Boats may not be left inside the Lacassine Pool overnight.

(4) Entry to fishing areas is restricted to waterways only.

(5) A Federal permit is not required to enter the public fishing area.

(6) The provisions of this special regulation are effective to October 16, 1962.

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Blackbeard Island National Wildlife Refuge, Georgia, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 400 acres or 7 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth black bass, crappie, bream, and other minor species permitted under State regulations.

(b) Open season: April 1, 1962, to October 15, 1962. Daylight hours only.

(c) Daily creel limits: Black bass—15, bream—70, crappie—50; Other minor species as permitted by State regulations. Total aggregate of all species not to exceed 75 fish in one day. No limitation on weight, size, etc.

(d) Methods of fishing:

(1) Rod and reel, pole and line, artificial and live baits (except live minnows) permitted.

(2) Rowboats, canoes and other floating devices permitted: boats with motors prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 16, 1962.

SOUTH CAROLINA

SAVANNAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Savannah National Wildlife Refuge, South Carolina, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,000 acres or 25 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth black bass, bream, crappie, and catfish; and other species permitted by State regulations.

(b) Open season: April 1, 1962, to October 15, 1962. Daylight hours only.

(c) Daily creel limits: Bass—10, not more than 25 game fish other than black bass; other minof species as permitted by State regulations. No size or weight limitations.

(d) Methods of fishing:

(1) Rod and reel, pole and line, artificial and live baits permitted.

(2) Rowboats, canoes and other floating devices without motors permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 16, 1962.

SOUTH CAROLINA

SANTEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Santee National Wildlife Refuge, South Carolina, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,150 acres or 4 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth black bass, striped bass (rock fish), white bass, crappie, bream, jackfish.

(b) Open season: March 15, 1962, through October 31, 1962. Daylight hours only.

(c) Daily creel limits: Largemouth black bass, striped bass, white bass—no more than an aggregate of 10. Not more than 25 game fish other than bass.

(d) Methods of fishing:

(1) Pole and line, rod and reel, artificial and live baits permitted.

(2) Rowboats, canoes and other floating devices without motors permitted. Boats must be removed from the refuge at the close of each day unless circumstances warrant permission to be granted by the refuge officer in charge.

(3) Fishing from banks and dikes permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to December 31, 1962.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 24, 1962.

[F.R. Doc. 62-998; Filed, Jan. 30, 1962; 8:46 a.m.]

Largemouth bass, crappie, bluegill, and refuge headquarters and from the office

(e) Other provisions:

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1004; 1010]

[Docket Nos. AO–160 A–24, AO–276 A–4]

MILK IN PHILADELPHIA, PA., AND WILMINGTON, DEL., MARKETING AREAS

Notice of Joint Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a joint public hearing to be held at the Sylvania Hotel, Juniper and Locust Streets, Philadelphia, Pennsylvania, beginning at 10:00 a.m., e.s.t., on February 9, 1962, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Philadelphia, Pennsylvania, and Wilmington, Delaware, marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Milk Distributors Association of the Philadelphia Area, Inc.; proposals to amend the Philadelphia order:

Proposal No. 1. Delete the second proviso of § 1004.7(b) (formerly § 961.7(b)), and substitute therefor the following proviso: *"And provided further,* That in the case of a system operation in which the same handler operates both a pasteurizing and bottling plant(s) qualified as a producer milk plant(s) under paragraph (a) of this section and one or more receiving plant(s) qualified to ship milk to his pasteurizing and bottling plant(s), any of such qualified receiving plants as the handler may designate shall be considered as a unit (system) upon written notice to the market administrator setting forth the plants to be included as a unit and the period during which such designation shall apply. Such notice and notice of any changes in designation, shall be furnished on or before the 15th day of the month preceding the month to which the notice applies."

Proposal No. 2. Delete the first parenthetical clause of § 1004.41(a) (formerly § 961.41(a)) and substitute therefor: "(including the milk or skim milk equivalent of concentrated milk and of dry whole milk, condensed skim milk and nonfat dry milk used in reconstituting any Class I product and including the product pounds of concentrated milk, and of dry whole milk, condensed skim milk and nonfat dry milk used in fortifying any Class I product)."

Proposal No. 3. Amend § 1004.47(a)(4) (formerly § 961.47(a)(4)) as presently numbered to read as follows:

(4) Subtract from the remaining products in each class, in sequence beginning with Class II milk, the product pounds in receipts of other source milk in the form of cream containing 18 percent or more butterfat and the milk or skim milk equivalent of such receipts of concentrated and dried milk or skim milk utilized in a reconstituted product and the product pounds of such receipts of concentrated and dried milk or skim milk utilized in a fortified product and other Class II products which are reprocessed during the month;

Proposal No. 4. Amend § 1004.44 (formerly § 961.44) by providing a new paragraph (d) to read as follows:

(d) As Class II milk if transferred in bulk to a nonproducer milk plant which used no milk or skim milk in Class I or Class II during the month and which disposed of such milk or skim milk to another nonproducer milk plant or commercial establishment for Class II utilization provided that:

(1) The handler claims a Class II utilization;

(2) The buyer maintains books and records showing the utilization or disposition of all milk and skim milk at his plant which are made available, if requested by the Market Administrator for the purpose of verification;

(3) Not less than an equivalent amount of milk or skim milk was actually disposed of as Class II from such other nonproducer milk plant or commercial establishment.

Proposals to amend the Wilmington order:

Proposal No. 5. Add the following proviso to § 1010.7: *"And provided further,* That in the case of a system operation in which the same handler operates both a pasteurizing and bottling plant(s) qualified as a fluid milk plant under this section and one or more receiving plant(s) qualified to ship milk to his pasteurizing and bottling plant(s), any of such qualified receiving plant(s) as the handler may designate shall be considered as a unit (system) upon written notice to the Market Administrator setting forth the plants to be included as a unit and the period during which such designation shall apply. Such notice and notice of any changes in designation shall be furnished on or before the 15th day of the month preceding the month to which the notice applies."

Proposal No. 6. Delete the first parenthetical clause of § 1010.41(a) and substitute therefor: "(including that used to produce concentrated and reconstituted skim milk and including the product pounds of concentrated products used in the fortification of any Class I product)".

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 7. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Mr. L. S. Iverson, 1528 Walnut Street, Philadelphia 2, Pennsylvania, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on January 25, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–1019; Filed, Jan. 30, 1962; 8:49 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50–202]

MACHINE TOOLS INDUSTRY

Tentative Decision in the Determination of Prevailing Minimum Wages

A complete record of proceedings held under sections 1 and 10 of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 and 43a) to determine the prevailing minimum wages for persons employed in the machine tools industry has been certified by the hearing examiner. A tentative decision, including a statement of findings and conclusions, as well as the reasons and basis therefor, on all material issues of fact, law, and discretion presented on the record, and any proposed wage determination, is now appropriate under the applicable Rules of Practice (41 CFR Part 50–203.21(b)) and the Administrative Procedure Act (5 U.S.C. 1007(b)).

Definition. The notice of hearing (26 F.R. 7550) tentatively defined the machine tools industry to include the manufacture of power driven machines, not supported in the hands of an operator when in use, that shape metals (1) by cutting away chips, such as boring, broaching, drilling, grinding, milling, honing, and polishing machines, and lathes and shapers; or (2) by pressing, forging, hammering, extruding, shearing, bending or die casting. The rebuilding of machine tools and the manufacture of parts specifically designed for such tools are also included.

Excluded from the definition of machine tools are cutting tools, precision measuring tools, and attachments and accessories for machine tools; dies and tools; die sets and components, and subpresses; jigs and fixtures; gas and electric welding and cutting equipment; portable power driven handtools; automotive maintenance equipment; and rolling-mill machinery and equipment.

Only one issue was raised concerning this definition. Evidence was presented at the hearing to the effect that in recent years various radically new types of machine tools have been put into production. These were referred to as "exotic" machine tools that shape metals by dissolving, eroding, vaporizing, or metallizing. A witness for the National Machine Tool Builders Association (N.M.T.B.A.) requested that the definition of the Machine Tools Industry be amended to include the so-called "exotic" machine tools. I feel, however, that the record does not contain sufficient information concerning the wages paid to employees engaged in the manufacture of these machine tools to warrant the amendment. Accordingly, I have decided to adopt without change the definition suggested in the notice of hearing.

It appears appropriate to mention at this point that this decision eliminates the basis of the contention made by the National Machine Tool Builders Association that the failure to study the wages paid by this segment of the industry detracts from the reliability of the evidence of record concerning the remainder of the industry. Rather, it provides assurance that any wage determination which is made for this industry will not be imposed upon a segment of the industry which was not studied.

Locality. The next subject presented by the record is whether the geographic area of competition for contracts subject to the Walsh-Healey Act within this industry extends to all of the area in which the industry has its establishments so as to require an industry-wide wage determination or whether it is limited to smaller geographic areas so as to permit separate wage determinations for each such locality.

There is substantial uncontradicted evidence on the record establishing that the locality in which the products of the machine tools industry are to be manufactured or furnished for any Government contract subject to the Walsh-Healey Public Contracts Act cannot be defined more narrowly than the entire area in which the industry operates. The evidence on this subject emanates from two sources. First, the Government presented extensive statistical data clearly showing that the competition for Government contracts in this industry has no regional bounds. Though the Government exhibit was criticized because its earlier drafts were found to need correction before it was introduced in evidence, the final draft provides a sound basis for an appraisal of the area of competition for Government business. Second, the witnesses called by the N.M.T.B.A., who represented the management of various manufacturing establishments in the industry, testified that they shipped machine tools all over the nation. In view of this, and the absence of any contrary evidence, I am satisfied that the above finding is warranted.

Under these circumstances, an industry-wide determination is essential in this tentative decision in order to achieve the purposes of the statute (Cf. the tentative decision in the Textile Industry, 17 F.R. 11197; Mitchell v. Covington Mills, Inc., 229 F. 2d 506, certiorari denied, 350 U.S. 1002, rehearing denied, 351 U.S. 934).

Prevailing minimum wages. The Bureau of Labor Statistics (B.L.S.) prepared for use in these proceedings a comprehensive survey of the minimum wages paid and established on April 15, 1960, by establishments with 10 or more employees in which the manufacture of machine tools constituted 50 percent or more of the total value of sales in 1959. The tables based upon this survey showed widely scattered minimum wage rates ranging from $1.00 an hour to $2.75 an hour (and over) which were paid on April 15, 1960, by 287 establishments employing 42,013 persons who were engaged in work of a type covered by the Act when performing on a contract subject to it.

The N.M.T.B.A., persuaded that the BLS survey did not accurately reflect minimum wages in the industry and interested in obtaining wage data more recent than April 1960, collected and introduced into the record minimum wage information for April 1961 as well as for April 1960. However, the Association contends that neither the BLS, nor its own, survey constitutes a solid foundation for a determination and that a new survey should be conducted by the BLS based upon a more appropriate definition of "covered worker". If this is not done, however, the Association requests that the determination be based on its, rather than the BLS, survey.

One of the more important criticisms directed by the Association at the BLS survey involves the definition in the survey questionnaire of the types of workers subject to the Walsh-Healey Public Contracts Act. It is contended that the definition of "covered workers" in the questionnaire was misleading and resulted in misinterpretations by the persons who answered them. The questionnaire defined "covered workers" to include "all working foremen and nonsupervisory workers engaged in processing, fabricating, assembling, packaging, inspecting, handling, or shipping; and janitors working around machines while in operation". The thrust of the N.M.T.B.A. criticism is that certain "production-connected" jobs covered by the Act were considered outside the scope of the survey by persons answering these questionnaires. In support of this contention, the Association produced witnesses representing 7 establishments, who testified that their companies mistakenly excluded certain low-paid covered workers when they answered the BLS questionnaire.

The Association also argues that the BLS survey should have extended beyond plants whose sales of machine tools constituted 50 percent or more of their total sales. It asserts that in response to declining demand for machine tools and efforts to diversify their activities, a number of larger machine tool establishments failed to meet the 50 percent test. The testimony of the BLS witness regarding the survey conducted by that agency as well as the Association's own survey are cited in support of the statement. The exclusion of these large plants from the survey is held to have produced an inflationary bias since larger plants tend to pay lower minimum wages.

The Association further contends that rebuilders and parts manufacturers were not appropriately represented in the wage survey because the BLS did not consult two trade directories (membership directories of the Machinery Dealers National Association and the American Machine Tool Distributors Association) which purportedly listed these manufacturers. The Association admits to its own failure to utilize these directories in the conduct of its own survey, noting that its limited facilities and anticipated "noncooperation" on the part of rebuilders and parts manufacturers in filling out questionnaires made this course inadvisable.

The N.M.T.B.A. asserts that its wage survey was superior to that of the BLS in that it contained an expanded and allegedly more accurate definition of "covered worker", which incorporated specific reference to blueprint machine operators and draftsmen. It is contended that the BLS questionnaire would not ordinarily have elicited responses for these particular covered workers, who are frequently found at the lowest plant wage levels. While the Association survey covers only 56.8 percent of the establishments covered by the BLS survey, it is pointed out that the large proportion of employment covered (89.5 percent of the covered employment survey by the BLS) permits the survey's use for wage determination purposes.

The Association's contentions regarding the percentage of sales test and the failure of BLS to utilize two additional directories do not constitute grounds for disqualifying the BLS survey.

The 50 percent of sales test has been consistently utilized in wage surveys conducted for determination purposes and provides assurance that the determination for an industry does not reflect wages paid by establishments whose production is principally directed in other industry channels. In addition, there is no persuasive evidence of record supporting the Association's contention that the proportion of larger machine tool establishments excluded from the BLS survey by virtue of the 50 percent test was higher than for smaller plants. The record also contains no information regarding the minimum wage practices of such establishments, although the Association had collected such data. In view

of the lack of factual support in the record for the Association's allegations, I am not willing to disqualify a wage survey conducted under the same 50 percent standard which has consistently and satisfactorily been employed in the past.

Nor am I satisfied that the compilation of a mailing list without the assistance of the two directories of dealers and distributors, which the Association asserts ought to have been used, has resulted in an unrepresentative wage survey by virtue of inadequate coverage of rebuilders and parts manufacturers. Since establishments of this type are classified in the same Standard Industrial Classification groups as manufacturers of machine tools proper, their names were included in the lists of manufacturers of industry products furnished to the BLS by State Unemployment Compensation agencies. Since the mailing lists were also compiled from notices of Government awards furnished to the BLS by the Wage and Hour and Public Contracts Divisions, as well as a list of producers furnished by the N.M.T.B.A., there is added assurance that the wage survey coverage of these producers was representative and adequate. As noted earlier, the Association, despite its concern over the failure of BLS to utilize the two additional directories, found it was unable to use those directories beneficially in the conduct of its own survey.

Another alleged failure of the survey was that the questionnaire definition of exempted "apprentice" was not as restrictive as the one used in the regulations of the Department, which are used for enforcement purposes (29 CFR Part 521). A comparison of the regulations with the questionnaire definition reveals, however, that the criticism is unjustified. The definition in the questionnaire is a concise summary of the basic requirements contained in the regulations of the Department. It is clear that any bona fide apprenticeship program which met the definition provided in the questionnaire could with no difficulty meet the other technical requirements in the Department's regulations.

While the first three criticisms of the BLS survey offered by the Association are not persuasive, the evidence and argument which it offers regarding the definition of "covered workers" appear to contain some merit insofar as blueprint machine operators and draftsmen are concerned and I have been persuaded to exclude workers engaged in these two occupations from the scope of any determination based upon the BLS wage survey. The testimony of Association witnesses indicates that covered workers of the seven plants discussed whose wages fell below the minimums reported to the BLS were blueprint machine operators and draftsmen. Accordingly, I have concluded that the BLS survey forms an accurate and reliable basis for determining the prevailing minimum wage in the rest of this industry.

The N.M.T.B.A. survey contains several serious inadequacies which disqualify it from use in preference to the BLS survey. The Association's survey is far less comprehensive. It covered only 163 establishments as compared to the 287 surveyed by the BLS. While its inclusion of covered employment was almost as great as that of the BLS, it omitted large numbers of small establishments which tend to pay higher minimum wages. Moreover, it is clear that the Association survey included workers who are not covered by the Public Contracts Act, such as time clerks and other employees coming within the phrase "and other similar production-related workers". In addition, the questionnaire did not contain the detailed instructions necessary to inform the respondents how to calculate production bonuses. The Association's questionnaire did not confine its application to firms engaged in manufacturing, as opposed to merchandising, machine tools. As a result of these factors, the Association's survey contained a downward bias.

The deficiencies, which disqualify the Association survey from consideration as representative of prevailing minimum wages in the industry as a whole, are not as applicable to blueprint machine operators and draftsmen. Accordingly, it is not necessary that these workers be deprived of the protection afforded by the Walsh-Healey Public Contracts Act since the Association survey, which was carefully directed toward obtaining minimum wage information for these occupations, is available to determine their prevailing minimum wages.

Before making my findings as to the levels of prevailing minimum wages in the industry, for blueprint machine operators and draftsmen as well as for other covered workers, it is necessary to consider the appropriateness of a tolerance for beginners.

Based upon the very limited use of beginners or probationary workers in this industry, both the representatives of labor and management agreed that no special provision should be made for the employment of beginners or probationary workers at wages lower than the prevailing minimum wage for other workers. Therefore, the exemptive authority provided for by section 6 of the Act, under which a tolerance for beginners or probationary workers may be granted, will not be exercised.

In ascertaining the prevailing minimum wage, the N.M.T.B.A. has urged me to place reliance on the "interquartile" technique and on lowest established rates, as contrasted with lowest rates actually paid. Both standards are defended on their own merits but are asserted to be especially appropriate to the present proceeding by virtue of the alleged depressed state of the industry and consequent abnormally high wage structures. Application of the interquartile technique to data collected by the Association on lowest rates actually paid in April 1961 indicates to the Association a prevailing minimum wage for the industry of between $1.39 and $1.49. If the interquartile technique is rejected in favor of the median standard, the Association urges that the actually paid median minimum wage of $1.60 reported in its survey for plants weighted by employment should be found to be prevailing, rather than the $1.70 median minimum for establishments accorded equal weight. The former is urged in preference to the latter because the Association's survey covered a much higher proportion of the industry's employment than it did of its establishments, as well as because of an alleged upward distortion caused by the use of actually paid minimums in the case of a depressed industry. If its wage survey should be rejected as a basis for a determination in favor of the BLS survey, the Association urges reliance upon both the interquartile technique and lowest established rates so as to yield a determination of $1.50. Both of these standards have been fully discussed and rejected in recent minimum wage determinations (e.g., the tentative decision in the metal business furniture and storage equipment industry, 25 F.R. 12363, and the tentative decision in the manifold business forms industry, 26 F.R. 5898). I do not believe that the Association has set forth compelling reasons requiring the adoption of either or both of these standards. While the machine tools industry may be said to be in a depressed state compared to the production peaks reached during World War II, the Korean hostilities, and the following few years, the record indicates that while there may be substantial unutilized manufacting capacity, the April 1960 payroll period reflected one of the highest levels of employment in the last four years. This latter period appears to be of sufficient length to warrant designation as "normal", at least in the sense of permitting the establishment of a reasonable accord between minimum wages actually paid at that time and those likely to paid in the near future. This conclusion is borne out by the BLS wage survey, which indicates a discrepancy of no unusual magnitude between actually paid and established minimum wages.

The AFL–CIO, on the other hand, interprets the BLS survey as indicating that the prevailing minimum wage was $1.80 an hour on the survey date. It argues that the rate paid the one lowest paid worker in an establishment should not be the sole measure of minimum wages paid by that establishment. It urges that the prevaling minimum wage attributed to a large establishment which employs hundreds of workers should not be based on a minimum wage paid to only one person whose wages may not be representative of the lower end of the plant's wage structure. It contends that the prevailing minimum wage determination should be made at least in part on the basis of the first significant concentration of workers in each establishment. Since the BLS survey provides data which establishes that 49.1 percent of the establishments employing 57 percent of the covered workers have no nonbeginners or fewer than one percent of their nonbeginners who are paid less than $1.80 an hour, it concludes that this wage is more representative of the minimum wages paid in this industry on the survey date. I reject this method of determining prevailing minimum wages because I cannot arbitrarily exclude the wages paid to any covered worker from consideration in viewing the minimum

wages paid by an establishment when I am seeking to determine a prevailing minimum wage which will be enforced with respect to all employees in an establishment performing on a contract subject to the Act.

Based upon the conclusions I have reached thus far, I am satisfied that the BLS survey table, which shows the distribution of establishments and workers in the manufacture of machine tools by the lowest rate actually paid to covered workers (including beginners), presents the only appropriate foundation for a determination of the prevailing minimum wage in this indusrty for all persons covered by the Act, except blueprint machine operators and draftsmen, and that it lends itself to the same method of statistical interpretation that has been used by the Secretary of Labor for the past several years. A rate of $1.73 an hour appears, on the basis of this table, to be the most representative of the minimum wages paid in the industry (in April 1960) as a whole, since 53.3 percent of the establishments employing 52.2 percent of the covered workers in this industry paid no covered worker less than $1.73 an hour on that date.

In view of the fact that blueprinters and draftsmen will not be covered by this rate, for the reasons previously discussed, there remains the question of what is the prevailing minimum wage for these workers. As previously mentioned, the most direct evidence with respect to this point is the N.M.T.B.A. survey. My analysis of the survey with respect to minimum wages actually paid in April 1961 indicates a prevailing minimum wage of $1.65 for blueprint machine operators and draftsmen. The representative character of this rate is indicated by the fact that 56.4 percent of the establishments in the survey employing 45.5 percent of the covered workers paid no such worker less than this amount.

Both the representatives of labor and management have pointed out that the prevailing minimum wage has risen since April 1960. The record contains evidence that straight-time average hourly earnings have risen over 13 cents. On the basis of this evidence, the AFL–CIO has concluded that the prevailing minimum wage was 13 cents higher at the time of the hearing than it was in April 1960. On the other hand, the N.M.T.B.A. argues that the prevailing minimum wage has risen only 5 cents since April 1960, basing this conclusion on the increases in median minimum wages shown in their own survey as well as on the increases granted between April 15 and July 15, 1960, by certain establishments included in the BLS wage survey.

The evidence of record does not support the conclusion of labor representatives. The 13-cent increase in straight-time average hourly earnings which occurred between April 1960 and April 1961 is so far in excess of the data on minimum wage increases contained in both the BLS and the Association surveys as to raise serious doubts of its usefulness as an index of increases in the minimum wage. While I have no doubt of its accuracy in reflecting average hourly earnings, it appears reasonable to attribute its high level to the sharp contraction in the industry's employment in this period accompanied, as it no doubt was, by disproportionate layoffs of employees of lesser seniority and skills and, consequently, of lower straight-time average hourly earnings.

While I have concluded in a number of proceedings that the prevailing minimum wage may reasonably be assumed to have increased by at least the amount indicated by application of the percentage increase in average hourly earnings, I am satisfied, for the reason above stated that the figure of 9 cents, which this method yields in the present proceeding, also overstates the actual increase in the prevailing minimum wage. On the other hand, the five cents suggested by the N.M.T.B.A. appears to reflect minimum wage increases granted to blueprint machine operators and beginning draftsmen, which classifications of employees will not be covered by the determination based on the BLS survey. Insofar as the N.M.T.B.A. survey relating to workers covered by the VLS survey are concerned, however, it must be borne in mind that it contains the deficiencies previously discussed. Thus, it understates the increases in prevailing minimum wages of the workers to be covered by the determination based on the BLS survey.

Taking into consideration all the evidence, I conclude that the prevailing minimum wage has increased by 7 cents for workers other than blueprint machine operators and draftsmen up to the date of the hearing. Since my finding as to the prevailing minimum wage for blueprint machine operators and draftsmen is based upon an April 1961 survey, and in the absence of information on subsequent increases, I propose no post-survey adjustment for these workers.

The AFL–CIO has recommended that in making a prevailing minimum wage determination I should take into consideration the prevailing minimum costs to employers of paid leave and various private welfare plans. In an effort to implement this suggestion, statistics regarding the costs and prevalence of such benefits were offered in evidence, from which the AFL–CIO concluded that a 22-cent an hour additional increase in the wage determination was warranted.

Although these benefits appear to be an important part of the compensation which accrues to employees in this industry, I find that such benefits cannot be viewed as a part of a "prevailing minimum wage" rate under the Walsh-Healey Act. In view of the fact that Congress has directly stated in the overtime provisions of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) its opposition to the inclusion of these benefits as a part of an employee's "regular rate", and since the general overtime regulations established under the Walsh-Healey Act (41 CFR 50–201.103) require a similar interpretation of an employee's "basic hourly rate", I deem it inappropriate to include these benefits as a part of the employee's "prevailing minimum wage" under the Walsh-Healey Act.

Counsel for N.M.T.B.A. expressed objection at the hearing to the proposal to reduce the delay in effective date of the final decision from 30 to 7 days. This objection was on the ground that no previous determination for this industry had been made. Since that time, a minimum wage provision has been made applicable to this industry (September 26, 1961 (26 F.R. 9042)). No evidence was introduced in support of the objection, and it was not repeated in the brief filed after the hearing. For the reasons fully stated in the final decisions for the paper and pulp and manifold business forms industries (26 F.R. 7698, 7699), this tentative decision finds good cause to provide a 7-day delay in the effective date of the final decision.

Proposed determination. Accordingly, upon the findings and conclusions stated herein, pursuant to authority under the Walsh-Healy Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35 et seq.), and in accordance with the Administrative Procedure Act (60 Stat. 237; 5 U.S.C. 1001 et seq.), notice is hereby given that I propose to amend Title 41 of the Code of Federal Regulations, Part 50–202, by the addition of § 50–202.28 to read as follows:

§ 50–202.28 Machine Tools Industry.

(a) *Definition.* (1) The machine tools industry is defined to include the manufacture of power driven machines, not supported in the hands of an operator when in use, that shape metals (i) by cutting away chips, such as boring, broaching, drilling, grinding, milling, honing, and polishing machines, and lathes and shapers; or (ii) by pressing, forging, hammering, extruding, shearing, bending or die casting. The rebuilding of machine tools and the manufacture of parts specifically designed for such tools are also included.

(2) Excluded from the definition of machine tools are cutting tools, precision measuring tools, and attachments and accessories for machine tools; dies and tools; die sets and components, and sub-presses; jigs and fixtures; gas and electric welding and cutting equipment; portable power-driven handtools; automotive maintenance equipment; and rolling-mill machinery and equipment.

(b) *Minimum wages.* The minimum wage for persons employed in the manufacture or furnishing of the products of the machine tools industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.65 an hour for those employees engaged exclusively in the occupations of blueprint machine operator or draftsman, and $1.80 an hour for those employees engaged in other occupations.

Within twenty-one days from the date of publication of this document in the FEDERAL REGISTER, interested parties may submit written exceptions, together with supporting reasons, to the decision set out herein. Exceptions should be directed to the Secretary of Labor and filed with the Chief Hearing Examiner, Room

4414, United States Department of Labor, Washington 25, D.C.

Signed at Washington, D.C. this 26th day of January 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-1026, Filed, Jan. 30, 1962; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 602]

[Airspace Docket No. 61-WA-226]

JET ADVISORY AREAS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to § 602.200 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of en route radar jet advisory areas from flight level 240 to flight level 390 inclusive, and 16 statute miles either side of the following jet route segments:

1. Jet route No. 2 from the Tallahassee, Fla., VORTAC to the Jacksonville, Fla., VORTAC.

2. Jet route No. 45 from the Jacksonville VORTAC to the Alma, Ga., VORTAC.

3. Jet route No. 55 from the Savannah, Ga., VORTAC to the Charleston, S.C., VORTAC.

The designation of these proposed en route radar jet advisory areas would provide a defined area wherein jet advisory service would be provided to civil turbojet aircraft while operating on these routes.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 25, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-965; Filed, Jan. 30, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 14376]

TELEMETERING DEVICES AND WIRELESS MICROPHONES

Extension of Time for Filing Comments; Correction

The Commission's Order of January 18, 1962 (mimeo no. 15243), 27 F.R. 700, in the above entitled proceeding is corrected as follows:

1. The ordering clause is corrected to read as follows:

It is ordered, This 18th day of January 1962, pursuant to section 0.322(b) of the Commission's Statement of Organization, Delegations of Authority, and Other Information, That comments concerning the medical application of telemetering devices may be filed in this proceeding on or before February 28, 1962, and that comments in reply thereto may be filed on or before March 12, 1962.

Released: January 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1028; Filed, Jan. 30, 1962; 8:50 a.m.]

[47 CFR Part 15]

[Docket No. 14376]

TELEMETERING DEVICES AND WIRELESS MICROPHONES

Order Extending Time for Filing Reply Comments

The Commission has before it for consideration a request from Vega Electronics Corporation to extend the time for filing reply comments in the above-entitled proceeding from January 25, 1962, to February 26, 1962.

It appearing, that numerous and diverse questions have been raised by the comments in this proceeding, and that interested parties will require additional time in which to reply to these comments; and

It further appearing, that the time for filing reply comments has, with regard to one matter at issue, been previously extended to March 12, 1962 (Order of January 18, 1962, 27 F.R. 700, January 24, 1962), and that a general extension of time for filing reply comments to March 12, 1962, would not delay disposition of this proceeding;

It is ordered, This 26th day of January 1962, pursuant to section 0.322(b) of the Commission's Statement of Organization, Delegations of Authority, and Other Information, That reply comments may be filed in this proceeding on or before March 12, 1962.

Released: January 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1029; Filed, Jan. 30, 1962; 8:50 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

AID BOARD OF CONTRACT APPEALS

Establishment and Designation

1. A Board of Contract Appeals (hereinafter called the Board) is hereby created and designated the duly authorized representative of the Administrator of the Agency for International Development (hereinafter called the Administrator) for the determination of appeals by contractors from decisions on disputes concerning questions of fact by contracting officers or their authorized representatives or other authorities pursuant to the provisions of contracts entered or financed by the Agency for International Development requiring the decision of such appeals by the Administrator or his duly authorized representative. Subject to the approval of the General Counsel, the Board may also be designated as the duly authorized representative of other officials of the Agency for International Development for the determination of such appeals pursuant to the provisions of contracts entered or financed by the Agency for International Development requiring the decision of final administrative appeals by such officials or their duly authorized representative.

2. The Board will be composed of members appointed by the Administrator. It will act in each appeal through a panel, or through an individual member, designated for such appeal by the General Counsel, who will designate as chairman of each panel a duly licensed attorney-at-law. No member of the Board will consider an appeal if he has participated in the awarding or administration of the contract in dispute. It will be the duty and obligation of the members of the Board to decide appeals to the best of their knowledge and ability in accordance with applicable contract provisions and in accordance with the law pertinent thereto. The Board will carry out its work and all personnel directly or indirectly involved will cooperate so as to assure that this appellate procedure achieves speedy and just settlements of disputes.

3. The decisions of the panel or individual member designated for an appeal will be considered as the decisions of the Board and will have the finality provided in the pertinent contract provision and permitted by law.

4. The General Counsel will make and promulgate the rules and procedures governing contract appeals. Subject to such rules, the Board will have all powers necessary for the proper performance of its duties. These powers include but are not limited to authority to conduct hearings, dismiss proceedings, order the production of documents and other evidence and decide all questions necessary to resolve the specific disputes before it. The General Counsel will render final decisions, binding on the Board, concerning the extent of its jurisdiction, or authority to act in specific cases, if the question is raised by either party, the Board, or the General Counsel.

5. The General Counsel will appoint an Executive Secretary for the Board who will be its chief administrative officer and perform such functions for it as the General Counsel specifies.

6. The Assistant General Counsel (Contract Staff) will be responsible for representation of the interests of the Government in proceedings before the Board.

7. The references herein to the Agency for International Development include predecessor agencies or agencies to whose contracts or financial sponsorship the Agency for International Development has succeeded. Reference to the Administrator of the Agency for International Development include the heads of such agencies.

8. The Board will assume all functions and records of the ICA Board of Contract Appeals created pursuant to the order of the Acting Director of the International Cooperation Administration dated October 27, 1960 (26 Fed. Reg. 316), which is hereby abolished, and pending appeals are automatically transferred to the Board hereby created. Appointments and designations made in connection with the ICA Board of Contract Appeals shall be deemed to have been made in connection with the Board hereby created until they are superseded.

FOWLER HAMILTON,
Administrator.

NOVEMBER 18, 1961.

[F.R. Doc. 62-1006; Filed, Jan. 30, 1962; 8:47 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

DIRECTOR, ADMINISTRATIVE SERVICES; COMPTROLLER; REGIONAL DIRECTORS; DIRECTOR FOR FEDERAL ASSISTANCE; ET AL.

Delegation of Administrative Authorities for Civil Defense Functions

References: (a) E.O. 10952, dated July 20, 1961, assigning Civil Defense responsibilities to the Secretary of Defense and others; (b) Department of Defense Organizational Statement, Assistant Secretary of Defense (Civil Defense), filed September 13, 1961 (26 F.R. 8804).

The following redelegation of authorities is hereby approved:

1. *Director, Administrative Services.* Pursuant to the authority vested in the Assistant Secretary of Defense (Civil Defense) under Reference (b), and a Delegation of Authorities of even date herewith, the Director, Administrative Services, or, in the absence of the Director, Administrative Services, the person acting for him is hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DoD policies, directives, and instructions, and pertinent OSD regulations, authority as required in the administration and operation of the Office of Civil Defense and its subordinate activities to:

(a) Exercise the powers vested in the Secretary of Defense by section 204 of the National Security Act of 1947, as amended (5 U.S.C. 171d), Section 12 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 22a), and sections 401(a) and 403(b) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2253 (a) and (b)), pertaining to the employment, direction and general administration of civilian personnel of the Office of Civil Defense and its subordinate activities.

(b) Fix rates of pay for wage board employees exempted from the Classification Act by section 202(7) of that Act on the basis of prevailing rates for comparable jobs in the locality where the Office of Civil Defense or each subordinate activity is located. The Assistant Secretary of Defense (Civil Defense), in fixing such rates, shall follow the wage schedule established by the local wage board.

(c) Establish such advisory committees and employ such part-time advisers as approved by the Secretary of Defense for the performance of civil defense functions pursuant to the provisions of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2253(b)) and Executive Order 10242, dated May 8, 1951 (16 F.R. 4262), as appropriate, or 10 U.S.C. 173, 5 U.S.C. 55a, and the Agreement between the DoD and the Civil Service Commission on employment of experts and consultants, dated July 22, 1959. The authority to establish advisory committees cannot be redelegated. The authority to employ part-time advisers can be redelegated.

(d) Administer oaths of office incident to entrance into the Executive Branch of the Federal Government or any other oath required by law in connection with employment therein, in accordance with the provisions of the Act of June 26, 1943 (5 U.S.C. 16a), and section 403(b) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2255(b)), and designate in writing, as may be necessary, officers and employees of the Office of Civil Defense and its subordinate activities to perform this function.

(e) Establish an Office of Civil Defense Incentive Awards Board and pay cash awards to and incur necessary expenses for the honorary recognition of civilian employees of the Government whose suggestions, inventions, superior

accomplishments, or other personal efforts, including special acts or services, benefit or affect the Office of Civil Defense or its subordinate activities in accordance with the provisions of the Act of September 1954 (5 U.S.C. 2123) and Civil Service Regulations.

(f) In accordance with the provisions of the Act of August 26, 1950, as amended (5 U.S.C. 22–1); Executive Order 10450, dated April 27, 1953, as amended; and DoD Directive 5210.7, dated August 12, 1953 (as revised):

(1) Designate any position in the Office of Civil Defense and its subordinate activities as a "sensitive" position;

(2) Authorize, in case of an emergency, the appointment of a person to a sensitive position in the Office of Civil Defense and its subordinate activities for a limited period of time for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed; and

(3) Authorize the suspension, but not the termination, of the services of an employee in the interest of national security in positions within the Office of Civil Defense and its subordinate activities.

(g) Clear civil defense personnel and such other individuals as may be appropriate for access to classified Defense material and information in accordance with the provisions of DoD Directive 5210.8, dated June 29, 1955 (as revised), "Policy on Investigation and Clearance of Department of Defense Personnel for Access to Classified Defense Information" and of Executive Order 10501, dated November 5, 1953, as amended.

(h) Authorize and approve overtime work for civilian officers and employees of the Office of Civil Defense and its subordinate activities in accordance with the provisions of § 25.221 of the Federal Employee Pay Regulations.

(i) Authorize and approve:

(1) Travel for civilian officers and employees in connection with civil defense activities in accordance with the Standardized Government Travel Regulations, as amended (BOB Circular A–7, Revised);

(2) Temporary duty travel only for military personnel assigned or detailed to the Office of Civil Defense or its subordinate activities in accordance with Joint Travel Regulations for the Uniformed Services, dated April 1, 1951, as amended;

(3) Invitational travel to persons serving without compensation whose consultive, advisory, or other highly specialized technical services are required in a capacity that is directly related to or in connection with civil defense activities, pursuant to the provisions of section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b–2). This authority cannot be redelegated.

(j) Develop, establish, and maintain an active and continuing Records Management Program for the Office of Civil Defense and its subordinate activities, pursuant to the provisions of section 506(b) of the Federal Records Act of 1950 (44 U.S.C. 396(b)).

(k) Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals as required for the effective administration and operation of the Office of Civil Defense and its subordinate activities (44 U.S.C. 324).

(l)(1) Establish and maintain appropriate Property Accounts for civil defense property, equipment and supplies for which the Assistant Secretary of Defense (Civil Defense) is assigned responsibility.

(2) Appoint Boards of Survey, approve reports of survey, relieve personal liability, and drop accountability for civil defense property contained in the authorized Property Accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

(m) Promulgate the necessary security regulations for the protection of property and places under the jurisdiction of the Assistant Secretary of Defense (Civil Defense), pursuant to paragraphs III.A. and V.B. of DoD Directive 5200.8, dated August 20, 1954, and section 403(a) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2255(a)).

(n) Establish and maintain, for assigned civil defense functions, an appropriate publications system for the promulgation of regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DoD Directive 5025.1, dated March 7, 1961.

(o) Enter into contracts for supplies, equipment and services for civil defense purposes and, subject to the limitation contained in section 2311, Chapter 137, Title 10 U.S.C., to make the necessary determinations and findings required under that chapter. To the maximum practicable extent, procurement of supplies and equipment will be accomplished through established military procurement agencies.

(p) Enter into support and service agreements with the military departments, other DoD agencies, or other Governmental agencies as required for the effective performance of assigned civil defense responsibilities and functions.

2. *Comptroller, Office of Civil Defense.* Pursuant to the authority vested in the Assistant Secretary of Defense (Civil Defense) under Reference (b), and a Delegation of Authorities of even date herewith, the Comptroller, Office of Civil Defense, or, in the absence of the Comptroller, Office of Civil Defense, the person acting for him, is hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DoD policies, directives, and instructions, and pertinent OSD regulations, authority as required in the administration and operation of the Office of Civil Defense and its subordinate activities to:

(a) Act as agent for the collection and payment of employment taxes imposed by Chapter 21 of the Internal Revenue Code of 1954 and, as such agent, make all determinations and certifications required or provided for under section 3122 of the Internal Revenue Code of 1954 and sections 205(p) (1) and (2) of the Social Security Act, as amended (42 U.S.C. 405(p) (1) and (2)) with respect to employees of the Office of Civil Defense and its subordinate activities.

(b) Establish and use Imprest Funds for making small purchases of material and services other than personal for the Office of Civil Defense and its subordinate activities when it is determined more advantageous and consistent with the best interests of the Government, in accordance with the provisions of DoD Instruction 7280.1 and the Joint Regulation of the General Services Administration, Treasury Department, General Accounting Office, entitled "For Small Purchases Utilizing Imprest Funds."

(c) Purchase bonds to cover civil officers and employees and military personnel of the Office of Civil Defense and its subordinate activities, in accordance with Public Law 323, 84th Congress (6 U.S.C. 14) and regulations of the Department of the Treasury (31 CFR Part 226).

(d) Authorize and approve travel for civilian officers and employees in connection with civil defense activities in accordance with the Standardized Government Travel Regulations, as amended (BOB Circular A–7, Revised).

(e) Allot and control funds or appropriations made available to the Office of Civil Defense within the amounts permitted by the apportionments made by the Director of the Bureau of the Budget pursuant to section 665 of title 31 of the United States Code. This authority cannot be redelegated.

(f) Post audit and correct any transaction or agreement of the Office of Civil Defense involving the receipt or payment of funds.

3. *Regional Directors.* Pursuant to the authority vested in the Assistant Secretary of Defense (Civil Defense) under Reference (b), and a Delegation of Authorities of even date herewith, the Regional Directors, Office of Civil Defense, or, in the absence of any Regional Director, the person acting for him, are hereby delegated, to be exercised and performed by them within their respective regions, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DoD policies, directives, and instructions, and pertinent OSD regulations, authority as required in the administration and operation of the Office of Civil Defense and its subordinate activities to:

(a) Authorize and approve travel for civilian officers and employees in connection with civil defense activities in accordance with the Standardized Government Travel Regulations, as amended (BOB Circular A–7, Revised).

4. *Executive Assistant to the Secretary of Defense (Civil Defense); Director for Plans and Programs; Director for Research; Director for Technical Operations.* Pursuant to the authority vested in the Assistant Secretary of Defense (Civil Defense) under Reference (b), and a Delegation of Authorities of even date herewith, the Executive Assistant to the Secretary of Defense (Civil Defense), the Director for Plans and Programs, the Director for Research, the Director for Technical Operations, or, in the absence of any or all of them, the persons acting for them, respectively, are hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DoD policies, directives, and instructions, and pertinent OSD regulations, authority as required in the administration and operation of the Office of Civil Defense and its subordinate activities to:

(a) Authorize and approve travel for civilian officers and employees in connection with civil defense activities in accordance with the Standardized Government Travel Regulations, as amended (BOB Circular A–7, Revised).

5. *Director for Federal Assistance.* Pursuant to the authority vested in the Assistant Secretary of Defense (Civil Defense) under Reference (b), and a Delegation of Authorities of even date herewith, the Director for Federal Assistance, or, in the absence of the Director for Federal Assistance, the person acting for him, is hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DoD policies, directives, and instructions, and pertinent OSD regulations, authority as required in the administration and operation of the Office of Civil Defense and its subordinate activities to:

(a) Exercise the authority delegated to the Secretary of Defense by the Administrator of the General Services Administration with respect to the disposal of surplus civil defense personal property.

(b) Authorize and approve travel for civilian officers and employees in connection with civil defense activities in accordance with the Standardized Government Travel Regulations, as amended (BOB Circular A–7, Revised).

These authorities can be redelegated, as appropriate, in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.

This delegation of authorities is effective immediately.

Dated this 20th day of January 1962.

STEUART L. PITTMAN,
Assistant Secretary of Defense, Civil Defense.

[F.R. Doc. 62-1016; Filed, Jan. 30, 1962; 8:48 a.m.]

ORGANIZATIONAL STATEMENT

Delegations of Authority

The following amendment (Inclosure 1) to the organizational statement, Assistant Secretary of Defense (Civil Defense) (DoD Directive 5140.1), published at 26 F.R. 8604, has been approved by the Deputy Secretary of Defense, January 20, 1962:

Inclosure 1—Delegations of authority: Pursuant to the authority vested in the Secretary of Defense, the Assistant Secretary of Defense (Civil Defense), or, in the absence of the Assistant Secretary, the person acting for him is hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DoD policies, directives, and instructions, and pertinent OSD regulations, authority as required in the administration and operation of the Office of Civil Defense and its subordinate activities to:

1. Exercise the powers vested in the Secretary of Defense by section 204 of the National Security Act of 1947, as amended (5 U.S.C. 171d), section 12 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 22a), and sections 401(a) and 403(b) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2253 (a) and (b)), pertaining to the employment, direction and general administration of civilian personnel of the Office of Civil Defense and its subordinate activities.

2. Fix rates of pay for wage board employees exempted from the Classification Act by section 202(7) of that Act on the basis of prevailing rates for comparable jobs in the locality where the Office of Civil Defense or each subordinate activity is located. The Assistant Secretary of Defense (Civil Defense), in fixing such rates, shall follow the wage schedule established by the local wage board.

3. Establish such advisory committees and employ such part-time advisers as approved by the Secretary of Defense for the performance of civil defense functions pursuant to the provisions of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2253 (b)) and Executive Order 10242, dated May 8, 1951 (16 F.R. 4262), as appropriate, or 10 U.S.C. 173, 5 U.S.C. 55a, and the Agreement between the DoD and the Civil Service Commission on employment of experts and consultants, dated July 22, 1959.

4. Administer oaths of office incident to entrance into the Executive Branch of the Federal Government or any other oath required by law in connection with employment therein, in accordance with the provisions of the Act of June 26, 1943 (5 U.S.C. 16a), and section 403(b) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2255(b)), and designate in writing, as may be necessary, officers and employees of the Office of Civil Defense and its subordinate activities to perform this function.

5. Establish an Office of Civil Defense Incentive Awards Board and pay cash awards to and incur necessary expenses for the honorary recognition of civilian employees of the Government whose suggestions, inventions, superior accomplishments, or other personal efforts, including special acts or services, benefit or affect the Office of Civil Defense or its subordinate activities in accordance with the provisions of the Act of September 1954 (5 U.S.C. 2123) and Civil Service Regulations.

6. In accordance with the provisions of the Act of August 26, 1950, as amended (5 U.S.C. 22–1); Executive Order 10450, dated April 27, 1953, as amended; and DoD Directive 5210.7, dated August 12, 1953 (as amended):

a. Designate any position in the Office of Civil Defense and its subordinate activities as a "sensitive" position;

b. Authorize, in case of an emergency, the appointment of a person to a sensitive position in the Office of Civil Defense and its subordinate activities for a limited period of time for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed; and

c. Authorize the suspension, but not the termination, of the services of an employee in the interest of national security in positions within the Office of Civil Defense and its subordinate activities.

7. Clear civil defense personnel and such other individuals as may be appropriate for access to classified Defense material and information in accordance with the provisions of DoD Directive 5210.8, dated June 29, 1955 (as amended), "Policy on Investigation and Clearance of Department of Defense Personnel for Access to Classified Defense Information" and of Executive Order 10501, dated November 5, 1953, as amended.

8. Act as agent for the collection and payment of employment taxes imposed by Chapter 21 of the Internal Revenue Code of 1954 and, as such agent, make all determinations and certifications required or provided for under section 3122 of the Internal Revenue Code of 1954 and sections 205(p) (1) and (2) of the Social Security Act, as amended (42 U.S.C. 405(p) (1) and (2)) with respect to employees of the Office of Civil Defense and its subordinate activities.

9. Authorize and approve overtime work for civilian officers and employees of the Office of Civil Defense and its subordinate activities in accordance with the provisions of § 25.221 of the Federal Employee Pay Regulations.

10. Authorize and approve:

a. Travel for civilian officers and employees in connection with civil defense activities in accordance with the Standardized Government Travel Regulations, as amended (BOB Circular A–7, Revised);

b. Temporary duty travel only for military personnel assigned or detailed to the Office of Civil Defense or its subordinate activities in accordance with Joint Travel Regulations for the Uniformed Services, dated April 1, 1951, as amended;

c. Invitational travel to persons serving without compensation whose consultive, advisory, or other highly specialized technical services are required in a capacity that is directly related to or in connection with civil defense activities, pursuant to the provisions of section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b–2).

11. Approve the expenditure of funds available for travel by military personnel assigned or detailed to the Office of Civil Defense or its subordinate activities for expenses incident to attendance at meetings of technical, scientific, professional or other similar organizations in such instances where the approval of the Secretary of Defense or his designee is required by law (5 U.S.C. 174a). This authority cannot be redelegated.

12. Develop, establish, and maintain an active and continuing Records Management Program for the Office of Civil Defense and its subordinate activities, pursuant to the provisions of section 506 (b) of the Federal Records Act of 1950 (44 U.S.C. 396(b)).

13. Establish and use Imprest Funds for making small purchases of material and services other than personal for the Office of Civil Defense and its subordinate activities when it is determined more advantageous and consistent with the best interests of the Government, in accordance with the provisions of DoD Instruction 7280.1 and the Joint Regulation of the General Services Administration—Treasury Department—General Accounting Office, entitled "For Small Purchases Utilizing Imprest Funds".

14. Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals as required for the effective administration and operation of the Office of Civil Defense and its subordinate activities (44 U.S.C. 324).

15. a. Establish and maintain appropriate Property Accounts for civil defense property, equipment and supplies for which the Assistant Secretary of Defense (Civil Defense) is assigned responsibility.

b. Appoint Boards of Survey, approve reports of survey, relieve personal liability, and drop accountability for civil defense property contained in the authorized Property Accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

16. Promulgate the necessary security regulations for the protection of property and places under the jurisdiction of the Assistant Secretary of Defense (Civil Defense), pursuant to paragraphs III, A, and V, B, of DoD Directive 5200.8, dated August 20, 1954, and section 403(a) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2255(a)).

17. Establish and maintain, for assigned civil defense functions, an appropriate publications system for the promulgation of regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DoD Directive 5025.1, dated March 7, 1961.

18. Enter into contracts for supplies, equipment and services for civil defense purposes and, subject to the limitation contained in section 2311, Chapter 137, Title 10 U.S.C., to make the necessary determinations and findings required under that chapter. To the maximum practicable extent, procurement of supplies and equipment will be accomplished through established military procurement agencies.

19. Enter into support and service agreements with the military departments, other DoD agencies, or other Government agencies as required for the effective performance of assigned civil defense responsibilities and functions.

20. Exercise the authority delegated to the Secretary of Defense by the Administrator of the General Services Administration with respect to the disposal of surplus civil defense personal property.

21. Purchase bonds to cover civil officers and employees and military personnel of the Office of Civil Defense and its subordinate activities, in accordance with Public Law 323, 84th Congress, (6 U.S.C. 14) and regulations of the Department of the Treasury (31 CFR Part 226).

The above-delegated authorities are in addition to those contained in DoD Directive 5140.1, dated August 31, 1961, Executive Order 10952, dated July 20, 1961, and the Federal Civil Defense Act of 1950, as amended.

The Assistant Secretary of Defense (Civil Defense) may redelegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.

This delegation of authorities is effective immediately.

Secretary of Defense memorandum, "Interim Delegation of Administrative Authorities for Civil Defense Functions," July 31, 1961 (26 F.R. 7840), and Deputy Secretary of Defense memorandum, "Delegation of Administrative Authorities for Civil Defense Functions," September 2, 1961 (26 F.R. 8604), are superseded by this delegation of authority.

MAURICE W. ROCHE,
Administrative Secretary,
Office of the Secretary of Defense.

[F.R. Doc. 62-1015; Filed, Jan. 30, 1962; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

N⁶-BENZYLADENINE

Notice of Extension of Permit for Temporary Use

Notice is given that the Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346(a)), and in accordance with authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), has at the request of the Shell Chemical Company, a Division of Shell Oil Company, 110 West 51st Street, New York 20, New York, issued a temporary tolerance of 1 part per million for residues of N⁶-benzyladenine as a result of application just before or just after harvest on broccoli, brussels sprouts, cabbage, cauliflower, celery, endive (escarole), kale, lettuce (including head, leaf, and romaine), mustard greens, parsley, spinach, and turnip greens. Included in the conditions of granting the temporary tolerance are:

1. The total amount of pure N⁶-benzyladenine to be used under the experimental permit will not exceed 5 pounds.

2. The pesticide will not be marketed for general sale, but will be supplied to qualified persons as permitted in the experimental permit issued by the U.S. Department of Agriculture for bona fide experimental use.

This temporary tolerance expires December 31, 1962.

Dated: January 25, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-1021; Filed, Jan. 30, 1962; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Cass County, North Dakota, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 25th day of January 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-1005; Filed, Jan. 30, 1962; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. Byproducts 30-13]

INTERSTATE INSPECTION, INC.

Notice of Hearing

Interstate Inspection, Inc., 4001 North Westmoreland, Dallas, Tex., hereinafter referred to as the applicant, filed with the Commission an application and an amendment thereto, received by the Commission on June 16, 1961 and October 10, 1961, respectively, for an AEC byproduct material license to conduct radiographic inspection operations utilizing Cobalt 60 and Iridium 192.

On December 12, 1961 the Director, Division of Licensing and Regulation issued a Notice of Denial of Application for Byproduct Material License, hereinafter referred to as the Notice of Denial, informing the applicant that its application for a byproduct material license was denied. The Notice of Denial was based upon investigations conducted during the period of November 20, 1961 through November 28, 1961, and alleged that the applicant had willfully and knowingly violated the Atomic Energy Act of 1954, as amended, and § 30.3 of the Commission's regulations (10 CFR Part 30) in that the applicant, on thirty-two occasions during October and November 1961, received, possessed and used a byproduct material sealed source originally containing approximately 1,925 curies of Iridium 192 for which it was not licensed by the Commission. The Notice of Denial provided that pursuant to the Commission's "Rules of Practice", 10 CFR Part 2, the applicant might file a request for a formal hearing in the matter within thirty days following its receipt thereof. The Notice of Denial was received by the applicant on December 14, 1961. On January 13, 1962, the applicant, through its attorney, filed a timely request for a hearing in the matter.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations contained in Parts 2 and 30, Title 10, Code of Federal Regulations, notice is hereby given that a hearing will be held on March 14, 1962, in a courtroom to be assigned in the Federal Courthouse, Dallas, Texas, at 10:00 a.m., before a Presiding Officer to be assigned by a subsequent order of the Chief Hearing Examiner to consider the following issues:

1. Whether Interstate Inspection, Inc., its officers, directors, stockholders, or employees violated the Atomic Energy Act of 1954, as amended, and § 30.3 of the Commission's regulations (10 CFR Part 30) as set forth in the Notice of Denial of Application for Byproduct Material License issued hereby, by the Director, Division of Licensing and Regulation, on December 12, 1961; and

2. Whether, in view of the evidence adduced pursuant to issue No. 1 above, the issuance of a byproduct material license as requested in the application filed by Interstate Inspection, Inc., would be inimical to the health and safety of the public.

Answer to this notice shall be served and filed by the applicant pursuant to § 2.736 of the Commission's "Rules of Practice", 10 CFR Part 2, on or before February 21, 1962.

Any person desiring to intervene in this matter shall not later than March 1, 1962, file a petition for leave to intervene pursuant to § 2.705 of the Commission's "Rules of Practice", 10 CFR Part 2, describing how his interest may be affected by the AEC's action in this matter and the position he is taking therein. Service of copies of the petition shall be made upon each party to the proceeding. The staff or applicant upon notice and motion filed within ten days of receipt of such petition, and other parties by leave, may contest the right of any petitioner to intervene. Petitions for leave to intervene shall be filed by mailing or telegraphing a copy to the Public Filings and Proceedings Branch, Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Md., or the AEC Public Document Room, 1717 H Street NW., Washington, D.C.

Pursuant to § 2.731 of the "Rules of Practices", 10 CFR Part 2, with the consent of the presiding officer, limited appearances may be entered without request for or grant of permission to intervene by persons who are not parties to the hearing. With the consent of the presiding officer and on due notice to the parties, such persons may make oral or written statements of their positions on the issues involved in the proceeding but may not otherwise participate in the hearing.

Dated at Germantown, Md., this 22d day of January 1962.

For the Atomic Energy Commission.

ROBERT LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 62-983; Filed, Jan. 30, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 10758, etc.]

SOUTHWESTERN AREA LOCAL SERVICE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on February 28, 1962 at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., January 26, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-1030; Filed, Jan. 30, 1962; 8:50 a.m.]

[Docket 11679, Agreement C.A.B. 14827, R-71, R-72; Order No. E-17949]

TRAFFIC CONFERENCE 1, INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of January 1962.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590—Commodity Rates Board.

The agreement, adopted pursuant to unprotected notices to the carriers and promulgated in IATA Memoranda TC1/Rates 1318 and TC1/Rates 1321, revises the listing of commodities under Item 100 so as to provide, in general, coverage of a wider range of articles. It also names an additional rate under Item 0006, as follows: 20 cents per kilogram, minimum weight 500 kilograms, from San Juan to Port of Spain.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

Accordingly, it is ordered:

1. That Agreement C.A.B. 14827, R-71 and R-72, which incorporates IATA Memoranda TC1/Rates 1318 and TC1/Rates 1321, is approved, provided that such approval shall not constitute approval of any specific commodity description contained therein for purposes of tariff publication.

2. That any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service, submit statements in writing, containing reasons deemed appropriate together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-1031; Filed, Jan. 30, 1962; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14425-14442; FCC 62M-114]

SAUL M. MILLER ET AL.

Order Amending Issues

In re applications of Saul M. Miller, Kutztown, Pennsylvania, Docket No. 14425, File No. BP-13844; Charles Shapiro, Maple Shade, New Jersey, Docket No. 14432, File No. BP-14389; Radio Haddonfield, Inc., Haddonfield, New Jersey, Docket No. 14435, File No. BP-14821; et al., Docket Nos. 14426, 14427, 14428, 14429, 14430, 14431, 14433, 14434, 14436, 14437, 14438, 14439, 14440, 14441, 14442; for construction permits.

The Acting Chief Hearing Examiner having under consideration motion filed January 9, 1962 by Radio Haddonfield, Inc., to enlarge the issues respecting the application of Charles Shapiro and Broadcast Bureau's response to motion to enlarge issues filed January 22, 1962;

It appearing that said motion requests an additional issue to determine the availability of the transmitter site proposed in the application of Charles Shapiro;

It further appearing, that the petition has been timely filed; petitioner has pleaded sufficient allegations, which are not disputed, to warrant the enlargement of the issues in this proceeding as requested and there is no opposition thereto;

Accordingly, it is ordered, This 23d day of January 1962, that the petition of Radio Haddonfield, Inc., for the enlargement of issues in this proceeding is granted and: *It is further ordered,* That

the issues herein are enlarged by the inclusion of the following issue: To determine whether the applicant, Charles Shapiro, will have available the transmitter site proposed in his application.

Released: January 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1027; Filed, Jan. 30, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-2214]

CITIES SERVICE GAS CO.

Notice of Application for Amendment of Certificate Authorization

JANUARY 23, 1962.

Take notice that on October 10, 1961, Cities Service Gas Company (Applicant), First National Bank Building, Oklahoma City, Oklahoma, filed an application to amend the Commission's order of September 25, 1953, in Docket No. G-2214, issuing a certificate of public convenience and necessity authorizing Applicant to construct and operate certain facilities in Cherokee County, Kansas, and in Jasper County, Missouri, in order to sell and deliver natural gas, on an interruptible basis, to the Missouri Farmers' Association, Inc., now Farmers Chemical Company (Farmers), to be utilized by Farmers at its fertilizer plant near Empire City, Kansas. The subject order limited deliveries of natural gas to 182,077 Mcf [1] annually.

Applicant states that it has been advised by Farmers that the latter intends to expand its Empire City plant and will require 336,154 Mcf [1] of natural gas annually. Therefore, Applicant requests in the subject application that the order of September 25, 1953, be amended by deleting the volume limitation therein to allow Applicant to deliver the required increased volumes of gas.

Applicant states that no additional facilities will be required to make the increased deliveries.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 12, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-987; Filed, Jan. 30, 1962; 8:45 a.m.]

[Docket No. CP62-136]

NATURAL GAS STORAGE COMPANY OF ILLINOIS

Notice of Application and Date of Hearing

JANUARY 23, 1962.

Take notice that on November 30, 1961, Natural Gas Storage Company of Illinois (Applicant), 122 South Michigan Avenue, Chicago 3, Illinois, filed in Docket No. CP62-136 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon storage service for three of its existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to certificates of public convenience and necessity, Applicant transports and stores during off-peak periods natural gas owned by customers of Natural Gas Pipeline Company of America (Natural) for delivery to those customers during days of peak requirements. Three of said customers, Citizens Gas Company: City of Nashville, Illinois; and United Gas Company will receive increased quantities of gas from Natural pursuant to new executed service agreements. The application states that due to the increased contract quantities which will be received from Natural by said customers it will no longer be necessary to use the aforesaid storage services of Applicant.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 21, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 12, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-988; Filed, Jan. 30, 1962; 8:45 a.m.]

[Docket No. CP62-138]

OHIO FUEL GAS CO.

Notice of Application and Date of Hearing

JANUARY 24, 1962.

Take notice that on December 1, 1961, The Ohio Fuel Gas Company (Applicant), 99 North Front Street, Columbus 15, Ohio, filed in Docket No. CP62-138 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of miscellaneous pipeline replacement and loop facilities during the calendar year 1962 at a total cost not to exceed $2,000,000, with no single project to exceed a cost of $500,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to allow Applicant to act with reasonable dispatch in scheduling and undertaking construction of minor facilities at various locations on its transmission system. Applicant states that the subject application is not for authorization for any individual facility for the specific purpose of extending service to new market areas, communities, main-line industrial customers, or for underground storage.

The proposed facilities would be financed by the Columbia Gas System, Inc., Applicant's parent.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 21, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 12, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-989; Filed, Jan. 30, 1962; 8:45 a.m.]

[Docket No. CP62-6]

TEXAS EASTERN TRANSMISSION CORP. AND TEXAS GAS TRANSMISSION CORP.

Notice of Postponement of Hearing

JANUARY 24, 1962.

By order issued December 14, 1961, the Commission remanded to the Presiding Examiner the above-designated proceeding and fixed a hearing thereon to commence on February 7, 1962.

Take notice that the hearing now scheduled for February 7, 1962 is hereby postponed to February 27, 1962, at 10:00 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-990; Filed, Jan. 30, 1962; 8:45 a.m.]

[Project No. 1971]

IDAHO

Partial Vacation of Withdrawal Under Section 24 of the Federal Power Act

JANUARY 24, 1962.

On September 19, 1960, the Commission gave notice of the reservation of approximately 2,030 acres of United States land to be occupied by Idaho Power Company's Boise-Brady No. 2 transmission line as part of Project No. 1971, based upon project maps Exhibits J and K filed by the licensee on July 8, 1960.

On October 30, 1961, the licensee filed revised maps, Exhibit J sheets 1 and 2, and Exhibit K sheet 4 (FPC No. 1971-192, -193, and -194, respectively), showing the "as built" transmission line location, which revised maps supersede the corresponding map sheets filed July 8, 1960.

A comparison of the revised maps with those previously submitted shows that Lot 2, Section 30, T. 5 S., R. 13 E., B.M. Idaho, previously reserved, is no longer affected by the line.

The Commission finds: The existing power withdrawal under section 24 of the Federal Power Act, insofar as it pertains to the afore-mentioned Lot 2 in connection with Project No. 1971, serves no useful purpose and vacation of the withdrawal, insofar as it pertains to Lot 2, is in the public interest.

The Commission orders: The existing power withdrawal under section 24 of the Federal Power Act pertaining to Lot 2, Section 30, T. 5 S., R. 13 E., B. M. Idaho, in connection with Project No. 1971 is vacated.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-991; Filed, Jan. 30, 1962; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

CITIZENS CENTRAL BANK

Order Approving Merger of Banks

In the matter of the application of The Citizens Central Bank, Arcade, New York, for approval of merger with Bank of Delevan, Delevan, New York.

There has come before the Board of Governors, pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), an application by The Citizens Central Bank, Arcade, New York, for the Board's prior approval of the merger of the Bank of Delevan, Delevan, New York, with and into The Citizens Central Bank under the charter and title of the latter.

Notice of proposed merger, in form approved by the Board of Governors, has been published, and the reports on the competitive factors involved in the proposed transaction have been furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice, pursuant to the provisions of section 18(c) prescribing ten calendar days as the period for such notice and the furnishing of such reports when an emergency exists requiring expeditious action. The reports so furnished to the Board have been considered by it.

It is ordered, For the reasons set forth in the Board's Statement [1] of this date, that said merger be and hereby is approved, provided that said merger shall be consumated not later than three months after the date of this Order.

Dated at Washington, D.C., this 24th day of January 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-992; Filed, Jan. 30, 1962; 8:45 a.m.]

COLUMBUS JUNCTION STATE BANK

Order Approving Acquisition of Bank Assets

In the matter of the application of Columbus Junction State Bank, Columbus Junction, Iowa, for approval of acquisition of assets of The Louisa County National Bank of Columbus Junction, Iowa.

There has come before the Board of Governors, pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), an application by Columbus Junction State Bank, Columbus Junction, Iowa, for the Board's prior approval of the acquisition by Columbus Junction State Bank of the assets of The Louisa County National Bank of Columbus Junction, Iowa, and the assumption of the liabilities of the latter Bank.

Pursuant to said section 18(c), notice of the proposed acquisition of assets and assumption of liabilities, in form approved by the Board of Governors, has been published and reports on the competitive factors involved in the proposed transaction have been furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice and have been considered by the Board.

It is ordered, For the reasons set forth in the Board's Statement [1] of this date, that said application be and hereby is granted, and the proposed acquisition of assets and assumption of liabilities be and hereby are approved, provided that said acquisition and assumption shall not be consummated (a) sooner than seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 24th day of January 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-993; Filed, Jan. 30, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 195]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 26, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 629 (Deviation No. 5), HELM'S EXPRESS, INC., P.O. Box 268, Pittsburgh, Pa., filed January 18, 1962. Attorney Samuel P. Delisi, 1515 Park Building, Pittsburgh 22, Pa. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Hartford, Conn., over Interstate Highway 91 to Springfield, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a perti-

[1] At 14.73 psia.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of New York.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Chicago.

[1] At 14.73 psia.

nent service route as follows: From Hartford over U.S. Highway 5 to Springfield, and return over the same route.

No. MC 9942 (Deviation No. 5), HALL FREIGHT LINES, INC., 12–18 College Street, Danville, Ill., filed January 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 74 and U.S. Highway 150 at East Peoria, Ill., over Interstate Highway 74 to junction U.S. Highway 150 at Morton, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From East Peoria over U.S. Highway 150 to Morton, and return over the same route.

No. MC 9942 (Deviation No. 6), HALL FREIGHT LINES, INC., 12–18 College Street, Danville, Ill., filed January 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 74 and U.S. Highway 136, at Lizton, Ind., over Interstate Highway 74 to junction U.S. Highway 136, west of Speedway, Ind., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Lizton over U.S. Highway 136 to Speedway, and return over the same route.

No. MC 9942 (Deviation No. 7), HALL FREIGHT LINES, Inc., 12–18 College Street, Danville, Ill., filed January 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 74 and U.S. Highway 136, east of Danville, Ill., over Interstate Highway 74 to junction U.S. Highway 136, west of Veedersburg, Ind., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Danville, over U.S. Highway 136 to Veedersburg, and return over the same route.

No. MC 17778 (Deviation No. 3), YALE TRANSPORT CORP., 460 12th Avenue, New York 18, N.Y., filed January 18, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 3 and Interstate Highway 495 (formerly Massachusetts Highway 110) at Lowell, Mass., south of North Chelmsford, Mass., over Interstate Highway 495, via Clinton, Mass, to junction U.S. Highway 20, at or near Worcester, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From New York, N.Y., over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 to Springfield, Mass., thence over U.S. Highway 20 to Boston, Mass.; from Concord, N.H., over U.S. Highway 3 to North Chelmsford, thence over Massachusetts Highway 3A, via Lowell and Billerica, Mass., to junction U.S. Highway 3, thence over U.S. Highway 3 to Boston, Mass.; and from Concord, over U.S. Highway 3 to Manchester, N.H., thence over New Hampshire Highway 28 to the New Hampshire-Massachusetts State line, thence over Massachusetts Highway 28 to Boston, and return over the same routes.

No. MC 52629 (Deviation No. 6), HUBER & HUBER MOTOR EXPRESS, INC., 970 South Eighth Street, Louisville 3, Ky., filed January 15, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From East Peoria, Ill., over Interstate Highway 74 to junction U.S. Highway 150 at Morton, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Terre Haute, Ind., over U.S. Highway 150 to junction U.S. Highway 36, thence over U.S. Highway 36 to Decatur, Ill., thence over Illinois Highway 121 to junction Illinois Highway 9, thence over Illinois Highway 9 to Orchard Mines, Ill., thence over U.S. Highway 24 to Peoria, Ill.; and from Decatur, Ill., over the route specified above to Peoria, thence over Illinois Highway 121 to Morton, thence over U.S. Highway 150 to Peoria, and return over the same routes.

No. MC 73462 (Deviation No. 1), CLINTON TRANSPORTATION CORP., 516 West 43d Street, New York 18, N.Y., filed January 18, 1962. Attorney Samuel P. Delisi, 1515 Park Building, Pittsburgh 22, Pa. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From New Haven, Conn., over Connecticut Highway 15 and Massachusetts Highway 15 (also known in whole or in part as Interstate Highway 84 or the Wilbur Cross Parkway) to Sturbridge, Mass., and return over the same route. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From New Haven, over Connecticut Highway 17 (formerly Connecticut Highway 15) to Middletown, Conn., thence over Connecticut Highway 9 to Hartford, Conn., thence over U.S. Highway 5 to Springfield, Mass. (also from Hartford over Alternate U.S. Highway 5 to Springfield, thence over U.S. Highway 20 to Sturbridge, and return over the same route).

No. MC 73462 (Deviation No. 2), CLINTON TRANSPORTATION CORP., 516 West 43d Street, New York 18, N.Y., filed January 18, 1962. Attorney Samuel P. Delisi, 1515 Park Building, Pittsburgh 22, Pa. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Hartford, Conn., over Interstate Highway 91 to Springfield, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Hartford over U.S. Highway 5 to Springfield, and return over the same route.

No. MC 75320 (Deviation No. 12), CAMPBELL "66" EXPRESS, INC., P.O. Box 807, Springfield, Mo., filed January 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over Interstate Highway 55 to Chicago, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Springfield, Mo., over U.S. Highway 66 via St. Louis, to Gardner, Ill., thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to Chicago, and return over the same route.

No. MC 109376 (Deviation No. 1), E. R. SKINNER TRANSFER, Reedsburg, Wis., filed January 15, 1962. Attorney Claude J. Jasper, Suite 301 Provident Building, 111 South Fairchild Street, Madison 3, Wis. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *specified commodities*, over a deviation route as follows: From the junctions of Interstate Highway 90, Wisconsin Highway 23, U.S. Highway 12, and Wisconsin Highway 33 over Interstate Highway 90 to Chicago, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Reedsburg, Wis., over Wisconsin Highway 33 to junction U.S. Highway 12, thence over U.S. Highway 12 to junction Wisconsin Highway 89, thence over Wisconsin Highway 89 to junction U.S. Highway 14, thence over U.S. Highway 14 to Chicago, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1940 (Deviation No. 9), TRAILWAYS OF NEW ENGLAND, INC., 400 Trailways Building, 1200 Eye Street NW., Washington 5, D.C., filed January 19, 1962. Attorney Charles B. McInnis, 14th and K Streets NW., Washington 5, D.C. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From the junction of U.S. Highways 3 and 3A, in Burlington, Mass., over U.S. Highway 3 (Lowell Turnpike) to junction U.S. Highway 3A, in Tyngsborough, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From Boston, Mass., over U.S. Highway 3 to junction Massachusetts Highway 3A, at Billerica, Mass., thence over Massachusetts Highway 3A, via Lowell, Mass., to junction U.S. Highway 3, at North Chelmsford, Mass., thence over U.S. Highway 3, via Hooksett, N.H., to Concord, N.H.; and from Hooksett, N.H., over Hooksett Village Road and former Daniel Webster Highway, via Suncook, N.H., to junction U.S. Highway 3, thence over U.S. Highway 3 to Concord, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-1012; Filed, Jan. 30, 1962; 8:48 a.m.]

[Notice 419]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 26, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 903 (Sub-No. 32), filed September 22, 1961. Applicant: FALWELL FAST FREIGHT, INC., P.O. Box 937, R.F.D. No. 2, Lynchburg, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles, from Greensboro, N.C., to points in Virginia, West Virginia, and points in Kentucky and Tennessee, on and east of a line beginning at the Kentucky-Ohio State line, and extending in a southerly direction along U.S. Highway 127 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Georgia State line.

HEARING: March 6, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner A. Lane Cricher.

No. MC 1124 (Sub-No. 179), filed November 20, 1961. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the Manning, Maxwell, and Moore Company plant located near Alpine City, La., on U.S. Highway 71 approximately twelve (12) miles northwest of Alexandria, La., as an off-route point in connection with authorized regular route operations.

HEARING: March 21, 1962, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 164, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 1872 (Sub-No. 54), filed November 3, 1961. Applicant: ASHWORTH TRANSFER, INC., 1526 South Sixth West Street, Salt Lake City 4, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Class A and Class B Explosives and Nitro-Carbo-Nitrate* between Hercules, Calif., and points within 10 miles thereof, and points in Utah.

NOTE: Applicant indicates that it operates the Tri-State Rig Company.

HEARING: March 5, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 30, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heinemann.

No. MC 6945 (Sub-No. 29), filed November 8, 1961. Applicant: THE NATIONAL TRANSIT CORPORATION, 4401 Stecker Avenue, Dearborn, Mich. Applicant's attorney: Thomas I. Wattles, Dime Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, matches, household goods as defined by the Commission, and commodities in bulk other than metal scrap in bulk), between Stratford, Ohio, and Columbus, Ohio, as follows: from the intersection of Ohio Highway 315 with U.S. Highway 23 south of Stratford in a southerly direction over Ohio Highway 315 to its intersection with Ohio Highway 161 immediately north of Columbus, Ohio, thence over said Ohio Highway 161 to its intersection with U.S. Highway 23 in Columbus, and return over the same route, serving all intermediate points.

NOTE: Applicant states it is a wholly owned subsidiary of and is under common control or management with Merchants Forwarding Company, a Michigan corporation, which operates pursuant to Certificate No. MC 6969.

HEARING: March 9, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 11694 (Sub-No. 15), filed November 14, 1961. Applicant: WILLIAM D. BUIE; WILLIAM B. BUIE, ADMINISTRATOR, 106 West Calhoun Street, Dillon, S.C. Applicant's attorney: L. Agnew Myers, Jr., Warner Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh dressed hog carcasses or packer style dressed hogs, hogs edible offal, fresh pork cuts and fresh veal*, from Wilmington, N.C., and Greenwood, S.C., to points in Virginia, District of Columbia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, and Massachusetts.

HEARING: March 8, 1962, at the U.S. Court Rooms, Columbia, S.C., before Examiner A. Lane Cricher.

No. MC 17006 (Sub No. 3), filed March 17, 1960. Applicant: CARDINALE TRUCKING CORPORATION, Mt. Pleasant Avenue, Whippany, N.J. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, rags, skids, paper and paper products, machinery, materials and supplies used in the manufacture of paper and paper products, Household Goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Baltimore, Md., points in that part of Pennsylvania on, south and east of a line beginning at the Delaware River opposite Hancock, N.Y., and extending along Pennsylvania Highway 570 to Thompson, Pa., thence along Pennsylvania Highway 70 to Carbondale, Pa., thence along U.S. Highway 6 to Scranton, Pa., thence along U.S. Highway 11 to the Pennsylvania-Maryland State line; and those in that part of Delaware on and North of U.S. Highway 40; points in the State of New York on, south and east of a line beginning at Granville, N.Y., and extending along New York Highway 149 to Hartford, N.Y., thence along New York Highway 196 through South Hartford to Hudson Falls, N.Y., thence along New York Highway 32B to Glen Falls, N.Y., thence along U.S. Highway 9 to Saratoga Springs, N.Y., thence along New York Highway 50 to Ballston Spa, N.Y., thence along New York Highway 67 to Amsterdam, N.Y., thence along New York Highway 5 to Chitenango, N.Y., thence along New York Highway 13 to Horseheads, N.Y., thence along New York Highway 14 to the New York-Pennsylvania State line, those in that portion of New Jersey on, north and west of a line beginning at Raritan Bay, and extending along the north bank of Raritan River to New Jersey Highway 25 and thence along New Jersey Highway 25 to Camden, N.J., on the one hand, and, on the other, points in Massachusetts, Rhode Island, and Connecticut.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 3582, a proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 3582 Sub No. 2.

HEARING: March 12, 1962, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 23939 (Sub-No. 114), filed September 1, 1961. Applicant: ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: E. B. Evans, 718 Symes Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Government-owned or shipper-owned tube bank trailers and recharger trailers*, loaded or empty, between Schilling Air Force Base near Salina, Kans., and points within 50 miles thereof; Topeka Air Force Base near Topeka, Kans., and points within 50 miles thereof; Offut Air Force Base near Omaha, Nebr., and points within 50 miles thereof; Lincoln Air Force Base near Lincoln, Nebr., and points within 50 miles thereof; Altus Air Force Base near Altus, Okla., and points within 50 miles thereof; Dyess Air Force Base near Abilene, Tex., and points within 50 miles thereof; and Walker Air Force Base near Roswell, N. Mex., and points within 50 miles thereof.

HEARING: March 9, 1962, at the Albany Hotel, Denver, Colo., before Examiner Charles B. Heinemann.

No. MC 29991 (Sub-No. 33), filed November 29, 1961. Applicant: BRYAN TANK LINES, INC., 909 East Fifth Street, Cheyenne, Wyo. Applicant's attorney: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude petroleum*, in bulk, in tank vehicles, from points in Jackson County, Colo., to points in Wyoming.

HEARING: March 12, 1962, at the Albany Hotel, Denver, Colo., before Examiner Charles B. Heinemann.

No. MC 30844 (Sub-No. 59), filed January 25, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicant's attorneys: Stockton, Linville, Lewis, and Mitchell, The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, and *prepared foods and foodstuffs*, frozen and unfrozen, *dehydrated potatoes*, and *potato products*, other than frozen; from points in Utah, Idaho, Washington, Oregon, and California, to points in all states east of the eastern boundaries of Montana, Wyoming, Utah, and Arizona.

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 32474 (Sub-No. 28), filed January 8, 1962. Applicant: KEESHIN TRANSPORT SYSTEM, INC., 3131 Douglas Road, Toledo 6, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Milford, Ill., as an off-route point in connection with applicant's presently authorized operations from and to Chicago, Ill.

NOTE: Applicant states no local service to be performed at any point intermediate between Milford and Chicago, Ill.

HEARING: March 16, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149.

No. MC 40600 (Sub-No. 5), filed November 7, 1961. Applicant: THE HATHAWAY TRANSFER, INCORPORATED, South Belmont Street, Bellaire, Ohio. Applicant's representative: D. L. Bennett, 309 Methodist Building, Wheeling, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats and packing-house products*, and such *commodities as are dealt in by packing-houses*, when moving with shipments of meats and packing-house products, from Moundsville, W. Va., to Bellaire, Ohio; from Moundsville over West Virginia Highway 2 to Sistersville, W. Va., thence in reverse direction over West Virginia Highway 2 to New Martinsville, W. Va., thence over bridge over the Ohio River to Ohio Highway 7, thence over Ohio Highway 7 to Bellaire, serving all intermediate points and the off-route point of Woodsfield, Ohio, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

NOTE: Applicant states that service involved herein is limited to distribution from Bellaire, Ohio, to points on the proposed route in conjunction with present operating authority.

HEARING: March 7, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 61.

No. MC 41635 (Sub-No. 38), filed November 13, 1961. Applicant: DEALERS TRANSPORT COMPANY, a corporation, 1368 Riverside Boulevard, Memphis, Tenn. Applicant's attorney: Charles H. Hudson, Jr., 407 Broadway National Bank Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and chassis*, in secondary movements, in truckaway and driveaway service, from points in Caddo and Bossier Parishes, La., to Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Delta, Franklin, Gregg, Hardin, Harrison, Henderson, Hopkins, Houston, Jasper, Lamar, Marion, Morris, Nacogdoches, Newton, Orange, Panola, Polk, Rains, Red River, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, and Wood Counties, Tex.

HEARING: March 20, 1962, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 44639 (Sub-No. 13), filed October 23, 1961. Applicant: SAM MAITA, IRVING LEVIN, AND ABE LEVIN, a partnership, doing business as L. & M. EXPRESS CO., 220 Ridge Road, Lyndhurst, N.J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* and *materials and supplies* used in the manufacture of wearing apparel, between New York, N.Y., and points in Bergen, Essex, and Hudson Counties, N.J., on the one hand, and, on the other, points in Delaware and Maryland which are located within the Delaware-Maryland Peninsula, south of U.S. Highway 40 (not including any points located on said U.S. Highway 40).

HEARING: March 8, 1962, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 46280 (Sub-No. 43), filed November 24, 1961. Applicant: DARLING FREIGHT, INC., 4000 Division Avenue S., Grand Rapids, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor* Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), (a) Between Detroit, Mich., and Evart, Mich., and (b) between Reed City, Mich., and Evart, Mich.

HEARING: March 19, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 48479 (Sub-No. 15), filed November 15, 1961. Applicant: FRIGIDWAYS, INC., P.O. Box 2387, 529 East Brooks Road, Memphis, Tenn. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., and Mobile, Ala., to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Indiana, and Michigan.

HEARING: March 12, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Isadore Freidson.

No. MC 50069 (Sub-No. 251), filed December 28, 1961. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, from St. Louis, Mich., and points within five (5) miles thereof to points in Connecticut, Illinois, Indiana, Missouri, Ohio, New York, Pennsylvania, and Texas.

HEARING: March 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 50069 (Sub-No. 252), filed January 22, 1962. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk from Cleveland, Ohio, to points in Illinois, Indiana, Minnesota, Wisconsin, and St. Louis, Mo.

HEARING: February 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 52669 (Sub-No. 6), filed October 25, 1961. Applicant: CARGOGARE TRANSPORTATION COMPANY, INCORPORATED, 522 Nance Street, Rocky Mount, N.C. Applicant's attorney: Milton P. Fields, P.O. Box 725, Rocky Mount, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies or equipment, used in handling, marketing, packing, prizing, redrying, shipping or storing of manufactured tobacco*, between points in North Carolina, and points in Kentucky, Virginia, Tennessee, and Maryland.

HEARING: March 7, 1962, at the U.S. Court Rooms, Uptown Post Office Building., Raleigh, N.C., before Examiner A. Lane Cricher.

No. MC 56082 (Sub-No. 40), filed December 15, 1961. Applicant: DAVIS & RANDALL, INC., Chautauqua Road, Fredonia, N.Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* and *advertising materials*, from Dunkirk and Buffalo, N.Y., and Ports of Entry on the International Boundary line between the United States and Canada located at Buffalo and Niagara Falls, N.Y., to points in New York, Ohio, Michigan, Indiana, Illinois, Wisconsin, Kentucky, and Pennsylvania, and *empty malt beverage containers*, on return.

HEARING: March 29, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner William E. Messer.

No. MC 59240 (Sub-No. 2), filed January 7, 1962. Applicant: KNUTE BERG, doing business as BERG'S TRANSFER, Dallas, Wis. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed* and *feed ingredients*, in bulk, from Minneapolis and St. Paul, Minn., to Dallas, Wis., and points within twelve (12) miles thereof.

HEARING: March 27, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 59909 (Sub-No. 4), filed January 8, 1962. Applicant: THE JACOBS TRANSFER COMPANY, INC., 61 Pierce Street NE., Washington, D.C. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission in 17 MCC 467, commodities in bulk, and those requiring special equipment), (1) from Washington, D.C., to points in Maryland, Delaware, and Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, (2) from Annapolis, Md., to Washington, D.C., points in Delaware east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal and points in Accomac, Northampton, Fauquier, Spotsylvania, Stafford, Fairfax, Prince William, and Loudon Counties, Va., and (3) *returned or undelivered shipments* of the commodities specified above, from the destination points to origin points as shown in (1) and (2) above. RESTRICTION: The authority requested above shall be limited to transportation of shipments moving from, to, or between warehouses, retail outlets, or other establishments or business houses engaged in the sale of general merchandize.

NOTE: Applicant states "Jacobs Transfer of Baltimore and Powell Transportation are under common control of Henry L. Grubbs, Jr., as is applicant".

HEARING: March 9, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 64112 (Sub-No. 12), filed January 3, 1962. Applicant: NORTHEASTERN TRUCKING COMPANY, a corporation, 2508 Starita Street, Charlotte, N.C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, pulpboard, pulp products, wood pulp*, and *waste paper and pulpboard*, from Acme, N.C., to Baltimore, Md., Bridgeton, N.J., points in Virginia on and east of U.S. Highway 15 (except those in Accomac and Northampton Counties), and points in Pennsylvania on and east of a line extending from the Maryland-Pennsylvania State line along U.S. Highway 111 to York, Pa., and on and south of a line extending from York along U.S. Highway 30 to junction U.S. Highway 202, and thence along U.S. Highway 202 through New Hope, Pa., to the Pennsylvania-New Jersey State line, and to Rahway and Newark, N.J., and New York, N.Y., points in that part of Connecticut south of a line extending from New Haven, in a northwesterly direction through Ansonia, Sandy Hook, and Brookfield, to the Connecticut-New York State line; points in that part of New York south of U.S. Highway 202 and west of New York Highway 112 extending between Patchogue, and Port Jefferson, Long Island, N.Y. (not including New York, N.Y.); and points in that part of New Jersey and Pennsylvania bounded by a line beginning at the New Jersey-New York State line and extending along U.S. Highway 202 to junction U.S. Highway 46, thence along U.S. Highway 46 to junction U.S. Highway 206, thence along U.S. Highway 206 to Trenton, N.J., thence along U.S. Highway 1 to Philadelphia, Pa., thence to Camden, N.J., thence along the east bank of the Delaware River to Penns Grove, N.J., thence along U.S. Highway 130 to junction Alternate U.S. Highway 130 to Paulsboro, N.J., thence in an easterly direction to Clementon, N.J., thence in a northeasterly direction through Mount Holly, and Freehold, N.J., to the Atlantic Ocean, thence along the east bay and river shores of New Jersey to the New Jersey-New York State line, and thence along the New Jersey-New York State line to point of beginning, including points on the indicated portions of the highways specified.

NOTE: Applicant states it is presently transporting shipments of the named commodities which originate in Acme, N.C., and are received at Fayetteville, N.C., from another motor carrier. The purpose of this application is to permit applicant to pick up these shipments direct in Acme, N.C., and transport them to the above territory in a single line service and thus eliminate the interchange at Fayetteville, N.C.

HEARING: March 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 64932 (Sub-No. 304), filed December 4, 1961. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur*, molten, in bulk, in tank vehicles, from Marseilles, Ill., and points within five (5) miles thereof, to points in Indiana.

HEARING: March 15, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 64994 (Sub-No. 35), filed November 24, 1961. Applicant: HENNIS FREIGHT LINES, INC., P.O. Box 612, Winston-Salem, N.C. Applicant's representative: Frank C. Philips, P.O. Box 612, Winston-Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Alliance, Ohio, and Shenandoah, Va.

NOTE: Applicant states that the purpose of this operation is to eliminate a gateway at Greensboro, N.C., and refers to application of S. H. Mitchell, its controlling stockholder, involving common control over M & M Tank Lines, Inc. (Docket MC 123067 Sub-No. 8).

HEARING: March 7, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 312.

No. MC 69492 (Sub-No. 19) (REPUBLICATION), filed November 16, 1959, published FEDERAL REGISTER, issue of February 10, 1960. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, P.O. Box 97, Clinton, Ky. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville, Tenn. The subject application as originally filed and published in the FEDERAL REGISTER, issue of February 10, 1960, sought authority as a common carrier, by motor vehicle, over a regular route, transporting: Malt beverages, from Union City, Tenn., to Jackson, Tenn., from Union City over

U.S. Highway 45–W to junction U.S. Highway 45 approximately six (6) miles southeast of Humboldt, Tenn., thence over U.S. Highway 45 to Jackson, and empty containers or other such incidental facilities used in transporting malt beverages on return, over the same route, serving no intermediate points. A Report of the Commission, division 1, on further consideration, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over regular routes, of *malt beverages*, from Belleville, Ill., to Jackson, Tenn., as follows: From Belleville over Illinois Highway 159 to Red Bud, Ill., thence over Illinois Highway 3 to junction U.S. Highway 51 at or near Future City, Ill., thence over U.S. Highway 51 to Fulton, Ky., thence over U.S. Highway 45W to Union City, thence over U.S. Highway 45W to junction U.S. Highway 45E at or near Fairview, Tenn., and thence over U.S. Highway 45 to Jackson; and from Union City, Tenn., to Jackson, Tenn., over U.S. Highway 45W to junction U.S. Highway 45E at or near Fairview, Tenn., thence over U.S. Highway 45 to Jackson. The Report further provides that since the change involves the addition of service from Union City to Jackson, Miss., and may prejudice parties who relied upon the notice of filing of the application as originally published, any person or persons who may have been so prejudiced may, within 30 days from the date of this republication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 70151 (Sub-No. 30), filed November 13, 1961. Applicant: UNITED TRUCKING SERVICE, INCORPORATED, 3047 Lonyo Road, Detroit 9, Mich. Applicant's attorney: Archie C. Fraser, 1400 Michigan National Tower, Lansing 8, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Morenci, Mich., and the junctions of U.S. Highways 20 and 127; from Morenci over Michigan Highway 156 to the Michigan-Ohio State line, thence over Ohio Highway 108 to its junction with U.S. Highway 20, thence over U.S. Highway 20 to its junction with U.S. Highway 127, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's regular-route operations.

HEARING: March 22, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 57.

No. MC 70151 (Sub-No. 31), filed November 13, 1961. Applicant: UNITED TRUCKING SERVICE, INCORPORATED, 3047 Lonyo Road, Detroit 9, Mich. Applicant's attorney: Archie C. Fraser, 1400 Michigan National Tower, Lansing 8, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, commodities in bulk, not including salt in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Columbus and Cincinnati, Ohio; from Columbus over U.S. Highway 40 to West Jefferson, Ohio, thence over Ohio Highway 142 to London, Ohio, thence over U.S. Highway 24 via Xenia, Ohio, to Cincinnati, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's presently authorized regular-route operations.

HEARING: March 9, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 37.

No. MC 72770 (Sub-No. 1), filed December 13, 1961. Applicant: OLEAN HAULING CORP., 99 North Main Street, Franklinville, N.Y. Applicant's attorney: A. J. Tener, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats* (assembled and knocked down), *boat parts*, *boat trailers*, *boat accessories*, *blocking and shoring materials*, and *advertising material*, from points in Blue Earth County, Minn., and points in Stuben and Yates Counties, N.Y., to points in Ohio, Indiana, Illinois, Michigan, Wisconsin, Kentucky, Iowa, Minnesota, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Tennessee, New Jersey, New York, and points in Washington, D.C., and *damaged*, *refused*, *and rejected commodities* as above named, on return.

HEARING: March 29, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner William E. Messer.

No. MC 75185 (Sub-No. 233), filed December 29, 1961. Applicant: SERVICE TRUCKING CO., INC., P.O. Box 276, Federalsburg, Md. Applicant's attorney: James W. Lawson, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat*, *meat products*, *meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, from Momence, Ill., to points in New York, New Jersey, Pennsylvania, Delaware, Virginia, and Maryland.

HEARING: March 2, 1962, at the Offices of the Interstate Commerce Commn., Washington, D.C., before Examiner Alton R. Smith.

No. MC 75651 (Sub-No. 52), filed December 4, 1961. Applicant: R. C. MOTOR LINES, INC., 2500 Laura Street, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), *over alternate routes for operating convenience only in connection with applicant's authorized regular route operations:* (1) Between Denmark, S.C., and Olar, S.C., over U.S. Highway 321, serving no intermediate points; (2) between Olar, S.C., and junction U.S. Highways 321 and 301, over U.S. Highway 321, serving no intermediate points; (3) between junction U.S. Highways 301 and 321 and Fairfax, S.C., over U.S. Highway 321, serving no intermediate points; (4) between Fairfax, S. C., and Estill, S.C., over U.S. Highway 321, serving no intermediate points; (5) between junction U.S. Highways 301 and 321 and Allendale, S.C., over U.S. Highway 301, serving no intermediate points; (6) between junction U.S. Highway 21 and South Carolina Highway 64 (near Ruffin, S.C.) and junction U.S. Highways 21 and 17A, over U.S. Highway 21, serving no intermediate points; (7) between junction U.S. Highways 176 and 601 and Wells, S.C., over U.S. Highway 176, serving no intermediate points; (8) between Wells, S.C., and junction U.S. Highways 176 and 52, over U.S. Highway 176, serving no intermediate points; (9) between junction U.S. Highways 176 and 52 and Charleston, S.C., over U.S. Highway 52, serving no intermediate points; (10) between junction U.S. Highway 78 and South Carolina Highway 215 and Columbia, S.C., over South Carolina Highway 215, serving no intermediate points; (11) between junction U.S. Highways 21 and 176 and Orangeburg, S.C., over U.S. Highway 21, serving no intermediate points; (12) between Orangeburg, S.C., and Rosinville, S.C., over U.S. Highway 178, serving no intermediate points; (13) between Rosinville, S.C., and Charleston, S.C., from Rosinville over U.S. Highway 178 to junction U.S. Highway 78, thence over U.S. Highway 78 to Charleston, and return over the same route, serving no intermediate points; (14) between Bamberg, S.C., and Branchville, S.C., over U.S. Highway 78, serving no intermediate points; (15) between Branchville, S.C., and St. George, S.C., over U.S. Highway 78, serving no intermediate points; (16) between St. George, S.C., and Charleston, S.C., over U.S. Highway 78, serving no intermediate points; and (17) between junction South Carolina Highways 781 and 28 and junction South Carolina Highway 781 and U.S. Highway 78 (near Williston, S.C.) over South Carolina Highway 781, serving no intermediate points.

NOTE: Applicant states it owns the stock of Cotton States Motor Lines, Inc., doing business as R. C. Motor Lines of Georgia, MC 52918. Applicant also states it controls the Georgia-Florida Motor Express, Inc., MC 109455.

HEARING: March 8, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 177, or, if the Joint Board waives its right to participate before Examiner A. Lane Cricher.

No. MC 75666 (Sub-No. 1), filed December 26, 1961. Applicant: READING TRANSPORTATION COMPANY, a corporation, 12th and Market Streets, Philadelphia 7, Pa. Applicant's attorney: Lockwood W. Fogg, Jr., 415 Reading Terminal, Philadelphia 7, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and commodities injurious or contaminating to other lading), in service which shall be limited to that which is auxiliary to or supplemental of the rail service of Reading Company and to points which are stations on the rail lines of Reading Company: (1) Between Bloomsburg, and Benton, Pa., from Bloomsburg over Pennsylvania Highway 339 to Benton, and return over the same route serving the intermediate points of Light Street, Orangeville, Forks, Zaners, and Stillwater, Pa., and the off-route point of Paper Mill, Pa., (2) between Milton, and Mahanoy City, Pa., from Milton over Pennsylvania Highway 642 to junction of Pennsylvania Highway 54, to junction of U.S. Highway 11, to junction of Pennsylvania Highway 42, to junction of Pennsylvania Highway 242, to junction of Pennsylvania Highway 44, to Mahanoy City, and return over the same route, serving the intermediate points of Mooresburg, Mausdale, Grovania, Rupert, Mainville and Shumans (Forest Siding), Pa., and the off-route point of Beaver Valley, Pa., (3) between Shamokin and Dornsife, Pa., from Shamokin over Pennsylvania Highway 225 to Dornsife, and return over the same route serving the intermediate points of Dunkelbergers and Hunter, Pa., (4) between South Bound Brook, and Port Reading, N.J., from South Bound Brook over N.J. Highway 527 to junction of N.J. Highway 28, to junction of N.J. Highway 529, to junction of U.S. Highway 1 to the town of Woodbridge thence over unnumbered highways to Port Reading, and return over the same route serving the intermediate points of Steelton and Woodbridge, Pa., and the off-route points of Durham and Woodbridge Junction, Pa., (5) between Camp Hill and Shippensburg, Pa., from Camp Hill over U.S. Highway 11 to Shippensburg, and return over the same route, serving the intermediate point of Carlisle, Pa., (6) between Carlisle and Gettysburg, Pa., from Carlisle, over Pennsylvania Highway 34 to Gettysburg, and return over the same route, serving the intermediate points of Mt. Holly Springs, Hunters Run, Goodyear, Gardners, Bendersville, and Biglerville, Pa., and the off-route points of Bonny Brook, Carlisle Junction, Toland and Peach Glen, Pa., (7) between junction of Pennsylvania Highway 34 and Pennsylvania Legislative Route 21008 approximately 1½ miles north of Mount Holly Springs, and Shippensburg, Pa., from junction Pennsylvania Highway 34 and Pennsylvania Legislative Route 21008, over Route 21008 to Junction Pennsylvania Highway 33, to Shippensburg, and return over the same route, serving the intermediate points of Huntsdale, Greythorne and Lees Cross Roads, Pa., and the off-route points of Moor's Mill and Longsdorf, Pa., (8) between Camp Hill and Gettysburg, Pa., from Camp Hill over Pennsylvania Highway 15 to Gettysburg, and return over the same route, serving no intermediate points, (9) between the intersection of U.S. Highway 15 and Legislative Route 21027 approximately 3½ miles north of Dillsburg, Pa., and the intersection of Pennsylvania Highways 34 and 174, approximately 2¼ miles north of Mt. Holly Springs, from the junction of U.S. Highway 15 and Route 21027 over Route 21027 to junction of Pennsylvania Highway 74, to junction of Pennsylvania Highway 174, to junction of State Highway 34, and return over the same route, serving the intermediate points of D. & M. Junction, Brandtsville, Boiling Springs and Craighead, Pa.

NOTE: Applicant states "Reading Transportation Company is a wholly owned subsidiary of Reading Company, a Class I railroad."

HEARING: March 2, 1962, at the Offices of the Interstate Commerce Commn., Washington, D.C., before Examiner James Anton.

No. MC 76032 (Sub-No. 166), filed November 3, 1961. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, Bokum Building, 142 West Palace Avenue, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives* and *general commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading and livestock), (1) between Lubbock and Lamesa, Tex.; from Lubbock over U.S. Highway 87 to Lamesa, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's otherwise authorized regular-route operations and (2) between Lamesa and Odessa, Tex.; from Lamesa over Texas Highway 137 to junction Texas Highway 349, thence over Texas Highway 349 to junction U.S. Highway 80, thence over U.S. Highway 80 to Odessa, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's otherwise authorized regular-route operations.

NOTE: Applicant states it controls Brooks Truck Lines, Inc. and San Leandro Freight Lines through stock ownership, and pending disposition of section 5 proceedings it controls General Expressways, Inc. and Fred W. Schultz through management.

HEARING: March 6, 1962, at 11:00 a.m., at the Herring Hotel, Amarillo, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate before Examiner Walter R. Lee.

No. MC 84212 (Sub-No. 25), filed December 4, 1961. Applicant: DORN'S TRANSPORTATION, INC., Railroad Avenue Extension, Albany 5, N.Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), *over regular routes:* Between Plattsburg, N.Y., and the port of entry on the International Boundary line between the United States and Canada, at or near Champlain, N.Y., as follows: From Plattsburgh over U.S. Highway 9 to said port of entry on the International Boundary line between the United States and Canada at or near Champlain, and return over the same route, serving the intermediate points of Chazy and Champlain, N.Y.; *and over irregular routes:* Between points in Clinton, Franklin, Essex, and Warren Counties, N.Y., on the one hand, and, on the other, points on applicant's presently authorized regular route operations in said Counties (Clinton, Franklin, Essex, and Warren) under Certificate No. MC–84212 and sub-numbers thereunder.

NOTE: Applicant states that the proposed operations are to be performed in connection with its presently authorized operations.

HEARING: March 15, 1962, at the Federal Building, Albany N.Y., before Examiner William E. Messer.

No. MC 95540 (Sub-No. 394) (AMENDMENT), filed January 8, 1962, published FEDERAL REGISTER issue January 17, 1962, amended January 20, 1962, and republished as amended this issue. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Duane W. Acklie, 605 South 12th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *prepared foods and foodstuffs*, frozen and unfrozen, from points in Idaho, Oregon, Utah, and Washington, to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming.

NOTE: Applicant states that it is affiliated with Arctic Express, Inc. through stock ownership in Bill Watkins, and Watkins Motor Lines, Inc. The purpose of this republication is to add the destination States of North Carolina and South Carolina.

HEARING: Remains as assigned February 5, 1962, at the public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland

No. MC 96485 (Sub-No. 2), filed December 11, 1961. Applicant: MELVIN J.

ROBINSON, Colden, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alloys, alloy scrap, refractories, crucibles, grinding wheels, refractory cements*, and *abrasive grains*, from points in Ashland, Ashtabula, Belmont, Carroll, Columbiana, Coshocton, Cuyahoga, Geauga, Guernsey, Harrison, Holmes, Jefferson, Lake, Lorain, Mahoning, Medina, Muskingum, Portage, Stark, Summit, Trumbull, Tuscarawas, and Wayne Counties, Ohio, and Allegheny, Armstrong, Beaver, Butler, Cambria, Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland Counties, Pa., and the Lower Peninsula of Michigan, to Buffalo, N.Y., and points in Erie and Niagara Counties, N.Y., and (2) *refractories and sand*, from points in Huntingdon and Mifflin Counties, Pa. to points in Erie ad Monroe Counties, N.Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: March 28, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner William E. Messer.

No. MC 98236 (Sub-No. 2), filed December 13, 1961. Applicant: I. A. McCANN, doing business as McCANN TRUCKING LINES, Highway 1, Alexandria, La. Applicant's attorney: Lamar Polk, 715 Johnston Street, Alexandria, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor bus bodies, complete with chassis, wheels, and tires*, in truckaway service, from New Orleans, La., and Houston, Tex., to Alexandria, La., on shipments having a prior movement by water.

HEARING: March 19, 1962, 1:00 o'clock p.m., U.S. standard time, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 103051 (Sub-No. 121), filed December 7, 1961. Applicant: WALKER HAULING CO., INC., P.O. Box 13444 Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35, C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid tallow, animal oils, animal greases, animal fats*, and *blends of the aforesaid commodities*, in bulk, in tank vehicles; from Orangeburg, S.C., to points in Georgia (except points in Bartow, Forsyth, and Clarke Counties, and except Atlanta, Gainesville, Macon, and Savannah, Ga.); and points in North Carolina (except points in Mecklenburg County).

HEARING: March 9, 1962, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 130, or, if the Joint Board waives its right to participate before Examiner A. Lane Cricher.

No. MC 103378 (Sub-No. 224), filed December 26, 1961. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from the terminal site of the Tenneco Oil Company located at or near Southport, Fla., to points in Georgia beyond 175 miles of Southport, Fla., and to points in South Carolina.

HEARING: March 13, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 354, or if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 103880 (Sub-No. 236), filed October 11, 1961. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: Carl Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrogen gas*, in shipper-owned cylinder trailers; (a) from Cleveland and Findlay, Ohio, to Hemlock, Mich.; and (b) from Midland, Mich., to Cleveland and Findlay, Ohio.

NOTE: Applicant states that it owns fifty percent (50%) of the outstanding shares of stock of Tank Truck Transport, Ltd.

HEARING: March 23, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 57.

No. MC 104430 (Sub-No. 30), filed December 7, 1961. Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 789, McComb, Miss. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Chalmette and Meraux, La., to points in Mississippi.

HEARING: March 22, 1962, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 28, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 104675 (Sub-No. 17), filed December 7, 1961. Applicant: FRONTIER DELIVERY, INC., 620 Elk Street, Buffalo 10, N.Y. Applicant's attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from East Providence, R.I., to Oriskany Falls, N.Y., and *damaged, refused, and rejected shipments*, on return.

HEARING: March 19, 1962, at the Federal Building, Albany, N.Y., before Examiner William E. Messer.

No. MC 106603 (Sub-No. 64), filed September 29, 1961. Applicant: DIRECT TRANSIT LINES, INC., 20 Colrain Street SW., Grand Rapids, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk, and, in mixed shipments of bulk and packages, from Mentone, Ind., to points in Michigan.

HEARING: March 20, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 9.

No. MC 106603 (Sub-No. 65), filed October 25, 1961. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids 8, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Manistee, Mich., to Elberta, Mich.

HEARING: March 22, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 106965 (Sub-No. 185), filed December 26, 1961. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar*, in bulk, in tank vehicles equipped with pneumatic unloading facilities, from Philadelphia, Pa., to points in Delaware, the District of Columbia, Maryland, Virginia, and points in that part of West Virginia on and north of a line beginning at Parkersburg, W. Va., at the junction of the Ohio River and U.S. Highway 50, thence east along U.S. Highway 50 to the junction of U.S. Highway 19, thence south along U.S. Highway 19 to junction of U.S. Highway 33, and thence east and south along U.S. Highway 33 to the Virginia-West Virginia State line.

NOTE: Applicant states it is under common control with O'Boyle Tank Lines, Incorporated, a Virginia corporation, which is a carrier of petroleum products, in bulk, in tank vehicles from Friendship, N.C., to southern Virginia.

HEARING: March 2, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry C. Darmstadter.

No. MC 107839 (Sub-No. 40), filed October 9, 1961. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4716 Humboldt Street, Denver 16, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chilled and frozen juices and citrus products*, requiring refrigeration, in vehicles equipped with temperature control devices, and *canned juices and citrus products*, between points in Texas, on the one hand, and, on the other, points in Colorado, New Mexico, Wyoming, Utah, Idaho, Montana, Nevada, Oregon, Washington (except Kennewick), and Scottsbluff, Nebr., and (2) *meat and packinghouse products* as described in section A, B, and C of appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between points in Alabama, Florida, Georgia, Mississippi, Tennessee, Texas, and Oklahoma City, Okla., on the one hand, and, on the other, points in Colorado, Wyoming, Utah, Idaho, Montana, Nevada, Oregon, and Washington.

NOTE: Applicant states all duplicating authority is to be eliminated.

HEARING: March 6, 1962, at the Albany Hotel, Denver, Colo., before Examiner Charles B. Heinemann.

No. MC 108449 (Sub-No. 142), filed January 17, 1962. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wisc. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallows, lards, greases, animal oils* and *vegetable oils*, liquid or dry, in bulk, between points in Minnesota, and *rejected or returned shipments* on return.

NOTE: Applicant states that Moore Motor Freight Lines, Inc., is its wholly-owned subsidiary.

HEARING: February 13, 1962, at Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Henry C. Darmstadter.

No. MC 109435 (Sub-No. 22), filed January 10, 1962. Applicant: ELLSWORTH BROS. TRUCK LINE, Drawer J, Stroud, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Tulsa, Okla., and points within five (5) miles thereof to points in Kansas, Missouri, and Arkansas and points in Sherman, Hansford, Ochiltree, Lipscomb, Moore, Hutchinson, Roberts, Hemphill, Potter, Carson, Gray, Wheeler, Randall, Armstrong, Donley, Collingsworth, Childress, Hardeman, Wilbarger, and Wichita Counties, Tex.

HEARING: March 23, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner Walter R. Lee.

No. MC 109478 (Sub-No. 44), filed November 17, 1961., Applicant: WORSTER MOTOR LINES, INC., East Main Road, R.D. No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West Tenth Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice*, in bulk, in tank vehicles; from Westfield, N.Y., to Front Royal, Va.

HEARING: March 26, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner William E. Messer.

No. MC 109632 (Sub-No. 18), filed November 27, 1961. Applicant: LOPEZ TRUCKING, INC., 131 Linden Street, Waltham, Mass. Applicant's attorney: Kenneth B. Williams, 111 State Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk), between Newark and Kearny, N.J., and New York, N.Y., on the one hand, and, on the other, points in that part of Pennsylvania west of a line beginning at the New York-Pennsylvania line near Hallstead, Pa., and extending south through Reading and Wilkes-Barre, Pa., to the Pennsylvania-Maryland State line, including the points named, and that part of New York west of a line beginning at the New York-Pennsylvania State line, near Barryville, N.Y., and extending north through Herkimer and Potsdam, N.Y., to the boundary of the United States and Canada, including the points named.

HEARING: March 6, 1962, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 109689 (Sub-No. 126), filed November 13, 1961. Applicant: W. S. HATCH COMPANY, a corporation, 643 South 800 West, Woods Cross, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, in bags and containers, and in mixed shipments of bulk and bags and containers, from points in Sweetwater County, Wyo., to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, and Washington, and points in El Paso County, Tex.

HEARING: March 5, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Charles B. Heinemann.

No. MC 109703 (Sub-No. 2), filed October 9, 1961. Applicant: M & D HAULING, INC., Bliss, N.Y. Applicant's attorney: Robert V. Gianniny, 25 Exchange Street, Rochester, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pepper in packages in mixed shipments with salt*, from Silver Springs, N.Y., to points in Pennsylvania, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

HEARING: March 22, 1962, at the Manger Hotel, Rochester, N.Y., before Examiner William E. Messer.

No. MC 109708 (Sub-No. 18), filed January 5, 1962. Applicant: ERVIN J. KRAMER, doing business as MARYLAND TANK TRANSPORTATION COMPANY, 401 Highland Street, Frederick, Md. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh orange juice*, in bulk, in tank vehicles, from Fort Pierce, Fla., to Glendale, Long Island, N.Y., Detroit, Mich., Columbus and Cleveland, Ohio, Lexington, Ky., High Point, N.C., Springfield, Mass. and Bellows Falls, Vt.

HEARING: March 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Wm. N. Culbertson.

No. MC 110264 (Sub-No. 20), (REPUBLICATION), filed March 10, 1960, published FEDERAL REGISTER, issue of August 23, 1961. Applicant: ALBUQUERQUE PHOENIX EXPRESS, INC., Albuquerque, N. Mex. Applicant's attorney: Paul Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. By application filed March 10, 1960, applicant sought authority as a common carrier, by motor vehicle, transporting general commodities, including Classes A and B explosives, but with certain exceptions, serving U.S. Government missile sites as off-route points in connection with applicant's authorized regular-route operations. A Report and Order, served January 16, 1962, recommended by Joint Board No. 240, composed of the Honorable Francis J. Brynes of Arizona, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, of general commodities (except articles of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving missile sites at points in Pima, Cochise, Pinal, Santa Cruz Counties, Ariz., as off-route points in connection with applicant's authorized regular-route operation to and from Tucson, Ariz. The operations as recommended are somewhat broader than those originally sought. Accordingly, any persons or person who might have been prejudiced by lack of notice as to the authority actually proposed, may, within 30 days from the date of this republication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 110525 (Sub-No. 475), filed November 21, 1961. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank and hopper-type vehicles, from Niagara Falls, N.Y., to points in Delaware, Maryland, New Jersey, Ohio, New York, Pennsylvania, and West Virginia.

NOTE: Applicant holds contract carrier authority in MC 117507 and Subs thereunder.

HEARING: March 26, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner William E. Messer.

No. MC 111045 (Sub-No. 24), filed December 7, 1961. Applicant: REDWING CARRIERS, INC., Palm River Road, P.O. Box 426, Tampa, Fla. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products* (including liquefied petroleum gas and nitrogen solution), in bulk, in tank vehicles, from points in Bradford County, Fla., to points in Florida and Georgia.

NOTE: Applicant indicates that it and Rockana Carriers, Inc. are jointly controlled. (MC–F–6866).

HEARING: March 12, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 111401 (Sub-No. 126), filed December 18, 1961. Applicant: GROEN-

DYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feeds* and *liquid animal feed ingredients*, in bulk, in tank vehicles, from Crete, Nebr., to points in Colorado, Kansas, New Mexico, Oklahoma, and Texas, and *rejected shipments* of the above-specified commodities, on return.

HEARING: March 21, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner Walter R. Lee.

No. MC 111401 (Sub-No. 127), filed December 18, 1961. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from points in Colorado, to points in Kansas, New Mexico, Oklahoma, and Texas, and *rejected shipments*, of the above-specified commodities, on return.

HEARING: March 22, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner Walter R. Lee.

No. MC 112020 (Sub-No. 146), filed December 11, 1961. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins*, in bulk, in tank vehicles, from Houston, Tex., to points in New Mexico, South Dakota, and North Dakota.

NOTE: Applicant states it is owned and controlled by the same stockholders that own and control Commercial Oil Transport, of Oklahoma Inc.

HEARING: March 27, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Isadore Freidson.

No. MC 112627 (Sub-No. 7), filed October 9, 1961. Applicant: OWENS BROS., INC., Box 247, Dansville, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Advertising matter* (in mixed shipments with wine and grape juice) from Naples, N.Y., to Charleston, W. Va., Detroit, Mich., New York, N.Y., Richmond, Va., St. Louis, Mo., and points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maryland, Massachusetts, New Jersey, Ohio, Pennsylvania, Rhode Island, and Wisconsin; (2) *wine and grape juice*, in containers, from Naples, N.Y. to St. Louis, Mo.; (3) *wine and grape juice*, in containers, from Naples, N.Y., to points in Illinois (except Chicago, Ill.) and Indiana, restricted to stop-off shipments only; and (4) *Fertilizer spreaders, insecticides, pesticides and herbicides*, in containers (when transported in mixed shipments with fertilizer and fertilizer materials), from Carteret, N.J., to points in Allegany, Chemung, Livingston, and Steuben Counties, N.Y.; and *empty containers or other such incidental facilities* used in transporting the commodities specified in this application on return.

NOTE: Applicant states that it presently holds authority for the transportation of wine and grape juice, from and to the points involved (except points in (2) and (3) above, for which authority is hereby being requested). The purpose of this request is to obtain the necessary authority to transport *advertising matter* in mixed shipments with wine and grape juice. Applicant further states that it presently holds authority to serve Chicago, Ill., and that the authority herein requested is to enable applicant to serve points in Illinois and Indiana on shipments *stopped-off in transit* at points in those states for partial unloading, when destined to points applicant is presently authorized to serve. Referring to (4) herein, applicant states that it presently holds authority to transport fertilizer and fertilizer materials. This request is for authority to transport the additional commodities in (4) in mixed shipments with fertilizer and fertilizer materials.

HEARING: March 27, 1962, at the Manger Hotel, Rochester, N.Y., before Examiner William E. Messer.

No. MC 112627 (Sub-No. 8), filed December 20, 1961. Applicant: OWENS BROS., INC., Box 247, Danville, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine* and *grape juice*, in containers, *advertising matter* (in mixed shipments of wine and grape juice), and *empty containers or other incidental facilities (not specified) used in transporting the commodities specified in this application*, between Hammondsport and Naples, N.Y.

HEARING: March 22, 1962, at the Manger Hotel, Rochester, N.Y., before Examiner William E. Messer.

No. MC 113622 (Sub-No. 4), filed December 8, 1961. Applicant: SAMPSON HAULING CORP., Pavilion, N.Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel* and *crushed stone*, from Machias, N.Y., and points within ten (10) miles thereof to points in Elk, McKean, Potter and Warren Counties, Pa.

HEARING: March 28, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner William E. Messer.

No. MC 114019 (Sub-No. 78), filed January 15, 1962. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road., Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, food preparations and baby supplies*, from Fremont, Mich., to points in Iowa.

NOTE: Applicant states it "controls Little Audrey's Transportation, Inc., and has temporary authority to control Chamberland's Express, Inc., and Independent Truckers, Inc."

HEARING: March 1, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 114364 (Sub-No. 61), filed November 24, 1961. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral mix*, from Hutchinson, Kans., and points within five (5) miles thereof, to points in Texas, points in Colorado east of the Continental Divide, and those in New Mexico on and north of U.S. Highway 60 and on and east of a line beginning at junction U.S. Highways 60 and 85 and extending along U.S. Highway 85 to junction U.S. Highway 84, and thence along U.S. Highway 84 to the New Mexico-Colorado State line, including points on the indicated portions of the highways specified.

NOTE: Applicant states it is controlled by Earl Bray, Inc., Docket No. MC-F 6984.

HEARING: March 12, 1962, at the Albany Hotel, Denver, Colo., before Examiner Charles B. Heinemann.

No. MC 114533 (Sub-No. 29), filed November 20, 1961. Applicant: BANKERS DISPATCH CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents* and *written instruments* (except coins, currency and negotiable securities) *as are used in the conduct and operation of banks and banking institutions*, between Cleveland, Ohio, and Detroit, Mich.

HEARING: March 5, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57.

No. MC 114533 (Sub-No. 31), filed November 29, 1961. Applicant: BANKERS DISPATCH CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film*, and *incidental dealer handling supplies* (except motion picture film, and materials and supplies used in connection with commercial and television motion pictures); and (2) *data processing papers, punch cards, magnetic encoded documents, magnetic tape, punch paper tape, printed reports and documents*, and *office records*, between Cleveland, Ohio, and Detroit, Mich.

HEARING: March 5, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57.

No. MC 114533 (Sub-No. 32), filed December 1, 1961. Applicant: BANKERS DISPATCH CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents*, and *written instruments* (except coins, currency, and negotiable securities) as are used in the conduct and operation of banks and banking institutions, between Chicago, Ill., on the one hand, and on the other, points in Walworth, Jefferson, Dodge, Columbia, and Kenosha Counties, Wis.

HEARING: March 13, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 17.

No. MC 114533 (Sub-No. 35), filed December 26, 1961. Applicant: BANKERS DISPATCH CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except coins, currency, and negotiable securities) as are used in the conduct and operation of banks and banking institutions between Chicago, Ill., on the one hand, and, on the other, points in Wood, Portage, Marathon, and Waupaca Counties, Wis.

HEARING: March 12, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 17.

No. MC 114569 (Sub-No. 47), filed January 5, 1962. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Milton, Elizabethville, and points in Washington Township (Dauphin County), Pa., to points in New York (except New York, N.Y., and points on Long Island, N.Y.), New Jersey, Maryland, and the District of Columbia.

NOTE: Applicant states the proposed service will be performed in pool truck distribution.

HEARING: March 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry A. Cockrum.

No. MC 114989 (Sub-No. 6), filed December 1, 1961. Applicant: BRACEY & MARTIN, INC., 1910 South Walnut Street, Hopkinsville, Ky. Applicant's attorney: James C. Havron, Nashville Bank and Trust Building, Nashville, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Peoria, Ill., to Hopkinsville, Ky., and *empty containers or other such incidental facilities*, (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant holds common carrier authority in MC 115762, therefore dual operations may be involved.

HEARING: March 16, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 1.

No. MC 115841 (Sub-No. 88), filed January 19, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Nashville, Tenn., to points in Florida, Georgia, and Alabama.

NOTE: Applicant advises, the proposed service to Alabama and Georgia will be restricted to partial delivery of shipments on which final delivery is to be made in Florida.

HEARING: February 14, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 115841 (Sub-No. 89), filed January 19, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products* and *frozen foods*; (1) from Harrisburg, Chester, and Scranton, Pa., Wilmington, Del., Baltimore, Md., Savannah, Ga., Charleston, S.C., and Norfolk, Va., to points in North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, Texas, Arkansas, Tennessee, and Oklahoma, and (2) from Tampa, Fla., to points in Maryland, Virginia, Delaware, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, Texas, Arkansas, Tennessee, Kentucky, Kansas, Nebraska, Illinois, Iowa, Missouri, Indiana, Ohio, Pennylvania, New York, Michigan, Minnesota, Colorado, New Jersey, Oklahoma, and Washington, D.C.

HEARING: February 8, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 115841 (Sub-No. 90), filed January 19, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (when transported in same vehicle with shipments of meats, meat products, meat byproducts, dairy products and articles distributed by meat packing houses), from Memphis, Tenn., to points in Missouri located south and east of Perry, St. Francois, Washington, Crawford, Phelps, Pulaski, Laclede, Wright, Douglas, and Ozark Counties, Mo.

HEARING: February 8, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Richard H. Roberts.

No. MC 115841 (Sub-No. 91), filed January 19, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, shortening, vegetable oil*, and *vegetable oil shortening*, from Memphis, Tenn., to points in Illinois, Iowa, Kansas, Nebraska, Missouri, North Dakota, and South Dakota.

HEARING: February 6, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Richard H. Roberts.

No. MC 115841 (Sub-No. 92), filed January 19, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from Wilmington, Del., to points in North Carolina, South Carolina, Tennessee, Georgia, Alabama, Mississippi, Louisiana, and Florida.

HEARING: February 14, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 115841 (Sub-No. 93), filed January 19, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from points in Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Kansas, Kentucky, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, North Carolina, North Dakota, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: February 8, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Alton R. Smith.

No. MC 115841 (Sub-No. 94), filed January 19, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products*, and *frozen foods*, from Harrisburg, Chester and Scranton, Pa., Wilmington, Del., Baltimore, Md., Savannah, Ga., Charleston, S.C., and Norfolk, Va., to points in Maryland, Virginia, Delaware, West Virginia, Kentucky, Kansas, Nebraska, Illinois, Iowa, Missouri, Indiana, Ohio, Pennsylvania, New York, Michigan, Minnesota, Colorado, New Jersey, and Washington, D.C.

HEARING: February 8, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 116077 (Sub-No. 114), filed November 6, 1961. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, Esperson Building, Suite 1535, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum refinery treating waste*, in bulk, from points in Calcasieu Parish and St. Charles Parish, La., to points in Texas.

HEARING: March 29, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 32, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 117395 (Sub-No. 2), filed October 25, 1961. Applicant: JAMES B. BRASWELL, SR., doing business as SOUTHERN CEMENT TRANSPORT, 319 Louisiana Bank Building, Shreveport, La. Applicant's attorney: Robert L. Garrett, 705 Slattery Building, Shreveport, La. Authority sought to operate as a *contract carrier*, by motor vehicle,

over irregular routes, transporting: *Cement*, in bulk, between points in Louisiana, Texas, Arkansas, and Oklahoma.

NOTE: Applicant states the proposed service will have a prior movement by rail or water.

HEARING: March 15, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Isadore Freidson.

No. MC 117574 (Sub-No. 61), filed January 8, 1962. Applicant: DAILY EXPRESS, INC., Box 434, Mountain Route 3, Carlisle, Pa. Applicant's representative: David E. Lutz (same as applicant's). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements*, (2) *water well purifiers*, (3) *pipe and conduit*, (4) *parts, attachments, and fittings for items (1), (2), and (3) above, when moving at the same time and in the same vehicle as items (1), (2), and (3)*, between points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Delaware, Maryland, District of Columbia, Pennsylvania, Virginia, and West Virginia, on the one hand, and, on the other, points in Wisconsin.

HEARING: March 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 117823 (Sub-No. 6), filed January 22, 1962. Applicant: RALPH F. DUNKLEY, doing business as DUNKLEY DISTRIBUTING COMPANY, 240 California Avenue, Salt Lake City, Utah. Applicant's attorney: Lon Rodney Kump, 716 Newhouse Building, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, not frozen from points in Washington, to points in Oregon, California, Wyoming, Idaho, Nevada, Utah, Arizona, and Denver, Colo.

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 117933 (Sub-No. 2), filed November 13, 1961. Applicant: LOUIS G. PARIS, Box "O", Krebs, Okla. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, (1) from Omaha, Nebr., Kansas City, St. Louis, and St. Joseph, Mo., and Belleville, Ill., to Altus, Ardmore, Chickasha, Clinton, Enid, Lawton, Oklahoma City, Ponca City, Poteau, Shawnee, and Woodward, Okla., (2) From St. Joseph, Mo., to McAlester and Durant, Okla., and *empty containers or other such incidental facilities* used in transporting the above described commodities in connection with (1) and (2) above, on return.

HEARING: March 16, 1962, at the Federal Building, Oklahoma City, Okla., before Exeminer Walter R. Lee.

No. MC 117954 (Sub-No. 8), filed November 6, 1961. Applicant: H. L. HERRIN, JR., 101 Airline Highway, Metairie, La. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Houston, Tex., to points in Texas, New Mexico, Arizona, California, Colorado, Oklahoma, Missouri, Nebraska, Kansas, Minnesota, Utah, North Dakota, South Dakota, Wyoming, Iowa, Alabama, Arkansas, Georgia, Idaho, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Montana, Ohio, Oregon, Tennessee, Washington, West Virginia, and Wisconsin.

HEARING: March 26, 1962, at the Federal Office Building, Franklin and Fannin Street, Houston, Tex., before Examiner Isadore Freidson.

No. MC 117995 (Sub-No. 4) (SECOND AMENDMENT), filed January 9, 1962, published FEDERAL REGISTER, issues of January 17 and 24, 1962, and republished as amended, this issue. Applicant: NEIL B. OLMSTED, E. B. OLMSTED, AND ALVIN H. ANDERSON, doing business as REFRIGERATED TRUCK LINES, Route 3, Box 147, Mount Vernon, Wash. Applicant's attorney: George R. Labissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *potato products*, not frozen, (1) between points in Washington, Oregon, Idaho, and California, on the one hand, and, on the other, points in Washington, Oregon, Idaho, California, New York, Kentucky, Wyoming, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Wisconsin, Oklahoma, Ohio, South Dakota, Utah, Arizona, New Mexico, Texas, and Louisville, Ky., (2) between points in Idaho, on the one hand, and, on the other, points in Oregon and Washington, and (3) between points in California, on the one hand, and, on the other, points in Washington and Oregon.

NOTE: The purpose of this amendment is to include service to the additional destination States of Washington, Oregon, Idaho, and California in Item (1) above.

HEARING: Remains as assigned February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 118196 (Sub-No. 3), filed January 25, 1962. Applicant: RAYE & COMPANY TRANSPORTS, INC., P.O. Box 613, Hiway 71 North, Carthage, Mo. Applicant's attorney: Robert R. Hendon, 3200 Cummings Lane, Chevy Chase 15, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, and *potato products*, frozen and unfrozen, *onion rings* and *fish*, cooked (including breaded), blanched, processed and dehydrated, frozen and unfrozen, in straight shipments and in mixed shipments, with *frozen berries*, and *frozen vegetables* and *frozen fruits*, from points in Idaho, Oregon, Washington, and Utah, to points in Oklahoma, Missouri, Kansas, Nebraska, Iowa, Arkansas, Texas, Louisiana, Colorado, New Mexico, California, Arizona, Mississippi, Alabama, Georgia, Florida, and Tennessee.

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 118821 (Sub-No. 1), filed September 28, 1961. Applicant: J. B. HONEYCUTT COMPANY, INC., Lucama, N.C. Applicant's attorney: J. Ruffin Bailey, Seventh Floor, Raleigh Building, P.O. Box 1773, Raleigh, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles, from Greensboro, N.C., to points in Virginia, West Virginia, and those in Kentucky and Tennessee on and east of a line beginning at the Kentucky-Ohio State line, and extending in a southerly direction along U.S. Highway 127 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Georgia State line.

HEARING: March 6, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner A. Lane Cricher.

No. MC 119684 (Sub-No. 2), filed December 20, 1961. Applicant: FULLERTON MOTOR TRUCK SERVICE, INC., 1821 West 334d Place, Chicago 8, Ill. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chlorinated solvent (Perchlorethylene), Norg-clor solvent, Trichlorethylene, Carbon Tetrachloride, Methylene Chloride*, in bulk, in special multiple compartmentized tank trucks, equipped with special specification meters, gaskets, lining coating of tanks, special hose and other specialized equipment, from Chicago, Ill., to points in Lake, Porter, Newton, Jasper, LaPorte, Benton, Starke, Pulaski, and White Counties, Ind.

HEARING: March 15, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 123304 (Sub-No. 4), filed November 13, 1961. Applicant: SOUTHERN COURIERS, INC., 1316 North Carroll, Dallas, Tex. Applicant's attorney: Ewell H. Muse, Jr., Perry Brooks Building, Suite 415, Austin 1, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents* and *written instruments* such as are used in the businesses of banks and banking institutions (excluding coin, currency, bullion and negotiable securities), between Dallas, Texas, on the one hand, and, on the other, points in Montgomery County, Kans., points in McDonald County, Mo., and points in Oklahoma.

NOTE: Applicant states that it is "controlled by Arthur DeBevoise, who also controls Armored Carrier Corporation, under Docket No. MC 112750."

HEARING: March 20, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner Walter R. Lee.

No. MC 123582 (Sub-No. 2), filed November 20, 1961. Applicant: BYRON GRANTHAM, doing business as GRANTHAM TRUCKING SERVICE, P.O. Box 452, Roseboro, N.C. Applicant's attorney: Cyrus James Faircloth, Esq., East Railroad Street, P.O. Box 297, Roseboro, N.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, namely, *drain tile, silo brick, clablok, flue lining, flue thimbles, face brick* and *common brick*, from points in Sampson County, N.C., to points in South Carolina, Virginia, and Maryland, except in the Commercial Zone of Baltimore, Md.

HEARING: March 7, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner A. Lane Cricher.

No. MC 123848 (Sub-No. 2), filed November 30, 1961. Applicant: DANIEL W. RAKER, doing business as SALVAGE TRANSPORTATION, 9166 Wiseman Road, Lambertville, Mich. Applicant's attorney: Eugene C. Ewald, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal, and empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified, between Toledo, Ohio, on the one hand, and (a) points in Michigan on and south of a line beginning at Muskegon, Mich., on Highway M-20 east to Bay City, Mich., thence east over U.S. Highway 25 to Port Sanilac, Mich., and (b) points in Indiana, on and east of a line beginning at Michigan City, Ind., south over U.S. Highway 421 to Indiana Highway 43 and U.S. Highway 231 south to U.S. Highway 36, and on and north of Highway 40, thence east over U.S. Highway 40 to the Indiana-Ohio State line.

HEARING: March 20, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 9.

No. MC 123981, filed October 3, 1961. Applicant: DUREWOOD POTTER, R. D. No. 2, Homer, N.Y. Applicant's attorney: John T. Ryan, 35 Main Street, Cortland, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcite crystals, non-skid barn calcite, calcite flour, lime, agricultural hydrate lime and hydrated spray lime*, from points in Sussex County, N.J., to points in Cortland, Cayuga, Onondaga, and Tompkins Counties, N.Y.

HEARING: March 20, 1962, at the Federal Building, Syracuse, N.Y., before Examiner William E. Messer.

No. MC 123988, filed October 17, 1961. Applicant: HAROLD LEE SHERMAN, WILLIAM WILLIS BODDIE, THOMAS G. POWELL, AND T. M. EVANS, a partnership, doing business as SHERMAN AND BODDIE, 1001 College Street, Oxford, N.C. Applicant's attorney: John R. Jordan, Jr., Suite 616 First Citizens Bank Building, Raleigh, N.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Yarn, supplies, and textile machinery*, between Henderson, N.C., on the one hand, and, on the other, Barnesville, and Berryton, Ga.; Chicago, and Rochelle, Ill., Mishawaka, Ind.; Lowell, North Dighton, Canton, Chelsea, Lawrence, New Bedford, Mass.; Grand Rapids, Detroit, Livonia, and Lansing, Mich.; Belmont, and Laconia, N.H.; Bound Brook, Beverly, Bridgeton, Groveville, Newark, Millville, Mt. Holly, Jersey City, and Perth Amboy, N.J.; Livonia, Attica, Buffalo, Johnstown, Elmira, Ballston Spa, and Perry, N.Y.; Cinncinnati, Piqua, and Cleveland, Ohio; Philadelphia, Adamstown, Stowe, Mohrsville, Leesport, Reading, Chester, Nazareth, York, Norristown, Mohnton, Owingsburg, Pottstown, Hamburg, Macungie, Birdsboro, Allentown, Phoenixville, and Fleetwood, Pa.; Central Falls, Pawtucket, Woonsocket, R.I.; York, Jefferson, Fingerville, Greenville, Seneca, Charleston, and Clover, S.C.; Chattanooga, Memphis, and Dyersburg, Tenn.; Richmond, Martinsville, and Roanoke, Va.; and Delvan, Portage, Sheboygan, and Jefferson, Wis.; (2) *Yarn, supplies and textile machinery* between Martinsville, Va.; Baltimore, Md.; Clinton, S.C.; Whittinsville, Hopedale, Mass.; Greensboro, Gastonia, Charlotte, High Point, N.C.; on the one hand, and, on the other, Henderson, N.C.; (3) (a) *Motor oil, antifreeze, and grease* in containers, between Norfolk, Va., on the one hand, and, on the other, Oxford, N.C. (applicant requests restriction against transportation of these commodities in bulk in tank vehicles); (b) *Agricultural machinery (including hay racks, forage harvesters, manure spreaders, four wheel wagons, crop dryers and elevators, and hay balers)* between Atlanta, Ga., New Holland, Mountville, and Belleville, Pa., on the one hand, and, on the other Oxford, N.C.; (c) *Tobacco planters and parts* between Holland, Mich., on the one hand, and, on the other, Oxford, N.C.; (d) *Baler twine* between Philadelphia, Pa.; Norfolk, Va., on the one hand, and, on the other, Oxford, N.C.; (e) *Pipe* between Sparrows Point, Md.; Aliquippa, Pa., on the one hand, and, on the other, Oxford, N.C.; (f) *Dry calcium chloride* bagged between Solvay, N.Y., on the one hand, and, on the other, Oxford, N.C.; (g) *Used tractors and used agricultural implements* between Dothan, Ala., Moultrie, Ga., on the one hand, and, on the other, Oxford, N.C.; (4) (a) *Motor oil, antifreeze, and grease* in containers, between Norfolk, Va., on the one hand, and, on the other, Louisburg, N.C. (applicant requests restriction against transportation of these commodities in bulk in tank vehicles); (b) *Agricultural machinery (including hay balers, hay racks, forage harvesters, manure spreaders, four wheel wagons, crop dryers and elevators)* between Atlanta, Ga.; New Holland, Mountville, and Belleville, Pa.; on the one hand, and, on the other, Louisburg, N.C.; (c) *Tobacco planters and parts* between Holland, Mich., on the one hand, and, on the other, Louisburg, N.C.; (d) *Baler twine* between Philadelphia, Pa.; Norfolk, Va., on the one hand, and, on the other, Louisburg, N.C.; (e) *Pipe* between Sparrows Point, Md.; Aliquippa, Pa.; on the one hand, and, on the other, Louisburg, N.C.; (f) *Dry calcium chloride* bagged between Solvay, N.Y., on the one hand, and, on the other, Louisburg, N.C.; (g) *Used tractors and used agricultural implements* between Dothan, Ala.; Moultrie, Ga.; on the one hand, and, on the other, Louisburg, N.C.

HEARING: March 5, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner A. Lane Cricher.

No. MC 124031, filed November 6, 1961. Applicant: LANIER PRODUCE COMPANY, INC., 423 Terminal Market, 1500 South Zarzamora Street, San Antonio, Tex. Applicant's attorney: Robert L. Strickland, Frost National Bank Building, San Antonio 5, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., Gulfport, Miss., and Galveston, Houston, Freeport, Brownsville, and Corpus Christi, Tex., to Amarillo, Tex.

NOTE: Applicant proposes to transport exempt commodities and commodities owned by applicant, on return.

HEARING: March 20, 1962, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 246, or if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 124025, filed December 1, 1961. Applicant: GLASS WHOLESALE, INC., 200 North Chestnut, Newkirk, Okla. Applicant's attorney: W. T. Brunson, 419 Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour;* in bags and in bulk, and *mill feeds*, in bags and in bulk; from the plant site of Dixie-Portland Flour Mills, Inc., at or near Arkansas City, Kans., to points in Arkansas, Kansas, Missouri, Ohio, Oklahoma, Tennessee, and Texas; (2) *Glassware;* from Sapulpa, Okla., to the plant site of Dixie-Portland Flour Mills, Inc., Arkansas City, Kans.; (3) *Cardboard;* from Sand Springs, Okla., to the plant site of Dixie-Portland Flour Mills, Inc., Arkansas City, Kans.

NOTE: Applicant states it will also transport exempt commodities as defined by section 203(b)(6) of the Interstate Commerce Act, on return trips.

HEARING: March 19, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner Walter R. Lee.

No. MC 124035 (Sub-No. 1), filed December 4, 1961. Applicant: CHARLES A. WOLFERSHEIM, 50 Westbrook Drive, Nassau, N.Y. Applicant's attorney: George A. Roland, Chamber of Commerce Building, 75 Chapel Street, Albany, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New and used uncrated upholstered furniture*, between Albany, N.Y., and points within Vermont, New Hampshire, Massachusetts, Connecticut, New York, and Rhode Island.

HEARING: March 19, 1962, at the Federal Building, Albany, N.Y., before Examiner William E. Messer.

No. MC 124036, filed November 8, 1961. Applicant: ANTHONY GERALD CHAUFFE, 720 Weyer Street, Gretna, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ice cream mix*,

butter and cheese, in packages, in refrigerated van equipment, from Russellville, Ark., to points in Louisiana, Mississippi, and Alabama, and *empty containers or other such incidental facilities*, used in transporting the above-specified comodities, on return, and (2) *Sugar*, from New Orleans, La., to Russellville, Ark., and *empty containers or other such incidental facilities*, used in transporting the above-specified commodity, on return.

HEARING: March 16, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Isadore Freidson.

No. MC 124053, filed November 17, 1961. Applicant: SCOVERA CARTAGE COMPANY, a corporation, 3601 Wyoming Avenue, Dearborn, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar*, in tank vehicles, (1) from Toledo, Ohio, to points in Michigan, and (2) from Detroit, Mich., to points in Ohio.

NOTE: Applicant has contract carrier authority under MC 47053 and Sub-No. 6, so dual operations may be involved. Applicant states that its stockholders are affiliated with A. F. Posnik and Company, and with Michigan Transportation Company, both of which hold common carrier authority to operate in interstate commerce.

HEARING: March 21, 1962, at the Federal Building, Lansing Mich., before Joint Board No. 57.

No. MC 124064, filed November 24, 1961. Applicant: GERALDINE L. EISENBACH, doing business as BRANT HAULAGE, 42 Rowanwood Avenue, Brantford, Ontario, Canada. Applicant's attorney: John K. Kimball, Marine Trust Building, Buffalo 3, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gluestock materials* from ports of entry on the International Boundary between United States and Canada, located at Detroit and Port Huron, Mich., and Buffalo and Niagara Falls, N.Y., to Gowanda, N.Y., and Carrolville, Wis.; and (2) *Coal* from points in Pennsylvania to ports of entry on the International Boundary between United States and Canada at Detroit and Port Huron, Mich., and Buffalo and Niagara Falls, N.Y., on return.

HEARING: March 27, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner William E. Messer.

No. MC 124065, filed November 24, 1961. Applicant: COLORADO-ARIZONA-CALIFORNIA EXPRESS, INC., 1749 Julian Street, Denver, Colo. Applicant's attorney: Herbert M. Boyle, 738 Majestic Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products* and *articles distributed by meat packinghouses* as defined by the Commission and (2) *frozen foods, fresh fruits* and *vegetables*, between Greeley, Denver and Pueblo, Colo., on the one hand, and, on the other, points in New Mexico, Arizona, Nevada, and California.

HEARING: March 13, 1962, at the Albany Hotel, Denver, Colo., before Examiner Charles B. Heinemann.

No. MC 124076, filed November 30, 1961. Applicant: WM. DAVIS, 20800 Greenview Street, Southfield, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from points in Wayne County, Mich., to points in Ohio.

NOTE: Applicant states that it owns 25 percent of the stock of Ohio Tri-County Trucking Company, which has authority to operate as a common carrier, but that the authority herein sought will not in any way duplicate the authority held by Ohio Tri-County Trucking Company.

HEARING: March 21, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 57.

No. MC 124077 (Sub-No. 1), filed December 1, 1961. Applicant: A. C. MILLER, Rodney (Ontario), Canada. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Cement*, in bulk, from the Port of Entry on the International Boundary line between the United States and Canada at or near Buffalo, N.Y., to points in Pennsylvania, and (2) *Coal*, in bulk, from points in Pennsylvania to the Port of Entry on the International Boundary line between the United States and Canada at or near Buffalo, N.Y.

NOTE: Applicant holds contract carrier authority in MC 115952 and Sub 1.

HEARING: March 30, 1962, at Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner William E. Messer.

No. MC 124087, filed December 7, 1961. Applicant: WAYNE MILK HAULERS, INC., 26 Harvester Avenue, Batavia, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Juices*, in bulk, in tank vehicles, from points in New York and Ohio to points in Virginia.

NOTE: Applicant holds contract carrier authority in MC 118090.

HEARING: March 23, 1962, at the Manger Hotel, Rochester, N.Y., before Examiner William E. Messer.

No. MC 124123, filed December 29, 1961. Applicant: SCHWERMAN TRUCKING CO. OF ILL., INC. 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, 620 South 29th Street, Milwaukee 46, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Chicago, Ill., to points in Illinois, Indiana, and Wisconsin.

NOTE: Applicant states it "is controlled by Schwerman Trucking Co. (Wisconsin parent corporation) which control was approved by the Commission. Also controls Schwerman Trucking Co. of Ohio, Schwerman Co. of Pa., Inc., Schwerman Trucking Co. of Indiana, Inc., Schwerman Trucking Co. of Texas, and Schwerman Trucking Co. of N.Y., Inc." It is further noted that applicant has contract authority under MC 115577 and Subs thereunder, therefore, dual operations may be involved.

HEARING: March 14, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 17.

No. MC 124139, filed January 7, 1962. Applicant: LEONARD V. GRANZOW, doing business as GRANZOW TRUCKING CO., Route 1, Box 88, Hopkins, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities, as are dealt in by wholesale grocery and produce business houses*, from points in the Minneapolis, St. Paul, Minn., Commercial Zone, as defined by the Commission, to Stillwater, Minn.

HEARING: March 28, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12456 (Sub-No. 2) (AMENDMENT), filed August 8, 1961, published in FEDERAL REGISTER issue of October 25, 1961, amended October 30, 1961, and republished, this issue. Applicant: SKI BIRD TOURS, INC., 2039 Broadway, New York, N.Y. Applicant's attorney: Sidney J. Leshin, 608 Fifth Avenue, New York 20, N.Y. For a license (BMC 5) to engage in operations as a *broker* at New York, N.Y., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups, in round-trip, all expense tours, between New York, N.Y., and points in Nassau, Suffolk and Westchester Counties, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, Vermont, Pennsylvania, New Hampshire, New York, New Jersey, Virginia, and West Virginia.

NOTE: The purpose of this republication is to add the states of New Jersey, Virginia, and West Virginia as points of destination.

HEARING: March 2, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Edith H. Cockrill.

No. MC 12780, filed November 22, 1961. Applicant: ROBERT R. ROGERS, doing business as BUCK ROGERS TRAVEL SERVICE, Hotel Cortez Lobby, El Paso, Tex. Authority sought to operate as a broker (BMC 5), at El Paso, Tex., in arranging for the transportation of *passengers and their baggage*, between points in the United States including ports of entry between the United States and Mexico and Canada.

HEARING: March 12, 1962, at the Hotel Paso Del Norte, El Paso, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate before Examiner Walter R. Lee.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 22179 (Sub-No. 2) (CLARIFICATION AND CORRECTION), filed July 7, 1961, published in FEDERAL REGISTER issue of July 19, 1961, amended September 6, 1961, and republished, as amended, January 10, 1962, and further published, as clarified and corrected, this issue. Applicant: DUDLEY E. FREEMAN, doing business as FREEMAN TRUCK LINE, Box 467, Oxford, Miss. Applicant's attorney: Edward G. Grogan, 1500 Commerce Title Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Memphis, Tenn., and Oxford, Miss., and (2) between Grenada and Oxford, Miss.; (1) from Memphis over U.S. Highway 51 to junction Mississippi Highway 6 at Batesville, Miss.; thence over Mississippi Highway 6 to Oxford, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's regular route operations between Memphis and Oxford and between Memphis and Grenada; and (2) from Grenada over U.S. Highway 51 to junction Mississippi Highway 6 at Batesville; thence over Mississippi Highway 6 to Oxford and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's regular route operations between Grenada and Oxford and between Memphis and Grenada.

NOTE: Applicant's attorney advises that the amendment as filed was not intended to alter in any respect the original authority granted the applicant insofar as the commodity description contained in the original certificate is concerned.

No. MC 66562 (Sub-No. 1867) (CORRECTION), filed December 20, 1961, published FEDERAL REGISTER issue January 4, 1962, corrected January 18, 1962, republished as corrected this issue. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N.Y. Notice of the filing of the subject application as published in the FEDERAL REGISTER issue of January 4, 1962, at page 66, indicated that the proposed operations covering the transportation of general commodities, moving in express service, between Baltimore, Md., and Washington, D.C., over specified highways, serving certain intermediate or off-route points, was conditioned to traffic "covering in addition to the motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air", in error. The purpose of this republication is to strike such reference.

No. MC 66562 (Sub-No. 1869), filed January 2, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 21, N.Y. Applicant's attorney: William H. Marx, Railway Express Agency, Inc., Law Department, 219 East 42d Street, New York 21, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, (1) Between Buffalo, N.Y., and Sharon, Pa., as follows: From Buffalo over U.S. Highway 20 to Erie, Pa., thence over U.S. Highway 19 to junction U.S. Highway 62, thence over U.S. Highway 62 to Sharon, and return over the same route, serving the intermediate points of Erie and Meadville, Pa.; and (2) Between Buffalo, N.Y., and junction U.S. Highways 19 and 422 as follows: From Buffalo over U.S. Highway 20 to Erie, Pa., thence over U.S. Highway 19 to junction U.S. Highway 422, and return over the same route, serving the intermediate points of Erie and Meadville, Pa. RESTRICTIONS: (1) Service to be performed by carrier shall be limited to service which is auxiliary to or supplemental of, express service; (2) Shipment transported by said carrier shall be limited to those moving on a through bill of lading or express receipt, and (3) Such further specific conditions as the Commission in the future may find necessary to impose in order to restrict carrier's operation to service which is auxiliary to, or supplemental of, express service.

NOTE: Applicant states the proposed motor operations will be an extension of and will be operated in connection with applicant's existing motor operations under Certificates in MC 66562 (Sub-Nos. 865 and 1461).

No. MC 69274 (Sub-No. 5), filed January 18, 1962. Applicant: M & R TRANSPORTATION CO., INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); serving the site of applicant's new terminal located approximately seven miles north of Providence, R.I., on Rhode Island Highway 116, as an off-route point in connection with applicant's presently authorized regular-route operations.

NOTE: Applicant is presently authorized to serve Providence, R.I., however, applicant indicates that the site of its new terminal is two miles beyond the existing commercial zone of Providence.

No. MC 112750 (Sub-No. 92), filed January 19, 1962. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: James K. Knudson, 1821 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film*, and *incidental dealer handling supplies and advertising literature moved therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition), (a) Between Washington, D.C., on the one hand, and, on the other, Wilmington, Del., and Philadelphia, Pa., and points in Harford, Worcester, Dorchester, Kent, Talbot, Frederick, Washington, Wicomico, Carroll, Caroline, and Queen Annes Counties, Md., and Frederick, Spotsylvania, Loudoun, and Warren Counties, Va., and (b) Between Philadelphia, Pa., on the one hand, and, on the other, points in Columbia, Wayne, and Wyoming Counties, Pa.

NOTE: Applicant states the proposed service will be performed for the account of Eastman Kodak Co.

No. MC 113024 (Sub-No. 16), filed January 20, 1962. Applicant: ARLINGTON JOHN WILLIAMS, doing business as A. J. WILLIAMS, 152 Killoran Drive, New Castle, Del. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clothing, dry goods, materials and supplies used in the manufacture of sewn articles*, between Manchester, La Grange, Newnan, Ga., and Lafayette, Ala., on the one hand, and, on the other, Atlanta Airport, at or near Atlanta, Ga., on traffic originating at or destined to points outside the State of Georgia.

NOTE: Applicant advises, that the proposed service to and from Newnan, Ga., will be restricted to in Stations Wagons only. It is further noted that proposed service will be for the accounts of International Latex Corporation and Sarong, Inc.

No. MC 114194 (Sub-No. 38), filed January 17, 1962. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville, Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* and *blends*, in bulk, from points in the St. Louis, Mo., East St. Louis, Ill., Commercial Zone, to points in Illinois, Indiana, Kentucky, Tennessee, Arkansas, Missouri, Iowa, and Nebraska, and *rejected shipments* of the above-specified commodities, on return.

No. MC 119422 (Sub-No. 9), filed January 18, 1962. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, Ill. Applicant's attorney: Marvin W. Goldenhersh, 406 Missouri Avenue, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum wax*, in temperature controlled tank vehicles, and *damaged and defective shipments*, between East St. Louis, Ill., on the one hand, and, on the other, points in Minnesota and Wisconsin.

No. MC 123486 (Sub-No. 3), filed January 17, 1962. Applicant: CAROLINA-VIRGINIA COURIERS INC., 519 East Trade Street, P.O. Box 1503, Charlotte, N.C. Applicant's attorney: James K. Knudson, 1821 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and*

prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moved therewith (excluding motion picture film used primarily for commercial theatre and television exhibition), between Washington, D.C., and Richmond, Va., on the one hand, and, on the other, points in Bedford, Nottoway, Montgomery Pittsylvania, Southampton, Rockbridge, Campbell, Henry, Dinwiddie, Pulaski, Roanoke, Augusta, and James City Counties, Va.

NOTE: Applicant states the proposed operation is for the account of Eastman Kodak Co. Common control may be involved.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 261), filed January 19, 1962. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Robert J. Bernard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers and mail* in the same vehicle with passengers, between Junction U.S. Highway 276 and U.S. Highway 221, and Laurens, S.C.; from Junction U.S. Highway 276 and U.S. Highway 221, over U.S. Highway 221 for a distance of four (4) miles to Laurens, and return over the same route, serving all intermediate points.

No. MC 67024 (Sub-No. 26), filed January 17, 1962. Applicant: SERVICE COACH LINE, INC., 4305 21st Avenue, Tampa, Fla. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Millen, Ga., and Statesboro, Ga.; from Millen over U.S. Highway 25 (Georgia Highway 67) to Statesboro, and return over the same route, serving all intermediate points.

NOTICE OF FILING OF PETITIONS

No. MC 117426 (PETITION FOR CLARIFICATION), filed October 26, 1961. Petitioner: HOLT MOTOR EXPRESS, INC., Philadelphia, Pa. Petitioner's representative: G. H. Dilla, 5275 Ridge Road, Cleveland 29, Ohio. Certificate No. MC 117426 authorizes the transportation of: General commodities, with certain exceptions, between Philadelphia, Pa., and points within a radius of 200 miles of Philadelphia, Pa., restricted to shipments moving to or from public warehouses in Philadelphia, Pa. Petitioner avers that warehouses located on piers are warehouses for the use of the general public, and that such warehouses are public warehouses, and requests that the matter be assigned for oral hearing at Washington, D.C.

HEARING: March 9, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8057. Authority sought for purchase by UNITED VAN LINES, INC., P.O. Box 3430, St. Louis 17, Mo., of a portion of the operating rights of GEO. B. HOLMAN & CO., INC., 151 Park Avenue, Rutherford, N.J. Applicants' attorney: G. M. Rebman, 314 North Broadway, St. Louis 2, Mo. Operating rights sought to be transferred: *Television Receiving Sets*, uncrated, as a *common carrier* over irregular routes, from Clifton and Passaic, N.J., to points in New York, Connecticut, Rhode Island, Vermont, Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Florida, Ohio, Indiana, Illinois, Michigan, Missouri, Nebraska, and the District of Columbia, traversing Georgia and Iowa for operating convenience only, and from points in Bergen, Essex, Hudson, and Passaic Counties, N.J., except Clifton and Passaic, to points in New York, Connecticut, Rhode Island, Vermont, Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Florida, Ohio, Indiana, Illinois, Michigan, Missouri, Nebraska, and the District of Columbia, *television transmitting equipment*, uncrated, used or useful in the installation and maintenance of television broadcasting stations, between points in Connecticut, Illinois, Massachusetts, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia, between points in New Jersey and New York, on the one hand, and, on the other, points in Delaware, Florida, Indiana, Kentucky, Maine, Maryland, Michigan, Missouri, Nebraska, New Hampshire, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, and West Virginia, traversing Georgia and Iowa for operating convenience only, and between points in Connecticut, on the one hand, and, on the other, points in Delaware, *television transmitting equipment, parts and accessories*, and *television receiving sets, parts and accessories*, from New York, N.Y., and points in Passaic, Bergen, and Essex Counties, N.J., to Milwaukee, Wis., Minneapolis, Minn., Seattle, Wash., Salt Lake City, Utah, Albuquerque, N. Mex., New Orleans, La., Ames, Iowa, Stockton, Riverside, Los Angeles, and San Francisco, Calif., Dallas and Fort Worth, Tex., and Portland, Oreg., and points within 150 miles of each of these destinations, except points in Florida, Illinois, Michigan, Missouri, and Nebraska, *television receiving sets*, uncrated, used for display purposes only, and *television cabinets*, uncrated, from points in the above-named destination states and the District of Columbia to points in Passaic, Bergen, Essex and Hudson Counties, N.J., and *uncrated television transmitting equipment*, between East Paterson, Clifton, Garfield, and Rutherford, N.J., and New York, N.Y., on the one hand, and, on the other, points in Georgia, Alabama, Mississippi, Arkansas, Louisiana, Minnesota, Wisconsin, North Dakota, South Dakota, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Washington, Oregon, Idaho, California, Nevada, Arizona, Iowa, and Utah. Vendee is authorized to operate as a *common carrier* in 48 states and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8058. Authority sought for purchase by CHICAGO KANSAS CITY FREIGHT LINE, INC., 1048 North Monroe Avenue, Kansas City, Mo., of the operating rights and property of CAPITOL TRUCKING, INC., 815 North 31st Street, Springfield, Ill., and for acquisition by C. J. HOFFMAN, also of Kansas City, Mo., of control of such rights and property through the purchase. Applicants' attorneys: Wentworth E. Griffin, 1012 Baltimore, Kansas City 5, Mo., and Mack Stephenson, 208 East Adams Street, Springfield, Ill. Operating rights sought to be transferred: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act in the State of Illinois, as more specifically described in MC-120864. Vendee is authorized to operate as a *common carrier* in Kansas, Illinois and Missouri. Application has been filed for temporary authority under section 210a(b).

NOTE: An application will be published in the FEDERAL REGISTER in the near future as a matter directly related.

No. MC-F-8059. Authority sought for purchase by RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind., of a portion of the operating rights of HAYES FREIGHT LINES, INC., P.O. Box 213, Winston Salem, N.C., and for acquisition by RINGLE TRUCK LINES, INC., and in turn by GLEN RINGLE AND EVELYN RINGLE, all of Fowler, Ind., of control of such rights through the purchase. Applicants' attorneys: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind., and David G. Macdonald, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Operating rights sought to be transferred: *Road construction machinery and equipment* as described in Appendix VIII to the report in Descriptions in *Motor Carrier Certificates*, 61 M.C.C. 209, when moving on one bill of lading in truckload lots and on flat-bed equipment, as a *common carrier* over irregular routes from Mattoon, Ill., to points in Connecticut, Delaware, Indiana, Kentucky, Massachusetts, Maine, Maryland, Michigan, Mississippi, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, Vermont, West Virginia, and Wisconsin. Vendee is authorized to operate as a *common carrier* in 48 states and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 8060. Authority sought for control and merger by CERTIFIED FREIGHT LINES, INC., 2163 East 14th Street, Los Angeles 21, Calif., of the operating rights and property of A. S. FITZ-GERALD, doing business as FITZGERALD BROS., 570 Battles Road, Santa Maria, Calif., and ARROYO GRANDE TRUCK COMPANY, 201 West Brance Street, Arroyo Grande, Calif., and for acquisition by ALBERT S. FITZGERALD, 223 East Morrison, Santa Maria, Calif., EDWIN F. NELSON, 204 Larchmont Drive, Arroyo Grande, Calif., and EDWIN M. TAYLOR, 1029 Ash Street, Arroyo Grande, Calif., of control of such rights and property through the transaction. Applicants' attorney: Wyman C. Knapp, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Operating rights sought to be controlled and merged: (A. S. FITZGERALD) *Urea* and *manufactured fertilizer*, as a *common carrier* over irregular routes from points in Ventura County, Calif., to Port Hueneme, Calif., and points in the Los Angeles Harbor, Calif., Commercial Zone, and operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act in the State of California, as more specifically described in No. MC-99899. (ARROYO GRANDE) Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act in the State of California, as more specifically described in No. MC-120206. CERTIFIED FREIGHT LINES, INC., holds no authority from this Commission. However, EDWIN F. NELSON and EDWIN M. TAYLOR each owns fifty percent of the outstanding stock of Arroyo Grande Truck Company. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-1013; Filed, Jan. 30, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

JANUARY 25, 1962.

In the matter of trading on the San Francisco Mining Exchange in the common stock, $1.00 par value of Apex Minerals Corporation, File No. 1-3848.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, January 26, 1962, to February 4, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-999; Filed, Jan. 30, 1962; 8:45 a.m.]

[24S-1866]

CISCO-VALLEY CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JANUARY 25, 1962.

I. Cisco-Valley Corporation (issuer), 405 C Street, Northeast, Auburn, Washington, incorporated in the State of Washington on October 2, 1961, filed with the Commission, on November 29, 1961, a notification on Form 1-A relating to a proposed offering of 75,000 shares, no par common stock, at an offering price of $4. per share for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration provisions of section 3(b) thereof and Regulation A promulgated thereunder. The amended offering circular, filed January 5, 1962, reduced the offering to 65,000 shares at a total offering price of $260,000.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The notification does not disclose the names of certain affiliates as required by Item 2(b) of Form 1-A.

2. The amended offering circular does not contain a statement of capital shares as required by Item 11(a)(1)(iii) of Schedule I to Form 1-A.

B. The notification and the amended offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose, in the amended offering circular, that the issuer has no binding agreement to purchase the title and equipment of Valley Mining Company, and the failure to disclose the existence of a dispute between the issuer and Valley Mining Company as to whom Valley owes royalties on its Blue Lizard Mine project.

2. The failure to disclose accurately and adequately, in the amended offering circular, the unfavorable aspects of the mining and oil properties involved, including the unfavorable past operations, the exploratory status of the venture, the location of deposits and actual ore content, and the failure to present acceptable expert opinions, as well as misrepresentation with respect to the opinions submitted.

3. The failure to disclose accurately and adequately, in the amended offering circular, all direct and indirect interests of officers, directors and controlling persons, including a description of properties and services rendered, as well as their cost.

4. The failure to describe accurately and adequately, in the amended offering circular, the equity dilution of stock issued under the proposed offer.

5. The failure to disclose accurately and adequately in the notification, pursuant to the requirements of Item 9 of Form 1-A, the sale of unregistered securities issued by issuer within one year prior to the filing of the notification.

C. The offering would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1000; Filed, Jan. 30, 1962; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

FREDERICK L. GRAF

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of January 13, 1962.

FREDERICK L. GRAF.

JANUARY 18, 1962.

[F.R. Doc. 62-1001; Filed, Jan. 30, 1962; 8:46 a.m.]

TIMOTHY A. LYNCH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of January 11, 1962.

TIMOTHY A. LYNCH.

JANUARY 17, 1962.

[F.R. Doc. 62-1002; Filed, Jan. 30, 1962; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Dissolution Order 129]

GUNZE SILK CORP.

Dissolution Order

Whereas, by virtue of the issuance of Vesting Order No. 156, executed September 21, 1942 (7 F.R. 8567, October 23, 1942), and Executive Order 9788, dated October 14, 1946 (11 F.R. 11981, October 15, 1946), the Attorney General of the United States (hereinafter referred to as "Attorney General") is the owner of 20,000 shares of $12.50 par value Class A common stock and 20,000 shares of $12.50 par value Class B common stock of Gunze Silk Corporation (hereinafter referred to as "Gunze"), a New York corporation, said shares being all of the issued and outstanding capital stock of Gunze; and

Whereas, a Certificate of Dissolution of Gunze was issued by the Secretary of State of the State of New York on June 28, 1946, certifying to the dissolution of Gunze; and

Whereas, Gunze has been substantially liquidated.

Now, therefore, under the authority of the Trading With the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the assets of Gunze consist of:

(a) Cash in the amount of $72,032.16;

(b) A claim against Goro Seki, a national of Japan, in the amount of $5,157.66;

(c) Debt Claim No. 1779, filed by Gunze with the Office of Alien Property based on the ownership of $500 face value Third Mortgage Bonds of the Nippon Club, Inc.; and

2. Finding that the liabilities of Gunze consist of:

(a) A recorded account payable to Gunze Hoisery Mills, a national of Japan, of $1,294.81 and which is now owed to the Attorney General by reason of the issuance of Vesting Order No. 9854, executed September 17, 1947 (12 F.R. 6671, October 9, 1947);

(b) A recorded account payable to Gunze Silk Corporation, Ltd., a national of Japan, of $37,196.38 and which is now owed to the Attorney General by reason of the issuance of Vesting Order No. 3399, executed April 4, 1944 (9 F.R. 4830, May 6, 1944);

(c) A recorded account payable of $4,210.90 owing to Winthrop Whitehouse Co.;

(d) A recorded account payable of $85.00 owing to Bert Berenson;

(e) A recorded account payable of $19.50 owing to Miss A. V. Gray;

(f) A recorded account payable of $18.00 owing to Donald D. Leonard;

(g) A recorded account payable of $2,000.00 owing to E. Gerli & Co., Inc.;

(h) A claim allowed in the amount of $2,360.00 in favor of Forest S. Dayton;

(i) A claim allowed in the amount of $1,008.00 in favor of May Forshay;

(j) A claim allowed in the amount of $1,060.00 in favor of Mary Tuffy;

(k) A claim allowed in the amount of $300.00 to Goro Seki, a national of Japan, but which is now owing to the Attorney General by reason of the issuance of Vesting Order No. 16094, executed December 1, 1950 (15 F.R. 9022, December 16, 1950);

(l) A recorded account payable of $4,756.78 to the Attorney General for services rendered to or on behalf of Gunze from date of vesting to final winding up of the company.

3. Having determined that it is in the national interest of the United States that Gunze be dissolved, that its affairs be wound up and that its assets be distributed

Hereby orders, That the officers and directors of Gunze (and their successors, or any of them) wind up the affairs of Gunze and distribute the assets of Gunze as follows:

I. They shall first pay all current expenses and necessary charges, if any, in effecting the dissolution of Gunze and the winding up of its affairs;

II. They shall then pay all known Federal, State and local taxes and fees, if any, owed by or accrued against Gunze;

III. They shall then set off the claim allowed Goro Seki in the amount of $300.00, vested as aforesaid, against Gunze's claim versus Goro Seki referred to above in 1(b).

IV. They shall then pay all of the debts of Gunze to the respective creditors named and in the amounts stated in paragraph 2 above, except the debt referred to in subparagraph (k), eliminated as in III above.

V. They shall then pay over and deliver to the Attorney General all remaining cash assets and transfer, assign, convey and deliver to the Attorney General all remaining assets or property of Gunze, including specifically the claim described in 1(c) above and including after discovered assets or property, as a liquidating distribution of assets to him as sole stockholder; and

Further orders, That nothing herein set forth shall be construed as prejudicing any rights under the Trading With the Enemy Act, as amended, of any person who may have a claim against Gunze to file such claim with the Attorney General against any funds or property received by the Attorney General as a liquidating distribution hereunder: *Provided, however*, That nothing herein contained shall be construed as creating additional rights in such person: *Provided further*, That any such claim against Gunze shall be filed with or presented to the Attorney General within the time and in the form and manner prescribed for such claims by the Trading With the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and

Further orders, That all actions taken and acts done by the officers and directors of Gunze pursuant to this Order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to section 5(b)(2) of the Trading With the Enemy Act, as amended (50 U.S.C. App. 5(b)(2)), and the acquittance and exculpation provided therein.

Executed at Washington, D.C., on January 26, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-1008; Filed, Jan. 30, 1962; 8:47 a.m.]

FRIEDA DE GORTER

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Frieda de Gorter, London, England; Claim No. 62518; Vesting Order Nos. 17129, 17901, 17915, and 17950; $1,444.63 in the Treasury of the United States.

Executed at Washington, D.C., on January 25, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-1010; Filed, Jan. 30, 1962; 8:47 a.m.]

WILHELM GERARD BURGERS

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Wilhelm Gerard Burgers, Rotterdamseweg 137, Delft, The Netherlands; Claim No. 6775; fifty percent (50%) of the royalties received by the Attorney General for the republication of the book entitled Handbuch der Metallphysik, vol. III, part 2, by Wilhelm Gerard Burgers, plus fifty percent (50%) of any future royalties which may hereafter accrue on this work; Vesting Order No. 500A-74 (9 F.R. 7784, July 12, 1944); $132.36 in the Treasury of the United States.

Executed at Washington, D.C., on January 25, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-1009; Filed, Jan. 30, 1962; 8:47 a.m.]

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 472—WOOL

Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool)

This bulletin states the requirements with respect to the payment program for shorn wool and unshorn lambs (pulled wool), formulated by Commodity Credit Corporation (referred to in this bulletin as CCC) and the Agricultural Stabilization and Conservation Service (referred to in this bulletin as ASCS).

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472.1101 Administration.

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AUTHORITY: §§ 472.1101 to 472.1171 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912, secs. 401–403, 72 Stat. 994–995; sec. 151, 75 Stat. 306; 15 U.S.C. 714c, 7 U.S.C. 1781–1787, 1446.

PROGRAM OPERATION

§ 472.1101 Administration.

The program will be carried out by ASCS under the general supervision and direction of the Executive Vice President of CCC. In the field, the program will be administered through the Agricultural Stabilization and Conservation Service (referred to in this subpart as ASCS) State and county offices. ASCS State and county offices do not have authority to modify any of the provisions of this subpart or any amendments or supplements thereto. Neither are they authorized to waive any such provisions unless the power to waive is expressly included in the pertinent provision.

SHORN WOOL

§ 472.1102 Incentive level and payments.

(a) *General.* Pursuant to the National Wool Act of 1954, as amended, the Department of Agriculture is to announce a price-support level which has been determined to meet the requirements of the act for each of the four marketing years, 1962, 1963, 1964, and 1965. Each marketing year (as defined in § 472.1171) begins April 1 of one calendar year and ends March 31 of the next calendar year, both dates inclusive. The announcement is to be made in accordance with section 703 of the act which states that the Secretary shall, to the extent practicable, announce the support price level for wool sufficiently in advance of each marketing year as will permit producers to plan their production for such marketing year. For each marketing year, price support on shorn wool will be furnished by means of payments to the producer in accordance with the provisions of this subpart on the shorn wool he markets in that marketing year. Payments will not be made on marketings of the pelts of sheep or lambs.

(b) *1962 marketing year.* For the 1962 marketing year, the price-support level was announced on October 6, 1961, as 62 cents per pound of shorn wool, grease basis.

§ 472.1103 Eligibility for incentive payments.

Before payments under this program can be approved pursuant to any application for payment covering any lot or lots of wool, the following requirements must be satisfied:

(a) Except as provided in §§ 472.1151 to 472.1155, the applicant must be the producer, and in the case of a joint application each applicant must be a producer (as defined in § 472.1171), of the shorn wool.

(b) The wool must have been shorn in the United States on or after January 1, 1955, and must have been marketed within a specified marketing year as defined in § 472.1171(1). For the purpose or this program, shorn wool is deemed to include murrain and other wool removed from dead sheep and other off wools such as black wool, tags, and crutchings. If wool is shorn from imported sheep or lambs while they are held in quarantine in connection with the importation, such wool is not considered to have been shorn in the United States.

(c) The wool as well as the sheep or lambs from which it was shorn, must have been owned by the producer at the time of shearing, and the sheep or lambs must have been owned by him in the United States for not less than 30 days at any time prior to his filing the application for payment (§ 472.1142), with the following exception: The ownership specified in the preceding sentence is not required of an applicant for payment who has an agreement with the owner of the animals pursuant to which the applicant, in return for furnishing labor in connection with caretaking, lamb production, or feeding, is entitled either to a share in the ownership of the wool shorn from such animals or a share of the sales proceeds of the wool: *Provided*, That the owner of the animals who joins in the application meets the ownership requirements. Ownership of wool or animals as used in this paragraph does not include the ownership which in some States is held by a person having a security interest, such as a mortgage or other lien. If sheep or lambs are imported into the United States the period of 30 days for which the applicant for a payment is required to have owned them shall begin after their importation and if they were quarantined in connection with such importation, the period shall begin after their release from quarantine.

(d) Beneficial interest in the wool must always have been in the producer from the time the wool was shorn up to the time of its sale. A producer has beneficial interest in wool (1) when he owns it without any other person being entitled to the wool or its proceeds and without his having authorized any other person to sell or otherwise dispose of the wool; (2) when the producer has authorized another person to sell or otherwise dispose of the wool, even transferring legal title to such other person, but the producer continues to be entitled to the proceeds from such sale or other disposal of the wool; or (3) when the producer is

entitled to a share of the wool or of the proceeds thereof pursuant to an agreement described in the exception in paragraph (c) of this section though he does not own the animals from which the wool was shorn. If the producer has such beneficial interest, the fact that the wool may be mortgaged or subject to another lien does not change his position as having a beneficial interest.

(e) The producer shall report his purchases of unshorn lambs on or after April 1, 1956, pursuant to § 472.1110, or state that he has made no such purchases when such statement is in accordance with the provisions of that section.

(f) Payments will not be made on the marketing of wool shorn from imported sheep or lambs if the permit for the importation of sheep or lambs or a communication connected with such permit, issued by the Agricultural Research Service of this Department, states that the importation is for slaughter.

§ 472.1104 Marketing within a specified marketing year.

(a) The National Wool Act of 1954, as amended, provides that price support under that act shall be limited to wool and mohair marketed during the period beginning April 1, 1955, and ending March 31, 1966. Successive payments under this program will be limited to wool marketed during specified marketing years as defined in § 472.1171(l).

(b) Marketing shall be deemed to have taken place in a marketing year if, pursuant to a sale or contract to sell, the last of the following three events in the process of marketing was completed in that marketing year: (1) Title passed to the buyer; (2) the wool was delivered to the buyer (physically or through documents which transfer control to the buyer); and (3) the last of the factors (price per pound, weight, etc.) needed to determine the total purchase price payable by the buyer became available. The factors are considered available when they are known to the applicant's marketing agency if he markets through a marketing agency, or they are known to the applicant if he markets directly. Any one of the three events previously mentioned may be the last event completed.

(c) Delivery of wool on consignment to a marketing agency (defined in § 472.1171) to be sold for the producer's account does not constitute a marketing. This is so even though the consignee may guarantee the producer a minimum sales price or may give him an advance against the prospective sales price or may do both. Wool delivered on consignment shall not be deemed marketed by the producer until it has been marketed by the marketing agency, except that if the marketing agency has guaranteed a minimum sales price, is unable to sell the wool for more, and with the producer's consent takes it over at the minimum sales price, the wool is deemed marketed when it is so taken over by the marketing agency. When a producer transfers to a marketing agency title to his wool and provides that such agency shall market the wool and that the producer shall be entitled to the proceeds of such marketing, the producer shall be deemed to have consigned the wool.

(d) The exchange of wool for merchandise or services (for instance, shearing) will be considered a sale, provided a definite price is established for the wool.

§ 472.1105 Rate of incentive payment.

Upon expiration of a specified marketing year and after the Department of Agriculture has determined the national average price for wool received by producers in that marketing year, the Department will announce the rate of the incentive payment under this program. The rate of payment will be the percentage of the national average price received by producers in a specified marketing year which is required to bring such national average price up to the incentive price announced for that year. For example, if the reported national average price received by producers for wool sold during a marketing year should be 50 cents and the incentive price for that year was 62 cents, the difference between 50 cents and the incentive price of 62 cents previously announced would be 12 cents, and this figure would constitute 24 percent of the national average price of 50 cents. In such a case, the rate of incentive payment would be 24 percent of the net sales proceeds received by each producer.

§ 472.1106 Computation of payment.

(a) In order to determine the amount of the incentive payment due to a producer on the wool he marketed during a marketing year, the percentage computed pursuant to § 472.1105 will be applied to the net sales proceeds for the wool determined in accordance with paragraph (b) of this section. The amount so computed may be reduced on account of purchases of unshorn lambs (defined in § 472.1171), in accordance with paragraph (c) of this section. If the producer files more than one application in the same county office or different county offices, all such applications may be considered together for the purpose of determining the amount of the payment based on the sales of shorn wool and the amount of the reduction on account of purchases of unshorn lambs.

(b) The net sales proceeds shall be determined by deducting from the gross sales proceeds of the wool all marketing expenses, such as for transportation from the local shipping point; handling (including commissions); grading, scouring; or carbonizing. Items, however, listed in § 472.1108(a)(7) as "other deductions" shall not be deducted. The figure so arrived at will express the net proceeds received by the producer at his farm, ranch, or local shipping point (defined in § 472.1171). For example, if the producer marketed his clip of 500 pounds at 50 cents per pound, he received $250 as gross proceeds and, if the marketing deductions totaled $25, his net proceeds of sale (after marketing deductions) amounted to $225. For the purpose of this program, the producer is expected to deliver his wool packed in bags to his local shipping point and to bear the storage expenses until the wool is sold. Consequently, charges made for furnishing wool bags, storing wool, or transporting wool to the producer's local shipping point shall not be considered deductible marketing charges. Neither are other charges, not directly related to the marketing of the wool, such as interest on advances or dues owing an association, to be considered marketing charges. As to net sales proceeds in case of a guaranteed minimum sales price, see § 472.1108(a)(6).

(c) If pursuant to § 472.1110, the producer reports, in his application for payment, the purchase on or after April 1, 1956, of any unshorn lambs, his incentive payment computed in accordance with paragraph (a) of this section shall be reduced by an amount resulting from multiplying the reported liveweight of the animals purchased on or after April 1, 1956, as unshorn lambs, by the announced rate per hundredweight to be paid on sales of unshorn lambs during the marketing year for which the producer makes his application. If the amount of the reduction exceeds the payment computed on the shorn wool marketed, the liveweight of lambs which corresponds to the excess amount shall be carried forward and used to reduce payments on shorn wool or unshorn lambs marketed in the current or future years.

§ 472.1107 Supporting documents.

(a) *General.* The application for payment on account of shorn wool (§ 472.1109) shall be supported by the original sales document (defined in § 472.1171) for the wool sold.

(b) *Original sales document retained.* If the applicant does not wish the original sales document to remain with the ASCS county office, he may submit a photostat or similarly reproduced or carbon or typewritten copy of the original document. However, he must show the original document to the ASCS county office where the statements on the copy will be confirmed by comparison with the original. The original sales document will be appropriately stamped or marked to indicate that it had been used in support of an application for payment under this program and will be returned to the applicant. He will be required to retain it in accordance with § 472.1158.

(c) *Practice of issuing carbon or photostat copies.* If it is the practice of the person or firm that prepared the sales document to furnish a carbon or photostat copy to the seller in place of the original, the producer may submit that copy in support of his application, provided the copy bears a signature, in accordance with § 472.1108(a)(10), of the person or of the representative of the firm that prepared the original sales document. Such copy shall be treated like an original for the purposes mentioned in this section.

(d) *Lost or destroyed sales document.* If the original sales document has been lost or destroyed, the applicant may submit a copy, certified by the buyer or the applicant's marketing agency, and such certified copy shall be treated like an original for the purposes mentioned in this section.

§ 472.1108 Contents of sales document.

The sales documents attached to each application for an incentive payment must contain a final accounting, meeting the requirements of paragraph (a) or (b) of this section, for the wool covered by the sales document. Contracts to sell as well as tentative or pro forma settlements will not be acceptable as sales documents meeting such requirements. Except as provided in §§ 472.1151 to 472.1155, sales documents must cover wool sold by the applicant.

(a) *Sales other than at farm, ranch, or local shipping point.* Each sales document, except a document covering an outright sale at the producer's farm, ranch, or local shipping point and described in paragraph (b) of this section, must be prepared by the purchaser or the applicant's marketing agency and must contain at least the following information:

(1) Name and address of seller.

(2) Date of sale: In case the producer's shipment to a marketing agency is sold in parts within a marketing year, the date when final settlement is made within that marketing year for the wool that was sold within that marketing year may be shown on the sales document as the date of sale instead of the various dates on which the sales actually took place.

(3) Net weight of wool sold: If the wool was sold as scoured or carbonized wool, the original grease weight must be shown as well as the scoured or carbonised weight.

(4) The gross sales proceeds or sufficient information from which the gross sales proceeds can be determined, except when the practice is otherwise as provided in subparagraph (5) of this paragraph.

(5) Marketing deductions, if any (see § 472.1106(b)), except as otherwise provided in this subparagraph: The marketing deductions may be itemized or they may be shown on the sales document as a composite figure for all marketing charges with an explanation of what services are included in that figure. If it is the practice of a marketing agency to show, on the sales document, only the net proceeds after marketing deductions, the gross sales proceeds and the amount of the marketing deductions need not be shown, provided the sales document contains a statement reading substantially as follows: "The net sales proceeds after marketing deductions shown herein were computed by deducting from the gross sales proceeds charges for the following marketing services: ----------. Details of these charges will be furnished on request." All the services for which deductions are made shall be enumerated in the blank space indicated. If a sales document shows charges without specifying their nature, they will be considered marketing charges and will thus diminish the net proceeds on which the incentive payment is computed.

(6) Net proceeds after marketing deductions. If a sales document contains a figure for net proceeds after marketing deductions computed for a location other than the producer's farm, ranch, or local shipping point, the person preparing the sales document shall show thereon the name of the location for which the net proceeds have been computed. If a marketing agency has guaranteed a minimum sales price for the wool, is unable to sell the wool for a higher price, and therefore settles with the producer on the basis of such guaranteed minimum price, the sales document should be on the basis of that guaranteed minimum price regardless of a lower price at which the agency may sell the wool. In such a case, the marketing agency may indicate on the sales document that the price is the guaranteed minimum sales price.

(7) Other deductions, such as those for bags, storage, interest, association dues, and charges not directly related to the marketing of the wool.

(8) Amount paid to the seller.

(9) Name and address of the purchaser or marketing agency issuing the sales document.

(10) Signature: The sales document must bear a handwritten signature by or on behalf of the person or firm issuing the sales document. Acceptable signatures will consist of at least one initial or name by which the person is generally known, followed by his last name in full. A carbon impression or facsimile of a handwritten signature is not acceptable.

(11) A sales document issued by a marketing agency and covering sales made on various dates within a marketing year shall contain a statement that the wool was marketed during that marketing year as required by the regulations issued pursuant to the National Wool Act of 1954, as amended.

(b) *Sales at farm, ranch, or local shipping point.* Each sales document, covering an outright sale at the producer's farm, ranch, or local shipping point and attached to an application for incentive payment, shall be prepared by the purchaser and must contain at least the following information: Name and address of seller; date of sale; net weight of wool sold; the net amount received by the producer for the wool at his farm, ranch, or local shipping point; any applicable nonmarketing deductions, such as association dues or interest on advances; the name and address of the purchaser; and the signature of the purchaser or his agent.

§ 472.1109 Preparation of application.

(a) The application for payment on account of shorn wool shall be prepared on Form CCC 1155, "Application for Incentive Payment—Shorn Wool." The producer may use the applicable section of the form in authorizing a marketing agency to file an application on his behalf with respect to wool he delivers to the marketing agency to be sold for his account. If he paid any marketing charges (§ 472.1108(a)(5)) not shown on the sales document, such as for scouring or carbonizing, grading, or freight from the applicant's local shipping point, such charges shall be considered with the marketing charges shown on the sales document in arriving at the net proceeds.

(b) The applicant may, at his discretion, complete and file the application himself, in which case he should indicate in the appropriate section of the form that he has not designated a marketing agency to file on his behalf. He may, however, give the required information about his production and ownership, sign the applicable certification, forward the application to his marketing agency, and request it to fill out the section showing sales of wool, to sign the certification applicable to its situation, and to file the application with the required attachments on behalf of the applicant in the appropriate ASCS county office in accordance with § 472.1142(a). If the applicant chooses this method of submitting his application, he will be responsible for the correctness of the information furnished by the marketing agency as well as for compliance by it with the requirements as to the time and manner of filing the application.

§ 472.1110 Report of purchases of unshorn lambs.

In making application for payment on the sale of shorn wool, the producer shall report, as prescribed in this section, with reference to animals purchased by him as unshorn lambs, the date of each purchase as well as the number and liveweight of the animals purchased. If purchased lambs which the applicant for a payment is required to report were imported, the liveweight required to be reported shall be the liveweight of the lambs at the time they were imported and if they were quarantined in connection with the importation, at the time they were released from quarantine. For the purpose of such reporting, imported lambs whether or not purchased by the applicant shall be treated as if they had been purchased by him.

(a) *Report on actual basis.* (1) If wool removed in the first shearing of animals purchased by the applicant as unshorn lambs on or after April 1, 1956, is included in the application, and the applicant's operations are conducted in such a manner that he is able to identify the lambs from which such wool was shorn, he shall report the date of purchase as well as the number and liveweight of the animals that he purchased as unshorn lambs on or after April 1, 1956, from which such wool was subsequently shorn and included in the application. Among the lambs purchased he shall include those which died after purchase and from which the wool was removed and included in the application.

(2) If the applicant knows that his application does not include any wool which was removed in the first shearing of the animals purchased by him on or after April 1, 1956, as unshorn lambs, he will report no purchases of unshorn lambs.

(b) *Report on "first in, first out" basis:* (1) In the event the applicant does not know whether or not wool removed in the first shearing from animals purchased by him on or after April 1, 1956, as unshorn lambs is included in the application, or knows that some such wool is included but is unable to report the exact date of purchase of such lambs,

he shall report on a "first in, first out" basis, as hereinafter explained, the date of purchase as well as the number and liveweight of a quantity of unshorn lambs equal to the number of sheep and lambs from which wool was shorn and included in the application. The reporting of purchased lambs shall be continued in subsequent applications for incentive payment on shorn wool and applications for payment on unshorn lambs until the applicant has accounted for all animals purchased by him on or after April 1, 1956, as unshorn lambs and not reported in an application for payment for shorn wool or unshorn lambs for the 1956 or a subsequent marketing year. However, he need not report animals purchased on or after April 1, 1956, if for any reason he has not applied for a payment for the 1956 or a subsequent marketing year on the sale of those animals or on the sale of the wool shorn therefrom. If the producer does not have sufficient marketings of wool and unshorn lambs during a specified marketing year to cover all animals purchased by him as unshorn lambs on or after April 1, 1956, that had not been reported in a previous application and consequently does not report all of his purchases of unshorn lambs in applications for the specified marketing year, the balance shall be carried forward and reported in succeeding marketing years for which similar payments may be made pursuant to the National Wool Act of 1954, as amended.

(2) For example, if the producer's first application for a specified marketing year covers the sale of wool shorn from 200 sheep or lambs, he shall report in that application the date of purchase, the number, and the liveweight of the first 200 animals he purchased on or after April 1, 1956, as unshorn lambs that were not reported in a previous application for payment filed for shorn wool or unshorn lambs marketed in the 1956 or a subsequent marketing year. If for example, his second application covers the sale of 300 unshorn lambs, he shall report in that application the same information for the next 300 animals that he purchased on or after April 1, 1956, and that were not reported in a previous application for payment; and as additional applications are filed either on shorn wool or unshorn lambs, he shall report his purchases in chronological order until all purchases up to the date of his application are accounted for, in accordance with subparagraph (1) of this paragraph.

(3) If the producer makes application for a payment on the sale of either shorn wool or unshorn lambs after he has reported his total purchases of unshorn lambs on or after April 1, 1956, he will report no purchases of unshorn lambs in such an application.

UNSHORN LAMBS (PULLED WOOL)

§ 472.1121 Rate of payment.

The National Wood Act of 1954, as amended, provides in section 703 that the support price for pulled wool shall be established at such a level, in relationship to the support price for shorn wool, as the Secretary determines will maintain normal marketing practices for pulled wool. Payments will be made in accordance with this subpart for wool on live lambs that have never been shorn and are sold or moved to slaughter in a specified marketing year, and will be at a flat rate per hundredweight of live animals. Payments will not be made on the sale of the pelts of sheep or lambs. The payments will be based on the average weight of wool per hundredweight of animals (5 pounds) multiplied by 80 percent of the difference between the national average price received by producers for shorn wool during a specified marketing year and the announced incentive price per pound of shorn wool for that year. The exact rate of payment will be determined after the end of that marketing year. For example, if the reported national average price received by producers for wool sold during a marketing year should be 50 cents and the incentive price for that year should be 62 cents, the rate of payment per hundredweight of live lambs would be 48 cents.

§ 472.1122 Eligibility for payments on lambs.

Before payments under this program can be approved pursuant to an application covering any lot or lots of lambs, the following requirements must be satisfied:

(a) *Thirty days' ownership.* If a producer is to qualify for a payment, he must have owned the lambs for 30 days or more in the United States, and if a slaughterer (as defined in § 472.1171) is to qualify for a payment, he must have owned the lambs for 30 days or more in the United States prior to their moving to slaughter, with the following exception: Ownership interest in the lambs for the 30-day period is not required of an applicant for payment who has an agreement with the owner of the lambs pursuant to which the applicant, in return for furnishing labor in connection with caretaking or feeding of the lambs, is entitled either to a portion of the lamb production or to a share in the proceeds from the sale of the lambs: *Provided*, That the owner of the lambs who joins in the application meets the 30-day ownership requirement. Ownership of lambs, as used in this paragraph, does not include the ownership which in some States is held by a person having a security interest, such as a mortgage or other lien. If lambs are imported into the United States the period of 30 days for which the applicant for a payment is required to have owned them shall begin after their importation and if they were quarantined in connection with such importation, the period shall begin after their release from quarantine.

(b) *Never shorn.* The lambs must never have been shorn at the time of sale or, in the case of an application by a slaughterer, at the time of moving to slaughter.

(c) *Sold or moved to slaughter in a specified marketing year.* The lambs must have been sold, that is, title to the lambs must have passed to the buyer, within a specified marketing year or, in the case of lambs that are owned by a slaughterer for 30 or more days before moving to slaughter. The lambs must have moved to slaughter within the specified marketing year.

(d) *Report of purchased lambs.* The applicant must either report his purchases of unshorn lambs, pursuant to § 472.1126, or state that he has made no such purchases when such statement is in accordance with the provisions of that section.

(e) *Importation for slaughter.* Payments will not be made on the marketing of imported lambs if the permit for the importation of sheep or lambs or a communication connected with such permit, issued by the Agricultural Research Service of this Department, states that the importation is for slaughter.

§ 472.1123 Computation of payment.

(a) In order to determine the amount of the payment due to an applicant, the rate of payment, computed pursuant to § 472.1121, shall be applied to the liveweight (defined in § 472.1171) of the lambs sold or moved to slaughter (§ 472.1122(c)), during the specified marketing year. Such liveweight, however, shall be reduced by the liveweight of any lambs reported in the application for payment, pursuant to § 472.1126, as having been purchased or imported by the applicant as unshorn lambs.

(b) For example, if the applicant sells, during a specified marketing year, 100 unshorn lambs weighing 8,000 pounds which he produced on his farm or ranch, he will be entitled to a payment on a liveweight of 8,000 pounds. On the other hand, if the applicant sells, during a specified marketing year, 100 unshorn lambs weighing 8,000 pounds, having purchased these lambs at a weight of 6,000 pounds, he will be entitled to a payment on a liveweight of 2,000 pounds (i.e., 8,000 pounds minus 6,000 pounds).

(c) If the liveweight reported pursuant to § 472.1126 exceeds the liveweight of the unshorn lambs sold or moved to slaughter during the marketing year for which the application is filed, such excess liveweight shall be carried forward and used to reduce payments on unshorn lambs or shorn wool marketed in the current or future years.

(d) If the producer files more than one application in the same county office or in different county offices, all such applications may be considered together for the purpose of determining the amount of the payment based on the sales of unshorn lambs and the amount of the reduction on account of purchases of unshorn lambs.

§ 472.1124 Application for payment and supporting documents.

(a) *General.* The application for a payment on account of unshorn lambs shall be made on Form CCC 1156, "Application for Payment—Unshorn Lambs (Pulled Wool)". The application shall be supported by an original sales document, as set forth in paragraph (a) of § 472.1125 or, in case of application by a slaughterer, by the substitute document as set forth in paragraph (b) of that section, and such other evidence as may show compliance with the program.

(b) *Applicant retains original sales document.* If the applicant does not wish the original sales document to remain with the ASCS county office, he may submit a photostat or similarly reproduced or carbon or typewritten copy of the original document. However, he must show the original document to the ASCS county office where the statements on the copy will be confirmed by comparison with the orgihal. The original sales document will be appropriately stamped or marked to indicate that it had been used in support of an application for payment under this program and will be returned to the applicant. He will be required to retain it in accordance with § 472.1158.

(c) *Practice of issuing carbon or photostat copies.* If it is the practice of the person or firm that prepared the sales document to furnish a carbon or photostat copy to the seller in place of the original, the producer may submit that copy in support of his application, provided the copy bears a signature in accordance with § 472.1125(a)(6), of the person or the representative of the firm that prepared the original sales document. Such copy shall be treated like an original for the purposes mentioned in this section.

(d) *Lost or destroyed sales document.* If the original sales document has been lost or destroyed, the applicant may submit a copy, certified by the person who issued the original, and such certified copy shall be treated like an original for the purposes mentioned in this section.

§ 472.1125 Contents of sales documents.

(a) *Sale by producers.* Each sales document supporting the application must cover lambs sold by the applicant, except as provided in §§ 472.1151 to 472.1155; must be issued by the purchaser or the producer's marketing agency; and must show the following:

(1) Name and address of seller.

(2) Date of sale.

(3) Number of unshorn lambs sold: If the sales document does not clearly identify the animals as lambs that had never been shorn at the time of sale, the person issuing the sales document shall add a statement to that effect. If the sales document refers to the animals as "unshorn lambs", this will indicate that the lambs were never shorn, in accordance with the definition in § 472.1171. Likewise, if the document is issued in connection with the sale of unshorn lambs but also covers the sale of other animals, the person preparing the sales document shall clearly indicate therein in some manner the number and the liveweight of unshorn lambs included in the sale.

(4) Liveweight of unshorn lambs sold: If the weight is not determined by scales, this weight may be an estimated weight agreed to by the buyer and the seller.

(5) Name and address of the purchaser or marketing agency issuing the sales document.

(6) Signature: The sales document must bear a handwritten signature by or on behalf of the person or firm issuing the sales document. Acceptable signatures will consist of at least one initial or name by which the person is generally known, followed by his last name in full. A carbon impression or facsimile of a handwritten signature is not acceptable.

(b) *Substitute for sales document in case of slaughter.* If the application is made by a slaughterer who owned the animals in the United States for 30 days or more prior to his moving them to slaughter (§ 472.1122(c)), it shall be supported by a scale ticket instead of a sales document. The scale ticket shall indicate that it covers unshorn lambs which moved to slaughter and must show the information normally appearing on scale tickets issued by stockyards (that is, date number of head and classification, weight, scale ticket number, if any, place of weighing, and name of weigher).

§ 472.1126 Report of purchases of unshorn lambs.

In making application for payment on the sale of lambs, the producer shall report, as prescribed in this section, with reference to animals purchased by him as unshorn lambs, the date of each purchase as well as the number and liveweight of the animals purchased. If purchased lambs which the applicant for a payment is required to report were imported, the liveweight required to be reported shall be the liveweight of the lambs at the time they were imported and if they were quarantined in connection with the importation, at the time they were released from quarantine. For the purpose of such reporting, imported lambs whether or not purchased by the applicant shall be treated as if they had been purchased by him.

(a) *Report on actual basis.* (1) If the application is based on the sale of lambs purchased by the applicant and the applicant's operations are conducted in such a manner that he is able to identify such lambs, he shall report the date of purchase, the number, and the liveweight of such sold lambs.

(2) If the applicant knows that his application is not based on the sale of any animals which were purchased by him, he will report no purchases of unshorn lambs.

(b) *Report on "first in, first out" basis.* (1) In the event the applicant does not know whether or not the application is based on the sale of lambs that he purchased, or he knows that some such lambs are included but is unable to report the exact date of purchase of such lambs, he shall report on a "first in, first out" basis, as hereinafter explained, the date of purchase as well as the number and liveweight of a quantity of animals purchased by him on or after April 1, 1956, as unshorn lambs, equal to the number of lambs on the sale of which his application is based. This reporting of purchased lambs shall be continued in subsequent applications for payment on unshorn lambs and applications for incentive payment on shorn wool until the applicant has accounted for all animals purchased by him on or after April 1, 1956, as unshorn lambs and not reported in a previous application for payment for shorn wool or unshorn lambs for the 1956 or a subsequent marketing year. However, he need not report animals purchased on or after April 1, 1956, if for any reason he has not applied for a payment for the 1956 or a subsequent marketing year on the sale of these animals or on the sale of the wool shorn therefrom. If the producer does not have sufficient marketings of unshorn lambs and wool during a specified marketing year to cover all animals purchased by him as unshorn lambs on or after April 1, 1956, that had not been reported in a previous application and consequently does not report all of his purchases of unshorn lambs in applications for the specified marketing year, the balance shall be carried forward and reported in succeeding marketing years for which similar payments may be made pursuant to the National Wool Act of 1954, as amended.

(2) For example, if the producer's first application for a specified marketing year covers the sale of 300 lambs, he shall report in that application the date of purchase as well as the number and liveweight of the first 300 animals he purchased on or after April 1, 1956, as unshorn lambs that were not reported in a previous application for payment filed for unshorn lambs or shorn wool marketed in the 1956 or a subsequent marketing year; if, for example, his second application covers the sale of wool shorn from 200 sheep or lambs, he shall report in that application the same information for the next 200 animals that he purchased on or after April 1, 1956, as unshorn lambs and that were not reported in a previous application for payment; and as additional applications are filed either for unshorn lambs or shorn wool, he shall report his purchases on or after April 1, 1956, in chronological order until all purchases up to the date of each application are accounted for, in accordance with subparagraph (1) of this paragraph.

(3) If the producer makes application for a payment on the sale of either unshorn lambs or shorn wool after he has accounted for his total purchases of unshorn lambs on and after April 1, 1956, he will report no purchases of unshorn lambs in such an application.

GENERAL PROVISIONS

§ 472.1141 Sales in good faith.

Payments provided for under this program shall be made on the basis of sales of shorn wool or unshorn lambs executed in good faith, and no payment shall be made on that part of any sale which has been cancelled or on the basis of sales at prices or weights increased in bad faith for the purpose of obtaining higher payments under this program. Examples of sales of wool in bad faith are those wherein the purchaser obtains a rebate or any benefit in form of money, property, or otherwise. Application for payment on the basis of a sale in bad faith may also subject the parties involved to civil and criminal liability.

§ 472.1142 Filing application for payment.

(a) *Place of filing.* The application for payment on either shorn wool or unshorn lambs shall be filed by the producer entitled thereto with the ASCS county office serving the county where

the headquarters of the applicant's farm, ranch, or feed lot—as the case may be—is located. If the producer has more than one farm, ranch, or feed lot, with headquarters in more than one county, separate applications for payment shall be filed with the ASCS county office serving each such headquarters, except that: (1) If the producer sells his entire clip of wool in a single sale or if his entire clip is sold for his account by one marketing agency, he may file his application(s) for payment on shorn wool in any one of those ASCS county offices, or (2) if the producer includes in one sale unshorn lambs that were ranged, pastured, or fed in more than one county, he may file his application(s) for payment on such animals in any one of those ASCS county offices. In the event the producer conducts all his business transactions from his residence or office, and his farm or ranch has no other headquarters, his office or residence may be considered the farm or ranch headquarters. Applications by producers located in Alaska shall be filed with the Alaska ASCS State Office, and applications by producers located in Hawaii shall be filed with the Hawaii ASCS State Office.

(b) *Time of filing.* An application for payment should be filed as soon as possible after the producer's sales of shorn wool or unshorn lambs for the specified marketing year as defined in § 472.1171 (l) have been completed or, if the applicant is a slaughterer, as soon as possible after the last of his lambs moved in the specified marketing year to slaughter, and all applications must be filed within 30 days after the end of that marketing year. If the application is not approved by the ASCS county office on the ground that it was filed after the 30 days, the applicant may request the ASC State committee to waive the delay in filing, stating in writing his reasons for the delay and for the request for waiver. The ASC State committee may waive the delay on applications filed within one year after the end of the marketing year in which the shorn wool or the unshorn lambs were sold or in which the lambs moved to slaughter, as the case may be, if in its judgment the delay in filing was due to a good cause or waiver of the delay is necessary to prevent undue hardship. The ASC State committee shall notify the applicant in writing of its action on his request for a waiver.

§ 472.1143 Signature of applicant.

No payment will be made unless an application for payment on shorn wool or unshorn lambs is signed. The ASCS county office will determine with respect to each person who signs an application for payment in a representative or fiduciary capacity as agent, attorney-in-fact, officer, executor, etc., whether he was properly authorized to sign in such capacity.

§ 472.1144 Joint applicants.

(a) *Joint owners.* When the applicants for a shorn wool payment are joint owners of the wool and were also joint owners of the sheep from which the wool was shorn, all of them must sign any application based on the sale of their wool. When the applicants for a payment on unshorn lambs are joint owners of the lambs, all of them must sign any application based on the sale of their lambs. If one such owner refuses to join in an application and wishes to release CCC from any obligation to make him a payment, he shall sign a form of release prescribed by CCC for that purpose. Such release shall be attached to, and shall be referred to in, the application signed by those joint owners who apply for a payment.

(b) *Producers who did not own the animals from which the wool was shorn or did not own the lambs for 30 days.* Each application for a payment on shorn wool prepared by producers some of whom did and some did not own the animals from which the wool was shorn, as described in the exception in § 472.1103 (c), shall be a joint application, irrespective of whether the wool was divided among such producers prior to sale or whether it was sold without division. Similarly, each application for a payment on unshorn lambs prepared by producers some of whom did and some did not own the lambs for 30 days, as described in the exception in § 472.1122(a), shall be prepared as a joint application, irrespective of whether the lambs were divided among such producers prior to sale or whether they were sold without division. All producers who are entitled to a share of the shorn wool or of the unshorn lambs or are entitled to a share of the sales proceeds of the wool or the lambs, as the case may be, shall sign each joint application, except that where a producer releases his right to a payment by signing a form prescribed by CCC for that purpose, he will not join in the application and will not be entitled to a payment. Each joint application filed by such producers shall be supported by a properly executed Form CCC 1158, "Attachment to Application for Payment for Producers Who Did Not Own the Animals for 30 Days."

(c) *Other provisions.* If a producer entitled to join in an application fails to do so, does not release his right to a payment, and—because the application does not indicate his interest—payment is made by CCC to those who apply, he shall have no claim against CCC for a payment. Neither will CCC be responsible for a division among the applicants of a payment made by CCC to all of them jointly.

§ 472.1145 Application by successors and representatives.

(a) If a person earned a payment in whole or in part under this subpart and is otherwise eligible to receive it but before filing an application therefor dies, disappears, or is declared incompetent, those who may receive such payment in the order of precedence described in §§ 472.1151 to 472.1154 may apply on Form CCC 1155 in the case of a shorn wool payment and on Form CCC 1156 in the case of an unshorn lamb payment. The applicant shall indicate the capacity in which he applies. Such applicant shall also file Form CCC 1159, "Application for Payment of Amounts Due Producers Who Have Died, Disappeared, or Have Been Declared Incompetent". Where necessary in accordance with § 472.1144(b), there shall be attached to the application a properly executed Form CCC 1158, "Attachment to Application for Payment for Producers Who Did Not Own the Animals for 30 Days."

(b) If a person who earned a payment under this subpart and filed an application therefor, dies, disappears, or is declared incompetent, either before CCC issued a draft in payment or after CCC has issued a draft in payment but before the draft is negotiated, those who may receive that payment in the order of precedence described in §§ 472.1151 to 472.1154 may apply therefore, using Form CCC 1159.

(c) The application pursuant to paragraph (a) or (b) of this section shall be filed with the ASCS county office serving the county which includes the headquarters of the farm, ranch, or feed lot of the person who died, disappeared, or was declared incompetent.

(d) If a marketing agency, pursuant to authorization by a successor or representative of a producer who died, disappeared, or was declared incompetent, certifies in Form CCC 1155 as to its sale of the wool, or if a marketing agency issued such a certification in some cases on the basis of an authorization given by the producer before he died, disappeared, or was declared incompetent, (1) the statement in the agency's certification that it received wool from the applicant(s) shall be deemed to mean that it received wool from the producer, from his successor or representative, or from both; (2) the statement in the agency's certification that it has not furnished sales documents to any person other than the applicant(s) shall mean that it has not furnished sales documents to any person other than the producer or his successor or representative; and (3) its statement in the certification that, in the capacity as agent for the applicant(s), the marketing agency has complied with the requirements of the program shall mean in the capacity as agent for the producer, for his successor or representative, or for both.

§ 472.1146 Application on behalf of incompetent Indians.

Applications for payment on shorn wool or unshorn lambs may be filed on behalf of Indians who are incompetent by the Superintendent of the Indian Field Service of the reservation on which the Indian resides or by the authorized representative of such Superintendent. Such application for payment will be filed in the ASCS county office where the headquarters of the Indian's farm or ranch is located.

§ 472.1147 Payment.

After the ASCS county office has reviewed the application with the documents attached thereto and approved it for payment in whole or in part, and after the appropriate rate of payment for the specified marketing year has been announced by the Department of Agriculture, payment will be made. If one or more of the producers jointly entitled to a payment, release the right thereto, payment will be made jointly to the other producers who apply, and the payment will be for the amounts due them. Payment of less than $3.00 to an applicant, or to joint applicants, will not be made in connection with sales either of shorn wool or unshorn lambs. Likewise, payment of less than $3.00 will not be made to an assignee in connection with any assignment. If, after making a payment, CCC upon investigation determines that available evidence does not sustain the applicant's right to the payment or any part thereof, the amount of the payment not so sustained shall immediately become due and repayable to CCC, and CCC may, without limitation upon any of the Government's rights in the matter, deduct such amount from any other payment due the applicant. If the applicant's right to such amount becomes involved in a lawsuit between the Government and him or his assignee, he, or his assignee, shall have the burden of proving in the lawsuit that he was entitled to the amount. If the ASCS county office determines that for any reason an application for payment on shorn wool or unshorn lambs should be rejected in whole or in part, including the reason that it was not filed within the time provided for in accordance with § 472.1142(b), or that, after a payment has been made, the available evidence does not sustain the applicant's right to the payment or any part thereof, the ASCS county office shall mail a notice to the applicant, and to each applicant who signed a joint application, that his application has been rejected for a specified reason or that the available evidence does not sustain the applicant's right to the payment or any part thereof, as the case may be, and shall retain a copy of such notice.

§ 472.1148 Deductions for promotion.

If the Department of Agriculture has approved deductions for an advertising and sales promotion program in accordance with section 708 of the National Wool Act of 1954, as amended, the rate of such deductions will be announced and deductions will be made from the payment.

§ 472.1149 Set-off.

(a) If the county debt record shows that the applicant for payment is indebted to CCC, to any other agency within the United States Department of Agriculture, or to any other agency of the United States, such indebtedness will be set off against the payment due to the applicant. Such set-off shall not deprive the applicant of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

(b) If the payment due to the applicant has been assigned by him, the ASCS county office will accept the assignment subject to setting off such debts as exist at the time of acceptance by the ASCS county office with interest, where applicable, to the date of set-off.

§ 472.1150 Liens on sheep or wool not applicable to payments.

If a producer grants a lien on his sheep, lambs, or wool, such lien shall not be deemed to extend to payments made to the producer pursuant to this subpart.

§ 472.1151 Death of person who earned payment.

Where a person has earned a payment in whole or in part under this subpart and is otherwise eligible to receive it but dies before receiving it, payment may be made, upon proper application pursuant to § 472.1145, without regard to claims of creditors other than the United States, in accordance with the following order of precedence:

(a) To the administrator or executor of the deceased person's estate.

(b) To the surviving spouse, if there is no administrator or executor and none is expected to be appointed, or if an administrator or an executor was appointed but the administration of the estate is closed (1) prior to application by such administrator or executor for payment or (2) prior to the time when a draft for the payment issued to such administrator or executor is negotiated.

(c) If there is no surviving spouse, to the sons and daughters in equal shares. Children of a deceased son or daughter of a deceased person shall be entitled to their parent's share of the payment, share and share alike. If there are no surviving direct descendants of a deceased son or daughter of such deceased person, the share of the payment which otherwise would have been made to such son or daughter shall be divided equally among the sons and daughters of such deceased person who are alive or, if they are not alive, the share of each such son or daughter shall be divided equally among his or her surviving direct descendants.

(d) If there is no surviving spouse and no direct descendant, payment shall be made to the father and mother of the deceased person in equal shares, or the whole thereof to the surviving father or mother.

(e) If there is no surviving spouse, no direct descendant, and no surviving parent, payment shall be made to the brothers and sisters of the deceased person in equal shares. Children of a deceased brother or sister shall be entitled to their parent's share of the payment, share and share alike. If there are no surviving direct descendants of the deceased brother or sister of such deceased person, the share of the payment which otherwise would have been made to such brother or sister shall be divided equally among the brothers and sisters of such deceased person who are alive and, if they are not alive, the share of each such brother or sister shall be divided equally among his or her surviving direct descendants.

(f) If there is no surviving spouse, direct descendant, parent, or brothers or sisters or their descendants, the payment shall be made to the heirs-at-law.

Legally adopted children shall be entitled to share in any payment in the same manner and to the same extent as other children. "Brother" and "sister", as used in this section as well as in §§ 472.1152 and 472.1153, includes brothers and sisters of the half blood, who shall be given the same consideration as those of the whole blood. If any person who is entitled to payment under the above order of precedence is a minor, payment of his share shall be made to his legal guardian, but if no legal guardian has been appointed, payment shall be made to his natural guardian or custodian for his benefit, unless the minor's share of the payment exceeds $1,000, in which event payment shall be made only to his legal guardian. Any payment which the deceased person could have received, may be made jointly to the persons found to be entitled to such payment or shares thereof under this section, or, pursuant to instructions issued by the Agricultural Stabilization and Conservation Service, a separate draft may be issued to each person entitled to share in such payment.

§ 472.1152 Disappearance of person who earned payment.

(a) In case a person who has earned a payment in whole or in part under this subpart and is otherwise eligible to receive it, disappears before receiving it, payment may be made upon a proper application pursuant to § 472.1145, without regard to claims of creditors other than the United States, to one of the following in the order mentioned:

(1) The conservator or liquidator of his estate, if one be duly appointed.

(2) The spouse.

(3) An adult son or daughter or grandchild for the benefit of his estate.

(4) The mother or father for the benefit of his estate.

(5) An adult brother or sister for the benefit of his estate.

(b) A person shall be deemed to have disappeared if (1) he has been missing for a period of more than three months, (2) a diligent search has failed to reveal his whereabouts, and (3) such person has not communicated during such period with other persons who would be expected to have heard from him. Proof of such disappearance must be presented to the county committee in the form of an affidavit executed by the person making the application for payment, setting forth the above facts, and must be substantiated by an affidavit from a disinterested person who was well acquainted with the person who has disappeared.

§ 472.1153 Incompetency of a person who earned payment.

(a) Where a person has earned a payment in whole or in part under this subpart and is otherwise eligible to receive it but is adjudged incompetent by a court of competent jurisdiction before payment is received, payment may be made, upon proper application therefor pursuant to § 472.1145, without regard to claims of creditors other than the United States, to the guardian or committee legally appointed for such incompetent person.

(b) In case no guardian or committee has been appointed, payment, if not more than $1,000, may be made without regard to claims of creditors other than the United States, to one of the following in the order mentioned, for the benefit of the incompetent person:

(1) The spouse.
(2) An adult son, daughter, or grandchild.
(3) The mother or father.
(4) An adult brother or sister.
(5) Such person as may be authorized under State law to receive payment for him.

In case payment is more than $1,000, payment may be made only to such persons as may be authorized under State law to receive payment for the incompetent.

§ 472.1154 Death, disappearance, or incompetency of person authorized to apply in the order of precedence.

In case a person entitled to apply for a payment in the order of precedence pursuant to the provisions of §§ 472.1151, 472.1152, 472.1153, or of this section, dies, disappears, or is declared incompetent, as the case may be, after he has applied for such payment but before receiving it, payment may be made upon proper application therefor, without regard to claims of creditors other than the United States, to the person next entitled thereto in accordance with the order of precedence set forth in §§ 472.1151, 472.1152, and 472.1153, as the case may be.

§ 472.1155 Other disability.

In cases of bankruptcy, dissolution, or other disability payments will be made to a representative only in accordance with specific directions issued by CCC.

§ 472.1156 Appeals.

(a) *To ASC county committee.* Within 15 days from the date of mailing of the notice that an application for payment on either shorn wool or unshorn lambs has been rejected in whole or in part (§ 472.1147) or that any other action has been taken by the ASCS county office which unfavorably affects a payment to the applicant, the latter may appeal in writing to the ASC county committee, stating the serial number of the application, the number of pounds of wool marketed, and the net proceeds, or the number and liveweight of unshorn lambs, involved in the application and such pertinent facts as he may deem proper, and indicating in what respect the action of the ASCS county office is considered erroneous. The ASC county committee shall notify the applicant in writing of its decision promptly after deciding the appeal, and in case of a joint application, each applicant shall be so notified. A copy of the notice shall be retained in the ASCS county office.

(b) *To the ASC state committee.* If the applicant is dissatisfied with the decision of the ASC county committee, he may appeal in writing to the ASC state committee within 15 days after the date of mailing of the notice by the ASC county committee. Likewise, if the ASC state committee denies a request for waiver of the final date for filing (§ 472.1142(b)), the applicant may within 15 days after the date of mailing of the notice of denial by the ASC state committee, ask the ASC state committee in writing to reconsider its denial. In this event, the applicant shall, in addition to supplying all the information required in an appeal to the ASC county committee pursuant to § 472.1156(a), state in his request for reconsideration the reason for his delay in filing the application and fully explain the circumstances which he feels constitute a good cause for the delayed filing or will result in undue hardship if the waiver is not granted. When acting on an appeal or request for reconsideration, the ASC state committee shall notify the applicant in writing of its decision as soon as practicable after completing its action, and in case of a joint application, each applicant shall be so notified. A copy of the notice shall be retained in the ASC state office.

(c) *To Washington office.* If the applicant is dissatisfied with the decision of the ASC State committee, the applicant may appeal in writing to the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after the date of mailing of the notice by the ASC State committee. A determination by the Deputy Administrator, on such an appeal, as to a question of fact shall be deemed final and conclusive unless it is found by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, or it is not supported by substantial evidence.

(d) *Hearing.* In the case of each appeal or request for reconsideration, the applicant shall be given an opportunity to appear personally or through a representative at a hearing and offer such evidence as he deems advisable. If the applicant does not ask for a hearing, the appeal or request will be decided on the basis of the facts set forth in the record and any other pertinent information available to the committee or official considering the matter.

(e) *Joint applications.* If a joint application is rejected, an appeal may be taken by all applicants jointly or by one or more of them acting in behalf of all. An appeal by one or more joint applicants shall be considered an appeal in behalf of all.

§ 472.1157 Assignments.

(a) *Form.* The producer may assign payments which may be determined to be due him under this program in connection with sales of shorn wool or unshorn lambs during a specified marketing year by filing with the ASCS county office the original and two copies of Form CCC 1157, "Assignment of Payment Under National Wool Act of 1954", duly executed by both parties. Such assignment shall be null and void unless it is freely made and (1) is executed by the producer in the presence of an attesting witness who shall not be an employee or agent of, or by consanguinity or marriage related to, the assignee; or (2) is acknowledged by the producer before a notary public, a member of the ASCS county committee, the ASCS county office manager, or a designated employee of such committee. In the case of a joint application for payment, an assignment shall be executed by all those who signed the application.

(b) *Provisions.* An assignment of a shorn wool payment may only be given as security for cash advanced or to be advanced on sheep, lambs, or wool by a financing agency (as defined in § 472.1171) or a marketing agency. An assignment of a payment on unshorn lambs may only be given as security for cash advanced or to be advanced by a financing agency on sheep, lambs, or wool. An assignment made to a financing agency shall cover all payments earned by the producer on the sale of shorn wool or unshorn lambs, as the case may be, during the marketing year for which the assignment is given. An assignment made to a marketing agency shall cover all incentive payments earned by the producer in connection with all wool marketed by the agency for the producer's account during the marketing year for which the assignment is given but shall not cover payments earned by the producer in connection with his marketing his wool directly or through other agencies during that marketing year. The assignee shall not reassign to another person any payment which has been assigned to him pursuant to this section. CCC will make payment pursuant to an accepted assignment unless the ASCS county office is furnished evidence of a mutual cancellation of the assignment by both parties thereto or unless the assignee releases the assignment, that is, asks the ASCS county office in writing that payment be made to the assignor and not to the assignee.

§ 472.1158 Records and inspection thereof.

(a) The applicant for a payment under this subpart as well as his marketing agency and any other person who furnishes evidence to such an applicant for the purpose of enabling him to receive a payment under this program, shall maintain books, records, and accounts showing the marketing of wool or lambs, as the case may be, on which an application for payment may be based, and shall maintain those books, records, and accounts for three years following the end of the specified marketing year during which the marketing took place. The applicant shall also maintain books, records, and accounts showing his purchases of lambs on or after April 1, 1956. He shall maintain them for three years following the end of the specified marketing year during which any part of the wool shorn from such lambs has been marketed or during which any such lambs have been marketed, as the case may be. If the applicant is required to report on a "first in, first out" basis pursuant to § 472.1110(b) or § 472.1126(b), he shall maintain such books, records, and accounts of purchased lambs for three years following

the end of the specified marketing year for which the purchased lambs are to be reported in accordance with those sections.

(b) If an application is based on the sale of wool shorn from imported sheep or lambs, or on the sale of imported lambs, or if lambs required to be reported as purchased lambs pursuant to § 472.1110 or § 472.1126 were imported, the applicant is required to maintain books, records, and accounts showing the details of such importation, including the date of arrival of the animals in the United States and the liveweight on such date, and if the animals were quarantined, the date when they were released from quarantine and their liveweight on such date. He shall maintain such books, records, and accounts for the same length of time that he is required to maintain his other books, records, and accounts pursuant to paragraph (a) of this section.

(c) CCC shall at all times during regular business hours have access to the premises of the applicant for a payment, of his marketing agency, and of the person who furnished evidence to an applicant for the purpose of enabling him to receive a payment under this program, in order to inspect, examine, and make copies of the books, records, and accounts, and other written data as specified under paragraphs (a) and (b) of this section.

§ 472.1159 Violation of program.

Whoever issues a false sales document or otherwise acts in violation of the provisions of this program, shall become liable to CCC for any payment which CCC may have made in reliance on such sales document or as a result of such other action in violation of the program, apart from any other civil or criminal liability he may incur by such action.

§ 472.1160 Forms.

(a) Form CCC 1155, "Application for Incentive Payment—Shorn Wool"; Form CCC 1156, "Application for Payment—Unshorn Lambs (Pulled Wool)"; Form CCC 1157, "Assignment of Payment Under the National Wool Act of 1954"; Form CCC 1158, "Attachment to Application for Payment for Producers Who Did Not Own the Animals for 30 Days"; Form CCC 1159, "Application for Payment of Amounts Due Producers Who Have Died, Disappeared, or Have Been Declared Incompetent," and other forms issued by the United States Department of Agriculture for use in connection with this program may be obtained from ASCS county offices. These forms may be reproduced, provided that any forms reproduced after the issuance of this subpart shall retain the language, format, and size of the official forms issued after January 1, 1962, except that the printer's identification on the official forms must not be reproduced.

(b) Any of the following forms issued or printed before January 1, 1962, may be used as a substitute for those specified in this subpart. Form CCC Wool 55, "Application for Incentive Payment—Shorn Wool"; Form CCC Wool 56, "Application for Payment—Unshorn Lambs (Pulled Wool)"; Form CCC Wool 57, "Assignment of Payment Under the National Wool Act of 1954"; Form CCC Wool 58, "Attachment to Application for Payment for Producers Who Did Not Own the Animals for 30 Days"; Form CCC Wool 59, "Application for Payment of Amounts Due Producers Who Have Died, Disappeared, or Have Been Declared Incompetent."

§ 472.1161 Provisions in applications as to imported sheep or lambs.

(a) Each reference to purchases of unshorn lambs in Section B of Form CCC 1155, "Application for Incentive Payment—Shorn Wool," or in Section B of Form CCC 1156, "Application for Payment—Unshorn Lambs (Pulled Wool)," shall be deemed to refer to purchases as well as to imports of unshorn lambs by the applicant regardless of whether he purchased or produced the imported lambs outside the United States. With respect to imported lambs required to be reported in Section B of Form CCC 1155 or Form CCC 1156, the heading of column 1, "Date of purchase", shall be deemed to read, "Date of importation", and the heading of column 3, "Liveweight at time of purchase (lbs.)", shall be deemed to read, "Liveweight at time of importation and if the animals were quarantined, liveweight at time of their release from quarantine (lbs.)".

(b) The statement in Section F(d) of Form CCC 1155 and in Section D(d) of Form CCC 1156 that the applicant(s) owned the animals for "not less than 30 days", shall be deemed to read, in case of imported animals, "not less than 30 days after their importation," and if the animals were held in quarantine in connection with their importation, "not less than 30 days after their release from quarantine."

(c) The statement in section F(b) of Form CCC 1155 that the wool was "shorn in the United States," shall be deemed to read, in the case of imported animals held in quarantine in connection with their importation, "shorn in the United States after release from quarantine of the animals from which the wool was shorn."

§ 472.1162 Instructions and interpretations.

CCC shall have the right to clarify any provision of this subpart by the issuance of instructions or interpretations.

§ 472.1163 Waiver by Executive Vice President or other official.

The Executive Vice President of CCC or his designee and the Deputy Administrator, State and County Operations, of ASCS are authorized to approve waivers covering the submission of evidence by sales documents or by other procedural methods. Each of these officials may also waive the 30-day filing limitation, § 472.1142(b), on applications filed later than one year after the end of a marketing year in which the shorn wool or the unshorn lambs were sold or the unshorn lambs were moved to slaughter, if in his judgment the delay in filing was due to a good cause or the waiver is necessary to avoid undue hardship.

§ 472.1164 Expiration of time limitations.

Whenever the final date, prescribed in this subpart for filing an application pursuant to § 472.1142 or for taking any action in connection with an appeal pursuant to § 472.1156, or any other action, falls on a Saturday, Sunday, national holiday, or State holiday, and on that day the proper ASCS State or county office is closed, or the final date falls on any other day on which such office is not open for the transaction of business during normal working hours, the time for filing the application or taking the required action shall be extended to the close of business on the next working day. In case the act to be done may be performed by mailing, the act shall be considered done within the prescribed period if the mailing is postmarked by midnight of such next working day. Where the act is to be done within a prescribed number of days after the mailing of notice, the day of mailing shall be excluded in computing such period of time.

§ 472.1171 Definitions.

As used in this subpart, the terms enumerated in this section have the following meaning:

(a) "Financing agency" means any bank, trust company, or Federal lending agency. It also includes any other financing institution which customarily makes loans or advances to finance production of sheep, lambs, or wool.

(b) "Joint ownership" of wool or lambs also includes ownership in common.

(c) "Lamb," for the purposes of this program, means a young ovine animal which has not cut the second pair of permanent teeth. The term includes animals referred to in the livestock trade as lambs, yearlings, or yearling lambs.

(d) "Liveweight," for the purpose of this program, is the weight of live lambs which a producer purchases or sells. In the event the price for the lambs is based on weight, the weight actually used in determining the total amount payable shall be considered the liveweight.

(e) "Local shipping point" means the point at which the producer delivers his wool to a common carrier for further transportation or, if his wool is not delivered to a common carrier, the point at which he delivers it to his marketing agency or a purchaser. The term "common carrier" includes any carrier that serves the public in transporting goods for hire whether or not he is required to be licensed by some Government authority to do so.

(f) "Marketing agency" with reference to shorn wool means a person or firm that sells a producer's wool for his account and with reference to lambs, it means a commission firm, auction market, pool manager, or any other person or firm that sells a producer's lambs for his account.

(g) "Marketing year" means the period beginning April 1 of a calendar year and ending March 31 of the next calendar year, both dates inclusive.

(h) "Person" means an individual, partnership, association, business trust, corporation, or any organized unincorporated group of individuals, and includes a state and any subdivision thereof.

(i) "Producer" of shorn wool under this program means a person who is either a producer, feeder, or pasturer of sheep or lambs and who shears his animals. "Producer" of lambs under this program means a person who is a breeder, feeder, or pasturer of lambs. The term "producer" also includes a person participating in the production of shorn wool pursuant to an agreement with a person who owned the sheep or lambs as described in the exception in § 472.1103(c) and a person participating in the production of lambs pursuant to an agreement with an owner of the lambs, as described in the exception in § 472.1122(a).

(j) "Sales document" means the account of sale, bill of sale, invoice, and any other document evidencing the sale by the producer of shorn wool or unshorn lambs.

(k) "Slaughterer" means a commercial slaughterer, that is, a person who slaughters for sale as distinguished from a person who slaughters for home consumption.

(l) "Specified marketing year" is the marketing year as to which the Department of Agriculture has announced that marketings of shorn wool and unshorn lambs by a producer during that year will entitle him to a payment under this program.

(m) "Unshorn lambs" means lambs which have never been shorn.

NOTE: The reporting and record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This subpart shall become effective April 1, 1962, except that § 472.1157 shall become effective on the date of publication.

Issued this 29th day of January 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-1066; Filed, Jan. 31, 1962; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 4]

PART 728—WHEAT

Subpart—Wheat Marketing Quota Regulations for 1961 and Subsequent Crop Years

MISCELLANEOUS AMENDMENTS

On page 10506 of the FEDERAL REGISTER of November 10, 1961, there was published a notice of proposed rule making to issue amendments to the regulations pertaining to Wheat Marketing Quota Regulations for 1961 and Subsequent Crops of Wheat. This notice provided for revisions in determination of underplanted acres for removing stored excess, determination of excess wheat subject to penalty, revision of exemption provisions and considering as wheat acreage the acreage placed in the Wheat Stabilization Program as wheat for the purpose of removing stored excess. Interested persons were given 30 days in which to submit written data, views or recommendations with respect to the proposed amendments.

No data, views or recommendations have been received.

The proposed amendments are hereby adopted without change as set forth below.

EMERY E. JACOBS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

JANUARY 26, 1962.

1. Section 728.1149 is amended by adding at the end thereof a new sentence to read as follows: "Notwithstanding any other provision of this section, the farm marketing excess of wheat of the 1962 crop shall be twice the normal production of the wheat acreage in excess of the 1962 farm acreage allotment, but if the producer establishes to the satisfaction of the Secretary the actual production of wheat of the 1962 crop on the farm, the farm marketing excess shall be such actual production less the actual production of the 1962 farm wheat acreage allotment, but not in excess of the difference between such actual production on the farm and the normal production of the 1962 farm wheat acreage allotment."

2. Section 728.1162 is amended by adding at the end thereof a new sentence to read as follows: "Notwithstanding the first sentence of this section, the rate of penalty for the 1962 crop of wheat shall be 65 percent of the parity price of wheat as of May 1, 1962."

3. Section 728.1180(a) is amended to read as follows:

(a) *Conditions of exemption.* A farm marketing quota for wheat for any crop shall not be applicable to any farm on which the wheat acreage for such crop is not in excess of 15 acres, or with respect to the 1961 and prior crops of wheat the normal production of the wheat acreage is less than 200 bushels. Notwithstanding the first sentence of this subsection, a farm marketing quota on the 1962 crop of wheat shall be applicable to any farm on which the acreage of wheat for 1962 exceeds the smaller of (1) 13.5 acres, or (2) the highest number of acres actually planted to wheat on the farm for harvest in any of the calendar years 1959, 1960 or 1961.

4. Section 728.1169(m) is amended by changing the sixth sentence thereof to read as follows: "For the purpose of this paragraph the acreage, if any, diverted from the production of wheat under an unexpired conservation reserve contract or an unexpired great plains conservation program contract or under the 1959 wheat stabilization program pursuant to subsection (a) or (c) of section 124 of the Agricultural Act of 1961 will not be considered underplanted wheat acreage."

5. Section 728.1169(i) is amended by changing the last sentence thereof to read as follows: "For the purpose of this paragraph, any acreage considered to be diverted from the production of wheat under a conservation reserve contract or a great plains contract under paragraph (h) of this section or to have been diverted from the production of wheat under the 1962 wheat stabilization program pursuant to subsection (a) or (c) of section 124 of the Agricultural Act of 1961 will be deemed to have produced the normal production of wheat when determining the actual production for the farm."

[F.R. Doc. 62-1020; Filed, Jan. 31, 1962; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-NY-148]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On November 9, 1961, there were published in the FEDERAL REGISTER (26 F.R. 10547), amendments to the regulations of the Administrator stating in part that, effective January 11, 1962, the Federal Aviation Agency proposed altering a segment of low altitude VOR Federal airway No. 31. In describing this alteration, the Rochester N.Y., VOR 126° radial was used. Subsequent to publication of the rule, it was determined that the Rochester VOR 125° radial was the correct radial required to describe this segment of Victor 31. Accordingly, action is taken herein to amend § 600.6031 by substituting the Rochester VOR 125° radial for the 126° radial in the description of Victor 31.

Since this change is editorial in nature and imposes no additional burden on any person, compliance with section 4 of the Administrative Procedure Act is unnecessary and the rule may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12562) § 600.6031 is amended as follows:

In the text of § 600.6031 (14 CFR 600.6031, 26 F.R. 2457) "Rochester, N.Y., VOR 126° radials;" is deleted and "Rochester, N.Y., VOR 125° radials;" is substituted therefore.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on January 25, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1034; Filed, Jan. 31, 1962; 8:45 a.m.]

[Airspace Docket No. 61-WA-41]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

Alteration of Federal Airways and Associated Control Areas; Amendment

On January 11, 1962, Federal Register Document 62-289 was published in the FEDERAL REGISTER (27 F.R. 303) and amended §§ 600.6514 and 601.6514 of the regulations of the Administrator by altering VOR Federal airway No. 514 from Winslow, Ariz., to Taos, N. Mex.

In describing the captions of the amended sections, the VOR Federal airway number was not included. Action is taken herein to correct this omission.

Since these alterations are editorial in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and they may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Federal Register Document 62-289 (27 F.R. 303) is altered by amending the captions of §§ 600.6514 and 601.6514 to read as follows:

§ 600.6514 VOR Federal airway No. 514 (Winslow, Ariz., to Taos, N. Mex., and Tobe, Colo., to Russell, Kans.).

§ 601.6514 VOR Federal airway No. 514 control areas (Winslow, Ariz., to Taos, N. Mex., and Tobe, Colo., to Russell, Kans.).

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 25, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1035; Filed, Jan. 31, 1962; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 46—NUT PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Peanut Butter; Stay of Order Establishing Identity Standard

In the matter of establishing a definition and standard of identity for peanut butter:

In accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 76 Stat. 919; 21 U.S.C. 341, 371), the Commissioner of Food and Drugs, under authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), promulgated an order on November 28, 1961 (26 F.R. 11209), fixing and establishing a definition and standard of identity for peanut butter (21 CFR 46.1). The act permits a period of 30 days for the filing of objections to an order. Within that period a number of associations, manufacturers of peanut butter, and suppliers of ingredients filed statements showing that they would be adversely affected by such an order, stated their objections, and requested a public hearing.

Their objections were directed at one or more of the following: The order in its entirety; the maximum limitation of 10 percent for optional ingredients; the list of optional ingredients, because some wanted additional optional ingredients to be specified and others wanted the standard to permit the use of any safe and suitable optional ingredients, without specification; and the labeling requirements for optional ingredients. Since there were objections to substantially all provisions of the order, the entire order will be stayed pending a hearing on the objections at which time objectors will be given an opportunity to support their objections.

Now, therefore, it is ordered, That the order establishing a definition and standard of identity for peanut butter (26 F.R. 11209) be stayed in its entirety.

In accordance with the provisions of section 701 of the Federal Food, Drug, and Cosmetic Act, the Commissioner will, as soon as practicable, announce a public hearing for the purpose of receiving evidence relevant and material to the issues raised by the objections filed.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended; 21 U.S.C. 341, 371)

Dated: January 25, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-1064; Filed, Jan. 31, 1962; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby authorizes the use of the following substances, under the conditions prescribed in this order:

1. Section 121.90 (21 CFR 121.90) is amended by adding thereto the following new items:

§ 121.90 Further extensions of effective date of statute for certain specified food additives as direct additives to food.

* * * * * * *

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
* * *	* * *	* * *	* * *
Butylated hydroxyanisole	Component of defoamer used in yeast production; limit 0.1% of defoamer.	Jan. 1, 1963	July 1, 1962
Butylated hydroxytoluene	do	do	Do.
Ethylene oxide	Fumigation of starch from corn, wheat, rice, arrowroot, potatoes, and tapioca when such starch is used as a thickener; limit 50 p.p.m. ethylene oxide in starch.	July 1, 1963	Do.
Do	Fumigation of flour from wheat, corn, oats, soybeans, rye, potato, rice, and tapioca when such flour is used as a thickener; limit 50 p.p.m. ethylene oxide in starch.	do	Do.
Eugenol	Component of defoamer used in production of yeast.	Jan. 1, 1963	Do.
Formaldehyde	Component of defoamer used in production of yeast; limit 0.01 p.p.m. in final product.	do	Do.
Glycerin, polymerized, esterified with oleic, stearic, and coconut oil fatty acids (free of chick-edema factor).	Crystallization inhibitor in foods	do	Do.
Isopropyl alcohol	Component of defoamer used in production of yeast.	do	Do.
Lecithin, hydroxylated	do	do	Do.
Petrolatum N.F. and U.S.P.: Ultraviolet absorptivity (as defined in ASTM E-131) at 290 millimicrons-liters per gram centimeter: 2.0 max.	In animal feed; limit 600 p.p.m. in total daily ration; zero in tissues of slaughtered animals, milk, and eggs.	do	Do.
Propylene glycol and glyceryl mono- and diesters from the alcoholosis of soybean oil and/or hydrogenated tallow.	Component of defoamer used in production of yeast.	do	Do.
Propylene oxide	Fumigant in foods; limit 150 p.p.m. residual in food.	do	Do.
Soybean fatty acids, hydroxylated	Component of defoamer used in production of yeast.	do	Do.
Wax, microcrystalline and paraffin, Types I and II (as described in this section).	Component of chewing gum base	do	Do.

FLAVORING SUBSTANCES AND NATURAL SUBSTANCES USED IN CONJUNCTION WITH FLAVORS

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
• • •	• •	• • •	• • •
Artichoke (leaves); *Cynara scolymus* L.		Jan. 1, 1963	July 1, 1962
Boldus (boldo leaves); *Peumus boldus* Mol.		do	Do.
Bryonia (bryony); *Bryonia alba* L.		do	Do.
Castmary; *Chrysanthemum balsamita* L.		do	Do.
Gentian, stemless; *Gentiana acaulis* L.		do	Do.
Germander, golden; *Teucrium polium* L.		do	Do.
Maidenhair fern; *Adiantum capillus veneris.*		do	Do.
Myrtle; *Myrtus communis* L.		do	Do.
Pansy; *Viola tricolor* L.		do	Do.
Rhubarb, garden, root; *Rheum rhaponticum* L.		do	Do.
Senna, Alexandria; *Cassia acutifolia* Delile.		do	Do.
Serpentaria (Virginia snakeroot); *Aristolochia serpentaria* L.		do	Do.
Simaruba (Orinoco bark); *Simaruba amara* Aubl.		do	Do.
Vervain, European; *Verbena officinalis* L.		do	Do.
Violet, Swiss; *Viola calcarata* L.		do	Do.

2. Section 121.91 (21 CFR 121.91) is amended by adding thereto the following new item:

§ 121.91 – Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

• • • • • • •

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
• • •	• • •	• • •	• • •
Di-*tert*-butyl hydroquinone	Component of a processing lubricant in the manufacture of textiles for dry-food packaging.	Jan. 1, 1963	July 1, 1962

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87–19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85–929, as amended, sec. 2, Public Law 87–19; 72 Stat. 1788, as amended, 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: January 24, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62–1023; Filed, Jan. 31, 1962; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Buffered Methicillin Sodium

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay and certification of penicillin and penicillin-containing drugs (21 CFR Parts 141a, 146a) are amended by adding thereto the following new sections:

§ 141a.107 Buffered methicillin sodium (buffered sodium-2,6-dimethoxyphenyl penicillin).

(a) *Potency*—(1) *Preparation of sample.* (i) Dissolve an accurately weighed portion of the drug in 1 percent phosphate buffer, pH 6.0, to obtain an appropriate stock solution for assay.

(ii) Reconstitute the drug as directed in the labeling of the finished product. Using a syringe and needle, transfer a representative aliquot of the drug equivalent to one dose to a 100-milliliter volumetric flask; make to volume with 1 percent phosphate buffer, pH 6.0

(2) *Assay.* Using the solutions described in subparagraph (1) of this paragraph, proceed as directed in § 141a.-103(a).

The micrograms per milligram potency of the weighed sample of the drug is corrected for the sodium citrate content.

(b) *Sterility, pyrogens, toxicity, moisture, pH, crystallinity, methicillin content, and identity.* Proceed as directed in § 141a.103 (b), (c), (d), (e), (f), (g), (h), and (i).

§ 146a.11 Buffered methicillin sodium (buffered sodium-2,6-dimethoxyphenyl penicillin).

(a) *Standards of identity, strength, quality, and purity.* Buffered methicillin sodium conforms to all the requirements and is subject to all procedures prescribed by § 146a.15(a) for methicillin sodium, except that:

(1) It contains the buffer sodium citrate in a quantity not less than 4.0 percent and not more than 5.0 percent by weight of its total solids; such sodium citrate conforms to the standards prescribed therefor by the U.S.P.

(2) It may contain one or more suitable preservatives.

(3) The methicillin content is corrected for the sodium citrate content.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U.S.P., and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless, transparent glass. Each such container shall contain 1 gram, 2 grams, 3 grams, 4 grams, 5 grams, or 6 grams.

(c) *Labeling*—(1) *If it is packaged for dispensing and it is intended for use by man.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container, the statement "Expiration date _____," the blank being filled in with the date that is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container.

(ii) On the circular or other labeling within or attached to the package, the statement, "Reconstituted solutions may be stored for not more than 24 hours at room temperature and not more than 4 days under refrigeration."

(2) *If it is packaged solely for manufacturing use and/or repacking.* Each package shall bear on its outside wrapper or container and the immediate container the following:

(i) The number of micrograms of the free acid of methicillin per milligram and the number of grams or kilograms in the immediate container.

(ii) The statement "Caution: Federal law prohibits dispensing without prescription."

(iii) The statement "For manufacturing use," "For repacking," or "For manufacturing use or repacking."

(iv) The statement "Expiration date _____," the blank being filled in with the date that is 24 months after the month during which the batch was certified.

(d) *Request for certification, check tests, and assays; samples.* Proceed as directed in § 146a.15(d), except that a person who requests certification of a batch shall also submit with his request a statement showing the quantity of sodium citrate used in making the batch and that such sodium citrate conforms to the requirements prescribed therefor by this section. In case of an initial request for certification, he shall submit an accurately representative sample of such sodium citrate consisting of approximately 5 grams.

(e) *Fee.* In addition to the fees prescribed in § 146a.15(e) the fee for the services rendered with respect to the sample of sodium citrate submitted as prescribed in paragraph (d) of this section shall be $4.00.

In the promulgation of this order, I find that compliance with the provisions of section 4 of the Administrative Procedure Act, requiring notice of proposed rule-making and a delayed effective date, would not be in the best interests of the public health. I further find that the conditions for the certification of buffered methicillin sodium, concerning its safety and efficacy of use, have been complied with.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: January 24, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62–1062; Filed, Jan. 31, 1962; 8:48 a.m.]

PART 141a—PENICILLIN AND PENICILLIN - CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146—GENERAL REGULATIONS FOR CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC - CONTAINING DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Order Changing Name of Dimethoxyphenyl Penicillin Sodium to Methicillin Sodium

No objections were filed to a notice of proposed rule-making published in the FEDERAL REGISTER of December 6, 1961 (26 F.R. 11684), with regard to changing the name of dimethoxyphenyl penicillin sodium to methicillin sodium. Therefore, the Commissioner of Food and Drugs, pursuant to the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and the authority delegated to him by the Secretary of Health, Education, and Welfare (26 F.R. 8625), orders the following amendments:

The name "dimethoxyphenyl penicillin sodium" is changed to read "methicillin sodium" and the name "dimethoxyphenyl penicillin" is changed to "methicillin" in Parts 141a, 146, 146a, and 147 of this chapter:

1. In § 141a.103, the section heading is changed to read as follows: § 141a.103 *Methicillin sodium.*

2. Section 141a.103(a), first sentence.

3. Section 141a.103(a)(1)(ii), second sentence.

4. Section 141a.103(h), paragraph heading, ninth sentence, and equation.

5. Section 146.1(b)(1), sixth sentence (three places).

6. Section 146.1(c)(1)(viii) (two places).

7. Section 146.1(d)(1)(v) (two places).

8. In § 146a.15, the section heading is changed to read as follows: § 146a.15 *Methicillin sodium.*

9. Section 146a.15(a), first sentence.

10. Section 146a.15(a)(1), (a)(7), (c)(1)(ii).

11. Section 146a.15(d)(1), second sentence.

12. Section 147.1(c)(3), tabulation.

13. Section 147.1(d), tabulation.

14. Section 147.2(a), first sentence.

15. Section 147.2(a)(9).

16. Section 147.2(c)(1)(iii)(a).

Effective date. This order shall become effective for all batches received for certification by the Food and Drug Administration after March 15, 1962.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: January 25, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62–1063; Filed, Jan. 31, 1962; 8:49 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Paste-Wax Preparations; Exemptions From Labeling Requirements

There have been submitted to the Commissioner of Food and Drugs a number of petitions requesting that semisolid wax preparations, such as floor and furniture wax, auto paste wax, and shoe paste wax, be exempted from certain labeling requirements of the Federal Hazardous Substances Labeling Act. These special labeling requirements are invoked for products containing 10 percent or more of turpentine and/or petroleum distillates, such as kerosene, mineral seal oil, naphtha, gasoline, benzine, mineral spirits, paint thinner, and Stoddard solvents. The reason for this requirement is the special hazard of aspiration of the turpentine or petroleum distillates into the lungs, causing chemical pneumonitis, pneumonia, and pulmonary edema. The petitioners allege that semisolids containing 10 percent or more of turpentine and petroleum distillates, because of their physical form, do not present an aspiration hazard, and the special labeling requirements are therefore not necessary.

The Commissioner concludes from the information supplied by the petitioners, and gathered on his own initiative, concerning human experience with these products, that the physical form of paste-wax preparations containing 10 percent or more of turpentine and/or petroleum distillates is such that the aspiration hazards are no longer present. He therefore finds that for such products the special labeling requirements imposed by § 191.7(b)(3) of the regulations are not necessary for the protection of the public health. Therefore, pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner (25 F.R. 8625), § 191.-63 is amended by adding thereto a new paragraph (h), reading as follows:

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

• • • • • •

(h) Containers of paste shoe waxes, paste auto waxes, and paste furniture and floor waxes containing petroleum distillates and/or turpentine in the concentrations described in § 191.7(a) (4) and (6) are exempt from the labeling requirements of § 191.7(b)(3) if the viscosity of such products is sufficiently high that they will not flow from their opened containers when inverted for 5 minutes at a temperature of 80° Fahrenheit.

The Commissioner finds that because of the minor hazard involved, it is not necessary for the adequate protection of the public health and safety to require the special label statements listed in § 191.7(b)(3) for the paste wax product described in § 191.63(h). Therefore, notice and public procedure are not necessary prerequisites to the promulgation of this order.

Effective date. This order shall become effective February 1, 1962.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: January 25, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62–1061; Filed, Jan. 31, 1962; 8:48 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

PART 604—METAL, MACHINERY, TRANSPORTATION EQUIPMENT, AND ALLIED PRODUCTS INDUSTRY IN PUERTO RICO

PART 606—ELECTRICAL, INSTRUMENT, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

PART 677—PAPER, PAPER PRODUCTS, PRINTING, AND PUBLISHING INDUSTRY IN PUERTO RICO

PART 690—FABRICATED PLASTIC PRODUCTS INDUSTRY IN PUERTO RICO

Minimum Wages

Section 5(c) of the Fair Labor Standards Amendments of 1961 (Pub. Law 87–

30) provides for increases of fifteen percent in the wage rates applicable under certain classifications in the first three of the above entitled industries in Puerto Rico on March 12, and 13, 1962.

Accordingly, pursuant to sections 6(c) and 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(c), 208) as amended by section 5(c) of the Fair Labor Standards Amendments of 1961 (Pub. Law 87-30), Reorganization Plan No. 6 of 1950 (3 CFR 1949-1953 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), I hereby amend 29 CFR Parts 604, 606 and 690 as set forth below.

This document also provides for an editorial correction to 29 CFR 677.2(c) (26 F.R. 9625).

As these amendments involve no element of discretion they are hereby adopted without public procedure thereon which I find to be unnecessary.

1. Effective March 13, 1962, paragraphs (c), (d), and (e) of 29 CFR 604.2, are amended to read as follows:

§ 604.2 Wage rates.

* * * * *

(c) Wages at a rate of not less than $1.15 an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the wire drawing classification of the metal, machinery, transportation equipment, and allied products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification is defined as the drawing or redrawing of wire from rod and wire and the further fabrication of such wire products as nails, spikes, chain, and fencing.

(d) Wages at a rate of not less than $1.12 an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the metal spring classification of the metal, machinery, transportation equipment, and allied products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification is defined as the manufacture of metal springs, including leaf springs, coil springs, and wire springs.

(e) Wages at a rate of not less than $1.09 an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the slide fastener classification of the metal, machinery, transportation equipment, and allied products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification is defined as the manufacture of slide fasteners.

2. Effective March 13, 1962, paragraphs (c), (d), and (e) of 29 CFR 606.2 are amended to read as follows:

§ 606.2 Wage rates.

* * * * *

(c) Wages at a rate of not less than $1.15 an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in classification C of the electrical, instrument, and related products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification is defined as the manufacture of capacitors, transistors, coils and coil forms, hermetic seals, crystal units, rectifiers, electronic tubes, television picture tubes, television sets, refrigerators, phonograph pickup cartridges, electric baseboard heating units, heating pads and massage pads, Christmas lighting sets, thermometers, drafting instruments, surgical administration sets, and watches.

(d) Wages at a rate of not less than $1.035 an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in classification D of the electrical, instrument, and related products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification is defined as the grinding and manufacture of optical and ophthalmic lenses and prisms.

(e) Wages at a rate of not less than $1.09 an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in classification E of the electrical, instrument, and related products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification is defined as the manufacture of transformers, wire-wound resistors, and all products and activities not specifically included in any other classification of this industry.

3. Effective March 12, 1961, paragraphs (b), (c), and (d) of 29 CFR 690.2 are amended to read as follows:

§ 690.2 Wage rates.

* * * * *

(b) Wages at a rate of not less than $1.105 an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the phonograph record classification of the fabricated plastic products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification is defined as the manufacture of phonograph records.

(c) Wages at a rate of not less than 92 cents an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the wall tile classification of the fabricated plastic products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification is defined as the manufacture of plastic wall tile and wall tile accessories.

(d) Wages at a rate of not less than 85 cents an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general classification of the fabricated plastic products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification is defined as the manufacture of all products not included in the other classifications of the industry.

4. Effective immediately, paragraph (c) of 29 CFR 677.2 is amended to read as follows:

§ 677.2 Wage rates.

* * * * *

(c) Wages at a rate of not less than $1.035 an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the paper, paper products, printing, and publishing industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and who is also engaged in the general classification of that industry, which is defined as all products and all activities not included in the other classifications of the industry.

Signed at Washington, D.C., this 26th day of January 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-1047; Filed, Jan. 31, 1962; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8441 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Onyx Art Creators, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.170 *Qualities or properties of product or service:* § 13.170-30 *Durability or Permanence.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Onyx Art Creators, Inc., et al., Brooklyn, N.Y., Docket 8441, Oct. 16, 1961]

In the Matter of Onyx Art Creators, Inc., a Corporation, and Jack Weiger and Joseph Dinner, Individually and as Officers of the Said Corporation

Consent order requiring Brooklyn, N.Y., manufacturers of trophies and awards to cease representing falsely in catalogs and other media distributed to dealers that their said products were made of "Bianco Marble" and were "Everlasting" when in fact they were made of the much less durable alabaster and thus much more subject to damage and destruction.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Onyx Art Creators, Inc., a corporation, and its officers, and Jack Weiger and Joseph Dinner, individually and as officers of the said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the manufacture, advertising, offering for sale, sale or distribution of trophies or awards, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "bianco marble", "marble", or any other term of similar import or meaning, to designate, describe, or refer to, the alabaster contained in any product; or misrepresenting in any manner the composition of any product.

2. Misrepresenting by use of the word "everlasting", or any other term of similar import or meaning, that their products will last forever; or misrepresenting in any manner the durability of any product.

3. Placing in the hands of others any means or instrumentality by or through which the public may be misled with respect to any of the representations prohibited under paragraphs 1 and 2 hereof.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-1039; Filed, Jan. 31, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER H—GRAZING

[Circular 2070]

PART 161—THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS

Issuance of Licenses and Permits

Correction

In F.R. Doc. 61-11810 appearing at page 11975 of the issue for Thursday, December 14, 1961, § 161.13(g) is corrected to read as set forth below:

(g) *National Advisory Board Council.* The livestock members of each State advisory board shall select from their number, at its first meeting of each new term, one member and one alternate representing cattle and horses, and one member and one alternate representing sheep and goats, to serve on the National Advisory Board Council. The elected wildlife member or his alternate on each State advisory board will serve on the National Advisory Board Council representing wildlife interests. The State Director from each of the ten Western States with organized grazing districts shall submit a list of nominees, selected from the nonlivestock and nonwildlife membership on the State board. From this list, and other sources as he may determine, the Secretary of the Interior or his authorized representative shall appoint members, not exceeding ten in number, to the National Advisory Board Council to represent nonlivestock and nonwildlife interests. In addition to the above membership, one member from each of the States of Alaska and Washington will be appointed by the Secretary of the Interior or his authorized representative from a list submitted by the respective State Directors pursuant to nominations made by State or local government officers or organizations reflecting interests in grazing or other uses of public lands. The Council shall select from its members one member to be chairman of the Council. The cochairman of the Council shall be an official of the Department of the Interior appointed by the Secretary of the Interior who shall set the time and place for such meetings of the National Advisory Board Council.

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2594]

[Los Angeles 0163998]

[Sacramento 065966]

CALIFORNIA

Establishing Monache-Walker Pass National Cooperative Land and Wildlife Management Area

Correction

In F.R. Doc. 62-875, appearing at page 779 of the issue for Friday, January 26, 1962, the following correction is made under T. 27 S., R. 32 E. of the land description: The entry for sec. 12 should terminate with the designation "and NW¼SW¼;" instead of "and NW¼SE¼;".

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOXAPHENE

Notice of Filing of Petition for Establishment of Tolerance for Residues

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition has been filed by Hercules Powder Co., Wilmington 99, Del., proposing the establishment of a tolerance of 3 parts per million for residues of toxaphene (chlorinated camphene containing 67 percent-69 percent chlorine) in or on pineapple.

The analytical method referred to in the petition for residues of toxaphene on pineapple involves the determination of organic chlorine by reduction with sodium metal in isopropyl alcohol, followed by amperometric titration of the resulting chloride ion with silver nitrate.

Dated: January 25, 1962.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 62-1060; Filed, Jan. 31, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petitions

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that petitions (FAP 503,559) have been filed by American Cyanamid Co., Agricultural Center, Post Office Box 383, Princeton, N.J., proposing the issuance of a regulation to establish tolerances for chlortetracycline and neomycin in the edible tissues of calves, as follows:

Chlortetracycline:

4 parts per million in uncooked liver and kidney.

1 part per million in uncooked muscle and fat.

Neomycin:

Zero in all edible tissues.

Dated: January 26, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-1054; Filed, Jan. 31, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 663) has been filed by E. I. du Pont de Nemours and Co., Inc., Wilmington 98, Del., proposing the issuance of a regulation to provide for the safe use of colloidal silicon dioxide in an amount not to exceed 1.0 percent as the sole anticaking agent in animal feed supplements.

Dated: January 26, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-1055; Filed, Jan. 31, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 672) has been filed by Hercules Powder Co., Inc., 910 Market Street, Wilmington 99, Del., proposing the issuance of a regulation to provide for the safe use of sodium lignosulfonate as a dispersant in alkyl ketene dimer emulsions used as sizing agents in the manufacture of paper and paperboard intended for use in packaging, transporting, or holding food.

Dated: January 26, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-1057; Filed, Jan. 31, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 675) has been filed by Charles Pfizer and Co., Inc., 235 East 42d Street, New York 17, N.Y., proposing the issuance of a regulation to provide for the safe use of 200 parts per million of diethyl pyrocarbonate in wine as a sterilizing agent.

Dated: January 26, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-1058; Filed, Jan. 31, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Withdrawal of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Shell Chemical Co., 50 West Fiftieth Street, New York 20, N.Y., has withdrawn its petition (FAP 208) proposing the issuance of a regulation to provide for the safe use in animal feed of ethyl alcohol containing certain denaturants for increasing weight gains and improving feed efficiency. The notice of filing of this petition appeared in the FEDERAL REGISTER of January 10, 1961 (26 F.R. 168).

The withdrawal of this petition is without prejudice to a future filing.

Dated: January 26, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-1059; Filed, Jan. 31, 1962; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 33]

SPORT FISHING

Modoc National Wildlife Refuge, California; Proposed Addition to List of Open Areas

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), it is proposed to amend 50 CFR 33.4 by the addition of the Modoc National Wildlife Refuge, California, to the list of wildlife refuge areas open to public sport fishing as legislatively permitted.

It has been determined that regulated public sport fishing may be permitted on the Modoc National Wildlife Refuge without detriment to the objective for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized.

§ 33.4 List of open areas; sport fishing.

* * * * *

CALIFORNIA

Modoc National Wildlife Refuge.

STEWART L. UDALL,
Secretary of the Interior.

JANUARY 26, 1962.

[F.R. Doc. 62-1040; Filed, Jan. 31, 1962; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-NY-58]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6051 and 601.6051 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 51 extends in part from Crossville, Tenn., to Louisville, Ky., via New Hope, Ky. The Federal Aviation Agency has under consideration the designation of an east alternate to Victor 51 from the Bakerton Intersection (intersection of the London, Ky., VORTAC 260° and the New Hope VOR 163° True radials) to the Louisville VORTAC via the intersection of the Lexington, Ky., VORTAC 213° and the Louisville VORTAC 148° True radials. The airspace between this proposed east alternate airway and Victor 51 would not be designated as controlled airspace.

Victor 51 east alternate, as proposed, would provide an additional southbound departure route from the Louisville terminal area and provide a low altitude airway for transition to intermediate altitude VOR Federal airway No. 1515.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 25, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-1033; Filed, Jan. 31, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14419, RM-268; FCC 62-98]

PRE-SUNRISE OPERATION BY STANDARD BROADCAST STATIONS

Order Granting Petition and Extending Time for Filing of Comments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., this 25th day of January 1962.

1. Comments in the above-entitled rule making proceeding are presently due to be filed on or before February 8, 1962, and reply comments on or before February 19, 1962. In petitions filed January 12 and January 16, 1962, respectively, Daytime Broadcasters Association (D.B.A.) and the law firm of Cohn and Marks have requested an extension of time for filing comments (D.B.A. requests an extension until May 15, 1962; Cohn and Marks request extension until March 8, 1962). A statement in support of the D.B.A. request was filed on January 17, 1962 by D. F. Prince and Ray R. Paul, attorneys, on behalf of the licensees of some 19 daytime-only Class III stations.

2. D.B.A. advances in support of its request the need or getting and correlating the views and comments of its numerous member and other daytime stations, many of whom would be affected if the proposal advanced herein is adopted, and asserts that this can best be done at the association's meeting to be held in connection with the N.A.B. convention (this year, early in April). It is also asserted that § 3.87 has practical effect only in months when sunrise is relatively late and thus the requested extension would not delay effectuation of the new rule as a practical matter if it is decided to be in the public interest. The statement in support of the D.B.A. petition, and the Cohn and Marks petition, urge substantially similar considerations.

3. It is also to be noted that the caption of this proceeding is perhaps not clear, in that it refers to amendment of § 3.87 with respect to regional channels, whereas the proposal contained in the notice of proposed rule making would also affect Class II stations, to which § 3.87, as revised, would no longer apply so that "pre-sunrise" operation by stations of this class would not generally be permitted. We take this opportunity to clarify this matter by calling attention to the fact that a few Class II stations would be so affected under the proposal; and it is appropriate to extend the time for filing comments in view of the possible ambiguity previously existing.

4. Under the circumstances, it appears that sufficient good cause exists for grant of the D.B.A. petition, and that the time for filing comments should be extended to May 15, 1962, with corresponding extension of time for filing reply comments.

5. Because of the extension of time granted herein, resolution of this proceeding will take longer than had been anticipated. This raises the possibilities that in the interim authorization of a substantial number of new or changed daytime facilities, with § 3.87 privileges, might further complicate the "pre-sunrise" situation while that situation is under review. Therefore, it is inappropriate to permit facilities initially authorized while this proceeding is pending to engage in "pre-sunrise" operation. Accordingly, pending resolution of this proceeding, all grants of construction permits for daytime facilities—either new facilities or major changes in facilities—for Class II and Class III stations (both daytime-only stations and stations operating differently day and night) will

be expressly subject to the condition that no pre-sunrise operation will be permitted under § 3.87.

6. *Accordingly, it is ordered,* This 25th day of January 1962, that the petitions of Daytime Broadcasters Association and Cohn and Marks are granted; that the time for filing comments herein is extended to and including May 15, 1962; and that the time for filing reply comments herein is extended to and including June 4, 1962.

7. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended.

Released: January 29, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1071; Filed, Jan. 31, 1962; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

FIRST NATIONAL BANK OF PROVINCETOWN, PROVINCETOWN, MASSACHUSETTS

Application for a Branch in Chatham, Massachusetts

Notice of Hearing

A public hearing will be held at the request of The First National Bank of Provincetown, Provincetown, Massachusetts, the Cape Cod Trust Company of Harwich Port, Massachusetts, The Cape Cod Five Cents Savings Bank, Harwich Port, Massachusetts, the Chatham Trust Company, Chatham, Massachusetts, and the Commissioner of Banks of Massachusetts on the application of The First National Bank of Provincetown to establish a branch in Chatham, Massachusetts.

The hearing will be held on Monday, February 12, 1962, at 9:30 a.m., in Room 4119, Main Treasury Building, Washington, D.C.

All persons desiring to testify should notify the Comptroller of the Currency by February 7, 1962.

Dated: January 29, 1962.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62-1066; Filed, Jan. 31, 1962; 8:50 a.m.]

Secret Service

[Delegation Order 1, Rev. 2]

CERTAIN OFFICERS

Delegation of Authority

By virtue of the authority vested in me by Treasury Department Order No. 129 (Revision No. 2) dated April 22, 1955, it is hereby ordered as follows:

1. The following officers of the United States Secret Service, in the order of succession enumerated, shall act as Chief, U.S. Secret Service, during the absence or disability of the Chief, or when there is a vacancy in such office:

(1) Deputy Chief.
(2) Assistant Chief.
(3) Chief Inspector.
(4) Inspector, Region number 1.
(5) Inspector, Region number 2.
(6) Inspector, Region number 3.
(7) Inspector, Region number 4.
(8) Special Agent in Charge, Richmond, Va.
(9) Special Agent in Charge, Jacksonville, Fla.
(10) Special Agent in Charge, Miami, Fla.

2. In the event of an enemy attack on the continental United States, all Special Agents in Charge of Secret Service field officers, including the Special Agent in Charge of the White House Detail, are authorized in their respective districts to perform any function of the Chief, U.S. Secret Service, or the Secretary of the Treasury, whether or not otherwise delegated, which is essential to the carrying out of responsibilities otherwise assigned to them. The respective officers will be notified when they are to cease exercising the authority delegated in this paragraph.

[SEAL] JAMES J. ROWLEY,
Chief, U.S. Secret Service.

JANUARY 18, 1962.

[F.R. Doc. 62-1067; Filed, Jan. 31, 1962; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 16, 1962.

The Federal Aviation Agency has filed an application, Serial Number Fairbanks 027227 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, except the laws relating to material sales. The applicant desires the land for the establishment of an Air Navigation Aid.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Fairbanks District Office, 516 Second Avenue, Fairbanks, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced. The determination of the Secretary on the application will be published in the FEDERAL REGISTER.

A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NOME AREA

PARCEL 1

Beginning at Corner No. 7 of U.S. Mineral Survey No. 1295, Elks Placer; thence North 1,768.41 feet; thence East 4,172.94 feet; thence South 2,840.02 feet; thence S. 45°00' W. 305.44 feet to a point on the 2–3 line of Happy Thought Association Placer, U.S. Mineral Survey No. 1295; thence N. 76°26' W. 1,024.54 feet to Corner No. 2 of Happy Thought; thence N. 71°04' W. 1,128.5 feet to Corner No. 1 of Happy Thought, which is the same as Corner No. 1 of Target Fraction, and which lies S. 41°07' W. 145.7 feet from U.S. Location Monument No. 1295; thence N. 70°52' W. 719.5 feet to Corner No. 4 of Target Fraction, which is the same as Corner No. 1 of Elks Placer; thence N. 69°52' W. 1,293 feet to Corner No. 7 of Elks Placer and is a point on the 4–5 line of Dora Association, which is the point of beginning; containing 118.65 acres, more or less.

PARCEL 2

Beginning at Corner No. 3 of said Elks Placer; thence S. 78°40' E. 1,078.2 feet to Corner No. 2 of Elks Placer, which is the same as Corner No. 3 of Target Fraction; thence S. 68°21' E. 386 feet to Corner No. 2 of Target Fraction, which is the same as Corner No. 6 of Happy Thought; thence S. 67°46' E. 1,065 feet to a point on the 6–5 line of Happy Thought which is the same as Corner No. 1 of Lillian Association; thence S. 12°30' W. 1,132.6 feet to Corner No. 6 of Lillian Association; thence N. 50°27'39" W. 2,929.62 feet to the point of beginning; containing 35.98 acres, more or less.

PARCEL 3a

A road right-of-way 100 feet wide, the centerline of which is described as follows: from Corner No. 7 of Elks Placer, U.S. Mineral Survey No. 1295 go N. 34°58' W. 62.50 feet to said road centerline; thence N. 82°42'13" W. 217.84 feet; thence S. 66°54'02" W. 1,100.00 feet; thence S. 67°54'02" W. 69.00 feet to a point on the 2–3 line of Dora Association, which is the point of beginning; thence S. 65°54'02" W. 831.40 feet, thence S. 77°54'02" W. 902.03 feet; thence N. 84°05'58" W. 300 feet, more or less, to the Nome-Solomon road at a point approximately 1,150 feet southeasterly from the Nome River bridge; containing 4.67 acres, more or less.

PARCEL 3b

A road right-of-way 100 feet wide, the centerline of which is described as follows: from Corner No. 7 of Elks Placer, U.S. Mineral Survey No. 1295, go N. 34°58' W. 62.50 feet to the point of beginning; thence S. 82°42'13" E. 42.03 feet, more or less; containing 0.05 acres, more or less.

The total area described in this application is 159.35 acres, more or less.

RICHARD L. QUINTUS,
District Manager, Fairbanks.

[F.R. Doc. 62-1065; Filed, Jan. 31, 1962; 8:49 a.m.]

[Serial No. Idaho 013032]

IDAHO

Order Providing for Opening of Public Lands

JANUARY 24, 1962.

In exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269); as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g) the following described lands have been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

PARCEL 1

T. 9 N., R. 26 E.,
Sec. 30: NW¼SE¼, S½SE¼.
The lands are located about 20 miles from Leslie, Idaho, in Butte County.

PARCEL 2

T. 7 N., R. 35 E.,
Sec. 19: SE¼NE¼;
Sec. 20: SW¼NW¼.
The lands are located 7 miles northeast of Terreton, in Jefferson County, Idaho.

PARCEL 3

T. 5 S., R. 5 E.,
Sec. 2: S½;
Sec. 10: SE¼NE¼, NE¼SE¼;
Sec. 11: W½SW¼;
Sec. 14: NW¼.
The lands are located from 3 to 6 miles northerly of Hammett in Elmore County, Idaho.

PARCEL 4

T. 15 S., R. 31 E.,
Sec. 19: SW¼NE¼.
T. 15 S., R. 32 E.,
Sec. 31: N½SE¼, SE¼SE¼.
The lands are located about 14 miles southwest of Holbrook in Oneida County, Idaho.

PARCEL 5

T. 14 S., R. 30 E.,
Sec. 16: S½.
The lands are located about 16 miles northeasterly of Holbrook in Oneida County, Idaho.

The areas described aggregate 1,320 acres.

The lands involved are scattered throughout southeastern Idaho and are generally suitable for the grazing of livestock. The topography varies from nearly level to mountainous. The soils vary also from sandy to clay loams. The vegetative cover is typical of grazing land in the area. The lands vary in elevation from about 3,100 to 7,000 feet above sea level. Some of the land may have agricultural potential provided an adequate source of water was available for irrigation.

The public lands affected by this order are hereby restored to the operation of the public land laws subject to any valid existing rights, and the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations.

Applications and offers for all of the lands in parcels 2, 3, and 4 received under the mineral leasing laws prior to 10:00 a.m. on January 24, 1962, will be considered as simultaneously filed as of that date and hour; and all the lands in these same parcels will be open to mining location at that date and hour.

The lands in parcel 1 have always been open to mineral leasing and mining location. The minerals in parcel 5 are reserved to the State of Idaho under the provisions of Section 47-701 of the Idaho Code.

Inquiries and applications concerning the above lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 2237, Boise, Idaho.

JOE T. FALLINI,
State Director.

[F.R. Doc. 62-1041; Filed, Jan. 31, 1962; 8:46 a.m.]

[Utah (I-39)]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 24, 1962.

The Bureau of Reclamation of the Department of the Interior has filed an application, Serial No. Utah 069117, for the withdrawal of the following described lands from public entry under the first form of withdrawal as provided by section 3 of the act of June 17, 1902 (32 Stat. 388), subject to valid existing rights.

The applicant desires the land for the proposed construction of the Dixie project features and for potential farm units in connection with that project. Grazing administration will remain under the jurisdiction of the Bureau of Land Management until the land is required under the project.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Darling Building, P.O. Box 777, Salt Lake City 10, Utah.

If the circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

T. 41 S., R. 12 W.,
Sec. 33: N½;
Sec. 34: N½;
Sec. 35: N½.
T. 41 S., R. 13 W.,
Sec. 25: Lots 5, 6, NW¼NE¼, N½SE¼;
Sec. 27: W½NW¼;
Sec. 28: NE¼NE¼, NW¼NW¼, NW¼SE¼;
Sec. 29: E½, E½NW¼, SW¼NW¼, SW¼;
Sec. 30: Lots 1-6, incl., SW¼NE¼, N½SE¼.
T. 42 S., R. 13 W.,
Sec. 8: NW¼NE¼;
Sec. 10: SE¼SE¼;
Sec. 11: Lots 1, 3-8, incl.;
Sec. 15: Lots 2-4, incl., E½E½;
Sec. 19: Lots 1-12, incl.;
Sec. 27: W½;
Sec. 28: NW¼NW¼, NW¼SE¼;
Sec. 29: W½;
Sec. 30: All;
Sec. 31: All;
Sec. 33: SW¼, S½SE¼, NE¼SE¼;
Sec. 34: W½.
T. 43 S., R. 13 W.,
Sec. 4: All;
Sec. 5: All;
Sec. 6: All.
T. 41 S., R. 14 W.,
Sec. 25: Lot 10, W½SE¼;
Sec. 34: Lots 3, 4, W½SE¼;
Sec. 35: Lots 1-11, incl., S½NE¼, E½NW¼, NE¼SW¼, N½SE¼.
T. 42 S., R. 14 W.,
Sec. 3: Lots 1-14, incl.;
Sec. 4: Lots 1, 3, 4, 6-10, incl., S½NW¼, N½SW¼;
Sec. 5: All;
Sec. 9: W½NE¼, W½, SE¼;
Sec. 10: Lots 1-11, incl., W½SW¼, NE¼SE¼, SE¼NW¼.
Sec. 11: Lot 2, SW¼SE¼;
Sec. 13: SW¼;
Sec. 14: W½NE¼, E½NW¼, SW¼NW¼, S½;
Sec. 15: Lot 2, SW¼NE¼, S½S½;
Sec. 17: N½;
Sec. 19: Lots 2, 3, 10, 17, 19, S½SE¼;
Sec. 20: Lot 5, S½SW¼;
Sec. 21: SE¼;
Sec. 22: All;
Sec. 23: All;
Sec. 24: All;
Sec. 25: All;
Sec. 26: All;
Sec. 27: All;
Sec. 28: E½NE¼, SW¼NE¼, W½, SE¼;
Sec. 29: N½, N½SW¼, NE¼SW¼, SE¼;
Sec. 30: All;
Sec. 31: All;
Sec. 33: All.
T. 43 S., R. 14 W.,
Sec. 1: All;
Sec. 4: W½;
Sec. 5: E½, NW¼, N½SW¼, SE¼SW¼;
Sec. 6: Lots 1-4, incl., NE¼, E½W½, E½SE¼;
Sec. 7: Lots 1-4, incl., SW¼NE¼, E½W½, W½SE¼;
Sec. 8: E½;
Sec. 9: W½;
Sec. 17: E½E½;
Sec. 18: Lots 1-4, incl., W½E½, E½W½;
Sec. 19: Lots 1-4, incl., W½E½, E½W½, E½SE¼;
Sec. 20: NW¼SW¼, S½S½;
Sec. 21: E½, E½W½, SW¼SW¼;
Sec. 22: All;
Sec. 25: All;
Sec. 26: All;
Sec. 27: All;
Sec. 28: All;
Sec. 29: All;
Sec. 30: All;
Sec. 31: Lots 3, 5, 6, NE¼, NE¼NW¼;
Sec. 33: All;
Sec. 34: All;
Sec. 35: All.
T. 42 S., R. 15 W.,
Sec. 14: SW¼NE¼;
Sec. 15: NW¼NW¼;
Sec. 19: Lot 1, NE¼, E½NW¼;
Sec. 20: W½NW¼, NW¼SW¼;
Sec. 23: Lot 1, NW¼NE¼;
Sec. 24: NE¼, E½W½, NW¼SE¼;
Sec. 25: S½NE¼, SE¼NW¼, SE¼.
T. 43 S., R. 15 W.,
Sec. 1: Lots 1, 2, 4, 5, 6, 7, 10, 11, 12, 13, 14;
Sec. 7: Lots 3, 4, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 8: SW¼NW¼, W½SW¼, SE¼SE¼;
Sec. 9: SW¼SW¼;
Sec. 11: Lot 11;
Sec. 12: E½;
Sec. 13: N½, E½SW¼, SE¼;
Sec. 14: NE¼, N½NW¼, SW¼NW¼;
Sec. 15: S½NE¼, S½;
Sec. 21: N½;
Sec. 22: W½NE¼, W½, W½SE¼, SE¼SE¼;
Sec. 24: NE¼, W½NW¼;
Sec. 25: All;
Sec. 26: All;
Sec. 27: All;
Sec. 34: All;
Sec. 35: All.
T. 41 S., R. 16 W.,
Sec. 30: Lot 1;
Sec. 31: E½NE¼;
Sec. 33: E½SE¼.
T. 42 S., R. 16 W.,
Sec. 4: Lots 4, 7, 8, 9, SW¼NE¼, S½NW¼, E½SW¼, NW¼SW¼;
Sec. 5: SE¼NE¼;
Sec. 7: Lots 1-8, incl., S½NE¼, E½NW¼, N½SE¼;
Sec. 8: W½SW¼, SE¼SW¼;
Sec. 9: Lots 1-6, incl., E½NW¼, W½SW¼, E½SW¼;
Sec. 15: W½E½, NW¼NW¼, SE¼NW¼, E½SW¼;
Sec. 17: Lots 1, 3-8, incl., NE¼NW¼, NW¼SE¼;
Sec. 18: All;

Sec. 21: Lots 1-4 and 6-8, incl., SE¼NE¼, W½NE¼, E½NW¼, N½SE¼;
Sec. 24: N½NE¼;
Sec. 25: Lots 7, 8;
Sec. 26: Lot 4;
Sec. 35: NW¼NW¼, S½NW¼, N½SW¼.
T. 43 S., R. 16 W.,
Sec. 1: S½NW¼;
Sec. 12: Lots 3, 4, 9, N½NW¼, SW¼NW¼;
Sec. 13: SE¼NE¼, SE¼SW¼, S½SE¼, NE¼SE¼.
T. 40 S., R. 17 W.,
Sec. 29: S½NE¼, W½SE¼;
Sec. 33: Lot 4.
T. 41 S., R. 17 W.,
Sec. 4: Lots 4, 5, 12;
Sec. 5: Lots 1-12, incl., NE¼SW¼, SE¼;
Sec. 8: E½, E½NW¼.
T. 42 S., R. 17 W.,
Sec. 12: E½NE¼, NW¼NE¼, W½; NE¼SE¼.

The above areas aggregate 46,204.90 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 62-1042; Filed, Jan. 31, 1962; 8:46 a.m.]

[Utah (I-40)]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands; Amendment

JANUARY 25, 1962.

Notice of an application, Serial No. U-053035, for withdrawal and reservation of lands was published in the FEDERAL REGISTER, Document No. 60-10265, on page 10500 of the issue for November 2, 1960. The Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, U.S. Department of the Interior, has now requested that the proposed withdrawal be extended to include the minerals, title to which remains in the United States, in certain tribal lands and other lands acquired for the establishment of the Ouray National Wildlife Refuge. It is, therefore, proposed that the lands described below be withdrawn from appropriation under the mining laws, but not the mineral leasing laws, subject to existing withdrawals and valid existing rights.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections or comments in writing to the State Director for Utah, Bureau of Land Management, Darling Building, P.O. Box 777, Salt Lake City 10, Utah. If any objections are filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the proposed withdrawal may state their views, and where proponents may explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the amendment on which the proposed withdrawal is extended to include the minerals are:

TRIBAL LANDS

SALT LAKE MERIDIAN

T. 8 S., R. 20 E.
Sec. 13: NE¼SE¼, S½SE¼;
Sec. 24: NE¼NW¼.

Containing 160 acres, more or less, together with all accretion or reliction lands appertinent thereto.

ACQUIRED LANDS

SALT LAKE MERIDIAN

T. 7 S., R. 20 E.,
Sec. 24: NW¼NE¼, NW¼.
T. 8 S., R. 20 E.,
Sec. 10: SE¼SW¼;
Sec. 15: NW¼, N½SW¼, SW¼SW¼.
T. 7 S., R. 21 E.,
Sec. 30: SE¼;
Sec. 31: Lots 2, 3, 17, 18, 19, 25, 26, NW¼NE¼, E½NW¼;
Sec. 32: Lots 18, 19, 20;
Sec. 33: Lots 2, 3.
T. 8 S., R. 21 E.,
Sec. 5: Lots 1, 6, 7, S½NE¼;
Sec. 6: Lots 9, 10, 16, 17, 18, 19, NE¼SW¼.

Containing 1,543.79 acres, more or less, together with all accretion or reliction lands appertinent thereto.

R. D. NIELSON,
State Director.

[F.R. Doc. 62-1043; Filed, Jan. 31, 1962; 8:46 a.m.]

WYOMING

Notice of Filing of Protraction Diagrams (Unsurveyed Land)

JANUARY 24, 1962.

Notice is hereby given that effective March 13, 1962, the following protraction diagram is officially filed of record in the Wyoming Land Office, 2002 Capitol Avenue, Cheyenne, Wyo. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only. Copies will be for sale at one dollar ($1.00) per sheet by the Division of Engineering, State Office, Bureau of Land Management, 2002 Capitol Avenue, P.O. Box 929, Cheyenne, Wyo.

6TH PRINCIPAL MERIDIAN

Approved October 20, 1961. Diagram No. 17.

TOWNSHIPS

T. 30 N., R. 116 W.,
T. 31 N.,
T. 32 N.,
T. 29 N., R. 117 W.,
T. 30 N.,
T. 31 N.,
T. 32 N.,
T. 29 N., R. 118 W.,
T. 30 N.,
T. 31 N.,
T. 32 N.

THOMAS H. FLOYD, Jr.,
Land Office Manager.

Approved: January 24, 1962.

ED PIERSON,
Wyoming State Director.

[F.R. Doc. 62-1044; Filed, Jan. 31, 1962; 8:46 a.m.]

Office of the Solicitor

[Solicitor's Reg. 7]

ASSISTANT SOLICITOR, BRANCH OF LAND APPEALS

Delegation of Authority

JANUARY 26, 1962.

The Assistant Solicitor, Branch of Land Appeals, may dispose of appeals to the Secretary from decisions of the Director of the Bureau of Land Management (or his delegates) and from decisions of the Director of the Geological Survey (or his delegates), in proceedings which relate to lands or interests in lands, in (1) cases in which the appellant withdraws the appeal or withdraws or relinquishes the application or other filing which is the subject matter of the appeal, (2) cases in which the appellant fails to comply with the requirements of 43 CFR Part 161 or 221 for taking an appeal to the Secretary, and (3) cases in which the decision of the Director of the Bureau of Land Management (or his delegates) dismissed the appeal to the Director for failure of the appellant to comply with the requirements of 43 CFR Part 161 or 221 for taking an appeal to the Director.

(210 DM 2.2A(4)(a), 24 F.R. 1348; 200 DM 3.2, 25 F.R. 325)

FRANK J. BARRY,
Solicitor.

[F.R. Doc. 62-1045; Filed, Jan. 31, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

OTIS LIVESTOCK AUCTION ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Otis Livestock Auction, Otis, Colo.
Jacksonville Livestock Auction Co., Jacksonville, Fla.
Rogers Livestock Sale, La Grange, Ga.
Prescott's Pony and Horse Sale, Twin Falls, Idaho.
Luther E. Tadlock Stockyard, Forest, Miss.
Bales Continental Commission Co., Inc., Huron, S. Dak.
Northwest Livestock Auction Co-Operative, Inc., Marysville, Wash.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registra-

tions Branch, Packers and Stockyards Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of January 1962.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-1053; Filed, Jan. 31, 1962; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Programs

[Case No. 296]

BOMAG G.m.b.H. et al.

Order Denying Export Privileges

In the matter of BOMAG G.m.b.H., Carola Schueler, Carola Gasch, Rudolph Stumpf, Albert Hugardstrasse 12 Staufen (Breisgau), and Kampstrasse 18, Celle, West Germany, and Veku Import, Dr. Alois Vogt, Vaduz, Liechtenstein, respondents.

BOMAG G.m.b.H. (hereinafter referred to as BOMAG), Carola Schueler, its owner, of Albert Hugardstrasse 12, Staufen (Breisgau) West Germany and Kampstrasse 18, Celle, West Germany, Carola Gasch, BOMAG's commercial clerk, and Rudolph Stumpf, manager of BOMAG at the Celle address, together with Veku Import, and Dr. Alois Vogt, its sole director, of Vaduz, Liechtenstein, were charged by the Director of the Investigation Staff, then in the Bureau of Foreign Commerce, with having violated the Export Control Act of 1949, as amended, and regulations promulgated thereunder.

On August 8, 1961, by Department Order No. 173, of the Department of Commerce, the Office of Export Supply of the Bureau of Foreign Commerce became the Office of Export Control of the Bureau of International Programs, the undersigned Director of which now has and exercises the authority and powers formerly held by the Director of the Office of Export Supply, Bureau of Foreign Commerce.

Allegedly these companies through participation of their named officials and employees, the respondents herein, participated in a transaction whereby a complete Type P-33 seismograph system valued at $41,079.76, was ordered from an American producer for export to BOMAG, Celle, West Germany. In the same transaction it was further alleged the respondents had induced the Bureau of Foreign Commerce (hereinafter referred to as the BFC) to approve an application for a license to export the said seismograph system for use in West Germany by assurances that it would not be sold for use outside West Germany. It was also alleged that the BFC issued an export license in reliance on representations made by BOMAG, in a consignee purchaser statement to that effect, and because of further certification and representations by BOMAG that it knew no additional facts which were inconsistent with these representations, and with respect to any shipment proposed to be disposed of contrary to such representations, or to countries contrary to the list of those approved on the export license or by other shipping documents or other means that BOMAG would notify the U.S. exporter and secure U.S. Government approval through that company prior to such disposition.

It was further alleged that exportation of the seismograph system was made from the United States to Bremen, West Germany, on or about November 9, 1959, in an American flag ship, with bill of lading consigned to BOMAG, as the notify party and bearing on its face the required destination control clause limiting shipment to the assigned destination. It was alleged that despite these representations and restrictions against reexportation, made known by the documents to the ordering parties, and by notice from the American Consul General of Hamburg, Germany, BOMAG in accordance with a prearranged plan, with Veku Imports, reexported, diverted and transshipped the seismograph equipment for the account of Veku Import with Express Internationale Speditions, in Vienna, Austria, a destination not authorized by the BFC.

On the basis of the above allegations it was charged that BOMAG, Carola Schueler, owner, Carola Gasch, and Rudolph Stumpf, employees of BOMAG, Veku Import, and Dr. Alois Vogt, Trustee-Director, for Veku Import, had knowingly conspired and acted in concert to bring about violations of the Export Control Act contrary to § 381.3 of the Export Regulations, in that without authorization from the BFC they knowingly diverted, disposed of, transshipped and reexported commodities, to an unauthorized destination, and contrary to the destination control notice of the shipping documents, in violation of §§ 379.10(d)(2) and 381.5 of the Export Regulations, and bought, sold, received of otherwise serviced an exportation from the United States knowing that a violation of the export regulations with respect thereto was intended to occur contrary to § 381.4 of the Export Regulations.

It was further charged that BOMAG, Carola Schueler, owner, and Carola Gasch and Rudolph Stumpf, knowingly made false statements to and concealed material facts from the BFC concerning the true parties in interest and the ultimate destination of the seismographic system, in connection with which a consignee purchaser statement was submitted to the BFC by BOMAG, through a U.S. exporter in violation of § 381.5 of the Export Regulations, and that they also, without BFC authorization, diverted, disposed of, transshipped and reexported commodities to an unauthorized destination and contrary to the control notices in violation of §§ 379.10(d)(2) and 381.6 of the Export Regulations and further bought, sold, disposed of, and transported an exportation from the United States with knowledge that a violation of the export control law regulations and license had occurred and was intended to occur with respect to said exportation from the United States in violation of § 381.4 of the Export Regulations.

Service of the charging letter herein of October 1960 was effected on BOMAG and its owner at Staufen, West Germany, and on BOMAG and its employees, Gasch and Stumpf, at Celle, West Germany, and on Veku Import and Dr. Alois Vogt at Vaduz, Liechtenstein, in accordance with the procedures authorized by § 382.3(b) of the Export Regulations.

Only BOMAG, its owner and employees responded by asking for a translation of the charging letter into German, to be delivered to it and them, which was later carried out as requested, according to the procedures authorized in § 382.3 of the U.S. Export Regulations. The Compliance Commissioner had treated this request as a preliminary motion only, and since no further reply, answer or request, was received from any of the respondents herein, they were all held to be in default, and the case was assigned to the Compliance Commissioner for hearing and disposition in accordance with § 382.4 of the U.S. Export Regulations.

The Compliance Commissioner who has examined and heard the evidence and arguments in support of the charges set forth in the charging letter herein, has concluded that all of the respondents have committed the violations as charged with the exception of Dr. Alois Vogt, who has committed the violation set forth in charge (d). The Compliance Commissioner has recommended that an order should be issued denying the respondents all privileges of participating in U.S. exports so long as the export controls remain in effect.

The Compliance Commissioner found:

(a) That the application filed by the American supplier for a validated license to export a Type P-33 seismographic system for BOMAG, Celle, West Germany, was supported by a consignee purchaser statement executed by BOMAG in which it was certified to the BFC through the applicant that the equipment was to be used for prospection in West Germany, and further that before any change in intention by BOMAG with respect to a different disposition of the commodities, it would apply for and obtain from the BFC through the exporter prior written approval thereof.

(b) That this shipment was carried out in November 1959, with the proper documents each bearing on the face the destination control clause, restricting ultimate use destination to West Germany with the prohibition on diversion contrary to U.S. law.

(c) That when the shipping and credit documents were received by the BOMAG respondents in West Germany, they refused to accept them as not conforming with the credit conditions established by them, and sought permission from the BFC to delete all clauses indicating destination control restrictions from the documents.

(d) That though refused and warned on this matter, BOMAG, through respondent Gasch, again sought permission from the American Consul General, Hamburg, to reship the seismograph equipment to the account of Veku Import, Vienna, Austria.

(e) That despite these refusals communicated to respondents Gasch and Stumpf, and despite instructions that such applications must be made by the supplier to the BFC, no such applications were ever made, and the said commodities, according to the original plan for the transaction, were thereafter forwarded to the account of Veku Import, in Vienna, Austria with Express Internationale Speditions, a Communist bloc freight forwarder.

Now after considering the entire record, consisting of the charging letter, the transcript of the hearing and the evidence and exhibits submitted in suport thereof and of the service of the charges and the reports and recommendations of the Compliance Commissioner, I hereby accept and adopt the findings of fact made by the Compliance Commissioner. I have concluded therefore, that with the exception of Dr. Alois Vogt, all of the above named respondents have knowingly:

A. Conspired and acted in concert to bring about violations of the Export Control Law referred to in B, C, and D herein contrary to § 381.3 of the Export Regulations.

B. Without authorization of the BFC, diverted, disposed of, transshipped and reexported commodities to a destination not authorized by the U.S. export license and contrary to the destination control notice appearing on the shipping documents in violation of §§ 379.10(d)(2) and 381.6 of the Export Regulations.

C. Made false statements and representations to and concealed material facts from the BFC for the purpose of effecting an exportation from the United States in violation of § 381.5 of the Export Regulations.

D. Bought, sold, received, and otherwise serviced an exportation from the United States, knowing that with respect thereto a violation of the export controls was intended to occur, contrary to § 381.4 of the Export Regulations.

As to Dr. Alois Vogt only, I have concluded that he had reason to know that he had participated in a transaction in which commodities were bought, sold, received and otherwise serviced which were in an exportation from the United States, and that with respect thereto a violation of the U.S. export controls was intended to occur contrary to § 381.4 of the U.S. Export Regulations.

In addition I have concluded that BOMAG, G.m.b.H., Carola Schueler, Carola Gasch, and Rudolph Stumpf have knowingly:

E. Made false statements to and concealed material facts from the BFC concerning the true parties in interest, and the ultimate destination intended of a seismographic system, in connection with which a consignee-purchaser statement was submitted to the BFC by BOMAG, through a U.S. exporter for the purpose of effecting an exportation from the United States in violation of § 381.5 of the Export Regulations.

F. Without authorization of the BFC diverted, disposed of, transshipped, and reexported commodities to destination not authorized by the U.S. export license and contrary to the destination control notice on the shipping documents and notices in violation of §§ 379.10(d)(2) and 381.6 of the Export Regulations.

G. Bought, sold, disposed of, and transported an exportation from the United States with knowledge that a violation of the export control law, regulations and license had occurred, was about to occur, and was intended to occur with respect to said exportation in violation of § 381.4 of the Export Regulations.

Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. So long as the U.S. export controls shall be in effect, the respondents, BOMAG, G.m.b.H., Carola Schueler, owner, Carola Gasch and Rudolph Stumpf, employees, Veku Import Ges, and Dr. Alois Vogt, its Director, their successors or assigns, and the two firms' officers, directors, administrators, agents and employees, hereby are and shall be denied all privileges of participating directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data in whole or in part exported or to be exported from the United States to any foreign destination including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in any such transaction is deemed to include and prohibit participation, directly or indirectly, in any manner or capacity, (a) as a party or as representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control documents, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (e) in the storing, financing, forwarding, transporting, inspecting, or other services of such exports from the United States.

II. Such denial of export privileges shall apply not only to BOMAG, G.m.b.H., Veku Import, Ges, the respondents Schueler, Gasch, Stumpf, and Dr. Alois Vogt, the firms' affiliates, successors or assigns, and their officers, directors, administrators, agents, and employees, but also to any person, firm, corporation or business organization, which may be related to any of them by ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

III. Without prior disclosure to, and specific authorization from the Bureau of International Programs, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, shall on behalf of or in any association with any of the respondents, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity or (b), order, receive, buy, use, sell, dispose of, finance, transport, or forward any commodity heretofore or hereafter exported from the United States. Nor shall any person do any of the foregoing acts with respect to any such commodity or exportation in which the respondent may have any interest of any kind or nature.

IV. A respondent herein, against whom this default order has been issued, may apply upon good cause shown, together with evidentiary data in support thereof, to set aside the default and vacate the order against him, her, it, or them, entered herein. This application shall be submitted to the Director, Office of Export Control, Bureau of International Programs, Washington 25, D.C., in accordance with the requirements of § 382.4(b) of the Export Regulations, and will be disposed of in accordance with the practice set forth therein.

Dated: September 12, 1961.

JOHN C. BORTON,
Director, Office of Export Control.

[F.R. Doc. 62-1075; Filed, Jan. 31, 1962; 8:50 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order 4-62]

CERTAIN OFFICERS OF BUREAU OF LABOR-MANAGEMENT REPORTS

Delegation of Authority to Administer Oaths and Affirmations

1. *Purpose.* This order delegates to certain specified officers of the Bureau of Labor-Management Reports the authority to administer oaths and affirmations, in order that the functions necessary for the proper administration of the Labor-Management Reporting and Disclosure Act of 1959 may be more effectively performed.

2. *Authority.* Section 601 of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 539; 29 U.S.C. 521).

3. *Directives affected.* All instructions and memoranda are superseded to the extent that they are inconsistent herewith.

4. *Delegation of authority.* The following officers of the Bureau of Labor-Management Reports are authorized to administer oaths and affirmations, in order that the functions necessary for the proper administration of the Labor-Management Reporting and Disclosure Act of 1959 may be more effectively performed:

(1) Commissioner.
(2) Deputy Commissioner.
(3) Assistant Commissioners.
(4) Regional Directors.
(5) Assistant Regional Directors for Compliance and Enforcement.
(6) Area Directors.

5. *Effective date.* This order shall become effective immediately.

ARTHUR J. GOLDBERG,
Secretary of Labor.

JANUARY 26, 1962.

[F.R. Doc. 62-1046; Filed, Jan. 31, 1962; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-10]

NUCLEAR ENGINEERING CO., INC.

Notice of Proposed Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that Nuclear Engineering Company, Inc., 65 Ray Street, Pleasanton, Calif., and 400 Delancy Street, Newark 5, N.J., holder of License No. 4-3766-1 which authorizes the receipt, packaging and disposal of waste byproduct, source and special nuclear material, has applied for a license amendment which would:

1. Authorize the receipt, processing and storage of radioactive waste material at a new site in the Amargosa Desert, approximately 11 miles south of Beatty, Nev.

2. Authorize an increase in the maximum amount of radioactive material which the licensee may possess at any one time to provide for the activities to be conducted at the new site in Nevada. The licensee has requested that the limitations be revised from a total of:

A. 800 curies of byproduct material.

B. 2,500 pounds of source material.

C. 900 grams of special nuclear material, of which not more than 4 grams shall be plutonium or uranium 233.

To:

A. (1) 400 curies of byproduct material at each of the licensee's facilities located at Cowell, Calif., and Kearny, N.J.

(2) 2,000 curies of byproduct material at the proposed facility near Beatty, Nev.

B. 25,000 pounds of source material, total for all three (3) facilities of the licensee.

C. 450 grams of special nuclear material, of which not more than 20 grams shall be plutonium or uranium 233, at each of the licensee's three (3) facilities.

The proposed action would not authorize the packaging of increased amounts of activity per container.

3. Authorize the receipt, storage, packaging and disposal of radioactive waste under the direct supervision of persons designated by the licensee's Radiation Safety Committee in accordance with established criteria of personnel training and experience with radioactive material rather than under the direct supervision of persons individually approved by the Atomic Energy Commission and named in the license.

4. Incorporate the arrangements made between the licensee and the city of Antioch, Calif., regarding the timing of loading of waste aboard ship for disposal at sea at the Fulton Shipyard and the pumping of water from the San Joaquin River, as set forth in the hearing examiner's intermediate decision in the matter dated March 7, 1961.

5. Authorize the conduct of the licensee's activities in accordance with revised radiation safety procedures. These procedures comprise a restatement of many previous statements and representations which were separately submitted in support of applications for the original license and amendments 1 through 12. They cover each phase of the licensee's activities and are not less restrictive than the previous procedures.

6. Authorize the transport of radioactive waste in accordance with a revision of Interstate Commerce Commission Special Permit No. 2301. Previously the permit and Condition 4 of the license authorized the transport, in Nuclear Engineering Co., Inc., owned motor vehicle trailers, of ores, residues and salts of natural uranium thorium packaged in "strong, tight containers." While exception was not granted by the ICC to the radiation levels per package, maximum radiation levels around a truck load of such containers were established to be 10 mr/hr at 12 feet from any surface of the trailer, 10 mr/hr at 5 feet from either end surface of the trailer and 2 mr/hr at the driver's position in the tractor. The proposed amendment would authorize the licensee to transport mixed waste as well as ores, residues and salts of natural uranium and thorium. Further it would specify the types of wastes to be included as low-activity materials, i.e. residues from the processing of natural uranium and thorium; wastes such as building rubble; metal, wood and fabric scrap; glassware; paper and cardboard; reactor and process plant waste in solid form; ashes from incinerators or other solid materials. It would provide that the maximum radioactive content not exceed 0.1 uc/g in the case of radioisotopes listed as Group I, Classification of Radioisotope, page 50, International Atomic Energy Ageny Safety Series No. 6, "Regulations for the Safe Transport of Radioactive Materials." Where these radioisotopes are not present, the limit would be 1.0 uc/g. The total amount of radioactivity per package would be limited to 100 millicuries of Group I isotopes or to 2.7 curies of any other isotopes. Only strong, tight, sealed containers described as (a) ICC-12B-65 fiberboard cartons, (b) 20 gauge steel 30- and 55-gallon open head drums with lids and bolt rings, (c) 20 gauge 1- and 5-gallon open head pails with crimp on lids, (d) strong, sealed plywood boxes, and (e) Bureau of Explosives approved concrete and/or lead transfer casks, may be used.

7. Provide an exception to the requirements of § 20.203(c)(2), Title 10, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation", regarding control devices in areas in which a radiation exposure in excess of 100 milliroentgens in any one hour. The licensee has described alternative means of preventing exposure of individuals based on the posting and locking of the designated restricted areas, with a system of key control by designated responsible individuals.

8. Renew the license for a period of two (2) years.

The AEC has reviewed the applications for amendment and proposes to grant the amendment subject to appropriate limitations, unless within fifteen (15) days after filing of this notice with the Office of the Federal Register, a petition to intervene and a request for a formal hearing are filed with the Commission in the manner prescribed in Title 10, Code of Federal Regulations, Chapter I, Part 2, "Rules of Practice", or unless the Commission, upon further consideration, directs the holding of such a hearing on its own motion.

The application for license amendment and a Memorandum prepared by the Division of Licensing and Regulation which summarizes the considerations evaluated prior to the issuance of this notice of proposed licensing action are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C. Copies of the memorandum referenced above may also be obtained by request addressed to the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C., or to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., January 25, 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Licensing and Regulation.

[F.R. Doc. 62-1032; Filed, Jan. 31, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13355]

AMERICAN-EASTERN MERGER

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on February 20, 1962, at 10 a.m., e.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C. before Examiner Ralph L. Wiser.

In order to facilitate conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before February 2, 1962, (1) motions pertaining to the scope of the proceeding; (2) proposed statements of issues; (3) proposed stipulations; (4) requests for information; (5) statements of positions of parties; and (6) proposed procedural dates. Answers to motions should be submitted on or before February 16, 1962.

Counsel will be expected to state the views of their client with respect to all issues discussed during this conference.

Dated at Washington, D.C., January 26, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-1078; Filed, Jan. 31, 1962; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12414 etc.; FCC 62M-125]

ALKIMA BROADCASTING CO. ET AL.

Order Continuing Hearing Conference

In re applications of Austin E. Harkins, John P. Weis, Ned Goode, Lila W. Goode, Charles E. Lucas, Jr., and Marshall L. Jones, d/b as Alkima Broadcasting Co., West Chester, Pa., Docket No. 12414, File No. BP-10640; Herman Handloff, Newark, Del., Docket No. 12711, File No. BP-12190; Howard Wasserman, West Chester, Pa., Docket No. 12712, File No. BP-12208; for standard broadcast construction permits.

Upon oral request of all parties to the above-entitled proceeding: *It is ordered*, This 26th day of January 1962, that the prehearing conference now scheduled for January 29, 1962 be and it hereby is continued without date.

Released: January 29, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1069; Filed, Jan. 31, 1962; 8:50 a.m.]

[Docket No. 14334 etc.; FCC 62M-126]

MESA MICROWAVE, INC.

Order Continuing Hearing

In re applications of Mesa Microwave, Inc., for renewal of the license for station KLH35, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Silverton, Tex., Docket No. 14334, File No. 2843-C1-R-61; for renewal of the license for station KLH36, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Memphis, Tex., Docket No. 14335, File No. 2844-C1-R-61; for construction permits to establish stations in the Point-to-Point Microwave Radio Service at Pledger and Rhodes Ranch, Tex., Docket No. 14347, File Nos. 3664-C1-P-61, 3665-C1-P-61.

The Hearing Examiner having under consideration a petition for continuance, filed on January 23, 1962, by Mesa Microwave, Inc. (Mesa), wherein it is requested that the hearing herein now scheduled to commence on March 1, 1962, be continued without date;

It appearing, that in the order following further prehearing conference, released December 15, 1961, it was provided that should Mesa, no later than January 15, 1962, file appropriate pleadings and applications for modification of its current authorization, the purpose and effect of which might be to obviate the need for formal hearing procedures herein, the Examiner would, unless advised by counsel for the Common Carrier Bureau no later than January 22 that the applications as tendered were not acceptable for filing, entertain an appropriate motion for a continuance of the hearing without date pending action by the Commission on such applications and pleadings;

It further appearing, that on January 15, 1962, Mesa filed applications, the purpose of which would be to amend each of the authorizations now in hearing;

It further appearing, that Mesa alleges in its petition that it is authorized to state that counsel for the Common Carrier Bureau consents to a grant of the instant petition; and

It further appearing, that good cause has been shown for a grant of said petition;

It is ordered, This 26th day of January 1962, that the petition for continuance filed by Mesa Microwave, Inc., is granted and that the hearing now scheduled to commence on March 1, 1962, is postponed without date pending action on the aforementioned applications designed to amend each of the authorizations now in hearing.

Released: January 29, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1070; Filed, Jan. 31, 1962; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Docket Nos. 967, 970]

ALCOA STEAMSHIP COMPANY, INC. ET AL.

Agreements Pooling in North Atlantic-Venezuela Trade; Notice of Investigation, of Prehearing Conference, and of Hearing

Alcoa Steamship Co., Inc., Docket No. 967 v. Cia. Anonima Venezolana de Navegacion, et al., Docket No. 970.

In the matter of agreements 8640 and 8640-1, between Grace Line, Inc. and Cia. Anonima Venezolana de Navegacion covering pooling in the North Atlantic-Venezuela trade.

On January 15, 1962, the Federal Maritime Commission entered the following order:

Whereas, pursuant to section 15 of the Shipping Act, 1916, as amended, an agreement and amendment thereto, between Grace Line, Inc., and Cia. Anonima Venezolana de Navegacion, covering a pooling arrangement on cargo in the trade from U.S. North Atlantic ports to ports in Venezuela, have been filed for approval under that section, and have been assigned Federal Maritime Commission agreement Nos. 8640 and 8640-1; and

Whereas, pursuant to notice of the filing of agreements 8640 and 8640-1, in the FEDERAL REGISTER of December 6, 1961, Royal Netherlands Steamship Co., A/S Viking Line, Alabama State Docks Department and the Board of Commissioners of the port of New Orleans have filed protests, and requested that agreements 8640 and 8640-1, be disapproved or modified in significant respects and, to the extent appropriate for said purpose, a formal hearing should be instituted; and

Whereas, Alcoa Steamship Co., Inc., has filed a formal complaint in opposition to the approval of said agreements, which is now pending in Docket No. 967; and

Whereas, the Commission having considered the requests of Royal Netherlands Steamship Co., A/S Viking Line, Alabama State Docks Department and the Board of Commissioners of the port of New Orleans, and being of the opinion that sufficient reason has been shown to warrant withholding of the approval of agreements 8640 and 8640-1, pending a hearing for the purpose of receiving evidence in order to determine whether said agreements should be approved, disapproved or modified, pursuant to section 15 of the Shipping Act, 1916, and good cause appearing;

It is ordered, That, pursuant to sections 15 and 22 of the Shipping Act, 1916, as amended, the Commission, upon its own motion, enter upon an investigation and hearing for the taking of evidence to determine whether (1) agreements 8640 and 8640-1, if approved, would be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters of the United States and their foreign competitors, or to operate to the detriment of the commerce of the United States, or to be contrary to the public interest, within the meaning of section 15 of the 1916 act; (2) whether said agreements, if approved, would subject any particular person, locality or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever; (3) whether said agreements will be in violation of any other provision of said act; and (4) whether said agreements should be approved, disapproved, or modified in any respect, pursuant to said section 15; and

It is further ordered, That Grace Line, Inc., and Cia. Anonima Venezolana de Navegacion be made respondents in this proceeding; and

It is further ordered, That this matter be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner, and be consolidated with Docket No. 967 for hearing and decision; and

It is further ordered, That action with respect to agreements 8640 and 8640-1, be held in abeyance pending the Commission's decision and order in the proceeding herein ordered; and

It is further ordered, That notice of this order and notice of hearing be published in the FEDERAL REGISTER, and a copy of such order and notice of hearing be served upon respondents, Grace Line, Inc., and Cia. Anonima Venezolana de Navegacion, and all protestants and other interested parties.

Pursuant to the above order, notice is hereby given that a prehearing conference herein will be held before Examiner William J. Sweeney on February 5, 1962, at 9 a.m., in Room 4519, New GAO Building, 441 G Street NW., Washington, D.C. The hearing will be held at a date and

place to be hereafter determined and announced, and will be conducted in accordance with the Commission's rules of practice and procedure. An initial decision will be issued by the Examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with rule 5(n) [46 CFR 201.74] of said rules.

Dated: January 29, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-1072; Filed, Jan. 31, 1962; 8:50 a.m.]

IINO KAIUN KAISHA, LTD., AND MITSUI STEAMSHIP CO., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8670, between Iino Kaiun Kaisha, Ltd., and Mitsui steamship Co., Ltd., covers an arrangement whereby the parties will discuss from time to time and agree between themselves, regarding rates, charges, classifications and related tariff matters to be charged or observed by the parties for the transportation of cargo in the trade from Japan to Great Lakes ports of the United States.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 29, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-1073; Filed, Jan. 31, 1962; 8:50 a.m.]

PACIFIC WESTBOUND CONFERENCE ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 57-79, between the member lines of the Pacific Westbound Conference and the carriers comprising the P.&O.—Orient Lines joint service (operating under approved agreement 8302, as amended) covers the admission of that joint service to associate membership in said conference. As an associate member P.&O.—Orient Lines will be obligated to observe all the rates, rules and regulations and decisions of the conference, will have no vote in conference affairs except as may be specifically agreed upon, will be permitted to participate in conference contracts with shippers, will not share in the expenses of the conference except as may be specifically agreed upon between the parties, and will be exempt from posting the usual surety bond. Agreement 57-79, upon approval, will supersede and cancel the presently approved associate membership agreements 57-71 (of Peninsular and Oriental Steam Navigation Co.) and 57-72 (of Orient Steam Navigation Co., Ltd.), respectively, with said conference.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 29, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-1074; Filed, Jan. 31, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-141]

AMERICAN LOUISIANA PIPE LINE CO.

Notice of Application and Date of Hearing

JANUARY 25, 1962.

Take notice that on December 7, 1961, American Louisiana Pipe Line Co. (Applicant), 3750 Penobscot Building, 645 Griswold Street, Detroit 26, Mich., filed in Docket No. CP62-141 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation during the 12-month period commencing March 1, 1962, of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which may be purchased from producers thereof in the general area of its existing transmission system at a total cost not to exceed $3,000,000, with no single project to exceed a cost of $500,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type proposal is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its existing pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 27, 1962, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 19, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1036; Filed, Jan. 31, 1962; 8:45 a.m.]

[Docket No. RI62-248 etc.]

CALIFORNIA CO.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JANUARY 24, 1962.

In the order providing for hearings on and suspension of proposed changes in rates, issued December 20, 1961, and published in the FEDERAL REGISTER on December 29, 1961 (F.R. Doc. 61-12261; 26 F.R. 12719, 12720): Change the first line in caption and also the first line in the chart to read "The California Company, a Division of California Oil Company" instead of "The California Company".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1037; Filed, Jan. 31, 1962; 8:45 a.m.]

[Docket Nos. G-16842, CP60-94]

TENNESSEE GAS TRANSMISSION CO.

Notice of Applications, Date of Hearing and Consolidation of Proceedings; Correction

JANUARY 18, 1962.

In the notice of applications, date of hearing and consolidation of proceedings, issued January 15, 1962, and published in the FEDERAL REGISTER on January 19, 1962 (F.R. Doc. 62-622; 27 F.R. 599): In the body of notice delete the fifth paragraph—"Tennessee proposes to acquire and develop the Ship Shoal area at a total estimated cost of $2,043,727,000 over a 29-year period."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1038; Filed, Jan. 31, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2503]

AIR CRAFT MARINE ENGINEERING CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JANUARY 26, 1962.

I. Air Craft Marine Engineering Corp. (issuer), 7850 Gloria Street, Van Nuys (Los Angeles), Calif., filed with the Commission on May 28, 1958, a notification and offering circular relating to an offering of 300,000 shares of its $1 par value common stock at $1 per share for an aggregate offering of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reason to believe that the terms and conditions of Regulation A have not been complied with in that:

1. The issuer has solicited the sale of shares by subscription agreement without the use of an offering circular in violation of Rule 256(a);

2. The issuer has failed to file a revised offering circular as required by Rule 256(e); and

3. The issuer has failed to file a report of sales on Form 2-A as required by Rule 260.

III. *It is ordered,* Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-1048; Filed, Jan. 31, 1962; 8:47 a.m.]

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

JANUARY 26, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.), being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, January 29, 1962, to February 7, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-1049; Filed, Jan. 31, 1962; 8:47 a.m.]

[File No. 811-1055]

30 NORTH LASALLE STREET REALTY FUND

Notice of Filing of Application for Order Declaring That Company Has Ceased to be an Investment Company

JANUARY 25, 1962.

Notice is hereby given that 30 North LaSalle Street Realty Fund ("Applicant"), Chicago, Ill., a business trust organized under Illinois law and a closed-end, diversified investment company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company.

Applicant makes the following representation in its application:

No shares of the Applicant were offered or sold and there is no public interest in the Applicant.

Applicant has also withdrwan its pending registration statement under the Securities Act of 1933. The Applicant has no assets and is in final stages of liquidation.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 15, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-1050; Filed, Jan. 31, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 29, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37527: *Stocker livestock to Illinois territory.* Filed by Illinois Freight Association, agent (No. 154), for interested rail carriers. Rates on stocker livestock, as described in the application, in carloads, from Livingston and Eutaw, Ala., also Jackson, Miss., to points in Illinois freight territory.

Grounds for relief: Market competition.

Tariff: Supplement 33 to Illinois Freight Association tariff I.C.C. 965.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-1051; Filed, Jan. 31, 1962; 8:47 a.m.]

[Rev. S.O. 562, Amdt. 5 to Taylor's I.C.C. Order 136]

RUTLAND RAILROAD CORP.

Rerouting and Diversion of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 136 (Rutland Railroad Corp.) and good cause appearing therefor:

It is ordered, That Taylor's I.C.C. Order No. 136 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., March 31, 1962, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 31, 1962, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 26, 1962.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 62-1052; Filed, Jan. 31, 1962; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION II (PHILADELPHIA)

Redelegation of Authority With Respect to Area Redevelopment Act

The Regional Director of Community Facilities Activities, Region II (Philadelphia), is hereby authorized to carry out the provisions of sections 7 and 8 of the Area Redevelopment Act (Public Law 87-27, 42 U.S.C. 2506 and 2507) by performing the following functions within such region:

1. To execute offers for approved loans and/or grants and to execute approved amendments or modifications of contracts resulting from the acceptance of such offers.

2. To determine that loans made under section 7 of the act are in compliance with the requirements of sections 7(a)(2), 7(a)(3), 7(a)(4), 7(b), and 7(d).

3. To determine that grants made under section 8 of the act are in compliance with sections 8(a)(2) and 8(c) of the act; that there is little probability that such projects can be undertaken without the assistance of a grant under section 8; and that the amount of any grant under section 8 for a project does not exceed the difference between the funds which can be practicably obtained from other sources (including a loan under section 7 of the act) for such project and the amount which is necessary to insure the completion thereof.

4. To exercise the powers, duties, and functions vested in the Secretary of Commerce by sections 19 and 21 of the act in connection with any loans or grants proposed to be made under section 7 or 8 of the act.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's redelegation effective May 1, 1961 (26 F.R. 7992, Aug. 26, 1961)

Effective as of the 1st day of November 1961.

[SEAL] WARREN P. PHELAN, *Regional Administrator, Region II.*

[F.R. Doc. 62-1076; Filed, Jan. 31, 1962; 8:50 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION V (FORT WORTH)

Redelegation of Authority With Respect to Loans for Housing for the Elderly

The Regional Director of Community Facilities Activities, Region V (Fort Worth), with respect to the program of loans for housing for the elderly authorized under section 202 of the Housing Act of 1959, as amended (73 Stat. 667, as amended, 12 U.S.C. 1701q), is hereby authorized to take the following action within such region:

1. To execute loan agreements;

2. To amend or modify any such loan agreement.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c); Housing and Home Finance Administrator's delegation effective December 22, 1961 (26 F.R. 12761, December 30, 1961)

Effective as of the 1st day of February 1962.

[SEAL] R. A. BETHUNE, *Regional Administrator, Region V.*

[F.R. Doc. 62-1077; Filed, Jan. 31, 1962; 8:50 a.m.]

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FEDERAL REGISTER

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Washington, Friday, February 2, 1962

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934 LITTERA SCRIPTA MANET

THE UNIVERSITY OF MICHIGAN MAIN READING ROOM

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 5, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Rye Loan and Purchase Agreement Program

SUPPORT RATES

Correction

In F.R. Doc. 62-630, appearing at page 557 of the issue for Friday, January 19, 1962, the following corrections are made in the tabular material of § 421.487(b):

1. For Lincoln County, Minn., the entry in the "From" column should read "1.01" instead of "1.06".

2. For Lyon County, Minn., the entry in the "From" column should read "1.02" instead of "1.04".

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (41) is added to paragraph (a) of § 6.304 as set out below.

§ 6.304 Department of Defense.

(a) *Office of the Secretary.* • • •

(41) One Congressional Liaison Officer (Civil Defense), Office of the Assistant to the Secretary of Defense (Legislative Affairs).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended, 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-1106; Filed, Feb. 1, 1962; 8:47 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Post Office Department

Effective upon publication in the FEDERAL REGISTER, subparagraph (8) is added to paragraph (b) of § 6.309 as set out below.

§ 6.309 Post Office Department.

• • • • • •

(b) *Bureau of Facilities.* • • •

(8) One Private Secretary to the Special Assistant to the Assistant Postmaster General.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-1107; Filed, Feb. 1, 1962; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Fruits and Vegetables

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF TREATMENT OF ORANGES, GRAPEFRUIT, AND TANGERINES FOR MEDITERRANEAN FRUIT FLY

Pursuant to the authority conferred by § 319.56-2 of the regulations (7 CFR 319.56-2) supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56), under sections 5 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 159, 162), administrative instructions to be designated as 7 CFR 319.56-2p are hereby issued to read as follows:

§ 319.56-2p Administrative instructions prescribing method of fumigation of oranges, grapefruit, and tangerines for the Mediterranean fruit fly.

Fumigation with ethylene dibromide upon arrival, in accordance with the procedures described in this paragraph, is hereby authorized as an alternate condition-of-entry treatment for oranges, grapefruit, and tangerines offered for entry under permit under § 319.56-2 from countries where the Mediterranean fruit fly is known to occur. This treatment is specific for the Mediterranean fruit fly and will not qualify for entry shipments of fruit from countries where other dangerous citrus pests occur for which the treatment is not effective.

(a) *Ports of entry.* Oranges, grapefruit, and tangerines to be offered for entry must be shipped from the country of origin directly to New York or such other North Atlantic port as may be named in the permit. Furthermore, shipments moving by air must be so routed as to avoid landing at ports south of Baltimore.

(b) *Approved fumigation.* (1) The approved treatment shall consist of fumigation with ethylene dibromide for 2 hours at normal atmospheric pressure, in a fumigation chamber which has been approved for the purpose by the Plant Quarantine Division. The dosage shall be adjusted to the chamber load, which shall not exceed 80 percent of the volume, and temperature as follows:

Load in percent of chamber volume	Dosage in ounces per 1,000 cubic feet	
	50°-70° F.	Above 70° F.
Below 25	9	7
25-49	11	9
50-80	13	11

The temperature shall be that of the fruit. Cubic feet of space shall be that of the unloaded chamber. The ethylene dibromide must be applied as a liquid and volatilized within the sealed fumigation chamber in an electrically heated vaporizing pan. The electrically heated vaporizing pan shall be controlled by a switch outside the chamber and shall be equipped with a signal light to indicate when the current is on or off. Fifteen minutes after all liquid ethylene dibromide has been injected into the vaporizing pan inside the fumigation chamber, the electric current for the vaporizing pan must be turned off, and the 2-hour period of exposure shall begin. The gas shall be circulated within the chamber continuously for the 2-hour period by electric fans or blowers. The fans or blowers must be of a capacity to circulate the entire air mass within the chamber in three minutes.

(2) Oranges, grapefruit, and tangerines to be fumigated may be packed in slatted crates or well perforated unwaxed cardboard cartons with wood excelsior packing material. The fruit may be waxed and individually wrapped with conventional citrus tissue which is gas-permeable. When loaded in the fumigation chamber the crates or containers must be stacked evenly over the floor surface and the crates or containers in a stack shall be separated at least 2 inches on all sides by wooden strips or other means, to insure adequate gas circulation. Fruit in mesh bags or well perforated polyethylene bags (twenty ¼-inch perforations for 5-pound bags, equally spaced on the two sides; proportionately more openings on larger bags) must be placed in crates or similar containers for fumigation.

(c) *Other conditions.* The unloading of oranges, grapefruit, and tangerines from the means of conveyance, their delivery to an approved fumigation plant, and the fumigation procedure will be under the supervision of an inspector of the Plant Quarantine Division. The unloading and delivery and any other handling prior to fumigation shall be

conducted in accordance with such safeguards as the inspector may require to prevent the dissemination of injurious insects. Furthermore, the fruit shall be inspected and the finding of plant pests other than the Mediterranean fruit fly may be cause for additional treatment, or denial of entry if no satisfactory treatment is known. Final release of the fruit for entry into the United States will be conditioned upon compliance with such safeguard requirements and the prescribed regulations. Also, restrictions imposed by special quarantines shall remain in full force and effect.[1]

(d) *Costs.* All costs of treatment and required safeguards and supervision, other than the services of the supervising inspector during regularly assigned hours of duty and at the usual place of duty, shall be borne by the owner of the fruit, or his representative.

(e) *Department not responsible for damage.* The treatment prescribed in paragraph (b) of this section is judged from experimental tests to be safe for use with oranges, grapefruit, and tangerines. However, the Department assumes no responsibility for any damage sustained through or in the course of such treatment, or by compliance with requirements imposed under paragraph (c) of this section.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 5, 37 Stat. 316; 7 U.S.C. 159)

These administrative instructions shall become effective February 2, 1962.

These instructions provide an alternate method of treatment as a condition for entry under permit of oranges, grapefruit, and tangerines originating in countries where the only dangerous citrus pest known to exist is the Mediterranean fruit fly. The method is specifically limited to such qualifying fruit. Fruits from countries where other dangerous citrus pests occur are not eligible for entry under these instructions.

These instructions relieve restrictions by providing an alternate method of treatment for the qualifying fruits. In order to be of maximum benefit to importers they should be made effective as soon as possible. Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to these instructions are impracticable and they may be made effective less than 30 days after publication in the FEDERAL REGISTER.

[1] Section 319.28 prohibits the entry of oranges, grapefruit, and tangerines from eastern and southeastern Asia, including India, Burma, Ceylon, Siam, Indo-China, and China; the Malayan Archipelago; the Philippines; Oceania, except Australia and Tasmania; Japan, including Formosa and other island adjacent to Japan; Mauritius and Seychelles; Argentina, Brazil, Paraguay, and Uruguay.

Done at Washington, D.C., this 30th day of January 1962.

[SEAL] G. F. CALLAGHAN,
Acting Director, Plant Quarantine Division, Agricultural Research Service.

[F.R. Doc. 62-1114; Filed, Feb. 1, 1962; 8:48 a.m.]

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 10, 1960 (7 CFR 354.1), administrative instructions (7 CFR 354.2) effective April 29, 1961, as amended effective August 1, 1961 (26 F.R. 3671, 6833) prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by deleting "Marfa Air Force Base (served from Presidio, Tex.)" from the "Three Hour" list therein; by adding "Kelly Air Force Base, Tex. (served from San Antonio, Tex.)" to the "Two Hour" list therein; and by adding "Any undesignated Air Force Base in the State of New Mexico served from El Paso, Tex." to the "Three Hour" list therein.

This commuted travel time period has been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 5 U.S.C. 576)

This amendment shall become effective February 2, 1962.

Done at Washington, D.C., this 29th day of January 1962.

[SEAL] G. F. CALLAGHAN,
Acting Director, Plant Quarantine Division, Agricultural Research Service.

[F.R. Doc. 62-1095; Filed, Feb. 1, 1962; 8:46 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 723—CIGAR-FILLER (TYPE 41) TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

Subpart—Proclamation of a National Marketing Quota for Cigar-Filler (Type 41) Tobacco for Each of the Three Marketing Years Beginning October 1, 1962; and Announcement and Apportionment of the National Marketing Quota for Cigar-Filler (Type 41) Tobacco for the 1962–63 Marketing Year

Sec.
723.905 Basis and purpose.
723.906 Proclamation, findings, and determinations with respect to the amount of the national marketing quota for cigar-filler (type 41) tobacco for the marketing year beginning October 1, 1962.

AUTHORITY: §§ 723.905 and 723.906 issued under sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended; 46 as amended; 47 as amended; 7 U.S.C. 1301, 1312, 1313.

§ 723.905 Basis and purpose.

(a) Sections 723.905 and 723.906 are issued (1) to establish the reserve supply level and the total supply of cigar-filler (type 41) tobacco for the marketing year beginning October 1, 1961; (2) to proclaim a national marketing quota for cigar-filler (type 41) tobacco for each of the three marketing years beginning October 1, 1962; (3) to announce the amount of the national marketing quota for cigar-filler (type 41) tobacco for the marketing year beginning October 1, 1962; and (4) to apportion such quota. The findings and determinations by the Secretary contained in § 723.906 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from cigar-filler (type 41) tobacco producers and others as provided in a notice (26 F.R. 9651) given in accordance with the Administrative Procedure Act (5 U.S.C. 1003).

(b) Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of a referendum of cigar-filler (type 41) tobacco producers within 30 days after issuance of the proclamation of the national quota for such kind of tobacco to determine whether such producers favor marketing quotas, and since such producers need to know the 1962 allotments for their farms before they vote in the referendum, it is hereby found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the proclamation and the announcement and apportionment of the national marketing quota for cigar-filler (type 41) tobacco for the 1962-63 marketing year contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

§ 723.906 Proclamation, findings, and determinations with respect to the amount of the national marketing quota for cigar-filler (type 41) tobacco for the marketing year beginning October 1, 1962.[1]

(a) *Proclamation.* Since the 1961–62 marketing year is the last year of a three-year period for which national marketing quotas previously proclaimed were disapproved by producers of cigar-filler (type 41) tobacco in a referendum, and since producers of such kind of tobacco had disapproved national marketing quotas on such kind of tobacco in referenda held in three successive years subsequent to 1952, a national marketing quota for cigar-filler (type 41) tobacco is hereby proclaimed, pursuant to section 312(a)(4) of the Act, for the three successive marketing years beginning with the marketing year beginning October 1, 1962.

(b) *Reserve supply level.* The reserve supply level for cigar-filler (type 41) tobacco is 151.0 million pounds, calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 52.0 million pounds and a normal year's exports of 0.5 million pounds.

(c) *Total supply.* The total supply of cigar-filler (type 41) tobacco for the marketing year beginning October 1, 1961, is 168.3 million pounds, consisting of estimated carry-over of 114.9 million pounds and estimated 1961 production of 53.4 million pounds.

(d) *Carry-over.* The estimated carry-over of cigar-filler (type 41) tobacco on October 1, 1962 is 117.7 million pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1961 of 50.6 million pounds from the total supply of such tobacco.

(e) *National marketing quota.* The amount of cigar-filler (type 41) tobacco which will make available during the marketing year beginning October 1, 1962 a supply of cigar-filler (type 41) tobacco equal to the reserve supply level of such tobacco is 33.3 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 33.3 million pounds would cause undue restriction of marketings during the 1962–63 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for cigar-filler (type 41) tobacco in terms of the total quantity of tobacco which may be marketed during the marketing year beginning October 1, 1962, is 40.0 million pounds.

[1] Rounded to the nearest tenth of a million pounds.

(f) *Apportionment of the quota.* Since tobacco classified as cigar-filler (type 41) tobacco is grown only in Pennsylvania, the quota is apportioned only to that State under section 313(a) of the Agricultural Adjustment Act of 1938, as amended. The national marketing quota, less 400,000 pounds reserved for establishing allotments for new farms, becomes the State marketing quota for Pennsylvania. The State marketing quota is hereby converted in accordance with section 313(g) of the Act into a State acreage allotment of 23,941.95 acres. Likewise, the reserve of 400,000 pounds for establishing allotments for new farms is hereby converted into 241.84 acres.

Signed at Washington, D.C., this 30th day of January 1962.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 62-1119; Filed, Feb. 1, 1962; 8:49 a.m.]

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

Subpart—Announcement of the Amounts of and the Apportionments of the National Marketing Quotas for Cigar-Binder (Types 51 and 52) Tobacco and Cigar-Filler and Binder (Types 42, 43, 44, 53, 54 and 55) Tobacco, Respectively, for the 1962–63 Marketing Year Among the Several States

Sec.
723.1301 Basis and purpose.
723.1302 Findings and determinations with respect to the national marketing quota for cigar-binder (types 51 and 52) tobacco for the marketing year beginning October 1, 1962.
723.1303 Findings and determinations with respect to the national marketing quota for cigar-filler and cigar-binder (types 42, 43, 44, 53, 54, and 55) tobacco for the marketing year beginning October 1, 1962.

AUTHORITY: §§ 723.1301 to 723.1303 issued under secs. 301, 312, 313, 375, 52 Stat. 38, as amended; 46, as amended; 47, as amended; 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375.

§ 723.1301 Basis and purpose.

The regulations contained in §§ 723.1301 to 723.1303 are issued (a) to establish the reserve supply level and the total supply of (1) cigar-binder (types 51 and 52) tobacco, and (2) cigar-filler and cigar-binder (types 42, 43, 44, 53, 54, and 55) tobacco, for the marketing year beginning October 1, 1961; (b) to announce the national marketing quotas for (1) cigar-binder (types 51 and 52) tobacco, and (2) cigar-filler and cigar-binder (types 42, 43, 44, 53, 54, and 55) tobacco, for the marketing year beginning October 1, 1962 and (c) to apportion the national marketing quotas for the 1962–63 marketing year among the several States. The findings and determinations by the Secretary contained in §§ 723.1302 and 723.1303 have been made on the basis of the latest available statistics of the Federal Government and after due consideration of data, views, and recommendations received from cigar-binder and cigar-filler and binder tobacco producers and others as provided in a notice (26 F.R. 9651) given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). Since growers of cigar-binder (types 51 and 52) tobacco and of cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco are making their plans for 1962 production of these kinds of tobacco and need to know the 1962 acreage allotments for their farms, it is hereby found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the findings and determinations and the announcements and apportionments of the quotas contained herein shall become effective upon the date of their filing with the Director, Office of the Federal Register.

§ 723.1302 Findings and determinations with respect to the national marketing quota for cigar-binder (types 51 and 52) tobacco for the marketing year beginning October 1, 1962.[1]

(a) *Reserve supply level.* The reserve supply level for cigar-binder (types 51 and 52) tobacco is 41.3 million pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 13.0 million pounds and a normal year's exports of 2.1 million pounds.

(b) *Total supply.* The total supply of cigar-binder (types 51 and 52) tobacco for the marketing year beginning October 1, 1961 is 36.5 million pounds consisting of carry-over of 31.2 million pounds and estimated 1961 production of 5.3 million pounds.

(c) *Carry-over.* The estimated carry-over of cigar-binder (types 51 and 52) tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1962, is 27.5 million pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1961 of 9.0 million pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of cigar-binder (types 51 and 52) tobacco which will make available during the marketing year beginning October 1, 1962, a supply of cigar-binder (types 51 and 52) tobacco equal to the reserve supply level of such tobacco is 13.8 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 13.8 million pounds would cause undue restriction of marketings during the 1962–63 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for cigar-binder (types 51 and 52) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1962 is 16.5 million pounds.

(e) *Apportionment of the quota.* The national marketing quota for cigar-binder (types 51 and 52) tobacco is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

State:	*Acreage allotment*
Connecticut	5,916.83
Massachusetts	2,967.43
New York	0.08
Vermont	4.49
Reserve [1]	89.97

[1] Acreage reserved for establishing allotments for new farms.

§ 723.1303 Findings and determinations with respect to the national marketing quota for cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco for the marketing year beginning October 1, 1962.[1]

(a) *Reserve supply level.* The reserve supply level for cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco is 97.9 million pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 33.0 million pounds and a normal year's exports of 1.5 million pounds.

(b) *Total supply.* The total supply of cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco for the marketing year beginning October 1, 1961 is 97.3 million pounds consisting of carry-over of 66.4 million pounds and estimated 1961 production of 30.9 million pounds.

(c) *Carry-over.* The estimated carry-over of cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1962 is 70.3 million pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1961 of 27.0 million pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco which will make available during the marketing year beginning October 1, 1962, a supply of cigar-filler and binder tobacco equal to the reserve supply level of such tobacco is 27.6 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 27.6 million pounds would cause undue restriction of marketings during the 1962–63 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1962 is 33.1 million pounds.

(e) *Apportionment of the quota.* The national marketing quota for cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

State:	*Acreage allotment*
Illinois	5.51
Indiana	1.26
Iowa	7.24
Minnesota	198.23
New York	58.64
Ohio	4,654.17
Pennsylvania	200.26
Wisconsin	15,892.41
Reserve [1]	212.32

[1] Acreage reserved for establishing allotments for new farms.

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 30, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-1120; Filed, Feb. 1, 1962; 8:49 a.m.]

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

Subpart—Proclamation of a National Marketing Quota for Burley Tobacco for Each of the Three Marketing Years Beginning October 1, 1962; and Announcement and Apportionment of the National Marketing Quota for Burley Tobacco for the 1962–63 Marketing Year

Sec.
725.1303 Basis and purpose.
725.1304 Proclamation, findings, and determinations with respect to the national marketing quota for burley tobacco for the marketing year beginning October 1, 1962.

AUTHORITY: §§ 725.1303 and 725.1304 issued under secs. 301, 312, 313, 375, 52 Stat. 38, as amended; 46, as amended; 47, as amended; 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375.

§ 725.1303 Basis and purpose.

(a) Sections 725.1303 and 725.1304 are issued (1) to establish the reserve supply level and the total supply of burley tobacco for the marketing year beginning October 1, 1961; (2) to proclaim a national marketing quota for burley tobacco for each of the three marketing years beginning October 1, 1962; (3) to announce the amount of the national marketing quota for burley tobacco for the marketing year beginning October 1, 1962; and (4) to apportion the national marketing quota for burley tobacco for the 1962–63 marketing year among the several States. The findings and determinations contained in § 725.1304 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from burley tobacco producers and others as provided in a notice (26 F.R. 9651) given in accordance with the Administrative Procedure Act (5 U.S.C. 1003).

(b) Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of a referendum of burley tobacco producers within 30 days after issuance of the proclamation of the national quota for such kind of tobacco to determine whether such producers favor quotas, and since burley tobacco producers need to know the 1962 allotments for their farms prior to the referendum, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impractical and contrary to the public interest. Therefore, the proclamation, and the announcement and apportionment of the national marketing quota for burley tobacco for the 1962–63 marketing year contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

§ 725.1304 Proclamation, findings and determinations with respect to the national marketing quota for burley tobacco for the marketing year beginning October 1, 1962.[1]

(a) *Proclamation.* Since the 1961-62 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect on burley tobacco, a national marketing quota for burley tobacco for each of the three years beginning October 1, 1962, is hereby proclaimed pursuant to section 312(a)(2) of the Act.

(b) *Reserve supply level.* The reserve supply level for burley tobacco is 1,579.9 million pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 525 million pounds and a normal year's exports of 37 million pounds.

(c) *Total supply.* The total supply of burley tobacco for the marketing year beginning October 1, 1961, is 1,675.1 million pounds, consisting of carry-over of 1,127.3 million pounds and estimated 1961 production of 547.8 million pounds.

(d) *Carry-over.* The estimated carry-over of burley tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1962 is 1,103.4 million pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1961 of 571.7 million pounds from the total supply of such tobacco.

(e) *National marketing quota.* The amount of burley tobacco which will make available during the marketing year beginning October 1, 1962, a supply of burley tobacco equal to the reserve supply level of such tobacco is 476.5 million pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 476.5 million pounds would result in undue restriction of marketings during the 1962–63 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for burley tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1962, is 571.8 million pounds.

(f) *Apportionment of the quota.* The national marketing quota is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

State:	*Acreage allotment*
Alabama	33.78
Arkansas	58.94
Georgia	93.09
Illinois	4.59
Indiana	8,684.40
Kansas	101.33
Kentucky	225,864.37
Missouri	3,530.66
North Carolina	11,487.90
Ohio	11,177.66
Pennsylvania	2.25
South Carolina	5.02
Tennessee	71,228.87
Texas	0.45
Virginia	12,433.73
West Virginia	3,201.61
Reserve [1]	872.18

[1] Acreage reserved for establishing allotments for new farms.

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 30, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-1121; Filed, Feb. 1, 1962; 8:49 a.m.]

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

Subpart—Proclamation of National Marketing Quota for Virginia Sun-Cured (Type 37) Tobacco for Each of the Three Marketing Years Beginning October 1, 1962; and Announcement and Apportionment of the National Marketing Quotas for Fire-Cured (Type 21) Tobacco, Fire-Cured (Types 22, 23, and 24) Tobacco, Dark Air-Cured (Types 35 and 36) Tobacco, and Virginia Sun-Cured (Type 37) Tobacco, for the 1962–63 Marketing Year

Sec.
725.1305 Basis and purpose.
725.1306 Findings and determinations with respect to the national marketing quota for fire-cured (type 21) tobacco for the marketing year beginning October 1, 1962.
725.1307 Findings and determinations with respect to the national marketing quota for fire-cured (types 22, 23, and 24) tobacco for the marketing year beginning October 1, 1962.
725.1308 Findings and determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1962.
725.1309a Findings and determinations with respect to the national marketing quota for Virginia sun-cured tobacco for the marketing year beginning October 1, 1962.

AUTHORITY: §§ 725.1305 to 725.1309a issued under secs. 301, 312, 313, 375, 52 Stat. 38, as amended; 46, as amended; 47, as amended; 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375.

§ 725.1305 Basis and purpose.

(a) Sections 725.1305 to 725.1309a are issued (1) to proclaim a national marketing quota for Virginia sun-cured tobacco, for each of the three marketing years beginning October 1, 1962; (2) to establish the reserve supply level and the total supply of fire-cured (type 21) tobacco, fire-cured (types 22, 23, and 24) tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco, respectively, for the marketing year beginning October 1, 1961; (3) to announce the amounts of the national marketing quotas for fire-cured (type 21) tobacco, fire-cured (types 22, 23, and 24) tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco for the marketing year beginning October 1, 1962; and (4) to apportion such national marketing quotas for the 1962–63 marketing year among the several States. The findings and determinations contained in §§ 725.1306 to 725.1309a have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of the data, views, and recommendations received from fire-cured, dark air-cured, and Virginia sun-cured tobacco producers and others, as provided in a notice (26 F.R. 9651) given in accordance with the Administrative Procedure Act (5 U.S.C. 1003).

(b) Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of a referendum of Virginia sun-cured tobacco producers within 30 days after issuance of the proclamation of a national marketing quota for such kind of tobacco to determine whether such producers favor marketing quotas and such producers need to know the 1962 acreage allotments for their farms prior to the referendum, and since tobacco farmers need to be notified of 1962 crop year allotments as soon as possible in order to make their plans for 1962 tobacco production, it is hereby found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the proclamation relating to Virginia sun-cured tobacco, and the announcements and apportionments of the national marketing quotas for fire-cured (type 21) tobacco, fire-cured (types 22, 23, and 24) tobacco, dark air-cured tobacco and Virginia sun-cured tobacco contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

§ 725.1306 Findings and determinations with respect to the amount of the national marketing quota for fire-cured (type 21) tobacco for the marketing year beginning October 1, 1962.[1]

(a) *Reserve supply level.* The reserve supply level for fire-cured (type 21) tobacco is 28,471,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 6,200,000 pounds and a normal year's exports of 6,100,000 pounds.

(b) *Total supply.* The total supply of fire-cured (type 21) tobacco for the marketing year beginning October 1, 1961, is 31,063,000 pounds, consisting of carry-over of 20,938,000 pounds and estimated 1961 production of 10,125,000 pounds.

(c) *Carry-over.* The estimated carry-over of fire-cured (type 21) tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1962, is 19,060,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1961, of 12,003,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of fire-cured (type 21) tobacco which will make available during the marketing year beginning October 1, 1962, a supply of fire-cured (type 21) tobacco equal to the reserve supply level of such tobacco is 9,411,000 pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 9,411,000 pounds would result in undue restriction of marketings during the 1962–63 marketing year and such amount is hereby increased by 20 percent to 11,293,000 pounds. Pursuant to Public Law 85–705, this increased quota is further increased to 11,930,000 pounds. Therefore, the amount of the national marketing quota for fire-cured (type 21) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1962, is 11,930,000 pounds.

(e) *Apportionment of the quota.* Since fire-cured (type 21) tobacco is grown only in the State of Virginia, the quota is apportioned only to that State under section 313(a) of the Agricultural Adjustment Act of 1938, as amended. The national marketing quota less 29,825 pounds reserved for establishing allotments for new farms, becomes the State marketing quota for Virginia. The State marketing quota is hereby converted in accordance with section 313(g) of the Act into a State acreage allotment of 9,125.90 acres. Likewise, the reserve of 29,825 pounds for establishing allotments for new farms is hereby converted into 22.87 acres.

[1] Rounded to the nearest thousand pounds, except in § 725.1306(e).

[1] Rounded to the nearest tenth of a million pounds.

§ 725.1307 Findings and determinations with respect to the national marketing quota for fire-cured (types 22, 23, and 24) tobacco for the marketing year beginning October 1, 1962.[1]

(a) *Reserve supply level.* The reserve supply level for fire-cured (types 22, 23, and 24) tobacco is 130,600,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 29,000,000 pounds and a normal year's exports of 27,000,000 pounds.

(b) *Total supply.* The total supply of fire-cured (types 22, 23, and 24) tobacco for the marketing year beginning October 1, 1961, is 136,500,000 pounds consisting of carry-over of 92,800,000 pounds and estimated 1961 production of 43,700,000 pounds.

(c) *Carry-over.* The estimated carry-over of fire-cured (types 22, 23, and 24) tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1962, is 90,400,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1961, of 46,100,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of fire-cured (types 22, 23, and 24) tobacco which will make available during the marketing year beginning October 1, 1962, a supply of fire-cured (types 22, 23, and 24) tobacco equal to the reserve supply level of such tobacco is 40,200,000 pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 40,200,000 pounds would result in undue restriction of marketings during the 1962–63 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for fire-cured (types 22, 23, and 24) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1962, is 48,240,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota announced in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

State:	*Acreage allotment*
Illinois	0.15
Kentucky	15,505.99
Tennessee	17,423.19
Reserve[1]	82.55

[1] Acreage reserved for establishment allotments for new farms.

[2] Rounded to the nearest tenth of a million pounds except in § 725.1307 (d) and (e).

§ 725.1308 Findings and determinations with respect to the amount of the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1962.[1]

(a) *Reserve supply level.* The reserve supply level for dark air-cured tobacco is 72,900,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 21,000,000 pounds and a normal year's exports of 7,000,000 pounds.

(b) *Total supply.* The total supply of dark air-cured tobacco for the marketing year beginning October 1, 1961, is 77,600,000 pounds consisting of carry-over of 57,200,000 pounds and estimated 1961 production of 20,400,000 pounds.

(c) *Carry-over.* The estimated carry-over of dark air-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1962, is 54,300,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1961, of 23,300,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of dark air-cured tobacco which will make available during the marketing year beginning October 1, 1962, a supply of dark air-cured tobacco equal to the reserve supply level of such tobacco is 18,600,000 pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 18,600,000 pounds would result in undue restriction of marketings during the 1962–63 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for dark air-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1962 is 22,300,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

State:	*Acreage allotment*
Kentucky	13,535.42
Tennessee	2,283.46
Indiana	43.92
Reserve[1]	39.76

[1] Acreage reserved for establishing allotments for new farms.

§ 725.1309a Proclamation, findings and determinations with respect to the national marketing quota for Virginia sun-cured tobacco for the marketing year beginning October 1, 1962.[4]

(a) *Proclamation.* Since the 1961–62 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect on Virginia sun-cured tobacco, a national marketing quota for such kind of tobacco for each of the three marketing years beginning October 1, 1962, is hereby proclaimed pursuant to section 312(a)(2) of the Act.

(b) *Reserve supply level.* The reserve supply level for Virginia sun-cured tobacco is 8,692,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 2,650,000 pounds and a normal year's exports of 600,000 pounds.

(c) *Total supply.* The total supply of Virginia sun-cured tobacco for the marketing year beginning October 1, 1961, is 7,294,000 pounds consisting of a carry-over of 5,036,000 pounds and estimated 1961 production of 2,258,000 pounds.

(d) *Carry-over.* The estimated carry-over of Virginia sun-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1962, is 4,537,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, of 2,757,000 pounds from the total supply of such tobacco.

(e) *National marketing quota.* The amount of Virginia sun-cured tobacco which will make available during the marketing year beginning October 1, 1962, a supply of Virginia sun-cured tobacco equal to the reserve supply level of such tobacco is 4,155,000 pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 4,155,000 pounds would result in undue restriction of marketings for the 1962–63 marketing year and such amount is increased by 20 percent to 4,986,000 pounds. Pursuant to Public Law 85–705, however, such increased quota is decreased to 4,468,000 pounds. Therefore, the amount of the national marketing quota for Virginia sun-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1962, is 4,468,000 pounds.

(f) *Apportionment of the quota.* Since Virginia sun-cured tobacco is grown only in the State of Virginia, the quota is apportioned only to that State under section 313(a) of the Agricultural Adjustment Act of 1938, as amended. The national marketing quota, less 11,170 pounds reserved for establishing allotments for new farms, becomes the State marketing quota for Virginia. The State marketing quota is hereby converted in accordance with section 313(g) of the Act into a State acreage allotment of 4,196.63 acres. Likewise, the reserve of 11,170 pounds for establishing allotments for new farms is hereby converted into 10.53 acres.

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 30, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-1122; Filed, Feb. 1, 1962; 8:49 a.m.]

[3] Rounded to the nearest tenth of a million pounds.

[4] Rounded to the nearest thousand pounds, except in § 725.1309a(f).

PART 727—MARYLAND TOBACCO

Subpart—Announcement and Apportionment of the National Marketing Quota for Maryland Tobacco for the 1962–63 Marketing Year

Sec.
727.1301 Basis and purpose.
727.1302 Findings and determinations with respect to the amount of the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1962.

AUTHORITY: §§ 727.1301 and 727.1302 issued under secs. 301, 312, 313, 375, 52 Stat. 38, as amended; 46, as amended; 47, as amended; 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375.

§ 727.1301 Basis and purpose.

(a) Sections 727.1301 and 727.1302 are issued (1) to establish the reserve supply level and the total supply of Maryland tobacco for the marketing year beginning October 1, 1961; (2) to announce the amount of the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1962; and (3) to apportion the quota for the marketing year beginning October 1, 1962, among the several States. The findings and determinations by the Secretary contained in § 727.1302 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from Maryland tobacco producers and others as provided in a notice (26 F.R. 9651) given in accordance with the Administrative Procedure Act (5 U.S.C. 1003).

(b) Since Maryland tobacco growers are making their plans for producing Maryland tobacco in 1962 and need to know the Maryland tobacco acreage allotments for their farms, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the announcement and apportionment of the national marketing quota for Maryland tobacco for the 1962–63 marketing year, contained herein, shall become effective upon the date of filing with the Director, Office of the Federal Register.

§ 727.1302 Findings and determinations with respect to the amount of the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1962.[1]

(a) *Reserve supply level.* The reserve supply level for Maryland tobacco is 98.3 million pounds, calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 26.3 million pounds and a normal year's exports of 12.9 million pounds.

(b) *Total supply.* The total supply of Maryland tobacco for the marketing year beginning October 1, 1961, is 97.0 million pounds, consisting of estimated carryover of 61.0 million pounds and estimated 1961 production of 36.0 million pounds.

(c) *Carryover.* The estimated carryover of Maryland tobacco on January 1, 1963, is 60.3 million pounds, calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1961, of 36.7 million pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of Maryland tobacco which will make available during the marketing year beginning October 1, 1962, a supply of Maryland tobacco equal to the reserve supply level of such tobacco is 38.0 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 38.0 million pounds would unduly restrict marketings during the 1962–63 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for Maryland tobacco in terms of the total quantity of tobacco which may be marketed during the marketing year beginning October 1, 1962, is 45.6 million pounds.

(e) *Apportionment of the quota.* The national marketing quota is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

State:	*Acreage allotment*
Maryland	49,905.79
Virginia	31.58
Delaware	0.13
Reserve[1]	62.50

[1] Acreage reserve for establishing allotments for new farms.

Signed at Washington, D.C., on January 30, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-1118; Filed, Feb. 1, 1962; 8:49 a.m.]

[1] Rounded to the nearest tenth of a million pounds.

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 990[1]—CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Establishment of New Free and Surplus Percentages for 1961–62 Crop Year

The Grape Crush Administrative Committee has recommended that new free and surplus percentages of 75 percent and 25 percent, respectively, be established for the period beginning August 26, 1961, and ending June 30, 1962, to replace the initial free and surplus percentages of 66 percent and 34 percent, respectively, established (§ 990.203, 26 F.R. 9068) last September for such period. The committee is established under, and its actions are pursuant to, Marketing Agreement No. 133 and Order No. 990 (26 F.R. 7797), regulating the handling of Central California grapes for crushing. The said marketing agreement and order (hereinafter referred to collectively as the "order") are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act."

There follows, in terms of sugar tons,[2] a comparison between the estimates providing the bases for the initial percentages with the determinations providing the bases for the new percentages recommended by the committee:

[Sugar tons]

Item[1]	September 1961 estimates	January 1962 determinations
(1) Total 1961–62 crush of grapes for crushing including the quantity of raisin material permitted by § 990.50	311,430	280,960
(2) Total 1961–62 crush before effective date of order (Aug. 26, 1961)	9,030	8,230
(3) Total crush of exempted varieties after Aug. 25, 1961[2]	34,860	35,297
(4) Crush subject to volume regulation (item (1) less items (2) and (3))	267,540	237,442
(5) Desirable free tonnage[3]	220,500	220,500
(6) Free tonnage needed from item (4) to provide the desirable free tonnage (item (5) less items (2) and (3))	476,610	176,973
(7) Surplus tonnage (item (4) less item (6))	90,930	60,469

FREE AND SURPLUS PERCENTAGES

Percentage	September 1961	January 1962
(8) Free percentage (item (6) divided by item (4))	66	75
(9) Surplus percentage (item (7) divided by item (4))	34	25

[1] All data are for the nine-county area covered by the order.

[2] Varieties exempted from volume regulation are set forth in § 990.202 (26 F.R. 9067).

[3] The desirable free tonnage was established (§ 990.201, 26 F.R. 9067) as 1,050,000 tons of grapes for crushing at 21 percent sugar (or 21 degrees Balling). This volume is equivalent to 220,500 sugar tons. In January 1962, the committee determined that the average sugar content of the total 1961–62 crush approximated 21.8 percent.

The committee has determined that the actual volume of grapes for crushing crushed during the 1961–62 season is materially lower, and that the average sugar content is higher, than the earlier determinations made in connection with the initial percentages. The net effect is that the actual volume crushed, adjusted for its sugar content to sugar tons, is materially lower (Item (1)) than the September estimate. Hence, in accordance with § 990.53 and to supply enough free tonnage to provide the desirable free tonnage, the equivalent of 220,500 sugar tons (Item (5)), established in September 1961, the committee recommended that the initial volume percentages be replaced with the larger free percentage of 75 percent and the correspondingly smaller surplus percentage of 25 percent.

[2] Sugar tons are obtained by multiplying tons of grapes for crushing by the degrees of Balling as a percentage, or by percent sugar, as applicable.

[1] Formerly Part 1026.

On the basis of the recommendation and determinations of the Grape Crush Administrative Committee and other available information, the need for changing the percentages is hereby concurred in and it is hereby found that to establish appropriate new free and surplus percentages, as set forth hereinafter, in order to provide sufficient free tonnage to fulfill the desirable free tonnage, will tend to effectuate the declared policy of the act.

Therefore, appropriate new free and surplus percentages are hereby established, and § 990.203 is hereby revised to read, as follows:

§ 990.203 Free and surplus percentages for the initial crop year ending June 30, 1962.

(a) The free and surplus percentages for the period beginning on August 26, 1961, and ending on June 30, 1962, of the initial crop year that are applicable in accordance with § 990.53 to grapes for crushing are established as follows:

(1) Free percentage: 75 percent; and

(2) Surplus percentage: 25 percent.

(b) The free and surplus percentages set forth in paragraph (a) of this section are not applicable to any varieties of grapes for crushing exempted pursuant to § 990.58(b) and contained in § 990.202.

It is hereby further found that it is impracticable, unnecessary, or contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(a)), in that: (1) This action reduces volume restrictions; (2) handlers and producers have been aware for several months that the actual 1961–62 crush adjusted for its sugar content would be materially lower than estimated last September, and that, in accordance with § 990.53 and as the result of simple computation using actual crush data tabulated by the committee, the surplus percentage would have to be decreased and the free percentage correspondingly increased to assure sufficient free tonnage to meet the desirable free tonnage objective set last September; (3) under this regulatory program the percentages, or any revision thereof, established for a particular crop year apply to all grapes for crushing (except those specifically exempted) from the beginning of such crop year; and (4) this regulatory program became effective on August 26, 1961, of the current crop year and the new, revised percentages herein established will automatically apply from such date to all grapes for crushing other than those exempted.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 30, 1962.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 62–1112; Filed, Feb. 1, 1962; 8:48 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

SUBCHAPTER D—APPROVED FORMS, FEDERAL POWER ACT

[Docket No. R–198; Order 238–A]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Revising Schedule Pages of Annual Report Form for Electric Utilities, Licensees and Others

JANUARY 26, 1962.

Revision of annual report form prescribed for Class A and Class B electric utilities, licensees and others subject to the Federal Power Act, F.P.C. Form No. 1; Docket No. R–198.

On December 7, 1961, the Commission issued its Order No. 238 (26 F.R. 11897, December 13, 1961) in this proceeding amending § 141.1 of the regulations under the Federal Power Act (18 CFR 141.1). Subsequent to the issuance of Order 238 examination of the Schedule Pages of the Report Form promulgated therein revealed the need for certain minor corrections of an editorial nature. These corrections are as set forth hereinafter. They have been incorporated in the printed blank report forms to be used in reporting for the year 1961 but they did not appear in the Schedule Pages annexed to Order 238 which was mailed to interested parties.

The Commission finds:

(1) It is necessary and appropriate for the purposes of the Federal Power Act that the Schedule Pages of F.P.C. Form No. 1 as set forth in Appendix A to Order No. 238 be corrected to read as set forth hereinafter.

(2) In view of the facts set out above, good cause exists for this order to be effective as of the date of its issuance.

(3) The corrections herein adopted and approved are editorial in nature and so it is unnecessary to provide notice and opportunity for comment thereon pursuant to section 4(a) of the Administrative Procedure Act.

The Commission acting pursuant to the Federal Power Act, as amended, particularly sections 3(13), 4 (a), (b), (c), 301(a), 302, 304, 309, and 311 thereof (16 U.S.C. 796 (13), 797, (a), (b), (c), 825(a), 825a, 825c, 825h, and 825j) orders:

(A) The following editorial corrections to the Schedule Pages of F.P.C. Form No. 1 prescribed for electric utilities, licensees and others subject to the provisions of the Federal Power Act as set forth in Appendix A to Order No. 238 are hereby adopted and approved:

General Instructions—last line of instruction 4, change "I, II, III" to "iii, iv, and v."

List of Schedules—page II, change "Common Plant and Expenses and Other Common Expense and Statistical Data" to "Common Section"; page iii, change page number for Construction Overheads-Electric from "428" to "427"; change page number for General Description of Construction Overhead Procedure from "427" to "428".

Page 104—item 2 add ")" after "1954".

Page 106—item 11, change "8" to "106".

Page 113—eliminate column (b) "Page No."

Page 204—account 144, item 1, change "reserve" to "accumulated provision"; item 2, delete "reserve".

Page 207—line 3, after "Residuals" add "and Extracted Products".

Page 214—heading for column (a), change "Description of other deferred debit" to "Description of miscellaneous deferred debit".

Page 219—add "(omit cents)" after schedule hearing.

Page 227—add "$" in columns (b), (c), (d), (e).

Page 420—add "(a), (b), (c), (d)" to column headings.

Page 427—place schedule "General description of construction overhead procedure" on page 428.

Page 428—place schedule "Construction Overheads-Electric" on bottom of page 427.

Page 433—add quotation marks at end of item 8.

(B) The aforesaid corrections to the Schedule Pages contained in F.P.C. Form No. 1 are effective on the date of issuance of this order.

(C) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–1085; Filed, Feb. 1, 1962; 8:45 a.m.]

SUBCHAPTER G—APPROVED FORMS, NATURAL GAS ACT

[Docket No. R–201; Order 239–A]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Revising Schedule Pages of Annual Report Form for Natural Gas Companies

JANUARY 26, 1962.

Revision of annual report form prescribed for Class A and Class B natural gas companies subject to the Natural Gas Act, F.P.C. Form No. 2; Docket No. R–201.

On December 7, 1961, the Commission issued its Order No. 239 (26 F.R. 11900, December 13, 1961) in this proceeding amending § 260.1 of the regulations under the Natural Gas Act (18 CFR 260.1). Subsequent to the issuance of Order No. 239, examination of the Schedule Pages of the Report Form promulgated therein revealed the need for certain minor corrections of an editorial nature. These corrections are set forth hereinafter. They have been incorporated in the printed blank report forms to be used in reporting for the year 1961 but they did not appear in the Schedule Pages annexed to Order No. 239 which was mailed to interested parties.

The Commission finds:

(1) It is necessary and appropriate for the purposes of the Federal Power Act that the Schedule Pages of F.P.C. Form No. 2 as set forth in Appendix A to Order No. 239 be corrected to read as set forth hereinafter.

(2) In view of the facts set out above, good cause exists for this order to be effective as of the date of its issuance.

(3) The corrections herein adopted and approved are editorial in nature and so it is unnecessary to provide notice and opportunity for comment thereon pursuant to section 4(a) of the Administrative Procedure Act.

The Commission acting pursuant to the Natural Gas Act, as amended, particularly Sections 8, 9, 10, and 16 (15 U.S.C. 717g, 717h, 717i, and 717o) orders:

(A) The following editorial corrections to the Schedule Pages of F.P.C. Form No. 2 prescribed for natural gas companies subject to the provisions of the Natural Gas Act as set forth in Appendix A to Order No. 239 are hereby adopted and approved:

Cover—add bracket after "(Address of Principal Business Office at end of year)".

General Instructions—last line of instruction 4, change "I, II, III" to "i, ii, and iii."

Excerpts from the law—third line change "prescirbe" to "prescribe."

List of Schedules—page II change "Common Plant and Expenses and Other Common Expense and Statistical Date to "Common Section"; Page III change page number for Construction Overheads-Gas from "544" to "543"; change page number for General Description of Construction Overhead Procedure from "543" to "544."

Page 104—item 2, add ")" after "1954."

Page 106—item 11, change "8" to "106."

Page 113—eliminate column (b) "Page No."

Page 204—account 144, item 1, change "reserve" to "accumulated provision"; item 2, delete "reserve."

Page 207—line 3 after "Residuals" add "and Extracted Products."

Page 214—heading for column (a) change "Description of other deferred debit" to "Description of miscellaneous deferred debit."

Page 219—add "(omit cents)" after schedule heading.

Page 227—add "$" in columns (b), (c), (d), (e).

Page 510—item 4, change page references "552 and 553" to "560 and 561."

Page 512—heading of schedule change "Abandoned" to "Abandonment of."

Page 513—heading for column (d) change to read "Accumulated Provision for Amortization (Account 115)".

Page 514—change last line to read "Total as above—line 12, columns (d) and (f)."

Page 534—item, top of page, change "page 90" to "page 212"; heading for column (c) change "797" to "795."

Page 539—line 2, delete "process."

Page 543—place schedule "General description of construction overhead procedure" on page 544.

Page 544—place schedule "Construction Overheads-Gas" on bottom of page 543.

(B) The aforesaid corrections to the Schedule Pages contained in F.P.C. Form No. 2 are effective on the date of issuance of this order.

(C) The secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–1086; Filed, Feb. 1, 1962; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55557]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar From Australia

The following information is published pursuant to T.D. 54582 dated April 29, 1958 (23 F.R. 3034).

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the last 6 months of 1961 of approved fruit products and other approved products containing sugar are the amounts set forth in the following table:

MERCHANDISE—APPROVED FRUIT PRODUCTS AND OTHER APPROVED PRODUCTS

1961:	*Net amount of bounty per 2,240 lbs. of sugar content*
July	A£40. 18. 0
August	40. 14. 0
September	42. 13. 0
October	42. 13. 0
November	42. 7. 0
December	43. 18. 0

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia are hereby ascertained, determined, and declared to be the amounts set forth in the above table. Collectors of customs shall assess and collect additional duties on the above-described commodities, whether imported directly or indirectly from that country, equal to the appropriate net amount of the bounty shown in the above table.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rates" in the column headed "Action".

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: January 26, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62–1103; Filed, Feb. 1, 1962; 8:47 a.m.]

[T.D. 55558]

PART 31—CUSTOMHOUSE BROKERS

Sharing of Fees

There was published in the FEDERAL REGISTER of June 4, 1959 (24 F.R. 4563), a notice which read in part as follows: "Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority of section 641 of the Tariff Act of 1930, as amended (19 U.S.C. 1641), it is proposed to amend § 31.10 of the Customs Regulations to make such changes as may be deemed appropriate after giving full consideration to the views of parties interested in the subject of division of fees and remuneration between attorneys and customhouse brokers."

In particular the notice specified the concern of the Association of the Customs Bar with § 31.10(n) which provides that no customhouse broker who has recommended to his client an attorney shall demand of, or accept from, such attorney any fee or remuneration by reason of such recommendation without the knowledge and consent of the client.

In response to the notice, numerous views were received which have been carefully studied and considered. In the light of these views and the consideration which has been given to this matter it has been decided to amend § 31.10(n).

The purpose of § 31.10(n) has been to require the knowledge and consent of the client if the customhouse broker proposed to engage in the practice of sharing attorney's fees which arise out of litigation involving the client's importation. This provision is in line with other provisions of the regulations which govern customhouse brokers and are intended to insure full disclosures to clients of matters affecting their financial interests.

It has now been concluded that regardless of the historical reasons associated with the development and recognition of fee-sharing arrangements between customhouse brokers and customs attorneys, it is undesirable for the Customs Regulations to support a practice which is inconsistent with the ethical standards which are now imposed upon customs attorneys. It is clear, however, that any action taken to amend the Customs Regulations should not affect retroactively any contractual arrangements which may be valid under existing law, but no inference regarding the validity or invalidity of any such contract should be drawn from the amendment set forth herein which is intended to have only prospective effect.

Section 31.10(n) is hereby amended to read as follows:

(n) With respect to merchandise imported after March 15, 1962, no customhouse broker shall demand or accept from any attorney (whether directly or indirectly, including, for example, from a client as a part of any arrangement with an attorney) on account of any case litigated in any court of law or an account of any other legal service rendered by an attorney any fee or remuneration in excess of an amount measured by or commensurate with the time, effort

and skill expended by the broker in performing services in that case.

(R.S. 161, 251, secs. 624, 641, 46 Stat. 759, as amended; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 1641)

[SEAL] PHILIP NICHOLS Jr.,
Commissioner of Customs.

Approved: January 23, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-1104; Filed, Feb. 1, 1962; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2596]

[Montana 028667]

MONTANA

Withdrawing Lands in Connection With Freezeout Lake Waterfowl Management Area

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et. seq.), it is ordered as follows:

Subject to valid existing rights, the following described public lands in Montana are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, and reserved under the jurisdiction of the Secretary of the Interior, for use of the State of Montana Department of Fish and Game, for wildlife purposes as a waterfowl feeding, nesting, and resting area in connection with the Freezeout Lake Waterfowl Management Area, under such conditions as may be prescribed by the Secretary of the Interior:

PRINCIPAL MERIDIAN

T. 22 N., R. 4 W.,
Sec. 2, S½NW¼.

Containing 80 acres.

JOHN M. KELLY,
Assistant Secretary of the Interior.

JANUARY 29, 1962.

[F.R. Doc. 62-1091; Filed, Feb. 1, 1962; 8:46 a.m.]

[Public Land Order 2597]

[BLM 057096]

ARKANSAS

Withdrawal for Forest Service Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described lands in the Ouachita National Forest are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States, for use of the Forest Service as a recreation area:

FIFTH PRINCIPAL MERIDIAN

T. 1 S., R. 32 W.,
Sec. 11, NW¼SW¼;
Sec. 12, NW¼SE¼.

Containing 80 acres.

JOHN M. KELLY,
Assistant Secretary of the Interior.

JANUARY 29, 1962.

[F.R. Doc. 62-1092; Filed, Feb. 1, 1962; 8:46 a.m.]

[Public Land Order 2598]

[Juneau 011927]

ALASKA

Withdrawing Lands for Use of Bureau of Commercial Fisheries; Partly Revoking Public Land Order No. 842 of June 19, 1952

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Bureau of Commercial Fisheries, United States Fish and Wildlife Service, for fisheries research purposes in connection with the Juneau Biological Laboratory:

AUKE BAY AREA

Unapproved Survey 3832, lot 3.
Containing 2.32 acres.

2. Public Land Order No. 842 of June 19, 1952, which withdrew lands for classification is hereby revoked so far as it affects the lands described in paragraph 1, hereof.

KENNETH HOLUM,
Assistant Secretary of the Interior.

JANUARY 29, 1962.

[F.R. Doc. 62-1093; Filed, Feb. 1, 1962; 8:46 a.m.]

[Public Land Order 2599]

[Anchorage 050744]

ALASKA

Partly Revoking the Executive Order of May 24, 1905

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The executive order of May 24, 1905, so far as it withdrew for a right-of-way, a strip of land 100 feet wide (50 feet on either side of the center of a telegraph line), along the U.S. military telegraph lines from Valdez to Fort Egbert; from Fort Egbert to boundary; from Northfork to Fort Gibbon; from Baker to Rampart; from Fort Gibbon to St. Michael, and from Safety Harbor to Fort Davis, is hereby revoked.

2. The lands have been placed under control of the Secretary of the Interior for disposition, by Executive Order No. 702 of October 23, 1907; Executive Order No. 769 of March 13, 1907; Executive Order No. 1438 of November 23, 1911; Executive Order No. 4131 of January 22, 1925, and Executive Order No. 7127 of August 6, 1935. The areas included in the withdrawals have not been surveyed or staked, and cannot be positively identified on the ground at this time. This is primarily a record clearing action.

3. Until 10:00 a.m., on July 30, 1962, the State of Alaska shall have a preferred right to select the public lands released from withdrawal by this order in accordance with the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

Beginning at 10:00 a.m., on July 30, 1962, the lands shall be subject to operation of the public land laws generally, including the mining laws, subject to existing valid rights and equitable claims and the requirements of applicable law, rules and regulations.

Inquiries concerning the lands may be addressed to the Manager of the Land Office, Bureau of Land Management, Anchorage or Fairbanks, Alaska.

KENNETH HOLUM,
Assistant Secretary of the Interior.

JANUARY 29, 1962.

[F.R. Doc. 62-1094; Filed, Feb. 1, 1962; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-349]

PART 288—EXEMPTION OF AIR CARRIERS FOR SHORT NOTICE MILITARY CONTRACTS

Reasonable Level of Compensation; Postponement of Effective Date of Certain Provisions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of January 1962.

On January 19, 1962, the Board adopted Amendment No. 2 to Part 288 of the Economic Regulations, Docket 13039, 27 F.R. 689, by which it amended § 288.7 to provide, among other things, for a revised schedule of minimum charges for charter service for MATS. Revised § 288.7(a)(4) reduces the minimum charge for one-way cargo charters from 22.5 cents to 21.5 cents per ton-mile.

The Board has receiver petitions from Slick Airways, Inc., and Flying Tiger Line, Inc., for reconsideration of this new minimum charge, and for postponement of the effective date of Amendment 2, insofar as it establishes said minimum charge, until Board action on said petitions.

It appears to the Board that the petitions for reconsideration raise substantial issues for the Board's decision insofar as the application of the amended minimum charge to transpacific services between the 48 contiguous States and points beyond Alaska or Hawaii is concerned, and that good cause has been shown for the postponement of the effectiveness of said amended minimum charge in respect of these services pending further consideration by the Board.

Accordingly, the Board hereby postpones the effective date of § 288.7(a)(4) as set forth in Amendment 2 to Part 288, 14 CFR Part 288, insofar and only insofar as this provision relates to transpacific services between the 48 contiguous States and points beyond Alaska or Hawaii, until the further action of the Board. Thus the minimum of 22.5 cents per ton-mile remains in effect for those one-way cargo charter services for MATS as to which the effective date of amended § 288.7(a)(4) is being postponed herein.

In the absence of this action of the Board the aforesaid minimum charge prescribed by Amendment 2 would take effect on February 1, 1962. The Board therefore finds that notice and public procedure on this action are impracticable and contrary to the public interest, and that good cause exists for making this amendment effective on February 1, 1962.

(Sec. 204(a), 416, Federal Aviation Act of 1958; 72 Stat. 743, 771; 49 U.S.C. 1324, 1386)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-1165; Filed, Feb. 1, 1962; 8:50 a.m.]

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR-302]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Prohibition of Unauthorized and Informal Documents

JANUARY 30, 1962.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of January 1962.

On August 23, 1961, the Board issued a notice of proposed rule making, PDR-6, Docket 12955, 26 F.R. 8074, proposing various amendments to the Board's Rules of Practice in Economic Proceedings which provided that unauthorized or informal documents submitted to the Board would not be accepted for filing; expressly prohibited post-answer responsive documents and established procedures whereby requests for leave to file documents subject to such rejection might be granted upon a showing of good cause.

In response to various comments received concerning various aspects of the proposed rule, certain changes have been made in the final rule. Thus, while the notice contemplated that only the person submitting an unacceptable document would be notified informally of its rejection by the Board, the final rule expressly provides for such notification of all persons upon whom the document has been served.

The final rule has also been amended to expressly provide that any protest or memorandum in opposition or support, filed pursuant to the Act, shall either be filed in lieu of an answer, under § 302.6, or shall be combined therewith and filed as a single pleading. Furthermore, the presently effective provisions of § 302.6 concerning such protests or memoranda have been amended to afford the party to a proceeding whose application has been the subject of such a document the option of responding thereto orally, in writing, or by introducing evidence when the Examiner deems the latter course of action to be appropriate. Sections 302.4(f)(2) and 302.18, which respectively deal with motions for leave to file unauthorized pleadings and motions for relief not otherwise provided for under Part 302, have been identically revised to provide that the Examiner's jurisdiction shall terminate upon the issuance of his Initial Decision rather than upon the expiration of the period within which exceptions thereto may be filed. Finally, certain editorial changes in the text of the proposed rule have been made.

Interested persons have been afforded opportunity to participate in the formulation of this rule and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Subpart A—Rules of General Applicability of Part 302 of the Procedural Regulations (14 CFR Part 302) effective March 5, 1962, as follows:

1. By amending § 302.4 to read:

§ 302.4 General requirements as to documents.

(a) *Contents.* In case there is no rule, regulation, or order of the Board which prescribes the contents of a formal application, petition, complaint, motion or other authorized or required document, such document shall contain a proper identification of the parties concerned, and a concise but complete statement of the facts relied upon and the relief sought.

(b) *Subscription.* Every application, petition, complaint, motion or other authorized or required document shall be signed by the party filing the same, or by a duly authorized officer or the attorney-at-law of record of such party, or by any other person: *Provided*, That, if signed by such other person, the reason therefor must be stated and the power of attorney or other authority authorizing such other person to subscribe the document must be filed with the document. The signature of the person signing the document constitutes a certification that he has read the document; that to the best of his knowledge, information and belief every statement contained in the instrument is true and no such statements are misleading; and that it is not interposed for delay.

(c) *Designation of person to receive service.* The initial document filed by any person shall state on the first page thereof the name and post office address of the person or persons who may be served with any documents filed in the proceeding.

(d) *Prohibition of certain documents.* No document which is subject to the general requirements of this subpart concerning form, filing, subscription, service or similar matters shall be filed with the Board or an Examiner unless:

(1) Such document and its filing by the person submitting it has been expressly authorized or required in the Federal Aviation Act of 1958, any other law, this part, other Board regulations, or any order or other document issued by the Board, the Chief Examiner or an Examiner assigned to the proceeding, and

(2) Such document complies with each of the requirements of §§ 302.3 and 302.8, and is submitted as a formal application, complaint, petition, motion, answer, pleading or similar paper rather than as a letter, telegram or other informal written communication: *Provided, however*, That for good cause shown, pleadings of any public body or civic organization may be submitted in the form of a letter: *Provided further*, That comments concerning section 412 agreements, which have not been docketed, may be submitted in the form of a letter.

(e) *Documents improperly filed.* A document which is filed in violation of the prohibition imposed by paragraph (d) of this section, or in violation of a requirement imposed by any other provision of this part, will not be accepted for filing by the Board and will not be physically incorporated in the docket of the proceeding. The sender of such document and all persons who have been served therewith will be notified informally of the Board's action thereon.

(f) *Motions for leave to file otherwise unauthorized documents.* (1) The Board will accept otherwise unauthorized documents for filing only if leave has previously been obtained, from the Examiner or the Board, on written motion and for good cause shown.

(2) After the assignment of an Examiner to a proceeding, and before the issuance of a recommended or initial decision, or the certification of the record to the Board, these motions shall be addressed to him. At all other times, such motions shall be addressed to the Board. The Examiner or the Board will promptly pass upon such motions.

(3) Such motions shall be filed within seven days after service of any document

or order or ruling to which the proposed filing is responsive, and shall be served on all parties to the proceeding. Answers thereto may not be filed.

(4) Such motions shall contain a concise statement of the matters relied upon as good cause and there shall be attached thereto the pleading or other document for which leave to file is sought.

2. By amending § 302.5 to read:

§ 302.5 Amendment of documents and dismissal.

If any document initiating, or filed in, a proceeding is not in substantial conformity with the applicable rules or regulations of the Board as to the contents thereof, or is otherwise insufficient but not subject to rejection under § 302.4(e), the Board, on its own initiative, or on motion of any party, may strike or dismiss such document, or require its amendment. An application may be amended prior to the filing of answers thereto, or, if no answer is filed, prior to its designation for hearing. Thereafter, applications may be amended only if leave is granted by the Board or an Examiner pursuant to the procedures set forth in § 302.18. If properly amended, a document shall be made effective as of the date of original filing but the time prescribed for the filing of an answer or any further responsive document directed towards the amended document shall be computed from the date of the filing of the amendment.

3. By amending § 302.6 to read:

§ 302.6 Responsive documents.

(a) Answers to applications, complaints, petitions, motions or other documents or orders instituting proceedings may be filed by any party to such proceedings or any person who has a petition for intervention pending. Except as otherwise provided, answers are not required. Protests or memoranda of opposition or support, permitted by statute, shall be filed in lieu of answers or shall be combined with answers.

(b) *Further responsive documents.* Except as otherwise provided, no reply to an answer, reply to a reply, or any further responsive document shall be filed. Where a reply to an answer or any further responsive document is not fileable, all new matter contained in such answer shall be deemed controverted. A party to a proceeding whose application has been the subject of a protest or memorandum of opposition or support, permitted by statute, may respond thereto before the close of the hearing in the case to which such documents relate, orally, in writing, or by introducing evidence, subject to appropriate rulings by the Examiner. Once such response has been made, such party may also discuss the protest or memorandum in his brief to the Examiner or the Board or in his oral argument.

(c) *Time for filing.* Except as otherwise provided, an answer or any further responsive document shall be filed within seven days after service of the document to which such responsive filing is directed. Protests or memoranda of opposition or support, permitted by statute, shall be filed before the close of the hearing in the case to which they relate.

4. By amending the first sentence of § 302.8(a)(2) to read:

§ 302.8 Service of documents.

(a) • • •

(2) *The parties.* Answers, petitions, motions, briefs, exceptions, notices, protests or memoranda, or any other documents filed by any party or other person with the Board or an Examiner shall be served upon all parties to the proceeding in which it is filed: *Provided,* That motions to expedite filed in any proceeding conducted pursuant to sections 401 and 402 of the Act, shall, in addition, be served on all persons who have petitioned for intervention in, or consolidation of applications with, such proceeding.

5. By amending paragraphs (a) and (c) of § 302.18 to read:

§ 302.18 Motions.

(a) *Generally.* An application to the Board or an Examiner for an order or ruling not otherwise specifically provided for in this part shall be by motion. After the assignment of an Examiner to a proceeding and before the issuance of a recommended or initial decision or the certification of a record to the Board, all motions shall be addressed to the Examiner. At all other times motions shall be addressed to the Board. All motions shall be made at an appropriate time depending upon the nature thereof and the relief requested therein.

• • • • • •

(c) *Answers to motions.* Within seven days after a motion is served, or such other period as the Board or Examiner may fix, any party to the proceeding may file an answer in support of or in opposition to the motion, accompanied by such affidavits or other evidence as it desires to rely upon. Unless the Board or the Examiner provides otherwise, no reply to an answer, reply to a reply, or any further responsive document shall be filed. Where a reply to an answer or any other responsive document is not fileable, all new matter contained in such answer shall be deemed controverted.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 1001, 72 Stat. 788; 49 U.S.C. 1481)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-1125; Filed, Feb. 1, 1962; 8:50 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 771, Amdt. 54]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

Subpart A—General

A proposal to amend Subpart A of Part 514 of the regulations of the Administrator was published on June 13, 1961, 26 F.R. 5270. Interested persons were invited to submit comments and due consideration has been given to all comments received.

As a result of the comments received, several changes, generally of a clarifying or explanatory nature have been made. For example, the definition of "Manufacturer" has been revised from that proposed to make it clear that the manufacturer does not necessarily have to produce the component parts of the article which he certifies under the TSO system, and a footnote has been added to indicate that articles may also be approved in conjunction with the type certification procedures for an aircraft, engine or propeller. An explanation of performance standards, as used in this regulation, has been added.

A comment has been received which indicates the need for clarification as to the applicability of certain provisions of the proposed regulation to manufacturers of articles currently being identified with the TSO markings under the provisions of Part 514. Manufacturers who have been authorized to manufacture and to identify their articles under an FAA letter of acceptance of their statement of conformance are holders of an authorization issued pursuant to the provisions of Part 514. It is not intended nor is it necessary, that such manufacturers requalify by reapplication under this revised regulation in order to continue manufacturing such articles. The regulation has been revised to expressly state that such manufacturers may continue to manufacture articles in accordance with the terms of their present authorization and need not reapply for such authorization. However, as the proposal indicated, such manufacturers are subject to the provision permitting authorized representatives of the FAA to inspect their articles and manufacturing facilites and to examine their technical data files. Thus, their continuing capability to manufacture TSO articles may be determined by the FAA at any time.

The requirement for retention of data and records has been revised from that proposed to make it clear that such data and records need be retained only for articles which are manufactured on and after July 1, 1962, the effective date of this amendment. This requirement has also been relaxed to the extent that inspection and test records must be retained for only two years. Furthermore, only copies rather than the original technical data file need be transferred to the FAA for record purposes when the manufacturer terminates his business or no longer operates under the TSO system.

In response to comment received a provision has been added establishing a procedure under which the applicant will be issued an authorization, or notified of the denial of his application within 30 days from the date of its receipt. In the event that additional information is requested by the FAA to process the application, the 30 days will be computed from the date of receipt of such information. In order to expedite the application procedures, applications will be made directly to the FAA Engineering and Manufacturing Branch of the Region in which the applicant is located instead of to the Washington Office.

Finally, a provision has been included in this regulation which permits a manufacturer to refer in his application to quality control data previously submitted to the FAA.

There were objections to what appeared to be a reversal of the policy of delegating responsibility to the industry under the TSO system. Under the TSO system a manufacturer submitting a statement of conformance is responsible for conducting compliance tests and for maintaining quality control to assure that the articles which he certifies meet the standards of a TSO do, in fact, meet these standards. Under this amendment this responsibility will continue, but procedures are also established to provide the FAA with assurance that persons given such responsibility have at all times the necessary facilities, inspection organization and ability to produce the articles in conformance with the approved standards. To provide uniformity and eliminate unnecessary repetition these requirements are set forth in the general provisions of Subpart A rather than in the individual TSO's.

The manual material under §§ 3.18, 4b.18, and 6.18 of the Civil Air Regulations is being amended under appropriate rule making procedures to bring such material in conformance with the provisions of this part.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Subpart A of Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby revised as follows, effective July 1, 1962:

Subpart A—General

Sec.
514.0 Definition of terms.
514.1 Basis and purpose.
514.2 TSO authorization.
514.3 Conditions on authorizations.
514.4 Deviations.
514.5 Design changes.
514.6 Retention of data and records.
514.7 Inspection and examination of data, articles or manufacturing facilities.
514.8 Service difficulties.
514.9 Noncompliance.
514.10 Transferability and duration.

AUTHORITY: §§ 514.0 to 514.10 issued under secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421.

Subpart A—General

§ 514.0 Definition of terms.

As used in this part:

(a) "Administrator" means the Administrator of the Federal Aviation Agency or any person to whom he has delegated his authority in the matter concerned.

(b) "FAA" means Federal Aviation Agency.

(c) "Manufacturer" means a person who controls the design and quality of an article produced under the TSO system, including all parts thereof and processes and services related thereto obtained from outside sources.

(d) "Article" means the materials, parts, or appliances for which approval is required under the Civil Air Regulations for use on civil aircraft.

§ 514.1 Basis and purpose.

(a) *Basis.* Section 601 of the Federal Aviation Act of 1958, and §§ 3.18, 4a.31, 4b.18, 5.18, 6.18, 7.18, 10.21, 13.18, and 14.18 of this title (Civil Air Regulations).

(b) *Purpose.* (1) This part prescribes in individual Technical Standard Orders the minimum performance and quality control standards for FAA approval of specified articles used on civil aircraft,[1] and prescribes the methods by which the manufacturer of such articles shall show compliance with such standards in order to obtain authorization for the use of the articles on civil aircraft.

(2) The performance standards set forth in the individual Technical Standard Orders are those standards found necessary by the Administrator to assure that the particular article when used on civil aircraft will operate satisfactorily, or accomplish satisfactorily its intended purpose under specified conditions.

§ 514.2 TSO authorization.

(a) *Privileges.* No person shall identify an article with a TSO marking unless he holds a TSO authorization and the article meets and the applicable TSO standards prescribed in this part.

(b) *Letters of acceptance issued prior to July 1, 1962.* An FAA letter of acceptance of a statement of conformance issued for an article prior to July 1, 1962, is an authorization within the meaning of this part and the holder thereof may continue to manufacture such article without obtaining an additional TSO authorization, but shall comply with the requirements of §§ 514.3 through 514.10.

(c) *Application.* The manufacturer or his duly authorized representative shall submit an application for a TSO authorization together with the following documents (See Appendix A of this subpart for sample application) to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, in the region in which the manufacturer is located:[2]

(1) A statement of conformance certifying that the applicant has complied with the provisions of Subpart A and the article meets the applicable performance standards established in Subpart B of this part (See Appendix B of this subpart for sample statement of conformance);

(2) Copies of the technical data required in the performance standards set forth in Subpart B of this part for the particular article;

(3) A description of his quality control system in the detail specified in § 1.36 of this title (Civil Air Regulations). In complying with this provision the manufacturer may refer to current quality control data filed with the Agency, as a part of a previous application.

NOTE: When a series of minor changes in accordance with § 514.5 is anticipated, the manufacturer may set forth in his application the basic model numbered article with open brackets after it to denote that suffix change letters will be added from time-to-time, e.g., Model No. 100 ( ).

(d) *Issuance.* (1) Upon receipt of the application and adequate supporting documents specified in paragraph (c) of this section to substantiate the manufacturer's statement of conformance with the requirements of this part and his ability to produce duplicate articles in accordance with the provisions of this part, the applicant will be given an authorization to identify his article with the applicable TSO marking.

(2) If the application is deficient in respect to any requirements, the applicant shall, upon request by the Chief, Engineering and Manufacturing Branch, submit such additional information as may be necessary to show compliance with such requirements. Upon the failure of the applicant to submit such additional information within 30 days after the date of the request therefor, his application will be denied and he will be so notified by the Chief, Engineering and Manufacturing Branch.

NOTE: The applicant will be issued an authorization or notified of the denial of his application within 30 days after the date of receipt of such application or, in the event that additional information has been requested, within 30 days after the date of receipt of such additional information.

§ 514.3 Conditions on authorizations.

The manufacturer of an article under an authorization issued under the provisions of this part shall—

(a) Manufacture such article in accordance with the requirements of Subpart A and the performance standards contained in the applicable TSO of Subpart B of this part;

(b) Conduct the required tests and inspections, and establish and maintain a quality control system adequate to assure that such article, as manufactured, meets the requirements of paragraph (a) of this section and is in a condition for safe operation;

(c) Prepare and maintain for each type or model of such article a current file of complete technical data and records in accordance with § 514.6; and

(d) Permanently and legibly mark each such article with the following information:

(1) Name and address of the manufacturer,

(2) Equipment name, or type or model designation,

(3) Weight to the nearest tenth of a pound,

(4) Serial number and/or date of manufacturer, and

(5) Applicable Technical Standard Order (TSO) number.

§ 514.4 Deviations.

Approval for a deviation from the performance standards established in Subpart B may be obtained only if the

[1] Articles may also be approved and manufactured for use on civil aircraft as a part of the type design of a type certificate for an aircraft engine or propeller.

[2] Regional Offices are located at New York, Atlanta, Kansas City, Fort Worth, Los Angeles, Anchorage.

standard or standards for which deviation is requested are compensated for by factors or design features which provide an equivalent level of safety. A request for such approval together with the pertinent data shall be submitted by the manufacturer to the Chief, Engineering and Manufacturing Branch of the Region in which the applicant is located.

§ 514.5 Design changes.

(a) *By Manufacturer*—(1) *Minor changes.* The manufacturer of an article under an authorization issued pursuant to the provisions of this part may make minor design changes to the article without further approval by the FAA. In such case the changed article shall retain the original model number and the manufacturer shall forward to the Chief, Engineering and Manufacturing Branch such revised data as may be necessary for compliance with § 514.2 (c).

(2) *Major changes.* If the changes to the article are so extensive as to require a substantially complete investigation to determine compliance with the performance standards established in Subpart B, the manufacturer shall assign a new type or model designation to the article and submit a new application in accordance with the provisions of § 514.2(c).

(b) *By persons other than the manufacturer.* Design changes to an article by a person other than the manufacturer who submitted the statement of conformance for such article are not eligible for approval under this part, unless such person is a manufacturer as defined in § 514.0 and applies for authorization under § 514.2(c).

NOTE: Persons other than a manufacturer may obtain approval for design changes to a product manufactured under a TSO pursuant to the provisions of Part 18 or the applicable airworthiness regulations.

§ 514.6 Retention of data and records.

(a) A manufacturer holding an authorization issued pursuant to the provisions of this part shall, for all articles manufactured under such authorization on and after July 1, 1962, maintain and keep at his factory:

(1) A complete and current technical data file for each type or model of article which shall include the design drawings and specifications. This technical data shall be retained for the duration of his operation under the provisions of this part.

(2) Complete and current inspection records to show that all inspections and tests required to ensure compliance with this part have been properly accomplished and documented. These records shall be retained for at least two years.

(b) The data specified in paragraph (a)(1) of this section shall be identified and copies transferred to the FAA for record purposes in the event the manufacturer terminates his business or no longer operates under the provisions of this part.

§ 514.7 Inspection and examination of data, articles or manufacturing facilities.

The manufacturer shall, upon request, permit an authorized representative of the FAA to inspect any article manufactured pursuant to this part, and to observe the quality control inspections and tests and examine the manufacturing facilities and technical data files for such article.

§ 514.8 Service difficulties.

Whenever the investigation of an accident or a service difficulty report shows an unsafe feature or characteristic caused by a defect in design or manufacture of an article, the manufacturer shall upon the request of the Chief, Engineering and Manufacturing Branch, report the results of his investigation and the action, if any, taken or proposed by him to correct the defect in design or manufacture (e.g., service bulletin, design changes, etc.). If the defect requires a design change or other action to correct the unsafe feature or characteristic, the manufacturer shall submit to the Chief, Engineering and Manufacturing Branch, the data necessary for the issuance of an airworthiness directive containing the appropriate corrective action.

§ 514.9 Noncompliance.

Whenever the Administrator finds that a manufacturer holding an authorization issued pursuant to the provisions of this part has identified an article by a TSO marking and that such article does not meet the applicable performance standards of this part, the Administrator may, upon notice thereof to the manufacturer, withdraw the manufacturer's authorization and, where necessary, prohibit any further certification or operation of a civil aircraft upon which such article is installed until appropriate corrective action is taken.

§ 514.10 Transferability and duration.

An authorization issued pursuant to the provisions of this part shall not be transferred and is effective until surrendered, or withdrawn, or otherwise terminated by the Administrator.

(Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on January 29, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

APPENDIX A

SAMPLE APPLICATION FOR TSO AUTHORIZATION

(Date)

(Addressed to: Chief, Engineering and Manufacturing Branch, Federal Aviation Agency, Region).

Application is hereby made for authorization to use the Technical Standard Order procedures.

Enclosed is a statement of conformance for the article to be produced under TSO–C------.

The required quality control data[1] are transmitted: (herewith) (under separate cover).

Signed ----------

[1] Reference may be made to data already on file with the FAA.

APPENDIX B

SAMPLE STATEMENT OF CONFORMANCE

(Date)

(Addressed to: Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency).

The undersigned hereby certifies that the article listed below by model, type or part number has been tested and meets the performance standards of Technical Standard Order C------. In addition, all other applicable provisions of Part 514 of the Regulations of the Administrator have been met.

The technical data required by the TSO in the quantity specified are transmitted: (herewith) (under separate cover).

Authorization to use TSO identification on this article is requested.

Signed ----------

[F.R. Doc. 62-1080; Filed, Feb. 1, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–HO–4]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

Cancellation of Alteration

On January 20, 1962, there was published in the FEDERAL REGISTER an amendment to Airspace Docket No. 60–HO–4 (27 F.R. 616), which altered the Breakers Intersection by redescribing it as the intersection of the Lihue, Hawaii, VOR 130° and the Honolulu, Hawaii, VORTAC 269° True radials in lieu of the Lihue VOR 128° and the Honolulu VORTAC 269° True radials. This action was taken to identify the intersection of radials used to describe Hawaiian VOR Federal airway No. 2.

Subsequent to publication of this amendment, a flight check of the Breakers Intersection disclosed that the altered location would be outside of terminal radar coverage. However, the original site would be within radar coverage. Since the primary purpose of this intersection is to identify the initial holding point for aircraft enroute to Honolulu from the west, it has been determined that the original site of the Breakers Intersection should be retained. Therefore, action is taken herein to cancel the amendment published on January 20, 1962.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, the alteration of Airspace Docket No. 60–HO–4, published in the FEDERAL REGISTER on January 20, 1962 (27 F.R. 616), is cancelled.

(Sec. 307(a), 72 Stat. 749; U.S.C. 1348)

Issued in Washington, D.C., on January 30, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–1108; Filed, Feb. 1, 1962; 8:47 a.m.]

[Reg. Docket No. 1030; Amdt. 255]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE FEBRUARY 17, 1962, OR UPON DECOMMISSIONING OF LFR.							
City, Columbia; State, S.C.; Airport Name, Columbia; Elev., 244'; Fac. Class., SBRAZ; Ident., CAE; Procedure No. 1, Amdt. 12; Eff. Date, 10 Sept. 55; Sup. Amdt. No. 11; Dated, 15 May 54							
PROCEDURE CANCELLED, EFFECTIVE FEBRUARY 17, 1962, OR UPON DECOMMISSIONING OF LFR.							
City, Columbia; State, S.C.; Airport Name, Owens Field; Elev., 192'; Fac. Class., SBRAZ; Ident, CAE; Procedure No. 1, Amdt. 1; Eff. Date, 10 Sept. 55; Sup. Amdt. No. Orig.; Dated, 10 Jan. 54							
PROCEDURE CANCELLED, EFFECTIVE FEBRUARY 17, 1962.							
City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716'; Fac. Class, SBRAZ; Ident., DTW; Procedure No. 1 Amdt. 7; Eff. Date, 2 Sept. 61; Sup. Amdt. No. 6; Dated, 31 May 56							
PROCEDURE CANCELLED, EFFECTIVE FEBRUARY 17, 1962, OR UPON DECOMMISSIONING OF LFR.							
City, Greensboro; State, N.C.; Airport Name, Greensboro-High Point; Elev., 923'; Fac. Class., SBRATX; Ident., GSO; Procedure No. 1, Amdt. 10; Eff. Date, 19 May 56; Sup. Amdt. No. 9; Dated, 2 Feb. 54							
Reno VOR	RO LFR	Direct	9000	T–dn	1000–2	1000–2	1000–2
Pyramid Int	RO LFR	Direct	9000	C–dn	2000–2	2000–2	2000–2
Mustang Int	RO LFR	Direct	9000	A–dn	2500–3	2500–3	2500–3
Churchill Int	RO LFR	Direct	9000				
Verdi Int	RO LFR	Direct	9000				
Procedure turn E side N crs, 341° Outbnd, 161° Inbnd, 8700' within 10 miles. Nonstandard due to terrain. Minimum altitude over facility on final approach crs, 6800'. Crs and distance, facility to airport, 161°—2.3 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, make an immediate right turn and climb to 8700' on N crs of RO-LFR within 15 miles. AIR CARRIER NOTE: No reductions in visibility minimums authorized. CAUTION: High terrain surrounding airport.							
City, Reno; State, Nev.; Airport Name, Municipal; Elev., 4411'; Fac. Class., SBRA; Ident., RO; Procedure No. 1; Amdt. 1; Eff. Date, 17 Feb. 62; Sup. Amdt. No. Orig.; Dated, 9 Dec. 61							
PROCEDURE CANCELLED, EFFECTIVE FEBRUARY 17, 1962.							
City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571'; Fac. Class., SBRAZ; Ident., SL; Procedure No. 1, Amdt. 14; Eff. Date, 20 May 61; Sup. Amdt. No. 13; Dated, 15 Nov. 58							
PROCEDURE CANCELLED, EFFECTIVE FEBRUARY 17, 1962, OR UPON DECOMMISSIONING OF LFR.							
City, Savannah; State, Ga.; Airport Name, Travis Field; Elev., 50'; Fac. Class., SBMRLZ; Ident., SAV; Procedure No. 1, Amdt. 5; Eff. Date, 11 Oct. 58; Sup. Amdt. No. 4; Dated, 18 Feb. 56							

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Wolcottsville FM	LOM (Final)	Direct	1500	T-dn	300–1	300–1	200–½
Buffalo VOR	LOM	Direct	1900	C-dn	500–1	500–1	500–1½
Buffalo MHW	LOM	Direct	2000	S-dn-23	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn north side of crs, 052° Outbnd, 232° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 232°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on 232° crs from LOM within 10 miles, make left turn direct to BU LOM. Hold on BU LOM, right turns, 1 minute, 232° Inbnd.

City, Buffalo; State, N.Y.; Airport Name, Buffalo; Elev., 711′; Fac. Class., LOM; Ident., BU; Procedure No. 1, Amdt. 1; Eff. Date, 17 Feb. 62; Sup. Amdt. No. Orig.; Dated, 8 July 61

QG LFR	DET RBn	Direct	2700	T-dn*	500–1	500–1	500–1
QG VOR	DET RBn	Direct	2700	C-dn	700–1	700–1	700–1½
SVM VOR	DET RBn	Direct	2700	A-dn	800–2	800–2	800–2
PTK VOR	DET RBn	Direct	2700				
Allen Int#	Auburn Int$	Via QG R-339 or 159° brng to DET RBn.	2900				
Auburn Int$	DET RBn	Via QG R-339 or 159° brng to DET RBn (Final).	2400				
Rochester Int$$	DET RBn	Direct	2700				

Procedure turn east side of crs, 326° Outbnd, 146° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 146°—5.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 mi after passing DET RBn, make left climbing turn to 3000′, proceed to DET RBn. Hold NW on inbound brng 146° to DET RBn or, when directed by ATC, climb to 2300′, proceed direct to QG LFR.
AIR CARRIER NOTE: Sliding scale not authorized.
*300–1 takeoff authorized on Runway 33 only.
#Allen Int: Int FNT VOR R-125 and PTK VOR R-094.
$Auburn Int: Int PTK VOR R-105 and QG VOR R-339 or 159° brng to DET RBn.
$$Rochester Int: Int FNT VOR R-125 and QG VOR R-347.

City, Detroit; State, Mich.; Airport Detroit City; Name, Elev., 626′; Fac. Class., MHW; Ident., DET; Procedure No. 1, Amdt. Orig.; Eff. Date, 17 Feb. 62

PROCEDURE CANCELLED, EFFECTIVE FEBRUARY 17, 1962, OR UPON DECOMMISSIONING OF GPR RBN.

City, Ft. Worth; State, Tex.; Airport Name, Ft. Worth International, (Amon Carter Field); Elev., 568′; Fac. Class., MHW; Ident., GPR; Procedure No. 2, Amdt. 5; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 4; Dated, 26 Sept. 57

Pinehurst Int	LFA RBn	Direct	8000	T-dn	500–1	500–1	500–1
LMT VOR	LFA RBn	Direct	7500	C-d*	800–1	800–1	800–1½
LM LFR	LFA RBn	Direct	7500	C-n*	800–2	800–2	800–2
LMT VOR R-161 20 mi DME Fix	LFA RBn	Direct	7500	A-dn	1000–2	1000–2	1000–2

Procedure turn E side crs 138° Outbnd, 318° Inbnd, 7500′ within 10 mi of LFA RBn. Beyond 10 mi NA.
Minimum altitude over LFA RBn on final approach crs, 7500′; over OM, 5700′; over Stukel Int,** 5300′; over LMM, 4900′.
Crs and distance, facility to airport, 318°—10.5 mi; OM to airport, 318°—5.8 mi; Stukel Int to airport, 318°—1.6 mi; LMM to airport, 318°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mi of LMM, turn left and climb to 8000′ in a nonstandard, 1-minute holding pattern on south crs LM LFR, all turns to west of crs.
*CAUTION: 4600′ MSL terrain 1.8 mi SW of airport.
**Stukel Int: E crs LM LFR and SE crs LMT ILS localizer.

City, Klamath Falls; State, Oreg.; Airport Name, Kingsley Field; Elev., 4088′; Fac. Class., MHW; Ident., LFA; Procedure No. 1, Amdt. Orig.; Eff. Date, 17 Feb. 62

Glens Falls VOR	Rutland RBn	Direct	5500	T-d	2500–2	2500–2	2500–1
Benson VOR	Rutland RBn	Direct	5500	T-n	2500–2	2500–2	2500–1
				C-d	2500–2	2500–2	2500–1
				C-n	2500–2	2500–2	2500–1
				A-d	NA	NA	NA
				A-n	NA	NA	NA

Procedure turn west side of crs, 353° Outbnd, 173° Inbnd, 4500′ within 10 mi.
Shuttle to 4500′ on crs of 353° from the facility within 10 miles. All turns to the west.
Minimum altitude over facility on final approach crs, 3300′.
Crs and distance, facility to airport, 173°—5.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2 miles, make an immediate climbing right (west) turn to Rutland MH-FM and continue climb to 4500′ on crs of 353° within 10 miles of Rutland MH-FM.
Climb-out procedure: After takeoff, climb VFR to 3300′ and proceed on crs of 353° within 10 miles of Rutland MH-FM to 4500′, eastbound flight 6000′, before proceeding on crs. 1000–2 authorized for takeoff on Runway 1 without VFR climb restriction.
CAUTION: (1) High ridge southeast of airport. (2) Expect turbulence with east or west winds across valley during approach.
NOTE: Alternate weather minimums of 4000–2 authorized for those who have an approved arrangement for weather service at the airport.
Facility owned and operated by the state of Vermont.
Other change: Deletes transition from Glens Falls RBn.

City, Rutland; State, Vt.; Airport Name, Municipal; Elev., 787′; Fac. Class., MHWZ FM; Ident., RUT; Procedure No. 1, Amdt. 1; Eff. Date, 17 Feb. 62; Sup. Amdt. No. Orig.; Dated, 10 Sept 60

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	300–1
				C-dn	2000–3	2000–3	2000–3
				A-dn	2000–3	2000–3	2000–3

Procedure turn E side of crs, 197° Outbnd, 017° Inbnd, 5600′ within 10 mi.
Minimum altitude over facility on final approach crs, 5600′.
Crs and distance, facility to airport, 017°—18.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles, climb to 5600′, return to CDR VOR.

City, Chadron; State, Nebr.; Airport Name, Chadron; Elev., 3312′; Fac. Class., BVOR; Ident., CDR; Procedure No. 1, Amdt. 3; Eff. Date, 17 Feb. 62; Sup. Amdt. No. 2; Dated, 30 Jan. 60

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Saratoga Springs FM	ALB–VOR	Direct	1800	T-dn	300–1	300–1	200–½
Cornackie FM	ALB–VOR	Direct	1700	C-dn*	500–1	600–1	600–1½
Delmar FM	ALB–VOR (Final)	Direct	*800	S-dn-1*	500–1	500–1	500–1
				A-dn*	800–2	800–2	800–2

Procedure turn E side of crs, 195° Outbnd, 015° Inbnd, 2200′ within 10 mi.
Minimum altitude over facility on final approach crs, 800°.
*Do not descend below 1700′ MSL unless Delmar FM positively identified.
Crs and distance, breakoff point to approach end Runway 1, 011°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mi (5.0 mi of Delmar FM), climb to 3000′ on R-015 within 20 mi.
AIR CARRIER NOTE: 300–1 required for all takeoffs on Runways 10, 28, 15, and 33.
Major changes: Deletes transition from Grafton FM.

City, Albany; State, N.Y.; Airport Name, Albany; Elev., 288′; Fac. Class., BVORTAC; Ident., ALB; Procedure No. TerVOR-1, Amdt. 4; Eff. Date, 17 Feb. 62; Sup. Amdt. No. 3; Dated, 21 Apr. 56

Meadow Int*	ACY–VOR (Final)	Direct	#500	T-dn	300–1	300–1	200–½
5 mile DME Fix or 5 mile radar Fix	ACY–VOR (Final)	Direct	#500	C-dn#	400–1	500–1	500–1½
				S-dn-4#	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn east side of crs, 229° Outbnd, 049° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs. #500′.
Breakoff point to approach end of runway, 037°—0.45 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn left and climb to 1500′ on CYN-VOR R-213 to Nesco Int. Hold east, 1-minute left turns, Inbnd crs, 284°.
CAUTION: Radar tower 226′ msl 0.7 mi SW approach end of Runway 4.
*Meadow Int: Int Atlantic City VOR R-229 and Millville VOR R-129.
#Maintain 600′ until after passing Meadow Int* or 5 mile fix. If Meadow Int* or 5 mile fix not received, ceiling minimum of 500′ is applicable for landing.

City, Atlantic City; State, N.J.; Airport Name, National Aviation Facilities Experimental Center; Elev., 76′; Fac. Class., VORTAC; Ident., ACY; Procedure No. TerVOR-4, Amdt. 3; Eff. Date, 17 Feb. 62; Sup. Amdt. No. 2; Dated, 18 Nov. 61

Great Bay Int*	ACY–VOR (Final)	Direct	#500	T-dn	300–1	300–1	200–½
5 mile DME Fix or 5 mile Radar Fix	ACY–VOR (Final)	Direct	#500	C-dn#	400–1	500–1	500–1½
				S-dn-31#	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn north side of crs, 121° Outbnd, 301° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 500′.
Breakoff point to approach end of runway, 307°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right and climb to 1500′ on CYN-VOR R-213 to Nesco Int. Hold east, 1-minute left turns, Inbnd crs, 284°.
CAUTION: Radar tower 226′ msl 0.7 mi SW approach end of Runway 4.
*Great Bay Int: Int Atlantic City VOR R-121 and Barnegat VOR R-218.
#Maintain 900′ until after passing Great Bay Int or 5 mile fix. If Great Bay Int* or 5 mile fix not received ceiling minimum of 800′ is applicable for landing.

City, Atlantic City; State, N.J.; Airport Name, National Aviation Facilities Experimental Center; Elev., 76′; Fac. Class., VORTAC; Ident., ACY; Procedure No. Ter VOR-31, Amdt. 3; Eff. Date, 17 Feb. 62; Sup. Amdt. No. 2; Dated, 18 Nov. 61

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Abram Int or 4.6 mi radar fix*	VOR (Final)	012°—4.6	**1000	T–dn	300–1	300–1	200–½
				C–dn**	400–1	500–1	400–1½
				S–dn–35**	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar transition altitude within 20 mi radius of radar site 2000′ MSL. Radar control must provide 3 mi or 1000′ vertical separation; or 3 to 5 mi and 500′ vertical separation from radio towers: 2349′ MSL 15 mi SSE. 1742′ MSL 12 mi WSW, 1521′ MSL 6 mi N.
Procedure turns W side of crs, 192° Outbnd, 012° Inbnd, 2000′ within 10 mi.
Facility on airport.
Minimum altitude over facility on final approach crs, 1000′.**
Crs and distance, breakoff point to approach end of Runway 35, 350°—0.92 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished after passing VOR, turn left, climbing to 2000′ on ACF R-300 within 20 mi or, when directed by ATC, turn left, climb to 2000′ to Hurst Int via ADS R-230.
*Int ACF-VOR R-192 and EWX-VOR R-115.
**If Abram Int or 4.6 mile radar fix not received, descent below 1600′ NA.
#Procedure turn nonstandard due obstruction.

City, Fort Worth; State, Tex.; Airport Name, Greater Ft. Worth International (Amon Carter Field); Elev., 568′; Fac. Class., BVORTAC; Ident., ACF; Procedure No. TerVOR-35, Amdt. 4; Eff. Date, 17 Feb. 62; Sup. Amdt. No. 3; Dated, 25 Feb. 61

PROCEDURE CANCELLED, EFFECTIVE FEBRUARY 17, 1962.

City, Washington; State, D.C.; Airport Name, National; Elev., 16′; Fac. Class., VOR MIIW; Ident., DCARVD; Procedure No. TerVOR-21, Amdt. 3; Eff. Date, 8 Jan. 1955; Sup. Amdt. No. 2; Dated, 20 June 54

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Allentown VOR	Bath Int*	Direct	2300	T–dn	300–1	300–1	200–½
Allentown LFR	Bath Int*	Direct	2300	C–dn	500–1	500–1	500–1½
Allentown LOM	Bath Int*	Direct	2300	S–dn–24	500–1	500–1	500–1
Tannersville VOR	Nazareth Int** (Final)	Direct	#2700	A–dn	800–2	800–2	800–2

Procedure turn E side NE crs 061° Outbnd, 241° Inbnd, 2300′ within 10 mi of Bath Int*.
No glide slope or markers. Descend to landing minimums after passing Bath Int. Minimum altitude over Bath Int* on final approach 1200′. Distance to Runway 24, 3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi after passing Bath Int*, climb to 2500′ on SW crs ILS within 20 mi of Bath Int*. Make right turn, proceed direct to ETX VOR at 2500. Hold west ETX VOR, 1 minute, right turns 112° Inbnd.
Other change: Deletes transition from Int NE crs Allentown ILS and E crs Allentown LFR.
*Bath Int: Int NE crs ILS and R-121 ABE VOR or 280° brg to AE LFR.
**Nazareth Int: Int NE crs ILS and 087 Radial ABE or Radial 210 TVE VOR.
#When inbnd from Nazareth Int.** on localizer back course, descent to cross Bath Int* at 1200′ is authorized.

City, Allentown; State, Pa.; Airport Name, Allentown-Bethlehem Easton; Elev., 391′; Fac. Class., ILS; Ident., I-ABE; Procedure No. ILS-24, Amdt. 5; Eff. Date, 17 Feb. 62; Sup. Amdt. No. 4; Dated, 8 July 61

Vineland Int	LOM	Direct	1500	T–dn	300–1	300–1	200–½
Atlantic City VOR	LOM	Direct	1500	C–dn	400–1	500–1	400–1½
				S–dn–13	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn south side of crs, 308° Outbnd, 128° Inbnd, 1500′ within 10 mi.
Minimum altitude at glide slope intercept Inbnd, 1300′.
Altitude of glide slope and distance to approach end of runway at OM, 1300′—4.3 mi; at MM, 270′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left and climb to 1500′ on CYN-VOR R-213 to Nesco Int. Hold east, 1-minute left turns, Inbnd crs 284°.
CAUTION: Radar tower 226′ MSL 0.7 mi SW approach end Runway 4.

City, Atlantic City; State, N.J.; Airport Name, National Aviation Facilities Experimental Center; Elev., 76′; Fac. Class., ILS; Ident., I-ACY; Procedure No. ILS-13, Amdt. 4; Eff. Date, 17 Feb. 62; Sup. Amdt. No. 3; Dated, 18 Nov. 61

Buffalo MHW	LOM	Direct	2000	T–dn	300–1	300–1	200–½
Wolcottsville FM	LOM (Final)	Direct	1900	C–dn	400–1	500–1	400–1½
Buffalo VOR	LOM	Direct	1900	S–dn–23	300–¾	300–¾	300–¾
				A–dn	600–2	600–2	600–2

Procedure turn N side NE crs 052° Outbnd, 232° Inbnd, 1900′ within 10 mi of LOM.
Minimum altitude at glide slope int Inbnd 1900′.
Altitude of glide slope and distance to approach end of runway at OM, 1910′—3.7 mi; at MM, 930′—.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on SW crs ILS within 10 mi. Make left turn, proceed direct to BU LOM. Hold BU LOM right turns, 1 minute, 232° Inbnd.
W crs Buffalo LFR within 10 mi.
CAUTION: 1349′ TV tower 5 mi WNW of airport.

City, Buffalo; State, N.Y.; Airport Name, Greater Buffalo International; Elev., 711′; Fac. Class., ILS; Ident., I-BUF; Procedure No. ILS-23, Amdt. 10; Eff. Date, 17 Feb. 62; Sup. Amdt. No. 9; Dated, 22 July 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Cincinnati VOR	LOM	Direct	2000	T–dn	300–1	300–1	200–½
New Baltimore Int	LOM	Direct	2300	C–dn	400–1	500–1	500–1½
LUK LFR	LOM	Direct	2400	S–dn–36*	200–½	200–½	200–½
Dry Ridge Int	Union Int	Direct	2200	A–dn	600–2	600–2	600–2
Grants Lick Int	Union Int	Direct	2000				
Union Int	LOM	Direct	2000				

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise:
022° to 106°—2500′ within 30 miles.
106° to 022°—2000′ within 15 miles.
106° to 022°—2500′ within 30 miles.
Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of 1120′obstruction 12 miles NW of airport.
Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2000′ within 10 mi.
Minimum altitude at glide slope int inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, **1818′—3.4 mi; at MM, #1068′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2300′ on crs 360° to the New Baltimore Int. Hold north 1-minute right turns, 186° Inbnd, 006° Outbnd.
*400–¾ required with glide slope inoperative.

City, Covington; State, Ky.; Airport Name, Greater Cincinnati; Elev., 890′; Fac. Class., ILS; Ident., I-CVG; Procedure No. ILS-36, Amdt. 12; Eff. Date, 17 Feb. 62; Sup. Amdt. No. 11; Dated, 4 June 60

Pinehurst Int	LFA RBn	Direct	8000	T–dn	500–1	500–1	500–1
LMT VOR	LFA RBn	Direct	7500	C–dn%	800–1	800–1	800–1⅞
LM LFR	LFA RBn	Direct	7500	C–n%	800–2	800–2	800–2
LMT VOR R-161 20 mi DME Fix	LFA RBn	Direct	7500	S–dn–32*	500–1	500–1	500–1
				A–dn	1000–2	1000–2	1000–2

Procedure turn east side of crs, 138° Outbnd, 318° Inbnd, 7500′ within 10 mi of LFA RBn; NA beyond 10 mi.
Minimum altitude at glide slope interception 7500′.
Altitude of glide slope and distance to approach end of runway at LFA RBn, 7500′—10.5 mi; at OM 5070′—5.8 mi; at MM, 4350′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile after passing LMM, make immediate left climbing turn and climb via LMT-VOR R-255 and FJS-VOR R-012 to 10,000′ at Pinehurst Int or, when directed by ATC, make immediate left climbing turn and climb to 8000′ on R-255 in a standard 1-minute holding pattern, all turns S side of crs.
NOTE: Narrow localizer course—4°.
Other change: Deletes military note.
*All components of the ILS and all related airborne equipment must be in satisfactory operating condition when executing this approach and must be used.
%CAUTION: 4600′ MSL terrain 1.8 mi SE of airport.

City, Klamath Falls; State, Oreg.; Airport Name, Kingsley Field; Elev., 4088′; Fac. Class., ILS; Ident., I-LMT; Procedure No. ILS-32, Amdt. 1; Eff. Date, 17 Feb. 62; Sup. Amdt. No. Orig.; Dated, 8 Apr. 61

LAX RBn	Compton Int (Final)*	Direct	1600	T–dn#	300–1	300–1	200–½
				C–dn	500–1	600–1	600–2
				A–dn	800–2	800–2	800–2

Radar vectors to final approach course utilizing Long Beach Radar authorized in accordance with approved patterns.
Procedure turn NA.
Minimum altitude over Compton Int* on final approach crs, 1600′.
Crs and distance, Compton Int* to airport, 120°—5.5 mi.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 mi of Compton Int,* climb via the SE crs of the localizer to 1000′, intercept and proceed via the R-171 Long Beach VOR to Albacore Int at 1500′ or, when directed by ATC, climb via the SE crs of the localizer to 1500′ and proceed to the Long Beach LOM.
CAUTION: 500′ hill with oil derricks 1 mile south of airport, all maneuvering and circling shall be accomplished north of field.
#300–1 required for takeoff on Runways 16L, 25L, 34R; 600–1½ required for takeoff on Runway 16R.
*Compton Int: Int NW (back) crs LGB ILS and 042° brng to Dow RBn.

City, Long Beach; State, Calif; Airport Name, Long Beach Municipal; Elev., 58′; Fac Class., ILS; Ident, I-LGB; Procedure No. ILS-12, Amdt. 1; Eff. Date, 17 Feb. 62; Sup. Amdt. No. Orig.; Dated, 6 Jan. 62

8P8-VOR	LOM	114–8.2	3000	T–dn	300–1	300–1	200–½
Henrietta Int	LOM	Direct	2100	C–dn	500–1	500–1	500–1½
				S–dn–33	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Procedure turn E side of crs, 148° Outbnd, 328° Inbnd, 2300′ within 10 miles. Nonstandard due obstructions west.
Altitude of glide slope and distance to approach end of runway at OM, 2100′—3.8 mi; at MM, 1194′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on NW crs ILS within 20 miles or, when directed by ATC, turn right, climb to 3000′ on crs 000° within 20 miles.

City, Wichita Falls; State, Tex.; Airport Name, Sheppard Air Force Base-Municipal; Elev., 1015′; Fac. Class., ILS; Ident., I-SPS; Procedure No. ILS-33, Amdt. 4; Eff. Date, 17 Feb. 62; Sup. Amdt. No. 3; Dated, 28 Oct. 61

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Surveillance approach			
060°	030°	Within: 20 mi	1500	T-dn*	300–1	300–1	200–½
All sectors		10 mi	1500	C-dn*	400–1	500–1	500–1½
				S-dn*	400–1	400–1	400–1
				A-dn*	800–2	800–2	800–2
				Precision approach			
				S-dn-13	200–½	200–½	200–½
				S-dn-4, 31	300–¾	300–¾	300–¾
				A-dn-13, 4, 31	600–2	600–2	600–2

Radar terminal area transition altitudes—all bearings from the radar site with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runways 4 and 13: Make a left climbing turn to 1500' on CYN VOR R-213 to Nesco Int, hold east, 1-minute left turns, Inbnd crs 284°. Runway 31: Make right climbing turn to 1500' on CYN VOR R-213 to Nesco Int, hold east 1-minute left turns, Inbnd crs 284°.

CAUTION: Radar tower 226' msl 0.7 mi SW Runway 4.

*Runways 13, 4, 31.

City, Atlantic City; State, N.J.; Airport Name, National Aviation Facilities Experimental Center; Elev., 76'; Fac. Class., Atlantic City; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 17 Feb. 62; Sup. Amdt. No. Orig.; Dated, 18 Nov. 61

All sectors	Radar site	Within 20 mi	2500	Precision approach			
				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-29L	300–¾	300–¾	300–¾
				A-dn-29L	700–2	700–2	700–2
				Surveillance approach			
				T-dn	300–1	300–1	200–½
				C-dn#	500–1	500–1	500–1½
				C-dn-22	600–1	600–1	600–1½
				S-dn#	400–1	400–1	400–1
				S-dn-22	600–1	600–1	600–1
				C-dn-4	500–1	500–1	500–1½
				S-dn-4	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

#Runways 11R, 29L.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500' on NW crs ILS to Int. R-221 MSP-VOR and ILS crs or, as directed by ATC:

(1) Make left climbing turn, climb to 2500' on crs of 241° within 22 miles.

(2) Make left climbing turn, climb to 2200' and return to LOM.

CAUTION: On approach to Runway 11R do not descend below 1600' MSL until radar controller has advised passing tower located 2.5 miles from approach end Runway 11R.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International; Elev., 840'; Fac. Class., Minneapolis; Ident., Radar; Procedure No. 1, Amdt. 10; Eff. Date, 17 Feb. 62; Sup. Amdt. No. 9; Dated, 2 Sept. 61

		Within:		Surveillance approach			
346°	195°	10 mi	2000	T-dn	300–1	300–1	200–½
346°	195°	10–25 mi	2500	C-dn-21, 31 and 13	400–1	500–1	500–1½
195°	346°	25 mi	3000	C-dn-20R	600–1	600–1	600–1½
				S-dn-21, 31 and 13#	400–1	400–1	400–1
				S-dn-20R	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Radar terminal area transition altitudes—all bearings are from radar site with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 21: Climb to 2000' on N crs ILS or on crs 015° from LOM (HW) within 15 miles of airport. Runway 31: Make right turn and climb to 3000' on R-335 of BNA-VOR within 20 miles. Runway 13: Climb to 2500' and proceed direct to BNA-VOR and hold SE on R-132, right turns 1 minute. Runway 20R: Climb to 2500' on S crs ILS or on crs 195° to LOM (HW) within 15 miles of airport.

#Maintain 3000' until 8 miles from end of runway on approach to Runway 13.

City, Nashville; State, Tenn.; Airport Name, Nashville Municipal (Berry Field); Elev., 605'; Fac. Class., Nashville; Ident., Radar; Procedure No. 1, Amdt. 4; Eff. Date, 17 Feb. 62; Sup. Amdt. No. 3; Dated, 9 Dec. 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on January 12, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-596; Filed, Feb. 1, 1962; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 938, Amdt. 3]

PART 95—CAR SERVICE

Annulment of New York Central Railroad Company Embargo

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 26th day of January A.D. 1962.

Upon further consideration of Service Order No. 938 (26 F.R. 8249, 8980, 9132, 10097), and good cause appearing therefor:

It is ordered, That:

In § 95.938(a) *Annulment of The New York Central Railroad Company Embargo*, Service Order No. 938, be and it is hereby amended by substituting the following paragraph (c) for paragraph (c) thereof.

(c) *Expiration date.* This section shall expire at 11:59 p.m., April 1, 1962, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1962.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies secs. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(a))

It is further ordered, That copies of this amendment shall be served upon The New York Central Railroad Company and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-1099; Filed, Feb. 1, 1962; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Colusa National Wildlife Refuge, California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

CALIFORNIA

COLUSA NATIONAL WILDLIFE REFUGE

Sport fishing on the Colusa National Wildlife Refuge, California, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 25 acres or less than 1 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland 8, Oreg.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Catfish, bass, frogs, and other minor species permitted under State regulations.

(b) Open season: All fish—February 1, 1962, through December 31, 1962, except closed during migratory waterfowl hunting season. Frogs—March 1, 1962, through November 30, 1962, except closed during migratory waterfowl hunting season.

(c) Daily creel limits: Catfish—not more than 15 fish nor more than 15 pounds and 1 fish. Irrespective of weight, 3 catfish may be taken. Bass—5 bass may be taken. Frogs—24 frogs. Plus other creel limits for minor species as are prescribed for State regulations.

(d) Methods of fishing:

1. Tackle: Line, or rod and line, in hand or closely attended. Frogs may also be taken with spears or dip net.

2. Boats: The use of boats without motors is permitted.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to January 1, 1963.

J. T. BARNABY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 25, 1962.

[F.R. Doc. 62-1090; Filed, Feb. 1, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 815]

MAINLAND AND LOCAL SUGAR

Notice of Hearing on Proposed Allotment of Quotas for Puerto Rico for Six-Month Period Ending June 30, 1962

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter called the "Act", and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.), and on the basis of information before me, I do hereby find it necessary to allot the sugar quotas for Puerto Rico for consumption in the continental United States, as established in Part 811 (26 F.R. 9051, 11963), and for local consumption in Puerto Rico, as established in Part 812 (26 F.R. 11838, 12677) for the six-month period ending June 30, 1962. Allotment of these quotas appears necessary in order to prevent disorderly marketing and importation of sugar and to afford all interested persons an equitable opportunity to market sugar in the continental United States and Puerto Rico within the respective quotas. Accordingly, notice is hereby given that a public hearing will be held at Santurce, Puerto Rico, in the Conference Room, Caribbean Area ASCS Office, Segarra Building, on February 21, 1962, at 10:00 a.m. As used herein, the term "mainland quota" is used in reference to the quota for consumption in the continental United States and the term "local quota" is used in reference to the quota for local consumption in Puerto Rico.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to make fair, efficient, and equitable allotments of the mainland and local quotas among persons who produce and market Puerto Rican sugar to be brought into the continental United States for consumption therein, and who produce and market Puerto Rican sugar for local consumption in Puerto Rico.

The findings made above are in the nature of preliminary findings based on the best information now available. It will be appropriate to present evidence at the hearing on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary findings and make or withhold allotment of any such quotas in accordance therewith.

In addition, the subjects and issues of this hearing also include: (1) The manner in which the statutory factors "processings from proportionate shares," "past marketings," and "ability to market" as provided in section 205(a) of the Act, should be measured; (2) the relative weightings that should be given to these factors; (3) participation in the allotments by producers of sugarcane who received sugar in settlement therefor; (4) the transfer of allotments or exchange of mainland for local allotments or local for mainland allotments; and (5) the manner in which sugar is to be charged to allotments.

Notice also is given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Secretary may revise or amend the allotment of the quota for the purposes of: (1) Allotting any increase or decrease in the mainland or local quota for Puerto Rico; (2) allotting any deficit in the allotment for any allottee; and (3) substituting revised estimates of data or final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of a quota.

Done at Washington, D.C., this 29th day of January 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-1096; Filed, Feb. 1, 1962; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 2]

MEASUREMENT OF VESSELS AND SPECIAL EXEMPTED WATER-BALLAST SPACES

Notice of Proposed Rule Making

A notice of proposed rule making setting forth a proposed amendment to § 2.43(g) of the Customs Regulations (19 CFR 2.43(g)) was published in the FEDERAL REGISTER for Tuesday, July 25, 1961 (26 F.R. 6624). Comments were invited to be submitted within 30 days after publication.

Numerous comments received with respect to the proposed amendment point to a need for further clarification of the conditions under which water-ballast exemptions may be allowed.

Apart from special provisions relating to double bottoms, section 4153 of the Revised Statutes, as amended (46 U.S.C. 77), permits the exemption of any space which is adapted only for water ballast and which is certified not to be available for the carriage of cargo, stores, supplies, or fuel. Section 2.43(g) of the Customs Regulations (19 CFR 2.43(g)) specifies the conditions of adaptation which must be met in order to permit such a certification to be made. These conditions have to do with such matters as filling and discharging water-ballast spaces by piping and pumping arrangements which are independent of the pipes and pumps serving spaces for the carriage of cargo, stores, supplies, or fuel; restrictions upon the means of access to water-ballast spaces; and construction of those spaces as an integral part of the vessel's hull.

Heretofore, adaptation of a given space in such a manner as to render it nonavailable for cargo, stores, supplies, or fuel and the absence of any indication that the space was to be used for a purpose other than the carriage of water ballast were deemed to be a sufficient compliance with the statute.

However, recent admeasurement cases reviewed by the Bureau indicate an increasing tendency to claim water-ballast exemption for abnormally large volumes which, even though adapted so as to be nonavailable for cargo, stores, supplies, or fuel, are so excessive as to lead to the consclusion that they are adapted for some purpose other than for water ballast only as prescribed by law. Furthermore, in some of these cases safety or other considerations have resulted in a prohibition against filling the spaces with water at any time while the vessel is under way.

In the Bureau's opinion, the statutory language "adapted only for water ballast" requires that consideration be given to the function of water ballast in relation to the operation of a vessel and such space cannot be said to be "adapted only" for water ballast unless the space is necessary, and available at all times, to serve the primary purpose of water ballast; i.e., to afford a means of maintaining satisfactory stability, trim, and immersion under varying conditions of the vessel's operation. It is the Bureau's intention to add this test to the existing regulatory conditions precedent to a water-ballast exemption, with a further provision for review and approval by the Commissioner of Customs in any case in which the space claimed for exemption exceeds 30 percent of the vessel's gross tonnage calculated without any allowance for water ballast.

Accordingly, the original proposal is withdrawn, and notice is hereby given, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that under the authority of section 4 of the Act of March 2, 1895, as amended (46 U.S.C. 79), it is proposed to amend § 2.43 (g) of the Customs regulations by numbering the subparagraphs therein as (1) and (2) to conform to the numbering now assigned in the Code of Federal Regulations (19 CFR 2.43(g)) and by the addition of the following new subparagraph:

(3) No space will be deemed to be adapted only for water ballast unless the Bureau is satisfied that the primary purpose of the space is to afford a means of maintaining satisfactory stability, trim, and immersion under varying conditions of the vessel's operation and that the space claimed for exemption is necessary to and available at all times for this purpose. Any application for exemption of water-ballast space in excess of 30 percent of the vessel's gross tonnage calculated without any allowance for water ballast shall be submitted for approval to the Commissioner of Customs, accompanied by a statement in writing from the vessel owner or his representative as to the special circumstances of use or construction of the vessel which make such an extensive allowance necessary and proper and verifying that all conditions specified in this paragraph have been and are met. Any change in the facts on the basis of which a water-ballast exemption is granted under this section shall be promptly reported to the collector of customs for his determination as to whether there has been a change in the use of spaces requiring an adjustment of tonnage under § 2.64.

Prior to the final adoption of the amendment, consideration will be given to any relevant data, views, or arguments, which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: January 22, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-1102; Filed, Feb. 1, 1962; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 664) has been filed by American Cyanamid Co., P.O. Box 383, Princeton, N.J., proposing the issuance of a regulation to provide for the safe use of chlortetracycline at levels of 10 milligrams per gram of medicated feed for treatment of psittacosis in psittacine birds.

Dated: January 29, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-1109; Filed, Feb. 1, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Withdrawal of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), American Cyanamid Co., Post Office Box 383, Princeton, N.J., has withdrawn its petition (FAP 180), published in the FEDERAL REGISTER of March 22, 1961 (26 F.R. 2413), proposing the issuance of a regulation to provide for the safe use of chlortetracycline and sulfamethazine with vitamins for the treatment of bacterial calf scours.

The withdrawal of this petition is without prejudice to a future filing.

Dated: January 25, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-1110; Filed, Feb. 1, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petitions

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that petitions (FAP 519, 524) have been filed by Cerevisiae Yeast Institute, 30 North LaSalle Street, Chicago 2, Ill., proposing the issuance of a regulation to provide for the safe use of primary dried yeast and dried yeast.

Dated: January 29, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-1111; Filed, Feb. 1, 1962; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14421 etc.]

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS IN FLORIDA, KENTUCKY, AND GEORGIA

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations, State of Florida, State of Kentucky, State of Georgia; Docket No. 14421 (RM-235), Docket No. 14396 (RM-274), Docket No. 14409 (RM-290).

1. On January 23, 1962 (FCC 62-96), the Commission extended the time for filing comments and reply comments in Docket 14229, Dockets 14239-14246, and Dockets 14231-14238 to February 19, 1962, and March 23, 1962, respectively.

2. The proposals which are under consideration in the above-captioned proceedings are intimately related to the general UHF proceeding in Docket 14229 and are being considered concurrently with that docket. The Commission is of the opinion, therefore, that the time for filing comments and reply comments on the requests to reserve UHF channels for non-commercial educational use in Florida, Kentucky, and Georgia should also be extended to February 19, 1962, and March 23, 1962, respectively.

3. *Accordingly, it is ordered,* That the time for filing comments and reply comments in Docket 14421, Docket 14396, and Docket 14409 is extended to February 19, 1962, and March 23, 1962, respectively.

Adopted: January 29, 1962.

Released: January 30, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1127; Filed, Feb. 1, 1962; 8:50 a.m.]

[47 CFR Part 3]

[Docket No. 12946]

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS IN CALIFORNIA AND NEVADA

Order Extending Time to Respond to Petition for Reconsideration and to Reply to Responses

In the matter of amendment of § 3.606, *Table of assignments*, Television Broadcast Stations, San Francisco and Sacramento, Calif., and Reno, Nev.; Docket No. 12946.

1. The Commission has before it for consideration two requests from parties to the above-entitled proceeding for an extension of time for filing pleadings. One, by Capitol Television Co., Inc., Sacramento, Calif., filed January 22, 1962, seeks a 30-day extension of the January 19, 1962, deadline for filing responses to the petition for reconsideration filed by S. H. Patterson, San Francisco, Calif., on December 22, 1961. The other, filed on January 23, 1962, by S. H. Patterson, seeks to have the time for the filing of pleadings in reply to responses directed to its petition for reconsideration extended to February 13, 1962.

2. The Commission has heretofore granted one extension of time for responding to the Patterson petition for reconsideration. The deadline for filing such responses was extended from January 2, 1962, to January 19, 1962, by the Commission's Order of January 5, 1962, released January 8, 1962 (14875). Capitol Television asserts, however, that it did not receive the Commission's letter advising of this time extension until January 12, 1962, and that it has never received a copy of the petition for reconsideration itself. It urges that it needs the additional 30-day extension it seeks to obtain a copy of the Patterson petition and to prepare and file its response.

3. S. H. Patterson states that he requires additional time to consider the

factual allegations and engineering data of the several oppositions addressed to his petition for reconsideration. He also advises that all the parties with oppositions on file have consented to the extension he requests.

4. The circumstances upon which Capitol Television predicates its request for a further 30-day extension are not persuasive. The Patterson petition for reconsideration has been on file since December 22, 1961, and the petitioner does not indicate that it made any effort to obtain a copy. The onus is upon a party to a rule making proceeding to obtain copies of the petitions and comments filed by other parties in the proceeding in which it is interested. The Commission does not furnish them and the rules do not require parties to a rule making proceeding to serve copies of their comments and pleadings upon other parties in the proceeding generally except in the case of responses to petitions for rule making and replies thereto (see § 1.204 of the rules). However, since it appears that Capitol may have mistakenly assumed that it would be furnished a copy of the Patterson petition, and it does not appear that it would unduly delay our disposition of the petition or be prejudicial to other parties, we are persuaded that a further extension to February 12, 1962, should be allowed for responding to the Patterson petition.

5. In light of the number of oppositions filed to the Patterson petition for reconsideration and the matters raised therein, the extension of time requested by Patterson for replying to them appears to be clearly warranted. However, with the filing date for responding to its petition extended to February 12, 1962, we believe a further extension of the reply period to February 26, 1962, is reasonable under the circumstances.

6. *Accordingly, it is ordered*, This 26th day of January 1962, that the abovementioned petitions of Capitol Television Co., Inc., and S. H. Patterson are granted to the extent ordered herein, and that the time for filing responses to the Patterson petition for reconsideration is extended from January 19, 1962, to February 12, 1962, and the time for filing replies to such responses is extended to February 26, 1962.

6. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.241 (d)(8) of the Commission's rules.

Released: January 30, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1126; Filed, Feb. 1, 1962; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1048]

AIRWORTHINESS DIRECTIVES

Douglas DC-8

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring modifications to Douglas DC-8 aircraft to permit opening of the overwing exits from outside the airplane in accordance with the provisions of Part 4b of the Civil Air Regulations.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before March 5, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

DOUGLAS. Applies to DC-8 aircraft, Serial Nos. 45253-45289, 45291-45306, 45376-45382, 45384-45393, 45408-45413, 45416-45419, 45421-45431, 45433, 45442-45445, 45526, 45565-45570, 45588-45606, 45609, 45614, 45617-45618, 45620-45622, 45624-45627.

Compliance required within 300 hours' time in service after the effective date of this AD.

Investigation has revealed that the overwing emergency exits cannot, under all necessary circumstances, be opened from outside the airplane, as required by Civil Air Regulations sections 4b.362(e)(2) and 4b.362(e)(3). To eliminate this condition, one of the following modifications shall be accomplished with respect to each aft overwing exit which is not deactivated per Note 7 of Type Certificate Data Sheet 4A25 and with respect to each forward overwing exit:

(a) The outboard seat in the row of seats forward of each overwing exit shall be permanently blocked to prevent the seat from being reclined across any portion of the exit opening. The outboard seat in the row of seats aft of each overwing exit shall be permanently blocked to prevent the seat from being moved forward across any portion of the exit opening.

(b) Each row of seats forward and aft of each overwing exit shall be relocated in an approved manner that will permit the exit door to be readily opened from the outside and removed when the back of the outboard seat in each such row of seats is in any of its possible positions. The seat track or other seat positioning means shall be clearly marked or blocked in a manner which will assure that these rows of seats are continuously retained in this position during service.

(c) Rework each overwing exit door assembly, door jamb and lower stop, install a handle on the exterior of each of those door assemblies, and restrict the forward movement of the outboard seat in each row of seats just aft of an overwing exit. This total modification shall be such as to permit the exit door to be readily opened and removed from the outside when the backs of both adjacent outboard seats are in any of their possible positions.

(Douglas DC-8 Service Bulletin No. 52-21 pertains to this same subject and describes an FAA-approved means of complying with modification method (c).)

Issued in Washington, D.C., on January 29, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 62-1079; Filed, Feb. 1, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order No. 2861]

COMMISSIONER OF INDIAN AFFAIRS

Delegation of Certain Authorities Under Area Redevelopment Act

JANUARY 26, 1962.

SECTION 1. *Delegation of authority.* The Commissioner of Indian Affairs is authorized to exercise the authority delegated by the Secretary of Commerce to the Secretary of the Interior (July 20, 1961) in carrying out the provisions of sections 5(b), 6, 7, 8, 10, and 11 of the Area Redevelopment Act (P.L. 87-27; 76 Stat. 57) with respect to Indian reservations and "reservation redevelopment areas."

SEC. 2. *Redelegation.* The Commissioner of Indian Affairs may not redelegate this authority.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 62-1088; Filed, Feb. 1, 1962; 8:46 a.m.]

[Order No. 2508, Amdt. 50]

BUREAU OF INDIAN AFFAIRS

Delegation of Authority

JANUARY 26, 1962.

Paragraph (n) of section 13 of Order No. 2508, as amended (14 F.R. 258; 16 F.R. 11974; 17 F.R. 6418; 19 F.R. 34, 4585; 20 F.R. 167, 552; 21 F.R. 7655; 22 F.R. 2017, 3474; 23 F.R. 90, 1938; 24 F.R. 3703, 9514; 25 F.R. 2602, 5127, 7192; 26 F.R. 3207), is amended to read as follows:

SEC. 13. *Lands and minerals.*

* * * * * *

(n) All those matters set forth in 25 CFR Part 131.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 62-1089; Filed, Feb. 1, 1962; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 128 (Revised)]

ORGANIZATION DUTIES AND FUNCTIONS

Under Secretary of Commerce for Transportation

The following order was issued by the Secretary of Commerce, effective January 19, 1962, and supersedes the material appearing at 23 F.R. 8941 of November 15, 1958.

SECTION 1. *Purpose.* The purpose of this order is to prescribe the duties and responsibilities of the Under Secretary of Commerce for Transportation.

SEC. 2. *Authority.* .01 The duties and responsibilities of the Under Secretary of Commerce for Transportation described in this order are assigned pursuant to the authority vested in the Secretary of Commerce by law, including authority under Reorganization Plan No. 5 of 1950, and Reorganization Plan No. 21 of 1950 as amended by Reorganization Plan No. 7 of 1961.

.02 All the authority vested in and exercised by the heads of the Defense Air Transportation Administration, Bureau of Public Roads, Weather Bureau, Coast and Geodetic Survey, Great Lakes Pilotage Administration, and the Maritime Administration are hereby made subject to the policy direction and coordination of the Under Secretary of Commerce for Transportation.

SEC. 3. *Duties and responsibilities.* .01 The Under Secretary of Commerce for Transportation shall:

(1) Serve as the principal adviser to the Secretary on all matters which involve the transportation policies of the Federal Government and on all policy matters concerning transportation responsibilities and activities of the Department of Commerce;

(2) Formulate, in consultation with executive agencies concerned, overall transportation policies and programs within the executive branch of the Government to assure the balanced development of the Nation's transportation system;

(3) Exercise policy direction over and coordinate the transportation and related activities of the Department;

(4) Initiate action before the transportation regulatory agencies when such action appears to be appropriate for the effectuation of transportation policies and programs, or present the Department's views on matters under consideration by such regulatory agencies as they may affect the Department's programs or overall transportation policy;

(5) Serve as the focal point within the Department on, and represent the Department with respect to, all coordination activities of an interdepartmental nature which involve transportation matters including the mobilization aspects thereof;

(6) Grant or deny applications for adjustment or exception from the provisions of Transportation Orders No. T-1 and T-2 which apply to shipment of restricted commodities in American flag ships and aircraft to certain foreign destinations; and

(7) Consult with the Under Secretary of Commerce, the Assistant Secretaries of Commerce for Domestic Affairs, and International Affairs, on matters of common interest in their respective areas of responsibility.

SEC. 4. *Deputy Under Secretary for Transportation Operations.* The Deputy Under Secretary for Transportation Operations shall serve as the deputy to the Under Secretary of Commerce for Transportation with regard to all matters under the Under Secretary's jurisdiction other than those relating to long range transportation planning. The Deputy Under Secretary for Transportation Operations shall assume the full responsibilities of the Under Secretary of Commerce for Transportation during the latter's absence.

SEC. 5. *Deputy Under Secretary for Transportation Policy.* The Deputy Under Secretary for Transportation Policy shall assist the Under Secretary of Commerce for Transportation in developing long range transportation policies, plans, and programs to assure the balanced development of the Nation's transportation system. In carrying out this function, the Deputy Under Secretary for Transportation Policy shall initiate studies relating to all transportation media, shall develop and use techniques for measuring and forecasting total transportation requirements of the economy, and shall study and evaluate the application of Federal transportation programs in terms of their implications on the sound development of private transportation enterprise.

SEC. 6. *Saving provision.* This order shall not be construed to affect any authorities or functions delegated to officers of the Department empowering them to take administrative, security, or legal action.

Effective date: January 19, 1962.

JOHN PRINCE,
Deputy Assistant Secretary for Administration.

[F.R. Doc. 62-1101; Filed, Feb. 1, 1962; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3-M]

REFINED CAMPHOR FROM TAIWAN

Fair Value Determination

JANUARY 26, 1962.

A complaint was received that refined camphor from Taiwan was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that refined camphor from Taiwan is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. All purchases were outright transactions, no relationship, financial or otherwise, existing be-

tween seller and buyers respectively. It was determined, therefore, that the appropriate fair value comparison is between purchase price and home market price.

Since all sales for home consumption are on an ex-factory level, for comparative purposes both the home market price and the selling price for export to the United States were reduced to an ex-factory basis.

In determining home market price, adjustment was made for the difference between home market and export packing. Adjustment was also made in the home market price to allow for certain home market selling expenses up to the total amount of a selling commission, which applied only to U.S. export sales, and which was deducted from purchase price.

Purchase price was calculated on the basis of the packed, United States sales price, f.o.b. Keelung. From this price the following charges were deducted: selling commission; inland freight; f.o.b. charges; and customs brokerage. Certain taxes imposed in the home market upon the manufacturer in respect to the manufacture, production or sale of the merchandise, and which are included in the home market sales price but not applicable to the U.S. export sales price, were added to purchase price calculations in accordance with statutory requirements.

Although the comparison revealed that purchase price was less than home market price in some instances, the manufacturer has since revised his prices and purchase price has not been less than home market price since that time.

As to sales made prior to the price revisions, it was determined that the quantities and the margin involved were not more than insignificant.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-1105; Filed, Feb. 1, 1962; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-18]

DEPARTMENT OF THE NAVY, U.S. NAVAL RADIOLOGICAL DEFENSE LABORATORY

Notice of Amendment of Byproduct Material License

Please take notice that since no requests for a formal hearing have been filed following the filing of notice of proposed amendment of License No. 4-487-6, held by the Department of the Navy, U.S. Naval Radiological Defense Laboratory, San Francisco 24, Calif., with the Federal Register Division on December 26, 1961, the Atomic Energy Commission has this date issued Amendment No. 1 to License No. 4-487-6. This amendment authorizes: (1) Renewal of the license for a period of two (2) years; (2) possession of 500 curies of byproduct material at any one time instead of the 150 curies of byproduct material previously authorized; and (3) the licensee to conduct the waste disposal activities in accordance with revised procedures which supersede and are not less restrictive than previously submitted procedures.

Notice of proposed amendment was published in the FEDERAL REGISTER on December 27, 1961, 26 F.R. 12539.

Dated at Germantown, Md., January 29, 1962.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director,
Division of Licensing and Regulation.

[F.R. Doc. 62-1100; Filed, Feb. 1, 1962; 8:47 a.m.]

STATE OF CALIFORNIA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of California for the assumption of certain of the Commission regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A summary of the California program submitted to the Commission is set forth below as Appendix A to this notice. A copy of the complete text of the California program, including proposed California regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Office of Radiation Standards, United States Atomic Energy Commission, Washington 25, D.C. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as proposed Part 150 to the Commission's regulations in FEDERAL REGISTER issuances of Sept. 29, 1961; Oct. 6, 1961; Oct. 13, 1961; Oct. 20, 1961; 26 F.R. 9174, 9428, 9678, 9873. In reviewing this proposed agreement, interested persons should also consider the aforementioned proposed exemptions, which the Commission still has under consideration.

Dated at Germantown, Md., this 9th day of January 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

Agreement Proposed by the State of California Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended, for the Assumption of Certain of the AEC's Regulatory Authority

Whereas, the United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274b. of the Atomic Energy Act of 1954, as amended, to enter into an agreement with the Governor of any State providing for discontinuance of the regulatory authority of the Commission under Chapters 6, 7, and 8 and section 161 of that Act with respect to any or all of the following materials within the State; namely, byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass (hereinafter referred to as agreement materials); and

Whereas, the Governor of the State of California (hereinafter referred to as the State) is authorized under section 25830 of the California Health and Safety Code to enter into such an agreement, which agreement shall become effective when ratified by the State Legislature; and

Whereas, the Governor of the State has certified on December 15, 1961, that the State has a program for the control of radiation hazards adequate to protect the public health and safety with respect to agreement materials within the State, and that the State desires to assume the regulatory responsibility discontinued by the Commission for such materials; and

Whereas, the Commission has found on ---------- that the State program is compatible with the Commission's program for the regulation of agreement materials, and that the State program is adequate to protect the public health and safety with respect to such materials; and

Whereas, the Commission and the State recognize the desirability and importance of maintaining compatibility between their respective programs for the control of agreement materials with respect to public health and safety; and

Whereas, the Commission and the State agree that reciprocal recognition of licenses issued by the Commission and by all States which enter into agreements with the Commission similar to this agreement (hereinafter referred to as agreement States) is of great importance for the development of the uses of agreement materials and that such reciprocal recognition must be based upon continuing compatibility of the programs of the Commission and such States for the control of agreement materials;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. For purposes of this agreement:

A. "Byproduct materials," "critical mass," and "ocean or sea" have the meanings given to such terms in Part 150 of the Commission's regulations in effect on the ratification date of this agreement.

B. "Source material," "special nuclear material," "production facility," and "utilization facility" have the meanings given to such terms in those parts of the Commission's regulations that are incorporated by reference in Part 150 and that are in effect on the ratification date.

C. "Ratification date" means the date on which the California Legislature transmits to the Governor for signature a bill ratifying this agreement.

Article II. Subject to the exceptions stated in Article III, the Commission shall discontinue, as of the effective date of this agreement, the regulatory authority of the Commission under Chapters 6, 7, and 8 and section 161 of the Atomic Energy Act of 1954, as amended, with respect to the following materials within the State:

A. Byproduct materials;

B. Source materials;

C. Special nuclear materials in quantities such that the amount authorized for possession at any one time under any one license is not sufficient to form a critical mass.

Article III. This agreement does not provide for discontinuance of any Commission responsibility and authority with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article IV. Notwithstanding this agreement, the Commission is authorized:

A. By rule, regulation, or order to require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license issued by the Commission; and

B. To issue rules, regulations, or orders under subsection 161 b. or i. of the Atomic Energy Act of 1954, as amended, to protect the common defense and security, to protect restricted data, or to guard against the loss or diversion of special nuclear material.

Article V. Each party to this agreement will:

A. Use its best efforts to maintain compatibility between its program for the control of agreement materials and the programs of the other party and of other agreement States. To this end, each party will consult with the other and with all agreement States prior to any modification of its regulations for the control of agreement materials and will seek to arrive at a common solution of differences, to be incorporated insofar as practicable into the regulations of both parties and all agreement States concurrently.

B. Provide for reciprocal recognition of licenses for agreement materials issued by the other party or by any agreement State, subject to such conditions as to duration of such recognition of each license, reporting of information, and compliance with regulations as are deemed necessary to protect the health and safety of the public. Such recognition is conditioned upon the continuance of program compatibility in accordance with paragraph A of this article.

Article VI. This agreement, upon acceptance by the Commission and the Governor of the State and ratification by law of the State, shall become effective on July 1, 1962.

Article VII. The Commission, upon its own initiative, after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Atomic Energy Act of 1954, as amended, if the Commission finds that such termination or suspension is required to protect the public health and safety.

APPENDIX A

Summary of California's Proposed Policies and Procedures for the Licensing and Regulation of Byproduct, Source, and Special Nuclear Materials

State policy and courses of action with respect to atomic energy development and radiation protection have been the subject of California legislative consideration for a number of years. Public hearings by the Assembly Interim Committee on Public Health in 1958 led to the enactment of the Atomic Energy Development and Radiation Protection Law in 1959, which:

1. Declared it to be State policy to "encourage the constructive development of industries producing or utilizing atomic energy and radiation and to eliminate unnecessary exposure of the public to ionizing radiation."

2. Established the position of Coordinator of Atomic Energy Development and Radiation Protection in the Governor's Office.

3. Directed the Department of Public Health to institute a program for the registration of sources of radiation.

The Congress, also in 1959, amended the Atomic Energy Act of 1954 to permit for the first time a transfer of certain regulatory authority from the U.S. Atomic Energy Commission to qualified states in accordance with negotiated agreements.

In implementation of the State statute and with a view toward appraising the desirability or necessity for a broad system of radiation control, including assumption of authority from the AEC, the registration program was so designed as to obtain a maximum of information regarding radiation use in California. The Assembly Interim Committee on Public Health, following public hearings on these subjects in 1960, concluded that a comprehensive program of radiation control should be instituted promptly and that the state should prepare to enter into agreement with the Atomic Energy Commission, subject to approval of such an agreement by the Legislature. The Coordinator of Atomic Energy Development and Radiation Protection, after consultation with the Advisory Council and the Departmental Coordinating Committee of his Office, and with representatives of industry and the professional groups that use atomic energy and radiation, made a similar recommendation in his annual report to the Governor and the Legislature in January 1961.

As a result of these recommendations, Assembly Bill 1975 was introduced in the 1961 session of the Legislature, providing the framework for such a program, including enabling provisions to permit the Governor to enter into agreement with the Atomic Energy Commission. The bill was derived in large measure from suggested legislation of the Council of State Governments. It was widely circulated and critically reviewed by a number of interested and affected persons and groups, and was revised to take into account appropriate comments. After extensive consideration by Committees of the Legislature, including several public hearings at which all interested parties were afforded opportunity to be heard, the measure was enacted as the Radiation Control Law (Chapter 1711, Laws of 1961).

The statute directed the State Department of Public Health to adopt regulations for effectuating the purposes of this legislation. In drafting regulations, the Department was guided by the statutory provision for compatibility with the standards and regulatory programs of the Federal government, an integrated effective system of regulation within the State, and a system consonant insofar as possible with those of other states. The regulations were drawn largely from models developed jointly by the Atomic Energy Commission, the U.S. Public Health Service, and the Council of State Governments; and from recommendations of the National Committee on Radiation Protection and Measurement.

Assistance in drafting the regulations was obtained from a number of individuals, agencies, and groups, including the Atomic Energy Commission, the U.S. Public Health Service, the California Coordinator of Atomic Energy Development and Radiation Protection, several California state and local agencies, and a distinguished twelve-member Advisory Committee. This Advisory Committee included representation from industry, labor, medicine, dentistry, medical physics, and local health departments.

Two public meetings were held under the auspices of the Department of Public Health to permit interested persons to present their views on the proposed regulations. These meetings were publicized in advance through regular news media. In addition, notices of the meetings, together with copies of the proposed regulations, were sent to some 500 persons and groups known to be concerned. Such notices were mailed to all persons who had previously requested notifications of this sort; known leaders of affected groups; leading industries, distributors, manufacturers, and insurance carriers; leading universities and colleges; major hospitals; the California Manufacturers' Association; the California Medical Association; and others.

The first such meeting was held in Los Angeles on October 17, 1961, and 56 persons attended. The second meeting was held in Berkeley on October 20, with 64 persons in attendance. Each meeting lasted more than five hours and the proposed regulations were considered in detail. The notice announcing the meetings stated that written comments would also be welcomed. This was reiterated to those in attendance at the meetings. A number of written comments were received and given full consideration.

Following the public meetings, the Advisory Committee met to consider suggestions made at the meetings and in correspondence. This led to a final redrafting of the regulations. Copies were sent to all persons and groups that had received the initial draft.

In accordance with section 25734 of the Health and Safety Code, this final draft was submitted for review by the Coordinator of Atomic Energy Development and Radiation Protection and was approved for public notice of a hearing to be held before the State Board of Public Health. Such notice was published thirty days in advance of the hearing date in accordance with section 11423 of the Government Code, and notice of the hearing was also mailed to all persons and groups to whom copies of the proposed regulations had been sent. At the hearing on December 8, 1961, full opportunity was given to all interested persons to be heard before action was taken. The Board adopted the regulations and they constitute Title 17, Chapter 5, Subchapter 4, sections 30100 to 30397, inclusive, of the Administrative Code of California.

SECTION 1. *The Radiation Control Program.* The radiation control program of the State is designed to regulate all sources of radiation other than those for which regulatory responsibility is to be retained by the U.S. Atomic Energy Commission. As the term "radiation sources" is used hereinafter in this narrative, it is intended to mean those sources under the control of the State. The

sources are divided into two major categories; radioactive materials and radiation machines. Radioactive materials are to be regulated under a licensing program similar to the existing program of the U.S. Atomic Energy Commission, requiring possession of a license prior to acquisition or use of such materials. Radiation machines and certain generally licensed radioactive materials will be subject to a registration program involving the reporting of information by the registrant and the right of inspection by the State for compliance with prescribed safety standards. Each of these two major segments of the program is to be supported by a schedule of fees which relates to that specific part of the program. The agency charged with the responsibility of promulgating regulations and issuing licenses is the State Department of Public Health. A portion of the inspection and enforcement activities will be delegated by specific agreement to the Division of Industrial Safety of the State Department of Industrial Relations and may be delegated to local health agencies of cities and counties as the latter develop and demonstrate competence.

The regulations adopted by the State Department of Public Health will be controlling in this program throughout the State. As agreements for the delegation of responsibility for inspection and enforcement by other agencies are developed, it is planned to insure that no duplication or overlapping or jurisdiction occurs.

SEC. 2. *Licensing.* Provision is made for the issuance of both specific and general licenses comparable to those issued by the U.S. Atomic Energy Commission. Such licenses are required for the possession of radioactive materials above exempt amounts or concentrations, regardless of the mode of formation of such materials.

The responsibility for licensing of radioactive materials has been assigned by statute to the State Department of Public Health. The statute requires that Department to enter into agreement with the Division of Industrial Safety of the Department of Industrial Relations for the performance of certain inspection and enforcement activities. When such an agreement is concluded, it will allocate to that Division, among other duties, the responsibility for technical evaluations of license applications relating to industrial uses in general, prior to issuance of such licenses by the Department of Public Health. The Department of Public Health will itself conduct such technical evaluations with respect to other uses. As authorized by the Statute, the Department of Public Health plans to enter into agreement with such local health agencies as demonstrate adequate competence, authorizing them to conduct technical evaluations of license applications.

It is planned to make pre-licensing inspection a part of the evaluation procedure in general. In connection with licensing procedures, provision is made to give opportunity for all interested persons to be heard. With respect to human use of radioactive materials, the Department of Public Health will appoint a committee of not less than three qualified physicians to review license applications and make recommendations thereon. The Department will also have on its staff one or more physicians with special competence in radiological health who will review the recommendations of this committee.

SEC. 3. *Inspection.* Inspection for compliance with regulations and with license conditions will be carried on by the Department of Public Health, the Division of Industrial Safety, and any local health agencies with which agreements have been made as described in section 2—Licensing. Each license will be assigned to a single agency for such purposes.

Based upon the existing number and kind of the specific licenses, a priority system will be established under which inspection of the most hazardous activities will be conducted at least once each six months, and the remainder on a less frequent basis, depending upon the relative hazard. Initial priorities will be established on the basis of the pre-licensing evaluation and may be modified in accordance with subsequent inspections. It is expected that all licensed activities will be inspected at least once in two years.

Most inspections will be scheduled visits; a significant number may be on an unannounced basis. Inspection visits will usually entail a comprehensive review by the inspector of the licensee's equipment, facilities, in the handling or storage of radioactive material, the procedures in effect, including actual operation, and interviewing the personnel directly involved. The inspector will review the licensee's survey methods and results, personnel monitoring practices and results, the posting and labeling used, the instructions to personnel, and the methods and apparent effectiveness of maintaining control of people in the restricted area. He will review the licensee's records of receipts, transfers, and inventory of licensed material. He may physically check the inventory. He will examine records concerning disposal to the sewerage system and burial in the soil, if pertinent. He may make measurements of radiation levels. Prior to leaving the licensee's premises, he will meet with management to discuss the results of his inspection. During this meeting, he will attempt to answer questions concerning the regulatory program.

The inspector will prepare a report in sufficient detail to inform his supervisor of the facts and circumstances observed during the inspection. These reports will provide the basis for any necessary enforcement action. Appropriate elements of this information will be filed in the various agencies as needed. The Department of Public Health will review the operation of this system to insure that timely and adequate inspections are performed and that appropriate actions are taken.

In addition, there will be investigations of incidents and complaints involving licensed materials and operations to determine the cause, the steps taken by the licensee to cope with the incident, whether or not there was noncompliance with a regulation, and the steps the licensee is taking to avoid recurrence of the incident.

Licensees will be informed of the results of all inspections, first orally at the time of the inspection, and by letter or notice from the inspecting agency.

SEC. 4. *Enforcement.* Reports of inspections of licensees' activities will be evaluated by the inspecting agency to determine the status of compliance of the licensees with license conditions and regulations. If no item of noncompliance is observed, the licensee is so informed. If only minor matters of noncompliance, such as improper signs, failure to label, etc., are involved, which, at the time of the inspection, the licensee agrees to correct, the licensee will be informed in writing of the items of noncompliance and that corrective action will be reviewed during the next inspection. If the inspection reveals a noncompliance of a more serious nature, the licensee will be required to inform the inspecting agency in writing, usually within 15 to 30 days, as to corrective action taken and the date completed. In these cases, the inspecting agency representative will either conduct a prompt follow-up inspection or the matter will be reviewed during a regular inspection to insure that corrective action has, in fact, been accomplished. If the reply does not satisfactorily explain the noncompliance and assure that further violations will be prevented, the inspecting agency will take such administrative actions as are available to them.

It is expected that most of the enforcement functions will be administratively consummated by the inspecting agency. In cases where this is not successful, the inspecting agency will refer the matter to the State Department of Public Health, which may issue an order to show cause why the license should not be modified or terminated. In that event, there is provision for formal hearing in accordance with the California Administrative Procedures Act, and for judicial review of the final order resulting from such hearing. There is also provision for emergency action without notice or hearing, but such emergency action is subject to a prompt hearing upon request of the licensee. Among the enforcement procedures available to the State Department of Public Health are modification, suspension, or revocation of licenses, injunctive relief, and criminal sanctions afforded in the courts.

SEC. 5. *Participation by other agencies.* The statute provides for participation in the radiation control program by the State Division of Industrial Safety and by local health agencies in accordance with agreements that may be made between such agencies and the State Department of Public Health, subject to review by the Coordinator of Atomic Energy Development and Radiation Protection. Such agreements will permit the technical evaluation of license applications, the conducting of inspections for compliance with licenses and regulations, and such enforcement activities as may be administratively consummated within the agency. When further enforcement proceedings are required, involving formal hearings upon the suspension or revocation of licenses, such hearings will be conducted by the State Department of Public Health. Participating agencies will be required to maintain equivalent standards to those maintained by the State Department of Public Health with respect to educational and experience requirements of technical personnel engaged in the program, numbers of personnel in proportion to numbers of assigned licenses, adequacy of kinds and amounts of equipment and facilities, and procedures followed in inspection and enforcement. Inspecting agencies will be required to insure compliance by licensees with the license conditions and with the rules and regulations promulgated under the Radiation Control Law.

The statute permits the existence of local ordinances and regulations that are consistent with State Law and regulations. It provides that only the State shall assess a fee and that the proceeds from such fees shall be equitably distributed between the participating agencies. These provisions will be incorporated in agreements for the participation of such agencies in the program.

SEC. 6. *Organization and Personnel.* The radiation control program will be established in the Bureau of Radiological Health, an existing organizational unit of the State Department of Public Health. Technical positions in the existing program of this bureau are listed below. Personnel will be utilized in the control program to the degree required.

Acting Chief.
Senior Health Physicist.
Senior Engineer.
4 Associate Health Physicists—One position unfilled.
Associate Statistician.
2 Consultant Physicians—One position unfilled.
Consultant Engineer.

Upon consummation of an agreement with the AEC, the following additional personnel will be employed, as available, to perform license evaluations and to provide supervision over the inspection program:

1 Supervising Health Physicist.
2 Senior Health Physicists.
1 Associate Health Physicist.

The Department expects to maintain as inspectors qualified personnel trained in health physics in the approximate ratio of one for each 175 licensees. During the initial phases, the equivalent number of man-years is planned to be devoted to these purposes by the existing staff. This ratio of inspectors to licenses will also apply to other agencies having inspectional responsibilities.

The educational and experience requirements for the position categories directly related to the licensing program are as follows:

Supervising Health Physicist: Bachelor's degree in physical or life sciences, including or supplemented by courses in health physics or radiation biology. Seven years of responsible professional experience in health physics or a closely related field, at least three years of which must have included principal responsibility for a major program of radiological health.

Senior Health Physicist: Graduation from college with major work in the applied or life sciences and including or supplemented by at least four courses in nuclear or health physics or radiation biology. Five years of responsible professional experience in health physics or a closely related field, at least two years of which must have included responsibility for a major program in radiological health. (Master's degree or equivalent academic work in health physics or closely related fields may be substitutes for two years of experience; one year of Atomic Energy Commission fellowship training may be substituted for one year of experience.) As an alternate to these requirements, two years of experience as an Associate Health Physicist in the California State service will be acceptable.

Associate Health Physicist: Equivalent of college graduation with major work in physical or life sciences, including or supplemented by at least two courses in nuclear or health physics or radiation biology. Three years of responsible professional experience (excluding routine radiation monitoring and surveys) in health physics or closely related fields. (One year of full time graduate work in health physics or closely related fields, or completion of one-year Atomic Energy Commission health physics fellowship may be substituted for one year of required experience.)

[F.R. Doc. 62-364; Filed, Jan. 11, 1962; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181 the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on January 1, 1962, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after January 1, as using humane methods on January 1 or a later date in January, will be listed in a supplemental list. Previously published lists represented establishments reported in December 1961 or January 1962 as humanely slaughtering and handling the designated species of livestock on December 1 or some later date in December 1961 (27 F.R. 18, 592 and 839). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AD	(*)	(*)				
Do.	2AT	(*)		(*)		(*)	
Do.	2C	(*)		(*)		(*)	
Do.	2E	(*)		(*)		(*)	
Do.	2H	(*)	(*)				
Do.	2LT	(*)					
Do.	2WN	(*)	(*)				
Swift and Co.	3AC	(*)				(*)	
Do.	3AE	(*)	(*)			(*)	
Do.	3AN	(*)	(*)			(*)	
Do.	3B	(*)		(*)		(*)	
Do.	3C	(*)		(*)		(*)	
Do.	3D	(*)				(*)	
Do.	3E	(*)		(*)		(*)	
Do.	3L	(*)	(*)			(*)	
Do.	3N	(*)	(*)	(*)		(*)	
Do.	3R	(*)	(*)			(*)	
Do.	3S						
Do.	3T	(*)	(*)				
Do.	3W	(*)				(*)	
Do.	3Z	(*)					
Do.	6C	(*)		(*)		(*)	
Lykes Bros., Inc.	8B	(*)					
Hygrade Food Products Corp.	12A	(*)				(*)	
Do.	12C	(*)	(*)	(*)			
Do.	12D	(*)					
Do.	12G	(*)	(*)			(*)	
Do.	12P	(*)					
Mickelberrys Food Products Co.	16	(*)					
John Morrell and Co.	17					(*)	
Do.	17A	(*)				(*)	
The Cudahy Packing Co.	19	(*)				(*)	
Wilson and Co., Inc.	20N	(*)				(*)	
Do.	20Q	(*)	(*)	(*)		(*)	
Do.	20Y	(*)	(*)	(*)		(*)	
The Sperry and Barnes Co.	27C					(*)	
Patrick Cudahy, Inc.	28	(*)					
Kreinberg and Krasny, Inc.	30	(*)					
Valleydale Packers, Inc.	34	(*)	(*)	(*)			
Armour and Co.	40	(*)				(*)	
Sunnyland Packing Co.	43	(*)				(*)	
Idaho Meat Packers	46	(*)	(*)	(*)			
Consolidated Dressed Beef Co., Inc.	47	(*)	(*)	(*)			
Lackawanna Beef and Provision Co.	49	(*)					
Midwestern Beef, Inc.	53	(*)					
Sunnyland Packing Co. of Alabama	56	(*)				(*)	
Glover Packing Co.	60A		(*)	(*)	(*)	(*)	
Welland Packing Co., Inc.	61						
The Quaker Oats Co.	87E						(*)
Brown Thompson & Son	73					(*)	
Armour and Co.	75			(*)			
The Braun Brothers Packing Co.	79	(*)				(*)	
Edgar Packing Co.	84		(*)				
Excel Packing Co., Inc.	86	(*)					
The E. Kahns Sons Co.	89	(*)	(*)	(*)		(*)	
Hygrade Food Products Corp.	90	(*)					
Sugardale Provision Co.	92	(*)				(*)	
Shonyo Packing Co.	93	(*)	(*)	(*)	(*)		
The Val Decker Packing Co.	95	(*)	(*)	(*)		(*)	
A. Kochs Sons	98	(*)	(*)				
Swift and Co.	104	(*)	(*)	(*)		(*)	
J. Lynn Cornwell, Inc.	107		(*)			(*)	
Wilson and Co., Inc.	111	(*)	(*)	(*)		(*)	
Hoffman Packing Co., Inc.	112	(*)					
Morris Packing Co.	113	(*)					
R. J. Archie and Sons, Inc.	122	(*)					
City Dressed Beef	125	(*)					
Peyton Packing Co., Inc.	126	(*)	(*)	(*)	(*)	(*)	
Superior Packing Co.	127	(*)					
John Roth and Son, Inc.	130	(*)					
Tobin Packing Co., Inc.	133					(*)	
Edward J. Kluener, Inc.	142	(*)	(*)				
Armour and Co.	158	(*)					
New York State College of Agriculture	165	(*)	(*)	(*)		(*)	
Swift and Co.	166A	(*)	(*)	(*)	(*)	(*)	
K. Shapiro, Inc.	173		(*)	(*)			
Armour and Co.	177	(*)	(*)				
Peerless Packing Co.	180					(*)	
Montrose Beef Co.	181	(*)					
The Rath Packing Co.	186	(*)	(*)	(*)		(*)	
Do.	186C	(*)	(*)				
Do.	186F					(*)	
Krey Packing Co.	192	(*)	(*)	(*)	(*)	(*)	
Hynes Packing Co.	197	(*)	(*)	(*)			
George A. Hormel and Co.	199	(*)	(*)	(*)		(*)	
Do.	199I					(*)	
Do.	199N	(*)					
Mid Valley Beef Co., Inc.	201	(*)					
Cudahy Packing Co.	202	(*)				(*)	
Kings Packing Co., Inc.	205	(*)	(*)				
Heinns Riverside Abattoir, Inc.	210	(*)					
Penn Packing Co.	212					(*)	
Elburn Packing Co.	213	(*)					
Kneip Packing Co.	213C		(*)				
Fred Dold and Sons Packing Co.	214	(*)					

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Oscar Mayer and Co., Inc.	437C						
Midwest Packing Co.	536						
Greendell Packing Corp.	542						
Swift and Co.	548						
Springfield Rendering Co.	555D						
Emery Land Co.	561						
Packerland Packing Co., Inc.	562						
John Morrell and Co.	571						
Ferris Packing Co., Inc.	574						
Frosty Morn Meats, Inc.	576						
Klingford Packing Co., Inc.	581						
Empire Packing Co., Inc.	586						
City of Austin Municipal Abattoir	590						
Swift and Co.	608						
Eastern Oregon Meat Co., Inc.	611						
Donnel Packing Co., Inc.	613						
National Provision Co.	614						
Wilson and Co., Inc.	627						
Agar Packing Co., Inc.	630						
Arkansas Packing Co. of Erie	632						
The H. H. Meyer Packing Co.	633						
Sioux City Dressed Pork, Inc.	643						
Gus Jurgensen and Son, Inc.	644						
Great Falls Meat Co.	647						
Union Packing Co.	648						
Inc.	649						
Spencer Packing Co., T. J. Kurdle Co.	649						
Jim Kurdle Co.	650						
John Morrell and Co.	653						
Nagle Packing Co.	654						
Milwaukee Dressed Beef Co.	657						
Haums Bologna, Inc.	659						
St. Louis Dressed Beef Co.	663						
Globe Packing Co.	666						
Crown Packing Co.	672						
E. St. Louis Packing Co., Inc.	673						
Hunter Packing Co.	678						
Jacob Hoiers Sons, Inc.	682						
Hass Davis Packing Co., Inc.	685						
The William Fockes Sons Co.	689						
The Sucher Packing Co.	691						
Pierce Packing Co., Inc.	695						
Kramer Beef Co.	698						
Carter Packing Co., Inc.	716						
Crawford County Packing Co.	717						
The Joseph N. Rice Co.	719						
The Quaker Oats Co.	734 E						
Jacob Schlachters Sons Co.	739						(*)
Pioneer Provision Co.	742						
Howard Dairego Cooperative Packing Co.	747						
Lock Joe Packing Co., Inc.	753						
Cornell Packing Co.	755						
Seitz Packing Co., Inc.	756A						
Philadelphia Dressed Beef Co.	758						
Karler Packing Co.	767						
Sheridan Meat Co., Inc.	796						
Earl C. Gibbs, Inc.	770						
Modern Meat Packing Co.	771						
Dale Maid Meat Co., Inc.	783						
Aurora Packing Co., Inc.	788						
Wimp Packing Co.	791						
Baums Meat Packing	792						
Max Hoier Meat Packer	809						
Acres Meat Co., Inc.	810						
The G. Erhart Sons, Inc.	813						
William Jackson and Sons, Inc.	817						
Rockwood Independent Packer, Inc.	822						
Henry Moyers Sons, Inc.	827						
Penford Packing Co.	834						
Norman Peters Packing Co.	838						
Frederick County Products, Inc.	839						
Herman Kempers Sons	843						
G. Bartusch Packing Co., Inc.	857						
Slouf Kolby Dressed Beef Co. Division of Needham	857 F						
Sam McDaniel and Sons, Inc.	859						
Wells and Davies, Inc.	860						
Sierra Meat Co.	862						
Gaines Packing Co.	868						
Smallwood Food Co., Inc.	880						
Vermont Dressed Beef Co., Inc.	882						
William Davies Co., Inc.	884						

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Lincoln Meat Co.	217						
York Packing Co., Inc.	220						
Armour and Co.	222						
Gold Merit Packing Co., Inc.	232						
Ruskin Packing Co.	237						
Armour and Co.	238						
Greenwood Packing Plant	242						
I. Klayman & Co.	243						
Iowa Meat Packers, Inc.	245						
Hygrade Food Products Corp.	246						
Hargel Realty Corp.	247						
Frosty Morn Meats, Inc.	250						
Balentine Packing Co., Inc.	258						
Tog Packing Co., Inc.	273						
Elliott Packing Co.	274						
Wilson and Co., Inc.	282						
Agar Packing Co., Inc.	286						
Arkansas Packing Co. of Erie	289						
The H. H. Meyer Packing Co.	290						
Sioux City Dressed Pork, Inc.	292						
Gus Jurgensen and Son, Inc.	296						
Great Falls Meat Co.	301						
Union Packing Co.	301A						
Inc.	306						
Star Packing Co.	311						
Mellon Provision Co.	312						
Ideal Packing Co., Inc.	316						
Webb Packing Co.	327						
Frisco Packing Co.	328						
Royal Packing Co.	341 A						
Sokolik Packing Co., Inc.	342						
Shapiro Packing Co., Inc.	335						
Nebraska Independent Meat Co.	350						
Chinn Valley Meat Packing Co., Inc.	339						
Midland Empire Packing Co., Inc.	340						
Des Moines Packing Co.	341						
Peters Packing Co., Inc.	341 A						
Heil Packing Co.	357						
Meyers Packing Co.	363						
Bowling Green Packing Co., Inc.	372						
Cudahy Fresh Meat Packers, Inc.	375						
American Stores Co.	384						
Liebmann Packing Co.	388						
Dugdale Packing Co.	390						
Roth Packing Co.	394						
The Jacob Schlachters Sons Co.	396						
Dubuque Packing Co.	396C						
Eagle Packing Co.	397						
Eagle Packing Co., Inc.	410						
Fulton Packing Co.	413						
The Lundy Packing Co.	413						
Frosty Morn Meats	414						
Philadelphia Boneless Beef Co.	415						
Murray Packing Co., Inc.	421						
E. W. Knerip Inc., of Iowa	422						
The Collins Packing Co.	425						
Hebron Meats Packing Co.	435						
Queen Packing Corp.	436						
Schneider Packing Co.	439						
Prime Packing Co., Inc.	443						
Peerless Packing Co., Inc.	446						
Dewitt Packing Corp.	456						
Morris Rifkin and Sons, Inc.	462						
Lancaster Packing Co.	466						
Cudahy Packing Co.	468						
Eckert Packing Co.	471						
Armour and Co.	477						
St. Cloud Meat Packing Co.	483						
East Tennessee Packing Co.	487						
Mid State Packers, Inc.	494						
H. Rothschild and Co.	496						
Gruensfelder Packing Co.	508						
The Hull and Dillon Packing Co.	509						
Shen Valley Meat Packers, Inc.	510						
Illinois Packing Co.	511						
Pearl Packing Co., Inc.	521						
Smallwood Food Co., Inc.	524						
Vermont Dressed Beef Co., Inc.	526						
Rosenthal Packing Co., Inc.	532						
Oscar Mayer and Co., Inc.	534 A						

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
O'Neill Packing Co.	889	(*)					
Tobin Packing Co., Inc.	898					(*)	
Vernon Calhoun Packing Co.	897	(*)	(*)				
Sigman Meat Co. of Montana	901A	(*)	(*)				
Valleydale Packers, Inc., of Bristol	922	(*)	(*)			(*)	
South Philadelphia Willowbrook, Inc.	923	(*)	(*)				
Wisconsin Packing Co.	924	(*)					
Karber Packing Co.	929	(*)	(*)			(*)	
Turpoff Packing Co.	931	(*)					
McKenney Meat Co.	932	(*)	(*)				
Vels Packing Co.	938	(*)					
Cappellino Abattoir, Inc.	939	(*)					
Gentner Packing Co., Inc.	941	(*)					
Delrich Meat Packers, Inc.	944			(*)		(*)	
M. Brizer & Co.	948	(*)					
Armour and Co.	956	(*)				(*)	
Reliable Packing Co., Inc.	959					(*)	
Greater Omaha Packing Co., Inc.	960	(*)					
T. J. Lay Packing Co.	967	(*)				(*)	
Hawaii Meat Co., Ltd.	970	(*)	(*)				
Hospers Packing Co.	985	(*)					
Everett C. Horlein and Son, Inc.	988	(*)					
Armour and Co.	1085	(*)					
Browns Packing House	1154	(*)				(*)	
Landy Packing Co.	1171	(*)					
A. F. Moyer and Sons, Inc.	1311	(*)	(*)	(*)			
McCabe Packing Plant	1312	(*)	(*)	(*)			

Done at Washington, D.C., this 30th day of January 1962.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62–1113; Filed, Feb. 1, 1962; 8:48 a.m.]

Agricultural Stabilization and Conservation Service

CIGAR-FILLER (TYPE 41) TOBACCO

Notice of Referendum

Notice is hereby given that on February 20, 1962, a referendum will be held of farmers engaged in the production in 1961 of cigar-filler (type 41) tobacco pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended. Notice that consideration would be given to establishing a date for holding the referendum was given in 26 F.R. 9651. The purpose of the referendum is to determine whether the farmers voting favor national marketing quotas for each of the 1962–63, 1963–64 and 1964–65 marketing years for such kind of tobacco. The referendum will be conducted in accordance with the provisions of the act and the regulations governing the holding of referenda on marketing quotas (23 F.R. 3432, 7285; 25 F.R. 5907; and 26 F.R. 10208).

In order that arrangements for holding the referendum may be made in an orderly manner and as much advance notice as possible be given of the date of the referendum, it is essential that this be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this notice shall be effective upon filing of this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., this 30th day of January 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–1116; Filed, Feb. 1, 1962; 8:49 a.m.]

BURLEY TOBACCO

Notice of Referendum

Notice is hereby given that on February 20, 1962, a referendum will be held of farmers engaged in the production in 1961 of burley tobacco, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended. Notice that consideration would be given to establishing a date for holding the referendum was given in 26 F.R. 9651. The purpose of the referendum is to determine whether the farmers voting favor a national marketing quota for each of the 1962–63, 1963–64, and 1964–65 marketing years for such kind of tobacco. The referendum will be conducted in accordance with the provisions of the act and the regulations governing the holding of referenda on marketing quotas (23 F.R. 3432, 7285; 25 F.R. 5907; 26 F.R. 7258, 7693).

In order that arrangements for holding the referendum may be made in an orderly manner and as much advance notice as possible be given to the date of the referendum, it is essential that this notice be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this notice shall be effective upon filing of this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 30, 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–1115; Filed, Feb. 1, 1962; 8:48 a.m.]

VIRGINIA SUN-CURED (TYPE 37) TOBACCO

Notice of Referendum

Notice is hereby given that on February 20, 1962, a referendum will be held of farmers engaged in the production in 1961 of Virginia sun-cured (type 37) tobacco, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended. Notice that consideration would be given to establishing a date for holding the referendum was given in 26 F.R. 9651. The purpose of the referendum is to determine whether the farmers voting favor a national marketing quota for each of the 1962–63, 1963–64, and 1964–65 marketing years for such kind of tobacco. The referendum will be conducted in accordance with the provisions of the act and the regulations governing the holding of referenda on marketing quotas (23 F.R. 3432, 7285; 25 F.R. 5907; 26 F.R. 7258, 7693).

In order that arrangements for holding the referendum may be made in an orderly manner and as much advance notice as possible be given to the date of the referendum, it is essential that this notice be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this notice shall be effective upon filing of this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 30, 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–1117; Filed, Feb. 1, 1962; 8:49 a.m.]

Office of the Secretary

TENNESSEE

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87–128 (7 U.S.C. 1961), it has been determined that in the following counties in the State of Tennessee natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TENNESSEE

Dyer.	Shelby.
Lake.	Tipton.
Lauderdale.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can

qualify under established policies and procedures.

Done at Washington, D.C., this 29th day of January 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-1123; Filed, Feb. 1, 1962; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13339]

S.A. EMPRESA DE VIACAO AEREA RIO GRANDENSE (VARIG)

Notice of Prehearing Conference

In the matter of the application of S.A. Empresa de Viacao Aerea Rio Grandense (VARIG) for amendment of its foreign air carrier permit to add two new intermediate points Lima, Peru, and Panama City, Republic of Panama.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on February 9, 1962, at 10 a.m., e.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Russell A. Potter.

Dated at Washington, D.C., January 29, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-1124; Filed, Feb. 1, 1962; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

C.B. INVESTMENT CORP.

Notice of Application for Approval of Acquisition of Shares of a Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by C. B. Investment Corp., which is a bank holding company located in Houston, Tex., for the prior approval of the Board of the acquisition by applicant of 932 shares of the 10,000 additional voting shares to be issued of The First National Bank of Port Arthur, Port Arthur, Tex.

In determining whether to approve this application submitted pursuant to section 3(a)(2) of the Bank holding Company Act, the Board is required by that act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than fifteen (15) days after the publication of this notice in the FEDERAL REGISTER, comments and views regardings the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 29th of January 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-1087; Filed, Feb. 1, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI62-307]

SHELL OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate and Allowing Increased Rate To Become Effective

JANUARY 26, 1962.

On December 28, 1961, Shell Oil Co. (Shell), 50 West 50th Street, New York 20, N.Y., tendered for filing a proposed change in its presently effective rate schedule covering gas produced from the Hugoton Field, Grant County, Kans., and sold subject to the jurisdiction of this Commission to Socony Mobil Oil Co., Inc. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated December 26, 1961.

Rate schedule designation: Supplement No. 7 to Shell's FPC Gas Rate Schedule No. 77.

Effective date: January 28, 1962. (Effective date is the first day after expiration of the required thirty days' notice.)

Rate in effect: 10.00 cents per Mcf at 14.65 psia.

Proposed increased rate: 11.00 cents per Mcf at 14.65 psia.

Annual increase: $400.

The proposed increased rate reflects a revenue-sharing agreement which is based upon Socony's resale rate to Cities Service. Socony's rate is in effect subject to refund in Docket No. RI61-506. therefore, the increased rate and charge proposed by Shell may be unjust, unreasonable, unduly discriminatory or preferential; or otherwise unlawful.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the Commission enter upon hearing concerning the lawfulness of the changed rate proposed by Shell and that Supplement No. 7 to Shell's FPC Gas Rate Schedule No. 77 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearing shall be held upon the date to be affixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement.

(B) Pending hearing and decision thereon, Supplement No. 7 to Shell's Rate Schedule No. 77 is hereby suspended and the use thereof deferred until January 29, 1962, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That said supplement shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order Shell shall execute and file under the captioned and above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon the purchaser under the rate schedule involved. Unless Shell is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before March 15, 1962.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-1081; Filed, Feb. 1, 1962; 8:45 a.m.]

[Docket Nos. RI62-308—RI62-320]

SOCONY MOBIL OIL CO., INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JANUARY 26, 1962.

Socony Mobil Oil Co., Inc., Docket No. RI62-308; Texaco Inc., Docket No. RI62-309; the Atlantic Refining Co., Docket No. RI62-310; John W. Mecom, Docket No. RI62-311; Amerada Petroleum Corp. (operator) et al., Docket No. RI62-312; Humble Oil & Refining Co., (operator) et al., Docket No. RI62-313; Pan American Petroleum Corp., Docket No. RI62-314; Harper Oil Co. (operator) et al., Docket No. RI62-315; Monsanto Chemical Co., Docket No. RI62-316; Northern Pump Co., Docket No. RI62-317; Bayview Oil Corp. (operator) et al., Docket No. RI62-318; J. S. Abercrombie Mineral Co., Inc. (operator) et al., Docket No. RI62-319; Sohio Petroleum Co., Docket No. RI62-320.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI62-308...	Socony Mobil Oil Co., Inc., 150 East 42d Street, New York 17, N.Y.	50	14	Texas Eastern Transmission Corp. (Helen Gohlke Field, De Witt County, Tex.) (R.R. District No. 2).	$78	12-28-61	[1] 2-1-62	7-1-62	16.1111	[2][4] 16.4444	RI61-343
RI62-309...	Texaco, Inc., P.O. Box 2332, Houston, Tex.	189	4	United Gas Pipe Line Co. (Lapeyrouse Field, Terrebonne Parish, La., (South Louisiana).	2,132	1-2-62	[1] 2-11-62	7-11-62	[5] 20.25	[6][7] 22.25	----------
RI62-310...	The Atlantic Refining Co., P.O. Box 2819, Dallas 21, Tex.	172	6	Natural Gas Pipeline Co. of America (Camrick Southeast Gas Pool Field, Texas and Beaver Counties, Okla.).	75	1-4-62	[1] 3-21-62	8-21-62	17.0	[7] 17.2	RI61-374
RI62-310...	The Atlantic Refining Co.	223	1	Natural Gas Pipeline Co. of America (Northwest Dower Field, Beaver County, Okla.).	24	1-4-62	[1] 3-21-62	8-21-62	17.0	[7] 17.2	----------
RI62-311...	John W. Mecom, P.O. Box 2566, Houston, Tex.	9	5	United Gas Pipe Line Co. (Lapeyrouse Field, Terrebonne Parish, La.) (South Louisiana).	7,680	1-3-62	[1] 2-11-62	7-11-62	[5] 20.25	[6][7] 22.25	----------
RI62-312...	Amerada Petroleum Co. (Operator), et al., P.O. Box 2040, Tulsa 2, Okla.	64	8	United Gas Pipe Line Co. (South Lewisburg Field, Acadia Parish, La.) (South Louisiana).	13,586	1-2-62	[1] 2-2-62	7-2-62	[5] 20.25	[6][7] 22.25	----------
RI62-313...	Humble Oil & Refining Co. (Operator), et al., P.O. Box 2180, Houston 1, Tex.	10	20	Texas Eastern Transmission Corp. (Helen Gohlke Field, De Witt County, Tex.) (R.R. District No. 2).	1,853	1-4-62	[1] 2-4-62	7-4-62	[8] 15.7099	[3][9] 16.0432	RI61-348
RI62-314...	Pan American Petroleum Corp., P.O. Box 591, Tulsa 2, Okla.	208	4	Texas Eastern Transmission Corp. (Fort Lynn Field, Miller County, Ark.).	69	1-2-62	[1] 2-2-62	7-2-62	14.3	[3][10] 14.34375	----------
RI62-314...	Pan American Petroleum Corp.	169	12	Skelly Oil Co. (Panhandle Field, Carson County, Tex.) (R.R. District No. 10).	86	1-5-62	[1] 2-5-62	7-5-62	11.6292	[2][3] 11.7188	RI61-543
RI62-314...	.....do.....	105	13	Iroquois Gas Corp. (Sheridan Field, Colorado County, Tex.) (R.R. District No. 3).	581	1-11-62	[1] 2-11-62	7-11-62	17.668	[7] 18.6776	G-13409
RI62-315...	Harper Oil Co. (Operator), et al., 904 Hightower Building, Oklahoma City, Okla.	22	5	Arkansas Louisiana Gas Co. (Cement Field, Grady County, Okla.).	11,703	1-2-62	[1] 2-2-62	7-2-62	11.0	[3][11] 15.0	----------
RI62-316...	Monsanto Chemical Co., 1401 South Coast Building, Houston 2, Tex.	21	1	Panhandle Eastern Pipe Line Co. (Bond Area, Meade County, Kans.).	658	1-8-62	[1] 3-1-62	8-1-62	15.0	[7] 16.0	----------
RI62-317...	Northern Pump Co., Columbia Heights P.O., Minneapolis 21, Minn.	26	10	Panhandle Eastern Pipe Line Co. (Light Field, Seward County, Kans.).	514	1-8-62	[1] 2-10-62	7-10-62	12.2826	[3][7] 13.1761	----------
RI62-318...	Bayview Oil Corp. (Operator), et al., Republic National Bank Building, Dallas 1, Tex.	6	8	Mississippi River Fuel Corp. (Waskom Field, Harrison County) (R.R. District No. 6).	476	1-8-62	[1] 2-25-62	7-25-62	[12] 14.3844	[3][7][13] 14.8802	----------
RI62-319...	J. S. Abercrombie Mineral Co., Inc. (Operator), et al., c/o T. J. Caldwell, Jr., Fouts, Moore, Williams & Caldwell, Gulf Building, Houston, Tex.	1	2	Natural Gas Pipeline Co. of America. (Milton Field, Harris County, Tex.) (R.R. District No. 3).	6,495	1-9-62	[8] 2-9-62	7-9-62	15.0	[3][8] 16.5	----------
RI62-320...	Sohio Petroleum Co., 870 First National Office Building, Oklahoma City 2, Okla.	42	7	United Gas Pipe Line Co. (South Lewisburg Field, Acadia Parish, La.) (South Louisiana).	9,304	1-8-62	[1] 2-8-62	7-8-62	[12] 20.25	[6][7][13] 22.25	----------
RI62-320...	Sohio Petroleum Co...	43	2	Texas Gas Transmission Corp. (Ramos Field, St. Mary and Assumption Parishes, La.) (South Louisiana).	4,071	1-8-62	[1] 2-8-62	7-8-62	[12] 20.75	[6][7][13] 21.75	----------

[1] The stated effective date is the effective date proposed by respondent.
[2] Redetermined rate increase.
[3] The pressure base is 14.65 psia.
[4] Includes dehydration charge of 0.5 cent per Mcf paid by buyer.
[5] Includes 1.75 cents per Mcf tax reimbursement.
[6] Pressure base is 15.025 psia.
[7] Periodic rate increase.
[8] The stated effective date is the first day after expiration of the required statutory notice.
[9] Includes 0.5 cent per Mcf for gathering and dehydration charged by seller.
[10] Tax reimbursement.
[11] Favored-Nation rate increase.
[12] Includes 0.25 cent per Mcf dehydration charge paid by buyer.
[13] Includes 1.75 cents per Mcf Louisiana severance tax reimbursement.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Pan American Petroleum Corp.'s (Pan American) notice of change reflecting a tax increase for gas sold to Texas Eastern Transmission Corp. from the Port Lynn Field, Miller County, Ark., was submitted pursuant to Pan American's contract clause concerning additional taxes and reflects reimbursement of a portion of the newly enacted Arkansas gas conservation assessment (87.5 percent of 0.05 cent) effective January 1, 1962.

The proposed increased rates exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the

use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 12, 1962.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-1082; Filed, Feb. 1, 1962; 8:45 a.m.]

[Docket No. CI60-193 etc.]

GLENN F. THOMAS ET AL.

Notice of Severance

JANUARY 26, 1962.

Glenn F. Thomas and George W. Brewer, Jr., d.b.a. Thomas and Brewer et al., Docket Nos. CI60-193 et al.; Northern Pump Co., Docket No. CI61-1409; The Ohio Oil Co., (operator) et al., Docket No. CI62-71.

Notice is hereby given that the above-entitled matters heretofore scheduled for a hearing to be held in Washington, D.C., on February 6, 1962, at 9:30 a.m., e.s.t., in the consolidated proceedings entitled Glenn F. Thomas and George W. Brewer, Jr., d.b.a. Thomas and Brewer et al., in Docket Nos. CI60-193, et al., are severed therefrom for such disposition as may be appropriate.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-1083; Filed, Feb. 1, 1962; 8:45 a.m.]

[Docket Nos. CP62-117 etc.]

UNITED GAS PIPE LINE CO. ET AL.

Notice of Applications and Date of Hearing

JANUARY 26, 1962.

United Gas Pipe Line Co., Docket No. CP62-117; United Gas Pipe Line Co., Docket No. CP62-118; B. G. Byars Drilling Co., Docket No. CI61-470; Continental Oil Co., Docket No. CI61-483; Humble Oil & Refining Co., Docket No. CI61-688; Dick Wegener and C. E. Davis, d/b/a Dick Wegener, Drilling Contractor, Docket No. CI61-1685; Owens-Illinois Glass Co., Docket No. CI62-14; Siboney-Caribbean Petroleum Co.,[1] Docket No. CI62-149; Dan J. Harrison, Jr., Docket No. CI62-278; Dan J. Harrison, Jr. (operator) et al., Docket No. CI62-279.

Take notice that each of the above applicants has filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service, as hereinafter described and as more fully described in the applications which are on file with the Commission and open to public inspection.

The pertinent facts in each application are as follows:

Docket No.; Field and Location; Purchaser; and Docket No. in Which Sale Was Authorized

CP62-117; Dallas, Tex.; Floyd McCullough, d/b/a Texas Asphalt Paving Co.
CP62-118; Caddo Parish, La.; W. L. Sibley.
CI61-470; No. 1 F. H. (Herman) Johnston Well, Manziel Field, Wood County, Tex.; Lone Star Gas Co.; G-2727.
CI61-483; Talbert Well No. 1 and Davis Bros. Lumber Co. No. 1 Well, Driscoll Field, Bienville Parish, La.; Arkansas Louisiana Gas Co.; G-8604.
CI61-688; Wyatt-Ellenburger Field, Crocket County, Tex.; El Paso Natural Gas Co.; G-3069.
CI61-1685; State Well No. 1, Nellie Field, Stephens County, Okla.; Lone Star Gas Co.; G-17643.
CI62-14; Fluharty Gas Well No. B-1 and Lulu Shuman Gas Well No. 1, Paw Paw District, Marion County, W. Va.; Hope Natural Gas Co.; G-8208.
CI62-149; Rivers Lease, Mary (Frio Sand) Field, Jim Wells County, Tex.; C. V. Lyman; CI61-828.
CI62-278; Dan J. Harrison, Jr., A Fee No. 1 Well, Liberty County, Tex.; Texas Eastern Transmission Corp.; G-5696.
CI62-279; Robinson Lake Field, Chambers County, Tex.; Texas Gas Corp.; G-12453.

The Applicants in Docket Nos. CI61-470, CI61-483, CI61-688, CI61-1685, CI62-149, CI62-278, and CI62-279 state that the volume of gas available for delivery under the respective contracts has declined to the point where it is no longer economically feasible to continue the operation.

The Applicant in Docket No. CI62-14 seeks authorization to terminate deliveries of gas from two wells to Hope Natural Gas Co. in order to divert such gas through its own production system to its Fairmont, W. Va., plant. Hope Natural Gas Co. has agreed to partial cancellation of the gas purchase contract, the application states.

The Applicant in Docket Nos. CP62-117 and CP62-118 seeks authorization to abandon service from its pipelines and to remove positive meters and appurtenant facilities. The purchasers of the gas transported through these facilities have requested and the Applicant has agreed to termination of service and cancellation of the gas purchase contracts.

Each of the independent producer Applicants has filed a notice of cancellation of its related rate schedule.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 6, 1962 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 23, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-1084; Filed, Feb. 1, 1962; 8:45 a.m.]

[1] Successor in interest to Siboney Petroleum Corp.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 30, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37529: *Sand to Danville, Ill.* Filed by Southwestern Freight Bureau, Agent (No. B-8142), for interested rail carriers. Rates on sand, as described in the application, in carloads, from Guion, Ark., Klondike, Ludwig, and Pacific, Mo., also Mill Creek and Roff, Okla., to Danville, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 146 to Southwestern Freight Bureau tariff I.C.C. 4319.

FSA No. 37530: *Anhydrous ammonia to points in Florida.* Filed by Southwestern Freight Bureau, Agent (No. B-8143), for interested rail carriers. Rates on anhydrous ammonia, in tank-car loads, from Lake Charles and West Lake Charles, La., also Houston, Tex., to Agricola, Armour, Brewster, East Tampa, Nichols, Pierce, Ridgewood, Royster, and Tampa, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 31 to Southwestern Freight Bureau tariff I.C.C. 4422.

FSA No. 37531: *Salt from Williston, N. Dak., to Montana points.* Filed by V. P. Brown, Agent (No. 4), for interested rail carriers. Rates on salt, as described in the application, in carloads, from Williston, N. Dak., to Billings, East Billings, Laurel, and Mossmain, Mont.

Grounds for relief: Market competition.

Tariff: Supplement 34 to Agent V. P. Brown tariff I.C.C. 3.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37528: *Passenger fares in the United States.* Filed by E. B. Padrick, Agent (No. 8), for interested rail carriers, involving basic coach and station-to-station round-trip coach fares for the transportation of people, between points in the United States.

Grounds for relief: Maintenance of through one-factor fares in excess of lower combinations of intermediate fares, due to the method of disposition of fractions in proposed increased fares.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-1097; Filed, Feb. 1, 1962; 8:47 a.m.]

[Notice 590]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 30, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64468. By order of January 19, 1962, the Transfer Board approved the transfer to Frostways, Inc., Detroit, Mich., of a portion of the operating rights in Certificate No. MC 113843; and of the entire certificate in No. MC 113843 Sub 19, issued October 22, 1957, and August 1, 1958, respectively, to Refrigerated Food Express, Inc., Boston, Mass., authorizing the transportation of: Frozen foods, fresh meats, meats, meat products, meat by-products, and dairy products, from specified points in Pennsylvania, Michigan, and Wisconsin, to specified points in Michigan, Maryland, Ohio, Pennsylvania, Virginia, West Virginia, the District of Columbia, New York, New Jersey, Illinois, Indiana, and Kentucky. James M. Walsh, 316 Summer Street, Boston, 10, Mass., and L. Eskelson, 501 Perpetual Building, 1111 E Street NW., Washington, D.C., attorneys for applicants.

No. MC-FC 64578. By order of January 25, 1962, the Transfer Board approved the transfer to E. Willis Avery, Rose Avery, Millard Avery, Raymond Avery, and Frank Avery, doing business as Avery Transportation, Beachlake, Pa., of Certificate No. MC 59295 issued April 15, 1954, to E. Willis Avery, doing business as Avery Trucking, Beachlake, Pa., authorizing the transportation of livestock, from Decatur and Fort Wayne, Ind., and Rochester, N.Y., to points in Tioga County, Pa., agricultural commodities, from points in Tioga, Potter, and Lycoming Counties, Pa., to Washington, D.C., Baltimore, Md., and points in New York; feeds and grain, from New York, N.Y., to points in Wyoming County, Pa.; from points in Tioga and Potter Counties, Pa., to points in Cattaraugus, Allegany, and Chautaqua Counties, N.Y.; and from Binghamton, N.Y., to points in New York within 25 miles of Beachlake, Pa.; grain from Buffalo, N.Y., to points in Tioga County, Pa., fertilizer and oyster shells, from Baltimore, Md., to points in Tioga County, Pa.; coal, from points in Lackawanna, Luzerne, Tioga, and Schuylkill Counties, Pa., to points in Chemung County, N.Y.; and from points in Tioga County, Pa., to points in Steuben County, N.Y.; lime and limestone products, from Newton, N.J., to points in Pennsylvania and New York within 25 miles of Beachlake, Pa. James Rutherford, 921 Court Street, Honesdale, Pa., attorney for applicants.

No. MC-FC 64678. By order of January 25, 1962, the Transfer Board approved the transfer to Continental Bulk System, Inc., Newark, N.J., of Certificate No. MC25894 issued October 16, 1961, to Continental Bulk Service, Inc., Newark, N.J., authorizing the transportation of: Chemicals, between New York, N.Y., and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., on the one hand, and, on the other, Lee, Mass., Cohoes, N.Y., points in Connecticut, specified points in Massachusetts, New York, and Pennsylvania; and between New York, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J. John R. Sims, Jr., 804 Ridge Place, Falls Church, Va., attorney for applicants.

No. MC-FC 64680. By order of January 25, 1962, the Transfer Board approved the transfer to Milo F. Coppes, doing business as Coppes Transfer, Yarmouth, Iowa, of Certificate No. MC 115720 issued September 12, 1956, to Frank D. Brown, doing business as Brown Truck Line, Keota, Iowa, authorizing the transportation of: Fertilizer, in bags, from Streator, Ill., to points in that part of Iowa bounded on the north by U.S. Highway 6 and on the west by U.S. Highway 69, serving all points on the portions of the highways specified, with no transportation for compensation on return except as otherwise authorized. William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa, representative for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-1098; Filed, Feb. 1, 1962; 8:47 a.m.]

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VOLUME 27 NUMBER 24

Washington, Saturday, February 3, 1962

THE UNIVERSITY OF MICHIGAN
FEB 5 1962
MAIN READING ROOM

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Telephone WOrth 3-3261

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Title 5—ADMINISTRATIVE PERSONNEL

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (6) is added to paragraph (k) of § 6.302 as set out below.

§ 6.302 Department of State.

* * * * * * *

(k) *Bureau of Far Eastern Affairs.*

* * *

(6) One Staff Assistant.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-1156; Filed, Feb. 2, 1962; 8:47 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Justice

Effective upon publication in the FEDERAL REGISTER, subparagraphs (8) and (13) of paragraphs (e) and subparagraphs (4), (5), and (7) of paragraph (i) of § 6.308 are revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-1166; Filed, Feb. 2, 1962; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Small Business Administration

Effective upon publication in the FEDERAL REGISTER, paragraph (x) is added to § 6.328 as set out below.

§ 6.328 Small Business Administration.

* * * * * * *

(x) One Assistant to the Special Assistant to the Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-1155; Filed, Feb. 2, 1962; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 28]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

POTATOES

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1962 crop year for potatoes in the following respects:

§ 401.3 [Amendment]

1. The table following paragraph (a) of § 401.3 of this chapter is amended effective beginning with the 1962 crop year for potatoes by adding the following insertion immediately below that portion of the table showing a closing date for peanuts:

Potatoes	May 15

2. The following section is added:

§ 401.37 The potato endorsement.

The provisions of the potato endorsement for the 1962 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado and any other unavoidable causes of loss due to adverse weather conditions, subject, however, to any exceptions, exclusions or limitations with respect to such causes of loss that are set forth on the county actuarial table.

2. *Insured crop.* The insured crop shall be potatoes of the variety shown on the county actuarial table as insurable. Insurance shall not attach on any insurance unit on which the planted acreage is less than two acres.

3. *Production guarantee and price.* (a) The provisions of section 3 of the policy with respect to guaranteed production and amounts of insurance per acre shall not be applicable under this endorsement. For each crop year of the contract the production guarantee, and the price at which indemnities shall be computed shall be those established by the Corporation and shown on the county actuarial table.

(b) At the time the application for insurance is made the applicant shall elect the price at which indemnities shall be computed from among those shown on the county actuarial table. If such applicant fails to make an election or elects a price not shown on the actuarial table the price which shall be in effect shall be the amount provided on the county actuarial table for such purposes. As to any succeeding crop year any insured may change the price which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election before contracts are terminated for indebtedness for the crop year for which the election is to become effective. If no such change is made the price at which indemnities shall be computed shall be the price most recently in force but shall not exceed the maximum price as shown on the county actuarial table.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the potatoes are planted and shall cease upon the earlier of harvest or October 20 of the crop year.

5. *Claims for loss.* (a) In lieu of subsection 11(c) of the policy, the following shall apply: Losses shall be determined separately for each insurance unit (hereinafter called "unit"). The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of potatoes on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the insured interest, and (4) multiplying this result by the applicable price for computing indemnities: *Provided,* That if for the insurance unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 2 of this policy, the amount of loss shall be reduced proportionately.

The total production to be counted for an insurance unit shall be determined by the Corporation and shall include all harvested production and any appraisals made by the Corporation for unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided,* That the total production to be counted for any acreage not harvested nor considered as harvested within the meaning of the term "harvested" shall be not less than 25 percent of the production guarantee for such acreage: *Provided, further,* That the production to be counted for any acreage of potatoes which is abandoned or put to another use without the consent of the Corporation shall be the production guarantee provided on the county actuarial table for such acreage.

(b) Notwithstanding the provisions of paragraph (a) of this section, if the production to be counted does not meet the quality specifications shown on the county actuarial table due to insurable causes occurring within the insurance period it shall be reduced by the factor for that purpose shown on such actuarial table.

6. *Meaning of terms.* For the purpose of insurance on potatoes the terms: (a) "Insurance unit," notwithstanding section 21(g) of the policy, means the insurable acreage of potatoes in the county in which (1) one person at the time of planting has the entire interest in the crop, or (2) the same two or more persons at the time of planting have the entire interest in the crop: *Provided, however,* The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of potatoes in the county into two or more units, taking into consideration separate and distinct farm operations.

(b) "Harvest" or "harvested" means the digging of potatoes. For the purpose of determining any loss under the contract any acreage shall not be considered as harvested unless the Corporation determines that at the time of harvest the production harvested therefrom equals not less than 25 percent of the production guarantee for such acreage.

7. *Cancellation, termination for indebtedness, and discount dates.* (a) For each crop year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the May 15 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(b) For the 1962 crop year only the discount date shall be December 31, 1962.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on January 22, 1962.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: January 30, 1962.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-1153; Filed, Feb. 2, 1962; 8:47 a.m.]

[Amdt. 30]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

BARLEY

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1963 crop year in the following respects:

1. Subparagraph (1) of paragraph (a) of § 401.3 of this chapter is amended, effective beginning with the 1963 crop year, to read as follows:

§ 401.3 Application for insurance.

(a) • • •

(1) In all counties in Oregon and Washington, in any county in Idaho with an October 31 closing date, and in any county in Colorado with an August 31 closing date, in which barley is an insurable crop, an application for insurance on barley may be filed until the March 31 following the closing date, provided that in such cases winter barley will not be insured for the first barley crop year of the contract.

2. The portion of the table following paragraph (a) of § 401.3 of this chapter under the heading "Barley" is amended effective beginning with the 1963 crop year by inserting the following immediately below the line pertaining to "California":

(Closing Date)

BARLEY

Colorado:	
Logan, Phillips and Sedgwick Counties	Aug. 31
All other Colorado Counties	Mar. 31

3. The barley endorsement, published in § 401.17 of this chapter, is amended effective beginning with the 1963 crop year to read as follows:

§ 401.17 The barley endorsement.

The provisions of the barley endorsement for the 1963 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, winter-kill, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions, subject however, to any exceptions, exclusions or limitations with respect to such causes of loss that are set forth in the county actuarial table.

2. *Insured crop.* Insurance shall not attach on acreage on which it is determined by the Corporation that barley is (a) seeded with flax or other small grains or vetch, or (b) not seeded for harvest as grain as determined by the Corporation.

3. *Bushel guarantee, and price per bushel.* (a) The provisions of section 3 of the policy with respect to guaranteed production and amounts of insurance per acre shall not be applicable under this endorsement. For each crop year of the contract the bushel guarantee, and the price at which indemnities shall be computed shall be those established by the Corporation and shown on the county actuarial table.

(b) The bushel guarantee per acre shown on the county actuarial table shall be increased by two bushels for any harvested acreage on which the amount harvested is two or more bushels per acre.

At the time the application for insurance is made the applicant shall elect a price per bushel at which indemnities shall be computed from among those shown on the county actuarial table. Any insured with a contract in force prior to the 1963 crop year may elect the price per bushel to be in effect beginning with the 1963 crop year. If any applicant or insured fails to make an election or elects a price per bushel not shown on the actuarial table the price per bushel which shall be in effect shall be the amount provided on the county actuarial table for such purposes.

As to any succeeding crop year any insured may change the price per bushel which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election before contracts are terminated for indebtedness for the crop year for which the election is to become effective. If no such change is made, the price per bushel at which indemnities shall be computed shall be the price most recently in force under the contract but for any crop year shall not exceed the maximum price per bushel as shown on the county actuarial table.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the barley is seeded and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than October 31 of the calendar year in which the barley is normally harvested.

5. *Claims for loss.* (a) In lieu of subsection 11(c) of the policy, the following shall apply: Losses shall be determined separately for each insurance unit (hereafter called "unit"). The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of barley on the insurance unit by the applicable bushel guarantee per acre, which product shall be the bushel guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the insured interest, and (4) multiplying this result by the applicable price per bushel for computing indemnities: *Provided*, That if for the insurance unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 2 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed, unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That the production to be counted on any acreage of barley which, with the consent of the Corporation, is planted in the current crop year, before harvest becomes general, to any other crop insured under the regulations of the Corporation, shall be 50 percent of the bushel guarantee for such acreage or the appraised production whichever is greater: *Provided*, That on any acreage from which less than two bushels per acre are harvested, the total production to be counted under the provision of this section shall be that amount in excess of two bushels per acre, except that the production to be counted for any acreage of barley which is abandoned or put to another use without the consent of the Corporation shall be the bushel guarantee provided on the county actuarial table.

(b) The total production to be counted shall include any harvested production from acreage initially seeded for purposes other than for harvest as grain as determined by the Corporation.

(c) In determining total production volunteer small grains and volunteer vetch growing with the seeded barley crop, and small grains seeded in the growing barley crop on acreage on which the Corporation has not given its consent to be put to another use shall be counted as barley on a weight basis.

(d) Notwithstanding the provisions of paragraph (a) of this section for determining production to be counted, the production to be counted of any threshed barley which does not grade No. 4 or better (determined in accordance with Official Grain Standards of the United States), because of poor quality due to insurable causes occurring within the insurance period and would not meet this grade requirement if properly handled, shall be adjusted by (1) dividing the value per bushel of the damaged barley as determined by the Corporation, by the market price per bushel at the local market for barley grading No. 4, at the time the loss is adjusted, and (2) multiplying the result thus obtained by the number of bushels of such damaged barley.

6. *Meaning of Terms.* For the purpose of insurance on barley the terms:

(a) "Insurance unit," notwithstanding section 21(g) of the policy, means the insurable acreage of barley in the county in which (1) one person at the time of planting has the entire interest in the crop, or (2) the same two or more persons at the time of planting have the entire interest in the crop: *Provided, however*, The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of barley in the county into two or more units, taking into consideration separate and distinct farm operations.

(b) "Harvest" means the mechanical severance from the land of matured barley for threshing.

7. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date and the termination date for indebtedness are the following applicable dates immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective: *Provided, however*, That for the purposes of determining the applicable cancellation and termination dates only, and notwithstanding section 21(e) of the policy, the crop year for spring planted barley insured in all counties with a March 15 cancellation date shall be considered to mean that period in which the winter barley crop in such counties is normally planted and normally harvested, and shall be designated by reference to the calendar year in which the crop is normally harvested.

State and county	Cancellation date	Termination date for indebtedness
California	Mar. 15	Aug. 31
Colorado:		
Logan, Phillips, and Sedgwick Counties	do	Do.
All other Colorado counties	Dec. 31	Mar. 31
Idaho:		
Idaho County and all Idaho counties lying north thereof	Mar. 15	Oct. 31
All other Idaho counties	Dec. 31	Mar. 31
Maryland and Pennsylvania	Mar. 15	Sept. 15
Oregon and Washington	do	Oct. 31
All other States	Dec. 31	Mar. 31

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on January 22, 1962.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: January 30, 1962.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-1152; Filed, Feb. 2, 1962; 8:47 a.m.]

[Amdt. 29]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

WHEAT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1963 crop year in the following respects:

1. That portion of subparagraph (2) preceding the first colon of paragraph (a) of § 401.3 of this chapter is amended, effective beginning with the 1963 crop year, to read as follows:

§ 401.3 Application for insurance.

(a) • • •

(2) In counties where wheat is an insurable crop an application for insurance on wheat may be filed until the March 31 following the closing date in all counties in Montana, in any county in North Dakota and South Dakota in which insurance is not limited to spring wheat only on the county actuarial table, in Linn and Malheur Counties, Oregon, and in Bonneville, Cassia, Fremont, and Madison Counties, Idaho, but in any such case for the first wheat crop year of the contract, winter wheat in all of such counties and spring wheat planted on land which is non-irrigated in Bonneville, Cassia, Fremont and Madison Counties, Idaho, will not be insured:

2. The portion of the table following paragraph (a) of § 401.3 of this chapter under the heading "Wheat" is amended effective beginning with the 1963 crop year to read as follows:

(Closing Dates)

WHEAT

California, Colorado, Kansas, Montana, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming	Aug. 31
Idaho:	
Idaho County and all Idaho counties lying north thereof	Oct. 31
All Idaho counties lying south of Idaho County, except Bingham, Gooding, Jerome, Lincoln, Minidoka and Twin Falls Counties	Sept. 15
Bingham, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls Counties	Mar. 31
Minnesota and North Dakota	Mar. 31
North Carolina, Kentucky, Tennessee and South Carolina	Oct. 15
Oregon and Washington	Oct. 31
South Dakota:	
Bennett, Faulk, Hand, Jones, Lyman, Mellette, Potter, Sully, and Tripp Counties	Aug. 31
All other South Dakota Counties	Mar. 31
All other States	Sept. 15

3. The wheat endorsement, published in § 401.32 of this chapter, is amended effective beginning with the 1963 crop year to read as follows:

§ 401.32 The wheat endorsement.

The provisions of the wheat endorsement for the 1963 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, winter-kill, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions, subject however, to any exceptions, exclusions or limitations with respect to such causes of loss that are set forth in the county actuarial table.

2. *Insured crop.* Insurance shall not attach on acreage on which it is determined by the Corporation that wheat is (a) seeded with flax or other small grains, vetch, Austrian winter peas, or dry edible peas, or (b) not seeded for harvest as grain as determined by the Corporation.

3. *Annual premium.* (a) There will be a reduction in the annual wheat premium for each insurance unit of 4 percent for the first full 200 acres of insured wheat acreage on the unit and an additional 2 percent reduction for each additional full 100 acres: *Provided, however*, That the total reduction shall not exceed 20 percent.

(b) Whether or not the insured is eligible for the reduction provided in section 4(b) of the policy, the insured's annual wheat premium may be reduced in lieu thereof for any year by not to exceed 50 percent if it is determined by the Corporation that the accumulated balance (expressed in bushels) of premiums over indemnities on consecutively insured wheat crops preceding the current crop year equals or exceeds his total bushel guarantee based on the amount per acre shown on the county actuarial table.

4. *Bushel guarantee and price per bushel.* (a) The provisions of section 3 of the policy with respect to guaranteed production and amounts of insurance per acre shall not be applicable under this endorsement. For each crop year of the contract the bushel guarantee, and the price at which indemnities shall be computed shall be those established by the Corporation and shown on the county actuarial table.

(b) The bushel guarantee per acre shown on the county actuarial table shall be increased by one and one-half bushels for any harvested acreage on which the amount harvested is one and one-half or more bushels per acre.

At the time the application for insurance is made the applicant shall elect a price per bushel at which indemnities shall be computed from among those shown on the county actuarial table. Any insured with a contract in force prior to the 1963 crop year may elect the price per bushel to be in effect beginning with the 1963 crop year. If any applicant or insured fails to make an election or elects a price per bushel not shown on the actuarial table, the price per bushel which shall be in effect shall be the amount provided on the county actuarial table for such purposes.

As to any succeeding crop year any insured may change the price per bushel which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election before contracts are terminated for indebtedness for the crop year for which the election is to become effective. If no such change is made, the price per bushel at which indemnities shall be computed shall be the price most recently in force under the contract but for any crop year shall not exceed the maximum price per bushel as shown on the county actuarial table.

5. *Insurance period.* Insurance on any insured acreage shall attach at the time the wheat is seeded and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than October 31 of the calendar year in which the wheat is normally harvested.

6. *Claims for loss.* (a) In lieu of subsection 11(c) of the policy, the following shall apply: Losses shall be determined separately for each insurance unit (hereafter called "unit"). The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of wheat on the unit by the applicable bushel guarantee per acre, which product shall be the bushel guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the insured interest, and (4) multiplying this result by the applicable price per bushel for computing indemnities: *Provided*, That if for the insurance unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 2 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed, unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or

put to another use without the consent of the Corporation: *Provided*, That the production to be counted on any acreage of wheat which, with the consent of the Corporation, is planted in the current crop year, before harvest becomes general, to any other crop insured under the regulations of the Corporation, shall be 50 percent of the bushel guarantee for such acreage or the appraised production whichever is greater: *Provided*, That on any acreage from which less than one and one-half bushels per acre are harvested, the total production to be counted under the provision of this section shall be that amount in excess of one and one-half bushels per acre, except that the production to be counted for any acreage of wheat which is abandoned or put to another use without the consent of the Corporation shall be the bushel guarantee provided on the county actuarial table.

(b) The total production to be counted shall include any harvested production from acreage initially seeded for purposes other than for harvest as grain as determined by the Corporation.

(c) In determining total production volunteer small grains, volunteer Austrian winter peas, volunteer dry edible peas, and volunteer vetch growing with the seeded wheat crop, and small grains seeded in the growing wheat crop on acreage on which the Corporation has not given its consent to be put to another use, shall be counted as wheat on a weight basis.

(d) Notwithstanding the provisions of paragraph (a) of this section for determining production to be counted, the production to be counted of any threshed wheat which does not grade No. 3 or better, and in addition, does not grade No. 4 or 5 on the basis of test weight only but otherwise grades No. 3 or better (determined in accordance with Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet these grade requirements if properly handled, shall be adjusted by (1) dividing the value per bushel of the damaged wheat as determined by the Corporation, by the market price per bushel at the local market at the time the loss is adjusted for wheat grading No. 3, and (2) multiplying the result thus obtained by the number of bushels of such damaged wheat.

7. *Meaning of terms.* For purposes of insurance on wheat the terms:

(a) "Insurance unit," notwithstanding section 21(g) of the policy, means the insurable acreage of wheat in the county in which (1) one person at the time of planting has the entire interest in the crop, or (2) the same two or more persons at the time of planting have the entire interest in the crop: *Provided, however*, The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of wheat in the county into two or more units, taking into consideration separate and distinct farm operations.

(b) "Harvest" means the mechanical severance from the land of matured wheat for threshing.

8. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date and termination date for indebtedness are the following applicable dates immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective: *Provided, however*, That for purposes of determining the applicable cancellation and termination dates only, and notwithstanding section 21(e) of the policy, the crop year for spring planted wheat insured in all counties with a March 15 cancellation date shall be considered to mean that period in which the winter wheat crop in such counties is normally planted and normally harvested, and shall be designated by reference to the calendar year in which the crop is normally harvested: *And provided, further*, That in any county in Montana and any county in North Dakota and South Dakota in which insurance is not limited to spring wheat only on the county actuarial table, an insured may cancel his wheat crop insurance contract applicable to any such county for any crop year any time prior to the December 31 following the cancellation date for that crop year if he does not have an interest in any winter wheat crop seeded for harvest in such county in that crop year, as determined by the Corporation.

State and county	Cancellation date	Termination date for indebtedness
California, Colorado, Kansas, Montana, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming	Mar. 15	Aug. 31
Idaho:		
Idaho County and all Idaho counties lying north thereof	do	Oct. 31
All Idaho counties lying south of Idaho County except Bingham, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls Counties	do	Sept. 15
Bingham, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls Counties	Dec. 31	Mar. 31
Minnesota and North Dakota	do	Mar. 31
North Carolina, Kentucky, Tennessee, and South Carolina	Mar. 15	Oct. 15
Oregon and Washington	do	Oct. 31
South Dakota:		
Bennett, Faulk, Hand, Jones, Lyman, Mellette, Potter, Sully, and Tripp Counties	do	Aug. 31
All other South Dakota counties	Dec. 31	Mar. 31
All other States	Mar. 15	Sept. 15

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on January 22, 1962.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: January 30, 1962.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-1154; Filed, Feb. 2, 1962; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 3]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.309 Orange Regulation 3.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 30, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., February 5, 1962, and ending at 12:01 a.m., e.s.t., February 12, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, including Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2⅜6 inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2⅜6 inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2⅛6 inches in diameter or smaller; or

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than 2⅜6 inches in diameter, except that a tolerance of ten percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the aforesaid United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 1, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-1188; Filed, Feb. 2, 1962; 8:49 a.m.]

[Grapefruit Reg. 3]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.310 Grapefruit Regulation 3.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905 as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 30, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., February 5, 1962, and ending at 12:01 a.m., e.s.t., February 19, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided*, That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade, and may have slightly rough texture caused only by speck type melanose;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than 3⅛6 inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than 3⅜6 inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 1, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-1187; Filed, Feb. 2, 1962; 8:49 a.m.]

[Tangerine Reg. 3]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.311 Tangerine Regulation 3.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 30, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the de-

cared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title; 25 F.R. 8216).

(2) During the period beginning at 12:01 a.m., e.s.t., February 5, 1962, and ending at 12:01 a.m., e.s.t., July 31, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, that do not grade at least U.S. No. 2 Russet; or

(ii) Any tangerines, grown in the production area, that are of a size smaller than the size that will pack 246 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 1, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–1190; Filed, Feb. 2, 1962; 8:49 a.m.]

[Tangelo Reg. 3]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.312 Tangelo Regulation 3.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 30, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., February 5, 1962, and ending at 12:01 a.m., e.s.t., July 31, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 2 Russet.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 1, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–1189; Filed, Feb. 2, 1962; 8:49 a.m.]

[Navel Orange Reg. 5]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.305 Navel Orange Regulation 5.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 1, 1962.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 4, 1962, and ending at 12:01 a.m., P.s.t., February 11, 1962, are hereby fixed as follows:

(i) District 1: 225,000 cartons;

(ii) District 2: 375,000 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 1, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–1221; Filed, Feb. 2, 1962; 11:36 a.m.]

[Lemon Reg. 5]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.305 Lemon Regulation 5.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 30, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., February 4, 1962, and ending at 12:01 a.m., P.s.t., February 11, 1962, are hereby fixed as follows:

(i) District 1: 9,300 cartons;

(ii) District 2: 186,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 31, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–1169; Filed, Feb. 2, 1962; 8:48 a.m.]

[Lemon Reg. 6]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.306 Lemon Regulation 6.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 30, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., February 4, 1962, and ending at 12:01 a.m., P.s.t., June 3, 1962, no handler shall handle any lemons, grown in District 1, District 2, or District 3, which are of a size smaller than 2.03 inches in diameter, which shall be the largest measurement at right angles to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the lemons in any type of container may measure less than 2.03 inches in diameter.

(2) As used in this section, "handle," "handler," "District 1," "District 2," and "District 3" shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 1, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–1191; Filed, Feb. 2, 1962; 8:50 a.m.]

[970.302, Amdt. 2]

PART 970—CARROTS GROWN IN SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 142 and Order No. 970 (7 CFR Part 970), regulating the handling of carrots grown in designated counties

in South Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the South Texas Carrot Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest than would otherwise prevail, will be promoted by regulating the handling of carrots in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances, for such preparation, (5) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (6) this amendment relieves restrictions on the handling of carrots grown in the production area.

Order, as amended. In § 970.302 (26 F.R. 10124, 27 F.R. 335) delete paragraph (b), and in lieu thereof substitute new paragraph (b), as set forth below.

§ 970.302 Limitation of shipments.

* * * * *

(b) *Sizing requirements*—(1) *Medium-to-large.* 1 3/16 inch minimum diameter to 1½ inches maximum diameter, 5½ inches minimum length;

(2) *Jumbos.* 1 inch minimum diameter to 3 inches maximum diameter and 5½ inches minimum length.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. February 1, 1962, to become effective February 3, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–1204; Filed, Feb. 2, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1010; Reg. SR–392C]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND AEROBATIC CATEGORIES

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 6—ROTOCRAFT AIRWORTHINESS; NORMAL CATEGORY

PART 7—ROTOCRAFT AIRWORTHINESS; TRANSPORT CATEGORIES

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIERS AND OFF-ROUTE RULES

PART 43—GENERAL OPERATION RULES

Special Civil Air Regulation; Facilitation of Experiments With Exterior Lighting Systems

Special Civil Air Regulation No. SR–392B, adopted on February 25, 1957, permits experimentation with exterior lighting systems, which do not comply with the standards prescribed in the Civil Air Regulations, on aircraft with standard airworthiness certificates. Several conditions are imposed to insure that the number of aircraft engaged in the experiments is reasonably limited; that the experimental exterior lights are in fact installed for bona fide experimentation; and that the results of such experimentation become generally available. This special regulation expires on February 25, 1962.

In a notice of proposed rule making contained in Draft Release No. 61–27 and published in the FEDERAL REGISTER, December 23, 1961 (26 F.R. 12294), the Agency gave notice that it has under consideration the termination of SR–392B and requested comments from interested persons concerning this matter. In response to such request, the Agency has received numerous reports, arguments and other evidence. However, the volume of the comments received is such that there is not sufficient time remaining to review and evaluate such comments prior to the termination of SR–392B. Therefore, in order to afford the Agency the opportunity to fully consider all the relevant matter presented and to take whatever additional rule making action that may be indicated, it is necessary to extend the termination date of SR–392B to June 25, 1962.

Since this regulation continues in effect the provisions of the previous regulation and imposes no additional burden upon any person, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary and good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation is adopted to become effective on February 3, 1962:

Contrary provisions of the Civil Air Regulations notwithstanding, experimental exterior lighting equipment which does not comply with the relevant specifications contained in the Civil Air Regulations may, subject to the approval of the Administrator, be installed and used on aircraft for the purpose of experimentation intended to improve exterior lighting for a period not to exceed six months: *Provided*, That:

(1) The Administrator may grant approval for additional periods if he finds that experiments can be reasonably expected to contribute to improvements in exterior lighting;

(2) Not more than 15 aircraft possessing a U.S. certificate of airworthiness may have installed at any one time experimental exterior lighting equipment of one basic type;

(3) The Administrator shall prescribe such conditions and limitations as may be necessary to insure safety and avoid confusion in air navigation;

(4) The person engaged in the operation of the aircraft shall disclose publicly the deviations of the exterior lighting from the relevant specifications contained in the Civil Air Regulations at times and in a manner prescribed by the Administrator; and

(5) Upon application for approval to conduct experimentation with exterior lighting, the applicant shall advise the Administrator of the specific purpose of the experiments to be conducted; and, at the conclusion of the approved period of experimentation, he shall advise the Administrator of the detailed results thereof.

This regulation supersedes Special Civil Air Regulation No. SR–392B and shall terminate June 25, 1962, unless sooner superseded or rescinded.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 30, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–1145; Filed, Feb. 2, 1962; 8:46 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 996; Amdt. 396]

PART 507—AIRWORTHINESS DIRECTIVES

Navion, Navion A, B, D, E, F, and G Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring repetitive inspections of the gear actuating parts and replacement of defective parts for Navion, Navion A, B, D, E, F, and G aircraft, which will supersede AD 50–24–1 (21 F.R. 9499), was published in 26 F.R. 12042.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

NAVION. Applies to Navion, Navion A, B, D, E, F, and G aircraft.

Compliance required within the next 25 hours' time in service after the effective date of this AD and at each periodic inspection thereafter.

The landing gear selector valve end fitting P/N 145–58145–3 (heat treated and non-heat treated) has a service history of failure during attempts to extend the gear. To preclude further difficulties:

Inspect the gear actuating system in accordance with Navion Service Letter No. 81 dated March 31, 1961. Any defective parts found as a result of this inspection must be replaced prior to further flight.

This supersedes AD 50–24–1 (21 F.R. 9499).

This amendment shall become effective March 6, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 29, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62–1140; Filed, Feb. 2, 1962; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–FW–89]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On September 26, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9053) stating that the Federal Aviation Agency proposed to extend intermediate altitude VOR Federal airway No. 1741 from the Chattanooga, Tenn., VOR as a 10-mile wide airway to the McDonough, Ga., VOR.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In § 600.1741 (26 F.R. 1093) the following changes are made:

a. In the caption "(Chattanooga, Tenn., to Cincinnati, Ohio)" is deleted and "(McDonough, Ga., to Cincinnati, Ohio)" is substituted therefor.

b. In the text "From the Chattanooga, Tenn., VOR via Bowling Green, Ky., VOR; INT of the Bowling Green VOR 009° and the Nabb, Ind., VOR 215° radials;" is deleted and "From the McDonough, Ga., VOR 10–mile wide airway to the Chattanooga, Tenn., VOR; thence via the Bowling Green, Ky., VOR; to the INT of the Bowling Green VOR 009° and the Nabb, Ind., VOR 215° radials;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 30, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–1139; Filed, Feb. 2, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8442 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Lewis Apparel Stores, Inc., et al.

Subpart—Securing information by subterfuge: § 13.2168 *Securing information by subterfuge.* Subpart—Simulating another or product thereof: § 13.2217 *Government insignia, stamps, questionnaires, etc.*[1] Subpart—Using misleading name—Vendor: § 13.2380 *Government connection.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Lewis Apparel Stores, Inc., et al., New York, N.Y., Docket 8442, Oct. 16, 1961]

In the Matter of Lewis Apparel Stores, Inc., a Corporation, and Morris Lewis, Leon Lewis, and David Lewis, Individually and as Officers of Said Corporation

Consent order requiring operators of a large number of retail clothing stores in eastern and midwestern States to cease attempting to obtain information concerning alleged delinquent debtors by subterfuge through such practices as their use, on printed cards requesting the current address and employment of such delinquents, of the name "Regional Statistical Bureau" and a return address in Washington, D.C., both of which, together with the setup and phraseology of the form, represented and implied to the recipient that the request was being made by a branch of the United States Government.

The order to cease and desist, together with further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Lewis Apparel Stores, Inc., a corporation, and its officers, and Morris Lewis, Leon Lewis, and David Lewis, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the obtaining of information concerning delinquent debtors, or in the collection of, or attempting to collect, accounts, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the name "Regional Statistical Bureau," or any other name of similar import, to designate, describe, or refer to respondents' business.

2. Representing, directly or by implication, that requests for information concerning delinquent debtors are from the United States Government, or any agency or branch thereof, or that their business is in any way connected with the United States Government.

3. Using, or placing in the hands of others for use, any forms, questionnaires or other materials, printed or written, which do not clearly and expressly state that the purpose for which the information is requested is that of obtaining information concerning delinquent debtors.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–1146; Filed, Feb. 2, 1962; 8:46 a.m.]

[1] Amended to read as set forth.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Potassium Permanganate Preparations as Prescription Drugs

Since publication in the FEDERAL REGISTER of August 23, 1960 (25 F.R. 8073), of § 3.7 (21 CFR 3.7), additional information has been received about certain veterinary products. It is apparent that the items in question are unsuitable for use

by man and are unlikely to be diverted into human medicine channels. Therefore, the Commissioner of Food and Drugs, pursuant to section 701(a) of the Federal Food, Drug, and Cosmetic Act and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), orders that § 3.7(c) (2), (3), (4), and (5) be amended. As amended, these paragraphs read as follows:

§ 3.7 Potassium permanganate preparations as prescription drugs.

• • • • •

(c) • • •

(2) Potassium permanganate labeled for use as a prescription component in human drugs under the exemption provided in § 1.106(k) of this chapter or labeled for manufacturing use under the exemption provided in § 1.106(l) will be regarded as misbranded unless the label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

(3) These drugs will be regarded as misbranded when intended for veterinary use unless the label bears the legend, "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian"; *Provided, however,* That this shall not apply to a drug labeled and marketed for veterinary use if such drug contains not more than 50 percent of potassium permanganate and includes other ingredients which make it unsuitable for human use and unlikely that the article would be used in an attempt to induce abortion.

(4) Any preparation of potassium permanganate intended for over-the-counter sale for human use internally or by application to any mucous membranes or for use in the vagina will be regarded as misbranded under the provisions of section 502(f) (1) and (2) and section 502(j) of the act.

(5) Any other preparation of potassium permanganate intended for over-the-counter sale for human use will be regarded as misbranded under section 502(f)(1) and (2) and section 502(j) of the act unless, among other things, all of the following conditions are met:

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: January 29, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-1161; Filed, Feb. 2, 1962; 8:48 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of Sodium 2,2-Dichloropropionate

A petition was filed with the Food and Drug Administration by Dow Chemical Company, Midland, Michigan, requesting the establishment of a tolerance for residues of sodium 2,2-dichloropropionate, as 2,2-dichloropropionic acid, in or on coffee at 2 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.150 (21 CFR 120.150 (26 F.R. 1627)) a tolerance for the subject pesticide chemical in or on coffee:

§ 120.150 Tolerances for residues of sodium 2,2-dichloropropionate.

• • • • •

2 parts per million in or on coffee.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 29, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-1162; Filed, Feb. 2, 1962; 8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER B—PERSONNEL

[Dept. Reg. 108.477]

PART 11—APPOINTMENT OF FOREIGN SERVICE OFFICERS

Requirements for Examinees

Section 11.2(b) is amended by changing the fourth sentence to read as follows: "Except as provided in paragraph (c) in this section, to be designated for the written examination a candidate, as of the first day of the month in which the closing date for the filing of applications occurs, shall have been a citizen of the United States for at least 9 years and shall be at least 21 but under 31 years of age, except that an applicant who has been awarded a Bachelor's degree by a college or university, or has completed successfully his junior year at a college or university, may qualify as to age if at least 20 but under 31 years of age."

(Secs. 212, 302, 516, 60 Stat. 1001, 1008, as amended; 22 U.S.C. 827, 842, 911)

Dated: January 26, 1962.

For the Secretary of State.

WILLIAM J. CROCKETT,
Assistant Secretary for Administration.

[F.R. Doc. 62-1167; Filed, Feb. 2, 1962; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 4—INFORMATION ON POSTAL MATTERS

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 4.2 *General postal publications,* as published in 26 F.R. 11514, and as amended by 26 F.R. 12122, amend the publication entitled "Annual Report of the Postmaster General" to read as follows:

1961 Annual Report of the Postmaster General 90.70

Presents an overall picture of the activities of the Department for fiscal year 1961. Following a brief financial summary, this report gives details on such topics as operations and services; research and engineering; transportation policies and methods; financial and related services; facilities and equipment; public relations; the inspection service; legal matters and legislative program; judicial function and other functions of the Post Office Department. Includes a comprehensive appendix containing numerous tables of statistical data on the Postal Service.

NOTE: The corresponding Postal Manual section is 114.2.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

II. In § 168.5 *Individual country regulations* as published in 26 F.R. 8725–8805, make the following changes in the country "Ghana" under Parcel Post to show that Ghanian addressees are required to obtain specific import licenses for all commodities imported except as specified herein.

1. In the item *Observations,* delete the first two paragraphs.

2. Amend the item *Import restrictions,* to read as follows:

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Addressees in Ghana are required to obtain specific import licenses for all commodities imported, except for the following categories: (a) Unsolicited gifts not exceeding £25 ($70) in value; (b) single copies of books and periodicals sent to individuals; (c) personal or household effects; (d) bona fide trade samples; and (e) articles covered by Ghanian reimportation certificates.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-1157; Filed, Feb. 2, 1962; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2600]

[Montana 037733]

MONTANA

Reservoir Site Restoration No. 26–A; Revoking Reservoir Site Reserve No. 5

By virtue of the authority contained in the act of October 2, 1888 (25 Stat. 526; 43 U.S.C. 662), as amended, it is ordered as follows:

The departmental order of March 13, 1890, which withdrew lands in Montana for reservoir site purposes under the provisions of the act of October 2, 1888, supra, is hereby revoked so far as it affects the following described lands:

PRINCIPAL MERIDIAN

Reservoir Site Reserve No. 5

T. 21 N., R. 7 W.,
Sec. 14, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼, and SE¼SE¼;
Sec. 23, E½W½ and E½;
Sec. 24;
Sec. 25, N½ and NW¼SW¼;
Sec. 26, NE¼.

The areas described aggregating approximately 1920 acres, are included in withdrawals for other purposes.

KENNETH HOLUM,
Assistant Secretary of the Interior.

JANUARY 30, 1962.

[F.R. Doc. 62-1147; Filed, Feb. 2, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 959]

[AO–322–A1]

ONIONS GROWN IN SOUTH TEXAS

Decision With Respect to Proposed Amendments to Marketing Agreement and Order; and Referendum Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Edinburg, Texas, November 28, 1961, pursuant to notice thereof which was published in the FEDERAL REGISTER (26 F.R. 10772), upon proposed amendments to Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959 (formerly Order No. 133 Part 1033)), regulating the handling of onions grown in South Texas.

On the basis of the evidence introduced at the aforesaid hearing and the record thereof, a recommended decision in this proceeding was filed on December 29, 1961, with the Hearing Clerk, United States Department of Agriculture, and notice thereof was published in the January 5, 1962, FEDERAL REGISTER (27 F.R. 108). The notice allowed ten days after publication (or until January 15, 1962) for filing exceptions thereto. Upon request from the South Texas Onion Committee for an extension of time, the period for filing exceptions was extended to not later than the close of business on January 19, 1962 (27 F.R. 411).

Exceptions filed. Within the period provided therefor, four exceptions to the findings in the recommended decision were filed by interested parties, and one statement was filed which does not constitute an exception. They are as follows:

(a) An exception led by the South Texas Onion Committee, Mercedes, Texas, the proponents of the proposed amendments to the marketing agreement and order for onions produced in South Texas, supports the need for shipping holidays but clarifies the method of application and the duration of such holidays by stating that such holidays should be authorized for Sundays only and to be applied uniformly over the entire production area, not merely a portion thereof.

(b) An exception filed by Charles Wetegrove Co., Inc., Raymondville, Texas, supports the findings with respect to the need for shipping holidays but disagrees with the method of application in that a week end holiday should not be enforced consecutively with a special holiday.

(c) An exception filed by Wetegrove Produce Co., Raymondville, Texas, is the same as exception (b) listed above.

(d) An exception filed by Cullum & Jones, Del Rio, Texas, objects to shipping holidays, as such.

(e) A statement was filed by Dixondale Plant Farms, Carrizo Springs, Texas, supporting the shipment of only number one onions regardless of color or size. As this statement does not constitute an exception a ruling on it is unnecessary.

Rulings on exceptions. The need for establishing holidays prohibiting the packaging and loading of onions on Sundays and other special periods is supported by substantial evidence in the record of hearing on the proposed amendments. There was some controversy, however, as to the duration of such holidays arising out of the method of application. The effect of exception (a), which was filed by the proponents of the proposed amendments, is to clarify this matter and thus eliminate the controversy by restricting the use of this authority to Sundays only. Consequently, since there is no conflict with the record testimony which supports the need for shipping holidays on Sundays, exception (a), filed by the South Texas Onion Committee, is granted. Therefore, the provision on holidays should be revised to limit such holidays to Sundays only, and such holidays, when established, to be applicable uniformly to the entire production area.

No conflict is evident between two other exceptions filed, namely exceptions (b) and (c), and the ruling on exception (a). Hence, to the extent that these exceptions are in agreement with this ruling, they are granted.

Exception (d) objects to shipping holidays but gives no reason or argument based on the record of hearing for such objection. Since this exception is at variance with the record evidence, it is denied.

Material issues, findings and conclusions. The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (27 F.R. 108), except for the holiday provision and the finding thereon which differ from the above rulings, are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, As Amended, Regulating the Handling of Onions Grown in South Texas" and "Order Amending the Order Regulating the Handling of Onions Grown in South Texas" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the annexed order, which will be published with this decision.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among producers who, during the calendar year 1961 (which is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the production area as defined in § 959.4 of this part, in the production of onions for market to ascertain whether such producers favor the issuance of the annexed order.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176). The ballots used in the referendum shall contain a summary describing the proposed amendments.

W. J. Cremins and K. W. Schaible of the Fruit and Vegetable Division, Agricultural Marketing Service, are hereby designated as agents of the Secretary of Agriculture to conduct such referendum jointly or severally. Said agents may appoint any person or persons to assist them in performing their functions hereunder.

Ballots to be cast in the referendum and copies of the text of the said amendments and the order may be obtained from any referendum agent or appointee.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 30, 1962.

JAMES T. RALPH,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Onions Grown in South Texas

§ 959.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order, and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674) and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Edinburg, Texas, on November 28, 1961, upon proposed amendments to Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959), regulating the handling of onions grown in South Texas. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that :

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to onions produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such onions above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such onions as will be in the public interest;

(2) The said order, as hereby amended, regulates the handling of onions grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing order upon which hearings have been held;

(3) The said order, as hereby amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said order, as hereby amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

(5) All handling of onions as defined in this part is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of onions grown in the production area as defined herein shall be in conformity to, and in compliance with, the terms and conditions of said order, as hereby amended, and such terms and conditions are as follows:

1. Amend § 959.7 *Handle* to read as follows:

§ 959.7 Handle.

"Handle" or "ship" means to package, sell, transport, or in any way to place onions in the current of the commerce within the production area or between the production area and any point outside thereof. Such term shall not include the transportation, sale, or delivery of field-run onions to a person in the production area who is a registered handler.

2. Amend § 959.12 *Pack* to read as follows:

§ 959.12 Pack.

"Pack" means a quantity of onions specified by grade, size, weight, or count, or by type or condition of container, or any combination of these recommended by the committee and approved by the Secretary.

3. Amend § 959.31 *Alternate members* to read as follows:

§ 959.31 Alternate members.

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence or when designated to do so by the member for whom he is an alternate. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or his alternate or the committee (in that order) may designate another alternate from the same district and the same group (handler or grower) to serve in such member's place and stead. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

4. Add new subparagraph (5) to § 959.52(b) to read as follows:

§ 959.52 Issuance of regulations.

* * * * *

(b) Such regulations may:

* * * * *

(5) Establish holidays by prohibiting throughout the entire production area the packaging and loading of onions on Sundays.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

[F.R. Doc. 62–1148; Filed, Feb. 2, 1962; 8:47 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1046, 1095]

[Docket Nos. AO–123–A24, AO–308–A2]

MILK IN LOUISVILLE-LEXINGTON, KENTUCKY, AND OHIO VALLEY MARKETING AREAS

Notice of Recommended Decision and Opportunity to File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreements, and orders regulating the handling of milk in the Louisville-Lexington, Kentucky, and Ohio Valley marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, were formulated, was conducted at Louisville, Kentucky, on September 18–27, 1961, pursuant to notice thereof which was issued August 25, 1961 (26 F.R. 8105).

Proposals considered at this hearing pertained to (1) the consolidation under a single order of two marketing areas where the handling of milk is presently regulated by the Louisville-Lexington (Order No. 95) and the Ohio Valley (Order No. 46) Federal milk orders and (2) the amendment of the two separate orders irrespective of whether the proposed consolidation is or is not adopted.

On November 6, 1961 (26 F.R. 10597), a recommended decision was issued by the Department relating only to the material issue of whether the Ohio Valley order should be amended to provide that a cooperative association may be the handler for bulk tank milk of its producer members for which it assumes responsibility for the handling from the farm to a pool plant, such amendment to include appropriate conforming changes throughout the order. Subsequently, the Department issued a final decision on November 21, 1961 (26 F.R. 11079), and a final order on November 27, 1961 (26 F.R. 11284), concerning this material issue. The other material issues on the record were reserved for a further decision on that record. These issues are

the subject of the decision contained herein.

The material issues on the record of the hearing relate to:

1. Consolidation of the Louisville-Lexington order and the Ohio Valley order into one order.
2. Marketing area.
3. Provisions of the consolidated order with respect to:
   (a) Milk to be pooled and priced;
   (b) Classification and allocation of milk;
   (c) Class prices;
   (d) Payments on unpriced milk disposed of in the marketing area from nonpool plants;
   (e) Payments to producers; and
   (f) Administrative and miscellaneous provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Consolidation of orders.* Order No. 95 (new number) which regulates the handling of milk in the Louisville-Lexington marketing area and Order No. 46 (new number) which regulates the handling of milk in the Ohio Valley marketing area should be consolidated into one order to be designated as Order No. 46.

Kyana Milk Producers, Inc., a cooperative association representing approximately 3,300 member producers, proposed that the handling of milk in the present Louisville-Lexington and Ohio Valley marketing areas be regulated under one consolidated order. This association represents nearly all of the producers who supply the regular handlers in both markets with the exception of producers recently shifted from another Federal order market to the Louisville-Lexington market. Of the approximately 3,300 members, about 2,300 are associated with the Louisville-Lexington market while the remaining members are associated with the Ohio Valley market.

The merger on May 1, 1961, of four cooperative associations in the Louisville-Lexington and Ohio Valley markets into one association under the name of Kyana Milk Producers has made this association the responsible marketing agent for all but a small portion of the total producer milk supplies in the two markets. The association directs the movement of producer milk from farms to plants and assumes the responsibility for supplying handlers with their day-to-day fluid milk requirements. The association also arranges for the disposition of the surplus milk of both markets. The performance of these marketing functions is facilitated by the operation of a plant located at Louisville which serves as an equalization plant. Milk accumulated at this plant is either moved to handlers' plants in response to their varying milk needs or is moved to manufacturing plants.

The cooperative association desires that the two orders be consolidated so that it may perform its marketing functions in a manner which is efficient in response to the needs of the markets it serves and which is equitable to its entire membership. The achievement of these objectives would be facilitated if the markets served are under a single order regulation. In order to gain efficiency in the handling of milk flexibility in movements of milk among plants served by the cooperative association would be desirable.

Movement of milk between plants under the separate orders presents classification and allocation problems which would not be present with regard to transfers of milk between plants under the same order. For example, priority is given to producer milk in the allocation of Class I milk under each order. Hence, milk received at a pool plant from a plant regulated under another order is given a secondary status with respect to assignment to Class I milk. Moreover, separate regulation may inhibit to some degree the shifting of producers between plants under the different orders. A base and excess plan is used in the Ohio Valley order and a take-out and payback seasonal incentive plan is used in the Louisville-Lexington order. These separate seasonal plans between the two orders also tend to hinder shifts of producers between the markets. All these distinctions would be eliminated in a combined order and they would facilitate the marketing problems of the cooperative association.

The distribution systems of the handlers under the two orders overlap both within the two marketing areas and in unregulated areas. Milk distribution routes originating from Louisville-Lexington order plants extend over a large part of the Ohio Valley marketing area. Under these circumstances it is desirable that all of the handlers under the two orders be under a single regulation which will provide one pricing arrangement. Under the separate orders different classification systems, different class prices and different utilizations of milk have resulted in price disparities between the two markets. A single pricing system under one order is therefore desirable for pricing milk throughout the entire consolidated area.

To accomplish the merger effectively and most equitably, the assets in the custody of the market administrator in administrative and producer-settlement funds under the Ohio Valley order should be merged with assets in similar funds under the Louisville-Lexington order. Any liabilities of such funds of the individual orders should be paid from the new funds so created. To distribute such funds under one order to producers and handlers under that order would unduly burden the producers and handlers now regulated by the other order. To distribute the funds under both orders and again accumulate the necessary reserves would entail considerable administrative detail for no good purpose.

2. *Marketing area.* The marketing area of the consolidated order should include all of the territory within the marketing areas of the present Louisville-Lexington and Ohio Valley orders plus the additional counties of Knox, Daviess, Martin, Orange and Washington in the State of Indiana and the counties of Mercer, Boyle and Garrard in the State of Kentucky. This territory may appropriately be designated as the "Louisville-Lexington-Evansville marketing area."

The marketing area of the Louisville-Lexington order now includes those counties in Indiana and twenty counties in the north central part of Kentucky. The marketing area of the present Ohio Valley order adjoins the western boundary of the Louisville-Lexington marketing area and includes nine Indiana counties and eleven Kentucky counties.

In conformity with the conclusion of this decision that the Louisville-Lexington and Ohio Valley orders should be consolidated, all of the territory now included in the marketing areas of these two orders should be included in the marketing area of the consolidated order.

Besides the proposal by Kyana Milk Producers to combine the marketing areas of the two orders, various proposals were made to add certain other areas either to the individual marketing areas or to the combined area. In Indiana, Sullivan, Greene, Knox, Daviess, Martin, Lawrence, Orange, and Washington Counties were proposed as part of the consolidated marketing area. Of these counties, Knox and Daviess were also proposed as a part of the Ohio Valley marketing area. In Kentucky, Todd and Logan Counties were proposed to be added to the Ohio Valley marketing area and Mercer, Boyle, and Garrard Counties were proposed to be added to the Louisville-Lexington marketing area. Deletion of Montgomery County, Kentucky, from the Louisville-Lexington marketing area was also proposed.

Of the eight Indiana counties proposed to be included in the consolidated marketing area, Orange and Washington were proposed by a handler operating a pool plant under the Ohio Valley order. These two counties, and the other six previously named, were also proposed by the operator of a nonpool plant at Vincennes, Indiana. This plant ordinarily disposes of more than 20 percent of its fluid disposition on routes in the Ohio Valley marketing area. It also has disposition in the marketing areas regulated by the Louisville-Lexington and the Suburban St. Louis orders. Under the pool plant standards recommended herein this plant would be fully regulated as a pool plant.

Extension of regulation to the five Indiana counties of Knox, Daviess, Martin, Orange, and Washington would bring under full-regulation as pool plants two other plants at Vincennes in Knox County, a plant at Loogootee in Martin County, and a plant at Salem in Washington County. By including these five counties in the area, most of the sales made by each of these plants would be inside the marketing area. Nearly one-half of the sales from the Vincennes plant operated by the proponent would be in the marketing area herein proposed.

There is only a small quantity of milk sold in this 5-county area by a plant which may not qualify as a pool plant. That plant, located at Robinson, Illinois, accounts for minor percentages of sales in these five counties.

The proposed extension of regulation is necessary to provide for orderly marketing of milk in such areas through application of class prices to be paid by handlers disposing of milk in such areas and a uniform system of accounting for milk, including pooling with other fully regulated handlers.

Handlers not subject to regulation who distribute milk in these counties pay farmers prices approximating order blend prices irrespective of actual use of milk. Proponents complained that because of unregulated competitors' ability to purchase milk for Class I use at a price equal to order blend prices, proponents are at a disadvantage in supplying fluid outlets in these counties. Unregulated plants in these areas do not carry a full year-round supply of milk, but depend on supplemental receipts from other plants, and thus are able to maintain a high level of Class I utilization while nevertheless paying farmers a price equal only to blend prices under nearby orders.

Handlers presently regulated by the Ohio Valley or Louisville-Lexington orders and the Vincennes plant which would be regulated under the pooling requirements of this proposed order have the following percentages of total fluid milk product sales in each of these counties: Knox 43, Daviess 56, Martin 50, Orange 69, and Washington, more than 99. In Knox County another 5 percent of total sales are made by a handler regulated under the Indianapolis order.

Lawrence, Greene, and Sullivan Counties in Indiana should not be included in the marketing area.

A handler located at Seymour in Jackson County has about 18 percent of its sales in Lawrence County through a distribution outlet at Bedford and has minor sales in Washington and Orange Counties. This plant's distribution in Lawrence County accounts for about 40 percent of the sales in the county. A plant at Bloomington, Indiana, has distribution in Lawrence County estimated to be about 30 percent of the total, and has distribution in Greene County estimated to be 40 percent of the total. Distribution in Greene and Lawrence Counties by the plant at Bloomington represents about 22 percent of its fluid sales. While these plants at Seymour and Bloomington would be fully regulated if Greene and Lawrence Counties were included in the marketing area, the major part of their fluid disposition would be outside of territory now regulated or proposed to be regulated. Such disposition would be substantially in competition with plants which would not be regulated under the proposed order. It is concluded that these two counties should not be included in the marketing area.

With respect to Sullivan County, the data provided by proponent reveal some inconsistencies which prevent a definite conclusion as to the merits of the proposal. It is clear, however, that some of the fluid distribution in Sullivan County is by plants not now regulated under any Federal order, nor is it expected that they would qualify as pool plants if Sullivan County were included in the proposed marketing area.

Boyle, Mercer, and Garrard Counties in Kentucky should be included in the marketing area to be regulated by the order. The fluid distribution in these counties by five plants which maintain a high Class I utilization while nevertheless paying farmers a price equal only to an order blend price constitutes a competitive advantage which is disruptive to the orderly marketing of milk in these areas. The extension of the regulation in these three Kentucky counties is expected to include as fully regulated plants all plants now disposing of milk in these counties. Distribution outside of the territory here adopted for the marketing area by plants which would be brought under regulation by this extension is very largely in competition only with plants which would be subject to Federal order regulation. The application of class pricing and uniform accounting for milk under a system of market pooling will establish orderly marketing conditions in these three counties.

In Boyle County, Kentucky, about half of the fluid sales are by regulated handlers. A small percentage of this distribution is regulated under the Cincinnati Federal order, and most of it under the Louisville-Lexington order. Another 25 percent of the sales are by a plant at Somerset partially regulated under the Louisville-Lexington order by virtue of sales in presently regulated territory. These sales, and disposition by a presently unregulated plant located in the county at Danville, account for most of the fluid disposition in the county.

In Mercer County, Kentucky, more than 70 percent of the fluid milk disposition is by plants now regulated under the Louisville-Lexington order. About 7 percent of the sales are by a plant at Campbellsville, Kentucky, which is partially regulated under the order by virtue of sales in presently regulated territory. The remainder of the milk distribution in the county is by an unregulated plant located in the county at Harrodsburg.

In Garrard County, Kentucky, about 65 percent of the fluid milk distribution is by handlers presently regulated under the Louisville-Lexington order. About 10 percent of the distribution in the county is by the plant at Somerset partially regulated by virtue of its sales in the area presently regulated by the order. The remainder of the sales are by an unregulated plant located in the county at Lancaster.

This three-county area thus is served preponderantly by handlers presently regulated. Effectiveness of the regulation in fulfilling the purpose of establishing orderly marketing conditions will be improved by inclusion of this territory in the marketing area.

A proposal made to delete Montgomery County, Kentucky, from the marketing area should not be adopted. This proposal was made by a handler whose pool plant is located at Morehead, Kentucky, and whose sales in the area represent about 10–12 percent of his Grade A receipts. Approximately 45 percent of the fluid sales in the county are from this plant. About 14 percent of the distribution in the county is out of a plant regulated under the Cincinnati order and the remainder is by plants regulated under the Louisville-Lexington order.

The proposed deletion was requested to enable the proponent to pay a higher price to his own dairy farmer suppliers rather than make payments into the producer-settlement fund. However, if Montgomery County were deleted from the marketing area the handler would become unregulated and would not be required to pay the minimum prices established by the order. Nevertheless, all of the other handlers selling in the county would continue to be regulated by virtue of their sales in other counties within the marketing area. Although such handlers account for more than one-half of the total distribution in the county, they would then be in competition there with a plant not required to pay minimum prices for milk.

Todd and Logan Counties, Kentucky, should not be included in the marketing area of the proposed order. In Logan County, all fluid distribution is by federally regulated plants, but more of the disposition is by Nashville order plants than by plants under the Louisville-Lexington and Ohio Valley orders. The evidence with respect to Todd County shows considerable disparity in the testimony of witnesses as to the share of the fluid disposition regulated under the Louisville-Lexington, Ohio Valley, Nashville and Paducah orders. None of the sales in Todd County are by unregulated plants. The evidence is not sufficient to conclude whether these counties should be included in the marketing area of the proposed order. Inasmuch as all milk sold in these counties is sold by regulated plants, the problem of orderly marketing is not acute.

3. *Provisions of the consolidated order.* Many of the provisions of the Louisville-Lexington and Ohio Valley orders which have been found to be appropriate for regulating the handling of milk in these markets are similar and therefore appropriate for regulating the handling of milk in the proposed marketing area. The provisions in which there are substantive differences in the two orders or those for which changes are considered are discussed below.

(a) *Milk to be pooled and priced.* The determination of the milk to be pooled and priced under the consolidated order may be facilitated by defining the several types of milk and milk products and those persons and facilities associated with the handling of such milk and milk products. For purposes of the consolidated order, definitions similar to those contained in the Louisville-Lexington order will be suitable in most cases.

A producer should be defined as a person who produces milk on a dairy farm which is approved by a duly constituted health authority for the production of milk for fluid disposition, which milk is received at a pool plant, or by a cooperative association, or is diverted as described in subsequent findings. Health authority approval would include approval of milk by the authority to administer the regulations governing the

quality of milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases located in the marketing area. The proposed exclusion of dairy farmers whose permit is temporary or on an emergency basis is not adopted. It was not shown that such approvals constitute a problem in this market. A producer's connection with the market should be established by receipt of his milk at a pool plant. In the instance of bulk tank milk for which a cooperative association is a handler, the cooperative is the first handler receiving such milk. Accordingly, the term "producer" is intended to include such dairy farmers whose milk is delivered by a cooperative association as a handler to other handlers' pool plants.

Marketing conditions necessitate the handling of reserve milk by diversion from producers' farms to nonpool plants. This is often the more economical method of moving the milk rather than assembling it first at a pool plant which has no need for the milk and then moving it to a nonpool manufacturing plant. In the interest of assuring an adequate, stable supply for the fluid market, and a stable market for producers, a dairy farmer should retain his producer status during reasonable periods while his milk is diverted to a nonpool plant. The Louisville-Lexington order allows unlimited diversion of producer milk by a cooperative association. Diversion by other handlers is allowed, but with a limitation with respect to each producer that his milk shall not be diverted for more than one-half of the number of days in any of the months of October, November, January, and February. It is concluded that the same kind of diversion allowance may apply properly in the case of all handlers. Official notice is taken of the fact that manufacturing facilities are being installed in Kyana Milk Producers' pool plant at Louisville. This will tend to reduce the need for diversion. Accordingly, diversion of a producer's milk by any handler should be allowed on any day in the months of December and March through September, and on not more than one-half of the days of the month in any of the months of October, November, January and February. In view of the provision that a cooperative association may be the handler on bulk tank milk and the fact that the supply for the market is largely from members of the cooperative association which requested such provision, diversion between pool plants, now provided for in both orders, will no longer be necessary.

So as to provide proper location pricing and accountability for milk diverted to nonpool plants, such milk shall be deemed to be received at the pool plant as part of the plant receipts if diverted by the operator of the plant. In case of diversions to nonpool plants by a cooperative association, the location of receipt shall be deemed to be the location of the plant from which diverted.

A handler should be defined as a person who operates a city plant or a country plant. Also, a cooperative association should be a handler with respect to producer milk diverted by it to nonpool plants. A cooperative association should be allowed to act as the handler also with respect to milk of its producer members which is picked up in bulk at the farm by tank trucks owned by, operated by, or under contract to such association and delivered in such trucks (or in trucks similarly under the control of the association into which the milk may be reloaded) to pool plants of other handlers. With respect to the Ohio Valley market, findings and conclusions have already been made on this record to adopt such a provision in a decision issued November 21, 1961 (26 F.R. 11079). Because of the similarity of considerations with respect to the proposed new marketing area, repetition of such findings and conclusions is unnecessary in this instance. The same provision should be adopted in the consolidated order.

The term "producer-handler" should be defined as presently in the Ohio Valley order. This is a more specific definition than that contained in the Louisville-Lexington order in that it requires the producer-handler to provide proof to the market administrator that the operation is his personal enterprise and risk.

The terms "city plant" and "country plant" in the Louisville-Lexington order closely correspond to the two types of "fluid milk plant" in the Ohio Valley order. The first type of fluid milk plant in the Ohio Valley order disposes of "Grade A" fluid milk products on routes in the marketing area, and the second type is a plant which supplies the first type of plant, or is approved to do so. The terms "city plant" and "country plant" in the consolidated order will serve to define plants performing such functions, but these definitions are not indicative of whether the plants meet order requirements which would subject them to full regulation.

Pool plant provisions similar to those of the Louisville-Lexington order should be adopted for the consolidated order, subject to some modifications. With the expanded marketing area adopted herein, the smaller percentage requirement (10 percent of receipts from dairy farmers, cooperative associations and country plants rather than the 25 percent required in the Ohio Valley order) of distribution in the marketing area for pool plant qualification is suitable for all plants likely to be associated with the market. Another basis for qualification should be added, however, whereby a plant distributing an average of 13,500 pounds or more of Class I milk per day in the marketing area would become fully regulated, even though this amount represents less than 10 percent of the receipts previously mentioned. Under the provisions of the present orders, a plant with a large volume of Class I business could acquire a large percentage of the total Class I distribution in the marketing area without becoming subject to full regulation. Any plant which distributes within the marketing area a volume of Class I milk equal to one percent or more of the total Class I milk in the market is an important competitive factor, however, and should be subject to full regulation, even though its volume represents less than 10 percent of its total Class I business.

The total Class I disposition in the two marketing areas by all pool plants regulated by the Louisville-Lexington and Ohio Valley orders plus the sales of nonpool plants in these areas averages approximately 1,350,000 pounds per day. The order, therefore, should provide for full regulation of any plant whose distribution of Class I milk in the marketing area amounts to an average of 13,500 pounds or more per day. Use of the fixed figure rather than 1 percent of the total Class I sales will afford plants an opportunity to know beforehand whether they will be subject to regulation and will permit them to adjust their business accordingly. A constant figure will also tend to avoid the shifting in and out of the pool of plants whose distribution in the area might be fairly constant but might become more or less than one percent as total Class I milk in the pool varies.

The requirements for country plants should be increased for the months of October through March to require that 50 percent of the receipts in the month from approved dairy farmers and from cooperative associations are delivered to city plants. No country plants now qualify as pool plants for the Louisville-Lexington market on the basis of the present 10 percent shipping requirements, nor are there any pool country plants qualified under the Ohio Valley order where a 50 percent requirement is contained in the present order. The 50 percent requirement will guarantee a fuller association of a country plant with the market if it is to be pooled, and is appropriate in view of the adequacy of supply represented by present producer sources of milk. In the months of April through September, a country plant should qualify on the basis of either its prior qualification in all of the preceding months of October through March or on the basis of shipment of 40 percent of its receipts to city plants.

Provision should be made for pool status of a country plant operated by a cooperative association if two-thirds of the milk of its members approved by health authorities to supply milk which may be disposed of as Grade A milk is delivered from farms to pool plants of other handlers or is transferred from the association's plant to such pool plants.

A similar provision is now contained in the Louisville-Lexington order, requiring, however, that 75 percent of member milk be supplied to other pool plants. The current provision also qualifies the cooperative association plant in any month of March through September if it had qualified as a pool plant on the percentage basis in each of the preceding months of October through February.

The plant of the cooperative association has served as an equalization supply plant for the entire Louisville-Lexington market. In view of the extension of membership of the association to the Ohio Valley market, the association stated that the plant would perform the same function in the consolidated marketing area.

With the prevalence of bulk milk tanks on farms in these markets, much of the milk supply of processing plants moves in bulk form directly from farms to such plants. Changes in daily requirements of processing plants may be met by the cooperative association through rearrangement of the bulk tank movement of milk from farms to plants. Under these circumstances the most efficient movement of milk by the association, in its role of supplying milk processing plants, does not require that more than a small part of the milk move through the association's plant. For this reason it is not practical for the association plant to qualify for pool status on the basis of shipments from the plant to other pool plants. Nevertheless, the plant is essential to the service provided by the association in meeting daily requirements of the handlers. Besides serving as a standby plant from which milk may be transferred to pool plants, it also serves as an assembly plant for milk in excess of other handler's needs. Such milk constitutes part of the reserve supply of the market which must be disposed of primarily for use in manufactured dairy products which may involve shipment to nonpool plants. Other reserve milk has been disposed of by the cooperative association by diversion from producers' farm to nonpool plants for manufacturing.

As the authorized agent to market the milk of its members, who constitute 90 percent or more of the producers in the combined market, Kyana Milk Producers bears the burden of disposing of the reserve milk in the manner described. Because of the essential part this plant plays in such reserve handling operations, it is necessary that producers maintain their producer status when their milk must be moved to this plant. It is desirable, however, that a standard of performance be provided to assure that such a plant is substantially associated with the market. The requirement with respect to deliveries of member milk to pool plants provides such a standard. In view of the volume of reserve milk to be handled, the requirement that two-thirds of the member milk be delivered to other pool plants should be substituted for the present 75 percent requirement in the Louisville-Lexington order. The plant may qualify for pool status on this basis in any month. In the months of March through September pool status should continue to be allowed on the basis of prior pool status in each of the months of October through February.

Because of the closeness of other marketing areas and overlapping of distribution of handlers under these and other orders, provision should be made for a method to determine under which order a plant should be regulated if it qualifies under more than one order. The Louisville-Lexington order now provides that such a plant shall not be a pool plant if it qualifies under another order unless the plant has disposed of a greater quantity of milk in the Louisville-Lexington marketing area and to pool plants under this order than in the marketing area under the other order during each of the preceding three months and does also in the current month. A similar provision is contained in the Ohio Valley order. This provision should be adopted in the consolidated order.

Plants so determined to be subject to another order while disposing of milk in this market should be required to file such reports as the market administrator may require and to allow verification of such reports. Any exception to the described rule of determination should be based on a special determination by the Secretary for the particular plant.

"Producer milk" is a term defined as milk received by handlers from producers in the manner described in the preceding findings with respect to "producer". In the case of any tank truck loads of milk which are split between plants and for which a cooperative association is not the handler, the entire load shall be deemed to have been received at the first pool plant at which milk is withdrawn from the tank truck unless a different arrangement is agreed upon by the operators of the plants.

The definition of the term "fluid milk product" is convenient for establishing the definition of Class I milk and other terms in the order. Because of the relationship of this term to the Class I milk definition, discussion of the fluid milk product definition is covered under the findings and conclusions with respect to classification.

A definition of "other source milk" may be adopted similar to that in the Ohio Valley order, which differs from that in the Louisville-Lexington order only in that it specifically excludes beginning inventory. Bulk tank milk received from a cooperative association for which it is the handler should also be excluded. This term serves to describe a type of milk receipt other than producer milk, milk from pool plants or a cooperative association in its capacity as a pool handler, and beginning inventory of "fluid milk products". It should include receipts of products other than "fluid milk products", including those produced at the plant, which are reprocessed, or converted to another product in the plant during the month.

The definitions of "Chicago butter price" and "nonfat dry milk price" are adopted from the Ohio Valley order.

(b) *Classification and allocation of milk.* Class I milk should be defined as all skim milk and butterfat disposed of as any fluid milk product or which is not accounted for as Class II milk. For this purpose the definition of "fluid milk product" should mean milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), reconstituted milk or skim milk, fortified milk or skim milk (including "diet" foods), cream, (sweet or sour), half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mix, evaporated milk, condensed milk, aerated cream products, eggnog, and cultured sour mixtures not labeled as Grade A) which are neither sterilized nor packaged in hermetically sealed containers.

Class I milk thus defined includes all fluid products which health authorities in the marketing area generally require to be made from milk from locally inspected sources.

Reconstituted milk and skim milk disposition should be considered as Class I milk utilization. The state of Kentucky requires that nonfat dry milk used in fluid products be of "Grade A" quality. These products compete for the same Class I milk sales as do fresh whole milk or skim milk, and if made from other source milk, could displace producer milk which is available for the same purpose. It is necessary, therefore, that such products be accounted for as Class I milk and in a quantity which includes the normal quantity of water originally associated with the nonfat milk solids. This type of accounting is necessary to return to producers a value commensurate with the Class I utilization of the handler.

Fortified fluid milk drinks, similarly, should be Class I milk to the extent of the weight of an equal volume of milk, skim milk or cream of the same butterfat content. To this extent, such fortified products compete with whole fluid milk, skim milk and cream in the fluid market and tend to displace producer milk from Class I uses if not properly accounted for as Class I milk.

To maintain proper accounting for such items, the nonfat milk solids added to such fortified items should be converted to their fluid skim milk equivalent. The total quantity of product so calculated, which would include the normal quantity of water originally associated with the nonfat milk solids, less the quantity classified as Class I milk, would be accounted for as Class II milk. Proper accounting for all uses of skim milk and butterfat similarly requires that if any of the water contained in the milk from which a product is made is removed, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids.

Several handler proposals would call for the lowest classification to apply to milkshake mixes containing 15 percent or more of total milk solids and dietary fluid milk products.

"Milk shake mixes" which may be disposed of generally to soda fountains and similar establishments are essentially a form of fortified fluid milk product. Fresh fluid milk provides the liquid portion of the product to which the solids are added. The resulting product is intended for fluid consumption. On this basis milk shake mixes are not distinguishable from other fortified fluid milk products and should be classified in the same manner.

Fluid "diet" milk products similarly are a form of a low-fat milk drink fortified with added nonfat milk solids. Sweetening and flavoring ingredients are also added. The product is prepared by adding the nonfat milk solids and flavoring ingredients to fresh fluid milk or skim milk. Such fluid diet milk products thus are essentially fortified milk drinks

which compete with other fluid milk product disposition. Although standards of identity have not been established by health authorities with respect to "diet" milk products, Grade A milk is used in the preparation of the diet products. It is to be presumed under the circumstances of preparation of the product as described by proponents that they do use and depend on the supply of fresh milk of Grade A quality to provide the fluid part of the product.

It was proposed by Kyana Milk Producers that the consolidated order have only two classes of utilization. The kinds of utilization now included in Class II and Class III in the Louisville-Lexington order would be combined into one class resulting in a Class II milk definition similar to that which applies in the Ohio Valley order. A single price, accordingly, would be established for all reserve milk under the consolidated order. Handler proposals with respect to classification of certain specialty items under a three-class system are interpreted as not being opposed to a two-class system.

It is concluded that a two-class system should be adopted for the consolidated order. This system will tend to provide better marketing opportunities for reserve milk. The single price for all reserve milk will tend to encourage handlers to use the reserve producer milk in the higher-valued uses. It may induce handlers to use greater quantities of producer milk for cottage cheese and ice cream, now priced at the higher Class II price under the Louisville-Lexington order. With respect to ice cream disposition in the marketing area, handlers to a large degree now depend on nonpool sources for their supply of this product. A health requirement of Grade A milk for the manufacture of cottage cheese applies only in Louisville, and, accordingly, cottage cheese from other sources may be distributed in all other parts of the marketing area.

Class II milk should be defined to include all skim milk and butterfat used to produce products not included in Class I milk. Products specifically exempted from the Class I definition such as ice cream mix, frozen dessert mix, evaporated milk, and condensed milk would be Class II milk. Other manufactured dairy products which would be Class II milk include cottage cheese, any other type of cheese, butter, dry milk and nonfat dry milk. Frozen cream is generally a storage item intended for use in ice cream, butter, or other nonfluid use, and is properly a Class II disposition. The proposed two-class system would place eggnog and aerated cream products in Class II. Cultured sour mixtures which include cheese and nondairy food materials are commonly referred to as a "dip" specialty and are not distributed as a Grade A product. Skim milk and butterfat used in these products should be Class II milk if not distributed under a Grade A label.

Class II milk would include fluid product disposition for livestock feed and skim milk dumped upon prior notice product. Skim milk and butterfat used in as prescribed by the market administrator. This is merely a continuance of the lowest classification under both orders which now applies to such disposition. Also included would be fluid milk products disposed of in bulk to bakeries, candy or soup manufacturers, and other commercial establishments which do not dispose of any of such bulk receipts in the form of fluid milk products. These are ordinarily uses for which manufactured milk products may be used, although disposition from pool plants to such establishments may be most conveniently made in fluid milk product form. Such a classification provision is now contained in the Louisville-Lexington order. Ending inventories of fluid milk products should also be classified as Class II milk for accounting purposes. Inventories of fluid milk products would be subject to reclassification in the subsequent month in the manner now provided in the Ohio Valley order.

Butterfat and skim milk used to produce Class II products should be considered to be classified when so used. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator. Class II products from any source used in the production of any product, including products in Class I milk, should be considered to be a receipt of other source milk. This will maintain priority of assignment of current receipts of producer milk to Class I utilization.

Loss of skim milk and butterfat in plant operations is commonly referred to as "plant shrinkage". It is also ordinary experience in the case of farm bulk tank milk that there is some handling loss between the aggregate of amounts of milk measured at the farms from which a tank truckload is obtained and the quantity of milk delivered to a plant. Since there must be complete accounting for all milk received from producers, it is necessary that all shrinkage be accounted for as a classified use. Shrinkage should be classified in the lowest class as is presently done under the Louisville-Lexington and Ohio Valley orders. Such classification, in conjunction with reasonable limits, provides an equitable accounting procedure for handlers.

A maximum total shrinkage allowance in Class II of 2 percent will be reasonable in relation to ordinary operating efficiency. This total allowance would be made up of 0.5 percent with respect to milk received from producers and transferred to other handlers, plus 1.5 percent with respect to milk so received but not transferred. The 1.5 percent would also apply to bulk receipts which are transfers from other pool plants or bulk tank milk received from a cooperative association. No shrinkage allowance would apply to milk diverted to nonpool plants. Any shrinkage in excess of these allowances should be classified as Class I milk. These limitations on shrinkage and the attendant method of classification are necessary to protect the classification system from the effects of inadequate records and inefficient handling of milk. These considerations do not require that similar limitations apply to receipts of other source milk.

The shrinkage allowances as described would provide a 0.5 percent allowance to a cooperative association with respect to bulk tank milk for which it is the handler making delivery of such milk to pool plants. This allowance would apply in the absence of notification by the pool plant operator to the market administrator that he is purchasing such bulk tank milk from the cooperative association on the basis of farm weights and tests. If the pool plant operator elects to pay on farms weights and tests, the entire 2 percent shrinkage allowance would be available to him with respect to such milk.

Proration of total shrinkage between pool milk and other source milk received at a pool plant should reflect the varying shrinkage limits just described which may apply to pool milk. Otherwise, a disproportionate share of the total shrinkage could be assigned to pool milk. This situation may be accommodated by prorating the total shrinkage between the maximum pounds of pool milk shrinkage allowable divided by 0.02 and the total pounds of other source milk.

Each handler must be held responsible for a full accounting of all his receipts of skim milk or butterfat in any form. A handler who first receives milk from dairy farmers should be responsible for establishing the classification of, and making payment for, such milk. Fixing responsibilities in this manner is necessary to effectively administer the provisions of the order.

Except for the limited quantities of shrinkage that may be classified in Class II, all skim milk and butterfat for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage that might accrue to handlers who fail to keep complete and accurate records and to assure that dairy farmers receive payment for their milk on the basis of proof should be on the handler to establish the utilization of any milk as other than Class I.

The two present orders apply special classification provisions to fluid milk products transferred and diverted in bulk form from pool plants to other plants. The transfer provisions of the two orders are in many respects similar, allowing for the three-class system in the Louisville-Lexington order as opposed to the two-class system in the Ohio Valley order. The provisions of the Ohio Valley order with respect to classification of such movements of milk to other pool plants or to nonpool plants are adopted as modified by the amendment effective December 1, 1961 (26 F.R. 11284), based on the record of this hearing, and with exceptions as noted herein. These provisions establish rules for assignment of transferred fluid milk products to utilization in the transferee plant. The amendment referred to provides specific rules for milk for which a cooperative association is the handler and which milk is delivered from producers' farms to a handler's pool plant in tank trucks.

Under the order proposed herein, the reference points with respect to distance of shipments to nonpool plants would be Louisville, Kentucky, and Jeffersonville, Indiana. Nonpool plants located within 250 miles of these two cities will provide sufficient outlets for reserve milk not needed by pool plants, and such distance will appropriately limit the addition of expense upon the market administrator for travel and verification of use of milk at such nonpool plants. Transfers of milk, skim milk, or cream in bulk from pool plants to nonpool plants within such distance would be Class I or Class II according to rules set forth in the attached proposed order which are very similar to the transfer provisions in the present Ohio Valley order. Transfers beyond this distance would be Class I milk. Exception is made, however, with respect to the classification of certain skim milk and butterfat which is transferred from a pool plant to a nonpool plant which disposed of cream for Class II use to a second nonpool plant. Since this involves disposition by the first nonpool plant rather than use in the nonpool plant, a special provision for classification was requested. The second transfer described by proponent would be to a point beyond 250 miles from any of the reference points previously named. Bulk cream transferred from the nonpool plant should be classified as Class II milk in the amount claimed by the operator of the pool plant if he established that such cream was moved from the nonpool plant without Grade A certification in containers labeled to show that the contents were for manufacturing use only and that such shipment was invoiced accordingly. The pool handler should also afford the market administrator sufficient opportunity to verify such shipments.

Milk transferred from a pool plant to a producer-handler should be Class I milk. To maintain a distinction between producer-handlers and pool plant operators, the definition of producer-handler does not contemplate receipt of milk from farms other than those of the producer-handler. Accordingly, the transfer provisions of the consolidated order should not provide for diversion of milk from producers' farms to producer-handlers.

The procedure for allocating producer milk to Class I and Class II adopted for the order proposed herein is similar to that presently used in the Louisville-Lexington order. However, certain modifications of this procedure are desirable. The proposed order should provide that sour cream and liquid dietary products be assigned to Class I milk (in the amount allowable pursuant to the classification provisions) if they have been classified and priced as Class II milk under the Chicago order and Class I milk under the Cincinnati order, respectively, and are received by pool plants in consumer packages and disposed of in the same packages. A plant which is expected to become fully regulated under the consolidated order presently receives packaged sour cream which has been priced as Class II milk under the Chicago order and distributes it on routes in the same packages. Similarly, a plant regulated under the Louisville-Lexington order receives packaged liquid dietary products which have been priced as Class I milk under the Cincinnati order and distributes these products on routes in the same packages. Neither of these types of products is produced or packaged in the respective transferee plants. Under the Chicago order, Class II milk is priced at a level generally as high as Class I milk. This method of allocation will accommodate the procurement of specialized products in the manner described by proponents.

A further modification should provide that shrinkage which was "set aside" in the first step of the allocation procedure be "added back" after the assignment of other source milk and beginning inventory but prior to the assignment of inter-handler transfers. This will allow such shrinkage to be allocated to the kinds of receipts for which this shrinkage has been computed.

(e) *Class prices.* In the following findings and conclusions on Class I and Class II prices, reference is made to prices which have prevailed in a number of Federal order markets. For this purpose official notice is taken of price announcements published during the period of March 1960 through October 1961 for each of the months when the order was effective by market administrators for the following markets: Chicago, Cincinnati, Indianapolis, Nashville, Paducah, Suburban St. Louis, and Tri-State. Official notice is also taken of price announcements for the Louisville-Lexington and Ohio Valley markets published by the market administrator for the months of September through December 1961.

Class I price. The Class I price under the new order for milk testing 3.5 percent butterfat should be the sum of a basic formula price plus $1.25, subject to an adjustment reflecting supply-demand conditions in the market. The Class I price during the period beginning with the effective date of the proposed order through May 1962, however, should not be less than $4.43. The basic formula price should be the higher of the "Midwest condenseries" price or a butter-powder (spray-roller) formula price. The basic formula prices and the Class I prices should be expressed in terms of milk of 3.5 percent butterfat content.

Kyana Milk Producers proposed that the Class I price for the consolidated order be the sum of a basic formula price plus $1.40. The basic formula price would be the average price paid for manufacturing grade milk at plants in Minnesota and Wisconsin (hereinafter referred to as the Minnesota-Wisconsin price), as reported by the United States Department of Agriculture, adjusted to a 3.8 percent butterfat basis. A proprietary handler proposed at the hearing that the basic formula price be based on a butter-powder formula.

Most of the Federal milk orders in surrounding markets have basic formula prices which use the higher of the Midwest condenseries price or a butter-powder formula price. Some orders also include the average price at local manufacturing plants as an alternative, but such prices have not been high enough to be the effective basic formula price. Alignment of Class I prices among the several markets in the region may be more easily maintained by using similar basic formula price alternatives. It is, therefore, desirable to continue the use of the same type of basic formula price as is generally effective in the region unless the Minnesota-Wisconsin manufacturing milk price is adopted as the basic formula price on a regional basis.

Official notice is taken of a notice of hearing issued January 8, 1962 (27 F.R. 314), for 36 markets, including the Louisville-Lexington and Ohio Valley marketing areas on a proposal to use the average price of manufacturing grade milk in Minnesota and Wisconsin, adjusted to 3.5 percent butterfat, as the basic formula price in each of the markets. Such hearing was held in Chicago, Illinois, January 17, 18, and 19, 1962. The consolidated order here under consideration, when issued, should reflect the determinations made on the basis of the Chicago hearing record.

The Midwest condenseries price and the butter-powder formula price adopted herein as the basic formula price alternative are the same as those now included in the Louisville-Lexington and Ohio Valley orders. The Louisville-Lexington order also includes as an alternative the average price of seven local manufacturing plants. In view of the continued ineffectiveness of the local manufacturing plant price in the basic formula price, it is not included as part of the basic formula price in the consolidated order.

The present stated differential of $1.25 should be continued. A Class I price differential is only part of the Class I pricing mechanism, and its proper amount should be judged on the basis of its influence upon the resulting level of price. In view of the increasing volume of milk supplied as compared to Class I sales of handlers in the two markets, it is unnecessary that any increase in the price level be provided through raising the Class I price differential. The present $1.25 differential provides a good basis for maintaining price alignment with nearby markets. The annual levels of Class I price differentials in nearby markets are as follows: Cincinnati, $1.30; Indianapolis, $1.25; Paducah, $1.30; and Nashville, $1.35.[1] Though the Suburban St. Louis order does not use a Class I price differential, its Class I price does reflect (for base zone) a differential over the Chicago order basic formula price of $1.30, subject, however, to the supply-demand adjustments in the Chicago and St. Louis orders.

A supply-demand adjuster similar to that now used in the Louisville-Lexington order should be adopted. This adjuster should be modified in that the standard utilization percentage should be raised from 137 to 144. It should also be limited in its operation so that the adjustment from one month to the next would not exceed four cents.

[1] A location differential deduction of 10 cents applies at plants in Kentucky 50 miles or more, but less than 70 miles from Nashville.

The provisions of the Agricultural Marketing Agreement Act require that prices established by milk orders reflect supply and demand conditions for milk in the market. While many of the elements of supply and demand on a national scale are reflected in the basic formula price, this pricing mechanism does not assure that all local factors will be reflected in the Class I price. In the Louisville-Lexington market the substantial changes in recent years in the ratio of producer milk supplies to Class I disposition show that this relationship is significant and should be considered in the establishment of the Class I price. In the Ohio Valley market it is clear that the similarity of marketing conditions and the inter-relationships which have led to the consideration of consolidating the two markets argue that the relationship of producer milk supplies to Class I disposition is similarly significant for the proposed combined market.

For a recent 12-month period (November 1960 through October 1961), the average of the monthly ratios of producer receipts to gross Class I utilization for the Louisville-Lexington market was 150, such ratios ranging from a low of 121 in November 1960 to a high of 175 in June 1961. A review of preceding years shows that for the same monthly periods the average production-Class I disposition ratios were 142 for the 1955–1956 period, 147 for the 1956–1957 period, 141 for the 1957–1958 period, 135 for the 1958–1959 period, and 134 for the 1959–1960 period.

For the Ohio Valley market, data for similar 12-month periods are not available, because the order first became effective March 1, 1960. The longest comparable periods for purposes of comparison are March through October of each of the years of 1960 and 1961. The average of the monthly ratios of producer receipts to gross Class I utilization for the periods of March through October of 1960 and 1961 for the Ohio Valley market were 125 and 136, respectively.

The increases shown in the production-sales ratios in the Louisville-Lexington market since 1960 have been due to the substantial increases in production. Although production figures reflect the increase resulting from the expansion of the marketing area on March 1, 1960, it is clear that production has increased considerably more in this market than have the corresponding Class I sales. Also the average daily production per farm has increased from an average of 577 pounds to an average of 624 pounds between these periods. In the Ohio Valley market, the increase in the production-sales ratio was a result of both a decrease in Class I sales and an increase in production. During the March–October period of 1961, Class I sales were 4 percent less while production was 4.3 percent more as compared to the same period in 1960. The average daily production per farm for this market increased from an average of 502 pounds to an average of 556 pounds between these periods. (Official notice is taken of market statistics published monthly for the Louisville-Lexington and Ohio Valley Federal milk orders by the market administrator for the months of August through November 1961.)

With the prices which have prevailed the supply of milk has increased relative to sales. Therefore no increase in price is warranted at this time. In order to properly reflect future changes in the local supply and demand conditions a supply-demand adjustor of the type contained in the Louisville-Lexington order is adopted with some modifications as explained in subsequent findings and conclusions.

A new standard annual level of utilization should be adopted for the supply-demand adjustment computation. The standard annual utilization percentage (137 percent) which was adopted in the Louisville-Lexington order by amendment effective March 1, 1960, has not appropriately reflected recent market conditions and thus has not provided a suitable basis on which to make supply-demand price adjustments. Suspension and amendment actions have been taken which have limited the full effect of the supply-demand adjustor in all but the initial month of its operation, May 1961.[1] A new standard for the consolidated order should be established at a level such that the average Class I price currently effective in the two markets would result from the application of such a new standard in relation to the current level of utilization.

A standard utilization percentage of 144 will maintain an average price for the combined area equal to the price ($4.431) which has prevailed in the two markets during the six-month period of July through December 1961. For this period the average Class I price on a 3.5 percent butterfat basis under the Ohio Valley order, using a differential of $1.253 over the basic formula price, would have been $4.558. The average Louisville-Lexington order Class I price for the same six-month period, on a 3.5 percent butterfat basis, was $4.376. A weighted average of these prices, using the average proportionate volumes of Class I milk in the respective markets in the period June through November 1961, results in an average of $4.431. Prices in each market were very stable in this period, and the average for the six months is very close to the average of the two markets in each of the six months.

Such an application of the supply-demand adjustor will allow continuation of the same average level of price of the two markets as has existed in recent months, subject to further adjustments based on future changes in the market situation. The price level herein proposed will result in a lower price for farmers who have been producers under the Ohio Valley order, as a result of the averaging of the prices of the two markets. Evidence with respect to changing supply conditions in the Ohio Valley market shows that the reduction in the applicable Class I price is in accord with the changes in market conditions. Such changing market conditions would need to be recognized in the price for that marketing area regardless of whether the two markets are combined.

To assure additional stability in price changes produced by the supply-demand adjustor, it is provided that the price adjustment for any one month shall not differ from that of the previous month by more than 4 cents per hundredweight. The total amount of adjustment should not at any time exceed 50 cents.

Producer and handler groups both asked that no supply-demand provision be included in the new order, and further asked that if such a price adjustor is included, that it be moderate and limited in its effect. Two handlers asked that the effective date of a supply-demand adjustor be delayed until after 18 months of experience under the new order. Producers proposed specifically (1) that any negative price adjustment be limited to 6 percent of the average basic formula price for the previous year; (2) that the measure of the relationship of supplies to Class I disposition be based on two twelve-month moving averages such as in the St. Louis order; (3) that the Class I disposition used in the calculation include sales by nonpool plants in the marketing area; and (4) that any supply-demand adjustor not result in a price change as long as Class I disposition is 67 percent or more of producer milk or less than 71 percent.

The proposals that no supply-demand adjustor apply under the new order are denied on the basis of preceding findings and conclusions. The effective date of a supply-demand adjustor should not be delayed for an 18-month period as requested by producers and handlers. The substantial changes in the supply-demand situation in recent years require that these conditions be reflected in the Class I price under the new order as soon as possible.

The type of supply-demand adjustor used in the Louisville-Lexington order is preferable to that proposed by producers based on two twelve-month moving averages, since it will react more promptly to recent conditions in the market. The method of calculation of the supply-demand adjustment under the Louisville-Lexington order is explained in the decisions issued February 8, 1960, and July 18, 1961. Essentially, it provides for calculation of the percentages that producer milk is of gross Class I utilization of pool plants in the three most recent two-month periods for which data are available. Comparison of these two-month percentages with seasonally adjusted standards provides the basis for Class I price adjustments. Seasonal adjustment of the annual standard is based on supply and utilization data for the 37-month period ending with the second month preceding the month for which the price adjustment is computed. Price stability is achieved by eliminating indicated adjustments if they are in a direction opposite from that indicated by the most recent two-month percentage and eliminating indicated adjustments in excess of the most recent percentage.

Inasmuch as the Ohio Valley order was issued effective March 1, 1960, data on a 37-month basis for plants regulated under that order would not be available until after March 1963. Since, however, the calculations depend entirely upon ratios (in some cases expressed as percentages) of quantities of producer milk to Class I utilization, the changes in marketing area do not prevent use of currently available data for calculation of a supply-demand adjustor. The month of June 1962, would be the first month for which a price adjustment could be computed if two full years of data for the Ohio Valley market are included. The effect of the supply-demand adjustor adopted herein is accordingly limited prior to June 1962 by establishing a minimum Class I price of $4.43.

The proposal to retain all Class I sales in the marketing area in the supply-demand computation, regardless of whether such sales are by pool plants or nonpool plants is denied. Such a provision would be insensitive to the competition of handlers regulated under other orders who may secure sales outlets in this market. The levels of the Class I price in this market should reflect loss of sales by pool plants in such circumstances as a part of the supply-demand situation affecting the marketing of producer milk.

Class prices under the proposed order are expressed in terms of milk testing 3.5 percent butterfat. This is done for the purpose of achieving uniformity among markets so that prices will be readily comparable to all interested parties. This need not affect the butterfat content of milk received or disposed of under the order. This change in the method of quoting the Class I price has been accomplished by changing the butterfat value included in the basic formula prices to reflect the 3.5 percent butterfat test.

Class II price. Class II milk under the consolidated order should be priced for the months of September through March at the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the United States Department of Agriculture, adjusted to a 3.5 percent butterfat basis, and for the months of April through August at such price less 10 cents.

The Louisville-Lexington order presently provides two separate prices for milk going into manufacturing uses. The Class II price, applicable primarily to cottage cheese and ice cream, is the highest of four alternative prices. These are the Midwest condenseries price, a butter-powder (spray-roller) formula price, a butter-powder (spray) formula price, or a butter-cheese formula price. The Class III price applies primarily to American cheese, butter, dry milk powder, and condensed milk. For the months of September through March this price is the higher of a butter-powder (spray-roller) formula price or the average announced price at seven local manufacturing plants. For the remaining five months of the year the Class III price is the higher of a butter-powder (roller) formula price or the average local manufacturing plants price.

The Ohio Valley order presently provides one classification (Class II) for all milk going into manufacturing uses. For the months of September through February Class II milk is priced at the higher of the Midwest condenseries price or a butter-powder (spray-roller) formula price. For the months of March through August such milk is priced at the average announced price at five local manufacturing plants plus 20 cents.

Previous reference has been made in this decision to the cooperative association's proposal that the consolidated order use a two-class system under which all milk going into manufacturing uses would be Class II milk. In conjunction with this arrangement they proposed that the price for Class II milk be the Minnesota-Wisconsin manufacturing milk price, adjusted to a 3.8 percent butterfat basis by the butterfat differential resulting from multiplying the Chicago butter price by 0.12. A representative of a dairy firm which operates unregulated manufacturing plants located in and around the Louisville-Lexington and Ohio Valley marketing areas proposed at the hearing that if the Minnesota-Wisconsin price were used as a basis for pricing milk going into manufacturing uses the order price should be 15 cents less than the Minnesota-Wisconsin price adjusted to a 3.8 percent butterfat test. A group of proprietary handlers regulated under the Louisville-Lexington order proposed that the Class II price under that order be amended to delete the butter-cheese formula price from the list of Class II price alternatives.

The price for manufacturing grade milk in the two-State area of Minnesota and Wisconsin is issued by the State-Federal Crop Reporting Service on about the 5th day of each month for milk received at manufacturing plants in these States in the previous month. Plant operators report the total pounds of manufacturing grade milk received from farmers, the butterfat content, and total money paid to farmers for the milk delivered at their plants. The two-State area is one in which there is a heavy concentration of manufacturing grade milk and where many plants are competing for such a supply. In Minnesota about 80 percent of the milk sold off of farms is manufacturing grade and in Wisconsin, about 65 percent. About 50 percent of the total manufacturing grade milk sold off farms in the United States is produced in these two States.

Comparisons made herein between the proposed Class II price formulas and the formula prices under the two orders exclude the effect of the butter-cheese formula price under the Louisville-Lexington order. In a decision issued by the Secretary on July 18, 1961 (26 F.R. 6547), based on a public hearing held May 22, 1961, it was concluded that the butter-cheese formula price should be removed from the list of price alternatives in the basic formula price of the Louisville-Lexington order. It was concluded that the butter-cheese formula price had increased to levels representing improper relationships to other measures of the value of manufacturing milk used in this and nearby order markets for basic formula prices. In view of this it is appropriate that comparisons of proposed formulas for pricing reserve milk with current formulas in effect in the two orders not reflect the butter-cheese formula price. When the order was amended August 1, 1961, this formula price was retained as part of the Class II pricing mechanism, however, because the Class II price was not an issue at the hearing.

For the 12-month period of November 1960 through October 1961 the Class II price in the Louisville-Lexington order, without the effect of the butter-cheese formula price, averaged $3.37 for milk testing 3.5 percent butterfat. The Class III price for the same period averaged $3.14 for milk of 3.5 percent butterfat content. The comparable Ohio Valley Class II price averaged $3.19. The Minnesota-Wisconsin manufacturing milk series adjusted to a 3.5 percent butterfat basis using the butterfat differential as proposed by producers would have averaged $3.26. The proposal made by the operator of nonpool manufacturing plants that the Class II price be 15 cents less than the Minnesota-Wisconsin series would have resulted in an average Class II price for this period three cents lower than the average Louisville-Lexington Class III price. A representative of this firm testified, however, that these plants paid ungraded shippers premiums which resulted in prices 10 to 15 cents over the Class III price.

For the period since the Ohio Valley order has been in effect (March 1960 through October 1961) the combined returns to producers under both orders for milk other than Class I, excluding the effect of the butter-cheese formula price, averaged $3.13 for milk at 3.5 percent butterfat test. The Minnesota-Wisconsin manufacturing milk price during this period averaged $3.19 for milk of the same test.

The pricing formulas for reserve milk under the two orders provide seasonal variation by using different price factors for Class III milk under the Louisville-Lexington order (April through August) and Class II milk under the Ohio Valley order (March through August) for the months of heavier milk production. These seasonal changes in the formulas for reserve milk prices would normally produce greater seasonal variation than there might be in the Minnesota-Wisconsin manufacturing milk prices. For milk of 3.5 percent butterfat test during the periods of April through August 1960 and 1961, the Minnesota-Wisconsin price averaged 21 cents over the Louisville-Lexington Class III price and 17 cents over the Ohio Valley Class II price. In the intervening period of September 1960 through March 1961 the Minnesota-Wisconsin price averaged 10 cents over the Louisville-Lexington Class III price and 2 cents under the Ohio Valley Class II price. In the period September 1959 through March 1960 the Minnesota-Wis-

[1] See suspension orders issued May 25, 1961 (26 F.R. 4734) and December 13, 1961 (26 F.R. 12110), and final decision issued July 18, 1961 (26 F.R. 6547).

consin price averaged one cent under the Louisville-Lexington Class III price.

It is concluded that some seasonal adjustment of the Minnesota-Wisconsin manufacturing milk price would be necessary to properly reflect the seasonal marketing conditions affecting reserve milk in this market. The evidence does not establish, however, that the general level of price for reserve milk should be substantially different from average levels which have prevailed for the combined area. Experience in recent years has been that reserve milk readily moved to manufacturing outlets without evidence of distressed sales. On the other hand, the price levels have not induced pool plants to accumulate unneeded supplies intended primarily for manufacturing. In order to promote the orderly handling of reserve milk for the proposed consolidated marketing area, including adjustment for the seasonal changes in quantities of reserve milk and prices at which it can be disposed of, it is concluded that a formula (including seasonal adjustments) which would have yielded in the March 1960 through October 1961 period about the same average return as prevailed in the two-market area (excluding the effect of the butter-cheese formula price) should be adopted. Of the various formulas proposed, the Minnesota-Wisconsin series represents the best index of changing values of manufacturing milk based on prices which competing manufacturing plants offer for milk of manufacturing grade. Such paying prices reflect the supply and demand of manufactured dairy products within a highly co-ordinated marketing system which is national in scale. It is concluded that a price for reserve milk within the purposes expressed in the preceding discussion will be provided by use of the Minnesota-Wisconsin price subject to a seasonal deduction of 10 cents for the months of April through August.

During the 20-month period of March 1960 through October 1961 this price formula for milk testing 3.5 percent butterfat would have averaged $3.14 per hundredweight. For the same period the average of prices under the two orders for milk other than Class I milk (excluding the effect of the butter-cheese formula) was $3.13 for milk of the same test. This average reflects in each month the relative quantities of milk in each class under each order.

The announced average price paid by the Minnesota and Wisconsin plants is at the weighted average butterfat test of the milk received at these plants. Since it is concluded in this decision that the consolidated order prices should be announced on a 3.5 percent butterfat basis, it is necessary that the announced Minnesota-Wisconsin prices be adjusted to this basis. The cooperative association proposed that adjustment of these prices be made by using a differential equal to the average quotation for the month for Grade A (92-score) butter at Chicago times 0.12. This differential is presently used as butterfat differentials under both orders in pricing Class II and Class III milk and should likewise be used in the consolidated order for adjusting the announced Minnesota-Wisconsin price to a 3.5 percent butterfat basis.

Butterfat differentials. The prices paid by handlers for Class I milk should be subject to a butterfat differential for each one-tenth of one percent of butterfat content equal to 0.125 times the Chicago butter price of the preceding month. This is the same differential which now applies under the Louisville-Lexington order and which closely approximates the average of differentials which apply under the Ohio Valley order. The Class II price should be adjusted by a butterfat differential equal to 0.120 times the Chicago butter price of the month in which the milk was received. This differential is the same as currently applies in the Ohio Valley order and is slightly higher than the differentials which apply to Class II and Class III milk under the Louisville-Lexington order. It is concluded that these differentials will properly reflect the value of butterfat as used by handlers in the respective classes.

Location differentials. A system of location differentials similar to those which apply to the Class I prices under the present two orders should be adopted but should be modified in relation to the extent of the enlarged marketing area for the proposed consolidated order. Location differentials should apply to Class I milk at plants which are located more than 85 miles from the nearest of the following points: The City Halls in Lexington, Louisville, Madisonville, Elizabethtown and Danville, in Kentucky, and Evansville in Indiana.

In the Louisville-Lexington order, the basing points for location differentials are the City Halls in Louisville and Lexington, whichever is nearer to the plant at which the milk is received from producers. No location differential applies at plants located less than 85 miles from such points. For plants 85 miles or more but less than 95 miles from such points, a location differential of 15 cents per hundredweight is provided, and for greater distances an additional adjustment of 1.5 cents for each additional 10 miles. In the Ohio Valley order the County Courthouses in Evansville, Indiana, and Owensboro, Kentucky, are used as points of reference. For plants located 80 miles but less than 90 miles from such points, an adjustment of 13 cents per hundredweight is deducted, and for distances beyond this, 1.5 cents is deducted for each additional 10 miles.

The evidence with respect to cost of transporting milk does not justify any significant departure from the rates of location differentials used presently in the Louisville-Lexington order. The initial distance of 85 miles from the selected points of reference, which now applies in the Louisville-Lexington order, is adopted herein to apply to the several points of reference in the enlarged marketing area. Additional basing points should be designated at the following locations in the marketing area: Madisonville, Elizabethtown and Danville, Kentucky. These new basing points will provide a better system of location differentials with respect to plants in Southern Kentucky located close to the marketing area and will result in better alignment of prices with prices in nearby Federal order markets. The basing point at Owensboro, Kentucky, will then be unnecessary, and is eliminated.

For plants located beyond 85 miles but less than 95 miles from the reference points named, a location adjustment of 15 cents should apply, and for distances beyond this an additional adjustment of 1.5 cents for each 10 miles should apply. These rates are the same as now apply in the Louisville-Lexington order.

(d) *Payments with respect to unpriced milk.* For effective regulation it is necessary that the order provide for payments to the producer-settlement fund with respect to other source milk allocated to Class I milk at pool plants. Payments should also be made by operators of nonpool plants which dispose of Class I milk on routes in the marketing area.

For purposes of the proposed order, provisions for such payments similar to those of the Louisville-Lexington order are adopted. Under that order, compensatory payments into the producer-settlement fund are required to be made by nonpool plants disposing of Class I milk in the marketing area, such payments to be made, however, under one of two options. Under one option, the payment is based on the quantity of Class I milk disposed of in the marketing area by the nonpool plant, allowing credit, however, for milk which is received by the nonpool plant from pool plants and which is classified as Class I milk. The per hundredweight rates of payment required for the months of January through September are the difference between the Class I price and the Class III price, and for other months, the difference between the Class I price and the uniform price. The prices used in the calculation are subject to appropriate location and butterfat differentials. These rates of payment are deemed necessary to offset the advantage nonpool handlers would otherwise have in using unregulated milk for Class I disposition in the marketing area.

Under the second option, the operator of the nonpool plant may elect that his obligation to the producer-settlement fund be computed as the difference between what his obligation for all milk handled would be if his plant were a pool plant (subject to specified rules with respect to interplant transfers) and the amount of his payments to farmers whose milk production is qualified for the fluid market. In this computation allowance is made for any obligations incurred by the same plant under other orders.

The compensatory payment provisions of the Ohio Valley order are quite similar. The Ohio Valley order differs in that the rate of payment under the first option is the difference between the Class I price and the uniform price in the months of August through March rather than October through December. Another difference is that the Ohio Valley order does not allow credit for Class I milk received at the nonpool plant from a pool plant.

Parties at the hearing requested certain modifications of the system used in the Louisville-Lexington order. One handler asked that under the new order the rate be the difference between the

Class I price and the Class II price in all months. Two handlers asked that credit not be allowed for receipt of Class I milk at a nonpool plant from a pool plant. A nonpool plant operator proposed that credit be allowed to a pool plant operator for compensatory payments under another order on milk disposed of in the marketing area under that order from a nonpool plant also operated by the same handler and to which the pool plant supplied milk. Proponent of the latter proposal did not testify at the hearing and information in the record does not provide a basis for judging the merits of the proposal. A further proposal would have required that crediting of receipts of pool Class I milk, in computing the compensatory payment obligation of a nonpool plant, be allowed only if the nonpool plant paid a price for such milk equal to the Class I price plus 45 cents. This was intended to offset an advantage proponent claimed that nonpool plants have in paying their farmers in the months when order blend prices are reduced by the seasonal incentive plan.

The rates of payment needed to offset the advantage in use of unpriced milk are those now applicable under the Louisville-Lexington order. The seasonal changes in these rates represent the seasonally changing values of other source milk which might be obtained for Class I use in the proposed marketing area. The additional option presently provided in the two orders should be continued. This optional computation is that based on the obligation which would apply if such plant were a pool plant, less payments by the plant operator to dairy farmers who constitute the plant's supply for fluid market disposition. The basis for the several compensatory payment provisions discussed herein have been set forth in prior decisions on these orders. It is concluded here that the findings and conclusions of such decisions apply appropriately to the proposed order.

The provisions of the proposed order do not require compensatory payments on milk classified and priced as Class I milk under another Federal order. Under the requirements of the Act, prices in every order must be established according to the supply and demand conditions of the market which necessarily include price relationships with other markets. Accordingly, prices in this market should be in alignment with prices of other Federal order markets, thus preventing any price advantage that needs to be offset with respect to use of other source milk priced as Class I milk under another order.

The application of regulation to an enlarged marketing area, and adoption of pool plant provisions providing for more inclusive regulation than under the Ohio Valley order, are expected to reduce the quantity of other source milk disposed of in the marketing area. In view of these changes, the more stringent requirements proposed by handlers are considered unnecessary. Production areas of plants which would be fully regulated and of those which might be partially regulated by virtue of disposition in the marketing area do not overlap to a degree such that nonpool plants could obtain a competitive procurement advantage under the system of compensatory payments adopted herein.

All funds collected from such compensatory payments should be added to the producer-settlement fund. The handler receiving other source milk on which a payment accrues should be obligated to make the compensatory payments to the producer-settlement fund. There will be no difference in actual amount so paid for milk whether the payment is required of the handler or of the operator of the unregulated plant from which the other source milk was obtained. Because the handler makes the actual distribution of the milk in the marketing area, and because he reports the utilization to the market administrator, he is, from an administrative view, the logical person to make the payment.

(e) *Payments to producers.* The payment provisions contained in the proposed order are in the same form as such provisions of the Louisville-Lexington order except for minor changes. The butterfat differential applicable to the uniform price should be an average of the Class I and Class II butterfat differentials weighted by the quantities of butterfat in producer milk classified in each class. These butterfat differentials were proposed by the producer association. It has been concluded in the foregoing considerations that the proposed Class I and Class II butterfat differentials will provide proper pricing of butterfat in relation to its value in the respective classes. The proposed producer butterfat differential will serve to distribute to producers a return for the butterfat content of their milk in line with average classified utilization by handlers.

Location differentials should apply to uniform prices to producers according to the location of plants at which producer milk is received (or delivered in the case of bulk tank milk for which a cooperative association is the handler). This differential should be at the same rate as the Class I location differentials so as to properly reflect the value of producer milk for the fluid market.

Producers requested that the fall production incentive program now operating in the Louisville-Lexington market be continued under the proposed order for the enlarged area. This seasonal pricing plan is preferred by producers over the base-excess plan in the Ohio Valley order. The fall production incentive plan is retained in the proposed order as a means of stabilizing the seasonal variations of production. Testimony on behalf of producers held that the change in the plan applicable to the present Ohio Valley producers would have little, if any, effect on the annual income of such producers.

Producer representatives maintained, however, that participation of producers in the fall premium payments in the months of September through December should be limited to producers who have made a proportionate contribution in the preceding spring and summer months of April through July. Concern was expressed with respect to the possibility of large groups of producers being shifted from nearby markets to this market in the fall period.

This proposal conflicts with the purpose of the fall premium plan as part of a Federal milk order. The plan is a method of inducing farmers to produce milk for the market in a more even pattern throughout the year. The money collected in the months of April through July is an accumulation of payments from handlers and does not represent contributions by producers. The money is held in the producer-settlement fund until it is distributed to producers in the fall months. This fund of money must necessarily be paid out on all milk of dairy farmers who have been determined to qualify as producers in the fall months. To do otherwise would require discrimination among qualified producers with respect to pricing. The record does not present a basis which could justify such discrimination.

(f) *Administrative and miscellaneous provisions.* The Class I price and butterfat differential should be announced on the 8th day of the month. This is the date of announcement presently used under the Ohio Valley order and will provide earlier information to the market than the Louisville-Lexington order provision. On the same date the Class II price and butterfat differential of the preceding month should be announced. The uniform price to producers for milk received in the previous month should be announced on or before the 12th day of the month.

Reports on receipts and utilization of milk handled during the month should be due at the office of the market administrator on the 8th day after the end of such month. Handlers should be notified of their obligations on the 13th day after the end of the month. Payments to producers should be made on or before the last day of the month for milk received during the first 15 days of the month at a rate not less than the Class II price for 3.5 percent milk of the preceding month and without adjustment for butterfat content and hauling. Final payment should be made to producers on or before the 17th day following the month in which the milk was received. Payments to a cooperative association for member milk would be required two days earlier.

Payroll reports should be submitted by handlers on or before the 20th day following the end of the month. The proposed order continues the provision now contained in both orders requiring the market administrator on or before the 15th day after the end of the month to report, upon request, to a cooperative association the percentage of milk used in each class by each handler to which the association or member delivered milk.

Both orders now provide for deductions from payments to producers of money to be used by the market administrator for certain marketing services. These include providing market information to producers, verification of weights, and sampling and testing of milk received from producers for whom such services are not being rendered by a qualified cooperative association. The rate of deduction is five cents per hun-

dredweight under the Louisville-Lexington order and six cents under the Ohio Valley order. Under the proposed order the rate now applied in the Louisville-Lexington order should be sufficient to cover such expense. In lieu of these deductions, the order would require payments to a qualified cooperative association determined to be providing such services for producers. The rate of such payments would be according to the authorization given by the producer.

For expense of administration, the Louisville-Lexington order requires payments at the rate of 3 cents per hundredweight while the rate under the Ohio Valley order is 4 cents. The three-cent rate should apply under the new order. Handlers operating pool plants would be obligated to pay such rate with respect to milk received there from producers or from a cooperative association acting as a handler on bulk tank milk it causes to be delivered from the farm to such plant. Milk diverted by a handler (including a cooperative association) would also be subject to such a payment. Payment would be required on other source milk received by a pool plant and assigned to Class I milk. Nonpool plant operators would be required to pay an administrative assesament in amounts depending on their choice of option with respect to meeting their obligations to the producer-settlement fund. If the nonpool plant operator elects to make payment to the producer-settlement fund on the amount of Class I milk disposed of in the marketing area, his payment for expense of administration would be on such amount, allowing credit, however, for milk received from pool plants which is classified as Class I milk. If the nonpool plant operator elects to have his obligation computed at the difference between his payments to his qualified dairy farmers who constitute his Grade A milk supply and the amount which would be his obligation as a pool plant operator, then his obligation for administrative expense would be based on his entire receipts of Grade A milk from dairy farmers and any other receipts allocated to Class I milk, with allowance, however, for similar payments under another Federal order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the orders. The following order amending the orders regulating the handling of milk in the Louisville-Lexington, Kentucky, and Ohio Valley marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the amended orders, as hereby proposed to be amended:

DEFINITIONS

§ 1046.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1046.2 Secretary.

"Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties pursuant to the Act of the said Secretary of Agriculture.

§ 1046.3 Department.

"Department" means the United States Department of Agriculture or other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1046.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1046.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1046.6 Louisville-Lexington-Evansville marketing area.

"Louisville-Lexington-Evansville marketing area", hereinafter called the "marketing area", means all territory geographically located within the perimeter boundaries of Anderson, Bourbon, Daviess, Fayette, Franklin, Garrard, Grayson, Hancock, Hardin, Henderson, Henry, Hopkins, Jefferson, Jessamine, Larue, Madison, McLean, Meade, Mercer, Montgomery, Muhlenberg, Nelson, Ohio, Oldham, Scott, Shelby, Spencer, Union, Webster, and Woodford Counties in the State of Kentucky, and Clark, Crawford, Daviess, Dubois, Floyd, Gibson, Harrison, Knox, Martin, Orange, Perry, Pike, Posey, Spencer, Vanderburgh, Warrick, and Washington Counties in the State of Indiana, including all municipal corporations and institutions owned or operated by the Federal, State or local governments lying wholly or partially within such territory.

§ 1046.7 Producer.

"Producer" means any person, except a producer-handler:

(a) Who produces milk on a dairy farm which is approved by a duly constituted health authority for the production of milk for fluid disposition (this definition shall include approval of milk by the authority to administer the regulations governing the quality of milk acceptable to agencies of the U.S. Government for fluid consumption in its institutions or bases located in the marketing area during any month in which such milk is disposed of to such institutions or bases); and

(b) Whose milk so produced pursuant to paragraph (a) of this section is received at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1046.8(c) or diverted in accordance with the conditions set forth in § 1046.14.

§ 1046.8 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a city plant or a country plant;

(b) Any cooperative association with respect to milk diverted by it in accordance with the conditions set forth in § 1046.14; and

(c) Any cooperative association with respect to the milk of its producer members which is delivered for the account of the cooperative association from the farm to the pool plant(s) of another handler in a tank truck owned by, operated by, or under contract to such cooperative association if the cooperative association has notified in writing prior to delivery both the market administrator and the handler to whom the milk is delivered that it wishes to be the handler for such milk. Such milk shall be considered as having been received by the cooperative association at the location of the plant to which it was delivered.

§ 1046.9 Producer-handler.

"Producer-handler" means any person who processes and packages milk from his own farm production, distributes any portion of such milk in the marketing area on a route and receives no fluid milk products from other dairy farmers or nonpool plants: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the care and management of all of the dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) is the personal enterprise of and at the personal risk of such person, and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

§ 1046.10 City plant.

"City plant" means a plant where milk is processed or packaged and from which fluid milk products permitted to be labeled as "Grade A" by a duly constituted health authority are disposed of on a route(s) in the marketing area.

§ 1046.11 Country plant.

"Country plant" means a milk plant, other than a city plant, which is approved by a duly constituted health authority to supply milk, skim milk or cream to a city plant(s) for disposition as "Grade A" milk and at which milk is received during the month from persons described in § 1046.7(a) or from a cooperative association in its capacity as a handler pursuant to § 1046.8(c).

§ 1046.12 Pool plant.

"Pool plant" means:

(a) A city plant, other than a plant operated by a producer-handler, which meets the following requirements:

(1) For each of the months of May through October not less than 30 percent and for each of the months of November through April not less than 50 percent of the fluid milk products received during the two months immediately preceding from persons described in § 1046.7(a), from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), from country plants and from pool plants in containers not larger than a gallon are disposed of as Class I milk from such plant during such two-month period to all outlets except such disposition to pool plants in containers larger than a gallon: *Provided*, That, if such utilization percentage for the two preceding months cannot be ascertained by the market administrator, the respective percentages shall apply to receipts and sales during the current month; and

(2) An amount of Class I milk equal to not less than an average of 13,500 pounds per day or not less than 10 percent of the fluid milk products received during the current month from persons described in § 1046.7(a), from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), and from country plants is distributed on routes in the marketing area;

(b) A country plant during any of the months of October through March from which not less than 50 percent, and during other months not less than 40 percent, of the receipts of milk at such plant from persons described in § 1046.7(a) and from a cooperative association in its capacity as a handler pursuant to § 1046.8(c) are moved to and received at a city plant in the form of milk, skim milk or cream;

(c) A country plant during the months of April through September from which not less than 50 percent of the combined receipts of milk from persons described in § 1046.7(a) and from a cooperative association in its capacity as a handler pursuant to § 1046.8(c) during the preceding period of October through March were moved to and received at a city plant(s) in the form of milk, skim milk, or cream, unless the operator of such plant notifies the market administrator in writing on or before March 15 of withdrawal of the plant from the pool for the months of April through September next following; and

(d) A country plant which is operated by a cooperative association if (1) two-thirds or more of the milk from persons described in § 1046.7(a) who are members of such association is delivered during the month from farms to the pool plant(s) of other handlers or transferred by such association from its plant to the pool plant(s) of other handlers or (2) such plant qualified as a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding consecutive months of October through February.

§ 1046.13 Nonpool plant.

"Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 1046.14 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk from producers which is:

(a) Received from producers at a pool plant for the account of the person operating such plant: *Provided*, That, in the case of milk other than that delivered by a cooperative association pursuant to § 1046.8(c), when withdrawals of milk are made at more than one pool plant from the same load delivered by farm tank pickup truck and in the absence of agreement between the operators of such pool plants as to the reporting of and payment for such milk, the entire load shall be deemed to have been received at the first pool plant at which any of such milk was withdrawn;

(b) Diverted from a pool plant to a nonpool plant for the account of the operator of the pool plant or for the account of a cooperative association: *Provided*, That such milk so diverted shall be deemed to have been received at the pool plant from which it is diverted if diverted for the account of the handler operating such plant or at the location of the pool plant from which diverted if diverted for the account of a cooperative association: *And provided further*, That producer milk pursuant to this paragraph shall not include the milk of any person during any of the months of October, November, January and February on days on which it is diverted by a handler to a nonpool plant in excess of one-half of the number of days of delivery during the month; or

(c) Received by a cooperative association in its capacity as a handler pursuant to § 1046.8(c).

§ 1046.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), reconstituted milk or skim milk, fortified milk or skim milk (including "diet" foods), cream (sweet or sour), half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mix, evaporated milk, condensed milk, aerated cream products, eggnog, and cultured sour mixtures not labeled as Grade A) which are neither sterilized nor packaged in hermetically sealed containers.

§ 1046.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk and milk received from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), or (3) opening inventory; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1046.17 Route.

"Route" means delivery (including disposition from a plant store or from a distribution point and distribution by a vendor) of a fluid milk product(s) to a wholesale or retail outlet(s) other than to a:

(a) Milk plant(s);

(b) Distribution point(s); or

(c) Food processing plant(s) for use other than for fluid consumption.

§ 1046.18 Chicago butter price.

"Chicago butter price" means the arithmetical average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported for the month by the Department.

§ 1046.19 Nonfat dry milk price.

"Nonfat dry milk price" means the arithmetical average of the weighted averages of the carlot prices per pounds of spray and roller process nonfat dry milk for human consumption, f.o.b. Chicago area manufacturing plants, as published for the month by the Department.

MARKET ADMINISTRATOR

§ 1046.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall

be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1046.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1046.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1046.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1046.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(h) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(i) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 5 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1046.30 through 1046.32, or payments pursuant to §§ 1046.61, 1046.80, 1046.84, and 1046.86 through 1046.88;

(j) On or before the 15th day after the end of each month, report to each cooperative association, which so requests, with respect to milk delivered by such association or by its members to each handler during the month: (1) The percentage of such receipts classified in each class; and (2) the percentage relationship of such receipts to the total pounds of Class I milk available to assign to such receipts exclusive of the Class I milk disposed of by such handler to the pool plant(s) of other handlers and to nonpool plants. For the purpose of these reports, the milk received from such association shall be treated on a pro rata basis of the total producer milk received by such handler during the month;

(k) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing the prices and butterfat differentials determined for each month as follows:

(1) On or before the 8th day of each month, the Class I price and butterfat differential for the month and the Class II price and butterfat differential for the preceding month computed pursuant to §§ 1046.51 and 1046.52; and

(2) On or before the 12th day after the end of each month, the uniform price computed pursuant to § 1046.71, and the butterfat differential computed pursuant to § 1046.81;

(l) On or before the 13th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(1) The net obligation computed for such handler pursuant to § 1046.70; and

(2) The amounts to be paid by such handler pursuant to §§ 1046.61, 1046.84, 1046.87, and 1046.88.

REPORTS, RECORDS AND FACILITIES

§ 1046.30 Reports of receipts and utilization.

(a) Each cooperative association in its capacity as a handler and each handler with respect to each of his pool plants shall report for the month to the market administrator in the detail and on forms prescribed by the market administrator, such reports to be due at the office of the market administrator not later than the 8th day after the end of such month:

(1) The quantities of skim milk and butterfat contained in receipts of producer milk (including such handler's own farm production);

(2) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants and in milk received from a cooperative association in its capacity as a handler pursuant to § 1046.8(c);

(3) The quantities of skim milk and butterfat contained in other source milk;

(4) Inventories of fluid milk products on hand at the beginning and end of the month;

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement, if required by the market administrator, of the disposition of Class I milk other than on routes operated wholly or partially within the marketing area; and

(6) Such other information with respect to his receipts and utilization of butterfat and skim milk as the market administrator may prescribe;

(b) Each handler operating a city plant which is a nonpool plant shall report on or before the applicable date specified in paragraph (a) of this section his receipts of milk from dairy farmers and all other sources and the utilization of such receipts in accordance with § 1046.40 as prescribed by the market administrator.

§ 1046.31 Payroll reports.

On or before the 20th day after the end of each month, each handler who received milk from producers or from a cooperative association of producers, and each handler operating a nonpool plant subject to § 1046.61(c) shall submit to the market administrator for each of his pool plants, or nonpool plants subject to § 1046.61(c), his producer or dairy farmer payroll for deliveries during the month which shall show (a) the total pounds of milk received from each producer, producer cooperative association or dairy farmer, and the average butterfat content of such milk, (b) the prices paid and the amount of payment to each producer, producer cooperative association, or dairy farmer, and (c) the nature and amount of any credits, deductions, or charges involved in such payments.

§ 1046.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler shall report to the market administrator, as soon as possible after first receiving milk from any producer, the name and address of such producer, the date upon which such milk was first received, and the plant at which such milk was received.

(c) On or before the 10th day after the request of the market administrator, each handler shall submit a schedule of rates which are charged and paid for the transportation of milk from the farm of each producer to such handler's plant. Changes in such schedule of rates and the effective dates thereof shall be reported to the market administrator within 10 days.

§ 1046.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts, records, and reports of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled;

(c) Payments to producers, including supporting records of all deductions and

written authorization from each producer of the rate per hundredweight or other method for computing hauling charges on such producer milk; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and other milk products on hand at the beginning and end of each month.

§ 1046.34 Retention of records.

All books and records required under this part to be available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified records and books until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1046.40 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported pursuant to §§ 1046.30 and 1046.61 shall be classified by the market administrator pursuant to the provisions of §§ 1046.41 through 1046.46.

§ 1046.41 Classes of utilization.

Subject to the conditions set forth in §§ 1046.42 through 1046.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except skim milk and butterfat disposed of in fluid form pursuant to paragraph (b) (4) and (5) of this section: *Provided*, That fluid milk products which have been fortified with nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of unfortified milk, skim milk, and cream of the same butterfat content; and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Used to produce frozen cream;

(3) In fluid milk products which have been fortified with nonfat milk solids which is not accounted for as Class I milk pursuant to the proviso in paragraph (a)(1) of this section;

(4) Disposed of for livestock feed or, in the case of skim milk only, dumped, upon prior notice as prescribed by the market administrator;

(5) Disposed of in bulk to bakeries, candy or soup manufacturers and other commercial food manufacturing establishments which do not dispose of any such receipts in the form of fluid milk products;

(6) In inventories of fluid milk products;

(7) In shrinkage, excluding shrinkage of other source milk, not to exceed the following:

(i) Two percent of skim milk and butterfat, respectively, in producer milk physically received at a pool plant; plus

(ii) One and one-half percent of skim milk and butterfat, respectively, in milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), except that if the handler operating such pool plant files notice with the market administrator on or before the date he submits his monthly report applicable to such milk pursuant to § 1046.30 that he is purchasing such milk on the basis of weights determined at the farm from farm bulk tank measurements the applicable percentage shall be two percent; plus

(iii) One and one-half percent of skim milk and butterfat, respectively, in fluid milk products received at a pool plant in bulk as a transfer from other pool plants; less

(iv) One and one-half percent of skim milk and butterfat, respectively, in fluid milk products transferred in bulk from a pool plant to other plants; and plus

(v) One-half of one percent of skim milk and butterfat, respectively, in producer milk received by a cooperative association in its capacity as a handler pursuant to § 1046.8(c), unless the exception provided in subdivision (ii) of this subparagraph applies; and

(8) In shrinkage of other source milk.

§ 1046.42 Shrinkage.

In computing shrinkage for the purposes of § 1046.41(b) (7) and (8) the market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in the following manner:

(a) Compute the total shrinkage for each handler, or for each pool plant in the case of those handlers operating pool plants, by subtracting the skim milk and butterfat, respectively, classified as Class I milk pursuant to § 1046.41(a)(1) and as Class II milk pursuant to § 1046.41 (b) (1) through (6) (subject to the provisions of §§ 1046.43 through 1046.45) from the receipts of the skim milk and butterfat, respectively, required to be reported pursuant to § 1046.03; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section between:

(1) The maximum pounds of skim milk and butterfat shrinkage allowable pursuant to § 1046.41(b)(7) divided by 0.02, and

(2) The total pounds of other source milk received in bulk in the form of fluid milk products.

§ 1046.43 Responsibility for classification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1046.44 Transfers.

Skim milk or butterfat disposed of by a handler from a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1046.8 (b) or (c) shall be classified as follows:

(a) As Class I milk if transferred in the form of a fluid milk product to a pool plant of the same handler or of another handler unless utilization in Class II is claimed by the handler (or handlers) in their reports submitted pursuant to § 1046.30 or such milk is classified pursuant to paragraph (b) of this section: *Provided*, That the skim milk or butterfat so classified as Class II milk shall be limited to the amount of skim milk or butterfat, respectively, remaining in Class II milk in the transferee plant after making the assignments pursuant to § 1046.46(a) (1) through (8) and the corresponding steps of § 1046.46 (b), and any additional amount of skim milk or butterfat so transferred shall be classified as Class I milk: *And provided further*, That if the transferor plant has other source milk during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the highest priced available class utilization to the producer milk at both plants: *And provided also*, That in no case shall the assignment of transferred skim milk or butterfat to Class I in the transferee plant exceed the difference between the transferee plant's total receipts of milk and milk products and utilization by the transferee plant in Class II;

(b) If a specified utilization of skim milk and butterfat transferred to a pool plant of another handler by a cooperative association in its capacity as a handler pursuant to § 1046.8(c) is not claimed by both handlers pursuant to paragraph (a) of this section, such skim milk and butterfat shall be classified pro rata to the respective amounts remaining in each class at the pool plant of the receiving handler after making the assignments pursuant to § 1046.46(a)(8) and the corresponding step of § 1046.46 (b) and after assignment of milk for which specified classification has been claimed by handlers pursuant to paragraph (a) of this section;

(c) As Class I milk if transferred to a producer-handler in the form of a fluid milk product;

(d) As Class I milk if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonpool plant located less than 250 airline miles from the City Hall in either Louisville, Kentucky, or Evansville, Indiana, unless:

(1) The handler claims classification in Class II in his report submitted to the market administrator pursuant to § 1046.30;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are

made available if requested by the market administrator for verification;

(3) An amount of skim milk and butterfat, respectively, of not less than that so claimed by the handler was used in the nonpool plant in products included in Class II milk or was disposed of by the nonpool plant in the form of cream in bulk if the handler meets the requirements specified in subdivisions (i), (ii), and (iii) of this subparagraph:

(i) Claims classification of such cream as Class II;

(ii) Establishes that such cream was transferred without Grade A certification, each shipping container was tagged or labeled to show that the contents were for manufacturing use only, and the shipment of such cream was invoiced accordingly; and

(iii) Affords the market administrator at least 24 hours notice prior to shipment of such cream so that he may verify such shipment;

(4) The classification reported by the handler results in an amount of skim milk and butterfat in Class I milk claimed by all handlers transferring or diverting milk to such nonpool plant of not less than the amount of assignable Class I milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant and classified as Class I milk pursuant to the classification provisions of this order applied to such nonpool plant, subtract the skim milk and butterfat, respectively, received at such plant directly from dairy farmers who hold permits to supply "Grade A" milk and who the market administrator determines constitute the regular source of supply for such nonpool plant; and

(ii) From the remaining amount of Class I milk, subtract the skim milk and butterfat, respectively, in fluid milk products received from another market and which is classified and priced as Class I milk pursuant to another order issued pursuant to the Act: *Provided*, That the amount subtracted pursuant to this subdivision shall be limited to such markets' pro rata share of such remainder based on the total receipts of skim milk and butterfat, respectively, at such nonpool plant which are subject to the pricing provisions of an order issued pursuant to the Act; and

(5) If the skim milk and butterfat, respectively, transferred, or diverted by all handlers to such a nonpool plant and reported as Class I milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class I milk pursuant to subparagraph (4) of this paragraph, an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the claimed Class II classification reported by each of such handlers; and

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonpool plant located 250 airline miles or more from the City Hall in either Louisville, Kentucky, or Evansville, Indiana.

§ 1046.45 Computation of the skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted pursuant to § 1046.30 by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before such product is disposed of by a handler, the hundredweight of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids.

§ 1046.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1046.45 the market administrator shall determine for each pool plant the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified pursuant to § 1046.41(b)(7) (i) through (iv);

(2) Subtract from the total pounds of skim milk in Class I milk (i) the pounds of skim milk received in the form of sour cream in consumer packages and disposed of in the same packages as Class I milk if such sour cream is classified and priced as Class II milk under the Chicago Federal milk order (Order No. 30) and (ii) the pounds of skim milk received in the form of liquid dietary products in consumer packages and disposed of in the same packages as Class I milk to the extent of the amount allowable pursuant to § 1046.41(a)(1) if such products are classified and priced as Class I milk under the Cincinnati Federal milk order (Order No. 33);

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which are not subject to the Class I pricing provisions of an order issued pursuant to the Act and which have not been subtracted pursuant to subparagraph (2)(i) of this paragraph;

(4) Subtract from the remaining pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which are subject to the Class I pricing provisions of another order issued pursuant to the Act and which have not been subtracted pursuant to subparagraph (2)(ii) of this paragraph;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(9) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers and from a cooperative association in its capacity as a handler pursuant to § 1046.8(c) according to its classification determined pursuant to § 1046.44 (a) or (b); and

(10) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

Minimum Prices

§ 1046.50 Basic formula price.

The basic formula price shall be the higher of the prices as computed to the nearest one-tenth of a cent by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Company and Location
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.2, and

(2) From the nonfat dry milk price, subtract 5.5 cents and multiply the difference by 8.2.

§ 1046.51 Class prices.

Subject to the provisions of §§ 1046.52 and 1046.53 the minimum class prices for milk per hundredweight for the month shall be determined by the market administrator as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.25, plus or minus a supply-demand adjustment of not more than 50 cents computed pursuant to subparagraphs (1) through (6) of this paragraph: *Provided*, That the Class I price during the period beginning with the effective date of this amendment through May 1962 shall not be less than $4.43:

(1) Calculate the percentage that total receipts of producer milk were of the total Class I milk at all pool plants for each of the following periods (using for those months included in this computation which are prior to the effective date of this order the quantities of receipts and utilization which have been established for such months under the Louisville-Lexington order and the Ohio Valley order):

(i) The 24-month period ending with the third preceding month, and

(ii) The two-month period ending with the second preceding month and the corresponding two-month period of each of the two preceding years;

(2) Determine the simple average of the percentages for the three two-month periods computed pursuant to subparagraph (1)(ii) of this paragraph and divide by the percentage for the 24-month period determined pursuant to subparagraph (1)(i) of this paragraph;

(3) Add to the quotient obtained pursuant to subparagraph (2) of this paragraph the corresponding ratios for each of the 11 months immediately preceeding and divide by 12;

(4) Multiply 144 percent by the result obtained by dividing the ratio computed pursuant to subparagraph (2) of this paragraph by the ratio computed pursuant to subparagraph (3) of this paragraph;

(5) Determine the net deviation percentage by subtracting the percentage determined pursuant to subparagraph (4) of this paragraph from the percentage determined pursuant to subparagraph (1)(ii) of this paragraph for the second and third preceding months; and

(6) If the net deviation percentage computed pursuant to subparagraph (5) of this paragraph is a minus value, add to the Class I price, or if such net deviation percentage is a plus value, subtract from the Class I price an amount which is two-thirds of the total number of cents (rounding any fraction to the nearest tenth of a cent) computed pursuant to subdivisions (i), (ii), and (iii) of this subparagraph: *Provided*, That any such supply-demand adjustment shall not result in a change from the adjustment effective for the preceding month of more than 4 cents:

(i) One cent times each such percentage point of net deviation; plus

(ii) One cent times the lesser of:

(a) Each such percentage point of net deviation, or

(b) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (5) of this paragraph for the month immediately preceding; plus

(iii) One cent times the least of:

(a) Each such percentage point of net deviation,

(b) Each percentage point of net deviation of like direction computed pursuant to subparagraph (5) of this paragraph for the month immediately preceding, or

(c) Each percentage point of net deviation of like direction computed pursuant to subparagraph (5) of this paragraph for the second preceding month.

(b) *Class II milk.* The price for Class II milk for the months of September through March shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the delivery period, and for the months of April through August such price less 10 cents: *Provided*, That such reported price shall be adjusted to a 3.5 percent butterfat basis by the butterfat differential computed pursuant to § 1046.52(b) and rounded to the nearest one-tenth of a cent.

§ 1046.52 Butterfat differentials to handlers.

For each one-tenth of one percent that the weighted average butterfat test of milk which is classified as Class I or Class II is more or less than 3.5 percent, there shall be added to or subtracted from, as the case may be, the price for such class a butterfat differential (computed to the nearest one-tenth of a cent) determined as follows:

(a) *Class I milk.* Multiply the Chicago butter price for the preceding month by 0.125.

(b) *Class II milk.* Multiply the Chicago butter price for the month by $0.120.

§ 1046.53 Location differentials to handlers.

For that milk received from producers or from a cooperative association in its capacity as a handler pursuant to § 1046.8(c) at a pool plant located at any point which is 85 miles or more from the City Hall in Evansville, Indiana, or Louisville, Lexington, Danville, Elizabethtown, or Madisonville, Kentucky, whichever is nearer, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1046.51(a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received:

	Rate per hundredweight (cents)
Distance from City Hall:	
85 miles but less than 95 miles	15.0
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 1046.46(a)(8) and the comparable steps in § 1046.46(b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1046.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Application of Provisions

§ 1046.60 Producer-handlers.

Sections 1046.50 through 1046.53, 1046.61, 1046.70, 1046.71, and 1046.80 through 1046.89 shall not apply to a producer-handler.

§ 1046.61 Obligation of handlers operating a nonpool plant which is a city plant.

Each handler, except a producer-handler, in his capacity as the operator of a nonpool plant which is a city plant shall:

(a) On or before the 8th day after the end of the month make reports to the market administrator with respect to the disposition of Class I milk in the marketing area and such other information on the total receipts and utilization of skim milk and butterfat at each of such plants as the market administrator may require, except that a handler selecting the option provided in paragraph (c) of this section at the time his report is filed shall report in accordance with §§ 1046.30 and 1046.31 as though such plant(s) were a pool plant; and

(b) On or before the 15th day after the end of the month pay to the market administrator, unless such handler elects at the time of reporting pursuant to paragraph (a) of this section the option provided pursuant to paragraph (c) of this section, the amounts specified in subparagraphs (1) and (2) of this paragraph:

(1) An amount for deposit in the producer-settlement fund equal to the rate of payment for unpriced milk pursuant to § 1046.70(c) multiplied by the hundredweight of skim milk and butterfat disposed of from such plant as Class I milk (computed in accordance with § 1046.45) on routes in the marketing area during such month less the skim milk and butterfat, respectively, received from a pool plant during the month and classified as Class I milk under this part; and

(2) An amount for administrative assessment equal to the rate specified in § 1046.88 with respect to skim milk and butterfat disposed of from such plant as Class I milk (computed in accordance with § 1046.45) on routes in the marketing area during such month less the skim milk and butterfat, respectively, received from a pool plant during the month and classified as Class I milk under this part; or

(c) On or before the 18th day after the end of the month pay to the market administrator the amounts specified in subparagraphs (1) and (2) of this paragraph:

(1) An amount for deposit in the producer-settlement fund equal to any plus amount remaining after deducting from the obligation that would have been computed pursuant to § 1046.70 for such non-

pool plant, and for any country plant (meeting the requirements equivalent to § 1046.12 (b) or (c)) which serves as a source of milk for such nonpool plant, if such plant(s) were a pool plant(s), the amounts specified in subdivisions (i) and (ii) of this subparagraph: *Provided*, That in the application of § 1046.44 for the purpose of this subparagraph, milk transferred or diverted from such nonpool plant(s) to a pool plant shall be classified as Class I and Class II milk in the same ratio as other source milk is allocated to each class in such pool plant pursuant to § 1046.46(a)(3) and the corresponding step of § 1046.46(b): *And provided further*, That in the application of § 1046.46(a)(9) and the corresponding step of § 1046.46(b), receipts of fluid milk products at such nonpool plant from a pool plant(s) shall be allocated to the class in which such products are classified at the pool plant(s) pursuant to § 1046.44 (d) or (e):

(i) The gross payments made on or before the 17th day after the end of the month for milk received at such plant(s) during the month from dairy farmers meeting the conditions in § 1046.7(a); and

(ii) Any payments to the producer-settlement funds under other orders issued pursuant to the Act applicable to milk handled at such plant during the month as a partially regulated plant under such other orders; and

(2) An amount for administrative assessment equal to the amount which would have been computed pursuant to § 1046.88 if such nonpool plant had been a pool plant during the month: *Provided*, That such amount shall be reduced by any amounts paid for the month as an administrative expense assessment determined on the basis of Class I milk disposed of on routes in other marketing areas pursuant to the terms under such other orders issued pursuant to the Act: *And provided further*, That if less Class I milk is disposed of from such plant on routes in the Louisville-Lexington-Evansville marketing area than is disposed of during the month on routes in another marketing area(s) as defined in an order(s) issued pursuant to the Act, and if an administrative expense assessment is applied at such plant as if a fully regulated (pool) plant under such order pursuant to the order for the marketing area where the volume of Class I milk disposed of from such plant is greatest, no administrative expense assessment shall be applied under this order.

§ 1046.62 Plants subject to other Federal orders.

Unless determined otherwise by the Secretary, the provisions of this part shall not apply to a milk plant during any month in which the milk at such plant would be subject to the pricing and pooling provisions of another order issued pursuant to the Act unless such plant meets the requirements for a pool plant pursuant to § 1046.12 and a greater volume of fluid milk products is disposed of from such plant to pool plants and to retail or wholesale outlets located in the Louisville-Lexington-Evansville marketing area than in the marketing area regulated pursuant to such other order during the current month and each of the three months immediately preceding: *Provided*, That the operator of a plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 1046.70 Net obligation of each handler.

The net obligation of each handler for milk received during each month from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to §§ 1046.40 through 1046.46 by the applicable class prices and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1046.46 by the applicable class prices;

(c) Add the amount computed by multiplying the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 1046.46(a)(3) and the corresponding step of § 1046.46(b) by the price resulting from the following computations:

(1) For the months of January through September, subtract from the Class I price adjusted by the Class I butterfat and location differentials at the nearest plant(s) from which an equivalent amount of other source milk was received and the Class II price adjusted by the Class II butterfat differential; and

(2) For the months of October through December, subtract from the Class I price adjusted by the Class I butterfat differential the uniform price computed pursuant to § 1046.71 adjusted by the producer butterfat differential;

(d) Add the amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified as Class II milk during the preceding month or the hundredweight of milk subtracted from Class I milk pursuant to § 1046.46(a)(7) and the corresponding step of § 1046.46(b), whichever is less; and

(e) Add the amount computed by multiplying the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 1046.46(a)(7) and the corresponding step of § 1046.46(b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (d) of this section and the skim milk and butterfat subtracted from Class II milk pursuant to § 1046.46(a)(5) and the corresponding step of § 1046.46(b) in the preceding month by the applicable rate determined pursuant to paragraph (c) (1) or (2) of this section for the month.

§ 1046.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the net obligations computed pursuant to § 1046.70 for all handlers who made the reports prescribed in § 1046.30 for the month and who are not in default of payments pursuant to § 1046.84 for the preceding month;

(b) Subtract, if the average butterfat content of the producer milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1046.81 and multiplying the resulting figure by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 1046.82;

(d) Subtract for each of the months of April, May, June and July an amount computed by multiplying the total hundredweight of producer milk included in these computations by 12 percent of the simple average of the basic formula prices, computed to the nearest cent, for the 12 months of the preceding calendar year (using prices computed according to the basic formula provisions of this order for any periods prior to the effective date of this order);

(e) Add an amount representing one-half of the cash balance on hand in the producer-settlement fund after deducting the total amount of contingent obligations to handlers pursuant to § 1046.85(a) and the balance held pursuant to paragraph (d) of this section for payment pursuant to § 1046.85(b);

(f) Divide the resulting total by the total hundredweight of producer milk included in these computations; and

(g) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (f) of this section. The resulting figure shall be the uniform price.

PAYMENTS

§ 1046.80 Time and method of payment for producer milk.

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the last day of each month for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler, an amount computed at not less than the Class II price for 3.5 percent milk for the preceding month without deduction for hauling;

(b) On or before the 17th day after the end of each month for milk received from such producer during such month, an amount computed at not less than the uniform price per hundredweight plus the per hundredweight payment provided by § 1046.85(b) for the month, subject to the butterfat differential computed pursuant to § 1046.81, and plus or minus adjustments for errors made in previous payments to such producer and less (1) the payment made pursuant to paragraph (a) of this section, (2) the location differential pursuant to § 1046.82, (3) marketing service deductions pursuant to § 1046.87 and (4) proper deductions authorized by such producer which, in the case of a deduction for hauling, shall be in writing and signed by such producer or, in the case of members of a cooperative association which is marketing the producer's milk, by such association;

(c)(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association in lieu of payments pursuant to paragraphs (a) and (b) of this section, each handler shall pay to the cooperative association on or before the second day prior to the dates specified in paragraphs (a) and (b), respectively, of this section, an amount equal to the sum of the individual payments otherwise payable to such producers without the deductions provided by paragraphs (b) (3) and (4) of this section: *Provided*, That deductions for supplies authorized by such producer may be made. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making the payments to producers pursuant to paragraph (b) of this section, each handler shall furnish each producer a supporting statement which shall show for each month the following:

(1) The identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(e) In making payments to a cooperative association pursuant to paragraph (c) of this section, each handler shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

(1) On or before the 20th day of the month, the total pounds of milk received during the first 15 days of such month, and

(2) On or before the 7th day of the following month, the total pounds of milk received each month, together with the butterfat content of such milk and the amount of deductions claimed by such handler.

(f) Each handler shall pay to the cooperative association on or before the 10th day of the following month for milk received from a cooperative association for which it is a handler pursuant to § 1046.8(c) an amount computed at not less than the value of such milk at the minimum prices for milk in each class subject to the applicable location and butterfat differentials.

§ 1046.81 Butterfat differentials to producers.

In making payment to producers pursuant to § 1046.80(b) each handler shall add to the uniform price not less than, or subtract from the uniform price not more than, as the case may be, for each one-tenth of one percent that the butterfat content of the milk received from the producer is above or below 3.5 percent, a butterfat differential computed by the market administrator by multiplying the total pounds of butterfat in producer milk classified in Class I and Class II milk during the month pursuant to §§ 1046.40 through 1046.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resulting figure to the nearest one-tenth of a cent.

§ 1046.82 Location differentials to producers.

In making payments to producers pursuant to § 1046.80(b) a handler shall deduct from the uniform price, with respect to all milk received from producers, not more than the appropriate zone differential provided in § 1046.53.

§ 1046.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1046.61, 1046.84 and 1046.86 and out of which he shall make all payments pursuant to §§ 1046.85 and 1046.86: *Provided*, That payments due any handler shall be offset by payments due from such handler.

§ 1046.84 Payments to the producer-settlement fund.

On or before the 15th day after the end of each month, each handler shall pay to the market administrator any amount by which the net obligation of such handler for the month is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted by the producer butterfat and location differentials.

§ 1046.85 Payments out of the producer-settlement fund.

(a) On or before the 16th day after the end of each month, the market administrator shall pay to each handler for payment to producers any amount by which the net obligation of such handler for the month is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted by the producer butterfat and location differentials: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(b) On or before the 16th day after the end of each of the months of September, October, November, and December, the market administrator shall pay out of the producer-settlement fund to each handler for all milk for which payment is to be made to producers pursuant to § 1046.80(b) for such month and to each cooperative association for all producer milk for which such association is receiving payments pursuant to § 1046.80 (c) for such month at the following rate per hundredweight: For the months of September through November, divide one-fourth of the aggregate amount set aside in the producer-settlement fund pursuant to § 1046.71(d) during the immediately preceding period of April through July, and for the month of December, divide the balance remaining in such fund by the hundredweight of producer milk received by all handlers during the month (computed to the nearest cent per hundredweight).

§ 1046.86 Adjustment of accounts.

(a) Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever such verification discloses that payment is due from the market administrator to any handler, pursuant to § 1046.85, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler, discloses payment of less than is required by § 1046.80, the handler shall pay any amount so due not later than the time of making payment to producers next following such disclosure.

(b) Overdue accounts: Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1046.80,

1046.84, 1046.85, 1046.86(a), 1046.87, or 1046.88 shall be increased one-half of one percent each month or fraction thereof, compounded monthly, until such obligation is paid.

§ 1046.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 1046.80(b), shall deduct 5 cents per hundredweight, or such amount not in excess thereof as the Secretary may prescribe, with respect to all milk received by such handler from producers (other than such handler's own farm production) during the month and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) Each cooperative association which is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for whom such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unterminated membership contract with each producer. In making payments to producers for milk received during the month, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, deductions in accordance with the association's claim and shall pay the amount deducted to the association within 15 days after the end of the month.

§ 1046.88 Expense of administration.

As his pro rata share of the expense of the administration of this part, each handler, excluding a cooperative association in its capacity as a handler pursuant to § 1046.8(c), shall pay to the market administrator on or before the 15th day after the end of each month 3 cents per hundredweight, or such lesser amount as the Secretary may prescribe, for each hundredweight of skim milk and butterfat contained in his receipts during the month of (a) producer milk (including such handler's own farm production), (b) milk received from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), and (c) other source milk allocated to Class I milk pursuant to § 1046.46(a)(3) and the corresponding step of § 1046.46(b). A handler operating a city plant which is a nonpool plant shall pay administrative assessments in accordance with § 1046.61.

§ 1046.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled, and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deductions of set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1046.90 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 1046.91.

§ 1046.91 Suspension or termination.

Any or all provisions of this part, or any amendment to this part, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give and shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1046.92 Continuing power and duty.

(a) If upon the suspension or termination of any or all provisions of this part there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged, (2) from time to time account for all receipts and disbursements and, if so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

§ 1046.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, except §§ 1046.34, 1046.89, and 1046.91 through 1046.93, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1046.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1046.101 Separability of provisions.

If any provision of this part, or its application to any person, or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

Signed at Washington, D.C., on January 31, 1962.

FRANK J. WELCH,
Assistant Secretary.

[F.R. Doc. 62-1170; Filed, Feb. 2, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-NY-86]

FEDERAL AIRWAY, ASSOCIATED CONTROL AREAS, AND REPORTING POINTS

Proposed Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 8 presently extends from Lock Haven, Pa., to Crystal Lake, Pa. The Federal Aviation Agency is considering revoking Red 8. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that the route from Lock Haven to Crystal Lake, Pa., is adequately served by the numerous VOR Federal airways in this area. In addition, the Federal Aviation Agency IFR peak-day airway traffic survey for the period of July 1, 1960, to June 30, 1961, shows a maximum of one aircraft movement on Red 8. Therefore, it appears that the retention of this airway is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Red 8 and its associated control areas. Adoption of this proposal would not result in discontinuance of the low frequency navigational aids associated with Red 8.

Any proposal to discontinue one or more of these aids would be circularized separately and interested persons would be afforded an opportunity to comment. Concurrently with this action, § 601.4206, relating to reporting points associated with Red 8 would also be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 29, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1141; Filed, Feb. 2, 1962; 8:46 a.m.]

[14 CFR Parts 600, 608]

[Airspace Docket No. 61-KC-21]

RESTRICTED AREA AND FEDERAL AIRWAY

Proposed Designation and Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6169 and 608.47 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal by the Department of the Army for the designation of a restricted area at Sioux Ordnance Depot, Sidney, Nebr., as follows:

Boundaries. A circular area with a 2400-foot radius centered at latitude 41°15'13" N., longitude 103°04'50" W.

Designated altitudes. Surface to 7,400 feet MSL.

Time of designation. 0900 to 2100 MST, Monday through Friday.

Using agency. Commanding Officer, Sioux Ordnance Depot, Sidney, Nebr.

The proposed restricted area would provide special use airspace for the neutralization of ammunition by a process known as burning. The Department of the Army advises that this process is considered a hazard to aircraft since an uncontrolled explosion may occur at any time during the burning operation.

Low altitude VOR Federal airway No. 169 would overlap the proposed restricted area to a minor degree (approximately one-half mile). To preclude the necessity of prior coordination for the use of this segment of airway and to afford maximum flexibility of operations, the description of Victor 169 would be altered to exclude the portion which would lie within the proposed restricted area. The exclusion of this portion of Victor 169 would provide adequate separation between enroute operations along the airway and operations within the proposed restricted area since the maximum allowable tolerance of the VOR navigation aid (Sidney, Nebr., VOR) at this distance from the facility would permit an even greater reduction in the airway width.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 29, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1144; Filed, Feb. 2, 1962; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-FW-84]

CONTROL ZONE

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of a control zone within a 5-mile radius of Stallings Field, Kinston, N.C. (latitude 35°19'40" N., longitude 77°37'05" W.), and within 2 miles either side of the Kinston VOR 047° True radial extending from the

VOR to 8 miles northeast. The time of designation would coincide with the hours of operation of the aviation weather reporting service provided by Piedmont Airlines from 0700 to 2330 eastern standard time, daily. Variances in the time of weather reporting would alter the time of designation of the control zone and would be reported in advance of such changes by the issuance of a Notice to Airmen.

The proposed control zone would provide protection for aircraft executing prescribed instrument approach procedures at Stallings Field. Communications would be provided by the FAA's New Bern Flight Service Station.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street NW., Atlanta 3, Ga. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 30, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1135; Filed, Feb. 2, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-KC-54]

CONTROL ZONE

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a part-time control zone at Oshkosh, Wis. The proposed control zone would be designated within a 7-mile radius of the Winnebago County Airport, Oshkosh, Wis. (latitude 43°59'20" N., longitude 88°33'15" W.) and within 2 miles either side of the Oshkosh VOR 176° True radial extending from the VOR to 8 miles south, from 0600 to 2200 hours local standard time daily. This control zone would provide protection for aircraft executing prescribed instrument approach procedures to the Winnebago County Airport. In addition, the 7-mile radius is required to contain the flight paths of aircraft executing standard instrument departures. Communications and weather service would be provided for aircraft operating within the proposed control zone by the Federal Aviation Agency control tower scheduled to be commissioned in May 1962. If this proposal is adopted, the control zone would not be made effective prior to the time communications and weather service are available.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 30, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1136; Filed, Feb. 2, 1962; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61-WA-215]

JET ADVISORY AREA

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.300 of the regulations of the Administrator, the substance of which is stated below.

In accordance with Special Civil Air Regulation No. 444 (26 F.R. 292) the Federal Aviation Agency has under consideration the designation of a terminal radar jet advisory area within the continental control area from flight level 240 to flight level 390 inclusive and within 16 miles either side of the following instrument departure route from the San Francisco/Oakland, Calif., Metropolitan area.

From the San Francisco, Calif., VOR via the intersection of the San Francisco VOR 304° and the Sacramento, Calif., VORTAC 233° True radials; thence via the Sacramento VORTAC 233° True radial to the intersection of the Sacramento VORTAC 239° and the Linden, Calif., VORTAC 269° True radials; thence via the Linden VORTAC 269° True radial to the Linden VORTAC; thence via the Linden VORTAC 046° and the Reno, Nev., VOR 208° True radials to the Reno VOR.

The designation of this proposed terminal radar jet advisory area would provide a defined area wherein jet advisory service would be provided to civil turbojet aircraft departing the San Francisco/Oakland Metropolitan area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 30, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1137; Filed, Feb. 2, 1962; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61-WA-221]

JET ADVISORY AREAS

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.300 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of additional terminal radar jet advisory areas at Tampa, Fla. It is proposed to designate terminal radar jet advisory areas within the continental control area from flight level 240 to flight level 390 inclusive within 16 miles either side of the following departure/arrival routes at Tampa:

1. St. Petersburg, Fla., VORTAC to the Ocala, Fla., VORTAC.

2. St. Petersburg VORTAC via the St. Petersburg VORTAC 320° True radial to the boundary of the continental control area.

3. Gainesville, Fla., VOR via the intersection of the Gainesville VOR 231° and the St. Petersburg VORTAC 350° True radials; thence south via the St. Petersburg VORTAC 350° True radial to the boundary of the continental control area.

The designation of these proposed terminal radar jet advisory areas would provide defined areas wherein jet advisory service would be provided to civil turbojet aircraft departing the Tampa/St. Petersburg Metropolitan area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 30, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1138; Filed, Feb. 2, 1962; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61-LA-115]

JET ADVISORY AREA

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.300 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of additional terminal radar jet advisory areas at Tampa, Fla. It is proposed to designate terminal radar jet advisory areas within the continental control area from flight level 240 to flight level 390 inclusive within 16 miles either side of the following departure/arrival routes at Tampa:

1. St. Petersburg, Fla., VORTAC to the Ocala, Fla., VORTAC.

2. St. Petersburg VORTAC via the St. Petersburg VORTAC 320° True radial to the boundary of the continental control area.

3. Gainesville, Fla., VOR via the intersection of the Gainesville VOR 231° and the St. Petersburg VORTAC 350° True radials; thence south via the St. Petersburg VORTAC 350° True radial to the boundary of the continental control area.

The designation of these proposed terminal radar jet advisory areas would provide defined areas wherein jet advisory service would be provided to civil turbojet aircraft departing the Tampa/St. Petersburg Metropolitan area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 30, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1138; Filed, Feb. 2, 1962; 8:46 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 61-LA-120]

RESTRICTED AREA

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.25 of the regulations of the Administrator, the substance of which is stated below.

The China Lake South, Calif., Restricted Area R-2506 is an area of approximately 89 square miles assigned to the Commander, Naval Ordnance Test Station, China Lake, Calif., and provides restricted airspace for the run-in portion of the loft bombing maneuvers conducted at a target located within the adjacent China Lake Restricted Area R-2505 at latitude 35°46'00" N., longitude 117°44'10" W. R-2506 is designated from the surface to 6,000 feet MSL, sunrise to sunset, Monday through Friday, and provides a 5 nautical mile wide run-in corridor approximately 22 nautical miles in length from the target site.

The Federal Aviation Agency has reviewed information submitted by the Department of the Navy concerning the utilization of this restricted area. This review indicates that the special use airspace assigned to the Naval Ordnance Test Station at China Lake is in excess of that necessary to contain the activities conducted therein. Accordingly, the Federal Aviation Agency is considering the alteration of the assigned special use airspace by reducing the lateral dimensions of R-2506 to the extent necessary to satisfy the minimum requirements for activities associated with the run-in portion of the loft bombing maneuver. This action would reduce the size of R-2506 to an area of approximately 8 square miles which would provide for a 10-nautical mile run-in to the target site.

If this action is taken, R-2506 would be designated as follows:

R-2506 China Lake South, Calif.:

Boundaries. Beginning at latitude 35°37'30" N., Longitude 117°41'40" W.; to latitude 35°35'50" N., longitude 117°41'35" W.; to latitude 35°35'45" N., longitude 117°45'25" W.; to latitude 35°37'30" N., longitude 117°45'30" W.; to the point of beginning.

Designated altitudes. Surface to 6,000 feet MSL.

Time of designation. Sunrise to sunset, Monday through Friday.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.

Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for

consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 29, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1143; Filed, Feb. 2, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 9]

CERTAIN OFFICERS

Designation To Act as Administrator

Pursuant to the authority vested in me by Delegation of Authority No. 104 from the Secretary of State, and in accordance with the provisions of section 624(b) of the Foreign Assistance Act of 1961, as amended, it is directed as follows:

In the event of the absence, death, resignation or disability of the Administrator, the following designated officers of the Agency for International Development shall, in the order of succession indicated, act as Administrator:

1. Deputy Administrator.
2. Deputy Administrator for Program.
3. Assistant Administrator, Bureau for Near East-South Asia.
4. Assistant Administrator, Bureau for Latin America.
5. Assistant Administrator, Bureau for Africa and Europe.
6. Assistant Administrator, Bureau for Far East.

This delegation of authority shall be effective immediately.

FOWLER HAMILTON,
Administrator.

JANUARY 26, 1962.

[F.R. Doc. 62-1168; Filed, Feb. 2, 1962; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-3]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to April 2, 1962, the latest completion date specified in Construction Permit No. CPPR-1 for the construction of the 163,000 kilowatt (electrical) pressurized water nuclear reactor to be located at Indian Point, New York.

Copies of the Commission's order and of the application by Consolidated Edison Company of New York, Inc., are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 30th day of January 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 62-1128; Filed, Feb. 2, 1962; 8:45 a.m.]

[Docket No. 50-101]

UNITED NUCLEAR CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 3, set forth below, to Facility License No. R-49. The license, as amended, authorizes United Nuclear Corporation to possess and operate the nuclear reactor, designated as the "Pawling Research Reactor" and located at Pawling, New York. This amendment authorizes United Nuclear Corporation (1) to modify the upper end cap design of the outer buffer fuel elements and the means of attaching this fuel to the upper support structure; and (2) to omit a three inch Masonite reflector around the sides of the top of the reactor tank. These authorizations were among those requested by the licensee in an application for amendment dated May 23, 1961.

The Commission has found that operation of the facility in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the facility in accordance with the license as amended would not present any substantial change in the hazards to the health and safety of the public from those already considered acceptable in connection with the previously approved operation of this facility.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty (30) days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details, see (1) the application for license amendment dated May 23, 1961, by United Nuclear Corporation, and (2) a hazards analysis of the proposed amendment prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 29th day of January 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

AMENDMENT TO FACILITY LICENSE

[License No. R-49; Amdt. 3]

License No. R-49, as previously amended, is further amended as follows:

1. The licensee is authorized to modify the upper end cap design of the outer buffer fuel elements as described in the application for amendment dated May 23, 1961.

2. The licensee is authorized to omit a three inch Masonite reflector around the sides of the top of the reactor tank as described in the application for amendment dated May 23, 1961.

This amendment is effective as of the date of issuance.

Date of issuance: January 29, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-1129; Filed, Feb. 2, 1962; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 155, Rev.; Revocation]

SECRETARY OF COMMERCE

Delegation of Authority to Establish Special Police Force for Protection of Maritime Administration Installations; Revocation

1. Pursuant to the authority vested in the Administrator of General Services by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, Delegation of Authority No. 155, Revised (22 F.R. 7499), dated September 12, 1957, to the Secretary of Commerce to appoint uniformed guards as special policemen in connection with the protection of Maritime Administration installations is hereby revoked.

2. The revocation of this delegation of authority shall be effective as of the date hereof.

Dated: January 30, 1962.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 62-1160; Filed, Feb. 2, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I.C.C. Order 140]

MIDLAND VALLEY RAILROAD CO.

Rerouting and Diversion of Traffic

In the opinion of Charles W. Taylor, Agent, the Midland Valley Railroad Company, due to bridge damage near Arkansas City, Kansas, is unable to transport traffic routed over its lines.

It is ordered, That:

(a) Rerouting traffic: Midland Valley Railroad Company and its connections, being unable to transport traffic in accordance with shippers routing because of bridge damage are hereby authorized to divert or reroute traffic moving over its lines over any available route to expedite the movement.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is diverted or rerouted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 4:00 p.m., January 30, 1962.

(g) Expiration date: This order shall expire at 11:59 p.m., February 15, 1962, unless otherwise modified, changed, suspended or annulled.

It is further ordered. That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D.C., January 29, 1962.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 62-1159; Filed, Feb. 2, 1962; 8:48 a.m.]

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PART II

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 27 NUMBER 24

Washington, Saturday, February 3, 1962

Milk Marketing Orders for San Antonio, Texas, Marketing Area, Austin-Waco Marketing Area, and Texas Panhandle Marketing Area

Title 7—AGRICULTURE

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 127]

PART 1127—MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

Order Amending Order

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AUTHORITY: §§ 1127.0 to 1127.101 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1127.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the San Antonio, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe with respect to skim milk and butterfat (i) received from producers, (ii) received at a pool plant as other source milk and allocated to Class I milk, or (iii) distributed as Class I milk in the marketing area from a nonpool plant during such preceding month.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than February 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued December 11, 1961, and the decision containing all amendment provisions of this order, was issued January 9, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective February 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the San Antonio, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended to read as follows:

DEFINITIONS

§ 1127.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended, by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1127.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 1127.3 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1127.4 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association (a) to have its entire activities under the control of its members, (b) to have full authority in the sale of milk of its members, and (c) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act".

§ 1127.5 San Antonio, Texas, marketing area.

"San Antonio, Texas, marketing area" hereinafter called the "marketing area" means all the territory including all municipal corporations and all Federal military reservations, facilities and installations located within the boundaries of Bexar County, Texas.

§ 1127.6 Distributing plant.

"Distributing plant" means all the buildings, premises, and facilities of a plant:

(a) Which is approved by an appropriate health authority having jurisdiction in the marketing area or by another health authority whose certification is accepted by such health authority for the processing of Grade A milk or which is acceptable to an agency of the Federal government for distribution of milk to its installations in the marketing area;

(b) In which milk or skim milk is processed or packaged; and

(c) From which Class I milk is disposed of during the month on routes in the marketing area or from which Class I milk is supplied to installations located in the marketing area of an agency of the Federal government.

§ 1127.7 Supply plant.

"Supply plant" means all the buildings, premises, and facilities of a plant equipped to either receive or cool milk which is approved by the appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area, and from which an amount equal to not less than 50 percent of its receipts from dairy farmers, who would be producers if the plant qualified as a pool plant, are shipped to a distributing plant during the month: *Provided*, That any plant which qualifies as a supply plant for each of the months of July through February shall be considered to be a supply plant for the following months of March through June of such year, except that if the operator of such plant files a written request with the market administrator, supply plant status shall be terminated as of the first of the following month.

§ 1127.8 Pool plant.

"Pool plant" means:

(a) A distributing plant (other than one exempt pursuant to § 1127.60) which disposes of as Class I milk on routes in the marketing area 15 percent or more of its receipts of milk during the month from pool plants and from dairy farmers conforming to the requirements set forth in § 1127.11;

(b) A supply plant; and

(c) Any plant approved by an appropriate health authority having jurisdiction in the marketing area to supply milk for distribution as Grade A milk in the marketing area which is operated by a cooperative association, and 50 percent or more of the producer milk of members is received during the month in the pool plants of other handlers, or is transferred to such plants from the plant of the cooperative association.

§ 1127.9 Nonpool plant.

"Nonpool plant" means any plant, other than a pool plant, engaged in receiving, manufacturing or distributing milk.

§ 1127.10 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a nonpool plant from which Class I milk is disposed of on routes in the marketing area;

(c) A cooperative association with respect to the milk of a member producer diverted to a nonpool plant for its account pursuant to § 1127.11 for each day's milk production that such producer's milk is diverted during the month. Milk so diverted shall be deemed to have been received by the association at a pool plant at the location of the pool plant at which the milk was received prior to diversion; and

(d) A cooperative association with respect to the producer milk of its members which is delivered directly from the farm to the pool plant of a handler in a tank truck owned and operated by or under contract to such cooperative association unless the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing, prior to the first day of the month, that it does not desire to be the handler for such milk. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by the association at a pool plant at the location of the pool plant to which it is delivered.

§ 1127.11 Producer.

"Producer" means any person who produces milk, (a) under a dairy farm permit or rating for the production of milk to be disposed of for consumption as Grade A milk, issued by an appropriate health authority having jurisdiction in the marketing area or by another health authority whose certification is accepted by such health authority, or (b) which is acceptable to an agency of the Federal Government for fluid consumption in its institutions or bases located in the marketing area; which is received directly from the farm at a pool plant or diverted from a pool plant to a nonpool plant for the account of a cooperative association: *Provided*, That if the days of production of such person for which milk is diverted exceeds one-third of the days of production that milk is delivered to a pool plant during the month, such milk shall cease to be producer milk for the entire period of such diversion. This definition shall not include any person with respect to milk produced by him which is received by a handler partially exempt, pursuant to § 1127.60, nor shall it include a dairy farmer during the months of March through June, if milk from the same dairy farmer (or farm) was received at a nonpool plant operated by the same handler, as other than producer milk, on more than half the days of delivery during the preceding months of July through February, except that in the application of this proviso to operations prior to July 1, 1961, the period from the effective date of this amended order through February 1961 shall be substituted for the period of July through February otherwise indicated.

§ 1127.12 Producer milk.

"Producer milk" means any skim milk or butterfat contained in milk of a producer received at a pool plant or diverted by a cooperative association in accordance with § 1127.10(c).

§ 1127.13 Other source milk.

"Other source milk" means all skim milk and butterfat:

(a) Other than that contained in producer milk or in receipts of fluid milk products from pool plants;

(b) In products designated as Class II milk pursuant to § 1127.41(b) from any source (including those of a plant's own production) which are reprocessed or converted to another product in the plant during the month; and

(c) In any disappearance of non-fluid milk products not otherwise accounted for.

§ 1127.14 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream or any mixture of cream and milk or skim milk (except eggnog, cultured sour cream, frozen storage cream and bulk ice cream and frozen dairy product mixes).

§ 1127.15 Route.

"Route" means any delivery of Class I milk (including any delivery by a vendor or disposition at a plant store) to wholesale or retail outlets, except deliveries in bulk form to other pool plants.

MARKET ADMINISTRATOR

§ 1127.20 Designation.

The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1127.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1127.22 Duties.

The market administrator shall:

(a) Within 30 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1127.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1127.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments of each handler by audit, or such other means as the market administrator finds necessary, of such handler's records and of the records of any other person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts has not:

(1) Made reports pursuant to §§ 1127.30 to 1127.31, or

(2) Made payments pursuant to § 1127.61 and §§ 1127.80 to 1127.88.

(i) On or before the twelfth day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be assigned to each class in the proportion that the total producer milk in each class is to the total receipts of producer milk by such handler;

(j) Notify handlers and make announcement by such other means as he deems appropriate of prices as follows:

(1) On or before the tenth day of each month the Class I price for such month computed pursuant to § 1127.51 and the Class I butterfat differential computed pursuant to § 1127.53;

(2) On or before the fifth day of each month the prices of Class II and Class II–A milk for the preceding month computed pursuant to § 1127.52 and the butterfat differential for Class II and Class II–A milk computed pursuant to § 1127.53; and

(3) On or before the twelfth day of each month for the preceding month the uniform price computed pursuant to § 1127.71, and the butterfat differential to producers computed pursuant to § 1127.81.

(k) Prepare and publish such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 1127.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his pool plants as follows:

(a) The quantities of skim milk and butterfat contained in producer milk;

(b) The quantities of skim milk and butterfat contained in (or represented by) receipts from pool plants;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The quantities of skim milk and butterfat contained in receipts of Class II and Class II–A products disposed of in the form in which received without further processing or packaging by the handler;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(f) Such other information with respect to the receipt and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1127.31 Reports of payments to producers.

On or before the 20th day after the end of each month, each handler who received milk from producers shall submit to the market administrator his producer payroll for the month, which shall show for each producer:

(a) His total deliveries of milk;

(b) The average butterfat content of such milk; and

(c) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 1127.32 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat received from any source;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and other milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and other milk products on hand at the beginning and end of each month.

§ 1127.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1127.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month at a pool plant in the form of producer milk, other source milk, or receipts from other pool plants shall be classified by the market administrator pursuant to the provisions of §§ 1127.41 to 1127.46.

§ 1127.41 Classes of utilization.

Subject to the conditions set forth in §§ 1127.43 and 1127.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of fluid milk products: *Provided, however*, That when any such product is fortified with nonfat milk solids the amount of skim milk to be classified as Class I shall be only that amount equal to the weight of skim milk in an equal volume of unfortified product of the same nature and butterfat content;

(2) Contained in inventories of fluid milk products on hand at the end of the month; and

(3) All other skim milk and butterfat not specifically accounted for as Class II milk or Class II–A milk;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those designated as Class I in paragraph (a) of this section or as Class II–A in paragraph (c) of this section;

(2) Disposed of for livestock feed;

(3) In shrinkage allocated to (i) receipts of other source milk in the form of fluid milk products, (ii) receipts of producer milk in an amount not to exceed one-half of one percent of the total receipts of skim milk and butterfat received from producers at the pool plant, plus one and one-half percent of the total pounds of skim milk and butterfat in milk received at a pool plant from producers and in bulk as milk in fluid form from other pool plants (including milk received from a cooperative association in its capacity as a handler pursuant to § 1127.10(d)) and which are not disposed of in bulk as milk in fluid form to another pool plant;

(4) Skim milk contained in any fortified product designated in subparagraph (a)(1) of this section in excess of the pounds of skim milk in such product classified as Class I pursuant to such subparagraph; and

(c) Class II–A milk shall be all skim milk and butterfat used to produce Cheddar cheese.

§ 1127.42 Shrinkage.

The market administrator shall allocate shrinkage to a handler's receipts at pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in milk of producers and other source milk received in the form of fluid milk products.

§ 1127.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified as Class II or Class II–A shall be reclassified if such skim milk or butterfat is later disposed of (whether in original or other form) in another classification.

§ 1127.44 Transfers.

Skim milk or butterfat transferred or diverted from a pool plant in the form of milk, skim milk, or cream shall be classified:

(a) As Class I milk, if transferred to the pool plant of another handler, unless utilization as Class II or Class II–A milk is mutually reported in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transfer occurred, and the amount of skim milk or butterfat so assigned to Class II or Class II–A does not exceed the amount of skim milk or butterfat, respectively, remaining in Class II or Class II–A utilization by the transferee-handler after the subtraction of other source milk pursuant to § 1127.46: *Provided*, That the skim milk and butterfat so transferred shall be classified so as to result in a maximum assignment of producer milk first to Class I milk and secondly to Class II milk. In no case shall the assignment to Class I milk in the transferee plant be greater than the difference between its total receipts of milk and its total utilization of such milk in Class II and Class II–A.

(b) As Class I milk, if transferred or diverted to a nonpool plant except as:

(1) The transferring or diverting handler claims utilization as Class II milk or Class II–A milk;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, in which case skim milk and butterfat so transferred or diverted shall be allocated to the highest use classification remaining after subtracting in series beginning with the highest use classification, the skim milk and butterfat in milk received at the nonpool plant directly from dairy farmers who the market administrator determines constitute its regular source of supply for Class I milk.

(c) As Class II milk if transferred subject to verification by the market administrator to a wholesale food manufacturing establishment which has no Class I disposition of skim milk or butterfat.

§ 1127.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler and shall compute the pounds of skim milk and butterfat in each class of milk for such handler. Skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such products, plus all of the water originally associated with such solids.

§ 1127.46 Allocation of skim milk and butterfat classified.

(a) The pounds of skim milk remaining in each class after making the following computations for each handler for each month shall be the pounds of skim milk in such class allocated to producer milk received by such handler during such month.

(1) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in fluid milk products which were on hand at the beginning of the month;

(2) Subtract from the pounds of skim milk in each class the pounds of skim milk received from other pool plants in a form other than milk, skim milk, or cream according to its classification pursuant to § 1127.41;

(3) Subtract from the pounds of skim milk remaining in Class II milk the plant shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 1127.41(b)(3)(ii);

(4) Subtract from the pounds of skim milk in Class I milk the pounds of skim milk received from a nonpool plant in the form of packaged fluid milk products which are not in excess of the pounds of skim milk transferred to such plant from the pool plant of the handler in fluid form and classified as Class I milk;

(5) Subtract from the pounds of skim milk remaining in each class beginning with the lowest priced class the pounds of skim milk in other source milk which were received in the form of nonfluid milk products other than condensed skim milk or nonfat dry milk;

(6) Subtract from the pounds of skim milk remaining in each class beginning with the lowest priced class the pounds of skim milk in other source milk received in the form of condensed skim milk or nonfat dry milk;

(7) Subtract from the pounds of skim milk remaining in each class beginning with the lowest priced class the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing and payment provisions of another order issued pursuant to the Act and on which a compensatory payment has not been paid under the order;

(8) Subtract from the pounds of skim milk remaining in each class beginning with the lowest priced class the pounds of skim milk in other source milk received in the form of fluid milk products which were subject to the Class I pricing and payment provisions of another order issued pursuant to the Act or on which a compensatory payment had been paid under another order;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received from other pool plants according to the class to which they were assigned pursuant to § 1127.44(a);

(10) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (3) of this paragraph and if the pounds of skim milk remaining in all classes exceed the pounds of skim milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with the lowest priced class.

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the same manner prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I, Class II, and Class II–A milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 1127.50 Minimum prices.

Subject to the appropriate differentials computed pursuant to §§ 1127.53 and 1127.54 each handler shall pay in the manner set forth in §§ 1127.70 to 1127.86 for milk received at his pool plant from producers at not less than the prices per hundredweight set forth in §§ 1127.51 and 1127.52.

§ 1127.51 Class I milk.

The Class I milk price shall be the price for Class I milk established under Federal Order No. 126 regulating the handling of milk in the North Texas marketing area plus 42 cents.

§ 1127.52 Class II and Class II–A milk.

(a) *Class II milk.* During April, May, and June, the price per hundredweight for Class II milk shall be the price computed pursuant to subparagraph (1) of this paragraph, less 14 cents or the price computed pursuant to paragraph (b) of this section, whichever is higher. During all other months, the Class II price shall be the price computed pursuant to subparagraph (1) of this paragraph or paragraph (b) of this section, whichever is higher.

(1) The sum of the amounts computed pursuant to subdivisions (i) and (ii) of this subparagraph, rounded to the nearest cent:

(i) Multiply by 4.4, the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month;

(ii) From the average of the carlot prices per pound of nonfat dry milk for human consumption, spray process, f.o.b. manufacturing plants in the Chicago area as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the current month, subtract 5 cents and multiply by 8.16.

(b) *Class II–A milk.* The minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II–A milk shall be computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month involved and rounding to the nearest cent.

§ 1127.53 Butterfat differentials to handlers.

If the average butterfat content of the milk of any handler allocated to any class pursuant to § 1127.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to §§ 1127.51 and 1127.52 for each one-tenth of 1 percent, that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the United States Department of Agriculture during the appropriate month by the applicable factor listed below:

(a) *Class I milk.* Multiply such price for the preceding month by 0.125;

(b) *Class II and Class II–A milk.* Multiply such price for the current month by 0.108.

§ 1127.54 Location adjustment credit to handlers.

For milk which is received from producers at a pool plant located more than 50 miles from the City Hall, in San Antonio, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator and which is classified as Class I milk, the price specified in § 1127.51 shall be reduced 1.5 cents per hundredweight for each 10 miles or fraction thereof that such plant is distant from the City Hall in San Antonio, Texas: *Provided*, That in calculating such adjustments, transfers to a pool plant at which a location adjustment is not applicable or at which it is less than at the transferor plant may be assigned to Class I only to the extent that Class I disposition at the transferee plant exceeds 95 percent of the receipts from producers and a cooperative association(s) in its capacity as a handler pursuant to § 1127.10(d) at such plant. Such assignment to transferor plants shall be made first to plants at which no location adjustment credit is applicable and then in sequence to plants at which the lowest rate of such adjustment credit would apply.

§ 1127.55 Use of equivalent prices.

If for any reason the price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATIONS OF PROVISIONS

§ 1127.60 Handlers subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a) or (b) of this section except that the operator thereof shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator, and, in the event he has disposed of on routes in the marketing area Class I milk which was neither classified nor priced under such other order or on which a compensatory payment was not made under any other order, shall pay to the market administrator on or before the 13th day of each month an amount computed by multiplying the total volume of such Class I milk disposed of on routes in the marketing area from such plant during the preceding month by the rate of compensatory payment computed pursuant to § 1127.65.

(a) A plant meeting the requirements for pooling pursuant to § 1127.8(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all of the provisions of this part in the immediately preceding month, it shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I route disposition is made in such other marketing area unless notwithstanding the provisions of this paragraph it is fully regulated under such other order.

(b) A plant meeting the requirements for pooling pursuant to § 1127.8(a) which also meets the pooling requirements of another Federal order on the basis of route distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area, but which plant is fully regulated under such other Federal order.

§ 1127.61 Handlers operating nonpool plants.

Each handler who is the operator of a nonpool plant whose milk is not subject to the classification and Class I pricing provisions of another order issued pursuant to the Act shall report, as required pursuant to § 1127.30, reporting receipts from dairy farmers in lieu of such information with respect to producers, shall allow verification of such reports, and on or before the 13th day of each month he shall pay to the market administrator an amount computed by multiplying the total volume of Class I milk disposed of on routes in the marketing area from such nonpool plant during the preceding month by the rate of compensatory payments computed pursuant to § 1127.65.

UNPRICED MILK

§ 1127.65 Rate of payment on unpriced milk.

The rate of payment per hundredweight applicable to other source milk which has not been subject to the classification and Class I pricing provisions of another order issued pursuant to the Act or on which a compensatory payment has not been made pursuant to another order and which is assigned to Class I use at pool plants or which is disposed of as Class I milk on routes in the marketing area from nonpool plants shall be calculated as follows:

(a) For the months of February through July, subtract the Class II prices adjusted by the Class II butterfat differential, from the Class I price, adjusted by the Class I butterfat differential, and, except in the case of condensed skim milk and nonfat dry milk, by the location adjustment pursuant to § 1127.54 which would be applicable if the nonpool plant were a pool plant; and

(b) During the months of January and August, subtract from the Class I price, adjusted by the Class I butterfat differential, the uniform price to producers, adjusted by the Class I butterfat differential.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 1127.70 Computation of value of milk for each handler.

For each month the market administrator shall compute the value of milk for each handler as follows:

(a) *Handlers who receive milk from producers:*

(1) Multiply the quantity of producer milk in each class computed pursuant to § 1127.46 by the applicable class price;

(2) If any overage has been deducted pursuant to § 1127.46 (a) and (b), multiply such amount by the applicable class price;

(3) For the months of January through August, multiply the hundredweight of other source skim milk and butterfat subtracted from Class I milk pursuant to § 1127.46(a) (5) through (7) and (b) by the applicable rate determined pursuant to § 1127.65; and

(4) Add together the resulting amounts in (1) through (3) of this paragraph.

(b) *Handlers who operate pool plants but who receive no milk from producers:*

(1) If any overage has been deducted pursuant to § 1127.46 (a) and (b), multiply such amount by the applicable class price;

(2) For the months of January through August, multiply the hundredweight of other source skim milk and butterfat subtracted from Class I milk pursuant to § 1127.46(a) (5) through (7) and (b) by the applicable rate determined pursuant to § 1127.65; and

(3) Add the resulting amounts in (1) and (2) of this paragraph.

§ 1127.71 Computation of uniform price for pool milk.

For each month the market administrator shall compute the uniform price for all milk received from producers as follows:

(a) Combine into one total the amounts computed pursuant to § 1127.70 (a) and (b) for all handlers who made the reports prescribed in § 1127.30 and who are not in default of payments required pursuant to §§ 1127.80 and 1127.84;

(b) Add an amount representing not less than one-half of the unobligated cash balance in the producer-settlement fund account pursuant to § 1127.83;

(c) Add the total value of the location adjustments to producers computed pursuant to § 1127.82;

(d) Subtract if the average butterfat content of the producer milk of handlers included in the computations pursuant to paragraph (a) of this section is greater than 4.0 percent, or add if such average is less than 4 percent, an amount computed by multiplying the amount by which such average butterfat content varies from 4.0 percent by the butterfat differential computed pursuant to § 1127.81 and multiply the resulting amount by the hundredweight of such milk;

(e) Divide by the total hundredweight of producer milk of handlers included in the computation pursuant to paragraph (a) of this section;

(f) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price per hundredweight for all milk of 4.0 percent butterfat content received from producers.

PAYMENT FOR MILK

§ 1127.80 Time and method of payment.

(a) Each handler shall pay to a cooperative association on or before the 13th day of the month, for milk received from it during the preceding month for which such association is a handler pursuant to § 1127.10(d), the value of such milk at not less than the applicable class prices: *Provided, however*, That for each hundredweight of milk so received during the first 15 days of any month, such handler shall, upon written request of the cooperative association make an advance payment to such association by the 26th day of the month at not less than the Class II price of the preceding month, in which case the obligation of the handler otherwise payable on or before the 13th day of the following month shall be reduced by the amount of such advance payment.

(b) Except as provided in paragraph (3) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(1) On or before the last day of each month, for milk received during the first 15 days of such month at not less than the price per hundredweight for Class II milk for the preceding month;

(2) On or before the 15th day after the end of the month during which the milk was received at not less than the uniform price per hundredweight computed for such month pursuant to § 1127.71 subject to the following adjustments: (i) the butterfat differential pursuant to § 1127.81, (ii) the location adjustment pursuant to § 1127.82, (iii) the payment made pursuant to subparagraph (1) of this section, (iv) marketing service deductions pursuant to § 1127.87, and (v) proper deductions authorized by such producer: *Provided*, That if by such date such handler has not received full payment pursuant to § 1127.85, he may reduce his total payment to all producers pro rata by not more than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this subparagraph not later than the date for making such payments next following receipt of the balance due from the market administrator;

(3) (i) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association, each handler shall on or before the 20th day of each month furnish the cooperative association information showing the daily and total pounds of milk received from each of the association's member producers for the first 15 days of such month and, on or before the 10th day after the end of each month, such information for the 16th through the end of such month, and shall pay to such association on or before the 26th and 13th day of each month, in lieu of payments pursuant to subparagraphs (1) and (2) respectively, of this paragraph an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(ii) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(4) In making the payments to producers pursuant to subparagraphs (2) and (3) of this paragraph, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show:

(i) The month for which payment is made and the identity of the handler and of the producer;

(ii) The total pounds and average butterfat test of milk received from such producer;

(iii) The minimum rate or rates at which payment to such producer is required;

(iv) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(v) The amount or rate per hundredweight of each deduction claimed by the handler; together with a description of the respective deductions; and

(vi) The net amount of payment to such producer.

§ 1127.81 Producer butterfat differential.

In making payments pursuant to § 1127.80 there shall be added to the uniform price for each one-tenth of one percent that the average butterfat content of such milk is above 4.0 percent not less than, or there may be deducted from the uniform price for each one-tenth of one percent that the average butterfat content of such milk is below 4.0 percent not more than an amount computed as follows: Multiply by 1.1 the simple average computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the

United States Department of Agriculture during the month, divide the result by 10 and round to the nearest one-tenth of a cent.

§1127.82 Location adjustment to producers.

In making payments to producers pursuant to § 1127.80 for that milk which is received from producers at a pool plant located more than 50 miles from the City Hall in San Antonio, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator, the handler may deduct an amount equal to not more than 1.5 cents per hundredweight for each 10 miles or fraction thereof that such plant is distant from the City Hall in San Antonio, Texas.

§ 1127.83 Producer-settlement fund.

The market administrator shall establish a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers, pursuant to §§ 1127.60, 1127.61, 1127.84, and 1127.86 and out of which he shall make all payments, pursuant to §§ 1127.85 and 1127.86.

§ 1127.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of each month each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount by which the value of milk for such handler pursuant to § 1127.70, for such month exceeds the obligation pursuant to § 1127.80(b) of such handler to producers for milk received during the month.

§ 1127.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 1127.70 is less than the value of such milk calculated at the uniform price adjusted by the producer butterfat differential and the location adjustment to producers.

§ 1127.86 Adjustment of accounts.

Whenever audit by the market administrator of any handler's books, reports, records, or accounts discloses errors resulting in money due:

(a) The market administrator from such handler;

(b) Such handler from the market administrator; or

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred.

§ 1127.87 Marketing service.

(a) *Marketing service deduction.* Except as set forth in paragraph (b) of this section each handler, in making payments to producers (other than himself) shall make a deduction of six cents per hundredweight of milk or such lesser deduction as the Secretary from time to time may prescribe. Such deductions shall be paid by the handler to the market administrator on or before the 15th day after the end of the month. Such moneys shall be expended by the market administrator for verification of weights and tests of milk received from such producers and in providing market information to such producers.

(b) *Marketing service deduction with respect to producers who are members of or are marketing through a cooperative association.* In the case of each producer who is a member of, or who has given written authorization for the rendering of marketing services and the taking of a deduction therefor to a cooperative association, which the Secretary has determined is performing the services described in paragraph (a) of this section, such handler, in lieu of the deduction specified under paragraph (a) of this section, shall deduct from the payments to such producer the amount per hundredweight specified by such association which is not in excess of the rate authorized by such producer and shall pay such deduction to the cooperative association entitled to receive it on or before the 15th day after the end of the month during which such milk was received.

§ 1127.88 Payment of administration expense.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to skim milk and butterfat (a) received from producers, (b) received at a pool plant as other source milk and allocated to Class I milk, or (c) distributed as Class I milk in the marketing area from a nonpool plant during such preceding month.

§ 1127.89 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The delivery period during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the agreement (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1127.90 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1127.91.

§ 1127.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1127.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1127.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1127.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1127.101 Separability of provisions.

If any provision of this part or its application to any person or circumstances is held invalid, the application of such provision, and the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Effective date: February 1, 1962.

Signed at Washington, D.C., on January 30, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-1150; Filed, Feb. 2, 1962; 8:46 a.m.]

[Milk Order 129]

PART 1129—MILK IN AUSTIN-WACO MARKETING AREA

Order Amending Order

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AUTHORITY: §§ 1129.0 to 1129.111 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1129.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Austin-Waco marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in, the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe with respect to all (a) receipts of producer milk including such handler's own production, (b) other source milk at a fluid milk plant which is classified as Class I milk and, (c) Class I milk disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except fluid milk plant) located in the marketing area from a nonfluid milk plant.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than February 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued December 11, 1961, and the decision containing all amendment provisions of this order, was issued January 9, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective February 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c) Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Austin-Waco marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 1129.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1129.2 Secretary.

"Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1129.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1129.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1129.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 10, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 1129.6 Austin-Waco marketing area.

"Austin-Waco Marketing Area" hereinafter called the marketing area means all territory, including all municipal corporations and all Federal military reservations, facilities and installations, located within or partially within the boundaries of Travis, Hays, Lampasas, Burnet, Caldwell, Bastrop, Williamson, Bell, Falls, McLennan, Coryell, Comal and Guadalupe Counties, all in the State of Texas.

§ 1129.7 Zone I.

"Zone I" means all territory south of the northern boundaries of Guadalupe, Comal, Kendall, Kerr, Edwards and Val Verde Counties, all in the State of Texas and all territory south of a boundary formed by United States Highway 90 east of the marketing area to the Colorado River and thence south along the Colorado River.

§ 1129.8 Distributing plant.

"Distributing plant" means any milk processing or packaging plant from which Class I milk equal to more than an average of 500 pounds per day or 5 percent, whichever is less, of the Grade "A" milk and skim milk received from dairy farmers or other plants, is disposed of during the month on a route(s) operated partially or wholly in the marketing area.

§ 1129.9 Supply plant.

"Supply plant" means any plant from which fluid milk, fluid skim milk or cream is received at a distributing plant:

(a) For any of the months of February through July, on four or more days during the month, or in an amount equal to a daily average of not less than 3,300 pounds for such month; and

(b) For any of the months of August through January:

(1) On ten or more days during the month, or in an amount equal to a daily average of not less than 8,300 pounds for such month; or

(2) On four or more days during the month, or in an amount equal to a daily average of not less than 3,300 pounds for such month, and such plant was a supply plant pursuant to (a) during any month of the immediately preceding period of February through July.

§ 1129.10 Fluid milk plant.

"Fluid milk plant" means (a) a distributing plant or a supply plant, and (b) any plant approved by the appropriate health authority to supply milk for distribution as Grade A milk in the marketing area if such plant is operated by a cooperative association, and 75 percent or more of the milk of the members of such association, including receipts pursuant to § 1129.13(b), is received at the fluid milk plants of other handlers.

§ 1129.11 Nonfluid milk plant.

"Nonfluid milk plant" means any milk manufacturing, processing, or bottling plant other than a fluid milk plant.

§ 1129.12 Approved plant.

"Approved plant" means: (a) A fluid milk plant, (b) any milk plant from which Class I milk is disposed of on a route in the marketing area.

§ 1129.13 Handler.

"Handler" means (a) any person in his capacity as the operator of one or more approved plants, and (b) a cooperative association with respect to the milk of any producer (1) which it diverts to a nonfluid milk plant, or (2) which it causes to be delivered directly from the farm, in bulk tank pickup trucks(s) owned and/or operated by, or under contract to, the cooperative association, to the fluid milk

other handler: *Provided*, That such milk shall be deemed to have been received by the cooperative association at the location of the fluid milk plant to which it is delivered, except that such milk shall be considered as a receipt of producer milk by the operator of such fluid milk plant for the purpose of §§ 1129.41(b)(4), 1129.42, 1129.46(a)(1) and 1129.95.

§ 1129.14 Route.

"Route" means the delivery (including delivery by a vendor or sale at a plant store) of milk, skim milk, buttermilk, cream or flavored milk drinks other than as follows:

(a) Delivery in bulk to a milk plant, or

(b) Delivery in consumer packages from a milk processing plant to a distributing plant in an amount not in excess of the amount of producer milk received by such processing plant during the month from the operator of such distributing plant and classified as Class I milk: *Provided*, That for the purposes of this paragraph milk so transferred to such processing plant shall be considered to be producer milk to the extent that total receipts during the month of producer milk by the operator of such distributing plant exceed his gross Class I sales less: (1) Receipts of Class I milk from other fluid milk plants; (2) milk transferred as Class I milk to such milk processing plant; and (3) milk received in consumer packages from such milk processing plant.

§ 1129.15 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a fluid milk plant or

(b) Diverted for his account by the operator of a fluid milk plant or cooperative association from such plant to a nonfluid milk plant during the period January through July and on not more than one-third of the days of delivery during the month for the period August through December: *Provided*, That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

§ 1129.16 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk produced by a producer and received at a fluid milk plant directly from producers or diverted from such a plant pursuant to § 1129.15.

§ 1129.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 1129.41(a)(1), except (1) such products received from other fluid milk plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 1129.41(b)(1) from any source (including those produced at the plant) which are reprocessed or converted into another product during the month.

§ 1129.18 Producer-handler.

"Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which milk is received from the dairy farm(s) of such person but from no other dairy farm: *Provided*, That such person shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the maintenance, care and management of the dairy animals and other resources necessary for the production of milk in his name are and continue to be the personal enterprise of and at the personal risk of such producer and the processing, packaging and distribution of the milk are and continue to be the personal enterprise of and at the personal risk of such producer in his capacity as a handler.

§ 1129.19 Chicago butter price.

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1129.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1129.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1129.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1129.95 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1129.94) necessarily incurred by him in maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by audit of such handler's records and the records of any other handler or person upon whose disposition of milk such handler claims classification of skim milk and butterfat and by such investigation as the market administrator deems necessary;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to § 1129.30 to § 1129.32, inclusive, or payments pursuant to § 1129.90 to § 1129.93, inclusive;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing:

(1) On or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 1129.50 and the Class I butterfat differential computed pursuant to § 1129.52(a), both for the current month, and the minimum price for Class II milk computed pursuant to § 1129.51 and the Class II butterfat differential computed pursuant to § 1129.52(b), both for the previous month; and

(2) On or before the 12th day after the end of each of the months, the uniform price for each handler computed pursuant to § 1129.72 and the butterfat differential computed pursuant to § 1129.91;

(j) On or before the 12th day after the end of each month, mail to each handler at his last known address, a statement showing for such handler:

(1) The amount and value of producer milk in each class and the totals thereof;

(k) On or before the 12th day after the end of each month, report to each cooperative association, which so requests, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(l) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and such

information concerning the operations hereof as are necessary and essential to the proper functioning of this part; and

(m) Upon request, furnish to a cooperative association for its members the data reported pursuant to § 1129.31 (a), (b) and (c).

REPORTS, RECORDS AND FACILITIES

§ 1129.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants as follows:

(a) The quantities of skim milk and butterfat contained in milk received from each producer;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 1129.41(a) received from fluid milk plants of other handlers;

(c) The quantities of skim milk and butterfat in other source milk;

(d) The quantities of skim milk and butterfat contained in inventories of products designated as Class I milk pursuant to § 1129.41(a) on hand at the beginning and end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the disposition of Class I milk outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 1129.31 Payroll reports.

On or before the 20th day of each month each handler, except a producer-handler, shall submit to the market administrator his producer payroll for deliveries of milk for the preceding month for each of his fluid milk plants which shall show for each producer:

(a) His name and address;

(b) The total pounds and the average butterfat test of milk received;

(c) The number of days if less than the entire month for which milk was received;

(d) Net amount of such handler's payment, together with the price(s) paid and the nature and amount of any deductions.

§ 1129.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, who causes milk to be diverted for his account directly from producers' farms to an unapproved plant, shall prior to such diversion, report to the market administrator and to the cooperative association, of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 1129.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including any deductions authorized by producers and disbursement of money so deducted.

§ 1129.34 Retention of records.

All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1129.40 Skim milk and butterfat to be classified.

All skim milk and butterfat at fluid milk plants which is required to be reported for the month pursuant to § 1129.30, shall be classified by the market administrator pursuant to the provisions of §§ 1129.41 to 1129.46, inclusive.

§ 1129.41 Classes of utilization.

Subject to the conditions set forth in §§ 1129.43 and 1129.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in fluid form as milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture of cream and milk or skim milk (other than frozen storage cream, aerated cream products, eggnog, ice cream mix or other frozen mixes, evaporated or condensed milk and any milk product contained in hermetically sealed containers): *Provided, however*, That when any such product is fortified with nonfat milk solids the amount of skim milk to be classified as Class I shall be only that amount equal to the weight of skim milk in an equal volume of unfortified product of the same nature and butterfat content, and (2) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section;

(2) Disposed of and used for livestock feed;

(3) Contained in inventory of milk and milk products designated as Class I milk pursuant to subparagraph (a)(1) of this section on hand at the end of the month;

(4) In shrinkage not to exceed 2 percent of skim milk and butterfat, respectively, in producer milk and other source milk; and

(5) Skim milk contained in any fortified product designated pursuant to paragraph (a)(1) of this section in excess of the pounds of skim milk in such product classified as Class I pursuant to such subparagraph.

§ 1129.42 Shrinkage.

The market administrator shall assign shrinkage at the fluid milk plant(s) of each handler as follows:

(a) Compute the shrinkage of skim milk and butterfat classified as Class II milk; and

(b) Assign the amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in producer milk and in other source milk.

§ 1129.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified as Class II milk;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1129.44 Transfers.

Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) In the classification indicated by both handlers in their reports submitted for the month to the market administrator pursuant to § 1129.30 if transferred in the form of products designated as Class I milk in § 1129.41(a)(1) to a fluid milk plant of another handler, except a producer-handler: *Provided*, That the percentage of the total quantities of skim milk and butterfat, respectively, in products thus transferred and assigned to Class I milk shall not be greater than the percentage of skim milk and butterfat in producer milk classified as Class I milk in the plant of the transferee handler: *And provided further*, That if either or both handlers have other source milk during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of products designated as Class I milk in § 1129.41(a)(1);

(c) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonfluid milk plant located more than 400 miles distant by the shortest highway distance as determined by the market administrator;

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonfluid milk plant located not more than 400 miles distant by the shortest highway distance as determined by the market administrator, unless the following conditions are met:

(1) The transferring-handler claims Class II utilization in a product specified in § 1129.41(b);

(2) The operator of such nonfluid milk plant keeps adequate books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to examine such books and records for the purpose of verification; and

(3) The Class I milk, as defined pursuant to § 1129.41(a) in such nonfluid milk plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers, who the market administrator determines, constitute the regular source of supply for such plant: *Provided*, That any Class I milk in excess of receipts from such dairy farmers shall be assigned to milk, skim milk, or cream so transferred or diverted.

§ 1129.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the fluid milk plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1129.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1129.45 the market administrator shall determine the classification of producer milk received at the fluid milk plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 1129.42(b);

(2) Subtract from the pounds of skim milk in Class I milk the pounds of skim milk received as Class I products in consumer packages from a nonfluid milk plant which are not in excess of the pounds of skim milk transferred or diverted by the handler to such nonfluid milk plant as Class I milk;

(3) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk in other source milk as defined pursuant to § 1129.17;

(4) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk contained in inventory on hand at the beginning of the month and classified pursuant to § 1129.41(b)(3);

(5) Subtract from the remaining pounds of skim milk in each class the received from the fluid milk plants of skim milk contained in products designated as Class I milk in § 1129.41(a)(1) received from the fluid milk plants of other handlers and in milk received from a cooperative association in its capacity as a handler pursuant to § 1129.13(b)(2), according to the classification of such skim milk as determined pursuant to § 1129.44(a);

(6) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

§ 1129.50 Class I milk.

Subject to the provisions of §§ 1129.52 and 1129.53 the minimum price per hundredweight to be paid by each handler for producer milk received at his fluid milk plant and classified as Class I milk shall be the price for Class I milk established under Federal Order No. 126 regulating the handling of milk in the North Texas marketing area, plus 38 cents.

§ 1129.51 Class II milk.

Subject to provisions of § 1129.52 the minimum price per hundredweight to be paid by each handler for producer milk received at his fluid plant and classified as Class II milk shall be the price computed pursuant to paragraph (a) of this section, less 14 cents or the price computed pursuant to paragraph (b) of this section, whichever is higher, during April, May, and June; and for each of the other months, the price computed pursuant to paragraph (a) or paragraph (b) of this section, whichever is higher:

(a) The sum of the plus values computed as follows:

(1) Subtract 3 cents from the Chicago butter price, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.16.

(b) The price per hundredweight computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars, or truckloads) as reported by the Department for the months and rounding to the nearest cent.

§ 1129.52 Butterfat differential to handlers.

For milk containing more or less than 4 percent butterfat, the class prices pursuant to §§ 1129.50 and 1129.51 shall be increased or decreased, respectively, for each one-tenth of one percent butterfat by the appropriate rate, rounded in each case to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II milk.* Multiply the Chicago butter price for the current month by 0.110.

§ 1129.53 Location adjustments to handlers.

For that milk which is received from producers at a fluid milk plant located outside of Zone I and classified as Class I milk the price specified in § 1129.50 shall be reduced 1.5 cents for each 10 miles or fraction thereof by the straight line distance as determined by the market administrator that the County Court House of the county in which such plant is located is from the County Court House in New Braunfels, Texas.

§ 1129.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1129.60 Producer-handlers.

Sections 1129.40 through 1129.46, 1129.50 through 1129.54, 1129.70 through 1129.72, and 1129.90 through 1129.96 shall not apply to a producer-handler.

§ 1129.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to any plant specified in paragraph (a), (b), or (c) of this section except that the operator thereof shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) An approved distributing plant which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than is disposed of on routes (other

than to a distributing plant(s)) in the Austin-Waco marketing area.

(b) An approved distributing plant which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes (other than to a distributing plant(s)) in the Austin-Waco marketing area than is disposed of on routes in such other Federal order marketing area, but which plant is, nevertheless, fully regulated under such other Federal order.

(c) An approved supply plant which (1) meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, or (2) retains automatic pooling status under another Federal order.

DETERMINATION OF UNIFORM PRICE

§ 1129.70 Net obligation of handlers.

The net obligation of each handler for producer milk received at his fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amount computed by multiplying the pounds of overage deducted from each class pursuant to § 1129.46 (a)(7) and (b) by the applicable class price;

(c) Add an amount computed as follows:

(1) Determine the pounds if any, that the skim milk or butterfat in inventory, subtracted from Class I milk pursuant to § 1129.46 (a)(4) and (b) is not in excess of the pounds in producer milk classified as Class II milk (other than as shrinkage) for the preceding month; and (2) multiply such pounds by the difference between the Class I price in the current month and the Class II price in the preceding month adjusted by the appropriate butterfat differentials;

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

§ 1129.71 Computation of aggregate value used to determine uniform prices.

For each month the market administrator shall compute an aggregate value for each handler from which to determine the uniform price(s) per hundredweight for producer milk of 4.0 percent butterfat content as follows:

(a) Add to the amount computed pursuant to § 1129.70 the total value of the location differential pursuant to § 1129.90 (b) or (c);

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, as determined pursuant to § 1129.91 and multiplying the result by the total hundredweight of producer milk; and

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month.

§ 1129.72 Computation of uniform prices for handlers.

For each month, the market administrator shall compute a uniform price for producer milk received by each handler as follows:

(a) Divide the aggregate value computed pursuant to § 1129.71 by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, at fluid milk plants in Zone I.

PAYMENTS

§ 1129.90 Payments to producers.

Except as provided in paragraph (d) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the 28th day of each month, for milk received during the first 15 days of the month at not less than the Class II price for the preceding month;

(b) On or before the 15th day after the end of each of the months for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 1129.72 subject to the butterfat differential computed pursuant to § 1129.91 and the location differential computed pursuant to § 1129.92; plus or minus adjustments for errors made in previous payments to such producers; and less (1) payment made pursuant to paragraph (a) of this section; (2) marketing service deductions pursuant to § 1129.94 and (3) proper deductions authorized by such producer;

(c) On or before the 13th and 26th days of each month in lieu of the payments pursuant to paragraphs (a) and (b) of this section, respectively, each handler shall pay to a cooperative association for milk which it caused to be delivered to such handler from producers and for which such cooperative association is not a handler pursuant to § 1129.13, if such cooperative association is authorized to collect such payments for its member-producers and has so requested the handler, an amount equal to the sum of the individual payments otherwise payable to such producers.

(d) On or before the 13th and 26th days of each month, each handler shall pay to a cooperative association for milk which was caused to be delivered to such handler by such cooperative association, and for which such cooperative association is a handler pursuant to § 1129.13 (b), an amount not less than the value of such milk computed by multiplying the pounds of such milk allocated to each class pursuant to § 1129.46 by the applicable class prices including the differentials prescribed by the order.

(e) In making the payments to producers pursuant to paragraphs (b) and (c) or (d) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 1129.91 Butterfat differential to producers.

The applicable uniform prices to be paid pursuant to § 1129.90 to producers delivering milk to each handler shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the Chicago butter price for the month by 0.110.

§ 1129.92 Location differential to producers.

In making payment to producers pursuant to § 1129.90, the uniform price to be paid for producer milk received at a fluid milk plant located outside of Zone I shall be reduced 1.5 cents for each 10 miles or fraction thereof by the straight line distance as determined by the market administrator that the County Court House of the county in which such plant is located is from the County Court House in New Braunfels, Texas.

§ 1129.93 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due a producer or the market administrator from such handler or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 1129.94 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1129.90, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of handlers

for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 13th day after the end of each month and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 1129.95 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all (a) receipts of producer milk, including such handlers' own production; (b) other source milk at a fluid milk plant which is classified as Class I milk; and (c) Class I milk disposed of during the month on routes located in the marketing area from a nonfluid milk plant other than a plant defined in § 1129.61.

§ 1129.96 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c(15)(A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1129.100 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1129.101.

§ 1129.101 Suspension or termination.

The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 1129.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1129.103 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1129.110 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

§ 1129.111 Separability of provisions.

If any provision of this part or its application to any person or circumstances is held invalid the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Effective date: February 1, 1962.

Signed at Washington, D.C., on January 30, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-1149; Filed, Feb. 2, 1962; 8:46 a.m.]

[Milk Order 132]

PART 1132—MILK IN TEXAS PANHANDLE MARKETING AREA

Order Amending Order

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AUTHORITY: §§ 1132.0 to 1132.111 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1132.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas Panhandle marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to butterfat and skim milk contained in (i) producer milk, (ii) other source milk at a pool plant which is allocated to Class I milk, and (iii) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another Federal order.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than February 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of the United States Department of Agriculture was issued November 29, 1961, and the decision of the Under Secretary containing all amendment provisions of this order, was issued December 27, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective February 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Texas Panhandle marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 1132.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1132.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1132.3 Department.

"Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 1132.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 1132.5 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1132.6 Texas Panhandle marketing area.

"Texas Panhandle marketing area", hereinafter called the "marketing area", means all of the territory within the counties of Armstrong, Briscoe, Carson, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Moore, Oldham, Ochiltree, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler, all in the State of Texas, and Beckham in the State of Oklahoma.

§ 1132.7 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant for the account of either the operator of the pool plant or a cooperative association (1) any day during the months of March through June and (2) on not more than 15 days during any of the months of July through February: *Provided*, That milk diverted pursuant to this section shall be deemed to have been received at the location of the plant from which diverted.

§ 1132.8 Distributing plant.

"Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 1132.9 Supply plant.

"Supply plant" means a plant from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a pool plant qualified pursuant to § 1132.10(a).

§ 1132.10 Pool plant.

"Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area: *Provided*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 50 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 75 percent of the receipts of Grade A milk at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year: *And provided further*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

§ 1132.11 Nonpool plant.

"Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 1132.12 Handler.

"Handler" means (a) any person in his capacity as the operator of one or more distributing or supply plants, (b) any cooperative association with respect to the milk of producers diverted by the association for its own account from a pool plant to a nonpool plant, or (c) any cooperative association with respect to the milk of its member producers which it causes to be delivered directly from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing that it wishes to become the handler for such milk. The cooperative association shall be considered the handler for such bulk tank milk, effective the first day of the month following receipt of such notice, and milk so delivered shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant to which it is delivered.

§ 1132.13 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers.

§ 1132.14 Producer milk.

"Producer milk" means only that skim milk or butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 1132.7.

§ 1132.15 Fluid milk product.

"Fluid milk product" means milk (including concentrated milk), skim milk (including reconstituted skim milk), buttermilk, milk drinks (plain or flavored), cream, or any fluid mixture of cream and milk or skim milk (except storage cream, aerated cream products, eggnog, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers): *Provided*, That when any such product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content.

§ 1132.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1132.17 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

§ 1132.18 Base milk.

"Base milk" means milk received at a pool plant from a producer during any of the months of March through June which is not in excess of such producer's daily base computed pursuant to § 1132.85

multiplied by the number of days in such month.

§ 1132.19 Excess milk.

"Excess milk" means milk received at a pool plant from a producer during any of the months of March through June which is in excess of base milk received from such producer during such month, and milk received during such month from a producer for whom no base can be computed pursuant to § 1132.95.

MARKET ADMINISTRATOR

§ 1132.25 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1132.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1132.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1132.88 (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1132.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1132.30 and 1132.31, or payments pursuant to §§ 1132.80, 1132.84, 1132.86, 1132.87, and 1132.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month, the minimum price for Class I milk, pursuant to § 1132.51(a), and the Class I butterfat differential, pursuant to § 1132.52(a), both for the current month; and the minimum price for Class II milk, pursuant to § 1132.51(b), and the Class II butterfat differential, pursuant to § 1132.52(b), both for the preceding month;

(2) The 10th day after the end of the months of July through February the uniform price pursuant to § 1132.72 and the producer butterfat differential pursuant to § 1132.81;

(3) The 10th day after the end of each of the months of March through June, the uniform prices for base milk and excess milk pursuant to § 1132.73 and the producer butterfat differential pursuant to § 1132.81; and

(k) On or before the 10th day after the end of each month, report to each cooperative association, which so requests, the percentage of the milk caused to be delivered by the cooperative association or by its members to the pool plant(s) of each handler during the month, which was utilized in each class. For the purpose of this report, the milk so delivered shall be allocated to each class for each handler in the same ratio as all producer milk received by such handler during the month.

REPORTS, RECORDS AND FACILITIES

§ 1132.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler, except a producer handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk, and the aggregate quantities of base and excess milk;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 1132.7;

(e) Inventories of fluid milk products on hand at the beginning and end of the month; and

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 1132.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including, for the months of March through June, the total pounds of base and excess milk, (iii) the number of days, if less than the entire month for which milk was received from such producer, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of any fluid milk product at his pool plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product;

(3) Prior to his diversion of producer milk to a nonpool plant, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted; and

(4) Such other information with respect to his utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1132.32 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1132.33 Retention of records.

All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1132.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 1132.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1132.41 through 1132.46.

§ 1132.41 Classes of utilization.

Subject to the conditions set forth in § 1132.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in the form of a fluid milk product (except as provided in paragraph (b)(2) of this section) and (2) not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product; (2) disposed of and used for livestock feed; (3) contained in inventory of fluid milk products on hand at the end of the month; (4) reflecting the skim milk equivalent of nonfat milk solids used in the fortification of any fluid milk product and not accounted for as Class I milk pursuant to § 1132.41(a) by virtue of the proviso of § 1132.15; and (5) in shrinkage allocated to receipts of producer milk and other source milk (except milk diverted to a nonpool plant pursuant to § 1132.7) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively: *Provided*, That with respect to milk for which a cooperative association is the handler pursuant to § 1132.12(c), shrinkage incurred shall be allocated to the cooperative association in an amount not to exceed 0.5 percent of the total receipts of skim milk and butterfat in such milk and the pool plant to which it is delivered for processing shall be allocated shrinkage incurred in an amount not to exceed one and one-half percent of the total pounds of skim milk and butterfat in such milk.

§ 1132.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and in other source milk.

§ 1132.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1132.44 Transfers.

Skim milk or butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to the pool plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 1132.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 1132.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of fluid milk product;

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant located more than 350 miles by the shortest highway distance as determined by the market administrator from the nearest point in the marketing area;

(d) As Class I milk, if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant located not more than 350 miles by the shortest highway distance as determined by the market administrator from the nearest point in the marketing area unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1132.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in the fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to the fluid milk products so transferred or diverted and classified as Class I milk: *And provided further*, That if the total skim milk and butterfat in fluid milk products which were transferred by all handlers to such nonpool plant during the month is less than the skim milk and butterfat classified as Class I milk pursuant to the preceding proviso hereof, the assignment to Class I milk shall be prorated over the claimed Class II classification reported by each such handler on transfers to the nonpool plant.

§ 1132.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water reasonably associated with such solids in the form of whole milk.

§ 1132.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1132.45 the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 1132.41(b);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing provisions of an order issued pursuant to the act;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Whenever the total receipts of producer milk by all handlers are less

than 110 percent of Class I sales by all handlers, subtract from the remaining pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less.

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source received in the form of fluid milk products which are subject to the Class I pricing provisions of another order issued pursuant to the act;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers according to the classification of such products as determined pursuant to § 1132.44(a);

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(9) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

Minimum Prices

§ 1132.50 Basic formula price.

The basic formula price shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest cent.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price obtained by adding together the amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Subtract 3 cents from the Chicago butter price and multiply the remainder by 4.8; and

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.16.

§ 1132.51 Class prices.

Subject to the provisions of §§ 1132.52 and 1132.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $2.15 during the months of July through February and plus $1.85 during all other months.

(b) *Class II milk price.* For the months of July through February, the price for Class II milk shall be the price computed pursuant to § 1132.50(b), and for the months of March through June, such price less 15 cents.

§ 1132.52 Butterfat differentials to handlers.

For milk containing more or less than 4.0 percent butterfat, the class prices for the month calculated pursuant to § 1132.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II prices.* Multiply the Chicago butter price for the current month by 0.110.

§ 1132.53 Location differentials to handlers.

For that milk which is received from producers at a pool plant located 100 miles or more from the City Hall, Amarillo, Texas, by the shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred to a distributing plant which is a pool plant in the form of a fluid milk product and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 1132.51(a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Amarillo City Hall (miles):	*Rate per hundredweight (cents)*
100 but less than 110	15.0
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 1132.46(a)(5), and the comparable steps in (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1132.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 1132.55 Cheddar cheese credit.

On and after the effective date hereof through February 1962, any milk used to produce Cheddar cheese or transferred in the form of milk from a pool plant to a nonpool plant and there used to produce Cheddar cheese shall be assigned to such use by the market administrator and shall be subject to a credit computed as follows: Multiply the rate by which the per hundredweight Class II price for milk containing 4.0 percent butterfat exceeds the amount (rounded to the nearest tenth of a cent) obtained by multiplying by 9.0 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department during the month, by the hundredweight of Class II milk not in excess of the combined volume of skim milk and butterfat remaining after the computation specified in § 1132.46(a)(7) and the corresponding step of § 1132.46(b) less any overage deducted pursuant to § 1132.46(a)(9) and the corresponding step of § 1132.46(b), which was either used to produce Cheddar cheese or transferred in the form of milk from a pool plant to a nonpool plant and there used to produce Cheddar cheese: *Provided*, That in the event the plant at which the Cheddar cheese was produced also received milk to be classified and priced under some other Federal order(s) on the basis of its specific use in Cheddar cheese and the volume of milk so used in such plant was less than the combined volume of milk to be so classified and priced under this and such other order(s), then the hundredweight of milk to which this paragraph is applicable shall be a pro rata share of such use determined by computing the percentage that the volume of milk for which Cheddar cheese use is claimed under this order is of the total volume of Federal order milk for which such use is claimed and applying that percentage to the volume of milk so used in such plants.

Application of Provisions

§ 1132.60 Producer-handlers.

Sections 1132.40 through 1132.46, 1132.50 through 1132.53, 1132.70 through 1132.73, 1132.80 through 1132.88, and 1132.95 through 1132.97 shall not apply to a producer-handler.

§ 1132.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraphs (a) or (b) of this section except that the operator thereof shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A distributing plant meeting the requirements of § 1132.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of to retail and wholesale outlets (excluding pool plants) in this marketing area, except that if such plant was subject to all the provisions of this order in the immediately preceding month, it shall continue to be subject to all the provisions of this order until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless notwithstanding the provisions of this paragraph it is regulated under such other order.

(b) A distributing plant meeting the requirements of § 1132.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month to retail and wholesale outlets (excluding pool plants) in this marketing area than is disposed of on routes in such other marketing area but which plant is nevertheless fully regulated under such other Federal order.

§ 1132.62 Handlers operating nonpool plants.

None of the provisions from §§ 1132.44 through 1132.53, inclusive, or from §§1132.70 through 1132.85, inclusive, shall apply in the case of a handler in his capacity as the operator of a nonpool plant, except that such handler shall, on or before the 13th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including sales by vendors and plant stores) in the marketing area during the month, by the rate determined pursuant to § 1132.63.

§ 1132.63 Rate of payment on unpriced milk.

The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount calculated as follows:

(a) During the months of March through June, subtract from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk, the Class II price adjusted by the Class II butterfat differential; and

(b) During the months of July through February subtract from the Class I price f.o.b. such nonpool plant the uniform price to producers adjusted by the Class I butterfat differential.

Determination of Uniform Prices To Producers

§ 1132.70 Computation of value of milk for each handler.

The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1132.46(a)(9) and the corresponding step of (b) by the applicable class prices;

(c) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified in Class II less shrinkage during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 1132.46(a)(8) and the corresponding step of (b), whichever is less; and

(d) Add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1132.46(a)(2) and (3) and the corresponding step of (b), by the rate of payment on unpriced milk determined pursuant to § 1132.63 at the nearest nonpool plant(s) from which an equivalent amount of other source skim milk or butterfat was received: *Provided*, That if the source of any such fluid milk product received at a pool plant is not clearly established or if such skim milk and butterfat is received or used in a form other than as a fluid milk product such product shall be considered to have been received from a source at the location of the pool plant where it is classified.

(e) Deduct the amount of any credits computed for such handler pursuant to § 1132.55.

§ 1132.71 Computation of aggregate value used to determine uniform prices.

For each month the market administrator shall compute an aggregate value from which to determine uniform prices per hundredweight for producer milk, of 4.0 percent butterfat content, f.o.b. plants located within 100 miles of the City Hall of Amarillo, Texas, as follows:

(a) Combine into one total the values computed pursuant to § 1132.70 for all handlers who made the reports prescribed in § 1132.30 for such month, except those in default of payments required pursuant to § 1132.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 4.0 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1132.82; and

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund.

§ 1132.72 Computation of uniform price.

For each of the months of July through February, the market administrator shall compute a uniform price for producer milk of 4.0 percent butterfat content f.o.b. pool plants located within 100 miles of the City Hall of Amarillo, Texas, as follows:

(a) Divide the aggregate value computed pursuant to § 1132.71 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section. The resulting figure shall be the uniform price for producer milk.

§ 1132.73 Computation of uniform prices for base milk and excess milk.

For each of the months of March through June, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, f.o.b. pool plants located within 100 miles of the City Hall of Amarillo, Texas, as follows:

(a) From the reports submitted by handlers pursuant to § 1132.30, determine the aggregate classification of producer milk included in the computation of value pursuant to § 1132.71 and the total hundredweight of such milk which is base milk and which is excess milk;

(b) Determine the value of such excess milk on a 4 percent butterfat basis by multiplying the total hundredweight of such milk which is not greater than the total Class II milk pursuant to paragraph (a) of this section by the Class II milk price and by adding thereto the value obtained by multiplying the hundredweight of such excess milk which is greater than the quantity of such Class II milk by the Class I milk price;

(c) Divide the value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk, and subtract not less than 4 nor more than 5 cents from the price thus com-

puted. The resulting figure shall be the uniform price for excess milk;

(d) Subtract the value of excess milk obtained in paragraph (b) of this section from the aggregate value of all milk obtained in § 1132.71; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section, and subtract not less than 4 cents nor more than 5 cents from the price thus computed. The resulting figure shall be the uniform price for base milk.

PAYMENTS

§ 1132.80 Time and method of payment for producer milk.

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the last day of each month, for milk received during the first 15 days of the month, at not less than the Class II price for the preceding month;

(b) On or before the 15th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform prices per hundredweight pursuant to §§ 1132.72 and 1132.73 subject to the butterfat differential computed pursuant to § 1132.81 plus or minus adjustments for errors made in previous payments to such producer; and less (1) payment made pursuant to paragraph (a) of this section, (2) location differential deductions pursuant to § 1132.82, (3) marketing service deductions pursuant to § 1132.87, and (4) proper deductions authorized by such producer: *Provided*, That if such handler has not received full payment for such month pursuant to § 1132.85 he may reduce uniformly per hundredweight for all producers his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator. The handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator;

(c)(1) Upon receipt of a written request from a cooperative association which determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the 13th and 26th days of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(3) Each handler who receives milk from a cooperative association which collects payments for its members pursuant to subparagraph (1) of this paragraph shall, on or before the 20th of each month, furnish such association information showing the daily and total pounds milk received from each of the association's member producers for the first fifteen days of such month and, on or before the fifth day after the end of each month, such information for the 16th through the end of such month.

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer, including for the months of March through June, the pounds of base milk and excess milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1132.81 Butterfat differentials to producers.

The applicable uniform prices to be paid each producer pursuant to § 1132.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the total pounds of butterfat in the producer milk allocated to Class I and Class II milk during the month pursuant to § 1132.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 1132.82 Location differentials to producers.

In making payment pursuant to § 1132.80 the uniform price pursuant to § 1132.72 and the uniform price for base milk pursuant to § 1132.73 to be paid for milk which is received from producers at a pool plant located 100 miles or more from the City Hall, Amarillo, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Amarillo City Hall (miles):	*Rate per hundredweight (cents)*
100 but less than 110	18.0
For each additional 10 miles or fraction thereof on additional	1.8

§ 1132.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1132.62, 1132.84, and 1132.86, and out of which he shall make all payments pursuant to §§ 1132.85 and 1132.86: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 1132.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month each handler shall pay to the market administrator the amount by which the value of milk for such handler, pursuant to § 1132.70, for such month exceeds the obligation, pursuant to § 1132.80, of such handler to producers for milk received during the month.

§ 1132.85 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler, the amount by which the obligation, pursuant to § 1132.80, of such handler to producers for milk received during the month exceeds the value of milk for such handler computed pursuant to § 1132.70. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1132.86 Adjustment of errors in payment.

Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to § 1132.84, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 1132.85, the market administrator shall, within 15 days,

make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 1132.80, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

§ 1132.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1132.80(b), shall deduct 6 cents per hundredweight or such lesser amounts as the Secretary may prescribe, with respect to all milk received by such handler from such producer (except such handler's own farm production), during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of milk received by handlers from such producers during the month and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) Producers' cooperative associations: In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1132.88 Expense of administration.

As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator, on or before the 15th day after the end of each month, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to butterfat and skim milk contained in (a) producer milk, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1132.46, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the act.

§ 1132.89 Adjustment of overdue accounts.

There shall be added to any balance due the market administrator pursuant to §§ 1132.62, 1132.84, 1132.86, 1132.87, and 1132.88 an amount equal to one-half of one percent of such balance for each month or any portion thereof that payment of the balance is overdue.

§ 1132.90 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market adminstrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c(15)(A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 1132.95 Daily base.

The daily base for each producer shall be the amount obtained by dividing the total pounds of producer milk received from such producer by all handlers during the months of September through December immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of December inclusive, less the number of days for which no deliveries are made, but not less than 112 days.

§ 1132.96 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the months of September through December;

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the first day of any month following receipt by the market administrator of an application for such transfer. Such application shall be on a form approved by the market administrator and shall be signed by the baseholder and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon receipt of such application signed by all joint holders.

§ 1132.97 Announcement of established bases.

On or before February 15 of each year the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1132.100 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1132.101 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 1132.102 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment or which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 1132.103 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under this control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1132.110 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1132.111 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Effective date: February 1, 1962.

Signed at Washington, D.C., January 30, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-1151; Filed, Feb. 2, 1962; 8:46 a.m.]

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VOLUME 27 NUMBER 25

Washington, Tuesday, February 6, 1962

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Title 3—THE PRESIDENT

Executive Order 10990

REESTABLISHING THE FEDERAL SAFETY COUNCIL

WHEREAS section 33(c) of the Federal Employees' Compensation Act, as amended (5 U.S.C. 784), declared it to be the purpose of the Congress to reduce the number of accidents and injuries among Government officers and employees, encourage safe practices, eliminate work hazards and health risks, and reduce compensable injuries; and

WHEREAS section 35 of that Act, as amended (5 U.S.C. 785), further disclosed the interest of the Congress in the promotion of safety in Federal agencies and establishments; and

WHEREAS the Federal Employees' Compensation Act, as amended and as modified by Reorganization Plan No. 19 of 1950 (hereinafter referred to as the Act), directs the heads of Government departments and agencies to develop, support, and foster organized safety promotion, and to keep such records of injuries and accidents to persons covered by the Act, and to make such statistical and other reports upon such forms as the Secretary of Labor may prescribe; and

WHEREAS the preponderance of accidents involving employees in the Federal service occur in field operations, the heads of executive departments and agencies, and through them, their supervisory staffs, including regional and field staffs, must exert leadership in the establishment of a sound accident prevention program at both the national and regional level; and

WHEREAS representatives of Federal employees should share a similar concern for the establishment of such programs; and

WHEREAS the President is authorized by the Act to establish by Executive order a safety council composed of representatives of Government departments and agencies to serve as an advisory body to the Secretary of Labor in furtherance of the safety program carried out by the Secretary pursuant to section 33 of the Act and to undertake such other measures as he deems proper to prevent injuries and accidents to persons covered by the Act:

NOW, THEREFORE, by virtue of the authority vested in me by section 33(c) of the Act and as President of the United States, it is hereby ordered as follows:

SECTION 1. *Establishment of Council.* There is hereby established in the Department of Labor the Federal Safety Council, hereinafter referred to as the Council. The Council shall be composed of a Chairman, to be designated by the Secretary of Labor, and one qualified representative of each of the several executive departments and agencies and of the municipal government of the District of Columbia (hereinafter referred to as members). The heads of the departments and agencies and the Board of Commissioners of the District of Columbia shall designate the members representing them, respectively, and may also designate suitable alternate members. The Secretary of Labor may, as he deems appropriate, appoint representatives of national or international unions, having Federal employees as members, to serve as consultants to the various committees established by the Council. The Chairman, members, alternate members, and consultants shall serve, as such, without compensation from the United States.

SEC. 2. *Purpose and functions of Council.* The Council shall serve in an advisory capacity to the Secretary of Labor in matters relating to the safety of civilian employees of the Federal government and the municipal government of the District of Columbia and the furtherance

of the safety program carried out by the Secretary pursuant to section 33 of the Act. It shall advise the Secretary of Labor with respect to the development and maintenance of adequate and effective safety organizations and programs in the several departments and agencies of the Federal government and the municipal government of the District of Columbia and with respect to criteria, standards, and procedures designed to eliminate work hazards and health risks and to prevent injuries and accidents in Federal employment.

SEC. 3. *Council affiliates, committees, and officers.* The Council shall include as an integral part of its organizational structure and operations such affiliates, hereafter established by the Council or now existing, in such manner and to such extent as it deems necessary properly and efficiently to perform its functions. The Council shall establish such committees, and may choose such officers (other than its chairman), as it finds necessary for carrying out its functions.

SEC. 4. *Regulations.* The Secretary of Labor shall prescribe appropriate regulations governing the activities and functions of the Council.

SEC. 5. *Administrative and budgetary arrangements.* The Secretary of Labor shall make available necessary office space and furnish the Council necessary equipment, supplies, and staff services.

SEC. 6. *Continuity.* The Federal Safety Council established by this order shall be deemed to constitute a continuation of the Federal Safety Council heretofore existing under the provisions of Executive Order No. 10194 of December 19, 1950.

SEC. 7. *Revocation.* Executive Order No. 10194 of December 19, 1950, is hereby superseded.

JOHN F. KENNEDY

THE WHITE HOUSE,
February 2, 1962.

[F.R. Doc. 62-1253; Filed, Feb. 5, 1962; 9:38 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (7) is added to paragraph (a) of § 6.102 as set out below.

§ 6.102 Department of State.

(a) *Office of the Secretary.* • • •

(7) Not to exceed January 1, 1964, not more than seven protocol officers, grades GS-5 through GS-13, in the Office of the Chief of Protocol.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-1200; Filed, Feb. 5, 1962; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

On December 8, 1961, there was published in the FEDERAL REGISTER (26 F.R. 11804), a notice with respect to a proposal to amend § 74.3(a), Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations. After due consideration of all relevant material and pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126), § 74.3(a) of said Part 74 is hereby amended to read as follows:

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, Territories, and parts thereof as specified, are being handled systematically to eradicate scabies in sheep and such States, Territories, and parts thereof, are hereby designated as eradication areas:

(1) Hawaii, Illinois, New Jersey, New York, Pennsylvania, Tennessee, and Wisconsin;

(2) That portion of South Dakota lying east of the Missouri River;

(3) The following counties in Kansas: Barber, Barton, Cloud, Ellsworth, Harper, Harvey, Kingman, Lincoln, Mcpherson, Mitchell, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Russell, Sedgwick, Smith, Stafford, and Sumner Counties;

(4) All Counties in Nebraska except Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux, and Scottsbluff;

(5) All Counties in New Mexico except that portion of McKinley and San Juan Counties occupied by the Navajo Indian Reservation;

(6) All of the State of North Dakota except that area lying west of the Missouri River and State Highway No. 8, beginning at a point where said river intersects the South Dakota boundary line and continuing along said river to a point on the Garrison Dam Reservior directly south of the intersection of State Highways Nos. 23 and 8; thence, directly north to the intersection of State Highways Nos. 23 and 8; thence, north along State Highway No. 8 to the North Dakota-Canadian boundary; and

(7) The following counties in Michigan: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft Counties.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111-113, 115, 117, 120 121, 123-126; 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

The amendment adds the State of Pennsylvania to the list of eradication areas since the cooperative sheep scabies eradication program is now being conducted in such State. The entire State of Pennsylvania is presently included in the infected areas as sheep scabies is known to exist in such State. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to this State.

Done at Washington, D.C., this 31st day of January 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-1192; Filed, Feb. 5, 1962; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-350]

PART 289—EXEMPTION OF AIR CARRIERS FROM AGREEMENT FILING REQUIREMENTS OF SECTION 412 OF THE FEDERAL AVIATION ACT OF 1958

Expansion of Scope

FEBRUARY 1, 1962.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of February 1962.

The Board, by publication in 26 F.R. 10180 and by circulation of notice of proposed rule making, EDR-37, proposed amendments to Part 289 of the Economic Regulations, 14 CFR Part 289, which would expand the scope of the exemption contained therein to include certain additional types of agreements and make the exemption applicable to certain agreements in which supplemental air carriers and indirect air carriers are parties.

No comments were received in opposition to the proposal. One comment was received which requested that the exemption in Part 289 be expanded to include ground service agreements involving supplemental air carriers. However, the Board on the basis of the information and data presently before it is not prepared to find that ground service agreements involving supplemental air carriers are of such a routine nature as to qualify for the exemption contained in Part 289.

The Board has made only one minor editorial change in the title of the part from that proposed in the notice.

The Board finds that enforcement of section 412(a) of the Act insofar as it would require air carriers to file the agreements described in § 289.3, as amended herein, would be an undue burden on such air carriers by reason of the limited extent of, or unusual circumstances affecting, their operations and is not in the public interest.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Board hereby amends Part 289 of its Economic Regulations (14 CFR Part 289), effective March 8, 1962, as follows:

§ 289.1 [Amendment]

1. Amend the definition of certificated route air carrier in § 289.1(a) by insert-

ing after "section 401" the additional designations "(d) (1) or (2)".

2. By adding to § 289.1 the following definitions:

(b) "Indirect air carrier" means any citizen of the United States[1] who engages indirectly in interstate, overseas or foreign air transportation[2] of property only, and who: (1) Does not engage in the operation of aircraft in air transportation, and (2) does not engage in air transportation pursuant to any Board order authorizing air express services under a contract with a direct air carrier.

(c) "Supplemental air carrier" means any air carrier which holds authority from the Board to engage in supplemental air transportation.

3. By amending § 289.2 to read:

§ 289.2 Exemption of air carriers.

Air carriers are hereby exempted from the filing requirements of section 412(a) of the Act with respect to any type of agreement listed in § 289.3 of this part, and amendments thereto, and from filing any subsequent amendment to an agreement which was filed prior to the effective date of this part where such filed agreement and the amendment qualify for an exemption under this part; except that such exemption does not apply to an agreement or an amendment to an agreement that:

(a) Is between "affiliated" carriers within the meaning of that term as it is used in Part 261 of this subchapter; or

(b) Amends an existing agreement which itself is ineligible for exemption under this part; or

(c) Is a resolution or similar action of the members of an association of air carriers; or

(d) Is violative of the "anti-trust laws" as that term is defined in section 1 of the Clayton Act, 15 U.S.C. 12.

§ 289.4 [Redesignation]

4. By redesignating present § 289.3 as § 289.4.

5. By adding a new § 289.3 to read:

§ 289.3 Types of agreements which need not be filed.

(a) *Ground services and facilities.* Agreements between certificated route air carriers, or between any such air carrier(s) and any foreign air carrier(s), for the furnishing of ground facilities, ground equipment, ground service, or building or ground space: *Provided*, That the fees or charges therefor are known or anticipated not to exceed $50,000 during any twelve-month period: *And, provided further*, That in case the aggregate annual charge under an agreement believed to fall within this exemption at the time of execution thereof exceeds the dollar limitation in any twelve-month period, the carrier shall (1) report promptly the total amount paid, and (2) file the agreement with the Board under section 412(a) of the Act upon request by the Director of the Board's Bureau of Economic Regulation.

(b) *Free or reduced-rate transportation.* Agreements between certificated route air carriers, or between supplemental air carriers, or between certificated route carriers and supplemental carriers, or between any such air carriers and foreign air carriers for the issuance or interchange of free or reduced-rate transportation: *Provided*, That such agreements do not provide for the issuance or interchange of passes for free or reduced-rate transportation other than as described in documents filed pursuant to § 223.6 of Part 223 of this subchapter.

(c) *Pick-up and delivery.* Agreements between certificated route air carriers or indirect air carriers on the one hand and surface motor carriers on the other hand for pick-up and delivery of property: *Provided*, That all of the points named in the agreement and the rates and charges to the public for such service are set forth in tariffs filed by the air carriers with the Board pursuant to Part 221 of this subchapter.

6. By amending the title of the Part to read as set forth above.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 101(3), 412, and 416 (b) of the Act, 72 Stat. 737, 770, 771; 49 U.S.C. 1301, 1382, and 1386)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-1202; Filed, Feb. 5, 1962; 8:47 a.m.]

[1] As defined in section 101(13) of the Act.
[2] As defined in section 101(21) of the Act.

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR-59; Amdt. 5]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Delegation of Function to Hearing Examiners

Correction

In F.R. Doc. 62-975, appearing at page 853 of the issue for Tuesday, January 30, 1962, the headnote of § 302.27(b)(2)(i) should read as follows: *"Cases subject to section 801 of the Act."*.

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-196]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of this amendment is to alter the segment of VOR Federal airway No. 1695 between Poughkeepsie, N.Y., and Concord, N.H.

This segment of Victor 1695 is designated via the intersection of the Poughkeepsie VOR 043° and the Concord VOR 231° True radials. Adequate navigational guidance between these facilities is lacking on this segment of Victor 1695. Therefore, action is taken herein to redesignate the segment of Victor 1695 from the Poughkeepsie VOR via the Keene, N.H., VOR to the Concord VOR. This action will retain substantially the present alignment for Victor 1695 and would provide precise navigational guidance on this airway segment.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In the text of § 600.1695 (26 F.R. 1091, 7328), "From the Poughkeepsie, N.Y., VOR via the INT of the Poughkeepsie VOR 043° and the Concord, N.H., VOR 231° radials; Concord VOR;" is deleted and "From the Poughkeepsie, N.Y., VOR via the Keene, N.H., VOR; Concord, N.H., VOR;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 31, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1178; Filed, Feb. 5, 1962; 8:45 a.m.]

[Airspace Docket No. 61-WA-227]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Revocation of Segment

The purpose of this amendment to § 600.6861 of the regulations of the Administrator is to revoke a segment of VOR Federal airway No. 861.

VOR Federal airway No. 861 is a preferred route extending from Branchville, N.J., to Boston, Mass. Revised air traffic control procedures in the New York terminal area have obviated the requirement for the segment of this airway between Branchville and Poughkeepsie, N.Y. Accordingly, action is taken herein to revoke this airway segment.

Since these amendments impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

In § 600.6861 (26 F.R. 8626) the following changes are made:

1. In the caption "New York, N.Y. (Newark), Metropolitan Area" is deleted and "Poughkeepsie, N.Y.," is substituted therefor.

2. In the text "From the INT of the Sparta, N.J., VOR 300° and the Tannersville, Penn., VORTAC 055° radials; via the Poughkeepsie, N.Y., VOR;" is deleted and "From the Poughkeepsie, N.Y., VOR via the" is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 31, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1179; Filed, Feb. 5, 1962; 8:45 a.m.]

[Airspace Docket No. 61-LA-2]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Areas

On July 7, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6106), stating that the Federal Aviation Agency proposed to designate a north alternate to VOR Federal airway No. 120 between Great Falls, Mont., and Lewistown, Mont. It was further stated that the control areas associated with this airway segment would extend upward from 700 feet above the surface to the base of the continental control area, and that separate actions will be initiated on an area basis to implement Amendment 60-21 to Part 60 of the Civil Air Regulations.

The Department of the Air Force offered no objection to the proposed amendment. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

In § 600.6120 (14 CFR 600.6120) the text is amended to read:

§ 600.6120 VOR Federal airway No. 120 (Mullan Pass, Idaho, to Mason City, Iowa).

From the Mullan Pass, Idaho, VOR via the Great Falls, Mont., VOR; Lewistown, Mont., VOR, including a N alternate via the INT of the Great Falls VOR 074° and the Lewistown VOR 308° radials; Miles City, Mont., VORTAC; Dupree, S. Dak., VORTAC; Pierre, S. Dak., VOR; Sioux Falls, S. Dak., VORTAC; to the Mason City, Iowa, VORTAC.

In § 601.6120 (14 CFR 601.6120) the text is amended to read:

§ 601.6120 VOR Federal airway No. 120 control areas (Mullan Pass, Idaho, to Mason City, Iowa).

All of VOR Federal airway No. 120 including a N alternate.

These amendments shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 31, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1176; Filed, Feb. 5, 1962; 8:45 a.m.]

[Airspace Docket No. 61-WA-16]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Areas

On March 10, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 2093), stating that the Federal Aviation Agency proposed to designate a low altitude VOR Federal airway from Princeton, Maine, to Millinocket, Maine, and to designate the control areas associated with this airway segment to extend upward from 1,200 feet above the surface. The Air Transport Association of America concurred with the proposed amendment. The Air Line Pilots Association and the Department of the Air Force offered no objections. The Department of the Navy suggested that the floor of the control areas associated with the proposed airway segment be established at 1,500 feet above terrain in lieu of 1,200 feet as proposed in the Notice.

On September 30, 1961, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9242), stating that the Federal Aviation Agency determined that application of Amendment 60-21 to Part 60 of the Civil Air Regulations to the control areas associated with this airway segment should be deferred until such time as all control areas in the vicinity of Princeton and Millinocket can be altered by applying Amendment 60-21. Accordingly, it was proposed to designate the control areas associated with this airway segment to extend upward from 700 feet above the surface to the base of the continental control area.

The Director of Aeronautics, Massachusetts Aeronautics Commission, in commenting on the Supplemental Notice requested that Amendment 60-21 be applied to the airway segment as proposed in the notice. No other comments were received regarding the supplemental notice.

The proposed airway segment would extend approximately 43 miles between Millinocket and Princeton. Only 13 miles of this airway segment would be outside of presently designated controlled airspace, the floor of which is 700 feet above the surface. If Amendment 60-21 were applied to the control areas associated with this airway segment, it would result in approximately 30 miles of dual designated controlled airspace with floors of both 700 feet and 1,200 feet above the surface. This, in turn, would only tend to confuse the pilot attempting to operate in this area.

This airway segment will be an extension of Victor 314 which is presently designated between Princeton and St. John, New Brunswick, Canada.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice and supplemental notice, the following actions are taken:

1. Section 600.6314 (26 F.R. 2679) is amended to read:

§ 600.6314 VOR Federal airway No. 314 (Millinocket, Maine, to St. John, New Brunswick, Canada).

From the Millinocket, Maine, VOR via the Princeton, Maine, VOR; to the St. John, New Brunswick, Canada, VOR, excluding the portion which lies outside the United States.

2. Section 601.6314 (26 F.R. 2679) is amended to read:

§ 601.6314 VOR Federal airway No. 314 control areas (Millinocket, Maine, to St. John, New Brunswick, Canada).

All of VOR Federal airway No. 314.

These amendments shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 31, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1177; Filed, Feb. 5, 1962; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

In § 203.4 paragraph (b) is amended to read as follows:

§ 203.4 Approval of other institutions.

* * * * *

(b) *Special requirements applicable to supervised institutions.* (1) To obtain approval a mortgagee shall meet the following requirements:

(i) The mortgagee shall be subject to the inspection and supervision of a governmental agency which is required by law to make periodic examinations of the mortgagee's books and accounts; and

(ii) The mortgagee shall submit satisfactory evidence that it has sound capital funds of a value not less than $100,000 or, if a mutual company or association without capital funds, that it has a net worth of not less than $100,000.

(2) Mortgagees approved prior to January 31, 1962, shall be required, within a period of time to be prescribed by the Commissioner, to increase their capital funds or net worth to not less than $100,000.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

In Part 220 in the Table of Contents a new § 220.616 is added, former § 220.616 is redesignated as § 220.618 and § 220.620 through 220.625 and § 220.631 are revoked as follows:

Sec.
220.616 Cost certification requirements—loans $40,000 or less.
220.618 Cost certification requirements—loans over $40,000.
220.620 through 220.625 [Revoked].
220.631 [Revoked].

In § 220.125 new paragraphs (d), (e), and (f) are added as follows:

§ 220.125 Cost certification requirements.

* * * * *

(d) Any agreement, undertaking statement or certification required in connection with cost certification shall specifically state that it has been made, presented and delivered for the purpose of influencing an official action of the Commissioner and may be relied upon as a true statement of the facts contained therein.

(e) Upon the Commissioner's approval of the borrower's certification, such certification shall be final and incontestable except for fraud or material misrepresentation on the part of the borrower.

(f) The borrower shall keep and maintain adequate records of all costs of any construction improvements or other cost items not representing work under the general contract and shall require the builder to keep similar records and, upon request by the Commissioner, shall make available for examination such records, including any collateral agreements.

In § 220.612 a new paragraph (c) is added as follows:

§ 220.612 Assurance of completion.

* * * * *

(c) An irrevocable letter of credit acceptable to the Commissioner and the mortgagee which is issued by an institution satisfactory to them in an amount at least equal to 10 percent of the estimated cost of construction of the project improvements.

In Part 220 a new § 220.616 is added as follows:

§ 220.616 Cost certification requirements—loans $40,000 or less.

When the principal amount of the loan is $40,000 or less the following provisions shall apply:

(a) *Certification agreement.* The lender shall submit with the application for commitment an agreement on a form prescribed by the Commissioner, executed by the borrower and the lender, in which:

(1) The borrower agrees to execute, upon completion of the improvements, a certificate of the actual cost of the improvements.

(2) The borrower and the lender agree that if the actual cost of the improvements is less than the amount authorized in the commitment, the amount of the loan shall not exceed the actual cost of the improvements, and that the amount of the loan shall be further adjusted to the lowest $50 multiple where the amount is not in excess of $10,000, or adjusted to the lowest $100 multiple where the amount exceeds $10,000.

(b) *Certificate and adjustment.* No loan shall be insured unless in accordance with the agreement between the borrower and the lender.

(1) The required certification of actual cost is made by the borrower; and

(2) The amount of the loan is adjusted to reflect the actual cost of the improvements.

(c) *Cost computation.* The term "actual cost of the improvements" shall mean the cost to the borrower of the improvements, after deducting the amount of any kickbacks, rebates, or trade discount received in connection with the improvements, and including:

(1) The amounts paid under any contract for the improvements, labor, materials, and for any other items of expense approved by the Commissioner; and

(2) A reasonable allowance for contractor's profit, in an amount approved by the Commissioner, where the Commissioner determines that there is an identity of interest between the borrower and the contractor.

§§ 220.616—220.625, 220.631 [Revocation].

In Part 220 §§ 220.616 through 220.625 and § 220.631 are revoked.

§ 220.618 Cost certification requirements—loans over $40,000.

When the principal amount of the loan is over $40,000 the following provisions shall apply:

(a) *Certification of cost requirements.* Prior to initial endorsement of the loan for insurance, the borrower, the lender and the Commissioner shall enter into an agreement approved by the Commissioner for the purpose of precluding any excess of loan proceeds over the actual cost of the improvements to the project. Under this agreement the borrower shall agree to:

(1) Disclose its relationship with the builder, including any collateral agreement, and with subcontractors and suppliers;

(2) Enter into a construction contract the terms of which shall depend on whether or not there exists an identity of interest between the borrower and the builder;

(3) Execute a certificate of actual costs upon completion of the improvements; and

(4) Apply any excess of loan proceeds over the actual cost to the borrower of the improvements in reduction of the outstanding balance of the principal of the loan.

(b) *Form of contract.* The form of contract between the borrower and the builder shall be in accordance with the following:

(1) *Lump sum contract.* If the Commissioner determines that neither the borrower nor any of the officers, directors or stockholders of the borrower have any interest in the builder or contractor, there may be used a lump sum contract providing for payment of a specified amount.

(2) *Fixed fee contract.* If the Commissioner determines that the borrower, its officers, directors or stockholders have any interest, financial or otherwise in the builder or contractor, the form of contract shall provide for payment of the actual cost of construction not to exceed an upset price and may provide for payment of a builder's fixed fee not exceeding a reasonable allowance as established by the Commissioner in accordance with customary practices in the area.

(c) *Certificates as to subcontracts.* If the Commissioner determines that the borrower, its officers, directors or stockholders have any interest, financial or otherwise, in any subcontractor or material supplier, the borrower shall certify in form prescribed by the Commissioner, prior to final endorsement of the loan for insurance, that the amounts paid to such subcontractor or material supplier were not more than the rate prevailing in the locality for similar type of labor and materials.

(d) *Certificate of actual cost.* The borrower's certificate of actual cost, in form prescribed by the Commissioner, shall be submitted upon completion of the physical improvements to the satisfaction of the Commissioner and prior to final endorsement and shall show the actual cost to the borrower of:

(1) The construction contract, including all costs of construction under a lump sum contract, after deduction of any kickbacks, rebates, trade discounts, or other similar payments to the borrower corporation, or to any of its officers, directors or stockholders;

(2) Architect's fees;

(3) Off-site public utilities and streets not included in the general contract;

(4) Organizational and legal work; and

(5) Other items of expense approved by the Commissioner.

(e) *Fixed fee contract—additional certification.* When the work has been completed under a fixed fee contract, the borrower's certification shall also show:

(1) Allocations of general overhead items as are acceptable to the Commissioner; and

(2) A reasonable allowance for the builder's profit as established by the Commissioner.

(f) *Contractor's certification—fixed fee contract.* A contractor receiving a fixed fee shall certify in form prescribed by the Commissioner as to all actual costs paid for labor, materials, and subcontract work under the general contract exclusive of the builder's fee and less any kickbacks, rebates, trade discounts, or other similar payments to the builder or borrower corporation or any of its officers, directors or stockholders.

(g) *Adjustment resulting from cost certification.* If the principal obligation of the loan exceeds the actual cost to the borrower of the improvement, the loan shall be reduced by the amount of such excess prior to the final endorsement for insurance.

(h) *Certificate of public accountant.* The certificates of actual cost shall be supported by a certificate as to accuracy by an independent Certified Public Accountant or independent public accountant which shall include a statement that the accounts, records and supporting documents have been examined in accordance with generally accepted auditing standards to the extent deemed necessary to verify the actual costs.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES

PART 232—NURSING HOMES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

Section 232.56 is amended by adding a new paragraph (c) to read as follows:

§ 232.56 Assurance of completion.

* * * * *

(c) An irrevocable letter of credit acceptable to the Commissioner and the mortgagee and issued by an institution satisfactory to them.

Section 232.60 is amended to read as follows:

§ 232.60 Escrow for offsite utilities and streets.

The Commissioner may require the deposit with the mortgagee or with an acceptable trustee or escrow agent designated by the mortgagee, under an appropriate agreement, of such cash as may be required for the completion of off-site public utilities and streets. An irrevocable letter of credit acceptable to the Commissioner and the mortgagee and issued by an institution satisfactory to them may be substituted for any cash deposit required by this section.

In § 232.61 paragraph (c) is amended and a new paragraph (d) is added as follows:

§ 232.61 Equity requirements.

* * * * *

(c) *Deposit and use of funds.* Unless other arrangements acceptable to the Commissioner are made, the funds referred to in paragraphs (a) and (b) of this section shall be deposited with and held by the mortgagee in a special account or by an acceptable depository designated by the mortgagee under an appropriate agreement approved by the Commissioner.

(d) *Letter of credit.* An irrevocable letter of credit acceptable to the Commissioner and the mortgagee and issued by an institution satisfactory to them may be substituted for any cash deposit required by paragraph (a) or by subparagraph (b)(2) of this section.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

Issued at Washington, D.C., January 31, 1962.

PAUL E. FERRERO,
Acting Federal Housing Commissioner.

[F.R. Doc. 62-1203; Filed, Feb. 5, 1962; 8:47 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M-11A, Revised Schedule A of February 1, 1962]

M-11A—COPPER AND COPPER-BASE ALLOYS

Revision of Schedule A—Set-Aside Percentages

This amendment of Schedule A to BDSA Order M-11A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amendment makes changes in Revised Schedule A of August 15, 1957, to BDSA Order M-11A, as amended December 18, 1956. It applies to authorized controlled material orders calling for delivery after March 31, 1962, and provides for a new base period for the determination of average shipments against which set-aside percentages are to be applied. Set-aside percentages for copper controlled material products are also revised.

Schedule A to BDSA Order M-11A is hereby further amended to read as follows:

SCHEDULE A TO BDSA ORDER M-11A

Set-aside Percentages

(See sec. 6(f) of BDSA Order M-11A)

Base period—Calendar Year 1960

(See sec. 2(o) of BDSA Order M-11A)

Product	Percentage for orders calling for delivery after Mar. 31, 1962 [1]
Brass mill products:	
Unalloyed:	
Plate, sheet, strip, and rolls	8
Rod, bar, shapes, and wire	6
Seamless tube and pipe	[2]
Alloyed:	
Plate, sheet, strip, and rolls	3
Rod, bar, shapes, and wire	5
Seamless tube and pipe	12
Military ammunition cups and discs	[2]
Copper wire mill products:	
Copper wire and cable:	
Bare and tinned	5
Weatherproof	5
Magnet wire	5
Insulated building wire	5
Paper and lead power cable	5
Paper and lead telephone cable	5
Asbestos cable	5
Portable and flexible cord and cable	5
Communications wire and cable	5
Shipboard cable	5
Automotive and aircraft wire and cable	5
Insulated power cable	5
Signal and control cable	5
Coaxial cable	5
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use	5
Copper foundry products	3
Unalloyed copper powder mill products	[2]
Copper-base alloy powder mill products	[2]

[1] Schedule A revised as of Aug. 15, 1957, to BDSA Order M-11A, as amended Dec. 18, 1956, applies to orders calling for delivery prior to Apr. 1, 1962.

[2] No reserve space provided. Producers of these products are nevertheless required to accept authorized controlled material orders for such products in accordance with the provisions of DMS Regulation No. 1 and this order. However, section 6(f) of Order M-11A does not apply to such authorized controlled material orders.

(Sec. 704, 64 Stat. 816, as amended; sec. 1, 74 Stat. 282; 50 U.S.C. App. 2154, 2166)

This revised schedule shall take effect February 1, 1962.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 62-1163; Filed, Feb. 5, 1962; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 53—GRANTS FOR SURVEY, PLANNING AND CONSTRUCTION OF HOSPITALS AND MEDICAL FACILITIES

Rehabilitation Facilities; Hospital Priority; Technical Amendments

Correction

In Federal Register Document 62-1025, published at page 894 in the FEDERAL REGISTER of January 31, 1962, the second word of § 53.51(b) should be "count".

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Wildlife Refuges in Florida and South Carolina

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Sport fishing on the St. Marks National Wildlife Refuge, Florida, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 44,000 acres or 80 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Dirctor, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth bass, bream, pickerel, and other minor species permitted by State regulations.

(b) Open season: St. Marks and Wakulla Units, May 1, 1962, through October 15, 1962. Certain described areas of the Panacea unit north of State Highway No. 372, March 1 through October 15, 1962. The Panacea unit area south of State Highway No. 372, February 1 through December 31, 1962. One hour before sunrise to one hour after sunset.

(c) Daily creel limits: Largemouth bass, 10; Bream, 35; Pickerel, 15; other creel limits for minor species are as prescribed for State regulations.

(d) Methods of fishing. (1) Pole and line, rod and reel, artificial and live baits permitted.

(2) Row boats, canoes, and other floating devices without motors permitted. Boats must be removed from the refuge at the close of each days legal fishing hours.

(3) Trot lines as permitted by the State for sport fishing are allowed, except that lines shall be taken up prior to closing hour of fishing daily.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to January 1, 1963.

SOUTH CAROLINA

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

The special regulation permitting sport fishing on the Carolina Sandhills National Wildlife Refuge, South Carolina, § 33.5, published December 20, 1961, in the FEDERAL REGISTER, Volume 26, Number 244, Page 1277 is amended as follows: Black bass, 10; game fish other than bass, 25.

The provisions of this amended special regulation are effective to December 1, 1962.

F. C. GILLETT,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-1183; Filed, Feb. 5, 1962; 8:46 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 20]

[Reg. Docket No. 1050; Draft Release No. 62-4]

PILOT AND INSTRUCTOR CERTIFICATES

Relocate Requirement for Dual Instrument Instruction Before Solo From Private Pilot Experience Requirements to Presolo Requirements

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to amend Part 20 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted, preferably in duplicate, to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before April 9, 1962, will be considered by the Administrator before taking action on the proposed rules. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired.

Section 20.34 of the Civil Air Regulations prescribes the aeronautical experience required for an applicant for a private pilot certificate. Paragraph (d) of this section specifies that an applicant shall have had flight instruction by reference to instruments, integrated with the dual flight instruction in primary flight maneuvers given before and after solo. This requirement was adopted through Amendment 20-12 to Part 20 of the Civil Air Regulations which was made effective on March 16, 1960. The preamble to the amendment states its objectives, and concludes that the changes constitute part of the Agency's program to improve the competence of the student pilot as well as the private pilot.

One of the primary objectives expressed was that of applying the knowledge gained through research in primary flight training conducted at West Virginia University. This research demonstrated that students who learn to observe and use flight instruments from the beginning of their flight training are much more proficient in holding attitude, altitude, headings, and airspeeds in normal VFR flight. Later observations by inspectors of the Agency have verified the effectiveness of the program in this respect.

However, the intent of applying the benefits of this program to improve the competence of student pilots is not technically carried out by relating the presolo phase of integrated instrument instruction to private pilot requirements.

It is therefore proposed to make presolo dual instrument instruction a prerequisite for a student pilot solo flight in an airplane within § 20.23 instead of a prerequisite for obtaining a private pilot certificate under § 20.34. This change will better carry out the objective expressed in the preamble to Civil Air Regulations Amendment 20-12.

The changes proposed in § 20.23 would require redesignation of the text in the present section as paragraph (a) and the redesignation of the present paragraphs as subparagraphs. These changes are required so that a new paragraph may be added to the section. This new paragraph (b), gives information about who may give dual instrument flight instruction, and the equipment required; which was previously contained in § 20.34(d). In addition to this new paragraph, the other proposed change in text in § 20.23 is in paragraph (a)(2), which corresponds to present paragraph (b). This change would add a requirement for dual instrument flight instruction to the presolo requirements currently specified. In addition, certain minor editorial corrections have been made in the section. Since the directions for these changes and redesignations would be complicated, the entire section is being repeated in the proposed amendment.

Section 20.34 would be amended by deleting paragraphs (d) and (e) and adding a new paragraph (d). In addition to the material previously included in parargaph (e), this new paragraph will specify the dual flight instruction required after the first solo cross-country flight as a prerequisite for a private pilot certificate.

These changes will not affect the present reference in § 20.34-1 to § 20.34(d). The latter paragraph was added by Civil Air Regulations Amendment 20-12, effective March 16, 1960, without changing the reference in § 20.34-1, which after such date should properly have been to § 20.34(e).

In consideration of the foregoing, it is proposed to amend Part 20 of the Civil Air Regulations (14 CFR Part 20) as follows:

1. By amending § 20.23 to read as follows:

§ 20.23 Requirements for solo flight.

(a) A student pilot may not operate an airplane in solo flight until:

(1) He is familiar with the general and visual flight rules of Part 60 of this chapter (Civil Air Regulations);

(2) He has received dual instruction in such preparatory and flight procedures as preflight inspection, starting, warming up, operating, and stopping the engine; taxiing, takeoffs, landings, and parking; traffic pattern procedures; level flight, turns, climbs, and glides, both by visual reference outside the airplane and solely by reference to instruments; and stalls and emergency landings; and

(3) His student pilot certificate has been endorsed by an appropriately rated flight instructor who has examined him and found him to have complied with the provisions of subparagraphs (1) and (2) of this paragraph and otherwise to be competent to make solo flights.

(b) The dual instruction in the control of an airplane solely by reference to instruments, required by paragraph (a)(2) of this section, shall be given by the holder of a flight instructor certificate with an airplane rating. The airplane shall be equipped with at least a sensitive altimeter, a turn-and-bank indicator, and a means for simulating instrument flight conditions.

2. By amending § 20.34 by deleting paragraphs (d) and (e) and adding a new paragraph (d) to read as follows:

§ 20.34 Aeronautical experience.

* * * * *

(d) Three hours of dual instruction after the first solo cross-country flight, which shall include a review of the procedures and maneuvers previously learned, and additional instruction in preparation for the private pilot flight test, including control of the airplane solely by reference to instruments. The dual instruction in the control of the airplane, solely by reference to instruments, shall be given in accordance with the requirements of § 20.23(b).

(Secs. 313(a), 601, 602; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1422)

Issued in Washington, D.C., on January 29, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62-1175; Filed, Feb. 5, 1962; 8:45 a.m.]

[14 CFR Part 49]

[Reg. Docket No. 1049; Draft Release No. 62-3]

MAGNETIC MATERIALS

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to amend Part 49 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25,

D.C. All communications received on or before April 9, 1962, will be considered by the Administrator before taking action on the proposed rules. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired.

Explosives and other dangerous articles defined by Part 49 of the Civil Air Regulations do not include magnetic materials. Air shipments of magnets and magnetic devices can adversely influence the accuracy of magnetic compasses and devices unless they are properly packed and kept at a safe distance from the aircraft's compass. In order to safeguard the navigation of aircraft, it is necessary to require the shippers of magnetic materials to clearly mark packages containing magnetic materials and where possible install the keeper bar on permanent magnets. The identification marking of such packages will alert operators of aircraft to arrange their stowage at a location where they will not interfere with the navigational equipment of the aircraft.

In consideration of the foregoing, it is proposed to amend Part 49 of the Civil Air Regulations as follows:

§ 49.1 [Amendment]

1. By amending § 49.1(a) by adding between the words "articles" and "shall" the phrase ", or any other articles specifically regulated by the rules of this part,".

2. By adding a new § 49.16 to read as follows:

§ 49.16 Packing and marking requirements for magnetic materials.

No shipper shall offer magnetic materials for shipment by air unless:

(a) The outside package has been plainly marked "Magnetic Materials";

(b) Magnets or magnetic devices such as magnetrons and light meters have been packed so that the polarities of the individual units oppose one another; and

(c) Permanent magnets, where possible, have the keeper bar installed. No other certification, labeling, or quantity limitations are prescribed for the shipment of magnetic materials by the provisions of this part.

3. By amending § 49.21 by adding a new paragraph (d) to read as follows:

§ 49.21 Cargo location.

• • • • •

(d) Magnetic materials shall not be loaded on the aircraft in the vicinity of the magnetic compasses or compass master units which are a part of the instrument equipment of the aircraft so as to affect their operation. If it is not possible to meet this requirement a special aircraft swing and compass calibration shall be made.

These amendments are proposed under the authority of sections 313(a), 601, 604, 902 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 778, 784; 49 U.S.C. 1354(a), 1421, 1424, 1472).

Issued in Washington, D.C., on January 29, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62-1174; Filed, Feb. 5, 1962; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61-LA-67]

FEDERAL AIRWAYS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6210 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 210 is designated in part from the Farmington, N. Mex., VORTAC via the intersection of the Farmington VORTAC 090° and the Alamosa, Colo., VOR 232° True radials (Horse Lake Intersection) to the Alamosa VOR. The Federal Aviation Agency has under consideration the alteration of this segment of Victor 210 by realigning it from the Farmington VORTAC via the intersection of the Farmington VORTAC 086° and the Alamosa VOR 232° True radials; to the Alamosa VOR. This would provide a lower minimum en route altitude and result in the acquisition of an additional cardinal altitude between Farmington and Horse Lake.

The control areas associated with this segment of Victor 210 are so designated that they would automatically conform to the altered airway. The vertical extent of these control areas would remain as designated pending review of the adjacent airspace. Separate action will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 30, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1173; Filed, Feb. 5, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-NY-99]

CONTROLLED AIRSPACE

Proposed Designation of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration designation of a control zone at Morristown, N.J. The proposed control zone would be designated from 0700 to 2300 hours local standard time, daily, within a 5-mile radius of the Morristown Airport (latitude 40°47'50" N., longitude 74°25'05" W.); within 2 miles either side of a line bearing 227° True from the Chatham, N.J., radio beacon extending from the 5-mile radius zone to 8 miles southwest of the radio beacon, and within 2 miles either side of a line bearing 248° True from the Chatham radio beacon extending from the radio beacon to 4 miles southwest of the radio beacon, excluding the portion lying within a one-mile radius of the Hanover, N.J., Airport (latitude 40°50'20" N., longitude 74°20'45" W.). This control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Morristown Airport. Communications and weather reporting service would be provided to aircraft operating within the proposed control zone by the Federal Aviation Agency control tower scheduled to be commissioned at Morristown Airport approximately February 1, 1962.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 30, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1172; Filed, Feb. 5, 1962; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

AIRCRAFT AND MISSILE EQUIPMENT INDUSTRIES

Notice of Hearing on Definition as Small Business

Notice is hereby given that the Small Business Administration proposes to hold a hearing on the definitions of small business for manufacturers and distributors of aircraft and missile equipment for the purpose of Government procurement. In addition to consideration of the definition of small business for the industries, comments will be accepted concerning their application to subcontractors on Government contracts.

The hearing will take place February 27, 1962, at 10:00 a.m., e.s.t., in Room 1143, 811 Vermont Avenue NW., Washington 25, D.C.

Interested persons may file with the Director, Office of Small Business Size Standards on or before February 22, 1962, written statements of facts, opinions, or arguments concerning the appropriate definitions of small business for manufacturers and distributors of aircraft and/or missile equipment and their use in carrying out the Government procurement subcontracting program. Those persons who wish to make oral statements should notify the Director in writing setting forth the name and title (if any) of the persons who will appear and whom they represent.

All correspondence on this matter shall be addressed to:

Samuel S. Solomon, Director,
Office of Small Business Size Standards,
Small Business Administration,
Washington 25, D.C.

There is no specific definition of small business manufacturers for the missile equipment industry. In such cases the general 500 employee rule is used.

The present definition of small business manufacturers of aircraft equipment for the purpose of Government procurement is a concern that (1) is independently owned and operated, (2) is not dominant in its field of operation, and (3) with its affiliates employs not more than 500 persons, or 1,000 persons for the purpose of bidding on the aircraft equipment set forth below:

(i) Airframes and structural components.
(ii) Aircraft propellers and hubs.
(iii) Wheel and brake systems.
(iv) Jet engines.
(v) Fuel tanks.
(vi) Aircraft hydraulic systems.
(vii) Aircraft vacuum systems.
(viii) Aircraft air-conditioning.
(ix) Heating and pressurizing equipment.
(x) Fire control systems.
(xi) Flight instruments.
(xii) Flight simulators (except small cockpit trainers).
(xiii) Aircraft deicing systems.

The present definition of small business distributors (nonmanufacturers) of aircraft and/or missile equipment for the purpose of Government procurement is a concern which (1) employs 500 persons or less, and (2) supplies the products of small business manufacturers which products have been manufactured or produced in the United States.

Dated: January 26, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-1186; Filed, Feb. 5, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF COMMERCE

Office of the Secretary

COMMISSIONER, U.S. SCIENCE EXHIBIT

Delegation of Authority To Negotiate Certain Contracts

1. Pursuant to authority vested in the Secretary of Commerce by law and by delegations from the Administrator of General Services, the Commissioner, U.S. Science Exhibit is hereby authorized to exercise the authority of the Secretary of Commerce to negotiate contracts without advertising under the provisions of section 302(c) (2), (4), (5), and (10) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended.

2. This authority shall be exercised only with respect to procurement of those supplies and services which are required in connection with authorized activities, other than administrative programs, conducted by the U.S. Science Exhibit.

3. This authority shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304 and 307 thereof, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

4. Subject to the provisions of 3 above, the authority herein delegated may be redelegated to any officer or employee of the U.S. Science Exhibit.

5. This delegation is effective as of this date.

Dated: January 30, 1962.

LUTHER H. HODGES,
Secretary of Commerce.

[F.R. Doc. 62-1198; Filed, Feb. 5, 1962; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

LICENSED BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishment license and product license actions have been taken from October 16, 1961, to January 15, 1962, inclusive. These lists are supplementary to the lists of licensed establishments and products in effect on April 15, 1961, published on July 1, 1961, in 26 F.R. 5961, as amended by two lists, one of license actions taken from April 16, 1961, through July 15, 1961, published on August 12, 1961, in 26 F.R. 7365, and one of license actions taken from July 16, 1961, through October 15, 1961, published November 7, 1961, in 26 F.R. 10492.

ESTABLISHMENT LICENSES ISSUED

Establishment	License No.	Date
Lane Memorial Blood Bank, Eugene, Oreg.	304	10-16-61
Mid-State Blood Center, Nashville, Tenn.	341	12- 1-61

PRODUCT LICENSES ISSUED

Product	Establishment	License No.	Date
Citrated Whole Blood (Human)	Mid-State Blood Center	341	12- 1-61
Influenza Virus Vaccine	Wyeth Laboratories, Inc.	3	12-18-61
Heparinized Whole Blood (Human)	Chicago Blood Donor Service, Inc.	169	12-14-61
Heparinized Whole Blood (Human)	Aurora Blood Bank and Donors Society	222	12-26-61
Diphtheria Toxoid, Alum Precipitated	Chas. Pfizer & Co., Inc.	297	1- 2-62
Tetanus Toxoid, Alum Precipitated	do		

ESTABLISHMENT LICENSES REVOKED WITHOUT PREJUDICE

Establishment	License No.	Date
Lane County Blood Bank, Eugene, Oreg.	304	10-16-61

PRODUCT LICENSES REVOKED WITHOUT PREJUDICE: None.

Approved:

RODERICK MURRAY,
Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, U.S. Department of Health, Education, and Welfare.

Approved:

J. STEWART HUNTER,
Assistant to the Surgeon General for Information, Public Health Service, U.S. Department of Health, Education, and Welfare.

[F.R. Doc. 62-1199; Filed, Feb. 5, 1962; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 29, 1962.

The Bureau of Sports Fisheries and Wildlife has filed an application, Serial Number Idaho 012996 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws, except the mineral leasing laws and the disposal of materials under the Materials Act of July 31, 1947. The applicant desires the land for The Upper Blackfoot Wildlife Management Area to be administered as a wildlife refuge, public shooting grounds, or game management area. For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 2 S., R. 35 E.,
Sec. 12: Lots 7, 9, 10, 11;
Sec. 13: Lot 6;
Sec. 14: Lot 5;
Sec. 23: Lots 6, 9, 11, 14, 15, 18;
Sec. 26: Lot 2;
Sec. 27: Lots 10, 15;
Sec. 32: Lot 3;
Sec. 33: Lots 10, 11, 14, 17.
T. 3 S., R. 35 E.,
Sec. 5: Lots 11, 14, 15, 16 (except 0.837 acres in City of Blackfoot lease Idaho 012743);
Sec. 7: Lot 10;
Sec. 8: Lots 17, 18.

The areas described aggregate 424.80 acres of public land in Bingham County, Idaho.

JOE T. FALLINI,
State Director.

[F.R. Doc. 62-1193; Filed, Feb. 5, 1962; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-141]

BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY

Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 3, set forth below, to Facility License No. R-60, as amended. The license authorizes The Board of Trustees of the Leland Stanford Junior University to operate the pool-type research reactor located on the Stanford University's campus near Palo Alto, California. The amendment incorporates into the license (1) certain changes in the neutron source description and its manipulation in connection with operation of the reactor, and (2) a revised description of the interlocks which are operative during safety blade withdrawal, as described in the applications for license amendment dated October 31, 1961, and January 18, 1962. The Commission has found that the conduct of the proposed activities in accordance with License No. R-60, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the operation of the reactor in accordance with the terms of the license, as amended, does not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operation of the reactor.

In accordance with § 2.102(a) of the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or a petition to intervene pursuant to § 2.705 of the rules of practice within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed in accordance with the provisions of § 2.700 of the Commission's rules of practice (10 CFR Part 2).

For further details see (a) the applications for amendment submitted by Stanford University dated October 31, 1961, and January 18, 1962, and (b) a related hazards analysis prepared by the Research & Power Reactor Safety Branch of the Division of Licensing and Regulation, both available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (b) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 30th day of January 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-60; Amdt. No. 3]

Paragraph 1 of License No. R-60 issued to The Board of Trustees of the Leland Stanford Junior University is hereby amended to read as follows:

1. This license applies to the pool-type heterogeneous, light water-moderated and -reflected training and research reactor (hereinafter referred to as "the reactor") which is owned by the applicant, is located on Stanford University's campus near Palo Alto, Calif., and is described in the application for license dated June 11, 1959, and amendments thereto dated August 21, 1959, January 31, 1961, April 17, 1961, October 31, 1961, and January 18, 1962 (hereinafter collectively referred to as "the application").

This amendment is effective as of the date of issuance.

Date of issuance: January 30, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-1171; Filed, Feb. 5, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13335]

SERVICE TO OGDENSBURG, N.Y., CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on February 19, 1962, at 10 a.m., e.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Harley G. Moorhead.

Dated at Washington, D.C., January 31, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-1201; Filed, Feb. 5, 1962; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 954 (Sub-2)]

SUGAR, REFINED OR TURBINATED, IN BAGS IN THE ATLANTIC/GULF PUERTO RICO TRADE

Investigation of Increased Rates; Notice of Supplemental Order

On January 22, 1962, the Federal Maritime Commission entered the following Third Supplemental Order to the original order in this proceeding dated December 7, 1961.

It appearing that by order dated December 7, 1961, the Commission entered into an investigation concerning the lawfulness of an increased rate on sugar contained in tariff schedule designated therein, and suspended the operation of said rate to and including April 7, 1962; and

It further appearing that the Commission having found good cause therefor has on January 3, 1962, granted the United States Atlantic & Gulf-Puerto Rico Conference, Richard Kinsella, Agent special permission authority to cancel such suspended matter on not less than one day's notice under Special Permission No. 3965 and pursuant thereto, such matter has been properly cancelled;

Now, therefore, it is ordered, That the investigation instituted under Docket No. 954 (Sub 2), insofar as it pertains to the United States Atlantic and Gulf-Puerto Rico Conference, Richard Kinsella, Agent be, and it is hereby discontinued; and

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation, Federal Maritime Commission; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents and protestants herein; and that this order be published in the FEDERAL REGISTER.

Dated: January 31, 1962.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-1164; Filed, Feb. 5, 1962; 8:45 a.m.]

GRACE LINE, INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8763, between Grace Line, Inc. and A. H. Bull Steamship Co., covers a through billing arrangement in the trade from Chile, Ecuador, Peru and Colombia Pacific Coast ports to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia. Agreement 8763, upon approval, will supersede and cancel approved Agreement 8541, between Grace Line, Inc., and Bull Insular Line, Inc., in the same trade.

Agreement 8764, between American Export Lines, Inc., and A. H. Bull Steamship Co., covers a through billing arrangement for the transportation of general cargo, exclusive of refrigerated cargo, garlic and other perishables or semiperishables, in the trade from France, Italy, and North Africa to Puerto Rico, with transhipment at New York, Baltimore, or Philadelphia. Agreement 8764, upon approval, will supersede and cancel approved Agreement 8446, between American Export Lines, Inc., and Bull Insular Line, Inc., in the same trade.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 1, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-1196; Filed, Feb. 5, 1962; 8:46 a.m.]

NORTHERN PAN AMERICA LINE, ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8758, between The Northern Pan America Line (NOPAL Line) and Alcoa Steamship Company, Inc., covers a through billing arrangement in the trade from Argentina, Brazil, and Uruguay to Puerto Rico, with transhipment at New Orleans or Mobile.

Agreement 8759, between Isthmian Lines, Inc., and A. H. Bull Steamship Co., covers a through billing arrangement in the trade from Federation of Malaya, Singapore, Thailand, Indonesia, Philippines, India, Pakistan, Ceylon, Persian Gulf, Red Sea, and Gulf of Aden ports and ports in Egypt, Cambodia, and Vietnam to Puerto Rico, with transhipment at New York, Baltimore, or Philadelphia.

Agreement 8761, between the carriers comprising the States Marine Lines joint service (operating under approved joint service Agreement 7628, as amended) and A. H. Bull Steamship Co., covers a through billing arrangement in the trade from Japan, Korea, Hong Kong, and Formosa to Puerto Rico, with transhipment at New York, Baltimore, or Philadelphia.

Agreement 8766, between Servizio Italo-Sud Americano and Sea-Land Service, Inc., Puerto Rican Division, covers a through billing arrangement in the trade from Mediterranean ports to Puerto Rico, with transhipment at New York.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 1, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-1197; Filed, Feb. 5, 1962; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2256]

CONSOLIDATED WATER POWER CO.

Notice of Application for Amendment of License

JANUARY 30, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Consolidated Water Power Company, Wisconsin Rapids, Wis., for amendment of its license for Project No. 2256 located on the Wisconsin River at Wisconsin Rapids, in Wood County, Wis.

The application seeks to remove Units Nos. 1 and 2 from the Wisconsin Rapids powerhouse, described as two Francis turbines of 900 horsepower each, being parts of ten units under license.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is March 19, 1962. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-1180; Filed, Feb. 5, 1962; 8:45 a.m.]

[Project No. 2082]

PACIFIC POWER & LIGHT CO.

Order Fixing Hearing and Prescribing Procedure

JANUARY 30, 1962.

On August 21, 1961, the State of California, acting by and through its Department of Fish and Game, filed a petition requesting that the Commission prescribe a fish hatchery and appurtenant facilities, pursuant to Article 49 of the license for Project No. 2082, for the incubation of fish eggs, for raising the fish thus hatched, and for stocking the same in the Klamath River in order to maintain or continue normal runs of salmon and steelhead which would be displaced or affected by the Iron Gate development of Pacific Power & Light Company, Licensee for Project No. 2082. Article 49 of the license for Project No. 2082 reads as follows:

Article 49. The Licensee shall construct, maintain, and operate or shall arrange for the construction, maintenance, and operation of artificial propagation facilities and such other permanent fish facilities and protective devices including, but not limited to, fish-hauling trucks, fish screens or ladders, and comply with such reasonable modifications in project structures and operation in the interest of fish life as may be prescribed hereafter by the Commission upon the recommendation of the Secretary of the Interior and the California Department of Fish and Game, after notice and opportunity for hearing.

An answer to the petition was filed by the Licensee on September 13, 1961. In its answer, Licensee denies that a hatchery or any fish rearing facilities are necessary, appropriate, proper or incidental to the Iron Gate development for the purposes related in said petition, or otherwise, including a denial that any such fish facilities are necessary, appropriate, or proper for the maintenance or continuation of normal runs of anadromous fish in the Klamath River.

The Department of Fish and Game and the Licensee have requested a hearing on the issues presented. The procedures hereinafter prescribed are intended to eliminate any cause which might otherwise exist for a protracted hearing: By requiring that the respective parties submit in advance of the hearing relevant facts in support of their respective positions; and by providing for motions to strike improperly prepared testimony, including conclusions and opinions presented without having set forth a proper foundation therefor.

The Commission finds: It is appropriate and in the public interest to hold a public hearing respecting the matters involved and the issues presented, as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly section 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held on June 4, 1962 at 10 a.m., at the Commission's Regional Office, 555 Battery Street, San Francisco, Calif., respecting the matters involved and issues presented by the aforesaid petition of the Department of Fish and Game and the answer thereto by the Licensee.

(B) The following procedure is prescribed for the public hearing herein ordered:

(1) The Department of Fish and Game of the State of California shall by April 30, 1962, file with the Commission's Secretary an original and ten copies of all of its direct testimony (including qualifications of witnesses and exhibits) and at that time serve three copies thereof on the Licensee.

(2) The Licensee shall by May 14, 1962, file with the Commission's Secretary, an original and ten copies of all of its testimony (including qualifications of witnesses and exhibits) and at that time serve three copies thereof on the Department of Fish and Game.

(3) All of the testimony except exhibits, shall be in question and answer form.

(4) No exhibits (except those of which official notice may properly be taken) shall contain narrative material other than brief explanatory notes.

(5) All exhibits (except those of which official notice may properly be taken) shall contain brief and appropriate titles, and the exhibits shall be fully explained in the prepared testimony by the witness or witnesses sponsoring them.

(6) Each witness shall execute an affidavit adopting the testimony for which he assumes responsibility and an original and two conformed copies of such affidavits shall be filed with his prepared testimony.

(7) Any party submitting more than one exhibit shall enclose a cover sheet listing the title of each exhibit in the sequence they wish them to be marked for identification.

(8) Any motions to strike any part of the prepared testimony and exhibits (prior to cross-examination), shall be filed with the Presiding Examiner or Chief Examiner by May 24, 1962; answers thereto shall be filed by May 31, 1962; and rulings on such motions will be made by the Examiner at the time such testimony or exhibits are offered in accordance with subparagraph (9).

(9) Upon the commencement of the hearing and after appearances, opening statements, and other preliminary matters, the exhibits previously filed, as provided above, will be marked for identification in the sequence directed by the Presiding Examiner; and thereafter the Examiner will require that the affidavits of the respective witnesses and their prepared testimony (together with the qualifications of the respective witnesses) previously filed, as provided above, be copied into the record as though read, excepting any part or parts of the prepared testimony with respect to which he may have granted motion to strike.

(10) The Presiding Examiner will specify the order of cross-examination for the information of the parties in making their respective witnesses available for cross-examination.

(C) Requests for extension of time concerning the time for any filings specified herein shall be made in writing, served on all parties and filed with the Presiding Examiner or the Chief Examiner (together with a certificate of service) at least ten days in advance of the dates specified herein (or as may have been extended), and any answers thereto shall be filed with the Presiding Examiner or Chief Examiner within three days after the request for extension.

(D) The Commission's rules of practice and procedure shall apply in this proceeding except to the extent that they are modified or supplemented herein or to the extent that they are further modified or supplemented by the Examiner with the consent of the parties.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-1181; Filed, Feb. 5, 1962; 8:45 a.m.]

[Project No. 2299]

TURLOCK IRRIGATION DISTRICT, MODESTO IRRIGATION DISTRICT

Order Fixing Hearing and Prescribing Procedure

JANUARY 30, 1962.

The State of California, acting by and through its Department of Fish and Game (Intervener) filed a petition on September 21, 1961, and an amended petition on November 27, 1961, requesting a hearing at which it may submit evidence in support of proposed license provisions for the protection of fish and wildlife resources of the Tuolumne River on which Turlock Irrigation District and Modesto Irrigation District (joint Applicants for license for Project No. 2299) propose to construct, operate and maintain the New Don Pedro project, Project No. 2299.

Several conferences have been held at which representatives of Intervener and the joint Applicants participated. Having been unable to resolve their differences with Intervener, the joint Applicants have also requested a hearing, at the earliest possible date.

The procedures hereinafter prescribed are intended to eliminate any cause which might otherwise exist for a protracted hearing: By requiring that the respective parties submit in advance of the hearing relevant facts in support of their respective positions; and by providing for motions to strike improperly prepared testimony, including conclusions and opinions presented without having set forth a proper foundation therefor.

The Commission finds: It is appropriate and in the public interest to hold a public hearing respecting the matters involved and the issues presented, as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly section 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held on May 21, 1962 at 10 a.m., at the Commission's Regional Office, 555 Battery Street, San Francisco, Calif., respecting the matters involved and issues presented by the petition to intervene filed July 26, 1961 by the State of California acting by and through its Department of Fish and Game.

(B) The following procedure is prescribed for the public hearing herein ordered:

(1) The Department of Fish and Game of the State of California shall by April 30, 1962, file with the Commission's Secretary an original and ten copies of all of its direct testimony (including qualifications of witnesses and exhibits) and at that time serve three copies thereof on the Applicants. Copies of license provisions recommended by Intervener shall be filed and served with its prepared direct testimony in support thereof.

(2) The Joint Applicants shall by May 9, 1962, file with the Commission's Secretary, an original and ten copies of all of their testimony (including qualifications of witnesses and exhibits) and at that time serve three copies thereof on the Department of Fish and Game.

(3) All of the testimony except exhibits, shall be in question and answer form.

(4) No exhibits (except those of which official notice may properly be taken) shall contain narrative material other than brief explanatory notes.

(5) All exhibits (except those of which official notice may properly be taken) shall contain brief and appropriate titles, and the exhibits shall be fully explained in the prepared testimony by the witness or witnesses sponsoring them.

(6) Each witness shall execute an affidavit adopting the testimony for which he assumes responsibility and an original and two conformed copies of such affidavits shall be filed with his prepared testimony.

(7) Any party submitting more than one exhibit shall enclose a cover sheet listing the title of each exhibit in the sequence they wish them to be marked for identification.

(8) Any motions to strike any part of the prepared testimony and exhibits (prior to cross-examination), shall be filed with the Presiding Examiner or Chief Examiner by May 16, 1962; answers thereto shall be filed by May 21, 1962; and rulings on such motions will be made by the Examiner at the time such testimony or exhibits are offered in accordance with subparagraph (9).

(9) Upon the commencement of the hearing and after appearances, opening statements, and other preliminary matters, the exhibits previously filed, as provided above, will be marked for identification in the sequence directed by the Presiding Examiner; and thereafter the Examiner will require that the affidavits of the respective witnesses and their prepared testimony (together with the qualifications of the respective witnesses) previously filed, as provided above, be copied into the record as though read, excepting any part or parts of the prepared testimony with respect to which he may have granted motion to strike.

(10) The Presiding Examiner will specify the order of cross-examination for the information of the parties in making their respective witnesses available for cross-examination.

(C) Requests for extension of time concerning the time for any filings specified herein shall be made in writing, served on all parties and filed with the Presiding Examiner or the Chief Examiner (together with a certificate of service) at least ten days in advance of the dates specified herein (or as may have been extended), and any answers thereto shall be filed with the Presiding Examiner or Chief Examiner within three days after the request for extension.

(D) The Commission's rules of practice and procedure shall apply in this proceeding except to the extent that they are modified or supplemented herein or to the extent that they are further modified or supplemented by the Examiner with the consent of the parties.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-1182; Filed, Feb. 5, 1962; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

Utilization and Disposal Service

[Wildlife Order 62]

PADUCAH AREA, AEC

Transfer of Property

Pursuant to section 2 of Public Law 537, 80th Congress, approved May 19, 1948 (16 U.S.C. 667c), a notice is hereby given that:

1. By deed from the United States of America, dated January 12, 1962, a portion of that property known as Paducah Area, AEC, situated in Paducah, McCracken County, Ky., and more particularly described in said deed, has been transferred from the United States to the State of Kentucky.

2. The above-described property was transferred to the State of Kentucky for

wildlife conservation purposes in accordance with the provisions of section 1 of the said Public Law 537 (16 U.S.C. 667b).

Dated: January 29, 1962.

WALTER C. MORELAND,
Acting Commissioner,
Utilization and Disposal Service.

[F.R. Doc. 62-1195; Filed, Feb. 5, 1962; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-V-36]

MANAGER, DISASTER FIELD OFFICE, CRESTVIEW, FLORIDA

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6), as amended (25 F.R. 1706 and 7418, 26 F.R. 177 and 1456, 27 F.R. 372), there is hereby redelegated to the Manager of the Disaster Field Office at Crestview, Florida, the authority:

A. *Financial assistance.* 1. To approve direct and participation disaster loans in an amount not to exceed $20,000.

2. To disburse approved loans.

3. To execute disaster loan authorizations for Washington approved disaster loans and for disaster loans approved under delegated authority, said execution to read as follows:

JOHN E. HORNE,
Administrator.

By _____
Manager, Disaster Field Office.

4. To cancel, reinstate, modify and amend authorizations for disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

B. *Correspondence.* To sign all nonpolicymaking correspondence relating to the disaster functions, except Congressional correspondence, and correspondence which includes a decision that an applicant is ineligible for disaster loan assistance.

II. The authority delegated herein may not be redelegated, with the exception of I. B.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager, Disaster Field Office.

Dated: January 15, 1962.

JAMES F. HOLLINGSWORTH,
Regional Director,
Atlanta Regional Office.

[F.R. Doc. 62-1184; Filed, Feb. 5, 1962; 8:46 a.m.]

[Delegation of Authority No. 30-X-33]

MANAGER, DISASTER FIELD OFFICE, HOUSTON, TEXAS

Rescission of Delegation

Notice is hereby given that this delegation (26 F.R. 10085) is rescinded in its entirety.

(Disaster Field Office reduction of personnel effective COB January 13, 1962.)

Effective date: January 13, 1962.

JAMES R. WOODALL,
Deputy Regional Director,
Dallas Regional Office.

[F.R. Doc. 62-1185; Filed, Feb. 5, 1962; 8:46 a.m.]

OFFICE OF EMERGENCY PLANNING

GERHARD D. BLEICKEN

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Senior Vice President and Secretary, John Hancock Mutual Life Ins. Co., Boston 17, Mass.
Director, Robinson Technical Products, Inc., Teterboro, N.J.
Director, High Vacuum Equipment Corp., Hingham, Mass.
Trustee, B & M Real Estate Trust, Hingham, Mass.

This amends statement published July 20, 1961 (26 F.R. 6535).

Dated: JANUARY 9, 1962.

GERHARD D. BLEICKEN.

[F.R. Doc. 62-1130; Filed, Feb. 2, 1962; 8:45 a.m.]

MINOR S. JAMESON, JR.

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Savanna Creek Gas & Oil Limited.

This amends statement published July 28, 1961 (26 F.R. 6792).

Dated: JANUARY 12, 1962.

MINOR S. JAMESON, Jr.

[F.R. Doc. 62-1131; Filed, Feb. 2, 1962; 8:45 a.m.]

RICHARD O. LANG

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

S. C. Johnson & Son, Inc.
ITEK, Inc.
The Chemical Fund.
Riddle Airlines, Inc.
Gimbel Brothers, Inc.
Trans-Coast Investment Co.

This amends statement published July 28, 1961 (25 F.R. 6792).

Dated: December 27, 1961.

RICHARD O. LANG.

[F.R. Doc. 62-1132; Filed, Feb. 2, 1962; 8:45 a.m.]

JOSEPH D. KEENAN

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No purchases.
Disposed of New York Airways.

This amends statement published September 30, 1961 (26 F.R. 9249).

Dated: February 1, 1962.

JOSEPH D. KEENAN.

[F.R. Doc. 62-1133; Filed, Feb. 2, 1962; 8:45 a.m.]

OTTO L. NELSON, JR.

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Additions—Revenue Bonds:
Richmond-Petersburg Turnpike Authority.
Massachusetts Turnpike.
Deletions—Revenue Bonds:
Erie County Water Authority.
Chesapeake Bay Ferry District.
City of Chicago, Ill.
City of Mobile, Ala.

This amends statement published July 20, 1961 (26 F.R. 6535).

Dated: January 10, 1962.

OTTO L. NELSON, Jr.

[F.R. Doc. 62-1134; Filed, Feb. 2, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 1, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37535: *Iron and steel articles to the South.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2602), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads, from points in official (including Illinois) territory, to points in southern territory, also official (including Illinois)—southern territory border points.

Grounds for relief: Market competition.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37536: *Iron and steel articles from official territory to official-southern territory border points.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2603), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads, from points in official (including Illinois) territory, to official (including Illinois)—southern territory border points.

Grounds for relief: Maintenance of depressed rates established to meet market competition without use of such rates as factors in constructing combination rates.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-1194; Filed, Feb. 5, 1962; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 31, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37532: *Joint motor-rail rates between points in the United States.* Filed by Middlewest Motor Freight Bureau, Agent (No. 325), for interested carriers. Rates on commodities moving on class and commodity rates, loaded in highway trailers of the motor carriers over the highways, thence transported on railroad flat cars of the railroads, between points in middlewest territory (including Alaska and Canada); between points in middlewest territory (including Alaska and Canada), on the one hand, and points in central states and southwestern territories, on the other; and between points in southwestern territory, on the one hand, and points in central states territory, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 37533: *Cement from Painesville, Ohio.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2601), for interested rail carriers. Rates on cement and related articles, in carloads, from Painesville, Ohio, to points in North Carolina and South Carolina.

Grounds for relief: Market competition.

Tariff: Supplement 50 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 4688 (Hinsch series).

FSA No. 37534: *Wrought iron pipe from Anniston, Ala.* Filed by O. W. South, Jr., Agent (No. A4150), for interested rail carriers. Rates on wrought iron or steel oil country tubular goods and line pipe, as described in the application, in carloads, from Anniston, Ala., to Houston, Almeda and Pierce, Jct., Tex.

Grounds for relief: Rail-barge and market competition.

Tariff: Supplement 264 to Southwestern Freight Bureau tariff I.C.C. 4116.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc 62-1158; Filed, Feb. 2, 1962; 8:47 a.m.]

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UNITED STATES STATUTES AT LARGE

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Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3447

EMBARGO ON ALL TRADE WITH CUBA

By the President of the United States of America
A Proclamation

WHEREAS the Eighth Meeting of Consultation of Ministers of Foreign Affairs, Serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance, in its Final Act resolved that the present Government of Cuba is incompatible with the principles and objectives of the Inter-American system; and, in light of the subversive offensive of Sino-Soviet Communism with which the Government of Cuba is publicly aligned, urged the member states to take those steps that they may consider appropriate for their individual and collective self-defense;

WHEREAS the Congress of the United States, in section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 445), as amended, has authorized the President to establish and maintain an embargo upon all trade between the United States and Cuba; and

WHEREAS the United States, in accordance with its international obligations, is prepared to take all necessary actions to promote national and hemispheric security by isolating the present Government of Cuba and thereby reducing the threat posed by its alignment with the communist powers:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under the authority of section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 445), as amended, do

1. Hereby proclaim an embargo upon trade between the United States and Cuba in accordance with paragraphs 2 and 3 of this proclamation.

2. Hereby prohibit, effective 12:01 A.M., Eastern Standard Time, February 7, 1962, the importation into the United States of all goods of Cuban origin and all goods imported from or through Cuba; and I hereby authorize and direct the Secretary of the Treasury to carry out such prohibition, to make such exceptions thereto, by license or otherwise, as he determines to be consistent with the effective operation of the embargo hereby proclaimed, and to promulgate such rules and regulations as may be necessary to perform such functions.

3. AND FURTHER, I do hereby direct the Secretary of Commerce, under the provisions of the Export Control Act of 1949, as amended (50 U.S.C. App. 2021–2032), to continue to carry out the prohibition of all exports from the United States to Cuba, and I hereby authorize him, under that Act, to continue, make, modify or revoke exceptions from such prohibition.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this third day of February, in the year of our Lord nineteen hundred and sixty-two, and of [SEAL] the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62–1300; Filed, Feb. 6, 1962; 9:55 a.m.]

Proclamation 3448

IMPORTS OF SHMURAH WHEAT FLOUR FOR RELIGIOUS PURPOSES

By the President of the United States of America
A Proclamation

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), the President issued Proclamation No. 2489 of May 28, 1941, which was amended by Proclamation No. 2550 of April 13, 1942, and further amended by Proclamation No. 2584 of April 29, 1943, limiting the quantities of wheat and wheat flour which may be entered or withdrawn from warehouse for consumption; and

WHEREAS certain persons require Shmurah wheat flour in the observance of the Passover holiday, which begins April 19, 1962; and

WHEREAS Shmurah wheat flour is wheat flour that has been thoroughly safeguarded for ritual purposes under rabbinical supervision and which is imported into the United States for use solely for religious and ritual purposes in the making of matzos for Passover; and

WHEREAS the limitations imposed upon the importation of wheat and wheat flour by Proclamation No. 2489, as amended, were never intended to apply to Shmurah wheat flour; and

WHEREAS the estimated quantity of Shmurah wheat flour which would be imported into the United States during any one year would be so insignificant that it could not possibly render or tend to render ineffective, nor materially interfere with, the price-support program undertaken by the Department of Agriculture with respect to wheat; and

WHEREAS it is deemed advisable to clarify the scope of Proclamation No. 2489, as amended, in this respect in order to simplify the administration of the proclamation:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under and by virtue of the authority vested in me by section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim that the provisions of Proclamation No. 2489, as amended, shall not be deemed to apply to Shmurah wheat flour produced in Israel and entered or withdrawn from warehouse for consumption on and after February 1, 1962: *Provided*, That the written approval of the Secretary of Agriculture or his designated representative is presented at the time of entry or withdrawal from warehouse for consumption. For the purposes of this proclamation "Shmurah wheat flour" means wheat flour which has been thoroughly safeguarded for ritual purposes under rabbinical supervision, as certified to the Secretary of Agriculture by an authorized representative of the government of Israel or its designee, and which is imported into the United States for use solely for religious and ritual purposes in the making of matzos for Passover.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifth day of February in the year of our Lord nineteen hundred and sixty-two, and of [SEAL] the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-1310; Filed, Feb. 6, 1962; 9:55 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, and Marketing Practices), Department of Agriculture

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Miscellaneous Amendments

Pursuant to the authority conferred by the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), and sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the regulations governing the inspection of poultry and poultry products (7 CFR Part 81, as amended) are hereby further amended as follows:

§ 81.95 [Amendment]

1. Section 81.95 is amended by adding thereto a new paragraph (d) to read:

(d) (1) The use of chemical additives in or on raw poultry products, other than salt (NaCl) which is added to chilling media in concentrations not in excess of 70 pounds to 10,000 gallons of water as an aid in chilling, shall be permitted only when they are approved by the Administrator, and each unit (whole carcass, disjointed portion, or consumer package thereof) of the poultry product so treated shall be labeled to declare the additive used and the purpose of its use. Notwithstanding the foregoing, the Administrator may authorize the shipment of raw poultry products so labeled only on the shipping container from an official establishment (i) to another official establishment for further processing, packaging and labeling of each unit in accordance with this paragraph and other applicable regulations in this Part, (ii) for sale to institutional users such as hotels and restaurants.

(2) The use of chemical additives, other than basic food stuffs and seasonings, in cooked poultry products shall be permitted only when they are approved by the Administrator. The Administrator may require in addition to listing in the statement of ingredients, a declaration of the additive used and the purpose of its use.

(3) Chemical additives, to be used in the preparation of poultry products, which have not been fully approved by the Administrator prior to the effective date of this amendment, will be approved only if they comply with the following criteria:

(i) The additive shall be safe under the conditions of its intended use.

(ii) The additive shall not promote deception or cause the product to be otherwise adulterated or unwholesome. Scientific data acceptable to the Administrator showing that the additive meets the criteria specified in this paragraph (3) shall be submitted by the person interested in having the additive approved.

§ 81.156 [Amendment]

2. Section 81.156 is amended by adding at the end thereof the following sentence: "However in lieu of such statement the container of imported products shall bear a statement that 'The products contained herein have been approved for importation under P.P.I.A.'"

§ 81.300 [Amendment]

3. In § 81.300 "Alaska" and "Hawaii" are deleted.

§ 81.301 [Amendment]

4. Section 81.301(a) is amended by adding at the end thereof the following: "In determining whether the inspection system of a foreign country is the substantial equivalent of the system maintained by the United States, the Administrator shall review the inspection regulations of the foreign country and make a survey to determine the manner in which the inspection system is administered within the foreign country. The survey of the foreign inspection system may be expedited by payment by the interested Government agency in the foreign country of the travel expenses incurred in making the survey."

§ 81.307 [Amendment]

5. In § 81.307 paragraphs (b) and (c) are deleted.

§ 81.309 [Amendment]

6. In § 81.309(a) the word "and" immediately preceding the figure "(5)" is deleted and the following is added before the period at the end of the paragraph: "; (6) the inspection mark of the country of origin; and (7) the plant number of the establishment at which the product was prepared."

7. Section 81.310 is amended to read:

§ 81.310 Labeling of shipping containers of product for importation.

Shipping containers in which consumer packages of foreign product are shipped to the United States are required to bear in a prominent and legible manner the true name of the product, the name of the country of origin, the plant number of the establishment in which the product was prepared, and the inspection mark of the country of origin. Labeling on shipping containers shall be examined at the time of inspection in the United States and if found to be false or misleading, the product shall be refused.

The amendments in part are intended to prevent the preparation of adulterated or unwholesome products at establishments subject to the Poultry Products Inspection Act and to prevent deception of consumers. For these purposes they establish the procedure and criteria applicable to the approval of chemical additives for use on or in poultry products and specify certain labeling requirements which shall apply to poultry products so treated. Notice of rule-making with respect to this matter was published in the FEDERAL REGISTER and opportunity was afforded interested persons to comment thereon. Due consideration has been given to all comments received and to all other information available to the Agricultural Marketing Service. The amendments are substantially the same as the published proposals in this respect, with the exception that the proposed requirement relating to consumer packaging of poultry products that have been treated with additives has been deleted. However, the provision requiring informative labeling of each unit of product that has been treated is retained. The proposal specifying that an additive must have a beneficial effect on the product as a prerequisite to approval has been deleted as unnecessary. The effect of the additive would obviously have to be considered in determining whether the additive would result in adulteration of the poultry product.

The provisions concerning the approval of foreign poultry inspection systems are intended to clarify existing provisions of the regulations relating to imports and to formalize procedure for payment of survey costs in connection with such approval. The changes in the labeling requirements for products to be imported are needed to identify the products as inspected poultry products. The requirement that the inspection mark of the country of origin be shown on containers is needed to facilitate the movement of imported products in commerce. This is also true of the amendment relating to labeling of shipping containers not bearing marks of inspection.

It does not appear that publication of further notice and other public procedure with respect to the amendments would make additional information available to the Department. It is therefore found under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that such procedure would be impractical and unnecessary.

The amendments shall become effective 30 days after publication hereof.

Done at Washington, D.C., this 1st day of February 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-1287; Filed, Feb. 6, 1962; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 6589]

PART 47—DOCUMENTARY STAMP TAXES

On December 24, 1960, notice of proposed rule making with respect to regulations under chapter 34 of the Internal Revenue Code of 1954, as amended, and under those administrative provisions of subtitle F of the Code which have special application to the taxes imposed by such chapter 34 was published in the FEDERAL REGISTER (25 F.R. 13699). The regulations, except where otherwise specifically provided, are applicable in respect of transactions occurring on or after January 1, 1959, and supersede § 148.1–1 of the Regulations on Certain Excise Tax Matters under Excise Tax Technical Changes Act of 1958 (26 CFR 148.1–1). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so proposed are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Section 47.4301–1 is amended by revising paragraph (b)(1)(ii).

PAR. 2. Section 47.4301–2 is amended by revising paragraph (a)(12).

PAR. 3. Section 47.4302–1 is amended by revising paragraphs (b) and (c).

PAR. 4. Section 47.4311–2 is amended by adding to paragraph (b) a subparagraph (10).

PAR. 5. Section 47.4323–1 is amended by revising paragraph (b).

PAR. 6. Section 47.4341–1 is amended by revising paragraph (a).

PAR. 7. Section 47.4352–1 is amended by revising paragraph (b).

PAR. 8. Section 47.6802–1 is amended by changing the heading of the section, deleting paragraph (b), and redesignating paragraph (c) as (b).

PAR. 9. Section 47.6804–2 is amended.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: January 31, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

The following regulations, relating to documentary stamp taxes, are hereby prescribed under chapter 34 of the Internal Revenue Code of 1954, as amended, and under those administrative provisions of subtitle F of the Code which have special application to the taxes imposed by such chapter 34. The regulations, except where otherwise specifically provided, are applicable in respect of transactions occurring on or after January 1, 1959, and supersede § 148.1–1 of the Regulations on Certain Excise Tax Matters under Excise Tax Technical Changes Act of 1958 (26 CFR 148.1–1).

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AUTHORITY: §§ 47.0–1 to 47.7805–1 issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

Subpart A—Introductory Provisions

§ 47.0–1 Introduction.

(a) *In general.* The regulations in this part (Part 47, Subchapter D, Chapter I, Title 26 (1954) Code of Federal Regulations) are designated "Documentary Stamp Tax Regulations". The regulations relate to the taxes imposed by chapter 34 of the Internal Revenue Code of 1954, as amended, and to certain related administrative provisions of subtitle F of such Code. Chapter 34 of the Code imposes a tax on the issuance and on the sale or transfer of shares or certificates of stock or certificates of indebtedness, on conveyances of realty, and on policies issued by foreign insurers. References in these regulations to the "Internal Revenue Code" or the "Code" are references to the Internal Revenue Code of 1954, as amended, unless otherwise indicated. References to a section or other provision of law are references to a section or other provision of the Internal Revenue Code, as amended, unless otherwise indicated.

(b) *Division of regulations.* The regulations in this part are divided into 10 subparts. Subpart A contains provisions relating to the arrangement and numbering of the sections of the regulations in this part, general definitions and use of terms, scope of regulations, and the extent to which the regulations in this part supersede prior regulations relating to the excise taxes imposed by chapter 34 of the Internal Revenue Code. The other subparts of the regulations in this part and the subject matter to which they relate are as follows:

Subpart B—Tax on issuance of capital stock and similar interests
Subpart C—Tax on issuance of certificates of indebtedness
Subpart D—Tax on sales or transfers of capital stock and similar interests
Subpart E—Tax on sales or transfers of certificates of indebtedness
Subpart F—Provisions common to sales or transfers of capital stock and certificates of indebtedness
Subpart G—Tax on conveyances
Subpart H—Tax on policies issued by foreign insurers
Subpart I—Miscellaneous provisions applicable to documentary stamp taxes
Subpart J—Administrative provisions applicable to documentary stamp taxes

(c) *Arrangement and numbering.* Each section of the regulations in Subpart B through Subpart J is preceded by the section, subsection, or paragraph of the Internal Revenue Code which it interprets. The sections of the regulations can readily be distinguished from the sections of the Code since—

(1) The sections of the regulations are printed in larger type;

(2) The sections of the regulations are preceded by a section symbol and the part number, arabic numeral 47 followed by a decimal point (§ 47.); and

(3) The sections of the Code are preceded by "Sec.".

Each section of the regulations setting forth law or regulation is designated by a number composed of the part number followed by a decimal point (47.) and the number of the corresponding provision of the Internal Revenue Code. In the case of a section setting forth regulations, this designation is followed by a hyphen (-) and a number identifying such section.

§ 47.0–2 General definitions and use of terms.

(a) *In general.* As used in the regulations in this part, unless otherwise expressly indicated—

(1) The terms defined in the provisions of law contained in the regulations in this part shall have the meanings so assigned to them.

(2) The Internal Revenue Code of 1954 means the Act approved August 16, 1954 (68a Stat.), entitled "An Act to revise the internal revenue laws of the United States", as amended.

(3) District director means district director of internal revenue. The term also includes the Director of International Operations in all cases where the authority to perform the functions which may be performed by a district director has been delegated to the Director of International Operations.

(4) The terms "stamp tax" and "stamp taxes" generally mean any one or all of the stamp taxes which constitute the subject of the regulations in this part.

(5) The term "documentary stamps" means all stamps issued for use in payment of stamp taxes imposed by chapter 34 of the Internal Revenue Code, including stamps issued by authorized meter machines. See § 47.6801–1.

(6) The cross references in the regulations in this part to other portions of the regulations, when the word "see" is used, are made only for convenience and shall be given no legal effect.

(b) *Cross references.* For other definitions, see section 4381, § 47.4381–1, and section 7701 (§ 47.7701).

§ 47.0–3 Scope of regulations.

The regulations in this part relate to the documentary stamp taxes referred to in subparts B through H (see paragraph (b) of § 47.0–1) and, except where otherwise specifically provided, have application to transactions occurring on or after January 1, 1959. The provisions of the Internal Revenue Code set forth in the regulations in this part are, unless otherwise indicated, provisions of law in effect on January 1, 1959.

§ 47.0–4 Extent to which the regulations in this part supersede prior regulations.

The regulations in this part, with respect to the subject matter within the scope thereof, supersede the Documentary Stamp Tax Regulations contained in Part 43 of this chapter.

Subpart B—Tax on Issuance of Capital Stock and Similar Interests

§ 47.4301 Statutory provisions; imposition of tax.

SEC. 4301 *Imposition of tax.* There is hereby imposed, on each original issue of shares or certificates of stock issued by a corporation (whether on organization or reorganization), a tax at the rate of 10 cents on each $100 (or major fraction thereof) of the actual value of the certificates (or of the shares where no certificates are issued); except that such rate shall be 4 cents instead of 10 cents in the case of shares or certificates issued by a corporation to which subchapter M of chapter 1 applies for the taxable year during which such share or certificate is issued. The tax imposed by this section shall be computed on the basis of all certificates (or shares) so issued by the corporation on each day.

[Sec. 4301 as amended and in effect Jan. 1, 1959, and as further amended by Act of Apr. 8, 1960 (Pub. Law 86-416, 74 Stat. 36)]

§ 47.4301–1 Imposition of the tax on original issue of stock.

(a) *Scope of tax*—(1) *In general.* Section 4301 imposes a tax on each original issue of shares or certificates of stock issued by a domestic corporation. See section 4381(b) and paragraph (b) of § 47.4381–1 and section 4381(c) and paragraph (c) of § 47.4381–1, respectively, for definitions of the terms "corporation" and "shares or certificates of stock". In the case of subscriptions, stock is deemed to be issued when the subscription is accepted. The tax applies to each original issue of the shares or certificates, whether upon organization, reorganization, or otherwise, regardless of the purpose of the issue, the person to whom issued, or the time of delivery. Thus, the tax applies to shares or certificates issued in a recapitalization where the recapitalization results in the dedication of an amount as capital for the first time (see § 47.4302–1).

(2) *Original issue.* An original issue of stock means any issue of shares or certificates of stock which reflects in whole or in part the addition of an amount to the capital stock account.

(b) *Rate and computation of tax*—(1) *Rate of tax*—(i) *In general.* Except as otherwise provided in subdivision (ii) of this subparagraph, the rate of tax is 10 cents on each $100 (or major fraction thereof) of the actual value of the cer-

tificates (or of the shares where no certificates are issued).

(ii) *Regulated investment companies.* In the case of shares or certificates issued on or after April 9, 1960, by a corporation to which subchapter M of chapter 1 of the Code applies for the taxable year during which such shares or certificates are issued, the rate of tax is 4 cents on each $100 (or major fraction thereof) of the actual value of the certificates (or of the shares where no certificates are issued). The terms "taxable year" and "regulated investment company" as used in this subdivision, have the same meaning as when used in subchapter M of chapter 1 of the Code and the regulations thereunder. The tax is to be computed at the 4-cent rate in respect of shares or certificates issued by a company which qualified as a regulated investment company for the year immediately preceding the taxable year in which the shares or certificates are issued provided the company intends to elect to be taxed as a regulated investment company for Federal income tax purposes during the year that such shares or certificates are issued. In the case of a newly created company which has filed its notification of registration with the Securities and Exchange Commission pursuant to the provisions of the Investment Company Act of 1940, the 4-cent rate will apply if—

(*a*) The company intends to elect to be taxed as a regulated investment company for Federal income tax purposes, and

(*b*) The company qualifies to be taxed as a regulated investment company for the taxable year.

If tax is computed at the 4-cent rate in respect of shares or certificates issued by a company during a taxable year, such shares or certificates shall be subject to tax at the 10-cent rate if the company fails to qualify as a regulated investment company for such taxable year. If the tax is paid at the 10-cent rate, refund of the difference between the 10-cent and the 4-cent rate is allowable within the applicable period of limitation to the person who paid the tax with respect to shares or certificates issued by a company if it is shown that the company qualified as a regulated investment company for the taxable year during which such shares or certificates were issued. For provisions with respect to period of limitation for filing claims for refund, see section 6511 and the regulations thereunder in Part 301 of this chapter (Regulations on Procedure and Administration).

(iii) *Major fraction.* A major fraction of $100 is any amount in excess of $50 and less than $100.

(2) *Computation of tax*—(i) *In general.* A single computation of tax must be made with respect to the certificates (and shares which are not represented by certificates) issued by a corporation on each day. The amount of tax imposed under section 4301 in respect of shares or certificates issued by a corporation on a particular day is computed by ascertaining the actual value of all certificates (and shares which are not represented by certificates) issued on such day and applying to such actual value the applicable rate of tax.

(ii) *Actual value.* (*a*) In general, the actual value of stock is the fair market value of the stock. Fair market value of stock is considered to be the price agreed upon by the parties to the issuance to be paid for the stock unless the price includes property or services or the issuance transaction is not an arm's length transaction or is subject to special conditions which result in a price not reflecting the value of the stock as such value would be determined by reference to the mean selling price of the stock on the open market or to all the facts and circumstances of the case. In the absence of a price agreed upon by the parties or if the price agreed upon includes property or services, results from a transaction not at arm's length, or is affected by special conditions, the fair market value of each share of stock issued on a particular day shall be considered to be the mean between the high and low selling prices of the stock on the open market for such day. Thus, the price to be paid for stock to be issued by reason of the exercise of a stock option in a case where the option price is less than the mean selling price of the stock on the open market may not be used in ascertaining the value of the stock so issued for the reason that the transaction is subject to special conditions which result in the option price not reflecting the mean selling price of the stock. If the fair market value of the stock cannot be determined by reference to the price of the stock agreed upon by the parties or the mean between the high and low selling prices thereof on the open market, the fair market value shall be determined on the basis of all the facts and circumstances of the particular case.

(*b*) In the case of a unit offering by a corporation, as, for example, a share of stock and a certificate of indebtedness, the fair market value of the stock shall be considered to be the mean between the high and low selling prices of the stock on the open market for the day of issuance if such stock is being traded on the open market other than as a part of such a unit offering. Thus, the actual value and the face value of the certificate of indebtedness are to be disregarded for purposes of determining the value of the stock. If the fair market value of the stock cannot be determined by reference to the mean between the high and low selling prices thereof on the open market, the fair market value shall be determined on the basis of all the facts and circumstances of the particular case. The provisions of this subdivision (*b*) shall have application only to shares or certificates of stock, constituting a part of a unit offering, issued on or after the tenth day following the date of publication of the regulations in this part in the FEDERAL REGISTER.

§ 47.4301–2 Illustrations.

(a) *Issues subject to tax.* The following are examples of issues subject to the tax:

(1) Certificates or shares representing beneficial interests in any organization which is a corporation within the meaning of section 4381(b) or section 7701(a)(3).

(2) Stock issued for property, real or personal, or for the purpose of purchasing a business.

(3) Stock issued by joint-stock land banks.

(4) Stock issued as a dividend. (For limitation of tax, see § 47.4302–1.)

(5) Temporary or interim certificates.

(6) The issue of a fractional share, or a certificate for a fractional share, of stock (see, however, paragraph (b)(6) of this section).

(7) Stock issued upon exercise of a warrant or rights entitling the holder to subscribe for unissued stock (see paragraph (a) of § 47.4321–3).

(8) Stock issued in connection with a consolidation by a consolidated corporation in exchange for stock of the consolidating corporations whether issued directly to the consolidating corporations or to the stockholders of the consolidating corporations (see also paragraph (a)(9) of § 47.4321–2 relating to the imposition of the stock transfer tax where the stock is issued directly to the stockholders). For exemption from tax in respect of issuances of stock to make effective a plan of reorganization or adjustment whereby a mere change in identity, form, or place of organization is affected, see paragraph (d) of § 47.4382–1.

(9) Stock issued in connection with a merger by the continuing corporation whether issued directly to the merging corporation or to the stockholders of the merging corporation (see also paragraph (a)(9) of § 47.4321–2) and stock issued to the stockholders of the continuing corporation in a recapitalization under section 4302 which results in the dedication of an amount as capital which amount is so dedicated for the first time. For exemption from tax in respect of issuances of stock to make effective a plan of reorganization or adjustment whereby a mere change in identity, form, or place of organization is effected, see paragraph (d) of § 47.4382–1.

(10) Stock issued outside the United States by a domestic corporation.

(11) A business property investment certificate, wherein it is certified that the holder thereof is the owner of an interest in certain specified property, legal title to which has been previously conveyed to a trustee, and whereby the issuing corporation agrees to manage the property and distribute the proceeds.

(12) Stock issued where the capital stock account, although not increased at the time of such issuance, was previously increased by a dedication of an amount as capital for the first time which was not accompanied by an issuance of shares or certificates of stock and with respect to which there has been no other issuance of shares or certificates of stock. (For limitation of tax, see § 47.4302–1.)

(b) *Issues not subject to tax.* In addition to the various issues specifically exempted under sections 4382 and 4383,

the following are examples of issues not subject to the tax:

(1) The issue of warrants or rights to subscribe for unissued stock (see, however, § 47.4321–3).

(2) The issue of certificates of stock in exchange for outstanding certificates representing the same stock as, for instance, to reflect a change in the name of the issuing corporation or to secure several certificates for one certificate, or vice versa.

(3) The issue of voting-trust certificates.

(4) The issue of definitive certificates of stock in exchange for temporary or interim certificates upon the issuance of which the tax has been paid.

(5) The issue of stock in a recapitalization or reorganization where there is no dedication of additional capital, either by transfer of earned surplus or otherwise (see, however, paragraph (b) of § 47.4302–1).

(6) Stock issued on the surrender of fractional shares or certificates for fractional shares of stock (see, however, paragraph (a)(6) of this section).

(7) The issue in the United States of stock of a foreign corporation.

(8) The issue of stock to effect a mere split in outstanding shares without any increase in the issuing corporation's capital stock account. See, however, paragraph (a)(12) of this section.

(9) The issue of one type of stock for another type of stock and in which the new stock does not reflect the addition of an amount to the capital stock account.

§ 47.4302 Statutory provisions; stock issued in recapitalization.

SEC. 4302 *Recapitalization.* In the case of a recapitalization, the tax imposed by section 4301 shall be that proportion of the tax computed on the certificates (or on the shares where no certificates are issued) issued in the recapitalization that (1) the amount dedicated as capital for the first time by the recapitalization, whether by a transfer of earned surplus or otherwise, bears to (2) the total actual value of such certificates or shares issued in the recapitalization.

[Sec. 4302 as amended and in effect Jan. 1, 1959]

§ 47.4302–1 Limitation on tax in case of recapitalization.

(a) *In general.* Where stock is issued in a recapitalization, the tax payable is that proportion of the total tax imposed by section 4301 computed with respect to all the shares or certificates issued in the recapitalization that the amount dedicated as capital for the first time by the recapitalization, whether by a transfer of earned surplus or otherwise, bears to the total actual value of the shares or certificates so issued.

(b) *Dedication of capital for first time.* A tax is not payable with respect to stock issued in a recapitalization unless the recapitalization results in the dedication of an amount as capital which amount is so dedicated for the first time. Thus, where a corporation transferred an amount from the capital stock account to capital surplus in a prior recapitalization, and such corporation in a subsequent or second recapitalization transfers such amount from capital surplus to the capital stock account under such circumstances that the amount so restored to the capital stock account is clearly identifiable, a tax is not payable with respect to the amount so rededicated as capital. If the amount transferred to the capital stock account from capital surplus cannot be clearly identified as having been previously dedicated to the capital stock account, the portion of the amount so transferred which is attributable to the amount in capital surplus not previously dedicated to capital is considered to be the amount dedicated to capital for the first time, and tax will be imposed with respect thereto. The amount so transferred which is attributable to the amount in capital surplus not previously dedicated to capital is that proportion of the total amount so transferred that the amount in the capital surplus account before such transfer not previously dedicated to capital bears to the total amount in the capital surplus account before such transfer. The tax is also payable with respect to a transfer of capital surplus to the capital stock account by way of a recapitalization where the amount so transferred can be clearly identified as not having been previously dedicated as capital. Any stock dividend constitutes a recapitalization regardless of the amount of such dividend.

(c) *Examples of computation of tax in a recapitalization*—(1) *Statutory method of computing tax.* The computation of tax in a recapitalization in accordance with the formula specified in section 4302 may be illustrated by the following examples:

Example (1). Corporation A has outstanding 10,000 shares of common stock having a stated value of $50 per share and has an earned surplus of $1,500,000. Corporation A declares a stock dividend of one share for each share outstanding and issues shares pursuant thereto. As a part of the transaction, $500,000 is transferred from earned surplus to the capital stock account. The actual value of the 10,000 shares issued in the recapitalization is $2,000,000, and the tax computed on $2,000,000 would be $2,000. $\frac{\$500,000}{\$2,000,000} \times \$2,000$ or $500 is the portion of the tax computed on the shares issued in the recapitalization which is considered under section 4302 to be attributable to the amount dedicated to capital for the first time. The tax imposed on the shares issued in such recapitalization is, therefore, $500.

Example (2). Corporation B has outstanding 1,000 shares of no par common stock with a stated value of $20 per share which is shown in the capital stock account in the amount of $20,000. Corporation B also maintains an account designated "capital surplus" which consists of $100,000, of which $75,000 is attributable to paid-in-surplus and $25,000 is attributable to a reduction in the capital stock account. Corporation B issues to its shareholders for each share outstanding one additional share of no par common stock. As a part of such transaction, the capital stock account is increased to $50,000 by the transfer of $20,000 from capital surplus, and the transfer of $10,000 from earned surplus. The stated value of the no par common stock is increased from $20 per share to $25 per share. Since $75,000 of the amount in the capital surplus account has not been previously dedicated to the capital stock account, $\frac{\$75,000}{\$100,000}$ or ¾ of $20,000 ($15,000) is the portion of the amount transferred to the capital stock account from capital surplus considered to be dedicated to capital for the first time. The $10,000 transferred from earned surplus is clearly identified as having never been previously dedicated to capital. The total amount, therefore, considered to be dedicated to capital for the first time is $25,000. The 1,000 shares of stock issued have an actual value of $130,000, and the tax computed on such amount would be $130. Applying the formula provided in section 4302, $\frac{\$25,000}{\$130,000} \times \$130$ or $25 is the portion of the tax computed on all shares issued in the recapitalization which is attributable to the amount dedicated to capital for the first time. The tax imposed on the shares issued in such recapitalization is, therefore, $25.

(2) *Alternative method of computing tax.* The examples in subparagraph (1) of this paragraph illustrate the method of computing the tax in a recapitalization in accordance with the formula provided in section 4302. The taxpayer may, if he wishes, compute the tax by an alternative method under which actual value of the shares issued in a recapitalization need not be determined. The same tax result will be obtained under this alternative method except for a possible nominal variation due to the application of the major fraction rule of section 4301. Under this alternative method the tax in a recapitalization is computed by multiplying the amount dedicated as capital for the first time by the applicable tax rate. Thus, in example (1) of subparagraph (1) of this paragraph, $500,000 multiplied by .001 ($0.10 on each $100 equals the factor of .001) results in a tax of $500, and in example (2) of the same subparagraph $25,000 multiplied by .001 results in a tax of $25.

(d) *Recapitalization as part of other transaction.* Where a recapitalization is effected in connection with, or as part of, some other transaction, for example, an original or an additional issue of stock, a merger, etc., the limitation of the tax payable to the proportion specified in this section applies only to the stock issued in that part of the transaction which constitutes a recapitalization. Thus, where a corporation makes a change in its capital structure by transferring to the capital stock account a portion of its earned surplus and replacing an issue of stock with another issue of stock and at the same time disposes of part of the new stock by sale to underwriters, the tax limitation is applicable only to that portion of the new stock which is issued in exchange for the old stock retired thereby. In such case, the portion of the new stock sold to the underwriters is taxable in its entirety without any adjustment on account of the recapitalization. Similarly, where a corporation retires its preferred stock by transferring to the capital stock account a portion of its earned surplus and issuing common stock in exchange therefor, and such exchange is made in connection with a merger in which the corporation issues common stock also to the former stockholders of the merged company, the tax limitation is applicable only to the common stock

issued in exchange for the preferred stock, and the shares or certificates of common stock issued to the former stockholders of the merged company are subject to tax without any adjustment on account of the recapitalization.

§ 47.4303 Statutory provisions; exemptions.

SEC. 4303 *Exemptions*—(a) *Common trust funds.* The tax imposed by section 4301 shall not apply to the issue of shares or certificates of a common trust fund, as defined in section 584.

(b) *Pooled investment funds.* The tax imposed by section 4301 shall not apply to the issue of shares or certificates of a fund maintained by a bank exclusively for the collective investment and reinvestment of assets of qualified trusts (within the meaning of section 401, relating to qualified pension, profit-sharing, and stock bonus plans).

(c) *Installment purchases of certain shares or certificates.* The tax imposed by section 4301 shall not apply to shares or certificates issued by a corporation pursuant to an installment purchase agreement which provides that—

(1) The periodic payments by the purchaser will be applied (as received by the corporation) solely to the acquisition of shares or certificates in specified other corporations (and in specified percentages), and

(2) The corporation will transfer to the purchaser, on or before the termination of the agreement, all shares or certificates in other corporations acquired by it for the purchaser.

For the purposes of the preceding sentence, the term "purchaser" includes a successor in interest of the purchaser.

(d) *Other exemptions.* For other exemptions, see section 4382.

[Sec. 4303 as amended and in effect Jan. 1, 1959]

§ 47.4303–1 Exemptions.

(a) *Common trust funds.* For regulations under section 584, see Part 1 of this chapter (Income Tax Regulations).

(b) *Pooled investment funds.* Section 4303(b) exempts from the tax imposed by section 4301 the issue of shares or certificates of stock of a fund maintained by a bank exclusively for the collective investment and reinvestment of assets of trusts which are qualified trusts within the meaning of section 401, relating to qualified pension, profit-sharing, and stock bonus plans. The exemption applies to such issue of shares or certificates regardless of the capacity in which the bank holds those assets of the participating trusts which have been pooled for the purpose of collective investment or reinvestment. For regulations under section 401, see Part 1 of this chapter (Income Tax Regulations).

(c) *Installment purchases of certain shares or certificates.* Section 4303(c) exempts from the tax imposed by section 4301, under certain circumstances, shares or certificates of stock issued by a corporation pursuant to an installment purchase agreement. The exemption has application only if the installment purchase agreement provides that:

(1) The periodic payments required to be made by the purchaser under the installment purchase agreement will be applied, as received by the corporation, solely to the acquisition of shares or certificates of stock in other corporations which are designated in the agreement and that the periodic payments will be so applied in accordance with the specified percentages set forth in the agreement, and

(2) The corporation, on or before the termination of the installment purchase agreement, will transfer to the purchaser all shares or certificates of stock in the designated corporations which were acquired by it for such purchaser pursuant to such agreement.

The exemption will have application only if all of the foregoing conditions are met. The exemption will not apply, for example, if the corporation has an option, under the installment purchase agreement or otherwise, to distribute cash in lieu of the stock purchased for the purchaser. However, the exemption will apply if the purchaser has the option to receive cash in lieu of the stock purchased for him. For purposes of subparagraph (1) of this paragraph, periodic payments will be considered as being applied "solely to the acquisition of shares or certificates of stock in other corporations" notwithstanding that the agreement authorizes the corporation to apply a portion of such payments to cover loading charges or to retain amounts insufficient to purchase a full share of stock. For purposes of section 4303(c) and this paragraph, the term "purchaser" includes a successor in interest of the purchaser.

§ 47.4304 Statutory provisions; affixing of stamps.

SEC. 4304 *Affixing of stamps.* The stamps representing the tax imposed by section 4301 shall be affixed to the stock books or corresponding records of the organization and not to the certificates issued.

[Sec. 4304 as originally enacted and in effect Jan. 1, 1959]

§ 47.4304–1 Affixing of stamps.

(a) *Documentary stamps.* Only documentary stamps shall be used in payment of the tax imposed by section 4301. The requisite stamps shall be affixed to the stock books or corresponding records of the corporation, and not to the certificates issued. See §§ 47.6804–1 and 47.6804–2 for appropriate use, denominations, and cancellation of such stamps.

(b) *Purchase of documentary stamps.* Documentary stamps may be purchased, and requisition forms for the purchase of such stamps may be obtained, from the sources and in the manner provided in § 47.6802–1. For provisions relating to distribution, supply, and redemption of stamps, see sections 6801 (§ 47.6801), 6802 (§ 47.6802), and 6805 (§ 47.6805), and the regulations thereunder contained in Part 301 of this chapter (Regulations on Procedure and Administration), and § 47.6801–1.

§ 47.4305 Statutory provisions; cross references.

SEC. 4305 *Cross references.* For definitions, penalties, and other general and administrative provisions applicable to this part, see sections 4381 and 4384 and subtitle F.

[Sec. 4305 as amended and in effect Jan. 1, 1959]

§ 47.4305–1 Cross references.

(a) For definitions, see section 4381, § 47.4381–1, and section 7701 (§ 47.7701).

(b) For penalties, see section 7271 and § 47.7271–1.

(c) For other general and administrative provisions, see section 4384, § 47.4384–1, Subpart J, and the applicable sections of subtitle F and the regulations in Part 301 of this chapter (Regulations on Procedure and Administration).

Subpart C—Tax on Issuance of Certificates of Indebtedness

§ 47.4311 Statutory provisions; imposition of tax.

SEC. 4311 *Imposition of tax.* There is hereby imposed, on all certificates of indebtedness issued by a corporation, a tax at the rate of 11 cents on each $100 of face value or fraction thereof.

[Sec. 4311 as amended and in effect Jan. 1, 1959]

§ 47.4311–1 Imposition of tax on issuance of certificates of indebtedness.

(a) *Scope of tax.* Section 4311 imposes a tax on the issue within the territorial jurisdiction of the United States by any corporation of certificates of indebtedness as defined in section 4381(a) and paragraph (a) of § 47.4381–1. See section 4381(b) and paragraph (b) of § 47.4381–1 for definition of the term "corporation". Every renewal of a certificate of indebtedness is subject to tax as a new issue (see § 47.4312–1). A certificate of indebtedness is issued within the meaning of the law at the time it is delivered so as to constitute an obligation of the issuer.

(b) *Rate and computation of tax.* The rate of tax is 11 cents on each $100 or fraction thereof of the face value of each certificate of indebtedness; except that, where a certificate conditioned for the repayment or payment of money is given in a penal sum, greater than the debt secured, the tax is based upon the amount secured (see section 4313). A separate computation of tax must be made with respect to each certificate of indebtedness regardless of the number of certificates which may be issued in a single transaction. For example, the tax on the issuance of a certificate having a face value of $1,000 is $1.10. The tax on the issuance of 2 certificates having a face value of $50 each is 22 cents, that is, 11 cents on each certificate, whether the certificates are issued to the same person or to different persons.

(c) *Affixing of stamps.* (1) The requisite documentary stamps shall be affixed either to the certificates of indebtedness or to the indenture or agreement under which they are issued. If the stamps are affixed to the indenture or agreement, the certificate must bear a legend showing that the proper documentary stamps have been affixed to the indenture or agreement and duly cancelled. If the indenture provides for the issue of certificates over a period of years, the requisite stamps may be affixed at the time of each issue. Only documentary stamps shall be used in payment of the tax imposed by section 4311. See §§ 47.6804–1 and 47.6804–2 for the appropriate use, denominations, and cancellation of such stamps.

(2) Documentary stamps may be purchased, and requisitions for the purchase of such stamps may be obtained, from the sources and in the manner provided in § 47.6802–1. For provisions relating to distribution, supply, and redemption of stamps, see sections 6801 (§ 47.6801), 6802 (§ 47.6802), and 6805 (§ 47.6805), and the regulations thereunder contained in Part 301 of this chapter (Regulations on Procedure and Administration), and § 47.6801–1.

§ 47.4311–2 Illustrations.

(a) *Issues subject to tax.* The following are examples of corporate instruments taxable upon issue:

(1) A bond secured by a real estate mortgage.

(2) A bond delivered to a bank or trust company as security for the payment of an obligation.

(3) Bonds executed outside the United States by a foreign corporation and delivered in the United States.

(4) Interim certificates or temporary bonds issued in lieu of definitive bonds. However, no additional tax is due on the issuance of the corresponding permanent or definitive bonds, but each of such permanent or definitive bonds must bear notation of the fact that requisite stamps were duly affixed to the interim certificates or temporary bonds or to the indenture or agreement under which such interim certificates or temporary bonds were issued.

(5) Equipment trust certificates.

(6) Any certificate of indebtedness issued by any receiver, trustee in bankruptcy, assignee, or other person, having custody of property, or charge of the affairs, of any corporation (see section 4381(b)).

(b) *Issues not subject to tax.* In addition to the various issues specifically exempt under sections 4314(a) and 4382, the following are examples of instruments not taxable upon issue:

(1) An instrument issued by an individual or partnership.

(2) An instrument merely representing the assignment of an interest in a bond (see, however, § 47.4331–1 and paragraph (b) of § 47.4351–1).

(3) Bonds issued in exchange for outstanding bonds of different denominations but of the same kind, the same total face amount, and the same maturity date.

(4) Permanent or definitive bonds issued in exchange for interim certificates or temporary bonds representing the same obligation (see, however, paragraph (a)(4) of this section).

(5) A certificate of deposit issued by a bank, whether or not negotiable, and whether payable on demand or at some specified time; and a certificate of deposit issued by an organization operating under the Morris Plan.

(6) Indemnity, fidelity, and surety bonds.

(7) A business property investment certificate, wherein it is certified that the holder thereof is the owner of an interest in certain specified property, legal title to which has been previously conveyed to a trustee, and whereby the issuing corporation agrees to manage the property and distribute the proceeds. However, such instrument is subject to the tax imposed by section 4301 (see paragraph (a)(11) of § 47.4301–2).

(8) A bond issued by a trust company on behalf of the estate of a decedent for which it is acting as executor or administrator, provided the certificate is issued solely on the credit of the estate.

(9) A warrant granting the right to purchase unissued bonds (see § 47.4331–3).

(10) A promissory note of a corporation which does not have the characteristics of a certificate of indebtedness. (For an instrument designated a promissory note which may be subject to tax, see paragraph (a) of § 47.4381–1.)

§ 47.4312 Statutory provisions; renewal of certificates of indebtedness.

SEC. 4312 *Renewals.* Every renewal of any certificate of indebtedness shall be taxed as a new issue.

[Sec. 4312 as redesignated and in effect Jan. 1, 1959]

§ 47.4312–1 Tax on renewal of certificates of indebtedness.

Every renewal of a certificate of indebtedness is subject to the tax imposed by section 4311 as a new issue. Whenever there is such a material change in the obligation as to constitute a new obligation, as, for example, an extension of maturity date or a change in the interest rate of the outstanding certificate of indebtedness, such change constitutes a renewal subject to tax as a new issue. The time when the original certificate was issued is immaterial. Likewise, the time when the certificate is renewed, whether before or after the original date of maturity, is immaterial. A tax liability is not dependent upon use of any particular form of instrument to effect the renewal. The renewal may, for example, be evidenced by a notation on the original certificate, by a collateral agreement, or by an extension agreement.

§ 47.4313 Statutory provisions; bond as security for debt.

SEC. 4313 *Bond as security for debt.* In the case where a bond conditioned for the repayment or payment of money is given in a penal sum greater than the debt secured, the tax imposed by section 4311 shall be based upon the amount secured.

[Sec. 4313 as redesignated and in effect Jan. 1, 1959]

§ 47.4313–1 Bond as security for debt.

For the effect of section 4313 on the computation of the tax, see paragraph (b) of § 47.4311–1.

§ 47.4314 Statutory provisions; exemption for certain installment obligations.

SEC. 4314 *Exemptions*—(a) *Installment purchase of obligations.* The tax imposed by section 4311 shall not apply to any instrument under the terms of which the obligee is required to make payment therefor in installments and is not permitted to make in any year a payment of more than 20 percent of the cash amount to which entitled upon maturity of the instrument.

(b) *Other exemptions.* For other exemptions, see section 4382.

[Sec. 4314 as redesignated and in effect Jan. 1, 1959]

§ 47.4315 Statutory provisions; cross references.

SEC. 4315 *Cross references.* For definitions, penalties, and other general and administrative provisions applicable to this part, see sections 4381 and 4384 and subtitle F.

[Sec. 4315 as redesignated and amended and in effect Jan. 1, 1959]

§ 47.4315–1 Cross references.

(a) For definitions, see section 4381, § 47.4381–1, and section 7701 (§ 47.7701).

(b) For penalties, see section 7271 and § 47.7271–1.

(c) For other general and administrative provisions, see section 4384, § 47.4384–1, Subpart J, and the applicable sections of subtitle F and the regulations in Part 301 of this chapter (Regulations on Procedure and Administration).

Subpart D—Tax on Sales or Transfers of Capital Stock and Similar Interests

§ 47.4321 Statutory provisions; imposition of tax.

SEC. 4321 *Imposition of tax.* There is hereby imposed on each sale or transfer of shares or certificates of stock, or of rights to subscribe for or to receive such shares or certificates, issued by a corporation, a tax at the rate of 4 cents on each $100 (or major fraction thereof) of the actual value of the certificates, of the shares where no certificates are sold or transferred, or of the rights, as the case may be. In no case shall the tax so imposed on any such sale or transfer be—

(1) More than 8 cents on each share, or

(2) Less than 4 cents on the sale or transfer.

[Sec. 4321 as amended and in effect Jan. 1, 1959, and as further amended by sec. 5(a), Act of Sept. 21, 1959 (Pub. Law 86–344, 73 Stat. 619)]

§ 47.4321–1 Imposition of tax.

(a) *Scope of tax.* Section 4321 imposes a tax on each sale or transfer (as defined in section 4351(b)), within the territorial jurisdiction of the United States of shares or certificates of stock, or of rights to subscribe for or to receive such shares or certificates, issued by a corporation. As to sales or transfers of warrants to subscribe for or to purchase stock, see § 47.4321–3. The tax applies to the specified dealings or transactions in stock, whether occurring before, after, or without the issuance of a certificate. The tax attaches at the time of making the sale or transfer, regardless of the time or manner of delivery of the certificate, agreement, or memorandum of sale. For requirements as to the making and keeping of records of such sales or transfers, see §§ 47.4352–1 and 47.6001–1. See section 4381 and § 47.4381–1 for definitions of the terms "corporation" and "shares or certificates of stock". For purposes of the tax imposed by section 4321, the term "stock", as used in the regulations in this part, includes shares or certificates of stock and rights to subscribe for or to receive such shares or certificates.

(b) *Rate and computation of tax*—(1) *Computation.* Where, by sale or transfer, stock of the same class issued by one corporation is transferred from

a single transferor to a single transferee, the tax is computed on the basis of the aggregate actual value of all the shares transferred. Where there are two or more transferors or two or more transferees, or where in a single transaction transfer is made of the stock of two or more corporations or of two or more classes issued by a single corporation, a separate tax computation must be made with respect to each transferor and each transferee and with respect to the stock of each corporation and the stock of each class issued by a single corporation. The foregoing rule may be illustrated by the following examples:

Example (1). A, owning 25 shares of common stock and 25 shares of preferred stock of the X Corporation, and 50 shares of the common stock of the Y Corporation, transfers all the stock by delivering the certificates to B. In this situation, there are three distinct transactions, namely, a transfer of 25 shares of common stock of the X Corporation, a transfer of 25 shares of preferred stock of the X Corporation, and a transfer of 50 shares of common stock of the Y Corporation, and the tax is computed, in the case of each transfer, upon the actual value of the stock.

Example (2). A, owning 100 shares of stock in the X Corporation represented by one or more certificates, sells 50 shares each to B and C. To that end, A sends his certificate or certificates to the transfer agent with instructions to issue one or more certificates aggregating 50 shares to each purchaser. In this situation, there are two distinct transactions, namely, two sales of 50 shares of stock each, and the tax is computed upon the actual value of the stock transferred to each purchaser.

Example (3). A and B, each owning 50 shares of stock in the X Corporation represented in each case by one or more certificates, make a gift of their stock to C. To that end, they send their certificates to the transfer agent with instructions to issue to the donee one or more certificates for the entire 100 shares. In this situation, there are likewise two distinct transactions, namely, two gifts of 50 shares of stock each, and a separate computation must be made with respect to each gift.

(2) *Rate of tax*—(i) *In general.* The rate of tax applicable to each sale or transfer of shares or certificates of stock or of rights to subscribe for or to receive shares or certificates of stock is 4 cents on each $100 (or major fraction thereof) of the actual value of the certificates, of the shares where no certificates are sold or transferred, or of the rights. In no case, however, shall the tax imposed on any such sale or transfer be—

(*a*) More than 8 cents on each share sold or transferred or, in the case of the sale or transfer of rights to subscribe for or to receive shares or certificates of stock, more than 8 cents in respect of each share covered by such rights, or

(*b*) Less than 4 cents on any one sale or transfer.

(ii) *Exception in the case of rights sold or transferred prior to November 1, 1959.* The rate of tax applicable in respect of any sale or transfer, prior to November 1, 1959, of rights to subscribe for or to receive shares or certificates of stock is 4 cents on each $100 (or major fraction thereof) of the actual value of the stock to which the rights relate. However, the provisions of subdivision (i) (*a*) (insofar as they relate to rights) and (*b*) of this subparagraph are applicable in computing the maximum and minimum amount of tax imposed on any sale or transfer of rights to which this subdivision has application.

(iii) *Major fraction.* A major fraction of $100 is any amount in excess of $50 and less than $100.

(3) *Actual value.* The principles set forth in paragraph (b)(2)(ii) of § 47.4301–1 for determining the actual value of shares or certificates of stock issued are equally applicable for purposes of determining the actual value of shares or certificates of stock, or rights thereto, sold or transferred.

(4) *Examples of computation.* The computation of the tax imposed by section 4321 may be illustrated by the following examples:

Example (1). A sells to B 100 shares of stock of the X Corporation having an actual value of $10,000 and gives to B 10 shares of stock of the Y Corporation having an actual value of $2,560. A separate computation must be made with respect to the stock of each corporation. Applying the rate of 4 cents for each $100 of actual value (or major fraction thereof), the tax on the sale of the X Corporation stock is $4 (100×$0.04) and the tax on the gift of the Y Corporation stock is $1.04 (26, applying the major fraction rule, ×$0.04). Since the application of the 4-cent rate results in tax in excess of 8 cents per share in the case of the Y Corporation stock ($1.04÷10), the tax in respect of such stock is computed at the rate of 8 cents per share resulting in tax of $0.80. Thus, the total tax in respect of the sale and gift of the stock of X Corporation and of Y Corporation is $4.80.

Example (2). A sells to B 10 shares of stock having an actual value of $50. Since $50 does not constitute a major fraction of $100 the provision of section 4321 imposing a minimum tax of not less than 4 cents on a sale or transfer applies. Accordingly, the tax on the sale of the 10 shares is 4 cents.

(5) *Cross reference.* For provisions relating to the application of the tax imposed by section 4321 in the case of certain changes in a partnership, see section 4383 and § 47.4383–1.

§ 47.4321–2 Illustrations.

(a) *Sales and transfers subject to tax.* The following transfers of stock are illustrations of transactions which are taxable, unless exempt from tax under a specific provision of the Internal Revenue Code (see sections 4322, 4341 to 4344, inclusive, 4382, and 4383(a) with respect to such exemptions):

(1) Transfer by gift.

(2) Transfer by an administrator or executor to a distributee or legatee (see, however, section 4344(b) and paragraph (b) of § 47.4344–1).

(3) Transfer to or by trustees (see, however, section 4343(a)(8)).

(4) Transfer of an interim certificate, a voting trust certificate, or a certificate of beneficial interest in an association.

(5) Transfer from persons holding legal title as tenants in common, as joint tenants, or as tenants by the entirety, to the same persons separately to effect a partition, or from one person to two or more persons, whether or not including the transferor, as tenants in common, as joint tenants, or as tenants by the entirety (see, however, section 4343(a)(9)).

(6) Transfer from a partnership on its termination under section 708; also from a partnership to an individual member thereof upon a dissolution of his interest in the partnership. See § 47.4383–1.

(7) Transfer to a corporation of its own stock (see, however, paragraph (b)(3) of this section).

(8) Transfer upon a merger from the name of a merging corporation of stock owned by it to the name of the continuing corporation. Similarly, upon a consolidation, a transfer from any of the consolidating corporations to the consolidated corporation (see, however, paragraphs (b) (6) and (7) of this section). For exemption from tax in respect of transfers to make effective a plan of reorganization or adjustment whereby a mere change in identity, form, or place of organization is effected, see paragraph (d) of § 47.4382–1.

(9) In addition to the tax on the issuance of stock in connection with a merger or consolidation, where such stock is issued directly to the stockholders of the merging or consolidating corporations by the continuing or consolidated corporation (see paragraphs (a) (8) and (9) of § 47.4301–2), there is also a transfer tax imposed at the time of the issuance of such stock. The transfer tax is applicable to such a transaction inasmuch as there is involved the transfer to the stockholders of the merging or consolidating corporations of such corporations' right to receive the stock of the continuing or consolidated corporation. For exemption from tax in respect of transfers to make effective a plan of reorganization or adjustment whereby a mere change in identity, form, or place of organization is effected, see paragraph (d) of § 47.4382–1.

(10) Transfer of stock to another person upon order of the purchaser; transfer of the right to receive a stock dividend already declared; issuance of stock to a person other than the subscriber; all other transfers of rights to receive stock; and all transfers of rights to subscribe for stock.

(11) Transfer by a broker to a customer of stock issued as a dividend on stock purchased for the customer by the broker and held by the broker in his own name or in the name of his nominee.

(12) Transfer of stock on the books of a domestic corporation, regardless of where the sale is made or the stock certificate is delivered.

(13) Sale or transfer within the territorial jurisdiction of the United States of stock of a foreign corporation.

(14) Transfers by operation of law (see, however, § 47.4343–1).

(b) *Sales and transfers not subject to tax.* In addition to the exemptions prescribed in sections 4382 and 4383(a) which apply to documentary stamp taxes generally and to the specific exemptions provided in sections 4322 and 4341 to 4344, inclusive, and the regulations thereunder, the following are examples of transactions not subject to the tax:

(1) Transfer of stock pursuant to a sale, where the requisite stamps have been affixed to the memorandum of sale.

(2) Surrender of certificates in exchange for other certificates representing the same stock issued to the same person (see also paragraph (b)(2) of § 47.4301–2).

(3) Surrender of stock to the issuing corporation for extinguishment (see also paragraph (a)(7) of this section).

(4) Change in the registration of stock for the sole purpose of recording a change in the name of a stockholder, such as from the maiden name to the married name of a stockholder, or a change in the name of a corporation which is a stockholder.

(5) Transfer of stock to or by an insolvent bank, where such transfer is within the provisions of section 7507.

(6) In a consolidation of corporations, the surrender of stock of any of the consolidating corporations in exchange for stock of the consolidated corporation (see, however, paragraph (a)(9) of this section and paragraph (a)(8) of § 47.4301–2).

(7) In a merger of corporations, the surrender of stock of both the merging and the continuing corporations in exchange for stock of the continuing corporation (see, however, paragraph (a)(9) of this section and paragraph (a)(9) of § 47.4301–2).

(8) Deliveries of stock to or by a clearinghouse for the sole purpose of clearing or adjusting accounts of its members.

(9) Transfer of stock pursuant to a call, since a "call" is an agreement to sell stock and taxable as such. However, a person making such nontaxable transfer shall furnish and attach to the certificate a statement in substantially the following form:

It is hereby certified that the transfer of ---------- shares of the within stock to ---------- has been made pursuant to a "call", and that the requisite Federal documentary stamps for the transaction are affixed to such "call", which is in the possession of the undersigned.

Signature

(10) The mere delivery of a certificate of stock by a customer to his broker solely for the purpose of enabling such broker to sell the stock for the customer, where the broker has no legal title or other interest in the stock.

(11) The mere delivery of a certificate of stock by a purchasing broker to his customer, if the tax was paid upon the sale of the stock to such broker and such broker has no legal title or other interest in the stock.

§ 47.4321–3 Tax on warrants.

(a) *To subscribe for stock.* Transfers of warrants entitling the holder to subscribe for stock are taxable as transfers of rights to subscribe. For computation of the tax on transfers of rights to subscribe for stock, see paragraph (b) of § 47.4321–1. The issue of a warrant entitling the holder to subscribe for stock is not subject to tax, but the issue of stock upon exercise of the warrant is subject to the tax imposed by section 4301 (see paragraph (a)(7) of § 47.4301–2).

(b) *To purchase issued stock.* (1) Warrants entitling the holder to purchase issued stock are taxable upon issuance as agreements to sell stock (see definition of "sale or transfer" in section 4351(b) and paragraph (b) of § 47.4351–1). The tax imposed by section 4321 is computed on the basis of the actual value of the stock at the time the warrant is issued. The warrant price is not indicative of the actual value to be attributed to the stock for purposes of the tax.

(2) Transfers of warrants entitling the holder to purchase issued stock are not subject to the stamp tax since the statute does not impose a tax on sales or transfers of agreements to sell stock. If the transfer tax is paid upon the issuance of a warrant as an agreement to sell stock, no additional transfer tax is incurred upon the subsequent transfer of the stock pursuant to the exercise of the warrant. However, the person making such exempt transfer of stock shall furnish and attach to the certificate a statement in substantially the following form:

It is hereby certified that the transfer of the attached certificate for ----------
(Number of shares and description of stock)
---------- to ----------
(Name of transferee)
is made pursuant to the exercise of a warrant which is in the possession of the undersigned, and that the requisite stamps due upon the issuance of such warrant have been affixed thereto.

Signature

§ 47.4321–4 Cross references.

(a) *Records of sales and transfers of stock.* For recordkeeping requirements, see § 47.6001–1.

(b) *Registration of nominees.* For provisions with respect to registration of nominees, see paragraph (a) of § 47.4351–1.

(c) *Rules applicable to securities exchanges and clearinghouses.* For rules applicable to securities exchanges and clearinghouses, see § 47.4353–1.

§ 47.4322 Statutory provisions; exemptions.

SEC. 4322 *Exemptions*—(a) *Exemptions for certain transfers.* The tax imposed by section 4321 shall not apply to any delivery or transfer of shares, certificates, or rights—

(1) *Brokers.* To a broker or his registered nominee for sale of such shares, certificates, or rights; by a broker or his registered nominee to a customer for whom and upon whose order the broker has purchased same; or by a purchasing broker to his registered nominee to be held by such nominee for the same purpose as if held by the broker; or

(2) *Nominees of corporations.* From a corporation to a registered nominee of such corporation, or from one such nominee to another such nominee, provided that in each instance such shares, certificates, or rights are to be held by the nominee for the same purpose as if retained by the corporation; or from such nominee to such corporation.

(b) *Certain odd-lot transactions*—(1) *Exemption.* The tax imposed by section 4321 shall not apply to any odd-lot sale by an odd-lot dealer if the shares, certificates, or rights are delivered or transferred to a broker pursuant to an order of a customer of such broker for such shares, certificates, or rights.

(2) *Definitions.* For purposes of paragraph (1)—

(A) The term "odd-lot sale" means an odd-lot transaction under the rules of the securities exchange of which the odd-lot dealer is a member.

(B) The term "odd-lot dealer" means a person who is (i) a member of a securities exchange which is registered with the Securities and Exchange Commission as a national securities exchange, and (ii) registered under the rules of such exchange as an odd-lot dealer or as a specialist.

(c) *Other exemptions.* For other exemptions, see sections 4341, 4342, 4343, 4344, and 4382.

[Sec. 4322 as amended and in effect Jan. 1, 1959]

§ 47.4322–1 Exemptions.

(a) *Transfer from customer to broker.* (1) If stock is transferred to the name of a broker, or to the name of a broker's registered nominee, solely for the purpose of enabling such broker to sell the stock for the customer, the transfer is exempt from tax provided the broker furnishes at the time of transfer or delivery an exemption certificate in substantially the form prescribed in § 47.4345–1. For provisions relating to the registration of nominees, see paragraph (a) of § 47.4351–1.

(2) A transfer to the name of a selling agent other than a broker, as, for example, a bank, whether the sale be made by the agent direct or through a broker for the agent's account, is subject to tax, since the exemption applies only to deliveries and transfers to brokers (but see paragraph (b) of § 47.4342–1). However, liability is not incurred by the mere delivery of a certificate of stock to an agent who obtains no legal title or other interest in the stock.

(b) *Transfer from broker to customer.* (1) If stock is transferred to the name of a purchasing broker or his registered nominee who holds the stock for the same purpose as if held by the broker and tax on such transfer is paid, transfer may thereafter be made to the name of the purchaser (for whom and upon whose order the broker has purchased such stock) without payment of tax. If the tax was paid upon the transfer to the name of the purchasing broker, transfer may be made to the name of his registered nominee and from such nominee to the name of the purchaser without payment of tax. However, no exemption will be allowed under this paragraph unless the broker furnishes at the time of transfer or delivery an exemption certificate in substantially the form prescribed in § 47.4345–1. For provisions relating to the registration of nominees, see paragraph (a) of § 47.4351–1.

(2) Delivery to, or transfer to the name of, the customer may not be made tax free in any case in which the stock was transferred from the seller to the broker or his registered nominee without payment of the tax, since the law requires that the tax shall be paid on the transfer or transfers between the actual seller and actual buyer. A transfer from

the name of a purchasing agent other than a broker, as, for example, a bank, whether the purchase be made directly or through a broker for the agent's account, is subject to tax, since the exemption applies only to deliveries and transfers from brokers (but see paragraph (b) of § 47.4342–1). However, liability is not incurred by the mere delivery to the principal of a certificate of stock by an agent having no legal title or other interest in the stock, or by a broker for the account of such agent.

(c) *Transfers between corporations and nominees.* The tax does not apply to the delivery or transfer of stock from a corporation to a registered nominee of such corporation, or from one such nominee to another such nominee, if in either case the shares or certificates continue to be held by such nominee for the same purpose for which they would be held if retained by such corporation; or from such nominee to such corporation. No exemption is granted unless the nominee is registered in the manner provided in paragraph (a) of § 47.4351–1. Nor shall the exemption be granted in any case unless the delivery or transfer is accompanied by an exemption certificate, executed by the person making the exempt transfer, in substantially the form prescribed in § 47.4345–1.

(d) *Certain odd-lot transactions.* The tax imposed by section 4321 shall not apply to any odd-lot sale by an odd-lot dealer if the shares, certificates, or rights are delivered or transferred to a broker pursuant to an order of a customer of such broker for such shares, certificates, or rights and the broker furnishes at the time of transfer or delivery an exemption certificate in substantially the form prescribed in § 47.4345–1. Actual physical delivery or transfer of the shares, certificates, or rights sold is not required if the effect of the transaction is a sale to a customer of the broker. Thus, if an odd-lot dealer executes odd-lot purchase and sale orders in a particular stock for a broker pursuant to orders of the broker's customers during a given day and only the net balance of such stock for that day is physically delivered or transferred to the broker, all of the odd-lot sales which contributed to such net balance are exempt. The term "odd-lot sale" means an odd-lot transaction under the rules of the securities exchange of which the odd-lot dealer making the sale is a member. The term "odd-lot dealer" means a person who is (1) a member of a securities exchange which is registered with the Securities and Exchange Commission as a national securities exchange, and (2) registered under the rules of such exchange as an odd-lot dealer or as a specialist.

§ 47.4323 Statutory provisions; affixing of stamps.

SEC. 4323 *Affixing of stamps*—(a) *Books of the corporation.* The stamps representing the tax imposed by section 4321 shall be affixed to the books of the corporation in case of a sale where the evidence of transfer is shown only by the books of the corporation.

(b) *Certification as to value by transferor or transferee.* Where shares or certificates of stock, or of rights to subscribe for or to receive such shares or certificates, are presented for transfer and the tax thereon is paid by the use of adhesive stamps, such shares, certificates, or rights shall be accompanied by a certification signed by the transferor or his agent or the transferee or his agent as to the actual value of the shares, certificates, or rights so transferred, and any corporation or transfer agent to whom such shares, certificates, or rights are presented shall be entitled to rely on such certification without further inquiry.

(c) *Other evidences of sale or transfer.* For provisions applicable to the affixing of stamps in cases of sale or transfer shown otherwise than only by the books of the corporation, see section 4352.

[Sec. 4323 as amended and in effect Jan. 1, 1959 and as further amended by sec. 5(b), Act of Sept. 21, 1959 (Pub. Law 86–344, 73 Stat. 619)]

§ 47.4323–1 Affixing of stamps.

(a) *Books of the corporation.* (1) Except as provided in section 4353 and § 47.4353–1, only documentary stamps shall be used in payment of the tax imposed by section 4321. In the case of a sale or transfer evidenced only by the books of the corporation or other organization, the requisite stamps shall be affixed to such books. In the case of a sale or transfer evidenced otherwise than only by the books of the corporation or other organization, see section 4352 and § 47.4352–1 for provisions relating to the affixing of the requisite stamps. See also §§ 47.6804–1 and 47.6804–2 for the appropriate use, denominations, and cancellation of such stamps. For provisions relating to payment, through a national securities exchange or a clearinghouse for such exchange, of tax without use of stamps, see § 47.4353–1.

(2) Documentary stamps may be purchased, and requisition forms for the purchase of such stamps may be obtained, from the sources and in the manner provided in § 47.6802–1. For provisions relating to distribution, supply, and redemption of stamps, see sections 6801 (§ 47.6801), 6802 (§ 47.6802), and 6805 (§ 47.6805), and the regulations thereunder contained in Part 301 of this chapter (Regulations on Procedure and Administration), and § 47.6801–1.

§ 47.4331–2 Illustrations.

(a) *Sales and transfers subject to tax.* The tax on sales or transfers of certificates of indebtedness imposed by section 4331 is similar in scope to the tax on stock transfers imposed by section 4321. Accordingly, the various examples set forth in paragraph (a) of § 47.4321–2 of sales and transfers of stocks subject to the stock transfer tax apply, with certain exceptions, to sales and transfers of certificates of indebtedness unless such sales and transfers of certificates of indebtedness are exempt from tax under a specific provision of the Internal Revenue Code (see sections 4332, 4341 to 4344, inclusive, 4382, and 4383(a) with respect to such exemptions). These exceptions are the examples stated in paragraphs (a) (9) and (10) of § 47.4321–2.

(b) *Sales and transfers not subject to tax.* In addition to the exemptions prescribed in sections 4382 and 4383(a) which apply to documentary stamp taxes generally and to the specific exemptions provided in sections 4332, and 4341 to 4344, inclusive, and the regulations thereunder, the examples set forth in paragraph (b) of § 47.4321–2 of sales and transfers of stocks not subject to the stock transfer tax illustrate sales and transfers of certificates of indebtedness which are not subject to the tax imposed by section 4331.

§ 47.4331–3 Tax on warrants.

(a) *To subscribe for certificates of indebtedness.* Warrants entitling the holder to subscribe for unissued certificates of indebtedness are not subject to tax under section 4331.

(b) *To purchase issued certificates of indebtedness.* Warrants entitling the holder to purchase issued certificates of indebtedness are, upon issuance, subject to tax under section 4331, as agreements to sell certificates (see definition of "sale or transfer" in section 4381(b) and paragraph (b) of § 47.4381–1). Subsequent transfers of such warrants are not subject to the transfer tax since the statute does not impose a tax upon transfers of agreements to sell certificates of indebtedness. For rate and computation of tax, see paragraph (b) of § 47.4331–1. If the transfer tax is paid upon issuance of a warrant, the subsequent transfer of the certificate pursuant to the exercise of such warrant is not subject to the transfer tax. However, the person transferring the certificate shall furnish and attach thereto a statement substantially as follows:

It is hereby certified that the transfer of the attached certificates of indebtedness,

---

(description and face value of certificates)

to ---

(name of transferee)

is made pursuant to the exercise of a warrant which is in the possession of the undersigned, and that the requisite stamps due upon the issuance of such warrant have been affixed thereto.

(Signature)

§ 47.4331–4 Records of sales and transfers of certificates of indebtedness.

The provisions of § 47.6001–1 relating to records of sales and transfers of stock are also applicable to sales and transfers of certificates of indebtedness, except that the records of sales of certificates of indebtedness need not show the sales prices, since the selling price is immaterial for purposes of the tax imposed by section 4331.

§ 47.4331–5 Registration of nominees.

The provisions of paragraph (a) of § 47.4351–1 relating to registration requirements in connection with transactions involving stock are also applicable to transactions involving certificates of indebtedness.

§ 47.4331–6 Rules applicable to securities exchanges and clearinghouses.

For rules applicable to securities exchanges and clearinghouses, see § 47.4353–1.

§ 47.4332 Statutory provisions; exemptions.

SEC. 4332 *Exemptions*—(a) *Brokers.* The tax imposed by section 4331 shall not apply to any delivery or transfer to a broker for sale, nor upon any delivery or transfer by a broker to a customer for whom and upon whose order he has purchased the certificates of indebtedness.

(b) *Installment purchase of obligations.* The tax imposed by section 4331 shall not apply to any instrument under the terms of which the obligee is required to make payment therefor in installments and is not permitted to make in any year a payment of more than 20 percent of the cash amount to which entitled upon maturity of the instrument.

(c) *Other exemptions.* For other exemptions, see sections 4341, 4342, 4343, 4344, and 4382.

[Sec. 4332 as amended and in effect Jan. 1, 1959]

§ 47.4332–1 Exemptions.

(a) *Transfer to or from brokers.* The rules stated in paragraphs (a) and (b) of § 47.4322–1 with respect to the exemption of transfers to or by brokers from the tax imposed by section 4321 also apply with respect to the tax imposed by section 4331.

(b) *Other exemptions.* For other exemptions with respect to the tax imposed on sales or transfers of certificates of indebtedness, see sections 4341, 4342, 4343, 4344, and 4382 and the regulations thereunder.

§ 47.4333 Statutory provisions; cross references.

SEC. 4333 *Cross references.* For definitions, penalties, and other general and administrative provisions applicable to this part, see sections 4345, 4381, and 4384; sections 4351 to 4353 inclusive; and subtitle F.

[Sec. 4333 as amended and in effect Jan. 1, 1959]

§ 47.4333–1 Cross references.

(a) For definitions, see section 4351 and § 47.4351–1, section 4381 and § 47.4381–1, and section 7701 (§ 47.7701).

(b) For penalties, see section 7271 and § 47.7271–1.

(c) For other general and administrative provisions, see section 4345 and § 47.4345–1, section 4352 and § 47.4352–1, section 4353 and § 47.4353–1, section 4384 and §47.4384–1, Subpart J, and the applicable sections of subtitle F and the regulations in Part 301 of this chapter (Regulations on Procedure and Administration).

§ 47.4324–1 Cross references.

(a) For definitions, see section 4351 and § 47.4351–1, section 4381 and § 47.4381–1, and section 7701 (§ 47.7701).

(b) For penalties, see section 7271 and § 47.7271–1.

(c) For other general and administrative provisions, see section 4345 and § 47.4345–1, section 4352 and § 47.4352–1, section 4353 and § 47.4353–1, section 4384 and § 47.4384–1, Subpart J, and the applicable sections of subtitle F and the regulations in Part 301 of this chapter (Regulations on Procedure and Administration).

Subpart E—Tax on Sales or Transfers of Certificates of Indebtedness

§ 47.4331 Statutory provisions; imposition of tax.

SEC. 4331 *Imposition of tax.* There is hereby imposed, on each sale or transfer of any certificates of indebtedness issued by a corporation, a tax at the rate of 5 cents on each $100 or fraction thereof of the face value.

[Sec. 4331 as amended and in effect Jan. 1, 1959]

§ 47.4331–1 Imposition of tax.

(a) *Scope of tax.* Section 4331 imposes a tax on each sale or transfer (as defined in section 4351(b)) within the territorial jurisdiction of the United States of certificates of indebtedness issued by a corporation. See section 4381 and § 47.4381–1 for definitions of the terms "certificates of indebtedness" and "corporation". The tax attaches at the time of making the sale or transfer, regardless of the time or manner of delivery of the certificate or agreement or memorandum of sale. As to sales or transfers of warrants to subscribe for or purchase certificates of indebtedness, see § 47.4331–3. For requirements in respect of records and memoranda of such sales or transfers, see §§ 47.4331–4 and 47.4352–1. For provisions relating to the application of the tax imposed by section 4331 in the case of certain changes in a partnership, see section 4383 and § 47.4383–1.

(b) *Rate and computation of tax.* (1) Where by sale or otherwise certificates of indebtedness of the same issue of a single corporation are transferred by a single transferor to a single transferee, the tax is 5 cents on each $100 or face value, or fraction thereof, of the aggregate face value of all the certificates. Where there are two or more transferors or two or more transferees, or where in a single transaction transfer is made of certificates of two or more corporations or of two or more classes issued by a single corporation, a separate tax computation must be made with respect to each transferor and each transferee, and with respect to the certificates of each corporation and of the certificates of each class issued by a single corporation. The foregoing rule may be illustrated by the following examples:

Example (1). M, owning 25 class A bonds of the X Corporation and 25 class B bonds of the same corporation, and 50 class A bonds of the Y Corporation, transfers all the bonds to N. In this situation there are three taxable transfers, and a separate tax computation must be made with respect to the aggregate face value of the bonds involved in each.

Example (2). M, owning 100 class A bonds of the X Corporation, sells 50 bonds to N and 50 bonds to O. In this situation, there are two sales of 50 bonds each, and the tax is measured by the aggregate face value of the bonds sold to each purchaser.

Example (3). A husband and wife, each owning $50,000 face amount of class A bonds of the X Corporation, simultaneously give their bonds to their son. In this situation, there are two gifts, and a separate computation must be made with respect to the aggregate face value of the bonds included in each gift.

(2) The separate tax computation required will result in a difference in the amount of tax only where the face value of the certificates transferred is not $100 or multiples thereof.

(c) *Affixing of stamps.* (1) Except as provided in section 4353 and § 47.4353–1, only documentary stamps shall be used in payment of the tax imposed by section 4331. For provisions relating to the affixing of the requisite stamps in case of a sale or transfer of certificates of indebtedness, see section 4352 and § 47.4352–1. See also §§ 47.6804–1 and 47.6804–2 for the appropriate use, denominations, and cancellation of such stamps. For provisions relating to payment, through a national securities exchange or a clearinghouse for such exchange, of tax without use of stamps, see § 47.4353–1.

(2) Documentary stamps may be purchased, and requisition forms for the purchase of such stamps may be obtained, from the sources and in the manner provided in § 47.6802–1. For provisions relating to distribution, supply, and redemption of stamps, see sections 6801 (§ 47.6801), 6802 (§ 47.6802), and 6805 (§ 47.6805), and the regulations thereunder contained in Part 301 of this chapter (Regulations on Procedure and Administration), and § 47.6801–1.

§ 47.4331–2 Illustrations.

(a) *Sales and transfers subject to tax.* The tax on sales or transfers of certificates of indebtedness imposed by section 4331 is similar in scope to the tax on stock transfers imposed by section 4321. Accordingly, the various examples set forth in paragraph (a) of § 47.4321–2 of sales and transfers of stocks subject to the stock transfer tax apply, with certain exceptions, to sales and transfers of certificates of indebtedness unless such sales and transfers of certificates of indebtedness are exempt from tax under a specific provision of the Internal Revenue Code (see sections 4332, 4341 to 4344, inclusive, 4382, and 4383(a) with respect to such exemptions). These exceptions are the examples stated in paragraphs (a) (9) and (10) of § 47.4321–2.

(b) *Sales and transfers not subject to tax.* In addition to the exemptions prescribed in sections 4382 and 4383(a) which apply to documentary stamp taxes generally and to the specific exemptions provided in sections 4332, and 4341 to 4344, inclusive, and the regulations thereunder, the examples set forth in paragraph (b) of § 47.4321–2 of sales and transfers of stocks not subject to the stock transfer tax illustrate sales and transfers of certificates of indebtedness which are not subject to the tax imposed by section 4331.

§ 47.4331–3 Tax on warrants.

(a) *To subscribe for certificates of indebtedness.* Warrants entitling the holder to subscribe for unissued certificates of indebtedness are not subject to tax under section 4331.

(b) *To purchase issued certificates of indebtedness.* Warrants entitling the holder to purchase issued certificates of indebtedness are, upon issuance, subject to tax under section 4331, as agreements to sell certificates (see definition of "sale or transfer" in section 4381(b) and paragraph (b) of § 47.4381–1). Subsequent transfers of such warrants are not subject to the transfer tax since the statute does not impose a tax upon transfers of agreements to sell certificates of indebtedness. For rate and computation of tax, see paragraph (b) of § 47.4331–1. If the transfer tax is paid upon issuance of a warrant, the subsequent transfer of the certificate pursuant to the exercise of such warrant is not subject to the transfer tax. However, the person transferring the certificate shall furnish and attach thereto a statement substantially as follows:

It is hereby certified that the actual value on ---

(Date of taxable transfer or sale)

of the accompanying instrument(s) is $-----, as determined by ---

(Basis of valuation—sale price, mean selling price on market, etc.)

Signature of transferor, transferee, or agent of either

§ 47.4331–4 Records of sales and transfers of certificates of indebtedness.

The provisions of § 47.6001–1 relating to records of sales and transfers of stock are also applicable to sales and transfers of certificates of indebtedness, except that the records of sales of certificates of indebtedness need not show the sales prices, since the selling price is immaterial for purposes of the tax imposed by section 4331.

§ 47.4331–5 Registration of nominees.

The provisions of paragraph (a) of § 47.4351–1 relating to registration requirements in connection with transactions involving stock are also applicable to transactions involving certificates of indebtedness.

§ 47.4331–6 Rules applicable to securities exchanges and clearinghouses.

For rules applicable to securities exchanges and clearinghouses, see § 47.4353–1.

§ 47.4332 Statutory provisions; exemptions.

SEC. 4332 *Exemptions*—(a) *Brokers.* The tax imposed by section 4331 shall not apply to any delivery or transfer to a broker for sale, nor upon any delivery or transfer by a broker to a customer for whom and upon whose order he has purchased the certificates of indebtedness.

(b) *Installment purchase of obligations.* The tax imposed by section 4331 shall not apply to any instrument under the terms of which the obligee is required to make payment therefor in installments and is not permitted to make in any year a payment of more than 20 percent of the cash amount to which entitled upon maturity of the instrument.

(c) *Other exemptions.* For other exemptions, see sections 4341, 4342, 4343, 4344, and 4382.

[Sec. 4332 as amended and in effect Jan. 1, 1959]

§ 47.4332–1 Exemptions.

(a) *Transfer to or from brokers.* The rules stated in paragraphs (a) and (b) of § 47.4322–1 with respect to the exemption of transfers to or by brokers from the tax imposed by section 4321 also apply with respect to the tax imposed by section 4331.

(b) *Other exemptions.* For other exemptions with respect to the tax imposed on sales or transfers of certificates of indebtedness, see sections 4341, 4342, 4343, 4344, and 4382 and the regulations thereunder.

§ 47.4333 Statutory provisions; cross references.

SEC. 4333 *Cross references.* For definitions, penalties, and other general and administrative provisions applicable to this part, see sections 4345, 4381, and 4384; sections 4351 to 4353 inclusive; and subtitle F.

[Sec. 4333 as amended and in effect Jan. 1, 1959]

§ 47.4333–1 Cross references.

(a) For definitions, see section 4351 and § 47.4351–1, section 4381 and § 47.4381–1, and section 7701 (§ 47.7701).

(b) For penalties, see section 7271 and § 47.7271–1.

(c) For other general and administrative provisions, see section 4345 and § 47.4345–1, section 4352 and § 47.4352–1, section 4353 and § 47.4353–1, section 4384 and §47.4384–1, Subpart J, and the applicable sections of subtitle F and the regulations in Part 301 of this chapter (Regulations on Procedure and Administration).

Subpart F—Provisions Common to Sales or Transfers of Capital Stock and Certificates of Indebtedness

EXEMPTIONS

§ 47.4341 Statutory provisions; transfers as security.

SEC. 4341 *Transfers as security.* The taxes imposed by sections 4321 and 4331 shall not apply to any delivery or transfer of any of the instruments referred to in such sections—

(1) *Collateral security.* To a lender as collateral security for money loaned thereon, if such collateral security is not actually sold, or by such lender as a return of such collateral security.

(2) *Security for performance.* To a trustee or public officer made pursuant to Federal or State law as security for the performance of an obligation, or by such trustee or public officer as a return of such security.

[Sec. 4341 as amended and in effect Jan. 1, 1959]

§ 47.4341–1 Transfers as security.

(a) *Stock or certificates of indebtedness deposited as collateral security.* The tax imposed by section 4321 or 4331 does not apply to an agreement evidencing a deposit of certificates of stock or certificates of indebtedness as collateral security for money loaned thereon, which certificates are not actually sold, nor upon the delivery or transfer for such purpose of the certificates so deposited. The exemption applies also to transfers of stock or certificates of indebtedness to a nominee of the lender and from such nominee back to the lender, if the stock or certificates of indebtedness are at all times held as collateral security for the loan; and to the return of the stock or certificates of indebtedness to the borrower by the lender or his nominee upon payment of the loan. The exemption does not apply, however, to deposits of stock or certificates of indebtedness as collateral security made otherwise than in connection with money loaned on such stock or certificates. The person making an exempt transfer under this paragraph shall, at the time of transfer or delivery, furnish an exemption certificate in substantially the form prescribed in § 47.4345–1. If the delivery or transfer will be required to pay the tax imposed by section 4321 or 4331. However, if an exemption certificate is furnished after the transfer or delivery, such person will be entitled to a refund of the tax paid upon filing a timely claim for refund. For provisions with respect to timely filing of claims, see section 6511 and the regulations thereunder in Part 301 of this chapter (Regulations on Procedure and Administration).

(b) *Transfer of stock or certificates of indebtedness made pursuant to Federal or State law to secure the performance of obligations.* The tax imposed by section 4321 or section 4331 does not apply to any delivery or transfer of stock or certificates of indebtedness to a trustee or public officer, which is made pursuant to Federal or State law to secure the performance of an obligation, or to a redelivery or retransfer of such stock or certificates of indebtedness to the transferor. The exemption provided under this paragraph shall be granted only if the delivery or transfer is accompanied by an exemption certificate in substantially the form prescribed in § 47.4345–1.

§ 47.4342 Statutory provisions; fiduciaries and custodians.

SEC. 4342 *Fiduciaries and custodians.* The taxes imposed by section[s] 4321 and 4331 shall not apply to any delivery or transfer of any of the instruments referred to in such sections—

(1) *Fiduciaries.* From a fiduciary to his nominee, or from one nominee of the fiduciary to another nominee, provided that in each instance such instruments are to be held by the nominee for the same purpose as if retained by the fiduciary; or from the nominee to such fiduciary; or

(2) *Custodians.* (A) From the owner to a custodian if under a written agreement between the parties such instruments are to be held or disposed of by such custodian for, and subject at all times to the instructions of, the owner; or from such custodian to such owner; or

(B) From a custodian as specified in subparagraph (A) to a registered nominee of such custodian, or from one such nominee to another such nominee, provided that in each instance such instruments are to be held by the nominee for the same purpose as if retained by the custodian; or from such nominee to such custodian.

[Sec. 4342 as amended and in effect Jan. 1, 1959]

§ 47.4342–1 Transfers to or by fiduciaries or custodians.

(a) *Transfers between fiduciaries and their nominees.* The tax imposed by section 4321 or 4331 does not apply to deliveries or transfers of stock or certificates of indebtedness from a fiduciary to a nominee of such fiduciary, or from one nominee of such fiduciary to another, if the stock or certificates of indebtedness are to be held by such nominee for the same purpose as they would be held if retained by such fiduciary. Nor does the tax apply to deliveries or transfers from a nominee of a fiduciary to such fiduciary. The exemption provided under this paragraph shall be granted only if the delivery or transfer is accompanied by an exemption certificate in substantially the form prescribed in § 47.4345–1.

(b) *Transfers to or by a custodian.* (1) The tax imposed by section 4321 or 4331 does not apply to the delivery or transfer of stock or certificates of indebtedness from the owner thereof to a custodian if, under a written agreement between the owner and the custodian, the instruments so delivered or transferred are to be held or disposed of by such custodian for, and subject at all times to the instructions of, the owner; or the delivery or transfer of stock or certificates of indebtedness from such custodian to such owner.

(2) The tax also does not apply to the delivery or transfer of stock or certificates of indebtedness from a custodian specified in subparagraph (1) of this paragraph to a registered nominee of such custodian, or from the owner direct to such registered nominee, or from one such nominee to another such nominee, if the stock or certificates of indebtedness are to be held by the nominee for the same purpose as they would be held if retained by such custodian. Nor does the tax apply to deliveries or transfers from a nominee of a custodian to such custodian or to the owner. No exemption is granted unless the nominee is registered in the manner provided in paragraph (a) of § 47.4351–1.

(3) Moreover, the tax does not apply to the delivery or transfer of stock or certificates of indebtedness from a custodian of the owner to another custodian of the owner or from a registered nominee of the first custodian to the second custodian or to the registered nominee of the latter, if the transfer would have been exempt under subparagraph (1) or (2) of this paragraph if made by the owner direct to the second custodian or to the registered nominee of the latter.

(4) For purposes of this paragraph, a custodian is a person to whom stock or certificates of indebtedness are delivered or transferred to be held or disposed of by such person for, and subject at all times to the instructions of, the owner and not otherwise. The term "custodian", as used in this paragragh, does not include a trustee. A custodian is to be distinguished from a nominee who merely lends his name and usually does not retain possession of the securities registered in his name.

(5) The exemption provided under this paragraph shall be granted only if the delivery or transfer is accompanied by an exemption certificate in substantially the form prescribed in § 47.4345–1.

§ 47.4343 Statutory provisions; transfers by operation of law.

SEC. 4343 *Transfers by operation of law*—(a) *Exempt transfers.* The taxes imposed by sections 4321 and 4331 shall not apply to any delivery or transfer of any of the instruments referred to in such sections—

(1) *Decedents.* From a decedent to his executor or administrator.

(2) *Minors.* From a minor to his guardian, or from a guardian to his ward upon attaining majority.

(3) *Incompetents.* From an incompetent to his committee or similar legal representative, or from a committee or similar legal representative to a former incompetent upon removal of disability.

(4) *Financial institutions.* From a bank, trust company, financial institution, insurance company, or other similar entity, or nominee, custodian, or trustee therefor, to a public officer or commission, or person designated by such officer or commission or by a court, in the taking over of its assets, in whole or part, under Federal or State law regulating or supervising such institutions, nor upon redelivery or retransfer by any such transferee or successor thereto.

(5) *Bankrupts.* From a bankrupt or person in receivership due to insolvency to the trustee in bankruptcy or receiver, from such receiver to such trustee, or from such trustee to such receiver, nor upon redelivery or retransfer by any such transferee or successor thereto.

(6) *Successors.* From a transferee under paragraphs (1) to (5), inclusive, to his successor acting in the same capacity, or from one such successor to another.

(7) *Foreign governments and aliens.* From a foreign country or national thereof to the United States or any agency thereof, or to the government of any foreign country, directed pursuant to the authority vested in the President by section 5(b) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941 (50 U.S.C. App. sec. 5).

(8) *Trustees.* From trustees to surviving, substituted, succeeding, or additional trustees of the same trust.

(9) *Survivors.* Upon the death of a joint tenant or tenant by the entireties, to the survivor or survivors.

(b) *Nonexempt transfers.* No delivery or transfer shall be exempt because effected by operation of law unless an exemption is otherwise specifically provided.

[Sec. 4343 as amended and in effect Jan. 1, 1959]

§ 47.4343–1 Transfers by operation of law.

No delivery or transfer shall be exempt from the tax imposed by section 4321 or 4331 because effected by operation of law unless an exemption is otherwise specifically provided. Each of the transfers specified in section 4343(a) is exempt from tax, but only if the delivery or transfer is accompanied by an exemption certificate as provided in § 47.4345–1.

§ 47.4344 Statutory provisions; certain other transfers.

SEC. 4344 *Certain other transfers*—(a) *Loans.* The taxes imposed by sections 4321 and 4331 shall not apply to any delivery or transfer of any of the instruments referred to in such sections to a borrower as a loan of such instruments, or to the lender as a return of such loan.

(b) *Worthless stock and obligations.* The taxes imposed by sections 4321 and 4331 shall not apply to any delivery or transfer of any of the instruments referred to in such sections by an executor or administrator to a legatee, heir, or distributee, if it is shown to the satisfaction of the Secretary or his delegate that the value of such instrument is not greater than the amount of the tax which would otherwise be imposed on such delivery or transfer.

(c) *Transfers between certain revocable trusts.* The taxes imposed by sections 4321 and 4331 shall not apply to any delivery or transfer of any of the instruments referred to in such sections by one revocable trust to another revocable trust if—

(1) The grantor of both trusts is the same person, and

(2) At the time of such delivery or transfer, such grantor is treated under section 676 as the owner of both trusts.

For purposes of the preceding sentence, if 2 or more grantors are treated under section 676 as owners in the same relative proportions of both trusts, such grantors shall be treated as the same person.

[Sec. 4344 as added and in effect Jan. 1, 1959]

§ 47.4344–1 Certain other transfers.

(a) *Loan of stock or certificate of indebtedness and the return thereof.* A mere loan of stock or certificates of indebtedness or the return of stock or certificates of indebtedness loaned is exempt from the taxes imposed by sections 4321 and 4331 if the loan or return is accompanied by an exemption certificate in substantially the form prescribed in § 47.4345–1.

(b) *Transfers of worthless stock or certificates of indebtedness by executors, etc.* The taxes imposed by sections 4321 and 4331 do not apply to deliveries or transfers of stock or certificates of indebtedness by an executor or administrator to a legatee, heir, or distributee, if it is shown to the satisfaction of the district director that the value of the stock or certificates of indebtedness so delivered or transferred is not greater than the amount of tax that would otherwise be imposed on such delivery or transfer.

(c) *Transfers between certain revocable trusts.* The taxes imposed by sections 4321 and 4331 do not apply to any delivery or transfer of stock or certificates of indebtedness by one revocable trust to another revocable trust if (1) the grantor of both trusts is the same person, (2) at the time of such delivery or transfer such grantor is treated under section 676 and the regulations thereunder as the owner of the entire interest in both trusts, and (3) the delivery or transfer is accompanied by an exemption certificate in substantially the form prescribed in § 47.4345–1. If two or more grantors are treated under section 676 as owners in the same relative proportions of the entire interest in both trusts, such grantors shall be treated as the same person. For regulations under section 676, see Part 1 of this chapter (Income Tax Regulations).

§ 47.4345 Statutory provisions; exemption certificates.

SEC. 4345 *Exemption certificates.* Except as provided in regulations prescribed by the Secretary or his delegate, no exemption shall be granted under section 4222, 4232(a), 4341, 4342, 4343(a), or 4344 (a) or (c) unless the delivery or transfer is evidenced by a certificate setting forth such facts as the Secretary or his delegate may by regulations prescribe.

[Sec. 4345 as amended and redesignated and in effect Jan. 1, 1959]

§ 47.4345–1 Exemption certificates.

No exemption shall be granted under section 4322, 4332(a), 4341, 4342, 4343 (a), or 4344 (a) or (c) unless the delivery or transfer is accompanied by a certificate in substantially the following manner:

It is hereby certified that the transfer of the accompanying instrument(s) is made under such circumstances as to come within one of the exemptions specified in section 4322, 4332(a), 4341, 4342, 4343(a), or 4344 (a) or (c) of the Internal Revenue Code, and that the evidence in proof of the exemption is maintained by the undersigned and is available for inspection by internal revenue officers.

(Signature)

§ 47.4346 Statutory provisions; cross references.

SEC. 4346 *Cross references.* For other exemptions, see sections 4322, 4332, and 4382.

[Sec. 4346 as redesignated and in effect Jan. 1, 1959]

MISCELLANEOUS PROVISIONS

§ 47.4351 Statutory provisions; definitions.

SEC. 4351 *Definitions*—(a) *Registered nominee.* For purposes of this subchapter, the term "registered nominee" means any person registered in accordance with such regulations as the Secretary or his delegate shall prescribe.

(b) *Sale or transfer.* For purposes of this subchapter, the term "sale or transfer" means any sale, agreement to sell, memorandum of sale or delivery, or transfer of legal title, whether or not shown by the books of the corporation or other organization (or by any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale), and whether or not the holder acquires a beneficial interest in the instruments.

[Sec. 4351 as amended and in effect Jan. 1, 1959]

§ 47.4351–1 Definitions.

(a) *Registered nominee.* For purposes of the regulations in this part, the term "registered nominee" means any person appointed as nominee of a broker, custodian, or corporation if the person so appointed is registered with the district director for the district in which the principal office of the broker, custodian, or corporation is located. No special form is prescribed for use in registering a nominee. Substitution of a nominee may be effected by the registration of the successor nominee. Upon registration of any person as a nominee of a broker, custodian, or corporation, the district director shall issue to the broker, custodian, or corporation a certificate of registration signed by him and setting forth the date of issue, the name of the person registered as nominee, and the name of the broker, custodian, or corporation on whose behalf the nominee is registered. Such certificate shall be kept at the principal place of business of the broker, custodian, or corporation to whom the certificate is issued. The certificate of registration issued as provided in this paragraph shall be held available for ready inspection by internal revenue officers.

(b) *Sale or transfer.* For purposes of the regulations in this part, the term "sale or transfer" includes sales of, agreements to sell, or memoranda of sales of, stock or certificates of indebtedness; deliveries of stock or certificates of indebtedness with intent to pass title; transfer of legal title to stock or certificates of indebtedness; transfers of rights to subscribe for stock; and transfers of rights to receive stock. The taxes imposed by sections 4321 and 4331 apply to the specified dealings or transactions in stock or certificates of indebtedness, whether effected by any assignment in blank, or by any delivery, or by any paper, agreement, memorandum or other evidence of transfer or sale (and in the case of stock, whether made before, after, or without the issuance of a certificate and whether made upon or shown by the books of the corporation or other organization), and without regard to whether the holder or transferee of the stock or certificate of indebtedness (or specified right in the case of stock) is entitled to any beneficial interest therein.

(c) *Agreement to sell.* As used in the regulations in this part, unless otherwise specified or indicated by the context, the term "agreement to sell" includes contracts to sell, either written or oral, and

whether on the deferred or partial payment plan or otherwise, options, calls, offers, indemnities, and privileges.

(d) *Clearinghouse.* For definition of the term "clearinghouse", see paragraph (d) of § 47.4353–1.

§ 47.4352 Statutory provisions; affixing of stamps.

SEC. 4352 *Affixing of stamps.* The stamps representing the taxes imposed by section 4321 and section 4331 shall be affixed to—

(1) *Instrument.* The instrument where the change of ownership is by transfer of the instrument.

(2) *Bill or memorandum of sale.* The bill or memorandum of sale in cases of an agreement to sell or where the transfer is by delivery of the instrument assigned in blank. Such bill or memorandum of sale shall be made and delivered by the seller to the buyer, and shall show the date thereof, the name of the seller, the amount of the sale, and the instrument to which it refers.

[Sec. 4352 as amended and redesignated and in effect Jan. 1, 1959]

§ 47.4352–1 Affixing of stamps.

(a) *Documents to which stamps to be affixed.* (1) In all cases where the change of ownership of stock or a certificate of indebtedness is by transfer or by delivery of the stock or certificate of indebtedness under special endorsement, i.e., by insertion of the name of the transferee in the endorsement on the back of the certificate, the stamps shall be affixed to the certificate, whether or not the change of ownership results from a sale.

(2) In cases of agreements to sell stock or certificates of indebtedness and in cases of transfers of title thereto by delivery of certificates assigned in blank, the stamps shall be affixed to the memoranda of such transactions. See paragraph (b) of this section. For cases where the evidence of sale or transfer of stock is shown only by the books of the corporation or other organization, see paragraph (a) (1) of § 47.4323–1.

(b) *Requirement of memoranda of agreements to sell, etc.* Every person who makes an agreement to sell stock or certificates of indebtedness, or who, by sale or otherwise, transfers title to stock or certificates of indebtedness by delivery of certificates assigned in blank, shall, as a part of the transaction, promptly make and deliver to the buyer or transferee, a bill or memorandum of such agreement to sell, sale, or transfer, duly signed by the seller, or transferor, or his agent. Such bill or memorandum shall show the date of the transaction, the names of the parties thereto, the description and number of shares of stock or certificates of indebtedness, the tax paid on the transaction, and, where a sale of stock is involved, the sale price, or where a transfer is involved without a sale, the actual value of the stock and the basis used for determining such value. (For definition of "actual value" see paragraph (b) (2) (ii) of § 47.4301–1 and paragraph (b) (3) of § 47.4321–1.) No more than one stamped bill or memorandum shall be required in respect of a single transaction. (See § 47.4353–1 relative to rules applicable to securities exchanges and clearinghouses.)

(c) *In general.* In no event shall any corporation or transfer agent transfer any shares, certificates of stock, or certificates of indebtedness unless stamps for the transfer tax due have been properly affixed and cancelled as required by the regulations in this part or unless tax has been paid without the use of stamps as provided in § 47.4353–1.

§ 47.4353 Statutory provisions; payment of tax through national securities exchanges without use of stamps.

SEC. 4353 *Payment of tax through national securities exchanges without use of stamps*—(a) *General rule.* Under regulations prescribed by the Secretary or his delegate, if a member of a securities exchange which is registered with the Securities and Exchange Commission as a national securities exchange appoints such exchange, or the clearinghouse for such exchange, as his agent for purposes of paying the taxes imposed by sections 4321 and 4331 in respect of his transactions, the taxes imposed by such sections in respect of such transactions may be paid through such agent without the use of stamps.

(b) *Treatment as stamp tax.* For purposes of this title—

(1) Any tax which is payable as provided under subsection (a) shall be treated as tax payable by stamp, and

(2) Any amount of tax which is paid as provided under subsection (a) shall be treated as tax paid by stamp.

[Sec. 4353 as added and in effect Jan. 1, 1959]

§ 47.4353–1 Payment of tax through national securities exchanges or their clearinghouses.

(a) *Appointment of agent.* A member of a securities exchange which is registered with the Securities and Exchange Commission as a national securities exchange may appoint in writing such exchange or the clearinghouse for such exchange as his agent for the purpose of paying the tax required in respect of his transactions in stock or certificates of indebtedness.

(b) *Conditions for payment through agent.* The privilege granted by paragraph (a) of this section may be exercised only upon compliance with the following conditions:

(1) *Authorization.* The member shall authorize and require the exchange or the clearinghouse to pay the tax in respect of all transactions in stock or certificates of indebtedness, including rights to subscribe for or to receive stock, arising in the conduct of his business, irrespective of whether the stock or certificates of indebtedness are listed or unlisted, whether the transactions are clearable or not, and including transactions involving over-the-counter sales.

(2) *Daily report of member.* The member shall make a daily report to the exchange or clearinghouse for each business day showing the total amount of tax payable on all his business transactions as specified in subparagraph (1) of this paragraph. The report shall be filed with the exchange or clearinghouse on the day on which the transactions covered thereby are due for settlement (blotter date).

(3) *Daily records to be kept by member.* The member shall maintain complete and adequate daily records, such as a blotter or similar book of original entry, of all transactions in stock or certificates of indebtedness as specified in subparagraph (1) of this paragraph, whether the transaction is taxable or not. In the case of taxable transactions, the daily record shall show the amount of tax payable in respect of each transaction. In the case of nontaxable transactions, the daily record shall disclose the basis on which the exemption from the tax is claimed. Such daily records shall be kept in permanent form for a period of at least 3 years from the date any part of the tax is paid on the transaction and must be available for ready inspection by internal revenue officers.

(4) *Payment of tax.* The exchange or clearinghouse shall pay to the district director for the district in which the exchange or clearinghouse is located the total tax shown on the daily reports specified in subparagraph (2) of this paragraph. Any such payment of tax shall be made on the day on which the report specified in subparagraph (2) of this paragraph is received by the exchange or clearinghouse. Each daily payment of tax to the district director shall be accompanied by a statement, in substantially the following form:

The accompanying check No. ------ in the amount of $------ is in payment of the total documentary stamp transfer tax liability as shown to be due on the reports received by the exchange or clearinghouse for ----------.

(Date)

(Name of stock exchange or clearinghouse)

by ---------- ----------

(Name) (Title)

(5) *Records to be kept by exchange or clearinghouse.* The daily reports received from its members shall be kept in permanent form by the exchange or clearinghouse for a period of at least 3 years from the date any part of the tax is paid with respect to any transaction reported therein, and must be available for ready inspection by internal revenue officers.

(6) *Endorsement showing payment of tax.* The member shall make and deliver to the buyer the bill or memorandum required by paragraph (b) of § 47.4352–1 and shall make an endorsement on the bill or memorandum substantially in the following form:

It is hereby certified that the Federal stamp tax applicable to this transaction has been paid through the ----------

(Insert name of stock exchange or clearinghouse) ---------- on our behalf.

(Member ---------- Stock Exchange)

If so desired, the member may also make a similar endorsement on the certificates of stock or certificates of indebtedness covered by the bill or memorandum. In that event, the endorsement shall be in substantially the following form:

It is hereby certified that the Federal stamp tax applicable to the transfer of ------ shares of this certificate (or applicable to the transfer of this certificate of indebtedness) has been paid through ----------

(Insert name of stock exchange or clearinghouse) ---------- on our behalf.

------ ----------

(Date) (Member ---------- Stock Exchange)

The endorsement (including a facsimile signature of the member) may be made on the bill or memorandum and on the accompanying certificate of stock or certificates of indebtedness by a hand-stamped impression, if (i) the hand-stamp is held at all times in the custody of the person authorized to make such impression, and (ii) the records of the member contain sufficient information to establish the identity of the person so authorized.

(c) *Treatment of payment of tax without use of stamps.* For purposes of the regulations in this chapter, any tax payable under section 4353 and the regulations in this section shall be treated as tax payable by stamp, and any amount of tax paid as provided thereunder shall be treated as tax paid by stamp.

(d) *Definition of clearinghouse.* The term "clearinghouse" includes every corporation, and every association of individuals, partnerships, or corporations, wholly or partly engaged in the business of clearing, settling or adjusting transactions in the purchase, sale, receipt, or delivery of stock, certificates of indebtedness, rights, or warrants, whether or not a part or department of a securities exchange or an independent body.

§ 47.4354 Statutory provisions; cross references.

SEC. 4354 *Cross references.* For penalties and other general and administrative provisions applicable to this subchapter, see section 4384 and subtitle F.

[Sec. 4354 as amended and in effect Jan. 1, 1959]

§ 47.4354–1 Cross references.

(a) For other definitions, see section 4381, § 47.4381–1, and section 7701 (§ 47.7701).

(b) For penalties, see section 7271 and § 47.7271–1.

(c) For other general and administrative provisions, see section 4384, § 47.4384–1, Subpart J, and the applicable sections of subtitle F and regulations in Part 301 of this chapter (Regulations on Procedure and Administration).

Subpart G—Tax on Conveyances

§ 47.4361 Statutory provisions; imposition of tax.

SEC. 4361 *Imposition of tax.* There is hereby imposed, on each deed, instrument, or writing by which any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or their direction, when the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrance remaining thereon at the time of sale) exceeds $100, a tax at the rate of 55 cents for each $500 or fractional part thereof.

[Sec. 4361 as amended and in effect Jan. 1, 1959]

§ 47.4361–1 Imposition of tax.

(a) *Scope of tax.* (1) Section 4361 imposes a tax upon deeds, instruments, or other writings, whereby realty sold is granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or, at his direction, any other person, when the consideration for, or value of, the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds $100.

(2) The tax is limited to conveyances of realty sold and does not apply to other conveyances (see paragraph (b) of § 47.4361–2). The tax attaches at the time the deed or other instrument of conveyance is delivered, irrespective of the time when the sale is made. Deeds deposited in escrow become subject to the tax upon delivery to the grantee. A conveyance of realty subject to an equity of redemption is taxable when made, not when the time for redemption expires.

(3) For purposes of the tax imposed by section 4361, the determination of what constitutes "realty" is not controlled by the definition or scope of that term under State law. State law determines the character of the rights conveyed by an instrument, but whether such conveyance constitutes a conveyance of "realty" is to be determined under Federal law.

(4) For purposes of the regulations in this part—

(i) The term "realty" includes—

(a) Those interests in real property which endure for a period of time, the termination of which is not fixed or ascertained by a specific number of years, such as an estate in fee simple, life estate, perpetual easement, etc., and

(b) Those interests enduring for a fixed period of years but which, either by reason of the length of the term or the grant of a right to extend the term by renewal or otherwise, consist of a bundle of rights approximating those of the class of interests mentioned in (a) of this subdivision.

(ii) The term "sold" imports a transfer of an interest for a valuable consideration, which may involve money or anything of value.

(iii) The term "deed" includes any instrument or writing whereby realty is assigned, transfererd, or otherwise conveyed to, or vested in, the purchaser, or at his direction, any other person.

(b) *Rate and computation of tax.* The rate of tax is 55 cents on each $500 or fractional part thereof of the net consideration paid for, or the net value of, the realty conveyed, that is, the gross consideration or gross value less, in either case, the amount of all liens or encumbrances on the realty existing before the sale and not removed thereby. The tax is based upon the net consideration where it is definite in amount, or may be definitely determined. The tax is based upon net value where the amount of the consideration is indefinite, or is left open to be fixed by future contingencies. In determining the amount of the net consideration for, or net value of, the realty conveyed, only the amount of the liens and encumbrances on the property existing before the sale and not removed thereby may be deducted. Thus, for example, taxes or assessmnets which are liens on the property before the sale and are not paid at the time of sale are deductible. No deduction shall be made on account of any lien or encumbrance placed upon the property in connection with the sale, or by reason of deferred payments of the purchase price whether represented by notes or otherwise.

§ 47.4361–2 Illustrations.

(a) *Conveyances subject to tax.* The following are examples of conveyances subject to the tax:

(1) A conveyance of realty in exchange for other property; also the conveyance of the other property, if it is realty.

(2) A conveyance of realty in consideration of life maintenance. The tax is computed on the net value of the realty conveyed.

(3) A conveyance by a defaulting mortgagor to the mortgagee in consideration of the cancellation of the mortgage debt. The tax is computed on the amount of the unpaid mortgage debt plus unpaid accrued interest.

(4) Deeds given by masters in chancery, sheriffs, clerks of court, etc., for realty sold under foreclosure or execution. The tax is computed on the amount bid for the property plus the costs if paid by the purchaser, whether the purchaser is the mortgagee, judgment creditor, or any other person.

(5) A conveyance of realty by a judgment or decree in a condemnation proceeding under the power of eminent domain, or a conveyance of such property under threat or imminence of such proceeding.

(6) Conveyances to or by building and loan associations. However, the tax does not apply to a conveyance of realty to a building and loan association for the purpose of securing a loan thereon, nor to the reconveyance of the realty to its owner as part of the loan transaction.

(7) A conveyance of realty to a corporation in exchange for shares of its capital stock.

(8) A conveyance of realty by a corporation in liquidation or in dissolution to its shareholders subject to the debts of the corporation; however, if there are no corporate debts and the conveyance is made solely for the cancellation and retirement of the capital stock, the tax does not apply.

(9) Deeds to standing timber and to mines. (For definition of the term "deed", see paragraph (a) (4) (iii) of § 47.4361–1.)

(10) In jurisdictions where common-law dower still exists, an instrument conveying the estate acquired by a widow upon assignment of dower. However, an instrument purporting to convey the inchoate right of dower of a wife, or the consummate right of dower of a widow prior to assignment of dower, is not subject to the tax. Where by statute dower has been abolished and in lieu thereof a different interest in the husband's real property conferred upon the wife, the taxability of an instrument purporting to convey such interest prior to its assignment must be determined by the nature of the wife's interest as fixed by the statutes and decisions of the jurisdiction in which the real estate is located.

(11) A conveyance of real estate sold to or by the United States (see, however, paragraph (a) of § 47.4384–1).

(12) A conveyance of realty by a partner to the partnership as a contribution of partnership assets. See section 4383 and § 47.4383–1 for application of tax in case of a termination of a partnership owning realty.

(b) *Conveyances not subject to tax.* In addition to the various exemptions prescribed in sections 4362 and 4382 and in the Bankruptcy Act as amended, the following are examples of conveyances not subject to tax:

(1) The reconveyance of realty, conveyed to secure a debt, upon payment of such debt.

(2) Conveyances of realty without consideration and otherwise than in connection with a sale, including a deed conveying realty as a bona fide gift, although the deed may recite a consideration for the transfer, such as "natural love and affection and $1", "desire to promote public welfare and $1", or "$1 and other valuable consideration"; a gift of realty by a husband to his wife accomplished through the conveyance of the property for an ostensible consideration to a "straw man" who immediately reconveys the property to the wife; and a deed to or by a trustee not pursuant to a sale.

(3) A deed to confirm title already vested in the grantee, such as a quit claim deed to correct a flaw in title.

(4) A deed given by an executor in accordance with the terms of the will; however, if, by reason of a consideration passing between devisees, one of them takes a greater share in the realty than that to which he is entitled under the will, the deed given by the executor to convey such greater share is subject to a tax computed upon the amount of such consideration.

(5) A deed from an agent to his principal conveying real estate purchased for and with funds of the principal.

(6) An option for the purchase of real property or a contract for the sale of real property, if the contract does not vest legal title.

(7) Partition deeds, unless, for consideration, some of the parties take shares greater in value than their undivided interests, in which event a tax attaches to each deed conveying such greater share computed upon the consideration for the excess.

(8) Ordinary leases of real property for a definite term of years (see, however, paragraph (a)(4)(i) of § 47.4361–1).

(9) A deed executed by a debtor conveying property to a trustee for the benefit of his creditors; however, when the trustee conveys such property to a creditor or sells it to any other person, the deed executed by him is taxable.

(10) Conveyance to a receiver of realty included in the receivership assets, and reconveyance of such realty upon termination of the receivership.

(11) A deed conveying real estate situated in a foreign country.

(12) Transfer of real estate in a statutory merger or consolidation from a constituent corporation to the continuing or new corporation.

§ 47.4361–3 Affixing of stamps.

(a) Only documentary stamps shall be used in payment of the tax imposed by section 4361. The requisite stamps shall be affixed to the deed, instrument, or other writing by which the realty is conveyed. See §§ 47.6804–1 and 47.6804–2 for the appropriate use, denominations, and cancellation of such stamps.

(b) Documentary stamps may be purchased, and requisition forms for the purchase of such stamps may be obtained, from the sources and in the manner provided in § 47.6802–1. For provisions relating to distribution, supply, and redemption of stamps, see sections 6801 (§ 47.6801), 6802 (§ 47.6802), and 6805 (§ 47.6805), and the regulations thereunder contained in Part 301 of this chapter (Regulations on Procedure and Administration) and § 47.6801–1.

§ 47.4362 Statutory provisions; exemptions.

SEC. 4362 *Exemptions*—(a) *Security for debt.* The tax imposed by section 4361 shall not apply to any instrument or writing given to secure a debt.

(b) *State and local government conveyances.* No State or Territory, or political subdivision thereof, or the District of Columbia, shall be liable for the tax imposed by section 4361 with respect to any deed, instrument, or writing to which it is a party, and affixing of stamps thereby shall not be deemed payment for the tax, which may be collected by assessment from any other party liable therefor.

(c) *Other exemptions.* For other exemptions, see section 4382.

[Sec. 4362 as amended and in effect Jan. 1, 1959]

§ 47.4362–1 Exemptions.

(a) *Security for debt.* Section 4362 expressly exempts from the tax imposed by section 4361 any instrument or writing, such as a mortgage or a deed of trust, given to secure a debt.

(b) *Conveyance to which State is party.* No State or Territory, or political subdivision thereof, or the District of Columbia shall be liable for the tax imposed by section 4361 in respect of a conveyance to which it is a party regardless of the capacity in which it acts. However, the conveyance is not exempt from tax, and the nonexempt party to the conveyance shall be liable for the tax. The affixing of stamps to the deed or other instrument of conveyance by the exempt governmental body does not constitute payment of the tax, and the nonexempt party remains liable for the tax in such case. Where all parties to a taxable conveyance are governmental bodies exempt under section 4362, no tax shall be imposed.

(c) *Other exemptions.* For other exemptions, see section 4382 and § 47.4382–1.

§ 47.4363 Statutory provisions; cross references.

SEC. 4363 *Cross references.* For penalties and other general and administrative provisions applicable to this subchapter, see section 4384 and subtitle F.

[Sec. 4363 as amended and in effect Jan. 1, 1959]

§ 47.4363–1 Cross references.

(a) For definitions, see section 4381, § 47.4381–1, and section 7701 (§ 47.7701).

(b) For penalties, see section 7271 and § 47.7271–1.

(c) For other general and administrative provisions, see section 4384, § 47.4384–1, Subpart J, and the applicable sections of subtitle F and the regulations in Part 301 of this chapter (Regulations on Procedure and Administration).

Subpart H—Tax on Policies Issued by Foreign Insurers

§ 47.4371 Statutory provisions; imposition of tax.

SEC. 4371 *Imposition of tax.* There is hereby imposed, on each policy of insurance, indemnity bond, annuity contract, or policy of reinsurance issued by any foreign insurer or reinsurer, a tax at the following rates:

(1) *Casualty insurance and indemnity bonds.* Four cents on each dollar, or fractional part thereof, of the premium charged on the policy of casualty insurance or the indemnity bond, if issued to or for, or in the name of, an insured as defined in section 4372(d).

(2) *Life insurance, sickness, and accident policies, and annuity contracts.* One cent on each dollar, or fractional part thereof, of the premium charged on the policy of life, sickness, or accident insurance, or annuity contract, unless the insurer is subject to tax under section 819.

(3) *Reinsurance.* One cent on each dollar, or fractional part thereof, of the premium charged on the policy of reinsurance covering any of the contracts taxable under paragraph (1) or (2).

[Sec. 4371 as amended and in effect Jan. 1, 1959, and as further amended by sec. 3(f)(3) Life Insurance Income Tax Act 1959 (73 Stat. 140)]

§ 47.4371–1 Imposition of tax on policies issued by foreign insurers; scope of tax.

(a) *Certain insurance policies, and indemnity, fidelity, or surety bonds.* Section 4371(1) imposes a tax upon each policy of insurance (other than those referred to in paragraph (b) of this section), upon each indemnity, fidelity, or surety bond, or upon each certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called, whereby a contract of insurance of the character involved or an obligation of the nature of an indemnity, fidelity, or surety bond is made, continued, or renewed, if issued—

(1) By a nonresident alien individual, a foreign partnership, or a foreign corporation, as insurer, and the policy or other instrument is not signed or countersigned by an officer or agent of the insurer in a State, Territory, or the District of Columbia in which the insurer is authorized to do business; and

(2) To or for, or in the name of, a domestic corporation, domestic partnership, or an individual resident of the United States, against or with respect to hazards, risks, losses, or liabilities wholly or partly within the United States; or

(3) To or for, or in the name of, a foreign corporation, foreign partnership, or nonresident individual, engaged in a trade or business within the United States, with respect to hazards, risks, or liabilities wholly within the United States.

For definition of the term "indemnity bond", see section 4372(c).

(b) *Life insurance, sickness, and accident policies and annuity contracts.* Section 4371(2) imposes a tax upon each policy of insurance or annuity contract, or certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called, whereby a contract of insurance or an annuity contract is made, continued, or renewed, if issued—

(1) By a nonresident alien individual, a foreign partnership, or a foreign corporation, as insurer, and the policy or other instrument is not signed or countersigned by an officer or agent of the insurer in a State, Territory, or the District of Columbia in which such insurer is authorized to do business, or if not so signed or countersigned, the insurer is not subject to tax under section 819; and

(2) To any person with respect to the life or hazards to the person of a citizen or resident of the United States.

(c) *Reinsurance.* Section 4371(3) imposes a tax upon each policy of reinsurance, certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called, whereby a contract of reinsurance is made, continued, or renewed, if issued—

(1) By a nonresident alien individual, a foreign partnership, or a foreign corporation, as reinsurer, and the policy or other instrument is not signed or countersigned by an officer or agent of the reinsurer in a State, Territory, or the District of Columbia in which such reinsurer is authorized to do business; and

(2) To any person against, or with respect to, any of the hazards, risks, losses, or liabilities covered by contracts described in section 4371 (1) or (2).

(d) *Exempt indemnity bonds.* The tax imposed by section 4371 does not apply to any indemnity bond described in section 4373(2).

§ 47.4371–2 Rate and computation of tax.

(a) *Rate of tax.* (1) The tax under section 4371(1) is imposed at the rate of 4 cents on each dollar, or fractional part thereof, of the premium charged.

(2) The tax under section 4371 (2) and (3) is imposed at the rate of 1 cent on each dollar, or fractional part thereof, of the premium charged.

(b) *Computation of tax.* The tax is measured strictly by the amount of the premium charged. The time and method of payment of the premium are immaterial; the tax liability attaches if the insurance becomes effective, even though the premium is never paid. The full rate of tax applies to each fractional part of a dollar of the premium charged. For example, upon a premium charge of $10.10, the tax at the rate of 4 cents amounts to 44 cents, and at the rate of 1 cent amounts to 11 cents.

(c) *Meaning of premium.* For purposes of the regulations in this part, the term "premium" means the agreed price or consideration for assuming and carrying the risk or obligation, and includes any additional assessment or charge which may be assessed or charged under the contract, whether payable in one sum or installments.

§ 47.4372 Statutory provisions; definitions.

SEC. 4372 *Definitions*—(a) *Foreign insurer or reinsurer.* For purposes of this subchapter, the term "foreign insurer or reinsurer" means an insurer or reinsurer who is a nonresident alien individual, foreign partnership, or a foreign corporation. The term includes a nonresident alien individual, foreign partnership, or foreign corporation which shall become bound by an obligation of the nature of an indemnity bond.

(b) *Policy of casualty insurance.* For purposes of section 4371(1), the term "policy of casualty insurance" means any policy (other than life) or other instrument by whatever name called whereby a contract of insurance is made, continued, or renewed.

(c) *Indemnity bond.* For purposes of this subchapter, the term "indemnity bond" means any instrument by whatever name called whereby an obligation of the nature of an indemnity, fidelity, or surety bond is made, continued, or renewed. The term includes any bond for indemnifying any person who shall have become bound or engaged as surety, and any bond for the due execution or performance of any contract, obligation, or requirement, or the duties of any office or position, and to account for money received by virtue thereof, where a premium is charged for the execution of such bond.

(d) *Insured.* For purposes of section 4371(1), the term "insured" means—

(1) A domestic corporation or partnership, or an individual resident of the United States, against, or with respect to, hazards, risks, losses, or liabilities wholly or partly within the United States, or

(2) A foreign corporation, foreign partnership, or nonresident individual, engaged in a trade or business within the United States, against, or with respect to, hazards, risks, losses, or liabilities within the United States.

(e) *Policy of life, sickness, or accident insurance, or annuity contract.* For purposes of section 4371(2), the term "policy of life, sickness, or accident insurance, or annuity contract" means any policy or other instrument by whatever name called whereby a contract of insurance or an annuity contract is made, continued, or renewed with respect to the life or hazards to the person of a citizen or resident of the United States.

(f) *Policy of reinsurance.* For purposes of section 4371(3), the term "policy of reinsurance" means any policy or other instrument by whatever name called whereby a contract of reinsurance is made, continued, or renewed against, or with respect to, any of the hazards, risks, losses, or liabilities covered by contracts taxable under paragraph (1) or (2) of section 4371.

[Sec. 4372 as amended and in effect Jan. 1, 1959]

§ 47.4373 Statutory provisions; exemptions.

SEC. 4373 *Exemptions.* The tax imposed by section 4371 shall not apply to—

(1) *Domestic agent.* Any policy, indemnity bond, or annuity contract signed or countersigned by an officer or agent of the insurer in a State, Territory, or District of the United States within which such insurer is authorized to do business.

(2) *Indemnity bond.* Any indemnity bond required to be filed by any person to secure payment of any pension, allowance, allotment, relief, or insurance by the United States, or to secure a duplicate for, or the payment of, any bond, note, certificate of indebtedness, war-saving certificate, warrant, or check, issued by the United States.

[Sec. 4373 as amended and in effect Jan. 1, 1959]

§ 47.4374 Statutory provisions; affixing of stamps.

SEC. 4374 *Affixing of stamps.* Any person to or for whom or in whose name any policy, indemnity bond, or annuity contract referred to in section 4371 is issued, or any solicitor or broker acting for or on behalf of such person in the procurement of any such instrument shall affix the proper stamps to such instrument.

[Sec. 4374 as originally enacted and in effect Jan. 1, 1959]

§ 47.4374–1 Affixing of stamps.

(a) *General.* (1) Documentary stamps shall be used in payment of the tax. Requisite stamps must be affixed to the first instrument whereby the taxable contractual relationship is created, continued, or renewed, whether it be a letter of acceptance, a cablegram, or other instrument by whatever name called. Where the instrument which creates or evidences the contractual relationship is confirmed by a subsequent instrument, the latter shall bear a notation designating such prior instrument (referred to in this section as the original instrument) and showing that the requisite stamps have been affixed thereto and canceled.

(2) In any case where the amount of the premium is not definitely determined at the time of entering into the taxable contractual relationship, the stamps may be affixed to the receipts for monthly or other payments if proper notation be made upon such receipts identifying the original instruments to which they apply.

(3) The stamps shall be affixed by any person who is a party to the taxable contractual relationship, including any solicitor or broker acting for or on behalf of such person.

(b) *Subsequent instruments.* In case a subsequent instrument provides for the payment of a premium greater than that provided for in the original instrument, the subsequent instrument must have affixed thereto stamps equal to the tax imposed upon the additional premium charged and must bear a notation of the stamps affixed to the original instrument.

(c) *Affixing of stamps.* (1) Only documentary stamps shall be used in payment of the tax imposed by section 4371. See also §§ 47.6804–1 and 47.6804–2 for the appropriate use, denominations, and cancellation of such stamps.

(2) Documentary stamps may be purchased, and requisition forms for the purchase of such stamps may be obtained, from the sources and in the manner provided in § 47.6802–1. For provisions relating to distribution, supply, and redemption of stamps, see sections 6801 (§ 47.6801), 6802 (§ 47.6802), 6805 (§ 47.6805), and the regulations thereunder contained in Part 301 of this chapter (Regulations on Procedure and Administration), and § 47.6801–1.

(d) *Instruments without stamps or notation of stamping.* For provisions

relating to the penalty for failure to comply with the requirements of section 4374, see § 47.7270.

(e) *Record requirements.* For provisions relating to the requirements concerning records and the retention of policies for a period of 3 years, see § 47.6001–2.

§ 47.4375 Statutory provisions; cross references.

SEC. 4375. *Cross references.* For penalties and other general and administrative provisions, see section 4384 and subtitle F.

[Sec. 4375 as amended and in effect Jan. 1, 1959]

§ 47.4375–1 Cross references.

(a) For definitions, see section 4381, § 47.4381–1, and section 7701 (§ 47.7701).

(b) For penalties, see section 7271 and § 47.7271–1.

(c) For other general and administrative provisions, see section 4384, § 47.4384–1, Subpart J, and the applicable sections of subtitle F and the regulations in Part 301 of this chapter (Regulations on Procedure and Administration).

Subpart I—Miscellaneous Provisions Applicable to Documentary Stamp Taxes

§ 47.4381 Statutory provisions; definitions.

SEC. 4381 *Definitions*—(a) *Certificates of indebtedness.* For purposes of the taxes imposed by sections 4311 and 4331, the term "certificates of indebtedness" means bonds, debentures, or certificates of indebtedness; and includes all instruments, however termed, issued by a corporation with interest coupons or in registered form, known generally as corporate securities.

(b) *Corporation.* For purposes of the taxes imposed by this chapter, the term "corporation" includes any investment trust or similar organization (or any person acting in behalf of such investment trust or similar organization) issuing, holding or dealing in shares or certificates of stock, or in certificates of indebtedness. For purposes of the tax imposed by section 4311, the term "corporation" also includes any receiver, trustee in bankruptcy, assignee, or other person having custody of property of, or charge of the affairs of, the corporation. Nothing contained in this subsection shall be construed to limit the effect of the definition of the term "corporation" provided in section 7701(a)(3).

(c) *Shares or certificates of stock.* For purposes of the regulations in this part, the term "stock" includes shares or certificates of stock. The term "stock" also includes shares or certificates of all corporations, joint-stock company, or insurance company (see § 47.7701). For purposes of the tax imposed by section 4321, the term "stock" also includes rights to subscribe for or to receive shares or certificates of stock (see paragraph (a) of § 47.4321–1). For purposes of the taxes imposed by sections 4301 and 4321, the term "shares or certificates of stock" includes shares or certificates of profits or of interest in property or accumulations.

(d) *Cross references.* For other definitions of general application, see §§ 47.0–2 and 47.7701.

[Sec. 4381 as amended and in effect Jan. 1, 1959]

§ 47.4381–1 Definitions.

(a) *Certificates of indebtedness.* The term "certificates of indebtedness" includes bonds, debentures, and certificates of indebtedness. Such term also includes all instruments, however termed, issued by a corporation with interest coupons or in registered form and known generally as corporate securities. The essence of a corporate security is marketability. An instrument is ordinarily considered to be marketable if it is issued in series, under a trust indenture, and in registered form or with interest coupons attached. For example, an instrument containing the essential features of a promissory note is included within the meaning of the term "certificates of indebtedness" if it has, in addition, the general characteristics of a corporate security. Whether or not an instrument is a certificate of indebtedness within the meaning of section 4381(a) is not determined by its name alone, but depends upon all the facts which can be derived from the face of the instrument, such as the form and terms of the instrument. The nature of the transaction or any act appearing outside of the instrument itself is immaterial for purposes of making such determination.

(b) *Corporation.* For purposes of the taxes imposed by sections 4301, 4311, 4321, 4331, 4361, and 4371, the term "corporation" includes associations, joint-stock companies, and insurance companies (see § 47.7701), as well as any investment trust or similar organization (or any person acting in behalf of such investment trust or similar organization) issuing, holding or dealing in shares or certificates of stock, or in certificates of indebtedness. In addition, for purposes of the tax imposed by section 4311, the term "corporation" also includes any receiver, trustee in bankruptcy, assignee, or other person having custody of property, or charge of the affairs, of the corporation.

(c) *Shares or certificates of stock.* For purposes of the regulations in this part, the term "stock" includes shares or certificates of stock. The term "stock" also includes shares or certificates of all corporations, joint-stock company, or insurance company (see § 47.7701). For purposes of the tax imposed by section 4321, the term "stock" also includes rights to subscribe for or to receive shares or certificates of stock (see paragraph (a) of § 47.4321–1). For purposes of the taxes imposed by sections 4301 and 4321, the term "shares or certificates of stock" includes shares or certificates of profits or of interest in property or accumulations.

(d) *Cross references.* For other definitions of general application, see §§ 47.0–2 and 47.7701.

§ 47.4382 Statutory provisions; exemptions.

SEC. 4382 *Exemptions*—(a) *Governments; certain associations.* The taxes imposed by this chapter shall not apply to—

(1) *Government and State obligations.* Any certificate of indebtedness, note, or other instrument, issued by the United States, or by any foreign government, or by any State, Territory, or the District of Columbia, or local subdivision thereof, or municipal or other corporation exercising the taxing power.

(2) *Domestic building and loan associations and mutual ditch or irrigation companies.* Shares or certificates of stock and certificates of indebtedness issued by domestic building and loan associations, savings and loan associations, cooperative banks, and homestead associations substantially all the business of which is confined to making loans to members, or by mutual ditch or irrigation companies.

(3) *Farmers', fruit growers', or cooperative associations.* Shares or certificates of stock and certificates of indebtedness issued by any farmers' or fruit growers' or like associations organized and operated on a cooperative basis for the purposes, and subject to the conditions, prescribed in section 521.

(b) *Certain reorganizations, etc.* The taxes imposed by sections 4301, 4311, 4321, 4331, and 4361 shall not apply to—

(1) *Corporate and railroad reorganization.* The issuance, transfer, or exchange of securities, or the making, delivery, or filing of conveyances, to make effective any plan of reorganization or adjustment—

(A) Confirmed under the Bankruptcy Act, as amended (11 U.S.C.),

(B) Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in section 77(m) of the Bankruptcy Act, as amended (11 U.S.C. 205(m)),

(C) Approved in an equity receivership proceeding in a court involving a corporation, as defined in section 106(8) of the Bankruptcy Act, as amended (11 U.S.C. 506), or

(D) Whereby a mere change in identity, form, or place of organization is effected, but only if the issuance, transfer, or exchange of securities, or the making, delivery, or filing of instruments of transfer or conveyances, occurs within 5 years from the date of such confirmation, approval, or change.

(2) *Orders of the Securities and Exchange Commission.* The issuance, transfer, or exchange of securities, or making or delivery of conveyances, to make effective any order of the Securities and Exchange Commission as defined in section 1083(a); but only if—

(A) The order of the Securities and Exchange Commission in obedience to which such issuance, transfer, exchange, or conveyance is made recites that such issuance, transfer, exchange, or conveyance is necessary or appropriate to effectuate the provisions of section 11(b) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79k(b)),

(B) Such order specifies and itemizes the securities and other property which are ordered to be issued, transferred, exchanged, or conveyed, and

(C) Such issuance, transfer, exchange, or conveyance is made in obedience to such order.

[Sec. 4382 as amended and in effect Jan. 1, 1959]

§ 47.4382–1 Exemptions.

(a) *Government and State obligations.* Section 4382(a)(1) exempts from the tax imposed by section 4311 or 4331 any certificate of indebtedness issued by the United States, or by any foreign government, or by any State, Territory, or the District of Columbia, or local subdivision thereof, or municipal or other corporation exercising the taxing power.

(b) *Stocks and certificates of indebtedness of domestic building and loan associations, etc.* Section 4382(a)(2) exempts from the tax imposed by section 4301, 4311, 4321, or 4331 any stock or certificate of indebtedness issued by a (1) domestic building and loan association, savings and loan association, cooperative bank, or homestead association, substantially all the business of which is confined to making loans to members, or (2) mutual ditch or irrigation company. For definition of the term "domestic building and loan association", see § 47.7701.

(c) *Stocks and certificates of indebtedness of farmers', fruit growers', or cooperative associations.* Section 4382(a)(3), exempts from the tax imposed by [illegible]

associations organized and operated on a cooperative basis for the purposes, and subject to the conditions, prescribed in section 521. For regulations under section 521, see Part 1 of this chapter (Income Tax Regulations).

(d) *Corporate and railroad reorganizations.* (1) Section 4382(b)(1) exempts from the taxes imposed by sections 4301, 4311, 4321, 4331, and 4361 the issuance, transfer, or exchange of securities, or the making, delivery, or filing of conveyances, to make effective any plan of reorganization or adjustment—

(i) Confirmed under the Bankruptcy Act, as amended (11 U.S.C.);

(ii) Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in section 77(m) of the Bankruptcy Act, as amended (11 U.S.C. 205(m));

(iii) Approved in an equity receivership proceeding in a court involving a corporation, as defined in section 106(3) of the Bankruptcy Act, as amended (11 U.S.C. 506); or

(iv) Whereby a mere change in identity, form, or place of organization is effected,

if the issuance, transfer, or exchange of securities, or the making, delivery, or filing of instruments of transfer or conveyance, occurs within 5 years from the date of such confirmation, approval, or change.

(2) Section 267 of the Bankruptcy Act (11 U.S.C. 667) also exempts from stamp tax the issuance, transfer, or exchange of securities, or the making or delivery of instruments of transfer under any plan of reorganization confirmed under chapter X of the Bankruptcy Act, as amended. However, by reason of the provisions of section 4382(b)(1) the exemption conferred by section 267 has no application to the issuance, transfer, or exchange of securities, or the making, delivery, or filing of conveyances, which occurs after 5 years from the date of confirmation or approval of the plan of reorganization.

(e) *Orders of the Securities and Exchange Commission.* Section 4382(b)(2) exempts from the taxes imposed by sections 4301, 4311, 4321, 4331, and 4361 the issuance, transfer, or exchange of securities, or the making or delivery of conveyances, to make effective any order of the Securities and Exchange Commission as defined in section 1083(a), if (1) the order of the Securities and Exchange Commission in obedience to which such issuance, transfer, or exchange of securities or conveyance is made recites that such issuance, transfer, or exchange of securities or conveyance is necessary or appropriate to effectuate the provisions of section 11(b) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79k(b)); (2) such order specifies and itemizes the securities and other property which are ordered to be issued, transferred, exchanged, or conveyed; and (3) such issuance, transfer, exchange, or conveyance is made in obedience to such order.

(f) *Alteration and modification of securities under the Interstate Commerce Act.* Section 20b of the Interstate Commerce Act (49 U.S.C. 20b) provides for alteration or modification of securities of a carrier as defined in section 20a(1). Paragraph (12) of such section 20b (by application of section 7852) makes sections 4301, 4311, 4321, 4331, and 4361, and any amendments thereto, unless specifically provided to the contrary, inapplicable to the issuance, transfer, or exchange of securities or the making or delivery of conveyances to make effective any alteration or modification effected pursuant to section 20b.

§ 47.4383 Statutory provisions; certain changes in partnerships.

SEC. 4383 *Certain changes in partnerships*—(a) *Continuing partnerships.* In the case of any share, certificate, right, or realty held by a partnership, no tax shall be imposed under section 4321, 4331, or 4361 by reason of any transfer of an interest in a partnership or otherwise, if—

(1) Such partnership (or another partnership) is considered as a continuing partnership (within the meaning of section 708), and

(2) Such continuing partnership continues to hold the share, certificate, right, or realty concerned.

(b) *Terminated partnerships.* If there is a termination of any partnership (within the meaning of section 708)—

(1) For purposes of this chapter, such partnership shall be treated—

(A) As having transferred all shares, certificates, and rights held by such partnership at the time of such termination; and

(B) As having executed an instrument whereby there was conveyed, for fair market value (exclusive of the value of any lien or encumbrance remaining thereon), all realty held by such partnership at the time of such termination; but

(2) Not more than one tax shall be imposed under section 4321, 4331, or 4361, as the case may be, by reason of such termination (and any transfer pursuant thereto) with respect to the shares, certificates, rights, or realty held by such partnership at the time of such termination.

[Sec. 4383 as added and in effect Jan. 1, 1959]

§ 47.4383–1 Certain changes in partnerships.

(a) *Continuing partnerships.* No tax shall be imposed under section 4321, 4331, or 4361 by reason of any transfer of an interest in a partnership holding shares, certificates, rights, or realty if such partnership (or another partnership) is considered to be a continuing partnership within the meaning of section 708 and if such shares, certificates, rights, or realty continue to be held, regardless of the name in which held, by the continuing partnership (or the continuing partnerships if more than one). For rules relating to continuations of partnerships, see section 708 and the regulations thereunder in Part 1 of this chapter (Income Tax Regulations). To the extent that the shares, certificates, rights, or realty do not continue to be so held, the taxes imposed by sections 4321, 4331, and 4361 will apply. For example, if a partner withdraws from a partnership under such circumstances that the withdrawal does not constitute a termination of the partnership under the provisions of section 708 and the regulations thereunder, and if the partnership transfers to him, in consideration for his withdrawal, stock owned by the partnership, the stock so transferred will be subject to tax. However, if the partner receives cash in consideration for his withdrawal, and the partnership retains the stock, no tax is imposed since the stock is held by a continuing partnership.

(b) *Termination of partnerships.* If there is a termination, within the meaning of section 708, of a partnership holding shares, certificates, rights, or realty, the partnership is considered, for purposes of the taxes imposed by sections 4321, 4331, and 4361, as having transferred at the time of such termination all of such shares, certificates, and rights, and as having executed at the time of such termination an instrument conveying, for fair market value (exclusive of the value of any lien or encumbrance remaining thereon), all realty. However, not more than one tax shall be imposed under each section with respect to such shares, certificates, rights, or realty by reason of a termination and any transfer pursuant thereto. Tax should be computed with respect to the transfer or conveyance deemed to occur under this paragraph. Any other deemed or actual transfer or conveyance which occurs by reason of the transaction resulting in the termination is not subject to tax. The operation of this paragraph may be illustrated by the following examples:

Example (1). Partnership AB owns 150 shares of X Corporation stock having a total actual value of $13,000 and real estate having a fair market value (exclusive of the value of any lien or encumbrance thereon) of $10,000. Partner B retires and receives 100 shares of X Corporation stock in liquidation of his entire partnership interest. Partner A receives the remainder of the partnership properties in liquidation of his entire partnership interest, and he continues to run the business as a sole proprietor. Partnership AB is terminated within the meaning of section 708 since the partnership business is no longer carried on by a partnership. Partnership AB is, therefore, considered to have executed an instrument conveying the real estate for $10,000 and to have transferred the X Corporation stock having a total actual value of $13,000. The transaction is subject to the taxes imposed by sections 4321 and 4361. No tax is imposed on the actual transfer of 100 shares of X Corporation stock to partner B or on the actual transfer and conveyance of the remaining stock and realty to partner A since such conveyance and transfers are made by reason of the transaction resulting in the termination.

Example (2). Partnership ABCD owns 1,000 shares of Y Corporation stock having a total actual value of $60,000. Partner A owns a 40 percent interest in the capital and profits of the partnership and partners B, C, and D each have a 20 percent interest. In January, 1960, partner A sells his partnership interest to E, and in September, 1960, partner B sells his partnership interest to F thereby causing a termination of the partnership within the meaning of section 708. The partnership is, therefore, considered to have transferred in September, 1960, the 1,000 shares of Y Corporation stock, and there is a tax under section 4321 with respect to such shares. No further tax is imposed with respect to the transaction. Inasmuch as A is not a partner in the partnership at the time of its termination, he incurs no liability for the tax imposed with respect to the 1,000 shares of stock.

Example (3). Partnership ABCDE terminates within the meaning of section 708 by reason of the sale by E of his partnership interest to F. Pursuant to the termination transaction, partners A and B withdraw from the partnership, receiving stock owned by the partnership in consideration for their withdrawal, under such circumstances that the withdrawal constitutes a liquidation under section 708 and the regulations thereunder. All of the stock owned by the partnership is considered to be transferred on termination and tax is imposed with respect to such stock, but no additional tax is imposed with respect to the stock actually distributed to partners A and B in liquidation of their partnership interest. Furthermore, no tax will be imposed on the transfer by partners A and B of the stock distributed to them to a new partnership AB if such transfer is made pursuant to an agreement entered into concurrently with and as a result of the transaction in which partnership ABCDE is terminated.

(c) *Application of section.* Only those partnership changes occurring on or after January 1, 1959, shall be considered in determining whether a partnership is a continuing or terminated partnership under section 708.

§ 47.4384 Statutory provisions; liability for tax.

SEC. 4384 *Liability for tax.* The taxes imposed by this chapter shall be paid by any person who makes, signs, issues, or sells any of the documents and instruments subject to the taxes imposed by this chapter, or for whose use or benefit the same are made, signed, issued, or sold. The United States or any agency or instrumentality thereof shall not be liable for the tax with respect to an instrument to which it is a party, and affixing of stamps thereby shall not be deemed payment for the tax, which may be collected by assessment from any other party liable therefor.

[Sec. 4384 as amended and redesignated and in effect Jan. 1, 1959]

§ 47.4384–1 Liability for tax.

(a) *In general.* Except as otherwise provided in paragraphs (c) and (d) of this section, the tax is payable by any of the parties to a taxable transaction. For example, in the case of the transfer of stock, the liability therefor is imposed upon the transferor, the transferee, and the corporation whose stock is transferred (if there is a transfer of record). The parties to the transaction may agree among themselves as to which shall pay the tax, but such agreement does not relieve the others from their liability in the event it is not carried out. No provisions, by-laws, or rules, of any exchange, and no custom, shall exempt any person from payment of the tax imposed.

(b) *Liability of subscriber for tax on issuance of stock.* The liability of a subscriber for the tax imposed by section 4301 on an issuance of stock to him by a corporation extends only to that portion of the total tax on all issuances of stock by such corporation for the day that the total actual value of the shares or certificates of stock issued to him in that day bears to the total actual value of all shares or certificates issued by the corporation in such day. For example, if a total of 100 shares of stock having a total actual value of $1,800 are issued in one day by a corporation, the tax would be $1.80. If A were issued in that day 10 shares of such stock having a total value of $180, his liability for tax would be 18 cents.

(c) *United States as party to transaction.* The United States or any agency or instrumentality thereof shall not be liable for tax in respect of an instrument to which it is a party regardless of the capacity in which it acts. However, the transaction is not exempt from tax, and the nonexempt party to the transaction shall be liable for the tax. The affixing of stamps to the instrument by the United States or any agency or instrumentality thereof does not constitute payment of the tax, and the nonexempt party remains liable for the tax in such case.

(d) *State as party to transaction.* Except with respect to the tax imposed by section 4361, where a State or a political subdivision thereof, acting in its governmental capacity, is a party to a taxable transaction, under chapter 34 of the Code, the transaction will not be exempt from the documentary stamp tax merely by reason of the governmental character of one of the parties. The legal incidence of the tax in such a case rests upon the other party to the transaction. However, if in a taxable transaction with a private party, a State or political subdivision thereof is acting in its proprietary function, both parties will be liable for the tax. Where all parties to a transaction are States or political subdivisions thereof, acting in their governmental capacity, no tax shall be imposed. See section 4383(b) and paragraph (b) of § 47.4362–1 for the exemption of any State, Territory, political subdivision thereof, or the District of Columbia from the tax imposed by section 4361 on conveyances of realty to which it is a party, regardless of the capacity in which it acts.

Subpart J—Administrative Provisions Applicable to Documentary Stamp Taxes

§ 47.6001 Statutory provisions; notice or regulations requiring records, statements, and special returns.

SEC. 6001 *Notice or regulations requiring records, statements, and special returns.* Every person liable for any tax imposed by this title, or for the collection thereof, shall keep such records, render such statements, make such returns, and comply with such rules and regulations as the Secretary or his delegate may from time to time prescribe. Whenever in the judgment of the Secretary or his delegate it is necessary, he may require any person, by notice served upon such person or by regulations, to make such returns, render such statements, or keep such records, as the Secretary or his delegate deems sufficient to show whether or not such person is liable for tax under this title.

[Sec. 6001 as originally enacted and in effect Jan. 1, 1959]

§ 47.6001–1 Records of sales and transfers of stock.

(a) *Brokers, dealers, etc.* All persons who are wholly or partly engaged in the business of buying, selling, or transferring stock, either at public or private sale, whether or not they are members of an exchange, including persons engaged in transactions known as "matched", "on-order", "pass-outs", or "give-ups", or transactions which are settled directly between the seller and buyer or which are cleared or adjusted through a clearinghouse or otherwise, or persons (other than those described in paragraph (b) of this section) engaged in accepting and procuring the transmission of orders for purchase or sale of shares of stock shall keep a record as to each transaction showing:

(1) Date of transaction.
(2) Name of customer for whom sold or loaned, or for whom bought or borrowed.
(3) Name of party to whom sold or loaned, or from whom bought or borrowed.
(4) Name of correspondent broker, if any.
(5) Number of shares involved.
(6) Name and description of stock.
(7) Selling price of stock, per share.
(8) Amount of tax paid.

(b) *Correspondent brokers.* Persons engaged in accepting and procuring the transmission of orders for the purchase or sale of stock, to be executed at a brokerage office or at an exchange, board of trade, or similar place, shall keep a record as to each transaction showing:

(1) Date of acceptance and transmission of order.
(2) Name of person from whom accepted.
(3) Name and address of person to whom transmitted.
(4) Name and description of stock.
(5) Number of shares involved.
(6) Whether purchase or sale.
(7) Selling price of stock, per share.
(8) Date of execution of order.

(c) *Floor brokers, etc.* Brokers known as strictly "floor brokers", "two-dollar men", or "room traders", whether their transactions are settled directly between seller and buyer, by "matched", "on-order", "pass-out", "scratch sale", or "give-up", or by any other kind of sale or purchase, or whether their transactions are cleared through a clearinghouse or otherwise, shall, in lieu of the record prescribed in paragraph (a) of this section, keep a record as to each transaction showing:

(1) Date of transaction.
(2) Name of seller.
(3) Name of purchaser.
(4) Name and description of stock.
(5) Number of shares involved.
(6) Selling price of stock, per share.
(7) Whether the transaction is "matched", "on-order", "pass-out", "scratch sale", or "give-up".
(8) Name of person to whom "given-up".

(d) *General.* Persons keeping records as prescribed in this section may incorporate therein additional information for their own use, which should be entered, however, so as not to interfere with the recording of the information required by this section. These records must be kept in permanent form for a period of at least three years from the date any part of the tax is paid on the transaction and must be available for ready inspection by internal revenue officers.

§ 47.6001–2 Records with respect to foreign insurance policies.

(a) *Records to be kept by solicitors, brokers, etc.* No return or statement showing a list of policies or other instruments subject to the tax imposed by section 4371 is required from any person to or for whom, or in whose name, such policy or other instrument is issued, or from the solicitor or broker acting directly or indirectly for or on behalf of such person. However, each person, solicitor, or broker, accepting, placing, soliciting, or making, directly or indirectly, or paying or receiving compensation with respect to, a policy or other instrument subject to the tax imposed by section 4371 shall keep a record of such policy or other instrument for a period of at least three years from the date any part of the tax was paid with respect to the issuance thereof and shall be prepared to furnish full information to the district director at any time upon demand.

(b) *Records to be kept by policy holder.* The person having control or possession of a policy of insurance, or reinsurance, or other instrument to which documentary stamps must be affixed shall retain such instrument for at least 3 years from the date any part of the tax was paid with respect to the issuance thereof to enable internal revenue officers to ascertain whether the requisite stamps have been affixed and cancelled.

§ 47.6801 Statutory provisions; authority for establishment, alteration, and distribution.

SEC. 6801 *Authority for establishment, alteration, and distribution.*—(a) *Establishment and alteration.* The Secretary or his delegate may establish, and from time to time alter, renew, replace, or change the form, style, character, material, and device of any stamp, mark, or label under any provision of the laws relating to internal revenue.

(b) *Preparation and distribution of regulations, forms, stamps and dies.* The Secretary or his delegate shall prepare and distribute all the instructions, regulations, directions, forms, blanks, and stamps; and shall provide proper and sufficient adhesive stamps and other stamps or dies for expressing and denoting the several stamp taxes.

[Sec. 6801 as originally enacted and in effect Jan. 1, 1959]

§ 47.6801–1 Establishment of meter machines and stamps.

The Commissioner of Internal Revenue or his delegate shall have the authority to set the standards for and to approve meter machines for use in the sale of documentary stamps and to prescribe instructions and requirements governing the circumstances and conditions under which such machines may be used. In addition to the documentary stamps customarily sold and used for the payment of taxes imposed under chapter 34 of the Code, stamps produced by authorized documentary stamp meter machines shall be proper for such use. See paragraph (a)(5) of § 47.0–2 for the definition of the term "documentary stamps".

§ 47.6802 Statutory provisions; supply and distribution.

SEC. 6802 *Supply and distribution.* The Secretary or his delegate shall furnish, without prepayment, to—

(1) *Postmaster General.* The Postmaster General a suitable quantity of adhesive stamps (other than the stamps on playing cards), coupons, tickets, or such other devices as may be prescribed by the Secretary or his delegate pursuant to section 6302(b) or this chapter, to be distributed to, and kept on sale by, the various postmasters in the United States in all post offices of the first and second classes, and such post offices of the third and fourth classes as—

(A) Are located in county seats, or

(B) Are certified by the Secretary to the Postmaster General as necessary;

(2) *Designated depositary of the United States.* Any designated depositary of the United States a suitable quantity of adhesive stamps to be kept on sale by such designated depositary;

(3) *State agents.* Any person who is—

(A) Duly appointed and acting as agent of any State for the sale of stock transfer stamps of such State, and

(B) Designated by the Secretary or his delegate for the purpose,

a suitable quantity of such adhesive stamps as are required by section 4301, to be kept on sale by such person.

[Sec. 6802 as originally enacted and in effect Jan. 1, 1959]

§ 47.6802–1 Where stamps may be purchased and when unused documentary stamps may be used or resold.

(a) *Where stamps may be purchased.* Documentary stamps may be purchased from (1) district directors and other duly authorized officials; (2) postmasters in all post offices of the first and second classes and such post offices of the third and fourth class as are located in county seats; (3) designated depositaries of the United States (see section 6802(2) (§ 47.6802)); and (4) State agents designated under paragraph (3) of section 6802 (§ 47.6802).

(b) *Use or resale of unused documentary stamps.* Unused documentary stamps may be used at any time in payment of any tax imposed by section 4301, 4311, 4321, 4331, 4361, or 4371, or may be resold by the owner at any time. For redemption of stamps see section 6805 (§ 47.6805).

§ 47.6804 Statutory provisions; attachment and cancellation.

SEC. 6804 *Attachment and cancellation.* Except as otherwise expressly provided in this title, the stamps referred to in section 6801 shall be attached, protected, removed, canceled, obliterated, and destroyed, in such manner and by such instruments or other means as the Secretary or his delegate may prescribe by rules or regulations.

[Sec. 6804 as originally enacted and in effect Jan. 1, 1959]

§ 47.6804–1 Stamps to be used and denominations thereof.

(a) *Documentary stamps only to be used.* Except as provided in section 4353 and § 47.4353–1, documentary stamps only shall be used in payment of the stamp taxes imposed by sections 4301, 4311, 4321, 4331, 4361, and 4371. Ordinary postage stamps shall not be used in payment of documentary stamp taxes.

(b) *Use of stamps.* Wherever feasible, a stamp tax shall be paid by the use of a single stamp. If a stamp of a denomination equal to the tax is not readily available, the smallest practical number of stamps shall be used. A stamp affixed to an instrument and canceled cannot lawfully be removed therefrom and affixed to another instrument requiring a stamp (see section 7208 (§ 47.7208), relating to penalties).

(c) *Denominations of documentary stamps.* Documentary stamps (other than stamps issued by authorized meter machines) are issued in the following denominations: 1 cent, 2 cents, 3 cents, 4 cents, 5 cents, 8 cents, 10 cents, 20 cents, 25 cents, 40 cents, 50 cents, 55 cents, 80 cents, $1, $1.10, $1.65, $2, $2.20, $2.75, $3, $3.30, $4, $5, $10, $20, $30, $50, $60, $100, $500, $1,000, $5,000, $6,000, and $10,000.

§ 47.6804–3 Cancellation of stamps.

(a) *Stamps affixed by adhesion.* Except as provided by paragraph (b) of this section, a person using or affixing a stamp shall cancel it and so deface it as to render it unfit for reuse by marking it with his initials and the day, month, and year when the affixing occurs. (See section 7271(1) (§ 47.7271), relating to penalties.) Such marking shall be made by writing or stamping in indelible ink or by perforating with a machine or punch. However, the stamp shall not be so defaced as to prevent ready determination of its denomination and genuineness. (See paragraph (b) of § 47.6804–1 relating to the prohibition against reuse of used stamps.)

(b) *Stamps printed directly on documents.* A stamp printed directly on a document by an authorized meter machine is considered cancelled provided the printing on such stamp contains the date of such printing and a number which identifies the machine which printed the stamp.

§ 47.6805 Statutory provisions; redemption of stamps.

SEC. 6805 *Redemption of stamps*—(a) *Authorization.* The Secretary or his delegate, subject to regulations prescribed by him, may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps, issued under authority of any internal revenue law, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use.

(b) *Method and conditions of allowance.* Such allowance or redemption may be made, either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof; but no allowance or redemption shall be made in any case until the stamps so spoiled or rendered useless shall have been returned to the Secretary or his delegate, or until satisfactory proof has been made showing the reason why the same cannot be returned; or, if so required by the Secretary or his delegate, when the person presenting the same cannot satisfactorily trace the history of said stamps from their issuance to the presentation of his claim as aforesaid.

(c) *Time for filing claims.* No claim for the redemption of, or allowance for, stamps shall be allowed under this section unless

§ 47.7271 Statutory provisions; penalties for offenses relating to stamps.

Sec. 7271 *Penalties for offenses relating to stamps.* Any person who with respect to any tax payable by stamps—

(1) *Failure to attach or cancel stamps, etc.* Fails to comply with rules or regulations prescribed pursuant to section 6804 (relating to attachment, cancellation, etc., of stamps), unless such failure is shown to be due to reasonable cause and not willful neglect; or

* * * * *

(3) *Instruments.* Makes, signs, issues, or accepts, or causes to be made, signed, issued, or accepted, any instrument, document, or paper of any kind or description whatsoever without the full amount of tax thereon being duly paid; or

* * * * *

shall be liable for each such offense to a penalty of $50.

[Sec. 7271 as originally enacted and in effect Jan. 1, 1959]

§ 47.7271–1 Cross references.

For other provisions relating to penalties, see the applicable sections of the regulations in Part 301 of this chapter (Regulations on Procedure and Administration).

§ 47.7701 Statutory provisions; definitions.

Sec. 7701 *Definitions.* (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(1) *Person.* The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association, company or corporation.

(2) *Partnership and partner.* The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title, a trust or estate or a corporation; and the term "partner" includes a member in such a syndicate, group, pool, joint venture, or organization.

(3) *Corporation.* The term "corporation" includes associations, joint-stock companies, and insurance companies.

(4) *Domestic.* The term "domestic" when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State or Territory.

(5) *Foreign.* The term "foreign" when applied to a corporation or partnership means a corporation or partnership which is not domestic.

(6) *Fiduciary.* The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

(7) *Stock.* The term "stock" includes shares in an association, joint-stock company, or insurance company.

* * * * *

(9) *United States.* The term "United States" when used in a geographical sense includes only the States and the District of Columbia.

(10) *State.* The term "State" shall be construed to include the District of Columbia, where such construction is necessary to carry out provisions of this title.

(11) *Secretary.* The term "Secretary" means the Secretary of the Treasury.

(12) *Delegate*—(A) *In general.* The term "Secretary or his delegate" means the Secretary of the Treasury, or any officer, employee, or agency of the Treasury Department duly authorized by the Secretary (directly, or indirectly by one or more redelegations of authority) to perform the function mentioned or described in the context, and the term "or his delegate" when used in connection with any other official of the United States shall be similarly construed.

* * * * *

(13) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue.

* * * * *

(19) *Domestic building and loan association.* The term "domestic building and loan association" means a domestic building and loan association, a domestic savings and loan association, and a Federal savings and loan association, substantially all the business of which is confined to making loans to members.

* * * * *

(b) *Includes and including.* The terms "includes" and "including" when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

* * * * *

(d) *Cross references*—(1) *Other definitions.* For other definitions, see the following sections of Title 1 of the United States Code:

(1) Singular as including plural, section 1.
(2) Plural as including singular, section 1.
(3) Masculine as including feminine, section 1.

* * * * *

[Sec. 7701 as originally enacted and in effect Jan. 1, 1960, and as amended by sec. 33 (f) (2) (A) of the Alien Technical Act 1961 (Pub. L. 87–301, 75 Stat. 656); sec. 1(a) of Pub. L. 87–508, 76 Stat. 136; sec. 1(a) (1) of Pub. L. 87–834, 76 Stat. 1030; sec. 1(a) of Pub. L. 87–863, 76 Stat. 1141; sec. 1(a) of Pub. L. 87–870, 76 Stat. 1143; sec. 1(a) of Pub. L. 87–1027, 76 Stat. 1100; sec. 1(a) of Pub. L. 87–1028, 76 Stat. 1101; sec. 1(a) of Pub. L. 87–1029, 76 Stat. 1102; sec. 1(a) of Pub. L. 87–1030, 76 Stat. 1103; sec. 1(a) of Pub. L.

(b) One Private Secretary to the Deputy Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 663)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-1252; Filed, Feb. 6, 1962; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC-1,281]

PART 563—OPERATIONS

Loans and Investments

JANUARY 26, 1962.

Resolved that, notice and public procedure having been duly afforded (26 F.R. 9557, 10239), and all relevant matter presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of section 563.9 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.9) as hereinafter set forth, and for the purpose of effecting such amendment, hereby amends said section 563.9 to read as follows, effective February 10, 1962:

§ 563.9 Loans and investments.

(a) *General provisions.* Insured institutions may lend and otherwise invest their funds to the extent and in the manner authorized by law: *Provided*, That, except as hereinafter provided, no insured institution may make, or invest its funds in, loans on the security of real estate located more than 50 miles from its principal office and outside the territory within which the institution was operating on June 27, 1934, without the prior approval of the Corporation: *Provided further*, That

(1) Any insured institution may, to the extent that it has legal power to do so and without further approval of the Corporation, make, or invest its funds in, loans in an aggregate amount not exceeding 20 percent of such institution's assets on the security of real estate located more than 50 miles but not more than 100 miles from such institution's principal office and outside such territory;

(2) Any insured institution may, to the extent it has legal power to do so, without regard to said 20-percent-of-assets limitation and without further approval of the Corporation, make, or invest its funds in, any loan at least 20 percent of which is guaranteed or as to which a commitment to guarantee has been made under the provisions of the Servicemen's Readjustment Act of 1944 or chapter 37 of title 38, United States Code, as now or hereafter amended; and

(3) Any insured institution may, to the extent it has legal power to do so, without regard to said 20-percent-of-assets limitation and without further approval of the Corporation, purchase any loan secured by a first lien on a home or a combination home and business property which is used in part for business purposes and in part for bona fide residential purposes for not more than four families, located in other territory more than 50 miles from its principal office: *Provided*, That as to each loan, such insured institution will be protected by insurance as provided in the National Housing Act or the Servicemen's Readjustment Act of 1944 or chapter 37 of title 38, United States Code, as now or hereafter amended.

(b) *Applications and approvals.* Each application by an insured institution to the Corporation for approval to make, or invest its funds in, loans beyond any limitation of this section shall be supported by a map showing the area in which the institution desires to lend and invest its funds; shall state the type and character of loans to be made, including the maximum percentages of loans to appraisals; shall show the need in such territory for such loans by such institution; and shall establish that such operation is consistent with sound and economical home financing, and that the applicant is equipped to service the loans adequately. Every loan made pursuant to any approval by the Corporation of any such application shall comply with the terms and conditions of such approval.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that the Board hereby finds that, as the foregoing amendment relieves restriction, deferment of the effective date thereof for the period set forth in section 4(c) of the Administrative Procedure Act is not required under said section 4(c).

By the Federal Home Loan Bank Board.

HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 62-1233; Filed, Feb. 6, 1962; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER A—PROCEDURAL REGULATIONS

[Reg. Docket No. 1060]

PART 408—ENFORCEMENT PROCEDURES

Revision

The primary purpose of this amendment is to enlarge the scope of § 408.25 (a) so as to provide a certificate holder with an opportunity to have a full hearing before a Hearing Officer of the Agency in certificate actions taken by the Administrator pursuant to section 609 of the Act; the provision of a new Subpart D—Rules of Practice for Hearings in FAA Certificate Actions; and other amendments of Subparts A, B, and C to reflect new enforcement procedures and the decentralization of responsibility.

The safety enforcement processes of the Federal Aviation Agency presently afforded a certificate holder against whom action is proposed an opportunity to confer with Agency counsel and be informally heard with respect to his position in the matter. It has been decided that in addition to this procedure the certificate holder should be afforded an opportunity for a full evidentiary hearing. Accordingly, a panel of Hearing Officers has been established in the Office of the Administrator. They are authorized to act for him and to decide matters on his behalf. They will, upon request, hold a hearing at a time and place convenient to the parties in which the Agency counsel will bear the burden of proof with respect to the charges, witnesses will be called and subjected to examination and cross-examination, and a full record will be made of all of the testimony and evidence. Upon this record the Hearing Officer will decide the issues and determine whether the proposed certificate action should be carried out or whether it should be modified or terminated.

At the present time certificate holders whose certificate is suspended or revoked by Order issued on behalf of the Administrator may appeal to the Civil Aeronautics Board. The provision of a hearing before an Agency Hearing Officer will in no way affect the certificate holder's continued right to make such an appeal. However, if he elects to appeal, he may also elect to have the appeal considered on the basis of the record of testimony and evidence taken before the FAA Hearing Officer, and thus avoid the necessity of duplication in this phase of the hearing process. It is the expectation of the Agency that hearings will be so fairly conducted by the assigned FAA Hearing Officer and the facts and other relevant evidence so fully developed in the course of the hearing before him that in most cases this record will be satisfactory to the certificate holder, as well as to the Agency, and that appeals will thus be taken on the record without the necessity of completely new hearing before the Civil Aeronautics Board. Where requested, however, the certificate holder will be entitled to obtain a Board hearing on the issues in dispute.

The rules of practice which will guide the Hearing Officer and the parties where such a hearing has been requested closely parallel those which presently govern safety enforcement proceedings before the Civil Aeronautics Board. They should therefore provide a familiar pattern to attorneys and other interested persons who heretofore have been involved in the hearing process as conducted by designated Examiners of the Civil Aeronautics Board.

This revision also serves to prescribe enforcement procedures which conform to those now being utilized by the Agency, particularly those modifications required by the recent decentralization of responsibility to handle cases involving

scheduled and supplemental carriers and their personnel, air taxi operations, commercial operations and certificated repair stations. The previous division of authority, which reserved unto the General Counsel the authority for handling cases involving such certificate holders, has now been modified to permit the handling of such cases by the General Counsel and the Regional Counsels.

Since this amendment is not a substantive rule and one of Agency procedure, notice of public procedure hereon is unnecessary and the amendment may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Federal Aviation Agency hereby promulgates a revised Part 408 of the regulations of the Administrator of the Federal Aviation Agency (14 CFR Part 408), effective February 7, 1962:

Subpart A—Introduction

Sec.
408.1 Definition of terms.

Subpart B—Processes Used in Enforcement

408.11 Report channels.
408.12 Investigations.

Subpart C—Actions Taken in Enforcement

408.21 Filed for Record and Letter of Correction.
408.22 Reprimands.
408.23 Civil penalties.
408.24 Seizure of aircraft.
408.25 Certificate action.
408.26 Military aircraft.
408.27 Criminal violations.

Subpart D—Rules of Practice for Hearings in FAA Certificate Proceedings

408.31 Applicability of rules.
408.32 Appearances.
408.33 Request for hearing.
408.34 Hearing Officer's powers.
408.35 Disqualification of Hearing Officer.
408.36 Pleadings.
408.37 Time limitations.
408.38 Service and filing.
408.39 Amendment of Notice and Answer.
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AUTHORITY: §§ 408.1 to 408.50 issued under sec. 313(a), 601, 609, 901, 902, 903, 1001, 1002, Federal Aviation Act of 1958 (72 Stat. 752, 775, 779, 783, 784, 786, 788; 49 U.S.C. 1354, 1421, 1429, 1471, 1472, 1474, 1481, 1482).

Subpart A—Introduction

§ 408.1 Definition of terms.

As used in this part:

(a) "Act" means the Federal Aviation Act of 1958.

(b) "Administrator" means the Administrator of Federal Aviation Agency, or his designee.

(c) "Agency" means the Federal Aviation Agency.

(d) "Agency counsel" means the representative of the Federal Aviation Agency Office of General Counsel or Office of Regional Counsel, who represents the Administrator in an enforcement proceeding.

(e) "Answer" means the pleading which is filed by the holder of certificate in response to a Notice of Proposed Certificate Action, replying to the charges contained in the notice, when a hearing has been requested before an Agency Hearing Officer.

(f) "Board" means the Civil Aeronautics Board.

(g) "Certificate" means a type certificate, production certificate, airworthiness certificate, airman certificate (including medical certificate), air carrier operating certificate, air navigation facilities certificate, or air agency certificate, issued by the Civil Aeronautics Administration or the Federal Aviation Agency.

(h) "Hearing Officer" means a Federal Aviation Agency officer assigned to hear Agency proceedings for the amendment, modification, suspension or revocation of a certificate, conducted under the rules contained in this part.

(i) "Notice of Proposed Certificate Action" means a notice issued by Agency counsel to a certificate holder, under section 609 of the Federal Aviation Act proposing to amend, modify, suspend or revoke his certificate, and specifying the charges or grounds upon which the proposed action is based.

(j) "Parties" means the Agency counsel, certificate holder, and intervenors who appear before a Hearing Officer in an Agency enforcement proceeding.

(k) "Request for a Hearing" means a written statement, given by a certificate holder to Agency counsel, in response to a Notice of Proposed Certificate Action, requesting a formal hearing before an Agency Hearing Officer.

(l) "Respondent" means the holder of a certificate who has requested a formal hearing before an Agency Hearing Officer, in defense against a Notice of Proposed Certificate Action.

Subpart B—Processes Used in Enforcement

§ 408.11 Report channels.

Violations of the Act or any rule, regulation, or order issued thereunder, may be reported by any person having knowledge of such violations, to the appropriate personnel of the Agency assigned to one of the Agency's regional or district offices. Such a report will be investigated by personnel of the Agency and the results of such investigation will constitute the basis for determining the enforcement action to be taken by the Agency.

§ 408.12 Investigations.

(a) Under section 313 of the Act, the Administrator may conduct public hearings or investigations and is authorized to take evidence, issue subpoenas, take depositions, and compel testimony in the manner provided in section 1004 of the Act.

(b) For the purpose of investigating alleged violations of the Act, or of any rule, regulation or order issued thereunder, the Administrator's authority under sections 313 and 1004 has been delegated to the General Counsel, Deputy General Counsel, and to all Associate General Counsel and Regional Counsel.

Subpart C—Actions Taken in Enforcement

§ 408.21 Filed for Record and Letter of Correction.

A report of a violation may be filed for record by the reporting inspector or may be terminated by a Letter of Correction, if it appears, after investigation, that the violation was so minor and unintentional as not to require disciplinary or remedial action, and the standards prescribed by Manual of Procedure 22 are satisfied. Such actions will be subject to review by Regional Flight Standards and Regional Counsels' Offices.

§ 408.22 Reprimands.

A letter may be sent to the violator by the General Counsel or Regional Counsel, reprimanding him for a minor violation. A Letter of Reprimand will terminate the action, but the violation will be taken into consideration in determining the action to be taken with respect to any future violations committed by the same person.

§ 408.23 Civil penalties.

Under section 901 of the Act, any person who violates any provision of Titles III, V, VI, or XII of the Act, or any rule, regulation, or order issued thereunder, shall be subject to a civil penalty not to exceed $1,000 for each such violation.[1] Such civil penalty may be compromised by the Administrator. In the event imposition of a civil penalty is contemplated, and it is considered advisable to compromise such penalty, a Regional Counsel or the General Counsel will send a letter to the violator advising as to the charges against him, stating what laws, rules, regulations, or orders have been violated, and affording an opportunity to compromise the civil penalty. The violator may submit to the official signing the letter, either orally or in writing, any material or information in answer to the charges, explaining, mitigating or denying the occurrence of the violation, or showing extenuating circumstances. Any material or information thus submitted will be considered in making the final determination as to probable existence of liability for a civil penalty, or the amount for which it will be compromised. If an offer is tendered to compromise the penalty for a specific amount, a certified check or money order in that amount, made payable to the Federal Aviation Agency, should be attached. The General Counsel, or the Regional Counsel handling the case, will accept or refuse the offer of compromise. If the offer of compromise is accepted, the violator will be notified by letter of its acceptance and that such acceptance constitutes full settlement of any civil penalties incurred by the violator. If a compromise settlement of the civil penalty cannot be effected, the Agency will, in an appropriate case, instigate proceedings in the United States District

[1] The same is true for violations of Title VII, but the Civil Aeronautics Board has cognizance of those violations.

Court, pursuant to section 903 of the Act, for the purpose of collecting the civil penalty due.

§ 408.24 Seizure of aircraft.

(a) *Authority to seize aircraft.* Under section 903 of the Act, when an aircraft is involved in a violation for which a civil penalty may be imposed upon its owner or operator, such aircraft may be summarily seized by any State or Federal law enforcement officer or Federal Aviation Agency safety inspector authorized in an order of seizure issued by the Assistant Administrator of the region in which the aircraft is located.

(b) *Custody of seized aircraft.* When an aircraft has been seized pursuant to this section, it will be placed in the nearest available adequate public storage facility in the judicial district in which the seizure is made.

(c) *Notice of seizure.* When an aircraft has been seized pursuant to this section, a written notice and a copy of this section will be sent without delay by the Assistant Administrator to the registered owner of, and to other persons having a recorded interest in, the aircraft according to the records of the Federal Aviation Agency. The written notice will state:

(1) The time, date, and place of seizure;

(2) The name and address of the custodian of the aircraft;

(3) The reasons for the seizure, including the violations believed, or judicially determined, to have been committed; and

(4) The amount which may be tendered;

(i) As an offer in compromise of any civil penalties which might have been incurred as a result of the alleged violation, or

(ii) As payment of civil penalties which have been imposed by a Federal Court as a result of the established violations.

(d) *Report of seizure.* When an aircraft has been seized pursuant to this section, a report will be transmitted immediately by the Regional Counsel to the United States Attorney for the judicial district in which the seizure is made, requesting the United States Attorney to institute proceedings for the enforcement of the lien.

(e) *Release of seized aircraft.* When an aircraft has been seized pursuant to this section, it will be released by direction of the Assistant Administrator under any one of the following conditions:

(1) Upon payment of the civil penalty or the amount agreed upon in compromise, and the costs incurred in connection with the seizure, storage, and maintenance of the aircraft;

(2) Upon seizure of the aircraft pursuant to process of a Federal court in proceedings in rem for enforcement of a lien against the aircraft, or notification by the United States Attorney of refusal to institute such proceedings; or

(3) Upon deposit of a bond in such amount and with such sureties as the Assistant Administrator may prescribe, conditioned upon payment of the penalty or the amount agreed upon in compromise, and the costs incurred in connection with the seizure, storage, and maintenance of the aircraft.

§ 408.25 Certificate action.

(a) Under section 609 of the Act, the Administrator, or his authorized agents, may reinspect any civil aircraft, aircraft engine, propeller, appliance, air navigation facility, or air agency, or may reexamine any civil airman. If, as a result of any such reinspection, reexamination, or any other investigation, it is determined that safety in air commerce or air transportation and the public interest requires such action, the Administrator, or his authorized agents, may issue an order amending, modifying, suspending, or revoking, in whole or in part, any type certificate, production certificate, airworthiness certificate, airman certificate, air carrier operating certificate, air navigation facilities certificate, or air agency certificate. Prior to issuing such an order, the Agency's General Counsel or Regional Counsel will advise the certificate holder as to the charges or other reasons relied upon by the Administrator for the proposed action and, except in case of emergency, provide him an opportunity to answer any charges and to be heard as to why such certificate should not be amended, modified, suspended or revoked. At his option, the holder may (1) admit the charges and surrender his certificate, (2) answer the charges in writing, (3) request an opportunity to be heard in an informal conference with the Agency counsel, or (4) request and receive a formal hearing, either in lieu of or in addition to the informal conference, before a Hearing Officer appointed by and representing the Administrator. If the holder admits the charges, submits an answer in writing only, or seeks a conference, the General Counsel or Regional Counsel, after due consideration of the answer and information submitted by the certificate holder, shall issue the Order of the Administrator. If a full hearing is requested, the Order of the Administrator will be issued by the Hearing Officer following a hearing conducted in accordance with Subpart D of this part. The Hearing Officer may issue his order orally or in writing.

(b) Any person whose certificate is affected by an order issued under this section may appeal to the Civil Aeronautics Board. The filing of an appeal with the Board stays the effectiveness of the Administrator's Order unless the Administrator advises the Board that an emergency exists and safety in air commerce or air transportation requires the immediate effectiveness of his Order, in which event the Order shall remain effective and the Board shall finally dispose of the appeal within 60 days after being so advised by the Administrator.

§ 408.26 Military aircraft.

When a report reveals that violations have been committed by members of the Armed Forces of the United States or those civilian employees of the Department of Defense who are subject to the provisions of the Uniform Code of Military Justice, while engaged in the performance of their official duties, copies of the report will be forwarded by the General Counsel or Regional Counsel to the appropriate military authorities in order that they may take such disciplinary actions as they consider appropriate and report back to the Administrator thereon.

§ 408.27 Criminal violations.

Sections 902 and 1203 of the Act provide criminal penalties for persons who knowingly and willfully violate specified provisions of the Act, or any order, rule or regulation issued thereunder. If a possible violation of any of the criminal provisions of the Act comes to the attention of the inspector or other employee of the Agency, a report shall be made to the Office of General Counsel who will, in an appropriate case, refer the report to the United States Department of Justice for criminal prosecution of the person who committed the offense. Violations of other federal statutes within the investigatory jurisdiction of another agency which come to the attention of an inspector or other employee shall be immediately reported to such agency in a manner provided by Manual of Procedure 22.

Subpart D—Rules of Practice for Hearings in FAA Certificate Proceedings

§ 408.31 Applicability of rules.

The provisions of this subpart shall govern all proceedings before Hearing Officers of the Federal Aviation Agency where a hearing has been requested by a certificate holder in response to a Notice of Proposed Certificate Action, proposing the amendment, modification, suspension, or revocation of an airman certificate.

§ 408.32 Appearances.

Any party to a proceeding may appear and be heard in person or by attorney.

§ 408.33 Request for hearing.

If, following the issuance of a Notice of Proposed Certificate Action, the certificate holder elects to have a formal hearing, he shall so request by checking the appropriate box on the form which is forwarded to him with the Notice of Proposed Certificate Action. He shall return this to Agency counsel within fifteen (15) days, together with an answer to the allegations contained in the Notice of Proposed Certificate Action. If an informal conference with Agency counsel is requested and held, then the certificate holder shall have ten (10) days thereafter within which to request a formal hearing. Agency counsel will forthwith forward the Request and Answer to the Hearing Officer with a copy of the Notice of Proposed Certificate Action. The Hearing Officer will docket the Notice, Request and Answer as of the time received by him.

§ 408.34 Hearing Officers' powers.

Hearing Officers shall have the following powers:

(a) To give notice concerning, and hold, prehearing conferences and hearings;

(b) To administer oaths and affirmations;

(c) To examine witnesses;

(d) To issue subpoenas and to take or cause depositions to be taken;

(e) To rule upon offers of proof and receive evidence;

(f) To regulate the course of the hearing;

(g) To hold conferences, before or during the hearing, for the settlement or simplification of issues by consent of the parties;

(h) To dispose of procedural requests or similar matters; and

(i) To issue an Order.

§ 408.35 Disqualification of Hearing Officer.

The Hearing Officer shall withdraw from a case if at any time he deems himself disqualified.

§ 408.36 Pleadings.

(a) *Notice of Proposed Certificate Action.* In cases transmitted to the Hearing Officer, the Notice of Proposed Certificate Action shall constitute the statement of the facts upon which the action is proposed.

(b) *Answer.* The certificate holder, concurrently with his Request for a Hearing, shall submit an Answer to the Notice. The Answer shall be responsive to the allegations set forth in the Notice and any allegation not denied shall be deemed admitted.

(c) *Averments.* Averments in an answer, or other pleading, to which no responsive pleading is required, will be taken as denied.

§ 408.37 Time limitations.

(a) *Request for Hearing and Answer.* The Request for a Hearing and Answer to the Notice shall be served on Agency counsel within fifteen (15) days from the time of service of the Notice of Proposed Certificate Action.

(b) *Request served after expiration of period.* If a Request for a Hearing is submitted subsequent to the fifteen-day period specified in paragraph (a) but prior to issuance of an order, it shall be submitted by Agency counsel to the Hearing Officer, and when, in the opinion of the Hearing Officer, good cause is shown for failure to request a hearing within the time prescribed, he may, in his discretion, order a hearing.

§ 408.38 Service and filing.

The Request for Hearing and Answer to the Notice shall be mailed to the Agency counsel who originated the notice, and shall be deemed timely filed if postmarked before the end of the time limitation therefor. All other pleadings, motions or documents shall, at the time of filing, be served upon all other parties. Service shall be made by delivering a copy to the person to be served or by mailing a copy to him at the last address filed with the Agency by the certificate holder as required by the Civil Air Regulations. When a party is represented by an attorney, service shall be made upon the attorney.

§ 408.39 Amendment of Notice and Answer.

At any time more than ten (10) days prior to the date of hearing, either party may amend his Notice, or Answer, or other pleading, by filing the same with the Hearing Officer and by serving a copy thereof on all other parties. After that time, amendment shall be allowed only at the discretion of the Hearing Officer. Where amendment to an initial pleading has been permitted, the Hearing Officer shall allow the other parties a reasonable opportunity to answer. A pleading may be amended at any time to conform to the evidence.

§ 408.40 Withdrawal of Notice or Request for Hearing.

The Agency counsel may withdraw his Notice and the certificate holder may withdraw his Request for Hearing, at any time prior to hearing.

§ 408.41 Motions.

(a) *Motion to dismiss.* A respondent, in lieu of his Answer, may file a motion to dismiss, for failure of the allegations of the Notice to state a violation of the Civil Air Regulations, or lack of qualification of the Respondent. If the motion is denied, the Respondent shall file his Answer within ten (10) days.

(b) *Motion for judgment on the pleadings.* After the pleadings are closed, either party may move for judgment on the pleadings.

(c) *Motion to strike.* Upon motion of either party, the Hearing Officer may order stricken from any pleading an insufficient allegation or defense, or any immaterial, impertinent or scandalous matter.

(d) *Motion for more definite statement.* The certificate holder may file, in lieu of his Answer, a motion that the allegations set forth in the Notice be made more definite and certain. If the motion is granted, the Agency counsel shall comply within ten (10) days. If the motion is denied, the certificate holder shall then file his Answer within ten (10) days thereafter.

(e) *Motion for production of documents.* Upon motion of any party showing good cause therefor, the Hearing Officer may order any party to produce any designated documents, papers, books, accounts, letters, photographs, objects, or tangible things, not privileged, which constitute or contain evidence relevant to the subject matter of the hearing, and which are in the party's possession, custody or control, in the manner provided by Rule 34, Federal Rules of Civil Procedure.

(f) *Consolidation of motions.* A party who makes a motion under this section shall join with it all other motions then available to him. Any objections not so raised will be deemed to be waived.

§ 408.42 Intervention.

Any person may move for leave to intervene in a proceeding and may become a party thereof, if the Hearing Officer, following transmittal of the case for hearing, finds that such person may be bound by the order to be rendered in the proceeding or has a property or financial interest which may not be adequately represented by existing parties: *Provided*, That such intervention would not unduly broaden the issues or delay the proceeding. Except for good cause shown, no motion for leave to intervene will be entertained if filed less than ten (10) days prior to hearing.

§ 408.43 Depositions.

After a Request for Hearing and the Answer have been filed, testimony may be taken by deposition at the instance of any party to the proceeding in accordance with the provisions of section 1004 of the Act or Rule 26 of the Federal Rules of Civil Procedure.

§ 408.44 Notice of hearing.

The Hearing Officer to whom the case is assigned shall give the parties adequate notice of the date and place where the hearing will be held. The Hearing Officer may hold the hearing at the city in which there is located the Regional Headquarters, the originating Federal Aviation Agency office, or the Flight Standards District Office nearest to the residence of the certificate holder, or at such other location or locations as the Hearing Officer may direct.

§ 408.45 Subpoenas and witness fees.

(a) Subpoenas requiring the attendance of witnesses or the production of documentary or tangible evidence for the purpose of taking depositions or at a hearing may be issued by the Hearing Officer to whom the case is assigned upon application by any party to a proceeding; the application for production of documentary or tangible evidence shall show the general relevance and reasonable scope of the evidence sought.

(b) Witnesses shall be entitled to the same fees and mileage as are paid to witnesses in the courts of the United States. The fees shall be paid by the party at whose instance the witness is subpoenaed or appears.

(c) The provisions of paragraph (a) of this section are not applicable to the attendance of Federal Aviation Agency officers or employees or the production of documentary evidence in the custody of such persons at a hearing. Applications for documents shall be processed as motions under § 408.41(e) and applications for the attendance of officers and employees of the Agency shall be addressed to the Hearing Officer, in writing, and shall set forth the need of the party for such attendance.

§ 408.46 Evidence.

(a) *Right to full and true disclosure of the facts.* Every party shall have the right to present his case or defense by oral or documentary evidence, to submit evidence in rebuttal and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(b) *Burden of proof.* The burden of proof shall be upon the Agency counsel, except with respect to affirmative defenses.

§ 408.47 Argument and submittals.

At the hearing, the Hearing Officer shall give the parties adequate opportunity for the presentation of arguments in support of motions, objections and final Order. The Hearing Officer may determine whether argument shall be oral or in writing. At the conclusion of a hearing, either party shall be afforded

an opportunity to submit, in writing, proposed findings and conclusions and supporting reasons therefor.

§ 406.48 Record.

The testimony and exhibits together with all papers, requests and rulings filed in the proceedings shall constitute the exclusive basis for the issuance of an order. A transcript may be obtained by any party from the official reporter upon payment of the fees fixed therefor.

§ 406.49 Federal Rules of Civil Procedure.

In any situation not provided for or controlled by the foregoing rules of practice, the Federal Rules of Civil Procedure, where applicable, shall govern.

§ 406.50 Order of Hearing Officer.

(a) The Hearing Officer may issue an order orally or in writing.

(b) The order, oral or written, shall include a statement of findings and conclusions upon all material issues of fact and law presented in the record and the appropriate sanction or denial thereof.

(c) If the order is rendered in writing, it shall be served upon the parties.

(d) The order of the Hearing Officer may amend, modify, suspend, or revoke the Respondent's certificate as proposed, or in a lesser degree, may rescind the Notice of Proposed Certificate Action, or may, if the Hearing Officer deems such to be equitable and in the public interest, terminate the action upon agreement by the parties for disposition of the matter by the payment of a civil penalty in the agreed amount.

(e) If the order amends, modifies, suspends or revokes the Respondent's certificate, it shall advise the respondent of his right of appeal to the Civil Aeronautics Board.

Issued in Washington, D.C., on January 30, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-1225; Filed, Feb. 6, 1962; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-NY-111]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways, Associated Control Areas, and Control Area Extension

The purpose of these amendments to §§ 600.6091, 600.6487, 601.6487 and 601.1100 is to:

1. Alter low altitude VOR Federal airway No. 91 by deleting the Benson, Vt., VOR from the route description and substituting therefor, the intersection of the Glens Falls, N.Y., VORTAC 032° and the Burlington, Vt., VOR 187° radials.

2. Alter low altitude VOR Federal airway No. 487 by deleting the Benson VOR from the route description and substituting therefor, the intersection of the Cambridge, N.Y., VOR 002° and the Glens Falls VORTAC 032° radials.

3. Alter the Rutland, Vt., control area extension by deleting the Benson VORTAC from the description and substituting coordinates based on the geographical site of the Benson VORTAC.

The above actions are required due to fire damage to the Benson VOR. Since these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

§ 600.6091 [Amendment]

1. In the text of § 600.6091 (14 CFR 600.6091) "Benson, Vt., VOR; Burlington, Vt., VOR;" is deleted and "INT of the Glens Falls VORTAC 032° and the Burlington, Vt., VOR 187° radials; Burlington VOR;" is substituted therefor.

2. Section 600.6487 (14 CFR 600.6487, 26 F.R. 3463) is amended to read:

§ 600.6487 VOR Federal airway No. 487 (Poughkeepsie, N.Y., to Cambridge, N.Y.).

From the Poughkeepsie, N.Y., VOR via the Cambridge, N.Y., VOR; to the INT of the Cambridge VOR 002° and the Glens Falls, N.Y., VORTAC 032° radials.

3. The heading of § 601.6487 (14 CFR 600.6487, 26 F.R. 3463) is amended to read:

§ 601.6487 VOR Federal airway No. 487 control areas (Poughkeepsie, N.Y., to Cambridge, N.Y.).

4. Section 601.1100 (14 CFR 601.1100, 26 F.R. 12516) is amended to read:

§ 601.1100 Control area extension (Rutland, Vt.).

That airspace N of Rutland, Vt., bounded on the NW by VOR Federal airway No. 91, on the NE by VOR Federal airway No. 141 and on the S by the Lebanon, N.H., VOR 272° radial; and the airspace S of Rutland, bounded on the N by the Lebanon VOR 272° radial, on the E by a line 24 miles E of and parallel to the Cambridge, N.Y., VOR 002° radial, on the S by a line 5 miles N of and parallel to the Glens Falls, N.Y., VORTAC 090° radial and on the W by VOR Federal airway No. 91.

These amendments shall become effective 0001 e.s.t. April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 31, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1206; Filed, Feb. 6, 1962; 8:45 a.m.]

[Airspace Docket No. 60-NY-88]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Federal Airway and Associated Control Areas, Continental Control Area, and Restricted Area

On March 21, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 2375) stating that the Federal Aviation Agency proposed to extend low altitude VOR Federal airway No. 435 from the Attica, Ohio, VOR direct to the Carleton, Mich., VOR and that the control areas associated with this segment of Victor 435 would extend upward from 1,200 feet above the surface, or if appropriate, 500 feet below the minimum IFR en route altitude when established. In addition, it was proposed that the portion of the airway within R-5502 would be used only after obtaining prior approval from the appropriate authority.

On November 4, 1961, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10451) stating that the control areas associated with this segment of Victor 435 would extend upward from 700 feet above the surface to the base of the continental control area until such time as all of the control areas in the vicinity of Attica and Carleton can be altered by applying Amendment 60-21 to Part 60 of the Civil Air Regulations. In addition, it was proposed to alter the continental control area to include R-5502 and to designate the Federal Aviation Agency, Cleveland ARTC Center as the controlling agency of R-5502.

The Air Transport Association of America concurred with the amendments as proposed in the notice and supplemental notice. The Department of the Air Force offered no objection to the amendments proposed in the notice. The Department of the Navy offered no objections to the amendments proposed in the notice and supplemental notice provided that the restricted area requirements for NAS Grosse Ile are not abrogated. As stated in the supplemental notice, the amendments proposed herein would promote more efficient and expeditious movement of air traffic by permitting unrestricted use of Victor 435 and the airspace above 14,500 feet MSL within R-5502 when the restricted area is not being used for its designated purpose.

Airspace Docket No. 61-NY-87 as published in the FEDERAL REGISTER on December 16, 1961 (26 F.R. 12071) amended the regulations of the Administrator by altering the dimensions of the Cleveland, Ohio, control area extension (§ 601.1100) and by excluding the portion which would coincide with R-5502. Action taken herein designates the FAA as controlling agency of R-5502 and provides for joint use of a portion of the restricted area for en route traffic. Therefore, it appears to be in the public interest to also permit joint use of a portion of R-5502 for terminal operations associated with the Cleveland terminal area when the restricted area is not being used for its designated purpose. Accordingly, action is taken herein to alter the Cleveland control area extension to permit use of the portion within R-5502 after prior approval has been obtained from the appropriate authority.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice and supplemental notice, the following actions are taken:

1. Section 600.6435 (14 CFR 600.6435) is amended to read:

§ 600.6435 VOR Federal airway No. 435 (Rosewood, Ohio, to Carleton, Mich.).

From the Rosewood, Ohio, VORTAC via the Attica, Ohio, VORTAC; to the Carleton, Mich., VORTAC. That airspace within R-5502 shall be used only after obtaining prior approval from the appropriate authority.

2. Section 601.6435 (14 CFR 601.6435) is amended to read:

§ 601.6435 VOR Federal airway No. 435 control areas (Rosewood, Ohio, to Carleton, Mich.).

All of VOR Federal airway No. 435.

§ 601.1158 [Amendment]

3. In the text of § 601.1158 (26 F.R. 12071) "excluding the portion which coincides with R-5502; and the area extending from the 50-mile radius area bounded on the SE by VOR Federal airway No. 43 and on the NW by VOR Federal airway No. 443 E alternate." is deleted and "and the area extending from the 50-mile radius area bounded on the SE by VOR Federal airway No. 43 and on the NW by VOR Federal airway No. 443 E alternate. The airspace within R-5502 shall be used only after obtaining prior approval from the appropriate authority." is substituted therefor.

§ 601.7101 [Amendment]

4. In the text of § 601.7101 (26 F.R. 1289), "R-5502, La Carne, Ohio." is added.

§ 608.55 [Amendment]

5. In the text of § 608.55, R-5502 La Carne, Ohio (26 F.R. 7200) "Controlling agency. Federal Aviation Agency, Cleveland ARTC Center." is added.

These amendments shall become effective 0001 e.s.t. April 5, 1962.

Issued in Washington, D.C., on January 31, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1207; Filed, Feb. 6, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8235 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Master Mechanic Mfg. Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170-43 *Heating;*[1] § 13.195 *Safety:* § 13.195-60 *Product.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Master Mechanic Mfg. Co. et al., Burlington, Wis., Docket 8235, Oct. 16, 1961]

In the Matter of Master Mechanic Mfg. Co., a Corporation, and Harry J. Allen, A. E. McFarland, and Margaret Allen, Individually and as Officers of Said Corporation

Consent order requiring manufacturers in Burlington, Wis., of their immersion electrode-type "Zip Instant Water Heater", to cease representing falsely in advertisements in newspapers and magazines, and by circulars and catalogs, that the device would heat any amount of water instantly and that under ordinary conditions of use it was harmless; and to attach to the device a "warning" and statement that for safe use the directions attached or enclosed should be followed.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Master Mechanic Mfg. Co., a corporation, and its officers, and Harry J. Allen, A. E. McFarland and Margaret Allen, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' electric water heating device "Zip Instant Water Heater", or any substantially similar device, whether sold under the same name or any other name, do forthwith cease and desist from:

1. Representing in any manner that other than a small amount of water can be heated instantly with said device;

2. Representing in any manner that said device is shockproof;

3. Representing in any manner that said device is harmless without adding the qualification that the said device must be used according to directions.

4. Distributing or selling said device unless there is attached thereto the word "caution" or "warning" together with a statement that for safe use of said device the directions for use thereof should be followed, which directions shall be attached to or enclosed with said device.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-1214; Filed, Feb. 6, 1962; 8:45 a.m.]

[Docket 8406 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Star Fruit Co. et al

Subpart—Discriminating in price under section 2, Clayton Act—payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Star Fruit Co. et al., Lake Alfred, Fla., Docket 8406, Oct. 17, 1961]

In the Matter of Star Fruit Company, a Corporation, and Norman V. Huff, Robert V. Huff, and Mary H. Grantham, Individually and as Officers of Said Corporation

Consent order requiring packer-distributors of citrus fruit in Lake Alfred, Fla., to cease violating section 2(c) of the Clayton Act by paying commissions or brokerage to some of their brokers and direct buyers purchasing for their own accounts for resale.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Star Fruit Company, a corporation, and its officers, and Norman V. Huff, Robert V. Huff, and Mary H. Grantham, individually and as officers of Star Fruit Company, and respondents' agents, representatives and employees, directly or through any corporate, partnership, sole proprietorship, or other device in connection with the sale of citrus fruit or fruit products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Paying, granting or allowing, directly or indirectly, to any buyer or to anyone acting for or in behalf of, or who is sub-

[1] New.

ject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of citrus fruit or fruit products to such buyer for his own account.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 17, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-1215; Filed, Feb. 6, 1962; 8:45 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Relation of This Chapter to Other Laws and Regulations

The Foreign Assets Control Regulations, 31 CFR 500.101–500.808 are being amended as follows:

Section 500.101(b) is being amended to make clear that licenses issued under Part 515 of this chapter authorize transactions prohibited under section 620(a) of the Foreign Assistance Act of 1961 (Public Law 87–195).

Section 500.101(b) is hereby amended to read as follows:

(b) No license or authorization contained in or issued pursuant to this chapter shall be deemed to authorize any transaction to the extent that it is prohibited by reason of the provisions of any law or statute other than Section 5(b) of the Trading with the Enemy Act, as amended, or any proclamation, order or regulation other than those contained in or issued pursuant to this chapter or pursuant to section 620(a) of the Foreign Assistance Act of 1961.

(Sec. 5, 40 Stat. 415, as amended; 50 U.S.C., App. 5. E.O. 9193, July 6, 1942, 7 F.R. 5205; 3 CFR 1943 Cum. Supp., E.O. 9980, August 20, 1948, 13 F.R. 4891; 3 CFR 1948 Supp.)

Effective date. This amendment shall become effective 12:01 a.m., e.s.t., February 7, 1962.

[SEAL] DOUGLAS DILLON, *Secretary of the Treasury.*

[F.R. Doc. 62-1312; Filed, Feb. 6, 1962; 10:19 a.m.]

PART 515—CUBAN IMPORT REGULATIONS

Sec.
515.201 Prohibitions.
515.202 Promulgation of regulations.
515.301 Definition of licenses.
515.401 Reference to amended sections.
515.402 Effect of amendment of sections of this chapter or of other orders, etc.
515.501 Effect of subsequent license or authorization.
515.502 Exclusion from licenses and authorizations.
515.503 Passengers baggage general license.
515.601 Records and reports.
515.701 Penalties.
515.801 Procedures.

AUTHORITY: §§ 515.201 to 515.801 issued under sec. 620(a), Public Law 87–195 and Proclamation 3447, 27 F.R. 1085.

§ 515.201 Prohibitions.

(a) The importation into the United States of all goods of Cuban origin and all goods imported from or through Cuba is prohibited except as authorized by the Secretary of the Treasury (Proclamation 3447).

(b) The effective date of this prohibition is 12:01 a.m., e.s.t., February 7, 1962 (Proclamation 3447).

§ 515.202 Promulgation of regulations.

Pursuant to Proclamation 3447, the Secretary of the Treasury hereby promulgates the following regulations.

§ 515.301 Definitions of licenses.

(a) The definitions of license, general license, and specific license contained in §§ 500.316, 500.317 and 500.318 of this chapter shall apply to this part.

(b) No regulation, ruling, instruction, or license authorizes an importation prohibited under § 515.201 unless the regulation, ruling, instruction, or license is issued by the Treasury Department and specifically refers to this part. No regulation, ruling, instruction or license referring to this part shall be deemed to authorize any transaction prohibited by § 500.201 of this chapter unless the regulation, ruling, instruction or license specifically refers to § 500.201.

§ 515.401 Reference to amended sections.

The provisions of § 500.401 of this chapter shall apply to this part.

§ 515.402 Effect of amendment of sections of this chapter or of other orders, etc.

Any amendment, modification, or revocation of any section of this chapter or of any order, regulation, ruling, instruction, or license issued thereunder shall not unless otherwise specifically provided be deemed to affect any act done or omitted to be done, or any suit or proceeding had or commenced in any civil or criminal case, prior to such amendment, modification, or revocation, and all penalties, forfeitures, and liabilities under any such section, order, regulation, ruling, instruction or license shall continue and may be enforced as if such amendment, modification, or revocation had not been made.

§ 515.501 Effect of subsequent license or authorization.

No license or other authorization contained in this chapter or otherwise issued thereunder shall be deemed to authorize or validate any transaction effected prior to the issuance thereof, unless such license or other authorization specifically so provides.

§ 515.502 Exclusion from licenses and authorizations.

The provisions of § 500.503 shall apply to this part.

§ 515.503 Passengers baggage general license.

The importation of goods otherwise prohibited under this part which are brought into the United States as baggage by any person arriving in the United States is hereby licensed, provided that such goods are not in commercial quantities and are not imported for resale.

§ 515.601 Records and reports.

The provisions of §§ 500.601 and 500.602 of this chapter shall apply to this part.

§ 515.701 Penalties.

Persons violating this part may be subject to the penalties of (a) section 592, 594 and 595a of the Tariff Act of 1930, as amended (19 U.S.C. 1592, 1594 and 1595a); (b) section 545 of the Criminal code (18 U.S.C. 545) and (c) section 1001 of the Criminal Code (18 U.S.C. 1001) and the penalties of any other applicable laws and regulations.

§ 515.801 Procedures.

(a) General licenses: General licenses are issued authorizing under appropriate terms and conditions certain types of transactions which are subject to the prohibitions set forth in § 515.201. It is the policy of Foreign Assets Control not to grant applications for specific licenses authorizing transactions to which the provisions of an outstanding general license are applicable. Persons availing themselves of general licenses are required to file reports and statements in the form and in accordance with the instructions specified in the licenses, when the licenses so provide.

(b) Specific licenses—general course of procedure: Transactions subject to the prohibitions set forth in § 515.201 which are not authorized by general license may be effected only under specific license. The specific licensing activities of Foreign Assets Control are performed by the Foreign Assets Control Division of the Treasury Department, Washington, D.C., and the Federal Reserve Bank of New York. When an unusual problem is presented, the proposed action is cleared with the Director of Foreign Assets Control or such person as he may designate.

(c) The provisions of § 500.801 (b) (2), (3), (4), (5), and (6) of this chapter and §§ 500.803, 500.804, 500.805, and 500.806 of this chapter shall apply to this part, except that Form TFAC–5 shall be used in lieu of Form TFAC–1 when making applications for specific licenses.

(d) Any action which the Secretary of the Treasury is authorized to take pursuant to Proclamation 3447 may be taken by the Director, Foreign Assets Control or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

[SEAL] DOUGLAS DILLON, *Secretary of the Treasury.*

[F.R. Doc. 62-1311; Filed, Feb. 6, 1962; 10:19 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[No. 33581]

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 25—GENERAL ACCOUNTING REGULATIONS UNDER THE INTERSTATE COMMERCE ACT

Financial Statements Released by Carriers

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 25th day of January 1962.

The Commission having under consideration a notice of proposed rule making published in the FEDERAL REGISTER on October 15, 1960 (49 CFR Part 31), pertaining to financial statements released by carriers subject to the jurisdiction of this Commission and responses thereto;

It appearing, that investigation of the matters and things involved in this rule making proceeding having been made, and said division, on the date hereof, having made and filed a report containing its findings of fact and conclusions;

It is ordered, That the following new section be added:

§ 25.1 Financial statements released by carriers.

Carriers desiring to do so may prepare and publish financial statements in reports to stockholders and others, except in reports to this Commission, based on generally accepted accounting principles for which there is authoritative support, provided that any variance from this Commission's prescribed accounting rules contained in such statements is clearly disclosed in footnotes to the statements.

It is further ordered, That this order shall become effective July 1, 1962 and shall continue in effect until further order of the Commission;

It is further ordered, That notice be given to the general public by depositing a copy in the Office of the Secretary at Washington, D.C., and by filing with the Director, Office of the Federal Register.

(Sec. 20, 24 Stat. 386; 49 U.S.C. 20. sec. 20(a), 49 Stat. 563; 49 U.S.C. 320. sec. 313(a), 54 Stat. 944; 49 U.S.C. 913. sec. 413(a), 56 Stat. 294; 49 U.S.C. 1012)

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-1231; Filed, Feb. 6, 1962; 8:47 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

PART 205—REPORTS OF MOTOR CARRIERS

Motor Carrier Annual Report Form D (Class I Motor Carriers of Passengers)

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 25th day of January A.D., 1962.

The matter of annual reports of Class I motor carriers of passengers being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 205.3a of the order of December 8, 1960, in the matter of Motor Carrier Annual Report Form D (Class I Motor Carriers of Passengers), be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1961, and subsequent years, to read as shown below.

It is further ordered, That § 205.3a be modified and amended to read as follows:

§ 205.3a Annual reports of Class I carriers of passengers.

Commencing with reports for the year ended December 31, 1961, and thereafter, until further order, all Class I motor carriers of passengers, as defined in § 181.02–1, viz. of this chapter, carriers with average annual gross operating revenues (including interstate and intrastate) of $200,000 or more, from passenger motor carrier operations, are required to file annual reports in accordance with Motor Carrier Annual Report From D (Passenger) which is attached to and made a part of this section.[1] Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before March 31 of the year following the year to which it relates.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

And it is further ordered, That a copy of this order and of Motor Carrier Annual Report Form D (Passenger) shall be served on all Class I motor carriers of passengers subject to its provisions, and upon every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-1232; Filed, Feb. 6, 1962; 8:47 a.m.]

[1] Filed as part of the original document.

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2601]

[Colorado 031041]

COLORADO

Order Providing for Opening of Public Lands

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The following described public lands, excluded from the Colorado National Monument by Proclamation No. 3307 of August 7, 1959, are hereby restored to the operation of the public land laws, including the mining and mineral leasing laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, provided that until 10:00 a.m. on August 2, 1962, the State of Colorado shall have a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852):

SIXTH PRINCIPAL MERIDIAN

T. 11 S., R. 101 W.,
Sec. 27, E½SE¼.

Containing 80 acres.

The lands are situated approximately five miles west of Grand Junction, Colorado. Terrain is moderately steep supporting shadscale and similar desert shrubs.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

JOHN A. CARVER, JR., *Assistant Secretary of the Interior.*

FEBRUARY 1, 1962.

[F.R. Doc. 62-1217; Filed, Feb. 6, 1962; 8:46 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 61-FW-20]

CONTROLLED AIRSPACE

Proposed Alteration; Supplemental Notice

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 61-FW-20, on September 14, 1961 (26 F.R. 8600), it was stated that the Federal Aviation Agency proposed to designate a control area extension within 5 miles either side of the 132° True bearing from the Key West, Fla., radio range extending from the radio range to the Marathon, Fla., control area extension (§601.1234) excluding the portion below 2,000 feet MSL.

Subsequent to publication of the notice, the controlled airspace requirements in the Key West terminal area have been reviewed attendant to the provisions of new holding pattern procedures effective January 11, 1962. These procedures were developed to accommodate the increasing variety of aircraft speeds and operating altitudes and flight levels in the IFR environment. In addition, the procedures provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitation for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements, for the implementation of these procedures in the Miami, Fla., Air Route Traffic Control Center area, the Federal Aviation Agency is considering the redesignation of the Key West control area extension 1233 (§ 601.1233) as that airspace bounded on the north by the Key West control area extension (§ 601.1319) and low altitude VOR Federal airway No. 35, on the east by a line 5 miles east of and parallel to the 186° True bearing from the Marathon radio beacon, on the south by latitude 24°-00'00" N., and on the west by a line 5 miles west of and parallel to the southwest course of the Key West radio range, excluding the portion below 2,000 feet MSL and excluding the portion which would coincide with the Key West Warning Area (W-465). This would provide additional controlled airspace for the protection of aircraft in holding patterns at Dorado, Fla., intersection (intersection of a 132° True bearing from the Key West radio range and a 232° True bearing from the Marathon RBN) and Casa, Fla., intersection (intersection of a 312° True bearing to the Key West radio range and an 035° True bearing to the Marathon RBN).

The above control area extension § 601.1233 would include that airspace now encompassed by the Marathon, Fla., and Sombrero Key, Fla., control area extensions (§§ 601.1234 and 601.1475), thereby permitting the revocation of these areas, and would encompass the airspace under consideration in the original proposal which is needed for the protection of aircraft arriving and departing the Key West Terminal area via the Dorado and Casa intersections.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to March 15, 1962.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61-FW-20 is extended to March 15, 1962. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street, Atlanta 3, Ga.

This amendment is proposed under section 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on February 1, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1206; Filed, Feb. 6, 1962; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 926]

HANDLING OF TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Notice of Proposed Rule Making

Consideration is being given to the following proposals submitted by the Industry Committee, established under the amended marketing agreement and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, California, as the agency to administer the terms and provisions thereof. This is a regulatory marketing program effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674):

(a) That an operating reserve be established in the maximum amount of $20,000 which approximates one-half the average expenses of the Industry Committee for one season.

(b) That the Industry Committee, at the end of each season, carryover in said operating reserve any excess assessment funds collected during such season up to, but not exceeding, 10 percent of the season's annual budget: *Provided*, That the total funds in such operating reserve do not exceed the aforesaid amount specified in paragraph (a).

(c) That funds in said operating reserve be used by the Industry Committee to cover (1) any authorized expenses incurred by such committee during any season when assessment income is less than such expenses, and (2) necessary expenses of liquidation in the event of termination of the amended marketing agreement and order.

(d) That, upon such termination, any funds not required to defray the necessary expenses of liquidation be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That, to the extent practical, such funds be returned pro rata to the shippers from whom such funds were collected.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 20th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 2, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-1222; Filed, Feb. 6, 1962; 8:46 a.m.]

[7 CFR Part 949]

[Docket No. AO-294-A1]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN NORTH DAKOTA AND MINNESOTA

Determination on Basis of Results of Referendum on Proposed Amendments to Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Grand Forks, North Dakota, on June 28, 1961, pursuant to notice thereof which was published June 26, 1961, in the FEDERAL REGISTER (26 F.R. 5577), upon proposed amendments to Marketing Agreement No. 135 and Order No. 949 regulating the handling of Irish potatoes grown in certain designated counties in North Dakota and Minnesota. The recommended decision (26 F.R. 8947) and decision (26 F.R. 10058) of the Assistant Secretary of Agriculture setting forth the proposed amendments to the marketing agreement and order were published in the FEDERAL REGISTER on September 22, 1961, and October 26, 1961, respectively. The Assistant Secretary also issued an order (26 F.R. 10058) directing that a referendum be conducted among producers of potatoes grown in certain designated counties of North Dakota and Minnesota to determine whether the requisite majority of such producers favor or approve issuance of the proposed amendments to Order No. 949.

It is hereby determined, on the basis of the results of the referendum conducted pursuant to the aforesaid referendum order, that the issuance of the proposed amendments to Order No. 949 regulating the handling of Irish potatoes grown in certain designated counties of North Dakota and Minnesota, is not approved or favored (a) by at least two-thirds of the producers of potatoes who participated in such referendum and who, during the determined representative period (July 1, 1960, to July 1, 1961) were engaged within the counties of Pembina, Walsh, Cavalier, Towner, Grand Forks, Nelson, Steele, Traill, Cass, Richland, and Ramsey of the State of North Dakota and Kittson, Marshall, Red Lake, Pennington, Polk, Norman, Mahnomen, Wilken, Otter Tail, Becker, and Clay of the State of Minnesota in the production of potatoes for market grown in such production area, or (b) by producers of potatoes who participated in the aforesaid referendum and who, during the aforesaid representative period of July 1, 1960, to July 1, 1961, produced for market at least two-thirds of the volume of potatoes produced for market within the aforesaid production area within such period.

It is hereby further determined that the proposed amendments set forth in the Assistant Secretary's decision of October 23, 1961 (26 F.R. 10058), will not be made effective.

Dated: February 1, 1962.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-1236; Filed, Feb. 6, 1962; 8:48 a.m.]

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS

Notice of Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Marketing Order No. 959 (7 CFR Part 959).

This marketing agreement and order program regulates the handling of onions grown in designated counties in South Texas, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 10 days following publication of this notice in the FEDERAL REGISTER.

§ 959.202 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and this part, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order during the fiscal period February 1, 1962, through January 31, 1963, will amount to $50,000.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 143 and this part shall be one cent ($0.01) per 50-pound sack of onions, or the equivalent quantity thereof, handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in the said marketing agreement and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 2, 1962.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-1235; Filed, Feb. 6, 1962; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Notice of Proposed Rule Making

Income tax regulations amended to conform to section 8 of Public Law 86-779 which amended section 162 by redesignating subsection (d) as subsection (e) and by adding a new subsection (d), and amended section 1054 by redesignating section 1054 as section 1055 and by adding a new section 1054.

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T: P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order to conform the INCOME TAX Regulations (26 CFR Part 1) to section 8 of the Act of September 14, 1960 (Public Law 86-779, 74 Stat. 1003), such regulations are amended as follows:

PARAGRAPH 1. Section 1.162 is amended by redesignating subsection (d) as subsection (e), adding a new subsection (d), and amending the historical note at the end thereof. These amended provisions read as follows:

§ 1.162 Statutory provisions; trade or business expenses.

SEC. 162. *Trade or business expenses*— • • •

(d) *Capital contributions to Federal National Mortgage Association.* For purposes of this subtitle, whenever the amount of capital contributions evidenced by a share of stock issued pursuant to section 303(c) of the Federal National Mortgage Association Charter Act (12 U.S.C., sec. 1718) exceeds the fair market value of the stock as of the issue date of such stock, the initial holder of the stock shall treat the excess as ordinary and necessary expenses paid or incurred during the taxable year in carrying on a trade or business.

(e) *Cross reference.* For special rule relating to expenses in connection with subdividing real property for sale, see section 1237.

[Sec. 162 as amended by sec. 5, Technical Amendments Act 1958 (72 Stat. 1608); sec. 8, Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1003)]

PAR. 2. Paragraph (a) of § 1.162-1 is amended to read as follows:

§ 1.162-1 Business expenses.

(a) *In general.* Business expenses deductible from gross income include the ordinary and necessary expenditures directly connected with or pertaining to the taxpayer's trade or business, except items which are used as the basis for a deduction or a credit under provisions of law other than section 162. The cost of goods purchased for resale, with proper adjustment for opening and closing inventories, is deducted from gross sales in computing gross income. See

paragraph (a) of § 1.61–3. Among the items included in business expenses are management expenses, commissions (but see section 263 and the regulations thereunder), labor, supplies, incidental repairs, operating expenses of automobiles used in the trade or business, traveling expenses while away from home solely in the pursuit of a trade or business (see § 1.162–2), advertising and other selling expenses, together with insurance premiums against fire, storm, theft, accident, or other similar losses in the case of a business, and rental for the use of business property. No such item shall be included in business expenses, however, to the extent that it is used by the taxpayer in computing the cost of property included in its inventory or used in determining the gain or loss basis of its plant, equipment, or other property. See section 1054 and the regulations thereunder. Penalty payments with respect to Federal taxes, whether on account of negligence, delinquency, or fraud, are not deductible from gross income. The full amount of the allowable deduction for ordinary and necessary expenses in carrying on a business is nevertheless deductible, even though such expenses exceed the gross income derived during the taxable year from such business. In the case of any sports program to which section 114 (relating to sports programs conducted for the American National Red Cross) applies, expenses described in section 114(a)(2) shall be allowable as deductions under section 162(a) only to the extent that such expenses exceed the amount excluded from gross income under section 114(a).

PAR. 3. The following section is inserted immediately after § 1.162–18.

§ 1.162–19 Capital contributions to Federal National Mortgage Association.

(a) *In general.* The initial holder of stock of the Federal National Mortgage Association (FNMA) which is issued pursuant to section 303(c) of the Federal National Mortgage Association Charter Act (12 U.S.C., sec. 1718) in a taxable year beginning after December 31, 1959, shall treat the excess, if any, of the issuance price (the amount of capital contributions evidenced by a share of stock) over the fair market value of the stock as of the issue date of such stock as an ordinary and necessary business expense paid or incurred during the year in which occurs the date of issuance of the stock. The date of issuance of the stock is the date which appears on the stock certificates of the initial holder as the date of issue. The initial holder is the original purchaser who is issued stock of the Federal National Mortgage Association pursuant to section 303(c) of the Act, and who appears on the books of FNMA as the initial holder. In determining the period for which the initial holder has held such stock, such period shall begin with the date of issuance.

(b) *Examples.* The provisions of paragraph (a) of this section may be illustrated by the following examples:

Example (1). A, a banking institution which reports its income on the calendar year basis, sold $12,500 of mortgage paper to FNMA on October 17, 1960. Pursuant to the Federal National Mortgage Association Charter Act, A was required to make certain capital contributions to FNMA. In accordance with this requirement on October 17, 1960, FNMA deducted $250 from the amount it paid A for the mortgage paper and credited A's account with this amount. A stock certificate evidencing two shares of common stock of $100 par value was mailed to A and FNMA deducted $200 from A's account leaving a net balance of $50 in A's account. The stock certificate was received by A on November 7, 1960, bearing an issue date of November 1, 1960. The fair market value of a share of FNMA stock on October 17, 1960, was $65, on November 1, 1960, was $67, and on November 7, 1960, was $68. A may deduct $66, the difference between the issuance price ($200) and fair market value ($134) of the two shares of the stock on the date of issuance, as a business expense for the taxable year 1960. The basis of each share of stock issued as of November 1, 1960, will be $67 per share. See section 1054 and § 1.1054–1.

Example (2). Assuming the same facts as in example (1), A sold an additional $12,500 of mortgage paper to FNMA on December 15, 1960. FNMA deducted $250 from the amount it paid A for the mortgage paper, and credited A's account with this amount. A now has a total credit of $300 to his account, the $50 balance from the previous transaction described in Example (1) and $250 from this transaction. On January 9, 1961, A received a stock certificate evidencing 3 shares of FNMA stock bearing an issue date of January 1, 1961. The fair market value of a share of FNMA stock on December 15, 1960, was $70 and on January 1, 1961, was $69. A may deduct $93, the difference between the issuance price ($300) and the fair market value ($207) of the three shares of stock on the date of issuance, as a business expense for the taxable year 1961.

PAR. 4. Section 1.1054 is redesignated § 1.1055 and as so redesignated is amended by redesignating section 1054 as section 1055 and by adding a historical note. The amended provisions read as follows:

§ 1.1055 Statutory provisions; cross references.

SEC. 1055. *Cross references.* • • •

[Sec. 1055 as renumbered by sec. 8, Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1003)]

PAR. 5. Immediately after § 1.1053–1 there are inserted the following new sections:

§ 1.1054 Statutory provisions; certain stock of Federal National Mortgage Association.

SEC. 1054. *Certain stock of Federal National Mortgage Association.* In the case of a share of stock issued pursuant to section 303(c) of the Federal National Mortgage Association Charter Act (12 U.S.C., sec. 1718), the basis of such share in the hands of the initial holder shall be an amount equal to the capital contributions evidenced by such share reduced by the amount (if any) required by section 162(d) to be treated (with respect to such share) as ordinary and necessary expenses paid or incurred in carrying on a trade or business.

[Sec. 1054 as added by sec. 8, Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1003)]

§ 1.1054–1 Certain stock of Federal National Mortgage Association.

(a) *In general.* The basis in the hands of the initial holder of a share of stock which is issued pursuant to section 303(c) of the Federal National Mortgage Association Charter Act (12 U.S.C., sec. 1718) in a taxable year beginning after December 31, 1959, shall be an amount equal to the issuance price of the stock reduced by the amount, if any, required by section 162(d) to be treated (with respect to such share) as an ordinary and necessary business expense. See section 162(d) and § 1.162–19. For purposes of this section the initial holder is the original purchaser who is issued stock of the Federal National Mortgage Association (FNMA) pursuant to section 303(c) of the Act and who appears on the books of FNMA as the initial holder. See § 1.162–19.

(b) *Example.* The provisions of this section may be illustrated by the following example:

Example. Pursuant to section 303(c) of the Federal National Mortgage Association Charter Act a certificate of FNMA stock is issued to A as of January 1, 1961. The issuance price of the stock was $100 and the fair market value of the stock on the date of issue was $69. A was required by section 162(d) to treat $31 as a business expense for the year 1961. The basis of the share of stock in the hands of A, the initial holder, shall be $69, the amount paid for the stock ($100) reduced by $31.

[F.R. Doc. 62–1224; Filed, Feb. 6, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13860 (RM–199) (RM–226) (RM–243)]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS; (SUPERIOR, KEARNEY, ALBION AND TERRYTOWN, NEBRASKA AND OTHERS)

Order Extending Time for Filing Reply Comments

1. The Commission has before it for consideration the request of the Nebraska Council for Educational Television (NCET) that the time for filing reply comments in this proceeding be extended to February 28, 1962. Reply comments are due on February 1, 1962, but NCET states that it needs additional time to pursue studies looking toward a "plan of financing for the proposed Nebraska Educational Television Network." NCET avers that the delay will not prejudice the rights of any interested parties or result in undue delay in the resolution of this proceeding. Counsel for NCET also states that all parties who filed comments in response to the Third Notice of Proposed Rule Making have consented to the grant of this delay with the exception of the Bi-States Company.

2. The Commission is disposed to grant the requested extension in order to give NCET the opportunity to present what they consider to be relevant material to reply to the contentions of opposed parties.[1] We would like to emphasize our concern, however, for the inordinate length of time which has passed since the commencement of this proceeding. While complex rule makings are often difficult to resolve with dispatch, NCET has had over one year to prepare the material in question. Moreover, the date which it now asks us to extend was originally set by them and the Kansas Legislative Council in another request for an extension of time which was granted by the Commission on November 29, 1961. In these circumstances, the grant of this extension represents a more than generous use of our discretionary powers.

3. *Accordingly, it is ordered,* This 29th day of January 1962, that the time for filing reply comments to the third notice of proposed rule making is extended from February 1, 1962, to February 28, 1962.

4. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and section 0.241(d)(8) of the Commission's rules.

Released: January 31, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–1250; Filed, Feb. 6, 1962; 8:49 a.m.]

[1] The ability of NCET to effectuate the proposed educational network has been raised by Bi-States and Terry Carpenter, but see paragraphs 41–44, Sixth Report and Order, and paragraph 10, Memorandum Opinion and Order, Docket No. 13852 (FCC 62–66).

Notices

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CASHMERE, WASHED (SCOURED) DIRECTLY FROM BELGIUM

Available Certifications by the Government of Belgium

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Government of Belgium under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Belgium of the following additional commodity:

Cashmere, washed (scoured).

[SEAL] MARGARET W. SCHWARTZ,
Acting Director,
Foreign Assets Control.

[F.R. Doc. 62-1297; Filed, Feb. 6, 1962; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-196]

WESTINGHOUSE ELECTRIC INTERNATIONAL CO.

Notice of Proposed Issuance of Facility Export License

Please take notice that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission by the licensee or an intervener as provided by the Commission's rules of practice (Title 10, CFR, Chapter I, Part 2), the Commission proposes to issue to Westinghouse Electric International Company the facility export license below.

Pursuant to section 104 of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", and upon a finding by the Commission that (a) the reactor proposed to be exported is a utilization facility as defined in said Act and regulations, and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an Agreement for Cooperation between the United States of America and Italy, the Commission will issue a license authorizing export of a 165 megawatt (electrical) pressurized light water nuclear power reactor to Societa Elettronucleare Italiana (SELNI), having offices at Foro Bonaparte 31, Milan, Italy. This reactor is to be erected at Trino, Italy.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactor.

A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 5th day of February 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of
Licensing and Regulation.

[F.R. Doc. 62-1300; Filed, Feb. 6, 1962; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Montana 023908]

MONTANA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JANUARY 30, 1962.

Notice of an application Serial No. Montana 023908, for withdrawal and reservation of lands was published as Federal Register Document No. 59-2340 on page 2092 of the issue for February 12, 1959. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m., on February 14, 1962, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

T. 5 S., R. 1 W., P.M., Montana,
Sec. 30: Lots 1, 2, 3, 4, E½W½.
T. 5 S., R. 2 W., P.M., Montana,
Sec. 25: All;
Sec. 26: NE¼, N½SE¼.

R. PAUL RIGTRUP,
Manager, Land Office.

[F.R. Doc. 62-1234; Filed, Feb. 6, 1962; 8:48 a.m.]

Fish and Wildlife Service

REGIONAL DIRECTORS AND FIELD PERSONNEL

Delegations of Authority

Chapter 4, Part 4 of the Administrative Manual of the Bureau of Sport Fisheries and Wildlife is amended to limit the authority of regional directors with respect to exchanges of fish or fish eggs with any commercial fish-cultural establishments.

Paragraph A of section 4 AM 4.7 is revised to read as follows:

A. Operation and maintenance of national fish hatcheries. This authority does not include:

* * * * *

(4) Approval of the exchange of fish or fish eggs with any commercial fish-cultural establishment.

DANIEL H. JANZEN,
Director.

FEBRUARY 1, 1962.

[F.R. Doc. 62-1216; Filed, Feb. 6, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSISSIPPI AND MISSOURI

Declaration of Disaster Areas

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the following counties in the States of Mississippi and Missouri natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

Covington.	Neshoba.
Kemper.	Noxubee.
Marion.	

MISSOURI

Adair.	Knox.
Andrew.	Lafayette.
Atchison.	Lewis.
Bates.	Linn.
Buchanan.	Livingston.
Caldwell.	Macon.
Carroll.	Marion.
Cass.	Mercer.
Charlton.	Monroe.
Clark.	Morgan.
Clay.	Nodaway.
Clinton.	Pettis.
Cooper.	Platte.
Daviess.	Putnam.
De Kalb.	Randolph.
Gentry.	Ray.
Grundy.	Saline.
Harrison.	Schuyler.
Henry.	Scotland.
Holt.	Shelby.
Howard.	Sullivan.
Jackson.	Vernon.
Johnson.	Worth.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 31st day of January 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-1238; Filed, Feb. 6, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13336]

ALITALIA-LINEE AEREE ITALIANE-S.p.A.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on February 9, 1962, at 10 a.m., in Room 701 of the Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Chief Examiner Francis W. Brown.

Dated at Washington, D.C., February 2, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-1239; Filed, Feb. 6, 1962; 8:48 a.m.]

[Docket No. 13214]

VENEZOLANA INTERNACIONAL DE AVIACION, S.A.

Notice of Hearing

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on February 21, 1962, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., February 1, 1962.

[SEAL] BARRON FREDRICKS,
Hearing Examiner.

[F.R. Doc. 62-1240; Filed, Feb. 6, 1962; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14336 etc., FCC 62M-148]

ANTENNAVISION SERVICE CO., INC.

Order Severing Proceedings

In re applications of Antennavision Service Company, Inc., Docket No. 14336, File No. 657-C1-R-61, for renewal of the license for Station KPH82, a facility in the domestic Public Point-to-Point Microwave Radio Service at Wildcat Peak, Arizona; Docket No. 14337, File No. 658-C1-R-61, for renewal of the license for Station KPH83, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Jack's Peak, Arizona; Docket No. 14338, File No. 2326-C1-R-61, for renewal of the license for Station KOU61, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona; Docket No. 14339, File No. 2525-C1-ML-61, for a modification of license to cover a construction permit for additional facilities for Station KOU61 in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona; Docket No. 14340, File No. 3699-C1-P-61, for a construction permit to increase power and change antenna at existing licensed Station KOU61 in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona; Docket No. 14348, File Nos. 4083, 4084, 4085, 4086, C1-P-61, for construction permits to establish stations in the Point-to-Point Microwave Radio Service located respectively at Toro Peak, El Centro, 14 miles ESE of Holtville, and 8 miles SE of Ogilby, California.

The Hearing Examiner having under consideration a Petition, filed on January 31, 1962, by Antennavision Service Company, Inc. (Antennavision), wherein, among other things, it is requested that the proceedings in Docket No. 14348 be severed from the consolidated proceeding with those applications set for hearing in Docket Nos. 14336-14340;

It appearing, that, by order released by the Commission on October 30, 1961, certain applications filed by Antennavision, namely those designated in Docket Nos. 14336-14340, were set for hearing on specified issues;

It further appearing that on the same date other applications by Antennavision were set for hearing in Docket No. 14348 and that the hearing on the issues specified in such proceeding were ordered consolidated with the hearing in the aforementioned Docket Nos. 14336-14340;

It further appearing that the applications involved in Docket No. 14348 contemplate separate and distinct facilities from those involved in Docket Nos. 14336-14340;

It further appearing that at a further prehearing conference held on January 29, 1962, it was alleged that Antennavision was proposing modification of the facilities involved in the proceedings in Docket No. 14348 which might have the effect of obviating the need for formal procedures therein and, that the Examiner therefore indicated he would entertain a motion for continuance of the proceedings on such applications until the Commission has had the opportunity to consider a petition for reconsideration and grant;

It further appearing, that, at the aforementioned further prehearing conference the hearings on the applications involved in Docket Nos. 14336-14340 were scheduled for April 2, 1962, since they are not encompassed within the aforementioned petition for reconsideration and grant;

It further appearing, that, it is alleged by Antennavision that counsel for the Common Carrier Bureau, the only other party to the proceeding, has indicated that he has no objection to the request for severance or to a waiver of the provisions of the Commission's rules (47 CFR 1.43), relating to the withholding of action for a four-day period;

It further appearing that good cause has been shown for a waiver of the aforementioned rule and grant of the Petition for Severance;

It is ordered, This 31st day of January 1962, that the Petition for Severance is granted and that the proceedings in Docket No. 14348 are severed from the proceedings in Docket Nos. 14336-14340.

Released: February 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1241; Filed, Feb. 6, 1962; 8:49 a.m.]

[Docket No. 14336 etc.; FCC 62M-146]

ANTENNAVISION SERVICE CO., INC.

Order Following Further Prehearing Conference

In re applications of Antennavision Service Company, Inc., Docket No. 14336, File No. 657-C1-R-61, for renewal of the license for Station KPH82, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Wildcat Peak, Arizona; Docket No. 14337, File No. 658-C1-R-61, for renewal of the license for Station KPH83, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Jack's Peak, Arizona; Docket No. 14338, File No. 2326-C1-R-61, for renewal of the license for Station KOU61, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona; Docket No. 14339, File No. 2525-C1-ML-61, for a modification of license to cover a construction permit for additional facilities for Station KOU61 in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona; Docket No. 14340, File No. 3699-C1-P-61, for a construction permit to increase power and change antenna at existing licensed Station KOU61 in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona; Docket No. 14348, File Nos. 4083, 4084, 4085, 4086, C1-P-61, for construction permits to establish stations in the Point-to-Point Microwave Radio Service located respectively at Toro Peak, El Centro, 14 miles ESE of Holtville, and 8 miles SE of Ogilby, California.

The Hearing Examiner having under consideration the proceedings at the further prehearing conference in the above-entitled matter held on January 29, 1962;

It appearing that counsel for Antennavision Service Company, Inc. (Antennavision), desires to present the case for his client partly in the form of written sworn exhibits and partly through the oral testimony of witnesses; and

It further appearing that counsel for the Common Carrier Bureau has not at this stage determined whether any direct case will be presented on behalf of the Bureau either through the calling of officials of Antennavision as adverse witnesses or otherwise;

It is ordered, This 29th day of January 1962, that:

(1) The direct case of Antennavision insofar as it is to be presented in the form of sworn written exhibits shall be furnished to the other parties and to the Examiner no later than March 12, 1962;

(2) Insofar as the direct case of Antennavision is to be presented through oral testimony of witnesses, counsel for

Antennavision shall, no later than March 12, 1962, advise the other parties and the Examiner of the names of such witnesses and the issues with respect to which each of them will offer oral testimony;

(3) Insofar as counsel for the Common Carrier Bureau proposes to present the direct case through written sworn exhibits or through the oral testimony of witnesses, other than officials of Antennavision, he shall furnish the other parties and the Examiner with copies of such sworn written exhibits or with the names of witnesses who are to give oral testimony, specifying the issues with respect to which each of them will testify, no later than March 12, 1962;

(4) If any of the parties desire to make any motion with respect to the sworn written exhibits of any of the other parties they shall advise all such parties and the Examiner, in writing, no later than March 26, 1962, specifying the exhibit involved and the nature of the motion they propose to make;

(5) Each of the parties shall no later than March 26, 1962, notify the others in writing of the names of the witnesses who have prepared sworn written exhibits whom they desire to cross-examine, with copies of such notification to the Examiner, and the parties so notified shall make such witnesses available for cross-examination at the hearing; and

(6) Should counsel for the Common Carrier Bureau desire to call any official of Antennavision as a witness he shall, no later than March 26, 1962, notify counsel for Antennavision of the names of such persons and the issues with respect to which he proposes to examine such persons, with a copy of such notification to the Examiner; unless counsel for Antennavision shall advise counsel for the Common Carrier Bureau to the contrary, within three days of the receipt of the aforementioned notification, Antennavision shall conclusively be presumed to have agreed to supply such persons as witnesses without the need for subpoena;

It is further ordered, That the hearing herein, heretofore postponed until further order of the Examiner, is hereby rescheduled to commence on April 2, 1962, at 10:00 a.m., at the Offices of the Commission in Washington, D.C.; and

It is further ordered, That the agreements and understandings entered into between the parties concerning the future conduct of the hearing are approved as set forth in the transcript of the further prehearing conference which to this extent is incorporated by reference herein.

Released: February 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1242; Filed, Feb. 6, 1962; 8:49 a.m.]

[Docket No. 14316; FCC 62M-143]

ARIZONA MICRO-WAVE SYSTEM CO.

Order Following Further Prehearing Conference

In re application of Arizona Micro-Wave System Company, Mule Mountain, Arizona, Docket No. 14316, File No. 1592-C1-R-61; for renewal of the license for Station KOU84, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

The Hearing Examiner having under consideration the proceedings at the further prehearing conference in the above-entitled matter held on January 29, 1962;

It appearing that counsel for Arizona Micro-Wave System Company (Arizona), desires to present the case for his client partly in the form of written sworn exhibits and partly through the oral testimony of witnesses; and

It further appearing that counsel for the Common Carrier Bureau has not at this stage determined whether any direct case will be presented on behalf of the Bureau either through the calling of officials of Arizona as adverse witneses or otherwise;

It is ordered, This 29th day of January 1962, that:

(1) The direct case of Arizona insofar as it is to be presented in the form of sworn written exhibits shall be furnished to the other parties and to the Examiner, no later than March 12, 1962;

(2) Insofar as the direct case of Arizona is to be presented through oral testimony of witnesses, counsel for Arizona shall, no later than March 12, 1962, advise the other parties and the Examiner of the names of such witnesses and the issues with respect to which each of them will offer oral testimony;

(3) Insofar as counsel for the Common Carrier Bureau proposes to present the direct case through written sworn exhibits or through the oral testimony of witnesses, other than officials of Arizona, he shall furnish the other parties and the Examiner with copies of such sworn written exhibits or with the names of witnesses who are to give oral testimony, specifying the issues with respect to which each of them will testify, no later than March 12, 1962;

(4) If any of the parties desire to make any motion with respect to the sworn written exhibits of any of the other parties they shall advise all such parties and the Examiner, in writing, no later than March 26, 1962, specifying the exhibit involved and the nature of the motion they propose to make;

(5) Each of the parties shall no later than March 26, 1962, notify the others in writing of the names of the witnesses who have prepared sworn written exhibits whom they desire to cross-examine, with copies of such notification to the Examiner, and the parties so notified shall make such witnesses available for cross-examination at the hearing; and

(6) Should counsel for the Common Carrier Bureau desire to call any official of Arizona as a witness he shall, no later than March 26, 1962, notify counsel for Arizona of the names of such persons and the issues with respect to which he proposes to examine such persons, with a copy of such notification to the Examiner; unless counsel for Arizona shall advise counsel for the Common Carrier Bureau to the contrary, within three days of the receipt of the aforementioned notification, Arizona shall conclusively be presumed to have agreed to supply such persons as witnesses without the need for subpoena;

It is further ordered, That the hearing herein, heretofore postponed until further order of the Examiner, is hereby rescheduled to commence on April 11, 1962, at 10:00 a.m., at the Offices of the Commission in Washington, D.C.; and

It is further ordered, That the agreements and understandings entered into between the parties concerning the future conduct of the hearing are approved as set forth in the transcript of the further prehearing conference which to this extent is incorporated by reference herein.

Released: January 31, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1243; Filed, Feb. 6, 1962; 8:49 a.m.]

[Docket Nos. 13822, 13823; FCC 62M-141]

BI-STATES CO. (KHOL-TV) AND TOPEKA BROADCASTING ASSOCIATION, INC. (WIBW-TV)

Order Continuing Hearing Conference

In re applications of Bi-States Company (KHOL-TV), Kearney, Nebraska, Docket No. 13822, File No. BPCT-2718; Topeka Broadcasting Association, Inc. (WIBW-TV), Topeka, Kansas, Docket No. 13823, File No. BPCT-2743; for construction permits for new transmitter sites.

Upon written request of counsel for Bi-States Company, filed in the above-entitled matter on January 29, 1962, and without objection on the part of the other parties to this proceeding: *It is ordered*, This 31st day of January 1962, that the further prehearing conference presently scheduled for February 1, 1962, at 9:30 a.m., be, and the same is, hereby continued to April 3, 1962, at 9:30 a.m., in Washington, D.C.

Released: February 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1244; Filed, Feb. 6, 1962; 8:49 a.m.]

[Docket No. 14320; FCC 62M-144]

CERACCHE & CO., INC.

Order Following Further Prehearing Conference

In re application of Ceracche & Company, Incorporated, Connecticut Ave-

New York, Docket No. 14320, file No. 1670-C1-R-61; for renewal of the license for Station KEG51, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

The Hearing Examiner having under consideration the proceedings at the further prehearing conference in the above-entitled matter held on January 29, 1962;

It appearing, that counsel for Ceracche & Company, Incorporated (Ceracche), desires to present the case for his client partly in the form of written sworn exhibits and partly through the oral testimony of witnesses; and

It further appearing, that counsel for the Common Carrier Bureau has not at this stage determined whether any direct case will be presented on behalf of the Bureau either through the calling of officials of Ceracche as adverse witnesses or otherwise;

It is ordered, This 29th day of January 1962, that:

(1) The direct case of Ceracche insofar as it is to be presented in the form of sworn written exhibits shall be furnished to the other parties and to the Examiner no later than March 12, 1962;

(2) Insofar as the direct case of Ceracche is to be presented through oral testimony of witnesses, counsel for Ceracche shall, no later than March 12, 1962, advise the other parties and the Examiner of the names of such witnesses and the issues with respect to which each of them will offer oral testimony;

(3) Insofar as counsel for the Common Carrier Bureau proposes to present the direct case through written sworn exhibits or through the oral testimony of witnesses, other than officials of Ceracche, he shall furnish the other parties and the Examiner with copies of such sworn written exhibits or with the names of witnesses who are to give oral testimony, specifying the issues with respect to which each of them will testify, no later than March 12, 1962;

(4) If any of the parties desire to make any motion with respect to the sworn written exhibits of any of the other parties they shall advise all such parties and the Examiner, in writing, no later than March 26, 1962, specifying the exhibit involved and the nature of the motion they propose to make;

(5) Each of the parties shall no later than March 26, 1962, notify the others in writing of the names of the witnesses who have prepared sworn written exhibits whom they desire to cross-examine, with copies of such notification to the Examiner, and the parties so notified shall make such witnesses available for cross-examination at the hearing; and

(6) Should counsel for the Common Carrier Bureau desire to call any official of Ceracche as a witness he shall, no later than March 26, 1962, notify counsel for Ceracche of the names of such persons and the issues with respect to which he proposes to examine such persons, with a copy of such notification to the Examiner; unless counsel for Ceracche shall advise counsel for the Common Carrier Bureau to the contrary, within three days of the receipt of the aforementioned notification, Ceracche shall conclusively be presumed to have agreed to supply such persons as witnesses without the need for subpoena;

It is further ordered, That the hearing herein, heretofore postponed until further order of the Examiner, is hereby rescheduled to commence on April 5, 1962, at 10:00 a.m., at the Offices of the Commission in Washington, D.C.; and

It is further ordered, That the agreements and understandings entered into between the parties concerning the future conduct of the hearing are approved as set forth in the transcript of the further prehearing conference which to this extent is incorporated by reference herein.

Released: January 31, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1245; Filed, Feb. 6, 1962; 8:49 a.m.]

[Docket No. 14365; FCC 62M-152]

NEIGHBORLY BROADCASTING CO., INC.

Order Continuing Hearing Conference

In the matter of revocation of license of The Neighborly Broadcasting Co., Inc., for FM Broadcast Station WLOV, Cranston, Rhode Island, Docket No. 14365.

The Hearing Examiner having under consideration a verbal request from the Broadcast Bureau for indefinite continuance;

It appearing that counsel for The Neighborly Broadcasting Co., Inc. has sent a communication to the Commission indicating an intent to waive hearing so that a scheduled prehearing conference set for February 5, 1962, would not be productive of any good;

It is ordered, This 1st day of February 1962, that the prehearing conference scheduled for February 5, 1962, is continued indefinitely.

Released: February 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1246; Filed, Feb. 6, 1962; 8:49 a.m.]

[Docket No. 14330; FCC 62M-145]

NEW YORK PENN MICROWAVE CORP.

Order Following Further Prehearing Conference

In re application of New York Penn Microwave Corporation, Canisteo, New York, Docket No. 14330, File No. 2590-C1-R-61, for renewal of the license for Station KEG41, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

The Hearing Examiner having under consideration the proceedings at the further prehearing conference in the above-entitled matter held on January 29, 1962;

It appearing that counsel for New York Penn Microwave Corporation (New York Penn), desires to present the case for his client partly in the form of written sworn exhibits and partly through the oral testimony of witnesses; and

It further appearing that counsel for the Common Carrier Bureau has not at this stage determined whether any direct case will be presented on behalf of the Bureau either through the calling of officials of New York Penn as adverse witnesses or otherwise;

It is ordered, This 29th day of January 1962, that:

(1) The direct case of New York Penn insofar as it is to be presented in the form of sworn written exhibits shall be furnished to the other parties and to the Examiner no later than March 12, 1962;

(2) Insofar as the direct case of New York Penn is to be presented through oral testimony of witnesses, counsel for New York Penn shall, no later than March 12, 1962, advise the other parties and the Examiner of the names of such witnesses and the issues with respect to which each of them will offer oral testimony;

(3) Insofar as counsel for the Common Carrier Bureau proposes to present the direct case through written sworn exhibits or through the oral testimony of witnesses, other than officials of New York Penn, he shall furnish the other parties and the Examiner with copies of such sworn written exhibits or with the names of witnesses who are to give oral testimony, specifying the issues with respect to which each of them will testify, no later than March 12, 1962;

(4) If any of the parties desire to make any motion with respect to the sworn written exhibits of any of the other parties they shall advise all such parties and the Examiner, in writing, no later than March 26, 1962, specifying the exhibit involved and the nature of the motion they propose to make;

(5) Each of the parties shall no later than March 26, 1962, notify the others in writing of the names of the witnesses who have prepared sworn written exhibits whom they desire to cross-examine, with copies of such notification to the Examiner, and the parties so notified shall make such witnesses available for cross-examination at the hearing; and

(6) Should counsel for the Common Carrier Bureau desire to call any official of New York Penn as a witnesses he shall, no later than March 26, 1962, notify counsel for New York Penn of the names of such persons and the issues with respect to which he proposes to examine such persons, with a copy of such notification to the Examiner; unless counsel for New York Penn shall advise counsel for the Common Carrier Bureau to the contrary, within three days of the receipt of the aforementioned notification, New York Penn shall conclusively be presumed to have agreed to supply such persons as witnesses without the need for subpoena;

It is further ordered, That the hearing herein, heretofore postponed until further order of the Examiner, is hereby

rescheduled to commence on April 9, 1962, at 10:00 a.m., at the Offices of the Commission in Washington, D.C.; and

It is further ordered, That the agreements and understandings entered into between the parties concerning the future conduct of the hearing are approved as set forth in the transcript of the further prehearing conference which to this extent is incorporated by reference herein.

Released: January 31, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1247; Filed, Feb. 6, 1962; 8:49 a.m.]

[Canadian List 167]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, Corrections in Assignments

JANUARY 19, 1962.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph No. 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		860 kilocycles				
OHCM (assignment of call letters).	Marystown, Newfoundland.	1 D/0.5 N	ND	U	III	
		890 kilocycles				
OKCM (assignment of call letters).	Grand Falls, Newfoundland.	10	DA-1	U	III	
		1220 kilocycles				
CJSS (delete assignment for increase in daytime power—(CJSS remaining 1220 kc 1 kw DA-2).	Cornwall, Ontario	10 D/1 N	DA-2	U	II	
		1370 kilocycles				
CFLV (assignment of call letters—now in operation).	Valleyfield, Province of Quebec.	1	DA-1	U	III	
		1470 kilocycles				
CFOX (delete assignment for increase in power (CFOX remaining 1470 kc 1 kw DA-2).	Pointe Claire, Province of Quebec.	5	DA-2	U	III	
		1490 kilocycles				
CKBM (PO: 1490 kc 0.25 kw ND).	Montmagny, Province of Quebec.	1 D/0.25 N	ND	U	IV	EIO 1-15-63
New	Wilmot Station, Nova Scotia.[1]	1 D/0.25 N	ND	U	IV	

[1] Correction of error in location as shown on Lst. No. 166—*Saskatchewan* should have read *Nova Scotia*.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1249; Filed, Feb. 6, 1962; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61-337]

CITY OF SLATER, MISSOURI

Notice of Application and Date of Hearing

JANUARY 31, 1962.

Take notice that on June 26, 1961, the City of Slater, Missouri (Applicant), a municipal corporation, filed an application, pursuant to section 7(a) of the Natural Gas Act, for an order directing Cities Service Gas Company (Cities Service) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver to Applicant its natural gas requirements for resale and distribution in the City of Slater, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate 10 miles of 6-inch lateral transmission pipeline extending from a connection with the facilities of Cities Service near Marshall, Missouri, to the City of Slater, and a municipal gas distribution system to serve said city.

Applicant estimates its natural gas requirements as follows:

Year	Requirements in Mcf	
	Peak day	Annual
1	917	113,568
2	1,232	144,539
3	1,462	165,424

The gas will be used for domestic, commercial and industrial purposes.

Applicant estimates that the cost of its proposed facilities will be $489,500, which will be financed by the issuance and sale of 5½ percent 20 year gas revenue bonds.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 20, 1962, at 10:00 a.m. e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 7, 1962.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-1210; Filed, Feb. 6, 1962; 8:45 a.m.]

[Docket No. CP62-130]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application and Date of Hearing

JANUARY 31, 1962.

Take notice that on November 24, 1961, as supplemented on December 13, 1961, Michigan Wisconsin Pipe Line Company (Applicant), 645 Griswold Street, Detroit 26, Mich., filed in Docket No. CP62-130 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a meter station and appurtenant facilities necessary to the establishment of a new delivery point for Wisconsin Power and Light Company (Wisconsin Power), an existing customer of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The estimated total cost of the facilities proposed under this application is $20,000 which will be financed from funds on hand.

The purpose of this proposal is to enable Wisconsin Power to render natural gas service to the Village of McFarland, Dunn Township, Dane County, Wisconsin. Applicant states that no allocation of additional gas will be required.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing shall be held on May 8, 1962, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 26, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-1211; Filed, Feb. 6, 1962; 8:45 a.m.]

[Project No. 2106]

PACIFIC GAS AND ELECTRIC CO.

Order Fixing Time and Place for Hearing and Prescribing Procedure

JANUARY 30, 1962.

By order issued October 19, 1961, the Commission fixed a public hearing in Project No. 2106, respecting certain matters and issues raised by the State of California, acting by and through its Department of Fish and Game (Intervenor), which are referred to in the application for rehearing filed September 18, 1961, and Article 45 of the license, the hearing to be held at a time and place to be specified by further order of the Commission.

The procedures hereinafter prescribed are intended to eliminate any cause which might otherwise exist for a protracted hearing: by requiring that the respective parties submit in advance of the hearing relevant facts in support of their respective positions; and by providing for motions to strike improperly prepared testimony, including conclusions and opinions presented without having set forth a proper foundation therefor.

The Commission finds: It is appropriate and in the public interest to hold the public hearing fixed by Commission order issued October 19, 1961, as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority conferred in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly section 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held on May 28, 1962, at 10 a.m., at the Commission's Regional Office, 555 Battery Street, San Francisco, Calif., respecting the matters involved and issues referred to in the aforesaid order issued October 19, 1961.

(B) The following procedure is prescribed for the public hearing herein ordered:

(1) The Department of Fish and Game of the State of California shall by April 30, 1962, file with the Commission's Secretary an original and ten copies of all of its direct testimony (including qualifications of witnesses and exhibits) and at that time serve three copies thereof on the Licensee.

(2) The Licensee shall by May 14, 1962, file with the Commission's Secretary, an original and ten copies of all of its testimony (including qualifications of witnesses and exhibits) and at that time serve three copies thereof on the Department of Fish and Game.

(3) All of the testimony except exhibits, shall be in question and answer form.

(4) No exhibits (except those of which official notice may properly be taken) shall contain narrative material other than brief explanatory notes.

(5) All exhibits (except those of which official notice may properly be taken) shall contain brief and appropriate titles, and the exhibits shall be fully explained in the prepared testimony by the witness or witnesses sponsoring them.

(6) Each witness shall execute an affidavit adopting the testimony for which he assumes responsibility and an original and two conformed copies of such affidavits shall be filed with his prepared testimony.

(7) Any party submitting more than one exhibit shall enclose a cover sheet listing the title of each exhibit in the sequence they wish them to be marked for identification.

(8) Any motions to strike any part of the prepared testimony and exhibits (prior to cross-examination), shall be filed with the Presiding Examiner or Chief Examiner by May 18, 1962; answers thereto shall be filed by May 24, 1962; and rulings on such motions will be made by the Examiner at the time such testimony or exhibits are offered in accordance with subparagraph (9).

(9) Upon the commencement of the hearing and after appearances, opening statements, and other preliminary matters, the exhibits previously filed, as provided above, will be marked for identification in the sequence directed by the Presiding Examiner; and thereafter the Examiner will require that the affidavits of the respective witnesses and their prepared testimony (together with the qualifications of the respective witnesses) previously filed, as provided above, be copied into the record as though read, excepting any part or parts of the prepared testimony with respect to which he may have granted motion to strike.

(10) The Presiding Examiner will specify the order of cross-examination for the information of the parties in making their respective witnesses available for cross-examination.

(C) Requests for extension of time concerning the time for any filings specified herein shall be made in writing, served on all parties and filed with the Presiding Examiner or the Chief Examiner (together with a certificate of service) at least ten days in advance of the dates specified herein (or as may have been extended), and any answers thereto shall be filed with the Presiding Examiner or Chief Examiner within three days after the request for extension.

(D) The Commission's rules of practice and procedure shall apply in this proceeding except to the extent that they are modified or supplemented herein or to the extent that they are further modified or supplemented by the Examiner with the consent of the parties.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1212; Filed, Feb. 6, 1962; 8:45 a.m.]

[Docket No. CP62-59]

PACIFIC GAS TRANSMISSION CO.

Notice of Application and Date of Hearing

JANUARY 31, 1962.

Take notice that on September 11, 1961, as supplemented on September 28, 1961, and October 20, 1961, Pacific Gas Transmission Company (Applicant), 245 Market Street, San Francisco 6, Calif., filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation, as necessary, of taps and metering facilities at unspecified points along Applicant's 36-inch transmission line in Idaho, Washington and Oregon, in order to deliver to El Paso Natural Gas Company (El Paso), at such points, part of the gas Applicant has previously been authorized to transport for El Paso from Canada. Such facilities would be built only at locations where El Paso is or will be authorized by the Commission to sell gas to distributors for resale.

Applicant's proposals are more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

In its order of August 5, 1960, issued in Docket Nos. G-17350, et al., the Commission authorized Applicant to construct and operate a 36-inch transmission line extending from the Canadian boundary at a point in Idaho to the Oregon-California border southeast of Klamath Falls, Oreg. That order also authorized Applicant to transport for El Paso a portion of the latter's Canadian gas from Canada to points along the 36-inch line in Idaho, Washington, and Oregon.

Applicant states that in Docket No. CP60-15 El Paso has pending an application for authority to build facilities to receive gas from Applicant's 36-inch line for sale to two distributors for resale in Klamath Falls and Bend, Oreg. The estimated cost of Applicant's proposed facilities at Klamath and Bend is $14,000 and $12,500, respectively. Applicant states that the estimated cost of similar facilities at any other point on its 36-inch line for delivery of gas to El Paso will not be more than $12,500 for each delivery point.

The application shows that the cost of each tap will be borne by El Paso in accordance with Applicant's FPC Gas Tariff.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 5, 1962, at 9:30 a.m. e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 23, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-1213; Filed, Feb. 6, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2534]

ALLIED METALS CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 1, 1962.

I. Allied Metals Company (issuer), a New Mexico corporation located at 3250 Broadway SE., Albuquerque, New Mexico, filed with this Commission on September 11, 1961, a notification on Form 1-A and an offering circular relating to an offering of 100,000 shares of its $1 par value non-assessable Class A common stock at an offering price of $1 per share, which was amended down to 50,000 shares for an aggregate of $50,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The notification fails to disclose the affiliates and predecessors of the issuer as required by Item 2 of Form 1-A.

2. The issuer falsely stated in its notification, in responding to Item 6 of Form 1-A, that none of its directors, officers or others were subject to any order, judgment, or decree specified in subparagraph 2, paragraph (d) of Rule 252;

B. The Regulation A exemption is not available to the issuer in that Clifford G. Taylor, an officer and director of the issuer, is subject to a decree of permanent injunction of the character specified in subparagraph (2) of paragraph (d) of Rule 252.

C. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose accurately and adequately the speculative and adverse features of the offering and risks attendant to the proposed business enterprise.

2. The failure to disclose whether there has been adequately controlled laboratory testing of the product Ber-Al and the process by which it is formed to determine the practicalities of the product's uses, the failure to disclose accurately and adequately the stage of research and development, and the failure to define the principal market for the product.

3. The failure to disclose whether the process of metallurgy proposed to be exploited has been subject to patent search.

4. The failure to disclose accurately and adequately the proposed use of proceeds, particularly in connection with the remuneration of officers and directors.

5. The failure to disclose that the shareholders' right to transfer stock of the corporation is subject to the corporation's option to purchase at par value such stock from the record owner within 30 days after written notice of transfer is filed with the company.

6. The failure to disclose accurately and adequately the background of officers and directors.

7. The failure to disclose the percentage of outstanding securities of the issuer to be held by directors, officers and promoters as a group and the percentage of such securities which will be held by the public if all securities to be offered are sold and the respective amounts of cash paid therefor by such group and by the public.

8. The failure to file appropriate financial statements.

D. The offering if made would be in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-1218; Filed, Feb. 6, 1962; 8:46 a.m.]

[File No. 811-634]

DETROIT AND CLEVELAND NAVIGATION CO.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JANUARY 31, 1962.

Notice is hereby given that Detroit and Cleveland Navigation Company ("Applicant"), 1201 Griswold Building, Detroit 26, Mich., a Michigan corporation and a closed-end, non-diversified investment company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company.

Applicant represents that it was formally dissolved by the filing on October 5, 1960, with the Michigan Corporation and Securities Commission of an Agreement of Merger ("Agreement") between Applicant and Denver Chicago Trucking Company, Inc. ("Denver"), a Nebraska Corporation, whereby Applicant was merged into Denver. Said Agreement was submitted to shareholders and approved by a two-thirds vote of all of Applicant's outstanding common stock at a special meeting held on August 16, 1960.

The Agreement provided that Applicant was to turn over to the Secretary of Denver, 135,643 shares of its common stock, $5 par value, being all the outstanding stock of Applicant, and Denver, the surviving Corporation, thereupon agreed to deliver to the stockholders of Applicant shares of Denver at the rate of one and two-fifths shares of stock of Denver for each share of the common stock of Applicant surrendered, with the additional payment at the rate of $20.00 per full share in lieu of fractional shares of Denver to which Applicant's shareholders were entitled. All of Applicant's shares have been surrendered except 162 shares held by eight individuals. The First National Bank of Denver has 746⅝ shares of Denver common stock and $438.59 in cash in lieu of fractional interests for the satisfaction of Applicant's unsurrendered shares.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 16, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-1219; Filed, Feb. 6, 1962; 8:46 a.m.]

[File No. 1-1723]

GILCHRIST CO.

Notice of Application to Withdraw From Listing and Registration and of Opportunity for Hearing

FEBRUARY 1, 1962.

In the matter of Gilchrist Company, common stock; File No. 1-1723.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to withdraw the specified security from listing and registration on the Boston Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following: The continued listing and registration on the Exchange would result in unnecessary expense to Applicant, including fees for listing additional shares and expenses incident to the filing of various reports and other documents. In the past eight years Applicant has paid a total of $752.50 in listing fees alone and volumes averaged less than 150 shares per annum. The stock remains listed on the American Stock Exchange.

Upon receipt of a request, on or before February 16, 1962, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on his application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-1220; Filed, Feb. 6, 1962; 8:46 a.m.]

CIVIL SERVICE COMMISSION

CERTAIN VETERINARIAN POSITIONS THROUGHOUT THE WORLD

Notice of Increase in Minimum Rate of Pay

Under the provisions of section 803 of the Classification Act of 1949, as amended (63 Stat. 1106; 5 U.S.C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for classes of positions at grade GS-9 in GS-701-0 Veterinarian Series from $6,435 (rate a) to $7,260 (rate f). The increases will be effective on the first day of the second pay period which begins after February 2, 1962, and apply to these positions on a worldwide basis.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-1248; Filed, Feb. 6, 1962; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 196]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 2, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2401 (Sub-No. 5) (Deviation No. 3), MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind., filed January 25, 1962. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route between Chicago, Ill., and St. Louis, Mo., over Interstate Highway 55, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From St. Louis over U.S. Highway 40 to Marshall, Ill., thence over Illinois Highway 1 to Paris, Ill., thence over Illinois Highway 16 to junction Illinois Highway 49, near Kansas, Ill., thence over Illinois Highway 49 to Chicago, and return over the same route.

No. MC 11184 (Deviation No. 1), McDANIEL FREIGHT LINES, INC., 414 North Walnut Street, Crawfordsville, Ind., filed January 22, 1962. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over deviation routes as follows: (A) From the junction of Interstate Highway 74 and U.S. Highway 136, approximately 1½ miles east of Danville, Ill., over Interstate Highway 74 to junction U.S. Highway 136, 2 miles west of Veedersburg, Ind., and (B) from Lizton, Ind., over Indiana Highway 39 to junction Interstate Highway 74, thence over Interstate Highway 74 to junction U.S. Highway 136 (formerly Indiana Highway 34) at the west edge of Speedway, Ind.; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Danville, Ill., over U.S. Highway 136 to Indianapolis, Ind., and return over the same route.

No. MC 39763 (Deviation No. 1), G. E. GROGER TRUCK LINE, INC., Walton, Ky., filed January 26, 1962. Attorney Fred F. Bradley, P.O. Box 127, Frankfort, Ky. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 75 and U.S. Highway 25, at Covington, Ky., over Interstate Highway 75, to junction Kentucky Highway 16, at Walton, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Walton, over Kentucky Highway 16 to junction Kentucky Highway 17, thence over Kentucky Highway 17 to junction U.S. Highway

25, thence over U.S. Highway 25 to Cincinnati, Ohio, and return over the same route.

No. MC 49387 (Deviation No. 1), ORSCHELN BROS. TRUCK LINES, INC., 339 North Williams Street, Moberly, Mo., filed January 22, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between East Peoria and Morton, Ill., over Interstate Highway 74, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From East Peoria over U.S. Highway 150 to Morton, and return over the same route.

No. MC 73462 (Deviation No. 3), CLINTON TRANSPORTATION CORP., 516 West 43d Street, New York 18, N.Y., filed January 25, 1962. Attorney Samuel P. Delisi, 1515 Park Building, Pittsburgh 22, Pa. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From New York, N.Y., over Interstate Highway 95 to its junction with the Connecticut Turnpike, at or near Interchange 76, thence over the Connecticut Turnpike to junction U.S. Highway 6, thence over U.S. Highway 6 to Providence, R.I., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From New York over U.S. Highway 1 to junction Connecticut Highway 95 (formerly Connecticut Highway 84), thence over Connecticut Highway 95 to the Connecticut-Rhode Island State line, thence over Rhode Island Highway 95 (formerly Rhode Island Highway 84) to Hopkinton, R.I., thence over Rhode Island Highway 3 to Providence, and return over the same route.

No. MC 73462 (Deviation No. 4), CLINTON TRANSPORTATION CORP., 516 West 43d Street, New York 18, N.Y., filed January 25, 1962. Attorney Samuel P. Delisi, 1515 Park Building, Pittsburgh 22, Pa. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Hopkinton and Providence, R.I., over Interstate Highway 95, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Hopkinton over Rhode Island Highway 3 to Providence, and return over the same route.

No. MC 73462 (Deviation No. 5), CLINTON TRANSPORTATION CORP., 516 West 43d Street, New York 18, N.Y., filed January 25, 1962. Attorney Samuel P. Delisi, 1515 Park Building, Pittsburgh 22, Pa. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Springfield, Mass., over Interstate Highway 90 (the Massachusetts Turnpike) to junction Massachusetts Highway 128, thence over Massachusetts Highway 128 to junction Massachusetts Highway 9, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Springfield over U.S. Highway 20 to Worcester, Mass., thence over Massachusetts Highway 9 to Boston, Mass., and return over the same route.

No. MC 105275 (Deviation No. 1), W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen Street, Watertown, N.Y., filed January 22, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Syracuse and Watertown, N.Y., over Interstate Highway 81, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Syracuse over U.S. Highway 11 to Watertown, and return over the same route.

No. MC 111231 (Deviation No. 17), JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark., filed January 22, 1962. Carrier's representative B. J. Wiseman, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 69 and Kansas Highway 57, near Franklin, Kans., over Kansas Highway 57 to junction U.S. Highway 59, thence over Kansas Highway 47 to junction Kansas Highway 96, thence over Kansas Highway 96 to junction Kansas Highway 99, thence over Kansas Highway 99 to junction U.S. Highway 54, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Kansas City, Mo., over city streets to Kansas City, Kans., thence over U.S. Highway 69 to junction U.S. Highway 66, thence over U.S. Highway 66 to Tulsa, Okla.; and from Fort Scott, Kans., over U.S. Highway 54 to Wichita, Kans., and return over the same routes.

No. MC 111231 (Deviation No. 18), JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark., filed January 24, 1962. Carrier's representative B. J. Wiseman, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 69 and Kansas Highway 57 over Kansas Highway 57 to the Kansas-Missouri State Line, thence over Missouri Highway 171 to junction Missouri Highway 96, thence over Missouri Highway 96 to junction Missouri Highway 43, thence over Missouri Highway 43 to junction County Road "H", thence over County Road "H" to Joplin, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Kansas City, Mo., over city streets to Kansas City, Kans., thence over U.S. Highway 69 to junction U.S. Highway 66, thence over U.S. Highway 66 to Tulsa, Okla., and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-1227; Filed, Feb. 6, 1962; 8:47 a.m.]

[Notice 420]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 2, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice (including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1485 (Sub-No. 5), filed October 5, 1961. Applicant: SCHROLL TRANSPORTATION, INCORPORATED, 360 Governor Street, East Hartford, Conn. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities used by packinghouses* as defined by the Commission, and *fish and frozen foods*, restricted against the transportation of such commodities in bulk, in tank vehicles, (1) from Worcester and Springfield, Mass., to points in Connecticut, (2) from New Haven, New Britain, Meriden, and Waterbury, Conn., to Springfield, and Worcester, Mass., and (3) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: March 12, 1962, at the Bond Hotel, Hartford, Conn., before Joint Board No. 22, or, if the Joint Board waives its right to participate, before Examiner William A. Royall.

No. MC 11220 (Sub-No. 77), filed January 4, 1962. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Street, Memphis, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Memphis, Tenn., and Huntsville, Ala.; from Memphis over U.S. Highway 72 to Huntsville (also from Memphis over U.S. Highway 72 to junction Alternate U.S. Highway 72, thence over Alternate U.S. Highway 72 to Huntsville), and return over the same routes, serving those intermediate and off-route points located within 25 miles of Decatur, Ala.

NOTE: Applicant states that in its Certificate No. MC 11220 (Sub-No. 67) it is authorized to transport the above-described commodities over irregular routes, between points within 25 miles of Decatur, Ala., not including Decatur, on the one hand, and, on the other, Memphis, Tenn., and Birmingham, Ala. Applicant also states that no new points will be served and no new service will result in the proposed operation. Applicant states that it merely seeks to convert its present irregular route operation into a regular route service; and that Huntsville, Ala. is within a 25 mile radius of Decatur. Applicant is agreeable to the cancellation of its corresponding irregular route authority in the event the authority sought under this application is granted.

HEARING: March 13, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 13964 (Sub-No. 3), filed October 12, 1961. Applicant: JOHN R. MORGAN, doing business as JOHN R. MORGAN CO., 20116 Greydale, Detroit 19, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses* (other than ordinary), *grooms, mascots, equipment*, and *tack*, between points in Michigan, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Iowa, Louisiana, Maryland, Massachusetts, Missouri, New Jersey, New York, Rhode Island, Virginia, West Virginia, and Wisconsin.

HEARING: March 27, 1962, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner Reece Harrison.

No. MC 22278 (Sub-No. 10), filed September 15, 1961. Applicant: TAKIN BROS. FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, Iowa. Applicant's attorney: Charles B. Myers, 2106 Field Building, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dressed beef, frozen meat*, also *fresh meat and other packing-house products* as described in Appendix I of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between Spencer, Iowa, and Mason City, Iowa.

HEARING: March 23, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92, or, if the Joint Board waives its right to participate, before Examiner Armin G. Clement.

No. MC 25798 (Sub-No. 63), filed January 22, 1962. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1075, Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, Suite 610, 1000 Conn. Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Apple juice, apple juice concentrate, grape juice and grape juice concentrate*, in bulk, in tank vehicles, from Dundee, Westfield, Williamson, and Hilton, N.Y., to Spartanburg, S.C.

HEARING: March 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 25798 (Sub-No. 66), filed January 22, 1962. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1075, Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, 1000 Conn. Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fried onion rings, in mixed shipments with frozen seafoods*, from Gloucester, Mass., to points in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Mississippi, Michigan, Missouri, New York, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

HEARING: March 22, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Dallas B. Russell.

No. MC 25798 (Sub-No. 67), filed January 22, 1962. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1075, Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, 1000 Conn. Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* from Seabrook, N.J., to points in Massachusetts, Connecticut, Pennsylvania, New York, Rhode Island, Maine, Vermont, and New Hampshire; and (2) *frozen fruits* and *frozen berries*, in straight and mixed shipments, and *frozen fruits, frozen berries* and *frozen eggs*, in mixed shipments, from points in Maine and New Hampshire to points in West Virginia, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and the District of Columbia.

HEARING: March 21, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 27817 (Sub-No. 42), filed January 18, 1962. Applicant: H. C. GABLER, INC., R.D. No. 3, Chambersburg, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pyrophyllite*, from points in South Middleton and Dickinson Townships, Cumberland County, Pa., to points in Connecticut, Delaware, Massachusetts, Maryland, New Jersey, New York, Ohio, Rhode Island, Virginia, and West Virginia.

HEARING: March 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 29660 (Sub-No. 11), filed December 7, 1961. Applicant: HERMAN LOZOWICK, KENNETH LOZOWICK, FRANK LOZOWICK, AND JACK LOZOWICK, a partnership, doing business as HERMAN LOZOWICK TRUCKING CO., 320 Myrtle Street, Elizabeth, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bronze, brass, copper and nickel products*, and in connection therewith, *materials and supplies used in the manufacture of such products;* between the plant site of Phelps Dodge Copper Products Corporation, at or near South Brunswick Township, Middlesex County, N.J., on the one hand, and, on the other, points in the New Jersey part of the New York, N.Y., Commercial Zone as defined by the Commission.

NOTE: Applicant states the proposed operation will be under continuing contract with Phelps Dodge Copper Products Corporation. Applicant further states it now holds authority for the same commodities between the same plant of the shipper and New York, N.Y., in Permit MC 29660 (Sub-No. 7).

HEARING: March 15, 1962, at 346 Broadway, New York, N.Y., before Examiner Alvin H. Schrutrumpf.

No. MC 29991 (Sub-No. 33) (CORRECTION), filed November 29, 1961, published FEDERAL REGISTER, issue of January 31, 1962, and republished as corrected this issue. Applicant: BRYAN TANK LINES, INC., 909 East Fifth Street, Cheyenne, Wyo. Applicant's attorney: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude petroleum*, in bulk, in tank vehicles, from points in Jackson County, Colo., to points in Wyoming.

NOTE: The hearing information appended to the notice of the filing of the subject application as published in the FEDERAL REGISTER on the above date, was in error. Correctly stated, the application is assigned for hearing on March 12, 1962, at the Albany Hotel, Denver, Colo., before Joint Board No. 50, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heinemann.

No. MC 30887 (Sub-No. 117), filed January 29, 1962. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement (portland and masonry)*, from York, Pa., to points in Connecticut, Massachusetts, New Jersey, New York, Rhode Island, and Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified above, on return.

HEARING: February 19, 1962, at the Offices of the Interstate Commerce Com-

mission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 31441 (Sub-No. 13), filed September 25, 1961. Applicant: GEORGE F. DOCKHAM, doing business as LEDO TRUCKING CO., Box 146, Raymond, N.H. Applicant's attorney: Andre J. Barbeau, 12 Parris Terrace, Manchester, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated granite products used in construction of bridges, highways and buildings*, from Milford, N.H., to points in Maine, Vermont, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey.

HEARING: March 22, 1962, at the New Hampshire Public Service Commission, Concord, N.H., before Examiner Alvin H. Schutrumpf.

No. MC 31600 (Sub-No. 521), filed January 19, 1962. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* (except cements, salt, sugar, flour, ferro-alloys, fly ash and building materials, as defined by the Commission in 61 M.C.C. 666), in bulk, in tank or hopper type vehicles, from Hebronville, Mass., to points in Connecticut, Maryland, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island.

HEARING: March 19, 1962, at the Bond Hotel, Hartford, Conn., before Examiner William A. Royall.

No. MC 36313 (Sub-No. 2), filed January 18, 1962. Applicant: CHARLES A. MASTRONARDI, INC., 166 Montague Street, Brooklyn, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated cartons*, from Gloucester, N.J., to Seaford, Del.

NOTE: (1) Applicant states the proposed operation will be under continuing contract with Hinde and Auch Division of West Virginia Pulp and Paper Company. (2) Applicant's president is also president of Essex Warehouse Company, MC 76062, a common carrier; dual operations, or common control, may be involved.

HEARING: March 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 38400 (Sub-No. 1), filed October 2, 1961. Applicant: HITCHCOCK BROS., INCORPORATED, High Street, Canaan, Conn. Applicant's representative: William L. Mobley, Rooms 311–315, 1694 Main Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oils Nos. 1 and 2*, in bulk, from New Haven, Conn., to Sheffield, Mass.

HEARING: March 13, 1962, at the Bond Hotel, Hartford, Conn., before Joint Board No. 22, or, if the Joint Board waives its right to participate, before Examiner William A. Royall.

No. MC 52110 (Sub-No. 73), filed January 22, 1962. Applicant: BRADY MOTORFRATE, INC., 1223 Sixth Avenue, Des Moines, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510 Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Mashall, Macon, Milan, Carrollton, and Moberly, Mo., to points in Indiana, Ohio, and the lower peninsula of Michigan.

HEARING: March 19, 1962, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Garland E. Taylor.

No. MC 52458 (Sub-No. 163), filed December 26, 1961. Applicant: T. I. McCORMACK TRUCKING COMPANY, INC., U.S. Route 9, Woodbridge, N.J. Applicant's attorney: Chester A. Zyblut, 1700 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Fords, N.J., to points in Illinois, Wisconsin, Michigan, Missouri, Indiana, Kentucky, Tennessee, Virginia, and West Virginia, and *rejected shipments* of the above-specified commodities, on return.

HEARING: March 14, 1962, at 346 Broadway, New York, N.Y., before Examiner Alvin H. Schutrumpf.

No. MC 52657 (Sub-No. 621), filed January 22, 1962. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Motor vehicles*, in initial driveaway and truckaway service, from points in Schuylkill County, Pa., to points in the United States, including Alaska, but excluding Hawaii; and (B) *Return of motor vehicles*, from points in the United States, including Alaska, but excluding Hawaii, to points in Schuylkill County, Pa.

NOTE: Applicant states the return shipments are restricted to motor vehicles that were manufactured or assembled at Schuylkill County, Pa., and returned because of rejection, damage, repairs, conversion or further research development.

HEARING: March 14, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 52709, Sub-No. 144), filed November 13, 1961. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Milan, Macon, Marshall, Moberly, and Carrollton, Mo., to points in Arizona, California, Oregon, Washington, Nevada, Utah, Idaho, Montana, New Mexico, Colorado, and Wyoming.

NOTE: Applicant states that it controls United Freight, Inc. (Docket FF 155), and Inter State Express, Inc. (Docket FF 102), both of which are wholly owned by applicant.

HEARING: March 21, 1962, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Garland E. Taylor.

No. MC 52709 (Sub-No. 149), filed November 22, 1961. Applicant: RINGSBY TRUCK LINES, INC., a Nebraska corporation, 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Helium*, in Government and shipper-owned trailers, from Navajo, Ariz., and points within ten (10) miles thereof, to points in Nevada, Idaho, California, Oregon, Washington, New Mexico, Texas, Utah, and Colorado.

NOTE: Applicant states that it "contracts United Freight, Inc. (Docket FF 155), and Inter State Express, Inc. (Docket FF 102), both of which are wholly-owned by applicant; Arizona Pacific Tank Lines (MC-109584); Fortier Transportation Company under Temporary Management (MC-108967); and Colonial & Pacific Frigidways, Inc. (MC-111138), Temporary."

HEARING: March 27, 1962, at the Federal Building, Los Angeles, Calif., before Examiner Charles B. Heinemann.

No. MC 52776 (Sub-No. 6), filed January 5, 1962. Applicant: E. V. FITCH, JR., doing business as FITCH MOTOR LINES, 1510 Gardner Avenue, Scranton, Pa. Applicant's attorney: D. H. Jenkins, Suite 309, Mears Building, Scranton 1, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Coal, from points in Lackawanna, Luzerne and Schuylkill Counties, Pa., to points in New York on and north of New York Highway 12 running from Lake Ontario to the junction with New York Highway 8, thence over New York Highway 8 to junction with U.S. Highway 9, (except New York City), and to points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

HEARING: March 20, 1962, at the New Post Office and Court House Building, Boston, Mass., before Examiner Alvin H. Schutrumpf.

No. MC 52721 (Sub-No. 8), filed October 2, 1961. Applicant: HOPPIE TRUCK LINES, a corporation, 3220 West McDowell Road, Phoenix, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and those injurious to other lading), between Tucson, Ariz., on the one hand, and, on the other, missile sites located in Pinal, Cochise, Pima, and Santa Cruz Counties, Ariz.

HEARING: March 22, 1962, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 248, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heinemann.

No. MC 52869 (Sub-No. 65), filed December 18, 1961. Applicant: NORTHERN TANK LINE, 511 Pleasant Street, Miles City, Mont. Applicant's attorney: Robert N. Burchmore, 2106 Field Building, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Richmond and Roosevelt Counties, Mont., to points in North Dakota, and *contaminated and refused products*, on return.

HEARING: March 15, 1962, at the Yellowstone County Court House, Billings, Mont., before Joint Board No. 84, or, if the Joint Board waives its right to participate, before Examiner Richard White.

No. MC 59014 (Sub-No. 25) Filed November 22, 1961. Applicant: TALLANT TRANSFER, INC., 1341 2d Avenue, Hickory, N.C., Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street, NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *New furniture*, crated and uncrated, from Tupelo, Okolona and New Albany, Miss., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia.

HEARING: March 15, 1962, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Lacy W. Hinely.

No. MC 59014 (Sub-No. 27), filed January 5, 1962. Applicant: TALLANT TRANSFER, INC., 1341 2d Avenue SW., Hickory, N.C., Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street, NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* (other than liquid), in bags, barrels, and boxes, from Houma, Matthews, and Supreme, La., to points in North Carolina and South Carolina.

HEARING: March 16, 1962, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Lacy W. Hinely.

No. MC 59759 (Sub-No. 20), filed December 7, 1961. Applicant: JONES TRUCKING CO., a corporation, 500 West Edgar Road, Linden, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses*, and in connection therewith, *equipment, materials* and *supplies* used in the conduct of such business, between Linden, N.J., on the one hand, and, on the other, points in Barnstable, Bristol, Plymouth, and Suffolk Counties, Mass. RESTRICTION: The proposed operation is to be under contract or contracts with Food Fair Stores, Inc.

HEARING: March 15, 1962, at 346 Broadway, New York, N.Y., before Examiner Alvin H. Schutrumpf.

No. MC 60580 (Sub-No. 25), filed November 27, 1961. Applicant: HIGHWAY EXPRESS LINES, INC., 236 North 2d Street, Philadelphia 3, Pa. Applicant's attorneys: V. Baker Smith, Harold S. Shertz, 226 South 16th Street, Philadelphia 9, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives in bulk, commodities requiring special equipment, magazines and newspapers, and films and articles associated with the exhibition of motion pictures as described in the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 766), from the plant site of John Lucas Co., Inc., at Gibbsboro, N.J., to East Butler, Pa., and *rejected shipments of the above specified commodities* on return.

NOTE: Applicant states that it is authorized to control Clark Transfer, Inc., through ownership of all of its capital stock (MC-F-6466).

HEARING: March 16, 1962, in Room 300, U.S. Custom Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Parks M. Low.

No. MC 61264 (Sub-No. 11), filed November 27, 1961. Applicant: PILOT FREIGHT CARRIERS, INC., P.O. Box 615, Winston-Salem, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between points in North Carolina and points in South Carolina, (2) between points in North Carolina and South Carolina, on the one hand, and, on the other, points in Virginia, and points in that part of Georgia, on and north of U.S. Highway 80, and (3) from Richmond, Va., to points in Georgia on and north of U.S. Highway 80.

NOTE: The applicant states that it is presently authorized to serve all points involved and the sole purpose of this application is to eliminate gateways between certain of the points.

HEARING: March 13, 1962, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Lacy W. Hinely.

No. MC 65271 (Sub-No. 4), filed December 29, 1961. Applicant: LOUIS MAX CO., INC., 192 Water Street, Brooklyn, N.Y. Applicant's attorney: A. David Millner, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New and used pianos, electrical home appliances*, including *radios, televisions, high fidelity sets, refrigerators, washers, freezers* and *driers*, and *home kitchen and home heating equipment* from New York, N.Y., to points in New Jersey and Connecticut and points in Bucks, Philadelphia, Delaware, and Montgomery Counties, Pa.; and *defective and damaged shipments* of the above-described commodities, on return.

HEARING: March 16, 1962, at 346 Broadway, New York, N.Y., before Examiner Alvin H. Schutrumpf.

No. MC 66756 (Sub-No. 8), filed October 16, 1961. Applicant: E. A. MYERS, doing business as NABBS SERVICE, Sabetha, Kans. Applicant's attorney: J. Max Harding, IBM Building, 605 12th Street (P.O. Box 2041), Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Bellville, Ill., to points in Kansas and Oklahoma, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

HEARING: March 26, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Armin G. Clement.

No. MC 70451 (Sub-No. 235), filed December 1, 1961. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1910 Harney Street, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Marshall, Macon, Moberly, and Carrollton, Mo., to points in Iowa, Minnesota, Nebraska, Kansas, Colorado, New Mexico, Arizona, and California.

HEARING: March 21, 1962, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Garland E. Taylor.

No. MC 71234 (Sub-No. 8), filed October 23, 1961. Applicant: THE GORE FREIGHT LINE, INCORPORATED, 641 Connecticut Avenue, South Norwalk, Conn. Applicant's representative: William D. Traub, 350 Fifth Avenue, New York 1, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities as are dealt in or sold by retail mail order houses*, from Norwalk, Conn., and Springfield, Mass., to points in Connecticut; and (2) *Returned and repossessed shipments* of the same commodities, from points in Connecticut to Norwalk, Conn., and Springfield, Mass.

NOTE: Applicant states it is under common ownership with Riter's Transfer Co., Inc., a common carrier operating under Certificate No. MC-27845.

HEARING: March 13, 1962, at the Bond Hotel, Hartford, Conn., before Joint Board No. 22, or, if the Joint Board waives its right to participate, before Examiner William A. Royall.

No. MC 95540 (Sub-No. 386) (CORRECTION), filed November 8, 1961, published in FEDERAL REGISTER issue January 24, 1962, republished as corrected this issue. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Charleston, S.C., and Savannah, Ga., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin.

NOTE: The purpose of this republication is to incldue as destination states Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, and Nebraska, inadvertently omitted from original publication.

HEARING: Remains as assigned, February 27, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 95540 (Sub-No. 392), filed December 26, 1961. Applicant: WATKINS

MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, articles distributed by meat packinghouses*, and *frozen foods*, between Greeley, Denver, and Pueblo, Colo., on the one hand, and, on the other, points in New Mexico, Arizona, Nevada, and California.

NOTE: Common Control may be involved.

HEARING: March 13, 1962, at the Albany Hotel, Denver, Colo., before Examiner Charles B. Heinemann.

No. MC 95612 (Sub-No. 5), filed January 17, 1962. Applicant: M. W. LEAHY CO., INC., 10 White Street, Littleton, Mass. Applicant's attorney: Stanley J. Polak, 111 State Street, Boston 9, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed and precast concrete products*, from Littleton, Mass., to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and New York.

NOTE: Applicant states the proposed operation will be performed under a continuing contract with San-Vel Concrete Corp. of Littleton, Mass.

HEARING: March 20, 1962, at the New Post Office and Court House Building, Boston, Mass., before Examiner Alvin H. Schutrumpf.

No. MC 100666 (Sub-No. 41), filed December 18, 1961. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7295, Shreveport, La. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building materials* (made from wood fibers with adhesive binder), including *accessories principally clips and nails* of not to exceed 2 percent by weight from Arkadelphia, Ark., to points in Louisiana, Texas, Missouri, Oklahoma, Kansas, and Memphis, Tenn.

HEARING: March 27, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Laurence E. Masoner.

No. MC 100666 (Sub-No. 42), filed December 26, 1961. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7295, Shreveport, La. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition boards and sheets made from grinding wood and wood fiber with added adhesive binders including preservative*, from Crossett, Ark., to points in Louisiana, Oklahoma, Texas, Alabama, Georgia, Kentucky, Missouri, Mississippi, Tennessee, Florida, North Carolina, South Carolina, Colorado, Iowa, Kansas, Nebraska, Michigan, New Mexico, Minnesota, Wisconsin, Illinois, Indiana, and Ohio.

HEARING: March 26, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Laurence E. Masoner.

No. MC 103880 (Sub-No. 238), filed November 22, 1961. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall oil*, in bulk, in tank vehicles, from Savannah, Ga., to Chicago, Ill.

HEARING: March 22, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Reece Harrison.

No. MC 104683 (Sub-No. 28), filed January 4, 1962. Applicant: L. L. MAJURE TRANSPORT CO., a corporation, 1301 B Street, Meridian, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Jackson County, Miss., to points in Alabama and Florida on and west of U.S. Highway 231, and points in Louisiana on and east of U.S. Highway 61.

HEARING: March 20, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 105302 (Sub-No. 16), filed December 14, 1961. Applicant: CLESS G. DAVIS, doing business as QUEEN CITY TRANSPORT, 179 St. Paul Street, Burlington, Vt. Applicant's attorney: Albert F. Beasley, Investment Building, 15th and K Streets NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar, coal tar products, oil gas tar and water gas tar*, in bulk, in tank vehicles, between Portland, Maine, and points in Vermont.

HEARING: March 28, 1962, at the Washington County Court House, Montpelier, Vt., before Joint Board No. 133, or, if the Joint Board waives its right to participate, before Examiner Alvin H. Schutrumpf.

No. MC 105556 (Sub-No. 40), filed November 9, 1961. Applicant: HOUCK TRANSPORT COMPANY, a corporation, Box 559, Glendive, Mont. Applicant's attorney: Franklin S. Longan, Suite 319 Securities Building, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Richland and Roosevelt Counties, Mont., to points in North Dakota, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

HEARING: March 15, 1962, at the Yellowstone County Court House, Billings, Mont., before Joint Board No. 84, or, if the Joint Board waives its right to participate, before Examiner Richard White.

No. MC 105813 (Sub-No. 53), filed November 17, 1961. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat by-products, dairy products* and *articles distributed by meat packinghouses*, as defined by the Commission in Appendix I to Ex Parte MC–45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Fergus Falls, Minn., and Denver, Colo., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; and (2), (a) *meats, meat products and meat by-products, dairy products* and *articles distributed by meat packinghouses*, as defined by the Commission in Appendix I to Ex Parte MC–45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and (b) *canned goods, fresh fruit and vegetables, frozen foods* and *chilled foods*, from points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, to Denver, Colo., Champaign and Chicago, Ill., Indianapolis, Ind., Davenport, Iowa, New Orleans, La., Detroit, Mich., Hopkins, Minn., St. Louis, Mo., Memphis, Tenn., and Milwaukee, Wis.

NOTE: Applicant states that no duplication of authority is sought. In view of Docket MC–F–7806, common control may be involved.

HEARING: March 15, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Armin G. Clement.

No. MC 105813 (Sub-No. 58), filed January 29, 1962. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery and ingredients thereof, chocolate, cocoa, coating, syrup*, and (2) *advertising, promotional and display materials, and premiums;* from points in Berks County, Pa., to points in Florida.

HEARING: February 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 106236 (Sub-No. 13), filed December 29, 1961. Applicant: BLUE RIDGE TRANSPORTATION COMPANY, INC., 5120 Rutledge Pike, Knoxville, Tenn. Applicant's attorney: James C. Havron, Nashville Bank and Trust Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Knoxville and Warcer (Knox County), Tenn., to points in North Carolina within an area bounded as follows: beginning at the intersection of the North Carolina-Tennessee State line and U.S. Highways 25 and 70, thence on U.S. Highways 25 and 70 to Asheville, thence on U.S. Highway 19 to the junction of North Carolina Highway 284, thence on North Carolina Highway 284 to the junction of the Tennessee-North Carolina State line, serving all points located on the highways specified above, and *empty containers or other such incidental facilities* (not specified) used in transporting

the above-specified commodities and *rejected shipments*, on return.

HEARING: March 14, 1962, at the Thatcher-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 8, or, if the Joint Board waives its right to participate, before Examiner Laurence E. Masoner.

No. MC 106398 (Sub-No. 191), filed November 20, 1961. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles (including but not limited to utility trailers, camp trailers, mobile homes, and commercial or other adaptations of the foregoing), in initial movements, by truckaway service, from points in Pennsylvania (except Camp Hill, Chambersburg, Clarion, Clearfield, Irwin, Mansfield, Meadville, Montoursville, State College, and West Pittston), to points in the United States, including Alaska, but excluding Hawaii.

HEARING: March 14, 1962, in Room 300, U.S. Custom Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Parks M. Low.

No. MC 106644 (Sub-No. 42), filed January 24, 1962. Applicant: SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place NE., Atlanta, Ga. Applicant's attorney: Reuben G. Crimm, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton gin machinery and cotton gin machinery parts*, from Prattville, Ala., and Columbus, Ga., to points in Arizona, California and New Mexico.

NOTE: Applicant states separate movement of parts contemplated as well as movement in the same vehicle with cotton gin machinery.

HEARING: February 26, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner J. Thomas Schneider.

No. MC 107002 (Sub-No. 168), filed January 15, 1962. Applicant: W. M. CHAMBERS TRUCK LINE, INC., P.O. Box 547, Kenner, La. Applicant's attorney: Harold D. Miller, Jr., 700 Petroleum Building, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Missouri, Illinois, Indiana, and Kentucky.

HEARING: March 13, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 107012 (Sub-No. 39) (AMENDMENT), filed November 13, 1961, published FEDERAL REGISTER issue January 24, 1962, amended January 23, 1962, republished as amended this issue. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. Applicant's representative: Charles H. Trayford, Room 3001, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos and piano benches* (uncrated) from New York, N.Y., and points in Monroe County, N.Y., to points in Alabama, Alaska, Connecticut, Delaware, Florida, Georgia, Hawaii, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, and *rejected and returned pianos*, on return. Common control may be involved.

NOTE: The purpose of this republication is to change the origin point to "Monroe County", in lieu of "Warren County" as shown in previous publication.

HEARING: Remains as assigned March 9, 1962, at 346 Broadway, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 107107 (Sub-No. 190), filed November 27, 1961. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from points in Louisiana and Mississippi to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, North Carolina, North Dakota, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia.

HEARING: March 21, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Laurence A. Van Dyke, Jr.

No. MC 107151 (Sub-No. 19), filed December 26, 1961. Applicant: H. F. JOHNSON, INC., P.O. Box 1403, 1524 Lockwood Road, Billings, Mont. Applicant's attorney: Hugh Sweeney, Billings State Bank Building, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk in tank vehicles, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Wolf Point, Mont., and points within ten (10) miles thereof, to points in North Dakota, and *contaminated and other rejected shipments* from points of destination to points of origin.

HEARING: March 15, 1962, at the Yellowstone County Court House, Billings, Mont., before Joint Board No. 84, or, if the Joint Board waives its right to participate, before Examiner Richard White.

No. MC 107403 (Sub-No. 373), filed January 11, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in special tank or hopper type vehicles, from Norristown, Pa., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

NOTE: Applicant states it "controls READER BROTHERS, INC., and EDWIN E. CLARK dba CLARKE BULK TRANSFER". It is further noted that applicant has contract carrier authority under MC 117687 and Subs 2 through 9 thereunder, therefore, dual operations may be involved.

HEARING: March 14, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 107403 (Sub-No. 374), filed January 11, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the site of the B. F. Goodrich Plant, 13 miles east of Fort Wayne, in Milan Township, Allen County, Ind., to points in Illinois, Michigan, Ohio, Wisconsin, and West Virginia.

NOTE: Applicant is authorized to control Reader Brothers, Inc., and Clarke Bulk Transfer. Under Permit No. MC 117687 applicant is authorized as a contract carrier; therefore dual operations may be involved.

HEARING: March 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 107500 (Sub-No. 62), filed November 13, 1961. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Applicant's attorney: R. J. Schreiber, 547 West Jackson Boulevard, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Fly ash*, in bulk and also in bags, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodity specified, serving the site of Yellowtail Dam, Mont., as an off-route point in connection with applicant's regular-route operations.

NOTE: Applicant states The Chicago, Burlington & Quincy Railroad Company owns and holds all of its capital stock.

HEARING: March 13, 1962, at the Yellowstone County Court House, Billings, Mont., before Joint Board No. 82, or, if the Joint Board waives its right to participate, before Examiner Richard White.

No. MC 108053 (Sub-No. 30), filed December 15, 1961. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 310, Fremont, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Marshall, Macon, Moberly, and Carrollton, Mo., to points in Nebraska, Kansas, Colorado, New Mexico, Arizona, Utah, Wyoming, Montana, Idaho, Nevada, California, Oregon, and Washington.

HEARING: March 21, 1962, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Garland E. Taylor.

No. MC 109584 (Sub-No. 99), filed November 21, 1961. Applicant: ARIZONA PACIFIC TANK LINES, a corporation, 717 North 21st Avenue, Phoenix, Ariz.

Applicant's attorney: Arthur H. Glanz, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat fats, edible and inedible*, in bulk, in tank vehicles, from points in Idaho to points in Stanislaus, Merced, Fresno, Tulare, and Kern Counties, Calif.; and (2) *Returned, rejected, and contaminated shipments* of the above-specified commodity, from points in Stanislaus, Merced, Fresno, Tulare, and Kern Counties, Calif., to points in Idaho.

NOTE: Applicant states it is a wholly owned subsidiary of Ringsby Truck Lines, Inc., MC 52709.

HEARING: March 26, 1962, at the Federal Building, Los Angeles, Calif., before Examiner Charles B. Heinemann.

No. MC 109637 (Sub-No. 192), filed November 30, 1961. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetylene Chemicals*, liquid, in bulk, in tank vehicles, from the plant site of Air Reduction Chemical & Carbide Company at Calvert City, Ky., to Nutley and Bound Brook, N.J.

NOTE: Applicant states that it is "under common control with Alabama Tank Lines, Inc., Louisville, Ky., J. F. Beaird, Stockholder and Director of Applicant is also President, Stockholder and Director of Alabama Tank Lines, Inc., J. A. Gammon, Stockholder, President, and Director of Applicant, is also Executive Vice-President and Director of Alabama Tank Lines, Inc." (MC-F-6282).

HEARING: March 12, 1962, at 346 Broadway, New York, N.Y., before Examiner Alvin H. Schutrumpf.

No. MC 110193 (Sub-No. 43), filed January 18, 1962. Applicant: SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago, Ill. Applicant's attorney: Howell Ellis, Suite 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Marshall, Macon, Milan, Carrollton, and Moberly, Mo., to points in New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Pennsylvania, Maryland, Delaware, and Ohio, and Washington, D.C.

HEARING: March 19, 1962, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Garland E. Taylor.

No. MC 110193 (Sub-No. 44), filed January 24, 1962. Applicant: SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago, Ill. Applicant's attorney: Howell Ellis, Suite 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products*, and *frozen foods*, from Chester and Scranton, Pa., Wilmington, Del., and Baltimore, Md. to points in Kansas, Nebraska, Illinois, Iowa, Missouri, Indiana, Ohio and Minnesota.

HEARING: February 8, 1962 ,at the Midland Hotel, Chicago, Ill., before Examiner Joseph A. Reilly.

No. MC 110420 (Sub-No. 301) (CORRECTION), filed November 8, 1961, published in FEDERAL REGISTER, issue of January 17, 1962, and republished as corrected, this issue. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate*, in bulk, in tank vehicles, from Mt. Joy, Pa., to points in Ohio, Michigan, Indiana, Illinois, and Wisconsin; (2) *table sauce*, in bulk, in tank vehicles, from Harbor Beach, Mich., to points in Ohio, Indiana, Illinois, Wisconsin, Iowa, Minnesota, Missouri, Kentucky, and Pennsylvania; (3) *liquid sugar*, in bulk, in tank vehicles, from Clinton, Iowa, to points in Wisconsin, Indiana, Nebraska, Minnesota, Michigan, Missouri, Illinois, Ohio, Arkansas, Kentucky, North Dakota, South Dakota, and Tennessee; (4) *grain neutral spirits*, in bulk, in tank vehicles, from Pekin, Ill., to Detroit, Mich.; and (5) *cocoa butter*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Pennsylvania, New York, New Jersey, Ohio, and Indiana.

NOTE: This republication corrects the errors regarding the operations proposed in Items (4) and (5), which, in the original publication designated the wrong routes in Item (4) and inadvertently omitted Item (5).

HEARING: February 28, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 111159 (Sub-No. 140), filed January 8, 1962. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Jackson, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700 Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Alabama, Georgia, Florida, Illinois, Indiana, Kentucky, Louisiana, Arkansas, Missouri, Ohio, Oklahoma, Mississippi, Virginia, West Virginia, North Carolina, South Carolina, and Texas.

HEARING: March 12, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 111545 (Sub-No. 49), filed January 16, 1962. Applicant: HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Route 3, Marietta, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling and freezing machinery or equipment; materials, equipment and supplies used in and incidental to the installation of such cooling and freezing machinery or equipment*, from La Crosse, Wis., to points in Ohio, Pennsylvania, New York, New Jersey, West Virginia, Maryland, Delaware, Rhode Island, Connecticut, Massachusetts, Virginia, Kentucky, and New Hampshire.

HEARING: March 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 111812 (Sub-No. 139), filed November 6, 1961. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux City, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Meat, packinghouse products, and commodities used by packing-houses*, as defined in Appendix I of Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Omaha, Nebr., to points in Idaho, and Salt Lake City, Utah.

NOTE: Applicant states "Mrs. Jane A. Lewis, wife of applicant's president, holds 50 percent interest in Dakota Express, Inc."

HEARING: March 28, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Armin G. Clement.

No. MC 111851 (Sub-No. 4), filed December 7, 1961. Applicant: CHARLES H. McCREARY, INC., 605 Garfield Avenue, Newark, Ohio. Applicant's representative: Earl J. Thomas, Thomas Building, 5844–5850 North High Street, Worthington, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bulk, in dump trucks and in vehicles especially designed and manufactured for the transportation of dry bulk, from Barberton, Ohio, to points in Maryland.

HEARING: March 12, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Charles J. Murphy.

No. MC 112497 (Sub-No. 181), filed December 1, 1961. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid (molten) sulphur*, in bulk, in tank vehicles, from McKamie, Ark., to West Monroe, La.

HEARING: March 29, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 35, or, if the Joint Board waives its right to participate, before Examiner Laurence E. Masoner.

No. MC 112561 (Sub-No. 5), filed December 13, 1961. Applicant: B. & C. TRANSPORTATION, INC., 1214 Lakewood Street SW., Canton, Ohio. Applicant's attorney: Richard H. Brandon, 808 Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic* and *plastic articles* from points in Stark County, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to shipments transported in semi-trailers furnished by shippers; and (2) *materials, equipment* and *supplies*, used in the manufacture and shipping of plastic and plastic articles, from the stated destination points to points in Stark County, Ohio, restricted as set forth above.

HEARING: March 15, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Charles J. Murphy.

No. MC 112750 (Sub-No. 79), filed November 6, 1961. Applicant: ARMORED CARRIER CORPORATION, 227–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commercial papers, documents*, and *written instruments* (except coin, currency and negotiable securities) *as are used in the conduct of banks and banking institutions*, between Cleveland, Ohio, on the one hand, and, on the other, Detroit, Mich., (2) *Commercial papers, documents* and *written instruments* (except coin, currency and negotiable securities) *as are used in the conduct of banks and banking institutions*, between Cleveland, Ohio, on the one hand, and, on the other, Buffalo, N.Y., (3) *used business and accounting records and other working papers and audit media which are being used, processed, or tabulated in the normal course of business of the consignor or consignee*, between Cleveland, Ohio, on the one hand, and, on the other, Detroit, Mich., and (4) *used business and accounting records and other working papers and audit media which are being used, processed, or tabulated in the normal course of business of the consignor or consignee*, between Cleveland, Ohio, on the one hand, and, on the other, Pittsburgh, Pa.

HEARING: March 13, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Charles J. Murphy.

No. MC 112750 (Sub-No. 83), filed November 14, 1961. Applicant: ARMORED CARRIER CORPORATION, Delevoise Building, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: James K. Knudson, 1621 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents* and *written instruments* (except coin, currency, bullion and negotiable securities) *as are used in the conduct of the business of banks and banking institutions*, (1) between Chicago, Ill., and Minneapolis, Minn., on the one hand, and, on the other, points in Adams, Clark, Columbia, Crawford, Dodge, Grant, Green, Green Lake, Iowa, Jackson, Juneau, Jefferson, Kenosha, Lafayette, Lincoln, Marathon, Marquette, Monroe, Oconto, Portage, Richland, Sauk, Shawano, Vernon, Walworth, Waupaca, Waushara, and Wood Counties, Wis., (2) between St. Louis, Mo., on the one hand, and, on the other, points in Iowa and (3) between Minneapolis, Minn., on the one hand, and, on the other, points in Milwaukee and Dane Counties, Wis.

HEARING: March 12, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Armin G. Clement.

No. MC 113267 (Sub-No. 46), filed December 11, 1961. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, articles distributed by meat packinghouses, such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers*, and *foodstuffs*, moving in mechanically refrigerated vehicles, between points in Mississippi, restricted to traffic originating outside of Mississippi.

NOTE: Applicant states that its officers are officers and stockholders in Industrial Bus Lines, Inc. (MC–114168), Vandalia Bus Lines, Inc. (MC–2698), and that Oliver and Kathryn Anderson are officers and stockholders in Caseyville Bus Lines, Inc. (MC–110845).

HEARING: March 16, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 97, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 113658 (Sub-No. 3), filed December 11, 1961. Applicant: SCOTT TRUCK LINE, INC., 1337 34th Street, Denver, Colo. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular and regular routes, transporting: *Advertising matter and such general merchandise as is dealt in by wholesale and retail grocery and food business houses. REGULAR ROUTES:* between Denver, Colo., and Chicago, Ill., and Imperial, Nebr., (1) from Denver, over U.S. Highway 6 to Sterling, Colo., thence over U.S. Highway 138 to junction U.S. Highway 30, thence over U.S. Highway to Aurora, Ill., thence over Illinois Highway 65 to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago, and return over the same route serving the intermediate and off-route points of Haxtun, Colo., and Lamar, Elsie, Madrid, Grant, Venango, and Champion, Nebr., (2) from Denver, over U.S. Highway 6 to Sterling, thence over U.S. Highway 6 to Imperial, and return over the same route. *IRREGULAR ROUTES: Meats, fresh and frozen*, from the site of the packing plant of National Food Stores, Inc., and Lansing and Detroit, Mich. RESTRICTION: The separate authorities contained herein shall not be tacked or joined, directly or indirectly, one to another, for the purpose of performing any through service.

NOTE: Applicant holds authority to conduct the above-described operations under Certificate No. MC 113658 (Sub-No. 2) dated June 21, 1960, containing the commodity description reading as follows: "Advertising matter and such general merchandise as is dealt in by wholesale and retail grocery and food business houses, restricted to shipments moving from, to, or between warehouses, and wholesale, retail, or chain outlets of grocery and food business houses". Applicant states it is the purpose of this application to remove the restriction in the commodity authorization.

HEARING: March 15, 1962, at the Albany Hotel, Denver, Colo., before Examiner Charles B. Heinemann.

No. MC 113676 (Sub-No. 14), filed January 2, 1962. Applicant: CURTIS, INC., 770 East 51st Street, Denver 16, Colo. Applicant's attorney: Duane W. Acklie, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Seabrook, N.J., to points in Colorado, New Mexico, California, Arkansas, Georgia, Utah, Idaho, and Wyoming, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: March 20, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Laurence E. Masoner.

No. MC 113678 (Sub-No. 16), filed January 18, 1962. Applicant: CURTIS, INC., 770 East 51st Street, Denver 16, Colo. Applicant's attorney: Duane W. Acklie, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Marshall, Macon, Moberly, and Carrollton, Mo., to points in Arizona, California, Colorado, Iowa, Minnesota, Kansas, Nebraska, and New Mexico.

HEARING: March 21, 1962, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Garland E. Taylor.

No. MC 113678 (Sub-No. 18), filed January 18, 1962. Applicant: CURTIS, INC., 770 East 51st Street, Denver 16, Colo. Applicant's attorney: Duane W. Acklie, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations and foodstuffs*, in vehicles equipped with mechanical refrigeration, from Athens, Ala., Jackson, Bells, Humbolt, and Milan, Tenn., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin.

HEARING: March 16, 1962, at the Dinkler-Andrew Jackson, Hotel Nashville, Tenn., before Examiner Laurence E. Masoner.

No. MC 115830 (Sub-No. 11), filed November 6, 1961. Applicant: BABCOCK & LEE PETROLEUM TRANSPORTERS, INC., 1002 Third Avenue North, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, between points in Roosevelt and Richland Counties, Mont., on the one hand, and, on the other, points in North Dakota.

HEARING: March 15, 1962, at the Yellowstone County Court House, Billings, Mont., before Joint Board No. 94, or, if the Joint Board waives its right to participate, before Examiner Richard White.

No. MC 115830 (Sub-No. 13), filed January 19, 1962. Applicant: BABCOCK & LEE PETROLEUM TRANSPORTERS, INC., 1002 Third Avenue North, Billings,

Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Billings, Mont., and points within five (5) miles thereof to points in South Dakota, and *rejected and contaminated shipments* of the above-specified commodities, on return.

NOTE: Applicant states Tim M. Babcock is the principal stockholder in applicant corporation and in Babcock & Lee Transportation, Inc., and Babcock & Lee Freight Lines, Inc.

HEARING: March 14, 1962, at the Yellowstone County Court House, Billings, Mont., before Joint Board No. 267, or, if the Joint Board waives its right to participate, before Examiner Richard White.

No. MC 116085 (Sub-No. 1) (AMENDMENT), filed August 21, 1961, published FEDERAL REGISTER issue October 25, 1961, amended November 22, 1961, republished as amended this issue. Applicant: FRISKNEY AND HARDING TRUCKING, INC., Box 3, Kendallville, Ind. Applicant's attorney: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printing paper* in rolls, (a) From the plant site of the Champion Paper Co. at Canton, N.C., the plant site of the International Paper Company at Springhill, La., the plant sites of the Mead Paper Co. at Dayton and Chillocothe, Ohio, the plant site of Nekoosa Edwards Paper Co. at Port Edwards, Wis., and the plant site of the Combined Locks Paper Co. at Combined Locks, Wis., to the plant sites of the National Carbon Coated Paper Company at Sturgis, Mich., (b) from the plant site of the Kalamazoo Paper Company at Kalamazoo, Mich., the Bowaters Southern Paper Company at Calhoun, Tenn., and the Combined Locks Paper Co. at Combined Locks, Wis., to the plant site of the Corinth Forms Paper Company (a wholly-owned division of the National Carbon Coated Paper Company), at Corinth, Miss., (2) *Safety paper* in rolls, from the plant site of Geo. LaMonte Co. at Nutley, N.J., to the plant sites of the National Carbon Coated Paper Company at Sturgis, Mich., (3) *Paraffin wax* (except liquid parafin wax), in tank trucks, from the plant site of the Sun Oil Company at Marcus Hook, Pa., to the plant sites of the National Carbon Coated Paper Company at Sturgis, Mich., (4) *Petrolatum*, in drums, from Karns City, Pa., to the plant sites of the National Carbon Coated Paper Co. at Sturgis, Mich., (5) *Printed autographic register paper, autographic registers, sales books, deposit slips, sales slips* and *printed forms*, from the plant sites of the National Carbon Coated Paper Co. at Sturgis, Mich., to Albany, N.Y.; Lancaster, Philadelphia, Carlisle, and Pittsburgh, Pa., New Brunswick, Newark, N.J., and Englewood, N.J., transporting refused and rejected shipments of the aforementioned commodities on return movements, (6) *Printed autographic register paper, authgraphic registers, sales books, deposit slips, sales slips, printed forms*, and *the machinery and materials* used in the manufacture of the aforementioned commodities, from the plant site of the Corinth Forms Co. (a division of the National Carbon-Coated Paper Co.), at Corinth, Miss., to the plant sites of the National Carbon Coated Paper Co. at Sturgis, Mich., (7) *Returned and rejected printed autographic register paper, autographic registers, deposit slips, sales books, printed forms, news print* and *carbonized paper*, from Middlevillage, N.Y., and South Hackensack, N.J., to the plant sites of the National Carbon Coated Paper Co. at Sturgis, Mich.

NOTE: The purpose of this republication is to show applicant's correct name and also to broaden the scope of authority sought. Applicant also states all of the above transportation to be performed under a continuing contract with the National Carbon Paper Co.

HEARING: March 15, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Reece Harrison.

No. MC 116459 (Sub-No. 27), filed December 20, 1961. Applicant: RUSS TRANSPORT, INC., P.O. Box 8292, Chattanooga 11, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles, (1) from points in Washington County, Va., to points in Tennessee, Kentucky, North Carolina, West Virginia, and South Carolina, and (2) from points in Sullivan County, Tenn., to points in Virginia, West Virginia, North Carolina, Kentucky, and South Carolina, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified above, on return.

HEARING: March 13, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Laurence E. Masoner.

No. MC 116702 (Sub-No. 17), filed October 12, 1961. Applicant: THADDEUS A. GORSKI, doing business as GORSKI BULK TRANSPORT, Box 700, Harrow, Ontario. Applicant's attorney: Eugene C. Ewald, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bags or in bulk, in hopper type equipment, equipped to unload bulk urea from the bottom (including air suction), and equipped with racks to accommodate bagged urea in the same shipment if required, from points on the International Boundary between United States and Canada, at ports of entry at Detroit and Port Huron, Mich., and Buffalo, N.Y., to points in New York, Pennsylvania, Michigan, Ohio, Rhode Island, Illinois, Massachusetts, Connecticut, Vermont, New Jersey, and points in Kenosha, Racine and Milwaukee Counties, Wis., for the account of Monsanto Chemical Company.

HEARING: March 26, 1962, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner Reece Harrison.

No. MC 116702 (Sub-No. 18), filed November 27, 1961. Applicant: THADDEUS A. GORSKI, doing business as GORSKI BULK TRANSPORT, Box [illegible], Harrow, Ontario, Canada. Applicant's attorney: Eugene C. Ewald, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings*, including *asphalt tile, composition tile, rubber tile, linoleum, rubber and plastic molding, adhesives, carpet underlay and related products*, together with *hard surface floor coverings, acoustic ceiling tile*, and *products incidental to the installation of these articles*, from Brooklyn N.Y., Garfield, Plainfield and Salem, N.J., Jeannette, Pa., Chicago, Ill., and L'Anse, Mich., to points in Michigan and Ohio.

HEARING: March 28, 1962, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner Reece Harrison.

No. MC 116947 (Sub-No. 3), filed January 18, 1962. Applicant: HUGH R. SCOTT, doing business as SCOTT TRANSFER CO., 1000 Watkins Street NW., Atlanta 18, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1435, C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Avery Island and Weeks Island, La., and points within 15 miles of each of said origins, to points in Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee, and *pepper*, when shipped with salt, from Weeks Island, La., and points within 15 miles thereof, to points in Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee, and *damaged* and *rejected shipments*, on return.

HEARING: March 21, 1962, at the West Peachtree Street NW., Atlanta, Ga., before Examiner Lacy W. Hinely.

No. MC 117025 (Sub-No. 12), filed October 16, 1961. Applicant: LEE ROY HILT, 3751 Sumner Street, Lincoln, Nebr. Applicant's attorney: J. Max Harding, IBM Building, 605 South 14th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Belleville, Ill., to points in Colorado, Wyoming, Montana, North Dakota, South Dakota, Minnesota, Nebraska, Missouri, and Iowa, and *empty containers and exempt commodities or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: March 27, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Armin O. Clement.

No. MC 117119 (Sub-No. 36), filed November 22, 1961. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier, by motor* vehicle, over irregular routes, transporting: *Frozen foods;* from Seabrook, N.J., to points in Colorado, New Mexico, California, Arkansas, Georgia, Utah, Idaho, and Wyoming, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

NOTE: Applicant states it has temporary control of the motor carrier properties and operating authorities of Pelham Transportation Co., Inc., MC 117904, under MC-F-7816.

HEARING: March 20, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Laurence E. Masoner.

No. MC 117119 (Sub-No. 37), filed November 22, 1961. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Montezuma, Ga., to points in Colorado, New Mexico, California, Arkansas, Utah, Idaho, and Wyoming, and *empty containers or other such incidental facilities* (not specified), used in transporting the above described commodities, on return.

HEARING: March 21, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Laurence E. Masoner.

No. MC 117119 (Sub-No. 44), filed December 29, 1961. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Salt Lake City, Ogden, and Provo, Utah, to points in Oklahoma, Arkansas, Louisiana, Texas, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, Maryland, New Mexico, and Arizona, and *empty containers or other such incidental facilities* (not specified), used in transporting the above described commodities, on return.

HEARING: March 23, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Laurence E. Masoner.

No. MC 117119 (Sub-No. 45), filed January 17, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Macon, Marshall, Carrollton, Moberly, Milan, and St. Joseph, Mo., to points in Texas, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in this application, on return.

NOTE: Applicant states that it is authorized to lease the properties of Pelham Transportation Company, Inc., under MC-F-7816.

HEARING: March 22, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Laurence E. Masoner.

No. MC 117344 (Sub-No. 31), filed November 29, 1961. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Illinois, Indiana, and Kentucky, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

HEARING: March 12, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Charles J. Murphy.

No. MC 117344 (Sub-No. 32), filed December 11, 1961. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquers, paints, resins, varnishes, surface coating compounds*, and *molding compounds*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Illinois and Wisconsin, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

HEARING: March 14, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Charles J. Murphy.

No. MC 117623 (Sub-No. 5), filed January 4, 1962. Applicant: RALPH F. DUNKLEY, doing business as DUNKLEY DISTRIBUTING COMPANY, 240 California Avenue, Salt Lake City, Utah. Applicant's attorney: Lon Rodney Kump, 716 Newhouse Building, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in less-than truckload shipments not to exceed 10,000 pounds when shipped in connection with frozen fruits, frozen vegetables and frozen berries, from points in Los Angeles, Orange, Ventura, San Bernardino, and Riverside Counties, Calif., to points in Utah, Wyoming, Montana, and points in Idaho south of the southern boundary of Idaho County.

HEARING: March 26, 1962, at the Federal Building, Los Angeles, Calif., before Examiner Charles B. Heinemann.

No. MC 118159 (Sub-No. 8), filed November 6, 1961. Applicant: EVERETT LOWRANCE, 4916 Jefferson Highway, P.O. Box 10216, New Orleans 21, La. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans 12, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Houston, Texas, to points in Texas, New Mexico, Arizona, California, Colorado, Oklahoma, Missouri, Nebraska, Kansas, Minnesota, Utah, North Dakota, South Dakota, Wyoming, Iowa, Alabama, Arkansas, Georgia, Idaho, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Montana, Ohio, Oregon, Tennessee, Washington, West Virginia, and Wisconsin.

HEARING: March 30, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 118468 (Sub-No. 9), filed October 16, 1961. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients*, dry, in bulk and in bags, from Muscatine, Iowa to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin.

HEARING: March 22, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Armin G. Clement.

No. MC 118898 (Sub-No. 6), filed October 23, 1961. Applicant: T. P. TRUCKING COMPANY, INC., 1489 Grady Avenue, Yazoo City, Miss. Applicant's attorney: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer*, dry, in bulk, and in packages, from Luling, La., to points in Alabama, Florida, Georgia, Mississippi, and Tennessee, RESTRICTION: The operations proposed herein will be limited to a transportation service to be performed under a continuing contract, or contracts, with Fireproof Products of Mississippi, Inc., Terry, Miss.

HEARING: March 14, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 119507 (Sub-No. 9), filed December 14, 1961. Applicant: CRAUN TRANSPORTATION, INC., Emma Street, Bettsville, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 Leveque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refractory products* from Maple Grove (near Garrettsville), Ohio, and points within 2 miles thereof, to points in Michigan (except points in the southeastern part of Michigan which are on or east of U.S. Highway 23 and on or south of Michigan Highway 59), points in Indiana (except Fort Wayne, Kokomo, and points in the Chicago, Ill., Commercial Zone as defined by the Commission), points in Wisconsin, and points in Mercer, Lawrence, Butler, Beaver, and Alleghany Counties, Pa.; and (2) *pallets, skids*, and *shipping containers* used in the transportation of refractory products, from points in the above-specified destination territory to Maple Grove, Ohio, and points within 2 miles thereof.

HEARING: March 15, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Charles J. Murphy.

No. MC 119519 (Sub-No. 14), filed December 12, 1961. Applicant: ALLEN RUSSELL, doing business as ALLEN

RUSSELL TRUCKING COMPANY, Franklin, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from points in Rutherford and Davidson Counties, Tenn., and points in Simpson County, Ky., to Cincinnati and Lima, Ohio, and points within 50 miles of each.

HEARING: March 13, 1962 at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Laurence E. Masoner.

No. MC 119535 (Sub-No. 1), filed November 6, 1961. Applicant: MAURICE TUCKER, 959 Myrtlewood Drive, Jackson, Miss. Applicant's attorney: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough and dressed lumber*, between points in Mississippi, Louisiana, and Texas.

HEARING: March 15, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 246, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 119641 (Sub-No. 32), filed November 17, 1961. Applicant: RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete slabs, building or roofing, and accessories used in the installation thereof*, when moving at the same time and in the same vehicle therewith, from Arkadelphia, Ark., to points in Louisiana, Kansas, Oklahoma, and Texas, and *damaged and rejected shipments of commodities* specified above, on return.

HEARING: March 19, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Laurence E. Masoner.

No. MC 119680 (Sub-No. 1), filed November 22, 1961. Applicant: DELAWARE VALLEY TRUCKING COMPANY, INC., 15 Exchange Place, Jersey City, N.J. Applicant's representative: G. Donald Bullock, 211 East 51st Street, New York 22, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk products, margerine, fruit juices and fruit ades*, in containers, and *milk*, in containers, when moving in the same vehicles with milk products, margerine, fruit juices and fruit ades, in refrigerated equipment, from Camden, N.J., to points in New Castle County, Del., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

NOTE: (1) Applicant states the proposed operation is to be limited to a transportation service to be performed under a continuing contract, or contracts, with Sealtest Foods Division of National Dairy Products Corp. of Philadelphia, Pa. (2) Applicant further states that its president and principal stockholder is also president and principal stockholder of Ralph G. Smith, Inc., MC 60786.

HEARING: March 16, 1962, at Room 300, U.S. Custom Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Parks M. Low.

No. MC 119777 (Sub-No. 6), filed January 16, 1962. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, between points in Marshall County, Ky., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

HEARING: March 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner W. Elliott Neffen.

No. MC 119880 (Sub-No. 3), filed November 13, 1961. Applicant: DRUM TRANSPORT, INC., Box 2056, East Peoria, Ill. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol, neutral spirits*, and *alcoholic liquors*, in bulk, in tank vehicles, between points in Maryland, Pennsylvania, Ohio, Indiana, and Kentucky, on the one hand, and, on the other, Seattle, Wash., and points in California.

HEARING: March 14, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Armin G. Clement.

No. MC 123157 (Sub-No. 3), filed October 25, 1961. Applicant: G. L. GIBBONS AND LAWRENCE L. GIBBONS, a copartnership, doing business as CEMENT TRANSPORTERS, Rillito, Ariz. Applicant's attorney: A. Michael Bernstein, 1327 Guaranty Bank Building, Phoenix 12, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Cement*, in bulk, and in bags, from the plant site of Phoenix Cement Company, at Clarkdale, Ariz., to Tex Nos Pas and Mexican Water, Ariz., and points between Tex Nos Pas and Mexican Water, on Indian Highway No. 1, traversing New Mexico for operating convenience only; from Clarkdale over U.S. Highway 278 and U.S. Highway 89 to Flagstaff, Ariz., and U.S. Highway 66 to Gallup, N. Mex., and Route 504, to Tex Nos Pas, Ariz., thence along Indiana Highway No. 1, to Mexican Water, Ariz., and return over the same route, serving all intermediate points.

HEARING: March 21, 1962, at the Arizona Corp. Commission, Phoenix, Ariz., before Joint Board No. 129, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heinemann.

No. MC 123304 (Sub-No. 4) (AMENDMENT), filed November 13, 1961, published in FEDERAL REGISTER, issue of January 31, 1962, republished as amended, this issue. Applicant: SOUTHERN COURIERS, INC., 1316 North Carroll, Dallas, Tex. Applicant's attorney: Ewell H. Muse, Jr., Perry Brooks Building, Suite 415, Austin 1, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents*, and *written instruments*, such as are used in the business of banks and banking institutions (excluding currency, bullion, and negotiable securities), between Dallas and Fort Worth, Tex., points in Oklahoma, points in Montgomery County, Kans., and points in McDonald County, Mo.

NOTE: The purpose of this republication is to add Fort Worth, Tex., and indicate the operation as nonradial rather than radial.

HEARING: Remains as assigned March 20, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner Walter R. Lee.

No. MC 123372 (Sub-No. 5), filed September 18, 1961. Applicant: CARTAGE SERVICES, INC., 26380 Van Born Road, Dearborn, Mich. Applicant's representative: Larry Mason (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Bakery products*, between Michigan, on the one hand, and, on the other, points in Ohio, Indiana, and Illinois.

NOTE: Applicant states that the operation will be conducted under a continuing contract with Schafer's Bakeries, Inc.

HEARING: March 26, 1962, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner Reece Harrison.

No. MC 123465 (Sub-No. 2), filed November 15, 1961. Applicant: EMILIEN LETARTE, doing business as ST. HYACINTHE EXPRESS, INC., 7625 Brouillette Street, St. Hyachinthe, Quebec, Canada. Applicant's attorney: Edward W. Free, Jr., 107 North Main Street, Barre, Vt. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Church pipe organs*, from ports of Entry on the International Boundary Line between the United States and Canada, to points in the United States, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities, specified above, on return.

HEARING: March 26, 1962, at the Washington County Court House, Montpelier, Vt., before Examiner Alvin H. Schutrumpf.

No. MC 123487 (Sub-No. 2), filed October 19, 1961. Applicant: HENRY HAMEL AND NORMAND E. HAMEL, doing business as, HAMEL MOTOR TRANSP. CO., R.D. 1, River Road, Allenstown, N.H. Applicant's attorney: Guy A. Swenson, Jr., 9 Capitol Street, Concord, N.H. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough granite*, between Woodbury, Vt., and Concord, N.H.

HEARING: March 23, 1962, at the New Hampshire Public Service Commission, Concord, N.H., before Joint Board No. 132, or, if the Joint Board waives its right to participate, before Examiner Alvin H. Schutrumpf.

No. MC 123639 (Sub-No. 3), filed November 14, 1961. Applicant: J. B. MONTGOMERY, INC., 4916 Jackson

Street, Denver 16, Colo. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats* and *packinghouse products* as defined by the Commission, from Lexington, Nebr., to points in the United States (except Chicago, Ill., Denver, Colo., and points in Hawaii and Alaska), and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

HEARING: March 29, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Armin G. Clement.

No. MC 123870, filed August 14, 1961. Applicant: LEONARD F. MC CALLUM, doing business as MC CALLUM MOVING, 114 Derry Road, Hudson, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles*, between points in Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, Vermont, and New York.

HEARING: March 22, 1962, at the New Hampshire Public Service Commission, Concord, N.H., before Examiner Alvin H. Schutrumpf.

No. MC 123878, filed September 1, 1961. Applicant: M. C. Tyler, doing business as TYLER TRUCK LINES, Kelley, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients*, from St. Louis, Mo., points in Illinois, including the Commercial Zone of Chicago, Ill., as defined by the Commission, to points in Iowa on and east of U.S. Highway 71 (except Eagle Grove, Iowa).

HEARING: March 22, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenue, Des Moines, Iowa, before Examiner Armin G. Clement.

No. MC 123905 (Sub-No. 1), filed October 16, 1961. Applicant: OLEN BURRAGE, 264 West Beacon Street, Philadelphia, Miss. Applicant's attorney: Herman Alford, Citizens Bank Building, Philadelphia, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, wood dimension stock and preservatively treated*, (2) *lumber, poles*, and *timbers*, from points in Neshoba and Newton Counties, Miss., to points in Tennessee, Kentucky, Illinois, Indiana, Alabama, Louisiana, Wisconsin, and Ohio and (3) *building material and supplies, when shipped with the lumber required for the construction of one house, on the bill of lading, to one consignee*, from points in Neshoba County, Miss., to points in Tennessee, Alabama, Louisiana, Arkansas, and Georgia, and *refused and rejected shipments* of (1), (2), and (3) above, on return.

HEARING: March 19, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 123918, filed September 11, 1961. Applicant: RALPH WILLSON, 234 South Adams Street, Burlington, Iowa. Applicant's representative: F. L. Partridge, 214½ North Fourth Street, Burlington, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, limestone*, and *rock*, (1) from Spring Grove, Iowa, and points within five (5) miles thereof to points in Illinois, and (2) from Spring Grove, Iowa, and points within 50 miles thereof to points in Illinois.

NOTE: Applicant states these materials are to be transported to contractors at job sites.

HEARING: March 23, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 54, or, if the Joint Board waives its right to participate, before Examiner Armin G. Clement.

No. MC 123974, filed November 1, 1961. Applicant: E. J. GREEN, 150 Cedar Street, Imlay City, Mich. Applicant's attorney: John M. Veale, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk and dairy products*, and *empty containers or other such incidental facilities* used in transporting the above described commodities between Imlay City, Mich., on the one hand, and on the other, points in New York and Pennsylvania.

HEARING: March 29, 1962, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner Reece Harrison.

No. MC 124012 (Sub-No. 1), filed December 4, 1961. Applicant: WAYNE R. WILLIAMS, doing business as W. R. WILLIAMS TRANSPORT, Morrisville, Vt. Applicant's attorney: Robert A. Magoon, Morrisville, Vt. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Cedar fencing* and *cedar furniture*, between Greensboro Bend, Vt., and Babylon and Massapequa, L.I., Paramus, N.J., Orange and Southington, Conn.; (1) from Greensboro Bend over Vermont Highway 16 to junction Vermont Highway 15, thence over Vermont Highway 15 to Morrisville, Vt., thence over Vermont Highway 100 to Waterbury, Vt., thence over U.S. Highway 2 to Burlington, Vt., thence over U.S. Highway 7 to Vergennes, Vt., thence over Vermont Highway 22A to Fairhaven, Vt., thence over U.S. Highway 4 to Glen Falls, N.Y., thence over U.S. Highway 9 to Albany, N.Y., thence over the Triborough Bridge and the Long Island Expressway to Babylon and Massapequa, and return over the same route, serving no intermediate points; (2) from Greensboro Bend over the above-described route to Suffern, N.Y., thence over New Jersey Highway 17 to Paramus, and return over the same route, serving no intermediate points; (3) from Greensboro Bend over the route described in (1) above, to Waterbury, Vt., thence over U.S. Highway 2 to Barre, Vt., thence over Vermont Highway 14 to White River Junction, Vt., thence over U.S. Highway 5 to New Haven, Conn., thence over the Connecticut Turnpike and Connecticut Highway 152 to Orange, and return over the same route, serving no intermediate points, and (4) from Greensboro Bend, over the route described above to Hartford, Conn., thence over U.S. Highway 6 to junction Connecticut Highway 10, thence over Connecticut Highway 10 to Southington, and return over the same route, serving no intermediate points.

HEARING: March 26, 1962, at the Washington County Court House, Montpelier, Vt., before Examiner Alvin H. Schutrumpf.

No. MC 124022, filed November 30, 1961. Applicant: PAUL CONTE, 1449 Chestnut Avenue, Gloucester, N.J. Applicant's attorney: Morris J. Winokur, Suite 1920, Two Penn Center Plaza, Pennsylvania Boulevard, at 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated storm windows and uncrated storm doors, component parts and accessories* thereto, from Philadelphia, Pa., to points in New York, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia, and *returned, refused and rejected shipments*, on return.

HEARING: March 15, 1962, at Room 300, U.S. Custom Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Parks M. Low.

No. MC 124038 (Sub-No. 2), filed January 12, 1962. Applicant: CAROLINA TRANSPORT, INC., Statesville Road, P.O. Box 8123, Charlotte, N.C. Applicant's attorney: A. W. Flynn, Jr., 201–204 Jefferson Building, Greensboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New, used, and wrecked trucks, tractors, and trailers*, of the type commonly used by motor freight carriers in initial and secondary movements, in driveaway, haulaway and towaway service, between points in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Tennessee.

HEARING: March 12, 1962, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Lacy W. Hinely.

No. MC 124046 (Sub-No. 1), filed December 20, 1961. Applicant: VICTOR DE TIENNE, doing business as VICTOR DE TIENNE TRANSPORT CO., P.O. Box 698, Plains, Mont. Applicant's attorney: J. F. Meglen, 204–205 Behner Building, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Plains and Thompson Falls, Mont., to points in Illinois, Iowa, Minnesota, North Dakota, and South Dakota, and *contaminated, rejected, and exempt commodities* as specified above, on return.

HEARING: March 12, 1962, at the Yellowstone County Court House, Billings, Mont., before Examiner Richard White.

No. MC 124061, filed November 22, 1961. Applicant: RALPH WILLIAMS, doing business as NATCHEZ TRUCK SERVICE, Route 5, Box 123–C, Natchez, Miss. Applicant's attorney: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the Natchez-Adams County Port, near Natchez, Miss., on the one hand, and, on the other, points in Mississippi.

HEARING: March 14, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 97, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 124062, filed November 22, 1961. Applicant: FRICK TRANSPORT, INC., Wawaka, Ind. Applicant's attorney: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Chicago, Ill., to (1) points in Indiana on and north of U.S. Highway 40 (except points in De Kalb, Steuben, Noble and LaGrange Counties, Ind.), (2) points in Paulding, Van Wert, Fulton, Putnam, Lucas, Wood, and Hancock Counties, Ohio and, (3) points in Ottawa, Kent, Ionia, Clinton, Ingham, Eaton, Barry, Allegan, Van Buren, Kalamazoo, Calhoun, Jackson, Hillsdale, Branch, St. Joseph, Cass, and Berrien Counties, Mich., and *empty containers or other such incidental facilities* (not specified), used in transporting the above described commodities, on return.

HEARING: March 21, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Reece Harrison.

No. 124077, filed December 1, 1961. Applicant: A. C. MILLER, Rodney, Ontario, Canada. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) between ports of entry on the International Boundary Line between the United States and Canada at or near Detroit and Port Huron, Mich., and Buffalo, N.Y., on the one hand, and, on the other, points in New York, Pennsylvania, Ohio, Indiana, and Louisville, Ky., and (2) from ports of entry on the International Boundary Line between the United States and Canada at or near Detroit and Port Huron, Mich., to points in Michigan (except Detroit, Mich., and points in the Detroit, Mich., Commercial Zone, as defined by the Commission).

NOTE: Applicant states he is presently engaged in the above operation as a contract carrier by motor vehicle and by this application is seeking to convert his authority to that of a common carrier by motor vehicle.

HEARING: March 29, 1962, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner Reece Harrison.

No. MC 124117, filed December 21, 1961. Applicant: EARL FREEMAN, doing business as MID-TENN EXPRESS, Route No. 1, Unionville, Tenn. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* and *related advertising materials* from St. Louis, Mo., Peoria, Ill., Louisville, Ky., and Detroit, Mich. to points in Tennessee on and west of U.S. Highway 27 and east of the western traversal of the Mississippi River (excluding Nashville and Chattanooga, Tenn., and their commercial zones), and only *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in this application, on return.

HEARING: March 14, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Laurence E. Masoner.

No. MC 124150, filed January 15, 1962. Applicant: GEORGE T. SHAFLEY, doing business as FILM EXPRESS, 500 H Street NW., Washington, D.C. Applicant's attorney: Chester A. Zyblut, 1700 K Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motion picture film, and related matter incidental to motion picture film*, in express service, and *rejected shipments*, (1) (a) between Washington, D.C., New York, N.Y., and Philadelphia, Pa., (b) between Washington, D.C., Pittsburgh, Pa., and Cleveland, Ohio, and (c) between Washington, D.C., and Charlotte, N.C., and (2) between Washington, D.C., points in Montgomery, Baltimore, Frederick, Washington, and Allegheny Counties, Md., Jefferson and Berkeley Counties, W. Va., Franklin and Adams Counties, Pa., and Augusta, Franklin, Spottsylvania, Lancaster, Orange, Culpeper, Fauquier, Warren, Loudon, Fairfax, Prince William, Henrico, and Norfolk Counties, Va.

HEARING: March 19, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 124157, filed January 18, 1962. Applicant: GERMAIN FAUCHER, 177 12th Avenue, Drummondville, Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Corning glass tubes for fluorescent lights*, crated in boxes and loaded on pallets, from Central Falls, R.I., to the Port of Entry on the International Boundary between the United States and Canada located at Derby Line, Vt.; from Central Falls over Rhode Island Highway 114 to junction with Rhode Island Highway 116, thence over Rhode Island Highway 116 to junction with Rhode Island Highway 146, thence over Rhode Island Highway 146 to the Rhode Island-Massachusetts State line, thence over Massachusetts Highway 146 to junction with Interstate Highway 90, thence over Interstate Highway 90 to junction with U.S. Highway 5, thence over U.S. Highway 5 to the Port of Entry on the International Boundary between the United States and Canada at Derby Line, serving no intermediate or off-route points, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

NOTE: Applicant states the proposed operation is restricted to traffic destined to Drummondville, Province of Quebec, Canada.

HEARING: March 28, 1962, at the Washington County Court House, Montpelier, Vt., before Joint Board No. [illegible] if the Joint Board waives its right to participate before Examiner Alvin H. Schutrumpf.

No. MC 124158, filed January 17, 1962. Applicant: ROBERT W. BORN[illegible] AND A. R. MEAD, doing business as B & M AGRICULTURAL SERVICE, Route No. 2, Harrisburg, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potash*, in bulk and in sacks, from points in New Mexico to points in Jackson, Poinsett, Craighead, Mississippi, and Cross Counties, Ark.; and (2) *soybean meal*, in bulk and in sacks, from points in Jackson, Poinsett, Craighead, Mississippi, and Cross Counties, Ark., to points in Texas and New Mexico.

HEARING: March 28, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Laurence E. Masoner.

No. MC 124165, filed January 22, 1962. Applicant: REGINALD HATHAWAY, Melbourne, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, 1119-14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors, farm machinery, egg grading equipment*, and *poultry equipment*, from Ports of Entry along the St. Clair River along the International Boundary Line between the United States and Canada, to points in Michigan.

NOTE: The transportation proposed herein is restricted to the transportation of property in international commerce from the Dominion of Canada to designated points in the United States.

(2) *Tractors, farm machinery, egg grading equipment*, and *poultry equipment*, from points in Michigan, Indiana, Illinois, Iowa, and Pennsylvania, to Ports of Entry on the International Boundary Line between the United States and Canada along the Niagara, Detroit, and St. Clair Rivers.

NOTE: The transportation proposed is restricted to the transportation of property in international commerce from points in the United States, as indicated, to the Dominion of Canada.

HEARING: March 30, 1962, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner Reece Harrison.

MOTOR CARRIERS OF PASSENGERS

No. MC 1002 (Sub-No. 17), filed January 29, 1962. Applicant: ASBURY PARK-NEW YORK TRANSIT CORPORATION, Lake Avenue, Asbury Park, N.J. Applicant's attorney: Edward W. Currie, 123 Main Street, Matawan, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Lincroft, N.J., and Holmdel, N.J.; from junction of Lincroft Road and Newman Springs Road in Lincroft, over Newman Springs Road to

junction Monmouth County Highway 520 (also known as Holmdel to Red Bank Road); thence over Monmouth County Highway to junction New Jersey Highway 34 in Holmdel, and return over the same route serving all intermediate points.

NOTE: Applicant states it is affiliated through common ownership with Rollo Transit Corp. (MC 1137), and also Coastal Cities Coach Company (MC 29682).

HEARING: February 19, 1962, at the State Office Building, Room 212, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 3647 (Sub-No. 319), filed January 16, 1962. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between points in Wayne Township, N.J.: Beginning at the junction of Paterson-Hamburg Turnpike and Church Lane, over Church Lane to junction of Church Lane and Douglas Way, and return over the same route, serving all intermediate points.

NOTE: Applicant states it presently has authority to operate over Church Lane with closed doors in connection with its seasonal express service to New York, N.Y., during the period from May 15th to September 30th, inclusive of each year. It is requested that the existing closed door restriction of the applicant on Church Lane between Paterson-Hamburg Turnpike and Douglas Way be lifted for the purpose of serving intermediate points.

HEARING: March 12, 1962, at the State Office Building, Room 212, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 61016 (Sub-No. 17), filed January 22, 1962. Applicant: PETER PAN BUS LINES, INC., 144 Bridge Street, Springfield, Mass. Applicant's representative: William L. Mobley, 1694 Main Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special round-trip operations, beginning and ending at Springfield, Chicopee, Holyoke, Northampton, and West Springfield, Mass., and extending to Taconic Raceway, Pownal, Vt.

HEARING: March 21, 1962, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 187, or, if the Joint Board waives its right to participate, before Examiner Alvin H. Schutrumpf.

No. MC 62296 (Sub-No. 3), filed November 24, 1961. Applicant: HOMER V. WERNER, doing business as WERNER BUS LINES, Paradise and Chester Avenues, Phoenixville, Pa. Applicant's attorney: Robert H. Shertz, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operation, from Reading, Pa., and Conshohocken, Pa., and points in Pennsylvania on U.S. Highway 422 between Reading and Pottstown, Pa., to Atlantic City, N.J., and the Garden State Race Track in Camden County, N.J., and return.

HEARING: March 12, 1962, in Room 300, U.S. Custom Building, Second and Chestnut Streets, Philadelphia, Pa., before Joint Board No. 67, or, if the Joint Board waives its right to participate, before Examiner Parks M. Low.

No. MC 85028 (Sub-No. 7), filed December 18, 1961. Applicant: BERKSHIRE STREET RAILWAY COMPANY, a corporation, 1277 East Street, Pittsfield, Mass., Applicant's attorney: Edward N. Gadsby, Williamstown, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express*, *mail*, and *newspapers*, in the same vehicle with passengers, in seasonal operations during the racing season, between Great Barrington, Mass., and the Taconic Racing and Breeding Association Track at Pownal, Vt., from Main and Silver Streets in Great Barrington over U.S. Highway 7 through Stockbridge and Lenox, Mass., to Pittsfield, Mass., thence over Massachusetts Highway 9 to junction Massachusetts Highway 8, thence over Massachusetts Highway 8 through Cheshire and Adams, Mass., to North Adams and junction Massachusetts Highway 2, thence over Massachusetts Highway 2 to junction U.S. Highway 7 at Williamstown, Mass., thence over U.S. Highway 7 to Pownal, Vt., and thence over town roads to the race track of the Taconic Racing and Breeding Association (also from Lee, Mass., over U.S. Highway 20 to connect with the above route at Lenox, Mass.); and return over the above route, serving the intermediate points of Stockbridge, Lee, Lenox, Pittsfield, Cheshire, Adams, North Adams, and Williamstown, Mass.

HEARING: March 27, 1962, at the Washington County Court House, Montpelier, Vt., before Joint Board No. 187, or, if the Joint Board waives its right to participate, before Examiner Alvin H. Schutrumpf.

No. MC 96007 (Sub-No. 15), filed January 2, 1962. Applicant: KENNETH HUDSON, INC., doing business as HUDSON BUS LINES, 70 Union Street, Medford, Mass. Applicant's attorney: James H. Sullivan, 52 Maple Street, Danvers, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Passengers and their baggage and newspapers*, over designated REGULAR ROUTES between points in New Hampshire (Nashua, Salem Depot, Canobie Lake Park) and points in Massachusetts (Lawrence, Lowell, Medford, Arlington, Haverhill, and Ayer); and over IRREGULAR ROUTES from points in Middlesex and Suffolk Counties, Mass., to points in Massachusetts, New Hampshire, Rhode Island, Connecticut, and Maine, and return, the authority to be exactly the same as set forth in the Certificate in MC 96007, dated February 4, 1954, except that whereas under the existing authority the transportation over regular routes, of passengers and their baggage, and newspapers, between Nashua, N.H., and Lawrence, Mass., is restricted to "during the season extending from May 1st to November 30th, inclusive, of each year", applicant now requests that "the restrictive limitation as to dates from May 1st to November 30th, inclusive, of each year be amended so as to read 'when events are scheduled at Rockingham Park or Canobie Lake Park, Salem, N.H.'".

HEARING: March 19, 1962, at the New Post Office and Court House Building, Boston, Mass., before Examiner Alvin H. Schutrumpf.

No. MC 124108, filed December 21, 1961. Applicant: LOUIS MORGILLO, 179 Valley Street, New Haven, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between New Haven, Conn., and New York, N.Y.

HEARING: March 15, 1962, at the Bond Hotel, Hartford, Conn., before Examiner William A. Royall.

No. MC 124138, filed January 8, 1962. Applicant: SANTIAGO SAITTA, doing business as, SAITTA'S TAXI, Norwich Road, Colchester, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, and *their baggage*, in the same vehicle with passengers, between Colchester, Conn., and New York City, N.Y.

HEARING: March 16, 1962, at the Bond Hotel, Hartford, Conn., before Examiner William A. Royall.

No. MC 124145, filed January 12, 1962. Applicant: THOMAS N. McINTIRE, JR., 130 West High Street, Elkton, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, and *their baggage* in the same vehicle with passengers, in round-trip charter operations beginning and ending at points in Cecil County, Md., and extending to points in Maryland, Delaware, New Jersey, Pennsylvania, Virginia, and Washington, D.C.

HEARING: March 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John B. Mealy.

No. MC 124152, filed January 16, 1962. Applicant: LAKE REGION COACH CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between Paterson, N.J., and Carbondale, Pa.; from Paterson beginning at the City Hall on Ellison Street, over Ellison Street to junction Straight Street, thence over Straight Street to junction Haledon Avenue, thence over Haledon Avenue to junction Pompton Road, thence over Pompton Road to junction Paterson-Hamburg Turnpike, thence over Paterson-Hamburg Turnpike to junction Riverdale Avenue, thence over Riverdale Avenue to junction New Jersey Highway 23, thence over New Jer-

sey Highway 23 to junction New Jersey Highway 517 at Franklin, N.J., thence over New Jersey Highway 517 to junction Alternate New Jersey Highway 517 at Sparta, N.J., thence over Alternate New Jersey Highway 517 to junction U.S. Highway 206 at Newton, N.J., thence over U.S. Highway 206 to junction U.S. Highway 6 at Milford, Pa., thence over U.S. Highway 6 to Carbondale, and return over the same route, serving all intermediate points.

NOTE: Common control may be involved.

HEARING: March 13, 1962, at the State Office Building, Room 212, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 67.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PROPERTY

No. MC 12770, filed September 25, 1961. Applicant: BEKINS VAN & STORAGE CO., a corporation, 4118 North Central Avenue, Phoenix, Ariz. For a license (BMC 4) to engage in operations as a *broker* at points in Arizona, in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *Household Goods* as defined by the Commission, between points in the United States.

HEARING: March 23, 1962, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 240, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heinemann.

MOTOR CARRIERS OF PASSENGERS

No. MC 12784, filed December 4, 1961. Applicant: DONALD MITCHELL MARKS AND SAM H. MARKS, a partnership, doing business as AQUA-LAND COMPANY, 244 Brighton Beach Avenue, Brooklyn 35, N.Y. Applicant's attorney: George I. Kaplan, 231 Brighton Beach Avenue, Brooklyn 35, N.Y. For a license (BMC 5) to engage in operations as a *broker* at Brooklyn, N.Y., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, both as individuals and in groups, between points in New York and Vermont.

HEARING: March 13, 1962, at 346 Broadway, New York, N.Y., before Examiner Alvin H. Schrutrumpf.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2990 (Sub-No. 18), filed January 25, 1962. Applicant: BLUE ARROW TRANSPORT LINES, INC., 525 Burton Street SW., Grand Rapids, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the plant of the Eastman Kodak Company at Oak Brook, Ill., as an off-route point in connection with applicant's presently authorized regular route operations.

NOTE: Applicant states no service shall be rendered between the named plant site, on the one hand, and on the other, points in Lake and Porter Counties, Ind., nor between the named plant site on the one hand, and, on the other, points in Illinois.

No. MC 49304 (Sub-No. 8), filed January 29, 1962. Applicant: JAMES E. BOWMAN, doing business as BOWMAN TRUCKING CO., P.O. Box 6, Stephens City, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime* and *limestone products* (other than open hearth limestone) from Middletown, Va., and points within six (6) miles thereof, to points in Ohio; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

No. MC 104896 (Sub-No. 7), filed January 23, 1962. Applicant: WOMELDORF, INC., P.O. Box 232, Lewistown, Pa. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Baby supplies*, from the plant site of Gerber Products Company, Rochester, N.Y., to points in New Jersey, Pennsylvania, and points in the New York, N.Y., Commercial Zone, as defined by the Commission.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 255), filed December 18, 1961. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Robert J. Bernard, 140 South Dearborn Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, newspapers and mail*, in the same vehicle with passengers, between Florida Highway 95-A and Florida Highway 95-A, from North Junction U.S. Highway 29 and Florida Highway 95-A over U.S. Highway 29 to South junction U.S. Highway 29 and Florida Highway 95-A and return, over the same route, serving all intermediate points.

NOTE: Applicant is presently authorized to conduct operations in No. MC 1501, Sheet No. 18, between Pensacola, Fla., and Flomaton, Ala., over Florida Highway 95-A (formerly U.S. Highway 29). Applicant advises that if and when authority is granted to conduct operations over the above-described segment of highway, its present operations conducted over that portion of Florida Highway 95-A between the junctions above named, will be abandoned.

No. MC 1501 (Sub-No. 262), filed January 24, 1962. Applicant: THE GREYHOUND CORPORATION, Room 1500, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Robert J. Bernard, 140 South Dearborn Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Sioux Falls, S. Dak., and Council Bluffs, Iowa; from Sioux Falls over Interstate Highway No. 29 and return, over the same route, serving all intermediate points.

No. MC 1501 (Sub-No. 263), filed January 29, 1962. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago, Ill. Applicant's attorney: Robert J. Bernard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their hand baggage*, in the same vehicle with passengers, in special operations, from Milwaukee, Wis., to Fox Lake, Zion, and McHenry, Ill., and return.

NOTE: Applicant states the proposed operations are for social activities. Applicant further states common control may be involved.

No. MC 123916 (Sub-No. 4), filed January 26, 1962. Applicant: BRENTON B. HOLTER AND DALLAS L. SHULL, a partnership, doing business as GROVE CITY BUS LINES, R.D. No. 4, Grove City, Pa. Applicant's attorney: S. Harrison Kahn, 1110-14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers* in the same vehicle with passengers, (1) Between Union City, Pa., and Rouseville, Pa.; from Union City over Pennsylvania Highway 8 via Titusville, Pa., to Rouseville, and return over the same route, serving all intermediate points, (2) Between Erie, Pa., and Union City, Pa.; from Erie over Pennsylvania Highway 97 to Waterford, Pa., thence over Pennsylvania Highway 97 to Union City, and return over the same route, serving all intermediate points, and (3) Between Rouseville, Pa., and Oil City, Pa.; from Rouseville over Pennsylvania Highway 8 to Oil City and return over the same route, serving all intermediate points.

NOTICE OF FILING OF PETITIONS

No. MC 30319 (Sub-No. 23) (PETITION FOR REOPENING AND RECONSIDERATION FOR THE PURPOSE OF MODIFYING RESTRICTIONS AT RUNGE, NORDEIM AND YORKTOWN, TEXAS), filed January 12, 1962. Petitioner: SOUTHERN PACIFIC TRANSPORT COMPANY, Houston, Tex. Petitioner's attorney: Edwin N. Bell, 1000 Esperson Building, Houston 2, Tex. By petition filed January 12, 1962, petitioner advises that the route involved in the subject petition runs between Kenedy and Cuero, Tex., over Texas Highway 72 to its junction with U.S. Highway 87, and that this petition concerns the intermediate points of Runge, Nordheim, and Yorktown, Tex. The Certificate MC 30319 (Sub-No. 23), is subject to several restrictions, including the following: "1. The service to be performed shall be limited to that which is auxiliary to or supplemental of rail service of the Texas and New Orleans Railroad Company, hereinafter called the Railroad. "2. The carriers shall not render any service to or from any point not a station of the line of the railroad." The instant petition seeks the removal of the above restrictions, and the substitution therefor of restrictions reading as follows: "1. The service to be performed shall be limited to that which is auxiliary to or supplemental of rail service of Southern Pacific Company in Texas and Louisiana, hereinafter called the Railroad, except at Sublime, Hallettsville, Chapell Hill, Runge, Nordheim, and Yorktown, Tex. "2. The carrier shall not render any service to or from any point not a station on the line of the railroad except Cold Spring, Tex., and except the site of the Southern Production Company near Pledger, Tex., and the site of the Freeport Sulphur Plant near Damon, Tex., and except Sublime, Hallettsville, Chapell Hill, Runge, Nordheim, and Yorktown." Any person or persons desiring to oppose petitioner's proposal, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 35628 and Subs 1, 6, 11, 86, 109, 111, 118, 121, 134, 141, 154, 155, 156, 159, 163, 166, 169, 171, 174, 176, 179, 181, 184, 187, 199, 206, 207, 209, 210, 211, 213, 214, 218, 219, 220, 221, and 233 (PETITION FOR MODIFICATION OF CERTIFICATES), filed January 4, 1962. Petitioner: INTERSTATE MOTOR FREIGHT SYSTEM, Grand Rapids, Mich. Petitioner's attorney: Leonard D. Verdier, Jr., Michigan Trust Building, Grand Rapids 2, Mich. Petitioner's above-numbered Certificates are subject to an exception which, in effect, prohibits the transportation of *dangerous inflammables*. Sub 11, excludes the transportation of *inflammables*. The subject petition requests the deletion of these exceptions and requests reopening of the proceedings to the extent required to accomplish such modification. Any person or persons desiring to oppose petitioner's proposal, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 123408 (Sub-No. 2) (PETITION FOR WAIVER OF RULE 1.101(e) AND FOR LEAVE TO FILE PETITION SEEKING MODIFICATION OF AUTHORITY IN PERMIT), filed December 27, 1961. Petitioner: FOOD HAULERS, INC., Elizabeth, N.J. Petitioner's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. By petition filed December 27, 1961, petitioner advises that it succeeded, pursuant to a proceeding in MC-FC 64272, to the rights described in Permit MC 123408 (Sub-No. 2), covering the transportation of: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, between specified points in New Jersey and New York subject to a restriction reading: "The operations described herein are limited to a transportation service to be performed under special and individual contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act), who operate retail stores, the business of which is the sale of food, for the transportation of the commodities indicated and in the manner specified above." The subject petition seeks the removal of the above restriction and the substitution thereof of a restricted reading: "RESTRICTION: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Wakefern Food Corporation, Elizabeth, N.J." Any person or persons desiring to oppose petitioner's proposal, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 3005 (Sub-No 8), filed January 30, 1962. Applicant: CHICAGO KANSAS CITY FREIGHT LINE, INC., 1048 North Monroe Avenue, Kansas City, Mo. Applicant's attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including household goods and office furniture* (but excluding commodities of unusual size or value, Classes A and B explosives, commodities in bulk, and those requiring special equipment); (1) between points within a 50 mile radius of Springfield, Ill., and (2) between points within a 50 mile radius of Springfield, Ill., on the one hand, and, on the other, points in Illinois.

NOTE: The application is directly related to an application filed under section 5 of the Act, No. MC-F-8058, published in the FEDERAL REGISTER, issue of January 31, 1962.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8061. Authority sought for control and merger by CALIFORNIA MOTOR TRANSPORT CO., 235 Broadway, San Diego 1, Calif., of the operating rights and property of J. CHRISTENSON CO., 2500 Poplar Street, Oakland 7, Calif., and for acquisition by CITY TRANSIT SYSTEMS, and in turn by JESSE L. HAUGH, both of San Diego, Calif., of control of such rights and property through the transaction. Applicants' attorneys and representative respectively: Berol, Loughran, and Geernaert, 100 Bush Street, San Francisco 4, Calif., Waldo K. Greiner, 235 Broadway, San Diego 1, Calif., and Willard S. Johnson, P.O. Box 1147, Walnut Creek, Calif. Operating rights sought to be controlled and merged: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of California, as more specifically described in No. MC-97414 (Sub-No. 6). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8062. Authority sought for purchase by GAULT TRANSPORTATION, INC., 379 Main Street, Wareham, Mass., of the operating rights and property of THE COLLINS TRANSPORTATION CO., INC., 7 Perry Avenue, Taunton, Mass., and for acquisition by JOHN M. NEWKIRK, North Road, West Yarmouth, Mass., of control of such rights and property through the purchase. Applicants' attorney: Harry C. Ames, Jr., 529 Transportation Building, Washington 6, D.C. Operating rights sought to be transferred: *Liquid petroleum products*, as a *common carrier* over irregular routes between points in Rhode Island and points in Massachusetts on, south, and east of U.S. Highway 202, and *liquid petroleum products*, in tank trucks, from Braintree, Mass., to Keene and Manchester, N.H., and Norwich, Conn., and from Providence, East Providence, Pawtucket, and Tiverton, R.I., to points in Connecticut, on and east of Connecticut Highway 32. Vendee is authorized to operate as a *common carrier* in Rhode Island, Massachusetts, Connecticut, and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8063. Authority sought for purchase by CARL H. BEHNKE, an individual, doing business as BEHNKE, 77 South Monroe Street, Battle Creek, Mich., of the operating rights of ARVILLA M. NEWKIRK, an individual, doing business as REE NEWKIRK TRUCK LINE, 376 Orleans Street, Otsego, Mich. Applicants' attorney: L. F. Richardson, 608 Michigan National Tower, Lansing, Mich. Operating rights sought to be transferred: *Paper products* and *waste paper*, as a *contract carrier* over regular routes from Otsego, Mich., to Chicago, Ill., serving the intermediate and off-route points of Cicero, Ill., and Michigan City and South Bend, Ind., restricted to delivery of paper products only, *waste paper*, from Chicago, Ill., to Otsego, Mich., serving the intermediate and off-route points of Cicero, Ill., and Michigan City and South Bend, Ind., restricted to pick-up only, and from Fort Wayne, Ind., to Otsego, Mich., serving no intermediate points, and *paper products*, from Otsego, Mich., to Fort Wayne, Ind., serving the intermediate point of Elkhart, Ind., restricted to delivery only. Vendee is authorized to operate as a *contract carrier* in Michigan, Indiana, Ohio, Minnesota, and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8064. Authority sought for purchase by WITTE TRANSPORTATION COMPANY, 2481 North Cleveland Avenue, St. Paul 13, Minn., of a portion of the operating rights and certain property of HINES TRANSFER, INC., 209 North Broadway, Ellsworth, Wis., and for acquisition by H. G. McNEELY, 425 East Eighth Street, St. Paul, Minn., of control of such rights and property through the purchase. Applicants' representative: Salvatore F. Caruso, 2481 North Cleveland Avenue, St. Paul 13, Minn. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*

over irregular routes between points in the Towns of El Paso, Hartland, Salem, Ellsworth, and Rock Elm, Pierce County, Wis., on the one hand, and, on the other, Minneapolis, St. Paul, South St. Paul, Newport, Hastings, and Red Wing, Minn., between points in the Towns of Durand, Waterville, Lima, Rock Elm, Union, Peru, Eau Galle, Canton, Maxville, Wis., on the one hand, and, on the other, St. Paul, South St. Paul, Minneapolis, and Newport, Minn., and from Minneapolis, St. Paul, South St. Paul, Newport, and Red Wing, Minn., to points in the Town of Frankfort in Pepin County, Wis., *agricultural commodities* and *livestock*, from points in Frankfort, Wis., to Minneapolis, St. Paul, South St. Paul, Newport, and Red Wing, Minn., *livestock, agricultural commodities* and *wood*, from points in Rock Elm, Spring Lake, Union, Maiden Rock, Ellsworth, Waterville, Eau Galle, Wis., to St. Paul, South St. Paul, Minneapolis, Hastings, and Red Wing, Minn., and *agricultural implements, feed, seed, coal* and *farm supplies*, from St. Paul, South St. Paul, Minneapolis, Hastings, and Red Wing, Minn., to points in the Wisconsin Towns specified immediately above. Vendee is authorized to operate as a *common carrier* in Wisconsin, Minnesota, and North Dakota. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8065. Authority sought for control by TRUCKING ENTERPRISES, INC., Room 2900, 744 Broad Street, Newark, N.J., of TREDWAY'S EXPRESS, INC., 512 Myrtle Avenue, Boonton, N.J. Applicants' attorney: Bernard F. Flynn, Jr., York-Flynn Building, East Blackwell Street, Dover, N.J. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in New Jersey, between points in New Jersey, and between New York, N.Y., Secaucus, Hillside, Hoboken, Newark, Carlstadt, North Bergen, Wehawken, and Jersey City, N.J., on the one hand, and, on the other, points in Warren and Sussex Counties, N.J., and *radio equipment*, from Boonton, N.J., to Philadelphia, Pa. TRUCKING ENTERPRISES, INC., holds no authority from this Commission. However, it is affiliated with NEW JERSEY FORWARDING COMPANY, 80–86 Commercial Street, Newark, N.J., which is authorized to operate as a *common carrier* in New Jersey, New York, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8067. Authority sought for merger into COLONIAL MOTOR FREIGHT LINE, INCORPORATED, East College Drive, High Point, N.C., of the operating rights and property of WILKINSON TRUCKING COMPANY, INC., 214 West Tremont Street, Charlotte, N.C., and for acquisition by R. L. HONBARRIER, East College Drive, High Point, N.C., of control of such rights and property through the transaction. Applicants' attorney: Francis W. McInerny, Macdonald, and McInerny, 1000 Sixteenth Street NW., Suite 602 Solar Building, Washington 6, D.C. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Charlotte, N.C., and points within one mile of Charlotte, on the one hand, and, on the other, Augusta, Ga., and points in that part of North Carolina, South Carolina, and Tennessee, within 150 miles of Charlotte, N.C. COLONIAL MOTOR FREIGHT LINE, INCORPORATED is authorized to operate as a *common carrier* in North Carolina, Maryland, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–1228; Filed, Feb. 6, 1962; 8:47 a.m.]

[Notice 591]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 2, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64636. By order of January 26, 1962, the Transfer Board approved the transfer to Fountain's Garage, Inc., New Haven, Conn., of Certificate No. MC 116899, issued April 14, 1958, to Edward J. Fountain, doing business as Fountain's Garage, New Haven, Conn., authorizing the transportation, over irregular routes, of wrecked and disabled trailers designed to be drawn by passenger automobiles and wrecked, disabled and repossessed motor vehicles, between points in Connecticut, on the one hand, and, on the other, points in Rhode Island, Massachusetts, New York, and New Jersey. Bernard J. Virshup, 157 Church Street, New Haven, Conn., attorney for applicants.

No. MC–FC 63692. By order of January 26, 1962, the Transfer Board approved the transfer to Momsen Trucking Co., a corporation, Highways 18 and 71 North, Spencer, Iowa, of a portion of the operating rights in Certificate No. MC 111557 and subnumbers thereto, issued to Karl E. Momsen, doing business as Momsen Trucking Co., Highways 18 and 71, North, Spencer, Iowa, authorizing the transportation of: Specific commodities of a general nature, from and to, or between points as specified in Arkansas, Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin; and general commodities, excluding household goods, commodities in bulk, and other specified commodities, from and to, or between points as specified in Illinois, Iowa, Kansas, Minnesota, Missouri, and Nebraska.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–1229; Filed, Feb. 6, 1962; 8:47 a.m.]

[Ex Parte No. MC–30]

CINCINNATI, OHIO, COMMERCIAL ZONE

Order Denying Petition

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 24th day of January A.D. 1962.

It appearing that on September 10, 1940, the Commission, division 5, made and filed its report, 26 M.C.C. 49, in the above-entitled proceeding, determining the zone adjacent to and commercially a part of Cincinnati, Ohio, as thereafter modified by said division in reports in 41 M.C.C. 227 and 46 M.C.C. 733;

It further appearing that by petition filed July 29, 1960, A.B.&C. Motor Freight, Inc., of Augusta, Ky., and 11 other motor carriers, and Shillito's Department Stores, of Cincinnati, Ohio, seek to extend the eastern limits of the Cincinnati, Ohio, commercial zone as defined (25 F.R. 8699);

It further appearing that said petition has been the subject of a formal hearing and a recommended order by the hearing officer to which exceptions were filed;

And it further appearing that investigation of the matters and things involved in this proceeding has been made and said division, on the date hereof has made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof;

It is ordered, That said petition be, and it is hereby, denied, for the reasons stated in said report.

By the Commission, Division 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–1230; Filed, Feb. 6, 1962; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 2, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37537: *Peat to southern territory*. Filed by O. W. South, Jr., Agent (No. A4149), for interested rail carriers. Rates on peat, noibn, ground or not ground, in carloads, from Gulf, south Atlantic and Virginia ports (Import), to points in southern territory, also adjacent points in official-southern border territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 13 to Southern Freight Association tariff I.C.C. S–137.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–1226; Filed, Feb. 6, 1962; 8:47 a.m.]

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1961–62 Edition

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Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Fruits and Vegetables

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF TREATMENT OF OKRA FROM CERTAIN PARTS OF THE WEST INDIES AND RELATED INTERPRETATION

Pursuant to the authority conferred by § 319.56–2 of the regulations (7 CFR 319.56–2) supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56), under sections 5 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 159, 162), and other delegation of authority (22 F.R. 2679, as amended), administrative instructions and an interpretation to be designated as 7 CFR 319.56–2o are hereby issued to read as follows:

§ 319.56–2o Okra from West Indies.

(a) *Administrative instructions prescribing method of treatment of okra from certain parts of the West Indies.* Fumigation with methyl bromide at normal atmospheric pressure, in accordance with the following procedure is hereby prescribed as an alternate condition of importation under permit under § 319.56–2 for all shipments of okra from the West Indies, except okra produced in Andros Island of the Bahamas, and okra produced in the West Indies for importation into the American Virgin Islands.

(1) *West Indies.* As used in this section, the term "West Indies" means the foreign islands lying between North and South America, the Caribbean Sea, and the Atlantic Ocean, including among others, Cuba, Jamaica, Hispaniola, and the Bahama, Leeward and Windward Islands, but excluding the chain of islands adjacent and parallel to the north coast of South America (the largest of which are Aruba, Curaçao, Bonaire, Tortuga, Margarita, Trinidad, and Tobago).

(2) *Ports of entry.* Entry of okra is authorized only at New York, New Orleans, Miami, and such other ports as may be named in the permit.

(3) *Approval of fumigation chamber.* The treatment shall consist of fumigation with methyl bromide at normal atmospheric pressure, in a fumigation chamber which has been approved for that purpose by the Plant Quarantine Division. The Plant Quarantine Division will approve only those fumigation chambers that are properly constructed and adequately equipped to handle and treat okra, and are located within the practicable supervisory range of inspectors stationed at the authorized ports of entry and where the required supervision can be accomplished without encroaching upon normal port inspection assignments.

(4) *Fumigation schedule.* Such fumigation shall be in accordance with the following fumigation schedule:

Temperature (° F.)	Dosage (pounds of methyl bromide per 1,000 cubic feet)	Exposure period (hours)
90–96	1.0	2
80–89	1.5	2
70–79	2.0	2
60–69	2.5	2
50–59	3.0	2
40–49	3.5	2

(5) *Fumigation procedure.* Okra to be fumigated may be packed in slatted crates or other gas-permeable containers. The fumigation chamber shall not be loaded to more than two-thirds of its capacity. The containers may be stacked one on top of another, but a 3- to 4-inch space must be provided between each container throughout the load. Good air circulation above and below the load shall be provided as soon as the okra is loaded and must be continued during the full period of fumigation and until the okra has been removed to a well-ventilated location. Strong blasts of air should not be directed against the okra. Fumigation at temperatures in excess of 90° F. may result in injury to okra and should be avoided if possible. Past experience indicates that injury may also result from excess moisture, such as residual moisture from harvesting when dew-covered.

(6) *Supervision of fumigation.* (i) Inspectors of the Plant Quarantine Division will supervise the fumigation of okra and will specify such safeguards as may be necessary for the handling and transportation of the okra before and subsequent to fumigation; if, in the opinion of the inspector this is necessary to assure that there will be no pest risk associated with the importation and treatment. The final release of the okra for entry into the United States will be conditioned upon compliance with the specified safeguards.

(ii) Supervision of fumigation in approved chambers will, if practicable, be carried on as a part of normal port inspection activities and when so available will be furnished without cost to the owner of the okra or his representative.

(7) *Costs.* All costs of treatment and required safeguards and supervision, other than the services of the supervising inspector during regularly assigned hours of duty, shall be borne by the owner of the okra or his representative. Where normal inspection activities preclude the furnishing of supervision during regularly assigned hours of duty, supervision will be furnished on a reimbursable overtime basis and the owner of the okra or his representative will be charged in accordance with §§ 354.1 and 354.2 of this chapter.

(8) *Department not responsible for damage.* While the prescribed treatment is judged from experimental tests to be safe for use with okra, the Department assumes no responsibility for any damage sustained through or in the course of treatment or because of pretreatment or posttreatment safeguards. There has not been an opportunity to test these treatments under all conditions or on all okra varieties or on okra from all areas involved.

(b) *Interpretation regarding importation of okra from Andros Island of the Bahamas; and okra from the West Indies for importation into the American Virgin Islands.* Okra produced in Andros Island, Bahamas, may enter under permit and subject to inspection at the ports named in the permit. Okra produced in the West Indies may enter the American Virgin Islands under permit and subject to inspection.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162; 22 F.R. 2679, as amended. Interprets or applies sec. 5, 37 Stat. 316; 7 U.S.C. 159)

The foregoing provisions shall become effective February 8, 1962.

These instructions authorize the importation, under permit subject to approved fumigation, of okra produced in certain parts of the West Indies from which such importations have heretofore been prohibited. They also provide for the mandatory fumigation of okra from Cuba, which heretofore has been allowed entry under permit subject to inspection. This fumigation treatment provides for the entry of okra for marketing in the fresh state.

There has been an increasing interest in the production of winter vegetables, including okra, in the West Indies for shipment to the United States. The purpose of this action is to permit the importation of okra from parts of the West Indies where the pink bollworm (Pectinophora gossypiella Saund.) occurs, under the same entry conditions that have been prescribed for importations of okra from Mexico because of the presence of this pest in that country. Heretofore, okra produced in Cuba has been admissible under permit subject to inspection. The fumigation requirement is being extended to Cuban imports of okra since the pink bollworm occurs in that country as it does in other parts of the West Indies and Mexico, and under certain cultural conditions this serious pest of cotton will infest okra.

The pink bollworm is not known to occur on Andros Island in the Bahamas and okra produced on that island may be imported subject to inspection. Inasmuch as the pink bollworm occurs throughout the American Virgin Islands as well as the West Indies, no change was made in the present arrangements permitting okra produced in the West Indies to be imported under permit and

inspection into the American Virgin Islands.

These instructions should be made effective at the earliest practicable date insofar as they impose stricter requirements in order to prevent the spread of the pink bollworm by shipments of okra from Cuba and insofar as they relieve restrictions in order to be of maximum benefit to the importers of okra. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure on these instructions are impracticable and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of February 1962.

[SEAL] E. P. REAGAN,
Director, Plant Quarantine Division.

[F.R. Doc. 62-1302; Filed, Feb. 7, 1962; 8:50 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 128]

PART 1128—MILK IN CENTRAL WEST TEXAS MARKETING AREA

Order Amending Order

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AUTHORITY: §§ 1128.0 to 1128.111 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1128.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central West Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts of other source milk which is classified as Class I milk, all milk received from producers including a handler's own production, and milk received from a cooperative association in its capacity as a handler pursuant to § 1128.9(c).

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than March 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued November 20, 1961, and the decision containing all amendment provisions of this order, was issued January 9, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Central West Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows, except that the provisions of the base plan and all references thereto, including but not necessarily limited to those set forth below, continue to be suspended as set forth in the suspension order of March 1, 1959:

1. Sections 1128.15, 1128.16, 1128.73, 1128.80, and 1128.81 in their entirety;

2. In § 1128.30(a) the following: "and for the months of March through June the aggregate quantities of base milk and excess milk";

3. In § 1128.31(a) the following: "and for the months of March through June, each producer's deliveries of base milk and excess milk";

4. In § 1128.72 the phrase, "of July through February";

5. In § 1128.90(a) the phrase, "or § 1128.73";

6. In § 1128.91 the phrase, "or the uniform price for base milk computed pursuant to § 1128.73(e)"; and

7. Section 1128.91(b) in its entirety.

DEFINITIONS

§ 1128.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1128.2 Secretary.

"Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1128.3 Department.

"Department" means the United States Department of Agriculture or such other Federal Agency authorized to perform the price reporting functions specified in this part.

§ 1128.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1128.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 1128.6 Central West Texas marketing area.

"Central West Texas marketing area," hereafter called the "marketing area," means all territory within the boundaries of the Abilene Air Force Base and within the corporate limits of the following cities and towns, all in the State of Texas:

Abilene.	Lamesa.
Albany.	Merkel.
Anson.	Midland.
Aspermont.	Mineral Wells.
Ballinger.	Munday.
Big Spring.	Odessa.
Breckenridge.	Ranger.
Brownwood.	Rochester.
Cisco.	Rotan.
Coleman.	Rule.
Colorado City.	San Angelo.
Comanche.	Snyder.
Eastland.	Stamford.
Hamlin.	Sweetwater.
Haskell.	Tye.
Knox City.	Winters.

§ 1128.7 Approved plant.

"Approved plant" means:

(a) A milk plant approved by and under the routine inspection of the health authority of any municipality in the marketing area:

(1) From which Class I milk labeled Grade A in consumer packages is disposed of in the marketing area on routes, or

(2) At which milk is received from producers as defined in § 1128.10(a) and which serves as a receiving station at which producer milk is received, weighed and commingled and from which milk or skim milk (i) is moved during the month to an approved plant(s) specified in subparagraph (1) of this paragraph or paragraph (b), or (ii) was moved to any such plant(s) in an amount equal to 60 percent or more of the total receipts of producer milk during the months of October through January immediately preceding any month of April, May or June during which no milk was moved to such plant(s); or

(b) A milk plant approved by and under the routine inspection of a health authority other than that of a municipality in the marketing area from which Class I milk labeled Grade A in consumer packages is disposed of in the marketing area on a route operated wholly or partially in the marketing area in an amount equal to 10 percent or more of the total disposition of Class I milk from such plant during the month.

§ 1128.8 Unapproved plant.

"Unapproved plant" means any milk processing or distributing plant which is not an approved plant.

§ 1128.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of an approved plant;

(b) Any person in his capacity as the operator of an unapproved plant from which Class I milk is disposed of during the month on a route in the marketing area;

(c) Any cooperative association with respect to the milk of producers which it causes to be delivered directly from the farm for its own account, in tank truck(s) owned or operated by such association, to the approved plant of another handler described in § 1128.7(a)(1) or (b): *Provided*, That such milk shall be deemed to have been received by the cooperative association at an approved plant at the location of the plant to which it is delivered; or

(d) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 1128.10 Producer.

"Producer" means any person other than a producer-handler:

(a) Who produces milk under a dairy farm permit or rating for the production of milk to be disposed of for consumption as Grade A milk issued by the health authority of any municipality in the marketing area, which milk is received at an approved plant described in § 1128.7(a); or

(b) Who produces milk under a dairy farm permit or rating for the production of milk to be disposed of for consumption as Grade A milk issued by a health authority whose certification is accepted by the appropriate health authority of a municipality in the marketing area, which milk is received at an approved plant described in § 1128.7(b).

(c) "Producer" shall include any such person whose milk is received by a cooperative association pursuant to § 1128.9(c) or is regularly received at an approved plant, but whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received by the handler at the location of the approved plant at which it was received immediately prior to its being so diverted. "Producer" shall not include any person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this part pursuant to § 1128.61.

§ 1128.11 Producer milk.

"Producer milk" means only that skim milk or butterfat contained in (a) milk received at an approved plant directly from producers, (b) milk of producers diverted from an approved plant to an unapproved plant in accordance with the conditions set forth in § 1128.10(c), or (c) milk received by a cooperative association in its capacity as a handler pursuant to § 1128.9(c).

§ 1128.12 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 1128.41(a) except (1) such products received from other approved plants, including milk received from a cooperative association in its capacity as a handler pursuant to § 1128.9(c), or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 1128.41 (b)(1) or (c) from any source (including those produced in the plant), which are reprocessed or converted to another product during the month.

§ 1128.13 Producer-handler.

"Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk other than from his own production and from approved plants.

§ 1128.14 Route.

"Route" means any delivery (including any delivery by a vendor or at a plant store) of milk, skim milk, buttermilk or flavored milk drink other than in bulk to a milk processing plant.

§ 1128.15 Base milk.

"Base milk" means milk received from a producer by a handler during any of the months of March through June which is not in excess of such producer's daily average base computed pursuant to § 1128.80 multiplied by the number of days in such month for which such producer delivered milk to such handler.

§ 1128.16 Excess milk.

"Excess milk" means producer milk received by a handler during any of the months of March through June which is in excess of base milk received from such producer during such month, and it shall include all milk received from producers for whom no daily average base can be computed pursuant to § 1128.80.

MARKET ADMINISTRATOR

§ 1128.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1128.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1128.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 1128.98 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1128.97) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and such other means as he deems appropriate, the name of any person who, within 5 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to § 1128.30 to § 1128.32, inclusive; or

(2) Made payments pursuant to § 1128.90 to § 1128.99, inclusive.

(i) On or before the 12th day after the end of each month, report to each cooperative association, which so requests, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 1128.50 and the Class I butterfat differential pursuant to § 1128.52(a), both for the current month, and the minimum prices for Class II and Class II-A milk pursuant to § 1128.51 and the butterfat differential for Class II and Class II-A milk pursuant to § 1128.52(b), both for the preceding month.

(2) On or before the 12th day of each month, the uniform prices computed pursuant to § 1128.72 or § 1128.73 as applicable and the butterfat differential computed pursuant to § 1128.92, both applicable to milk delivered during the preceding month;

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(l) Furnish to a cooperative association upon request the data furnished to the market administrator pursuant to § 1128.31(a) with respect to milk of its members.

REPORTS, RECORDS AND FACILITIES

§ 1128.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator as follows for each approved plant operated by him, or, in the case of a cooperative association, for producer milk diverted by it:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and for the months of March through June, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II and II-A products disposed of in the form in which received without further processing or packaging by the handler);

(d) The quantities of skim milk and butterfat contained in or represented by all milk, skim milk, cream and products specified as Class I milk pursuant to § 1128.41(a) on hand to the beginning and the end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(f) The pounds of milk received from producers at each approved plant and the pounds of Class I milk disposed of from each such plant, if the handler operates more than one approved plant;

(g) The disposition of Class I products on routes wholly outside the marketing area; and

(h) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 1128.31 Reports of payments to producers.

On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month, for which milk was received from each such producer, and, for the months of March through June, such producer's deliveries of base milk and excess milk;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 1128.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 1128.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representatives during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 1128.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1128.40 Skim milk and butterfat to be classified.

All skim milk and butter fat received within the month by a handler which is required to be reported pursuant to § 1128.30 shall be classified by the market administrator pursuant to the provisions of §§ 1128.41 to 1128.46, inclusive.

§ 1128.41 Classes of utilization.

Subject to the conditions set forth in §§ 1128.43 and 1128.44, the classes of utilization shall be as follows:

(a) Class I milk shall be: (1) All skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream, sour cream and sour cream products under a Grade A label, and any mixture (except eggnog, aerated cream products and mixes for ice cream or other frozen dairy products) of cream and milk or skim milk: *Provided, however*, That when any such product is fortified with nonfat milk solids the amount of skim milk to be classified as Class I shall be only that amount equal to the weight of skim milk in an equal volume of unfortified product of the same nature and butterfat content, and (2) all skim milk and butterfat not specifically accounted for as Class II or Class II-A.

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) or (c) of this section;

(2) Disposed of for livestock feed;

(3) In actual shrinkage of skim milk and butterfat, respectively, not to exceed the following;

(i) Two percent of receipts directly from producers (excluding milk diverted pursuant to § 1128.10(c)); plus

(ii) 1.5 percent of bulk receipts of milk from other handlers except that where the handler is purchasing milk from a cooperative association in its capacity as a handler pursuant to § 1128.9 (c) and files with the market administrator, prior to the first day of the month, notice that he is purchasing such milk on the basis of the butterfat tests of farm drawn samples and weights determined at the farm, the applicable percentage on such milk shall be 2 percent, less

(iii) 1.5 percent of bulk transfers of milk from an approved plant to other milk plants (in the case of a cooperative association selling milk to a handler on the basis of farm weights and tests, as provided in subdivision (ii) of this subparagraph (3) the applicable percentage shall be 2.0, plus

(iv) Shrinkage in other source milk determined pursuant to § 1128.42.

(4) In inventory of any products specified in subparagraph (a)(1) of this section on hand at the end of the month; and

(5) Skim milk contained in any fortified product designated in paragraph (a)(1) of this section in excess of the pounds of skim milk in such product classified as Class I pursuant to such subparagraph.

(c) Class II-A milk shall be all skim milk and butterfat used to produce Cheddar cheese.

§ 1128.42 Shrinkage on other source milk.

The market administrator shall determine the shrinkage in other source milk as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler, and

(b) Assign a pro rata share of such shrinkage to other source milk on the basis of the percentage that such other source milk represents of total receipts at such plant to which shrinkage may be assigned to Class II pursuant to § 1128.41(b)(3).

§ 1128.43 Responsibility of handlers and reclassification of milk.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1128.44 Transfers.

Skim milk or butterfat disposed of by a handler by either transfer or diversion from an approved plant shall be classified:

(a) At the class mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred, otherwise as Class I milk, if transferred or diverted in the form of milk, skim milk or cream, to the approved plant of another handler (except a producer-handler), subject in either event to the following conditions:

(1) The receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat respectively; and

(2) Such skim milk or butterfat shall be classified so as to allocate to producer milk the greatest possible Class I utilization in the two plants.

(b) As Class I milk, if transferred to a producer-handler in the form of milk, skim milk or cream;

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk to an unapproved plant more than 300 miles distant by the shortest highway distance, as determined by the market administrator;

(d) As Class I milk if transferred in the form of cream under Grade A certification to an unapproved plant located more than 300 miles distant and as Class II milk if so transferred without Grade A certification;

(e) As Class I milk if transferred or diverted in the form of bulk milk, skim milk or cream to an unapproved plant located not more than 300 miles distant by the shortest highway distance and from which fluid milk is disposed of on wholesale or retail routes, unless the conditions in subparagraph (1) and (2) of this paragraph are met:

(1) The market administrator is permitted to audit the records of such unapproved plant; and

(2) Such unapproved plant receives milk from dairy farmers who the market administrator determines constitute its regular source of supply for Class I milk.

(3) If these conditions are met, the market administrator shall classify such milk as reported by the handler, subject to verification as follows:

(i) Determine the use of all skim milk and butterfat at such unapproved plant; and

(ii) Allocate the skim milk and butterfat so transferred or diverted to the

highest use classification remaining after subtracting in series beginning with the highest use classification, the skim milk and butterfat in milk received at the unapproved plant direct from dairy farmers; and

(f) As Class II milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 300 miles distant by the shortest highway distance from which fluid milk is not disposed of on wholesale or retail routes, except that if diverted or transferred in the form of milk, to such unapproved plant which manufactures American Cheddar cheese such milk shall be classified as Class II–A milk: *Provided*, That if receipts of milk at such transferee plant are greater than the amount of milk used in the production of American Cheddar cheese during the month, the market administrator shall assign the Class II–A usage in the transferee plants, first to the milk received at such plant from dairy farmers and unapproved plants, and then pro rata to all milk transferred or diverted to such cheese plant from approved plants.

§ 1128.45 Computation of the skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1128.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1128.45, the market administrator shall determine the classification of milk received by each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 1128.41 (b) (3) (i) through (iii);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest class (Class II–A milk) the pounds of skim milk in other source milk received during the month in a form other than milk, skim milk, or cream;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest class (Class II–A milk) the pounds of skim milk in other source milk received during the month in the form of Class I items;

(4) Subtract from the remaining pounds of skim milk, in series beginning with Class II, the pounds of skim milk contained in the Class I items in inventory at the beginning of the month;

(5) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(6) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk, or cream according to its classification as determined pursuant to § 1128.44(a); and

(7) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with the lowest class. Any amount so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I milk, Class II milk and Class II–A milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 1128.50 Class I milk.

Subject to the provisions of §§ 1128.52 and 1128.53 the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class I milk shall be the price for Class I milk established under Part 1126 of this chapter regulating the handling of milk in the North Texas marketing area, plus 25 cents.

§ 1128.51 Class II and Class II–A milk.

(a) *Class II milk.* Subject to the provisions of § 1128.52, the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II milk shall be the sum of the plus values computed as follows:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof and multiply by 4.0;

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and multiply by 0.96

(b) *Class II–A milk.* Subject to the provisions of § 1128.52, the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II–A milk shall be computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month involved.

§ 1128.52 Butterfat differential to handlers.

If the average butterfat content of the milk of any handler allocated to any class pursuant to § 1128.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to §§ 1128.50 and 1128.51, for each one-tenth of one percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 4.0 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the appropriate month, by the applicable factor listed below and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25; and

(b) *Class II and Class II–A milk.* Multiply such price for the current month by 1.10 for the months of March, April, May, and June, and by 1.15 for each of the other months of the year.

§ 1128.53 Location adjustment to handlers.

For milk classified as Class I milk the price set forth in § 1128.50 shall be subject to the following adjustments:

(a) For milk received from producers at an approved plant located within 70 highway miles of the United States Post Office in Midland, Texas, such price shall be increased 15 cents;

(b) For milk received from producers at an approved plant located (1) east of the 103d principal meridian, (2) more than 180 highway miles from the United States Post Office in Midland, Texas, and also (3) at the following highway distances from the United States Post Office in Abilene, Texas, such price shall be reduced as follows:

	Cents
More than 70 miles but less than 105 miles	20
105 miles or more	35

(c) If a handler operates two or more approved plants at which different Class I prices apply, the total milk received by such handler from producers and classified as Class I milk shall be assigned to the milk received from producers at each such plant in the following sequence:

(1) The Class I milk disposed of from each such plant shall be assigned to receipts from producers at such plant to the extent of such receipts;

(2) Class I milk disposed of from any such plant in excess of receipts from producers at such plant shall be assigned to milk received from producers at other approved plants of such handler pro rata to the volumes of producer milk moved to such plant from each such other plant to the extent that milk was so moved; and

(3) Any remaining milk received from producers and classified as Class I milk shall be assigned pro rata to receipts from producers to which Class I milk is not otherwise assigned.

§ 1128.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1128.60 Producer-handlers.

Sections 1128.40 through 1128.46, 1128.50 through 1128.53, 1128.70 through 1128.76, 1128.80, 1128.81 and 1128.90 through 1128.99 shall not apply to a producer-handler.

§ 1128.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except that the operator thereof shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) An approved plant pursuant to § 1128.7 (a) (1) or (b) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I route disposition is made in such other marketing area unless notwithstanding the provisions of this paragraph it is regulated under such other order.

(b) An approved plant pursuant to § 1128.7 (a) (1) or (b) which also meets the pooling requirements of another Federal order on the basis of route distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is fully regulated under such other Federal order.

(c) An approved plant pursuant to § 1128.7(a) (2) which (1) meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part or, (2) retains automatic pooling status for the month under another Federal order by virtue of its performance in previous months.

§ 1128.62 Handlers operating unapproved plants from which Class I milk is disposed of in the marketing area.

In the case of any handler described in § 1128.9(b) who is not subject to the provisions of § 1128.61, the reporting, pricing and payment provisions of this part shall apply only as follows:

(a) The handler shall report as required pursuant to §§ 1128.30 and 1128.31, reporting receipts from and payments to dairy farmers in lieu of such information with respect to producers, and shall allow verification of such reports pursuant to § 1128.33;

(b) With respect to either all skim milk and butterfat disposed of as Class I milk during the month on routes operated wholly or partially within the marketing area or only the skim milk and butterfat disposed of as Class I milk on routes within the marketing area if the handler maintains and makes available to the market administrator the facilities and records (including the accounts of individual sales outlets) necessary to verify and establish such disposition, the handler shall pay to the market administrator on or before the 25th day after the end of the month, any plus difference between:

(1) The value of such skim milk or butterfat at the Class I price which would be applicable at an approved plant thus located; and

(2) The value of such skim milk and butterfat at the price paid dairy farmers by such handler for milk received at the unapproved plant from them during the month, adjusted by the method used in computing payments to such dairy farmers to the average butterfat test of Class I milk disposed of in the marketing area: *Provided*, That if such handler has paid more than one such price, the lowest price(s) paid for an equivalent volume of milk shall be used in this computation; and

(c) As his pro rata share of the expense of administration of this part, the handler shall pay to the market administrator, with respect to all Class I milk disposed of on routes in the marketing area, an amount per hundredweight and in the manner specified in § 1128.98.

DETERMINATION OF UNIFORM PRICE

§ 1128.70 Computation of each handler's pool obligation.

For each month, the market administrator shall compute the pool obligations of each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1128.46 by the applicable class price and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from either class pursuant to § 1128.46(a) (7) and (b) by the applicable class price;

(c) Add the amount computed by multiplying the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1128.46(a) (4) and the corresponding step of paragraph (b); and

(d) If any other source milk has been subtracted from Class I pursuant to § 1128.46(a) (2) and the corresponding step of paragraph (b), add an amount equal to its value computed at the difference between the applicable Class I and Class II price for the current month.

§ 1128.71 Computation of aggregate value used to determine price(s).

For each month the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1128.70 for all handlers who made the reports prescribed in § 1128.30 and who made payments due pursuant to §§ 1128.90 and 1128.94 for the preceding month;

(b) Subtract the aggregate of the values of all plus location adjustments to producers pursuant to § 1128.91, and add the aggregate of the values of all such minus adjustments;

(c) Add not less than one-half of the unobligated cash balance on hand in the producer-settlement fund; and

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 1128.92 and multiplying the resulting figures by the total hundredweight of such milk.

§ 1128.72 Computation of uniform price.

For each of the months of July through February the market administrator shall compute the uniform price per hundredweight for all milk of 4.0 percent butterfat content received at an approved plant as follows:

(a) Divide the aggregate value computed pursuant to § 1128.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 1128.73 Computation of uniform prices for base and excess milk.

For each of the months of March through June the market administrator shall compute the uniform prices per hundredweight for base and excess milk each of 4.0 percent butterfat content received from producers at an approved plant as follows:

(a) Compute the total value of excess milk included in these computations by (1) multiplying the total volume of Class II–A milk by the price for Class II–A milk, (2) subtracting the total quantity of Class II–A milk from the total volume of excess milk and multiplying the remainder by the Class II price, (3) adding together the values obtained in subparagraphs (1) and (2) of this paragraph,

and (4) adding the amount, if any, by which the value computed pursuant to paragraph (c) (1) of this section exceeds the value computed pursuant to paragraph (c) (2) of this section;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers;

(c) The total value of base milk included in these computations shall be the lesser of:

(1) The aggregate value computed pursuant to § 1128.71 less the value computed pursuant to paragraph (a) (1) of this section, or

(2) The hundredweight of such base milk multiplied by the price for Class I milk of 4.0 percent butterfat content plus 4 cents;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations;

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

Determination of Base

§ 1128.80 Computation of daily average base for each producer.

For the months of March through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 1128.81, by dividing the total pounds of milk received by a handler(s) from such producer during the immediately preceding base-forming period of September through December, by the number of days from the first day for which such producer made deliveries during such period to the last day of such period, less the number of days for which no deliveries are made, or by 112, whichever is more.

§ 1128.81 Base rules.

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 1128.80 to each person for whose account producer milk was delivered to a handler(s) during the base-forming period;

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the beginning of the month next following the receipt by the market administrator of an application for such transfer, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, or assigns and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferrable only upon the receipt of such application signed by all joint holders or their heirs, or assigns.

Payments

§ 1128.90 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) for such month computed pursuant to § 1128.72 or § 1128.73, adjusted by the butterfat differential computed pursuant to § 1128.92, subject to location adjustments to producers pursuant to § 1128.91, and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That if by such date such handler has not received full payment pursuant to § 1128.95, he may reduce his total payments to all producers uniformly by not less than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each month, to each producer for whom payment is not made pursuant to paragraph (c) of this section for milk received during the first 15 days of such month at not less than the Class II price of the preceding month.

(c) On or before the 13th and 23d days of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producer. Such payment shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 1128.31.

§ 1128.91 Location adjustments to producers.

(a) In making payments to producers pursuant to § 1128.90 the following adjustments shall apply to the uniform price for all milk computed pursuant to § 1128.72 or to the uniform price for base milk computed pursuant to § 1128.73 (e):

(1) For milk received from producers at an approved plant located within 70 highway miles of the United States Post Office in Midland, Texas, each handler shall add 15 cents;

(2) For milk received from producers at an approved plant located (i) east of the 103d principal meridian (ii) more than 180 highway miles from the United States Post Office in Midland, Texas, and, also (iii) at the following distances from the United States Post Office in Abilene, Texas, each handler may deduct the applicable amounts set forth below:

	Cents
More than 70 miles but less than 105	20
105 miles or more	25

(b) The location adjustment applicable with respect to excess milk shall be computed as follows:

(1) Subtract from the total amount of Class I milk allocated to producer milk pursuant to § 1128.46 the total volume of base milk received by all handlers;

(2) Divide the result by the total volume of excess milk received by all handlers; and

(3) Multiply by the rate of location adjustment applicable for base milk received at the same location and round to the nearest cent.

§ 1128.92 Producer butterfat differential.

In making payments pursuant to § 1128.90(a), there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average, as computed by the market administrator of the daily wholesale selling prices per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month when such milk was received, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 1128.93 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 1128.95 (b), 1128.94 and 1128.96, and out of which he shall make all payments to handlers pursuant to §§ 1128.95 and 1128.96.

§ 1128.94 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the pool obligation of such handler as determined pursuant to § 1128.70 is greater than the amount required to be paid producers by such handler pursuant to § 1128.90.

§ 1128.95 Payments out of the producer-settlement fund.

On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 1128.70 is less than the amount required to be paid producers by such handler pursuant to § 1128.90: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1128.96 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due;

(a) The market administrator from such handler;

(b) Such handler from the market administrator; or

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amounts so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1128.97 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 1128.90(a), shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which such deduction was computed for each such producer.

§ 1128.98 Expenses of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of each month, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, (b) milk from producers, including such handler's own production, and (c) milk received from a cooperative association in its capacity as a handler pursuant to § 1128.9(c).

§ 1128.99 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to 8(c)(15)(A) of the act, a petition claiming such money.

Effective Time, Suspension or Termination

§ 1128.100 Effective time.

The provisons of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 1128.101.

§ 1128.101 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 1128.102 Continuing power and duty of the market administrator.

If upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1128.103 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

Miscellaneous Provisions

§ 1128.110 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1128.111 Separability of provisions.

If any provision of this part or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this part to other persons or circumstances, shall not be affected thereby.

Effective date. March 1, 1962.

Signed at Washington, D.C., on February 2, 1962.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-1307; Filed, Feb. 7, 1962; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-1]

PART 13—PROHIBITED TRADE PRACTICES

Ru-Ex, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* §13.170–52 *Medicinal, therapeutic, healthful, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Ru-Ex, Inc., et al., St. Paul, Minn., Docket C–1, Oct. 17, 1961]

In the Matter of Ru-Ex, Inc., a Corporation, and William H. Fraser, and Reggie L. Fraser, Individually and as Officers of Said Corporation

Consent order requiring St. Paul, Minn., distributors of their "Ru-Ex Compound" to cease falsely representing in advertising the therapeutic effect of lemon juice used with the preparation in treatment of arthritis and related diseases.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Ru-Ex, Inc., a corporation, and its officers, and William H. Fraser and Reggie L. Fraser, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation "Ru-Ex Compound", or any other medicinal or drug preparation of substantially the same formula, whether sold under this name or any other names, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement, directly or indirectly:

(a) Represents that lemon juice, however used, exerts any therapeutic effect on any kind of arthritis, rheumatism or neuritis or on the symptoms or manifestations thereof.

(b) Represents that any ingredient of, or substance to be used in conjunction with, said preparation exerts any therapeutic effect on any disease or ailment or on the symptoms or manifestations of any disease or ailment, when in fact such ingredient or substance exerts no such therapeutic effect.

(c) Represents that the therapeutic value of such preparation is other than that of temporary relief of the minor aches and pains of arthritis, rheumatism or neuritis.

2. Disseminating or causing to be disseminated, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any preparation, which advertisement contains any of the representations prohibited in Paragraph 1 hereof.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 17, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–1273; Filed, Feb. 7, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–FW–89]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On March 22, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 2414) stating that the Federal Aviation Agency was considering alteration of low altitude VOR Federal airway No. 3 west alternate from Jacksonville, Fla., to Brunswick, Ga., by extending it from Jacksonville to Savannah, Ga. It was also stated that the floor of the control area associated with Victor 3, its east alternate and its proposed west alternate between Jacksonville, Fla., and Savannah, Ga., would be designated to extend upward from 1,200 feet above the surface in accordance with the provisions of Amendment 60–21 to Part 60 of the Civil Air Regulations.

On September 20, 1961, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8853) stating that the Federal Aviation Agency was amending the original notice as follows:

1. Withdraw the proposal to redesignate Victor 3 west alternate to extend from Jacksonville to Savannah, and to redesignate the floor of control areas associated with Victor 3 and its alternates between these points.

2. Realign the present Victor 3 west alternate between the Jacksonville VOR to the Brunswick VOR.

3. Designate Intermediate altitude VOR Federal airway No. 1655 from Jacksonville to Savannah.

No adverse comments were received regarding the proposed amendments. However, the Air Transport Association of America did suggest that the airspace underlying the proposed intermediate altitude airway be designated as controlled airspace to permit the routing of aircraft below 14,500 feet MSL through that area when the Townsend, Ga., Restricted Area (R–3006) is not being used for the purposes designated. A proposal to this effect will be forthcoming upon completion of the study for implementation in this area of Amendment 60–21 to Part 60 of the Civil Air Regulations.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12583) and for the reasons stated in the notice, the following actions are taken:

§ 600.6003 [Amendment]

1. In the text of § 600.6003 (14 CFR 600.6003) "including a west alternate via the INT of the Jacksonville VOR 349° and the Brunswick VOR 238° radial;" is deleted and "including a west alternate via the INT of the Jacksonville VOR 334° and the Brunswick VOR 238° radials;" is substituted therefor.

2. Part 600 (14 CFR 600) is amended by adding:

§ 600.1655 VOR Federal airway No. 1655 (Jacksonville, Fla., to Savannah, Ga.).

From the Jacksonville, Fla., VOR via the INT of the Jacksonville VOR 334° and the Savannah, Ga., VOR 216° radials; to the INT of the Alma, Ga., VOR 083° and the Savannah VOR 216° radials; thence 8 mile wide airway to the Savannah VOR.

These amendments shall become effective 0001, e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 2, 1962.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 62–1263; Filed, Feb. 7, 1962; 8:46 a.m.]

[Airspace Docket No. 61–WA–190]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Designation and Alteration

The purpose of these amendments to Part 600 and §§ 600.6810 and 600.6880 is to designate low altitude VOR Federal airway No. 856 and extend low altitude VOR Federal airway Nos. 810 and 880 from Chicago, Ill., to New York, N.Y.

The 800 series airways are designated to indicate preferred routes of flight between major terminal areas for the purpose of segregating opposite direction traffic and generally coincide with existing low altitude VOR Federal airways. They simplify flight planning for pilots and indicate the direction of normal traffic flow. It has been determined that 800 series airways are necessary to meet the above requirements between the Chicago, Ill., and New York, N.Y., terminal areas. Therefore, action is taken to designate Victor 856 and extend Victor 810 and Victor 880 between the Chicago, Ill., and the New York, N.Y., metropolitan areas.

Since this amendment imposes no additional burden on any person, nor involves the designation of additional controlled airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

1. In Part 600 (14 CFR 600) the following is added:

§ 600.6856 VOR Federal airway No. 856 (Chicago, Ill., Metropolitan Area to New York, N.Y., Metropolitan Area); normal traffic flow eastbound.

From the Northbrook, Ill., VORTAC via the Pullman, Mich., VORTAC; Lansing, Mich., VOR; Salem, Mich., VORTAC; Windsor, Ontario, Canada, VOR; Erie, Pa., VORTAC; Bradford, Pa., VOR; Slate Run, Pa., VOR; Milton, Pa., VORTAC; INT of the Selinsgrove, Pa., VORTAC 083° and the Tower City, Pa., VOR 040° radials; Allentown, Pa., VORTAC; to the Solberg, N.J., VORTAC, excluding the portion which lies over Canada.

§ 600.6810 [Amendment]

2. In the caption of § 600.6810 (26 F.R. 21) "to the Chicago, Ill., Metropolitan Area" is deleted and "to the New York, N.Y., Metropolitan Area" is substituted therefor.

3. In the text of § 600.6810 (26 F.R. 21) "to the Northbrook, Ill., VORTAC." is deleted and "Northbrook, Ill., VORTAC; Pullman, Mich., VORTAC; Lansing, Mich., VOR; Salem, Mich., VORTAC; Windsor, Ontario, Canada, VOR; Erie, Pa., VORTAC; Bradford, Pa., VOR; Slate Run, Pa., VOR; Selinsgrove, Pa., VORTAC; Tower City, Pa., VOR; Yardley, Pa., VOR; to the Robbinsville, N.J., VOR, excluding the portion which lies over Canada" is substituted therefor.

§ 600.6880 [Amendment]

4. In the caption of § 600.6880 (26 F.R. 5868) "From the Chicago, Ill., Metropolitan Area" is deleted and "From the New York, N.Y., Metropolitan Area" is substituted therefor.

5. In the text of § 600.6880 (26 F.R. 5868) "From the Joliet, Ill., VORTAC via the Bradford, Ill., VOR; Burlington, Iowa, VOR; Kirksville, Mo., VORTAC; to the Kansas City, Mo., VORTAC." is deleted and "From the INT of the Sparta, N.J., VOR 300° and the Tannersville, Pa., VORTAC 055° radials via the Wilkes-Barre, Pa., VOR; Stonyfork, Pa., VORTAC; Bradford, Pa., VOR; Erie, Pa., VORTAC; Windsor, Ontario, Canada VOR; Salem, Mich., VORTAC; INT of the Pullman, Mich., VORTAC 091° and the Keeler, Mich., VOR 061° radials; Keeler, VOR; Naperville, Ill., VOR; Joliet, Ill., VORTAC; Bradford, Ill., VOR; Burlington, Iowa, VOR; Kirksville, Mo., VORTAC; to the Kansas City, Mo., VORTAC; excluding the portion which lies over Canada." is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 2, 1962.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 62–1264; Filed, Feb. 7, 1962; 8:46 a.m.]

[Airspace Docket No. 60–LA–94]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Federal Airway, Associated Control Areas, and Reporting Points

On October 10, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9556) stating that the Federal Aviation Agency proposed to revoke low altitude Red Federal airway No. 109 and its associated control areas from Portland, Oreg., to Spokane, Wash.

Although not stated in the notice, action is taken herein to revoke § 601.4309, reporting points associated with Red 109. Since revocation of Red 109 between Portland and Spokane would include the entire airway, there would no longer be a requirement to retain § 601.4309 in Part 601 of the Regulations of the Administrator.

No adverse comments were received regarding the amendments proposed in the notice.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. In Part 600 (14 CFR 600) § 600.309 Red Federal airway No. 109 (Portland, Oreg., to Spokane, Wash.), is revoked.

2. In Part 601 (14 CFR 601) § 601.309 Red Federal airway No. 109 control areas (Portland, Oreg., to Spokane, Wash.), is revoked.

3. In Part 601 (14 CFR 601) § 601.4309 Red Federal airway No. 109 (Portland, Oreg., to Spokane, Wash.), is revoked.

These amendments shall become effective 0001 e.s.t. April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 2, 1962.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 62–1265; Filed, Feb. 7, 1962; 8:46 a.m.]

[Airspace Docket No. 60–LA–98]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Federal Airway, Associated Control Areas, and Reporting Points

On June 26, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 4890) stating that the Federal Aviation Agency proposed to revoke low altitude Blue Federal airway No. 14 from Campo, Calif., to Julian, Calif., and from Riverside, Calif., to Wheeler Ridge, Calif., its associated control areas and reporting points. It was also stated that the route served by Blue 14 is adequately served by low altitude VOR Federal airways Nos. 458 and 137. In addition, it was stated that the revocation of Blue 14 would not necessarily result in the discontinuance of the low frequency navigational aids associated with this airway and that any proposals to discontinue one or more of these aids would be processed in accordance with current Agency procedures. These procedures afford interested persons an opportunity to comment on such action.

The Departments of the Navy and the Air Force offered no objection to the proposed amendments.

The National Association of State Aviation Officials opposed the proposed amendments unless the VFR pilot can be guaranteed the navigational capability provided by the low frequence navigational facilities for operation through the Cajon Pass and for avoidance of the many restricted areas and climb corridors north and east of this VFR Flyway.

The Aviation Director, San Bernardino County, Calif., in commenting on the proposals stated that there is now a proposal under consideration to abandon Victor 137 from Thermal to Palmdale and that if this is accomplished, Blue 14 must be retained. He further stated that a requirement exists for a controlled airway through Cajon Pass and underneath the approaches to George AFB and underneath the George AFB Restricted Area/Military Climb Corridor.

The Federal Aviation Agency has no plans to decommission either the Palmdale or the Riverside L/MF radio range stations in the foreseeable future. Accordingly, these facilities will be available for VFR navigation between Palmdale and Riverside. Any action to decommission these facilities would not be taken until a specific proposal to do so had been widely publicized and interested persons afforded every opportunity to comment on such action.

Blue 14 and Victor 137 both have a minimum en route altitude of 12,000 feet MSL in the vicinity of Cajon Pass and the George AFB Restricted Area/Military Climb Corridor (R–2526). The lowest floor of R–2526 where it crosses

both Blue 14 and Victor 137 is 10,900 feet MSL. Therefore, IFR operations along these route segments would not permit clearance beneath R-2526 but would require prior approval to traverse the restricted area. In addition this segment of Victor 137 is within the Victorville, Calif., transition area (§ 601.10010). If both Blue 14 and Victor 137 were revoked, IFR operations could be conducted in the vicinity of Cajon Pass and R-2526 by utilizing appropriate radials of existing VOR navigational facilities.

No adverse comments were received regarding revocation of the segment of Blue 14 between Wheeler Ridge and Palmdale and between Julian and Campo.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. In Part 600 (14 CFR 600) § 600.614 Blue Federal airway No. 14 (Campo, Calif., to Julian, Calif., and Riverside, Calif., to Wheeler Ridge, Calif.), is revoked.

2. In Part 601 (14 CFR 601) § 601.614 Blue Federal airway No. 14 control areas (Campo, Calif., to Julian, Calif., and Riverside, Calif., to Wheeler Ridge, Calif.), is revoked.

3. In Part 601 (14 CFR 601) § 601.4614 Blue Federal airway No. 14 (Campo, Calif., to Julian, Calif., and Riverside, Calif., to Wheeler Ridge, Calif.), is revoked.

These amendments shall become effective 0001 e.s.t. April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 2, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1266; Filed, Feb. 7, 1962; 8:46 a.m.]

[Airspace Docket No. 61-KC-38]

PART 608—SPECIAL USE AIRSPACE

Modification of Amendment

On January 20, 1962, amendments to §§ 601.7101 and 608.34 of the Regulations of the Administrator were published in the FEDERAL REGISTER (27 F.R. 617) which altered the Camp Atterbury, Ind., Restricted Area R-3401 and the description of the continental control area.

Subsequent to the publication of the amendment, an error was noted in the description of the boundaries of R-3401. As stated in the preamble, the purpose of the alteration of R-3401 was to increase the designated altitudes, increase the time of designation, and assign a controlling agency. Alteration of the boundaries was not intended. Therefore, action is taken herein to correct this error.

Since 30 days will elapse from the time of publication of this action to the effective date of the rule as initially adopted, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 61-KC-38 (27 F.R. 617) is modified as follows:

Item 1 is amended to read: In § 608.34 Indiana, R-3401 Camp Atterbury, Ind. (26 F.R. 7194) is amended to read:

R-3401 Camp Atterbury, Ind.

Boundaries. Beginning at Lat. 39°21'30" N., Long. 86°06'00" W.; to Lat. 39°21'30" N., Long 85°59'30" W.; to Lat. 39°13'00" N., Long. 85°59'30" W.; to Lat. 39°13'00" N., Long. 86°06'00" W.; to the point of beginning.

Designated altitudes. Surface to 40,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Indianapolis ARTC Center.

Using agency. Commanding Officer, Camp Atterbury, Ind.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 2, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1267; Filed, Feb. 7, 1962; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Reg. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950 ——)

Waiver of Recovery or Adjustment of Overpayment

Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1 et seq.), are further amended as follows:

1. Section 404.509 is amended to read as follows:

§ 404.509 "Against equity and good conscience"; defined.

"Against equity and good conscience" means that adjustment or recovery of an overpayment will be considered inequitable if the individual (regardless of his financial circumstances) has, by reason of the overpayment relinquished a valuable right (illustrated by examples (1) and (2) below) or changed his position for the worse (illustrated by examples (3) and (4) below).

Example 1. After being awarded old-age insurance benefits, an individual resigned from employment on the assumption he would receive regular monthly benefit payments. It was discovered 3 years later that (due to Bureau error) his award was erroneous because he did not have the required insured status. Due to his age, the individual was unable to get his job back and could not get any other employment. In this situation, recovery or adjustment of the incorrect payments would be against equity and good conscience because the individual gave up a valuable right.

Example 2. An individual filed for a disability insurance benefit instead of an old-age insurance benefit because he believed himself to be age 61. He relied at the time on evidence in his possession showing him to be age 61 which he had every reason to believe was correct. He was awarded and paid disability insurance benefits. Two years later other evidence was obtained which proved beyond doubt that the individual actually was age 65 when he filed for his disability insurance benefit. Consequently, the payment of disability insurance benefits was incorrect. However, because of the award of these benefits he relinquished his right to file with greater promptitude (that is, at the time he filed for disability insurance benefits) for old-age insurance benefits. Thus, recovery or adjustment of the incorrect payment for those months for which he is not entitled to old-age insurance benefits would be against equity and good conscience.

Example 3. A widow having been awarded benefits for herself and daughter, entered her daughter in college because the monthly benefits made this possible. After the widow and her daughter received payments for almost a year, the deceased worker was found to be not insured and all payments to the widow and child were incorrect. The widow has no other funds with which to pay the daughter's college expenses. Having entered the daughter in college and thus incurred a financial obligation toward which the benefits had been applied, she was in a worse position financially than if she and her daughter had never been entitled to benefits. In this situation, the recovery of the incorrect payments would be inequitable.

Example 4. X died without leaving an estate. Z, a friend, paid the burial expenses of $150 and filed a claim for a lump-sum death payment on X's earnings record. After receiving the lump-sum death payment of $150, Z used the payment to purchase a marker for the deceased's grave. Thereafter, it was discovered that X lacked the required insured status and thus the lump sum was paid in error. Recovery of the $150 from Z is considered to be against equity and good conscience because in reliance on the payment he changed his position for the worse. Solely by reason of the lump-sum death payment, he made a purchase which he otherwise would not have made.

2. Section 404.510 is amended to read as follows:

§ 404.510 When an individual is "without fault" in a deduction-overpayment.

Except as provided in § 404.511, or elsewhere in this Subpart F, an individual will be considered "without fault" in accepting a payment which is incorrect because he failed to report an event specified in sections 203 (b) and (c) of the Act, or an event specified in section 203(d) of the Act as in effect for monthly benefits for months after December 1960, or because a deduction is required under sections 203 (b), (c), (d), or section 222(b) of the Act, or payments were not withheld as required by section 203(b) of the Act, if it is shown that such failure to report or acceptance of the overpayment was due to one of the following circumstances:

(a) Reasonable belief that only his net cash earnings ("take-home" pay) are included in determining the annual earnings limitation or the monthly earnings limitation under section 203(e) of the Act in effect prior to the effective date of the Social Security Amendments of 1960, and section 203(f) of the Act as amended in 1960.

(b) Reliance upon erroneous information from an official source within the Social Security Administration (or other governmental agency which the individual had reasonable cause to believe was connected with the administration of benefits under title II of the Act) with respect to the interpretation of a pertinent provision of the Social Security Act or regulations pertaining thereto. For example, this circumstance could occur where the individual is misinformed by such source as to the interpretation of a provision in the Act or regulations relating to deductions, or relating to the effect of residence of an alien outside the United States for more than 6 months.

(c) Amount of beneficiary's allowable earnings for deduction purposes for a taxable year beginning after 1954 is reduced below $1,200 by reason of his death in that year.

(d) Gross annual earnings in a taxable year beginning before January 1, 1961, exceed the $1,200 earnings limitation by an amount not in excess of the employee social security tax on $1,200.

(e) Reasonable belief that in determining, for deduction purposes, his earnings from employment and/or net earnings from self-employment in the taxable year in which he became entitled to benefits, earnings in such year prior to such entitlement would be excluded. However, this provision does not apply if his earnings in that taxable year, beginning with the first month of entitlement, exceeded $1,200.

(f) Unawareness that his earnings were in excess of the earnings limitation applicable to the imposition of deductions and the charging of excess earnings as applied both before and after the effective date of the Social Security Amendments of 1960, or that he should have reported such excess where these earnings were greater than anticipated because of:

(1) Retroactive increases in pay, including back-pay awards;

(2) Work at a higher pay rate than realized;

(3) Failure of the employer of an individual unable to keep accurate records to restrict the amount of earnings or the number of hours worked in accordance with a previous agreement with such individual;

(4) The occurrence of five Saturdays (or other work days, e.g. five Mondays) in a month and the earnings for the services on the fifth Saturday or other work day caused the deductions.

(g) The continued issuance of benefit checks to him after he sent notice to the Bureau of the event which caused or should have caused the deductions provided that such continued issuance of checks led him to believe in good faith that he was entitled to checks subsequently received.

(h) Lack of knowledge that bonuses, vacation pay, or similar payments, constitute earnings for purposes of the annual earnings limitation.

(i) Reasonable belief by an individual that no deductions are applicable for any month in the taxable year if after he earned $1,200 he restricts his monthly earnings to $80 or less, for months in any taxable year beginning after December 1954 or to $100 or less for months in any taxable year beginning after August 1958, and he so restricts his earnings.

(j) Reasonable belief that earnings in excess of $1,200 for the taxable year would subject him to deductions only for months beginning with the first month in which his earnings exceeded $1,200. However, this provision is applicable only if he reported timely to the Bureau during the taxable year when his earnings reached $1,200.

(k) Lack of knowledge by a wife, husband, or child entitled to wife's, husband's, or child's insurance benefits, as the case may be, that the individual entitled to old-age insurance benefits on the same earnings record has incurred or would incur deductions because of a violation of the annual earnings or 7-day foreign work test, whichever is applicable, provided the wife, husband, or child is not living with such old-age insurance beneficiary and did not know and had no reason to know that such beneficiary's earnings activity or the income derived therefrom has caused or would cause such deductions.

(l) Reasonable belief, with respect to earning activity for months after December 1954, that earnings from employment and/or net earnings from self-employment after the attainment of age 72 in the taxable year in which he attained age 72 would not cause deductions with respect to benefits payable for months in that taxable year prior to the attainment of age 72.

(m) Reasonable belief by an individual entitled to child's, wife's, husband's, widow's, widower's, mother's, or parent's insurance benefits that earnings from employment and/or net earnings from self-employment after the termination of entitlement (other than termination by reason of entitlement to an old-age insurance benefit) in the taxable year in which the termination event occurred would not cause deductions with respect to benefits payable for months in that taxable year prior to the month in which the termination event occurred.

(n) Failure to understand the deduction provisions of the Act or the occurrence of unusual or unavoidable circumstances the nature of which clearly shows that the individual was unaware of a violation of such deduction provisions. However, these provisions do not apply unless he made a bona fide attempt to restrict his annual earnings or otherwise comply with the deduction provisions of the Act.

3. Section 404.512 is amended to read as follows:

§ 404.512 When adjustment or recovery will be waived in a deduction overpayment.

(a) *Adjustment or recovery deemed "against equity and good conscience."* In the situations described in § 404.510 (a), (b), (c), and (d), adjustment or recovery will be waived since it will be deemed such adjustment or recovery is "against equity and good conscience." Adjustment or recovery will also be deemed "against equity and good conscience" in the situation described in § 404.510(e), but only as to a month in which the individual's earnings from wages do not exceed the total monthly benefits affected for that month.

(b) *Adjustment or recovery considered to "defeat the purpose of title II" or be "against equity and good conscience" under certain circumstances.* In the situation described in § 404.510(e) (except in the case of an individual whose monthly earnings from wages in employment do not exceed the total monthly benefits affected for a particular month), and in the situations described in § 404.510 (f) through (n), adjustment or recovery shall be waived only where the evidence establishes that adjustment or recovery would work a financial hardship (see § 404.508) or would otherwise be inequitable (see § 404.509).

§ 404.514 [Deletion]

4. Section 404.514 is deleted in entirety.

(Sec. 204, 53 Stat. 1368, as amended, sec. 205, 53 Stat. 1368, as amended, sec. 1102, 49 Stat. 647, as amended; 42 U.S.C. 404, 405, 1302; sec. 5 of Reorganization Plan No. 1 of 1953; 67 Stat. 18)

Effective date: The foregoing amendments shall become effective on the date of publication in the FEDERAL REGISTER.

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

JANUARY 29, 1962.

Approved February 1, 1962.

ABRAHAM RIBICOFF,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 62-1284; Filed, Feb. 7, 1962; 8:48 a.m.]

[Regs. No. 4, Further Amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950 ——)

Miscellaneous Amendments

Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1 et seq.) are further amended as follows:

1. Section 404.601 is amended to read as follows:

§ 404.601 Meaning of terms.

(a) *Claimant defined.* The term "claimant" for purposes of this subpart refers to the individual who has filed on his own behalf, or on whose behalf a proper party under § 404.603 has filed, an application for monthly benefits, a lump-sum death payment, a recomputation of a primary insurance amount, or the establishment of a period of disability.

(b) *Application defined.* Unless otherwise specified, the term "application" refers only to an application on a form prescribed in § 404.602, and includes an

application for monthly benefits, a lump-sum death payment, a recomputation of a primary insurance amount, and the establishment of a period of disability.

(c) *Filing of application on prescribed form.* Except as provided in §§ 404.611, 404.613, and 404.614, an individual has not "filed an application" for purposes of section 202, 216(i), or 223 of the act or for purposes of recomputation of a primary insurance amount until an application on a form prescribed in § 404.602 has been filed in accordance with the regulations in this subpart.

(d) *Execution of application defined.* The term "to execute an application" (or a written statement, request, or notice, see §§ 404.610 and 404.613) means the completion and signing of the application (or written statement, request, or notice). Irrespective of who may have completed the items on the application, or written statement, request, or notice, the document is considered to have been executed by or on behalf of such claimant when it is signed by the claimant (or an individual authorized to do so on his behalf under § 404.603).

2. Section 404.602 is amended to read as follows:

§ 404.602 Prescribed application forms.

Applications shall be made as provided in this Subpart G on such forms and in accordance with such instructions (provided thereon or attached thereto) as are prescribed by the Administration. (See Part 422 for list of appropriate forms.)

3. Section 404.603 is revised to read as follows:

§ 404.603 Execution of applications.

The Administration determines who is the proper party to execute an application for benefits in accordance with the following rules:

(a) If the claimant has attained the age of 18, is mentally competent, and is physically able to execute the application, the application shall be executed by him.

(b) If the claimant is between the ages of 16 and 18, is mentally competent, has no legally appointed guardian, committee, or other representative, and is not in the care of any person, such claimant may execute the application upon filing a statement on the prescribed form indicating capacity to act on his own behalf.

(c) If the claimant is mentally competent but has not attained age 18 and is in the care of a person, the application may be executed by such person.

(d) If the claimant (regardless of his age) has a legally appointed guardian, committee, or other representative, the application may be executed by such guardian, committee, or representative. For proper person to execute an application on behalf of an estate which is equitably entitled to a lump-sum death payment, see § 404.341.

(e) If the claimant (regardless of his age) is mentally incompetent or is physically unable to execute the application, it may be executed by the person who has the claimant in his care or by a legally appointed guardian, committee, or other representative.

(f) Where the claimant is in the care of an institution and is not mentally competent or physically able to execute an application, the manager or principal officer of such institution may execute the application.

(g) For good cause shown, the Administration may accept an application executed by a person other than one described in paragraph (b), (c), (d), (e), or (f) of this section.

4. Section 404.605 is amended to read as follows:

§ 404.605 Claimant must be alive when application is filed.

For an application to be effective, the claimant must be alive at the time the properly executed application (see § 404.603) is filed with the Bureau (see § 404.608). If a potential claimant dies before the application executed by him or on his behalf is filed, there can be no entitlement for that individual. (See § 404.342 where a person potentially equitably entitled to the lump-sum death payment dies before filing an application.)

5. Section 404.606 is revised to read as follows:

§ 404.606 Filing of application for monthly benefits before the first month for which individual may become entitled to such benefits.

(a) *Old-age and survivors insurance benefits.* An application for monthly benefits (other than an application for disability insurance benefits) will be accepted as an application for such benefits if it is filed not more than 3 months prior to the first month for which the claimant could become entitled to such benefits. Any such application filed within such 3-month period shall be deemed filed in the first month for which the claimant could be entitled to such benefits.

(b) *Disability insurance benefits*—(1) *Application filed prior to March 1960.* An application for disability insurance benefits filed after September 1956 and prior to March 1960 will be accepted as an application for such benefits if it was filed not more than 9 months prior to the first month for which the claimant could become entitled to such benefits and while the claimant was under a disability.

(2) *Application filed after February 1960.* An application for disability insurance benefits filed after February 1960 will be accepted as an application for such benefits for months no earlier than September 1960 if it is filed not more than 9 months prior to the month for which the claimant could become entitled to such benefits; except that, where clause (ii) of section 223(a)(1) of the act (concerning prior entitlement to disability insurance benefits and/or a prior period of disability) is applicable, an application for disability insurance benefits may not be filed more than 6 months prior to the first month for which the claimant could become entitled to such benefits. An application filed within the 9-month or 6-month period, as the case may be, shall be deemed filed in the first month for which the claimant could be entitled to such benefits, but no earlier than September 1960.

(c) *Recomputation of benefits.* See §§ 404.261 to 404.268 for application requirements for recomputation of benefits.

(d) *Specific dates.* Where any of the provisions in this Part 404 become effective on the basis of an application filed on or after a specific date, this section shall apply only if the application is filed on or after that date.

6. Section 404.607 is revised to read as follows:

§ 404.607 Filing of application for monthly benefits after first month for which individual may become entitled to such benefits.

(a) *Old-age and survivors insurance benefits.* An application for monthly benefits (except an application for disability insurance benefits) filed at any time after the first month for which the claimant could have been entitled to such benefits (see Subpart D for first month for which a person could become entitled) will be accepted as an application for purposes of entitlement to such benefits beginning with any of the following months:

(1) Six months immediately preceding the month in which the application is filed (but not before the first month for which he could become entitled) if such application is filed after December 1950 and prior to September 1960, except that it cannot be accepted as an application for any month prior to September 1950; or

(2) Twelve months immediately preceding the month in which the application is filed (but not before the first month for which he could become entitled) if such application is filed after August 1954, except that it cannot be accepted as an application for any month prior to February 1954.

For purposes of determining whether the individual has met all conditions of entitlement in such prior months, the application shall have the same effect as through it had been filed in such months.

(b) *Disability insurance benefits.* An application for disability insurance benefits filed while the claimant was under a disability and at any time after the first month for which he could have become entitled to such benefits, will be accepted as an application for such benefits beginning with 12 months immediately preceding the month in which such application is filed but not before the first month for which he could become entitled, provided he was under a disability in such first month and such disability continued until the time such application was filed. However, it may not be accepted as an application for any month prior to July 1957, the first month for which disability insurance benefits were payable. For purposes of determining whether the individual has met all conditions of entitlement in such prior months, the application shall have the same effect as though it had been filed in such months.

(c) *Recomputation of benefits.* See §§ 404.261 to 404.268 for application requirements for recomputation of benefits.

(d) *Restricting retroactivity.* Except where an application is deemed to have been filed under conditions described in § 404.607b, a claimant may limit the number of months for which his application is retroactive. He may exercise this right by an appropriate statement on the application form or on a supplement to it.

7. Section 404.607a is revised to read as follows:

§ 404.607a Filing of application for the establishment of a period of disability.

(a) *Application filed before beginning of period of disability prior to March 1960.*—(1) *Application filed after December 31, 1954, and prior to March 1960.* An application filed after December 31, 1954, and prior to March 1960 to establish a period of disability will be accepted as an application for such purpose if it was filed while the claimant was under a disability and not more than 3 months before the first day on which a period of disability may begin for the claimant.

(2) *Application filed after February 1960.* An application filed after February 1960 to establish a period of disability will be accepted as an application for such purpose if it is filed not more than 6 months before the first day on which a period of disability may begin for the claimant; except that, where clause (ii) of section 223(a)(1) of the act (concerning prior entitlement to disability insurance benefits and/or a prior period of disability) is applicable, an application for such purpose may be filed as early as 6 months before the first day on which a period of disability may begin for the claimant. An application filed within such 3-month or 6-month period, as the case may be, shall be deemed filed in the first month in which a period of disability may begin for the claimant. Where the 6-month period is applicable in connection with clause (ii) of section 223(a)(1) of the act, the period of disability may begin no earlier than September 1960.

(b) *Application filed after beginning of period of disability.* Where a claimant files an application to establish a period of disability beginning prior to the date of filing the application and has been continuously disabled from such time up to the time of filing, a period of disability may be established commencing prior to the date of filing subject to the following rules:

(1) *Application filed prior to July 1, 1962.* An application filed after December 31, 1954, and prior to July 1, 1962, may establish a period of disability commencing no earlier than October 1, 1941.

(2) *Application filed after June 30, 1962.* An application filed after June 30, 1962, may establish a period of disability commencing no earlier than 18 months prior to the day such application is filed.

8. A new § 404.607b is added after § 404.607a to read as follows:

§ 404.607b Filing of application for benefits for months before age 65.

(a) *Old-age insurance benefits.* If the first month for which an individual is entitled to an old-age insurance benefit is a month before the month such individual attains age 65, and if such individual is eligible for a wife's or husband's insurance benefit for such first month, such individual shall be deemed to have filed an application for wife's or husband's insurance benefits in such first month.

(b) *Husband's and wife's insurance benefits.* If the first month for which an individual is entitled to a husband's or wife's insurance benefit reduced under section 202(q) of the act is a month before the month such individual attains age 65, and if such individual is eligible for an old-age insurance benefit for such first month, such individual shall be deemed to have filed application for old-age insurance benefits in such first month, or, where such application is filed in August 1961 or later and such individual is also entitled to disability insurance benefits for such first month, in the first month after the month his entitlement to disability insurance benefits terminates.

9. Section 404.608 is amended to read as follows:

§ 404.608 When an application or written statement, request, or notice, is considered to have been filed; time and place of filing.

(a) *Date of receipt.* Except as otherwise provided in this Subpart G, an application (or written statement, request, or notice) is considered to have been filed only as of the date it is received at an office of the Bureau or by an employee of the Social Security Administration who has been authorized to receive such application (or written statement, request, or notice) at a place other than such office. However:

(1) Applications, statements, requests, or notices submitted to an office maintained by the Foreign Service of the United States by or on behalf of a claimant residing outside the United States shall be considered to have been filed with the Bureau as of the date it is received at such office of the Foreign Service.

(2) Applications, statements, requests, or notices submitted to the Veterans' Administration Regional Office in the Philippines, or to an employee of the Veterans' Administration in the Philippines authorized to receive such applications, statements, requests, or notices, at a place other than such office, shall be considered to have been filed with the Bureau as of the date it is received at such office of the Veterans' Administration or by such authorized employee.

(3) In cases of claimants having 10 or more years of service in the railroad industry (see Subpart O of this part), or entitled to annuities on the basis of awards under the Railroad Retirement Act prior to October 30, 1951, who file with an office of the Railroad Retirement Board an application for an annuity based upon a disability, such application shall be deemed an application to establish a period of disability under section 216(i) of the act. The application shall be considered to have been filed with the Bureau as of the date of filing determined by the Railroad Retirement Board.

(4) Applications filed with the Veterans' Administration on forms prescribed in section 3005 of title 38 United States Code (see § 404.611a) by or on behalf of an individual who may, upon filing a proper application therefor with the Bureau, be entitled to child's insurance benefits (see § 404.312), widow's insurance benefits (see § 404.319), mother's insurance benefits (see § 404.325), or parent's insurance benefits (see § 404.328), as the case may be, shall be considered also to have been filed with the Bureau as of the date of filing determined by the Veterans' Administration.

(b) *Date of mailing.* If the application, statement, request, or notice, is deposited in and transmitted by the United States mail and the fixing of the date of delivery as the date of filing would result in a loss or impairment of benefit rights, it will be considered to have been received as of the date of mailing (except in cases described in subparagraphs (3) and (4) of paragraph (a) of this section). The date appearing on the postmark (when available and legible) shall be prima facie evidence of the date of mailing.

10. Section 404.610 is revised to read as follows:

§ 404.610 Execution of requests and notices.

Except as otherwise provided in this Part 404, any request for a determination or decision relating to a person's right to monthly benefits, the establishment of a period of disability, a lump-sum death payment, a recomputation of a primary insurance amount, a revision of records of earnings, the withdrawal of an application, the withdrawal of a request for revision of records of earnings, the cancellation of a request for withdrawal, or any notice provided for by the regulations in this Part 404, shall be in writing and shall be signed by the person authorized to execute an application under § 404.603. (See § 404.608 for the place of filing requests and notices.)

11. Section 404.613 is revised to read as follows:

§ 404.613 When written statement considered an application.

(a) *Written statement filed by claimant.* Where a claimant files a written statement with the Bureau (see § 404.608) which indicates an intention to claim monthly benefits, a lump-sum death payment, a recomputation of a primary insurance amount, or to establish a period of disability, and such statement bears his signature or his mark properly witnessed, such claimant shall, unless he otherwise indicates, be deemed to have "filed an application" for such purposes, providing an application on a prescribed form (see § 404.602), executed by the claimant or a proper party on his behalf (see § 404.603), is filed while the claimant is alive (see § 404.605) and within the period prescribed in paragraph (c) of this section.

(b) *Written statement filed by person other than the claimant.* A written

statement filed by an individual which indicates an intention to claim on behalf of another person monthly benefits, a lump-sum death payment, a recomputation of a primary insurance amount, or to establish a period of disability shall, unless the claimant or a proper party on his behalf otherwise indicates, be deemed to be the "filing of an application" for such purposes, provided:

(1) The written statement bears the signature (or mark properly witnessed) of the individual filing the statement;

(2) The individual filing the statement is the spouse of the claimant or a proper party to execute an application on a prescribed form on behalf of the claimant as determined by § 404.603; and

(3) An application on a prescribed form (see § 404.602), executed by the claimant or a proper party on his behalf (see § 404.603), is filed while the claimant is alive (see § 404.605) and within the period prescribed in paragraph (c) of this section.

(c) *Period within which application on prescribed form must be filed.* The Bureau, or the Veterans' Administration Regional Office in the Philippines, as the case may be, shall notify the claimant (or, where the claimant is a minor or incompetent, the individual who submitted the written request on behalf of the claimant) in writing that an initial determination will be made with respect to the written statement only if a prescribed application form is filed by or on behalf of the claimant within 6 months from the date of such notification. If such a prescribed application form is not filed by or on behalf of the claimant within such 6-month period, the claimant shall be deemed to have indicated that the filing of such written statement is not to be considered the filing of an application for purposes of monthly benefits, a lump-sum death payment, a recomputation of a primary insurance amount, or to establish a period of disability, as appears from such written statement.

12. The heading of § 404.614 is amended to read as follows:

§ 404.614 When written statement filed with Railroad Retirement Board is considered an application.

13. Section 404.615 is revised to read as follows:

§ 404.615 Withdrawal of application and request for revision of records of earnings.

A claimant (or a person who is a proper party under § 404.603 to execute an application on his behalf) may withdraw his previously filed application or request for revision of records of earnings maintained by the Bureau, if he files a written request for withdrawal, such request for withdrawal is filed on or before the date the Bureau makes a determination upon the application or request for revision of records of earnings, the claimant is alive at the time of filing the request for withdrawal, and the Bureau approves the request for withdrawal. After such withdrawal, further action will be taken by the Bureau only upon the filing of a new application, or request for revision, except as provided in § 404.615a.

14. Section 404.615a is amended to read as follows:

§ 404.615a Cancellation of request for withdrawal.

Before or after a written request for withdrawal has been approved by the Bureau, the claimant (or a person who is authorized under § 404.603 to execute an application on his behalf) may request that the "request for withdrawal" be cancelled and that the withdrawn application or request for revision of records of earnings be reinstated. Such request for cancellation must be in writing and must be filed, in a case where the requested withdrawal was approved by the Bureau, no later than 60 days after such approval. The claimant must be alive at the time the request for cancellation of the "request for withdrawal" is filed with the Bureau.

15. The heading of § 404.905 is amended and new paragraphs (j) and (k) are added to § 404.905 to read as follows:

§ 404.905 Initial determinations: determinations affecting benefits, lump sums, establishment and continuance of period of disability, records of earnings, requests for withdrawals, and requests for cancellation of requests for withdrawals.

* * * * *

(j) *Withdrawal of applications and requests for revision of records of earnings.* When a request for withdrawal of an application, or for withdrawal of request for revision of records of earnings is denied by the Bureau (see § 404.615), the Bureau shall make findings, setting forth the pertinent facts and conclusions, and an initial determination of denial.

(k) *Cancellation of request for withdrawal.* When a request for cancellation of a "request for withdrawal" of an application or of a request for revision of records of earnings is denied by the Bureau (see § 404.615a), the Bureau shall make findings, setting forth the pertinent facts and conclusions, and an initial determination of denial.

(Secs. 202, 205, 216, 223, and 1102, 49 Stat. 623, as amended, 53 Stat. 1368, as amended, 68 Stat. 1080 as amended, 70 Stat. 815, as amended, 49 Stat. 647, as amended; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18; 42 U.S.C. 402, 405, 416, 423, and 1302)

Effective date: The foregoing amendments shall become effective on the date of publication in the FEDERAL REGISTER.

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

JANUARY 29, 1962.

Approved: February 1, 1962.

ABRAHAM RIBICOFF,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 62-1283; Filed, Feb. 7, 1962; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9-1—GENERAL

Small Business Concerns and Labor Surplus Area Concerns

Subparts 9-1.7 and 9-1.8 are added to read as follows:

Subpart 9-1.7—Small Business Concerns

Sec.
9-1.700 General.
9-1.702 Small business policies.
9-1.708-3 Conclusiveness of certificate of competency.
9-1.709 Records and reports.
9-1.751 AEC–SBA Agreement.

AUTHORITY: §§ 9-1.700 to 9-1.751 issued under sec. 161; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486.

§ 9-1.700 General.

This subpart implements and supplements general Government policies and procedures set forth in FPR 1-1.7.

§ 9-1.702 Small business policies.

(b) *Specific policies.* (1) Headquarters and Field Offices shall cooperate with the SBA in implementing the policies and procedures set forth in FPR 1-1.7 and this subpart.

(2) Managers of Field Offices shall appoint persons under their jurisdiction to serve in a liaison capacity with SBA representatives. Managers of Field Offices shall request cost-type contractors to make similar appointments.

(3) The AEC–SBA Agreement set forth in AECPR 9-1.751 does not provide for the establishment of over-all set-aside programs for the AEC. However, it is expected that Field Offices, through contracting officers, will cooperate with the SBA in establishing set-aside programs or in setting aside selected items or classes of items of procurement. Cost-type contractors shall be encouraged to make similar efforts.

§ 9-1.708-3 Conclusiveness of certificate of competency.

If the contracting officer questions the acceptability of an SBA certificate of competency based on substantial doubt as to a particular firm's ability to perform, he shall, before award, promptly refer the matter to the Director, Division of Contracts, for a final decision.

§ 9-1.709 Records and reports.

A quarterly small business report shall be prepared by each Field Office and forwarded to the Director, Division of Contracts, not later than the thirtieth day following the end of the quarter covered by the report. Managers of Field Offices shall require similar reports to be prepared by cost-type contractors to accompany the Field Office reports. Reports shall be prepared as follows:

(a) Narrative statement regarding the operation of the program during the quarter.

(b) Tabulation of the following factual information:

(1) Number of contracts awarded to small business concerns during the quarter which have not previously received contracts.

(2) Number of small business concerns added to bidders' mailing lists during the quarter.

(3) Number and dollar value of awards to small business concerns compared to the number and dollar value of awards suitable for small business concerns.

(4) Number and dollar value of invitations to bid and requests for proposals referred to SBA.

(5) Names of small business production and research and development pools receiving awards during the quarter and the identity and dollar value of each award.

(6) Number and dollar value of set-asides to small business.

§ 9-1.751 AEC–SBA Agreement.

A revised agreement for cooperation was signed by the Chairman of the AEC and the Administrator of the SBA in October 1960. The term "Operations Office," as used in the agreement, shall also apply to Field Offices. The text of this Agreement follows:

(a) *Introduction.* The purpose of this document is to revise and to continue an agreement between the Atomic Energy Commission (AEC) and the Small Business Administration (SBA), which has resulted in a friendly cooperative relationship since the agreement was established originally in 1953. The agreement provides a basis for cooperation between the two agencies in order to further the AEC small business program and the intent of Congress which is set forth in the Small Business Act. To the extent applicable, the agreement will be supplemented by the Federal Procurement Regulations (FPR's), pertaining to Small Business, which include definitions and uniform procedures for set-asides and Certificates of Competency.

(b) *Agreement.* The AEC and SBA will continue to establish and maintain liaison between appropriate combinations of AEC Operations Offices and SBA Regional Offices for exchanges of information regarding AEC opportunities for small businesses, suggestions of qualified small business concerns, and other appropriate matters.

(c) *Liaison*—(1) *Establishment.* SBA Regional Offices will continue to establish and maintain liaison with the AEC Operations Offices within their respective regions. Such liaison may include arrangements with respect to the Area Offices and cost-type contractors administered by an Operations Office.

Where an AEC Operations Office is located in one SBA region and its Area Offices and cost-type operating contractors are located in other SBA regions, the SBA Regional Office serving the region in which the Area Office or cost-type operating contractor is located shall contact the AEC Operations Office concerned regarding the establishment of liaison procedures for such Area Office or cost-type contractor.

(2) *Procedures.* Detailed procedures for carrying out the exchanges of information by this agreement have been jointly developed and will continue to be maintained and modified, as experience suggests, by each combination of SBA Regional and AEC Operations Office maintaining liaison.

(3) It is not contemplated that SBA employees will operate in any area where security "Q" clearances are required.

(d) *Exchanges of information*—(1) *Procurement, research and development, and property sales.* AEC Operations Offices (including Area Offices and cost-type contractors) will provide or arrange for the provision of information to the SBA Regional Offices with which liaison has been established regarding appropriate procurement, research and development, and property sales opportunities which are suitable for small business. In turn, the SBA Regional Offices will provide information, including the names of qualified small concerns, which will further the purpose of this agreement. The interchange of information provided in this paragraph will be in such form and will be transmitted by such means and with such frequency as seems most practical to the personnel engaged in the exchange of information.

(2) *Technical information and AEC-owned patents.* AEC will assist SBA to bring unclassified AEC research reports and AEC-owned (Government) patents to the attention of interested qualified small business concerns.

(e) *Time factor.* It is anticipated that in some circumstances the time available for the submission of bids may be too short for some small business concerns suggested by SBA to participate. In these circumstances, qualified small business concerns which are unable to participate will be added to bidders lists and invited to participate in subsequent procurements or sales.

(f) *Appropriate opportunities.* Appropriate opportunities, for the purpose of this agreement, will not include opportunities which must involve Government sources, those that security requirements will not permit to be publicly disclosed, and those where the urgency is too great to permit broad solicitation of bids or development of additional sources.

(g) *Review of agreement.* This agreement will be reviewed on a periodic basis to determine whether the purpose of the agreement is being achieved and whether expansion and/or modification would be appropriate.

Subpart 9-1.8—Labor Surplus Area Concerns

Sec.
9-1.802 Labor Surplus Area Policies.
9-1.807 Report on Preference Procurement on Labor Surplus Area.

AUTHORITY: §§ 9-1.802 and 9-1.807 issued under sec. 161; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486.

§ 9-1.802 Labor surplus area policies.

Cost-type contractors should be encouraged to adopt policies and procedures similar to those set forth in FPR 1-1.8 for application by Government agencies.

§ 9-1.807 Report on preference procurement in labor surplus areas.

The quarterly report on preference procurement in Labor Surplus Areas as set forth in FPR 1-1.807 shall also include a separate report on subcontracts from cost-type contractors.

Dated at Germantown, Md., this 1st day of February 1962.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 62-1255; Filed, Feb. 7, 1962; 8:45 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER A—POLICY, PRACTICE AND PROCEDURE

[General Order 41, 2d Rev., Amdt. 8]

PART 201—RULES OF PRACTICE AND PROCEDURE BEFORE THE FEDERAL MARITIME BOARD AND THE MARITIME ADMINISTRATION

The heading of Subpart B and the existing text thereof are hereby amended to read as follows:

Subpart B—Appearances and Practice Before the Administration

Sec.
201.21 Appearance in person or by representative.
201.22 Authority for representation.
201.23 Written appearance.
201.24 Practice before the Administration defined.
201.25 Attorneys at law.
201.26 Persons not attorneys at law.
201.27 Firms and corporations.
201.28 Hearings.
201.29 Suspension or disbarment.
201.30 Statement of interest.
201.31 Former employees.

AUTHORITY: §§ 201.21 to 201.31 issued under sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114.

Subpart B—Appearances and Practice Before the Administration

§ 201.21 Appearance in person or by representative.

A party may appear in person or by an officer, partner, or regular employee of the party, or by or with counsel or other duly qualified representative, in any proceeding under these rules. One who appears under this section may testify, produce and examine witnesses, and be heard upon brief and at oral argument if oral argument is granted.

§ 201.22 Authority for representation.

Any individual acting in a representative capacity in any proceeding before the Administration may be required to show his authority to act in such capacity.

§ 201.23 Written appearance.

Persons who appear at any hearing shall deliver a written notation of appearance to the reporter, stating for whom the appearance is made. The written appearance shall be made a part of the record.

§ 201.24 Practice before the Administration defined.

Practice before the Administration shall be deemed to comprehend all matters connected with the presentation of any matter to the Administration including the preparation and filing of necessary documents, and correspondence with and communications to the Administration. The term "Administration" as used herein includes the Maritime Subsidy Board, or any member

thereof; and any office, division, branch, section, unit, or field office of the Maritime Administration and any officer or employee of such office, division, branch, section, unit, or field office.

§ 201.25 Attorneys at law.

Attorneys at law who are admitted to practice before the Federal courts or before the courts of any State or Territory of the United States may practice before the Administration. An attorney's own representation that he is such in good standing before any of the courts referred to in this section will be sufficient proof thereof.

§ 201.26 Persons not attorneys at law.

(a) *Requirements for admission.* Any person who is not an attorney at law may be admitted to practice before the Administration if he is a citizen of the United States and files proof to the satisfaction of the Administration that he possesses the necessary legal, technical, or other qualifications to enable him to render valuable service before the Administration and is otherwise competent to advise and assist in the presentation of matters before the Administration. Applications by persons not attorneys at law for admission to practice before the Administration shall be made on the forms prescribed therefor, which may be obtained from the Secretary, Maritime Administration, Washington 25, D.C. No person who is not an attorney at law and whose application has not been approved shall be permitted to practice before the Administration. This provision and the provisions of §§ 201.28, 201.29, and 201.30 shall not apply, however, to any person who appears before the Administration on his own behalf or on behalf of any corporation, partnership, or association of which he is a partner, officer, or regular employee.

(b) *Prior permissions.* No person who is not an attorney at law shall be permitted to practice before the Administration after February 28, 1962, on the basis of any permission previously granted to practice before the former Federal Maritime Board and/or Maritime Administration. Any such person desiring to practice before the Administration after February 28, 1962, shall be required to apply for permission in accordance with the provisions of paragraph (a) of this section.

§ 201.27 Firms and corporations.

Practice before the Administration by firms or corporations on behalf of others shall not be permitted.

§ 201.28 Hearings.

The Administration in its discretion may call upon the applicant for a full statement of the nature and extent of his qualifications. If the Administration is not satisfied as to the sufficiency of the applicant's qualifications, it will so notify him by registered mail, whereupon he may request a hearing for the purpose of showing his qualifications. If he presents to the Administration no request for such hearing within 20 days after receiving the notification referred to above, his application shall be acted upon without further notice.

§ 201.29 Suspension or disbarment.

The Administration may, in its discretion, deny admission to, suspend, or disbar any person from practice before the Administration who it finds does not possess the requisite qualifications to represent others or is lacking in character, integrity, or proper professional conduct. Any person who has been admitted to practice before the Administration may be disbarred from such practice only after he is afforded an opportunity to be heard.

§ 201.30 Statement of interest.

The Administration, in its discretion, may call upon any practitioner for a full statement of the nature and extent of his interest in the subject matter presented by him before the Administration. Attorneys retained on a contingent fee basis shall file with the Administration a copy of the contract of employment. Practitioners subject to section 807 of Merchant Marine Act, 1936, as amended, shall comply fully with the requirements of the Administration's General Order 9, Revised (Part 222 of this chapter, 22 F.R. 1087).

§ 201.31 Former employees.

(a) *Practice prohibited.* No person shall practice, appear, or represent anyone before the Administration in any matter to which he, as an officer or employee of the Administration, or as an officer or employee of the United States, gave personal consideration or as to the facts of which he gained knowledge during and by reason of his Government service.

(b) *Further prohibitions with exceptions.* No former officer or employee of the Administration shall practice, appear, or represent anyone before the Administration, or act as the employee of an attorney or agent, within two years after the termination of his service with the Administration, in any matter which was pending before the Administration during the period of his employment by the Administration, unless he has first obtained the written consent of the Administration. This consent will not be granted unless it appears that the applicant did not, as officer or employee of the United States, give personal consideration to the matter, to handle which consent is sought, or gain knowledge of the facts of said matter during and by reason of his Government service.

(c) *Former employees; affidavit.* Such applicant shall be required to file an affidavit to the effect that he gave no personal consideration to such matter; that he gained no knowledge of the facts involved in such matter during and by reason of his Government service; that he is not associated with, and will not in such matter be associated with, any former officer or employee of the Administration who has gained knowledge of the matter during and by reason of his Government service; and that his employment is not prohibited by any law of the United States or by the regulations of the Administration. The statements contained in such affidavit shall not be sufficient if disproved by an examination of the files and records of the case.

(d) *Former employees; applications for consent.* Applications for consent should be directed to the Administration; should state the former connection with the Administration of the applicant; and should identify the matter in which the applicant desires to appear. The applicant shall be promptly advised as to his privilege to appear in the particular matter, and the application, affidavit, and consent, or refusal to consent, shall be filed by the Administration in its records relative thereto. Separate consents to appear must be obtained to appear in separate cases.

(e) *Assistance to or by former employees.* No one entitled to practice before the Administration shall knowingly (1) assist a person employed by a client to represent him before the Administration in connection with any matter to which such person as an officer or employee of the Administration or as an officer or employee of the United States, gave personal consideration or as to the facts of which such person gained personal knowledge during and by reason of his Government service, or (2) accept assistance from any such person in connection with any such matter, or (3) share fees with any such person in connection with such matter.

Effective date: The foregoing amendments shall become effective on March 1, 1962.

Dated: February 2, 1962.

By order of the Maritime Administrator and the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-1294; Filed, Feb. 7, 1962; 8:49 a.m.]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Notice of proposed rule making in connection with amendments of the above cited parts of this chapter appeared in the FEDERAL REGISTER issue of October 11, 1961 (26 F.R. 9600).

Consideration having been given to the comments received regarding the proposed amendments, notice is hereby given of the adoption of said amendments, without substantive change, except with respect to § 201.32, *Permission to practice*, which has been deleted therefrom.

Therefore, pursuant to section 204, Merchant Marine Act, 1936, as amended (49 Stat. 1987, as amended; 46 U.S.C. 1114), and in accordance with the provisions of the Act of May 27, 1935 (15 U.S.C. 189a), the Act of May 15, 1936 (15 U.S.C. 189), the Act of December 19, 1942 (5 U.S.C. 606), and the Act of August 31, 1951 (5 U.S.C. 140), as implemented by the Bureau of the Budget Circular No. A-25, dated September 23, 1959, and Department of Commerce Administrative Order No. 203-5, dated March 11, 1959, said amendments shall be as set forth below:

[General Order 91]

PART 206—MISCELLANEOUS FEES

1. Part 206 is hereby amended by adding a new Subpart C, reading as follows:

Subpart C—Charges for Copies of Regulations

§ 206.10 Mailing list.

Persons may be placed on the mailing list to receive copies of the General Orders issued by the Maritime Administration and/or the Maritime Subsidy Board, and National Shipping Authority orders (32A CFR Ch. XVIII), upon request, written or oral, to the Secretary, Maritime Administration, Washington 25, D.C. The charge for this service is $10.00 per calendar year.

§ 206.11 Individual copies of orders.

Single copies of the orders referred to in § 206.10 may be obtained, upon request, written or oral, to the Secretary, Maritime Administration, Washington 25, D.C., at a cost of 25 cents each.

[General Order 94]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

2. Part 221 is hereby amended by adding new §§ 221.14, 221.15 and 221.16, reading as follows:

§ 221.14 Charges for processing applications for approval of the transfer or charter of vessels pursuant to sec. 9 and 37, Shipping Act, 1916, as amended.

(a) An application for approval of the sale of a vessel to an alien and/or transfer of a vessel to foreign registry shall be accompanied by the sum of $125.00 for each vessel of 3,000 gross tons and over; $25.00 for each vessel of over 100 gross tons but less than 3,000 gross tons; and $15.00 for each vessel of 100 gross tons and under;

(b) An application for modification of an approval of a vessel sale to an alien and/or of a vessel transfer to foreign registry shall be accompanied by the sum of $125.00 for each vessel of 3,000 gross tons and over; $25.00 for each vessel of over 100 gross tons but less than 3,000 gross tons; $15.00 for each vessel of 100 gross tons and under;

(c) An application for approval of a mortgage of a vessel to an alien shall be accompanied by the sum of $25.00;

(d) An application for approval of a charter of a vessel to an alien shall be accompanied by the sum of $25.00;

(e) All fees set forth in this section will be retained to recover the cost of processing the applications;

(f) Applications for such approvals as set forth in this section should be made to the Foreign Transfer Branch, Office of Ship Operations, Maritime Administration, Washington 25, D.C., on forms which may be obtained from said Branch.

§ 221.15 Fee for processing applications for approval of surrender of marine documents of vessels under sec. 30, subsection O(a), Merchant Marine Act, 1920, as amended.

An application for approval of the surrender of the marine documents of a vessel shall be accompanied by the sum of $15.00, which sum will be retained to recover the cost of processing the application. Such application should be made to the Foreign Transfer Branch, Office of Ship Operations, Maritime Administration, Washington 25, D.C., on forms which may be obtained from said Branch.

§ 221.16 Fee for processing applications to transfer vessels, subject to mortgage outstanding in favor of the United States of America.

(a) Application for permission to transfer title to a vessel, subject to a mortgage in favor of the United States of America pursuant to the provisions of the 1936 Act and related Acts, or special legislation, and to have the mortgage assumed by a new mortgagor, may be made by the mortgagor joined by the proposed transferee, to the Secretary, Maritime Administration, Washington 25, D.C.

(b) Fee: Such application shall be accompanied by the sum of $400, which sum will be retained to recover the cost of processing the application.

[General Order 29, Rev., Amdt. 4]

PART 298—FEDERAL SHIP MORTGAGE AND LOAN INSURANCE

3. Part 298 is hereby amended by adding new paragraphs (f) and (g) at the end of § 298.3 *Applications*, to read as follows:

§ 298.3 Applications.

* * * * *

(f) *Assignment of mortgage.* (1) An application by the mortgagee may be made to the Secretary, Maritime Administration, Washington 25, D.C., for permission to assign a mortgage insured under title XI of the 1936 Act to a new mortgagee.

(2) Fee: Such application shall be accompanied by the sum of $1,500, which sum will be retained to recover the cost of processing the application.

(g) *Assumption of mortgage.* (1) An application by the mortgagor, joined by the proposed transferee, for permission to transfer title to a vessel, subject to a mortgage insured under Title XI of the 1936 Act and to have the mortgage assumed by the new mortgagor, may be made to the Secretary, Maritime Administration, Washington 25, D.C.

(2) Fee: Such application shall be accompanied by the sum of $3,000, which sum will be retained to recover the cost of processing the application.

[General Order 60, Rev., Amdt. 1]

PART 299—RULES AND REGULATIONS, FORMS AND CITIZENSHIP REQUIREMENTS

4. Part 299 is amended by adding a new Subpart I to read as follows:

Subpart I—Assumption of Mortgage by New Mortgagor

§ 299.301 Application to transfer a vessel, subject to mortgage.

(a) Application for permission to transfer title to a vessel, subject to a mortgage in favor of the United States of America, and to have the mortgage assumed by a new mortgagor, may be made by the mortgagor joined by the proposed transferee, to the Secretary, Maritime Administrator, Washington 25, D.C.

(b) Fee: Such application shall be accompanied by the sum of $400, which sum will be retained to recover the cost of processing the application.

Effective date: The foregoing amendments shall become effective on March 1, 1962.

Dated: February 2, 1962.

By order of the Maritime Administrator and the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-1293; Filed, Feb. 7, 1962; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 6741; FCC 62-117]

PART 1—PRACTICE AND PROCEDURE

Clear Channel Broadcasting in The Standard Broadcast Band; Further Supplement to Report and Order

1. On October 27, 1961, the Commission adopted its first Supplement to the Report and Order of September 13, 1961, in the above-captioned Docket concluding the clear channel proceeding. The purpose of the supplemental Order was to effect certain modifications with regard to the treatment of applications for frequencies within 30 kc of one of the 12 unduplicated Class I-A clear channels and, as such, the action represented a reconsideration by the Commission of paragraphs 63-65 of the Report and Order of September 13, 1961.

2. In the Supplemental Report, we stated that applications for new stations on, for change of frequency to, or to increase power or operate during nighttime hours not previously authorized on a frequency within 30 kc of one of the 12 unduplicated channels would not be accepted for filing on or after October 30, 1961. We stated further: "Applications for such facilities filed prior to October 30, 1961, will be studied in the light of their likely impact upon the possible future use of the unduplicated clear channels. From such study, it is contemplated that more precise engineering criteria might evolve which can then be applied in acting upon those applications now pending and announced as standards to govern the acceptance of future applications on these adjacent frequencies."

3. The Commission has studied 107 pending applications for these adjacent

channels and from this study has developed standards to govern our future practice in accepting and acting upon such applications. In substance, these standards reflect our consideration of two possible future uses of the twelve unduplicated Class I–A channels: high power, to a maximum of 750 kc, and duplication in specified areas with a new Class II unlimited time assignment similar to proposed assignments adopted in our Report and Order of September 13, 1961.

4. Accordingly § 1.351(b) of the Commission's rules will be amended to reflect the standards so developed. New applications which contain proper engineering data to demonstrate their compliance with the standards will now be accepted for filing. Applications now on file for the channels adjacent to the unduplicated Class I–A channels will be studied in light of the standards set forth in the amended rule. Those applications found not to conform to the standards will be placed in the pending file and held without further processing or consideration until September 1, 1964, or such earlier date as may be announced. Applications conforming to all standards set forth in the amended Rule will be acted upon in normal course.

5. Additionally, the paragraphs of § 1.351 will be rearranged, primarily for purposes of greater clarity. As amended, § 1.351(a) refers only to those ten adjacent channels which are within 30 kc of a Class I–A channel for which duplication has been provided but which are not, at the same time, within 30 kc of an unduplicated channel. The amended § 1.351(a) also incorporates a more precise definition of "undue risk of interference" to a possible new Class II assignment on a duplicated channel. Section 1.351(b) now refers to those twenty channels which are adjacent to both duplicated and unduplicated Class I–A channels and sets forth the criteria which will govern our future acceptance of, and action upon applications for those channels. Section 1.351(c) sets forth analogous criteria for those three channels which are within 30 kc of unduplicated channels and not, at the same time within 30 kc of any channel for which duplication has been provided.

6. The standards adopted herein are simply a further refinement and clarification of matters previously decided. Because we had not previously arrived at the precise criteria to be applied in accepting and acting upon applications involving frequencies adjacent to one or more of the Class I–A channels, we had provided, in our September 14, 1961, Report and Order, that certain applications would be accepted for filing and held in a pending file. Having now formulated the criteria, it becomes less of an administrative burden to accept only those applications which contain the requisite showing of compliance with the criteria announced herein. This change of procedure is in the public interest and does not affect any substantive rights. See Fort Harrison Telecasting Corporation v. F.C.C. U.S. App. D.C., No. 16,321, decided December 14, 1961, 22 RR 2031. We note further that our present action is a relaxation of the restrictions announced in the Supplement to Report and Order adopted October 27, 1961 (FCC 61–1293), in which we amended the rules to provide that no applications for new stations, power increases, or new nighttime operations on frequencies adjacent to the twelve unduplicated Class I–A channels would be accepted or considered.

7. In one respect, the rules now adopted impose an additional restriction, in that applications for major changes in facilities other than power increases or new nighttime hours—i.e., changes involving new directional or non-directional operation—will be subject to the provisions of § 1.351, where they would have possible impact on potential uses of the twelve unduplicated I–A channels. Hitherto, such applications have not been subject to any such restrictions (see § 1.351(b)(4), as adopted in the September Report and Order and left unchanged in the October Supplement). With respect to the very few pending applications falling into this category no such problems of possible impact exist; therefore this change affects, at most, only potential applicants. Such additional restriction is clearly required if possible uses of the unduplicated I–A channels are to be protected.

8. Authority for adoption of the rule changes herein is contained in sections 4 (i) and (j), 303 and 307(b) of the Communicatons Act of 1934, as amended. Section 4(a) of the Administrative Procedure Act exempts from the requirement of publication of general notice of proposed rule making "rules of agency organization, procedure, or practice". Because the rule changes herein are procedural, notice and public procedure thereon are not required. Similarly, the effective date provision of section 4(c) of that act applies only to substantive rules whereas the present rule changes are, as noted above, both procedural and for the most part, a relaxation of existing restrictions. (See also §§ 1.311(a) and 1.219(b) of our rules.) We find, therefore, that the public interest will be served by making the rules changes herein effective immediately and, for these reasons and for the reasons stated in the preceding paragraphs, notice and rule-making would not serve the public interest.

9. In view of the foregoing: *It is ordered*, This 31st day of January 1962, that § 1.351 of the Commission's rules is further amended as set forth below, effective January 31, 1962.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Released: February 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 1.351 is amended to read as follows:

§ 1.351 Applications for frequencies adjacent to Class I–A channels.

Notwithstanding the provisions of any other rules of the Commission, all applications (regardless of when they were or may be filed) for frequencies located within 30 kc of a Class I–A channel listed in § 3.25(a) of this chapter will be subject to the provisions of this section. The provisions of paragraph (a) of this section apply to the frequencies listed therein, which are within 30 kc of a Class I–A channel on which no unlimited time Class II assignment is specifically provided for in §§ 3.22 or 3.25(a) of this chapter, and which are not within 30 kc of the remaining Class I–A channels (except with respect to 740 and 1230 kc which are to be considered as being within 30 kc of duplicated I–A channels only). The provisions of paragraph (b) of this section apply to the frequencies listed in that paragraph, which are within 30 kc of unduplicated Class I–A channels and also, in each case, within 30 kc of Class I–A channels on which the location of a Class II–A or other unlimited time Class II station has been specified in §§ 3.22 or 3.25 of this chapter. The provisions of paragraph (c) of this section apply to the three frequencies listed therein, which are within 30 kc of unduplicated Class I–A channels only.

(a)(1) The provisions of this paragraph apply to the following frequencies: 740, 910, 920, 990, 1000, 1080, 1090, 1110, 1230, and 1240 kcs.

(2) Where it appears that the facilities requested in any application for one of the designated frequencies (other than an application by an existing Class IV station to increase daytime power on 1230 or 1240 kcs) involves undue risk of interference or prohibited overlap with a possible new Class II–A assignment specified in § 3.22 of this chapter or a new unlimited time Class II assignment at Anchorage, Alaska, or San Diego, California, specified in § 3.25(a) of this chapter, such application will not be accepted for filing or, if filed prior to the effective date of this Rule, will not be acted upon, until the location and operating facilities of such new Class II station are established. An application for one of the designated frequencies shall be deemed to involve undue risk of interference with a possible new Class II assignment unless it is demonstrated that no interference would be caused to specified II–A assignments within 30 kc assuming such facilities to be located at the nearest point on the boundary of the nearest state specified by the Clear Channel Decision released September 14, 1961, and assuming such II–A facility radiates at least 1238 mv/m omnidirectionally; and, in the case of frequencies within 30 kc of 750 kc or 760 kc, the proposed facility would not cause interference to Class II assignments at San Diego, California, or Anchorage, Alaska, specified in § 3.25(a) of this chapter.

(3) Assignments of new Class II facilities provided for in §§ 3.22 and 3.25(a) of this chapter will be made without regard to the pendency of applications on adjacent frequencies (i.e., the ten frequencies designated in subparagraph (1) of this paragraph and the additional 20 frequencies which are within 30 kc of both duplicated and unduplicated Class I–A channels). Any hearing which may be held on an application for an adjacent frequency will not be comparative with respect to the Class II–A facility, and any issues pertaining to the mutual impact of the Class II–A and adjacent channel proposals will be confined to the question of whether, with the Class II station operating as proposed, the public interest would be served by a grant of the adjacent channel application.

(b)(1) Until September 1, 1964, or such earlier date as may be announced, the provisions of this paragraph will apply to all applications for the following frequencies: 680, 690, 710, 730, 790, 800, 810, 850, 860, 900, 1010, 1050, 1060, 1070, 1130, 1140, 1150, 1170, 1190, and 1220 kcs.

(2) Applications for new stations on, change of existing stations to, or for any major change in operation of stations presently operating on the designated frequencies will be accepted for filing and acted upon in normal course provided they are accompanied by appropriate exhibits and necessary supporting data to show clearly the following with respect to all Class I–A channels within 30 kc of the designated frequency:

(i) The proposed transmitter site is located inside the area encompassed by a 500 mile extension of the 0.5 mv/m–50 percent nighttime contour of Class I–A stations on unduplicated channels.

(ii) No interference or prohibited overlap would be caused to Class I–A stations on unduplicated I–A channels, assuming such stations operate with power increased to 750 kws with their present antenna systems and radiation patterns.

(iii) No interference or prohibited overlap would be caused to an assumed Class II–A station on an unduplicated channel, radiating at least 1238 mv/m omnidirectionally from the nearest point on the boundary described in subparagraph (i) of this paragraph.

(iv) No interference or prohibited overlap would be caused to presently specified Class II–A assignments, assuming such facilities to be located at the nearest point on the boundary of the nearest state specified by the Clear Channel Decision released September 14, 1961, and assuming such II–A facility radiates at least 1238 mv/m omnidirectionally; and, in the case of frequencies within 30 kc of 750 kc or 760 kc, the proposed facility would not cause interference to Class II assignments at San Diego, California, or Anchorage, Alaska, specified in § 3.25(a) of this chapter.

(3) Applications of the type specified in subparagraph (2) of this paragraph filed before October 30, 1961, will be studied to determine whether they comply with each of the four standards set forth in subparagraph (2) of this paragraph. Those applications which are found to comply fully with the standards will be processed and acted upon in normal course. Applications which fail to comply with one or more of the standards will be retained in the pending file without further processing or consideration.

(4) Applications for other changes in facilities on the designated frequencies will be processed and acted upon in normal course.

(c)(1) Until September 1, 1964, or such earlier date as may be announced, the provisions of this paragraph will apply to all applications for the following frequencies: 610, 620, 630 kcs.

(2) Applications for new stations on, change of existing stations to, or for any major change in operation of stations presently operating on the designated frequencies will be accepted for filing and acted upon in normal course provided they are accompanied by appropriate exhibits and necessary supporting data to show clearly the following with respect to all Class I–A channels within 30 kc of the designated frequency:

(i) The proposed transmitter site is located inside the area encompassed by a 500 mile extension of the 0.5 mv/m–50 percent nighttime contour of Class I–A stations on unduplicated channels.

(ii) No interference or prohibited overlap would be caused to Class I–A stations on unduplicated I–A channels, assuming such stations operate with power increased to 750 kw, with their present antenna systems and radiation patterns.

(iii) No interference or prohibited overlap would be caused to an assumed Class II–A station on an unduplicated channel, radiating at least 1238 mv/m omnidirectionally from the nearest point on the boundary described in subdivision (i) of this subparagraph.

(3) Applications of the type specified in subparagraph (2) of this paragraph filed before October 30, 1961, will be studied to determine whether they comply with each of the three standards set forth in subparagraph (2) of this paragraph. Those applications which are found to comply fully with the standards will be processed and acted upon in normal course. Applications which fail to comply with one or more of the standards will be retained in the pending file without further processing or consideration.

(4) Applications for other changes in facilities on the designated frequencies will be processed and acted upon in normal course.

(d)(1) Applications previously accepted for filing which must be held without action pursuant to paragraph (a), (b), or (c) of this section, will not be designated for hearing unless they conflict with applications which may be acted upon in normal course.

(2) If the decision in a hearing looks toward grant of an application which may not be acted upon, pursuant to paragraph (a), (b), or (c) of this section, such application and all applications conflicting with it will be held without final action to the extent required by paragraph (a), (b), or (c) of this section.

[F.R. Doc. 62–1299; Filed, Feb. 7, 1962; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

PART 205—REPORTS OF MOTOR CARRIERS

Motor Carrier Annual Report Form B (Class II Carriers of Property)[1]

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 23d day of January A.D. 1962.

The matter of annual reports of Class II motor carriers of property being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 205.1a of the order of December 8, 1960, in the matter of *Motor Carrier Annual Report Form B (Class II Carriers of Property)*,[1] be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1961, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 205.1a be modified and amended to read as follows:

§ 205.1a Annual reports of Class II carriers of property.

Commencing with reports for the year ended December 31, 1961, and thereafter until further order, all Class II motor carriers of property, as described in 49 CFR 182.01–1, viz., carriers with average annual gross operating revenues (including interstate and intrastate) of $200,000 but less than $1,000,000, from property motor carrier operations, are required to file annual reports in accordance with Motor Carrier Annual Report Form B (Property), which is attached to and made a part of this section.[1] Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before March 31 of the year following the year to which it relates.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

And it is further ordered, That copies of this order and of Motor Carrier Annual Report Form B (Property) shall be served on all Class II motor carriers of property subject to its provisions, and upon every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission in

[1] Form filed as part of original document.

Washington, D.C., and by filing it with the Director, Office of the FEDERAL REGISTER.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-1288; Filed, Feb. 7, 1962; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Kentucky Woodlands National Wildlife Refuge, Kentucky

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KENTUCKY

KENTUCKY WOODLANDS NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Kentucky Woodlands National Wildlife Refuge, Kentucky, is permitted only on the areas designated by signs as open to hunting. This open area, comprising 25,000 acres or 36 percent of the total area of the Refuge, is delineated on a map available at the Refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Wild turkeys, gobblers only. The hunting of upland game species, as may be otherwise authorized by Kentucky State regulation, is prohibited.

(b) Open season: April 19–20, 23–24, and 26–27. Hunters will be permitted to enter the open area at 4:30 a.m. Check-out time is 11:00 a.m., c.s.t. Total season kill limited to 25 gobblers.

(c) Bag limits: Only one turkey gobbler per hunter for the season. A successful hunter cannot assist any other hunter in taking turkey.

(d) Method of hunting: Shotguns only, not larger than 12 gauge. Slugs prohibited.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. During the open season hours specified in (b) above, bobcats, woodchucks, grey foxes, crows and feral cats, which are not protected by State regulation, may be taken without limit on the area designated as open to hunting.

3. Hunters, upon entering or leaving the hunting area, must report at such checking stations as may be established for regulating the hunting. Checking stations will be open at 4:30 a.m. and check-out time will be 11:00 a.m., c.s.t.

4. A Federal permit is required to enter the public hunting area. Permits will be issued at the Refuge office starting April 16, 1962.

5. The provisions of this special regulation are effective to April 28, 1962.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 12, 1962.

[F.R. Doc. 62-1274; Filed, Feb. 7, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

COTTAGE CHEESE, CREAMED COTTAGE CHEESE

Proposed Amendments of Identity Standards

Notice is given that a petition has been filed by the Milk Industry Foundation, 1145 Nineteenth Street NW., Washington, D.C.; The American Cottage Cheese Institute, Ithaca, N.Y., and others, proposing amendments of the standards of identity for cottage cheese and creamed cottage cheese (21 CFR 19.525, 19.530). The proposed amendments with certain minor editorial changes are as follows:

1. It is proposed to amend § 19.525(a) by adding new text to the first sentence; by changing the citation to the A.O.A.C. method of analysis in the second sentence; and by deleting the third sentence. As amended, § 19.525(a) would read as follows:

§ 19.525 Cottage cheese; identity.

(a) Cottage cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. The finished cottage cheese contains not more than 80 percent of moisture, as determined by the method prescribed under "Moisture—Official" on page 210 of "Official Methods of Analysis of the Association of Official Agricultural Chemists," Ninth Edition, 1960.

2. It is proposed to change § 19.530 to read as follows:

§ 19.530 Creamed cottage cheese; identity; label statement of optional ingredients.

(a) Creamed cottage cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. The creaming mixture specified in paragraph (b) of this section is used in such quantity that the milk fat added thereby is not less than 4 percent by weight of the finished creamed cottage cheese. The finished creamed cottage cheese contains not more than 80 percent of moisture as determined by the method prescribed under "Moisture—Official" on page 210 of "Official Methods of Analysis of the Association of Official Agricultural Chemists," Ninth Edition, 1960.

(b) Cottage cheese is mixed with a creaming mixture. The creaming mixture consists of either pasteurized cream or a pasteurized mixture of cream with milk or skim milk or both to which may be added one or more of the optional ingredients specified in subparagraphs (1), (2), (3), and (4) of this paragraph. Harmless lactic acid- and flavor-producing bacteria, with or without rennet, may be used to culture such creaming mixture, or may be added to it. The pasteurized skim milk used in such creaming mixture may be subjected to the action of harmless flavor- and aroma-producing bacteria and of citric acid. Other optional ingredients that may be added to such creaming mixture are:

(1) Salt.

(2) Citric, phosphoric, or lactic acid.

(3) One or any mixture of two or more of the optional ingredients gum karaya, locust (carob) bean gum, gum tragacanth, algin (sodium alginate), propylene glycol alginate, guar gum, extract of Irish moss, or sodium carboxymethylcellulose which may be added in admixture with sucrose, dextrose, or dextrin; but the quantity of any such optional ingredient or mixture of two or more of such optional ingredients is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of such creaming mixture.

(4) Nonfat dry milk or concentrated skim milk or a mixture thereof in such an amount that the total weight of the added solids contained therein is not more than 3 percent of the weight of such creaming mixture.

(c) For the purposes of this section, "milk" means sweet milk of cows; "skim milk" means milk from which the milk fat has been separated; and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(d) When an optional ingredient listed in paragraph (b)(3) of this section is present in creamed cottage cheese, the label shall bear the statement "---------- added" or "with added ---------- " the blank being filled in with the name of such optional ingredient, or the combination of such optional ingredients used, except the gum karaya, locust (carob) bean gum, gum tragacanth, and guar gum, or a mixture of these, may be named as "vegetable gum" or "vegetable gums," as the case may be.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371), and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: February 2, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-1295; Filed, Feb. 7, 1962; 8:49 a.m.]

[21 CFR Part 120]

RESIDUES OF 1-NAPHTHYL *N*-METHYLCARBAMATE

Notice of Filing of Petition for Establishment of Tolerances

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition has been filed by Union Carbide Corp., 270 Park Avenue, New York 17, N.Y., proposing the establishment of tolerances for resdues of 1-naphthyl *N*-methylcarbamate in or on whole almonds and whole walnuts (meat plus shell) at 10 parts per million, and in or on almond hulls at 40 parts per million.

The analytical method proposed in the petition for determining residues of 1-naphthyl *N*-methylcarbamate is that described in the FEDERAL REGISTER of January 9, 1959 (24 F.R. 238), with minor modifications.

Dated: February 2, 1962.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 62-1296; Filed, Feb. 7, 1962; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 607) has been filed by W. R. Grace & Co., Cambridge 40, Mass., proposing the issuance of a regulation to amend §§ 121.2508 and 121.2510 of the food additive regulations to provide for the safe use of ethylene-butene-1 copolymer and polyethylene, alone or in combination, and which have been subjected to irradiation by electron bombardment under intensities not to exceed 2.3 million volts, to produce packaging materials, containers, and equipment intended for use in producing, manufacturing, pack-

ing, processing, preparing, treating, packaging, transporting, or holding food.

Dated: February 2, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-1281; Filed, Feb. 7, 1962; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Parts 10, 16]

MIGRATORY BIRD PERMITS

Notice of Hearings

On August 31, 1961, there was published in the FEDERAL REGISTER (26 F.R. 8207), as a notice of proposed rule making, the text of proposed amendments to Part 10 and the establishment of a new Part 16 under Title 50, Code of Federal Regulations. The purpose of these amendments was to revise the regulations governing the issuance of permits to acquire, possess, transport, and dispose of migratory birds and their increase, parts, nests, or eggs for certain specified purposes. That notice afforded all interested parties 45 days from date of publication within which to submit written comments, objections, or suggestions regarding the proposal.

A number of communications were submitted regarding the establishment of user's fees or charges for the issuance of propagating and taxidermist permits, and regarding the definition of "wild migratory birds". In order to permit the public an opportunity to further express its views, it was determined, pending the results of public hearings, that these provisions would be deleted from the regulations which were adopted and published on November 29, 1961, in the FEDERAL REGISTER (26 F.R. 11246).

Accordingly, notice is hereby given that public hearings for the purpose of considering these specific provisions will be held from 9:30 a.m., to 12:30 p.m., on the dates and at the locations as follows:

1. On February 28, 1962, in the auditorium of the Department of the Interior, 18th and C Streets NW., Washington, D.C.

2. On March 7, 1962, at the Statler Hilton Hotel, Washington Avenue at Ninth and St. Charles Streets, St. Louis, Missouri.

3. On March 9, 1962, at the Fairmont Hotel, California and Mason Streets, San Francisco, California.

The written communications that were received within the above mentioned 45-day period will be considered. In addition, all interested persons may present their views regarding these provisions orally or in writing, as they may desire, at these hearings.

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 1, 1962.

[F.R. Doc. 62-1277; Filed, Feb. 7, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 18]

RE-INSPECTION AND PREPARATION OF PRODUCTS

Proposed Amendment Relating to the Nitrate Content of Cured Meat

Notice is hereby given in accordance with section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003(a)) that pursuant to the authority conferred by the Meat Inspection Act, as amended and extended (21 U.S.C. 71-96), and section 306(b) of the Tariff Act of 1930 (19 U.S.C. 1306(b)), it is proposed to amend § 18.7 of the Meat Inspection Regulations (9 CFR 18.7, as amended) as follows:

Paragraph (k) of § 18.7 would be amended to read:

(k) The use of sodium nitrite, potassium nitrate, sodium nitrate or potassium nitrate, or combination of nitrite and nitrate, shall not result in the presence of more than 200 parts per million of nitrate and 500 parts per million of nitrate in the finished product. Supplies of sodium nitrite and potassium nitrite and mixtures containing them must be kept securely under the care of a responsible employee of the establishment. The specific nitrite content of such supplies must be known and clearly marked accordingly. The maximum amount of sodium nitrite and/or potassium nitrite which may be used are as follows:

(1) 2 pounds in 100 gallons of pickle.

(2) 1 ounce for each 100 pounds of meat in dry salt, dry cure, or box cure.

(3) ¼ ounce in 100 pounds of chopped meat and/or meat byproducts.

While nitrate has been used for curing meat and meat food products for many years the quantity in the finished product has been controlled by limiting the amount added. The purpose of the proposed amendment is to establish a definite maximum limitation for nitrate in cured meat and meat food products. This will provide an additional control procedure for preventing the use of the additive in an amount above that necessary.

Any person who wishes to submit written data, views or arguments concerning the proposed amendment may do so by filing them with the Director, Meat Inspection Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of February 1962.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 62-1301; Filed, Feb. 7, 1962; 8:50 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 728]

WHEAT

Notice of Proposed Amendments to Farm Wheat Acreage Allotment Regulations for 1960 and Subsequent Crops of Wheat To Govern Determination of 1963 Farm Base Acreages and Acreage Allotments and New Farm Allotments

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended, the Department has under consideration the formulation and issuance of amendments to the farm wheat acreage allotment regulations for the 1960 and subsequent crops of wheat to provide the basis for determining farm base acreages and acreage allotments for the 1963 crop of wheat.

Section 334(c) of the Agricultural Adjustment Act of 1938, as amended, requires that the county wheat acreage allotment for any year shall be apportioned among the old farms within the county on the basis of the past acreage of wheat, tillable acres, crop-rotation practices, type of soil, and topography. Wheat allotments have been in effect continuously since 1954 and county committees have had ample opportunity to review and make appropriate adjustments when necessary to properly reflect the above factors. It is felt that such statutory factors except for the acreage of wheat for the crop year 1961 are adequately reflected for the 1963 crop of wheat in the 1962 base acreages for most regular rotation farms and in the 1961 base acreages for most odd and even rotation farms, except as adjustments provided for in Public Laws 85-203 and 85-366 may be required or appropriate. These laws provide the manner in which wheat history acreage shall be determined for 1958 and subsequent years for purposes of establishing acreage allotments. In the same way, in determining 1962 allotments, the statutory factors except for the 1960 acreage of wheat were considered to be adequately reflected in the 1961 base acreage for most regular rotation farms, and in the 1960 base acreage for most odd and even rotation farms, taking into account necessary adjustments required by law.

In applying the statutory factor of past acreage of wheat in determining farm base acreages and acreage allotments for any crop of wheat it is not practicable to take into account the wheat history acreage for the immediately preceding crop because the allotment must be determined prior to the time that the wheat acreage for such crop can be ascertained. Thus, the 1963 base acreage for any farm was determined without regard to the wheat history acreage for 1961 for such farm. The 1961 farm wheat acreage will have been determined prior to the establishment of 1963 farm base acreages and acreage allotments.

It is proposed to change the eligibility requirements governing wheat acreage allotments for "new farms" (i.e., farms on which wheat was not planted or considered planted to wheat for harvest as grain during any of the years 1960, 1961, and 1962) in order to obtain uniformity between the wheat acreage allotment regulations and the regulations for other allotment crops and also to provide that the wheat acreage allotment established for a new farm shall be reduced to the wheat acreage determined for the farm if it is determined such wheat acreage on the farm is less than 75 percent of the farm wheat acreage allotment.

In other respects, the regulations governing determination of 1963 farm base acreages and acreage allotments would be substantially identical to those for the determination of 1962 farm base acreages and acreage allotments.

In order to give effect to these proposed changes and to give appropriate consideration to the 1961 farm wheat history acreages in the determination of 1963 base acreages, it is proposed that the amendments be as follows:

1. A new § 728.1017c would be added between §§ 728.1017b and 728.1018 to read as follows:

§ 728.1017c Determination of base acreages for old farms for the 1963 crop of wheat.

(a) The county committee shall, in accordance with the regulations in this section, determine a 1963 base acreage of wheat for each old farm which will reflect the factors of past acreage of wheat, tillable acres, crop-rotation practices, type of soil and topography. For substantially all farms, these factors are determined to be adequately reflected for the 1963 crop in the 1962 base acreages for regular rotation farms and in the 1961 base acreages for odd and even rotation farms and the wheat history acreages for 1961, weighted and adjusted as provided for in this section. For the small number of farms where special provisions are necessary as provided in subparagraphs (3), (4), (5), (6), and (7) of paragraph (b) of this section, the computed base acreage determined in accordance with the provisions of such subparagraphs have been determined adequately to reflect these factors.

(b) *Computed base acreage.* The county committee shall establish for each farm a computed base acreage which shall be:

(1) For a regular rotation farm, 80 per centum of the 1962 base acreage which was determined for the farm under § 728.1017b, plus 20 per centum of the 1961 wheat history acreage as determined for the farm under § 728.1011(f)(6).

(2) For any farm having an odd and even crop rotation as defined in § 728.1011(d), 80 per centum of the 1961 base acreage which was determined for the farm under § 728.1017a, plus 20 per centum of the 1961 wheat history acreage as determined for the farm under § 728.1011(f)(6).

(3) For a farm for which a new farm allotment was established for the first time for the 1962 crop, the product obtained by multiplying the final 1962 wheat acreage allotment for the farm by 111.11 percent and multiplying that product by the reciprocal of a decimal fraction which is 100 per centum of the county proration factor used in adjusting old farm base acreages in 1962 to the 1962 county acreage allotment as determined under § 728.1018.

(4) For a farm which had established a new odd and even crop-rotation system for 1962 as provided in § 728.1017b(b)(4), the base acreage recommended by the county committee as applicable for 1963 for such farm.

(5) For an old farm having a crop-rotation system under which the acreage devoted to the production of wheat for harvest as grain has varied in a set pattern from year to year over a three- or four-year period, the previous base acreage selected by the county committee as applicable for 1963 for such farm under such rotation system.

(6) For a farm with an established odd and even rotation for which a change in the crop-rotation practices will go into effect for 1963, the computed base acreage recommended by the county committee as applicable for 1963 for such farm under the new rotation: *Provided*, That such computed base acreage shall not exceed the base acreage which would have been computed if the rotation in effect for 1962 had been continued.

(7) For those farms for which the penalty on excess wheat of the 1959 or 1960 crop was postponed or avoided by storage of the excess but on which the penalty became due after determination of the 1962 allotment, the farm base acreage for 1963 shall be computed in accordance with the applicable subparagraph (1) or (2) of this paragraph after the 1961 or 1962 base acreage has been recomputed, for 1963 base acreage determination only, by using the 1959 or 1960 allotment, as appropriate, instead of the 1959 or 1960 base acreage as the 1959 or 1960 wheat history acreage.

(c) *Tentative farm base acreage.* The tentative base acreage for a farm shall be the computed base acreage determined under paragraph (b) of this section, as adjusted under this paragraph (c). The county committee may make adjustments not to exceed 10 percent in the computed base acreage for the farm when it is determined that such computed farm base acreage is too low or too high when compared with base acreages on similar farms similarly operated which have had very similar crop-rotation practices in the past and have relatively the same type of soil and topography and approximately the same amount of cropland. Such adjustments are subject to the following conditions:

(1) The computed farm base acreage may not be adjusted above the cropland for the farm.

(2) No adjustment shall be made for the purpose of offsetting the effects of exceeding the 1959, 1960, or 1961 farm acreage allotment.

(3) An adjustment shall be made to reflect the loss in county history caused by those farms for which the base acreage is determined under § 728.1017c(b)(4) or (5) which had excess wheat acreage on which the penalty became due for the 1959, 1960, or 1961 crop of wheat. A zero tentative base acreage shall be established for any farm if the county committee determines that the land will not be used for agricultural production in 1963 because it has been devoted to non-agricultural use.

(d) *The 1963 base acreage.* The 1963 base acreage shall be that acreage determined under paragraphs (a) through (c) of this section, adjusted to the approved county base. If the sum of the indicated 1963 tentative base acreages for all old farms in the county does not equal (within rounding tolerance) the 1963 final county base acreage used in apportioning the State acreage allotments to counties contained in § 728.1307, such indicated base acreage shall be adjusted up or down by that percentage which the sum of the indicated base acreages for all old farms in the county is less or more than the 1963 county base acreage: *Provided*, That the 1963 base acreage for any farm shall not exceed the total cropland for the farm, except for any farm where less than 15 percent of the cropland on the farm has been acquired under the right of eminent domain. As so adjusted, the 1963 tentative base acreage for the farm shall become the 1963 base acreage for the farm.

§ 728.1018 [Amendment]

2. Section 728.1018 would be amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the language "and § 728.1017c for 1963."

§ 728.1019 [Amendment]

3. Section 728.1019 would be amended by changing the heading to read *"Determination of tentative acreages for new farms for the 1960, 1961, and 1962 crops"*; by adding in the first sentence of paragraph (a) immediately following the word "shall" the language ", with respect to the 1960, 1961, and 1962 crops,"; by adding in the first sentence of paragraph (b) immediately following the word "allotments" the language "for the 1960, 1961, or 1962 crop"; and by adding in the first sentence of paragraph (c) immediately following the words "new farm" the language "for the 1960, 1961, or 1962 crop".

4. A new § 728.1019a would be added to read a follows:

§ 728.1019a Determination of tentative acreages for new farms for 1963 and subsequent crops.

(a) The county committee shall determine a tentative acreage for use in establishing a wheat acreage allotment for each eligible new farm for the 1963 or any subsequent crop for which an acreage allotment is requested in writing prior to July 1 of the year immediately preceding the current year in the winter wheat area, and prior to March 1 of the current year in the spring wheat area. The spring wheat area shall include any area where spring wheat is normally grown, even though winter wheat is also grown in such area. Each request for such allotment shall be made by the owner or operator on Form MQ-25, Application for New Farm Allotment,

which shall contain statements as to location and identification of the farm, name and address of the farm operator, the acreages of farmland and cropland on the farm, the acreage of wheat requested, the past experience of the applicant in producing wheat, the acreage allotments established for other crops for the farm for the current year, the tillable acreage on the farm available for the production of wheat, whether the operator or owner owns or operates any other farm in the United States for which a wheat acreage allotment will be established for the current year, whether the operator of the farm will obtain more than 50 per centum of his income during the current year from the production of agricultural commodities or products from the farm, excluding the estimated return from the production of wheat on the requested allotment, whether the production of wheat on the farm ordinarily would result in an undue erosion hazard under continuous production and whether the operator owns or has readily available adequate equipment and other facilities for the production of wheat.

(b) Eligibility for a new farm allotment shall be conditioned upon the following:

(1) The application for a new farm allotment is filed by the farm operator or farm owner at the office of the county committee on or before the applicable closing date.

(2) Neither the operator nor the owner of the farm covered by the application owns or operates any other farm in the United States for which a wheat allotment will be established for the current year.

(3) The available land, type of soil and topography of the land on the farm for which the wheat allotment is requested is suitable for the production of wheat and the production of wheat on the farm ordinarily will not result in an undue erosion hazard under continuous production.

(4) The operator owns or otherwise has readily available adequate equipment and the other facilities of production necessary to the successful production of wheat on the farm.

(5) The operator will obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products from the farm for which the new farm allotment application is filed. In making this computation of income from the farm, no value will be allowed for the estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold from the farm, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm. Where the farm operator is a partnership, each partner must obtain, during the current year, more than 50 percent of his income from the agricultural commodities or products from the farm; where the farm operator is a corporation, it must have no major purpose other than operation or ownership, as applicable, of such farm, and the officers and general manager of the corporation must obtain more than 50 percent of their income, including dividends and salaries, from the corporation.

(6) Notwithstanding the provisions of subparagraphs (2), (3), and (5) of this paragraph, the committee shall establish a new farm allotment for a farm (other than an old wheat farm) with an established four- or five-year rotation that will include wheat for the current year.

(c) In determining the tentative acreage for each new farm, the county committee shall take into consideration the tillable acres, crop-rotation practices, type of soil, topography and the farming system to be followed by the operator, including the equipment and other facilities available for the production of wheat under such system: *Provided*, That the tentative acreage so established shall not exceed the wheat acreage for the farm for the current year under the planned crop-rotation system. Without prior approval of the State committee, the acreage recommended by the county committee shall not exceed one hundred percent of the acreage indicated by cropland where the operator of the farm has been planting wheat on the farm in regular rotation; eighty percent of the acreage indicated by cropland where the operator has had actual wheat production in previous years; sixty-five percent of the acreage indicated by cropland where the operator has had no opportunity to establish wheat history for himself; and twenty-five percent of the acreage indicated by cropland where the applicant could have established wheat history but has not done so, and in all other cases. The State committee when requested may grant approval in excess of the limits established above if such limitation would result in an inequitable tentative acreage due to the fact that the type of farming operations carried out generally in the community or county is not representative of the type of farming operations to be carried out on the new farm.

5. Section 728.1020 would be amended to read as follows:

§ 728.1020 Determination of acreage allotments for new farms.

(a) The county committee shall, after approval by the State committee of the tentative acreages established for new wheat farms, determine a wheat acreage allotment for the current year for each new farm by multiplying the tentative acreage so established by a pro rata adjustment factor which shall be the smaller of the factor determined under § 728.1018 or a factor obtained by dividing the State reserve for new farms by the sum of the tentative acreages determined for new farms under §§ 728.1019 or 728.1019a. If the wheat acreage for the current year is less than the allotment established for the farm under this section for the 1960, 1961, or 1962 crop, or is less than 75 per centum of the allotment established for the farm under this section for the 1963 or any subsequent crop, the wheat allotment for the farm shall be reduced to the acreage classified as wheat acreage on the farm, and the acreage resulting from such reduction in each county shall be transferred to the reserve available to the county committee for appeals, correction of errors and missed farms. The sum of all new farm acreage allotments in the State shall not exceed the State reserve set aside for new farms. In determining future allotments for such new farms, the farm will not be considered to have any acreage diverted from the production of wheat for the year in which the allotment was established.

(b) Any new farm allotment approved under § 728.1020 for the 1963 or any subsequent crop which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for a new farm allotment shall be cancelled as of the date established.

Prior to the issuance of the proposed amendments, any data, views or recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., will be given consideration, provided such submissions are postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 2, 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-1303; Filed, Feb. 7, 1962; 8:50 a.m.]

[7 CFR Part 1070]

[Docket No. AO-229-A6]

MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cedar Rapids, Iowa, on October 19, 1961, pursuant to notice thereof issued on September 28, 1961 (26 F.R. 9347).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on January 3, 1962 (27 F.R. 238; F.R. Doc. 62-219) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Individual handler pooling;

2. Pool plant qualification of a plant operated by a cooperative association; and

3. Diversion of producer milk from pool plants to nonpool plants.

The notice of hearing included proposals pertaining to the pricing of Class II milk. However, no evidence was presented on the record with respect to such proposals and, therefore, no issue is presented herein.

The notice also contained a proposal to modify the allocation provision of the order. The proponent of the proposal presented testimony on the record in support of the proposal but in its brief requested that the issue be abandoned. No other supporting testimony was received. Accordingly, the issue is not presented herein.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. Marketwide pooling should be continued in the Cedar Rapids-Iowa City order as the method of distributing to producers the use value of their milk.

A handler proposed that the order be amended to provide for individual handler pooling. Individual handler pooling would provide for payment of uniform prices for all milk delivered by producers delivering to the same handler depending on the use of the milk by the handler. Marketwide pooling provides for payment of uniform prices for all milk delivered by all producers to all handlers based upon the marketwide use of such milk.

The class utilization of milk in the market by handlers is not uniform. One handler in the market, the Eastern Iowa Cooperative Dairy Producers Association, handles most of the milk which is not needed for fluid purposes.

Distributing pool plants in the market tend to limit their purchases of milk to that amount required for use in Class I products plus what is used in ice cream and cottage cheese. They depend on the Eastern Iowa Cooperative Dairy Producers Association to care for excess supplies during periods of flush production and to furnish supplemental supplies during periods of short production. In addition to seasonal variations, handlers vary their purchases according to the day of the week. Some handlers do not take any milk from the cooperative on Sundays.

In a market such as this where one handler cares for the reserve supply for the market, an individual handler pool would not contribute the same degree of stability to the market that is accomplished through the present marketwide pool. The marketwide pool assures that all of the producers supplying the market share equally in the Class I sales in the market and that the burden of carrying reserve supplies is likewise shared equally among all producers.

2. The qualifications for pool plant status of a plant operated by a cooperative association under the order should be modified.

The order provides pool plant status for a plant operated by a cooperative association whose members are a majority of the total number of producers shipping to pool plants, and supply half or more of the total producer milk received at all pool plants during the month.

The Eastern Iowa Cooperative Dairy Producers Association, which represents over 70 percent of the producers supplying the market, proposed that such pool plant provisions be changed to afford pool plant status to a plant located within 10 miles of the marketing area which receives milk from dairy farmers and which is operated by a cooperative association having member producers whose milk is delivered to regulated plants of other handlers.

The association operates a plant located at Marion, Iowa, which is about four miles from the marketing area. This plant has facilities for receiving, cooling and storage of milk. It is used primarily for supplying spot loads of milk to distributing pool plants and assembling milk for shipment to other markets. The association supplies milk to all of the handlers in the market, however, two of the handlers also receive milk from other producers.

During 1960 distributing pool plants received 82 percent of their total milk supply from the members of the cooperative association. The proportion of such handlers' receipts from the cooperative association's members was at least 79 percent in all months of 1960.

In February 1961 the association failed to qualify its plant for pool status since, on February 1, 1961, the two largest handlers in the market obtained their entire supplies of milk from sources other than members of the Eastern Iowa Cooperative Dairy Producers Association. This was caused by a dispute arising in negotiation of prices above those established by the order. However, by early March both of these handlers resumed receiving milk from members of the association, but in limited amounts since a greater portion of their needs were being supplied by new producers.

Due to the increased amount of milk on the market from new producers, the proportion of milk received at distributing pool plants from members of the cooperative association has declined. By June 1961 the proportion of distributing pool plant receipts from members of the cooperative had dropped to 53.5 percent.

Pool plant status for the cooperative's plant became critical in July and the provision of the order which requires a cooperative to supply at least 50 percent of the milk received at other pool plants in order to have its plant qualify as a pool plant was suspended for the months of July and August 1961. It turned out that the cooperative did supply 50 percent of the milk received at other pool plants, however, this provision of the order should be changed in order to assure continued pool status for a cooperative's plant so long as its members' milk is associated with and needed in the market.

The provision proposed by the Eastern Iowa Cooperative Dairy Producers Association would qualify its plant for pool status on the basis of its location. However, there would be no assurance that its members' milk was sufficiently associated with and needed on the market to warrant pooling its plant as is the case under the present provision. Pool status of such a plant should continue to be based on performance standards which relate the cooperative's total supply of milk with distributing pool plants.

During 1960 the Eastern Iowa Cooperative Dairy Producers Association sold 78 percent of its members' milk to other pool plants. Its sales to pool plants varied seasonally from a low of 61 percent in June to 97 percent in November. The cooperative continues to sell a substantial proportion of its members' milk to pool plants.

From March through September 1961 the cooperative association sold 53 percent of its members' milk to other pool plants. During this period the proportion of such sales on a monthly basis varied from 41 percent in June to 72 percent in September. On many days in September 1961 virtually all of the cooperative association's supply of milk was sold to pool plants. Due to daily variation in demand by handlers, the monthly proportion of the cooperative association's supply received by other handlers was only 72 percent.

The amount of milk needed for bottling purposes is fairly constant from month to month. However, the available supply of producer milk is highest in the spring and lowest in the fall. Accordingly, the performance standards should be varied seasonally.

In view of the increased supply of milk on the market and that pool plants do not process the reserve supply, it cannot be expected that a majority of the available supplies be moved to such plants except during the season of short supply. Performance standards which would require that one-half the milk of members of a cooperative association be moved to distributing pool plants during September, October and November; 30 percent during May, June and July; and 40 percent in all other months, would assure that such milk is associated with and needed on the market. A cooperative association which supplies such proportions of the total milk of its producer members should be afforded pool plant status for any plant which it operates if the plant is approved by an appropriate health authority for the handling of Grade A milk. Pool status of such a plant would contribute to orderly marketing by allowing it to be used for storage of supplies that would be available to other handlers on short notice. In addition it could be used to assemble part loads of milk from farms for shipment to pool plants or transfer to nonpool plants.

3. The diversion provisions of the order should be modified to allow more liberal diversion of producer milk from farms to nonpool plants.

The order provides unlimited diversion during the months of April, May and June. During other months milk may be diverted on as many days as it is received at pool plants and still be pooled under the order. The entry of new producers on the market has resulted in the need to divert greater amounts of milk to nonpool plants since pool plants do

not process the markets reserve supply. Direct movement of this reserve milk from farms to nonpool plants is the most economical means of handling it. However, the present diversion limits of the order are not liberal enough to allow this milk to be diverted and still be pooled under the order without being shipped to a pool plant and then transferred to a nonpool plant. The Eastern Iowa Cooperative Dairy Producers Association proposed that this be corrected by allowing milk to be pooled so long as it is not diverted for the entire month.

This cooperative association is the only handler experiencing difficulty with the present diversion limits since it is the sole handler of the increased reserve supply for the market. In order to keep its members' milk pooled, the cooperative association has had to bring the milk to its own plant and then transfer it to nonpool plants for manufacturing. Handlers have displaced producer milk of the cooperative association's members with milk from other producers. Since April 1961 the receipts of milk at distributing pool plants from producers who are not members of the Eastern Iowa Cooperative Dairy Producers Association has more than doubled. During the period April–September 1961 distributing pool plants received 28.7 million pounds of milk from such producers compared to 13.6 million pounds during the same period of 1960. The difference, an increase of 15.1 million pounds, was more than offset by the drop in sales of milk to such plants from the Eastern Iowa Cooperative Dairy Producers Association which were 58.1 million pounds during April through September 1960 and 39.5 million pounds for the same period of 1961, or a decrease of 18.6 million pounds.

Further evidence that this association has the role of caring for the reserve supply is that its sales of milk to handlers are inversely related to the normal seasonal production pattern while the opposite it true of such handler's receipts from other producers. For example, from July through September 1961 monthly receipts of milk at distributing pool plants from members of the Eastern Iowa Cooperative Dairy Producers Association increased from 5.5 million pounds to 7.7 million pounds while receipts from other producers dropped from 5.1 million pounds to 4.5 million pounds.

In addition to handling the seasonal reserve for the market this cooperative association handles the market's weekly reserve supply. Handlers tend to buy only enough milk from the Eastern Iowa Cooperative Dairy Producers Association to fulfill their daily bottling requirements. Handlers receive very little of the association's milk on weekends but take large amounts on Thursdays and Fridays. On these days during September 1961 virtually all of the cooperative's available supply of milk was received at distributing pool plants.

The present diversion limit applies during the period of July through March. Unlimited diversion is permitted during April, May and June. In 1958 these three months represented the lowest percentage of producer milk utilized in Class I. However, in 1959 the percentage of producer milk in Class I during July was lower than in April. During 1960 and 1961 a lower percentage of producer milk was utilized in Class I in both July and August than in April. In 1961 the percentage of producer milk utilized in Class I was 50 percent during July and 57 percent during August compared to 48 percent in June which was the month with the lowest percentage Class I use of producer milk. In addition, deliveries to distributing pool plants by members of the Eastern Iowa Cooperative Dairy Producers Association during these two months represented 42 percent and 51 percent of the association's total available supplies. To conform to this changed condition unlimited diversion should be extended to include the months of July and August. This change in the order will enhance orderly disposal of the seasonal reserve supply on the market. It would also help preclude any recurrence of the need for emergency action to assure that producer milk which is historically associated with the market be pooled under the order as was the case in July and August 1961.

The diversion limits applicable during the months of September through March should also be modified to allow the weekly reserve supply to be moved directly from farms to nonpool plants. Most of the available producer milk is needed at least one day of the week. Accordingly, this milk should be pooled to assure its continued availability and allow it to be diverted on other days. This is accomplished by providing for diversion of up to 25 days' production of a producer during such months.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, the exception received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with the exception, such exception is hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Cedar Rapids-Iowa City Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Cedar Rapids-Iowa City Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of November 1961 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on February 2, 1962.

JAMES T. RALPH,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Cedar Rapids-Iowa City Marketing Area

§ 1070.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Cedar Rapids-Iowa City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete paragraph (d) of § 1070.10 and substitute therefor the following:

(d) A plant (1) which is approved by a duly constituted health authority for the handling of Grade A milk; (2) which is operated by a cooperative association; and (3) from which the quantity of milk transferred by the association to plants of other handlers specified in paragraph (a) of this section plus that delivered by such association pursuant to paragraph (c) of this section and that delivered directly from the farms of members of such association to such plants is at least the following percentages, in the months indicated, of the total quantity of Grade A milk delivered by all producers who are members of the association:

Month:	*Minimum percentage*
September, October and November	50
May, June, and July	30
All other months	40

If written application is filed with the market administrator on or before the 5th day of any month, such plant may be designated a nonpool plant for such month and for any subsequent months, except such plant shall be a nonpool plant during any month in which it would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and pool plants in the Cedar Rapids-Iowa City marketing area than in the marketing area regulated pursuant to such other order.

2. Delete § 1070.14 and substitute therefor the following:

§ 1070.14 Producer milk.

"Producer milk" means all skim milk and butterfat produced by producers which is:

(a) Received at a pool plant directly from producers; or

(b) Diverted from a pool plant to a nonpool plant for the account of the operator of a pool plant or a cooperative association, subject to the following:

(1) Such diversions may be without limit during the months of April through August, but not be for more than 25 days' production of any producer during any other month and milk diverted in excess of this limit shall not be producer milk;

(2) Milk so diverted for the account of the operator of a pool plant shall be deemed to have been received at the plant from which diverted; and

(3) Milk so diverted from the plant of another handler for the account of a cooperative association shall be priced at the location of the plant from which diverted.

[F.R. Doc. 62-1304; Filed, Feb. 7, 1962; 8:50 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Part 1071]

[Docket No. AO-227-A12]

MILK IN THE NEOSHO VALLEY MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Parsonian Hotel, Parsons, Kansas, beginning at 10:00 a.m., local time, on February 27, 1962, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Neosho Valley marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Page Milk Company of Coffeyville, Kansas:

Proposal No. 1. Amend § 1071.6 to increase the marketing area by adding the counties of Craig, Nowata, Ottawa and Washington all in the State of Oklahoma.

Proposed by the K.M.O. Grade A Milk Producers Association:

Proposal No. 2. Amend § 1071.7(a) by inserting after the word "area" the following: "And from which during the delivery period 50 percent or more of the milk received from dairy farmers is disposed of as Class I milk."

Proposed by the Neosho Valley Cooperative Creamery Association:

Proposal No. 3. Amend § 1071.7 by adding "or" after § 1071.7(b)(2) and by adding a paragraph (c), as follows:

(c) Which is located within the marketing area, and at which milk is received from dairy farmers holding permits or authorization from such health authority and which is operated by a cooperative association having member producers whose milk is delivered directly to an approved plant(s) of other handlers.

Proposed by the K.M.O. Grade A Milk Producers Association:

Proposal No. 4. Change the term of an "Approved plant" in § 1071.7 to "Pool plant" and add a definition of "Nonpool plant".

Proposal No. 5. Provide a definition of an "Approved dairy farmer".

Proposal No. 6. In the last proviso in § 1071.9 "Producer", delete the words "and § 1071.62".

Proposed by the Beatrice Foods Company of Chicago, Illinois:

Proposal No. 7. Amend §§ 1071.50, 1071.51 and 1071.52 to provide that for pricing purposes the basic butterfat content be changed from 4 percent to a 3.5 percent basis and provide that price adjustments varying from 2.5 percent be made by the use of the butterfat differentials provided in § 1071.52.

Proposal No. 8. Amend § 1071.51(a) to provide for a Class I price the same as the Class I price established by Order No. 67 (Ozarks) applicable to pool plants located in Springfield, Missouri, plus 15 cents.

Proposed by the Foremost Dairies, Inc.:

Proposal No. 9. Amend § 1071.51(a) so that the Class I pricing provisions of the order assure proper alignment with Ozarks order Class I prices.

Proposed by the Cloverleaf Dairy Company of Springfield, Missouri:

Proposal No. 10. Delete § 1071.61 and substitute the following:

§ 1071.61 Plant subject to other Federal orders.

In the case of any approved plant which the Secretary determines disposes of a greater portion of its milk as Class I milk in another marketing area regulated by another marketing order issued pursuant to the Act, than is disposed of as Class I milk in the Neosho Valley marketing area, the provisions of this part shall not apply except as follows. The operator of such plant shall with respect to the total receipts and utilization of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

Proposed by the Hiland Dairy, Inc., of Springfield, Missouri:

Proposal No. 11. Delete § 1071.61 and substitute the following:

§ 1071.61 Plants subject to other Federal orders.

In the case of any approved plant which the Secretary determines disposes of a greater portion of its milk as Class I milk on retail or wholesale routes (including plant stores) in another marketing area fully regulated by another order issued pursuant to the Act than is disposed of as Class I milk on retail or wholesale routes (including plant stores) in the Neosho Valley marketing area, the provisions of this part shall not apply except as follows: The operator of such plant shall, with respect to the total receipts and utilization of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

Proposed by the K.M.O. Grade A Milk Producers' Association:

Proposal No. 12. In § 1071.62 amend the preamble and paragraphs (a) and (b) as follows:

§ 1071.62 Handlers doing less than 10 percent of their business in the marketing area or disposing of less than 50 percent of their milk as Class I.

In the case of any handler (except a handler who would be covered under the provisions of § 1071.61) who the Secretary determines disposes of less than 10 percent of his milk qualified for distribution as Grade A milk in the marketing area as Class I milk in the marketing area, or who the Secretary determines disposes of less than 50 percent of his milk received from dairy farmers as Class I, the provisions of this part shall not apply, except as follows: Each handler who operates an approved plant as defined in this section shall, in lieu of the payments required pursuant to §§ 1071.90 through 1071.97 pay to the market administrator for deposit in the producer settlement fund on or before the 13th day after the end of each delivery period, the amount resulting from the computation of paragraph (a) of this section, unless such handler elects to pay the computation specified in paragraph (b) of this section.

(a) The product of the quantity of milk received by such handler which was disposed of during the delivery period in the marketing area on routes as Class I milk, by the difference between the applicable Class I and Class II price; and

(b) Any plus amount resulting from the following computation: from an amount equal to the net pool obligation which would be computed pursuant to §§ 1071.70 and 1071.93 for such handler for such delivery period, if such handler operated a pool plant deduct the gross payments made by such handlers to approved dairy farmers for milk received during the month.

Proposed by the Fairmont Foods Company of Omaha, Nebraska:

Proposal No. 13. Delete subparagraphs (b) and (c) of § 1071.61.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 14. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Mr. Kenneth M. Fell, P.O. Box 601, Pittsburg, Kansas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on February 5, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-1306; Filed, Feb. 7, 1962; 8:50 a.m.]

[7 CFR Part 1133]

[Docket No. AO-275-A7]

MILK IN INLAND EMPIRE MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Spokane, Washington, on September 13-14, 1961, pursuant to notice thereof issued on August 16, 1961 (26 F.R. 7782).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on December 22, 1961 (26 F.R. 12611; F.R. Doc. 61-12295) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area.
2. Pool plant requirements.
3. Limitation of diversions.
4. Cooperatives as handlers of bulk tank milk.
5. Classification and accounting for milk.
6. Supply-demand adjustment of the Class I price.
7. Location adjustment to handlers and to producers.
8. Obligations of handlers operating nonpool distributing plants.
9. Advance payments to producers.
10. Conforming changes.

No testimony was offered in support of a proposal in the notice of hearing to include an additional basic formula price alternative. A proposal not contained in the notice of hearing was made at the hearing with respect to conditions under which skim milk dumped may be classified as Class II milk, but no evidence was offered in support thereof. There is thus no issue presented with respect to these proposals.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Expansion of the marketing area.* The marketing area should be expanded to include the remaining portions of Bonner and Kootenai Counties, all of Shoshone and Latah Counties, Idaho, and Whitman County, Washington. Nes Perce County, Idaho, and Asotin County, Washington, should not be added to the marketing area at this time.

The two cooperatives in the market, Spokane Milk Producers Association and Inland Empire Dairy Association, which represents approximately 75 percent of the total producers, proposed that the marketing area be enlarged to include all of Shoshone and Latah Counties, Idaho; Whitman County, Washington; and the remaining portions of Bonner and Kootenai Counties, Idaho. A proprietary handler operating a distributing plant at Pullman, Washington, proposed that if Latah and Whitman Counties were to be included Nez Perce and Asotin Counties should also be added to the marketing area. Representatives of the University of Idaho and Washington State University requested that their operations be exempt from regulation if Latah and Whitman Counties are added.

The addition of the portions of Bonner and Kootenai Counties not included in the marketing area at the present time will simplify the reporting of in and out of area sales required by the order. There are no plants located in these areas. At the present time there are no sales of milk by unregulated handlers in the portions of Bonner County not now included in the marketing area. The addition of Shoshone County without the addition of the remaining portion of Kootenai County would result in a small unregulated island within the marketing area. This area is presently served only by regulated handlers and those that would become regulated by the addition of Shoshone County.

The addition of Shoshone County will result in the full regulation of two handlers located in that county and partial regulation of a Missoula, Montana, handler who distributes some milk in the county. The handler operating a plant at Kellogg is supplied by 20 dairy farmers who are members of the Spokane Milk Producers Association. The Kellogg handler pays class prices of the order for this milk. Supplemental supplies of pool milk have been purchased from the Spokane Milk Producers Association by this handler in eight of the last 12 months, also at order prices. This handler has approximately 62 percent of the total sales in the county while regulated handlers account for an additional 16 percent. The other handler who will become fully regulated operates a plant in Wallace and is being supplied by five independent dairymen. These producers have been receiving less than order prices for their milk. This has placed handlers who are paying order prices at a competitive disadvantage and threatens to reduce prices to all producers who supply the area. Since it is evident that marketing in Shoshone County should be subject to order regulation on the basis of conditions existing in the county, it is appropriate that this be achieved by adding the county to the Inland Empire marketing area because of the close geographical and marketing relationships which exist. A handler whose plant is located in Missoula, Montana, distributes five percent of his total sales in this county. These sales are a minor portion of all sales in the area. He objected to the inclusion of Shoshone County because he would become partially regulated and therefore subject to the obligations required of a nonpool handler. No other opposition was offered to inclusion of Shoshone County in the marketing area.

The inclusion of Latah and Whitman Counties will bring under full regulation a plant at Pullman, Washington, which is operated by a handler who has a pool plant located in Spokane. This plant accounts for approximately 83 percent of the total sales in these counties while regulated handlers make 16 percent of all sales and a handler at Lewiston, Idaho, has minor sales in this area. Of the 30 dairy farmers supplying the Pullman plant 23 are members of one of the proponent cooperative associations. A representative of the independent shippers testified that they were satisfied with the prices they have been receiving for their milk and are opposed to the inclusion of this area in the market. Since the Inland Empire order first became effective the Pullman plant, which was then independently owned and operated, has been acquired by the handler with a Spokane plant. This handler has so integrated the operations of the two plants as to provide a substantial degree of specialization. Ice cream and cottage cheese distributed from the Pullman plant are processed at the Spokane plant from pool milk. Class I sales outside the marketing area are assigned to the fullest extent possible to the Pullman plant. Dairy farm receipts at the Pullman plant have been kept as close to Class I requirements as possible and pool milk received at the Spokane plant has been moved to Pullman when Class I sales exceed receipts from producers. By this integration of operations, producer prices at the Pullman plant have been maintained at a level competitive with order prices at Spokane but with a lesser Class I cost to the handler, and the interests of producers supplying pool plants have been adversely affected. Since these operations are integrated to this extent and the Pullman plant will be the only plant to be brought under regulation thereby, the appropriate means for protecting the interests of pool producers is to include in the marketing area the principal sales area of the Pullman plant. This area is the counties of Latah, Idaho, and Whitman, Washington.

Exemption is provided for state institutions or establishments that confine distribution of milk they process or package to their premises or those of other state institutions. The order need not regulate the activities of states in supplying the needs of their own institutions. The University of Idaho and Washington State University each presently confines distribution to milk of its own production in student dining halls on the campus. It is provided that milk that pool plants may receive from or dispose of to such institutions be treated as are receipts from, or disposition to, a producer-handler. The provisions with respect to producer-handlers in these and other respects are restated for clarification.

A handler operating the distributing plant at Pullman proposed that if this plant were to be regulated through the inclusion of Latah and Whitman Counties, then Nez Perce and Asotin Counties should also be included. Sixteen percent of all sales from this plant are made in these counties in competition with a handler at Lewiston, Idaho, in Nez Perce County. Some sales are also made by another regulated handler, who offered no testimony in favor of the proposal. The proponent was unable to offer data on the proportion of total sales in the area which are made by him or the regulated handler. There was no indication of unstable marketing conditions nor that the Inland Empire regulation would be significantly affected adversely by excluding the Lewiston handler from full regulation. The producers who supply the plant at Lewiston were opposed to regulation. It is concluded that on the basis of this record Nez Perce County, Idaho, and Asotin County, Washington, should not be included in the marketing area.

Some milk is sold in the enlarged marketing area by a Montana plant supplied by dairy farmers who are not under the routine inspection of health authorities having jurisdiction in the marketing area. While this plant would not now qualify for pool status, under which the farmers supplying it would become producers, the identity of the health authority issuing permits or ratings should not bar such farmers from producer status if the plant should qualify as a pool plant. Accordingly "producers" are defined in terms of Grade A permits or ratings issued by any duly constituted health authority.

2. *Pool plant requirements.* No change should be made in the total route disposition requirements that a distributing plant must meet to obtain pool status but a volume alternative pooling standard should be provided with respect to route disposition within the marketing area. However, if a handler operates more than one plant with the required disposition, he should be permitted to combine the receipts and utilization at such plants for purposes of compliance with the requirement for total route distribution. Also, plants operated by cooperative associations which have the required disposition on routes within the marketing area should be permitted to apply bulk deliveries to distributing pool plants of other handlers when computing the requirements for total route disposition.

The present order requires that to maintain pool status a distributing plant must dispose of 20 percent of receipts on routes within the marketing area and a total of 40 percent of receipts February through August and 50 percent September through January on all routes. A handler proposed that these requirements be reduced to 15 percent within the area and 30 percent overall, and that handlers operating more than one pool plant in the marketing area combine receipts and sales of all plants to determine qualification. The Inland Empire Dairy Association proposed that bulk deliveries from a cooperative plant to another pool distributing plant be considered route disposition.

No need for reduction in the qualification standards was demonstrated with respect to operations of plants presently regulated. Utilization in the market is well above the present minimum requirements. Expansion of the marketing area will result in a higher percentage of in-area route sales for plants now in the pool. The expansion of area does, however, afford a potential opportunity for large volume plants to have a significant percentage of the total sales in the marketing area without being pooled. In the recommended decision it was estimated that present fluid sales of any plant whose primary business is not in the enlarged area are substantially less than 5,000 pounds daily, or 150,000 pounds monthly. On this basis it was proposed that the pooling standard with respect to in-area route disposition be the lesser of 20 percent of receipts as presently provided, or 5,000 pounds per day. On the basis of exceptions received it appears this amount is not substantially in excess of present sales of at

least one plant whose primary business is outside the area. It is concluded that the alternative volume standard should be increased to 250,000 pounds monthly, an amount which represents approximately 2.5 percent of the present total market sales. Permitting a handler who operates more than one distributing plant with the required in-area distribution to combine receipts and sales of such plants for purposes of determining compliance with the total route disposition standards will meet the needs of the handler proposing changes in the standards. This handler operates a plant at Pullman, Washington, which will be included in the enlarged marketing area. Provisions for aggregate performance will permit this handler to operate his Spokane and Pullman plants to better use the facilities available at each of these plants. Rather than mere location in the marketing area, compliance with the in-area requirement should determine the plants of a handler for which aggregate performance may be used.

The Inland Empire Dairy Association has historically marketed its packaged fluid products through the Safeway stores in the area. However, Safeway plans to build a processing plant and offer milk under its own brand name in its stores. Some raw milk will continue to be supplied by Inland. This will result in a reduction in Inland route sales but the milk will be in the pool as it has been. This will change the functions of the Inland Empire plant with respect to such milk from that of distribution to that of balancing the supply required by a distribution plant, a function which should be recognized in the pooling requirement. Since the plant is primarily a distributing plant it should be required to meet the in-area route disposition requirement. Recognition of the supply balancing functions can more appropriately be provided by adding bulk transfers to distributing pool plants of other handlers to route disposition for purposes of computing the percentage of total route disposition.

The order presently specifies in the pool plant definition the dispositions which constitute distributions on "routes". Since there is need to use the term "route" elsewhere in the order a separate definition of "route" is provided. In this definition it is specified that delivery through a distribution point constitutes route disposition of the plant at which the milk is processed. Enlargement of the marketing area will include such a distribution point through which a Spokane handler presently distributes milk in the area to be added.

3. *Limitation of diversions.* Diversions by cooperative associations and proprietary handlers to nonpool plants should be permitted from December through June. Under the present order diversions are permitted in the months of February through August.

The cooperative associations proposed that the diversion period be changed to the months of December through June. A proprietary handler proposed that diversions of producer milk to nonpool plants be permitted during all months of the year with a limit of 20 days per month for each individual producer from July through November.

The trend in the market has been for supplies to be more in line with sales during July and August and a tendency toward an excess supply in December and January. Thus, substitution of December and January for July and August as the months when diversion to nonpool plants is permitted will better serve the needs of the market.

The testimony favoring this proposal was inconclusive as to the need for year-round diversions. It was not demonstrated that any hardship has occurred or is likely to because diversions are not permitted during all months. The needs of the proponent handler will be met by the changes made in the pool plant definition previously discussed.

4. *Cooperatives as handlers of bulk tank milk.* Cooperative associations should be given the option of becoming the responsible handler for bulk tank milk delivered to pool plants in trucks owned or under the control of the cooperative, if the market administrator and the operator of the pool plant are given prior notice by the cooperative of its intention to be the handler for such milk.

More than 95 percent of the producer milk in the market is handled in bulk tanks. This proposal was made by two cooperative associations in the market whose members comprise 75 percent of the total number of producers. Under the present order cooperatives are handlers for diverted milk and as operators of pool plants.

Flexibility should be provided in order that cooperatives may better meet the fluctuating day-to-day needs of handlers in a more efficient manner. When loads are split among handlers it is impossible to identify the milk of any single producer. Thus, the plants must rely on haulers to maintain producer records for such milk. Accounting will be simplified if the cooperative is permitted to become the responsible handler in these cases.

In settling with the cooperative associations for any milk for which an association is the handler, payment should be made at the uniform producer price and settlement made for pool equilization with the market administrator. To accomplish this, milk received from the cooperative association should be accounted for by the handler on the same basis as are receipts direct from producers. This system has the merit that any adjustments in classification found on audit of a handler's records will be made directly with such handler by the market administrator.

The order presently provides that a cooperative association may, within certain limits, divert milk from one pool plant to another without such milk being included in the computation determining pool status of either plant. Administration of this provision would not be feasible if the plant to which such milk is diverted is also supplied by the same cooperative association as a bulk tank handler. Accordingly, such interplant diversion is limited to cases in which the plant actually receiving the diverted milk is not also receiving milk from the same cooperative association as a bulk tank handler.

5. *Classification and accounting for milk.* The order presently classifies milk into Classes I, II(a), and II, but does not distinguish clearly between Class II(a) and Class II in all respects. For clarification these classes are redesignated Classes I, II, and III so that assignment of utilization between the classes may be made more explicit. In order to simplify language of the order a definition of "fluid milk products" is provided to include those products which are now classified as Class I milk when disposed of in fluid form.

(a) *Solids used for fortification and in dietary products.* The classification provisions should be revised to include dietary foods in Class I. Fluid milk products fortified with added nonfat milk solids should be classified as Class I milk in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content. The skim milk equivalent of the added solids should be classified as Class III milk.

Two proprietary handlers proposed that only the actual pounds of skim milk powder used in fortification of fluid products be classified as Class I with no provisions for accounting for the skim equivalent. Another handler, who will become partially regulated due to the enlargement of the marketing area, proposed a modification of the proposals to permit retention of the skim equivalent accounting method. The Spokane Milk Producers Association opposed any change in present system of accounting for fortified products.

Dietary foods should be specifically designated as fluid milk products and classified as Class I. Such items have been classified as Class I because they were considered to be flavored milk drinks.

The water associated with milk solids added to fortified products cannot be shown to be displacing producer milk in this market. However, the order should continue to account for reconstituted milk products on the basis of the original volume, including all the water originally associated with the solids. These products compete for the same sales as whole milk or skim milk and would displace producer milk available for the same purpose.

There is an incentive for handlers to fortify fluid milk products, which are primarily derived from producer milk, to meet the demand of consumers for low fat products which are high in nutritional value. The sale of such products helps to maintain or even increase Class I sales.

To maintain proper accounting the nonfat solids added should be converted to their skim milk equivalent and an amount equal to the difference between the skim milk equivalent of fortified products and the actual weight of the product disposed of in fluid form should be classified as Class III. The skim milk equivalent would be considered as a receipt of other source milk.

(b) *Shrinkage.* The two percent maximum allowance for Class III classification of shrinkage should be divided between the receiving and other operations when performed at different plants. The proration of total shrinkage should be between pool milk and other source fluid milk products.

The cooperative associations proposed that pool plants and cooperatives transferring milk in bulk tank lots to another pool plant be allowed 0.5 percent shrinkage leaving 1.5 percent allowable shrinkage for the processing plant. They also proposed to prorate total shrinkage between pool milk and other source milk.

The division of shrinkage on bulk tank milk to allow 0.5 percent to the plant (or cooperative handler) receiving milk from producers, and the remaining 1.5 percent to the plant at which the milk is processed, is in line with experience in other markets. Of course, the amount of shrinkage experienced by different handlers for various operations will vary, but this division would provide adequate allowance for normal operations.

When cooperatives deliver bulk tank milk in their capacity as handlers to pool plants, the operator of the pool plant may elect to purchase such milk on the basis of weights taken at the farm. In this case the pool plant operator should be allowed the full two percent shrinkage, because the cooperative would have no need for shrinkage allowance. However, a handler should be permitted to exercise this option only if he notifies the market administrator in advance that the purchase of such milk from the cooperative is on the basis of farm weights.

This change in computing the shrinkage allowance makes it necessary to prorate shrinkage between the volume of pool milk to which the maximum shrinkage allowance of two percent would apply and receipts of other source fluid milk products, rather than between producer milk and other source milk. Otherwise a disproportionate share of the total shrinkage could be assigned to pool milk.

(c) *Classification of milk delivered to nonpool plants outside the area.* Evidence was offered at the hearing, without objection, in support of a proposal that milk moved to nonpool plants outside the marketing area and used for manufacturing be classified separately and priced at 25 cents per hundredweight less than the Class II (new Class III) price of the order. It was claimed that lack of surplus handling facilities in the area and distance to nonpool plants required a transportation allowance. It was also claimed that modification of the order in this respect was required if the marketing area was to be enlarged. No evidence was offered that at current levels of supply disposal of reserve milk supplies has been a problem which would require lowering the Class III price. Neither does it appear that enlargement of the marketing area will in any way affect the problem of disposition to nonpool plants. The proposal is accordingly denied.

6. *Supply-demand adjustment of Class I price.* The present supply-demand adjustment limit of plus or minus 50 cents should not be changed. The cooperative associations proposed a reduction in the limit to plus or minus 25 cents.

The supply-demand adjuster was last amended in October 1959. Since that time the maximum adjustment has been 9 cents. This indicates that receipts and utilization have been in close alignment. The purpose of the supply-demand adjuster is to provide automatic price changes to encourage or discourage additional supplies as the relationship between receipts and utilization in the market changes. There may be need for adjustment in excess of the proposed 25-cent limit if there is a substantial change in the ratio of supplies to sales. Therefore the maximum rate should not be changed at this time.

7. *Location adjustment to handlers and producers.* Location adjustments should be applicable only at pool plants located more than 90 miles from the City Hall in Spokane.

The order presently provides location adjustments to handlers and producers on milk received at pool plants located more than 50 miles from the City Hall in Spokane. The cooperative associations proposed that location adjustments apply only at pool plants located outside the marketing area and more than 90 miles from Spokane without changing the rates applicable at such plants. Opposition was offered by a handler who operates a distributing plant at Pullman, Washington, which will become a pool plant under the expanded area of the order.

At the present time only one regulated plant, at Sandpoint, Idaho, is located more than 50 miles from Spokane. The handler operating this plant has for some time paid his producers at the f.o.b. Spokane price without deducting the location adjustment permitted under the order. Enlargement of the marketing area is expected to bring under full regulation three additional plants, all located in the territory being added; all of these are located more than 50 but less than 90 miles from Spokane.

One plant to become regulated, at Kellogg, Idaho, has been purchasing its milk from Spokane Milk Producers Association at full class prices of the order (with no location adjustment) and the producers supplying this plant have received prices approximately the same as producers delivering milk to Spokane plants. Another, at Pullman, Washington, has paid producer prices approximately equal to producer prices at Spokane under the order, but has had to rely on pool sources for reserve supplies of milk. The third plant, at Wallace, Idaho, is located within 11 miles of the plant at Kellogg and buys milk in competition with it. Within this area Spokane handlers and the plants to be newly regulated compete actively with each other. In view of present relationships, class prices and producer prices should be equal within this area. Since 90 miles includes all locations in the marketing area at which there are likely to be any plants, location adjustments are provided at all plants located more than 90 miles from Spokane. There are no plants outside the enlarged marketing area affected by this change. The rate presently applicable at Missoula, Montana, at which is located a plant that may become partially regulated, is not changed.

8. *Obligations of handlers operating nonpool distributing plants.* The operator of a plant distributing Class I milk in the marketing area that does not qualify as a pool plant should have the option of paying into the pool any amount by which the classified value of receipts from dairy farmers exceeds the gross payment to such farmers or the present rate of compensatory payment computed on the volume of his distribution in the marketing area less the amount of Class I purchases from pool plants. The expense of administration should be the same as that for a fully regulated handler if the first option is elected and computed only on the net volume of sales in the marketing area under the second option. If the first option is elected, credit should be given for payments to the producer-settlement and administrative funds of any other Federal order under which the plant may also be subject to partial regulation.

It was proposed by the cooperative associations that partially regulated handlers have the choice of making payments to the dairy farmers supplying them in amounts determined in the same manner as for a fully regulated handler or making compensatory payments as provided for in the present order. A handler whose plant at Missoula, Montana, will become partially regulated due to the expanded marketing area, proposed a modification to permit the volume of sales in the marketing area under the second option to be reduced by the amount of Class I purchases from pool plants. This handler also proposed that credit be given for costs of administration assessed under state orders, and favored a change in the rate of compensatory payment.

The order presently provides that operators of nonpool distributing plants shall pay compensatory payments on their Class I sales in the marketing area at a rate equal to the difference between the Class I and Class II (new Class III) prices. Testimony was offered that during months of short production this rate should be the difference between the Class I and uniform price of the order, on the theory that it might be assumed that milk could not be procured at that season for less than the uniform prices of the order. During much of this season the uniform prices of the Inland Empire order will in the future be increased through the fall incentive payment plan adopted effective September 1, 1961, and thus may even exceed the Class I price. The evidence offered in support of the changed rate is not such as to justify a change in the rate of payment.

The provisions adopted will assure the fully regulated handlers in the market that any of their competitors who are primarily associated with another market have no procurement advantage. If

the partially regulated handler chooses the first option, his total minimum obligations for milk will be determined exactly as if he were fully regulated. The plants to which the provisions may presently apply are so located that their procurement areas do not overlap those of fully regulated handlers. Local plants that might fail to qualify as pool plants would be those with Class I utilization far below the market average. The full use value of their milk that such handlers may pay to the dairy farmers supplying them under this option will not be competitive, in this market and under these circumstances, with the uniform order price paid Inland Empire producers by fully regulated handlers.

The obligation of a nonpool plant under the second option will be the same as that of a pool plant with respect to other source milk used for Class I purposes. Permitting the partially regulated handler to make a compensatory payment on the net of Class I sales in the marketing area (actual sales less purchases of Class I milk from pool plants) will not result in any loss to the pool because the regulated handler from whom the milk is obtained will account to the producer-settlement fund for such sales at the Class I price.

The assessment of administrative expense should depend upon the option chosen by the nonpool distributor. The first option requires the same verification of receipts and utilization by the market administrator as in the case of a pool plant, therefore, the expense of administration should be the same. Under the second option comprehensive audits are not required so the expense of administration should only be computed on the sales in the marketing area. There should be no credit given for administrative expense paid under a state order. Responsibility for administration of the order may not be delegated to a state agency.

9. *Advance payments to producers.* The order should provide for an advance payment for producer milk received during the first half of each month. The rate of payment should be at the Class III price for the previous month.

The Spokane Milk Producers Association proposed that advance payments be made to producers. Proprietary handlers contended this was not necessary because advance payments are available to producers on request.

The order presently provides that producers be paid by the 17th of each month for milk delivered during the previous month. This permits handlers the use of producer money for milk for a period of up to a month and a half at some risk to the producers. Many producers are presently receiving advances and the order should provide for such payments to be made to all producers. Milk production under present conditions requires substantial operating capital. The producers must make substantial cash investments and have ready cash to meet credit obligations. Provisions for regular partial payment for milk delivered early in the month will reduce the need for producers to increase operating capital.

Since cooperative associations will be permitted to become handlers for their member's milk it will be necessary, in order that associations may make advance payments to their members, for handlers to make advance payments at the same rate on the aggregate amount of milk received from the cooperative. For member milk for which the cooperative is not the handler, but for which it collects payments, a statement showing the receipts from each member producer should also be required on the 20th day of the month for milk delivered the first half of the month and the 7th for milk received the last half of the previous month. In either case payments to cooperatives should be made at least two days prior to the date of payment to individual producers. Thus, cooperatives will be able to make advance payments to their members and all producers in the market will receive payment at the same time.

Use of the Class III price for the previous month in computing advance payments will result in a minimum of overpayments. Administrative detail will be kept at a minimum in that no adjustments for butterfat, hauling or other deductions are required.

10. *Conforming changes.* The amendments required to carry out the conclusions of this decision require change in almost every section of the order. The entire order has accordingly been rewritten to incorporate these conforming changes and for clarity and specificity of provisions. Certain plants which have discontinued operations are deleted from the list of those whose paying prices are used as an alternative basic formula price.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Inland Empire Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Inland Empire Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Inland Empire marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of November 1961 is hereby determined to be the representative period for the conduct of such referendum.

James A. Burger is hereby designated agent of the Secretary to conduct referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on February 2, 1962.

JAMES T. RALPH,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Inland Empire Marketing Area

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AUTHORITY: §§ 1133.0 to 1133.101 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1133.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of milk in the Inland Empire marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Inland Empire marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to: (i) Receipts at a pool plant of (a) producer milk, including such handler's own farm production and that classified pursuant to § 1133.44(b), and (b) other source milk, except other order milk, allocated to Class I; (ii) producer milk for which a cooperative association is the handler pursuant to § 1133.15 (c) and (d) in excess of that delivered to the pool plants of other handlers; and (iii) the quantities of milk at handler's nonpool plants as specified in § 1133.62.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Inland Empire marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 1133.1 Act.

"Act" means Public Act No. 10, 73d Congress as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 1133.2 Secretary.

"Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1133.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1133.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1133.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in § 1133.11 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

§ 1133.6 Inland Empire marketing area.

"Inland Empire marketing area" hereinafter called the "marketing area" means all of Benewah, Bonner, Boundary, Kootenai, Latah and Shoshone

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Counties, Idaho; Spokane and Whitman Counties, Washington; that portion of Pend Oreille County, Washington, lying south of Township 35; and that portion of Stevens County, Washington, lying south of Township 37. This definition shall include all municipal corporations, Federal military reservations, facilities, and installations and State institutions lying wholly or partly within the above described area.

§ 1133.7 Plant.

"Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling, or processing of milk or milk products.

§ 1133.8 Pool plant.

"Pool plant" means any plant described in paragraph (a) or (b) of this section, other than the plant of a producer-handler, or a plant with respect to which the handler is exempt pursuant to § 1133.61, which is approved by an appropriate health authority for the receiving of milk qualified for distribution as Grade A milk in the marketing area.

(a) Any plant, hereinafter referred to as a "distributing pool plant", in which fluid milk products are processed or packaged and from which during the month:

(1) Disposition of fluid milk products on routes within the marketing area equals or exceeds the lesser of 250,000 pounds or 20 percent of the total receipts of Grade A milk from dairy farmers, cooperative associations pursuant to § 1133.15(d), and from pool supply plants and other plants forwarding the applicable percentage of receipts specified in paragraph (b) of this section to such plant and other pool distributing plants; and

(2) Total disposition of fluid milk products on routes is 40 percent or more of such receipts in any of the months of February through August, inclusive, and 50 percent or more of such receipts in any of the months of September through January, inclusive.

(b) Any plant, hereinafter referred to as a "supply pool plant", from which there is forwarded to a pool distributing plant(s) 50 percent or more each of the skim milk and butterfat in its dairy farm supply of Grade A milk during the current month during the period of October through December, or 20 percent or more during the current month during the period January through September. Any such plant which has forwarded more than 50 percent of such receipts for the entire period October through December shall be a pool plant for the months of January through September immediately following unless the operator of such plant files with the market administrator, prior to the first day of any month(s), a written request to withdraw such plant from pool plant status for such month(s); and

(c) For the purposes of computing the percentages specified in this section the following shall apply:

(1) Receipt of milk from dairy farmers shall not include, at either plant involved, milk diverted pursuant to § 1133.15(c)(2);

(2) If a plant operated by a cooperative association meets the requirements of paragraph (a)(1) of this section, bulk milk delivered to distributing pool plants of other handlers shall be added to disposition on routes for purposes of computing the percentage specified in paragraph (a)(2) of this section; and

(3) If a handler operates more than one distributing plant meeting the requirements of paragraph (a)(1) of this section, the aggregate route disposition and receipts of all such plants shall be used to compute the percentage specified in paragraph (a)(2) of this section for each of such plants.

§ 1133.9 Nonpool plant.

"Nonpool plant" means any plant other than a pool plant.

§ 1133.10 Dairy farmer.

"Dairy farmer" means any person who operates a farm engaged in the production of milk.

§ 1133.11 Producer.

"Producer" means any dairy farmer, other than a producer-handler, who produces milk under a dairy farm permit or rating issued by a duly constituted health authority for distribution as Grade A milk whose milk is received at a pool plant or diverted as producer milk pursuant to § 1133.12.

§ 1133.12 Producer milk.

"Producer milk" of each handler means all skim milk and butterfat produced by producers:

(a) With respect to receipts at a pool plant:

(1) Received directly from such producers;

(2) Diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the limitations and conditions of paragraph (c) of this section; and

(3) That to be classified pursuant to § 1133.44(b);

(b) With respect to additional receipts of a cooperative association:

(1) For which such cooperative association is the handler pursuant to § 1133.15(c)(1), subject to the limitations and conditions of paragraph (c) of this section; and

(2) For which the cooperative association is the handler pursuant to § 1133.15(c)(2) and (d); and

(c) With respect to diversions to nonpool plants pursuant to paragraphs (a)(2) and (b)(1) of this section:

(1) Such diversions may be without limit during the months of December through June if milk from the same producer was received at a pool plant during some portion of the period July through November immediately preceding; and

(2) For the purpose of location adjustments pursuant to §§ 1133.53 and 1133.81, milk so diverted shall be priced at the location of the plant from which diverted.

§ 1133.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products from any source except (1) producer milk; or (2) receipts from other pool plants; and

(b) Products, other than fluid milk products, from any source (including those processed at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1133.14 Other order milk.

"Other order milk" means all skim milk and butterfat received at a pool plant in the form of a fluid milk product which is subject to the pricing and payment provisions of any other order issued pursuant to the Act.

§ 1133.15 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person who operates a nonpool plant from which fluid milk products labeled Grade A are disposed of on routes in the marketing area;

(c) A cooperative association with respect to the milk of its member producers caused to be diverted for its account:

(1) From a pool plant to a nonpool plant during any of the months of December through June; and

(2) From a pool plant to another pool plant to which such cooperative association delivers no milk pursuant to paragraph (d) of this section during the month, and not exceeding a period of 90 consecutive days for any producer; and

(d) A cooperative association with respect to the milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the operator of the pool plant to whom the milk is delivered in writing prior to the first day on which the milk is delivered, that it elects to be the handler for all such milk. Milk so delivered shall be considered to have been received by the cooperative association at the location of the plant to which delivered.

§ 1133.16 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a processing plant from which fluid milk products are distributed on routes in the marketing area but who receives no fluid milk products during the month from other dairy farmers or from any other source except by transfer from a pool plant. Such person must provide proof satisfactory to the market administrator that the maintenance, care and management of the dairy animals and other resources necessary to produce his own farm milk production and the operation of the processing and distribution business is the personal enterprise and risk of such person.

§ 1133.17 Fluid milk product.

"Fluid milk product" means milk, skim milk, skim milk drinks, buttermilk, flavored milk, flavored milk drinks, concentrated milk, skim milk or milk drinks (not including evaporated milk, condensed milk or condensed skim milk), fortified milk or skim milk (including "diet" foods), cream (sweet or sour), any mixture in fluid form of cream and milk or skim milk (except ice cream mix, frozen dessert mix, cocoa mixes, aerated products, eggnog and yogurt), which are neither sterilized nor in hermetically sealed metal containers.

§ 1133.18 Route.

"Route" means any delivery, including delivery by a vendor or disposition from a plant, plant store or distribution point, of fluid milk products to retail or wholesale outlets other than delivery to a milk plant or distribution point, or pursuant to § 1133.41(c)(3).

MARKET ADMINISTRATOR

§ 1133.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be designated by, and shall be subject to removal at the discretion of, the Secretary.

§ 1133.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1133.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1133.86 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1133.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 1133.30 to 1133.32, inclusive; or

(2) Made one or more of the payments pursuant to §§ 1133.80 to 1133.88, inclusive;

(i) On or before the 16th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk delivered by such cooperative association pursuant to § 1133.15(c)(2) and (d) or from its member producers to each handler. For the purpose of this report, the milk caused to be so delivered by such cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) On or before the 12th day after the end of each month, notify:

(1) Each handler whose total value of milk is computed pursuant to § 1133.70 of:

(i) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(ii) The amount of any charge made pursuant to § 1133.70(e);

(iii) The uniform price;

(iv) The totals of the amounts computed in the manner provided by § 1133.80;

(v) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(vi) The totals of the amounts required to be paid by such handler pursuant to §§ 1133.87 and 1133.88.

(2) Each handler whose total value of milk is computed pursuant to § 1133.62 of the pounds of other source milk on which payment is required to be made and the amount due the producer-settlement fund from such handler.

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 6th day of each month the minimum price for Class I milk pursuant to § 1133.51(a) and the Class I butterfat differential pursuant to § 1133.52(a), both for the current month; and the respective minimum prices for Class II milk and Class III milk pursuant to § 1133.51 (b) and (c) and the Class II and III butterfat differential pursuant to § 1133.52(b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price computed pursuant to § 1133.71 and the butterfat differential computed pursuant to § 1133.82, both applicable to producer milk received during the preceding month.

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 1133.30 Reports of receipts and utilization.

On or before the 7th day of each month, each handler except a producer-handler or a handler making payments pursuant to § 1133.62(b), shall report to the market administrator in the detail and on the forms prescribed by the market administrator the following information for the preceding month:

(a) Each handler operating pool plants shall report the quantities of skim milk and butterfat in:

(1) Receipts of each such plant in:

(i) Producer milk, showing separately that to be classified pursuant to § 1133.44(b);

(ii) Fluid milk products received from other pool plants; and

(iii) Other source milk, including other order milk;

(2) Opening inventories of fluid milk products;

(3) The utilization in each class of the quantities required to be reported, including separate statements of quantities (i) in inventories of fluid milk products on hand at the end of the month, and (ii) in route disposition outside the marketing area; and

(4) Such other information with respect to receipts and utilization as the market administrator may request.

(b) Each handler specified in § 1133.15(b) shall report as required in paragraph (a) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; and

(c) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1133.15(c) and (d) as follows:

(1) Receipts of skim milk and butterfat in producer milk;

(2) Utilization of milk for which it is the handler pursuant to § 1133.15(c)(1);

(3) The quantities delivered to each pool plant of another handler pursuant to § 1133.15 (c)(2) and (d); and

(4) Such other information as the market administrator may require.

§ 1133.31 Payroll reports.

On or before the 20th day of each month, each handler except one exempt pursuant to § 1133.61 or one making payments pursuant to § 1133.62(b), shall submit to the market administrator his

producer payroll (or in the case of a handler making payments pursuant to § 1133.62(a), his payroll for dairy farmers delivering Grade A milk) for deliveries made the preceding month which shall show for each producer:

(a) The name and address of the producer or dairy farmer;

(b) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from such producer and the number of days on which milk was received from such producer; and

(c) The price, amount and date of payment with the nature and amount of any deductions.

§ 1133.32 Other reports.

(a) Each producer-handler, each handler required to report pursuant to § 1133.61 and each handler making payments pursuant to § 1133.62(b) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe; and

(b) Each handler dumping skim milk shall give the market administrator not less than 6 hours' notice of intention to make such disposition and of the quantities of skim milk involved. In addition, each handler dumping skim milk shall mail or deliver to the market administrator within 48 hours following each dumping not witnessed by the market administrator or his agent, a report in writing, as prescribed by the market administrator, showing the date on which the dumping was made and the quantity dumped, such report to be signed by both the person who dumped the skim milk and the person authorized to sign reports for the handler made pursuant to § 1133.30 (if the latter person is not available to sign the report within the 48-hour period, the signature of the plant manager or plant superintendent shall be substituted on the report).

§ 1133.33 Records and facilities.

Each handler shall maintain and make available to the market administrator, or his representative, during the usual hours of business, such accounts and records of his operations, including those of any other person upon whose utilization the classification of milk depends, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(a) The information required to be reported pursuant to §§ 1133.30, 1133.31 and 1133.32;

(b) The weights and tests for butterfat and other contents of all milk and milk products handled; and

(c) Payments required to be made pursuant to §§ 1133.80 through 1133.88.

§ 1133.34 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8(c)(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1133.35 Handler reports to producers and cooperative associations.

(a) In making payments to producers pursuant to § 1133.80(b), each handler on or before the 17th day after the end of each month, for milk received during such month, shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate at which payment to such producer is required pursuant to § 1133.80;

(4) The rate which is used in making payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(b) In making payments to a cooperative association pursuant to § 1133.80(c) each handler upon request shall furnish to the cooperative association on or before the 20th day of the month with respect to milk received during the first half of the month and on or before the 7th day of the month with respect to milk received during the last half of the previous month for each producer for whom such payment is made, the information specified in subparagraphs (1), (2), and (5) of paragraph (a) of this section, and the daily weights of milk purchased from each of the association's member producers.

CLASSIFICATION

§ 1133.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month for which utilization is required to be reported pursuant to § 1133.30 shall be classified each month by the market administrator pursuant to the provisions of §§ 1133.41 through 1133.45. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids.

§ 1133.41 Classes of utilization.

Subject to the conditions set forth in §§ 1133.42, 1133.43 and 1133.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product (including those reconstituted) except:

(i) Any products fortified with added nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of milk, skim milk, or cream of the same butterfat content; and

(ii) As classified pursuant to paragraphs (c) (2) and (3) of this section; or

(2) Not otherwise specifically accounted for as Class II or Class III utilization;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce ice cream, ice cream mix, frozen desserts, cocoa mixes, and cottage, pot and bakers' cheeses; and

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product or a Class II product;

(2) In skim milk:

(i) Disposed of for livestock feed;

(ii) Dumped pursuant to the conditions specified in § 1133.32(b); and

(iii) In fluid milk products which are excepted from Class I milk pursuant to paragraph (a)(1)(i) of this section;

(3) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(4) Contained in inventories of fluid milk products on hand at the end of the month;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1133.42(b)(1) but not to exceed the following:

(i) Two percent of receipts directly from producers (including in the case of a cooperative association, such receipts for which it is the handler pursuant to § 1133.15 (c) or (d)), plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1133.15 (c) or (d), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be two percent; plus

(iii) 1.5 percent of receipts in bulk tank lots from other pool plants; less

(iv) 1.5 percent of disposition in bulk tank lots to other milk plants (where the exception specified in (ii) hereof applies, the applicable percentage shall be two percent); and

(6) In shrinkage allocated to receipts of other source milk.

§ 1133.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between: (1) Skim milk and butterfat in pool milk in amounts respectively equal to 90 times the maximum amount that may be computed pursuant to § 1133.41 (a)(5); and (2) skim milk and butterfat in other source milk.

§ 1133.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I unless the handler who first receives such skim milk or butterfat can establish to the satisfaction of the market administrator that such skim milk or butterfat should be classified otherwise;

(b) The burden shall rest upon each handler to establish the sources of milk and milk products required to be reported by him pursuant to § 1133.30; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1133.44 Transfers.

Skim milk and butterfat disposed of by a handler, either by transfer or diversion, shall be classified as follows:

(a) As Class I milk if transferred in bulk in the form of fluid milk products from a pool plant to another pool plant unless:

(1) Utilization in another class is claimed by the operators of both pool plants in their reports pursuant to § 1133.30;

(2) The receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat, respectively, remaining after the allocation pursuant to § 1133.46(a) (1) through (6) and the corresponding steps of § 1133.46(b); and

(3) The classification of the skim milk or butterfat so transferred shall be classified so as to allocate to producer milk the greatest possible total Class I utilization at both plants;

(b) Milk for which a cooperative association is the handler pursuant to § 1133.15 (c)(2) or (d) shall be deducted from the producer milk to be classified as that of the cooperative association and shall be included in producer milk classified at the plant of the transferee handler;

(c) As Class I milk if transferred to a producer-handler in the form of a fluid milk product;

(d) As Class I milk if transferred or diverted except as provided in paragraph (c) of this section as a fluid milk product in bulk form to a nonpool plant, unless the following conditions are met:

(1) The operator of the pool plant claims utilization in another class in his report for the month submitted pursuant to § 1133.30;

(2) The operator of the nonpool plant maintains books and records showing the utilization of the skim milk and butterfat at such plant, which are made available if requested by the market administrator for the purpose of verification;

(3) If the conditions set forth in subparagraphs (1) and (2) of this paragraph are met the market administrator shall determine the classification of all skim milk and butterfat at such nonpool plant and the transfer from the pool plant shall be allocated in sequence to the highest class uses remaining after allocating, in series beginning with Class I, such nonpool plant's regular dairy farm receipts of Grade A milk and receipts of milk classified as Class I milk under another Federal order;

(e) Transfers to nonpool plants fully regulated under the terms of another Federal order issued pursuant to the Act, shall be classified as Class III milk if in bulk form and allocated in the transferee-plant, pursuant to the terms of the order to which such plant is subject, as other than Class I milk, otherwise such transfers shall be classified as Class I milk.

§ 1133.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class for such handler at all of his pool plants.

§ 1133.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1133.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the shrinkage of skim milk classified as Class III milk pursuant to § 1133.41(c)(5);

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in other source milk received in a form other than a fluid milk product;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in other source milk in the form of fluid milk products exclusive of other order milk;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in other order milk;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the pounds of skim milk remaining in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned pursuant to § 1133.44; and

(8) If the remaining pounds of skim milk in all classes exceeds the pounds of skim milk contained in milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Allocate butterfat in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1133.50 Basic formula price to be used in determining Class I prices.

The basic formula price to be used on computing the price per hundredweight of Class I milk for the current month shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section for the preceding month:

(a) Divide by 3.5 and then multiply by 4.0 the average of the basic, or field, prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from dairy farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 1133.51 Class prices.

Subject to the differentials provided in §§ 1133.52 and 1133.53 the following

are the minimum prices per hundredweight to handlers for Class I milk, Class II milk, and Class III milk:

(a) *Class I milk.* For each month the price for Class I milk shall be the basic formula price rounded to the nearest cent, plus $1.90 adjusted by the amount, but not in excess of 50 cents for any month, computed pursuant to paragraph (d) of this section.

(b) *Class II milk.* The price for Class II milk shall be the price computed pursuant to paragraph (c) of this section, plus 25 cents per hundredweight.

(c) *Class III milk.* The price for Class III milk shall be that computed by the market administrator from the formula set forth in subparagraphs (1), (2), and (3) of this paragraph.

(1) Add 3 cents to the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, and multiply the result by 4.8: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for spray and roller process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 80 cents and round to the nearest cent.

(d) *Supply-demand adjustment.* On or before the 6th day of each month the market administrator shall make the following computations based upon information obtained from handler's reports of receipts and utilization:

(1) Determine the total receipts of producer milk by all handlers (including receipts from a handler's own farm production) during the second and third months preceding;

(2) Determine the total pounds of milk and milk products disposed of from pool plants as Class I milk (excluding shrinkage, unaccounted for milk, and any duplications resulting from interhandler transfers) during the same two months;

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the amount obtained in subparagraph (1) of this paragraph, and adjust to the nearest full percentage point. The resulting percentage shall be known as the "Class I utilization percentage";

(4) Compute a "net deviation percentage" as follows:

(i) If the Class I utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero;

(ii) Any amount by which the Class I utilization percentage is less than the minimum standard utilization percentage specified below is the "minus net deviation percentage"; and

(iii) Any amount by which the Class I utilization percentage exceeds the maximum standard utilization percentage specified below is the "plus net deviation percentage":

Month for which price applies	Months used in computation	Standard utilization percentage	
		Minimum	Maximum
January	October–November	79	82
February	November–December	76	79
March	December–January	73	76
April	January–February	74	76
May	February–March	72	75
June	March–April	70	73
July	April–May	68	71
August	May–June	63	66
September	June–July	65	68
October	July–August	69	72
November	August–September	73	76
December	September–October	77	80

(5) For a minus net deviation percentage the Class I price shall be decreased, and for a plus net deviation percentage the Class I price shall be increased, as follows:

(i) One cent for each such full percentage point of net deviation; plus

(ii) One cent for the lesser of:

(*a*) Each such percentage point of net deviation, or

(*b*) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of the computations of this subparagraph) computed pursuant to subparagraph (4) of this paragraph for the month immediately preceding, plus

(iii) One cent for the least of:

(*a*) Each such percentage point of net deviation;

(*b*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (4) of this paragraph for the month immediately preceding; or

(*c*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (4) of this paragraph for the second preceding month.

§ 1133.52 Butterfat differentials to handlers.

If the average butterfat content of Class I milk, Class II milk or Class III milk, computed pursuant to § 1133.45, for any handler for any month differs from 4.0 percent, there shall be added to, or subtracted from, the applicable class price (§ 1133.51) for each one-tenth of one percent that the average butterfat content of such class is respectively above, or below, 4.0 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I milk.* Add three cents to the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department during the preceding month, multiply the result by 0.123, and round to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(b) *Class II milk and Class III milk.* Add three cents to the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department, during the month, multiply the result by 0.12[illegible] and round to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

§ 1133.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located more than 2[illegible] miles by the shortest highway distance as determined by the market administrator, from the City Hall, Spokane, Washington, and disposed of as Class I milk or assigned to Class I pursuant to paragraph (b) of this section, the price computed pursuant to § 1133.51(a) shall be reduced two cents for each 10 miles or fraction thereof, up to 200 miles, and one cent for each 10 miles or fraction thereof, in excess of 200 miles, by the shortest hard-surfaced highway distance determined by the market administrator, from such pool plant to the City Hall, Spokane, Washington; and

(b) For purposes of calculating this adjustment, transfers between pool plants shall be assigned to Class I use in volume not in excess of that by which Class I disposition at the transferor plant exceeds receipts at such plant from producers and cooperative associations pursuant to § 1133.15 (c)(2) and (d), and assignment to transferor plants shall be made first to plants at which no location adjustment is applicable and then in sequence beginning with the plant at which the least location differential would apply.

§ 1133.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1133.60 Producer-handlers.

Sections 1133.40 through 1133.50 through 1133.53, 1133.70, 1133.[illegible] and 1133.80 through 1133.88 shall not apply to a producer-handler.

§ 1133.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to any distributing or supply plant which would be subject to the distribution, pricing and payment provisions of another order issued pursuant to the Act, unless a greater volume of fluid

milk products are disposed of on routes in the marketing area than in the marketing area regulated pursuant to such other order, except that the operators of such plants shall make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

§ 1133.62 Handlers operating nonpool distributing plants.

In lieu of the payments required pursuant to §§ 1133.80 through 1133.87, each handler, other than a producer-handler or one exempt pursuant to § 1133.61, who operates during the month a nonpool distributing plant, shall pay to the market administrator on or before the 25th day after the end of the month the amounts calculated pursuant to paragraph (a) of this section, unless the handler elects at the time of reporting pursuant to § 1133.30, to pay the amounts computed pursuant to paragraph (b) of this section:

(a) The following amounts:

(1) To the producer-settlement fund any plus amount remaining after deducting from the value that would have been computed pursuant to § 1133.70, if such handler had operated a pool plant, the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant or at a plant which serves as a supply plant, and (ii) any payments with respect to operations of the same month to the producer-settlement funds of other orders issued pursuant to the Act due to the nonpool plant being partially regulated under such other orders; and

(2) As his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1133.88 had such plant been a pool plant, except that if such plant is also a nonpool plant under another order issued pursuant to the Act, the payments due under this subparagraph shall be reduced by the amount of any administrative expense payments under the other order; and

(b) The following amounts:

(1) To the producer-settlement fund, an amount equal to the value at the Class I price applicable at the location of such handler's plant, of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area, in excess of the skim milk and butterfat received at such nonpool plant from a pool plant during the month which was classified as Class I milk under this part less the value of such skim milk and butterfat at the Class III price; and

(2) As his share of the expense of administration the rate specified in § 1133.88 with respect to the net Class I milk so disposed of in the marketing area.

§ 1133.63 State institutions.

A state owned and operated institution or establishment which processes or packages milk distributed solely on its premises or those of other state institutions or establishments shall be exempt from all provisions of this part. Milk received from such institutions at pool plants shall be other source milk and fluid milk products disposed of by a handler to such institutions shall be classified on the same basis as though disposed of to a producer-handler.

DETERMINATION OF UNIFORM PRICE

§ 1133.70 Computation of the value of producer milk.

The value of producer milk received by each handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1133.46(c), by the applicable class prices, adjusted pursuant to §§ 1133.52 and 1133.53;

(b) Add or subtract the amount necessary to correct errors disclosed by the verification of reports of receipts and utilization of skim milk and butterfat in previous months for which payment has not been made;

(c) Add the amount obtained in multiplying the pounds of overage deducted from each class pursuant to § 1133.46(a)(8) and the corresponding step of § 1133.46(b) by the applicable class prices;

(d) Add the amount obtained in multiplying the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1133.46(a)(2) and the corresponding step of § 1133.46(b) by the difference between the Class III price and the Class I price, each adjusted by the respective butterfat differentials;

(e) Add the amount obtained in multiplying the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1133.46(a)(3) and the corresponding step of § 1133.46(b) by the difference between the Class III price and the Class I price adjusted for butterfat content and location of the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(f) Add the amount obtained in multiplying the difference between the Class III price for the preceding month and the Class I price for the current month by the lesser of:

(1) The hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1133.46(a)(5) and the corresponding step of § 1133.46(b); or

(2) The hundredweight of skim milk and butterfat remaining in Class III after the calculation pursuant to § 1133.46(a)(6) and the corresponding step of § 1133.46(b) in the preceding month; and

(g) Subtract the value of payments applicable under any other Federal order issued pursuant to the Act, if confirmed by the market administrator of such other order, on transfers of skim milk or butterfat in bulk form pursuant to § 1133.44(e), which are other source milk under such other order.

§ 1133.71 Computation of uniform price.

For each month the market administrator shall compute a uniform price per hundredweight as follows:

(a) Combine into one total the values computed pursuant to § 1133.70 for all handlers who made reports prescribed in § 1133.30 and who made the payments pursuant to § 1133.84 for the preceding month;

(b) Add the aggregate values of the location adjustments pursuant to § 1133.81;

(c) Subtract for each of the months of April, May and June an amount computed by multiplying the total hundredweight of producer milk for such month by 30 cents;

(d) Add for each of the months of September, October and November one-third of the aggregate amount subtracted pursuant to section (c) of this section;

(e) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 1133.82 and multiplying the result by the total hundredweight of producer milk included in these computations;

(f) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(g) Divide the resulting sum by the total hundredweight of milk included in these computations; and

(h) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be known as the "uniform price" for milk received from producers.

PAYMENTS

§ 1133.80 Time and method of payment to producers and cooperative associations.

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer from whom milk is received as specified in paragraphs (a) and (b) of this section:

(a) On or before the last day of the month, to each producer who had not discontinued shipping milk to such handler before the 18th day of the month, an advance payment with respect to milk received during the first 15 days of the month at not less than the Class III price for the preceding month;

(b) On or before the 17th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 1133.71 subject to the butterfat differential computed pursuant to § 1133.82 and location adjustment computed pursuant to § 1133.81, and less (1) payments made pursuant to paragraph (a) of this section, (2) marketing service deductions pursuant to § 1133.87, and (3) proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 1133.85, he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator; the handler shall, however, complete

such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator;

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payments for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association, each handler shall pay to the cooperative association on or before the second day prior to the date of payment to producers in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers the foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association;

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination;

(d) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1133.15(c)(2) and (d), shall, on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) An advance payment for milk received during the first 15 days of the month at not less than the Class III price for the preceding month; and

(2) In making final settlement, the value of such milk at the applicable uniform price, less payment made pursuant to subparagraph (1) of this paragraph; and

(e) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c(5)(F) of the Act from making payment for milk to its producers in accordance with such provisions of the Act.

§ 1133.81 Location adjustments to producers.

In making payment to producers pursuant to § 1133.80 for milk received at a pool plant to which the provisions of § 1133.53 apply, the uniform price per hundredweight for base milk shall be reduced at the same rate per hundredweight as is applicable to Class I milk at such plant pursuant to § 1133.53.

§ 1133.82 Producer butterfat differential.

In making payments pursuant to § 1133.80(a) the uniform price shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 4.0 percent as the case may be, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1133.52, weighted by the pounds of butterfat in producer milk in each class, the result being rounded to the nearest tenth of a cent.

§ 1133.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1133.62 (a) (1) and (b) (1), 1133.84 and 1133.86 and out of which he shall make all payments to handlers pursuant to §§ 1133.85 and 1133.86.

§ 1133.84 Payments to the producer-settlement fund.

On or before the 14th day after the end of each month each handler shall pay to the market administrator the amount, if any, by which the total value of the milk received by such handler from producers computed pursuant to § 1133.70 (plus, in the case of a cooperative association which is a handler, the minimum amount due from other handlers pursuant to § 1133.80(e)) is greater than the value of such handler's producer milk at the applicable uniform price specified in § 1133.80.

§ 1133.85 Payments out of the producer-settlement fund.

On or before the 15th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the value of the milk received by such handler from producers computed pursuant to § 1133.70 (plus, in the case of a cooperative association that is a handler, the minimum amount due from other handlers pursuant to § 1133.80(e)) is less than the value of such handler's producer milk at the applicable uniform price specified in § 1133.80, except that the market administrator shall offset any payments due any handler against payments due from such handler. If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1133.86 Adjustments of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after the notice.

§ 1133.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 1133.80(a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association;

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association; and

(3) All milk received at a plant operated by a cooperative association from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(s) as determined by the market administrator. Such deduction shall be paid by the handler to the market administrator on or before the 14th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer who is a member of, or who has given written authorization for the rendering of marketing services and taking of deduction therefor to, a cooperative association, (2) whose milk is received at a plant not operated by such association and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 1133.80(a) the amount per hundredweight of milk authorized by such producer and shall pay over, on or before the 16th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

§ 1133.88 Expense of administration.

As his pro rata share of the expense of administration of the order each handler, including any cooperative association which is a handler, shall pay to the market administrator 5 cents per hundredweight or such lesser amount as the Secretary may prescribe:

(a) On or before the 14th day after the end of the month with respect to receipts at a pool plant of (1) producer milk including such handler's own farm production and that classified pursuant to § 1133.44(b), and (2) other source milk except other order milk, allocated to Class I; or

(b) On or before the 14th day after the end of the month with respect to other milk for which a cooperative association is the handler pursuant to § 1133.15 (c) and (d) in excess of that delivered to the pool plants of other handlers; and

(c) The quantities of milk at handler's nonpool plants and at the time as specified in § 1133.62.

§ 1133.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not be able to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claims was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1133.90 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1133.91.

§ 1133.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1133.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1133.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition.

If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expense of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1133.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1133.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 62-1206; Filed, Feb. 7, 1962; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 61-FW-90]

FEDERAL AIRWAYS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6068 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 68 is designated in part from the San Antonio, Tex., VORTAC via the intersection of the San Antonio VORTAC 187° and the Corpus Christi, Tex., VORTAC 321° True radials; to the Corpus Christi VORTAC. The Federal Aviation Agency has under consideration the realignment of this segment of Victor 68 from the San Antonio VORTAC via the intersection of the Alice, Tex., VOR 350° and the Corpus Christi VORTAC 313° True radials; to the Corpus Christi VORTAC. This would provide adequate separation between air traffic en route along Victor 68 and terminal traffic executing revised holding and instrument approach procedures at NAAS Chase, Texas. The control areas associated with this segment of Victor 68 are so designated that they would automatically conform to the altered airway. The vertical extent of these control areas would remain as designated pending review of the adjacent airspace. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 1, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1259; Filed, Feb. 7, 1962; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61-LA-60]

FEDERAL AIRWAYS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.1506 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1506 extends in part from Seattle, Wash., to Pendleton, Oreg. The Federal Aviation Agency has under consideration extension of Victor 1506 from the Seattle VOR as a 16-mile wide airway to the intersection of the Seattle VOR 322° and the Port Angeles, Wash., VOR 090° True radials; thence 14-mile wide airway to the Port Angeles VOR; thence 8-mile wide airway to the intersection of the Port Angeles VOR 282° True radial and the 112° True bearing from the Neah Bay, Wash., radio range; thence 10-mile wide airway to the Neah Bay radio range. The extension of Victor 1506 will provide an airway for intermediate altitude air traffic operating from Seattle over Neah Bay to points in Alaska and the Orient. The airway width reductions from the intersection of the Seattle VOR 322° and the Port Angeles VOR 090° True radials to the Neah Bay radio range would provide separation from Canadian Restricted Areas (C1D-8) and (C1D-74), and would also contain the entire airway segment within U.S. territory.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 1, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1260; Filed, Feb. 7, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-LA-72]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to §§ 600.6062 and 601.6062 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 62 presently extends from Prescott, Ariz., to Abilene, Tex. The FAA has under consideration the revocation of the segment of this airway and its associated control areas from Prescott to Zuni, N. Mex. A recent traffic survey covering a 6-month period indicated no instrument flight rule traffic on this segment of the airway during the area's most active day for the period It would appear, therefore, that retention of this airway segment is unjustified as an assignment of controlled airspace. Further, it appears that the route from Prescott to Zuni is adequately served by low altitude VOR Federal airways No. 12 from Winslow, Ariz., to Zuni and No. 12 south alternate from Prescott to Winslow.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 1, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1261; Filed, Feb. 7, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-NY-91]

FEDERAL AIRWAYS AND ASSOCIATED CONTROL AREAS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6002 and 601.6002 of the regulations of the Administrator, the substance of which is stated below.

Low Altitude VOR Federal Airway No. 2 extends, in part, from Rochester, N.Y., to Syracuse, N.Y.

The Federal Aviation Agency has under consideration alteration of this airway segment by designating a north alternate airway and its associated control areas via the intersection of the Rochester VOR 064° and the Syracuse VORTAC 283° True radials. The designation of this north alternate airway would provide dual-route capabilities between Rochester and Syracuse. Additionally, it would provide for application of procedures that would segregate Rochester/Syracuse terminal traffic from en route traffic on the main airway.

The control areas associated with the airway as modified herein would extend upward from 700 feet above the surface to the base of the continental control area. Separate actions will be initiated to implement Amendment 60-21 to Part 60 of the Civil Air Regulations at such time as Amendment 60-21 can be applied to all of the controlled airspace in the Syracuse-Rochester area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will

be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 1, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1262; Filed, Feb. 7, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona 030950]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The U.S. Army Corps of Engineers has filed an application, Serial Number, Arizona 030950, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining and mineral leasing laws, subject to existing valid claims. The applicant desires the lands for establishment of a seismological laboratory for seismic research in detecting both atmospheric and underground detonations, study of earthquakes, and study of other miscellaneous seismic noises.

Attention is called to the fact that the withdrawal of the lands described below may require legislation pursuant to 43 U.S.C. 155 (Suppl). The lands are presently embraced within the Tonto National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the State Director or undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix 25, Ariz.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in this application are:

GILA AND SALT RIVER BASE AND MERIDIAN

T. 11 N., R. 10 E. (unsurveyed),
Secs. 1, 2, 11 through 14, 23 through 26, 35, and 36.
T. 11, N., R. 11 E. (unsurveyed),
Secs. 3 through 10, 15 through 22, and 27 through 34.

The area described above aggregates approximately 23,026.52 acres.

Dated: February 1, 1962.

FRED J. WEILER,
State Director.

[F.R. Doc. 62-1275; Filed, Feb. 7, 1962; 8:47 a.m.]

Office of the Secretary

SOLICITOR

Delegation of Authority

1. The following material is a portion of the Departmental Manual and the numbering system is that of the Manual. Chapter 2 of Part 210 of the Departmental Manual is amended by redesignating subparagraphs A (8) and (9) as subparagraphs A (9) and (10), respectively, and by adding a new subparagraph A(8) reading as follows:

CHAPTER 2—SOLICITOR

.2 *Authority in specified matters.* A The Solicitor is authorized to exercise the authority of the Secretary:

. . . . . .

(8) When acting upon a proposal to acquire real estate for the United States pursuant to section 3 of the Helium Act (50 U.S.C., sec. 167a) by condemnation pursuant to section 1 of the act of August 1, 1888, as amended (40 U.S.C., sec. 257) whenever the Solicitor determines that a satisfactory agreement to acquire such land or interest in land cannot be made and that such acquisition by condemnation is necessary in the national interest and to submit to the Attorney General of the United States applications for the institution of proceedings for condemnation;

. . . . . .

2. This amendment shall become effective immediately.

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 2, 1962.

[F.R. Doc. 62-1276; Filed, Feb. 7, 1962; 8:47 a.m.]

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 22, 1962.

Dated: January 22, 1962.

GLENN J. HALL.

[F.R. Doc. 62-1285; Filed, Feb. 7, 1962; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

LYKES BROS. STEAMSHIP CO., INC.

Notice of Application

Notice is hereby given that Lykes Bros. Steamship Co., Inc., has filed an application for continuation of waivers, previously granted under the provisions of Section 804 of the Merchant Marine Act, 1936, as amended;

A. To permit Lykes Bros. Steamship Co., Inc., or its affiliated or associated companies to continue to perform agency services to foreign-flag vessels at U.S. Gulf ports including Tampa, Fla., provided such vessels (including tankers) are not operated into the Gulf on regular liner service and are engaged in tramp service as contrasted to regular liner service and are not carrying general cargo;

(b) To permit Lykes Bros. Havana Agency S.A., a related Company of Lykes Bros. Steamship Co., Inc., to continue:

(1) To render agency service at Havana, Cuba (when and if trade between the United States and Cuba is resumed) to foreign-flag tramp vessels loading or discharging cargoes other than general cargoes moving between United States Atlantic and Gulf ports and ports in Cuba; and

(2) To render husbanding service at Havana, Cuba to foreign-flag vessels of Wilhelmsen Line and Swedish American Mexico Line, upon resumption of such Service in Cuba.

Any person, or firm or corporation having an interest in such application who desires to offer views and comments thereon for consideration by the Maritime Administrator should submit same in writing, in triplicate, to the Secretary, Maritime Administration, Washington 25, D.C., by close of business on February 16, 1962. The Maritime Administrator will consider these views and take such action with respect thereto as may be deemed appropriate.

By order of the Maritime Administrator.

Dated: February 5, 1962.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 62-1339; Filed, Feb. 7, 1962; 8:51 a.m.]

Office of the Secretary

JOHN GEORGE KAIN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of January 25, 1962.

JOHN GEORGE KAIN.

JANUARY 25, 1962.

[F.R. Doc. 62-1256; Filed, Feb. 7, 1962; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

REPUBLIC OF NIGER

Finding Regarding Foreign Social Insurance and Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence relating to the social insurance or pension system of the Republic of Niger, from which evidence it appears that under the social insurance or pension system of the Republic of Niger a citizen of the United States cannot qualify for or receive benefits while outside that country.

Accordingly, it is hereby determined and found that the Republic of Niger does not have in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

JANUARY 30, 1962.

Approved: February 1, 1962.

ABRAHAM RIBICOFF,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 62-1282; Filed, Feb. 7, 1962; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-182]

PURDUE UNIVERSITY

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to May 1, 1962, the latest completion date specified in Construction Permit No. CPRR-64 for the construction of the pool-type nuclear reactor to be located in West Lafayette, Ind.

Copies of the Commission's order and of the application by Purdue University are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 31st day of January 1962.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 62-1254; Filed, Feb. 7, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-17953 etc.]

CARTER FOUNDATION PRODUCTION CO. ET AL.

Notice of Applications and Date of Hearing

FEBRUARY 1, 1962.

Carter Foundation Production Company, Docket No. G-17953; Pickrell Drilling Company, et al., Docket No. G-18244; Folwell Associates, Docket No. G-18245; E. D. Waggoner No. 1, Docket No, G-18247; J. C. Williamson (Operator), Docket No. G-18248; Hunt Oil Company, Docket No. G-18260; B. F. Bowman d.b.a., S. W. Bowman & Son, Docket No. G-18263; Oil Well Drilling Company, Docket No. G-18311; Ralph W. Mace, Docket No. G-20042; Mid-America Minerals, Inc., Docket No. CI61-116; Blackwell Zinc Company, Inc., Docket No. CI61-276; Heater Oil and Gas Company, Docket No. CI61-823; Socony Mobil Oil Company, Inc., Docket No. CI61-913; Socony Mobil Oil Company, Inc., Docket No. CI61-914; Socony Mobil Oil Company, Inc., Docket No. CI61-915; Sinclair Oil & Gas Company, Operator, Docket No. CI61-949; Humble Oil & Refining Company, Docket No. CI61-1098; George W. Moses, d.b.a., Smith & Ash No. 1, Docket No. CI61-1127; Wise Operating, Inc. of Tyler, Texas, (Operator), et al., Docket No. CI61-1178; Nafco Oil and Gas Inc. (Operator), et al, Docket No. CI61-1181; Joe N. Champlin (Operator), et al, Docket No. CI61-1195; Harry D. Bush, et al, Docket No. CI61-1196; Walter Ward, et al, Docket No. CI61-1197; The Atlantic Refining Company, Docket No. CI61-1245; Western Natural Gas Company, et al, Docket No. CI61-1249; George R. Brown (Operator), et al, Docket No. CI61-1250; Glenn F. Thomas, et al. d.b.a. Thomas & Brewer, Docket No. CI61-1269; The Atlantic Refining Company, Docket No. CI61-1284; D. D. Harrington, Docket No. CI61-1303; Kewanee Oil Company, Docket No. CI61-1473; Texas National Petroleum Co. (Operator), et al, Docket No. CI61-1507; Texoma Production Company, Docket No. CI61-1526; Texoma Production Company, Docket No. CI61-1527; Texoma Production Company, Docket No. CI61-1533; The Superior Oil Company, Docket No. CI61-1608; Barnwell Production Company, Docket No. CI61-1614; United States Smelting Refining and Mining Company, Docket No. CI61-1625; Kingwood Oil Company (Operator), et al, Docket No. CI61-1628; Consolidated Gas & Equipment Company of America, Docket No. CI61-1635.

Texas Pacific Coal and Oil Company (Operator), et al., Docket No. CI61-1649; Amerada Petroleum Corporation, Docket No. CI61-1650; Cosden Petroleum Corporation (Operator), et al., Docket No. CI61-1652; Joseph E. Newman (Operator), et al., Docket No. CI61-1658; Cities Service Company (Operator), et al., Docket No. CI61-1681; W. A. Wegmann, Docket No. CI61-1697; Socony Mobil Oil Company, Inc., Docket No. CI61-1705; W. C. McBride, Inc. (Operator), et al., Docket No. CI61-1707; Southland Royalty Company, Docket No. CI61-1735; William E. Slaughter, Jr., et al., Docket No. CI61-1739; Cecil Meadows, et al., Docket No. CI61-1764; Oklahoma Natural Gas Company (Operator), et al., Docket No. CI61-1781; LuRay Land, Inc., Docket No. CI61-1786; Paul F. Rutledge (Operator), et al., Docket No. CI61-1790; Trio Oil and Gas Company, Inc., Docket No. CI61-1800; Continental Oil Company, Docket No. CI61-1810; Continental Oil Company, Docket No. CI61-1811; Mayflo Oil Company, Docket No. CI61-1818; A. G. Hill, et al., Docket No. CI62-5; Oklahoma Natural Gas Company, Docket No. CI62-7; Jack Harden (Operator), et al., Docket No. CI62-13; Union Gas Associates, Inc., Docket No. CI62-32; Edwin L. Cox, Docket No. CI62-35; Prairie States Petroleum Corporation (Operator), et al., Docket No. CI62-36; Kay Kimbell Oil Properties, (Operator), et al., Docket No. CI62-39; J. C. Trahan, Drilling Contractor, Inc. Docket No. CI62-40; Hamilton, Frederic C. and Ferris F., d.b.a. Hamilton Brothers, Ltd., Docket No. CI62-45; Kerr-McGee Oil Industries, Inc., Docket No. CI62-57; Consolidated Oil and Gas Company, Inc., Docket No. CI62-64; Phillips Petroleum Company, Docket No. CI62-65; Kerr-McGee Oil Industries, Inc., Docket No. CI62-74; Inco 3, Inc., Docket No. CI62-75; Socony Mobil Oil Company, Inc., Docket No. CI62-77; Herman Brown, Docket No. CI62-83; Ferrell L. Prior d.b.a. Prior Oil Company, Docket No. CI62-84; W. L. Heeter, et al., Docket No. CI62-87; Jalou Gas Company, Docket No. CI62-88; Coastal States Gas Producing Company, Docket No. CI62-92; Henry C. Breck, Docket No. CI62-93.

St. Clair Oil Company, Docket No. CI62-94; Billy Bridewell, et al., Docket No. CI62-103; The Atlantic Refining Company, Docket No. CI62-105; Lee J. Bronson d.b.a. Texas Utah Producing Company, Docket No. CI62-107; Champlin Oil & Refining Company, Docket No. CI62-108; Bonray Oil Company (Operator), et al., Docket No. CI62-110; Bonray Oil Company (Operator), et al., Docket No. CI62-112; Pioneer Production Corporation, Docket No. CI62-113; George L. Yaste d.b.a. Oil States Sales Company, Docket No. CI62-119; Southwest Production Company, Docket No. CI62-120; Southwest Production Com-

pany, Docket No. CI62–122; Monsanto Chemical Company, Docket No. CI62–131; Creslenn Oil Company, Docket No. CI62–148; P & J Development Co., Inc., Docket No. CI62–167; Harper Oil Company, Docket No. CI62–173; Neven H. Veail, et al., Docket No. CI62–181; W. H. Mosser, et al., d.b.a. Marshall Oil and Gas Company, Docket No. CI62–187; A. T. Skaer, Docket No. CI62–209.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the sale of natural gas in interstate commerce, as hereinafter described, all as more fully represented in the respective applications, amendments and supplements thereto which are on file with the Commission and open to public inspection.

The Applicants herein produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No., Field and Location, Purchaser, Price per Mcf

G–17953 (as Supp.); Central Langlie Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.

G–18244; Acreage in Barber County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.

G–18245; McKim District Pleasants County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G–18247; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G–18248; Addie Field, Crockett County, Tex.; Pioneer Gathering System, Inc.; 10.0 cents at 14.65 psia.

G–18260; Wemac Field, Andrews County, Tex.; El Paso Natural Gas Co.; 7.0945 cents at 14.65 psia.

G–18263; Union District, Harrison County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G–18311; Eumont Field, Lea County N. Mex.; El Paso Natural Gas Co.; 10.5 cents at 14.65 psia.

G–20042; Center District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.

CI61–116; West Marlow Field, Stephens County, Okla.; Lone Star Gas Co.; 14 cents at 14.65 psia.

CI61–276; South Alma Field, Stephens County, Okla.; Lone Star Gas Co.; 14 cents at 14.65 psia.

CI61–828; Freemans Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25 cents at 15.325 psia.

CI61–913; Jalmat Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 9 cents at 14.65 psia.

CI61–914; Jalmat Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 9 cents at 14.65 psia.

CI61–915; Jalmat Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 9 cents at 14.65 psia.

CI61–949; East Durant Field, Bryan County, Okla.; Lone Star Gas Co.; 15 cents at 14.65 psia.

CI61–1098; Mount Selman Field, Cherokee County, Tex.; United Gas Pipe Line Co.; 9.6216 cents at 14.65 psia.

CI61–1127; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25 cents at 15.325 psia.

CI61–1178; Mount Selman Field, Cherokee County, Tex.; United Gas Pipe Line Co.; 9.6216 cents at 14.65 psia.

CI61–1181; R. H. F. Morrow Field, Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

CI61–1195; Acreage in Meade County, Kans.; Panhandle Eastern Pipe Line Co.; 15 cents at 14.65 psia.

CI61–1196; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.

CI61–1197; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.

CI61–1245; Calhoun Field, Ouachita Parish, La.; Texas Gas Transmission Corp.; 18.75 cents at 15.025 psia.

CI61–1249; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 12 cents at 15.025 psia.

CI61–1250; South Lucky Field, Matagorda County, Tex.; Texas Eastern Transmission Corp.; 15 cents at 14.65 psia.

CI61–1269; Acreage in Meade County, Kans.; Panhandle Eastern Pipe Line Co.; 16 cents at 14.65 psia.

CI61–1284; Vixen Field, Caldwell Parish, La.; Arkansas Louisiana Gas Co.; 18.5 cents at 15.025 psia.

CI61–1303; Hugoton Field, Stevens County, Kans.; Northern Natural Gas Company; 12.0 cents at 14.65 psia.

CI61–1473; Tygart District, Wood County, W. Va.; Gas Transport, Inc.; 27.45 cents at 15.025 psia.

CI61–1507; San Juan Basin, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

CI61–1526; Catesby Field, Ellis County, Okla.; Transwestern Pipeline Co.; 17.0 cents at 14.65 psia.

CI61–1527; Catesby Field, Ellis County, Okla.; Transwestern Pipeline Co.; 17.0 cents at 14.65 psia.

CI61–1533; Northwest Ivanhoe, Beaver County, Okla.; Transwestern Pipeline Co.; 17.0 cents at 14.65 psia.

CI61–1608; Northeast Waynoka, Woods County, Okla.; Cities Service Gas Co.; 13.0 cents at 14.65 psia.

CI61–1614; Vixen Field, Caldwell and Ouachita Parishes, La.; Arkansas Louisiana Gas Co.; 17.0 cents at 15.025 psia.

CI61–1625; Mount Hope Field, Logan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 7.0 cents at 16.4 psia.

CI61–1628; Acreage in Comanche County, Okla.; Cities Service Gas Co.; 15.0 cents at 14.65 psia.

CI61–1635; West Panhandle Field, Carson County, Tex.; Natural Gas Pipeline Co. of America; 13.2 cents at 14.65 psia.

CI61–1649; Azalea Field, Midland County, Tex.; Phillips Petroleum Co.; 12.55 cents at 14.65 psia.

CI61–1650; West Velma, Stephens County, Okla.; Lone Star Gas Co.; 15.0 cents at 14.65 psia.

CI61–1652; Midway East Field, San Patricio County, Tex.; Texas Eastern Transmission Corp.; 15.0 cents at 14.65 psia.

CI61–1658; Carver Robins and N. E. Carver Robins Field, Pratt County, Kans.; Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 psia.

CI61–1681; Magee Field, Simpson and Smith Counties, Miss.; United Gas Pipe Line Co.; 18.0 cents at 15.025 psia.

CI61–1697; Beans Ferry Field, Itawamba County, Miss.; Texas Eastern Transmission Corp.; 17.0 cents at 15.025 psia.

CI61–1705; Guymon-Hugoton Field, Texas County, Okla.; Cities Service Gas Co.; 11.0 cents at 14.65 psia.

CI61–1707; N.W. Era Area, Texas County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.

CI61–1735; Wil Field Area, Edwards and Stafford Counties, Kans.; Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 psia.

CI61–1739; Pegasus Field Plant, Midland and Upton Counties, Tex.; El Paso Natural Gas Co.; 10.0 cents at 14.65 psia.

CI61–1764; Freemans Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.

CI61–1781; Deep Chickasha Field, Grady County, Okla.; Arkansas Louisiana Gas Co.; 11 cents at 14.65 psia.

CI61–1786; Courthouse District, Lewis County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.

CI61–1790; Devil's Fork Field, Eddy County, N. Mex.; El Paso Natural Gas Co.; 11 cents at 15.025 psia.

CI61–1800 (as Supp.); New Milton District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.

CI61–1810; Northeast Haynes Field, Quay County, N. Mex.; El Paso Natural Gas Co.; 12 cents at 15.025 psia.

CI61–1811; Northeast Haynes Field, Quay County, N. Mex.; El Paso Natural Gas Co.; 11 cents at 15.025 psia.

CI61–1816; South Elmwood Field, Woodward County, Okla.; Transwestern Pipeline Co.; 17 cents at 14.65 psia.

CI62–5; Mercedes Field, Hidalgo County, Tex.; Texas Eastern Transmission Corp.; 15 cents at 14.65 psia.

CI62–7; Camp Creek, Laverne, Mason, and Southwest Madison Fields, Beaver County, Okla.; Northern Natural Gas Co.; 17 cents at 14.65 psia.

CI62–13; Southeast Wimer Field, Beaver County, Okla.; Cities Service Gas Co.; 11 cents at 14.65 psia.

CI62–32; Freemans Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25 cents at 15.325 psia.

CI62–35; Acreage in Morton County, Kans.; Panhandle Eastern Pipe Line Co.; 16 cents at 14.65 psia.

CI62–36; Worsham Field, Reeves and Ward Counties, Tex.; Transwestern Pipeline Co.; 16 cents at 14.65 psia.

CI62–39; Acreage in Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 12 cents at 15.025 psia.

CI62–40; Longwood Field, Caddo Parish, La., and Harrison County, Tex.; RAM Energy Gas Corp.; 6.3 cents at 14.4 psia.

CI62–45; Acreage in Texas County, Okla.; Panhandle Eastern Pipe Line Co.; 16 cents at 14.65 psia.

CI62–57; Mocane Field, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 16 cents at 14.65 psia.

CI62–64; Central District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62–65; Deep Chickasha Field, Grady County, Okla.; Arkansas Louisiana Gas Co.; 11.0 cents at 14.65 psia.

CI62–74; Mocane Field, Beaver County, Okla.; Colorado Interstate Gas Co.; 17.0 cents at 14.65 psia.

CI62–75; McElroy District, Tyler County, W. Va.; Manufacturers Light and Heat Co.; 25.0 cents at 15.325 psia.

CI62–77; Aetna Field, Barber County, Kans.; Cities Service Gas Co.; 13.0 cents at 14.65 psia.

CI62–83; Northwest Buttermilk Slough Field, Matagorda County, Tex.; Texas Eastern Transmission Corp.; 15.0 cents at 14.65 psia.

CI62–84; Courthouse District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI62–87; Smithfield District, Ritchie County, W. Va.; United Fuel Gas Co.; 25.0 cents at 15.325 psia.

CI62–88 (as Supp.); Cha Cha and Turner Fields, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

CI62–92; Mission Valley Area, Victoria County, Tex.; Transcontinental Gas Pipe Line Corp.; 8.001795 cents at 14.65 psia.

CI62–93; Glenville District, Gilmer County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

Skin Creek District Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

–166; Appling Field, Calhoun County, Tex.; Texas Eastern Transmission Corp.; 18.0 cents at 14.65 psia.

–169; North Harper Ranch and Sitka Fields, Clark County, Kans.; Northern Natural Gas Co.; 16.0 cents at 14.65 psia.

–167; Noelke Field, Crockett County, Tex.; El Paso Natural Gas Co.; 14.5 cents at 14.65 psia.

–168; Davis Ranch Area, Barber County, Kans.; Zenith Gas System, Inc.; 12.0 cents at 14.65 psia.

–116; West Mount Zion Field, Grant County, Okla.; Cities Service Gas Co.; 13.0 cents at 14.65 psia.

–119; West Mount Zion Field, Grant County, Okla.; Cities Service Gas Co.; 13.0 cents at 14.65 psia.

–113; West Chester Field, Woodward County, Okla.; Natural Gas Pipeline Co. of America; 17.0 cents at 14.65 psia.

–118; Clay District, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

–120; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

–122; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

–131; Basin Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

–148; Calhoun Field, Lincoln Parish, La.; Texas Gas Transmission Co.; 18.75 cents at 15.025 psia.

–157 (as Supp.); Clark District, Harrison County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

–173; Morgan Field, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 17.0 cents at 14.65 psia.

–181; South West District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

–187; Marshall Field, Glenville District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

–209; West Minto Field, Logan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 14.0 cents at 16.4 psia.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 6, 1962, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 23, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further*, If a protest, petition to intervene, or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20(m) (2) of the rules of practice and procedure.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–1270; Filed, Feb. 7, 1962; 8:46 a.m.]

[Docket Nos. G–9547 etc.]

UNITED GAS PIPE LINE CO.

Notice Reconvening Hearing

FEBRUARY 1, 1962.

United Gas Pipe Line Co.; Docket Nos. G–9547, G–10592, G–12801, G–15360, G–18406, RP60–2, and RP61–18.

On December 15, 1961, the Presiding Examiner recessed indefinitely the hearing in the above-designated matters, subject to call by the Presiding Examiner and the furnishing of appropriate notice to all parties.

Take notice that the hearing in this matter will be reconvened at 2:00 p.m., February 16, 1962, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–1271; Filed, Feb. 7, 1962; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[Agency Bulletin 62–3]

OFFICE OF PLANS

Abolishment; Transfer of Certain Functions and Personnel

1. *Purpose.* The purposes of this Bulletin are to transfer certain functions and personnel from the Office of Plans and to abolish the Office of Plans.

2. *Transfers.* The functions and personnel of the Emergency Readiness Division are hereby transferred to the immediate Office of the Deputy Administrator for Plans and Development and redesignated the Emergency Readiness Staff. The functions and personnel of the Economics Branch in the Air Commerce Division are hereby transferred to the immediate Office of the Deputy Administrator for Plans and Development and redesignated the Aviation Economics Staff. The provisions of this section are effective February 1, 1962.

3. *Abolishment.* The Office of Plans is hereby abolished, effective at the close of business March 16, 1962.

4. *Effect on other instructions.* Agency Order 14 is superseded effective March 16, 1962. This Bulletin also amends section 3.4 of Agency Order 1; sections 2 and 5 of Agency Order 20; section 2c of Agency Order 52; section 6 of Agency Order 71; section 5e of Agency Order 67; and section 2 of Agency Bulletin 60–13. It supersedes or amends any Orders or instructions or parts thereof issued prior to the effective dates in this Bulletin, to the extent they are inconsistent or in conflict herewith.

N. E. HALABY,
Administrator.

FEBRUARY 1, 1962.

[F.R. Doc. 62–1258; Filed, Feb. 7, 1962; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[File No. 21–545]

WIRE ROPE INDUSTRY

Trade Practice Conference

A trade practice conference for the Wire Rope Industry will be held by the Federal Trade Commission in Room 332 of the Commission Building, Pennsylvania Avenue at 6th Street NW., Washington, D.C., on Monday, February 26, 1962, commencing at 10 a.m., e.s.t. The conference will be held under the supervision of the Honorable A. Everette MacIntyre, Federal Trade Commissioner.

Members of this industry are persons, firms, corporations and organizations engaged in the manufacture, sale or distribution of wire rope, wire cable, and fabricated assemblies consisting primarily of wire rope, cable, and strand.

The conference is to afford all members of the industry an opportunity to consider and propose for establishment rules which will furnish guidance as to the requirements of laws administered by the Commission. It is the first step in the proceedings designed to eliminate and prevent on an industrywide basis, unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses violative of such laws. Any industry member may suggest rules for consideration at the conference and discuss proposals or suggestions by others.

Among the subjects suggested for consideration at the conference are: misrepresentation (general); deception as to origin and disclosure of foreign origin; substitution of products; misleading price lists; misuse of terms "closeouts", "overruns", "discontinued lines", etc.; deceptive invoicing, etc.; prohibited sales below cost; inducing breach of contract; consignment distribution; exclusive dealing; defamation of competitors or false disparagement of their products; commercial bribery; push money; tie-in sales; traffic volume as inducement for sales; prohibited forms of trade restraints (unlawful price fixing, etc.); and prohibited discriminatory trade practices.

Also suggested for discussion and consideration for possible rule coverage are various other pricing practices. Among such practices said to exist in the industry and which will be considered is that of an industry member who sells raw materials to other industry members and finished industry products to other purchasers at unjustified differentials in

prices. It is claimed that in some of these instances the prices at which raw materials are sold to competing industry members are at such high prices as to provide for some subsidization of the low prices at which some finished industry products are sold.

Before final rules are approved by the Commission, proposed rules will be made available to all affected or interested parties, including consumers, upon public notice affording them opportunity to present their views and suggestions thereon at a future public hearing.

Issued: February 7, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-1298; Filed, Feb. 7, 1962; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

SPRINGFIELD SAFE DEPOSIT AND TRUST CO.

Order Approving Consolidation of Banks

In the matter of the application of Springfield Safe Deposit and Trust Co., Springfield, Mass., for approval of consolidation with Hadley Falls Trust Co., Holyoke, Mass.

There has come before the Board of Governors, pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), an application for the Board's prior approval of the consolidation of Springfield Safe Deposit and Trust Co., Springfield, Mass., with Hadley Falls Trust Co., Holyoke, Mass., under the charter of the former, the title of which will be changed to Safe Deposit Bank and Trust Co.

Pursuant to said section 18(c), notice of the proposed consolidation in a form approved by the Board of Governors has been published, and reports on the competitive factors involved in the proposed transaction have been furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice, and have been considered by the Board.

It is ordered, for the reasons set forth in the Board's Statement[1] of this date, that said consolidation be, and hereby is, approved, provided that said consolidation shall not be consummated (a) sooner than seven calendar days after the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 2d day of February 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 62-1272; Filed, Feb. 7, 1962; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Boston.

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 406]

SECRETARY OF DEFENSE

Authority To Represent the Interests of the Executive Agencies of the Federal Government in the Matter of Proposed Increased Water Rates; East St. Louis Interurban Water Co., Docket No. 48362, Illinois Commerce Commission

1. Pursuant to the provisions of sections 201(a)(4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interest of the executive agencies of the Federal Government in the matter of Proposed Increased Water Rates, East St. Louis Interurban Water Company, Docket No. 48362, before the Illinois Commerce Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective February 1, 1962.

BERNARD L. BOUTIN, *Administrator.*

[F.R. Doc. 62-1308; Filed, Feb. 7, 1962; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

FEBRUARY 2, 1962.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, February 5, 1962, to February 14, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1278; Filed, Feb. 7, 1962; 8:47 a.m.]

[File No. 24A-1551]

NATIONAL MERCANTILE CLEARING HOUSE, INC.

Notice and Order for Hearing

FEBRUARY 2, 1962.

I. National Mercantile Clearing House, Inc. (issuer), a collection agency company, filed with the Commission on October 23, 1961, a notification on Form 1-A and an offering circular relating to a proposed public offering of 1,000,000 shares of its 1-cent par value common stock at $4.00 per share for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission, on January 5, 1962, issued an order pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A and affording to any person having an interest in the matter an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., e.s.t., on March 27, 1962, in Room 209, United States Post Office and Court House Building, 301 Northeast First Avenue, Miami, Florida, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have not been complied with, in that:

1. The notification on Form 1-A fails to set forth the names and addresses of its predecessors and affiliates of the issuer as required by Item 2 thereof.

2. The offering circular fails to disclose the remuneration of officers and promoters of the issuer as required by Item 9(b) and to describe accurately and completely certain material transactions between the issuer and insiders as required by Item 9(c) of Schedule I.

3. Whether the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly in that:

1. The offering circular fails to disclose the manner and extent to which the securities being offered will be diluted due to issuer's financial condition and its issuance of stock to insiders at prices substantially lower than the public offering price.

2. It overstates the number of full-time employees.

3. It falsely describes certain letters as "letters of recommendation of satisfactory use and merit" and fails to disclose their true nature.

4. It contains financial statements as of August 31, 1961, which are false and misleading because—

(a) Sales and profits of the issuer for the eight months ended August 31, 1961, are substantially overstated.

(b) Certain accounts receivable are shown as current assets without disclosure that such receivables had been written off by the issuer's accountant as "bad debts" as of December 31, 1960.

(c) Certain assets, liabilities and transactions affecting issuer's capital are inaccurately and inadequately described in the financial statements and notes thereto.

(d) Material amounts claimed by issuer's former counsel for legal fees and material amounts claimed to be owed by the issuer to others are not disclosed in the financials and notes thereto.

C. Whether the offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is further ordered*, That Robert Bishop, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on National Mercantile Clearing House, Inc.; that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before March 23, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1279; Filed, Feb. 7, 1962; 8:47 a.m.]

[File No. 812-1477]

UNITED CORP.

Notice of Filing of Application for an Order Exempting Proposed Transaction From Provisions of the Act

Notice is hereby given that The United Corporation ("Applicant"), a registered closed-end, non-diversified management investment company, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed purchase by Applicant from Mr. Charles B. McDonald, 1250 Union Commerce Building, Cleveland, Ohio of 20,000 shares of common stock of True Temper Corporation (hereinafter called "True Temper").

Applicant, a Delaware corporation, owns 389,154 shares of the common stock of True Temper or 36.6 per centum of the outstanding voting securities of that corporation and Mr. McDonald is a director of True Temper.

Applicant's acquisition of True Temper stock were made pursuant to its announced policy of investing substantial portions of its assets in "special situations" without limitation as to the amount of capital which might be invested at any particular time in any industry, company or situation. This policy was approved by Applicant's stockholders at the 1947 Annual Meeting of stockholders and is set forth in its registration statement filed by Applicant with the Commission.

Applicant has been informed that Mr. McDonald has available for purchase in one block 20,000 shares of True Temper common stock now owned by him. On January 10, 1962 the Board of Directors of Applicant authorized its officers to offer to purchase from Mr. McDonald subject to the approval of the Commission, 20,000 shares of True Temper Common Stock at a price not to exceed the average price of such stock on the American Stock Exchange on the second business day subsequent to the issuance by the Commission of an appropriate exemption order (the average price to be deemed to be the mean between the high and low sales price, if there were sales; and the mean between the closing bid and asked price, if there were no sales).

Section 2(a)(3) of the Act defines an "affiliated person" of another person as, among other things, any person five per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote by such other person. In addition, an affiliated person includes a director of such other person. True Temper is therefore an affiliated person of an affiliated person of the Applicant under the Act. The proposed transaction would be prohibited by Section 17(a) unless the Commission issues an order exempting such transaction from the provisions thereof. Section 17(a) of the Act, in general, prohibits an affiliated person of an affiliated person of a registered investment company from purchasing from, or selling to, such registered investment company, any security with certain exceptions, unless the Commission upon application pursuant to section 17(b) of the Act, grants an exemption from section 17(a) of the Act after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than February 15, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1280; Filed, Feb. 7, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 5, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37538: *Crude rubber from Cheek, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8149), for interested rail carriers. Rates on crude rubber, artificial, guayule, natural, neoprene, or synthetic, in carloads, from Cheek, Tex., to points in official (including Illinois), southern, and western trunk-line territories.

Grounds for relief: Origin rate relationship, and market competition.

Tariff: Supplement 18 to Southwestern Freight Bureau tariff I.C.C. 4417.

FSA No. 37539: *Sand to Newark, Ohio.* Filed by Southwestern Freight Bureau, agent (No. B-8150), for interested rail carriers. Rates on sand, as described in the application, in carloads, from Guion, Ark., Klondike, Ludwig and Pacific, Mo., Mill Creek and Roff, Okla., to Newark, Ohio.

Grounds for relief: Shortline distance formula and market competition.

Tariff: Supplement 149 to Southwestern Freight Bureau tariff I.C.C. 4319.

FSA No. 37540: *Class rates—Seatrain Lines, Inc.* Filed by Seatrain Lines, Inc. (No. 18), for interested carriers. Rates on various commodities moving on class rates, loaded in containers, and transported over joint water-rail, motor-water-rail, rail-water and rail-water-motor routes of the applicant rail and motor carriers and Seatrain Lines, Inc., between specified points in Massachusetts and Rhode Island, on the one hand, and points in Louisiana and Texas, on the other.

Grounds for relief: Motor-water and water-rail competition.

Tariff: Supplement 9 to Seatrain Lines, Inc., tariff I.C.C. 189.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-1286; Filed, Feb. 7, 1962; 8:48 a.m.]

[Notice 592]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 5, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64086. By order of January 25, 1962, Division 3, acting as an Appellate Division, approved the transfer to Brenton B. Holter and Dallas L. Shull, a partnership, doing business as Grove City Bus Lines, Grove City, Pa., of those portions of the operating rights in Certificates Nos. MC 59190 and MC 59190 Sub 1, issued by the Commission May 9, 1942, and May 4, 1942, respectively, to Harmony Short Line Motor Transportation Co., a corporation, Pittsburgh, Pa., authorizing the transportation, of passengers and their baggage, restricted to traffic originating in the territory from points in Pennsylvania within a radius of 10 highway miles of any point on the routes described in the certificates to points in Connecticut, Illinois, Indiana, Kentucky, Maryland, Michigan, Maine, Massachusetts, New Hampshire, New Jersey, New York, Missouri, Nebraska, Ohio, Rhode Island, Tennessee, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia, and return in charter operations, with stopover privileges. H. Ray Pope, Jr., 10 Grant Street, Clarion, Pa., and S. Harrison Kahn, 1110 Investment Building, Washington, D.C., attorneys for applicants.

No. MC-FC 63851. By order of January 29, 1962, Division 3 approved the transfer to Garrison Transport, Inc., Peoria, Ill., of a portion of Certificate No. MC 6894, issued August 22, 1951, to Melvin Trucking Co., Peoria, Ill., authorizing the transportation of: Dump truck bodies and parts thereof, Hydraulic hoists and parts thereof, snow plows and parts thereof, and road building equipment, from Streator, Ill., to points in Indiana, Nebraska, Missouri, Minnesota, Wisconsin and Ohio as specified; beverage, from Waukesha, Wis., to Chicago, Ill., and points in Lake County, Ind.; feed from St. Louis, Mo., to points in Wisconsin, and those in Illinois as specified; fertilizer, feed, and glue, from Chicago, Ill., to points in Wisconsin, and from points in Lake County, Ind., to points in Wisconsin; glass containers, glass container caps, corrugated cardboard, fiberboard sheets, containers and wooden boxes used by glass manufacturers, cullet glass, glassware, glass products, and materials, machinery, equipment, and supplies used by glass manufacturers, from or to points as specified in Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, Nebraska, and Wisconsin; and tractors and tractor parts, from West Allis, Wis., to Springfield and Peoria, Ill., and between Milwaukee, Wis., and Rock Island, Ill. Joseph F. Hession, 1214 Jefferson Building, Peoria, Ill., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-1287; Filed, Feb. 7, 1962; 8:48 a.m.]

OFFICE OF EMERGENCY PLANNING

KENNETH G. FLORY

Notice of Employment Without Compensation and Statement of Business Interests

Pursuant to section 710(b) of the Defense Production Act of 1950, as amended, notice is hereby given of the appointment of Mr. Kenneth G. Flory, Legislative and Political Director, Louisiana State Labor Council AFL-CIO as a Consultant, effective January 24, 1962, in the Office of Emergency Planning.

Statement of his business interests is attached.

Dated: January 11, 1962.

FRANK B. ELLIS, *Director.*

APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

I am not now and have never been a director, officer, owner or part owner in any business, corporation or partnership.

Further, I do not own any stock, bonds, nor do I have a financial interest in any business.

Dated: January 24, 1962.

K. G. FLORY.

[F.R. Doc. 62-1257; Filed, Feb. 7, 1962; 8:45 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Claim No. 66967]

GILLES JACOB VAN MESDAG, ET AL.

Amended Notice of Intention To Return Vested Property

The Notice of Intention to Return Vested Property to Miss S. Dijt of Arnhem, Holland, which was published in the FEDERAL REGISTER on February 21, 1959 (24 F.R. 1490), is hereby amended by deleting therefrom, as claimant, the name and address of: Miss S. Dijt, Arnhem, Holland, who is now deceased, and substituting in place thereof the following:

Gilles Jacob van Mesdag, Norges, Switzerland;
Jacob Siegfried van Mesdag, Les Tetes, Bursinel, Vaud, Switzerland;
Geert van Mesdag, J. de Graeflaan 64, The Hague, The Netherlands.
Johanna Henriette Redele, Mountain House, Czux, Vaud, Switzerland.

All other provisions of said Notice of Intention to Return Vested Property and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto, and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D.C., on January 29, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-1289; Filed, Feb. 7, 1962; 8:48 a.m.]

MRS. KLARA FRIEND

Amended Notice of Intention To Return Vested Property

The Notice of Intention to Return Vested Property to Helene Burger, Badgestine, Austria, which was published in the FEDERAL REGISTER on December 29, 1956 (21 F.R. 10528), is hereby amended in the entirety to read as follows:

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Property and Location

Mrs. Klara Friend, 39 Elmhurst Court, St. Peters Road, Croydon, Surrey, England; Claim No. 66499; Vesting Order No. 9693; $53.82 in the Treasury of the United States.

Executed at Washington, D.C., on January 29, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-1290; Filed, Feb. 7, 1962; 8:48 a.m.]

JEANNE SUSANNE PERK-KRAMERS ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant and Property

Jeanne Susanne Perk-Kramers, 67 Ford Road, Landing, N.J.; $88.41 in the Treasury of the United States and a one-fourth interest in the property described below.

Maria Agnete Kuiper-Kramers, 76 Hollandse weg, Bennekon (GLdl.), The Netherlands; $88.41 in the Treasury of the United States and a one-fourth interest in the property described below.

Sophia Martina Cornelia Kramers, 82 Laan Copes van Cattenburgh, Den Haag, The Netherlands; $88.41 in the Treasury of the United States and a one-fourth interest in the property described below.

Johannes Hendrik Kramers, 29 Frederiksborg vej, Roskilde, Denmark; $88.41 in the Treasury of the United States and a one-fourth interest in the property described below; Claim No. 59823; Forty percent (40%) of the royalties received by the Attorney General of the United States for the republication of the book entitled "Die Grundlagen der Quantentheorie der Elektrons und der Strahlung," by Hendrik Anthony Kramers, plus forty percent (40%) of any future royalties which may hereafter accrue on this work. Vesting Order No. 500A-76 (9 F.R. 7788, July 12, 1944).

Executed at Washington, D.C., on January 31, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-1291; Filed, Feb. 7, 1962; 8:49 a.m.]

RAFFAEL FAMILY FOUNDATION

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Property and Location

Familienstiftung Raffael, Raffael Family Foundation, c/o Dr. J. Auer, Trustee, Pestalozzistrasse 5, Zurich, Switzerland; Claim No. 62860; Vesting Order No. 18249; $43,439.97 in the Treasury of the United States.

Executed at Washington, D.C., on January 30, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-1292; Filed, Feb. 7, 1962; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—FEBRUARY

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Washington, Friday, February 9, 1962

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Title 3—THE PRESIDENT

Executive Order 10991

MAKING A CHANGE WITH RESPECT TO THE MEMBERSHIP OF THE COMMISSION ESTABLISHED BY EXECUTIVE ORDER NO. 10929,[1] RELATING TO A CONTROVERSY BETWEEN CERTAIN CARRIERS AND CERTAIN OF THEIR EMPLOYEES

By virtue of the authority vested in me as President of the United States, it is ordered that Executive Order No. 10929 of March 24, 1961 (which order provides for a commission to consider a controversy between, and involving certain proposals of, the carriers represented by the New York Harbor Conference Carriers' Committee and certain of their employees represented by various organizations named in the order, all such organizations being members of the Railroad Marine Harbor Council, AFL–CIO), be, and it is hereby, amended by substituting for the second sentence of section 1 thereof the following: "The commission shall consist of nine members designated by the President as follows: three members from among persons nominated by the carriers, three members from among persons nominated by the employees, and the chairman of the commission and two other members without nominations."

JOHN F. KENNEDY

THE WHITE HOUSE,
February 6, 1962.

[F.R. Doc. 62–1426; Filed, Feb. 8, 1962; 10:45 a.m.]

[1] 26 F.R. 2583.

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Bermuda-Granex-Grano Type Onions

Subpart—United States Standards for Grades of Onions (Other Than Bermuda-Granex-Grano and Creole Types) [1]

On December 21, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 12,222), regarding a proposal to make the United States Standards for Bermuda-Granex Onions (7 CFR 51.3195 to 51.3209) applicable to Grano onions. The Grano variety has previously been covered by the United States Standards for Grades of Onions (other than Bermuda-Granex and Creole Types) (7 CFR 51.2830 to 51.2850, 26 F.R. 2817).

Statement of considerations. All comments received from industry members favored the proposal as published on December 21, 1961, with the exception of a single comment which opposed the change. No change is made in the original proposal for this final publication.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, it is hereby determined that United States Standards for Bermuda-Granex type onions (7 CFR 51.3195 to 51.3209), should be made applicable to Grano type onions and that the headings in the above subparts be amended as follows:

1. Amend the heading in the subpart applicable to the United States Standards for Bermuda-Granex type onions (7 CFR 51.3195 to 51.3209), to read as follows: "Subpart—United States Standards for Grades of Bermuda-Granex-Grano Type Onions."

2. Amend the heading in the subpart applicable to the United States Standards for Grades of Onions (other than Bermuda-Granex and Creol Types) (7 CFR 51.2830 to 51.2850, 26 F.R. 2817) to read as follows: "Subpart—United States Standards for Grades of Onions (Other Than Bermuda-Granex-Grano and Creole Types)."

(Sec. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

Dated: February 6, 1962, to become effective March 18, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62–1358; Filed, Feb. 8, 1962; 8:50 a.m.]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State Laws and regulations.

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENTS OR RESIDENT TRAINEES

Psychodrama Interns and Residents

1. Effective January 15, 1962, § 27.1 is amended by the addition of the following items:

§ 27.1 Exclusion from provisions of Federal Employees Pay Act and Classification Act.

* * * * *

Psychodrama interns, Department of Health, Education, and Welfare, third year approved postgraduate training.

Psychodrama residents, Department of Health, Education, and Welfare, fourth year approved postgraduate training, and fifth year approved postgraduate training or first year approved postdoctoral training.

2. Effective January 15, 1962, § 27.2 is amended by the addition of the following items:

§ 27.2 Maximum stipends prescribed.

* * * * *

Psychodrama interns, Department of Health, Education, and Welfare:	
Third year approved postgraduate training	$3,600
Psychodrama residents, Department of Health, Education, and Welfare:	
Fourth year approved postgraduate training	$4,000
Fifth year approved postgraduate training or first year approved postdoctoral training	5,000

(61 Stat. 727; 5 U.S.C. 1051–1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–1345; Filed, Feb. 8, 1962; 8:48 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 2, Amdt. 8]

PART 121—SMALL BUSINESS SIZE STANDARDS

Custodial and Janitorial Service Contracts

On November 14, 1961, there was published in the FEDERAL REGISTER (26 F.R. 10633) Amendment 8 to this part.

Notice was given that said amendment shall become effective sixty (60) days after publication in the FEDERAL REGISTER. The effective date, therefore, was January 13, 1962.

That notice of effective date is rescinded and notice is hereby given that Amendment 8 of 13 CFR Part 121 shall become effective on September 1, 1962. Any assistance given to small businesses by the Small Business Administration or any other Government agency under the rule set forth in Amendment 8 during the period of January 13, 1962, and the date this notice appears in the FEDERAL REGISTER is without prejudice to the parties receiving such assistance.

Dated: January 13, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62–1334; Filed, Feb. 8, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1066; Reg. No. SR–432A]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Special Civil Air Regulation; Carriage of Persons Aboard All-Cargo Aircraft

Authorization for the carriage of persons aboard all-cargo aircraft is presently contained in Special Civil Air Regulations No. SR–419, effective January 17, 1957 (22 F.R. 423), and No. SR–432, effective May 30, 1959 (24 F.R. 4360).

SR–419 authorizes three LOGAIR contractors, listed in Appendix A thereto, to carry military couriers, route supervisors, and LOGAIR flight crewmembers of other LOGAIR contractors in their cargo aircraft. These air carriers were granted relief from the maximum passenger weight requirements of Special Civil Air Regulation No. SR–406C, as applicable to C–46 aircraft, in addition to certain other passenger-carrying provisions of Part 42 of the Civil Air Regulations. Special Civil Air Regulation No. SR–419 also provides that other air carriers conducting LOGAIR operations may individually secure this authorization from the Administrator, and be listed accordingly in Appendix A of the regulation. Such authorization was granted in the interest of the efficiency and safety of these essential national defense operations.

SR–432 authorizes the carriage of certain persons in cargo operations when such persons perform specific duties in connection with the safety of flights, the safe carriage of animals, or the carriage of radioactive materials. It also provides for the carriage of security and honor guards in cargo aircraft when authorized by the Federal Government. These authorizations were based on the conclusion that compliance with the passenger operation rules of Parts 40, 41, and 42 by an air carrier when carrying these passengers in all-cargo airplanes placed an unreasonable burden upon the air carriers concerned, since such individuals should not, and were not intended to, fall within the normally accepted category of air carrier passengers.

This regulation incorporates the provisions of both Special Regulations in a single regulation with the following changes:

(1) Recently the Agency has received requests from other air carriers and commercial operators operating flights under LOGAIR or other types of military contracts who wish to take advantage of SR–419. However, as presently written, it would require a revision of the regulation or an exemption thereto each time an operator is given such authorization. The Administrator has determined that there are no special reasons to limit such authorization to LOGAIR operations or air carriers and that this privilege should be extended to all military contract air carriers or commercial operators.

(2) Requests have also been received from air carriers to permit carriage of company employees and their dependents on cargo flights without complying with the passenger-carrying airplane requirements when traveling on company business to and from outlying stations not served by adequate and regular passenger flights. The problem of providing these persons with transportation to and from their duty stations is particularly acute outside the United States. Carriage of these persons on cargo flights is similar to the carriage of the persons authorized by paragraphs 1 (a) and (b) of SR–432 and a provision is included authorizing their transportation on cargo flights without full compliance with the passenger-carrying or passenger-service airplane requirements of Part 40, 41, or 42.

(3) Many of the operators may also wish to conduct the cargo flights in accordance with SR–411A which authorizes airplanes certificated under the transport category requirements in effect prior to March 13, 1956, to be operated in cargo service at certain increased weights. Airplanes used in these cargo flights are subject to inspections in addition to those normally performed and have been operated incident-free for many years. Therefore, as part of this regulatory action the persons authorized herein may also be carried aboard those airplanes specified in SR–411A at the increased weights.

(4) Under SR–419, the operator is responsible for the issuance of instructions to insure that the persons carried will not interfere with the control of the aircraft. This requirement is unnecessary and is being deleted in this regulation. The pilot in command of the aircraft has the authority to approve or deny access to the flight deck of such aircraft and is better qualified to issue such instructions as are necessary under the particular circumstances of the flight to persons authorized to enter the flight deck under this regulation.

(5) SR–419 also requires that the operator furnish the Administrator, prior to the carriage of persons authorized by the regulation, with a list showing the type of aircraft, registration number, and an authorization from the Air Force for the transportation of such persons. Experience has shown that inspection of the records of the operators involved will supply the necessary information. Therefore, submission of this information in advance is no longer required under this regulation.

In view of the foregoing, this regulation combines the provisions of SR–419 and SR–432, insofar as they both relate to the carriage of passengers on cargo aircraft, and, in addition, permits the carriage of certain other persons on such cargo flights. The regulation also permits such flights to be conducted without compliance with the passenger-carrying or passenger-service airplane requirements of Part 40, 41, or 42, or, in the case of C–46 airplanes, the provisions of SR–406C. When such persons are authorized to be carried on airplanes certificated under the transport category requirements in effect prior to March 13, 1956, the airplane may be operated in accordance with the increased weight requirements of SR–411A.

With regard to the carriage of company employees and their dependents it was deemed necessary to provide special requirements, since these persons may vary in age and agility, and thus their ability to cope with unusual situations may be restricted. Therefore, it is being required that operators include in their operations manuals the procedures necessary for the safe carriage of such persons.

Since this regulatory action imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and good cause exists for making it effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted, effective February 9, 1962:

1. The following persons, when duly authorized by the air carrier or commercial operator operating the airplane may be carried aboard an airplane engaged in the carriage of cargo only, without compliance with the passenger-carrying or passenger-service airplane requirements of Parts 40, 41, and 42, and SR–406C and SR–411A of the Civil Air Regulations:

(a) A person performing a specific duty assignment aboard an airplane in connection with the safety of the flight, or the safe carriage of animals, or radioactive materials within the meaning of and subject to the requirements of § 49.2 of the Civil Air Regulations; or while traveling to or from such duty assignments where the air carrier or commercial operator finds that other means of transportation are not practicable;

(b) A person performing duty as a security or honor guard aboard an airplane for shipments made by or under the authority of the Federal Government;

(c) Military couriers, military route supervisors, and flight crewmembers of any military cargo contract air carrier or commercial operator, when operating under a military cargo contract and specifically authorized by the appropriate military service; and

(d) Company employees of the air carrier or commercial operator and their dependents when traveling on company business to or from outlying stations not served by adequate, regular passenger flights. When such persons are carried, cargo will be loaded in such a manner as not to obstruct access to the pilot compartment, or the appropriate emergency or regular exits. In addition, for extended overwater flights, or for flights over uninhabited terrain, emergency and survival equipment adequate for the particular operation involved shall be carried. Procedures for the safe carriage of company employees and their dependents under this subparagraph shall be incorporated into the air carrier's or commercial operator's operations manual.

2. An approved seat with a safety belt shall be available for the use of each person described in paragraph 1. The location of the seat shall be such that the occupant will not be in a position to interfere with the flight crewmembers in the performance of their duties.

3. Persons described in paragraph 1 may be admitted to the flight deck of the airplane when authorized by the pilot in command.

This Special Civil Air Regulation supersedes Special Civil Air Regulation No. SR–419 and Special Civil Air Regulation No. SR–432, and shall remain in effect until superseded or rescinded.

(Secs. 313(a), 601, 604, 605; 72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1424, 1425)

Issued in Washington, D.C., on February 5, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–1350; Filed, Feb. 8, 1962; 8:49 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WA-8]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways and Reporting Points

The purpose of these amendments to §§ 600.6404, 600.6408, and 601.7002 of the regulations of the Administrator is to alter the descriptions of Hawaiian VOR Federal airways No. 4 and No. 8, and the Sunrise and Tuna Intersections.

Hawaiian Victor 4 is designated in part to the INT of the Koko Head, Hawaii VOR 065° and the Upolu Point, Hawaii VOR 003° radials (Sunrise INT.). Hawaiian Victor 8 is designated in part to the INT of Molokai, Hawaii VOR 067° and the Upolu Point, Hawaii, VOR 012° radials (Tuna INT.). Effective 0001 e.s.t., February 8, 1962, the Upolu Point VOR will be commissioned at a new site at latitude 20°12'13" N., longitude 155°50'47" W. Therefore, effective with the commissioning of this facility at its new location, it will be necessary to alter the descriptions of Hawaiian Victor 4 and 8, and the Sunrise and Tuna Intersections by substituting radials from the Upolu Point VOR, at its new location, for radials from its present location. This alteration will involve no additional assignment of airspace.

Since these alterations are editorial in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary, and they may be made effective on less than 30 days' notice.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) §§ 600.6404, 600.6408, and 601.7002 are amended as follows:

1. In the text of § 600.6404 (14 CFR 600.6404) "Upolu Point, Hawaii, VOR 003° radials." is deleted and "Upolu Point, Hawaii, VOR 002° radials." is substituted therefor.

2. In the text of § 600.6408 (14 CFR 600.6408) "to the point of intersection of the Molokai omnirange 067° True and the Upolu Point, Hawaii, omnirange 012° True radials." is deleted and "to the INT of the Molokai VOR 067° and the Upolu Point, Hawaii, VOR 010° radials." is substituted therefor.

3. In the text of § 601.7002 (14 CFR 601.7002) the following changes are made:

a. "Sunrise INT: The INT of the Koko Head VOR 065° T and the Upolu Point VOR 003° T radials." is deleted and "Sunrise INT: The INT of the Koko Head VOR 065° and the Upolu Point VOR 002° radials." is substituted therefor.

b. "Tuna Intersection: The intersection of the Molokai VOR 067° True and the Upolu Point VOR 012° True radials." is deleted and "Tuna INT: The INT of the Molokai VOR 067° and the Upolu Point VOR 010° radials." is substituted therefor.

These amendments shall become effective 0001 e.s.t., February 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 1, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1323; Filed, Feb. 8, 1962; 8:46 a.m.]

[Reg. Docket No. 1059; Amdt. 84]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Amendments

This amendment is being adopted to insure the safety of IFR operations by establishing the minimum en route IFR altitudes for the route or portions thereof contained herein, and the altitudes which assure navigational coverage that is adequate and free of frequency interference for such routes or portions thereof.

As a situation exists which demands immediate action in the interests of safety, I find that compliance with the notice, public procedure and effective date of provisions of the Administrative Procedure Act would be impracticable.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 610 is hereby amended as follows:

Section 610.17 *Green Federal airway 7* is amended to read in part:

From Fairtan INT, Alaska; to Fairbanks, Alaska, LFR; MEA 4,100.

Section 610.18 *Green Federal airway 8* is amended to read in part:

From Anchor Point INT, Alaska; to Kenai, Alaska, LFR; MEA 1,900.

From Kenai, Alaska, LFR; to Delta Island INT, Alaska; MEA 1,900.

From Delta Island INT, Alaska; to Anchorage, Alaska, LFR; MEA 2,000.

Section 610.20 *Green Federal airway 10* is amended to read in part:

From *Pendleton, Oreg., LFR; to Cabbage Hill INT, Oreg.; MEA 7,000. *4,400—MCA Pendleton LFR, southeastbound.

Section 610.101 *Amber Federal airway 1* is amended to read in part:

From Anchorage, Alaska, LFR; to Susitna INT, Alaska; MEA 2,000.

From East Cordova INT, Alaska; to *Egg Island INT, Alaska; MEA 2,000. *2,500—MCA Egg Island INT, westbound.

From Egg Island INT, Alaska; to Hinchinbrook, Alaska, LFR; MEA 3,100.

Section 610.102 *Amber Federal airway 2* is amended to read in part:

From Chena INT, Alaska; to Fairbanks, Alaska, LFR; MEA 2,900.

Section 610.227 *Red Federal airway 27* is amended to read in part:

From Nenabank INT, Alaska; to Nenana, Alaska, LFR; MEA 3,300.

Section 610.640 *Red Federal airway 40* is amended to read in part:

From Skilak INT, Alaska; to Anchorage, Alaska, LFR; MEA 2,000.

Section 610.303 *Red Federal airway 303* is amended to read in part:

From Anchorage, Alaska, LFR; to Delta Island INT, Alaska; MEA 2,000.

From Delta Island INT, Alaska; to Kenai, Alaska, LFR; MEA 1,900.

From Kenai, Alaska, LFR; to *Skilak INT, Alaska; MEA 1,900. *6,100—MCA Skilak INT, southeastbound.

Section 610.626 *Blue Federal airway 26* is amended to read in part:

From Beaver INT, Alaska; to Fairbanks, Alaska, LFR; MEA 2,600.

Section 610.632 *Blue Federal airway 32* is amended to read in part:

From Anchorage, Alaska, LFR; to Susitna INT, Alaska; MEA 2,000.

Section 610.1001 *Direct routes—U.S.* is amended by adding:

From Altamont INT, Calif.; to Sunol INT, Calif.; MEA 5,000.

From Sunol INT, Calif.; to San Jose, Calif., TVOR; MEA 5,000

From Denver, Colo., VOR; to Colorado Springs, Colo., VOR; MEA 10,000.

From Denver, Colo., VOR; to Vincent INT, Colo.; MEA 10,000.

From Bimini, B.W.I. VOR; to *Dolphin INT, Fla., via Control 1,150; MEA 2,500. *2,500—MRA.

From Dolphin INT, Fla., via Control 1,150; to Halibut INT, Fla.; MEA 2,500.

From Halibut INT, Fla.; to *Mullet INT, Fla., via Control 1150; MEA 6,500. *6,500—MRA.

From Mullet INT, Fla.; to *Porpoise INT, Fla., via Control 1,150; MEA 15,000. *15,000—MRA.

From Porpoise INT, Fla.; to *Sturgeon INT, Fla., via Control 1,150; MEA 2,000.

From Sturgeon INT, Fla., via Control 1,150; to Barracuda INT, Fla.; MEA 2,000.

From Biscayne Bay, Fla., VOR; to Fisher INT, Fla., via Control 1,150; MEA 2,000.

From Fisher INT, Fla., via Control 1,150; to Dolphin INT, Fla.; MEA 2,500.

From Biscayne Bay, Fla., VOR; to Guppy INT, Fla., via Control 1150; MEA 2,000.

From Guppy INT, Fla., via Control 1150; to Nimrod INT, Fla.; MEA 2,500.

From Nimrod INT, Fla., via Control 1150; to Halibut INT, Fla.; MEA 5,000.

From West Palm Beach, Fla., VOR; to *Perch INT, Fla., via Control 1150; MEA 2,000. *4,000—MRA.

From Perch INT, Fla; to *Mackerel INT, Fla., via Control 1150; MEA 2,000. *6,000—MRA.

From Mackerel INT, Fla., via Control 1150; to Mullet INT, Fla.; MEA 3,500.

From West Palm Beach, Fla., VOR; to *Kingfish INT, Fla., via Control 1150; MEA 2,000. *2,500—MRA.

From Kingfish INT, Fla., via Control 1150; to Shark INT, Fla.; MEA 3,000.

From Shark INT, Fla., via Control 1150; to Porpoise INT, Fla.; MEA 7,000.

From West Palm Beach, Fla., VOR; to Bonita INT, Fla., via Control 1150; MEA 2,000.

From Bonita INT, Fla.; to *Tarpon INT, Fla., via Control 1,150; MEA 6,500. *6,500—MRA.

From Tarpon INT, Fla., via Control 1,150; to Snapper INT, Fla.; MEA 10,000.

From Snapper INT, Fla.; to *Squid INT, Fla., via Control 1,150; MEA 13,000. *13,000—MRA.

From Vero Beach Fla., VOR; to Tarpon INT, Fla., via Control 1,150; MEA 2,000.

From Tarpon INT, Fla.; to *Sturgeon INT, Fla., via Control 1,150; MEA 6,000. *6,000—MRA.

From Vero Beach, Fla., VOR; to Flounder INT, Fla., via Control 1,150; MEA 2,000.

From Flounder INT, Fla.; to *Snapper INT, Fla., via Control 1,150; MEA 3,500. *10,000—MRA.

From Snapper INT, Fla.; to *Barracuda INT, Fla., via Control 1,150; MEA 15,000. *15,000—MRA.

From West Palm Beach, Fla., VOR; to Pike INT, Fla., via Control 1,150; MEA 2,000.

From Pike INT, Fla., via Control 1,150; to Guppy INT, Fla.; MEA 2,000.

From Guppy INT, Fla., via Control 1,150; to Fisher INT, Fla.; MEA 2,000.

From Fisher INT, Fla., via Control 1,150; to Pineapple INT, Fla.; MEA 3,000.

From Bayshore INT, Fla., via Control 1,150; to Pineapple INT, Fla.; MEA 2,000.

From Melbourne, Fla., LFR, via Control 1,150; to Amberjack INT, Fla.; MEA 2,000.

From Amberjack INT, Fla.; to Barracuda INT, Fla., via Control 1,150; MEA 2,000.

From Maytown INT, Fla., via Control 1,150; to Titusville INT, Fla.; MEA 2,000.

From Titusville INT, Fla.; to Squid INT, Fla., via Control 1,150; MEA 12,000.

From Squid INT, Fla., via Control 1,150; to Barracuda INT, Fla.; MEA 15,000.

Section 610.1001 *Direct routes—U.S.* is amended to delete:

From McAllen, Tex., VOR; to Armstrong INT, Tex.; MEA *2,000. *1,500—MOCA.

From McAllen, Tex., VOR; to Laredo, Tex., VOR; MEA *3,500. *1,900—MOCA.

Section 610.1001 *Direct routes—U.S.* is amended to read in part:

From *Homer, Alaska, LFR; to Granite INT, Alaska, via Control 1,218; MEA 7,500. *5,000—MCA Homer LFR, southeastbound.

Section 610.6003 *VOR Federal airway 3* is amended to read in part:

From West Palm Beach, Fla., VOR; to *Fort Pierce INT, Fla.; MEA 1,500. *3,000—MRA.

Section 610.6004 *VOR Federal airway 4* is amended to delete:

From Allegheny INT, Pa.; to Johnstown, Pa., VOR; MEA 4,500.

Section 610.6004 *VOR Federal airway 4* is amended to read in part:

From Jamestown INT, Wash.; to Lofall INT, Wash.; northwestbound, MEA 7,000; southeastbound, MEA 5,000.

Section 610.6005 *VOR Federal airway 5* is amended to read in part:

From Kennesaw INT, Ga.; to *Dalton INT, Ga.; MEA 4,000. *5,000—MRA.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From Omaha, Nebr., VOR; to Carson INT, Iowa; MEA 2,500.

From Carson INT, Iowa; to *Lyman INT, Iowa; MEA 2,600. *3,500—MRA.

From Lyman INT, Iowa; to Middle River INT, Iowa; MEA 2,600.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From Evansville, Ind., VOR, via W alter.; to Patton INT, Ind., via W alters.; MEA *2,000. *2,000—MOCA.

From Blountstown INT, Fla., via W alter.; to Marianna, Fla., VOR, via W alter.; MEA *2,000. *1,200—MOCA.

From Miami, Fla., VOR; to Fort Myers, Fla., VOR; MEA *2,000. *1,300—MOCA.

From Fort Myers, Fla., VOR; to *Arcadia INT, Fla.; MEA **2,000. *2,000—MRA. **1,300—MOCA.

From Arcadia INT, Fla.; to Lakeland, Fla., VOR; MEA *2,000. *1,300—MOCA.

Section 610.6008 *VOR Federal airway 8* is amended to read in part:

From Omaha, Nebr., VOR; to Carson INT, Iowa; MEA 2,500.

From Carson INT, Iowa; to *Lyman INT, Iowa; MEA 2,600. *3,500—MRA.

From Lyman INT, Iowa; to Middle River INT, Iowa; MEA 2,600.

Section 610.6009 *VOR Federal airway 9* is amended to delete:

From Memphis, Tenn., VOR; to *Marion INT, Ark.; MEA 2,300. *2,500—MRA.

From Marion INT, Ark.; to *Gilmore INT, Ark.; MEA 2,300. *4,800—MRA.

From Gilmore INT, Ark.; to *Dell INT, Ark.; MEA **4,800. *3,000—MRA. **1,600—MOCA.

From Dell INT, Ark.; to Malden, Mo., VOR; MEA *3,000. *1,600—MOCA.

From Memphis, Tenn., VOR, via E alter.; to Ramsey INT, Tenn., via E alter.; MEA 2,300.

From Ramsey INT, Tenn., via E alter.; to *Driver INT, Ark., via E alter.; MEA **5,000. *3,000—MRA. **1,500—MOCA.

From Driver INT, Ark., via E alter.; to *Holland INT, Mo., via E alter.; MEA **3,000. *3,000—MRA. **1,700—MOCA.

From Holland INT, Mo., via E alter.; to Malden, Mo., VOR, via E alter.; MEA *3,000. *1,700—MOCA.

Section 610.6009 *VOR Federal airway 9* is amended by adding:

From Memphis, Tenn., VOR; to *Driver INT, Ark.; MEA **3,000. *3,000—MRA. **2,300—MOCA.

From Memphis, Tenn., VOR, via W alter.; to *Dell INT, Ark., via W alter.; MEA **2,000. *3,000—MRA. **1,700—MOCA.

From Dell INT, Ark., via W alter.; to Blytheville, Ark., VOR, via W alter.; MEA *2,000. *1,700—MOCA.

From Blytheville, Ark., VOR; to Malden, Mo., VOR; MEA *3,000. *1,700—MOCA.

Section 610.6009 *VOR Federal airway 9* is amended to read in part:

From Victoria INT, Miss., via E alter.; to *Miller INT, Miss., Via E alter.; MEA 1,500. *2,000—MRA.

From Miller INT, Miss., via E alter.; to Memphis, Tenn., VOR, via E alter.; MEA 1,500.

From Memphis, Tenn., VOR; to Gilmore INT, Ark.; MEA *2,000. *1,700—MOCA.

From Marengo INT, Ill.; to Dacy INT, Ill.; MEA 2,300.

From Dacy INT, Ill.; to Harvard INT, Ill.; MEA 2,100.

Section 610.6011 *VOR Federal airway 11* is amended to read in part:

From Memphis, Tenn., VOR; to *Driver INT, Ark.; MEA **2,000. *3,000—MRA. **1,700—MOCA.

From Driver INT, Ark.; to Blytheville, Ark., VOR; MEA *2,000. *1,700—MOCA.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From Mound INT, Ill.; to Bible Grove, Ill., VOR; MEA *2,300. *1,900—MOCA.

From Bible Grove, Ill., VOR; to Lewis, Ind., VOR; MEA *2,300. *1,900—MOCA.

Section 610.6013 *VOR Federal airway 13* is amended to read in part:

From Hope INT, Minn.; to Cannon City, Minn., VOR; MEA 2,400.

From Cannon City, Minn., VOR; to Farmington, Minn., VOR; MEA 2,500.

Section 610.6014 *VOR Federal airway 14* is amended to read in part:

From *Caprock INT, N. Mex., via S alter.; to **Whiteface INT, Tex., via S alter.; MEA ***7,000. *7,500—MRA. **6,000—MRA. ***5,500—MOCA.

Section 610.6015 *VOR Federal airway 15* is amended to read in part:

From College Station, Tex., VOR; to Satin INT, Tex.; MEA *2,000. *1,700—MOCA.

From Satin INT, Tex.; to Waco, Tex., VOR; MEA 2,000.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From *Lazy X INT, Tex., via S alter.; to Abilene, Tex., VOR, via S alter.; MEA 4,000. *4,400—MRA.

From Pipe Line INT, Tex.; to Mustang INT, Tex.; MEA *6,300. *4,300—MOCA.

From Pulaski, Va., VOR; to Roanoke, Va., VOR; MEA 5,300.

From Roanoke, Va., VOR; to Gordonsville, Va., VOR; MEA 6,000.

From Roanoke, Va., VOR, via N alter.; to Montebello, Va., VOR, via N alter.; MEA 6,000.

Section 610.6019 *VOR Federal airway 19* is amended to read in part:

From Denver, Colo., VOR; to *Platte INT, Colo.; MEA 7,500. *10,500—MRA.

Section 610.6022 *VOR Federal airway 22* is amended to read in part:

From Marianna, Fla., VOR; to Blountstown INT, Fla.; MEA *2,000. *1,200—MOCA.

From Blountstown INT, Fla.; to Holland INT, Fla.; MEA *2,000. *1,400—MOCA.

From Holland INT, Fla.; to Tallahassee, Fla., VOR; MEA *2,000. *1,500—MOCA.

From Tallahassee, Fla., VOR; to Greenville INT, Fla.; MEA *2,000. *1,300—MOCA.

From Greenville INT, Fla.; to Lee INT, Fla.; MEA *2,000. *1,500—MOCA.

From Lee INT, Fla.; to Taylor, Fla., VOR; MEA *2,000. *1,400—MOCA.

From Taylor, Fla., VOR; to Moniac INT, Fla.; MEA *2,000. *1,200—MOCA.

From Moniac INT, Fla.; to Bryceville INT, Fla.; MEA *2,000. *1,500—MOCA.

From Bryceville INT, Fla.; to Jacksonville, Fla., VOR; MEA *2,000. *1,300—MOCA.

Section 610.6023 *VOR Federal airway 23* is amended to delete:

From Portland, Oreg., VOR, via W alter.; to *Silver Lake INT., Oreg., via W alter.; MEA 5,000. *6,500—MRA.

From Silver Lake INT, Oreg., via W alter.; to Mayfield, INT, Wash., via W alter.; MEA 5,000.

From Mayfield INT, Wash., via W alter.; to Olympia, Wash., VOR, via W alter.; southbound, MEA 5,000; northbound, MEA 4,000.

From Olympia, Wash., VOR, via W alter.; to Seattle, Wash., VOR, via W alter.; MEA 3,000.

Section 610.635 *VOR Federal airway 35* is amended to read in part:

From *Reno INT, Ga., via E alter.; to Hartsfield INT, Ga., via E alter.; MEA **2,000. *4,500—MRA. **1,700—MOCA.

From Hartsfield INT, Ga., via E alter.; to Sale INT, Ga., via E. alter.; MEA *2,000. *1,300—MOCA.

From Sale INT, Ga., via E alter.; to Albany, Ga., VOR, via E alter.; MEA *2,000. *1,600—MOCA.

From *Copeland INT, Fla.; to Hickory INT, Fla.; MEA **2,500. *2,500—MRA. **1,100—MOCA.

From Hickory INT, Fla.; to Fort Myers, Fla., VOR; MEA *2,000. *1,400—MOCA.

From Fort Myers, Fla., VOR; to St. Petersburg, Fla., VOR; MEA *2,000. *1,500—MOCA.

From *Vega INT, Fla., via W alter.; to **Copeland INT, Fla., via W alter.; MEA ***3,200. *3,300—MRA. **2,500—MRA. ***1,100—MOCA.

Section 610.6037 *VOR Federal airway 37* is amended to read in part:

From *Marlow INT, Ga., via W alter.; to Egypt INT, Ga., via W alter.; MEA **1,700. *1,700—MRA. **1,500—MOCA.

From Egypt INT, Ga., via W alter.; to Kildare INT, Ga., via W alter.; MEA *1,700. *1,500—MOCA.

Section 610.6039 *VOR Federal airway 39* is amended by adding:

From Presque Isle, Maine, VOR; to U.S.-Canadian Border; MEA 3,500.

Section 610.6042 *VOR Federal airway 42* is amended to read in part:

From Allegheny INT, Pa.; To Johnstown, Pa., VOR; MEA 4,500.

Section 610.6044 *VOR Federal airway 44* is amended to read in part:

From Centralia, Ill., VOR; to Samsville, Ill., VOR; MEA *2,300. *2,100—MOCA.

From Samsville, Ill., VOR; to Patton INT, Ind.; MEA *2,300. *1,800—MOCA.

From Patton INT, Ind.; to Decker INT, Ill.; MEA *2,300. *1,600—MOCA.

Section 610.6046 *VOR Federal airway 46* is amended to read in part:

From Hampton, N.Y., VOR; to Nantucket, Mass., VOR; MEA 2,000.

Section 610.6050 *VOR Federal airway 50* is amended to read in part:

From Decatur, Ill., VOR; to *Arcola INT, Ill.; MEA **2,400. *3,000—MRA. **2,000—MOCA.

Section 610.6051 *VOR Federal airway 51* is amended to read in part:

From Kennesaw INT, Ga., via W alter.; to *Dalton INT, Ga., via W alter.; MEA 4,000. *5,000—MRA.

Section 610.6052 *VOR Federal airway 52* is amended to read in part:

From Boulder INT, Ill.; to *Cartter INT, Ill.; MEA **2,800. *2,300—MRA. **1,700—MOCA.

Section 610.6055 *VOR Federal airway 55* is amended to read in part:

From Dayton, Ohio, VOR, via E alter.; to *Rockford INT, Ohio, via E alter.; MEA 2,300. *3,000—MRA.

From Rockford INT, Ohio, via E alter.; to Ft. Wayne, Ind., VOR, via E alter.; MEA 2,300.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From *Lasy X INT, Tex.; to Abilene, Tex., VOR; MEA 4,000. *4,400—MRA.

Section 610.6067 *VOR Federal airway 67* is amended to read in part:

From *Clark INT, Iowa; to **Washburn INT, Iowa; MEA 2,500. *3,200—MRA. **3,200—MRA.

From Washburn INT, Iowa; to Waterloo, Iowa, VOR; MEA 2,500.

Section 610.6068 *VOR Federal airway 68* is amended to read in part:

From King INT, Tex., via S alter.; to San Angelo, Tex., VOR, via S alter.; MEA **7,500. *4,700—MRA. **3,900—MOCA.

From Kingsville INT, Tex.; to *Salada INT, Tex.; MEA **2,000. *6,000—MCA Salada INT, southbound. **1,100—MOCA.

From Salada INT, Tex.; to Armstrong INT, Tex.; MEA *6,000. *1,100—MOCA.

Section 610.6071 *VOR Federal airway 71* is amended to read in part:

From Butler, Mo., VOR; to Kansas City, Mo., VOR; MEA 3,000.

Section 610.6076 *VOR Federal airway 76* is amended to read in part:

From San Angelo, Tex., VOR, via N alter.; to Lometa, Tex., VOR, via N alter.; MEA *3,500. *3,100—MOCA.

Section 610.6089 *VOR Federal airway 89* is amended to read in part:

From Denver, Colo., VOR; to *Platte INT, Colo.; MEA 7,500. *10,500—MRA.

Section 610.6097 *VOR Federal airway 97* is amended to read in part:

From La Belle, Fla., VOR; to *Arcadia INT, Fla.; MEA 1,300. *2,000—MRA.

Section 610.6103 *VOR Federal airway 103* is amended to read in part:

From Henry INT, Va.; to Roanoke, Va., VOR; MEA 5,600.

From Roanoke, Va., VOR; to Covington INT, Va.; MEA 5,000.

Section 610.6103 *VOR Federal airway 103* is amended to delete:

From Navarre, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 2,500.

Section 610.6103 *VOR Federal airway 103* is amended by adding:

From Akron, Ohio, VOR; to U.S.-Canadian Border; MEA *3,500. *2,300—MOCA.

Section 610.6141 *VOR Federal airway 141* is amended to read in part:

From Cohassett INT, Mass.; to Boston, Mass., VOR; MEA 2,000.

Section 610.6148 *VOR Federal airway 148* is amended to read in part:

From Redwood Falls, Minn., VOR; to Biscay INT, Minn.; MEA 2,500.

From Biscay INT, Minn.; to Minneapolis, Minn., VOR; MEA 2,300.

Section 610.6157 *VOR Federal airway 157* is amended to read in part:

From *Pine INT, Fla., via W alter.; to **Bunker INT, Fla., via W alter.; MEA ***2,300. *2,300—MRA. **2,000—MRA. ***1,100—MOCA.

Section 610.6159 *VOR Federal airway 159* is amended to read in part:

From St. Lucie INT, Fla., via W alter.; to *Dixie Ranch INT, Fla., via W alter.; MEA **1,700. *2,000—MRA. **12,000—MOCA.

From West Palm Beach, Fla., VOR; to *Fort Pierce INT, Fla.; MEA 1,500. *3,000—MRA.

From Orlando, Fla., VOR, via W alter.; to Clermont INT, Fla., via W alter.; MEA *2,000. *1,700—MOCA.

From Clermont INT, Fla., via W alter.; to Center Hill INT, Fla., via W alter.; MEA *2,000. *1,200—MOCA.

From Center Hill INT, Fla., via W alter.; to Ocala, Fla., VOR via W alter.; MEA *2,000. *1,300—MOCA.

From Cotton INT, Ga., via W alter.; to Sale INT, Ga., via W alter.; MEA *2,000. *1,300—MOCA.

From Sale INT, Ga., via W alter.; to Albany, Ga., VOR via W alter.; MEA *2,000. *1,600—MOCA.

From Albany, Ga., VOR; to *Shellman INT, Ga.; MEA **2,200. *2,500—MRA. **1,700—MOCA.

From Shellman INT, Ga.; to *Sawmill INT, Ga.; MEA **2,200. *2,300—MRA. **1,700—MOCA.

From Sawmill INT, Ga.; to Eufaula, Ala., VOR; MEA *2,200. *1,700—MOCA.

Section 610.6161 *VOR Federal airway 161* is amended to read in part:

From *Marshalltown INT, Iowa; to **Reinbeck INT, Iowa; MEA 2,300. *2,700—MRA. **2,700—MRA.

From Reinbeck INT, Iowa; to Waterloo, Iowa, VOR; MEA 2,300.

Section 610.6163 *VOR Federal airway 163* is amended to read in part:

From Armstrong INT, Tex.; to *Salada INT, Tex.; MEA **6,000. *6,000—MCA Salada INT southbound. **1,100—MOCA.

From Salada INT, Tex.; to Kingsville INT, Tex.; MEA *2,000. *1,100—MOCA.

Section 610.6168 *VOR Federal airway 168* is amended to read in part:

From Scottsbluff, Nebr., VOR; to Snake INT, Nebr.; MEA 5,400.

From Snake INT, Nebr.; to O'Neill, Nebr., VOR; MEA *13,000. *5,600—MOCA.

Section 610.6179 *VOR Federal airway 179* is amended to read in part:

From Centralia, Ill., VOR; to *Cartter INT, Ill.; MEA **2,300. *2,300—MRA. **1,600—MOCA.

From Cartter INT, Ill.; to Bible Grove, Ill., VOR; MEA 2,300. *1,600—MOCA.

Section 610.6191 *VOR Federal airway 191* is amended to read in part:

From Hillsboro INT, Ill.; to Decatur, Ill., VOR; MEA *2,400. *1,900—MOCA.

Section 610.6201 *VOR Federal airway 201* is amended to read in part:

From Carp INT, Calif.; to Kingfish INT, Calif.; MEA *5,000. *2,000—MOCA.

Section 610.6213 *VOR Federal airway 213* is amended to read in part:

From Bolton INT, N.C.; to Kenansville, INT, N.C.; MEA *3,000. *1,400—MOCA.

Section 610.6225 *VOR Federal airway 225* is amended to read in part:

From Fort Myers, Fla., VOR; to La Belle, Fla., VOR; MEA *2,000. *1,300—MOCA.

From La Belle, Fla., VOR; to *Brighton INT, Tex.; MEA **2,000. *4,000—MRA. **1,200—MOCA.

From Brighton INT, Tex.; to *Dixie Ranch INT, Fla.; MEA **2,000. *2,000—MRA. **1,200—MOCA.

From Dixie Ranch INT, Fla.; to Vero Beach, Fla., VOR; MEA *2,000. *1,200—MOCA.

From Key West, Fla., VOR; to Rivet INT, Fla.; MEA *2,000. *1,100—MOCA.

From Rivet INT, Fla.; to *Cape Romano INT, Fla.; MEA **3,000. *4,500—MRA. **1,000—MOCA.

From Cape Romano INT, Fla.; to Fort Myers, Fla., VOR; MEA *2,000. *1,300—MOCA.

Section 610.6227 *VOR Federal airway 227* is amended to read in part:

From Rosewood, Ohio, VOR; to *Rockford INT, Ohio; MEA 2,300. *3,000—MRA.

Section 610.6243 *VOR Federal airway 243* is amended to read in part:

From Kennesaw INT, Ga.; to *Dalton INT, Ga.; MEA 4,000. *5,000—MRA.

Section 610.6253 *VOR Federal airway 253* is amended to delete:

From Rocole INT, Utah; to *Timpie INT, Utah; MEA **15,000. *15,000—MCA Timpie INT, southeastbound. **13,000—MOCA.

Section 610.6258 *VOR Federal airway 258* is amended to read in part:

From Rock Camp INT, W. Va.; to Roanoke, Va., VOR; MEA 6,000.

From Roanoke, Va., VOR; to Penhook INT, Va.; MEA 5,600.

Section 610.6260 *VOR Federal airway 260* is amended to read in part:

From Rainelle, W. Va., VOR; to Roanoke, Va., VOR; MEA 6,000.

From Roanoke, Va., VOR; to Bedford INT, Va.; MEA 5,000.

From Roanoke, Va., VOR via S alter.; to Hanks INT, Va., via S alter.; MEA 5,600.

Section 610.6264 *VOR Federal airway 264* is amended by adding:

From *Prescott, Ariz., VOR; to **Cornville INT, Ariz.; MEA 10,000. *8,500—MCA Prescott VOR, eastbound. *9,000—MCA Prescott VOR, westbound. **13,000—MCA Cornville INT, eastbound.

From Cornville INT, Ariz.; to *Winslow, Ariz., VOR; MEA **13,000. *8,500—MCA Winslow VOR, westbound. **11,000—MOCA.

From Winslow, Ariz., VOR; to Crownpoint, N. Mex., VOR; MEA 10,500.

From Crownpoint, N. Mex., VOR; to *Lybrook INT, N. Mex.; MEA **12,000. *12,000—MRA. **10,000—MOCA.

From Lybrook INT, N. Mex.; to Taos, N. Mex., VOR; MEA 13,000.

Section 610.6267 *VOR Federal airway 267* is amended to read in part:

From Pahokee, Fla., VOR; to *Dixie Ranch INT, Fla.; MEA 1,200. *2,000—MRA.

Section 610.6277 *VOR Federal airway 277* is amended to read in part:

From Rosewood, Ohio, VOR; to *Rockford INT, Ohio; MEA 2,300. *3,000—MRA.

Section 610.6287 *VOR Federal airway 287* is amended by adding:

From Portland, Oreg., VOR; to Silver Lake INT, Oreg.; MEA 5,000.

From Silver Lake INT, Oreg.; to Mayfield INT, Wash.; MEA 5,000.

From Mayfield INT, Wash.; to Olympia, Wash., VOR, northwestbound, MEA 4,000; southeastbound, MEA 5,000.

From Olympia, Wash., VOR; to Purdy INT, Wash.; northwestbound, MEA 3,000; southeastbound, MEA 5,000.

From Purdy INT, Wash.; to *Bremerton INT, Wash.; MEA **5,000. *5,000—MRA. **4,000—MOCA.

From Bremerton INT, Wash.; to Lofall INT, Wash.; MEA *5,000. *4,000—MOCA.

From Lofall INT, Wash.; to Jamestown INT, Wash.; northwestbound, MEA 7,000; southeastbound, MEA 5,000.

From Jamestown INT, Wash.; to Port Angeles, Wash., VOR; eastbound, MEA 5,000; westbound, MEA 2,000.

From Port Angeles, Wash., VOR; to Neah Bay, Wash., LFR; MEA *7,000. *4,000—MOCA.

Section 610.6293 *VOR Federal airway 293* is amended to read in part:

From La Belle, Fla., VOR; to *Arcadia INT, Fla.; MEA 1,300. *2,000—MRA.

Section 610.6295 *VOR Federal airway 295* is amended to read in part:

From Pike INT, Fla.; to *Perch INT, Fla.; MEA **2,500. *4,000—MRA. **1,000—MOCA.

From Perch INT, Fla.; to *Kingfish, Fla., VOR; MEA **2,000. *2,500—MRA. **1,000—MOCA.

From Kingfish, Fla., VOR; to Bonita INT, Fla.; MEA *2,000. *1,000—MOCA.

From Orlando, Fla., VOR; to Clermont INT, Fla.; MEA *2,000. *1,700—MOCA.

From Clermont INT, Fla.; to Center Hill INT, Fla.; MEA *2,000. *1,200—MOCA.

Section 610.6415 *HAWAII VOR Federal airway 15* is amended to read in part:

From Int. 097 M rad, South Kauai VOR; and 119 M rad, Lihue VOR; to Seaweed INT, Hawaii; Southeastbound, MEA 3,000; northwestbound, MEA 4,000.

From Seaweed INT, Hawaii; to Breakers INT, Hawaii; MEA 4,000.

Section 610.6423 *VOR Federal airway 423* is added to read:

From Ithaca, N.Y., VOR; to Syracuse, N.Y., VOR; MEA 3,500.

Section 610.6429 *VOR Federal airway 429* is amended to read in part:

From Decatur, Ill., VOR; to Champaign, Ill., VOR; MEA *2,500. *2,100—MOCA.

Section 610.6436 *VOR Federal airway 436* is amended to read in part:

From Kenai, Alaska, LFR; to Anchorage, Alaska, VOR; MEA 2,000.

From Anchorage, Alaska, VOR; to Beluga INT, Alaska; MEA 2,000.

Section 610.6438 *VOR Federal airway 438* is amended to read in part:

From *Skilak INT, Alaska; to Anchorage, Alaska, VOR; MEA 2,000. *4,000—MCA Skilak INT, southbound.

From Anchorage, Alaska, VOR; to Willow Int, Alaska; MEA 2,000.

Section 610.6440 *VOR Federal airway 440* is amended to read in part:

From *Anchorage, Alaska, VOR; to **Alexander INT, Alaska; MEA 2,000. *5,400—MCA Anchorage VOR, southeastbound. **5,000—MCA Alexander INT, northwestbound.

Section 610.6446 *VOR Federal airway 446* is amended to read in part:

From Boulder INT, Ill.; to *Cartter INT, Ill.; MEA **2,800. *2,300—MRA. **1,700—MOCA.

From Cartter INT, Ill.; to Samsville, Ill., VOR; *2,200. *1,800—MOCA.

Section 610.6451 *VOR Federal airway 451* is amended to read in part:

From Int 192 M rad, Whitman, Mass., VOR; and 132 M rad, Providence, R.I., VOR; to Whitman, Mass., VOR; MEA 1,500.

Section 610.6456 *VOR Federal airway 456* is amended to read in part:

From Inlet INT, Alaska; to Anchorage, Alaska, VOR; MEA 2,000.

Section 610.6489 *VOR Federal airway 489* is amended to read:

From Paterson INT, N.J.; to *Christie INT, N.Y.; MEA 2,000. *2,700—MCA Christie INT, northbound.

From Christie INT, N.Y.; to Clermont, N.Y., VOR; MEA 2,700.

From Clermont, N.Y., VOR; to Albany, N.Y., VOR; MEA 2,600.

Section 610.6504 *VOR Federal airway 504* is amended to delete:

From Nenana, Alaska, VOR; to Fairbanks, Alaska, VOR; MEA 3,900.

Section 610.6508 *VOR Federal airway 508* is amended to read in part:

From *Skilak INT, Alaska, to Kenai, Alaska, VOR; MEA 1,800. *6,100—MCA Skilak INT, southeastbound.

Section 610.6839 *VOR Federal airway 839* is amended to read in part:

From Navarre, Ohio, VOR; to Kent INT, Ohio; MEA 2,500.

From Kent INT, Ohio; to Cleveland, Ohio, VOR; MEA 3,000.

Section 610.6843 *VOR Federal airway 843* is amended to read in part:

From Albany, Ga., VOR; to Sale INT, Ga.; MEA *2,000. *1,600—MOCA.

From Sale INT, Ga.; to Cotton INT, Ga.; MEA *2,000. *1,300—MOCA.

From Chattanooga, Tenn., VOR; to *Dalton INT, Ga.; MEA 3,000. *5,000—MRA.

From *Copeland INT, Fla.; to Hickory INT, Fla.; MEA **2,500. *2,500—MRA. **1,100—MOCA.

From Hickory INT, Fla.; to Fort Myers, Fla., VOR; MEA *2,000. *1,400—MOCA.

From Fort Myers, Fla., VOR; to *Arcadia INT, Fla.; MEA **2,000. *2,000—MRA. **1,300—MOCA.

From Arcadia INT, Fla.; to Lakeland, Fla., VOR; MEA *2,000. *1,900—MOCA.

Section 610.6855 *VOR Federal airway 855* is amended to read in part:

From Washington, D.C., VOR; to Glen INT, Va.; MEA 2,100.

From Glen INT, Va.; to Barnsville INT, Va., MEA 2,300.

From Barnsville INT, Va.; to Martinsburg, W. Va., VOR; MEA 3,200.

Section 610.6859 *VOR Federal airway 859* is amended to read in part:

From Decatur, Ill., VOR; to Palmer INT, Ill.; MEA *2,400. *1,900—MOCA.

Section 610.6875 *VOR Federal airway 875* is amended to read in part:

From Montebello, Va., VOR; to Roanoke, Va., VOR; MEA 6,000.

From Roanoke, Va., VOR; to Pulaski, Va., VOR; MEA 5,300.

Section 610.6881 *VOR Federal airway 881* is amended to read in part:

From *Copeland INT, Fla.; to Hickory INT, Fla.; MEA **2,500. *2,500—MRA. **1,100—MOCA.

From Hickory INT, Fla.; to Fort Myers, Fla., VOR; MEA *2,000. *1,400—MOCA.

From Fort Myers, Fla., VOR; to *Arcadia INT, Fla.; MEA **2,000. *2,000—MRA. **1,300—MOCA.

From Arcadia INT, Fla.; to Lakeland, Fla., VOR; MEA *2,000. *1,300—MOCA.

From Asheville, N.C., VOR; to *Inman INT, S.C.; MEA 6,000. *4,000—MCA Inman INT, northbound.

From Inman INT, S.C.; to Greenwood, S.C., VOR; MEA *3,000. *2,500—MOCA.

From Greenwood, S.C., VOR; to Augusta, Ga., VOR; MEA *2,300. *2,100—MOCA.

Section 610.6885 *VOR Federal airway 885* is amended to delete:

From Washington, D.C., VOR; to Glen INT, Va.; MEA 2,100.

From Glen INT, Va.; to Barnsville INT, Va.; MEA 2,300.

From Barnsville INT, Va.; to Martinsburg, W. Va., VOR; MEA 3,200.

Section 610.1517 *VOR Federal airway 1517* is amended to read in part:

From Miami, Fla., VOR; to La Belle, Fla., VOR; MEA 14,500; MAA 24,000.

From La Belle, Fla., VOR; to Lakeland, Fla., VOR; MEA 14,500; MAA 24,000.

Section 610.1521 *VOR Federal airway 1521* is amended to read in part:

From Miami, Fla., VOR; to La Belle, Fla., VOR; MEA 14,500; MAA 24,000.

From La Belle, Fla., VOR; to St. Petersburg, Fla., VOR; MEA 14,500; MAA 24,000.

Section 610.1530 *VOR Federal airway 1530* is amended to read in part:

From Farmington, N. Mex., VOR; to Taos, N. Mex., VOR; MEA 14,500; MAA 24,000.

From Taos, N. Mex., VOR; to Cimarron, N. Mex., VOR; MEA 15,200; MAA 24,000.

Section 610.1602 *VOR Federal airway 1602* is amended to read:

From Fort Myers, Fla., VOR; to La Belle, Fla., VOR; MEA 14,500; MAA 24,000.

From La Belle, Fla., VOR; to Vero Beach, Fla., VOR; MEA 14,500; MAA 24,000.

Section 610.1655 *VOR Federal airway 1655* is amended to delete:

From Jacksonville, Fla., VOR; to Savannah, Ga., VOR; MEA 15,000; MAA 23,000.

Section 610.1676 *VOR Federal airway 1676* is amended to read:

From Northbrook, Ill., VOR; to South Bend, Ind., VOR; MEA 14,500; MAA 24,000.

From South Bend, Ind., VOR; to U.S.-Canadian Border; MEA 14,500; MAA 24,000.

Section 610.1744 *VOR Federal airway 1744* is amended to read in part:

From Cherokee, Wyo., VOR; to Laramie, Wyo., VOR; MEA 14,500; MAA 24,000.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a) 1348(c))

These rules shall become effective March 8, 1962.

Issued in Washington, D.C., on February 1, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-1268; Filed, Feb. 8, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

TEXTILES AND TEXTILE FIBERS

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Johnson and Johnson, New Brunswick, N.J., and Textile Bag Manufacturers Association, Suite 209, 518 Davis Street, Evanston, Ill., and other relevant material, has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to food additives resulting from use of textiles and textile fibers as articles and components of articles that contact dry food. Under the prescribed conditions of safe usage, substances approved for use in the preparation of textiles and textile fibers are not expected to become components of food in any significant amounts. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625) the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2535 Textiles and textile fibers.

Textiles and textile fibers may safely be used as articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) The textiles and textile fibers are prepared from one or more of the fibers identified in paragraph (d) of this section and from certain other adjuvant substances required in the production of the textiles or textile fibers or added to impart desired properties.

(b) The quantity of any adjuvant substance employed in the production of textiles or textile fibers does not exceed the amount reasonably required to accomplish the intended physical or technical effect or any limitation further provided.

(c) Any substance employed in the production of textiles or textiles fibers that is the subject of a regulation in this Subpart F of this part conforms with any specification in such regulation, and any substance that is not the subject of a regulation in this Subpart F conforms with the specifications, if any, prescribed by an order extending the effective date of the statute for such substance as an indirect additive to food.

(d) Substances employed in the production of or added to textiles and textile fibers may include:

(1) Substances generally recognized as safe in food.

(2) Substances subject to prior sanction or approval for use in textiles and textile fibers and used in accordance with such sanction or approval.

(3) Substances generally recognized as safe for use in cotton and cotton fabrics used in dry-food packaging.

(4) Substances that by regulation in this part may safely be used in the production of or as a component of textiles or textile fibers and subject to provisions of such regulation.

(5) Substances identified in this subparagraph, subject to such limitations as are provided:

List of Substances and Limitation
(i) Fibers:
Cotton.
Rayon.
(ii) Adjuvant substances:
4,4'-bis (4-Anilino-6-diethanolamine-s-triazin - 2 - ylamino) - 2,2' - stilbenedisulfonic acid, disodium salt. (For use as colorant only.)
4,4'-bis (4-Anilino-6-methylethanolamine-s-triazin - 2-ylamino) - 2,2'-stilbenedisulfonic acid, disodium salt. (For use as colorant only.)
Borax. (For use as preservative only.)
Formaldehyde. (For use as preservative only.)
Mineral oil. (For use as preservative only.)
Petrolatum. (For use as preservative only.)
Polyoxyethylene (20) sorbitan monolaurate. (For use as preservative only.)
Polyoxyethylene (20) sorbitan monostearate. (For use as preservative only.)
Polyvinyl acetate. (For use as preservative only.)
Polyvinyl alcohol. (For use as preservative only.)
Sodium bis(2,6-dimethylheptyl-4) sulfosuccinate. (For use as preservative only.)
Sodium dodecyl benzenesulfonate. (For use as preservative only.)
Sodium fluoride. (For use as preservative only.)
Sodium hypochlorite. (For use as preservative only.)
Sodium lauryl sulfate. (For use as preservative only.)
Sodium pentachlorophenate. (For use as preservative only.)
Styrene-butadiene copolymer. (For use as preservative only.)
Tallow. (For use as preservative only.)
Tallow, sulfonated. (For use as preservative only.)
Titanium dioxide. (For use as a preservative only.)
Triethanolamine. (For use of preservative only.)
Ultramarine blue. (For use as preservative only.)
Waxes, petroleum. (For use as preservative only.)

(e) Textile and textile fibers are used as articles or components of articles that contact dry food only.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 2, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-1337; Filed, Feb. 8, 1962; 8:47 a.m.]

Chapter II—Bureau of Narcotics, Department of the Treasury

[T.D. 66]

PART 307—MANUFACTURING OF NARCOTIC DRUGS

Addition of Norpethidine and its Salts to the Basic Classes of Narcotic Drugs

On December 21, 1961, a notice was published in the FEDERAL REGISTER (26 F.R. 12222), which stated that the Commissioner of Narcotics, pursuant to the provisions of section 6 of the Narcotics Manufacturing Act of 1960 (74 Stat. 61, 26 U.S.C. 584) and 21 CFR 307.71–307.72, proposed to add Norpethidine (ethyl 4-phenyl-4-piperidinecarboxylate) and its salts, which have heretofore been determined to be narcotic drugs as defined in 26 U.S.C. 4731, as amended, to the existing classification of "basic classes of narcotic drugs" enumerated in section 3(g) of the Narcotics Manufacturing Act of 1960 (74 Stat. 56, 21 U.S.C. 502).

After due notice and opportunity for public hearing, and after consideration of all relevant matters, the addition to the list of "basic classes of narcotic drugs" has been determined, under paragraphs (c) and (e) of 21 CFR 307.72, to be consistent with the law and the public health and safety and Norpethidine (ethyl 4-phenyl-4-piperidinecarboxylate) and its salts are hereby established as a new basic class of narcotic drugs to be added to the existing classification set forth in section 3(g) of the Narcotics Manufacturing Act of 1960.

Accordingly § 307.73 is amended by adding a new basic class of narcotic drugs to the list of basic classes of narcotic drugs, as follows:

§ 307.73 List of basic classes of narcotic drugs.

The following substances and their salts constitute the list of basic classes of narcotic drugs:

* * * * *

(a) Norpethidine (ethyl 4-phenyl-4-piperidinecarboxylate).

Because the amendment of § 307.73 is merely for the purpose of listing a new basic class of narcotic drugs, it is hereby found unnecessary to issue this Treasury Decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

Effective date. This Treasury Decision shall become effective upon its filing for publication in the FEDERAL REGISTER.

(21 U.S.C. 504 (74 Stat. 61); 21 U.S.C. 514 (74 Stat. 67))

[SEAL] HENRY L. GIORDANO,
Acting Commissioner of Narcotics.

Approved: February 2, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-1352; Filed, Feb. 8, 1962; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In § 3.52, paragraph (d) is amended to read as follows:

§ 3.52 Marriages deemed valid.

* * * * *

(d) No claim has been filed by a legal widow who has been found entitled to gratuitous death benefits under this part other than accrued monthly benefits covering a period prior to the veteran's death.

(38 U.S.C. 108(a))

2. In § 3.54, paragraphs (a)(3) and (b)(1) are amended to read as follows:

§ 3.54 Marriage dates.

* * * * *

(a) *Pension.* * * *

(3) Prior to the applicable delimiting dates, as follows:

(i) Civil War—June 27, 1905.

(ii) Indian Wars—March 4, 1917.

(iii) Spanish-American War—January 1, 1938.

(iv) World War I—December 14, 1944.

(v) World War II—January 1, 1957.

(vi) Korean conflict—February 1, 1965.

(38 U.S.C. 532(d), 534(c), 536(c), 541(e))

(b) *Compensation.* * * *

(1) Before the expiration of 10 years or, effective June 8, 1960, before the expiration of 15 years after termination of the period of service in which the injury or disease which caused his death was incurred or aggravated, or

3. In § 3.57, paragraph (c) is added to read as follows:

§ 3.57 Child.

* * * * *

(c) *Adopted child.* Effective August 25, 1959, the term includes, as of the date of death of a veteran, one who was:

(1) Living in the veteran's household at the time of his death, and

(2) Legally adopted by the veteran's spouse pursuant to a final decree of adoption signed within 2 years after August 25, 1959, or the veteran's death, whichever is later, and

(3) Not receiving from an individual other than the veteran or his spouse, or from a welfare organization which furnishes services or assistance for children, recurring contributions of sufficient size to constitute the major portion of the child's support.

(38 U.S.C. 101(4))

4. Section 3.1563 is revoked.

§ 3.1563 Liberalization of marriage requirements for widow's entitlement to death compensation. [Revoked]

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective February 9, 1962.

W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-1344; Filed, Feb. 8, 1962; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER T—SALE, LEASE, OR USE, AND ACQUISITIONS

[Circular 2076]

PART 257—SALE OR LEASE OF SMALL TRACTS

Miscellaneous Amendments

On page 10285 of the FEDERAL REGISTER of November 2, 1961, there was published a notice and text of a proposed revision of Part 257 of Title 43, Code of Federal Regulations. The purpose of this revision is to (1) permit public auctions of small tracts wherever appropriate; (2) make the reversionary clause in community site dispositions unlimited in duration; (3) make specific that lands will be leased or sold at their fair market value; and (4) eliminate group agreements. In addition the amendment would spell out requirements for coordination with local governmental units and for consideration of availability of public facilities, and would set new minimum rentals.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed revision. Comments received were carefully studied and the proposed regulations are hereby adopted with the following change and are set forth below.

Under § 257.2(a) add the following words "or the stability of existing economic enterprises" at the end of the paragraph.

This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 2, 1962.

1. The caption and text of § 257.2 are revised to read as follows:

§ 257.2 Criteria.

(a) It is the program in the administration of the act of June 1, 1938, as amended, to promote the beneficial utilization of the public lands subject to the terms thereof, and at the same time to safeguard the public interest in the lands. To this end small tract activity shall be coordinated with interested local governmental agencies, and small tract sites will be considered in the light of their effect upon the conservation of natural resources and upon the communities or area involved and in the light of availability of schools, utilities, and other

facilities. Lands will not be leased or sold, for example, which would lead to private ownership or control of scenic attractions, or water resources, or other areas that should be kept open to public use. Nor will isolated or scattered settlement be permitted which would impose heavy burdens upon State or local governments for roads; schools; police, health, and fire protection; and other facilities. Undesirable types of construction for settlement or business along public highways and parkways will be guarded against, and lands will not be leased or sold under the act if such action would unreasonably interfere with the use of water for grazing purposes or unduly impair the protection of watershed areas or the stability of existing economic enterprises.

(b) Under this act lands may be classified for direct sale, for lease and sale, or for lease only. Revested Oregon and California Railroad lands and reconveyed Coos Bay Wagon Road grant lands in Oregon will be classified for lease only—as will other public lands where title should remain in the United States and leasing is not contrary to the interests of the United States. Lands suitable for community site purposes will be classified for lease, lease and sale, or direct sale at appraised prices and will be subject to application only by nonprofit corporations or associations, States, municipalities, or other governmental subdivisions. Lands may be classified for lease and sale, as provided for in § 257.13, where such action is necessary for the protection of adjacent property and the community as a whole. In other cases, lands will be sold at public auction at not less than their appraised fair market value in accordance with § 257.14.

2. Paragraph (a) of § 257.9 is amended to read as follows:

§ 257.9 Advance payment.

* * * * *

(a) If the land has been classified for lease or for lease and sale, the advance payment is the rental for the entire lease period, as specified in the classification order if such period does not exceed five years. Where lands are classified for lease for periods in excess of five years, the advance payment will be as specified in the classification order. If the land has not been classified, the advance payment is $25 for nonbusiness and $100 for business site applications. Successful applicants will be required to pay any difference between advance payment and rental or purchase price before their applications will be granted.

3. Paragraph (b) of § 257.10 is amended to read as follows:

§ 257.10 Community sites; appraisal; restrictions.

* * * * *

(b) Where lands are sold at less than fair market value in accordance with paragraph (a) of this section, the patent will contain a provision for reversion of title to the United States if the lands are used for any purpose not consistent with the classification order after issuance of patent unless consent to change the use is first obtained from the authorized officer.

4. Paragraph (b) of § 257.11 is amended to read as follows:

§ 257.11 Lease provisions; terms and rentals.

* * * * *

(b) The amount of rental will be specified in the appropriate order. The rental for community sites will take into consideration the purpose for which the land will be used. Rental for other types of sites will equal the fair market rental of the lands, provided, however, the minimum rental will be $100 per year for business sites and $25 per year for other sites.

5. Paragraph (d) (1), (2), and (3) of § 257.13 are revoked and paragraph (a) is revised to read as follows:

§ 257.13 Leases with option to purchase; sale; patent.

(a) Leases for lands classified for lease and sale will contain an option to purchase clause. The option to purchase clause will afford the lessee or his duly approved successor in interest an opportunity to purchase the tract at any time within the term of the lease, provided the improvements required by the lease have been made and all other terms and conditions of the lease complied with. The net purchase price of the land will be the appraised fair market value of the unimproved land as of the date of the lease minus an amount equal to the advance rental for each full lease year, if any, subsequent to the first of an allowable application to purchase.

6. Paragraph (a) of § 257.14 is revised to read as follows:

§ 257.14 Public auctions.

(a) Whenever lands are classified for direct sale by public auction, they will be sold at not less than their appraised fair market value at the time and place and in the manner specified by the classification order.

[F.R. Doc. 62-1331; Filed, Feb. 8, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 990]

HANDLING OF CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Proposed Expenses of Grape Crush Administrative Committee and Proposed Rate of Assessment

Notice is hereby given that there is under consideration a proposal regarding (a) the expenses which are reasonable and are likely to be incurred by the Grape Crush Administrative Committee during the period beginning on August 26, 1961, and ending on June 30, 1962, and (b) the rate of assessment to be fixed by the Secretary for such period. These actions are pursuant to Marketing Agreement No. 133 and Order No. 990 (originally issued as Order No. 126, 26 F.R. 7797), regulating the handling of Central California grapes for crushing, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The committee has recommended such expenses in the amount of $189,178 and an assessment rate with respect to free tonnage grapes for crushing received by each handler, including such grapes of his own production, of 19.5 cents per ton of fresh grapes and the equivalent amount of 34.5 cents per ton of raisin residual material. The estimated assessable tonnage includes 953,863 tons of fresh grapes (including those varieties exempted from volume regulation by § 990.202) and 9,203 tons of raisin residual material.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the seventh day after the date of publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

§ 990.301 Expenses of the Grape Crush Administrative Committee and rate of assessment.

(a) *Expenses.* Expenses[1] in the amount of $189,178 are reasonable and are likely to be incurred, pursuant to § 990.71, by the Grape Crush Administrative Committee during the period beginning on August 26, 1961, and ending on June 30, 1962, of the initial crop year, for the maintenance and functioning of the committee and the Grape Crush Advisory Board, and for such other purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for the period beginning on August 26, 1961, and ending on June 30, 1962, of the initial crop year, which each handler shall, pursuant to § 990.72, pay with respect to all free tonnage (including tonnage exempted from volume regulation by § 990.202) grapes for crushing, including such grapes of his own production, received by him during such period is fixed at 19.5 cents per ton of fresh grapes and the equivalent amount of 34.5 cents per ton of raisin residual material.

Dated: February 6, 1962.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-1357; Filed, Feb. 8, 1962; 8:50 a.m.]

[1] Other than expenses incurred in receiving, handling, holding, or disposing of reserve.

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1046, 1095]

[Docket Nos. AO-123-A24, AO-308-A2]

MILK IN LOUISVILLE-LEXINGTON, KENTUCKY, AND OHIO VALLEY MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and Orders

Correction

In F.R. Doc. 62-1170, appearing at page 1013 of the issue for Saturday, February 3, 1962, the following correction is made in § 1046.6: The names "Boyle, Breckinridge, Bullit, Clark," are inserted between the names "Bourbon" and "Daviess" in the list of counties in Kentucky.

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 2]

RULES OF PRACTICE IN TRADEMARK CASES

Notice of Proposed Rule Making

Notice is hereby given that the United States Patent Office proposes to amend certain rules and regulations relating to trademarks. The amendments are proposed to be issued pursuant to the authority contained in Title 15, U.S. Code, section 1123, Title 35, U.S. Code, section 6, and other authority.

All persons who desire to submit written data, views, arguments or suggestions, for consideration in connection with the proposed amendments, are invited to forward the same to the Commissioner of Patents, Washington 25, D.C., on or before April 23, 1962, on which day a hearing will be held at 10:00 a.m. in Room 3886-B of the Department of Commerce Building. All persons wishing to be heard orally are requested to notify the Commissioner of Patents of their intended appearance.

The text of the proposed amendments follows:

1. Section 2.39 is proposed to be amended to read as follows:

§ 2.39 Omission of allegation of use by foreign applicants.

(a) The allegation that the mark is in use in commerce, required by § 2.33, and the statements of the dates of applicant's first use, required by § 2.33(a) (1) (vii) and (viii), may be omitted in the case of an application, filed pursuant to section 44(e) of the act for registration of a mark duly registered in the country of origin of a foreign applicant, provided the application when filed is accompanied by a certificate of the trademark office of the foreign country showing that the mark has been registered in the country of origin of the applicant and also showing the mark, the goods for which registered and that said registration is then in full force and effect. If the certificate is not in the English language, a translation is required.

2. Section 2.96 is proposed to be amended to read as follows:

§ 2.96 Issues; burden of proof.

The issue in an interference between applications shall be the respective rights of the parties to registration as established in the proceeding. The issue in an interference between an application and a registration shall be the same, but in the event the decision is adverse to the registrant, a registration to the applicant will not be authorized so long as the interfering registration remains on the register. The party whose application or registration involved in the interference has the latest filing date (the junior party) will be regarded as having the burden of the proof.

3. Section 2.97 is proposed to be amended to read as follows:

§ 2.97 Enlargement of issues.

Any party to an interference may, within fifty days after the notice of interference is mailed, file a pleading setting forth affirmatively any matter on the basis of which, if proved, the other party would not be entitled to obtain or maintain a registration. Such pleading may request affirmative relief by way of cancellation of a registration involved, but no defense attacking the validity of such registration may be otherwise

raised in the proceeding. Such request for affirmative relief must be verified and must be accompanied by the fee required by section 14 of the act. A reply to such request for affirmative relief is required within twenty days after service thereof, but no reply need be filed to other affirmative defenses.

§ 2.106 [Amendment]

4. Paragraph (b) of § 2.106 is proposed to be amended to read as follows:

(b) An answer may contain any affirmative defense, including a request for affirmative relief by way of cancellation of a registration pleaded in the notice of opposition, but no defense attacking the validity of such registration may be otherwise raised in the proceeding. Such request for affirmative relief must be verified and must be accompanied by the fee required by section 14 of the act. A reply to such a request for affirmative relief is required within twenty days after service thereof, but no reply need be filed to other affirmative defenses.

§ 2.113 [Amendment]

5. Paragraph (b) of § 2.113 is proposed to be amended to read as follows:

(b) When the petition is correct as to form, a notice shall be prepared identifying the title and number of the proceeding and the registration involved, and designating a time, not less than thirty days from the mailing date of such notice, within which answer must be filed. A copy of this notice shall be forwarded to the petitioner in care of his attorney or agent, if he has an attorney or agent of record. The duplicate copy of the petition and exhibits shall be forwarded with a copy of such notice to the registrant.

§ 2.114 [Amendment]

6. Paragraph (b) of § 2.114 is proposed to be amended to read as follows:

(b) An answer may contain any affirmative defense, including a request for affirmative relief by way of cancellation of a registration pleaded in the petition, but no defense attacking the validity of such registration may be otherwise raised in the proceeding. Such request for affirmative relief must be verified and must be accompanied by the fee required by section 14 of the act. A reply to such a request for affirmative relief is required within twenty days after service thereof, but no reply need be filed to other affirmative defenses.

§ 2.120 [Amendment]

7. Subparagraph (1) of § 2.120(a) is proposed to be amended to read as follows:

(1) Any party to an opposition, interference, cancellation or concurrent use proceeding may, at any time not later than thirty days prior to the date upon which any testimony may first be taken as set by initial or subsequent Office action, take the deposition of any person, including a party, for the purpose of discovery. Such depositions may be taken upon oral examination in the manner prescribed by §§ 1.273, 1.274, and 1.275 of this chapter, or upon written questions in the manner prescribed by § 2.124. The responsibility for securing attendance of proposed deponents not parties to the proceeding rests with the moving party, and if he is unable to arrange for their voluntary attendance, they may only be compelled to submit to questioning by the order of a court under 35 U.S.C. 24.

8. Paragraph (b) of § 2.120 is proposed to be amended to read as follows:

(b) *Request for admission.* (1) Any party to an opposition, interference, cancellation or concurrent use proceeding may, within the time specified for taking depositions for discovery, serve upon any adverse party a written request for admission by the latter of the genuineness of any relevant document described in and attached to the request (a photocopy may be attached provided the original thereof is made available for inspection), or of the truth of any facts which are material and relevant to the issues and which are believed to be within the knowledge of both the party serving and the party served. Each matter in respect of which an admission is requested shall be considered as admitted unless, within fifteen days after service thereof, the party to whom the request is directed serves upon the party requesting the admission a sworn statement denying specifically the matter in respect of which admission is requested, or setting forth in detail the reasons why he cannot truthfully either admit or deny the same, or files objections thereto. Any reply to such objections shall be due within ten days after service thereof.

(2) No admission shall be considered as part of the record in the case unless a party files, before the close of his testimony period, a notice of reliance thereon and a copy of the admission and request therefor.

9. Paragraph (c) of § 2.120 is proposed to be amended to read as follows:

(c). *Motion to produce documents, etc., for inspection and copying.* Upon motion showing good cause therefor, filed prior to the date upon which any testimony may first be taken as set by initial or subsequent Office action, an order may be entered requiring a party to produce and permit the inspection and copying or photographing, by or on behalf of the moving party, of any designated books, documents or other tangible things, not privileged, the existence of which has been pleaded or otherwise asserted, and which constitute or contain material within the scope of inquiries permitted in depositions for discovery and which are in his possession, custody or control. The order shall specify a time for compliance therewith, and may prescribe such terms and conditions as may be just.

10. Paragraph (d) of § 2.120 is proposed to be amended to read as follows:

(d) *Refusal to make discovery.* (1) If any party fails or refuses to comply with an order to produce and permit the inspection and copying or photographing of designated things, the Trademark Trial and Appeal Board may strike out all or any part of any pleading of that party, or dismiss the action or proceeding or any part thereof, or enter a judgment as by default against that party, or take such other action as may be deemed appropriate.

§ 2.127 [Amendment]

11. Paragraph (b) of § 2.127 is proposed to be amended to read as follows:

(b) Any petition for reconsideration or modification of a decision, if it is not appealable, must be filed within ten days after the decision or, if the decision is appealable, within the time specified in § 2.129(c).

§ 2.128 [Amendment]

12. Paragraph (c) of § 2.128 is proposed to be amended to read as follows:

(c) If a party desires an oral hearing, he should so state by a separate notice filed not later than his brief, and the time for such hearing will be set in a notice sent to each party by the Office. If no request for oral hearing is made, the case will be decided on the record and briefs.

§ 2.129 [Amendment]

13. Section 2.129 is proposed to be amended by cancelling the last sentence of paragraph (a) and by adding new paragraph (c) reading as follows:

(c) Any petition for rehearing, reconsideration, or modification of a decision must be filed within thirty days from the date thereof.

14. Section 2.133 is proposed to be amended to read as follows:

§ 2.133 Amendment of application or registration during proceedings.

An application involved in a proceeding may not be amended in substance nor may a registration be amended or disclaimed in part, except with the consent of the other party or parties and the approval of the Trademark Trial and Appeal Board, or except upon motion duly filed and considered.

15. Section 2.134 is proposed to be amended to read as follows:

§ 2.134 Surrender or cancellation of registration.

If a registrant involved in a proceeding applies to cancel his registration under section 7(d) of the act without first obtaining the written consent thereto of the adverse party, judgment shall be entered against him.

16. Section 2.135 is proposed to be amended to read as follows:

§ 2.135 Abandonment of application or mark.

If, in a proceeding an applicant files a written abandonment of the application or of the mark without the consent thereto of the adverse party, judgment shall be entered against such applicant.

§ 2.142 [Amendment]

17. Paragraph (a) of § 2.142 is proposed to be amended to read as follows:

(a) Such appeal must be taken within six months from the date of final refusal or from the date of the action from which appeal is taken. Appeal is taken simply by filing a notice of appeal and payment of the appeal fee.

18. Paragraph (c) of § 2.142 is proposed to be amended to read as follows:

(c) If the appellant desires an oral hearing, he should so state by a separate notice filed not later than his brief; and due notice of the time for such hearing will be given. Oral argument on the hearing will be limited to one-half hour unless otherwise permitted. If no request for oral hearing is made, the appeal will be considered on brief.

DAVID L. LADD,
Commissioner of Patents.

Approved:

EUGENE P. FOLEY,
Acting Assistant Secretary of Commerce for Domestic Affairs.

[F.R. Doc. 62-1316; Filed, Feb. 8, 1962; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 651) has been filed by Wyandotte Chemicals Corp., 1609 Biddle Avenue, Wyandotte, Mich., proposing the amendment of § 121.2519(d)(3) of the food additive regulations by changing the item "Polyoxypropylene-ethylene oxide condensate (molecular weight 950-2,250)" to read: "Polyoxypropylene-polyoxyethylene condensate (molecular weight 950-2,750)".

Dated: February 5, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-1335; Filed, Feb. 8, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 652) has been filed by Wyandotte Chemicals Corp., 1609 Biddle Avenue, Wyandotte, Mich., proposing the amendment of § 121.2520(c)(5) of the food additive regulations as follows:

1. By changing the item "Polyoxypropylene (molecular weight 1,501–1,800), plus ethylene oxide (5 mols or 140 mols)" to read: "Polyoxypropylene-polyoxyethylene condensate (molecular weight 1,900–9,000."

2. By deleting the item "Polyoxypropylene-polyoxyethylene copolymer polyethers (molecular weight 3,300)" which would be included by the proposed change described under 1.

Dated: February 5, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-1336; Filed, Feb. 8, 1962; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 42]

[Reg. Docket No. 1062; Draft Release No. 62-5]

PROVING PERIOD FOR LARGE AIRCRAFT

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.-27), notice is hereby given that there is under consideration a proposal to amend Part 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before April 12, 1962, will be considered by the Administrator before taking action on the proposed rules. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired.

For a number of years, the aircraft placed into service by air carriers operating under the provisions of Part 40, 41, or 46 of the Civil Air Regulations have had to undergo a specific proving period in accordance with the provisions of those parts prior to being used in air carrier operations. This proving period has been conducted under the surveillance of the Federal Aviation Agency, or its predecessor agencies.

The purpose of a proving period is twofold: It provides the Administrator with established criteria to assist him in determining that an air carrier can safely operate a new or different type of aircraft; and it affords the air carrier an opportunity to acquire, first hand, the experience necessary to operate new equipment safely and efficiently. Proving periods are also of great value since they help to familiarize air carrier personnel with the various peculiarities of a new or different type aircraft with regard to operations, maintenance, servicing, and handling. The extent of this proving period varies with the newness of the type aircraft being placed into service by the air carrier. For example, the regulations require that an aircraft recently type certificated and not previously proved in air carrier operations have a more extensive proving period than one which has been proved by another air carrier or one which has previously been proved and is subsequently altered in design.

The aircraft placed into service by air carrier and commercial operators conducting operations under the provisions of Part 42 have not been required to undergo any specific proving period. Under this part, it has only been required that the Administrator find the aircraft to be safe for the service offered without having to establish specific proving period requirements. This determination posed no problem in the past since the aircraft placed in service by these operators had either undergone a previous proving period when operated by a scheduled air carrier or had been proved by virtue of many years of safe and successful operation by the military services. Recently, however, newly certificated aircraft not previously proved, and previously proved aircraft which were subsequently altered in design, have been placed into service by certain air carriers operating under the provisions of Part 42. Prior to utilizing these aircraft in air carrier operations, the operators concerned have conducted fairly extensive training and familiarization programs. While these programs may, to some extent, accomplish the objective of the proving period, they may not fully comply with, or be as comprehensive as, the specific proving period requirements set forth in either Part 40, 41, or 46.

In view of the foregoing, the Federal Aviation Agency considers it appropriate to propose an amendment to Part 42 of the Civil Air Regulations to add thereto provisions similar to those in Parts 40, 41, and 46 which require all aircraft to undergo a specific proving period prior to their being used in air carrier operations. Such an amendment, if adopted, would be applicable to all large aircraft used for the first time after the effective

date of the amendment by an air carrier or commercial operator operating under the provisions of Part 42.

Accordingly, notice is hereby given that it is proposed to amend Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) by adding a new § 42.17 to read as follows:

§ 42.17 Proving tests for large aircraft.

(a) A type of aircraft not previously proved for use in air carrier operation shall have at least 100 hours of proving tests, in addition to the aircraft certification tests, accomplished under the supervision of an authorized representative of the Administrator. As part of the 100-hour total at least 50 hours shall be flown in en route operation and at least 10 hours shall be flown at night.

(b) A type of aircraft which has been previously proved for use in air carrier operation shall be tested for at least 50 hours, of which at least 25 hours shall be flown in en route operation, unless deviations are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements of this paragraph unnecessary for safety, when the aircraft:

(1) Is materially altered in design, or

(2) Is to be used by an air carrier who has not previously proved such a type.

NOTE: A type of aircraft will be considered to be materially altered in design when the alterations include, but are not necessarily limited to: (a) Installation of powerplants other than the powerplants of a type similar to those with which the aircraft is certificated; (b) major alteration to the aircraft or its components which materially affects the flight characteristics.

(c) During proving tests only those persons required to make the test and those designated by the Administrator shall be carried. Mail, express, and other cargo may be carried when approved.

This amendment is proposed under the authority of sections 313(a), 601, 605, of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1425).

Issued in Washington, D.C., on February 5, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-1318; Filed, Feb. 8, 1962; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61-LA-68]

FEDERAL AIRWAYS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6004 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 4 is designated in part from Malad City, Idaho, to Rock Springs, Wyo. The Federal Aviation Agency has under consideration the designation of a south alternate to this segment of Victor 4 from the Malad City VORTAC to the Rock Springs VORTAC via the Fort Bridger, Wyo., VOR. The minimum en route altitude along the segment of Victor 4 between the Malad City VOR and the Green River Intersection (intersection of the Fort Bridger VOR 032° and the Rock Springs VORTAC 252° True radials) is 13,800 feet MSL. This provides only one usable altitude in the low altitude structure. The minimum en route altitude along the proposed south alternate airway would be 12,000 feet MSL. Accordingly, the south alternate airway would provide additional altitudes for flight between Malad City and Rock Springs.

The control areas associated with this proposed airway segment would extend from 700 feet above the surface to the base of the continental control area. Separate actions would be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 2, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1319; Filed, Feb. 8, 1962; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61-LA-79]

FEDERAL AIRWAYS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.1748 of the regulations of the Administrator, the substance of which is stated below.

The western terminus of intermediate altitude VOR Federal airway No. 136 is the Las Vegas, Nev., VOR. The Federal Aviation Agency is considering extending Victor 1748 from the Las Vegas VOR to the intersection of the Las Vegas VOR 266° and the Beatty, Nev., VOR 147° True radials.

This extension of Victor 1748 will provide a more direct intermediate altitude airway for traffic operating from and over Las Vegas to terminals to the northwest.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 2, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1320; Filed, Feb. 8, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-WA-199]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Alteration of Federal Airways

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6045, 600.6010, and 601.6045 of the regulations of the Administrator the substance of which is stated below.

Low altitude VOR Federal airway No. 45 extends in part from the intersection of the Litchfield, Mich., VORTAC 096° and the Jackson, Mich., VOR 131° True radials to the Jackson VOR. Low altitude VOR Federal airway No. 10 extends in part from the Litchfield VORTAC via the intersection of the Litchfield VORTAC 096° and the Carleton, Mich., VORTAC 247° True radials to the Carleton VORTAC. The Federal Aviation Agency has under consideration the following proposed airspace actions:

1. Revoke the above-mentioned segment of Victor 45, and designate this airway and its associated control areas from the Jackson VOR via the intersection of the Jackson VORTAC 137° and the Waterville VORTAC 329° True radials to the Waterville, Ohio, VORTAC. This would facilitate the use of the Detroit, Mich., terminal area air traffic control procedures and provide a route between Toledo, Ohio, and Jackson, Mich. The control areas associated with this proposed airway segment would extend from 700 feet above the surface to the base of the continental control area. Separate action would be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations. The Jackson, Mich., control area extension (§ 601.1187) is defined in part as bounded on the west by VOR Federal airway No. 45. No change is proposed in this description since the alteration of Victor 45 as proposed herein would not materially increase the size of the presently designated Jackson control area extension.

2. Redesignate Victor 10 from the Litchfield VORTAC to the Carleton VORTAC via the intersection of the Litchfield VORTAC 107° and the Carleton VORTAC 247° True radials. This would facilitate the use of the Detroit, Mich., terminal area air traffic control procedures and provide an alternate route from the Litchfield VOR to the Waterville VOR via Victor 10 and Victor 45. The control areas associated with this airway segment are so designated that they would automatically conform to the altered airway. The vertical extent of these control areas would remain designated pending review of the adjacent airspace. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 2, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1321; Filed, Feb. 8, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-KC-49]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Designation of Transition Areas, Proposed Revocation of Control Area Extensions; Proposed Alteration of Control Zones, Federal Airways, and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The following controlled airspace is presently designated in the St. Louis, Mo., terminal area:

1. The St. Louis control area extension (§ 601.1119) is designated within a 25-mile radius of Lambert Field, St. Louis, excluding the portion that coincides with the Belleville, Ill., control area extension (§ 601.1021).

2. The Belleville control area extension is designated within a 40-mile radius of Scott Air Force Base.

3. The St. Louis control zone (§ 601.2070) is designated within a 5-mile radius of Lambert-St. Louis Municipal Airport, within 2 miles either side of the east course of the St. Louis radio range extending from the radio range to 10 miles east, within 2 miles either side of the front course of the St. Louis ILS localizer extending from the localizer to 5 miles east of the outer compass locator, within 2 miles either side of the back course of the ILS localizer extending from the locator to 10 miles southwest of the Lake nondirectional radio beacon, and within 2 miles either side of the 323° and 143° True radials of the St. Louis VORTAC extending from the airport to 10 miles northwest of the VORTAC.

4. The Belleville control zone § 601.2095) is designated within a 5-mile radius of Scott Air Force Base, Belleville, and within 2 miles either side of the 317° True bearing from the Belleville radio beacon extending from the 5-mile radius zone to the radio beacon.

In addition, effective January 11, 1962 (Airspace Docket No. 61-KC-42, 26 F.R. 12501), the Hardin, Ill., transition area was designated as that airspace extending upward from 2,500 feet mean sea level, bounded on the east by longitude 90°32'00" W., on the south and southwest by VOR Federal airway No. 210 north alternate and on the north and northwest by the arc of a 33-mile radius circle centered on Lambert Field.

The control areas associated with the airways which traverse these airspace designations are presently designated to extend upward from 700 feet above the surface to the base of the continental control area.

To implement the provisions of Amendment 60-21 to the Civil Air Regulations, Part 60, Air Traffic Rules (26 F.R. 570), in the St. Louis terminal area, the Federal Aviation Agency has under consideration the following airspace actions:

1. Revoke the St. Louis control area extension and the Hardin transition area and designate in lieu thereof the St. Louis transition area to extend upward from 1,200 feet above the surface within a 25-mile radius of Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'52" W.), and within the area extending from the 25-mile radius area to 33 miles northwest of the St. Louis VORTAC bounded on the east by VOR Federal airway No. 9 west alternate and on the west by VOR Federal airway No. 4 north alternate.

2. Revoke the Belleville control area extension and designate in lieu thereof the Belleville transition area to extend upward from 1,200 feet above the surface within a 40-mile radius of Scott Air Force Base (latitude 38°32'32" N., longitude 89°51'30" W.), bounded on the west by VOR Federal airway No. 9, and on the northwest by the proposed St. Louis transition area and VOR Federal airway No. 191.

3. The airways and their associated control areas that traverse these proposed transition areas would be redesignated to extend upward from a floor coincident with that of the transition areas.

4. Alter the St. Louis control zone by redesignating it within an 8-mile radius of Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'52" W.), within 2 miles either side of the ILS localizer front course extending from the 8-mile radius zone to 8 miles northeast of the outer marker, and within 2 miles south and 3 miles north of the ILS localizer back course extending from the 8-mile radius zone to 12 miles southwest of the Lake radio beacon. The 8-mile radius is being proposed

Issued in Washington, D.C., on February 2, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

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in lieu of a smaller radius with extensions because the standard departure routings in use at this location would require an excessive number of extensions. The extensions northeast of the outer marker and southwest of the Lake radio beacon are necessary to contain the flight paths of arriving aircraft executing existing prescribed instrument approach procedures. The 3-mile width proposed for the extension to the north of the ILS localizer backcourse is necessary to contain the flight path of arriving aircraft making straight-in approaches from the Maryland Heights VORTAC, and also to include the Creve Coeur and Lobmaster Airports and their surrounding traffic patterns.

5. The Belleville, Ill., control zone would be altered to include the airspace within an 8-mile radius of Scott Air Force Base, Belleville, Ill. (latitude 38°-32'32" N., longitude 89°51'30" W.). This increase in size of the Belleville control zone would provide controlled airspace for aircraft arriving and departing Scott Air Force Base when descending from or climbing to a point within the proposed Belleville transition area.

Required revisions of instrument approach and departure procedures and minimum instrument flight rules altitudes attendant to the implementation of Amendment 60–21 would be effective concurrently with the controlled airspace designations proposed herein. Specific details of the changes in procedures that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Central Region Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within sixty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 2, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1322; Filed, Feb. 8, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 61–64]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ–10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted during the period from November 15, 1961, to December 7, 1961. These actions were taken in accordance with procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1960 (15 F.R. 6521), 167–14, dated November 26, 1954 (19 F.R. 8026), 167–15, dated January 3, 1955 (20 F.R. 840), 167–20, dated June 18, 1956 (21 F.R. 4894), CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), or 167–38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333 (e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

BUOYANT APPARATUS

Approval No. 160.010/22/0, 6.25' x 3.92' x 0.67' buoyant apparatus, 20-person capacity expanded unicellular polystyrene foam core with fibrous glass reinforced polyester resin shell, dwg. No. M–99–11, dated September 29, 1955, revised July 17, 1956, core and shell fabricated by Lawrence Wittman and Co., 40 Brooklyn Avenue, Massapequa, N.Y., manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, N.J., effective December 4, 1961. (It is an extension of Approval No. 160.010/22/0 dated December 4, 1956.)

LIFE FLOATS

Approval No. 160.027/27/0, 9.0' x 5.08' (13" dia. body section), rectangular hollow aluminum life float, 25-person capacity, dwg. No. 3348–2, dated June 28, 1951, manufactured by Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, N.J., effective December 7, 1961. (It is an extension of Approval No. 160.027/27/0 dated December 7, 1956 and published in the FEDERAL REGISTER January 30, 1957.)

DAVITS

Approval No. 160.032/128/0, mechanical davit, straight boom sheath screw, size A–7–0–S, approved for maximum working load of 8,000 pounds per set (4,000 pounds per arm), using 2-part falls, identified by general arrangement dwg. No. 619.S dated January 3, 1951, manufactured by C. C. Galbraith and Son, Inc., 99 Park Place, New York 7, N.Y., effective December 7, 1961. (It is an extension of Approval No. 160.032/128/0 dated December 7, 1956, published in the FEDERAL REGISTER January 30, 1957.)

LIFEBOATS

Approval No. 160.035/89/2, 16.0' x 5.71' x 2.3' steel, oar-propelled lifeboat, 12-person capacity, identified by general arrangement and construction dwg. No. 49R–1612, dated August 27, 1950, and revised March 2, 1956; if mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant; manufactured by Lane Lifeboat and Davit Corp., 8920 26th Avenue, Brooklyn 14, N.Y., effective December 4, 1961. (It is an extension of Approval No. 160.035/89/2 dated December 4, 1956.)

Approval No. 160.035/199/1, 26.0' x 9.0' x 3.83' steel, hand-propelled lifeboat, 53-person capacity, identified by construction and arrangement dwg. No. 3183 dated April 9, 1956, revised May 2, 1956, manufactured by Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, N.J., effective December 4, 1961. (It is an extension of Approval No. 160.035/199/1 dated December 4, 1956.)

Approval No. 160.035/241/1, 36.5' x 12.5' x 5.33' aluminum, hand-propelled lifeboat, 150-person capacity, identified by construction and arrangement dwg. No. 36–7C dated March 20, 1950, and revised June 20, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, N.J., effective December 4, 1961. (It is an extension of Approval No. 160.035/241/1 dated December 4, 1956.)

Approval No. 160.035/345/0, 26.0' x 8.3' x 3.6' steel, hand-propelled lifeboat, 46-person capacity, identified by construction and arrangement dwg. No. 60011 dated May 16, 1955, and revised May 15, 1956, manufactured by Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, N.J., effective December 4, 1961. (It is an extension of Approval No. 160.035/345/0 dated December 4, 1956.)

Approval No. 160.035/350/0, 18.0' x 6.0' x 2.5' steel, oar-propelled lifeboat, 18-person capacity, identified by construction and arrangement dwg. No. 18–5, dated February 29, 1956, and revised July 19, 1956; if mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant; manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, N.J., effective December 4, 1961. (It is an extension of Approval No. 160.035/350/0 dated December 4, 1956.)

Approval No. 160.035/416/0, 30.0' x 10.0' x 4.33' fibrous glass reinforced plastic, hand-propelled lifeboat, 78-person capacity, identified by general arrangement dwg. No. 80289, Rev. E dated October 20, 1961, manufactured by Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, N.J., effective November 15, 1961.

Approval No. 160.035/422/0, 24.0' x 8.33' x 3.58' steel, hand-propelled lifeboat, 43-person capacity, identified by construction and arrangement dwg. No. G–2443–H, revised November 1, 1961, manufactured by C. C. Galbraith and

Son, Inc., 99 Park Place, New York 7, N.Y., effective December 1, 1961.

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/339/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Ben-Sun Products Co., 70 South Railroad Street, New London, Ohio, effective November 15, 1961. (It supersedes Approval No. 160.047/339/0 dated June 21, 1960, to show change of name and address of manufacturer.)

Approval No. 160.047/340/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Ben-Sun Products Co., 70 South Railroad Street, New London, Ohio, effective November 15, 1961. (It supersedes Approval No. 160.047/340/0 dated June 21, 1960, to show change of name and address of manufacturer.)

Approval No. 160.047/341/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Ben-Sun Products Co., 70 South Railroad Street, New London, Ohio, effective November 15, 1961. (It supersedes Approval No. 160.047/341/0 dated June 21, 1960, to show change of name and address of manufacturer.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/76/1, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Ben-Sun Products Co., 70 South Railroad Street, New London, Ohio, effective November 15, 1961. (It supersedes Approval No. 160.048/76/1 dated August 16, 1960, to show change of name and address of manufacturer.)

Approval No. 160.048/77/0, special approval for 15" x 15" x 2" rectangular kapok buoyant cushion, 20-oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by W. L. Dumas Manufacturing Co., 14 A Street, Northwest, Miami, Okla., effective December 4, 1961. (It is an extension of Approval No. 160.048/77/0 dated December 4, 1956.)

LIGHTS (WATER): ELECTRIC, FLOATING, AUTOMATIC (WITH BRACKET FOR MOUNTING)

Approval No. 161.001/5/2, Lights (water); electric, floating, automatic (with bracket for mounting), dwg. E–951, Alt. 1, rev. D, dated November 21, 1961, manufactured by Galbraith-Pilot Marine Corp., 600 4th Avenue, Brooklyn 15, N.Y., effective December 1, 1961. (It supersedes Approval No. 161.001/5/1, dated November 1, 1957.)

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.055/42/0, sound powered telephone station, selective ringing, common talking, bulkhead mounting, splashproof, with internal hand generator bell, dwg. B–169, Alt. 1, Type 8D, 8 stations maximum and Type 17D, 17 stations maximum, for use in locations not exposed to the weather and where a load ringing bell is not necessary, manufactured by Sig-Trans, Inc., Haverhill Road, Amesbury, Mass., effective December 4, 1961. (It is an extension of Approval No. 161.005/42/0 dated December 4, 1956.)

Approval No. 161.005/44/0, sound powered telephone station, selective ringing, common talking, bulkhead mounting, watertight, with attached 6" or 8" hand generator bell, dwg. B–171, Alt. 1, Type 8W, 8 stations maximum and Type 17W, 17 stations maximum, manufactured by Sig-Trans, Inc., Haverhill Road, Amesbury, Mass., effective December 4, 1961. (It is an extension of Approval No. 161.005/44/0 dated December 4, 1956.)

Approval No. 161.005/45/0, sound powered telephone station, selective ringing, common talking, pedestal mounting, watertight, with attached 6" or 8" hand generator bell, dwg. B–172, Alt. 1, Type 8WP, 8 stations maximum and Type 17WP, 17 stations maximum, manufactured by Sig-Trans, Inc., Haverhill Road, Amesbury, Mass., effective December 4, 1961. (It is an extension of Approval No. 161.005/45/0 dated December 4, 1956.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/224/0, Style HN–MS–35–6, carbon steel body pop safety valve, exposed spring, maximum pressure 900 p.s.i., maximum temperature 650° F., dwg. No. HV–34–MS, issued September 21, 1961; approved for sizes 1½", 2", 2½", 3", and 4"; manufactured by Crosby-Ashton, Wrentham, Mass., effective December 1, 1961.

Approval No. 162.001/225/0, Style HN–MS–36–6, carbon steel body pop safety valve, exposed spring, maximum pressure 850 p.s.i., maximum temperature 750° F., dwg. No. HV–34–MS, issued September 21, 1961; approved for sizes 1½", 2", 2½", 3", and 4"; manufactured by Crosby-Ashton, Wrentham, Mass., effective December 1, 1961.

SAFETY VALVES (STEAM HEATING BOILERS)

Approval No. 162.012/2/1, No. 2568 safety valve, cast iron body and brass base, for low pressure steam heating boilers, dwg. No. K–955–A, dated January 21, 1956, approved in the sizes shown below for a maximum pressure of 15 p.s.i.:

Size (inches)	Capacity (pounds/hour)	Size (inches)	Capacity (pounds/hour)
¾	360	2	2,160
1	580	2½	3,485
1¼	870	3	4,865
1½	1,125		

manufactured by Crane Co., 836 South Michigan Avenue, Chicago 5, Ill., effective December 4, 1961. (It is an extension of Approval No. 162.012/2/1 dated December 4, 1956.)

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Approval No. 162.015/8/3, Model No. C175–11 backfire flame arrester for carburetors, dwg. No. C175–11, revision B, dated May 18, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich., effective December 4, 1961. (It is an extension of Approval No. 162.015/8/2 dated December 4, 1956.)

Approval No. 162.015/9/3, Model No. C175–11A backfire flame arrester for carburetors, dwg. No. C175–11A, revision B, dated May 18, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich., effective December 4, 1961. (It is an extension of Approval No. 162.015/9/2 dated December 4, 1956.)

Approval No. 162.015/10/2, Model No. B175–19A backfire flame arrester for carburetors, dwg. No. B175–19A, revision A, dated May 21, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich., effective December 4, 1961. (It is an extension of Approval No. 162.015/10/2 dated December 4, 1956.)

Approval No. 162.015/11/2, Model B175–18 backfire flame arrester for carburetors, dwg. No. B175–18, revision A, dated May 21, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich., effective December 4, 1961. (It is an extension of Approval No. 162.015/11/2 dated December 4, 1956.)

Approval No. 162.015/12/2, Model No. B175–17 backfire flame arrester for carburetors, dwg. No. B175–17, revision B, dated May 21, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich., effective December 4, 1961. (It is an extension of Approval No. 162.015/12/2 dated December 4, 1956.)

Approval No. 162.015/13/2, Model No. B175–14, backfire flame arrester for carburetors, dwg. No. B175–14, revision B, dated May 21, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich., effective December 4, 1961. (It is an extension of Approval No. 162.015/13/2 dated December 4, 1956.)

Approval No. 162.015/14/2, Model No. B175–12 backfire flame arrester for carburetors, dwg. No. B175–12, revision A, dated May 27, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich., effective December 4, 1961. (It is an extension of Approval No. 162.015/14/2 dated December 4, 1956.)

Approval No. 162.015/15/2, Model No. B175–12A backfire flame arrester for carburetors, dwg. No. B175–12A, revision A, dated May 21, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich., effective December 4, 1961. (It is an extension of Approval No. 162.015/15/2 dated December 4, 1956.)

Approval No. 162.015/16/2, Model No. B175–13B backfire flame arrester for carburetors, dwg. No. B175–13B, revision A, dated May 21, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich., effective December 4, 1961. (It is an extension of Approval No. 162.016/6/2 dated December 4, 1956.)

GAUGING DEVICES, LIQUID, LEVEL, LIQUEFIED COMPRESSED GAS

Approval No. 162.019/7/0, Models Nos. 60D and 60D/SS liquefied compressed gas slip tube liquid level gauge, dwg. No. 176, dated August 10, 1955, revision 4, dated September 9, 1958, manufactured by Metal Goods Manufacturing Co., 106–110 South Park Avenue, Bartlesville, Okla., effective December 4, 1961. (It is an extension of Approval No. 162.019/7/0 dated December 4, 1956.)

DECK COVERINGS

Approval No. 164.006/40/0, "Hill Brothers C G Base Coat" and "C G Red Top", magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG10210–1787:FP3069 dated August 30, 1951, approved for use with other insulating material to meet Class A–60 requirements in a 1½" thickness, manufactured by Hill Brothers Chemical Co., 2159 Bay Street, Los Angeles 21, Calif., effective December 7, 1961. (It is an extension of Approval No. 164.006/40/0 dated December 7, 1956, published in the FEDERAL REGISTER January 30, 1957.)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/38/0, "Super-Fine 050B", glass fiber insulation type incombustible material in one-half pound per cubic foot density, identical to that referred to in National Bureau of Standards Test Report No. TG10210–1977:FP3368 dated July 26, 1956, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N.Y., effective December 4, 1961. (It is an extension of Approval No. 164.009/38/0 dated December 4, 1956.)

Approval No. 164.009/40/0, "Cellamite" asbestos paper type incombustible material identical to that described in Commandant, U.S. Coast Guard letter dated July 10, 1956, file JJ/164.009/40, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N.Y., effective December 4, 1961. (It is an extension of Approval No. 164.009/40/0 dated December 4, 1956.)

Dated: January 31, 1962.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 62–1351; Filed, Feb. 8, 1962; 8:49 a.m.]

Office of the Secretary

[Dept. Circular, Public Debt Series No. 2–62]

3½ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES A–1963

Offering of Certificates

FEBRUARY 5, 1962.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for certificates of indebtedness of the United States, designated 3½ percent Treasury Certificates of Indebtedness of Series A–1963, in exchange for any of the following notes:

3⅝ percent Treasury Notes of Series A–1962, maturing February 15, 1962.
4 percent Treasury Notes of Series D–1963, maturing February 15, 1962.
3¼ percent Treasury Notes of Series F–1962, maturing February 15, 1962.
1½ percent Treasury Notes of Series EA–1962, maturing April 1, 1962.

Interest will be adjusted in the case of the 1½ percent Treasury Notes of Series EA–1962 as set forth in Section IV hereof. The amount of the offering under this circular will be limited to the amount of eligible notes tendered in exchange and accepted. The books will be open only on February 5 through February 7, 1962, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the eligible notes are offered the privilege of exchanging all or any part of such notes for 4 percent Treasury Notes of Series A–1966, which offering is set forth in Department Circular, Public Debt Series—No. 3–62, issued simultaneously with this circular.

II. *Description of certificates.* 1. The certificates will be dated February 15, 1962, and will bear interest from that date at the rate of 3½ percent per annum, payable semiannually on August 15, 1962, and February 15, 1963. They will mature February 15, 1963, and will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates is subject to all taxes imposed under the Internal Revenue Code of 1954. The certificates are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000, and $500,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington 25, D.C. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of certificates applied for; and

any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of certificates allotted hereunder must be made on or before February 15, 1962, or on later allotment, and may be made only in notes of the four series enumerated in Section I hereof, which will be accepted at par, and should accompany the subscription. Coupons dated February 15, 1962, should be detached and cashed when due by holders of the maturing notes of Series A–1962, Series D–1962, and Series F–1962 in coupon form. In the case of registered notes of Series F–1962, the final interest due on February 15, 1962, will be paid by check drawn in accordance with the assignments on the notes surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District. Coupons dated April 1, 1962, must be attached to the 1½ percent Treasury Notes of Series EA–1962 when surrendered and accrued interest from October 1, 1961, to March 1, 1962 ($6.22253 per $1,000), will be credited, accrued interest from February 15, 1962, to March 1, 1962 ($1.35359 per $1,000), on the certificates to be issued will be charged, and the difference ($4.86894 per $1,000) will be paid to subscribers following acceptance of the notes.

V. *Assignment of registered notes.* 1. Treasury Notes of Series F–1962 in registered form tendered in payment for certificates offered hereunder should be assigned by the registered payee or assignees thereof to "The Secretary of the Treasury for exchange for 3½ percent Treasury Certificates of Indebtedness of Series A–1963 to be delivered to ------", in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington 25, D.C. The notes must be delivered at the expense and risk of the holder.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62–1353; Filed, Feb. 8, 1962; 8:49 a.m.]

[Dept. Circular, Public Debt Series No. 3–62]

4 PERCENT TREASURY NOTES OF SERIES A–1966

Offering of Notes

FEBRUARY 5, 1962.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for notes of the United States, designated 4 percent Treasury Notes of Series A–1966, in exchange for any of the following notes:

3⅛ percent Treasury Notes of Series A–1962, maturing February 15, 1962.
4 percent Treasury Notes of Series D–1962, maturing February 15, 1962.
3¼ percent Treasury Notes of Series F–1962, maturing February 15, 1962.
1½ percent Treasury Notes of Series EA–1962, maturing April 1, 1962.

Interest will be adjusted in the case of the 1½ percent Treasury Notes of Series EA–1962 as set forth in Section IV hereof. The amount of the offering under this circular will be limited to the amount of eligible notes tendered in exchange and accepted. The books will be open only on February 5 through February 7, 1962, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the eligible notes are offered the privilege of exchanging all or any part of such notes for 3½ percent Treasury Certificates of Indebtedness of Series A–1963, which offering is set forth in Department Circular, Public Debt Series No. 2–62, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated February 15, 1962, and will bear interest from that date at the rate of 4 percent per annum, payable semiannually on August 15, 1962, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1966, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000, and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington 25, D.C. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department may be authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder must be made on or before February 15, 1962, or on later allotment, and may be made only in notes of the four series enumerated in Section I hereof, which will be accepted at par, and should accompany the subscription. Coupons dated February 15, 1962, should be detached and cashed when due by holders of the maturing notes of Series A–1962, Series D–1962, and Series F–1962 in coupon form. In the case of registered notes of Series F–1962, the final interest due on February 15, 1962, will be paid by check drawn in accordance with the assignments on the notes surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District. Coupons dated April 1, 1962, must be attached to the 1½ percent Treasury Notes of Series EA–1962 when surrendered and accrued interest from October 1, 1961, to March 1, 1962 ($6.22253 per $1,000), will be credited, accrued interest from February 15, 1962, to March 1, 1962 ($1.54696 per $1,000), on the new notes to be issued will be charged, and the difference ($4.67557 per $1,000) will be paid to subscribers following acceptance of the notes of Series EA–1962.

V. *Assignment of registered notes.* 1. Treasury Notes of Series F–1962 in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington 25, D.C. The notes must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the notes surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Notes of Series A–1966"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Notes of Series A–1966 in the name of ------"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Notes of Series A–1966 in coupon form to be delivered to ------".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis an up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62–1354; Filed, Feb. 8, 1962; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, United States Department of Agriculture, has filed an application, Serial No. Los Angeles 034944, for the withdrawal of certain lands from location and entry, under the General Mining Laws, subject, however, to existing withdrawals and to valid existing rights.

These lands have previously been withdrawn for the Sequoia National Forest Reserve by Presidential Proclamation dated November 5, 1891, and as such have been open to entry under the mining laws. The applicant desired the exclusion of mining activity from all National Forest land between the Kern River Channel and 200 feet east of the center line of the Kernville-Johnsondale Highway, as such lands are needed by the Forest Service as Roadside Zones.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party.

The lands involved in the application are all National Forest land between the Kern River Channel and 200 feet east of the center line of the Kernville-Johnsondale Highway through the following legal subdivisions:

MOUNT DIABLO MERIDIAN

T. 23 S., R. 33 E.,
Sec. 30, Lots 2, 3, 4, E½SW¼;
Sec. 31, Lot 1, E½NW¼, W½NE¼, SE¼NE¼, W½SE¼, SE¼SE¼.
T. 24 S., R. 33 E.,
Sec. 5, SW¼NW¼, NE¼SW¼, W½SW¼, SE¼SW¼;
Sec. 6, Lots 1 and 2, S½NE¼, N½SE¼;
Sec. 8, W½;
Sec. 17, NW¼, N½SW¼, SW¼SW¼;
Sec. 18, SE¼SE¼;
Sec. 19, NE¼, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 20, NW¼NW¼;
Sec. 29, SW¼SW¼;
Sec. 30, NE¼, N½SE¼, SE¼SE¼;
Sec. 31, E½NE¼, NE¼SE¼;
Sec. 32, W½W½, SE¼SW¼.
T. 25 S., R. 33 E.,
Sec. 4, Lot 3, SE¼NW¼, N½SW¼, W½SE¼, SE¼SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, W½NW¼, SE¼NW¼, N½SW¼, NW¼SE¼.

The lands are located within Sequoia National Forest Reserve in the southeastern portion of Tulare County, Calif.

OLIVER W. JOHNSON,
Acting Manager.

FEBRUARY 2, 1962.

[F.R. Doc. 62–1338; Filed, Feb. 8, 1962; 8:48 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

COMMANDER IN CHIEF, UNITED STATES STRIKE COMMAND

Authority To Convene General Courts-Martial

The Deputy Secretary of Defense approved the following delegation of authority on January 19, 1962:

By virtue of the authority delegated to me by the President in Executive Order 10428 of January 17, 1953, and pursuant to the Uniform Code of Military Justice, Article 22(a)(7), I empower the Commander in Chief, United States Strike Command, to convene general courts-martial, and, further, pursuant to the Uniform Code of Military Justice, Article 17(a), and the Manual for Courts-Martial, United States, 1951, paragraph 13, I empower such officer to refer for trial by courts-martial the cases of members of any of the armed forces who are assigned to or on duty with the Headquarters, United States Strike Command. In accordance with the Manual for Courts-Martial, United States, 1951, paragraph 5a(2) and appendix 4, this Directive will be cited in orders appointing courts-martial under this authority.

MAURICE W. ROCHE,
Administrative Secretary, Office of the Secretary of Defense.

[F.R. Doc. 62–1332; Filed, Feb. 8, 1962; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 90 (Rev.), Amdt. 1]

NATIONAL BUREAU OF STANDARDS

Organization and Functions

The material appearing at 26 F.R. 7976–7977 of August 25, 1961, is amended as follows:

Department Order No. 90 (Revised) of June 29, 1961, section 2.023 is amended to read as follows:

3. Divisions of Boulder Laboratories:

Administrative.
Cryogenic Engineering.
Radio Standards Laboratory:
  Radio Physics.
  Circuit Standards.
Central Radio Propagation Laboratory:
  Ionosphere Research and Propagation.
  Radio Propagation Engineering.
  Radio Systems.
  Upper Atmosphere and Space Physics.

Effective date: January 26, 1962.

CARLTON HAYWARD,
Acting Deputy Assistant Secretary for Administration.

[F.R. Doc. 62–1317; Filed, Feb. 8, 1962; 8:45 a.m.]

FRANK R. BAILEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 1, 1962.

FRANK R. BAILEY.

FEBRUARY 1, 1962.

[F.R. Doc. 62–1346; Filed, Feb. 8, 1962; 8:49 a.m.]

JAMES A. BRANDT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: Pickle Crow Mines, Limited, Transitron Electronics Corp.
B. Additions: None.

This statement is made as of January 27, 1962.

JAMES A. BRANDT.

JANUARY 27, 1962.

[F.R. Doc. 62–1347; Filed, Feb. 8, 1962; 8:49 a.m.]

RICHARD N. HOERNER, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: Aereon Corporation.

This statement is made as of January 24, 1962.

RICHARD N. HOERNER, Jr.

JANUARY 31, 1962.

[F.R. Doc. 62-1348; Filed, Feb. 8, 1962; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-193]

RHODE ISLAND AND PROVIDENCE PLANTATIONS ATOMIC ENERGY COMMISSION

Notice of Application for Construction Permit and Utilization Facility License

Please take notice that Rhode Island and Providence Plantations Atomic Energy Commission, 108 East Hall, University of Rhode Island, Kingston, Rhode Island, under section 104c of the Atomic Energy Act of 1954, as amended, has submitted an application for a license to construct and operate a three megawatt (thermal) pool-type nuclear research reactor at Fort Kearney in Narragansett, Rhode Island.

A copy of the application is available for public inspection in the AEC Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 1st day of February 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-1313; Filed, Feb. 8, 1962; 8:45 a.m.]

[Docket No. 50-54]

UNION CARBIDE CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 3, set forth below, to Facility License No. R-81. The license authorizes Union Carbide Corporation to operate its pool-type nuclear reactor located in Sterling Forest, New York. The amendment adds a condition to the license providing certain limitations on the excess reactivity which may be loaded into the reactor.

The Commission has found that operation of the reactor in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operations.

In accordance with § 2.102(a) of the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or a petition to intervene pursuant to § 2.705 of the rules of practice within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed in accordance with the provisions of § 2.700 of the Commission's rules of practice (10 CFR Part 2).

The licensee's letter dated December 1, 1961 reporting certain reactivity values measured during reactor startup may be inspected at the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C.

Dated at Germantown, Md., this 1st day of February 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-81; Amdt. 3]

License No. R-81 which authorizes Union Carbide Corporation to operate its pool-type nuclear reactor located in Sterling Forest, New York, is hereby amended by adding the following condition thereto:

The reactor shall always be loaded in such a manner that it would be subcritical by a reactivity of at least 0.5 percent delta k/k if the maximum worth rod were in its withdrawn position and all other rods inserted; provided, however, that in no case shall the reactor be loaded with an excess reactivity of greater than 10.2 percent delta k/k.

This amendment is effective as of the date of issuance.

Date of issuance: February 1, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-1314; Filed, Feb. 8, 1962; 8:45 a.m.]

[Docket No. 50-43]

U.S. NAVAL POSTGRADUATE SCHOOL

Notice of Issuance of Facility License Amendment

Please take notice that no request for a formal hearing having been filed following filing of the notice of proposed action with the Office of the Federal Register on June 21, 1961, the Atomic Energy Commission has issued Amendment No. 1 to Facility License No. R-31 authorizing U.S. Naval Postgraduate School to operate its reactor [illegible] AGN-201, Serial No. 100, continuously at power levels up to 20 watts (thermal) and intermittently at power levels up to 1000 watts (thermal) at the new location in Building 224 on the School's campus in Monterey, California. The notice of proposed issuance was published in the FEDERAL REGISTER on June 22, 1961, 26 F.R. 5586.

Dated at Germantown, Md., this 29th day of January 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-1315; Filed, Feb. 8, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13376; Order E-17687]

NORTHWEST AIRLINES, INC.

Alaskan Fare Increases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of February 1962.

By tariff filing effective February 12, 1962, Northwest Airlines, Inc. proposes to increase its local tourist class fares between Seattle and Anchorage by three percent, and to increase other local and joint tourist class fares between points in the 48 States, on the one hand, and points within Alaska, on the other, not to exceed three percent. No change has been proposed in Northwest's first-class jet and propeller fares between points within the 48 States, on the one hand, and points within Alaska, on the other, except for joint fares between Seattle and Galena.

Northwest has submitted no data in support of its tariff proposal to indicate a need of increased revenue from its services to Alaska, nor does the Board have available current data of its operating results from which we can find a need for an increase in revenues for this carrier in this market.

Northwest operates jet aircraft between Seattle and Anchorage providing both first-class and tourist service and also provides tourist service to Alaska with piston powered equipment in an all tourist configuration. The present tourist fares to Alaska approximate 77-78 percent of the first-class fares. Northwest's proposal to increase its tourist fares by three percent with no such increase in the first-class fares will reduce the fare differential between these services by a significant amount. The Board, in its Order of Investigation and Suspension in the Matter of Passenger Fares Proposed by United Air Lines, Inc.[1] stated that it was not convinced that the existing fare differential in domestic service between first-class and coach fares is greater than the difference between the cost-to-sale costs of the respective services or that coach services are inherently less profitable than first-class. In that order we noted that the effectuation of a general revenue increase by raising coach fares might tend to inhibit the growth of traffic and magnify the difficulty in improving load factors. The existing fare relationships between first-class and coach in Northwest's service to Alaska approximates the relationships existing in domestic service over similar lengths of haul. The carrier has advanced no reasons in support of a decrease in the fare differential between first-class and tourist service in the Alaskan market.

Under these circumstances, the Board has concluded that the tariff proposal of Northwest should be investigated. In view of the fact that we have no data before us upon which to conclude that increased revenues are needed in service to Alaska for this carrier, and upon consideration of the disruption of the relationship between first-class and tourist fares, we have concluded to suspend the proposal pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the tourist class fares and provisions on 2d Revised Page 9, 3d Revised Page 10, 2d and 3d Revised Pages 11, 2d and 3d Revised Pages 12 and 2d Revised Page 13 of C.A.B. No. 331 of Northwest Airlines, Inc., are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions.

2. Pending hearing and decision by the Board, the tourist class fares and provisions on 3d Revised Page 9, 2d Revised Page 10, 2d and 3d Revised Pages 11, 2d and 3d Revised Pages 12, and 3d Revised Page 13 of C.A.B. No. 331 of Northwest Airlines, Inc., so far as applicable to interstate air transportation, are suspended and their use deferred to and including May 10, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission by the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order be filed with the aforesaid tariff and be served upon Northwest Airlines, Inc., Alaska Airlines, Inc., Cordova Airlines, Inc., New York Airways, Inc., Northern Consolidated Airlines, Inc., Pacific Northern Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., West Coast Airlines, Inc., and Western Air Lines, Inc., which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-1355; Filed, Feb. 8, 1962; 8:50 a.m.]

[1] Order E-17685, dated December 28, 1961, docket 13313.

[Docket No. 11017]

HANS TISCHER ET AL.; COMMON CONTROL AND INTERLOCKING RELATIONSHIPS

Notice of Prehearing Conference

In the matter of the application for approval of interlocking relationship by Hans O. Tischer, Joseph Adasko & United Forwarders Service Inc. re United Travelers.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on February 14, 1962, at 10 a.m., e.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., February 5, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-1356; Filed, Feb. 8, 1962; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

CALCUTTA/U.S.A. CONFERENCE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 813):

Agreement 8700, between the member lines of the Calcutta/U.S.A. Conference (Agreement 6500, as amended), operating from Calcutta to U.S. Atlantic ports (Portland to Hampton Roads inclusive); the member lines of the Calcutta/U.S.A. South Atlantic and Gulf Freight Conference (Agreement 8560) operating from Calcutta to U.S. South Atlantic ports (south of Hampton Roads but not inclusive) and U.S. Gulf ports, by direct call or transhipment; and the member lines of the East Coast of India (Calcutta and Tuticorin excluded) and East Pakistan/U.S.A. Atlantic and Gulf Freight Conference (Agreement 8570), operating from the East Coast of India south of Calcutta and north of Tuticorin (both ports excluded) and East Pakistan to the U.S. Atlantic and Gulf ports, by direct call or transhipment; provides for the establishment of the Calcutta, East Coast of India and East Pakistan/U.S.A. Joint Conference Agreement, under which the member lines of the three said conferences may confer, discuss and agree, from time to time, on matters of rates, charges, classifications and related tariff matters to be charged or observed by the member lines of the said conferences in the trades covered, respectively, but with reservation of the right of independent action by the member lines of each conference to alter any rate, charge, classification or related tariff matter thus previously agreed upon, by first giving the member lines of the other two conferences not less than forty-eight (48) hours' advance notice thereof. This agreement also provides that any other carrier becoming a member of any of the aforesaid conferences shall thereupon automatically become a party to this agreement, as a member of the conference in which it has acquired membership. The termination of any carrier's membership in any of the aforesaid conferences shall automatically terminate such carrier's participation in this agreement as a member of the conference of which it has ceased to be a member.

Agreement 6500-16, between the member lines of the Calcutta/U.S.A. Conference;

Agreement 8560-1, between the member lines of the Calcutta/U.S.A. South Atlantic and Gulf Freight Conference; and

Agreement 8570-1, between the member lines of the East Coast of India (Calcutta and Tuticorin excluded) and East Pakistan/U.S.A. Atlantic and Gulf Freight Conference;

are similar modification agreements which amend the basic agreement of the respective conferences, described above, to provide that new members of such conferences will automatically become parties to, and members withdrawing from such conferences will automatically cease to be parties to, any agreement(s) entered into between the member lines of the respective conferences (jointly) and any other carrier or other person subject to the Shipping Act, 1916, as amended, and approved pursuant to section 15 of said Act.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 6, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-1340; Filed, Feb. 8, 1962; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14394 etc., FCC 62M-161]

FLOWER CITY TELEVISION CORP. ET AL.

Order Scheduling Prehearing Conference

In re applications of Flower City Television Corporation, Rochester, New York, Docket No. 14394, File No. BPCT-2929; et al., Docket Nos. 14395, 14459, 14460, 14461, 14462, 14463, 14464, 14465, 14466, 14467, 14468; for construction permits for new Television Broadcast Stations (Channel 13).

The Hearing Examiner having under consideration matters considered at the prehearing conference held herein on February 2, 1962;

It is ordered, This 2d day of February 1962, that the hearing herein is scheduled for June 4, 1962, at 10:00 a.m., and a further prehearing conference is scheduled for February 12, 1962, at 10:00 a.m.

Released: February 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1359; Filed, Feb. 8, 1962; 8:50 a.m.]

[Docket No. 14350; FCC 62M-160]

MIA ENTERPRISES, INC. (KWBE)

Order Continuing Hearing Conference

In re application of MIA Enterprises, Inc. (KWBE), Beatrice, Nebraska, Docket No. 14350, File No. BP-13878; for construction permit.

The Hearing Examiner having under consideration the matter of the prehearing conference now scheduled in this proceeding for February 12, 1962;

It appearing that applicant, on January 31, 1962, filed a petition for leave to amend its application and removal of the amended application from the hearing docket and its return to the processing line, and that the time for filing replies thereto will not expire until February 9, 1962; and

It further appearing that if the petition is granted hearing will not be necessary;

It is ordered, This 2d day of February 1962, that the prehearing conference in this proceeding, now scheduled for 9:00 a.m., February 12, 1962, is continued indefinitely.

Released: February 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1360; Filed, Feb. 8, 1962; 8:50 a.m.]

[Docket No. 14365; FCC 62M-165]

NEIGHBORLY BROADCASTING CO., INC.

Order Continuing Hearing

In the matter of revocation of license of The Neighborly Broadcasting Co., Inc., Docket No. 14365; for FM Broadcast Station WLOV, Cranston, Rhode Island.

It is ordered, This 5th day of February 1962, that the hearing scheduled for February 13, 1962, is continued indefinitely.

Released: February 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1361; Filed, Feb. 8, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP61-184, CI61-1006]

CITIES SERVICE GAS CO. AND ROUNDS & PORTER LUMBER CO., INC.

Notice of Applications and Date of Hearing

FEBRUARY 2, 1962.

Take notice that on January 5, 1961, Cities Service Gas Co. (Cities Service) filed in Docket No. CP61-184 an application and on January 23, 1961, and April 18, 1961, a supplement and amendment thereto, respectively, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing Cities Service to construct and operate certain facilities for the transportation of natural gas in interstate commerce, as hereinafter described, subject to the jurisdiction of the Commission.

Cities Service proposes to construct and operate the following facilities:

(1) A 7100-horsepower compressor station in the proposed gasoline plant of Rounds & Porter Lumber Co., Inc. (Rounds & Porter), together with appurtenant meter and regulating equipment located in the Southwest Quarter of Section 2, Township 19 South, Range 3 East, Marion County, Kans., which compressor station is proposed to be used both on the intake and discharge sides of the plant.

(2) 10.5 miles of 8-inch pipeline from the outlet of Rounds & Porter's gasolene plant in the Southwest Quarter (SW¼) of Section 2, Township 19 South, Range 3 East, thence southeasterly to a connection with Cities Service's 26-inch main line in the Northwest Quarter (NW¼) of Section 25, Township 20 South, Range 3 East, all in Marion County, Kans.

Cities Service alleges that these facilities will be used to compress natural gas which will be purchased from said gasolene plant and to transport said gas from the outlet of said plant into Cities Service's Hugoton 26-inch main [illegible] system.

These facilities will be used to transport a flow of approximately 21,000 Mcf of natural gas per day at 1450 psia, which will be delivered to Cities Service by Rounds & Porter.

The estimated cost of the proposed facilities is $2,100,000, which will be paid for out of treasury cash.

The estimated natural gas reserves which are now dedicated to Cities Service behind Rounds & Porter's gasolene plant are 111,381,000 Mcf, which is composed of 92,592,000 Mcf previously dedicated to Cities Service, together with 18,789,000 Mcf, which has been dedicated to Cities Service by Rounds & Porter's letter of April 12, 1961.

Take further notice that on January 6, 1961, Rounds & Porter Lumber Co., Inc., a Kansas corporation having its principal place of business at 600 North Waco Street, Wichita, Kans., filed in Docket No. CI61-1006, an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the sale and delivery to Cities Service of natural gas which it has gathered from numerous leases in the East Antelope, Antelope, Klenda and Hillsboro Fields, Marion County, Kans., pursuant to the terms of a gas sales contract dated December 31, 1960, between Rounds & Porter and Cities Service. It is alleged that said gas will be transported in interstate commerce, Rounds & Porter will gather gas from said leases and will remove the liquids therefrom before delivery to Cities Service. It proposes to construct the necessary facilities to remove the liquids and will operate the compressor stations proposed to be constructed by Cities Service. Said gas sales contract provides for an initial price of 15 cents per Mcf at 14.65 psia, with a price adjustment of 1 cent per Mcf each succeeding five year period thereafter during the life of the contract, which is for a term of twenty years and thereafter until terminated by either party on thirty days' written notice to the other. The estimated initial volume of gas to be delivered is 24,600 Mcf per day at 14.65 psia.

Rounds & Porter will secure gas from approximately 120 leases under percentage type contracts whereby the lessor holders in said leases will receive approximately 60 percent of the proceeds of the sale of residue gas and Rounds & Porter approximately 40 percent. Royalty interest holders will also receive 20 percent of the proceeds from the sale of processed liquids.

The applications in the above-numbered dockets together with the exhibits are on file with the Commission and open for public inspection.

These related applications should be heard on a consolidated record and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 2, 1962, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 28, 1962.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-1324; Filed, Feb. 8, 1962; 8:46 a.m.]

[Docket No. E-6577]

DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION; FALCON PROJECT

Notice of Request for Approval of Rates and Charges

FEBRUARY 2, 1962.

Notice is hereby given that the Secretary of the Interior, on behalf of the Bureau of Reclamation, has filed with the Federal Power Commission for confirmation and approval, pursuant to the provisions of the Act of Congress dated June 18, 1954 (68 Stat. 255), rates and charges for wholesale power service from the United States share of power from the Falcon project to customers with their own generating facilities for a five-year period beginning January 1, 1963, all as set forth in the following proposed rate schedule:

SCHEDULE OF RATES FOR WHOLESALE POWER SERVICE TO CUSTOMERS HAVING THEIR OWN GENERATING FACILITIES

Effective: January 1, 1963.

Available: At the 138-kv Switchyard of Falcon Powerplant.

Applicable: To wholesale power customers who normally maintain generating facilities or other sources of energy sufficient to supply their requirements when Falcon Powerplant energy is not available, and who contract to accept all energy which can be delivered, without exceeding the peaking energy and off-peak energy contract rates of delivery, at hours and periods stated herein under "Definitions": *Provided*, That deliveries exceeding the contract rates of delivery may otherwise be mutually agreed upon in writing by representatives of the United States and the customer. The customer normally will be expected to contract for peaking energy at a contract rate of delivery equal to or exceeding his contract rate of delivery for off-peak energy, Provided; that peaking energy is available therefor within the limits hereinafter defined.

Character and conditions of service: Alternating current, sixty cycles, three-phase, delivered and metered at the 138-kv bus of the Falcon Powerplant. The service hereunder shall be considered in two categories; (1) peaking energy, and (2) off-peak energy, as defined herein under "Definitions", and each category of service will be made available in accordance with the provisions herein and of the contract rates of delivery set forth in the contract.

Monthly rate:

Demand charge: None.

Energy charge—Peaking Energy: 5.5 Mills per kilowatt-hour.

Off-Peak Energy: 1.5 mills per kilowatt-hour.

Definitions—Peaking energy: That energy delivered between the hours of 8:00 a.m., and 10:00 p.m., of any day, except Saturdays and Sundays.

Off-Peak Energy: That energy delivered at any other time.

Customers pro rata share of Falcon Powerplant energy: Is the customer's pro rata share of peaking energy and/or off-peak energy generated at the United States Falcon Powerplant, and shall be in the ratio that the customer's contract rate of delivery therefor bears to the total of all customer contract rates of delivery for such energy. For purposes thereof, the total of all customer contract rates of delivery for peaking energy or for off-peak energy shall not exceed 31,500 kilowatts for each category of energy.

Minimum bill: None.

Adjustments—For character and conditions of service: None.

For power factor: None. The customer will normally be required to maintain a power factor at the point of delivery between 90 percent lagging and 90 percent leading.

Scheduling of energy deliveries: Availability of energy will be declared by the United States both as to quantity and time available as far in advance as is practicable.

The proposed new Rate Schedule set forth above is on file with the Commission for public inspection. Any person desiring to make comments or suggestions for Commission consideration with respect to the proposed Rate Schedule should submit the same in writing on or before February 20, 1962, to the Federal Power Commission, Washington 25, D.C.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-1329; Filed, Feb. 8, 1962; 8:46 a.m.]

[Docket No. CP62-130]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Postponement of Hearing

FEBRUARY 2, 1962.

Notice is hereby given that the hearing now scheduled to be held in Washington, D.C., on March 8, 1962, at 9:30 a.m., e.s.t., in the above-entitled matter is hereby postponed to a date to be hereafter fixed.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-1325; Filed, Feb. 8, 1962; 8:46 a.m.]

[Docket No. CP62-38 etc.]

NORTH CENTRAL GAS CO. ET AL.

Notice of Applications and Date of Hearing

FEBRUARY 2, 1962.

North Central Gas Company, Docket No. CP62-38; Kansas-Nebraska Natural Gas Company, Inc., Docket No. CP62-39; Tower Oil and Gas Company of Texas, Docket No. CI62-193.

Take notice that on August 17, 1961, as supplemented on October 25, 1961, North Central Gas Company (North Central), Casper, Wyoming, filed in Docket No. CP62-38 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a meter station on its 12-inch pipeline near Orin, Platte County, Wyoming, in order to enable North Central to receive natural gas from Tower Oil and Gas Company of Texas (Tower), and authorizing the exchange of natural gas with Kansas-Nebraska Natural Gas Company (Kansas-Nebraska) at an existing point of interconnection[1] near the Huntsman Field, Cheyenne County, Nebraska.

Take further notice that on August 17, 1961, Kansas-Nebraska, Hastings, Nebraska, filed in Docket No. CP62-39 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the aforementioned exchange of natural gas near the Huntsman Field, Cheyenne County, Nebraska.

The proposals of North Central and Kansas-Nebraska are more fully set forth in their respective applications on file with the Commission and open to public inspection.

North Central and Kansas-Nebraska have entered into a contract, dated June 20, 1961, with Tower under which each would purchase from Tower in the ratio of 50 percent of available gas produced by Tower in the Shawnee area, Converse County, Wyoming. Since Kansas-Nebraska has no transmission facilities in the Shawnee area, and in order to eliminate the necessity of Kansas-Nebraska constructing duplicate facilities, North Central proposes to receive and transport all gas purchased by both companies from Tower with equivalent volumes due Kansas-Nebraska being delivered to it by North Central from the latter's Huntsman reserves in Nebraska. The subject exchange will be made pursuant to an agreement, dated June 20, 1961, between North Central and Kansas-Nebraska.

The subject sale of gas will be made at a rate of 12 cents per Mcf at 15.025 psia.

On August 15, 1961, Tower, 520 Fidelity Union Life Building, Dallas, Texas, filed in Docket No. CI62-193 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the above described sale of natural gas to North Central and Kansas-Nebraska, all as more fully described in the application on file with the Commission and open to public inspection.

The applications in these proceedings indicate that the proposed sale and the proposed exchange of natural gas may be an interim arrangement and that in the event Tower has under control in the Shawnee area prior to April 1, 1964, reserves of 146 billion cubic feet of gas and

[1] Said facilities were modified under temporary authorization granted to Kansas-Nebraska on November 30, 1959, in Docket No. G-17850.

sufficient capacity to deliver a maximum of 30,000 Mcf per day, then the gas sales contract between the three Applicants and the exchange agreement between North Central and Kansas-Nebraska will terminate. In the event the foregoing contracts are terminated, the applications indicate further that Intermountain Gas Company (Intermountain) has agreed to construct and operate a pipeline from the Shawnee area to Mitchell, Nebraska, and sell gas purchased from Tower to Kansas-Nebraska and North Central; North Central would deliver Kansas-Nebraska's share of this gas at a point near Scottsbluff, Nebraska. However, none of the Applicants in these proceedings are seeking authorization, herein, with respect to the alternate arrangements or proposals. Such information has been included in order to demonstrate the possibilities of the development of the Shawnee area.

The estimated cost of North Central's proposed facilities in Docket No. CP62–38 is $2,112, which cost will be financed out of current working funds.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 8, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 26, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–1326; Filed, Feb. 8, 1962; 8:46 a.m.]

[Docket Nos. CP62–2, CP62–3]

OHIO FUEL GAS CO. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Applications and Date of Hearing

FEBRUARY 2, 1962.

Take notice that The Ohio Fuel Gas Company (Ohio Fuel), an Ohio Corporation having its principal place of business at 99 North Front Street, Columbus, Ohio, filed on July 6, 1961, an application in Docket No. CP62–2, and on August 3, 1961, a supplement thereto, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the establishment of an additional point of delivery and sale to The Dayton Power and Light Company (Dayton) in Madison Township, Fayette County, Ohio, to deliver natural gas to Dayton for resale in Dayton's prospective new market area of New Holland and Waterloo, Ohio, and vicinity. Said additional point of delivery and sale is identical with the point of delivery to Ohio Fuel proposed by Texas Eastern Transmission Corporation (Texas Eastern) in its companion application in Docket No. CP62–3 hereinafter described.

Additional facilities required will include a tap on Texas Eastern's main line facilities, together with necessary measuring and regulating equipment and other appurtenances required for practical operation. The cost is estimated at $26,300. Construction of required facilities will be undertaken by Texas Eastern and Ohio Fuel will reimburse Texas Eastern for the cost of the measuring and regulating facilities and assume ownership thereof.

Ohio Fuel estimates, from information received from Dayton, that the combined total natural gas requirements of New Holland and Waterloo are as follows:

Year	Mcf at 14.73 psia	
	Peak day	Annual
1	325	34,649
2	509	56,221
3	666	77,123

Take further notice that Texas Eastern Transmission Corporation, a Delaware corporation with its principal office in Shreveport, Louisiana, filed on July 6, 1961, an application in Docket No. CP62–3, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to construct and operate a metering and regulating station together with the appurtenant facilities at a point on its main transmission line in Fayette County, Ohio, approximately 5 miles west of Texas Eastern's Compressor Station No. 17. The establishment of this additional delivery point, Texas Eastern states, is for the purpose of making deliveries of natural gas to The Dayton Power and Light Company for the account of Ohio Fuel in order to permit Dayton to provide service to New Holland and Waterloo, Ohio.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 7, 1962 at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 23, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of said concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–1327; Filed, Feb. 8, 1962; 8:46 a.m.]

[Docket No. G–18442 etc.]

SENECA GAS COMPANY OF WEST VIRGINIA, INC., ET AL.

Notice of Applications and Date of Hearing

FEBRUARY 2, 1962.

Seneca Gas Company of West Virginia, Inc., Atlantic Seaboard Corp., and Seneca Gas Company of West Virginia, Inc., Complainant; and Navgas, Inc., Defendant; Docket Nos. G–18442, CP61–67, and CP62–115.

Notice of the application of Seneca Gas Company of West Virginia, Inc. (Seneca) in Docket No. G–18442 was issued by the Secretary of the Commission on December 2, 1959, and published in the FEDERAL REGISTER on December 9, 1959 (24 F.R. 9918) setting said matter for hearing on January 11, 1960. On January 7, 1960, said hearing was continued, subject to further notice by the Secretary.

Take notice that Atlantic Seaboard Corporation (Seaboard), a Delaware corporation having its principal place of business at 1700 McCorkle Avenue SE., Charleston, West Virginia, filed on September 15, 1961, an application, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of measuring and regulating facilities and the delivery and sale of natural gas to Navgas, Inc., a new wholesale customer, to enable Navgas, Inc., to render service to the Naval Radio Research Station near the Village of Sugar Grove, Pendleton County, West Virginia.

Seaboard alleges that Navgas, Inc. has requested an interconnection between its proposed 6⅝" gas transmission line and Seaboard's 26" and 20" loop transmission pipelines at a point in Hardy County, West Virginia, 10.6 miles east of Seaboard's compressor station. Seaboard alleges that it is informed that

Navgas, Inc. plans to construct a 6⅝" natural gas transmission line from said point of interconnection with Seaboard's facilities southerly 24.2 miles to the Naval Radio Research Station.

Navgas, Inc.'s estimated peak day and annual requirements are as follows:

12-month period ending—	Peak day demand, Mcf	Annual requirements, Mcf
June 30, 1963	1,400	197,000
June 30, 1964	1,700	440,250
June 30, 1965	2,000	549,000

The estimated cost of Seaboard's proposed facilities is $19,600, which will be financed from funds on hand.

Take further notice that Seneca Gas Company of West Virginia, Inc., filed on November 3, 1961, in Docket No. CP62–115, a complaint and request for order to show cause against Navgas, Inc. Seneca alleges that it has been authorized by the Public Service Commission of West Virginia to construct and operate natural gas transmission and distribution facilities in Hardy and Pendleton Counties, West Virginia. Seneca alleges that it has pending before this Commission an application under section 7(a) for an order directing Seaboard to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Seneca and to sell and deliver natural gas to Seneca. All of the facts referred to in said complaint relating to Seneca's application are more particularly set out in the Notice of Application in Docket No. G–18442 issued December 2, 1959.

Seneca alleges that Navgas, Inc. on March 22, 1961, also filed with this Commission in Docket No. CP61–251 an application under section 7(a) of the Act seeking an order directing Seaboard to establish physical connection of its facilities with the proposed facilities of Navgas, Inc., and to sell and deliver natural gas to it for the limited purpose of providing the Navy with all of its natural gas requirements at its Sugar Grove installation, which application is still pending.

Seneca asserts, among other things, that Navgas, Inc. is not exempt from the provisions of the Natural Gas Act by section 1(c) thereof because Navgas Inc.'s proposed rates and service are not regulated by the Public Service Commission of West Virginia. Seneca states that Navgas, Inc., is in the process of constructing facilities for the purposes of engaging in the transportation and sale of natural gas to the Navy, and, in so proceeding, Navgas, Inc. has violated the Natural Gas Act in that it has neither made application with, nor been granted a certificate of public convenience and necessity by this Commission, authorizing said construction.

The applications and complaint in the above numbered dockets are on file with the Commission and open for public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 9, 1962, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the applications in Dockets Nos. G–18442 and CP62–67 and also by the complaint and answer in Docket No. CP62–115.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 20, 1962.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62–1328; Filed, Feb. 8, 1962; 8:46 a.m.]

[Docket No. RI62–178 etc.]

SUNRAY MID-CONTINENT OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

FEBRUARY 2, 1962.

Sunray Mid-Continent Oil Company, et al, Docket No. RI62–178 etc.; and Continental Oil Company, et al., Docket No. RI62–192.

In the Order Providing For Hearings on and Suspension of Proposed Changes In Rates, issued November 22, 1961, and published in the FEDERAL REGISTER on November 30, 1961 (F.R. Doc. 11307; 26 F.R. 11310):

In the chart, under the Column headed "Rate Sched. No." change "6" to read "194" for Docket No. RI62–192.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–1341; Filed, Feb. 8, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–4010]

WEST PENN POWER CO.

Notice of Filing Regarding Issuance and Sale of First Mortgage Bonds

FEBRUARY 1, 1962.

Notice is hereby given that West Penn Power Company ("West Penn"), Greensburg, Pa., an exempt holding company and also a public-utility subsidiary company of Allegheny Power System, Inc., a registered holding company, has filed with this Commission an application, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), regarding a proposal to issue and sell First Mortgage Bonds; and has designated therein section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the application on file at the office of this Commission for a statement of the transactions proposed, which are summarized as follows:

West Penn proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the Act, $30,000,000 principal amount of First Mortgage Bonds, Series S, __ percent, due March 1, 1992. The interest rate (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to the company for the bonds (which shall be not less than the principal amount nor more than 102¾ percent thereof) will be determined by the competitive bidding. The bonds will be issued under the Mortgage and Deed of Trust dated March 1, 1916, between the company and The Chase Manhattan Bank, as Trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture, dated March 1, 1962.

The net proceeds from the sale of the bonds will be used to pay $5,500,000 of outstanding short-term bank notes, issued under the exemption afforded by the first sentence of section 6(b) of the Act, to obtain funds for construction expenditures. The remainder of such proceeds will be used to finance, in part, the construction requirements of the company during 1962 and 1963, estimated at $54,500,000.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at an aggregate of $84,000, consisting of Federal issue stamp taxes of $33,000, legal fees of $12,500, Trustee's fees and expenses $12,250, printing expenses $15,000, accountant's fees $4,500, registration fee $3,083, blue sky fees and expenses $1,000, and miscellaneous expenses of $2,667. The fee of independent counsel for the underwriters, to be paid by the purchaser of the bonds, is estimated at $8,000.

The application states that registration by the Pennsylvania Public Utility Commission of a securities certificate with respect to the bonds is required for their issue and sale, that such a securities certificate has been filed with that Commission, and that a copy of the securities certificate and the order of that Commission will be made a part of the record by amendment.

Notice is further given that any interested person may, not later than February 20, 1962, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for the request, and the issues of fact or law, if any, raised by the application which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500

miles from the point of mailing) upon applicant, and proof of service (by affidavit, or, in case of an attorney-at-law, by certificate) filed or dispatched contemporaneously with the request. At any time after said date the application, as filed or as it may be amended, may be granted, as provided by Rule 23 of the general rules and regulations promulgated under the Act; or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1333; Filed, Feb. 8, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 6, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37541: *Substituted service—C&EI, et al., for Motor Carrier Service.* Filed by the Eastern Central Motor Carriers Association, Inc., Agent (No. 212), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between points in central, middlewest, and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Ground for relief: Motor-truck competition.

Tariff: Supplement 6 to Eastern Central Motor Carriers Association tariff MF-I.C.C. A-200.

FSA No. 37542: *Cast iron soil pipe from Holt, Ala.* Filed by O. W. South, Jr., Agent (No. A4152), for interested rail carriers. Rates on cast iron soil pipe and related articles, in carloads, from Holt, Ala., to Newark, N.J., Glendale (New York) and New York, N.Y.

Grounds for relief: Private truck competition.

Tariff: Supplement 56 to Southern Freight Association tariff I.C.C. S-6.

FSA No. 37543: *Motor fuel anti-knock compounds from Baton Rouge, La.* Filed by O. W. South, Jr., Agent (No. A4151), for interested rail carriers. Rates on motor fuel anti-knock compound, in tank-car loads, from Baton Rouge and North Baton Rouge, La., to East St. Louis, Hartford, Wood River and Roxana, Ill.

Grounds for relief: Barge competition.

FSA No. 37544: *Substituted service—Southern territory.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 72), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between points in southern territory, on the one hand, and points in southern, eastern, New England, middlewestern and southwestern territories, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Southern Motor Carriers Rate Conference tariff MF-I.C.C. 1187 and I.C.C. 36.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-1342; Filed, Feb. 8, 1962; 8:48 a.m.]

INDIVIDUAL COMMISSIONERS

Assignment of Duties

FEBRUARY 2, 1962.

The Interstate Commerce Commission has amended its Organization Minutes, being assignment of work, business and functions pursuant to section 17 of the Interstate Commerce Act, as amended, issue of March 7, 1961, revised to May 1, 1961 (26 F.R. 4773, 5167, 8434 and 10991), as follows:

Under the heading *Assignment of Duties to Individual Commissioners*, paragraph (b) of Item 6.5, assignments to the Chairman of Division Three, has been amended to read as follows:

(b) Matters relating to closing of transactions in accordance with such terms and conditions as may have been prescribed by the Commission or Division 3 under the provisions of Part V of the Act, including the execution on behalf of the Commission of contracts and other instruments incident to the closing of such transactions; and matters relating to the administration of loans and other financing guaranteed under Part V of the Act, including the giving of consents by the Commission under guaranty agreements and the construction of provisions contained in such agreements and other agreements entered into in connection with such loans or other financing. The Commissioner may certify to Division 3 any matter which in his judgment should be passed on by that division, or the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-1343; Filed, Feb. 8, 1962; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—FEBRUARY

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Post Office Department

Effective upon publication in the FEDERAL REGISTER, § 6.309 is amended by the addition of subparagraph (16) to paragraph (a), subparagraph (9) to paragraph (b) and subparagraph (10) to paragraph (c), as follows:

§ 6.309 Post Office Department.

(a) *Office of the Postmaster General.* * * *
(16) One Deputy Executive Assistant to the Postmaster General.
(b) *Bureau of Facilities.* * * *
(9) One Deputy Assistant Postmaster General.
(c) *Bureau of Transportation.* * * *
(10) One Deputy Assistant Postmaster General.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-1349; Filed, Feb. 9, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 6]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.306 Navel Orange Regulation 6.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 8, 1962.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 11, 1962, and ending at 12:01 a.m., P.s.t., February 18, 1962, are hereby fixed as follows:

(i) District 1: 200,000 cartons;
(ii) District 2: 375,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 8, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-1473; Filed, Feb. 9, 1962; 11:26 a.m.]

[Grapefruit Reg. 2]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 909.302 Grapefruit Regulation 2.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on February 1, 1962, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended

regulation is based was received by the Fruit Branch on February 6, 1962; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., February 11, 1962, and ending at 12:01 a.m., P.s.t., February 25, 1962, no handler shall handle:

(i) From the State of California or the State of Arizona to any point outside thereof any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of White Water, California, unless such grapefruit grade at least U.S. No. 2: *Provided*, That included in the tolerances for defects permitted by such grade not more than 5 percent, by count, shall be allowed for grapefruit having peel more than one inch in thickness at the stem end, measured from the flesh to the highest point of the peel; or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which measure less than $3^{11}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.925–51.955: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than $3^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{7}/_{16}$ inches in diameter and smaller.

(2) As used herein, "handler," "variety," "grapefruit," and "handle" shall have the same meaning as when used in said amended marketing agreement and order; the term "U.S. No. 2" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 6, 1962.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–1394; Filed, Feb. 9, 1962; 8:49 a.m.]

[Lemon Reg. 7]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.307 Lemon Regulation 7.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 6, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., February 11, 1962, and ending at 12:01 a.m., P.s.t., February 18, 1962, are hereby fixed as follows:

(i) District 1: 9,300 cartons;

(ii) District 2: 186,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 7, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–1405; Filed, Feb. 9, 1962; 8:50 a.m.]

[Grapefruit Reg. 1]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.301 Grapefruit Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement and order (7 CFR Part 912; 27 F.R. 87) regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 8, 1962.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., February 12, 1962, and ending at 12:01 a.m., e.s.t., February 19, 1962, is hereby fixed at 160,601 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 8, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–1444; Filed, Feb. 9, 1962; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama: Barbour, Calhoun, Chambers, Chilton, Clay, Cleburne, Coffee, Covington, Coosa, Dale, De Kalb, Escambia, Etowah, Geneva, Henry, Houston, Jackson, Lauderdale, Lee, Limestone, Madison, Marshall, Morgan, Randolph, Russell, and Talladega Counties.

Arizona: The entire State.

Arkansas: Ashley, Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clark, Clay, Cleburne, Cleveland, Columbia, Conway, Craighead, Crawford, Crittenden, Cross, Dallas, Drew, Faulkner, Franklin, Fulton, Garland, Grant, Greene, Hempstead, Hot Spring, Howard, Independence, Izard, Jackson, Jefferson, Johnson, Lafayette, Lawrence, Lee, Lincoln, Logan, Lonoke, Madison, Marion, Miller, Mississippi, Montgomery, Nevada, Newton, Ouachita, Perry, Pike, Poinsett, Polk, Pope, Prairie, Pulaski, Randolph, St. Francis, Saline, Scott, Searcy, Sebastian, Sevier, Sharp, Stone, Union, Van Buren, Washington, White, and Yell Counties.

California: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, and Yuba Counties.

Colorado: Alamosa, Archuleta, Baca, Chaffee, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gunnison, Hinsdale, Huerfano, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; Southern Ute Indian Reservation, and Ute Mountain Ute Reservation.

Connecticut: The entire State.

Delaware: The entire State.

Florida: Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties.

Georgia: The entire State.

Idaho: The entire State.

Illinois: Alexander, Bond, Boone, Bureau, Carroll, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, DuPage, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Greene, Grundy, Hamilton, Iroquois, Jackson, Jasper, Jefferson, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, McHenry, McLean, Macon, Madison, Mason, Massac, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Perry, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Washington, Wayne, Whiteside, Will, Williamson, Winnebago, and Woodford Counties.

Indiana: The entire State.

Iowa: Audubon, Carroll, Clinton, Delaware, Dickinson, Emmet, Fayette, Greene, Hamilton, Lyon, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Sac, Scott, Wapello, Warren, Winnebago, Woodbury, and Wright Counties.

Kansas: Barton, Cheyenne, Clark, Clay, Comanche, Decatur, Ford, Franklin, Geary, Gove, Graham, Gray, Greeley, Hamilton, Harper, Haskell, Jefferson, Johnson, Kearney, Kingman, Kiowa, Leavenworth, Logan, Marshall, Meade, Miami, Mitchell, Morris, Morton, Nemaha, Norton, Osage, Osborne, Pawnee, Rawlins, Reno, Rice, Rooks, Sheridan, Sherman, Smith, Thomas, Trego, Wallace, Wichita, and Wyandotte Counties.

Kentucky: Allen, Anderson, Ballard, Barren, Boone, Boyd, Bracken, Breathitt, Breckinridge, Butler, Calloway, Campbell, Carlisle, Carroll, Carter, Clinton, Crittenden, Cumberland, Edmonson, Elliott, Estill, Floyd, Franklin, Fulton, Gallatin, Grant, Graves, Green, Greenup, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jackson, Jefferson, Johnson, Kenton, Knott, Knox, Larue, Laurel, Lawrence, Leslie, Letcher, Lincoln, Livingston, Logan, McCracken, McCreary, McLean, Magoffin, Marion, Marshall, Martin, Mason, Meade, Menifee, Mercer, Metcalf, Monroe, Morgan, Muhlenberg, Nelson, Ohio, Oldham, Owen, Pendleton, Perry, Pulaski, Robertson, Rockcastle, Rowan, Shelby, Simpson, Spencer, Todd, Trigg, Trimble, Warren, Washington, Wayne, Webster, Whitley, and Wolfe Counties.

Louisiana: Ascension, Assumption, Claiborne, St. Helena, St. John the Baptist, and Webster Parishes.

Maine: The entire State.

Maryland: The entire State.

Massachusetts: The entire State.

Michigan: The entire State.

Minnesota: The entire State.

Mississippi: Alcorn, Amite, Attala, Benton, Choctaw, Clay, DeSoto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lowndes, Marion, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties.

Missouri: Adair, Andrew, Barry, Bates, Bollinger, Boone, Buchanan, Caldwell, Callaway, Camden, Cape Girardeau, Carter, Cass, Cedar, Chariton, Christian, Clark, Clinton, Cole, Cooper, Crawford, Dallas, Daviess, Dent, Douglas, Dunklin, Gasconade, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, Iron, Jasper, Jefferson, Johnson, Lafayette, Lawrence, Lincoln, Linn, Livingston, McDonald, Macon, Madison, Maries, Marion, Mercer, Miller, Moniteau, Montgomery, New Madrid, Newton, Oregon, Ozark, Pemiscot, Perry, Phelps, Platte, Polk, Pulaski, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Francois, St. Genevieve, St. Louis, Scotland, Scott, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, and Wright Counties.

Montana: Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties.

Nebraska: Adams, Banner, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Hitchcock, Howard, Jefferson, Johnson, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties.

Nevada: The entire State.

New Hampshire: The entire State.

New Jersey: The entire State.

New Mexico: The entire State.

New York: The entire State.

North Carolina: The entire State.

North Dakota: Adams, Barnes, Benson, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Grand Forks, Grant, Griggs, Hettinger, McHenry, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsay, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele,

Traill, Walsh, Ward, Wells, and Williams Counties.

Ohio: Allen, Athens, Auglaize, Belmont, Butler, Carroll, Champaign, Clark, Clinton, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Delaware, Fayette, Franklin, Fulton, Greene, Guernsey, Hancock, Hardin, Harrison, Henry, Hocking, Knox, Lake, Licking, Logan, Lorain, Lucas, Mahoning, Marion, Medina, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Tuscarawas, Union, Van Wert, Vinton, Warren, Washington, Williams, Wood, and Wyandot Counties.

Oklahoma: Adair, Choctaw, Cimarron, Delaware, Mayes, and Nowata Counties.

Oregon: The entire State.

Pennsylvania: The entire State.

Rhode Island: The entire State.

South Carolina: Abbeville, Aiken, Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Edgefield, Florence, Georgetown, Greenwood, Hampton, Horry, Jasper, Kershaw, Lancaster, Laurens, Lee, Lexington, McCormick, Marion, Marlboro, Newberry, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, Williamsburg, and York Counties.

South Dakota: Brookings, Buffalo, Butte, Campbell, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Hamlin, Harding, Lawrence, Lincoln, McPherson, Marshall, Miner, Minnehaha, Moody, Perkins, Roberts, Turner, Union, and Walworth Counties.

Tennessee: The entire State.

Texas: Andrews, Bandera, Baylor, Blanco, Borden, Brewster, Brown, Burnet, Childress, Coke, Coleman, Concho, Cottle, Crane, Crockett, Culberson, Dallam, Dawson, Ector, Edwards, El Paso, Fisher, Gillespie, Glascock, Hardeman, Hartley, Haskell, Howard, Hudspeth, Irion, Jeff Davis, Kendall, Kerr, Kimble, King, Kinney, Lampasas, Lipscomb, Llano, Loving, McCulloch, Martin, Mason, Menard, Midland, Mills, Mitchell, Motley, Nolan, Ochiltree, Oldham, Parmer, Pecos, Presidio, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Stephens, Sterling, Stonewall, Sutton, Taylor, Terrell, Throckmorton, Tom Green, Upton, Val Verde, Ward, Winkler, and Young Counties.

Utah: The entire State.

Vermont: The entire State.

Virginia: Accomack, Alleghany, Amelia, Appomattox, Arlington, Augusta, Bath, Bedford, Bland, Botetourt, Brunswick, Buchanan, Buckingham, Campbell, Caroline, Carroll, Charles City, Chesterfield, Clarke, Craig, Culpeper, Cumberland, Dickenson, Dinwiddie, Essex, Fairfax, Fluvanna, Franklin, Frederick, Giles, Gloucester, Greene, Greensville, Halifax, Hanover, Henrico, Highland, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lee, Loudoun, Louisa, Lunenburg, Madison, Mathews, Mecklenburg, Middlesex, Nansemond, Nelson, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Page, Pittsylvania, Powhatan, Prince George, Prince William, Princess Anne, Pulaski, Rappahannock, Richmond, Roanoke, Rockingham, Scott, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Washington, Westmoreland, Wise, Wythe, and York Counties; City of Hampton, and City of Newport News.

Washington: The entire State.

West Virginia: The entire State.

Wisconsin: The entire State.

Wyoming: Albany, Big Horn, Campbell, Crook, Fremont, Hot Springs, Laramie, Lincoln, Niobrara, Park, Sweetwater, Teton, Uinta, Washakie, and Weston Counties.

Puerto Rico: The entire area.

Virgin Islands of the United States: The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111–113, 114a-1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Barbour, Cullman, and Limestone Counties in Alabama; Crittenden, Cross, and St. Francis Counties in Arkansas; Riverside and San Bernardino Counties in California; De Witt, Mercer, and Stark Counties in Illinois; Gibson County in Indiana; Greene County in Iowa; Comanche, Graham, Hamilton, Kiowa, Morton, and Norton Counties in Kansas; Clinton, Estill, Henderson, Letcher, Mason, Menifee, Monroe, and Nelson Counties in Kentucky; Callaway, Holt, Miller, and Sullivan Counties in Missouri; Cheyenne County in Nebraska; McLean and Ransom Counties in North Dakota; Butler and Warren Counties in Ohio; Nowata County in Oklahoma; Aiken, Charleston, and Williamsburg Counties in South Carolina; Hardeman, Mills, Parmer, and Val Verde Counties in Texas; Halifax, and Lunenburg Counties in Virginia; and Teton County in Wyoming.

The amendment deletes the following areas from the list of areas designated as modified certified brucellosis areas because it has been determined that such areas no longer come within the definition of § 78.1(i): Monroe County in Mississippi; Carroll, Dade, Morgan, Pettis, Putnam, and Shelby Counties in Missouri; Towner County in North Dakota; Jackson County in Ohio; and Grant County in South Dakota.

Certain Indian reservations in Wyoming, heretofore specifically designated as modified certified brucellosis areas, are within counties so designated, therefore, specific reference to said reservations in this section has been discontinued.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of February 1962.

F. J. MULHERN,
Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 62-1404; Filed, Feb. 9, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 652; Amdt. 40-8]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Mechanical Reliability Reports

The Federal Aviation Agency published as a notice of proposed rule making (26 F.R. 1410) and circulated as Civil Air Regulations Draft Release No. 61-2 dated February 8, 1961, a proposal to amend Parts 40, 41, 42, and 46 of the Civil Air Regulations to establish requirements for the reporting of specific types of malfunctions, failures, and defects occurring to airplanes.

With the adoption of this amendment, it should be noted that the title, Daily Mechanical Report (DMR), is changed and will hereafter be known as the Mechanical Reliability Report (MRR). The Federal Aviation Agency believes the name to be appropriate in that it is more descriptive of the concept of the report.

The currently effective provisions of Part 40 require operators to submit daily a report known as a daily mechanical report (DMR) which contains information concerning each failure, malfunctioning, or other defect, regardless of where detected, which may reasonably be expected by the air carrier to cause a serious hazard in the operation of an airplane.

The lack of specific reporting requirements and the fact that each air carrier reported only those items which, in the opinion of the air carrier, constitute a hazard, heretofore resulted in inadequate and nonuniform reporting. Various attempts were made to correct these inadequacies, such as joint industry-government meetings and the use of a trial reporting guide for a six-month period. Some improvement in reporting was accomplished; however, satisfactory reporting was not achieved. In accordance with the proposal contained in Draft Release 61-2, this amendment specifies certain airplane and airplane component failures, malfunctions, or defects which must be reported by air carriers in mechanical reliability reports. In addition, an air carrier is required to report other airplane and airplane component failures, malfunctions, or defects, even though they are not specified in the rule, when the air carrier is of the opinion that they may seriously endanger the safe operation of its airplanes.

In Draft Release 61-2 it was proposed to require air carriers to report engine shutdowns during flight necessitated or caused by airplane component failure, malfunction, or defect. Although the Agency evaluates the significance of every engine shutdown, regardless of cause or effect, it has been determined that it is presently not necessary to require all engine shutdowns to be included in mechanical reliability reports. Accordingly, in this amendment, the proposed rule has been changed to require mandatory reporting of engine shutdowns only when they involve engine flameout, foreign object ingestion or icing, external damage to the engine or airplane structure, or when more than one engine is shutdown during flight. Paragraph (b)(17) of § 40.508 has been worded to make it clear that action taken to shutdown an engine in flight need not be reported as an emergency action under the requirements of that provision.

Draft Release 61-2 contained a proposal to require reports of failures of the landing gear to extend or retract properly during flight. To avoid any misunderstanding of our intention that landing-gear doors be included in this reporting requirement, this final rule expressly provides for reporting the occurrence of a failure, malfunction, or defect which involves the extension or retraction of the landing gear, or the opening or closing of the landing-gear doors during flight.

Also, it will be noted that paragraph (b)(15) of § 40.508 has been changed from the original proposal so that failures, malfunctions, or defects in airplane structures are required to be reported only if a major repair is necessary.

Many failures, malfunctions, or defects are required to be included in the mechanical reliability report only if they occur during "flight." A note has been added to the rule to explain that in complying with the reporting requirements of § 40.508 an airplane is to be considered in "flight" from the moment it leaves the surface of the earth on takeoff until it touches down at a place of landing.

Attention is directed to the fact that Draft Release 61-2 proposed 13 specific reporting items while this amendment contains 17 reportable items. This increase in the number of items is the result of rewording and expanding the previous items to facilitate administrative handling of the reports within the Agency with automatic data processing equipment.

Another change has been made in this amendment which differs from the original proposal. This change provides that the report shall cover a 24-hour period beginning at 0900 hours local time each day and is to be submitted by 0900 hours of the following day rather than the midnight to midnight report period proposed. In this respect, local time is considered to be the time at each air carrier's main maintenance base. This revision does not alter the 24-hour interval made in the proposal, but is incorporated so that the reports can be handled more expeditiously by the Agency under its new automatic data processing system for evaluating individual reports and for distributing mechanical reliability report summaries.

Each air carrier is presently required by paragraph (a) of § 40.509 (Mechanical interruption summary report) to regularly file a summary report of "All interruptions to a scheduled flight, unscheduled changes of airplanes en route, and unscheduled stops and diversions from route which result from known or suspected mechanical difficulties or malfunctions." In response to comment received, paragraph (a) of § 40.509 is being amended to avoid duplicate reporting under paragraph (a) of those malfunctions or mechanical difficulties required to be reported under § 40.508.

The Federal Aviation Agency believes that reports of the failures, malfunctions, and defects required under this amendment, plus additional reports received from the air carriers regarding other occurrences of failures, malfunctions, and defects they consider hazardous, will provide complete, accurate, and uniform reporting. Safety will be served better by this amended reporting procedure as the Agency will be able to disseminate to industry improved reports of hazardous conditions pertaining to airplane systems, components, and equipment. In addition, through analysis of information developed from reports received, the Agency will be able to detect deteriorating conditions in airplane systems, components, and equipment, and issue Airworthiness Directives and Alert Notices before such conditions reach hazardous proportions.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) is hereby amended as follows, effective March 12, 1962:

1. By amending § 40.508 to read as follows:

§ 40.508 Mechanical reliability reports.

(a) Each air carrier shall report the occurrence or detection of those failures, malfunctions, or defects specified in paragraph (b) of this section. In addition, each air carrier shall report any other failure, malfunction, or defect which occurs or is detected at any time in an airplane or airplane component (including airplane systems, appliances, powerplants, and propellers) used by the air carrier, when, in the carrier's opinion, such failure, malfunction, or defect has endangered or may endanger the safe operation of an airplane used by the air carrier. The report shall be in written form covering a period of 24 hours beginning at 0900 hours local time of each day and ending at 0900 hours local time the next day, and shall be submitted to the Federal Aviation Agency maintenance inspector assigned to the air carrier by 0900 hours local time of the following day: *Provided,* That reports which are due on Saturday or Sunday may be submitted on the following Monday and in case of legal holidays on the following workday.

NOTE: Failures, malfunctions, or defects reported in accordance with the accident reporting provisions of Part 320 of the regulations of the Civil Aeronautics Board need not be included.

(b) The air carrier shall report each occurrence or detection of a failure, malfunction, or defect involving:

(1) Fires during flight and whether the related fire-warning system functioned properly;

(2) Fires during flight and whether the related fire-warning system did not function properly;

(3) Fires during flight not protected by a related fire-warning system;

(4) False fire warning during flight.

(5) Engine exhaust systems which result during flight in damage to engine, adjacent structure, equipment, or components;

(6) An airplane component which results during flight in the accumulation or circulation of smoke, vapor, or toxic or noxious fumes in the crew compartment of cabin;

(7) Engine shutdown during flight due to engine flameout;

(8) Engine shutdown during flight when external damage to the engine or to the airplane structure has occurred;

(9) Engine shutdown during flight due to foreign object ingestion or icing;

(10) Engine shutdown during flight of more than one engine on an airplane;

(11) Propeller feathering system or ability of the system to control overspeeding during flight;

(12) Fuel or fuel-dumping systems affecting fuel flow or causing hazardous leakage during flight;

(13) Landing gear extension or retraction or opening or closing of landing-gear doors during flight;

(14) Brake system components which result in loss of brake actuating force while the airplane is in motion on the ground;

(15) Airplane structure which requires major repair;

(16) Cracks, permanent deformation, or corrosion of airplane structure which exceed the maximum limits acceptable to the manufacturer or the Federal Aviation Agency; and

(17) Airplane components or systems which result during flight in the taking of emergency actions; except that action taken to shutdown an engine need not be reported as an emergency under this provision.

NOTE: Under the provisions of this paragraph, an airplane is in flight from the moment it leaves the surface of the earth on takeoff until it touches down at a place of landing.

(c) Reports required by paragraph (a) of this section shall be transmitted in a manner and on a form convenient to the air carrier's system of communication and procedure, and shall include in the first daily report as much of the following information as is available:

(1) Type and identification number of the airplane, name of the operator, date, flight number, and stage during which the incident occurred; e.g., preflight, takeoff, climb, cruise, descent, landing, inspection;

(2) Emergency procedure effected; e.g., unscheduled landing, emergency descent;

(3) Nature of condition; e.g., fire, structural failure;

(4) Identification of part and system involved, including available information pertaining to type designation of the major component and time since overhaul;

(5) Apparent cause of trouble; e.g., wear, crack, design deficiency, personnel error;

(6) Disposition; e.g., repaired, replaced, airplane grounded, part sent to manufacturer; and

(7) Brief narrative summary of other pertinent information necessary for more complete identification, determination of seriousness, and corrective action.

(d) Reports required by paragraph (a) shall not be withheld pending accumulation of all information specified in paragraphs (b) and (c) of this section. When additional information is obtained relative to the incident, including any that may be furnished by the manufacturer or other outside agency, it shall be expeditiously submitted as a supplement to the first report, referencing the date and place of submission of such report.

2. By amending § 40.509(a) to read as follows:

§ 40.509 Mechanical interruption summary report.

* * * * *

(a) All interruptions to a scheduled flight, unscheduled changes of airplanes en route, and unscheduled stops and diversions from route which result from known or suspected mechanical difficulties or malfunctions that are not required to be included in mechanical reliability reports.

The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Secs. 311, 313(a), 601, 605; 72 Stat. 751, 752, 775, 778; 49 U.S.C. 1352, 1354, 1421, 1425)

Issued in Washington, D.C., on February 6, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-1366; Filed, Feb. 9, 1962; 8:45 a.m.]

[Reg. Docket No. 652; Amdt. 41-43; Supp. 32]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

Mechanical Reliability Reports

The Federal Aviation Agency published as a notice of proposed rule making (26 F.R. 1410) and circulated as Civil Air Regulations Draft Release No. 61-2 dated February 8, 1961, a proposal to amend Parts 40, 41, 42, and 46 of the Civil Air Regulations to establish requirements for the reporting of specific types of malfunctions, failures, and defects occurring to airplanes.

With the adoption of this amendment, it should be noted that the title, Daily Mechanical Report (DMR), is changed and will hereafter be known as the Mechanical Reliability Report (MRR). The Federal Aviation Agency believes the name to be appropriate in that it is more descriptive of the concept of the report.

The currently effective provisons of Part 41 require operators to submit daily a report known as a daily mechanical report (DMR) which contains information concerning each failure, malfunctioning, or other defect, regardless of where detected, which may reasonably be expected by the air carrier to cause a serious hazard in the operation of an airplane.

The lack of specific reporting requirements and the fact that each air carrier reported only those items which, in the opinion of the air carrier, constitute a hazard, heretofore resulted in inadequate and nonuniform reporting. Various attempts were made to correct these inadequacies, such as joint industry-government meetings and the use of a trial reporting guide for a six-month period. Some improvement in reporting was accomplished; however, satisfactory reporting was not achieved. In accordance with the proposal contained in Draft Release 61-2, this amendment specifies certain airplane and airplane component failures, malfunctions, or defects which must be reported by air carriers in mechanical reliability reports. In addition, an air carrier is required to report other airplane and airplane component failures, malfunctions, or defects, even though they are not specified in the rule, when the air carrier is of the opinion that they may seriously endanger the safe operation of its airplanes.

In Draft Release 61-2 it was proposed to require air carriers to report engine shutdowns during flight necessitated or caused by airplane component failure, malfunction, or defect. Although the Agency evaluates the significance of every engine shutdown, regardless of cause or effect, it has been determined that it is presently not necessary to require all engine shutdowns to be included in mechanical reliability reports. Accordingly, in this amendment, the proposed rule has been changed to require mandatory reporting of engine shutdowns only when they involve engine flameout, foreign object ingestion or icing, external damage to the engine or airplane structure, or when more than one engine is shutdown during flight. Paragraph (b)(17) of § 41.130 has been worded to make it clear that action taken to shutdown an engine in flight need not be reported as an emergency action under the requirements of that provision.

Draft Release 61-2 contained a proposal to require reports of failures of the landing gear to extend or retract properly during flight. To avoid any misunderstanding of our intention that landing-gear doors be included in this reporting requirement, this final rule expressly provides for reporting the occurrence of a failure, malfunction, or defect which involves the extension or retraction of the landing gear, or the opening or closing of the landing-gear doors during flight.

Also, it will be noted that paragraph (b)(15) of § 41.130 has been changed from the original proposal so that failures, malfunctions, or defects in airplane structures are required to be reported only if a major repair is necessary.

Many failures, malfunctions, or defects are required to be included in the mechanical reliability report only if they occur during "flight." A note has been added to the rule to explain that in complying with the reporting requirements of § 41.130 an airplane is to be considered in "flight" from the moment it leaves the surface of the earth on takeoff until it touches down at a place of landing.

Attention is directed to the fact that Draft Release 61-2 proposed 13 specific reporting items while this amendment contains 17 reportable items. This increase in the number of items is the result of rewording and expanding the previous items to facilitate administrative handling of the reports within the Agency with automatic data processing equipment.

Another change has been made in this amendment which differs from the original proposal. This change provides that the report shall cover a 24-hour period beginning at 0900 hours local time each day and is to be submitted by 0900 hours of the following day rather than the midnight to midnight report period proposed. In this respect, local time is considered to be the time at each air carrier's main maintenance base. This revision does not alter the 24-hour interval made in the proposal, but is incorporated so that the reports can be handled more expeditiously by the Agency under its new automatic data processing system for evaluating individual reports and for distributing mechanical reliability report summaries.

The currently effective provisions governing daily mechanical reports are set forth in the manual material in § 41.130-1(a). For purposes of consolidation and clarification, we are taking this opportunity to delete § 41.130-1(a) and incorporate in § 41.130 of the basic regulation all of the requirements prescribed in this amendment for mechanical reliability reports.

Likewise, requirements for daily reports concerning chronic mechanical difficulties are currently prescribed in the manual material in § 41.130-1(b). For purposes of consolidation and clarification, we are also deleting § 41.130-1(b) and incorporating the substance of that reporting requirement in a new § 41.130a which is being added to the basic regulation. While the title and phraseology of new § 41.130a have been changed to achieve regulatory uniformity, the substantive requirements of the amended rule are the same as those currently contained in the manual material in § 41.130-1.

It will be noted that the provisions of § 41.130a prescribe, in order to avoid duplicate reporting, that those malfunctions or mechanical difficulties reported in mechanical reliability reports need not be reported under the requirements of § 41.130a(a).

The Federal Aviation Agency believes that reports of the failures, malfunctions, and defects required under this amendment, plus additional reports received from the air carriers regarding other occurrences of failures, malfunctions, and defects they consider hazardous, will provide complete, accurate, and uniform reporting. Safety will be served better by this amended reporting procedure as the Agency will be able to disseminate to industry improved reports of hazardous conditions pertaining to airplane systems, components, and equipment. In addition, through analysis of information developed from reports received, the Agency will be able to detect deteriorating conditions in airplane systems, components, and equipment, and issue Airworthiness Directives and Alert Notices before such conditions reach hazardous proportions.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) is hereby amended as follows, effective March 12, 1962:

1. By amending § 41.130 to read as follows:

§ 41.130 Mechanical reliability reports.

(a) Each air carrier shall report the occurrence or detection of those failures, malfunctions, or defects specified in paragraph (b) of this section. In addition, each air carrier shall report any other failure, malfunction, or defect which occurs or is detected at any time in an airplane or airplane component (including airplane systems, appliances, powerplants, and propellers) used by the air carrier, when, in the carrier's opinion, such failure, malfunction, or defect has endangered or may endanger the safe operation of an airplane used by the air carrier. The report shall be in written form covering a period of 24 hours beginning at 0900 hours local time of each day and ending at 0900 hours local time the next day, and shall be submitted to the Federal Aviation Agency maintenance inspector assigned to the air carrier by 0900 hours local time of the following day: *Provided*, That reports which are due on Saturday or Sunday may be submitted on the following Monday and in case of legal holidays on the following workday.

NOTE: Failures, malfunctions, or defects reported in accordance with the accident reporting provisions of Part 320 of the regulations of the Civil Aeronautics Board need not be included.

(b) The air carrier shall report each occurrence or detection of a failure, malfunction, or defect involving:

(1) Fires during flight and whether the related fire-warning system functioned properly;

(2) Fires during flight and whether the related fire-warning system did not function properly;

(3) Fires during flight not protected by a related fire-warning system;

(4) False fire warning during flight;

(5) Engine exhaust systems which result during flight in damage to engine, adjacent structure, equipment, or components;

(6) An airplane component which results during flight in the accumulation or circulation of smoke, vapor, or toxic or noxious fumes in the crew compartment or cabin;

(7) Engine shutdown during flight due to engine flameout;

(8) Engine shutdown during flight when external damage to the engine or to the airplane structure has occurred;

(9) Engine shutdown during flight due to foreign object ingestion or icing;

(10) Engine shutdown during flight of more than one engine on an airplane;

(11) Propeller feathering system or ability of the system to control overspeeding during flight;

(12) Fuel or fuel-dumping systems affecting fuel flow or causing hazardous leakage during flight;

(13) Landing gear extension or retraction or opening or closing of landing-gear doors during flight;

(14) Brake system components which result in loss of brake actuating force while the airplane is in motion on the ground;

(15) Airplane structure which requires major repair;

(16) Cracks, permanent deformation, or corrosion of airplane structure which exceed the maximum limits acceptable to the manufacturer or the Federal Aviation Agency; and

(17) Airplane components or systems which result during flight in the taking of emergency actions; except that action taken to shutdown an engine need not be reported as an emergency under this provision:

NOTE: Under the provisions of this paragraph, an airplane is in flight from the moment it leaves the surface of the earth on takeoff until it touches down at a place of landing.

(c) Reports required by paragraph (a) of this section shall be transmitted in a manner and on a form convenient to the air carrier's system of communication and procedure, and shall include in the first daily report as much of the following information as is available:

(1) Type and identification number of the airplane, name of the operator, date, flight number, and stage during which the incident occurred; e.g., preflight, takeoff, climb, cruise, descent, landing, inspection;

(2) Emergency procedure effected; e.g., unscheduled landing, emergency descent;

(3) Nature of condition; e.g., fire, structural failure;

(4) Identification of part and system involved, including available information pertaining to type designation of the major component and time since overhaul;

(5) Apparent cause of trouble; e.g., wear, crack, design deficiency, personnel error;

(6) Disposition; e.g., repaired, replaced, airplane grounded, part sent to manufacturer; and

(7) Brief narrative summary of other pertinent information necessary for more complete identification, determination of seriousness, and corrective action.

(d) Reports required by paragraph (a) shall not be withheld pending accumulation of all information specified in paragraphs (b) and (c) of this section. When additional information is obtained relative to the incident, including any that may be furnished by the manufacturer or other outside agency, it shall be expeditiously submitted as a supplement to the first report, referencing the date and place of submission of such report.

2. By adding a new § 41.130a to read as follows:

§ 41.130a Mechanical interruption summary report.

Each air carrier shall submit regularly and promptly to the Administrator a summary report containing information on the following occurrences:

(a) All interruptions to a scheduled flight, unscheduled changes of airplanes en route, and unscheduled stops and diversions from route which result from known or suspected mechanical difficulties or malfunctions that are not required to be included in mechanical reliability reports.

(b) The number of engines removed prematurely because of mechanical trouble, listed by make and model of engine and the airplane type in which the engine was installed.

(c) The number of propeller featherings in flight, listed by type of propeller and type of engine and the airplane on which the propeller is installed. Propeller featherings accomplished for training, demonstration, or flight check purposes need not be reported.

§ 41.130-1 [Deletion]

3. By deleting § 41.130-1.

The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Secs. 311, 313(a), 601, 605; 72 Stat. 751, 752, 775, 778; 49 U.S.C. 1352, 1354, 1421, 1425)

Issued in Washington, D.C., on February 6, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-1364; Filed, Feb. 9, 1962; 8:45 a.m.]

[Reg. Docket No. 652; Amdt. 42-38; Supp. 46]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Mechanical Reliability Reports

The Federal Aviation Agency published as a notice of proposed rule making (26 F.R. 1410) and circulated as Civil Air Regulations Draft Release No. 61-2 dated February 8, 1961, a proposal to amend Parts 40, 41, 42, and 46 of the Civil Air Regulations to establish requirements for the reporting of specific types of malfunctions, failures, and defects occurring to aircraft.

With the adoption of this amendment, it should be noted that the title, Daily Mechanical Report (DMR), is changed and will hereafter be known as the Mechanical Reliability Report (MRR). The Federal Aviation Agency believes the name to be appropriate in that it is more descriptive of the concept of the report.

The currently effective provisions of Part 42 require operators to submit daily a report known as a daily mechanical report (DMR) which contains information concerning each failure, malfunctioning, or other defect, regardless of where detected, which may reasonably be expected by the air carrier to cause a serious hazard in the operation of an aircraft.

The lack of specific reporting requirements and the fact that each air carrier reported only those items which, in the opinion of the air carrier, constitute a hazard, heretofore resulted in inadequate and nonuniform reporting. Various attempts were made to correct these inadequacies, such as joint industry-government meetings and the use of a trial reporting guide for a six-month period. Some improvement in reporting was accomplished; however, satisfactory reporting was not achieved. In accordance with the proposal contained in Draft Release 61–2, amendment specifies certain aircraft and aircraft component failures, malfunctions, or defects which must be reported by air carriers in mechanical reliability reports. In addition, an air carrier is required to report other aircraft and aircraft component failures, malfunctions, or defects, even though they are not specified in the rule, when the air carrier is of the opinion that they may seriously endanger the safe operation of its aircraft.

In Draft Release 61–2 it was proposed to require air carriers to report engine shutdowns during flight necessitated or caused by aircraft component failure, malfunction, or defect. Although the Agency evaluates the significance of every engine shutdown, regardless of cause or effect, it has been determined that it is presently not necessary to require all engine shutdowns to be included in mechanical reliability reports. Accordingly, in this amendment, the proposed rule has been changed to require mandatory reporting of engine shutdowns only when they involve engine flameout, foreign object ingestion or icing, external damage to the engine or aircraft structure, or when more than one engine is shutdown during flight. Paragraph (b)(17) of § 42.96 has been worded to make it clear that action taken to shutdown an engine in flight need not be reported as an emergency action under the requirements of that provision.

Draft Release 61–2 contained a proposal to require reports of failures of the landing gear to extend or retract properly during flight. To avoid any misunderstanding of our intention that landing-gear doors be included in this reporting requirement, this final rule expressly provides for reporting the occurrence of a failure, malfunction, or defect which involves the extension or retraction of the landing gear, or the opening or closing of the landing-gear doors during flight.

Also, it will be noted that paragraph (b)(15) of § 42.96 has been changed from the original proposal so that failures, malfunctions, or defects in aircraft structures are required to be reported only if a major repair is necessary.

Many failures, malfunctions, or defects are required to be included in the mechanical reliability report only if they occur during "flight." A note has been added to the rule to explain that in complying with the reporting requirements of § 42.96 an aircraft is to be considered in "flight" from the moment it leaves the surface of the earth on takeoff until it touches down at a place of landing.

Attention is directed to the fact that Draft Release 61–2 proposed 13 specific reporting items while this amendment contains 17 reportable items. This increase in the number of items is the result of rewording and expanding the previous items to facilitate administrative handling of the reports within the Agency with automatic data processing equipment.

Another change has been made in this amendment which differs from the original proposal. This change provides that the report shall cover a 24-hour period beginning at 0900 hours local time each day and is to be submitted by 0900 hours of the following day rather than the midnight to midnight report period proposed. In this respect, local time is considered to be the time at each air carrier's main maintenance base. This revision does not alter the 24-hour interval made in the proposal, but is incorporated so that the reports can be handled more expeditiously by the Agency under its new automatic data processing system for evaluating individual reports and for distributing mechanical reliability report summaries.

The currently effective provisions governing daily mechanical reports are set forth in the manual material in § 42.96–1. For purposes of consolidation and clarification, we are taking this opportunity to delete § 42.96–1 and incorporate in § 42.96 of the basic regulation all of the requirements prescribed in this amendment for mechanical reliability reports.

Likewise, requirements for a monthly report of chronic mechanical difficulties are currently prescribed in the manual material in § 42.96–1. For purposes of consolidation and clarification, this monthly reporting requirement is also being set forth, without substantive change, in a new § 42.96a which is being added to the basic regulation.

The Federal Aviation Agency believes that reports of the failures, malfunctions, and defects required under this amendment, plus additional reports received from the air carriers regarding other occurrences of failures, malfunctions, and defects they consider hazardous, will provide complete, accurate, and uniform reporting. Safety will be served better by this amended reporting procedure as the Agency will be able to disseminate to industry improved reports of hazardous conditions pertaining to aircraft systems, components, and equipment. In addition, through analysis of information developed from reports received, the Agency will be able to detect deteriorating conditions in aircraft systems, components, and equipment, and issue Airworthiness Directives and Alert Notices before such conditions reach hazardous proportions.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented. Since the portion of the amendment pertaining to the monthly report of chronic mechanical difficulties is minor in nature and imposes no additional burden on any person, I find that notice and public procedure hereon is unnecessary.

In consideration of the foregoing, Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) is hereby amended as follows, effective March 12, 1962:

1. By amending § 42.96 to read as follows:

§ 42.96 Mechanical reliability reports.

(a) Each air carrier operating large aircraft shall report the occurrence or detection of those failures, malfunctions, or defects specified in paragraph (b) of this section. In addition, each air carrier shall report any other failure, malfunction, or defect which occurs or is detected at any time in an aircraft or aircraft component (including aircraft systems, appliances, powerplants, and propellers) used by the air carrier, which, in the carrier's opinion, such failure, malfunction, or defect has endangered or may endanger the safe operation of an aircraft used by the air carrier. The report shall be in written form covering a period of 24 hours beginning at 0900 hours local time of each day and ending at 0900 hours local time the next day, and shall be submitted to the Federal Aviation Agency maintenance inspector assigned to the air carrier by 0900 hours local time of the following day: Provided, That reports which are due on Saturday or Sunday may be submitted on the following Monday and in case of legal holidays on the following workday.

NOTE: Failures, malfunctions, or defects reported in accordance with the accident reporting provisions of Part 320 of the regulations of the Civil Aeronautics Board need not be included.

(b) The air carrier shall report each occurrence or detection of a failure, malfunction, or defect involving:

(1) Fires during flight and whether the related fire-warning system functioned properly;

(2) Fires during flight and whether the related fire-warning system did not function properly;

(3) Fires during flight not protected by a related fire-warning system;

(4) False fire warning during flight;

(5) Engine exhaust systems which result during flight in damage to engine, adjacent structure, equipment, or components;

(6) An aircraft component which results during flight in the accumulation or circulation of smoke, vapor, or fumes or noxious fumes in the crew compartment or cabin;

(7) Engine shutdown during flight due to engine flameout;

(8) Engine shutdown during flight when external damage to the engine or to the aircraft structure has occurred;

(9) Engine shutdown during flight due to foreign object ingestion or icing;

(10) Engine shutdown during flight of more than one engine on an aircraft;

(11) Propeller feathering system or inability of the system to control overspeeding during flight;

(12) Fuel or fuel-dumping systems affecting fuel flow or causing hazardous fuel leakage during flight;

(13) Landing gear extension or retraction or opening or closing of landing-gear doors during flight;

(14) Brake system components which result in loss of brake actuating force while the aircraft is in motion on the ground;

(15) Aircraft structure which requires major repair;

(16) Cracks, permanent deformation, or corrosion of aircraft structure which exceed the maximum limits acceptable to the manufacturer or the Federal Aviation Agency; and

(17) Aircraft components or systems which result during flight in the taking of emergency actions; except that action taken to shutdown an engine need not be reported as an emergency under this provision.

NOTE: Under the provisions of this paragraph, an aircraft is in flight from the moment it leaves the surface of the earth on takeoff until it touches down at a place of landing.

(c) Reports required by paragraph (a) of this section shall be transmitted in a manner and on a form convenient to the air carrier's system of communication and procedure, and shall include on the first daily report as much of the following information as is available:

(1) Type and identification number of the aircraft, name of the operator, date, flight number, and stage during which the incident occurred; e.g., preflight, takeoff, climb, cruise, descent, landing, inspection;

(2) Emergency procedure effected; e.g., unscheduled landing, emergency descent;

(3) Nature of condition; e.g., fire, structural failure;

(4) Identification of part and system involved, including available information pertaining to type designation of the major component and time since overhaul;

(5) Apparent cause of trouble; e.g., wear, crack, design deficiency, personnel error;

(6) Disposition; e.g., repaired, replaced, aircraft grounded, part sent to manufacturer; and

(7) Brief narrative summary of other pertinent information necessary for more complete identification, determination of seriousness, and corrective action.

(d) Reports required by paragraph (a) shall not be withheld pending accumulation of all information specified in paragraphs (b) and (c) of this section. When additional information is obtained relative to the incident, including any that may be furnished by the manufacturer or other outside agency, it shall be expeditiously submitted as a supplement to the first report, referencing the date and place of submission of such report.

2. By adding a new § 42.96a to read as follows:

§ 42.96a Monthly report of chronic mechanical difficulties.

As soon as practicable after the end of each calendar month, each irregular air carrier operating large aircraft shall submit to the assigned maintenance inspector three copies of a report covering the mechanical difficulties experienced during the preceding month which the air carrier considers chronic or otherwise particularly significant from a safety standpoint. The report shall fully identify all aircraft and aircraft components involved (i.e., manufacturer, model and type), and shall contain enough information to serve as a basis for corrective action and to enable a determination to be made of the trend of aircraft and aircraft component failures, malfunctions, or defects. The detailed information from which such reports are prepared shall be kept current and available at the air carrier's main headquarters for examination by any authorized representative of the Administrator or Board.

§ 42.96–1 [Deletion]

3. By deleting § 42.96–1.

The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Secs. 311, 313(a), 601, 605; 72 Stat. 751, 752, 775, 778; 49 U.S.C. 1352, 1354, 1421, 1425)

Issued in Washington, D.C., on February 6, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–1363; Filed, Feb. 9, 1962; 8:45 a.m.]

[Reg. Docket No. 652; Amdt. 46–4]

PART 46—SCHEDULED AIR CARRIER HELICOPTER CERTIFICATION AND OPERATION RULES

Mechanical Reliability Reports

The Federal Aviation Agency published as a notice of proposed rule making (26 F.R. 1410) and circulated as Civil Air Regulations Draft Release No. 61–2 dated February 8, 1961, a proposal to amend Parts 40, 41, 42, and 46 of the Civil Air Regulations to establish requirements for the reporting of specific types of malfunctions, failures, and defects occurring to aircraft.

With the adoption of this amendment, it should be noted that the title, Daily Mechanical Report (DMR), is changed and will hereafter be known as the Mechanical Reliability Report (MRR). The Federal Aviation Agency believes the name to be appropriate in that it is more descriptive of the concept of the report.

The currently effective provisions of Part 46 require operators to submit daily a report known as a daily mechanical report (DMR) which contains information concerning each failure, malfunctioning, or other defect, regardless of where detected, which may reasonably be expected by the air carrier to cause a serious hazard in the operation of a helicopter.

The lack of specific reporting requirements and the fact that each air carrier reported only those items which, in the opinion of the air carrier, constitute a hazard, heretofore resulted in inadequate and nonuniform reporting. Various attempts were made to correct these inadequacies, such as joint industry-government meetings and the use of a trial reporting guide for a six-month period. Some improvement in reporting was accomplished; however, satisfactory reporting was not achieved. In accordance with the proposal contained in Draft Release 61–2, this amendment specifies certain helicopter and helicopter component failures, malfunctions, or defects which must be reported by air carriers in mechanical reliability reports. In addition, an air carrier is required to report other helicopter and helicopter component failures, malfunctions, or defects, even though they are not specified in the rule, when the air carrier is of the opinion that they may seriously endanger the safe operation of its helicopter.

In Draft Release 61–2 it was proposed to require air carriers to report engine shutdowns during flight necessitated or caused by helicopter component failure, malfunction, or defect. Although the Agency evaluates the significance of every engine shutdown, regardless of cause or effect, it has been determined that it is presently not necessary to require all engine shutdowns to be included in mechanical reliability reports. Accordingly, in this amendment, the proposed rule has been changed to require mandatory reporting of engine shutdowns only when they involve engine flameout, foreign object ingestion or icing, or external damage to the engine or helicopter. Paragraph (b)(17) of § 46.508 has been worded to make it clear that action taken to shutdown an engine in flight need not be reported as an emergency action under the requirements of that provision.

Also, it will be noted that paragraph (b)(15) of § 46.508 has been changed from the original proposal so that failures, malfunctions, or defects in helicopter structures are required to be reported only if a major repair is necessary.

Many failures, malfunctions, or defects are required to be included in the mechanical reliability report only if they occur during "flight." A note has been added to the rule to explain that in complying with the reporting requirements of § 46.508 a helicopter is to be considered in "flight" from the moment it leaves the surface of the earth on takeoff until it touches down at a place of landing.

Attention is directed to the fact that Draft Release 61–2 proposed 13 specific reporting items while this amendment contains items numbered one through 18 with some numbers vacant. This change in reporting items is the result of rearranging and expanding the previous items to adopt them to helicopter operations and to facilitate administrative handling of the reports within the Agency with automatic data processing equipment.

Another change has been made in this amendment which differs from the original proposal. This change provides that the report shall cover a 24-hour

period beginning at 0900 hours local time each day and is to be submitted by 0900 hours of the following day rather than the midnight to midnight report period proposed. In this respect, local time is considered to be the time at each air carrier's main maintenance base. This revision does not alter the 24-hour interval made in the proposal, but is incorporated so that the reports can be handled more expeditiously by the Agency under its new automatic data processing system for evaluating individual reports and for distributing mechanical reliability report summaries.

Each air carrier is presently required by paragraph (a) of § 46.509 (Mechanical interruption summary report) to regularly file a summary report of "All interruptions to a scheduled flight, unscheduled changes of helicopters en route, and unscheduled stops and diversions from route which result from known or suspected mechanical difficulties or malfunctions." In response to comment received, paragraph (a) of § 46.509 is being amended to avoid duplicate reporting under paragraph (a) of those malfunctions or mechanical difficulties required to be reported under § 46.508.

The Federal Aviation Agency believes that reports of the failures, malfunctions, and defects required under this amendment, plus additional reports received from the air carriers regarding other occurrences of failures, malfunctions, and defects they consider hazardous, will provide complete, accurate, and uniform reporting. Safety will be served better by this amended reporting procedure as the Agency will be able to disseminate to industry improved reports of hazardous conditions pertaining to helicopter systems, components, and equipment. In addition, through analysis of information developed from reports received, the Agency will be able to detect deteriorating conditions in helicopter systems, components, and equipment, and issue Airworthiness Directives and Alert Notices before such conditions reach hazardous proportions.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 46 of the Civil Air Regulations (14 CFR Part 46, as amended) is hereby amended as follows, effective March 12, 1962:

1. By amending § 46.508 to read as follows:

§ 46.508 Mechanical reliability reports.

(a) Each air carrier shall report the occurrence or detection of those failures, malfunctions, or defects specified in paragraph (b) of this section. In addition, each air carrier shall report any other failure, malfunction, or defect which occurs or is detected at any time in a helicopter or helicopter component (including helicopter systems, appliances, powerplants, and propellers) used by the air carrier, when, in the carrier's opinion, such failure, malfunction, or defect has endangered or may endanger the safe operation of a helicopter used by the air carrier. The report shall be in written form covering a period of 24 hours beginning at 0900 hours local time of each day and ending at 0900 hours local time the next day, and shall be submitted to the Federal Aviation Agency maintenance inspector assigned to the air carrier by 0900 hours local time of the following day: *Provided*, That reports which are due on Saturday or Sunday may be submitted on the following Monday and in case of legal holidays on the following workday.

NOTE: Failures, malfunctions, or defects reported in accordance with the accident reporting provisions of Part 320 of the Regulations of the Civil Aeronautics Board need not be included.

(b) The air carrier shall report each occurrence or detection of a failure, malfunction, or defect involving:

(1) Fires during flight and whether the related fire-warning system functioned properly;

(2) Fires during flight and whether the related fire-warning system did not function properly;

(3) Fires during flight not protected by a related fire-warning system;

(4) False fire warning during flight;

(5) Engine exhaust systems which result during flight in damage to engine, adjacent structure, equipment, or components;

(6) A helicopter component which results during flight in the accumulation or circulation of smoke, vapor, or toxic or noxious fumes in the crew compartment or cabin;

(7) Engine shutdown during flight due to engine flameout;

(8) Engine shutdown during flight when external damage to the engine or to the helicopter structure has occurred;

(9) Engine shutdown during flight due to foreign object ingestion or icing;

(10) (Reserved.)

(11) (Reserved.)

(12) Fuel systems affecting fuel flow or causing hazardous leakage during flight;

(13) (Reserved.)

(14) (Reserved.)

(15) Helicopter structure which requires major repair;

(16) Cracks, permanent deformation, or corrosion of helicopter structure which exceed the maximum limits acceptable to the manufacturer or the Federal Aviation Agency;

(17) Helicopter components or systems which result during flight in the taking of emergency actions; except that action taken to shutdown an engine need not be reported as an emergency under this provision; and

(18) Main rotor or auxiliary rotor system.

NOTE: Under the provisions of this paragraph, a helicopter is in flight from the moment it leaves the surface of the earth on takeoff until it touches down at a place of landing.

(c) Reports required by paragraph (a) of this section shall be transmitted in a manner and on a form convenient to the air carrier's system of communication and procedure, and shall include in the first daily report as much of the following information as is available:

(1) Type and identification number of the aircraft, name of the operator, date, flight number, and stage during which the incident occurred; e.g., preflight, takeoff, climb, cruise, descent, landing, inspection;

(2) Emergency procedure effected; e.g., unscheduled landing, emergency descent;

(3) Nature of condition; e.g., fire, structural failure;

(4) Identification of part and system involved, including available information pertaining to type designation of the major component and time since overhaul;

(5) Apparent cause of trouble; e.g., wear, crack, design deficiency, personnel error;

(6) Disposition; e.g., repaired, replaced, aircraft grounded, part sent to manufacturer; and

(7) Brief narrative summary of other pertinent information necessary for more complete identification, determination of seriousness, and corrective action.

(d) Reports required by paragraph (a) shall not be withheld pending accumulation of all information specified in paragraphs (b) and (c) of this section. When additional information is obtained relative to the incident, including any that may be furnished by the manufacturer or other outside agency, it shall be expeditiously submitted as a supplement to the first report, referencing the date and place of submission of such report.

2. By amending § 46.509(a) to read as follows:

§ 46.509 Mechanical interruption summary report.

* * * * *

(a) All interruptions to a scheduled flight, unscheduled changes of airplane en route, and unscheduled stops and diversions from route which result from known or suspected mechanical difficulties or malfunctions that are not required to be included in mechanical reliability reports.

The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Secs. 311, 313(a), 601, 606; 72 Stat. 751, 752, 775, 778; 49 U.S.C. 1353, 1354, 1421, 1426)

Issued in Washington, D.C., on February 6, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-1365; Filed, Feb. 9, 1962; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-LA-89]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extensions and Designation of Transition Areas

Correction

In F.R. Doc. 61-12219, appearing at page 12507 of the issue for Wednesday, December 27, 1961, the following correction is made in § 601.10859: The words reading "and 7 miles of the San Simon" should read "and 7 miles S of the San Simon".

[Airspace Docket No. 61-WA-171]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation, Revocation, and Alteration of Federal Airway Intersections; Change of Amendment

On November 14, 1961, there were published in the FEDERAL REGISTER (26 F.R. 10835) amendments to Part 601 of the Regulations of the Administrator. These amendments consisted of the designation, revocation and alteration of several intersections. One of these actions pertained to the alteration of the Turlock, Calif., Intersection which was described as based on the intersection of the Merced, Calif., VORTAC 010° and the Fresno, Calif., VORTAC 322° radials. Subsequent to the publication of the rule, it was determined that this intersection should have been based, in part, on the Castle, Calif., VOR 010° radial instead of the Merced, Calif., VORTAC.

Since this action imposes no additional burden on any person, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, the following action is taken:

In the text of § 601.7001 (14 CFR 601.7001, 26 F.R. 10635) Turlock INT: "Merced, Calif., VORTAC" is deleted and "Castle, Calif., VOR" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 5, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1362; Filed, Feb. 9, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-2]

PART 13—PROHIBITED TRADE PRACTICES

Frank P. Becker, Inc., and Frank P. Becker

Subpart: Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–5 Advertising and promotional services; § 13.95 *Identity of product;* § 13.155 *Prices:* § 13.155–40 Exaggerated as regular and customary; § 13.235 *Source or origin:* § 13.235–60 Place: § 13.235–60(a) Domestic products as imported. Subpart: Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055–50 *Preticketing merchandise misleadingly.* Subpart: Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious preticketing.* Subpart: Passing off: § 13.2105 *Passing off products as competitor's.*[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Frank P. Becker, Inc., et al., New York, N.Y., Docket C-2, Oct. 17, 1961]

Consent order requiring New York City distributors of perfumes and toilet waters, along with other kinds of merchandise, to cease representing falsely in advertising and labeling that their perfumes had been "Nationally advertised since 1940 Vogue, Mademoiselle, Harper's Bazaar"; that excessive amounts were usual retail selling prices; that products labeled with the corresponding initials were the same as those sold under the well-known brand names "Chanel", "Arpege", "Crepe de Chine", "White Shoulders", and "My Sin"; and through use of the picture of the Eiffel Tower, the words "Paris Inspired", "Ellyn Deleith, Inc. . . . Distributor", etc., that its "Blue Flame" perfume was manufactured in France.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Frank P. Becker, Inc., a corporation, and its officers, and Frank P. Becker, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of perfumes, toilet waters, cosmetics, or any other articles of merchandise, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, that said products have been frequently and continuously advertised from 1940 to the present time in Vogue, Mademoiselle or Bazaar magazines; or that said products have been advertised in any magazines or publications or in any other manner or for any period of time unless such is the fact.

2. Representing, directly or indirectly, by preticketing or in any other manner, that any amount is the usual and regular retail price of merchandise when such amount is in excess of the price at which said merchandise is usually and regularly sold at retail in the trade area or areas where the representations are made.

3. Using the letters "C", "A", "CC", "WS", or "MS" or any other letters, numerals or symbols either singly or in combination in the advertising or labeling of said perfumes, toilet waters or cosmetics to designate or describe the kind or quality thereof without clearly and conspicuously revealing in immediate connection therewith the actual trade name of the manufacturer of said products.

4. Using the words "Paris Inspired", "Inspired in France" or any other words indicating French origin or using pictures of the Eiffel Tower or of any other typically French scenes in advertising or labeling to describe perfumes, toilet waters or cosmetics which are not manufactured or compounded in France.

5. Using any words, terms or pictures in advertising or in labeling which represent, directly or indirectly, that said merchandise was manufactured or compounded or originated in a given country or geographical area unless such is the fact.

6. Furnishing or placing in the hands of retailers or dealers in said merchandise the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove inhibited.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 17, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-1371; Filed, Feb. 9, 1962; 8:46 a.m.]

[1] Amended to read as set forth.

[Docket C-4]

PART 13—PROHIBITED TRADE PRACTICES

Eugene J. Friedman et al.

Subpart: Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 Exaggerated as regular and customary; § 13.285 *Value.* Subpart: Invoicing products falsely: § 13.1106 *Invoicing products falsely:* § 13.1108–45 Fur Products Labeling Act. Subpart: Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and*

statutory requirements: § 13.1852–35 Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* § 13.1865–40 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Eugene J. Friedman et al. trading as Giba-Friedman, Los Angeles, Calif., Docket C–4, Oct. 17, 1961]

In the Matter of Eugene J. Friedman and John R. Giba, Individually and as Copartners Trading as Giba-Friedman

Consent order requiring Los Angeles furriers to cease violating the Fur Products Labeling Act by failing to disclose the true animal name of the fur used in fur products, and that certain fur was dyed; by setting forth fictitious prices and abbreviated information on invoices; by making claims concerning prices and values of fur products in advertising while failing to maintain adequate records as a basis therefor.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Eugene J. Friedman and John R. Giba, individuals and copartners trading as Giba-Friedman or under any other trade name and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products; or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Representing directly or by implication that the regular or usual price of any fur product is any amount in excess of the price at which the respondents have usually and customarily sold such products in the recent regular course of business.

C. Setting forth information required under section(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

2. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

A. Represents directly or by implication that the regular or usual price of any fur product is any amount in excess of the price at which the respondents have usually and customarily sold such products in the recent and regular course of business.

B. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

3. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 17, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–1372; Filed, Feb. 9, 1962; 8:46 a.m.]

[Docket C–3]

PART 13—PROHIBITED TRADE PRACTICES

Roberts Electric Co. and Robert Boos

Subpart: Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.85 *Government approval, action, connection or standards:* § 13.85–60 Standards, specifications, or source; § 13.155 *Prices:* 13.155–40 Exaggerated as regular and customary.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15; U.S.C. 45) [Cease and desist order, Roberts Electric Co. et al., Docket C–3, Oct. 17, 1961]

Consent order requiring Chicago distributors of electric generators, gas and electric motors, air compressors, etc., to cease representing falsely in newspaper advertisements and catalogs that the "Wisconsin 4-Cycle Gas Driven Engine Generating Plant" and all its parts were Government surplus property; that it cost the U.S. Government $548 and purchasers saved the difference between that and their price of $249; that excessive amounts were the usual selling prices for a "Reduction Unit", a "3 HP AC Motor", and a "Briggs & Stratton 4-Cycle Air-Cooled Gasoline Engine", and that their lower prices afforded savings to purchasers; and that said products were fully guaranteed.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Roberts Electric Company, a corporation, and its officers, and Robert Boos, individually, and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of respondents' electric generators, gas and electric motors, air compressors or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, that:

(a) Said products, or any parts or components thereof, are surplus government property or were secured from any other governmental or private source, unless such is the fact.

(b) The United States Government, or any other governmental agency or former owner, paid or is paying for said products any amount greater than is the fact.

(c) Any amount is respondents' customary and usual price for said merchandise when such amount is in excess of the price at which said merchandise is customarily and usually sold by respondents in the recent, regular course of business.

(d) Any saving from respondents' selling price is afforded to the purchasers of respondents' merchandise, unless the price at which it is offered constitutes a reduction from the price at which said merchandise has been customarily and usually sold by respondents in the recent, regular course of business.

(e) Any product is guaranteed unless the terms and conditions of the said guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously set forth.

2. Using the words "regular," or "reg.," or any other words or terms of similar import or meaning, to describe or refer to respondents' prices for said merchandise unless such prices constitute the prices at which the advertised merchandise has been sold by respondents in the recent, regular course of business.

3. Misrepresenting, in any manner, the amount of savings available to purchasers of respondents' merchandise or the amounts by which the prices of said merchandise are reduced from the prices at which said merchandise is customarily and usually sold in the recent regular course of business.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 17, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–1373; Filed, Feb. 9, 1962; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33–4445 (34–6721)]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Distribution by Broker-Dealers of Unregistered Securities

Recent decisions of the courts and of the Securities and Exchange Commission have raised important questions concerning the standards of conduct expected of a registered broker-dealer in connection with the distribution to the public of substantial blocks of unregistered securities, particularly in situations where the securities are those of relatively obscure and unseasoned companies and where all of the circumstances surrounding the proposed distribution are not known to the broker-dealer.[1] Particularly significant are the following: What steps the broker-dealer should take to make sure that he is not participating in an illegal distribution in violation of section 5 of the Securities Act of 1933? What investigation he should make concerning the issuer in order to avoid violations of the anti-fraud provisions of the Federal securities laws in the course of the distribution, and particularly section 17 of the Securities Act and section 10(b) of the Securities Exchange Act and Rule 10b–5 (17 CFR 240.10b–5) thereunder?

In view of certain apparent misconceptions with regard to the responsibilities of a broker-dealer under these circumstances, it seems appropriate to set forth for the guidance of the industry and the bar certain standards that the Commission believes applicable.

With regard to the registration requirements of the Securities Act of 1933, certain basic principles should be borne in mind. In the first place, section 5 of the Securities Act of 1933 broadly prohibits the use of the mails or facilities of interstate commerce to sell a security unless a registration statement is in effect. A dealer or other person claiming the benefit of an exemption from this requirement has the burden of proving entitlement to it.[2] Where unregistered securities are offered to a dealer for distribution, exemption is commonly claimed under the first and third clauses of section 4(1) of the Securities Act which, speaking generally, exempt transactions not involving any distribution by, or for an issuer or for a person controlling, controlled by, or under common control with the issuer. Consequently, in order for this exemption to be available, a dealer must not be participating directly or indirectly in any such distribution. He may become such a participant even if he has no direct contractual relationship or privity with an issuer or person in a control relationship if he, in fact, engaged in steps necessary to such a distribution.[3] Section 4(1) exempts trading transactions between individual investors with respect to securities already issued. It does not exempt distributions by issuers or control persons or acts of other individuals who engage in steps necessary to such distributions.[4] Consequently, a dealer who offers to sell, or is asked to sell a substantial amount of securities must take whatever steps are necessary to be sure that this is a transaction not involving an issuer, person in a control relationship with an issuer or an underwriter. For this purpose, it is not sufficient for him merely to accept "self-serving statements of his sellers and their counsel without reasonably exploring the possibility of contrary facts."[5]

The amount of inquiry called for necessarily varies with the circumstances of particular cases. A dealer who is offered a modest amount of a widely traded security by a responsible customer, whose lack of relationship to the issuer is well known to him, may ordinarily proceed with considerable confidence. On the other hand, when a dealer is offered a substantial block of a little-known security, either by persons who appear reluctant to disclose exactly where the securities came from, or where the surrounding circumstances raise a question as to whether or not the obstensible sellers may be merely intermediaries for controlling persons or statutory underwriters, then searching inquiry is called for.

The problem becomes particularly acute where substantial amounts of a previously little-known security appear in the trading markets within a fairly short period of time and without the benefit of registration under the Securities Act of 1933. In such situations, it must be assumed that these securities emanate from the issuer or from persons controlling the issuer, unless some other source is known and the fact that the certificates may be registered in the names of various individuals could merely indicate that those responsible for the distribution are attempting to cover their tracks.

In United States v. Crosby,[6] the court found persuasive the contention of defendant dealers that, in selling large blocks of unregistered stock of Texas-Adams Oil Co., Inc., in reliance on a legal opinion based upon incomplete facts, they were "doing business as usual" and, to their best knowledge, according to acceptable standards. The court perhaps found this argument persuasive in the context of that criminal conspiracy trial, since no evidence to the contrary was before it. The experience of the Commission, however, clearly demonstrates that the conduct of these dealers did not meet acceptable standards. Not only did the transactions in fact violate section 5 of the Securities Act, as the court found, but the surrounding circumstances made such violations altogether likely. Shortly after the transfer of control of Texas-Adams to a small group of related persons, large blocks of unregistered stock commenced to appear in the market, accompanied by a drumfire of optomistic publicity from the management, obviously designed to keep the price of the stock up. In such situations, responsible dealers, aware that they have the burden of proving the availability of an exemption,[7] and confronted with both an absolute liability to buyers under section 12(1) of the Securities Act, and with the possibility of civil, administrative, or criminal proceedings—proceed with far more caution than was displayed in the Texas-Adams case, and the Commission expects, and will continue to expect, all dealers to do so. It was up to these dealers to make an appropriate investigation as to who their seller was[8] and not simply to rely upon the opinion of the seller's attorney that no control relationship existed.

There have been a number of cases in which dealers have unsuccessfully sought to justify a claim to exemption under section 4(1) of the Securities Act simply by securing from the sellers, actual or ostensible, representations that such persons are neither officers, directors, nor large stockholders of the issuer, and submitting such representations to an attorney who then gives an opinion to the effect that, assuming the correctness of such representations, exemption under section 4(1) is available. Obviously, an attorney's opinion based upon hypothetical facts is worthless if the facts are not as specified, or if unspecified but vital facts are not considered. Because of this, it is the practice of responsible counsel not to furnish an opinion concerning the availability of an exemption from registration under

[1] United States v. Francis Peter Crosby, 294 F. 2d 928 (C.A. 2, 1961); SEC v. Culpepper, 270 F. 2d 241 (C.A. 2, 1959); Gilligan, Will & Co. v. SEC, 257 F. 2d 461 (C.A. 2, 1958); SEC v. Mono-Kearsarge et al., 167 F. Supp. 348 (D. Utah, 1958); Barnett & Co., SEA Rel. 6310; Best Securities, SEA Rel. 6282.

[2] SEC v. Ralston Purina, 346 U.S. 119 (1953); Gilligan, Will & Co. v. SEC, supra note 1; SEC v. Culpepper, supra note 1; and Edwards v. United States, 312 U.S. 473 (1941).

[3] SEC v. Culpepper, supra note 1.

[4] SEC v. Chinese Consolidated Benevolent Association, 120 F. 2d 738 (1941), cert. denied, 314 U.S. 612; SEC v. Culpepper, supra note 1.

[5] SEC v. Culpepper, supra note 1. See also SEC v. Mono-Kearsarge Consolidated Mining Co., supra note 1.

[6] Supra note 1.

[7] Ralston-Purina supra note 2. Gilligan, Will, supra note 1; SEC v. Culpepper, supra note 1.

[8] The seller turned out to be a nominee for the controlling group and the brother-in-law of one of them.

the Securities Act for a contemplated distribution unless such counsel have themselves carefully examined all of the relevant circumstances and satisfied themselves, to the extent possible, that the contemplated transaction is, in fact, not a part of an unlawful distribution. Indeed, if an attorney furnishes an opinion based solely upon hypothetical facts which he has made no effort to verify, and if he knowns that his opinion will be relied upon as the basis for a substantial distribution of unregistered securities, a serious question arises as to the propriety of his professional conduct.[9]

A broker-dealer undertaking the sale of a block of securities under the circumstances referred to herein has the further problem of avoiding conduct which will violate the antifraud provisions of the Federal securities laws. In making such a distribution, he will probably find it necessary, or at least desirable, to recommend purchase of the security by his customers. The Commission has, however, repeatedly held that it is a violation of the antifraud provisions for a broker-dealer to recommend a security unless there is an adequate and reasonable basis for the recommendations [10] and, further, that such recommendations should not be made without disclosure of facts known or reasonably ascertainable, bearing upon the justification for the recommendation.[11] As indicated, the making of recommendations for the purchase of a security implies that the dealer has a reasonable basis for such recommendations which, in turn, requires that, as a prerequisite, he shall have made a reasonable investigation. In addition, if such a dealer lacks essential information about the issuer, such as knowledge of its financial condition, he must disclose this lack of knowledge and caution customers as to the risk involved in purchasing the securities without it.[12]

In view of the foregoing principles, it would appear that if a dealer undertakes the retail distribution of a block of securities without obtaining reliable information concerning the issuer, there is a substantial risk that he will violate the antifraud provisions of the securities laws, either by making recommendations without an adequate basis or by failing to disclose the absence of available information. Indeed, a serious question arises as to whether a dealer who undertakes an aggressive retail distribution to individuals of an obscure, unregistered security, with regard to which reliable information is not readily available, can meet his obligation to treat customers fairly and in accordance with the standards of the profession.[13] The mere fact that a security may allegedly be exempt from the registration requirements of the Securities Act of 1933 does not relieve a dealer of these obligations. On the contrary, it may increase his responsibilities, since neither he nor his customers receive the protection which registration under the Securities Act is designed to provide.

[SEAL] ORVAL L. DUBOIS,
Secretary.

FEBRUARY 2, 1962.

[F.R. Doc. 62-1381; Filed, Feb. 9, 1962; 8:46 a.m.]

[9] In United States v. Crosby, supra note 1, the court appears to have regarded the giving of such opinions as significant evidence supporting a jury finding that an attorney was guilty as a coconspirator.

[10] Leonard Burton, SEA Rel. 5798; Barnett & Co., supra note 1. MacRobbins & Co., SEA Rel. 6462; Midland Securities Inc., SEA Rel. 6524.

[11] Leonard Burton, supra note 10; Best Securities, supra note 1.

[12] MacRobbins & Co., Inc., supra note 10.

[13] Best Securities, supra note 1.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYSORBATE 80

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by The Upjohn Company, 7000 Portage Road, Kalamazoo, Michigan, and other relevant material, has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive polysorbate 80 as an emulsifier in caloric dietary supplements. Therefore, pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1009(c) of the food additive regulations (21 CFR 121.1009; 26 F.R. 4739, 5036, 5254, 8283, 9856) is amended by adding thereto a new subparagraph (6), reading as follows:

§ 121.1009 Polysorbate 80 (polyoxyethylene (20) sorbitan monooleate).

* * * * *

(c) * * *

(6) In special dietary foods, as an emulsifier for edible oils, with directions for use which provide for the ingestion of not to exceed 360 milligrams of polysorbate 80 per day.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 6, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-1388; Filed, Feb. 9, 1962; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact with Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having reviewed comments submitted by the following firms and other relevant material, has concluded that certain changes in the text of § 121.2514 are needed to clarify the order:

Can Manufacturers Institute, Inc., 821 15th Street NW., Washington 5, D.C.
National Paint, Varnish and Lacquer Association, Inc., 1500 Rhode Island Avenue, NW., Washington 5, D.C.
Interchemical Corp., P.O. Box 659, Newark 1, N.J.
Owens-Illinois Technical Center, 1700 North Westwood, Toledo, Ohio.
Esso Research and Engineering Co., P.O. Box 111, Linden, N.J.
W. R. Grace & Co., Dewey and Almy Chemical Division, Cambridge, Mass.
American Can Co., 100 Park Avenue, New York, N.Y.
Stoner-Mudge Co., 2000 Westhall Street, Pittsburgh, Pa.
The Glidden Co., 900 Union Commerce Building, Cleveland, Ohio.
Firestone Plastics Co., P.O. Box 600, Pottstown, Pa.
Enjay Chemical Co., 15 West 51st Street, New York, N.Y.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2514 (21 CFR 121.2514; 26 F.R. 7668) is amended as follows:

1. Section 121.2514(b)(3) is amended to read:

§ 121.2514 Resinous and polymeric coatings.

* * * * *

(b) * * *

(3) Any substance employed in the production of resinous and polymeric coatings that is the subject of a regulation in this subpart F conforms with any specification in such regulation, and any substance that is not the subject of a regulation in this subpart F conforms with the specification, if any, provided in an order extending the effective date of the statute for such substance as an indirect additive to food. Substances named in this subparagraph and further identified as required:

2. Paragraph (b)(3)(xv) is amended by deleting the item "Maleic acid ester of glycerol" and substituting therefor the words "Methyl, ethyl, propyl, butyl, amyl, hexyl, heptyl, or octyl esters of maleic acid."

3. Paragraph (b)(3)(xxv) is amended by deleting the words "*N,N'*-Distearyl ethylenediamine" and substituting therefor the item "*N,N'*-Distearoyl ethylenediamine".

4. Paragraph (b)(3)(xxxi) is amended by deleting the item "di-Pentamethylene thiuram disulfide" and substituting therefor the item "di-Pentamethylene thiuram tetrasulfide."

5. Paragraph (c) is amended to read as follows:

(c) The coating in the finished form in which it is to contact food, when extracted with the solvent or solvents characterizing the type of food, and under conditions of time and temperature characterizing the conditions of its intended use as determined from Tables 1 and 2 of paragraph (d) of this section, shall yield chloroform-soluble extractives, corrected for zinc extractives as zinc oleate, not to exceed the following:

(1) From a coating intended for or employed as a component of a container not to exceed 1 gallon and intended for one-time use, not to exceed 0.5 milligram per square inch nor to exceed that amount as milligrams per square inch that would equal 0.005 percent of the water capacity of the container, in milligrams, divided by the area of the food-contact surface of the container in square inches. From a fabricated container conforming with the description in this subparagraph, the extractives shall not exceed 0.5 milligram per square inch of food-contact surface nor exceed 50 parts per million of the water capacity of the container as determined by the methods provided in paragraph (e) of this section.

(2) From a coating intended for or employed as a component of a container having a capacity in excess of 1 gallon and intended for one-time use, not to exceed 1.8 milligrams per square inch nor to exceed that amount as milligrams per square inch that would equal 0.005 percent of the water capacity of the container in milligrams, divided by the area of the food-contact surface of the container in square inches.

(3) From a coating intended for or employed as a component of a container for repeated use of continuous service, not to exceed 18 milligrams per square inch nor to exceed that amount as milligrams per square inch that would equal 0.005 percent of the water capacity of the container in milligrams, divided by the area of the food-contact surface of the container in square inches.

(4) From coating intended for repeated use or continuous service, and employed other than as a component of a container, not to exceed 18 milligrams per square inch of coated surface.

6a. Paragraph (d) is amended by changing items I and II in Table 1 to read:

I. Nonacid (pH above 5.0), aqueous products; may contain salt or sugar or both, and including oil-in-water emulsions of low- or high-fat content.
II. Acidic (pH 5.0 or below), aqueous products; may contain salt or sugar or both, and including oil-in-water emulsions of low- or high-fat content.

b. Paragraph (d) is further amended by changing the title of Table 2 to read: "Table 2—Test procedures for determining the amount of extractives from resinous or polymeric coatings, using solvents simulating types of foods and beverages"; by inserting in Table 2, item A, food types I, IV–B, in the column under "Extractant Heptane [1 2] Time and temperature," the words "150° F., 2 hr"; and by changing footnote 2 under Table 2 to read: "[2] Heptane extractivity results must be divided by a factor of five in arriving at the extractivity for a food product."

7. Paragraph (e) *Analytical methods* is amended by inserting the following note preceding subparagraph (5):

NOTE: The tests specified in subparagraph (4)(i) through (xvii) of paragraph (e) are applicable to flexible packages consisting of coated metal contacting food, in which case the closure end is double-folded and clamped with metal spring clips by which the package can be suspended.

8. Paragraph (e)(3) is amended by changing the phrase "⅛-inch x ¼-inch" to read, "⅛-inch—¼-inch".

9a. In paragraph (e)(4)(i) through (xvii), inclusive, the last sentence in each subdivision is changed to read: "Proceed with the determination of the amount of extractives by the method described in subparagraph (5) of this paragraph."

b. In paragraph (e)(4)(vi), the word "baker" in the eleventh line is changed to read "beaker".

10. Paragraph (e)(5) is changed to read:

(5) *Determination of amount of extractives*—(i) *Total residues.* Evaporate the food-simulating solvents from subparagraph (4)(i) to (xvii), inclusive, of this paragraph to about 100 milliliters in the Pyrex flask and transfer to a clean, tared platinum dish, washing the flask three times with the solvent used in the extraction procedure, and evaporate to a few milliliters on a nonsparking low-temperature hotplate. The last few milliliters should be evaporated in an oven maintained at a temperature of 212° F. Cool the platinum dish in a desiccator for 30 minutes and weigh the residue to the nearest 0.1 milligram (*e*). Calculate the extractives in milligrams per square inch and in parts per million for the particular size of container being tested and for the specific food-simulating solvent used.

(*a*) *Water and 8-percent alcohol.*

Milligrams extractives per square inch = $\frac{e}{s}$.

Extractives residue = $Ex = \frac{(e)(a)(1000)}{(c)(s)}$.

(*b*) *Heptane.*

Milligrams extractives per square inch = $\frac{e}{(s)(F)}$.

Extractives residue = $Ex = \frac{(e)(a)(1000)}{(c)(s)(F)}$.

Where:
Ex = Extractives residue in parts per million for any container size.
e = Milligrams extractives per sample tested.
a = Total coated area, including closure, in square inches.
c = Water capacity of container, in grams.
s = Surface of coated area tested, in square inches.
F = Five, the ratio of the amount of extractives removed from a coated container by heptane under exaggerated time-temperature test conditions compared to the amount extracted by a fat or oil from a container tested under exaggerated conditions of thermal sterilization and use.
e' = Chloroform-soluble extractives residue.
ee' = Zinc corrected chloroform-soluble extractives residue.

e' or *ee'* is substituted for *e* in the above formulas when necessary.

If when calculated by the formulas in (*a*) and (*b*) of this subdivision, the concentration of extractives residue (*Ex*) exceeds 50 parts per million or the extractives in milligrams per square inch exceed the limitations prescribed in paragraph (c) of this section for the particular container size, proceed to subdivision (ii) of this subparagraph (method for determining the amount of chloroform-soluble extractives residue).

(ii) *Chloroform-soluble extractives residue.* Add 50 milliliters of chloroform (freshly distilled reagent grade or a grade having an established consistently low blank) to the dried and weighed residue, (*e*), in the platinum dish, obtained in subdivision (i) of this subparagraph. Warm carefully, and filter through Whatman No. 41 filter paper in a Pyrex funnel, collecting the filtrate in a clean, tared platinum dish. Repeat the chloroform extraction, washing the filter paper with this second portion of chloroform. Add this filtrate to the original filtrate and evaporate the total down to a few milliliters on a low-temperature hotplate. The last few milliliters should be evaporated in an oven maintained at 212° F. Cool the platinum dish in a desiccator for 30 minutes and weigh to the nearest 0.1 milligram to get the chloroform-soluble extractives residue (*e'*). This *e'* is substituted for *e* in the formulas in (*a*) and (*b*) of subdivision (i) of this subparagraph. If the concentration of extractives (*Ex*) still exceeds 50 parts per

million or the extractives in milligrams per square inch exceed the limitations prescribed in paragraph (c) of this section for the particular container size, proceed as follows to correct for zinc extractives ("C" enamels only): Ash the residue in the platinum dish by heating gently over a Meeker-type burner to destroy organic matter and hold at red heat for about 1 minute. Cool in the air for 3 minutes, and place the platinum dish in the desiccator for 30 minutes and weigh to the nearest 0.1 milligram. Analyze this ash for zinc by standard Association of Official Agricultural Chemists methods or equivalent. Calculate the zinc in the ash as zinc oleate, and subtract from the weight of chloroform-soluble extractives residue (*e'*) to obtain the zinc-corrected chloroform-soluble extractives residue (*ee'*). This *ee'* is substituted for e in the formulas in (*a*) and (*b*) of subdivision (i) of this subparagraph.

To comply with the limitations in paragraph (c) of this section, the chloroform-soluble extractives residue (but after correction for zinc extractives in case of "C" enamels) must not exceed 50 parts per million and must not exceed in milligrams per square inch the limitations for the particular article as prescribed in paragraph (c)(1) of this section.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments serve only to clarify and interpret existing regulations.

Effective date. These amendments shall become effective upon publication of this order in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 6, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-1390; Filed, Feb. 9, 1962; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

FILTERS, RESIN-BONDED

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Johnson and Johnson, 4949 West 65th Street, Chicago 38, Illinois, and The Kendall Company, Walpole, Massachusetts, and other relevant material, has concluded that the following order should issue with respect to resin-bonded filters intended for use in filtering milk and edible oils. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Subpart F of the food additive regulation (21 CFR Part 121) is amended by adding thereto the following new section.

§ 121.2536 Filters, resin-bonded.

Resin-bonded filters may be safely used in producing, manufacturing, processing, and preparing food, subject to the provisions of this section.

(a) Resin-bonded filters are prepared from natural or synthetic fibers to which have been added substances required in their preparation and finishing, and which are bonded with resins prepared by condensation or polymerization of resin-forming materials, together with adjuvant substances required in their preparation, application, and curing.

(b) The quantity of any substance employed in the production of the resin-bonded filter does not exceed the amount reasonably required to accomplish the intended physical or technical effect or any limitation further provided.

(c) Any substance employed in the production of resin-bonded filters that is the subject of a regulation in this Subpart F of this part conforms with any specification in such regulation, and any substance that is not the subject of a regulation in such subpart conforms with the specification, if any, provided by an order extending the effective date of the statute for such substance as an indirect additive to food.

(d) Substances employed in the production of resin-bonded filters include the following, subject to any limitations provided:

List of Substances and Limitations

(1) *Fibers:*
Cotton.
Nylon. (From nylon resins complying with the provisions of applicable regulations in Subpart F.)
Rayon (viscose).
(2) *Substances employed in fiber finishing:*
Titanium dioxide.
Oleic acid.
Sodium oleate.
(3) *Resins:*
Polyvinyl alcohol.
Polyvinyl alcohol with the copolymer of acrylic acid-allyl sucrose.
Polyvinyl alcohol with melamine formaldehyde.
Polyvinyl acetate with melamine formaldehyde.
(4) *Adjuvant substances:*
Dimethyl polysiloxane with methylcellulose and sorbic acid. (As an antifoaming agent.)
Phosphoric acid.
Polysorbate 80.

(e) Resin-bonded filters conforming with the specifications of subparagraph (1) of this paragraph are used as provided in subparagraph (2) of this paragraph:

(1) *Total extractives:* The finished filter, when exposed to distilled water at 100° F. for 2 hours, yields total extractives not to exceed 2.8 percent by weight of the filter.

(2) *Conditions of use:* It is used to filter milk at operating temperatures not to exceed 100° F.

(f) Resin-bonded filters conforming with the specifications of subparagraph (1) of this paragraph are used as provided in subparagraph (2) of this paragraph:

(1) *Total extractives:* The finished filter, when exposed to distilled water at 145° F. for 2 hours, yields total extractives not to exceed 4.0 percent by weight of the filter.

(2) *Conditions of use:* It is used to filter milk at operating temperatures not to exceed 145° F.

(g) Resin-bonded filters conforming with the specifications of subparagraph (1) of this paragraph are used as provided in subparagraph (2) of this paragraph.

(1) *Total extractives:* The finished filter, when exposed to *n*-hexane at reflux temperature for 2 hours yields total extractives not to exceed 0.2 percent by weight of the filter.

(2) *Conditions of use:* It is used to filter edible oils.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 29, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-1389; Filed, Feb. 9, 1962; 8:48 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

PART 784—PROVISIONS OF THE FAIR LABOR STANDARDS ACT APPLICABLE TO FISHING AND OPERATIONS ON AQUATIC PRODUCTS

Revision

Part 784 of Chapter V, Title 29 of the Federal Regulations, is hereby revised in the manner indicated below in order to adapt it to the Fair Labor Standards Amendments of 1961 (Pub. LAW 87-30).

As this revision is concerned solely with interpretative rules, neither public procedure nor delay in the effective date is required by section 4 of the Administrative Procedure Act, and it will become effective upon publication in the FEDERAL REGISTER.

As revised, 29 CFR Part 784 reads as follows:

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784.18 Basic coverage in general.
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AUTHORITY: §§ 784.0 to 784.159 issued under secs. 1-19 52 Stat. 1060, as amended; 75 Stat. 65; 29 U.S.C. 201-219.

Subpart A—General

INTRODUCTORY

§ 784.0 Purpose.

It is the purpose of this part to provide an official statement of the views of the Department of Labor with respect to the application and meaning of those provisions of the Fair Labor Standards Act which govern rights and obligations of employees and employers in the various enterprises engaged in fishing and related activities and in operations on aquatic products. The application of the Act to employment in such enterprises was broadened by amendments effective September 3, 1961. Under the amended Act, a substantial number of employees employed in the processing (other than canning), marketing, freezing, curing, storing, packing for shipment, or distributing of fish, shellfish, or other aquatic forms of animal or vegetable life and their by-products will be subject to its minimum wage provisions for the first time. Also, certain employers engaged in some of these activities may have employees who are newly subject to the Act under the amendments extending coverage to employees employed in specified enterprises engaged in commerce or in the production of goods for commerce. An exemption from minimum wages as well as overtime pay has been extended by the 1961 amendments to certain employees employed in canning of marine products at sea. It is an objective of this part to make available in one place, for the information of those who may be concerned with these and related provisions of the law, the official interpretations of such provisions by which the Department of Labor will be guided in carrying out its responsibilities under the Act.

§ 784.1 General scope of the Act.

The Fair Labor Standards Act, as amended, is a Federal statute of general application which establishes minimum wage, overtime pay, and child labor requirements that apply as provided in the Act. Employers and employees in enterprises engaged in fishing and related activities, or in operations on aquatic products on shore, need to know how the Act applies to employment in these enterprises so that they may understand their rights and obligations under the law. All employees whose employment has the relationship to interstate or foreign commerce which the Act specifies are subject to the prescribed labor standards unless specifically exempted from them. Employers having such employees are required to comply with the Act's provisions in this regard and with specified record-keeping requirements con-

tained in Part 516 of this chapter. The law authorizes the Department of Labor to investigate for compliance and, in the event of violations, to supervise the payment of unpaid minimum wages or unpaid overtime compensation owing to any employee. The law also provides for enforcement in the courts.

§ 784.2 Matters discussed in this part.

This part discusses generally the provisions of the Act which govern its application to employers and employees in enterprises and establishments of the fisheries, seafood processing, and related industries. It discusses in some detail those exemption provisions of the Act in sections 13(a)(5) and 13(b)(4) which refer specifically to employees employed in described activities with respect to seafood and other forms of aquatic life.

§ 785.3 Matters discussed in other interpretations.

Interpretations having general application to others subject to the law, as well as to fishermen and seafood canners, processors, or distributors and their employees, have been issued on a number of subjects of general interest. These will be found in other parts of this chapter. Reference should be made to them for guidance on matters which they discuss in detail, which this part does not undertake to do. They include Part 777 of this chapter, discussing methods of payment of wages; Part 778 of this chapter, discussing computation and payment of overtime compensation; Part 785 of this chapter, discussing the calculation of hours worked; Part 791 of this chapter, discussing joint employment relationships; and Part 776 of this chapter, discussing the general coverage provisions of the Act. Reference should also be made to Subpart G of Part 4 of this title, which contains the official interpretations of the child labor provisions of the Act.

§ 784.4 Significance of official interpretations.

The regulations in this part contain the official interpretations of the Department of Labor pertaining to the exemptions provided in sections 13(a)(5) and 13(b)(4) of the Fair Labor Standards Act of 1938, as amended. It is intended that the positions stated will serve as "a practical guide to employers and employees as to how the office representing the public interest in its enforcement will seek to apply it" (Skidmore v. Swift, 323 U.S. 134, 138). These interpretations indicate the construction of the law which the Secretary of Labor and the Administrator believe to be correct and which will guide them in the performance of their duties under the Act, unless and until they are otherwise directed by authoritative decisions of the courts or conclude upon the re-examination of an interpretation that it is incorrect. The interpretations contained herein may be relied upon in accordance with section 10 of the Portal-to-Portal Act (29 U.S.C. 251–262), so long as they remain effective and are not modified, amended, rescinded, or determined by judicial authority to be incorrect.

§ 784.5 Basic support for interpretations.

The ultimate decisions on interpretations of the Act are made by the courts (Mitchell v. Zachry, 362 U.S. 310; Kirschbaum v. Walling, 316 U.S. 517). Court decisions supporting interpretations contained in this part are cited where it is believed they may be helpful. On matters which have not been determined by the courts, it is necessary for the Secretary of Labor and the Administrator to reach conclusions as to the meaning and the application of provisions of the law in order to carry out their responsibilities of administration and enforcement (Skidmore v. Swift, 323 U.S. 134). In order that these positions may be made known to persons who may be affected by them, official interpretations are issued by the Administrator on the advice of the Solicitor of Labor, as authorized by the Secretary (Reorganization Plan 6 of 1950, 64 Stat. 1263; Gen. Ord. 45A, May 24, 1950; 15 F.R. 3290). As included in the regulations in this part, these interpretations are believed to express the intent of the law as reflected in its provisions and as construed by the courts and evidenced by its legislative history. References to pertinent legislative history are made in this part where it appears that they will contribute to a better understanding of the interpretations.

§ 784.6 Interpretations made, continued, and superseded by this part.

On and after publication of this Part 784 in the FEDERAL REGISTER, the interpretations contained therein shall be in effect and shall remain in effect until they are modified, rescinded or withdrawn. This part supersedes and replaces the interpretations previously published in the FEDERAL REGISTER and Code of Federal Regulations as Part 784 of this chapter. Prior opinions, rulings, and interpretations and prior enforcement policies which are not inconsistent with the interpretations in this part or with the Fair Labor Standards Act as amended by the Fair Labor Standards Amendments of 1961 are continued in effect; all other opinions, rulings, interpretations, and enforcement policies on the subjects discussed in the interpretations in this part are rescinded and withdrawn. The interpretations in this part provide statements of general principles applicable to the subjects discussed and illustrations of the application of these principles to situations that frequently arise. They do not and cannot refer specifically to every problem which may be met by employers and employees in the application of the Act. The omission to discuss a particular problem in this part or in interpretations supplementing it should not be taken to indicate the adoption of any position by the Secretary of Labor or the Administrator with respect to such problem or to constitute an administrative interpretation or practice or enforcement policy. Questions on matters not fully covered by this part may be addressed to the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D.C., or to any Regional Office of the Divisions.

SOME BASIC DEFINITIONS

§ 784.7 Definition of terms used in the Act.

The meaning and application of the provisions of law discussed in this part depend in large degree on the definitions of terms used in these provisions. The Act itself defines some of these terms. Others have been defined and construed in decisions of the courts. In the following sections some of these basic definitions are set forth for ready reference in connection with the part's discussion of the various provisions in which they appear. These definitions and their application are further considered in other interpretative bulletins to which reference is made, and in the sections of this part where the particular provisions containing the defined terms are discussed.

§ 784.8 "Employer", "employee", and "employ".

The Act's major provisions impose certain requirements and prohibitions on every "employer" subject to their terms. The employment by an "employer" of an "employee" is, to the extent specified in the Act, made subject to minimum wage and overtime pay requirements and to prohibitions against the employment of oppressive child labor. The Act provides its own definitions of "employer", "employee", and "employ", under which "economic reality" rather than "technical concepts" determines whether there is employment subject to its terms (Goldberg v. Whitaker House Cooperative, 366 U.S. 28; United States v. Silk, 331 U.S. 704; Rutherford Food Corp. v. McComb, 331 U.S. 722). An "employer", as defined in section 3(d) of the Act, "includes any person acting directly or indirectly in the interest of an employer in relation to an employee but shall not include the United States or any State or political subdivision of a State, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization". An "employee", as defined in section 3(e) of the Act, "includes any individual employed by an employer", and "employ", as used in the Act, is defined in section 3(g) to include "to suffer or permit to work". It should be noted, as explained in Part 791 of this chapter, dealing with joint employment, that in appropriate circumstances two or more employers may be jointly responsible for compliance with the statutory requirements applicable to employment of a particular employee. It should also be noted that "employer", "enterprise", and "establishment" are not synonymous terms, as used in the Act. An employer may have an enterprise with more than one establishment, or he may have more than one enterprise, in which he employs employees within the meaning of the Act. Also, there may be different employers who employ employees in a particular establishment or enterprise.

§ 784.9 "Person".

As used in the Act (including the definition of "enterprise" set forth below in § 784.10), "person" is defined as meaning "an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons" (Act, section 3(a)).

§ 784.10 "Enterprise".

The term "enterprise" which may, in some situations, be pertinent in determining coverage of this Act to employees employed by employers engaged in the procurement, processing, or distribution of aquatic products, is defined in section 3(r) of the Act. Section 3(r) states:

> Enterprise means the related activities performed (either through unified operation or common control) by any person or persons for a common business purpose, and includes all such activities whether performed in one or more establishments or by one or more corporate or other organizational units including departments of an establishment operated through leasing arrangements, but shall not include the related activities performed for such enterprise by an independent contractor • • •.

The scope and application of this definition is discussed in Part 776 of this chapter and in §§ 779.200–779.235 of this chapter.

§ 784.11 "Establishment".

As used in the Act (including the provision quoted below in § 784.12), the term "establishment", which is not specially defined therein, refers to a "distinct physical place of business" rather than to "an entire business or enterprise" which may include several separate places of business. This is consistent with the meaning of the term as it is normally used in business and in government, is judicially settled, and has been recognized in the Congress in the course of enactment of amendatory legislation (Phillips v. Walling, 324 U.S. 490; Mitchell v. Bekins Van & Storage Co., 352 U.S. 1027; 95 Cong. Rec. 12505, 12529, 14697; H. Rept. No. 1455, 81st Cong., 1st Sess., p. 25). This is the meaning of the term as used in sections 3(r), 3(s), and 6(b) of the Act.

§ 784.12 "Enterprise engaged in commerce or in the production of goods for commerce".

Portions of the definition of "enterprise engaged in commerce or in the production of goods for commerce" (Act, section 3(s)) which may in some situations determine the application of provisions of the Act to employees employed by employers engaged in the procurement, processing, or distribution of aquatic products are as follows:

> (s) "Enterprise engaged in commerce or in the production of goods for commerce" means any of the following in the activities of which employees are so engaged, including employees handling, selling, or otherwise working on goods that have been moved in or produced for commerce by any person:
>
> • • • • •
>
> (2) any establishment of any such enterprise • • • which has employees engaged in commerce or in the production of goods for commerce if the annual gross volume of sales of such enterprise is not less than $[amount].
>
> • • • • •
>
> Provided, That an establishment shall not be considered to be an enterprise engaged in commerce or in the production of goods for commerce, or a part of an enterprise engaged in commerce or in the production of goods for commerce, and the sales of such establishment shall not be included for the purpose of determining the annual gross volume of sales of any enterprise for the purpose of this subsection, if the only employees of such establishment are the owner thereof or persons standing in the relationship of parent, spouse, or child of such owner.

The application of this definition is considered in Part 776 of this chapter.

§ 784.13 "Commerce".

"Commerce" as used in the Act includes interstate and foreign commerce. It is defined in section 3(b) of the Act to mean "trade, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof." (For the definition of "State", see § 784.16.) The application of this definition and the kinds of activities which it includes are discussed at length in Part 776 of this chapter dealing with the general coverage of the Act.

§ 784.14 "Production".

To understand the meaning of "production" of goods for commerce as used in the Act it is necessary to refer to the definition in section 3(j) of the term "produced". A detailed discussion of the application of the term as defined is contained in Part 776 of this chapter, dealing with the general coverage of the Act. Section 3(j) provides that "produced" as used in the Act "means produced, manufactured, mined, handled, or in any other manner worked on in any State; and for the purposes of this Act an employee shall be deemed to have been engaged in the production of goods if such employee was employed in producing, manufacturing, mining, handling, transporting, or in any other manner working on such goods, or in any closely related process or occupation directly essential to the production thereof, in any State." (For the definition of "State" see § 784.16.)

§ 784.15 "Goods".

The definition in section 3(i) of the Act states that "goods", as used in the Act, means "goods (including ships and marine equipment), wares, products, commodities, merchandise, or articles or subjects of commerce of any character, or any part or ingredient thereof, but does not include goods after their delivery into the actual physical possession of the ultimate consumer thereof other than a producer, manufacturer, or processor thereof." Part 776 of this chapter, dealing with the general coverage of the Act, contains a detailed discussion of the application of this definition and what is included in it.

§ 784.16 "State".

As used in the Act, "State" means "any State of the United States or the District of Columbia or any Territory or possession of the United States" (Act, section 3(c)). The application of this definition in determining questions of coverage under the Act's definition of "commerce" and "produced" (see §§ 784.13, 784.14) is discussed in Part 776 of this chapter, dealing with general coverage.

§ 784.17 "Regular rate".

As explained in Part 778 of this chapter, dealing with overtime compensation, employees subject to the overtime pay provisions of the Act must generally receive for their overtime work in any workweek as provided in the Act not less than one and one-half times their regular rates of pay. Section 7(d) of the Act defines the term "regular rate" "to include all remuneration for employment paid to, or on behalf of, the employee" except certain payments which are expressly described in and excluded by the statutory definition. This definition, which is discussed at length in Part 778 of this chapter, determines the regular rate upon which time and one-half overtime compensation must be computed under section 7(a) of the Act for employees within its general coverage who are not exempt from the overtime provisions under either of the fishery and seafood exemptions provided by sections 13(a)(15) and 13(b)(4) or under some other exemption contained in the Act. It should be noted that if such an employee is not himself engaged in commerce or in the production of goods for commerce as defined by the Act and in the courts, and is within the Act's coverage only by reason of his employment in an enterprise engaged in commerce or in the production of goods for commerce, under the amendments to the Act effective on September 3, 1961, there is no obligation to pay overtime to him until September 3, 1963, as explained below in § 784.25.

APPLICATION OF COVERAGE AND EXEMPTION PROVISIONS OF THE ACT

§ 784.18 Basic coverage is general.

Except as otherwise provided in specific exemptions, the minimum wage, overtime pay, and child labor standards of the Act are generally applicable to employees who engage in specified activities concerned with interstate or foreign commerce. The employment of oppressive child labor in or about establishments producing goods for such commerce is also restricted by the Act. Beginning on September 3, 1961, the monetary and child labor standards of the Act are also generally applicable to other employees, not specifically exempted, who are employed in specified enterprises engaged in such commerce or in the production of goods for such commerce. The monetary standards applicable to all the foregoing employees, covered under the provisions discussed below in §§ 784.19 and 784.20, are explained subsequently in §§ 784.23 to 784.25 of this Subpart A. The employer must observe these monetary standards with respect to all such employees in his employ except those who may be denied one or both of these benefits by virtue of some specific exemption provision of the Act, such as section 13(a)(5) or 13(b)(4). It should be noted that enterprises having employees subject to these exemptions may also have other employees who may be exempt under section 13(a)(1) of the Act, subject to conditions

specified in regulations, as employees employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman. The regulations governing these exemptions are set forth and explained in Part 541 of this chapter.

§ 784.19 Commerce activities of employees.

The Fair Labor Standards Act has applied since 1938 to all employees, not specifically exempted, who are engaged (a) in interstate or foreign commerce or (b) in the production of goods for such commerce, which is defined to include any closely related process or occupation directly essential to such production (29 U.S.C. 206(a), 207(a); and see §§ 784.13 to 784.16 for definitions governing the scope of this coverage). The Act as amended in 1961 continues this coverage. In general, employees of businesses concerned with fisheries and with operations on seafood and other aquatic products are engaged in interstate or foreign commerce, or in the production of goods for such commerce, as defined in the Act, and are subject to the Act's provisions except as otherwise provided in sections 13(a)(5) and 13(b)(4) or other express exemptions. A detailed discussion of the activities in commerce or in the production of goods for commerce which will bring an employee under the Act is contained in Part 776 of this chapter, dealing with general coverage.

§ 784.20 Commerce activities of enterprise in which employee is employed.

Under amendments to the Fair Labor Standards Act, effective September 3, 1961 (Pub. Law 87–30, 75 Stat. 65), employees not covered by reason of their personal engagement in interstate commerce activities, as explained in § 784.19, are nevertheless brought within the coverage of the Act if they are employed in an enterprise which is defined in section 3(s) of the Act as an enterprise engaged in commerce or in the production of goods for commerce, or by an establishment described in section 3(s)(3) of the Act (see § 784.12.) Such employees, if not exempt from minimum wages and overtime pay under section 13(a)(5) or exempt from overtime pay under section 13(b)(4), will have to be paid in accordance with these monetary standards of the Act unless expressly exempt under some other provision. This would generally be true of employees employed in enterprises and by establishments engaged in the procurement, processing, marketing or distribution of seafood and other aquatic products, where the enterprise has an annual gross sales volume of $1,000,000 or more. Enterprise coverage is more fully discussed in Part 776 of this chapter, dealing with general coverage.

§ 784.21 Exemptions from the Act's provisions.

The Act provides a number of specific exemptions from the general requirements previously described. Some are exemptions from the overtime provisions only. Others are from the child labor provisions only. Several are exemptions from both the minimum wage and the overtime requirements of the Act. Finally, there are some exemptions from all three—minimum wage, overtime pay, and child labor requirements. An examination of the terminology in which the exemptions from the general coverage of the Fair Labor Standards Act are stated discloses language patterns which reflect congressional intent. Thus, Congress specified in varying degree the criteria for application of each of the exemptions and in a number of instances differentiated as to whether employees are to be exempt because they are employed by a particular kind of employer, employed in a particular type of establishment, employed in a particular industry, employed in a particular capacity or occupation, or engaged in a specified operation. (See 29 U.S.C. 203(d); 207 (b), (c), (h); 213 (a), (b), (c), (d). And see Addison v. Holly Hill, 322 U.S. 607; Mitchell v. Trade Winds, Inc., 289 F. 2d 278; Mitchell v. Stinson, 217 F. 2d 210.) In general, there are no exemptions from the child labor requirements that apply in enterprises or establishments engaged in fishing or in operations on aquatic products see Part 4, Subpart G of this Title). Such enterprises or establishments will, however, be concerned with the exemption from overtime pay in section 13(b)(4) of the Act for employees employed in specified "on-shore" operations (see § 784.101) and the exemption from minimum wages and overtime pay provided by section 13(a)(5) for employees employed in fishing, fish-farming, and other specified "off-shore" operations on aquatic products. These exemptions, which are subject to the general rules stated in § 784.22, are discussed at length in Subpart B of this Part 784.

§ 784.22 Guiding principles for applying coverage and exemption provisions.

It is clear that Congress intended the Fair Labor Standards Act to be broad in its scope. "Breadth of coverage is vital to its mission" (Powell v. U.S. Cartridge Co., 339 U.S. 497). An employer who claims an exemption under the Act has the burden of showing that it applies (Walling v. General Industries Co., 330 U.S. 545; Mitchell v. Kentucky Finance Co., 359 U.S. 290; Tobin v. Blue Channel Corp., 198 F. 2d 245, approved in Mitchell v. Myrtle Grove Packing Co., 350 U.S. 891; Fleming v. Hawkeye Pearl Button Co., 113 F. 2d 52). Conditions specified in the language of the Act are "explicit prerequisites to exemption" (Arnold v. Kanowsky, 361 U.S. 388). In their application, the purpose of the exemption as shown in its legislative history as well as its language should be given effect. However, "the details with which the exemptions in this Act have been made preclude their enlargement by implication" and "no matter how broad the exemption, it is meant to apply only to" the specified activities (Addison v. Holly Hill, 322 U.S. 607; Maneja V. Waialua, 349 U.S. 254). Exemptions provided in the Act "are to be narrowly construed against the employer seeking to assert them" and their application limited to those who come "plainly and unmistakably within their terms and spirit." This construction of the exemptions is necessary to carry out the broad objectives for which the Act was passed (Phillips v. Walling, 324 U.S. 490; Mitchell v. Kentucky Finance Co., supra; Arnold v. Kanowsky, supra; Calad v. Gonzalez, 127 F. 2d 934; Bowie v. Gonzalez, 117 F. 2d 11; Mitchell v. Stinson, 217 F. 2d 210; Fleming v. Hawkeye Pearl Button Co., 113 F. 2d 52).

§ 784.23 Minimum wages and overtime pay for "old" and "new" coverage.

Under the Act as amended in 1961, an employer may have some employees subject to its minimum wage, overtime pay, or child labor provisions who would be covered by such provisions under the "old" law even if the amendments had not been enacted, and other employees whose coverage under such provisions was provided for the first time by the 1961 amendments. As previously explained, such provisions of the Act, as amended, may apply to an employee by reason of the activities in which he is individually engaged, or because he is employed in an enterprise whose activities satisfy the conditions prescribed in the law. However, the minimum wage rates and overtime pay provisions will not be uniform for all such employees until September 3, 1965. On and after that date, every such employee subject to the minimum wage provisions will be entitled to not less than $1.25 an hour and every such employee subject to the overtime provisions will be entitled to overtime pay for all hours worked in excess of 40 in a workweek at a rate not less than one and one-half times his regular rate of pay. In contrast, during the period beginning with the effective date of the 1961 amendments on September 3, 1961 and ending September 2, 1965, the minimum wage rates applicable to employees subject to the minimum wage provisions, and the overtime pay provisions applicable to such employees who are not specifically exempt therefrom, will be different for employees in employment brought under the Act for the first time by the amendments than for employees whose coverage may be based on the "old" provisions of the Act. During this period employees whose coverage depends on the "new" provisions may be paid a lower minimum wage rate than those covered under the "old" provisions and may be employed for a longer workweek without overtime pay, as specified in the Act. Accordingly, employers who do not wish to pay to all covered employees the minimum wages and overtime pay required for employees covered under the "old" provisions will need to identify those employees who are covered under the "old" and those who are covered under the "new" provisions when wages are computed and paid under the Act.

§ 784.24 Pay standards for employees subject to "old" coverage of the Act.

The 1961 amendments did not change the tests described in § 784.20 by which coverage based on the employee's individual activities is determined. Any employee whose employment satisfies those tests and would not have come within some exemption (such as section 13(a)(5)) in the Act prior to the 1961 amendments is subject to the "old" provisions of the law and entitled to a minimum wage of at least $1.15 an hour beginning September 3, 1961 and not less than $1.25 an hour beginning September 3, 1963 (29 U.S.C. 206(a)(1)), unless expressly exempted by some provision of the amended Act. Such an employee is also entitled to overtime pay for hours worked in excess of 40 in any workweek at a rate not less than one and one-half times his regular rate of pay (29 U.S.C. 207(a)(1)), unless expressly exempt from overtime by some exemption such as section 13(b)(4). (Minimum wage rates in Puerto Rico, the Virgin Islands, and American Samoa are governed by special provisions of the Act (29 U.S.C. 206(a)(3); 206(c).) Information on these rates is available at any office of the Wage and Hour and Public Contracts Divisions.

§ 784.25 Pay standards for "newly covered" employees.

There are some employees whose individual activities would not bring them within the minimum wage or overtime pay provisions of the Act as it was prior to the 1961 amendments, but who are brought within minimum wage or overtime coverage or both for the first time by the new "enterprise" coverage provisions or changes in exemptions, or both, which were enacted as part of the amendments and made effective September 3, 1961. Typical of such employees are those who, regardless of any engagement in commerce or in the production of goods for commerce, were exempt from minimum wages as well as overtime pay by virtue of section 13(a)(5) of the Act until the 1961 amendments, but who by virtue of these amendments are exempt only from overtime pay on and after September 3, 1961, under the amended section 13(d)(4) of the Act. These "newly covered" employees for whom no specific exemption has been retained or provided in the amendments must be paid not less than the minimum wages for hours worked and unless exempted by section 13(d)(4) or some other provision, not less than one and one-half times their regular rates of pay (see § 784.18) for overtime, as shown in the following schedule:

Beginning:	Minimum wage (29 U.S.C. 206(b))	Overtime pay (29 U.S.C. 207(a)(2))
Sept. 3, 1961	$1 an hour	None required.
Sept. 3, 1963	No change	After 44 hours in a workweek.
Sept. 3, 1964	$1.15 an hour	After 42 hours in a workweek.
Sept. 3, 1965 and thereafter.	$1.25 an hour	After 40 hours in a workweek.

[1] Requirements identical to those for employees under "old" coverage. (Minimum wage rates for newly covered employees in Puerto Rico, the Virgin Islands, and American Samoa are set by wage order on recommendations of special industry committees (29 U.S.C. 206(a)(3); 206(c)). Information on these rates may be obtained at any Office of the Wage and Hour and Public Contracts Divisions.)

Subpart B—Exemption Provisions Relating to Fishing and Aquatic Products

THE STATUTORY PROVISIONS

§ 784.100 The section 13(a)(5) exemption.

Section 13(a)(5) grants an exemption from both the minimum wage and the overtime requirements of the Act and applies to "any employee employed in the catching, taking, propagating, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, or in the first processing, canning or packing of such marine products at sea as an incident to, or in conjunction with, such fishing operations, including the going to and returning from work and loading and unloading when performed by any such employee."

§ 784.101 The section 13(b)(4) exemption.

Section 13(b)(4) grants an exemption only from the overtime requirements of the Act and applies to "any employee employed in the canning, processing, marketing, freezing, curing, storing, packing for shipment, or distributing of any kind of fish, shellfish, or other aquatic forms of animal or vegetable life, or any byproduct thereof."

LEGISLATIVE HISTORY OF EXEMPTIONS

§ 784.102 General legislative history.

(a) As originally enacted in 1938, the Fair Labor Standards Act provided an exemption from both the minimum wage requirements of section 6 and the overtime pay requirements of section 7 which was made applicable to "any employee employed in the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds or other aquatic forms of animal and vegetable life, including the going to and returning from work and including employment in the loading, unloading, or packing of such products for shipment or in propagating, processing, marketing, freezing, canning, curing, storing, or distributing the above products or byproducts thereof" (52 Stat. 1060, sec. 13(a)(5)).

(b) In 1949 the minimum wage was extended to employees employed in canning such products by deleting the word "canning" from the above exemption, adding the parenthetical phrase "(other than canning)" after the word "processing" therein, and providing a new exemption in section 13(b)(4), from overtime pay provisions only, applicable to "any employee employed in the canning of any kind of fish, shellfish, or other aquatic forms of animal or vegetable life, or any byproduct thereof". All other employees included in the original minimum wage and overtime exemption remained within it (63 Stat. 910).

(c) By the Fair Labor Standards Amendments of 1961, effective September 3, 1961 (75 Stat. 65), both these exemptions were further revised to read as set forth in §§ 784.100 and 784.101. The effect of this change was to provide a means of equalizing the application of the Act as between canning employees and employees employed in other processing, marketing, and distributing of aquatic products on shore, to whom minimum wage protection, formerly provided only for canning employees, was extended by this action. The 1961 amendments, however, left employees employed in fishing, in fish farming, and in related occupations concerned with procurement of aquatic products from nature, under the existing exemption from minimum wages as well as overtime pay.

§ 784.103 Adoption of the exemption in the original 1938 Act.

Although in the course of consideration of the legislation in Congress before passage in 1938, provisions to exempt employment in fisheries and aquatic products activities took various forms, section 13(a)(5), as drafted by the conference committee and finally approved, followed the language of an amendment adopted during consideration of the bill by the House of Representatives on May 24, 1938, which was proposed by Congressman Bland of Virginia. He had, earlier on the same day, offered an amendment which had as its objective the exemption of the "fishery industry", broadly defined. This amendment had been defeated (83 Cong. Rec. 7408), as had an amendment subsequently offered by Congressman Mott of Oregon (to a pending amendment proposed by Congressman Coffee of Nebraska) which would have provided an exemption for "industries engaged in producing, processing, distributing, or handling * * * fishery or seafood products which are seasonal or perishable" (83 Cong. Rec. 7421–7423). Against this background, when Congressman Bland offered his amendment which ultimately became section 13(a)(5) of the Act he took pains to explain: "This amendment is not the same. In the last amendment I was trying to define the fishery industry. I am now dealing with those persons who are exempt, and I call the attention of the Committee to the language with respect to the employment of persons in agriculture * * * I am only asking for the seafood and fishery industry that which has been done for agriculture." It was after this explanation that the amendment was adopted (83 Cong. Rec. 7443). When the conference committee included in the final legislation this provision from the House bill, it omitted from the bill another House provision granting an hours exemption for "employees in any place of employment" where the employer was "engaged in the processing of or in canning fresh fish or fresh seafood" and the provision of the Senate bill providing an hours exemption for employees "employed in connection with" the canning or other packing of fish, etc. (see Mitchell v. Stinson, 217 F. 2d 210; McComb v. Consolidated Fisheries, 75 F. Supp. 798). The indication in this legislative history that the exemption in its final form was intended to depend upon the employment of the particular employee in the

specified activities is in accord with the position of the Department of Labor and the weight of judicial authority.

§ 784.104 The 1949 amendments.

In deleting employees employed in canning aquatic products from the section 13(a)(5) exemption and providing them with an exemption in like language from the overtime provisions only in section 13(b)(4), the conferees on the Fair Labor Standards Amendments of 1949 did not indicate any intention to change in any way the category of employees who would be exempt as "employed in the canning of" the aquatic products. As the Supreme Court has pointed out in a number of decisions, "When Congress amended the Act in 1949 it provided that pre-1949 rulings and interpretations by the Administrator should remain in effect unless inconsistent with the statute as amended 63 Stat. 920" (Mitchell v. Kentucky Finance Co., 359 U.S. 290). In connection with this exemption the conference report specifically indicates what operations are included in the canning process (see § 784.143). In a case decided before the 1961 amendments to the Act, this was held to "indicate that Congress intended that only those employees engaged in operations physically essential in the canning of fish, such as cutting the fish, placing it in cans, labelling and packing the cans for shipment are in the exempt category" (Mitchell v. Stinson, 217 F. 2d 210).

§ 734.105 The 1961 amendments.

(a) The statement of the Managers on the Part of the House in the conference report on the Fair Labor Standards Amendments of 1961 (H. Rep. No. 327, 87th Cong., 1st Sess., p. 16) refers to the fact that the changes made in sections 13(a)(5) and 13(b)(4) originated in the Senate amendment to the House bill and were not in the bill as passed by the House. In describing the Senate provision which was retained in the final legislation, the Managers stated that it "changes the exemption in the act for" the operations transferred to section 13(b)(4) from section 13(a)(5) "from a minimum wage and overtime exemption to an overtime only exemption." They further stated: "The present complete exemption is retained for employees employed in catching, propagating, taking, harvesting, cultivating, or farming fish and certain other marine products, or in the first processing, canning, or packing such marine products at sea as an incident to, or in conjunction with, such fishing operations, including the going to and returning from work and loading and unloading when performed by such an employee." In the report of the Senate committee on the provision included in the Senate bill (S. Rep. No. 145, 87th Cong., 1st Sess., p. 33), the committee stated: "The bill would modify the minimum wage and overtime exemption in section 13(a)(5) of the act for employees engaged in fishing and in specified activities on aquatic products." In further explanation, the report states that the bill would amend this section "to remove from this exemption those so-called onshore activities and leave the exemption applicable to 'offshore' activities connected with the procurement of the aquatic products, including first processing, canning or packing at sea performed as an incident to fishing operations, as well as employment in loading and unloading such products for shipment when performed by any employee engaged in these procurement operations." It is further stated in the report that "persons who are employed in the activities removed from the section 13(a)(5) exemption will have minimum wage protection but will continue to be exempt from the Act's overtime requirements under an amended section 13(b)(4). The bill will thus have the effect of placing fish processing and fish canning on the same basis under the Act. There is no logical reason for treating them differently and their inclusion within the Act's protection is desirable and consistent with its objectives."

(b) The language of the Managers on the Part of the House in the conference report and of the Senate committee in its report, as quoted above, is consistent with the position supported by the earlier legislative history and by the courts, that the exemption of an employee under these provisions of the Act depends on what he does. The Senate report speaks of the exemption "for employees engaged in fishing and in specified activities" and of the "activities now enumerated in this section". While this language confirms the legislative intent to continue to provide exemptions for employees employed in specified activities rather than to grant exemption on an industry, employer, or establishment basis (see Mitchell v. Trade Winds, Inc., 289 F. 2d 278), the report also refers with apparent approval to certain prior judicial interpretations indicating that the list of activities set out in the exemption provisions is intended to be "a complete catalog of the activities involved in the fishery industry" and that an employee, to be exempt, need not engage directly in the physical acts of catching, processing, canning, etc. of aquatic products which are included in the operations specifically named in the statute (McComb v. Consolidated Fisheries Co., 174 F. 2d 74). It was stated that an interpretation of section 13(a)(5) and section 13(b)(4) which would include within their purview "any employee who participates in activities which are necessary to the conduct of the operations specifically described in the exemptions" is "consistent with the congressional purpose" of the 1961 amendments. (See Sen. Rep. No. 145, 87th Cong., 1st sess., p. 33; Statement of Representative Roosevelt, 107 Cong. Rec. (daily ed.) p. 6716, as corrected May 4, 1961.) From this legislative history the intent is apparent that the application of these exemptions under the Act as amended in 1961 is to be determined by the practical and functional relationship of the employee's work to the performance of the operations specifically named in section 13(a)(5) and section 13(b)(4).

Principles Applicable to the Two Exemptions

§ 784.106 Relationship of employee's work to the named operations.

It is clear from the language of section 13(a)(5) and section 13(b)(4) of the Act, and from their legislative history as discussed in §§ 784.102–784.105, that the exemptions which they provide are applicable only to those employees who are "employed in" the named operations. Under the Act as amended in 1961 and in accordance with the evident legislative intent (see § 784.105), an employee will be considered to be "employed in" an operation named in section 13(a)(5) or 13(b)(4) where his work is an essential and integrated step in performing such named operation (see Mitchell v. Myrtle Grove Packing Co., 350 U.S. 891, approving Tobin v. Blue Channel Corp., 196 F. 2d 245; Mitchell v. Stinson, 217 F. 2d 210), or where the employee is engaged in activities which are functionally so related to a named operation under the particular facts and circumstances that they are necessary to the conduct of such operation and his employment is, as a practical matter, necessarily and directly a part of carrying on the operation for which exemption was intended (Mitchell v. Trade Winds, Inc., 289 F. 2d 278; see also Waller v. Humphreys, 133 F. 2d 138 and McComb v. Consolidated Fisheries Co., 174 F. 2d 74). Under these principles, generally an employee performing functions without which the named operations could not go on is, as a practical matter, "employed in" such operations. It is also possible for an employee to come within the exemption provided by section 13(a)(5) or section 13(b)(4) even though he does not directly participate in the physical acts which are performed on the enumerated marine products in carrying on the operations which are named in that section of the Act. However, it is not enough to establish the applicability of such an exemption that an employee is hired by an employer who is engaged in one or more of the named operations or that the employee is employed by an establishment or in an industry in which operations enumerated in section 13(a)(5) or section 13(b)(4) are performed. The relationship between what he does and the performance of the named operations must be examined to determine whether an application of the above-stated principles to all the facts and circumstances will justify the conclusion that he is "employed in" such operations within the intendment of the exemption provision.

§ 784.107 Relationship of employee's work to operations on the specified aquatic products.

It is also necessary to the application of the exemptions that the operations of which the employee's work is a part be performed on the marine products named in the Act. Thus, the operations described in section 13(a)(5) must be performed with respect to "any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life". The operations

enumerated in section 13(b)(4) must be performed with respect to "any kind of fish, shellfish, or other aquatic forms of animal or vegetable life, or any by-product thereof". Work performed on products which do not fall within these descriptions is not within the exemptions (Fleming v. Hawkeye Pearl Button Co., 113 F. 2d 52; Mitchell v. Trade Winds, Inc., 289 F. 2d 278; Walling v. Haden, 153 F. 2d 196).

§ 784.108 Operations not included in named operations on forms of aquatic "life".

Since the subject matter of the exemptions is concerned with "aquatic forms of animal and vegetable life", the courts have held that the manufacture of buttons from clam shells or the dredging of shells to be made into lime and cement are not exempt operations because the shells are not living things (Fleming v. Hawkeye Pearl Button Co., 113 F. 2d 52; Walling v. Haden, 153 F. 2d 196, certiorari denied 328 U.S. 866). Similarly, the production of such items as crushed shell and grit, shell lime, pearl buttons, knife handles, novelties, liquid glue, isinglass, pearl essence and fortified or refined fish oil is not within these exemptions.

§ 784.109 Manufacture of supplies for named operations is not exempt.

Employment in the manufacture of supplies for the named operations is not employment in the named operations on aquatic forms of life. Thus, the exemption is not applicable to the manufacture of boxes, barrels, or ice by a seafood processor for packing or shipping its seafood products or for use of the ice in its fishing vessels. These operations, when performed by an independent manufacturer, would likewise not be exempt (Dize v. Maddrix, 144 F. 2d 284 (C.A. 4), affirmed 324 U.S. 697, and approved on this point in Farmers' Reservoir Co. v. McComb, 337 U.S. 755).

§ 784.110 Performing operations both on nonaquatic products and named aquatic products.

By their terms, sections 13(a)(5) and 13(b)(4) provide no exemption with respect to operations performed on any products other than the aquatic products named in these subsections (see § 784.107). Accordingly, neither of the exemptions is applicable to the making of any commodities from ingredients only part of which consist of such aquatic products, if a substantial amount of other products is contained in the commodity so produced (compare Walling v. Bridgeman-Russell Co., 6 Labor Cases 61,422, 2 WH Cases 785 (D. Minn.) and Miller v. Litchfield Creamery Co., 11 Labor Cases 63,247, 5 WH Cases 1039 (N.D. Ind.), with Mitchell v. Trade Winds, Inc., 289 F. 2d 278). Thus, the first processing, canning, or processing of codfish cakes, clam chowder, dog food, crabcakes, or livestock food containing aquatic products is often not exempt within the meaning of the relevant exemptions.

§ 784.111 Operations on named products with substantial amounts of other ingredients are not exempt.

To exempt employees employed in first processing, canning, or processing products composed of the named commodities and a substantial amount of ingredients not named in the exemptions would be contrary to the language and purposes of such exemptions which specifically enumerate the commodities on which exempt operations were intended to be performed. Consequently, in such situations all operations performed on the mixed products at and from the time of the addition of the foreign ingredients, including those activities which are an integral part of first processing, canning or processing are nonexempt activities. However, activities performed in connection with such operations on the named aquatic products prior to the addition of the foreign ingredients are deemed exempt operations under the applicable exemption. Where the commodity produced from named aquatic products contains an insubstantial amount of products not named in the exemption, the operations will be considered as performed on the aquatic products and handling and preparation of the foreign ingredients for use in the exempt operations will also be considered as exempt activities.

§ 784.112 Substantial amounts of nonaquatic products; enforcement policy.

As an enforcement policy in applying the principles stated in §§ 784.110 and 784.111, if more than 20 percent of a commodity consists of products other than aquatic products named in section 13(a)(5) or 13(b)(4), the commodity will be deemed to contain a substantial amount of such nonaquatic products.

§ 784.113 Work related to named operations performed in off- or dead-season.

Generally, during the dead or inactive season when operations named in section 13(a)(5) or 13(b)(4) are not being performed on the specified aquatic forms of life, employees performing work relating to the plant or equipment which is used in such operations during the active season are not exempt. Illustrative of such employees are those who repair, overhaul, or recondition fishing equipment or processing or canning equipment and machinery during the off-season periods when fishing, processing, or canning is not going on. An exemption provided for employees employed "in" specified operations is plainly not intended to apply to employees employed in other activities during periods when the specified operations are not being carried on, where their work is functionally remote from the actual conduct of the operations for which exemption is provided and is unaffected by the natural factors which the Congress relied on as reason for exemption. The courts have recognized these principles. See Maneja v. Waialua, 349 U.S. 254; Mitchell v. Stinson, 217 F. 2d 210; Maisonet v. Central Coloso, 6 Labor Cases (CCH) par. 61,337, 2 WH Cases 753 (D. P.R.); Abram v. San Joaquin Cotton Oil Co., 49 F. Supp. 393 (S.D. Calif.), and Heaburg v. Independent Oil Mill Inc., 46 F. Supp. 751 (W.D. Tenn.). On the other hand, there may be situations where employees performing certain preseason or postseason activities immediately prior or subsequent to carrying on operations named in section 13(a)(5) or section 13(b)(4) are properly to be considered as employed "in" the named operations because their work is so close in point of time and function to the conduct of the named operations that the employment is, as a practical matter, necessarily and directly a part of carrying on the operation for which exemption was intended. Depending on the facts and circumstances, this may be true, for example, of employees who perform such work as placing boats and other equipment in condition for use at the beginning of the fishing season, and taking the necessary protective measures with respect to such equipment which are required in connection with termination of the named operations at the end of the season. Where such work is integrated with and is required for the actual conduct of the named operations on the specified aquatic forms of life, and is necessarily performed immediately before or immediately after such named operations, the employees performing it may be considered as employed in the named operations, so as to come within the exemption. It should be kept in mind that the relationship between the work of an employee and the named operations which is required for exemption is not necessarily identical with the relationship between such work and the production of goods for commerce which is sufficient to establish its general coverage under the Act. Thus, repair, overhaul, and reconditioning work during the inactive season which does not come within the exemption is nevertheless closely related and directly essential to the production of goods for commerce which takes place during the active season and, therefore, is subject to the provisions of the Act (Farmers' Reservoir Co. v. McComb, 337 U.S. 755; Mitchell v. Stinson, 217 F. 2d 210; Bowie v. Gonzalez, 117 F. 2d 11; Weaver v. Pittsburgh Steamship Co., 153 F. 2d 597, cert. den. 328 U.S. 858).

§ 784.114 Application of exemptions on a workweek basis.

The general rule is that the unit of time to be used in determining the application of the exemption to an employee is the workweek (see Overnight Motor Transportation Co. v. Missel, 316 U.S. 572; Mitchell v. Stinsen, 217 F. 2d 210; Mitchell v. Hunt, 263 F. 2d 913; Puerto Rico Tobacco Marketing Co-op. Ass'n. v. McComb, 181 F. 2d 697). Thus, the workweek is the unit of time to be taken as the standard in determining the applicability to an employee of section 13(a)(5) or section 13(b)(4) (Mitchell v. Stinson, supra). An employee's workweek is a fixed and regularly recurring period of 168 hours—seven consecutive 24-hour periods. It may begin at any hour of any day set

by the employer and need not coincide with the calendar week. Once the workweek has been set it commences each succeeding week on the same day and at the same hour. Changing the workweek for the purpose of escaping the requirements of the Act is not permitted. If in any workweek an employee does only exempt work he is exempt from the wage and hours provisions of the Act during that workweek, irrespective of the nature of his work in any other workweek or workweeks. An employee may thus be exempt in one workweek and not the next (see Mitchell v. Stinson, supra). But the burden of effecting segregation between exempt and nonexempt work as between particular workweek is on the employer (see Tobin v. Blue Channel Corp., 198 F. 2d 245).

§ 784.115 Exempt and noncovered work performed during the workweek.

The wage and hours requirements of the Act do not apply to any employee during any workweek in which a portion of his activities falls within section 13(a)(5) if no part of the remainder of his activities is covered by the Act. Similarly, the overtime requirements are inapplicable in any workweek in which a portion of an employee's activities falls within section 13(b)(4) if no part of the remainder of his activities is covered by the Act. Covered activities for purposes of the above statements mean engagement in commerce, or in the production of goods for commerce, or in an occupation closely related or directly essential to such production or employment in an enterprise engaged in commerce or in the production of goods for commerce, as explained in §§ 784.17 and 784.18.

§ 784.116 Exempt and nonexempt work in the same workweek.

Where an employee, during any workweek, performs work that is exempt under section 13(a)(5) or 13(b)(4), and also performs nonexempt work, some part of which is covered by the Act, the exemption will be deemed inapplicable unless the time spent in performing nonexempt work during that week is not substantial in amount. For enforcement purposes, nonexempt work will be considered substantial in amount if more than 20 percent of the time worked by the employee in a given workweek is devoted to such work (see Mitchell v. Stinson, 217 F. 2d 210). Where exempt and nonexempt work is performed during a workweek by an employee and is not or cannot be segregated so as to permit separate measurement of the time spent in each, the employee will not be exempt (see Tobin v. Blue Channel Corp., 198 F. 2d 245; Walling v. Public Quick Freezing and Cold Storage Co., 62 F. Supp. 924).

§ 784.117 Combinations of exempt work.

The combination of exempt work under sections 13(a)(5) and 13(b)(4), or of one of these sections with exempt work under another section of the Act, is permitted. Where a part of an employee's covered work in a workweek is exempt under section 13(a)(5) and the remainder is exempt under another section which grants an exemption from the minimum wage and overtime provisions of the Act, the wage and hours requirements are not applicable. If the scope of the exemption is not the same, however, the exemption applicable to the employee is that provided by whichever exemption provision is more limited in scope unless, of course, the time spent in performing work which is nonexempt under the broader exemption is not substantial. For example, an employee may devote part of his workweek to work within section 13(b)(4) and the remainder to work exempt from both the minimum wage and overtime requirements under another section of the Act. In such a case he must receive the minimum wage but is not required to receive time and one-half for his overtime work during that week (Cf. Mitchell v. Myrtle Grove Packing Co., 350 U.S. 891; Tobin v. Blue Channel Corp., 198 F. 2d 245). Each activity is tested separately under the applicable exemption as though it were the sole activity of the employee for the whole workweek in question. Unless the employee meets all the requirements of each exemption a combination exemption would not be available.

§ 784.118 Work subject to different minimum wage rates in same workweek.

Work subject to different minimum wage rates in the same workweek calls for application of a rule similar to that generally applied where work subject to two exemptions unequal in scope is involved. For example, section 13(b)(4) exempts both employment in canning and employment in processing other than canning of the named marine products from the overtime requirements, but the minimum wage requirements that must be observed for the two operations will not be the same until September 3, 1965. If employed in canning for his entire workweek, an employee will be entitled to the higher minimum wage rate prescribed by section 6(a) of the Act; if employed in processing other than canning throughout the workweek, he will be entitled only to the lower minimum wage rate prescribed by section 6(b). Prior to the 1961 amendments the situation differed only in that the Act provided a minimum wage exemption for the employment in processing other than canning. An employee employed in canning in a particular workweek was entitled to the minimum wage applicable to such employment, however, even where his processing of aquatic products for canning was intermingled in the same workweek with the processing of such products for other purposes (see Tobin v. Blue Channel Corp., 198 F. 2d 245, approved in Mitchell v. Myrtle Grove Packing Co., 350 U.S. 891).

General Character and Scope of the Section 13(a)(5) Exemption

§ 784.119 The exemption is intended for work affected by natural factors.

As indicated by the legislative history, the purpose of the section 13(a)(5) exemption is to exempt from the minimum wage and overtime provisions of the Act employment in those activities in the fishing industry that are controlled or materially affected by natural factors or elements, such as the vicissitudes of the weather, the changeable conditions of the water, the run of the catch, and the perishability of the products obtained (83 Cong. Rec. 7408, 7443; S. Rep. No. 145, p. 33 on H.R. 3935, 87th Cong., 1st sess.; Fleming v. Hawkeye Pearl Button Co., 113 F. 2d 52; Walling v. Haden, 153 F. 2d 196, certiorari denied 328 U.S. 869).

§ 784.120 Effect of natural factors on named operations.

The various activities enumerated in section 13(a)(5)—the catching, taking, propagating, harvesting, cultivating, or farming of aquatic forms of animal or vegetable life as well as "the going to and returning from work" are materially controlled and affected by the natural elements. Similarly, the activities of "first processing, canning or packing of such marine products at sea as an incident to, or in conjunction with, such fishing operations" are subject to the natural factors mentioned above. The "loading and unloading" of such aquatic products when performed at sea are also subject to the natural forces.

§ 784.121 Application of exemption to "offshore" activities in general.

The expression "offshore activities" is used to describe the category of named operations pertaining to the acquisition from nature of aquatic forms of animal and vegetable life. As originally enacted in 1938, section 13(a)(5) exempted not only employees employed in such "offshore" or "trip" activities but also employees employed in related activities on shore which were similarly affected by the natural factors previously discussed (see § 784.103, and Fleming v. Hawkeye Pearl Button Co., 113 F. 2d 52). However, the intent of the 1961 amendments to the Act was to remove from the exemption the so-called onshore activities and "leave the exemption applicable to 'offshore' activities connected with the procurement of the aquatic products" (S. Rep. 145, 87th Cong., 1st sess., p. 33). Despite its comprehensive reach (see §§ 784.105 and 784.106), the exemption, like the similar exemption in the Act for agriculture, is "meant to apply only" to the activities named in the statute (see Maneja v. Waialua, 349 U.S. 254; Farmers Reservoir Co. v. McComb, 337 U.S. 755).

§ 784.122 Exempt fisheries operations.

Employees engaged in the named operations, such as "catching" or "taking," are clearly exempt. As indicated in § 784.106, employees engaged in activities that are "directly and necessarily a part of" an enumerated operation are also exempt (Mitchell v. Trade Winds, Inc., 289 F. 2d 278). The "catching, taking, propagating, harvesting, cultivating, or farming" of the various forms of aquatic life includes not only the actual performance of the activities, but also the usual duties inherent in the occupations of those who perform the activities. Thus, the fisherman who is engaged in "catching" and "taking" must see to it that his lines, nets, seines, traps, and other equipment are not fouled and are in working order. He may also have to mend or replace his lines or nets or repair or construct his traps. Such activities are an integral part of the operations of "catching" and "taking" of an aquatic product.

§ 784.123 Operations performed as an integrated part of fishing.

Certain other activities performed on a fishing vessel in connection with named operations are, functionally and as a practical matter, directly and necessarily a part of such operations. For example, maintenance work performed by members of the fishing crew during the course of the trip on the fishing boat would necessarily be a part of the fishing operation, since the boat itself is as much a fishing instrument as the fishing rods or nets. Similarly, work required on the vessel to keep in good operating condition any equipment used for processing, canning or packing the named aquatic products at sea is so necessary to the conduct of such operations that it must be considered a part of them and exempt.

§ 784.124 Operations performed on fishing equipment.

On the principle stated in § 784.122, the replacement, repair, mending, or construction of the fisherman's equipment performed at the place of the fishing operation would be exempt. Such activities performed in contemplation of the trip are also within the exemption if the work is so closely related both in point of time and function to the acquisition of the aquatic life that it is really a part of the fishing operation or of "going to * * * work." For example, under appropriate facts, the repair of the nets, or of the vessel, or the building of fish trap frames on the shore immediately prior to the opening of the fishing season would be within the exemption. Activities at the termination of a fishing trip which are similarly related in time and function to the actual conduct of fishing operations or "returning from work" may be within the exemption on like principles. Similarly, the fact that the exemption is intended generally for "offshore" activities does not mean that it may not apply to employment in other activities performed on shore which are so integrated with the conduct of actual fishing operations and functionally so necessary thereto that the employment is, in practical effect, directly and necessarily a part of the fishing operations for which the exemption is intended. In such circumstances the exemption will apply, for example, to an employee employed by a vessel owner to watch the fishing vessel, its equipment, and the catch when it comes to port, check the mooring lines, operate bilge pumps and heating and cooling systems on the vessel, and assist in the loading and unloading of the fishing equipment and the catch. Work of the kinds referred to may be exempt when performed by the fisherman himself or by some other employee of the fishing organization. However, the exemption would not apply to employees of a manufacturer of supplies or to employees of independent shops which repair boats and equipment (Dize v. Maddrix, 144 F. 2d 584, affirmed 324 U.S. 697).

§ 784.125 Going to and returning from work.

The phrase "including the going to and returning from work" relates to the preceding named operations which pertain to the procuring and appropriation of seafood and other forms of aquatic life from nature. The expression obviously includes the time spent by fishermen and others who go to and from the fishing grounds or other locations where the aquatic life is reduced to possession. If going to work requires fishermen to prepare and carry the equipment required for the fishing operation, this would be included within the exemption. In performing such travel the fishermen may be required to row, guide or sail the boat or otherwise assist in its operation. Similarly, if an employee were digging for clams or other shellfish or gathering seaweed on the sand or rocks it might be necessary to drive a truck or other vehicle to reach his destination. Such activities are exempt within the meaning of this language. However, the phrase does not apply to employees who are not employed in the activities involved in the acquisition of aquatic animal or vegetable life, such as those going to or returning from work at processing or refrigerator plants or wholesale establishments.

§ 784.126 Loading and unloading.

The term "loading and unloading" applies to activities connected with the removal of aquatic products from the fishing vessel and their initial movement to markets or processing plants. The term, however, is not without limitation. The statute by its clear language makes these activities exempt only when performed by any employee employed in the procurement activities enumerated in section 13(a)(5). This limitation is confirmed by the legislative history of the 1961 amendments which effectuated this change in the application of this term (S. Rep. 145, 87th Cong., 1st sess., p. 33). Consequently, members of the fishing crew engaged in loading and unloading the catch of the vessel to another vessel at sea or at the dockside would be engaging in exempt activities within the meaning of section 13(a)(5). On the other hand, dock workers performing the same kind of tasks would not be within the exemption.

§ 784.127 Operation of the fishing vessel.

In extending the minimum wage to seamen on American vessels by limiting the exemption from minimum wages and overtime provided by section 13(a)(14) of the Act to "any employee employed as a seaman on a vessel other than an American vessel," and at the same time extending the minimum wage to "onshore" but not "offshore" operations concerned with aquatic products, the Congress, in the 1961 amendments to the Act, did not indicate any intent to remove the crews of fishing vessels engaged in operations named in section 13(a)(5) from the exemption provided by that section. The exemption provided by section 13(a)(14), above noted, and the general exemption in section 13(b)(6) from overtime for "any employee employed as a seamen" (whether or not on an American vessel) apply, in general, to employees, working aboard vessels, whose services are rendered primarily as an aid to navigation. It appears, however, that it is not the custom or practice in the fishing industry for a fishing vessel to have two crews namely a fishing crew whose duty it is primarily to fish and to perform other duties incidental thereto and a navigational crew whose duty it is primarily to operate the boat. Where, as is the typical situation, there is but one crew which performs all these functions, the section 13(a)(5) exemption would apply to its members. For a further explanation of the seaman's exemption see Part 783 of this chapter.

§ 784.128 Office and clerical employees under section 13(a)(5).

Office and clerical employees, such as bookkeepers, stenographers, typists, and others who perform general office work of a firm engaged in operating fishing boats are not for that reason within the section 13(a)(5) exemption. Under the principles stated in § 784.106, their general office activities are not a part of any of the named operations even when they are selling, taking and putting up orders, or recording sales, taking cash or making telephone connections for customer or dealer calls. Employment in the specific activities enumerated in the preceding sentence would ordinarily, however, be exempt under section 13(b)(4) since such activities constitute "marketing" or "distributing" within the meaning of that exemption (see § 784.157). In certain circumstances, office or clerical employees may come within the section 13(a)(5) exemption. If, for example, it is necessary to the conduct of the fishing operations that such employees accompany a fishing expedition to the fishing grounds to perform certain work required there in connection with the catch, their employment under such circumstances may, as a practical matter, be directly and necessarily a part of the operations for which exemption was intended, in which event the exemption would apply to them.

First Processing, Canning, or Packing of Marine Products Under Section 13(a)(5)

§ 784.129 Requirements for exemption of first processing, etc., at sea.

A complete exemption from minimum and overtime wages is provided by section 13(a)(5) for employees employed in the operations of first processing, canning, or packing of marine products at sea as an incident to, or in conjunction with "such" fishing operations—that is, the fishing operations of the fishing vessel (S. Rep. 145, 87th Cong., 1st sess., p. 33). To qualify under this part of the exemption, there must be a showing that (1) the work of the employees is such that they are, within the meaning of the Act, employed in one or more of the named operations of first processing, canning or packing, (2) such operations

are performed as an incident to, or in conjuction with, fishing operations of the vessel, (3) such operations are performed at sea, and (4) such operations are performed on the marine products specified in the statute.

§ 784.130 "Marine products."

The marine products which form the basis of the exemption are the "fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life" mentioned in section 13(a)(5). The exemption contemplates aquatic products currently or recently acquired and in the form obtained from the sea, since the language of the exemption clearly indicates the named operations of first processing, canning, or packing must be performed "at sea" and "as an incident to, or in conjunction with", fishing operations. Also, such "marine products" are limited to aquatic forms of "life."

§ 784.131 "At sea."

The "at sea" requirement must be construed in context and in such manner as to accomplish the statutory objective. The section 13(a)(5) exemption is for the "catching, taking, propagating, harvesting," etc., of "aquatic forms of animal and vegetable life." There is no limitation as to where these activities must take place other than, as the legislative history indicates, that they are "offshore" activities. Since the purpose of the 1961 amendments is to exempt the "first processing, canning or packing such marine products at sea as an incident to, or in conjunction with, such fishing operations," it would frustrate this objective to give the phrase "at sea" a technical or special meaning. For example, to define "at sea" to include only bodies of water subject to the ebb and flow of the tides or to saline waters would exclude the Great Lakes which obviously would not comport with the legislative intent. On the other hand, one performing the named activities of first processing, canning, or packing within the limits of a port or harbor is not performing them "at sea" within the meaning of the legislative intent although the situs of performance is subject to tidewaters. In any event it would not appear necessary to draw a precise line as to what constitutes "at sea" operations, for, as a practical matter, such first processing, canning, or packing operations are those closely connected with the physical catching of the fish and are performed on the fishing vessel shortly or immediately following the "catching" and "taking" of the fish.

§ 784.132 "As an incident to, or in conjunction with" fishing operations.

The statutory language makes clear that the "first processing, canning or packing," unlike the other named operations of "catching, taking, propagating, harvesting, cultivating, or farming" are not exempt operations in and of themselves. They are exempt only when performed "as an incident to, or in conjunction with such fishing operations" (see Farmers Reservoir Co. v. McComb, 337 U.S. 755). It is apparent from the context that the language "such fishing operations" refers to the principal named operations of "catching, taking, propagating, harvesting, cultivating, or farming" as performed by the fishermen or fishing vessel (compare Bowie v. Gonzalez, 117 F. 2d 11). Therefore to be "an incident to, or in conjunction with such fishing operations," the first processing, canning, or packing must take place upon the vessel that is engaged in the physical catching, taking, etc., of the fish. This is made abundantly clear by the legislative history. In Senate Report No. 145, 87th Congress, 1st session, at page 33, it pointed out:

> For the same reasons, there was included in section 13(a)(5) as amended by the bill an exemption for the "first processing, canning or packing" of marine products "at sea as an incident to, or in conjunction with such fishing operations." The purpose of this additional provision is to make certain that the Act will be uniformly applicable to all employees on the fishing vessel including those employees on the vessel who may be engaged in these activities at sea as an incident to the fishing operations conducted by the vessel.

In accordance with this purpose of the section, the exemption is available to an employee on a fishing vessel who is engaged in first processing fish caught by fishing employees of that same fishing vessel; it would not be available to such an employee if some or all of the fish being first processed were obtained from other fishing vessels, regardless of the relationship, financial or otherwise, between such vessels (cf. Mitchell v. Hunt, 263 F. 2d 913; Farmers Reservoir Co. v. McComb, 337 U.S. 755).

§ 784.133 The exempt operations.

The final requirement is that the employee on the fishing vessel must be employed in "the first processing, canning or packing" of the marine products. The meaning and scope of these operations when performed at sea as an incident to the fishing operations of the vessel are set forth in §§ 784.134 to 784.136. To be "employed in" such operations the employee must, as previously explained (see §§ 784.106 and 784.122), be engaged in work which is clearly part of the named activity.

§ 784.134 "First processing."

Processing connotes a change from the natural state of the marine product and first processing would constitute the first operation or series of continuous operations that effectuate this change. It appears that the first processing operations ordinarily performed on the fishing vessels at sea consist for the most part of eviscerating, removal of the gills, beheading certain fish that have large heads, and the removal of the scallop from its shell. Icing or freezing operations, which ordinarily immediately follow these operations, would also constitute an integral part of the first processing operations, as would such activities as filleting, cutting, scaling, or salting when performed as part of a continuous series of operations. Employment aboard the fishing vessel in freezing operations thus performed is within the exemption if the first processing of which it is a part otherwise meets the conditions of section 13(a)(5), notwithstanding the transfer by the 1961 amendments of "freezing," as such, from the exemption to the exemption from overtime only provided by section 13(b)(4). Such preliminary operations as cleaning, washing and grading of the marine products, though not exempt as first processing since they effect no change, would be exempt as part of first processing when done in preparation for the first processing operation described above including freezing. The same would be true with respect to the removal of the waste products resulting from the above described operations on board the fishing vessel.

§ 784.135 "Canning."

The term "canning" was defined in the legislative history of the 1949 amendments (House (Conference) Report No. 1453, 81st Cong., 1st sess.; 95 Cong. Rec. 14878, 14932–33). These amendments made the "canning" of marine products or byproducts exempt from overtime only under a separate exemption (section 13(b)(4)), and subject to the minimum wage requirements of the Act (see § 784.137 et seq.). The same meaning will be accorded to "canning" in section 13(a)(5) as in section 13(b)(4) (see § 784.143 et seq.) subject, of course, to the limitations necessarily imposed by the context in which it is found. In other words, although certain operations as described in § 784.143 et seq. qualify as canning, they are, nevertheless, not exempt under section 13(a)(5) unless they are performed on marine products by employees of the fishing vessel at sea as an incident to, or in conjunction with, the fishing operations of the vessel.

§ 784.136 "Packing."

The packing of the various named marine products at sea as an incident to, or in conjunction with, the fishing operations of the vessel is an exempt operation. The term "packing" refers to the placing of the named product in containers, such as boxes, crates, bags and barrels. Activities such as washing, grading, sizing and placing layers of crushed ice in the containers are deemed a part of packing when performed as an integral part of the packing operation. The packing operation may be a simple or complete and complex operation depending upon the nature of the marine product, the length of time out and the facilities aboard the vessel. Where the fishing trip is of short duration, the packing operation may amount to no more than the simple operation of packing the product in chipped or crushed ice in wooden boxes, as in the case of shrimp, or placing the product in wooden boxes and covering with seaweed as in the case of lobsters. Where the trips are of long duration, as for several weeks or more, the packing operations on fishing vessels with the proper equipment sometimes are integrated with first processing operations so that together these operations amount to readying the product in a marketable form. For example, in the case of shrimp, the combined operations may consist of the following series of operations—washing, grading, sizing, placing in 5-pound boxes already labeled for direct marketing, placing in trays with other boxes, loading into a quick freezer locker, removing after freezing, emptying the box, glazing the contents with a spray of fresh water, replacing in box, packing them in 50-pound master cartons and finally stowing in refrigerated locker.

GENERAL CHARACTER AND SCOPE OF THE SECTION 13(b)(4) EXEMPTION

§ 784.137 "Shore" activities exempted under section 13(b)(4).

Section 13(b)(4) provides an exemption from the overtime but not from the minimum wage provisions of the Act for "any employee employed in the canning, processing, marketing, freezing, curing, storing, packing for shipment, or distributing" aquatic forms of animal and vegetable life or any byproducts thereof. Originally, all these operations were contained in the exemption provided by section 13(a)(5) but, as a result of amendments, first "canning," in 1949, and then the other operations in 1961, were transferred to section 13(b)(4). (See the discussion in §§ 784.102 to 784.106.) These activities are "shore" activities and in general have to do with the movement of the perishable aquatic products to a nonperishable state or to points of consumption (S. Rep. 145, 87th Cong., 1st sess., p. 33).

§ 784.138 Relationship of exemption to exemption for "offshore" activities.

The reasons advanced for exemption of employment in "shore" operations, now listed in section 13(b)(4), at the time of the adoption of the original exemption in 1938, had to do with the difficulty of regulating hours of work of those whose operations, like those of fishermen, were stated to be governed by the time, size, availability and perishability of the catch, all of which were considered to be affected by natural factors that the employer could not control (see 83 Cong. Rec. 7408, 7422, 7443). The intended limited scope of the exemption in this respect was not changed by transfer of the "shore" activities from section 13(a)(5) to section 13(b)(4). The exemption of employment in these "shore" operations may be considered, therefore, as intended to implement and supplement the exemption for employment in "offshore" operations provided by section 13(a)(5), by exempting from the hours provisions of the Act employees employed in those "shore" activities which are necessarily somewhat affected by the same natural factors. These "shore" activities are affected primarily, however, by fluctuations in the supply of the product or by the necessity for consumption or preservation of such products before spoilage occurs (see Fleming v. Hawkeye Pearl Button Co., 113 F. 2d 52; cf. McComb v. Consolidated Fisheries, 174 F. 2d 74).

§ 784.139 Perishable state of the aquatic product as affecting exemption.

(a) Activities performed after the conversion of an aquatic product to a nonperishable state cannot form the basis for application of the section 13(b)(4) exemption unless the subsequent operation is so integrated with the performance of exempt operations on the aquatic forms of animal and vegetable life mentioned in the section that functionally and as a practical matter it must be considered a part of the operations for which exemption was intended. The exemption is, consequently, not available for the handling or shipping of nonperishable products by an employer except where done as a part of named operations commenced on the product when it was in a perishable state. Thus, employees of dealers in or distributors of such nonperishable products as fish oil and fish meal, or canned seafood, are not within the exemption. Similarly, there is no basis for application of the exemption to employees employed in further processing of or manufacturing operations on products previously rendered nonperishable, such as refining fish oil or handling fish meal in connection with the manufacture of feeds. Further specific examples of application of the foregoing principle are given in the subsequent discussion of particular operations named in section 13(b)(4).

(b) In applying the principle stated in paragraph (a) of this section, the Department has not asserted that the exemption is inapplicable to the performance of the operations described in section 13(b)(4) on frozen, smoked, salted, or cured fish. The Department will continue to follow this policy until further clarification from the courts.

§ 784.140 Scope of exempt operations in general.

Exemption under section 13(b)(4), like exemption under section 13(a)(5), depends upon the employment in the actual activities named in the section, and an employee performing a function which is not necessary to the actual conduct of a named activity, as explained in § 784.106, is not within the exemption. It is also essential to exemption that the operations named in section 13(b)(4) be performed on the forms of aquatic life specified in the section and not on other commodities or on mixed commodities a substantial part of which consist of materials or products other than the named aquatic products. Application of these principles has been considered generally in the earlier discussion, and further applications will be noted in the following sections and in the subsequent discussion of particular operations mentioned in the section 13(b)(4) exemption.

§ 784.141 Fabrication and handling of supplies for use in named operations.

(a) As noted in § 784.109, the exemption for employees employed "in" the named operations does not extend to an employee by reason of the fact that he engages in fabricating supplies for the named operations. Employment in connection with the furnishing of supplies for the processing or canning operations named in section 13(b)(4) is not exempt as employment "in" such named operations unless the functional relationship of the work to the actual conduct of the named operations is such that, as a practical matter, the employment is directly and necessarily a part of the operations for which exemption is intended. Employees who meet the daily needs of the canning or processing operations by delivering from stock, handling, and working on supplies such as salt, condiments, cleaning supplies, containers, etc., which must be provided as needed if the named operations are to continue, are within the exemption because such work is, in practical effect, a part of the operations for which exemption is intended. On the other hand, the receiving, unloading, and storing of such supplies during seasons when the named operations are not being carried on, for subsequent use in the operations expected to be performed during the active season, are ordinarily too remote from the actual conduct of the named operations to come within the exemption (see § 784.113), and are not affected by the natural factors (§ 784.138) which were considered by the Congress to constitute a fundamental reason for providing the exemption. Whether the receiving, unloading, and storing of supplies during periods when the named operations are being carried on are functionally so related to the actual conduct of the operations as to be, in practical effect, a part of the named operations and within the exemption, will depend on all the facts and circumstances of the particular situation and the manner in which the named operations are carried on. Normally, where such activities are directed to building up stock for use at a relatively remote time and there is no direct integration with the actual conduct of the named operations, the exemption will not apply.

(b) It may be that employees are engaged in the same workweek in performing exempt and nonexempt work. For example, a shop machinist engaged in making a new part to be used in the repair of a machine currently used in canning operations would be doing exempt work. If he also in the same workweek makes parts to be used in a manufacturing plant operated by his employer, this work, since it does not directly or necessarily contribute to the conduct of the canning operations, would be nonexempt work causing the loss of the exemption if such work occupied a substantial amount (for enforcement purposes, more than 20 percent) of the employee's worktime in that workweek (see § 784.116 for a more detailed discussion).

§ 784.142 Examples of nonexempt employees.

An employer who engages in operations specified in section 13(b)(4) which he performs on the marine products and byproducts described in that section may operate a business which engages also in operations of a different character or one in which some of the activities carried on are not functionally necessary to the conduct of operations named in section 13(b)(4). In such a business there will ordinarily be, in addition to the employees employed in such named operations, other employees who are nonexempt because their work is concerned entirely or in substantial part with carrying on activities which constitute neither the actual engagement in the named operations nor the performance of functions

which are, as a practical matter, directly and necessarily a part of their employer's conduct of such named operations. Ordinarily, as indicated in § 784.160, such nonexempt employees will not be employed in an establishment which is exclusively devoted by the employer to the named operations during the period of their employment. It is usually when the named operations are not being carried on, or in places wholly or partly devoted to other operations, that employees of such an employer will be performing functions which are not so necessarily related to the conduct of the operations named in section 13(b)(4) as to come within the exemption. Typical illustrations of the occupations in which such nonexempt workers may be found (although employment in such an occupation does not necessarily mean that the worker is nonexempt) are the following: General office work (such as maintaining employment, social security, payroll and other records, handling general correspondence, etc., as distinguished from "marketing" or "distributing" work like that described in § 784.159), custodial, maintenance, watching, and guarding occupations; furnishing food, lodging, transportation, or nursing services to workers; and laboratory occupations such as those concerned with development of new products. Such workers are, of course, not physically engaged in operations named in section 13(b)(4) in the ordinary case, and they are not exempt unless they can be shown to be "employed in" such operations on other grounds. But any of them may come within the exemption in a situation where the employer can show that the functions which they perform, in view of all the facts and circumstances under which the named operations are carried on, are actually so integrated with or essential to the conduct of the named operations as to be, in practical effect, directly and necessarily a part of the operations for which exemption was intended. Thus, for example, if canning operations described in section 13(b)(4) are carried on in a location where the canning employees cannot obtain necessary food unless the canner provides it, his employment of culinary employees to provide such food is functionally so necessary to the conduct of the canning operations that their work is, as a practical matter, a part of such operations, and the exemption will apply to them. On like principle, the exemption may apply to a watchman whose services are required during performance of the named operations in order to guard against spontaneous combustion of the products of such operations and other occurrences which may jeopardize the conduct of the operations.

"CANNING"

§ 784.143 Meaning and scope of "canning" as used in section 13(b)(4).

Section 13(b)(4) exempts any employee employed in the canning of aquatic forms of animal or vegetable life or byproducts thereof from the overtime requirements of the Act. As previously stated, it was made a limited exemption by the Fair Labor Standards Act Amendments of 1949. The legislative history of this section in specifically explaining what types of activities are included in the term "canning" and the antecedents from which this section evolved make it clear that the exemption applies to those employees employed in the activities that Congress construed as being embraced in the term and not to all those engaged in the fish canning industry (Mitchell v. Stinson, 217 F. 2d 214). Congress defined the term "canning" (House (Conference) Report No. 1453, 81st Cong., 1st sess. 95 Cong. Rec. 14878, 14932–33) as follows:

> Under the conference agreement "canning" means hermetically sealing and sterilizing or pasteurizing and has reference to a process involving the performance of such operations. It also means other operations performed in connection therewith such as necessary preparatory operations performed on the products before they are placed in bottles, cans, or other containers to be hermetically sealed, as well as the actual placing of the commodities in such containers. Also included are subsequent operations such as the labeling of the cans or other containers and the placing of the sealed containers in cases or boxes whether such subsequent operations are performed as part of an uninterrupted or interrupted process. It does not include the placing of such products or byproducts thereof in cans or other containers that are not hermetically sealed as such an operation is "processing" as distinguished from "canning" and comes within the complete exemption contained in section 13(a)(5).

Of course, the processing other than canning, referred to in the last sentence quoted above, is now, like canning, in section 13(b)(4) rather than section 13(a)(5).

§ 784.144 "Necessary preparatory operations."

All necessary preparatory work performed on the named aquatic products as an integral part of a single uninterrupted canning process is subject to section 13(b)(4) (see Tobin v. Blue Channel Corp., 198 F. 2d 245, approved in Mitchell v. Myrtle Grove Packing Co., 350 U.S. 891). Such activities conducted as essential and integrated steps in the continuous and uninterrupted process of canning are clearly within the definition of "canning" as contemplated by Congress and cannot be viewed in isolation from the canning process as a whole. Exempt preparatory operations include the necessary weighing, cleaning, picking, peeling, shucking, cutting, heating, cooling, steaming, mixing, cooking, carrying, conveying, and transferring to the containers the exempt aquatic products (see Mitchell v. Stinson, 217 F. 2d 214). But the preparatory operations do not include operations specified in section 13(a)(5) pertaining to the acquisition of the exempt products from nature. Therefore, if a canner employs fishermen or others to catch, take, harvest, cultivate, or farm aquatic animal and vegetable life, section 13(a)(5) and not section 13(b)(4) would apply to these particular operations.

§ 784.145 Preliminary processing by the canner.

The mere fact that operations preparatory to canning are physically separated from the main canning operations of hermetically sealing and sterilizing or pasteurizing would not be sufficient to remove them from the scope of section 13(b)(4). Where preparatory operations such as the steaming or shucking of oysters are performed in an establishment owned, operated, or controlled by a canner of seafood as part of a process consisting of a continuous series of operations in which such products are hermetically sealed in containers and sterilized or pasteurized, all employees who perform any part of such series of operations on any portion of such aquatic products for canning purposes are within the scope of the term "canning."

§ 784.146 Preliminary processing by another employer as part of "canning."

If the operations of separate processors are integrated in producing canned seafood products, all employees of such processors who perform any part of the described continuous series of operations to accomplish this result would be "employed in the canning of" such products. Moreover, preliminary operations performed in a separately owned processing establishment which are directed toward the particular requirements of a cannery pursuant to some definite arrangement between the operators of the two establishments would generally appear to be integrated with the cannery operations within the meaning of the above principles, so that the employees engaged in the preliminary operations in the separate establishment would be employed in "canning" within the meaning of section 13(b)(4) of the Act. Whether or not integration exists in a specific case of this general nature will depend, of course, upon all the relevant facts and circumstances in such case.

§ 784.147 Preservation of aquatic products for later canning.

The cooling, icing, or refrigeration of the acquatic products in the course of canning does not constitute such a break or discontinuance of the process as to bring the preparatory operations within other named operations in section 13(b)(4) instead of canning if the purpose of the refrigeration is to prevent spoilage for a short period, such as over the weekend, or during the transfer or shipment of the prepared products, or directly prior to the opening of the canning season. On the other hand, the freezing of aquatic products to be stored for a protracted or indefinite period for future canning is too remote from the actual canning to be considered as a part of that operation; it would, however, qualify as a "freezing" operation which is an exempt operation named in section 13(b)(4). This distinction is not without significance, for, as an exempt freezing operation, employees engaged therein are entitled to the minimum wage prescribed by section 6(b) of the Act for those to whom the minimum wage benefits are being extended for the first time as a result of the Fair Labor Standards Act amendments of 1961, rather than the minimum wage prescribed by section 6(a) of the Act for employees performing work which was

subject to the minimum wage prior to these amendments (§§ 784.23 to 784.25).

§ 784.148 Processing of aquatic products for canning and for other disposition.

Where canning and processing operations are intermingled, the former and not the latter exemption applies (see Mitchell v. Myrtle Grove Packing Company, 350 U.S. 891; Tobin v. Blue Channel Corporation, 198 F. 2d 245). Thus, where preparatory operations are performed on fish or seafood, some of which are to be canned and some of which are for processing, all the necessary preparatory operations are exempt as part of canning until that point in the operations where the commodity is channeled to accomplish the separate objectives, namely, canning or processing. Thereafter, the canning operations would be exempt as canning and the processing operations would be exempt as processing. For example, all the preparatory activities in a roe canning plant such as any unloading of the fish, cutting off the heads and tails, cleaning and sealing leading up to and including the extraction of the roe would qualify as canning operations, whereas the subsequent boning and filleting of the fish would come within processing operations when none of the filleted fish is to be canned. The minimum rates applicable in such a situation would be determined in accordance with the principles stated in §§ 784.23 to 784.25 of Subpart A of this Part 784.

§ 784.149 "Hermetically sealing and sterilizing or pasteurizing."

As previously indicated in § 784.143, hermetically sealing and sterilizing or pasteurizing are the operations which characterize the process of canning. Employment in such operations is clearly within the section 13(b)(4) exemption. Employees whose work does not relate to a process which includes these operations are not employed in canning. A process involving the placing of the aquatic products in cans or containers without hermetically sealing and sterilizing or pasteurizing is not canning, within the meaning of the exemption. Depending on the operations involved it may be "processing" or "packing for shipment" within the scope of the exemption, in which event the pay provisions for "new" rather than those for "old" coverage will be applicable, as explained in §§ 784.23 to 784.25, in Subpart A of this Part 784.

§ 784.150 "Subsequent operations."

Canning, within the meaning of the exemption, includes operations performed after hermetic sealing of the cans or other containers, such as labeling of them and placing of them in cases or boxes, which are required to place the canned product in the form in which it will be sold or shipped by the canner. This is so whether or not such operations immediately follow the actual canning operations as a part of an uninterrupted process. Storing and shipping operations performed by the employees of the cannery in connection with its canned products, during weeks in which canning operations are going on, to make room for the canned products coming off the line or to make storage room come within the exemption as a part of canning. The fact that such activities relate in part to products canned during previous weeks or seasons would not affect the application of the exemption, provided canning operations such as hermetic sealing and sterilizing, or labeling, are currently being carried on. When, however, operations with respect to the aquatic products processed by the employer are performed as a part of his activities in "marketing * * * storing, packing for shipment, or distributing" such products rather than as a part of canning as above described (cf. Calaf v. Gonzalez, 127 F. 2d 934; Tobin v. Blue Channel Corp., 198 F. 2d 245; Mitchell v. Myrtle Grove Packing Co., 350 U.S. 891), these operations, while also exempt under section 13(b)(4), are subject to the minimum wage provisions of section 6(b) rather than section 6(a) of the Act and, if intermingled with those which are part of canning, will be subject to the rules stated previously in §§ 784.23 to 784.25, in Subpart A of this Part 784.

§ 784.151 Employees "employed in" canning.

All employees whose activities are directly and necessarily a part of the "canning" of the specified aquatic forms of life are within the exemption provided by section 13(b)(4). Thus, employees engaged in handling the fish or seafood, placing it into the cans, providing steam for cooking it, or operating the machinery that seals the cans or the equipment that sterilizes the canned product are engaged in exempt activities. In addition, can loft workers, those engaged in removing and carrying supplies from the stock room for current use in canning operations, and employees whose duty it is to reform cans, when canning operations are going on, for current use, are engaged in exempt activities. Similarly, the repairing, oiling, or greasing during the active season of canning machinery or equipment currently used in the actual canning operations are exempt activities. The making of repairs in the production room such as to the floor around the canning machinery or equipment would also be deemed exempt activities where the repairs are essential to the continued canning operations or to prevent interruptions in the canning operations. These examples are illustrative but not exhaustive. Employees engaged in other activities which are similiarly integrated with and necessary to the actual conduct of the canning operations will also come within the exemption. Employees whose work is not directly and necessarily a part of the canning operations are not exempt. See §§ 784.106, 784.141, and 784.142.

PROCESSING, FREEZING, AND CURING

§ 784.152 General scope of processing, freezing, and curing activities.

Processing, freezing, and curing embrace a variety of operations that change the form of the "aquatic forms of animal and vegetable life." They include such operations as filleting, cutting, scaling, salting, smoking, drying, pickling, curing, freezing, extracting oil, manufacturing meal or fertilizer, drying seaweed preparatory to the manufacture of agar, drying and cleaning sponges (Fleming v. Hawkeye Pearl Button Co., 113 F. 2d 52).

§ 784.153 Typical operations that may qualify for exemption.

Such operations as transporting the specified aquatic products to the processing plant; moving the products from place to place in the plant; cutting, trimming, eviscerating, peeling, shelling and otherwise working on the products; packing the products; and moving the products from the production line to storage or to the shipping platform are typical of the operations in processing plants which are included in the exemption. Removal of waste, such as clam and oyster shells, operation of processing and packing machinery, and providing steam and brine for the processing operations (see Mitchell v. Trade Winds, Inc., 289 F. 2d 278, explaining Waller v. Humphreys, 133 F. 2d 193) are also included. As for the application of the exemption to office, maintenance, warehouse, and other employees, see the discussion in § 784.106 et seq., and §§ 784.141 and 784.142.

§ 784.154 Named operations performed on previously processed aquatic products.

It will be noted that section 13(b)(4) refers to employees employed in "processing" the named aquatic commodities and not just to "first processing" as does the provision in section 13(a)(5) for such processing at sea. Accordingly, if the aquatic products, though subjected to a processing operation, are still in a perishable state, the subsequent performance of any of the enumerated operations on the still perishable products will be within the exemption no matter who the employer performing the exempt operations may be. He may be the same employer who performed the prior processing or other exempt operations, another processor, or a wholesaler, as the case may be. As noted in § 784.139(b), the Department has not questioned the applicability of the foregoing rule where the operation is performed on frozen, salted, smoked, or cured fish.

§ 784.155 Operations performed after product is rendered nonperishable.

As indicated in § 784.139, after the character of the aquatic products as taken from nature has been altered by the performance of the enumerated operations so as to render them nonperishable (e.g., drying and cleaning sponges) section 13(b)(4) provides no exemption for any subsequent operations on the preserved products, unless the subsequent operation is performed as an integrated part of the operations named in the exemption which are performed by an employer on aquatic commodities described in section 13(b)(4) after receiving them in the perishable state. In the case of an employer who is engaged in performing on perishable aquatic forms of life specified in section 13(b)(4) any operations named in that section which result in a nonperishable product, the employment of his employees in the storing, marketing, packing for shipment, or

distributing of nonperishable products resulting from such operations performed by him (including products processed during previous weeks or seasons) will be considered to be an integrated part of his operations on the perishable aquatic forms of life during those workweeks when he is actively engaged in such operations. The employees employed by him in such work on the nonperishable products are, accordingly, within the exemption in such workweeks.

§ 784.156 Operations performed on byproducts.

The principles stated in the two preceding sections would also be applicable where the specified operations are performed on perishable byproducts. Any operation performed on perishable fish scraps, an unsegregated portion of which is to be canned, would come within the canning (not the processing) part of the exemption (see § 784.148). Fish-reduction operations performed on the inedible and still perishable portions of fish resulting from processing or canning operations, to produce fish oil or meal, would come within the processing part of the exemption. Subsequent operations on the oil to fortify it would not be exempt, however, since fish oil is nonperishable in the sense that it may be held for a substantial period of time without deterioration.

MARKETING, STORING, PACKING FOR SHIPMENT, AND DISTRIBUTING

§ 784.157 General scope of named operations.

The exemption from the overtime pay requirements provided by section 13(b)(4) of the Act extends to employees "employed in the * * * marketing * * * storing, packing for shipment, or distributing of any kind of" perishable aquatic product named in the section. An employee's work must be functionally so related to the named activity as to be, in practical effect, a part of it, and the named activity must be performed with respect to the perishable aquatic commodities listed in section 13(b)(4), in order for the exemption to apply to him. The named activities include the operations customarily performed in the marketing, storing, packing for shipment, or distributing of perishable marine products. For example, an employee engaged in placing perishable marine products in boxes, cartons, crates, bags, barrels, etc., preparatory to shipment and placing the loaded containers on conveyances for delivery to customers would be employed in the "packing for shipment" of such products. Salesmen taking orders for the perishable aquatic products named in the section would be employed in the "marketing" of them. Employees of a refrigerated warehouse who perform only duties involved in placing such perishable marine products in the refrigerated space, removing them from it, and operating the refrigerating equipment, would be employed in "storing" or "distributing" such products, depending on the facts. On the other hand, employees of a public warehouse handling aquatic products which have been canned or otherwise rendered nonperishable, or handling perishable products which contain a substantial amount of ingredients not named in section 13(b)(4), would not be within the exemption. Office, clerical, maintenance, and custodial employees are not exempt by reason of the fact that they are employed by employers engaged in marketing, storing, packing for shipment, or distributing seafood and other aquatic products. Such employees are exempt only when the facts of their employment establish that they are performing functions so necessary to the actual conduct of such operations by the employer that, as a practical matter, their employment is directly and necessarily a part of the operations intended to be exempted (see, for some examples, § 784.159).

§ 784.158 Relationship to other operations as affecting exemption.

Employment in marketing, storing, distributing, and packing for shipment of the aquatic commodities described in section 13(b)(4) is, as such, exempted from the overtime pay provisions of the Act. This means that the employees actually employed in such operations on the named commodities are within the exemption without regard to the intimacy or remoteness of the relationship between their work and processing operations also performed on the commodities, so long as any prior processing has not rendered the commodity nonperishable (as in the case of a canned product) and therefore removed it from the category of marine products referred to by section 13(b)(4). If the commodity has previously been rendered nonperishable, the marketing, storing, distributing, or packing for shipment of it by an employee can come within the exemption only if the activity is one performed by his employer as an integrated part of a series of the named operations which commenced with operations on the perishable marine products to which section 13(b)(4) refers. Some examples of this situation are given in §§ 784.150 and 784.155.

§ 784.159 Activities performed in wholesale establishments.

The section 13(b)(4) exemption for employment in "marketing * * * storing, or distributing" the named aquatic products or byproducts, as applied to the wholesaling of fish and seafood, affords exemption to such activities as unloading the aquatic product at the establishment, icing or refrigerating the product and storing it, placing the product into boxes, and loading the boxes on trucks or other transportation facilities for shipment to retailers or other receivers. Transportation to and from the establishment is also included (Johnson v. Johnson & Company, Inc., N.D. Ga., 47 F. Supp. 650). Office and clerical employees of a wholesaler who perform general office work such as posting to ledgers, sending bills and statements, preparing tax returns, and making up payrolls are not exempt unless these activities can be shown to be functionally necessary, in the particular fact situation, to the actual conduct of the operations named in section 13(b)(4). Such activities as selling, taking and putting up orders, recording sales, and taking cash are, however, included in employment in "marketing" or "distributing" within the exemption. Employees of a wholesaler engaged in the performance of any of the enumerated operations on fresh fish or fish products will be engaged in exempt work. However, any such operations which they perform on aquatic products which have been canned or otherwise rendered nonperishable are nonexempt in accordance with the principles stated in §§ 784.139 and 784.158.

APPLICATION OF SECTION 13(B)(4) IN CERTAIN ESTABLISHMENTS

§ 784.160 Establishments exclusively devoted to named operations.

As noted in § 784.106 and elsewhere in the previous discussion, the section 13(b)(4) exemption depends on employment of the employee in the operations named in that section and does not apply on an establishment basis. However, the fact that an establishment is exclusively devoted to operations specified in section 13(b)(4) is, in the absence of evidence to the contrary, an indication that the employees employed there are employed in the named operations either directly or through the performance of functions so necesasry to conducting the operations that the employment should in practical effect, be considered a part of the activity intended to be exempted. Where this is the case, it is consistent with the legislative intent to avoid segmentation and treat all employees of the establishment in the same manner (see Sen. Rep. No. 145, 87th Cong. 1st sess., p. 33). Accordingly, where it can be demonstrated that an establishment is, during a particular workweek, devoted exclusively to the performance of the operations named in section 13(b)(4), on the forms of aquatic life there specified, any employee of the establishment who is employed there during such workweek will be considered to be employed in such operations and to come within the exemption if there are no other facts pertinent to his employment that require a particular examination of the functions which he performs in connection with the conduct of the named operations. If, however, there are any facts (for example, the employment of the same employee at the establishment or the engagement by other employees in like duties there during periods when none of the named operations are being carried on) which raise questions as to whether he is actually engaged in the exempt activities, it will be necessary to scrutinize what he is actually doing during the conduct of the operations named in section 13(b)(4) in order to determine the applicability of the exemption to him. This is necessary because an employee who would not otherwise be within the exemption, such as a carpenter doing repair work during the dead season, does not become exempt as "employed in" one of the named activities merely because the establishment begins canning or processing fish.

Signed at Washington, D.C., this 2d day of February 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-1395; Filed, Feb. 9, 1962; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 50—Division of Public Contracts, Department of Labor

PART 50–202—MINIMUM WAGE DETERMINATIONS

Office, Computing, and Accounting Machines Industry

Miscellaneous exceptions have been filed criticizing the findings and conclusions expressed in the tentative decision determining prevailing minimum wages in the office, computing, and accounting machines industry (26 F.R. 10517).

The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) contends that the data on which the tentative decision was based were distorted downward because there is evidence that the survey table on which the tentative decision was based reflects the wage rates paid to a few beginners at a low rate in two large establishments which affects the employment median for the entire industry by 13 cents. It recommends that the wage determination be based upon an employment median 13 cents higher than the one used in the tentative decision. It contends that it would be appropriate to raise the prevailing minimum wage determination by 9 or 10 cents, still giving weight to the median establishment minimum wage. In order to allow for the newly excluded beginners it also recommends that a beginner tolerance be granted to establishments which had a beginner tolerance comparable to the one used by the two establishments discussed.

The adoption of this recommendation would involve a clear inequity in the application of the Act to this industry in that it would provide one set of standards for establishments which, prior to this determination, have established one particular type of employment practice and another for the rest of the industry. This exception is rejected.

The AFL–CIO also contends that prevailing minimum wages have continued to rise since the hearing and are now about 12 or 13 cents higher than they were on the date of the BLS survey and 7 or 8 cents higher than they were determined to be in the tentative decision. In support of this they cite recently published BLS data showing that an 11-percent increase has taken place in the average straighttime earnings in this industry between the survey date of May 1960 and August 1961.

The Administrative Procedure Act requires that an opportunity be accorded to parties to rebut evidence such as this at a reopened hearing (5 U.S.C. 1006(d)): (See the Attorney General's Manual on the Administrative Procedure Act, p. 79.) It is clear that the providing of such an opportunity would involve a substantial further delay in the making of any wage determination for this industry. I have concluded that the merits involved in the possible discovery of any recent increases in the prevailing minimum wage are outweighed by the advantage of a prevailing minimum wage determination in this industry without further delay.

New contentions have been made on behalf of manufacturers of typewriters, adding machines, and calculating machines to the effect that the definition of the industry contained in the tentative decision groups the manufacture of products which are dissimilar in various important respects.

This contention has not been advanced on a timely basis. The leading manufacturers of these machines were well represented at the panel conference where arrangements for product divisions of the wage data are most conveniently made. They were also well represented at the hearing. If prior to the hearing the contention had been made that it would be appropriate for me to make separate prevailing minimum wage determinations for various segments of the industry, the Department might have gathered evidence upon which branch determinations could have been established. The contention could have been made as late as the hearing if supported by evidence which would warrant and could form a reasonable basis for making branch determinations.

The question of whether a separate wage determination should be made for various branches of an industry is a matter of discretion; considering all the circumstances here involved, I do not deem it proper to give favorable consideration to this request, which, it may be noted, is made for the first time after the record has been closed. Any other decision in regard to this matter would virtually involve discarding several years of effort to determine the prevailing minimum wage in this industry, and beginning proceedings anew. The record contains information on the minimum wages paid by two of the three individual typewriter companies which filed exceptions to the tentative determination. At the time of the hearing in April 1960 the minimum hiring rate of the Royal McBee plant at Hartford, Conn., was $1.54. The operations of Smith-Corona Marchant, Inc., were being reorganized with the view of transferring the activities of the Syracuse, N.Y., plant to the Groton-Cortland area where the minimum hiring rate was $1.40 an hour. In view of the time which has elapsed since the hearing, it is apparent from these data that any adjustment which may be posed for these plants by a determination of $1.55 an hour would not be of sufficient magnitude to justify a separate product break within the industry.

Many of the other exceptions merely repeat contentions fully discussed in rulings of record, including the tentative decision. Some of them do not relate to the material issues of fact, law, and discretion presented by the evidence of record in this proceeding. Though not all of the remaining ones were deemed of sufficient persuasiveness to merit discussion in the tentative decision, none are new in the sense that they were not considered in the preparation of that decision. Each exception has been carefully considered. None appears to warrant further discussion here. Each is overruled. Each finding and conclusion, together with the reason and basis therefor, which is expressed in the tentative decision is hereby made final.

Accordingly, upon the findings and conclusions stated herein, pursuant to authority under the Walsh-Healey Public Contracts Act (41 U.S.C. sec. 35 et seq.), and in accordance with the Administrative Procedure Act (5 U.S.C. 1001), Title 41 of the Code of Federal Regulations, Part 50–202, is hereby amended by the addition of § 50–202.26 in the manner indicated below. The amendment shall become effective 30 days following its publication in the FEDERAL REGISTER.

The new § 50–202.26 of Title 41, Code of Federal Regulations, reads as follows:

§ 50–202.26 Office, computing, and accounting machines industry.

(a) *Definition.* (1) The office, computing, and accounting machines industry is defined as that industry which manufactures or furnishes computing machines and machines of a type designed for office or business use (including parts specially designed for such machines), such as the following: Accounting machines, adding machines, addressing machines (manual and automatic), billing machines, bookkeeping machines, calculating machines, cash registers, change making machines, check handling machines, collating machines, currency and coin handling machines, dating machines (automatic), dictating and transcribing machines, duplicating machines (except photocopy, blueprint, and printing), electronic computing and associated information processing equipment (except airborne), envelope handling machines (automatic), folding machines, inserting machines, key punch machines, label pasting machines, mailing machines, payroll machines, perforating and cancelling machines (except hand punches), postal permit mailing machines, post office cancelling machines, punched card tabulating machines, shorthand machines, sorting machines, stamp affixing machines, stencil machines, tabulating machines, time recorders, time stamping machines (except hand stamping), typewriters, and varitypers.

(2) This definition does not include (i) devices of simple construction and normally hand operated, such as pencil sharpeners, paper punches, staplers, gummed tape moisteners, seal presses, erasing machines, autographic registers, and rubber stamps; (ii) electron tubes; (iii) solid-state semiconductors; and (iv) functional electronic component parts such as resistors, capacitors, relays, connectors, and complex components, packaged components, modules, and other similar component combinations manufactured as a single unit.

(b) *Minimum wages.* The minimum wage for persons employed in the manufacture or furnishing of products of the office, computing, and accounting machines industry shall be $1.55 an hour.

(Secs. 1, 4, 49 Stat. 2063, as amended, 2038; 41 U.S.C. 35, 38)

Signed at Washington, D.C., this 2d day of February 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-1378; Filed, Feb. 9, 1962; 8:46 a.m.]

PART 50-205—ENFORCEMENT OF SAFETY AND HEALTH STANDARDS BY STATE OFFICERS AND EMPLOYEES

Pursuant to section 4 of the Walsh-Healey Public Contracts Act (49 Stat. 2038, 41 U.S.C. 38), Chapter 50 of Title 41, Code of Federal Regulations, is hereby amended by adding thereto an additional part, designated Part 50-205, concerning the agreements for participation of State officers and employees in the enforcement of the safety and health provisions of the Act. The new Part 50-205 shall become effective upon publication in the FEDERAL REGISTER.

Neither notice and public procedure nor a delay in effective date with regard to the making of these regulations is provided since they set forth general statements of policy, exempt from the notice, public procedure, and delayed effective date requirements of section 4 of the Administrative Procedure Act.

The new Part 50-205 of Chapter 50 of Title 41, Code of Federal Regulations, reads as follows:

Sec.
50-205.1 Purpose and scope.
50-205.2 Definitions.
50-205.3 Agreement with a State agency.
50-205.4 Plan of cooperation.
50-205.5 Inspections by State agency.
50-205.6 Complaints.
50-205.7 Manual of instructions.
50-205.8 Reports of inspections.
50-205.9 Inspections by the Department of Labor.
50-205.10 Modification or termination of agreement.

AUTHORITY: §§ 50-205.1 to 50-205.10 issued under sec. 4, 49 Stat. 2038, 41 U.S.C. 38. Interpret or apply sec. 1, 49 Stat. 2036, 41 U.S.C. 35.

§ 50-205.1 Purpose and scope.

The Walsh-Healey Public Contracts Act authorizes and directs the Secretary of Labor to utilize, with the consent of a State, such State and local officers and employees as he may find necessary to assist in the administration of the Act. It is the purpose of this part to prescribe the rules governing the use of such State and local officers in inspections (or investigations) relating to the enforcement of the stipulation required by the Act providing that no part of a contract subject thereto will be performed nor will any materials, supplies, articles, or equipment to be manufactured or furnished under such a contract be manufactured or fabricated in any plants, factories, buildings, or surroundings or under working conditions which are unsanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of the contract, and the enforcement of the safety and health standards interpreting and applying that stipulation published in Part 50-204 of this chapter.

§ 50-205.2 Definitions.

(a) "Act" means the Walsh-Healey Public Contracts Act.

(b) "Secretary" means the Secretary of Labor.

(c) "State agency" means any authority of a State government which is responsible for the enforcement of State laws or regulations prescribing safety and health standards for employees.

(d) "Administrator" means the Administrator of the Wage and Hour and Public Contracts Divisions or his duly authorized representative.

§ 50-205.3 Agreement with a State agency.

The Secretary may enter into an agreement with the head of a State agency providing for the use of State or local officers and employees in the conduct of inspections under the safety and health provisions of the Act as interpreted or applied in Part 50-204 of this chapter whenever he finds that the utilization of such State or local officers is necessary to assist in the administration of those provisions. In making such a finding, consideration may be given to the State laws or regulations administered by the State agency providing safety and health standards, the central and field organization of the State agency, and the qualifications of its investigative personnel.

§ 50-205.4 Plan of cooperation.

Each agreement under this part shall incorporate a plan of cooperation between the Department of Labor and the State agency. The plan shall include the operative details of the cooperation contemplated in the making of safety and health inspections. The plan shall include a statement of the location of the State offices designated to make inspections and those of the Department of Labor designated to cooperate with such State offices.

§ 50-205.5 Inspections by State agency.

Inspections shall be conducted by the State agency with whom an agreement has been made under this part in order to determine the extent of compliance by Government contractors subject to the Act (as determined by the Department of Labor) with the safety and health provisions interpreted or applied in Part 50-204 of this chapter. Inspectors of the State agency shall be considered authorized representatives of the Secretary of Labor in making inspections including the examining of the records of the Government contractor maintained under §§ 50-201.501 and 502 of this chapter. Inspections shall be made upon request of the Department of Labor or concurrently with inspections made to ascertain the compliance by employers with State safety and health requirements.

§ 50-205.6 Complaints.

When a complaint of alleged safety and health violations by an employer apparently subject to the Act is filed with a State agency, that agency shall transmit a copy of the complaint to the cooperating office of the Department of Labor within 5 days from the receipt of the complaint. All complaints shall be considered confidential and shall not be disclosed to any employer without the consent of the complainant.

§ 50-205.7 Manual of instructions.

The Administrator shall provide the State agency with a manual of instructions which shall be used in the making of inspections.

§ 50-205.8 Reports of inspections.

The State agency shall furnish the Department of Labor with a report of its inspection when the following circumstances exist:

(a) The inspection was requested by the Department of Labor;

(b) The inspection discloses serious violations of the safety and health requirements of Part 50-204 of this chapter by an employer apparently subject to the Act;

(c) The inspection discloses minor violations of the safety and health requirements of Part 50-204 of this chapter by an employer apparently subject to the Act which are not corrected promptly when such apparent violations are brought to the attention of the employer or as to which fully reliable assurances of future compliance are not or cannot be obtained.

§ 50-205.9 Inspections by the Department of Labor.

The Administrator may conduct such inspections as he may find appropriate to assure compliance with the safety and health provisions of the Act or whenever he may find that a safety and health inspection should be carried out along with investigation under other provisions of the Act or the Fair Labor Standards Act of 1938. Whenever an inspection by the Administrator discloses apparent violations of State safety and health requirements the Administrator shall report such disclosures to the State agency.

§ 50-205.10 Modification or termination of agreement.

Any agreement entered into this part may be modified at any time with the consent of both parties, and may be terminated by either party after notifying the other party 60 days prior thereto.

Signed at Washington, D.C., this 1st day of February 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-1377; Filed, Feb. 9, 1962; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2558]

[Colorado 048874]

COLORADO

Withdrawing Lands in National Forests for Use of the Forest Service for Administrative Sites and Recreation Areas

Correction

In F.R. Doc. 61-11925, appearing at page 12081 of the issue for Saturday, December 16, 1961, the following corrections are made in the land descriptions for New Mexico Principal Meridian:

RIO GRANDE NATIONAL FOREST

. . . . . .

Middle Forks Meadow Campground

T. 35 N., R. 3 E.,
Sec. 15, S½SW¼SW¼, S½SE¼SW¼;
Sec. 22, N½NW¼NW¼, NW¼NE¼NW¼.

. . . . . .

Valdez Community Campground

T. 35 N., R. 4½ E.,
Sec. 13, W½NE¼SE¼, NW¼SE¼, E½NE¼SW¼, SE¼SW¼, SW¼SE¼, SE¼SE¼;
Sec. 24, NE¼NE¼NE¼, NW¼NE¼NE¼, SW¼NE¼NE¼, NW¼NE¼, E½NE¼NW¼, SW¼NE¼, W½SE¼NE¼.

. . . . . .

McEntyre Campground

T. 35 N., R. 4½ E.,
Sec. 1, All of Lot 6, Lot 11, W½ Lot 14, W½ Lot 19, Lot 20, N½SW¼NW¼;
Sec. 2, All of Lot 13.

[Public Land Order 2602]

[Colorado 024153]

COLORADO

Withdrawing Public Lands for Use in Connection With the Shadow Mountain National Recreation Area

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved under the jurisdiction of the National Park Service, Department of the Interior, for public recreation purposes and for the protection of the Shadow Mountain National Recreation Area:

SIXTH PRINCIPAL MERIDIAN

T. 2 N., R. 76 W.,
Sec. 4, lot 8.
Containing 39.91 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

FEBRUARY 5, 1962.

[F.R. Doc. 62-1374; Filed, Feb. 9, 1962; 8:46 a.m.]

[Public Land Order 2603]

MONTANA, NEW MEXICO, AND WASHINGTON

Withdrawing Lands for Use of the Forest Service for Administrative Sites and Recreation Areas; Correcting Public Land Orders No. 2434 of July 13, 1961, and No. 2569 of December 19, 1961

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following described lands within the national forests hereafter named, are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States, in aid of programs of the Forest Service, Department of Agriculture, for use of the surface of the lands as administrative sites and recreation areas, as indicated:

[Montana 036030]

PRINCIPAL MERIDIAN

GALLATIN NATIONAL FOREST

Yankee Jim Camp and Picnic Area

T. 7 S., R. 7 E.,
Sec. 33, SW¼NW¼SW¼.

Montanapolis Mineral Springs Recreation Area

T. 6 S., R. 10 E., unsurveyed, but when surveyed probably will be:
Sec. 29, NW¼NE¼NE¼.

Montanapolis Public Service Site

T. 6 S., R. 10 E., unsurveyed, but when surveyed probably will be:
Sec. 29, N½SE¼NE¼ and NE¼SW¼NE¼.

Roadside Camp and Picnic Area

T. 9 S., R. 15 E.,
Sec. 20, SW¼SW¼.

Clarks Fork Camp and Picnic Area

T. 9 S., R. 15 E.,
Sec. 28, W½ lot 6.

Chief Joseph Campground

T. 9 S., R. 15 E.,
Sec. 28, NW¼ lot 7.

Cooke Administrative Site

T. 9 S., R. 15 E.,
Sec. 29, NE¼NW¼NW¼.

Soda Butte Campground

T. 9 S., R. 15 E.,
Sec. 30, S½ lot 1.

CUSTER NATIONAL FOREST

Pine Grove Campground

T. 6 S., R. 17 E.,
Sec. 28, S½SW¼SW¼, SE¼SW¼, W½ lot 9, SE¼ lot 9, and SW¼ lot 8;
Sec. 32, E½NE¼NE¼, NE¼SW¼NE¼, S½SW¼NE¼, SE¼NE¼, and NW¼NW¼SE¼;
Sec. 33, NE¼NE¼NW¼, W½NE¼NW¼, NW¼NW¼, N½SW¼NW¼, and SW¼SW¼NW¼.

KANIKSU NATIONAL FOREST

Willow Creek Recreation Area

T. 24 N., R. 29 W., unsurveyed, but when surveyed probably will be:
Sec. 3, SW¼NW¼NW¼;
Sec. 4, SE¼NE¼NE¼.

Big Eddy Recreation Area

T. 27 N., R. 34 W.,
Sec. 25, NW¼SE¼SW¼SW¼, NE¼SE¼SW¼SW¼, SE¼SE¼SW¼SW¼, S½NW¼SW¼SE¼SW¼, SW¼SW¼SE¼SW¼, SE¼SW¼SE¼SW¼, and S½S½SE¼SE¼SW¼.

The areas described total in the aggregate 483.08 acres.

2. In Public Land Order No. 2434 of July 13, 1961 (Washington 01484), withdrawing lands in national forests for use of the Forest Service, and appearing in the FEDERAL REGISTER issue of July 19, 1961, at pages 6474-5, the description "T. 16 N., R. 10 E. (Unsurveyed)", preceding the description "Sec. 3, W½W½", for the Mather-Memorial Parkway Roadside Zone, is hereby corrected to read "T. 17 N., R. 10 E. (Unsurveyed)".

3. In Public Land Order No. 2569 of December 19, 1961 (1969385; New Mexico 0141063), revoking Public Land Order No. 629 of January 13, 1950, and appearing in the FEDERAL REGISTER issue of December 23, 1961, the description "Sec. 4, lot 4" appearing in T. 25 S., R. 15 E., is hereby corrected to read "Sec. 4, lot 1".

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

FEBRUARY 5, 1962.

[F.R. Doc. 62-1375; Filed, Feb. 9, 1962; 8:46 a.m.]

[Public Land Order 2604]

[Utah 073096]

UTAH

Withdrawal for Use of National Park Service (Hovenweep National Monument)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the National Park Service in connection with administration of the Hovenweep National Monument:

SALT LAKE MERIDIAN

T. 39 S., R. 26 E.,
Sec. 21, W½NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼.
Containing 280 acres.

2. The lands shall continue to be administered by the Bureau of Land Management for grazing purposes.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

FEBRUARY 5, 1962.

[F.R. Doc. 62-1376; Filed, Feb. 9, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1008, 1009, 1030–1049, 1061–1064, 1067–1070, 1078, 1079, 1095, 1097, 1099, 1108]

HANDLING OF MILK IN CERTAIN MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Part, Docket No., and Marketing Area

1008; AO–268–A6; Greater Wheeling.
1009; AO–268–A6; Clarksburg, W. Va.
1030; AO–101–A25; Chicago, Ill.
1031; AO–170–A13; South Bend-LaPorte-Elkhart, Ind.
1032; AO–313–A4; Suburban St. Louis.
1033; AO–166–A26; Greater Cincinnati.
1034; AO–175–A16; Dayton-Springfield, Ohio.
1035; AO–176–A14; Columbus, Ohio.
1036; AO–179–A22; Northeastern Ohio.
1037; AO–197–A7; North Central Ohio.
1038; AO–194–A7; Rockford-Freeport, Ill.
1039; AO–212–A13; Milwaukee, Wis.
1040; AO–225–A13; Southern Mich.
1041; AO–72–A24; Toledo, Ohio.
1042; AO–240–A6; Muskegon, Mich.
1043; AO–247–A7; Upstate Mich.
1044; AO–299–A3; Michigan Upper Peninsula.
1045; AO–334–A4; Northeastern Wis.
1046; AO–308–A3; Ohio Valley.
1047; AO–33–A26; Fort Wayne, Ind.
1048; AO–325–A1; Greater Youngstown-Warren.
1049; AO–319–A2; Indianapolis, Ind.
1061; AO–327–A1; St. Joseph, Mo.
1062; AO–10–A27; St. Louis, Mo.
1063; AO–105–A15; Quad Cities-Dubuque.
1064; AO–23–A23; Greater Kansas City.
1067; AO–222–A11; Ozarks.
1068; AO–178–A13; Minneapolis-St. Paul, Minn.
1069; AO–153–A8; Duluth-Superior.
1070; AO–229–A7; Cedar Rapids-Iowa City.
1078; AO–272–A2; North Central Iowa.
1079; AO–295–A3; Des Moines, Iowa.
1095; AO–123–A25; Louisville-Lexington, Ky.
1097; AO–219–A10; Memphis, Tenn.
1099; AO–183–A7; Paducah, Ky.
1108; AO–243–A7; Central Ark.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary of Agriculture, with respect to proposed amendments to the tentative marketing agreements, and orders regulating the handling of milk in each of the marketing areas heretofore specified. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, were formulated, was conducted at Chicago, Ill., on January 17, 18, and 19, 1962, pursuant to notice thereof which was issued January 8, 1962 (27 F.R. 314).

The material issues on the record of the hearing relate to:

1. Basic formula prices used to compute Class I prices (and Class II price in the Chicago order),

2. Basic butterfat test in certain markets, and

3. Conforming changes in order language.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The monthly average price received by farmers for manufacturing grade milk in Minnesota and Wisconsin as published by the Department on about the 5th day following the month (adjusted to 3.5 percent butterfat) should be the basic formula price from which the Class I milk price is computed in each of the Federal orders named herein. This basic formula price should also be used in the computation of the Class II milk price under the Chicago order.

Class I prices in Federal order markets are established under the authority of the Agricultural Marketing Agreement Act. The standards for milk order prices described in the Act require that such prices reflect economic conditions which affect market supply and demand for milk in the marketing area. In accordance with these standards, Class I milk pricing formulas have been developed for use in the several Federal orders.

Class I milk price formulas, in markets here considered, employ a basic formula price representing a manufacturing milk value. To this is added a price differential, and in most of these markets a further adjustment is made to reflect the changing relationship of milk supplies to Class I milk disposition. The latter adjustment is commonly referred to as a supply-demand adjustment. Six of the orders considered here do not have basic formula prices, since the Class I prices thereunder are established at differentials from the Class I prices of other orders. Six additional orders contain basic formula prices but do not use them to compute prices for Class I milk. Prices under these orders are likewise maintained in fixed relationship to those of other orders.

Among the several markets, there is a considerable diversity of basic formulas employed. All of the basic formulas include alternative computations of which the highest is the effective formula. In each of these formulas the average Midwest condensery paying price is one of the alternatives. Also, each basic formula (except in the Chicago order for a few recent months) uses a butter-powder formula computation. Eight different butter-powder formulas are employed in the several orders. Five of the orders use computations based on butter and cheese prices, of which there are three variations. In five orders, paying prices reported by local manufacturing plants is an alternative computation.

Producer groups and handlers generally supported the adoption of a uniform basic formula for all the orders. The average price for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota as reported by the Department was supported by many of the producer groups as a basis for achieving such uniformity. Some producer groups and handlers favored use of a butter-powder formula either as the basic formula price or as an alternative computation.

Proponents of the Wisconsin-Minnesota manufacturing grade milk price as a basic formula price supported its adoption for the following reasons: (1) Current basic formulas are subject to certain defects or weaknesses; (2) the proposed price is a better measure of manufacturing milk values; and (3) a single basic formula price in all the orders would provide a desirable basis for price alignment among the several orders.

The lack of uniformity among the various basic formulas and the consequent diversity of results produced in Class I prices constitutes a serious problem with respect to coordination of prices among these markets. The extent to which the Midwest condensery price, common to all orders, has been the effective price, has mitigated this problem in the past.

The Midwest condensery price was originally based on reports by 18 plants. From time to time individual plants have ceased operations. Recently, eight plants (6 in Wisconsin and 2 in Michigan) have been reporting prices. Four of these are operated by a single firm and two others by another firm. A further reduction in number of plants included is anticipated. The plant at New Glarus, Wisconsin, is reported to be ceasing operations. In addition to the effect that reductions in the number of plants have had in impairing this average price as a representative value of manufacturing milk, there is substantial evidence that the posted pay prices reported for the two Michigan plants in the series do not currently reflect the total cost of milk to such plants. As a consequence of these developments the Midwest condensery price can no longer be considered fully reliable as an accurate measure of manufacturing milk value.

...formula computations based on ...and nonfat dry milk prices are in...ded to reflect a manufacturing milk ...e based on prices of these products. ...among the eight butter-powder formulas ...ed, yield factors representing the ...ount of nonfat dry milk obtained from ...pounds of milk vary from 7.0 pounds ...pounds. Also the amount deducted ...give recognition to cost of processing ...vary among the formulas. Such cost ...tions are rigid elements in these for...ulas which do not respond to changes ...efficiency.

...The formulas based on prices of but...and cheese are affected by considera...tions similar to those in connection with ...ter-powder formulas.

...Local plant paying prices have tended ...play a lesser role in establishing basic ...ula prices. Generally they have ...been lower than other alternative for...ula computations. Since different ...groups of plants are used in each order, ...uniformity of pricing among orders ...cannot be attained by use of such prices.

...Uniformity of basic formulas is de...sirable for the purposes of aligning ...prices among related markets and pro...moting understanding of order pricing ...methods among parties in the industry. ...Further, in view of the disadvantages ...inherent in the existing formulas based ...on product prices and the lessening rep...resentation provided by the Midwest con...densery prices, it is imperative that a ...sounder basis for determining basic for...mulas be provided.

...The price for manufacturing grade ...milk in the two-state area of Wisconsin ...and Minnesota is issued by the State-...Federal Crop Reporting Service on about ...the 5th day of each month for milk re...ceived at manufacturing plants in these ...States in the previous month. Plant ...operators report the total pounds of ...manufacturing grade milk received from ...farmers, the butterfat content, and total ...money paid to farmers for the milk. ...The two-state area is one in which there ...is heavy concentration of manufactur...ing grade milk and where many plants ...are competing for such supply. In Min...nesota about 80 percent of the milk sold ...off farms is manufacturing grade and in ...Wisconsin, about 65 percent. About 50 ...percent of the manufacturing grade milk ...sold off farms in the United States is ...produced in these two states.

...The average price for manufacturing ...grade milk in Minnesota and Wisconsin, ...as available on the 5th day following ...the month, better meets the require...ments for a basic formula price than ...other formulas now used. It is repre...sentative of prices paid to farmers for ...about half of the manufacturing grade ...milk produced in the country. It is a ...price level determined by competitive ...conditions which are affected by demand ...in all of the major uses of manufactured ...dairy products. The system of reporting ...has been developed so that a reliable ...average price is available promptly and ...thus it provides just as current a basis ...for pricing milk as existing basic ...formulas.

...It is concluded that the average price ...for manufacturing grade milk in Wis...consin and Minnesota, as reported by the Department on about the 5th day of the following month should be adopted as the basic formula price in these orders, excepting those where prices are determined on the basis of differentials from other markets.

Inasmuch as the manufacturing milk price for the two-state area is reported by the Department as the price at actual butterfat test, a method for adjustment to the butterfat test (3.5 percent) used in these orders must be adopted. For this purpose a generally recognized value of butterfat, 0.12 times the average wholesale price for 92-score butter at Chicago, should be used. Such a method of adjustment was favored by producer groups at the hearing. A handler representative suggested that adjustment by direct ratio method would be more representative of the practice among plants purchasing manufacturing milk. It was shown, however, that at 116 manufacturing plants in Wisconsin, payment for manufacturing grade milk was made on the direct ratio basis by only 21 of the plants. Ninety-one of the plants adjusted from 3.5 percent prices by use of butterfat differentials which, if used for conversion of the Minnesota-Wisconsin price to a 3.5 percent basis, would result in a price no less than that resulting from the differential proposed herein.

The proposal to use a butter-powder formula as an alternative basic formula computation is not adopted. To be effective, such a butter-powder formula would need to be constructed so that it represents about the same level of price as the Minnesota-Wisconsin manufacturing milk price. To the extent that it did become effective, it would tend to represent milk values in these particular uses rather than the general value in all major uses represented by the Minnesota-Wisconsin manufacturing milk price. Thus, it would tend to be less truly representative of manufacturing milk prices. Accordingly, such an alternative computation is unnecessary and undesirable.

Representatives of producer interests in these markets asked that certain adjustments be made in the Class I price differentials which are added to the basic formula price if the Minnesota-Wisconsin manufacturing milk price were used as the basic formula. Based upon average relationships in a seven year period (1955–1961) they asked that Class I differentials in individual markets be increased by amounts ranging from 2–3 cents in most markets to 10–13 cents in markets for which basic formula prices of the orders now include or have included particularly favorable butter-powder or butter-cheese alternative formulas. A number of handlers argued that the conversion should be based strictly upon current relationships prevailing for either the last five months of 1961 or for some portion of that period, and that action be such as to provide no current increase of price from the conversion. On this basis a suggestion was offered that the Class I differentials of most orders be reduced 10 cents, and that no change be made in the differentials of those few orders in which the butter-powder formula price currently exceeds the Minnesota-Wisconsin price.

Because of the variety of basic formulas among the various markets, a uniform basis for considering a need for such adjustments is not possible. Further, the existing basic formulas have not maintained precise relationships with the Minnesota-Wisconsin series during the years 1955 through 1961. In view of the variations in such relationships it is not possible to establish with any precision relationships which might be expected to obtain in the future.

In the Chicago order, effective beginning with September 1961, the price for manufacturing grade milk in Wisconsin and Minnesota became an alternative, along with the Midwest condensery price, for the basic formula price. This formula is accordingly reflected in eight markets whose prices are based on Chicago. These markets included Cedar Rapids-Iowa City, Des Moines, North Central Iowa, Ozarks, Quad Cities-Dubuque, Rockford-Freeport, St. Louis and Suburban St. Louis.

The transition to pricing Class I milk on the basis of the Minnesota-Wisconsin manufacturing milk price has already been accomplished without change in Class I differentials with respect to the Chicago market and the eight markets previously named in which the Class I price is established at a differential above or below the Chicago price. Because the Midwest condensery price has been lower than the Minnesota-Wisconsin price, the latter has established the level of Class I price. The price data for both series (condensery and Minnesota-Wisconsin) do not provide any basis for adjusting the Class I level in the Chicago order from that currently established on the basis of the Minnesota-Wisconsin price and existing Class I price differentials. For the three most recent years, 1959, 1960, and 1961, the Midwest condensery price has averaged 1 cent less than the Minnesota-Wisconsin price. Except for the latter part of 1961, the Midwest condensery price and the Minnesota-Wisconsin price represented virtually the same level of price. During recent months the Midwest condensery price has been below its former relationship with paying prices in the area, and has not reflected its usual relationship to values of manufactured dairy products. This relative weakness of the condensery price is a symptom of its progressive failure to represent accurately manufacturing milk values. In view of this situation it would not be appropriate to decrease Class I differentials in these markets to reflect recent levels in the condensery price.

For those orders which use the same basic formula price as contained in the Chicago order prior to the September 1, 1961, amendment, the same method of transition should be used. This will provide the best method of maintaining price alignment among markets. These markets include Milwaukee, Michigan Upper Peninsula, Northeast Wisconsin, Duluth-Superior and South Bend-LaPorte-Elkhart.

The Paducah order basic formula differs from those of the orders in this group only in the use of local plant prices. Since the local plant prices have

been lower than the alternative computations they have not been effective as a basic formula. Accordingly, the same method of transition to the new basic formula would apply for the Paducah order as other markets with basic formulas which differ only in not including local plant prices.

The transition for 13 other markets considered at this hearing represents a problem similar to that in markets just discussed which have basic formulas of the type in the Chicago market prior to the September 1, 1961, amendment. These markets include:

Northeastern Ohio.	Muskegon.
Toledo.	Upstate Michigan.
Fort Wayne.	Kansas City.
Wheeling.	St. Joseph.
Clarksburg.	Minneapolis-St. Paul.
North Central Ohio.	Youngstown-Warren.
Southern Michigan.	

Among these, St. Joseph has a Class I price based on the price under the Kansas City order. Although the order contains a basic formula price this is not used to establish Class I prices. The Youngstown-Warren order similarly contains a basic formula price which is not used, since the price is established by relationship to the price under the Northeastern Ohio order. The North Central Ohio order contains no basic formula price, and the Class I price is based on the Class I price under the Northeastern Ohio order.

For all of these 13 markets, the effective basic formula prices in recent months have been only slightly different from the basic formula prices in markets with the type used in the Chicago order prior to September 1, 1961. The average difference of the basic formulas from the Wisconsin-Minnesota manufacturing milk price in the years 1959, 1960, and 1961 has been less than one cent. It is concluded that the transition to the new basic formula should be made without change in the Class I price differentials. Proposed reductions in the Class I differentials for some of these markets are denied because (1) such reductions would result in distortion of present price alignments among markets, and (2) the differentials should not be reduced to reflect the current weakness in condensery prices cited elsewhere in this decision.

In some markets basic formula prices in recent months have exceeded the Minnesota-Wisconsin manufacturing milk price. These markets include Dayton-Springfield, Cincinnati, Columbus, Indianapolis, Louisville-Lexington, and Ohio Valley. In the Memphis and Central Arkansas markets, also, this relationship has existed, but a recommended decision has been issued (October 20, 1961; 26 F.R. 9860) which would change the basic formula price to conform to that under the Paducah order. With respect to Dayton-Springfield and other markets of this group (excluding Memphis and Central Arkansas) an adjustment of the Class I price differentials should be made such that substitution of the Minnesota-Wisconsin manufacturing milk price as a basic formula would not have resulted in lower Class I prices in recent months. (These months would include those beginning with August 1961, which was the first month for which the Minnesota-Wisconsin manufacturing milk price was published on current basis, and through December.) For the Dayton-Springfield, Indianapolis, Ohio Valley, Louisville-Lexington and Cincinnati markets this would be accomplished by an upward adjustment of 4 cents per hundredweight in the stated differentials. For the Columbus market this would be accomplished with an upward adjustment of 1 cent per hundredweight.

The suggested adjustment of Class I price differentials based on a comparison of order basic formula prices with the Minnesota - Wisconsin manufacturing milk price in earlier years does not provide a valid basis for transition from current levels of the existing basic formula prices. The suggested comparison does not allow for recognized changes in the industry. The butter-powder formulas contained in these orders do not reflect the increasing efficiency of manufacturing plants. The margin of such butter-powder price formulas over the Minnesota-Wisconsin series during the 1955–61 period has shown a trend towards convergence. During the year 1960 the relationship was reversed and for several months the Minnesota-Wisconsin manufacturing price was the higher of the two.

No amendment will be required to carry out the conclusions of this decision with respect to thirteen of the orders affected. There are no basic formulas included in the orders for the Cedar Rapids-Iowa City, Des Moines, North Central Iowa, Quad Cities-Dubuque, Rockford-Freeport, or North Central Ohio markets. The North Central Ohio Class I price is in fixed relation to that of the Northeastern Ohio order and Class I prices of the other orders named are in fixed relation to the Chicago price. Basic formulas in the St. Louis, Ozarks, Suburban St. Louis, St. Joseph, and Youngstown-Warren orders are not used in the computation of prices for Class I milk, as Class I prices in these markets are also maintained, either directly or individually in fixed relationship to other markets for which amendments are herein provided. Since the date of this hearing recommended decisions, based on prior hearings, have been issued which would relate the Michigan Upper Peninsula price directly to that of the Northeastern Wisconsin order, deleting the basic formula price, and merge the Ohio Valley and Louisville-Lexington orders into a single regulation. Therefore, no amendment is proposed for the Michigan Upper Peninsula order. A single amendment is proposed for the proposed combination of Ohio Valley and Louisville-Lexington orders. As in certain other markets for which decisions are now outstanding, but for which amendment action is not completed, the amendments herein proposed with respect to these markets represent further modifications of the amendments proposed in such decisions.

Conforming changes are required in a substantial number of the remaining orders to continue without change the pricing provisions for milk classified in classes other than Class I (or Class II under the Chicago order). In a few orders conforming changes have been adopted to avoid duplication of language. For uniformity, the basic formula price has been defined as the manufacturing milk pay price for the current month. All orders in which one month's basic price is now used to compute the Class I price for the succeeding month will continue that practice.

2. Prices under the Central Arkansas and Memphis orders should be stated on a 3.5 percent butterfat basis.

Class prices and producer prices under these orders are presently stated on a four percent butterfat basis. In order that the uniformity of basic formula prices provided herein may be maintained prices in these markets should be stated at the same butterfat content, 3.5 percent, as for other markets involved in this hearing. The Class I price in these orders is presently adjusted from 4.0 percent to other butterfat tests by a butterfat differential identical with that herein proposed for conversion of the Minnesota-Wisconsin pay price from the price reported at test to a 3.5 percent basis.

In order that change in the basis for test will not affect the level of the Class II price at any given test it is provided that the price presently computed at 4.0 percent butterfat be converted to a 3.5 percent price by use of the Class II butterfat differential of the order. Producer prices under the order should also be announced at a 3.5 percent test to avoid confusion. Cooperative associations will not thereby be prevented from using the 4.0 percent basis in distributing returns to their members producer. The producer price at any given test will remain the same whether computed on a 3.5 percent or a 4.0 percent basis.

Evidence was also received concerning use of a 3.5 percent pricing basis in the orders for the Louisville-Lexington and Ohio Valley marketing areas. Subsequent to this hearing a recommended decision was issued on the basis of evidence received at a public hearing held September 17–21, 1961, in which merger of these orders into a single regulation with prices stated on a 3.5 percent basis was recommended. This record corroborates the findings of that decision with respect to the basic butterfat test to be used.

Rulings on special appearance and on proposed findings and conclusions. In a special appearance entered on behalf of certain handlers in a single market (Cincinnati), objection was raised that the location and duration of the hearing did not afford "reasonable opportunity to be heard" and that the notice of hearing was not sufficiently specific. Such objections are hereby overruled. The location of the hearing was central for the 36 markets at issue. All witnesses who desired to testify were heard. There was no request for extension of time or change in location of the hearing. No evidence was received with respect to changes in those provisions concerning which the objector claimed that additional preparation and testimony would be required.

Briefs and proposed findings and conclusions were filed on behalf of certain

interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The following orders amending the orders regulating the handling of milk in the specified marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the respective orders, as hereby proposed to be amended:

Amendments to Part 1008 regulating the handling of milk in the Greater Wheeling marketing area.

1. Delete § 1008.50 and substitute therefor the following:

§ 1008.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1008.51 [Amendment]

2. Delete § 1008.51(b) and substitute therefor the following:

(b) *Class II milk price.* The Class II milk price shall be the highest of the prices computed pursuant to subparagraphs (1), (2), and (3) of this paragraph, rounded to the nearest whole cent.

(1) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Company and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price resulting from the following computation:

(i) Multiply by 6 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month for which prices are being computed;

(ii) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange for the trading days that fall within the month; and

(iii) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5;

(3) The price per hundredweight computed by adding together the plus values of subdivisions (i) and (ii) of this subparagraph:

(i) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(ii) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

Amendments to Part 1009 regulating the handling of milk in the Clarksburg, West Virginia, marketing area.

1. Delete § 1009.50 and substitute therefor the following:

§ 1009.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1009.51 [Amendment]

2. Delete § 1009.51(b) and substitute therefor the following:

(b) *Class II milk price.* The Class II milk price shall be the highest of the prices computed pursuant to subparagraphs (1), (2), and (3) of this paragraph, rounded to the nearest whole cent.

(1) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Company and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price resulting from the following computation:

(i) Multiply by 6 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month for which prices are being computed;

(ii) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange, for the trading days that fall within the month; and

(iii) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5.

(3) The price per hundredweight computed by adding together the plus values of subdivisions (i) and (ii) of this subparagraph:

(i) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.5; and

(ii) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current

month by the Department, deduct 5.5 cents and multiply by 8.2.

Amendments to Part 1030 regulating the handling of milk in the Chicago, Illinois, marketing area.

1. Delete § 1030.50 and substitute therefor the following:

§ 1030.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by the butterfat differential pursuant to § 1030.82. The basic formula price shall be rounded to the nearest full cent.

§ 1030.52 [Amendment]

2. In § 1030.52 (a) and (b) change the phrase "the basic formula price plus" to "the basic formula price for the preceding delivery period plus".

3. Replace § 1030.52(c) with the following:

(c) *Class III milk.* The price per hundredweight for Class III milk shall be the basic formula price.

Amendments to Part 1031 regulating the handling of milk in the South Bend-LaPorte-Elkhart, Indiana, marketing area.

1. Delete § 1031.51 and substitute therefor the following:

§ 1031.51 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1031.53 [Amendment]

2. In § 1031.53 immediately after the words "basic formula price" insert "for the preceding month".

§ 1031.54 [Amendment]

3. Delete § 1031.54(a) and substitute therefor the following:

(a) The average of the basic or field prices reported to have been paid, or to be paid, per hundredweight for milk of 3.5 percent butterfat content received, from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

Amendments to Part 1033 regulating the handling of milk in the Cincinnati, Ohio, marketing area.

1. Delete § 1033.50 and substitute therefor the following:

§ 1033.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1033.51 [Amendment]

2. In § 1033.51(a) change "$1.30" to "$1.34".

§ 1033.52 [Amendment]

3. Delete § 1033.52(b) and substitute therefor the following:

(b) *Class II milk.* Multiply the Chicago butter price by 118, subtract therefrom the amount computed in subparagraph (1) of this paragraph and divide the result by 1000;

(1) From the average of carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 6.4 cents and multiply the result by 8.2.

4. In § 1033.52(c) change "§ 1033.51 (b)(2)" to "§ 1033.52(b)(1)".

Amendments to Part 1034 regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area.

1. Delete § 1034.50 and substitute therefor the following:

§ 1034.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1034.51 [Amendment]

2. In § 1034.51(a) change "$1.20" to "$1.24".

Amendments to Part 1035 regulating the handling of milk in the Columbus, Ohio, marketing area.

1. Delete § 1035.50 and substitute therefor the following:

§ 1035.50 Basic formula prices.

(a) The basic formula price for Class I milk shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

(b) The basic formula price for Class II and Class III milk shall be the higher of the prices as computed to the nearest one-tenth of a cent by the market administrator pursuant to subparagraphs (1) and (2) of this paragraph:

(1) The arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following places for which prices are reported to the market administrator or to the Department by the companies listed below:

Company and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed by adding together the plus amounts calculated pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the Chicago butter price, subtract 3.5 cents, and multiply the difference by 4.2; and

(ii) From the nonfat dry milk price, subtract 4 cents and multiply the difference by 8.2.

§ 1035.51 [Amendment]

2. In § 1035.51(a) change the phrase "basic formula price for the preceding month, plus $1.10" to "basic formula price computed pursuant to § 1035.50(a) for the preceding month, plus $1.11".

3. In § 1035.51 (b) and (c) change the phrase "basic formula price" to "basic formula price determined pursuant to § 1035.50(b)".

4. In § 1035.51(d) change the reference "§ 1035.50(b) (1) and (2)" to "§ 1035.50 (b)(2) (i) and (ii)".

Amendments to Part 1036 regulating the handling of milk in the Northeastern Ohio marketing area.

1. Delete § 1036.50 and substitute therefor the following:

§ 1036.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed

at 4.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

2. Delete § 1036.52 and § 1036.53 and substitute therefor the following:

§ 1036.52 Class II milk prices.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class II utilization, shall be the higher of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a) and (b) of this section, plus 30 cents.

(a) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator by the Department of Agriculture or by the companies indicated below:

Company and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the month as reported by the Department of Agriculture for the Chicago market, subtract 3 cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 1036.53 Class III milk prices.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class III utilization, shall be the basic formula price, as computed pursuant to § 1036.50, but in no event shall the Class III price exceed the price computed pursuant to § 1036.52(b) plus 10 cents.

Amendments to Part 1039 regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. (The following amendments represent further modification to the extent necessary to carry out the conclusions of this decision and with respect to the provisions specified, of the amendments proposed in the recommended decision issued December 22, 1961 (26 F.R. 12580).)

1. Delete § 1039.50 and substitute therefor the following:

§ 1039.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the butter price. The basic formula price shall be rounded to the nearest full cent.

§ 1039.51 [Amendment]

2. Delete § 1039.51(b) and substitute therefor the following:

(b) *Class II milk price.* The price for Class II milk shall be the basic formula price for the month.

Amendments to Part 1040 regulating the handling of milk in the Southern Michigan marketing area.

1. Delete § 1040.50 and substitute therefor the following:

§ 1040.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

2. Delete § 1040.52 and substitute therefor the following:

§ 1040.52 Class II milk price.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month which is classified as Class II utilization shall be as follows:

(a) In the months of February through September the higher of:

(1) The average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants, except any which meet the qualification of § 1040.16, for which prices have been reported to the market administrator:

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Carnation Co., Sheridan, Mich.
Carnation Co., Sparta, Mich.
Fairmont Foods Co., Bad Axe, Mich.
Kraft Foods, Clare, Mich.
Kraft Foods, Pinconning, Mich.
Nestle Co., Ubly, Mich.; or

(2) The price per hundredweight computed by subtracting 18.3 cents from the sum of the plus amounts computed pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the month as reported by the Department of Agriculture for the Chicago market, subtract three cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(ii) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.2; and

(b) In the months of October, November, December and January, add 20 cents per hundredweight to the price determined pursuant to paragraph (a) of this section.

Amendments to Part 1041 regulating the handling of milk in the Toledo, Ohio, marketing area.

§ 1041.50 [Amendment]

1. Delete § 1041.50(b) and substitute therefor the following:

(b) *Class II milk price.* The Class II milk price shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content computed pursuant to subparagraphs (1) and (2) of this section.

(1) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department on or before the 5th day after the end of the month by the companies indicated below:

Companies and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the Chicago butter price subtract three cents, and multiply by 4.2; and

(ii) From the arithmetical average of the carlot prices per pound for nonfat dry milk (not including that specifically designated animal feed), spray and roller process, f.o.b. manufacturing plants in the Chicago area, as published by the Department during the month, deduct 5.5 cents, and multiply by 8.2, except that if such agency does not publish such prices f.o.b. manufacturing plants, there shall be used for the purpose of this computation the arithmetical average of the carlot prices thereof delivered to Chicago, Illinois, as published weekly by such agency during the month; and in the latter event the figure "7.5" shall be substituted for "5.5" in the above formula.

2. Delete § 1041.51 and substitute therefor the following:

§ 1041.51 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

Amendments to Part 1042 regulating the handling of milk in the Muskegon, Michigan, marketing area.

1. Delete § 1042.50 and substitute therefor the following:

§ 1042.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

Amendments to Part 1043 regulating the handling of milk in the Upstate Michigan marketing area.

1. Delete § 1043.50 and substitute therefor the following:

§ 1043.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

2. Delete § 1043.51 (b) and (c), and substitute therefor the following:

(b) *Class II milk.* The Class II milk price shall be the highest of the prices computed pursuant to subparagraphs (1), (2), and (3) of this section.

(1) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the USDA:

Present Operator and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed by adding together the plus values computed pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the USDA during the month; subtract 3 cents, add 20 percent thereof and multiply by 3.5.

(ii) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U.S.D.A., deduct 5.5 cents and then multiply by 8.2.

(3) The average of the basic or field prices per hundredweight reported to have been paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants:

Kraft Foods Co., Cadillac, Mich.
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Kraft Foods Co., Clare, Mich.

(c) *Class III milk.* The Class III milk price shall be the Class II milk price less 20 cents.

§ 1043.62 [Amendment]

3. In § 1043.62 change "§ 1043.50(b)(1)" to "§ 1043.51(b)(2)(i)".

Amendments to Part 1045 regulating the handling of milk in the Northeastern Wisconsin marketing area. (The following amendments represent further modifications, to the extent necessary to carry out the conclusions of this decision with respect to the provisions specified, of the amendments proposed in the recommended decision issued February 1, 1962.)

1. Delete § 1045.50 and substitute therefor the following:

§ 1045.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92–score) bulk creamery butter per pound at Chicago, as reported by the USDA for the month. The basic formula price shall be rounded to the nearest full cent.

2. Delete § 1045.52 and substitute therefor the following:

§ 1045.52 Class II milk price.

The Class II milk price shall be the basic formula price.

§ 1045.53 [Amendment]

3. In § 1045.53 change the reference to "§ 1045.52" to "§ 1045.50".

Amendments to Part 1046 regulating the handling of milk in the Louisville-Lexington-Evansville marketing area. (The following amendments represent further modifications, to the extent necessary to carry out the conclusions of this decision with respect to the provisions specified, of the regulation proposed in the recommended decision issued January 31, 1962, as a means of merging the orders regulating the handling of milk in the Louisville-Lexington, Kentucky, and Ohio Valley marketing areas, to be accomplished by amendment of Part 1046.)

1. Delete § 1046.50 and substitute therefor the following:

§ 1046.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92–score) bulk creamery butter per pound at Chicago, as reported by the USDA for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1046.51 [Amendment]

2. In § 1046.51(a), in the language preceding subparagraph (1), delete "$1.25" and substitute "$1.29".

Amendments to Part 1047 regulating the handling of milk in the Fort Wayne, Indiana, marketing area.

1. Delete § 1047.50 and substitute therefor the following:

§ 1047.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1047.51 [Amendment]

2. Replace § 1047.51(b) with the following:

(b) *Class II milk price.* The price for Class II milk of 3.5 percent butterfat content shall be the higher of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to subparagraphs (1) and (2) of this paragraph rounded to the nearest cent:

(1) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator by the Department or by the companies indicated as follows:

Present Operator and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed by adding together the plus amounts pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the Chicago butter price, subtract three cents, and then multiply by 4.2; and

(ii) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

Amendments to Part 1049 regulating the handling of milk in the Indianapolis, Indiana, marketing area.

1. Delete § 1049.50 and substitute therefor the following:

§ 1049.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1049.51 [Amendment]

2. Delete § 1049.51(a) and substitute therefor the following:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month, plus $1.29.

3. Delete § 1049.51(b) and substitute therefor the following:

(b) *Class II milk price.* The price for Class II milk shall be the higher of the prices, rounded to the nearest cent, computed as follows:

(1) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The sum of the amounts computed pursuant to subdivision (i) and (ii) of this subparagraph.

(i) Multiply the butter price by 4.2.

(ii) From the arithmetical averages of the weighted average of carlot prices per pound of spray and roller process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

Amendments to Part 1064 regulating the handling of milk in the Greater Kansas City marketing area.

1. Delete § 1064.50 and substitute therefor the following:

§ 1064.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1064.52 [Amendment]

2. In § 1064.52 (a) and (b), and in § 1064.82, delete "§ 1064.50(b)(1)" and substitute therefor "§ 1064.50".

Amendments to Part 1068 regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area.

1. Delete § 1068.51 and substitute therefor the following:

§ 1068.51 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1068.53 [Amendment]

2. In § 1068.53 change the phrase "basic formula price" to "basic formula price for the preceding month".

3. Delete § 1068.54 and substitute therefor the following:

§ 1068.54 Class II price.

The price per hundredweight for Class II milk shall be the basic formula price.

Amendments to Part 1069 regulating the handling of milk in the Duluth-Superior marketing area.

1. Delete § 1069.50 and substitute therefor the following:

§ 1069.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1069.51 [Amendment]

2. Replace § 1069.51(b) with the following:

(b) *Class II milk.* The Class II price per hundredweight of milk of 3.5 percent butterfat content shall be determined each month as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93–score) bulk creamery butter per pound at Chicago, as reported by the Department, during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92–score) butter for that day shall be used

in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents and adjust to the nearest full cent.

Amendments to Part 1097 regulating the handling of milk in the Memphis, Tennessee, marketing area. (The following amendments represent further modifications, to the extent necessary to carry out the conclusions of this decision with respect to the provisions specified, of the amendments proposed in the recommended decision issued October 17, 1961 (26 F.R. 9860)).

1. Delete § 1097.50 and substitute therefor the following:

§ 1097.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1097.51 [Amendment]

2. In § 1097.51(b) delete the period at the end of the paragraph and add: "and from which shall be subtracted 5 times the butterfat differential for the respective month computed pursuant to § 1097.52(b)".

§§ 1097.52, 1097.71 and 1097.92 [Amendments]

3. In §§ 1097.52, 1097.71, and 1097.92, delete "4.0" wherever it appears and substitute therefor "3.5".

Amendments to Part 1099 regulating the handling of milk in the Paducah, Kentucky, marketing area.

1. Delete § 1099.50 and substitute therefor the following:

§ 1099.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1099.51 [Amendment]

2. Delete § 1099.51(b) and substitute therefor the following:

(b) *Class II milk price.* The highest of the prices computed pursuant to subparagraphs (1), (2), and (3) of this paragraph shall be the Class II price during the months of August through March, and such price shall be reduced ten cents during the months of April through July: *Provided*, That in no case shall such price be less than the price determined in subparagraph (3) of this paragraph.

(1) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The sum of the amounts determined pursuant to subdivision (i) and (ii) of this subparagraph less 75 cents.

(i) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of 93 score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture, during the month: *Provided*, That if no price is reported for 93 score butter, the highest of the prices reported for 92 score butter for the day shall be used in lieu of the price for 93 score butter.

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture.

(3) Or the price shall be the average of the basic (or field) prices reported to or ascertained by the market administrator to have been paid, or to be paid, without deductions for hauling or other charges to be paid by the farm shipper, for milk of 4.0 percent butterfat content received during the month by the Pet Milk Company at its manufacturing plant located at Mayfield, Kentucky, less 5 times the butterfat differential calculated pursuant to § 1099.52(b).

Amendments to Part 1108 regulating the handling of milk in the Central Arkansas marketing area. (The following amendments represent further modifications, to the extent necessary to carry out the conclusions of this decision with respect to the provisions specified, of the amendments proposed in the recommended decisions issued October 17, 1961 (26 F.R. 9860), and concurrently herewith.

1. Delete § 1108.50 and substitute therefor the following:

§ 1108.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§§ 1108.51, 1108.52, 1108.71, 1108.91 and 1108.73 [Amendments]

2. In §§ 1108.51, 1108.52, 1108.91, 1108.72 and 1108.73 change "4.0 percent" to "3.5 percent".

Signed at Washington, D.C., on February 7, 1962.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-1406; Filed, Feb. 9, 1962; 8:50 a.m.]

[7 CFR Parts 1044, 1045]

[Docket Nos. AO-299-A2 and AO-361-A5]

MILK IN MICHIGAN UPPER PENINSULA AND NORTHEASTERN WISCONSIN MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary of Agriculture with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Michigan Upper Peninsula and Northeastern Wisconsin marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington 25, D.C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. Five copies of the exceptions should be filed.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, were formulated, was conducted at Marinette, Wis., on November 7-9, 1961, pursuant to notice thereof which was issued October 18, 1961 (26 F.R. 9947).

The material issues on the record of the hearing relate to:

1. Pricing of Class I milk;
2. Classification and pricing of milk used for manufacturing purposes;
3. Classification of fluid milk products fortified with nonfat milk solids;
4. Inclusion of the city of Carney, Mich., in Zone 1(a);
5. Allocation of receipts of packaged fluid milk products;
6. Elimination of base-excess plan;
7. Classification of cream transferred to a second nonpool plant;
8. Reclassification of inventory;
9. Definition of pool plant;
10. Weight factors for certain fluid milk products; and
11. Miscellaneous changes.

Issues 1, 2, and 3 relate to both the Michigan Upper Peninsula and Northeastern Wisconsin orders; issue 4 relates only to the Michigan Upper Peninsula order; and issues 5 through 11 relate only to the Northeastern Wisconsin order.

Several proposed amendments contained in the notice of hearing were not supported by proponents and no testimony on those proposals was offered by any other interested parties. Accordingly, they will not receive further consideration.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(a) *Class I pricing.* The Class I differentials of the Northeastern Wisconsin order should not be changed but the Class I price of that order should be adjusted each month by a supply-demand factor based on relationship of combined producer receipts and Class I sales at pool plants regulated by the Northeastern Wisconsin and Michigan Upper Peninsula orders. Michigan Upper Peninsula Class I prices should be fixed in the same relationship to Northeastern Wisconsin Class I prices in all months of the year. The Minnesota-Wisconsin milk price series should not be included in either basic formula at this time.

The Michigan Upper Peninsula and Northeastern Wisconsin orders provide Class I differentials which vary inversely with the seasonality of milk production. The annual average of Northeastern Wisconsin differentials at most pool plants is 74 cents, and is 84 cents at the remaining plants which are located in the northern part of the marketing area. The annual average of Michigan Upper Peninsula differentials applicable to plants in Zone 1(a) is 87 cents. The Class I differentials each month at plants in Zones 1 and 2 of the Upper Peninsula order are 10 and 30 cents higher, respectively, than the differential applicable at plants located in Zone 1(a). The difference between the Class I differentials at plants in the lower price area of Northeastern Wisconsin and that paid at plants in Zone 2 of the Upper Peninsula order is 41 cents in all months of the year except July when it is 61 cents. The basic formulas of the two orders are the same.

The primary market of plants regulated by the Northeastern Wisconsin order is the marketing area of that order. However, a significant volume of milk disposed of from such plants is distributed in the Upper Peninsula marketing area. In turn, plants regulated by other Federal orders, particularly those regulated by the Milwaukee order, distribute milk in the Northeastern Wisconsin marketing area.

Several proposed amendments relating to Class I price levels in the Michigan Upper Peninsula and Northeastern Wisconsin orders were considered at the hearing. In general, the testimony relating to these proposals may be summarized as follows:

Bargaining-type cooperative associations representing Northeastern Wisconsin producers proposed an increase in that order's Class I price level citing increased costs associated with milk production.

Operating type cooperative associations on the Northeastern market cautioned that any contemplated increase in Class I price must give consideration to the competition for sales in the Northeastern Wisconsin marketing area by plants regulated by other orders.

Proprietary plant handlers were also concerned with the effect any increase in the Class I price level would have on the competition for sales with plants regulated by other Federal orders.

A cooperative association representing the majority of producers on the Upper Peninsula market proposed that that order's Class I price be increased. It cited increased production costs and the relatively short production season in the Upper Peninsula. Individual producers not members of this association also proposed a Class I price increase.

Michigan Upper Peninsula handlers testified that the spread between the Northeastern Wisconsin prices and those in the Upper Peninsula was too high. However, while they desired a decrease in the spread, they testified that the Northeastern Wisconsin Class I price level should be increased rather than the Upper Peninsula level decreased.

The present Class I differentials have been effective since the promulgation of the two orders on December 1, 1958, except for the modification occasioned by the amendment providing for Zone 1(a) in the Upper Peninsula order on July 1, 1960. Each of the markets has been adequately supplied with milk since the inception of the orders. During the first 9 months of 1959, 1960, and 1961 producer receipts averaged 133, 135, and 142 percent, respectively, of Class I sales by Northeastern Wisconsin handlers; and in the Upper Peninsula market producer receipts averaged 157, 156 and 138 percent, respectively, of Class I sales.

The milkshed of the Northeastern Wisconsin market lies almost entirely within the largest milk production State in the Union. In this milkshed the farms of Northeastern Wisconsin producers are interspersed with the farms of producers who deliver to plants regulated by the Chicago order and farms engaged in the production of ungraded milk to be used only for manufacturing purposes. The immediate increase in the uniform price occasioned by a Class I price increase would encourage these dairy farmers to shift to Northeastern Wisconsin pool plants. The response to a price increase would be facilitated in this market because several Northeastern Wisconsin handlers maintain other plant facilities, some of which are pool plants under the terms of the Chicago order and some of which receive ungraded milk for manufacturing. Any Class I price increase in the Northeastern Wisconsin order would encourage additional supplies of milk for the market thereby reducing uniform prices.

The Agricultural Marketing Agreement Act of 1937 under which authority Federal milk orders are promulgated and administered requires that order prices be set at levels which reflect milk supply and demand conditions. In accordance with this standard, Class I prices in the nearby Federally regulated markets of Chicago and Milwaukee are subject to supply-demand adjustment factors which increase Class I prices when milk supply is relatively short and decrease such prices when it is relatively long. A supply-demand adjustment factor was not included originally in the Northeastern Wisconsin and Michigan Upper Peninsula Class I price provisions. This provision was omitted at that time to permit the accumulation of milk supply-demand data in the two markets on which to construct such a provision. Adequate data are now available and Class I prices in the orders should be subject to a supply-demand adjustment factor.

Alignment of Class I prices between the Northeastern Wisconsin and Michigan Upper Peninsula orders is necessary because significant volumes of Class I milk are disposed of in the Upper Peninsula market from plants regulated by the Northeastern Wisconsin order. For example, in September 1961, when the overall Class I utilization of Upper Peninsula handlers was 7.6 million pounds, Class I distribution in the Upper Peninsula marketing area from plants not subject to that order was about 1.5 million pounds. This distribution was principally from plants regulated by the Northeastern Wisconsin order. Should the Class I prices in the Upper Peninsula market exceed the prices in Northeastern Wisconsin plus the cost of moving milk to the Upper Peninsula, the Upper Peninsula handlers would be placed at a disadvantage in Class I sales with Northeastern Wisconsin handlers. Under this condition the Upper Peninsula producers could lose Class I sales and this would lower uniform prices.

In order to maintain necessary price alignment, the Class I prices of both orders should be adjusted by a common supply-demand adjustor. Such an adjustor should be based on the relationship of combined producer receipts to combined Class I sales in the two markets.

Since the two orders became effective there has been an increase of combined producer receipts in relation to combined Class I sales. During the first 9 months of 1961, total producer receipts were 141

percent of total Class I sales, and for the comparable periods in 1960 and 1959 they were 140 and 139 percent, respectively. A supply-demand adjustment factor would act to decrease the Class I price should production continue to increase over fluid needs. On the other hand, should production decrease or sales increase, the supply-demand adjustment would tend to increase the Class I price and insure adequate supplies.

The Class I prices each month would be adjusted depending on the relationship of current supply-demand conditions to a norm or "standard utilization range." The standard utilization range would vary seasonally in recognition of the seasonality of milk production and Class I sales. The annual average standard utilization range would be 134–139 percent. Producer receipts and Class I sales for the second and third preceding months would be combined in computing the "current utilization percentage." In order to avoid erratic price movements, a 4-cent limit should be placed on the amount by which the supply-demand price adjustment for a particular month can exceed or be less than the adjustment computed for the preceding month. Since no supply-demand provision is now provided in the order, the 4-cent limit on the monthly change in the supply-demand adjustment should be from that for the second preceding month for the first year of its applicability. This will provide an orderly transition in the market to the operation of the supply-demand provision.

The first adjustment under the revised order would be limited to 4 cents, plus or minus. No adjustment would be made whenever the current utilization percentage falls within the range for the month.

The table of standard utilization percentages should be as follows:

Pricing month	2 months used	Receipts as percentage of sales	
		Minimum	Maximum
January	October–November	123	128
February	November–December	128	133
March	December–January	130	135
April	January–February	133	138
May	February–March	135	140
June	March–April	140	145
July	April–May	145	150
August	May–June	150	155
September	June–July	145	150
October	July–August	130	135
November	August–September	123	128
December	September–October	123	128

The Class I price would be increased or decreased 2 cents for each percent the current utilization is below or above, respectively, the minimum and maximum of the standard utilization range. The increase or decrease in the Class I price would be limited to a maximum of 24 cents. This limit is provided for supply-demand adjustments under the Chicago and Milwaukee orders.

If the supply-demand adjustment had been effective during 1961, Class I prices would have been decreased an average of one-half of a cent per month. They would have been increased 2, 2, 4, and 4 cents, respectively in January and February; decreased 2, 2, 4, and 4 cents, respectively, in March, July, August, and December; and unchanged in April, May, June, September, October, and November.

A 20-cent higher Class I differential in the Upper Peninsula area for the month of July previously was provided to attract milk to the Peninsula market to cover increases in Class I sales in July in this vacation area. However, the demand for Class I milk in relation to producer receipts in the Upper Peninsula in July has not been so high as to warrant continuance of the high Class I differential.

The Class I differential applicable in the month of July in each zone of the Upper Peninsula order should be reduced 20 cents. With this change, the difference between Class I prices in the Upper Peninsula and the Northeastern Wisconsin order will be constant in each month of the year.

There should be no further decrease in the spread between Northeastern Wisconsin and Michigan Upper Peninsula Class I differentials. Upper Peninsula handlers testified that the difference between the Class I prices of the two orders in the other 11 months of the year is more than the cost of moving milk into the Upper Peninsula from Northeastern Wisconsin, thereby placing them at a competitive disadvantage in Class I sales. Data presented relating to actual costs of moving milk were conflicting and inadequate. However, the data relating to Class I sales by local handlers were reviewed. The overall Class I utilization at Upper Peninsula pool plants has increased at a faster rate than has distribution in the Upper Peninsula marketing area from other plants. In January through September 1961, the Class I utilization at Upper Peninsula pool plants was 68.5 million pounds compared to 67.0 million pounds in the same 9 months of 1960, a 2.3-percent increase. Class I distribution in the Upper Peninsula marketing area in January through September 1961 from plants not regulated by the order of 14.4 million pounds was unchanged from that for the same period a year earlier. This distribution was principally from plants regulated by the Northeastern Wisconsin order.

The Minnesota-Wisconsin manufacturing grade price series should not be included in the basic price formula of either order on basis of the record of this proceeding. Official notice is taken of the issuance of a notice of joint hearing on proposals to include the series in these and 34 other Federal orders (26 F.R. 314). Amendment of the basic formulas will be considered on the basis of the record of the regional hearing.

The Northeastern Wisconsin order should not provide a 12-month moving average basic formula. The use of such a basic formula was supported on the basis that, in conjunction with a level Class I differential, monthly fluctuations in the Class I price would be eliminated. It is not the aim of the basic formula to provide level pricing. Rather it is used as a measure of changes in the value of milk used for manufacturing purposes. Elimination of fluctuations in the basic formula would not reflect adequately the relationship between the value of milk for manufacturing and that disposed of for fluid consumption.

Seasonal variation in Class I differentials should be maintained. Testimony on a proposal to provide level differentials emphasized the adverse effect seasonal pricing might have on the demand for fluid milk. Seasonal Class I pricing has the desirable effect of encouraging more even seasonal production. Moreover, since plants regulated by many Federal orders which do not provide level differentials compete with plants regulated by the subject orders for Class I sales and in the procurment of milk, it would not be in the interest of orderly marketing of available supplies to provide level differentials at this time.

2. *Classification and pricing of milk used for manufacturing purposes.* The utilization of milk now designated as Class II and Class III under each of the orders should be included in one class (designated Class II) and priced at the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota as reported by the U.S. Department of Agriculture.

The Upper Peninsula and Northeastern Wisconsin orders each classify in Class III all skim milk and butterfat used to produce butter, nonfat dry milk and cheese (except cottage cheese); in addition milk disposed of for animal feed or dumped, and in allowable shrinkage. Class II includes skim milk and butterfat used to produce those manufactured milk products not in Class III and those contained in inventories of fluid milk products on hand at the end of the month.

The Class III price in each order is related to the market prices of butter and nonfat dry milk but the Class II price under the Northeastern Wisconsin order is fixed at a higher level than that of the Upper Peninsula order. The Class II price in each order is the same, namely, the higher of the average price paid at selected Midwest condenseries or a price based on the prices of butter and nonfat dry milk.

Cooperative associations representing the majority of producers on both markets proposed that skim milk and butterfat used to produce all manufactured milk products be placed in one class and that the price for skim milk and butterfat so classified be the average price paid for manufacturing grade milk received at plants in Minnesota and Wisconsin. Three operating cooperative associations and proprietary operators of plants pooled under the Northeastern Wisconsin order opposed the use of such Minnesota-Wisconsin price for this purpose.

Fluid milk markets must have a supply of milk which includes some reserve over fluid sales to accommodate daily and seasonal variations in the demand for fluid milk. The price for such reserve milk should be established at levels low enough to allow for its orderly disposition for manufacturing but should not be so low as to encourage excessive supplies of milk to be used only for manufacturing. The Class III price levels and, at times, the Class II price levels of the Northeastern Wisconsin and

Upper Peninsula orders have been lower than prices paid for ungraded milk in the supply areas. Under these circumstances, supplies of Grade A milk in excess of Class I sales and a reasonable reserve are encouraged because milk sales to dairy product manufacturers may be reduced by using surplus Grade A rather than manufacturing grade milk.

Operators of several plants regulated by each of the orders purchase manufacturing grade milk as well as Grade A milk; and several handlers operating plants regulated by the Northeastern order also operate plants regulated pursuant to the Chicago order. The average price paid by one handler whose plant is regulated by the Northeastern Wisconsin order for ungraded milk containing 3.5 percent butterfat received during January through September 1961 was $3.25. One cooperative association proposing the use of the Minnesota-Wisconsin price represents 9,000 dairy farmers who deliver ungraded milk to manufacturing plants located in Wisconsin. Prices paid for this milk at one hundred of these manufacturing plants, some of which are operated by cooperative associations, averaged $3.23 for the January–September period of 1961. Such average prices do not include premiums paid or hauling subsidies. The average Minnesota-Wisconsin price for this period, adjusted to a 3.5 percent butterfat differential by the Chicago butterfat differential, was $3.24. Northeastern Wisconsin Class II and Class III prices during this period averaged $3.21 and $3.19, respectively, and in the Upper Peninsula order they averaged $3.21 and $3.20.

The price of reserve or excess supplies of milk received at Northeastern Wisconsin and Upper Peninsula plants should be based on the competitive value of ungraded milk used in various manufactured products rather than on prices paid at a very limited number of condensing plants or on a formula which reflects fixed yield factors and processing costs associated with only two manufactured milk products, namely, butter and nonfat dry milk. The utilization of the excess milk received at order pool plants is not limited to the manufacture of condensed milk, butter or nonfat dry milk. Excess milk also is used to produce ice cream, cottage cheese and many other types of cheeses. The Minnesota-Wisconsin price measures the competitive value of ungraded milk used in a wide variety of milk products and, therefore, better reflects the full value of milk used for manufacturing purposes than do the present formulas.

In a highly competitive milk procurement area, individual manufacturing plants tend to pay prices for milk which approximate pay prices of the most efficient plants in the area. As shifts occur in the relationship between returns of the various manufactured dairy products, processors engaged in manufacturing the most remunerative products will be able to pay the highest prices for milk. Processors of other less remunerative products must meet these prices or lose their supplies of milk.

The milkshed of the Northeastern Wisconsin order is a highly competitive milk procurement area. It lies almost entirely within the State of Wisconsin in which the largest quantities of manufacturing grade milk in the United States are produced. Large quantities of manufacturing grade milk are produced in Minnesota also. The Minnesota-Wisconsin price is computed from pay prices for manufacturing grade milk purchased in competition in these two States. It would measure appropriately the value of Northeastern Wisconsin surplus Grade A milk which must compete with manufacturing grade milk for a market.

The milkshed of the Michigan Upper Peninsula order is not within such a highly competitive ungraded milk procurement area. There are, however, large numbers of producers of ungraded milk on the Upper Peninsula. The products made from this ungraded milk compete for markets with those manufactured in Wisconsin and, therefore, the value of Upper Peninsula ungraded and surplus Grade A milk is not dissimilar from that of Wisconsin milk.

The separate classification and pricing of milk used in various manufactured products under the two orders has tended to favor the processors of some products in recent years. This is the unavoidable result of classifying and pricing milk for manufacturing purposes into separate classes according to products.

Further, the greater the disparity between individual class prices and the competitive level of manufacturing grade milk for the same uses, the more incentive there is to shift surplus Grade A milk into the lowest priced class because of the wider operating margin allowed. As a result, producers' incomes are adversely affected.

Information on prices paid at manufacturing plants in Wisconsin and Minnesota is assembled by the Statistical Reporting Service, United States Department of Agriculture. Plant operators report total pounds of manufacturing grade milk received from farmers, total butterfat content and total dollars paid for such milk, f.o.b. plant. These prices are available on a monthly basis and are announced on or before the 5th day of the following month.

The average of prices paid farmers in the various States for manufacturing grade milk as reported by the Statistical Reporting Service is at the average butterfat test of such milk. Since Orders 44 and 45 (formerly Orders 111 and 116) announce prices on a 3.5 percent butterfat basis, it is necessary that the announced Minnesota-Wisconsin price be adjusted to this basis. Official notice is taken of the amendment to the Chicago order which became effective September 1, 1961 (26 F.R. 7957). This amendment provides for using the Minnesota-Wisconsin price as the Class III price and adjusting it to a 3.5 percent butterfat basis by a differential equal to the average quotation for the month of Grade A (92-score) butter at Chicago times 0.12. This method is appropriate for the Northeastern Wisconsin and Michigan Upper Peninsula orders and should likewise be used for adjusting the announced Minnesota-Wisconsin price to a 3.5 percent butterfat basis.

The butterfat differential currently applicable for adjusting Class II and Class III milk prices is the 92-score bulk creamery butter price at Chicago times 0.115. This differential would be maintained as the handler butterfat differential for the newly designated Class II utilization.

3. *Classification of fluid milk products fortified with nonfat dry milk solids.* Fluid milk products fortified with nonfat milk solids should be classified as Class I milk in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content. The skim milk equivalent of the added solids in excess of such weight should be classified as Class II.

The Upper Peninsula and Northeastern Wisconsin orders provide that the skim milk equivalent of nonfat milk solids used in fortifying fluid milk products be classified as Class I. Handlers, including cooperative associations operating plants regulated by the Northeastern Wisconsin order, proposed that the equivalent of these solids be classified as Class II. Bargaining cooperative associations on both markets opposed the proposed change in classification on the basis, generally, that it would reduce the income of producers and that nonfat solids would replace producer milk for fluid use if the skim milk equivalent were not accounted for as Class I.

Fortified fluid milk products usually result from the addition of nonfat milk solids to fluid milk or skim milk, thus producing a fininshed product of higher nonfat solids content. Reconstituted products, on the other hand, result from adding such solids to water thus yielding a weight of products approximating the weight of milk from which the solids were obtained.

Nonfat dry milk and condensed skim milk, the principal products used for fortifying, may be obtained from unpriced milk or from milk which has been priced as surplus under the terms of other Federal orders. These products are not necessarily obtained from producer milk.

An economic incentive exists for handlers to substitute reconstituted fluid milk products for fluid milk products processed from producer milk. Since such substitution would displace an equivalent amount of producer milk in Class I, the application of Class I skim equivalent pricing in this circumstance is economically sound and is necessary to maintain orderly milk marketing.

The same economic incentive does not exist, however, with respect to the use of nonfat dry milk or condensed skim milk to fortify a fluid milk product. The incentive for handlers to use solids to fortify fluid milk products is to meet consumer demand for fluid milk products with high solids content. Such fortified fluid milk products represent a small but growing part of the total Class I market. For example, during the first 9 months of 1961, the skim milk equivalent of solids used by Northeastern Wisconsin handlers to fortify fluid milk products averaged 381,000 pounds

monthly and during the like period of 1960 the skim milk equivalent of solids so used averaged 353,677 pounds monthly. The increased emphasis on low fat diets and the high nutritional value of nonfat solids in relation to their weight may be the reason for the increased demand for fluid milk products with high solids content.

When the skim milk equivalent of fortified products is classified as Class I it inflates significantly Class I disposition. Producer milk is then allocated to the inflated Class I utilization even though producer milk need not be used as a source for the solids. Further, it was not demonstrated that fortified fluid milk products displace rather than increase Class I use of producer milk.

4. *Inclusion of Carney, Michigan in Zone 1(a).* Carney, Michigan, should not be included in Zone 1(a). A handler operating an Upper Peninsula supply plant at Carney proposed that Carney be included in Zone 1(a) rather than Zone 1. The Class I differential applicable at plants located in Zone 1(a) is 10 cents lower than that applicable at plants in Zone 1.

The proponent handler's plant is primarily engaged in making Italian type cheese. Grade A milk is received at the plant from 41 dairy farmers, from Upper Peninsula bottling plants and from plants regulated by other Federal orders. Its receipts of ungraded milk are approximately 3½ times as much as its receipts of Grade A milk from producers.

When receipts from the 41 Grade A dairy farmers are not moved to Upper Peninsula bottling plants for fluid use, they are used in the manufacture of cheese. A relatively low percentage of total receipts from the 41 farmers is moved to bottling plants. Since the Upper Peninsula order provides for handler rather than marketwide pooling the uniform price payable at the Carney plant is lower than that paid at other pool plants. In order to maintain the supply of milk from the 41 Grade A farmers the handler must pay premiums above the required uniform price. He testified that if his Class I price were 10 cents lower, he would be in a position to market additional volumes of Grade A milk to Upper Peninsula bottling plants, thereby increasing his uniform price and decreasing the amount of premiums.

The Class I differentials applicable at plants located in the respective zones of the Upper Peninsula marketing area are provided as incentive for an adequate supply of milk to meet fluid demand in respective parts of the marketing area. This purpose is being accomplished. As concluded under issue No. 1 relating to the Class I price level, the zone pricing in the Upper Peninsula order should not be changed other than to reduce the Class I differentials by 20 cents in the month of July.

5. *Allocation of receipts of packaged fluid milk products.* No change should be made in the allocation procedure of the Northeastern Wisconsin order.

It was proposed that receipts of packaged fluid milk products from nonpool plants which are disposed of in the same package as received be allocated to Class I before receipts from producers. Packaged fluid milk products from nonpool plants are not received at proponent's pool plant nor did proponent know of any pool plant which was receiving packaged fluid products from nonpool sources.

Pursuant to the proposed amendment, fluid milk products not priced by any Federal order would be allocated to Class I utilization and would not be subject to compensatory payments. Under this circumstance, the intent of the order would be nullified in that the order would no longer assure that all handlers were paying at least the minimum Class I price for all disposition of fluid milk products. The proposed amendment is, therefore, denied.

6. *Deletion of the base-excess plan.* The order should continue to provide a base-excess plan.

The Northeastern Wisconsin order was amended effective July 1, 1961, to provide a base-excess plan. One bargaining cooperative association, Manitowoc Milk Producers, proposed that the base-excess plan be deleted. A second bargaining cooperative association, Pure Milk Products, which also submitted a proposal to delete the base-excess plan, testified that its members had not expressed dissatisfaction with the base-excess plan. Therefore, it did not support its proposal. Three operating cooperative associations supported the continuation of the base-excess plan.

The base-excess plan has not been effective for a full base-making and base-paying period. There is no basis in this record for reaching a different conclusion regarding its effectiveness as a stimulant to even seasonal production than was stated in the previous decision on this matter. In view of this, it should not be deleted at this time.

7. *Classification of cream transferred to a second nonpool plant.* The transfer provisions should be amended to permit the Class II classification, under certain conditions, of cream transferred from a pool plant to a nonpool plant and subsequently transferred to a second nonpool plant.

A handler who operates a pool plant and a nonpool plant moves surplus Grade A milk from his pool plant to his nonpool plant for manufacturing. The nonpool plant also receives ungraded milk which is commingled with the surplus Grade A milk. On occasion, cream is moved to a second nonpool plant where it is used for manufacturing purposes. According to the laws of the State of Wisconsin, cream so moved from a plant at which Grade A and ungraded milk are commingled cannot be used for fluid purposes. The handler proposed that the order be amended to permit the Class II classification of transfers of such cream to second nonpool plants even though the second nonpool plant has fluid operations and does not receive sufficient Grade A milk from dairy farmers to meet fluid needs. A cooperative association operating a pool plant supported the amendment and other cooperative associations had no objection to it.

The transfer provisions of the order are intended to classify as Class I that milk which is moved to nonpool plants and which is used for Class I purposes at the receiving nonpool plant. To this end, Class I utilization at the nonpool plant which exceeds receipts of Grade A milk from dairy farmers who constitute its regular source of Grade A milk is prorated to receipts of Grade A milk from plants regulated by this and other Federal orders. In view of the Wisconsin State laws, cream transferred from a nonpool plant to another nonpool plant should be assigned to any available Class II utilization at the second nonpool plant after assignment of cream from plants not regulated by any Federal order.

8. *Reclassification of inventory.* No change should be made in the method of reclassifying inventory.

The current order classifies ending inventory as Class II. In the following month butterfat and skim milk in such inventory is assigned to available Class II utilization of the handler prior to assignment of producer milk. Any butterfat and skim milk in inventory which is in excess of Class II milk available for assignment is classified as Class I.

It was proposed that the order provide an "inventory variation" method of classification. This would have the effect of allocating inventory to Class II utilization and allocating other source receipts during the month to Class I, thus giving Class I priority to other source receipts during the month over inventory of fluid milk products even though beginning inventory was composed entirely of producer milk. The present system of handling inventory gives priority to Class I of producer milk in inventory before receipts of other source milk. The current method is consistent with the intent to give producer milk prior allocation to Class I and should be retained.

9. *Definition of pool plant.* No change should be made in the definition of a pool plant.

It was proposed that a new paragraph be added to the pool plant definition which would credit plant operators with minimum pool plant qualification compliance should a labor dispute limit the movement of milk from the plant. Cooperative associations representing the majority of producers on the market opposed the proposed amendment.

The proposal raises questions the answers to which would be extremely difficult to incorporate in order provisions. For example, how should a labor dispute be defined, what constitutes a limitation of movement, and should a work stoppage be a consideration. If, after a review of the facts, the Secretary concluded that pool performance could not be met because of an unusual and unavoidable circumstance, he could suspend or terminate applicable provisions of the order to eliminate undue hardship to producers or handlers due to circumstances beyond their control.

10. *Weight factors for certain fluid milk product.* The order should not provide specific factors to be used in computing product pounds in specified fluid milk products. It was proposed that such a conversion factor for chocolate milk drinks be specified in the order.

The decision relative to the conversion factor used for respective dairy products should remain with the market administrator since he is in the best position to verify and determine skim milk and butterfat content of fluid milk products.

11. *Miscellaneous changes.* The Northeastern Wisconsin order provides for the filing of monthly reports by the 5th day of the month exclusive of Sundays and holidays. It was proposed that a definition of "holiday" be provided. Proponent testified, however, that he had had no difficulties because of the lack of such definition in the Northeastern Wisconsin order and that any anticipated problems could be handled administratively under the present provisions. Accordingly, the proposed amendment is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The following orders amending the orders regulating the handling of milk in the Michigan Upper Peninsula and Northeastern Wisconsin marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

Michigan Upper Peninsula order, Part 1044:

§ 1044.22 [Amendment]

1. Delete § 1044.22(i)(1) and substitute the following:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 1044.50 and Class I butterfat differential pursuant to § 1044.52(a), both for the current month; the minimum price for Class II milk pursuant to § 1044.51 and the Class II butterfat differential pursuant to § 1044.52(b), both for the preceding month; and

2. Delete § 1044.41 and substitute the following:

§ 1044.41 Classes of utilization.

Subject to the conditions set forth in §§ 1044.42 and 1044.43, the classes of utilization shall be:

(a) Class I utilization shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except:

(i) Fluid milk products classified as Class II pursuant to (b)(3) of this section; and

(ii) Fluid milk products which are fortified with nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of a like unfortified product of the same butterfat content; and

(2) Not accounted for as Class II utilization.

(b) Class II utilization shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) In inventories of fluid milk products on hand at the end of the month;

(3) In skim milk disposed of for livestock feed or dumped subject to prior notification to and verification (at his discretion) by the market administrator;

(4) In skim milk equal to the weight of skim milk in fortified fluid milk products which is not classified as Class I pursuant to paragraph (a)(1)(ii) of this section;

(5) In shrinkage of skim milk and butterfat allocated to milk received from producers, but not to exceed 2 percent of such receipts; and

(6) In shrinkage of other source milk.

§ 1044.45 [Amendment]

3. In § 1044.45 delete "in Class I, Class II, and Class III" and substitute "in Class I and Class II."

4. Delete § 1044.46 and substitute the following:

§ 1044.46 Allocation of butterfat classified.

The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat shrinkage classified pursuant to § 1044.41(b)(5);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with Class II utilization, the pounds of butterfat in other source milk received from a plant(s) other than those subject to another marketing agreement or order issued pursuant to the Act;

(c) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat in other source milk received during the month in the form of fluid milk products from a plant subject to another marketing agreement or order issued pursuant to the Act as follows:

(1) From Class I, the pounds of such butterfat received in a consumer-packaged form not so packaged in the plant during the month, and disposed of without further processing or packaging; and

(2) In series beginning with Class II utilization, the remaining pounds of such butterfat;

(d) Subtract from the pounds of butterfat remaining in each class, in series beginning with Class II utilization, the pounds of butterfat contained in inventory of fluid milk products on hand at the beginning of the month;

(e) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received from fluid milk plants of other handlers according to the classification established pursuant to §§ 1044.41 and 1044.43(a);

(f) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section; and

(g) If the remaining pounds of butterfat in Class I and Class II exceed the pounds of butterfat in milk received from producers, subtract such overage from the remaining pounds of butterfat in each class in series, beginning with Class II utilization.

5. Delete §§ 1044.50, 1044.51, 1044.52, and 1044.53 and insert §§ 1044.50, 1044.51, and 1044.52 to read as follows:

§ 1044.50 Class I milk price.

Subject to the provisions of § 1044.52, the price per hundredweight for Class I milk shall be the price pursuant to § 1045.51(a) of this chapter (Northeastern Wisconsin) plus 11 cents for plants located in Zone 1(a), 21 cents for plants located in Zone 1, and 41 cents for plants located in Zone 2. For plants located outside the marketing area and west of Lake Michigan the price (subject to § 1044.53) shall be that specified for Zone 1. For plants located outside the marketing area and east of Lake Michigan the price (subject to § 1044.53) shall be that specified for Zone 2.

§ 1044.51 Class II milk price.

The price per hundredweight for Class II milk shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the USDA for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential, rounded to the nearest one-tenth cent, obtained by multiplying 0.12 by the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the USDA for the month.

§ 1044.52 Handler butterfat differential.

If the average butterfat test of Class I milk or Class II milk as computed pursuant to § 1044.48 is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for each class of utilization, for each one-tenth of one percent that such average butterfat test is above or below 3.5 percent, a butterfat differential computed by multiplying the butter price pursuant to the proviso of § 1044.51 for the month specified below by the applicable factor listed, and rounding to the nearest one-tenth cent:

(a) For Class I milk, multiply such price for the preceding month by 0.125;

(b) For Class II milk, multiply each price for the current month by 0.115.

6. Renumber §§ 1044.55 and 1044.56 as §§ 1044.53 and 1044.54.

§ 1044.60 [Amendment]

7. In § 1044.60(a) delete "§§ 1044.54 and 1044.55" and substitute therefor §§ 1044.52 and 1044.53".

§ 1044.61 [Amendment]

8. In § 1044.61 (c) and (d) delete "§§ 1044.51 and 1044.55" and substitute therefor "§§ 1044.50 and 1044.53".

§ 1044.62 [Amendment]

9. In § 1044.62 delete "§ 1044.54" and substitute therefor "§ 1044.52".

Northeastern Wisconsin order, Part 1045:

§ 1045.22 [Amendment]

1. Delete § 1045.22(i)(1) and substitute the following:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 1045.51 and the Class I butterfat differential pursuant to § 1045.53(a), both for the current month; the minimum price for Class II milk pursuant to § 1045.52 and the Class II butterfat differential pursuant to § 1045.53(b), both for the preceding month;

2. Delete § 1045.41 and substitute the following:

§ 1045.41 Classes of utilization.

Subject to the conditions set forth in §§ 1045.42 and 1045.43, the classes of utilization shall be:

(a) Class I utilization shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products except:

(i) Fluid milk products classified as Class II pursuant to paragraph (b)(3) of this section; and

(ii) Fluid milk products which are fortified with nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of a like unfortified product of the same nature and butterfat content; and

(2) Not accounted for as Class II utilization.

(b) Class II utilization shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) In inventories of fluid milk products on hand at the end of the month;

(3) In skim milk disposed of for livestock feed or dumped subject to prior notification to and verification (at his discretion) by the market administrator;

(4) Represented by the weight of skim milk in fortified fluid milk products which is not classified as Class I pursuant to paragraph (a)(1)(ii) of this section;

(5) In shrinkage of skim milk and butterfat allocated to milk received from producers, but not to exceed 2 percent of such receipts; and

(6) In shrinkage of other source milk.

3. Delete § 1045.43 and substitute the following:

§ 1045.43 Transfers.

Skim milk and butterfat transferred or diverted as milk, skim milk or cream in bulk form from a pool plant to:

(a) The pool plant of another handler shall be classified as Class I unless the operators of both plants in their reports submitted pursuant to § 1045.30 claim Class II utilization, subject in either event to the following conditions;

(1) The receiving plant has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively; and

(2) The greatest possible total quantity of skim milk and butterfat in producer milk in the two plants is allocated to Class I;

(b) A plant operated by a producer-handler or a handler exempt pursuant to § 1045.81, shall be Class I utilization;

(c) A nonpool plant (except as specified in paragraph (b) of this section) shall be Class I utilization, unless the following conditions and the conditions of paragraph (d) of this section are met:

(1) Utilization in Class II is claimed by the transferor-handler in his report submitted pursuant to § 1045.30 for the month;

(2) The operator of the nonpool plant has utilization of an equivalent amount of skim milk and butterfat in Class II after the prior deduction from Class II utilization of receipts thereat during the month of skim milk or butterfat, respectively, from plants not regulated under the provisions of any Federal marketing agreement or order; and

(3) The operator of the nonpool plant maintains books and records which are adequate for the verification of such utilization and are made available if requested by the market administrator.

(d) The classification of any skim milk or butterfat for which a claim of Class II use is made under paragraph (c)(1) of this section shall be subject to the following further conditions:

(1) If any skim milk or butterfat was disposed of from the nonpool plant in the form of bulk milk, skim milk, or cream to other nonpool plants, the market administrator shall determine the classification of such skim milk or butterfat at the nonpool plant where actually used or processed;

(2) If class I utilization at any nonpool plant at which classification of the pooled milk is made exceeds the receipts during the month from dairy farmers who constitute its regular source of Grade A milk, the transferred quantity shall be Class I to the extent to such excess: *Provided*, That when, during the month, transfers to such nonpool plant have been made from regulated plants under more than one Federal marketing agreement or order, the amount of skim milk or butterfat so classified as Class I milk shall be a pro rata quantity based on the proportion of receipts at the nonpool plant from each of such regulated plants, *And provided further*, That if the transferor nonpool plant also has receipts of ungraded milk which are commingled with the receipts from the pool plant, transfers of cream from such nonpool plant to another nonpool plant which is located in Wisconsin shall be allocated first to Class II utilization available after making the deductions pursuant to paragraph (c)(2) of this section at the transferee nonpool plant.

§ 1045.45 [Amendment]

4. In § 1045.45 delete "Class I, Class II and Class III" and substitute "Class I and Class II".

5. Delete § 1045.46 and substitute the following:

§ 1045.46 Allocation of butterfat classified.

The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class II utilization the pounds of butterfat shrinkage classified pursuant to § 1045.41(b)(5);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with Class II utilization, the pounds of butterfat in other source milk received from plants other than those subject to another marketing agreement or order issued pursuant to the Act;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with Class II utilization, the pounds of butterfat in other source milk received from a plant subject to another marketing agreement or order issued pursuant to the Act;

(d) Subtract from the pounds of butterfat remaining in each class, in series beginning with Class II, the pounds of butterfat contained in inventory of fluid milk products on hand at the beginning of the month;

(e) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received as fluid milk products from pool plants of other handlers according to the classification established pursuant to §§ 1045.41 and 1045.43(a);

(f) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section; and

(g) If the remaining pounds of butterfat in Class I and Class II exceed the pounds of butterfat in milk received from producers, subtract such overage from the remaining pounds of butterfat in each class in series, beginning with Class II.

6. Delete §§ 1045.51, 1045.52, 1045.53 and 1045.54 and substitute the following:

§ 1045.51 Class I milk price.

Subject to the provisions of § 1045.53, the price per hundredweight for Class I milk shall be as follows:

(a) The basic formula price for the preceding month plus $0.54 during the months of March, April, May, and June, $0.94 during January, February, July, and December, and $0.94 during all other months plus or minus a supply-demand adjustment of not more than 24 cents. The supply-demand adjustment shall be computed as follows:

(1) Calculate a "current utilization percentage" for each month by dividing the total pounds of Class I milk (excluding interhandler transfers) disposed of from pool plants under the terms of this order and the order regulating the handling of milk in the Michigan Upper Peninsula marketing area (Part 1044 of this chapter) for the second and third preceding months into the total hundredweight of producer milk received at such plants during the same months, multiply by 100 and round to the nearest whole number;

(2) Calculate a "net deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage"; and

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage".

Month for which price applies	Month for which utilization is computed	Standard utilization range	
		Minimum	Maximum
January	October–November	123	128
February	November–December	128	133
March	December–January	130	135
April	January–February	133	138
May	February–March	135	140
June	March–April	140	145
July	April–May	145	150
August	May–June	150	155
September	June–July	145	150
October	July–August	130	135
November	August–September	123	128
December	September–October	123	128

(3) For a minus net deviation percentage the Class I price shall be increased and for a plus net deviation percentage the Class I price shall be decreased by two cents for each percentage point of net deviation: *Provided*, That for each of the first 12 months from the effective date hereof, the supply-demand adjustment shall differ by not more than 4 cents from that calculated for the second preceding month and thereafter by not more than 4 cents from that calculated for the first preceding month.

(b) For plants located in the Wisconsin counties of Florence, Forest, Marinette, Oneida and Vilas or in the State of Michigan, the price computed in paragraph (a) of this section shall be increased 10 cents.

§ 1045.52 Class II milk price.

The price per hundredweight for Class II milk shall be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the USDA for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential, rounded to the nearest one-tenth cent, obtained by multiplying 0.12 by the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery at Chicago, as reported by the USDA for the month.

§ 1045.53 Handler butterfat differential.

If the average butterfat test of Class I milk or Class II milk as computed pursuant to § 1045.48 is more or less than 3.5 percent, there shall be added to or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such average butterfat test is above or below 3.5 percent, a butterfat differential computed by multiplying the butter price specified in § 1045.52 by the applicable factor listed and rounded to the nearest one-tenth cent:

(a) For Class I milk multiply such price for the preceding month by 0.125;

(b) For Class II milk multiply such price for the current month by 0.115.

7. Renumber § 1045.55 as § 1045.54.

§ 1045.60 [Amendment]

8. In § 1045.60(d) delete "Class III" and substitute "Class II".

§ 1045.63 [Amendment]

9. In § 1045.63(b) delete "Class III" and substitute "Class II".

§ 1045.64 [Amendment]

10. In § 1045.64 delete "Class I, Class II and Class III" and substitute "Class I and Class II".

§ 1045.83 [Amendment]

11. In § 1045.83(a)(1), delete "Class III" and substitute "Class II".

Signed at Washington, D.C., on February 7, 1962.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-1407; Filed, Feb. 9, 1962; 8:50 a.m.]

[7 CFR Part 1108]

[Docket No. AO-243-A6]

MILK IN CENTRAL ARKANSAS MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Central Arkansas marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 5th day after publication in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Little Rock, Arkansas, on November 15, 1961, and December 5 and 6, 1961, pursuant to notice thereof which was issued October 25, 1961 (26 F.R. 10135), and a supplemental notice which was issued October 31, 1961 (26 F.R. 10485).

The material issues on the record of the hearing relate to:

1. Marketing area;
2. Class I price;
3. Location price differentials;
4. Class II price;
5. Equivalent price determination;
6. Pool plant definition;
7. Cooperative association as a handler;
8. Allowable shrinkage in Class II;
9. Reporting dates; and
10. Classification of fluid milk products fortified with nonfat milk solids.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Marketing area.* The marketing area should be expanded to include Phillips, Lee, St. Francis, Cross, Woodruff, and Prairie Counties, Arkansas, and the city of Gurdon and the town of Okolona in Clark County, Arkansas. In each of these counties and in the two communities in Clark County, handlers presently regulated by the Central Arkansas milk order dispose of more than half the fluid milk products sold in the respective county or community.

The Central Arkansas Milk Producers Association proposed the extension of

the marketing area to add 13 counties east and northeast of the marketing area as presently defined. This additional area was requested to encompass a territory within which sales made from a plant located at Paragould, Arkansas are about half of that plant's total sales. No sales were made in the present marketing area from the Paragould plant at the time of the hearing. That plant was reported to be the successful bidder for a contract to supply a military installation in the area beginning January 1, 1962.

Fluid milk products from the Paragould plant are distributed in an area of northeast Arkansas and southern Missouri where handlers regulated under the St. Louis, Paducah, Memphis, and Central Arkansas markets sell milk. The plant is nearer to Memphis, Tennessee (about 90 miles), and to Little Rock, Arkansas (about 143 miles), than to the principal cities in the other areas. In the territory served by the Paragould plant that plant has about 40 percent of all sales; Paducah and Memphis handlers (other than the Paragould plant) each have about one-fourth of the sales and St. Louis and Central Arkansas handlers each have about 11–12 percent of all sales.

In the 13-county area proposed for inclusion in the Central Arkansas marketing area, the Paragould plant has 43 percent of all sales; Central Arkansas handlers, 11 percent; Memphis handlers, 21 percent; Paducah handlers, 9 percent; and St. Louis handlers, 3 percent.

The proposed 13-county area is composed of six southern counties in each of which handlers regulated under the Central Arkansas order make more than half the total fluid milk products sales and seven northern counties where Central Arkansas handlers do not have a majority of the sales. Therefore, only the six counties which are primarily served by Central Arkansas handlers should be included in the Central Arkansas marketing area.

Sales from the Paragould plant in the six-county area represented just under 5 percent of the total fluid sales made from the plant at the time of the hearing. The military contract sales reported to be awarded to this plant amount to about 500 gallons per day and approximately 5 percent of the total fluid sales from the plant. Thus, with any further increase in sales in the present Central Arkansas marketing area plus the six counties proposed herein to be included, the Paragould plant would be regulated under the Central Arkansas order. The sales in the Memphis area represent less than 3 percent of the disposition from the Paragould plant. However, regulation under the Central Arkansas order would occur in the month following that in which the sales in the Central Arkansas area exceeded those in the Memphis area for a six-month period.

Since the Paragould plant is regulated under the Memphis order at the present time the minimum class prices required to be paid producers are generally in line with those required under the Central Arkansas order. The Memphis order which operates on the basis of an individual handler pool requires that any plant from which 1,000 pounds of Class I milk per day, or 5 percent of the Class I milk at the plant during the month, is disposed of on routes in the marketing area shall be regulated as to minimum prices paid producers. The Central Arkansas order requires that 10 percent of a plant's receipts from producers and other pool plants be disposed of on routes in the marketing area as a basis for full regulation of minimum prices. There was no proposal to reduce this requirement in order to regulate a plant under the order where it made the greater sales. Therefore, when the sales by the Paragould plant in the counties primarily supplied by Central Arkansas handlers exceed 10 percent, the plant should be regulated under the Central Arkansas order.

There are three other plants which sell milk in the seven counties not recommended for inclusion in the Central Arkansas milk marketing area which would remain unregulated by reason of the failure to include said counties in the area. There was no showing of disorderly marketing conditions in the area which might be attributable to the practices of these handlers in buying milk from producers.

The proposed inclusion of Okolona and Gurdon in the marketing area was requested by two handlers now regulated under the Central Arkansas order who make 70 percent of the sales in the two communities. The marketing area now includes all of Clark County (total population, 20,950) except the city of Gurdon (2,166) and the town of Okolona (344). (Official notice has been taken of 1960 United States Census.) The proponents of the change pointed out that the impact of prices and sales practices actually extends beyond the corporate limits of the communities since they are entirely surrounded by area which is presently included in the regulated market.

One handler selling in these communities has recently offered customers a free quart carton of milk with each half-gallon purchase. The handlers proposing the regulation of these communities attribute this sales practice to the subject handler's being able to purchase milk without regard to minimum order prices. This handler purchases milk from the Central Arkansas milk producers on a classified price plan but since his books are not audited by the producers' association or an impartial agency there is no assurance that he pays the Class I price for all fluid products sold. Another handler who purchases milk on the same basis testified that he sold Class II milk for whatever price he could get. He cited prices of $2.95 to $3.50 per hundredweight. He then pays producers for Class II milk at such prices. Since Class II milk is available at these prices substantially below the Class I price and can be sold in an unregulated market at competitively destructive prices it promotes disorderly marketing. To prevent this disorder Gurdon and Okolona should be included in the marketing area.

Two handlers who have small [illegible] these communities objected to [illegible] clusion in the regulated marketing [illegible] Each of these handlers has a plant [illegible] lated under the Central Arkansas [illegible] as well as a plant which is not regulated and from which distribution is made in Gurdon and Okolona. Each of [illegible] handlers maintained that it was [illegible] economical because of route arrangements to serve the Okolona and Gurdon area from the unregulated plant rather than from the regulated plant. These handlers also alleged that they were paying Class I prices in excess of those charged regulated handlers. These prices are negotiated with the producer cooperative which supplies milk to these handlers. The negotiated price is a price paid for milk supposedly used in fluid sales. The quantity of milk used in fluid sales is reported by the handler but is not subject to verification. Some of the milk may actually move to other fluid milk plants or be disposed of on reserve. The lack of a system for verifying the use of milk according to established class prices has already brought about disorderly marketing in these communities. Since these handlers have the opportunity to adjust their business so that sales are made from a regulated plant in the regulated area no hardship should result from the inclusion of these towns in the marketing area. Furthermore, there is no indication that the negotiated prices which they pay are so inflexible that the charges they would be required to pay into the Central Arkansas producer settlement fund would not be recoverable in the prices they otherwise pay producers.

2. *Class I price.* The issue with respect to Class I price is composed of three segments: the basic formula price, the fluid differential added to the basic formula and the need for a compensatory payment on Class I milk priced under the Memphis order.

a. *Basic formula.* The type of basic formula appropriate for use in the Central Arkansas market was considered at a hearing held at Memphis, Tennessee and Little Rock, Arkansas on July 18-20, 1961. Official notice is hereby taken of the recommended decision (26 F.R. [illegible]) resulting from that hearing which recites the necessity for adopting a basic formula in the Central Arkansas order which will maintain general alignment with prices in the Memphis market. The decision also describes the necessity for alignment of Memphis Class I prices through the basic formula with Class I prices in the Paducah, Ozarks, St. Louis and Suburban St. Louis markets. No final decision in this matter has been made pending the reconsideration of the basic formula appropriate for use in several central United States markets including both Central Arkansas and Memphis. That hearing opened at Chicago, Illinois, January 17, 1962. Official notice is taken of this hearing notice issued January 11, 1962 (27 F.R. 314).

Since the issue with respect to basic formula is being considered on the basis of these other hearing records, the decision on this record will be confined to the relative level of the Class I price in the Central Arkansas market [illegible]

and the basic formula used in the various markets in the region is identical in all respects.

b. *Fluid differential.* A fluid differential of $1.74 should be established subject to a maximum price in relation to that established for the same month in the Ozarks area and a maximum and minimum price based on the Memphis Class I price, seasonally adjusted. A maximum price limit through December 1962 should be the Ozarks Class I price, seasonally adjusted, plus 75 cents. On and after January 1, 1963, this maximum price limit should be the Ozarks Class I price, seasonally adjusted, plus 60 cents. Maximum and minimum limits in the Class I price should be based on the Memphis Class I price, seasonally adjusted, plus or minus 25 cents, respectively.

About three-fourths of the milk supply for the Central Arkansas market is received from farms located within the boundaries of the marketing area. There is little competition for this milk supply from handlers in other markets. Therefore, the supply of milk available to the market from nearby farms is determined primarily by the decisions of these dairymen in expanding or reducing dairy operations. The average daily delivery of milk per producer rose gradually, about 50 pounds each year, from 1955 to 1960. In the first nine months of 1961 the daily delivery per producer rose 94 pounds above the average delivery in the same period of the previous year. Although there was some reduction in number of producers supplying the market the total supply of milk available to the market from producers who normally supply the area rose 7 million pounds from January–October 1960 to January–October 1961.

Class I sales declined in the same period by 4½ million pounds. As a consequence of these contra-changes in supply and sales the ratio of supply to sales rose from 119 in the 1960 period to 127 in 1961. These percentages are calculated on the basis of the total supply of milk maintained for the Central Arkansas area including the milk diverted to other areas which was included in the cooperative association pool but which was not reported as producer milk under the order. Class I sales include all sales from this cooperative pool supply.

The increase in milk supply relative to sales indicates that Class I prices may be attracting too much milk supply or they may be discouraging Class I sales. Transfers during the past year of Class I sales from the Central Arkansas market to handlers supplied by producers in the Memphis and Ozarks areas reduced Class I sales of Central Arkansas producers by 1,550,000 pounds monthly. This loss of Class I sales was offset largely by Class I sales to other markets. However, the substitution of other sources of supply for Class I sales which Central Arkansas producers had made can be attributed to some extent to the relative levels of Class I prices in these markets.

Although the major part of the milk supply for the Central Arkansas market is obtained from nearby counties, the northwestern Arkansas counties of Benton and Washington provide the reserve supply for the market. These counties are in the Ozarks marketing area and supplies available to the Central Arkansas market are affected by the relationship between the price in the Ozarks area versus that in the Central Arkansas market. There are also large supplies of milk in southern Missouri which are equally available to the St. Louis and Central Arkansas markets.

The trend toward an oversupply in the Central Arkansas area relative to Class I sales could be accentuated quickly by any further increase in the Central Arkansas Class I price in relation to surrounding markets which represent alternative supplies of milk. If the Class I price exceeds substantially for an extended period the price in these other markets by more than the cost of transporting milk from such markets we may expect milk from these other markets to supplant milk priced under the Central Arkansas order.

To prevent further loss of Class I sales the fluid differential established by the Central Arkansas order for the remainder of 1962 should not exceed the Ozarks differential by more than it does currently. The $1.74 differential in the Central Arkansas area exceeds the Ozarks differential (annual average) before supply-demand adjustment by 59 cents. Official notice has been taken of the provisions of the Chicago, St. Louis and Ozarks orders which establish Class I prices. The cost of moving milk from Springfield, Missouri to Little Rock is about 35 cents per hundredweight. From Washington and Benton counties Arkansas the milk freight cost to Little Rock is about 30 cents. The Class I price in Washington and Benton counties is established by the Ozarks order at 25 cents over the Springfield price.

The St. Louis differential (annual average before adjustment by supply-demand adjuster) is $1.40 and plus transportation from St. Louis (54 cents) is more than the Central Arkansas differential. However, milk priced under the St. Louis order is received at plants nearer to Little Rock than St. Louis and at such plants the freight cost to Little Rock would be lower.

If prices in the St. Louis and Ozarks markets were not depressed by the currently effective supply-demand adjustment the Central Arkansas differential of $1.74 would maintain reasonable alignment with Class I prices in these markets. Normally, a Class I price in the Central Arkansas market about 60 cents over the Ozarks price and 35 cents over the St. Louis price would be an appropriate ceiling. This difference should be established as a maximum limit on the Central Arkansas Class I price to become effective January 1, 1963.

In the 12 months ending with October 1961 the Central Arkansas Class I price exceeded the Ozarks Class I price (4 percent butterfat basis) by 96 cents. The relatively high price in Central Arkansas resulted from two factors. The Central Arkansas price rose relative to the Ozarks price because the basic formula used in computing the Central Arkansas price averaged 18 cents higher than the basic formula which determined the Ozarks price. The divergence in price due to the basic formula differences, as heretofore stated, is being dealt with in another decision.

Another factor which affected the relative levels of the Class I prices in these two markets was the supply-demand adjuster which reduced the St. Louis price and thereby reduced the Ozarks Class I price which is related directly to the St. Louis price. If the supply-demand adjuster which affects the Ozarks and St. Louis prices continues to reduce such prices by as much as it has been doing the Central Arkansas ceiling price should reflect such reductions on and after January 1, 1963. Meanwhile, the ceiling price should be established at a 15-cent higher level to allow a gradual price adjustment. This ceiling arrangement should prevent any further increase this year in the Central Arkansas Class I price relative to the Class I prices in the Ozarks and St. Louis markets.

The mechanics for aligning Central Arkansas Class I prices with the Ozarks and St. Louis markets should be through a ceiling based on the Ozarks price. This will accomplish alignment with St. Louis prices since the Ozarks and St. Louis prices are directly related with the Ozarks price somewhat less variable on a seasonal basis.

With separate Class I pricing formulas in the Memphis and Central Arkansas markets, it will be possible for prices to move in one market independently of the other. Because there is considerable overlapping of sales routes operated by Memphis handlers and by Central Arkansas handlers a sharp drop or increase in the Class I prices in Central Arkansas could disrupt normal delivery patterns and induce shifts in milk supplies between these adjacent markets. A provision which maintains the Central Arkansas Class I price within the range of the Memphis Class I price plus or minus 25 cents will prevent wide differences in prices in the two markets. The 25-cent difference should apply to the annual average fluid differential with seasonal adjustments, if necessary.

c. *Compensatory payment on Class I milk priced under the Memphis order.* The compensatory payment into the Central Arkansas producer settlement fund on Class I milk priced under the Memphis order, whenever the Central Arkansas Class I price at any location exceeds the Memphis Class I price, should be discontinued.

This provision was adopted to deal with an unusual situation in which a plant located in the Central Arkansas marketing area disposed of almost equal quantities of Class I milk in the Central Arkansas and the Memphis marketing areas. Whenever sales in Memphis exceeded those in Central Arkansas the plant became subject to the Memphis order and was eligible for a price deduction based on the location of the plant in relation to Memphis. When sales were greater in the Central Arkansas area the deduction did not apply. This handler is no longer operating in this manner. Memphis sales of the handler are procured at and distributed from a

Memphis plant. Sales in the Central Arkansas area are made from a plant located in the area.

Since Federal order Class I prices in neighboring markets are established to maintain general alignment subject to transportation cost differentials and relative levels of supply and demand in each market, compensatory payments are not needed in most cases to maintain appropriate market price relationships.

The deletion of this provision is necessary at this time to avoid the imposition of unwarranted charges which might result from differences in the Memphis and Central Arkansas Class I prices as the result of this decision and a pending decision relative to the Memphis Class I price. It has been proposed to change the seasonality of the Memphis Class I differential. Such a change would require substantial payments by a Memphis handler disposing of Class I products in the Central Arkansas area during months when the Memphis price was lower than the Central Arkansas price.

3. *Location price differentials.* No change should be made in the rate or application of location price differentials except that such differentials should be measured from Little Rock as well as Benton, Arkansas.

The cooperative association representing a majority of the producers supplying the market sponsored a proposal in the hearing notice to disallow location price differentials at plants located in the marketing area. At the hearing the proponents offered no testimony relative to their proposal.

Several handlers whose plants are located within 60 miles of Benton, Arkansas (the present basing point for location differentials) supported the cooperative association proposal. These plants are not allowed a location price differential under present terms of the order. Other handlers whose plants were located in the area proposed to be added to the marketing area opposed the proposal.

The evidence shows Little Rock is the population center of the marketing area and the primary sales point in the area. Therefore, the prices at other locations should be based on the distance from Little Rock or Benton, whichever is nearer.

It was suggested that several location points be established north and west of Little Rock. The effect of establishing such basing points would deny certain handlers located beyond those points the differentials based on transportation costs to Little Rock. Therefore, such basing points are not appropriate to a pattern of uniform prices for milk disposed of primarily in Little Rock.

There was no testimony on which to establish a rate other than that now provided by the order, 1.5 cents per 10 miles distance.

4. *Class II price.* The Class II price should be the price reported by the United States Department of Agriculture as paid, f.o.b. plant, for milk used in manufacturing dairy products in the United States. The price should be adjusted to 4 percent by using the Class II butterfat differential.

The producers' cooperative association which represents most of the producers in the market has assumed responsibility for marketing milk in excess of that required by handlers for fluid products and for the ice cream and cottage cheese which some handlers manufacture. For such milk moved to manufacturing plants this cooperative has been receiving prices in excess of the Class II prices established by the order. The prices received have usually been higher than the United States average manufacturing milk price and have been 45 cents higher than the order Class II price. Since this cooperative can market all the excess milk in the area at this price or higher prices, there is no need to establish prices at a level lower than that reflected by the United States average prices.

The United States average price is reported per hundredweight of milk at test received. In order to announce a price at the basic test of 4 percent butterfat the price should be adjusted to 4 percent by using the Class II butterfat differential.

5. *Equivalent price determination.* The order should specify that in the absence of a quoted price or index needed to determine a class price or other order provision, an equivalent price should be determined by the Secretary. This provision is necessary to assure continuity of order operation in the event a price series referred to in the order is discontinued or revised.

6. *Pool plant definition.* The pool plant definition should include a plant operated by a cooperative association which delivers half or more of its members' milk to other handler's plants and from which at least 25 percent of the plant's receipts of Grade A milk is shipped to regulated plants during the months October through January.

The Central Arkansas Milk Producers Association operates a reload station at Springdale, Arkansas where milk is transferred to large transport trucks from trucks which pick up milk at the farms. The cooperative has purchased stationary holding tanks to be installed during January 1962. With the installation of these tanks the station will operate as a milk plant—receiving, cooling, and holding milk for transfer to other plants as it is needed.

This supply plant is to be used to handle reserve milk for the Fort Smith and Southern Arkansas markets as well as the Central Arkansas market. Some milk from the plant also moves regularly to a handler regulated under the Ozarks order.

Although the Central Arkansas market has received more milk from this station than any other fluid milk market, the quantities of milk moved from the station to Little Rock have, at times, been very small. This is partly because trucks are rerouted from the farms in some instances to reduce hauling instead of sending such milk through the station.

Since the supply of milk is maintained primarily for the Central Arkansas market it should be possible for the plant to qualify for pooling in this market. To assure that the plant is maintained primarily to handle reserve milk for the Central Arkansas market, two conditions should be met. First, the cooperative association should deliver at least half its members milk to the plants of other handlers regulated under the Central Arkansas order. Second, the plant should demonstrate its connection with the market by shipping at least 25 percent of its milk receipts to regulated distributing plants during the months October through January. It is during these months that the largest quantities of the Springdale milk supply have been delivered to Little Rock handlers.

The provisions under which a supply plant not operated by such a cooperative may qualify should be revised to permit qualification on the basis of shipments during the October–January period. If such a plant were supplying the market its milk would be needed in the same months as the supply plant operated by the cooperative association.

7. *Cooperative association as a handler.* A cooperative association should be permitted to elect to be the handler with respect to the milk of its member producers delivered to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association.

Transportation of milk in insulated tank trucks from the farm to handlers as directed by cooperative associations creates a problem with respect to the determination of the responsibility to the individual producers in the market under certain circumstances. The handlers have only indirect knowledge of the identity of the individual producers from whom they receive milk and of the weights and tests of the milk of such individual shippers. The cooperative association maintains such information for its member producers, and the handlers accept the measurements as recorded by the agent of the cooperative association.

There are circumstances when it would be more appropriate to permit the cooperative association in control of the transportation to qualify as the handler under the order and report the milk as handled. This is particularly true when milk of several producers is commingled in the tank truck and delivered to two or more plants and in the case of producers whose milk is delivered on alternate days to different plants. The cooperative association should be provided the option of being the handler for all bulk tank milk to each pool plant for which it can qualify as the handler if a written request is provided the market administrator and the operator of the pool plant.

The functions of a cooperative association as a handler in this capacity differ from those of other handlers in that the cooperative does not use milk in a plant. Hence, the order should provide for these differences in the provisions relating to definitions, reporting, transfers, allocation of milk to be classified, payments and assessment charges. These conforming changes will maintain obligations as now established by the order except that the cooperative association will be required to report and account for the disposition of the individual deliveries of milk from producer members.

8. *Allowable shrinkage.* The maximum shrinkage of producer milk which is classified in Class II should be assigned to specific handling functions in the case of milk handled in more than one plant and in the case of milk received at the farm in a bulk tank truck.

The maximum shrinkage allowance in Class II at each pool plant should be 0.5 percent of the skim milk and butterfat in producer milk (excluding milk diverted to a nonpool plant) plus 1.5 percent of the skim milk and butterfat in all milk or milk products processed at such plant. Plants which are operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant losses in excess of the maximums provided. Any shrinkage in excess of the maximums should be classified as Class I milk.

To avoid duplicate shrinkage allowance on interplant movements of milk, shrinkage should be based on the amount that receipts from other pool plants are in excess of transfers to such plants. No shrinkage should be allowed on producer milk diverted to nonpool plants. On milk received at the pool plant and transferred in bulk to another plant, the transferor plant would be limited to the 0.5-percent maximum receiving shrinkage allowance on such milk.

In the assembly operation of bulk farm tank milk, there may be some physical loss of milk. Receipts at pool plants may not agree with the aggregate of the weights determined at the farm from the bulk tank "dip stick" reading. Provision should be made so that the cooperative association in its capacity as a handler on bulk tank milk will retain one-half of 1 percent of the 2-percent allowable shinkage with the remainder passed on to the operator of the pool plant. If, however, the handler files a notice with the market administrator that he is purchasing farm bulk tank milk from the cooperative association on the basis of the aggregate farm weights and tests, the entire shrinkage should be available to the pool plant to which the milk is delivered.

The changes in maximum shrinkage allowed in Class II requires changes in the method of prorating shrinkage to preserve the intended application of the proposed allowances.

9. *Reporting dates.* No change should be made in the date on which handlers' reports of receipts and utilization of milk must be mailed to the market administrator. Such reports must now be mailed on the 7th day of the month. The cooperative association proposed that reports be mailed on the 6th or delivered on the 7th day. The earlier reporting was requested to permit an earlier announcement of the uniform price.

The requirement that reports be filed on the 6th day after the end of each month could be burdensome in a month when a holiday and a weekend occurred in that period.

The class prices should be reported not later than the 6th day of the month. The prices are reported now on the 5th but since the Class I price would be based in part on Class I prices in other markets the later announcement date is necessary.

10. *Classification of fluid milk products fortified with nonfat milk solids.* "Dietary foods" and other fluid milk products fortified with nonfat milk solids should be classified as Class I up to the weight of an unmodified product of the same nature and butterfat content. The skim milk equivalent of the added solids in excess of such weight should be classified as Class II.

The Central Arkansas order provides that the skim milk equivalent of nonfat milk solids used in the fortification of fluid milk products be classified as Class I. Several handlers proposed that the skim milk equivalent of added solids be classified as Class II. The producer association opposed the proposed change in classification but offered no testimony on the issue.

Fortified fluid milk products customarily result from the addition of concentrated nonfat milk solids to milk or skim milk in fluid form to yield a finished product of a higher nonfat solids content than that of an equivalent amount of whole (producer) milk. Reconstituted products, on the other hand, involve the process of "floating" concentrated milk solids in water to yield a weight of product approximately equal to the weight of milk from which the concentrated milk product was first made by the removal of water.

Nonfat dry milk and condensed milk are ordinarily derived from unpriced milk or milk which has been priced as surplus under a Federal order. These products are not necessarily processed from producer milk and may be made from ungraded milk. An economic incentive exists for handlers to substitute, where possible, reconstituted fluid milk products for fluid milk products processed from current receipts of producer milk. Since such substitution would displace an equivalent amount of producer milk in Class I, the application of skim equivalent pricing in this circumstance is economically sound and is necessary to maintain orderly marketing.

The same economic incentive does not exist, however, with respect to the use of nonfat dry milk or condensed skim milk to fortify a fluid milk product. The incentive for handlers to use solids to fortify fluid milk products, primarily derived from producer milk, is in being able to readily meet the specific demands of consumers and thereby to maintain or even increase Class I sales. Until recently, fortified fluid milk products represented a very small proportion of total fluid milk sales.

It is practical and administratively necessary to maintain the skim milk equivalent method of accounting for total receipts and disposition. Therefore, the difference between the volume classified in Class I and the total skim milk equivalent of nonfat milk solids in the product should be assigned to Class II. Accordingly, the order should be amended to classify fortified products as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Central Arkansas marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Delete § 1108.4 and substitute the following:

§ 1108.4 Central Arkansas marketing area.

"Central Arkansas marketing area," hereinafter called the "marketing area" means all the territory included within the boundaries of the counties of Clark, Conway, Cross, Faulkner, Garland, Grant, Hot Spring, Jefferson, Lee, Lo-

noke, Monroe, Phillips, Pope, Prairie, Pulaski, Saline, St. Francis, White, and Woodruff, all in the State of Arkansas.

§ 1108.8 [Amendment]

2. In § 1108.8 after the words "producer milk" insert a comma and "milk from a cooperative association in its capacity as a handler pursuant to § 1108.12(c),".

3. Delete § 1108.9 and substitute the following:

§ 1108.9 Supply plant.

"Supply plant" means:

(a) An approved plant from which fluid milk products in an amount not less than 50 percent of its receipts of producer milk and milk received from a cooperative association in its capacity as a handler pursuant to § 1108.12(c) is moved during such month to distributing plants: *Provided*, That any such plant which qualifies as a supply plant for each of the months during the period October through January shall upon written application to the market administrator, on or before the end of such period, be designated as a supply plant for the following months of February through September; or

(b) An approved plant which is operated by a cooperative association having member producers which delivers 50 percent or more of its member milk to the pool plants of other handlers and from which fluid milk products in an amount not less than 25 percent of its receipts of producer milk during the month at such plant are shipped during such month to distributing plants: *Provided*, That any such plant which qualifies as a supply plant for each of the months October through January shall, upon written application to the market administrator, on or before the end of such period, be designated as a supply plant for the following months of February through September.

§ 1108.12 [Amendment]

4. In § 1108.12 add paragraph (c) as follows:

(c) Any cooperative association with respect to the milk of its producer members which is delivered to the pool plant of another handler in a tank truck owned or operated by or under contract to such cooperative association if the cooperative association notifies the market administrator and the handler to whom the milk is delivered, in writing, that it will be the handler for such milk for the month, such cooperative handler status to be effective the first day of the month following receipt by the market administrator of such notice and to continue until the first day of the month following receipt of a request to discontinue such cooperative handler status. Milk so delivered shall be considered to have been received by the cooperative association at the plant to which delivered and then transferred to the handler operating the plant.

5. Delete § 1108.14 and substitute the following:

§ 1108.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant which during the month has no other source milk, producer milk or milk received from a cooperative association as a handler pursuant to § 1108.12(c).

6. Delete § 1108.15 and substitute the following:

§ 1108.15 Producer milk.

"Producer milk" shall be that skim milk or butterfat for each handler's account in milk (in an amount determined by weights and measurements for individual producer's deliveries, as taken at the farm in the case of milk moved from the farm in a bulk tank truck) which is received pursuant to paragraphs (a) and (b) of this section and diverted pursuant to § 1108.6 as follows:

(a) Received directly from producers' farms at a pool plant by the operator of the pool plant (except that for which a cooperative association is a handler pursuant to § 1108.12(c)) or diverted by the pool plant operator pursuant to § 1108.6.

(b) Received directly from producers' farms for its account by a cooperative association in its capacity as a handler pursuant to § 1108.12(c) or diverted for its account pursuant to § 1108.6.

§ 1108.17 [Amendment]

7. In § 1108.17 insert after the words "producer milk" the words "and milk from a cooperative association in its capacity as a handler pursuant to § 1108.12(c).

§ 1108.30 [Amendment]

8. In § 1108.30(a) delete subparagraph (2) and substitute the following:

(2) Fluid milk products received from other pool plants and milk received from a cooperative association in its capacity as a handler pursuant to § 1108.12(c).

§ 1108.31 [Amendment]

9. In § 1108.31(b)(2) delete "for each of his pool plants" and substitute "for each pool plant".

10. Delete § 1108.41 and substitute the following:

§ 1108.41 Classes of utilization.

Subject to the conditions set forth in §§ 1108.42 through 1108.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from the plant in the form of fluid milk products; except

(i) Fluid milk products classified pursuant to subparagraph (b)(3) of this section, and

(ii) Fluid milk products which are fortified with additional milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content, and

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Disposed of as skim milk and used for livestock feed;

(4) The weight of skim milk in fortified fluid milk products which is not classified as Class I pursuant to paragraph (a)(1)(ii) of this section; and

(5) In shrinkage of skim milk and butterfat, respectively, allocated pursuant to § 1108.42(b)(1) but not in excess of:

(i) Two percent of milk received at a pool plant directly from producers except milk diverted pursuant to § 1108.6; plus

(ii) Two percent of milk received from a cooperative association handler pursuant to § 1108.12(c), if the handler operating the pool plant files with the market administrator in writing, prior to the first day of the month, notice that he is purchasing such milk for the month on the basis of farm weights determined by farm bulk tank calibrations; plus

(iii) One and one-half percent of milk received in bulk from pool plants of other handlers or received from cooperative associations pursuant to § 1108.12(c) unless two percent shrinkage is assigned pursuant to subdivision (ii) of this subparagraph; less

(iv) One and one-half percent of milk disposed of in bulk to other plants; and less

(v) One and one-half percent of milk disposed of to plants by a cooperative association handler pursuant to § 1108.12(c) unless two percent shrinkage is assigned pursuant to subdivision (ii) of this subparagraph.

(6) In shrinkage allocated to other source milk pursuant to § 1108.42(b)(3).

§ 1108.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively for each handler; and

(b) Prorate the resulting amounts between:

(1) The maximum pounds of skim milk and butterfat pursuant to § 1108.41(b)(5) divided by 0.02; and

(2) The pounds of skim milk and butterfat in other source milk received in the form of bulk fluid milk products.

11. Renumber § 1108.42 as § 1108.43.

12. Delete § 1108.43 which precedes § 1108.43(d) and substitute the following:

§ 1108.44 Transfers.

Skim milk or butterfat transferred (including milk diverted to nonpool plants) from a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1108.12(c) shall be classified:

(a) As Class I milk if transferred to a pool plant unless:

(1) The transferee and transferor handlers claim Class II utilization in their reports submitted pursuant to § 1108.30;

(2) The transferee plant has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively, after the computation pursuant to § 1108.46(a)(5) and the corresponding step of (b); *Provided*, That if either or both plants have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk; and

(3) If a specified utilization is not claimed by both handlers, subject to subparagraph (2) of this paragraph, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is a handler pursuant to § 1108.12(c) shall be classified pro rata to the respective amounts remaining in each class for such month at the pool plant of the receiving handler after the computations pursuant to § 1108.46(a)(6) and the corresponding step of § 1108.46(b).

(b) As Class I milk if transferred to the plant of a producer-handler; and

(c) As Class I milk if transferred or diverted in bulk form as milk or skim milk to a nonpool plant unless:

(1) No fluid milk products are distributed on routes from the plant;

(2) It is located less than 250 miles by the shortest hard surfaced highway distance, as determined by the market administrator, from the plant from which transferred or diverted;

(3) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1108.30 for the month within which such transaction occurred;

(4) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and

(5) Not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified as Class I milk.

13. Redesignate § 1108.43(d) as § 1108.44(d).

14. Renumber § 1108.44 as § 1108.45 and § 1108.45 as § 1108.46.

§ 1108.46 [Amendment]

15. Delete subparagraphs (4), (5), (6), and (7) of renumbered § 1108.46 and substitute the following:

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(5) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class the skim milk received from other pool plants or from a cooperative association in its capacity as a handler pursuant to § 1108.12(c) according to its classification as determined pursuant to § 1108.44(a) (1) and (2);

(7) Subtract from the pounds of skim milk remaining in each class, the skim milk received from a cooperative association in its capacity as a handler pursuant to § 1108.12(c) according to its classification as determined pursuant to § 1108.44(a)(3); and

(8) Subtract from the pounds of skim milk remaining in each class any amount by which the pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers in series beginning with Class II. Such excess shall be called "overage".

16. Delete § 1108.51 and substitute the following:

§ 1108.51 Class prices.

Subject to the provisions of §§ 1108.52 and 1108.53, the class prices per hundredweight of milk containing 4.0 percent butterfat shall be determined for each month as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.74: *Provided*, That such Class I price shall not exceed: (1) The Class I price for the same month established under the Memphis Federal milk order plus 25 cents (plus or minus any seasonal adjustment in the Memphis price); or (2) the Class I price for milk of 4 percent butterfat content for the same month established under the Ozarks Federal milk order applicable at plants in the Ozarks marketing area other than those in Washington or Benton Counties, Arkansas, plus;

	From effective date through December 1962	Effective January 1963
	Cents.	*Cents*
January, February, July, and December	77	62
March	97	82
April, May, and June	90	75
August, September, October, and November	57	42

And provided further, That such Class I price shall not be less than the Class I price for the same months established under the Memphis Federal milk order minus 25 cents (plus or minus any seasonal adjustment in the Memphis price).

(b) *Class II milk price.* The Class II milk price shall be the average price reported by the Department of Agriculture for the current month for milk used in the manufacture of American cheese, evaporated milk, and butter and by-products, f.o.b. plant, United States, adjusted to 4.0 percent butterfat basis by using the differential established pursuant to § 1108.52(b).

§§ 1108.53, 1108.74 [Amendment]

17. In § 1108.53 and § 1108.74 delete the words "city limits of Benton, Arkansas" and substitute therefor "City Hall at Benton, Arkansas, or the State Capitol at Little Rock, Arkansas, whichever is nearer", and change "such city limits" to "the respective City Hall or State Capitol".

§ 1108.61 [Amendment]

18. Delete § 1108.61(c).

19. Add § 1108.55 as follows:

§ 1108.55 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner prescribed, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 1108.27 [Amendment]

20. In § 1108.27(k)(1) change "5th" to "6th".

§ 1108.80 [Amendment]

21. In § 1108.80 add paragraph (d) as follows:

(d) On or before the 13th day after the end of each delivery period; to each cooperative association, with respect to receipts of milk for which such cooperative association is the handler pursuant to § 1108.12(c), not less than the value of such milk at applicable class prices.

22. Delete § 1108.86 and substitute the following:

§ 1108.86 Expense of administration.

As his pro rata share of the expense of the administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of each month, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe on the quantities designated as follows:

(a) A cooperative association as a handler pursuant to § 1108.12(c), on producer milk except that transferred to another handler operating a pool plant.

(b) A handler operating a pool plant, on producer milk plus milk recieved from a cooperative association as a handler pursuant to § 1108.12(c) and on other source milk allocated to Class I pursuant to § 1108.46 (a)(2) and (b).

(c) A handler operating a nonpool plant at which milk is not classified and priced under provisions of another Federal milk order, on Class I milk disposed of in the marketing area except milk disposed of to a pool plant.

23. Make the following conforming changes in order language:

§ 1108.40 [Amendment]

In § 1108.40 delete the words "§§ 1108.41 through 1108.45" and substitute therefor "§§ 1108.41 through 1108.46".

§ 1108.60 [Amendment]

In § 1108.60 delete the words "§§ 1108.40 through 1108.45" and substitute therefor "§§1108.40 through 1108.46",

§§ 1108.53, 1108.70 [Amendment]

In § 1108.53, § 1108.70(a) and § 1108.70 (b) delete the reference "§ 1108.45" and substitute therefor "§ 1108.46".

In § 1108.70(c) delete the reference "§ 1108.45(a)(7)" and substitute therefor "§ 1108.46(a)(8)".

In § 1108.70(d) delete the references "§ 1108.45(a)(5)" and "§ 1108.45(a)(4)"

and substitute therefor "§ 1108.46(a)(4)".

Signed at Washington, D.C., on February 7, 1962.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-1408; Filed, Feb. 9, 1962; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 20]

ICE CREAM, FRENCH ICE CREAM, ICE MILK, FRUIT SHERBETS, AND WATER ICES

Proposed Amendments of Standards

Notice is given that American Food Laboratories, 1000 Stanley Avenue, Brooklyn, N.Y., and National Pectin Products Co., 2656 West Cullerton Street, Chicago, Ill., have separately proposed amendments for the standards of identity for frozen desserts, as follows:

American Food Laboratories proposes that paragraph (f)(2) in the standard of identity for ice cream (§ 20.1), paragraph (e)(2) in the standard of identity for fruit sherbets (§ 20.4), and paragraph (d)(1) in the standard of identity for water ices (§ 20.5) in each case be amended by changing the period at the end of the first sentence to a comma and adding the words "propylene glycol, or glycerin". These changes would have the effect of providing that the specified stabilizing ingredients which the standards provide may be added in admixture with dextrin, may also be added in admixture with propylene glycol or glycerin.

National Pectin Products Co. proposes that the first sentence in paragraph (e)(2) of the standard of identity for fruit sherbets (§ 20.4) and the first sentence in paragraph (d)(1) of the standard of identity for water ices (§ 20.5) be amended by changing the period at the end thereof to a comma and adding the words, "propylene glycol ether of methylcellulose" to the stabilizing ingredients therein listed.

National Pectin Products Co. also proposes that the last part of the second sentence in paragraph (b)(4) of the standard of identity for ice cream (§ 20.1), which provides that fruit may be acidulated with citric or ascorbic acid, be amended by changing it to read "• • • may be acidulated with citric acid, ascorbic acid, or phosphoric acid." Cross-references in the standards for french ice cream (§ 20.2) and ice milk (§ 20.3) make the proposed amendment applicable to standards for these frozen desserts also.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are invited to submit their views in writing regarding the proposals published herein. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: February 6, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-1387; Filed, Feb. 9, 1962; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14484; RM-289]

MODESTO AND SAN MATEO, CALIF.

Table of Assignments, Television Broadcast Stations; Order Extending Time for Filing Comments

1. The Commission has before it for consideration the requests of the Honorable Don D. Hammond, mayor of Modesto, Calif., and Chester Smith and Corbett Pierce of Modesto, filed February 5, 1962, to extend the time for filing comments in the above-entitled proceeding. Mayor Hammond does not indicate specifically the time extension he seeks; the latter petitioners seek to extend the filing date for comments from February 5, 1962 to February 19, 1962, and for reply comments, from February 19, 1962, to March 5, 1962.

2. The petitioners indicate that a number of persons in Modesto are interested in the proposal under consideration in this rule making proceeding, i.e., a proposal of the National Educational Television and Radio Center (NET) to shift television Channel 14 from Modesto to San Mateo, Calif., for noncommercial educational use, and need additional time to file their comments on it. Messrs. Smith and Pierce also state that counsel for NET has advised that it has no objection to the extension of time they request.

3. The Commission is of the view that the public interest will be served by extending the time for comments in this proceeding. The views of interested persons in the Modesto area on the proposal will be useful in its evaluation, and a short extension of time for comments may be granted without prejudice to any party or unduly delaying the orderly consideration of the proposal.

4. *Accordingly, it is ordered*, This 6th day of February 1962, that the aforesaid requests of Mayor Hammond and Messrs. Smith and Pierce are granted; and that the time for filing comments herein is extended from February 5, 1962, to February 19, 1962, and that the time for filing reply comments is extended from February 19, 1962, to March 5, 1962.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.241(d)(8) of the Commission's rules.

Released: February 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1398; Filed, Feb. 9, 1962; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55560]

FISH

Tariff-Rate Quota

FEBRUARY 7, 1962.

The tariff-rate quota for the calendar year 1962 on certain fish dutiable under paragraph 717(b), Tariff Act of 1930, as modified.

In accordance with the proviso to item 717(b) of Part I, Schedule XX, of the General Agreement on Tariffs and Trade (T.D. 51802), it has been ascertained that the average aggregate apparent annual consumption in the United States of fish, fresh or frozen (whether or not packed in ice), filleted, skinned, boned, sliced, or divided into portions, not specially provided for: cod, haddock, hake, pollock, cusk, and rosefish, in the three years preceding 1962, calculated in the manner provided for in the cited agreement, was 190,476,220 pounds. The quantity of such fish that may be imported for consumption during the calendar year 1962 at the reduced rate of duty established pursuant to that agreement is, therefore, 28,571,433 pounds.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 62-1397; Filed, Feb. 9, 1962; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the following counties in the State of Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

DeWitt.	Live Oak.
Frio.	Maverick.
Jim Wells.	Wilson.
Karnes.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 7th day of February 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-1410; Filed, Feb. 9, 1962; 8:50 a.m.]

GEORGIA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Polk County, Ga., natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 7th day of February 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-1411; Filed, Feb. 9, 1962; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 74]

ARIZONA

Small Tract Opening

1. Pursuant to authority delegated to me by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), I hereby open for bid and sale at public auction, under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended, 79 tracts listed in Part 3 of this Order. These parcels are located in the following described lands which were classified under the above Act by Classification Order No. 74 of February 3, 1961 (26 F.R. 1315):

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 8 E.,
Sec. 36, NW¼, NE¼SW¼, N½SE¼.

The tracts will be offered to the general public in the sequence shown in Part 3 of this Order, beginning at 10 a.m., on March 29, 1962. The sale will be held in the Agriculture Building, Arizona State Fairgrounds, 1826 West McDowell Road, Phoenix, Arizona.

2. The center of the Apache Junction Area is at the intersection of the Apache Trail and U.S. Highway 60-70-80-89, and is 32 miles east of Phoenix, Arizona, on the lower southwestern slopes of the Superstition Mountain Range. The population is approximately 8,500 permanent residents. Three water companies service the area, electricity is available in all but the remote portions, and natural gas is being extended into outlying areas.

The subject lands are situated on the eastern fringe of the Apache Junction Area and are north of the U.S. Highway 60-70-80-89, and east of the main access road running northerly through the NE¼, Sec. 35, and they are considered equally desirable and potentially suitable for desert homesite development. The tracts can be identified by finding the brass cap survey markers for the east quarter corner and the west quarter corner of Sec. 36, and by finding the reference corners for the northwest section corner and the north quarter corner of Sec. 36. Electricity is available to this neighborhood from a power line running along the western boundary of Sec. 25 and the NW¼ Sec. 36. Natural gas and water are available at the Palm Springs development 2½ miles to the west, and can be extended into these lands as soon as sufficient demand exists. There are no zoning restrictions. The lands are accessible from U.S. Highway 60-70-80-89 by a graded, gravel road leaving this highway 3.5 miles southeast of Apache Junction, thence northeastward to the point of intersection with the north section line of Sec. 35. A recently cleared and graded road runs eastward along the line for ¼ mile to the northwest corner of the land, and continues east along the north side of Sec. 36, giving access to the northern portion of the area. The southern portion is accessible from a point on the U.S. Highway 4.25 miles southeast of Apache Junction, then northerly over unimproved roads and trails into the subject land.

The topography of the NW¼, NE¼SW¼, and the N½N½SE¼, Sec. 36, is quite flat, with a very gentle slope. Two main and several very small shallow washes traverse the area. The soils consist of sandy to silty loams, with occasional small gravelly areas. The S½N½SE¼, Sec. 36, is situated on the gentle northern slope of a low, rough desert mountain which rises rather abruptly just south of this land. This portion is particularly desirable for homesites because of its higher elevation, which affords an excellent view of the Superstition Mountain Range. The soils are quite gravelly, with low, rocky ridges in the extreme southern portion of the land.

The highest and best use for these lands is for desert homesite development.

The tracts will be subject to existing rights-of-way and to rights-of-way 50

feet in width on each side of every section line 40 feet on each side of all center section lines, 30 feet on each side of all sixteenth subdivision lines, and 25 feet on each side of all East-West sixty-fourth subdivision lines, for roads and utilities.

The minerals will be reserved to the United States. Each tract will contain 2½ acres.

3. The tract numbers, legal description, sides with right-of-way reservations, and the appraised value or minimum bid are shown on the table below:

Tract No.	Legal description	Sides with right-of-way reservation	Appraised value, minimum bid
1	NW¼NE¼NE¼NW¼	50 ft. North	$2,000
2	SE¼NE¼NE¼NW¼	40 ft. East and 25 ft. South	2,000
3	SW¼NE¼NE¼NW¼	25 ft. South	2,000
4	NE¼NW¼NE¼NW¼	50 ft. North	2,000
5	NW¼NW¼NE¼NW¼	50 ft. North and 30 ft. West	2,000
6	SW¼NW¼NE¼NW¼	30 ft. West and 25 ft. South	2,000
7	NE¼SE¼NE¼NW¼	40 ft. East and 25 ft. North	2,000
8	SE¼SE¼NE¼NW¼	40 ft. East and 30 ft. South	2,000
9	NW¼SE¼NE¼NW¼	25 ft. North	2,000
10	SW¼SE¼NE¼NW¼	30 ft. South	2,000
11	NE¼SW¼NE¼NW¼	25 ft. North	2,000
12	SE¼SW¼NE¼NW¼	30 ft. South	2,000
13	NW¼SW¼NE¼NW¼	30 ft. West and 25 ft. North	2,000
14	SW¼SW¼NE¼NW¼	30 ft. West and 30 ft. South	2,000
15	NE¼NE¼NW¼NW¼	50 ft. North and 30 ft. East	2,000
16	NW¼NE¼NW¼NW¼	50 ft. North	2,000
17	NE¼NW¼NW¼NW¼	do	2,000
18	NW¼NW¼NW¼NW¼	50 ft. North and 50 ft. West	2,000
19	SE¼NW¼NW¼NW¼	25 ft. South	2,000
20	NE¼SE¼NW¼NW¼	25 ft. North and 30 ft. East	2,000
21	SE¼SE¼NW¼NW¼	30 ft. East and 30 ft. South	2,000
22	NW¼SE¼NW¼NW¼	25 ft. North	2,000
23	NE¼SW¼NW¼NW¼	do	2,000
24	SE¼SW¼NW¼NW¼	30 ft. South	2,000
25	NW¼SW¼NW¼NW¼	50 ft. West and 25 ft. North	2,000
26	NE¼NE¼SE¼NW¼	30 ft. North and 40 ft. East	2,000
27	NW¼NE¼SE¼NW¼	30 ft. North	2,000
28	NE¼NW¼SE¼NW¼	do	2,000
29	SE¼NW¼SE¼NW¼	25 ft. South	2,000
30	NW¼NW¼SE¼NW¼	30 ft. North and 30 ft. West	2,000
31	SW¼NW¼SE¼NW¼	30 ft. West and 25 ft. South	2,000
32	NE¼SE¼SE¼NW¼	40 ft. East and 25 ft. North	2,000
33	SE¼SE¼SE¼NW¼	40 ft. East and 40 ft. South	2,000
34	NW¼SE¼SE¼NW¼	25 ft. North	2,000
35	NE¼SW¼SE¼NW¼	do	2,000
36	SE¼SW¼SE¼NW¼	40 ft. South	2,000
37	NW¼SW¼SE¼NW¼	25 ft. North and 30 ft. West	2,000
38	SW¼SW¼SE¼NW¼	30 ft. West and 40 ft. South	2,000
39	NE¼NE¼SW¼NW¼	30 ft. North and 30 ft. East	2,000
40	SE¼NE¼SW¼NW¼	30 ft. East and 25 ft. South	2,000
41	NW¼NE¼SW¼NW¼	30 ft. North	2,000
42	SW¼NE¼SW¼NW¼	25 ft. South	2,000
43	NE¼NW¼SW¼NW¼	30 ft. North	2,000
44	SE¼NW¼SW¼NW¼	25 ft. South	2,000
45	SW¼NW¼SW¼NW¼	50 ft. West and 25 ft. South	2,000
46	NE¼SE¼SW¼NW¼	25 ft. North and 30 ft. East	2,000
47	SE¼SE¼SW¼NW¼	40 ft. South and 30 ft. East	2,000
48	NW¼SE¼SW¼NW¼	25 ft. North	2,000
49	NE¼SW¼SW¼NW¼	do	2,000
50	SE¼SW¼SW¼NW¼	40 ft. South	2,000
51	NW¼SW¼SW¼NW¼	25 ft. North and 50 ft. West	2,000
52	SW¼SW¼SW¼NW¼	50 ft. West and 40 ft. South	2,000
53	NE¼NE¼NE¼SW¼	40 ft. North and 40 ft. East	2,000
54	NW¼NE¼NE¼SW¼	40 ft. North	2,000
55	NE¼NW¼NE¼SW¼	do	2,000
56	NW¼NW¼NE¼SW¼	40 ft. North and 30 ft. West	2,000
57	NE¼SE¼NE¼SW¼	25 ft. North and 40 ft. East	2,000
58	NW¼SE¼NE¼SW¼	25 ft. North	2,000
59	NE¼SW¼NE¼SW¼	do	2,000
60	NW¼SW¼NE¼SW¼	25 ft. North and 30 ft. West	2,000
61	NE¼NE¼NE¼SE¼	40 ft. North and 50 ft. East	2,000
62	SE¼NE¼NE¼SE¼	50 ft. East and 25 ft. South	2,000
63	NW¼NE¼NE¼SE¼	40 ft. North	2,000
64	NE¼NW¼NE¼SE¼	do	2,000
65	NW¼NW¼NE¼SE¼	40 ft. North and 30 ft. West	2,000
66	SW¼NW¼NE¼SE¼	30 ft. West and 25 ft. South	2,000
67	NE¼NW¼NW¼SE¼	40 ft. North	2,000
68	NW¼NW¼NW¼SE¼	40 ft. North and 40 ft. West	2,000
69	NE¼SE¼NE¼SE¼	25 ft. North and 50 ft. East	2,200
70	SE¼SE¼NE¼SE¼	50 ft. East and 30 ft. South	2,200
71	NW¼SE¼NE¼SE¼	25 ft. North	2,200
72	NE¼SW¼NE¼SE¼	do	2,200
73	SE¼SW¼NE¼SE¼	30 ft. South	2,200
74	NW¼SW¼NE¼SE¼	25 ft. North and 30 ft. West	2,200
75	SW¼SW¼NE¼SE¼	30 ft. West and 30 ft. South	2,200
76	NE¼SE¼NW¼SE¼	25 ft. North and 30 ft. East	2,200
77	NW¼SE¼NW¼SE¼	25 ft. North	2,200
78	SE¼SW¼NW¼SE¼	30 ft. South	2,200
79	SW¼SW¼NW¼SE¼	40 ft. West and 30 ft. South	2,200

4. Bids may be made personally by the applicant or his agent at the sale, or may be mailed. Bids sent by mail will be considered only if received at the Arizona Land Office, Bureau of Land Management, 3022 Federal Building, Phoenix 25, Arizona, prior to 3:00 p.m., March 23, 1962. If sealed bids are submitted for more than one tract, no tract preference can be allowed since the tracts will be offered in numerical sequence. No sealed bid will be accepted if it is less than the appraised value of the tract. No oral bid will be accepted if it is less than $10.00 higher than the highest mailed bid, or, if there be none, if it be less than the appraised value of the tract. All bids must be in units of $10.00.

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to purchase a tract at the sale.

6. Bids sent by mail must be made by submitting a properly completed Small Tract Auction Application to Purchase, copies of which may be obtained from the Manager, U.S. Land Office, 3022 Federal Building, Phoenix 25, Arizona. Each bid sent by mail must clearly show on the name and post office address of the bidder, (b) Classification No. 74, and (c) the Tract Number of the land for which the bid is made. Each bid must be accompanied by the full amount of the bid in the form of cash, certified or cashier's check, post office money order or bank draft made payable to Bureau of Land Management. Each bid must be enclosed in a separate envelope, but payment need only accompany the highest bid, provided all other bids designate the envelope containing the payment. Each envelope must carry on its reverse the following information and nothing else: (a) "Classification No. 74."

(b) The number of the Tract for which the bid is made. Bids which are not filed in accordance with the above instructions will be rejected.

7. Each tract will be awarded to the highest qualified bidder. If the highest bid is oral, the bidder will be required to make payment for the tract at the close of bidding, and a personal check will be acceptable for that purpose. Any person who is declared high bidder for any tract will be disqualified for consideration for other tracts at the sale. High mailed bids will become the opening bid at the auction. All unsuccessful bids will be returned promptly after the auction.

8. Any tracts not sold when offered in the course of bidding and on which no qualifying mailed bid has been received, will be offered at public auction upon the motion of any qualified bidder beginning at 10:30 a.m., on Thursday, April 5, 1962, in the United States Land Office, Room 3204 (third floor), Federal Building, 230 North First Avenue, Phoenix, Arizona. The remaining tracts will continue subject to nomination and auction at that place each succeeding Thursday at 10:30 a.m. (except holidays), until all tracts are sold or until the auction is declared closed by the Manager, United States Land Office. Mailed bids in the format described in Part 4 received after March 29, 1962, will be considered at the next scheduled offering.

FRED J. WELLER,
State Director,
Arizona Land Office.

FEBRUARY 1, 1962.

[F.R. Doc. 62-1330; Filed, Feb. 9, 1962; 8:45 a.m.]

Office of Saline Water

[Administrative Management Regulation No. 1]

PROCESS RESIDENT ENGINEERS

Delegation of Authority

SECTION 1. *Authority.* Each Process Resident Engineer in charge of a field office of the Office of Saline Water at field locations of demonstration plants is authorized to purchase supplies and materials and make contracts for supplies and materials when the amount involved in any one case does not exceed $2,000. Each Engineer is authorized to make contracts for supplies and materials and services for amounts exceeding $2,000 whenever public exigencies require immediate delivery of the supplies or materials, or performance of the service, to protect life, limb or loss of Government property.

SEC. 2. *Limitations.* The authority delegated in section 1 shall be exercised in accordance with applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures and controls prescribed by the General Services Administration, the Department of the Interior, and the Director, Office of Saline Water.

SEC. 3. *Effective date.* This regulation is effective January 25, 1962.

(Order, 205 DM 11.1 and 11.4, Delegations of Authority by the Secretary of the Interior)

CHARLES F. MACGOWAN,
Director.

JANUARY 25, 1962.

[F.R. Doc. 62-1391; Filed, Feb. 9, 1962; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14455, 14456; FCC 62M-163]

JEFFERSON RADIO CO. (WIXI) AND VOICE OF THE MID SOUTH

Order Continuing Hearing

In re applications of W. D. Frink, tr/as Jefferson Radio Co. (WIXI), Docket No. 14455, File No. BL-8187, for license to cover construction permit BP-10672 authorizing a new standard broadcast station at Irondale, Ala.; Fred H. Davis and W. D. Frink, d/b as Voice of the Mid South, Docket No. 14456, File No. BP-14118, for construction permit to build a new standard broadcast station at Centreville, Ala.

The Hearing Examiner having under consideration a change of date for commencement of hearing;

It appearing that a prehearing conference was held on February 2, 1962, and owing to the fact that the applicants are not at present represented by counsel and will need to secure counsel it was agreed that a change of the hearing date was imperative; and

It further appearing that the date of February 28, 1962, was established as the date for commencement of hearing by the Acting Chief Hearing Examiner;

It is ordered, This 2d day of February 1962, that the date for commencement of hearing is changed from February 28 to April 10, 1962.

Released: February 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1399; Filed, Feb. 9, 1962; 8:49 a.m.]

[Docket No. 14497]

JAMES H. WITHROW

Order To Show Cause

In the matter of James H. Withrow, Post Office Box 828, Saint Mary's, Ga., Docket No. 14497; order to show cause why there should not be revoked the license for Radio Station 6W3437 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Citizens radio station 6W3437;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official notice of violation mailed on June 20, 1961, alleging that on June 11, 1961, Citizens radio station 6W3437 was observed in violation of the Commission's rules, viz: § 19.61(a)—transmission of idle conversation not considered substantive or necessary.

It further appearing, that, the above-named licensee received the official notice of violation, but did not make satisfactory reply thereto, whereupon the Commission by letter dated August 10, 1961, and sent by certified mail—return receipt requested (Certified No. 69792) again brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within 15 days from the date of its receipt, stating the measures which had been taken or were being taken in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the station license; and

It further appearing, that, receipt of the Commission's letter was acknowledged by the signature of the licensee, on August 14, 1961, to a Post Office Department return receipt card; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 26th day of January 1962, pursuant to section 312(a)(4) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's statement of delegations of authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this order by certified mail—return receipt requested—to the said licensee.

Released: January 29, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1400; Filed, Feb. 9, 1962; 8:49 a.m.]

[Docket No. 14498]

JACK C. MUNSON

Order To Show Cause

In the matter of Jack C. Munson, 314 Avalon Boulevard, Wilmington, Calif., Docket No. 14498; order to show cause why there should not be revoked the license for radio station WH-6555 aboard the vessel "Lark".

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official notice of violation mailed on October 11, 1961, alleging that on October 9, 1961, a copy of Part 8 of the Commission's rules was not available during inspection of radio station WH-6555, in violation of § 8.367(a)(2) of the Commission's rules; and a failure to have recorded in the station log each time the safety watch on 2182 kc, required by § 8.202(d), was begun, suspended, or concluded, in violation of § 8.368(a)(5) of the Commission's rules.

It further appearing, that the above-named licensee, received said official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated November 13, 1961, and sent by certified mail—return receipt requested (Cert. No. 345110), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within 15 days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing, that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Aubrey Phelpott, on November 14, 1961, to a Post Office Department return receipt; and

It further appearing, that, although more than 15 days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 5th day of February 1962, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's statement of delegations of authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested—to the said licensee.

Released: February 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1401; Filed, Feb. 9, 1962; 8:49 a.m.]

[Docket Nos. 14318, 14319; FCC 62M-169]

COLUMBIA BASIN MICROWAVE CO.

Order Continuing Hearing

In re applications of Columbia Basin Microwave Co., Docket No. 14318, File No. 1464-C1-R-61, for renewal of the license for station KOY40, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Ephrata, Wash.; Docket No. 14319, File No. 4082-C1-AL-61, for consent to assignment of the license for station KOY40, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Ephrata, Wash., from Patricia Hughes, d/b as Columbia Basin Microwave Co. to Columbia Basin Microwave Co., Inc.

The Hearing Examiner having under consideration a motion for continuance filed by Columbia Basin Microwave Co. (Columbia), on January 30, 1962, and the proceedings at the further prehearing conference in the above-entitled matter held on January 29, 1962;

It appearing, that on January 12, 1962, Columbia filed an application for change in an existing station owned by it but not involved in the proceedings herein, to provide microwave transmission service to a customer allegedly not directly controlled by, or under direct or indirect common control with Columbia at a new point of communication;

It further appearing, that at the aforementioned conference Columbia agreed not to file its petition for reconsideration and grant without hearing until the 30-day public notice period for the new application of January 12 had expired, or until such further time as may be necessary to satisfy the Common Carrier Bureau and to result in compliance, if necessary, with the appropriate provisions of the Commission's rules relating to defective applications (47 CFR 21.20(c));

It further appearing, that, in light of the foregoing, counsel for the Common Carrier Bureau agreed to interpose no objection to a grant of an indefinite continuance of the hearing herein;

It further appearing, that good cause has been shown for reaffirming the action taken by the Examiner in his order of November 30, 1961, following preliminary conference, at least to the extent of postponing the hearing until such time as the Commission shall have had the opportunity to act upon a petition for reconsideration and grant without hearing that Columbia proposes to file as soon as it has satisfied the Common Carrier Bureau regarding the acceptability of its application and as soon as relevant public notice periods have expired;

It is ordered, This 5th day of February 1962, that the motion for continuance filed by Columbia Basin Microwave Co. is granted insofar as it requests that the hearing herein be postponed until such time as the Commission shall have had an opportunity to act upon a proposed petition for reconsideration and grant without hearing: *Provided, however*, such postponement is without prejudice to the right of any party to request the designation of a specific hearing date for a good cause shown; and that the hearing herein is postponed as hereinabove set forth.

Released: February 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1402; Filed, Feb. 9, 1962; 8:49 a.m.]

[Docket No. 14261; FCC 62M-168]

CLAY SERVICE CORP.

Order Continuing Hearing

In re application of Clay Service Corp., Ashland, Ala., Docket No. 14261, File No. BP-13795; for construction permit.

Pursuant to verbal request by both counsel for applicant and Chief, Broadcast Bureau: *It is ordered*, This 5th day of February 1962, that the hearing now scheduled for February 6, 1962, be and the same is hereby rescheduled for March 5, 1962, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: February 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1403; Filed, Feb. 9, 1962; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 972]

A. H. BULL STEAMSHIP CO.

Order To Show Cause

It appearing that on or about February 1, 1962, the A. H. Bull Steamship Co., a common carrier by water engaged in the carriage of goods between ports in Puerto Rico and United States North Atlantic ports, issued a notice to all shippers, entitled "Embargo Notice" wherein said carrier advised shippers that effective March 3, 1962, it is necessary for said carrier to place an "embargo" on the carriage of sugar, refined and turbinated, in bags, from ports in Puerto Rico to United States North Atlantic ports of Baltimore, Philadelphia, and New York; and

It further appearing that on or about February 5, 1962, said A. H. Bull Steamship Co. also issued an "Embargo Notice" wherein said carrier stated that effective February 10, 1962, due to a realignment of schedules and a curtailment of service, freight for Ponce and Mayaguez, Puerto Rico, will no longer be accepted; this notice to apply to service from the United States North Atlantic ports of New York, Baltimore, and Philadelphia; and

It further appearing that there is no evidence of any emergency condition or physical limitations of said carrier necessitating the imposition of embargoes; and

It further appearing that said carrier has on file with this Commission a schedule of freight rates which includes a rate for the carriage of sugar, refined and turbinated, in bags, from Puerto Rican ports to the United States North Atlantic ports of Baltimore, Philadelphia, and New York; neither a supplemental schedule nor a new schedule has been filed with the Commission by said carrier cancelling the aforementioned schedule of rates; and

It further appearing that said carrier also has on file with this Commission a schedule of freight rates for the carriage of commodities from the United States North Atlantic ports of Baltimore, Philadelphia, and New York to Puerto Rican ports including Ponce and Mayaguez; said carrier has not filed a new or supplemental schedule with this Commission cancelling this aforementioned schedule; and

It further appearing that section 2 of the Intercoastal Shipping Act, 1933, and this Commission's Freight and Passenger Tariff Regulations require a carrier to file with this Commission a new schedule or schedules to become effective not earlier than thirty days after date of filing, before any change shall be made in the rates, fares, charges, classifications, rules or regulations that have previously been filed with the Commission; and

It further appearing that the imposition of said embargoes may constitute unjust and unreasonable practices in violation of section 18(a) of the Shipping Act, 1916:

Now, therefore, it is ordered, Pursuant to section 2 of the Intercoastal Shipping Act, 1933, and sections 18 and 22 of the Shipping Act, 1916, that the A. H. Bull Steamship Co. show cause on or before February 20, 1962, why it should not be ordered to withdraw the aforementioned embargoes and to file and post new schedules cancelling the schedules now in force for the commodity and service which it proposes to discontinue; and

It is further ordered, That this order be published in the FEDERAL REGISTER and served on the A. H. Bull Steamship Co. who is named as respondent in this proceeding. Oral argument in this proceeding will be heard by the Commission on February 20, 1962, in Room 4519, 441 G Street NW., Washington, D.C., at 9:30 a.m., e.s.t. Notwithstanding the rules as to time and service of documents of this Commission's rules of practice and procedure, the parties to this proceeding shall adhere to the following schedule: Affidavits of fact and memoranda of law may be submitted to the Commission on or before the close of business on February 16, 1962, and replies thereto on or before the close of business on February 19, 1962. All persons having an interest in this proceeding, desiring to intervene therein, should notify the Secretary of the Commission promptly and may file petitions for leave to intervene up to the time of oral argument before the Commission; replies to petitions for leave to intervene shall be filed on or before the close of business on February 23, 1962. Parties seeking leave to intervene may file affidavits of fact and memoranda of law and replies in accordance with the schedule previously set forth. All documents or pleadings filed in this proceeding including petitions to intervene and replies thereto must be served by the person filing same upon all parties of record. The parties to this proceeding are directed to file their requests for time allotment for oral argument with the Secretary of the Commission on or before February 19, 1962.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-1471; Filed, Feb. 9, 1962; 11:21 a. m.]

FEDERAL POWER COMMISSION

[Docket No. CI62-627]

HUMBLE OIL & REFINING CO.

Order on Motion To Dismiss Order To Show Cause and Terminate Proceedings

FEBRUARY 5, 1962.

On January 16, 1962, Humble Oil & Refining Company (Humble), filed a response to the Commission's order issued December 13, 1961, which required Humble to show cause why it should not file an application pursuant to section 7(c) of the Natural Gas Act to acquire by stock ownership the facilities of Olin Gas Transmission Corporation.

Humble, by its response, asks in the alternative, that (1) the Commission terminate its show cause proceeding and issue an order declaring that section 7(c) does not require that Humble obtain a certificate of public convenience and necessity before it consummates the acquisition of the stock of Olin Gas Transmission; (2) the Commission issue forthwith[1] a certificate of public convenience and necessity authorizing it to acquire all the outstanding capital stock of Olin Gas Transmission, if such a certificate is deemed required by section 7(c); (3) that, if the relief requested under (1) and (2) is denied, the Commission advance the date of hearing to February 19, 1961.

Humble's motion to terminate the proceeding and dismiss the Commission's order to show cause is predicated on the assumption that the acquisition of all the outstanding stock of Olin Gas Transmission by Humble does not constitute an "acquisition of facilities" within the meaning of section 7(c) of the Natural Gas Act. However, the order to show cause does not preclude Humble from asserting this contention in course of the proceedings. Humble may renew its motion after presenting evidence in support of its application.

The instant order is not to be construed in any way as a determination by the Commission, at this time, of the legal question of jurisdiction raised by Humble to the Commission's order to show cause.

The Commission finds:

(1) There are sufficient grounds for going forward with the proceedings instituted by the order to show cause.

(2) The motion for termination of the proceedings should be denied, without prejudice to its renewal at a subsequent stage of the case.

(3) The motion for issuance of a certificate after an abridged hearing should be denied on the ground that the Commission would not be in a position to make a determination of the issues which would be involved in certification without a record.

(4) It is necessary and appropriate in the public interest that the date of hearing be advanced to a date earlier than set in the Commission's order of December 13, 1961.

The Commission orders:

(A) The motion of Humble Oil and Refining Company to dismiss the order to show cause contained in its response to the Commission's order of December 13, 1961, is hereby denied, without prejudice.

(B) For the reasons stated above, the motion requesting the issuance of a certificate of public convenience and necessity after an abridged hearing is hereby denied.

(C) The public hearing in this proceeding, heretofore set for March 27, 1962, is advanced to March 2, 1962, at the same hour and place provided in the Commission's order of December 13, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1367; Filed, Feb. 9, 1962; 8:45 a.m.]

[1] I.e., after an abridged hearing.

[Docket No. RP62-6]

NORTHERN NATURAL GAS CO.

Order Providing for Hearing on and Suspension of Rate Schedule and Related Service Agreement, Allowing Rate Schedule to Take Effect and Consolidating Proceedings

FEBRUARY 2, 1962.

On January 4, 1962, Northern Natural Gas Company (Northern), tendered filings relating to sales of natural gas subject to the jurisdiction of the Commission. Tendered were pipeline service Rate Schedule PL-B, pipeline overrun service Rate Schedule PO-B,[1] together with a related 20-year service agreement with Michigan Wisconsin Pipe Line Company, to become effective February 27, 1962, and interim Rate Schedule LPS-B,[2] the latter to be effective for the period extending from January 8, 1962, through February 26, 1962. These filings were submitted to implement the sale of up to 75,000 Mcf per day to Michigan Wisconsin in Northern's Rate Zone B as authorized in Docket No. G-20571 by order and Opinion No. 345, issued June 28, 1961. An effective date of January 8, 1962, is requested for interim Rate Schedule LPS-B; all other filings referred to herein are proposed to become effective February 27, 1962.

Proposed Rate Schedule PL-B is available for contract demand service in Northern's Rate Zone B to pipeline companies. The rate provided is $4.259 per Mcf of contract demand and 23.4 cents per Mcf of gas delivered. The monthly minimum bill is the demand charge plus the charge for 75 percent load factor use of contract demand. A 14.2 cents per Mcf demand charge adjustment is provided for under-deliveries and penalties are provided for unauthorized excess takes at $2.00 per Mcf for the larger of 3 percent of contract demand or 50 Mcf plus $10.00 per Mcf for additional volumes.

Proposed Rate Schedule PO-B is available to PL-B customers for over-run deliveries specifically authorized by Northern pursuant to advance operating arrangements. The rate provided is 23.4 cents per Mcf, the commodity rate under the PL-B Schedule.

The interim Rate Schedule LPS-B provides a straight rate of 37.4 cents per Mcf. Such rate is the 100 percent load factor average charge under Rate Schedule PL-B.

The service agreement provides for deliveries up to the contract demand of 75,000 Mcf per day at an interconnection in Janesville, Wisconsin. Estimated sales for the first year of service are 23,495,007 Mcf (about 86 percent load factor) for $9,330,931, or 39.7 cents per Mcf.

The proposed rates described above are based upon the settlement cost of service accepted in Docket Nos. G-19040, et al. However, inasmuch as the rates and charges set forth in Northern's Rate Schedules PL-B, PO-B and related service agreement reflect certain issues presently subject to determination in Docket Nos. G-19040, et al., these issues should be determined in a proceeding consolidated for hearing with the matters to be heard in Docket Nos. G-19040, et al.

The Commission finds:

(1) It is necessary and proper in the public interest to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a public hearing concerning the issues indicated above as presented in Original Sheet Nos. 18p, 18q, 18r, 33m, and 33n to Northern's FPC Gas Tariff, First Revised Volume No. 1, and that such tariff sheets be suspended and the use thereof deferred as hereinafter ordered; the proceeding instituted herein should be consolidated with the consolidated proceedings in Docket Nos. G-19040, et al., for purposes of hearing and decision.

(2) Northern's service agreement referred to above should become effective February 28, 1962.

[1] Original Sheet Nos. 18p, 18q, 18r, 33m, and 33n to FPC Gas Tariff, First Rev. Vol. No. 1.

[2] Original Sheet No. 18s to FPC Gas Tariff, First Rev. Vol. No. 1.

(3) Good cause has been shown that Original Sheet No. 18s to Northern's FPC Gas Tariff, First Revised Volume No. 1 be accepted for filing and that it be permitted to become effective January 8, 1962, through February 27, 1962.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. 1), the issues presented by Northern's proposed tariff sheets referred to in (1) above shall be set for hearing, the proceeding hereby instituted to be consolidated for purposes of hearing and decision with the proceedings in Docket Nos. G-19040, et al.

(B) Pending hearing and decision thereon, Original Sheet Nos. 18p, 18q, 18r, 33m, and 33n to Northern's FPC Gas Tariff, First Revised Volume No. 1, are hereby suspended and the use thereof deferred until February 28, 1962, and until such further time as they may be made effective in the manner hereinafter prescribed.

(C) The rates, charges, classifications, and services set forth in the above-designated filings shall be effective as of February 28, 1962: *Provided, however,* That, within 20 days from the date of this order, Northern shall file a motion as required by section 4(e) of the Natural Gas Act to place the filings in effect on such date.

(D) Northern's service agreement relating to the tariff sheets set forth in paragraph (B) above shall be effective February 28, 1962.

(E) Original Sheet No. 18s to Northern's FPC Gas Tariff, First Revised Volume No. 1, is hereby accepted for filing and is allowed to become effective January 8, 1962, through February 27, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1368; Filed, Feb. 9, 1962; 8:45 a.m.]

[Docket No. G 19115 etc.]

HASSIE HUNT TRUST ET AL.

Notice of Applications, Consolidation of Proceedings and Setting Date for Hearing

FEBRUARY 7, 1962.

Hassie Hunt Trust, Operator, et al., Docket No. G-19115; H. L. Hunt, Operator, et al., Docket No. G-19116; Hunt Oil Co., Docket No. G-19117; William Herbert Hunt Trust Estate, Operator, Docket No. G-19118; Lamar Hunt Trust Estate, Docket Nos. G-19124 and G-19125; H. L. Inc., Operator, et al., Docket No. G-19123; Placid Oil Co., Operator, et al., Docket Nos. G-19124 and G-19125; H. L. Hunt, Operator, et al., Docket No. CI61-1221; H. L. Hunt, Docket No. CI61-1282; Hassie Hunt Trust, Operator, et al., Docket No. CI61-1283; Caroline Hunt Sands, Docket No. CI61-1343; Caroline Hunt Trust Estate, Docket No. CI61-1344; Lamar Hunt Trust Estate, Docket No. CI61-1345; Nelson Bunker Hunt, Docket No. CI61-1346; Lamar Hunt, et al., Docket No. CI61-1736.

By order issued December 28, 1961, the matters involved in Docket Nos. G-19115, G-19116, G-19117, G-19118, G-19119, G-19123, G-19124, and G-19125 were set for hearing commencing March 28, 1962, at 10:00 a.m. e.s.t., in a hearing room of the Federal Power Commission (27 F.R. 132).

Take notice that each of the following listed Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the sale of natural gas in interstate commerce, as hereinafter described, all as more fully set forth in the respective applications which are on file with the Commission and open to public inspection.

Each applicant herein proposes to sell natural gas to Natural Gas Pipeline Company of America for transportation in interstate commerce for resale as indicated below:

Docket No., Seller, Date Application Filed, and Field and Location
CI61-1221; H. L. Hunt, Operator, et al.; February 15, 1961; Alvin City Field, Brazoria County, Tex.
CI61-1282; H. L. Hunt; February 27, 1961; Alta Loma Area, Galveston County, Tex.
CI61-1283; Hassie Hunt Trust, Operator, et al.; February 27, 1961; Alta Loma Area, Galveston County, Tex.
CI61-1343; Caroline Hunt Sands; March 15, 1961; Chenango Field, Brazoria County, Tex.
CI61-1344; Caroline Hunt Trust Estate; March 15, 1961; Chenango Field, Brazoria County, Tex.
CI61-1345; Lamar Hunt Trust Estate; March 15, 1961; Chenango Field, Brazoria County, Tex.
CI61-1346; Nelson Bunker Hunt; March 15, 1961; Chenango Field, Brazoria County, Tex.
CI61-1736; Lamar Hunt, et al.; June 6 1961; Zoller Field, Aransas and Calhoun Counties, Tex.

Applicants propose to make each of the above sales at an initial price of 20.0 cents per Mcf (including tax reimbursement) at 14.65 psia.

The public convenience and necessity require that the matters listed in the caption above be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held commencing on March 28, 1962, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the above-listed applications.

Those parties who have been permitted to intervene in Docket Nos. G-19115, G-19116, G-19117, G-19118, G-19119, G-19123, G-19124, and G-19125 are considered interveners in those matters only.

Further protests, petitions to intervene or notices of intervention may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) in Docket Nos. CI61-1221, CI61-1282, CI61-1283, CI61-1343, CI61-1344, CI61-1345, CI61-1346, and CI61-1736 on or before February 28, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1396; Filed, Feb. 9, 1962; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

FIRST VIRGINIA CORP.

Notice of Application for Approval of Acquisition of Shares of a Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by The First Virginia Corporation, which is a bank holding company located in Arlington, Virginia, for the prior approval of the Board of the acquisition by applicant of 80 percent or more of the voting shares of Peoples' Bank, Mount Jackson, Virginia.

In determining whether to approve this application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects, (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 6th day of February 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-1369; Filed, Feb. 9, 1962; 8:45 a.m.]

FIRST VIRGINIA CORP.

Notice of Application for Approval of Acquisition of Shares of a Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by The First Virginia Corporation, which is a bank holding company located in Arlington, Virginia, for the prior approval of the Board of the acquisition by applicant of 80 percent or more of the voting shares of Southern Bank of Norfolk, Norfolk, Virginia.

In determining whether to approve this application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 6th day of February 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-1370; Filed, Feb. 9, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 37-62]

CON-GAS SERVICE CORP. AND CONSOLIDATED NATURAL GAS CO.

Notice of Proposed Organization and Conduct of Business of Subsidiary Service Company and Acquisition of Securities Thereof

FEBRUARY 5, 1962.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and Con-Gas Service Corporation ("Con-Gas"), 30 Rockefeller Plaza, New York 20, N.Y., a corporation recently organized by Consolidated, have filed a joint application-declaration and amendments thereto pursuant to sections 9(a), 10, and 13 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 88 promulgated thereunder with respect to the organization and conduct of business of Con-Gas as a subsidiary service company in the Consolidated holding-company system and the acquisition by Consolidated of all of the capital stock and long-term notes proposed to be issued by Con-Gas.

All interested persons are referred to said amended application-declaration, on file in the office of the Commission, for a statement of the transactions proposed therein which are summarized as follows:

Consolidated owns all of the outstanding capital stock of six subsidiary companies which are engaged in the purchase, production, storage, transmission, and distribution of natural gas in the States of Ohio, Pennsylvania, and West Virginia. As at December 30, 1960, total consolidated assets of the holding-company system amounted to $782,000,000, and consolidated gross operating revenues for the year ended that date amounted to $363,000,000. Con-Gas was incorporated by Consolidated on October 27, 1961, under the laws of the State of Delaware.

It is proposed that Con-Gas will perform services at cost solely for associate companies in the Consolidated holding-company system. Con-Gas has been organized in order: (1) To centralize in a single service company the services presently being performed for system companies by Consolidated and four of its subsidiary companies; (2) to facilitate expansion of servicing activities in the holding-company system; and (3) to provide the means whereby the costs of services now being rendered by Consolidated to associate companies without charge may be allocated among such companies on an equitable basis.

The operations of Con-Gas are proposed to commence effective as of January 1, 1962, and are to embrace the following services: Executive and administrative; planning and economics; accounting; internal auditing; automatic data processing; employee benefits administration; employee relations; medical; engineering and facility planning; gas supply; gas exploration; market development; purchasing; rates and certificates; research; insurance; and tax. Further increases in servicing activities, including meter repair and testing, are planned in 1963 and 1964.

Of the 10 officers and 31 employees who are now employed by Consolidated, all but one officer and one employee will be transferred to the payroll of Con-Gas, although amounts ranging from 10 to 25 percent of the salaries of five of the officers being transferred will continue to be paid by Consolidated. The salaries and related expenses, payment of which Con-Gas will take over from Consolidated as a result of the aforesaid transfers, are estimated at approximately $1,107,000 in 1962. Con-Gas states that approximately 77 percent, or $852,000, of such salaries and related expenses will be billed to operating subsidiary companies and that the balance of $255,000, or 23 percent, will be billed to Consolidated. The aforesaid service charges to operating subsidiary companies are equivalent to 0.234 percent of the consolidated gross operating revenues of the holding-company system for 1960. Consolidated's operating expenses, after giving effect to the proposed transfers of personnel, are estimated at approximately $844,000 in 1962, including salaries and employee welfare expenses of $116,000 and service charges by Con-Gas of $273,000.

In addition, the 13 System Service Departments maintained by four of Consolidated's subsidiary companies, which heretofore have performed services for associate companies at cost under the supervision and direction of officers of Consolidated, will transfer to Con-Gas all of their employees, totaling 87, with estimated salaries, wages, and related expenses of approximately $2,446,500. In order to expand existing services, 16 other employees of the subsidiary companies with salaries, wages, and related costs of $334,000 will be transferred to Con-Gas, and 24 new employees with salaries and related expenses of $383,000 will be hired. It is stated that the additional services would be required irrespective of the proposed organization of Con-Gas.

None of the aforesaid proposed transfers of present personnel from Consolidated and its operating subsidiary companies to the payroll of Con-Gas will result in an increase in the consolidated operating expenses of the holding-company system. The salaries and related expenses of the 24 new employees, and a contingency provision estimated at $17,000 to cover salary upgradings and unforeseen costs in 1962, will result in an increase of approximately $400,000 in the consolidated operating expenses of the holding-company system.

The costs of the services proposed to be performed by Con-Gas will comprise all expenses of doing business, including interest on long-term notes held by Consolidated, but excluding a return for the use of equity capital for which associate companies will not be charged. It is estimated that such costs will total $4,425,700 in 1962, and these costs will be recorded in three categories, as follows:

(1) Departmental expenses will include those expenses that are directly attributable to each department of Con-Gas and an appropriate portion of those office and housekeeping expenses that are not directly attributable to the department but which are necessary for its operation. Such departmental expenses will include salaries and wages of officers and employees, rent and utilities, materials and supplies, depreciation, and other expenses attributable to the department.

(2) Company overhead expenses will include all corporate expenses, franchise and other general taxes, employee welfare expenses (which include non-productive time of personnel, retirement and disability benefits, and other costs incurred for the welfare of officers and employees), the expenses of keeping and auditing the accounts of Con-Gas, and all other overhead expenses not directly related to the operations of the departments.

(3) Out-of-pocket expenses will be those costs which are incurred for the direct benefit and convenience of an individual associate company or group of associate companies.

Associate companies will be billed each month for budgeted costs of services rendered, and at the end of the year such billings will be adjusted to an actual expense basis. The officers and employees in each department will be divided for billing purposes into two classes. Class A employees will include all personnel actually engaged in performing services

for associate companies, and such employees will maintain time reports recording their time actually spent in performing services for individual associate companies and groups of associate companies. Class B employees will include all other personnel of the department such as stenographers, clerks and other routine personnel.

Hourly departmental expense rates will be established at the beginning of each year for the purpose of billing associate companies for their respective shares of the expenses of each department. Such hourly rates will be based on estimates of productive time of employees and other costs of the department. Individual associate companies and groups of such companies will be billed amounts of departmental expenses which will be computed by applying the aforesaid hourly rates to time reported by Class A employees. Company overhead expenses will be distributed among associate companies and groups of companies in proportion to departmental expense charges. Out-of-pocket expenses will be billed directly to companies and groups of companies concerned. Charges to groups of associate companies will be allocated among companies comprising the groups on various bases such as gross revenues and numbers of employees of such companies.

In order to provide Con-Gas with initial capital of $1,000,000, Consolidated proposes to acquire, for cash, 5,000 shares of common stock of Con-Gas at the par value thereof of $100 per share and $500,000 principal amount of 4⅝ percent long-term non-negotiable notes at the principal amount thereof. Con-Gas anticipates that additional capital, as needed, will be procured through the issuance and sale of additional long-term notes to Consolidated.

The application-declaration states that the establishment of a single servicing organization in the holding-company system is for the benefit of all associate companies, that costs of services will be more equitably allocated among the associate companies, and that substantial savings in future system costs will be realized. It is also represented that the proposed changes in the servicing arrangements will not of themselves be the basis for seeking an increase in the rates charged by any of the operating subsidiaries and will not affect any pending rate negotiations or proceedings. No material amount of the charges proposed to be made by Con-Gas to operating subsidiary companies for services will be charged to the plant accounts of such subsidiary companies.

Consolidated and Con-Gas request that the amended application-declaration be granted and be permitted to become effective as at January 1, 1962, so as to allow temporary authority for the organization and conduct of business of Con-Gas for a period of 18 months, or such longer period as the Commission may determine, subject to further order of the Commission at the end of such period. Con-Gas agrees that, if the requested authorizations are allowed, it will supply the Commission during the 18-month temporary period with such reports as the Commission may request with respect to the organization and conduct of business of Con-Gas.

Notice is further given that any interested person may, not later than February 28, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the amended application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application declaration, as amended or as further amended, may be granted and permitted to become effective, or the Commission may take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1379; Filed, Feb. 9, 1962; 8:46 a.m.]

[File No. 70-4012]

CONSOLIDATED NATURAL GAS CO.

Notice of Proposed Issuance and Sale of $25,000,000 Principal Amount of Debentures Pursuant to the Competitive Bidding Requirements

FEBRUARY 2, 1962.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), 30 Rockfeller Plaza, New York 20, N.Y., a registered holding company, has filed a declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("Act") and the rules and regulations promulgated thereunder. Consolidated has designated sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transaction therein proposed, which is summarized as follows:

Consolidated proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the Act, $25,000,000 principal amount of -- percent Debentures due March 1, 1987. The interest rate (to be a multiple of ⅛ of 1 percent) and the price to be paid to Consolidated (to be not less than 99 percent nor more than 102 percent of the principal amount thereof, exclusive of accrued interest) will be determined by the bidding. The Debentures will be issued as an initial series under an Indenture dated as of March 1, 1962, between Consolidated and Morgan Guaranty Trust Company of New York, as Trustee. It is proposed that a sinking fund of $1,000,000 will be deposited annually commencing March 1, 1967, thereby leaving a balance of $5,000,000 payable at the maturity of the issue.

The proceeds from the proposed sale of Debentures will provide the long-term financing required for the 1962 construction program of the subsidiaries of Consolidated, presently estimated at $60,600,000. It is expected that the balance of the required construction funds will be obtained by Consolidated through a short-term bank loan, presently estimated at $20,000,000, and from internal cash sources of the Consolidated system.

Until funds are required by the subsidiary companies for their construction programs, the proceeds from the proposed sale of Debentures will be used temporarily to reduce Consolidated's seasonal gas storage bank loans, and to make short-term investments in U.S. Treasury bills.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

It is estimated that the fees and expenses of Consolidated will aggregate $96,000 including printing costs of $38,000; Trustee's fees and expenses of $11,000, including counsel fees of $1,500; accounting fees and expenses of Price Waterhouse & Co. of $5,000; consulting geologist's fees and expenses of $5,000; Federal original issue tax of $27,500; New York Stock Exchange listing fees of $3,000; Securities and Exchange Commission filing fee of $2,575; and miscellaneous fees and expenses of $3,925. Counsel fees of Cahill, Gordon, Reindel & Ohl, counsel for the underwriters, which are to be paid by the successful bidder, will be supplied by amendment.

Notice is further given that any interested person may, not later than February 19, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1380; Filed, Feb. 9, 1962; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 1 (Rev. 1); Amdt. 1]

ASSISTANT ADMINISTRATOR (MANAGEMENT)

Delegation Relating to Management and Size Standards

Delegation of Authority No. 1 (Revision 1) (26 F.R. 8611) is hereby amended by adding the following Subsection ID:

ID. *Subpoenas.* To issue in the name of the Administration subpoenas authorized by sections 309 and 310 of the Small Business Investment Act Amendments of 1961 (75 Stat. 752).

Effective date: January 17, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-1382; Filed, Feb. 9, 1962; 8:46 a.m.]

[Delegation of Authority No. 7]

ADMINISTRATIVE SECRETARY

Delegation Relating to Administrative Hearings

Pursuant to the authority delegated to the Assistant Administrator (Management) by the Administrator by Delegation of Authority No. 1 (Revision 1), Amendment 1, dated January 17, 1962, there is hereby redelegated to the Administrative Secretary the authority:

To issue in the name of the Administration subpoenas authorized by sections 309 and 310 of the Small Business Investment Act Amendments of 1961 (75 Stat. 752).

Effective date: January 17, 1962.

D. J. CARR, *Assistant Administrator (Management).*

[F.R. Doc. 62-1383; Filed, Feb. 9, 1962; 8:47 a.m.]

[Delegation of Authority No. 50 (Rev. 3); Amdt. 2]

DEPUTY ADMINISTRATOR FOR INVESTMENT DIVISION

Delegation Relating to the Investment Division

Delegation of Authority No. 50 (Revision 3) (25 F.R. 7418) as amended (26 F.R. 4440), is hereby amended by: Adding the following subsection IC:

IC. *Subpoenas.* To issue in the name of the Administration subpoenas under section 310 of the Small Business Investment Act Amendments of 1961 (75 Stat. 752).

Effective date: January 17, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-1384; Filed, Feb. 9, 1962; 8:47 a.m.]

[Delegation of Authority No. 80]

HEARING EXAMINERS

Delegation Relating to Hearings Under the Small Business Investment Act Amendments of 1961

I. Pursuant to the authority vested in the Administrator by the Small Business Act (1958) (72 Stat. 384), as amended, and the Small Business Investment Act of 1958 (72 Stat. 689), as amended (75 Stat. 752), there is hereby delegated to the Hearing Examiners, appointed or selected in accordance with section 11 of the Administrative Procedure Act (60 Stat. 244), the authority:

To issue subpoenas authorized by section 309 of the Small Business Investment Act Amendments of 1961 (75 Stat. 752), in connection with adjudicative proceedings under said section 309.

II. The authority delegated herein may not be redelegated.

Effective date: January 17, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-1385; Filed, Feb. 9, 1962; 8:47 a.m.]

DESCRIPTION OF ORGANIZATION AND FUNCTIONS

Authority. The Small Business Administration exercises its responsibilities under the Small Business Act (1958), 72 Stat. 384, as amended, and the Small Business Investment Act of 1958, 72 Stat. 689, as amended.

Purpose. To aid, counsel, assist, and protect, insofar as possible, the interest of small business concerns in order to preserve free competitive enterprise; to insure that a fair proportion of the total purchases in contracts for supplies and services for the Government be placed with small business enterprises; and to maintain and strengthen the overall economy of the Nation. To aid and assist victims of floods or other catastrophes. To stimulate and supplement the flow of private equity capital and long-term loans to small business by small business investment companies and state and local development companies.

Functions. To make a detailed definition of what constitutes a small business concern using, among other criteria, number of employees and dollar volume of business; make loans to small business concerns to finance plant construction, conversion, or expansion or to finance the acquisition of equipment, facilities, machinery, supplies, or materials, and to supply such concerns with working capital; make loans to aid victims of floods or other catastrophes and displaced business disaster loans; certify the competency of small business concerns or production pools to perform Government contracts; enter into joint determinations with Government procuring agencies with respect to procurements and sales that are suitable for award to small business concerns; consult with procurement officials in order to attain full use of productive capacity of small business concerns; recommend approval of small business defense production pools; take prime contracts and sublet their performance to small businesses; provide technical and managerial aids to small business; make an inventory of productive facilities of small concerns; to obtain information as to methods and practices which Government prime contractors utilize in letting subcontracts and cooperatively develop with the Department of Defense and the General Services Administration a small business subcontracting program to enable small business concerns to be considered fairly as subcontractors to Government prime contractors; consult with Government agencies to insure fair and reasonable treatment for small business concerns; counsel and advise small firms on foreign trade matters; assist small firms obtain Government contracts for research and development and obtain the benefits of research and development performed with Government funds; license and regulate small business investment companies; and make loans to small business investment companies and state and local development companies, and under authority delegated by the Secretary of Commerce, perform revelant functions provided for in the Area Redevelopment Act.

Organization. Management of the Small Business Administration is vested in an Administrator appointed by the President with the advice and consent of the Senate. The Administrator is authorized to appoint three Deputy Administrators under the Small Business Act and one Deputy Administrator under the Small Business Investment Act. The Administrator is authorized, subject to the Civil Service and Classification Laws, to select employees, appoint and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary to carry out the provisions of the Small Business Act of 1958 and the Small Business Investment Act of 1958.

The Small Business Act of 1958 created the Loan Policy Board of the Small Business Administration which consists of the following members: The Administrator as chairman, the Secretary of the Treasury, and the Secretary of Commerce (or the presidentially appointed designee of each of said Secretaries). The Loan Policy Board is charged with the establishment of general policies (particularly with reference to the public interest) which govern the granting and denial of applications for financial assistance by the Administration.

A Hearing Examiner or Hearing Examiners appointed or selected in accordance with section 11 of the Administrative Procedure Act, shall conduct hearings pursuant to section 309 of the Small Business Investment Act of 1958,

as amended, and whose functions in such capacity shall be appropriately separated from investigative and prosecuting functions of the staff as required by law.

The Investment Division of the Agency, through its Compliance Branch, conducts prosecuting and investigative functions under sections 309 and 310 of the Small Business Investment Act.

The headquarters office of the Small Business Administration is located at 811 Vermont Avenue NW., Washington 25, D.C. Further information concerning the organization and functions of SBA can be obtained by calling the Agency Information and Reception Center, DUdley 2-3301. The organization of the Washington Office is as follows:

Administrator—
- Office of Hearing Examiners.
- Office of Economic Adviser.
- Office of the General Counsel:
  - Liquidation and Litigation Division.
  - Loan Division.
  - Legal Investment Division:
    - Licensing and Operations Branch.
    - Development Companies Branch.
    - Regulations Branch.
  - Legislative Division.
  - Procurement and Administrative Division.

Deputy Administrator for Financial Assistance—
- Office of Loan Processing:
  - Area Loan Groups (4).
- Office of Loan Administration:
  - Loan Servicing Division.
  - Liquidation Division.
- Office of Financial Services:
  - Reports and Special Studies Division.
  - Procedures and Program Division.

Deputy Administrator for Procurement and Technical Assistance—
- Office of Procurement and Technical Assistance:
  - Plans and Program Coordination Staff.
  - Technical Services Division:
    - Production Assistance Branch.
    - Industrial Services Branch.
    - Research and Development Branch.
  - Procurement and Contract Services Division:
    - Procurement Operations Branch.
    - Counseling and Subcontracting Branch.
    - Property Sales Branch.
  - Liaison Activities Division.
  - Loan Appraisal Division.
  - Foreign Trade Division:
    - Export Trade Promotion Branch.
    - Export Trade Operations Branch.
- Office of Management and Research Assistance:
  - Research Studies Division.
  - Management Development Division.
  - Management Methods Division.
  - Counseling and Conference Division.

Deputy Administrator for the Investment Division—
- Office of Investment:
  - Program Administration and Compliance Division:
    - Program Administration Branch.
    - Compliance Branch.
  - Investment Activities Division:
    - Licensing Branch.
    - Post-Licensing Branch.
  - Development Company Activities Division.

Assistant Administrator (Management)—
- Administrative Secretary.
- Office of Organization and Management:
  - Mobilization Program and Planning Staff.
- Administrative Services Division:
  - Graphics and Design Branch.
  - Office Services Branch.
  - Procurement and Supply Branch.
  - Records and Files Branch.
- Management Analysis Division.
- Issuances and Control Division.
- Office of Program Analysis.
- Office of Personnel:
  - Classification Division.
  - Employment Division.
  - Security and Investigations Division.
- Office of Small Business Size Standards.

Assistant Administrator (Controller)—
- Office of Audits.
- Office of Finance and Accounts:
  - Systems and Planning Staff.
- Accounting Division:
  - Financial Reports and Administrative Accounting Branch.
  - Loan Accounting Branch.
- Electronic Data Processing Division.
- Fiscal Examination Division:
  - Program and Administrative Examination Branch.
  - Employee Accounts Branch.
- Office of Budget:
  - Estimates and Allotments Division.
  - Reports and Statistics Division.

Assistant Administrator (Information Services)—
- Office of Information Services.

FIELD ORGANIZATION

The programs of the Small Business Administration are administered by the following regional and subordinate field offices:

Region I. 470 Atlantic Avenue, Boston Mass. Serving Massachusetts, Maine, New Hampshire, Vermont, and Rhode Island.

Field offices—
1. 116 State Street, Augusta, Maine.
2. 72 North Main Street, Concord, N.H.
3. 79 Main Street, Montpelier, Vt.
4. 57 Eddy Street, Providence, R.I.

Region II. 42 Broadway, New York 4, N.Y. Serving New York, Connecticut, and New Jersey counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren.

Field offices—
1. 44 Gillett Street, Hartford, Conn.
2. 500 South Salina Street, Syracuse, N.Y.

Region III. 1015 Chestnut Street, Philadelphia 7, Pa. Serving Pennsylvania, Delaware, New Jersey, counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem; and West Virginia counties of Brook, Hancock, Marshall, Monongalia, Ohio, Preston, and Wetzel.

Field office—
1. 107 Sixth Street, Pittsburgh 22, Pa.

Region IV. 900 North Lombardy Street, Richmond 20, Va. Serving Virginia, District of Columbia, Maryland, North Carolina, South Carolina, and West Virginia except the counties of Brooke, Hancock, Marshall, Monongalia, Ohio, Preston, and Wetzel.

Field offices—
1. Fayette and St. Paul Streets, Baltimore 2, Md.
2. 500 Quarrier Street, Charleston, W. Va.
3. 102 West Trade Street, Charlote, N.C.
4. 227 West Pike Street, Clarksburg, W. Va.
5. 1745 Sumter Street, Columbia, S.C.
6. 608 13th Street NW., Washington 25, D.C.

Region V. 90 Fairlie Street NW., Atlanta 3, Ga. Serving Georgia, Alabama, Florida, Mississippi, Tennessee, Commonwealth of Puerto Rico, and the Virgin Islands.

Field offices—
1. 2030 First Avenue North, Birmingham, Ala.
2. Capital and West Streets, Jackson 1, Miss.
3. 502 South Gay Street, Knoxville, Tenn.
4. 168 Southeast First Street, Miami 32, Fla.
5. Sixth Avenue and Church Street, Nashville 3, Tenn.
6. 1200 Ponce de Leon Avenue, Santurce, P.R.
7. 47 West Forsyth, Jacksonville 2, Fla.

Region VI. 1370 Ontario Street, Cleveland 13, Ohio. Serving Ohio and Kentucky.

Field office—
1. Fourth and Broadway, Louisville 2, Ky.

Region VII. 105 West Adams Street, Chicago 3, Ill. Serving Illinois counties of Bureau, Carroll, Cass, Champaign, Christian, Clark, Coles, Cook, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Marshall, Mason, Menard, Mercer, Morgan, Moultrie, Ogle, Peoria, Piatt, Putnam, Rock Island, Sangamon, Schuyler, Shelby, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Will, Winnebago, and Woodford; Iowa; Indiana; and Southern Wisconsin counties of Adams, Brown, Calumet, Clark, Columbia, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, Kewaunee, La Crosse, Lafayette, Langlade, Manitowoc, Marathon, Marinette, Marquette, Milwaukee, Monroe, Oconto, Outagamie, Ozaukee, Portage, Racine, Richland, Rock, Sauk, Shawano, Sheboygan, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood.

Field offices—
1. Fifth and Grand Avenue, Des Moines, Iowa.
2. 130 East Washington Street, Indianapolis 4, Ind.
3. 114 North Carroll Street, Madison, Wis.

Region VIII. 603 Second Avenue, Minneapolis 2, Minn. Serving Minnesota, North Dakota, South Dakota, and Wisconsin counties of Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Florence, Forest, Iron, Lincoln, Oneida, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau, Vilas, and Washburn.

Field offices—
1. 207 North Fifth Street, Fargo, N. Dak.
2. 109½ North Main Avenue, Sioux Falls, S. Dak.

Region IX. 1006 Grand Avenue, Kansas City 6, Mo. Serving Missouri, Kansas, Nebraska, and Illinois counties of Adams, Alexander, Bond, Brown, Calhoun, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Scott, Union, Wabash, Washington, Wayne, White and Williamson.

Field offices—
1. 215 North 17th Street, Omaha 2, Nebr.
2. 1520 Market Street, St. Louis 3, Mo.
3. 120 South Market Street, Wichita, Kans.

Region X. 1000 Main Street, Dallas 2, Tex. Serving Texas, Arkansas, Oklahoma, and Louisiana.

Field offices—
1. 1624 Hadley Street, Houston 2, Tex.
2. 700 West Capitol Avenue, Little Rock, Ark.
3. 1616 19th Street, Lubbock, Tex.
4. 610 South Street, New Orleans 12, La.
5. 114 North Broadway, Oklahoma City 2, Okla.
6. 434 South Main Avenue, San Antonio, Tex.
7. 420 South Main Street, Tulsa, Okla.

Region XI. 909 17th Street, Denver 2, Colo. Serving Colorado, New Mexico, Utah, and Wyoming.

Field offices—
1. Fifth and Gold Avenue SW., Albuquerque, N. Mex.
2. 136 South Main Street, Salt Lake City, Utah.

Region XII. 525 Market Street, San Francisco 5, Calif. Serving Nevada, except Clark County; California, except the counties of Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura; and Hawaii.

Field office—
1. 286 South King Street, Honolulu, Hawaii.

Region XIII. 506 Second Avenue, Seattle 4, Wash. Serving Washington, Idaho, Montana, Oregon, and Alaska.

Field office—
1. P.O. Box 1253 620 "C" Street, Anchorage, Alaska.
2. 910 Main Street, P.O. Box 933, Boise, Idaho.
3. Corner Main and Sixth Avenue, mailing address: P.O. Box 1690, Helena, Mont.
4. 208 Southwest Fifth Avenue, Portland 4, Oreg.

Region XIV. 312 West Fifth Street, Los Angeles 13, Calif. Serving California counties of Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura; Clark County, Nevada; and Arizona.

Field Office—
1. 2727 North Central Avenue, Phoenix, Ariz.

Region XV. 232 West Grand River Avenue, Detroit 26, Mich. Serving Michigan.

Dated: January 17, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-1386; Filed, Feb. 9, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 7, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37545: *Machinery, etc., from and to Wyoming points.* Filed by Western Trunk Line Committee, agent (No. A-2223), for interested rail carriers. Rates on machines, machinery and parts, also related articles: vacuum cleaners, noibn, aluminum articles, containers, empty returned, all as described in the application, in carloads, between points in Wyoming, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Market competition, modified shortline distance formula and grouping.

Tariff: Western Trunk Line Committee tariff I.C.C. A-4422.

FSA No. 37546: *Scrap iron or steel from and to Wyoming points.* Filed by Western Trunk Line Committee, agent (No. A-2223), for interested rail carriers. Rates on scrap, iron or steel, as described in the application, in carloads, between points in Wyoming, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Market competition, modified shortline distance formula and grouping.

Tariff: Western Trunk Line Committee tariff I.C.C. A-4422.

FSA No. 37547: *Brick from and to points in Western Trunk Line territory.* Filed by Western Trunk Line Committee, agent (No. A-2224), for interested rail carriers. Rates on brick and related articles, in carloads (returned shipments), from points in western trunk-line territory, to specified points in western trunk-line territory.

Grounds for relief: Carrier competition.

Tariff: Supplement 44 to Western Trunk Line Committee tariff I.C.C. A-4338.

FSA No. 37548: *Tin or terne plate to Texas points.* Filed by Southwestern Freight Bureau, agent (No. B-8147), for interested rail carriers. Rates on tin or terne plate, as described in the application, in carloads, from points in official (including Illinois) and southern territories to specified points in Texas.

Grounds for relief: Carrier competition.

Tariff: Supplement 240 to Southwestern Freight Bureau tariff I.C.C. 4308.

FSA No. 37549: *Iron and steel articles to Sharpstown, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8148), for interested rail carriers. Rates on iron and steel articles, in carloads, from specified points in official, southern and western trunk-line territories, to Sharpstown, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 240 to Southwestern Freight Bureau tariff I.C.C. 4308.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-1392; Filed, Feb. 9, 1962; 8:48 a.m.]

[Notice 593]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 7, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64399. By order of January 31, 1962, the Transfer Board approved the transfer to Dalen Rickard, Linden, Wisconsin, of Certificate in No. MC 100846, issued May 1, 1958, to Burton Nodorft, Platteville, Wis., authorizing the transportation of: livestock, agricultural commodities, dairy cattle, feed, fertilizer, tankage, building materials, agricultural machinery, and farm machinery, from, to, or between specified points in Illinois, Wisconsin, Minnesota, and Iowa. John L. Bruemmer, 121 West Doty Street, Madison 3, Wis., Attorney for applicants.

No. MC-FC 64409. By order of January 31, 1962, the Transfer Board approved the transfer to Penbrook Hauling Company, Inc., 701 Bosler Avenue, Lemoyne, Pa., of a portion of the operating rights in Certificate No. MC 117574, issued May 12, 1959, to Daily Express, Inc., P.O. Box 311, Carlisle, Pa., authorizing the transportation of: Truck bodies and trailers, in initial movements, in truckaway service, from Camp Hill, Pa., to points in the United States, and damaged or returned trailers from points in the United States to Camp Hill, Pa.

No. MC-FC 64456. By order of January 31, 1962, the Transfer Board approved the transfer to Connell Transport Co., Inc., Dover, Del., of Permits Nos. MC 111442 Sub 1, and MC 111442 Sub 5, issued February 12, 1957, and February 8, 1961, respectively, to Connell Transport Co., a corporation, Genesee Depot, Wis., authorizing the transportation of: raw and pasteurized milk and cream and condensed skim milk, in containers, empty containers, eggs, empty egg cases, meat, meat products, and byproducts, dairy products and articles distributed by meat packinghouses, bakery products, confectionery, prepared foods, and frozen foods, from, to, or between specified points in Wisconsin, Texas, New Mexico, New Jersey, and Illinois. William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis., attorney for applicants.

No. MC-FC 64676. By order of January 31, 1962, the Transfer Board approved the transfer to Frick Transport Inc., Wawaka, Ind., of the operating rights in Certificate No. MC 90897, issued November 30, 1960, to O. W. Martin, doing business as Martin Trucking, Cromwell, Ind., authorizing the transportation, over irregular routes, of feed, fertilizer, and binder twine, from Chicago and Chicago Heights, Ill., to points in DeKalb, Steuben, Noble, and LaGrange Counties, Ind., and fertilizer, from Chicago, Ill., to points in Defiance and Williams Counties, Ohio. Donald W. Smith, 511 Fidelity Building, Indianapolis 4, Ind., applicant's attorney.

No. MC–FC 64688. By order of January 31, 1962, the Transfer Board approved the transfer to Leonard J. Krantz, Eau Claire, Wis., of the entire operating rights in Certificate No. MC 109680 and a portion of the operating rights in Certificate No. MC 109680 Sub 2, issued January 19, 1956, and August 7, 1958, respectively, to Leo Burns and Earl Burns, a partnership, doing business as Burns Trucking Company, Schofield, Wis., authorizing the transportation, over irregular routes, of livestock, from points in Marathon County, Wis., to South St. Paul and Newport, Minn., feed, fertilizer, tankage, and farm machinery, from South St. Paul, Newport, St. Paul, and Minneapolis, Minn., to points in Marathon County, Wis., and animal and poultry feed and animal and poultry feed concentrates, in bulk, from Minneapolis and St. Paul, Minn., to points in Wisconsin. Edward Solie, 1 South Pinckney Street, Madison 3, Wis., applicants' attorney.

No. MC–FC 64691. By order of January 31, 1962, the Transfer Board approved the transfer to The Gem Van and Storage Company, a corporation, Hartford, Conn., of the operating rights in Certificate No. MC 34376, issued January 21, 1941, to Charles Lewis, doing business as Roland Lewis & Son, New Haven, Conn., authorizing the transportation of household goods, over irregular routes, between points in Connecticut, on the one hand, and, on the other, points in Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, and of new and used store fixtures, over irregular routes, between points in Connecticut, on the one hand, and, on the other, points in Massachusetts, New Jersey, and New York. Sidney L. Goldstein, 109 Church Street, New Haven, Conn., applicants' attorney.

No. MC–FC 64703. By order of January 31, 1962, the transfer Board approved the transfer to Sheehan Carriers, Inc., Suffern, N.Y., of the operating rights in Certificate No. MC 59655, issued March 18, 1954, to Sheehan Transport, Inc., Suffern, N.Y., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities, in bulk, and other specified commodities, between Albany, N.Y., and Newark, N.J., between Lodi, N.Y., and Newburgh, N.Y., and piece goods, finished and unfinished, felt, hatters' fur, and paper bags, between Newark, N.J., and Philadelphia, Pa., and over irregular routes, of oil, alcohol, and chemicals, from Grasselli, N.J., and Gulfport, N.Y., to Monticello, Port Jervis, Liberty, and Livingston Manor, N.Y., and general commodities, excluding household goods, commodities, in bulk, and other specified commodities, between points in Passaic, Bergen, Hudson, Essex, and Union Counties, N.J., on the one hand, and, on the other, New York, N.Y., and points in Westchester, Rockland, and Orange Counties, N.Y. Martin Werner, 2 West 45th Street, New York 36, N.Y., applicants' attorney.

No. MC–FC 64735. By order of January 31, 1962, the Transfer Board approved the transfer to Jeff A. Robertson, doing business as Topeka Motor Freight, 705 East Highway 24, Topeka, Kans., of Certificates Nos. MC 106904 and MC 106904 Sub 3, issued May 15, 1956, and May 1, 1961, to Topeka Motor Freight, Inc., 705 East Highway 24, Topeka, Kans., authorizing the transportation of: General commodities excluding household goods, commodities in bulk, and other specified commodities, between Kansas City, Mo., and Topeka, Kans., serving all intermediate points on U.S. Highway 40, and the off-route points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, and the site of the Goodyear plant northwest of the city limits of Topeka; and between Atchison, Kans., and Kansas City, Mo., over specified highways, serving the intermediate points of Victory Junction, Lansing, Richardson, Soldiers' Home, Leavenworth, Fort Leavenworth, and Lowemont, Kans., and the intermediate and off-route points in the Kansas City, Mo.-Kansas, Commercial Zone; malt beverages, pickles, spices, and mustard, from St. Louis, Mo., over U.S. Highway 40 to Topeka, Kans.; malt beverages, from St. Louis, Mo., over U.S. Highway 40 to St. Louis, Mo.; and empty malt beverage containers, from Topeka, Kans., over U.S. Highway 40 to St. Louis, Mo., and from Lawrence, Kans., over U.S. Highway 40 to St. Louis, Mo.

[SEAL] HAROLD D. McCOY, *Secretary*

[F.R. Doc. 62-1393; Filed, Feb. 9, 1962; 8:49 a.m.]

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THE UNIVERSITY OF MICHIGAN
FEB 19 1962
MAIN READING ROOM

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Proclamation 3449

NATIONAL POISON PREVENTION WEEK

By the President of the United States of America

A Proclamation

WHEREAS accidental poisoning consistently takes a substantial toll of lives each year, especially among very young children; and

WHEREAS virtually all deaths attributable to this cause could be prevented; and

WHEREAS prevention of accidental poisoning can best be promoted through a vigorous program designed to alert parents and others responsible for protection of children against this hazard; and

WHEREAS by a joint resolution approved September 26, 1961 (75 Stat. 681), the Congress has requested the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby proclaim the week beginning March 18, 1962, as National Poison Prevention Week.

I direct the appropriate agencies of the Federal Government, and I invite State and local governments and organizations interested in child safety, to participate actively in programs intended to promote better protection against accidental poisonings.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of February in the year of our Lord nineteen hundred and sixty-two, and of [SEAL] the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-1483; Filed, Feb. 9, 1962; 2:26 p.m.]

Executive Order 10992

REDEFINING THE BOUNDARIES OF THE CARIBBEAN NATIONAL FOREST—PUERTO RICO

By virtue of the authority vested in me by Section 24 of the Act of March 3, 1891 (26 Stat. 1103; 16 U.S.C. 471), the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and Section 11 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 521), and as President of the United States, and upon the recommendation of the Secretary of Agriculture, it is hereby ordered as follows:

The exterior boundaries of the Caribbean National Forest in Puerto Rico, established as the Luquillo Forest Reserve by Proclamation Number 41 of January 17, 1903 (32 Stat. 2029), and renamed the Caribbean National Forest by Executive Order Number 7059–A of June 4, 1935, are hereby relocated and redefined as follows:

Beginning at the point where the parallel of 18°21′ north latitude intersects the meridian of 65°45′ west longitude; thence east to latitude 18°21′, longitude 65°44′; thence south to latitude 18°20′, longitude 65°44′; thence east to latitude 18°20′, longitude 65°42′; thence south to latitude 18°17′, longitude 65°42′; thence west to latitude 18°17′, longitude 65°43′; thence south to latitude 18°15′, longitude 65°43′; thence west to latitude 18°15′, longitude 65°45′; thence south to

latitude 18°14', longitude 65°45'; thence west to latitude 18°14', longitude 65°50'; thence north to latitude 18°15', longitude 65°50'; thence west to latitude 18°15', longitude 65°55'; thence north to latitude 18°17', longitude 65°55'; thence east to latitude 18°17', longitude 65°53'; thence north to latitude 18°20', longitude 65°53'; thence east to latitude 18°20', longitude 65°51'; thence north to latitude 18°21', longitude 65°51'; thence east to latitude 18°21', longitude 65°45', the point of beginning.

All lands of the United States within those exterior boundaries are hereby reserved as parts of the Caribbean National Forest.

JOHN F. KENNEDY

THE WHITE HOUSE.
February 9, 1962.

[F.R. Doc. 62-1488; Filed, Feb. 9, 1962; 2:49 p.m.]

Executive Order 10993

CONSOLIDATING THE HIAWATHA AND MARQUETTE NATIONAL FORESTS (MICHIGAN) AND CORRECTING THE LAND DESCRIPTIONS OF NEBRASKA NATIONAL FOREST (NEBRASKA) AND WASATCH NATIONAL FOREST (UTAH)

By virtue of the authority vested in me by Section 24 of the Act of March 3, 1891 (26 Stat. 1103; 16 U.S.C. 471), the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), Section 11 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 521), and Section 32(c), Title III, of the Bankhead-Jones Farm Tenant Act (50 Stat. 526; 7 U.S.C. 1011(c)), and as President of the United States, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

1. All those lands within the State of Michigan that were proclaimed as the Marquette National Forest by Proclamation of February 12, 1931 (46 Stat. 3050), as amended, are hereby transferred to and made a part of the Hiawatha National Forest as proclaimed by Proclamation of January 16, 1931 (46 Stat. 3043), as amended, and the Marquette National Forest is hereby abolished.

2. That part of Proclamation Number 3379 of November 8, 1960 (25 F.R. 10863) which describes land in Sec. 25, T. 32 N., R. 49 W., Sixth Principal Meridian, included within the Nebraska Forest, is amended by substituting "E½SW¼" for "W½SW¼".

3. That part of Executive Order Number 10844 of October 9, 1959 (24 F.R. 8289) which describes lands in Sec. 7, T. 9 S., R. 4 W., Salt Lake Meridian, included in the Wasatch National Forest, Utah, is amended by inserting a comma in the description "E½SW¼SE¼" so as to make that part of that description read "E½SW¼, SE¼".

4. That part of Section 3 of Executive Order Number 10890 of October 27, 1960 (25 F.R. 10331) which describes lands in T. 34 S., R. 2 W., Salt Lake Meridian, is amended so as to correct the description with respect to Section 21 by substituting "W½SE¼" for "E½ SE¼", and is supplemented by including in the descriptions with respect to Section 15 "SW¼NE¼," and with respect to Section 22 the following:

Those parts of the lands shown on Plat B of the Winder Townsite, Garfield County, Utah, described as follows:

Lot:	*Block*	Lot:	*Block*
4	1	1	15
3	2	1	16
1, 3, 4	4	4	18
2, 3, 4	5	2, 4	19
1	7	4	20
1, 4	8	1, 3	21
2, 4	10	2, 3, 4	22
1, 2, 3, 4	12	1, 4	23
2, 4	13	3	24
1, 2	14	1, 3	25

Lot 3, Block 17—that part described as beginning at the northwest corner of Lot 3, Block 17, Plat B, Winder Townsite Survey and running thence south 10 rods, thence east 9 rods, thence north 10 rods, thence west 9 rods to place of beginning.

JOHN F. KENNEDY

THE WHITE HOUSE.
February 9, 1962.

[F.R. Doc. 62-1487; Filed, Feb. 9, 1962; 2:49 p.m.]

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1067; Amdt. 397]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707/720 Series and Douglas DC-8 Series Aircraft

Amendment 369, 26 F.R. 10963, requires inspection of the main oil screen of all Pratt and Whitney Aircraft engines installed in Boeing 707/720 and Douglas DC-8 Series aircraft. The results of the inspections conducted indicate that only certain engines which are subjected to higher internal temperatures experience screen blockage. Therefore, Amendment 369 is being amended to apply only to the JT3C-12 and JT3D Series engines.

Since this amendment relaxes a requirement and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 369, 26 F.R. 10963, Boeing 707/720 Series and Douglas DC-8 Series aircraft, is amended by:

Changing the applicability statement to read:

Applies to all 707/720 Series and DC-8 Series aircraft equipped with Pratt & Whitney Aircraft JT3C-12, JT3D-1, JT3D-1-MC6, JT3D-1-MC7, and JT3D-3 engines.

This amendment shall become effective February 13, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 7, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-1417; Filed, Feb. 12, 1962; 8:45 a.m.]

[Reg. Docket No. 1068; Amdt. 398]

PART 507—AIRWORTHINESS DIRECTIVES

Piper Aircraft

Amendment 266, 26 F.R. 2247, requires repetitive inspections of the fabric along the top edge of the windshield on several models of Piper aircraft. It has been substantiated that the incorporation of the modification covered in Piper Service Letter No. 362 eliminates the need for these inspections on Models PA-20 and PA-22 aircraft. Accordingly, a paragraph is being added to Amendment 266 to eliminate the inspections on these models after completion of the modification.

Since this amendment relaxes a requirement and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 266, 26 F.R. 2247, Piper aircraft, is amended by adding the following new paragraph (e) and the parenthetical reference statement at the end of the directive:

(e) When the modification outlined in Piper Service Letter No. 362, dated November 30, 1961, is incorporated in Piper Models PA-20 and PA-22 aircraft, the repetitive inspections required by paragraphs (a) and (b) may be discontinued on these aircraft.

(Piper Service Bulletin No. 174B, and Piper Service Letter No. 362, both dated November 30, 1961, cover this same subject.)

This amendment shall become effective Feburary 13, 1962.

(Sec. 313(a), 601, 603, 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 7, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-1418; Filed, Feb. 12, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 132]

PART 1132—MILK IN TEXAS PANHANDLE MARKETING AREA

Order Amending Order

Correction

In F.R. Doc. 62-1151, appearing at page 1054 of the issue for Saturday, February 3, 1962, the citation in § 1132.46(a)(1) should read "§1132.41(b)(5)" instead of "§ 1132.41(b)".

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

U.S. Arms Control and Disarmament Agency

Effective upon publication in the FEDERAL REGISTER, paragraph (c) is added to § 6.372 as set out below.

§ 6.372 U.S. Arms Control and Disarmament Agency.

* * * * *

(c) One Private Secretary to each Assistant Director appointed by the President (four positions).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-1450; Filed, Feb. 12, 1962; 8:49 a.m.]

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

Department of the Navy Clinical Psychology Interns

1. Effective February 15, 1962, § 27.1 is amended by the addition of the following item:

§ 27.1 Exclusion from provisions of Federal Employees Pay Act and Classification Act.

* * * * * *

Clinical psychology interns, third year approved postgraduate training (predoctoral), Department of the Navy.

2. Effective February 15, 1962, § 27.2 is amended by the addition of the following item:

§ 27.2 Maximum stipends prescribed.

* * * * * *

Clinical psychology interns, Department of the Navy:

Third year approved postgraduate training (predoctoral), no stipend other than any maintenance provided.

(61 Stat. 727, 728, as amended; 5 U.S.C. 1051–1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-1451; Filed, Feb. 12, 1962; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55561]

PART 6—AIR COMMERCE REGULATIONS

Alternate Procedures; Transportation in Bond of Air Cargo

The increase in the volume of air cargo to be transported by aircraft beyond ports of first arrival of aircraft or ports at which residue cargo procedures terminate, which cargo is not yet released by Customs into the domestic commerce, has caused burdens to both airlines and Customs by reason of presently required documentation of individual shipments.

On September 12, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8517) that alternate procedures for transportation of merchandise in bond were being considered for application to air cargo shipped subject to customs control to a port of destination in the United States, or shipped through the United States for exportation from another United States airport, or exported directly from the port of arrival. These procedures to simplify controls over such shipments in order to lessen delays and documentation would be available when air cargo arrives in the United States on an aircraft of one airline for further transportation on aircraft of different airlines. These procedures would also be available when air cargo is to be transported beyond the port of first arrival on the aircraft bringing the goods to this country in the event such aircraft does not proceed under the residue cargo procedure. They would also be available when air cargo is transferred between aircraft of the same airline and the receiving aircraft does not proceed under the residue cargo procedure. These procedures for certain types of transportation of merchandise in bond would be in addition to existing procedures and would be for use by interested parties who elect to comply with the requirements.

No comments or arguments have been received by the Customs Service in opposition to the proposed new sections of regulations. However, suggestions were received for clarification and modification of certain of the proposed provisions. In addition to incorporating such changes, certain editorial changes have also been made.

Accordingly, it has been decided to add to Part 6 of these regulations such new sections, and they are hereby adopted to read as follows:

§ 6.17 Alternate transportation procedures for air cargo subject to customs control.

Cargo (including manifested baggage) arriving by aircraft and to be transported subject to customs control in, through, or from the United States by aircraft must, if not transported in accordance with other provisions of the regulations of this part, be transported in bond in accordance with the applicable provisions of §§ 6.18 through 6.24. Such cargo so transported shall be referred to as "transit air cargo." For the purposes of these sections, the term "port of arrival" means the port in the United States at which the imported cargo must be documented for onward air transportation otherwise than as residue cargo, and the terms "transfer" or "transferred" mean the change to documentation of cargo as transit air cargo for transportation from the port of arrival; this may or may not involve a change of aircraft or airlines but when it does, such terms shall also include the physical movement of the cargo from one to another aircraft.

(Secs. 551, 552, 553, 46 Stat. 742, as amended; 19 U.S.C. 1551, 1552, 1553)

§ 6.18 Documentation for transit air cargo.

(a) Customs Form 7509, Air Cargo Manifest, printed, stamped, or labeled "Transit Air Cargo Manifest" must be used as the manifest for transit air cargo. The cargo manifest sheet in the inward cargo manifest of the importing aircraft and each copy thereof required for a transit air cargo movement must be so printed, stamped, or labeled. Each transit air cargo manifest sheet must be a duplicate, insofar as identification of the cargo and other data, of the corresponding manifest sheet in the inward cargo manifest presented for the aircraft on which the cargo arrives in the United States.

(b) Only air cargo shipments from one country of exportation, the name of which must be shown in the heading, may be listed on any one transit air cargo manifest sheet, or in lieu of such limitation the name of the country of exportation of each shipment must be shown in the "Nature of Goods" column. In addition thereto, only such shipments which are manifested by way of the port of arrival (1) to the same United States Customs port of destination, or (2) to the same United States Customs port for exportation therefrom, or (3) for direct exportation from the port of arrival may be listed on one transit air cargo manifest sheet.

(c) If manifest sheets are not prepared in accordance with paragraph (b) of this section, each cargo shipment manifested thereon, whn required to be transported subject to customs control, must be transported beyond the port of arrival in accordance with other provisions of these regulations requiring individual documentation for the inward transportation or exportation of each shipment (see § 6.15 and Parts 5 and 18 of this chapter).

(d) When presented, each transit air cargo manifest sheet must show also (1) the foreign port of lading, (2) the date of arrival of the aircraft at the port of arrival, (3) the final country of destination of each shipment, or final port of destination in the United States of each shipment so destined, and (4) each United States port at which a customs function will be necessary by reason of these transit air cargo procedures. The destination outside the United States must be shown as the actual, ultimate country of destination indicated by available airline shipping documents even though the air transportation may be scheduled to terminate in a country prior to such ultimate destination.

(e) All transit air cargo other than that exported directly from the port of arrival must have affixed thereto before departure from the port of arrival the red warning label prescribed by § 18.4(e) of this chapter.

(f) The transit air cargo manifest must be furnished in the number of copies indicated below for the respective transportation movement:

(1) Three copies are required for transit air cargo destined for export directly from the port of arrival;

(2) Four copies are required for transit air cargo moving to a port of destination in the United States from the port of arrival;

(3) Seven copies are required for transit air cargo moving from the port of arrival to another United States port for exportation therefrom.

§ 6.19 Identification of transit air cargo manifest sheets.

Upon presentation of the inward cargo manifest of the aircraft on which the cargo arrives at the port of arrival, a manifest number must be assigned by Customs to the aircraft entry documents presented by the aircraft commander or authorized agent. That number must be used by the importing airline to identify all copies of transit air cargo manifests. The number must be given as a prefix an identification of the airport of arrival with the use of the 3-letter city or airport designator (the Air Traffic Service Location Identifier, as referred to by the Federal Aviation Agency); for example, "Idl–3758," or "Bos–296" as the case may be.

§ 6.20 Conditions for transportation of transit air cargo.

(a) As a condition for customs release for transportation of air cargo beyond the port of arrival as transit air cargo, all required copies of a transit air cargo manifest sheet must be identified as prescribed in § 6.19 prior to presentation to Customs.

(b) To proceed from the port of arrival as transit air cargo, air cargo must be receipted for in the manner prescribed in paragraph (d) of this section, within the lay order period or any authorized extension (see § 4.37 of this chapter), by the airline which will be responsible for transporting or exporting such cargo.

(c) Transit air cargo may be transported to another port only when receipted for by an airline designated as a common carrier for the transportation of bonded merchandise having on file an appropriate customs bond for such transportation. Transit air cargo may be exported from the port of arrival only when covered by an exportation bond on customs Form 7557 or 7559 as specified in § 18.25 of this chapter, or other appropriate bond. The responsibility of the receiving airline for transit air cargo otherwise than for direct exportation from the port of arrival begins when a receipt executed as prescribed in paragraph (d) of this section is presented to customs. The responsibility of the exporter of transit air cargo for direct exportation begins when a receipt executed as prescribed in paragraph (d) of this section is presented to customs. If any carting for delivery to a receiving airline is necessary prior to such time, the importing airline remains solely responsible for such cargo under its bond unless such carting is performed under the provisions of Part 21 of this chapter and at the expense of the parties in interest.

(d) Each copy of the transit air cargo manifest must bear the following statement legibly signed and dated, if required, when presented to customs:

Received the cargo listed herein for delivery to Customs at the port of destination or exportation shown above, or for direct exportation.

Name of Carrier (or Exporter)

Attorney or Agent of Carrier (or Exporter)

Date

(e) All cargo shipments listed on a transit air cargo manifest sheet must be receipted for by one airline and must be transported from the port of arrival on one aircraft except where the use of more than one aircraft would be permitted by § 6.15(b)(4) in the case of a single combined entry and manifest on customs Form 7512, or where the use of more than one aircraft is permitted as specified in § 6.24(f). Otherwise, all shipments on the transit air cargo manifest must be individually documented and transported under the regular procedures for transportation of merchandise in bond.

§ 6.21 Timely delivery and exportation.

(a) Transit air cargo destined to a final port of destination in the United States must be delivered to Customs at destination within 15 days from the date of receipt by the forwarding airline at the port of arrival.

(b) Transit air cargo destined for exportation at a port other than the port of arrival must be delivered to Customs at the port of exportation within 15 days from the date of receipt by the forwarding airline at the port of arrival. If all of the cargo shipments are not exported within the succeeding 15-day period, the individual cargo shipments must be made the subject of individual entries, as appropriate, at the port of exportation.

(c) In the case of transit air cargo to be exported from the port of arrival, exportation as transit air cargo must be required within 10 days from the date of receipt of the cargo by the exporting airline. After such 10-day period, the individual cargo shipments must be made the subject of individual entries, as appropriate.

§ 6.22 Transportation of transit air cargo to an interior port of destination.

(a) Air cargo shipments may be transferred for transportation as transit air cargo from the port of arrival, under such customs supervision as the collector deems necessary, to another port in the United States with the use of the following number of copies of transit air cargo manifest sheets:

(1) A "carrier manifest" copy to accompany the cargo shipments listed thereon and be delivered to Customs at destination;

(2) Three copies for presentation to Customs at the port of arrival at the time of entry of the arriving aircraft or at a subsequent time before expiration of the lay order period. One copy will be used as a "permit" copy by Customs at the port of arrival, one "mail manifest" copy will be mailed by Customs to the port of destination, and one "control" copy will be mailed to the headquarters port for the port of destination. These copies must be presented by or on behalf of the carrier receipting for the transportation of the cargo shipments to destination.

(b) At the port of destination Customs must use the carrier manifest copy for control by noting thereon the disposition of each cargo shipment listed.

(c) Transit air cargo is to be delivered to Customs at destination within 15 days of the date of receipt for it by the forwarding carrier at the port of arrival. When all or part of the cargo covered by the mail manifest copy received at destination from Customs at the port of arrival is not closed out after 30 days from its receipt by a posted carrier manifest copy, the collector of customs must inquire of the receipting carrier as to the whereabouts of the shipment or shipments not accounted for. He must in each case of failure to deliver or irregular delivery of all or part of the transit air cargo make a report to the port of arrival. The report must be made no later than 40 days from the date of receipt of the mail manifest copy. The report must be made to, and action promptly taken thereon by, Customs at the port of arrival in the manner specified in §§ 18.6 and 18.8 of this chapter, except that the report on customs Form 3861 must not indicate the amount of duty or tax due when the amount is in doubt. In such case, Customs at the port of arrival must make the determination of tax and duty due on information in the report, in the permit copy retained there, and any necessary information obtained from the carriers.

(d) Upon receipt of a written notice of failure to deliver, the airline which receipted for the transit cargo must be responsible for furnishing within 90 days to the collector of customs any data or documents available to it or to the importing airline concerning the description and value of the cargo shipments in question.

(e) Penalties imposed as liquidated damages under the common carrier's bond for shortage, failure to deliver, etc., must be the same as prescribed in § 18.8 of this chapter. Under that section the basis for the assessment of liquidated damages is the value of the merchandise. The transit air cargo manifest does not reflect value. Therefore, when it is necessary to determine the values of merchandise shipped as transit air cargo, the value must be determined by the collector on the basis of the data or documents specified in paragraph (d) of this section and such other information available to him relating to merchandise of the same or similar description or origin. However, when the data or documents required to be furnished by paragraph (d) of this section are not received within the 90-day period prescribed, the collector will make his determination of value on the basis of such other information available to him.

§ 6.23 Transportation of transit air cargo to another port for exportation.

(a) Air cargo shipments may be transferred for transportation as transit air cargo from the port of arrival, under such customs supervision as the collector deems necessary, to another port for exportation therefrom with the use of the following number of copies of transit air cargo manifest sheets:

(1) A "carrier manifest" copy to accompany the cargo shipments listed thereon and be delivered to Customs upon arrival of the shipments at the port of exportation;

(2) A copy which is stamped, labeled, or printed "diversion copy" in outline letters at least 1 inch in height to be attached to and accompany the carrier manifest copy and be delivered to Customs at the port of exportation;

(3) Three copies, called "permit", "mail manifest", and "control" copy, for presentation to Customs at the port of arrival either at the time of entry of the arriving aircraft or at a subsequent time before expiration of the lay order period. These copies must be presented by or on behalf of the airline receipting for the transportation of the cargo shipments from the port of arrival to the port of exportation for lading for export at such place;

(4) Two copies, called "Exportation" and "Clearance" copies, to be presented by the exporting airline to Customs at the port of exportation in connection with the exportation.

(b) Upon arrival of the transit air cargo shipments at the port of exportation, the transit air cargo may be delivered direct to the exporting carrier with the exportation and clearance copies after the name of such carrier is legibly noted on the carrier manifest and diversion copies and such copies are delivered to Customs.

(c) The exporting carrier will retain all cargo listed on a transit air cargo manifest in one place which must be separate from the specially designated area for storage of shipments coming within the provisions of paragraph (e) of this section. When the goods are ready for lading on the exporting aircraft, Customs will be notified sufficiently in advance so as to be able to make any required supervision of the lading of the

cargo and any further checks for Federal Government purposes.

(d) When presented to Customs, the exportation and clearance copies must each show the exporting aircraft's number and flight number and date. The exporting airline must file these documents (including the clearance copies of transit air cargo manifests) for the departing aircraft. The clearance copies of air transit cargo manifests shall be grouped together in the outward manifest separately and not intermingled with other outward manifest pages. The exportation copies shall be grouped together separately from the outward clearance documents.

(e) The customs officer receiving the carrier manifest and diversion copies of the transit air cargo manifest must review them for export licensing requirements of the Secretary of State covering arms, ammunitions, and implements of war, and of the Bureau of International Programs, Department of Commerce. A shipment for which the manifest information is not adequate to enable the officer to determine that no licensing or other requirements are applicable to the particular transit air cargo must be checked either by examination or by inspecting the air waybill or accompanying invoice. In this case, in order not to delay the onward movement of other goods, this shipment may be struck from the transit air cargo manifest and the remaining shipments may proceed. If a licensing or other requirement is found applicable, the exporting airline must be immediately notified that the particular shipment cannot be exported until an appropriate license or approval is obtained. This shipment must be placed under constructive customs custody in a specially designated area of the exporting airline's cargo terminal for such shipments until the necessary customs or other approval for shipment is obtained.

(f) The diversion copy of each transit air cargo manifest sheet must be sent by the port of diversion, with an endorsement of exportation showing the port, date, and exporting carrier, to the port of indicated exportation when all cargo shipments listed thereon have been exported at the port of diversion. It shall normally be sent as soon as the exportation copy or copies are presented at the port of exportation and are attached to the carrier manifest, and it is verified that all shipments listed thereon are exported. If exceptions are found by Customs at the port of exportation, they must be noted on the diversion copy before it is sent. However, if the carrier's manifest copy is not fully closed out at the port of diversion within 30 days from the date of the carrier's receipt on the carrier manifest and diversion copies, the diversion copy must be immediately sent to the port of indicated exportation to forestall a report to the port of arrival (see paragraph (g) of this section). The diversion copy must be noted before sending, "Exportation copy not yet received—further report will follow if necessary."

(g) When the mail manifest copy is received, Customs will file it according to identification number (see § 6.19); that is, numerically by port of arrival. When all or part of the cargo covered by a mail manifest copy is not closed out by a carrier manifest copy, or a diversion copy endorsed by Customs at another port, within 40 days from the date of receipt of the mail manifest copy, the collector of customs must, without making inquiry of any carrier, make an appropriate report to the port of arrival and this report must be processed and action taken in accordance with § 6.22 (c), (d), and (e).

(h) If all of the cargo listed on one transit air cargo manifest sheet is not laden for exportation from the same port in the United States by the same airline, individual entries on customs Form 7512 for transportation and exportation in accordance with § 6.15 or for direct exportation in accordance with § 18.25 of this chapter must be required for each cargo shipment listed on such transit air cargo manifest sheet. Until all cargo shipments covered by one transit air cargo manifest are received at a port for exportation, none may be exported except under individual entries. If it is necessary to export on more than one aircraft of the same airline the cargo shipments listed on one transit air cargo manifest sheet, the procedure in § 6.24(f) shall be applicable. When individual entries are required or the cargo is exported at the same port on more than one aircraft, the carrier manifest copy will be posted and used by Customs as in the case of the carrier manifest for cargo destined to a port of destination in the United States (see § 6.22(b)).

§ 6.24 Exportation of transit air cargo at port of arrival.

(a) Transit air cargo may be transferred for exportation at the port of arrival in the United States with the use of three copies of the transit air cargo manifest; a "review" copy, an "exportation" copy, and a "clearance" copy.

(b) At the port of arrival, transit air cargo may be transferred for exportation immediately: *Provided*, (1) That, as soon as it is known to which airline cargo shipments will be transferred for exportation, the importing airline files with Customs a copy of each transit air cargo manifest sheet covering such cargo shipments, which copy need not be receipted by the airline to which the cargo will be transferred, but the name of the exporting airline must be inserted on such review copy by the importing airline; and (2) that the transfer is subject to supervision, examination of cargo, manifest review, etc., as may be required for compliance with regulations of other Federal agencies.

(c) The exportation copy and the clearance copy must be filed with Customs by or on behalf of the exporting airline which receipts for the shipments. The clearance copy must be presented with and retained in the departing aircraft's clearance documents. The exportation copy must be presented at the time the clearance documents are presented to Customs. Both copies must, in addition to bearing the receipt of the exporting airline, show the exporting aircraft's number, flight number, and date.

(d) Upon receipt of the review copy of the transit air cargo manifest sheets, Customs must make the review prescribed in the case of the carrier manifest copy in § 6.23(e). The reviewing officer must take appropriate action if a license is found to be applicable for any cargo. The exporting airline will be notified to place under constructive customs custody any transit air cargo shipment subject to special licenae. The exporting airline must then place any transit air cargo shipment subject to special license in a specially designated area of its cargo terminal until the necessary license is obtained.

(e) When exportation copies are filed, Customs must use them to close out the transit air cargo manifest sheets in the inward manifest of the aircraft on which the transit air cargo arrived at the port.

(f) If all transit air cargo shipments listed on any one transit air cargo manifest sheet are not exported directly on the same aircraft, an additional exportation and clearance copy must be required for each shipment or group of shipments listed thereon departing on any other aircraft of the exporting airline. In this event, each copy of the transit air cargo manifest sheet must be clearly marked to show which shipment or shipments listed thereon are covered thereby.

(g) Separate export entries on customs Form 7512 in accordance with § 18.25 of this chapter must be required for all shipments listed on any one transit air cargo manifest sheet if not all such shipments are exported from the same port by the same aircarrier. When separate export entries are required, the copy of the transit air cargo manifest sheet in the inward manifest of the importing aircarrier must be posted as in the case of the carrier manifest for cargo destined to a port of destination in the United States (see § 6.22(b)).

(R.S. 161, as amended, 251, secs. 551, 552, 553, 624, 46 Stat. 742, as amended, 759, sec. 1109, 72 Stat. 799; 5 U.S.C. 22, 19 U.S.C. 66, 1551, 1552, 1553, 1624, 49 U.S.C. 1509)

In order to enable interested carriers and collectors of customs to familiarize themselves fully with the requirements of these procedures before they take effect, this Treasury Decision shall be effective beginning the day following 30 days after its publication in the FEDERAL REGISTER.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: February 6, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-1441; Filed, Feb. 12, 1962; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Changes in Labeling Requirements for Drugs

Since promulgation of § 1.106 (b)(3) and (c)(3) (21 CFR 1.106; 26 F.R. 8389), the Commissioner of Food and Drugs has been informed that certain drugs subject to section 505, 506, or 507 of the Federal Food, Drug, and Cosmetic Act may be in the category of those drugs for which use information is commonly known to medical practitioners and that it is therefore not necessary for manufacturers of such preparations to provide such use information in labeling.

Therefore, pursuant to the provisions of the act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 1.106 (b)(3) and (c)(3) are changed to read as set forth below:

§ 1.106 Drugs and devices; directions for use.

* * * * * * *

(b) *Exemption for prescription drugs.* * * *

(3)(i) Labeling on or within the package from which the drug is to be dispensed bears adequate information for its use, including indications, effects, dosages, routes, methods, and frequency and duration of administration, and any relevant hazards, contraindications, side effects, and precautions under which practitioners licensed by law to administer the drug can use the drug safely and for the purposes for which it is intended, including all purposes for which it is advertised or represented; and

(ii) If the article is subject to section 505, 506, or 507 of the act, the labeling bearing such information is the labeling authorized by the effective new-drug application or required as a condition for the certification or the exemption from certification requirements applicable to preparations of insulin or antibiotic drugs: *Provided, however,* That the information required by subdivision (i) of this subparagraph may be omitted from the dispensing package if, but only if, the article is a drug for which directions, hazards, warnings, and use information are commonly known to practitioners licensed by law to administer the drug. Upon written request, stating reasonable grounds therefor, the Commissioner will offer an opinion on a proposal to omit such information from the dispensing package under this proviso.

* * * * * * *

(c) *Exemption for veterinary drugs.* * * *

(3)(i) Labeling on or within the package from which the drug is to be dispensed bears adequate information for its use, including indications, effects, dosages, routes, methods, and frequency and duration of administration, and any relevant hazards, contraindications, side effects, and precautions under which veterinarians licensed by law to administer the drug can use the drug safely and for the purposes for which it is intended, including all purposes for which it is advertised or represented; and

(ii) If the article is subject to section 505 or 507 of the act, the labeling bearing such information is the labeling authorized by the effective new-drug application or required as a condition for the certification or the exemption from certification requirements applicable to preparations of antibiotic drugs: *Provided, however,* That the information required by subdivision (i) of this subparagraph may be omitted from the dispensing package if, but only if, the article is a drug for which directions, hazards, warnings, and use information are commonly known to veterinarians licensed by law to administer the drug. Upon written request, stating reasonable grounds therefor, the Commissioner will offer an opinion on a proposal to omit such information from the dispensing package under this proviso.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, since it relaxes existing requirements.

Effective date. This order shall become effective March 5, 1962.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: February 7, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-1431; Filed, Feb. 12, 1962; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 16—ALIMENTARY PASTES; DEFINITIONS AND STANDARDS OF IDENTITY

Enriched Vegetable Macaroni Products, Enriched Vegetable Noodle Products

In the matter of establishing definitions and standards of identity for enriched vegetable macaroni products and enriched vegetable noodle products:

A notice of proposed rule making was published in the FEDERAL REGISTER of December 22, 1961 (26 F.R. 12256), setting forth proposals filed by National Macaroni Manufacturers Association, 156 Chambers Street, New York 7, New York, for establishing standards of identity for enriched vegetable macaroni products and enriched vegetable noodle products. The notice invited all interested persons to submit comments on the proposals. The time for filing comments has ended and no comments were received.

Upon consideration of the information furnished by the petitioner and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to establish definitions and standards of identity for enriched vegetable macaroni products and for enriched vegetable noodle products, as hereinafter set forth. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625): *It is ordered*, That definitions and standards of identity for enriched vegetable macaroni products and for enriched vegetable noodle products be established as follows:

§ 16.11 Enriched vegetable macaroni products; identity; label statement of optional ingredients.

(a) Each of the macaroni products for which a definition and standard of identity is prescribed by this section conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for macaroni products by § 16.1 (a) and (f), and in addition is enriched to meet the requirements prescribed for enriched macaroni products by § 16.9 and contains a vegetable ingredient in compliance with the requirements prescribed for vegetable macaroni products by § 16.5.

(b) The name of each food for which a definition and standard of identity is prescribed by this section is "Enriched _____ macaroni product," or, alternatively, the name is "Enriched _____ macaroni," "Enriched _____ spaghetti," or "Enriched _____ vermicelli," when the units comply with the shape and size requirements prescribed for macaroni, spaghetti, or vermicelli in § 16.1 (b), (c), or (d). The blank in each instance is filled in with the name of the vegetable used, as specified in § 16.5(a). For example, the name of an enriched macaroni product containing the prescribed amount of spinach and made in units not conforming in shape and size to the requirements for macaroni, spaghetti, or vermicelli is "Enriched spinach macaroni product."

§ 16.12 Enriched vegetable noodle products; identity; label statement of optional ingredients.

(a) Each of the noodle products for which a definition and standard of identity is prescribed by this section conforms to the definition and standard of identity and is subject to the requirements for label declaration of optional ingredients prescribed for noodle products by § 16.6 (a), (g), and (h), and in addition is enriched to meet the requirements prescribed for enriched noodle products by § 16.10 and, except as hereinafter provided, contains a vegetable ingredient in compliance with the requirements prescribed for vegetable noodle products by § 16.8. Carrots, because they are apt to impart an egg-yolk color, are not used in enriched vegetable noodle products.

(b) The name of each food for which a definition and standard of identity is prescribed by this section is "Enriched ---------- noodle product," "Enriched ---------- egg noodle product," or, alternatively, the name is "Enriched ---------- noodles" or "Enriched ---------- egg noodles," "Enriched ---------- egg macaroni," "Enriched ---------- egg spaghetti," or "Enriched ---------- egg vermicelli," when the units comply with the size and shape requirements for noodles, macaroni, spaghetti, or vermicelli in § 16.6 (b), (c), (d), or (e). The blank in each instance is filled in with the name of the vegetable used, as specified in § 16.8(a).

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended; 21 U.S.C. 341, 371)

Dated: February 7, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-1428; Filed, Feb. 12, 1962; 8:46 a.m.]

PART 17—BAKERY PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Use of *L*-Cysteine in Bread; Effective Date

An order adopting a proposal to amend the standard of identity for bread (21 CFR 17.1) by adding to paragraph (a) a new subparagraph reading: "(16) *L*-cysteine, in a quantity not to exceed 0.009 part for each 100 parts by weight of flour used", was published in the FEDERAL REGISTER of December 28, 1961 (26 F.R. 12563). The order gave notice of the 30-day period within which persons adversely affected could file objections and stated that the amendment would become effective after 60 days unless it was stayed by the filing of proper objections.

No objections were filed, but questions were raised showing the need for clarification of the designation of the new optional ingredient.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is given that no objections were filed to the order amending the standard for bread to permit the optional use of *L*-cysteine. To clarify the order, subparagraph (16) is revised to read as follows:

§ 17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

(a) • • •

(16) *L*-Cysteine (which may be added in the form of the hydrochloride salt, including hydrates thereof), in a quantity not to exceed 0.009 part for each 100 parts by weight of flour used.

The amendment as revised will become effective February 26, 1962.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: February 7, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-1429; Filed, Feb. 12, 1962; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Change in Expiration Date

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for certification of chlortetracycline and chlortetracycline-containing drugs (21 CFR 146c.257) are amended as follows:

In § 146c.257 *Tetracycline-amphotericin B for oral syrup;* • • •, the last sentence of paragraph (c) (1) is changed to read: "The expiration date of the drug shall be 18 months, except that it may be 24 months if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: February 7, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-1430; Filed, Feb. 12, 1962; 8:47 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Felt-Tip Ink-Marking Devices; Exemption From Labeling Requirements

There has been submitted to the Commissioner of Food and Drugs, pursuant to section 3(c) of the Federal Hazardous Substances Labeling Act and § 191.62 of the regulations thereunder, a request to exempt from the labeling requirements of the act felt-tip ink-marking devices which contain no free liquid ink but in which the ink is totally held by an absorbent material. The petition deals with inks that are toxic substances as defined in § 191.1(f)(1), having an LD 50 single, oral dose between 500 milligrams and 5 grams per kilogram of body weight of the test animals, and which require special labeling under § 191.7 because they contain 10 percent or more of petroleum distillates. The felt-tip ink-marking devices are constructed in such a manner that the ink flows by capillary action and only through the felt writing nib. With any reasonable foreseeable handling and use, including abuse by children, the contents do not present an ingestion hazard or an aspiration hazard from the petroleum distillate.

The Commissioner therefore concludes that only a minor hazard is presented and that full compliance with the labeling requirements of section 2(p)(1) of the act and § 191.7(b)(3) of the regulations is not necessary for the adequate protection of the public health and safety. Therefore, pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority vested in the Secretary of Health, Education, and Welfare, delegated to the Commissioner (25 F.R. 8625), § 191.63 is amended by adding thereto a new paragraph (i), reading as follows:

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

• • • • •

(i) Felt-tip ink-marking devices are exempt from the labeling requirements of section 2(p)(1) of the act and § 191.7(b)(3) of these regulations insofar as such requirements would be necessary because the ink contained therein is a toxic substance as defined in § 191.1(f)(1); and/or because the ink contains 10 percent or more of petroleum distillates as defined in § 191.7(a)(4): *Provided,* That:

(1) The felt-tip ink-marking devices are of such construction that the ink is held within the device by an absorbent material so that there is no free liquid within the device, and under any reasonably foreseeable conditions of manipulation and use including reasonably foreseeable abuse by children, the ink will emerge only through the felt-tip writing nib of the device.

(2) When tested by methods described in § 191.1(f)(1) the ink does not have an LD single, oral dose of less than 2.5 grams per kilogram of body weight of the test animal.

(3) The device does not have a capacity of more than 10 grams of ink.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the Federal Hazardous Substances Labeling Act contemplates such modification of labeling requirements under certain conditions.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: February 7, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-1432; Filed, Feb. 12, 1962; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6590]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Miscellaneous Amendments

On November 4, 1961, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) under section 453 of the Internal Revenue Code of 1954 to conform the regulations to the change made by section 27 of the Technical Amendments Act of 1958 (72 Stat. 1624) was published in the FEDERAL REGISTER (26 F.R. 10450). No comments on the rules proposed having been received during the thirty-day period prescribed by the notice, the amendments of the regulations as proposed are hereby adopted.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: February 7, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) relating to section 453(d) of the Internal Revenue Code of 1954 to section 27 of the Technical Amendments Act of 1958 (72 Stat. 1624), such regulations are amended as follows:

PARAGRAPH 1. Section 1.453 is amended by adding a new paragraph (5) to section 453(d), and by adding a historical note. These added provisions read as follows:

§ 1.453 Statutory provisions; installment method.

SEC. 453. *Installment method.* • • •

(d) *Gain or loss on disposition of installment obligations.* • • •

(5) *Life insurance companies.* In the case of a disposition of an installment obligation by any person other than a life insurance company (as defined in section 801(a)) to such an insurance company or to a partnership of which such an insurance company is a partner, no provision of this subtitle providing for the nonrecognition of gain shall apply with respect to any gain resulting under paragraph (1). If a corporation which is a life insurance company for the taxable year was (for the preceding taxable year) a corporation which was not a life insurance company, such corporation shall, for purposes of this paragraph and paragraph (1), be treated as having transferred to a life insurance company, on the last day of the preceding taxable year, all installment obligations which it held on such last day. A partnership of which a life insurance company becomes a partner shall, for purposes of this paragraph and paragraph (1), be treated as having transferred to a life insurance company, on the last day of the preceding taxable year of such partnership, all installment obligations which it holds at the time such insurance company becomes a partner.

[Sec. 453 as amended by sec. 27, Technical Amendments Act 1958 (72 Stat. 1624)]

PAR. 2. Section 1.453-9 is amended by adding at the end thereof the following new paragraph:

§ 1.453-9 Gain or loss on disposition of installment obligations.

• • • • • •

(g) *Disposition of installment obligations to life insurance companies.* (1) Notwithstanding the provisions of section 453(d)(4) and paragraph (c) of this section or any provision of subtitle A relating to the nonrecognition of gain, the entire amount of any gain realized on the disposition of an installment obligation by any person, other than a life insurance company (as defined in section 801(a) and paragraph (b) of § 1.801-3), to a life insurance company or to a partnership of which a life insurance company is a partner shall be recognized and treated in accordance with section 453(d)(1) and paragraphs (a) and (b) of this section. If a corporation which is a life insurance company for the taxable year was a corporation which was not a life insurance company for the preceding taxable year, such corporation shall be treated, for purposes of section 453(d)(1) and this paragraph, as having transferred to a life insurance company, on the last day of the preceding taxable year, all installment obligations which it held on such last day. The gain, if any, realized by reason of the installment obligations being so transferred shall be recognized and treated in accordance with section 453(d)(1) and paragraphs (a) and (b) of this section. Similarly, a partnership of which a life insurance company becomes a partner shall be treated, for purposes of section 453(d)(1) and this paragraph, as having transferred to a life insurance company, on the last day of the preceding taxable year of such partnership, all installment obligations which it holds at the time such life insurance company becomes a partner. The gain, if any, realized by reason of the installment obligations being so transferred shall be recognized and treated in accordance with section 453(d)(1) and paragraphs (a) and (b) of this section.

(2) The provisions of section 453(d)(5) and subparagraph (1) of this paragraph shall not apply to losses sustained in connection with the disposition of installment obligations to a life insurance company.

(3) For the effective date of the provisions of section 453(d)(5) and this paragraph, see paragraph (f) of § 1.453-10.

(4) Application of the provisions of this paragraph may be illustrated by the following examples:

Example (1). A, an individual, in a transaction to which section 351 applies, transfers in 1961 certain assets, including installment obligations, to a new corporation, X, which qualifies as a life insurance company (as defined in section 801(a)) for the year 1961. A makes his return on the calendar year basis. Section 453(d)(5) provides that the nonrecognition provisions of section 351 will not apply to the installment obligations transferred by A to X Corporation. Therefore, the entire amount of any gain realized by A on the transfer of the installment obligations shall be recognized in 1961, with the amount of any such gain computed in accordance with the provisions of section 453(d)(1) and paragraph (b) of this section.

Example (2). The M Corporation did not qualify as a life insurance company (as defined in section 801(a)) for the taxable year 1958. On December 31, 1958, it held $60,000 of installment obligations. The M Corporation qualified as a life insurance company for the taxable year 1959. Accordingly, the M Corporation is treated as having transferred to a life insurance company, on December 31, 1958, the $60,000 of installment obligations it held on such date. The gain, if any, realized by M by reason of such installment obligations being so transferred shall be recognized in the taxable year 1958, with the amount of any such gain computed in accordance with the provisions of section 453(d)(1) and paragraph (b) of this section.

Example (3). During its taxable year 1958, none of the partners of the N partnership qualified as a life insurance company (as defined in section 801(a)). The N partnership held $30,000 of installment obligations on December 31, 1958. On July 30, 1959, the O Corporation, a life insurance company (as defined in section 801(a)), became a partner in the partnership. The N partnership held $50,000 of installment obligations on July 30, 1959. Pursuant to section 453(d)(5), the N partnership is treated as having transferred to a life insurance company, on December 31, 1958, the $50,000 of installment obligations it held on July 30, 1959. The gain, if any, realized by the N partnership by reason of such installment obligations being so transferred shall be recognized in the taxable year 1958, with the amount of any such gain computed in accordance with the provisions of section 453(d)(1) and paragraph (b) of this section.

Example (4). In 1960, the P Corporation, in a reorganization qualifying under section 368 (a), transferred certain assets (including installment obligations) to the R Corporation, a life insurance company as defined

in section 801(a). P realized a loss upon the transfer of the installment obligations, which was not recognized under section 361. Pursuant to subparagraph (2) of paragraph (c) of this section, no loss with respect to the transfer of these obligations will be recognized to P under section 453(d)(1).

PAR. 3. Section 1.453–10 is amended by adding at the end thereof the following new paragraph:

§ 1.453–10 Effective date.

. . . . . .

(f) The provisions of section 453(d)(5) and paragraph (g) of § 1.453–9 shall apply to taxable years ending after December 31, 1957, but only as to transfers or other dispositions of installment obligations occurring after such date.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 62–1443; Filed, Feb. 12, 1962; 8:48 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Interpretation of Shipping Act, 1916

Pursuant to sections 43 and 44(c) of the Shipping Act, 1916 (46 U.S.C. 842, 843(c)) and section 3(a)(3) of the Administrative Procedure Act (5 U.S.C. 1002(a)(3)), the Commission hereby promulgates the following interpretive rule, effective on publication. This interpretation is intended to be ultimately incorporated in Subpart B of this part as a substantive regulation at the conclusion of the intended rule making proceeding.

The Shipping Act, 1916, as recently amended by Public Law 87–254, precludes any oceangoing common carrier from paying freight compensation on export cargo in foreign commerce to any person who is not licensed as an independent ocean freight forwarder under section 44(a) of the Act, or authorized so to operate under a license application number. The only exception is that a carrier may pay brokerage to an ocean freight broker when, and only when, such broker serves as an intermediary between a shipper and the oceangoing common carrier, and when, and only when, he performs the function of arranging rates, terms, and conditions of carriage with respect to liquid or dry bulk cargo loaded without mark or count.

By the Commission.

THOMAS LISI,
Secretary.

FEBRUARY 7, 1962.

[F.R. Doc. 62–1449; Filed, Feb. 12, 1962; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Notice of Hearing on Proposed Regulations

The proposed amendment of regulations under section 404 of the Code, relating to mandatory use of Form 2950, was published in the FEDERAL REGISTER for January 5, 1962.

A public hearing on the provisions of this proposed amendment of the regulations will be held on Wednesday, February 28, 1962, at 10:00 a.m., e.s.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by February 26, 1962.

[SEAL] MAURICE LEWIS,
Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 62–1442; Filed, Feb. 12, 1962; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

UNITED STATES STANDARDS FOR GRADES OF CHRISTMAS TREES [1]

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Grades of Christmas Trees, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

Statement of considerations leading to the proposed revision. Revision of these standards was undertaken at the request of the grades committee of the National Christmas Tree Growers Association, other growers and State growers organizations.

The proposed revision is designed to make the standards more applicable to current growing and marketing practices. This draft includes the changes proposed by the growers and a number of other changes which are proposed in the interest of simplification and clarity of the text and definitions.

Following are the major proposed changes:

1. Requests were received to change the numerical grade classifications, U.S. No. 1 and U.S. No. 2, to U.S. Choice and U.S. Standard. It was also requested that no change be made in grade names. It is proposed, therefore, to combine the present and suggested grade designations as follows; "U.S. No. 1 or U.S. Choice" and "U.S. No. 2 or U.S. Standard".

2. "Balance", § 51.3094 in the present standards refers to faces and segments. The proposal would delete reference to "Segments" and a definition for "Face", § 51.3100 would replace the present definition.

3. A definition for "well trimmed" would be added.

4. Handle length would be changed. At present, the handle shall approximate 1¼ inches for each foot of tree height, unless otherwise specified. This would be changed to one inch for each foot of tree height.

5. Height for all trees would be changed to include the handle in the overall tree height. This proposed change would be more equitable and easier to apply than present requirements.

6. "Damage" would be changed to include all defects. At present only those defects affecting the appearance of the foliage are covered under damage. Other defects are classified as either "minor" or "noticeable deformities".

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same not later than March 31, 1962 with E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C.

The proposed standards, as revised, are as follows:

GENERAL

Sec.
51.3085 General.

GRADES

51.3086 U.S. Premium.
51.3087 U.S. No. 1 or U.S. Choice.
51.3088 U.S. No. 2 or U.S. Standard.

CULLS

51.3089 Culls.

TOLERANCES

51.3090 Tolerances.

HANDLE LENGTH

51.3091 Handle length.

SIZE

51.3092 Size.

BASIS FOR CALCULATING PERCENTAGES

51.3093 Basis for calculating percentages.

DEFINITIONS

Sec.
51.3094 Fresh.
51.3095 Clean.
51.3096 Healthy.
51.3097 Well trimmed.
51.3098 Density.
51.3099 Taper.
51.3100 Face.
51.3101 Fairly clean.
51.3102 Handle.
51.3103 Height.
51.3104 Damage.

AUTHORITY: §§ 51.3085 to 51.3104 issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

GENERAL

§ 51.3085 General.

The standards contained in this subpart are applicable to sheared or unsheared trees of the coniferous species which are normally marketed as Christmas trees. The large majority of the Christmas trees marketed are one of the following species: Douglas fir (Pseudotsuga Menziesii); Balsam fir (Abies balsamea); Black spruce (Picea mariana); Eastern Red cedar (Juniperus virginiana); White spruce (Picea glauca); Scotch pine (Pinus sylvestris); Norway spruce (Picea excelsa); Red pine (Pinus resionsa); Eastern White pine (Pinus strobus); and Red spruce (Picea rubens).

GRADES

§ 51.3086 U.S. Premium.

"U.S. Premium" consists of trees possessing the characteristics typical of the species, which are fresh, clean, healthy, well trimmed, of not less than medium density, with normal taper, and each of the four faces are free from damage by any cause.

§ 51.3087 U.S. No. 1 or U.S. Choice.

"U.S. No. 1 or U.S. Choice" consists of trees possessing the characteristics typical of the species, which are fresh, clean, healthy, well trimmed, of not less than medium density, with normal taper, and with three faces which are free from damage by any cause.

§ 51.3088 U.S. No. 2 or U.S. Standard.

"U.S. No. 2 or U.S. Standard" consists of trees possessing the characteristics typical of the species, which are fresh, fairly clean, healthy, well trimmed, of light or better density, candlestick, normal or flaring taper, and with two adjacent faces which are free from damage by any cause.

§ 51.3089 Culls.

"Culls" consist of individual Christmas trees which fail to meet the requirements of the U.S. No. 2 or U.S. Standard Grade.

§ 51.3090 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades the following tolerances, by count, shall apply

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

when a lot of Christmas trees is required to meet a specific grade.

(a) *Defects.* 10 percent for trees which fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for trees which fail to meet the requirements of the next grade lower than that specified.

§ 51.3091 Handle length.

Unless otherwise specified, the length of the handle shall approximate one inch for each foot of the tree height.

SIZE

§ 51.3092 Size.

(a) Size of trees shall be stated in terms of height in feet. The following are examples of size designations:

4 feet or less.
4–6 feet.
6–7 feet or 6–8 feet.
7–8 feet.
8–10 feet.
10 feet and up.

(b) In order to allow for variations incident to proper sizing, not more than 10 percent, by count, of the trees in any lot may fail to meet the height specified.

BASIS FOR CALCULATING PERCENTAGES

§ 51.3093 Basis for calculating percentages.

Percentages shall be calculated on the basis of count using the individual tree as the unit.

DEFINITIONS

§ 51.3094 Fresh.

"Fresh" means that the needles are pliable and generally firmly attached with not more than slight shattering.

§ 51.3095 Clean.

"Clean" means that the tree is practically free from moss, lichen growth, vines or other foreign material.

§ 51.3096 Healthy.

"Healthy" means that the foliage possesses a thrifty, fresh, natural appearance characteristic of the species.

§ 51.3097 Well trimmed.

"Well trimmed" means that all barren branches below the first whorl of branches shall have been removed, and that the butt of the trunk has been smoothly cut at approximately right angles to the trunk.

§ 51.3098 Density.

"Density" means the amount of foliage present. Factors contributing to the degree of density are: The number and size of branches within the whorl, distance between whorls, number and arrangement of branchlets on each branch, the extent of internodal branching, needle arrangement and needle length. Species differ in their habit of growth and some species do not have internodal branches. Density is judged on the basis of species characteristics.

§ 51.3099 Taper.

"Taper" means the relationship of the width of the tree to its height. "Flaring", "normal", and "candlestick" taper are the terms used to describe degrees of taper. Flaring taper means, for trees other than the genus Pinus, that the general shape of the tree judged from its best side, forms a cone the base of which is more than 70 percent of its height, and for the genus Pinus, the base of the cone is more than 90 percent of its height. If the base of the cone, of trees other than the genus Pinus, is from 40 to 70 percent, and for the genus Pinus, is from 40 to 90 percent, the tree has normal taper. If the base of the cone is less than 40 percent of its height, the tree has candlestick taper.

§ 51.3100 Face.

"Face" means the visible surface area of a tree as viewed from a distance of 8 to 10 feet from the tree. A tree shall be considered as having four faces, each consisting of one-quarter of the surface area of the tree.

§ 51.3101 Fairly clean.

"Fairly clean" means that the tree is moderately free from moss, lichen growth, vines or other foreign material.

§ 51.3102 Handle.

"Handle" means that portion of the trunk between the butt or base of a tree and the lowest complete whorl of foliated branches.

§ 51.3103 Height.

"Height" for all trees means the distance from the butt or base of the trunk to the top of the main leader or stem.

§ 51.3004 Damage.

"Damage" means any specific noticeable defect described, or listed in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance or shipping quality of the Christmas trees.

The following are noticeable defects which generally affect one or more faces and are usually readily observed by casual observation of a tree:

(a) Decided gap (abnormal space between whorls of branches).
(b) Unduly long branches.
(c) Uneven density.
(d) Weak branches.
(e) Broken branches.
(f) Barren lower whorl (no needles on branches of bottom whorl).
(g) Curved stems.
(h) Hole in tree (lack of branches or foliage and appears as an opening of considerable size).
(i) Excessively long main leader (when the main leader or stem above the top whorl of branches is not proportionate to the over-all tree height).
(j) Incomplete whorl of branches.
(k) Handle not proportionate to height of tree.

The following are defects which individually or in combination with other defects may materially detract from the appearance or shipping quality of a tree to the same degree as the noticeable defects listed above.

(a) Multiple leaders.
(b) Crows nest (cluster of short branches which forms a compact nest type whorl arrangement).
(c) Multiple main stems.
(d) Goose neck. (Greater than usual distance between 2 whorls of branches).
(e) Noticeable presence of galls on the branches.
(f) Abnormal loss of needles.
(g) Abnormal curling of needles.
(h) Noticeable presence of dead twigs.
(i) Moss, lichen, and vines.
(j) Foreign material.

Dated: February 6, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-1433; Filed, Feb. 12, 1962; 8:47 a.m.]

Agricultural Research Service

[9 CFR Part 18]

RE-INSPECTION AND PREPARATION OF PRODUCTS

Proposed Amendment Relating to the Nitrate Content of Cured Meat

Correction

In F.R. Doc. 62-1301 appearing at page 1174 of the issue for Thursday, February 8, 1962, paragraph (k) of § 18.7 is corrected by changing the first sentence to read as follows:

(k) The use of sodium nitrite, potassium nitrite, sodium nitrate or potassium nitrate, or combination of nitrite and nitrate, shall not result in the presence of more than 200 parts per million of nitrite and 500 parts per million of nitrate in the finished product. • • •

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 141c, 146, 146c]

PYRROLIDINOMETHYL TETRACYCLINE

Notice of Proposal To Change Name to Rolitetracycline

The regulations for tetracycline and tetracycline-containing drugs use the name "pyrrolidinomethyl tetracycline" for *N*-(pyrrolidinomethyl) tetracycline. It has come to the attention of the Commissioner of Food and Drugs that the name "rolitetracycline" has been generally adopted for this antibiotic drug. The Commissioner has concluded that in order to prevent confusion in the medical literature and avoid having the same drug sold under different names, appropriate changes should be made under section 507 of the Federal Food, Drug, and Cosmetic Act to recognize "rolitetracycline" as the common or usual name for this drug.

Therefore, under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 507(b), 59 Stat. 463; 21 U.S.C. 357 (b)), delegated to him by the Secretary of Health, Education, and Welfare (26 F.R. 8625), the Commissioner proposes to amend the applicable sections of Parts 141c, 146, and 146c to require that "rolitetracycline" be used as the name for this drug.

All interested persons are invited to present their views in writing regarding this proposal to the Hearing Clerk, Department of Health, Education, and Welfare, Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be filed in quintuplicate.

Dated: February 6, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-1427; Filed, Feb. 12, 1962; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-LA-66]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to §§ 600.6210 and 601.6210 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 210 extends from Los Angeles, Calif., to Pueblo, Colo., and from Kansas City, Mo., to Harrisburg, Pa. The FAA has under consideration the revocation of the south alternate and its associated control areas between Goffs, Calif., and Tuba City, Ariz. Two recent traffic surveys indicate no instrument flight rule traffic on this segment of the airway during the area's most active periods. In addition, the area between Goffs and Tuba City is apparently adequately served by Victor 210. It would appear, therefore, that retention of this segment of the airway is unjustified as an assignment of airspace.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 6, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1414; Filed, Feb. 12, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-HO-6]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Withdrawal of Proposal

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 61-HO-6 on May 19, 1961 (26 F.R. 4366), it was stated that the Federal Aviation Agency proposed to revoke Amber Federal airway No. 11 (Hawaiian Islands), its associated control areas and reporting points. Comments in response to the notice have indicated a continuing requirement for Amber 11, for an indefinite period of time.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the proposal contained in Airspace Docket No. 61-HO-6 is withdrawn.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Washington, D.C., on February 6, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1415; Filed, Feb. 12, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-WA-219]

POSITIVE CONTROL AREAS

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 601 of the Regulations of the Administrator, the substance of which is stated below.

Positive control areas are designated areas, within the continental control area, wherein positive separation to both en route and diversified local aircraft operations is provided in accordance with the provisions of Special Civil Air Regulation No. SR-424C.

The FAA has under consideration the designation of a positive control area, within the continental control area, encompassing the approximate area of radar coverage of the Sacramento, Oakland, and Paso Robles, Calif., long range radar facilities and extending from Flight Level 240 to Flight Level 600 inclusive. By definition, the ceiling of any positive control route segments which would underlie the proposed positive control area, would automatically be raised from 22,000 feet MSL to, but not including, flight level 240.

The military conducts a large number of tactical and training operations in this airspace. For the most part, these operations have been conducted in the past in accordance with Visual Flight Rules. It is anticipated that the implementation of positive control in the Oakland area will have a considerable operational impact on this hitherto uncontrolled activity. Air traffic control procedural arrangements are being developed to provide for the military and flight test activity. Prior to the implementation of area positive control in the Oakland airspace, a series of live tests will be run by the Oakland air route traffic control center in cooperation with the appropriate military units. It is expected that these tests will aid in the development of local procedural arrangements for the successful conduct of training, tactical and flight test activities.

If this action is taken, the Oakland positive control area would be designated starting at a point on the Continental Control Area Boundary, latitude 40°10'00" N., longitude 124°20'00" W.; thence to latitude 40°45'00" N., longitude 123°00'00" W.; thence to latitude 40°45'00" N., longitude 119°35'00" W.; thence to latitude 39°35'00" N., longitude 119°15'00" W.; thence to latitude 36°00'00" N., longitude 118°45'00" W.; thence to latitude 36°00'00" N., longitude 119°30'00" W.; thence to latitude 35°43'00" N., longitude 119°33'00" W.; thence to latitude 35°49'00" N., longitude 120°04'00" W.; thence to latitude 35°27'00" N., longitude 120°20'00" W.; thence to latitude 35°22'00" N., longitude 120°30'00" W.; thence to latitude 35°32'00" N., longitude 120°51'00" W.; thence to latitude 35°26'40" N., longitude 121°04'10" W.; thence via the boundary of the continental control area to the point of beginning.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be

made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 8, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1436; Filed, Feb. 12, 1962; 8:48 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-FW-41]

CONTROLLED AIRSPACE

Proposed Designation of Control Zone and Transition Area; and Proposed Alteration of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a control zone and transition area at Jackson, Tenn. The proposed control zone would be designated within a 5-mile radius of McKellar Field, Jackson, Tenn. (latitude 35°35'55" N., longitude 88°54'-55" W.), and within 2 miles either side of the 022° True bearing from the Martin, Tenn., radio beacon, extending from the 5-mile radius zone to the radio beacon. Communications and weather services would be furnished on a 24 hour basis daily by the FAA communications station at McKellar Field. This control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at McKellar Field.

The proposed Jackson transition area would be designated to extend upward from 1,200 feet above the surface within the area bounded on the south by VOR Federal airway No. 16, on the west by VOR Federal airway No. 11 east alternate, on the north by VOR Federal airway No. 140 south alternate and on the east by VOR Federal airway No. 16 north alternate. This would provide protection for arriving and departing aircraft in transition to and from McKellar Field and the Jacks Creek, Tenn., VOR. This transition area, as proposed, would encompass a portion of the Memphis, Tenn., control area extension (§ 601.1086) in the vicinity of McKellar Field. This portion of the Memphis control area extension would be revoked upon adoption of the transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street NW., Atlanta 3, Ga. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 7, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1413; Filed, Feb. 12, 1962; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61-WA-230]

JET ADVISORY AREAS

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.200 of the Regulations of the Administrator, the substance of which is stated below.

Jet Route No. 91 presently extends in part from the Knoxville, Tenn., VORTAC to the Charleston, W. Va., VORTAC. The Federal Aviation Agency has under consideration the designation of an en route radar advisory area within 16 statute miles either side of this segment of Jet Route No. 91 from flight level 310 to flight level 390 inclusive. The radar jet advisory area proposed herein would provide a defined area along this route wherein jet advisory service would be provided to civil turbojet aircraft.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 6, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1416; Filed, Feb. 12, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation has filed an application, Serial No. W-04258, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws and general mining laws, but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for right of way for the Columbia River Wasteway, to release water from the West Canal of the Columbia Basin Project to the Columbia River.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Room 880 Bon Marche Building, Spokane 1, Washington.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, WASHINGTON

T. 19 N., R. 23 E.,
Sec. 18, NE¼NW¼NE¼.

The area described contains 10 acres.

The Bureau of Land Management will continue to manage the mineral leasing, grazing and recreational resources of this land.

FREMONT W. MEREWETHER,
Acting Officer in Charge.

[F.R. Doc. 62-1424; Filed, Feb. 12, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181.1 the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the list previously published under the Act (27 F.R. 991) for January and represents those establishments and species which were reported too late to be included in the earlier list or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier list was based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AD			(*)			
Do.	2AG	(*)					
Do.	2AU	(*)					
Do.	2B	(*)	(*)			(*)	
Do.	2F	(*)	(*)	(*)	(*)		
Do.	2HT	(*)	(*)				
Do.	2RD	(*)	(*)	(*)	(*)	(*)	
Swift and Co.	3A	(*)	(*)	(*)		(*)	
Do.	3AF	(*)	(*)				
Do.	3AW	(*)				(*)	
Do.	3CC	(*)		(*)			
Do.	3F	(*)	(*)	(*)	(*)	(*)	
Do.	3FF	(*)	(*)	(*)		(*)	
Do.	3K	(*)	(*)				
Do.	3NN	(*)	(*)	(*)		(*)	
Do.	3UU	(*)	(*)	(*)		(*)	
Lykes Bros., Inc.	8					(*)	
Do.	8B	(*)					
Pauly Packing Co., Inc.	10	(*)					
Hygrade Food Products Corp.	12	(*)	(*)	(*)		(*)	
John Morrell and Co.	17D	(*)		(*)		(*)	
C. Finkbeiner, Inc.	18	(*)				(*)	
The Cudahy Packing Co. of Nebraska	19E	(*)	(*)			(*)	
Wilson and Co., Inc.	20A	(*)				(*)	
Swift and Co.	23	(*)		(*)			
Brander Meat Co.	25	(*)	(*)	(*)	(*)	(*)	
Roegelein Provision Co.	32	(*)	(*)			(*)	
Montana Packing Co., Inc.	37	(*)	(*)	(*)			
Pocomoke Provision Co.	39	(*)	(*)	(*)			
Hill Packing Co.	41E						(*)
Stark Wetzel and Co., Inc.	44	(*)					
Do.	44A					(*)	
Nevada Meat Packing Co.	52	(*)	(*)	(*)		(*)	
Glover Packing Co. of Amarillo	60	(*)					
Selkirk Realty Co.	65					(*)	
Somerville Packing Co.	66					(*)	
Minchs Wholesale Meats, Inc.	72	(*)	(*)	(*)		(*)	
Eastern Packing Co.	74E						(*)
The Cudahy Packing Co.	81	(*)	(*)			(*)	
Hill Packing Co.	83E						(*)
Utica Veal Co., Inc.	88	(*)					
John Engelhorn and Sons	97					(*)	
Armour and Co.	100	(*)	(*)	(*)			
Liberty Packing Co.	101	(*)	(*)				
West Coast Meat Co., Inc.	117	(*)	(*)	(*)			
Wilson and Co., Inc.	119	(*)	(*)	(*)			
Marhoefer Packing Co., Inc.	121	(*)				(*)	
Armour and Co.	139	(*)	(*)	(*)	(*)	(*)	
R. H. Rice Sausage Co., Inc.	144					(*)	
Kansas City Dressed Beef Co.	156	(*)					
Cornland Dressed Beef, Inc.	157	(*)					
Missouri Farmers Assn. Packing Division.	159	(*)				(*)	
Do.	159A	(*)					
Joel E. Harrell and Son, Inc.	162	(*)				(*)	
John Morrell and Co.	196					(*)	
United Fryer and Stillman, Inc.	198	(*)					
George A. Hormel & Co.	199A	(*)					
Do.	199D					(*)	
S. Adams Packing Co.	211	(*)	(*)				
Gwaltney, Inc.	221A					(*)	
Hygrade Food Products Corp.	224B	(*)	(*)	(*)		(*)	
Walti Schilling and Co., Inc.	235	(*)	(*)	(*)			
The Jones Dairy Farm	263					(*)	
Pacific Meat Co., Inc.	267	(*)	(*)	(*)		(*)	
Houston Packing Co.	271	(*)	(*)			(*)	
American Stores Co.	279	(*)		(*)			
Figge and Hutzelker Co.	283					(*)	
Solano Meat Co.	285	(*)	(*)	(*)			
San Jose Meat Co.	291	(*)	(*)	(*)			
Commercial Packing Co., Inc.	302	(*)					
Survall Packing Co.	307	(*)					
Greater New York Packing Co., Inc.	317A					(*)	
Stadler Packing Co., Inc.	320	(*)				(*)	
Turlock Meat Co.	325	(*)	(*)				
C. and M. Meat Packing Corp.	329	(*)	(*)				
Great Western Packing Co., Inc.	334	(*)					
State Packing Co., Inc.	344	(*)					
Ansa Packing Co.	345	(*)	(*)	(*)			
Union Packing Co.	351	(*)					
Samuels E. Tex Packing Co.	353	(*)					
Fresno Meat Packing Co.	354	(*)					
McCandless Pack Co., Inc.	355	(*)					
Marks Meat Co.	362	(*)					
United Dressed Beef Co.	364	(*)	(*)			(*)	
James Allan and Sons	365	(*)		(*)	(*)		

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Westport Packing Corp	360	(*)					
Emge Packing Co., Inc	380	(*)	(*)			(*)	
Smithfield Packing Co., Inc	382					(*)	
Oldhams Farm Sausage Co., Inc	392						
Watsonville Dressed Beef, Inc	398	(*)	(*)				
Superior Packing Co	399	(*)					
Los Banos Abattoir	400	(*)	(*)				
Neuhoff Bros	406	(*)	(*)			(*)	
Lone Star Packing Co	433	(*)	(*)				
Omaha Dressed Beef Co., Inc	441	(*)				(*)	
Del Curto Meat Co	445	(*)	(*)	(*)		(*)	
Swift and Co	450					(*)	
Pioneer Boneless Beef, Inc	461	(*)					
Litvak Packing Co	465	(*)					
Becwar Packing Co	467	(*)	(*)			(*)	
Eldridge Packing Co	478	(*)					
Memphis Butchers Association, Inc	488	(*)	(*)	(*)	(*)	(*)	
Nebraska Beef Co	489	(*)					
Goldring Packing Co., Inc	490	(*)		(*)			
Heim Brothers Packing Co	499	(*)				(*)	
Greenlee Packing Co	501	(*)					
Swift and Co	505	(*)					
Frosty Morn Meats	507	(*)	(*)				
Capitol Packing Co	513	(*)	(*)	(*)			
Armour and Co	528	(*)	(*)				
Rosenthal Packing Co., Inc	535	(*)		(*)	(*)		
Pepper Packing Co	536	(*)				(*)	
United Dressed Meats, Inc	546	(*)	(*)			(*)	
Pride Packing Co., Inc	549	(*)	(*)				
Piute Packing Co	550	(*)					
Salter Packing Co	551	(*)					
Black Hills Packing Co	554	(*)				(*)	
Mid South Packers, Inc	557	(*)				(*)	
The Cudahy Packing Co	559	(*)	(*)			(*)	
D and W Packing Co	560	(*)					
Texas Meat Packers, Inc	565	(*)	(*)			(*)	
Armour and Co	579	(*)					
Stahl Meyer, Inc	583	(*)					
Dukeland Packing Co., Inc	585	(*)	(*)	(*)			
Swift and Co	591	(*)	(*)	(*)		(*)	
Harman Packing Co	596	(*)					
San Antonio Packing Co	602	(*)		(*)	(*)		
Central Packing Co	606	(*)					
Kummer Packing Co	617	(*)	(*)	(*)		(*)	
Acme Meat Co., Inc	618	(*)					
Hill Packing Co	623						(*)
E. A. Miller and Sons Packing Co., Inc	628	(*)					
Ebner Bros. Packers	633	(*)	(*)			(*)	
Wilson and Co., Inc	655	(*)		(*)			
Quality Meat Packing Co	661	(*)	(*)				
Scottsbluff Packing Co	667	(*)		(*)			
San Joaquin Packing Co	671	(*)					
Colville Meats, Inc	679	(*)	(*)	(*)		(*)	
Armour and Co	680	(*)	(*)			(*)	
Nations Brothers Packing Co	684	(*)	(*)			(*)	
Marco Packing Co	692	(*)	(*)				
Bryan Meat Co	693	(*)	(*)				
Central Nebraska Packing Co	713						(*)
Coast Packing Co	724					(*)	
Swift and Co	726	(*)	(*)	(*)		(*)	
Decker and Son	727					(*)	
Mid State Meat Co	741	(*)	(*)				
Ruchti Bros	749	(*)					
Cadwell Martin Meat Co	774	(*)					
Atlas Packing Co	775	(*)					
Bryan Brothers Packing Co	780	(*)	(*)			(*)	
Granite State Packing Co	785	(*)	(*)				
McFarland, Inc	811	(*)		(*)		(*)	
Home Packing Co	823	(*)	(*)			(*)	
Bristol Packing Co	828	(*)	(*)				
Berchems Meat Co	830	(*)					
John Morrell and Co	836	(*)					
Nat Buring Packing Co. of Arkansas, Inc	837	(*)				(*)	
Reelfoot Packing Co	840	(*)	(*)	(*)	(*)	(*)	
Jordan Meat & Livestock Co	858	(*)	(*)	(*)	(*)	(*)	
Gunsberg Beef Co	867	(*)					
Samuels & Co., Inc	878	(*)	(*)	(*)	(*)		
Walden Packing Co., Inc	886	(*)					
Sambol Packing Co	892	(*)	(*)				
Meats, Inc	899	(*)					
Sigman Meat Co., Inc	901	(*)				(*)	
Hoosier Veterinary Laboratories, Inc	912					(*)	
National Meat Packers, Inc	917	(*)	(*)			(*)	
Peoples Packing Co	925	(*)	(*)	(*)	(*)	(*)	
E. B. Manning and Son	934	(*)				(*)	
Wilson and Co., Inc	940	(*)	(*)				
Whitehall Packing Co	946	(*)					
Joe Doctorman and Son Packing Co., Inc	949	(*)	(*)	(*)			
Virginia Packing Co., Inc	963	(*)	(*)	(*)			
Earl Flick Wholesale Meats, Inc	965	(*)					
Greely Capitol Packing Co	969	(*)		(*)			
Perlin Packing Co., Inc	974	(*)	(*)	(*)			
National Food Stores, Inc	981	(*)					
Reitz Meat Products Co	983	(*)				(*)	
Eagle Packing Co	987	(*)					
The Klarer Co	995	(*)	(*)				
Do	995	(*)				(*)	
Clover Packing Co., Inc	1005	(*)	(*)				
Valley Meat Co	1009	(*)		(*)			
The Harris Packing Co	1175					(*)	
Nebraska Meat Packers, Inc	1307	(*)					
P & H Packing Co., Inc	1313	(*)	(*)				
Nebraska Iowa Dressed Beef Co	1318	(*)					
Swift and Co	249	(*)				(*)	

Done at Washington, D.C., this 8th day of February 1962.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62-1445; Filed, Feb. 12, 1962; 8:48 a.m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

February 1962 Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6989), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during February 1962, were announced today by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), peanuts, wheat, rice (rough), corn, oats, barley, rye, grain sorghums, and gum turpentine.

Shelled peanuts have been withdrawn for unrestricted use sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities except oats currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for special export sale under the CCC Export Credit Sales Program. The following commodities are currently eligible for barter: Nonfat dry milk, butter, cotton, tobacco, rice (Pearl rough), wheat, corn, rye, barley, and grain sorghums. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for February 1962 are 3⅝ percent for periods up to 6 months, 4⅛ percent for periods from over 6 and up to 18 months, and 4⅝ percent for periods from over 18 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

Notice to buyers. Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the ASCS Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS Office promptly upon appearance and therefore generally they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of International Programs (the Bureau of Foreign Commerce until Aug. 9, 1961), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Programs.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of, (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for reexport of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirements for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Programs or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in store at storage location of products. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland ASCS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati ASCS Commodity Office.
Butter	Domestic, unrestricted use: Announced prices, under LD-29 as amended: 65.75 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 65.0 cents per pound—Washington, Oregon, and California. All other States 64.75 cents per pound. Export, competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Offices. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any butter offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.
Nonfat dry milk	Domestic, unrestricted use: Announced prices, under LD-29 as amended: Spray process, U.S. extra grade, 17.40 cents per pound. Roller process, U.S. extra grade, 15.40 cents per pound. Export, competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati and Portland ASCS Commodity Offices. Announced prices under LD-35: When sales are made under LD-33, as amended, above any nonfat dry milk offered but not sold under the invitation to bid will be offered for sale through the following Monday at prices announced in Washington each Tuesday.
Cheddar cheese (standard moisture basis).	Domestic, unrestricted use: Announced prices under LD-29 as amended: 39.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 38.75 cents per pound. Export, competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Office. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any cheese offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.
Cotton, upland	Domestic, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-16 (sale of Upland cotton for unrestricted use). Under this Announcement, upland cotton acquired under price support programs will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price plus reasonable carrying or (b) the market price of such cotton, as determined by CCC. Export, CCC Credit Sales: Competitive bid under the terms and conditions of Announcements CN-EX-14 (acquisition of cotton for export under Credit Sales Program) and NO-C-17 (sale of Upland cotton (for credit sales)). Cotton to be sold at the highest price offered but in no event at less than the higher of (a) 105 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC, less in either case an amount equal to the payment-in-kind cotton export payment rate in effect on the date of the acceptance of an offer.

Commodity	Sales price or method of sale
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcement NO-C-6 (revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements extra long staple cotton will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.
Catalogs	Catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans ASCS Commodity Office.
Wheat, bulk	Domestic, unrestricted use: Market price basis in store,[1] but not less than 1961 applicable support price for the class, grade, and quality of the wheat plus the amount shown below applicable to the type of carrier involved.

Unit	Received by—		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
	Cents	*Cents*			
Wheat (commercial area)[2] Bushel	24	20	Chicago	No. 1 RW	$2.29
			Minneapolis	No. 1 DNS	2.36
			Kansas City	No. 1 HW	2.29
			Portland	No. 1 SW	2.19

Wheat	Export: (1) Under Announcement GR-345 (revised June 30, 1960), as amended for redemption of certificates under export payment-in-kind program, (2) under Announcement GR-212 (revision 2, Jan. 9, 1961), for specified offerings as announced and (3) as wheat under Announcement GR-261 (revision 2, Jan. 9, 1961), or as flour under Announcement GR-262 (revision 2, Jan. 9, 1961), for application under arrangements for barter which permits exportation of wheat as flour and approved credit sales only at prices determined daily. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.
Corn, bulk	Domestic and export: Redemption of 1961 Feed Grain Program Certificates: Until further notice CCC dispositions of storable corn for domestic unrestricted use and for export, excluding sales under GR-368 and GR-212, will be in redemption of certificates or rights represented by pooled certificates under the 1961 Feed Grain Program. Such redemptions will be made at applicable market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of corn that will be made available for redemption. CCC also reserves the right to restrict the availability of corn at any location whenever such action is deemed necessary. For information on the availability of such grain from bin sites, contact ASCS State or county offices. For information on the availability of such grain from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, or Portland ASCS Commodity Offices. Other export sales:[3] Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangements for barter, approved credit and emergency sales. CCC reserves the right to determine the class, grade, quality and quantity to be made available for sale under these announcements. Available, Evanston, Dallas, Kansas City, Minneapolis and Portland ASCS Commodity Offices. Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county office. At other locations through the ASCS Commodity Offices indicated above.

See footnotes at end of table.

Commodity	Sales price or method of sale
Oats, bulk	Domestic—Storable: A. General sales: Market price basis in store,[1] but not less than 105 percent of the applicable 1961 support price,[4] for the class, grade, and quality of the amount shown below applicable to the storage point involved. For grain in store at other than the point of production the freight from point of production to the present point of storage will also be added.

Unit	In store at—		Examples of minimum prices (exrail or barge)		
	Point of production	Other point	Terminal	Class and grade	Price
	Cents	*Cents*			
Oats Bushel	10	12	Chicago	No. 3	[5] $0.87½

	Available: At other than bin site locations through the Evanston, Dallas, and Kansas City ASCS Commodity Offices. Storable oats will not be available for sale by the Minneapolis ASCS Commodity Office. From bin sites through ASCS county offices for unrestricted use, except that sales of storable oats at bin site locations shall be available only under the Livestock Feed Program and to stockmen and livestock, including poultry, owners who use this grain for feeding their livestock and poultry, if such oats are stored in Livestock Feed Program emergency counties, or in such other counties as may be designated by the ASCS State committee in States in which Livestock Feed Program emergency counties have been designated. B. Redemption of 1961 Feed Grain Program Certificates: Until further notice, CCC will redeem rights represented by pooled certificates under the 1961 Feed Grain Program at market prices and at restricted points of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of oats that will be made available for redemption. CCC also reserves the right to restrict the availability of oats for such redemption, at any location whenever such action is deemed necessary. Available: Portland ASCS Commodity Office. Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS County Offices. At other locations through the ASCS Commodity Offices indicated on the preceding page.
Barley, bulk	Domestic—Storable: A. General sales: Market price basis in store,[1] but not less than 105 percent of the applicable 1961 support price [4] for the class, grade, and quality of the grain plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.

Unit	Received by—		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
	Cents	*Cents*			
Barley Bushel	11	9	Minneapolis	No. 2 or better	$1.30

	Available: At bin sites through ASCS county offices, except for county offices in the Minneapolis ASCS Commodity Office area. At other than bin site locations through the Evanston, Dallas, and Kansas City ASCS Commodity Offices.

Commodity	Sales price or method of sale
Barley, bulk (continued)	Domestic—Storable—Continued B. Redemption of 1961 Feed Grain Program Certificates: Until further notice, CCC will redeem rights represented by pooled certificates under the 1961 Feed Grain Program at market prices and at restricted points of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of grain delivered in redemption of such rights. CCC also reserves the right to restrict the availability of barley for such redemption, at any locations whenever such action is deemed necessary. Available: At other than bin site locations through the Portland and Minneapolis ASCS Commodity Offices. From bin sites through ASCS county offices in the Minneapolis area for unrestricted use, except that sales of storable feed barley at bin site locations shall be available only under the Livestock Feed Program and to Stockmen and livestock, including poultry, owners who use this grain for feeding their livestock and poultry, if such barley is stored in Livestock Feed Program emergency counties, or in such other counties as may be designated by the ASCS State committee in States in which Livestock Feed Program emergency counties have been designated. Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS County Offices. At other locations through the ASCS Commodity Offices indicated on preceding page. Export: Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961) for application to arrangement for barter, approved credit and emergency sales. Available: Evanston, Dallas, and Kansas City ASCS Commodity Offices. Also Minneapolis ASCS Commodity Office as available in terminal location in Minneapolis area.
Rye, bulk	Domestic, unrestricted use: Storable: Market price basis in store,[1] but not less than 105 percent of the applicable 1961 support price [4] for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.

Unit	Received by—		Examples of minimum prices (exrail or barge)[7]		
	Truck	Rail or barge	Terminal	Class and grade	Price
	Cents	*Cents*			
Rye Bushel	12	9	Minneapolis	No 2. or better (or No. 3 on TW only).	$1.40

	Available: At bin sites through ASCS County Offices. At other locations through the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. Nonstoreable (as available): At not less than market price as determined by CCC, through the ASCS Commodity Offices indicated above. Export: Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangement for barter, approved credit and emergency sales. Available: Evanston, Dallas, Kansas City, and Portland ASCS Commodity Offices, also Minneapolis ASCS Commodity Office as available in terminal location in Minneapolis area.

Commodity	Sales price or method of sale
Grain sorghums, bulk	Domestic and export: Redemption of 1961 Feed Grain Program Certificates: Until further notice CCC dispositions of storable grain sorghums for domestic unrestricted use and for export, excluding sales under GR-368 and GR-212, will be in redemption of certificates or rights represented by pooled certificates under the 1961 Feed Grain Program. Such redemptions will be made at the applicable market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of grain sorghums that will be made available for redemption. CCC also reserves the right to restrict the availability of grain sorghums at any location whenever such action is deemed necessary. For information on the availability of such grain from bin sites, contact ASCS State or county offices. For information on the availability of such grain from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, or Portland ASCS Commodity Offices. Other export sales:[3] Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961) for application to arrangements for barter and approved credit and emergency sales. CCC reserves the right to determine the class, grade, quality and quantity to be made available for sale under these announcements. Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS County Offices. At other locations through the ASCS Commodity Offices indicated above.
Rice, rough	Domestic, unrestricted use: Market price but not less than 105 percent of the applicable 1961 support price plus 31 cents per hundredweight, basis in store.
Rice, rough (as available)	Export: As milled or brown under Announcement GR-369 (revision 1, Feb. 1, 1961), as amended, Rice Export Program Payment-in-Kind, and under GR-379 (revision 1, May 1, 1961), for approved credit sales. California Pearl rice only for application to approved barter contracts under GR-379. Price, quantities, and varieties of rough rice available from Dallas and Portland ASCS Commodity Offices.
Peanuts, shelled and unshelled, farmers' stock (as available).	Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (revised, Jan. 4, 1962), as amended.
Gum turpentine (bulk in tanks)	Domestic, unrestricted use: Competitive offers for unrestricted use, bulk in storage tanks, subject to Announcement TB-21-61 and supplements thereto. Available through Naval Stores Branch, Tobacco Division, ASCS, U.S. Department of Agriculture.

[1] On bin site sales such delivery basis shall be f.o.b. buyers conveyance at the bin site.

[2] Noncommercial producing area wheat shall be on the same basis as commercial producing area wheat except increase applicable support price by 33 percent.

[3] The statutory minimum price for corn referred to in the price adjustment provision of these export announcements is as follows for corn in store: (a) For corn delivered at point of production such price is 105 percent of the applicable 1961 support price plus 8 cents per bushel. (b) For corn delivered at other than the point of production such price is 105 percent of the applicable 1961 support price at point of production plus 11 cents per bushel and the rail freight from the point of production to the delivery point. Approximate origin loan rates and approximate freight rates will be used by CCC if determined necessary.

[4] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight for grain stored at other than the point of production.

[5] Includes paid in freight from Woodford County, Ill.

[6] The statutory minimum price for grain sorghums referred to in the price adjustment provisions of these export announcements is as follows for grain sorghums in store: (a) For grain sorghums received by truck such price is 105 percent of the applicable 1961 support price plus 23 cents per hundredweight. (b) For grain sorghums received by rail or barge such price is 105 percent of the applicable 1961 support price plus 17 cents per hundredweight. If delivery is outside the area of production applicable freight will be added to the price for rail or barge received grain sorghums. Approximate freight rates will be used by CCC if determined necessary.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

Cincinnati: Cincinnati ASCS Commodity Office, 222 East Central Parkway, Cincinnati 2, Ohio. Telephone: Dunbar 1-2200.

Dallas: Dallas ASCS Commodity Office,[1] 500 South Ervay Street, Dallas 1, Tex. Telephone: Riverside 8-5611.

Evanston: Evanston ASCS Commodity Office,[1] 2201 Howard Street, Evanston, Ill. Telephone: Long distance—University 9-0600 (Evanston Exchange). Local—Rogers Park 1-5000 (Chicago, Ill.)

Kansas City: Kansas City ASCS Commodity Office,[1] 560 Westport Road, (P.O. Box 205) Kansas City 41, Mo. Telephone: Valentine 1-7104.

Minneapolis: Minneapolis ASCS Commodity Office,[1] 6400 France Avenue, South Minneapolis 10, Minn. Telephone: Walnut 7-7311.

New Orleans: New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans 16, La. Telephone: 529-2411.

Portland: Portland ASCS Commodity Office,[1] 1218 Southwest Washington Street, Portland 5, Oreg. Telephone: Capitol 6-3361.

Cotton Products and Export Operations Office, New York City: 80 Lafayette Street, New York 13, N.Y. Telephone: Rector 2-8000.

Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York 13, N.Y. Telephone: Rector 2-8000.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Balboa Building, 593 Market Street, San Francisco 4, Calif. Telephone: Sutter 1-3179.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427)

Signed at Washington, D.C., on February 7, 1962.

EMERY E. JACOBS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-1409; Filed, Feb. 12, 1962; 8:45 a.m.]

Office of the Secretary

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the following counties in the State of Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Falls.	Limestone.
Jones.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

[1] Grain Offices.

Done at Washington, D.C., this 8th day of February 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-1446; Filed, Feb. 12, 1962; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN EXPORT LINES, INC.

Notice of Application for Approval of Changes in Itineraries of Certain Cruises

Notice is hereby given that American Export Lines, Inc., has requested changes in the itineraries of certain cruises which were approved by the Maritime Subsidy Board on October 6 and October 17, 1961 for the passenger ship "SS Atlantic."

The proposed amended itineraries follow:

Sailing date	*Amended itinerary*
Feb. 16, 1962	New York, San Juan, St. Thomas, Curacao, Kingston, Port-au-Prince, New York.
Mar. 2, 1962	New York, Kingston, Cristobal, Cartagena, Curacao, San Juan, New York.
Mar. 16, 1962	New York, San Juan, St. Thomas, Fort-de-France, Trinidad, Curacao, Kingston, New York.

Any person, firm or corporation having any interest, within the meaning of Public Law 87-45, in the foregoing who desires to offer data, views or arguments should submit the same in writing, in triplicate, to the Secretary, Marine Subsidy Board, Washington 25, D.C., by close of business on February 15, 1962. In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: February 9, 1962.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-1503; Filed, Feb. 12, 1962; 9:36 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-195]

GENERAL ELECTRIC CO.

Notice of Filing of Application for Utilization Facility Export License

Please take notice that General Electric Company acting through its International General Electric Company Division, 159 Madison Avenue, New York 16, N.Y., has submitted an application dated January 16, 1962, for a license authorizing the export of a 12,500 kilowatt (electrical) boiling water-type demonstration power nuclear reactor and a 100 watt (thermal) light water nuclear critical assembly facility to the Japan Atomic Energy Research Institute, Tokyo, Japan.

Pursuant to section 104 of the Atomic Energy Act of 1954 and Title 10, CFR Chapter I, Part 50, "Licensing of Production and Utilization Facilities," and upon finding that (a) the reactor proposed to be exported is a utilization facility as defined in said Act and regulations, and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an Agreement for Cooperation between the United States of America and the Government of Japan, the Commission may issue a facility export license authorizing the export of the reactor to Japan.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactor.

In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2) a petition for leave to intervene in these proceedings must be served upon the parties and filed with the Atomic Energy Commission by the applicant or an intervener within 30 days after the filing of this notice with the Office of the Federal Register. Petitions for leave to intervene shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Md., or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 6th day of February 1962.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 62-1412; Filed, Feb. 12, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14413, 14414; FCC 62-142]

DON L. HUBER AND BARTELL BROADCASTERS, INC. (WOKY)

Memorandum Opinion and Order

In re applications of Don L. Huber, Madison, Wisconsin, Docket No. 14413, File No. BP-13625; Bartell Broadcasters, Inc. (WOKY), Milwaukee, Wisconsin, Docket No. 14414, File No. BP-13653; for construction permits.

1. The Commission has before it for consideration (1) a petition to enlarge issues, filed December 22, 1961, by Bartell Broadcasters, Inc. (WOKY), (2) an Opposition by Don L. Huber, filed January 12, 1962, after petition for extension of time granted, (3) the Broadcast Bureau's Comments on the "Petition to enlarge issues," filed January 15, 1962, after petition for extension of time granted, and (4) Bartell's Reply to the Huber Opposition, filed January 19, 1962.[1]

2. Petitioner requests that the issues of the designation Order in this comparative proceeding, released December 4, 1961 (FCC 61-1423, Mimeo No. 12740), be enlarged to determine what efforts have been made by Don L. Huber to ascertain the programing needs of Madison, Wisconsin, the community he proposes to serve, and whether the program proposals in Huber's above-captioned application are designed to serve the needs of that area.[2] In support of this request petitioner asserts that Huber's program proposals for Madison are substantially similar to those for Huber's Fort Atkinson, Wisconsin, application filed three days after that of Madison; that either program schedule is such as might be designed for any community in the United States; and that the Madison application reveals no showing by Huber that he has made any survey of the area he proposes to serve. Petitioner further contends that Huber, now 34 years old, has not lived in Wisconsin since 1952 and that his radio experience has all been outside that State.

3. Huber's Opposition to the instant petition, filed by his attorneys, alleges that Huber spent 19 days in 1958-9 monitoring local Madison, Wisconsin, broadcasting programs and that he discreetly discussed with a number of persons the radio needs of the Madison area; the pleading does not deny the assertions of petitioner concerning Huber's residence and radio experience.

4. In its Reply, petitioner points out that the allegations in the Huber Opposition are made by Huber's attorneys who do not profess to have personal knowledge of all the facts set forth; that no affidavit by Huber averring to such facts has been submitted; and that the explanation offered in the Opposition, such as it is, even leaves unclear with whom Huber held his discussions regarding the Madison area programming needs.

5. In view of the uncertainty in these pleadings as to all the facts concerning Huber's efforts to ascertain the programming needs of the community he proposes to serve, we feel that an opportunity should be provided Huber to relate under

[1] On January 22, 1962 Huber filed a pleading entitled, "Response by Huber to Bureau's Comments." 47 CFR 1.13 makes no provision for such a filing and since no request to permit such filing or for a waiver of the Commission's Rules has been addressed to the Commission in this connection, and since good cause has not been shown for such Commission action on its own motion, such pleading will be stricken.

[2] An additionally requested issue regarding an alleged violation of 47 CFR 3.35 involving an overlap of the Huber proposal in this proceeding with another proposal by Huber at Fort Atkinson, Wisconsin (File No. BP-13644), has been rendered moot by the voluntary dismissal of the Fort Atkinson application by letter to the Commission from Huber, dated January 11, 1962, and on that ground will be denied.

hearing conditions the specific details of his efforts in this regard.

Accordingly, it is ordered, This 6th day of February 1962, that the petition to enlarge issues, filed December 22, 1961, by Bartell Broadcasters, Inc. (WOKY) is granted to the extent indicated herein and in all other respects is denied and the Response by Huber to Bureau's Comments, filed January 22, 1962, is stricken; and

It is further ordered, That the issues in the designation Order, released December 4, 1961 (FCC 61-1423, Mimeo No. 12740) are amended by renumbering Issues 5 and 6 as Issues 6 and 7, and that the issues in this proceeding are enlarged by the addition of the following issue:

5. To determine what efforts have been made by Don L. Huber to determine the programming needs of the area he proposes to serve and the manner in which he proposes to meet such needs.

Released: February 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1447; Filed, Feb. 12, 1962; 8:49 a.m.]

[Docket No. 13649 etc.; FCC 62-103]

RADIO CARMICHAEL ET AL.

Memorandum Opinion and Order

In re applications of Radio Carmichael, Sacramento, California, Docket No. 13649, File No. BP-12031; Jack L. Powell and Alyce M. Powell, Joint Tenants (KVON), Napa, California, Docket No. 13651, File No. BP-12306; Golden Gate Broadcasting Corporation (KSAN), San Francisco, California, Docket No. 13652, File No. BP-12376; John Matranga d/b as Trans-Sierra Radio, Roseville, California, Docket No. 13653, File No. BP-12938; for construction permits.

1. The Commission has before it for consideration (1) the matters of record in the above-entitled proceeding; (2) a letter from Riley R. Gibson, president of Cal-Val Radio, Inc. (KXOA), to the Commission filed June 27, 1961, and pleadings filed in response thereto; (3) a joint petition to intervene, reopen record, remand and enlarge issues, filed by John T. Carey, Inc. (KROY) and Cal-Val Radio, Inc., on August 4, 1961, and all pleadings properly filed in response thereto; (4) a petition to sever filed by Jack L. Powell and Alyce M. Powell, Joint Tenants (KVON) and Golden Gate Broadcasting Corporation (KSAN) on September 8, 1961, and pleadings filed in response thereto.

2. A brief review of the background history will permit a better understanding of the instant proceeding, which originally involved the applications of (a) Radio Carmichael (Carmichael) for a new standard broadcast station to operate on 1430 kc, 500 w, DA at Sacramento, California; (b) John Matranga, d/b as Trans-Sierra Radio (Matranga) for a similar facility at Roseville, California; (c) Jack L. Powell and Alyce M. Powell, Joint Tenants (KVON) to increase the daytime power of Station KVON, Napa, California, from 500 watts to one kilowatt and change its directional antenna daytime; (d) Golden Gate Broadcasting Corporation (KSAN) to increase the daytime power of Station KSAN, San Francisco, California, from 250 watts to one kilowatt; and (e) Ashley Robison and Gordon A. Rogers, d/b as Redwood City Broadcasting Company (Redwood) for a new standard broadcast station to operate on 1430 kc, 1 kw, D, DA, at Palo Alto, California. Redwood's application was dismissed as a result of an agreement with KSAN, and Matranga entered into an agreement with Carmichael providing for the dismissal of Matranga's application, which agreement the Examiner approved subject to review by the Commission. The Matranga-Carmichael agreement provided for the reimbursement of Matranga's out-of-pocket expenses and gave him an option to purchase at book value 25 percent of Carmichael's stock, said option to extend to August 15, 1964.

3. Hearing Examiner Walther W. Guenther, proposed grant of the three remaining applications. Subsequent to the Initial Decision, a letter was received, on June 27, 1961, from Riley R. Gibson, president of Cal-Val Radio, Inc., licensee of Station KXOA, Sacramento, advising the Commission that Matranga was a creditor of Station KGMS, Sacramento, and asserting that it would be unfair to allow him to have a 25 percent interest in Carmichael at the same time.

4. In response, Carmichael took the position that Matranga does not now have an interest in Carmichael but only an option; that it would be premature to explore the duopoly question until such time as Matranga does exercise his option; and that Carmichael is willing, prior to the transfer of any stock to Matranga, to submit the entire transaction to the Commission for its approval.

5. The Bureau filed a pleading containing an exception recommending that the grant to Carmichael be made subject to the condition that Carmichael "shall not issue or transfer any of its stock to John Matranga, or otherwise accord to him any ownership interest or status, without prior approval of the Commission." The timely filing of this exception prevented the Initial Decision from becoming final pursuant to Rule 1.153. Carmichael indicated that it had no objection to the inclusion of the condition recommended by the Broadcast Bureau.

6. On August 4, 1961, John T. Carey, Inc. (KROY) and Cal-Val Radio, Inc. (KXOA) filed a joint petition requesting that the Commission grant them leave to intervene, reopen the record, remand the proceeding to the Examiner, and enlarge the issues to include a 3.35(a) overlap issue with respect to Carmichael's president, Joseph E. Gamble, who is the owner of Station KJOY, Stockton, California.

7. Thereafter, KVON and KSAN filed a joint petition to sever, requesting that in the event the Commission grants any part of the petition to intervene or decides to enlarge the issues on its own motion, their applications be immedi-

ately severed from the instant proceeding and granted.

Intervention. 8. The only explanation offered by Carey and Cal-Val for their failure to seek intervention within the time allowed therefor by the Communications Act and the Commission's Rules, was that they were of the view that all the facts they now wish to present would be adduced at the hearing. However, in that no issue in the proceeding was directed to the facts in question, this argument is not persuasive and does not establish good cause for the untimeliness of the petition to intervene, which will be denied.

9. Nevertheless, the pleadings before us raise certain questions which must be resolved before it can be determined whether a grant of the various applications would be in the public interest.

The Matranga duopoly issue. 10. The pleadings before us indicate that by the terms of the Matranga-Carmichael agreement, Matranga, in return for the dismissal of his application, would have an option to obtain a 25 percent interest in Carmichael, while at the same time retaining a substantial creditor relationship to competing Station KGMS in the same community. Section 311(c) of the Communications Act precludes the effectuation of an agreement between mutually-exclusive applicants for the withdrawal of one of them without Commission approval. However, since the facts concerning Matranga's relationship with KGMS are not a matter of record, the Commission is not now in a position to approve or disapprove the agreement, or to consider the propriety of the condition recommended by the Broadcast Bureau. Consequently, the record will be reopened in order that evidence going to these matters may be adduced. As a matter of administrative convenience, we deem it appropriate that the further proceedings herein be conducted in accordance with the procedural rules now prevailing rather than those which obtained at the time of the agreement. Accordingly, pursuant to § 1.316 and section 0.224(b) (10) this matter will be remanded to the Chief Hearing Examiner.

The gamble overlap issue. 11. Carey and Cal-Val, having been denied intervention, lack standing to seek enlargement of the issues and their request to add a § 3.35 issue will be denied. Nor will we add the issue on our own motion. Without reaching the policy question of whether we would have added the issue had the facts herein been alleged in a timely pleading, we note that the facts have been readily available and could have been timely directed to our attention in the exercise of due diligence.

Petition to sever. 12. The record shows that no new interference would be caused to the proposed Carmichael operation by the proposed KVON operation. As for the proposed KSAN operation, there was never any interference problem between it and the proposed Carmichael operation. No objections have been filed to the petition to sever, and since petitioners are qualified in all other respects, the severance and grant of petitioners' applications is in the public interest.

Accordingly, it is ordered, This 31st day of January 1962, That the petition to intervene, reopen record, remand and enlarge issues, filed by John T. Carey, Inc. (KROY) and Cal-Val Radio, Inc. (KXOA), on August 4, 1961, is denied; and

It is further ordered, That the record in this proceeding is reopened and the proceeding remanded to the Chief Hearing Examiner for further proceedings consistent with the foregoing; and

It is further ordered, That the petition of Jack L. Powell and Alyce M. Powell, Joint Tenants (KVON) and Golden Gate Broadcasting Corporation (KSAN) filed September 8, 1961, is granted; that the Commission's Order (FCC 60-808), released July 13, 1960, in the above-entitled proceeding is amended by removing from hearing the application (File No. BP-12306) of Jack L. Powell and Alyce M. Powell, Joint Tenants (KVON) and the application (File No. BP-12376) of Golden Gate Broadcasting Corporation (KSAN); and that said applications of Jack L. Powell and Alyce M. Powell, Joint Tenants (KVON) and Golden Gate Broadcasting Corporation (KSAN) are granted; and

It is further ordered, That Radio Carmichael's request for leave to file opposition, filed on September 11, 1961, is denied.

Released: February 1, 1962.

FEDERAL COMMUNICATIONS Commission,[1]

[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62-1448; Filed, Feb. 12, 1962; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI62-7 etc.]

FRED BOWMAN ET AL.

Order Amending Order Accepting Filings, and Providing for Hearings on and Suspension of Proposed Changes in Rates and Making Rates Effective Upon Filing of Agreements and Undertakings

FEBRUARY 6, 1962.

Fred Bowman (Operator), et al., Docket No. RI62-7 etc.; Bachus Oil Company, Docket No. RI62-12.

On July 17, 1961, Bachus Oil Company (Bachus) tendered for filing a proposed increase in rate from 12 cents per Mcf to 13 cents per Mcf at 14.65 psia for jurisdictional sales of natural gas from the Hardtner Field, Barber County, Kansas, to the Cities Service Gas Company (Cities Service) which filing has been designated as Supplement No. 1 to Bachus' FPC Gas Rate Schedule No. 4. On August 9, 1961, the Commission suspended the effectiveness of Bachus' proposed rate increase until January 17, 1962, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

On October 25, 1961, Bachus filed the required motion to place its suspended rate in effect subject to refund at the end of the suspension period. On December 5, 1961, the increased rate was permitted to be effective as of January 17, 1962, by appropriate notice which required the filing of an undertaking to assure refund of any excess charges. Satisfactory agreement and undertaking was filed by Bachus on December 8, 1961, pursuant to the Commission's aforementioned Notice issued December 5, 1961.

On November 6, 1961, Bachus submitted an amendatory agreement with Cities Service dated November 1, 1961, which has been designated as Supplement No. 2 to Bachus' FPC Gas Rate Schedule No. 4, and adds acreage under the same terms and provisions as the original contract between Bachus and Cities Service.

Bachus requests that the suspension proceeding in the above-captioned docket be considered to include production from certain acreage which was dedicated to the subject contract after the proposed increased rate was submitted and suspended.

The Commission finds: Good cause has been shown that the Commission's order issued herein on August 9, 1961, suspending Supplement No. 1 to Bachus' FPC Gas Rate Schedule No. 4, and the Commission's Notice issued herein on December 5, 1961, permitting such increased rate to become effective subject to refund, be amended to permit the gas attributable to the subject additional acreage dedicated by Supplement No. 2 to Bachus' FPC Gas Rate Schedule No. 4 to be sold at the 13¢ per Mcf increased rate subject to refund of amounts collected in excess of the proper rate determined in Docket No. RI62-12.

The Commission orders: The Commission's order issued herein on August 9, 1961, suspending Supplement No. 1 to Bachus' FPC Gas Rate Schedule No. 4, and the Commission's Notice issued on December 5, 1961, permitting said supplement to become effective subject to refund, are hereby amended to include the additional acreage contained in Supplement No. 2 to Bachus' FPC Gas Rate Schedule No. 4.

By the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-1419; Filed, Feb. 12, 1962; 8:45 a.m.]

[Docket No. RI60-395]

F. A. CALLERY, INC., ET AL.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates; and Allowing Rate Changes To Become Effective

FEBRUARY 6, 1962.

On January 17, 1962, F. A. Callery, Inc., et al. (Callery) filed in the above-entitled proceeding a motion for leave to file a trust agreement in lieu of undertaking to assure refund of excess charges as prescribed by Paragraph (B) of the Commission's order issued in Docket No. RI60-395 on January 4, 1962. Concurrently with the filing of said motion, Callery filed an Amendment to a Trust Agreement previously filed in this proceeding on January 13, 1961, pursuant to the Commission's order issued on December 15, 1960, making effective Supplement No. 3 to Callery's FPC Gas Rate Schedule No. 8 upon the establishment of a trust fund to assure refund of excess charges. Said supplement having been suspended by the Commission's order issued herein on June 10, 1960, until November 16, 1960. The rate schedule involved herein pertains to Callery's jurisdictional sales of natural gas produced in Pecos Valley Field, Pecos County, Texas (Railroad District No. 8) and sold to El Paso Natural Gas Company.

On December 5, 1961, Callery tendered for filing a proposed notice of change in rate which provides for an increased rate and charge from 15.6488 cents per Mcf to 15.70925 cents per Mcf at 14.65 psia. Such proposed change in rate has been designated as Supplement No. 1 to Supplement No. 3 to Callery's FPC Gas Rate Schedule No. 8 and was suspended by the Commission's aforementioned order issued in Docket No. RI60-395 on January 4, 1962, for one day, and allowed by such order to become effective subject to refund as of January 6, 1962, upon the filing by Callery within 20 days from the date of the issuance of said suspension order, an agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

Callery now desires to add to the funds held and administered by the Trustee, First City National Bank of Houston, Houston, Texas, those revenues attributable to the increase in price from 15.6488 cents to 15.70925 cents per Mcf permitted to become effective under Supplement No. 1 to Supplement No. 3 on January 6, 1962, by Paragraph (B) of the Commission's order issued January 4, 1962, in Docket No. RI60-395. To that end, Callery and the First City National Bank have entered into an Amendment to Trust Agreement dated January 16, 1962, and tendered it for filing with Callery's aforesaid motion dated January 17, 1962.

The Commission finds: Good cause has been shown that Paragraph (B) of the Commission's order issued January 4, 1962, in Docket No. RI60-395, wherein Supplement No. 1 to Supplement No. 3 to Callery's FPC Gas Rate Schedule No. 8 was permitted to become effective subject to refund upon the filing by Callery of its agreement and undertaking, should be amended to permit the filing by Callery of a trust agreement to assure refund of excess charges.

The Commission orders:

(A) Paragraph (B) of the Commission's order issued on January 4, 1962, in Docket No. RI60-395, is hereby amended to permit Callery to file a trust agreement in lieu of the agreement and undertaking prescribed by Paragraph (B) of the Commission's aforementioned order.

(B) The Amendment to Trust Agreement filed by Callery on January 17, 1962, appears to be satisfactory and is accepted for filing.

(C) Supplement No. 1 to Supplement No. 3 to Callery's FPC Gas Rate Schedule No. 8 is effective from January 6, 1962, subject to all the terms and provisions of Callery's Trust Agreement filed on January 11, 1961, in this proceeding, and the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The Trust Agreement and Amendment thereto shall remain in full force and effect until discharged by the Commission.

By the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-1420; Filed, Feb. 12, 1962; 8:45 a.m.]

[Docket Nos. CP62-63, CP62-66]

EL PASO NATURAL GAS CO. AND NORTHERN NATURAL GAS CO.

Notice of Applications and Date of Hearing

FEBRUARY 6, 1962.

Take notice that on September 14, 1961, as supplemented on October 26, 1961, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas, filed in Docket No. CP62-63, and on September 14, 1961, as supplemented on October 30, 1961, Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska, filed in Docket No. CP62-66, applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the exchange, on a best efforts basis, of 30,000 Mcf of natural gas per day during the period from November 1, 1961, through December 31, 1962, all as more fully set forth in the applications, as supplemented, on file with the Commission and open to public inspection.

The applications show that the proposed exchange will be accomplished by use of existing facilities and without charge or payment by either applicant.

Northern and El Paso presently are authorized to exchange up to 475,000 Mcf of natural gas per day at certain interconnections in Oklahoma and Texas and at certain delivery points along El Paso's Plains-Dumas transmission pipeline whereby El Paso makes certain deliveries for the account of Northern. Under the subject proposed exchange, Northern will deliver additional exchange gas to El Paso at the latter's Plains Compressor Station, Yoakum County, Texas, and El Paso will deliver equivalent volumes of additional exchange gas to Northern at El Paso's Dumas Station, Moore County, Texas.

Northern states that in the past it has had approximately 15 billion cubic feet of allowables cancelled by the New Mexico Oil Conservation Commission in Lea County, New Mexico. Northern states further that it is currently in an underproduced position in Lea County and is faced with further cancellation, and that cancellation of allowables will be reduced to the extent that volumes of gas are delivered to El Paso under the subject proposed exchange arrangement.

The proposed exchange will be made pursuant to an agreement between the two Applicants, dated October 20, 1961.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 12, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 28, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-1421; Filed, Feb. 12, 1962; 8:45 a.m.]

[Docket No. RI61-112]

LONDON GAS COMPANY ET AL.

Order Substituting Successor in Interest as Respondent and Redesignating Proceeding

FEBRUARY 6, 1962.

On September 12, 1961, London Gas Company, et al. tendered for filing an application to be substituted for D. E. London, et al. as respondent in the rate suspension proceeding styled under the above docket number. The application states that D. E. London has assigned to London Gas Company, an Oklahoma Corporation, all interests in gas leases described in D. E. London's FPC Gas Rate Schedule Nos. 1, 3, and 6, relating to sales of natural gas to Lone Star Gas Company from the producing area of Asphaltum Field, Stephens and Jefferson Counties, Oklahoma. Supplement Nos. 2, 2 and 2 to D. E. London, et al.'s FPC Gas Rate Schedule Nos. 1, 3 and 6 were suspended by order of the Commission issued September 30, 1960, in Docket

[1] Dissenting opinions of Commissioners Lee, Bartley, and Ford filed as part of original document.

No. RI61–112, and London Gas Company seeks to be substituted in lieu of D. E. London as respondent in this proceeding.

On May 22, 1961, London Gas Company filed its bond pursuant to notice of the Commission issued April 28, 1961, assuring refunds for any amounts subsequently found not justified in this proceeding.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act, that London Gas Company be substituted for D. E. London in the proceeding in Docket No. RI61–112, and that said proceeding be redesignated as hereinafter ordered.

The Commission orders:

(A) London Gas Company is hereby substituted for D. E. London in the proceeding in Docket No. RI61–112 and said proceeding is hereby redesignated London Gas Company, et al., Docket No. RI61–112.

(B) The surety bond filed by London Gas Company pursuant to notice of the Commission issued March 16, 1961, as amended by notice of the Commission issued April 28, 1961, shall remain in full force and effect in accordance with the provisions set forth in the said notices.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–1422; Filed, Feb. 12, 1962; 8:45 a.m.]

[Docket No. CP62–6]

TEXAS EASTERN TRANSMISSION CORP. AND TEXAS GAS TRANSMISSION CORP.

Notice of Postponement of Hearing

FEBRUARY 6, 1962.

Take notice that the hearing in the above-designated matter now scheduled for February 27, 1962, is hereby postponed subject to the further order of the Commission or to a date to be hereafter fixed by further notice of the Secretary.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–1423; Filed, Feb. 12, 1962; 8:46 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

HERBERTUS JOHANNES VONK

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Herbertus Johannes Vonk, Utrecht, The Netherlands; Claim No. 47792; $183.61 in the Treasury of the United States. All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, shares of profits or other emolument, and all causes of action accrued or to accrue, relating to the work entitled "Die Verdauung Bei Den Niederen Vertebraten" by H. J. Vonk to the extent owned by Dr. Herbertus Johannes Vonk immediately prior to the vesting thereof by Vesting Order No. 4034, executed on August 16, 1944 (9 F.R. 13782, November 17, 1944).

Executed at Washington, D.C., on February 6, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62–1437; Filed, Feb. 12, 1962; 8:48 a.m.]

THEA HARDT

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Thea Hardt, Pelzgasse 11, Baden bei Wien, Austria; Claim No. 44785, Vesting Order No. 8711; $293.75 in the Treasury of the United States.

Executed at Washington, D.C., on February 6, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62–1438; Filed, Feb. 12, 1962; 8:48 a.m.]

STATE OF THE NETHERLANDS ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of Franz Rosenthal, Mrs. Maria Hulsen Guttfield, George Lehwess, Helma Hulsen Lehwess, Ilse Henriette Bohlendorff, George L. Bolan, Dr. Alfred Kroner, Emil Kroner, Mrs. Mathilde Fraenkel, and Emilie Lehmann; L.S. Claim No. 1035, Vesting Order No. 18521; The Netherlands Embassy, Office of the Financial Attache, 1470 Euclid Street NW., Washington 9, D.C.; All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F.R. 10097, October 3, 1951) in and to: Atchison Topeka & Santa Fe Railroad Co., 4% 1995 Bond No. 122413 in the principal amount of $1,000; and Norfolk & Western Railway Co., 4% 1996 Bonds Nos. D4557 and D7113 in the principal amount of $500 each.

Executed at Washington, D.C., on February 6, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62–1439; Filed, Feb. 12, 1962; 8:48 a.m.]

STATE OF THE NETHERLANDS AND PIETER BUISMAN

Supplemental Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of The Netherlands for the benefit of Pieter Buisman; Claim No. 317, Vesting Order No. 18521; all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F.R. 10097, October 3, 1951) in and to Southern Pacific Railroad Co., 4% 1955 Bond No. 2551 in the principal amount of $1,000.

Executed at Washington, D.C., on February 6, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62–1440; Filed, Feb. 12, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 8, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37550: *Iron or steel plate or sheet to Greenville, Miss.* Filed by O. W. South, Jr., agent (No. A4153), for interested rail carriers. Rates on plate or sheet iron of steel, noibn, galvanized, painted or plain, corrugated, or not corrugated, and strip steel, noibn, in carloads, from Portsmouth, Ohio, to Greenville, Miss.

Grounds for relief: Barge competition.

Tariff: Supplement 30 to Southern Freight Association tariff I.C.C. S–163.

FSA No. 37551: *Joint motor-rail rates between points in the United States.* Filed by Middlewest Motor Freight Bureau, agent (No. 326), for interested carriers. Rates on commodities moving on class and commodity rates, loaded in highway trailers of the motor carriers over the highways, thence transported on railroad flat cars of the railroads, between points in Middlewest territory (including Alaska and Canada); between points in Middlewest territory (including Alaska and Canada), on the one hand, and points in Central States and southwestern territories, on the other; and between points in southwestern territory, on the one hand, and points in Central States, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 37552: *Soda ash to Charleston and Georgetown, S.C.* Filed by Southwestern Freight Bureau, agent (No. B–8145), for interested rail carriers. Rates on soda ash, in bulk or in bulk in bags, barrels, boxes or pails, in carloads, from Lake Charles and West Lake Charles, La., also Corpus Christi and Freeport, Tex., to Charleston and Georgetown, S.C.

Grounds for relief: Market competition.

Tariffs: Supplements 848 and 18 to Southwestern Freight Bureau tariffs I.C.C. 4139 and 4450.

FSA No. 37553: *Soda ash to Port Wentworth, Savannah, and West Savannah, Ga.* Filed by Southwestern Freight Bureau, agent (No. B–8146), for interested rail carriers. Rates on soda ash, in bulk or in bulk in bags, barrels, boxes or pails, in carloads, from Lake Charles, La., also Corpus Christi and Freeport, Tex., to Port Wentworth, Savannah and West Savannah, Ga.

Grounds for relief: Market competition.

Tariffs: Supplements 848 and 18 to Southwestern Freight Bureau tariffs I.C.C. 4139 and 4450.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–1434; Filed, Feb. 12, 1962; 8:47 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 141]

ST. JOHNSBURY AND LAMOILLE COUNTY RAILROAD

Rerouting or Diversion of Traffic

In the opinion of Charles W. Taylor, agent, the St. Johnsbury & Lamoille County Railroad, account derailment between Sheldon Junction and St. Johnsbury, Vermont, is unable to transport traffic routed over its line.

It is ordered, That:

(a) Rerouting traffic: The St. Johnsbury & Lamoille County Railroad and its connections, account derailment between Sheldon Junction and St. Johnsbury, Vermont, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9:00 a.m., February 7, 1962.

(g) Expiration date: This order shall expire at 11:59 p.m., February 12, 1962, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 7, 1962.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 62–1435; Filed, Feb. 12, 1962; 8:47 a.m.]

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THE UNIVERSITY OF MICHIGAN
FEB 19 1962
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Title 3—THE PRESIDENT

Memorandum of February 9, 1962

[PREVENTING CONFLICTS OF INTEREST ON THE PART OF ADVISERS AND CONSULTANTS TO THE GOVERNMENT]

Memorandum to the Heads of Executive Departments and Agencies

Over the past twenty or more years departments and agencies of the Government have made increasing use of part-time consultants and advisers and of advisory groups. The services of highly skilled persons on a part-time and intermittent basis is in the interest of the Government and provides the Government with an indispensable source of expert advice and knowledge. Since, however, such persons have their principal employment outside the Government, and frequently with business entities which are doing business with the Government or with universities which receive Government grants, a number of conflict of interest problems arise from time to time. It is important that departments and agencies of the Government oversee the activities of such consultants in order to insure that the public interest is protected from improper conduct and that consultants will not, through ignorance or inadvertence, embarrass the Government or themselves in their activities.

Many intermittent personnel serving the Government today are individuals with specialized scientific knowledge and skills who are regularly employed in industry, research institutes or education. Their employers in many cases have contracts with or research grants from the Government. The areas in which the skills and talents of these individuals are put to use by the Government on a part-time basis may be the same as the areas with which the contracts or grants received by their employers from the Government are concerned. An individual employed by a university may act as an intermittent consultant not only for the Government but for a private firm and either his university or the firm or both may be engaged in work for or supported by the Government. A consultant to the Government may have other financial connections with firms doing business with the Government in the general area of his expertise and, therefore, his consultancy. The many possible interrelationships between a consultant's service to the Government and his own and his employer's financial interests demonstrate that conflicts problems may frequently arise.

Both the part-time adviser and the department or agency which makes use of his services must be alert to the possibility of conflicts. It is, of course, incumbent upon the consultant to familiarize himself with laws and regulations applicable to him. The responsibility of the agency is equally great. It must assist the consultant to understand those laws and regulations. It must obtain from him such information concerning his financial interests as is necessary to disclose possible conflicts. It must take measures to avoid the use of his services in any situation in which a violation of law or regulation is likely to occur. And it must take prompt and proper disciplinary or remedial action when a violation, whether intentional or innocent, is detected.

Most of the departments and agencies of the Government currently have regulations applicable to intermittent consultants and advisers. There is, however, considerable diversity in their detail and, in some cases, their interpretation of applicable law. While the problems will undoubtedly vary from department to agency, and different rules and regulations may in some instances be appropriate, I believe it desirable to achieve the maximum uniformity possible in order to insure general standards of common application throughout the Government. This memorandum is designed to achieve that purpose.

CONFLICT-OF-INTEREST STATUTES

There are six basic conflict-of-interest laws which are pertinent to the subject matter of this memorandum. Four of the laws, sections 281, 283, 434 and 1914 of Title 18 of the United States Code, in general prohibit certain activities by a person who is in the employ of the Government. Two statutes, section 284 of Title 18 and section 99 of Title 5, prohibit a person who has left the employ of the Government from engaging in certain activities during a two-year period following the termination of his Government service. The six statutes are set forth in full in the appendix to this memorandum. They contain restrictions which, with an exception discussed hereafter, are fully applicable to an individual who serves or has served the Government as an adviser or consultant, whether with or without compensation. The six statutes are discussed separately below.

18 U.S.C. 281. This statute prohibits an "officer or employee of the United States or any department or agency thereof" from receiving or agreeing to receive compensation for any services rendered in relation to any "proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter in which the United States is a party or directly or indirectly interested, before any department, agency, court martial, [or] officer. . . ." In general, the effect of this section is to preclude a Government employee from acting, in most of the important matters that come before the Government departments and agencies, on behalf of a non-Government employer or other person from whom he receives compensation.

I have received an opinion from the Attorney General concluding that 18 U.S.C. 281 applies to all intermittent consultants and advisers on those days on which they are actually employed by the Government but that it applies only to certain consultants and advisers on the days during the period of their availability for Government service when they are not so employed. Those to whom section 281 applies on their days away from the Government service are: intermittent consultants and advisers whose Government employment during the period of their availability occupies a substantial portion of that period, or affords their principal means of livelihood.

In order to clarify the application of section 281 and promote its policies, each department and agency should take steps to insure that at the time a consultant or adviser is appointed, an accurate estimate is made of the extent to which it will make use of his services. The following rules should be employed:

(a) No appointment should extend beyond the end of the current fiscal year.

(b) The period of appointment to be made for a part, or all, of the fiscal year, or of the remaining part of the fiscal year, should reflect the agency's best estimate of its employment of the individual.

(c) Whether the estimate is that the consultant or adviser will be employed intermittently throughout the entire fiscal year or that part of the year which remains at the time of appointment, or throughout a shorter interval, the appointment should be made as follows:

(1) If the agency estimates that the consultant or adviser will be employed 40% or more of the time within the period designated, the individual should be carried on the rolls as a Government employee for the entire period and should be informed that he is administratively regarded as subject to section 281 for the entire period.

(2) If the agency estimates the consultant or adviser will be employed less than 40% of the period designated, the individual may be carried on the rolls as an intermittent consultant or adviser pursuant to an arrangement by which he would receive implementing appointments from time to time within the period, rather than an appointment for the entire period, and the individual should be informed that he will be treated as a Government employee for purposes of section 281 only on the day or days within the pertinent period covered by implementing appointments.

(3) If the consultant or adviser is serving more than one department or agency, he shall inform each of his arrangements with the others so that appropriate administrative measures may be effected by the departments or agencies involved.

(4) For consultative or advisory boards, individual appointments should be made for the entire fiscal year, or such other period as may be prescribed by law, and the appointee informed that insofar as his board membership is concerned, he will be regarded as a Government officer or employee only on the days when the board meets.

To a considerable extent the prohibitions of section 281 are aimed at the sale of influence to gain special favors for private business and at the misuse of governmental position or information. In accordance with these aims, it is desirable that even a consultant or adviser who is subject to the section only on the days he serves the Government should make every effort to avoid any personal contact with respect to negotiations for contracts or grants with the department or agency which he is advising if the subject matter is related to the subject matter of his consultancy. I recognize that this will not always be possible to achieve since there are instances where the consultant or adviser may have an executive position and responsibility with his regular employer which will require him to participate personally in contract negotiations with the department or agency he is advising. Whenever this is the case the consultant or adviser should participate in the negotiations for his employer only with the knowledge and approval of a responsible government official, who should note his approval in appropriate form. In other instances an occasional consultant or adviser may have technical knowledge which is indispensable to his regular employer in his efforts to formulate a research and development contract or a research grant and, for the same reason, it is in the governmental interest that he should take part in negotiations for his private employer. Again he should participate only with the knowledge and approval of a responsible government official, who should note his approval in appropriate form.

The aim of preventing the sale of influence and the misuse of governmental position or information that is reflected by section 281 should be furthered in yet another way with respect to a consultant or adviser who under the foregoing rules is subject to section 281 only on the days he serves the Government. He should be barred, not only on those days but at all times during the designated period of his availability for service, from activities before a Government department or agency in relation to a matter in which the Government is interested if he is to receive compensation for such activities from a non-Governmental source in addition to or in lieu of a normal salary or fee arrangement.

It should be noted that the prohibition of section 281 against certain compensated activities "before" a department or agency may go beyond an individual's personal appearance at the department or agency. A consultant or adviser should not, at times when he is subject to the prohibition of the section, prepare or assist in preparing proposals for contracts or grants to be presented to a department or agency by or on behalf of a non-Governmental firm or organization from which he receives compensation.

18 U.S.C. 283, 18 U.S.C. 284 and 5 U.S.C. 99. Section 283 in general prohibits an officer or employee of the Government from acting as agent or attorney for prosecuting any other person's claim against the Government, or assisting in the prosecution of any such claim other than in the discharge of his official duties. This statute, which extends to both compensated and uncompensated activities, overlaps 18 U.S.C. 281 insofar as the latter section pertains to claims activities. Therefore a consultant or adviser who is not subject to section 281 at times when not actually employed by the Government may nevertheless be subject at those times to the interdiction of section 283. Even if not interdicted by that section, however, he would be subject to the two post-employment statutes, 18 U.S.C. 284 and 5 U.S.C. 99. The first of these prohibits a *former* Government employee, for a period of two years after his employment has closed, from prosecuting in a representative capacity any claim against the United States involving

any subject matter directly connected with which he was employed. 5 U.S.C. 99 prohibits a *former* officer or employee of an executive department, for a period of two years after his employment with the department has ceased, from prosecuting in a representative capacity, or aiding in the prosecution of, any claim pending in any department during his employment. It is apparent that a consultant or adviser would be subject to the prohibition of 18 U.S.C. 283 or one or both of 18 U.S.C. 284 and 5 U.S.C. 99 at all times until the termination of his last period of service to the Government. In addition he would be bound by the provisions of 18 U.S.C. 284 and 5 U.S.C. 99 for two years thereafter.

18 U.S.C. 434. This section sets forth a prohibition against certain actions on the part of a Government employee in his capacity as such. More particularly, the section, which applies to all consultants and advisers at all times during their span of service, prohibits a Government employee who is interested in the profits of any business entity from acting for the Government in the transaction of business with such entity.

It is in the best interests of the Government that the policy of this section be extended to consultants and advisers beyond its literal language. Accordingly, an adviser or consultant should be disqualified from the performance of duties involving the transaction of business with, *or the rendering of advice which will have a direct and predictable effect upon the interests of*, a business entity by which he is employed, or to which he renders consultant service, or in which he has a financial interest. In particular, he should be excluded from participation in the evaluation of contract or grant proposals which will directly affect the interests of such business entity. However, he need not be precluded from rendering general advice in situations where no preference or advantage might be gained therefrom by any particular business entity. A non-profit organization or educational institution shall be deemed a "business entity" for the purposes of this paragraph.

18 U.S.C. 1914. Section 1914 forbids a Government employee to receive compensation "in connection with" his Government service from a source other than the Government or a State, county or municipality. The statute applies to an uncompensated as well as a compensated consultant or adviser. In cases where a consultant or adviser serves occasionally and for short periods, he may continue to receive his usual compensation from an outside private employer. And the continuation of the consultant or adviser's outside private compensation during a period of as much as 30 days a year of Government service would ordinarly be permissible on the assumption that it is not paid "in connection with" his Government services but rather as part of his normal salary arrangements with his private employer. However, if the length of his service exceeds these limits, it will be necessary to determine specifically whether the continued outside compensation is related to the consultant or adviser's services to the Government, and thus improper, or whether it is permissible because made with respect to present, past, or future services for the outside employer. Cases of this nature should be referred to the chief legal officer of the department or agency for examination and recommendation as to the proper action to be taken.

Special Exemptions

Some consultants or advisers are appointed pursuant to a statute which exempts them from one or more of the conflict-of-interest laws. Nevertheless, a consultant or adviser so appointed should not participate in any matter where that participation, except for such exemption, would be within any of the statutes unless he receives permission to participate therein from the head of the department or agency he serves. The latter shall not consent to the participation of such consultant or adviser in the matter unless he finds that such participation is, on the particular facts, consistent with the interests of the Government. Nothing in this paragraph shall be deemed to relieve any department or agency head, or appointee of such department or agency head, of the obligation to file a statement for publication in the Federal Register pursuant to the requirements of section 710(b) of

the Defense Production Act of 1950 (50 U.S.C. App. 2160(b)) or of Executive Order No. 10647 of November 28, 1955 (20 F.R. 8769).

Ethical Standards of Conduct

Aside from the conflict-of-interest laws, there are elementary rules of ethics in the conduct of the public business by which all those who serve the Government are bound. That an individual may serve the Government only occasionally and for brief periods does not relieve him from the obligation to abide by those rules. That he may be needed to bring rare or specialized talents and skills to the Government does not mean that he should be considered for a waiver. The people of the nation are entitled to ethical behavior of the highest order in the conduct of their Government's affairs from the sometime worker to no lesser degree than from the career worker.

Inside Information. The first principle of ethical behavior for the intermittent consultant or adviser is that he must refrain from any use of his public office which is motivated by, or gives the appearance of being motivated by, the desire for private gain for himself or persons with whom he has family, business or financial ties. The fact that the desired gain, if it materializes, will not take place at the expense of the Government makes his action no less improper.

An adviser or consultant must conduct himself in a manner devoid of the slightest suggestion of the extraction of private advantage from his Government employment. Thus, a consultant or adviser must not, on the basis of any inside information, enter into speculation, or recommend speculation to members of his family or business associates, in the securities of any private company engaged in work for the Government in the field of his Government duties. He must obey this injunction even though those duties have no connection whatever with the financial and other arrangements between the Company and the Government. And he should be careful in his personal financial activities to avoid any appearance of acting on the basis of information obtained in the course of those duties.

It is important for consultants and advisers to have access to Government data pertinent to their duties and to maintain familiarity with the Government's plans and programs and the requirements thereof, within the area of their competence. Since it is frequently in the Government's interest that information of this nature be made generally available to an affected industry, there is generally no impropriety in a consultant or adviser's utilizing such information in the course of his non-Government employment. However, a consultant or adviser may, in addition, acquire information which is not generally available to those outside the Government. In that event, he may not use such information for the special benefit of a business or other entity by which he is employed or retained or in which he has a financial interest.

In order to avoid any actual or potential abuse of information by a consultant or adviser, departments and agencies should, through information programs, make every effort to insure to the maximum extent possible that all firms within an industry have access to the same information that is available to a consultant or adviser who is employed by any of them. In addition, regular Government employees should avoid divulging confidential information to him unnecessary to the performance of his governmental responsibility, or information which directly involves the financial interests of his employer. Consultants and advisers should be instructed that information not generally available to private industry must remain confidential in their hands, and must not be divulged to their private employers or clients. In cases of doubt they should be encouraged to confer with the chief legal officer or other designated agency official who can assist in the identification of information not generally available and in the resolution of any actual or potential conflict between duties to the Government and to private employers.

Occasionally an individual who becomes a Government consultant or adviser is, subsequent to his designation as such, requested by a private enterprise to act in a similar capacity. In some cases the request may give the appearance of being motivated by the desire of

the private employer to secure inside information. Where the consultant or adviser has reason to believe that the request for his services is so motivated, he should make a choice between acceptance of the tendered private employment and continuation of his Government consultancy. In such circumstances he may not engage in both. Furthermore, he should discuss any such offer of private employment with the chief legal officer of his Government agency whether or not he accepts it.

At times a private enterprise or other organization urges the appointment of one of its employees or members to a particular Government consultancy. The departments and agencies should discourage this practice. Any initiative in connection with the appointment of consultants, or in securing the names of qualified persons, should come from the Government.

Abuse of Office. An adviser or consultant shall not use his position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to him or persons with whom he has family, business or financial ties.

Gifts. An adviser or consultant shall not receive or solicit anything of value as a gift, gratuity or favor for himself or persons with whom he has family, business or financial ties if he has reason to believe that it would not be made but for his position with the Government, or if the acceptance thereof would result in, or give the appearance of resulting in, his loss of complete independence or impartiality in serving the Government.

INDUSTRY, LABOR OR AGRICULTURAL REPRESENTATIVES

It is occasionally necessary to distinguish consultants and advisers from persons speaking for a firm or an industry, or for labor or agriculture, or in some other representative capacity. A consultant or adviser is a person whose advice is obtained by a department or agency because of his particular qualifications and who serves as an employee in an individual and independent capacity. A representative of a firm or industry or organization who is invited to appear before a Government department or agency presents his views in a representative capacity and is not an employee. The representative is not, therefore, within the scope of the conflict-of-interest laws. Departments and agencies should be careful to make and clarify the distinction noted here and should not compensate an industry or similar representative for his advice, though they may pay travel expenses and *per diem* allowances where appropriate.

ADMINISTRATIVE STEPS

All departments and agencies of the Government shall

(1) bring this memorandum to the attention of all consultants and advisers employed by them and of all regular employees dealing with such consultants and advisers;

(2) review their existing rules and regulations and where appropriate, revise them or issue new rules and regulations to promote the policies set forth in this memorandum; and

(3) take such other measures as may be appropriate to impress upon consultants and advisers and upon Government officials with whom they consult that they have a responsibility to avoid situations in which a potential conflict-of-interest may exist. These individuals should also be cautioned to avoid situations in which the consultant or adviser might be thought to be influencing Governmental action in matters with regard to which he has a financial or other personal interest, or to be using inside information for private gain.

While it would be most advisable for a department or agency of the Government, in order to minimize the occurrence of conflicts of interest, to avoid appointing individuals to advisory positions who are employed or consulted by contractors or others having a substantial amount of business with that department or agency, I recognize that the Government has, of necessity, become increasingly concerned with highly technical areas of specialization, and that the number of individuals expert in those areas is frequently very small. Therefore,

in many instances, it will not be possible for a department or agency to obtain the services of a competent adviser or consultant who is not in fact employed or consulted by such contractors. In addition, an advisory group may of necessity be composed largely or wholly of persons of a common class or group whose employers may benefit from the advice given. An example would be a group of university scientists advising on research grants to universities. Only in such a group can the necessary expertise be found. In all these circumstances, particular care should be exercised to exclude his employer's or clients' contracts or other transactions with the Government from the range of the consultant's or adviser's duties.

DISCLOSURE OF FINANCIAL INTERESTS

In order to carry out its responsibility to avoid the use of the services of consultants or advisers in situations in which violation of the conflict-of-interest laws or of these regulations may occur, each department or agency of the Government shall, at the time of employment of a consultant or adviser, require him to supply it with a statement of his private employment and financial interests. The statement should indicate the names of all the companies, firms, research organizations and educational institutions which he is serving as employee, officer, member, director, or consultant, and the companies in which he has any other financial interest, such as the ownership of securities or other interests which have a significant financial value. He need not reveal precise amounts of investments. Each statement of financial interests should be forwarded to the chief legal officer of the department or agency concerned, for information and for advice as to possible conflict of interest. In addition, each statement should be reviewed by those persons responsible for the employment of consultants and advisers to assist them in applying the criteria for disqualification discussed in this memorandum as set forth above. Such statements should be kept current during the period the consultant is on the Government rolls.

LEGAL INTERPRETATION

Whenever the chief legal officer of a department or agency believes that a substantial legal question is raised by the employment of a particular consultant or adviser he should advise the Department of Justice, through the Office of Legal Counsel, in order to insure a consistent and authoritative interpretation of the law.

This memorandum shall be published in the FEDERAL REGISTER.

JOHN F. KENNEDY

THE WHITE HOUSE,
February 9, 1962.

APPENDIX

18 U.S.C. 281

Whoever, being a Member of or Delegate to Congress, or a Resident Commissioner, either before or after he has qualified, or the head of a department, or other officer or employee of the United States or any department or agency thereof, directly or indirectly receives or agrees to receive, any compensation for any services rendered or to be rendered, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter in which the United States is a party or directly or indirectly interested, before any department, agency, court martial, officer, or any civil, military, or naval commission, shall be fined not more than $10,000 or imprisoned not more than two years, or both; and shall be incapable of holding any office of honor, trust, or profit under the United States.

Retired officers of the armed forces of the United States, while not on active duty, shall not by reason of their status as such be subject to the provisions of this section. Nothing herein shall be construed to allow any retired officer to represent any person in the sale of anything to the Government through the department in whose service he holds a retired status.

This section shall not apply to any person because of his membership in the National Guard of the District of Columbia nor to any person specially excepted by Act of Congress.

18 U.S.C. 283

Whoever, being an officer or employee of the United States or any department or agency thereof, or of the Senate or House of Representatives, acts as an agent or attorney for prosecuting any claim against the United States, or aids or assists in the prosecution or support of any such claim otherwise than in

the proper discharge of his official duties, or receives any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of such claim, shall be fined not more than $10,000 or imprisoned not more than one year, or both.

Retired officers of the armed forces of the United States, while not on active duty, shall not by reason of their status as such be subject to the provisions of this section. Nothing herein shall be construed to allow any such retired officer within two years next after his retirement to act as agent or attorney for prosecuting or assisting in the prosecution of any claim against the United States involving the department in whose service he holds a retired status, or to allow any such retired officer to act as agent or attorney for prosecuting or assisting in the prosecution of any claim against the United States involving any subject matter with which he was directly connected while he was in an active-duty status.

This section shall not apply to any person because of his membership in the National Guard of the District of Columbia nor to any person specially excepted by enactment of Congress.

18 U.S.C. 434

Whoever, being an officer, agent or member of, or directly or indirectly interested in the pecuniary profits or contracts of any corporation, joint-stock company, or association, or of any firm or partnership, or other business entity, is employed or acts as an officer or agent of the United States for the transaction of business with such business entity, shall be fined not more than $2,000 or imprisoned not more than two years, or both.

18 U.S.C. 1914

Whoever, being a Government official or employee, receives any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality; or

Whoever, whether a person, association, or corporation, makes any contribution to, or in any way supplements the salary of, any Government official or employee for the services performed by him for the Government of the United States—

Shall be fined not more than $1,000 or imprisoned not more than six months, or both.

18 U.S.C. 284

Whoever, having been employed in any agency of the United States, including commissioned officers assigned to duty in such agency, within two years after the time when such employment or service has ceased, prosecutes or acts as counsel, attorney or agent for prosecuting, any claims against the United States involving any subject matter directly connected with which such person was so employed or performed duty, shall be fined not more than $10,000 or imprisoned not more than one year, or both.

5 U.S.C. 99

It shall not be lawful for any person appointed as an officer, clerk, or employee in any of the departments, to act as counsel, attorney, or agent for prosecuting any claim against the United States which was pending in either of said departments while he was such officer, clerk, or employee, nor in any manner, nor by any means, to aid in the prosecution of any such claim, within two years next after he shall have ceased to be such officer, clerk, or employee.

[F.R. Doc. 62-1603; Filed, Feb. 13, 1962; 12 m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 39—TRAINING REGULATIONS

Miscellanous Amendments

Effective upon publication in the FEDERAL REGISTER, §§ 39.207(b)(1)(iii), 39.305 and 39.306(c)(2) are amended as set out below.

§ 39.207 Reports.

* * * * * *

(b) * * *

(1) * * *

(iii) Summarizing the department's estimated expenditures for all training by, in, or through non-Government facilities (including training incident to initial procurement of equipment when information on the costs of such training is available), presenting separate totals for (*a*) tuition and related fees, (*b*) travel, and (*c*) per diem.

§ 39.305 Waiver of limitations on training of employees through non-Government facilities.

(a) Subject to other provisions of the Act and the regulations in this part, an employee having less than one year of current, continuous civilian service in the Government shall be eligible for training by, in, or through non-Government facilities upon a finding by the head of his department that postponement of the training until the employee has completed one year of current, continuous civilian service in the Government would be contrary to the public interest.

(b) To the extent considered justified by the head of the department concerned, the requirement for applying the limitations contained in section 12(a)(1) and (3) of the Act may be waived:

(1) For employees assigned to training by, in, or through non-Government facilities that does not exceed forty hours within a single program;

(2) For employees receiving training provided by manufacturers as a part of the normal service incident to initial purchase or lease of their products under procurement contracts;

(3) For employees receiving training through correspondence courses.

(c) To the extent he considers justified, the head of each department is further authorized to waive the limitation contained in section 12(a)(3) of the Act for employees serving in work-study programs when all of the following conditions are met:

(1) The employees are serving under career or career-conditional appointments;

(2) The employees are working in the fields of natural or mathematical sciences or engineering;

(3) Expenses of college training are being paid in the programs concerned only because the department has found that the programs cannot operate successfully without such payment;

(4) The employees' expenses of college training are being paid only to the extent the department deems necessary to attract and retain these employees; and

(5) Only those expenses of the employees' college training that are covered by section 10(2) of the Act are being paid.

§ 39.306 Agreements to continue in service.

* * * * * *

(c) * * *

(2) Employees selected for training by, in, or through non-Government facilities that does not exceed eighty hours within a single program;

(Sec. 6, 72 Stat. 329)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-1484; Filed, Feb. 13, 1962; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Determination Relative to Expenses and Fixing of Rate of Assessment for Initial (1961–62) Fiscal Period

Pursuant to the marketing agreement and Order No. 912 (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Indian River Grapefruit Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 912.201 Expenses and rate of assessment for the initial (1961–62) fiscal period.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Indian River Grapefruit Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the initial fiscal period beginning January 8, 1962, and ending July 31, 1962, will amount to $16,000.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles fruit shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one-half cent ($0.0050) per 1⅗ bushel box of fruit, or its equivalent when packed in other containers or in bulk, so handled by such handler during such fiscal period.

(c) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of fresh fruit are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit from the beginning of such period; and (3) the current fiscal period began on January 8, 1962, and the rate of assessment herein fixed will automatically apply to all assessable fruit beginning with such date.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: Feb. 8, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-1474; Filed, Feb. 13, 1962; 8:47 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

PART 214—NONIMMIGRANT CLASSES

Returning Residents and Direct Transits

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. The first sentence of § 211.1 *Visas* is amended to read as follows: "A valid unexpired immigrant visa shall be presented by each arriving immigrant alien

except an immigrant who (a) was born subsequent to the issuance of an immigrant visa to his accompanying parent and applies for admission during the validity of such a visa, or (b) is returning to an unrelinquished lawful permanent residence after a temporary absence abroad in any places except Albania, Cuba, Communist portions of China, Korea, and Viet-Nam and Outer Mongolia (1) not exceeding one year and presents a Form I–151 alien registration receipt card duly issued to him, or (2) and presents a valid unexpired reentry permit duly issued to him, or (3) and is the spouse or child of, and has been residing abroad with, a member of the Armed Forces of the United States stationed abroad pursuant to official orders, or (4) and satisfies the district director in charge of the port of entry that there is good cause for the failure to present the required document, in which case an application for waiver shall be made on Form I–193."

2. The first sentence of subparagraph (1) *Without visas* of paragraph (c) *Transits* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended to read as follows: "Any alien except a citizen and resident of the Union of Soviet Socialist Republics, Estonia, Latvia, Lithuania, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Cuba, Communist-controlled China ("Chinese People's Republic"), North Korea ("Democratic People's Republic of Korea") the Soviet Zone of Germany ("German Democratic Republic"), North Viet-Nam ("Democratic Republic of Viet-Nam"), and Outer Mongolia ("Mongolian People's Republic"), applying for immediate and continuous transit through the United States, must establish that he is admissible; that he has confirmed and onward reservations to at least the next country beyond the United States (except that, if seeking to join a vessel or aircraft in the United States as a crewman, the vessel or aircraft will depart directly foreign, and his departure will be completed within a maximum of 5 calendar days after his arrival, and, if joining a vessel, the crewman is in possession of, or makes application upon arrival for, a Form I–184 permanent landing permit and identification card), and that he has a document establishing his ability to enter some country other than the United States."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is contrary to the public interest in this instance because the amendments prescribed by the order affect the internal security of the United States.

Dated: February 12, 1962.

R. F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 62–1583; Filed, Feb. 13, 1962; 8:52 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 30—LICENSING OF BYPRODUCT MATERIAL

Miscellaneous Amendments

The Commission is today publishing in the FEDERAL REGISTER a new regulation entitled, "Part 150—Exemptions and Continued Regulatory Authority in Agreement States under Section 274." That part contains provisions granting a general license to any person who holds a specific license from an agreement State to conduct the same activity in a nonagreement State, provided that specific license does not limit the activity authorized by the specific license to specified installations or locations. In adopting Part 150 the Commission concluded that it would also be desirable to extend the general licenses contained in § 30.21(c) of this part to devices manufactured under specific licenses issued by agreement States. The following amendments to Part 30 are designed to accomplish that purpose and reflect comments received by the Commission from interested persons and organizations in response to the notice of proposed adoption of Part 150 published by the Commission in the FEDERAL REGISTER on September 29, 1961.

The Commission will welcome suggestions and comments for further changes in these rules, which should be submitted to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C.

Pursuant to the Atomic Energy Act of 1954, as amended and the Administrative Procedure Act of 1946, the following amendments to 10 CFR Part 30 are published as a document subject to codification, to be effective on publication in the FEDERAL REGISTER.

1. The following paragraph is added to § 30.4:

(t) "Agreement State" as designated in Part 150 of this chapter means any State with which the Commission has entered into an effective agreement under subsection 274.(b) of the Atomic Energy Act of 1954, as amended. "Non-agreement State" means any other State.

2. Paragraph (c) of § 30.21 is amended to read as follows:

(c) (1) Subject to the provisions of subparagraphs (2) to (6) of this paragraph (c), a general license is hereby issued to own, receive, acquire, possess and use byproduct material when contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

(2) The general license contained in subparagraph (1) of this paragraph (c) applies only to devices which have been:

(i) Manufactured in accordance with the specifications contained in a specific license issued by the Commission to the manufacturer of the device pursuant to § 30.24(f), or, in accordance with the specifications contained in a specific license issued to the manufacturer by an agreement State; and

(ii) Installed on the premises of the general licensee by a person authorized to install such devices under a specific license issued to the installer by the Commission pursuant to this part or by an agreement State, provided that the specific license referred to in subdivision (i) of this subparagraph (2) contains provisions authorizing the transfer of such devices to, and the installation of such devices in the premises of, general licensees.

(3) The general license contained in subparagraph (1) of this paragraph (c) applies only to devices which (i) are labeled in accordance with the provisions of the specific license which authorizes the distribution of the device to general licensees, and (ii) bear a label containing the following or a substantially similar statement which contains the information called for in the following statement:

This device, generally licensed pursuant to § 30.21(c) of 10 CFR, Part 30, has been manufactured and distributed pursuant to license No. ------ issued by ----------
(insert either "Atomic Energy Commission" or name of agreement State, whichever is applicable)

(Name of supplier)

(4) Persons who own, receive, acquire, possess or use a device pursuant to the general license contained in subparagraph (1) of this paragraph (c):

(i) Shall not transfer, abandon or dispose of the device, except by transfer to a person authorized by a specific license from the Commission or an agreement State to receive such device;

(ii) Shall assure that all labels affixed to the device at the time of receipt and bearing the statement, "Removal of this label is prohibited by regulations of the Atomic Energy Commission", are maintained thereon and shall comply with all instructions contained in such labels;

(iii) Shall have the device tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than six-month intervals; provided that devices containing only krypton need not be tested for leakage, and devices containing only tritium need not be tested for any purpose;

(iv) Shall have the tests required by subdivision (iii) of this subparagraph and all other services involving the radioactive material, its shielding and containment, performed by the supplier or other person holding a specific license from the Commission or an agreement State to manufacture, install or service such devices;

(v) Shall maintain records of all tests performed on the devices as required under this section, including the dates and results of the tests and the names of the persons conducting the tests;

(vi) Upon the occurrence of a failure of or damage to, or any indication of a possible failure of or damage to, the shielding or containment of the radioactive material or the on-off mechanism or indicator, shall immediately suspend operation of the device until it has been repaired by the supplier or other person holding a specific license from the Commission or an agreement State to manufacture, install or service such devices, or disposed of by transfer to a person authorized to receive the byproduct material contained in the device; and

(vii) Shall be exempt from the requirements of Part 20 of this chapter, except that such persons shall comply with the provisions of §§ 20.402 and 20.403 of this chapter.

(5) The general license provided in subparagraph (1) of this paragraph (c) is subject to the provisions of §§ 30.32 to 30.72, inclusive: *Provided*, That persons who possess byproduct material pursuant to this general license shall not export such byproduct material without a specific license from the Commission authorizing such export.

(6) Any person who holds a specific license issued by an agreement State authorizing the holder to manufacture, install or service a device described in subparagraph (1) of this paragraph (c) within such agreement State is hereby granted a general license to install and service such device in any nonagreement State; *Provided*, That:

(i) Such person shall file a report with the Director, Division of Licensing and Regulation, Atomic Energy Commission, Washington 25, D.C., within 30 days after the end of each calendar quarter in which any device is transferred or installed. Each such report shall identify each general licensee by name and address, the type of device transferred, and the quantity and type of byproduct material contained in the device.

(ii) The device has been manufactured, labelled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by the agreement State;

(iii) Such person assures that any labels required to be affixed to the device under regulations of the agreement State which licensed manufacture of the device bear a statement that "Removal of this label is prohibited by the regulations of the Atomic Energy Commission".

(iv) Shall furnish to each general licensee to whom he transfers such device or on whose premises he installs such device a copy of the general license contained in § 30.21(c).

(Secs. 81, 161, 274, 68 Stat. 935, 948, 73 Stat. 688; 42 U.S.C. 2111, 2201, 2021)

Dated at Germantown, Md., this 7th day of February 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62–1498; Filed, Feb. 13, 1962; 8:50 a.m.]

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

Public Law 86–373, dated September 23, 1959, amended the Atomic Energy Act of 1954 by the addition of a new section 274, "Cooperation With States." One purpose of that legislation was to recognize the interests of the States in the peaceful uses of atomic energy and to clarify the respective responsibilities under the Atomic Energy Act of the Commission and the States with respect to the regulation of byproduct, source, and special nuclear materials.

Under section 274b. of the Atomic Energy Act, the Commission is authorized to enter into an agreement with the Governor of any State providing for discontinuance of the regulatory authority of the Commission under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials within the State: Byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass.

Subsection (c) of section 274 of the Atomic Energy Act specifically excludes from such agreements the discontinuance of any Commission authority with respect to:

1. The construction and operation of any production or utilization facility;

2. The export from or import into the United States of any byproduct, source, or special nuclear material or of any production or utilization facility;

3. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

4. The disposal of such other byproduct, source, or special nuclear material as the Commission determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

In addition to the foregoing the Commission, notwithstanding any agreement between the Commission and any State pursuant to subsection 274b. of the Act, is authorized by rule, regulation, or order to require that the manufacturer, processor or producer of any equipment, device, commodity or other product containing source, byproduct or special nuclear material shall not transfer possession or control of such product except pursuant to a license issued by the Commission.

On September 29, 1961, the Commission published for public comment a draft of a proposed 10 CFR Part 150, which would relinquish certain licensing authority to agreement States and exempt persons in those States from Commission licensing requirements. The Statement of Considerations published with the proposed Part 150 stated that the Commission had not taken a position as to whether it should retain or relinquish to the States its authority to regulate the commercial disposal by burial of atomic wastes, or its authority to license the distribution by producers of products containing atomic energy materials; and specifically invited public comment on those questions and on possible alternatives.

Following publication, comments were received from some fifty organizations and individuals. The proposed Part 150 was discussed with a number of committees representing national organizations, as well as with the Commission's Advisory Committee of State Officials. The majority of all comments received were concerned in the main with the question of whether the Commission should continue control in agreement States of the commercial land burial of byproduct, source, or special nuclear wastes and the question of whether the Commission should continue control of transfer by manufacturers, processors or producers of equipment, devices, commodities, or other products containing agreement materials.

The Commission has taken into consideration the comments and advice it has received in adopting the regulation set out herein. The Commission has decided against blanket reservations of control over land burial of waste and over the transfer of manufactured products.

However, as to land burial, the Commission finds, pursuant to section 274 c.(4), of the Act that because of the hazards or potential hazards thereof, high level atomic energy wastes from the chemical processing of irradiated fuel elements should not be disposed of without a license from the Commission This finding is reflected in § 150.15(a)(4). Control over the handling and storage of waste at the site of a reactor, including effluent discharge, will be retained by the Commission as a part of the control of reactor operation. The states will have control over land burial of low level wastes.

With respect to whether the Commission should retain or relinquish authority to license the transfer by manufacturers, processors or producers of equipment, devices, commodities or other products containing atomic energy materials, Part 150 provides for State regulatory control in this area except those items intended for use by the general public (§ 150.15(a)(6)). Thus, control over the manufacture and transfer of industrial type devices, such as thickness gauges, would be exercised by the agreement States.

Control over consumer type devices, such as luminous watches, would be retained by the Commission. The uncontrolled distribution of atomic materials in products designed for distribution to the general public, such as consumer type devices, and the ultimate uncontrolled release of these materials into the environment, involve questions of national policy which have not yet been resolved. It is for this reason that the Commission is retaining control over such products. The Commission recognizes that the phrase "products designed for distribution to the general public" is not precise. The purpose of the provision, however, will be discussed with each agreement State; serious difficulties in interpretation of the phrase are not anticipated.

In order to achieve the maximum degree of uniformity of design and labeling requirements for those products and devices which will be under State control, the agreement to be executed between the Commission and an agreement State will provide for cooperative arrangements under which the State will keep the Commission informed of

proposed requirements for the design and distribution of such products. In addition, the State will agree to use its best efforts to maintain its total control program compatible with the control program of the Commission on a continuing basis.

The agreement will also provide that the Commission and the agreement State will use their best efforts to develop rules, regulations and procedures by which reciprocal recognition of licenses covering agreement materials will be accorded.

In the implementation of the reciprocal recognition provision in the agreement, § 150.20 grants a general license to any person who holds a valid specific license from an agreement State to conduct the same activity in a non-agreement State, provided that the specific license does not limit the activity authorized by the license to specific installations or locations. The general license so provided in § 150.20 requires the licensee to comply with the appropriate provisions of Parts 20, 30, 31, 40, and 70 of Title 10. In addition, such licensee must register in advance with the Commission; must not in any non-agreement State, transfer or dispose of the radioactive material possessed or used under the general license except by transfer to a person specifically licensed by the Commission to receive such material; must not in any non-agreement State, possess or use radioactive material, or engage in the activity authorized in § 150.20 for more than 20 days in any period of 12 consecutive months, without obtaining a specific license from the Commission, and must comply with all terms and conditions of the specific State license except those terms and conditions as are contrary to the requirements of § 150.20.

There are certain classes of devices containing byproduct material which may be used under general licensing provisions contained in Part 30, § 30.21(c), if the device is manufactured in accordance with a specific license issued to the manufacturer by the Commission. Part 30 is being amended to provide that such products, if manufactured in an agreement State pursuant to a specific license from the agreement State, may be transferred to users in non-agreement States and used by the users under the general licensing provisions of Part 30.

The Commission's decision not to exercise its authority to license the transfer of products containing atomic energy materials (other than products designed for distribution to the general public) is based on the assumption that agreement States will maintain continuing compatibility between their programs and Commission programs; and that procedures will be devised assuring reasonable, reciprocal recognition of licenses and licensing requirements among such States and the Commission. If attainment of these objectives should prove to be unfeasible, the Commission will reconsider the need for the exercise of its authority to prescribe the specifications for products containing atomic energy materials.

It will be desirable for the Commission and agreement States to develop programs for the collection and exchange of data concerning the effectiveness of standards and procedures observed in their respective programs for licensing and regulating the possession and use of atomic energy materials. For this purpose, the Commission plans, in cooperation with the agreement States, to develop procedures under which the agreement States will furnish to the Commission such information as may be agreed upon from time to time; and the Commission will make available to each agreement State, summaries of the information received from other agreement States and from Commission licensees.

As has previously been announced, the Commission is conducting studies of activities involving the processing and use of very substantial quantities of byproduct material (in the order of hundreds of thousands of curies). These studies have been undertaken in part to provide information on which the Commission may make a determination as to whether provisions of the Price-Anderson Indemnity Act (section 170 of the Atomic Energy Act of 1954) should be extended to such activities. They have also been undertaken for the purpose of providing information as to whether the Commission should determine that facilities which process such quantities of byproduct material are production or utilization facilities within the meaning of Section 11 of the Act. If the Commission finds that such facilities should be classified as utilization facilities, the Commission's licensing and regulatory requirements would be applicable. The provisions of the Price-Anderson Indemnity Act cannot be made applicable except to activities licensed by the Commission.

The exemptions herein granted are issued in order to carry out agreements between the Commission and the Governor of any State under section 274b. of the Atomic Energy Act of 1954, as amended.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following regulation is published as a document subject to codification, to be effective on publication in the FEDERAL REGISTER.

GENERAL PROVISIONS

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150.20 Recognition of State licenses.

ENFORCEMENT

150.30 Violations.

AUTHORITY: §§ 150.1 to 150.30 issued under secs. 161 and 274, 68 Stat. 948; and 73 Stat. 688, 42 U.S.C. 2201 and 42 U.S.C. 2021.

GENERAL PROVISIONS

§ 150.1 Purpose.

The regulations in this part provide certain exemptions to persons in agreement States from the licensing requirements contained in Chapters 6, 7, and 8 of the Act and from the regulations of the Commission imposing requirements upon persons who receive, possess, use or transfer byproduct material, source, or special nuclear material in quantities not sufficient to form a critical mass; and to define activities in agreement States over which the regulatory authority of the Commission continues. The provisions of the Act, and regulations of the Commission apply to all persons in agreement States engaging in activities over which the regulatory authority of the Commission continues.

§ 150.2 Scope.

The regulations in this part apply to all States that have entered into agreements with the Commission pursuant to subsection 274b of the Act.

§ 150.3 Definitions.

As used in this part:

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919) including any amendments thereto;

(b) "Agreement State" means any State with which the Commission has entered into an effective agreement under subsection 274b of the Act;

(c) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;

(d) "Commission" means the Atomic Energy Commission or its duly authorized representatives;

(e) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.

(f) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, any State or any political subdivision of any political entity within a State, and any legal successor, representative, agent, or agency of the foregoing other than Government agencies;

(g) "Production facility" means (1) any equipment or device determined by rule of the Commission to be capable of the production of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (2) any important component part especially designed for such equipment or device as determined by the Commission;

(h) "Source material" means (1) uranium, thorium, or any other material which is determined by the Commission pursuant to the provisions of section 61 of the Act to be source material; or (2) ores containing one or more of the foregoing materials, in such concentration as the Commission may by regulation determine from time to time;

(i) "Special nuclear material" means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material;

(j) "State" means any State, Territory, or possession of the United States, the Canal Zone, Puerto Rico, and the District of Columbia;

(k) "Utilization facility" means (1) any equipment or device, except an atomic weapon, determined by rule of the Commission to be capable of making use of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public, or peculiarly adapted for making use of atomic energy in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (2) any important component part especially designed for such equipment or device as determined by the Commission.

§ 150.4 Communications.

All communications concerning the regulations of this part should be addressed to the United States Atomic Energy Commission, Washington 25, D.C., Attention: Division of Licensing and Regulation. Communications and reports may be delivered in person at the Commission's office at 1717 H Street NW., Washington, D.C., or its offices at Germantown, Maryland.

§ 150.5 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by an officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

EXEMPTIONS IN AGREEMENT STATES

§ 150.10 Persons exempt.

Except as provided in § 150.15, any person in an agreement State who manufactures, produces, receives, possesses, uses or transfers byproduct material, source material, or special nuclear material in quantities not sufficient to form a critical mass is exempt from the requirements for a license contained in Chapters 6, 7, and 8 of the Act, regulations of the Commission imposing licensing requirements upon persons who manufacture, produce, receive, possess, use or transfer such materials, and from regulations of the Commission applicable to licensees. The exemptions in this section do not apply to agencies of the Federal government as defined in § 150.3.

§ 150.11 Critical mass.

(a) For the purposes of this part, special nuclear material in quantities not sufficient to form a critical mass means uranium enriched in the isotope U-235 in quantities not exceeding 350 grams of contained U-235; uranium-233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all kinds of special nuclear materials in combination shall not exceed unity. For example, the following quantities in combination would not exceed the limitation and are within the formula, as follows:

$$\frac{175 \text{ (grams contained U-235)}}{350} + \frac{50 \text{ (grams U-233)}}{200} + \frac{50 \text{ (grams Pu)}}{200} = 1$$

(b) To determine whether the exemption granted in § 150.10 of this part applies, a person shall include in the quantity computed according to paragraph (a) of this section the total quantity of special nuclear material which he is authorized to receive, possess or use in a particular agreement State at any one time.

CONTINUED COMMISSION REGULATORY AUTHORITY IN AGREEMENT STATES

§ 150.15 Persons not exempt.

(a) Persons in agreement States are not exempt from the Commission's licensing and regulatory requirements with respect to the following activities:

(1) The construction and operation of any production or utilization facility. As used in this subparagraph (1), "operation" of a facility includes, but is not limited to (i) the storage and handling of radioactive wastes at the facility site by the person licensed to operate the facility, and (ii) the discharge of radioactive effluents from the facility site.

(2) The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility.

(3) The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials, as defined in regulations or orders of the Commission. For purposes of this part, ocean or sea means any part of the territorial waters of the United States and any part of the international waters.

(4) The transfer, storage or disposal of radioactive waste material resulting from the separation in a production facility of special nuclear material from irradiated nuclear reactor fuel. This subparagraph (4) does not apply to the transfer, storage or disposal of contaminated equipment.

(5) The disposal of such other byproduct, source, or special nuclear material as the Commission determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

(6) The transfer of possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material, intended for use by the general public.

(b) Notwithstanding any exemptions provided in this part, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

RECIPROCITY

§ 150.20 Recognition of State licenses.[1]

(a) Subject to the provisions of paragraph (b) of this section, any person who possesses a specific license from an agreement State is hereby granted a general license to conduct the same activity in non-agreement States: *Provided*, That the specific license does not limit the activity authorized by the license to specified installations or locations.

(b) Notwithstanding any provision to the contrary in any specific license issued by an agreement State to a person who engages in activities in a non-agreement State under a general license provided in this section, the general license provided in this section is subject to the provisions of §§ 30.32, 30.41, 30.43, 30.44, 30.51, 30.52, and 30.61 of Part 30 of this chapter; §§ 40.41, 40.61 to 40.63, inclusive, 40.71 and 40.81 of Part 40 of this chapter; and §§ 70.32, 70.51 to 70.56 inclusive, 70.61, 70.62, and 70.71 of Part 70 of this chapter; and to the provisions of Part 20 and Part 31 of this chapter. In addition, any person who engages in activities in non-agreement States under a general license provided in this section:

(1) Shall file AEC Form No. 241 ("Report of Proposed Activities in Non-agreement States") in quadruplicate with the U.S. Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation, prior to engaging in any such activity;

(2) Shall not in any non-agreement State transfer or dispose of radioactive material possessed or used under the

[1] Part 30 of this chapter is being amended to generally license the use and possession by persons in non-agreement States of certain devices containing byproduct material manufactured in an agreement State in accordance with the specifications in the specific license issued to the manufacturer by the agreement State.

general license provided in this section except by transfer to a person specifically licensed by the Commission to receive such material;

(3) Shall not possess or use radioactive material, or engage in the activities authorized in paragraph (a) of this section for more than 20 days in any period of 12 consecutive months;

(4) Shall comply with all terms and conditions of the specific license issued by an agreement State except such terms or conditions as are contrary to the requirements of this section.

ENFORCEMENT

§ 150.30 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. Any person who willfully violates any provisions of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both, as provided by law.

Dated at Germantown, Md., this 7th day of February 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-1497; Filed, Feb. 13, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-LA-4]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Federal Airways, Control Area Extension, Alteration and Designation of Restricted Areas and Designation of Transition Area

On December 5, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11494) stating the Federal Aviation Agency was considering amendments to Part 601 and §§ 600.6006, 600.6105, 600.6494, 600.1545, 601.1357 and 608.48 of the regulations of the Administrator, which would:

1. Revoke the Fallon, Nev., Restricted Area R-4803 and replace it with two restricted areas of lesser dimensions identified as R-4803 and R-4810.

2. Alter the Fallon, Nev., Restricted Area R-4804 by designating the area with a circular configuration and change its name to Twin Peaks, Nev.

3. Designate the Federal Aviation Agency, Oakland, Calif., ARTC Center as the controlling agency for R-4803, R-4804 and R-4810.

4. Alter the description of low altitude VOR Federal airways Nos. 494 and 6 south alternate to exclude the portions within R-4803.

5. Delete the reference to R-268 in the description of low altitude VOR Federal airway No. 105 and expand intermediate altitude VOR Federal airway No. 1545 to its normal width between the Coaldale, Nev., VOR and the Reno, Nev., VOR.

6. Expand the Fallon, Nev., control area extension by including additional airspace southeast and northwest of Fallon.

7. Designate a transition area near Yerington, Nev.

No adverse comments were received regarding the proposed amendments.

Subsequent to the publication of the notice, it has been determined that the centerline of the extension of R-4803, as proposed, should be 349.5° in lieu of 349° as stated in the notice. This change, being minor in nature, is reflected in the action taken herein.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted and due consideration has been given to all relevent matter presented.

The substance of the proposed amendments having been published, therefore pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 608.48 Nevada (26 F.R. 7197) the following changes are made:

a. R-4803 Fallon, Nev., is amended to read:

R-4803 Fallon, Nev.

Boundaries. A 3-nautical mile radius circle centered at latitude 39°20'40" N., longitude 118°52'15" W.; and within 3 nautical miles W and 2 nautical miles E of a line extending 349.5° True from the center to 15 nautical miles NNW.

Designated altitudes. Surface to 8,000 feet MSL N, and surface to 18,000 feet MSL S of a line extending from latitude 39°27'40" N., longitude 118°57'55" W. to latitude 39°30'20" N., longitude 118°51'55" W.

Time of designation. Continuous, Monday through Saturday.

Controlling agency. Federal Aviation Agency, Oakland ARTC Center.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

b. R-4804 Fallon, Nev., is amended to read:

R-4804 Twin Peaks, Nev.

Boundaries. A 5-nautical mile radius circle centered at latitude 39°13'00" N., longitude 118°12'42" W.; and a 3-nautical mile radius circle centered at latitude 39°-14'15" N., longitude 118°17'30" W.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. Continuous, Monday through Saturday.

Controlling agency. Federal Aviation Agency, Oakland ARTC Center.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

c. R-4810 Desert Mountains, Nev., is added to read:

R-4810 Desert Mountains, Nev.

Boundaries. A 5-nautical mile radius circle centered at latitude 39°10'60" N., longitude 118°37'30" W.; and a 2-nautical mile radius circle centered at latitude 39°-09'15" N., longitude 118°42'20" W.

Designated altitudes. Surface to flight level 300.

Time of designation. One hour prior to sunrise to one hour after sunset, Monday through Friday.

Controlling agency. Federal Aviation Agency, Oakland ARTC Center.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

2. In the text of § 600.6006 (14 CFR 600.6006, 26 F.R. 11823) "to the Idlewild, N.Y., VORTAC." is deleted and "to the Idlewild, N.Y., VORTAC, excluding the airspace within R-4803." is substituted therefor.

3. In the text of § 600.6105 (14 CFR 600.6105) "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Fallon, Nev., Restricted Area (R-268) is excluded during this restricted area's time of designation." is deleted.

4. In the text of § 600.6494 (26 F.R. 11824) "excluding the airspace within R-4802." is deleted and "excluding the airspace within R-4802 and R-4803." is substituted therefor.

5. In the text of § 600.1545 (26 F.R. 1086) "INT of the Reno, Nev., VOR 135° and the Lovelock, Nev., VOR 195° radials; thence 8 mile wide airway to the INT of the Reno VOR 135° and the Lovelock VOR 210° radials; thence to the Reno VOR." is deleted and "to the Reno, Nev., VOR." is substituted therefor.

6. Section 601.1357 (14 CFR 601.1357) is amended to read:

§ 601.1357 Control area extension (Fallon, Nev.).

That airspace within 12 miles NE and 8 miles SW of the NAAS Fallon TACAN 146° radial, extending from the TACAN to 54 miles SE; within 5 miles either side of the NAAS Fallon TACAN 037° radial, extending from the TACAN to 29 miles NE; and within 16 miles N and 7 miles S of the NAAS Fallon TACAN 089° and 269° radials, extending from 8 miles E of the TACAN to a line extending from latitude 39°06'00" N, longitude 119°16'-00" W. to latitude 40°00'00" N., longitude 118°57'00" W. The portions of this control area extension within R-4803, R-4804 and R-4810 shall be used only after obtaining prior approval from appropriate authority.

7. In Part 601 (14 CFR Part 601), the following section is added:

§ 601.10953 Yerington, Nev., transition area.

That airspace extending upward from 1200 feet above the surface within 12 miles SW and 8 miles NE of the Reno, Nev., VOR 135° radial extending from 10 miles NW to 22 miles SE of the INT of the Reno VOR 135° and the Lovelock, Nev., VOR 197° radials.

These amendments shall become effective 0001 e.s.t. April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 7, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1457; Filed, Feb. 13, 1962; 8:45 a.m.]

[Airspace Docket No. 60-LA-90]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 608—SPECIAL USE AIRSPACE

Designation of Restricted Area and Alteration of Federal Airway

On November 8, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10520), stating the Federal Aviation Agency was considering amendments to §§ 600.1668 and 608.70 which would designate a restricted area near Guernsey, Wyo., and alter intermediate altitude VOR Federal airway No. 1668 by reducing its width from 16 miles to 14 miles to provide required lateral separation with the proposed Guernsey, Wyo., Restricted Area.

No adverse comments were received regarding the proposed amendments.

Although the notice stated that, should this action be taken, the Denver ARTC Center would be designated as the controlling agency for the Guernsey Restricted Area, it has been determined that no requirement exists in this restricted area for the control of IFR traffic. Therefore, because better service can be provided to transiting VFR traffic through communications with the adjacent Flight Service Station, action is taken herein to designate the Casper, Wyo., Flight Service Station as the controlling agency.

Subsequent to publication of the notice, the description of VOR Federal airway No. 1668 was altered by changing the name of the Rock River, Wyo., VOR to the Medicine Bow, Wyo., VOR (26 F.R. 11823), effective February 8, 1962. Therefore, the action taken herein to alter the description of V-1668 by reducing its width will reflect this name change.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 608.70 *Wyoming* (26 F.R. 7204) the following is added:

R-7001 Guernsey, Wyo.

Boundaries. Beginning at latitude 42°-39'00" N., longitude 104°54'30" W.; to latitude 42°30'00" N., longitude 104°40'00" W.; to latitude 42°23'00" N., longitude 104°40'00" W.; to latitude 42°19'00" N., longitude 104°-45'00" W.; to latitude 42°18'00" N., longitude 104°45'00" W.; to latitude 42°19'30" N., longitude 104°51'00" W.; to latitude 42°24'-00" N., longitude 104°54'30" W.; to the point of beginning.

Designated altitudes. Surface to 23,500 feet MSL.

Time of designation. 0700 to 2200 m.s.t., May 15 through September 5.

Controlling agency. Federal Aviation Agency, Casper, Wyo., Flight Service Station.

Using agency. Adjutant General, State of Wyoming.

2. Section 600.1668 (26 F.R. 11823) is amended to read:

§ 600.1668 VOR Federal airway No. 1668 (Medicine Bow, Wyo., to Chadron, Nebr.).

From the Medicine Bow, Wyo., VOR; 14-mile wide airway to the Chadron, Nebr., VOR.

These amendments shall become effective 0001 e.s.t. April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 7, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1458; Filed, Feb. 13, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-5]

PART 13—PROHIBITED TRADE PRACTICES

Jerome Kramer and J. C. Kramer Furrier

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act;* § 13.1886 *Quality, grade or type;* § 13.1900 *Source or origin:* § 13.1900-40 *Fur Products Labeling Act:* § 13.1900-40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, J. C. Kramer Furrier, Erie, Pa., Docket C-5, Oct. 17, 1961]

Consent order requiring an Erie, Pa., furrier to cease violating the Fur Products Labeling Act by failing, in labeling, invoicing, and advertising fur products, to show the true name of the fur and the country of origin of imported furs; failing to show, in labeling and advertising, when a fur product was composed of cheap or waste fur, and to disclose in invoicing when fur was dyed; and failing in other respects to comply with requirements of the Act.

The order to cease and desist, together with further order requiring report of compliance therewith, is as follows:

It is ordered, That Jerome Kramer, an individual trading as J. C. Kramer Furrier, or under any other trade name and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth on labels affixed to fur products:

1. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

2. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with nonrequired information.

3. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

C. Affixing to fur products labels that do not comply with the minimum size requirements of one and three-quarter inches by two and three-quarter inches.

D. Failing to set forth all the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on one side of such labels.

E. Failing to set forth separately on labels affixed to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

F. Failing to set forth on labels the item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and

so provided in § 150.20 requires the licensee to comply with the appropriate provisions of Parts 20, 30, 31, 40, and 70 of Title 10. In addition, such licensee must register in advance with the Commission; must not in any non-agreement State, transfer or dispose of the radioactive material possessed or used under the general license except by transfer to a person specifically licensed by the Commission to receive such material; must not in any non-agreement State, possess or use radioactive material or engage in the activity authorized in § 150.20 for more than 20 days in any period of 12 consecutive months without obtaining a specific license from the Commission, and must comply with all terms and conditions of the specific State license except those terms and conditions as are contrary to this requirements of § 150.20.

There are certain classes of devices containing byproduct material which may be used under general licensing provisions contained in Part 30. § 30.21(c) if the device is manufactured in accordance with a specific license issued to the manufacturer by the Commission. Part 30 is being amended to provide that such products, if manufactured in an agreement State pursuant to a specific license from the agreement State, may be transferred to users in non-agreement States and used by the users under the general licensing provisions of Part 30.

The Commission's decision not to exercise its authority to license the transfer of products containing atomic energy materials (other than products designed for distribution to the general public) is based on the assumption that agreement States will maintain continuing compatibility between their programs and Commission programs; and that procedures will be devised assuring reasonable, reciprocal recognition of licenses and licensing requirements among such States and the Commission. If attainment of these objectives should prove to be unfeasible, the Commission will reconsider the need for the exercise of its authority to prescribe the specifications for products containing atomic energy materials.

of thousands of curies. These shipments have been undertaken in part to provide information on which the Commission may make a determination as to whether provisions of the Price-Anderson Indemnity Act (section 170 of the Atomic Energy Act of 1954) should be extended to such activities. They have also been undertaken for the purpose of providing information as to whether the Commission should determine that facilities which process such quantities of byproduct material are production or utilization facilities within the meaning of Section 11 of the Act. If the Commission finds that such facilities should be classified as utilization facilities the Commission's licensing and regulatory requirements would be applicable. The provisions of the Price-Anderson Indemnity Act cannot be made applicable except to activities licensed by the Commission.

The exemptions herein granted are issued in order to carry out agreements between the Commission and the Governor of any State under section 274b of the Atomic Energy Act of 1954 as amended.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following regulation is published as a document subject to codification, to be effective on publication in the FEDERAL REGISTER.

GENERAL PROVISIONS

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EXEMPTIONS IN AGREEMENT STATES

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150.30 Violations.

AUTHORITY: §§ 150.1 to 150.30 issued under secs. 161 and 274, 68 Stat. 948; and 73 Stat. 688, 42 U.S.C. 2201 and 42 U.S.C. 2021.

ments with the Commission pursuant to subsection 274b of the Act.

§ 150.3 Definitions.

As used in this part:

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919) including any amendments thereto;

(b) "Agreement State" means any State with which the Commission has entered into an effective agreement under subsection 274b of the Act;

(c) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;

(d) "Commission" means the Atomic Energy Commission or its duly authorized representatives.

(e) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.

(f) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, any State or any political subdivision of any political entity within a State, and any legal successor, representative, agent, or agency of the foregoing other than Government agencies;

(g) "Production facility" means (1) any equipment or device determined by rule of the Commission to be capable of the production of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (2) any important component part especially designed for such equipment or device as determined by the Commission;

(h) "Source material" means (1) uranium, thorium, or any other material which is determined by the Commission pursuant to the provisions of section 61 of the Act to be source material because of its quantity, its chemical concentration or its physical concentration in the ores where the material is normally found; and (2) ores containing one or more of the foregoing materials, in such concentration as the Commission may by regulation determine from time to time.

(i) "Special nuclear material" means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material, but does not include source material; or (2) any material artificially enriched by any of the foregoing but does not include source material.

(j) "Utilization facility" means (1) any equipment or device, except an atomic weapon, determined by rule of the Commission to be capable of making use of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (2) any important component part especially designed for such equipment or device as determined by the Commission.

§ 150.4 Communications.

All communications concerning the regulations of this part should be addressed to the United States Atomic Energy Commission, Washington 25, D.C., Attention: Division of Licensing and Regulation. Communications and reports may be delivered in person at the Commission's office at 1717 H Street NW., Washington, D.C., or its offices at Germantown, Maryland.

§ 150.5 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by an officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

EXEMPTIONS IN AGREEMENT STATES

§ 150.10 Persons exempt.

Except as provided in § 150.15, any person in an agreement State who manufactures, produces, receives, possesses, uses or transfers byproduct material, source material, or special nuclear material in quantities not sufficient to form a critical mass is exempt from the requirements for a license contained in Chapters 6, 7, and 8 of the Act, regulations of the Commission imposing licensing requirements upon persons who manufacture, produce, receive, possess, use or transfer such materials, and from regulations of the Commission applicable to licensees. The exemptions in this section do not apply to agencies of the Federal government as defined in § 150.3.

CONTINUED COMMISSION REGULATORY AUTHORITY IN AGREEMENT STATES

§ 150.15 Persons not exempt.

(a) Persons in agreement States are not exempt from the Commission's licensing and regulatory requirements with respect to the following activities:

(1) The construction and operation of any production or utilization facility. As used in this subparagraph (1), "operation" of a facility includes, but is not limited to (i) the storage and handling of radioactive wastes at the facility site by the person licensed to operate the facility, and (ii) the discharge of radioactive effluents from the facility site.

(2) The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility.

(3) The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials, as defined in regulations or orders of the Commission. For purposes of this part, ocean or sea means any part of the territorial waters of the United States and any part of the international waters.

(4) The transfer, storage or disposal of radioactive waste material resulting from the separation in a production facility of special nuclear material from irradiated nuclear reactor fuel. This subparagraph (4) does not apply to the transfer, storage or disposal of contaminated equipment.

(5) The disposal of such other byproduct, source, or special nuclear material as the Commission determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

(6) The transfer of possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material, intended for use by the general public.

fer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

RECIPROCITY

§ 150.20 Recognition of State licenses.[1]

(a) Subject to the provisions of paragraph (b) of this section, any person who possesses a specific license from an agreement State is hereby granted a general license to conduct the same activity in non-agreement States: *Provided*, That the specific license does not limit the activity authorized by the license to specified installations or locations.

(b) Notwithstanding any provision to the contrary in any specific license issued by an agreement State to a person who engages in activities in a non-agreement State under a general license provided in this section, the general license provided in this section is subject to the provisions of §§ 30.32, 30.41, 30.43, 30.44, 30.51, 30.52, and 30.61 of Part 30 of this chapter; §§ 40.41, 40.61 to 40.63, inclusive, 40.71 and 40.81 of Part 40 of this chapter; and §§ 70.32, 70.51 to 70.56 inclusive, 70.61, 70.62, and 70.71 of Part 70 of this chapter; and to the provisions of Part 20 and Part 31 of this chapter. In addition, any person who engages in activities in non-agreement States under a general license provided in this section:

(1) Shall file AEC Form No. 241 ("Report of Proposed Activities in Non-agreement States") in quadruplicate with the U.S. Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation, prior to engaging in any such activity;

(2) Shall not in any non-agreement State transfer or dispose of radioactive material possessed or used under the

[1] Part 30 of this chapter is being amended to generally license the use and possession by persons in non-agreement States of certain devices containing byproduct material manufactured in an agreement State in accordance with the specifications in the specific license issued to the manufacturer by the agreement State.

general license provided in this section except by transfer to a person specifically licensed by the Commission to receive such material;

(3) Shall not possess or use radioactive material, or engage in the activities authorized in paragraph (a) of this section for more than 20 days in any period of 12 consecutive months;

(4) Shall comply with all terms and conditions of the specific license issued by an agreement State except such terms or conditions as are contrary to the requirements of this section.

ENFORCEMENT

§ 150.30 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. Any person who willfully violates any provisions of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both, as provided by law.

Dated at Germantown, Md., this 7th day of February 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-1497; Filed, Feb. 13, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-LA-4]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Federal Airways, Control Area Extension, Alteration and Designation of Restricted Areas and Designation of Transition Area

On December 5, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11494) stating the Federal Aviation Agency was considering amendments to Part 601 and §§ 600.6006, 600.6105, 600.6494, 600.1545, 601.1357 and 608.48 of the regulations of the Administrator, which would:

1. Revoke the Fallon, Nev., Restricted Area R-4803 and replace it with two restricted areas of lesser dimensions identified as R-4803 and R-4810.

2. Alter the Fallon, Nev., Restricted Area R-4804 by designating the area with a circular configuration and change its name to Twin Peaks, Nev.

3. Designate the Federal Aviation Agency, Oakland, Calif., ARTC Center as the controlling agency for R-4803, R-4804 and R-4810.

4. Alter the description of low altitude VOR Federal airways Nos. 494 and 6 south alternate to exclude the portions within R-4803.

5. Delete the reference to R-268 in the description of low altitude VOR Federal airway No. 105 and expand intermediate altitude VOR Federal airway No. 1545 to its normal width between the Coaldale, Nev., VOR and the Reno, Nev., VOR.

6. Expand the Fallon, Nev., control area extension by including additional airspace southeast and northwest of Fallon.

7. Designate a transition area near Yerington, Nev.

No adverse comments were received regarding the proposed amendments.

Subsequent to the publication of the notice, it has been determined that the centerline of the extension of R-4803, as proposed, should be 349.5° in lieu of 349° as stated in the notice. This change, being minor in nature, is reflected in the action taken herein.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted and due consideration has been given to all relevent matter presented.

The substance of the proposed amendments having been published, therefore pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 608.48 Nevada (26 F.R. 7197) the following changes are made:

a. R-4803 Fallon, Nev., is amended to read:

R-4803 Fallon, Nev.

Boundaries. A 3-nautical mile radius circle centered at latitude 39°20'40" N., longitude 118°52'15" W.; and within 3 nautical miles W and 2 nautical miles E of a line extending 349.5° True from the center to 15 nautical miles NNW.

Designated altitudes. Surface to 8,000 feet MSL N, and surface to 18,000 feet MSL S of a line extending from latitude 39°27'40" N., longitude 118°57'55" W. to latitude 39°30'20" N., longitude 118°51'55" W.

Time of designation. Continuous, Monday through Saturday.

Controlling agency. Federal Aviation Agency, Oakland ARTC Center.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

b. R-4804 Fallon, Nev., is amended to read:

R-4804 Twin Peaks, Nev.

Boundaries. A 5-nautical mile radius circle centered at latitude 39°13'00" N., longitude 118°12'42" W.; and a 3-nautical mile radius circle centered at latitude 39°-14'15" N., longitude 118°17'30" W.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. Continuous, Monday through Saturday.

Controlling agency. Federal Aviation Agency, Oakland ARTC Center.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

c. R-4810 Desert Mountains, Nev., is added to read:

R-4810 Desert Mountains, Nev.

Boundaries. A 5-nautical mile radius circle centered at latitude 39°10'00" N., longitude 118°37'30" W.; and a 3-nautical mile radius circle centered at latitude 39°-09'15" N., longitude 118°42'20" W.

Designated altitudes. Surface to flight level 300.

Time of designation. One hour prior to sunrise to one hour after sunset, Monday through Friday.

Controlling agency. Federal Aviation Agency, Oakland ARTC Center.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

2. In the text of § 600.6006 (14 CFR 600.6006, 26 F.R. 11823) "to the Idlewild, N.Y., VORTAC." is deleted and "to the Idlewild, N.Y., VORTAC, excluding the airspace within R-4803." is substituted therefor.

3. In the text of § 600.6105 (14 CFR 600.6105) "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Fallon, Nev., Restricted Area (R-268) is excluded during this restricted area's time of designation." is deleted.

4. In the text of § 600.6494 (26 F.R. 11824) "excluding the airspace within R-4802." is deleted and "excluding the airspace within R-4802 and R-4803." is substituted therefor.

5. In the text of § 600.1545 (26 F.R. 1086) "INT of the Reno, Nev., VOR 135° and the Lovelock, Nev., VOR 195° radials; thence 8 mile wide airway to the INT of the Reno VOR 135° and the Lovelock VOR 210° radials; thence to the Reno VOR." is deleted and "to the Reno, Nev., VOR." is substituted therefor.

6. Section 601.1357 (14 CFR 601.1357) is amended to read:

§ 601.1357 Control area extension (Fallon, Nev.).

That airspace within 12 miles NE and 8 miles SW of the NAAS Fallon TACAN 146° radial, extending from the TACAN to 54 miles SE; within 5 miles either side of the NAAS Fallon TACAN 037° radial, extending from the TACAN to 29 miles NE; and within 16 miles N and 7 miles S of the NAAS Fallon TACAN 089° and 269° radials, extending from 8 miles E of the TACAN to a line extending from latitude 39°06'00" N, longitude 118°19'-00" W. to latitude 40°00'00" N., longitude 118°57'00" W. The portions of this control area extension within R-4803, R-4804 and R-4810 shall be used only after obtaining prior approval from appropriate authority.

7. In Part 601 (14 CFR Part 601), the following section is added:

§ 601.10953 Yerington, Nev., transition area.

That airspace extending upward from 1200 feet above the surface within 13 miles SW and 8 miles NE of the Reno, Nev., VOR 135° radial extending from 10 miles NW to 22 miles SE of the INT of the Reno VOR 135° and the Lovelock, Nev., VOR 197° radials.

These amendments shall become effective 0001 e.s.t. April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 7, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1457; Filed, Feb. 13, 1962; 8:45 a.m.]

[Airspace Docket No. 60-LA-90]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 608—SPECIAL USE AIRSPACE

Designation of Restricted Area and Alteration of Federal Airway

On November 8, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10520), stating the Federal Aviation Agency was considering amendments to §§ 600.1668 and 608.70 which would designate a restricted area near Guernsey, Wyo., and alter intermediate altitude VOR Federal airway No. 1668 by reducing its width from 16 miles to 14 miles to provide required lateral separation with the proposed Guernsey, Wyo., Restricted Area.

No adverse comments were received regarding the proposed amendments.

Although the notice stated that, should this action be taken, the Denver ARTC Center would be designated as the controlling agency for the Guernsey Restricted Area, it has been determined that no requirement exists in this restricted area for the control of IFR traffic. Therefore, because better service can be provided to transiting VFR traffic through communications with the adjacent Flight Service Station, action is taken herein to designate the Casper, Wyo., Flight Service Station as the controlling agency.

Subsequent to publication of the notice, the description of VOR Federal airway No. 1668 was altered by changing the name of the Rock River, Wyo., VOR to the Medicine Bow, Wyo., VOR (26 F.R. 11823), effective February 8, 1962. Therefore, the action taken herein to alter the description of V-1668 by reducing its width will reflect this name change.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 608.70 *Wyoming* (26 F.R. 7204) the following is added:

R-7001 Guernsey, Wyo.

Boundaries. Beginning at latitude 42°-19'30" N., longitude 104°54'30" W.; to latitude 42°30'00" N., longitude 104°40'00" W.; to latitude 42°23'00" N., longitude 104°40'00" W.; to latitude 42°19'00" N., longitude 104°-45'00" W.; to latitude 42°19'30" N., longitude 104°51'00" W.; to latitude 42°24'-00" N., longitude 104°54'30" W.; to the point of beginning.

Designated altitudes. Surface to 23,500 feet MSL.

Time of designation. 0700 to 2200 m.s.t., May 15 through September 5.

Controlling agency. Federal Aviation Agency, Casper, Wyo., Flight Service Station.

Using agency. Adjutant General, State of Wyoming.

2. Section 600.1668 (26 F.R. 11823) is amended to read:

§ 600.1668 VOR Federal airway No. 1668 (Medicine Bow, Wyo., to Chadron, Nebr.).

From the Medicine Bow, Wyo., VOR; 14-mile wide airway to the Chadron, Nebr., VOR.

These amendments shall become effective 0001 e.s.t. April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 7, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1458; Filed, Feb. 13, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-5]

PART 13—PROHIBITED TRADE PRACTICES

Jerome Kramer and J. C. Kramer Furrier

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act;* § 13.1886 *Quality, grade or type;* § 13.1900 *Source or origin:* § 13.1900-40 *Fur Products Labeling Act:* § 13.1900-40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, J. C. Kramer Furrier, Erie, Pa., Docket C-5, Oct. 17, 1961]

Consent order requiring an Erie, Pa., furrier to cease violating the Fur Products Labeling Act by failing, in labeling, invoicing, and advertising fur products, to show the true name of the fur and the country of origin of imported furs; failing to show, in labeling and advertising, when a fur product was composed of cheap or waste fur, and to disclose in invoicing when fur was dyed; and failing in other respects to comply with requirements of the Act.

The order to cease and desist, together with further order requiring report of compliance therewith, is as follows:

It is ordered, That Jerome Kramer, an individual trading as J. C. Kramer Furrier, or under any other trade name and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth on labels affixed to fur products:

1. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

2. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with nonrequired information.

3. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

C. Affixing to fur products labels that do not comply with the minimum size requirements of one and three-quarter inches by two and three-quarter inches.

D. Failing to set forth all the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on one side of such labels.

E. Failing to set forth separately on labels affixed to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

F. Failing to set forth on labels the item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and

regulations promulgated thereunder in abbreviated form.

C. Failing to set forth on invoices the item number or mark assigned to a fur product.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose:

1. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed by the Rules and Regulations.

2. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur when such is the fact.

3. The name of the country of origin of any imported fur contained in a fur product.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: October 17, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-1466; Filed, Feb. 13, 1962; 8:46 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 243; Docket No. R-206]

PART 154—RATE SCHEDULES AND TARIFFS

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 7 OF THE NATURAL GAS ACT, AS AMENDED

Independent Producers of Natural Gas; Definition; Temporary Authorizations, Procedure

FEBRUARY 8, 1962.

In this proceeding the Commission has under consideration (1) a redefining of the term "independent producer" as the term is used in Parts 154 and 157 of its regulations, and (2) a revision of its procedures with respect to the issuance of temporary authorizations to independent producers pursuant to section 7(c) of the Natural Gas Act.

The definition of an "independent producer" set forth in the margin[1] is of particular significance because we have provided for simplified regulations for producers as distinguished from pipeline companies. Thus, producers are exempt from the comprehensive reporting and accounting obligations required of the pipeline companies.[2]

We have learned from experience however, that some companies operate lines for the interstate transportation of natural gas under circumstances which require that they be more strictly regulated. If a company is engaged in activities which go beyond production and gathering, the public interest requires that it be regulated as a pipeline company.

Before a producer may begin service under a temporary authorization issued pursuant to § 157.28 there must be on file an effective rate schedule covering the proposed service filed not less than 30 days prior to the date service is to begin. However, in order to speed the initiation of emergency operations, paragraph (d) of the rule provides an automatic waiver of the 30-day filing requirements of §§ 154.92(b) and 154.94(b). The Commission believes that in the present circumstances it should itself consider applications for waiver. Accordingly, we order herein the revocation of § 157.28(d) which reads as follows:

(d) Notice by the Secretary of the acceptance of the rate filing and the statements made under this section shall constitute a waiver by the Commission of the 30-day advance filing requirements of § 154.92(b) or 154.94(b), and the proposed temporary sales or transportation may proceed forthwith.

Since a currently effective delegation of authority to the Secretary[3] to issue the notice provided for in the revoked section is no longer necessary, it should be revoked as herein provided.

The Commission finds:

(1) Amendment of the regulations as herein ordered is appropriate and necessary for carrying out the provisions of the Natural Gas Act.

(2) The amendments herein ordered represent matters of practice and procedure which do not require notice or hearing under section 4(a) of the Administrative Procedure Act.

(3) The reasons for the amendments herein adopted, as expressed above, require that they be made effective as hereinafter ordered.

The Commission, acting pursuant to authority granted by sections 4, 7, and 16 of the Natural Gas Act (15 U.S.C. 717c, 717f, 717o), orders:

(A) Parts 154 and 157 of Subchapter E, Regulations Under the Natural Gas Act, Chapter I of Title 18 of the Code of Federal Regulations, are amended as follows:

1. Section 154.91, paragraph (a) is amended to read as follows:

(a) *Definition.* An "independent producer" as that term is used in this part means any person as defined in the Natural Gas Act who is engaged in the production or gathering of natural gas and who sells natural gas in interstate commerce for resale, but who is not engaged in the transportation of natural gas (other than gathering) by pipeline in interstate commerce.

2. In § 157.28, paragraph (d) is revoked.

(B) The above-described delegation of authority to the Secretary issued December 26, 1956, 22 F.R. 12, is revoked effective April 2, 1962.

(C) The amendments prescribed by paragraph (A) 1, above, shall become effective upon the issuance of this order.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-1465; Filed, Feb. 13, 1962; 8:46 a.m.]

[Order 242; Docket No. R-208]

PART 154—RATE SCHEDULES AND TARIFFS

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 7 OF THE NATURAL GAS ACT, AS AMENDED

Rejection of Sales Contracts Containing Indefinite Escalation Clauses and of Applications Relying Upon Such Contracts for Gas Supply

FEBRUARY 8, 1962.

In this proceeding the Commission has under consideration the amendment of §§ 154.93, 157.14(a)(10) Exhibit H(v), and 157.25, Subchapter E, Regulations Under the Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations.

By Order No. 232A, issued March 31, 1961 (26 F.R. 2850, 25 FPC 609), the Commission amended § 154.93 of its regulations so as to provide that indefinite price escalation clauses in sales contracts executed on or after April 2, 1961, for the sale or transportation of natural gas subject to the jurisdiction of the Commission, would be inoperative and of no effect at law. The amendments herein adopted provide for (1) the rejection of contracts containing such indefinite escalation clauses, (2) the rejection of applications by producers for certificates of public convenience and necessity relying for a gas supply upon contracts containing such indefinite escalation provisions, and (3) the Commission's refusal to consider such contracts submitted in support of certificate applications by pipeline companies.

Public notice of proposed rulemaking was given by publication in the FEDERAL REGISTER on October 10, 1961 (26 F.R. 9732), and by mailing copies thereof to interested persons, including natural gas companies, and to State and Federal agencies. In response to such notice, numerous comments were submitted. These comments have been carefully considered but, for the reasons set forth below, we adhere to the substance of the amendments as originally proposed.

A number of parties contend that the promulgation of these regulations would be unlawful and beyond the powers granted to the Commission by the Natural Gas Act. We conclude, however, that sections 4, 5, and 7 of the Natural Gas Act contemplate that the Commission will refuse to approve contractual provisions found adverse to the public interest. Section 16 of the Act, of course, authorizes the Commission to issue rules and regulations of general applicability found necessary or appropriate to carry out the provisions of the Act.

Protection of the public interest is the touchstone of our regulatory powers under the Natural Gas Act. The Commission's obligation under the Act to the natural gas companies, as one segment of the public whose interest is to be protected, does not compel it to acquiesce in the use of contracts which carry provisions incompatible with a scheme of effective rate regulation. To be sure, the proposed rule will have impact upon contractual practices which have been fairly widespread. But the real issue is not one of "freedom of contract"; the question is whether the rule is rationally related to a condition which requires correction if regulatory objectives embraced by the statute are to be achieved. See American Trucking Associations v. United States, 344 U.S. 298. In our view, the rule we adopt fully meets this test.

We held in the Pure Oil case[1] that indefinite escalation clauses are contrary to the public interest and restated this conclusion in Order No. 232A. Increases in producer prices triggered by indefinite escalation clauses, have resulted in a flood of almost simultaneous filings. These filings bear no apparent relationship to the economic requirements of the producers who file them. The Natural Gas Act contemplates that prices, to be just and reasonable, be related to economic needs. The elimination of indefinite escalation provisions does not, of course, cut off other avenues by which a producer may make provision for filing for increased rates.

Filings under indefinite escalation clauses have created a significant portion of the administrative burdens under which this Commission is laboring today. The Natural Gas Act contemplates that rate increases shall be sought when there is economic justification, but not that there shall be a chain reaction in a wide area whenever one producer in the area negotiates a contract at a new price level. The Act requires the Commission to give precedence to the hearing and decision of rate increases, but the complexity of indefinite price clauses requires it to spend an undue amount of time in their interpretation and application at the expense of making a prompt determination of the rate issues involved. Accordingly, in protecting the public against waves of increases which have no defensible basis, we also serve the need—which we believe we should take into account—of making the tasks of regulation more manageable.

It has been brought to our attention that § 154.93 of the regulations, as amended by Order No. 232A, refers to the date of execution of a contract, rather than the filing date (to which we referred in the notice of this proceeding). It is suggested that this point should be clarified. The Commission agrees and has made appropriate changes. In order to conform the language of the amendments to our existing regulations, we have also changed the phrase "price-escalation provisions" to "price-changing provisions".

The Commission, acting pursuant to authority granted by the Natural Gas Act, particularly sections 4, 5, 7, and 16 thereof (15 U.S.C. 717c, 717d, 717f, and 717o), orders that Parts 154 and 157, Subchapter E, Chapter I, of Title 18 of the Code of Federal Regulations be amended as follows:

(A) Section 154.93 *Rate schedule defined*, is amended by adding a provision at the end thereof. As amended § 154.93 reads as follows:

§ 154.93 Rate schedule defined.

For the purpose of §§ 154.92 through 154.101 "rate schedule" shall mean the basic contract and all supplements or agreements amendatory thereof, effective and applicable on and after June 7, 1954, showing the service to be provided and the rates and charges, terms, conditions, classifications, practices, rules and regulations affecting or relating to such rates or charges, applicable to the transportation of natural gas in interstate commerce or the sale of natural gas in interstate commerce for resale subject to the jurisdiction of the Commission: *Provided*, That in contracts executed on or after April 3, 1961, for the sale or transportation of natural gas subject to the jurisdiction of the Commission, any provision for a change of price other than the following provisions shall be inoperative and of no effect at law; the permissible provisions for a change in price are:

(a) Provisions that change a price in order to reimburse the seller for all or any part of the changes in production, severance, or gathering taxes levied upon the seller;

(b) Provisions that change a price to a specific amount at a definite date; and

(c) Provisions that, once in five-year contract periods during which there is no provision for a change in price to a specific amount (paragraph (b) of this section), change a price at a definite date by a price-redetermination based upon and not higher than a producer rate or producer rates which are subject to the jurisdiction of the Commission, are not in issue in suspension or certificate proceedings, and, are in the area of the price in question: *Provided further*, That any contract executed on or after April 2, 1962, containing price-changing provisions set forth in the proviso next above shall be rejected.

§ 157.14 [Amendment]

(B) Subdivision (v) of subparagraph (10) *Exhibit H—Total gas supply data* of § 157.14(a), is amended by adding an additional proviso at the end thereof. As amended subdivision (v) reads as follows:

(v) A conformed copy of each gas purchase contract upon which applicant proposes to rely: *Provided, however*, That only three of the total number of copies of Exhibit H filed need include a copy of such contract. Contracts already on file with the Commission may be incorporated by reference without supplying additional copies, provided such contracts are identified with particularity by stating the exact pages of the contracts to be incorporated by reference and the file or docket number designation to which reference is made; provided further, that the Commission of the presiding officer may direct that additional copies of such contracts be furnished to the Commission or to other parties to the proceeding: *Provided further, however*, That any contract executed on and after April 2, 1962, and filed in support of an applicant's gas supply showing will be given no consideration in determining adequacy of gas supply if it contains any price-changing provisions other than those defined as permissible in § 154.93 of this chapter.

§ 157.25 [Amendment]

(C) *Exhibit B, Contracts*, in § 157.25 *Necessary exhibits*, is amended by deleting all the language after the first sentence thereof, ending with the words "Natural Gas Act", and inserting in lieu thereof the following: "On or after April 2, 1962, the application shall be rejected if any contract submitted in support thereof contains any price-changing provisions other than those defined as permissible in § 154.93 of this chapter. As amended *Exhibit B, Contracts*, reads as follows:

Exhibit B. Contracts. Conformed copy of each contract for sale or transportation of gas for which a certificate is requested: *Provided, however*, That contracts on file with the Commission in other proceedings may be included by reference as heretofore provided in § 157.24(b); *And provided further*, That acceptance of contracts hereunder shall not be construed as approval of the rates therein contained under Part 154 hereof or under the Natural Gas Act. On or after April 2, 1962, the application shall be rejected if any contract submitted in support thereof contains any price-changing provisions other than those defined as permissible in § 154.93 of this chapter.

(D) These amendments shall become effective on April 2, 1962.

(E) The Secretary of the Commission shall cause prompt publication of this

[1] Section 154.91(a) provides that:

An "independent producer" as that term is used in this part means any person as defined in the Natural Gas Act who is engaged in the production or gathering of natural gas and who transports natural gas in interstate commerce or sells natural gas in interstate commerce for resale, but who is not primarily engaged in the operation of an interstate pipeline.

[2] See Order No. 174-B, 13 FPC 1576, ordering clause (D), at page 1585.

[3] Issued Dec. 26, 1956, 22 F.R. 12, and included in the Commission's Statement of Organization, paragraph 5 (a)(13), 21 FPC 601 at 604.

[1] The Pure Oil Company, 25 FPC 383.

order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-1464; Filed, Feb. 13, 1962; 8:46 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.478]

PART 46—CONTROL OF ALIENS DEPARTING FROM THE UNITED STATES

Miscellaneous Amendments

Part 46, Chapter I, Title 22 of the Code of Federal Regulations is being amended to add Outer Mongolia ("Mongolian People's Republic") to the list of countries to which permanent resident aliens may not travel without the specific authorization of the Administrator of the Bureau of Security and Consular Affairs after consultation with the Commissioner of Immigration and Naturalization. Minor editorial amendments are also being made in two paragraphs to delete references to a form which is now obsolete.

1. Paragraph (k) of § 46.3 is hereby amended to read as follows:

§ 46.3 Aliens whose departure is deemed prejudicial to the interests of the United States.

* * * * *

(k) Any alien lawfully admitted for permanent residence who seeks to depart from the United States for travel to, in, or through Albania, Communist-controlled China ("Chinese People's Republic"), Cuba, North Korea ("Democratic People's Republic of Korea"), North Viet-Nam ("Democratic Republic of Viet-Nam"), or Outer Mongolia ("Mongolian People's Republic").

§ 46.4 [Amendment]

2. Paragraph (a) of § 46.4 is amended by deletion of the words "on Form I-227" appearing at the end of the third sentence.

§ 46.5 [Amendment]

3. Paragraph (a)(2) of § 46.5 is amended by deletion of the words "on Form I-227" appearing at the end thereof.

Effective date. The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: January 17, 1962.

DEAN RUSK, *Secretary of State.*

Concurred in:

BYRON R. WHITE, *Acting Attorney General.*

Dated: February 2, 1962.

[F.R. Doc. 62-1425; Filed, Feb. 12, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

TEXTILES AND TEXTILE FIBERS

Correction

In F.R. Doc. 62-1337 appearing at page 1214 of the issue for Friday, February 9, 1962, the table appearing in paragraph (d)(5) of § 121.2535 is corrected to read as set forth below:

List of substances	Limitation
(i) Fibers	
Cotton	
Rayon	
(ii) Adjuvant substances	
4,4'-bis (4-Anilino - 6-diethanolamine-s-triazin - 2- ylamino)-2,2'-stilbene-disulfonic acid, disodium salt.	For use as colorant only.
4,4'-bis(4-Anilino - 6 - methylethanolamine - s - triazin-2-ylamino)-2,2'-stilbene-disulfonic acid, disodium salt.	For use as colorant only.
Borax	For use as preservative only.
Formaldehyde	For use as preservative only.
Mineral oil	
Petrolatum	
Polyoxyethylene (20) sorbitan monolaurate.	
Polyoxyethylene (20) sorbitan monostearate.	
Polyvinyl acetate	
Polyvinyl acohol	
Sodium bis(2,6 - dimethylheptyl - 4) sulfosuccinate.	
Sodium dodecyl benzenesulfonate	
Sodium fluoride	For use as preservative only.
Sodium hypochlorite	
Sodium lauryl sulfate	
Sodium pentachlorophenate	For use as preservative only.
Styrene-butadiene copolymer	
Tallow	
Tallow, sulfonated	
Titanium dioxide	
Triethanolamine	
Ultramarine blue	
Waxes, petroleum	

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Charles River, Mass.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.75 is hereby amended prescribing subparagraph (h)(3) to govern the operation of the Metropolitan Transit Authority bridge across Charles River, Boston, Mass., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.75 Boston Harbor, Mass., and adjacent waters; bridges.

* * * * *

(h) *Charles River.* * * *

(3) *Metropolitan Transit Authority Bridge.* The draw of the bridge will be opened only between 9:00 a.m. and 10:00 p.m. (local time) each day provided 4 hours' advance notice is given prior to the time an opening is required. Draw openings during this period shall also be governed by the regulations in subparagraph (1) of this paragraph.

[Regs., January 26, 1962, 285/112 (Charles River, Mass.)—ENGCW-ON] (Sec. 5, 26 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT, *Major General, U.S. Army, The Adjutant General.*

[F.R. Doc. 62-1452; Filed, Feb. 13, 1962; 8:45 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 221—OPERATION AND MAINTENANCE CHARGES

Blackfeet Indian Irrigation Project, Montana

On page 11296 of the FEDERAL REGISTER of November 30, 1961, Vol. 26, No. 230, there was published a notice of intention to amend §§ 221.130 and 221.131 of Title 25, Code of Federal Regulations, as set forth below. The purpose of the amendment is to increase the annual operation and maintenance rate from $1.80 to $2.25 per acre and the assessment rate for excess water from $1.00 to $1.25 per acre-foot. These rate increases are necessary in order that the assessments meet the operation and maintenance costs, which have risen due to increases in labor and material costs.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendments. Three objections having been received and after full consideration on the merits having been overruled, the amended regulations are adopted as set forth below.

1. Section 221.130 is amended to read as follows:

§ 221.130 Basic assessment.

Pursuant to the acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928; 38 Stat. 583; 39 Stat. 142; 45 Stat. 210; 25 U.S.C. 385, 387, the basic rate of assessment of operation and maintenance charges against the irrigable lands to which water can be delivered under the Blackfeet Indian Irrigation Project, Montana, for the season of 1962 and subsequent years until further notice is hereby fixed at $2.25 per acre per annum for the delivery of not to exceed one and one-half acre feet of water per acre for the assessable area under constructed works, water to be delivered on demand based upon an estimated quota of the available supply.

2. Section 221.131 is amended to read as follows:

§ 221.131 Excess water assessment.

Additional water, when available, may be delivered upon request at the rate of $1.25 per acre foot, or fraction thereof.

PERCY E. MELIS, *Area Director.*

[F.R. Doc. 62-1467; Filed, Feb. 13, 1962; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 50—Division of Public Contracts, Department of Labor

PART 50-202—MINIMUM WAGE DETERMINATIONS

Drugs and Medicine Industry

No exceptions have been filed to the tentative decision determining the prevailing minimum wage for the drugs and medicine industry (27 F.R. 315).

Accordingly, pursuant to section 4 of the Walsh-Healey Public Contracts Act (41 U.S.C. 38), the proposed findings and conclusions contained in the tentative decision are hereby made final, and 41 CFR 50-202.22 is hereby amended in the manner indicated below.

Good cause is hereby found to shorten the delay in effective date of this amendment to seven days following its publication in the FEDERAL REGISTER for the reasons indicated in final decisions determining prevailing minimum wages under the Walsh-Healey Public Contracts Act in the paper and pulp and manifold business forms industries (26 F.R. 7698, 7699). Therefore, the amendment shall become effective Febrary 21, 1962.

As amended, 41 CFR 50-202.22 reads as follows:

§ 50-202.22 Drugs and medicine industry.

(a) *Definition.* The drugs and medicine industry is defined as that industry which manufactures (or packages) drugs and medicinal preparations (other than food) intended for internal or external use in the diagnosis, treatment, or prevention of diseases in, or to affect the structure or any functions of, the body of men or other animals, including without limitation the following products: Bulk organic and inorganic medicinal chemicals and their derivatives; processed botanical drugs and herbs; endocrine products; basic vitamins; active medicinal principles, such as alkaloids from botanical drugs and herbs; drugs and medicine in pharmaceutical preparations, such as ampules, tablets, capsules, ointments, solutions, and suspensions for human and veterinary use, including vitamin preparations and galenicals, such as fluid extracts and tinctures; viruses, serums, toxins, and analogous products, such as allergenic extracts, and normal serums and plasmas for human or veterinary use; and bacteriological media.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of products of the drugs and medicine industry shall be not less than $1.45 per hour.

Signed at Washington, D.C., this 8th day of February 1962.

ARTHUR J. GOLDBERG, *Secretary of Labor.*

[F.R. Doc. 62-1524; Filed, Feb. 13, 1962; 8:52 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 62-122]

PART 1—PRACTICE AND PROCEDURE

Computation of Time

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of February 1962;

The Commission having under consideration § 1.18 of its rules of practice and procedure pertaining to the computation of time; and

It appearing, that § 1.18 should be rephrased so as to simplify and clarify the method for computing the filing date in Commission proceedings; and

It further appearing, that the amendment adopted herein is issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended; and

It further appearing, that the amendment adopted herein pertains to matters of procedure and hence that section 4 of the Administrative Procedure Act is inapplicable;

It is ordered, effective February 14, 1962, that § 1.18 of the rules of practice and procedure is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: February 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

§ 1.18 Computation of time.

(a) It is frequently necessary under Commission procedures to compute the terminal date of a period of time where the period begins with the occurrence of and act, event, or default and terminates a specified number of days thereafter. Unless otherwise provided by statute, the first day to be counted in computing the terminal date is the day after the day on which the act, event, or default occurs. The last day of such period of time is included in the computation and any action required must be taken on or before that day.

(b) When a Commission Decision, Order, or Memorandum is involved, the first day to be counted is the day after the day on which the complete text of the document is released by the Commission. When any other Commission action is involved, the first day to be counted is the day after the day on which the "Public Notice" of the action is released by the Commission.

(c) All petitions, pleadings, tariffs, or other documents filed with the Commission must be tendered for filing in complete form before 5:00 p.m. Any such document lodged with the Commission in complete form after 5:00 p.m. shall be deemed to be tendered for filing as of the next succeeding business day.

(d) For purposes of this section, the term "holiday" shall include Saturdays, Sundays, legal holidays or half holidays in the District of Columbia, and any other day on which the Commission's offices are closed prior to 5:00 p.m. The term "business day" shall include all other days.

(e) For purposes of this section, the term "filing period" means the number of days allowed or prescribed by statute, rule, order, notice, or other Commission action for filing any document with the Commission. That term does not include any additional days allowed for filing any document under paragraph (f), (g), or (i) of this section.

(f) If the filing period is less than seven days, intermediate holidays shall be excluded in determining the filing date.

(g) Where a document is served by mail, and the filing period for a response thereto is 10 days or less, an additional three days, excluding holidays, will be allowed for filing the response. This paragraph shall not apply to § 1.193(c).

(h) If both paragraphs (f) and (g) of this section are applicable, make the computations called for by paragraph (f) before making those called for by paragraph (g).

(i) If the filing date falls on a holiday, the document shall be filed on the next business day.

[F.R. Doc. 62-1520; Filed, Feb. 13, 1962; 8:52 a.m.]

[Docket No. 14120; FCC 62-161]

PART 3—RADIO BROADCAST SERVICES

Certain Television Broadcast Stations; Table of Assignments

1. The Commission has before it for consideration its Notice of Proposed Rule Making, adopted May 11, 1961 (FCC 61-649) and its Notice of Further Proposed Rule Making, adopted September 27, 1961 (FCC 61-1156), looking toward amendment of the Table of Assignments, Television Broadcast Stations (Section 3.606 of the Commission's Rules). These concern various proposals to add channels to Huntsville and Hamilton, Alabama, and correlative changes and deletions of channels in other communities in Alabama, Georgia, Kentucky, Mississippi, and Tennessee:

2. *RM-241.* North Alabama Broadcasters, Inc., filed a petition on March 7, 1961, proposing the assignment of Channel 19 to Huntsville, Alabama, to be accomplished by substitution at Fort Payne, Alabama, of Channel 65 for unoccupied Channel 19.

3. *RM-253.* Huntsville Broadcasting Co., Inc., by petition filed April 14, 1961, proposed the additional assignment to Huntsville of Channel 25+. This would have been accomplished as follows:

City	Channel	
	Present	Proposed
Huntsville, Ala	31+	25+, 31+
Guntersville, Ala	40-	62-
Humboldt, Tenn	25	68
Dalton, Ga	25+	71

4. Both of the above proposals were encompassed by the May 11 Notice, which inter alia pointed out that the RM-253 proposal was defective as to certain co-channel spacings. In its comments, Huntsville Broadcasting Co., Inc. then suggested substitute plans mainly to afford a satisfactory alternative for reassignment at Dalton, Georgia, which the Georgia State Department of Education indicated was an essential link in a plan for state-wide educational television coverage.

5. *RM-280.* Rankin Fite and Robert H. Thomas filed a petition on August 22, 1961, seeking assignment to Hamilton, Alabama, of Channel 25, which it proposed to accomplish by substituting Channel 49 for Channel 25 at Humboldt, Tennessee. To avoid a co-channel spacing conflict with its Channel 25 proposal, Huntsville Broadcasting Co., Inc. suggested an alternative channel assignment for Hamilton of either Channel 17 or Channel 34, which, as the case may be, would require substitutions for Channel 17 at Jasper, Alabama, or Channel 34— at Starkville, Mississippi.

6. The additional proposals were announced in a Notice of Further Proposed Rule Making (26 F.R. 9348) on September 27, 1961. A tabulation of these proposals is shown below:

HUNTSVILLE BROADCASTING CO. ALTERNATIVE PLANS FOR HUNTSVILLE[1]

City	Present	Proposed		
		Plan I	Plan II	Plan III
Huntsville, Ala	31+	25+, (31+)	25+, (31+)	(31+), 49-
Dalton, Ga	25+	16	18-	(25+)
Guntersville, Ala	40-			
Humboldt, Tenn	25			
Tuskegee, Ala	16-		(16-)	(16-)
Corbin, Ky	16		(16)	(16)
Fort Valley, Ga	18+	(18+)		(18+)
Murfreesboro, Tenn	18-	(18-)		(18-)
Sheffield, Ala	47-	(47-)	(47-)	

[1] The parentheses denote that the channel assignments are not affected by the particular plan. The Sept. 27 notice, because of the stated Commission policy to withhold further assignments when there is no apparent demand for an assignment, did not propose substitute channels for assignments deleted.

HUNTSVILLE BROADCASTING CO. ALTERNATIVE PLANS FOR HAMILTON[1]

City	Present	Plan A	Plan B
Hamilton, Ala		17	34-
Jasper, Ala	17	71	(17)
Starkville, Miss	34	(34)	40-

[1] The parentheses denote that the channel assignments are not affected by the particular plan. The Sept. 27 notice, because of the stated Commission policy to withhold further assignments when there is no apparent demand for an assignment, did not propose substitute channels for assignments deleted.

7. The Commission has before it the views of various interested persons: North Alabama Broadcasters, Inc.; Huntsville Broadcasting Co., Inc.; Rocket City Television, Inc., licensee of WAFG-TV, Channel 31, Huntsville, Alabama; the Georgia State Department of Education; Rankin Fite and Robert H. Thomas; The Association of Maximum Service Telecasters, Inc.; Elton H. Darby, licensee of WVNA, Tuscumbia, Alabama; Clayton Carter, President, Chamber of Commerce, Guntersville, Alabama; and Herman W. Maddox, Mayor, City of Jasper, Alabama. We do not here detail these comments, since many of the objections to various aspects of the alternatives are rendered moot by the disposition we make.

8. We recognize that in the present state of the art UHF channels in the lower range afford some technical advantages. Also pending decisions in Docket 14229, we have not been providing substitute channels for assignments deleted from one area to provide lower channels in another area unless an active interest is manifested. These considerations dispose of the objections of Guntersville,[1] Jasper,[2] and Sheffield,[3] since the comments on their behalf do not convincingly demonstrate the probability of use in the near future. Should Guntersville or Jasper—or for that matter the communities referred by Rocket City as having no local television channels—in the future demonstrate an actual demand for a television broadcasting facility, the Commission would make available the best channel under existing conditions, circumstances and prevailing policy.

9. In opposing both rule making proceedings as to Huntsville, Rocket City Television, Inc., relied on the adequacy of service provided by, in addition to its own operation, services from WSML-TV, Decatur, Alabama (about 25 miles away), three VHF stations at Birmingham, Alabama (about 85 miles away), three VHF stations at Chattanooga, Tennessee (75 miles away), and three VHF stations at Nashville (100 miles away). It contends that it's own programming meets local needs. Additionally, Rocket City adverts to its economic position, namely, continually operating at a loss—which currently is estimated as averaging $1,000 per month (an accumulated loss of about $45,000 as of December 31, 1960)—as boding ill for the assignment of additional UHF channels to Huntsville.

10. Quite clearly Huntsville's service from Birmingham (85 miles), Chattanooga (75 miles), and Nashville (100 miles) is fringe. While Huntsville proper receives satisfactory service from WSML-TV, Channel 23 at Decatur, more than one-half of surrounding Madison County is beyond the Grade B contour, as are other substantially populated areas which would be served by additional UHF channels in Huntsville.[4] On the basis of this and other facts, it is our view that two channels should be added at Huntsville. For example, there has been a population growth between 1950 and 1960 of approximately 56,000 persons in Huntsville (16,437 to 72,365). Correspondingly, the population of Madison County has increased about 45,000 persons (present population 117,348) as contrasted to the overall population decrease in Alabama of 1 percent. These increases are due to the Government's activities at nearby Redstone Arsenal. Huntsville is a center of education and transportation, yet there is only one television broadcasting station to provide community needs. Indeed, the enhancement of UHF service in the area would permit UHF to become competitive and serve to improve UHF programming with probable increased demand for such service in the area. In sum, by providing additional television channels to Huntsville, substantially better and multiple service would become available to the populace of the area to be served. This clearly is in the public interest.

11. Assertions by Rocket City and Clayton Carter that there was no notice of the proposed deletion of Channel 19 from Fort Payne are unfounded. The May 11 Notice clearly so stated, and the September 27 Further Notice was only in the nature of additional alternative proposals.

12. We conclude, therefore, that it is in the public interest to assign two additional channels to Huntsville. Also in view of the indicated demand for a channel in Hamilton, we believe that an assignment should be added to this city. There remains the matter of selecting suitable assignments for the cities having the least adverse affect on neighboring communities. For the reasons set forth below we propose to add channels 19 and 25+ to Huntsville and 17 to Hamilton.

13. As discussed above, Channel 19 may be advantageously assigned to Huntsville. With regard to the addition of the second channel to Huntsville, Channel 25+ results in the deletion of only one channel from a neighboring community expressing an objection, dovetails with the Georgia State Department of Education plans,[5] and permits the assignment of an acceptable low UHF assignment to Hamilton.

14. With regard to the choice of adding either Channel 17 or 34— to Hamilton we conclude that Channel 17 is the more desirable because it requires only the deletion of the Jasper assignment which community receives three Grade A services from Birmingham. Therefore, it appears unlikely that it will be economically feasible to construct a station there in the near future. We also note that the present Jasper assignment would be deleted under a rule making proposal initiated recently to reserve additional channels for education in the State of Georgia (Docket No. 14409).

15. Authority for the amendments adopted herein is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

16. In view of the foregoing: *It is ordered*, That effective March 15, 1962, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, (1) by adding Hamilton and changing the assignments for Huntsville to read as follows:

City:	Channel
Hamilton, Ala	17
Huntsville, Ala	19, 25+, 31+

and (2) by deleting the entries for Fort Payne, Alabama, Guntersville, Alabama, Jasper, Alabama, Dalton, Georgia, and Humboldt, Tennessee.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083, 47 U.S.C. 303, 307)

Adopted: February 6, 1962.

Released: February 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1519; Filed, Feb. 13, 1962; 8:52 a.m.]

[1] Clayton Carter, President, Guntersville Chamber of Commerce, made these points to support the argument that Channel 40 should not be deleted from Guntersville: Local television service would be delayed for many years in a significant region (a county seat, the center of a heavily populated rural area, and a population overflow from Redstone Arsenal) where reception is poor because of the terrain.

[2] Herman W. Maddox, Mayor, The City of Jasper, on behalf of the City Commission protested the replacement of Channel 17 with Channel 71 as not in the public interest because the latter of inferior quality would not adequately serve Walker County (population 54,000).

[3] Elton H. Darby opposed Plan III insofar as requiring the deletion of Channel 47 from Sheffield, Alabama, because the market area—substantial in population and economic growth—would be deprived of one (albeit unused) of its commercial television channel assignments.

[4] Within a 50-mile radius of Huntsville are the Alabama counties of Jackson (total population 38,681), De Kalb (41,417), Marshall (48,018), Morgan (60,454), and Limestone (36,513) as well as several counties in Tennessee, of which only Morgan County receives any modicum of satisfactory service from more than one of the four transmitting cities referred to above.

[5] Inasmuch as the State of Georgia has come forth with a detailed plan calling for assignment of Channel 18— to Dalton, Georgia which we are giving consideration to in Docket No. 14409, its objection to reassignment of the Dalton Channel 25+ in effect appears to have been withdrawn.

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 546) has been filed by The Dow Chemical Company, Midland, Michigan, proposing the issuance of a regulation to provide for the safe use of 800 parts per million of calcium disodium EDTA in processed beans to promote color retention.

Dated: February 7, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-1475; Filed, Feb. 13, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Chewing Gum Base; Notice of Proposal to Amend Regulation

Pursuant to petitions received from the National Association of Chewing Gum Manufacturers, 100 East 42d Street, New York 17, New York, and Goodrich Gulf Chemicals, Incorporated, 1717 East Ninth Street, Cleveland 14, Ohio, a notice of filing was published in the FEDERAL REGISTER of February 24, 1961 (26 F.R. 1640). Based upon data supplied in these petitions, an order was published in the FEDERAL REGISTER of September 23, 1961 (26 F.R. 8972), establishing a regulation providing for the safe use of chewing gum base in the manufacture of chewing gum. Following publication of the order the petitioners submitted certain objections to the published regulation and proposed changes therein.

The Commissioner of Food and Drugs has evaluated these objections and other relevant material and has concluded that the regulation should be amended to make certain editorial changes; to add butylated hydroxyanisole, butylated hydroxytoluene, propyl gallate, sodium sulfate, sodium sulfide, and sodium and potassium stearate to the list of acceptable ingredients; and to rearrange the permitted ingredients, in part, according to their functional use.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), it is proposed to amend § 121.1059 to read as follows:

§ 121.1059 **Chewing gum base.**

The food additive chewing gum base may be safely used in the manufacture of chewing gum in accordance with the following prescribed conditions:

(a) The food additive consists of one or more of the following substances that meet the specifications and limitations prescribed in this paragraph, used in amounts not to exceed those required to produce the intended physical or other technical effect.

MASTICATORY SUBSTANCES

NATURAL (COAGULATED OR CONCENTRATED LATICES) OF VEGETABLE ORIGIN

Family	*Genus and species*
Sapotaceae:	
Chicle	Manilkara zapotilla Gilly and Manilkara chicle Gilly.
Chiquibul	Manilkara zapotilla Gilly.
Crown gum	Manilkara zapotilla Gilly and Manilkara chicle Gilly.
Gutta hang kang	Palaquium lelocarpum Boerl. and Palaquium oblongifolium Burck.
Massaranduba balata (and the solvent-free resin extract of Massaranduba balata).	Manilkara huberi (Ducke) Chevalier.
Massaranduba chocolate	Manilkara solimoesensis Gilly.
Nispero	Manilkara zapotilla Gilly and Manilkara chicle Gilly.
Rosidinha (rosadinha)	Micropholis (also known as Sideroxylon) spp.
Venezuelan chicle	Manilkara williamsii Standley and related spp.
Apocynaceae:	
Jelutong	Dyera costulata Hook. F. and Dyera lowii Hook. F.
Leche caspi (sorva)	Couma macrocarpa Barb. Rodr.
Pendare	Couma macrocarpa Barb. Rodr. and Couma utilis (Mart.) Muell. Arg.
Perillo	Couma macrocarpa Barb. Rodr. and Couma utilis (Mart.) Muell. Arg.
Moraceae:	
Leche de vaca	Brosimum utile (H.B.K.) Pittier and Poulsenia spp.; also Lacmellae standleyi (Woodson), Monachino (Apocynaceae).
Niger gutta	Ficus platyphylla Del.
Tunu (tuno)	Castilla fallax Cook.
Euphorbiaceae:	
Chilte	Cnidoscolus (also known as Jatropha) elasticus Lundell and Cnidoscolus tepiquensis (Cost. and Gall.) McVaugh.
Natural rubber (smoked sheet and latex solids).	Hevea brasiliensis.

Synthetic	*Specifications*
Butadiene-styrene rubber	Basic polymer.
Isobutylene-isoprene copolymer (butyl rubber).	Do.
Polyethylene	Molecular weight 2,000–21,000.
Polyisobutylene (isobutylene resin).	Molecular weight 8,700–81,000.
Polyvinyl acetate	Molecular weight 2,000–5,000.

PLASTICIZING MATERIALS (SOFTENERS)

Glycerin ester of partially hydrogenated wood rosin.	Esterified with glycerin to an acid number of 3–6.
Glycerin ester of polymerized rosin.	----------
Lanolin	----------
Stearic acid	Complying with § 121.1070.
Sodium and potassium stearates	Complying with § 121.1071.

TERPENE RESINS

Synthetic resin	Consisting of polymers of β-pinena.
Natural resin	Consisting of polymers of α-pinene; softening point minimum 155° C., determined by U.S.P. closed-capillary method.

ANTIOXIDANTS

Butylated hydroxyanisole Butylated hydroxytoluene Propyl gallate	Not to exceed antioxidant content of 0.1% when used alone or in any combination.

MISCELLANEOUS

Sodium sulfate	----------
Sodium sulfide	Reaction-control agent in synthetic polymer production.

(b) In addition to the substances listed in paragraph (a) of this section, chewing gum base may also include substances generally recognized as safe in food.

(c) To assure safe use of the additive, in addition to the other information required by the act, the label and labeling of the food additive shall bear the name of the additive, "chewing gum base." As used in this paragraph, the term "chewing gum base" means the manufactured or partially manufactured nonnutritive masticatory substance comprised of one or more of the ingredients named and so defined in paragraph (a) of this section.

The Commissioner of Food and Drugs hereby offers an opportunity to any interested person to submit views and comments on this proposal within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be submitted in triplicate and addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C.

Dated: February 7, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-1476; Filed, Feb. 13, 1962; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 22]

[Reg. Docket No. 1069; Draft Release No. 62-6]

ISSUANCE OF FREE BALLOON PILOT CERTIFICATES LIMITED TO HOT-AIR BALLOONS

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to amend Part 22 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted, preferably in duplicate, to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue, NW., Washington 25, D.C. All communications received on or before April 16, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired.

Section 22.13 of the Civil Air Regulations currently provides for the issuance of free balloon pilot certificates. This section also provides for the issuance of free balloon pilot certificates which are limited to hot-air balloons. An applicant for such a certificate must comply with certain requirements of age, character, citizenship, education, and physical condition. He does not have to comply with any requirement of aeronautical knowledge, experience, or skill. As a result, anyone who holds an airman medical certificate of the third class or higher, and who is at least 17 years of age, can secure a free balloon pilot certificate limited to hot-air balloons. These requirements are easily met by many certificated airmen, and hundreds of them have acquired a hot-air balloon certificate merely as a novelty and with no serious intention of operating any kind of free balloon.

Issuance of a free balloon pilot certificate limited to hot-air balloons, without any showing of aeronautical knowledge, experience, or skill, dates back to March of 1951. At that time the Civil Aeronautics Board amended Part 22 of the Civil Air Regulations to exempt applicants from the aeronautical knowledge requirement on the grounds that it is not a prerequisite to the operation of a hot-air balloon. The Board also exempted such applicants from any experience or skill requirements on the grounds that such requirements are inconsistent with the operating limitations of hot-air balloons.

Section 602(b) of the Federal Aviation Act of 1958 provides for the issuance of an airman certificate to any person who applies for it, if the Administrator of the Federal Aviation Agency finds, upon investigation, that such person is properly qualified for the certificate sought. Until recently each ascent of a hot-air balloon was necessarily of short duration; when the heated air cooled, the balloon descended. A new development for hot-air balloons provides a gas-fired heater to generate hot air as needed and hot-air balloons using this device can now ascend and descend at the operator's will, and can remain aloft as long as there is fuel for the heater. A substantial change is thus brought about in the operation of such balloons. Consequently, it is the opinion of the Agency that the operation of a hot-air balloon now requires a demonstration of skill by the applicant to assure his use of safe and proper piloting technique. It is, therefore, proposed herein to require an applicant for a free balloon pilot certificate, limited to hot-air balloons, to possess a reasonable degree of skill in their operation.

This would be accomplished by amending the introductory paragraph of section 22.13 to include a reference to paragraph (h) among the requirements for a free balloon pilot certificate limited to the operation of hot-air balloons. In addition, in order to avoid placing a hardship on the holder of a lighter-than-air student pilot certificate who seeks a hot-air balloon certificate, it would be necessary to also amend § 22.31 (a)(1)(ii) to omit the six instruction flights now required for endorsement of his certificate for solo in free balloons.

In consideration of the foregoing, it is proposed to amend Part 22 of the Civil Air Regulations as follows:

1. By amending the introductory paragraph of § 22.13 to read as follows:

§ 22.13 **Free balloon pilot certificate.**

An applicant for a free balloon pilot certificate shall comply with the requirements of paragraphs (a) through (h) of this section. An applicant for a free balloon pilot certificate which is limited to the operation of hot-air balloons shall comply only with the requirements of paragraphs (a) through (e), and paragraph (h) of this section.

2. By amending § 22.31(a)(1)(ii) to read as follows:

§ 22.31 **Flight limitations and privileges.**

(a) * * *
(1) * * *
(ii) He shall have had a minimum of six instruction flights of not less than one hour duration each in free balloons and such fact has been certified to by his instructor on his student pilot certificate: *Provided*, That such instruction flights are not required in order to solo a hot-air balloon.

These amendments are proposed under the authority of sections 313(a), 601, 602 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1422).

Issued in Washington, D.C., on February 7, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62-1455; Filed, Feb. 13, 1962; 8:45 a.m.]

[14 CFR Part 514]

[Reg. Docket No. 1071]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS PARTS, PROCESSES, AND APPLIANCES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 514 of the regulations of the Administrator by adopting a new Technical Standard Order. This Technical Standard Order would establish minimum performance standards for approved airborne ATC transponder equipment which is to be used on civil air carrier aircraft of the United States.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before April 2, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has

expired. This proposal will not be given further publication as a draft release.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By adding the following § 514.80:

§ 514.80 Airborne ATC transponder equipment (for air carrier aircraft)—TSO–C74.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne ATC transponder equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne ATC transponder equipment manufactured for use on civil air carrier aircraft on or after the effective date of this section shall meet the standards as set forth in Radio Technical Commission for Aeronautics Papers 181–61/DO–112[1] dated December 14, 1961, and 120–61/DO–108[1] dated July 13, 1961, with the exceptions to these standards listed in subparagraph (2) of this paragraph.

(2) *Exceptions.* Radio Technical Commission for Aeronautics Paper 120–61/DO–108 outlines various test procedures with categories which define the environmental extremes over which the equipment is designed to operate. Only equipment which meets the operating requirements of the following categories as specified in RTCA Paper 120–61/DO–108 is eligible under this order:

(i) Temperature-Altitude Test—Categories A, B, C, or D.

(ii) Humidity Test—Categories A or B.

(iii) Vibration Test—Categories A, B, C, D, E, or F.

(iv) Conducted Audio-Frequency Susceptibility Test—Categories A or B.

(v) Radio-Frequency Susceptibility Test—Category A.

(vi) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Marking.* (1) In addition to the markings specified in § 514.3, the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are seven environmental test procedures outlined in RTCA Paper 120–61/DO–108 which have categories established. These shall be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by seven letters which identify the categories designated in RTCA Paper 120–61/DO–108. Reading from left to right, the category designations shall appear on the nameplate in the following order, so that they may be readily identified:

(i) Temperature-Altitude Test Category.

(ii) Humidity Test Category.

(iii) Vibration Test Category.

(iv) Conducted Audio-Frequency Susceptibility Test Category.

(v) Radio-Frequency Susceptibility Test Category.

(vi) Emission of Spurious Radio-Frequency Energy Test Category.

(vii) Explosion Test.

Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirement shall be identified by the letter "X".

(2) Equipment which is intended for installation in aircraft which operate at altitudes above 15,000 feet shall be identified on the nameplate as Class 1 equipment.

(3) Equipment which is intended for installation in aircraft which operate at altitudes not exceeding 15,000 feet shall be identified on the nameplate as Class II equipment.

(4) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturer's name, TSO number, and the environmental categories over which the equipment is designed to operate.

NOTE: A typical nameplate identification would be as follows:

Env. Cat. DABAAAX
Class I

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(3) Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Flight Standards Service, Federal Aviation Agency, Washington 25, D.C.

(i) Manufacturer's operating instructions and equipment limitations.

(ii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(iii) One copy of the manufacturer's test report.

(d) *Quality control.* Airborne ATC transponder equipment shall be produced under a quality control system, established by the manufacturer, which will assure that each equipment is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c) (2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

(e) *Previously approved equipment.* Airborne ATC transponder equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

Issued in Washington, D.C., on February 6, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 62–1456; Filed, Feb. 13, 1962; 8:45 a.m.]

[1] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C., Paper 181–61/DO–112, 55 cents per copy; Paper 120–61/DO–108, 75 cents per copy.

[14 CFR Part 601]

[Airspace Docket No. 61–SW–111]

CONTROLLED AIRSPACE

Proposed Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 600.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to § 601.2026 of the regulations of the Administrator, the substance of which is stated below.

The Brownsville, Tex., control zone is presently designated as that airspace over United States territory, within a 5-mile radius of Rio Grande Valley International Airport, Brownsville, Tex., within 2 miles either side of the northwest course of the Brownsville radio range extending from the range station to the Los Fresnos fan marker and within 2 miles either side of the 072° True radial of the Brownsville VOR extending from the VOR to 10 miles northeast.

The Federal Aviation Agency has under consideration the alteration of the Brownsville control zone as follows:

1. Redescribe the extension based on the northwest course of the Brownsville radio range to base it on the 343° True bearing from the Brownsville radio beacon and revoke that portion beyond 8 miles northwest of the radio beacon. This action is necessitated by the impending conversion of the radio range to a radio beacon and the discontinuance of the Los Fresnos fan marker. This would provide protection for aircraft executing the proposed ADF instrument approach procedure based on the Brownsville radio beacon. The portion of the present control zone extension proposed for revocation would no longer be required with the revision of instrument approach procedures proposed.

2. Designate a control zone extension 2 miles either side of the ILS localizer north course extending from the 5-mile radius zone to 8 miles north of the ILS outer marker. This would provide protection for aircraft executing the prescribed ILS instrument approach procedure.

3. Alter the control zone extension based on the Brownsville VOR 072° True radial by basing it on the Brownsville VOR 071° True radial and revoke that portion beyond 8 miles east of the VOR. This alteration would align the control zone extension with the VOR instrument approach procedure final approach course and would provide protection for aircraft executing the prescribed VOR instrument approach procedure proposed for revision concurrently with this action.

If these actions are taken, the Brownsville, Tex., control zone would be designated within a 5-mile radius of the Rio Grande Valley International Airport, Brownsville, Tex., (latitude 25°54'31" N., longitude 97°25'28" W.); within 2 miles either side of the Brownsville radio beacon 343° True bearing extending from the 5-mile radius zone to 8 miles northwest of the Brownsville radio beacon; within 2 miles either side of the ILS localizer north course extending from the 5-mile radius zone to 8 miles north of the ILS outer marker; and within 2 miles either side of the Brownsville VOR 071° True radial extending from the 5-mile radius zone to 8 miles east of the Brownsville VOR, excluding the portion outside the United States.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 7, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62–1454; Filed, Feb. 13, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 11]

[Docket No. 14500; FCC 62–125]

INDUSTRIAL RADIO SERVICES

Frequency Stability; Notice of Proposed Rule Making

In the matter of amendment of § 11.102 (a) of the Commission's rules governing the Industrial Radio Services to align that Section with the Geneva (1959) Radio Regulations, and to effect certain editorial changes therein.

1. Notice is hereby given of proposed rule-making in the above-entitled matter.

2. This proceeding is being instituted by the Commission in order to obtain the views and comments of interested persons with regard to the following proposal:

A reduction in the frequency tolerance of Base and Fixed station transmitters operating in the Industrial Radio Services on frequencies below 25 Mc/s, with a transmitter input power in excess of 300 watts from 0.01 percent to 0.005 percent of the station's assigned frequency. (§ 11.102(a)).

This proposal has been occasioned by the recent ratification, by the President of the United States on October 4th, 1961, of the new International Radio Regulations (hereinafter referred to as the Geneva (1959) Radio Regulations).

3. Our proposal in this proceeding relates to a change in the allowable percentage of frequency tolerance insofar as all Base and Fixed Station transmitters operating on frequencies below 25 Mc/s, at more than 300 watts transmitter input power, in the industrial Radio Services are concerned. Presently, pursuant to § 11.102(a) of our Industrial Radio Services rules, a licensee, operating as noted above, must maintain the carrier frequency of his transmitter within 0.01 per cent of his assigned frequency. The Geneva (1959) Radio Regulations however, provide that the allowable tolerance shall be within 0.005 per cent of the assigned frequency. In this proceeding we are proposing that § 11.102 (a) be amended to reflect the 0.005 per cent tolerance agreed upon and adopted at Geneva. In the Commission's view the present state of the radio art fully justifies the tightening, so to speak, of this frequency tolerance.

4. There remains for consideration the question of the time to be allowed licensees to comply with the new tolerence in the event the Commission's proposal is eventually adopted and the rule amendment ordered. A survey of our license records indicates that very few existing licensees will be affected. In view of this fact, we are proposing that these licensees be given ninety (90) days within which to comply. In short, 90 days subsequent to the effective date of the rule amendment (which is ordinarily calculated at 30 days subsequent to publication of the rule amendment in the FEDERAL REGISTER) all existing licensees would have to be in compliance with the new tolerance. New systems would be required to comply upon the effective date of the amendment.

5. In addition to the above-noted substantive change in § 11.102(a) certain minor editorial changes are proposed. As amended, the table in § 11.102(a) would appear as noted below.

6. Authority for the proposed amendments is contained in sections 303 and 4 (i) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before March 16, 1962, and reply comments on or before March 26, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions of § 1.54 of the Commission's rules an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: February 6, 1962.

Released: February 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Part 11, Industrial Radio Services, is amended as follows: The table in § 11.102(a) is amended to read as follows:

§ 11.102 Frequency stability.

(a) • • •

Frequency range	Fixed and base stations		Mobile stations	
	Transmitter (Input) Power			
	Over 300 watts	300 watts or less	Over 3 watts	3 watts or less
	Percent	*Percent*	*Percent*	*Percent*
Below 25 Mc/s	0.005	0.01	0.01	0.02
25 to 50 Mc/s	.002	.002	.002	.005
50 to 1000 Mc/s	.0005	.0005	.0005	.005
Above 1000 Mc/s	(1)	(1)	(1)	(1)

[1] For microwave fixed equipment, see § 11.111. For other equipment, tolerances will be specified in the station authorization.

[F.R. Doc. 62–1516; Filed, Feb. 13, 1962; 8:52 a.m.]

[47 CFR Part 11]

[Docket No. 14502; FCC 62–128]

POWER, PETROLEUM, AND FOREST PRODUCTS RADIO SERVICES

Certain Frequencies; Notice of Proposed Rule Making

In the matter of amendment of Part 11, Subparts F, G, and H, of the Commission's rules, to effect certain changes in the availability of certain frequencies in the Power, Petroleum, and Forest Products, Radio Services; Docket No. 14502, RM–166; amendment of Parts 2 and 11 of the Commission's rules so as to allocate additional 152–162 Mc/s and 450–470 Mc/s band frequencies to the Power Radio Service, RM–184.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The inception of this proceeding may be traced to two petitions for rules amendments filed by the National Committee for Utilities Radio (hereinafter NCUR) on February 19, 1960 (and Ad-

denum, July 29, 1960) (RM–166) and on June 7, 1960 (and Addenum, November 21, 1960) (RM–184). The first of the two petitions requests the allocation of additional mobile service frequencies from within the 152–162 Mc/s band to the Power Radio Service for use in the States of Arkansas, Louisiana, Oklahoma, Oregon, Texas and Washington. The second petition requests allocation to the Power Radio Service of additional mobile service frequencies from within the 152–162 Mc/s and 450–470 Mc/s bands on a nationwide or unlimited geographic basis.

3. In support of its petitions the NCUR has cited frequency congestion, as evidenced by channel loading; and projected heavy use of high band frequencies in the not too distant future.

4. Specific designation of particular and assignable frequencies within the 152–162 and 450–470 Mc/s bands was avoided by the NCUR "* * * Because NCUR does not have available to it the vast amount of information on frequency requirements of other users which is available to the Commission, (and therefore) NCUR does not suggest where the requested frequencies will be secured; but rather, leaves this matter for the Commission's discretion."

5. We consider first the NCUR's petition for more frequencies in the states of Arkansas, Louisiana, Oklahoma, Oregon, Texas, and Washington, or to be more specific, we confine our consideration to the States of Oregon and Washington where the frequency scarcity problem has been characterized as particularly acute. Assuming that this characterization is generally valid, the Commission is disposed to propose as follows: That 7 certain frequencies from within the 153, and 158 Mc/s bands, specifically the frequencies 153.44, 153.50, 153.56, 153.62, 153.68, 158.16, and 158.22 all Mc/s, be assigned for the use of the Power Radio Service in the states of Oregon and Washington; and concurrently that these 7 frequencies be withdrawn from the Forest Products and Petroleum Radio Services use in the two states noted.

6. The frequencies which constitute the subject matter of our proposal are "secondary" or "split" channels which became available, and were in fact assigned to Radio Services; as an outcome of our rule making proceeding in 1957–58 in Docket No. 11991. In 1958 the Commission was sufficiently impressed with the then alleged and presumed need of the Forest Products, Petroleum, and Power Radio Services to allocate the subject secondary frequencies to all three services on a geographical shared basis. Thus, the Forest Products and Petroleum Services were granted the privilege of using these frequencies in the six states of heaviest forestry and petroleum activities while the Power Radio Service was given access to the channels in the other 42 of the then 48 states.

7. A recent study of frequency assignments in the States of Oregon and Washington reveals that the Forest Products and Petroleum Radio Services have made scant use of the subject frequencies. In contrast, many new authorizations have been issued, particularly in the Forest Products Radio Service, on the "old" or primary 153 Mc/s frequencies which were assigned to this Service prior to 1958 and of course, since 1958. It appears therefore that a definite preference for the "old" primary frequencies has been demonstrated. We attribute the reluctance of the Forest Products and Petroleum Radio Services to use these frequencies to the fact that the frequencies involved are secondary ones, falling between primary frequencies which have, for many years, been very heavily used by Power Radio Service licensees. Further, the nature of Forest Products operations in the two states under consideration frequently dictates a need for "low band" assignments. The Commission is aware of this requirement and is not unmindful of the need.

8. Because of the scant utilization, by Petroleum and Forest Products Radio Service licensees, of the subject frequencies in the two states involved, and the fact that Power Radio Service licensees are presently operating on these frequencies elsewhere, we propose to re-assign these, rather than other frequencies, to the Power Radio Service. Moreover, by specifying the seven frequencies noted above, it appears that no unreasonable disruption of communications or adverse impact will be realized or sustained by presently operating Petroleum and Forest Products licensees. These licensees may re-locate, by mid 1967, in band, at at a relatively low cost. In the Commission's judgment, retention of these 7 frequencies by the Petroleum and Forest Products Radio Services in the two states concerned would maintain an inefficient and wasteful use of desirable spectrum space. Under the terms of the rule amendment we propose, at the effective date of the amendment, no new assignments on the subject frequencies would be made to Forest Products or Petroleum Radio Service licensees in the States of Oregon or Washington. Moreover, licensees in these 2 services presently operating on any of the subject frequencies would be required to vacate their assignments by June 30, 1967. This provides a most liberal 5 year equipment amortization or in-band changeover period for affected licensees, assuming favorable final Commission action on this proposal early in 1962. Upon the effective date of the amendment, the 7 frequencies involved would become immediately available for assignment to Power Service eligibles in Oregon and Washington.

9. Insofar as Power Service needs in the other 4 states enumerated by the NCUR are concerned, we defer consideration. At a later date, upon completion of our study and analysis of the frequency situation in Arkansas, Louisiana, Oklahoma and Texas, our views will be made known.

10. There remains for disposition the second of the NCUR's petitions which pertains to the request for assignment of additional frequencies from the 152–162 and 450–470 Mc/s bands on a nationwide basis. The Commission is not persuaded that the frequency needs of the Power Radio Service across the nation are so critical as to warrant the institution of proceedings at this time which look toward the allocation of more frequencies from the 152–162 Mc/s band. In this connection we point out that the NCUR petition is somewhat repetitious of the requests made by the NCUR in our proceeding in Docket 11997 (22 F.R. 2684 April 17, 1957). That proceeding is still in progress. At such time as we are disposed to conclude Docket 11997, the Power Radio Service's needs in the 152–162 Mc/s band will be considered.

11. In the 450–470 Mc/s band, a recent survey of Power Radio Service assignments indicates reasonably good utilization when compared to some other radio services, but very light loading when compared to that which obtains in the 150 Mc/s region. If congestion does pervade Power Radio Service usage of frequencies from within this band, it is ostensibly the result of occupancy of mobile frequencies by fixed stations. Long established Commission policy permits fixed station operation in these bands only so long as that operation does not inhibit normal growth of the land mobile service. The occupancy or use revealed by our survey does not justify a further allocation to the Power Radio Service for mobile operation beyond that which may result from considerations in our proceeding in Docket Number 13847 (25 F.R. 11010, November 18, 1960).

12. In view of the foregoing, the NCUR petition dated February 19, 1960 (RM–166) and its Addendum, is granted to the extent indicated in our proposal herein and denied in all other respects; and the NCUR petition dated June 7, 1960 (RM–184) and its Addendum is denied.

13. The amendments below are issued under the authority contained in section 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

14. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before April 2, 1962, and reply comments on or before April 16, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

15. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: February 6, 1962.

Released: February 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Part 11, Industrial Radio Services, is amended as follows:

1. In § 11.254, the table in paragraph (a) is amended by changing limitation designator 11 to 12, in column 3 for the frequencies 173.25, 173.30, and 173.35; paragraph (b)(11) is amended; and a new paragraph (b)(12) is added as follows:

§ 11.254 Frequencies available.

* * * * *

(b) * * *

(11) This frequency is not available for assignment in the States of Arkansas, Louisiana, Oklahoma, and Texas.

(12) This frequency is not available for assignment in the States of Arkansas, Louisiana, Oklahoma, Oregon Texas, and Washington.

2. In § 11.304, the table in paragraph (a) is amended by changing limitation designator "9, 10" to "10, 15" in column 3 for the frequencies 173.25, 173.30, and 173.35; paragraph (b)(9) is amended; and a new paragraph (b)(15) is added, as follows:

§ 11.304 Frequencies available.

* * * * *

(b) * * *

(9) This frequency is available for assignment only in the States of Arkansas, Louisiana, Oklahoma, and Texas. All licensees in this service who operate on this frequency in the States of Oregon and Washington will be required to vacate this frequency assignment by June 30, 1967.

* * * * *

(15) This frequency is available for assignment only in the States of Arkansas, Louisiana, Oklahoma, Oregon, Texas, and Washington.

3. In § 11.354, the table in paragraph (a) is amended by changing limitation designator "9, 11" to "11, 16" in column 3 for the frequencies 173.25, 173.30, and 173.35; paragraph (b)(9) is amended; and a new paragraph (b)(16) is added, as follows:

§ 11.354 Frequencies available.

* * * * *

(b) * * *

(9) This frequency is available for assignment only in the States of Arkansas, Louisiana, Oklahoma, and Texas. All licensees in this Service who operate on this frequency in the States of Oregon and Washington will be required to vacate this frequency assignment by June 30, 1967.

* * * * *

(16) This frequency is available for assignment only in the States of Arkansas, Louisiana, Oklahoma, Oregon, Texas, and Washington.

[F.R. Doc. 62-1517; Filed, Feb. 13, 1962; 8:52 a.m.]

[47 CFR Part 16]

[Docket No. 14501; FCC 62-126]

LAND TRANSPORTATION RADIO SERVICES

Eligibility in the Automobile Emergency Radio Service; Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule-making in the above-entitled matter.

2. The present rules governing the Automobile Emergency Radio Service provide that, in addition to automobile clubs (associations of owners of private automobiles) which provide private emergency road service to their members, public garages which operate emergency road service vehicles may be licensed in that service. It appears that a need has developed to provide communications for towing trucks, not necessarily operated by public garages, which render emergency road service to vehicles of the general public. It also appears that radio-communication will substantially improve emergency road service which is provided regularly to vehicles of the general public by other persons, such as gasoline service stations which do not engage in major repair work but which operate emergency road service vehicles to provide battery, gasoline or tire service to disabled vehicles needing such service. Since the Commission in establishing the Automobile Emergency Radio Service in May 1949 as part of the proceedings in Docket No. 9047, stated that "the service is designed to expedite the rapid dispatch of emergency road service vehicles in order to improve the efficiency of private vehicular transportation", it appears that the broadening of the eligibility in that service to include such operations would be consistent with the intended purpose of the service.

3. On the basis of the foregoing, the Commission proposes to amend its rules governing the Automobile Emergency Radio Service to provide that any person who is engaged in providing to the general public any form of emergency road service to disabled vehicles will be eligible in that service without regard to whether or not that person operates a public garage. To accomplish this, amendments are proposed hereby to §§ 16.6(a), 16.501(a), 16.502(b), 16.503 (a) and 16.503(d) of Part 16 of the Commission's rules, Land Transportation Radio Services.

4. The proposed amendments, which are set forth in full below, are issued under the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before March 30, 1962, and reply comments on or before April 16, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: February 6, 1962.

Released: February 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Proposed Amendments to Part 16, Land Transportation Radio Service:

1. The definition "Automobile Emergency Radio Service" in § 16.6(a) is proposed to be amended to read as follows:

§ 16.6 Definition of terms.

* * * * *

(a) Definition of services:

Automobile Emergency Radio Service. The term "Automobile Emergency Radio Service" as used in this part means a radiocommunication service for use in connection with the dispatching of emergency road service vehicles for the purpose of being of assistance to disabled automotive vehicles used on streets or highways.

2. Section 16.501(a) is proposed to be amended to read as follows:

§ 16.501 Eligibility.

(a) The following persons are eligible to hold authorizations to operate radio stations in the Automobile Emergency Radio Service:

(1) Associations of owners of private automobiles which provide a private emergency road service for disabled vehicles.

(2) Persons providing to the general public an emergency road service for disabled vehicles.

(3) A non-profit corporation or association organized for the purpose of furnishing a radiocommunication service solely to persons who are actually engaged in the activities set forth in either subparagraph (1) or subparagraph (2) of this paragraph.

3. Section 16.502(b) is proposed to be amended to read as follows:

§ 16.502 Permissible communications.

* * * * *

(b) Communications required for dispatching repair trucks, towing trucks, or other road service vehicles to disabled vehicles.

4. In § 16.503, the texts of paragraphs (a) and (d) preceding the tables, are proposed to be amended to read as follows:

§ 16.503 Frequencies available for base and mobile stations.

(a) The following frequencies are available for assignment to base stations and mobile stations, other than those aboard aircraft, which are operated by or on behalf of persons who provide to the general public an emergency radio service for disabled vehicles: *Provided,* That only one of these frequencies shall be assigned to the stations of any licensee operating in a given area:

* * * * *

(d) The following frequencies are available for assignment to base stations and mobile stations, other than those aboard aircraft, which are operated by or on behalf of persons who provide to the general public an emergency road service for disabled vehicles: *Provided,* That only one of these frequencies shall be assigned to the stations of any licensee operating in a given area: *And provided further,* That the equipment to be used shall immediately meet the technical

standard which become generally effective November 1, 1963:

[F.R. Doc. 62-1519; Filed, Feb. 13, 1962; 8:52 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-168]

NONACCEPTABILITY OF RATE FILINGS BASED ON STATE-PRESCRIBED MINIMUM PRICES

Order Terminating Proceeding

FEBRUARY 7, 1962.

In Cities Services Gas Company v. State Corporation Commission of Kansas, 355 U.S. 391, a 1958 per curiam opinion vacating a judgment of the Supreme Court of Kansas, the United States Supreme Court held, in effect, that the State of Kansas could not lawfully fix a minimum price at the wellhead for natural gas sold in interstate commerce for resale. The decision was based on the authority of Phillips Petroleum Company v. Wisconsin, 347 U.S. 672, and Natural Gas Pipeline Company v. Panoma, 349 U.S. 44. A week later the Court, citing Cities Service, reversed a decision of the Supreme Court of Oklahoma, which had applied the holding in the Panoma case, supra, to sales of residue gas but not to sales at or near the wellhead. Michigan Wisconsin Pipe Line Company v. Corporation Commission of Oklahoma, 355 U.S. 425 (1958).

In the above-entitled proceeding the Commission has under consideration proposed rulemaking that would amend its general rules to provide for rejection of any tender for filing pursuant to section 4 of the Natural Gas Act to the extent that such filing is based upon a state-prescribed or attributed minimum price. The Commission also has under consideration herein certain questions which the above decisions of the Supreme Court appear to raise with respect to rate filings previously made under section 4 of the Natural Gas Act.

Notice of the proposed rulemaking involved herein was issued on April 28, 1958, and published in the FEDERAL REGISTER on May 2, 1958 (23 F.R. 2973). In giving notice of the proposed rulemaking, the Commission invited all interested parties to submit data, views, and comments in writing concerning such rulemaking. In addition, interested persons were afforded an opportunity to present their views in oral argument before the Commission on July 29, 1958.

We believe that at this late date a rulemaking proceeding would be a cumbersome and inappropriate means by which to exercise our jurisdiction over the matters involved herein. Such matters can more conveniently be decided when properly raised in individual proceedings before us. We recognize, moreover, that a buyer of natural gas who has paid seller on the basis of a state minimum price law has an adequate remedy in an appropriate court in the event that his contract entitles him to a refund as a result of the invalidity of the state minimum price laws.[1] Furthermore, with respect to future rate filings the question appears to be moot, for to the best of our knowledge there are no longer any state minimum price laws in effect. We conclude therefore, that the above-entitled proceeding should be terminated.

The Commission finds: The proceeding in Docket No. R-168 should be terminated.

The Commission orders: The proceeding in Docket No. R-168 is hereby terminated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-1463; Filed, Feb. 13, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 239]

REGISTRATION STATEMENTS

Proposed Forms

Notice is hereby given that the Securities and Exchange Commission has under consideration certain proposed amendments to Form S-8 which is the form authorized for use in registering securities to be offered pursuant to certain stock purchases, savings or similar plans under the Securities Act of 1933, and for registering the interests in such plans where such registration is required, and to 17 CFR 239.16b which lists and described Form S-8.

It is proposed to amend Form S-8 in the following respects:

The language of the rule as to the use of the form would be simplified and clarified. The transmittal of annual reports and other material to employees would be required by undertakings set forth at the end of the form and the provisions making such transmittal conditions to the use of the form would be deleted.

General Instruction E which defines the term "transactions within one year" as previously used in the third clause of section 4(1) of the Securities Act would be amended to define the term "transactions prior to the expiration of 40 days", which is the present language of the statute.

Item 3 of the form would be amended to eliminate from that item certain data which would be called for as a part of the financial statements of the plan.

The Commission has under consideration a proposed amendment to Regulation S-X which would prescribe the form and content of financial statements filed for employee stock purchase, savings and similar plans. It is proposed to add a new Item 18 to Form S-8 to specify the financial statements to be filed for such plans as a part of registration statements on that form and to provide that such statements shall comply with the proposed new provisions of Regulation S-X (17 CFR Part 210).

It is proposed to change the reference to "equity securities" in various places in the form to "securities". The effect of this change would be to make the form available for use in certain cases where securities other than equity securities are to be offered to employees pursuant to the plan.

The last paragraph of the form relates to identifying statements required by Rule 414. It is proposed to delete this paragraph since Rule 414 is no longer in effect.

The text of the proposed amendments to the form is set forth below:

I. The rule as to the use of the form would be amended to read as follows:

A. *Rule as to use of Form S-8.* (a) Any issuer which files reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 may use this form for registration under the Securities Act of 1933 of securities to be offered to employees of such issuer of its subsidiaries pursuant to a stock purchase, savings or similar plan, provided the plan meets the following conditions:

(1) Periodic cash payments are made, or periodic payroll deductions are authorized, by participating employees in an amount not to exceed a specified percentage of the employee's compensations or a specified maximum annual amount;

(2) Contributions are made by the employer at least annually in cash, securities of the issuer or other substantial benefits, in accordance with a specified formula or arrangement;

(3) Securities purchased with funds of the plan are acquired in amounts which, at the time of the payment of the purchase price, do not exceed the funds deposited or otherwise available for such payment: *Provided*, That such purchases are made periodically, or from time to time upon a reasonably current basis, and at prices not in excess of the current market price at the time of purchase;

(4) Prior to the time the employee becomes entitled to withdraw all funds or securities allocable to his account, he may withdraw at least that portion of the cash and securities in his account representing his contributions.

(b) If interests in the plan constitute securities and are required to be registered under the Act, this form may also be used for registration of such interests.

II. Instruction E of the General Instructions to the form would be amended to read as follows:

E. *Definition of transaction prior to the expiration of forty days.* The term "transactions prior to the expiration of forty days" wherever used in the third clause of section 4(1) of the Securities Act of 1933 is hereby defined not to include transactions by a dealer in securities of the issuer registered on this form.

III. Item 3 would be amended to read as follows:

[1] Pan American Petroleum Corp. v. Superior Court of Delaware For New Castle County et al., 366 U.S. 656 (1961).

Item 3. Contributions under the plan. (a) State the amount each employee is required or permitted to contribute or, if not a fixed amount, the percentage of wages or salaries or other basis of computing contributions. State when and the manner in which contributions are made.

(b) State when contributions are made by the employers and the amount and nature of each contribution or, if not a fixed amount, the basis of computing contributions.

(c) State as of the latest practicable date the approximate number or participating employees of each employer who participates in the plan.

(d) State the nature and frequency of any reports to participating employees as to the amount and status of their accounts.

IV. A new Item 18 would be added reading as follows:

Item 18. Financial statements of the plan. (a) The following financial statements shall be furnished for any plan the interests in which are being registered hereunder.

(1) A certified statement of financial condition as of the end of the latest fiscal year of the plan.

(2) A certified statement of income and changes in plan equity for the latest fiscal year of the plan.

(b) If certified financial statements substantially meeting the above requirements have been furnished to all employees who receive a copy of the prospectus, such statements may be incorporated by reference in the prospectus.

Instructions. The statements required by this item shall be prepared and certified in accordance with the applicable provisions of Regulation S-X (17 CFR Part 210) and shall be accompanied by the schedules specified in that regulation.

V. Under the heading "Undertakings" a new form of undertaking would be inserted, following paragraph B, reading as follows:

C. *To transmit annual report with prospectus.* The undersigned issuer of the securities to be registered hereunder hereby undertakes to deliver or cause to be delivered with the prospectus to each eligible employee a copy of the issuer's annual report to stockholders for its last fiscal year, unless such employee otherwise receives a copy of such report. If the last fiscal year of the issuer has ended within 90 days prior to the use of the prospectus, the annual report for the preceding fiscal year may be so delivered, but in such case the annual report for the last fiscal year will be furnished promptly to each such employee when available.

VI. The word "equity" would be deleted from the form in the following places: the facing page (paragraph B and C and the first note to the fee table); the last sentence of General Instruction B; and Item 18 (caption and text).

VII. The following paragraph set forth at the end of the form would be deleted: "Notwithstanding Rule 414, no form of identifying statement need be filed with the registration statement."

It is further proposed to amend § 239.16b of Title 17 of the Code of Federal Regulations to include the complete amended text of Form S-8, so as to read:

§ 239.16b Form S-8, registration statement under the Securities Act of 1933.

(a) *Identification.* (1) Full title of the plan and the address of the employer sponsoring the plan; (2) Name of issuer of the securities being offered pursuant to the plan and the address of its principal executive office; (3) Name and address of agent for service for the employer and for the issuer of the securities; (4) Approximate date of proposed public offerings.

(b) *Calculation of registration fee.*

Column 1. Title of securities[1] being registered.	
Column 2. Amount[1] being registered.	
Column 3. Proposed maximum aggregate offering price.[2]	
Column 4. Amount of registration fee.[2]	

(c) *General instructions*—(1) *Rule as to use of Form S-8.* (i) Any issuer which files reports pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 may use this form for registration under the Securities Act of 1933 of securities to be offered to employees of such issuer of its subsidiaries pursuant to a stock purchase, savings or similar plan, provided the plan meets the following conditions:

(a) Periodic cash payments are made, or periodic payroll deductions are authorized, by participating employees in an amount not to exceed a specified percentage of the employee's compensations or a specified maximum annual amount;

(b) Contributions are made by the employer at least annually in cash, securities of the issuer or other substantial benefits, in accordance with a specified formula or arrangement;

(c) Securities purchased with funds of the plan are acquired in amounts which, at the time of the payment of the purchase price, do not exceed the funds deposited or otherwise available for such payment; provided, that such purchases are made periodically, or from time to time upon a reasonably current basis, and at prices not in excess of the current market price at the time of purchase;

(d) Prior to the time the employee becomes entitled to withdraw all funds or securities allocable to his account, he may withdraw at least that portion of the cash and securities in his account representing his contributions.

(ii) If interests in the plan constitute securities and are required to be registered under the Act, this form may also be used for registration of such interests.

(2) *Application of general rules and regulations.* Before undertaking the preparation of the registration statement, reference should be made to the General Rules and Regulations under the Act, particularly those comprising Regulation C (§§ 230.400 to 230.494 of this chapter). That regulation contains general requirements regarding the preparation and filing of the registration statement. The definitions contained in § 230.405 should be especially noted. For purposes of this form, however, the term "employee" includes any director, trustee, officer or other employee. The term "issuer" as used in this form means the company whose securities are to be offered pursuant to the plan.

(3) *Documents comprising registration statement.* The registration statement shall consist of the facing sheet of the form, the prospectus, the required undertakings, signatures, consents of experts and exhibits and any other information or documents filed as a part of the registration statement.

(4) *Form and content of prospectus.* The prospectus shall contain the information called for by all of the items of the form, except that no reference need be made to inapplicable items, and negative answers to any items may be omitted. The information required should be presented in clear, concise, understandable fashion. Avoid unnecessary and irrelevant details, repetition or the use of unnecessary technical language. None of the other information or documents filed as a part of the registration statement need be included in the prospectus.

(5) *Definition of transaction prior to the expiration of forty days.* The term "transactions prior to the expiration of forty days" wherever used in the third clause of section 4(1) of the Securities Act of 1933 is hereby defined not to include transactions by a dealer in securities of the issuer registered on this form.

(d) *Information required in the prospectus.*

Item (1): General information regarding the plan. (i) Give the title of the plan and the name and address of the issuer and each participating employer. State when the plan was created, the parties thereto and the manner in which it was created. (ii) Describe generally the purposes of the plan.

Item (2): Who may participate in the plan. Indicate each class or group of employees entitled to participate in the plan. State the terms and conditions upon which initial participation by each such class or group is permitted.

Item (3): Contributions under the plan. (i) State the amount each employee is required or permitted to contribute or, if not a fixed amount, the percentage of wages or salaries or other basis of computing contributions. State when and the manner in which contributions are made.

(ii) State when contributions are made by the employers and the amount and nature of each contribution or, if not a fixed amount, the basis of computing contributions.

(iii) State as of the latest practicable date the approximate number or participating employees of each employer who participates in the plan.

(iv) State the nature and frequency of any reports to participating employees as to the amount and status of their accounts.

Item (4): Withdrawal from the plan—assignment of interest. (i) Describe the terms and conditions under which a participating

[1] State separately the interests or participations in the plan and the securities offered pursuant to the plan.

[2] The aggregate offering price and the amount of the fee shall be computed only with respect to the aggregate employee contributions.

employee may (a) withdraw from the plan and terminate his interest therein, or (b) withdraw funds or investments held for his account without terminating his interest in the plan.

(ii) State the nature and amount of all charges or deductions, other than for taxes, which may be made upon the termination of an employee's interest in the plan or upon the partial withdrawal of his account thereunder. Indicate clearly who will receive the amounts so charged or deducted.

(iii) State whether, and the terms and conditions upon which, the plan permits an employee to assign or hypothecate his interest in the plan.

Item (5): Defaults under the plan. State separately every event of default with which a participating employee or employer may be charged and describe fully the consequences thereof, including any forfeiture or penalty which may be thereby incurred.

Item (6): Administration of the plan. (i) Give the name and complete address of the persons who administer the plan and state the capacity in which they act (such as trustees or managers) and the functions which they perform. State the nature of any material relationship between the administrators and the employee, the issuer of its affiliates.

(ii) Describe the manner in which the administrators of the plan are selected, their term of office and the manner in which they may be removed from office.

(iii) State the annual amount of compensation, if any, received by the administrators of the plan from assets of the plan.

Item (7): Investment of funds. (i) If a custodian, administrator or the employer or any of its affiliates has discretion with respect to the investment or disposition of all or any part of the assets of the plan, describe the policies followed and to be followed in respect of the type and proportion of securities or other property in which the assets may be invested.

(ii) If the participating employee may direct or elect a procedure to be followed with respect to the investment or disposition of all or part of the assets of the plan, describe the provisions of the plan with respect thereto.

(iii) If any investments are purchased otherwise than in the open market, state from whom such investments are purchased and describe the charges paid directly or indirectly from funds held under the plan. If the employer or any of its affiliates, or any person having a material relationship with the employer or any of its affiliates, directly or indirectly receives any part of the aggregate purchase price (including fees, commissions or other charges), explain fully.

Item (8): Liens on funds or property. State whether or not under the plan or any contract in connection therewith any person has or may create a lien on any funds, securities or other property held under the plan. If so, describe fully the circumstances under which the lien was or may be created.

Item (9): Termination and extension of the plan. State the circumstances under which the plan will terminate and the conditions under which it may be extended.

Item (10): Other charges and deductions. Describe all charges and deductions, other than taxes, not called for above which may be made against employees participating in the plan or against funds, securities, or other property held under the plan and indicate who will receive, directly or indirectly, any part thereof.

Item (11): Summary of earnings. Furnish in comparative columnar form a summary of earnings of the issuer for each of at least the last five fiscal years of the issuer (or for the life of the issuer and its immediate predecessor, if less). If the issuer includes in its annual report filed pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 a profit and loss statement of the issuer and its subsidiaries consolidated, the summary of earnings shall be prepared on a consolidated basis. The summary shall be certified for at least the last three fiscal years included therein.

Instructions. 1. The summary shall cover a representative period and, subject to appropriate deviation to correspond to significant characteristics of the issuer, the following items shall be included: net sales or operating revenues; cost of goods sold or operating expenses (or gross profit); interest charges; income taxes; net income; special items; net income and special items. The summary shall reflect the retroactive adjustment of any material items affecting the comparability of the results.

2. Appropriate footnotes to the summary shall be furnished whenever necessary to reflect information or explanations of material significance to investors in appraising the results shown.

3. If common stock or securities convertible into common stock are being registered, the summary shall be prepared to present earnings applicable to common stock. Earnings and dividends declared per share for each year of the summary shall also be included when appropriate.

4. If the annual report of the issuer which accompanies the prospectus includes a summary of earnings substantially meeting the above requirements, such summary may be incorporated by reference in the prospectus.

Item (12): Market prices of the issuer's securities. State the range of market prices of the securities of the issuer being registered for each year for which earnings data are supplied in response to Item 11. Indicate whether such prices represent prices on a securities exchange, naming such exchange. If the range is otherwise obtained, state the nature of the market and the source of the prices.

Item (13): Description of certain significant developments in the last five years. If within the past five years there has been any bankruptcy, receivership or similar proceeding or any material reorganization, capital readjustment or succession or the acquisition or disposition of any material amount of assets, otherwise than in the ordinary course of business, involving the issuer or any of its significant subsidiaries, describe briefly the nature and results of such events upon the business of the issuer.

Item (14): Capital stock being registered. If capital stock is being registered, state the title of the class and furnish the following information: (i) Outline briefly (a) dividend rights; (b) voting right; (c) liquidation rights; (d) pre-emptive rights; (e) conversion rights; (f) redemption provisions; (g) sinking fund provisions; and (h) liability to further calls or to assessment by the issuer.

(ii) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(iii) Outline briefly any restriction on the repurchase or redemption of shares by the issuer while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

Instructions. 1. Only a brief summary of the pertinent provisions from an investment standpoint is required. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct resume is required.

2. If the rights evidenced by the securities being registered are materially limited or qualified by the rights of any other class of securities, include such information regarding such other securities as will enable investors to understand the rights evidenced by securities being registered.

Item (15): Other securities being registered. If securities other than capital shares are being registered, outline briefly the rights evidenced thereby.

Instruction. Information comparable to that called for by Item 14 and the instructions thereto shall be furnished.

Item (16): Principal holders of equity securities. Furnish the following information, in substantially the tabular form indicated, as to all equity securities of the issuer and all options to purchase such securities owned by each person who owns of record, or is known by the issuer to own beneficially, more than 10 percent of any class of securities or options. The information shall be furnished as of a specified date within 90 days prior to the date of filing.

(1) Name and address	(2) Title of class	(3) Type of ownership	(4) Amount owned	(5) Percent of class

Instruction. Indicate in column (3) whether the securities are owned both of record and beneficially, or record only, or beneficially only, and show separately in columns (4) and (5) the respective amounts and percentages owned in each such manner. The percentages are to be calculated on the basis of the amount of outstanding securities or options of the class.

Item (17): Financial statements. (i) Include the certified financial statements of the issuer required to be included in the annual report which the issuer has filed or is required to file for its last fiscal year pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934. If the issuer includes in its annual report certified financial statements of the issuer and its subsidiaries consolidated, the latter shall be furnished in lieu of the financial statements of the issuer. No schedules need be included.

(ii) If the annual report of the issuer to its security holders for its last fiscal year includes certified financial statements substantially meeting the (i) of this subparagraph, such statements may be incorporated by reference in the prospectus.

Item (18): Financial statements of the plan. (i) The following financial statements shall be furnished for any plan the interests in which are being registered hereunder.

(a) A certified statement of financial condition as of the end of the latest fiscal year of the plan.

(b) A certified statement of income and changes in plan equity for the latest fiscal year of the plan.

(ii) If certified financial statements substantially meeting the above requirements have been furnished to all employees who receive a copy of the prospectus, such statements may be incorporated by reference in the prospectus.

Instructions. The statements required by this item shall be prepared and certified in accordance with the applicable provisions of Regulation S-X (17 CFR Part 210) and shall be accompanied by the schedules specified in that regulation.

(e) *Undertakings*—(1) *To file reports.* Subject to the terms and conditions of section 15(d) of the Securities Exchange Act of 1934, the undersigned registrants hereby undertake to file with the Securities and Exchange Commission such supplementary and periodic information, documents and reports as may be prescribed by any rule or regulation of the Commission heretofore or hereafter duly adopted pursuant to authority conferred in that section.

(2) *To transmit certain material.* The undersigned employer hereby undertakes to transmit to all employees participating in the plan at the time and in the manner as such material is sent to stockholders of the issuer, copies of all reports, proxy statements and other communications distributed to its stockholders generally. The employer also undertakes to transmit copies of such material to the Commission for its information but such material shall not be deemed to be "filed" as part of the registration statement.

(3) *To transmit annual report with prospectus.* The undersigned issuer of the securities to be registered hereunder hereby undertakes to deliver or cause to be delivered with the prospectus to each eligible employee a copy of the issuer's annual report to stockholders for its last fiscal year, unless such employee otherwise receives a copy of such report. If the last fiscal year of the issuer has ended within 90 days prior to the use of the prospectus, the annual report for the preceding fiscal year may be so delivered, but in such case the annual report for the last fiscal year will be furnished promptly to each such employee when available.

(f) *Signatures.*

The employer. Pursuant to the requirements of the Securities Act of 1933, the employer has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of ----------, and State of ----------, on the ------ day of ----------, 19--.

(Issuer)

By ----------
(Signature and title)

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed below by the following persons in the capacities and on the dates indicated.

(Signature)	(Title)	(Date)

The issuer. Pursuant to the requirements of the Securities Act of 1933, the issuer has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of ----------, and State of ----------, on the ------ day of ----------, 19--.

(Issuer)

By ----------
(Signature and title)

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed below by the following persons in the capacities and on the dates indicated.

(Signature)	(Title)	(Date)

The plan. Pursuant to the requirements of the Securities Act of 1933, the plan has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of ----------, and State of ----------, on the ------ day of ----------, 19--.

(The plan)

By----------
(Signature and title)

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed below by the following persons in the capacities and on the dates indicated.

(Signature)	(Title)	(Date)

Instructions. 1. The registration statement shall be signed by the issuer, the employer(s) (and where there is created under the plan an unincorporated association, a trust, committee or other legal entity, by such association, trust, committee or other legal entity), their respective principal executive officers, principal financial officers, controllers or principal accounting officers and by at least the majority of the respective board of directors or persons performing similar functions.

2. The name of each person who signs the registration statement shall be typed or printed beneath his signature. Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the registration statement.

(g) *Instructions as to exhibits.* Subject to the rules as to incorporation by reference, the exhibits specified below shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing.

(1) Copies of the plan as presently in effect.

(2) Copies of all constituent instruments (other than the plan itself) defining the rights of employees who participate in the plan.

(3) Copies of all material contracts not made in the ordinary course of business, which are now in effect or were made within two years prior to the date of filing, relating to the plan.

(4) An opinion of counsel as to the legality of the interests and the equity securities being registered, indicating whether they will when sold be legally issued, fully paid and non-assessable.

(5) Copies of the issuer's annual report to stockholders for its last fiscal year. Such report, except for those portions thereof which are incorporated by reference in the registration statement, it is to be furnished for the information of the Commission and is not to be deemed "filed" as part of the registration statement. If the financial statements in the report have been incorporated by reference in the registration statement, the accountants' certificate shall be manually signed in one copy.

(6) Copies of all summaries of the plan or other written communications, intended to be used in connection with the offering or sale of the securities being registered.

(Sections 6 and 7, 48 Stat. 78, 15 U.S.C. 77f, 77g; sec. 10, 48 Stat. 81, as amended, 15 U.S.C. 77j; and sec. 19(a), 48 Stat. 85, as amended, 15 U.S.C. 77s)

All interested persons are invited to submit their views and comments on the above proposals, in writing, to the Securities and Exchange Commission, Washington 25, D.C., on or before March 5, 1962. Except where nondisclosure is requested, all such communications will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 8, 1962.

[F.R. Doc. 62-1496; Filed, Feb. 13, 1962; 8:50 a.m.]

Notices

GENERAL SERVICES ADMINISTRATION

Defense Materials Service

REPORT OF PURCHASES UNDER PURCHASE REGULATIONS

DECEMBER 31, 1961.

Regulation	Termination date	Unit	Program limitation (quantity)	Purchases during quarter[1]		Cumulative purchases through end of quarter[1]	
				Quantity	Amount	Quantity	Amount
ACTIVE PROGRAMS							
Public Law 806, 83d Cong.							
Beryl	June 30, 1962	Short dry tons, beryl ore	4,500	58	$33,374	3,030	[illegible]
Mica	June 30, 1962	Short tons, hand-cobbed mica or equivalent	25,000	540	612,352	24,032	[illegible]
COMPLETED PROGRAMS							
Public Law 806, 83d Cong.							
Asbestos	Oct. 1, 1957	Short tons, crude No. 1 and/or crude No. 2 Asbestos	1,500			1,499	[illegible]
		Short tons, crude No. 3				850	[illegible]
Columbium Tantalum	Dec. 31, 1958	Pounds, contained combined pentoxide	15,000,000			15,567,912	[illegible]
Manganese:							
Butte-Phillipsburg	June 30, 1958	Long ton units, recoverable manganese	6,000,000			6,020,471	[illegible]
Deming	June 30, 1958	do	6,000,000			6,215,258	[illegible]
Wenden	June 30, 1958	do	6,000,000			6,106,316	[illegible]
Domestic small producers	Jan. 1, 1961	Long ton units, contained manganese	28,000,000			28,069,901	[illegible]
Tungsten	July 1, 1958	Short ton units, tungsten trioxide	3,000,000			2,996,280	[illegible]
Public Law 590, 79th Cong.							
Chrome	June 30, 1959	Long dry tons, chrome ore and/or chrome concentrates	200,000			199,961	[illegible]
Defense Production Act							
Mercury:							
Domestic	Dec. 31, 1957	Flasks, Prime Virgin Mercury	125,000			9,428	[illegible]
Do	Dec. 31, 1958	do	30,000			17,463	[illegible]
Mexican	Dec. 31, 1957	do	75,000			766	[illegible]
Do	Dec. 31, 1958	do	20,000			2,508	[illegible]

[1] Quantities represent deliveries.

BERNARD L. BOUTIN,
Administrator.

FEBRUARY 8, 1962.

[F.R. Doc. 62-1477; Filed, Feb. 13, 1962; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1961 Rev. Supp. No. 22]

ANCHOR CASUALTY COMPANY, ST. PAUL, MINN.

Termination of Authority To Qualify as Surety on Federal Bonds

FEBRUARY 8, 1962.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to Anchor Casualty Company, St. Paul, Minnesota, under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6–13), to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States has been terminated effective as of midnight December 31, 1961.

The Agricultural Insurance Company, a New York corporation, holds a certificate of authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States.

Pursuant to Agreement of Merger, effective midnight December 31, 1961, approved by the Superintendent of Insurance of the State of New York, September 27, 1961, and the Commissioner of Insurance of the State of Minnesota, October 26, 1961, the Anchor Casualty Company, St. Paul, Minnesota, was merged into Agricultural Insurance Company, Watertown, New York, the surviving company. Agricultural Insurance Company acquired all of the assets and assumed all of the liabilities of Anchor Casualty Company. A copy of the Agreement of Merger is on file in the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

No action need be taken by bond approving officers, by reason of the merger, with respect to any bond or other obligations in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before December 31, 1961, by Anchor Casualty Company pursuant to the certificate of authority issued to the company by the Secretary of the Treasury.

The merger of the companies will not affect the underwriting limitation of the surviving corporation, Agricultural Insurance Company, which will remain at $1,924,000.00.

[SEAL] W. T. HEFFELFINGER,
Fiscal Assistant Secretary.

[F.R. Doc. 62-1489; Filed, Feb. 13, 1962; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-90]

AEROJET-GENERAL NUCLEONICS

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to March 1, 1964 the latest completion date specified in Construction Permit No. CPRR-24 for the construction of nuclear reactors Model AGN-201, Serial Numbers 126 through 130.

Copies of the Commission's order and of the application by Aerojet-General Nucleonics are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 7th day of February 1962.

For the Atomic Energy Commission.

R. L. KIRK,
Director, Division of Licensing and Regulation.

[F.R. Doc. 62-1504; Filed, Feb. 13, 1962; 8:51 a.m.]

[Docket No. 50-54]

UNION CARBIDE CORP.

Notice of Issuance of Amendment to Utilization Facility License

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on January 23, 1962, 27 F.R. 672, the Atomic Energy Commission has issued Amendment No. 2 to Facility License No. R-81. The amendment authorizes Union Carbide Corporation to conduct certain additional experiments in its pool-type nuclear reactor located in Sterling Forest, New York.

Dated at Germantown, Md., this 8th day of February 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-1490; Filed, Feb. 13, 1962; 8:49 a.m.]

AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE COMMONWEALTH OF KENTUCKY FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE COMMONWEALTH

Whereas, The United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass, and;

Whereas, The Governor of the Commonwealth of Kentucky is authorized under section 152.115 of the Kentucky Revised Statutes to enter into this Agreement with the Commission; and

Whereas, The Governor of the Commonwealth of Kentucky certified on January 31, 1962, that the Commonwealth of Kentucky (hereinafter referred to as the Commonwealth) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the Commonwealth covered by this Agreement, and that the Commonwealth desires to assume regulatory responsibility for such materials, and;

Whereas, The Commission found on February 1, 1962, that the program of the Commonwealth for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, The Commonwealth recognizes the desirability and importance of maintaining continuing compatibility between its program and the program of the Commission for the control of radiation hazards in the interest of public health and safety; and

Whereas, The Commission and the Commonwealth recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, This Agreement is entered into and is subject to the provisions of the Atomic Energy Act of 1954, as amended, and the applicable regulations of the Atomic Energy Commission which may be issued from time to time pursuant thereto;

Now, therefore, it is hereby agreed between the Commission and the Governor of the Commonwealth, acting in behalf of the Commonwealth, as follows:

ARTICLE I

Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the Commonwealth under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE V

The Commonwealth will use its best efforts to maintain continuing compatibility between its program and the program of the Commission for the regulation of like materials. To this end the Commonwealth will use its best efforts to keep the Commission informed of proposed changes in its rules and regulations, and licensing, inspection, and enforcement policies and criteria, and of proposed requirements for the design and distribution of products containing source, byproduct, or special nuclear material, and to obtain the comments and assistance of the Commission thereon.

ARTICLE VI

The Commission will use its best efforts to keep the Commonwealth informed of proposed changes in its rules and regulations, and licensing, inspection, and enforcement policies and criteria and to obtain the comments and assistance of the Commonwealth thereon.

ARTICLE VII

The Commission and the Commonwealth agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the Commonwealth agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the Commonwealth, or upon request of the Governor of the Commonwealth, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination of suspension is required to protect the public health and safety.

ARTICLE IX

This Agreement shall become effective on March 26, 1962, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VIII.

Done at Washington, District of Columbia, in duplicate, this eighth day of February, 1962.

For the United States Atomic Energy Commission.

GLENN T. SEABORG,
Chairman.

For the Commonwealth of Kentucky.

BERT COMBS,
Governor.

[F.R. Doc. 62-1499; Filed, Feb. 13, 1962; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

LOUIS A. SCHLUETER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 1, 1962.

LOUIS A. SCHLUETER.

FEBRUARY 1, 1962.

[F.R. Doc. 62-1485; Filed, Feb. 13, 1962; 8:48 a.m.]

JAMES P. WHITLOCK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of January 30, 1962.

JAMES P. WHITLOCK.

JANUARY 30, 1962.

[F.R. Doc. 62-1486; Filed, Feb. 13, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11238 et al.]

SHULMAN, INC., ET AL., INTERNATIONAL AIRFREIGHT FORWARDER INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on March 7, 1962 at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., February 9, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-1500; Filed, Feb. 13, 1962; 8:50 a.m.]

[Docket 13337]

NEVADA AIRMOTIVE CORP. AND TRANS WORLD AIRLINES, INC.

Order Denying Motion and Granting Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of February 1962.

In the matter of the purchase by Nevada Airmotive Corp. from Trans World Airlines, Inc. of certain aircraft, and motion to withhold certain information from public disclosure.

By application filed January 17, 1962, Nevada Airmotive Corporation (Nevada) and Trans World Airlines, Inc. (TWA) jointly requested the Board to rule that section 408 of the Federal Aviation Act of 1958 (the Act) is not applicable to the purchase of 25 Lockheed L-049 aircraft and related engines, parts, tools and fixtures by Nevada from TWA at a cost of $700,000, or to exempt the parties from the provisions of the Act to the extent necessary to permit consummation of the transaction, or to approve the transaction pursuant to the provisions of section 408 of the Act. The parties field concurrently a motion to withhold from public disclosure the information contained in the purchase contract.

In support of the merits of the application, the parties state that Nevada is engaged in the purchase, sale and leasing of surplus aircraft, that the aircraft have been retired by TWA in connection with its jet re-equipment program, and that the importance to TWA of disposing of the aircraft and the public interest to be served thereby are self evident.

The Board, upon consideration of the application, finds that the 25 Lockheed L-049 aircraft to be purchased by Nevada constitute a substantial portion of the properties of TWA within the meaning of section 408 of the Act. Accordingly, the Board will not grant the requested disclaimer of jurisdiction, nor is an exemption appropriate since Nevada, against whom the prohibition in section 408 runs in this transaction, is not an air carrier and hence may not be exempted pursuant to section 416 of the Act. However, the Board has concluded tentatively that the purchase of the aircraft by Nevada from TWA does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not tend to restrain competition. Furthermore, the Board notes that no person disclosing a substantial interest is currently requesting a hearing. Although the 25 aircraft presently constitute a substantial portion of TWA's aircraft fleet, they are being replaced by modern jet aircraft with increased capacity and speed. It would therefore appear that approval of the transaction would not be inconsistent with the public interest.

In view of the foregoing, the Board tentatively finds that the transaction should be approved and intends to approve it without hearing under the provisions of section 408(b) of the Act. In accordance therewith, this order constituting notice of such intention will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to comment on the Board's tentative decision.

In support of the motion, the parties state that (1) their interests would be adversely affected by advance public disclosure of the agreement, (2) until such time as the Board acts the parties will remain uncertain as to the status of their contractual relationship, (3) in the interim competitors of TWA and Nevada may be advantaged by disclosure, (4) the contract is of sole concern to them, and (5) advance disclosure is not required in the interest of the public.

Upon careful consideration of this matter, the Board has decided to deny the motion.[1] It seems clear that the position of the parties essentially concerns disclosure of the information during the period between the filing of the application and the time of action by the Board, and not after the issuance of a decision. Even if this were not the case, it appears that disclosure may well be in the public interest, and certainly the parties have not made a contrary showing.

Therefore, it is ordered:

1. That the motion to withhold the contract between Nevada and TWA from public disclosure be and it hereby is denied;

2. That the order be published in the FEDERAL REGISTER.

3. That the Attorney General of the United States be furnished a copy of this order within one day of its publication; and

4. That interested persons are afforded a period of 15 days within which to file comments or request a hearing with respect to the Board's proposed action on the application in Docket 13337.[2]

By the Civil Aeronautics Board:

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-1501; Filed, Feb. 13, 1962; 8:51 a.m.]

[1] The agreement of sale, which is the subject of the motion, inter alia, identifies the aircraft, describes the nature of the parts and equipment being sold, specifies the mechanical condition of the aircraft, and sets forth the financial terms and other responsibilities of the parties.

[2] Such comments shall in all respects conform to the requirements of the Board's rules of practice for the filing of documents.

[Docket 13249]

BRANIFF AIRWAYS, INCORPORATED AND PAN AMERICAN WORLD AIRWAYS, INC.

Interchange; Notice of Prehearing Conference

In the matter of the application of Braniff Airways, Incorporated and Pan American World Airways, Inc., for approval of an equipment interchange lease agreement.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 20, 1962, at 10 a.m. (eastern standard time) in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., February 9, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-1502; Filed, Feb. 13, 1962; 8:51 a.m.]

CIVIL SERVICE COMMISSION

POSITIONS FOR WHICH THERE IS DETERMINED TO BE A MANPOWER SHORTAGE

Notice of Listing

Under the provisions of Public Law 86-587, the Civil Service Commission has determined that there is a manpower shortage for the following:

1. Positions in the following Series under the Classification Act of 1949, as amended, or comparable positions not subject to the Classification Act:

GS-1220-0	Patent Administration
GS-1222-0	Patent Attorney
GS-1223-0	Patent Classifying
GS-1225-0	Patent Interference Examining

Geographic coverage. Nationwide.
Effective date. January 4, 1962.

2. The position of Program Coordinator (Aircraft Depot Maintenance), GS-1101-15, Headquarters U.S. Army Transportation Aeronautical Depot Maintenance Center, Corpus Christi, Texas.

Effective date. October 26, 1961.

Travel and transportation expenses may be paid for appointees to their first duty station for the positions as listed above. Any such payments as a result of these determinations must be made in accordance with travel regulations issued by the Bureau of the Budget.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-1453; Filed, Feb. 13, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14482; FCC 62M-182]

ASHEBORO BROADCASTING CO. (WGWR)

Order Following Prehearing Conference

In re application of Asheboro Broadcasting Company (WGWR), Asheboro, North Carolina, Docket No. 14482, File No. BP-14051; for construction permit.

A prehearing conference in the above-entitled matter having been held on February 6, 1962, and it appearing that certain agreements were reached therein which properly should be formalized in an order;

Accordingly, it is ordered, This 6th day of February 1962, as follows:

(1) Copies of all proposed exhibits of the applicant shall be supplied to counsel for the Broadcast Bureau and the Hearing Examiner by February 26, 1962;

(2) Notification as to those witnesses required to be present at the hearing on March 14, 1962 for cross-examination by Bureau Counsel shall be given by March 9, 1962; and

(3) The hearing heretofore scheduled to commence March 6, 1962, is continued to March 14, 1962, at 10:00 a.m., at the offices of the Commission in Washington, D.C.

Released: February 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1505; Filed, Feb. 13, 1962; 8:51 a.m.]

[Docket No. 14393; FCC 62M-186]

W. E. BAYSDEN

Order Continuing Hearing

In re application of W. E. Baysden, Jacksonville, North Carolina, Docket No. 14393, File No. BP-12300; for construction permit.

Pursuant to agreement reached by counsel for all the parties at the further prehearing conference held on January 26, 1962,

It is ordered, This 7th day of February 1962, that the hearing in this proceeding, which was scheduled for commencement on February 5, 1962, is continued to 10:00 a.m., February 26, 1962.

Released: February 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1506; Filed, Feb. 13, 1962; 8:51 a.m.]

[Docket No. 14506]

BRANDON TIRE & BATTERY CO.

Order To Show Cause

In the matter of T. E. Brandon, d/b as Brandon Tire & Battery Co., Chickasaw, Alabama, Docket No. 14506, order to show cause why there should not be revoked the license for Business Radio Station KIR-938.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Business radio station KIR-938;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation mailed on June 19, 1961, alleging that on May 24, 1961, Business Radio Station KIR-938 was observed in violation of the Commission's rules, viz:

Section 11.160(a)—No record of transmitter measurements made within the last year;
Section 11.52(a)—Station was not being identified after each transmission or once each 15 minutes;
Section 11.702—No provision made for receipt of CONELRAD alerts;
Section 11.156(b)—The current station license not posted at the principal control point of the station;
Section 11.156(a)—Executed transmitter identification card (FCC Form 452-C) was not affixed to each mobile transmitter;
Section 11.160(c)—Names of radio operators with the period of their duty each day was not included in station records;
Non-compliance with the terms of the station license—Base transmitter was authorized at 11 North Broad Street, Mobile, Alabama; it had ben installed at 307 North Craft Highway, Chickasaw, Alabama.

It further appearing, that, the above-named licensee received the Official Notice of Violation, but did not make satisfactory reply thereto; whereupon the Commission by letter of October 19, 1961, and sent by Certified Mail—return receipt requested (Certified No. 814847) again brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt, stating the measures which had been taken or were being taken in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the station license; and

It further appearing, that, receipt of the Commission's letter was acknowledged by the signature of the licensee on October 20, 1961, to a Post Office Department return receipt card; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 8th day of February 1962, pursuant to section 312(a)(4) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by Certified Mail, return receipt requested, to the said licensee at 306 North Craft Highway, Chickasaw, Alabama.

Released: February 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1507; Filed, Feb. 13, 1962; 8:51 a.m.]

[Docket Nos. 14085, 14290; FCC 62-143]

COMMUNITY SERVICE BROADCASTERS, INC., ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Community Service Broadcasters, Incorporated, Ypsilanti, Michigan, Docket No. 14085, File No. BP-13846; Geneco Broadcasting, Inc., Marion-Jonesboro, Indiana, et al., Docket No. 14290, File No. BP-13975; for construction permits.

1. The Commission has before it for consideration (1) a petition to enlarge issues filed November 8, 1961, by Radio One Five Hundred, Inc., Indianapolis, Indiana (Docket No. 14288); (2) an opposition filed November 22, 1961, by Geneco Broadcasting, Inc., Marion-Jonesboro, Indiana (Docket No. 14290); and (3) a reply to Opposition filed December 4, 1961, by Radio One Five Hundred, Inc. The Broadcast Bureau filed no pleading.

2. Radio One Five Hundred, Inc., seeks enlargement of issues to inquire into whether Geneco is financially qualified to construct and operate the proposed station, and whether the Geneco directional antenna would be sufficiently stable to operate within the proposed maximum expected operating values (MEOV) or achieve the minimum radiation levels required by § 3.189 of the rules. Petitioner contends that Geneco's finances are inadequate by a minimum of $34,425 of which $30,000 is allegedly needed for legal and engineering expenses to be incurred in completing and licensing the directional array. Comparing Geneco's proposal with the present eight element directional array of Station WJBK, Detroit, Michigan, which encountered adjustment problems, petitioner argues that Geneco's nine element array would also involve adjustment problems; that it is more critical; and that Geneco has not proposed special equipment and techniques to be used for the adjustment of the array or submitted data on the suitability of the proposed site.

3. It is found that the petitioner's allegation of unstable operation of Geneco's proposed nine element directional antenna is based on the opinion of its consulting engineer that a large number of towers used in the array would result in unstable operation. The petitioner's affidavits are couched in phrases which are conjectural and do not factually show the basis for its many allegations of possible instability in the operation of the proposed directional array. Donald W. Huff, 18 RR 355, 362 (1959); Hirsch Broadcasting Co., 19 RR 544, 545 (1959). For instance, it alleges that if certain variations should occur in the operating parameters, the radiation in certain directions would exceed the maximum expected operating values, but it does not indicate the direction or the combination of the variations of parameters nor submit any computations supporting such allegations. § 1.141(c) of the rules states that motions to enlarge the issues, oppositions thereto, and replies to oppositions shall contain specific allegations of fact sufficient to support the action requested, and that such allegations of fact, except for those of which official notice may be taken, shall be supported by affidavits of a person, or persons, having personal knowledge thereof. The affidavits should contain factual engineering showings rather than bare opinions as to the "unreasonableness" of the proposal. (Alkima Broadcasting Company, Docket No. 12414, FCC 61-1462). In any event, the applicant, if granted a construction permit, must construct its station in accordance with the terms of the construction permit, and any deviation therefrom would be considered with the application for license to cover construction permit. Kansas Broadcasters, Inc., 18 RR 607 (1959). Thus, we will deny the request for enlargement of issues to inquire into the Geneco directional antenna proposal.

4. The Commission has considered petitioner's request that a financial issue be added relative to Geneco and also the arguments for and against this request advanced by the parties. We are convinced that the financial issue relative to Geneco should be added. It is noted that Geneco estimates its cost of construction at $56,700 and its cost of operation for the first three months at $13,500. After consideration is given to the deferred payment agreement in the amount of $34,275, we find that Geneco will require cash in the amount of $35,925 to construct its station and operate it for at least three months without the benefit of revenue. Geneco has shown that it has only $31,500 in available funds. This does not meet the requirements of our established policy and thus the issue will be added.

Accordingly, it is ordered, This 6th day of February, 1962, that the petition to enlarge the issues, filed November 8, 1961, by Radio One Five Hundred, Inc., is granted to the extent indicated herein and in all other respects, is denied;

It is further ordered, That existing Issue 9 is amended by adding "Geneco Broadcasting, Inc. (BP-13975)."

Released: February 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1508; Filed, Feb. 13, 1962; 8:51 a.m.]

[Docket No. 14168 etc.; FCC 62-139]

EASTERN BROADCASTING SYSTEM, INC., ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Eastern Broadcasting System, Inc., Brookfield, Connecticut, et al., Docket No. 14166, File No. BP-13017, etc.; for construction permits.

1. The Commission has before it for consideration a petition by Eastern Broadcasting System, Inc., to enlarge issues, filed November 7, 1961, together with pleadings properly filed in response thereto.

2. Petitioner, the Eastern Broadcasting System, Inc., one of several applicants in the above-caption proceeding, requests enlargement of the issues as to the mutually-exclusive application of Fairfield Broadcasting Company, which proposes a new Class II station at Easton, Connecticut, 940 kc, 5 kw, DA, D. (Docket No. 14171). The Commission has previously refused to enlarge the issues as to Fairfield,[1] but petitioner alleging newly discovered evidence, requests enlargement of the issues.

3. Petitioner has submitted the transcript of a hearing before a local Zoning Board in which Fairfield sought a special exception to authorize the construction and maintenance of radio broadcasting towers and transmission equipment. Emphasis is placed by petitioner on certain representations counsel for Fairfield made before the Zoning Board which are in conflict with Fairfield's application pending before the Commission. The representations fall into two classes: First, that Fairfield Broadcasting's proposal was primarily intended to serve the town of Fairfield, Connecticut; and second, that the main studio would not be located at the transmitter site. Fairfield responds that its local counsel before the Zoning Board was a last-minute substitute who, because of the shortness of time for preparation, was not able to familiarize himself with the application pending before the Commission; and that his representations were based on misconceptions regarding Fairfield's proposal. However, petitioner replies that the representations went to the substance of the questions before the Zoning Board, and that Fairfield's principals were present at the Zoning Board and did not correct the attorney's misstatements. The Broadcast Bureau supports petitioner's request, but proposes different phrasing of the issues.

4. Petitioner's request for enlargement of the issues is filed subsequent to the period specified in 47 CFR 1.141. However, good cause has been shown for the late filing in that the transcript of the hearing before the Zoning authorities did not become available until seventeen days before the petition was filed.

5. Fairfield does not challenge the allegation that a substantial variance exists between the representations made to the Commission, and those made to the Zoning Board. Unsupported by affidavits, it declares that its attorney was not completely familiar with the application pending before the Commission. Even if this pleading complied with the requirements of 47 CFR 1.141(c) which states that allegations of facts "shall be supported by affidavits of a person or persons having personal knowledge thereof", it would not completely explain the variance. The transcript of the hearings reveals that the attorney made the representation in his opening statement, and that Fairfield's principals were present when the representations were made. The transcript also reveals that Fairfield's attorney later in the hearing made a closing statement but that he did not, then, correct the erroneous representations. These conflicts can best be resolved following an evidentiary hearing.

Accordingly, it is ordered, That a petition by Eastern Broadcasting, Inc., to enlarge issues, filed November 7, 1961, is granted to the extent indicated herein; and

It is further ordered, That on the Commission's own motion, the designation Order corrected on June 28, 1961 (FCC 61-791) is hereby amended by renumbering Issue 11 as Issue 15, and by the addition of the following issues:

11. To determine whether the proposal made by Fairfield Broadcasting Company to establish a station in Easton was made to the Commission in good faith.

12. To determine whether Fairfield Broadcasting Company has misrepresented its proposal for the location of its main studio to the Commission or to any other official governmental agency, body or representative.

13. To determine whether the Fairfield Broadcasting Company has misrepresented to the Commission or to any other governmental agency, body or representative the town which the station it proposes is primarily designed to serve.

14. To determine, in the light of the foregoing, whether Fairfield Broadcasting Company has the character qualifications to be entrusted with an authorization for a broadcast facility.

Adopted: February 6, 1962.

Released: February 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1509; Filed, Feb. 13, 1962; 8:51 a.m.]

[1] Eastern Broadcasting System, Inc., released December 18, 1961 (FCC 61-1489).

[Docket Nos. 14519-14521; FCC 62-160]

K & H TELEVISION STATION (KFUR-TV) ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Raymond F. Hayes and Milford Kay, d/b as K & H Television Station (KFUR-TV), Santa Fe, New Mexico, Docket No. 14519, File No. BMPCT-5601, for modification of construction permit; Thunderbird Entertainment Enterprises, Incorporated, Santa Fe, New Mexico, Docket No. 14520, File No. BPCT-2898, and New Mexico Broadcasting Company, Inc., Santa Fe, New Mexico, Docket No. 14521, File No. BPCT-2927; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of February 1962;

The Commission having under consideration the above-captioned applications: that of K & H Television Station requesting a modification of construction permit for Station KFUR-TV to specify Channel 2 in lieu of Channel 11, and those of Thunderbird Entertainment Enterprises, Incorporated and New Mexico Broadcasting Co., Inc., each requesting a construction permit for a new television broadcast station to operate on Channel 2, Santa Fe, New Mexico; and

It appearing that the applications of Raymond F. Hayes and Milford Kay, d/b as K & H Television Station, Thunderbird Entertainment Enterprises, Incorporated, and New Mexico Broadcasting Co., Inc., are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing that the following matters are to be considered in connection with the issues specified below:

(a) The proposal of Thunderbird Entertainment Enterprises, Incorporated (BPCT-2898).

Based on information contained in the application, it appears that cash in the approximate amount of $306,872 will be required for the construction and initial operation of the proposed station. The applicant has failed to make the financial showing required since the stock subscriptions in Exhibit 4 of the application have not been supported by balance sheets of the subscribers as required by paragraph 4, section III of the application form and the information submitted is insufficient. Accordingly, it cannot be determined that Thunderbird Entertainment Enterprises, Incorporated, is financially qualified.

(b) The proposal of New Mexico Broadcasting Co., Inc. (BPCT-2927).

1. The applicant is licensee of Television Broadcast Station KGGM-TV, Channel 13, Albuquerque, New Mexico. In the event the present application were to be granted, it appears that substantial overlap would result. Under such circumstances, it appears appropriate to consider the size, extent and location of the areas served and to be served; the extent of the overlap involved; the number of persons served; the number of persons residing within the overlap area; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present, with particular reference to the particular need of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that the overlap involved will not be in contravention of § 3.636(a)(1) of the Commission's rules.

2. The applicant proposes to operate the proposed station as a satellite of Station KGGM-TV, with the exception of one daily 15 minute news program directed to Santa Fe. In these circumstances, it appears appropriate to consider whether the type and character of the program service proposed will meet the needs of Santa Fe.

It further appearing that the Commission is of the view that the above question raised with respect to the proposed programming of New Mexico Broadcasting Co., Inc., should be explored within the framework of comparative issue "3(c)" as specified herein, rather than as a separate issue; and

It further appearing that on August 7, 1961, New Mexico Broadcasting Co., Inc., filed a "Statement of Interest" regarding the Thunderbird Entertainment Enterprises, Incorporated application; that such allegations of fact as are made are not supported by affidavit of a person or persons with personal knowledge thereof as required by section 309(d)(1) of the Communications Act of 1934, as amended, and that such allegations as have been made have been considered by the Commission but do not provide sufficient facts to raise issues; and

It further appearing, that each of the applicants herein proposes operation from substantially different sites and with different power so that there will be appreciable differences in the areas and populations to which they propose service; and

It further appearing, that, upon due consideration of the above-captioned applications and the amendments thereto, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that Raymond F. Hayes and Milford Kay, d/b as K & H Television Station and New Mexico Broadcasting Co., Inc., are legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station and that Thunderbird Entertainment Enterprises, Incorporated, is legally, technically and otherwise qualified to construct, own and operate the proposed television broadcast station;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Raymond F. Hayes and Milford Kay, d/b, as K & H Television Station, New Mexico Broadcasting Co., Inc., and Thunderbird Entertainment

Enterprises, Incorporated, are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, on the following issues:

1. To determine whether Thunderbird Entertainment Enterprises, Incorporated, is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine whether a grant of New Mexico Broadcasting Co., Inc's application would contravene the provisions of § 3.636(a)(1) of the Commission's rules and, if so, whether a waiver of these provisions would be warranted.

3. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in the light of the significant differences between the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming services proposed in each of the above-captioned applications.

(d) The engineering proposals of the applicants including the areas and populations which may be expected to receive service within the Grade A, and Grade B contours of the operations proposed.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of the facts in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard Raymond F. Hayes and Milford Kay, d/b as K & H Television Station, Thunderbird Entertainment Enterprises, Incorporated, and New Mexico Broadcasting Co., Inc., pursuant to § 1.140(c) of the rules, in person or by attorney, shall within twenty (20) days of the mailing of this Order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the rules, give notice of the hearing, either individually, or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: February 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1510; Filed, Feb. 13, 1962; 8:51 a.m.]

[Docket Nos. 14480, 14481; FCC 62M-181]

LORD BERKELEY BROADCASTING CO., INC., AND GRAND STRAND BROADCASTING CO.

Statement and Order After Prehearing Conference

In re applications of Lord Berkeley Broadcasting Company, Inc., Moncks Corner, South Carolina, Docket No. 14480, File No. BP-14123; Frank P. Larson, Jr., Charles T. Tilghman and John H. Nye, d/b as Grand Strand Broadcasting Company, Myrtle Beach, South Carolina, Docket No. 14481, File No. BP-14403; for construction permits.

At a prehearing conference today, the transcript of which, when available, will be incorporated by reference, the following timetable was set:

Exchange of affirmative direct written cases of applicants by March 7, 1962.

Receipt of notification of witnesses desired for cross-examination, by March 14, 1962.

Hearing—Rescheduled from March 7 to March 21, 1962 at 10 a.m., in the offices of the Commission, Washington, D.C.

So ordered, This 6th day of February 1962.

Released: February 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1511; Filed, Feb. 13, 1962; 8:51 a.m.]

[Docket Nos. 14473, 14474; FCC 62M-187]

PENINSULA TELEVISION RELAY CORP. AND EASTERN SHORE MICROWAVE RELAY CO.

Order Continuing Hearing

In re applications of Peninsula Television Relay Corporation, Salisbury, Maryland, Docket No. 14473, File Nos. 2604/2605-C1-P-60; Eastern Shore Microwave Relay Company, Salisbury, Maryland, Docket No. 14474, File No. 3423-C1-P-60; for construction permits for common carrier point-to-point microwave relay stations.

Pursuant to agreement reached by counsel for all the parties at the prehearing conference held on February 6, 1962,

It is ordered, This 7th day of February 1962, that the hearing in this proceeding, now scheduled to commence on March 6, 1962, is continued to 10:00 a.m., April 16, 1962; and

It is further ordered, That the agreements and understandings entered into between the parties concerning the future conduct of the hearing are approved as set forth in the transcript of the prehearing conference which to this extent is incorporated by reference herein.

Released: February 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1512; Filed, Feb. 13, 1962; 8:52 a.m.]

[Docket No. 14504; FCC 62-147]

PIONEER STATES BROADCASTERS, INC.

Order Designating Application for Hearing on Stated Issues

In re application of Pioneer States Broadcasters, Inc., West Hartford, Connecticut, has 990 kc, 1 kw, Day (WBZY) Torrington, Connecticut, req 990 kc, 500 w, DA-D, West Hartford, Connecticut, Docket No. 14504, File No. BP-14366; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of February 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that, although in form an application for a new station at West Hartford, Connecticut, the application is, in fact, a proposal to modify and move the applicant's existing facility at Torrington, Connecticut (WBZY), to West Hartford; and[1]

It further appearing, that in support of its request to move the WBZY facilities to West Hartford, the applicant states that WBZY has been operating for over ten years at Torrington without being able to show a profit; that this situation has continued to exist despite the efforts of four different owners and numerous station managers; that Torrington has one other existing station in addition to service from other stations in nearby cities; that the proposed move appears to be the only way in which the station can continue to survive; and that West Hartford was chosen as a proposed site because of its greater population and present lack of local service; and

It further appearing that Torrington, Connecticut, has a population (1960 census) of 30,045 and, in addition to WBZY, one existing facility (WTOR) with an authorized power of 250 watts, unlimited time; that the station WTOR has filed to change its facilities to 610 kc, 500 w, 1 kw-LS, DA-2; that West Hartford, population 62,382 is contiguous to Hartford, population 162,178, and is part of the greater Hartford urbanized area; that Hartford has four existing local standard broadcast stations; and that West Hartford has no existing stations and one other application for a new station (on a different frequency and not involved in this proceeding); and

It further appearing, that it cannot be concluded, on the basis of the limited facts set forth above, that a grant of the subject application would be in the public interest; that on the basis of such additional facts as may be developed in hearing, it will be necessary to determine whether the "fair, efficient, and equitable distribution" standard set forth by section 307(b) of the Act would best be met by the addition of a new service to the Hartford area and a new local service to West Hartford, or by the retention of the existing WBZY facility at Torrington; and that in essence, the determination to be made is equivalent to that which would be involved between two competing applications for new stations, one proposing operation at Torrington and the other at West Hartford. See Ark-Valley Broadcasting Co., Inc. 7 R.R. 77 (1951); and

It further appearing, that, an additional question raised by the proposed change in location involves the ownership interest in the applicant of Aldo DeDominicis; that Mr. DeDominicis, owner of a 7.9 percent interest in WBZY owns controlling interest in Station WHAY, New Britain, Connecticut; that New Britain is approximately five miles from West Hartford and each station would provide primary service to the other city; that accordingly, it will be necessary to determine whether a grant of the subject application would be in contravention of § 3.35(a) of the Commission's rules; and that in reaching this determination, it appears appropriate to consider the size, extent and location of the areas served; the extent of the overlap involved; the number of persons residing within the overlap area; the classes of stations involved; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present with particular reference to the needs of the communities they are designated to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that the overlap involved will or will not be in contravention of § 3.35(a) of the Commission's rules; and

It further appearing, that, although the subject application proposes values of radiation less than that notified for Station WBZY (previously WLCR) in accordance with the North American Regional Broadcasting Agreement (NARBA), such proposed radiation values are in excess of the maximum radiation permitted toward the Canadian border pursuant to the provisions of the proposed United States-Canadian bilateral agreement concerning the assignment of Class II stations on Class I-A channels, Docket No. 10453; and that since the subject application proposes a change in antenna site, the proposed directional radiation pattern was referred to the Canadian authorities by letter dated December 29, 1961, for consideration pursuant to the aforementioned agreement; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would gain or lose primary service from the instant applicant and the availability of other primary service to such areas and populations.

2. To determine whether a grant of the instant application would be in contravention of § 3.35(a) of the Commission's rules.

3. To determine the comparative needs of the areas now served by Station WBZY, including the city of Torrington, Connecticut, and the areas to be served by Station WBZY operating as proposed, including West Hartford, Connecticut, for broadcast service and, in view thereof, whether a grant of the subject application would be in accordance with section 307(b) of the Communications Act of 1934, as amended.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience, and necessity.

It is further ordered, That if, pursuant to the foregoing issues, a grant of the subject application is recommended, final action will be withheld pending receipt of a reply from Canadian authorities to the Commission's letter of December 29, 1961, and that, in the event Canadian approval is not obtained the subject application will be placed in the Commission's pending file.

It is further ordered, That to avail itself of the opportunity to be heard, the applicant, pursuant to section 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: February 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1513; Filed, Feb. 13, 1962; 8:52 a.m.]

[Docket No. 14505; FCC 62-148]

VICTORIA BROADCASTING SYSTEM

Order Designating Application for Hearing on Stated Issues

In re application of George H. Puder tr/as Victoria Broadcasting System, Redfield, South Dakota, requests 1380kc, 500w, Day, Docket No. 14505, File kc, 500w, Day, Docket No. 14505, File No. BP-14366; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of February 1962;

The Commission having under consideration the above-captioned and described application,

It appearing, that, except as indicated by the issues set forth below the applicant appears to possess the requisite qualifications to construct and operate the subject proposal;

It further appearing, that, according to data submitted with the subject application, the proposed operation would cause adjacent channel interference to the existing operation of Station KJAM, Madison, South Dakota, involving a population loss of 2.02 percent; and

It further appearing, that, by letter dated December 9, 1960, the licensee of Station KJAM objected to a grant of the application and requested that the application be designated for hearing; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable interference to Station KJAM, Madison, South Dakota, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine if the geographical coordinates specified accurately describe the location of the proposed antenna site.

[1] The applicant has not proposed to relinquish its facilities in Torrington on 990 kc, until such time as its 990 kc application for West Hartford is granted and program tests are authorized. Under these circumstances, the Commission must treat the subject application as a proposal to modify the WBZY facilities rather than a proposal for a new station.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, in the event of a grant of the instant application permittee shall complete Federal Aviation Agency (FAA) Form 117 and submit same to the FAA, and the construction permit issued shall contain the following condition:

The finding made by the Commission that the proposed antenna structure is acceptable under Federal Aviation Agency criteria (§ 626.12, FAA Regulations) is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That, Madison Broadcasting Company, Inc., licensee of Station KJAM, Madison, South Dakota, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362 (g) of the rules.

Released: February 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1514; Filed, Feb. 13, 1962; 8:52 a.m.]

[Docket Nos. 14351-14353; FCC 62M-180]

WOLVERINE BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of John C. Lane, Elizabeth B. Barrett and Edward Fitzgerald, d/b as Wolverine Broadcasting Company, Wyoming, Michigan, Docket No. 14351, File No. BP-13842; William Kuiper, William Eugene Kuiper and Peter J. Vanden Bosch, d/b as Muskegon Heights Broadcasting Company, Muskegon Heights, Michigan, Docket No. 14352, File No. BP-14039; Wayne Stebbins, tr/as Grand Valley Broadcasting Company, Saranac, Michigan, Docket No. 14353, File No. BP-14487; for construction permits.

The Hearing Examiner having under consideration a "Petition to Reschedule Hearing" filed February 2, 1962, by Grand Valley Broadcasting Company, an applicant in this matter, and

It appearing that all counsel agree to the granting of the aforesaid petition,

It is ordered, This 6th day of February 1962, that the date for the exchange of exhibits is changed to March 13, 1962; that the date for the notification of witnesses for cross-examination is changed to April 6, 1962; and that the hearing now scheduled for March 20, 1962, is hereby rescheduled to commence at 10:00 a.m., April 23, 1962, in the Commission's offices in Washington, D.C.

Released: February 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1515; Filed, Feb. 13, 1962; 8:52 a.m.]

FEDERAL MARITIME COMMISSION

CONTRACTS, AGREEMENTS, AND UNDERSTANDINGS OF COMMON CARRIERS BY WATERS

Notice of Reversal of Order as to Certain Carriers

On April 11, 1960, the Federal Maritime Board issued an order entitled "Section 21 Order, Contracts, Agreements and Understandings of Common Carriers By Water." The order was directed to every common carrier by water subject to the provisions of the Shipping Act, 1916, and required them to file with the Board certain information.

Many of the carriers to whom the order of April 11, 1960 was directed filed petitions for judicial review in the United States Court of Appeals for the District of Columbia Circuit, and also obtained a stay of the order pending the Court's decision. On June 30, 1961, in Montship Lines, Ltd. et al. v. United States, 295 F. 2d 147, the Court vacated the order and remanded it to the Board for further proceedings, because it failed to state the purpose for which issued.

Other carriers to whom the Board's order of April 11, 1960 was directed petitioned for judicial review in the Court of Appeals for the Second Circuit. On October 31, 1960, in Kerr Steamship Company, Inc., et al. v. United States, 284 F. 2d 61, the Second Circuit affirmed the Board's order and dismissed that case. Thereafter, Kerr et al. petitioned the Supreme Court of the United States for a writ of certiorari, and this petition is currently pending. A similar suit, States Marine Lines, et al. v. United States, No. 26,328 is pending and unacted upon in the Second Circuit.

The District of Columbia Circuit's decision vacating the order as to the great majority of the carriers who sought judicial review, makes it necessary for the Federal Maritime Commission, as successor to the Board, to consider what further action should be taken. The Commission's consideration and treatment of the matter should, of course, be uniform, since all of the carriers involved, those who sued in the Second Circuit as well as those who sued in the District of Columbia Circuit, are affected by the same order. In furtherance of this purpose, the Commission deems it advisable to reverse and thus vacate the order as to the carriers who brought suit in the Second Circuit.

Therefore, it is ordered, Pursuant to section 25 of the Shipping Act, 1916 (46 U.S.C. 824), That the Federal Maritime Board's order dated April 11, 1960 and entitled "Section 21 Order, Contracts, Agreements and Understandings of Common Carriers by Water", is hereby reversed and vacated as to the following named common carriers by water:

States Marine Lines, Inc.;
Global Bulk Transport Corporation;
Global Transport, Ltd.;
Isthmian Lines, Inc.;
Kerr Steamship Company, Inc.;
Compania Maritima del Nervion;
Naviera Aznar S.A.;
Rex Line Rederiaktiebolaget; and
Skibsaktieselskapet Arizona[1]
Skibsaktieselskapet Astrea[1]
Skibsaktieselskapet Aruba[1]
Skibsaktieselskapet Noruega[1]
Skibsaktieselskapet Abaco,[1] and
A/S Atlantica.[1]

By the Commission.

THOMAS LEE,
Secretary.

[F.R. Doc. 62-1472; Filed, Feb. 13, 1962; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-19115 etc.]

HASSIE HUNT TRUST ET AL.

Notice of Applications, Consolidation of Proceedings and Setting Date for Hearing

FEBRUARY 7, 1962.

Hassie Hunt Trust, Operator, et al., Docket No. G-19115; H. L. Hunt, Operator, et al., Docket No. G-19116; Hunt Oil Company, Docket No. G-19117; William Herbert Hunt Trust Estate, Operator, Docket No. G-19118; Lamar Hunt Trust Estate, Docket No. G-19119; George W. Graham, Inc., Operator, et al., Docket No. G-19123; Placid Oil Company, Operator, et al., Docket No. G-19124 and G-19125; H. L. Hunt, Operator, et al., Docket No. CI61-1221; H. L. Hunt, Docket No. CI61-1282; Hassie Hunt Trust, Operator, et al., Docket No. CI61-1283; Caroline Hunt Sands, Docket No. CI61-1343; Caroline Hunt Trust Estate, Docket No. CI61-1344; Lamar Hunt Trust Estate, Docket No. CI61-1345; Nelson Bunker Hunt, Docket No. CI61-1346; Lamar Hunt, et al., Docket No. CI61-1736.

By order issued December 28, 1961, the matters involved in Docket Nos. G-19115, G-19116, G-19117, G-19118, G-19119, G-19123, G-19124, and G-19125 were set for hearing commencing March 28, 1962, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission. (27 F.R. 132.)

[1] Conducting a joint common carrier service pursuant to FMC Agreement No. 7000, under the name Hoegh Lines.

Take notice that each of the following listed Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the sale of natural gas in interstate commerce, as hereinafter described, all as more fully set forth in the respective applications which are on file with the Commission and open to public inspection.

Each applicant herein proposes to sell natural gas to Natural Gas Pipeline Company of America for transportation in interstate commerce for resale as indicated below:

Docket No.; Seller; Date Application Filed; Field and Location
CI61-1221; H. L. Hunt, Operator, et al.; February 15, 1961; Alvin City Field, Brazoria County, Tex.
CI61-1282; H. L. Hunt; February 27, 1961; Alta Loma Area, Galveston County, Tex.
CI61-1283; Hassie Hunt Trust, Operator, et al.; February 27, 1961; Alta Loma Area, Galveston County, Tex.
CI61-1343; Caroline Hunt Sands; March 15, 1961; Chenango Field, Brazoria County, Tex.
CI61-1344; Caroline Hunt Trust Estate; March 15, 1961; Chenango Field, Brazoria County, Tex.
CI61-1345; Lamar Hunt Trust Estate; March 15, 1961; Chenango Field, Brazoria County, Tex.
CI61-1346; Nelson Bunker Hunt; March 15, 1961; Chenango Field, Brazoria County, Tex.
CI61-1736; Lamar Hunt, et al.; June 6, 1961; Zoller Field, Arkansas and Calhoun Counties, Tex.

Applicants propose to make each of the above sales at an initial price of 20 cents per Mcf (including tax reimbursement) at 14.65 psia.

The public convenience and necessity require that the matters listed in the caption above be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held commencing on March 28, 1962, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the above-listed applications.

Those parties who have been permitted to intervene in Docket Nos. G-19115, G-19116, G-19117, G-19118, G-19119, G-19123, G-19124, and G-19125 are considered interveners in those matters only.

Further, protests, petitions to intervene or notices of intervention may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) in Docket Nos. CI61-1221, CI61-1282, CI61-1283, CI61-1343, CI61-1344, CI61-1345, CI61-1346 and CI61-1736 on or before February 28, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1459; Filed, Feb. 13, 1962; 8:45 a.m.]

[Docket No. RI61-220]

OWEN PRODUCTION CO.[1]

Order Substituting Respondent, Accepting Successor's Corporate Surety Bond and Redesignating Proceeding

FEBRUARY 7, 1962.

Owen Production Company by assignment of oil and gas leases dated May 22, 1961, acquired all of the undivided interests owned by J. P. Owen in leases covered by gas sales contract between J. P. Owen and The Preston Oil Company, Sellers, and United Fuel Gas Company, Buyer, dated August 5, 1959, for the sale of gas from the Duson Field, Lafayette Parish, Louisiana. J. P. Owen on October 3, 1960, filed Supplement No. 1 to J. P. Owen's FPC Gas Rate Schedule No. 3, proposing to increase the rate and charge for natural gas subject to the Commission's jurisdiction covered by the subject contract. Subsequent to suspension by the Commission on November 2, 1960, the proposed new rate became effective as of April 3, 1961, subject to refund and the filing of a bond by J. P. Owen. The Commission by letter dated June 2, 1961, extended the time for filing of a bond to thirty days to June 30, 1961 as requested by J. P. Owen.

On June 26, 1961, Owen Production Company filed a motion requesting substitution of Owen Production Company in the place of J. P. Owen as Respondent in the proceeding under Docket No. RI61-220, the posting of a bond by the successor, the adopting of J. P. Owen's letter request for extension of time for the filing of a bond, and the approval of a corporate surety bond in the amount of $5,100 conditioned on the payment of refunds and compliance with the Commission's notice issued May 1, 1961 in Docket No. RI61-220, and the provisions of the Natural Gas Act relating thereto.

Owen Production Company filed a corporate surety bond in the amount of $5,100 on June 26, 1961 to secure the payment of refunds as provided in the notice referred to above.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that Owen Production Company be substituted for J. P. Owen in the above-designated proceeding, that said proceeding be redesignated accordingly, and that the successor's bond be accepted for filing.

The Commission orders:

(A) Owen Production Company is hereby substituted for J. P. Owen as Respondent in the proceeding in Docket No. RI61-220 and the proceeding is accordingly redesignated.

[1] Successor to J. P. Owen.

(B) The corporate surety bond filed in this proceeding on June 26, 1961, by Owen Production Company, as successor to J. P. Owen, is hereby accepted for filing.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1460; Filed, Feb. 13, 1962; 8:45 a.m.]

NATURAL GAS ADVISORY COUNCIL

Establishment

FEBRUARY 8, 1962.

It is hereby determined, in connection with the performance of duties imposed on the Federal Power Commission, that it is in the public interest that a Natural Gas Advisory Council be, and it hereby is established.

1. *Purpose.* The Natural Gas Advisory Council (Council) shall advise and make recommendations to the Commission on matters concerning the regulation of the natural gas industry. The Council shall not advise or make recommendations with respect to any case or controversy pending before the Commission.

2. *Membership of the Council.* The Council shall consist of members from the following organizations, as indicated below:

American Gas Association, two members.
American Municipal Association, one member.
American Petroleum Institute and Mid-Continent Oil & Gas Association, one member jointly.
Independent Natural Gas Association of America, two members.
Independent Petroleum Association of America, one member.
National Association of Railroad and Utilities Commissioners, two members.
United States Conference of Mayors, one member.

The Chairman of the Commission may also appoint one or two members-at-large. In addition, there shall be an alternate appointed for each Council member. Council members will be permitted to bring technical advisors to the meeting with the advance permission of the Chairman of the Commission. The members of the Commission and such staff members as the Chairman of the Commission shall designate will also attend Council meetings.

3. *Selection of Council members.* All Council members and alternates shall be selected by the Chairman of the Commission. The Council members and alternates from each of the organizations listed in Paragraph 2, *Membership of the Council*, shall be selected from lists (containing at least the number of names requested by the Chairman of the Commission) submitted by the president or other authorized officer of each organization.

4. *Chairman and Secretary for Council meetings.* The Chairman of the Commission, or in his absence, the Vice Chairman of the Commission, shall act as Chairman of the Council meetings and

shall be responsible for opening and conducting the meeting and for adjourning the meeting when, in his judgment, adjournment is in the public interest.

The Chairman of the Commission shall appoint a Secretary from among the members of the Commission staff who shall be responsible for preparing summary minutes of the Council meetings, preparing agenda, notifying members of the meetings, and maintaining all records related to organization, membership and operations of the Council.

5. *Preparation of the agenda.* Suggestions for agenda items by Council members shall be submitted to the Secretary of the Council and transmitted to the Commission for its consideration. Suggestions received by the Commission from persons other than Council members may, at the option of the Commission, be placed on the agenda. The final selection of items for Council consideration shall be made solely by the Commission.

6. *Notification of meetings.* The Secretary shall notify each Council member and alternate at least 15 days in advance of scheduled meetings and simultaneously request notification if the member or his alternate does not plan to attend. A copy of the agenda shall be forwarded to each Council member and alternate as far in advance of the meeting as possible, but in any event no later than the date of the notification letter.

7. *Location and timing of meetings.* All meetings will convene at the office of the Federal Power Commission, located at 441 G Street NW., Washington 25, D.C., unless otherwise directed by the Chairman of the Commission. Ordinarily, these meetings will be held during the regular working hours of the Federal Power Commission. The Council shall meet in October of each year and at other times upon the call of the Chairman of the Commission.

8. *Advice and recommendations offered by the Council.* The advice and recommendations of the members of the Council may be presented to the Commission at Council meetings either orally or in written form. Ultimate decisions based on the Council's advice or recommendations are reserved to the Federal Power Commission.

9. *Duration of the Council.* The Natural Gas Advisory Council shall terminate not later than two years subsequent to its date of establishment, unless the Commission determines in writing, not more than 60 days prior to the expiration of such two-year period, that its continued existence is in the public interest. A like determination by the Commission shall be required not more than 60 days prior to the end of each subsequent two-year period to continue the existence of such Council thereafter.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-1462; Filed, Feb. 13, 1962; 8:46 a.m.]

[Docket No. RI62-308, etc.]

SOCONY MOBIL OIL COMPANY, INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

FEBRUARY 7, 1962.

In the order providing for hearings on and suspension of proposed changes in rates, issued January 26, 1962, and published in the FEDERAL REGISTER on February 2, 1962 (F.R. Doc. 62-1082; 27 F.R. 994), in the first line of the last paragraph appearing in the first column on page 995 of the FEDERAL REGISTER, insert after the word "rates", "except the one described in the paragraph, last above".

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-1461; Filed, Feb. 13, 1962; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION IV (CHICAGO)

Redelegation of Authority With Respect to Loans for Housing for the Elderly

The Regional Director of Community Facilities Activities, Region IV (Chicago), Housing and Home Finance Agency, with respect to the program of loans for housing for the elderly authorized under section 202 of the Housing Act of 1959, as amended (73 Stat. 667, as amended, 12 U.S.C. 1701q), is hereby authorized within such Region:

To execute loan agreements and amend or modify any such loan agreement.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), (12 U.S.C. 1701c); Housing and Home Finance Administrator's delegation effective December 22, 1961 (26 F.R. 12787, 12-30-61))

Effective as of the 14th day of February 1962.

[SEAL] JOHN P. MCCOLLUM, *Regional Administrator, Region IV.*

[F.R. Doc. 62-1522; Filed, Feb. 13, 1962; 8:52 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION II (PHILADELPHIA)

Redelegation of Authority With Respect to Loans for Housing for the Elderly

The Regional Director of Community Facilities Activities, Region II (Philadelphia), with respect to the program of loans for housing for the elderly authorized under section 202 of the Housing Act of 1959, as amended (73 Stat. 667, 12 U.S.C.A. 1701q), is hereby authorized within such Region:

1. To execute loan agreements;
2. To amend or modify any such loan agreement.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c); Housing and Home Finance Administrator's delegation effective December 22, 1961 (26 F.R. 12788, 12-30-61))

Effective as of the 2d day of February 1962.

[SEAL] WARREN P. PHELAN, *Regional Administrator, Region II.*

[F.R. Doc. 62-1523; Filed, Feb. 13, 1962; 8:52 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 197]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 9, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 222 (Deviation No. 4), NEW YORK CONSOLIDATED FREIGHTWAYS CORPORATION, 715 South 29th Avenue, Bellwood, Ill., filed January 29, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Toledo, Ohio, and Detroit, Mich., over Interstate Highway 75, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Toledo over U.S. Highway 25 to Detroit, and return over the same route.

No. MC 6894 (Deviation No. 2), MILVIN TRUCKING COMPANY, 1818 South Washington Street, Peoria 2, Ill., filed January 31, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between East Peoria and Morton, Ill., over Interstate Highway 74, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From East Peoria over U.S. Highway 150 to Morton, and return over the same route.

No. MC 28675 (Sub-No. 2) (Deviation No. 1), W. FORD JOHNSON CARTAGE, INC., 117½ West Grand River, Howell, Mich., filed January 4, 1962. Attorney Eugene C. Ewald, Guardian Building, Detroit 26, Mich. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Detroit, Mich., over Interstate Highway 96 to junction U.S. Highway 127, thence over U.S. Highway 127 to Lansing, Mich., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Detroit over U.S. Highway 16 to Lansing, and return over the same route.

No. MC 39763 (Deviation No. 2), G. E. GROGER TRUCK LINE, INC., Walton, Ky., filed January 31, 1962. Attorney Paul F. Bradley, P.O. Box 127, Frankfort, Ky. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 25 and Kentucky Highway 17, at Covington, Ky., over U.S. Highway 25 to junction Kentucky Highway 16, at Walton, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Walton over Kentucky Highway 16 to junction Kentucky Highway 17, thence over Kentucky Highway 17 to junction U.S. Highway 25, thence over U.S. Highway 25 to Cincinnati, Ohio, and return over the same route.

No. MC 40858 (Deviation No. 6), THE SILVER FLEET MOTOR EXPRESS, INC., Eastman Road, Kingsport, Tenn., filed February 1, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Louisville, Ky., over Interstate Highway 64 to junction Kentucky Highway 251, approximately 2 miles south of Graefenburg, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Louisville over U.S. Highway 60 to Owensburg, thence over Kentucky Highway 151 to a point approximately 2 miles south of Graefenburg, and return over the same route.

No. MC 40858 (Deviation No. 7), THE SILVER FLEET MOTOR EXPRESS, INC., Eastman Road, Kingsport, Tenn., filed February 1, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Knoxville, Tenn., over Interstate Highway 40 to junction U.S. Highway 70, approximately 2 miles west of Kingston, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Knoxville over U.S. Highway 70 to Crossville, Tenn., thence over U.S. Highway 70N to Nashville, Tenn., and return over the same route.

No. MC 60393 (Deviation No. 1), CENTRAL TRANSFER COMPANY, 2118 South Griswold Street, Peoria, Ill., filed January 30, 1962. Attorney Edward G. Bazelon, 39 South LaSalle Street, Chicago 3, Ill. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Peoria and Morton, Ill., over Interstate Highway 74, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Peoria over U.S. Highway 150 to Bloomington, Ill., and return over the same route.

No. MC 66562 (Deviation No. 8), RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y., filed September 25, 1961. Attorney William H. Marx, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, moving in express service, over a deviation route between Cincinnati and Findlay, Ohio, over Interstate Highway 75, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Detroit, Mich., over U.S. Highway 25 to junction Michigan Highway 85, thence over Michigan Highway 85 to junction Alternate U.S. Highway 24, thence over Alternate U.S. Highway 24 to Maumee, Ohio, thence over U.S. Highway 25 to junction U.S. Highway 68, thence over U.S. Highway 68 to Springfield, Ohio, thence over Ohio Highway 4 to Cincinnati; and from Springfield, Ohio, over U.S. Highway 68 to Xenia, Ohio, thence over U.S. Highway 42 to Cincinnati, and return over the same routes.

No. MC 69116 (Deviation No. 11), SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill., filed February 1, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Chicago, Ill., and Detroit, Mich., over Interstate Highway 94, for operating convenience only, serving no intermdiate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago over U.S. Highway 12 to Detroit, and return over the same route.

No. MC 106456 (Deviation No. 6), SUPER SERVICE MOTOR FREIGHT COMPANY, INC., Fessler Lane, Nashville, Tenn., filed January 31, 1962. Attorney J. R. Browder, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Hillsboro, Tenn., over U.S. Highway 41 to junction Interstate Highway 24, northwest of Pelham, Tenn., thence over Interstate Highway 24 to junction U.S. Highway 64, thence over U.S. Highway 64 to Monteagle, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Nashville, Tenn., over U.S. Highway 41 to Chattanooga, Tenn., and return over the same route.

No. MC 109780 (Deviation No. 8), TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex., filed January 31, 1962. Attorney C. Zimmerman, P.O. Box 730, Wichita, Kans. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From Abilene, Kans., over Interstate Highway 70 to junction U.S. Highway 81, approximately 1½ miles north of Salina, Kans., thence over U.S. Highway 81 to Salina, Kans., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From McPherson, Kans., over U.S. Highway 81, via Salina to Concordia, Kans.; and from Salina over U.S. Highway 40 to Abilene, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-1480; Filed, Feb. 13, 1962; 8:48 a.m.]

[Notice 421]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 9, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 a.m., local daylight saving time (if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub-No. 135), filed November 20, 1961. Applicant: GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives* (but excluding those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Lewiston, Idaho, and Missoula, Mont.; from Lewiston over Idaho Highway 9 to the Idaho-Montana State line, thence over unnumbered highway to the junction of unnumbered highway with U.S. Highway 93 at or near Lolo, Mont., thence over U.S. Highway 93 to Missoula, and return over the same route, serving all intermediate points.

HEARING: March 19, 1962, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 79, or, if the Joint Board waives its right to participate before Examiner Richard White.

No. MC 3094 (Sub-No. 13), filed January 26, 1962. Applicant: SERVICE MOTOR FREIGHT, INC., Atlantic Avenue, Lawnside, N.J. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials and supplies used in the installation and erection of fiberglas materials and products, fibrous glass mineral wool products, fibrous glass textile materials and products, plastic materials and products*, in mixed shipments with such materials and products, between Barrington, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, the District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, and the lower peninsula of Michigan.

NOTE: Applicant states the above requested authority to be limited to a transportation service to be performed under a continuing contract, or contracts, with Owens-Corning Fiberglas Corp., of Toledo, Ohio. Applicant also states that it is under common control with Atlas Freight Lines, Inc., and B & L Motor Freight, Inc.

HEARING: March 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry C. Darmstadter.

No. MC 10183 (Sub-No. 4), filed January 29, 1962. Applicant: SALLY BRAZDON, Rosenhayn (Cumberland County), N.J. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glassware* (other than cut), *Bottles* (not ampoules), *Carboys, Demijohns, Jars*, and *Packing Glasses, with or without their equipment of caps, covers, stoppers or tops*, from Salem, N.J., to Hurlock, Md.

NOTE: Applicant advises that the transportation in the proposed service, will be limited to that performed under a continuing contract or contracts with the American Stores Company.

HEARING: March 29, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 283.

No. MC 10183 (Sub-No. 5), filed January 29, 1962. Applicant: SALLY BRAZDON, Rosenhayn (Cumberland County), N.J. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, canned, preserved and prepared*, from Aberdeen, Hampstead, Greenmount, Frederick, Gaithersburg, Bel Air, Darlington, Havre de Grace, Westminster, and Perryman, Md., and St. Georges, Del., to Forty Fort, Pa., Kearny, N.J., and Philadelphia, Pa.

NOTE: Applicant advises that the transportation in the proposed service, will be limited to that performed under a continuing contract or contracts with the American Stores Company.

HEARING: March 28, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 22254 (Sub-No. 33), filed December 8, 1961. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Eugene L. Cohn, 1 North LaSalle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled passenger or property carrying golf buggies*, or *commercial adaptations thereof*, uncrated, weighing not more than 1,500 pounds, and *parts and accessories therefor* when accompanying said vehicles, between points in the United States, including the District of Columbia, but excluding Alaska and Hawaii.

NOTE: Applicant refers to application for joint control, with others, of T. E. K. Van Lines, Inc. (MC-F-7252).

HEARING: March 21, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Charles J. Murphy.

No. MC 26377 (Sub-No. 12), filed December 4, 1961. Applicant: LEONARDO TRUCK LINES, INC., Granger, Wash. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, pressed board, fibreboard*, and *wallboards*, from points in Benton, Linn, Marion, and Polk Counties, Oreg., to points in Yakima and Benton Counties, Wash.

HEARING: March 26, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner Richard White.

No. MC 28956 (Sub-No. 8), filed December 14, 1961. Applicant: [illegible] RYALS, doing business as [illegible] TRUCK SERVICE, P.O. Box 294, [illegible] Oreg. Applicant's attorney: [illegible] White, Fifth Avenue Building, [illegible] Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers*, dry, in bags and in bulk, from Tacoma, Wash., to points in Oregon.

HEARING: March 27, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner Richard White.

No. MC 29116 (Sub-No. 9), filed February 2, 1962. Applicant: [illegible] TRANSPORTS, INCORPORATED, [illegible] East 17 Street, Kansas City, Mo. Applicant's attorney: Donald L. Stern, [illegible] City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed foods*, from Milan, Marshall, Carrollton, Moberly, and Macon, Mo., to points in Iowa, Nebraska, Minnesota, North Dakota, and South Dakota.

HEARING: March 21, 1962, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Garland E. Taylor.

No. MC-42261 (Sub-No. 62), filed February 6, 1962. Applicant: [illegible] TRANSPORT CORP., Route 1, Ford [illegible] Danforth Avenue, Jersey City, N.J. Applicant's attorney: Charles J. [illegible] 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Cleveland, Ohio, to points in Illinois, Minnesota, Wisconsin, and St. Louis, Mo., and *rejected shipments*, on return.

HEARING: February 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 42487 (Sub-No. 534), filed January 9, 1962. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 [illegible] Drive, Menlo Park, Calif. Applicant's attorney: Donald A. Schafer, [illegible] Southeast Evergreen Highway, Vancouver, Wash. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except petroleum products in bulk in trucks), (1) between Lewiston, Idaho, and Missoula, Mont.; from Lewiston over Idaho Highway 9 to the Idaho-Montana State line, thence over unnumbered highway to the junction of the unnumbered highway with U.S. Highway 93 at or near Lolo, thence over U.S. Highway 93 to Missoula, and return over the same route, serving no intermediate points; and (2) between Grangeville, Idaho, and Kooskia, Idaho, from Grangeville over Idaho Highway 13 to Kooskia (the junction of Idaho Highways 13 and 9), and return over the same route, serving no intermediate points, and with service at Grangeville, Idaho, and Kooskia for the purpose of joinder only.

HEARING: March 19, 1962, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 79, or, if the Joint Board waives its right to participate, before Examiner Richard White.

No. MC 47323 (Sub-No. 11), (AMENDED AND CLARIFIED), filed September 6, 1961, published FEDERAL REGISTER issue December 20, 1961, republished as amended and clarified this issue. Applicant: TAJON TRUCKING CO., a Corporation, Route 5, Mercer, Pa. Applicant's attorney: Donald E. Cross, Investment Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in dump vehicles, between points in Illinois, Indiana, Kentucky, Maryland, Michigan, New York, Ohio, Pennsylvania, Virginia, and West Virginia.

NOTE: The purpose of this republication is to remove from the application the tank trailer phase of the case, thus restricting it to the phase involving dump vehicles.

HEARING: Reassigned on March 21, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 52456 (Sub-No. 161), filed December 14, 1961. Applicant: T. I. McCORMACK TRUCKING COMPANY, INC., U.S. Route 9, Woodbridge, N.J. Applicant's attorney: Chester A. Zyblut, [illegible] K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Washing compounds*, in bulk, in tank vehicles, from Paterson, N.J., to points in Illinois, Indiana, and Michigan and (2) *fatty acids, esters of vegetable oils, vegetable oils* and *vegetable oil products*, in bulk, in tank vehicles, from Boonton, N.J., to points in Illinois, and *rejected shipments* of the above-specified commodities, on return.

HEARING: March 23, 1962, at 346 Broadway, New York, N.Y., before Examiner Parks M. Low.

No. MC 52709 (Sub-No. 157), filed January 25, 1962. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol, neutral spirits, and alcoholic liquor*, in bulk, in tank vehicles, between points in Maryland, Pennsylvania, Ohio, Indiana, and Kentucky, on the one hand, and, on the other, points in California.

NOTE: Applicant states that it controls Ringsby Freight, Inc., and Inter State Express, Inc., both of which are wholly-owned by applicant.

HEARING: March 14, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Armin G. Clement.

No. MC 52751 (Sub-No. 27), filed December 4, 1961. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Sterling, Ill., to points in Minnesota, North Dakota, and South Dakota.

HEARING: March 27, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Charles J. Murphy.

No. MC 52751 (Sub-No. 28), filed December 7, 1961. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel roof deck, rib form and floor deck*, from Milwaukee, Wis., to points in North Dakota, South Dakota, and Nebraska.

HEARING: March 26, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Charles J. Murphy.

No. MC 56270 (Sub-No. 9), filed December 15, 1961. Applicant: LEICHT TRANSFER & STORAGE COMPANY, a corporation, 1401-55 State Street, Green Bay, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Indelible salt*, in bulk, from Green Bay, Wis., to points in Alger, Baraga, Delta, Dickinson, Houghton, Iron, Keeweenaw, Marquette, Menominee, Ontonagon, and Gogebic Counties, Mich.

HEARING: April 25, 1962, at Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 95.

No. MC 58813 (Sub-No. 41), filed January 11, 1962. Applicant: SELMAN'S EXPRESS, INC., 460 West 35th Street, New York, N.Y. Applicant's attorney: Solomon Granett, 1740 Broadway, New York 19, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies used in the manufacture thereof*, between points in the New York, N.Y., Commercial Zone, on the one hand, and, on the other, Jackson, Tenn., and points in North Carolina, South Carolina, Georgia, and Alabama.

NOTE: Applicant states all duplication of authority to be eliminated.

HEARING: March 29, 1962, at 346 Broadway, N.Y., before Examiner Parks M. Low.

No. MC 59531 (Sub-No. 86), filed January 22, 1962. Applicant: AUTO CONVOY CO., 3020 South Haskell, Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, trucks, and chassis*, in truckaway service, in secondary movements, from Shreveport, La., to points in Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Delta, Franklin, Gregg, Hardin, Harrison, Henderson, Hopkins, Houston, Jasper, Lamar, Marion, Morris, Nacogdoches, Newton, Orange, Panola, Polk, Rains, Red River, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, and Wood Counties, Tex.

HEARING: March 20, 1962, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 60580 (Sub-No. 25), (CORRECTION), filed November 27, 1961, published in the FEDERAL REGISTER, issue of February 7, 1962, and republished as corrected, this issue. Applicant: HIGHWAY EXPRESS LINES, INC., 236 North 23d Street, Philadelphia 3, Pa. Applicant's attorneys: V. Baker Smith, Harold S. Shertz, 226 South 16th Street, Philadelphia 9, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, magazines and newspapers, and films and articles associated with the exhibition of motion pictures as described in the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 766), from the plant site of John Lucas Co., Inc., at Gibbsboro, N.J., to East Butler, Pa., and *rejected shipments of the above-specified commodities*, on return.

NOTE: The purpose of this republication is to correctly reflect the exceptions to the general commodities proposed to be transported.

HEARING: Remains as assigned March 16, 1962, in Room 300, U.S. Customs Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Parks M. Low.

No. MC 61403 (Sub-No. 73), filed December 12, 1961. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Tuscola, Ill., and points within ten (10) miles thereof, to points in Georgia, North Carolina, and South Carolina.

NOTE: Applicant states it is "under control of The Mason & Dixon Lines, Inc."

HEARING: March 23, 1962, at 346 Broadway, New York, N.Y., before Examiner Parks M. Low.

No. MC 61403 (Sub-No. 75), filed January 22, 1962. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Phenol*, in bulk, in tank vehicles, from Siloam, Ky., and points within ten (10) miles thereof, to Tonawanda, N.Y., and, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Minnesota, North Carolina, Ohio, South Carolina, Tennessee,

Texas, and Wisconsin; and (2) *Benzene*, in bulk, in tank vehicles, from points in Alabama, Indiana, Illinois, Ohio, Michigan, and Missouri, to Siloam, Ky., and points within ten (10) miles thereof.

HEARING: March 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Joseph A. Reilly.

No. MC 62896 (Sub-No. 8), filed January 23, 1962. Applicant: CHARLES W. POOLE AND BRERETON POOLE, a partnership doing business as, POOLE'S DRAYAGE CO., 1619 Eckington Place NE., Washington 2, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: I. (a) *Meats, meat products, and meat byproducts*, (b) *dairy products*, (c) *articles distributed by packinghouses*, (d) *packinghouse products*, including but not limited to those defined in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 706, and (e) *frozen fruits, berries, vegetables* and *exempt agricultural commodities* (at the same time in the same vehicle). 1. From Washington, D.C., to Martinsburg and Charles Town, W. Va. 2. Between Hagerstown, Md., and Martinsburg and Charles Town, W. Va. II. (a) *Dairy products*, (b) *packinghouse products* including but not limited to those as defined in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 706 and, (c) *frozen fruits, berries, vegetables* and *exempt agricultural commodities* (at the same time in the same vehicle). From Washington, D.C., to Hagerstown, Md. III. Return of *rejected and returned shipments* of the above commodities to Washington, D.C.

NOTE: Applicant is now authorized to engage in operations from Washington, D.C., to points in Maryland and Virginia within 50 miles of Washington, D.C., and from Washington, D.C., to Hagerstown, Md.

HEARING: March 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 63562 (Sub-No. 41), filed December 11, 1961. Applicant: NORTHERN PACIFIC TRANSPORT COMPANY, a corporation, 176 East Fifth Street, St. Paul, Minn. Applicant's representative: Lelland M. Cowan, 425 Burlington Avenue, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives and household goods as defined by the Commission). This application is for appropriate authority to amend or modify the second restriction appearing on Sheet 6 of the "Corrected Certificate of Public Convenience and Necessity," No. MC 63562 (Sub-No. 32), dated December 3, 1959, insofar as said restriction applies on shipments transported by carrier to or from Portland, Oreg. No change in routes, commodities, key points or other named restrictions or conditions is proposed. The application proposes the modification of the second restriction, appearing on Sheet 6 of Corrected Certificate MC 63562 (Sub-No. 32), by eliminating therefrom Portland, Oreg., thereby permitting the use of this authority to transport shipments, in substituted truck-for-rail service, which originate at Portland, Oreg., or have a final destination at Portland, Oreg. The service to be performed by the applicant to or from Portland, Oreg., shall be limited to that which is auxiliary to, or supplemental of, rail service of the Railways, and no service shall be rendered by the applicant from or to, or interchange traffic at any point not a station on the lines of the railways and moving on rail bill of lading or express receipt, *but not requiring an immediately prior or immediately subsequent movement by railroad.*

NOTE: Applicant states it is controlled by Northern Pacific Railway Company through stock ownership to wit, 5,000 shares of stock issued and held by said Railway Company. Northern Pacific Railway Company joins in this application.

HEARING: March 29, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner Richard White.

No. MC 79695 (Sub-No. 22), filed December 13, 1961. Applicant: STEEL TRANSPORTATION CO., INC., 4000 Cline Avenue, East Chicago, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, Descriptions in Motor Carrier Certificates, Ex Parte MC-45, from points in Kankakee County, Ill., to points in North Dakota, South Dakota, Minnestota, Nebraska, Iowa, Kentucky, Indiana, Wisconsin, Michigan, Ohio, Pennsylvania, and West Virginia, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

HEARING: March 23, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Charles J. Murphy.

No. MC 83617 (Sub-No. 2), filed January 5, 1962. Applicant: MARSHALLTOWN FREIGHTERS, INC., Laurel, Iowa. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household laundry appliances*, namely *dryers, washers and dryers combined*, gas and electric, from Newton, Iowa, to Chicago, Ill.

NOTE: Applicant states the proposed operation is for Maytag Chicago Company, 1230 South Western Avenue, Chicago, Ill.

HEARING: April 20, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 53.

No. MC 95180 (Sub-No. 9), filed January 17, 1962. Applicant: HARRY SMOLOWITZ AND MORRIS SMOLOWITZ, doing business as SMOLOWITZ BROS., 909 Utica Avenue, Brooklyn, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in [illegible] nesota, North Dakota, South [illegible] Kansas, Nebraska, Oklahoma, [illegible] kansas, Louisiana, Colorado, and [illegible] sissippi.

NOTE: Since applicant holds contract authority under MC-109890, dual operations may be involved.

HEARING: March 28, 1962, at [illegible] U.S. Army Reserve Building, 39 [illegible] 44th Street, New York, N.Y., before [illegible] aminer William A. Royall.

No. MC 95212 (Sub-No. 33), filed December 11, 1961. Applicant: [illegible] HENDERSON, doing business as [illegible] HENDERSON, P.O. Box 327, Seneca, [illegible] Applicant's attorney: Joseph M. [illegible] lan, 111 West Washington Street, [illegible] cago 2, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sponge rubber products*, from the site of the Sponge Cushion, Inc., plant located at Morris, Ill., to points in Illinois, Wisconsin, Minnesota, Missouri, Kansas, Texas, Nebraska, Iowa, Arkansas, Oklahoma, Indiana, Michigan, Ohio, Louisiana, Kentucky, Tennessee, and Pennsylvania, and (2) *raw materials* used to *make sponge rubber products*, from points in Illinois, Wisconsin, Minnesota, Missouri, Kansas, Texas, Nebraska, Iowa, Arkansas, Oklahoma, Indiana, Michigan, Ohio, Louisiana, Kentucky, Tennessee, and Pennsylvania, to the site of the Sponge Cushion, Inc., plant located at Morris, Ill.

HEARING: March 22, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Charles J. Murphy.

No. MC 95540 (Sub-No. 398) (AMENDED AND CORRECTED), filed December 6, 1961, published Federal Register, issue of January 24, 1962, and republished as corrected, this issue. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, frozen and unfrozen, from points in Maine, Massachusetts, New Hampshire, New Jersey, New York, and Pennsylvania to points in Arizona, California, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

NOTE: The purpose of this republication is to include the entire State of New York in the origin territory, originally sought and shown in previous publication as New York, N.Y., and to show that the commodities food and foodstuffs will be frozen or unfrozen.

HEARING: Remains as assigned February 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William K. Royall.

No. MC 95540 (Sub-No. 398), filed February 5, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a [illegible]

...carrier, by motor vehicle, over irregular routes, transporting: *Frozen* ... (except frozen citrus products), ... points in Florida to points in Illinois, Iowa, and Missouri.

NOTE: Common control may be involved. ... this publication is effected the day following the hearing on the subject application, any person or persons who may have been prejudiced by the lack of sufficient notice prior to hearing, may file a protest against the application within 20 days from the date of this publication in the FEDERAL REGISTER.

HEARING: February 13, 1962, at the ... Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Examiner ... H. Gaffney.

No. MC 103051 (Sub-No. 122), filed ... 22, 1962. Applicant: WALKER ... CO., INC., P.O. Box 13444, ... K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: ... Reynolds, Jr., 1424 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages, fruit juices, fruit juice concentrates and byproducts thereof*, in bulk, in tank vehicles, between points in Georgia on the one hand, and on the other, points in Connecticut, Kentucky, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and Virginia.

NOTE: Applicant states that M. J. Baggett of Atlanta, Ga., owns all of the outstanding stock of applicant and 50 percent of the outstanding stock of Gasoline Transport, Inc., the other 50 percent of the latter being owned by R. L. Walker of Waycross, Ga.; and that Mr. Baggett is president of both the applicant carrier and Gasoline Transport, Inc.

HEARING: March 22, 1962, at 680 ... Peachtree Street NW., Atlanta, Ga., ... Examiner Lacy W. Hinely.

No. MC 103051 (Sub-No. 123), filed ... 22, 1962. Applicant: WALKER ... CO., INC., P.O. Box 13444, ... K, 340 Amour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. ..., Jr., Suite 1424–35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages, fruit juices, fruit juice concentrates and byproducts thereof*, in bulk, in tank vehicles, between points in Georgia on the one hand, and, on the other, points in California, Florida, Louisiana, and ...

NOTE: Applicant states that M. J. Baggett of Atlanta, Ga., owns all of the outstanding stock of applicant. He also owns 50 percent of the outstanding stock of Gasoline Transport, Inc., the other 50 percent being owned by R. L. Walker of Waycross, Ga. Mr. Baggett is President of both applicant and Gasoline Transport, Inc., and that arrangement has been sanctioned by the Commission in prior ... proceedings in Docket Nos., MC–F ... and MC–F 4236 and MC–F 6014.

HEARING: March 23, 1962, at 680 ... Peachtree Street NW., Atlanta, Ga., ... Examiner Lacy W. Hinely.

No. MC 103647 (Sub-No. 1), filed December 4, 1961. Applicant: OWL TRANSFER & STORAGE CO., INC., 3623 Sixth Avenue, South, Seattle, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Theatrical equipment, including scenery, wardrobes, properties and electrical supplies used for theatrical productions*, between points in California, Nevada, Utah, Montana, Arizona, Wyoming, Colorado, and New Mexico.

NOTE: Applicant holds common carrier authority under MC 1367 so dual operations may be involved.

HEARING: April 10, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 103880 (Sub-No. 244), filed January 19, 1962. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied Petroleum products*, in bulk, in tank vehicles, from the plant site of the Century Refining Company, near New Baltimore, Mich., to points in Indiana and Ohio.

HEARING: April 18, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 9.

No. MC 103435 (Sub-No. 105), filed November 16, 1961. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, a corporation, East 915 Springfield Avenue, Spokane 2, Wash. Applicant's attorney: George LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467), Between Pasco, Wash., and Lewiston, Idaho; (1) from Pasco over U.S. Highway 395 to its junction with U.S. Highway 410 at or near Wallula, Wash., thence over U.S. Highway 410 to Lewiston, and return over the same route, serving all intermediate points, (2) from Pasco over Washington Highway 3D to its junction with Washington Highway 3E at or near Prescott, Wash., thence over Washington Highway 3E to its junction with U.S. Highway 410, thence over U.S. Highway 410 to Lewiston and return over the same route, serving all intermediate points, and (3) serving points in Umatilla County, Oreg., as off-route and intermediate points in connection with the above and the carrier's otherwise authorized regular-route operations.

HEARING: March 21, 1962, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 81, or, if the Joint Board waives its right to participate before Examiner Richard White.

No. MC 106297 (Sub-No. 30), filed October 16, 1961. Applicant: MID-STATES TRAILER TRANSPORT, INC., 9330 South Constance Avenue, Chicago, Ill. Applicant's attorney: Mitchell Jenkins, Suite 1000 Blue Cross Building, Wilkes-Barre, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers* (mobile homes), from points in Lackawanna and Northumberland Counties, Pa., to points in the United States, and *rejected trailers, (empty containers) or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: March 30, 1962, at the Federal Building, Scranton, Pa., before Examiner William A. Royall.

No. MC 107107 (Sub-No. 194), filed January 25, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery, and ingredients thereof, chocolate, cocoa, coating syrup;* (2) *advertising, promotional* and *display materials* and *premiums*, from points in Warren County, N.J., to points in Florida.

HEARING: March 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William N. Culbertson, Jr.

No. MC 107403 (Sub-No. 376), filed January 23, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Isopropyl percarbonate, unstabilized*, from Barberton, Ohio to points in Connecticut, Delaware, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Missouri, New Hampshire New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia, and ports of entry on the International Boundary line between the United States and Canada located in New York.

NOTE: Applicant holds contract authority under MC–117637; therefore dual operation may be involved. Also applicant states that it is authorized to control Reader Brothers, Inc. (MC–F 6886), and Clark Bulk Transfer (MC–F–7909).

HEARING: March 22, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Francis A. Welch.

No. MC 107654 (Sub-No. 3), filed January 22, 1962. Applicant: GLENN E. TRIPP, doing business as SPECIAL SERVICE, 502 North Court Street, Medina, Ohio. Applicant's attorney: Paul F. Berry, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and preserved foods*, (a) from Medina, Ohio to Baltimore, Md., Wilmington, Del., and Washington, D.C., and (b) from Albion, N.Y., to points in Pennsylvania and Ohio; (2) *matches*, from Wadsworth, Ohio, to points in Connecticut, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, Missouri, Minnesota, New Jersey, New York, Kentucky, Pennsylvania, Rhode Island, Tennessee, Virginia, and Wisconsin, and *commodities, used in the manufacture of matches*, on return, and (3) *Cooking and salad oils, vegetable oil shortening,*

shortening not in packages, (a) from Chicago, Ill., to points in Indiana and Ohio, and (b) from Bayonne, N.J., to points in New York, Pennsylvania, and Ohio.

NOTE: Applicant states the proposed service will be performed under continuing contracts with Hunt Foods and Industries, Inc., and The H. W. Madison Co.

HEARING: March 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 110525 (Sub-No. 489), filed February 5, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the site of the B. F. Goodrich plant located thirteen (13) miles east of Fort Wayne (in Milan Township, Allen County), Ind., to points in Illinois, Michigan, Ohio, Wisconsin, and West Virginia.

NOTE: Applicant holds contract carrier authority in MC 117507 and Subs thereunder, therefore dual operations may be involved.

HEARING: March 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 110988 (Sub-No. 67), filed January 12, 1962. Applicant: KAMPO TRANSIT, INC., 200 Cecil Street, West, Neenah, Wis. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Lemont, Ill., to points in Wisconsin.

HEARING: April 25, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 13.

No. MC 112020 (Sub-No. 144), filed December 8, 1961. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Ft. Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from points in California to points in Texas.

NOTE: Applicant states it "is owned and controlled by the same stockholders who own and control Commercial Oil Transport of Oklahoma, Inc."

HEARING: April 11, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner E. Roy Linn.

No. MC 112020 (Sub-No. 145), filed December 8, 1961. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton, Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Juices, juice concentrates, wines*, and *brandies*, in bulk, in tank vehicles, from points in California to points in Nebraska, Minnesota, Wisconsin, Illinois, Missouri, Iowa, Kansas, Arkansas, Oklahoma, Colorado, Texas, New Mexico, Tennessee, and Louisiana.

NOTE: Applicant states it is owned and controlled by same stockholders who own and control Commercial Oil Transport of Oklahoma, Inc.

HEARING: April 11, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 112617 (Sub-No. 107), filed January 24, 1962. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Ashland, Ky., to points in Kentucky, Ohio, Virginia, West Virginia, Tennessee, and North Carolina.

HEARING: March 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 112617 (Sub-No. 108), filed January 29, 1962. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Phenol*, in bulk, in tank vehicles, from Siloam, Ky., and points within ten (10) miles thereof to North Tonawanda, N.Y., and points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Texas, and Wisconsin and (2) *Benzene*, in bulk, in tank vehicles, from points in Alabama, Illinois, Indiana, Ohio, Michigan, and Missouri to Siloam, Ky., and points within ten (10) miles thereof.

HEARING: March 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Joseph A. Reilly.

No. MC 112750 (Sub-No. 87), filed December 7, 1961. Applicant: ARMORED CARRIER CORPORATION, DeBevoise Building, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: James K. Knudson, 1821 Jefferson Place, N.W., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except coin, currency, bullion and negotiable securities) *as are used in the conduct of the business of banks and banking institutions*, between Chicago, Ill., on the one hand, and, on the other, points in Brown, Calumet, Dane, Fond du Lac, Kewaunee, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Rock, Sheboygan, Washington, Waukesha, and Winnebago Counties, Wis.

HEARING: April 24, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 17.

No. MC 113678 (Sub-No. 17), filed January 18, 1962. Applicant: CURTIS, INC., 770 East 51st Street, Denver 16, Colo. Applicant's attorney: Duane W. Acklie, Box 2041, 605 South 12th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Montezuma, Ga., Baltimore, Md., to points in Arizona, California, Colorado, Idaho, Nebraska, New Mexico, Utah, and Wyoming.

HEARING: March 21, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Laurence E. Mann.

No. MC 114019 (Sub-No. 71), filed December 5, 1961. Applicant: WEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Charles D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from Carrollton, Macon, Marshall, Moberly, Milan and St. Louis, Mo., to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, New Hampshire, Vermont, Ohio, Pennsylvania, Rhode Island and the District of Columbia, and (2) from Carrollton and St. Louis, Mo., to points in Illinois (except Chicago), Iowa, Kentucky, Tennessee, Minnesota, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant states it and Midwest Transfer Company of Illinois are commonly controlled and managed pursuant to authority granted by the Commission.

HEARING: March 19, 1962, at the U.S. Court House and Custom House, 11th & Market Street, St. Louis, Mo., before Examiner Garland E. Taylor.

No. MC 115322 (Sub-No. 26), filed December 7, 1961. Applicant: J. B. BLYTHE, doing business as J. B. BLYTHE MOTOR LINES, P.O. Box 681, 2939 Orlando Drive, Sanford, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, frozen and unfrozen, from points in Chautauqua County, N.Y., and Erie County, Pa., to points in North Carolina.

HEARING: March 28, 1962, at 346 Broadway, New York, N.Y., before Examiner Parks M. Low.

No. MC 115841 (Sub-No. 96), filed February 5, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from Carrollton, Macon, Marshall, Moberly, Milan and St. Louis, Mo., to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, New Hampshire, Vermont, Ohio, Pennsylvania, Rhode Island and the District of Columbia, and (2) from Carrollton and St. Louis, Mo., to points in Illinois (except Chicago), Iowa, Kentucky, Tennessee, Minnesota, Virginia, West Virginia, and Wisconsin.

No. MC 115841 (Sub-No. 96), filed February 5, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs, frozen and unfrozen*, from points in Maine, New Hampshire, and Massachusetts to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

HEARING: February 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 115841 (Sub-No. 97), filed February 5, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, (1) from New Orleans, La., and Gulfport, Miss., to points in Illinois and (2) from Gulfport, Miss., to Birmingham, Ala., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: February 27, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner J. Thomas Schneider.

No. MC 115917 (Sub-No. 10), filed January 12, 1962. Applicant: UNDERWOOD & WELD COMPANY, INC., P.O. Box 348, Crossnore, N.C. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feldspar, feldspar by-products, feldspar waste materials, including sand and silica sand*, in bags and in bulk, from points in Mitchell and Yancey Counties, N.C., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. (2) *Dry ground mica*, in bulk and in bags, from points in Avery, Mitchell, and Yancey Counties, N.C., to points in Connecticut, Iowa, Kentucky, Maine, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, and Washington. (3) *Salt and salt products*, in bags and in bulk, from points in Port Bend and Harris Counties, Tex., to points in North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, and Kentucky.

HEARING: March 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 116077 (Sub-No. 117), filed January 8, 1962. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 9900 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, Esperson Building, Suite 1535, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Titanium tetrachloride*, in bulk, in tank vehicles from Lake Charles, La., to points in Texas.

HEARING: March 28, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 116544 (Sub-No. 17), filed January 19, 1962. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Street, Carthage, Mo. Applicant's attorney: Robert R. Hendon, 3200 Cummings Lane, Chevy Chase 15, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, as described in Section B of Appendix I, to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 273; and (2) *empty containers*, for packaging of the commodities, specified in (1) above, between points in Missouri, Oklahoma, Arkansas, and Kansas.

NOTE: Applicant states that in performing the proposed operations as shown above, the State of Tennessee will be traversed for operating convenience only.

HEARING: March 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 116893 (Sub-No. 6), filed December 26, 1961. Applicant: MARTEL EXPRESS, LTD., 614 Rue Principale, Farnham (Quebec), Canada. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, frozen vegetables, frozen berries, frozen fruits*, and *frozen juices*, from Seabrook, N.J., and Marlboro and Milton, N.Y., to Ports of Entry on the International Boundary line between the United States and Canada at or near Champlain, N.Y.

NOTE: Applicant states the proposed operation is restricted to shipments originating in the United States and destined to points in Canada. Applicant also states the proposed operation will be performed in mechanically refrigerated vehicles for the account of Seabrook Farms Co., Seabrook, N.J.

HEARING: March 27, 1962, at 346 Broadway, New York, N.Y., before Examiner Parks M. Low.

No. MC 117119 (Sub-No. 42), filed December 6, 1961. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chicago and Deerfield, Ill., to points in Arkansas, Tennessee, Kentucky, Alabama, Georgia, Mississippi, Louisiana and Indiana, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodity, on return.

HEARING: March 19, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Charles J. Murphy.

No. MC 117574 (Sub-No. 63), filed January 31, 1962. Applicant: DAILY EXPRESS, INC., Box 311, R.D. No. 1, Carlisle, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling and freezing machinery and equipment, materials, equipment and supplies used in and incidental to the installation of such cooling and freezing machinery and equipment*, from La Crosse, Wis., to points in Ohio, Pennsylvania, New York, New Jersey, West Virginia, Maryland, Delaware, Rhode Island, Connecticut, Massachusetts, Virginia, Kentucky, and New Hampshire.

HEARING: March 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 117774 (Sub-No. 1), filed December 18, 1961. Applicant: GEORGE A. TAYLOR, INC., 244 Spring Street, Avon, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool, in mixed shipments only with gypsum products, plaster retarder, plaster accelerator, plasterboard joint system, tape* and *wallboard*, from Wheatland, N.Y., to points in Ohio, points in Pennsylvania on the west of U.S. Highway 15, and points in Macomb, Monroe, Wayne, and Oakland Counties, Mich., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity and *rejected shipments*, on return.

NOTE: Applicant states the proposed operation is restricted to movements under continuous contract with the Ruberiod Co., shipper. Carrier holds authority in Permit MC 117774 to transport the commodities named above from Wheatland, N.Y., to the above-described destination territory. This application seeks authority to transport mineral wool in mixed shipments only with those commodities.

HEARING: March 26, 1962, at 346 Broadway, New York, N.Y., before Examiner Parks M. Low.

No. MC 117823 (Sub-No. 5) (AMENDMENT), filed January 4, 1962, published FEDERAL REGISTER issue February 7, 1962, amended February 6, 1962, and republished this issue. Applicant: RALPH F. DUNKLEY, doing business as DUNKLEY DISTRIBUTING COMPANY, 240 California Avenue, Salt Lake City, Utah. Applicant's attorney: Lon Rodney Kump, 716 Newhouse Building, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in less-than truckload shipments not to exceed 10,000 pounds when shipped in connection with frozen fruits, frozen vegetables and frozen berries, (1) from points in Los Angeles, Orange, Ventura, San Bernardino, and Riverside Counties, Calif., to points in

Utah, Wyoming, Montana, and points in Idaho south of the southern boundary of Idaho County, and (2) from Ogden, Salt Lake City, and Provo, Utah, to points in Idaho south of the southern boundary of Idaho County.

NOTE: The purpose of this republication is to add route (2) to the authority previously sought.

HEARING: Remains as assigned, March 28, 1962, at the Federal Building, Los Angeles, Calif., before Examiner Charles B. Heinemann.

No. MC 118039 (Sub-No. 1), filed January 19, 1962. Applicant: A. V. EDMONDSON, Box 195, Forrest Park, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products* (fresh and cured), in mechanically equipped refrigerated vehicles, from Lovejoy, Ga., and points in Henry and Clayton Counties, Ga., to points in South Carolina, Florida, Alabama, Mississippi, and Louisiana, and *bananas and exempt commodities*, on return.

HEARING: March 21, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Lacy W. Hinely.

No. MC 118567 (Sub-No. 1), filed January 12, 1962. Applicant: NYAD MOTOR FREIGHT, INC., Pier 22, East River, New York, N.Y. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are handled, used, sold or dealt in by chain or department stores*, between New York, N.Y., and Metuchen, N.J., on the one hand, and, on the other, Washington, D.C., and points in Delaware, Virginia, and Maryland.

NOTE: Applicant states the proposed operation is restricted solely to the service of W. T. Grant Co.

HEARING: March 27, 1962, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner William A. Royall.

No. MC 118898 (Sub-No. 4) (AMENDMENT), filed October 4, 1962, published in FEDERAL REGISTER, issue of October 25, 1961, republished this issue as amended February 7, 1962. Applicant: T. P. TRUCKING COMPANY, INC., 1489 Grady Avenue, Yazoo City, Miss. Applicant's attorney: Rubel L. Phillips, P.O. Box 961, 829 Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer, dry, in packages*, and *urea, dry, in packages*, from Canton, Greenville, Hattiesburg, Magee, Meridian, Pascagoula, and Yazoo City, Miss., to points in Alabama, Arkansas, Florida, Louisiana, Tennessee, and Texas.

NOTE: Applicant states that the transportation is to be limited to service performed under a continuing contract with Coastal Chemical Corporation, Yazoo City, Miss. The purpose of this republication is to remove "in bulk" from the descriptions of the commodities proposed to be transported, thereby limiting the movements to manufactured fertilizer and urea, "dry, in packages", and to add five origin points, Canton, Greenville, Hattiesburg, Magee and Meridian, Miss.

HEARING: Remains as assigned March 8, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Francis A. Welch.

No. MC 119164 (Sub-No. 12), filed January 15, 1962. Applicant: J-E-M TRANSPORTATION CO., INC., P.O. Box 444, Middletown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, and *potassium carbonate*, in bulk, in tank vehicles, in hopper and pneumatic type equipment, from Niagara Falls, and Solvay, N.Y., to Wellsboro, Pa., and *returned and rejected shipments*, on return.

HEARING: March 26, 1962, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner William A. Royall.

No. MC 119531 (Sub-No. 12), filed December 7, 1961. Applicant: DIECKBRADER EXPRESS, INC., 5391 Eastern Avenue, Cincinnati 26, Ohio. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tin cans* and *tin can ends* from Chicago, Ill., to Caro, Mich., and points in that portion of Ohio on, north and west of a line beginning at the Indiana-Ohio state line along U.S. Highway 36 to its junction with Ohio Highway 4, and thence along Ohio Highway 4 to Sandusky, Ohio.

HEARING: March 20, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Charles J. Murphy.

No. MC 119777 (Sub-No. 5) (CORRECTION), filed December 20, 1961, published in FEDERAL REGISTER issue of January 24, 1962, republished as corrected this issue. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, regardless of how equipped (except tractors used for pulling highway trailers); *scrapers; motor graders*, regardless of how equipped; *wagons; engines; generators; engines and generators combined; welders; road rollers and compactors; cranes*, regardless of how equipped; *power sweepers; ditchers; pavers; asphalt plants; conveyors;* and *parts, attachments and accessories for the above commodities*, from Peoria, Joliet, Decatur, Aurora, Morton, and Mossville, Ill., and points within ten (10) miles of each, to points in Kentucky, Tennessee, Indiana, Ohio (except Columbus), Pennsylvania, West Virginia, and in the New York, N.Y., Commercial Zone.

NOTE: The purpose of this republication is to indicate that the operation will be conducted over "irregular routes" rather than "regular routes" as erroneously shown in the original publication.

HEARING: Remains as assigned February 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel C. Shoup.

No. MC 119917 (Sub-No. 8), filed January 22, 1962. Applicant: DUDLEY TRUCKING COMPANY, INC., 1201 Memorial Drive SE., Atlanta 16, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Chattanooga, Tenn., to Atlanta, Ga.

NOTE: Applicant already holds permanent authority to transport bakery products from Atlanta, Ga., to Chattanooga, Tenn.

HEARING: March 19, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 238, or, if the Joint Board waives its right to participate before Examiner Lacy W. Hinely.

No. MC 123081 (Sub-No. 3), filed December 21, 1961. Applicant: MAGRAY MOVERS, INC., 21–12 Newton Avenue, Long Island City, New York, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, used, repaired, refinished and reupholstered furniture*, all uncrated, between New York, N.Y., on the one hand, and, on the other, points in New Jersey, those in Connecticut on and South of U.S. Highway 6 from the New York-Connecticut State line running east to Middletown, Conn., and on and west of Connecticut Highways 17 and 77, running from Middletown, Conn., south to Long Island Sound, and those in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and Bucks, Montgomery, Delaware, and Chester Counties, Pa.

NOTE: Applicant states, the proposed service will all be in a retail consumer delivery only.

HEARING: March 22, 1962, at 346 Broadway, New York, N.Y., before Examiner Parks M. Low.

No. MC 123304 (Sub-No. 3) (CORRECTION), filed October 31, 1961, published FEDERAL REGISTER, issue of January 24, 1962, corrected January 30, 1962, and republished, as corrected, this issue. Applicant: SOUTHERN COURIERS, INC., 1316 North Carroll Street, Dallas, Tex. Applicant's attorney: Val Sanford, 811 Third National Bank Building, Nashville 3, Tenn. Notice of the filing of the application was published in the FEDERAL REGISTER, issue of January 24, 1962. That portion of the commodity description reading: "Documentary replacement film" should read "complimentary replacement film". The county described as "Eutaw" in Part B is correctly spelled "Etowah". That portion of the territorial description reading: "Lying on the north should read "lying on *and* north.

HEARING: Remains as assigned March 15, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Francis A. Welch.

No. MC 123909 (Sub-No. 1) (AMENDMENT), filed December 21, 1961, published in FEDERAL REGISTER, issue of January 17, 1962, republished as amended February 8, 1962, this issue. Applicant: LE MAR CORPORATION, P.O. Box 168, Winchester, Va. Applicant's attorney: Francis W. McInerny, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Finished and unfinished rocket and missile inert components* and *raw materials used in the assembly thereof*, for the account of Hercules Powder Company, Inc., between the Allegeny Ballistics Laboratory at Pinto, W. Va., near Cumberland, Md., on the one hand, and on the other, points in Connecticut, Delaware, Florida, Indiana, Maine, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Utah, Virginia, West Virginia, and the District of Columbia.

NOTE: The purpose of this republication is to add the destination states of Maine and Indiana.

HEARING: Remains as assigned February 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examineer Dallas Russell.

No. MC 124059 (Sub-No. 1), filed January 29, 1962. Applicant: REJER TRANSPORT, INC., 212 Pike Street, Marietta, Ohio. Applicant's attorney: James M. Burtch, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, from points in Waterford Township, Washington County, Ohio, to points in Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Delaware, Pennsylvania, Wisconsin, and West Virginia, and *scrap metals, wood chips, coke* and *lime*, on return trips.

NOTE: Applicant states that R. O. Wetz, its president and a shareholder, holds common carrier authority (as R. O. Wetz Transportation) under MC–31438.

HEARING: March 29, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D Moran.

No. MC 124073, filed November 28, 1961. Applicant: ROY S. SARGEANT, INC., Barkers Mill Road, Vienna, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Frozen meat* from Moosic, Pa., to Erie, Pa., Buffalo, Jamestown, Rochester, Olean, Norwich, Syracuse, Schenectady, Albany, Troy, Kingston, and Monticello, N.Y., Newark and Paterson, N.J., Stamford and Bridgeport, Conn., Woonsocket, R.I., and Pittsfield, Springfield, Boston, and Watertown, Mass.; (b) *pizza pies*, from Scranton, Pa., to New York, N.Y., and Springfield, Denville, and Westwood, N.J.; (c) *fish, breaded or unbreaded, cooked or uncooked* (when transported in the same vehicle with one or more of the following commodities: frozen meat or pizza pies, for which authority is sought in (1) (a) and (b) herein); from Exeter, Pa., to Buffalo, Fulton, Syracuse, Troy, and New York, N.Y., New Brunswick, Newark, Jersey City, and Paterson, N.J., Bridgeport and Hamden, Conn., Woonsocket and Pawtucket, R.I., and Pittsfield, Springfield and Boston, Mass.; (2) (a) *pizza pie shells*, from New York, N.Y., to Scranton, Pa.; (b) *canned tomatoes* from Glassboro and Swedesboro, N.J., to Scranton, Pa.: (c) *frozen meat* from New York, N.Y., and Newark, Jersey City, and Secaucus, N.J., to Moosic, Pa.; (d) *breading* from Union, N.J., to Moosic and Exeter, Pa., and from Jersey City, N.J., to Exeter, Pa.; (e) *pickled fish*, and *French fried potatoes* from New York, N.Y., to Exeter, Pa.; (f) *frozen fish* (when transported in the same vehicle with one or more of the following commodities: pizza pie shells, frozen meat, breading, pickled fish, French fried potatoes, or poultry, for which authority is sought in (2) (a), (c), (d), (e), and (g) herein) from Gloucester and Boston, Mass., Jersey City, N.J., and New York, N.Y., to Exeter, Pa.; and (g) *poultry* (when transported in the same vehicle with one or more of the following commodities: pizza pie shells, frozen meat, breading, pickled fish, French fried potatoes, or frozen fish, for which authority is sought in (2) (a), (c), (d), (e), and (f), herein), from New York, N.Y., to Exeter, Pa.

HEARING: March 29, 1962, at the Federal Building, Scranton, Pa., before Examiner William A. Royall.

No. MC 124088 (Sub-No. 1), filed December 29, 1961. Applicant: OHIO COURIERS, INC., 601 Broadway, Cincinnati, Ohio. Applicant's attorney: James K. Knudson, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition), between Cleveland, Ohio, on the one hand, and, on the other, points in Ohio.

NOTE: Common control may be involved.

HEARING: April 10, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 124113, filed December 18, 1961. Applicant: McGAHREN HAULAGE CORP., 704 East 11th Street, New York City, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General department store merchandise*, from points in the New York, N.Y., Commercial Zone to Carlstadt, N.J., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

NOTE: Applicant states the proposed operation is restricted to traffic having a prior movement via water and/or air.

HEARING: March 26, 1962, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner William A. Royall.

No. MC 124118, filed December 22, 1961. Applicant: GEORGE BLUNK, doing business as BLUNK'S TOWING SERVICE, 5901 West 87th Street, Oak Lawn, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed and stolen motor vehicles* and *buses, tractors, trailers* and *trucks for replacement of wrecked, disabled, repossessed and stolen motor vehicles*, between Chicago, Ill., on the one hand, and, on the other, points in Indiana, Ohio, Michigan, Wisconsin, and Iowa.

HEARING: March 22, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Charles J. Murphy.

No. MC 124125, filed December 27, 1961. Applicant: A&P EQUIPMENT & SUPPLY CORP., Morton Boulevard, Kingston, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stone and aggregate*, from points in Ulster County, N.Y., to points in Connecticut, Massachusetts, New Hampshire, New Jersey, Pennsylvania, on and east of the Susquehanna River, Rhode Island, and Vermont.

HEARING: March 26, 1962, at 346 Broadway, New York, N.Y., before Examiner Parks M. Low.

No. MC 124136, filed January 4, 1962. Applicant: TROPICAL TRANSPORT, INC., 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorney: John Andrew Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in bags, from the plant site of the Lehigh Portland Cement Company at Bunnell, Fla., to points in Lowndes County, Ga., and *rejected and returned shipments* of the commodity specified above, on return.

NOTE: Common control may be involved. Applicant has contract authority under MC 118952 and Sub 1 thereunder, therefore, dual operations may be involved.

HEARING: March 19, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC–124142, filed January 10, 1962. Applicant: BULK TRANSPORT COMPANY, a corporation, Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Dubuque, Iowa, to points in Wisconsin.

NOTE: Applicant advises the applicant corporation and Quality Carriers, Inc., are commonly controlled. Also, dual operations may be involved, since carrier holds common carrier authority in MC–112893 and subs thereunder.

HEARING: April 26, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 111.

No. MC 124146, filed January 15, 1962. Applicant: L. G. INC., doing business as L. G. TRUCKING, Route 2, Box 1003, San Jose, Calif. Applicant's representative: Pete H. Dawson, 1261 Drake Avenue, P.O. Box 1007, Burlingame, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, in cans, bottles, kegs, and barrels, between San Jose, Calif., on the one hand, and on the other, San Francisco, Oakland, Alameda, Richmond, and the Port of Redwood City (near Redwood City), Calif.

HEARING: April 9, 1962, at the Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 124154, filed January 16, 1962. Applicant: W. D. WINGATE, doing business as WINGATE TRUCKING COMPANY, 417 Lipsey Drive, Albany, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber* and *wooden pallets*, from points in Georgia to points in Florida, Alabama, South Carolina, North Carolina, Tennessee, Virginia, West Virginia, Maryland, Delaware, New York, Kentucky, Ohio, Michigan, Illinois, Indiana, Wisconsin, and New Jersey, (2) *Fertilizer* and *fertilizer materials*, between points in Georgia, Florida, Alabama, South Carolina, and North Carolina, (3) *Insecticides* and *insecticide material*, between points in Georgia, Florida, Alabama, South Carolina, and North Carolina, (4) *Clay products*, from points in Georgia to points in Alabama, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Florida, South Carolina, North Carolina, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, Tennessee, and Kentucky, (5) *steel fabricated buildings*, from Milwaukee, Wis., Cincinnati, Ohio, Galesburg, Ill., and Birmingham, Ala., to points in Kentucky, Tennessee, Mississippi, Arkansas, Louisiana, Texas, Alabama, Georgia, North Carolina, South Carolina, West Virginia, Florida, and Georgia, (6) *road building machinery and equipment requiring special equipment*, between Albany, Ga., on the one hand, and, on the other, points in Florida, Alabama, Mississippi, Louisiana, Arkansas, Tennessee, Kentucky, South Carolina, North Carolina, Virginia, and West Virginia, (7) *steel*, from Birmingham, Ala., to Albany, Ga., (8) *concrete ready mix plant*, knocked down and assembled, between Albany, Ga., on the one hand, and, on the other, points in South Carolina, North Carolina, Alabama, Mississippi, Florida, Louisiana, and Arkansas and (9) *fabricated concrete* and *concrete material*, from Albany, Ga., to points in Florida, South Carolina, North Carolina, Virginia, Alabama, Mississippi, Louisiana, Arkansas, Tennessee, and Kentucky, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: March 20, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Lacy W. Hinely.

MOTOR CARRIERS OF PASSENGERS

No. MC 58915 (Sub-No. 44), filed February 1, 1962. Applicant: LINCOLN TRANSIT CO., INC., U.S. HIGHWAY 46, East Paterson, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, and newspapers*, in the same vehicle with passengers; (1) Between Woodbridge and Wall Township, N.J. In Woodbridge, N.J., from the junction of U.S. Highway 1 and U.S. Highway 9 along U.S. Highway 9 to the junction of New Jersey Highway 34 in Madison Township, thence along New Jersey Highway 34 to the junction of Garden State Parkway Interchange Road 96, thence along Garden State Parkway Interchange Road 96 to the junction of Garden State Parkway, Wall Township, N.J., thence return from the junction of Garden State Parkway and Garden State Parkway Interchange Road 97 along Garden State Parkway Interchange Road 97 to the junction New Jersey Highway 38, thence along New Jersey Highway 38 to the junction of New Jersey Highway 34 in Wall Township, N.J., thence along New Jersey Highway 34 to the junction of U.S. Highway 9 in Madison Township, N.J., thence along U.S. Highway 9 to the junction of U.S. Highway 1 in Woodbridge, N.J., serving all intermediate points on the above described routes; (2) Between Holmdel Township and Middletown Township, N.J. In Holmdel Township, N.J., from the junction of New Jersey Highway 34 and Monmouth County Road 520 along Monmouth County Road 520 to the junction of Garden State Parkway Interchange Road 109, thence along Garden State Parkway Interchange Road 109 to the junction of Garden State Parkway in Middletown Township, N.J., and return over the same route serving all intermediate points; (3) Between Matawan Township and Wall Township, N.J. Along Garden State Parkway from the Middlesex County-Monmouth County boundary line in Matawan Township to the Monmouth County-Ocean County boundary line in Wall Township, N.J., and return over the same route serving all intermediate points.

NOTE: Applicant presently is authorized to operate on the Garden State Parkway but is restricted from picking up and discharging passengers in Monmouth County. Applicant proposes to remove said restriction.

HEARING: February 19, 1962, at Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 58915 (Sub-No. 45), filed February 2, 1962. Applicant: LINCOLN TRANSIT CO., INC., U.S. Highway 46, East Paterson, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express* and *newspapers*, in the same vehicle with passengers, (1) between points in Howell Township and Lakewood Township, N.J.; from junction U.S. Highway 9 and Aldrich Road, Howell Township, N.J., over Aldrich Road to junction of New Prospect Road, Jackson Township, thence over New Prospect Road to junction County Line Road, Lakewood thence over County Line Road to junction of U.S. Highway 9 (Madison Avenue), Lakewood, N.J., and return over the same route, serving all intermediate points and (2) within Jackson Township, N.J.; from junction Aldrich Road and New Prospect Road, Jackson Township, N.J., over Bennetts Mills-Hyson Road and Bennetts Mills-Vanhiseville Road to junction Cooks Bridge Road, thence over Cooks Bridge Road to junction Hope Chapel Road, thence over Hope Chapel Road to junction Lakewood-New Egypt Road (County Road 528), Jackson Township, N.J., and return over the same route, serving all intermediate points.

HEARING: February 16, 1962, at the State Office Building, Room 212, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 84112 (Sub-No. 2), filed January 2, 1962. Applicant: S & S BUS SERVICE, INC., Box 6, R.D. 1, Rensselaer, N.Y. Applicant's attorney: Edward L. Merrigan, 425 13th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter and special service operations, from Rensselaer, N.Y., and points within thirty (30) miles of Rensselaer (excluding the City and County of Schenectady, N.Y.), to points in California, Connecticut, Delaware, Florida, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, Wyoming, and the District of Columbia.

HEARING: March 15, 1962, at the Federal Building, Albany, N.Y., before Examiner William E. Messer.

No. MC 111778 (Sub-No. 3), filed December 29, 1961. Applicant: COCHRANS' BUS COMPANY, INC., Warwick Road, Middletown, Del. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Migrant agricultural workers and their baggage*, in the same vehicle with passengers, (1) between points in New Castle and Kent Counties, Del., on the one hand, and, on the other, points in Cecil, Kent, and Queen Anne Counties, Md., and (2) between points in New Castle and Kent Counties, Del., and points in Cecil, Kent, and Queen Anne Counties, Md., on the one hand, and, on the other, Glassboro, N.J., and points within ten (10) miles thereof.

HEARING: March 28, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 283.

No. MC 124023, filed November 2, 1961. Applicant: MIDWEST TRANSPORTATION, INC., 1003 West Second Street, Ames, Iowa. Applicant's attorney: Stephen Robinson, 412 Equitable Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, between points in Story County, Iowa, on the one hand, and, on the other, points in Illinois, Missouri, Minnesota, Wisconsin, Kansas, Nebraska, Colorado, New York, Pennsylvania, Arkansas, Alabama, Arizona, California, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wyoming, and the District of Columbia.

HEARING: March 29, 1962, in Room 691, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Charles J. Murphy.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12782, filed November 24, 1961. Applicant: AAA WORLD WIDE TRAVEL DEPT. OF CEDAR RAPIDS AUTO CLUB, 517 Fourth Avenue SE., Cedar Rapids, Iowa. For a license (BMC 5) to engage in operations as a *broker* at Cedar Rapids, Iowa, in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, both as individuals and groups, in sightseeing tours, between points in the United States, including Ports of Entry on the International Boundary Lines between the United States and Canada and the United States and Mexico.

HEARING: March 28, 1962, in Room 691, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 12783, filed November 22, 1961. Applicant: JACK W. FRY AND NORMAN A. ROUGH, a partnership, doing business as SIERRA TRAVEL SERVICE, 233 West Lancaster Boulevard, Lancaster, Calif. For a license (BMC 5) to engage in operations as a broker at Lancaster, Calif., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, both as individuals and groups, in all-expense tours, beginning and ending at Los Angeles, Calif., and extending to points in Nevada and California.

HEARING: March 19, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 12785, filed December 5, 1961. Applicant: KING & RICHARDS ENTERPRISES, doing business as K & R TOURS, 414 13th Street, Oakland 12, Calif. Applicant's attorney: George King (same address as applicant). For a license (BMC 5) to engage in operations as a *broker* at Oakland, Calif., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, both as individuals and in groups, between points in the United States, including Ports of Entry on the International Boundaries between the United States and Canada and the United States and Mexico.

HEARING: March 20, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 12788, filed January 4, 1962. Applicant: HAROLD SAGER, doing business as BEST VALU TRAVEL AND TOURS, 435 South Chicago Avenue, Freeport, Ill. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. For a license (BMC 5) to engage in operations as a *broker* at Freeport, Ill., in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage* in the same vehicle with passengers, both as individuals and in groups, beginning and ending at points in Carroll, DeKalb, Jo Daviess, Ogle, Stephenson, Whiteside, Winnebago, and Boone Counties, Ill., and Green, Rock, and Walworth Counties, Wis., and extending to points in the United States, including Ports of Entry on the International Boundaries between the United States and Canada and the United States and Mexico.

HEARING: April 16, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149.

No. MC 12789, filed January 4, 1962. Applicant: HOWARD D. DUNN, doing business as DUNRITE TRAVEL & TOUR SERVICE, 2219 Ohio Parkway, Rockford, Ill. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. For a license (BMC 5) to engage in operations as a *broker* at Rockford, Ill., in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage* in the same vehicle as passengers, both as individuals in groups, beginning and ending at points in Green, Rock, and Walworth Counties, Wis., and Boone, De Kalb, Kane, Kendall, La Salle, McHenry, Ogle, Stephenson, and Winnebago Counties, Ill., and extending to points in the United States, including Ports of Entry on the International Boundaries between the United States and Canada and the United States and Mexico.

HEARING: April 16, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149.

No. MC 12791, filed January 10, 1962. Applicant: MEYER AND DIETEL TOURS, INC., 231 West Wisconsin Avenue, Milwaukee 3, Wis. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. For a license (BMC 5) to engage in operations as a *broker* at Milwaukee, Wis., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *Passengers and their baggage*, in the same vehicle with passengers, both as individuals and in groups, in charter operations, (1) beginning and ending at points in Wisconsin, and extending to Chicago, Ill., and (2) beginning and ending at Washington, D.C., and Baltimore and Silver Spring, Md., and extending to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia.

HEARING: April 23, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 3009 (Sub-No. 44), filed February 5, 1962. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) Between New Orleans, La., and Jackson, Miss., as follows: From New Orleans over U.S. Highway 61 to junction U.S. Highway 51, thence over U.S. Highway 51 to Jackson, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only and subject to the condition that shipments transported over such route shall be limited to those which are moving over carrier's line between New Orleans or points beyond on the one hand and Jackson or points beyond on the other, in either single or joint line service; (2) Between New Orleans, La., and Mendenhall, Miss., as follows: From New Orleans over U.S. Highway 61 to junction of Causeway Boulevard, thence over Causeway Boulevard to Lake Pontchartrain Causeway Bridge to junction of northern approaches to Causeway Bridge and U.S. Highway 190, thence over U.S. Highway 190 to Covington, La., thence over Louisiana Highway 21 to Mississippi-Louisiana line, thence over Mississippi Highway 35 to Columbia, Miss., thence over Mississippi Highway 13 to junction U.S. Highway 49 at Mendenhall, Miss., and return over the same route, serving no intermediate points as an alternate route for operating convenience only and subject to the condition that shipments transported over such route shall be limited to those which are moving over carrier's line between New Orleans, or points beyond on the one hand and Mendenhall or points beyond on the other, in either single or joint line service; (3) Between Pearl River, La., and Mendenhall, Miss., as follows: From Pearl River over Louisiana Highway 41 to junction Louisiana Highway 21, one mile west of Bush, La., thence over Louisiana Highway 21 to Louisiana-Mississippi State Line, thence over Mississippi Highway 35 to Columbia, Miss., thence over Mississippi Highway 13 to junction Mississippi Highway 13 and U.S. Highway 49 at Mendenhall, Miss., and return over the same route serving no intermediate points as an alternate route for operating convenience only and subject to the condition that shipments transported over such route shall be limited to those which are moving over carrier's line between Pearl River, La., or points beyond on the one hand and Mendenhall, Miss., or

points beyond on the other, in either single or joint line service.

No. MC 72770 (Sub-No. 3), filed January 16, 1962. Applicant: OLEAN HAULING CORP., 99 North Main Street, Franklinville, N.Y. Applicant's attorney: Albert J. Tener, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats;* and, when shipped in a mixed shipment with boats, *the accessories of such boats and the literature relating thereto*, (1) Between points in Yates County, N.Y., on the one hand, and, on the other, points in New York; (2) Between the City of Peekskill (Westchester County), N.Y., on the one hand, and, on the other, points in New York; and (3) From the Village of Freeport (Nassau County), N.Y., to points in Nassau, Suffolk, Westchester, Putnam, Dutchess, Orange, and Sullivan Counties, N.Y., and *returned, refused and rejected shipments of the above-described commodities*, on return.

NOTE: Applicant states it seeks to acquire by transfer a Second Proviso operation of Marine Distributors, Inc., in Docket MC 120658, and to convert said authority to a full Certificate of Public Convenience and Necessity, contingent upon the approval of the transfer application of the New York intrastate rights by the New York Public Service Commission and the approval of the Interstate Commerce Commission for operating authority similar to that described in the Second Proviso operation of Marine Distributors, Inc.

No. MC 107276 (Sub-No. 3), filed January 30, 1962. Applicant: VERA E. BENNETT, JAMES K. GLENN, J. K. GLENN, INC., CORINNA J. BENNETT, LOUISE G. GLENN, JOE H. GLENN (WACHOVIA BANK AND TRUST COMPANY, TRUSTEE), AND JAMES K. GLENN (WACHOVIA BANK AND TRUST COMPANY, TRUSTEE), a partnership, doing business as QUALITY OIL TRANSPORT, 1540 Lockland Avenue, Winston-Salem, N.C. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation fuels*, in bulk, in tank vehicles, from Wilmington, N.C., to Roanoke, Va.

No. MC 107403 (Sub-No. 378), filed February 1, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Coshocton, Ohio, to Granite City, Ill.

NOTE: Applicant is authorized to control Reader Brothers, Inc., and Edwin E. Clarke, doing business as, Clarke Bulk Transfer. It is further noted that applicant has contract carrier authority under MC 117637 Subs 2 through 9 thereunder, therefore, dual operations may be involved.

No. MC 119422 (Sub-No. 9) (CORRECTION), filed January 18, 1962, published issue of January 31, 1962, corrected February 6, 1962, and republished as corrected this issue. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, Ill. Applicant's attorney: Joseph H. Goldenhersh, 406 Missouri Avenue, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum wax*, in temperature controlled tank vehicles, from East St. Louis, Ill., to points in Minnesota and Wisconsin, and *damaged and defective shipments*, on return.

NOTE: The purpose of this republication is to reflect a from and to movement in lieu of a between movement.

No. MC 123322 (Sub-No. 9), filed February 6, 1962. Applicant: BEATTY MOTOR EXPRESS, INC., Jefferson Avenue Extension, Washington, Pa. Applicant's attorney: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Baby supplies*, Between the plant site of Gerber Products Company, at Rochester, N.Y., and Pittsburgh, Pa.; from Rochester over New York Highway 33 to junction New York Highway 78, thence over New York Highway 78 to Depew, N.Y., thence over U.S. Highway 20 to Silver Creek, N.Y., thence over U.S. Highway 20 via Erie, Pa., to Fairview, Pa. (also from Silver Creek, N.Y., over New York Highway 5 to the Pennsylvania-New York State line, over Pennsylvania Highway 5 to Erie, Pa.), thence over Pennsylvania Highway 98 to Kerrtown, Pa., thence over U.S. Highway 19 to Pittsburgh, Pa., and return over the same route, serving no intermediate points.

No. MC 124078 (Sub-No. 2), filed February 5, 1962. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement;* from the plant site of the Penn-Dixie Cement Corporation in or near Kingsport, Tenn., to points in Casey, Russell, Cumberland, and Clinton Counties, Ky.

NOTE: Applicant presently holds contract carrier authority in MC 113832 and subs thereto, therefore, dual operations may be involved.

No. MC 124147 (Sub-No. 1), filed January 30, 1962. Applicant: ALAN P. GEREG, 32 Holley Street, Danbury, Conn. Applicant's attorney: Sidney L. Goldstein, 109 Church Street, New Haven, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt bituminous products, sand, stone, gravel and brick*, in bulk, in dump vehicles, from Danbury, Brookfield, New Milford, and Woodbury, Conn., to points in New York as follows: New York City and that part of New York bounded on and East of U.S. Highway 9 from New York to Mt. Vernon; thence on and East of U.S. Highway 9W to Albany, N.Y.; thence on and South of U.S. Highway 20, to the New York-Massachusetts State line, thence along the New York-Massachusetts State line, to the New York-Connecticut State line, thence along the New York-Connecticut State line, to the Long Island Sound, and *rejected shipments*, of the commodities specified above, on return.

No. MC 124177, filed January 31, 1962. Applicant: MATTHEW C. & RICHARD A. ZIMA, doing business as R. & R. TRUCKING COMPANY, 1408 North 8th Street, Manitowoc, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities for Racing Pigeon Clubs*, such as *homing pigeons, crates, cages, pens, feeds, banding and shipping machines* and *club house facilities*, such as *tables, chairs and benches*, between Sheboygan, Manitowoc, Two Rivers, Green Bay, Kaukauna, Appleton, Menasha, Neosho, Oshkosh, and Fond du Lac., Wis., and "release stations" in Chilton, Omro, New Lisbon, Sparta, and Wisconsin Rapids, Wis., Winona, Red Wing, Rochester, Mankato, and New Ulm, Minn., Britt, Iowa, Norfolk, Neb., and, Mitchell, Webster, Huron, and Pierre, S. Dak.

NOTE: Applicant states the proposed operation will be seasonal, between April 15 and October 15.

MOTOR CARRIERS OF PASSENGERS

No. MC 59238 (Sub-No. 48), filed February 6, 1962. Applicant: VIRGINIA STAGE LINES, INCORPORATED, 114 Fourth Street SE., Charlottesville, Va. Applicant's attorney: Raymond H. Warns, Court Square Building, Charlottesville, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, between junction U.S. Highway 60 and Interstate Highway 495 and junction Interstate Highway 495 and Virginia Highway 350; from junction U.S. Highway 50 and Interstate Highway 66 (Washington Circumferential Highway) over Interstate Highway 495 to junction Virginia Highway 350 with service at all termini for purpose of joinder only, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations.

NOTE: Common control may be involved.

NOTICE OF FILING OF PETITIONS

No. MC 15473 (Sub-No. 7) (CORRECTION FOR MODIFICATION OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY), filed January 19, 1962. Petitioner: MID-KANSAS TRUCK LINES, INC., Ottawa, Kans. Petitioner's attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. By petition filed January 19, 1962, petitioner states that its Certificate No. MC 15473 (Sub-No. 7), covers authority, pursuant to certain transfer proceedings, covering a transportation service between Kansas City, Mo., and points in the State of Kansas. Petitioner avers that certain of the authority it purchased, specifically Certificate No. MC 62852, authorized operations between Kansas City, Mo., and Olathe, Kans., between Kansas City, Mo., and Olathe Naval Air Station, and between Kansas City, Mo., and the other points authorized to those predecessors in title. Petitioner states that it appears that the Commission deprived the owner of Certificate No. MC 62852 of authority improperly and without action taken provided by law in that the Certificate issued to Mid-Kansas Truck Lines pursuant to a transfer proceeding in MC-FC-67634 changed the language of the previous certificates so as to authorize operations from Kansas City interchange at a between movement. Proceeding MC-FC 63958 transferred the Certificates in question to petitioner, and docket No. MC 15473 (Sub-No. 7) was assigned to cover the transfer proceedings. Petitioner requests the Commission enter an order stating that petitioner has authority to operate between the various points set forth in Certificate No. MC 15473 (Sub-No. 7), and requests modification of said Certificate to reflect authority to operate between Kansas City, Mo., and the Kansas points shown in that Certificate. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 85130 PETITION UNDER RULE 102 FOR REOPENING, HEARING, RECONSIDERATION, AND FOR WAIVER OF RULE 101(e), filed July 24, 1961. Petitioner: ANNA BRADLEY, doing business as BRADLEY'S EXPRESS, Middletown, Conn. Petitioner's attorney: Milton E. Diehl, 1383 National Press Building, Washington, D.C. By petition dated July 24, 1961, petitioner states that in accordance with the Commission's regulations, Robert Bradley filed a "grandfather" application under section 206, dated February 6, 1936, known as Form BMC–A, describing his operations as including points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania. The original applicant, Robert Bradley, died and his Widow, Anna Bradley, petitioner, inherited the business. Petitioner contends that the Certificate issued in No. MC 85130 does not cover the operations conducted by petitioner on, prior, and continuously, before and after the enactment of the Motor Carrier Act of 1935. Petitioner has attached to the petition of July 24, 1961, an abstract of the evidence now available, to-wit, documentary proof (shipping documents) from 1927 to date, and states that the abstract does not contain all, but only a sample of the documentary proof now available which will be submitted at a hearing. Petitioner requests that the proceeding in No. MC 85130 be reopened for hearing. An order issued pursuant to a General Division of the Commission, held January 16, 1962, in the subject proceeding finds that since some doubt has arisen as to the meaning of the Order of November 28, 1961, previously issued in this proceeding, it is ordered that the said order of November 28, 1961, to the extent it reopens the proceeding for oral hearing, be, and it is hereby vacated and set aside. The Order of January 16, 1962, further orders that the subject petition of July 24, 1961, be, and it is hereby assigned for oral hearing, and notice of the time and place of such hearing, together with a summary of the issues raised by the petition be given by publication in the FEDERAL REGISTER.

HEARING: March 20, 1962, at the Bond Hotel, Hartford, Conn., before Examiner William A. Royall.

No. MC 109095 (PETITION TO WAIVE RULE 101(e) AND FOR REOPENING AND RECONSIDERATION), and (PETITION FOR MODIFICATION OR CLARIFICATION OF CERTIFICATE), filed January 17, 1962. Petitioner: ANDERSON MOTOR SERVICE, INC., St. Louis, Mo. Petitioner's attorney: G. M. Rebman, 1230 Boatmen's Bank Building, St. Louis 2, Mo. The subject petitions were filed January 17, 1962, and petitioner states it is a holder of a Certificate of Public Convenience and Necessity in No. MC 109095 which authorizes the transportation of general commodities, with the usual exceptions, over regular routes, between St. Louis, Mo., Indianapolis and Fort Wayne, Ind., Toledo, Cleveland, and Akron, Ohio, among other operations. The routes here pertinent as authorized in the said Certificate are as follows: "(4) (a) From St. Louis over U.S. Highway 40 to Indianapolis, Ind., thence over U.S. Highway 36 to Piqua, Ohio, thence over U.S. Highway 25 to Beaverdam, Ohio, thence over U.S. Highway 30N to Mansfield, Ohio, thence over U.S. Highway 42 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Ohio Highway 5, and thence over Ohio Highway 5 to Akron;", and "(4) (b) From Pendleton over Indiana Highway 9 to Huntington, Ind., thence over U.S. Highway 24 via Maumee, Ohio, to Toledo, Ohio, thence over Ohio Highway 2 to Cleveland, Ohio, and thence over Ohio Highway 8 to Akron; From Pendleton to Maumee, Ohio, as specified above, thence over U.S. Highway 20 to Cleveland, Ohio, and thence to Akron as specified above; and return over these routes to Pendleton. Service is authorized to and from the intermediate points of Fort Wayne, Ind., Toledo and Cleveland, Ohio, and points and places in Ohio within ten miles of Cleveland." Petitioner requests the Commission issue an order construing Certificate No. MC 109095 as authorizing joinder of routes described in (4) (a) and (4) (b) above so as to remove any and all doubt concerning petitioner's authority. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 99798 (Sub-No. 1), filed February 1, 1962. Applicant: DODDS TRUCK LINE, INC., 623 Lincoln Street, West Plains, Mo. Applicant's attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) Between St. Louis, Mo., and Thayer, Mo., from St. Louis over U.S. Highway 66 and Interstate Highway 44 to Rolla, Mo., thence over U.S. Highway 63 to Thayer, and return over the same route, serving the intermediate and off-route points of Cuba, Licking, Houston, Cabool, Willow Springs, West Plains, and Koshkonong, Mo.; (2) Between the intersection of U.S. Highway 66 and Missouri Highway 19, and Thayer, Mo., from the intersection of U.S. Highway 66 and Missouri Highway 19, over Missouri Highway 19 to Thayer, and return over the same route, serving the intermediate points of Cuba, Steelville, Salem, Eminence, Winona, and Alton, Mo., and serving the intersection of Missouri Highway 19 and U.S. Highway 60 for purposes of joinder; (3) Between Houston, Mo., and Mountain View, Mo., from Houston over U.S. Highway 63 to junction Missouri Highway 137, thence over Missouri Highway 137 to its intersection with Missouri Highway 17, thence over Missouri Highway 17 to its intersection with U.S. Highway 60, thence over U.S. Highway 60 to Mountain View, and return over the same route, serving the intermediate point of Summersville, Mo., and serving the intersection of Missouri Highway 17 and U.S. Highway 60 for purposes of joinder; (4) Between Willow Springs, Mo., and St. Louis, Mo., from Willow Springs over U.S. Highway 60 to its intersection with Missouri Highway 21, thence over Missouri Highway 21 to its intersection with Missouri Highway 34, thence over Missouri Highway 34 to intersection with U.S. Highway 67, thence over U.S. Highway 67 to St. Louis, and return over the same route, serving the intermediate and off-route points of Mountain View, Birch Tree, Fremont, Van Buren, South Van Buren, Garwood, Leeper, and Mill Spring, Mo., and serving the intersection of U.S. Highway 60 and Missouri Highway 19 for purposes of joinder; (5) Between Springfield, Mo., and Cabool, Mo., from Springfield over U.S. Highway 60 to Cabool, and return over the same route, serving the intermediate and off-route points of Rogersville, Fordland, Diggins, Seymour, Mansfield, Norwood, and Mountain Grove, Mo., and serving the intersection of Missouri Highway 5 and U.S. Highway 60 for purposes of joinder; (6) Between Gainesville, Mo., and Doniphan, Mo., from Gainesville over U.S. Highway 160 to Doniphan, and return over the same route, serving the intermediate points of West Plains, Alton, Riverton, and Briar, Mo., and serving the intersection of Missouri Highway 101 and U.S. Highway 160 for purposes of joinder; (7) Between Ava, Mo. and Hartville, Mo., from Ava over Missouri Highway 5 to Hartville, and return over the same route, serving no intermediate points, and serving the intersection of Missouri Highway 5 and U.S. Highway 60 for purposes of joinder; (8) Between Bakersfield, Mo., and the intersection of Missouri Highway 101 and U.S. Highway 160, from Bakersfield over Missouri Highway 101 to its intersection with U.S. Highway 160, and return over the same route, serving no intermediate

points; (9) Between Birch Tree, Mo., and Thomasville, Mo., from Birch Tree over Missouri Highway 99 to Thomasville, and return over the same route, serving no intermediate points; (10) Between Salem, Mo., and the intersection of Missouri Highway 32 and U.S. Highway 63, from Salem over Missouri Highway 32 to its intersection with U.S. Highway 63, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (11) Between Salem, Mo., and Rolla, Mo., from Salem over Missouri Highway 72 to Rolla, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (12) *Irregular route:* Between points in Phelps, Dent, Crawford, Shannon, Texas, and Reynolds Counties, Mo.

NOTE: The application is directly related to an application filed under section 5 of the Act, No. MC–F–8069, published in the FEDERAL REGISTER, this issue.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8066. Authority sought for purchase by TREDWAY'S EXPRESS, INC., 512 Myrtle Avenue, Boonton, N.J., of a portion of the operating rights of DUSOR MOTOR LINE, INC., Tor Avenue, Haverstraw, N.Y., through James A. O'Hara, Director of Internal Revenue, Albany, N.Y., and for acquisition by TRUCKING ENTERPRISES, INC., 744 Broad Street, Newark, N.J., and in turn by RALPH SALDUTTI, JOSEPH E. SALDUTTI, and ALBERT SALDUTTI, all of 744 Broad Street, Newark, N.J., of control of such rights through the purchase. Applicants' attorney: Bernard F. Flynn, Jr., York-Flynn Building, East Blackwell Street, Dover, N.J. Operating rights described in Certificate Nos. MC–78430 and MC–78430 Sub 1, by order of the Temporary Authorities Board, dated January 23, 1962, to be revoked effective 45 days from the date of said order. Operating rights sought to be transferred in Certificate No. MC–78430: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between points in Dutchess, Orange, Putnam, Rockland, Sullivan, and Ulster Counties, N.Y., on the one hand, and, on the other, New York, N.Y., and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8068. Authority sought for control and merger by GLOBAL VAN LINES, INC., P.O. Box 3313, Terminal Annex, Los Angeles 54, Calif., of the operating rights and property of MIDWEST MOVING SERVICE, 3412 Fairlane Drive, Des Moines, Iowa, and for acquisition by E. W. SCHUMACHER, D. D. HEYDLAUFF, MAX OLSAN, and WILLIAM C. MOEN, all of 9100 East Garvey Boulevard, South San Gabriel, Calif., of control of such rights and property through the transaction. Applicants' attorney and representative respectively: Max G. Morgan, 443 American National Building, Oklahoma City 2, Okla., and William A. Landau, 1307 East Walnut, Des Moines, Iowa. Operating rights sought to be controlled and merged: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes between points in Iowa, on the one hand, and, on the other, points in Illinois, Missouri, Nebraska, and Minnesota, between Des Moines, Iowa, on the one hand, and, on the other, points in Illinois, Indiana, Kansas, Colorado, Missouri, Minnesota, Nebraska, and Wisconsin, and between points in Hardin County, Iowa, on the one hand, and, on the other, points in Illinois, Iowa, Kansas, Minnesota, Nebraska, North Dakota, and South Dakota, and, *livestock, agricultural commodities, poultry, coal, lumber, posts, household goods* as defined by the Commission, and *emigrant movables*, between Alliance, Nebr., and points within 30 miles thereof, on the one hand, and, on the other, points in Colorado, Wyoming, and South Dakota. GLOBAL VAN LINES, INC., is authorized to operate as a *common carrier* in Alabama, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Delaware, Utah, Oregon, Idaho, Montana, Washington, Nevada, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8069. Authority sought for purchase by DODDS TRUCK LINE, INC., 623 Lincoln, West Plains, Mo., of the operating rights of WALLACH STRAIN and VIOLA STRAIN, a partnership, doing business as STRAIN TRUCK LINE, Alton, Mo., and for acquisition by PAUL D. DODDS, 623 Lincoln, West Plains, Mo., of control of such rights through the purchase. Applicants' attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes from St. Louis, Mo., to Mammoth Spring, Ark., serving the intermediate points of Briar, Alton, and Thayer, Mo., and the off-route points of Bradley, Greer, Thomasville, Koshkonong, Couch, and Myrtle, Mo., without restriction, and East St. Louis, Ill., restricted to the pickup of stoves, feed, tankage, fertilizer, and meat scraps, and *fertilizer*, from East St. Louis, Ill., to Myrtle, Mo., serving the intermediate point of Couch, Mo., *livestock*, over irregular routes, from Alton, Mo., and points within 15 miles of Alton, to East St. Louis, Ill. Vendee is authorized to operate under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act in the State of Missouri. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC–99798 Sub 1 is a matter directly related.

No. MC–F–8070. Authority sought for control by EDWARD J. HAND, 590 Elk Street, Buffalo 10, N.Y., of M. & G. CONVOY, INC., and HULBERT FORWARDING COMPANY, INC., also of Buffalo, N.Y. Applicants' representative: Edward J. Hand, 590 Elk Street, Buffalo 10, N.Y. Operating rights sought to be controlled: (M. & G.) *New automobiles, new trucks, new bodies, new cabs, new chassis*, and *automobile parts*, restricted to initial movements, in truckaway service, as a *common carrier* over irregular routes from places of manufacture and assembly in Wayne County, and Warren Township, Macomb County, Mich., to points in Delaware, Maryland, New Jersey, Pennsylvania, New York, and the District of Columbia, traversing Ohio and West Virginia for operating convenience only, *the commodities indicated above*, restricted to secondary movements, during the season of open navigation on the Great Lakes, in truckaway service, from Buffalo, N.Y., to points in Delaware, Maryland, New Jersey, Pennsylvania, New York, and the District of Columbia, *the commodities indicated above*, restricted to secondary movements, during the season of open navigation on the Great Lakes, when navigation from the port of Buffalo is closed, in truckaway service, from Cleveland, Ohio, to points in Delaware, Maryland, New Jersey, Pennsylvania, New York, and the District of Columbia, traversing West Virginia for operating convenience only, *automobiles, trucks*, and *chassis*, new, used, or unfinished, restricted to secondary movements, in truckaway service, between all points as described above, traversing West Virginia, for operating convenience only, *new automobiles, new trucks, new bodies, new cabs, new chassis*, and *automobile parts*, restricted to initial movements, in driveaway service, from places of manufacture and assembly in Wayne County and Warren Township, Macomb County, Mich., to points in Delaware, Maryland, New Jersey, Pennsylvania, New York, and the District of Columbia, traversing Ohio and West Virginia for operating convenience only, *the commodities indicated above*, restricted to secondary movements, during the season of open navigation on the Great Lakes, in driveaway service, from Buffalo, N.Y., to points in Delaware, Maryland, New Jersey, Pennsylvania, New York, and the District of Columbia, *the commodities indicated above*, restricted to secondary movements, during the season of open navigation on the Great Lakes, when navigation from the port of Buffalo is closed, in driveaway service from Cleveland, Ohio, to points in New Jersey, traversing West Virginia and Pennsylvania for operating convenience only, *automobiles, trucks*, and *chassis*, new, used, or unfinished, restricted to secondary movements, in

driveaway service, between all points described above, traversing West Virginia for operating convenience only, *new automobiles, automobile bodies, automobile chassis*, and *automobile parts and accessories* moving in connection therewith, *automobile show equipment and paraphernalia, farm and garden tractors*, and *parts and accessories* thereof, moving in connection therewith, in initial movements, in truckaway and driveaway service, from Willow Run in Washtenaw County, Mich., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia, *rejected shipments*, of the above-described commodities, from the above-specified destination points to Willow Run in Washtenaw County, Mich., through Ohio and West Virginia for operating convenience only, *new automobiles, new bodies, new chassis* and *automobile parts*, during the season of closed navigation on the Great Lakes, in initial movements, by truckaway service, from places of manufacture and assembly in Wayne County, Mich., to points in North Carolina and Virginia, *new automobiles, new bodies, new chassis and automobile parts*, during the season of open navigation on the Great Lakes, in secondary movements, by truckaway service, from Buffalo, N.Y., and Cleveland, Ohio, to points in North Carolina and Virginia, through Maryland and West Virginia for operating convenience only, *new passenger automobiles, hearses, ambulances, and automobile chassis*, in initial movements, by truckaway method, from Newark, Del., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. (HULBERT) *Automobiles*, as a *common carrier* over irregular routes through Pennsylvania, when necessary, with (a) no seasonal restriction, from Buffalo, N.Y., and Cleveland, Ohio, to Rome and Cooperstown, N.Y., points in New Hampshire, Massachusetts, Rhode Island, and Connecticut (other than those in Litchfield, New Haven, and Fairfield Counties), and those on New York Highway 5, and (b) during the season extending from the 10th day of December to the 1st day of April, inclusive, *automobiles*, from points in Macomb and Wayne Counties, Mich., to Rome and Cooperstown, N.Y., and points on New York Highway 5, *new automobiles, automobile bodies, automobile chassis* and *automobile parts and accessories* moving in connection therewith, *automobile show equipment and paraphernalia*, and *farm and garden tractors and parts and accessories thereof*, moving in connection therewith, during the seasons extending from the 10th day of December to the 1st day of April, inclusive, of each year in initial movements, in truckaway and driveaway service, from Willow Run in Washtenaw County, Mich., to Rome and Cooperstown, N.Y., and points in New York on New York Highway 5, *rejected shipments* of the above-described commodities, from the above-described destination points to Willow Run in Washtenaw County, Mich., traversing Ohio and Pennsylvania for operating convenience only, *new automobiles*, by truckaway service, in secondary movements, from Buffalo, N.Y., and Cleveland, Ohio, to points in Litchfield, New Haven and Fairfield Counties, Conn., and those in Maine and Vermont, *new automobiles* and *new trucks*, by truckaway service, in initial movements, during the season of closed navigation on the Great Lakes, from points in Wayne County, Mich., to points in Litchfield, New Haven and Fairfield Counties, Conn., and those in Maine and Vermont, *damaged and defective shipments* of the above-specified commodities, from the above-specified destination points to the above-designated origin points, and *new trucks, new truck-tractors, new ambulances, new truck and bus chassis*, and *new station wagons*, in secondary movements, in truckaway and driveaway service, from Buffalo, N.Y., and Cleveland, Ohio, to Rome and Cooperstown, N.Y., points in Connecticut, New Hampshire, Maine, Vermont, Massachusetts, Rhode Island, and those on New York Highway 5, traversing Pennsylvania for operating convenience only. EDWARD J. HAND holds no authority from this Commission. However, he is affiliated with M. & G. CONVOY, INC., and HULBERT FORWARDING COMPANY, INC. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8071. Authority sought for purchase by ELEANOR M. MacDONALD, an individual, doing business as MacDONALD'S STORAGE WAREHOUSE, 52 Gardner Street, Attleboro, Mass., of the operating rights and property of CLAYTON A. MacDONALD (ELEANOR M. MacDONALD, EXECUTRIX), an individual, doing business as MacDONALD'S STORAGE WAREHOUSE, 52 Gardner Street, Attleboro, Mass. Applicants' representative: Russell B. Curnett, 49 Weybosset Street, Providence, R.I. Operating rights sought to be transferred: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, as a *common carrier* over irregular routes, between Attleboro, Mass., on the one hand, and on the other, points in New Hampshire, Maine, Vermont, Rhode Island, Connecticut, New York, and New Jersey, *livestock*, between Attleboro, Mass., on the one hand, and, on the other, points in Kent, Newport, and Washington Counties, R.I., *lumber*, between Attleboro and Norton, Mass., on the one hand, and, on the other, Providence and Westerly, R.I., and *machinery*, between Attleboro, Mass., on the one hand, and, on the other, North Smithfield, Pawtucket, Providence, and Woonsocket, R.I., and West Haven, Conn. Vendee holds no authority from this Commission. However, the vendor holds 45 shares of stock in UNITED VAN LINES, INC., which is authorized to operate as a *common carrier* in 48 states and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8072. Authority sought for purchase by INLAND EXPRESS, INC., Maple and Walker Streets, Marlboro, Mass., of a portion of the operating rights and certain property of M.C.M. TRANSPORTATION COMPANY, INC., 39 Chapel Street, Newport, R.I., and for acquisition by SIDNEY LIPMAN and RALPH R. RUBADO, both of Maple and Walker Streets, Marlboro, Mass., and OSCAR W. WELCH, 2043 Erie Boulevard, East Syracuse, N.Y., of control of such rights and property through the purchase. Applicants' attorney: Francis E. Barrett, Jr., 25 Bryant Avenue, East Milton 86, Mass. Operating rights sought to be transferred: *General commodities*, as a *common carrier* over regular routes, between Newport, R.I., on the one hand, and, on the other, Providence, R.I., and Boston, Mass., serving all intermediate and certain off-route points, *general commodities*, excepting, among others, household goods and commodities in bulk, from New York, N.Y., to Newport, R.I., serving no intermediate points, but serving the off-route points of Jersey City and Newark, N.J., and over an alternate route for operating convenience only, *packing-house products* and *fresh meats*, between Newport, R.I., and Worcester, Mass., serving no intermediate points, *automobile parts*, between Newport, R.I., and Bridgeport, Conn., serving the intermediate point of New Haven, Conn., restricted to traffic moving to or from Newport, *general commodities*, over irregular routes, between points within 12 miles of Newport, R.I., *malt beverages*, from New York, N.Y., to Newport, R.I., *returned empty containers*, for malt beverages, from Newport, R.I., to New York, N.Y., *brass forgings* and *fittings*, from Newark, N.J., to Pawtucket, R.I., and Fall River, Mass., *paint, fish, fruits, vegetables*, and *groceries*, from New York, N.Y., to Fall River, Mass., *tar*, from Taunton, Mass., to Newport, R.I., *tires* and *tubes*, from Jersey City, N.J., to Providence, R.I., *fish*, from Newport, R.I., to Boston and Fall River, Mass., Providence, R.I., and New York, N.Y., *empty fish containers*, from Boston and Fall River, Mass., Providence, R.I., and New York, N.Y., to Newport, R.I., and *paint, oil*, and *ship chandlery*, between Newport, R.I., and New York, N.Y. Vendee is authorized to operate as a *common carrier* in Massachusetts, New York, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8073. Authority sought for purchase by SAFEWAY SYSTEM, INC., 39 Chapel Street, Newport, R.I., of a portion of the operating rights and certain property of M.C.M. TRANSPORTATION COMPANY, INC., 39 Chapel Street, Newport, R.I., and for acquisition by M.C.M. TRANSPORTATION COMPANY, INC., 39 Chapel Street, Newport, R.I., and in turn by JAMES L. MAHER, 2 Jeffrey Road, Newport, R.I., and ANTHONY T. RAZZA, 224 Gibbs Avenue, Newport, R.I., of control of such rights and property through the purchase. Applicants' attorneys: Barrett, Barrett and Barrett, 25 Bryant Ave., East Milton 86, Mass. Operating rights sought to be transferred: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*,

17 M.C.C. 467, as a *common carrier* over irregular routes between points in Newport County, R.I., on the one hand, and, on the other, points in Virginia, Georgia, New York, Maryland, Kansas, Pennsylvania, North Carolina, Illinois, Massachusetts, New Jersey, Connecticut, Kentucky, Delaware, Ohio, South Carolina, Vermont, West Virginia, and the District of Columbia, and between points in Rhode Island, on the one hand, and, on the other, points in Florida, Indiana, Louisiana, Maine, Michigan, Missouri, New Hampshire, Tennessee, and Wisconsin. Vendee holds no authority from this Commission. However, its controlling stockholders control and manage the vendor herein. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8074. Authority sought for purchase by INLAND EXPRESS, INC., Maple and Walker Streets, Marlboro, Mass., of the operating rights of ACTIVE TRUCKING, INC., 52 First Street, Cambridge 41, Mass., and for acquisition by SIDNEY LIPMAN and RALPH R. RUBADO, both of Maple and Walker Streets, Marlboro, Mass., and OSCAR W. WELCH, 2043 Erie Boulevard, East Syracuse, N.Y., of control of such rights through the purchase. Applicants' attorneys: Francis E. Barrett, Jr., 25 Bryant Avenue, East Milton 86, Mass., and Grafton Willey, III, 10 Dorance Street, Providence 3, R.I. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Providence, R.I., and Boston, Mass., serving certain intermediate and off-route points, and *automobile parts, accessories, tires and tubes*, over irregular routes between Boston and Cambridge, Mass., on the one hand, and, on the other, Bristol, Central Falls, East Greenwich, East Providence, Hope Valley, North Providence, Pawtucket, Providence, Smithfield, Wakefield, Warren, Warwick, Westerly, West Warwick, and Wickford, R.I. Vendee is authorized to operate as a *common carrier* in New York, Massachusetts, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8075. Authority sought for control and merger by BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsden, Ala., of the operating rights and property of A. W. HAWKINS, INC., 619 East Main Street, Richmond 19, Va., and for acquisition by RALPH M. BOWMAN, also of Gadsden, Ala., of control of such rights and property through the transaction. Applicants' attorneys: Harold G. Hernly, 1624 Eye Street NW., Washington, D.C., and H. Charles Ephraim, 1001 15th Street NW., Washington, D.C. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and liquids in bulk, as a *common carrier* over regular routes, between Charlottesville, Va., and New York, N.Y., serving certain intermediate and off-route points, and *general commodities*, excepting, among others, household goods and commodities in bulk, between Winston-Salem, N.C., and Baltimore, Md., serving all intermediate points; *coal*, over irregular routes, from Pottsville, Pa., and points within five miles of Pottsville, certain points in West Virginia to points in Culpeper, Madison and Rappanhannock Counties, Va., and *livestock*, between points in Culpeper, Madison and Rappahonnock Counties, Va., on the one hand, and, on the other, points in Maryland, Delaware, New Jersey, New York, Pennsylvania, West Virginia, and North Carolina. BOWMAN TRANSPORTATION, INC., is authorized to operate as a *common carrier* in Alabama, Tennessee, South Carolina, Virginia, Maryland, Georgia, Florida, North Carolina, Mississippi, Arkansas, Kentucky, West Virginia, Louisiana, and Delaware. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8076. Authority sought for control and merger by WALKER HAULING CO., INC., 340 Armour Drive NE. (P.O. Box 13444 Station K), Atlanta 24, Ga., of the operating rights and property of CHEMICAL TRANSPORT, INC., 902-15 Peachtree Street Building, Atlanta, Ga., and for acquisition by M. J. BAGGETT, 340 Armour Drive NE., Atlanta 24, Ga., of control of such rights and property through the transaction. Applicants' attorney: R. J. Reynolds, Jr., 1424 Citizens & Southern National Bank Building, Atlanta 3, Ga. Operating rights sought to be controlled and merged: *Sulphuric acid*, in bulk, in tank vehicles, as a *common carrier* over irregular routes from Copperhill, Tenn., to points in Alabama and Georgia. WALKER HAULING CO., INC., is authorized to operate as a *common carrier* in Georgia, Tennessee, Alabama, Mississippi, North Carolina, Delaware, Kentucky, Maryland, Virginia, South Carolina, Florida, Louisiana, Texas, Illinois, Indiana, Ohio, Arkansas, and Michigan. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-1481; Filed, Feb. 13, 1962; 8:48 a.m.]

[Notice 594]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 9, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64346. By order of February 1, 1962, the Transfer Board approved the transfer to Chesapeake Bulk Terminals, Inc., Baltimore, Md., of certificate in No. MC 115757 Sub 8, issued December 31, 1959, to Bulk Motor Transport, Inc., Kansas City, Kans., authorizing the transportation of: flour, in bulk, between points in Virginia, Maryland, and Washington, D.C. (except from Muirkirk Md., to Baltimore, Md., and Washington, D.C.) and from Baltimore, Md., to Harrisburg, Lancaster, York, and Reading, Pa., and Wilmington, Del. S. Harrison Kahn, 1110-1114 Investment Building, Washington 5, D.C., attorney for applicants.

No. MC-FC 64611. By order of February 1, 1962, the Transfer Board approved the transfer to Sunvan Lines, Inc., 1990 Alaskan Way, Seattle, Wash., of a portion of Certificate No. MC 70176 issued May 17, 1949, to T. James Kitto and Mary M. Kitto, a partnership, doing business as Kitto's Transfer & Storage, 700 East Front Street, Butte, Mont., authorizing the transportation of household goods, over Irregular routes, between Butte, Mont., and points within 125 miles of Butte, on the one hand, and, on the other, points in Idaho, Utah, and Washington; between points in Idaho within 125 miles of Butte, Mont., on the one hand, and, on the other, points in Montana; and between points in Montana, on the one hand, and, on the other, points in Colorado, Montana, and Wyoming.

No. MC-FC 64633. By order of February 1, 1962, the Transfer Board approved the transfer to Jackson Moving & Storage Co., Inc., Hartsdale, N.Y., of the operating rights in Certificate No. MC 112755 Sub 2, issued April 19, 1954, to Jackson Transportation Corp., New York (Bronx), N.Y., authorizing the transportation, over irregular routes, of new furniture, between New York, N.Y., on the one hand, and, on the other, points in that part of New Jersey and New York, within 50 miles of Columbus Circle, New York, N.Y., and between New York, N.Y., on the one hand, and, on the other, Philadelphia, Pa., and points in New Jersey. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y., applicants' representative.

No. MC-FC 64671. By order of February 2, 1962, the Transfer Board approved the transfer to Hilt Truck Line, Inc., Lincoln, Nebr., of Certificates Nos. MC 117025 and MC 117025 Sub 2, issued April 15, 1958, and June 9, 1961, respectively, to LeRoy Hilt, Lincoln, Nebr., authorizing the transportation of malt beverages, over irregular routes, from Minneapolis, Minn., Kansas City, Mo. and Milwaukee, Wis., to points in Nebraska (except from Minneapolis, Minn., to Omaha, Nebr., and from Milwaukee, Wis., to Lincoln and Nebraska City, Nebr.), from St. Louis, Mo., to Nebraska (except North Platte, Scottsbluff and Chadron); and empty malt beverage containers from points in Nebraska (except North Platte, Scottsbluff, and Chadron) to St. Louis, Mo. J. Max Harding, 605 South 12th Street, Lincoln, Nebr., attorney for applicants.

No. MC-FC 64684. By order of February 2, 1962, the Transfer Board approved the transfer to Reedsport Motor Freight, Inc., Reedsport, Oreg., of Certificate No. MC 7183, issued November 25, 1960, to Edgar W. Wolf, doing business as Reedsport Motor Freight, Reedsport, Oreg., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities between Eugene, Oreg., and Winchester Bay, Oreg., serving the intermediate points of Scottsburg and Reedsport, Oreg., and serving the off-route points of Elkton and Gardiner, Oreg. Lawrence V. Smart, Jr., 2010 Northwest Vaughn Street, Portland, Oreg., attorney for applicants.

No. MC-FC 64685. By order of February 1, 1962, the Transfer Board approved the transfer to Benjamin H. Ruegsegger, Kawkawlin, Mich., of the operating rights in Certificate No. MC 113984, issued April 7, 1954, to Casmer E. Wenglikowski and Edward D. Wenglikowski, a partnership, doing business as Wenglikowski Brothers, Midland, Mich., authorizing the transportation, over irregular routes, of malt beverages, from Milwaukee, Wis., to Essexville, Mich. Carl H. Smith, Sr., 212 Phoenix Building, Bay City, Mich., attorney for applicants.

No. MC-FC 64732. By order of February 1, 1962, the Transfer Board approved the transfer to George Hilson, doing business as Hilson Moving & Transfer Co., Youngstown, Ohio of Certificates Nos. MC 77150 and MC 77150 Sub 1, issued May 31, 1938 and December 14, 1945, to Pittsburgh Warehouse & Van Company, Inc., Pittsburgh, Pa., authorizing the transportation of: Household goods and office furniture, between Pittsburgh, Pa., and points within 50 miles thereof, on the one hand, and, on the other, points in Ohio, Indiana, Illinois, Kentucky, Tennessee, North Carolina, Georgia, Florida, Connecticut, Massachusetts, New Hampshire, Missouri, Virginia, Pennsylvania, Michigan, West Virginia, New Jersey, New York, Maryland, and the District of Columbia; and household goods, between Pittsburgh, Pa., and points within 50 miles of Pittsburgh, on the one hand, and, on the other, points in South Carolina and Rhode Island. W. Albert Wilde, 300 Union National Bank Building, Youngstown 3, Ohio, representative for applicants.

No. MC-FC 64776. By order of February 1, 1962, the Transfer Board approved the transfer to Dick Brawner, Allen, Nebr., of the operating rights in Certificate No. MC 52062, issued August 12, 1957, to Maurice S. Ward, Allen, Nebr., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities between Allen, Nebr., and Sioux City, Iowa, and of clay products, between Sergeant Bluff, Iowa and Allen, Nebr. Phyllis M. Verzani, P.O. Box 194, Ponca, Nebr., applicants' attorney.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-1482; Filed, Feb. 13, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

FEBRUARY 7, 1962.

In the matter of trading on the San Francisco Mining Exchange in the common stock, par value 15 cents a share of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.); File No. 1-3842.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, February 8, 1962, to February 17, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Secretary.*

[F.R. Doc. 62-1468; Filed, Feb. 13, 1962; 8:46 a.m.]

[File No. 24B-1169]

CARINTHIA SKI AREA, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefore, and Notice of Opportunity for Hearing

FEBRUARY 6, 1962.

I. Carinthia Ski Area, Inc. (issuer), a Vermont corporation, West Dover, Vermont, filed with the Commission on July 25, 1960, a notification on Form 1-A and an offering circular relating to a proposed public offering of 113 shares of no par common stock at $1,000 per share for an aggregate amount of $113,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the issuer failed to furnish the offering circular required by Rule 256 to certain purchasers of the issuer's common stock.

B. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended, in that:

1. Investors were "guaranteed" a 6 percent return on their investments.

2. The capitalization of the corporation and number of shares outstanding were misrepresented to investors.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Secretary.*

[F.R. Doc. 62-1469; Filed, Feb. 13, 1962; 8:46 a.m.]

[File No. 24D-2527]

COLORADO-CHEROKEE, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 7, 1962.

I. Colorado-Cherokee, Inc. (issuer), a Colorado corporation, filed with the Commission on August 14, 1961, a notification on Form 1-A, and offering circular relating to a proposed offering of 2,799,850 shares of its $0.10 par common stock, of which 400,000 shares are proposed to be exchanged for 4,000,000 shares of $0.01 par stock of Cherokee Uranium Mining Corporation and

2,399,850 shares are to be offered to the shareholders of Cherokee Uranium Mining Corporation at 10¢ per share, for an aggregate cash offering of $239,985, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. The so-called public shareholders of Cherokee Uranium Mining Corporation who accept the exchange offer will be required to purchase nine shares of Colorado-Cherokee, Inc., for each share they receive in exchange.

II. The Commission has reasonable cause to believe that:

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The inclusion of estimations of recoverable crude oil reserves from properties under option, which, based upon developments to date and the production data available, do not appear to be reasonable.

2. The omission of a reasonable estimate as to the total amount of money necessary to develop and operate by secondary recovery methods the oil properties involved.

3. The failure to include an adequate map of the oil leases under option, showing the location, depth and present status of wells drilled thereon for oil and gas.

4. The failure to disclose adequately and accurately the cost incurred by the issuer's president in acquiring the Cherokee Uranium Mining Corporation shares he now proposes to exchange for securities of the issuer.

5. The representation that persons who had previously invested in the securities of the Cherokee Uranium Mining Corporation can elect to salvage their investment by investing in securities of the issuer.

6. The representation that the proposed offering of securities to shareholders of the Cherokee Uranium Mining Corporation is in effect an attempted reorganization of that corporation.

7. The failure to disclose accurately and adequately the basis for, and the effect of, the temporary suspension order issued by the Commission on May 28, 1956, in the matter of Cherokee Uranium Mining Corporation.

8. The failure to disclose accurately and adequately the circumstances surrounding the $120,000 loan to the Cherokee Uranium Mining Corporation by Walter F. Tellier.

B. The offering would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1470; Filed, Feb. 13, 1962; 8:46 a.m.]

[File No. 24SF-2922]

GEORGE HARMON CO., INC.

Notice and Order for Hearing

FEBRUARY 8, 1962.

I. George Harmon Company, Inc. (issuer), a Nevada corporation, filed with the Commission on July 21, 1961, a notification on Form 1-A and offering circular relating to a proposed public offering of 62,500 shares of common stock, 10 cents par value, at $4 per share, on behalf of issuer, and 10,000 warrants for common stock at 10 cents per share, and the 10,000 shares of common stock underlying such warrants, for the benefit of Hamilton Waters & Co., Inc., 250 Fulton Avenue, Hempstead, New York, the underwriter, and certain finders, J. Homer Overholser, 9171 Wilshire Boulevard, Beverly Hills, California, and Milton Weinberg, address not known, all for an aggregate offering price of not to exceed $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on January 16, 1962, issued an order pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A and affording any person having any interest in the matter an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., P.s.t., on March 5, 1962, at the Los Angeles Branch Office of the Commission, Room 309 Guaranty Building, 6331 Hollywood Boulevard, Los Angeles 28, California, with respect to the matters specified in section II of the Commission's order of temporary suspension entered on January 16, 1962, as amended by order entered on February 8, 1962, without prejudice, however, to the specification of additional issues which may be presented in these proceedings.

III. *It is further ordered*, That Sidney Feiler, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on George Harmon Company, Inc., that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before March 2, 1962, a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1491; Filed, Feb. 13, 1962; 8:49 a.m.]

[File No. 24SF-2922]

GEORGE HARMON CO., INC.

Order Amending Order Temporarily Suspending Exemption

FEBRUARY 8, 1962.

I. George Harmon Company, Inc. (issuer), a Nevada corporation, filed with the Commission on July 21, 1961, a notification on Form 1-A and offering circular relating to a proposed public offering of 62,500 shares of common stock, 10 cents par value, at $4 per share, on behalf of issuer, and 10,000 warrants for common stock at 10 cents per share, and the 10,000 shares of common stock underlying such warrants, for the benefit of Hamilton Waters & Co., Inc., 250 Fulton Avenue, Hempstead, New York, the underwriter, and certain finders, J. Homer Overholser, 9171 Wilshire Boulevard, Beverly Hills, California, and Milton Weinberg, address not known, all for an aggregate offering price of not to exceed $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission by order dated January 16, 1962, having temporarily suspended the Regulation A exemption of George Harmon Company, Inc., pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, with respect to an offer of securities by George Harmon Company, Inc., and

The Commission having been advised that the San Francisco Regional Office has received additional information and that office deems it necessary to amend the temporary suspension order dated January 16, 1962,

It is ordered, That the text under section II of the order dated January 16, 1962, temporarily suspending the exemption, be deleted and the following text be substituted therefor:

The Commission has reasonable cause to believe that:

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The representation in the offering circular that the issuer has a backlog of orders totalling $4,314,349;

2. The representation in the offering circular that the issuer has an order totalling $4,130,000 for telephone answering devices.

3. The representation in the offering circular that the issuer has an order totalling $59,415 for Talk-A-Way Transceivers.

4. The representation in the offering circular that there is a further order aggregating approximately $1,540,000 for inertia switches which the company has been assured will be placed with it by a prime West Coast missile contractor upon a showing of adequate working capital, which in the opinion of management will be available upon completion of this offering.

B. The terms and conditions of the Regulation have not been complied with in that the offering circular as actually used and distributed did not conform to the offering circular filed in the Regional Office. A rider amendment to be affixed to page 7, dated December 20, 1961, as filed, was in fact affixed to the facing page.

C. The offering would be made in violation of Section 17 of the Securities Act, as amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1492; Filed, Feb. 13, 1962; 8:49 a.m.]

[File No. 7-2223]

MARTIN-MARIETTA CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 8, 1962.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Martin-Marietta Corporation, File 7-2223.

Upon receipt of a request, on or before February 23, 1962, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1493; Filed, Feb. 13, 1962; 8:49 a.m.]

[File No. 24A-1568]

PHYSICIANS AND DENTISTS DEVELOPMENT CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 8, 1962.

I. Physicians and Dentists Development Corporation (issuer), a construction and leasing company, filed with the Commission on November 30, 1961, a notification on Form 1-A and an offering circular relating to a proposed public offering of 75,000 shares of its $1 par value common stock at $4 per share for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that a statement of cash receipts and disbursements was not set forth in the offering circular, as required by Item 11 of Schedule I.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly in that:

1. The offering circular contains financial statements as of November 13, 1961, which are false and misleading in the following respects:

(a) Cash in bank of $11,500 shown as a current asset, is overstated in that as of the date of the balance sheet the issuer's only cash on hand was $6,500 represented by either uncashed checks of its directors for its stock or a trustee account in which some of such checks had been deposited.

(b) Fixed assets, consisting of plans, equipment, surveys and prepaid organization expenses, are capitalized in the balance sheets at a value of $21,500 which substantially exceeds the cash cost thereof.

(c) A liability of $5,000 to the issuer's attorney as of the date of the balance sheet is not disclosed.

2. The statements in the offering circular concerning preliminary sketches for buildings which the issuer intends to construct and lease omit disclosure in connection therewith that the issuer has received no commitments, contracts or agreements for the construction or lease of any buildings.

3. The statements in the offering circular concerning payments of 1 percent of its gross leases to each of the issuer's three officers omit disclosure that such payments are to be made to them upon closing of the proposed leases and prior to collection of gross rentals, the benefits from which will accrue to it only when, and if, payments on such leases, which are to extend over many years, are received.

4. The statements in the offering circular concerning the experience of the issuer's president and secretary-treasurer over the past several years in a similar business of building and leasing offices fail to disclose that such persons had operated the corporation engaged in the comparable business unprofitably and had engaged in transactions with such corporation which were not negotiated in arms-length bargaining.

C. The offering would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested

and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1494; Filed, Feb. 13, 1962; 8:49 a.m.]

[File 7-2222]

UNILEVER LIMITED

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 8, 1962.

In the matter of application of the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Unilever Limited (ADR's for ordinary shares), File 7-2222.

Upon receipt of a request, on or before February 23, 1962 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1495; Filed, Feb. 13, 1962; 8:50 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

WALTER RICHTER

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Walter Richter, Krimml, Salzburg, Austria; Claim No. 62031; Vesting Order No. 18007; $1,196.25 in the Treasury of the United States.

Executed at Washington, D.C., on February 8, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-1478; Filed, Feb. 13, 1962; 8:47 a.m.]

NICOLA SCALA ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Nicola Scala, Viale Italia 9, La Spezia, Italy; $81.48 in the Treasury of the United States.

Lucia Scala, Viale Maria Cristina di Savoia 9; Naples, Italy; $81.48 in the Treasury of the United States.

Lucia Scala, Naples, Italy; $27.16 in the Treasury of the United States.

Ada Scala, Via Castiglione 21, Bologna, Italy; $27.16 in the Treasury of the United States.

Federico Ferrara, Domenico Ferrar, Raffaele Ferrara, and Gabriele Ferrara, Via B. Cavalli N. 145, Naples, Italy; $27.16 in the Treasury of the United States.

Ulisse Scala, Naples, Italy; $27.16 in the Treasury of the United States.

Edgardo Scala, Naples, Italy; $27.16 in the Treasury of the United States.

Armando Scala, Via Castiglione 21, Bologna, Italy, $27.16 in the Treasury of the United States.

Carmela Bastardi Ruggieri, 211 Vernon Street, Worcester, Mass.; $40.74 in the Treasury of the United States.

Lucia Bastardi, Vieste, Foggia, Italy; $40.74 in the Treasury of the United States.

Maria Giuseppa Bastardi, Vieste, Foggia, Italy; $40.74 in the Treasury of the United States.

Sebastiano Bastardi, Bari, Italy; $40.74 in the Treasury of the United States.

Rocco Scala, Via Generale Dalla 48, Vieste, Foggia, Italy; $40.74 in the Treasury of the United States.

Nicolamaria Scala, Vieste, Foggia, Italy; $10.18 in the Treasury of the United States.

Michelina Scala, Vieste, Foggia, Italy; $10.18 in the Treasury of the United States.

Matilde Scala, Vieste, Foggia, Italy; $10.19 in the Treasury of the United States.

Giovannantonio Scala, Vieste, Foggia, Italy; $10.19 in the Treasury of the United States.

Giovanna Maria Scala, Via Trepiccioni 18, Vieste, Foggia, Italy; $81.48 in the Treasury of the United States.

Lucia Ratti Volpi, Milan, Italy; $30.56 in the Treasury of the United States.

Maria Giuseppa Ratti, San Severo, Foggia, Italy; $30.56 in the Treasury of the United States.

Michele Priore, San Severo, Foggia, Italy; $4.36 in the Treasury of the United States.

Marianna Priore, San Severo, Foggia, Italy; $4.36 in the Treasury of the United States.

Francesco Paolo Priore, San Severo, Foggia, Italy; $4.36 in the Treasury of the United States.

Maria Priore, San Severo, Foggia, Italy; $4.37 in the Treasury of the United States.

Dello Priore, San Severo, Foggia, Italy; $4.37 in the Treasury of the United States.

Aldo Priore, San Severo, Foggia, Italy; $1.37 in the Treasury of the United States.

Assunta Priore, San Severo, Foggia, Italy; $4.37 in the Treasury of the United States.

Raffaella Colacral, Via Carbonia 5, Milan, Italy; $7.63 in the Treasury of the United States.

Donato Colacral, Via Carbonia 5, Milan, Italy; $7.64 in the Treasury of the United States.

Francesco Paolo Colacral, Via Carbonia 5, Milan, Italy; $7.64 in the Treasury of the United States.

Antonino Colacral, Via Carbonia 5, Milan, Italy; $7.64 in the Treasury of the United States.

Michelina Durante, Vieste, Foggia, Italy; $81.48 in the Treasury of the United States.

Maria Antonio del Giudice, Vieste, Foggia, Italy; Claim No. 64066; Vesting Order No. 2674; $81.48 in the Treasury of the United States.

Executed at Washington, D.C., on February 8, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62-1479; Filed, Feb. 13, 1962; 8:47 a.m.]

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Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 7, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Barley Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 5195, 5565, 7007, 7572, 8097, 8559, 9308, 11233, 12157, and 27 F.R. 557, containing the specific requirements for the 1961-crop barley price support program are hereby amended as follows:

Section 421.187(b) is amended by increasing the following basic county support rates:

COLORADO

County:	Rate per bushel From—	To—
Chaffee	$0.73	$0.75
Eagle	.70	.73
Garfield	.70	.73
Mesa	.70	.73
Pitkin	.70	.73

TEXAS

Dallam	$0.94	$0.95
Hansford	.94	.95
Hartley	.94	.95
Lipscomb	.93	.95
Moore	.94	.95
Ochiltree	.93	.95
Sherman	.94	.95

WASHINGTON

Stevens	$0.93	$0.95

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714, 7 U.S.C. 1421, 1441, 1442)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 8, 1962.

ROBERT G. LEWIS,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62–1531; Filed, Feb. 14, 1962; 8:45 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 4, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Grain Sorghums Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 5107, 5569, 7252, 8413, 9899, and 11233, and containing the specific requirements for the 1961-crop grain sorghums price support program are hereby amended as follows:

Section 421.337(b) is amended by increasing the following basic county support rates:

OKLAHOMA

County:	Rate per hundredweight From—	To—
Alfalfa	$1.81	$1.87
Beaver	1.84	1.86
Cherokee	1.87	1.89
Ellis	1.83	1.86
Grant	1.81	1.82
Harper	1.83	1.85
Major	1.86	1.87
Mayes	1.85	1.89
Wagoner	1.84	1.89
Woods	1.81	1.86
Woodward	1.83	1.86

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 8, 1962.

ROBERT G. LEWIS,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62–1533; Filed, Feb. 14, 1962; 8:45 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 5, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Flaxseed Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 4315, 8413, 12157, 27 F.R. 96, 558, and containing the specific requirements of the 1961-crop flaxseed price support program are hereby amended as follows:

Section 421.583(c) is amended by increasing the following basic county support rates:

MONTANA

County:	Rate per bushel From—	To—
Blaine	$2.48	$2.49
Cascade	2.45	2.49
Chouteau	2.45	2.49
Fergus	2.45	2.49
Glacier	2.45	2.49
Hill	2.45	2.49
Judith Basin	2.45	2.49
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Pondera	2.45	2.49
Teton	2.45	2.49
Toole	2.45	2.49
Wheatland	2.45	2.49

NORTH DAKOTA

County:	Rate per bushel From—	To—
Barnes	$2.75	$2.80
Burleigh	2.70	2.71
Cass	2.77	2.82
Cavalier	2.71	2.73
Dickey	2.75	2.81
Eddy	2.72	2.75
Emmons	2.69	2.72
Foster	2.73	2.76
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(Sec. 4, 62 Stat. 1070 as amended; sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1054; 15 U.S.C. 714b and c, 7 U.S.C. 1447, 1421)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 8, 1962.

ROBERT G. LEWIS,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62–1532; Filed, Feb. 14, 1962; 8:45 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 6, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Rye Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 5738, 9627, 6703, 9121, 9308, 12157, 12658, 27 F.R. 557, and containing the specific requirements of the 1961-crop rye price support program are hereby amended as follows:

NORTH DAKOTA

County:	Rate per bushel From—	To—
Barnes	$0.96	$1.00
Benson	.92	.93
Cass	.96	1.02
Cavalier	.92	.94
Dickey	.96	1.01
Eddy	.93	.96
Emmons	.92	.93
Foster	.94	.97
Grand Forks	.96	1.01
Griggs	.96	.99
Kidder	.93	.95
La Moure	.95	.99
Logan	.93	.96
McIntosh	.93	.96
Nelson	.94	.98

NORTH DAKOTA—Continued

County:	Rate per bushel From—	To—
Pembina	$0.93	$0.99
Ramsey	.93	.95
Ransom	.97	1.02
Richland	1.00	1.05
Sargent	.97	1.04
Steele	.97	1.00
Stutsman	.95	.98
Traill	.97	1.01
Walsh	.94	.99
Wells	.93	.95
WASHINGTON		
Lincoln	$1.12	$1.13
Stevens	1.04	1.07

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 8, 1962.

ROBERT G. LEWIS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-1535; Filed, Feb. 14, 1962; 8:46 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 8, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Wheat Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 3873, 7247, 7824, 6697, 7247, 7824, 8963, 10093, 11281, 12157, 27 F.R. 96, 557, and containing the specific requirements of the 1961-crop wheat price support program are hereby amended as follows:

COLORADO

County:	Rate per bushel From—	To—
Chaffee	$1.56	$1.59
Eagle	1.52	1.56
Garfield	1.52	1.56
Mesa	1.52	1.56
Pitkin	1.52	1.56
MONTANA		
Blaine	$1.60	$1.62
Cascade	1.58	1.62
Chouteau	1.58	1.62
Fergus	1.58	1.62
Glacier	1.58	1.62
Hill	1.58	1.62
Judith Basin	1.58	1.62
Lewis and Clark	1.58	1.62
Liberty	1.58	1.62
Musselshell	1.61	1.62
Petroleum	1.58	1.62
Pondera	1.58	1.62
Teton	1.58	1.62
Toole	1.58	1.62
Wheatland	1.58	1.62
NORTH DAKOTA		
Barnes	$1.87	$1.91
Benson	1.82	1.83
Cass	1.88	1.93
Cavalier	1.82	1.85
Dickey	1.87	1.92
Eddy	1.84	1.86
Emmons	1.82	1.83
Foster	1.85	1.88
Grand Forks	1.87	1.92

NORTH DAKOTA—Continued

County:	Rate per bushel From—	To—
Griggs	$1.86	$1.90
Kidder	1.83	1.85
La Moure	1.85	1.89
Logan	1.83	1.86
McIntosh	1.83	1.86
Nelson	1.84	1.88
Pembina	1.84	1.89
Pierce	1.81	1.82
Ramsey	1.83	1.85
Ransom	1.87	1.92
Richland	1.91	1.97
Sargent	1.88	1.95
Sheridan	1.82	1.83
Steele	1.87	1.90
Stutsman	1.85	1.88
Traill	1.87	1.92
Walsh	1.84	1.90
Wells	1.83	1.85
WASHINGTON		
Stevens	$1.70	$1.72

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 8, 1962.

ROBERT G. LEWIS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-1536; Filed, Feb. 14, 1962; 8:46 a.m.]

[Livestock Feed Bulletin 1, Rev. 1, Amdt. 2]

PART 475—EMERGENCY FEED PROGRAM

Subpart—Livestock Feed Program

PRICE SUPPORT RATE

Section 475.208(c) of the regulations issued by the Commodity Credit Corporation published in 26 F.R. 8271 which contain specific requirements for the continuing Livestock Feed Program is amended to read as follows:

(c) *Price support rate.* As used in paragraphs (a) and (b) of this section "price support rate" shall mean the price support rate, including premiums and discounts established for class, grade and quality, for the county in which the grain is delivered as set forth in the applicable CCC Price Support Bulletin. Notwithstanding the foregoing, in cases where it results in savings of delivery costs to CCC and where it is determined to effectuate the purposes of the program, the Deputy Administrator for State and County Operations may authorize delivery of grain in a county other than the county in which the application is filed at the price support rate (including appropriate premiums and discounts) for the county in which the application is filed.

Signed at Washington, D.C., on February 8, 1962.

ROBERT G. LEWIS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-1534; Filed, Feb. 14, 1962; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 877.14]

PART 877—SUGARCANE; PUERTO RICO

Fair and Reasonable Prices; 1961–62 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and due consideration of evidence presented at the public hearing held in Santurce, Puerto Rico, on November 15, 1961, the following determination is hereby issued:

§ 877.14 Fair and reasonable prices for the 1961–62 crop of Puerto Rican sugarcane.

A producer of sugarcane in Puerto Rico who is also a processor of sugarcane (herein referred to as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1961–62 crop grown by other producers and processed by him, in accordance with the following requirements:

(a) *Definitions.* For the purpose of this section, the term:

(1) "Raw sugar" means raw sugar as made converted to 96° basis.

(2) "Sugar yield period" means any period not exceeding one calendar month as may be elected by the processor to determine the yield of raw sugar. The period adopted by the processor shall be used uniformly throughout the grinding season. In instances where odd days occur because a processor begins or ends grinding on a day which does not correspond with the beginning or ending of the sugar yield period, or grinding is interrupted because of holidays or for other reasons, such odd days shall be included either in the prior or subsequent sugar yield period, or treated as a separate sugar yield period.

(3) "Price of raw sugar" means the simple average of the daily spot price quotations for sugar deliverable under the New York Coffee and Sugar Exchange No. 7 domestic contract (bulk sugar) for the period January 1, 1962, through December 31, 1962, except that if the Director of the Sugar Division determines that any such price quotation does not reflect the true market value of raw sugar because of inadequate volume or other factors, he may designate the price to be effective under this determination which he determines will reflect the true market value of raw sugar.

(4) "Inferior varieties of sugarcane" means sugarcane of the Saccharum Spontaneum or Saccharum Sinense variety (including sugarcane of the Japanese, Uba, Kavangerie, Zuings, Caledonia, Coimbatore 213 and Coimbatore 281 varieties).

(5) "Yield of raw sugar" means the yield of raw sugar per 100 pounds of net sugarcane determined for the sugar yield period in accordance with the formula set forth in Schedule A attached hereto and made a part hereof.

(6) "Net sugarcane" means (i) the gross weight of the sugarcane delivered to the mill determined to contain a quantity of trash not in excess of 5 percent of the gross weight, or (ii) the gross weight of the sugarcane delivered to the mill less the quantity of trash determined to be in excess of 5 percent of such gross weight.

(7) "Trash" means green or dried leaves, sugarcane tops, soil, stones, and all other extraneous material.

(8) "Area Office" means Caribbean Area Agricultural Stabilization and Conservation Service Office, Santurce, Puerto Rico.

(b) *Payment for sugarcane.* (1) The payment for net sugarcane delivered by the producer to the processor shall be made either by the delivery to the producer of his share of raw sugar or by the payment to the producer of the money value of his share of raw sugar, as may be agreed upon by the producer and the processor.

(2) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of 9 pounds or more, the payment shall be not less than the quantity of raw sugar determined by applying the following applicable percentage to the yield of raw sugar of the producer's net sugarcane:

Pounds of raw sugar per 100 pounds of net sugarcane:	Percentage
9.0	63.0
9.5	63.5
10.0	64.0
10.5	64.5
11.0	65.0
11.5	65.5
12.0	66.0
12.5	66.5
13.0	67.0
13.5 and over	67.5

Intermediate points within the above scale are to be interpolated to the nearest one-tenth point.

(3) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of less than 9 pounds, the payment shall be not less than the quantity determined by subtracting 3⅓ pounds of raw sugar from the yield of raw sugar of the producers net sugarcane.

(4) If settlement with the producer is made in cash, the processor shall pay to the producer the money value of his share of raw sugar determined on the basis of the price of raw sugar converted to an f.o.b. mill price by subtracting therefrom the admissible deductions for selling and delivery expenses on raw sugar in accordance with Schedule B attached hereto and made a part hereof.

(c) *Molasses payment.* For each ton of net sugarcane delivered, the processor shall pay to the producer an amount equal to the product of (1) 66 percent of the net proceeds per gallon of blackstrap molasses sold of the 1961–62 crop, and (2) the average production of blackstrap molasses per ton of net sugarcane of the 1961–62 crop processed at each mill. A processor operating more than one mill shall compute the average gross proceeds per gallon from the sales of molasses produced at all mills operated by such processor and shall compute the net proceeds per gallon separately for each mill operated by such processor. The net proceeds shall be determined by subtracting from the average gross sales price the admissible deductions for selling and delivery expenses on molasses in accordance with Schedule C attached hereto and made a part hereof. If a processor has not sold 1961–62 crop molasses by the time he is required to submit to the Area office a statement of the net proceeds from molasses as required by paragraph (g)(2) of this section, he shall make a provisional molasses payment to producers of not less than 75 percent of the net proceeds per gallon realized by other processors in Puerto Rico for 1961–62 crop molasses, as determined by the Director of the Area office. Final settlement with producers shall be made promptly after the 1961–62 crop molasses has been sold, based on the actual price received per gallon and the processor shall promptly submit to the Area office a statement of the net proceeds determined pursuant to paragraph (g)(2) of this section.

(d) *Determination of net sugarcane.* (1) The net sugarcane of each producer (including the processor) which is delivered to the mill each day shall be determined as follows: The processor jointly with a representative designated by the producers or the producer organization in any mill area, shall examine the sugarcane deliveries and estimate whether the deliveries contain a quantity of trash (i) not in excess of 5 percent of the gross weight, or (ii) in excess of 5 percent of the gross weight. In the absence of a producer representative the processor shall have full responsibility for examining such sugarcane deliveries and for making such estimates. As to the deliveries of sugarcane of any producer which are estimated to contain trash not in excess of 5 percent, the gross weight of the sugarcane delivered shall also be the net weight. As to the deliveries of sugarcane of any producer estimated by both the processor and the representative of producers or by either of such parties to contain trash in excess of 5 percent, the net weight shall be determined by taking a representative sample of not less than 100 pounds of sugarcane from one or more of the deliveries deemed to be representative and separate therefrom all trash. The weight of the trash which is removed from the sample of sugarcane shall be expressed as a percentage of the gross weight of the sample. If such percentage exceeds 5 percent, the difference between 100 percent and such excess percentage shall be applied to the gross weight of the sugarcane delivery from which the sample was taken to determine the net weight of such sugarcane, and the same percentage as determined above shall be applied to the gross weight of all other deliveries of sugarcane delivered by that producer during the same day which are estimated to contain trash content reasonably similar to the delivery from which the sample was taken.

(2) With respect to the sample taken as provided in subparagraph (1) of this paragraph, the processor may make a separate determination of the weight of soil and stones contained in such sample and may charge the producer 5 cents per ton of net sugarcane delivered during the day which is represented by the sample for each one percent, fractions in proportion, by which the weight of soil and stones is in excess of one percent of the gross weight of the sample.

(e) *Sampling charges.* The processor may charge the producer 66 percent of the actual cost, but not to exceed $2.64, for each sample taken to cover the cost of sampling and measuring the actual quantity of trash. If a separate determination is made of the weight of soil and stones, the cost thereof shall be borne by the processor.

(f) *Services and allowances to producers.* (1) When payment is made to the producer by the delivery of raw sugar, the processor shall store and insure all such sugar through December 31, 1962, and shall bear the costs thereof.

(2) When payment is made to the producer by the delivery of raw sugar, the processor shall share with the producer on a pro rata basis all ocean shipping facilities available to the processor.

(3) Allowances made to producers by the processor for the 1960–61 crop shall be made for the 1961–62 crop at the rates which were effective under comparable conditions in 1960–61; the costs of services which were borne by the processor for the 1960–61 crop shall be borne for the 1961–62 crop: *Provided*, That nothing in this subparagraph shall be construed as prohibiting negotiations between the processor and producer with respect to the amount of allowances to be made to the producer, any change to be approved in writing by the Area office upon a determination by the Director of the Area office that the change results in allowances which are fair and reasonable.

(g) *Reporting requirements.* (1) The processor shall submit to the Area office a list of those producers with whom settlement will be made in cash and those with whom settlement will be made in sugar, together with a statement as to the sugar yield period which will be used during the grinding season. Such information shall be submitted not later than 7 days after grinding commences, except that in extenuating circumstances an extension may be granted by the Director of the Area office.

(2) The processor shall submit in duplicate to the Area office statements verified by a Certified Public Accountant of the deductions made in determining the f.o.b. mill price of sugar and the net proceeds from molasses. Such statements shall be submitted not later than August 1, 1963, except that in extenuating circumstances an extension may be granted by the Director of the Area office.

(h) *Subterfuge.* The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1961–62 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1961–62 price determination.* This determination continues the provisions of the 1960–61 crop determination.

A public hearing was held in Santurce, Puerto Rico, on November 15, 1961, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable prices for the 1961–62 crop of sugarcane. The notice of hearing requested witnesses to present their views and recommendations on the following proposal designed to provide a more equitable basis of determining selling and delivery expenses under special enumerated circumstances:

The f.o.b. mill price of raw sugar produced by any processor who markets any of such sugar locally or who refines or processes any of such sugar shall be determined by deducting selling and delivery expenses computed as follows: (1) If the processor sells locally or refines or further processes more than 50 percent of the total quantity of raw sugar produced by the mill the selling and delivery expenses to be applied to all raw sugar produced by such mill shall be the average of the admissible selling and delivery expenses approved by the Area office for all raw sugar produced in Puerto Rico which was delivered to mainland refiners; or, (2) if the processor sells locally or refines or further processes 50 percent or less of the total quantity of raw sugar produced by the mill, the selling and delivery expenses to be applied to all raw sugar produced by such mill shall be the average of the admissible selling and delivery expenses approved by the Area office for that quantity of raw sugar produced by the mill which was delivered to mainland refiners.

The representative of the Grower-Processor Committee stated that the Committee examined the proposal contained in the hearing notice but had not had enough time to consider its effect on settlements for sugarcane when sugar is sold locally or refined in Puerto Rico, and recommended that the provisions of the 1961–62 crop determination be the same as those for the 1960–61 crop determination. He stated that the Committee did not know of any problems in connection with the method presently used to determine selling and delivery expenses for mills which refine or market sugar locally; that to use the average selling and delivery expenses of all sugar produced in Puerto Rico which was delivered to mainland refiners, might in some cases be detrimental to the processor or to the growers delivering sugarcane to the processor's mill; and that it would not be equitable to apply average marketing expenses to a section of the Island where the actual expenses may be substantially different. A representative of three processors who refine locally most of their raw sugar production, recommended that the proposal regarding selling and delivery expenses not be adopted. This witness stated that there had not been sufficient time to examine the figures relating to the proposal, but notwithstanding what the figures might show it was felt, on principle, that the proposal would involve a dangerous policy because of differences in cost elements in the different areas; and that to base selling and delivery expenses on an Island-wide average would likely create inequities to the processors and growers affected.

Consideration has been given to the recommendations presented at the public hearing and to other pertinent information. The comparative returns, costs, and profits of producing and processing sugarcane in Puerto Rico, obtained through field survey for a recent year, have been recast in terms of prospective price and production conditions for the 1961–62 crop. Analysis of these data indicates that the provisions of this determination will provide an equitable sharing of total returns from sugar and molasses between producers and processors.

Heretofore, price determinations have provided that in determining the f.o.b. mill price of raw sugar sold or processed in Puerto Rico, equivalent selling and delivery expenses, as approved by the Director of the Area office, may be allowed in lieu of expenses actually incurred. This provision has required considerable administrative discretion by the Area office since it had to make a finding of equivalent selling and delivery expenses in instances where processors were affiliates of a local refinery and had shipped only a portion of their production to the mainland or had not shipped any of their production to the mainland; and such selling and delivery expenses also had to be determined for processors not affiliated with a local refinery who may have transferred all or only a part of their production to such a refinery.

In view of the fact that because of unusual circumstances, the hearing notice was issued just prior to the hearing and the parties did not have sufficient time to adequately study and appraise the impact of the proposal on selling and delivery expenses which would be equitable under current conditions, and in light of the recommendations made at the hearing, the method suggested in the proposal has not been adopted at this time. However, further study of the effects of the proposal should be made by the parties affected during the current year with a view to further consideration of the matter at the next fair price hearing.

On the basis of the examination of all the pertinent factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended; 7 U.S.C. Sup. 1131)

Signed at Washington, D.C., on February 9, 1962.

ORVILLE L. FREEMAN,
Secretary.

SCHEDULE A

FORMULA FOR DETERMINING THE "YIELD OF RAW SUGAR" FOR EACH PRODUCER

$$R = TI\ (S - 0.3B)F$$

where:

R = Yield of raw sugar, 96° basis;

S = Polarization of the crusher juice obtained from the sugarcane of each producer;

B = Brix of the crusher juice obtained from the sugarcane of each producer;

T = Trash correction factor which varies inversely with the amount of trash contained in the sugarcane of each producer from 1.0 for sugarcane which contains an amount of trash not in excess of 5 percent of the gross weight of sugarcane to 0.90075 for sugarcane which contains an amount of trash in excess of 16 percent of the gross weight of sugarcane.

I = Inferior sugarcane correction factor which is applied only to inferior varieties of sugarcane of each producer and is determined as follows:

(a) When the purity, P (where P = 100S ÷ B), of the crusher juice of sugarcane is equal to 75 or more, the factor, I = 0.9; or

(b) When the purity, P (where P = 100S ÷ B), of the crusher juice of such sugarcane is less than 75, the factor, I = 0.9 − 0.01 (75 − P);

F = Yield factor which is determined as follows:

(a) Determine the "tentative recovery of raw sugar", 96° basis, for each producer delivering sugarcane during the settlement period from the product of the formula (S − 0.3B), the number of hundredweights of net sugarcane, the applicable trash correction factor, T; and where applicable the inferior sugarcane correction factor, I; and

(b) Divide the pounds of raw sugar, 96° basis, produced at the mill during the applicable settlement period by the sum of the "tentative recoveries of raw sugar" for all producers to obtain the yield factor, F.

SCHEDULE B

ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES ON RAW SUGAR

Admissible deductions for selling and delivery expenses on 1961–62 crop raw sugar are limited to the sum of the following expenses for each mill operated by a processor, net of any receipts which reduce such expenses;

(1) Freight from the mill directly to the bulk raw sugar loading terminal, including the cost of covering cars or trucks where necessary;

(2) The cost of receiving, handling, and loading aboard ship at the bulk terminal at the rates established by the Puerto Rico Public Service Commission and in effect at the time the sugar is delivered to the bulk sugar terminal facility;

(3) Ocean freight;

(4) Unloading at destination;

(5) Freight demurrage resulting from causes beyond the control of the shipper, and

(6) An allowance of 7.0 cents per hundredweight of 96° raw sugar, in lieu of the following expenses;

(i) Reclaiming, weighing, and loading at mill or where stored;

(ii) Shore risk, marine and war risk insurance;

(iii) Brokerage or commission and exchange;

(iv) Weighing, testing, and sampling at destination;

(v) All other expenses not itemized herein.

When any of the necessary services included in item (1), (3), (4), or (5) above are furnished by the processor, costs incurred may include for each of the services rendered:

(1) Direct and immediate supervisory labor;

(2) Maintenance labor and supplies required for the facilities used;

(3) Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pension, bonuses, and vacation expenses properly allocable to such labor;

(4) Direct supplies; and

(5) Depreciation (at rates allowed by the taxing authority), property taxes, and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities properly apportionable to the necessary service shall be allowed.

The Director of the Area Office may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the costs incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

In determining the f.o.b. mill price of raw sugar sold or processed in Puerto Rico, equivalent selling and delivery expenses as approved by the Director of the Area Office, may be allowed in lieu of expenses actually incurred.

The statement as required by paragraph (g)(2) of the determination shall include the following certification:

CERTIFICATION

I hereby certify that the deductions set forth herein are properly chargeable as selling and delivery expenses for sugar in accordance with the determination of fair and reasonable prices for the 1961–62 crop of Puerto Rican sugarcane.

SCHEDULE C

ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES FOR MOLASSES

Admissible deductions for selling and delivery expenses in connection with the molasses payment provided in paragraph (c) of the 1961–62 price determination are limited to the sum of the following expenses actually incurred at each mill operated by a processor, net of any receipts which reduce such expenses;

(1) Operation of pumps to deliver molasses from mill tank to shipside or other delivery point;

(2) Freight from mill tank to shipside (or to local buyers when such molasses is sold on a delivered price basis);

(3) Operation of tank barges, tugs, or other marine equipment used in delivering molasses to shipside;

(4) Weighing and testing;

(5) Wharfage;

(6) Shore risk insurance (limited in coverage from mill to shipside);

(7) Freight demurrage resulting from causes beyond the control of the shipper;

(8) Brokerage paid to a bona fide broker.

When any of the necessary services included in items (1) through (8) above are furnished by the processor, costs incurred may include for each of the services rendered:

(1) Direct and immediate supervisory labor;

(2) Maintenance labor and supplies required for the facilities used;

(3) Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pensions, bonuses and vacation expenses properly allocable to such labor;

(4) Fuel, energy or direct supplies; and

(5) Depreciation (at rates allowed by the taxing authorities), property taxes and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities, properly apportionable to the necessary service, shall be allowed.

The Director of the Area office, may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the cost incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

The statement as required by paragraph (g)(2) of the determination shall include the following certification:

CERTIFICATION

I hereby certify that the deductions set forth herein are properly chargeable as selling and delivery expenses for molasses in accordance with the determination of fair and reasonable prices for the 1961–62 crop of Puerto Rican sugarcane.

[F.R. Doc. 62–1585; Filed, Feb. 14, 1962; 8:52 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 1—STATEMENT OF ORGANIZATION, DELEGATIONS, AND GENERAL INFORMATION

EDITORIAL NOTE: In Part 1 of Title 10, Chapter I, of the Code of Federal Regulations (F.R. Doc. 61–12326; 26 F.R. 12730), §§ 1.140 through 1.160 are redesignated §§ 1.240 through 1.260, respectively.

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–LA–13]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On August 1, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6860) stating that the Federal Aviation Agency proposed to designate low altitude VOR Federal airway No. 538 from Twentynine Palms, Calif., to Los Vegas, Nev., to redesignate intermediate altitude VOR Federal airway No. 1613 from Mission Bay, Calif., to Las Vegas, and to realign low altitude VOR Federal airway No. 442 from Hector, Calif., to Rice, Calif. It was also stated that the control areas associated with this segment of Victor 538 would extend upward from 700 feet above the surface to the base of the continental control area.

The Department of the Navy objected to the proposed alignment of Victor 538 between Twentynine Palms and Goffs and its reduced width to avoid conflict with R–2501 because of the possibility of en route aircraft inadvertently wandering off course and into the hazardous activities conducted in the extreme southeast corner of R–2501. They requested that this segment of Victor 538 be aligned via the Twentynine Palms VORTAC 038° and the Goffs VOR 200° True radials. This would align the airway further to the east of R–2501 and minimize the chance of en route aircraft penetrating the restricted area and would simplify charting by utilizing the present Victor 208 en route radial from Twentynine Palms.

The Federal Aviation Agency agrees that the airway alignment proposed by the Navy would simplify charting and that penetration of the restricted area could place on aircraft in danger. However, airways are designated for public use over the shortest possible route consistent with special use airspace designations and air traffic control procedures. Route width reductions consistent with safety are applied where necessary. In this instance, it was determined that Victor 538 should be aligned over the shortest route possible to circumvent the restricted area and a reduction in airway width applied only to the extent consistent with safety and to the degree necessary to avoid encroachment on R–2501. In addition, it is the responsibility of the pilot to remain clear of published restricted areas, and when operating on an IFR flight plan, to confine his flight path within the confines of authorized airways.

With regard to Victor 1613, the Navy questioned the requirement for this airway south of Thermal and pointed out that the proposed alignment would conflict with holding airspace requirements at NAS Miramar and that aircraft operating to or from San Diego via this routing would normally be in the low altitude route structure south of Thermal. However, they agreed that if the airway were necessary, the proposed alignment would impose the least penalty on the over-all Navy operations in the San Diego area. In answer to the requirement for Victor 1613 between San Diego and Thermal, Western Airlines operates between San Diego and Las Vegas and American Airlines operates between San Diego and Phoenix. Both operations are conducted via Thermal and will utilize Victor 1613 when designated. In addition, because of traffic density in the San Diego area, provisions must be made for times when en route aircraft would be held at the higher altitudes at or near San Diego. Designation of Victor 1613 to the Mission Bay VORTAC would also improve air traffic service by permitting the use of a minimum of airway numbers in flight planning and traffic control clear-

ances. The Navy offered no objection to the proposed alteration of Victor 442.

The Air Transport Association of America stated that a direct routing of Victor 1613 between San Diego and Thermal would be preferred. However, because of the heavy concentration of jet traffic in the San Diego area and the established traffic patterns, the proposed routing would be in the best interest of maximum safety. They requested that both the Thermal and Twentynine Palms VOR's be eliminated from the airway description as compulsory reporting points, and that if there was a traffic control requirement for one or the other VOR's, then the Goffs VOR should be eliminated. A flight check of Victor 1613 has determined that the 034° and 214° True radials of the Thermal VOR are unstable. However, signal coverage from both the Julian and the Twentynine Palms VOR's are adequate over Thermal. Accordingly, the Thermal VOR will be deleted from the description of Victor 1613 and radials from Julian and Twentynine Palms will be used to align the airway over Thermal. The airway will be reduced, as originally proposed, to a 10 mile width in this segment to minimize conflict with holding procedures at Thermal and Julian for jet aircraft destined for March AFB and Norton AFB. The deletion of either the Twentynine Palms or Goffs VOR's as compulsory reporting points is not feasible at this time. The problem created by the many compulsory reporting points in the intermediate altitude route structure is under consideration by the Federal Aviation Agency and will be the subject of separate action.

The Department of the Air Force offered no objection to the proposed amendments. No other comments were received.

A flight check of the proposed alignment of Victor 442 indicates that this airway would be unsuitable for en route navigation due to unsatisfactory signal reception from the Parker VORTAC, below 14,000 feet MSL, at the site of the relocated Clipper intersection. Accordingly, the proposal to redesignate Victor 442 is withdrawn and a new alignment for this airway will be considered at a later date.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In Part 600 (14 CFR Part 600) the following is added:

§ 600.6538 VOR Federal airway No. 538 (Twentynine Palms, Calif., to Las Vegas, Nev.).

From the Twentynine Palms, Calif., VORTAC via the INT of the Twentynine Palms VORTAC 043° and the Goffs, Calif., VOR 200° radials; Goffs VOR; to the Las Vegas, Nev., VORTAC, excluding the airspace within R-2501.

§ 600.1613 [Amendment]

2. In § 600.1613 (26 F.R. 1079) the text is amended to read: "From the Mission Bay, Calif., VOR 10 mile wide airway via the INT of the Mission Bay VOR 001° and the Julian, Calif., VOR 257° radials; Julian VOR; INT of the Julian VOR 036° and the Twentynine Palms, Calif., VOR 214° radials; Twentynine Palms VOR; 8 mile wide airway to the INT of the Twentynine Palms VOR 043° and the Goffs, Calif., VOR 200° radials; thence via the Goffs VOR; to the Las Vegas, Nev., VOR."

These amendments shall become effective 0001 e.s.t. April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 8, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1538; Filed, Feb. 14, 1962; 8:46 a.m.]

[Airspace Docket No. 61-WA-42]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Federal Airway and Associated Control Areas

On April 25, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3539) stating that the Federal Aviation Agency proposed to designate low altitude VOR Federal airway No. 503 from Goffs, Calif., to Beatty, Nev. In addition, it was stated that the control areas associated with the proposed segment of Victor 503 would extend upward from 1,200 feet above the surface.

On July 29, 1961, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6818) which altered the original proposal. The supplemental notice proposed that the control areas associated with the proposed Victor 503 extend upward from 700 feet above the surface to the base of the continental control area until such time as Amendment 60-21 to Part 60 of the Civil Air Regulations could be applied to the control areas associated with the other airways in the Goffs and Beatty areas.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice and the supplemental notice, Part 600 (14 CFR Part 600) and Part 601 (14 CFR Part 601) are amended by adding the following sections:

§ 600.6503 VOR Federal airway No. 503 (Goffs, Calif., to Beatty, Nev.).

From the Goffs, Calif., VOR to the Beatty, Nev., VOR.

§ 601.6503 VOR Federal airway No. 503 control areas (Goffs, Calif., to Beatty, Nev.).

All of VOR Federal airway No. 503.

These amendments shall become effective 0001 e.s.t. April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 8, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1539; Filed, Feb. 14, 1962; 8:46 a.m.]

[Airspace Docket No. 61-WA-6]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Routes

The purpose of these amendments to § 602.100 of the regulations of the Administrator is to alter the segments of Jet Routes Nos. 2 and 20 from Crestview, Fla., to Tallahassee, Fla., and the segment of Jet Route No. 41 from Tallahassee, Fla., to Montgomery, Ala.

J-2 and J-20 are presently designated in part from the Crestview VOR via the Marianna, Fla., VOR to the Tallahassee VORTAC. Adequate navigational guidance is provided for J-2 and J-20 between Crestview and Tallahassee via the Crestview VOR 091° and the Tallahassee VORTAC 288° True radials, without the use of the Marianna VOR.

J-41 is presently designated in part from the Tallahassee VORTAC via the Marianna VOR to the Montgomery VORTAC. Adequate navigational guidance is provided for J-41 between Tallahassee and Montgomery via the Tallahassee 288° and the Montgomery VORTAC 144° True radials, without the use of the Marianna VOR.

Accordingly, action is taken herein to delete reference to the Marianna VOR in the descriptions of Jet Routes Nos. 2, 20 and 41 and to substitute therefor the above-mentioned VOR/VORTAC radials. These alterations will eliminate the Marianna VOR from the high altitude route structure, thereby reducing the number of reporting points on these routes and permitting better frequency assignment to other VOR facilities.

Since these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

In § 602.100 *Jet routes* (26 F.R. 7080, 7081, 8487, 12561) the following changes are made:

1. In Jet Route No. 2 "Marianna, Fla.; Tallahassee, Fla.," is deleted and "INT of the Crestview 091° and the Tallahassee, Fla., 288° radials; Tallahassee;" is substituted therefor.

2. In Jet Route No. 20 "Marianna, Fla.; Tallahassee, Fla.;" is deleted and "INT of the Crestview 091° and the Tallahassee, Fla., 288° radials; Tallahassee;" is substituted therefor.

3. In Jet Route No. 41 "Marianna, Fla., Montgomery, Ala.;" is deleted and "INT of the Tallahassee 288° and the Montgomery, Ala., 144° radials; Montgomery;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 9, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1540; Filed, Feb. 14, 1962; 8:46 a.m.]

[Airspace Docket No. 61-WA-235]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Route

The purpose of this amendment to § 602.100 of the regulations of the Administrator is to alter the description of the eastern terminus of Jet Route No. 81.

On December 7, 1961, Airspace Docket No. 60-WA-203 was published in the FEDERAL REGISTER (26 F.R. 11728) with an effective date of January 11, 1962. In part, action taken therein amended § 601.1150 by moving the Wilmington, N.C., control area extension eastward and by changing its description. Action was also taken to designate and redescribe the Barracuda intersection. Jet Route No. 81 has the Barracuda intersection as its eastern limit. However, in the present description of J-81, the Barracuda intersection is located specifically as the intersection of the Orlando, Fla., VOR 071° and the West Palm Beach, Fla., VORTAC 014° radials. This location was changed to the intersection of the Melbourne, Fla., radio range 055° and the Bimini, Bahamas, radio beacon 008° True bearings. Accordingly, action is taken herein to alter the description of J-81 so that this route will terminate at this new location of the Barracuda intersection.

Since this action is minor in nature, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 602.100 (26 F.R. 7079) is amended as follows: In the description of Jet Route No. 81, "to the point of INT of the Orlando 071° and the West Palm Beach, Fla., 014° radials." is deleted and "to the INT of the Melbourne, Fla., RR 055° and the Bimini, Bahamas, RBN 008° bearings." is substituted therefor.

This amendment shall become effective 0001 e.s.t. April 5, 1962.

(Sec. 307(a), 1110, 72 Stat. 749, 800; 49 U.S.C. 1348, 1510, E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on February 8, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1541; Filed, Feb. 14, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8424 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Ralph Rupley et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155-15 *Comparative;* § 13.155-40 *Exaggerated as regular and customary.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900-40 *Fur Products Labeling Act:* § 13.900-40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Ralph Rupley et al., Houston, Tex., Docket 8424, Sept. 19, 1961]

In the Matter of Ralph Rupley, an Individual Trading as Ralph Rupley, and Carl Stephanow, Individually and as Manager of the Ralph Rupley Concern, and Ralph Rupley, Jr., Individually and as Assistant to the Manager of the Ralph Rupley Concern

Consent order requiring Houston, Tex., furriers to cease violating the Fur Products Labeling Act by failing to label and invoice fur products with the true animal name of the fur used therein, failing to show on invoices the country of origin of imported furs, and failing in other respects to comply with labeling and invoicing requirements; by advertising in newspapers which represented prices of fur products as reduced from usual prices which were in fact fictitious, and contained earlier compared prices without giving the time of the latter; and by failing to maintain adequate records as a basis for price and value claims.

The order to cease and desist is as follows:

It is ordered, That Ralph Rupley, an individual trading as Ralph Rupley or under any other trade name, and Carl Stephanow, individually and as manager of the Ralph Rupley concern, and Ralph Rupley, Jr., individually and as assistant to the manager of the Ralph Rupley concern, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act;

B. Setting forth on labels affixed to fur products:

1. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

2. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information;

C. Failing to set forth separately on labels affixed to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section;

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act;

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

A. Represents directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business;

B. Contains earlier compared prices without giving the time of such earlier compared prices;

C. Misrepresents in any manner the savings available to purchasers of respondents' fur products;

4. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 19, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-1525; Filed, Feb. 14, 1962; 8:45 a.m.]

[Docket C-6]

PART 13—PROHIBITED TRADE PRACTICES

Meyer Siegel and Max Siegel & Son

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900-40 *Fur Products Labeling Act:* § 13.1900-40 (a) *Maker or seller;* § 13.1900-40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Meyer Siegel trading as Max Siegel & Son, Chicago, Ill., Docket C-6, Oct. 17, 1961]

In the Matter of Meyer Siegel, an Individual Trading as Max Siegel & Son

Consent order requiring a Chicago furrier to cease violating the Fur Products Labeling Act by failing, in labeling and invoicing fur products, to show the true animal name of the fur, the country of origin of imported furs, and when fur was dyed; and to disclose, in labeling, the name of the manufacturer or seller of fur products; and by failing in other respects to comply with labeling and invoicing requirements.

The order to cease and desist, together with further order requiring report of compliance therewith, is as follows:

It is ordered, That Meyer Siegel, an individual trading as Max Siegel & Son or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of fur products or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Misbranding fur products by:

A. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

B. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

C. Setting forth on labels affixed to fur products:

1. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

2. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information.

3. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Failing to set forth on invoices the item number or mark assigned to a fur product.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: October 17, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-1526; Filed, Feb. 14, 1962; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4450]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

Transactions by an Issuer Not Involving Any Public Offering; Definition

The Securities and Exchange Commission today announced that it has adopted Rule 155 (§ 230.155) under the Securities Act of 1933. The new rule relates to the application of the exemption afforded by section 4(1) with respect to public offerings of convertible securities by or on behalf of any person who purchased such securities directly or indirectly from the issuer in a non-public transaction, or to a public offering of the securities received upon conversion of the securities so placed. Of course, where there is an initial public offering of convertible securities immediate registration is required, in the absence of some exemption, and the rule has no application to such a situation.

A preliminary draft of the rule was published for comment December 2, 1959 in Securities Act Release No. 4162 and in the FEDERAL REGISTER of December 9, 1959 (24 F.R. 9945). A number of comments were received in regard to this draft and were carefully reviewed. A revised draft of the rule was published for comment on July 14, 1960 in Securities Act Release No. 4248 and in the FEDERAL REGISTER of July 21, 1960 (25 F.R. 6927). The comments received in regard to this draft were also considered and the proposed rule was adopted with certain minor clarifying amendments. Reference is made to those releases for a statement of reasons for the rule and its application to various situations.

The new rule defines the phrase "transactions by an issuer not involving any public offering," in Section 4(1) of the Act as not including within the provisions of that exemption certain public offerings of convertible securities or of securities received upon such a conversion. The rule excludes from the quoted exemption two types of public offerings. The first is a public offering of a security, which is immediately convertible into another security of the same issuer, by or on behalf of any person or persons who purchased the convertible security directly or indirectly from the issuer in a non-public transaction. The other type of offering excluded from the quoted exemption is one by or on behalf of any such person or persons of the security acquired upon conversion, unless the person or persons making the public offering are not underwriters within the meaning of that term as defined in section 2(11) of the Act. In determining whether any such person is an underwriter, the usual statutory tests are to be applied, as in other situations.

In order that intermediate persons who are not connected with any public offering of such securities may not be treated as underwriters, the rule provides that any such intermediate holder of the convertible security or of the underlying security who has not acquired it with a view to its distribution and is not instrumental in making or arranging a public offering is not to be deemed an underwriter for the purpose of the rule. Of course, even though a person is instrumental in making or arranging a public offering of the underlying security, the rule does not apply if the acquisition, retention and disposition of such security are such that the person is not an underwriter within the meaning of the term as defined in section 2(11) of the Act.

Inasmuch as the rule is intended to have only prospective application, provision is made that it shall apply only with respect to convertible securities issued after the effective date of the rule.

The text of the rule, which was adopted pursuant to the Securities Act of 1933, particularly section 19(a) thereof, reads as follows:

§ 230.155 Definition of "Transactions by an Issuer Not Involving Any Public Offering" in section 4(1) of the Act for certain transactions with respect to convertible securities.

(a) The phrase "transactions by an issuer not involving any public offering" in section 4(1) of the Act shall not include (1) any public offering of a convertible security (which at the time of such offering is immediately convertible into another security of the same issuer) by or on behalf of any person or persons who purchased the convertible security directly or indirectly from an issuer as part of a non-public offering of such security, or (2) any public offering by or on behalf of any such person or persons of the security acquired on conversion of a convertible security, unless the security so acquired was acquired under such circumstances that such person or persons are not underwriters within the meaning of section 2(11) of the Act.

(b) The phrase "transactions by any person other than an * * * underwriter" in section 4(1) of the Act shall, in the situations covered in paragraph (a) of this section, be deemed to include transactions by the initial, and any intermediate, holder of the convertible security or of the underlying security who (1) has not acquired the convertible or underlying security with a view to the distribution of either of them, and (2) is not effecting, is not causing to be effected, and has not arranged for, a public offering of either security within the meaning of and subject to paragraph (a) of this section.

(c) This section shall apply to transactions of the character described in paragraph (a) of this section only with respect to convertible securities issued after February 7, 1962.

(Sec. 19(a), 48 Stat. 85, as amended, 15 U.S.C. 77s)

The above rule shall become effective February 7, 1962.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 7, 1962.

[F.R. Doc. 62-1555; Filed, Feb. 14, 1962; 8:48 a.m.]

[Release 34-6726]

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Application of the Act to Broker-Dealers Engaged in Certain Activities

The Securities and Exchange Commission today made public an opinion of Philip A. Loomis, Jr., Director of its Division of Trading and Exchanges, discussing the application of section 11(d)(1) of the Securities Exchange Act of 1934 to broker-dealers engaged in what has come to be known as "equity funding", "secured funding", or "life funding". In these situations the broker-dealer generally sells redeemable investment company shares (mutual funds) to a customer and then arranges a loan on such shares, the proceeds of the loan to be used to pay the premium on a life insurance policy which is usually sold to the customer at or about the same time. The opinion points out that this activity generally involves a violation of section 11(d)(1) of the Act.

The substance of the opinion follows:

This will refer to your inquiry concerning the application of section 11(d)(1) of the Securities Exchange Act of 1934 to the activities of your broker-dealer client in selling redeemable investment company shares (mutual funds) to customers and then arranging loans on such securities to pay the premium on life insurance which is generally sold to the customer at or about the same time.

You state that the activity (sometimes referred to as "equity funding", "secured funding", or "life funding") ordinarily involves the sale of an insurance policy, which requires an annual or more frequent premium payment, a voluntary program for the purchase of mutual funds at stated intervals during each year, and a loan (collateralized by the securities) used to pay the life insurance premium. The customer is usually required to pledge mutual funds having a collateral value of about 200% of the proposed loan. Thus, if the customer purchases annually $2,000 of mutual funds under the plan, life insurance premiums of $1,000 per year will be financed for him. Frequently, the salesman acting for the broker-dealer in the sale of the mutual funds also acts as an agent for the insurance company in the sale of the insurance and arranges the loan for the customer.

Assuming the presence of the necessary jurisdictional elements, section 11(d)(1) of the Securities Exchange Act makes it unlawful for any person who transacts business both as a broker and as a dealer to effect any transaction in connection with which, directly or indirectly, he extends, maintains or arranges for the extension or maintenance of credit to or for a customer on any non-exempt security which was part of a new issue in the distribution of which he participated within 30 days prior to such transaction. Since, because of the manner in which mutual funds are sold, both the underwriter and the retailing broker-dealer are generally participating in the distribution of a "new issue" within the meaning of section 11(d)(1), any such broker-dealer may not extend credit or arrange for the extension of credit on these securities, even though the proceeds of the loan are to be used to pay the insurance premium.

You have indicated that your client has now organized a wholly-owned subsidiary which would limit its activities to acting solely as a dealer in the sale of mutual funds, and you inquire whether this would eliminate the problem under section 11(d)(1). I doubt that it would; it is difficult for me to see how we could fail to look through the form to the substance of this arrangement.

The credit arrangement referred to above may also pose problems under the provisions of section 7(c)(2) of the Act and Regulation T promulgated by the Board of Governors of the Federal Reserve System. These provisions are applicable to a member of a national securities exchange and any broker or dealer who transacts a business in securities through the medium of any such member. You are aware, however, that any interpretative problems under these provisions would have to be presented directly to the Board of Governors of the Federal Reserve System since they interpret their own regulations.

Since, as you indicated, there may be broker-dealers who may not be aware of the prohibitions applicable to this type of activity, we have recommended to the Commission that it make the substance of this communication the subject of a public release.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 8, 1962.

[F.R. Doc. 62-1556; Filed, Feb. 14, 1962; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 345—EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

Miscellaneous Amendments

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107; 45 U.S.C. 362), §§ 345.1, 345.2, 345.4, 345.14, 345.15, and 345.19 of Part 345 (20 CFR 345.1, 345.2, 345.4, 345.14, 345.15, and 345.19) of the regulations under such act are amended by Board Order 62-17, dated February 1, 1962, to read as follows:

§ 345.1 Statutory provisions.

* * * * *

2. With respect to compensation paid after the month in which this Act was amended in 1959, the rate shall be as follows:

If the balance to the credit of the railroad unemployment insurance account as of the close of business on September 30, of any year, as determined by the Board, is—	The rate with respect to compensation paid during the next succeeding calendar year shall be (percent)—
$450,000,000 or more	1½
$400,000,000 or more but less than $450,000,000	2
$350,000,000 or more but less than $400,000,000	2½
$300,000,000 or more but less than $350,000,000	3
Less than $300,000,000	3¾

As soon as practicable following the enactment of this Act, the Board shall determine and proclaim the balance to the credit of the account as of the close of business on September 30, 1947, and on or before December 31 of 1948 and of each succeeding year, the Board shall determine and proclaim the balance to the credit of the account as of the close of business on September 30 of such year; and in determining such balance as of September 30 of any year, the balance to the credit of the railroad unemployment insurance administration fund as of the close of business on such date shall be deemed to be a part of the balance to the credit of such account. (Section 8(a) of the Railroad Unemployment Insurance Act.)

Notwithstanding the provisions of section 8(a)2 of the Railroad Unemployment Insurance Act, the rate of contribution required to be paid under the Railroad Unemployment Insurance Act by every employer as defined in such Act shall be 4 per centum with respect to compensation as defined in such Act, paid after December 31, 1961, and before January 1, 1964. (Section 5 of the Temporary Extended Railroad Unemployment Benefits Act of 1961.)

The contributions required by this Act shall be collected and paid quarterly or at such other times and in such manner and under such conditions not inconsistent with this Act as may be prescribed by Regulations of the Board, and shall not be deducted, in whole or in part, from the compensation of employees in the employer's employ. If a contribution required by this Act is not paid when due, there shall be added to the amount payable (except in the case of adjustments made in accordance with the provisions of this Act) interest at the rate of 1 per centum per month or fraction of a month from the date the contribution became due until paid. Any interest collected pursuant to this subsection shall be credited to the account. (Section 8(g) of the Railroad Unemployment Insurance Act.)

All provisions of law, including penalties, applicable with respect to any tax imposed by section 1800 or 2700 of the Internal Revenue Code, and the provisions of section 3661 of such code, insofar as applicable and not inconsistent with the provisions of this Act, shall be applicable with respect to the contributions required by this Act: *Provided*, That all authority and functions conferred by or pursuant to such provisions upon any officer or employee of the United States, except the authority to institute and prosecute, and the function of instituting and prosecuting, criminal proceedings, shall, with respect to such contributions, be vested in and exercised by the Board or such officers and employees of the Board as it may designate therefor. (Section 8(h) of the Railroad Unemployment Insurance Act.)

• • • For the purposes of determining • • • the amount of contributions due pursuant to this Act, employment after June 30, 1940, in the service of a local lodge or division of a railway-labor-organization employer or as an employee representative shall be disregarded. For purposes of determining • • • the amount of contributions due pursuant to this Act, employment as a delegate to a national or international convention of a railway labor organization defined as an "employer" • • • shall be disregarded if the individual having such employment has not previously rendered service, other than as such a delegate, which may be included in his "years of service" for the purposes of the Railroad Retirement Act. (Section 1(g) of the Railroad Unemployment Insurance Act.)

§ 345.2 Employers' contributions.

The $400 specified in this section is the maximum compensation per employee per month subject to contributions after May 31, 1959, with respect to services rendered after that date. Maximum compensation amounts subject to contributions, and allocations, for prior periods are shown in § 345.1.

(a) Except as provided in paragraph (b) of this section, every employer shall pay a contribution equal to the following percentages of the amount of compensation paid to any employee for employment on and after July 1, 1939:

	Percent
(1) July 1, 1939 through Dec. 31, 1947	3
(2) Jan. 1, 1948 through Dec. 31, 1955	½
(3) Jan. 1, 1956 through Dec. 31, 1956	1½
(4) Jan. 1, 1957 through Dec. 31, 1957	2
(5) Jan. 1, 1958 through Dec. 31, 1958	2½
(6) Jan. 1, 1959 through May 31, 1959	3
(7) June 1, 1959 through Dec. 31, 1961	3¾
(8) Jan. 1, 1962 through Dec. 31, 1963	4
(9) Each succeeding calendar year, the applicable percentage specified in § 345.1 of these regulations.	

§ 345.4 Employers' reports of compensation of employees.

Each employer shall continue to file with the Board, in accordance with the requirements of § 250.3 of this chapter, as amended, reports of the compensation of each employee, consisting of:

(a) A report of compensation for the calendar quarter on Form BA–3 (or punched tabulating cards in lieu thereof), or a report of compensation for the calendar year on Form BA–3a (or punched tabulating cards or magnetic tape in lieu thereof),

(b) A monthly report of compensation adjustments, on Form BA–4,

(c) A summary of compensation adjustments reported for the quarter, and

(d) Summary reports of compensation for the calendar quarter or calendar year, on Form BA–5.

§ 345.14 Assessment and collection of contributions or underpayments of contributions.

(a) If any employer's contribution is not paid to the Board when due or is not paid in full when due, the Board may, as the circumstances warrant, assess the contribution or the deficiency and interest and penalty, if any (whether or not the deficiency is adjustable as an underpayment).

(b) The amount of any such assessment will be collected, in accordance with the applicable provisions of law. If any employer liable to pay any contribution neglects or refuses to pay the same within ten days after notice and demand, the Board may collect such contribution with such interest and other additional amounts as are required by law, by distraint and sale in the manner provided by law.

§ 345.15 Jeopardy assessment.

(a) Whenever in the opinion of the Board it becomes necessary to protect the interests of the Government by effecting an immediate reporting and collection of an employer's contribution, the Board will assess the contribution whether or not the time otherwise prescribed by law for filing the contribution report and paying such contribution has expired, together with all penalties and interest thereon. Upon assessment, such contribution, penalty, and interest shall become immediately due and payable, and the Board shall thereupon issue immediately a notice and demand for payment of the contribution, penalty, and interest.

(b) The collection of the whole or any part of the amount of the jeopardy assessment may be stayed by filing with the Board a bond in an amount equal to the amount with respect to which the stay is desired, and with such sureties as the Board may deem necessary. Such bond shall be conditioned upon the payment of the amount (together with interest thereon) the collection of which is stayed, at the time at which, but for the jeopardy assessment, such amount would be due. In lieu of surety or sureties the employer may deposit with the Board bonds or notes of the United States, or bonds or notes fully guaranteed by the United States as to principal and interest, having a par value not less than the amount of the bond required to be furnished, together with an agreement authorizing the Board in case of default to collect or sell such bonds or notes so deposited. Upon refusal to pay, or failure to pay or give bond, the Board will immediately upon issuance of notice and demand for payment proceed to collect the contribution, penalty, and interest. If any employer liable to pay any contribution neglects or refuses to pay the same within ten days after notice and demand, the Board may collect such contribution with such interest and other additional amounts as are authorized by law, by distraint and sale in the manner provided by law.

§ 345.19 Penalty for delinquent or false employers' contribution reports.

(a) *Delinquent reports.* (1) Unless the employer required to file a contribution report establishes to the satisfaction of the Board that a reasonable cause exists for the delinquency, the failure to file such contribution report on or before the due date shall cause a penalty, to accrue of 5 percent of the amount of such contribution if the failure is for not more than one (1) month, with an additional 5 percent for each additional month or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate.

(2) Every employer filing a contribution report after the due date shall securely attach to the report a signed statement explaining the reason for the delinquency. This declaration shall become a part of the contribution report and shall be subject to the same penalties for false or fraudulent statements as are described on the face of Form DC–1. Upon receipt of this declaration the Board shall determine whether a penalty for late filing shall be assessed against the employer.

(b) *False reports.* If a fraudulent employer's contribution report is made, the penalty is 50 percent of the underpayment.

(c) *Penalty on net amount.* For the purpose of paragraph (a) of this section the amount of contribution required to be shown on Form DC–1 shall be reduced by the amount of any part of the contribution which is paid on or before the date prescribed for the payment of the contribution and by the amount of any credit against the contribution which may be claimed upon the DC–1.

(Sec. 12, 52 Stat. 1107, as amended; 45 U.S.C. 362)

Dated: February 9, 1962.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F.R. Doc. 62-1554; Filed, Feb. 14, 1962; 8:48 a.m.]

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Reg. No. 4, Further Amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950———)

Miscellaneous Amendments

Correction

In F.R. Doc. 62–1283, appearing at page 1163 of the issue for Thursday, February 8, 1962, the following correction is made in the undesignated paragraph immediately following § 404.607 (a)(2): The closing clause should read "as though it had been filed in such months," instead of "as through it had been filed in such months.".

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 17—CONDITIONS APPLICABLE TO PARCELS ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS

PART 24—THIRD CLASS

PART 96—AIR TRANSPORTATION

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

§ 17.1 [Amendment]

I. In § 17.1 *Conditions applicable to parcels addressed to certain military post offices overseas*, as published in 26 F.R. 11535–11536 and as amended by 26 F.R. 11903, make the following changes:

A. Delete Military APO numbers 203, 204, and 255 and their accompanying data.

B. Insert in proper numerical order, the following Military APO numbers with their accompanying data:

136				[1] X		[1] X
408		X	X	[1] X		
409		X	X	[1] X		
411		X	X	[1] X		
670		X	X	[1] X		
671				[1] X		
679		X		[1] X		[1] X
680		X	X	[1] X		
681		X		[1] X		[1] X
682		X		[1] X		[1] X

C. Amend footnote 14 to read as follows:

[14] Parcels containing merchandise addressed to Dependent Mail Section will not be accepted.

NOTE: The corresponding Postal Manual Part is 127.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

II. In Part 24—Third Class, as published in 26 F.R. 11546–11548, make the following changes:

A. In § 24.2, subdivision (i) of paragraph (b)(3) is amended to show that a manufacturing tolerance of not more than three-sixteenths of an inch is permitted on the address side of articles, so that they may exceed nine inches in length and 12 inches in width, in either dimension, without being subject to the minimum charge for pieces of odd size or form. As so amended, subdivision (i) reads as follows:

§ 24.2 Classification.

(b) *Application of rates.* • • •

(3) • • •

(i) The address side exceeds 9 inches in width or 12 inches in length. A manufacturing tolerance of not more than three-sixteenths of an inch in either dimension is allowed.

NOTE: The corresponding Postal Manual section is 134.22c(1).

§ 24.5 [Amendment]

B. In § 24.5 *Nonprofit organizations* make the following changes to show that the approval or denial actions on applications to mail pieces subject to the minimum bulk third-class per piece charge at a reduction of 50 percent has been transferred from local post offices to postal services centers. The procedure in handling appeals to denial actions has not been changed.

1. Amend paragraph (b) to read as follows:

(b) *Applications.* (1) Application on Form 3624, "Application for 50% Postage Discount on Bulk Third-Class Minimum Charge Per Piece Mailings" must be filed by the organization or association at the post office where mailings will be deposited.

(2) *Approval or denial.* The application Form 3624 together with any supporting papers will be sent to the postal services center. Pending a decision, bulk mailings subject to the minimum per piece charge may be handled in accordance with paragraph (c) of this section. The postmaster at the postal services center will approve or deny the application. The application Form 3624 and any supporting papers will be returned with the decision to the postmaster where the application was filed for notification of the applicant.

(3) *Appeal.* The decision of the postmaster at the postal services center may be appealed by the applicant, in writing, through the local postmaster, to the Bureau of Operations, Classification and Special Services Division. The appeal must be accompanied by the original application and all supporting papers.

2. Delete paragraph (c) and redesignate paragraphs (d) and (e) as paragraphs (c) and (d) respectively.

NOTE: The corresponding Postal Manual sections are 134.52 through 134.54.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4551, 4452, as amended by 73 Stat. 89 (Public Law 86–56))

III. In Part 96—Air Transportation—as published in 26 F.R. 11638–11653, and as amended by 26 F.R. 12218–12220, make the following changes to show that postal personnel at air stop units are required to promptly distribute copies of Forms 2759 to local representatives of air carriers involved in mishandling airmail:

A. Subpart A—Domestic Air Transportation: In § 96.6, amend that part of paragraph (a) which precedes subparagraph (1) to read as follows:

§ 96.6 Irregularities, deductions, fines, and accidents.

(a) *Irregularities.* Irregular handling of mail by airline carrier personnel shall be promptly reported on Form 2759, "Report of Irregular Handling of Airmail," by the postal employee who observes the irregularity or who is informed of irregular performance through receipt at a postal unit of the post office accounting copies of Form 2734, "Airmail Exception Record," prepared by the air carrier. See § 96.25. Listed below are the types of irregularities that will be reported.

NOTE: The corresponding Postal Manual section is 531.81.

B. Subpart C—Forms and Procedures for Dispatching Airmail: In § 96.25 amend paragraph (d) to read as follows:

§ 96.25 Form 2759, Report of Irregular Handling of Airmail.

• • • • •

(d) *Distribution*—(1) *Reports covering incidents chargeable to carrier.* Distribute copies of Form 2759, where possible, at the close of each tour and in no cases less frequently than once each 24 hours. Send original and first copy to the regional transportation division having jurisdiction over the reporting unit, send the second copy to the local station manager of the carrier concerned, and retain the third copy in files.

(2) *Reports covering incidents not chargeable to carrier.* Staple the first and second copies together and forward them to the regional transportation

division and retain the third copy in files.

NOTE: The corresponding Postal Manual section is 533.741.

(R.S. 161, as amended, sec. 405, 72 Stat. 760; 5 U.S.C. 22, 39 U.S.C. 501, 6301, 6304, 49 U.S.C. 1375)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-1563; Filed, Feb. 14, 1962; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 3—Department of Health, Education, and Welfare

PART 3-75—DELEGATIONS OF AUTHORITY

Subpart B—Delegatees and Specific Limitations

PUBLIC HEALTH SERVICE

Section 3-75.6(b), following the introductory text, is amended to read as follows:

§ 3-75.6 Public Health Service.

• • • • • •

(b) • • •

(1) Chief, Supply Branch, Division of Administrative Services.

(2) Director, National Institutes of Health.

(3) Chief, Supply Management Branch, National Institutes of Health.

(4) Head, Research Contracts Section, National Institutes of Health.

(5) Executive Officer, Bureau of State Services.

(6) Assistant Executive Officer, Bureau of State Services.

(7) Chief, Contract Branch, Bureau of State Services.

(8) Chief, Contract Branch, Bureau of State Services, will also exercise the above cited authority for the Bureau of Medical Services and the Office of the Surgeon General through March 31, 1962, unless the authority is revoked earlier.

Dated: February 7, 1962.

RUFUS E. MILES, Jr.,
Administrative Assistant Secretary.

[F.R. Doc. 62-1569; Filed, Feb. 14, 1962; 8:50 a.m.]

Title 45—PUBLIC WELFARE

Chapter VII—Commission on Civil Rights

PART 701—RULES OF PROCEDURE FOR HEARINGS

A new Chapter VII is added to Title 45 of the Code of Federal Regulations. Part 701 thereof reads as follows:

GENERAL

Sec.
701.1 Hearings; issuance of subpenas.
701.2 Aid of courts in enforcing subpenas.
701.3 Oaths and affirmations.

STATUTORY RULES OF PROCEDURE

Sec.
701.11 Opening statement.
701.12 Copy of rules.
701.13 Attendance of counsel.
701.14 Censure and exclusion of counsel.
701.15 Defamatory, degrading, or incriminating evidence.
701.16 Requests for additional witnesses.
701.17 Release of evidence taken in executive session.
701.18 Submission of written statements.
701.19 Transcripts.
701.20 Witness fees.
701.21 Restriction on issuance of subpena.

SUPPLEMENTARY RULES OF PROCEDURE

701.25 Incorporation of statutory rules.
701.26 Number of Commissioners.
701.27 Approval of hearings.
701.28 Form of subpenas.
701.29 Issuance of subpenas.
701.30 Transcripts.
701.31 Time for filing prepared statements.
701.32 Contents of record.
701.33 Interrogation of witnesses.
701.34 Defamatory, degrading, or incriminating evidence.
701.35 Attendance of news media.

AUTHORITY: §§ 701.1 to 701.35 issued under secs. 101-106, 71 Stat. 634-636, as amended; 42 U.S.C. 1975-1975e.

GENERAL

§ 701.1 Hearings; issuance of subpenas.

Under section 105(f) of Public Law 85-315 (71 Stat. 636; 45 U.S.C. 1975d(f)), the Commission on Civil Rights may hold hearings and issue subpenas or authorize a subcommittee to hold hearings and issue subpenas under the following conditions: The Commission, or on the authorization of the Commission any subcommittee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this Act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued in accordance with the rules of the Commission as contained in §§ 701.20 and 701.21, over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such Chairman.

§ 701.2 Aid of courts in enforcing subpenas.

Section 105(g) of Public Law 85-315 (71 Stat. 636; 42 U.S.C. 1975(g)), provides that in case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

§ 701.3 Oaths and affirmations.

Section 401 of Public Law 86-318 (74 Stat. 89; 42 U.S.C. 1975d(h)) provides that each member of the Commission shall have the power and authority to administer oaths or take statements of witnesses under affirmation.

STATUTORY RULES OF PROCEDURE

§ 701.11 Opening statement.

The Chairman or one designated by him to act as Chairman at a hearing of the Commission shall announce in an opening statement the subject of the hearing.

§ 701.12 Copy of rules.

A copy of the Commission's rules shall be made available to the witness before the Commission.

§ 701.13 Attendance of counsel.

Witnesses at the hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

§ 701.14 Censure and exclusion of counsel.

The Chairman or Acting Chairman may punish breaches of order and decorum and unprofessional ethics on the part of counsel, by censure and exclusion from the hearings.

§ 701.15 Defamatory, degrading, or incriminating evidence.

If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall (a) receive such evidence or testimony in executive session; (b) afford such person an opportunity voluntarily to appear as a witness; and (c) receive and dispose of requests from such person to subpena additional witnesses.

§ 701.16 Requests for additional witnesses.

Except as provided in §§ 701.1 and 701.15, the Chairman shall receive and the Commission shall dispose of requests to subpena additional witnesses.

§ 701.17 Release of evidence taken in executive session.

No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisoned for not more than one year.

§ 701.18 Submission of written statements.

In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission is the sole judge of the pertinency of testimony and evidence adduced at its hearings.

§ 701.19 Transcripts.

Upon payment of the cost thereof, a witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Commission.

§ 701.20 Witness fees.

A witness attending any session of the Commission shall receive $4 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 8 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of $12 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of subpena issued on behalf of the Commission or any subcommittee thereof.

§ 701.21 Restriction on issuance of subpena.

The Commission shall not issue any subpena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpenaed at a hearing to be held outside of the State, wherein the witness is found or resides or transacts business.

SUPPLEMENTARY RULES OF PROCEDURE

§ 701.25 Incorporation of statutory rules.

All the provisions of section 102 of Public Law 85-315, incorporated in §§ 701.11 to 701.21, shall be applicable to and govern the proceedings of all subcommittees appointed by the Commission pursuant to section 105(f) of Public Law 85-315, incorporated in § 701.1.

§ 701.26 Number of Commissioners.

At least two members of the Commission must be present at any hearing of the Commission or of any subcommittee thereof.

§ 701.27 Approval of hearings.

The holding of hearings by the Commission, or the appointment of a subcommittee to hold hearings pursuant to the provisions of § 701.1, must be approved by a majority of the members of the Commission, or by a majority of the members present at a meeting at which at least a quorum of four members is present.

§ 701.28 Form of subpenas.

Subpenas for the attendance and testimony of witnesses or the production of written or other matter shall be issued over the signature of the Chairman of the Commission or the Chairman of a subcommittee.

§ 701.29 Issuance of subpenas.

Subpenas may be issued by the Chairman of the Commission or subcommittee, or by the Chairman upon the request of a member of the Commission or subcommittee.

§ 701.30 Transcripts.

An accurate transcript shall be made of the testimony of all witnesses at all hearings, either public or executive sessions, of the Commission or of any subcommittee thereof. Each witness shall have the right to inspect the record of his own testimony. A transcript copy of his testimony may be purchased by a witness pursuant to § 701.19. Transcript copies of public sessions may be obtained by the public upon payment of the cost thereof.

§ 701.31 Time for filing prepared statements.

Any witness desiring to read a prepared statement at a hearing shall file a copy with the Commission or subcommittee 24 hours in advance. The Commission or subcommittee shall decide whether to permit the reading of such statement.

§ 701.32 Contents of record.

The Commission or subcommittee shall decide whether written statements or documents submitted to it shall be placed in the record of the hearing.

§ 701.33 Interrogation of witnesses.

Interrogation of witnesses at hearings shall be conducted only by members of the Commission or by authorized staff personnel.

§ 701.34 Defamatory, degrading, or incriminating evidence.

If the Commission, or any subcommittee thereof, pursuant to § 701.15, determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall advise such person that such evidence has been given, and it shall afford such person an opportunity to read the pertinent testimony and to appear as a voluntary witness or to file a sworn statement in his behalf.

§ 701.35 Attendance of news media.

Subject to the physical limitations of the hearing room and consideration of the physical comfort of Commission members, staff, and witnesses, equal and reasonable access for coverage of the hearings shall be provided to the various means of communications, including newspapers, magazines, radio, news reels, and television. However, no witness shall be televised, filmed or photographed during the hearing if he objects on the ground of distraction, harassment, or physical handicap.

JOHN A. HANNAH,
Chairman,
Commission on Civil Rights.

[F.R. Doc. 62-1559; Filed, Feb. 14, 1962; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

White River National Wildlife Refuge, Arkansas

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARKANSAS

WHITE RIVER NATIONAL WILDLIFE REFUGE

Sport fishing on the White River National Wildlife Refuge, Arkansas, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 2,592 acres or 2 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass, bream, crappie, perch and pike; and other minor species permitted by State regulations.

(b) Open season: March 16, 1962, through October 31, 1962.

(c) Daily creel limits: Black bass—10, crappie—20, bream, perch and sunfish—50 each or in aggregate. Other minor species as prescribed by State regulations.

(d) Methods of fishing:

(1) Pole and line, rod and reel, artificial and live bait permitted.

(2) Rowboats, canoes, other type boats and motors are permitted to use refuge waters provided owner identification tags are securely affixed. Boats without tags prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to November 1, 1962.

JAMES R. FIELDING,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-1552; Filed, Feb. 14, 1962; 8:48 a.m.]

PART 33—SPORT FISHING

Pathfinder National Wildlife Refuge, Wyoming; Correction

In F.R. Doc. 62-329, appearing at page 313 of the issue for Thursday, January

11, 1962 (27 F.R. 313), paragraph (c) should be changed to read as follows:

(c) Daily creel limits: Trout 6, or 10 pounds and 1 fish, plus other creel limits for minor species as are prescribed for State regulations.

Dated: February 9, 1962.

JOHN C. GATLIN,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-1527; Filed, Feb. 14, 1962; 8:45 a.m.]

Chapter II—Bureau of Commercial Fisheries, Department of the Interior

SUBCHAPTER C—AQUATIC MAMMALS OTHER THAN WHALES

PART 215—ADMINISTRATION OF THE PRIBILOF ISLANDS

Landing and Use of Liquor

On page 10640 of the FEDERAL REGISTER of November 14, 1961, there was published a notice of a proposal to amend 50 CFR Part 215 by deleting all of Subpart B thereof which prohibits the landing and use of liquor on the Pribilof Islands. The authority to issue such regulations is vested in the Secretary of the Interior by section 8 of the act of February 26, 1944 (58 Stat. 102; 16 U.S.C. 631h). The purpose of the revision is to respond to a request of the residents of the Pribilof Islands made through their duly elected representatives that control of alcoholic beverages be accomplished by State law and local ordinances rather than by Federal fiat.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed revision. Eight objections from within the State of Alaska and two objections from outside the State were received and carefully considered.

The Department is aware of the fact that indiscriminate use of alcoholic beverages can raise problems in areas such as the islands involved in this determination. It is recognized that the people of the Pribilof Islands are full-fledged citizens of the State of Alaska, and as such have the right of self-determination. Further, in the exercise of such right they have adopted, and are prepared to enforce, ordinances to regulate the possession and use of such beverages. Accordingly, effective on May 15, 1962, Subpart B, Part 215, Title 50, Code of Federal Regulations, is deleted in its entirety.

(58 Stat. 102; 16 U.S.C. 631h)

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 9, 1962.

[F.R. Doc. 62-1551; Filed, Feb. 14, 1962; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by Union Carbide Corporation, 270 Park Avenue, New York 17, New York, proposing the establishment of a tolerance of 10 parts per million for residues of 1-naphthyl *N*-methylcarbamate in or on olives.

The analytical method proposed in the petition for determining residues of 1-naphthyl *N*-methylcarbamate is that described in the FEDERAL REGISTER of January 9, 1959 (24 F.R. 238), with minor modifications.

Dated: February 9, 1962.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 62-1566; Filed, Feb. 14, 1962; 8:49 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tetradifon; Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by Niagara Chemical Division, FMC Corporation, Middleport, New York, proposing the establishment of tolerances for residues of tetradifon (2,4,5,4'-tetrachlorodiphenyl sulfone) in or on peppermint and spearmint at 100 parts per million and in or on melons, pumpkins, watermelons, and winter squash at 1 part per million.

The analytical methods proposed in the petition for determining residues of tetradifon are the methods published in the FEDERAL REGISTER of November 16, 1960 (25 F.R. 10891).

Dated: February 9, 1962.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 62-1567; Filed, Feb. 14, 1962; 8:49 a.m.]

[21 CFR Parts 120, 121]

PESTICIDE RESIDUES; FOOD ADDITIVES

Ethion; Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), the following notice is issued:

A petition has been filed by Niagara Chemical Division, FMC Corporation, Middleport, New York, proposing the establishment of a tolerance of 2 parts per million for residues of ethion (*O,O,O',O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate) in or on lemons, tangelos, and tangerines, and an increase from 1 part per million to 2 parts per million in tolerances for residues of ethion in or on beans, grapefruit, oranges, strawberries, and tomatoes.

The petition also proposes an increase from 5 parts per million to 10 parts per million in the food additive tolerance prescribed in § 121.211 for residues of this pesticide chemical in dehydrated citrus pulp resulting from carryover and concentration of residues in this feed item processed from such citrus fruits.

The analytical methods proposed in the petition for determining residues of ethion are the colorimetric method and enzymatic method published in the FEDERAL REGISTER of August 18, 1959 (25 F.R. 6696). The colorimetric method has been modified by mercuric chloride and sodium hydroxide treatments to eliminate interferences from other phosphorodithioate pesticides. In addition, an infrared method is given.

Dated: Feburary 9, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-1568; Filed, Feb. 14, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 689) has been filed by The Dow Chemical Company, Midland, Michigan, proposing the issuance of a regulation to provide for the safe use of zoalene in turkey feed at levels of 0.0125 percent to 0.01875 percent for the prevention and control of coccidiosis.

Dated: February 9, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-1565; Filed, Feb. 14, 1962; 8:49 a.m.]

[21 CFR Parts 141a, 141b, 141c, 141d, 141e]

TABLETS OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Proposed Procedure for Testing Disintegration Time

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to amend the regulation for tests and methods of assay for antibiotic and antibiotic-containing drugs to provide tests for disintegration time for these drugs manufactured in tablet form. It is proposed to effect these amendments as follows:

1. By adding to § 141a.9 *Penicillin tablets* the following new paragraph (c):

(c) *Disintegration time*—(1) *Uncoated tablets.* Proceed as directed in the U.S.P., using simulated gastric fluid test solution. The tablets are satisfactory if they disintegrate within 1 hour.

(2) *Plain coated tablets.* Proceed as directed in the U.S.P. If the tablets have not disintegrated after 30 minutes in the gastric fluid, use simulated intestinal fluid for an additional 30 minutes. The tablets are satisfactory if they disintegrate within 1 hour.

2. By adding to § 141a.16 *Tablets aluminum penicillin* the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

3. By adding to § 141a.64 *Penicillin-streptomycin tablets* * * * the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

4. By adding to § 141a.70 *Tablets benzathine penicillin G and crystalline penicillin* the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

5. By adding to § 141a.84 *Tablets benzathine penicillin G and penicillin V* the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

6. By adding to § 141a.101 *Phenethicillin potassium (potassium α-phenoxyethyl penicillin) tablets* the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

7. By adding to § 141b.109 *Streptomycin tablets* the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

8. By adding to paragraph (a) of § 141b.112 *Streptomycin-polymyxin-bacitracin tablets* the following new subparagraph (3):

(3) *Disintegration time.* Proceed as directed in § 141a.9(c).

9. By adding to § 141b.136 *Streptomycin-polymyxin tablets* • • • the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

10. By adding to § 141c.207 *Chlortetracycline tablets* • • • the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

11. By redesignating paragraph (a)(1) of § 141c.225 *Tetracycline hydrochloride-nystatin tablets* as subparagraph (2) and by adding to paragraph (a) a new subparagraph (3):

(3) *Disintegration time.* Proceed as directed in § 141a.9(c).

12. By adding to § 141c.228 *Tetracycline hydrochloride-neomycin tablets* the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

13. By adding to § 141c.238 *Tablets tetracycline hydrochloride and novobiocin* the following new paragraph (d):

(d) *Disintegration time.* Proceed as directed in § 141a.9(c).

14. By adding to § 141d.310 *Chloramphenicol tablets* the following new paragraph (d):

(d) *Disintegration time.* Proceed as directed in § 141a.9(c).

15. By adding to § 141e.403 *Bacitracin tablets* • • • the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

16. By adding to paragraph (a) of § 141e.410 *Bacitracin-neomycin tablets* • • • the following new subparagraph (3):

(3) *Disintegration time.* Proceed as directed in § 141a.9(c).

17. By adding to § 141e.412 *Bacitracin-polymyxin tablets* the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

18. By adding to § 141e.426 *Tablets bacitracin methylene disalicylate and streptomycin sulfate oral veterinary* the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

Any interested person may, within 30 days from the publication of this notice in the FEDERAL REGISTER, submit written views and comments on these proposed amendments. Such comments should be submitted in triplicate and addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C.

Dated: February 8, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-1548; Filed, Feb. 14, 1962; 8:47 a.m.]

[21 CFR Parts 146a, 146b, 146c, 146d, 146e]

TABLETS OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Proposed Requirements for Disintegration of Tablets

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to amend the regulation for certification of antibiotic and antibiotic-containing drugs to require specified disintegration time for these drugs manufactured in tablet form. It is proposed to effect these amendments as follows:

1. It is proposed that § 146a.17 be amended as follows:

a. By changing paragraph (a) to read:

§ 146a.17 Phenethicillin potassium (potassium α-Phenoxyethyl penicillin) tablets.

(a) *Standards of identity, strength, quality, and purity.* Phenethicillin potassium tablets are tablets composed of phenethicillin potassium, with or without one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings, with or without one or more suitable analgesic substances, antihistaminics, and vasoconstrictors. The potency of each tablet is not less than 50,000 units, and if it is less than 100,000 units it is unscored. Its moisture content is not more than 1.5 percent. Tablets not exceeding 15 millimeters in diameter or not intended only for preparing solutions shall disintegrate within 1 hour. The phenethicillin potassium conforms to the requirements of § 146a.16(a). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed by such official compendium.

b. By changing paragraph (d)(2)(i) to read:

(i) The batch: Average potency per tablet, average moisture, and if required by paragraph (a) of this section, disintegration time.

c. By changing paragraph (d)(3)(i) to read:

(i) The batch:

(*a*) For potency and moisture: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets, collected by taking single tablets throughout the entire time of tableting so that the quantities tableted during the intervals are approximately equal.

(*b*) For disintegration time: 6 tablets.

d. By changing paragraph (e)(1) to read:

(1) $0.75 for each tablet in the sample submitted in accordance with paragraph (d)(3)(i)(*a*) of this section; $3.00 for all tablets submitted in accordance with paragraph (d)(3)(i)(*b*) of this section; $5.00 for each package in the sample submitted in accordance with paragraph (d)(3)(ii) of this section; $4.00 for each package in the sample submitted in accordance with paragraph (d)(3)(iii) of this section.

§ 146a.27 [Amendment]

2. It is proposed to amend § 146a.27 *Penicillin tablets* as follows:

a. By inserting in paragraph (a) the following new sentence between the fifth and sixth sentences: "Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour."

b. By changing paragraph (d)(2)(i) to read:

(i) The batch: Average potency per tablet, average moisture, and if required by paragraph (a) of this section, disintegration time.

c. By changing paragraph (d)(3)(i) to read:

(i) The batch:

(*a*) For potency and moisture: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets, collected by taking single tablets throughout the entire time of tableting so that the quantities tableted during the intervals are approximately equal.

(*b*) For disintegration time: 6 tablets.

d. By changing paragraph (e)(1) to read:

(1) $0.75 for each tablet in the sample submitted in accordance with paragraph (d)(3)(i)(*a*) of this section; $3.00 for all tablets submitted in accordance with paragraph (d)(3)(i)(*b*) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d)(3)(iii) of this section.

§ 146a.34 [Amendment]

3. It is proposed to amend § 146a.34 *Tablets aluminum penicillin* as follows:

a. By inserting in paragraph (a) the following new sentence between the fourth and fifth sentences: "Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour."

b. By changing paragraph (d)(2)(i) to read:

(i) The batch: Average potency per tablet, average moisture, and if required by paragraph (a) of this section, disintegration time.

c. By changing paragraph (d)(3)(i) to read:

(i) The batch:

(*a*) For potency and moisture: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets, collected by taking single tablets throughout the entire time of tableting so that the quantities tableted during the intervals are approximately equal.

(*b*) For disintegration time: 6 tablets.

d. By amending paragraph (e)(1) to read:

(1) $0.75 for each tablet in the sample submitted in accordance with paragraph (d)(3)(i)(*a*) of this section; $3.00 for all tablets submitted in accordance with paragraph (d)(3)(i)(*b*) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d)(3)(ii) and (iii) of this section.

§ 146a.88 [Amendment]

4. It is proposed to amend § 146a.88 *Penicillin-streptomycin tablets* • • • by changing paragraph (b)(1) to read as follows:

(1) $1.00 for each tablet submitted in accordance with the requirements of § 146a.27(d)(3)(i)(*a*).

§ 146b.104 [Amendment]

5. It is proposed to amend § 146b.104 *Streptomycin tablets; dihydrostreptomycin tablets* as follows:

a. By inserting in paragraph (a) the following new sentence between the fourth and fifth sentences: "Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour."

b. By changing paragraph (d)(2)(i) to read:

(i) The batch: Average potency per tablet, average moisture, and if required by paragraph (a) of this section, disintegration time.

c. By changing paragraph (d)(3)(i) to read:

(i) The batch:

(*a*) For potency and moisture: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets, collected by taking single tablets throughout the entire time of tableting so that the quantities tableted during the intervals are approximately equal.

(*b*) For disintegration time: 6 tablets.

d. By amending paragraph (e)(1) to read:

(1) $0.75 for each tablet in the sample submitted in accordance with paragraph (d)(3)(i)(*a*) of this section; $3.00 for all tablets submitted in accordance with paragraph (d)(3)(i)(*b*) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d)(3)(ii) and (iii) of this section.

§ 146a.88 [Amendment]

4. It is proposed to amend § 146a.88 *Penicillin-streptomycin tablets* • • • by changing paragraph (b)(1) to read as follows:

(1) $1.00 for each tablet submitted in accordance with the requirements of § 146a.27(d)(3)(i)(*a*).

§ 146b.104 [Amendment]

5. It is proposed to amend § 146b.104 *Streptomycin tablets; dihydrostreptomycin tablets* as follows:

a. By inserting in paragraph (a) the following new sentence between the fourth and fifth sentences: "Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour."

b. By changing paragraph (d)(2)(i) to read:

(i) The batch: Average potency per tablet, average moisture, and if required by paragraph (a) of this section, disintegration time.

c. By changing paragraph (d)(3)(i) to read:

(i) The batch:

(*a*) For potency and moisture: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets, collected by taking single tablets throughout the entire time of tableting so that the quantities tableted during the intervals are approximately equal.

(*b*) For disintegration time: 6 tablets.

d. By amending paragraph (e)(1) to read:

(1) $0.75 for each tablet in the sample submitted in accordance with paragraph (d)(3)(i)(*a*) of this section; $3.00 for all tablets submitted in accordance with paragraph (d)(3)(i)(*b*) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d)(3)(ii) and (iii) of this section.

§ 146a.88 [Amendment]

4. It is proposed to amend § 146a.88 *Penicillin-streptomycin tablets* • • • by changing paragraph (b)(1) to read as follows:

(1) $1.00 for each tablet submitted in accordance with the requirements of § 146a.27(d)(3)(i)(*a*).

§ 146b.104 [Amendment]

5. It is proposed to amend § 146b.104 *Streptomycin tablets; dihydrostreptomycin tablets* as follows:

a. By inserting in paragraph (a) the following new sentence between the fourth and fifth sentences: "Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour."

b. By changing paragraph (d)(2)(i) to read:

(i) The batch: Average potency per tablet, average moisture, and if required by paragraph (a) of this section, disintegration time.

c. By changing paragraph (d)(3)(i) to read:

(i) The batch:

(*a*) For potency and moisture: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets, collected by taking single tablets throughout the entire time of tableting so that the quantities tableted during the intervals are approximately equal.

(*b*) For disintegration time: 6 tablets.

d. By amending paragraph (e)(1) to read:

(1) $1.00 for each tablet in the sample submitted in accordance with paragraph (d)(3)(i)(*a*) of this section; $3.00 for all tablets submitted in accordance with paragraph (d)(3)(i)(*b*) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d)(3)(ii), (iii), (iv), and (v) of this section.

§ 146c.207 [Amendment]

7. It is proposed to amend § 146c.207 *Chlortetracycline hydrochloride tablets* • • • by adding to paragraph (a) the following new sentences: "In addition to the requirements prescribed by § 146c.204, tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour. A person who requests certification shall therefore also submit for disintegration-time studies, results of this test made by him and a sample of 6 tablets. The fee for the tablets submitted for disintegration-time studies shall be $3.00."

§ 146c.225 [Amendment]

8. It is proposed to amend § 146c.225 *Tetracycline hydrochloride-nystatin tablets* by adding thereto the following sentences: "In addition to the requirements prescribed by § 146c.224, tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour. A person who requests certification shall therefore also submit for disintegration-time studies, results of this test made by him and a sample of 6 tablets. The fee for the tablets submitted for disintegration-time studies shall be $3.00."

§ 146c.228 [Amendment]

9. It is proposed to amend § 146c.228 *Tetracycline hydrochloride - neomycin tablets* as follows:

a. By adding to paragraph (a) the following new sentence: "Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour."

b. By changing paragraph (c) to read:

(c) In addition to complying with the requirements of § 146c.204(d), a person who requests certification of a batch shall submit with his request a statement showing the number of milligrams of tetracycline hydrochloride and neomycin in each tablet of the batch, the batch mark, and, if required by paragraph (a) of this section, disintegration time, and (unless it was previously submitted) the results and the date of the latest tests and assays of the neomycin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the neomycin used in making such batch, and a sample of 6 tablets for disintegration-time studies.

c. By amending paragraph (d) to read as follows:

(d) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of this section shall be:

(1) $1.00 for each tablet submitted in accordance with the requirements of § 146c.204(d)(3)(i).

(2) $3.00 for all tablets submitted for disintegration-time studies in accordance with paragraph (c) of this section.

§ 146c.238 [Amendment]

10. It is proposed to amend § 146c.238 *Tablets tetracycline hydrochloride and novobiocin* as follows:

a. By changing paragraph (b) to read:

(b) The moisture content of the tablets is not more than 6 percent. Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour.

b. By changing paragraph (d) to read:

(d) In addition to complying with the requirements of § 146c.204, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, and if required by paragraph (b) of this section, disintegration time, and (unless previously submitted) the results and the date of the latest tests and assays of the novobiocin used in making the batch for potency, toxicity, pH, crystallinity, and moisture. He shall submit a sample of 6 tablets for disintegration-time studies. He shall also submit in connection with his request (unless previously submitted) a sample consisting of 10 packages, each containing approximately equal portions of not less than 300 milligrams of the novobiocin used in making the batch.

c. By changing paragraph (e) to read:

(e) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of this section shall be:

(1) $1.00 for each tablet submitted in accordance with the requirements of § 146c.204(d)(3)(i).

(2) $3.00 for all tablets submitted for disintegration-time studies in accordance with paragraph (d) of this section.

§ 146d.310 [Amendment]

11. It is proposed to amend § 146d.310 *Chloramphenicol tablets* by adding thereto the following sentences: "In addition to the requirements prescribed by § 146d.302, tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour. A person who

requests certification shall submit for disintegration-time studies results of this test made by him and a sample of 6 tablets. The fee for the tablets submitted for the disintegration-time studies shall be $3.00."

§ 146e.403 [Amendment]

12. It is proposed to amend § 146e.403 *Bacitracin tablets* • • • as follows:

a. By changing paragraph (a) to read:

(a) *Standards of identity, strength, quality, and purity.* Bacitracin tablets, zinc bacitracin tablets, and bacitracin methylene disalicylate tablets are tablets composed of bacitracin, zinc bacitracin, or bacitracin methylene disalicylate, with or without kaolin and pectin and with or without one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings, and with or without a suitable amebicidal agent. The potency of each tablet is not less than 1,000 units nor more than 10,000 units. Its moisture content is not more than 5 percent. Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour. The bacitracin used conforms to the standards prescribed therefor by § 146e.401(a), except § 146e.401(a) (2), (4), and (8). The zinc bacitracin used conforms to the requirements of § 146e.418(a). The bacitracin methylene disalicylate used conforms to the requirements of § 146e.416(a). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

b. By changing paragraph (d) (2) (i) to read:

(i) The batch: Average potency per tablet, average moisture, and if required by paragraph (a) of this section, disintegration time.

c. By changing paragraph (d) (3) (i) to read:

(i) The batch:

(*a*) For potency and moisture: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets, collected by taking single tablets throughout the entire time of tableting so that the quantities tableted during the intervals are approximately equal.

(*b*) For disintegration time: 6 tablets.

d. By amending paragraph (e) (1) to read:

(1) $0.75 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i) (*a*) of this section; $3.00 for all tablets submitted in accordance with paragraph (d) (3) (i) (*b*) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), (iv), and (v) of this section.

§ 146e.426 [Amendment]

13. It is proposed to amend § 146e.426 *Tablets bacitracin methylene disalicylate and streptomycin sulfate oral veterinary* as follows:

a. By changing paragraph (a) to read as follows:

(a) Each tablet shall contain not less than 150 units of bacitracin activity and not less than 15 milligrams of streptomycin activity. Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour.

b. By changing paragraph (c) to read as follows:

(c) In lieu of the directions for sampling the batch as prescribed in § 146e.417(d) (3) (i), the batch shall be sampled as follows:

(1) For potency and moisture: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets, collected by taking single tablets throughout the entire time of tableting so that the quantities tableted during the intervals are approximately equal.

(2) For disintegration-time studies: 6 tablets.

c. By amending paragraph (d) to read:

(d) The fees for the services rendered with respect to the tablets submitted in accordance with the requirements prescribed therefor by paragraph (c) of this section shall be:

(1) $1.00 for each tablet submitted in accordance with paragraph (c) (1) of this section.

(2) $3.00 for all tablets submitted in accordance with paragraph (c) (2) of this section.

Any interested person may, within 30 days from the publication of this notice in the FEDERAL REGISTER, submit written views and comments on these proposed amendments. Such comments should be submitted in triplicate and addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C.

Dated: February 8, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-1549; Filed, Feb. 14, 1962; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Small Business Investment Companies and Copyright Royalties; Notice of Hearing on Proposed Regulations

The proposed amendment to the regulations under sections 533, 542 through 544, and 553 of the Code, relating to small business investment companies and copyright royalties for purposes of personal holding company tax, was published in the FEDERAL REGISTER for January 4, 1962.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Thursday, March 8, 1962, at 10:00 a.m., e.s.t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by March 5, 1962.

[SEAL] MAURICE LEWIS,
Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 62-1584; Filed, Feb. 14, 1962; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-LA-100]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 600 and Part 601 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 291 extends from Drake, Ariz., to Tuba City, Ariz. The FAA has under consideration the revocation of this airway and its associated control areas. A recent traffic survey indicated no Instrument Flight Rules traffic on this airway during the most active day in the Phoenix, Ariz. center area for the period between July 1, 1960–June 30, 1961. It would appear, therefore, that retention of this airway is unjustified as an assignment of airspace. Further, it appears that the area between Drake and Tuba City is adequately served by VOR Federal airways Nos. 257 and 210 on which the minimum en route altitude is lower.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 8, 1962.

CLIFFORD P. BURTON,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 62-1537; Filed, Feb. 14, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

SPOKANE INDIAN RESERVATION

Transfer of Land Records to Portland Area Office

FEBRUARY 9, 1962.

In accordance with 25 CFR Part 120, notice is hereby given that all title source documents and land records pertaining to trust or restricted Indian-owned lands on the Spokane Indian Reservation in the State of Washington have been transferred from the City of Washington to the Portland Area Office, Bureau of Indian Affairs, 1002 NE. Holliday Street, Portland 8, Oregon.

Effective February 15, 1962, the Portland Area Office will be the office for the maintenance of records for all trust and restricted lands so designated.

JOHN O. CROW,
Acting Commissioner.

[F.R. Doc. 62-1553; Filed, Feb. 14, 1962; 8:48 a.m.]

Bureau of Land Management

[Colorado 027174]

COLORADO

Order Providing for Opening of Public Lands

Pursuant to authority delegated to me by the Colorado State Director, Bureau of Land Management, effective February 19, 1958 (23 F.R. 1098), the following described lands reconveyed to the United States in exchange of land made under the provision of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended are hereby restored to disposition under the applicable public land laws as hereinafter indicated:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 47 N., R. 10 W.,
Sec. 5, N½SW¼, NW¼SE¼;
Sec. 6, SE¼;
Sec. 7, NE¼.
T. 47 N., R. 11 W.,
Sec. 1, Lots 2 and 3.

The area described totals 519.32 acres of public lands.

The lands are about twelve miles southwest of Montrose, Colorado. They are moderately rolling bench lands, cut by a series of northeast trending shallow canyons. The soils are heavy silt loam with numerous rock outcrops, and support oakbrush and sagebrush.

The public land affected by this order is hereby restored as of 10:00 a.m., on March 15, 1962, to the operation of the public land laws subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

The mineral resources affected by this order are hereby restored to the operation of the mining and mineral leasing laws of the United States beginning at 10:00 a.m., on March 15, 1962.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, 722 Gas & Electric Building; 910 15th Street, Denver 2, Colorado.

HAROLD T. TYSK,
Chief, Lands and Minerals.

FEBRUARY 7, 1962.

[F.R. Doc. 62-1570; Filed, Feb. 14, 1962; 8:50 a.m.]

[Classification No. 36]

COLORADO

Small Tract Classification

1. Pursuant to authority delegated to me by the Colorado State Director, Bureau of Land Management, effective February 19, 1958 (23 F.R. 1098), I hereby classify the following described public lands, totalling 366.05 acres in Mesa County, Colorado, as suitable for disposition under the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

UTE MERIDIAN, COLORADO

T. 1 S., R. 1 W.,
Sec. 27, NE¼SW¼, S½SW¼, SW¼SE¼;
Sec. 28, Lots 1, 2, 5, 6, 7, 8, 9, 10, 12, 13, 14, 17, 18, 20, SW¼NE¼, E½SE¼SE¼NW¼.
Containing 366.05 acres which have not been subdivided into small tract.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to disposition under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. There are no preference right applications as provided for by 43 CFR 257.5.

HAROLD T. TYSK,
Chief, Lands and Minerals.

FEBRUARY 6, 1962.

[F.R. Doc. 62-1571; Filed, Feb. 14, 1962; 8:50 a.m.]

[Classification No. 37]

COLORADO

Small Tract Classification

1. Pursuant to authority delegated to me by the Colorado State Director, Bureau of Land Management, effective February 19, 1958 (23 F.R. 1098), I hereby classify the following described public lands, totalling 40.38 acres in Montrose County, Colorado, as suitable for disposition under the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 47 N., R. 6 W.,
Sec. 30, Lot 2.
Containing 40.38 acres which have not been subdivided into small tracts.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to disposition under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. There are no preference right applications as provided for by 43 CFR 257.5.

HAROLD T. TYSK,
Chief, Lands and Minerals.

FEBRUARY 7, 1962.

[F.R. Doc. 62-1572; Filed, Feb. 14, 1962; 8:50 a.m.]

[Classification No. 205]

NEVADA

Small Tract Classification; Amendment

Effective February 7, 1962, paragraph 1 is hereby amended to read as follows:

1. Pursuant to authority delegated by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), and the State Director August 30, 1961 (26 F.R. 8468), I hereby classify the following described public lands, totaling 300 acres in Ormsby County, Nevada as suitable for sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 USC 682a) as amended:

MOUNT DIABLO MERIDIAN

T. 15 N., R. 20 E.,
Sec. 14, NE¼, E½W½W½SE¼, E½W½SE¼, E½SE¼.

Containing 300 acres of which 5 acres are covered by one application from a person entitled to preference under 43 CFR 257.5(a).

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 USC 682a) as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. The one valid application, filed prior to February 7, 1962, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5.

DANIEL P. BAKER,
Chief, Division of Lands and Minerals Management.

FEBRUARY 7, 1962.

[F.R. Doc. 62-1573; Filed, Feb. 14, 1962; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

CERTAIN COMMODITY CREDIT CORPORATION ACTIVITIES

Delegation of Authority

General. In order to provide for the execution of certain documents in connection with Commodity Credit Corporation transactions, a delegation of authority is provided below, pursuant to authority vested in me by the bylaws of Commodity Credit Corporation.

The authority herein delegated shall be exercised in conformity with the bylaws, regulations, and programs of Commodity Credit Corporation, and the policies adopted by the Board of Directors of the Corporation.

Delegation. Any member of an Agricultural Stabilization and Conservation State committee, and any member of an Agricultural Stabilization and Conservation county committee within the State to whom the authority is redelegated in writing by the chairman or acting chairman of the State committee, may sign or countersign Commodity Credit Corporation sight drafts or Commodity Credit Corporation certificates properly issued pursuant to any program administered by the Agricultural Stabilization and Conservation State committees and Agricultural Stabilization and Conservation county committees in which the use of such drafts or certificates is prescribed.

The State Executive Director or acting Executive Director of any Agricultural Stabilization and Conservation Service State office, and any employee of the State office to whom the authority is redelegated in writing by the Executive Director or acting Executive Director, may sign or countersign Commodity Credit Corporation sight drafts or Commodity Credit Corporation certificates properly issued pursuant to any program administered by the Agricultural Stabilization and Conservation State committees and Agricultural Stabilization and Conservation county committees in which the use of such drafts or certificates is prescribed.

Redelegations. Redelegations issued by the chairman or acting chairman of the State committee to members of county committees shall remain in effect until revoked in writing by the chairman or acting chairman or until the term of the county committee member expires. Redelegations issued by the State Executive Director or acting Executive Director to employees of the State office shall remain in effect until revoked by the State Executive Director or acting Executive Director or until the employee is separated from his position in the office.

Revocation of delegation of authority. Delegation of authority, issued March 27, 1958 (23 F.R. 2130), with respect to signing or countersigning of Commodity Credit Corporation sight drafts and Commodity Credit Corporation certificates is hereby revoked. All redelegations of authority issued to county committee members pursuant thereto shall remain in effect until revoked in writing by the chairman or acting chairman of the State committee or until the term of the county committee member expires. All redelegations of authority issued to employees of State offices pursuant thereto shall remain in effect until revoked in writing by the Executive Director or acting Executive Director of the State office or until the employee is separated from his position in the office.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b)

Date of signature: February 8, 1962.

Effective date of authority: Date of publication.

ROBERT G. LEWIS,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-1530; Filed, Feb. 14, 1962; 8:45 a.m.]

Office of the Secretary

WYOMING

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Washakie County, Wyoming, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 12th day of February 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-1586; Filed, Feb. 14, 1962; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

PUBLIC HEALTH SERVICE

Statement of Organization and Delegations of Authority

Part 4 of the Statement of Organization and Delegations of Authority of the Department (22 F.R. 1049; 26 F.R. 6660), as amended, is hereby further amended:

1. By deleting subparagraph (2) of section 4.20(a) and renumbering subparagraphs (3) through (10) inclusive as subparagraphs (2) through (9) respectively.

2. By revising section 4.20(b) to read as follows:

B. The Surgeon General shall also exercise:

1. The functions relating to vital statistics which were transferred to the Federal Security Administrator by section 2 of Reorganization Plan No. 2 of 1946 and thereafter transferred to the Secretary by section 5 of Reorganization Plan No. 1 of 1953.

2. The functions relating to Freedmen's Hospital which were transferred to the Federal Security Administrator by section 11(b) of Reorganization Plan No. IV (1940) and thereafter transferred to the Secretary by section 5 of Reorganization Plan No. 1 of 1953.

3. The functions vested in him by law not expressly referred to by this chapter.

4. Subject to general policy guidance from the Office of the Secretary (See Chapter 1-925), all program operating functions vested in the Secretary by the Federal Water Pollution Control Act (33 U.S.C. 466 et seq.) as amended by the Federal Water Pollution Control Act Amendments of 1961 except:

(a) The making of regulations authorized by section 10(a),

(b) The making of annual reports on the establishment and maintenance of research fellowships required by section 4(a)(4),

(c) All functions set out in section 8 (c), (d), (e), and (f), and

(d) The designation of the Chairman of the Water Pollution Control Advisory Board under section 7.

5. Such authority under the Public Health Service Act and other legislation as may be delegated by the Secretary.

Dated: February 7, 1962.

[SEAL] ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 62-1550; Filed, Feb. 14, 1962; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-134]

AMERICAN EXPORT LINES, INC., AND ISBRANDTSEN STEAMSHIP CO., INC.

Notice of Application and of Hearing

Notice is hereby given of the application of American Export Lines, Inc., and Isbrandtsen Steamship Company, Inc., for written permission (to be made applicable to the latter in the event of award to said Company of an operating-differential subsidy contract), of the Maritime Subsidy Board, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, to permit American Export Lines' associate, Isbrandtsen Company, Inc., to expand

its Eastbound Intercoastal Service (operated in conjunction with its Eastbound Round-the-World Service), to permit its vessels operating in said service to carry refined sugar in bulk in containers from Puerto Rico to the ports of Baltimore, Philadelphia, and New York. This application may be inspected by interested parties in Room 3063, General Accounting Office Building, 441 G Street NW., Washington 25, D.C.

A hearing on the application has been set for February 26, 1962, at 10:30 a.m., in Room 3059, of the General Accounting Office Building. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on February 23, 1962, notify the Secretary, Maritime Administration, in writing, in triplicate, and file petition for leave to intervene which petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, petitions for leave to intervene received after the close of business on February 23, 1962, will not be granted in this proceeding.

Dated: February 13, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-1605; Filed, Feb. 14, 1962; 8:52 a.m.]

Office of the Secretary

WALLACE H. ADAMSON

Statement of Changes in Financial Interests

In accordance with the requirements of Section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of January 30, 1962.

WALLACE H. ADAMSON.

JANUARY 30, 1962.

[F.R. Doc. 62-1564; Filed, Feb. 14, 1962; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14251; FCC 62-144]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order

In the matter of American Telephone and Telegraph Company, Docket No. 14251; regulations and charges for TELPAK services and channels.

1. The Commission has before it Tariff F.C.C. No. 250 of the American Telephone and Telegraph Company (AT & T), as amended and successive issues thereof, applicable to TELPAK services and channels, as well as the record to date in the above-captioned proceeding, including (a) Order of the Commission, released September 8, 1961, instituting an investigation and designating a hearing regarding such tariff and suspending the effectiveness of the August 3, 1961 revisions for a three month period commencing September 8, 1961, (FCC 61-1039, Mimeo No. 9429, 26 F.R. 8607), (b) Petition for Modification of ["(a)"] Order, filed September 19, 1961, by AT & T, (c) Petition for Reconsideration, filed September 21, 1961, by Aeronautical Radio, Inc. (ARinc), (d) Suggested Clarification and Resettlement of Hearing Order, filed September 29, 1961, by the NAM Committee of Manufacturers Radio Use and the American Trucking Associations, Inc. (NAM-ATA), (e) Oppositions thereto by Western Union Telegraph Company, Motorola, Inc. and the Common Carrier Bureau, and (f) Replies by AT & T and ARinc.. The instant petitions seek modification of the designation Order ((a) ante) and the procedures contemplated thereunder.

2. Petitioners' prime objection relates to the statement in the designation Order that, "* * * the examiner * * * shall certify the record to the Commission for decision without * * * an Initial or Recommended Decision;", requesting its deletion so that the Hearing Examiner be required to prepare a decision, contending that according to past Commission practice—apparently contemplated here—the Initial Decision, to be issued by the Commission instead of the Hearing Examiner, will be prepared for the Commission by the Common Carrier Bureau, which will also appear and participate in the hearing. This, it is asserted, is prejudicial since the Bureau has previously taken a position in this case opposing the TELPAK tariff and its revisions. It is further alleged that the procedure contemplated is contrary to section 8(a) of the Administrative Procedure Act and 47 CFR 1.151(d) in that the designation Order lacks a finding that due and timely execution of the Commission's functions imperatively and unavoidably requires this procedure. Petitioners also urge that as a matter of policy the Commission should have the Hearing Examiner issue an Initial Decision.

3. That the Commission has the right in accordance with its rules consistent with the Administrative Procedure Act to direct that a record be certified to it for Initial Decision in a rule-making proceeding such as the instant one would appear to be beyond dispute if such direction be coupled with the record finding that expedition so requires. The essentiality of expedition to this proceeding is implicit in petitioners' arguments in their pleadings. That the Examiner's decision may be omitted under similar conditions likewise is clear. Accordingly, we find here upon the record that due and timely execution of our functions unavoidably and imperatively requires the certification of the record by the Hearing Examiner in this proceeding to us for Initial Decision without Initial or Recommended Decision by such Examiner.

4. With regard to the participation of the Common Carrier Bureau in the drafting of the Commission decision, the short answer is that the APA does not preclude this. Section 5(c) of the APA requires separation of functions in adjudication, but by explicit provision excepts "proceedings involving the validity or application of rates, facilities, or practices of public utilities or carriers; * * *". Therefore, rather than being contrary to the policy of the APA, the procedure contemplated is perfectly consistent with the provisions of that Act. Certainly petitioners' views will not be ignored. They have the opportunity to file proposed findings as well as exceptions to the Initial Decision and to request oral argument before the Commission. In view of all the foregoing, petitioners' request for deletion of that portion of the designation Order directing the certification of the record to the Commission without an Examiner's decision will be denied. Likewise, the request that copies of any draft decision prepared by the staff in this proceeding be served on the parties at the same time as the decision is presented to the Commission for its consideration will be denied as contrary to normal Commission procedure since good cause for any divergence from such practice has not been shown.

5. Petitioners request modification of four of the nine it appearing clauses in the designation Order to remove any conclusionary wording which might prejudice an impartial determination of the issues in this proceeding. The prefaces "It appearing," in our opinion, precludes their construction as conclusions. That they are not conclusions is emphasized by the en banc hearing held subsequent to the release of this designation Order in which the issues were drawn from the very clauses here under attack, and the Memorandum Opinion and Order issuing after such hearing and released December 7, 1961 (FCC 61-1431, Mimeo No. 12881) which stated that the Commission could arrive at no conclusion regarding these issues without further evidentiary hearing. Accordingly, this request will be denied.

6. ARinc's request that the designation Order allocate the burden of proof will be denied because such initial determination is for the Hearing Examiner's construction of the statute. ARinc's request for addition of three new issues to the designation Order involve matters concerning which evidence may be introduced under the existing issues except inquiry as to any plans of Western Union Telegraph Company to provide a TELPAK-like service, which issue would become pertinent only upon the filing of a similar tariff by Western Union. Consequently, the request will be denied.

7. NAM-ATA has suggested that we require the Common Carrier Bureau to

place any rates it may propose with the reasons therefor in the record in order to give the parties the opportunity to explore or rebut them. Section 205 of the Communications Act authorizes the Commission to prescribe just and reasonable charges after full opportunity for hearing. Any rates proposed by the Common Carrier Bureau in the course of a hearing will, of course, be a matter of public record. Rates prescribed by the Commission in instructions for preparation of an Initial Decision will be Commission rates in law and in fact and not those of a bureau of the Commission. Also, we cannot agree to NAM-ATA's suggestion that the words "detrimental" and "existing" in Issue 3 of the designation Order[1] be modified or deleted in view of the fact that the issue as presently worded does not, in our opinion, contravene section 201(b), from which it was derived, or any other section of the Communications Act of 1934, as amended.

8. Several requests of the parties have become moot through changed circumstances since their proposal. ARinc's request to be made a "party-patron" will be dismissed in view of the granting of its petition for intervention by the Chief Hearing Examiner by Order released October 24, 1961 (FCC 61M-1685, Mimeo No. 11611). ARinc's request that the suspension of the TELPAK tariff revisions of August 3, 1961 be revoked and Motorola's request that such suspension be extended have been rendered moot by the termination of such suspension on December 8, 1961; therefore such requests will be dismissed.

Accordingly, it is ordered, This 6th day of February 1962, that the requests and suggestions contained in all of the above-described pleadings (par. 1, supra) are denied; and

It is further ordered, That the antepenultimate ordering clause in the Commission's Order, released September 8, 1961 (FCC 61-1039, Mimeo No. 9425, 26 F.R. 8607) be supplemented by the addition at the end thereof of the following words: "since the Commission finds that due and timely execution of its functions imperatively and unavoidably so requires."

Released: February 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1574; Filed, Feb. 14, 1962; 8:50 a.m.]

[1] "(3) Whether the furnishing of services and channels under the TELPAK tariff will have a detrimental or unlawful effect on the competitive situations existing among the communications common carriers themselves or between communications common carriers and other segments of the communications industry such as private communications systems manufacturers and suppliers;"

[2] Dissenting statments of Commissioners Craven and Ford filed as part of the original document.

[Docket No. 14518; FCC 62-158]

DOLPH-PETTEY BROADCASTING CO. (KUDE)

Order Designating Application for Hearing on Stated Issues

In re application of Dolph-Pettey Broadcasting Company (KUDE), Oceanside, California, Docket No. 14518, File No. BP-14324; Has: 1320 kc, 500 w, DA-1, U, Requests: 1320 kc, 5 kw, 500 w-LS, DA-2, U; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of February 1962;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues set forth below, the applicant is legally, financially and otherwise qualified to construct and operate Station KUDE as proposed; and

It further appearing that, the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposed operation of KUDE would cause adjacent channel nighttime interference to the existing operation of Station KFAC, Los Angeles, California.

2. The applicant's proposed operation would be limited, nighttime, to its 10.3 mv/m contour. Area and population losses within the normally protected contour would, according to the applicant's data, be 78.5 percent and 81.3 percent respectively. Although KUDE provides the only nighttime service to the city of Oceanside and therefore falls within an express exception to § 3.28(d) of the rules—it cannot be determined, on the basis of data submitted, that the KUDE nighttime proposal would represent an efficient utilization of the requested channel, in accordance with § 3.24(b) of the rules.

3. According to data submitted by the applicant, 608 persons reside within the 1000 mv/m contour of the proposed daytime operation. Since this total (approximately 3 percent of population within the 25 mv/m contour) exceeds that permitted by § 3.24(g) of the Commission's rules, it will be necessary to determine whether circumstances warrant a waiver of the rules.

4. By petition filed March 3, 1961, E. L. Cord tr/as Los Angeles Broadcasting Company requested that the instant application be designated for hearing because of expected interference from the proposed KUDE operation and because the predicted 2 mv/m contour of KUDE will overlap the existing 25 mv/m contour of KFAC. Accordingly, the licensee of KFAC must be made a party respondent to the hearing ordered below.

It further appearing that in view of the outstanding proposed rule making proceeding in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, any grant of the instant proposal prior to a final decision in Docket No. 14419 should be appropriately conditioned.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KUDE and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of KUDE would cause objectionable interference to Station KFAC, Los Angeles, California or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, because of interference received, the proposed nighttime operation of Station KUDE would be consistent with § 3.24(b) of the Commission rules.

4. To determine whether the instant proposal of KUDE is in compliance with § 3.24(g) of the Commission rules concerning population within the 1000 mv/m contour, and, if not, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether overlap of the 2 and 25 mv/m contour would occur between the instant proposal of KUDE and KFAC in contravention of § 3.37 of the Commission rules, and if so, whether circumstances exist which would warrant a waiver of said section.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, E. L. Cord tr/as Los Angeles Broadcasting Company, licensee of Station KFAC, Los Angeles, California is made a party to the proceeding.

It is further ordered, That any grant of the instant proposal, prior to a final decision in Docket No. 14419 will be conditioned as follows: "Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules, are not extended to this authorization, and such operation is precluded."

It is further ordered, That to avail itself of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed

for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: February 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1575; Filed, Feb. 14, 1962; 8:50 a.m.]

[Docket Nos. 14516, 14517; FCC 62-155]

JOHN E. GRANT AND ALLEN C. BIGHAM, JR.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of John E. Grant, Salinas, California, Docket No. 14516, File No. BP-13911, Requests: 980 kc, 1 kw, DA, Day; Allen C. Bigham, Jr., Salinas, California, Docket No. 14517, File No. BP-14891, Requests: 980 kc, 1 kw, DA, Day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of February 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. Each of the subject applicants requests operation on 980 kc, with a power of 1 kilowatt, daytime only, at Salinas, California, and the applications are therefore mutually exclusive.

2. By notarized letter and accompanying engineering affidavit submitted November 22, 1961, KEAP Broadcasting Company, Inc., licensee of Station KEAP, Fresno, California, has requested that the subject application of John E. Grant be designated for hearing and KEAP be made a party thereto. KEAP alleges that measurement data taken on three radials from KEAP indicates that the John E. Grant proposal would cause interference to the KEAP existing operation resulting in an area loss of 3,082 square miles within the KEAP normally protected service contour. No figures regarding population loss have been submitted. KEAP does not indicate that interference would be received from the Allen C. Bigham, Jr. proposal. However, on the basis of the measurement data submitted, it appears that KEAP would also receive interference from the proposal of Allen C. Bingham, Jr. An appropriate issue regarding interference to KEAP is included below and KEAP Broadcasting Company, Inc. is made a party respondent herein.

It further appearing that in view of the outstanding proposed rule making proceeding in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, any grant of the proposals in this proceeding, prior to a final decision in Docket 14419, should be appropriately conditioned.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding upon the issues set forth below:

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the subject proposals and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposals would cause objectionable interference to Station KEAP, Fresno, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, and the availability of other primary service to such areas and populations.

3. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

It is further ordered, That KEAP Broadcasting Company, Inc., licensee of Station KEAP, Fresno, California, is made a party to the proceeding.

It is further ordered, That in the event of a grant of the application of Alfred C. Bigham, Jr., the construction permit shall contain a condition requiring Bigham to sever connections with Station KDON, Salinas, California.

It is further ordered, That any grant of the proposals in this proceeding, prior to a final decision in Docket No. 14419, will be conditioned as follows: "Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded."

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing, either individually, or if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: February 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1576; Filed, Feb. 14, 1962; 8:50 a.m.]

[Docket No. 13313 etc.; FCC 62-150]

IOWA CITY BROADCASTERS, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Iowa City Broadcasters, Inc., Iowa City, Iowa, Docket No. 13313, File No. BP-13877, Requests: 1510 kc, 250 w, Day, Class II; WKAI Broadcasting Company (WKAI), Macomb, Illinois, Docket No. 14508, File No. BP-13902, Has: 1510 kc, 250 w, Day, Class II, Requests: 1510 kc, 1 kw, 250 w (CH), Day, Class II; Iowa Falls Broadcasting Corporation, Iowa Falls, Iowa, Docket No. 14509, File No. BP-14618, Requests: 1510 kc, 500 w, Day, Class II; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of February 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

(A) The proposal of Iowa City Broadcasters:

1. Causes interference to and receives interference from the following existing standard broadcast stations and proposals:

To WKAI, Macomb, Ill., from WKAI.
To BP-13902 (WKAI), from BP-13902 (WKAI).
To BP-14618, Iowa Falls, Iowa, from BP-14618.

2. Johnson County Broadcasting Corporation, licensee of Station KXIC, Iowa City, Iowa, by letter of February 6, 1961, suggested to the Commission that the application of Iowa City Broadcasters, Inc. be rejected on several grounds. The letter does not meet the requirements of section 309(d) of the Communications Act of 1934, as amended or of § 1.359(1) of the Commission rules for a petition to deny, nor does it contain any allegations of fact, showing that a grant of this application would be prima facie inconsistent with the public interest. However, since KXIC is the only commercial standard broadcast station in Iowa City, we believe that KXIC should be made a party to the proceeding.

(B) The proposal of WKAI Broadcasting Company (WKAI):

1. Causes interference to and receives interference from the following standard broadcast proposal:

To BP-13877, Iowa City, Iowa, from BP-13877.

2. On February 2, 1961, WLAC, Inc., licensee of Station WLAC, Nashville, Tennessee, filed a Petition to Deny the instant application of WKAI on the grounds that excessive radiation would result to its operation during critical hours. By amendment of May 19, 1961, the subject proposal was amended reducing power from 500 w to 250 w during critical hours, eliminating daytime skywaves interference to WLAC. Therefore the petition must be denied.

(C) The proposal of Iowa Falls Broadcasting Corporation causes interference to and receives interference from the following standard broadcast proposal:

To BP-13877, Iowa City, Iowa, from BP-13877.

It further appearing that in view of the outstanding proposed rule making proceeding in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, any grant of the proposals in this proceeding prior to a final decision in Docket 14419 should be appropriately conditioned.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience and necessity and is of the opinion that the applications must be designated for hearing in a consolidated proceeding upon the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposals of Iowa City Broadcasters, Inc. and Iowa Falls Broadcasting Corporation and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Station WKAI and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the instant proposal of Iowa City Broadcasters, Inc., would cause objectionable interference to Station WKAI, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the interference received by the proposal of Iowa City Broadcasters, Inc., and the proposal of WKAI, Inc., from any other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(d)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant applications would serve the public interest, convenience and necessity.

It is further ordered, That the petition of WLAC, Inc., is hereby dismissed.

It is further ordered, That Johnson County Broadcasting Corporation, licensee of Station KXIC, Iowa City, Iowa is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the proposal of WKAI Broadcasting Company, File No. BP-13902, permittee shall accept such interference as may result in the event of a grant of an application by Progressive Broadcasting Corporation, File No. BP-14329, requesting the facilities 1510 kc, 250 w, DA, Day at Highland, Illinois.

It is further ordered, That any grant of the proposals in this proceeding, prior to a final decision in Docket No. 14419, will be conditioned as follows: "Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded."

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and the party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing either individually, or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to Iowa City Broadcasters, Inc., and Iowa Falls Broadcasting Corporation will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: February 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1577; Filed, Feb. 14, 1962; 8:51 a.m.]

[Docket No. 14522; FCC 62-164]

MERCHANTS BROADCASTING SYSTEM OF DALLAS, INC.

Order To Show Cause

In the matter of revocation of license and subsidiary communciations authorization of Merchants Broadcasting System of Dallas, Inc., for FM Broadcast Station KCPA, Dallas, Texas, Docket No. 14522.

The Commission having under consideration (1) the outstanding license issued to Merchants Broadcasting System of Dallas, Inc., to operate FM Broadcast Station KCPA on a frequency of 94.1 Megacycles (Channel 231) at Dallas, Texas; (2) the Subsidiary Communications Authorization issued to the licensee to conduct a background music service; (3) the Commission's letter to Merchants Broadcasting System of Dallas, Inc. of November 15, 1961; (4) the letter of Robb Stewart, Esquire, attorney for

Charles E. Ames of November 17, 1961; and (5) the Commission's letter to Robb Stewart, Esquire, of November 22, 1961; and

It appearing that Merchants Broadcasting System of Dallas, Inc., is in financial difficulty; that the studio which was also the remote control point, and the transmitter site for Station KCPA are no longer available to the licensee; that the carrier-final amplifier for Station KCPA was turned off on or about August 12, 1961; and that Station KCPA has not operated, as licensed, since that time; and

It further appearing, that (1) since August 5, 1961, the licensee has not maintained either program logs or operating logs for Station KCPA, all in violation of §§ 3.281 (a) and (b), and 3.295 (g) and (h) of the Commission's rules and regulations; (2) that during the period from at least August 9, 1961, to August 12, 1961, the transmitter for Station KCPA was operated without an operator in attendance at either the remote control point or transmitter, all in violation of § 3.265 of the Commission's rules and regulations; (3) that during the same period the station was in operation without a frequency or modulation monitor, all in violation of §§ 3.252(a) and 3.253 (a) of the Commission's rules and regulations; (4) during the same period the station was operated without CONELRAD protection in violation of § 3.931 of the Commission's rules and regulations; (5) beginning on August 8, 1961, and continuing to at least August 12, 1961, the main carrier of Station KCPA (FM) was modulated with the same programming as presented on the station's subcarrier, all without any station identification and therefore in violation of §§ 3.287 and 3.295(e) of the Commission's rules and regulations; (6) on August 12, 1961, the final amplifier of the transmitter was turned off without any written notice to the Engineer-in-Charge at Dallas, Texas, or to the Washington offices of the Commission, as required by § 3.261(b) of the Commission's rules and regulations; (7) since August 12, 1961, Station KCPA either has been operating with reduced power or has been silent for a period of more than ten days without having requested or having obtained permission to do so, all in violation of § 3.261(b) of the Commission's rules and regulations; and (8) the station continues to remain silent in violation of § 3.261(a) of the Commission's rules and regulations; and

It further appearing that the aforesaid violations of the Commission's rules and regulations were willful and repeated; and

It further appearing that on November 15, 1961, the licensee was sent a letter by the Commission informing it of the afore-mentioned violations, calling the licensee's attention to the provisions of § 3.271 of the Commission's rules and regulations, and directing the licensee to forward its license and other instruments of authorization to the Commission's offices at Washington, D.C., in no event later than ten days from the date of the letter; and

It further appearing that the licensee has willfully failed to comply with the directions contained in the Commission's letter of November 15, 1961 in that it has failed to transmit its license and other instruments of authorization to the Commission's offices at Washington, D.C. as directed; and neither the licensee nor anyone on its behalf has submitted any material contradicting the conclusions that Station KCPA was permanently off the air insofar as the licensee was concerned, that the licensee of Station KCPA was not financially qualified to continue the operation of Station KCPA, and that during the licensee's operation of Station KCPA there were numerous violations of the Commission's rules as stated above;

It is ordered, This 6th day of February 1962, that pursuant to sections 312(a)(2), 312(a)(3), 312(a)(4), and 312(c) of the Communications Act of 1934, as amended, Merchants Broadcasting System of Dallas, Inc., is directed to show cause why an order revoking its license and subsidiary communications authorization for FM Broadcast Station KCPA, Dallas, Texas, should not be issued, and to appear and give evidence with respect thereto at a hearing [1] to be held in the Commission's offices at Washington, D.C., at a time and place to be specified by subsequent order, said time in no event to be less than 30 days after receipt of this order; and

It is further ordered, That the Acting Secretary of the Commission send a copy of this Order by Certified Mail—Return Receipt Requested to Merchants Broadcasting System of Dallas, Inc.

Released: February 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1578; Filed, Feb. 14, 1962; 8:51 a.m.]

[1] Section 1.77(c) of the Commission's rules provides that a licensee in order to avail itself of the opportunity to be heard shall, in person or by its attorney file with the Commission, within thirty days of the receipt of the Order to Show Cause, a written statement stating that it will appear at the hearing and present evidence on the matter specified in the Order. In the event it would not be possible for respondent to appear for hearing in the proceeding scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this Order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. See § 1.78(a) of the Commission's rules as amended December 12, 1960. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the Order to Show Cause. See § 1.78(b) of the Commission's rules as amended December 12, 1960. In the event the right to a hearing is waived, the Chief Hearing Examiner will terminate the hearing proceeding and certify the case to the Commission. Thereupon the matter will be determined by the Commission in the regular course of business and an appropriate order will be entered. See § 1.78 (c), (d), and (e) of the Commission's rules as amended December 12, 1960.

[Docket No. 13649 etc.; FCC 62-139]

RADIO CARMICHAEL ET AL.

Memorandum Opinion and Order

In re applications of Radio Carmichael, Sacramento, California, Docket No. 13649, File No. BP-12031; Jack L. Powell and Alyce M. Powell, Joint Tenants (KVON), Napa, California, Docket No. 13651, File No. BP-12306; Golden Gate Broadcasting Corporation (KSAN), San Francisco, California, Docket No. 13652, File No. BP-12376; John Matranga, d/b as Trans-Sierra Radio, Roseville, California, Docket No. 13653, File No. BP-12938; for construction permits.

1. The Commission has before it for consideration (1) the matters of record in the above-entitled proceeding; (2) a letter from Riley R. Gibson, president of Cal-Val Radio, Inc. (KXOA), to the Commission filed June 27, 1961, and pleadings filed in response thereto; (3) a joint petition to intervene, reopen record, remand and enlarge issues, filed by John T. Carey, Inc. (KROY) and Cal-Val Radio, Inc., on August 4, 1961, and all pleadings properly filed in response thereto; (4) a petition to sever filed by Jack L. Powell and Alyce M. Powell, Joint Tenants (KVON) and Golden Gate Broadcasting Corporation (KSAN) on September 8, 1961, and pleadings filed in response thereto.

2. A brief review of the background history will permit a better understanding of the instant proceeding, which originally involved the applications of (a) Radio Carmichael (Carmichael) for a new standard broadcast station to operate on 1430 kc, 500 w, DA at Sacramento, California; (b) John Matranga, d/b as Trans-Sierra Radio (Matranga) for a similar facility at Roseville, California; (c) Jack L. Powell and Alyce M. Powell, Joint Tenants (KVON) to increase the daytime power of Station KVON, Napa, California, from 500 watts to one kilowatt and change its directional antenna daytime; (d) Golden Gate Broadcasting Corporation (KSAN) to increase the daytime power of Station KSAN, San Francisco, California, from 250 watts to one kilowatt; and (e) Ashley Robison and Gordon A. Rogers, d/b as Redwood City Broadcasting Company (Redwood) for a new standard broadcast station to operate on 1430 kc, 1 kw, D, DA, at Palo Alto, California. Redwood's application was dismissed as a result of an agreement with KSAN, and Matranga entered into an agreement with Carmichael providing for the dismissal of Matranga's application, which agreement the Examiner approved subject to review by the Commission. The Matranga-Carmichael agreement provided for the reimbursment of Matranga's out-of-pocket expenses and gave him an option to purchase at book value 25 percent of Carmichael's stock, said option to extend to August 15, 1964.

3. Hearing Examiner Walther W. Guenther, proposed grant of the three remaining applications. Subsequent to the Initial Decision, a letter was received on June 27, 1961, from Riley R. Gibson, president of Cal-Val Radio, Inc., licensee of Station KXOA, Sacramento, advising the Commission that Matranga was a creditor of Station KGMS, Sacramento, and asserting that it would be unfair to allow him to have a 25 percent interest in Carmichael at the same time.

4. In response, Carmichael took the position that Matranga does not now have an interest in Carmichael but only an option; that it would be premature to explore the duopoly question until such time as Matranga does exercise his option; and that Carmichael is willing, prior to the transfer of any stock to Matranga, to submit the entire transaction to the Commission for its approval.

5. The Bureau filed a pleading containing an exception recommending that the grant to Carmichael be made subject to the condition that Carmichael "shall not issue or transfer any of its stock to John Matranga, or otherwise accord to him any ownership interest or status, without prior approval of the Commission." The timely filing of this exception prevented the Initial Decision from becoming final pursuant to § 1.153. Carmichael indicated that it had no objection to the inclusion of the condition recommended by the Broadcast Bureau.

6. On August 4, 1961, John T. Carey, Inc. (KROY) and Cal-Val Radio, Inc. (KXOA), filed a joint petition requesting that the Commission grant them leave to intervene, reopen the record, remand the proceeding to the Examiner, and enlarge the issues to include a § 3.35(a) overlap issue with respect to Carmichael's president, Joseph E. Gamble, who is the owner of Station KJOY, Stockton, California.

7. Thereafter, KVON and KSAN filed a joint petition to sever, requesting that in the event the Commission grants any part of the petition to intervene or decides to enlarge the issues on its own motion, their applications be immediately severed from the instant proceeding and granted.

INTERVENTION

8. The only explantion offered by Carey and Cal-Val for their failure to seek intervention within the time allowed therefor by the Communications Act and the Commission's rules, was that they were of the view that all the facts they now wish to present would be adduced at the hearing. However, in that no issue in the proceeding was directed to the facts in question, this argument is not persuasive and does not establish good cause for the untimeliness of the petition to intervene, which will be denied.

9. Nevertheless, the pleadings before us raise certain questions which must be resolved before it can be determined whether a grant of the various applications would be in the public interest.

THE MATRANGA DUOPOLY ISSUE

10. The pleadings before us indicate that by the terms of the Matranga-Carmichael agreement, Matranga, in return for the dismissal of his application, would have an option to obtain a 25 percent interest in Carmichael, while at the same time retaining a substantial creditor relationship to competing Station KGMS in the same community. Section 311(c) of the Communications Act precludes the effectuation of an agreement between mutually-exclusive applicants for the withdrawal of one of them without Commission approval. However, since the facts concerning Matranga's relationship with KGMS are not a matter of record, the Commission is not now in a position to approve or disapprove the agreement, or to consider the propriety of the condition recommended by the Broadcast Bureau. Consequently, the record will be reopened in order that evidence going to these matters may be adduced. As a matter of administrative convenience, we deem it appropriate that the further proceedings herein be conducted in accordance with the procedural rules now prevailing rather than those which obtained at the time of the agreement. Accordingly, pursuant to § 1.316 and section 0.224(b)(10) this matter will be remanded to the Chief Hearing Examiner.

THE GAMBLE OVERLAP ISSUE

11. Carey and Cal-Val, having been denied intervention, lack standing to seek enlargement of the issues and their request to add a § 3.35 issue will be denied. Nor will we add the issue on our own motion. Without reaching the policy question of whether we would have added the issue had the facts herein been alleged in a timely pleading, we note that the facts have been readily available and could have been timely directed to our attention in the exercise of due diligence.

PETITION TO SEVER

12. The record shows that no new interference would be caused to the proposed Carmichael operation by the proposed KVON operation. As for the proposed KSAN operation, there was never any interference problem between it and the proposed Carmichael operation. No objections have been filed to the petition to sever, and since petitioners are qualified in all other respects, the severance and grant of petitioners' applications is in the public interest.

Accordingly, it is ordered, This 31st day of January 1962, that the petition to intervene, reopen record, remand and enlarge issues, filed by John T. Carey, Inc. (KROY) and Cal-Val Radio, Inc. (KXOA), on August 4, 1961, is denied; and

It is further ordered, That the record in this proceeding is reopened and the proceeding remanded to the Chief Hearing Examiner for further proceedings consistent with the foregoing; and

It is further ordered, That the petition of Jack L. Powell and Alyce M. Powell, Joint Tenants (KVON) and Golden Gate Broadcasting Corporation (KSAN) filed September 8, 1961, is granted; that the Commission's Order (FCC 60-808), released July 13, 1960, in the above-entitled proceeding is amended by removing from hearing the application (File No. BP-12306) of Jack L. Powell and Alyce M. Powell, Joint Tenants (KVON) and the application (File No. BP-12376) of Golden Gate Broadcasting Corporation (KSAN); and that said applications of Jack L. Powell and Alyce M. Powell, Joint Tenants (KVON) and Golden Gate Broadcasting Corporation (KSAN) are granted; and

It is further ordered, That Radio Carmichael's request for leave to file opposition, filed on September 11, 1961, is denied.

Released: February 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1579; Filed, Feb. 14, 1962; 8:51 a.m.]

[Docket Nos. 13227, 13251; FCC 62-140]

SEVEN LOCKS BROADCASTING CO. AND TENTH DISTRICT BROADCASTING CO.

Memorandum Opinion and Order Amending Issues

In re applications of Seven Locks Broadcasting Company, Potomac-Cabin John, Maryland, Docket No. 13227, File No. BP-11877; Mary Cobb and Richard S. Cobb, d/b as Tenth District Broadcasting Company, McLean, Virginia, Docket No. 13251, File No. BP-13153; for construction permits.

1. The Commission has under consideration (a) the Initial Decision herein;[2] (b) the exceptions and associated briefs of the parties; and (c) all other matters of record herein. Each applicant seeks a construction permit for Class III AM facilities on the frequency 950 kc; each specifies a power of 1 kw, a directional antenna, and daytime only operation. The applications are mutually exclusive and only one may be granted. The Examiner bases her ultimate preference for the McLean applicant on considerations arising under section 307(b) of the Communications Act. For reasons hereinafter stated, the Commission is remanding the proceeding to the Examiner for further hearing.

2. In its original application, Tenth District Broadcasting Company specified as its station location McLean, Virginia. It represented that its studio would be located in McLean, and that its transmitter would be located "near McLean" at Georgetown Pike and Balls Hill Road. It stated that the area in the vicinity of the proposed transmitter site "is rural in nature", and it made reference to an aerial photograph contained in the application to support that fact. The "unincorporated place" McLean (pop. 1,094) is listed in the 1950 Census, and no prehearing letter to Tenth District questioned that McLean is a "community" within the meaning of section 307(b) of the Act, or a "particular city, town, political subdivision, or community" within the meaning of § 3.30(a) of the Commission's rules.

3. At the hearing, Tenth District described the McLean community as "that part of Fairfax County which is bounded by the Potomac River on the north, by

[1] Dissenting statements of Commissioners Lee, Ford, and Bartley filed as parts of the original document.

[2] Initial Decision of Hearing Examiner Elizabeth C. Smith, released July 17, 1961 (FCC 61D-108, Mimeo No. 7912).

the Arlington County Line and Falls Church on the east, by Route 7 on the south and by Difficult Run on the west." Tenth District's consulting engineer, wife of one of the partners, testified that she had in mind "the little hamlet known as McLean" when she described (in the application) the transmitter site as "near McLean." The transmitter site, rural though it was said to be, is within the boundaries of the McLean community contended for at the hearing. As described by Tenth District, the McLean community had a 1960 population of 28,952 persons in an area of 29.9 square miles.

4. Seven Locks Broadcasting Company first specified a station location of Potomac, Maryland. Following a prehearing letter requesting information which would show that Potomac "is an integrated community", Seven Locks amended its application to specify Potomac-Cabin John, Maryland, as its station location. It represented that its transmitter location would be at the corner of River Road and Seven Locks Road, "squarely between the two communities of Potomac and Cabin John." It explained that their "present small size" and "their dissimilarity" justify the dual city designation as provided for in § 3.30(b) of the rules. Additionally, it stated that programs would originate from both Potomac and Cabin John, and that their potential justifies a special service for "each community." Neither Potomac nor Cabin John is listed in the 1950 Census, and a second prehearing letter to Seven Locks stated that information theretofore submitted by the applicant was insufficient to establish that they were communities within the meaning of section 307(b). The problem remained unresolved, and the Commission's Order designating the Seven Locks and Tenth District applications for hearing specified an issue as to whether the Seven Locks proposal "would serve what is a community within the meaning of section 307(b)."

5. At the hearing, Seven Locks described its community or communities as including the 10th Election District of Montgomery County;[2] that part of the Maryland National Capital Parks and Planning Commission's Planning Area No. IV which extends north of the boundary of the 10th Election District;[3] and Planning Area VI–C–4.[4] The area contended for by Seven Locks is bounded on the south by the Potomac River; on the southeast by Cabin John Creek; on the east by the eastern boundary of Election District 10, the eastern boundary of Planning Area IV, and the proposed route of Highway 240, "all of which run close to each other and parallel;" on the north by the northern boundaries of Election District 10 and Planning Area IV (the proposed outer circumferential highway); and on the west by the boundary between the 10th and 6th Election Districts. The communities were said to encompass 34 square miles and a 1960 population of 5,869, 4,360 residing in Potomac and 1,509 residing in Cabin John.

6. Based on the foregoing, it would appear that at the hearing each applicant materially departed from the statements and representations contained in its application, thereby raising a serious question under § 3.30(a) of the Commission's rules. Section 3.30(a) provides that standard broadcast stations will be licensed to serve primarily "a particular city, town, political subdivision, or community."[5] In neither case here has the applicant established that the area (or areas) claimed is a particular city, town or political subdivision, and there is considerable doubt that it has established that such area (or areas) is a particular community within the purview of the above rule or existing Commission cases. On the basis of the record thus far compiled, there is little to dispel the suspicion that the "communities" contended for by the respective applicants exist primarily in the minds of such applicants: in neither case has the applicant been able to muster anything but unofficial and sporadic concurrence or recognition by miscellaneous groups using the same or similar boundaries for their own specialized purposes and convenience.[6]

7. Because exact boundaries for the named locations have never been officially prescribed, the applicants apparently felt free at the hearing, to push to the farthest points for which any kind of logical support could be summoned.[7] Thus, neither crossed the Potomac River and neither crossed a county line; but Seven Locks did not hesitate to bite into the Bethesda (7th) and Rockville (4th) Election Districts, and Tenth District advanced to the city limits of incorporated Falls Church. In the Commission's view, neither applicant has allayed the distinct suspicion that other locations could make equal or more convincing claims to the territories and peoples contended for by such applicant.[8]

8. Were the Commission to permit either or both of the applicants here to arbitrarily establish the boundary lines of the "communities" respectively claimed, in every future case involving an unincorporated location the opportunity would be open for the applicant to claim every other unincorporated concentration of population in the county. To thus introduce gerrymandering or metes-and-bounds descriptions to our section 307(b) determinations would be to seriously hamper the effective administration of that provision of the Communications Act. Accordingly, the parties are advised that each place of station location applied for must be established as a particular city, town, political subdivision or community, i.e., an identifiable population grouping separate and distinct from all others; and that the geographic boundaries of the location or locations contended for must not enclose or contain areas or populations more logically identified as, or associated with, some other location. Any applicant failing in the foregoing burdens or requirements will be disqualified from receiving a grant under § 3.30(a) of the Commission's rules.

9. The Commission has noted that the two transmitter sites proposed herein are only 3.5 miles apart; and that the two antenna patterns are similar and have in common substantial areas and populations, all of which are in the 1960 Washington Standard Metropolitan Statistical Area, and a good many of which are in the city of Washington itself. Additionally, where Tenth District claims that it would furnish a first outlet for local self-expression to 23,000 more persons than Seven Locks,[9] the latter would bring new service to 90,000 more persons than the former. On the basis of the foregoing and other similarities obtaining with respect to the two proposals, the possibility exists that neither applicant will be able to establish a determinative preference under section 307(b). Accordingly, the Commission is also adding to the proceeding a contingent comparative issue to insure that a determinative basis for a choice will exist between the two applicants.[10]

10. To accommodate the foregoing, the Commission is revising the 307(b) issue presently existing in this proceeding. With the revised 307(b) issue, and with the addition of the § 3.30(a) issue mentioned above, there is no longer required the present issue inquiring into the community status of Potomac-Cabin John. Accordingly, that issue is being deleted from the proceeding.[11]

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[2] The 10th Election District is also known as the Potomac Election District.

[3] A corner of Planning Area No. IV lies in the 4th (Rockville) Election District.

[4] Planning Area VI–C–4 is said to be the Cabin John community, and it lies partially within the 10th Election District and partially within the 7th (Bethesda) Election District.

[5] Paragraph (b) of § 3.30 permits the licensing of a station to serve two or more such entities.

[6] See paragraph 7 of the Examiner's Conclusions, set forth at page 14 of her Initial Decision.

[7] It is true that in Mercer Broadcasting Company, 22 FCC 1009, 13 RR 891 (1957) (cited in the Initial Decision), no finding could be made as to the exact boundaries of Levittown and Fairless Hills. However, it was stipulated that there were 8,750 homes in Levittown and 2,000 homes in Fairless Hills. At 3.2 persons per dwelling, it was computed that the two contiguous areas had a combined population of 33,440 (see footnote 8, infra).

[8] Musical Heights, Inc. 29 FCC 1, 19 RR 49 (1960) affirmed sub nom. Richard F. Lewis, Jr., Inc. v. F.C.C., 292 F. 2d 762, is mentioned in the Initial Decision. There, the Commission held Braddock Heights, Maryland, to be a community, inasmuch as it represented an identifiable population grouping separate and distinct from the larger community of Frederick. In the foregoing respect it is distinguishable from the instant case. Similarly, in the Mercer case (see footnote 7) it is clear that a person claimed for Levittown (or Fairless Hills) knew he lived there. This is not necessarily so for a person claimed in this proceeding for McLean, Potomac, or Cabin John.

[9] Following the further hearing, the difference may be sharply reduced.

[10] In its exceptions, Seven Locks has alternatively requested the addition of a standard comparative issue. For a discussion of the Commission's general policy in cases such as this see Kent-Ravenna Broadcasting Co., FCC 61–1350 (Mimeo No. 12888).

[11] Because the two applicants were originally in a proceeding involving more than 30 applicants, and because of a number of severances involving the two applicants, the exhibits for this proceeding are scattered over a number of volumes, including some bearing docket numbers different from those involved here. The Commission has experienced considerable difficulty in tracking down the various exhibits, and the Examiner at the further hearing ordered herein may wish either to direct the parties to submit all of their exhibits anew, or to append an index of exhibits to the Supplemental Initial Decision.

Accordingly, it is ordered, This 6th day of February 1962, That this proceeding is remanded to the Hearing Examiner for further hearing consistent herewith; and

It is further ordered, That the two issues of this proceeding specifically inquiring into matters involving section 307(b) of the Communications Act are deleted, and that the issues set forth below are substituted or added therefor:

(a) To determine the station locations applied for by the respective applicants, and to determine whether such locations are particular cities, towns, political subdivisions or communities within the meaning of § 3.30(a) of the Commission's rules.

(b) To determine whether considerations with respect to section 307(b) of the Communications Act of 1934, as amended, are applicable to the instant proceeding, and, if so, whether a choice between the applicants can be reasonably based thereon, and, if so, whether a grant to one or the other of the applicants would provide the more fair, efficient and equitable distribution of radio service.

(c) To determine, in the event it is concluded that a choice between the instant applications cannot be made on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(i) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station;

(ii) The proposals of each of the instant applicants with respect to the management and operation of the proposed station;

(iii) The programming service proposed in each of the instant applications.

Released: February 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1580; Filed, Feb. 14, 1962; 8:51 a.m.]

[Docket No. 14313; FCC 62M-198]

WFYC, INC. (WFYC)

Order Continuing Hearing

In re application of WFYC, Incorporated (WFYC), Alma, Michigan, Docket No. 14313, File No. BP-13807; for construction permit.

The Hearing Examiner having under consideration the joint request of all parties to the above-entitled proceeding filed February 7, 1962, for continuance of hearing;

It appearing that by order of the Acting Chief Hearing Examiner the date for exchange of hearing exhibits herein was continued to February 7, 1962, and that said exhibits were exchanged on that date with hearing being scheduled to commence on February 12, 1962, which affords inadequate time for completion of the remaining prehearing procedural course established by order released November 24, 1961;

It is ordered, This 8th day of February 1962, that the said request is granted and that the date for exchange of rebuttal exhibits, if any, is continued from January 30, 1962, to February 16, 1962; and that the date for giving notification of witnesses to be called for cross-examination is continued from February 6, 1962, to February 23, 1962;

It is further ordered, That the hearing in this matter heretofore scheduled to commence on February 12, 1962, is continued to March 14, 1962, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: February 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1581; Filed, Feb. 14, 1962; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-123]

CITIES SERVICE GAS CO.

Notice of Application and Date of Hearing

FEBRUARY 9, 1962.

Take notice that on November 16, 1961, Cities Service Gas Company (Applicant), P.O. Box 1995, Oklahoma City, Oklahoma, filed in Docket No. CP62-123 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain minor "budget-type" facilities during the calendar year 1962, including branch lines and meter and regulator equipment, to make miscellaneous temporary and permanent direct sales of natural gas from Applicant's existing pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The total cost of the facilities for which authorization is sought is estimated to be $97,500, with no individual project to exceed a cost of $15,000. Applicant states that the cost of said facilities will be paid out of treasury cash.

Applicant estimated that it will have approximately 15 requests for temporary sales in 1962 by road construction contractors and other operators of temporary plant locations, with each request involving an estimated average of 35,000 Mcf annually and averaging a cost of approximately $2,500 per installation.

Also, Applicant anticipates approximately 30 requests for direct sales to consumers on a permanent basis, each request involving an average of approximately 81,000 Mcf of gas annually and averaging a cost of approximately $2,000 per installation.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 20, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washingotn 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 7, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1542; Filed, Feb. 14, 1962; 8:46 a.m.]

[Docket No. G-15170, etc.]

CONTINENTAL OIL CO. ET AL.

Order Accepting Offer of Settlement, Severing and Terminating Proceedings and Providing for Refunds

FEBRUARY 9, 1962.

On December 12, 1961, Continental Oil Company, for itself and for other parties of interest (hereinafter referred to collectively as Continental), tendered for filing an Offer of Settlement, pursuant to § 1.18(e) of the Commission's rules of practice and procedure, of the rate suspension proceedings involved in the above-entitled matters. Included in its Offer of Settlement are three proposed increased rates which Continental requests be permitted to become effective without suspension. The sales involved in the Offer of Settlement all concern Continental's jurisdictional sales of natural gas to Texas Eastern Transmission Corporation (Texas Eastern) from Texas Railroad Commission District Nos. Two and Six.

The suspended and proposed rate changes which are the subject of this Offer of Settlement are as follows:

Rate schedule-supplement No.	Docket No.	Increased Rate—Cents/Mcf at 14.65 psia	Date effective subject to refund	Settlement rates
84–9	G–15170	13.8733	Oct. 29, 1958	13.8733
114–12*	G–15171	13.8733	Oct. 29, 1958	13.8733
125–10*	G–15171	[1] 14.3733	Oct. 29, 1958	14.3733
11	G–18750	[1] 16.0432	Nov. 18, 1959	14.3733
12	RI60–194	[1] 15.2765	Aug. 21, 1960	14.3733
13	RI61–458	[1] 15.7099	Sept. 27, 1961	14.3733
137–10		13.8733	(2)	13.8733
139–6*		13.8733	(2)	13.8733
141–8*		13.8733	(2)	13.8733
169–3 and 4	G–19027	14.6	Jan. 6, 1960	14.6
5	RI60–160	14.8	July 29, 1960	14.6
6	RI61–285	15.0	May 22, 1961	14.6

*(Operator), et al.
[1] Includes 0.5 cents per Mcf allowance to Continental for dehydration and central point delivery.
[2] Proposed in the offer.

Under the terms of the offer, Continental agrees to eliminate the favored-nation and price redetermination provisions from the subject contracts. Under Rate Schedule Nos. 84, 114, 137, 139, and 141 Continental proposes to insert schedules of three 0.5 cent per Mcf escalations above the 13.8733 cents per Mcf settlement rates at five-year intervals beginning February 5, 1963. Under Rate Schedules Nos. 125 and 169 Continental proposes to insert schedules of three 0.5 cent and 1.0 cent per Mcf escalations above the respective 14.3733 cents, and 14.6 cents per Mcf settlement rates occurring at five-year intervals beginning February 5, 1963 and November 1, 1963. All of the aforementioned rates are total rates including any tax reimbursement.

As justification for the offer, Continental contends that the favored-nation and price redetermination provisions of the contracts are valuable to Continental as a means of protection against inflation. In addition, Continental states that the settlement rates are below the level of initial prices for gas sold in the same areas. The offer is consistent with the Commission's announced policy in the Second Amendment to Statement of General Policy No. 61–1.

Docket Nos. G–15170 and G–15171 were consolidated for hearing purposes with Docket Nos. G–16966, a section 5(a) general investigation.

Texas Eastern concurs in and approves the Offer of Settlement and adverts to the similarity of previous offers of settlement pertaining to jurisdictional sales of gas to Texas Eastern which have been accepted by the Commission. No opposition to the Offer of Settlement has been expressed.

In our judgment, settlement of these proceedings in accordance with the Offer of Settlement is desirable in the public interest and appropriate in carrying out the provisions of the Natural Gas Act. Continental is proposing to eliminate all favored-nation and price-redetermination clauses in its contracts herein involved with Texas Eastern, to waive all its future rights and benefits thereunder and to convert the annual escalations now provided in the contracts to fixed escalations, and provided in its offer.

However, we desire to make it clear that acceptance of this Offer of Settlement shall not be construed as approval of any future increased rates proposed by Continental under the fixed escalation provision or otherwise.

The Commission finds:

(1) Good cause has been shown for severing Docket Nos. G–15170 and G–15171 from the consolidated proceedings in Docket Nos. G–16966, et al., and for terminating the proceedings in Docket Nos. G–15170, G–15171, G–18750, RI60–458, G–19027, RI60–160, RI61–285, and RI60–194.

(2) The proposed settlement of these rate proceedings on the basis described herein, as more fully set forth in the Offer of Settlement filed with the Commission by Continental on December 12, 1961, is in the public interest and appropriate to carry out the provisions of the Natural Gas Act and should be approved by the Commission and made effective as hereinafter ordered.

The Commission orders:

(A) Docket Nos. G–15170 and G–15171 are hereby severed from the consolidated proceedings Docket Nos. G–16966, et al.

(B) The Offer of Settlement filed by Continental on December 12, 1961, is hereby approved in accordance with the provisions of this order.

(C) Continental shall execute with Texas Eastern amendments to the gas purchase contracts to implement the provisions of the Offer of Settlement and file with the Commission within 30 days from the issuance of this order such amendments as supplements to the contracts involved.

(D) Within 45 days from the date of issuance of this order, Continental shall refund to Texas Eastern the difference between the amounts collected from Texas Eastern and the rates agreed upon in the Offer of Settlement, together with simple interest at the rate specified in the respective agreement and undertaking from the respective dates of receipt of said excess amounts by Continental to the date of refund. Continental shall bear all costs incidental to the making of such refunds.

(E) Within 60 days from the date of issuance of this order, Continental shall report to the Commission in writing and under oath the details of its calculations resulting in refunds ordered pursuant to paragraph (D) above, together with copies of releases from Texas Eastern with respect to such refunds.

(F) The proceedings in Docket Nos. G–15170, G–15171, G–18750, RI60–194, RI61–458, G–19027, RI60–160, and RI61–285 upon compliance with paragraphs C, D and E, above, are hereby terminated.

(G) The acceptance of this Offer of Settlement is without prejudice to any findings or determinations that may be made in any proceedings, which are presently being heard, or in any proceedings now pending or which may be hereafter instituted.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–1543; Filed, Feb. 14, 1962; 8:47 a.m.]

[Docket No. E–6446]

GLACIER ELECTRIC COOPERATIVE, INC.

Notice of Application

FEBRUARY 9, 1962.

Take notice that on January 2, 1962, Glacier Electric Cooperative, Inc. (Applicant), incorporated under the laws of the State of Montana and doing business in that State, with its principal place of business at Cut Bank, Montana, filed an application for a supplemental order, pursuant to section 202(e) of the Federal Power Act, authorizing an increase in the amounts of electric energy which Applicant is presently authorized to transmit from the United States to Canada.

By Commission order issued January 29, 1953, in the above docket, as amended December 2, 1959, Applicant was authorized to transmit electric energy from the United States to Canada in amounts not to exceed 84,000 kwh per annum at a maximum transmission rate of 25 kw at Carway, Alberta, Canada, and 36,000 kwh per annum at a maximum transmission rate of 15 kw at Del Bonita, Alberta, Canada. Applicant now seeks authorization to transmit up to 500,000 kwh at a maximum rate of 150 kw at Carway and up to 150,000 kwh at a maximum rate of 75 kw at Del Bonita.

The amounts of electric energy which Applicant proposes to export, like those amounts presently exported pursuant to the afore-mentioned authorization, are to be transmitted to Canada from the State of Montana over certain facilities specified in a Presidential Permit signed by the President of the United States on December 12, 1952 and released to Applicant concurrently with the issuance of Commission order issued January 27, 1953, in the above docket.

Any person desiring to be heard or to make any protest with reference to the application should on or before February 28, 1962 file with the Federal Power Commission, Washington 25, D.C., a petition or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–1544; Filed, Feb. 14, 1962; 8:47 a.m.]

[Docket No. CP62–150]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

FEBRUARY 9, 1962.

Take notice that on December 26, 1961, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP62–150 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas facilities as hereinafter described and as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to abandon and remove 0.004 mile of 8⅝" O.D. pipeline and a dual 6" orifice meter station and appurtenant facilities in Jefferson County, Texas. The facilities proposed for abandonment were installed in 1952 for the purpose of delivering gas to the Socony Mobile Oil Company (Socony) (successor to Magnolia Petroleum Company) for use in its operation of an oil refinery located at Beaumont, Texas. Socony has advised Applicant that it sees no immediate use for the facilities and has requested cancellation of the gas sales contract to which Applicant has agreed.

Applicant states that the subject facilities have been utilized directly in connection with service to Socony and are not required following the termination of the gas sales contract with Socony. The original cost of the subject facilities was $3,826.43.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 13, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 1, 1962. Failure of any party to appear at and participate in the hearing shall be construed as wavier of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–1546; Filed, Feb. 14, 1962; 8:47 a.m.]

[Docket No. CI60–542]

VALLEY GAS TRANSMISSION, INC.

Notice of Hearing

FEBRUARY 9, 1962.

Valley Gas Transmission, Inc. (Applicant), a Texas corporation with principal place of business at 572 M & M Building, Houston, Texas, filed an application for a certificate of public convenience and necessity of limited duration in the above-captioned proceeding, pursuant to section 7(c) of the Natural Gas Act, on May 2, 1960, as amended June 27, 1960, March 1, 1961, and May 26, 1961.

Applicant proposes to sell natural gas in interstate commerce to United Gas Pipe Line Company (United) for resale and to transport natural gas in interstate commerce by means of certain natural gas facilities proposed to be constructed and operated by Applicant. Temporary authorizations were issued to Applicant on July 15, 1960, March 31, 1961, and June 28, 1961. The gas involved will be purchased by Applicant from various producers at a base initial price of 14.0 cents per Mcf at 14.65 psia and will be produced from various fields in Live Oak County, Texas (Texas Railroad District No. 2). Permanent certificates were issued to 14 of the producer-sellers in Docket Nos. CI60–543 through CI60–556 by order issued in Paul F. Barnhart, et al., Docket No. G–13831, et al., on October 31, 1960, and temporary authorizations were issued to 4 others in Docket Nos. CI61–203, CI61–455, CI61–884, and CI61–905 on April 19, 1961, and July 10, 1961. United has constructed and is operating the facilities necessary to take the instant gas from Applicant under a budget-type certificate issued in United Gas Pipe Line Company, Docket No. G–18983, on November 9, 1959. Applicant proposes to sell the instant gas to United at 18.0 cents per Mcf at 14.6 psia. The facilities, estimated to cost $750,000.00 will be financed by Applicant through the sale of securities to its parent corporation, Valley Gas Production, Inc.

Notice of the filing of Applicant's application together with its consolidation for hearing along with certain other applications not here relevant was issued on September 14, 1960, and published in the FEDERAL REGISTER on September 22, 1960 (25 F.R. 9125). This notice fixed October 4, 1960, as the last day for filing protests or petitions to intervene. The Public Service Commission of the State of New York filed a notice of intervention in the instant docket on September 29, 1960. By notice issued on October 12, 1960, and published in the FEDERAL REGISTER on October 19, 1960 (25 F.R. 9982), the application in the instant proceeding was severed for separate disposition from those with which it had theretofore been consolidated.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 6, 1962, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the application.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–1547; Filed, Feb. 14, 1962; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Aynor Manufacturing Co., Inc., Aynor, S.C.; effective 1–15–62 to 1–14–63 (ladies' blouses, capri pants, shorts, and pedal pushers).

Biltmore Manufacturing Co., Asheville, N.C.; effective 1–11–62 to 1–10–63. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's and children's sportswear, dungarees, slacks, pedal pushers, etc.).

Cherryvale Manufacturing Co., Cherryvale, Kans.; effective 1–10–62 to 1–9–63 (men's work clothing).

Colshire Manufacturing Co., Inc., Morgantown, W. Va.; effective 2–1–62 to 1–31–63 (men's pajamas).

Devil Dog Manufacturing Co., Inc., Middlesex, N.C.; effective 1–12–62 to 1–11–63 (ladies' and children's playwear).

Dunhill Shirt Co., Lexington, Mo.; effective 1–12–62 to 1–11–63 (men's shirts).

Ely & Walker, Division of Burlington Ind., Inc., Yazoo City, Miss.; effective 1-8-62 to 1-7-63 (men's and boys' woven pajamas).

Huggins Garment Co., Inc., Donalds, S.C.; effective 1-29-62 to 1-28-63 (men's sport and utility shirts).

Huggins Garment Co., Inc., Due West, S.C.; effective 1-26-62 to 1-25-63 (men's sport and utility shirts).

R. Lowenbaum Manufacturing Co., 100 South Minnesota Street, Cape Girardeau, Mo.; effective 1-15-62 to 1-15-63 (junior dresses).

McKenzie Pajama Corp., McKenzie, Tenn.; effective 1-17-62 to 1-16-63 (men's and boys' cotton pajamas and robes).

O'Brien Manufacturing Co., 2506 North General Bruce Drive, Temple, Tex.; effective 1-8-62 to 1-7-63 (men's and boys' semidress pants).

Powellville Pants Factory, Powellville, Md.; effective 1-27-62 to 1-26-63 (men's work pants; boys' work pants).

Russell Springs Manufacturing Corp., Russell Springs, Ky.; effective 1-11-62 to 1-10-63 (men's and boys' sport shirts, dress shirts).

Saluda Shirt Co., Inc., Saluda, S.C.; effective 1-8-62 to 1-7-63 (ladies' cotton blouses; men's sport shirts).

Smith Brothers Manufacturing Co., 524 Howard Street, Carthage, Mo.; effective 1-23-62 to 1-22-63 (denim jackets; denim blue jeans).

Smith Brothers Manufacturing Co., Neosho, Mo.; effective 1-23-62 to 1-22-63 (work and casual pants and ladies' jeans).

Smith Brothers Manufacturing Co., St. Joseph, Mo.; effective 1-23-62 to 1-22-63 (work jackets, coveralls, overalls, and work pants).

Smith Brothers Manufacturing Co., Webb City, Mo.; effective 1-23-62 to 1-22-63 (work shirts and ladies' blouses).

Levi Strauss and Co., 501 Travis Street, Wichita Falls, Tex.; effective 1-18-62 to 1-17-63 (men's and boys' waistband overalls).

Sturgis Clothing Co., Sixth and Main Streets, Sturgis, Ky.; effective 2-1-62 to 1-31-63 (men's single pants).

Tennessee Overall Co., Inc., 401 North Atlantic Street, Tullahoma, Tenn.; effective 1-23-62 to 1-22-63 (men's pants).

The following learner certificate was issued for normal labor turnover purposes. The effective and expiration date and the number of learners authorized is indicated.

Smith Brothers Manufacturing Co., Lamar, Mo.; effective 1-23-62 to 1-22-63; 10 learners (men's and boys' dungarees; work jackets).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Butler Garment Co., Butler, Pa.; effective 1-11-62 to 7-10-62; 85 learners (women's blouses and ladies' sportswear).

Chase City Manufacturing Co., Inc., Walker Street, Chase City, Va.; effective 12-26-61 to 6-25-62; 100 learners (men's and boys' dungarees and single pants).

Oberman Manufacturing Co., Arkadelphia, Ark.; effective 1-10-62 to 7-9-62; 50 learners (men's and boys' pants).

Levi Strauss and Co., Blue Ridge, Ga.; effective 1-9-62 to 7-8-62; 130 learners (boys' casual pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.65, as amended).

Indianapolis Glove Co., Inc., Mount Ida, Ark.; effective 1-22-62 to 1-21-63; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Auburn Hosiery Mills, Inc., Auburn, Ky.; effective 1-8-62 to 1-7-63; five learners for normal labor turnover purposes (full fashioned).

Ballet Hosiery Co., Wadesboro, N.C.; effective 1-21-62 to 1-20-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Dothan Hosiery Co., Dothan, Ala.; effective 1-20-62 to 7-19-62; 50 learners for plant expansion purposes (seamless).

Dothan Hosiery Co., Dothan, Ala.; effective 1-20-62 to 1-19-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Durham Hosiery Mills, Plant No. 14, 109 South Corcoran Street, Durham, N.C.; effective 1-25-62 to 1-24-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (full fashioned; seamless).

Grenada Industries, Inc., Grenada, Miss.; effective 1-25-62 to 1-24-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (full fashioned; seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Kingsboro Mills, Lafayette, Tenn.; effective 1-16-62 to 1-15-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie).

Kingsboro Mills, McMinnville, Tenn.; effective 1-12-62 to 1-11-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's lingerie).

Van Raalte Co., Inc., Randolph, Vt.; effective 1-10-62 to 1-9-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Active Quilting Corp., R. 421 North Pennsylvania Avenue, Wilkes-Barre, Pa.; effective 1-15-62 to 7-14-62; five learners for normal labor turnover purposes in the occupation of quilting-machine operators, for a learning period of 320 hours at the rate of $1.00 an hour (quilted products).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Albert De-Silva, Inc., 50 Munoz Rivera Avenue, Hato Rey, P.R.; effective 12-26-61 to 6-25-62; 108 learners for plant expansion purposes, in the occupations of millinery assembler, hand blocker, trimmer, paster, and finisher, each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (ladies' hats).

Alfredo Manufacturing Corp., Rio Grande, P.R.; effective 10-23-61 to 10-22-62; 15 learners for normal labor turnover purposes, in the occupations of sewing machine operator and final presser, each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (men's pajamas).

Alfredo Manufacturing Corp., Rio Grande, P.R.; effective 10-23-61 to 4-22-62; 15 learners for plant expansion purposes, in the occupations of sewing machine operator and final presser, each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (men's pajamas).

Alfredo Manufacturing Corp., Rio Grande, P.R.; effective 11-3-61 to 10-23-62; 15 learners for normal labor turnover purposes, in the occupations of sewing machine operator and final presser, each for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (men's pajamas) (replacement certificate).

Alfredo Manufacturing Corp., Rio Grande, P.R.; effective 11-3-61 to 4-22-62; 15 learners for plant expansion purposes, in the occupations of sewing machine operator and final presser, each for a learning period of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (men's pajamas) (replacement certificate).

Americana Manufacturing Co., Inc., Guayama, P.R.; effective 11-3-61 to 4-18-62; 33 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (girdles, corsets, brassieres, and allied garments) (replacement certificate).

Angela Manufacturing Co., Inc., Guayama, P.R.; effective 11-3-61 to 4-14-62; 17 learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (brassieres) (replacement certificate).

Antilles Electronics Corp., Centro Industrial Bo. Hato, San Lorenzo, P.R.; effective 12-7-61 to 6-6-62; 100 learners for plant expansion purposes, in the single occupation of basic hand and/or machine production operations: electronic and mechanical assembly and machine operations, for a learning period of 480 hours at the rates of 81 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (tape recorders and related products).

Beatrice Needle Craft, Inc., 60 Comercio Street, Mayaguez, P.R.; effective 10-26-61 to 10-23-62; 20 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (brassieres).

Beatrice Needle Craft, Inc., 60 Comercio Street, Mayaguez, P.R.; effective 11-3-61 to 10-23-62 in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Beatrice Needle Craft, Inc., Mayaguez, P.R.; effective 11-3-61 to 3-19-63; 15 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Beatrice Needle Craft, Inc., Malecon Industrial Plant, Mayaguez, P.R.; effective 11-3-61 to 3-19-62; 40 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Beatrice Needle Craft, Inc., Ponce, P.R.; effective 11-3-61 to 5-14-62; 25 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres and girdles) (replacement certificate).

Bonita, Inc., Cayey, P.R.; effective 11-3-61 to 3-14-62; 10 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Bonita, Inc., Industrial Ave., Cayey, P.R.; effective 11-3-61 to 3-28-62; 16 learners for normal labor turnover purposes, in the occupations of machine stitchers and pressers, each for a learning priod of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (swimwear) (replacement certificate).

Bra-Gio Manufacturing Co., Inc., Carolina, P.R.; effective 11-3-61 to 10-1-62; 33 learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (brassieres and corsets) (replacement certificate).

Bra-Gio Manufacturing Co., Inc., Carolina, P.R.; effective 11-3-61 to 4-1-62; nine learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (brassieres) (replacement certificate).

Caribe Princesa, Inc., Humacao, P.R.; effective 11-3-61 to 5-14-62; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (women's underwear and sleepwear) (replacement certificate).

Caribe Staple Co., Fajardo, P.R.; effective 11-3-61 to 4-24-62; five learners for normal labor turnover purposes, in the single occupation of: (1) Machine operator and inspector, for a learning period of 480 hours at the rate of 87 cents an hour for the first 240 hours and $1.01 an hour for the remaining 240 hours; (2) inspector and packer, for a learning period of 240 hours at the rate of 87 cents an hour (industrial staples) (replacement certificate).

Catherine Needle Craft, Inc., 60 Comercio Street, Mayaguez, P.R.; effective 11-3-61 to 4-21-62; 25 learners for plant expansion purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Catherine Needle Craft, Inc., 60 Comercio Street, Mayaguez, P.R.; effective 11-3-61 to 4-21-62; 15 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Central Products Co., Mayaguez, P.R.; effective 11-3-61 to 5-14-62; five learners for normal labor turnover purposes, in the occupations of power press and pull-in operator, quality control (gage reader), final inspector, hi-speed hammer operator, cord winder, painter, and assembly chalk line marker, each for a learning period of 480 hours at the rates of 87 cents an hour for the first 240 hours and $1.01 an hour for the remaining 240 hours (measuring tape and chalk line marker) (replacement certificate).

Clairex Corp. of Puerto Rico, Villa Prades Industrial Dev., Rio Piedras, P.R.; effective 11-15-61 to 11-14-62; five learners for normal labor turnover purposes, in the occupations of photocell assembler, inspector and tester, each for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours (photoelectric cells).

Columbia Manufacturing Co., San Lorenzo, P.R.; effective 11-3-61 to 8-7-62; 10 learners for normal labor turnover purposes, in the occupations of straightening, sand blasting, washing, degreasing, point grinding centerless grinding, slot and fin milling, thread rolling, induction brazing, inspecting, heat treating, stamping and cylindrical grinding, each for a learning period of 480 hours at the rates of 87 cents an hour for the first 240 hours and $1.01 an hour for the remaining 240 hours (metal cutting tools) (replacement certificate).

Compex Undergarment Corp., Coamo, P.R.; effective 11-3-61 to 2-5-62; 5 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (ladies underwear) (replacement certificate).

Contours, Inc., Caguas, P.R.; effective 11-27-61 to 11-26-62; five learners for normal labor turnover purposes, in the occupations of: (1) Cup cutter, sprayer, and presser, each for a learning period of 240 hours at the rate of 81 cents an hour; (2) die and clicker machine operator, for a learning period of 160 hours at the rate of 81 cents an hour (bust pads).

Contours, Inc., Caguas, P.R.; effective 11-27-61 to 5-26-62; 10 learners for plant expansion purposes, in the occupations of: (1) Cup cutter, sprayer, and presser, each for a learning period of 240 hours at the rate of 81 cents an hour; (2) die and clicker machine operator, for a learning period of 160 hours at the rate of 81 cents an hour (bust pads).

Corozal Knitting Mills, Inc., Corozal, P.R.; effective 11-3-61 to 10-1-62; 33 learners for normal labor turnover purposes, in the occupations of knitting, finger closing, and machine stitching, each for a learning period of 480 hours at the rates of 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours (knitted gloves and mittens) (replacement certificate).

Debmar Corp., Canovanas, P.R.; effective 11-3-61 to 4-1-62; 31 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operators for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (brassieres) (replacement certificate).

Debmar Corp., Canovanas, P.R.; effective 11-3-61 to 10-1-62; 16 learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (brassieres) (replacement certificate).

Dentsply Puerto Rico, Inc., Caguas, P.R.; effective 11-3-61 to 2-6-62; seven learners for plant expansion purposes, in the occupations of moulder, carder, driller, and heater operator, each for a learning period of 240 hours at the rate of 87 cents an hour (artificial teeth) (replacement certificate).

Dentsply Puerto Rico, Inc., Caguas, P.R.; effective 11-3-61 to 8-6-62; five learners for normal labor turnover purposes, in the occupations of moulder, carder, driller, and heater operator, each for a learning period of 240 hours at the rate of 87 cents an hour (artificial teeth) (replacement certificate).

Juana Diaz Co., Inc., Ponce, P.R.; effective 11-3-61 to 3-31-62; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (girdles) (replacement certificate).

Juana Diaz Co., Inc., Juana Diaz, P.R.; effective 11-3-61 to 8-13-62; 14 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Juana Diaz Co., Inc., Juana Diaz, P.R.; effective 11-3-61 to 4-22-62; 15 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Juana Diaz Co., Inc., Juana Diaz, P.R.; effective 11-3-61 to 8-13-62; 14 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Emily, Inc., Adjuntas, P.R.; effective 11-3-61 to 2-7-62; 11 learners for normal labor

turnover purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (brassieres) (replacement certificate).

Essex, Inc., Hato Rey, P.R.; effective 11-3-61 to 6-18-62; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (skirts) (replacement certificate).

Flamingo Brassieres, Inc., 513 Carolina Street, Hato Rey, P.R.; effective 11-3-61 to 3-5-62; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

General Electric Switchgear, Inc., Palmer, P.R.; effective 11-3-61 to 8-6-62; 10 learners for normal labor turnover purposes, in the occupations of: (1) Punch press, screw machine and milling machine operator, welder and female and male assembler, class 3, each for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours; (2) drill press and miscellaneous machine operator, machine setup man, and female assembler, class 2, each for a learning period of 240 hours at the rate of 92 cents an hour (electrical products) (replacement certificate).

General Electric Instrument Corp., Caguas, P.R.; effective 11-3-61 to 5-23-62; 30 learners for normal labor turnover purposes, in the occupations of assembler, solderer (general), spring solderer, inspector, repair operator, and balancer, each for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours (electric instruments) (replacement certificate).

Gibeon Caribe, Inc., Luquillo, P.R.; effective 11-28-61 to 11-27-62; five learners for normal labor turnover purposes, in the single occupation of: Powder metal quality analyst, furnace, stokes press and powder press operator, rivet machine, milling machine operator, sander, lathe and punch press operator, powder mixer, assembly, and drill press operator for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours (electrical contacts).

Glamourette Fashion Mills, Inc., Quebradillas, P.R.; effective 11-3-61 to 6-15-62; 18 learners for normal labor turnover purposes, in the occupations of: (1) Knitter, topper, and looper, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher, presser, hand sewing, and finishing operations involving hand sewing, each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours; (3) winder for a learning period of 240 hours at the rate of 78 cents an hour (full-fashioned sweaters) (replacement certificate).

Gordonshire Knitting Mills, Inc., Cayey, P.R.; effective 11-3-61 to 2-28-62; 50 learners for normal labor turnover purposes, in the occupations of: (1) Sweater looper and knitter, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher (seaming) for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (sweaters) (replacement certificate).

Granada Mills, Inc., Caguas, P.R.; effective 11-3-61 to 6-26-62; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (ladies' panties and slips) (replacement certificate).

Guantes de Ponce, 53 Luna Street (Altos), Ponce, P.R.; effective 12-1-61 to 5-31-62; 60 learners for plant expansion purposes, in the occupations of: (1) Machine stitcher and layer off, each for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours; (2) die and clicker machine operator, each for a learning period of 160 hours at the rate of 62 cents an hour (gloves).

Haddon Corp., Sabana Grande, P.R.; effective 11-3-61 to 2-28-62; five learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours (children's play togs) (replacement certificate).

Hats, Inc., 106 Padial Street, Caguas, P.R.; effective 11-20-61 to 5-19-62; 50 learners for plant expansion purposes, in the occupation of hand crocheting of hats for a learning period of 320 hours at the rates of 55 cents an hour for the first 160 hours and 62 cents an hour for the remaining 160 hours (hats).

International Shoe Corp., of Puerto Rico and/or Island Shoe Co., and Manati Shoe Co., Manati, P.R.; effective 11-26-61 to 2-12-62; 67 learners for normal labor turnover purposes, in any productive factory occupation, except: Edge setting or trimming; Goodyear or McKay stitching; top stitching, lasting (except slip lasting); cement-process sole attaching, treeing, upper leather cutting (except lining or trim), vamping, hand fitting of wood heels, insole or outsole bagger; outsole catcher; channel lipwetter, floorboy or floorgirl, insole presser, rack changer, shover or pusher; sock lining getter; or any non-productive factory occupations, each for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 65 cents an hour for the remaining 240 hours (shoes) (replacement certificate).

Island Knitting Mills, Inc., San Lorenzo, P.R.; effective 11-3-61 to 3-16-62; five learners for normal labor turnover purposes, in the occupations of: (1) Looper, knitter, and topper, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher and mender, each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (sport and polo shirts and sweaters) (replacement certificate).

Janrico, Inc., Rincon, P.R.; effective 11-3-61 to 6-19-62; five learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Evelyn Judith Products, Inc., Corozal, P.R.; effective 11-3-61 to 4-19-62; five learners for normal labor turnover purposes, in the occupation of machine stitcher (P. K. and Osann leather palm sewing) for a learning period of 480 hours at the rates of 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours (knitted gloves) (replacement certificate).

Lady Lillian Inc., Maunabo, P.R.; effective 11-3-61 to 7-31-62; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (ladies' underwear) (replacement certificate).

La Torre Co., Inc., Aibonito, P.R.; effective 11-3-61 to 7-31-62; 34 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (ladies' underwear, sleepwear, and shoulder straps) (replacement certificate).

La Torre Co., Inc., Aibonito, P.R.; effective 11-15-61 to 5-14-62; 100 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (ladies' underwear, sleepwear, and shoulder straps).

Linda Uniforms, Inc., Cidra, P.R.; effective 11-3-61 to 3-24-62; 70 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (ladies' dresses) (replacement certificate).

Mansco International Corp., Guaynabo, P.R.; effective 11-15-61 to 11-14-62; 10 learners for normal labor turnover purposes in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours; (2) machine operations other than sewing machine: Gripper setting, banding and packing, each for a learning period of 160 hours at the rate of 65 cents an hour (men's underwear).

Mansco International Corp., Guaynabo, P.R.; effective 11-15-61 to 5-14-62; 40 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours; (2) machine operations other than sewing machine: Gripper, marker, and packer, each for a learning period of 160 hours at the rate of 65 cents an hour (men's underwear).

Manuela Manufacturing Co., Inc., Naranjito, P.R.; effective 11-3-61 to 2-19-62; 8 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (ladies' sleeping gowns and pajamas).

Marcat, Inc., El Commandante Industrial Development, Rio Piedras, P.R.; effective 11-3-61 to 4-1-62; 20 learners for plant expansion purposes, in the occupations of assembler, gun mounts and inspector, each for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours (assembly of television gun mounts) (replacement certificate).

Marcat, Inc., El Commandante Industrial Development, Rio Piedras, P.R.; effective 11-3-61 to 10-1-62; five learners for normal labor turnover purposes, in the occupations of assembler, gun mounts and inspector, each for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours (assembly of television gun mounts) (replacement certificate).

Marita Mills, Inc., Bayamon, P.R.; effective 11-3-61 to 8-21-62; 10 learners for normal labor turnover purposes, in the occupations of: (1) Knitter, topper, looper, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher and hand sewer, each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (full-fashioned knitted outerwear) (replacement certificate).

Milton Co., Inc., Aibonito, P.R.; effective 11-16-61 to 11-15-62; 16 learners for normal labor turnover purposes, in the occupation of machine stitcher and laying off, each for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 71 cents an hour for the remaining 240 hours (ladies' gloves).

Northridge Knitting Mills, Inc., and/or Westone Knitting Mills, Inc., San German, P.R.; effective 11-24-61 to 11-23-62; 27 learners for normal labor turnover purposes, in the occupations of: (1) Knitter, topper and looper, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher and presser, each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (full-fashioned sweaters).

Ocean Knitwear Corp., Caguas, P.R.; effective 11-3-61 to 5-31-62; 10 learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operator and final presser, each for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 65 cents an hour (polo shirts and sport shirts) (replacement certificate).

Oxford, Inc., Hato Rey, P.R.; effective 11-3-61 to 6-18-62; five learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 83 cents an hour for the remaining 240 hours (women's slacks and shirts) (replacement certificate).

Paradise Manufacturing, Inc., Gurabo, P.R.; effective 11-3-61 to 5-28-62; 12 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Playtex Caribe, Inc., Dorado, P.R.; effective 11-3-61 to 6-18-62; 16 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Princetta Lingerie, Inc., Inquillo, P.R.; effective 11-3-61 to 2-28-62; 25 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 65 cents an hour (panties) (replacement certificate).

Puerto Rico Industrial Manufacturing Corp., Manati, P.R.; effective 11-3-61 to 6-15-62; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 69 cents an hour for the first 240 hours and 81 cents an hour for the remaining 240 hours (men's work pants and shirts) (replacement certificate).

Puerto Rico Pin Co., Bayamon, P.R.; effective 11-3-61 to 3-17-62; 12 learners for plant expansion purposes, in the occupations of grinding machine tender and safety pin machine tender; cut-off machine tender, each for a learning period of 480 hours at the rates of 87 cents an hour for the first 240 hours and $1.01 an hour for the remaining 240 hours (safety pins) (replacement certificate).

Rapid Electric Co. of Puerto Rico, Inc., Arecibo, P.R.; effective 12-1-61 to 5-31-62; five learners for plant expansion purposes, in the single occupation of basic hand and or machine production operations: Paint sprayer, circular shear operator, bending brake operator, notching press operator, band saw operator, spot welder, arc welder, each for a learning period of 480 hours at the rates of 87 cents an hour for the first 240 hours and $1.01 an hour for the remaining 240 hours (steel cabinets for rectifiers and transformers).

Rio Grande Manufacturing Corp., Rio Grande, P.R.; effective 11-3-61 to 9-27-62; 10 learners for normal labor turnover purposes, in the occupations of sewing machine operator and final presser, each for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (men's shorts) (replacement certificate).

Rio Grande Manufacturing Corp., Rio Grande, P.R.; effective 11-3-61 to 3-27-62; 22 learners for plant expansion purposes, in the occupations of sewing machine operator and final presser, each for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (men's shorts) (replacement certificate).

Savage Arms, Inc., Star Route No. 55—Minillas, Bayamon, P.R.; effective 11-3-61 to 8-24-62; 10 learners for normal labor turnover purposes, in the occupations of machine operator, finisher and final assembler, each for a learning period of 480 hours at the rates of 87 cents an hour for the first 240 hours and $1.01 an hour for the remaining 240 hours (firearms) (replacement certificate).

Simplex Precast Industries, Inc., Bayamon, P.R.; effective 11-3-61 to 3-31-62; five learners for normal labor turnover purposes, in the single occupation of basic hand and/or machine production operations: dryer-kiln operator, polisher (surface finisher), grinder operator, batcher mixers operator and sorter, each for a learning period of 320 hours at the rates of 87 cents an hour for the first 160 hours and $1.01 an hour for the remaining 160 hours (terrazzo tile) (replacement certificate).

Sportee Corp. of America, Ponce, P.R.; effective 11-3-61 to 2-13-62; 11 learners for plant expansion purposes, in the occupations of sewing machine operator and final presser, each for a learning period of 480 hours at the rates of: (1) 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours in the manufacture of children's polo shirts, and infants' creepers and cardigans; (2) 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours in the manufacture of boys' polo shirts, and ladies' and girls' outerwear; (3) 71 cents an hour for the first 240 hours and 83 cents an hour for the remaining 240 hours in the manufacture of children's, girls', and ladies' pants (products as listed herein) (replacement certificate).

Sportee Corp. of America, Ponce, P.R.; effective 11-3-61 to 8-13-62; 19 learners for normal labor turnover purposes in the occupations of sewing machine operator and final presser, each for a learning period of 480 hours at the rates of: (1) 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours in the manufacture of children's polo shirts, and infants' creepers and cardigans; (2) 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours in the manufacture of boys' polo shirts; (3) 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours in the manufacture of ladies and girls' outerwear; (4) 71 cents an hour for the first 240 hours and 83 cents an hour for the remaining 240 hours in the manufacture of children's, girls', and ladies' pants (products as listed herein) (replacement certificate).

Star Kist Caribe, Inc., Mayagues, P.R.; effective 11-3-61 to 2-14-62; 48 learners for normal labor turnover purposes, in the occupations of tuna fish cleaning and packing, each for a learning period of 160 hours at the rates of 87 cents an hour for the first 80 hours and $1.01 an hour for the remaining 80 hours (canned tuna fish and byproducts) (replacement certificate).

Superior Embroidery Co., Inc., No. 33 Dr. Felix Tio Street, Sabana Grande, P.R.; effective 11-3-61 to 2-27-62; 10 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours; (2) hand cutting of applique on embroidery panels for a learning period of 240 hours at the rates of 65 cents for the first 160 hours and 76 cents an hour for the remaining 80 hours (applique embroidery on panels) (replacement certificate).

Superior Embroidery Company, Inc., No. 33 Dr. Felix Tio Street, Sabana Grande, P.R.; effective 11-3-61 to 8-27-62; 10 learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operating for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours; (2) hand cutting of applique on embroidery panels for a learning period of 240 hours at the rates of 65 cents an hour for the first 160 hours and 76 cents an hour for the remaining 80 hours (applique embroidery on panels) (replacement certificate).

Tedros Corp., Carolina, P.R.; effective 11-3-61 to 10-1-62; 12 learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (brassieres) (replacement certificate).

Tedros Corp., Carolina, P.R.; effective 11-3-61 to 4-1-62; 38 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (brassieres) (replacement certificate).

Transducer Corp., Luquillo, P.R.; effective 11-3-61 to 2-14-62; five learners for normal labor turnover purposes, in the occupations of assembly of magnetic head, core maker, coil maker, tester, each for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours (multichannel magnetic record heads and midget proximity impulse generators) (replacement certificate).

Trimtex Corp., Bo. Palmarejo Road, Coamo, P.R.; effective 11-20-61 to 5-19-62; 45 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (ladies' underwear).

United Corp., Cabo Rojo, P.R.; effective 12-20-61 to 2-28-62; 69 learners for plant expansion purposes, in the occupations of: (1) Machine stitcher and layer off, each for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours; (2) die and clicker machine operator each for a learning period of 160 hours at the rate of 62 cents an hour (leather gloves).

Valley Sportswear, Inc., Coamo, P.R.; effective 11-3-61 to 9-17-62; five learners for normal labor turnover purposes, in the oc-

cupations of: (1) Sewing machine operator and final presser, each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 72 cents an hour (skirts) (replacement certificate).

Valley Sportswear, Inc., Coamo, P.R.; effective 11-3-61 to 3-17-62; 10 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator and final presser, each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 72 cents an hour (skirts) (replacement certificate).

Wilida, Inc., Road No. 11, Km. 67.0, Pueblo Norte, Juana Diaz, P.R.; effective 11-3-61 to 2-10-62; 40 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (swim suits) (replacement certificate).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 8th day of February 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-1528; Filed, Feb. 14, 1962; 8:45 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ADELE EXNER

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Adele Exner, Wienerstrasse 29a, Vienna 23, Mauer, Austria; Claim No. 40069, Vesting Order No. 6215; $174.60 in the Treasury of the United States.

Executed at Washington, D.C., on February 8, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F.R. Doc. 62-1560; Filed, Feb. 14, 1962; 8:48 a.m.]

ALFRED VON ZEERLEDER

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Alfred von Zeerleder, Niederhofenrain 33, Zollikon ZH, Switzerland; Claim No. 6878; $11.72 in the Treasury of the United States. Eighteen and five-hundredths per cent (18.05%) of all royalties payable or to become payable to the Attorney General of the United States for the republication of the book entitled "Handbuch der Technischen Elektrochemie, Volume III, pages 209-413, Chapter on Aluminum by Alfred von Zeerleder, vested by the Alien Property Custodian under Vesting Order 500A-74 (9 F.R. 7784, July 12, 1944).

Executed at Washington, D.C., on February 9, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F.R. Doc. 62-1562; Filed, Feb. 14, 1962; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 595]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 12, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64498. By order of February 7, 1962, the Transfer Board approved the transfer to Edward P. Hayes, Sr., Thomas F. Hayes, John D. Hayes, and Edward P. Hayes, Jr., a partnership, doing business as Edward P. Hayes & Sons, West Hartford, Conn., of Certificate No. MC 113863 issued June 16, 1953, to Leslie W. Stevenson, doing business as Tobacco Valley Stages, North Granby, Conn., authorizing the transportation of passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, and baggage of passengers in a separate vehicle, over a regular route, between Hartford, Conn., and Granby, Conn., with service to and from all intermediate points. Thomas W. Murrett, 410 Asylum Street, Hartford 3, Conn., attorney for applicants.

No. MC-FC 64675. By order of February 2, 1962, the Transfer Board approved the transfer to Noble Graham, Brimley, Mich., of Certificate in No. MC 107162 Sub 1, issued July 24, 1961, to Noble Graham, Charles Graham, Kenneth Graham, Donald Graham, and Peter Graham, a partnership, doing business as Noble Graham & Sons, Brimley, Mich., authorizing the transportation of: Lumber, logs, evergreens, pulpwood and wooden posts, piling and spars, from points in the upper peninsula of Michigan, to points in Wisconsin; dry asphalt and black topping material, in bulk, from points in Marathon County, Wis., to points in the upper peninsula of Michigan; lumber, from Eagle River, Wis., and points in Wisconsin within 50 miles of Eagle River to points in the upper peninsula of Michigan; cinder blocks, concrete blocks, and brick, from site of U. Hurlbut Company Plant at Green Bay, Wis., to points in the upper peninsula of Michigan; agricultural lime and lime products, in bags, from Mayville and Rockwood, Wis., to points in the upper peninsula of Michigan; fertilizer and fertilizer ingredients, from Antigo, Cameron, Green Bay, Prairie du Chien, Whitewater, Madison, Hillsboro and Stevens Point, Wis., to points in the upper peninsula of Michigan; treated wood products, consisting of railroad ties, posts, poles, piling, timbers and rough lumber, from Superior and Plain, Wis., to points in the upper peninsula of Michigan. Michael D. O'Hara, Spies Building, Menominee, Mich., attorney for applicants.

No. MC-FC 64682. By order of February 2, 1962, the Transfer Board approved the transfer to Bolger Trucking Company, Inc., South Bend, Ind., of Permit No. MC 60153, issued April 15, 1943, to Hazel H. Bolger, doing business as Bolger Trucking Company, Michigan City, Ind., authorizing the transportation of: Prepared foods, soft drinks, powdered and concentrate, and advertising matter for the above commodities over regular routes, between Chicago, Ill., and South Bend, Ind., and Prospect, Ill. Dale C. Dillon, Todd & Dillon, 1000 Jefferson Place NW., Washington 6, D.C., attorney for applicants.

No. MC-FC 64702. By order of February 7, 1962, the Transfer Board approved the transfer to J. T. McCamy Tar

and Tar Products Co., a corporation, Lincoln Park, Mich., of Permits Nos. MC 47053 and MC 47053 Sub 6, issued June 28, 1949 and April 29, 1953, respectively, to Scovera Cartage Company, a corporation, Detroit, Mich., authorizing the transportation of: Tar and tar products, in tank trucks, over irregular routes, between Detroit and Wyandotte, Mich., on the one hand, and, on the other, points in Ohio; between Toledo, Ohio, on the one hand, and, on the other, points in Michigan, except those west of U.S. Highway 131; and between Cleveland, Youngstown, Columbus and Cincinnati, Ohio, on the one hand, and, on the other, points in Michigan; and liquid refractory foundry coatings having a mica base, in bulk, in tank vehicles, over irregular routes, from Detroit, Mich., to points in Illinois, Indiana, Ohio, Pennsylvania, and West Virginia. William B. Elmer, 1000 Buhl Building, Detroit 26, Mich., attorney for applicants.

No. MC-FC 64727. By order of February 6, 1962, the Transfer Board approved the transfer to Hazel Mildred Smith, Hamilton, Ohio; of Permits Nos. MC 80265 and MC 80265 Sub 1, issued July 2, 1941 and January 7, 1939, respectively, to Albert L. Smith, Hamilton, Ohio; authorizing the transportation of: Finished paper and paper products, scrap paper, steel strapping, and materials and supplies, used in the manufacture and shipping of paper and paper products, from, to, or between specified points in Ohio, Illinois, Indiana, Michigan, Wisconsin, Missouri, Pennsylvania, and New York. E. F. Streib, Fourth at Race, Cincinnati 2, Ohio, representative for applicants.

No. MC-FC 64773. By order of February 7, 1962, the Transfer Board approved the transfer to Paul J. Miller of Orefield, Pa., of a portion of Certificates Nos. MC 18869, MC 18869 Sub 2, MC 18869 Sub 6, and MC 18869 Sub 7, issued May 29, 1941, November 10, 1941, August 12, 1948, and July 18, 1950, respectively, to Charles Krinvic and George Krinvic, a partnership, doing business as Krinvic Brothers, Willow Grove, Pa., authorizing the transportation of poultry and animal feeding materials, over irregular routes, from Philadelphia, Pa., to Utica, Oneonta, Waverly, and Big Flats, N.Y.; crab meal, from Honga, Md., to Spencer and Candor, N.Y.; and from Marion, Md., to Philadelphia and Temple, Pa., Jewett City, Conn., and Spencer, N.Y.; and animal and poultry feed and fish meal, from Philadelphia, Pa., to Waverly, N.Y. Albert E. Enoch, 556 Main Street, Bethlehem, Pa., representative for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-1558; Filed, Feb. 14, 1962; 8:48 a.m.]

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1961–62 Edition

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Title 3—THE PRESIDENT

Executive Order 10994

THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED

By virtue of the authority vested in me as President of the United States, and in order to provide for the carrying out of the provisions of the Joint Resolution approved July 11, 1949, ch. 302, 63 Stat. 409, as amended, and the provisions of section 8 of the Vocational Rehabilitation Act, as amended (29 U.S.C. 38), it is ordered as follows:

SECTION 1. *Establishment and composition of the President's Committee.* (a) There is hereby established the President's Committee on Employment of the Handicapped (hereinafter referred to as the Committee or as the President's Committee).

(b) The Committee shall be composed of a Chairman and not more than three Vice Chairmen, who shall be appointed by and serve at the pleasure of the President, and of so many other members as may be appointed thereto from time to time by the Chairman of the President's Committee upon the advice of the Executive Committee (hereinafter provided for) from among persons (including representatives of organizations) who can contribute to the achievement of the objectives of the Committee. Members appointed by the Chairman shall be appointed for a term of three years and may be reappointed. The Chairman of the President's Committee, with the approval of the Executive Committee, may at any time terminate the service of any member of the President's Committee, except any member appointed by the President.

(c) The Chairman of the President's Committee, upon the advice of the Executive Committee, may designate as, or invite to be, associate members of the President's Committee (1) any heads of Federal departments and agencies which have responsibility for rehabilitation services or promotional activities touching the field of interest of the Committee or which are leading utilizers of handicapped personnel, (2) Governors of States and possessions, and (3) representatives of such heads or Governors.

(d) Representatives of industry, labor, and public and private agencies may be invited to attend meetings of the Committee.

SEC. 2. *Functions of the Committee.* The President's Committee shall facilitate the development of maximum employment opportunities for the physically and mentally handicapped. To this end the Committee shall supply information to employers, conduct a program of public education, and enlist the aid and cooperation of Federal officials, State officials, Governors' Committees, local committees, professional trade groups, and organized labor. In carrying out the functions vested in it by section 8 of the Vocational Rehabilitation Act, as amended, the Committee shall work closely with the Department of Labor, Department of Health, Education, and Welfare, the Veterans' Administration, State employment-security agencies, and State vocational-rehabilitation agencies.

SEC. 3. *Executive Committee.* (a) There is hereby established the Executive Committee of the President's Committee on Employment of the Handicapped. The Executive Committee shall be composed of the Chairman of the President's Committee, who shall also be the Chairman of the Executive Committee, the Vice Chairmen of the President's Committee, and so many additional members as will provide an Executive Committee of not less than fifteen and not more than fifty members. The said additional members shall be appointed annually by the Chairman of the President's Committee, from among the members of the President's Committee or otherwise. The Chair-

man of the President's Committee may at any time terminate the service of any member of the Executive Committee.

(b) The Executive Committee shall advise and assist the Chairman of the President's Committee in the conduct of the business of the President's Committee and, as authorized by the President's Committee or the Chairman thereof (with due regard for the responsibilities of other Federal agencies), shall study the problems of the handicapped in obtaining and retaining suitable employment, invite authorities in the various professional, technical, and other pertinent fields to assist in the exploration of those problems, and review and develop plans and projects for promoting the employment of the handicapped.

SEC. 4. *Advisory Council.* There is hereby established the Advisory Council on Employment of the Handicapped, which shall advise the President's Committee with respect to the responsibilities of the Committee. The Council shall be composed of the Chairman of the President's Committee, who shall also be the Chairman of the Council, and of the following-named officers, or their respective alternates: the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Administrator of Veterans' Affairs, and the Chairman of the United States Civil Service Commission.

SEC. 5. *Administrative and incidental matters.* (a) The President's Committee, the Executive Committee, and the Advisory Council shall each meet on the call of the Chairman of the President's Committee at a time and place designated by him. In the case of the President's Committee and the Executive Committee, the Chairman shall call at least one meeting and two meetings, respectively, to be held during each calendar year.

(b) In the absence of designation by the President, the Chairman of the President's Committee may from time to time designate a Vice Chairman of the President's Committee to be one or more of the following-named in the absence of the Chairman: Acting Chairman of the President's Committee, Acting Chairman of the Executive Committee, and Acting Chairman of the Advisory Council. The Chairman of the President's Committee shall from time to time assign other duties to the Vice Chairman thereof.

(c) The Chairman of the President's Committee shall on behalf of the President direct the Committee and its functions.

(d) The Chairman may from time to time prescribe such necessary rules, procedures, and policies relating to the President's Committee, the Executive Committee, and the Advisory Council, and their affairs, as are not inconsistent with law or with the provisions of this order.

(e) All members (including the Chairman and Vice Chairmen) of the President's Committee, the Executive Committee, and the Advisory Council shall serve without compensation. The Chairman and the Vice Chairmen of the President's Committee may receive transportation and per diem allowances as authorized by law for persons serving without compensation.

(f) Employees of the Committee shall be appointed, subject to law, and shall be directed, by the Chairman of the Committee. To such extent as may be mutually arranged by the Chairman of the Committee and the Secretary of Labor, employees of the Committee shall be subject to the administrative rules, regulations, and procedures of the Department of Labor.

(g) The Department of Labor is requested to make available to the President's Committee necessary office space and to furnish the Committee, under such arrangements respecting financing as may be appropriate, necessary equipment, supplies, and services. The estimates of appropriations for the operations of the Committee shall be included within the framework of the appropriation structure of the Department of Labor, in such manner as the Director of the Bureau of the Budget may prescribe. The Chairman of the Committee, in cooperation with the Budget Office of the Department of Labor, shall be responsible for the preparation and justification of the estimates of appropriations for the Committee.

SEC. 6. *Prior orders; transition.* (a) To the extent that this order is inconsistent with any provision of any prior order, or with any provision of any regulation or other measure or disposition, heretofore issued, made, or taken by the President or by any other officer of the executive branch of the Government, this order shall control. Executive Order No. 10640 of October 10, 1955, is hereby superseded.

(b) Without further action by the President or the Chairman of the Committee, all members, employees, records, property, funds, and pending business of the President's Committee on Employment of the Physically Handicapped provided for in Executive Order No. 10640 of October 10, 1955, shall on the date of this order become members, employees, records, property, funds, and pending business of the Committee established by this order.

(c) The tenure of persons as members of the Committee in pursuance of the provisions of section 6(b) of this order (i), in the case of persons appointed to the predecessor Committee by the President, shall be at the pleasure of the President, and (ii), in the case of other members, shall be for periods equal to their respective unexpired terms under Executive Order No. 10640 but shall also be subject to the provisions of the last sentence of section 1(b) of this order.

JOHN F. KENNEDY

THE WHITE HOUSE,
February 14, 1962.

[F.R. Doc. 62-1659; Filed, Feb. 14, 1962; 3:12 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 621, 6th Revision]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Pink Bollworm

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREA

Pursuant to § 301.52–2 of the regulations supplemental to the pink bollworm quarantine (7 CFR 301.52–2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), administrative instructions appearing as 7 CFR 301.52–2a are hereby revised to read as follows:

§ 301.52–2a Administrative instructions designating regulated area, eradication area, and generally infested area under the pink bollworm quarantine.

(a) Infestations of the pink bollworm have been determined to exist, in the quarantined States, in the civil divisions and premises or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, the localities listed are hereby designated as the pink bollworm regulated area within the meaning of the provisions in this subpart:

Arizona. Counties of Cochise, Gila, Graham, Greenlee, Maricopa, Pima, Pinal, Santa Cruz, and Yavapai.

Arkansas. All counties or parts of counties lying west of a line beginning at the point on the Arkansas-Louisiana line where the eastern boundary of Columbia County intersects the Arkansas-Louisiana line and extending north along the eastern boundary of Columbia County to the southern boundary line of Ouachita County and a northern prolongation of this line into Ouachita County to a point where it intersects U.S. Highway 79, thence northeast on U.S. Highway 79 to the Ouachita River, thence southeast along the Ouachita River to the eastern boundary line of Ouachita County, thence northeast along the eastern boundary line of Ouachita County to the southern boundary line of Dallas County, thence east along the southern boundary line of Dallas County to the eastern boundary line of Dallas County, thence northwest along the eastern boundary line of Dallas County to the northern boundary line of Cleveland County, thence east along the northern boundary line of Cleveland County to the eastern boundary line of Grant County, thence north along the eastern boundary line of Grant County to the southern boundary line of Pulaski County, thence east along the southern boundary line of Pulaski County to the Arkansas River, thence northwest along the Arkansas River to the city limits of North Little Rock, thence along the eastern city limit of North Little Rock to its intersection with the Missouri Pacific Railway, thence northeast along said railway to the Little Red River, thence northwestward along the Little Red River to its intersection with the Cleburne-Van Buren County line, thence north along the Cleburne-Van Buren County line to the intersection of the Cleburne, Van Buren and Stone County lines, thence westward along the northern county boundary lines of Van Buren, Pope, Johnson, Franklin, and Crawford Counties to the intersection of the eastern county line of Washington County, thence northward along the eastern boundary line of Washington County to the northern boundary line of Washington County, thence westward along the northern boundary line of Washington County to the Arkansas-Oklahoma State line.

That part of St. Francis County bounded by a line beginning at the point where the L'Anguille River intersects the northern boundary line of St. Francis County and extending eastward to the St. Francis River, thence southward along the St. Francis River to the Round Pond Internal Control Channel, thence south along the Round Pond Internal Control Channel to its southern intersection with the St. Francis River, thence continuing south along the St. Francis River to the southern boundary line of St. Francis County, thence west along the southern boundary line of St. Francis County to its intersection with the L'Anguille River, thence northward along the L'Anguille River to the point of beginning.

Louisiana. Parishes of Bienville, Bossier, Caddo, Claiborne, De Soto, Grant, Lincoln, Natchitoches, Rapides, Red River, Sabine, Union, and Webster.

New Mexico. All counties in the State.

Oklahoma. All counties in the State.

Texas. All counties in the State.

(b) *Eradication area.* All regulated area within the States of Arizona, Arkansas, and Louisiana is hereby designated as eradication area.

(c) *Generally infested area.* All regulated area within the States of New Mexico, Oklahoma, and Texas is hereby designated as generally infested area.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U.S.C. 161, 162; 19 F.R. 74, as amended; 7 CFR 301.52–2)

These administrative instructions shall become effective February 16, 1962, when they shall supersede P.P.C. 621, 5th Revision, 7 CFR 301.52–2a, effective July 13, 1961.

This revision removes from the regulated area all localities, heretofore included, in the Arkansas Counties of Ashley, Bradley, Calhoun, Cleveland, Drew, Jefferson, and Union; as well as a portion of the Arkansas County of Ouachita; and the Louisiana Parishes of Allen, Beauregard, Calcasieu, Cameron, Jackson, Jefferson Davis, Ouachita, Vermilion, Vernon, and Winn; and thereby relieves restrictions on the interstate movement of regulated articles therefrom. It must be made effective promptly in order to be of maximum benefit to affected shippers. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing revision are impracticable and it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of February 1962.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 62–1597; Filed, Feb. 15, 1962; 8:46 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 816, Amdt.]

PART 816—REQUIREMENTS RELATING TO MARKETING OF SUGAR AND LIQUID SUGAR PRODUCED FROM SUGAR BEETS AND SUGARCANE GROWN IN CONTINENTAL UNITED STATES AND MARKETING OF SUGAR FOR CONSUMPTION IN HAWAII AND PUERTO RICO

Bond Requirements

Basis and purpose. The purpose of this amendment is to change the basis price quotation provided for in § 816.7 (c)(2) of Part 816 (23 F.R. 1949), for determining the monetary amount of an obligation applicable to a bond accepted pursuant to § 816.7. This amendment is necessary because the price quotation previously in effect was discontinued on February 1, 1961.

It has been determined that the "Spot Quotation" (duty paid or duty free) per pound of sugar deliverable on the New York Coffee and Sugar Exchange under Contract No. 7, as established by that Exchange, will be published regularly and that such quotation will reflect the current value of sugar for consumption in the continental United States and accordingly is appropriate for determining the monetary amount of an obligation applicable to a bond accepted pursuant to § 816.7.

Proper and effective administration of the provision of this regulation, relating to establishing bond obligations, requires that the new basic price quotation for determining the monetary amounts of such obligations be made effective at the earliest possible time. It is, therefore, found and determined that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impractical and contrary to the public interest and this amendment shall become effective when filed for public inspection in the Office of the Federal Register.

Pursuant to the provisions of section 403 of the Sugar Act of 1948, as amended (61 Stat. 922, as amended), subparagraph (1) of paragraph (c) of § 816.7 is amended to read as follows:

§ 816.7 Bond requirements.

* * * * *

(c) * * *

(1) *Monetary amount.* The monetary amount of the obligation under the bond shall not be less than the sum of the amounts applicable to all quantities of sugar or liquid sugar covered at any one time thereunder by approved Applications to Market and made subject to the bond by virtue of such approval, and such amount of obligation shall be effective whether or not the surety receives notice from the Secretary of the approval of any such application. The monetary amount applicable to each quantity of sugar covered by each approved Application to Market and made subject to a bond accepted under this part shall be the weight in pounds of sugar determined pursuant to paragraph (d) of this section multiplied by the "spot" quotation per pound of raw sugar deliverable on the New York Coffee and Sugar Exchange under Contract No. 7 as established by that Exchange for the last business day before the date of application by the bond principal. The amount applicable to each quantity of liquid sugar covered by each approved Application to Market and made subject to a bond accepted under this part shall be computed upon the basis of the same price per pound, ascertained as heretofore stated in this paragraph, multiplied by the pounds of the "total sugar content," as defined in section 101(i) of the act, contained in the quantity of liquid sugar determined as provided in paragraph (d) of this section.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interpret or apply sec. 209, 212; 61 Stat. 928; 7 U.S.C. 1119, 1122)

Issued this 12th day of February 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–1598; Filed, Feb. 15, 1962; 8:46 a.m.]

[Sugar Reg. 820, Amdt. 2]

PART 820—REQUIREMENTS RELATING TO NON-QUOTA PURCHASE SUGAR FOR THE SIX-MONTH PERIOD ENDING JUNE 30, 1962

Non-Quota Purchase of Sugar Authorized

For the purpose of increasing the quantity of non-quota sugar authorized for purchase from 1,185,000 tons to 1,400,517 tons, paragraphs (b) and (c) of § 820.22 of Part 820 are hereby amended to read as follows:

§ 820.22 Non-quota purchase of sugar authorized.

* * * * *

(b) Pursuant to section 408(b) of the Act, the President by Proclamation No. 3440 (26 F.R. 11714) established the amount of the quotas for sugar and for liquid sugar for Cuba for the six-month period ending June 30, 1962, at zero. At a level of consumption requirements for consumers in the United States of 9,500,000 short tons, raw value of sugar for 1962, the amount of the quotas that otherwise would have been provided for Cuba under the terms of Title II of the Act for the six-month period ending June 30, 1962, are 1,574,622 short tons, raw value of sugar and 3,985,279 wine gallons of liquid sugar, 72 per centum total sugar content, which represent the quantities that may be caused or permitted to be brought or imported into or marketed in the United States during the six-month period ending June 30, 1962, pursuant to section 408(b) of the Act. In paragraph (c) of this section a total of 1,400,517 short tons, raw value of non-quota purchase sugar is authorized for purchase from foreign countries with which the United States is in diplomatic relations. This authorized quantity is based upon a proration in accordance with section 408(b)(2) of the Act of the full 1,574,622 short tons, raw value, to foreign countries for which quotas have been established pursuant to section 202 of the Act. Three countries will be unable to supply the following portions of their prorations: Nicaragua 28,455 tons; Peru 206,592 tons and the Republic of the Philippines 58,443 tons. The prorations for Canada of 3,080 tons, for the United Kingdom of 2,515 tons and for Hong Kong of 20 tons may not be authorized for the reasons set forth in § 820.20(c). These quantities plus the shortfalls for Nicaragua, Peru and the Republic of the Philippines total 299,105. Of this total 125,000 short tons, raw value, is authorized for purchase from Brazil, Colombia, India and the Republic of China in accordance with the proviso in section 408(b)(2)(iii). In authorizing the purchase of non-quota sugar from these latter four countries, special consideration was given to countries of the Western Hemisphere and to those countries purchasing United States agricultural commodities. The remaining 174,105 short tons, raw value, is held in reserve for subsequent purchase authorization, including authorization for importation of sugar under barterlike arrangements. The 3,985,279 wine gallons of liquid sugar are not allocated or authorized for purchase at this time.

(c) The amounts of non-quota purchase sugar permitted to be imported into the continental United States for consumption therein from individual foreign countries during the period January 1, 1962 through June 30, 1962, are as follows:

Country:	*Short tons, raw value*
Haiti	1,388
Netherlands	3,100
Republic of China	23,158
Panama	3,158
Costa Rica	3,163
Republic of the Philippines	175,655
Dominican Republic	421,122
Peru	280,070
Mexico	340,706
Nicaragua	42,700
Belgium	888
British Guiana	409
Brazil	30,000
Colombia	25,000
India	50,000
Total	1,400,517

The regulation can be amended from time to time to increase or decrease the quantities of sugar authorized for purchase from any of the countries named herein as is necessary to meet United States consumption and market requirements, or to reflect each such country's ability to supply sugar consistent with United States market requirements. Also, quantities may be established for countries or groups of countries which are not named herein if it later appears that supplies from any country or countries named herein will not be forthcoming at any time in a manner that meets market requirements or if additional supplies are needed to meet consumption and market requirements.

Statement of bases and considerations. Of the total 1,574,622 tons of non-quota sugar that may be authorized for purchase during the first six months of 1962, authorization for the purchase of 1,185,000 tons was previously announced. The additional 215,517 tons herein authorized are needed to assure adequate supplies of sugar throughout the six-month period. A reserve of 174,105 tons subsequently may be authorized for purchase, including purchases under reciprocal barterlike arrangements.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 101, 408, 61 Stat. 922, as amended, 933, as amended; 7 U.S.C. 1101, 1158; Public Law 87–15, approved March 31, 1961. Presidential Proclamation 3440 (26 F.R. 11714)

Effective date. To permit the nonquota sugar herein authorized for purchase to be marketed in an orderly manner, it is essential that the amendments made herein be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest, and this amendment to the regulations shall become effective when published in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of February 1962.

CHARLES S. MURPHY,
Acting Secretary.

Concurred in for the Secretary of State.

EDWIN M. MARTIN,
Assistant Secretary.

[F.R. Doc. 62–1599; Filed, Feb. 15, 1962; 8:46 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[959.302]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Limitation of Shipments

Findings. (a) Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provide

methods for limiting the handling of onions grown in the production area defined therein through the issuance of regulations authorized in §§ 959.1 through 959.90, inclusive, of the order. The South Texas Onion Committee, pursuant to § 959.51 of the order, has recommended that regulations limiting the handling of the 1962 crop onions should be issued. Committee recommendations, with information submitted therewith and other information, have been considered and it is hereby found that the regulations hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of onions, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

§ 959.302 Limitation of shipments.

During the period from February 19, 1962, through March 20, 1962, no person shall handle any lot of onions grown in the production area, except onions of the red variety, unless such onions meet the grade requirements of paragraph (a), one of the applicable size requirements of paragraph (b), and the container requirements of paragraph (c), or unless such onions are handled in accordance with the provisions of paragraphs (d), (e), (f), and (g) of this section.

(a) *Grade.* U.S. No. 2, or better, grade.

(b) *Size requirements.* For purposes of regulation under this part, the size of onions shall be in accordance with one of the following classifications:

(1) "Small," for white onions only—1 to 2⅛ inches in diameter;

(2) "Repackers"—1¾ inches to 3 inches in diameter, with 60 percent or more 2 inches or larger;

(3) 2 inches to 3½ inches in diameter; or

(4) 2⅞ inches or larger in diameter.

(c) *Container requirements.* Onions may be handled only in containers classified by weight, with respective dimensions, as follows:

(1) 25 pound containers, with not to exceed in any lot an average net weight of 27½ pounds per container and, if packed in bags, the bags shall be of outside dimensions not larger than 29 inches by 31 inches.

(2) 50 pound containers, with not to exceed in any lot an average net weight of 55 pounds per container, and, if packed in bags, the bags shall be of outside dimensions not larger than 33 inches by 38½ inches.

(d) *Minimum quantity exemption.* Pursuant to § 959.52(c)(2) of this part, any handler may handle, only as individual shipments and other than for resale, not more than 100 pounds of onions per day, in the aggregate, without regard to the requirements of this section or to the inspection and assessment requirements of this part.

(e) *Special purpose shipments.* (1) The requirements of paragraphs (a), (b), and (c) of this section, and the assessment requirements of this part, shall not be applicable to onions handled for the following special purposes:

(i) relief or charity; or

(ii) experimental purposes.

(2) The requirements of paragraph (c) of this section shall not be applicable to onions handled for Federal government purchases.

(f) *Safeguards.* (1) Each handler of onions which do not meet the requirements of paragraphs (a), (b), and (c) of this section and which are handled pursuant to paragraph (e) of this section for relief or charity or experimental purposes shall, prior to handling, apply for and obtain a Certificate of Privilege from the committee which shall require the handler to furnish such reports and documents as the committee may require showing that the onions were handled for the purpose specified in the Certificate of Privilege.

(g) *Inspection.* (1) On and after the effective date hereof, no handler shall handle any onions unless an appropriate inspection certificate has been issued with respect thereto.

(2) No handler shall transport or cause the transportation of any shipment of onions by motor vehicle for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or committee document, upon request, is surrendered to authorities designated by the committee.

(3) For purpose of operation under this part each required inspection certificate or form required by the committee as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(h) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" shall have the same meanings as set forth in the United States Standards for Bermuda-Granex Type Onions (§§ 51.3195—51.3209 of this title), or United States Standards for Grades of Onions (§§ 51.2830—51.2850 of this title), whichever is applicable to the particular variety, including [illegible] ances for decay and [illegible] therein. All other terms used in [illegible] tion shall have the same [illegible] when used in Marketing Order [illegible] (Part 959 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; [illegible] 601–674).

Dated: February 9, 1962, to [illegible] effective February 19, 1962.

PAUL A. NICHOLSON,
Acting Director,
Fruit and Vegetable Div[illegible]

[F.R. Doc. 62–1529; Filed, Feb. [illegible], 8:45 a.m.]

Title 14—AERONAUTICS [illegible] SPACE

Chapter I—Federal Aviation Ag[illegible]

PART 33—FLIGHT RADIO OPERATOR CERTIFICATES

Recision of Part

CROSS REFERENCE: For recision of Part 33 of Title 14, see F.R. Doc. 62–[illegible] *infra*, under Chapter III of this title.

[Reg. Docket No. 904; Amdt. 40–8]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Illumination of Passenger Emergency Exit Markings

The Federal Aviation Agency published as a notice of proposed rule making (26 F.R. 9241) and circulated as Civil Air Regulations Draft Release No. [illegible] dated September 21, 1961, a proposal to amend Parts 40, 41, 42, and 46 of the Civil Air Regulations to require the illumination of passenger emergency exit markings during all takeoffs and landings, day and night.

In proposing these amendments, the Agency considered several recent accidents and incidents where illumination of the emergency exits during daylight hours may have resulted in a more effective evacuation of the passengers and crew. The Civil Air Regulations as originally adopted did not require daytime use of the emergency exit lighting system. It is now considered that this additional lighting during daylight hours is necessary to provide maximum safety where the evacuation of large numbers of passengers is concerned.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented. In general, all comments received from interested persons as a result of the Agency's notice of proposed rule making were favorable to the proposal.

In consideration of the foregoing, § 40.173(f)(2) of Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) is hereby amended to read as follows, effective March 20, 1962:

[illegible] Emergency equipment for all [illegible]

* * * * *

Interior emergency exit markings.

[illegible] In all passenger-carrying airplanes, a source or sources of light with an energy supply independent of the main lighting system shall be installed to illuminate all passenger emergency exit markings. Such lights shall be designed to function automatically in a crash landing and to continue to function thereafter, and shall also be operable manually, or shall be designed only for manual operation and also to continue to function following a crash landing. When such lights require arming of the system to function automatically, the system shall be armed prior to each takeoff and landing. When such lights require manual operation to function, they shall be turned on prior to each takeoff and landing.

(Secs. 313(a), 601, 604, 605; 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424, 1425)

Issued in Washington, D.C., on February 12, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–1607; Filed, Feb. 15, 1962; 8:47 a.m.]

[Reg. Docket No. 904; Amdt. 41–4]

PART 41—CERTIFICATION AND OPERATING RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

Illumination of Passenger Emergency Exit Markings

The Federal Aviation Agency published as a notice of proposed rule making (26 F.R. 9241) and circulated as Civil Air Regulations Draft Release No. 61–20 dated September 21, 1961, a proposal to amend Parts 40, 41, 42, and 46 of the Civil Air Regulations to require the illumination of passenger emergency exit markings during all takeoffs and landings, day and night.

In proposing these amendments, the Agency considered several recent accidents and incidents where illumination of the emergency exits during daylight hours may have resulted in a more effective evacuation of the passengers and crew. The Civil Air Regulations as originally adopted did not require daytime use of the emergency exit lighting system. It is now considered that this additional lighting during daylight hours is necessary to provide maximum safety where the evacuation of large numbers of passengers is concerned.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented. In general, all comments received from interested persons as a result of the Agency's notice of proposed rule making were favorable to the proposal.

In consideration of the foregoing, § 41.23d(b)(2) of Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) is hereby amended to read as follows, effective March 20, 1962:

§ 41.23d Emergency evacuation equipment.

* * * * *

(b) *Interior emergency exit markings.* * * *

(2) In all passenger-carrying airplanes, a source or sources of light with an energy supply independent of the main lighting system shall be installed to illuminate all passenger emergency exit markings. Such lights shall be designed to function automatically in a crash landing and to continue to function thereafter, and shall also be operable manually, or shall be designed only for manual operation and also to continue to function following a crash landing. When such lights require arming of the system to function automatically, the system shall be armed prior to each takeoff and landing. When such lights require manual operation to function, they shall be turned on prior to each takeoff and landing.

(Secs. 313(a), 601, 604, 605; 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424, 1425)

Issued in Washington, D.C., on February 12, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–1608; Filed, Feb. 15, 1962; 8:47 a.m.]

[Reg. Docket No. 904; Amdt 42–39]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Illumination of Passenger Emergency Exit Markings

The Federal Aviation Agency published as a notice of proposed rule making (26 F.R. 9241) and circulated as Civil Air Regulations Draft Release No. 61–20 dated September 21, 1961, a proposal to amend Parts 40, 41, 42 and 46 of the Civil Air Regulations to require the illumination of passenger emergency exit markings during all takeoffs and landings, day and night.

In proposing these amendments, the Agency considered several recent accidents and incidents where illumination of the emergency exits during daylight hours may have resulted in a more effective evacuation of the passengers and crew. The Civil Air Regulations as originally adopted did not require daytime use of the emergency exit lighting system. It is now considered that this additional lighting during daylight hours is necessary to provide maximum safety where the evacuation of large numbers of passengers is concerned.

The amendment adopted herein, as distinguished from that adopted in Parts 40, 41, and 46, excludes small passenger-carrying aircraft. This exclusion is consistent with the present provisions of Part 42 and Draft Release 60–13 (25 F.R. 7452) in regard to interior emergency exit markings for small aircraft.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented. In general, all comments received from interested persons as a result of the Agency's notice of proposed rule making were favorable to the proposal.

In consideration of the foregoing, § 42.24c(b)(2) of Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) is hereby amended to read as follows, effective March 20, 1962:

§ 42.24c Emergency evacuation equipment.

* * * * *

(b) *Interior emergency exit markings.* * * *

(2) In all large passenger-carrying airplanes, a source or sources of light with an energy supply independent of the main lighting system shall be installed to illuminate all passenger emergency exit markings. Such lights shall be designed to function automatically in a crash landing and to continue to function thereafter, and shall also be operable manually, or shall be designed only for manual operation and also to continue to function following a crash landing. When such lights require arming of the system to function automatically, the system shall be armed prior to each takeoff and landing. When such lights require manual operation to function, they shall be turned on prior to each takeoff and landing.

(Secs. 313(a), 601, 604, 605; 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424, 1425)

Issued in Washington, D.C., on February 12, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–1609; Filed, Feb. 15, 1962; 8:47 a.m.]

[Reg. Docket No. 904; Amdt. 46–5]

PART 46—SCHEDULED AIR CARRIER HELICOPTER CERTIFICATION AND OPERATION RULES

Illumination of Passenger Emergency Exit Markings

The Federal Aviation Agency published as a notice of proposed rule making (26 F.R. 9241) and circulated as Civil Air Regulations Draft Release No. 61–20 dated September 21, 1961, a proposal to amend Parts 40, 41, 42, and 46 of the Civil Air Regulations to require the illumination of passenger emergency exit markings during all takeoffs and landings, day and night.

In proposing these amendments, the Agency considered several recent accidents and incidents where illumination of the emergency exits during daylight hours may have resulted in a more effective evacuation of the passengers and crew. The Civil Air Regulations as originally adopted did not require daytime use of the emergency exit lighting system. It is now considered that this additional lighting during daylight hours is necessary to provide maximum safety where the evacuation of large numbers of passengers is concerned.

Interested persons have been afforded an opportunity to participate in the

making of this regulation and due consideration has been given to all relevant matter presented. In general, all comments received from interested persons as a result of the Agency's notice of proposed rule making were favorable to the proposal.

In consideration of the foregoing, § 46.173(d) of Part 46 of the Civil Air Regulations (14 CFR Part 46, as amended) is hereby amended to read as follows, effective March 20, 1962:

§ 46.173 Emergency equipment for all operations.

* * * * *

(d) *Interior emergency exit markings.* All emergency exits, their means of access, and their means of opening shall be marked conspicuously. In all passenger-carrying helicopters, a source or sources of light with an energy supply independent of the main lighting system shall be installed to illuminate all passenger emergency exit markings. Such lights shall be designed to function automatically in a crash landing and to continue to function thereafter, and shall be operable manually, or shall be designed only for manual operation and also to continue to function following a crash landing. When such lights require arming of the system to function automatically, the system shall be armed prior to each takeoff and landing. When such lights require manual operation to function, they shall be turned on prior to each takeoff and landing. The identity and location of emergency exists shall be recognizable from a distance equal to the width of the cabin. The location of the emergency exit operating handle and the instructions for opening shall be marked on or adjacent to the emergency exit and shall be readable from a distance of 30 inches by a person with normal eyesight.

(Secs. 313(a), 601, 604, 605; 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424, 1425)

Issued in Washington, D.C., on February 12, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-1610; Filed, Feb. 15, 1962; 8:47 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1008; Amdt. 400]

PART 507—AIRWORTHINESS DIRECTIVES

Marvel-Schebler MA-3A, MA-3SPA, MA-4SPA, MA-4-5, MA-4-5AA Carburetors

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring replacement of solder safetied float bracket attaching screws and float valve assemblies in Marvel-Schebler carburetors with parts incorporating nylon inserts was published in 26 F.R. 12256.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

MARVEL-SCHEBLER. Applies to all aircraft equipped with Marvel-Schebler MA-3A, MA-3SPA, MA-4SPA, MA-4-5, MA-4-5AA carburetors used on various models of Franklin (Aircooled), Continental, Lycoming, and Ranger engines.

Compliance required at the next carburetor replacement or overhaul of either the carburetor or engine, whichever occurs first, after the effective date of this AD.

Failure of the solder safety on the two Marvel-Schebler P/N A15-A21 screws which secure the float bracket to throttle body of the carburetor allows the screws to back out, thus causing loosening of the float bracket and loss of normal needle valve action resulting in reduction of engine power, and complete engine stoppage at reduced throttle settings. To preclude this, the following shall be accomplished:

Replace all soldersafetied float bracket attaching screws, P/N A15-A21, with "Long-Lok" safety screws incorporating nylon inserts, and replace all soldersafetied float valve assemblies with "Long-Lok" matched float valves and float valve seats, in the manner described in Marvel-Schebler Service Bulletins Nos. 9-60 and 15-60.

(Marvel-Schebler Service Bulletins Nos. 9-60 and 15-60 cover this same subject.)

This amendment shall become effective March 20, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 9, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-1590; Filed, Feb. 15, 1962; 8:45 a.m.]

[Regulatory Docket No. 1075]

PART 450—INTER-AMERICAN AVIATION TRAINING GRANTS

PART 560—REIMBURSEMENT FOR DAMAGE TO PUBLIC AIRPORTS BY FEDERAL AGENCIES

PART 580—ANCHORAGE AIRPORT AND FAIRBANKS AIRPORT

Recision

Draft Release 61-25, published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698) outlined the objectives of this Agency's recodification program. One of these objectives is the elimination of obsolete regulatory material. Accordingly, this amendment rescinds Parts 33, 450, 560, and 580 of Title 14 of the Code of Federal Regulations.

Part 33 contains certification and general operating rules for flight radio operators. Aircraft communication equipment has been improved to the point where flight radio operators are no longer utilized in air commerce and there is, consequently, no longer a need for the rules in Part 33.

Part 450 prescribes the requirements for the awarding of Inter-American aviation training grants. This Part has not been used for several years and there are no present appropriations [illegible] for its use. Aviation training of this type is now being provided under technical assistance programs under the Mutual Security Act.

Part 560 prescribes procedures under which public agencies may request reimbursement for the repair or rehabilitation of public airports damaged by a Federal agency. These procedures were prescribed under section 17 of the Federal Airport Act (49 U.S.C. 1116). Section 17 prohibits consideration of any request submitted after March 31, 1956. Accordingly, Part 560 should be deleted from the regulations.

Part 580 prescribes rules governing the operation of the Anchorage and Fairbanks Airports in Alaska. These rules no longer have any applicability as the FAA has turned over the operation of these airports to the State of Alaska.

As this amendment imposes no additional burden on any person but simply deletes obsolete regulatory material, compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act is unnecessary.

In view of the foregoing, effective February 15, 1962, Chapter I of Title 14 is amended by deleting Part 33 and Chapter III of Title 14 is amended by deleting Parts 450, 560, and 580.

(Sec. 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354) and sec. 17 of the Federal Airport Act (49 U.S.C. 1116))

Issued in Washington, D.C., on February 14, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-1675; Filed, Feb. 15, 1962; 9:36 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WA-17]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Federal Airways and Associated Control Areas, Control Area Extension, Control Zone, Reporting Point, Jet Routes and Jet Advisory Areas

The purpose of these amendments to Parts 600, 601 and 602 of the Regulations of the Administrator is to change the name of the Mission Bay, Calif., VOR to San Diego, Calif., VOR, and to change the name of the San Diego-Lindbergh, Calif., VOR to Lindbergh Field, Calif., VOR wherever they appear in these Parts. This action will associate the en route navigational aid with the principal city in this area and associate the

[illegible] navigational aid with the [illegible] airport serving this city. Better communications and improved charting facility will result from this action.

Since these changes are editorial in nature and will not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary and they may be made effective on less than 30 days notice.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

1. Section 600.6023 (14 CFR 600.6023, 26 F.R. 572, 1209, 4052, 11727, 27 F.R. 98) is amended as follows:

a. In the caption "Mission Bay, Calif.," is deleted and "San Diego, Calif.," is substituted therefor.

b. In the text "From the Mission Bay, Calif.," is deleted "and From the San Diego, Calif.," is substituted therefor.

2. Section 600.6025 (14 CFR 600.6025, 26 F.R. 2221, 4052, 7803, 11727) is amended as follows:

a. In the caption "Mission Bay, Calif.," is deleted and "San Diego, Calif.," is substituted therefor.

b. In the text "From the Mission Bay, Calif.," is deleted and "From the San Diego, Calif.," is substituted therefor.

3. In the text of § 600.6066 (14 CFR 600.6066) "From the Mission Bay, Calif.," is deleted and "From the San Diego, Calif.," is substituted therefor.

4. In the text of § 600.615 (14 CFR 600.6168, 26 F.R. 11727) "From the San Diego-Lindbergh, Calif., TVOR via the INT of the San Diego-Lindbergh TVOR 287°" is deleted and "From the Lindbergh Field, Calif., VOR via the INT of the Lindbergh Field VOR 287°" is substituted therefor.

5. In the text of § 600.1540 (26 F.R. 1068) "From the Mission Bay, Calif., VOR 12 mile wide airway to the INT of the Mission Bay VOR 090°" is deleted and "From the San Diego, Calif., VOR 12-mile wide airway to the INT of the San Diego VOR 090°" is substituted therefor.

6. In the text of § 600.1542 (26 F.R. 6231) "From the Mission Bay, Calif., VOR 12 mile wide airway to the INT of the Mission Bay VOR 090°" is deleted and "From the San Diego, Calif., VOR 12-mile wide airway to the INT of the San Diego VOR 090°" is substituted therefor.

7. In the text of § 600.1557 (26 F.R. 1097, 10428, 27 F.R. 616) "From the Mission Bay, Calif., VOR" is deleted and "From the San Diego, Calif., VOR" is substituted therefor.

8. In the text of § 600.1613 (26 F.R. 1098) "From the Mission Bay, Calif., VOR;" is deleted and "From the San Diego, Calif., VOR;" is substituted therefor.

9. In the caption of § 601.6023 (14 CFR 601.6023, 26 F.R. 4052, 27 F.R. 98) "Mission Bay, Calif., is deleted and "San Diego, Calif.," is substituted therefor.

10. In the caption of § 601.6025 (14 CFR 601.6025, 26 F.R. 4052) "Mission Bay, Calif.," is deleted and "San Diego, Calif.," is substituted therefor.

11. The text of § 601.1111 (14 CFR 601.1111) is amended to read as follows:

Within a 21-mile radius of the San Diego, Calif., VOR extending counterclockwise from the San Diego VOR 251° radial to the boundary of the Miramar, Calif., control area extension (§ 601.-1223), within 5 miles either side of the 251° radial of the San Diego VOR extending from the VOR to 28 miles SW, and within 5 miles either side of the 287° radial of the Lindbergh Field VOR extending from the VOR to 28 miles NW, excluding the portion under the jurisdiction of Mexico and within the Imperial Beach, Calif., Warning Area (W-536).

12. In the text of § 601.2186 (26 F.R. 7262) "within 2 miles either side of the San Diego-Lindbergh VOR 287° radial" is deleted and "within 2 miles either side of the Lindbergh Field VOR 287° radial" is substituted therefor.

13. In the text of § 601.7001 (14 CFR 601.7001) "Mission Bay, Calif., VOR." is deleted and "San Diego, Calif., VOR." is substituted therefor.

14. In § 602.100 Jet routes (26 F.R. 7080, 12561) Jet Routes Nos. 1, 2 and 3 are amended as follows:

a. In the caption "Mission Bay, Calif.," is deleted and "San Diego, Calif.," is substituted therefor.

b. In the text "From Mission Bay, Calif.," is deleted and "From San Diego, Calif.," is substituted therefor.

15. In § 602.200 En route jet advisory areas (26 F.R. 7082, 12561) Jet Route Nos. 1 and 2 jet advisory areas are amended as follows: "Mission Bay, Calif.," is deleted and "San Diego, Calif.," is substituted therefor.

These amendments shall become effective 0001 e.s.t., March 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 13, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1604; Filed, Feb. 15, 1962; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8419 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Todd Brothers Apparel Co. et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185-30 *Fur Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900-40 *Fur Products Labeling Act:* § 13.1900-40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 68f) [Cease and desist order, Todd Brothers Apparel Company et al., Cincinnati, Ohio, Docket 8419, Oct. 19, 1961]

In the Matter of Todd Brothers Apparel Company, a Corporation, and Samuel P. Todd and Sidney Rosenfeld, Individually and as Officers of said Corporation

Consent order requiring Cincinnati furriers to cease violating the Fur Products Labeling Act by failing, in labeling and invoicing fur products, to show the true animal name of the fur in the product, the country of origin, and when the fur was dyed; by failing to keep adequate records as a basis for price and value representations made in advertising; and failing in other respects to comply with requirements of the Act.

The order to cease and desist is as follows:

It is ordered, That Todd Brothers Apparel Company, a corporation and its officers, and Samuel P. Todd and Sidney Rosenfeld, individually and as officers of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act;

B. Setting forth on labels affixed to fur products the name or names of any animal or animals other than the name or names provided for in section 4(2)(A) of the Fur Products Labeling Act;

C. Setting forth on labels affixed to fur products:

1. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with nonrequired information;

2. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

D. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence;

E. Failing to set forth separately on labels affixed to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section;

F. Failing to set forth on labels the item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act;

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

C. Failing to set forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to each section of fur products composed of two or more sections containing different animal furs.

3. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 19, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-1504; Filed, Feb. 15, 1962; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

PART 5-53—CONTRACT ADMINISTRATION

Miscellaneous Amendments

1. Section 5-53.000 is added to read as follows:

§ 5-53.000 Scope of part.

This Part 5-53 establishes policies and procedures relating to the administration of contracts.

2. Subparts 5-53.1, 5-53.4, 5-53.5, and 5-53.6 are added to read as follows:

Subpart 5-53.1—General

§ 5-53.101 Definition.

Contract administration is the performance or coordination of actions necessary to assure that both the Government and the contractor fulfill their obligations under existing contracts and that both receive the benefits to which they are entitled.

Subpart 5-53.4—Contract Performance

§ 5-53.401 General.

(a) In order to obtain contractor performance and to assure Government performance in accordance with contract terms, action shall be taken, consistent with sound business practice and based on the circumstances in each case, as prescribed in this Subpart 5-53.4.

(b) A system shall be maintained for obtaining contractor performance and assuring Government performance as required by the contract within the time period established in the contract. This system should be based on determinations by the contracting officer, early in the existence of the contract, regarding the specific contract administration actions to be taken, who shall take them, and when and where they will be performed. Followup action should include coordination with appropriate elements of GSA.

(c) Decisions regarding extension of performance time, suspension of work, and termination of a contractor's right to proceed shall be made only by the contracting officer or, when specifically vested with such authority, another person or ordering office.

§ 5-53.402 Contractor performance under supply or service contracts.

(a) Followup action on performance by a contractor may be initiated before the required time of performance if, after inquiry, no definite indication is received that the contractor intends to perform in accordance with the contract terms. Subsequent followup, before the required performance date, should be scheduled on the basis of the reply to the inquiry.

(b) When performance time under a contract has expired, and the contractor has not performed, or given substantial indication that performance will be completed within a reasonable period of time, satisfactory results can often be obtained through the use of collect telegrams or collect telephone calls, or by personal contact with the contractor or his representative.

(c) If it becomes apparent that the contractor cannot, or will not, perform in accordance with the terms of the contract, the contracting officer, as indicated in § 5-53.401(c), shall take appropriate action as provided in § 5-53.501.

§ 5-53.403 Contractor performance under construction contracts.

The administration of construction contracts is a continuous process from the time the contractor is given a notice to proceed to the time of final acceptance of the work and payment therefor. Careful adherence to the following will aid in successful completion of the contract:

(a) Frequent and timely inspections should be scheduled to determine if satisfactory progress is being made and, in the event of any delay, to take appropriate action.

(b) Prompt action should be taken to provide required approvals of shop drawings, equipment, and materials, and to expedite necessary change orders as authorized.

(c) Progress and advance payments should be made promptly in accordance with contract terms.

(d) Materials to be furnished by the Government and installed by the contractor should be delivered at the proper time.

Subpart 5-53.5—Termination

§ 5-53.501 Termination for default.

(a) Termination for default, as discussed in this § 5-53.501, is that action taken by the Government against a contractor for a breach (actual or anticipatory) of contract in which cessation of remedial steps provided for by law are substituted for the right to full contract performance. Termination may be directed to the whole or any part of the remaining performance depending on the circumstances of each situation. The actions taken in the exercise of the remedial steps are, from a legal standpoint, separated into the following two major parts:

(1) Termination by written notice of the contractor's right to proceed with performance of the contract in whole or in part.

(2) Final adjustment of the rights of the parties on the unperformed or nonperformed portion of the contract by mutual agreement or disputes-appeal process.

§ 5-53.501-1 General.

(a) Action to terminate a contractor's right to proceed with the performance of a contract shall be taken by the contracting officer or, when specifically vested with such authority, another individual or ordering office.

(b) The termination of a contractor's right to proceed with the performance of a contract for default depends upon the provisions of each particular contract. Every failure of a contractor to perform in accordance with the contract terms does not, in itself, create a necessity to terminate the right of a contractor to proceed with performance. Before termination action is taken a contracting officer shall consider the factors in § 5-53.501-4.

(c) A contractor shall not be held liable for actual or liquidated damages when a delay in performance arises out of causes beyond the control and without the fault or negligence of the contractor, as defined in the default provisions of the contract. The timely procurement of materials required for the performance of a contract is the responsibility of a prime contractor, and he is responsible for obtaining and submitting data to justify delays caused by subcontractors and suppliers.

(d) Under a contract which contains a performance bond, the surety has a right to an opportunity to complete the defaulted contract or portion thereof. If a surety takes over the performance of a contract, ordinarily a new agreement incorporating the terms of the original contract should be executed with the surety and the original contractor. The agreement should also include necessary

adjustments of the obligations of the original contract (such as accrued liquidated damages, if any) and necessary arrangements for the continued contract performance (such as appointment by the surety of a new contractor acceptable to, and determined responsible by, the contracting officer).

§ 5-53.501-2 Termination of fixed-price supply or service contracts.

(a) Termination action under the Default clause (see § 1-7.101-11) may be taken to terminate the whole or any part of a contract for default if the contractor fails to make delivery of the supplies or to perform the services within the time specified in the contract or any extension thereof, fails to make progress so as to endanger performance of the contract, or fails to perform any other provision of the contract. When the contracting officer waives the delay, he may not terminate. Termination action, however, may be taken by the contracting officer, where desirable, even if an excusable cause for delay has been found. When action to terminate for default is to be taken, proper notice shall be given in accordance with the Default clause and as set forth in §§ 5-53.501-5 and 5-53.501-6.

(b) When action to terminate for default is properly taken, the Government is not liable for the contractor's costs on undelivered work and is entitled to repayment of any advance payments and of any progress payments applicable to such work. If the Government elects to take all or any part of the completed supplies and the manufacturing materials (as defined in the Default clause) or the completed services, the contractor shall be paid the contract price for such completed supplies and services as may be accepted and the amount agreed on by the contractor and the contracting officer for the manufacturing materials.

(c) When a contract is terminated, the contractor shall be liable for any excess costs for supplies or services procured by the Government and for any other damages legally chargeable under the contract, unless the clauses are excusable under the contract (e.g., if the failure to perform arises out of causes beyond the control and without the fault or negligence of the contractor; or failure is caused by the default of a subcontractor and his default is without his fault or negligence or that of the contractor).

§ 5-53.501-3 Termination of fixed-price construction contracts.

Under contracts containing the Termination for Default-Damages for Delay-Time Extensions clause contained in § 1-16.901-19 or § 1-16.901-23A, the Government has the right to terminate the contractor's right to proceed with the work if the contractor, except for excusable causes (see (a), below), refuses or fails to prosecute the work required by the contract, or any separable part thereof, with such diligence as will insure its completion within the time specified in the contract or any extension thereof, or fails to complete the work required under the contract within such time. The contractor's right to proceed may also be terminated for violation of paragraph 1, Standard Form 19A, Labor Standards Provisions (illustrated at § 1-16.901-19A).

(a) Where the delay is due to unforeseeable causes beyond the control and without the fault or negligence of the contractor, the contractor's right to proceed shall not be terminated if written notice of such causes has been furnished the contracting officer within 10 days from the beginning of such delay. This period may be extended by the contracting officer but not beyond the date of final payment. The extended date becomes the new date from which the Government's right to terminate proceeds.

(b) If a contractor's right to proceed is terminated for default, and the surety does not desire to take over and complete the work or, if the contracting officer determines that action proposed by the surety will not be in the best interests of the Government, the Government may take over the work and complete it or cause it to be completed, taking possession of and utilizing such materials, appliances, and plant as may be on the site and necessary for such completion, and the contractor and his surety shall be liable to the Government for any excess costs caused thereby. If after taking over the work the Government is not reasonably able to complete it, or have it completed, within the time specified for completion in the defaulted contract, the contractor and his surety shall be liable for, in addition to any excess costs, any liquidated damages for the delay as may be specified in the contract, or for actual damages caused by the delay if liquidated damages are not so specified.

§ 5-53.501-4 Basic considerations for termination action.

Upon failure of a contractor to perform in accordance with the terms of the contract, the following factors shall be considered in determining whether or not to terminate his right to proceed:

(a) The provisions of the contract, and applicable laws and regulations;

(b) The significance of the failure or failures of the contractor;

(c) The availability of the supplies or services from other sources, or, in the case of construction contracts, the availability of a substitute contractor;

(d) In the case of supply or service contracts, the urgency of the need for such supplies or services and the period of time which would be required to obtain the supplies or services from other sources as compared with the time in which delivery or performance could be obtained from the delinquent contractor; or, in the case of construction contracts, the period of time which would be required for the Government or another contractor to complete the work as compared with the time required for completion by the delinquent contractor;

(e) The essentiality of the contractor in the Government procurement program and the effect of a termination for default upon the contractor's capability as a supplier under other contracts;

(f) The effect of a termination for default on the ability of the contractor to liquidate guaranteed loans, progress payments, or advance payments; and

(g) Any other pertinent facts and circumstances.

§ 5-53.501-5 Notice of intent to terminate for default.

When the contract so requires or when urgent action to terminate for default is not required and, in any event, the contractor has not been excused from the specific failure to perform, the contractor shall be furnished a preliminary notice in writing advising that termination action will be taken after the expiration of 10 days (or longer period as authorized by the contracting officer) unless the contractor has cured the failure within that period of time. The preliminary notice shall be specific with respect to the contract number and date, the contract provision under which action is contemplated, the failure which will cause termination action unless corrected, and the length of time for corrective action. If the need for performance is urgent and the specific failure to perform has not been excused, the contracting officer may take immediate termination action without issuance of a preliminary notice unless the notice is required by the terms of the contract (e.g., paragraph 11(a)(ii), Standard Form 32, General Provisions (Supply Contract) requires such a notice).

§ 5-53.501-6 Termination notice.

(a) After decision by the contracting officer to terminate a contractor's right to proceed, a written notice of such termination shall be forwarded to the contractor. Language suggesting cancellation of the contract should be avoided. The written notice to the contractor shall be specific with respect to the following:

(1) Identification of the contract, its date, and the provision of the contract permitting termination;

(2) Description of the acts or omissions constituting the default;

(3) A statement terminating the contractor's right to proceed with performance of the contract, or the specific portion thereof, and the effective date of the termination;

(4) A statement that the Government reserves all rights and remedies provided by law or under the contract;

(5) A statement that the notice constitutes a decision that the contractor is in default as specified, and that the contractor has the right to appeal under the applicable Disputes clause;

(6) A statement that the contractor will be liable for any excess costs to the Government occasioned by the termination action;

(7) Instructions regarding the safeguarding and disposition of any Government property in the possession of the contractor;

(8) Where applicable, a statement that the defaulting contractor and his surety will be liable for liquidated damages at the rate specified until such reasonable time as may be required to complete the work or secure delivery, as the case may be, in addition to any excess

costs involved in obtaining performance elsewhere; and

(9) Instructions regarding the acquisition by the Government of such materials, appliances, and plant as may be on the site of the construction work and necessary therefor; or any completed supplies or manufacturing materials.

(b) The termination notice shall be signed by the contracting officer or other person properly vested with such authority.

(c) In order to assure that the contractor receives the termination notice, the contracting officer shall forward such notice via certified mail, return receipt requested, or other appropriate means which will assure a signed receipt for the notice.

(d) In addition to internal distribution within the service or staff office involved, copies of termination notices shall be furnished to Office of General Counsel, Office of Comptroller, and the Compliance Division. A copy of the notice shall also be furnished to any assignee or surety of the contractor for the particular contract involved. At the same time, the surety shall be given an opportunity to take over and complete the contract.

§ 5–53.501–7 Reprocurement against defaulting contractor.

(a) If property or services (including construction) are to be reprocured against a defaulting contractor, such reprocurement shall be done as soon as practicable after termination of the contractor's right to proceed, and shall be for the same or similar property or services (in the case of construction, for the unfinished work) as covered by the termination notice. Such reprocurement shall be made at as reasonable a price as practicable considering the quality, quantity, and time of performance required by the Government.

(b) Reprocurement may, at the discretion of the contracting officer, be made by negotiation.

Subpart 5–53.6—Disputes

§ 5–53.601 General.

Questions of fact arising under contracts which are not disposed of by agreement shall be decided by the contracting officer and the decision, if appealed, processed in accordance with this Subpart 5–53.6.

§ 5–53.602 Notice to contractor.

When a contracting officer has decided a disputed matter involving a question of fact, the contractor shall be notified of such decision in writing. The notice shall contain a paragraph substantially as follows: This is the final decision of the contracting officer. Decisions on disputed questions of fact and on other questions that are subject to the Disputes clause may be appealed in accordance with the provisions of the Disputes clause. If you decide to make such an appeal from this decision, the appeal (in triplicate) addressed to the Administrator of General Services, General Services Administration, General Services Building, Washington 25, D.C., must be mailed or otherwise furnished to the contracting officer within thirty days from the date you receive this decision. Such appeal should reference this decision and identify the contract. Pending final decision of the dispute, you must proceed diligently with the performance of the contract.

§ 5–53.603 Appeals.

(a) Upon receipt of an appeal or notice of appeal timely filed (or notice from the Board of Contract Appeals that an appeal has been filed), the contracting officer shall compile and transmit to the Board of Contract Appeals copies of all documents pertinent to the appeal. Timeliness of the appeal may be raised by the Government and heard as a preliminary matter of the Board's jurisdiction. In assembling the documents the contracting officer should obtain advice from the appropriate legal counsel on the adequacy of the documents and the need for additional supporting information, findings, or statements.

(b) The documents should include, but not be limited to, the following when pertinent:

(1) The findings of fact and the decision from which the appeal is taken;

(2) The invitation for bids, the contract, pertinent plans, specifications, amendments, and change orders;

(3) Correspondence between the parties and other data material to the appeal;

(4) Transcripts of any testimony taken during the course of the proceedings of the matter prior to the filing of the appeal;

(5) Such additional information as the contracting officer or other official may consider material; and

(6) A brief stating the position of the Government.

§ 5–53.604 Decision on appeal.

After consideration of the disputed matter, the Board of Contract Appeals will render its decision which shall be final and conclusive with respect to any question of fact. This does not preclude the rendition by the Board of Contract Appeals of a decision on a question of law incident to a decision on a disputed question of fact. The Board of Contract Appeals shall advise both the contractor and the contracting officer of its decision.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: February 12, 1962.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 62-1618; Filed, Feb. 15, 1962; 8:48 a.m.]

Proposed Rule Making

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 11]

[Docket No. 14499; FCC 62-123]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; AND INDUSTRIAL RADIO SERVICES

Proposed Amendment of Regulations To Substitute Frequencies Available for Assignment to Non-Government Stations Transmitting Hydrological and Meteorological Data in Cooperation With Agencies of Federal Government

1. Notice is hereby given of proposed rule-making in the above-entitled matter.

2. The band 162–174 Mc/s is allocated nationally to Government radio service; however, Footnote US13 to the Commission's Part 2 Table of Frequency Allocations and Part 11 permit the use of certain specific frequencies in this band by non-Government stations to transmit hydrological and meteorological data in cooperation with agencies of the Federal Government.

3. In the interest of more efficient spectrum utilization, Government users have adopted a narrow-band frequency assignment plan which specifies the following 25 kc/s channels in the 162–174 Mc/s band for hydrologic use by all Government agencies, shared with non-Government stations under the terms of Footnote US13:

169.425	170.225	171.025	171.825
.450	.250	.050	.850
.475	.275	.075	.875
.500	.300	.100	.900
.525	.325	.125	.925

4. Inasmuch as non-Government use of this band is limited to cooperation with agencies of the Federal Government, it is hereby proposed to amend Footnote US13 of Part 2 and Part 11 of the Commission's rules as shown below, to substitute the above-mentioned frequencies for those presently specified.

5. It is proposed that non-Government stations currently licensed to use frequencies 169.575, 170.375, 171.175 or 171.975 Mc/s may continue to operate on these presently assigned frequencies on a non-interference basis.

6. The proposed amendment to the Commission's rules, as set forth below, is issued pursuant to the authority contained in sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

7. All interested persons are invited to file, on or before March 16, 1962, comments supporting or opposing the proposal set out here, or submitting any modifications or counter-proposals the parties may wish to submit. Comments in reply thereto may be submitted on or before March 26, 1962. The Commission will consider all comments filed hereunder prior to taking final action in this matter provided that, notwithstanding the provisions of § 1.213 of the rules, the Commission will not be limited solely to the comments filed in this proceeding.

8. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, the original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: February 6, 1962.

Released: February 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

§ 2.106 [Amendment]

1. Footnote US13 to § 2.106 of the Commission's rules and regulations is amended to read as follows:

US13 For the specific purpose of transmitting hydrological and meteorological data in cooperation with agencies of the Federal Government, the following frequencies may be authorized to non-Government fixed stations on the condition that harmful interference will not be caused to Government stations:

Mc/s	*Mc/s*	*Mc/s*	*Mc/s*
169.425	170.275	171.125	406.075
169.450	170.300	171.825	406.125
169.475	170.325	171.850	406.175
169.500	171.025	171.875	412.625
169.525	171.050	171.900	412.675
170.225	171.075	171.925	412.725
170.250	171.100	406.025	412.775

§ 11.254 [Amendment]

2. Section 11.254(a) of the Commission's rules and regulations is amended by deleting from the tabulation of frequencies, entries beginning 169.425 Mc/s and ending 171.975 Mc/s and substituting the following:

Frequency or band	Class of station(s)	Limitations
Mc/s		
169.425	Operational fixed	4
169.450	do	4
169.475	do	4
169.500	do	4
169.525	do	4
170.225	do	4
170.250	do	4
170.275	do	4
170.300	do	4
170.325	do	4
171.025	do	4
171.050	do	4
171.075	do	4
171.100	do	4
171.125	do	4
171.825	do	4
171.850	do	4
171.875	do	4
171.900	do	4
171.925	do	4

§ 11.304 [Amendment]

3. Section 11.304(a) of the Commission's rules and regulations is amended by deleting from the tabulation of frequencies, entries beginning 169.425 Mc/s and ending 171.975 Mc/s and substituting the following:

Frequency or band	Class of station(s)	Limitations
Mc/s		
169.425	Operational fixed	2
169.450	do	2
169.475	do	2
169.500	do	2
169.525	do	2
170.225	do	2
170.250	do	2
170.275	do	2
170.300	do	2
170.325	do	2
171.025	do	2
171.050	do	2
171.075	do	2
171.100	do	2
171.125	do	2
171.825	do	2
171.850	do	2
171.875	do	2
171.900	do	2
171.925	do	2

§ 11.354 [Amendment]

4. Section 11.354(a) of the Commission's rules and regulations is amended by deleting from the tabulation of frequencies, entries beginning 169.425 Mc/s and ending 171.975 Mc/s and substituting the following:

Frequency or band	Class of station(s)	Limitations
Mc/s		
169.425	Operational fixed	2
169.450	do	2
169.475	do	2
169.500	do	2
169.525	do	2
170.225	do	2
170.250	do	2
170.275	do	2
170.300	do	2
170.325	do	2
171.025	do	2
171.050	do	2
171.075	do	2
171.100	do	2
171.125	do	2
171.825	do	2
171.850	do	2
171.875	do	2
171.900	do	2
171.925	do	2

§ 11.504 [Amendment]

5. Section 11.504(a) of the Commission's rules and regulations is amended by deleting from the tabulation of frequencies, entries beginning 169.425 Mc/s and ending 171.975 Mc/s and substituting the following:

Frequency or band	Class of station(s)	General reference	Limitations
Mc/s			
169.425	Operational fixed	Hydrological	
169.450	do	do	
169.475	do	do	
169.500	do	do	
169.525	do	do	
170.225	do	do	
170.250	do	do	
170.275	do	do	
170.300	do	do	
170.325	do	do	
171.025	do	do	
171.050	do	do	
171.075	do	do	
171.100	do	do	
171.125	do	do	
171.825	do	do	
171.850	do	do	
171.875	do	do	
171.900	do	do	
171.925	do	do	

§ 11.554 [Amendment]

6. Section 11.554(a) of the Commission's rules and regulations is amended by deleting from the tabulation of frequencies, entries beginning 169.425 Mc/s and ending 171.975 Mc/s and substituting the following:

Frequency or band	Class of station(s)	General reference	Limitations
Mc/s			
169.425	Operational fixed	Hydrological	
169.450	do	do	
169.475	do	do	
169.500	do	do	
169.525	do	do	
170.225	do	do	
170.250	do	do	
170.275	do	do	
170.300	do	do	
170.325	do	do	
171.025	do	do	
171.050	do	do	
171.075	do	do	
171.100	do	do	
171.125	do	do	
171.825	do	do	
171.850	do	do	
171.875	do	do	
171.900	do	do	
171.925	do	do	

[F.R. Doc. 62-1521; Filed, Feb. 15, 1962; 8:45 a.m.]

[47 CFR Part 3]

[Docket No. 14267]

DEINTERMIXTURE OF SPRINGFIELD, ILLINOIS

Order Extending Time To Respond to Motion To Strike

1. The Commission has before it for consideration a motion, filed on February 8, 1962, by Wabash Valley Broadcasting Corporation, to extend the time from February 5, 1962, to February 19, 1962 for it to file a response to the "Motion to Strike Portion of Wabash Valley Reply Comments," filed on January 26, 1962, by Fort Harrison Telecasting Corporation in this proceeding.

2. Wabash Valley states that it needs additional time to prepare and file a response to the Fort Harrison motion and that Fort Harrison has advised that it has no objection to the extension of time it requests.

3. Upon consideration of the subject motion and the matters raised by the Fort Harrison motion to strike, the Commission believes that the extension requested for filing a response to the Fort Harrison motion is warranted.

4. In view of the foregoing: *It is ordered*, This 9th day of February 1962, That the motion of Wabash Valley Broadcasting Corporation is granted, and that the time for filing responses to the above-mentioned motion to strike of Fort Harrison Telecasting Corporation is extended to February 19, 1962.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.241 (d)(8) of the Commission's rules.

Adopted: February 9, 1962.

Released: February 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1616; Filed, Feb. 15, 1962; 8:48 a.m.]

[47 CFR Parts 7, 8]

[Docket No. 14423]

USE OF CERTAIN FREQUENCY FOR SAFETY AND OPERATIONAL COMMUNICATIONS

Order Accepting Comments and Extending Time for Filing

In the matter of amendment of Parts 7 and 8 of the Commission's rules concerning use of the frequency 2000 kc/s for safety and operational communications between ship stations and limited coast stations at causeways, bridges, waterways and similar locations, and between ship stations and U.S. Coast Guard coast stations for port security communications.

The Commission having under consideration petitions filed February 6 and 7, 1962, by E. M. Webster and Lake Carriers' Association, respectively, to accept late-filed comments in this proceeding;

It appearing that the Commission's notice of proposed rule making in this proceeding specified that comments should be filed on or before January 31, 1962; and

It further appearing that although the failure to meet the comment period date was the fault of the respective petitioners, the public interest will be served by accepting the late-filed comments of these petitioners;

It is ordered, That the late-filed comments of E. M. Webster and Lake Carriers' Association are accepted and made a part of this proceeding;

It is further ordered, That the time for filing reply comments in this proceeding is hereby extended from February 2, 1962 to February 12, 1962.

Adopted: February 12, 1962.

Released: February 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1617; Filed, Feb. 15, 1962; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 981]

HANDLING OF ALMONDS GROWN IN CALIFORNIA

Proposed Amendment of Administrative Rules and Regulations

Notice is hereby given that there is under consideration a proposal to amend the administrative rules and regulations (Subpart—Administrative Rules and Regulations) pertaining to operations under the amended marketing agreement and order (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Consideration will be given to written data, views, and arguments pertaining to the proposal which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than fifteen days after publication of this notice in the FEDERAL REGISTER.

The proposal is:

(a) Amend paragraph (b) of § 981.450 by adding the following subpart (5):

(5) Identification of surplus almonds shall be further preserved in that no handler shall issue, or permit to be issued, any warehouse receipt or other storage document covering surplus almonds, which fails to state that it covers almonds which are subject to the terms of the order and regulations issued thereunder.

(b) Amend paragraph (a)(5) of § 981.452 by adding the following sentence: "Each inspection certificate for shelled almonds shall show the highest grade which such almonds meet as set forth in the effective United States Standards for Grades of Shelled Almonds and, if such almonds grade at least U.S. No. 1, the kernel size in terms of the average number of kernels per ounce."

(c) Amend paragraph (a) of § 981.467 by adding the following sentence: "During the period of such agency, such handlers may obtain loans on surplus almonds by hypothecating such almonds as security for the loans: *Provided*, Such handlers inform the lender, in the hypothecation agreement, that the disposition of the pledged surplus almonds is controlled by the Almond Control Board and the lender shall have no recourse against the Board. Each loan on surplus almonds shall be repaid by the handler prior to the termination of the agency, except loans obtained from the Commodity Credit Corporation which recognize the disposition requirements of this part and loans on almonds sold but held for delivery during the time permitted by the Board, in which case the loan shall be repaid upon shipment or at the end of the permitted period, whichever occurs first."

Dated: February 13, 1962.

PAUL A. NICHOLSON,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-1606; Filed, Feb. 15, 1962; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 679) has been filed jointly by Armour Chemical Division, Armour and Company, 1355 W. Thirty-first Street, Chicago 9, Illinois; Betz Laboratories, Inc., Gillingham & Worth Streets, Philadelphia 24, Pennsylvania; Dearborn Chemical Company, 375 Merchandise Mart Plaza, Chicago 54, Illinois, and Hagan Chemicals & Controls, Inc., P.O. Box 1346, Pittsburgh 30, Pennsylvania, proposing the issuance of a regulation to provide for the safe use of 3.0 parts per million (0.0003 percent) of octadecylamine in steam, as a corrosion inhibitor in steam systems of food-processing plants.

Dated: February 12, 1962.

J. K. KIRK,
Assistant Commissioner
of Food and Drugs.

[F.R. Doc. 62-1596; Filed, Feb. 15; 1962; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 61-LA-74]

FEDERAL AIRWAYS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to §§ 600.6111 and 600.6485 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 111 presently extends in part from the Salinas, Calif., VORTAC to the intersection of the Salinas VORTAC 041° True radial with the Los Banos, Calif., VOR direct radial to the Oakland, Calif., VORTAC. VOR Federal airway No. 485 presently extends in part from the Priest, Calif., VOR via the intersection of the Priest VOR 334° and the Oakland VORTAC 131° True radials to the Oakland VORTAC.

The FAA has under consideration the following airspace proposals:

1. Alter the above-mentioned segment of Victor 111 from Salinas to the intersection of the Salinas 026° True radial with the Los Banos VOR direct radial to the Oakland VORTAC. This realignment will provide the lowest possible minimum en route altitude (MEA) between Salinas and Low altitude VOR Federal airway No. 107 at the relocated Cathedral Intersection (intersection of the Los Banos VOR 311° and the Stockton, Calif., VORTAC 183° True radials).

2. Alter the above-mentioned segment of Victor 485 from the Priest VOR via the intersection of the Priest VOR 331° and the Oakland VORTAC 131° True radials to the Oakland VORTAC. This realignment would form a common intersection with Victor 111 and VOR Federal airway No. 107. Indications are that this action will allow for a lower MEA on Victor 485 between the Priest VOR and the Rancho Intersection (to be located at the INT of the Los Banos VOR 266° and the Priest VOR 331° True radials).

The control areas associated with these airways are so designated that they would automatically conform to the altered airways. The vertical extent of these control areas would remain as designated pending review of the adjacent airspace. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 9, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1587; Filed, Feb. 15, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-FW-47]

CONTROLLED AIRSPACE

Withdrawal of Proposal To Designate Transition Area

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 61-FW-47 on June 10, 1961 (26 F.R. 5235), it was stated that the Federal Aviation Agency (FAA) proposed to designate a transition area at Tupelo, Miss.

Subsequent to publication of the notice, the FAA has determined that a further review of this area is desirable prior to taking any action to alter the controlled airspace associated with the Tupelo area. Accordingly, the notice is

being withdrawn, and a new proposal will be issued upon completion of this review.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the proposal contained in Airspace Docket No. 61-FW-47 is withdrawn.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Washington, D.C., on February 9, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1588; Filed, Feb. 15, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

VICTOR AHBEL

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Victor Ahbel, Nice A.M., France; Claim No. 43992, Vesting Order No. 11553; $11,493.83 in the Treasury of the United States.

Executed at Washington, D.C., on February 8, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-1561; Filed, Feb. 14, 1962; 8:49 a.m.]

POST OFFICE DEPARTMENT

ASSISTANT POSTMASTER GENERAL, BUREAU OF FACILITIES

Delegation of Authority

The following is the text of various orders of the Acting Assistant Postmaster General, Bureau of Facilities:

ORDER 211

JANUARY 15, 1962.

Assistant Postmaster General, Bureau of Facilities, Order No. 179 dated September 29, 1960 (25 F.R. 9959-9960) is amended to substitute the title "Chief, Real Estate Branch," for the title "Regional Real Estate Manager."

ORDER 212

JANUARY 15, 1962.

Assistant Postmaster General, Bureau of Facilities, Order No. 173 dated October 15, 1959 (24 F.R. 8750-8751) is amended to substitute the title "Chief, Realty Acquisition Branch, Realty Division," for "Director of Real Estate Leasing, Division of Real Estate."

ORDER 213

JANUARY 15, 1962.

Assistant Postmaster General, Bureau of Facilities, Order No. 157 dated March 24, 1958 (23 F.R. 2754) is amended to substitute "Assistant Chief, Real Estate Branch," for the title of "Assistant Regional Real Estate Manager."

ORDER 215

JANUARY 29, 1962.

(a) Pursuant to Order No. 55941 of the Postmaster General, dated July 1, 1955 (20 F.R. 5269) and for the purposes of paragraph (b) thereof, the Director, Procurement Division, Bureau of Facilities, or any person acting in that position, is hereby designated as the Chief Procurement Officer for the Post Office Department, to exercise the authority and perform the functions vested in that officer by such Order No. 55941, and within the $25,000 limitation as prescribed, in addition to the functions and authority heretofore, or which may hereafter be, assigned to him.

(b) This Order supersedes and cancels Order No. 112 dated November 14, 1955 (21 F.R. 162).

ORDER 216

JANUARY 29, 1962.

Assistant Postmaster General, Bureau of Facilities, Order No. 113 dated November 14, 1955 (21 F.R. 162) is amended to substitute the title, "Director, Procurement Division," for "Director, Division of Supplies."

ORDER 217

JANUARY 29, 1962.

Assistant Postmaster General, Bureau of Facilities, Order No. 114 dated November 14, 1955 (21 F.R. 162) is amended to substitute the title, "Director, Procurement Division," for the title "Director, Division of Supplies."

ORDER 218

JANUARY 31, 1962.

In the absence of the Assistant Postmaster General or the Deputy Assistant Postmaster General, Bureau of Facilities, or persons duly designated to act in these positions, the following Division Directors or those officially designated as Acting Directors, shall serve in the order named as Acting Assistant Postmaster General:

Director, Realty Division
Director, Procurement Division
Director, Maintenance Division

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-1595; Filed, Feb. 15, 1962; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12193]

AIRFREIGHT FORWARDER AUTHORITY CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 27, 1962, at 10 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., February 13, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-1622; Filed, Feb. 15, 1962; 8:48 a.m.]

[Docket 13240]

BRANIFF AIRWAYS, INC., AND PAN AMERICAN WORLD AIRWAYS, INC.; INTERCHANGE

Notice of Reassignment of Prehearing Conference

In the matter of the application of Braniff Airways, Incorporated and Pan American World Airways, Inc. for approval of an equipment interchange lease agreement.

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned for February 20 is reassigned for February 19, 1962, at 10 a.m., e.s.t. in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., February 12, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-1623; Filed, Feb. 15, 1962; 8:48 a.m.]

[Docket No. 12726 etc.]

CITY OF ANDERSON, IND., ET AL.

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 12th day of February 1962.

In the matter of the application of the City of Anderson, Indiana, Anderson Chamber of Commerce, for air service on Lake Central's Route 88, Docket 12726; in the matter of the joint petition of the Fort Wayne Board of Aviation Commissioners, and the Chamber of Commerce of Fort Wayne, Indiana and Board of Aviation Commissioners of Delaware County, Indiana and Muncie Chamber of Commerce, Inc., for an order to show cause to add a segment on Lake Central's Route 88, Docket 12793; in the matter of the applications of Lake Central Airlines, Inc., for an amendment of its certificate for Route 88, Dockets 12957, 13259; in the matter of the applications of North Central Airlines, Inc., for an amendment of its certificate for Route 86, Dockets 12202, 12839; in the matter of the application of Trans World Airlines, Inc., for an amendment of its

certificate for Route 2, Docket 13255; in the matter of the Fort Wayne-Muncie Area Investigation, Docket 13391.

son, Indiana, and the Anderson Chamber of Commerce (Anderson) filed application (Docket 12726) requesting the inauguration of air service at Anderson by certain route extensions of Route 88, operated by Lake Central Airlines, Inc. (Lake Central), connecting Anderson with Indianapolis-Detroit-Chicago-Cincinnati.

On July 17, 1961, the Fort Wayne Board of Aviation Commissioners and the Chamber of Commerce of Fort Wayne, Indiana, and the Board of Aviation Commissioners of Delaware County, Indiana, and the Muncie Chamber of Commerce, Inc. (Fort Wayne-Muncie) filed a joint petition (Docket 12793) requesting the issuance of an order to show cause why Lake Central's certificate of public convenience and necessity for Route 88 should not be amended so as to add thereto a new segment to provide air service between Indianapolis, Muncie-Anderson-New Castle, Fort Wayne, Lima, Toledo, and Detroit. An application (Docket 12839), requesting authority to serve the same segment, was filed on July 25, 1961 by North Central Airlines, Inc. (North Central), as an amendment to its certificate of public convenience and necessity for Route 86. North Central, also on July 25, 1961, moved for consolidation with the Fort Wayne-Muncie joint application, its applications in Docket 12839 and its earlier application (Docket 12202) filed March 9, 1961, and amended December 27, 1961, which requests an amendment of its certificate for Route 86, to authorize service, (a) from Chicago to South Bend, to Fort Wayne, to Dayton, and beyond Fort Wayne to Cleveland via the intermediate point, Toledo; and (b) from Grand Rapids to Fort Wayne, via the intermediate point Kalamazoo, Mich.

By application, Docket 12957, filed August 24, 1961, Lake Central applied for authority to serve the Chicago-Cleveland segment, and the Grand Rapids-Fort Wayne segment, as proposed by North Central. In addition, on December 8, 1961, Lake Central filed an application (Docket 13259) to serve between Chicago and Dayton via South Bend and Fort Wayne.

On December 8, 1961, Trans World Airlines, Inc. (Trans World) filed an application (Docket 13255) alleging that the public convenience and necessity do not require its services at South Bend and Fort Wayne, and requesting the deletion of the two points from its certificate for Route 2.

Answers and replies have been received from the interested parties and intervenors in support of, and/or in opposition to, the various applications, counter-applications, motions and requests in the foregoing referenced proceedings.

Upon consideration of the foregoing and in the light of all the circumstances, the Board concludes that there are involved here, as evidenced in the pleadings, a number of issues with respect to the precise needs for air service at the cities named in the various applications listed in terms of quality and quantity, raising controversial questions which should be resolved pursuant to section 401(g) of the Act after public hearing. In order to give the Board the necessary flexibility in deciding how services should be provided and who should provide them, we have decided that it is appropriate at this time to institute a limited review of the route structures of the area's certificated air carriers.

Anderson has requested air service at the Anderson Municipal Airport by Lake Central on two routes: (1) Between Indianapolis and Detroit; and (2) between Cincinnati and Chicago. The city has been designated for many years as the point Anderson-Muncie-New Castle on Routes 8 and 54 of Delta Air Lines, Inc. (Delta), but it has never received air service through its own municipal airport and Delta has not provided service at the hyphenated point. However, Muncie, a city closely adjacent to the northeast, does receive air service from Lake Central on a Chicago-Cincinnati route, which essentially duplicates one of Anderson's route proposals. As to the proposals of Anderson and of Fort Wayne and Muncie, for a Detroit-Indianapolis route, the institution of this investigation in the area covered by this request will render unnecessary consideration of the Fort Wayne and Muncie joint application for the issuance of an order to show cause.

The application of North Central for a route between Indianapolis and Detroit, which duplicates that which is proposed as a subject of Board investigation, will be consolidated and considered since it involves substantially the same issues of public convenience and necessity.

We have decided to include in our investigation an issue as to the need for imposition of a long-haul restriction on, or possible elimination of, Delta's service at Fort Wayne, which may render feasible better short-haul local service by a local air carrier. Delta's answer to the petition of Fort Wayne and Muncie opposed the possible deletion or restriction of its service at Fort Wayne, although it supported deletion of its service at Anderson-Muncie-New Castle and authorization of local service at both points.

Additionally, we shall include the issue of the possible suspension or deletion of Trans World at Fort Wayne and South Bend for which the carrier has applied. Trans World provides these cities with one daily round trip. United Air Lines, Inc. (United) provides five daily round trips, and carries the bulk of traffic. However, deletion of Trans World alone may not make available sufficient traffic to warrant the addition of a local service carrier in these markets.

In this connection, we will include an issue as to whether United's service at South Bend and Fort Wayne should be made subject to a long-haul restriction if it should be concluded that improved local service is required in these markets, and that the local service carrier would require such protection in order to conduct a reasonably economic operation. Inclusion of such issue will permit the Board to consider and resolve such issue on the basis of a full evidentiary record.

A complete survey of Fort Wayne's air service requirements also requires the consolidation of North Central's application in Docket 12839, requesting authority to serve between the terminal points Indianapolis, Ind., and Detroit, Mich., via the intermediate points Muncie and Fort Wayne, Ind., and Lima and Toledo, Ohio. Consideration of this and other North Central applications and the related Lake Central filings will permit consideration of the need for service from Fort Wayne to Grand Rapids on the north, Fort Wayne to Dayton on the south, Fort Wayne to Cleveland on the east, and Fort Wayne to Chicago on the west. Thus, Fort Wayne becomes the axis of a small area case in which the local service air requirements will be examined. The maps attached[1] as Appendices A, B, and C are illustrative of the proposed scope of the proceeding instituted herein.

Finally, we find that the joint petition of the cities of Fort Wayne and Muncie in Docket 12793 for the issuance of a show cause order should be denied, and that the other enumerated applications are essentially connected and can most appropriately be disposed of with the proceeding instituted herein. Consequently, these matters will be consolidated.

Accordingly, it is ordered:

1. That an investigation, to be known as the Fort Wayne-Muncie Area Investigation, Docket 13391, be and it hereby is instituted, pursuant to section 401(g) of the Act, to determine whether the public convenience and necessity require the alteration, amendment, modification, suspension, or deletion of service in air transportation now rendered or authorized to be rendered by the certificated air carriers in central Indiana, western Ohio, and southern Michigan, as illustrated in Appendices A, B, and C, and, in particular, to determine the following issues involving the public convenience and necessity:

(a) Should the following segment be added to either North Central's or Lake Central's routes: Between the terminal points Indianapolis, Ind., and Detroit, Mich., via the intermediate points Muncie-Anderson-New Castle, Ind., Fort Wayne, Ind., Lima, Ohio, and Toledo, Ohio?

(b) Should Delta's authority to serve Fort Wayne be amended to require a "closed door" or a "long-haul" restriction, or be suspended or deleted?

(c) Should Delta's authority to serve Muncie-Anderson-New Castle be deleted?

(d) Should the point Muncie on Lake Central's Route 88 be redesignated as Muncie-Anderson-New Castle?

(e) Should United be restricted so as to require all flights serving South Bend and/or Fort Wayne to originate or terminate at a point west of Chicago or Milwaukee?;

2. That the Fort Wayne-Muncie joint petition in Docket 12793, insofar as it seeks the issuance of a show cause order for an amendment of Lake Central's certificate for Route 88, be and it hereby is denied;

[1] Filed as part of the original document.

4. That the applications and/or petitions in Dockets 12726, 12793, 12957, 13259, 12202, 12839, and 13255, except to the extent denied herein, be consolidated in the proceeding hereby instituted;

5. That a copy of this order be served on Lake Central Airlines, Inc., North Central Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Delta Air Lines, Inc., the City and Chamber of Commerce of Anderson, Ind., the Fort Wayne Board of Aviation Commissioners and the Chamber of Commerce of Fort Wayne, Ind., the Board of Commissioners of Delaware County and the Muncie Chamber of Commerce, Ind., the City of New Castle, Ind., and the Postmaster General, all of whom are hereby made parties to this proceeding;

6. That all other motions, petitions and requests, or portions thereof not otherwise granted herein, be and they hereby are denied; and

7. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-1624; Filed, Feb. 15, 1962; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14479; FCC 62M-207]

DeKALB BROADCASTING CO.

Order Continuing Hearing

In re application of Samuel C. Chafin and N. W. Griffin d/b as DeKalb Broadcasting Co., Decatur, Georgia, Docket No. 14479; File No. BP-14133; for construction permit.

A prehearing conference in the above-entitled matter having been held on February 8, 1962, and it appearing from the record made therein that certain agreements were reached and certain rulings made by the Hearing Examiner which properly should be formalized by order;

It is ordered, This 8th day of February 1962, that:

(1) All written exhibits to be offered in evidence in the presentation of the direct affirmative cases of the parties[1] shall be under oath and exchanged among the parties and copies thereof supplied the Hearing Examiner on April 16, 1962;

(2) Notification of witnesses responsible for the preparation of exhibits to be called for cross-examination shall be given on or before April 23, 1962. In the event no notice is given for the production of a witness responsible for the preparation of an exchanged exhibit, such exhibit, to the extent it is otherwise acceptable, will be admitted into evidence as if such witness were present and the exhibit was offered through him;

It is further ordered, That the hearing herein heretofore scheduled to commence on March 8, 1962, is continued to May 1, 1962, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: February 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62-1611; Filed, Feb. 15, 1962; 8:47 a.m.]

[1] While the burdens of proof and proceeding with the evidence herein lie on the applicant, the Commission's order of Designation (FCC 62-29, Mimeo. No. 13860) makes clear that the fundamental factual question in dispute is the location of the 0.5 mv/m contours of the applicant's proposed station and the existing station of respondent. Although the development of the proceeding may persuade the respondent and the Broadcast Bureau that they do not wish to offer any exhibits, the possibility of the necessity of exhibit evidence in this area by parties which may not agree with the applicant's showing is sufficiently clear that in the interest of expedition, all parties will be required to prepare in advance and exchange their exhibits directed to this matter.

[Docket No. 14523; FCC 62-145]

HIAWATHA VALLEY BROADCASTING CO., INC., AND NORTHLAND RADIO CORP.

Order Designating Application for Hearing on Stated Issues

In re Application of Hiawatha Valley Broadcasting Co., Inc. (Assignor), Docket No. 14523, File No. BAL-4172; Northland Radio Corporation (Assignee), for assignment of license of Station KCUE, Red Wing, Minnesota.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of February 1962;

The Commission having under consideration the above-captioned and described application;

It appearing that, a grant of the subject application would give to the proposed assignee its second standard broadcast facility in Southeastern Minnesota; and that, as noted below, the service areas of the two stations would overlap to a substantial degree; and

It further appearing that, because of this fact, Northland Radio Corporation was requested to submit a showing covering the matters set forth in § 3.35 of the Commission's rules; and

It further appearing that, on the basis of the showing submitted, the Commission is unable to make a finding that a grant of the subject application would serve the public interest, convenience and necessity; and

It further appearing that, the following matters are to be considered in connection with the issues specified below:

1. Northland Radio Corporation (Northland) is the licensee of Station KWEB, Rochester, Minnesota, and through its officers, directors and stockholders, owns and controls Station KOTE, Fergus Falls, Minnesota, and its principals are the applicants for a construction permit for a new standard broadcast station at Northfield, Minnesota. Engineering studies relating to the primary service contours of Stations KWEB and KCUE indicate that the same presently overlap.

2. The cities of Red Wing and Rochester are approximately 39 miles apart. Commission consent to a grant of the subject application would place the ownership and control of Stations KCUE and KWEB under the corporate direction of Northland. Northland's control of two standard broadcast stations with such close proximity to each other would create a substantial duplication of service, for both area and population, involving approximately one-third of the service areas of the respective stations.

3. In view of the foregoing, and after full consideration of the information contained in the application, it appears that a grant of the subject application would contravene the provisions of § 3.35 of the Commission's rules, since the applicant has not shown that the public interest, convenience and necessity will be served through such multiple ownership situation.

4. In reaching a determination on the question raised by the § 3.35 issue, it will be important to consider, among other things, the size, extent and locations of the overlapping service areas of Stations KWEB and KCUE; the populations residing in the overlapping service areas; the classes and power of the stations involved; the extent of other competitive service to the areas in question; the distribution of population within the overlapping service areas; the location of trade areas, metropolitan districts, and political boundaries; the areas and populations to which the service of each station is directed; the manner in which the business affairs of the stations are conducted, including any plans the assignee may have for the use of joint rates or discounts for multiple use of the stations under common control; the program plans of the proposed assignee for each station, including, among other things, diversification of presentations, prospective use of similar or identical programs for broadcast by the stations under common control; a comparison of the program plans of the assignee as compared with the existing programming of the station; coverage claims made or which the assignee anticipates will be made with respect to the joint operation of Stations KWEB and KCUE; statistical data on the audience preferences for other standard broadcast stations operating in the area, with a view toward establishing the percentage of the population in the overlap area that will rely on the service of the stations under common control; the planned location of main and secondary studios; factors relating to the use of local talent, program sources, broadcast of local news, and availability of facilities for local public service programs; and the assignee's plans for management (personnel) for each of the stations involved.

It further appearing, that, in view of the foregoing, the Commission is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-entitled ap-

plication is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether a grant of the subject application would be in contravention of § 3.35 of the Commission's rules;

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: February 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1612; Filed, Feb. 15, 1962; 8:47 a.m.]

[Docket Nos. 14510-14514; FCC 62-151]

ROCKLAND BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Sidney Fox, George Dacre, Harry Edelstein, d/b as Rockland Broadcasting Company, Blauvelt, New York, requests: 1300 kc, 500 w, DA-D, Docket No. 14510, File No. BP-13477; Delaware Valley Broadcasting Co. (WAAT), Trenton, New Jersey, has: 1300 kc, 250 w, Day, requests: 1300 kc, 5 kw, DA-2, U, Docket No. 14511, File No. BP-14054; Rockland Radio Corporation, Spring Valley, New York, requests: 1300 kc, 500 w, DA-D, Docket No. 14512, File No. BP-14461; Rockland Broadcasters, Inc., Spring Valley, New York, requests: 1300 kc, 1 kw, DA-D, Docket No. 14513, File No. BP-14462; Asbury Park Press, Inc. (WJLK), Asbury Park, New Jersey, has: 1310 kc, 250 w, U, requests: 1310 kc, 250 w, 1 kw-LS, DA-D, U, Docket No. 14514, File No. BP-14469; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of February 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

(A) The proposal of Sidney Fox, George Dacre, Harry Edelstein d/b as Rockland Broadcasting Company:

1. Causes interference to and receives interference from the following existing standard broadcast stations and proposals:

To—
WADO, New York, N.Y.
WHBI, Newark, N.J.
WVIP, Mount Kisco, N.Y.
BP-14054 (WAAT) Trenton, N.J.
BP-14461,[1] Spring Valley, N.Y.
BP-14462,[1] Spring Valley, N.Y.

From—
WAAT, Trenton, N.J.
WAVZ, New Haven, Conn.
WVIP.
WEEE, Rensselaer, N.Y.
BP-14054 (WAAT).
BP-14461.
BP-14462.

[1] Mutually exclusive with subject proposal. (BP-13477.)

It has not been determined whether or not this proposal will comply with § 3.28(d)(3) of the Commission's rules regarding interference received from existing stations.

2. The population of Blauvelt, New York is not listed separately from the county in which it is located in the 1960 United States Census report; however, Blauvelt does have a post office; and thus a question obtains as to this proposal's compliance with § 3.30(a) of the Commission's rules relating to identification of a station with an ascertainable community.

3. The subject applicant requested that any comparative hearing be held in Rockland County, New York. However, since the issues to be decided in this proceeding are primarily of an engineering nature, and can best be tried at the Commission's offices in Washington, D.C.; the request is being denied.

(B) The proposal of Delaware Valley Broadcasting Co. (WAAT):

1. Causes interference to and receives interference from the following existing standard broadcast stations and proposals:

To—
WTHT, Hazelton, Pa.
WKAP, Allentown, Pa.
WOOD, Grand Rapids, Mich.
WFBR, Baltimore, Md.
BP-13477, Blauvelt, N.Y.
BP-14461, Spring Valley, N.Y.
BP-14462, Spring Valley, N.Y.

From—
WCAM, Camden, N.J.
WAVZ, New Haven, Conn.
WJLK, Asbury Park, N.J.
WFBR.
BP-13477.
BP-14461.
BP-14462.
BP-14469 (WJKL), Asbury Park, N.J.

2. The Baltimore Radio Show, Inc., licensee of Station WFBR, Baltimore, Maryland, filed a petition to deny on August 14, 1961 contending that the proposed operation of WAAT will create objectionable interference within its normally protected nighttime contour, and that any pre-sunrise operation with daytime facilities would constitute a modification of the license of WFBR. This order includes an issue to determine the nature and extent of nighttime interference the proposed operation of WAAT will cause to WFBR, and also includes a condition prohibiting the use of daytime facilities in the pre-sunrise operation of WAAT.

3. Pursuant to § 3.28(d)(3) of the Commission's rules, the applicant indicates that the percentage of population loss from existing stations is greater than 10 percent to both its daytime and nighttime operations. Applicant shows the loss to the proposed daytime operation from existing stations to be 13.7 percent and the proposed nighttime operation will suffer a population loss of 48.2 percent and an area loss of 84.8 percent (nighttime limitation is 19.0 mv/m). A waiver of § 3.28(d)(3) of the Commission's rules is requested. This Order includes an issue to determine if the proposed operation would be consistent with § 3.24(b) of the rules.

4. The proposed RCA type 335-BR frequency is not type accepted by the Commission.

(C) The proposal of Rockland Radio Corporation:

1. Causes interference to and receives interference from the following existing standard broadcast stations and proposals:

To—
WAVZ, New Haven, Conn.
WADO, New York, N.Y.
WHBI, Newark, N.J.
WEEE, Rensselaer, N.Y.
BP-13477,[1] Blauvelt, N.Y.
BP-14462,[1] Spring Valley, N.Y.
BP-14054 (WAAT), Trenton, N.J.

From—
WAVZ.
WAAT, Trenton, N.J.
WEEE.
BP-13477.
BP-14462.
BP-14054.

[1] Mutually exclusive with the subject proposal. (BP-14461.)

(D) The proposal of Rockland Broadcasters, Inc.:

1. Causes interference to and receives interference from the following existing standard broadcast stations and proposals:

To—
WAVZ, New Haven, Conn.
WADO, New York, N.Y.
WHBI, Newark, N.J.
WTHT, Hazelton, Pa.
BP-14054 (WAAT), Trenton, N.J.
BP-13477,[1] Blauvelt, N.Y.
BP-14461,[1] Spring Valley, N.Y.

From—
WAVZ.
WEEE, Rensselaer, N.Y.
WAAT, Trenton, N.J.
BP-14054.
BP-13477.
BP-14461.

[1] Mutually exclusive with subject proposal. (BP-14462.)

2. Applicant, by its own calculation, indicates that the subject proposal will involve an overlap of the proposed 25 mv/m contour with the existing 2 mv/m contour of Station WADO resulting in a violation of § 3.37 of the Commission's rules. A waiver of said § 3.37 has been requested.

(E) The proposal of Asbury Park Press, Inc. (WJLK):

1. Causes interference to and receives interference from the following existing standard broadcast stations and proposals:

To—
WFOW, New York, N.Y.
WEVD, New York, N.Y.
BP-14054 (WAAT), Trenton, N.J.

From—
WVIP, Mt. Kisco, N.Y.
WCAM, Camden, N.J.

2. Pursuant to the provisions of § 3.28(d)(3) of the Commission's rules, the applicant in this proposal indicates a percentage of population loss of 18.41 percent. The present operation shows a percentage of population loss of 20.01 percent. A waiver of § 3.28(d)(3) of the rules is requested.

3. The proposed 25 mv/m contour of WJLK's proposal involves an overlap of the 2 mv/m contour of Station WEVD in violation of § 3.37 of the Commission's rules. It is necessary to determine if the circumstances warrant waiver of said § 3.37 of the rules.

4. WJLK presently operates as a Class IV station on a regional channel. This proposal is for a Class III daytime operation, and to continue the existing Class IV operation in the nighttime hours.

It further appearing that in view of the outstanding proposed rule making proceeding in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, any grant of the proposals in this proceeding prior to a final decision in Docket 14419, should be appropriately conditioned.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience and necessity and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposals of Rockland Broadcasting Company, Rockland Radio Corporation and Rockland Broadcasters, Inc., and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Station WAAT and Station WJLK and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the instant proposal of Rockland Broadcasters, Inc., would cause objectionable interference to Station WAVZ, Station WADO, Station WHBI, Station WTHT, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of Station WAAT would cause objectionable interference to Station WTHT, Station WKAP, Station WOOD, Station WFBR, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the instant proposal of Rockland Radio Corporation would cause objectionable interference to Station WAVZ, Station WADO, Station WHBI, Station WEEE, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

7. To determine whether the instant proposal of Rockland Broadcasters, Inc., would cause objectionable interference to Station WAVZ, Station WADO, Station WHBI, Station WTHT, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations affected by interference from any of the instant proposals.

8. To determine whether the instant proposal of Rockland Broadcasting Company would cause objectionable interference to Station WADO, Station WHBI, Station WVIP, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

9. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(d)(3) of the Commission's rules and, if so, whether circumstances exist which would warrant a waiver of said section.

10. To determine whether the instant proposal of Rockland Broadcasting Company would serve primarily a particular city, town, or other political subdivision as contemplated by § 3.30(a) of the Commission's rules and, if not, whether circumstances exist which would warrant a waiver of said section.

11. To determine whether overlap of the 2 and 25 mv/m contours would occur between the instant proposal of Rockland Broadcasters, Inc., and Station WADO in contravention of § 3.37 of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

12. To determine whether overlap of the 2 and 25 mv/m contours would occur between the instant proposal of Station WJLK and Station WEVD in contravention of § 3.37 of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

13. To determine whether, because of interference received, the proposed nighttime operation of Delaware Valley Broadcasting Co. (WAAT) would be consistent with § 3.24(b) of the rules.

14. To determine, in the light of the section 307(b) of the Communications Act of 1934, as amended, which one of the proposals for Spring Valley, New York, or the proposal for Trenton, New Jersey, or the proposal for Asbury Park, New Jersey, or the proposal for Blauvelt, New York (should Issue No. 10 be decided favorably for Rockland Broadcasting Company) would best provide a fair, efficient, and equitable distribution of radio service.

15. To determine in the event it is concluded pursuant to Issue No. 14 that one of the proposals for Spring Valley, New York, or the proposal for Blauvelt, New York, should be favored, which of the said proposals would best serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programing services proposed in each of the said applications.

16. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That the following licensees of the stations indicated are made parties to the proceeding:

Licensee	Station
(1) Bartell Broadcasters of New York, Inc.	WADO
(2) May Radio Broadcast Corp.	WHBI
(3) Suburban Broadcasting Co., Inc.	WVIP
(4) Radio 18, Inc.	WTHT
(5) WKAP, Inc.	WKAP
(6) Time-Life Broadcast, Inc.	WOOD
(7) The WAVZ Broadcasting Corp.	WAVZ
(8) Fairview Broadcasters, Co., Inc.	WEEE
(9) WPOW, Inc.	WPOW
(10) Debs Memorial Radio Fund, Inc.	WEVD
(11) The Baltimore Radio Show, Inc.	WFBR

It is further ordered, That in the event of a grant of the application of Delaware Valley Broadcasting Co., the construction permit shall contain the following condition: To the extent that it permits operation with daytime facilities prior to local sunrise, § 3.87 of the Commission's rules is not applicable to this authorization and such operation is prohibited.

It is further ordered, That the Petition to Deny filed by the Baltimore Radio Show, Inc., is granted to the extent set forth in the next preceding ordering clause and is denied in all other respects.

It is further ordered, That in the event of a grant of the application of Delaware Valley Broadcasting Co., the construction permit shall contain the following condition: Permittee shall install an approved type of frequency monitor.

It is further ordered, That the request of Rockland Broadcasting Company that the hearings be held in Rockland County, New York is denied.

It is further ordered, That any grant of the proposals in this proceeding, except the Delaware Valley Broadcasting Co. proposal, will be conditioned as follows, if the grants are made prior to a final decision in Docket 14419: "Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded."

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the parties respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually, or, if feasible jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: February 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1613; Filed, Feb. 15, 1962; 8:48 a.m.]

[Docket No. 12949; FCC 62-149]

SOUTH MINNEAPOLIS BROADCASTERS

Order Designating Application for Hearing on Stated Issues

In re application of Charles Niles and Marie Niles, d/b as South Minneapolis Broadcasters, Bloomington, Minnesota, requests: 740 kc, 250 w, DA-D, Class II, Docket No. 12949, File No. BP-14046; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of February 1962:

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially and otherwise qualified to construct and operate the instant proposal; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The subject proposal appears to cause objectionable interference to Station KBOE, Oskaloosa, Iowa.

2. The proposed 25 mv/m contour apparently covers substantially less than the entire business area of Bloomington, in contravention of § 3.188(b)(1) of the Commission's rules. Similarly, the proposed 5 mv/m contour would fail to cover the entire residential area of the city, in contravention of § 3.188(b)(2) of the rules.

3. A substantial question exists as to whether the proposed operation represents sound engineering practice, since a considerable portion of the city of Bloomington is located in the area of maximum signal suppression.

It further appearing that in view of the outstanding proposed rule making proceeding in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, any grant of the instant proposal prior to a final decision in Docket No. 14419 should be appropriately conditioned.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the subject proposal and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable interference to Station KBOE, Oskaloosa, Iowa, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the instant proposal would provide coverage of the city sought to be served, as required by § 3.188(b)(1) and (2) of the Commission's rules and, if not, whether circumstances exist which warrant a waiver of said section.

4. To determine whether a portion of the city sought to be served is in an area of maximum signal suppression, and, if so, whether the proposed directional antenna system represents good engineering practice, especially in light of the normally expected variations in signal strength occurring in null areas of directional patterns.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Oskaloosa Broadcasting Company, licensee of Station KBOE, Oskaloosa, Iowa is made a party to the proceeding.

It is further ordered, that any grant of the instant proposal, prior to a final decision in Docket No. 14419, will be conditioned as follows: "Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded."

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: February 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1614; Filed, Feb. 15, 1962; 8:48 a.m.]

[Docket No. 14515; FCC 62-154]

WDSU BROADCASTING CORP. (WDSU)

Order Designating Application for Hearing on Stated Issues

In re application of WDSU Broadcasting Corporation (WDSU), New Orleans, Louisiana, has: 1280 kc, 5 kw, DA-1, U, requests: 1280 kc, 5 kw, DA-1, U; Docket No. 14515, File No. BMP-9055; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of February 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to construct and operate WDSU as proposed but that the proposed operation will cause interference to Stations WDSP, De Funiak Springs, Florida, and WSCM, Panama City Beach, Florida, and

It further appearing that in view of the outstanding proposed rule making proceeding in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, any grant of the instant proposal prior to a final decision in Docket No. 14419 should be appropriately conditioned.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WDSU and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable interference to Stations WDSP, De Funiak Springs, Florida, and WSCM, Panama City Beach, Florida, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience, and necessity.

It is further ordered, That the Euchee Valley Broadcasting Co., and WSCM Broadcasting, Inc., licensees of Stations WDSP and WSCM, respectively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the application of the WDSU Broadcasting Corporation, program tests will not be authorized until Station WSJC, Magee, Mississippi, has begun program tests on a frequency other than 1280 kilocycles and a license will not be issued until WSJC has been licensed on a frequency other than 1280 kilocycles.

It is further ordered, That any grant of the instant proposal, prior to a final decision in Docket No. 14419 will be conditioned as follows: "Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded."

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules give notice of the hearing, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: February 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1615; Filed, Feb. 15, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-96]

TAYLORSTOWN NATURAL GAS CO.

Notice of Application

FEBRUARY 9, 1962.

Take notice that on October 16, 1961, as supplemented on January 2, 1962, Taylorstown Natural Gas Company (Applicant), P.O. Box 87, Taylorstown, Pennsylvania, filed in Docket No. CP62-96 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing The Manufacturers Light and Heat Company (Manufacturers) to establish physical connection of its facilites with those which Applicant operates, and to sell and deliver to Applicant natural gas for resale and distribution in Blaine, Buffalo, Donegal, and East Finley Townships and Claysville Borough, all in Washington County, Pennsylvania, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Applicant, which is regulated by the Pennsylvania Public Utility Commission, states that it serves about 1,000 customers at retail in the above-named communities. For more than 60 years Applicant's source of natural gas supply has been from local wells in this area, called the Taylorstown Field. Applicant both produces and purchases gas in this area. The application states that this field is now diminishing in production and approaching depletion; and since no further development of the field is anticipated, Applicant finds it necessary to augment its gas supply by purchase of gas from Manufacturers, an interstate pipeline whose facilities are located in this area.

To serve Applicant as requested, Manufacturers would have to build two separate connections with Applicant's system and meters in the vicinity of Taylorstown, Pennsylvania. Applicant proposes to construct the necessary pipeline between the taps on Manufacturers system and its own system at a cost of about $200 to be defrayed from cash.

Applicant considers the 1960 requirements of 190,186 Mcf of gas at 14.73 psia and the peak and average days, respectively, of 2,184 and 522 Mcf of gas to be typical of the area's future requirements. Applicant estimates the total remaining reserve in the Taylorstown field to be 1,000,000 Mcf of gas and the decline in production to be about 10 percent annually. To meet this decline in production, Applicant states that it will require from Manufacturers annual volumes of about 40,000 Mcf of gas and up to 1,000 Mcf of gas per day on peak days. Applicant would purchase gas under Manufacturers' CDS-1 Rate Schedule.

Manufacturers filed its answer to the subject application on November 17, 1961, as supplemented on December 18, 1961, stating that it is able and willing to render the proposed service.

Protests, requests for hearing, or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 5, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1593; Filed, Feb. 15, 1962; 8:45 a.m.]

[Docket No. RI62-321 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 9, 1962.

Humble Oil & Refining Company, Docket No. RI62-321; Walters Drilling Company (Operator), et al., Docket No. RI62-322; Hamilton Brothers, Ltd., Docket No. RI62-323; Socony Mobil Oil Company, Inc., Docket No. RI62-324; Sunray Mid-Continent Oil Company, Docket No. RI62-325; Shell Oil Company, Docket No. RI62-326; Cities Service Petroleum Company, Docket No. RI62-327; The British-American Oil Producing Company, Docket No. RI62-328.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents Per Mcf [2] Rate in effect	Cents Per Mcf [2] Proposed increased rate	
R162-321...	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex.	123	6	United Gas Pipe Line Co. (Lapeyrouse Field, Terrebonne Parish, La.) (South Louisiana).	$37,922	1-11-62	2-11-62	7-11-62	20.25	[3] 22.25	
R162-322...	Walters Drilling Co. (Operator), et al., 510 Orpheum Building, Wichita 2, Kans.	1	1	Cities Service Gas Co., (North West Sharon Field, Barker County, Kan.)	1,500	1-15-62	2-15-62	7-15-62	12.0	[3] 13.0	
R162-323...	Hamilton Bros., Ltd., c/o Tippit & Haskell, Attorney, Denver Club Building, Denver 2, Colo.	13	1	Kansas-Nebraska Natural Gas Co., Inc. (Camrick Field, Texas County, Okla.).	1,484	1-16-62	2-16-62	7-16-62	16.8	[3] 17.0	
R162-324...	Socony Mobil Oil Co., Inc., 150 East 42d Street, New York 17, N.Y.	147	28	Warren Petroleum Corp. (Panhandle Field, Wheeler County, Tex.) (R.R. District No 10).	32	1-18-62	2-18-62	7-18-62	11.6292	[4] 11.7188	
		148	30	....do	17	1-18-62	2-18-62	7-18-62	11.6292	[4] 11.7188	
R162-325...	Sunray Mid-Continent Oil Co., P.O. Box 2039, Tulsa 2, Okla.	135	7	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.).	158	1-19-62	3-21-62	8-21-62	17.0	[3] 17.2	
		162	6	....do	42	1-19-62	3-21-62	8-21-62	17.0	[3] 17.2	
		165	5	Panhandle Eastern Pipe Line Co. (Camrick Field, Texas County, Okla.).	78	1-19-62	3-22-62	8-22-62	16.8	[3] 17.0	
		170	6	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.).	44	1-19-62	3-21-62	8-21-62	17.0	[3] 17.2	
R162-326...	Shell Oil Co., 50 West 50th Street, New York 20, N.Y.	152	2	Northern Natural Gas Co. (Farnsworth Field, Ochiltree County, Tex.) (R.R. District No. 10).	1,318	1-22-62	4-1-62	9-1-62	15.5	[3] 16.5	
R162-327...	Cities Service Petroleum Co., Cities Service Building, Bartlesville, Okla.	101	3	Panhandle Eastern Pipe Line Co. (Morton County, Kans.).	100	1-22-62	4-1-62	9-1-62	16.0	[3] 17.0	
		129	4	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.).	74	1-22-62	3-21-62	8-21-62	17.0	[3] 17.2	
R162-328...	The British-American Oil Producing Co., P.O. Box 749, Dallas 21, Tex.	7	7	Mississippi River Fuel Corp. (Waskom Field, Harrison County, Tex.) (R.R. District No. 6).	1,454	1-19-62	3-1-62	8-1-62	14.1344	[4] 14.6302	

[1] The stated effective date is the 1st day after expiration of the required statutory notice, or, if later, the date proposed by the respondent.

[2] The pressure base for all sales is 14.65 psia, except for that of Humble Oil & Refining Co., which is 15.025 psia.

[3] Periodic rate increase.

[4] Redetermined rate increase based on weighted average price in the Panhandle Field as determined by the Texas Railroad Commission.

The proposed increased rates exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date suspended until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 3, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1545; Filed, Feb. 15, 1962; 8:45 a.m.]

[Docket No. CI60-652]

F. A. CALLERY, INC., ET AL.

Notice of Application and Date of Hearing

FEBRUARY 9, 1962.

Take notice that on May 23, 1960, F. A. Callery, Inc., et al. (Applicant), Bank of the Southwest Building, Houston 2, Texas, filed in Docket No. CI60–652 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to United Fuel Gas Company from the Luling Field, St. Charles Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant was authorized in Docket No. G–10996 on April 27, 1957 to render the subject service.

The application states that the gas supply from which the subject service was rendered is depleted.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 13, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure hereby provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 1, 1962. Failure of any party

to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1609; Filed, Feb. 15, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811–800]

GAULEY MOUNTAIN CO.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 9, 1962.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 for an order of the Commission declaring that The Gauley Mountain Company ("Applicant"), 500 Fifth Avenue, New York, N.Y., a registered closed-end investment company, has ceased to be an investment company.

The application represents that, pursuant to shareholder approval of a Plan of Complete Liquidation given on November 21, 1958, Applicant was dissolved on December 12, 1958, upon the issuance of a Certificate of Dissolution by the Secretary of State of the State of West Virginia. The application further represents that all of Applicant's outstanding shares have been surrendered and all assets available after satisfying Applicant's liabilities have been distributed to the shareholders.

Section 8(f) of the Act provides, in part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 26, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-1619; Filed, Feb. 15, 1962; 8:48 a.m.]

[File No. 24S–1859]

PACIFIC ALASKAN LAND & LIVESTOCK CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 12, 1962.

I. Pacific Alaskan Land & Livestock Company (issuer), P.O. Box 2111, Fairbanks, Alaska, an Alaskan corporation, filed with the Commission on October 19, 1961, a notification on Form 1–A and an offering circular relating to a proposed offering of 30,000 shares of no par value common stock at $10 per share, an aggregate offering of $300,000, for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The notification does not disclose information concerning affiliates as required by Item 2(b) of Form 1–A;

2. The financial statements filed by the issuer are not prepared in accordance with generally accepted accounting principles and practices and do not meet the requirements of Regulation A.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose accurately and adequately the past history of the issuer and the activities of Mr. Cline S. Koons in connection with the promotion thereof;

2. The failure to disclose accurately and adequately the direct and indirect interests of officers and directors of the issuer, the consideration paid for the interests and the circumstances relating to the acquisition of such interests;

3. The failure to disclose accurately and adequately the extent and nature of the control exercised by Mr. Cline S. Koons over the past, present and future activities of the issuer;

4. The failure to disclose accurately and adequately the current financial status of the issuer and the possible adverse effect thereof on the operation of the issuer's proposed business;

5. The failure to disclose accurately and adequately the extent and nature of the financing necessary to enable the issuer to undertake operation of its proposed business as set forth in the offering circular and the failure to disclose accurately and adequately what the effect would be on the issuer's proposed operations if less than the entire offering is sold;

6. The failure to disclose accurately and adequately whether the issuer will have the ability to operate successfully if only $100,000 is raised from the offering;

7. The failure to disclose accurately and adequately the difficulties to be encountered and the expense involved in acquiring, sheltering, feeding and raising cattle in the Aleutians, and in transporting cattle, feed and supplies between the sources of supplies, the Aleutian Islands and the markets for beef;

8. The failure to disclose accurately and adequately the possible tracts available for purchase or lease for the conduct of the issuer's proposed business, their exact location, the probable terms and conditions of such leases, the number of acres of such land needed for its operations, and the feasibility of such location from the standpoint of climatic conditions favorable for raising cattle, the availability of feed and the difficulties and expense of transportation of cattle and feed;

9. The failure to disclose accurately and adequately the length of time required to build up a herd and the failure to disclose that during such time the company will have little or no income and considerable expense;

10. The failure to disclose accurately and adequately the location of the markets for the beef the issuer proposes to grow, process and market;

11. The failure to disclose accurately and adequately the effect on issuer's ability to operate and market its meat successfully if cattle cannot be slaughtered under government standards and inspection;

12. The use of financial statements of the company which are not prepared in conformance with generally accepted accounting principles and practices.

C. The offering would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission,

this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1620; Filed, Feb. 15, 1962; 8:48 a.m.]

[File No. 812-1480]

PROVIDENT FUND FOR INCOME, INC., AND PROVIDENT MANAGEMENT CORP.

Notice of Filing of Application for Order of Exemption

FEBRUARY 8, 1962.

Notice is hereby given that Provident Fund for Income, Inc. ("Fund"), of 3 Penn Center Plaza, Philadelphia, Pennsylvania, a Delaware corporation and a management open-end diversified investment company registered under the Investment Company Act of 1940 ("Act") and Provident Management Corporation of 3 Penn Center Plaza, Philadelphia, Pennsylvania, a Delaware corporation and the Fund's principal underwriter, have filed a joint application pursuant to section 6(c) of the Act for an order of the Commission exempting certain sales of Fund shares from the provisions of section 22(d) of the Act.

The price at which the Fund's shares are offered currently to the public, as described in its prospectus, is the net asset value of the shares plus a sales load varying with the dollar amount of the purchase. The sales load is expected to be increased on the effective date of a registration statement amendment which will be filed by the Fund under the provisions of the Securities Act of 1933. The following table shows the current and proposed sales load expressed as a percentage of the applicable offering price:

Amount of purchase	Present sales load	Proposed sales load
Under $5,000	8.5	8.5
$5,000-$24,999	6.0	7.5
$25,000-$49,999	4.0	5.0
$50,000-$99,999	3.0	4.0
$100,000-$199,999	2.0	2.0
Over $200,000	1.0	2.0

The sales load which is currently applicable to a single purchase of a given quantity of shares is also applicable if such quantity is purchased during any consecutive 13-month period pursuant to a so-called "Letter of Intention" entered into between the purchaser and Provident Management Corporation. This is an agreement in which the purchaser states that within the next thirteen months he intends, but is not committed, to make purchases aggregating a specified amount, and in which it is agreed, and procedures are provided to assure, that the sales load charged on such purchases will be that described in the prospectus for a single transaction of the aggregate amount actually purchased.

Exemption from the provisions of section 22(d) is sought to permit those investors who executed such an agreement within 13 months prior to the effective date of the new public offering price to complete purchases of Fund shares under such agreements at the then current rather than the proposed public offering price, if the then current price was lower.

Section 22(d) of the Act, with certain exceptions not here relevant, prohibits a registered investment company, its principal underwriter, or a dealer from selling its redeemable securities to any person except at a current public offering price described in its prospectus. Generally speaking, Rule 22d-1 adopted under the Act, among other things, exempts from the provisions of section 22(d) the sale of such securities in accordance with a scale of reducing sales load varying with the aggregate quantity of securities purchased by any person within a period of not more than thirteen months pursuant to a written statement of his intention, if the procedures utilized are described in the prospectus and applicable to sales to all persons. Section 6(c) of the Act provides that the Commission, by rule, regulation, or order, may exempt any person or transaction from any provisions of the Act if, and to the extent that, such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes intended by the Act.

Notice is further given that any interested person may, not later than February 23, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission on the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1621; Filed, Feb. 15, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 12, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37554: *Roofing and building materials from Shreveport, La.* Filed by Southwestern Freight Bureau, Agent (No. B-8152), for interested rail carriers. Rates on roofing and building materials and slate, as described in the application, in carloads, Shreveport, La., to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 18 to Southwestern Freight Bureau tariff I.C.C. 4450.

FSA No. 37555: *Cattle from and to stations on the C&NW Ry.* Filed by Chicago and North Western Railway Company (No. 4-A), for themselves. Rates on cattle, ordinary, for slaughtering purposes, in carloads, between all stations on the Chicago and North Western Railway.

Grounds for relief: Contract and unregulated motor competition.

Tariff: Supplement 51 to Chicago and North Western Railway tariff I.C.C. 11243.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-1557; Filed, Feb. 14, 1962; 8:48 a.m.]

...transportable trailer bodies, and transported on railroad flat or open-top equipment, between Crystal City, Mo., on the one hand, and points in southwestern territory, also Mississippi River crossings, Memphis, Tenn., and south thereof, on the other hand.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 61 to Southwestern Freight Bureau tariff I.C.C. 4353.

FSA No. 37558: *Sugar cane bagasse boards or sheets from Armant, La.* Filed by Southwestern Freight Bureau, Agent (No. B-8155), for interested rail carriers. Rates on boards or sheets made from sugar cane bagasse, in carloads as described in the application, from Armant, La., to points in southwestern territory, also Kansas and Illinois and Mississippi River crossings.

Grounds for relief: Carrier competition.

Tariffs: Supplement 136 to Southwestern Freight Bureau tariff I.C.C. 3850 and other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-1600; Filed, Feb. 15, 1962; 8:46 a.m.]

[Notice 596]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 13, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64439. By order of February 7, 1962, the Transfer Board approved the transfer to General Transit, Inc., 2012 H Avenue NE., Cedar Rapids, Iowa, of a portion of the operating rights in Certificate No. MC 981, issued by the Commission September 13, 1961, to Able Transportation, Inc., 2026 Scott Street (P.O. Box 711), Des Moines, Iowa, authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, from Chicago, Ill., to Iowa City, Iowa.

No. MC-FC 64658. By order of February 7, 1962, the Transfer Board approved the transfer to Crouthamel, Inc., Wilmington, Del., of Certificate No. MC 42487 Sub 510, issued July 7, 1961, to Consolidated Freightways Corporation of Delaware, Menlo Park, Calif., authorizing the transportation of: General commodities, excepting, among others, household goods and commodities in bulk, between points within 1 mile of Philadelphia, Norristown, Bridgeport, and Conshohocken, Pa., including the points named. Eugene T. Liipfert, 1616 H Street NW., Washington 6, D.C., attorney for applicants.

No. MC-FC 64693. By order of February 9, 1962, the Transfer Board approved the transfer to Langemeier, Inc., Wayne, Nebr., of Certificate in No. MC 89633 issued November 6, 1958, to Roy H. Langemeier, doing business as Langemeier Transportation, Wayne, Nebr., authorizing the transportation of: Liquid petroleum products, from refining and distributing points in Kansas to Albion, Petersburg, and Newman Grove, Nebr.; liquid petroleum products, in bulk, from refining and distributing points in Kansas to St. Edward, Nebr.; petroleum products, in bulk, from refining and distributing points in Kansas to Tilden, Neligh, and Lindsay, Nebr.; petroleum products, in bulk, in tank vehicles, from Council Bluffs, Iowa, and points in Iowa within 10 miles of Council Bluffs to Petersburg, Lindsay, St. Edward, Raeville, Albion, and Newman Grove, Nebr.; from refining and distributing points in Kansas to Raeville, Nebr.; and refined petroleum products, from refining and distributing points in Kansas to Columbus, David City, Duncan, Fullerton, Lindsay, Osceola, McCool Junction, and Shelby, Nebr. J. Max Harding, 605 South 12th Street, Lincoln, Nebr., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-1601; Filed, Feb. 15, 1962; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 13, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37556: *Clay from Cartersville, Ga.* Filed by O. W. South, Jr., Agent (No. A4154), for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, in carloads, as described in the application, from Cartersville, Ga., to points in official (including Illinois) and western trunk-line territories, also Ohio River crossings and Virginia Cities gateway points.

Grounds for relief: Short-line distance formula, and grouping.

Tariff: Supplement 108 to Southern Freight Association tariff I.C.C. S-48.

FSA No. 37557: *T.O.F.C. class rates from and to Crystal City, Mo.* Filed by Southwestern Freight Bureau, Agent (No. B-8153), for interested rail carriers. Rates on various commodities moving on class rates, loaded in trailers or de-

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Washington, Saturday, February 17, 1962

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Rules and Regulations

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 101—PRESUMPTION OF LAWFUL ADMISSION

Subparagraph (1) of paragraph (j) of § 101.1 is amended so that when taken with the introductory material it will read as follows:

§ 101.1 Presumption of lawful admission.

A member of the following classes shall be presumed to have been lawfully admitted for permanent residence even though a record of his admission cannot be found, except as otherwise provided in this section, unless he abandoned his lawful permanent resident status or subsequently lost that status by operation of law:

* * * * *

(j) *Erroneous admission as United States citizens or as children of citizens.* (1) An alien for whom there exists a record of admission prior to September 11, 1957, as a United States citizen who establishes that at the time of such admission he was the child of a United States citizen parent; he was erroneously issued a United States passport or included in the United States passport of his citizen parent accompanying him or to whom he was destined; no fraud or misrepresentation was practiced by him in the issuance of the passport or in gaining admission; he was otherwise admissible at the time of entry except for failure to meet visa or passport requirements; and he has maintained a residence in the United States since the date of admission. For the purposes of the foregoing, the terms "child" and "parent" shall be defined as in section 101(b) of the Immigration and Nationality Act, as amended.

PART 214—NONIMMIGRANT CLASSES

Subparagraph (1) of paragraph (c) of § 214.2 is amended so that when taken with the introductory material it will read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

The general requirements in § 214.1 are modified for the following nonimmigrant classes:

* * * * *

(c) *Transits*—(1) *Without visas.* Any alien, except a citizen and resident of the Union of Soviet Socialist Republics, Estonia, Latvia, Lithuania, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Cuba, Communist-controlled China ("Chinese People's Republic"), North Korea ("Democratic People's Republic of Korea"), the Soviet Zone of Germany ("German Democratic Republic"), North Viet-Nam ("Democratic Republic of Viet-Nam"), and Outer Mongolia ("Mongolian People's Republic"), applying for immediate and continuous transit through the United States, must establish that he is admissible; that he has confirmed and onward reservations to at least the next country beyond the United States (except that, if seeking to join a vessel or aircraft in the United States as a crewman, the vessel or aircraft will depart directly foreign, and his departure will be completed within a maximum of 5 calendar days after his arrival, and, if joining a vessel, the crewman is in possession of, or makes application upon arrival for, a Form I–184 permanent landing permit and identification card), and that he has a document establishing his ability to enter some country other than the United States. Except for transit from one part of foreign contiguous territory to another part of the same territory, application for direct transit without a visa must be made at one of the following ports of entry: Boston, Mass.; New York, N.Y.; Norfolk, Va.; Baltimore, Md.; Philadelphia, Pa.; Miami, Fla.; Tampa, Fla.; New Orleans, La.; San Antonio, Tex.; Dallas, Tex.; Houston, Tex.; Brownsville, Tex.; San Diego, Calif.; Los Angeles, Calif.; San Francisco, Calif.; Honolulu, Hawaii; Seattle, Wash.; Portland, Oreg.; St. Paul, Minn.; Chicago, Ill.; Detroit, Mich.; Anchorage, Alaska; San Juan, P.R.; Charlotte Amalie, V.I.; Christiansted, V.I.; Agana, Guam. The acceptance of the transit privilege constitutes an agreement by the alien and the carrier that he will depart voluntarily from the United States without recourse to any hearing or proceeding provided for in this chapter and that at all times he is not aboard an aircraft which is in flight through the United States he shall be in the custody directed by the district director, provided that if admissibility is established only after exercise of the discretion contained in section 212(d)(3)(B) of the Act the alien shall be in the custody of the Service at carrier expense and must depart on the earliest and most direct foreign-destined plane or vessel.

PART 237—DEPORTATION OF EXCLUDED ALIENS

Section 237.5 is amended to read as follows:

§ 237.5 Notice to transportation line of alien's exclusion.

An excluded alien shall, immediately or as promptly as the circumstances permit, be offered for deportation to the master, commanding officer, purser, person in charge, agent, owner, or consignee of the vessel or aircraft on which the alien is to be deported, as determined by the district director, with a written notice specifying the cause of exclusion, the class of travel in which such alien arrived and is to be deported, and with the return of any documentation which will assist in effecting his deportation. If special care and attention is required, the provisions of § 243.7 of this chapter shall apply.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance because the rules prescribed by the order, other than those which are editorial in nature, relate to agency procedure.

Dated: February 13, 1962.

R. F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 62–1661; Filed, Feb. 16, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1074; Amdt. 401]

PART 507—AIRWORTHINESS DIRECTIVES

Sud Aviation Alouette II SE 3130 Helicopters

Amendment 154, 25 F.R. 4376, requires inspection of the tail rotor blade surfaces at the attachment bolts on Alouette II SE 3130 helicopters. Inspection of a failed tail rotor blade disclosed cracks in the skin adjacent to the outboard end

of the reinforcement plate. Therefore, Amendment 154 is being revised to require inspection of the entire area which is subject to cracking.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 154, 25 F.R. 4376, Alouette II SE 3130 helicopters, is amended by revising paragraph (a) to read as follows:

(a) Visually inspect the upper and lower blade surfaces to determine that the blade cuff at the attachment bolts and the skin around the entire reinforcement plate area are free from cracks.

This amendment shall become effective February 28, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 13, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-1631; Filed, Feb. 16, 1962; 8:46 a.m.]

[Regulatory Docket No. 1072; Amdt. 399]

PART 507—AIRWORTHINESS DIRECTIVES

Fairchild F-27 Series Aircraft

Amendment 312, 26 F.R. 6642, requires inspection and replacement of the main landing gear drag strut attaching bolts on Fairchild F-27 Series aircraft. The manufacturer has completed tests of a new bolt which is shown to have a higher fatigue life limitation. Therefore, Amendment 312 is being superseded by a new directive providing for the use of the new bolt. The compliance time for the new directive is expressed in terms of landings rather than hours time in service since this is a more realistic basis for parts affected only by landings.

Since this amendment relaxes a requirement and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive:

FAIRCHILD. Applies to all F-27 Series aircraft.

Compliance required as indicated.

Due to the failure of several main landing gear drag strut attaching bolts, the following is required on aircraft having accumulated 300 or more landings. (It will be necessary for operators to maintain a record of landings in order to ascertain compliance with this AD. If past records are unavailable, the number of landings prior to this AD may be estimated.)

(a) Within the next 50 landings after effective date of this AD unless already accomplished within the past 100 landings:

(1) Remove the bolts, Dowty P/Na 9017Y11 and 9027Y7, and inspect for cracks, using magnetic particle or dye penetrate methods, or FAA approved equivalents. Cracks emanate from the center grease hole and progress around the bolt circumference. Replace cracked bolts prior to further flight either with the original type bolts, nuts, and washers, or the following:

(i) For the upper bolt, P/N 9017Y11, substitute any one of the following or FAA approved equivalent: Dowty bolt, P/N 200021.064; NAS 630-38 bolt with one NAS 143-10C washer under the bolt head, one NAS 143-10 washer under the nut, and an AN310-10 or AN320-10 nut; or Dowty bolt P/N 200021.267, with lock plate P/N 200021.255, washer P/N BS/SP13-Q, and nut P/N A.103-LS. Dowty lock plate P/N 200021.255 must be connected to Fairchild P/N 27-502033-11 with an AN173-11A bolt and an AN365-1032 nut as shown in Fairchild Service Bulletin 32-44 revised January 23, 1962, or FAA approved equivalent. Where an NAS 630-38 bolt is not available, longer NAS 630 bolt lengths may be used, with NAS 143-10 washers under the nut, provided proper clearances are maintained.

(ii) For the lower bolt, P/N 9027Y7, substitute either of the following, or FAA approved equivalent: Dowty bolt, P/N 200042.-627, with washer P/N BS/SP16-Q, nut P/N SP878-2, bushing P/N 200021.347, grease adapter P/N 200021.348, nipple P/N MS15001-1 and split pin P/N BS/SP.9C10 or cotter pin P/N AN381-4-22, installed in accordance with Fairchild Service Bulletin No. 32-44, revised January 23, 1962; or NAS 632-60 bolt with one NAS 143-12C washer under the bolt head and an AN310-12 or AN320-12 nut. Where an NAS 632-60 bolt is not available, longer NAS 632 bolt lengths may be used with NAS 143-12 washers under the nut provided proper clearances are maintained.

(2) Drill a 0.141-inch diameter hole for a cotter pin in the NAS bolts listed in (a) (1) and (ii). Coat each NAS bolt with MIL-G-3278A grease before installing, and tighten nut to fit snug.

(b) Oil NAS bolts daily with SAE 20 motor oil without removing.

(c) If NAS bolts are installed inspect using the magnetic particle or dye penetrant methods or FAA approved equivalents, and regrease every 300 landings from the date of installation. Replace cracked bolts in accordance with (a)(1).

(d) If no cracks are evident in the existing bolts, P/N's 9017Y11 and 9027Y7, they may be reinstalled. Thereafter, remove and inspect the bolts per (a)(1) at intervals of 150 landings from the date of reinstallation.

(e) If Dowty bolts, P/N 200021.064, or new original bolts, Dowty P/N 9017Y11 or 9027Y7 are used, further inspection is not required until the bolts have accumulated 300 landings. Thereafter, remove and inspect the bolts for cracks, using the magnetic particle or dye penetrant methods or FAA approved equivalent at intervals of 150 landings. Replace cracked bolts in accordance with (a)(1).

(f) If Dowty bolts, P/N 200021.267, are used, remove and inspect bushing P/N 27-502046-3 or FS-10381410-77 whichever is installed in the nacelle fitting P/N 27-502033-11, and the drag strut bushing P/N D7761T7. If the bushing-bolt clearance does not exceed 0.004 inch, subsequent inspection of the bolts for cracks using the magnetic particle or dye penetrant methods or FAA approved equivalents shall be within 3,000 landings and every 300 landings thereafter. Replace cracked bolts in accordance with (a)(1). The bushings are to be inspected at each bolt inspection. If bolt-bushing clearance is more than 0.004 inch but less than 0.006 inch subsequent inspection of the bolts and bushings shall be within each 300 landings until the bushings are replaced. After replacement of the bushing the next repetitive inspection of the bolts and bushings shall be within 3,000 landings after installation of the bolts and thereafter within each 300 landings. Whenever the bushing-bolt clearance exceeds 0.006 inch replace the bushing prior to further flight except ferry flight in accordance with the provisions of CAR 1.75. Replace bushings with a bushing of the same part number or FAA approved equivalent.

(g) If Dowty bolts P/N 2.00042.627 are used, remove and inspect bushings P/N 2.00021.347 and D9207Y8 which are installed in the drag strut fitting P/N 2.00021.345 or C9017Y9. If the bushing-bolt clearance does not exceed 0.0035 inch subsequent inspection of the bolts for cracks using the magnetic particle or dye penetrant methods or FAA approved equivalents shall be within 5,000 landings and every 300 landings thereafter. Replace cracked bolts in accordance with (a)(1). The bushings are to be inspected at each bolt inspection. If bolt-bushing clearance is more than 0.0035 inch but less than 0.006 inch subsequent inspection of the bolts and bushings shall be within each 300 landings until the bushings are replaced. After replacement of the bushing the next repetitive inspection of the bolts and bushings shall be within 5,000 landings after installation of the bolts and thereafter within each 300 landings. Whenever the bushing-bolt clearance exceeds 0.006 inch replace the bushing prior to further flight except ferry flight in accordance with the provisions of CAR 1.75. Replace bushings with a bushing of the same part number or FAA approved equivalent.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Fairchild Service Bulletin 32-44, revised January 23, 1962, covers this subject.)

This supersedes Amendment 312, 26 F.R. 6642.

This amendment shall become effective February 17, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 9, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-1691; Filed, Feb. 16, 1962; 8:52 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 1042; Amdt. 256]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Burley VOR	BY-LFR	Direct	6000	T-dn*	500-1	NA	NA
				C-dn	600-1	NA	NA
				S-dn-20	400-1	NA	NA
				A-dn	800-2	NA	NA

Procedure turn W side N crs, 006° Outbnd, 186° Inbnd, 6000' within 10 miles.
Minimum altitude over facility on final approach crs, 4900'.
Crs and distance, facility to airport, 198°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, make a climbing right turn direct to BY-LFR. Climb to 6000' on N crs within 20 miles.
*200-1 take-off authorized on Runways 2, 6, and 20.

City, Burley; State, Idaho; Airport Name, Burley Municipal; Elev., 4150'; Fac. Class., SBMRAZ; Ident., BY; Procedure No. 1, Amdt. 7; Eff. Date, 24 Feb. 62; Sup. Amdt. No. 6; Dated, 3 Oct. 59

Philipsburg VOR	PP-LFR	Direct	4000	T-dn	500-1	500-1
				C-d	600-1	700-1
				C-n	600-2	700-2
				S-d-16	600-1	700-1
				S-n-16	600-2	700-2
				A-dn	1000-2	1000-2

Procedure turn W side NW crs, 343° Outbnd, 163° Inbnd, 3500 within 10 miles.
Minimum altitude over facility on final approach crs, 3000'.
Crs and distance, facility to airport, 169°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, make an immediate climbing left turn and return to Philipsburg LFR at 4000'. Hold NW Inbnd course 163° one minute right turns.
CAUTION: 2310' msl unlighted hills 2.0 miles to S and SE of airport.

City, Philipsburg; State, Pa.; Airport Name, Black Moshannon-State; Elev., 1933'; Fac. Class., SBRAZ; Ident., PP; Procedure No. 1, Amdt. 5; Eff. Date, 24 Feb. 62; Sup. Amdt. No. 4; Dated, 13 Aug. 60

SHV-VOR	ST-LFR	Direct	1700	T-dn	300-1	300-1	300-1
				C-d	600-1	600-1	600-1½
				C-n	600-1½	600-1½	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side NW crs, 326° Outbnd, 146° Inbnd, 1900 within 10 miles. Beyond 10 mi NA (nonstandard due to traffic).
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 152°—1.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles, turn left, climb to 1700' on E crs (089°) within 20 miles.
CAUTION: 480' MSL TV Tower located 1.6 mi S of airport. 1446' MSL and 1403' TV antennas located approx. 12 miles WNW of ST-LFR.
NOTE: (1) Air carrier use not authorized; (2) Radar vectoring authorized.

City, Shreveport; State, La.; Airport Name, Downtown; Elev., 179'; Fac. Class., SBRAZ; Ident., ST; Procedure No. 1, Amdt. 11; Eff. Date, 24 Feb. 62; Sup. Amdt. No. 10; Dated, 27 Jan. 62

				T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 139° Outbnd, 319° Inbnd, 2600' within 10 mi.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 319°—1.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles, climb to 2700' on NW crs and proceed direct to the TV-LFR.
CAUTION: Tower 5 mi NW of airport 1538' MSL.

City, Traverse City; State, Mich.; Airport Name, Traverse City; Elev., 623'; Fac. Class., SABRAZ; Ident., TV; Procedure No. 1, Amdt. 7; Eff. Date, 24 Feb. 62; Sup. Amdt. No. 6; Dated, 21 Feb. 59

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Allentown LFR	LOM	Direct	2400	T-dn	300–1	300–1	200–½
Allentown VOR	LOM	Direct	2400	C-dn	700–1	700–1	700–1½
East Penn Int	**LOM**	Direct	3000	S-dn-6	700–1	700–1	700–1
Coopersburg Int	LOM	Direct	2500	A-dn	800–2	800–2	800–2
East Texas VOR	**LOM**	Direct	2400				
Pottstown VOR	**Shamrock Int#**	Via R-360 PTW-VOR.	2400				
Shamrock Int#	LOM (Final)	Direct	2400				

Procedure turn N side of crs, 241° Outbnd, 061° Inbnd, 2400′ within 10 mi of LOM (nonstandard for better signal coverage).
Crs and distance, facility to airport, 061°—6.1 mi.
Minimum altitude over LOM Inbnd final—1900′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 mi after passing LOM, climb to 3000′ on 061 crs within 15 mi of LOM. Then make left turn and return to AB LOM at 3000′. Hold SW on AB LOM 1 min, left turns, 061° Inbnd.
#Shamrock Int: Int R-360 Pottstown VOR and 061° brng to Allentown LOM.

City, Allentown; State, Pa.; Airport Name, Allentown-Bethlehem-Easton; Elev., 391′; Fac. Class., LOM; Ident., AB; Procedure No. 1, Amdt. 4; Eff. Date, 24 Feb. 62; Sup. Amdt. No. 3; Dated, 4 Aug. 56

Bismarck LFR	LOM	Direct	3800	T-dn	300–1	300–1	*200–½
Bismarck VOR	LOM	Direct	3800	C-d	400–1	500–1	500–1½
Int W crs BK-LFR and 126° brng to LOM	LOM	Direct	3800	C-n	400–1½	500–1½	500–1½
Int R-117 BIS-VOR and 252° brng to LOM	LOM	Direct	3800	S-dn-30	400–1	#400–1	#400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side SE crs, 128° Outbnd, 308° Inbnd, 3800′ within 10 mi.
Minimum altitude over LOM inbnd final, 2500′.
Crs and distance, facility to airport, 308°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing LOM, climb to 3800′ on W crs BK-LFR or to 4000′ on R-262 BIS-VOR within 20 miles.
CAUTION: Radio towers: 1756′ 0.5 mi S of airport, 2143′ 2.4 mi N, 1848′ 3.0 mi W, 2317′ 8.1 mi NW, and 2413′ 9.2 mi NE.
NOTE: Final approach from holding pattern at LOM not authorized. Procedure turn required.
*360–1 required on Runways 2, 20, 35, and 17.
#500–1½ required if approach lights inoperative.

City, Bismarck; State, N. Dak.; Airport Name, Municipal; Elev., 1653′; Fac. Class., LOM; Ident., BI; Procedure No. 1, Amdt. 10; Eff. Date, 24 Feb. 62; Sup. Amdt. No. 9; Dated, 25 Nov. 61

TRI-VOR	Boone RBn	Direct	6000	T-dn	300–1	300–1	*200–½
Telford Int	Boone RBn	Direct	3600	C-dn	700–1	800–1	800–1¼
Hilton Int	Boone RBn	Direct	5000	C-n#	700–1½	800–1½	800–2
Yuma Int	Boone RBn	Direct	4000	S-dn-4#	600–1	600–1	600–1
Erwin Int	Int TRI-VOR R-240 and 316° brng to Boone RBn.	Direct	6000	A-dn	1000–2	1000–2*	1000–2
Int TRI-VOR R-240 and 316° brng to Boone RBn.	Boone RBn	Direct	3600				
BFO-VOR	Int TRI-VOR R-320 and 217° brng to Boone RBn.	Direct	6000				
Int TRI-VOR R-320 and 217° brng to Boone RBn.	Boone RBn	Direct	3600				

Procedure turn South side of crs, 224° Outbnd, 044° Inbnd, 3600′ within 10 mi.
Minimum altitude over facility on final approach crs, 2700′.
Crs and distance, facility to airport, 044°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 4100′ on crs of 041° from Boone RBn within 15 miles or, when directed by ATC, turn right, climb to 3600′ and return direct to Boone RBn.
CAUTION: Abrupt changes in terrain elevations immediately adjacent to procedure areas.
*Runways 4 and 22 only.
#No reduction of any landing ceiling or visibility minima is authorized.

City, Bristol; State, Tenn.; Airport Name, Tri-City; Elev., 1519′; Fac. Class., HW; Ident., BON; Progedure No. 2, Amdt. Orig.; Eff. Date, 24 Feb. 62

Elkins LFR	CKB-RBn	Direct	5000	T-dn*	500–1		
Elkins VOR	CKB-RBn	Direct	4000	C-d	1000–1		
Int 328° crs from Elkins VOR and 040° crs	CKB-RBn (Final)	Direct	2300	A-d	1500–2		

Procedure turn W side of crs, 220° Outbnd, 040° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Facility at airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn left, climb to 3000′ on crs of 220° within 10 miles.
CAUTION: 2049′ tower 4.7 mi West of RBn.
*Night take-offs not authorized on NW–SE runways.

City, Clarksburg; State, W. Va.; Airport Name, Benedum; Elev., 1209′; Fac. Class., HW; Ident., CKB; Procedure No. 1, Amdt. 5; Eff. Date, 24 Feb. 62; Sup. Amdt. No. 4; Dated, 26 Jan. 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Bismarck LFR	BIS-VOR	Direct	3800	T-dn	300–1	300–1	*200–½
				C-d	400–1	500–1	500–1½
				C-n	400–1½	500–1½	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 090° Outbnd, 270° Inbnd, 3800′ within 10 mi.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 273°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles, climb to 4000′ on R-262 BIS-VOR within 20 miles or, when directed by ATC, make right climbing turn to 4000′ on R-336 BIS-VOR within 20 miles.
CAUTION: Radio towers: 1756′ 0.5 mi S of airport, 2143′ 2.4 mi N, 1848′ 3.0 mi W, 2317′ 8.1 mi NW, and 2413′ 9.2 mi NE.
*300–1 required on Runways 2, 20, 35, and 17.

City, Bismarck; State, N. Dak.; Airport Name, Municipal; Elev., 1653′; Fac. Class., BVOR; Ident., BIS; Procedure No. 1, Amdt. 4; Eff. Date, 24 Feb. 62; Sup Amdt. No. 3; Dated, 25 Nov. 61

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn North* side of crs, 271° Outbnd, 091° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 090°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles, make climbing left turn to 1600′, proceed direct to the Riverhead VOR. Hold East, Riverhead VOR, one-minute right turns, 271° Inbnd.
CAUTION: (1) Radio towers 560′ MSL at 2 nautical miles brng 338° mag. from VOR; (2) Tower 502′ MSL at 1.7 nautical miles brng 155° mag. from VOR.
Other change: Deletes transition from Peconic LFR.
*Procedure turn nonstandard to avoid MacArthur Airport.

City, Calverton; State, N.Y.; Airport Name, Calverton-Peconic River; Elev., 75′; Fac. Class., BVORTAC; Ident., RVH; Procedure No. 1, Amdt. 2; Eff. Date, 24 Feb. 62; Sup. Amdt. No. 1; Dated, 25 Oct. 58

				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-36	400–1	400–1	400–1
				A-dn*	NA	NA	NA

Procedure turn East side of crs, 168° Outbnd, 348° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 348°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles of DEC-VOR, make right turn, climb to 2200′ direct to DEC-VOR.
NOTE: Weather not available to general public.
*800–2 authorized for air carrier with approved weather service.

City, Decatur; State, Ill.; Airport Name, Municipal; Elev., 679′; Fac. Class., VBOR; Ident., DEC; Procedure No. 1, Amdt. 2; Eff. Date, 24 Feb. 62; Sup. Amdt. No. 1; Dated, 24 June 61

			1200	T-dn	300–1	300–1	NA
				C-dn	700–1	700–1	NA
				A-dn	NA	NA	NA

Procedure turn N side of course, 123° Outbnd, 303° Inbnd, 1700′ within 10 miles.
Crs and distance, facility to airport, 303°—5.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles, make an immediate left (South) climbing turn returning to PTW VOR at 1700′. Hold East 1 min., right turns. Inbnd course 303°.

City, Pottstown; State, Pa.; Airport Name, Pottstown-Municipal; Elev., 255′; Fac. Class., BVOR; Ident., PTW; Procedure No. 1, Amdt. Orig.; Eff. Date, 24 Feb. 62

RP LFR	RAP-VOR	Direct	4500	T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-32	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar transitions to final approach authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3.0 miles from VOR.
Procedure turn E side of crs, 142° Outbnd, 322° Inbnd, 4500′ within 10 miles.
Minimum altitude over facility on final approach crs, 4000′.
Crs and distance, facility to airport, 322°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, make a left climbing turn to 4500′ and return to RAP-VOR. Aircraft on missed approach may be radar controlled after radar identification.
CAUTION: Rising terrain to 3447′ msl 3 miles North of airport. Aircraft larger than two-engine or more than 65 knots restricted to NW–SE runway.

City, Rapid City; State, S. Dak.: Airport Name, Rapid City Municipal; Elev., 3181′; Fac. Class., BVORTAC; Ident., RAP; Procedure No. 1, Amdt. 6; Eff. Date, 24 Feb. 62; Sup. Amdt. No. 5; Dated, 25 Nov. 61

VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
TV-LFR	TVC-VOR	Direct	2600	T-dn	300-1	300-1	200-½
				C-dn	800-1	800-1	800-1½
				S-dn-36	800-1	800-1	800-1
				A-dn	800-2	800-2	800-2
				The following minimums apply if aircraft equipped with operative VOR and ADF and Hill Int received:			
				C-dn	400-1	500-1	500-1½
				S-dn	400-1	400-1	400-1

Procedure turn E side of crs, 160° Outbnd, 340° Inbnd, 2600' within 10 mi.
Minimum altitude over facility on final approach crs, 1600'; over Hill Int*, 1400'.
Crs and distance, facility to airport, 340°—4.4 mi; Hill Int* to airport, 340°—2.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles, climb to 2700' on R-340 Traverse City VOR and proceed direct to the TVC-VOR.
CAUTION: Tower 4.5 mi. NW 1546'.
*Hill Int: Int R-340 TVC-VOR and 228° brg from TV-LFR.

City, Traverse City; State, Mich.; Airport Name, Municipal; Elev., 623'; Fac. Class., BVOR; Ident., TVC; Procedure No. 1, Amdt. 2; Eff. Date, 24 Feb. 62; Sup. Amdt. No. 1; Dated, 30 Oct. 59

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Lakeside Int	Zone Int# or ADS VOR R-325	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-15	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transition altitude 2000' within 20 mi of radar site (Love Field).
Radar control must provide 1000' clearance within 3 mi or 500' clearance within 3-5 miles of radio towers 1108' m.s.l. 14 mi north; 1221' m.s.l. 10 mi WSW; 2349' m.s.l. 23 mi SSW of airport.
No procedure turn.
Minimum altitude over Zone Int#, 1500'.
Crs and distance, Zone Int# to airport, 145°—5.0 mi.
Crs and distance, breakoff point to end of runway, 153°—0.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished when over the VOR, turn left, proceed direct to DAL-VOR, climbing to 2000'.
NOTE: Air carrier use NA.
#Zone Int: Int ADS-VOR R-325 and DAL R-267.

City, Dallas; State, Tex.; Airport Name, Addison; Elev., 637'; Fac. Class., BVOR; Ident., ADS; Procedure No. TerVOR-15, Amdt. 3; Eff. Date, 24 Feb. 62; Sup. Amdt. No. 2; Dated, 5 Sept. 59

Ross Ave Int	Vickery Int#	Direct	2000	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-33	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transition altitude 2000' within 20 miles of radar site (Love Field).
Radar control must provide 1000' clearance within 3 mi or 500' clearance within 3-5 miles of radio towers 1108' m.s.l. 14 mi north; 1221' m.s.l. 10 mi WSW; 2349' m.s.l. 23 mi. SSW of airport.
No procedure turn.
Minimum altitude over Vickery Int# on final approach crs, 2000'.
Crs and distance, Vickery Int# to airport, 340°—5.0 mi.
Crs and distance, breakoff point to end of runway, 333°—1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished when over the VOR, turn right and proceed direct to DAL-VOR, climbing to 2000'.
NOTE: Air carrier use NA.
#Vickery Int: Int ADS-VOR R-160 and DAL-VOR R-220.

City, Dallas; State, Tex.; Airport Name, Addison; Elev., 637'; Fac. Class., BVOR; Ident., ADS; Procedure No. TerVOR-33, Amdt. 2; Eff. Date, 24 Feb. 62; Sup. Amdt. No. 1; Dated, 30 May 59

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Allentown LFR	LOM	Direct	2400	T-dn	300-1	300-1	200-½
Allentown VOR	LOM	Direct	2400	C-dn	500-1	500-1	500-1½
Int W crs ILS and SE crs BK-LFR	LOM	Direct	3000	S-dn-6°	300-¾	300-¾	300-¾
East Penn Int	LOM	Direct	2500	A-dn	600-2	600-2	600-2
Coopersburg Int	LOM	Direct	2400				
East Texas VOR	Shamrock Int#	Via R-360 PTW-VOR.	2400				
Pottstown VOR	LOM (Final)	Direct	2400				
Shamrock Int							

Procedure turn N side crs, 241° Outbnd, 061° Inbnd, 2400' within 10 mi of LOM (nonstandard for better signal coverage).
Minimum altitude at glide slope intercept inbnd, 2400'.
Altitude of glide slope and distance to approach end of runway at OM, 2390'—6.1 mi; at MM, 600'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000' on NE crs ILS within 15 mi of LOM, then make left turn, proceed direct to ABE-VOR at 3000'. Hold NW ABE-VOR one-minute left turns 111° Inbnd.
*200-1 required with glide slope inoperative.
#Shamrock Int: Int R-360 Pottstown VOR and SW crs ILS.

City, Allentown; State, Pa.; Airport Name, Allentown-Bethlehem-Easton; Elev., 391'; Fac. Class., ILS; Ident., I-ABE; Procedure No. ILS-6, Amdt. 4; Eff. Date, 24 Feb. 62; Sup. Amdt. No. 3; Dated, 4 Aug. 56

Bismarck LFR	LOM	Direct	3800	T-dn	300-1	300-1	*200-½
Bismarck VOR	LOM	Direct	3800	C-d	400-1	500-1	500-1½
Int W crs BK-LFR and SE crs ILS	LOM	Direct	3800	C-n	400-1½	500-1½	500-1½
Int R-117 BIS-VOR and 252° brng to LOM.	LOM	Direct	3800	S-dn-30	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn E side SE crs, 126° Outbnd, 306° Inbnd, 3800' within 10 mi.
Minimum altitude at G.S. int Inbnd, 2800'.
Altitude of G.S. and distance to approach end of runway at OM 2770—3.7, at MM 1868—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3800' on W crs BK-LFR or to 4000' on R-262 BIS-VOR within 20 miles.
CAUTION: Radio towers: 1756' 0.5 mi S of airport, 2143' 2.4 mi N, 1848' 3.0 mi W, 2317' 8.1 mi NW, and 2413' 9.2 mi NE.
NOTE: Final approach from holding pattern at LOM not authorized. Procedure turn required.
*200-1 required on Runways 2, 20, 35, and 17.

City, Bismarck; State, N. Dak.; Airport Name, Municipal; Elev., 1653'; Fac. Class., ILS; Ident., I-BIS; Procedure No. ILS-30, Amdt. 10; Eff. Date, 24 Feb. 62; Sup. Amdt. No. 9; Dated, 25 Nov. 61

Peconic MHW	OM (Final)	Direct	1500	T-dn	300-1	300-1	200-½
Riverhead VOR	OM	Direct	1500	C-dn	400-1	500-1	500-1½
				S-dn-5	#300-¾	#300-¾	#300-¾
				A-dn	600-2	600-2	600-2

Procedure turn S side of crs, 228° Outbnd, 048° Inbnd, 1500' within 10 miles of PIC MHW.
Minimum altitude at glide slope int Inbnd 1500'.
Altitude of glide slope and distance to approach end of runway at OM, 1490', 5.0 mi; MM 285', 0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1000' on the ILS NE crs within 10 miles, then make a left climbing turn to 1500' and proceed direct to the Peconic MHW. Hold SW of Peconic MHW on SW crs of ILS, one-minute, right turns.
#600-¾ required with glide slope inoperative.

City, Calverton; State, N.Y.; Airport Name, Calverton-Peconic River; Elev., 75'; Fac. Class., ILS; Ident., I-PIC; Procedure No. ILS-5, Amdt. 2; Eff. Date, 24 Feb. 62; Sup. Amdt. No. 1; Dated, 15 Aug. 59

Nashville LFR	Knob Int*	Direct	2200	T-dn	300-1	300-1	200-½
Nashville VOR	Knob Int*	Direct	2200	C-dn	400-1	500-1	500-1½
BWX LOM (HW)	Knob Int*	Direct	2200	A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes: 346°-195° within 10 miles, 2000'; 346°-195° within 10-25 miles 2500'; 195°-346° within 25 miles, 3000'. All bearings and distances from radar site with sector azimuths progressing clockwise.
Procedure turn East** side of crs, 015° Outbnd, 195° Inbnd, 2200' within 10 miles of Knob Int*.
Minimum altitude over Knob Int* on final approach crs, 1400'.
Crs and distance, Knob Int* to airport, 195°—2.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles, climb to 2500' on S crs ILS (195°) within 15 miles of airport.
NOTE: This procedure authorized only for aircraft equipped to receive ILS and VOR simultaneously. No glide slope.
Other change: Straight-in minimums to Runway 20R deleted.
*Knob Int: Int I-BNA localizer back crs and BNA-VOR R-330.
**Nonstandard due obstruction.

City, Nashville; State, Tenn.; Airport Name, Berry Field Elev., 605'; Fac. Class., ILS; Ident., IBNA; Procedure No. ILS-20R, Amdt. 4; Eff. Date, 24 Feb. 62; Sup. Amdt. No. 3; Dated, 10 Nov. 56

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
EVE-LFR	LOM	Direct	2100	T-dn	300-1	300-1	200-½
8J-LFR	LOM	Direct	2100	C-dn	800-2	800-2	800-2
Hobart FM	LOM	Direct	4000	S-dn-13°	500-1	500-1	500-1
SEA-VOR	LOM	Direct	2100	A-dn	800-2	800-2	800-2
Black Diamond Int	LOM	Direct	3000				
Burton Int	LOM	Direct	2100				
Vashon Int	LOM	Direct	2100				
Lofall Int	LOM	Direct	2100				
Port Gamble Int	LOM	Direct	2100				

Radar transitions and vectoring using Seattle-Tacoma Radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 308° Outbnd, 128° Inbnd, 2100′ within 10 mi. NA beyond 10 mi.
Minimum altitude at glide slope interception inbnd, 2100′.
Altitude of glide slope and distance to approach end of runway at OM, 2080′—6.4 mi; at MM, 500′—1.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 mi after passing MM or 6.4 mi after passing LOM, turn right, climb to 2000′ direct to BF LOM.
NOTE: Narrow localizer course, 4°.
CAUTION: 578′ MSL tower 0.7 mi. S of final approach crs. Terrain, trees, and water tanks to 591′ MSL 1.8 mi. SW thru W of airport, and E thru SE of airport within 2.3 mi. to 556′ MSL. Localizer usable only 45° on either side of front course. False course indications possible in other areas. Prior to beginning approach, position over OM must be determined by use of both LOM and OM. Procedure NA without LOM.
*700′ required when glide slope not used.
•Air carrier: Sliding scale not authorized below ¾ mi.

City, Seattle; State, Wash.; Airport Name, King County (Boeing Field); Elev., 17′; Fac. Class., ILS; Ident., I BFI; Procedure No. ILS 13, Amdt. 2; Eff. Date, 24 Feb 62; Sup. Amdt. No. 1; Dated, 2 Dec. 61

IND VOR	Carbon Int#	Via R-259 IND and NE crs HUF ILS.	2700	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	800-1½
				S-dn-23	400-1	400-1	400-1
Int HUF R-008 and SCJ R-339	Carbon Int#	Via SCJ R-339	2300	A-dn	800-2	800-2	800-2
Carbon Int#	HUF RBn (Final)	Direct	1300				
Carbon Int#	HUF VOR (Final)	Direct	1300				
Clinton Int	HUF VOR or HUF RBn	Direct	2300				
Spencer Int	HUF VOR or HUF RBn	Direct	2300				
Sandford Int	HUF VOR or HUF RBn	Direct	2300				
Fairbanks Int	HUF VOR or HUF RBn	Direct	2300				
Manhattan Int	HUF VOR or HUF RBn	Direct	2300				
LEU VOR	HUF VOR or HUF RBn	Direct	2300				
HUF LOM	HUF VOR or HUF RBn	Direct	2300				

Procedure turn North side localizer crs, 045° Outbnd, 225° Inbnd, 2300′ within 10 miles of HUF RBn* or HUF VOR**.
Minimum altitude abeam HUF RBn, 1300′; abeam HUF VOR, 1300′.
Crs and distance, HUF RBn to airport, 225°—4 mi; HUF VOR to airport, 225°—3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 mi after passing HUF RBn or 3 mi after passing HUF VOR, climb to 2300′ Southwestbound on SW crs HUF ILS to Prairie Creek Int## or, when directed by ATC, make climbing left turn to 2300′ and proceed direct to LEU VOR.
NOTES: (1) No glide slope; (2) No approach lights; (3) This procedure not authorized unless aircraft equipped to receive ILS and ADF or ILS and VOR simultaneously.
#Carbon Int: Int NE crs HUF ILS and LEU R-013.
##Prairie Creek Int: Int HUF ILS SW crs and LEU R-270.
*HUF RBn located approximately 1400′ NW of localizer course.
**HUF VOR located approximately 1200′ SE of localizer course.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585′; Fac. Class., ILS; Ident., I-HUF; Procedure No. ILS-23, Amdt. 1; Eff. Date, 24 Feb. 62; Sup. Amdt. No. Orig.; Dated, 16 Dec. 61

Ventura VOR	Thousand Oaks Int*	Direct	5000	T-dn	300-1	300-1	300-1
Thousand Oaks Int*	Woodland Int (Final)**	Direct	3200	C-d	700-1	700-1	700-1½
Twin Lakes Int	Woodland Int**	Direct	4000	C-n	700-2	700-2	700-2
Fillmore VOR	Woodland Int**	Direct	4500	A-dn	800-2	800-2	800-2
Int, LAX VOR R-277 and LHS R-169	Woodland Int**	Direct	4500	If 4 mi. radar fix received west of airport, the following minimums apply:			
				C-dn	500-1	500-1	500-1½

Radar transitions and vectoring using Burbank Radar via approved patterns authorized.
Procedure turn not authorized. Hold at Woodland Int, right hand one-minute, 4000′.
Minimum altitude over Woodland Int** on final approach crs, 3200′.
Crs and distance, Woodland Int** to airport, 076°—6.5 mi.
BUR ILS OM on Van Nuys Airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead within 3.0 miles of BUR ILS OM, reverse course to the left and climb via W crs BUR ILS Loc. to Woodland Int. Cross Woodland Int** at minimum altitude 3200′.
CAUTION: Disregard glide slope indications.
Other change: Reference to altitude at 4 mile fix deleted.
*Thousand Oaks Int: Int W crs BUR ILS and Fillmore VOR R-148.
**Woodland Int: Int W crs BUR ILS and Fillmore VOR R-111.

City, Van Nuys; State, Calif.; Airport Name, Van Nuys; Elev., 799′; Fac. Class., BUR ILS Loc.; Ident., I-BUR; Procedure No. ILS-08, Amdt. 1; Eff. Date, 24 Feb. 62; Sup. Amdt. No. Orig.; Dated, 6 Jan. 62

Shell Rock Int	LOM (Final)	Direct	2300	T-dn	300-1	300-1	200-½
New Hartford Int	LOM	Direct	2300	C-dn	400-1	500-1	500-1½
Waverly Int	LOM	Direct	2300	S-dn-12	200-½	200-½	200-½
ALO-VOR	LOM	Direct	2300	A-dn	600-2	600-2	600-2

Procedure turn South side crs, 303° Outbnd, 123° Inbnd, 2300′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2300′.
Altitude of glide slope and distance to appr end of runway at LOM, 2239′—4.5 mi; at LMM, 1056′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb to 2500′ on the ALO-VOR R-094 within 20 miles or, when directed by ATC, (1) climb to 2500′ on the ALO-VOR R-141 within 20 miles; (2) climb to 2500′ on SE crs of ILS within 10 miles.

City, Waterloo; State, Iowa; Airport Name, Waterloo Municipal; Elev., 870′; Fac. Class., ILS; Ident., I-ALO; Procedure No. ILS-12, Amdt. 2; Eff. Date, 24 Feb. 62; Sup. Amdt. No. 1; Dated, 20 June 62

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
															2-engine or less		More than 2-engine, more than 65 knots
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	65 knots or less	More than 65 knots	
														Surveillance approach			
225	020	0–5	5900														
205	075	5–10	11000	10–20	12000									T-dn	300–1	300–1	200–½
155	130	0–3	6800	3–5	8100									C-dn	400–1	400–1	500–1½
095	075	15–25	9000											S-dn-35, 17	400–1	400–1	*400–1
075	060	10–20	9000											8, 3	400–1	400–1	**400–1
100	122	5–10	7000											A-dn	800–2	800–2	800–2
123	150	10–15	11000														
135	160	15–20	11000														
123	165	20–30	11000														
155	355	5–30	7000											Precision approach			
180	355	20–30	7500											S-dn-8	300–¾	300–¾	**400–1
200														A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:
Runways 35, 8, and 3: Turn left and climb to 8000′ on 260° crs direct to ABQ-VOR or, when directed by ATC, turn left and climb to 8000′ on W crs AQ-LFR within 20 miles.
Runways 17: Climb straight ahead to AQ-LFR and climb to 7000′ or, when directed by ATC, (1) turn right, climb to 8000′ on W crs AQ-LFR within 20 miles; or (2) make right climbing turn to 8000′ on 260° crs direct to ABQ-VOR.
NOTES: No approach lights.
CAUTION: Terrain exceeding 8000′ msl in East quadrants.
*Runway 17-35 restricted to aircraft gross weight of 33,000 pounds or less.
**200-1½ required for jet aircraft.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFB/Municipal; Elev., 5352′; Fac. Class., Kirtland; Ident., RADAR; Procedure No. 1, Amdt. 5; Eff. Date, 24 Feb. 62, or upon com. of PAR on Runway 8; Sup. Amdt. No. 4; Dated, 19 Aug 61

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				Precision approach			
All directions	Radar site	Within 20 mi	2300	T-dn**	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-3*	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2
				Surveillance approach			
				T-dn	300–1	300–1	200–½
				C-dn-3, 12, 30	400–1	500–1	500–1½
				S-dn-3, 12, 30	400–1	400–1	400–1
				C-dn-17, 35	500–1	500–1	500–1½
				S-dn-17, 35	300–1	300–1	300–1
				C-dn-21	400–1	400–1	400–1½
				S-dn-21	600–1	600–1	600–1
				C-dn#	700–1¼	700–1¼	700–1¼
				A-dn#	800–2	800–2	800–2

Radar terminal area transition altitudes: All bearings are from the radar site with sector azimuths progressing clockwise.
Radar control will provide 1000′ vertical clearance within a 2-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of 1222′ TV tower 11 mi SSE, 1051′ TV tower 11 mi SW, 784′ TV tower 11 mi WNW, 753′ TV tower 8½ mi NW, 610′ structure 7 mi NE of airport, 580′ tower 16 mi SW, 605′ tower 16 mi SE.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2300 straight ahead then proceed to Houston LFR or VOR or proceed as directed by radar control.
#Aircraft on any direct course to Houston VOR may descend to 750′ MSL from 5 mi radar fix.
*Runway visual range 2000′ also authorized for landing on Runway 3; provided that all components of the PAR, high intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 250′ MSL shall not be made unless visual contact with approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2000′ also authorized for takeoff on Runway 3 in lieu of 200–½ when 200–½ is authorized; providing high intensity runway lights are operational.

City, Houston; State, Tex.; Airport Name, International; Elev., 50′; Fac. Class., Houston; Ident., Radar; Procedure No. 1, Amdt. 8; Eff. Date, 24 Feb. 62; Sup. Amdt. No. 7; Dated 20 May 61

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine: More than 65 knots
		Within:		Surveillance approach			
All directions		5 mi	4500	T-dn	300-1	300-1	300-1
215°	230°	10 mi	5200	C-dn	600-1	600-1	600-1
230°	215°	15 mi	4500	S-dn-32	400-1	400-1	400-1
235°	250°	15 mi	6000	A-dn	800-2	800-2	800-2
250°	215°	15 mi	4500				
215°	235°	15 mi	5200				
195°	265°	20 mi	7000				
265°	190°	20 mi	4500				
265°	190°	25 mi	6000				
190°	265°	25 mi	10000				
190°	265°	25 mi	7500				
265°	290°	25 mi	5500				
290°	320°	25 mi	4500				
320°	160°						

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left climbing turn to 4500' and return to the VOR when directed by ATC, make left climbing turn to 4800' on the S crs of the RP-LFR. Aircraft on missed approach may be radar controlled after radar identification.

All bearings are from radar site with sector azimuths progressing clockwise.

NOTE: Instrument approaches not authorized to Runway 14.

City, Rapid City; State, S. Dak.; Airport Name, Municipal; Elev., 3181'; Fac. Class., Ellsworth AFB; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 24 Feb. 62; Supp. Amdt. No. Orig.; Dated, 22 Oct. 60

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on January 19, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-816; Filed, Feb. 16, 1962; 8:52 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 4]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.313 Orange Regulation 4.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 13, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., February 19, 1962, and ending at 12:01 a.m., e.s.t., March 1, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, including Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2⅛ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2⅛ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2 1/16 inches in diameter or smaller; or

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than 2⅛ inches in diameter, except that a tolerance of ten percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 14, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-1672; Filed, Feb. 16, 1962; 8:52 a.m.]

[Grapefruit Reg. 4]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.314 Grapefruit Regulation 4.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905 as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 13, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., February 19, 1962, and ending at 12:01 a.m., e.s.t., March 5, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided*, That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade, and may have slightly rough texture caused only by speck type melanose;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than 3 1/16 inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than 3⅛ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 14, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-1671; Filed, Feb. 16, 1962; 8:51 a.m.]

[Navel Orange Reg. 7]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.307 Navel Orange Regulation 7.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 15, 1962.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 18, 1962, and ending at 12:01 a.m., P.s.t.,

February 25, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 400,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 16, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-1739; Filed, Feb. 16, 1962; 11:16 a.m.]

[Lemon Reg. 8]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.308 Lemon Regulation 8.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 13, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., February 18, 1962 and ending at 12:01 a.m., P.s.t., February 25, 1962, are hereby fixed as follows:

(i) District 1: 9,300 cartons;
(ii) District 2: 186,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 14, 1962.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-1670; Filed, Feb. 16, 1962; 8:51 a.m.]

[Grapefruit Reg. 2]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.302 Grapefruit Regulation 2.

(a) *Findings.* (1) Pursuant to the marketing agreement and order (7 CFR Part 912; 27 F.R. 87) regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 15, 1962.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., February 19, 1962, and ending at 12:01 a.m., e.s.t., February 26, 1962, is hereby fixed at 160,601 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 15, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-1701; Filed, Feb. 16, 1962; 8:52 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Labeling Requirements for Drugs and Devices; Change in Effective Date

The FEDERAL REGISTER of September 6, 1961 (26 F.R. 8389) announced a revision of § 1.106 (b)(3), (c)(3), and (d)(3) with an 180-day effective date. Thus, this order would become effective on March 5, 1962.

The Commissioner of Food and Drugs has received a series of petitions from representatives of pharmaceutical manufacturers pointing out the steps that have been taken in an attempt to comply with this regulation. These petitions, however, delineate the difficulties involved and support the view that complete compliance with the revised order prior to March 5 cannot be expected.

On the basis of the representations made, the Commissioner concludes that a delayed effective date is necessary. Therefore, pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 701, 52 Stat. 1055; 21 U.S.C. 371) and the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education and Welfare (25 F.R. 8625), the effective date of the order published in the FEDERAL REGISTER of September 6, 1961, is changed from 180 days to 270 days from date of publication.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: February 13, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-1651; Filed, Feb. 16, 1962; 8:48 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Artificially Sweetened Canned Pineapple; Standard of Identity; Effective Date

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of December 28, 1961 (26 F.R. 12563), establishing a definition and standard of identity for artificially sweetened canned pineapple. Accordingly, the definition and standard of identity promulgated by that order will become effective February 26, 1962.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: February 13, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-1657; Filed, Feb. 16, 1962; 8:49 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 3—NATIONAL CAPITAL PARKS REGULATIONS

Commercial Vehicles and Common Carriers

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), § 3.36 of Title 36, Code of Federal Regulations, is amended as set forth below. The purpose of the amendment is to permit the operation of commercial trucks on Constitution Avenue east of 18th Street NW.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule-making process. However, because of the desire of the Interior Department to assist the Department of Highways and Traffic, Washington, D.C., in correcting a serious traffic situation existing at the intersection of Virginia Avenue and Constitution Avenue NW., it has been determined to be in the best interest of the general public to revise the routing of traffic in this area as soon as practicable. Accordingly, this amendment shall become effective upon publication in the FEDERAL REGISTER.

Paragraph (c) of § 3.36 is amended to read as follows:

§ 3.36 Commercial vehicles and common carriers.

* * * * *

(c) *Commercial trucks.* The use of any park road by commercial trucks when such trucking is in no way connected with the operation of the park system is prohibited, except (1) on the section of Constitution Avenue east of 18th Street, (2) that in special cases, trucking permits may be issued at the discretion of the Superintendent.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

FEBRUARY 13, 1962.

[F.R. Doc. 62-1641; Filed, Feb. 16, 1962; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2605]

[Sacramento 065502]

[1653043]

CALIFORNIA

Revoking Executive Order No. 7505 of December 11, 1936

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 7505 of December 11, 1936, so far as it withdrew the following described public lands for classification and in aid of legislation, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 34 N., R. 2 E.,
Sec. 24, SE¼SW¼;
Sec. 25, E½NW¼.

Containing 120 acres.

2. The lands are located approximately eight miles south of Burney, California.

3. The lands released from withdrawal by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals, provided that until 10:00 a.m., on August 13, 1962, the State of California shall have a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. The lands have been open to applications and offers under the mineral leasing laws and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals beginning at 10:00 a.m., on August 13, 1962.

5. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

FEBRUARY 12, 1962.

[F.R. Doc. 62-1634; Filed, Feb. 16, 1962; 8:46 a.m.]

[Public Land Order 2606]

MONTANA

Withdrawing Lands for Reclamation Purposes

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn in the first form from all forms of appropriation under the public land laws, and reserved for use of the Bureau of Reclamation, Department of the Interior, in connection with the Missouri River Basin and Sun River Projects, as indicated:

a. [Montana 037751]

MISSOURI RIVER BASIN

LONESOME LAKE RESERVOIR

Lower Marias Unit—Principal Meridian

T. 29 N., R. 12 E.,
Sec. 29, SW¼NW¼.

b. [Montana 040242]

PISHKUN RESERVOIR

Sun River Project—Principal Meridian

T. 22 N., R. 8 W.,
Sec. 22, SE¼NE¼.

The areas described aggregate 30 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

FEBRUARY 12, 1962.

[F.R. Doc. 62-1635; Filed, Feb. 16, 1962; 8:46 a.m.]

[Public Land Order 2607]

[1009651]

ALASKA

Partly Revoking Executive Order No. 9114 of March 28, 1942

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 9114 of March 28, 1942, so far as it reserved by metes and bounds 481.7 acres in the Sitka Area in the vicinity of U.S. Survey No. 1763 described as "Tract 1," and 2,215.7 acres in the same vicinity, described as "Tract 2", for use of the War Department for military purposes, is hereby revoked.

2. The lands in Tract 2 have been heretofore disposed of. Public Land Order No. 871 of November 5, 1952, reserved 140 acres in Tract 1 for townsite purposes.

3. Until 10:00 a.m., on May 14, 1962, the State of Alaska shall have a preferred right to select the public lands released from withdrawal by this order in accordance with the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

Beginning at 10:00 a.m., on May 14, 1962, the lands shall be subject to operation of the public land laws generally, including the mining laws, subject to existing valid rights, to equitable claims, the provision of any existing withdrawals, and the requirements of applicable law, rules and regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

FEBRUARY 12, 1962.

[F.R. Doc. 62–1636; Filed, Feb. 16, 1962; 8:46 a.m.]

[Public Land Order 2608]

[New Mexico 074638]

NEW MEXICO

Withdrawing Lands for Use of Federal Aviation Agency in Maintenance of Air Navigation Facilities

By virtue of the authority vested in the Secretary of the Interior by section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Federal Aviation Agency in the maintenance of air navigation facilities:

NEW MEXICO PRINCIPAL MERIDIAN

T. 27 S., R. 18 W.,
Sec. 30, S½NW¼SE¼, SW¼NE¼SE¼, and W½SE¼SE¼.

The areas described aggregate approximately 50 acres.

Authority to change the use specified by this order or to grant rights to others to use the lands, including grants of leases, licenses, easements and rights-of-way but excluding permits revocable at will, is reserved to the Secretary of the Interior or his delegate.

JOHN A. CARVER, Jr.
Assistant Secretary of the Interior.

FEBRUARY 12, 1962.

[F.R. Doc. 62–1637; Filed, Feb. 16, 1962; 8:46 a.m.]

[Public Land Order 2609]

[Arizona 030116]

ARIZONA

Modifying the Executive Order of August 18, 1904 (Whipple Barracks Target Range)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of August 18, 1904, establishing the Whipple Barracks Target Range, is hereby modified to the extent necessary to permit the grant of a highway right-of-way made by section 2477, United States Revised Statutes (43 U.S.C. 932), to become effective as to those portions of the following described lands delineated on maps in two sheets entitled "Yavapai County Highway Department, Map of Willow Creek Road through Whipple Barracks Rifle Range," filed by the Yavapai County Board of Supervisors with the Bureau of Land Management as part of its application, Arizona 030116:

GILA AND SALT RIVER MERIDIAN

T. 14 N., R. 2 W.,
Sec. 2, SW¼SW¼;
Sec. 10, SW¼NE¼ and E½NE¼;
Sec. 11, NW¼NW¼.

Containing 10.89 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

FEBRUARY 12, 1962.

[F.R. Doc. 62–1638; Filed, Feb. 16, 1962; 8:46 a.m.]

[Public Land Order 2610]

[Anchorage 045884]

ALASKA

Withdrawing Lands for Use of the Department of Justice, Bureau of Prisons

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved under the jurisdiction of the Secretary of the Interior for use by the Department of Justice, Bureau of Prisons, as a detention center, under such terms and conditions as may be prescribed by the Secretary of the Interior or his delegate:

PORTAGE AREA

An unsurveyed parcel of land located in the Portage Townsite and situated adjacent to the southwest side of the Airstrip reserved for the (formerly) Territorial Department of Aviation more particularly described as follows:

Beginning at Corner No. 1 which is situated at the intersection of the southwest boundary of the Territorial Department of Aviation Airstrip and the northwest boundary of the gravel pit reserved for the Bureau of Public Roads (Anchorage 020805), thence northwest 660' along airport boundary to Corner No. 2; thence southwest 330' to Corner No. 3; thence southeast 660' to Corner No. 4; thence northeast 330' to point of beginning.

Containing 5 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

FEBRUARY 12, 1962.

[F.R. Doc. 62–1639; Filed, Feb. 16, 1962; 8:47 a.m.]

[Public Land Order 2611]

[Oregon 09944]

[Oregon 010256]

OREGON

Withdrawing Public Lands for Protection of Forest Service Administrative Site; Revoking Executive Orders No. 4397 of March 17, 1926, and No. 8691 of February 20, 1941

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved under jurisdiction of the Secretary of the Interior for protection of the Dale Ranger Station Administrative Site of the Forest Service:

[Oregon 09944]

WILLAMETTE MERIDIAN

T. 6 S., R. 31 E.,
Sec. 36, S½S½SW¼SW¼.

Containing 10 acres.

2. Executive Order No. 4397 of March 17, 1926, and Executive Order No. 8691 of February 20, 1941, which withdrew the following described lands in connection with the administration of the Mt. Hood and the Siskiyou National Forests, respectively, are hereby revoked:

[Oregon 010256]

WILLAMETTE MERIDIAN

Executive Order No. 4397

T. 4 S., R. 3 E.,
Sec. 9, SW¼NE¼.

Executive Order No. 8961

T. 40 S., R. 8 W.,
Sec. 33, SW¼SW¼.

The areas described aggregate 80 acres, of which 40 acres, comprising the lands described in section 9, are revested Oregon and California Railroad grant lands.

3. The lands in section 9 are situated some eight airline miles southeast of Oregon City, Clackamas County. Those in section 33, are located about three airline miles southeast of O'Brien, in Josephine County.

4. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals provided, that, until 10:00 a.m. on August 13, 1962, the State of Oregon shall have a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

The lands have been open to applications and offers under the mineral leasing laws, and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals beginning at 10:00 a.m., on August 13, 1962.

5. At 10:00 a.m., on March 20, 1962, the revested Oregon and California Railroad grant lands described in paragraph 2, hereof, shall become subject to such forms of disposition as may by law be made of such lands.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

FEBRUARY 12, 1962.

[F.R. Doc. 62–1640; Filed, Feb. 16, 1962; 8:47 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER J—MISCELLANEOUS

[General Order 90, Amdt. 1]

PART 365—OFFICIAL SEAL OF THE MARITIME ADMINISTRATION

Miscellaneous Amendments

Part 365 is hereby amended by (a) changing § 365.1 *Purpose* to read as set forth below; (b) deleting the heading and text of § 365.2 *Federal Maritime Board Seal* and substituting therefor the heading and text of § 365.3 *Maritime Administration Seal;* (c) deleting the section designation "365.3"; and (d) amending the part heading to read as set forth above.

§ 365.1 Purpose.

To prescribe and give official notice of the seal of the Maritime Administration.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: February 14, 1962.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62–1663; Filed, Feb. 16, 1962; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 12—AMATEUR RADIO SERVICE

PART 19—CITIZENS RADIO SERVICE

PART 20—DISASTER COMMUNICATIONS SERVICE

Miscellaneous Amendments

The Commission, having under consideration the amendment of Part 12, 19 and 20 of the rules governing the Amateur, Citizens and Disaster Communications Radio Services, to effect the editorial changes described below; and

It appearing that the Geneva (1959) Radio Regulations, to which the United States is signatory, have been ratified by the Senate of the United States; and

It further appearing that wherever possible, the Commission's rules should conform to the Geneva Radio Regulations; and

It further appearing that the abbreviations kc (for kilocycles) and Mc (for megacycles) have been amended in the Geneva Radio Regulations to read kc/s and Mc/s respectively; and

It further appearing that the amendments herein ordered make no substantive change, and, being editorial in nature, the prior public notice and effective date provisions of the Administrative Procedures Act are not applicable; and

It further appearing that the amendments adopted herein are issued pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Delegations of Authority;

It is ordered, This 8th day of February 1962, that effective February 19, 1962, the terms "kc" and "Mc" are amended to read "kc/s" and "Mc/s" wherever they appear in Parts 12, 19 and 20 of the Commission's rules.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: February 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–1669; Filed, Feb. 16, 1962; 8:51 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 61-LA-69]

FEDERAL AIRWAYS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.1545 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1545 extends in part from the Tucson, Ariz., VOR as a 10-mile wide airway via the intersection of the Tucson VOR 299° and the Casa Grande, Ariz., VOR 158° True radials, the Casa Grande VOR to the Phoenix, Ariz., VOR. The Federal Aviation Agency has under consideration alteration of this segment of Victor 1545 from Tucson to Phoenix by realigning it as a 12-mile wide airway from the Tucson VOR to the intersection of the Tucson VOR 316° and the Phoenix VOR 161° True radials, thence as a 10-mile wide airway to the Phoenix VOR. This would align Victor 1545 to overlie low altitude VOR Federal airway No. 16, and facilitate transitioning between the two route structures in the Tucson and Phoenix terminal areas and provide a shorter route between Tucson and Phoenix. The reduced airway widths would provide lateral separation from the training areas in the vicinity of Williams Air Force Base, Ariz.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 13, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1627; Filed, Feb. 16, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-LA-40]

FEDERAL AIRWAYS AND ASSOCIATED CONTROL AREAS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6002, 600.6025, and 601.6025 of the regulations of the Administrator, the substance of which is stated below:

The Federal Aviation Agency has under consideration the following actions:

1. Low altitude VOR Federal airway No. 2 extends in part from Seattle, Wash., to Ephrata, Wash., via Ellensburg, Wash., including a N alternate from Seattle direct to Ephrata. It is proposed to redesignate the N alternate from Seattle to Ephrata via the Wenatchee, Wash., VOR.

2. Low altitude VOR Federal airway No. 25 extends in part from Yakima, Wash., to Ellensburg. It is proposed to extend Victor 25 and its associated control areas northward from Ellensburg to the Wenatchee VOR.

The designation of Victor 2 north alternate via the Wenatchee VOR would not change the alignment of this airway segment. However, it would permit better navigational guidance along this airway and permit the establishment of lower minimum en route altitudes in the vicinity of Wenatchee. The extension of Victor 25, as proposed, would provide a designated route for VOR equipped aircraft operating between Ellensburg and Wenatchee.

The control areas associated with this segment of Victor 2 north alternate are so designated that they would automatically conform to the altered airway. Accordingly, no action relating to control areas associated with this airway would be necessary. The vertical extent of the control areas associated with these airway segments would extend from 700 feet above the surface to the base of the continental control area. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 12, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1628; Filed, Feb. 16, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-NY-70]

FEDERAL AIRWAY AND ASSOCIATED CONTROL AREAS

Proposed Designation and Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Parts 600 and 601 and § 600.6249 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 249 is designated in part from DeLancy, N.Y., via Rockdale, N.Y., to Utica, N.Y. The Federal Aviation Agency has under consideration the alteration of this segment of Victor 249 by redesignating it from DeLancy direct to Utica. It is also proposed to designate low altitude VOR Federal airway No. 449 and its associated control areas from the DeLancy VOR via the Rockdale VOR to the intersection of the Rockdale VOR 348° and the Utica VOR 280° True radials.

The proposed realignment of Victor 249 together with the designation of Victor 449 would provide parallel arrival and departure routes to serve the Griffiss Air Force Base, N.Y./Utica terminal areas and would reduce the traffic delays now occurring at Griffiss AFB and Oneida County Airport. The control areas associated with this segment of Victor 249 would remain as designated pending review of the adjacent airspace. The control areas associated with Victor 449 would extend from 700 feet above the surface to the base of the continental control area. Separate actions would be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 13, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1629; Filed, Feb. 16, 1962; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-NY-106]

FEDERAL AIRWAY AND ASSOCIATED CONTROL AREAS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6246 and 601.6246 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 246 extends from Rosewood, Ohio, to Mansfield, Ohio. The Federal Aviation Agency has under consideration the extension of Victor 246 and its associated control areas from the Mansfield, Ohio, VORTAC, via the Mansfield VORTAC 066° True radial to the intersection of the Cleveland, Ohio, VORTAC 138° and the Tiverton, Ohio, VOR 017° True radials. This intersection would be utilized as a holding fix for the Cleveland terminal area. The proposed extension of Victor 246 would establish a segment of designated Federal airway to the holding fix for traffic approaching the Cleveland terminal area from the south and southwest.

The control areas associated with this proposed airway segment would extend upward from 700 feet above the surface to the base of the continental control area. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 12, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1630; Filed, Feb. 16, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 10, 11, 16, 19]

[Docket No. 14503 (RM-201, RM-306); FCC 62-129]

ALLOCATION OF ASSIGNABLE FREQUENCIES BAND

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Previous Commission action in Dockets 11253 and 12169 determined, inter alia, that the creation of channels having a frequency separation of 20 kc/s rather than 40 kc/s was technically feasible. As a result, the appropriate rules of the above-mentioned parts have been amended to require all equipments used after October 31, 1963, to be of a type capable of permitting operation on channels separated by 20 kc/s.

3. In light of this "channel splitting," it is proposed herein to allocate the frequencies in the 25-42 Mc/s band among the various services referred-to-above, each frequency to have a channel separation of 20 kc/s. This proceeding is substantially responsive to petitions filed by Electronics Industries Association (EIA) and by Special Industrial Radio Service Association, Inc. (SIRSA), RM-201 and RM-306, respectively.

4. The Appendices to this notice set forth the proposed disposition of the frequencies in this band to the aforementioned Safety and Special Radio Services. The following table summarizes the proposed availability of the primary and split channels to the various services; it does not purport to represent changes in the amount of frequency space allocated to the respective services:

Service	Present total channels allocated	Proposed total channels allocated
Business	25	60
Citizens	28	30
Fire	15	15
Forestry Conservation	20	23
Forest Products	2	9
Highway Maintenance	6	10
Industrial Developmental	0	12
Land Transportation Developmental	0	2
Local Government	0	31
Motor Carrier (Urban Passenger)	12	0
Petroleum	19	27
Police	36	36
Power	11	21
Public Safety Developmental	0	12
Relay Press	0	2
Special Emergency	6	10
Special Industrial	14	45
Telephone Maintenance	1	1

5. The proposed allocation is predicated on the evidence now available to the Commission concerning the needs of a particular service for additional frequencies as well as a tentative judgment concerning the priority of need among these services. Within this framework, the proposal generally makes split channels available to the service now occupying that particular part of the band. In some cases, however, in order to avoid

interspersion, it was necessary to move portions of one or more services to adjacent frequencies. In the long run it appears more advantageous to create "block allocations" even though some existing systems will be required to change frequencies rather than to intersperse services in order to honor existing allocations.

6. As previously stated, existing licensees in these services (pre-August 1, 1958) operating in the 25–42 Mc/s band utilizing 40F3 equipment are required under present rules to comply with all narrow-band technical standards set forth in the various service rules no later than October 31, 1963. Also, present rules require that new licensees (post-August 1, 1958) must use equipment capable of meeting all these narrow-band technical standards. Thus, in order to facilitate immediate usage of these new "split channels" the Commission is proposing the following:

(a) After the effective date of the final rules in this Docket, no new systems will be authorized unless the frequency requested is in accord with the revised frequency allocation tables.

(b) Licensees authorized prior to the aforementioned effective date will be required to reduce the frequency deviation of all transmitters authorized to operate in this band to plus or minus 5 kc/s within six months thereafter.

7. It should be noted that persons authorized pursuant to Parts 10, 11, and 16 to operate radio stations on frequencies in the band 25–50 Mc/s must recognize that the band is shared with various services in other countries; that harmful interference may be caused by tropospheric and ionospheric propagation of signals from distant stations of all services of the United States and other countries operating on frequencies in this band; and that no protection from such harmful interference generally can be expected. Persons desiring to avoid such harmful interference should consider operation on available frequencies higher in the radio spectrum not generally subject to this type of difficulty. Ref. §§ 10.101(g), 11.8(h), and 16.8(e) respectively.

8. It should be noted that the few instances in which it was deemed necessary to move a portion of a service to an adjacent frequency to avoid interspersion present a special problem. It is reasonable to allow existing users on these affected frequencies to continue to operate for some period of time. To impose an imminent date for these licensees to change frequencies because of this proposed reallocation appears to be unduly onerous. On the other hand, to permit such operation indefinitely would preclude potential new users from establishing systems on frequencies made available to them under this proposed reallocation. The Commission specifically invites comments on this problem as an aid in determining an optimum cutoff date.

9. Attention is directed to the proposal to allocate 10 kc/s segments contiguous to the Government band in the form of two 5 kc/s segments to the service adjacent to this band. Similar segments have been created contiguous to one frequency band now available to the Domestic Public Radio Service, and it has been proposed to allocate these to the adjacent Industrial Radio Service. It should be noted that segments of like size could be created contiguous to Government bands in the 42–50 Mc/s band. While this notice contains no specific proposal with reference thereto, comments are invited as to the desirability of establishing such segments.

10. Authority for the proposed amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

11. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before May 1, 1962, and reply comments on or before May 11, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

12. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, and comments filed should be furnished the Commission.

Adopted: February 6, 1962.

Released: February 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 2.106 of the Commission's rules and regulations is amended to read, in part, as follows:

(a) *Table of frequency allocations.*

Federal Communications Commission

Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services
7	8	9	10	11
• •	• •	• •	• •	• •
25.01–25.33	LAND MOBILE.	Base, Land mobile.		INDUSTRIAL.
• •	• •	• •	• •	• •
27.28–27.54	LAND MOBILE.	Base, Land mobile.		INDUSTRIAL.
• •	• •	• •	• •	• •
29.7–29.8	LAND MOBILE.	Base, Land mobile.		INDUSTRIAL.
• •	• •	• •	• •	• •
30.56–31.17	LAND MOBILE.	Base, Land mobile.		INDUSTRIAL.
31.17–32.0	LAND MOBILE.	Base, Land mobile.		PUBLIC SAFETY.
• •	• •	• •	• •	• •
33.0–33.01	LAND MOBILE.	Base, Land mobile.		LAND TRANSPORTATION.
33.01–33.11	LAND MOBILE.	Base, Land mobile.		PUBLIC SAFETY.
33.11–33.69	LAND MOBILE.	Base, Land mobile.		INDUSTRIAL.
33.69–34.0	LAND MOBILE.	Base, Land mobile.		PUBLIC SAFETY.
• •	• •	• •	• •	• •
35.0–35.20	LAND MOBILE.	Base, Land mobile.		INDUSTRIAL.
35.20–35.68	LAND MOBILE.	Base, Land mobile.	35.22–35.66 (NG33)	DOMESTIC PUBLIC.
35.68–36.0	LAND MOBILE.	Base, Land mobile.		INDUSTRIAL.
• •	• •	• •	• •	• •
37.0–37.89	LAND MOBILE.	Base, Land mobile.		INDUSTRIAL.
37.89–38.0	LAND MOBILE.	Base, Land mobile.		PUBLIC SAFETY.
• •	• •	• •	• •	• •
39.0–40.0	LAND MOBILE.	Base, Land mobile.		PUBLIC SAFETY.
• •	• •	• •	• •	• •

2. Proposed Allocations for Parts 10, 11, 16, and 19.

Mc/s	Present allocation	Proposed allocation
25.02	Petroleum	Petroleum.
25.04	Do.	Do.
25.06	Do.	Do.
25.08	Do.	Do.
25.10	Do.	Do.
25.12	Do.	Do.
25.14	Do.	Do.
25.16	Do.	Do.
25.20	Do.	Do.
25.22	Petroleum	Petroleum.
25.24	Do.	Do.
25.26	Do.	Do.
25.30	Do.	Do.
25.32	Petroleum	Petroleum.
• • •	• • •	• • •
26.96–27.23	27 Citizens channels 10 kc/s wide, ISM at 27.12 Mc/s.	No change.
27.235, 27.245, 27.255, 27.265, 27.275.	Shared: Safety & Special and Common Carrier Fixed, Land Mobile 2, ISM (Citizens Radio now shares 27.255 Mc/s).	Shared.[1] Do.[2] Do.[3] Do.[4]
• • •	• • •	• • •
27.29	Special Industrial, General	Special Industrial, General.
27.31	do	Do.
27.33	do	Do.
27.35	do	Do.
27.37	do	Do.
27.39	Business, General	Business, General.
27.41	do	Do.
27.43	Business, Permanent 180 w	Business, Permanent 180 w.
27.45	do	Do.
27.47	do	Do.
27.49	Business, Itinerant	Business, Itinerant.
27.51	Business, General 3 w	Business, General 3 w.
27.53	do	Do.
• • •	• • •	• • •
29.71	Forest Products	Forest Products.
29.73	do	Do.
29.75	Forest Products	Do.
29.77	do	Do.
29.79	do	Do.
• • •	• • •	• • •
30.56–30.565	5 kc/s	Industrial Developmental.
30.565–30.57	5 kc/s	Do.
30.60	Special Industrial, Permanent	Special Industrial, Permanent.
30.62	do	Do.
30.64	Special Industrial, Permanent	Special Industrial, General.
30.66	Petroleum, Urban Passenger	Special Industrial, Permanent.
30.68	do	Do.
30.70	Petroleum, Urban Passenger	Petroleum.
30.72	do	Do.
30.74	Petroleum, Urban Passenger	Do.
30.76	do	Do.
30.78	Petroleum, Urban Passenger	Do.
30.80	do	Do.
30.82	Petroleum, Urban Passenger	Business, General 3 w.
30.84	do	Business, Permanent 180 w.
30.86	Forestry Conservation, Urban Passenger	Do.
30.88	do	Business, General.
30.90	Forestry Conservation, Urban Passenger	Business, Permanent 180 w.
30.92	do	Business, General 180 w.
30.94	Forestry Conservation, Urban Passenger	Business, Permanent 180 w.
30.96	do	Business, General 180 w.
30.98	Forestry Conservation, Urban Passenger	Business, Permanent 180 w.
31.00	do	Business, Itinerant.
31.02	Forestry Conservation, Urban Passenger	Business, Permanent 180 w.
31.04	do	Business, Itinerant.
31.06	Forestry Conservation, Urban Passenger	Business, Permanent 180 w.
31.08	do	Business, General 180 w.
31.10	Forestry Conservation, Urban Passenger	Business, Permanent 180 w.
31.12	do	Do.

[1] Shared with Safety & Special, Common Carrier Fixed, Land Mobile and Citizen's Radio Services.
[2] Shared between Public Safety, Industrial, and Land Transportation Radio Services.
[3] Citizen's Class D stations limited to 5 watts plate input power. Citizen's Class C stations limited to 90 watts plate input power.

Mc/s	Present allocation	Proposed allocation
37.50	Power.	Fire.
37.52	Do.	Do.
37.54	Power.	Do.
37.56	Do.	Do.
37.58	Power.	Do.
37.60	Do.	Do.
37.62	Do.	Do.
37.64	Power.	Do.
37.66	Do.	Do.
37.68	Do.	Do.
37.70	Do.	Do.
37.72	Do.	Do.
37.74	Do.	Do.
37.76	Do.	Do.
37.78	Power.	Do.
37.80	Do.	Do.
37.82	Do.	Do.
37.84	Power.	Do.
37.86	Do.	Relay Press (National News Agencies).
37.88	Highway Maintenance/Special Emergency.	Highway Maintenance/Special Emergency.
37.90	Do.	Do.
37.92	Highway Maintenance/Special Emergency.	Do.
37.94	Do.	Do.
37.96	Highway Maintenance/Special Emergency.	Do.
37.98	5 kc/s.	Public Safety, Developmental.
37.99–37.995	5 kc/s.	Do.
37.995–38.01	• • •	• • •
38.00–39.005	5 kc/s.	Public Safety, Developmental.
39.005–39.01	5 kc/s.	Do.
39.02	Police.	Police.
39.04	Do.	Do. 3 w.
39.06	Police.	Police.
39.08	Do.	Do.
39.10	Do.	Do.
39.12	Do.	Do.
39.14	Do.	Do.
39.16	Do.	Do.
39.18	Do.	Do.
39.20	Do.	Do.
39.22	Do.	Do.
39.24	Do.	Do.
39.26	Do.	Do.
39.28	Do.	Police, Intersystem.
39.30	Do.	Police.
39.32	Police, Intersystem.	Do.
39.34	Police.	Do.
39.36	Do.	Do.
39.38	Do.	Do.
39.40	Do.	Do.
39.42	Do.	Do.
39.44	Do.	Do.
39.46	Do.	Do.
39.48	Do.	Do.
39.50	Do.	Do.
39.52	Do.	Do.
39.54	Do.	Do.
39.56	Do.	Do.
39.58	Do.	Do.
39.60	Do.	Do.
39.62	Do.	Do.
39.64	Do.	Do.
39.66	Do.	Do.
39.68	Do.	Do.
39.70	Do.	Do.
39.72	Do.	Do.
39.74	Do.	Local Government.
39.76	Police.	Do.
39.78	Do.	Do.
39.80	Police.	Do.
39.82	Do.	Do.
39.84	Do.	Do.
39.86	Police.	Do.
39.88	Do.	Do.
39.90	Do.	Do.
39.92	Do.	Do.
39.94	Do.	Do.
39.96	Do.	Do.
39.98–39.985	5 kc/s.	Do.
39.985–39.99	5 kc/s.	Do.
39.99–40.00	• • •	• • •
42.00–42.005	5 kc/s.	Public Safety, Developmental.
42.005–42.01	5 kc/s.	Do.

[F.R. Doc. 62-1582; Filed, Feb. 16, 1962; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

RICE

Notice of Proposed Amendments to Regulations for Determination of Acreage Allotments for 1959 and Subsequent Crops

Notice is hereby given that the action proposed and published (26 F.R. 8962), with respect to changes in the regulations for the determination of rice acreage allotments for 1959 and subsequent crops of rice relating to reissuance of the regulations and to determination of allotments in the entire State of Louisiana on a "producer" basis will not be taken. Instead, notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1352, 1353, 1354, 1377), the Department proposes to amend §§ 730.1021, 730.1024 and 730.1033 of the regulations (23 F.R. 8528), as amended. The changes as proposed would be effective for the 1962 and subsequent crops of rice and would provide (1) that if either the county or State commitee has reason to believe a producer is not or was not in fact actively participating in the production of rice, a hearing may be scheduled for the purpose of obtaining facts before reaching a decision as to whether or not the farm rice acreage allotment should be reduced, and (2) uniformity in the current regulations with respect to the release and reapportionment of rice acreage allotments and similar regulations for other commodities.

The proposed changes follow:

1. Section 730.1021(e) is to be amended to read as follows:

(e) If the county or State committee has reason to believe, after the establishment of any farm acreage allotment in accordance with this section, that a tenant whose allotment acreage was allocated to such farm is not, or was not, in fact actively participating in the production of the rice crop produced on the farm in such year, a hearing shall be scheduled by the county committee and the tenant shall be invited to be present, or to be represented, at which time he shall be given an opportunity to substantiate his claim that he is, or was, actively engaged in the production of rice on the farm as indicated at the time of filing his request for the allocation of his producer allotment to the farm. If the county committee, with State committee approval, or the State committee finds that such tenant is not, or was not, actively participating in the production of the rice crop on the farm, except where allocation was made for the purpose of participating in the conservation reserve program or for the preservation of acreage, and therefore did not actively engage in the production of rice on such farm during the year in question, the county committee shall, with the approval of the State committee, recall such producer's allotment acreage previously allocated to the farm and adjust the farm rice acreage allotment accordingly. The county committee shall notify the farm operator of the revised farm acreage allotment. Such notice shall be on an official Form MQ-24 and will be accompanied by a letter of explanation as to the reason such action was taken to reduce the farm acreage allotment. A copy of the notice and letter shall be forwarded to all persons engaged in the production of rice on the farm. Any allotment acreage recalled by the county committee under this section shall not be available for apportionment or reallocation to any other farm.

2. Paragraphs (a) and (b) of § 730.1024 are to be amended to read as follows:

(a) In a producer State or area; a producer may, not later than the applicable closing date prescribed in this section voluntarily release to the county committee all or any part of his producer rice acreage allotment that will not be allocated to a farm in the current year. Such released acreage shall be deducted from the allotment established for such producer and may, except as provided in paragraph (e) of this section, be reapportioned by the county committee to other producers (old or new) by whom a request for increase in acreage allotment has been timely filed in the same county in amounts determined to be fair and reasonable on the basis of the production of rice by the producer during the five years immediately preceding the current year; previous rice acreage allotments established for the producer; abnormal conditions affecting acreage; land, labor, water and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice. The closing date in each producer State or area for the release of rice acreage allotments shall be as follows:

California	Apr. 1
Florida	Mar. 15
Louisiana [1]	Apr. 24
North Carolina	Mar. 1
Tennessee	Apr. 1
Texas	Apr. 20

[1] Producer administrative area.

The closing date in each producer State or area for reapportionment of rice acreage allotment shall be a date not later than 15 days after the applicable release date indicated herein.

(b) To be eligible for an increase in a farm acreage allotment from released acreage, a request for such increase must be filed in the county office by the applicant on or before the applicable release date indicated herein. The State committee shall have the option of considering a verbal request acceptable, or requiring a written request before the county committee may consider reapportioning released acreage to a farm. In either event, only those farms for which a request is timely filed shall be given consideration when reapportioning released acreage in the State.

3. Paragraphs (a) and (b) of § 730.1033 are to be amended to read as follows:

(a) In a farm State, any part of the rice acreage allotment determined for a farm that will not be planted in the current year, including pooled rice acreage allotment for a farm acquired under right of eminent domain, and which is voluntarily released by the owner or operator of the farm to the county committee not later than the applicable closing date prescribed in this section shall be deducted from the rice acreage allotment determined for such farm, and may, except as provided under paragraph (e) of this section, be reapportioned by the county committee to other farms (old or new) for which a request for increase in acreage allotment has been timely filed, in the same county receiving allotments in amounts determined by the county committee to be fair and reasonable on the basis of the production of rice on the farm during the five years immediately preceding the current year; farm acreage allotments previously established for the farm; abnormal conditions affecting acreage; land, labor, water and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice. The closing date, in each farm State, or area, for the release of farm rice acreage allotments shall be as follows:

Arkansas	May 1
Illinois	May 1
Louisiana [1]	Apr. 24
Mississippi	May 1
Missouri	May 1
Oklahoma	May 1
South Carolina	Apr. 1

[1] Farm administrative area.

The closing date in each farm State or area for reapportionment of farm rice acreage allotment shall be a date not later than 15 days after the applicable release date indicated herein.

Mc/s	Present allocation	Proposed allocation
33.70	Fire.	Fire.
33.72	Do.	Do.
33.74	Fire.	Do.
33.76	Do.	Do.
33.78	Fire.	Do.
33.80	Do.	Do.
33.82	Fire.	Do.
33.84	Do.	Do.
33.86	Fire.	Do.
33.88	Do.	Do.
33.90	Fire.	Do.
33.92	Do.	Do.
33.94	Fire.	Do.
33.96	Do.	Do.
33.98	Fire.	Public Safety, Developmental.
33.99–33.995	5 kc/s.	Do.
33.995–34.00	• • •	• • •
35.00–35.005	5 kc/s.	Industrial, Developmental.
35.005–35.01	5 kc/s.	Do.
35.02	Business, General 3 w.	Business, General 3 w.
35.04	Business, General 180 w.	Business, General 180 w.
35.06	Business, Permanent 180 w.	Business, Permanent 180 w.
35.08	do.	Do.
35.10	do.	Do.
35.12	do.	Do.
35.14	do.	Do.
35.16	Telephone Maintenance, Base and Mobile.	Telephone Maintenance, Base and Mobile.
35.18	Business, Permanent 180 w.	Business, Permanent 180 w.
35.19–35.195	5 kc/s.	Industrial Developmental.
35.195–35.20	5 kc/s.	Do.
35.20	• • •	• • •
35.69–35.695	5 kc/s.	Industrial Developmental.
35.695–35.69	5 kc/s.	Do.
35.70	Business, Permanent.	Business, Permanent.
35.72	do.	Do.
35.74	Special Industrial, Permanent.	Special Industrial, Permanent.
35.76	do.	Do.
35.78	do.	Do.
35.80	do.	Do.
35.82	do.	Do.
35.84	do.	Do.
35.86	do.	Do.
35.88	Business, Permanent 180 w.	Business, Permanent 180 w.
35.90	do.	Do.
35.92	do.	Do.
35.94	Business, General.	Business, General.
35.96	do.	Do.
35.98	do.	Do.
35.99–35.995	5 kc/s.	Industrial, Developmental.
35.995–36.00	5 kc/s.	Do.
36.00	• • •	• • •
37.00–37.005	5 kc/s.	Industrial, Permanent.
37.005–37.01	5 kc/s.	Do.
37.02	Police.	Special Industrial, Permanent.
37.04		General Industrial, Permanent.
37.06	Police.	Special Industrial, Itinerant 3 w.
37.08	Police.	Special Industrial, Permanent.
37.10		Special Industrial, Itinerant 3 w.
37.12	Police.	Special Industrial, General.
37.14		Special Industrial, Itinerant 3 w.
37.16	Police.	Special Industrial, Permanent 3 w.
37.18		Special Industrial, Itinerant 3 w.
37.20	Police.	Special Industrial, General.
37.22		Special Industrial, Itinerant 3 w.
37.24	Police.	Special Industrial, Permanent.
37.26		Special Industrial, Itinerant 3 w.
37.28	Police.	Business, General 180 w.
37.30		Business, Permanent 180 w.
37.32	Police.	Business, General 180 w.
37.34		Business, Permanent 180 w.
37.36	Police.	Business, General 180 w.
37.38		Business, Permanent 180 w.
37.40	Police.	Business, Itinerant 180 w.
37.42		Relay Press (National News Agencies).
37.44	Power.	Police.
37.46		Do.

[1] Available also to Forest Products in the States of Oregon and Washington only.

(b) To be eligible for an increase in a farm acreage allotment from released acreage, a request for such increase must be filed in the county office by the applicant on or before the applicable release date indicated herein. The State committee shall have the option of considering a verbal request acceptable, or requiring a written request before the county committee may consider reapportioning released acreage to a farm. In either event, only those farms for which a request is timely filed shall be given consideration when reapportioning released acreage in the State.

Prior to the issuance of the regulations referred to herein, any data, views or recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C., will be given consideration, provided such submissions are postmarked not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 14, 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-1674; Filed, Feb 16, 1962; 8:52 a.m.]

[7 CFR Parts 1001, 1002, 1003, 1004, 1006, 1007, 1010, 1014, 1015, 1016]

[Docket Nos. AO-14-A 31, AO-71-A 41, AO-160-A 23, AO-302-A 5, AO-203-A 13, AO-312-A 2, AO-293-A 4, AO-204-A 13, O-276-A 3, and AO-305-A 5]

MILK IN GREATER BOSTON, MASS.; NEW YORK-NEW JERSEY; PHILADELPHIA, PA.; SOUTHEASTERN NEW ENGLAND; SPRINGFIELD, MASS.; UPPER CHESAPEAKE BAY; WASHINGTON, D.C.; WORCESTER, MASS.; WILMINGTON, DEL., AND CONNECTICUT MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Greater Boston, Massachusetts; New York-New Jersey; Philadelphia, Pennsylvania; Southeastern New England; Springfield, Massachusetts; Upper Chesapeake Bay; Washington, D.C.; Worchester, Massachusetts; Wilmington, Delaware and Connecticut marketing areas, which was issued January 22, 1962 (27 F.R. 799), is hereby extended to March 31, 1962.

Signed at Washington, D.C., on February 14, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-1673; Filed, Feb. 16, 1962; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

PREPARATIONS FOR TREATMENT OF PERNICIOUS ANEMIA

Proposed Statement of General Policy and Interpretation

Notice is given that the Commissioner of Food and Drugs, on his own initiative and pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502(f), 503(b), 701(a), 52 Stat. 1051, 1052 as amended 65 Stat. 648, 52 Stat. 1055; 21 U.S.C. 352(f), 353(b), 371(a)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to issue a statement of general policy and interpretation on preparations for the treatment of pernicious anemia, as follows:

§ 3.40 Preparations for the treatment of pernicious anemia.

(a) The ninth announcement of the Anti-anemia Preparations Advisory Board of the U.S.P. is concerned with the status of the treatment of pernicious anemia. It clearly explains the basis for the following facts:

(1) The Sixteenth Revision of the Pharmacopeia of the United States, which became official on October 1, 1960, does not include preparations intended for the treatment of pernicious anemia by oral administration.

(2) The U.S.P. Unit for anti-anemia preparations no longer has any significance.

(3) The U.S.P. Anti-anemia Preparations Advisory Board was disbanded.

(b) On the basis of the scientific evidence and conclusions summarized in the statement of the U.S.P. Anti-anemia Preparations Advisory Board as well as pertinent information from other sources, the Commissioner of Food and Drugs finds it is the consensus of well-informed medical opinion that:

(1) The parenteral administration of cyanocobalamin or vitamin B_{12} is the generally recognized, wholly reliable treatment of pernicious anemia.

(2) At the present time there can be no assurance that any orally ingested preparation is a wholly reliable treatment of pernicious anemia.

(3) The substitution of any unreliable treatment such as the ingestion of oral preparations of vitamin B_{12} with intrinsic factor concentrate in place of a completely adequate and wholly reliable treatment for a disease condition as serious as pernicious anemia cannot be regarded as safe.

(4) The oral ingestion of intrinsic factor may in some cases delay the development of the classical symptoms of pernicious anemia that would cause a person to seek medical attention. Pernicious anemia is a disease which is associated, among other things, with a higher than normal incidence of cancer of the stomach and which, for the safety of the patient, requires continuous expert medical supervision.

(5) There is the risk that the oral ingestion of products containing vitamin B_{12} with intrinsic factor concentrate or liver extract, by masking the anemia symptoms of the disease state, would permit the development or progression of the nervous system involvement in a patient under this form of treatment. It is well established that whereas the anemia involvement is completely reversible after adequate treatment, the nervous system involvement may not be completely reversible and thus may result in permanent nervous system damage.

(6) Some hematologists prescribe oral preparations of vitamin B_{12} with intrinsic factor concentrate to supplement parenteral administration of cyanocobalamin or vitamin B_{12} in the treatment of pernicious anemia patients.

(7) Intrinsic factor and intrinsic factor concentrate serve no known useful clinical or nutritional purpose except to the extent that they do increase the gastrointestinal absorption of vitamin B_{12} in patients suffering from pernicious anemia.

(8) Medical expertise is required for the diagnosis as well as the management of pernicious anemia.

(c) The Eleventh Edition of The National Formulary and its first interim revision include monographs for oral preparations of vitamin B_{12} with intrinsic factor concentrate; establish a unit of vitamin B_{12} with intrinsic factor concentrate; and provide for a National Formulary Anti-Anemia Preparations Advisory Board to assign the potency of such preparations. This provides for the availability of such oral preparations standardized within the meaning of the broad limits characteristic of the evaluation of such preparations.

(d) In view of the foregoing, the Commissioner of Food and Drugs announces the following Food and Drug Administration policy:

(1) Any drug that contains or purports to contain intrinsic factor or intrinsic factor concentrate will be regarded as misbranded within the meaning of section 503(b) of the Federal Food, Drug, and Cosmetic Act unless it is labeled with the legend "Caution—Federal law prohibits dispensing without prescription."

(2) Any drug intended, represented, or advertised for oral ingestion in the prevention or treatment of pernicious anemia or which contains or purports to contain any substance or mixture of substances described in subparagraph (1) of this paragraph will be regarded as misbranded under sections 502 (f) (2) and (j) of the act unless its label and labeling bear a warning statement to the effect: "Caution—This preparation is not a reliable substitute for parenterally administered cyanocobalamin (vitamin B_{12}) in the management of pernicious anemia. Periodic examinations and laboratory studies of pernicious anemia patients are essential."

(3) Under the food additives amendment to the Federal Food, Drug, and Cosmetic Act, intrinsic factor and intrinsic factor concentrate are regarded as food additives. No food additive regulation nor existing extension of the effective date of the food additives amendment to the act authorizes these additives in foods, including foods for special dietary uses. Any food containing added intrinsic factor or intrinsic factor concentrate will be regarded as adulterated within the meaning of section 402 (a) (2) (C) of the act.

(e) Regulatory action may be initiated with respect to any article shipped within the jurisdiction of the act contrary to the provisions of this policy statement after the sixtieth day following publication of this statement in the FEDERAL REGISTER.

All interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: February 13, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-1650; Filed, Feb. 16, 1962; 8:47 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

6,7,8,9,10,10-Hexachloro-1,5,5a,6,9,9a-Hexahydro-6,9-Methano-2,4,3-Benzodioxathiepin-3-Oxide, Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition has been filed by Niagara Chemical Division, FMC Corporation, Middleport, New York, proposing the establishment of a tolerance of 2 parts per million for residues of 6,7,8,9,10,10-Hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3,-benzodioxathiepin-3-oxide in or on cherries, cucumbers, head lettuce, melons, plums, prunes, pumpkins, summer squash, watercress, and winter squash.

The analytical methods proposed in the petition for determining residues of 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide are the methods published in the FEDERAL REGISTER of March 18, 1960 (25 F.R. 2269), and a modification of the gas chromatographic microcoulometric procedure of Coulson et al, published in the Journal of Agricultural and Food Chemistry, Volume 8, page 399 (1960). A direct combustion total chloride procedure with potentiometric measurement is also used.

Dated: February 13, 1962.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 62-1656; Filed, Feb. 16, 1962; 8:49 a.m.]

[21 CFR Parts 141b, 146b]

STREPTOMYCYLIDENE ISONICOTINYL HYDRAZINE SULFATE

Notice of Proposal To Change Name to Streptonicozid Sulfate

The regulations for tests and methods of assay and certification of streptomycin and streptomycin-containing drugs use the name "streptomyclidene isonicotinyl hydrazine sulfate" as the name for the crystalline sulfate compound of streptomycin and isonicotinic acid hydrazide. It has come to the attention of the Commissioner of Food and Drugs that the name "streptonicozid sulfate" has been generally adopted for this antibiotic drug. The Commissioner of Food and Drugs has concluded that in order to prevent confusion in the medical literature and avoid having the same drug sold under different names, appropriate changes should be made in the regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act to recognize "streptonicozid sulfate" as the common or usual name for the subject drug.

Therefore, the Commissioner of Food and Drugs, under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 507(b), 59 Stat. 463; 21 U.S.C. 357(b)), delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to amend the applicable sections of Parts 141b and 146b to require that "streptonicozid sulfate" be used as the name for this drug.

All interested persons are invited to present their views in writing regarding this proposal to the Hearing Clerk, Department of Health, Education, and Welfare, Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be filed in quintuplicate.

Dated: February 13, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-1655; Filed, Feb. 16, 1962; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 62–1]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ–10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted and terminations of approvals were made, as described in this document, during the period from December 1, 1961, to December 22, 1961. These actions were taken in accordance with procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–14, dated November 26, 1954 (19 F.R. 8026), 167–15, dated January 3, 1955 (20 F.R. 840), 167–20, dated June 18, 1956 (21 F.R. 4894), CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), or 167–38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333 (e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of the items of equipment as listed in Part II such equipment may be used so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFEBOATS

Approval No. 160.035/397/1, 24.0′ x 8.0′ x 3.5′ fibrous glass reinforced plastic, motor-propelled lifeboat without radio cabin (Class B), 37-person capacity, identified by general arrangement Dwg. No. P–24–1B, Alt. C, dated August 12, 1959 (gasoline engine), or general arrangement Dwg. No. P–24–1D, Alt. C, dated December 7, 1961 (diesel engine), manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective December 20, 1961. (It supersedes Appr. No. 160.035/397/0 dated December 17, 1959.)

Approval No. 160.035/421/0, 30.0′ x 10.0′ x 4.33′ aluminum, hand-propelled lifeboat, 78-person capacity, identified by general arrangement Dwg. No. 30–4, rev. B, dated August 9, 1961, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective December 1, 1961.

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/523/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Ero Manufacturing Co., McKinney, Texas; Crystal Lake, Illinois; and Hazelhurst, Georgia; for S. H. Barton and Co., 4910 South Vermont Avenue, Los Angeles 37, Calif., effective December 12, 1961.

Approval No. 160.047/524/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Ero Manufacturing Co., McKinney, Texas; Crystal Lake, Illinois; and Hazelhurst, Georgia; for S. H. Barton and Co., 4910 South Vermont Avenue, Los Angeles 37, Calif., effective December 12, 1961.

Approval No. 160.047/527/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Hawthorn Finishing Co., New Haven, Missouri, for H. Wenzel Tent and Duck Co., 2200 South Hanley Road, St. Louis 17, Missouri, effective December 15, 1961.

Approval No. 160.047/528/0, Type I, Model CKS–1 child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Hawthorn Finishing Co., New Haven, Missouri, for H. Wenzel Tent and Duck Co., 2200 South Hanley Road, St. Louis 17, Missouri, effective December 15, 1961.

Approval No. 160.047/529/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Hawthorn Finishing Co., New Haven, Missouri, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Illinois, effective December 12, 1961.

Approval No. 160.047/530/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Hawthorn Finishing Co., New Haven, Missouri, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Illinois, effective December 15, 1961.

Approval No. 160.047/531/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Hawthorn Finishing Co., New Haven, Missouri, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective December 15, 1961.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/212/0, Group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Ero Manufacturing Co., McKinney, Texas; Crystal Lake, Illinois; and Hazelhurst, Georgia, for S. H. Barton and Co., 4910 South Vermont Avenue, Los Angeles 37, Calif., effective December 12, 1961.

Approval No. 160.048/213/0, Special approval for 15″ x 15″ x 2″ rectangular kapok buoyant cushions, 20-oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by Hawthorn Finishing Co., New Haven, Missouri, for H. Wenzel Tent and Duck Co., 2200 South Hanley Road, St. Louis 17, Missouri, effective December 15, 1961.

Approval No. 160.048/214/0, Special approval for 14″ x 17″ x 2″ rectangular, ribbed-type kapok buoyant cushion, 21-oz. kapok, Dwg. HFC–BC–1, dated November 27, 1961, manufactured by Hawthorn Finishing Co., New Haven, Missouri, for H. Wenzel Tent and Duck Co., 2200 South Hanley Road, St. Louis 17, Missouri, effective December 15, 1961.

Approval No. 160.048/215/0, Special approval for 15″ x 15″ x 2″ rectangular kapok buoyant cushions, 20-oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by Hawthorn Finishing Co., New Haven, Missouri, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Illinois, effective December 15, 1961.

Approval No. 160.048/216/0, Special approval for 14″ x 17″ x 2″ rectangular, ribbed-type kapok buoyant cushion, 21-oz. kapok, Dwg. No. HFC–BC–1, dated November 27, 1961, manufactured by Hawthorn Finishing Co., New Haven, Missouri, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Illinois, effective December 15, 1961.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/34/1, Group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049–4(c)(1), manufactured by Texstar Plastics, 110 Manufacturing Street, Dallas 7, Texas, and 115 East Brackenridge, Fort Wayne, Indiana, effective December 12, 1961. (It supersedes Approval No. 160.049/34/1 dated October 24, 1960, to show change of name and address of manufacturer.)

Approval No. 160.049/43/0, Group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049–4(c)(1), manufactured by Ero Manufacturing Co., Crystal Lake, Illinois, effective December 21, 1961.

FIRE PROTECTIVE SYSTEMS

Approval No. 161.002/4/0, Audible and visual, supervised smoke detecting system, Model ESDS–1 (General Schematic Wiring Diagram Dwg. No. 93615), consisting of five major components, viz: (1) Control Unit—Smoke Detector Cabinet, Dwg. No. 93325; (2) Engineroom Alarm, Dwg. No. 93865; (3) Wheelhouse Annunciator Panel, Dwg. No. 94280; (4) Twin Suction Blower, Dwg. No. 94180; and (5) 3″ Air Direction Valve, Dwg. No. 93325; manufactured by Fyr-Fyter Co., Newark Branch Office, P.O. Box 750, Newark 1, New Jersey, effective December 5, 1961.

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/3/3, Sound powered telephone station assembly, selective ringing, common talking, 8 and 17 stations maximum, waterproof, Dwg. No. 70–526, Alt. 5, dated May 22, 1959, manufactured by Henschel Corp., Amesbury, Massachusetts, effective December 12, 1961. (It supersedes Appr. No. 161.005/3/2 dated December 31, 1958.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/194/1, Style HNP–MS–35–6 drum pilot safety valve, carbon steel body, maximum pressure of 900 p.s.i., maximum temperature 650° F., Dwg. No. D–40015–2, approved for sizes 1½″ and 2″, manufactured by Crosby Valve and Gage Co., Wrentham, Massachusetts, effective December 22, 1961. (It supersedes Appr. No. 162.001/194/0 dated December 31, 1958, to include 2″ size.)

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Approval No. 162.015/19/2, Model No. B175–16 backfire flame arrester for carburetors, Dwg. No. B175–16, revision A, dated May 21, 1954, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Michigan, effective December 4, 1961. (It is an extension of Appr. No. 162.015/19/2 dated December 4, 1956.)

Approval No. 162.015/50/0, Model No. 2–3–87 backfire flame arrester for carburetors, Dwg. No. F–1124, Flame Arrester, Marine, dated September 13, 1961, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective December 21, 1961.

Approval No. 162.015/51/0, Model No. 4–4–87 backfire flame arrester for carburetors, Dwg. No. F–1124, Flame Arrester, Marine, dated September 13, 1961, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective December 21, 1961.

Approval No. 162.015/52/0, Model No. 4–4–125 backfire flame arrester for carburetors, Dwg. No. F–1124, Flame Arrester, Marine, dated September 13, 1961, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective December 21, 1961.

Approval No. 162.015/53/0, Model No. 4–5–125 backfire flame arrester for carburetors, Dwg. No. F–1124, Flame Arrester, Marine, dated September 13, 1961, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective December 21, 1961.

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Approval No. 162.020/143/0, Model No. MCG 11–2 counter type deep fat fryer for liquefied petroleum gas service, approved by the American Gas Association, Inc. under Certificate No. 13–(17–2.0 and –4.0).001, manufactured by Anetsberger Brothers, Inc., Northbrook, Illinois, effective December 21, 1961.

FIRE EXTINGUISHING SYSTEMS, FOAM TYPE

Approval No. 162.033/1/0, National Aer-O-Foam Marine Foam Fire Extinguishing Systems with 6 percent Foam Liquids, Instruction Sheet No. 620A revised September 11, 1961, manufactured by National Foam System, Inc., Union and Adams Streets, West Chester, Pennsylvania, effective December 12, 1961. (It supersedes unnumbered approval (File JJ/162.021/National Foam) dated August 16, 1960.)

PART II—TERMINATIONS OF APPROVAL OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.048/111/0, Group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Ben-Sun Products Corp., 527 North Eighth Street, Philadelphia 23, Pa., for Flote-Rite Corp., Eighth and Spring Garden Streets, Philadelphia 23, Pa., effective December 21, 1961. (Approved FEDERAL REGISTER March 25, 1958. Terminated December 21, 1961. Item no longer manufactured.)

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Termination of Approval No. 162.015/38/0, Model No. 9300508 backfire flame arrester for carburetors, Dwg. No. 9300508, flame arrester assembly, dated November 11, 1958, and Dwg. No. SK–9300811–1, flame arrester assembly dated January 28, 1959, manufactured by Purolator Products, Inc., 3927 Fourth Street, Wayne, Michigan, effective December 21, 1961. (Approved FEDERAL REGISTER June 21, 1960. Terminated December [illegible], 1961. Item contained in larger component.)

Dated: February 12, 1962.

[SEAL] A. C. RICHMOND,
Admiral,
U.S. Coast Guard Commandant.

[F.R. Doc. 62–1589; Filed, Feb. 16, 1962; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

BUREAU OF COMMERCIAL FISHERIES

Testimony of Government Employees

FEBRUARY 13, 1962.

The regulations issued herein are based on the authority of the Director, Bureau of Commercial Fisheries, to issue such regulations. The requirements herein set forth apply as a portion of the directives system of the Bureau of Commercial Fisheries. Such material follows the format of the Bureau's manual and is to be included therein. Material that relates solely to internal management has not been included.

SERIES 2000—ADMINISTRATION

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TITLE 2300—PERSONNEL

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Chapter 2310—Policy and Delegations of Authority

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2311.1 *Policy.* It is the policy of the Director, Bureau of Commercial Fisheries, to delegate to Regional and Area Directors, and such others as are specified in this delegation, all authority necessary for carrying out the responsibilities of their offices. Such delegation of authority is subject to review by persons authorized to make such review.

2311.2 *Testimony of employees.* 43 CFR 2.20 requires written approval from the head of the Bureau, or his designee, before any employee of the Department of the Interior may testify concerning matters relating to the business of the government. The section contains requirements for the submission of affidavit requests by parties desiring the testimony. Some attorneys outside the Federal service may not be familiar with this requirement. Requests for testimony generally come on extremely short notice and it is felt that fewer delays will be entailed by delegating the authority included in 43 CFR 2.20 to those offices having the greatest need for such authority.

Consultation with the nearest Regional or Field Solicitor's office is suggested prior to the granting of permission. When the Regional or Area Director is of the opinion that a request should be denied, the request must be forwarded to the Director with an appropriate recommendation.

2311.3 *Delegation.* The Chief, Division of Administration and Regional and Area Directors are severally authorized, unless specifically excepted to the extent stated in each case or in section 2411.4, Limitations, to exercise the authority of the Director with respect to administrative matters concerning the granting of written approval for employees to testify as set forth in section 2311.2 herein.

2311.4 *Limitations.* (a) Where requests may be made for the Chief, Division of Administration or Regional or Area Directors to testify, written authority must be obtained in each such instance from the Director, Bureau of Commercial Fisheries.

(b) The foregoing authorization shall be exercised in strict conformity with applicable laws, regulations, policies and administrative procedures.

CHARLES BUTLER,
Acting Director.

[F.R. Doc. 62-1633; Filed, Feb. 16, 1962; 8:46 a.m.]

Office of the Secretary

PUBLIC LANDS; MONTANA, NORTH DAKOTA, AND SOUTH DAKOTA

Modification of Moratorium on Applications and Petitions

1. Pursuant to the authority granted to the Secretary of the Interior by sections 453 and 2478 of the Revised Statutes (43 U.S.C. 2 and 1201), as amended and otherwise, the moratorium on applications and petitions directed by the Secretary of the Interior on February 14, 1961, and published on page 1382 of the FEDERAL REGISTER for February 16, 1961, is hereby modified to exclude from its provisions public lands in the States of Montana, North Dakota, and South Dakota.

2. Beginning at 10:00 a.m., on March 1, 1962, the Manager of the land office at the Crum-McKinnon Bldg., 1245 North 29th Street, Billings, Montana, who has jurisdiction over public lands in the States of Montana, North Dakota, and South Dakota, will resume, pursuant and subject to the regulations in Title 43 of the Code of Federal Regulations, the receipt of petitions for classification and applications for rights and privileges, acceptance of which was temporarily suspended by the moratorium referred to in section 1 of this Order.

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 13, 1962.

[F.R. Doc. 62-1642; Filed, Feb. 16, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

KANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the State of Kansas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

KANSAS

Chautauqua.	Labette.
Cherokee.	Leavenworth.
Coffey.	Montgomery.
Cowley.	Neosho.
Crawford.	Wilson.
Elk.	Woodson.
Greenwood.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 13th day of February 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-1645; Filed, Feb. 16, 1962; 8:47 a.m.]

NORTH DAKOTA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Richland County, North Dakota, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 13th day of February 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-1646; Filed, Feb. 16, 1962; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Great Lakes Pilotage Administration

PILOTAGE POOL

Notice of Application for Establishment

Notice is hereby given that application has been filed under § 401.310 of the Great Lakes Pilotage Regulations (46 CFR Part 401) by the St. Lawrence Seaway Pilots' Association, 182 Main Street, Massena, New York, a voluntary association of United States registered pilots, for authorization to establish a pilotage pool at Cape Vincent, New York.

The Association proposes to provide such arrangements and facilities as may be necessary or desirable for the efficient dispatching of vessels and rendering of pilotage services. Cape Vincent is located in District 1 of the United States waters of the Great Lakes designated by the President in a Proclamation dated December 22, 1960 as being those in which registered vessels of the United States and foreign vessels will be required to have in their service a United States or a Canadian registered pilot.

The application is on file with the Administrator of the Great Lakes Pilotage Administration for public inspection. Protests to the granting of the application, together with requests for hearing if desired, may be submitted in writing to the Administrator, Great Lakes Pilotage Administration, Department of Commerce, Washington 25, D.C. within 20 days after publication of this notice in the FEDERAL REGISTER.

Dated: February 9, 1962.

A. T. MESCHTER,
Administrator,
Great Lakes Pilotage Administration.

[F.R. Doc. 62-1707; Filed, Feb. 16, 1962; 9:12 a.m.]

Maritime Administration

FARRELL LINES INC.

Notice of Application

Notice is hereby given that Farrell Lines Incorporated has filed an application for continuation of a waiver under the provisions of section 804 of the Merchant Marine Act, 1936, as amended, to permit Farrell Lines Incorporated to operate its two feeder services on the West Coast of Africa, one at Monrovia, Liberia, and one at Lagos, Nigeria, with owned feeder vessels registered under the Liberian flag. The operations do not include the booking of cargo or passengers for foreign flag vessels.

Any person, firm or corporation having an interest in such Application who desires to offer views and comments thereon for consideration by the Maritime Administrator should submit same in writing, in triplicate, to the Secretary, Maritime Administration, Washington 25, D.C., by the close of business February 28, 1962. The Maritime Administrator will consider these views and take such action with respect thereto as may be deemed appropriate.

Dated: February 14, 1962.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-1662; Filed, Feb. 16, 1962; 8:50 a.m.]

Office of the Secretary

ROBERT F. EHINGER

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

REPORT OF APPOINTMENT

1. Name of appointee: Robert F. Ehinger.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: February 7, 1962.

4. Title of position: Assistant Director for Mobilization Planning, Communications Industries.

5. Name of private employer: Western Electric Company, Inc., 195 Broadway, New York 7, N.Y.

CARLTON HAYWARD,
Director of Personnel.

JANUARY 30, 1962.

STATEMENT OF FINANCIAL INTERESTS

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

American Telephone & Telegraph Co.
Bank deposits.
Western Electric Co.

ROBERT F. EHINGER.

FEBRUARY 9, 1962.

[F.R. Doc. 62-1654; Filed, Feb. 16, 1962; 8:48 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order No. 11-61]

CERTIFICATION OF DOCUMENTS

Delegation of Authority

1. *Purpose.* The purpose of this order is to delegate authority relating to the release and authentication of originals and copies of correspondence, reports, publications, and other documents from the files of the Department of Labor.

2. *Authority.* Act of March 4, 1913 (37 Stat. 736, 5 U.S.C. 611), R.S. 161 (5 U.S.C. 22), and Reorganization Plan No. 6 of 1950 (15 F.R. 3174, 64 Stat. 1263, 5 U.S.C. 611, Note).

3. *Directives affected.* General Order No. 72 (Revised), published in the FEDERAL REGISTER on April 17, 1954 (19 F.R. 2234) is hereby superseded and canceled.

4. *Delegation of authority*—(a) *The Solicitor of Labor.* The Solicitor of Labor is authorized to perform the functions of the Secretary under § 2.9, Title 29, Code of Federal Regulations, relating to requests for withdrawal of originals and copies of documents.

(b) *The Administrative Assistant Secretary.* The Administrative Assistant Secretary and officers acting in that capacity are designated Authentication Officers of the Department of Labor. They are authorized to sign and issue certifications of authentication under the seal of the Department of Labor pursuant to § 2.10, Title 29, Code of Federal Regulations.

(c) Delegations of authority to officers other than those designated in section 4 b. of this order may be made by the Administrative Assistant Secretary in order to accomplish more effectively the purpose of this order.

5. *Action requirements.* The Administrative Assistant Secretary shall develop and issue any procedural instructions that may be required for implementing this order.

6. *Effective date.* This order is effective immediately and will remain in effect for four years unless canceled or superseded earlier.

Signed at Washington, D.C., this 22d day of November 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-1643; Filed, Feb. 16, 1962; 8:47 a.m.]

[Secretary's Order No. 12-61]

AUTHENTICATION OF MATERIALS FROM FILES

Delegation of Authority

1. *Purpose.* This order delegates authority to sign and issue certifications of authentication under the seal of the Department of Labor and prescribes procedures to be followed in exercising the authority.

2. *Directives affected.* This order implements Secretary's Order No. 11-61 of November 22, 1961 which designated the Administrative Assistant Secretary and officials acting in that capacity as Authentication Officers of the Department of Labor. The order authorizes the Administrative Assistant Secretary to make delegations of authority to officers other than those named in the order, and to develop and issue any procedural instructions that may be required for implementing the order.

3. *Delegation of authority.* The following officers are designated Authentication Officers of the Department of Labor. They are authorized to sign and issue certifications of authentication under the seal of the Department of Labor pursuant to § 2.10, Title 29, Code of Federal Regulations. In the event an Authentication Officer is the custodian of a document which is to be authenticated, the certification of authentication shall not be made by such officer but the certification may be made by any other Authentication Officer designated by or pursuant to Secretary's Order No. 11-61.

(a) Chief, Division of Administrative Management, Office of the Administrative Assistant Secretary.

(b) Deputy Director, Office of International Personnel and Management, Bureau of International Labor Affairs.

(c) Administrative Officer, Office of the Solicitor.

(d) Chief, Division of Management Services, Bureau of Apprenticeship and Training.

(e) Administrative Officer, Office of Administrative Management, Bureau of Employees' Compensation.

(f) Chief, Division of Management Appraisal and Business Administration, Bureau of Employment Security.

(g) Administrative Officer, Office of the Assistant Commissioner for Management, Bureau of Labor-Management Reports.

(h) Chief, Branch of Management Services, Bureau of Labor Standards.

(i) Deputy Commissioner for Management, Office of Management, Bureau of Labor Statistics.

(j) Deputy Director, Bureau of Veterans' Reemployment Rights.

(k) Chief, Office of Administrative Management, Wage and Hour and Public Contracts Divisions.

(l) Deputy Director, Women's Bureau.

4. *Records Authentication Certificate.* General Form No. 126, Records Authentication Certificate, is prescribed for use in implementing this order.

5. *Action requirements.* (a) Requisitions for dies of the Department of Labor seal may be submitted to the Chief, Division of Administrative Management, Office of the Administrative Assistant Secretary.

(b) Requests for delegation of authority to officers other than those named in this order will be considered by the Administrative Assistant Secretary.

(c) Copies of General Form No. 126 should be requisitioned from the Division of Administrative Management, Office of the Administrative Assistant Secretary.

6. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this 28th day of November 1961.

JAMES E. DODSON,
Administrative Assistant Secretary.

[F.R. Doc. 62-1644; Filed, Feb. 16, 1962; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-192]

UNIVERSITY OF TEXAS

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER, the Atomic Energy Commision has issued Construction Permit No. CPRR-70 authorizing The University of Texas to construct a TRIGA Mark I nuclear reactor on the University's campus in Austin, Texas.

The permit as issued was set forth in the Notice of Proposed Issuance of Construction Permit published in the FEDERAL REGISTER January 24, 1962, 27 FR 701.

Dated at Germantown, Md., this 12th day of February 1962.

For The Atomic Energy Commission.

EDSON G. CASE,
Acting Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-1626; Filed, Feb. 16, 1962; 8:45 a.m.]

[Docket No. 50-1]

ARMOUR RESEARCH FOUNDATION OF ILLINOIS INSTITUTE OF TECHNOLOGY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 3 to Facility License No. R-3. This amendment authorizes the Armour Research Foundation of Illinois Institute of Technology, Chicago, Illinois, to utilize a concentration reduction factor of 10 for radioactive argon and fission product noble gases released as stack effluent in connection with the operation of the Armour Research Reactor.

The Commission has found that operation of the facility in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary since operation of the facility in accordance with the license, as amended, would not present any substantial change in the hazards to the public from those already considered acceptable in connection with the previously approved operation of this facility.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty (30) days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details, see (1) the application for license amendment dated December 14, 1960, and letters dated June 2, 1961, and December 11, 1961, from the Armour Research Foundation, and (2) a hazards analysis prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 12th day of February 1962.

For the Atomic Energy Commission.

EDSON G. CASE,
Assistant Director for Facilities Licensing, Division of Licensing and Regulation.

[F.R. Doc. 62-1625; Filed, Feb. 16, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13394 etc.; Order E-18044]

FRONTIER AIRLINES, INC., ET AL.

Order Instituting Investigations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of February 1962.

In the matter of the Frontier Airlines, Inc., Docket 13394, "Use It or Lose It" Investigation as to certain points on Route 73; In the matter of the application of Frontier Airlines, Inc., and North Central Airlines, Inc., Docket 12849, for approval of an agreement for the transfer of certain route authority; In the matter of the investigation of Frontier Airlines, Inc., and North Central Airlines, Inc., Docket 13395, agreement for transfer of certain route authority; In the matter of the application of Western Air Lines, Inc., Docket 13398, for the deletion of Lewistown, Montana, from its certificate for Route 28.

In the Seven States Area Investigation (Order E-13254, December 8, 1960), the Board made extensive route awards and subjected them to the "Use It Or Lose It" policy, which was simultaneously adopted. This policy contemplated an early reassessment of the traffic response to the newly authorized services in order to determine whether sufficient use was being made of them to warrant their continuation. The Board specifically set a minimum standard of use which required that each city, whether certificated on a temporary or an indefinite basis, originate an average of five passengers daily for the twelve months following the initial six months of service, and indicated that it would, in the absence of unusual or compelling circumstances, institute a formal investigation to determine whether a city should lose its air service for lack of use in the event it does not meet the standard. Further, the Board stated that it would similarly reassess the traffic results on each route segment for the same twelve months period. The minimum standard in this regard required an average passenger load of seven passengers per flight during the trial period, and provided that an inadequate traffic response on any segment would result in the institution of appropriate proceedings to determine whether the subject segment should be suspended or deleted. In addition, with respect to those segments experiencing average passenger loads ranging between five and seven passengers per flight, it was provided that formal proceedings looking toward the termination of service would be instituted, except in those situations in which unusual circumstances such as extreme isolation or national defense needs may dictate the contrary.

Subsequent to the Seven States Case, and in order to properly and adequately implement the "Use It or Lose It" policy, the Board adopted a regulation which required local service carriers to report to the Board on a monthly basis the passenger loads on all flights on each

route segment of their respective systems.[1]

In Orders E-14170, July 2, 1959; E-14385, July 29, 1959; E-14460, September 15, 1959, and E-14714, December 4, 1959, the Board decided the Montana Area Local Service Case, and the certificates of the carriers who received awards therein became effective September 15, 1960 (except for Sidney, Montana on segment 15 which became effective February 4, 1960), subject to the "Use It or Lose It" policy enunciated in the Seven States Case. Pertinent traffic data for the full trial period is now available. Consequently, we are in a position to proceed pursuant to our announced policy.

We have carefully examined the traffic data filed by Frontier Airlines, Inc. (Frontier), with respect to that portion of its post-Montana Case system not involved in current proceedings. These materials are reflected in part in the Appendices,[2] and we find that an investigation should be instituted with respect to the points and segments set forth below to determine whether they should be deleted from Frontier's certificate in the light of the use made of the various services and, as will appear below, whether or not some of them should be served by another carrier as a result of an acceptable route transfer.

As indicated above, and as shown in the appendices,[2] the following cities and segments served on Frontier's route 73 have not met the standards as to traffic set by the "Use It or Lose It" policy.[3] Points averaging less than 5 originated passengers per day:

Glasgow, Mont.
Glendive, Mont.
Great Falls, Mont.
Havre, Mont.
Idaho Falls, Idaho.
Lewistown, Mont.
Miles City, Mont.
Rawlins, Wyo.
Sidney, Mont.
Williston, N. Dak.
Wolf Point, Mont.

Segments, or portions thereof, experiencing average passenger loads below 7 passengers per flight: Segments 9, 15, 16, and segment 7 between Riverton-Lander and Idaho Falls.

In Order E-16710, dated April 24, 1961, we stated that "traffic considerations relevant to Rock Springs, Wyoming, and Vernal, Utah, will be deferred until such time as the awards made in the Montana Area Local Service Case, Docket 6293, come before us for review, since Rock Springs and Vernal are on segment 7 and segment 7 traffic considerations have been deferred until we review the awards in the Montana Case." Also in that case, Frontier (Seven States) "Use It or Lose It" Investigation, Docket 12078, the parties were directed to show cause why segments 5 and 7 in Frontier's certificate should not be combined, since they are presently duplicative in part. Because of this overlapping of segments, the issue of deletion of Laramie and Cheyenne on those segments was not included in that case. Upon further examination we find that there is much duplication of segment 6 with the present segments 5 and 7 as well as with the proposed realignment. And in addition, Vernal-Salt Lake City are on segments 1, 6 and 7. Because of the service pattern offered, it is difficult to segregate the traffic between these segments. Because of the procedural stage of the Frontier (Seven States) "Use It or Lose It" Investigation, we cannot now consider a consolidation of segment 6 with segments 5 and 7, and since segment 1 is involved in the Southern Rocky Mountain Area Local Service Case, Docket 5395, we will defer consideration of the issue of deletion of Rock Springs and Vernal until a later appropriate proceeding.[3]

By Orders E-16749, May 1, 1961, and E-17063, June 29, 1961, we permitted Frontier to (1) temporarily suspend service between Jackson, Wyoming, and Idaho Falls, Idaho, on segment 7; and (2) overfly any or all intermediate points on segment 7 flights between Salt Lake City, Utah, and Jackson, Wyoming, for the period June 1 to September 30 each year, these authorizations to expire 90 days after final decision in a Montana Case "Use It or Lose It" Investigation. In the latter order we stated that "the whole matter of winter service to Jackson will be explored in the aforementioned 'use it or lose it' investigation and the Board will then be in a position to rule on Frontier's request upon a full record." We will therefore, include as an issue in this case, the question of whether Frontier should be permitted to suspend service between Riverton-Lander, Wyoming, and Jackson, Wyoming, on a seasonal basis for the period October 1 through May 31 of each year.[3]

Many of the same stations and segments listed above have also come before us for adjudication in connection with a proposal that we approve their transfer from Frontier's system to that of North Central Airlines, Inc. (North Central).

On July 26, 1961, a joint application was filed by Frontier and North Central for approval of an agreement of sale, dated July 21, 1961, for transfer by Frontier of segments 9, 15, 16, and that portion of segment 10 north of Rapid City, South Dakota, of its route 73, to North Central. Also to be transferred to North Central is the station equipment at each of the stations involved. The consideration for the transfer is the sum of $15,004.49, which is alleged to be the book value of the station equipment as of June 30, 1961. The application accompanying this agreement has been given docket number 12849.

The representatives of the cities of Miles City, Great Falls, Glasgow, Havre, Sidney, Minot, Billings, Wolf Point, Dickinson, Williston, and Lewistown and Bismarck, the South Dakota Aeronautics Commission, and the Montana Aeronautics Commission filed communications with the Board in support of the application.

The applicants allege that the transfer is in the public interest since: (1) It will result in savings in subsidy to the Government of more than $400,000, calculated either in terms of breakeven need or the class rate formula; (2) operation of the route by North Central will convenience more traffic since most of the traffic at the points in question, according to the Board's survey, moves in an east-west direction, rather than in the north-south pattern provided by Frontier's system. North Central can provide one carrier service between all of the points in question to Fargo and Minneapolis; (3) the transfer will eliminate duplicate operations by the two carriers at and between Minot and Bismarck, and thus reduce costs and subsidy requirements; (4) the transfer will give the cities to be transferred which are failing to meet the test a further opportunity to develop traffic in sufficient quantities to meet "use it or lose it" standards. The applicants request that the application be disposed of without oral hearing and as promptly as possible.

Northwest Airlines, Inc. (Northwest), filed an answer opposing, particularly, disposition of the application without a hearing. Northwest urges that most of the cities have had a full trial period since certificated under the "Use It Or Lose It" policy, have not met the standards required, and the question should be explored as to whether these cities should be served by any carrier. It also alleges that the Board found that the public convenience and necessity required that the cities should be served on the Frontier system, most of whose operations are in a north-south direction, and that there has never been a finding that the public convenience and necessity required the east-west pattern of service proposed by North Central; and that such questions should not be decided without a hearing. Northwest also urges that the applicants' forecasts of subsidy savings are based on inflated estimates and unsound traffic forecasts; that even accepting the inflated traffic forecasts, it is doubtful that the cities would meet the "Use It Or Lose It" standards with North Central's service; and that the ex parte representations of the applicants are in insufficient basis for deciding questions as to the effect of the transfer on the subsidy problem. Northwest refers to the fact that the Board held formal hearings in the Resort Certificate Transfer Case, Docket 11610 et al.; and the Eastern-Mohawk Transfer

[1] Part 241, Amendment 13, effective November 1, 1959, and Amendment 1 to Part 241, effective August 1, 1961. Passenger origination data were previously required to be filed as part of the carrier Form 41 reports.

[2] Filed as part of the original document.

[3] Order E-17613, dated October 19, 1961, redesignated Frontier's segments 15 and 16 as 14 and 15. They are referred to herein by the former designation as used in the agreement of July 21, 1961, the subject of Docket 12849.

[3] There may also be a similar consideration of Riverton-Lander, Lovell-Powell-Cody, and Worland.

[3] By Order E-17494, September 22, 1961, and E-17758, November 22, 1961, we granted Frontier permissive authority to suspend Jackson-Riverton/Lander service and instead to serve Jackson on nonstop flights between Billings and Salt Lake City, such authority to expire 90 days after decision in the instant investigation.

Case, Docket 12130, as precedents indicating that the even more complex issues present in this case require that a full hearing be held.

West Coast filed an informal communication expressing its continued interest in the segment between Great Falls and Billings (segment 16) for which West Coast applied in the Montana Local Service Case, Docket 6293, et al. It still maintains that Frontier's segment and West Coast's segment 8 should be operated as a unit. It contends that it would be unfair to have a "Use It Or Lose It" investigation in connection with the award to West Coast of its segment 8, also awarded in the Montana Local Service Case, while deciding the instant application without hearing and without a "Use It Or Lose It" investigation, as such a procedure would give but a piecemeal and incomplete answer to the problem.

Western Air Lines, Inc. (Western), on August 30, 1961, filed an application, Docket 12995, requesting the deletion of Lewistown, Montana, from its certificate for Route 28. On the same date, it filed a motion requesting consolidation of its application with the instant proceeding. It recites the fact that its service at Lewistown is temporarily suspended while this point is served by Frontier, and that if Frontier's service were discontinued it would technically be required to resume service. It urges that consolidation would not unduly delay completion of the proceeding since its evidence would be extremely limited.

On August 31, 1961, Frontier and North Central filed a motion for leave to file a reply to Northwest's answer, and with said motion filed the proposed reply. Our rules of practice make no provision for replies to answers in matters of this kind, and the Board is reluctant to encourage the encumbering of its dockets with more documents than are essential. Permission to file an unauthorized document may lead to further requests for leave to file in rebuttal of new material in each succeeding document permitted to be filed. A principal basis for the request is that if no hearing is to be held no opportunity would be afforded to correct errors in the answering material or to supply newly discovered and relevant material. Since the Board proposes that a hearing be held in this matter, opportunity will be presented to supply for the record any deficiencies, or to correct any errors noted, in accordance with our normal practice. On the basis of all of these considerations, we will deny the applicants' motion and direct that the proposed reply be rejected for filing.

As indicated, it is our opinion that after careful consideration of the pleadings and all the surrounding circumstances, that the many complex and controversial issues present require that a hearing be held on the application herein and we will deny the request of the joint applicants that the transfer be approved without such hearing. Furthermore, as we have also indicated, it is our determination that a "Use It Or Lose It" hearing will be held with respect to those points and segments, some of which are proposed to be transferred from Frontier to North Central, which appear not to have met the minimum standards set forth in the announced "Use It Or Lose It" policy after having enjoyed a full trial period. Accordingly, we will deny Northwest's request that a "Use It Or Lose It" hearing be held before a hearing on the proposed transfer agreement. Consolidation of both matters into one hearing will not unduly delay the proceeding or expand the issues. On the other hand, to treat these intimately related issues separately would most probably result in an unnecessary expenditure of effort and money for all concerned.

Accordingly, we will institute an investigation, pursuant to sections 1002(b), 401(g), 401(h), and 412 of the Federal Aviation Act of 1958, as amended, (the Act) to determine whether the transfer of segments 9, 15, 16 and that part of segment 10 north of Rapid City of Frontier's route 73 to North Central, or any portions of those segments or any of the points served on any of the segments described in the agreement of July 21, 1961, is in the public interest and should be approved.

In addition to the issues outlined above, since Minot, North Dakota, which has originated over 5 passengers per day may lose north-south air service through the deletion of segment 9, we will also consider in this proceeding the possibility of certificating Minot as the terminal on segment 10. We note from the information in the attached appendices that Minot on segment 9 has generated nearly as much traffic as has Bismarck-Mandan, the terminal for segments 9 and 10.

In view of the foregoing, we will consolidate for hearing, the investigation of the agreement between Frontier and North Central for the transfer of certain segments and points with the investigation to determine whether those and other points should be deleted from Frontier's certificate.[1] Any deletions which may result may, in turn, necessitate consideration of minor realignment in Frontier's route structure, irrespective of the proposed transfer, or a change in the limitations on its certificate authorizations.

We will not consider new or previously filed route applications of any carrier nor possible certificate modifications, except Western's application to delete Lewistown, Docket 12295, which is closely connected with the question of continuing Frontier service to that city, and except as otherwise contemplated above. We intend that the investigation be conducted so that it may proceed promptly and be disposed of in the shortest possible time upon an adequate record. To this end, we direct that all procedural steps henceforth be accorded expedited treatment.

Accordingly, it is ordered:

1. That an investigation be and it hereby is instituted pursuant to section 401(g) of the Act, and assigned Docket 13394, to determine (a) whether the public convenience and necessity require continuation, and if so, for what period, or suspension or elimination of the authority of Frontier to serve: Glasgow, Glendive, Great Falls, Havre, Lewistown, Miles City, Sidney, and Wolf Point, Montana, Williston, North Dakota, Idaho Falls, Idaho, and Rawlins, Wyo., and the segments presently designated as 9, 15 and 16, and that part of segment 7 between Riverton-Lander and Idaho Falls in Frontier's certificate; (b) in the event the termination of any point results in nonstop service between points which some other carrier is already authorized to serve on a nonstop basis, whether the public convenience and necessity require the suspension or elimination of the entire segment or portion thereof; or change in the limitations contained in Frontier's certificate; and (c) whether the public convenience and necessity require the suspension of service between Riverton-Lander and Jackson, Wyoming during the winter season;

2. That the joint application of Frontier and North Central in Docket 12995, insofar as it requests approval of the transfer of segments 9, 15 and 16 and that part of segment 10 north of Rapid City of Frontier's route 73, to North Central, without hearing, be and it hereby is denied;

3. That an investigation be and it hereby is instituted pursuant to sections 401(g), 401(h), 412, and 1002(b) of the Act, and assigned Docket 13395, to determine whether the transfer of segments 9, 15, and 16 and that part of segment 10 north of Rapid City, of Frontier's route 73 to North Central, or any portions of those segments or any of the points served on any of the segments described in the agreement of July 21, 1961, is in the public interest and should be approved;

4. That the issue of the certification of Minot, North Dakota, as the terminal of segment 10 be and it hereby is included in this proceeding;

5. That the investigation instituted in Docket 13395, the application in Docket 12849 for approval of the route transfer agreement between North Central and Frontier Airlines, dated July 21, 1961, and Docket 13394, the "use it or lose it" investigation, with respect to those of Frontier segments and points referred to herein be, and they hereby are, consolidated for hearing and decision;

6. That the motion of Western for the consolidation of its application in Docket 12995 for hearing in this proceeding is and it hereby is granted;

7. The motion of Frontier and North Central for leave to file a reply to Northwest's answer be, and it hereby is denied;

8. That a copy of this order shall be served on North Central Airlines, Inc., Frontier Airlines, Inc., Western Air Lines, Inc., the cities of Billings, Glasgow, Glendive, Great Falls, Havre, Lewistown, Miles City, Sidney, and Wolf Point, Montana; Bismarck, Mandan, Minot, and Williston, North Dakota, Idaho Falls, Idaho, and Jackson, Lander, Riverton and Rawlins, Wyoming, who are hereby made parties to this proceeding;

9. That a copy of this order shall be served on Northwest Airlines, Inc., and West Coast Airlines, Inc., and Lemmon, South Dakota, and Dickinson, North Dakota;

10. That, except to the extent granted herein, all motions, petitions, objections and requests filed in this proceeding be and each is hereby denied;

11. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-1664; Filed, Feb. 16, 1962; 8:51 a.m.]

[1] This limitation applies only to the issue of seasonal service at Jackson.

[Docket No. 11879; Order E-18020]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of February 1962.

In the matter of an agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates, Docket 11879, Agreement C.A.B. 14827, R-73.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590-Commodity Rates Board.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA Memorandum TC1/Rates 1328, names an additional specific commodity rate under item 6100, as follows: 65 cents per kilogram, minimum weight 500 kilograms, from Bogota to New York City.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

Accordingly, it is ordered:

1. That Agreement C.A.B. 14827, R-73, which incorporates IATA Memorandum TC1/Rates 1328, is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

2. That any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service, submit statements in writing, containing reasons deemed appropriate together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-1665; Filed, Feb. 16, 1962; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14348; FCC 62M-221]

ANTENNAVISION SERVICE CO., INC.

Memorandum Opinion and Order Continuing Hearing

In re applications of Antennavision Service Company, Inc., Docket No. 14348, File Nos. 4083, 4084, 4085, 4086, C1-P-61; for construction permits to establish stations in the Point-to-Point Microwave Radio Service located respectively at Toro Peak, El Centro, 14 miles ESE of Holtville, and 8 miles SE of Ogilby, California.

Preliminary statement. 1. The Hearing Examiner has before him a Petition for Leave to Amend and two Supplements thereto, filed by Antennavision Service Company, Inc. (Antennavision), on January 29, January 31 and February 7, 1962, respectively. In essence Antennavision seeks leave to amend its original applications herein to provide for an additional point of communication to serve a customer with which the applicant allegedly has no identity of interest, ownership or otherwise, either directly or indirectly.

Background. 2. As originally filed, the applications which are subject to hearing herein contemplated that communication service would be provided to Valley Telecasting Co., Inc., a community antenna system which is owned 100 percent by Bruce Merrill, the principal stockholder of Antennavision. Upon consideration of this application, the Commission issued its Order of designation on October 30, 1961, wherein it stated that it was unable to find that a grant of the application would serve the public interest, convenience and necessity and, therefore, required a hearing on specified issues. In the same Order, the Commission found that the determination of the designated issues would involve facts common to certain related applications of Antennavision designated for hearing in Docket Nos. 14336-14340. The Commission therefore ordered that the hearing in the instant proceeding be consolidated with the hearing in the aforementioned dockets.

3. Two prehearing conferences were held on the consolidated dockets on November 27, 1961, and January 29, 1962. In the course of these conferences, counsel for Antennavision advised that negotiations had been taking place for some time with respect to the provision of service to a non-affiliated customer insofar as the facilities at issue in the instant docket were concerned, but that no such negotiations apparently had taken place with respect to the proceedings involved in Docket Nos. 14336-14340. Accordingly, a hearing on the latter dockets was scheduled to commence on April 2, 1962 (see Order Following Further Prehearing Conference, FCC 62M-146, released February 1, 1962). On the other hand, it was clear that, since Antennavision was seeking permission to serve persons not associated with it, the identity of issues between the instant proceeding and Docket Nos. 14336-14340 would no longer obtain. The Hearing Examiner therefore, by Order released February 1, 1962 (FCC 62M-148), granted Antennavision's Petition for Severance, and severed the proceedings herein from those in Docket Nos. 14336-14340.

The instant pleadings. 4. In the instant petition, Antennavision alleges that although when it filed its application on June 7, 1961, it proposed to provide service to an affiliated subscriber it had, even prior to the time of such filing, been negotiating with a proposed customer which would not be directly or indirectly affiliated with it. Antennavision then states that negotiations were consummated in December, 1961; that it now has a firm request for service from this new independent customer; and that on January 29, 1962, it filed its original Petition for Leave to Amend, with an attached amendment, in order to secure the authorization necessary to enable it to serve such independent customer. Antennavision argues that the grating of the Petition for Leave to Amend and the acceptance of the tendered amendment pursuant to the Commission's rules would allow Antennavision to propose service to an independent customer; that such service would pursuant to the definition set forth in the Commission's Order of designation constitute service to a "public subscriber"; and that this in turn would provide grounds for the grant by the Commission of a petition for reconsideration and grant without hearing, thereby obviating the need for further hearing in the instant proceeding. Finally, Antennavision states that the Common Carrier Bureau does not interpose any objection to a grant of the Petition.

5. On the basis of all of the foregoing, it is argued that Antennavision has at all times acted in a timely fashion and in good faith pursuant to then existing Commission policy and has shown good cause for a grant of the petition here under consideration as required by applicable sections of the Commission's rules (47 CFR 1.443 and 21.23).

Discussion. 6. The basic question to be determined by the Examiner at this stage of the proceedings is whether Antennavision has shown good cause for a grant of leave to file the amendment under consideration approximately three months after the matter was designated for hearing. It is to be noted first that this is not a comparative proceeding and that the only other party hereto, the Commission's Common Carrier Bureau, interposes no objection to a grant of the petition. Furthermore, grant of the petition would provide the basis for the filing of a petition for reconsideration and grant without hearing which could obviate the need for the presently desig-

nated hearing. Finally, it is to be noted that the appplicant apparently has been attempting to consummate the agreement which is the subject of the offered amendment a considerable time before the Order of designation was issued, and that negotiations apparently had been in progress even before the application was originally filed in June, 1961. Under all of these circumstances, it would appear to the Examiner that there is ample precedent for a grant of the petition.'

7. The proposed amendment does, however, present several other problems which should be disposed of herein. First of all, at the prehearing conference held on January 29, 1962, the Examiner's attention was called to the fact that, when an amendment of the type herein involved is tendered for filing, the Commission's Common Carrier Bureau normally assigns a file number to it. The Commission's rules specifically provide, however (47 CFR 21.20(c)), that the assignment of a file number to such applications is for the administrative convenience of the Commission and does not indicate the acceptance of the applications for filing and processing. Secondly, it appears that under the requirements of statute (47 U.S.C. 309(b)(A)) and the Commission's rules (47 CFR 21.27 and 21.33), certain types of amendments (and the Bureau feels the one here under consideration is such), require that a specified period elapse after public notice is given of their filing before definitive action thereon may be taken. Accordingly, the action of the Hearing Examiner herein in granting the Petition for Leave to Amend is to be construed only as authorization for the tendering of the application for filing without in any way passing upon the technical acceptability thereof. Furthermore, it is in no way intended to, and in fact cannot, toll the applicable public notice periods provided for by the statute and the rules. Finally, it is clear that the petition for reconsideration referred to by Antennavision cannot be filed until after full compliance with the aforementioned statutory and regulatory provisions has been achieved and the grant of the petition herein is so conditioned.

8. It is to be noted that the purpose of these amendments is to afford a vehicle for a request for Commission reconsideration and grant without hearing. In view of the possibility that this matter may be resolved without such hearing, or alternatively that the Commission might decide to alter the issues upon which the matter is now designated for hearing, it would appear that no purpose would be served by requiring the holding of a hearing until such time that the Commission has had opportunity to pass upon a petition for reconsideration which Antennavision undertakes to file upon the expiration of the time periods hereinabove described. Accordingly, no date will now be set for the hearing herein, pending Commission action on this matter.

[1] KTAG Associates, 18 RR 241; Continental Broadcasting Corporation, 18 RR 877; and Suburban Broadcasters, 19 RR 1429.

Accordingly, it is ordered, This 13th day of February 1962, that the Petition for Leave to Amend is granted subject to the requirements of 47 CFR 21.20(c) with respect to defective applications and the provisions of 47 CFR 21.27 and 21.33 with respect to public notice; and

It is further ordered, That the hearing is continued until further order of the Examiner pending action by the Commission on a petition for reconsideration and grant without hearing: *Provided, however*, That any party to the proceeding may for good cause shown file a motion requesting that the hearing be held on a date certain.

Released: February 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1666; Filed, Feb. 16, 1962; 8:51 a.m.]

[Docket Nos. 14453, 14454; FCC 62M-220]

WILLIAM B. NEAL AND JAMES R. WILLIAMS

Order Continuing Hearing

In re applications of William B. Neal, Joplin, Missouri, Docket No. 14453, File No. BP-13695; James R. Williams, Lamar, Missouri, Docket No. 14454, File No. BP-14087; for construction permits.

A prehearing conference in the above-entitled matter having been held on February 12, 1962, and it appearing that, in light of the pendency of a petition to dismiss application filed by James R. Williams which may obviate the necessity for formal hearing sessions, certain rulings were made by Hearing Examiner which properly should be formalized by order;

It is ordered, This 13th day of February 1962, that the hearing heretofore scheduled to commence on March 12, 1962, is continued pending further order of the Hearing Examiner.

Released: February 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1667; Filed, Feb. 16, 1962; 8:51 a.m.]

[Docket Nos. 13227, 13251; FCC 62M-218]

SEVEN LOCKS BROADCASTING CO. AND TENTH DISTRICT BROADCASTING CO.

Order Scheduling Prehearing Conference

In re applications of Seven Locks Broadcasting Company, Potomac-Cabin John, Maryland, Docket No. 13227, File No. BP-11877; Mary Cobb and Richard S. Cobb, d/b as Tenth District Broadcasting Company, McLean, Virginia, Docket No. 13251, File No. BP-13153; for construction permits.

It is ordered, This 13th day of February 1962, that all parties or their counsel in the above-styled proceeding are directed to appear for a hearing conference pursuant to the provisions of § 1.111 of the Commission's rules at the offices of the Commission in Washington, D.C., at 10 a.m., March 9, 1962, for the purpose of expediting the further hearing to be held pursuant to the order of remand and the newly added issues in this proceeding.

Released: February 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1668; Filed, Feb. 16, 1962; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

ZIM ISRAEL NAVIGATION CO., LTD., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8448-1, between Zim Israel Navigation Co., Ltd., as the "ocean service", trading between U.S. Atlantic ports and Monrovia, and Farrell Lines Inc., as the "feeder service", operating between Monrovia and Harbel, Grand Bassa, Sinoe and Cape Palmas, Liberia, modifies the original approved agreement to provide for the specific dollar apportionment of revenues derived from the carriage of bulk latex, packaged rubber and bagged rice, when transhipped between the "ocean service" and the "feeder service".

Agreement 8756, between States Steamship Company and Lykes Bros. Steamship Company, Inc., covers a through billing arrangement on general cargo, lumber and lumber products from Sarawak to U.S. Gulf ports, with transhipment at Hong Kong, B.C.C., the Philippines and Japan.

Agreement 8768, between Farrell Lines Incorporated and Lloyd Triestino S.P.A.N. of Trieste, covers a through billing arrangement in the trade from U.S. Atlantic ports to Mogadiscio, with transhipment at Mombasa.

Agreement 8769, between Flota Mercante Grancolombiana, S.A. and Alas Steamship Company, Inc., covers a through billing arrangement in the trade from Ecuador, Colombia, Honduras, Costa Rica, Guatemala, Mexico and Peru to the Virgin Islands, with transhipment at New York or Baltimore.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval,

disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 13, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-1647; Filed, Feb. 16, 1962; 8:47 a.m.]

[Docket No. 966]

OLIVER J. OLSON & CO. AND C. R. NICKERSON

Reduction in Rates; Pacific Coast-Hawaii; Notice of Supplemental Order

On February 1, 1962, the Federal Maritime Commission entered the following Second Supplemental Order to the original order in this proceeding dated December 27, 1961.

It appearing, that by order dated December 27, 1961, the Commission entered into an investigation concerning, among other things, the lawfulness of reduced rates on lumber contained in tariff schedule of Oliver J. Olson & Co., C. R. Nickerson, Agent, designated therein, and suspended the operation of said rates to and including April 27, 1962; and

It further appearing, that the Special Permission Committee—Domestic having found good cause therefor has on January 24, 1962, granted the Oliver J. Olson & Co., C. R. Nickerson, Agent, special permission to cancel such suspended matter on not less than one day's notice under Special Permission No. 3972 and pursuant thereto, such matter has been properly cancelled; and

It further appearing, that by First Supplemental Order dated January 31, 1962, the Commission ordered the investigation instituted under Docket No. 966, insofar as it pertained to the rates on lumber, be discontinued; and

It further appearing, that Oliver J. Olson & Co., C. R. Nickerson, Agent, has filed revisions to its Freight Tariff No. FMC-F No. 22 naming new reduced rates on lumber to become effective on February 5, 1962, under Special Permission No. 3973; and

It further appearing, that protests have been received petitioning the Commission to suspend and investigate said reduced rates; and

It further appearing, that the Commission, after considering said protests and also data submitted by Oliver J. Olson & Co., C. R. Nickerson, Agent, is of the opinion that the new rates on lumber named in said schedule should not be suspended but made the subject of a public investigation and hearing to determine whether they are just, reasonable, and otherwise lawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended;

Now, therefore, it is ordered, That this proceeding be, and it hereby is, expanded to include, in addition to the matters now under investigation, an investigation into and concerning the lawfulness of the new reduced commodity rates on lumber contained in the said schedule with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That all subsequent revisions of the said rates, filed by the respondent in this proceding, shall be, and they are hereby placed under investigation in this proceeding; and

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be determined and announced by the Chief Examiner, to receive evidence in this proceeding, which will provide an adequate record for proper disposition of the issues and that an initial decision be issued; (II) a copy of this order shall forthwith be served upon all respondents and protestants herein; (III) the said respondents and protestants be duly notified of the time and place of the hearing ordered; and (IV) this order and notice of the said hearing be published in the FEDERAL REGISTER.

Dated: February 13, 1962.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-1648; Filed, Feb. 16, 1962; 8:47 a.m.]

[Docket No. 966]

OLIVER J. OLSON & CO. AND C. R. NICKERSON

Reduction in Rates; Pacific Coast-Hawaii; Notice of Supplemental Order

On January 31, 1962, the Federal Maritime Commission entered the following First Supplemental Order to the original order in this proceeding dated December 27, 1961.

It appearing, that by order dated December 27, 1961, the Commission entered into an investigation concerning, among other things, the lawfulness of reduced rates on lumber contained in tariff schedule designated therein, and suspended the operation of said rates to and including April 27, 1962; and

It further appearing, that on January 24, 1962, there was granted the Oliver J. Olson & Co., C. R. Nickerson, Agent special permission authority to cancel such suspended matter on not less than one day's notice under Special Permission No. 3972 and pursuant thereto, such matter has been properly cancelled;

Now, therefore, it is ordered, That the investigation instituted under Docket No. 966, insofar as it pertains to the rates on lumber be, and it is hereby discontinued; and

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation, Federal Maritime Commission; and

It is further ordered, That a copy of this order shall forthwith be served upon all respondents and protestants herein; and that this order be published in the FEDERAL REGISTER.

Dated: February 13, 1962.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-1649; Filed, Feb. 16, 1962; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP62-186, CI61-601]

NORTHERN NATURAL GAS CO. AND SKELLY OIL CO.

Notice of Applications and Date of Hearing

FEBRUARY 12, 1962.

Take notice that on January 6, 1961, as supplemented on October 26, 1961, Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha 1, Nebraska, filed in Docket No. CP61-186 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a 7,000 horsepower compressor station and a 10-inch pipeline tie-over to connect its existing 10-inch field line with its existing 16-inch transmission line, all in Lea County, New Mexico, and all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Take further notice that on October 17, 1960, as supplemented on September 15, and October 18, 1961, Skelly Oil Company (Skelly), P.O. Box 1650, Tulsa, Oklahoma, filed in Docket No. CI61-601 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of residue gas to Northern from Skelly's Eunice No. 1 and Eunice No. 2 Plants in Lea County, New Mexico, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The applications in this proceeding set forth an agreement between Skelly and Northern for Skelly to sell and Northern to buy 40 percent of the residue gas from Skelly's afore-mentioned natural gasoline extraction plants. Northern would not be obligated to purchase in excess of 40,000 Mcf of gas per day. In the event that one of the plants is closed down, Northern would have the right to 40 percent of the residue gas from the remaining plant.

The application in Docket No. CP61-186 states that the additional facilities are necessary for Northern to receive the additional gas into its transmission system. Northern proposes to use the additional gas to supplement its total gas supplies for general distribution in its market area and does not propose to en-

large its system salable capacity nor make any additional sales. The proposed facilities are estimated to cost $2,206,880, and would be financed from funds on hand and cash generated through operations. Northern estimates that 104,881 MMcf will be available to it under the contract.

The application in Docket No. CI61-601 states that the subject gas would be supplied from 1,051 wells located in Lea County, New Mexico, which Skelly works as operator and as owner of oil and gas leases. The initial price for the proposed sale is 13.75 cents per Mcf with periodic escalations.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 15, 1962, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 5, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1632; Filed, Feb. 16, 1962; 8:46 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

AMENDMENTS TO THE STATEMENT OF ORGANIZATION

Effective upon publication in the FEDERAL REGISTER, the following amendments to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, are prescribed:

1. Districts 1, 7, and 22 of paragraph (b) of section 1.51 are amended so that when taken with the introductory material they will read as follows:

SEC. 1.51 *Field Service.* The territory within which officials of the Immigration and Naturalization Service are located is divided into regions, districts, suboffices, and Border Patrol Sectors as follows:

* * * * *

(b) *District offices.* The following districts, which are designated by numbers, have fixed headquarters and are divided as follows:

1. *St. Albans, Vermont.* The district office in St. Albans, Vermont, has jurisdiction over the State of Vermont; also, over the United States immigration office located in the Province of Quebec, Canada.

* * * * *

7. *Buffalo, New York.* The district office in Buffalo, New York, has jurisdiction over the State of New York except that part within the jurisdiction of District No. 3; also, over the United States immigration offices located in the Province of Ontario, Canada.

* * * * *

22. *Portland, Maine.* The district office in Portland, Maine, has jurisdiction over the State of Maine.

2. Subparagraph (4) of paragraph (c) *Suboffices* of section 1.51 *Field Service* is amended to read as follows:

(4) *Immigration offices in foreign countries.*

Athens, Greece.
Guadalajara, Mexico.
Hamilton, Bermuda.
Havana, Cuba.
Hong Kong, B.C.C.
Monterrey, Mexico.
Montreal, Quebec, Canada.
Naples, Italy.
Nassau, Bahamas.
Ottawa, Ontario, Canada.
Palermo, Italy.
Rome, Italy.
Tijuana, Mexico.
Tokyo, Japan.
Toronto, Ontario, Canada.
Vancouver, British Columbia, Canada.
Victoria, British Columbia, Canada.
Vienna, Austria.
Winnipeg, Manitoba, Canada.

Dated: February 13, 1962.

R. F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 62-1660; Filed, Feb. 16, 1962; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 14, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37559: *T.O.F.C.—Class and commodity rates between southern and southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8144), for interested rail carriers. Rates on various commodities moving on class or commodity rates, loaded in trailers or demountable trailer bodies, and transported on railroad flat or open-top equipment, between points in southern territory, on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Southwestern Freight Bureau tariff I.C.C. 4464, and supplement 1 thereto.

By the Commissioner.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-1652; Filed, Feb. 16, 1962; 8:48 a.m.]

[Notice 597]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 14, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64672. By order of February 9, 1962, the Transfer Board approved the transfer to Ruzicka Coal & Hauling Co., St. Louis, Mo., of the operating rights in Certificate No. MC 39045, issued May 22, 1942, to John Ruzicka, doing business as Ruzicka Coal & Coke Co., St. Louis, Mo., authorizing the transportation of coal, over irregular routes, from points in Madison and St. Clair Counties, Ill., to St. Louis, Mo. Ernest A. Brooks II, 411 North Seventh Street, St. Louis 1, Mo., applicants' attorney.

No. MC-FC 64696. By order of February 9, 1962, the Transfer Board approved the transfer to William A. Messmer, doing business as Messmer's Express, Union City, N.J., of Certificate No. MC 7081 issued September 21, 1943, to Ida Ann Messmer and William A. Messmer, a partnership, doing business as Messmer's Express, Union City, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Hudson County, N.J., on the one hand, and, on the other, New York, N.Y.; textile products, and raw materials and supplies used in the manufacture thereof, over irregular routes, between points in Passaic and Bergen Counties, N.J., on the one hand, and, on the other, New York, N.Y. Lewis W. Vanderbach, 6823 Bergenline Avenue, Guttenberg, N.J., attorney for applicants.

No. MC-FC 64736. By order of February 9, 1962, the Transfer Board approved the transfer to Jetway Inc., Lansdale, Pa., of Certificate No. MC 78763, issued August 18, 1961, to George P. Cooper (Leona E. Cooper, Executrix) and Howard M. Mesharer, a partnership, doing business as State Transfer Co., Wilkes-Barre, Pa., authorizing the transportation of: household goods, machinery, building construction materials requiring special equipment or handling, and new and used furniture, from, to, or between specified points in Pennsylvania, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, the District of Columbia, Virginia, West Virginia, North Carolina, Florida, Ohio, Indiana, Illinois, and Michigan. John W. Frame, 603 North Front Street, Harrisburg, Pa., representative for applicants.

No. MC-FC 64757. By order of February 9, 1962, the Transfer Board approved the transfer to Distributors Service Co., Inc., Parkersburg, W. Va., of Certificate No. MC 108392 issued February 26, 1948, to Edward Lofty, doing business as Distributors Service Co., Parkersburg, W. Va., authorizing the transportation of malt beverages, in containers, over irregular routes, from Cleveland and Cincinnati, Ohio, Louisville, Ky., Jeannette and Pittsburgh, Pa., and Fort Wayne and South Bend, Ind., to Parkersburg, W. Va., and empty malt beverage containers, on return. Theodore H. Ghiz, 411 D Street, South Charleston 3, W. Va., attorney for applicants.

No. MC-FC 64770. By order of February 9, 1962, the Transfer Board approved the transfer to Charles D. Carew and Thomas B. Carew, a partnership, doing business as Standard Transfer, 1225½ North Second Street, Stevens Point, Wis., the entire operating rights in Certificate No. MC 11569 issued June 7, 1950, to Cyril J. Peters, doing business as Standard Service, Transfer, 320 Frontenac Avenue, Stevens Point, Wis., authorizing the transportation of household goods, over irregular routes, between Stevens Point, Wis., and points within 15 miles thereof, on the one hand, and, on the other, points in Illinois and Minnesota.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-1653; Filed, Feb. 16, 1962; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—FEBRUARY

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10995

ASSIGNING TELECOMMUNICATIONS MANAGEMENT FUNCTIONS

WHEREAS telecommunications is vital to the security and welfare of this Nation and to the conduct of its foreign affairs;

WHEREAS it is imperative that the United States maintain an efficient and well-planned national and international telecommunications program capable of stimulating and incorporating rapid technological advances being made in the field of telecommunications;

WHEREAS the radio spectrum is a critical natural resource which requires effective, efficient and prudent administration in the national interest;

WHEREAS it is essential that responsibility be clearly assigned within the executive branch of the Government for promoting and encouraging effective and efficient administration and development of United States national and international telecommunications and for effecting the prudent use of the radio frequency spectrum by the executive branch of the Government;

WHEREAS there is an immediate and urgent need for an examination of ways and means of improving the administration and utilization of the radio spectrum as a whole;

WHEREAS there is an immediate and urgent need for integrated short and long-range planning with respect to national and international telecommunications programs, for continuing supervision over the use of the radio frequency spectrum by the executive branch of the Government and for the development of national policies in the field of telecommunications;

NOW, THEREFORE, as President of the United States and Commander-in-Chief of the armed forces of the United States, and by virtue of the authority vested in me by sections 305 and 606 of the Communications Act of 1934, as amended (47 U.S.C. 305 and 606), and by section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. There is hereby established the position of Director of Telecommunications Management, which position shall be held by one of the Assistant Directors of the Office of Emergency Planning provided for under Reorganization Plan No. 1 of 1958, as amended (72 Stat. 1799).

SEC. 2. Subject to the authority and control of the President, the Director of Telecommunications Management shall:

(a) Coordinate telecommunications activities of the executive branch of the Government and be responsible for the formulation, after consultation with appropriate agencies, of overall policies and standards therefor. He shall promote and encourage the adoption of uniform policies and standards by agencies authorized to operate telecommunications systems. Agencies shall consult with the Director of Telecommunications Management in the development of policies and standards for the conduct of their telecommunications activities within the overall policies of the executive branch.

(b) Develop data with regard to United States Government frequency requirements.

(c) Encourage such research and development activities as he shall deem necessary and desirable for the attainment of the objectives set forth in section 6 below.

(d) Contract for studies and reports related to any aspect of his responsibilities.

SEC. 3. The authority to assign radio frequencies to Government agencies, vested in the President by section 305 of the Communications Act of 1934, as amended (47 U.S.C. 305), including all functions heretofore vested in the Interdepartment Radio Advisory Committee, is hereby delegated to the Director of the Office of Emergency Planning, who may redelegate such authority to the Director of Telecommunications Management. Such authority shall include the power to amend, modify, or revoke frequency assignments.

SEC. 4. The functions and responsibilities vested in the Director of the Office of Emergency Planning by Executive Order No. 10705 of April 17, 1957, as amended, may be redelegated to the Director of Telecommunications Management. Executive Orders No. 10695A of January 16, 1957, and No. 10705, as amended, are hereby further amended insofar as they are inconsistent with the present order. Executive Order No. 10460 of June 16, 1953, is hereby revoked.

SEC. 5. The Director of Telecommunications Management shall establish such interagency advisory committees and working groups composed of representives of interested agencies and consult with such departments and agencies as may be necessary for the most effective performance of his functions. To the extent that he deems it necessary or advisable to continue the Interdepartment Radio Advisory Committee, it shall serve in an advisory capacity to the Director of Telecommunications Management.

SEC. 6. In carrying out functions under this order, the Director of Telecommunications Management shall consider the following objectives:

(a) Full and efficient employment of telecommunications resources in carrying out national policies;

(b) Development of telecommunications plans, policies, and programs under which full advantage of technological development will accrue to the Nation and the users of telecommunications; and which will satisfactorily serve the national security; sustain and contribute to the full development of world trade and commerce; strengthen the position and serve the best interests of the United States in negotiations with foreign nations; and permit maximum use of resources through better frequency management;

(c) Utilization of the radio spectrum by the Federal Government in a manner which permits and encourages the most beneficial use thereof in the public interest;

(d) Implementation of the national policy of development and effective use of space satellites for international telecommunications services.

SEC. 7. Nothing contained in this order shall be deemed to impair any existing authority or jurisdiction of the Federal Communications Commission.

SEC. 8. The Director of Telecommunications Management and the Federal Communications Commission shall assist and give policy advice to the Department of State in the discharge of its functions in the field of international telecommunications policies, positions and negotiations.

SEC. 9. The Director of Telecommunications Management shall issue such rules and regulations as may be necessary to carry out the duties and responsibilities vested in him by this order or delegated to him under this order.

SEC. 10. All executive departments and agencies of the Federal Government are authorized and directed to cooperate with the Director of Telecommunications Management and to furnish him such information, support and assistance, not inconsistent with the law, as he may require in the performance of his duties.

JOHN F. KENNEDY

THE WHITE HOUSE,
February 16, 1962.

[F.R. Doc. 62-1801; Filed, Feb. 19, 1962; 10:46 a.m.]

Executive Order 10996

PROMULGATING REGULATIONS CONCERNING WITHHOLDING OF COMPENSATION OF CIVILIAN EMPLOYEES OF THE NATIONAL GUARD FOR STATE AND STATE-SPONSORED EMPLOYEE RETIREMENT, DISABILITY, OR DEATH BENEFITS PROGRAMS

By virtue of the authority vested in me by the act of June 15, 1956, as amended, 75 Stat. 496 (5 U.S.C. 84d), and by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. As used in this order, the term:

(a) "Employees" means civilian employees of the Army National Guard or Air National Guard of a State who are employed pursuant to section 709 of title 32 of the United States Code, and paid from Federal, appropriated funds.

(b) "State" means one of the United States, the Commonwealth of Puerto Rico, and any territory of the United States.

SEC. 2. Each agreement between the Secretary of Defense and the Governor or other proper official of a State, pursuant to the provisions of the act of June 15, 1956, as amended, with respect to withholding of compensation of certain civilian employees of the Army National Guard and the Air National Guard for purposes of State or State-sponsored employee retirement, disability, or death benefits systems, shall be entered into by the Secretary of Defense within one hundred and twenty days of the receipt of a request therefor by the Secretary from the Governor or any other proper official of any State: *Provided*, that—

(a) the law of such State provides for the payment of employee contributions to such State or State-sponsored employee retirement, disability, or death benefits systems by withholding sums from the compensation of such State employees and making returns of such sums to officials of such State or organization designated by such officials to receive sums withheld for such programs;

(b) civilian employees of the Army National Guard and the Air National Guard, other than those employed by the National Guard Bureau, are eligible for membership in a State retirement, disability, or death benefits system; and

(c) each such agreement is consistent with the provisions of the said act of June 15, 1956, as amended, and of rules and regulations issued thereunder, and contains a clause that it shall be subject to any amendments of the said act, including amendments occurring after the effective date of such agreement.

SEC. 3. Each such agreement shall:

(a) Provide that the Secretary of the Army with respect to civilian employees of the Army National Guard, and the Secretary of the Air Force with respect to civilian employees of the Air National Guard, shall comply with the requirements of such State law in the case of employees subject to the said act of June 15, 1956, as amended, who are eligible for membership in such retirement, disability, or death benefits system for State employees;

(b) Specify when the withholding of sums from the compensation of such State employees shall commence; and

(c) Provide for procedures for the withholding, the filing of the returns, and the payment of the sums withheld from compensation to the officials of the State, or organization designated by such officials to receive sums withheld for such programs, which procedures shall conform, so far as practicable, to the usual fiscal practices of the Department of the Army and the Department of the Air Force, respectively.

SEC. 4. The Secretary of the Army with respect to civilian employees of the Army National Guard, and the Secretary of the Air Force with respect to civilian employees of the Air National Guard, shall designate, or provide for the designation of, the officers or employees whose duty it shall be to withhold sums from compensation, file required returns, and direct the payment of sums so withheld, in ac-

cordance with the terms of the agreements entered into between the Secretary of Defense and the States.

SEC. 5. Nothing in this order, or in rules or regulations issued thereunder, or in any agreement entered into pursuant thereto, shall be construed as giving consent to the application of any provision of law of any State which has the effect of imposing more burdensome requirements upon the United States than it imposes upon departments, agencies, or political subdivisions of the State concerned, with respect to employees thereof who are members of the State or State-sponsored retirement, disability, or death benefits system, or which has the effect of subjecting the United States or any of its officers or employees to any penalty or liability.

SEC. 6. I hereby delegate to the Secretary of Defense authority to prescribe such rules and regulations, not inconsistent herewith, as may be necessary to effectuate further the provisions of the said act of June 15, 1956, as amended, or of this order.

SEC. 7. Except to the extent that they may be inconsistent with this order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

SEC. 8. This order supersedes Executive Order No. 10679 of September 20, 1956.

JOHN F. KENNEDY

THE WHITE HOUSE,
February 16, 1962.

[F.R. Doc. 62-1802; Filed, Feb. 19, 1962; 10:46 a.m.]

Executive Order 10997

ASSIGNING EMERGENCY PREPAREDNESS FUNCTIONS TO THE SECRETARY OF THE INTERIOR

By virtue of the authority vested in me as President of the United States, including authority vested in me by Reorganization Plan No. 1 of 1958 (72 Stat. 1799), it is hereby ordered as follows:

SECTION 1. *Scope.* The Secretary of the Interior (hereinafter referred to as the Secretary) shall prepare national emergency plans and develop preparedness programs covering (1) electric power; (2) petroleum and gas; (3) solid fuels; and (4) minerals. These plans and programs shall be designed to provide a state of readiness in these resource areas with respect to all conditions of national emergency, including attack upon the United States.

SEC. 2. *Definitions.* As used in this order:

(a) The term "electric power" means all forms of electric power and energy, including the generation, transmission, distribution, and utilization thereof.

(b) The term "petroleum" means crude oil and synthetic liquid fuel, their products, and associated hydrocarbons, including pipelines for their movement and facilities specially designed for their storage.

(c) The term "gas" means natural gas (including helium) and manufactured gas, including pipelines for the movement and facilities specially designed for their storage.

(d) The term "solid fuels" means all forms of anthracite, bituminous, sub-bituminous, and lignitic coals, coke, and coal chemicals produced in the coke making process.

(e) The term "minerals" means all raw materials of mineral origin (except petroleum, gas, solid fuels, and source materials as defined in the Atomic Energy Act of 1954, as amended) obtained by mining and like operations and processed through the stages specified and at the facilities designated in an agreement between the Secretary of the

Interior and the Secretary of Commerce as being within the emergency preparedness responsibilities of the Secretary of the Interior.

SEC. 3. *Resource Functions.* With respect to the resources defined above, the Secretary shall:

(a) *Priorities and allocations.* Develop systems for the emergency application of priorities and allocations to the production and distribution of assigned resources.

(b) *Requirements.* Periodically assemble, develop as appropriate, and evaluate requirements for power, petroleum, gas and solid fuels, taking into account estimated needs for military, civilian, and foreign purposes. Such evaluation shall take into consideration geographical distribution of requirements under emergency conditions.

(c) *Resources.* Periodically assess assigned resources available from all sources in order to estimate availability under an emergency situation, analyze resource estimates in relation to estimated requirements in order to identify problem areas, and develop appropriate recommendations and programs including those necessary for the maintenance of an adequate mobilization base. Provide data and assistance before and after attack for national resource evaluation purposes of the Office of Emergency Planning.

(d) *Claimancy.* Prepare plans to claim materials, manpower, equipment, supplies and services needed in support of assigned responsibilities and other essential functions of the Department before the appropriate agency, and work with such agencies in developing programs to insure availability of such resources in an emergency.

(e) *Minerals development.* Develop programs and encourage the exploration, development and mining of strategic and critical minerals for emergency purposes.

(f) *Production.* Provide guidance and leadership to assigned industries in the development of plans and programs to insure the continuity of production in the event of an attack, and cooperate with the Department of Commerce in the identification and rating of essential facilities.

(g) *Stockpiles.* Assist the Offices of Emergency Planning in formulating and carrying out plans and programs for the stockpiling of strategic and critical materials, and survival items.

(h) *Salvage and rehabilitation.* Develop plans for the salvage of stocks and rehabilitation of producing facilities for assigned products after attack.

(i) *Economic stabilization.* Cooperate with the Office of Emergency Planning in the development of economic stabilization policies as they might affect the power, fuels and assigned minerals supply, production, and marketing programs, and the conservation of essential commodities in an emergency, including rationing of power and fuel.

(j) *Financial aid.* Develop plans and procedures for financial and credit assistance to producers, processors, and distributors who might need such assistance in various mobilization conditions.

SEC. 4. *Cooperation with Department of Defense.* In consonance with national civil defense plans, programs and operations of the Department of Defense, under Executive Order No. 10952, the Secretary shall:

(a) *Facilities protection.* Provide industry protection guidance material adapted to needs of industries concerned with assigned products, and promote a national program to stimulate disaster preparedness and control in order to minimize the effects of overt or covert attack and maintain continuity of production and capacity to serve essential users in an emergency. Guidance shall include but not be limited to: organizing and training facility personnel, personnel shelters, evacuation plans, records protection, continuity of management, emergency repair, deconcentration or dispersal of facilities, and mutual aid associations for emergency.

(b) *Chemical, biological and radiological warfare.* Provide for the detection, identification, monitoring and reporting of chemical, bio-

logical and radiological agents at selected facilities operated or controlled by the Department of the Interior.

(c) *Damage assessment.* Maintain a capability to assess the effects of attack on assigned products, producing facilities, and departmental installations both at national and field levels, and provide data to the Department of Defense.

SEC. 5. *Research.* Within the framework of Federal research objectives, the Secretary shall supervise or conduct research directly concerned with carrying out emergency preparedness responsibilities, designate representatives for necessary ad hoc or task force groups, and provide advice and assistance to other agencies in planning for research in areas involving the Department's interest.

SEC. 6. *Functional Guidance.* The Secretary, in carrying out the functions assigned in this order, shall be guided by the following:

(a) *Interagency cooperation.* The Secretary shall assume the initiative in developing joint plans for the coordination of emergency fuel, energy, and assigned mineral programs of those departments and agencies which have the responsibility for any segment of such activities. He shall utilize to the maximum those capabilities of other agencies qualified to perform or assist in the performance of assigned functions by contractual or other agreements.

(b) *Presidential coordination.* The Director of the Office of Emergency Planning shall advise and assist the President in determining policy for, and assist him in coordinating the performance of functions under this order with the total national preparedness program.

(c) *Emergency planning.* Emergency plans and programs, and emergency organization structure required thereby, shall be developed as an integral part of the continuing activities of the Department of the Interior on the basis that it will have the responsibility for carrying out such programs during an emergency. The Secretary shall be prepared to implement all appropriate plans developed under this order. Modifications, and temporary organizational changes, based on emergency conditions, will be in accordance with policy determination by the President.

SEC. 7. *Emergency Actions.* Nothing in this order shall be construed as conferring authority under Title III of the Federal Civil Defense Act of 1950, as amended, or otherwise, to put into effect any emergency plan, procedure, policy, program, or course of action prepared or developed pursuant to this order. Such authority is reserved to the President.

SEC. 8. *Redelegation.* The Secretary is hereby authorized to redelegate within the Department of the Interior the functions hereinabove assigned to him.

SEC. 9. *Prior Actions.* To the extent of any inconsistency between the provisions of any prior order and the provisions of this order, the latter shall control. Emergency Preparedness Order No. 7 (heretofore issued by the Director, Office of Civil and Defense Mobilization) (26 F.R. 659–660), is hereby revoked.

JOHN F. KENNEDY

THE WHITE HOUSE,
February 16, 1962.

[F.R. Doc. 62-1803; Filed, Feb. 19, 1962; 10:46 a.m.]

Executive Order 10998

ASSIGNING EMERGENCY PREPAREDNESS FUNCTIONS TO THE SECRETARY OF AGRICULTURE

By virtue of the authority vested in me as President of the United States, including authority vested in me by Reorganization Plan No. 1 of 1958 (72 Stat. 1799), it is hereby ordered as follows:

SECTION 1. *Scope.* The Secretary of Agriculture (hereinafter referred to as the Secretary) shall prepare national emergency plans and develop preparedness programs covering: Food resources, farm equipment, fertilizer, and food resource facilities, as defined below;

rural fire control; defense against biological warfare, chemical warfare, and radiological fallout pertaining to agricultural activities; and rural defense information and education. These plans and programs shall be designed to develop a state of readiness in these areas with respect to all conditions of national emergency, including attack upon the United States.

SEC. 2. *Definitions.* As used in this order:

(a) "Food resources" means all commodities and products, simple, mixed, or compound, or complements to such commodities or products, that are capable of being eaten or drunk, by either human beings or animals, irrespective of other uses to which such commodities or products may be put, at all stages of processing from the raw commodity to the products thereof in vendible form for human or animal consumption. For the purposes of this order the term "food resources" shall also include all starches, sugars, vegetable and animal fats and oils, cotton, tobacco, wool, mohair, hemp, flax fiber, and naval stores, but shall not include any such material after it loses its identity as an agricultural commodity or agricultural product.

(b) "Farm equipment" means machinery, equipment and repair parts manufactured primarily for use on farms in connection with the production or preparation for market or use of "food resources."

(c) "Fertilizer" means any product or combination of products for plant nutrition in form for distribution to the users thereof.

(d) "Food resource facilities" means plants, machinery, vehicles (including on farm) and other facilities for the production, processing, distribution and storage (including cold storage) of food resources, and for domestic distribution of farm equipment and fertilizer.

SEC. 3. *Food Function.* With respect to food resources, food resource facilities, farm equipment, and fertilizer the Secretary shall:

(a) *Resources.* Periodically assess assigned resources available from all sources in order to estimate availability under an emergency situation, analyze resource estimates in relation to estimated requirements in order to identify problem areas, and develop appropriate recommendations and programs including those necessary for the maintenance of an adequate mobilization base. Provide data and assistance before and after attack for national resource evaluation purposes of the Office of Emergency Planning.

(b) *Requirements.* Periodically assemble, develop as appropriate, and evaluate requirements for assigned resources and service, taking into account the estimated needs for military, civilian, and foreign purposes. Such evaluation shall take into consideration the geographical distribution of requirements under emergency conditions.

(c) *Priorities and allocations.* Develop priorities, allocations and distribution control systems and related plans to insure that available food resources are properly apportioned among and distributed to civilian, military and foreign claimants in an emergency and develop priorities, allocations and distribution control systems and related plans for the domestic distribution of farm equipment and fertilizer.

(d) *Production and processing.* Develop control systems and related plans including control of use of facilities designed to provide adequate and continuing production, processing and storage of essential food resources in an emergency.

(e) *Salvage and rehabilitation.* Develop plans for salvage of food resources after determination, by proper authorities having the responsibility for this function, of their safety for human or animal consumption and develop plans for the rehabilitation of food resource facilities after attack.

(f) *Economic stabilization.* Cooperate with the Office of Emergency Planning in the development of stabilization policies as they might affect agricultural production, processing, distribution, and storage, and in the development of policies for consumer rationing of food resources.

(g) *Financial aid.* Develop plans and procedures for financial and credit assistance for farmers who might need such assistance under various mobilization conditions, and provide assistance to food industries in obtaining necessary financing and credit in an emergency.

SEC. 4. *Cooperation with Department of Defense.* In consonance with national civil defense plans, programs and operations of the Department of Defense, under Executive Order No. 10952, the Secretary shall:

(a) *Facilities protection.* Provide industry protection guidance materials adapted to the needs of assigned food resources facilities and promote a national program to stimulate disaster preparedness and control in order to minimize the effects of overt or covert attack, and to maintain continuity of production and capacity to serve essential users in an emergency. Guidance shall include, but not be limited to, organizing and training facility personnel, personnel shelter, evacuation plans, records protection, continuity of management, emergency repair, deconcentration or dispersal of facilities, and industrial mutual aid associations for an emergency.

(b) *Rural fire functions.* In cooperation with Federal, State and local agencies, develop plans for a national program and direct activities relating to the prevention and control of fires in the rural areas of the United States caused by the effects of enemy attack.

(c) *Biological, chemical, and radiological warfare defense functions.* Develop plans for a national program, direct Federal activities, and furnish technical guidance to State and local authorities concerning (1) diagnosis and strengthening of defensive barriers and control or eradication of diseases, pests, or chemicals introduced as agents of biological or chemical warefare against animals, crops or products thereof; (2) protective measures, treatment and handling of livestock, including poultry, agricultural commodities on farms or ranches, agricultural lands, forest lands, and water for agricultural purposes, any of which have been exposed to or affected by radiation. Plans shall be developed for a national program and direction of Federal activities to assure the safety and wholesomeness and to minimize losses from biological and chemical warfare, radiological effects, and other emergency hazards of livestock, meat and meat products, poultry and poultry products in establishments under the continuous inspection of the U.S. Department of Agriculture, and agricultural commodities and products owned by the Commodity Credit Corporation or by the Secretary.

(d) *Rural defense information and education.* Conduct a rural defense information and education program to advise farmers that they will have a responsibility to produce food of the kind and quantity needed in an emergency and shall work with farmers and others in rural areas to reduce the vulnerability of homes, crops, livestock, and forests, to either overt or covert attack.

(e) *Damage assessment.* Maintain a capability to assess the effects of attack on assigned resource areas and departmental installations, both at national and field levels, and provide data to the Department of Defense.

SEC. 5. *Claimancy.* The Secretary shall prepare plans to claim materials, manpower, equipment, supplies and services which would be needed to carry out assigned responsibilities and other essential functions of the Department from the appropriate agency and work with such agencies in developing programs to insure availability of such resources in an emergency.

SEC. 6. *Stockpiles.* The Secretary shall assist the Office of Emergency Planning in formulating and carrying out plans for stockpiling strategic and critical materials. In the administration of Commodity Credit Corporation inventories of food resources he shall take all possible measures to assure the availability of such inventories when and where needed in an emergency. The Secretary shall also develop plans and procedures for the proper utilization of agriculture items stockpiled for survival purposes.

SEC. 7. *National Program Guidance.* The Secretary shall provide technical guidance to State and local governments to the end that all

planning concerned with functions assigned herein will be effectively coordinated. He shall also maintain relations with the appropriate industries to foster mutual understanding of Federal emergency plans.

SEC. 8. *Research.* Within the framework of over-all Federal research objectives, the Secretary shall supervise or conduct research directly concerned with carrying out emergency preparedness responsibilities, designate representatives for necessary ad hoc or task force groups, and provide advice and assistance to other agencies in planning for research in areas involving the interests of the Department of Agriculture.

SEC. 9. *Functional Guidance.* The Secretary, in carrying out the functions assigned in this order, shall be guided by the following:

(a) *Interagency cooperation.* The Secretary shall assume the initiative in developing joint plans for the coordination of emergency food resources of those departments and agencies which have the responsibility for any segment of such activities. He shall utilize to the maximum those capabilities of other agencies qualified to perform or assist in the performance of assigned functions by contractual or other agreements.

(b) *Presidential coordination.* The Director of the Office of Emergency Planning shall advise and assist the President in determining policy for, and assist him in coordinating the performance of functions under this order with the total national preparedness program.

(c) *Emergency planning.* Emergency plans and programs, and emergency organization structure required thereby, shall be developed as an integral part of the continuing activities of the Department of Agriculture on the basis that it will have the responsibility for carrying out such programs during an emergency. The Secretary shall be prepared to implement all appropriate plans developed under this order. Modifications and temporary organizational changes, based on emergency conditions, will be in accordance with policy determination by the President.

SEC. 10. *Emergency Actions.* Nothing in this order shall be construed as conferring authority under Title III of the Federal Civil Defense Act of 1950, as amended, or otherwise, to put into effect any emergency plan, procedure, policy, program, or course of action prepared or developed pursuant to this order. Such authority is reserved to the President.

SEC. 11. *Redelegation.* The Secretary is hereby authorized to redelegate within the Department of Agriculture the functions hereinabove assigned to him.

SEC. 12. *Prior Actions.* To the extent of any inconsistency between the provisions of any prior order and the provisions of this order, the latter shall control. Emergency Preparedness Order No. 1 (heretofore issued by the Director, Office of Civil and Defense Mobilization) (26 F.R. 651–652), is hereby revoked.

JOHN F. KENNEDY

THE WHITE HOUSE,
February 16, 1962.

[F.R. Doc. 62-1804; Filed, Feb. 19, 1962; 10:46 a.m.]

Executive Order 10999

ASSIGNING EMERGENCY PREPAREDNESS FUNCTIONS TO THE SECRETARY OF COMMERCE

By virtue of the authority vested in me as President of the United States, including authority vested in me by Reorganization Plan No. 1 of 1958 (72 Stat. 1799), it is hereby ordered as follows:

SECTION 1. *Scope.* The Secretary of Commerce (hereinafter referred to as the Secretary) shall prepare national emergency plans and develop preparedness programs covering:

(a) Development and coordination of over-all policies, plans, and procedures for the provision of a centralized control of all modes of transportation in an emergency for the movement of passenger and freight traffic of all types, and the determination of the proper appor-

tionment and allocation of the total civil transportation capacity, or any portion thereof, to meet over-all essential civil and military needs.

(b) Federal emergency operational responsibilities with respect to: highways, roads, streets, bridges, tunnels, and appurtenances; highway traffic regulation; allocation of air carrier aircraft for essential military and civilian operations; ships in coastal and intercoastal use and ocean shipping, ports and port facilities; and the Saint Lawrence Seaway; except those elements of each normally operated or controlled by the Department of Defense.

(c) The producton and distribution of all materials, the use of all production facilities, the control of all construction materials, and the furnishing of basic industrial services except the following:

(1) Production and distribution of and use of facilities for petroleum, solid fuels, gas, and electric power;

(2) Production, processing, distribution and storage of food resources and the use of food resource facilities for such production, processing, distribution, and storage;

(3) Domestic distribution of farm equipment and fertilizer;

(4) Use of communications services and facilities, housing, and lodging facilities, and health and welfare facilities;

(5) Production, and related distribution, of minerals defined as all raw materials of mineral origin (except petroleum, gas, solid fuels, and source materials as defined in the Atomic Energy Act of 1954, as amended) obtained by mining and like operations and processed through the stages specified, and at the facilities designated in an agreement between the Secretary of Commerce and the Secretary of the Interior as being within the emergency preparedness responsibilities of the Secretary of the Interior, and the construction and use of facilities designated as within the responsibilities of the Secretary of the Interior;

(6) Distribution of items in the supply systems of, or controlled by the Department of Defense and the Atomic Energy Commission, and

(7) Construction and use of civil aviation facilities.

(d) Fallout forecasting based on current weather data.

(e) Collection and reporting of census data for emergency planning purposes.

These plans and programs shall be designed to develop a state of readiness in those areas with respect to all degrees of national emergency, including attack upon the United States.

SEC. 2. *Transportation Planning and Coordination Function.* The Secretary shall develop long range programs designed to integrate the mobilization requirements for movement of all forms of commerce with all forms of national and international transportation systems including air, ground, water, and pipelines, in an emergency; more particularly he shall:

(a) *Resources and requirements.* Obtain, assemble, analyze, and evaluate data on the requirements of all claimants for all types of civil transportation to meet the needs of the military and of the civil economy. Consolidate, evaluate, and interpret both current and projected resources and requirements data developed by all Federal agencies concerned with moving passengers or cargo by all modes of transportation for the purpose of initiating actions designed to stimulate government and industry actions to improve the peacetime structure of the transportation system for use in an emergency.

(b) *Economic projections.* Conduct a continuing analysis of transportation problems and facilities in relation to long-range economic projections for the purpose of recommending incentive and/or regulatory programs designed to bring all modes of transportation in balance with each other, with current economic conditions, projected peacetime conditions, and with emergency conditions.

(c) *Passenger and cargo movement.* Develop plans and procedures which would provide for the central collection and analysis of passenger and cargo movement demands of both shipper and user agencies as they relate to the capabilities of various transport modes in existence at the time, control or delegate control of the priority of movement of passengers and cargo for all modes of transportation by mode or within a mode and develop policies, standards and procedures for emergency enforcement of controls through the use of means such as education, incentives, embargoes, permits, sanctions, claimancy policies, etc.

(d) *Emergency transportation functions.* In consonance with plans developed by other agencies assigned operational responsibilities in the transportation program, develop plans for and be prepared to provide the administrative facilities for performing emergency transportation functions when required by the President.

SEC. 3. *Transportation Operations Planning Functions.* The Secretary shall develop plans and procedures in consonance with international treaties and in cooperation with other Federal agencies, the States and their political subdivisions to:

(a) *Highways and streets.* Adapt and develop highway and street systems to meet emergency requirements and provide procedures for their repair, restoration, improvement, revision and use as an integral part of the transportation system in an emergency.

(b) *Ocean shipping and ports.* To plan for the operation and control of Federal activities concerned with:

(1) *Shipping allocation.* Allocation of merchant shipping to meet the national requirements including those for military, foreign assistance, and emergency procurement programs, and those essential to the civilian economy. The term "merchant shipping" and the term "ocean shipping" as used herein inclnde all coastwise and intercoastal, and Great Lakes shipping except that solely engaged in the transportation of passenger and cargo between United States ports.

(2) *Ship acquisition.* Provision of ships for ocean shipping by purchase, charter, or requisition, by breakout from the national defense reserve fleet, and by construction.

(3) *Operations.* Operation of ocean shipping directly or indirectly.

(4) *Traffic control.* Provision for the control of traffic through port areas to assure an orderly and continuous flow of such traffic. The term "port area(s)" as used herein includes any zone contiguous to or associated in the traffic network of an ocean or Great Lakes port, or outport location, including beach loading sites, within which facilities exist for the transshipment of persons and property between domestic carriers and carriers engaged in coastal, intercoastal, and overseas transportation.

(5) *Traffic priority.* Administration of priorities for the movement of traffic through port areas.

(6) *Port allocation.* Allocation of available ports and port facilities to meet the needs of the Nation and our allies. The term "port facilities" as used herein includes all port facilities (including the Great Lakes), port equipment including harbor craft, and port services normally used in accomplishing the transfer or interchange of cargo and passengers between ocean-going vessels and other media of transportation or in connection therewith.

(7) *Support activities.* Performance of supporting activities needed to carry out the above functions, such as: ascertaining national requirements for ocean shipping including those for military and other Federal programs and those essential to the civilian economy; maintenance, repair, and arming of ships; recruitment, training, and assignment of officers and seamen; procurement, warehousing, and issuance of ships' stores, supplies, equipment, and spare parts; supervision of stevedoring and bunkering; management of terminals, shipyards, and other facilities; and maintenance, restoration, and provision of port facilities.

(c) *Air carrier civil air transportation.* Develop plans for a national program to utilize the air carrier civil air transportation capac-

ity and equipment, both domestically and internationally, in a national emergency, particularly in the following areas concerned with:

(1) *Requirements.* Obtaining from the Department of Defense, Civil Aeronautics Board, or other agencies, and analyzing requirements for the services of air carrier aircraft for essential military and civilian use.

(2) *Allocation.* Allocation of air carrier aircraft to meet the needs of the Department of Defense for military operations and the Civil Aeronautics Board for essential civilian needs.

SEC. 4. *Production Functions.* Within the areas designated in section 1(c) hereof, the Secretary shall:

(a) *Requirements.* Periodically assemble, develop as appropriate, and evaluate estimated requirements for assigned resources and services taking into account the estimated needs for military, civilian, and foreign purposes. Such evaluation shall take into consideration geographical distribution of requirements in an emergency.

(b) *Resources.* Periodically assess assigned resources available from all sources in order to estimate availability under an emergency situation, analyze resource estimates in relation to estimated requirements in order to identify problem areas, and develop appropriate recommendations and programs including those necessary for the maintenance of an adequate mobilization base. Provide data and assistance before and after attack for national resource evaluation purposes of the Office of Emergency Planning.

(c) *Priorities and allocations.* Develop priorities, allocation, production, and distribution control systems, including provisions for other Federal departments and agencies, as appropriate, to serve as allotting agents for materials made available under such systems for construction and operation of facilities assigned to them.

(d) *New construction.* Develop procedures by which new production facility construction proposals will be reviewed for appropriate location in the light of such area factors as locational security, availability of labor, water, housing, and other requirements.

(e) *Industry evaluation.* Identify and rate those products and services, and their producing or supporting facilities, which are of exceptional importance to mobilization readiness, national defense, or post-attack survival and recovery.

(f) *Production capability.* Analyze potential effects of attack on actual production capability, taking into account the entire production complex including shortages of resources, and conduct studies as a basis for recommending pre-attack measures that would strengthen capabilities for post-attack production.

(g) *Stockpiles.* Assist the Office of Emergency Planning in formulating and carrying out plans for stockpiling of strategic and critical materials, and essential survival items.

(h) *Essential activities.* Maintain lists of activities essential to defense production and to minimum requirements of the civilian economy, such lists to be used in conjunction with lists of critical occupations.

(i) *Financial aid.* Develop plans and procedures for financial aids and incentives, including credit assistance to producers, processors, and distributors of those industries included in section 1(c) hereof, who might need such assistance in various mobilization conditions, particularly those resulting from attack.

(j) *Salvage and rehabilitation.* Develop plans for the salvage of stocks and rehabilitiation of assigned products and facilities after attack.

SEC. 5. *Economic Stabilization.* The Secretary shall cooperate with the Office of Emergency Planning in the development of suitable economic stabilization measures providing continuing guidance to the States, their political subdivisons, manufacturers, processors, and the public on the use and conservation of essential commodities in an emergency including rationing.

SEC. 6. *Cooperation with Department of Defense.* In consonance with national civil defense plans, programs, and operations of the Department of Defense under Executive Order No. 10952, the Secretary shall:

(a) *Facilities protection.* Provide industry protection guidance materials adapted to the needs of assigned facilities and promote a national program to stimulate disaster preparedness and control in order to minimize the effects of overt or covert attack, and to maintain continuity of production and capacity to serve essential users in an emergency. Guidance shall include, but not be limited to, organizing and training facility personnel, personnel shelter, evacuation plans, records protection, continuity of management, emergency repair, deconcentration or dispersal of critical facilities, and industrial mutual aid associations for emergency.

(b) *Public roads control.* Develop plans for a national program, in cooperation with all Federal, State and local government units or other agencies concerned, for technical guidance to States and direction of Federal activities relating to highway traffic control problems which may be created during an emergency; and plans for barricading and/or marking streets and highways, leading into or out of restricted fallout areas, for the protection of the public by external containment of traffic through hazardous areas.

(c) *Weather function.* Prepare and issue currently, as well as in an emergency, forecasts and estimates of areas likely to be covered by fallout in event of attack and make this information available to the Federal, State, and local authorities for public dissemination.

(d) *Monitoring.* Provide for the detection, identification, monitoring, and reporting of chemical, biological and radiological agents at facilities operated or controlled by the Department of Commerce.

(e) *Damage assessment.* Maintain a capability to assess the effects of attack on assigned resource areas and departmental installations, both at national and field levels, and provide data to the Department of Defense.

SEC. 7. *Claimancy.* The Secretary shall prepare plans to claim supporting materials, manpower, equipment, supplies and services which would be needed to carry out assigned responsibilities and other essential functions of the Department from the appropriate agency and shall work with such agencies in developing programs to insure availability of such resources in an emergency.

SEC. 8. *Census Data.* The Secretary shall provide for the collection and reporting of census information on the status of human and economic resources including population, housing, agriculture, manufacture, mineral industries, business, transportation, foreign trade, construction, and governments, as required for emergency planning purposes.

SEC. 9. *Research.* Within the framework of Federal research objectives, the Secretary shall supervise or conduct research in areas directly concerned with carrying out his emergency preparedness responsibilities, designate representatives for necessary ad hoc or task force groups, and provide advice and assistance to other agencies in planning for research in areas involving the Department's interest.

SEC. 10. *Functional Guidance.* The Secretary, in carrying out the functions assigned in this order, shall be guided by the following:

(a) *Interagency cooperation.* The Secretary shall assume the initiative in developing joint plans for the coordination of transportation and production programs which involve other departments and agencies which have responsibilities for any segment of such activities. He shall utilize to the maximum those capabilities of other agencies qualified to perform or assist in the performance of assigned functions by contractual or other agreements.

(b) *Presidential coordination.* The Director of the Office of Emergency Planning shall advise and assist the President in determining policy for, and assist him in, coordinating the performance of functions under this order with the total national preparedness program.

(c) *Emergency planning.* Emergency plans and programs, and emergency organization structure required thereby, shall be developed as an integral part of the continuing activities of the Department of Commerce on the basis that it will have the responsibility for carrying out such programs during an emergency. The Secretary shall be prepared to implement all appropriate plans developed under this order. Modifications and temporary organizational changes, based on emergency conditions, will be in accordance with policy determination by the President.

SEC. 11. *Emergency Actions.* Nothing in this order shall be construed as conferring authority under Title III of the Federal Civil Defense Act of 1950, as amended, or otherwise, to put into effect any emergency plan, procedure, policy, program, or course of action prepared or developed pursuant to this order. Such authority is reserved to the President.

SEC. 12. *Redelegation.* The Secretary is hereby authorized to redelegate within the Department of Commerce the functions hereinabove assigned to him.

SEC. 13. *Prior Actions.* To the extent of any inconsistency between the provisions of any prior order and the provisions of this order, the latter shall control. Emergency Preparedness Order No. 2 (heretofore issued by the Director, Office of Civil and Defense Mobilization) (26 F.R. 653–654), is hereby revoked.

JOHN F. KENNEDY

THE WHITE HOUSE,
February 16, 1962.

[F.R. Doc. 62–1805; Filed, Feb. 19, 1962; 10:47 a.m.]

Executive Order 11000

ASSIGNING EMERGENCY PREPAREDNESS FUNCTIONS TO THE SECRETARY OF LABOR

By virtue of the authority vested in me as President of the United States, including authority vested in me by Reorganization Plan No. 1 of 1958 (72 Stat. 1799), it is hereby ordered as follows:

SECTION 1. *Scope.* The Secretary of Labor (hereinafter referred to as the Secretary) shall prepare national emergency plans and develop preparedness programs covering civilian manpower mobilization, more effective utilization of limited manpower resources including specialized personnel, wage and salary stabilization, worker incentives and protection, manpower resources and requirements, skill development and training, research, labor-management relations, and critical occupations. These plans and programs shall be designed to develop a state of readiness in these areas with respect to all conditions of national emergency, including attack upon the United States.

SEC. 2. *Functions.* The Secretary shall:

(a) *Civilian manpower mobilization.* Develop plans and issue guidance designed to utilize to the maximum extent civilian manpower resources, such plans and guidance to be developed with the active participation and assistance of the States and local political subdivisions thereof, and of other organizations and agencies concerned with the mobilization of the people of the United States. Such plans shall include, but not necessarily be limited to:

(1) *Manpower management.* Recruitment, selection and referral, training, employment stabilization (including appeals procedures), proper utilization, and determination of the skill categories critical to meeting the labor requirements of defense and essential civilian activities.

(2) *Priorities.* Procedures for translating survival and production urgencies into manpower priorities to be used as guides for allocating available workers.

(3) *National guidance.* Technical guidance to States for the utilization of the nationwide system of public employment offices and other appropriate agencies for screening, recruiting, and referring

workers, and for other appropriate activities to meet mobilization and civil defense needs in each community.

(4) *Improving mobilization base.* Programs for more effective utilization of limited manpower resources, and in cooperation with other appropriate agencies, programs for recruitment, training, allocation, and utilization of persons possessing specialized competence or aptitude in acquiring such competence.

(b) *Wage and salary stabilization.* Develop plans and procedures for wage and salary stabilization and for the national and field organization necessary for the administration of such a program in an emergency, including investigation, compliance and appeals procedures; statistical studies of wages, salaries and prices for policy decisions and to assist operating stabilization agencies to carry out their functions.

(c) *Worker incentives and protection.* Develop plans and procedures for wage and salary compensation and death and disability compensation for authorized civil defense workers and, as appropriate, measures for unemployment payments, re-employment rights, and occupational safety, and other protection and incentives for the civilian labor force during an emergency.

(d) *Resources.* Periodically assess manpower resources in total, by specific skills categories and occupations, and by geographical locations, in order to estimate availability under an emergency situation, analyze resource estimates in relation to estimated requirements in order to identify problem areas, and develop appropriate recommendations and programs. Provide data and assistance before and after attack for national resource evalution purposes of the Office of Emergency Planning.

(e) *Requirements.* Develop, in coordination with manpower-using agencies, plans, procedures and standards for presenting claims for civilian manpower; periodically obtain and analyze or make estimates of requirements for manpower, in total and by specific skill categories and occupations currently and for any emergency, taking into account the estimates of needs for military and civilian purposes; and advise other agencies on the manpower implications of alternative program decisions. Such evaluation shall take into consideration the geographical distribution of requirements under emergency conditions.

(f) *Claimancy.* Prepare plans to claim materials, equipment, supplies and services needed in support of assigned responsibilities and other essential functions of the Department from appropriate agencies, and work with such agencies in developing programs to insure the availability of such resources in an emergency.

(g) *Skill development and training.* Initiate current action programs to overcome or offset present or anticipated manpower deficiencies including those identified as a result of resources and requirements studies.

(h) *Labor-management relations.* Develop, after consultation with the Department of Commerce, the Department of Defense, the National Labor Relations Board, the Federal Mediation and Conciliation Service, the National Mediation Board, and other appropriate agencies and groups including representatives of labor and management, plans and procedures including organization plans for the maintenance of effective labor-management relations during a national emergency.

(i) *Damage assessment.* Maintain a capability to assess the effects of attack upon manpower resources, departmental installations, and State Employment Security agencies, both at national and field levels, and provide data to the Department of Defense.

(j) *Critical occupations.* Develop and maintain a list of critical occupations for use, when appropriate, with lists of essential activities as developed by the Department of Commerce. With the Secretary of Defense, the Director of Selective Service System, and such other persons as the President may designate, the Secretary shall develop policies applicable to the deferment of registrants whose employment in occupations or activities is necessary to the maintenance of the national health, safety, or interest.

SEC. 3. *Research.* Within the framework of Federal research objectives, supervise or conduct research directly concerned with carrying out emergency preparedness responsibilities, designate representatives for necessary ad hoc or task force groups, and provide advice and assistance to other agencies in planning for research in areas involving the Department's interest.

SEC. 4. *Functional Guidance.* The Secretary, in carrying out the functions assigned in this order, shall be guided by the following:

(a) *Interagency cooperation.* The Secretary shall assume the initiative in developing over-all civilian manpower mobilization programs and in coordinating the programs of other departments and agencies which have responsibility for any segment of such activities. He shall utilize to the maximum those capabilities of other agencies qualified to perform or assist in the performance of assigned functions by contractual or other agreements. Such programs shall be in consonance with national civil defense plans, programs and operations of the Department of Defense under Executive Order No. 10952.

(b) *Presidential coordination.* The Director of the Office of Emergency Planning shall advise and assist the President in determining policy for, and assist him in coordinating the performance of functions under this order with the total national prepardness program.

(c) *Emergency planning.* Emergency plans and programs, and emergency organization structure required thereby, shall be developed as an integral part of the continuing activities of the Department of Labor on the basis that it will have the responsibility for carrying out such programs during an emergency. The Secretary shall be prepared to implement all appropriate plans developed under this order. Modifications and temporary organizational changes, based on emergency conditions, will be in accordance with policy determination by the President.

SEC. 5. *Emergency Actions.* Nothing in this order shall be construed as conferring authority under Title III of the Federal Civil Defense Act of 1950, as amended, or otherwise, to put into effect any emergency plan, procedure, policy, program or course of action prepared or developed pursuant to this order. Such authority is reserved to the President.

SEC. 6. *Redelegation.* The Secretary is hereby authorized to redelegate within the Department of Labor the functions hereinabove assigned to him.

SEC. 7. *Prior Actions.* To the extent of any inconsistency between the provisions of any prior order and the provisions of this order, the latter shall control. Emergency Preparedness Order No. 8 (heretofore issued by the Director, Office of Civil and Defense Mobilization) (26 F.R. 660–661), is hereby revoked.

JOHN F. KENNEDY

THE WHITE HOUSE,
February 16, 1962.

[F.R. Doc. 62–1806; Filed, Feb. 19, 1962; 10:47 a.m.]

Executive Order 11001

ASSIGNING EMERGENCY PREPAREDNESS FUNCTIONS TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

By virtue of the authority vested in me as President of the United States, including authority vested in me by Reorganization Plan No. 1 of 1958, it is hereby ordered as follows:

SECTION 1. *Scope.* The Secretary of Health, Education, and Welfare (hereinafter referred to as the Secretary) shall prepare national emergency plans and develop preparedness programs covering health services, civilian health manpower, health resources, welfare services, and educational programs as defined below. These plans and programs shall be designed to develop a state of readiness in these areas with respect to all conditions of national emergency including attack upon the United States.

SEC. 2. *Definitions.* As used in this order:

(a) "Emergency health services" means medical and dental care for the civilian population in all of their specialties and adjunct therapeutic fields, and the planning, provision and operation of first aid stations, hospitals, and clinics; preventive health services, including detection, identification and control of communicable diseases, their vectors, and other public health hazards, inspection and control of purity and safety of food, drugs and biologicals; food and milk sanitation; public water supplies; sewage and other waste disposal; registration and disposal of the dead; prevention and alleviation of water pollution; vital statistics services; preventive and curative care related to human exposure to radiological, chemical, and biological warfare agents; and rehabilitation and related services for disabled survivors. It shall be understood that health services, for the purposes of this order, do not encompass the following areas for which the Department of Agriculture has responsibility: plant and animal diseases and pest prevention, control and eradication, protection of meat and meat products, and poultry and poultry products in establishments under continuous inspection service by the Department of Agriculture, veterinary biologicals, agricultural commodities and products owned by the Commodity Credit Corporation or the Secretary of Agriculture, livestock, agricultural commodities owned or harvestable on farms and ranches, agricultural lands, and registration of pesticides.

(b) "Health manpower" means physicians (including osteopaths); dentists; sanitary engineers; registered professional nurses; and such other occupations as may be included in the List of Health Manpower Occupations issued for the purposes of this Executive Order by the Director of the Office of Emergency Planning after agreement by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

(c) "Health resources" means manpower, material, and facilities required to prevent the impairment of, improve, and restore the physical and mental health conditions of the civilian population.

(d) "Emergency welfare services" means feeding; clothing; housing or lodging in private and congregate facilities; registration; locating and reuniting families; care of unaccompanied children, the aged, the handicapped, and other groups needing specialized care or service; necessary financial or other assistance; counseling and referral services to families and individuals; aid to welfare institutions under national emergency or post-attack conditions; and all other feasible welfare aid and services to people in need during a civil defense emergency. Such measures include organization, direction, and provision of services to be instituted before attack, in the event of strategic or tactical evacuation, and after attack in the event of evacuation or of refuge in shelters.

(e) "Education," as used in this order, means the utilization of formal public and private school systems, from elementary through college, for the dissemination of instructional material guidance, and training in the protection of life and property from enemy attack.

SEC. 3. *Health Functions.* With respect to emergency health services, as defined above, and in consonance with national civil defense plans, programs and operations of the Department of Defense under Executive Order No. 10952, the Secretary shall:

(a) *National program guidance.* Develop plans and issue guidance designed to utilize to the maximum extent the existing civilian health resources of the Federal Government, and with their active participation, assistance, and consent, the health resources of the States and local political subdivisions thereof, and of other civilian organizations and agencies concerned with the health of the population, under all conditions of national emergency. Maintain relations with health professions and institutions to foster mutual understanding of Federal emergency plans which affect health activities.

(b) *Professional training.* Develop and direct a nationwide program to train health manpower both in professional and technical occupational content and in civil defense knowledge and skills. De-

velop and distribute health education material for inclusion in the curricula of schools, colleges, professional schools, government schools, and other educational facilities throughout the United States. Develop and distribute civil defense information relative to health services to States, voluntary agencies and professional groups.

(c) *Emergency water supply.* Prepare plans to assure the provision of usable public water supplies for essential community uses in an emergency. This shall include inventorying existing supplies, developing new sources, performing research, setting standards, and planning distribution. In carrying on these activities, the Department shall have primary responsibility but will make maximum use of the resources and competence of State and local authorities and of other Federal agencies.

(d) *Radiation.* Develop and coordinate programs of radiation measurement and assessment as may be necessary to carry out the responsibilities involved in the provision of emergency health services.

(e) *Biological and chemical warfare.* Develop and coordinate programs for the prevention, detection, and identification of human exposure to chemical and biological warfare agents as may be necessary to carry out the responsibilities involved in the provision of emergency health services including the provision of guidance and consultation to Federal, State, and local authorities on measures for minimizing the effects of biological or chemical warfare.

(f) *Food, drugs, and biologicals.* Plan and direct national programs for the maintenance of purity and safety in the manufacture and distribution of food, drugs, and biologicals in an emergency.

(g) *Disabled survivors.* Prepare national plans for emergency operations of vocational rehabilitation and related agencies, and for measures and resources necessary to rehabilitate and make available for employment those disabled persons among the surviving population.

(h) *Salvage and rehabilitation.* Develop plans for salvage of supplies and equipment and rehabilitation of health services, supplies, and facilities after attack.

SEC. 4. *Welfare Functions.* With respect to emergency welfare services as defined above, and in consonance with national civil defense plans, programs and operations of the Department of Defense under Executive Order No. 10952, the Secretary shall:

(a) *National program guidance.* Develop plans and issue guidance for an integrated national program for emergency welfare services and, working with other Federal departments and agencies, provide for extending guidance and technical assistance to State and local welfare departments in the development and operation of their plans for the community organization of emergency welfare services.

(b) *Federal support.* Cooperate in the development of Federal support procedures, through joint planning with other departments and agencies, including but not limited to the Post Office Department, the Department of Labor, and the Selective Service System, the Housing and Home Finance Agency, and resource agencies including the Department of Agriculture, the Department of the Interior, and the Department of Commerce for logistic support of State and community welfare services in an emergency.

(c) *Emergency welfare training.* Develop and direct a nationwide program to train emergency welfare manpower for the execution of the functions set forth in this order, develop welfare educational materials, including self-help program materials for use with welfare organizations and professional schools, and develop and distribute civil defense information relative to emergency welfare services to States, voluntary agencies, and professional groups.

(d) *Financial aid.* Develop plans and procedures for financial assistance to individuals injured or in want as a result of enemy attack and for welfare institutions in need of such assistance in an emergency.

(e) *Professional liaison.* Maintain relations with national voluntary welfare organizations and related national professional and business organizations to foster mutual understanding and support of emergency welfare plans and activities.

SEC. 5. *Education Functions.* With respect to education as defined above, and in consonance with national civil defense plans, programs and operations of the Department of Defense under Executive Order No. 10952, the Secretary shall develop and issue through appropriate channels instructional materials and provide suggestions and guidance to assist schools, colleges, and other educational agencies to incorporate emergency protective measures and long-range civil defense concepts into their programs. This involves assistance to various levels of education to develop an understanding of the role of the individual, family, and community for civil defense in the nuclear age, as well as the maintenance of relations with educators, national and State education associations, foundations, and other related organizations to foster mutual understanding and support of civil defense activities.

SEC. 6. *Facilities Protection and Damage Assessment.* In consonance with the national civil defense plans, programs and operations of the Department of Defense under Executive Order No. 10952, the Secretary shall:

(a) *Facilities protection.* Provide industry protection guidance material adapted to the needs of health, welfare, and education facilities and promote a national program to stimulate, guide, and assist facilities such as hospitals, clinics, public water plants, waste disposal plants and facilities for other emergency health services, welfare institutions, and schools in methods of disaster preparedness and control in order to minimize the effects of overt or covert attack and maintain continuity of capacity to serve the public in an emergency. Guidance and assistance shall include but not be limited to: organizing and training facility employees, employee shelter, evacuation plans, records protection, continuity of management, emergency repair, deconcentration or dispersal of facilities, and the organization of mutual aid associations for emergency.

(b) *Damage assessment.* Maintain a capability to assess the effects of attack on health, welfare, and education facilities and personnel both at national and field levels and provide data to the Department of Defense.

SEC. 7. *Resources.* The Secretary shall periodically assess assigned resources available from all sources in order to estimate availability under an emergency situation, analyze resource estimates in relation to estimated requirements in order to identify problem areas and develop appropriate recommendations and programs. Provide data and assistance before and after attack for national resource evaluation purposes of the Office of Emergency Planning.

SEC. 8. *Relative Urgencies.* The Secretary shall develop standards and relative urgencies for emergency health and welfare services for guidance of Federal agencies, States, and communities in providing maximum protection to survivors, and for the purpose of conserving, improving availability, and allocating such resources.

SEC. 9. *Requirements.* The Secretary shall periodically assemble, develop as appropriate, and evaluate requirements for assigned resources and services, taking into account the estimated needs for military as well as civilian purposes. Such evaluations shall take into consideration the geographical distribution of requirements under emergency conditions.

SEC. 10. *Claimancy.* The Secretary shall prepare plans to claim materials, manpower, equipment, supplies and services needed to carry out assigned responsibilities and other essential functions of the Department, from the appropriate agency and work with such agencies in developing programs to insure availability of such resources in an emergency.

SEC. 11. *Stockpiles.* The Secretary shall assist the Office of Emergency Planning in formulating and carrying out stockpiling of strategic and critical materials and survival items. The Secretary shall also plan and direct the procurement, storage, maintenance,

inspection, survey, distribution, and utilization of essential supplies and equipment for emergency health services.

SEC. 12. *Research.* Within the framework of Federal research objectives, the Secretary shall supervise or conduct research in areas directly concerned with carrying out emergency preparedness responsibilities for health, education, and welfare programs. With respect to the emergency health and welfare services assignment, this is defined as, but not limited to (1) development of medical means for the prevention and care of casualties (including those from thermonuclear weapons, radiation exposure, and biological and chemical warfare, as well as from other weapons); (2) research in preventive medicines, basic biology and environmental sanitation directed to maintaining the health of noncasualty population; (3) pre-attack and post-attack target research in health services; (4) protection of resources and protocol essential to carrying out long-term basic and applied research in the post-attack period; and (5) the development of techniques for the most efficient utilization of civilian health manpower. Designate representatives for necessary ad hoc or task force groups and provide advice and assistance to other agencies in planning for research in areas involving the Department's interest.

SEC. 13. *Functional Guidance.* The Secretary, in carrying out the functions assigned in this order, shall be guided by the following:

(a) *Interagency cooperation.* The Secretary shall assume the initiative in developing joint plans for the coordination of emergency civilian health services and welfare services programs of those departments and agencies which have responsibility for any segment of such activities. He shall utilize to the maximum those capabilities of other agencies qualified to perform or assist in the performance of assigned functions by contractual or other agreements.

(b) *Presidential coordination.* The Director of the Office of Emergency Planning shall advise and assist the President in determining policy for, and assist him in coordinating the performance of functions under this order with the total national preparedness program.

(c) *Emergency planning.* Emergency plans and programs, and emergency organization structure required thereby, shall be developed as an integral part of the continuing activities of the Department of Health, Education, and Welfare on the basis that it will have the responsibility for carrying out such programs during an emergency. The Secretary shall be prepared to implement all appropriate plans developed under this order. Modifications and temporary organization changes, based on emergency conditions, will be in accordance with policy determination by the President.

SEC. 14. *Emergency Actions.* Nothing in this order shall be construed as conferring authority under Title III of the Federal Civil Defense Act of 1950, as amended, or otherwise, to put into effect any emergency plan, procedure, policy, program, or course of action prepared or developed pursuant to this order. Such authority is reserved to the President.

SEC. 15. *Redelegation.* The Secretary is hereby authorized to redelegate within the Department of Health, Education, and Welfare the functions hereinabove assigned to him.

SEC. 16. *Prior Actions.* To the extent of any inconsistency between the provisions of any prior order and the provisions of this order, the latter shall control. Emergency Preparedness Orders Nos. 4 and 5 (heretofore issued by the Director, Office of Civil and Defense Mobilization) (26 F.R. 656–658), are hereby revoked.

JOHN F. KENNEDY

THE WHITE HOUSE,
February 16, 1962.

[F.R. Doc. 62-1807; Filed, Feb. 19, 1962; 10:47 a.m.]

Executive Order 11002

ASSIGNING EMERGENCY PREPAREDNESS FUNCTIONS TO THE POSTMASTER GENERAL

By virtue of the authority vested in me as President of the United States, including authority vested in me by Reorganization Plan No. 1 of 1958 (72 Stat. 1799), it is hereby ordered as follows:

SECTION 1. *Scope.* The Postmaster General shall assist in the development of a national emergency registration system. These plans and programs shall be designed to develop a state of readiness in this area with respect to all conditions of national emergency including attack upon the United States.

SEC. 2. *Cooperation with Department of Defense.* In consonance with national civil defense plans, programs, and operations of the Department of Defense under Executive Order No. 10952, the Postmaster General shall:

(a) *Registration system.* Assist in planning a national program and developing technical guidance for States, and directing Post Office activities concerned with registering persons and families for the purpose of receiving and answering welfare inquiries, and reuniting families in civil defense emergencies. The program shall include:

1. *Forms.* Procurement, transportation, storage, and distribution of safety notification and emergency change of address cards in quantities and localities jointly determined by the Department of Defense and the Post Office Department.

2. *Training.* Conduct of training programs for postal employees which will enable them to operate emergency central postal directories and to assist in the operation of a national emergency registration system including support of local welfare activities in reuniting families.

(b) *Damage assessment.* Maintain a capability to assess the effects of attack on its postal service and resources, both at national and field levels, and provide data to the Department of Defense.

SEC. 3. *Functional Guidance.* The Postmaster General, in carrying out the functions assigned in this order, shall be guided by the following:

(a) *Interagency cooperation.* The Postmaster General shall work with the heads of other agencies concerned in the development of systems outlined above. He shall utilize to the maximum those capabilities of other agencies qualified to perform or assist in the performance of assigned functions by contractual or other agreements.

(b) *Presidential coordination.* The Director of the Office of Emergency Planning shall advise and assist the President in determining policy for, and assist him in coordinating the performance of functions under this order with the total national preparedness program.

(c) *Emergency planning.* Emergency plans and programs, and emergency organization structures required thereby, shall be developed as an integral part of the continuing activities of the Post Office Department on the basis that it will have the responsibility for carrying out such programs during an emergency. The Postmaster General shall be prepared to implement all appropriate plans developed under this order. Modifications and temporary organizational changes, based on emergency conditions, shall be in accordance with policy determination by the President.

SEC. 4. *Emergency Actions.* Nothing in this order shall be construed as conferring authority under Title III of the Federal Civil Defense Act of 1950, as amended, or otherwise, to put into effect any emergency plan, procedure, policy, program, or course of action prepared or developed pursuant to this order. Such authority is reserved to the President.

SEC. 5. *Redelegation.* The Postmaster General is hereby authorized to redelegate within the Post Office Department the functions hereinabove assigned to him.

SEC. 6. *Prior Actions.* To the extent of any inconsistency between the provisions of any prior order and the provisions of this order, the latter shall control. Emergency Preparedness Order No. 9 (heretofore issued by the Director, Office of Civil and Defense Mobilization) (26 F.R. 661-662), is hereby revoked.

JOHN F. KENNEDY

THE WHITE HOUSE,
February 16, 1962.

[F.R. Doc. 62-1808; Filed, Feb. 19, 1962; 10:47 a.m.]

Executive Order 11003

ASSIGNING EMERGENCY PREPAREDNESS FUNCTIONS TO THE ADMINISTRATOR OF THE FEDERAL AVIATION AGENCY

By virtue of the authority vested in me as President of the United States, including authority vested in me by Reorganization Plan No. 1 of 1958 (72 Stat. 1799), it is hereby ordered as follows:

SECTION 1. *Scope.* The Administrator of the Federal Aviation Agency (hereinafter referred to as the Administrator) shall prepare national emergency plans and develop preparedness programs covering the emergency management of the Nation's civil airports, civil aviation operating facilities, civil aviation services, and civil aircraft other than air carrier aircraft. These plans and programs shall be designed to develop a state of readiness in these areas with respect to all conditions of national emergency, including attack upon the United States.

SEC. 2. *Transportation Functions.* The Administrator shall:

(a) *National program guidance.* Develop plans and issue national program guidance designed to utilize to the maximum extent the existing non-military facilities, technical competence and resources of the Federal Government, the States and the local political subdivisions thereof, and non-governmental organizations and systems engaged in aeronautical activities to promote the effective and safe use and maintenance of aeronautical facilities, equipment, and services in an emergency.

(b) *Operations.* Formulate plans for the development, utilization, expansion and emergency management of the Nation's civil airports, civil aviation ground facilities and equipment required for essential civil air operations, except manufacturing facilities, but including the development of orders for insuring the continued operation of essential civil airports, civil aviation operating facilities, and civil aviation equipment.

(c) *Priorities and allocations.* Develop plans and procedures for controls, allocations and priorities concerned with the utilization of aircraft other than air carrier aircraft in an emergency.

(d) *Resources.* Periodically assess assigned resources available from all sources in order to estimate availability under an emergency situation, analyze resource estimates in relation to estimated requirements in order to identify problem areas and develop appropriate recommendations and programs. Provide data and assistance before and after attack for national resource evaluation purposes of the Office of Emergency Planning.

(e) *Requirements.* Determine emergency requirements for material and supplies needed to manufacture, maintain or operate air navigation facilities, civil airports, and civil aircraft for which the Administrator is responsible.

(f) *Claimancy.* Prepare plans to claim materials, manpower, equipment, supplies, and services needed to carry out assigned responsibilities and other essential functions of the agency from the appropriate agencies and work with such agencies in developing programs to insure availability of such resources in an emergency.

SEC. 3. *Cooperation with Department of Defense.* In consonance with national civil defense plans, programs, and operations of the Department of Defense under Executive Order No. 10952, the Administrator shall:

(a) *Professional training.* Prepare and incorporate into appropriate courses dealing with aeronautics and aviation applicable civil defense knowledge and skills necessary to insure the maximum operational effectiveness of essential civil air transportation systems and facilities; and prepare and distribute such civil defense information to the management of air transportation systems and facilities, States and local governments, voluntary agencies, and commercial and professional groups concerned with the development, utilization, expansion, and emergency management of non-military aviation.

(b) *Facilities protection.* Analyze the potential effects of attack as a basis for developing and promoting a national program of vulnerability reduction, disaster preparedness, and damage control designed to minimize the effects of overt or covert attack on civil aviation facilities except aircraft manufacturing plants. Such program shall include, but shall not be limited to, guidance with respect to deconcentration and dispersal of facilities and equipment, organization and training of facility employees, shelter, evacuation and relocation plans, records protection, continuity of management, and emergency repair and recovery of facilities.

(c) *Monitoring.* Provide for the detection, identification, monitoring, and reporting of chemical, biological, and radiological agents at facilities operated or controlled by the Federal Aviation Agency.

(d) *Decontamination.* Provide technical advice, guidance, and consultation to Federal, State and local civil aviation authorities on measures for minimizing the effects of chemical, biological, and radiological contamination of civil airports and civil aviation facilities, aircraft, ground equipment, and personnel.

(e) *Damage assessment.* Maintain a capability to assess the effects of attack on all air navigation, air traffic control, and aeronautical communications facilities, all civil airports, civil aircraft, and all other facilities essential to safe and effective air transportation operations in a national emergency and provide data to the Department of Defense.

(f) *Salvage and rehabilitation.* Develop plans for salvage of supplies and equipment and the rehabilitation or replacement of essential civil aviation systems, facilities, and services after attack, excluding the manufacture of aircraft but including direction of Federal activities for the emergency clearance and restoration of essential civil airports in damaged areas.

SEC. 4. *Research.* Within the framework of over-all Federal research objectives, the Administrator shall supervise or conduct research directly concerned with carrying out emergency preparedness responsibilities, designate representatives for necessary ad hoc or task force groups, and provide advice and assistance to other agencies in planning for research in areas involving the Agency's interest.

SEC. 5. *Functional Guidance.* The Administrator, in carrying out the functions assigned in this order, shall be guided by the following:

(a) *Interagency cooperation.* The Administrator shall work with the Secretary of Commerce, the Civil Aeronautics Board, and heads of other agencies concerned with the development of a national emergency transportation program. In the development of emergency plans and programs pursuant to this order and in the execution of functions assigned thereunder, the Administrator shall perform his functions in a manner compatible with his responsibilities to the Department of Defense under the Federal Aviation Act of 1958, and without compromise of his ability to discharge such responsibilities. Nothing in this order shall be construed to limit the authority vested in the Administrator by the Federal Aviation Act of 1958 with respect to the exercise of the Administrator's authority and responsibility in an "air defense emergency" (as distinguished from a "civil defense emergency"), or other state of emergency as may be declared by the President.

(b) *Presidential coordination.* The Director of the Office of Emergency Planning shall advise and assist the President in determining

policy for, and assist him in coordinating the performance of functions under this order with the total national preparedness program.

(c) *Emergency planning.* Emergency plans and programs, and emergency organizational structure required thereby, shall be developed as an integral part of the continuing activities of the Federal Aviation Agency on the basis that it will have the responsibility for carrying out such programs during an emergency. The Administrator shall be prepared to implement all appropriate plans developed under this order. Modifications and temporary organizational changes, based on emergency conditions, will be in accordance with policy determination by the President.

SEC. 6. *Emergency Actions.* Nothing in this order shall be construed as conferring authority under Title III of the Federal Civil Defense Act of 1950, as amended, or otherwise, to put into effect any emergency plan, procedure, policy, program, or course of action prepared or developed pursuant to this order. Such authority is reserved to the President.

SEC. 7. *Redelegation.* The Administrator of the Federal Aviation Agency is hereby authorized to redelegate within the Agency the functions hereinabove assigned to him.

SEC. 8. *Prior Actions.* To the extent of any inconsistency between the provisions of any prior order and the provisions of this order, the latter shall control. Emergency Preparedness Order No. 3 (heretofore issued by the Director, Office of Civil and Defense Mobilization) (26 F.R. 655–656) is hereby revoked.

JOHN F. KENNEDY

THE WHITE HOUSE,
February 16, 1962.

[F.R. Doc. 62-1809; Filed, Feb. 19, 1962; 10:47 a.m.]

Executive Order 11004

ASSIGNING CERTAIN EMERGENCY PREPAREDNESS FUNCTIONS TO THE HOUSING AND HOME FINANCE ADMINISTRATOR

By virtue of the authority vested in me as President of the United States, including authority vested in me by Reorganization Plan No. 1 of 1958 (72 Stat. 1799), it is hereby ordered as follows:

SECTION 1. *Scope.* The Housing and Home Finance Administrator (hereinafter referred to as the Administrator) shall prepare national emergency plans and develop preparedness programs covering all aspects of lodging or housing and community facilities related thereto. These plans and programs shall be designed to develop a state of readiness in these areas with respect to all conditions of national emergency, including attack upon the United States.

SEC. 2. *Housing Functions.* The Administrator shall:

(a) *New housing.* Develop plans for the construction and management of new housing and the community facilities related thereto, when and where it is determined to be necessary with public funds through direct Federal action; or the construction of new housing through financial or credit assistance, in support of production programs.

(b) *Communities.* Develop plans for the selection, acquisition, development, and disposal of areas for civilian uses in new, expanded, restored, or relocated communities; and for the construction of housing for new or restored communities.

(c) *Resources.* Periodically assess assigned resources available from all sources in order to estimate availability under an emergency situation, analyze resource estimates in relation to estimated requirements in order to identify problem areas and develop appropriate recommendations and programs. Provide data and assistance before and after attack for national resources evaluation purposes of the Office of Emergency Planning.

(d) *Priorities.* Develop standards and priorities for guidance of States and communities in making maximum use of and allocating available housing resources.

(e) *Requirements.* Periodically assemble, develop as appropriate, and evaluate requirements with respect to assigned resources and services. Such estimates shall take into consideration the geographical distribution of requirements under emergency conditions.

(f) *Claimancy.* Prepare plans to claim materials, manpower, equipment, supplies, and services needed in support of assigned responsibilities and other essential functions of the agency from appropriate agencies, and work with such agencies in developing programs to insure availability of such resources in an emergency.

(g) *Distribution.* Develop allocation and distribution control systems consistent with the priorities and allocations procedures prescribed by the Department of Commerce for materials and equipment needed for housing, and develop programs for the domestic distribution and use of mobile lodging facilities in an emergency.

(h) *Stockpiles.* Assist the Office of Emergency Planning in formulating and carrying out plans for stockpiling of strategic and critical materials, and survival items in the housing field.

(i) *Economic stabilization.* Cooperate with the Office of Emergency Planning and the Federal financial agencies in the development of preparedness measures involving emergency financing, real estate credit, and rent stabilization.

SEC. 3. *Cooperation with Department of Defense.* In consonance with national civil defense plans, programs, and operations of the Department of Defense under Executive Order No. 10952, the Administrator shall:

(a) *Billeting.* Develop plans for a billeting program, including advice and guidance for State and local government agencies in the administration thereof. The Secretary of the Department of Health, Education, and Welfare shall incorporate billeting plans in the general welfare guidance program for States.

(b) *Temporary housing.* Develop plans for the emergency repair and restoration to use of damaged housing, for the construction and management of emergency housing units and the community facilities related thereto, and for the emergency conversion to dwelling use of non-residential structures with public funds through direct Federal action or through financial or credit assistance.

(c) *Population movement.* Participate in the preparation of plans for determining which areas are to be restored and in the development and coordination of plans for the movement of people on a temporary basis from areas to be abandoned to areas where housing is available or can be made available.

(d) *Shelter.* Assist in the development of plans to encourage the construction of fallout shelters for both old and new housing in conformance to the national shelter policy.

(e) *Vulnerability.* Participate in promoting the dispersal of new or expanding communities and government installations in conformance to national vulnerability reduction policy.

(f) *Damage assessment.* Maintain a capability to assess the effects of attack on housing resources, both at national and field levels, and provide data assistance to the Department of Defense.

SEC. 4. *Research.* Within the framework of overall Federal research objectives the Administrator shall supervise or conduct research directly concerned with carrying out emergency preparedness responsibilities, designate representatives for necessary ad hoc or task force groups, and provide advice and assistance to other agencies in planning for research in areas involving the agency's interests.

SEC. 5. *Functional Guidance.* The Administrator, in carrying out the functions assigned in this order, shall be guided by the following:

(a) *Interagency cooperation.* The Administrator shall assume the initiative in developing joint plans for the coordination of civilian

housing emergency programs of those departments and agencies which normally have responsibilities for any segment of such activities. He shall utilize to the maximum those capabilities of other agencies qualified to perform or assist in the performance of assigned functions by contractual or other agreements.

(b) *Presidential coordination.* The Director of the Office of Emergency Planning shall advise and assist the President in determining policy for, and assist him in coordinating the performance of functions under this order with the total national preparedness program.

(c) *Emergency planning.* Emergency plans and programs, and emergency organization structure required thereby, shall be developed as an integral part of the continuing activities of the Housing and Home Finance Agency on the basis that it will have the responsibility for carrying out such programs during an emergency. The Administrator shall be prepared to implement all appropriate plans developed under this order. Modifications and temporary organizational changes, based on emergency conditions, will be in accordance with policy determination by the President.

SEC. 6. *Emergency Actions.* Nothing in this order shall be construed as conferring authority under Title III of the Federal Civil Defense Act of 1950, as amended, or otherwise, to put into effect any emergency plan procedure, policy, program, or course of action prepared or developed pursuant to this order. Such authority is reserved to the President.

SEC. 7. *Redelegation.* In carrying out the functions outlined in this order, the Administrator may reassign such functions to and designate or appoint any official or employee within the Housing and Home Finance Agency, including the constituent agencies, to serve in any position within the Housing and Home Finance Agency.

SEC. 8. *Prior Actions.* To the extent of any inconsistency between the provisions of any prior order and the provisions of this order, the latter shall control. Emergency Preparedness Order No. 6 (heretofore issued by the Director, Office of Civil and Defense Mobilization) (26 F.R. 658–659), is hereby revoked.

JOHN F. KENNEDY

THE WHITE HOUSE,
February 16, 1962.

[F.R. Doc. 62-1810; Filed, Feb. 19, 1962; 10:47 a.m.]

Executive Order 11005

ASSIGNING EMERGENCY PREPAREDNESS FUNCTIONS TO THE INTERSTATE COMMERCE COMMISSION

By virtue of the authority vested in me as President of the United States, including authority vested in me by Reorganization Plan No. 1 of 1958 (72 Stat. 1799), it is hereby ordered as follows:

SECTION 1. *Scope.* The Interstate Commerce Commission (hereinafter referred to as the Commission) shall prepare national emergency plans and develop preparedness programs covering railroad utilization, reduction of vulnerability, maintenance, restoration, and operation in an emergency; motor carrier utilization, reduction of vulnerability, and operation in an emergency; inland waterway utilization of equipment and shipping, reduction of vulnerability, and operation in an emergency, excepting the St. Lawrence Seaway; and also provide guidance and consultation to domestic surface transportation and storage industries, as defined below, regarding emergency preparedness measures, and to States regarding development of their transportation plans in assigned areas. These plans and programs will be designed to develop a state of readiness in these areas with respect to all conditions of national emergency, including attack upon the United States.

SEC. 2. *Definitions.* As used in this order:

"Domestic surface transportation and storage" means rail, motor, and inland water transportation facilities and services and public storage. "Public storage" as used herein includes warehouses and other

places which are used for the storage of property belonging to persons other than the persons having the ownership or control of such premises. "Inland water transportation" includes shipping on all inland waterways and Great Lakes shipping engaged solely in the transportation of passengers or cargo between United States ports on the Great Lakes. Specifically excluded, for the purposes of this order, are petroleum and gas pipelines, petroleum and gas storage, agricultural and food resources storage, including the cold storage of food resources, the St. Lawrence Seaway, ocean ports and Great Lakes ports and port facilities, highways, streets, roads, bridges, and related appurtenances, maintenance of inland waterways, and any transportation owned by or pre-allocated to the military.

SEC. 3. *Transportation Functions.* The Commission shall:

(a) *Requirements.* Periodically assemble, develop as appropriate, and evaluate requirements for domestic surface transportation and storage in an emergency, taking into account estimated needs for military as well as civilian purposes. Such evaluation shall take into consideration distribution of requirements under emergency conditions.

(b) *Resources.* Periodically assess assigned resources available from all sources in order to estimate availability under an emergency situation, analyze resource estimates in relation to estimated requirements in order to identify problem areas and develop appropriate recommendations and programs. Provide data and assistance before and after attack for national resource evaluation purposes of the Office of Emergency Planning.

(c) *Claimancy.* Prepare plans to claim material, equipment, manpower, supplies, and services needed to carry out assigned responsibilities and other essential functions of the Commission before the appropriate agency, and work with such agencies in developing programs to insure availability of such resources in an emergency.

(d) *Priorities and allocations.* Prepare plans for the allocation of the use of domestic surface transportation and storage by operators and users, and to administer such priorities systems as may be necessary to insure expeditious movement of essential freight and passengers (including designation of priorities on traffic in transit through port areas between domestic surface points) subject to determination of designated authorities as to degree of essentiality and relative priority of the activity served.

(e) *Control.* Develop plans with appropriate private transportation and storage organizations and associations for the coordination and direction of the use of domestic surface transportation and storage facilities for movement of passenger and freight traffic.

(f) *Emergency operations.* Develop a system for keeping informed as to operational conditions and capabilities throughout the domestic surface transportation and storage industry including the intensities of chemical, biological, radiological (CBR) contamination along and on the appropriate ways and terminals and the consequent interdiction occasioned by it, and prepare plans to take such actions as are necessary to avoid conflicts, overcome "bottle-necks," effect conservation, decrease waste, and speed turn-arounds. Develop and maintain necessary orders and regulations for the operation of domestic surface transport and storage industries in an emergency.

(g) *Salvage and rehabilitation.* Develop plans for salvage of domestic surface transportation and storage equipment and rehabilitation including decontamination of appropriate terminals, rights of way, equipment, and shops after attack.

(h) *National program guidance.* Develop plans and issue guidance designed to utilize to the maximum extent the existing non-military facilities, technical competence, and resources of the Federal Government, the States and local political subdivisions thereof, and non-governmental organizations and systems engaged in domestic surface transportation and storage activities to promote the effective and safe use and maintenance of transportation facilities, equipment, and services in an emergency.

(i) *Stockpiles.* Assist the Office of Emergency Planning in formulating and carrying out plans for the stockpiling of strategic and critical materials and items necessary to the maintenance of a domestic surface transportation and storage capability in an emergency.

(j) *Economic stabilization.* Cooperate with the Office of Emergency Planning in the development of economic stabilization policies as they affect domestic surface transportation and storage programs in an emergency.

(k) *Financial aid.* Develop plans and procedures for financial and credit assistance to domestic surface transportation and storage organizations that might need such assistance in various mobilization conditions, particularly those resulting from attack.

SEC. 4. *Cooperation with Department of Defense.* In consonance with national civil defense plans, programs, and operations of the Department of Defense under Executive Order 10952, the Commission shall:

(a) *Chemical, biological, and radiological warfare defense.* Develop plans to participate with Federal, State, and local, and nongovernmental chemical, biological and radiological defense units in the detection and the assessment of chemical, biological and radiological contaminants, and participate in plans for decontamination operations.

(b) *Facilities protection.* Provide industry protection and guidance material adapted to the needs of industries concerned and promote a national program to stimulate disaster preparedness and control in order to minimize the effects of overt or covert attack on domestic surface transportation and storage facilities. Guidance shall include but not be limited to organization and training of facility employees, personnel shelter, evacuation and relocation plans, records protection, continuity of management, emergency repair and recovery of facilities, deconcentration and dispersal of facilities and equipment, and mutual aid associations for emergency.

(c) *Damage assessment.* Maintain a capability to assess the effects of attack on all domestic surface transportation and storage facilities essential to safe and effective surface transportation in a national emergency, and to provide data to the Department of Defense.

SEC. 5. *Research.* Within the framework of the over-all Federal research objectives, the Commission shall supervise or conduct research in areas directly concerned with carrying out assigned emergency preparedness responsibilities, designate representatives for necessary ad hoc or task force groups, and provide advice and assistance to other agencies in planning for research in areas involving the Commission's interest.

SEC. 6. *Functional Guidance.* The Commission, in carrying out the functions assigned in this order, shall be guided by the following:

(a) *Interagency cooperation.* The Commission shall assume the initiative in developing joint plans for the coordination of emergency domestic surface transportation and storage programs of those departments and agencies having responsibility for any segment of such activity. It shall utilize to the maximum those capabilities of other agencies qualified to perform or assist in the performance of assigned functions by contractual or other agreements.

(b) *Presidential coordination.* The Director of the Office of Emergency Planning shall advise and assist the President in determining policy for, and assist him in coordinating the performance of functions under this order with the total national preparedness program.

(c) *Emergency planning.* Emergency plans and programs, and emergency organization structure required thereby, shall be developed as an integral part of the continuing activities of the Commission on the basis that it will have the responsibility for carrying out such programs during an emergency. The Commission shall be prepared to implement all appropriate plans developed under this order. Modifications and temporary organizational changes, based on emergency conditions, will be in accordance with policy determination by the President.

SEC. 7. *Emergency Actions.* Nothing in this order shall be construed as conferring authority under Title III of the Federal Civil Defense Act of 1950, as amended, or otherwise, to put into effect any emergency plan, procedure, policy, program, or course of action prepared or developed pursuant to this order. Such authority is reserved to the President.

SEC. 8. *Redelegation.* The Commission is hereby authorized to redelegate within the Interstate Commerce Commission the functions hereinabove assigned to it.

SEC. 9. *Prior Actions.* To the extent of any inconsistency between the provisions of any prior order and the provisions of this order, the latter shall control. Emergency Preparedness Order No. 15 (heretofore issued by the Director, Office of Civil and Defense Mobilization) (26 F.R. 838–839), is hereby revoked.

JOHN F. KENNEDY

THE WHITE HOUSE,
February 16, 1962.

[F.R. Doc. 62–1811; Filed, Feb. 19, 1962; 10:47 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

Fishery Biologist; Refuge Manager; Wildlife Biologist

Paragraph (a) of § 24.70 and paragraphs (b) and (c) of § 24.71 are amended and a new § 24.153 is added as set out below.

§ 24.70 Fishery Biologist, GS–482 (all grades and options).

(a) *Educational requirement.* (1) Applicants for nonresearch positions in this series must have successfully completed one of the following:

(i) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with at least 30 semester hours of course-work in biological science. This course-work must have included:

(*a*) At least 6 semester hours in aquatic subjects such as limnology, ichthyology, fishery biology, aquatic botany, aquatic fauna, oceanography, fish culture or similar course-work of equivalent basic values in the field of fishery biology; and

(*b*) At least 12 semester hours in the animal sciences in such subjects as general zoology, invertebrate zoology, vertebrate zoology, comparative anatomy, physiology, entomology, parasitology, ecology, cellular biology, genetics, or research in these fields. (Excess course-work in aquatic subjects may be used to meet this requirement when appropriate.)

(ii) Course-work in an accredited college or university which has included at least 30 semester hours in biological science with a minimum of 6 semester hours in aquatic subjects and 12 semester hours in the animal sciences as described in subdivision (i) of this subparagraph, plus additional appropriate experience or education which when combined with the 30 semester hours will total 4 years of education of 4 years of education and experience. The quality of the applicant's total background must be such that it gives him a professional and technical knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subdivision (i) of this subparagraph.

(2) Applicants for research positions in this series must show that they have completed a full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in biology, zoology, or biological oceanography, which has included at least 30 semester hours of course-work in biological and aquatic science and 15 semester hours of course-work in the physical and mathematical sciences. This course-work must have included:

(i) At least 15 semester hours of preparatory training in zoology beyond the introductory courses in biology or zoology in such subjects as invertebrate zoology, comparative anatomy, histology, physiology, embryology, advanced vertebrate zoology, genetics, entomology, and parasitology; and

(ii) At least 6 semester hours of training applicable to fishery biology in such subjects as fishery biology, ichthyology, limnology, oceanography, algology, planktonology, marine or fresh water ecology, invertebrate ecology, principles of fishery population dynamics, or similar course-work of equivalent basic values in the field of fishery biology; and

(iii) At least 15 semester hours of training in any combination of two or more of the following: Chemistry, physics, mathematics, or statistics.

§ 24.71 Refuge Manager, GS–485 (all grades and options).

* * * * *

(b) *Duties.* Refuge Managers perform professional and scientific work in connection with the conservation and management of wildlife, the management of wildlife refuges, and the administration and management of the wildlife refuge system of the Federal Government. This includes determining, establishing, and applying the biological facts, principles, methods, techniques and procedures necessary to preserve, protect and manage wildlife on a state, national and international basis. The wildlife includes waterfowl, big and small game, and unique, vanishing, and other highly important species. The work involves making such technical considerations as weighing the specific biotic, ecologic, nutritional and related requirements of the various species of wildlife, determining the implications of their habits and requirements on management, and deciding the specific methods of management to use to conserve, protect, and manage the species of wildlife under consideration.

(c) *Knowledge and training requisite for performance of duties.* The duties of these positions cannot be performed successfully without a sound basic knowledge of the fundamental biological sciences and specific training in wildlife biology and wildlife management, since the duties of these positions are such that they require an exacting and detailed knowledge of these sciences. The incumbents of these positions must have the ability to apply this professional training and their scientific knowledges to their work in order to solve specific problems, and to interpret and apply research findings, and perform research, both in the field of wildlife biology and in related fields. This requisite training and these required knowledges can only be acquired through the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well equipped laboratories, and thoroughly trained instructors who can evaluate the progress of the professional and scientific training properly.

§ 24.153 Wildlife Biologist, GS–486 (all grades and options).

(a) *Educational requirements.* (1) Applicants for nonresearch positions in this series must have successfully completed one of the following:

(i) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with at least 30 semester hours in biological science. This course-work must have included:

(*a*) At least 9 semester hours in such wildlife subjects as mammalogy, ornithology, animal ecology, wildlife management, or research courses in the field of wildlife biology; and

(*b*) At least 12 semester hours in zoology in such subjects as general zoology, invertebrate zoology, vertebrate zoology, comparative anatomy, physiology, genetics, ecology, cellular biology, parasitology, entomology, or research courses in such subjects; and

(c) At least 9 semester hours in botany or related plant sciences. (Excess course-work in wildlife subjects may be used to meet the zoology requirement when appropriate.)

(ii) Course-work in an accredited college or university which included at least 30 semester hours in biological science, with 9 semester hours in wildlife subjects, 12 semester hours in zoology, and 9 semester hours in botany or related plant sciences, as described in subdivision (i) of this subparagraph, plus additional appropriate experience or education which when combined with the 30 semester hours will total 4 years of education or 4 years of education and experience. The quality of the applicant's total background must be such that it gives him a professional and technical knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subdivision (i) of this subparagraph.

(2) Applicants for research positions in this series must show that they have completed a full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in zoology, wildlife biology, and botany, which has included at least 30 semester hours of course-work in biology and 15 semester hours in the physical, mathematical, and earth sciences. This course-work must have included:

(i) At least 12 semester hours in such zoological subjects as invertebrate zoology, vertebrate zoology, comparative anatomy of vertebrates, embryology, animal physiology, entomology, herpetology, parasitology, and genetics; and

(ii) At least 9 semester hours of training applicable to wildlife biology in such subjects as mammalogy, ornithology, animal ecology, wildlife management, principles of population dynamics, or similar course-work of equivalent basic value in the filed of wildlife biology; and

(iii) At least 9 semester hours in the field of botany and related plant sciences; and

(iv) At least 15 semester hours of training in any combination of two or more of the following: chemistry, physics, mathematics, statistics, soils and/or geology.

(b) *Duties.* Wildlife Biologists perform professional and scientific work in connection with the conservation and management of wildlife, or in the determination, establishment and application of the biological facts, principles, methods, and procedures necessary for the preservation, protection and management of wildlife. This may involve (1) study of distribution, habits, life history, and classification of birds, mammals and other forms of wildlife, and of the relationship of these animals to agriculture and other interests throughout the nation; (2) technical consideration of various phases of wildlife management which require a thorough understanding of wildlife and wildlife administration; (3) administration and management of various Federal wildlife programs; and (4) research work which may involve study of the ecology of various forms in their natural environment, life history studies, wild animal nutrition studies, bird and mammal disease investigations, development and testing of methods used to control populations of harmful species, management studies directed toward the management of specific forms or specific areas, etc.

(c) *Knowledge and training requisite for performance of duties.* The duties of these positions cannot be performed successfully without a sound basic knowledge of the fundamental biological sciences and specialized scientific training in wildlife biology, since these duties are such that they require an exacting and detailed knowledge of these sciences. The incumbents of these positions must have the ability to apply their professional training and scientific knowledges to their work in order to solve specific problems, to interpret and apply the results of research both in the field of biology and in closely related fields, or to do wildlife research. This professional training and these required scientific knowledges can only be acquired through the successful completion of a directed course of study in an accredited college or university, which has scientific libraries, well equipped laboratories, and thoroughly trained instructors, who can evaluate the progress of professional and scientific training properly.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–1664; Filed, Feb. 19, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Peanut Butter [1]

On June 10, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5230) regarding a proposed revision of the United States Standards for Grades of Peanut Butter.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Peanut Butter are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

PRODUCT DESCRIPTION, TEXTURES, TYPES, GRADES

Sec.
52.3061 Product description.
52.3062 Textures of peanut butter.
52.3063 Types of peanut butter.
52.3064 Grades of peanut butter.

FACTORS OF QUALITY

52.3065 Ascertaining the grade.
52.3066 Ascertaining the rating for the factors which are scored.
52.3067 Color.
52.3068 Consistency.
52.3069 Absence of defects.
52.3070 Flavor and aroma.

EXPLANATIONS AND METHODS OF ANALYSES

52.3071 Methods of analysis for water-insoluble inorganic residue and salt.

LOT INSPECTION AND CERTIFICATION

52.3072 Ascertaining the grade of a lot.

SCORE SHEET

52.3073 Score sheet for peanut butter.

AUTHORITY: §§ 52.3061 to 52.3073 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, TEXTURES, TYPES, GRADES

§ 52.3061 Product description.

Peanut butter is a cohesive, comminuted food product prepared from clean, sound, shelled peanuts by grinding or milling properly roasted, mature peanut kernels from which the seed coats have been removed and to which salt is added as a seasoning agent. Suitable seasoning agents other than salt, suitable stabilizing ingredient(s), and ingredient(s) of nutritive value as permitted under the provisions of the Federal Food, Drug, and Cosmetic Act may be added in manufacturing the product. The product is manufactured and packed in accordance with good commercial practice to assure freshness and good keeping quality.

§ 52.3062 Textures of peanut butter.

(a) "Smooth" texture means the peanut butter has a very fine, very even texture with no perceptible grainy peanut particles.

(b) "Medium" texture means the peanut butter has a definite grainy texture with perceptible peanut particles approximating not more than 1/16 inch in any dimension.

(c) "Chunky" or "Crunchy" texture means peanut butter which has a partially fine or partially grainy texture with substantial amounts of peanut particles larger than 1/16 inch in any dimension.

§ 52.3063 Types of peanut butter.

(a) *Stabilized type.* Stabilized peanut butter is any peanut butter prepared (1) by any special process, and/or (2) with any suitable added ingredient(s) designed or intended to stabilize the product.

(b) *Non-stabilized type.* Non-stabilized peanut butter is any peanut butter prepared without special process or added ingredient(s) to stabilize the product.

§ 52.3064 Grades of peanut butter.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of peanut butter that has a good color, that has a good consistency, that is practically free from defects, that has a good flavor and good aroma, that has uniform dispersion of added ingriedient(s), and that scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade C" (or "U.S. Standard") is the quality of peanut butter that has a fairly good color, that has a fairly good consistency, that is fairly free from defects, that has a fairly good flavor and a fairly good aroma, that has reasonably uniform dispersion of added ingredient(s), and that scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of peanut butter that fails to meet the requirements of U.S. Grade C.

FACTORS OF QUALITY

§ 52.3065 Ascertaining the grade.

The grade of peanut butter may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Color, consistency, absence of defects, and flavor and aroma. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
(1) Color	20
(2) Consistency	20
(3) Absence of defects	30
(4) Flavor and aroma	30
Total score	100

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

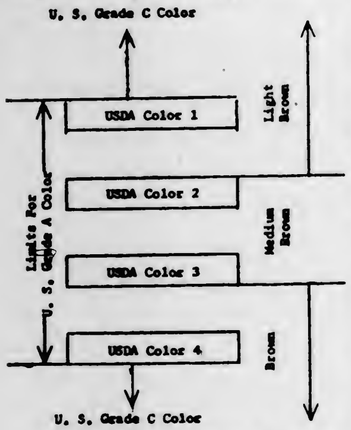
§ 52.3066 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.3067 Color.

(a) *General.* The color of peanut butter refers to the color hue and color intensity of the overall mass, regardless of the texture and regardless of the variety of peanuts from which prepared.

(b) *Color standards.* Peanut butter color may be classified in accordance with the following outline for the applicable U.S. Department of Agriculture Color Standards (hereinafter, as may be referred to as "USDA Colors"):



(c) The U.S. Department of Agriculture Color Standards shall be viewed under standard lighting conditions as follows: Compare the color of the colar standard with a representative sample of peanut butter having an area and depth approximately equal to the color standard. A suitable light source of approximately 250 foot candle intensity and having a spectral quality approximating that of daylight under a moderately overcast sky and a color temperature of 7500 degrees Kelvin ±200 degrees is preferable. With the light source directly over the color standard and product, observation is made at an angle of 45 degrees and at a distance of about 24 inches from the product.

(d) (*A*) *classification.* Peanut butter that has a good color may be given a score of 18 to 20 points. "Good Color" means a rich color typical of peanut butter prepared from properly roasted peanuts and otherwise properly processed peanut butter; such typical color is no less brown than USDA Color 1 or no more brown than USDA Color 4, and is without any tinge of a dull, grey, or other abnormal cast.

(e) (*C*) *classification.* Peanut butter that has a fairly good color may be given a score of 16 or 17 points. Peanut butter that scores in this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means color typical of peanut butter prepared from properly roasted peanuts and otherwise properly processed peanut butter; such typical color may be slightly dull and/or may have a slight grey cast; may be lighter brown in color than USDA Color 1 but is not excessively pale as indicative of insufficient roasting; or, such typical color may be more brown than USDA Color 4 but is not excessively brown as indicative of excessive roasting.

(f) (*SStd*) *classification.* Peanut butter that is off color for any reason or that fails to meet the requirements of paragraph (e) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3068 Consistency.

(a) *General.* The factor of consistency refers to the spreadability of the product, and to the degree of oil separation, if any.

(b) *Determination of consistency.* Consistency of peanut butter is determined at a product temperature of not less than 70° F. nor more than 80° F. without mixing the product in the stabilized type, and after reasonable mixing of the product in the non-stabilized type.

(c) (*A*) *classification.* Peanut butter that has good consistency may be given a score of 18 to 20 points. "Good consistency" means that the peanut butter shall spread easily, shall not be thin nor more than slightly stiff; and, in addition to the foregoing: (1) In stabilized type of peanut butter, there is no noticeable oil separation or (2) in non-stabilized type of peanut butter, there is no more than slight mixing required to disperse any separated oil.

(d) (*C*) *classification.* Peanut butter that has fairly good consistency may be given a score of 16 or 17 points. Peanut butter that scores in this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good consistency" means that the peanut butter is spreadable; may be moderately, but not excessively, thin; may be moderately, but not excessively, stiff; and, in addition to the foregoing: (1) In stabilized type of peanut butter, there may be no more than slightly noticeable oil separation or (2) in non-stabilized peanut butter, there may be no excessive oil separation that causes noticeable dryness or that requires more than moderate mixing to disperse the oil.

(e) (*SStd*) *classification.* Peanut butter that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3069 Absence of defects.

(a) *General.* The factor of absence of defect refers to the degree of freedom from dark particles and from any other defects (including water-insoluble inorganic residue) which affect the wholesomeness or detract from the appearance or edibility of the product.

(b) *Definition of water-insoluble inorganic residue.* "Water-insoluble inorganic residue" means water-insoluble inorganic residue as determined in accordance with an applicable method referenced in § 52.3071.

(c) (*A*) *classification.* Peanut butter that is practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the presence of dark particles and any other defects does not more than slightly affect the appearance or eating quality of the product; and means that there may be present not more than 5 milligrams of water-insoluble inorganic residue per 100 grams of peanut butter: *Provided*, That such residue which may be present does not affect the edibility or wholesomeness of the product.

(d) (*C*) *classification.* Peanut butter that is fairly free from defects may be given a score of 24 to 26 points. Peanut butter that falls into this classification shall not be graded above U.S. Grade C regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the presence of dark particles and any other defects does not more than materially affect the appearance or eating quality of the product; and means that there may be present not more than 20 milligrams of water-insoluble inorganic residue per 100 grams of peanut butter: *Provided*, That such residue which may be present does not affect the edibility or wholesomeness of the product.

(e) (*SStd*) *classification.* Peanut butter that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3070 Flavor and aroma.

(a) (*A*) *classification.* Peanut butter that has a good flavor and good aroma may be given a score of 27 to 30 points. "Good flavor and good aroma" means a flavor and aroma typical of freshly roasted and freshly ground peanuts and of properly proportioned and blended materials, free from staleness, free from rancidity, and free from objectionable flavors and objectionable odors of any kind. To score in this classification, there may be not less than 1.0 percent, nor more than 1.8 percent, by weight, of salt in the finished peanut butter.

(b) (*C*) *classification.* Peanut butter that has fairly good flavor and fairly good aroma may be given a score of 24 to 26 points. Peanut butter that scores in this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor and fairly good aroma" means a flavor and aroma that is typical of properly prepared peanut butter, which may be lacking good flavor and good aroma, but is free of objectionable flavors and objectionable aromas of any kind. To score in this classification there may be not less than 0.5 percent, nor more than 2.5 percent, by weight, of salt in the finished peanut butter.

(c) (*SStd*) *classification.* Peanut butter that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.3071 Methods of analysis for water-insoluble inorganic residue and salt.

The water-insoluble inorganic residues and salt in peanut butter is determined in accordance with the latest official method outlined in the Official Methods of Analysis of the Association of Official Agricultural Chemists or any other method that gives equivalent results.

LOT INSPECTION AND CERTIFICATION

§ 52.3072 Ascertaining the grade of a lot.

The grade of a lot of peanut butter covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

SCORE SHEET

§ 52.3073 Score sheet for peanut butter.

Size and kind of container	
Container marks or identification	
Label	
Net weight (ounces)	
Texture (smooth, medium, chunky)	
Type (Stabilized, Non-Stabilized)	
Water insoluble inorganic residue (mg./100 grams)	
Salt (percent by weight)	
Color range	

Factors	Score points		
Color	20	(A)	18–20
		(C)	16–17
		(SStd)	0–15
Consistency	20	(A)	18–20
		(C)	16–17
		(SStd)	0–15
Absence of defects	30	(A)	27–30
		(C)	24–26
		(SStd)	0–23
Flavor and aroma	30	(A)	27–30
		(C)	24–26
		(SStd)	0–23
Total score	100		
Grade			

[1] Indicates limiting rule.

The United States Standards for Grades of Peanut Butter (which is the second issue) contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER, and thereupon will supersede the United States Standards for Grades of Peanut Butter which have been in effect since September 1, 1942.

Dated: February 15, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-1685; Filed, Feb. 19, 1962; 8:45 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 318—TERRITORIAL QUARANTINE NOTICES

Subpart—Hawaiian Fruits and Vegetables

ADMINISTRATIVE INSTRUCTIONS APPROVING METHYL BROMIDE FUMIGATION AS A CONDITION FOR CERTIFICATION OF TOMATOES FOR MOVEMENT FROM HAWAII

Pursuant to the authority conferred by § 318.13–4(b) of the regulations (7 CFR 318.13–4(b)) supplemental to the Hawaiian Fruits and Vegetables Quarantine (Notice of Quarantine No. 13, 7 CFR 318.13), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), administrative instructions to be designated as 7 CFR 318.13–4d are hereby issued to read as follows:

§ 318.13–4d Administrative instructions approving methyl bromide fumigation as a condition for certification of tomatoes for movement from Hawaii.

The Director of the Plant Quarantine Division hereby approves methyl bromide fumigation, applied in accordance with the provisions of this section, as a treatment for tomatoes from Hawaii. Tomatoes treated and handled as provided in this section may be certified for movement from Hawaii to other parts of the United States.

(a) *Approved fumigation.* (1) The approved fumigation shall consist of fumigation with methyl bromide at normal atmospheric pressure, in a fumigation chamber which has been approved for that purpose by the Plant Quarantine Division. The dosage shall be applied at the rate of 2 pounds per 1,000 cubic feet for 3½ hours at 70° F. or above.

(2) Tomatoes to be fumigated may be individually wrapped in gas-permeable tissue paper and packed in standard slatted tomato lugs or containers similarly vented. The fumigation chamber shall not be loaded to more than two-thirds of its capacity. The 3½-hour exposure period shall begin when all the fumigant has been introduced into the chamber and volatilized. Good circulation above and below the load, and between individual containers, shall be provided as soon as the tomatoes are loaded in the chamber and shall continue during the full period of fumigation and until the tomatoes have been removed to a well-ventilated location.

(b) *Supervision of treatments and subsequent handling.* The treatment approved in this section and the subsequent handling of the tomatoes so treated must be under the supervision of a plant quarantine inspector of the Plant Quarantine Division. Such treated tomatoes must be safeguarded against reinfestation during the period prior to movement from Hawaii in a manner satisfactory to the inspector. Certification of tomatoes for such movement will be made only upon compliance with the prescribed treatment and posttreatment safeguards.

(c) *Costs.* All costs of the treatments and prescribed posttreatment safeguards provided for in this section, other than the services of the supervising inspector during regularly assigned hours of duty and at the usual place of duty, shall, as required by § 318.13–4(b), be borne by the owner of the tomatoes, or his representative.

(d) *Department not responsible for damage.* (1) This treatment is recognized as one which may be marginal as to varietal tolerance of tomatoes and the owner or shipper is warned of possible injury. The Department of Agriculture and its inspectors assume no responsibility for any loss or damage resulting from any treatment prescribed or supervised.

(2) In test fumigations the following varieties of tomatoes indicated tolerance to the prescribed treatment when harvested early in the season and in the mature stage after some color development: Big Boy, Bounty, Break O Day, Burpee Hybrid, Earliana, Hawaii, Homestead, J. Moran, Kalohi, Kauai, Lanai, Marglobe, Maui, Niihau, N–46, Oahu, Pearson, Pritchard, Rutgers, San Malzano, Step 274, Step 278, Step 280, Step 281, Step 305, and Step 314. Varieties showing poor tolerance were Desert Pride, Kolea C. Manalucie, and Pennheart.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162; 19 F.R. 74, as amended, and 7 CFR 318.13–4(b). Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161)

These administrative instructions shall become effective February 20, 1962.

Heretofore vapor-heat treatment has been the only method available for treating tomatoes as a means of certifying them for interstate movement from Hawaii. Therefore, the provision in these instructions for a methyl bromide fumigation treatment as an alternate condition for certification is a lessening of restrictions. In order to be of maximum benefit to affected persons these instructions should be made effective as soon as possible. Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to these instructions are impracticable and they may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of February 1962.

[SEAL] G. F. CALLAGHAN,
Acting Director,
Plant Quarantine Division.

[F.R. Doc. 62–1686; Filed, Feb. 19, 1962; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WA-17]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

Correction

In F.R. Doc. 62-1604 appearing at page 1454 of the issue for Friday, February 16, 1962, the following correction is made in first line of the paragraph designated "4." appearing in the first column on page 1455: the section designation presently reading "§600.615" is changed to read "§ 600.6165".

[Airspace Docket No. 61-WA-40]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Federal Airway and Associated Control Areas

On April 25, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3540) stating that the Federal Aviation Agency (FAA) proposed the designation of low altitude VOR Federal airway No. 524 from the Laramie, Wyo., VOR via the intersection of the Laramie VOR 069° and the Scottsbluff, Nebr., VORTAC 254° True radials; to the Scottsbluff VORTAC. The stated intention was to provide continuity in the low altitude airway structure and provide an additional low altitude route for VOR equipped aircraft operating between Laramie and Scottsbluff. It was further stated that to implement, in part, Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60-21 (26 F.R. 5070), it was proposed to designate the control areas associated with the airway to extend upward from at least 1,200 feet above the surface, or if appropriate, 500 feet below the minimum IFR en route altitude, when established, to the base of the continental control area.

On July 29, 1961, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6817) amending the original notice by proposing that the control area associated with Victor 524 from Laramie to Scottsbluff extend upward from 700 feet above the surface to the base of the continental control area until such time as all control areas associated with other airways in the vicinity of Laramie and Scottsbluff can be altered by application of CAR Amendment 60-21.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice and supplemental notice, Part 600 (14 CFR Part 600) and Part 601 (14 CFR Part 601) are amended by adding the following sections:

§ 600.6524 VOR Federal airway No. 524 (Laramie, Wyo., to Scottsbluff, Nebr.).

From the Laramie, Wyo., VOR via the INT of the Laramie VOR 069° and the Scottsbluff, Nebr., VORTAC 254° radials; to the Scottsbluff VORTAC.

§ 601.6524 VOR Federal airway No. 524 control areas (Laramie, Wyo., to Scottsbluff, Nebr.).

All of VOR Federal airway No. 524.

These amendments shall become effective 0001, e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 13, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1679; Filed, Feb. 19, 1962; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55565]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Wools and Hair of the Camel for Use in Manufacturing Floor Coverings and Other Articles

The overall purpose of this amendment is primarily to simplify the procedure for establishing proof of use and accounting for wool and hair imported for the purposes named in paragraph 1101(b) by imposing full responsibility on the manufacturer, processor, or dealer entering or withdrawing the wool or hair from warehouse for consumption to account for any change in condition of the material and to establish proof of use. Transfer certificates will be required only when such manufacturer, processor, or dealer transfers all his right, title, and interest in the merchandise to another manufacturer, processor, or dealer who has filed a bond to insure that the wool or hair so transferred will be used only in the manufacture of the articles enumerated in paragraph 1101(b). The person responsible under a bond may in the case of any other transfer specifically request that he be relieved of such liability. In such a case the transferee must assume liability under a sufficient bond to insure accounting for and proper use of the material involved. On-the-site test-audit of the abstract of the manufacturing records of the owner would also be provided for.

The responsibility to account for any change in the condition of the wool will remain with the party whose bond is charged with this responsibility. If any change in the condition of the wool or hair occurs in the plant of such party, no evidence of such change other than the related abstract will be required by the collector, as such change will be recorded in the books and records of the manufacturer, processor, or dealer, which will be available for inspection at all reasonable times as prescribed by § 10.95(c) of the Customs Regulations. If any change in the wool or hair occurs outside the plant of such party, the transferor will be required to submit to the collector, with a transfer certificate in the case of the dealer or with an abstract of Manufacturing Records in the case of a manufacturer, a copy of the independent processor's invoice or report showing the gross weight received and the net weight returned by such processor.

Section 10.92(b) is amended by deleting the reference symbol "85" at the end of the sentence.

Footnote 85, appended to § 10.92(b), is deleted, as a transfer under bond is not required when merely a change of custody (not ownership) occurs.

(Par. 1101, sec. 1, 46 Stat. 646, as amended; 19 U.S.C. 1001, par. 1101)

Section 10.94 is amended to read as follows:

§ 10.94 Manufacturing records.

(a) Each manufacturer or processor shall keep the records specified in this section with respect to products and substances resulting wholly or in part from bonded wool or hair. Such records shall be kept by 3-month periods of manufacture on a calendar-year basis and shall show:

(1) The inclusive dates of each period of manufacture;

(2) The quantity, identity, and description of the wool or hair not previously processed by the reporting manufacturer or processor put into process during the period;

(3) The quantity and description of all intermediate products, stocks in process, and wastes (including noils) not described in the preceding subdivision which are put into process during the period; [86]

(4) The quantity and description of the final products resulting from the processing by the manufacturer or processor; the quantity by weight of the wool or hair contained therein; and

(5) The quantity of any wastes (including noils) incurred which remain on hand upon completion of the period of manufacture. Such wastes shall be accounted for under the following designations:

Noils—
Soft (including all wastes, except noils, top wastes, card strippings, and sweepings, produced after the scouring of the wool or hair and before the spinning operation).

Hard (including all wastes, except sweepings, produced in and after the spinning operation but before completion of the weaving operation or, in the case of the manufacture of articles enumerated in paragraph 1101(b), Tariff Act of 1930, as amended, which are not woven, before the completion of the enumerated article).

Fly (including all wastes other than noils and hard and soft wastes as above specified).

White soft wastes and white threads shall be accounted for separately.

(b) The records of each manufacturer or processor shall contain a detailed inventory of all wool and hair on hand at the close of each abstract period.

(b) When the manufacturer of any enumerated articles spins the yarns used in the manufacture thereof, he shall also keep records showing the quantity and description of all the yarns so spun.

(c) Within 30 days from the end of each calendar quarter the manufacturer or processor, liable under a bond for wool or hair, shall submit to the collector of customs where his original bond has been filed an abstract of his records on customs Form 7531-B. The abstract shall be supported by copies of the processor's returns (showing the processing losses and net returns) for any bonded wool or hair processed outside the plant of the manufacturer or processor submitting such abstract. When a bonded manufacturer or processor has not manufactured or processed any bonded wool or hair during the 3-months period he shall promptly so advise the collector of customs.

(d) Each such abstract shall bear the following certificate of an authorized officer or member of the firm:

I, ----------, certify that this document is a true and correct abstract of our records of manufacture; that such records have been kept in the manner prescribed by § 10.94, Customs Regulations.

All wastes reported herein as resulting from operations in our plant resulted in the usual course of manufacture of articles enumerated in paragraph 1101(b), Tariff Act of 1930, as amended, except as follows:

All wool or hair delivered from our plant during the period covered by this abstract, under a transfer certificate or otherwise, has been listed herein.

Dated ----------

(Title)

(e) In the case of preliminary processors, such as pullers, sorters, washers, scourers, or carbonizers, a transfer certificate on customs Form 7531-A, revised, covering wool or hair processed and transferred by any one of them, shall be submitted to the collector of customs as an abstract of his records of manufacture, when such processor has received custody (not ownership) of the wool or hair from a transferor who has been relieved by the collector of liability under bond for the use of the wool or hair in accordance with § 10.95(d).

(Par. 1101, 46 Stat. 646, as amended; 19 U.S.C. 1001, par. 1101)

Section 10.95 is amended to read as follows:

§ 10.95 Records and reports of enumerated articles of wool or hair delivered; transfer certificates.

(a) Each manufacturer, processor, or dealer shall keep records showing the quantity, description, and wool or hair content of all wool or hair (including samples) and enumerated articles delivered from his premises pursuant to transfer under bond, purchase, consignment, or otherwise. Such records shall also show the date of delivery from the premises and the name and address of the transferee, purchaser, consignee, or other person to whom delivery is made. The records shall show also the exact designation under which any wool or hair was transferred, sold, consigned, or otherwise delivered and the price paid or agreed to be paid, or if there has been no sale or contract of sale, the price that the manufacturer, processor, or dealer would have received or was willing to receive for the wool or hair if sold in the ordinary course of trade. The total amounts of the deliveries within the purview of this paragraph, except of enumerated articles, shall be included in the totals shown on the abstract prescribed in § 10.94(c).

(b) Within 30 days after the delivery of wool or hair from the premises, otherwise than under a transfer certificate provided for in paragraph (d) of this section, the manufacturer, processor, or dealer making such delivery shall file a declaration with the collector of customs in whose district his original bond is filed, showing the quantity and description of merchandise delivered, the date of delivery, and the name and address of the person to whom delivered. The declaration shall show the particulars as to price specified in paragraph (a) of this section, whether representative samples have been retained, whether the merchandise resulted in the usual course of manufacture of enumerated articles, and whether such merchandise could have been used (with or without further preparation) in the manufacture of enumerated articles.

(c) The manufacturer, processor, or dealer shall retain for customs inspection a representative sample of not less than one pound of each kind of merchandise for which a report is required by §10.96 (a) or (b). Such sample shall be properly identified in his records with the report covering such merchandise and shall be available for inspection by proper officers of the Government at all reasonable times for a period of 3 months after its delivery.

(d) When the ownership of wool or hair is transferred by one bonded manufacturer, processor, or dealer to another manufacturer, processor, or dealer the transfer shall be covered by a transfer certificate on customs Form 7531-A, revised. When a transferor transfers custody (not ownership) of wool or hair, no transfer certificate is required unless the transferor in writing specifically requests the collector of customs to be relieved of his liability under his bond.[86a] When the transfer is made by a dealer, customs Form 7531-A shall be supported by copies of processors' invoices or reports (showing processing losses and net returns) for any wool or hair processed outside the custody of the dealer. Such transfer certificates shall be filed by the dealer within 30 days after the date of the transfer. When the transfer is made by a manufacturer or processor, it shall be filed within the quarterly period allowed for the filing of the abstract on which the transfer is required to be reported. When the original bonds of both the transferor and the transferee are on file in the office of one collector of customs, the transfer certificate shall be filed with that officer in duplicate. When the original bond of the transferee is on file in another customs district, the transfer certificate shall be filed in triplicate. The transferor shall not be relieved from liability under his bond until the transferred wool or hair has been charged against the bond of the transferee.

(e) The establishments of bonded manufacturers, processors, and dealers, and the originals of all books and records kept by such manufacturers, processors, and dealers relating to bonded wool or hair shall be available at all reasonable times for inspection by proper officers of the Government.

(f) All records required to be kept by manufacturers, processors, and dealers relating to bonded wool or hair shall be retained for a period of 3 years after the imported wool or hair has been used in the manufacture of the articles enumerated in paragraph 1101(b), Tariff Act of 1930, as amended. Where the wool or hair has been charged against the bond of a transferee, the records of the transferor shall be retained for a period of 3 years from the date of the transfer.

(Par. 1101, sec. 1, 46 Stat. 646, as amended; 19 U.S.C. 1001, par. 1101)

Part 10 is amended to amend footnote 86 and to add a new footnote designated 86a reading as follows:

[86] This applies only to materials carried over from a previous period and does not require the keeping of records of materials which are put back into process in the same period in which they resulted.

[86a] Normally, when wool or hair is transferred, for scouring, blending, etc., the liability therefor under bond will remain with the actual owner until a change of ownership is effected.

Notice of the proposed issuance of the foregoing amendments was published in the FEDERAL REGISTER on December 6, 1961 (26 F.R. 11683), pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). No data, views, or arguments in opposition to the amendments were received and the amendments set forth above are hereby adopted.

These amendments shall be effective on the first day of the second calendar quarter of 1962, that is, April 1, 1962.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: February 14, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-1699; Filed, Feb. 19, 1962; 8:47 a.m.]

[T.D. 55867]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties, Silk and Manufactures of Silk From the United Kingdom

The Bureau has determined that effective October 1, 1961, no bounties or grants within the purview of section 303, Tariff Act of 1930 (19 U.S.C. 1303), are being, or are likely to be, paid or bestowed upon the manufacture, production, or export of silk and manufactures of silk from the United Kingdom of Great Britain and Northern Ireland, imported directly or indirectly into the United States. Accordingly, T.D.s 53476 and 55023 are hereby superseded with respect to all silk and manufactures of silk exported from the United Kingdom on and after October 1, 1961, which are or will be entered, or withdrawn from warehouse, for consumption, and which have not been liquidated, or the liquidation of which has not become final, on the date of publication of this Treasury decision in the FEDERAL REGISTER.

To reflect this change and to delete references to certain Treasury decisions no longer applicable, the listings for the commodity "silk and silk articles" under the country "Great Britain" in the table in § 16.24(f) of the Customs Regulations are amended to read as follows:

Country	Commodity	Treasury Decision	Action
Great Britain	Silk and silk articles	53476	New rates and additional articles.
		55023	Do.
		55567	Discontinued as to shipments exported on or after Oct. 1, 1961

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: Feb. 13, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-1700; Filed, Feb. 19, 1962; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

PARAFORMALDEHYDE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by the Department of Microbiology and Public Health, Michigan State University, East Lansing, Michigan, and other relevant material, has concluded that the following regulation should issue, with respect to the use of paraformaldehyde in maple trees to control microbial or fungal growth and to residues of formaldehyde occurring in maple sirup processed from the sap of such maple trees so treated. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart D the following new section:

§ 121.1079 Paraformaldehyde.

The food additive paraformaldehyde may be safely used in accordance with the following prescribed conditions.

(a) It is used to control microbial or fungal growth in maple tree tapholes.

(b) It is so used that the maple sirup produced from the sap of treated maple trees does not contain in excess of 2 parts per million of formaldehyde.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4))

Dated: February 13, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-1658; Filed, Feb. 19, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2999]

[Colorado 048805]

COLORADO

Withdrawing Lands for Use of the Forest Service as Recreation Areas and Campgrounds

Correction

In F.R. Doc. 62-651 appearing at page 628 of the issue for Saturday, January 13, 1962, the following corrections are made:

a. The last line of the land description for Spruce Grove Campground, Routt National Forest should read "NE¼".

b. The seventh line of the land description for Upper Stillwater Recreation Area, Routt National Forest should read "Sec. 26, E½NE¼NE¼, N½S½NE¼, SW¼".

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 102—VOCATIONAL EDUCATION IN AGRICULTURE, DISTRIBUTIVE OCCUPATIONS, HOME ECONOMICS, AND TRADES AND INDUSTRIES, INCLUDING THE FISHERY TRADES AND INDUSTRY, AND IN AREA VOCATIONAL EDUCATION PROGRAMS

PART 141—FINANCIAL ASSISTANCE FOR STRENGTHENING SCIENCE, MATHEMATICS, AND MODERN FOREIGN LANGUAGE INSTRUCTION IN PUBLIC SCHOOLS

PART 142—LOANS TO PRIVATE NONPROFIT SCHOOLS FOR ACQUISITION OF EQUIPMENT FOR STRENGTHENING INSTRUCTION IN SCIENCE, MATHEMATICS, AND MODERN FOREIGN LANGUAGES

PART 143—GUIDANCE, COUNSELING, AND TESTING: IDENTIFICATION AND ENCOURAGEMENT OF ABLE STUDENTS—STATE PROGRAMS

Equipment From a Communist Country

1. Paragraph (c) of § 102.110, 45 CFR (25 F.R. 3257, April 15, 1960, as amended by 25 F.R. 9850, October 14, 1960), issued pursuant to Title VIII of the National Defense Education Act of 1958, as amended (72 Stat. 1597), 20 U.S.C. 15aaa–15ggg, and dealing with the provision in the Department of Health, Education, and Welfare Appropriation Acts for the 1960 and 1961 fiscal years (73 Stat. 339, 346; 74 Stat. 755, 762) which specify that funds appropriated for "Defense Educational Activities" may not be used for the purchase of teaching equipment which originated in or was exported from a Communist country, unless such equipment is unavailable from any other source, is amended to refer to a similar provision contained in the Department of Health, Education, and Welfare Appropriation Act for the 1962 fiscal year (75 Stat. 589, 596). Paragraph (c) as amended reads as follows:

§ 102.110 Instructional equipment and supplies.

* * * * *

(c) The Department of Health, Education, and Welfare Appropriation Acts, 1960 (73 Stat. 339, 346), 1961 (74 Stat. 755, 762), and 1962 (75 Stat. 589, 596), provide that no part of the funds appropriated for "Defense Educational Activities" shall be available for the purchase of science, mathematics, or modern language teaching equipment, or equipment suitable for use for teaching in such fields of education, which can be identified as originating in or having been exported from a Communist country, unless such equipment is unavailable from any other source. This prohibition applies to expenditures with respect to which Federal participation is requested from allotments made for fiscal years 1960, 1961, and 1962 under section 302 of the George-Barden Act.

(Sec. 1001, 72 Stat. 1602; 20 U.S.C. 581)

2. Paragraph (c) of § 141.11, 45 CFR (25 F.R. 3257, April 15, 1960, as amended by 25 F.R. 9850, October 14, 1960), issued pursuant to sections 301–304 of Title III of the National Defense Education Act of 1958, as amended (72 Stat. 1580), 20 U.S.C. 441–444, and dealing with the provision in the Department of Health, Education, and Welfare Appropriation Acts for the 1960 and 1961 fiscal years (73 Stat. 339, 346; 74 Stat. 755, 762) which specify that funds appropriated for "Defense Educational Activities" may not be used for the purchase of teaching equipment which originated in or was exported from a Communist country, unless such equipment is unavailable from any other source, is amended to refer to a similar provision contained in the Department of Health, Education, and Welfare Appropriation Act for the 1962 fiscal year (75 Stat. 589, 596). Paragraph (c) as amended reads as follows:

§ 141.11 Federal participation in general.

* * * * *

(c) *Equipment from a Communist country.* The Department of Health, Education, and Welfare Appropriation Acts, 1960 (73 Stat. 339, 346), 1961 (74 Stat. 755, 762), and 1962 (75 Stat. 589, 596), provide that no part of the funds appropriated for "Defense Educational Activities" shall be available for the purchase of science, mathematics or modern language teaching equipment, or equipment suitable for use for teaching in such fields of education, which can be identified as originating in or having been exported from a Communist country, unless such equipment is unavailable from any other source. This prohibition applies to expenditures with respect to which Federal participation is requested from allotments made for fiscal years 1960, 1961, and 1962 under section 302 of the George-Barden Act.

(Sec. 1001, 72 Stat. 1602; 20 U.S.C. 581)

3. Paragraph (g) of § 142.11, 45 CFR (25 F.R. 3257, April 15, 1960, as amended by 25 F.R. 9850, October 14, 1960), issued pursuant to section 305 of Title III of the National Defense Education Act of 1958, as amended (72 Stat. 1590), 20 U.S.C. 445, and dealing with the provision in the Department of Health, Education, and Welfare Appropriation Acts for the 1960 and 1961 fiscal years (73 Stat. 339, 346; 74 Stat. 755, 762) which specify that funds appropriated for "Defense Educational Activities" may not be used for the purchase of teaching equipment which originated in or was exported from a Communist country, unless such equipment is unavailable from any other source, is amended to refer to a similar provision contained in the Department of Health, Education, and Welfare Appropriation Act for the 1962 fiscal year (75 Stat. 589, 596). Paragraph (g) as amended reads as follows:

§ 142.11 Loan conditions.

* * * * *

(g) *Equipment from a Communist country.* The Department of Health, Education, and Welfare Appropriation Acts, 1960 (73 Stat. 339, 346), 1961 (74 Stat. 755, 762), and 1962 (75 Stat. 589, 596), provide that no part of the funds appropriated for "Defense Educational Activities" shall be available for the purchase of science, mathematics or modern language teaching equipment, or equipment suitable for use for teaching in such fields of education, which can be identified as originating in or having been exported from a Communist country, unless such equipment is unavailable from any other source. Accordingly, this condition applies to all loans made from the appropriations for the fiscal years 1960, 1961, and 1962. A violation of this condition will constitute a misuse of funds which shall cause them to become immediately payable in full together with all interest accrued thereon. Inquiry should be made of the Commissioner if the borrower has any question whether a specific proposed use of loan funds might violate this condition.

(Sec. 1001, 72 Stat. 1602; 20 U.S.C. 581)

4. Paragraph (b) of § 143.12, 45 CFR (25 F.R. 3257, April 15, 1960, as amended by 25 F.R. 9850, October 14, 1960), issued pursuant to sections 501–504 of Title V of the National Defense Education Act of 1958, as amended (72 Stat. 1959), 20 U.S.C. 481–484, and dealing with the provision in the Department of Health, Education, and Welfare Appropriation Acts for the 1960 and 1961 fiscal years (73 Stat. 339, 346; 74 Stat. 755, 762) which specify that funds appropriated for "Defense Educational Activities" may not be used for the purchase of teaching equipment which originated in or was exported from a Communist country, unless such equipment is unavailable from any other source, is amended to refer to a similar provision contained in the Department of Health, Education, and Welfare Appropriation Act for the 1962 fiscal year (75 Stat. 589, 596). Paragraph (b) as amended reads as follows:

§ 143.12 Federal participation in general.

* * * * *

(b) *Equipment from a Communist country.* The Department of Health, Education, and Welfare Appropriation Acts, 1960 (73 Stat. 339, 346), 1961 (74 Stat. 755, 762), and 1962 (75 Stat. 589, 596), provide that no part of the funds appropriated for "Defense Educational Activities" shall be available for the purchase of science, mathematics or modern language teaching equipment, or equipment suitable for use for teaching in such fields of education, which can be identified as originating in or having been exported from a Communist country, unless such equipment is unavailable from any other source. This prohibition applies to expenditures with respect to which Federal participation is requested from allotments made for fiscal years 1960, 1961, and 1962 under section 502 or section 1008 of the Act.

(Sec. 1001, 72 Stat. 1602; 20 U.S.C. 581)

Dated: February 1, 1962.

[SEAL] WAYNE O. REED,
Acting U.S. Commissioner of Education.

Approved: February 14, 1962.

IVAN A. NESTINGEN,
Acting Secretary.

[F.R. Doc. 62-1697; Filed, Feb. 19, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 160]

GRAZING LEASES

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of June 28, 1934 (48 Stat. 1269, 43 U.S.C. 315, 315a–315r), as amended and supplemented, it is proposed to amend the regulations issued under the said act as set forth below. The purpose of these amendments is to add regulation governing the issuance of crossing permits and to provide regulation concerning grazing trespass.

It is the policy of the Department, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within thirty (30) days of publication of this notice in the FEDERAL REGISTER.

I. The caption of § 160.14 is amended and a new paragraph (e) is provided as follows:

§ 160.14 Rentals; schedule of grazing fees; billing notices; effects of failure to pay; crossing permits.

* * * * *

(e) *Crossing permits.* Upon application filed with the authorized officer by any person showing the necessity for crossing the Federal land with livestock for proper and lawful purposes, a crossing permit may be issued to him at a charge, payable in advance, of one cent per head per day for cattle, two cents per head per day for horses, and one-fifth cent per head per day for sheep and goats. A minimum charge of $10 will be made for each crossing permit, except that no fee will be charged where the trail to be used is so limited and defined that no substantial amount of forage will be consumed in transit.

2. Sections 160.22 and 160.23 are renumbered § 160.23 and § 160.24, respectively, and a new § 160.22 is added as follows:

§ 160.22 Trespass.

(a) Grazing livestock upon, allowing livestock to drift and graze on, or driving livestock across lands that are subject to lease or permit under the provisions of this Part or within a stock driveway, without a lease or other authorization from the Bureau of Land Management, is prohibited and constitutes trespass. Trespassers will be liable in damages to the United States for the forage consumed and for injury to Federal property, and may be subject to civil and criminal prosecution for such unlawful acts.

(b) A lessee who grazes livestock in violation of the terms and conditions of his lease by exceeding numbers specified, or by allowing the livestock to be on Federal land in an area or at a time different from that designated shall be in default and shall be subject to the provisions of § 160.19. In addition he may be subject to trespass action in accordance with the practices and procedures indicated in § 161.12 (a), (c) (1), (2), (3), (4), (d), and (g) of this chapter, modified so far as practicable and necessary to include Federal land outside of established grazing districts.

(c) When the alleged trespasser is not a lessee of lands under the regulations of this Part, the signing officer may take action against the trespasser in accordance with the practices and procedures in § 161.12 (a), (c) (1), (2), (3), (4), (d), and (g) of this chapter modified so far as practicable and necessary to include lands subject to lease under the provisions of this Part or within a stock driveway.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

FEBRUARY 14, 1962.

[F.R. Doc. 62-1681; Filed, Feb. 19, 1962; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[Docket No. A0342]

POTATOES

Notice of Hearing With Respect to Proposed National Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the times and places hereinafter specified with respect to a proposed national marketing agreement and order for potatoes. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing will be held at the New Commodore Hotel, 42d Street and Lexington Avenue, New York, New York, March 12–17, 1962; Secor Hotel, Jefferson and Superior Streets, Toledo, Ohio, March 19–21, 1962; Radisson Hotel, 45 South 7th Street, Minneapolis, Minnesota, March 22–24, 1962; Latter Day Saints Hall, 140 North Garfield Street, Pocatello, Idaho, March 26–31, 1962; Bakersfield Inn, Bakersfield, California, April 2–4, 1962; Amarillo Municipal Auditorium, 5th and Buchanan Streets, Amarillo, Texas, April 6–7, 1962; and Henry Grady Hotel, 210 Peachtree Street, Atlanta, Georgia, beginning April 9, 1962. The first day's session of the hearing will commence at 10:00 a.m., local time and on succeeding days as designated by the presiding officer.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to provisions of the proposed marketing agreement and order as hereinafter set forth and to any appropriate modifications thereof.

Upon request of the National Potato Council, a National Potato Advisory Committee was appointed for the purpose, among others, of making recommendations to the Secretary of Agriculture concerning whether a national marketing agreement and order regulating the handling of potatoes would tend to effectuate the declared policy of the act. After detailed deliberations and discussions at several meetings, the National Potato Advisory Committee drafted the following proposed marketing agreement and order regulating the handling of potatoes and requested a hearing thereon at the locations specified.

DEFINITIONS

§ ——.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department of Agriculture to whom authority has heretofore been delegated, or to whom authority hereafter may be delegated, to act in his stead.

§ ——.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ ——.3 Person.

"Person" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit of individuals.

§ ——.4 Production area.

"Production area" means the 48 contiguous States and the District of Columbia of the United States of America.

§ ——.5 Potatoes.

"Potatoes" means and includes all varieties of Irish potatoes grown within the production area.

§ ——.6 Seed potatoes.

"Seed potatoes" or "seed" means any lot of potatoes certified by the official seed certification agency of the State shown, or other seed certification agencies which the Board, with the Secretary's approval, may designate, and bearing the official tags, seals, or other appropriate means of identifying certification.

§ ——.7 Handler.

"Handler" is synonymous with "shipper" and means any person, except a common or contract carrier of potatoes owned by another person, who handles potatoes.

§ ——.8 Handle or ship.

"Handle" or "ship" means to purchase, acquire, package, transport, sell, or in any way to place potatoes in the current of commerce, or so as to directly burden, obstruct or affect the current of commerce.

§ ——.9 Producer.

"Producer" means any person producing in excess of two acres of potatoes for market.

§ ——.10 Administrative agencies.

"Administrative agencies" means the National Potato Administrative Board, hereinafter referred to as the "Board," the National Potato Committee, and each divisional and special committee established hereunder for administration of this part.

§ ——.11 Fiscal period.

"Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the Board.

§ ——.12 Grade, size and maturity.

"Grade" means any of the grades, "size" means any of the sizes, and "maturity" means any of the stages of development or condition of the outer skin (epidermis), as defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1556, inclusive of this title), or official grades established by any state for the potatoes grown therein, or amendments thereto. These definitions include modifications or variations based on the foregoing.

§ ——.13 Varieties.

"Varieties" means all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ ——.14 Pack.

"Pack" means a quantity of potatoes in any type or condition of container, with specific weight limits, numerical limits, grade limits, size limits, or any combination of these, recommended by the Board and approved by the Secretary.

§ ——.15 Container.

"Container" means a sack, bag, crate, carton, box, basket, barrel, or bulk load or any other receptacle used in the packing, transportation, or sale of potatoes.

§ ——.16 Export.

"Export" means the shipment of potatoes to any destination which is not within the production area.

§ ——.17 Processing.

"Processing" means changing potatoes by manufacturing or by converting into products which differ from potatoes in natural raw form.

§ ——.18 Chippers.

"Chippers" means potato processors whose primary potato products are potato chips.

§ ——.19 Fresh market.

"Fresh market" means all market outlets other than processing.

ADMINISTRATIVE AGENCIES

§ ——.22 Establishment and membership.

(a) The National Potato Administrative Board is established as the chief administrative agency of this part. Members of the Board shall be nominated by the potato industry and selected by the Secretary.

(b) The Board shall be composed initially of 46 members, with a like number of alternates, all of whom must be producers, except members and alternates representing processors, chippers, and shippers, who must be representative of their respective group. Producer nominations for the initial Board shall be by representative groups of potato producers in the various areas entitled to representation, but in the event they do not nominate, then the National Potato Advisory Committee shall offer nominees; by potato processors for their nominees, by potato chippers for their nominees, and by potato shippers for their nominees. The initial Board shall serve until their successors have been nominated, selected, and qualified. Nominations for the initial Board shall give consideration (1) to areas and seasons for producers; (2) to Idaho for processors; (3) to Maine for shippers, and (4) to chippers. Members, with alternates, shall be selected as follows:

Winter and early spring group:	Members
Florida	2
California	1
Total	3
Late spring group:	
California	1
Alabama	1
North Carolina	1
Arizona	1
South Carolina, Georgia	1
Louisiana, Mississippi, Texas	1
Total	6
Early summer group:	
Virginia	1
Texas, Oklahoma	1
Maryland, Delaware	1
Kentucky, Tennessee, West Virginia	1
Missouri, Kansas, Arkansas	1
Georgia, North Carolina, north Alabama	1
Total	6
Late summer group:	
Wisconsin	1
Idaho, Oregon	1
Washington	1
Pennsylvania	1
New Jersey	1
California	1
Michigan, Ohio, Indiana, Illinois	1
Colorado, Nebraska, Wyoming	1
Total	8
Fall group:	
Maine	3
Idaho	3
New York, Long Island	1
New York, upstate	1
Washington	1
Oregon, California, Nevada	1
Minnesota, Iowa	2
North Dakota, South Dakota	2
Wisconsin	1
Michigan, Indiana	1
Pennsylvania, Ohio	1
Colorado, Utah, New Mexico, Nebraska, Wyoming	2
Massachusetts, Rhode Island, Connecticut, Vermont, New Hampshire	1
Total	20
Processor—Idaho	1
Shipper—Maine	1
Chipper-chip industry	1
Total	3
Grand total	46

(c) The initial Board shall recommend rules and regulations providing for the composition of succeeding Boards. These rules and regulations will be subject to modification or revision by any succeeding Board during its tenure in office. Such rules and regulations must require that members of the Board be members of a seasonal or special committee and that at least three-fourths of its members be producers.

(d) (1) Seasonal committees, for the crop seasons specified in paragraph (b) of this section, and special committees including but not limited to a chipping committee, a processors' committee (excluding members of the chipping industry), and a shippers' committee, may be established upon recommendation of the Board and approval of the Secretary. Producers will constitute at least three-fourths of the membership of each seasonal committee. For special committees at least three-fourths of their membership will be composed of persons in the industry represented, but not less than two producer members.

(2) Procedures for nominating persons to serve on seasonal and special committees will be provided for in rules and regulations recommended by the Board and approved by the Secretary.

(3) For seasonal committees, considerations shall be given to seasonal and area groupings, existing potato marketing order committees, acreage, production, size of area, periods of marketing, competition, coordination of shipments, and other pertinent factors affecting seasonal marketing of potatoes. Where a combination of states is entitled to a representative, it shall be the policy to consider rotation of representation among states with special consideration to apportioning alternates among group-

ings of states. For special committees, consideration shall be given to potato producing areas, to location of potato processing facilities, and to rotation of representation on the Board from among Idaho, Red River Valley, and other processing areas. Similarly, shipper representation on the Board shall be based on consideration of major shipping areas, with a policy of rotation of shipper members among Maine, Idaho, Red River Valley, and other shipping areas.

(4) Upon establishment of seasonal or other special committees pursuant to this section, such committees may thereafter be reconstituted or reestablished by the Secretary, upon consultation with the committee affected thereby and upon recommendation of the Board. The Board can recommend policies relating to payment of members' and alternates' expenses, with consideration given to whether expenses of all members, or expenses of a part of the members, and similarly for alternates, should be paid. Such consideration may be related to revenues received for any or all portions of the crop upon which assessments are levied.

(e) When seasonal committees and special committees have been established, the Board, with the Secretary's approval, may convene members with alternates, as the National Potato Committee. The National Potato Committee may make recommendations to the Board, on nominations by seasonal or special committees, on the number of members or alternates from seasonal or special committees, the size and composition of the Board, and marketing policies for the Board's guidance. The Board shall provide staff and extend services to seasonal or special committees and to the National Potato Committee when requested and able to do so.

§ ——.23 Term of office.

(a) The term of office of members and alternates of administrative agencies shall be for three years and shall begin and end on dates recommended by the Board and approved by the Secretary. The terms shall be arranged so about one-third of each agency's membership may terminate each year. Board members may not succeed themselves as members, except members of the initial Board may serve on the next succeeding Board.

(b) Members and alternates on administrative agencies shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ ——.24 Acceptance.

Any person selected as a member or alternate of an administrative agency shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ ——.25 Alternate members.

An alternate member of an administrative agency may act in the place and stead of the member for whom he is an alternate, during such member's absence, or when designated to do so by the member for whom he is an alternate. In the event of the death, removal, resignation, or disqualification of a member, his alternate may act for him until a successor of such member is selected and has qualified.

§ ——.26 Procedure.

(a) A majority of each administrative agency shall be necessary to constitute a quorum. At assembled meetings all votes shall be cast in person and a majority of those present shall be necessary to pass any motion or approve any agency action.

(b) (1) When recommendations by a seasonal committee or a special committee are more strict or of a higher order than regulations in effect, or recommended, on a national basis, the Board shall recommend their approval by the Secretary, unless it finds good cause for disapproving or disagreeing with the proposed seasonal or special recommendations. The Board, in a duly constituted meeting, may not recommend disapproval or rejection of seasonal or special committee recommendations, if they are of a higher order than national regulations, except by a three-fifths majority of members present.

(2) In the event that seasonal or special committees are unable to recommend regulations that are approved by the Board in accordance with the above rules, in order for the Board to recommend a regulation covering a seasonal group or an area represented by a special committee a two-thirds majority of those present will be necessary for approval.

(c) Administrative agencies may meet by telephone, telegraph, or other means of communication, and any vote cast at such a meeting shall be promptly confirmed in writing. Approval by three-fourths of all members voting will be required to approve any agency action at other than assembled meetings.

§ ——.27 Expenses and compensation.

Administrative committee members and alternates when acting on agency business shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part.

§ ——.28 Powers.

The Board shall have the following powers:

(a) To administer the provisions of this subpart as specified herein;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ ——.29 Duties.

(a) The Board shall:

(1) Meet and organize as soon as practical after the beginning of each term of office, select a chairman and such other officers as may be necessary, establish subcommittees, and adopt rules and procedures for the conduct of business as it may deem advisable;

(2) Act as intermediary between the Secretary and each seasonal or special committee, producer or handler;

(3) Appoint such employees, agents, and representatives as it may deem necessary and determine the salaries and define the duties of each;

(4) Keep minutes, books, and records which clearly reflect all its acts and transactions. Such minutes, books and records shall be subject to examination at any time by the Secretary;

(5) Furnish promptly notices of meetings, copies of the minutes of each such meeting, and such other reports or information as may be requested by the Secretary, including annual reports of each administrative agency's operations for the preceding marketing season or fiscal year.

(6) Make available to producers and to other agencies and the National Potato Committee the Board's voting record on recommended regulations and other matters of policy;

(7) Call joint meetings of the administrative agencies;

(8) Consult, cooperate, and exchange information with seasonal and special committees, and other agencies or individuals in connection with proper Board activities and objectives;

(9) Take any proper action necessary to carry out the provisions of this subpart;

(10) Cause the books of the Board to be audited by a competent accountant at least once each fiscal period; and

(11) Assign any of the above duties to any administrative agency established under this part.

(b) Each seasonal and special committee shall:

(1) Supervise the regulation of shipments for its season, in the absence of more restrictive regulations in effect in individual areas, and cooperate with other agencies in administering regulations issued pursuant to this subpart;

(2) Make recommendations to the Board with respect to modifying or suspending the provisions of seasonal regulation;

(3) Make available to the Board its voting record on recommendations for modification of seasonal regulations and other matters of policy;

(4) Submit to the Board such available information as may be requested.

(c) The Board shall supervise the regulations recommended by it for the production area or portions thereof and cooperate with seasonal or special committees in administering regulations issued pursuant to this subpart.

EXPENSES AND ASSESSMENTS

§ ——.40 Budget.

As soon as practicable after the beginning of each fiscal period, and as may be necessary thereafter, the Board shall prepare an estimated budget of income and expenditures for all administrative agencies necessary for the administration of this part. The Board may request seasonal committees for budget estimates and all such estimates shall be forwarded to the Board for its consideration and consideration. The budget shall be presented to the Secretary with an accompanying report showing the basis for calculations. To provide adequate funds to defray proposed expenditures, the Board may recommend a uniform rate of assessment which shall not exceed ½ cent per hundredweight of potatoes except upon recommendation of the National Potato Committee, but in no event shall the maximum exceed 1 cent per hundredweight. However, the maximum rate allowable may be adjusted in the proportion of which the index of prices farmers pay as of October 15 of each year, subsequent to issuance of this part, bears to such index as of October 15, 1962.

§ ——.41 Expenses.

The Board is authorized to incur on behalf of all administrative agencies such expenses as the Secretary finds are reasonable and likely to be incurred during each fiscal period for administration of this part. Handlers shall share expenses upon a pro rata basis for each fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof during a fiscal period and the total quantity of potatoes handled by all handlers as first handlers thereof during such fiscal period.

§ ——.42 Assessment.

(a) The funds to cover expenses of administrative agencies shall be acquired by levying assessments upon handlers at rates recommended by the Board and established by the Secretary. Each handler who first handles potatoes under this part, shall pay assessments as directed by the Board.

(b) The payment of assessments for the maintenance and functioning of the administrative agencies may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

§ ——.43 Accounting.

(a) All funds received shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the Board and other administrative agencies, their members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member, alternate, employee, or agent of such agency he shall account for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to such agency's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, agency, or person designated by the Secretary, the right to all of such property and funds and all claims vested in such person.

(c) The Board may make recommendation to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other property of any administrative agency during periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may so direct.

(d) At the end of each fiscal period, if assessments collected are in excess of expenses incurred such excess shall be accounted for as follows:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal period unless such person demands repayment thereof, in which event it shall be paid to him. Refunds need not be paid or credited to any handler with outstanding obligations until his account is settled.

(2) The Board, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operating monetary reserve in an amount not to exceed approximately one fiscal period's operational expenses. Upon approval of the Secretary, funds in such reserve shall be available for use by the administrative agencies for all expenses authorized pursuant to § ——.41 and § ——.49.

(3) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate. To the extent practical, such funds shall be returned pro rata to the persons from whom they were collected.

RESEARCH AND DEVELOPMENT

§ ——.49 Research and development.

The Board, with approval of the Secretary, may provide for establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes and may provide available information and data to any person, or to any employee of an agency or its agent, authorized by the Board as its agent, with the approval of the Secretary, to conduct such projects.

REGULATION

§ ——.50 Marketing policy.

(a) Major and customary types of market outlets for raw potatoes such as, but not limited to, fresh market, processing and others, shall be recognized in considering and recommending marketing policies to the Secretary, so that appropriate distinctions among such outlets may be maintained in issuing regulations.

(b) National cull regulations: It shall be the marketing policy for the production area to maintain national cull regulations in effect for fresh market potatoes and for potatoes for processing.

(1) The national cull regulation for fresh market shall prohibit the handling of raw potatoes for fresh market, except as otherwise provided in this subpart, which do not meet the requirements of the U.S. No. 2, or better, grade, 1½ inches minimum diameter and larger. However, potatoes which meet U.S. No. 2, Size C, grade may be handled during any seasonal period upon recommendation of the responsible seasonal committee and approval of the Board.

(2) The national cull regulations for food processing, including chips, shall (i) provide that potatoes handled under bona fide preplanting contracts shall, prior to processing, be not less than U.S. No. 2 Processing Grade, 1½ inches minimum diameter and (ii) provide that potatoes handled under other than bona fide preplanting contracts shall be subject to regulations for fresh market shipments under subparagraph (1) of this paragraph and § ——.52(a) in effect at time of handling, except that for chips, shriveling, sprouting, and appearance will not be scored.

(3) Upon recommendation of the Board, or on other available information, national cull regulations may be suspended or modified by the Secretary during a specified period with respect to any or all varieties of potatoes in any or all portions of the production area.

(c) Seasonal regulations: (1) When requested by the Board, or when recommending regulations pursuant to § ——.51, each seasonal or special committee shall adopt the marketing policy it deems desirable for the industry to follow during the ensuing season or portions thereof in marketing potatoes. Each marketing policy will give consideration to normal patterns of deliveries, economies of distribution, and promotion of orderly marketing which tend to approach equity in benefits and burdens in various portions of the production area. A report setting forth each marketing policy shall be submitted with each committee's recommendations, as shall additional reports if such committee adopts a new marketing policy because of changes in the potato marketing situation. Committees will make each marketing policy report available to growers and handlers, using the facilities and services of the Board if necessary.

(2) In determining its marketing policy each seasonal or special committee shall give due consideration to the following:

(i) Supplies of potatoes by varieties or types, by grade, size, quality, and maturity in the production area and in specific portions of the producing area as determined by surveys conducted under the supervision of the Board;

(ii) Market prices for potatoes, including prices by varieties or types, by grade, size, and quality in different packs, in different containers, in different outlets, growers' cash prices, and growers' contract prices;

(iii) Location of potato stocks and estimates of proportions in producers control;

(iv) Approximate number of potato producers with supplies affected by recommended regulations.

(v) Alternative market outlets for processing, potatoes withheld from fresh market, salvage, and other features for equalizing among areas and seasons the responsibilities and burdens of managing supplies:

(vi) The trend and level of consumer income;

(vii) Establishing and maintaining orderly marketing conditions for potatoes;

(viii) Orderly marketing of potatoes as will be in the public interest; and

(ix) Other relevant factors.

§ ——.51 Recommendations for regulations.

(a) The administrative agencies, upon complying with requirements of § ——.50 may recommend regulations whenever they find that such regulations will tend to effectuate the declared policies of the Act.

(b) The Board shall have responsibility for recommending regulations throughout the production area. Seasonal committees shall have responsibility for recommending to the Board regulations for their area and season, and special committees for their interests, whenever such regulations limit handling to any greater extent than national regulations.

§ ——.52 Issuance of regulations.

The Secretary shall limit by regulation the handling of potatoes whenever he finds from recommendations and information submitted by the Board in accordance with § ——.51, or from other available information, that such regulations would tend to effectuate the declared policy of the Act. In recognition of major types of market outlets for raw potatoes, regulations shall distinguish among such outlets.

(a) For fresh market, such regulations, without discrimination, may:

(1) Limit in any or all portions of the production area the handling of particular grades, sizes, qualities, or packs, of any or all varieties of potatoes during any period.

(2) Limit the handling of particular grades, sizes, qualities, or packs of potatoes differently for different varieties, for different portions of the production area, for different outlets, for different containers, or any combination of the foregoing, during any period.

(3) Require containers to be labeled to show the grade, the name and address of the handler responsible for the grade of the potatoes therein, and identification of the state or area where the potatoes therein were grown.

(4) Fix the size, capacity, weight, dimensions, or pack of any container or containers used in handling potatoes, which can be different for different varieties and different outlets.

(b) For fresh market and food processing, such regulations may:

(1) Fix the total quantity of potatoes which may be handled during any season or crop year by all handlers, by allotting or providing methods for allotting the amount of potatoes, or any grade, size, or quantity thereof, which handlers may purchase from or handle on behalf of any and all producers thereof during any such season or crop years. Such regulations may be based upon different quantities established separately for different seasons and portions of the production area, or for any or all market outlets, and when such quantities are established for different market outlets or by seasons or regions, the establishment of bases, allotments or percentages under such regulations shall be determined on the same basis. Allotments may apply by seasons or any period or periods therein, for the winter and early spring, late spring, early summer and late summer seasonal groups. For the fall seasonal group, volume regulations may not be imposed that require handling during any specific period or periods. For potatoes destined for food processors, volume regulations cannot limit marketing other than by seasonal total.

(2) Allotments shall be under a uniform rule based upon the amounts sold by potato producers in the prior representative period as determined in § ——.53(a), or upon the current quantities available for sale by such producers, or both, to the end that the total quantity thereof to be purchased from or handled on behalf of producers during any of the above periods shall be apportioned equitably among producers. Rules and regulations established pursuant to this section shall not prejudice the base of any individual producer or any area of production if the Board determines that conditions prevailing during the base period have adversely affected their history.

(3) Quantity regulations may be issued upon determination that the terms and provisions of § ——.53 have been met.

(c) When parity prices have been established the handling of potatoes may be limited in accordance with the policies declared in section 602 of the Act.

(d) Regulations issued hereunder may be amended, modified, suspended, or terminated whenever it is determined:

(1) That such action is warranted upon recommendation of the Board, upon recommendation of an appropriate seasonal or special committee with Board approval, or other available information;

(2) That such action is essential to provide relief from inspection, assessment, or regulations under this section for minimum quantities less than customary commercial transactions;

(3) That regulations issued hereunder obstruct or no longer tend to effectuate the declared policy of the Act.

(f) No regulation applicable to seed shall modify or impair the official seed certification specification and requirements established by the official seed certification agency of the state in which the potatoes were grown, or other seed certification agencies which the Board, with the Secretary's approval, may designate.

§ ——.53 Allotment procedures.

(a) (1) Upon recommendation of seasonal committees, other administrative agencies, regional marketing order committees, or on other available information, the Board, with approval of the Secretary, shall establish administrative rules incidental to, not inconsistent with, and necessary for allotting the amounts of potatoes which handlers may purchase from any or all growers in any or all portions of the production area during any period. In considering such rules, the Board may confer and cooperate with other agencies of the Department of Agriculture to expedite preparation and compilation of information.

(2) For determining the amounts of potatoes sold by any or all producers, the base period shall be 1959, 1960, and 1961. The highest two such years shall be used in determining producers' representative participating bases. Subsequent to 1962, the base period shall be the average of the best two of the three years immediately preceding the year for which volume regulation is contemplated, including 1962 from each base period.

(3) Methods for determining the current quantities of potatoes available for sale by producers during any specific weekly, monthly, or other seasonal periods shall also be provided in said rules.

(4) Among other appropriate requirements, such rules may provide that:

(i) Each producer, who has or anticipates to have potatoes for purchase by handlers, or for handling on his behalf, or for handling by himself, during a period or periods of volume regulation shall submit to the Board, or its authorized agent, a written application for market potatoes under volume regulations in this part. Applications may be required at such time as the committee designates, which shall give due consideration to the planting and harvest time for potatoes in each area for each season so that producers may have reasonable opportunity to plan and manage production relating to their allotment, with special provisions for administration of 1962 crop volume regulations or any season immediately following a suspension period. Applications shall be on forms prescribed by the committee.

(ii) Each application shall be substantiated in the manner and supported by evidence required by the Board, and include at least the name and address of the producer, the names and addresses of handlers who purchased potatoes from or handled on behalf of the applicant, and the hundredweights handled during the base period; the storage or packing plant, field, or portion thereof, from which potatoes are to be marketed and which is included in the quantity of potatoes for marketing by the applicant during the period of proposed regulation; an accurate description of the location of each such storage, packing plant, or field or portion thereof, including the capacity, stocks, or number of acres therein.

(b) Verification: The Board shall check, or shall have checked, and determine the accuracy of the information on applications submitted pursuant to this section and is authorized to make a thorough investigation of any application. Whenever the Board finds an error, omission, or inaccuracy in any of the information on any application, it shall correct the same and shall give the person who submitted the report a reasonable opportunity to discuss with the committee the factors considered in making corrections.

(c) Participating base: (1) When volume regulations are likely to be recommended, the Board shall fix a participating base for each producer applying therefor and entitled thereto. Participating bases shall be fixed under a uniform rule based upon the amounts sold by potato producers in a prior representative period, or upon current quantities available for sale by potato producers, or both.

(2) Participating bases on a prior representative period shall be established in accordance with the following policy.

(i) Whenever volume regulations are contemplated, but not less than three months prior to the normal planting time for potatoes of the seasons and areas affected, the Board, cooperating with seasonal committees, shall obtain evidence on the potato marketing outlook. If the Board concludes from the evidence that excessive quantities in a given season or as a total annual crop will seriously overburden the channels of trade, disrupt orderly marketing conditions, depress prices, and defeat the purposes of the act, it may so advise the Secretary and establish, with the Secretary's approval, methods for determining the amount of potatoes sold by each producer during the base period and for fixing a participating base for each producer.

(ii) Adjustments may be made for a producer whose total marketings or a portion thereof during the base period were for purposes not covered by the act, to the extent of and in the proportion that such marketings bear to his total marketings: *Provided*, The following conditions are met:

(a) That the applicant show that he does not have binding commitments for disposing of all or a portion of his potatoes for purposes not covered by the Act.

(b) That the applicant certify that he will not market any potatoes for authorized purposes in excess of his allotment.

(c) That the applicant certify that he will not market for all purposes any potatoes in excess of his participating base, except that a producer who has customarily sold a part of his crop for authorized purposes and a part for exempted processing may certify that he will not market for all purposes a total in excess of his allotment plus the average quantity that he has sold for exempted processing in the base years.

Provided further, That if such producer during the allotment period exceeds his allotment for authorized purposes or his participating base for all purposes, his allotment for such period or participating base in the subsequent allotment period, shall be subject to reduction in the amount of such excess.

(3) For fixing participating bases on current quantities available, the Board, cooperating with seasonal committees, shall give consideration to planting time for potatoes in each area and to the outlook for potato marketing. If the Board concludes that excessive supplies in a given season, or in specific weekly, monthly, or other portions thereof, will overburden channels of trade, disrupt orderly marketing conditions, and depress prices, the Board may so advise the Secretary and recommend that he provide methods for fixing a participating base for each potato producer during the period or periods of proposed regulations to the end that allotments of potatoes shall be apportioned equitably among such producers. Each producer's participating base, under this method, shall be his proportion (based on estimates of his currently available supplies) of the total current amounts available by all producers during the specific week, month, or other period of regulation.

(d) Allotments: Whenever the quantity of potatoes which may be marketed during any season, or specific portion thereof, is limited by allotting the amounts which handlers may purchase from producers, such allotments shall be established by any one, or a combination of the following methods.

(1) When allotments are based on amounts sold by producers in a base period, the Board shall determine the total of all producers' participating bases and recommend to the Secretary the percentage of such total necessary to provide a quantity of potatoes, or any grade, size, or quality thereof, during the regulation period which would tend to promote and maintain orderly marketing conditions. The Secretary, upon Board recommendation or other available information, shall establish the percentage of producers' participating bases necessary to provide the amount of potatoes that will effectuate the declared policies of the act. Each producer's allotment shall be the product derived from multiplying his participating base by such percentage.

(2) When allotments are based on current quantities available for sale by producers during a specific period, the Board shall determine the quantities available or to be available for sale by each producer during the period of regulation. The Board may recommend to the Secretary the total amount of potatoes, or any grade, size, or quality thereof, which handlers may purchase or handle on behalf of any or all producers thereof. Upon its recommendation, or other information, the Secretary shall fix the quantity of potatoes which may be handled during the marketing season, or specific portion thereof, and establish the percentage of the total amounts available which may be purchased by handlers from producers. Each producer's allotment shall be the product resulting from multiplying the total amount of allotments fixed by the Secretary by his respective proportion of all participating bases.

(3) The Board may provide for issuance of allotments and for appropriate forms of evidence thereof through rules approved by the Secretary. The Board's policy shall be to give evidence, to the extent practicable, to each producer of his allotment, as issued on a historical base, at least 60 days prior to normal planting time. For allotments based on current quantities available, or on a combination of history and current quantities available, notice shall be as soon as practicable, as determined by the Board in consultation with seasonal committees affected thereby. The evidence may be in the form of certificates to market, or other practical means of identification of individual producers and their respective allotments. No handler may purchase from producers or handle on behalf of producers any potatoes, unless they are identified as within a producer's allotment and each handler shall so record his purchases or other handling on the producer's certificate.

(e) Verification of compliance with allotments: Storage bins and fields of potatoes included in applications for allocation bases and allotments shall be checked from time to time, as deemed necessary by the Board, to determine compliance with allotments. Checking procedures, methods for establishing Board determinations, means for notifying handlers and other persons of the extent to which allotments on specific storage bins or fields have been used, and provision for issuance of certificates of compliance with allotments shall be in accordance with rules recommended by the Board and approved by the Secretary. The rules may also provide that a handler may not purchase or handle potatoes from a bin, field, or fields on which allotments applicable to the available supply estimated therefor have been exhausted unless regulations in effect under § ——.52(b) are suspended or terminated.

(f) Adjustment of producers allotments: The Board may, pursuant to rules and regulations recommended by it and approved by the Secretary, provide for transferring or adjusting allotments during any allotment period. Such adjustments may be based upon factors such as weather, changes in maturity, condition, harvestability, changes in ownership or control of such potatoes, or other factors affecting the supplies of potatoes available for current shipment. Such adjustments will not affect a producer's base for the following season.

§ ——.54 Handling for special purposes.

Upon recommendations and information submitted by the Board, or other available information, the Secretary may modify, suspend, or terminate regulations issued pursuant to §§ ——.42, ——.52, ——.65, or any combination thereof, to facilitate shipments of potatoes for the following purposes whenever he finds that it will tend to effectuate the declared policy of the Act:

(a) Grading, storage, or planting within local areas under safeguards established under § ——.55;

(b) Export;

(c) Manufacture or conversion into starch, flour, alcohol, other specified products, or derivatives thereof;

(d) Charitable purposes;

(e) Livestock feed; and

(f) Other specific purposes.

§ ——.55 Safeguards.

The Board, or seasonal committee with Board concurrence, may prescribe with the Secretary's approval, through rules, such requirements as may be necessary to establish that shipments pursuant to § ——.54 were handled and used for the purposes stated.

EVIDENCE OF PERFORMANCE

§ ——.65 Evidence of performance.

The Board may establish rules, with the Secretary's approval, for effectuating

the regulatory terms and provisions of this part. Such rules shall provide for one or more of the following:

(a) *Inspection and certification.* (1) During any period in which shipments of potatoes are regulated pursuant to §§ ——.42, ——.60, ——.52, or ——.54, or any combination thereof, or during any other period, no handler may ship potatoes unless each shipment is inspected and certified by an authorized representative of the Federal or Federal-State Inspection Service, or such other inspection service as the Secretary shall approve, except when relieved from such requirements pursuant to § ——.52(d), or § ——.54, or both.

(2) Rules may provide for special inspection requirements or relief therefrom, or for distinctions in inspection requirements, insofar as practical, between handling at shipping point and handling in receiving markets. They may also provide that regrading, resorting, or repacking any lot of potatoes invalidates prior inspection certificates insofar as the requirements of this section are concerned and that no handler may ship potatoes after they have been regraded, resorted, repacked, or in any other way further prepared for market, unless each shipment of such potatoes is inspected and certified by an authorized representative of the Federal or Federal-State Inspection Service, or such other inspection service as the Secretary shall approve.

(3) The length of time for which an inspection certificate is valid for purposes of this part may be established for particular portions of the production area or particular forms of transportation.

(4) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the Board, and designated seasonal committees.

(5) The Board may require that no handler may transport or cause transportation of potatoes by motor vehicle, or by other means, unless such shipment is accompanied by a copy of the inspection certificate issued thereon, or other document authorized by the Board to indicate that such inspection has been or will be performed. Such certificate or document shall be surrendered to such authority as may be designated by the Board.

(6) The Board may require adequate safeguards to insure that inspection and identification requirements have been met.

(b) *Handler's certification.* Each handler must certify with his manifest that the potatoes handled by him meet the requirements of the order at the time of acquisition for processing potatoes, other than chips, and at the time of shipment of potatoes for processing for chipping or shipment to fresh market. The certification, as endorsed by the purchaser or shipper shall indicate that the handler recognizes that the potatoes are liable to inspection at any time while in the stream of commerce.

(c) *Agency cooperation.* The Board may solicit and enlist cooperation and assistance of Federal, State, or other agencies in checking, reporting on, and enforcing grade labeling, also in determining compliance with allotment authorization under the provisions of this part.

(d) *Compliance surveys.* The Board, in administering the terms and provisions of this part, may request or make surveys of performance by any or all handlers through necessary means, such as checks at terminal markets, shipping points, distribution centers, or transportation gateways. Reports may be obtained from any or all handlers essential to determination of performance under this part.

EXEMPTION

§ ——.70 Policy.

(a) Any producer whose potatoes have been adversely affected by acts beyond his control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § ——.52, is prevented from shipping during the season, or a specific portion thereof, as large a proportion of his potato crop as the average proportion shipped or to be shipped during comparable portions of the season by all producers in his immediate area of production, may apply to the Board or appropriate seasonal committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

(b) Any handler who has storage holdings of ungraded potatoes acquired during or immediately following the harvesting season that have been adversely affected by acts beyond the handler's control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § ——.52 is prevented from shipping as large a proportion of his storage holdings of ungraded potatoes as the average proportion of ungraded storage holdings shipped by all handlers in said handler's immediate shipping area, may apply to the Board or appropriate seasonal committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

§ ——.71 Rules and procedures.

The Board may adopt, with approval of the Secretary, the rules and procedures for handling exemptions. Such rules and procedures should provide for handling applications for exemptions, for issuing certificates of exemptions, for determinations with respect to areas and averages (as required by § ——.70), and for other procedures necessary to accomplish exemption policies.

§ ——.72 Applications and issuance.

The Board or appropriate seasonal committee may issue certificates of exemption to any qualified applicant who furnishes adequate evidence to the responsible administrative agency:

(a) That the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation;

(1) That by reason of regulations issued pursuant to § ——.52, in case of a producer applicant, he will be prevented from shipping his allotment or as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate area of production during the season, or a specific portion thereof.

(2) That by reason of regulations issued pursuant to § ——.52, in case of a handler applicant who has storage holdings of ungraded potatoes acquired during or immediately following the digging season, he will be prevented from shipping his allotment or as large a proportion of such storage holdings as the average proportion of similar storage holdings shipped by all handlers in said applicant's immediate shipping area during the season;

(b) Each certificate shall permit the recipient thereof to ship the potatoes described thereon, and evidence of such certificates shall be made available to subsequent handlers thereof.

§ ——.73 Investigation.

The responsible administrative agencies shall be permitted at any time to make a thorough investigation of any applicant's claim pertaining to exemptions.

§ ——.74 Appeals.

If any applicant for exemption certificate is dissatisfied with the determination with respect to his application, said applicant may file an appeal with the responsible administrative agency. Such an appeal must be taken promptly after the determination from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to such agency for a determination on the appeal. The agency shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The responsible agency shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ ——.75 Records.

A record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such other information as may be requested by the Secretary, shall be maintained in accordance with rules under § ——.71.

MISCELLANEOUS PROVISIONS

§ ——.80 Reports.

(a) The Board may require, with the approval of the Secretary, handlers to furnish in the manner and time prescribed, information necessary to exercise its powers and perform its duties under this subpart.

(b) All such reports shall be held under appropriate protective classification and custody by the Board or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers are authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years records of the potatoes received, and disposed of, by him as may be necessary to verify his reports.

§ ——.81 Compliance.

Except as provided in this subpart,

(a) No handler shall handle potatoes, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall handle potatoes except in conformity to the provisions of this subpart.

(b) No handler may purchase any amount of potatoes from a producer that, together with all other marketings of such producer during the allotment period, would exceed the amount allotted to such producer.

§ ——.82 Right of the Secretary.

The members of the administrative agencies (including successors, and alternates), and any agent or employee appointed or employed by them, shall be subject on just cause to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of said agencies shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval the disapproved action of the said agencies shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ ——.83 Effective time.

The provisions of this subpart shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ ——.84 Termination or suspension.

(a) The Secretary may, as hereinafter set forth, terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the Act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding marketing season, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such period produced for market more than 50 percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced at least 30 days prior to the end of the then current fiscal period.

(d) The Secretary shall, during the third year after issuance and prior to December 10 of that year, conduct a referendum to ascertain whether continuance of this part is favored by producers. The Secretary shall conduct such a referendum prior to December 10 of each succeeding third year thereafter. If less than two-thirds of those voting approve continuance of the marketing order, grade, size, quality, maturity, and volume regulations shall be suspended.

(e) The provisions of this part shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

§ ——.85 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the members of the administrative agencies then functioning shall continue as joint trustees, for the purpose of liquidating their affairs and of all the funds and property then in the possession of or under their control, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the administrative agencies or the joint trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims, have been transferred or delivered by the administrative agencies, or their members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said agencies and upon the said trustees.

§ ——.86 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or any regulation issued pursuant to this subpart or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ ——.87 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ ——.88 Agents.

The Secretary may, by designation in writing, name any person including any officer or employee of the Government, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ ——.89 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the Act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ ——.90 Personal liability.

No member or alternate of any administrative agency nor any employee or agent thereof, may be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent except for acts of dishonesty.

§ ——.91 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ ——.92 Amendments.

Amendments to this subpart may be proposed, from time to time, by the Board.

§ ——.93 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ ——.94 Additional parties.

After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ ——.95 Order with marketing agreement.

Each signatory handler favors and approves the issuance of an order by the Secretary regulating the handling of potatoes in the same manner as is provided for in this agreement; and each

[1] Applicable only to the proposed marketing agreement.

signatory handler hereby requests the Secretary to issue, pursuant to the Act, such an order.[1]

Copies of this notice may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., or from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or may be there inspected.

Dated: February 15, 1962.

FRANK J. WELCH,
Assistant Secretary.

[F.R. Doc. 62-1702; Filed, Feb. 19, 1962; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Freedmen's Hospital

[42 CFR Part 403]

DISPOSAL OF MONEY AND EFFECTS OF PATIENTS AND OF UNIDENTIFIED PERSONS

Notice of Proposed Rule Making

Notice is hereby given that the Surgeon General of the Public Health Service, with the approval of the Secretary of the Department of Health, Education, and Welfare, proposes to amend Chapter IV by adding a new Part 403 which will provide for the disposal of the money and effects of deceased patients and unidentified persons left in the custody of Freedmen's Hospital. Interested persons may submit relevant data, views or arguments in regard to the proposed regulations to the Surgeon General, Public Health Service, Washington 25, D.C. All relevant material received not later than 30 days after the publication of this notice will be considered. It is anticipated that upon the expiration of this period, this new part, subject to such revisions as may seem appropriate in the light of comments, will be republished and will become effective 30 days after such republication.

I. A new Part 403 would be added to read as follows:

PART 403—DISPOSAL OF MONEY AND EFFECTS OF PATIENTS AND UNIDENTIFIED PERSONS

Sec.
403.1 Inventory of effects of deceased patients.
403.2 Notice upon death.
403.3 Delivery only upon filing claim; forms, procedure.
403.4 Delivery to legal representative; to other claimants if value is $1,000 or less.
403.5 Disposition of effects; exceptions.
403.6 Conflicting claims.
403.7 Disposition of Government checks.
403.8 Manner of delivery; costs, receipts.
403.9 Delivery of possession only; title unaffected.
403.10 Disposition of abandoned and unclaimed money and effects of patients other than deceased patients and of unidentified persons.
403.11 Abandoned and unclaimed effects of patients and of unidentified persons.
403.12 Abandonment or destruction.
403.13 Sale of abandoned or unclaimed effects.
403.14 Provisions governing sales.
403.15 Disposition of unsold articles.
403.16 Disposition of proceeds of sale; claims.

[1] Applicable only to the proposed marketing agreement.

AUTHORITY: §§ 403.1 to 403.16 issued under 18 Stat. 223, Reorg. Plan No. IV of 1940, Reorg. Plan No. I of 1953; 32 D.C. Code 317, 5 U.S.C. 133t, 5 U.S.C. 133z. §§ 403.10 to 403.16 also issued under 63 Stat. 377, Title II, § 203(l), as amended, and 205(d), as amended; 40 U.S.C. 434(m), 40 U.S.C. 488(d).

§ 403.1 Inventory of effects of deceased patients.

Promptly after the death of a patient in Freedmen's Hospital, an inventory of his money and effects left therein shall be made by two or more officers or employees of the Hospital designated for such purpose by the Superintendent.

§ 403.2 Notice upon death.

The Superintendent shall notify in writing all persons known to him to whom delivery of the patient's money and effects might be made hereunder, and, in the case of an alien patient, a consul of the country of his apparent nationality. Each person so notified shall be requested to furnish information concerning (a) the existence or whereabouts of any persons to whom delivery of the deceased patient's money and effects may be made pursuant to these provisions, and (b) the permanent residence or home of the deceased.

§ 403.3 Delivery only upon filing claim; forms, procedure.

(a) Delivery of the money and effects of a deceased patient shall be made only to a person who has filed a claim therefor on a form prescribed by the Superintendent.

(b) A claimant shall furnish, in addition to the information on the prescribed form, such additional information as the Superintendent may consider necessary to establish the identity of the claimant and the truth of his statements.

(c) A person filing a claim as a legal representative shall be required to present letters of administration or a certificate of a court attesting his qualification for appointment.

(d) If the Superintendent is not satisfied in regard to the validity of a claim filed after the money of a deceased patient has been deposited in the Treasury, he may refer such claim to the Claims Division of the General Accounting Office for settlement. If the claim is for checks or evidences of indebtedness of the United States which have been transmitted to the issuing agency pursuant to §§ 403.7 and 403.8, the claim shall be referred to such agency.

§ 403.4 Delivery to legal representative; to other claimants if value is $1,000 or less.

The money and effects of the deceased patient shall in all cases be delivered to the legal representative, if any, of his estate. If the value is $1,000 or less, and the Superintendent has neither notice nor other knowledge of the appointment or qualification of a legal representative, nor reason to believe that a legal representative will be appointed or qualified, he shall deliver all the money and effects as soon as practicable after the expiration of 10 days from the sending of notices to one of the following in the indicated order of priority:

(a) A person, if any, designated in writing by the patient to receive the same;

(b) The patient's surviving spouse;

(c) The patient's child or children in equal parts;

(d) The patient's parent or parents in equal parts;

(e) Any other person who would be entitled to receive the money and effects under the law of the patient's domicile: *Provided*, That delivery of such money and effects may be made immediately upon application by one of the persons specified above if the Superintendent has neither notice nor other knowledge that a person higher in the indicated order or priority exists.

§ 403.5 Disposition of effects; exceptions.

Notwithstanding the provisions of these regulations, the Superintendent may (a) release from among the effects of the deceased patient so much of the patient's clothing as may be necessary for use in preparation of his body for burial and (b) cause to be destroyed, or otherwise disposed of, such used toilet articles of the patient as appear to have no commercial or other value.

§ 403.6 Conflicting claims.

If any case in which conflicting claims are filed or the Superintendent considers it to be in the interest of persons who may be ultimately entitled thereto, delivery of money and effects may be withheld from all persons other than a duly qualified legal representative.

§ 403.7 Disposition of Government checks.

Notwithstanding any other provisions of these regulations immediately upon completion of the inventory, checks drawn on the Treasurer of the United States shall be sent by safe means to the department, agency, or establishment of the Government of the United States issuing such checks. The transmittal shall be accompanied by a statement of the reasons therefor and of all available information which may aid the issuing unit in the disposition of the check transmitted. Notice of the disposition of any checks, with identifying information, shall be given to the person or persons, if any, to whom money and effects are delivered in accordance with § 403.4.

§ 403.8 Manner of delivery; costs, receipts.

(a) If a person entitled under this regulation to receive the money and effects of a patient is unable to take possession thereof at the hospital, they may be sent to him at the expense of the United States in the most economical manner available. The records of the hospital shall show the names and addresses of persons to whom money or effects have been sent, the date of sending, the means used, an itemized list of the money or effects sent, and a statement by a witnessing officer or employee verifying the foregoing from his own observation.

(b) If not delivered personally by an authorized officer or employee of the hospital, money, evidences of indebtedness, and other valuable papers and documents shall be sent by registered mail (or other safe means).

(c) Persons receiving the money and effects of a patient shall be required to execute an itemized receipt therefor.

§ 403.9 Delivery of possession only; title unaffected.

Except for delivery of effects to purchasers at sales held pursuant to § 403.13, delivery or deposit under these regulations of the money or effects, or the proceeds of a sale of the effects, of a deceased patient constitutes only a transfer of possession and is not intended to affect in any manner the title to such money, effects, or proceeds.

§ 403.10 Disposition of abandoned and unclaimed money and effects of patients other than deceased patients and of unidentified persons.

(a) Money and effects left in the hospital by a patient shall be forwarded promptly to him. If because his whereabouts are unknown his money and effects cannot be delivered to him, his money shall be deposited in the Treasury to the credit of an appropriate account. Effects of such patients shall be disposed of as provided in §§ 403.11–403.16.

(b) Personal effects of unidentified persons shall be disposed of as provided in §§ 403.11–403.16. Any money found in the hospital shall, if unclaimed, be deposited in the Treasury to the credit of an appropriate account for subsequent disposition in accordance with the General Accounting Office standard procedures.

§ 403.11 Abandoned and unclaimed effects of patients and unidentified persons.

If no claims are submitted for personal effects, in the case of a deceased patient within either six months after death or within six months after the Superintendent has notified the persons to whom delivery of such effects may be made pursuant to § 403.4, or in the case of a patient other than a deceased patient within six months after the departure of the patient or in the case of effects belonging to unidentified persons, six months after the finding of the property in the hospital, the effects will be considered to be abandoned or unclaimed property and the Superintendent or his designee may thereafter determine that title to such property vested in the United States.

§ 403.12 Abandonment or destruction.

After title to such property has vested in the United States, it may be abandoned or destroyed without public notice upon a finding by an officer designated by the Superintendent and approved by one or more other officers or employees of the hospital designated by the Superintendent that:

(a) The value of the property is so little or the cost of its care or handling is so great that its retention for advertising for sale is not economical; or

(b) Abandonment or destruction is required by considerations of health or safety.

§ 403.13 Sale of abandoned or unclaimed effects.

Three months after title to the abandoned or unclaimed effects has vested in the United States, such property may be sold. The sale of such property shall be by competitive bid through the use of General Services Administration Standard Forms 114 and 114a. The Superintendent or his designee shall determine whether the sale shall be by sealed bid, spot bid or by auction.

§ 403.14 Provisions governing sales.

The following provisions shall be applicable to sales of abandoned or unclaimed effects:

(a) *Notice.* A notice of the sale shall be sent by mail in advance of the sale to the patient, or in the case of a deceased patient to all known persons to whom delivery of the effects may be made pursuant to § 403.4. Reasonable advance notice of proposed sales shall be posted at prominent places in the hospital, in the hospital area and in the nearest Post Office. The officer or employee who posts or sends notices of sales shall make an appropriate affidavit on a copy of the notice as to his action in that respect, including in his affidavit the names of all persons to whom copies of the notices were mailed and the mailing dates. The copy of the notice on which the affidavit appears shall be retained in the files of the Hospital.

(b) *Form and content of notice.* Notice of proposed sales shall be given on a form prescribed by the Superintendent. The notice shall include: an inventory of the property to be offered for sale; the precise date, time and place when and where the sale will be held; a statement in regard to when and where the articles may be inspected; a statement that the sale is to be held pursuant to the regulations herein and a statement that if the articles are to be sold by sealed bid, the right to reject all bids is reserved.

(c) *Time, place and direction of sales.* All sales shall be held at reasonable hours and at such places within the hospital or hospital area as the Superintendent or his designee may select. Sales shall be conducted by the Superintendent or an officer or employee designated by him.

(d) *Sale and delivery.* All articles offered for sale shall be sold to the highest bidder and delivered to him immediately upon payment of the sale price in cash or by postal money order or certified check and execution of an appropriate receipt by the person to whom delivery is made.

§ 403.15 Disposition of unsold articles.

Articles offered for sale but remaining unsold may be held for resale at a later date or may be disposed of pursuant to § 403.12 as determined by the Superintendent or his designee.

§ 403.16 Disposition of proceeds of sale; claims.

(a) Proceeds from the sale of abandoned or unclaimed effects shall be deposited in the Treasury to the credit of an appropriate account. The former patient or any other former owner or a person who would have been entitled to the delivery of the effects of a deceased patient pursuant to § 403.4 may be reimbursed from the funds in this account if such person files a claim within three years from the date of vesting of title to the property in the United States as determined by the Superintendent. Such reimbursement shall not exceed the proceeds realized from the disposal of such property less the costs incident to its care and handling, as determined by the Superintendent or his designee.

(b) In cases where the property has been sold as a part of a lot containing other items and the purchase price for the lot covers items in addition to that for which reimbursement is sought, the proceeds of sale for that portion of the property for which reimbursement is being sought shall be proportionate to the proceeds received for the total lot. In order to assure accuracy in determining proportionate recovery in cases where more than one item has been sold as a lot, all items to be included in a group of items to be sold as one lot shall be listed and appraised in advance of the sale by the Superintendent or the officer or employee he has designated to conduct such sale, and his appraisal stated in writing for each item on the list. Such list and appraisal shall be maintained as part of the permanent file and record of the sale until the three-year period for the filing of claims has elasped.

Dated: December 22, 1961.

LUTHER L. TERRY,
Surgeon General.

Approved: February 14, 1962.

IVAN A. NESTINGEN,
Acting Secretary.

[F.R. Doc. 62-1698; Filed, Feb. 19, 1962; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1076]

VICKERS VISCOUNT 745D AND 810 SERIES AIRCRAFT

Proposed Airworthiness Directives

Pursuant to the authority delegated to me by the Administrator, (14 CFR Part

405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring periodic inspection of the landing gear cross tube end fittings and rework of cracked parts on Vickers Viscount 745D and 810 Series aircraft. This proposed action is deemed necessary since there have been cases of fatigue failures occurring in service.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before March 22, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

VICKERS. Applies to all Viscount Models 745D and 810 Series aircraft.

Compliance required as indicated.

As a result of landing gear cross tube and fitting failures, the following is required:

(a) (1) End fittings which have accumulated 11,000 or more landings as of the effective date of this AD, shall be inspected in accordance with (b) within the next 500 landings, and thereafter within each 3,000 landings.

(2) End fittings which have accumulated between 10,000 and 11,000 landings as of the effective date of this AD shall be inspected in accordance with (b) within the next 1,000 landings, or upon the accumulation of 11,500 landings, whichever occurs first, and thereafter within each 3,000 landings.

(3) End fittings which have accumulated less than 10,000 landings as of the effective date of this AD shall be inspected in accordance with (b) upon the accumulation of 11,500 landings and within each 3,000 landings thereafter.

NOTE: It will be necessary for operators to maintain a record of landings in order to ascertain compliance with this AD. If past records are unavailable, the number of landings prior to this AD may be estimated.

(b) Remove the fittings listed below and inspect for cracks in accordance with PTL 234 (for Model 745D) or PTL 100 (for Model 810) or FAA approved equivalent.

Model	Fitting	P/N
	End fitting for single piece tube:	
745D	Station 96	72450-35
745D	Station 131	72450-37 or 72450-175
810	Station 96	72450-35
810	Station 131	81450-35

(c) Fittings with cracks in the ¼-inch radius between the bearing journal and the tapered portion shall be replaced prior to further flight, except that those at Station 131 may be reused if they meet the limitations of the applicable PTL, Issue 2 dated November 13, 1961, and are reworked as specified in the applicable PTL. (Fittings at Station 96 are of different design and cannot be reused should similar defects be found.)

(d) Rework fittings having minor surface cracks in the attachment flanges and in the bearing journals in accordance with the provisions of the PTL's.

(e) Mark all reworked fittings with the letter "R" on the flange circumference.

(f) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, International Division, Washington 25, D.C., may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Vickers Armstrongs Preliminary Technical Leaflets Nos. 100 and 234, both are Issue 2 dated November 13, 1961, cover the same subject.)

Issued in Washington, D.C., on February 14, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 62-1677; Filed, Feb. 19, 1962; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61-SW-108]

FEDERAL AIRWAYS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.1746 and 600.1532 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1746 presently extends from the Texico, N. Mex., VOR, as a 10-mile wide airway to the intersection of the Texico VOR 117° and the Lubbock, Texas, VOR 008° True radials; thence as a 16-mile wide airway via the Guthrie, Texas, VOR; to the Bridgeport, Texas, VOR. Intermediate altitude VOR Federal airway No. 1532 extends in part as a 16-mile wide airway from Albuquerque, N. Mex., VOR to the Tucumcari, N. Mex., VOR.

The Federal Aviation Agency (FAA) has under consideration a proposal by the Air Transport Association of America to extend Victor 1746 from the Texico, Texas, VOR to the Anton Chico, N. Mex., VOR. Concurrently with this proposal the FAA is considering realigning Victor 1532 to overlie the Anton Chico VOR.

Extending Victor 1746 from the Texico VOR to Anton Chico VOR would provide a shorter route for aircraft operating between the Dallas, Texas, and Albuquerque terminal areas. Realigning Victor 1532 to overlie the Anton Chico VOR would provide a common intersection with Victor 1746 at the Anton Chico VOR and would provide more precise navigational guidance on this segment of Victor 1532 between Tucumcari and Albuquerque.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 13, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1678; Filed, Feb. 19, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 72, 73, 74, 77, 78]

[Docket No. 3666; Notice 54]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Notice of Proposed Rule Making

FEBRUARY 5, 1962.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments are set forth below and the reasons therefor are listed below.

Applications for the proposed amendments have been the subject of extensive study by various interested parties, in which substantial agreement has been reached.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before March 5, 1962. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Office of the Federal Register.

(49 Stat. 788, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board.

[SEAL] HAROLD D. MCCOY,
Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 *Commodity list* (19 F.R. 1276, Mar. 6, 1954) (15 F.R. 8270, Dec. 2, 1950) as follows:

§ 72.5 List of explosives and other dangerous articles.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Add)				
Dethyltoluidine	Pois. B	72.264, 72.273	Poison	200 pounds.
Phosphorus oxybromide	Cor. I	No exemption, 72.271.	White	1 quart.
(Change)				
Guided missiles, with warheads. See Rocket ammunition with explosive, illuminating, gas, incendiary or smoke projectile.				
Guided missiles without warheads. See Rocket ammunition without projectile.				

PART 73—SHIPPERS

Subpart B—Explosives; Definitions and Preparation

In § 73.53 amend paragraphs (k) and (p) (15 F.R. 1277, Mar. 6, 1954) (15 F.R. 8268, Dec. 2, 1950) to read as follows:

§ 73.53 Definition of class A explosives.

* * * * *

(k) *Explosive projectiles.* Explosive projectiles are shells, projectiles, warheads, or rocket heads, loaded with explosives or bursting charges, with or without other materials, for use in cannon, guns, tubes, mortars or other firing or launching devices.

* * * * *

(p) *Rocket ammunition.* Rocket ammunition (including guided missiles) consists of a completely assembled unit for launching from a tube, launcher, rails, trough or other launching device, in which the propellant material is a solid propellant explosive. Such unit consists of an igniter, a rocket motor or jet thrust unit, and a warhead, either fused or unfused, containing high explosives or chemicals.

In § 73.55 amend paragraph (a) (23 F.R. 7648, Oct. 3, 1958) to read as follows:

§ 73.55 Ammunition, nonexplosive.

(a) Nonexplosive ammunition is defined as a device which contains no explosives or other dangerous articles, such as cartridge cases, dummy or drill cartridges; empty, sand loaded or solid projectiles with or without tracers (containing not in excess of one ounce of tracer composition), empty mines, empty bombs, solid projectiles, empty torpedoes, or practice bombs. It also includes devices containing no explosives, or other dangerous articles, except installed electric squibs, primers, propellants or thermal batteries required for the activation of the device, provided that it has been proven by test that when initiated the full energy release is contained within the outside shipping container. Such ammunition is exempt from Parts 71–78 of this chapter. Rotating bands should be protected against deformation by method of packing or loading.

In § 73.65 amend paragraphs (b)(2) and (c)(3) (16 F.R. 5323, June 6, 1951) (26 F.R. 9269, Oct. 6, 1961) to read as follows:

§ 73.65 High explosives with no liquid explosive ingredient nor any chlorate.

* * * * *

(b) * * *

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Net weight not to exceed 200 pounds.

* * * * *

(c) * * *

(3) Spec. 5B (§ 78.82 of this chapter) metal barrels or drums or Spec. 21C (§ 78.224 of this chapter) fiber drums. Authorized only for cyclotrimethylenetrinitramine wet with not less than 10 pounds of water to each 90 pounds of dry material in inside containers which must be bags made of at least 10-ounce cotton duck, rubber or rubberized cloth and securely closed. The dry weight of cyclotrimethylenetrinitramine in one metal barrel or drum must not exceed 360 pounds and not more than 225 pounds in fiber drums. These bags containing the cyclotrimethylenetrinitramine must then be placed in a rubber bag, rubberized cloth bag or bag made of suitable water-tight material which must be securely closed and then placed in the drum. If shipment of cyclotrimethylenetrinitramine is to take place at a time freezing weather is to be anticipated, it must be wet with a mixture of denatured ethyl alcohol or other suitable anti-freeze and water of such proportions that freezing will not occur in transit.

In § 73.93 amend paragraph (a)(10) (17 F.R. 1560, Feb. 20, 1952) to read as follows:

§ 73.93 Propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices, and propellant explosives (liquid).

(a) * * *

(10) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Drums having wooden heads must be provided with a strong sift-proof liner. Authorized net weight not over 225 pounds.

Subpart C—Flammable Liquids; Definition and Preparation

In § 73.118 amend paragraph (c) amend subparagraphs (27), (28), and (36); add paragraph (c) (39), (40), (41), (42), (43), and (44) (21 F.R. 3066, May 5, 1956) (21 F.R. 7599, Oct. 4, 1956) (15 F.R. 8268, Dec. 2, 1950) to read as follows:

§ 73.118 Exemptions for flammable liquids.

* * * * *

(c) * * *

(27) Aluminum triethyl and mixtures or solutions thereof.

(28) Aluminum trimethyl and mixtures or solutions thereof.

* * * * *

(36) Pyroforic fuel and mixtures or solutions thereof.

* * * * *

(39) Triisobutyl aluminum and mixtures and solutions thereof.

(40) Ethyl aluminum sesquichloride and mixtures and solutions thereof.

(41) Diethyl aluminum chloride and mixtures and solutions thereof.

(42) Ethyl aluminum dichloride and mixtures and solutions thereof.

(43) Methyl aluminum sesquichloride and mixtures and solutions thereof.

(44) Methyl aluminum sesquibromide and mixtures or solutions thereof.

In § 73.119 amend paragraphs (a)(9) and (b)(9) (16 F.R. 5323, June 6, 1951) (25 F.R. 10392, Oct. 29, 1960) to read as follows:

§ 73.119 Flammable liquids not specifically provided for.

(a) * * *

(9) Spec. 21C, 22A or 22B (§ 78.224, § 78.190 or § 78.197 of this chapter). Fiber drums and plywood drums with a single inside glass, earthenware, or metal container of not over one gallon capacity in each drum. Inside container must be so cushioned at top, sides, and bottom,

as to prevent breakage or leakage in transit.

* * * * *

(b) * * *

(9) Spec. 21C (§ 78.224 of this chapter). Fiber drum with inside spec. 2S or 2SL (§ 78.35 or § 78.35a of this chapter) polyethylene container. Authorized only for materials that will not react with polyethylene and result in container failure. (See § 78.224–1(a)(2) of this chapter.)

In § 73.127 amend paragraph (b) (15 F.R. 8301, Dec. 2, 1950) to read as follows:

§ 73.127 Nitrocellulose of collodion cotton, fibrous, or nitrostarch, wet, nitrocellulose flakes, colloided nitrocellulose, granular, flake or block, and lacquer base or lacquer chips, wet.

* * * * *

(b) Except for spec. 37A which is limited to 480 pounds, gross weight of any container must not exceed 490 pounds.

In § 73.136 amend paragraph (a)(3) (25 F.R. 6625, July 14, 1960) to read as follows:

§ 73.136 Methyl dichlorosilane and trichlorosilane.

(a) * * *

(3) Spec. 5A, 5B, or 5C (§ 78.61, § 78.82, or § 78.83 of this chapter). Metal drums not over 55 gallons capacity each. Spec. 5B drums must have no opening exceeding 2.3 inches in diameter. These containers not authorized for shipment by rail express.

Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

In § 73.154 amend paragraph (a)(9) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.154 Flammable solids and oxidizing materials not specifically provided for.

(a) * * *

(9) Spec. 21C (§ 78.224 of this chapter). Fiber drum. Authorized net weight not over 225 pounds.

In § 73.156 amend paragraph (a)(5) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.156 Barium peroxide and calcium peroxide.

(a) * * *

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

In § 73.157 amend paragraph (a)(4) (26 F.R. 9401, Oct. 6, 1961) to read as follows:

§ 73.157 Benzoyl peroxide, chlorobenzoyl peroxide (para), cyclohexanone peroxide, dimethylhexane dihydroperoxide, lauroyl peroxide, or succinic acid peroxide, wet.

(a) * * *

(4) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized only for cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration and dimethylhexane dihydroperoxide, which materials must be packed in a plastic inside container, securely closed, and formed of polyethylene film sheets having minimum thickness of 0.002 inch. Authorized net weight in one outside container shall not exceed 50 pounds for cyclohexanone peroxide and shall not exceed 100 pounds for dimethylhexane dihydroperoxide.

In § 73.158 amend paragraph (a)(2) (26 F.R. 9401, Oct. 6, 1961) to read as follows:

§ 73.158 Benzoyl peroxide, dry, chlorobenzoyl peroxide (para), dry, cyclohexanone peroxide, dry, dimethylhexane dihydroperoxide, dry, lauroyl peroxide, dry, or succinic acid peroxide, dry.

(a) * * *

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized only for dimethylhexane dihydroperoxide, dry, which must be packed in a plastic container, securely closed, and formed of polyethylene film sheets having minimum thickness of 0.002 inch, and lauroyl peroxide, dry. Authorized net weight not over 100 pounds in one outside container.

In § 73.163 amend paragraph (a)(3) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.163 Chlorate of soda, chlorate of potash, and other chlorates.

(a) * * *

(3) Spec. 21C, 22A, or 22B (§ 78.224, § 78.196 or § 78.197 of this chapter). Fiber or plywood drums with inside metal drums, spec. 2F (§ 78.25 of this chapter). Authorized net weight not over 225 pounds.

In § 73.168 amend paragraph (a)(2) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.168 Lithium amide, powdered.

(a) * * *

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums with inside metal drums, spec. 2F (§ 78.25 of this chapter). Authorized net weight not over 225 pounds.

In § 73.175 amend paragraph (a)(4) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.175 Lacquer base, or lacquer chips, dry.

(a) * * *

(4) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

In § 73.178 amend paragraph (a)(6) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.178 Motion-picture film, old and worn out (not scrap).

(a) * * *

(6) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

In § 73.195 amend paragraph (a)(5) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.195 Pyroxylin plastic scrap, photographic film scrap, X-ray film scrap, motion-picture film scrap, or plastic of exposed or unexposed film.

(a) * * *

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Must be externally treated to provide protection against moisture. Authorized net weight not over 225 pounds.

In § 73.197 amend paragraph (a)(3) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.197 Pyroxylin plastics, in sheets, rolls, rods, or tubes.

(a) * * *

(3) Sheets rolled, in spec. 21C (§ 78.224 of this chapter) fiber drums, having 2 straps applied lengthwise and one or more circumferentially; straps at least ½ by 0.02 inch steel. Authorized net weight not over 225 pounds.

In § 73.201 amend paragraph (a)(5) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.201 Rubber scrap, rubber buffings, reclaimed rubber, or regenerated rubber.

(a) * * *

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

In § 73.204 amend paragraph (a)(5) and (6) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.204 Sodium hydrosulfite.

(a) * * *

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Must be lined or coated, or otherwise treated to protect against moisture. Authorized net weight not over 225 pounds.

(6) Spec. 21C (§ 78.224 of this chapter). Fiber drums, net weight not over 250 pounds; drums must have a metal foil (laminated between two sheets of kraft paper with thermoplastic adhesive) moisture and water barrier wound into the sidewall of the drum and located not more than 2 plies from the interior of drum but not to be wound as the first ply; a metal foil moisture and water barrier must also be present in the fiber or wood heading; exterior of drum sidewall must be protected with a water resistant coating; in addition to the tests prescribed by § 78.224–2 (a), (b), and (c) of this chapter, a drum having been given a 4-foot diagonal bottom chime drop must, after being emptied, withstand complete immersion of the bottom in 6 inches of water for 4 hours without leakage to the interior; drums must not be offered for transportation by carriers by water.

In § 73.207 amend paragraph (b)(5) (16 F.R. 5324, June 6, 1951) to read as follows:

§ 73.207 Sulfide of sodium or sulfide of potassium, fused or concentrated when ground.

* * * * *

(b) * * *

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums which must be lined or coated, or otherwise treated so as to prevent the entrance of moisture in quantities sufficient to create a hazardous condition in transportation; drums to withstand two drops from height of 4 feet in same spot or one 6-foot drop in place of drop test as provided in spec. 21C (§ 78.224 of this chapter); maximum loaded capacity 250 pounds net.

In § 73.217 amend paragraph (a)(3) (26 F.R. 9401, Oct. 6, 1961) to read as follows:

§ 73.217 Calcium hypochlorite compounds, dry, and lithium hypochlorite compounds, dry.

(a) * * *

(3) Spec. 21C (§ 78.224 of this chapter). Fiber drums with inner ply a laminated sheet of paper and aluminum foil, internally coated with not less than a 0.002 inch thickness of polyethylene. Cover of drum shall be gasketed. Drums for authorized net weight over 225 pounds but not exceeding 400 pounds shall be of at least 10-ply construction. Representative drums must withstand drop tests prescribed by § 78.224–2 of this chapter when filled with test material equal to the net weight to be shipped. Authorized net weight not over 400 pounds.

In § 73.227 amend paragraph (a)(2) (16 F.R. 9375, Sept. 15, 1951) to read as follows:

§ 73.227 Urea peroxide.

(a) * * *

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums completely coated on the inside with a suitable wax, synthetic coating, or metal foil suitable to the lading; or fiber drums having a metal foil (laminated between two sheets of kraft paper with thermoplastic adhesive) moisture and water barrier wound into the sidewall of the drum and located not more than 2 plies from the interior of drum but not to be wound as the first ply; a metal foil moisture and water barrier must also be present in the fiber or wood heading; exterior of drum sidewall must be protected with a water resistant coating; in addition to the tests prescribed by § 78.224–2 (a), (b), and (c) of this chapter, a drum having been given a 4-foot diagonal bottom chime drop must, after being emptied, withstand complete immersion of the bottom in 6 inches of water for 4 hours without leakage to the interior.

In § 73.234 amend paragraph (a)(3) (21 F.R. 9356, Nov. 30, 1956) to read as follows:

§ 73.234 Sodium nitrite.

(a) * * *

(3) Spec. 21C (§ 78.224 of this chapter). Fiber drums, gross weight 425 pounds; side walls must be of at least 10-ply construction having strength not less than 1,200 pounds Mullen or Cady test; drums must withstand prescribed tests when filled to authorized net weight of 400 pounds.

In § 73.235 amend paragraph (a)(2) (21 F.R. 9356, Nov. 30, 1956) to read as follows:

§ 73.235 Ammonium bichromate (ammonium dichromate).

(a) * * *

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums, gross weight not over 425 pounds; side walls must be of at least 10-ply construction having strength not less than 1,200 pounds Mullen or Cady test; drums must withstand prescribed tests when filled to a net weight of 400 pounds.

Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

In § 73.244 add paragraph (c)(51) (15 F.R. 8313, Dec. 2, 1950) to read as follows:

§ 73.244 Exemptions for acids and other corrosive liquids.

* * * * *

(c) * * *

(51) Phosphorus oxybromide.

In § 73.245 amend paragraph (a)(24) (25 F.R. 10393, Oct. 29, 1960) to read as follows:

§ 73.245 Acids or other corrosive liquids not specifically provided for.

(a) * * *

(24) Spec. 21C (§ 78.224 of this chapter). Fiber drum with inside spec. 2S, 2SL, or 2U (§ 78.35, § 78.35a, or § 78.24 of this chapter) polyethylene container. (See § 78.224–1(a)(2) of this chapter.)

In § 73.256 add paragraph (a)(5) (15 F.R. 8315, Dec. 2, 1950) to read as follows:

§ 73.256 Compounds, cleaning, liquid.

(a) * * *

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drum with inside spec. 2U (§ 78.24 of this chapter) polyethylene container. (See § 78.224–1(a)(2) of this chapter.)

In § 73.261 amend paragraph (a)(2) (16 F.R. 5325, June 6, 1951) to read as follows:

§ 73.261 Fire-extinguisher charges.

(a) * * *

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums with a single inside container consisting of a glass bottle not over 64 fluid ounces capacity filled with not over six pounds by weight of sulfuric acid (approximately 50 fluid ounces by volume). Bottle must be suspended in center of outside container by means of adequate supports and surrounded by bicarbonate of soda in sufficient quantity to fill drum and neutralize contents in the event of breakage.

In § 73.263 amend paragraph (a)(22) (25 F.R. 10393, Oct. 29, 1960) to read as follows:

§ 73.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

(a) * * *

(22) Spec. 21C (§ 78.244 of this chapter). Fiber drum with inside spec. 2T, 2S, 2SL, or 2U (§ 78.21, § 78.35, § 78.35a, or § 78.24 of this chapter) polyethylene container. (See § 78.224–1(a)(2) of this chapter.)

In § 73.264 amend paragraph (a)(4) (24 F.R. 10111, Dec. 15, 1959) to read as follows:

§ 73.264 Hydrofluoric acid.

(a) * * *

(4) Spec. 12A or 12B (§ 78.210 or § 78.205 of this chapter). Fiberboard boxes with not more than 4 inside polyethylene bottles, having minimum 0.030 inch thickness of any part, not over 1-gallon nominal capacity each. Bottle closures must be made secure by sealing with pressure-sensitive plastic tape or other equally efficient means. Authorized for acid not over 70 percent strength. Shipper must have established that spec. 12A completed package meets test requirements prescribed by § 78.210–10 of this chapter. Authorized gross weight for spec. 12B fiberboard boxes not over 65 pounds; spec. 12A not over 80 pounds.

In § 73.265 amend paragraph (d)(5) (25 F.R. 10394, Oct. 29, 1960) to read as follows:

§ 73.265 Hydrofluosilicic acid.

* * * * *

(d) * * *

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drum with inside spec. 2S, 2SL, or 2U (§ 78.35, § 78.35a, or § 78.24 of this chapter) polyethylene container. (See § 78.224–1(a)(2) of this chapter.)

In § 73.266 add paragraph (b)(6); cancel paragraph (c)(7) (15 F.R. 8316, Dec. 2, 1950) (22 F.R. 3925, June 5, 1957) to read as follows:

§ 73.266 Hydrogen peroxide solution in water.

* * * * *

(b) * * *

(6) Spec. 6J or 37A (single-trip container). (§ 78.100 or § 78.131 of this chapter.) Steel barrel or drum with inside spec. 2S or 2SL (§ 78.35 or § 78.35a of this chapter) polyethylene container. The closures must be located in one head and must be vented to prevent accumulation of internal pressure and head plainly marked "KEEP THIS END UP" or "KEEP PLUG UP TO PREVENT SPILLAGE."

(c) * * *

(7) [Canceled.]

In § 73.271 amend the heading and introductory text of paragraph (a) (15 F.R. 8320, Dec. 2, 1950) to read as follows:

§ 73.271 Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

(a) Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride must be packed in specification containers as follows:

In § 73.272 amend paragraph (f)(5) (24 F.R. 8058, Oct. 6, 1959) to read as follows:

§ 73.272 Sulfuric acid.

• • • • • •

(f) • • •

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drum constructed for a gross weight of at least 150 pounds with inside spec. 2T (§ 78.21 of this chapter) polyethylene containers. (See § 78.224–1(a)(2) of this chapter.)

In § 73.276 amend paragraph (a)(5) (26 F.R. 4996, June 6, 1961) to read as follows:

§ 73.276 Anhydrous hydrazine and hydrazine solution.

(a) • • •

(5) Spec. 103A–AL–W (§ 78.292 of this chapter). Tank cars. Vapor space in tank must be filled with nitrogen gas at atmospheric pressure. Authorized for anhydrous hydrazine only.

Subpart F—Compressed Gases; Definition and Preparation

In § 73.307 amend paragraphs (a)(2) (26 F.R. 1015, Feb. 2, 1961) to read as follows:

§ 73.307 Nonliquefied gases, except gas in solution or poisonous gas.

(a) • • •

(2) Spec. 3HT (§ 78.44 of this chapter) cylinders are authorized for nonflammable gases, for use in aircraft only, for a maximum service life of 12 years, and must be equipped with safety relief devices as required by § 73.34(f). Only a frangible disc safety relief device, without fusible metal backing, shall be used with spec. ICC–3HT (§ 78.44 of this chapter) cylinders and the rated bursting pressure of the disc shall not exceed 90 percent of the minimum required test pressure of the cylinder with which the device is used. Cylinders must be shipped in strong outside containers.

In § 73.308 amend paragraph (a) Note 15 (26 F.R. 1015, Feb. 2, 1961) to read as follows:

§ 73.308 Compressed gases in cylinders.

(a) • • •

NOTE 15: Spec. 3HT (§ 78.44 of this chapter) cylinders are authorized for use in aircraft only, for a maximum service life of 12 years, and must be equipped with safety relief devices as required by § 73.34(f). Only a frangible disc safety relief device, without fusible metal backing, shall be used with spec. 3HT (§ 78.44 of this chapter) cylinders and the rated bursting pressure of the disc shall not exceed 90 percent of the minimum required test pressure of the cylinder with which the device is used. Cylinders must be shipped in strong outside containers.

Subpart G—Poisonous Articles; Definition and Preparation

In § 73.346 amend paragraph (a)(15) (21 F.R. 9357, Nov. 30, 1956) to read as follows:

§ 73.346 Poisonous liquids not specifically provided for.

(a) • • •

(15) Spec. 21C (§ 78.224 of this chapter). Fiber drums, with inside glass containers not over one gallon capacity each.

In § 73.353 amend paragraph (a)(4) (21 F.R. 7603, Oct. 4, 1956) to read as follows:

§ 73.353 Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid.

(a) • • •

(4) Spec. 4D300 or 4DA500 (§ 78.53 or § 78.58 of this chapter). Metal spheres, for use in aircraft only, must be equipped with approved safety devices and must be packed in strong boxes or crates (see § 73.25).

In § 73.354 amend the introductory text of paragraph (a) (15 F.R. 8335, Dec. 2, 1950) to read as follows:

§ 73.354 Motor fuel antiknock compound or tetraethyl lead.

(a) Motor fuel antiknock compound (a mixture of one or more organic lead compounds such as tetraethyl lead, triethylmethyl lead, diethyldimethyl lead, ethyltrimethyl lead, and tetramethyl lead, with one or more halogen compounds such as ethylene dibromide and ethylene dichloride, or hydrocarbon solvents) or tetraethyl lead must be packed in specification containers as follows:

In § 73.358 amend paragraph (a)(5) (17 F.R. 4295, May 10, 1952) to read as follows:

§ 73.358 Hexaethyl tetraphosphate, methyl parathion, organic phosphate compound, n.o.s., parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid.

(a) • • •

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums, with inside glass containers not over one gallon capacity each.

In § 73.359 amend paragraphs (a)(6) and (b)(5) (17 F.R. 4295, May 10, 1952) to read as follows:

§ 73.359 Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, liquid.

(a) • • •

(6) Spec. 21C (§ 78.224 of this chapter). Fiber drums, with inside glass containers not over one gallon capacity each.

• • • • • •

(b) • • •

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums, with inside glass containers not over one gallon capacity each.

In § 73.365 cancel paragraph (a)(11); amend paragraph (a) (14) and (16) (15 F.R. 8336, Dec. 2, 1950) (26 F.R. 9403, Oct. 6, 1961) to read as follows:

§ 73.365 Poisonous solids not specifically provided for.

(a) • • •

(11) [Canceled.]

• • • • • •

(14) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

• • • • • •

(16) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pounds capacity each. Not more than 4 inside glass bottles of 5 pounds capacity each shall be packed in one outside container. Shipper must have established that the complete package meets test requirements prescribed by § 78.210–10 of this chapter.

In § 73.370 cancel paragraph (a)(10); amend paragraph (a)(13) (15 F.R. 8337, Dec. 1, 1950) to read as follows:

§ 73.370 Cyanides, or cyanide mixtures, except cyanide of calcium and mixtures thereof.

(a) • • •

(10) [Canceled.]

(11) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

• • • • •

(13) Bulk in strong, water-tight, steel portable containers of not over 70 cubic feet capacity each, approved by the Bureau of Explosives.

In § 73.373 amend the heading and introductory text of paragraph (a); amend paragraph (a)(3) (15 F.R. 8338, Dec. 1, 1950) (16 F.R. 9379, Sept. 15, 1951) to read as follows:

§ 73.373 Ortho-nitroaniline and para-nitraniline.

(a) Ortho-nitroaniline and para-nitraniline must be packed in specification containers as follows:

• • • • • •

(3) Spec. 21C (§ 78.224 of this chapter). Fiber drums, gross weight 400 pounds; side walls must be of at least 10-ply construction having strength not less than 1,200 pounds Mullen or Cady test; drums must withstand prescribed tests when filled to authorized net weight of 400 pounds.

In § 73.374 amend paragraph (a)(3) (16 F.R. 9379, Sept. 15, 1951) to read as follows:

§ 73.374 Nitrochlorbenzene, meta or para.

(a) • • •

(2) Spec. 21C (§ 78.224 of this chapter). Fiber drums, authorized only for nitrochlorbenzene, para, flaked, gross weight 400 pounds; side walls must be of at least 10-ply construction having strength not less than 1,200 pounds Mullen or Cady test; drums must withstand prescribed tests when filled to authorized gross weight of 400 pounds.

In § 73.377 amend paragraphs (a)(5) and (b)(5) (21 F.R. 3012, May 8, 1956) (26 F.R. 4997, June 6, 1961) to read as follows:

§ 73.377 Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, dry.

(a) • • •

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight not over 225 pounds.

(b) • • •

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized only for mixtures in which the liquid is absorbed in concentration not greater than 50 percent. Authorized net weight not over 225 pounds.

In § 73.378 amend paragraph (a)(5) (17 F.R. 4295, May 10, 1952) to read as follows:

§ 73.378 Beryllium metal powder.

(a) • • •

(5) Spec. 21C (§ 78.224 of this chapter). Fiber drums, with inside glass or metal containers of not over 25 pounds capacity each. Authorized net weight not over 225 pounds.

In § 73.393 amend paragraph (f)(3) (20 F.R. 952, Feb. 15, 1955) to read as follows:

§ 73.393 Packing and shielding.

• • • • • •

(f) • • •

(3) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized for not more than 2,700 millicuries. Authorized net weight not over 225 pounds.

PART 74—CARRIERS BY RAIL FREIGHT

Subpart A—Loading, Unloading, Placarding and Handling Cars; Loading Packages Into Cars

In § 74.526 add Note 1 to paragraph (o)(2); add Note 1 to paragraph (o)(3) (26 F.R. 3103, April 12, 1960) (20 F.R. 903, Feb. 15, 1955) to read as follows:

§ 74.526 Loading explosives into cars.

• • • • •

(o) • • •

(2) • • •

NOTE 1: For recommended methods of blocking and bracing see Bureau of Explosives' Pamphlet 6C.

(3) • • •

NOTE 1: For recommended methods of blocking and bracing see Bureau of Explosives' Pamphlet 6C. Impact tests have been conducted on methods shown in this pamphlet.

In § 74.529 add Note 1 to paragraph (c) (18 F.R. 3137, June 2, 1953) to read as follows:

§ 74.529 Cars for class B explosives.

• • • • •

(c) • • •

NOTE 1: For recommended methods of blocking and bracing see Bureau of Explosives' Pamphlet 6C.

In § 74.530 add Note 1 to paragraph (b) (18 F.R. 3138, June 2, 1953) to read as follows:

§ 74.530 Cars for class C explosives.

• • • • •

(b) • • •

NOTE 1: For recommended methods of blocking and bracing see Bureau of Explosives' Pamphlet 6C.

In § 74.532 add Note 1 to the introductory text of paragraph (a) (15 F.R. 8347, Dec. 2, 1950) to read as follows:

§ 74.532 Loading other dangerous articles.

(a) • • •

NOTE 1: For recommended methods of blocking and bracing see Bureau of Explosives' Pamphlet 6C.

Add § 74.534 (15 F.R. 8348, Dec. 2, 1950) to read as follows:

§ 74.534 Portable containers or tanks.

(a) Portable containers or tanks must be of such design and so loaded and stayed in closed cars, in gondola cars, on flat cars, or in truck bodies or trailers on flat cars so they cannot permanently change position, rupture, or become seriously damaged under conditions normally incident to transportation. Ends, sidewalls, or doors of truck bodies or trailers shall not be relied upon to prevent shifting of portable containers or tanks.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Subpart A—General Information and Regulations

In § 77.824 amend the introductory text of paragraph (a); amend paragraph (a) (2) and (3) (26 F.R. 2502, Mar. 24, 1961) to read as follows:

§ 77.824 Retesting of cargo tanks.

(a) *Flammable liquid and poisonous liquid cargo tanks, specs. MC 300, MC 301, MC 302, MC 303, and MC 305.* Every cargo tank constructed in compliance with specs. MC 300, MC 301, MC 302, MC 303, and MC 305 (§§ 78.321, 78.323, 78.324, and 78.326 of this chapter) used for the transportation of any flammable liquid or poisonous liquid, class B, shall be retested as follows:

• • • • • •

(2) *Specification tanks.* Every cargo tank complying with the requirements of Specification No. 1001, 1937 Edition of the American Petroleum Institute, specifications of the National Fire Protection Association 1929 or 1933, or specifications MC 300, MC 301, MC 302, MC 303, and MC 305 (§§ 78.321, 78.323, 78.324, and 78.326 of this chapter), shall be tested at least once in every 5-year period and shall not be returned to service until it has successfully fulfilled the testing requirements set forth under § 78.321–16 of this chapter. If tested no oftener than once in every 5 years, at least one such test shall be made in the last year of any such 5-year period. The time of reckoning for such testing of such cargo tanks shall be from the time of the last test made in accordance with the requirements set forth under § 78.321–16 of this chapter.

(3) *Nonspecification tanks.* Every cargo tank not complying with the requirements of Specification No. 1001, 1937 Edition of the American Petroleum Institute, specifications of the National Fire Protection Association 1929 or 1933, or specifications MC 300, MC 301, MC 302, MC 303, and MC 305 (§§ 78.321, 78.323, 78.324, and 78.326 of this chapter), shall be tested at least once in every calendar year and shall successfully fulfill the requirements set forth under § 78.321–16 of this chapter. No two such required tests shall be closer together than 6 months.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

Subpart D—Specifications for Metal Barrels, Drums, Kegs, Cases, Trunks and Boxes

In § 78.81–9 (Spec. 5A steel barrels or drums) amend paragraph (d) drawing only; in § 78.83–9 (Spec. 5C steel barrels or drums) amend paragraph (d)(1) drawing only; in § 78.88–8 (Spec. 5K nickel barrels or drums) amend paragraph (d)(1) drawing only; in § 78.90–8 (Spec. 5M monel drums) amend paragraph (d)(1) drawing only (19 F.R. 6270 to 6273, Sept. 29, 1954) (20 F.R. 8107, Oct. 28, 1955) as follows:

Subpart F—Specifications for Fiberboard Boxes, Drums, and Mailing Tubes

§ 78.222 [Cancelled]

Cancel § 78.222 in its entirety (15 F.R. 8461, Dec. 2, 1950) (21 F.R. 3015, May 5, 1956) (16 F.R. 11783, Nov. 21, 1951).

§ 78.223 [Cancelled]

Cancel § 78.223 in its entirety (15 F.R. 8461, Dec. 2, 1950) (21 F.R. 3015, May 5, 1956) (25 F.R. 10405, Oct. 29, 1960) (24 F.R. 8061, Oct. 6, 1959) (17 F.R. 1565, Feb. 20, 1952) (16 F.R. 11783, Nov. 21, 1951).

Add entire § 78.224 (15 F.R. 8461, Dec. 2, 1950) to read as follows:

§ 78.224 Specification 21C; fiber drum.

§ 78.224–1 Construction requirements.

(a) **Parts and dimensions as follows:**

(1) **Drums for dry products; minimum requirements unless otherwise stated:**

Net weight of contents (pounds) (not over)	Capacity, maximum (gallons) (not over)	Diameter, inside, maximum, (inches)	Sidewall strength [3] (pounds)	Tops and bottoms				
				Fiber		Steel	Wood (thickness, inches)	
				Thickness (inches)	Strength [1]	(U.S. gauge)	Solid [4] [5]	Plywood, at least 5-ply construction
60	5	11½	500	0.090	800	28	1⅝	⅝
90	20	18½	600	.120	800	26	1⅝	¾
115	25	18½	700	.120	800	26	1⅝	¾
215	55	23	800	.160	1100	24	1⅝	⅞
400	75	23	900	.200	1200	24	1⅝	⅞
			1000	.220	1300	24	1⅝	

[1] *Mullen or Cady Test.* Either of the following test methods may be used. When more than single ply, test shall be determined from the summation of the tests of individual plies, or, when test is made on a complete drum, the puncture shall be made from the interior surface, in which case the values for sidewall shall be not less than 40 percent of the values in the above table and the values for fiber tops and bottoms shall be not less than the values for wood in the above table. There shall be a minimum of six tests and the average shall be not less than the prescribed minimum requirements.

[2] *Sidewalls.* Sidewalls to be convolutely wound of fiberboard at least 0.012 inch thick, the plies being secured together with adhesives; or may consist of an outer shell and an inner tube each convolutely wound with each fiberboard ply not less than 0.012 inch thick and secured together with adhesive. Drums may contain barrier or lining materials.

[3] When made of 2 or more discs, the discs must be fastened together with adhesive.

[4] Joints in heads must be of the lapped, dished, except as specified in footnote 5.

[5] Wood sealing strips of one-half inch thick having kraft paper glued on both sides at all contact areas with waterresistant adhesive are authorized provided tests prescribed in § 78.224–2 are successful. Joints of any type are authorized.

[6] Minimum thickness may be reduced to 2¾2 inch for lumber dressed two sides.

Note 1: See § 78.224–2 for test requirements; § 78.224–4 for marking requirements.

Note 2: Drums must provide snug fit for inside plastic container.

Note 3: Top head of drums may have holes of suitable size to provide for closure parts of inside container; bottom head may have not more than three holes not over ⅜ inch in diameter each for drainage.

§ 78.224–2 Type tests.

(a) Conditioning: Prior to testing, drums shall be conditioned at 50 percent relative humidity plus or minus 2 percent and 73° F. plus or minus 3° F. for at least 48 hours.

(b) Drop tests: Sample drums at conditions stated with dry ready packaged product to authorized net weight and for use must withstand the following as four foot drop tests on the part specified without leakage or serious rupture. No single drum shall be subjected to more than one of the following tests. Drums with wood heads shall be dropped with grain of wood in cover parallel to concrete surface.

(1) Top chime, diagonally onto solid concrete.

(2) Bottom chime, diagonally onto solid concrete.

(3) Sidewall, over a 2-inch x 6-inch timber resting on solid concrete with 6-inch leg vertical; drop to be made with drum in horizontal position at right angles to the timber.

(4) The closure or on any other part which may be considered weaker onto solid concrete.

(c) Compression test: An empty drum shall withstand either of the following compression tests, in accordance with the following table, without buckling of the sidewalls sufficient to cause damage to its expected contents; but in no case shall the maximum deflection be more than one inch.

Marked rated capacity of inside plastic container (gallons) (not over)	Minimum construction requirement for dry products (pounds)	Authorized maximum net weight of liquid contents (pounds) (not over)
5	85	105
15	115	245
30	150	490

(2) Drums for liquids contained in inside plastic containers as prescribed in Part 73 of this chapter, specifications for which are detailed in this part, shall comply with the contruction requirements for drums for dry products and as follows:

Marked rated capacity of inside plastic container (gallons) (not over)	Maximum net weight	Maximum inside diameter (inches)	Compression (pounds)	
			Static [1]	Dynamic [2]
5	45	11½	1200	1600
15	125	18½	1200	1600
30	250	18½	1200	1600
55	450	23	1500	2000
85	700	23	1800	2400
125	1000	23	2100	2800

[1] *Static Test.* Compression as specified must be applied to full area of top cover of drum for period of 48 hours.

[2] *Dynamic Test.* Compression as specified must be applied end to end. Speed of compression tester to be one-half inch plus or minus one-fourth inch per minute.

(d) Drums constructed for inside plastic containers for liquids as provided in § 78.224–1(a)(2) shall be tested as prescribed in paragraphs (a), (b), (c), and (e) of this section. When tested assembled with the inside plastic container, as required by the applicable specification, drums shall develop no condition that would be of such nature as to contribute to potential failure of inner container.

(e) The tests described above must be made by any company starting production, for each plant location of manufacture, on samples taken at random of each type and diameter of container and must be repeated every four months or less during production. Samples last tested must be retained until further tests are made. The tests and procedure described may be conducted at one central laboratory when testing facilities are not available at all plants, in which case the Bureau of Explosives shall be advised of the location where the tests are conducted.

§ 78.224–3 Registration of drum specification.

(a) Specification for each type of drum manufactured (under this specification) shall be filed with the Bureau of Explosives. Changes in construction (drum and closure) differing from specification thus filed must be approved by the Bureau of Explosives before authorized for use.

§ 78.224–4 Marking.

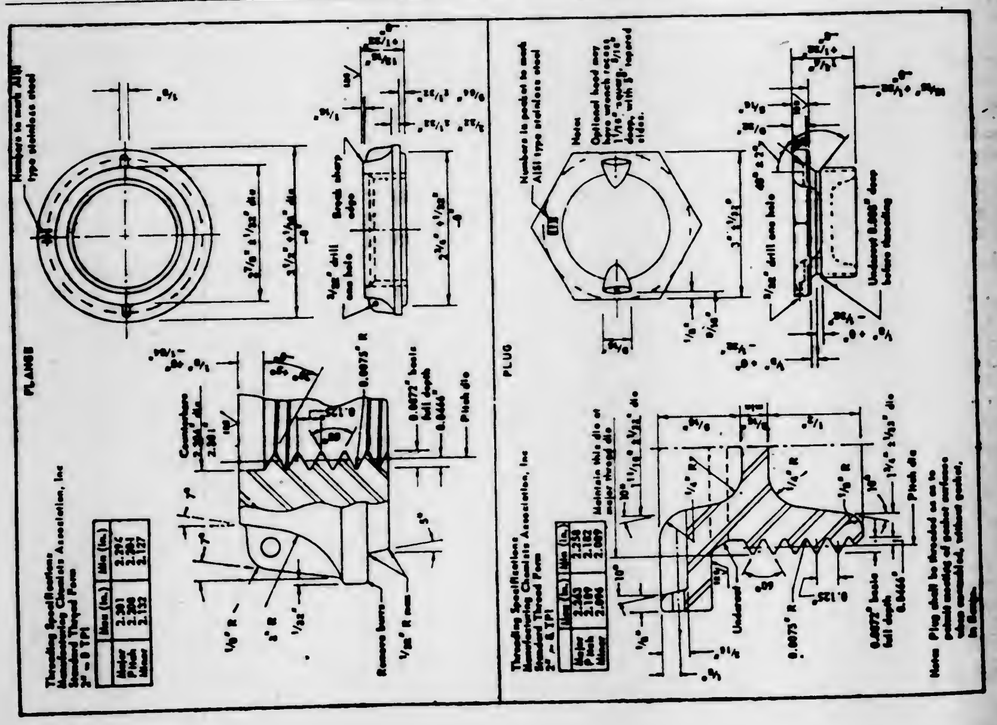
(a) On each container as follows:

(1) Drums for dry products must be marked ICC–21C followed by the authorized net weight to which drum was constructed, for example, ICC–21C115.

(2) Drums for inside plastic containers for liquids must be marked ICC–21CP followed by the authorized net weight for dry products and the authorized net weight for liquid products to which the drum was constructed, for example, ICC–21CP115/245.

(3) Marks specified in paragraph (a) (1) and (2) of this section shall be understood to certify that the fiber drum complies with all specification requirements.

(4) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and be located just above, below, or following the mark specified in paragraph (a) (1) or (2) of this section.



Subpart I—Specifications for Tank Cars

In § 78.280–22 amend paragraph (a) (3), (4), (5), and (6) (21 F.R. 4588, June 26, 1956) to read as follows:

§ 78.280 Specification ICC–103–W; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.280–22 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, such as application of riveted anchors, etc., in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) When safety valves are applied, date on which safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.282–20 amend paragraph (a) (3) and (5) (21 F.R. 4592, June 26, 1956) to read as follows:

§ 78.282 Specification ICC–103B–W; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.282–20 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, such as application of riveted anchors, etc., in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

• • • • • •

(5) Date on which the interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.283–21 amend paragraph (a) (3), (4), (5), and (6) (21 F.R. 4594, June 26, 1956) to read as follows:

§ 78.283 Specification ICC–103C–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.

§ 78.283–21 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph, by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.281–21 amend paragraph (a) (3), (4), (5), and (6) (21 F.R. 4590, June 26, 1956) (24 F.R. 8061, Oct. 6, 1959) to read as follows:

§ 78.281 Specification ICC–103A–W; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.281–21 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, such as application of riveted anchors, etc., in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) When safety valves are applied, date on which safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.284–22 amend paragraph (a) (3), (4), (5), and (6) (21 F.R. 4597, June 26, 1956) to read as follows:

§ 78.284 Specification ICC–104–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car; in those cases where the tank builder does not complete the fabrication of tank, such as application of riveted anchors, etc., in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.285–18 amend paragraph (a) (3), (4), and (5) (21 F.R. 4598, June 26, 1956) to read as follows:

§ 78.285 Specification ICC–105A100–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.285–18 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.286–18 amend paragraph (a) (3), (4), and (5) (21 F.R. 4600, June 26, 1956) to read as follows:

§ 78.286 Specification ICC–105A300–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.286–18 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph, by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.287–18 amend paragraph (a) (3), (4), and (5) (21 F.R. 4602, June 26, 1956) to read as follows:

§ 78.287 Specification ICC–105A400–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.287–18 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.288–18 amend paragraph (a) (3), (4), and (5) (21 F.R. 4603, 4604, June 26, 1956) to read as follows:

§ 78.288 Specification ICC–105A500–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.288–18 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.289–13 amend paragraph (e); in § 78.289–18 amend paragraph (a) (3), (4), and (5) (23 F.R. 7659, Oct. 3, 1958) (21 F.R. 4605, June 26, 1956) to read as follows:

§ 78.289 Specification ICC–105A600–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.289–13 Safety valves.

• • • • • •

(e) Tanks for use in the transportation of liquefied carbon dioxide must be equipped with one safety valve of approved design set for a start-to-discharge pressure of 450 pounds per square inch, and one frangible disc device of approved design set to function at a pressure higher than the test pressure of the tank. The discharge capacity of each of these safety devices must be sufficient to prevent building up pressure in tank in excess of 495 pounds per square inch. Tank must also be equipped with two pressure regulating valves of approved design set for a start-to-discharge pressure of not to exceed 400 pounds per square inch. Each pressure regulating valve and safety device must have its final discharge piped to the outside of the protective housing.

§ 78.289–18 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.290–18 amend paragraph (a) (3), (4), and (5) (25 F.R. 3111, 3112, April 12, 1960) to read as follows:

§ 78.290 Specification ICC–112A500–W; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.290–18 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.291–21 amend paragraph (a) (3), (4), (5), and (6) (21 F.R. 4606, June 26, 1956) to read as follows:

§ 78.291 Specification ICC–108AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.291–21 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.292–21 amend paragraph (a) (3), (4), (5), and (6) (21 F.R. 4610, June 26, 1956) to read as follows:

§ 78.292 Specification ICC–103A–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.292–21 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.296–21 amend paragraph (a) (3), (5), and (6) (21 F.R. 4618, June 26, 1956) to read as follows:

§ 78.296 Specification ICC–103B100–W; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.296–21 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, such as application of riveted anchors, etc., in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

• • • • • •

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.297–21 amend paragraph (a) (3), (4), (5), and (6) (21 F.R. 4620, June 26, 1956) to read as follows:

§ 78.297 Specification ICC–103D–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.

§ 78.297–21 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.298–21 amend paragraph (a) (3), (4), (5), and (6) (21 F.R. 4622, 4623, June 26, 1956) to read as follows:

§ 78.298 Specification ICC–103E–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.

§ 78.298–21 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.299–20 amend paragraph (a) (3), (4), (5), and (6) (21 F.R. 4624, June 26, 1956) (24 F.R. 8062, Oct. 6, 1959) to read as follows:

§ 78.299 Specification ICC–103A–N–W; fusion-welded nickel or nickel alloy tanks to be mounted on or forming part of a car.

§ 78.299–20 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.300–18 amend paragraph (a) (3), (4), and (5) (21 F.R. 4626, June 26, 1956) to read as follows:

§ 78.300 Specification ICC–105A300–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.300–18 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.301–19 amend paragraph (a) (3), (4), and (5) (21 F.R. 4628, June 26, 1956) to read as follows:

§ 78.301 Specification ICC–109A300–W; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.301–19 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.302–19 amend paragraph (a) (3), (4), and (5) (22 F.R. 2237, April 4, 1957) to read as follows:

§ 78.302 Specification ICC–109A100–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.302–19 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.303–11 amend paragraph (a) (3), (4), (5), and (6) (22 F.R. 4801, July 9, 1957) to read as follows:

§ 78.303 Specification ICC–111A100–W–1; fusion-welded steel tanks, or ICC–111A100–F–1, forge-welded steel tanks fabricated by conversion from existing ICC–105A300, 400, or 500 series tanks to be mounted on or forming part of a car.

§ 78.303–11 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.304–11 amend paragraph (a) (3), (4), (5), and (6) (22 F.R. 4803, July 9, 1957) (24 F.R. 8063, Oct 6, 1959) to read as follows:

§ 78.304 Specification ICC–111A100–W–2; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.304–11 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ½ inch high into the metal of the tank immediately below the mark specified in subparagraphs (2) and (3) of this paragraph. This mark must also be stenciled on the jacket immediately below the dome platform and directly behind or within 3 feet of the right or left side of the ladder, or ladders, if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

WATER CAPACITY

000000 POUNDS

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the tank, or jacket if lagged, "(naming material) ---------- clad tank." Lined tanks must be stenciled on the tanks, or jacket if lagged, "(naming material) ---------- lined tank." These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

In § 78.307–18 amend paragraph (a) (3), (4), and (5) (22 F.R. 4808, July 9, 1957) to read as follows:

§ 78.307 Specification ICC–106A300–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.307–18 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.308–18 amend paragraph (a) (3), (4), and (5) (22 F.R. 4810, July 9, 1957) to read as follows:

§ 78.308 Specification ICC–105A500–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.308–18 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.309–11 amend paragraph (a) (3), and (5) (23 F.R. 7663, Oct. 3, 1958) to read as follows:

§ 78.309 Specification ICC–111A100–W–5; acid resistant lined fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.309–11 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

• • • • •

(5) Date on which the interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.310–11 amend paragraph (a) (3), (4), (5), and (6) (24 F.R. 3604, May 5, 1959) to read as follows:

§ 78.310 Specification ICC–111A60–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.310–11 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.311–11 amend paragraph (a) (3), (4), (5), and (6) (24 F.R. 3606, May 5, 1959) to read as follows:

§ 78.311 Specification ICC–111A100–W–6; fusion-welded alloy steel tanks to be mounted on or forming part of a car.

§ 78.311–11 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.312–18 amend paragraph (a) (3), (4), and (5) (22 F.R. 4812, July 9, 1957) to read as follows:

§ 78.312 Specification ICC–112A400–W; fusion-welded steel tanks, or ICC–112A400–F, forge-welded steel tanks fabricated by conversion from existing ICC–105A500 tanks to be mounted on or forming part of a car.

§ 78.312–18 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.313–19 amend paragraph (a) (3), (4), and (5) (23 F.R. 2335, April 10, 1958) to read as follows:

§ 78.313 Specification ICC–109A200–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.313–19 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

In § 78.314–19 amend paragraph (a) (3), (4), and (5) (22 F.R. 4813, 4814, July 9, 1957) to read as follows:

§ 78.314 Specification ICC–109A300–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.314–19 Marking.

(a) • • •

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested and pressure to which tested, stenciled on the tank, or jacket if lagged.

Section, Paragraph, and Reason for Amendment

72.5(a), Commodity List—Provides additions and amendments to keep Commodity List on a current basis.

73.53(k)—To delete guided missiles with warheads from the definition of explosive projectiles.

73.53(p)—To redefine rocket ammunition, which includes guided missiles, consistent with military nomenclature.

73.55(a)—Definition of nonexplosive ammunition is amended to include certain devices containing limited amounts of explosives or other dangerous articles that, if initiated, present no hazard in transportation.

73.65 (b)(2), (e)(3)—New spec. 21C fiber drum replaces specs. 21A and/or 21B fiber drums for certain high explosives with no liquid explosive ingredient nor any chlorate.

73.93(a)(10)—Reason for § 73.65 applies also to shipments of propellant explosives (solid), class B; also to set a maximum net weight capacity.

73.118(c) (27), (28), (36), (39) through (44)—To include certain pyroforic materials in the list of flammable liquids not exempt, in any quantity, from the regulations.

73.119 (a)(9), (b)(9)—Reason for § 73.65 applies also to shipments of flammable liquids, n.o.s.

73.127(b)—To authorize an increased gross weight capacity for barrels or drums of nitrocellulose or collodion cotton, etc., wet with alcohol.

73.136(a)(3)—To authorize the use of spec. 5C metal drums for methyl dichlorosilane and trichlorosilane.

73.154(a)(9)—Reason for § 73.65 applies also to shipments of flammable solids and oxidizing materials, n.o.s.; also to set a maximum net weight capacity.

73.156(a)(5)—Reason for § 73.65 applies also to shipments of barium peroxide and calcium peroxide; also to set a maximum net weight capacity.

73.157(a)(4)—Reason for § 73.65 applies also to shipments of cyclohexanone peroxide and dimethylhexane dihydroperoxide, wet.

73.158(a)(2)—Reason for § 73.65 applies also to shipments of dimethylhexane dihydroperoxide, dry and lauroyl peroxide, dry.

73.163(a)(3)—Reason for § 73.65 applies also to shipments of certain chlorates; also to set a maximum net weight capacity.

73.168(a)(2)—Reason for § 73.65 applies also to shipments of lithium amide, powdered; also to set a maximum net weight capacity.

73.175(a)(4)—Reason for § 73.65 applies also to shipments of lacquer base, or lacquer chips, dry; also to set a maximum net weight capacity.

73.178(a)(6)—Reason for § 73.65 applies also to shipments of motion-picture film, old and worn out (scrap); also to set a maximum net weight capacity.

73.195(a)(5)—Reason for § 73.65 applies also to shipments of pyroxylin plastic scrap, photographic film scrap, etc.; also to set a maximum net weight capacity.

73.197(a)(3)—Reason for § 73.65 applies also to shipments of pyroxylin plastics in sheets, rolls, rods or tubes; also to set a maximum net weight capacity.

73.201(a)(5)—Reason for § 73.66 applies also to shipments of rubber scrap, rubber buffings, reclaimed rubber or regenerated rubber; also to set a maximum net weight capacity.

73.204(a)(5), (6)—Reason for § 73.65 applies also to shipments of sodium hydrosulfite; also to set a maximum net weight capacity.

73.207(b)(5)—Reason for § 73.65 applies also to shipments of sulfide of sodium or sulfide of potassium, fused or concentrated but not ground.

73.217(a)(3)—Reason for § 73.65 applies also to shipments of calcium and lithium hypochlorite compounds, dry.

73.227(a)(2)—Reason for § 73.65 applies also to shipments of urea peroxide.

73.234(a)(3)—Reason for § 73.65 applies also to shipments of sodium nitrite.

73.235(a)(2)—Reason for § 73.65 applies also to shipments of ammonium bichromate.

73.244(c)(51)—To include phosphorus oxybromide in the list of corrosive liquids not exempt, in any quantity, from the regulations.

73.245(a)(24)—Reason for § 73.65 applies also to shipments of acids or other corrosive liquids, n.o.s.; also to prescribe spec. 2U polyethylene container as inside container.

73.256(a)(5)—To authorize new spec. 21C fiber drums, with inside spec. 2U polyethylene container, for liquid cleaning compounds.

73.261(a)(2)—Reason for § 73.65 applies also to shipments of fire extinguisher charges.

73.263(a)(22)—Reason for § 73.65 applies also to shipments of hydrochloric acid and mixtures or solutions thereof; also to prescribe spec. 2U polyethylene container as inside container.

73.264(a)(4)—To authorize spec. 12B fiberboard box, with inside polyethylene bottles, for hydrofluoric acid; to increase permitted strength of acid, from 55 to 70 percent strength; to stipulate minimum bottle part thickness; to prescribe bottle closure requirements.

73.265(d)(5)—Reason for § 73.65 applies also to shipments of hydrofluosilicic acid; also to prescribe spec. 2U polyethylene container as inside container.

73.266(b)(6)—To authorize spec. 6J and 37A metal barrels or drums, with inside spec. 2S or 2SL polyethylene container, for hydrogen peroxide solution not over 52 percent strength.

73.266(c)(7)—Addition of paragraph (b)(6) to this section prescribes use of spec. 6J barrel or drum therefore paragraph (c)(7) is redundant.

73.271, heading and (a)—To provide packaging requirements for phosphorus oxybromide.

73.272(f)(5)—Reason for § 73.65 applies also to shipments of sulfuric acid not to exceed 95 percent concentration.

73.276(a)(5)—To prohibit the use of spec. 103A-AL-W tank car for hydrazine solution.

73.307(a)(2)—To clarify that spec. 3HT cylinders are for use in aircraft rather than for aircraft use.

73.308(a) Note 15—Same as § 73.307.

73.346(a)(15)—Reason for § 73.65 applies also to poisonous liquids, n.o.s., class B.

73.353(a)(4)—To clarify that specs. 4D900 and 4DA500 are for use in aircraft rather than for aircraft use.

73.354(a)—To define motor fuel antiknock compounds.

73.358(a)(5)—Reason for § 73.65 applies also to shipments of hexaethyl tetraphosphate, methyl parathion, etc., liquid.

73.359 (a)(6), (b)(5)—Reason for § 73.65 applies also to shipments of hexaethyl tetraphosphate mixtures, etc., liquid.

73.365(a)(11)—The amendment of paragraph (a)(14) of this section prescribes new spec. 21C fiber drum, which spec. replaces spec. 21B fiber drum, therefore paragraph (a)(11) is redundant.

73.365(a)(14)—Reason for § 7365, applies also to shipments of poisonous solids, n.o.s., class B.

73.365(a)(16)—For consistency and to clarify the maximum number of glass bottles permitted inside spec. 12A fiberboard boxes for poisonous solids, n.o.s., class B.

73.370(a)(10)—New spec. 21C fiber drum, which replaces specs. 21A and 21B fiber drums, is prescribed in paragraph (a)(11) of this section, therefore paragraph (a)(10) is redundant.

73.370(a)(11)—Reason for § 73.65 applies also to shipments of cyanides or cyanide mixtures.

73.370(a)(13)—To authorize shipment of cyanides or cyanide mixtures, in bulk, in metal portable containers approved by the Bureau of Explosives.

73.373, Heading and (a)—To prescribe packaging requirements for orthonitroaniline.

73.373(a)(3)—Reason for § 73.65 applies also to shipments of ortho and paranitraniline.

73.374(a)(2)—Reason for § 73.65 applies also to shipments of nitrochlorbensene, meta or para.

73.377 (a)(5), (b)(5)—Reason for § 73.65 applies also to shipments of hexaethyl tetraphosphate mixtures, dry, etc.; also to set a maximum net weight capacity.

73.378(a)(5)—Reason for § 73.65 applies also to shipments of beryllium metal powder.

73.393(f)(3)—Reason for § 73.65 applies also to shipments of radioactive materials.

74.526(o) (2), (3), 74.529(c), 74.530(b), 74.532(a)—To refer to the Bureau of Explosives' Pamphlet 6C for recommended methods of blocking and bracing truck bodies or trailers, containing explosives class A, B, or C, on flat cars.

74.534(a)—To prescribe loading and staying requirements applicable to portable containers and tanks.

77.824(a), (a)(2), (3)—To make the periodic retest requirements applicable to existing spec. MC 301 cargo tanks which requirements were inadvertently omitted in Order No. 47.

78.81-9(d), 78.83-9(d)(1), 78.86-8(d)(1), 78.90-8(d)(1)—To detail improved thread form on closures for specs. 5A, 5C, 5K, and 5M metal barrels or drums.

78.223, entire section and 78.223, entire section—Specs. 21A and 21B fiber drums have been replaced by new spec. 21C fiber drum.

78.224, entire section—To provide for the construction of new spec. 21C fiber drum which incorporate features of both spec. 21A and 21B fiber drums.

78.280-22(a)(3), (4), (5), (6)—To no longer require certain markings (builders initials, date, location of tests and by whom; and original test date) to be stenciled on spec. 103-W tank car.

78.281-21(a)(3), (4), (5), (6)—Reason for § 78.280-22 applies also to spec. 103A-W tank car.

78.282-20(a)(3), (5)—Reason for § 78.280-22 applies also to spec. 103B-W tank car.

78.283-21(a)(3), (4), (5), (6)—Reason for § 78.280-22 applies also to spec. 103C-W tank car.

78.284-22(a)(3), (4), (5), (6)—Reason for § 78.280-22 applies also to spec. 104-W tank car.

78.285-18(a)(3), (4), (5)—Reason for § 78.280-22 applies also to spec. 105A100-W tank car.

78.286-18(a)(3), (4), (5)—Reason for § 78.280-22 applies also to spec. 105A300-W tank car.

78.287-18(a)(3), (4), (5)—Reason for § 78.280-22 applies also to spec. 105A400-W tank car.

78.288-18(a)(3), (4), (5)—Reason for § 78.280-22 applies also to spec. 105A500-W tank car.

78.289-13(e)—To replace "pressure" with "capacity" as the third word in the second sentence for clarification.

78.289-16(a)(3), (4), (5)—Reason for § 78.280-22 applies also to spec. 105A600-W tank car.

78.290-18(a)(3), (4), (5)—Reason for § 78.280-22 applies also to spec. 112A340-W tank car.

78.291-21(a)(3), (4), (5), (6)—Reason for § 78.280-22 applies also to spec. 103AL-W tank car.

78.292-21(a)(3), (4), (5), (6)—Reason for § 78.280-22 applies also to spec. 103A-AL-W tank car.

78.296-21(a)(3), (5), (6)—Reason for § 78.280-22 applies also to spec. 105S700-W tank car.

78.297-21(a)(3), (4), (5), (6)—Reason for § 78.280-22 applies also to spec. 103D-W tank car.

78.298-21(a)(3), (4), (5), (6)—Reason for § 78.280-22 applies also to spec. 103E-W tank car.

78.299-20(a)(3), (4), (5), (6)—Reason for § 78.280-22 applies also to spec. 103A-E-W tank car.

78.300-18(a)(3), (4), (5)—Reason for § 78.280-22 applies also to spec. 105A300-AL-W tank car.

78.301-19(a)(3), (4), (5)—Reason for § 78.280-22 applies also to spec. 105A500-W tank car.

78.302-19(a)(3), (4), (5)—Reason for § 78.280-22 applies also to spec. 103A100-AL-W tank car.

78.303-11(a)(3), (4), (5), (6)—Reason for § 78.280-22 applies also to spec. 111A100-W-1 tank car.

78.304-11(a)(3), (4), (5), (6)—Reason for § 78.280-22 applies also to spec. 111A100-W-2 tank car.

78.305-11(a)(3), (4), (5), (6)—Reason for § 78.280-22 applies also to spec. 111A100-W-3 tank car.

78.306-11(a)(3), (4), (5)—Reason for § 78.280-22 applies also to spec. 111A100-W-4 tank car.

78.306-11(a)(6)—Eliminates interior heater coil marking requirements inasmuch as spec. 111A100-W-4 tank cars are not so equipped.

78.307-18(a)(3), (4), (5)—Reason for § 78.280-22 applies also to spec. 105A300-W tank car.

78.308-18(a)(3), (4), (5)—Reason for § 78.280-22 applies also to spec. 105A500-AL-W tank car.

78.309-11(a)(3), (5)—Reason for § 78.280-22 applies also to spec. 111A100-W-5 tank car.

78.310-11(a)(3), (4), (5), (6)—Reason for § 78.280-22 applies also to spec. 111A60-AL-W tank car.

78.311-11(a)(3), (4), (5), (6)—Reason for § 78.280-22 applies also to spec. 111A100-W-6 tank car.

78.312-18(a)(3), (4), (5)—Reason for § 78.280-22 applies also to spec. 112A400-W tank car.

78.313-19(a)(3), (4), (5)—Reason for § 78.280-22 applies also to spec. 109A200-AL-W tank car.

78.314-19(a)(3), (4), (5)—Reason for § 78.280-22 applies also to spec. 109A300-AL-W tank car.

[F.R. Doc. 62-1602; Filed, Feb. 19, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Phoenix Area Office Redelegation Order No. 1, Amdt. 7]

SUPERINTENDENT, UINTAH AND OURAY AGENCY

Redelegation of Authority With Respect to Lands and Minerals

JULY 27, 1961.

Order 1 (20 F.R. 992), as amended, (22 F.R. 4919; 23 F.R. 6841; 24 F.R. 4925; 24 F.R. 9402; 25 F.R. 6547; 26 F.R. 8468) is further amended as follows:

1. Under Functions Relating to Lands and Minerals, in Part 2, the following section is added:

Sec. 2.17 *Oil and gas leases.* (a) The approval of oil and gas leases, on forms approved by the Commissioner of Indian Affairs, of tribal lands and of trust or restricted individually owned lands in accordance with advertisements soliciting bids therefor pursuant to 25 CFR Parts 171 and 172.

(b) The authority conferred by this section extends to and includes the approval of other appropriate administrative action required on all assignments of oil and gas leases now or hereafter in force on tribal or restricted allotted lands, bonds, and other instruments required in connection with such leases or assignments, and the acceptance of voluntary surrender of leases by lessees.

(c) The authority delegated in this section does not include:

1. Approval of leases on lands purchased or reserved for agency or school purposes.

2. Approval of leases, assignments and bonds on any forms except those approved by the Commissioner of Indian Affairs.

3. Modification of any forms approved by the Commissioner of Indian Affairs.

4. Approval of amendments to oil and gas leases or to assignments.

5. Extension of time for drilling.

6. Approval of instruments providing for the payment of overriding royalty.

7. Approval of unit and communitization agreements.

8. Assignment of separate horizons.

9. Approval of the cancellation of oil and gas leases for violation of the terms thereof.

10. Approval of well-spacing orders.

F. M. HAVERLAND,
Area Director.

Approved: February 14, 1962.

JOHN O. CROW,
Acting Commissioner.

[F.R. Doc. 62-1680; Filed, Feb. 19, 1962; 8:45 a.m.]

Bureau of Land Management

[Classification No. 212]

NEVADA

Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216) and the State Director August 30, 1961 (26 F.R. 8468), I hereby classify the following described public lands in Washoe County, Nevada, as suitable for disposition under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

MOUNT DIABLO MERIDIAN

T. 18 N., R. 19 E.,
Sec. 36, E½NE¼NW¼, S½NW¼NE¼NW¼, SW¼NE¼NW¼, SE¼NW¼, NW¼SW¼.

The area described aggregates 115 acres.

2. Classification of the above described lands by this order segregates them from all appropriation, including location under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by the order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

DANIEL P. BAKER,
Chief, Division of Lands and Minerals Management.

FEBRUARY 8, 1962.

[F.R. Doc. 62-1682; Filed, Feb. 19, 1962; 8:45 a.m.]

[Group 297]

ARIZONA

Notice of Filing of Plat of Survey

FEBRUARY 12, 1962.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m., on March 20, 1962:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 5 S., R. 19 E.,
Sec. 32, all;
Sec. 36, lots 1, 2, 3, 4, 5, 6, SW¼SW¼, SW¼SE¼, E½E½.

The areas described aggregate 1,043.50 acres.

2. Available data indicates that these lands are mountainous, and the soils are rocky, sandy loam.

3. Except for and subject to valid existing rights, it is presumed that title to the above lands passed to the State of Arizona upon acceptance of this plat of survey on October 24, 1961.

4. In view of the above, the lands described will not be subject to disposition under the General Public Land Laws by reason of the official filing of the plat.

ELLEN W. KNECHT,
Acting Manager.

[F.R. Doc. 62-1695; Filed, Feb. 19, 1962; 8:46 a.m.]

[Group 327]

ARIZONA

Notice of Filing of Plat of Survey

FEBRUARY 12, 1962.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m. on March 20, 1962:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 5 N., R. 9 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, S½;
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, lots 1, 2, 3, 4, S½N½, S½;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, S½NE¼, E½SW¼, SE¼;
Sec. 7, lots 1, 2, 3, 4, E½W½, E½;
Sec. 8, All;
Sec. 9, All;
Sec. 10, All;
Sec. 11, All;
Sec. 12, All;
Sec. 13, All;
Sec. 14, All;
Sec. 15, All;
Sec. 16, All;
Sec. 17, All;
Sec. 18, lots 1, 2, 3, 4, E½W½, E½;
Sec. 19, lots 1, 2, 3, 4, E½W½, E½;
Sec. 20, All;
Sec. 21, All;
Sec. 22, All;
Sec. 23, All;
Sec. 24, All;
Sec. 25, All;
Sec. 26, All;
Sec. 27, All;
Sec. 28, All;
Sec. 29, All;
Sec. 30, lots 1, 2, 3, 4, E½W½, E½;
Sec. 31, lots 1, 2, 3, 4, E½W½, E½;
Sec. 32, All;
Sec. 33, All;
Sec. 34, All;
Sec. 35, All;
Sec. 36, N½, N½S½, lots 1, 2, 3, 4;

Within the above described areas are 23,190.16 acres.

2. Available data indicates that the lands in T. 5 N., R. 9 W., are, for the most part, rolling hills with a rocky soil. There is no timber, and the undergrowth consists of greasewood, paloverde, ocotillo, catclaw, and saguaro cactus.

3. The SE¼SW¼NW¼NW¼, SW¼SE¼NW¼NW¼, NE¼NW¼SW¼NW¼, NW¼NE¼SW¼NW¼ sec. 2, T. 5 N., R. 9 W., are embraced in Small Tract Leases Arizona 017071 and 017072 issued to the Aguila Cattle Company.

4. Except for the lands described in paragraph 3, the lands described in paragraph 1 are opened to application, selection and petition as outlined in paragraph 5 below. No application for these lands will be allowed under the Homestead, Desert Land, Small Tract, or any other nonmineral public land law, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any existing valid rights and requirements of applicable law, rules and regulations, the lands described in paragraph 1, excluding lands described in paragraph 3, are hereby opened to filing applications and selections, in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs;

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on March 20, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 62-1696; Filed, Feb. 19, 1962; 8:46 a.m.]

National Park Service

[Order No. 18, Amdt. 2]

CHIEF, DIVISION OF PROPERTY MANAGEMENT AND GENERAL SERVICES

Amendment of Delegation of Authority

Delegation of Authority to enter into Washington Office contracts, Order No. 18, Amendment 1, (22 F.R. 7187; September 7, 1957) is amended to read as follows:

SECTION 1. The Chief, Division of Property Management and General Services, may enter into contracts each in an amount not in excess of $50,000 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations. (205 DM 11.1; 26 F.R. 11748)

Dated: February 8, 1962.

CONRAD L. WIRTH,
Director.

[F.R. Doc. 62-1688; Filed, Feb. 19, 1962; 8:46 a.m.]

[Order No. 23, Amdt. 1]

CHIEFS OF THE FIELD DESIGN OFFICES, REGIONAL CHIEFS, DIVISIONS OF PROPERTY MANAGEMENT AND GENERAL SERVICES

Amendment of Delegation of Authority

Delegation of Authority to execute and approve contracts, Order No. 23 (22 F.R. 1263; February 28, 1957) is amended to read as follows:

SECTION 1. Chiefs of the Field Design Offices. The Chiefs, Western, Eastern, and National Capital Offices of Design and Construction, are authorized to execute and approve contracts not in excess of $50,000 for supplies, equipment, or services required to carry out the functions of their offices in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

SEC. 2. The Regional Chiefs, Divisions of Property Management and General Services, Regions Four, Five and Six Offices, are authorized to execute and approve contracts not in excess of $50,000 for supplies, equipment or services required to carry out the functions of the Western, Eastern, and National Capital Offices of Design and Construction, respectively, in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

Dated: February 13, 1962.

CONRAD L. WIRTH,
Director.

[F.R. Doc. 62-1689; Filed, Feb. 19, 1962; 8:46 a.m.]

[Order No. 14, Amdt. 16]

REGIONAL DIRECTORS

Amendment of Delegation of Authority

Section 1 of Delegation Order No. 14, issued December 1, 1952 (19 F.R. 8824), as amended (25 F.R. 9228, September 27, 1960), (1) is amended, by deletion of reference to the Superintendent, National Capital Parks, to read as follows:

SECTION 1. The Regional Directors of the National Park Service, in the administration, operation and development of the areas and offices of the regions under their supervision are authorized to exercise all of the authority now or hereafter vested in the Director, except with respect to the following matters:

(2) Is amended by revision of paragraph (e) of Section 1 with respect to lands and water rights to read as follows:

(e) Acquisition of lands and water rights, acceptance of deeds or other instruments of title relating thereto, acceptance of donations of personal property valued in excess of $10,000, and acceptance of donations of money in excess of $10,000.

(3) Is amended by revision of paragraph (g) of Section 1 to read as follows:

(g) Sales of timber pursuant to Section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 USC, Sec. 3), when the fair market value of the timber involved in any single transaction exceeds $10,000.

(4) Is amended by addition of the following paragraph to Section 1:

(y) Formal, full-scale field investigations of areas suggested or proposed for inclusion in the National Park System prior to written approval of the Director.

(Secretary's Order No. 2640, as amended; 5 U.S.C. sec. 22; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: February 13, 1962.

CONRAD L. WIRTH,
Director.

[F.R. Doc. 62-1683; Filed, Feb. 19, 1962; 8:45 a.m.]

[Order No. 25, Amdt. 1]

CHIEFS OF THE FIELD DESIGN OFFICES

Amendment of Delegation of Authority

Delegation of Authority to negotiate certain professional services contracts without advertising as contained in Order No. 25 (23 F.R. 7711; October 4, 1958) is amended to read as follows:

SECTION 1. *Delegation.* The Chiefs, Western Office, Eastern Office, and National Capital Office of Design and Construction are authorized, subject to the provisions of Section 2 of this order, to exercise the authority delegated by the Administrator of General Services to the Secretary of the Interior (24 F.R. 1921) to negotiate without advertising under section 302(c)(4) of the Federal Property and Administrative Services Act of 1949, as amended, contracts for services of engineering, architectural, and landscape architectural firms in connection with the administration of construction programs of the National Park Service.

SEC. 2. *Limitations; exercise of authority.* (a) The authority granted by Section 1 of this order shall not be applicable to buildings (exclusive of bridges, landscaping, utilities, etc.) the construction cost of which is estimated to be $200,000 or more.

(b) The authority granted by section 1 of this order shall be exercised in accordance with all provisions of Title III of the Act with respect to negotiation of contracts, and all other provisions of law, and applicable policies, procedures

and controls prescribed by the General Services Administration and the Department of the Interior. (205 DM 11.4B)

Dated: February 13, 1962.

CONRAD L. WIRTH,
Director.

[F.R. Doc. 62-1690; Filed, Feb. 19, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

RURAL AREAS DEVELOPMENT PROGRAM

Delegations of Authority and Assignment of Functions

Secretary's Memorandum No. 1448, as revised and supplemented, makes the following delegations of authority and assignment of functions.

1. The Director of Agricultural Credit will give general direction and supervision to the Rural Areas Development Program including activities under the Area Redevelopment Act (Public Law 87-27).

2. There is established in the Department of Agriculture the Office of Rural Areas Development, headed by a Director.

3. Under the general direction and supervision of the Director of Agricultural Credit, the Office of Rural Areas Development will be responsible for general administration of the Rural Areas Development Program, as well as for Departmental activities under Public Law 87-27, to assure effective Departmental participation in the total effort, and for the following functions:

(a) Provide leadership and initiative in the formulation of current and long-range policies and plans for carrying out the rural development programs of the Department of Agriculture.

(b) Coordinate and expedite the application of resources of Departmental agencies in assisting State, local, private, community and farm organizations and individuals working for the improvement of underemployed areas.

(c) Make recommendations to the Secretary, after studies and analyses, for the designation of areas for development.

(d) Conduct continuous study to: (1) Determine how programs of the Department can be brought to bear on the particular problems in each designated rural development area; and (2) Assure that program agencies are giving effective technical assistance to private groups and local and State governments in formulating a comprehensive development program, and are making their full resources available in supporting project plans for each designated area.

(e) Maintain continuous liaison with appropriate Departments and Agencies of the Executive Branch and with officials of public and private organizations to assure coordination of effort and utilization of all available resources in support of the total program.

(f) Prepare and periodically revise a Departmental Rural Area Development Program Inventory for each development area, consisting of an itemization of the services and programs, and proposed improvements thereof, currently provided by the Department.

(g) Prepare and publish current reports on local achievement and progress in formulating and implementing rural development programs. Maintain, with the assistance of participating agencies, records from which necessary reports can be made to the Secretary and Congress.

Responsibilities delegated to the Secretary of Agriculture by the Secretary of Commerce, pursuant to the provisions of Public Law 87-27, Area Redevelopment Act, are redelegated as follows:

4. Subject to direction and supervision by the Director of Agricultural Credit, and the responsibilities of Office of Rural Areas Development, as stated above, and other reservations of authority set forth in section 5 below, the following responsibilities under the Areas Redevelopment Act, stated in the exact language of the delegations from the Secretary of Commerce, are redelegated to individual agencies of the Department of Agriculture as follows:

(a) *Designation of redevelopment areas.* "Find facts and provide data to be used in association with facts and data to be furnished by the Secretary of Labor and the Secretary of the Interior, by the Secretary of Commerce, in selecting the criteria and formulating the standards upon which areas which are essentially and fundamentally associated with agriculture and forestry shall be designated 'redevelopment areas' under section 5(b) of the Act and more particularly classified as 'rural redevelopment areas'.

"Find facts and provide data and make recommendations to be used by the Secretary of Commerce in designating and classifying 'rural redevelopment areas' under the criteria and standards mentioned in the paragraph, next above.

"Review from time to time as provided in section 13 of the Act the designation of 'rural redevelopment areas' and pursuant to such review to report information and data to the Secretary of Commerce necessary to enable the Secretary of Commerce to determine whether conditions have changed in any such 'rural redevelopment areas' so that such area is no longer eligible for further assistance under the Act."

These functions are assigned to Economic Research Service, supported and assisted by Statistical Reporting Service and other responsible USDA Agencies.

(b) *Organizational and educational leadership.* "Provide in 'rural redevelopment areas' organizational and educational leadership for orderly development of local economic initiative."

These functions are assigned to Federal Extension Service.

(c) *Advice, assistance and information.* "Provides advice, assistance, and information to individuals, committees, groups and enterprises in 'rural' redevelopment areas' regarding the application of the Act, the implementation of proposed projects and the objectives of the approved overall Economic Development Program for the area, and matters as set forth in section 10 of the Act."

(1) Functions with respect to technical information and service are assigned to Farmers Home Administration, supported and assisted by other responsible USDA agencies.

(2) Functions with respect to organizational and education leadership are assigned to Federal Extension Service.

(3) Functions with respect to implementation of proposed industrial and commercial projects, other than water facilities are assigned to Rural Electrification Administration, supported and assisted by other responsible USDA agencies.

(4) Functions with respect to implementation of proposed water facility projects and all community facility projects are assigned to Farmers Home Administration, supported and assisted by Soil Conservation Service and other responsible USDA agencies.

(d) *Overall economic development program.* "Assist and furnish guidance to 'rural redevelopment areas' in preparation of Overall Economic Development Programs."

(1) Functions with respect to technical information and service are assigned to Farmers Home Administration, supported and assisted by other responsible USDA agencies.

(2) Functions with respect to organizational and educational leadership are assigned to Federal Extension Service.

(e) *Certification of overall economic development program.* "Certify as a condition precedent to approval by the Secretary of Commerce as provided by section 6(b)(10) of the Act, that Overall Economic Development Programs in such areas are consistent with proper objectives of the economic development of rural areas of the United States."

These functions are assigned to Farmers Home Administration, with technical data provided by Economic Research and Statistical Reporting Services and with advice and assistance of other responsible USDA agencies.

(f) *Technical assistance programs.* "Recommend technical assistance programs for 'rural redevelopment areas' and to certify to the Secretary of Commerce that any proposed technical assistance program for a 'rural redevelopment area' under section 11 of the Act is consistent with the purposes of said section 11 of the Act, as a condition precedent to final approval or authorization by the Secretary of Commerce of any such program in a 'rural redevelopment area'."

These functions are assigned to Farmers Home Administration, with advice and assistance of responsible USDA agencies.

(g) *Loans and grants.* "Certify to the Secretary of Commerce, as a condition precedent to approval by the Secretary of Commerce, that a proposed project in a 'rural redevelopment area' for which financial assistance is sought under sections 6, 7, or 8 of the Act is consistent with the approved Overall Economic Development Program for such area."

(1) Functions with respect to industrial and commercial projects, other than water facilities, are assigned to Rural Electrification Administration, with advice and assistance furnished by other responsible USDA agencies.

(2) Functions with respect to industrial and commercial water facility projects and all community facility projects are assigned to Farmers Home Administration, with advice and assistance furnished by other responsible USDA agencies.

(h) *Special projects.* "Furnish advice, assistance, and information in connection with projects and Overall Economic Development Programs in non-rural 'redevelopment areas' when the Secretary of Commerce finds that such projects or prospective projects in such non-rural 'redevelopment areas' are essentially and fundamentally associated with agriculture or forestry."

These functions are assigned to the agencies designated in subsections 4 (d) and (e) above, with respect to "overall economic development programs," the agencies designated in subsections 4 (f) and (g) above, with respect to projects.

5. There is reserved to the Director of Agriculture Credit authority and responsibility, as set forth in the foregoing delegations, for:

(a) Certifying to the Secretary of Commerce that overall economic development programs are consistent with the economic development of rural areas.

(b) Certifying to the Secretary of Commerce that proposed projects involving financial assistance under the Act are in accordance with the approved overall economic development program.

(c) Recommending Technical Assistance Programs for rural development areas and certifying to the Secretary of Commerce that each program is consistent with the purposes of the Area Redevelopment Act.

(d) Recommending to the Secretary of Commerce criteria and standards to be used in the designation of rural redevelopment areas; recommending the designation and classification of areas, and termination of eligibility of such areas.

(R.S. 161 U.S.C. 22)

Done at Washington, D.C., February 13, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-1687; Filed, Feb. 19, 1962; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN EXPORT LINES, INC.

Notice of Application

Notice is hereby given that American Export Lines, Inc., has filed an application for a waiver under the provisions of section 804 of the Merchant Marine Act, 1936, as amended, to permit said company to act as agent to perform certain husbanding services for the foreign-flag ship "Aurelia" while said ship is using Export's Pier 84, North River, New York during the ship's two calls at New York now scheduled for June 8 and 9, and 26 and 27, 1962. The arrangement does not involve the booking of cargo or passengers for the vessel.

Any person, firm or corporation having an interest in such Application who desires to offer views and comments thereon for consideration by the Maritime Administrator should submit same in writing, in triplicate, to the Secretary, Maritime Administration, Washington 25, D.C. by the close of business March 2, 1962. The Maritime Administrator will consider these views and take such action with respect thereto as may be deemed appropriate.

Dated: February 15, 1962.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-1705; Filed, Feb. 19, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13339]

S.A. EMPRESA DE VIACAO AEREA RIO GRANDENSE (VARIG)

Notice of Hearing

In the matter of the application of S.A. Empresa de Viacao Aerea Rio Grandense (VARIG) for amendment of its foreign air carrier permit to add two new intermediate points Lima, Peru, and Panama City, Republic of Panama.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on February 21, 1962, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., February 15, 1962.

[SEAL] RUSSELL A. POTTER,
Hearing Examiner.

[F.R. Doc. 62-1703; Filed, Feb. 19, 1962; 8:48 a.m.]

[Docket 11017]

HANS TISCHER ET AL.

Common Control and Interlocking Relationships; Notice of Hearing

In the matter of the application of Hans O. Tischer, Joseph Adasko, and United Forwarders Service Inc., for approval of common control and interlocking relationships re United Travelers.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled case is assigned to be held on February 21, 1962, at 10 a.m., e.s.t., in Room 1029, Florida and Connecticut Avenues NW., Washington, D.C., before the undersigned Examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., on February 14, 1962.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 62-1704; Filed, Feb. 19, 1962; 8:48 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

The Delaware River Basin Commission will hold a public hearing on a draft of Phase I of the Comprehensive Plan for the Delaware River Basin, on February 28, 1962 at 10:30 a.m., in Courtroom No. 1 of the Northampton County Courthouse at Seventh and Walnut Streets in Easton, Pennsylvania.

After February 14, the draft upon which the hearing will be held may be examined, upon request, at the temporary offices of the Commission, 930 Suburban Station Building, Philadelphia 3, Pennsylvania, Phone: Locust 3-8286. A limited number of copies will be available for distribution. The Commission's staff will be available to consult with interested public bodies and water users before and after the hearing.

All persons and organizations desiring to be heard at the public hearing are requested to register in advance with the Secretary of the Commission.

WALTER M. PHILLIPS,
Acting Secretary.

FEBRUARY 13, 1962.

[F.R. Doc. 62-1708; Filed, Feb. 19, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-148]

CITIES SERVICES GAS CO.

Notice of Application and Date of Hearing

FEBRUARY 13, 1962.

Take notice that on December 12, 1961, Cities Service Gas Company (Applicant), P.O. Box 1995, Oklahoma City, Oklahoma, filed in Docket No. CP62-148 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof from time to time during the calender year 1962, at a total cost not to exceed $3,000,000, with no single project to exceed a cost of $500,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 20, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 7, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1725; Filed, Feb. 19, 1962; 8:49 a.m.]

[Docket Nos. CI62-177, CI62-233]

H. L. HUNT AND WHELESS DRILLING CO. ET AL.

Notice of Applications

FEBRUARY 14, 1962.

Take notice that on August 14, 1961, and August 21, 1961, H. L. Hunt (Hunt), 700 Mercantile Bank Building, Dallas 1, Texas, and Wheless Drilling Company, Operator, et al. (Wheless), P.O. Box 1746, Shreveport, Louisiana, filed in Docket Nos. CI62-177 and CI62-233 respectively, applications pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon service to Arkansas Louisiana Gas Company (Arkansas Louisiana) from their respective working interests in the Gertrude K. Ogle Unit No. 1 well, Longstreet Field, Caddo Parish, Louisiana, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Hunt and Wheless were authorized on April 22, 1957, in Docket Nos. G-10794 and G-10861, respectively, to render the service herein proposed to be abandoned.

The applications state that the gas supply in the subject well is depleted. Arkansas Louisiana has agreed that said well should be released from the gas purchase contract on the condition that said release should be effective only as to the particular producing zone from which the well has been producing and has reserved the right to purchase gas from any other zone or zones in which the well may be completed.

Protests or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 7, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1726; Filed, Feb. 19, 1962; 8:49 a.m.]

[Docket No. G-12560]

UNITED GAS PIPE LINE CO.

Notice of Motion To Amend

FEBRUARY 13, 1962.

Take notice that on November 8, 1961, United Gas Pipe Line Company (Movant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. G-12569 a motion to further amend the order in said docket issued on August 23, 1957, all as more fully set forth in the motion which is on file with the Commission and open to public inspection.

Movant seeks authorization to increase deliveries of natural gas to Coastal Chemical Corporation, Pascagoula, Mississippi, from 8,500 Mcf per day to 20,000 Mcf per day on an interruptible basis. Movant states that there is sufficient capacity in the existing authorized facilities to render the increased service which is required due to an expansion of the Coastal Chemical Corporation plant.

Protests, requests for hearing, or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 7, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1727; Filed, Feb. 19, 1962; 8:49 a.m.]

FOREIGN-TRADE ZONES BOARD

[Order No. 53]

RESOLUTION APPROVING APPLICATION OF THE PUERTO RICO INDUSTRIAL DEVELOPMENT COMPANY, SAN JUAN, PUERTO RICO, AND ORDER AUTHORIZING ISSUANCE OF GRANT FOR A FOREIGN-TRADE SUB-ZONE AT PENUELAS, PUERTO RICO

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and order. Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998-1003; 19 U.S.C. 81a-81u) and the Foreign-Trade Zones Board Regulations (15 CFR 400.304), the Foreign-Trade Zones Board has adopted the following resolution and order:

The Board having considered the matter: *It is ordered*, "Upon examination, the application, as amended by letter of September 6, 1961, of the Puerto Rico Industrial Development Company, San Juan, Puerto Rico, as Grantee of Foreign-Trade Zone No. 7, Mayaguez, Puerto Rico, for the privilege of establishing, operating and maintaining a foreign-trade sub-zone at Penuelas, Puerto Rico, at which Union Carbide Caribe, Inc., would operate an olefins plant, has been found to be in proper order and in compliance with the Foreign-Trade Zones Act, as amended, and the rules and regulations made thereunder. The Board has further found that the existing foreign-trade zone at Mayaguez will not serve adequately the convenience of commerce with respect to the proposed purposes of such sub-zone. Now, therefore, said application for a grant is approved and the Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized and directed to sign and issue in favor of the Puerto Rico Industrial Development Company, a grant permitting the establishment, operation and maintenance of a foreign-trade sub-zone at Penuelas, Puerto Rico, in compliance with the application, as amended, on file with the Foreign-Trade Zones Board. It is further ordered that a copy of this grant be made a part of the official records of the Board. The grant shall be issued subject to settlement locally of the recommendations made by the District Collector of Customs and District Engineer in their respective reports, within a reasonable time after the issuance of the grant."

GRANT TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE SUB-ZONE AT PENUELAS, PUERTO RICO

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (48 Stat. 998-1003; U.S.C. Title 19 § 81a-81u), hereinafter referred to as "the Act", the Foreign-Trade Zones Board, hereinafter referred to as "the Board", is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States; and,

Whereas, the Foreign-Trade Zones Board Regulations provide (15 CFR 400.304) that the establishment of a foreign-trade sub-zone in an area separate from an existing zone, for one or more of the specialized purposes of storing, manipulating, manufacturing, or exhibiting goods may be authorized if the Board finds that existing or authorized zones will not serve adequately the convenience of commerce with respect to the proposed purposes; and,

Whereas, the Puerto Rico Industrial Development Company, a public corporation and an instrumentality of the Commonwealth of Puerto Rico, the Grantee of Foreign-Trade Zone No. 7 at Mayaguez, Puerto Rico, has made application in due and proper form to the Board for the establishment, operation, and maintenance of a foreign-trade sub-zone, at Penuelas, Puerto Rico; and,

Whereas, the purpose of the proposed sub-zone is to provide the Grantee with the means to permit the operation of an olefins plant in a foreign-trade zone area, utilizing as raw materials, refinery gas and/or imported light virgin naptha and/or any other suitable hydrocarbon products within the sub-zone, and intended thereafter to be either entered into the customs area for consumption or reexported or consumed within the sub-zone; and,

Whereas, notice of the application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the existing Foreign-Trade Zone No. 7 at Mayaguez, will not service adequately the convenience of commerce with respect to the proposed purposes of such a sub-zone; and,

Whereas, the Board has found the proposed plans are suitable for the establishment and operation of the sub-zone, and that the proposed facilities described in the application with adjustments proposed by the District Collector of Customs and District Engineer, as hereinafter referred to, are sufficient:

Now, therefore, the Board hereby further grants to the Puerto Rico Industrial Development Company the privilege of establishing, operating, and maintaining, a foreign-trade sub-zone, for the aforementioned purpose, officially designated as Foreign-Trade Sub-Zone 7-A, at Penuelas, Puerto Rico, and more particularly described on the map accompanying the application, marked Exhibit No. 10, said grant being subject to the provisions, conditions, and restrictions of the Act and of all rules and regulations made thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations, to wit:

The Grantee shall make no deviation from the maps, plans, specifications, drawings, and blue prints, accompanying the said application and marked Exhibits Nos. 1 to 13 inclusive, before or after completion of the structures or work involved, unless modification of such maps, plans, specifications, drawings, and blue prints, has previously been submitted to and has received the approval of the Board.

The work of construction under this grant shall commence immediately following the date of the grant; said work shall be diligently prosecuted to completion and the work of construction shall be completed and operation of the sub-zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the Sub-Zone Grant. The Grantee shall notify the United States District Engineer in whose District the Sub-Zone is located of the date upon which work will begin and as far in advance thereof as the District Engineer may reasonably specify, and shall notify him promptly in writing of any suspension of construction for a period of more than one week, and of its resumption and completion.

The Grantee shall, to the extent here applicable, fully comply with the provisions of the laws for the protection and preservation of the navigable waters of the United States, and shall secure the authorization and approvals of works in navigable waters of the United States required by such laws. The Grant herein made shall not be construed as conveying such approval.

The Grantee shall allow officers and employees of the United States of America free and unrestricted access in, to, and throughout said sub-zone in the performance of their official duties.

This Grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said sub-zone, and in no event shall the United States of America be liable therefor.

This grant is issued subject to settlement locally of the recommendations made by the District Collector of Customs and District Engineer in their respective reports on the application within a reasonable time after issuance of the grant.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer, Luther H. Hodges, at Washington, D.C., this 14th day of February 1962, pursuant to Order of the Board.

FOREIGN-TRADE ZONES BOARD,
[SEAL] LUTHER H. HODGES,
Chairman and Executive Officer.

Attest:

RICHARD H. LAKE,
Executive Secretary.

CERTIFICATE OF EXECUTIVE SECRETARY

I, Richard H. Lake, Executive Secretary of the Foreign-Trade Zones Board, do hereby certify that the following is a true extract from the records of the proceedings of that portion of the Minutes (Memorandum) of January 16, 1962, of the Foreign-Trade Zones Board relating to the matter hereinbefore in this grant described:

Upon examination, the application, as amended by letter of September 6, 1961, of the Puerto Rico Industrial Development Company, San Juan, Puerto Rico, as Grantee of Foreign-Trade Zone No. 7, Mayaguez, Puerto Rico, for the privilege of establishing, operating and maintaining a foreign-trade sub-zone at Penuelas, Puerto Rico, at which Union Carbide Caribe, Inc., would operate an olefins plant, has been found to be in proper order and in compliance with the Foreign-Trade Zones Act, as amended, and the rules and regulations made thereunder. The Board has further found that the existing foreign-trade zone at Mayaguez will not serve adequately the convenience of commerce with respect to the proposed purposes of such sub-zone. Now, therefore, said application for a grant is approved, and the Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized and directed to sign and issue in favor of the Puerto Rico Industrial Development Company, a grant permitting the establishment, operation and maintenance of a foreign-trade sub-zone at Penuelas, Puerto Rico, in compliance with the application, as amended, on file with the Foreign-Trade Zones Board. It is further ordered that a copy of this grant be made a part of the official records of this Board. The grant shall be issued subject to settlement locally of the recommendations made by the District Collector of Customs and District Engineer in their respective reports, within a reasonable time after the issuance of the grant.

Witness my hand and the seal of the Foreign-Trade Zones Board this 14th day of February 1962, at Washington, D.C.

[SEAL] RICHARD H. LAKE,
Executive Secretary.

[F.R. Doc. 62-1692; Filed, Feb. 19, 1962; 8:46 a.m.]

[Order No. 54]

RESOLUTION APPROVING APPLICATION OF THE BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS, AND ORDER AUTHORIZING ISSUANCE OF GRANT FOR A FOREIGN-TRADE SUB-ZONE AT NEW ORLEANS, LOUISIANA

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and order. Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998-1003; 19 U.S.C. 81a-81u) and the Foreign-Trade Zones Board Regulations (15 CFR 400.304), the Foreign-Trade Zones Board has adopted the following resolution and order:

The Board having considered the matter: *It is ordered*, "Upon examination, the application of the Board of Commissioners of the Port of New Orleans, New Orleans, Louisiana, for the privilege of establishing, operating and maintaining a foreign-trade sub-zone at New Orleans, Louisiana, at which the New Orleans Cold Storage & Warehouse Company, Ltd., acting as an agent of the Port of New Orleans, would operate a cold storage and refrigeration facility to service the movement of commodities requiring refrigeration, has been found to be in proper order and in compliance with the Foreign-Trade Zones Act, as amended, and the rules and regulations made thereunder. The Board has further found that the existing foreign-trade zone at New Orleans will not serve adequately the convenience of commerce with respect to the proposed purposes of such sub-zone. Now, therefore, said application for a grant is approved; and the Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized and directed to sign and issue in favor of the Board of Com-

missioners of the Port of New Orleans, a grant permitting the establishment, operation and maintenance of a foreign-trade sub-zone at New Orleans, Louisiana, in compliance with the application on file with the Foreign-Trade Zones Board. It is further ordered that a copy of this grant be made a part of the official records of the Board. The grant shall be issued subject to settlement locally of the recommendations made by the District Collector of Customs and District Engineer in their Joint Report, within a reasonable time after the issuance of the grant."

GRANT TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE SUB-ZONE AT NEW ORLEANS, LOUISIANA

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (48 Stat. 998–1003; U.S.C. Title 19 § 81a–81u), hereinafter referred to as "the Act", the Foreign-Trade Zones Board, hereinafter referred to as "the Board", is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States; and,

Whereas, the Foreign-Trade Zones Board Regulations provide (15 CFR 400.304) that the establishment of a foreign-trade sub-zone is an area separate from an existing zone, for one or more of the specialized purposes of storing, manipulating, manufacturing, or exhibiting goods may be authorized if the Board finds that existing or authorized zones will not serve adequately the convenience of commerce with respect to the proposed purposes; and,

Whereas, the Board of Commissioners of the Port of New Orleans, a public corporation and an agency of the State of Louisiana, as Grantee of Foreign-Trade Zone No. 2 at New Orleans, hereinafter referred to as "the Grantee", has made application in due and proper form to the Board for the establishment, operation, and maintenance of a foreign-trade sub-zone located in the Illinois Central Warehouse No. 32 at 3900 Tchoupitoulas Street, New Orleans, Louisiana; and, which sub-zone is to be operated by the New Orleans Cold Storage Warehouse Company as agent of the Grantee, to provide a cold storage facility not now available in Foreign-Trade Zone No. 2; and

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the existing Foreign-Trade Zone No. 2 at New Orleans will not serve adequately the convenience of commerce with respect to the proposed purpose of such a sub-zone; and

Whereas, the Board has found that the proposed plans and location are suitable for the establishment and operation of the sub-zone, and that the facilities described in the application with adjustments recommended by the District Collector of Customs and District Engineer, as hereinafter referred to, are sufficient:

Now, therefore, the Board, hereby further grants to the Board of Commissioners of the Port of New Orleans, Grantee, the privilege of establishing, operating, and maintaining a foreign-trade sub-zone, for the aforementioned purpose, officially designated as Foreign-Trade Sub-Zone 2–A at 3900 Tchoupitoulas Street, New Orleans, Louisiana, and more specifically described on the map accompanying the application, marked Exhibit No. 10, said grant being subject to the provisions, conditions, and restrictions of the Act and of all rules and regulations made thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations, to wit:

The Grantee shall make no deviation from the maps, plans, specifications, drawings, and blue prints, accompanying the said application, and marked Exhibits 1, 3, 8, 10, and 13, before or after completion of the structures or work involved, unless modification of such maps, plans, specifications, drawings, and blue prints has previously been submitted to and has received the approval of the Board.

The work of any construction under this grant shall commence immediately following the date of the grant; said work shall be diligently prosecuted to completion, and the work of construction shall be completed and operation of the sub-zone shall be commenced by the Grantee within a reasonable time from the date of issuance of this Sub-Zone Grant. The Grantee shall notify the United States District Engineer in whose District the sub-zone is located of the date upon which work will begin and as far in advance thereof as the District Engineer may reasonably specify, and shall notify him promptly in writing of any suspension of construction for a period of more than one week, and of its resumption and completion.

The Grantee shall, to the extent here applicable, fully comply with the provisions of the laws for the protection and preservation of the navigable waters of the United States, and shall secure the authorization and approvals of works in navigable waters of the United States required by such laws. The Grant herein made shall not be construed as conveying such approval.

The Grantee shall allow officers and employees of the United States of America free and unrestricted access in, to, and throughout said sub-zone in the performance of their official duties.

This Grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said sub-zone, and in no event shall the United States of America be liable therefor.

This Grant is issued subject to settlement locally of the recommendations made by the District Collector of Customs and District Engineer in their respective reports on the application, within a reasonable time after issuance of the grant.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer, Luther H. Hodges, at Washington, D.C. this 14th day of February, 1962, pursuant to Order of the Board.

FOREIGN-TRADE ZONES BOARD,
[SEAL] LUTHER H. HODGES,
Chairman and Executive Officer.

Attest:

RICHARD H. LAKE,
Executive Secretary.

CERTIFICATE OF EXECUTIVE SECRETARY

I, Richard H. Lake, Executive Secretary of the Foreign-Trade Zones Board, do hereby certify that the following is a true extract from the records of the proceedings of that portion of the Minutes (Memorandum) of January 16, 1962, of the Foreign-Trade Zones Board relating to the matter hereinbefore in this grant described:

Upon examination, the application of the Board of Commissioners of the Port of New Orleans, New Orleans, Louisiana, as Grantee of Foreign-Trade Zone No. 2, New Orleans, Louisiana, for the privilege of establishing, operating, and maintaining a foreign-trade sub-zone at New Orleans, Louisiana, at which the New Orleans Cold Storage & Warehouse Company, Ltd., acting as an agent of the Port of New Orleans, would operate a cold storage and refrigeration facility to service the movement of commodities requiring refrigeration, has been found to be in proper order and in compliance with the Foreign-Trade Zones Act, as amended, and the rules and regulations made thereunder. The Board has further found that the existing Foreign-Trade Zone at New Orleans will not serve adequately the convenience of commerce with respect to the proposed purpose of such sub-zone. Now, therefore, said application for a grant is approved; and the Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized and directed to sign and issue in favor of the Board of Commissioners of the Port of New Orleans, a grant permitting the establishment, operation and maintenance of a foreign-trade sub-zone at New Orleans, Louisiana, in compliance with the application on file with the Foreign-Trade Zones Board. It is further ordered that a copy of this grant be made a part of the official records of this Board. The grant shall be issued subject to settlement locally of the recommendations made by the District Collector of Customs and District Engineer in their Joint Report within a reasonable time after the issuance of the grant.

Witness my hand and the seal of the Foreign-Trade Zones Board this 14th day of February 1962, at Washington, D.C.

[SEAL] RICHARD H. LAKE,
Executive Secretary.

[F.R. Doc. 62–1693; Filed, Feb. 16, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 598]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 15, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64612. By order of February 12, 1962, the Transfer Board approved the transfer to Turner Bros. Trucking Company, Inc., 5501 South Hattie, P.O. Box 4626, Oklahoma City, Okla., of Certificate in Nos. MC 115603 Sub 1 and MC 115603 Sub 5, issued June 26, 1957 and December 12, 1961, respectively, to Jack Turner, Jack E. Turner, and E. E. Turner, a partnership, doing business as Turner Bros. Trucking Co., 5501 South Hattie, P.O. Box 4626, Oklahoma City, Okla., authorizing the transportation of: Machinery, equipment, materials, and supplies used in connection with the natural gas and petroleum industry, and in connection with pipelines, between points in Colorado and Wyoming, on the one hand, and, on the other, points in Illinois, Nebraska, South Dakota, and Missouri; between points in Illinois, Nebraska, South Dakota, Missouri, Oklahoma, Kansas, and Texas; between points in Louisiana, and New Mexico; between points in Louisiana, and New Mexico, on the one hand, and, on the other, points in Kansas, Oklahoma, and Texas; between points in Oklahoma, on the one hand, and, on the other, points in Mississippi; machinery, materials, supplies and equipment incidental to, or used in the construction, development, and production of natural gas and petroleum, between points in Wyoming and Colorado; between points in Wyoming, and Colorado, on the one hand, and, on the other, points in Oklahoma; heavy machinery, between points in Colorado and Wyoming; and portion of Certificate No. MC 106379 Sub 18, acquired pursuant to proceedings in No. MC–F 7619 and assigned No. MC 115603 Sub 6, authorizing the transportation of: Machinery and equipment used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of sulphur and its products, and materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, when moving to or from exploration, drilling, production with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, when moving to or from exploration, drilling, production, job, construction and plant (including refining, manufacturing, and processing plant) sites, or storage sites, between points in Texas, on the one hand, and, on the other, certain points in North Dakota; and oilfield commodities, between points in Texas, on the one hand, and, on the other, certain points in North Dakota and South Dakota.

No. MC–FC 64731. By order of February 12, 1962, the Transfer Board approved the transfer to James D. Lockard, Stella, Nebr., of Certificate No. MC 116924 Sub 1, issued August 1, 1958, to Joe Glover, Nebraska City, Nebr., authorizing the transportation of: Sand, gravel, dirt, and rock, broken or crushed, in dump vehicles, between points in North Dakota, South Dakota, Iowa, Nebraska, Kansas, and Missouri. C. A. Ross, 1006 Terminal Building, Lincoln 8, Nebr.; applicants' representative.

No. MC–FC 64742. By order of February 12, 1962, the Transfer Board approved the transfer to Allyn Tank Line, Inc., Los Angeles, Calif., of Certificates Nos. MC 108941, MC 108941 Sub 34, and MC 108941 Sub 39, issued November 10, 1949, June 17, 1953 and July 16, 1957, respectively, to F. N. Rumbley Company, a corporation, Fresno, Calif., authorizing the transportation of: Liquefied petroleum gas, in minimum lots of 2500 gallons, from and to points in California, Arizona, and Nevada, as specified; liquefied petroleum gas, in tank truckloads, minimum 2,500 gallons, from Kingman and Wickenburg, Ariz., to Flagstaff, Ariz.; liquefied petroleum gas in minimum quantity of 3,000 gallons, in tank trucks from Hobbs, N. Mex., and points in New Mexico and Texas within 25 miles thereof, to points in Arizona; liquid petroleum gases in bulk, in tank trucks in minimum quantities of 2500 gallons, from points in Los Angeles, Orange, Ventura, Santa Barbara, San Luis Obispo, Kern, Kings, Tulare, and Fresno Counties, Calif., to points in Arizona, and from the next above California origins, to ports of entry at San Ysidro, Tecate and Calexico, Calif., natural and casinghead gasoline and liquefied petroleum gases, in bulk, in tank vehicles, from Farmington, N. Mex., and points in New Mexico within 60 miles of Farmington, to points in California within a specified territory; and anhydrous ammonia, in bulk, in tank vehicles, from Pittsburg, Richmond, Pinole, and Brea, Calif., to ports of entry in California on the United States-Mexico International Boundary Line, Arthur H. Glanz, 639 South Spring Street, Los Angeles 14, Calif., attorney for transferee. Phil Jacobson, 610 West Sixth Street, Los Angeles 14, Calif., attorney for transferor.

No. MC–FC 64785. By order of February 12, 1962, the Transfer Board approved the transfer to Lovejoy's Express, Inc., Norwood, Mass., of Certificate No. MC 22425 issued April 9, 1943 to William P. Walker, doing business as, Lovejoy's Express, Norwood, Mass., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between Cambridge, Boston, and Somerville, Mass., on the one hand, and, on the other, Boston, Needham, Dedham, Canton, Sharon, Foxboro, Mansfield, Norton, Attleboro, Newton, Dover, Sherborn, Holliston, Milfor, Norwood, Walpole, Wrentham, Plainville, North Attleboro, South Attleboro, Westwood, Medfield, Millis, Medway, West Medway, North Bellingham, Franklin, and Caryville, Mass. James J. Curran, 698 Washington Street, Norwood, Mass., attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62–1694; Filed, Feb. 19, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

FEBRUARY 14, 1962.

In the matter of trading on the San Francisco Mining Exchange in the common stock, $1.00 par value of Apex Minerals Corporation, File No. 1–3848.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, February 15, 1962, to February 24, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–1706; Filed, Feb. 19, 1962; 8:48 a.m.]

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, paragraph (i) (7) of § 6.311 is amended as set out below.

§ 6.311 Department of Agriculture.

* * * * * * *

(i) *Agricultural Stabilization and Conservation Service.* * * *

(7) Director, Livestock, Dairy, and Poultry Division.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-1709; Filed, Feb. 20, 1962; 8:45 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Commerce

Federal Register Document 62-559, published at 27 F.R. 515, is corrected by changing the word "Commission" in the heading for § 6.312(1) to read "Administration."

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-1710; Filed, Feb. 20, 1962; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 438—NAVAL STORES

Subpart—1962 Gum Naval Stores Price Support Loan Program

Statement with respect to the Gum Naval Stores Price Support Loan Program for the calendar year 1962, formulated by the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service (hereinafter referred to as "CCC" and "ASCS").

Sec.
438.1301 Administration.
438.1302 Eligible producer.
438.1303 Eligible naval stores.
438.1304 Eligible rosin.
438.1305 Eligible oleoresin.
438.1306 Eligible metal drums.
438.1307 Availability of loans.
438.1308 Rate of loan to producers.
438.1309 Storage provisions.
438.1310 Maturity.
438.1311 Redemption.
438.1312 Rights of CCC upon maturity.
438.1313 Personal liability.

AUTHORITY: §§ 438.1301 to 438.1313 issued under sec. 4(d), 62 Stat. 1070, 15 U.S.C. 714b. Interprets or applies sec. 5(a), 62 Stat. 1072, 15 U.S.C. 714c; sec. 301, 63 Stat. 1053, 7 U.S.C. 1447.

§ 438.1301 Administration.

The Naval Stores Branch, Tobacco Division, ASCS, will supervise the administration of the program. CCC will make a loan to the American Turpentine Farmers Association Cooperative, Valdosta, Georgia (hereinafter referred to as the "Association"), under a Loan Agreement which will enable the Association in turn to make loans to eligible producers on eligible naval stores, to store or supervise the storage of the collateral, to perform related field administration functions, to arrange for redemptions, and to collaborate in the liquidation of unredeemed collateral. The ASCS Commodity Office, Dallas, Texas, will perform accounting and auditing functions.

§ 438.1302 Eligible producer.

A producer will be eligible for loans if he (a) is a member of the Association under membership requirements approved by CCC (no producer who is otherwise eligible may be excluded from membership in the Association), (b) is a cooperator in the 1962 Naval Stores Conservation Program of the United States Department of Agriculture or otherwise follows one or more good forestry conservation practices established by State and Federal forestry services, as determined by the Association, (c) has made satisfactory arrangements to pay any indebtedness to the United States Department of Agriculture or any agency thereof, as evidenced by the debt records maintained by the Agricultural Stabilization and Conservation county committees of the United States Department of Agriculture, and (d) has executed, and has not breached his obligations under, the Producer's Marketing Agreement (ATFA Form 1-1962), or any other similar agreement.

§ 438.1303 Eligible naval stores.

"Eligible naval stores" are eligible rosin and the rosin content in eligible oleoresin.

§ 438.1304 Eligible rosin.

"Eligible rosin" is gum rosin which (a) was produced from eligible oleoresin, (b) grades "K" or better, (c) is free and clear from all liens and encumbrances, (d) has not been theretofore pledged for a loan under this or any similar program and in which the beneficial interest is and always has been in the producer, (e) is packed to the net weight approved by CCC, in eligible metal drums, (f) is transparent, (g) is free from visible foreign materials and contains no extraneous matter resulting from chemical or other treatment of the rosin, or of the oleoresin or the trees from which it came, and (h) conforms as to softening point to not less than Federal Specifications LLL-R626b, to-wit: 158 degrees Fahrenheit (American Society for Testing Materials Methods No. E-28-58T). Rosin must be federally inspected and weighed or the weights checked prior to tender for loan.

§ 438.1305 Eligible oleoresin.

"Eligible oleoresin" is oleoresin (a) which was produced in 1962 in the United States by an eligible producer, (b) which is free and clear from all liens and encumbrances, (c) the resin content in which has not been theretofore pledged for a loan under this or any similar program and in which the beneficial interest is and always has been in the producer, and (d) which will yield rosin of the prescribed grades and quality. When a producer's eligible oleoresin is commingled with oleoresin produced by other producers in the processing operation, the rosin tendered for loan by the producer as representing the processed equivalent of his eligible oleoresin will be deemed to be, if otherwise eligible, eligible rosin produced by such producer.

§ 438.1306 Eligible metal drums.

"Eligible metal drums" are drums conforming to the specifications for metal drums approved by CCC, obtainable from and on file in the office of the Association.

§ 438.1307 Availability of loans.

(a) Under the Loan Agreement, CCC will make a loan to the Association for the purpose of enabling the Association to make loans available, or to make loans, to eligible producers of eligible naval stores produced in 1962. The loan to the Association will be in an amount equal to (1) the amount of the loans made by the Association to producers, (2) the administrative and operating expenses, approved by CCC, incurred by the Association in connection with making loans available and the making of loans, and the handling, preservation and sale of pledged naval stores, (3) the storage charges after naval stores are pledged, and (4) an indemnification charge to cover the assumption by CCC of the risk of loss on pledged naval stores.

(b) Each producer desiring to obtain loans will execute a Producer's Marketing Agreement with the Association. Each loan will be secured by a pledge by the producer to the Association of eligible rosin, or unprocessed rosin content in eligible oleoresin, and the Association, in turn, will pledge the same to CCC as security for the loan made by CCC to the Association. Loans on rosin will be made only on full drums thereof, and loans on the rosin content in oleoresin, only upon the equivalent of full drums thereof. No loans will be made on any naval stores offered later than December 31, 1962.

(c) Eligible naval stores will be deemed tendered for loan by the producer to the Association only when such naval stores have been (1) processed (except where unprocessed rosin content in oleoresin is offered for loan), (2) placed in storage in the custody of an approved warehouseman who has entered into and is fully complying with a Warehouse Agreement (ATFA Form 2–1962), or in the custody of the Association acting under a Storage Agreement with CCC, and (3) offered for loan on a Producer's Offer (ATFA Form 3A–1962) (the date of which, unless a first offer and dated not later than April 1, 1962, shall be not later than thirty (30) days from the date of delivery of eligible oleoresin for processing). If there are any liens or encumbrances on the naval stores offered for loan, proper waivers are required on a Lienholders' Waiver and Agreement (ATFA Form 3–1962).

§ 438.1308 Rate of loan to producers.

The Association will make loans to producers based on the rate of $34.28 per standard barrel (435 lbs. net weight each) of crude pine gum, processed basis. Although turpentine is not supported, the crude pine gum support level includes a weight for turpentine equal to the estimated 1962 market value of turpentine content in a barrel of pine gum. The loan rates on rosin are $10.50 for grade WG, $10.65 for grades X and WW, and $10.20 for grades N, M, and K per hundred pounds net packed in eligible metal drums.

§ 438.1309 Storage provisions.

The producer will be required to place naval stores offered for loan in storage in the custody of an approved warehouseman who has entered into and is fully complying with a Warehouse Agreement with the Association (this Agreement will be assigned by the Association to CCC), or in the custody of the Association acting under a Storage Agreement with CCC. All processing charges, including the cost of the eligible metal drums for rosin, and all storage and other warehouse charges to the date of tender for loan will be borne by the producer. Storage charges accruing after the naval stores are pledged are payable by CCC, and comprise part of the loan by CCC to the Association.

§ 438.1310 Maturity.

The loan made by CCC to the Association and the loans made by the Association to producers will be due and payable upon demand, or on June 30, 1963, whichever is earlier.

§ 438.1311 Redemption.

(a) Subject to terms and conditions of the Producer's Marketing Agreement, the producer may redeem pledged naval stores, prior to maturity of the loan, upon application to the Association and payment of the redemption price. The producer's right to redeem may be exercised for him and in his behalf by the Association and the producer's exercise of the right of redemption is subject to the prior exercise thereof by the Association. Subject to the terms and conditions of the Loan Agreement, the Association may redeem naval stores pledged by the Association to CCC, upon application to CCC therefor prior to the maturity of the loan and upon payment of the redemption price.

(b) The redemption price shall be determined by CCC and shall be the amount outstanding under the Loan Agreement, including any unpaid accrued expenses and charges, plus interest at the rate of three and one-half percent (3½%) per annum. Any naval stores redeemed shall not be thereafter eligible for loan.

§ 438.1312 Right of CCC upon maturity.

Upon maturity of the loan, CCC will take title to any unredeemed naval stores, without a sale thereof, and CCC shall have no obligation to pay or account to the Association or the producer for any market value which such naval stores may have in excess of the amount of the loan, plus interest and charges.

§ 438.1313 Personal liability.

The loans will be nonrecourse, except that any fraudulent representation by the producer or the Association in the loan documents, or in obtaining a loan, will render him or it subject to criminal prosecution under applicable law, and personally liable for the amount by which the proceeds received upon the disposition of the pledged naval stores are less than the amount of indebtedness incurred by the Association with respect thereto.

Effective date. Date of signature.

Signed at Washington, D.C., on February 16, 1962.

EMERY E. JACOBS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62–1754; Filed, Feb. 20, 1962; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—1962–63 Marketing Year

PROCLAMATION OF RESULTS OF MARKETING QUOTA REFERENDUM

Section 730.1309 is issued to announce the results of the rice marketing quota referendum for the marketing [illegible] August 1, 1962, through July 31, [illegible] under the provisions of the Agricultural Adjustment Act of 1938, as [illegible]. The Secretary proclaimed a [illegible] quota for rice for the 1962–63 [illegible] year and announced that a [illegible] would be held on January 23, [illegible] F.R. 184), to determine whether [illegible] ducers were in favor of or [illegible] marketing quotas for the marketing [illegible] August 1, 1962 through July 31, [illegible]. Since the only purpose of this [illegible] tion is to announce results of [illegible] erendum, it is found and [illegible] that with respect to this [illegible] application of the notice and [illegible] provisions of the Administrative [illegible] dure Act is unnecessary.

§ 730.1309 Proclamation of the [illegible] of the rice marketing quota [illegible] dum for the marketing year [illegible] 63.

In a referendum of farmers [illegible] in the production of rice for the [illegible] crop held on January 23, 1962, [illegible] farmers voted. Of those voting [illegible] 94.2 percent favored quotas for the marketing year beginning August 1, [illegible]. Therefore, rice marketing quotas will be in effect for the 1962–63 marketing year.

(Sec 375, 52 Stat. 66, as amended; 7 U.S.C. 1375)

Signed at Washington, D.C., on February 16, 1962.

EMERY E. JACOBS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–1753; Filed, Feb. [illegible] 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1077; Supp. [illegible]]

PART 51—GROUND INSTRUCTOR RATING

Practical Test Requirements for Original Issuance of a Ground Instructor Certificate and Rating

Section 51.17–1 of the [illegible] terial contained in Part 51 of the Federal Air Regulations requires an applicant for original issuance of a ground instructor certificate and rating, other than one who holds a currently effective teacher's certificate issued by a city, county, or State, to satisfactorily complish a practical examination. This is in addition to the required written examinations.

The practical examination was initiated in the interest of uniformity. Application of examination procedures to effect a better standardization of the requirements, and to raise the level of quality of instruction. Benefits gained by the Federal Aviation Agency in the certification of many ground instructors, and subsequent observation of the activities of those certificated, indicates that the required written [illegible]

[illegible] the Administrator is adequate to determine that an applicant is qualified to exercise the privileges of a ground instructor certificate and rating. Therefore, the practical test examination currently required [illegible] no useful purpose and is being [illegible].

Since this regulatory action relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, Part 51 of the Civil Air Regulations (14 CFR Part 51) is hereby amended by deleting § 51.17–1, effective February 21, 1962.

(Secs. 313(a), 601, 607; 72 Stat. 752, 775, 779; 49 U.S.C. 1354(a), 1421, 1427)

Issued in Washington, D.C., on February 15, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–1724; Filed, Feb. 20, 1962; 8:47 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–LA–85]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of this amendment to § 600.6004 is to alter the description of low altitude VOR Federal airway No. 4 between Boise, Idaho, and Burley, Idaho.

The Federal Aviation Agency plans to relocate the Boise VORTAC on or about April 5, 1962, to a new site at latitude 43°34'06" N., longitude 116°14'33" W. This action necessitates a slight realignment of Victor 4. Therefore, action is taken herein to redesignate Victor 4 from Boise to Burley via the intersection of the Boise VORTAC 130° and the Burley VORTAC 292° True radials.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In the text of § 600.6004 (14 CFR 600.6004, 26 F.R. 2220, 3275, 10588, 10592) "Boise, Idaho, omnirange station; intersection of the Boise omnirange 129° True and the Burley omnirange 292° True radials; Burley, Idaho, omnirange;" is deleted and "Boise, Idaho, VORTAC; INT of the Boise VORTAC 130° and the Burley, Idaho, VORTAC 292° radials; Burley VORTAC" is substituted therefor.

This amendment shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 15, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–1715; Filed, Feb. 20, 1962; 8:46 a.m.]

[Airspace Docket No. 61–LA–15]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Areas

On July 27, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6736) stating that the Federal Aviation Agency (FAA) was considering amendments to §§ 600.6107 and 601.6107 of the regulations of the Administrator which would alter a portion of VOR Federal airway No. 107, designate a west alternate to this airway and exclude the portion of the west alternate which would lie within R–2519 and R–2520.

No adverse comments were received regarding the proposed amendments. However, the Air Line Pilots Association (ALPA) recommended that Victor 107 west alternate be aligned direct from Oxnard, Calif., to Los Angeles, Calif.

Subsequent to publication of the notice, action has been initiated to temporarily relocate the Los Angeles VOR to a site at latitude 33°57'04" N., longitude 118°24'18" W., a distance of approximately 1.7 statute miles from the present site, while corrective action is being taken to improve the operation of the existing facility. Victor 107 west alternate aligned on the relocated facility will automatically accomplish the ALPA suggestion.

Since these actions involve the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854 and has obtained their concurrence thereto.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. The text of § 600.6107 (26 F.R. 1209, 2221) is amended to read:

§ 600.6107 VOR Federal airway No. 107 (Los Angeles, Calif., to Oakland, Calif.).

From the Los Angeles, Calif., VOR via the INT of the Los Angeles VOR 287° and the Fillmore, Calif., VORTAC 163° radials, Fillmore VORTAC, including a W alternate from the Los Angeles VOR to the Fillmore VOR via the Oxnard, Calif., VOR; Avenal VOR; Los Banos, Calif., VOR; to the Oakland, Calif., VORTAC, excluding the portions which lie within R–2915 and R–2520.

§ 601.6107 [Amendment]

2. In the text of § 601.6107 (14 CFR 601.6107) "All of VOR Federal airway No. 107" is deleted and "All of VOR Federal airway No. 107, including a W alternate." is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 5, 1962.

(Secs. 307(a), 1110, 72 Stat. 749, 800; 49 U.S.C. 1348, 1510, and E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on February 14, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–1719; Filed, Feb. 20, 1962; 8:46 a.m.]

[Airspace Docket No. 61–WA–127]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Areas

On October 19, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9833) stating that the Federal Aviation Agency proposed to alter low altitude VOR Federal airway No. 99 by revoking the segment north of the Rosedale, Wash., intersection to the United States/Canadian Border and realigning and extending the remaining portion from Olympia, Wash., to Seattle, Wash., via the intersection of the Olympia VOR 010° and the Seattle VORTAC 247° radials.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 600.6099 (14 CFR 600.6099) is amended to read:

§ 600.6099 VOR Federal airway No. 99 (Newport, Oreg., to Seattle, Wash.).

From the Newport, Oreg., VOR via the Newberg, Oreg., VOR; INT of the Newberg VOR 355° and the Olympia VOR 195° radials; Olympia, Wash., VOR; INT of the Olympia VOR 010° and the Seattle VORTAC 247° radials to the Seattle, Wash., VORTAC. The portion of this airway within the Ta-

coma, Wash. (McChord AFB), Restricted Area/Military Climb Corridor R–6711 shall be used only after prior approval from the appropriate authority.

2. The caption of § 601.6099 (14 CFR 601.6099) is amended to read:

§ 601.6099 VOR Federal airway No. 99 control areas (Newport, Oreg., to Seattle, Wash.).

These amendments shall become effective 0001 e.s.t. April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 15, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–1721; Filed, Feb. 20, 1962; 8:46 a.m.]

[Airspace Docket No. 61–NY–5]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation and Alteration of Federal Airways, Associated Control Areas and Reporting Points

On March 18, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 2319) stating that the Federal Aviation Agency (FAA) proposed to revoke low altitude Blue Federal airway No. 56, its associated control areas and reporting points between Norfolk, Va., and Washington, D.C. In addition, the segment of low altitude VOR Federal airway No. 156 between the Richmond, Va., VOR and the Cape Charles, Va., VORTAC would be realigned, and low altitude VOR Federal airway No. 33 extended from Nottingham, Md., to Deep Creek, Va. To implement, in part, Amendment 60–21 to Part 60 of the regulations of the Administrator, the control areas associated with these airway segments would extend upward from 1,200 feet above the surface. It was further stated that the Harcum VOR would be designated as a VOR reporting point.

On December 7, 1961, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11734) stating that the site selected for the Harcum VOR had proven unsatisfactory and that the original notice was amended in that it was proposed to align Victor 33 and Victor 156 via the Harcum VOR at a new site at latitude 37°26'54" N., longitude 76°42'43" W. It was also proposed to align Victor 33 between Nottingham and Harcum via the intersection of the Nottingham VOR 174° and the Harcum VOR 003° True radials to provide lateral separation between en route airway traffic and activities within the Dahlgren, Va., Complex, Restricted Area R–6613. It was further proposed that the control areas associated with these airway segments extend from 700 feet above the surface to the base of the continental control area until such time as the control areas associated with the other airway segments in the vicinity of Norfolk, Nottingham, Cape Charles and Richmond can be altered by applying Amendment 60–21 to Part 60 of the Civil Air Regulations.

The Department of the Navy concurred in the revocation of Blue 56, the realignment of Victor 156 and the extension of Victor 33 from the Nottingham VOR as far as Langley AFB, but they objected to the extension of Victor 33 south of the Langley area to the Deep Creek Intersection on the basis it will encourage a flow of VFR traffic across the inbound routing to the Norfolk Naval Air Station. They also expressed concern as to the future IFR traffic between Deep Creek Intersection and Patrick Henry Airport.

Blue 56 as currently designated terminates at the Hampton Roads, Va., Intersection (intersection of the west course of the Navy Norfolk radio range and the south course of the Langley AFB radio range). Victor 33 would replace Blue 56 and in addition would extend southward to the Deep Creek Intersection. Its extension south of Langley AFB would encourage no more VFR traffic than currently exists via Blue 56. In addition, this segment is required for IFR shuttle traffic between Patrick Henry AFB and Norfolk. When operating in accordance with standard ANC procedures, this traffic is cleared to Deep Creek, thence to the Norfolk ILS outer marker.

No other adverse comments were received on either the notice or supplemental notice.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice and supplemental notice, the following actions are taken:

§§ 600.656, 601.656, 601.4656 [Revocations]

1. Parts 600 and 601 (14 CFR 600.601) are amended by revoking the following sections:

(a) Section 600.656 Blue Federal airway No. 56 (Norfolk, Va., to Washington, D.C.).

(b) Section 601.656 Blue Federal airway No. 56 control areas (Norfolk, Va., to Washington, D.C.).

(c) Section 601.4656 Blue Federal airway No. 56 (Norfolk, Va., to Washington, D.C.).

2. Section 600.6033 (14 CFR 600.6033) is amend to read:

§ 600.6033 VOR Federal airway No. 33 (Deep Creek, Va., to Nottingham, Md., and Baltimore, Md., to Buffalo, N.Y.).

From the INT of the Franklin, Va., VOR 087° and the Norfolk, Va., VORTAC 226° radials, via the Harcum, Va., VOR; INT of the Harcum VOR 003° and the Nottingham, Md., VOR 174° radials; to the Nottingham VOR. From the [illegible] more, Md., VORTAC via the [illegible] Pa., VORTAC; Philipsburg, Pa., [illegible] TAC; Bradford, Pa., VOR to the [illegible] N.Y., VORTAC. The portion of [illegible] way which lies within R–4006 and [illegible] is excluded.

3. Section 600.6156 (14 CFR [illegible]) is amended to read:

§ 600.6156 VOR Federal airway No. [illegible] (Elkins, W. Va., to Cape [illegible] Va.).

From the Elkins, W. Va., VOR[illegible] via the Gordonsville, Va., VOR[illegible] Richmond, Va., VOR; Harcum, [illegible] VOR; to the Cape Charles, [illegible] VORTAC. The portion of this airway which lies within R–6610 shall be used only after obtaining prior approval from appropriate authority.

4. Section 601.6033 (14 CFR 601.6033) is amended to read:

§ 601.6033 VOR Federal airway No. 33 control areas (Deep Creek, Va., to Nottingham, Md., and Baltimore, Md., to Buffalo, N.Y.).

All of VOR Federal airway No. 33.

§ 601.7001 [Amendment]

5. In the text of § 601.7001 (14 CFR 601.7001) the following is added:

Harcum, Va., VOR.

These amendments shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 15, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–1720; Filed, Feb. 20, 1962; 8:46 a.m.]

[Airspace Docket No. 62–EC–8]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2189 of the regulations of the Administrator is to alter the Olathe, [illegible] control zone.

The Olathe control zone is presently designated, in part, based on the [illegible] Navy radio range. The Olathe [illegible] radio range has been decommissioned and the Federal Aviation Agency has approved a request by the Department of the Navy to convert this facility to a nondirectional radio beacon. Accordingly, action is taken herein to [illegible] the 180° bearing from the Olathe [illegible] beacon for the south course of the Olathe control zone radio range in the description of the Olathe control zone.

Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2189 (26 F.R. 6235) is amended to read:

§ 601.2189 Olathe, Kans., control zone.

Within a 5-mile radius of the Olathe, Kans., NAS (latitude 38°50'00" N., longitude 94°53'30" W.), within 2 miles either side of the 180° bearing from the Olathe [illegible] extending from the 5-mile radius zone to 12 miles S. of the RBN, and within 2 miles either side of the Olathe Navy TACAN 353°, 038°, 188°, and 233° radials extending from the 5-mile radius zone to 8 miles N., NE., S. and SW. of the TACAN.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 15, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–1715; Filed, Feb. 20, 1962; 8:46 a.m.]

[Airspace Docket No. 62–WA–10]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Control Area Extension Description; Correction

Effective January 11, 1962 (Airspace Docket No. 61–LA–89, 26 F.R. 12508), the Prescott, Ariz., control area extension was redesignated to include additional airspace for the protection of aircraft executing revised holding pattern procedures. Upon publication of the amendment, the portion of the control area extension northeast of the Drake, Ariz., VOR was erroneously described as being bounded by VOR Federal airway No. 25. Action is taken herein to correct this error by substituting VOR Federal airway No. 257 in the description of the Prescott control area extension.

Since this amendment is editorial in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In the text of § 601.1300 (26 F.R. 12588), "and on the W by VOR Federal airway No. 25" is deleted and "and on the W by VOR Federal airway No. 257" is substituted therefor.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 15, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–1716; Filed, Feb. 20, 1962; 8:46 a.m.]

[Airspace Docket No. 62–WA–4]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone and Control Area Extension

The purpose of these amendments to §§ 601.2163 and 601.1037 of the regulations of the Administrator is to alter the Pensacola, Fla., control zone and control area extension.

The Pensacola control zone (§ 601.2163) and control area extension (§ 601.1037) are described, in part, with reference to the Pensacola radio range. The Federal Aviation Agency is converting the Pensacola radio range to a nondirectional radio beacon. Therefore, action is taken herein to delete the radio range from the description of the control zone and the control area extension and to substitute the radio beacon therefor.

Since these amendments impose no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. Section 601.2163 (14 CFR 601.2163) is amended to read:

§ 601.2163 Pensacola, Fla., control zone.

Within a 5-mile radius of the Pensacola, Fla., Municipal Airport (latitude 30°28'30" N., longitude 87°11'20" W.); within 2 miles either side of the 165° bearing from the Pensacola RBN extending from the 5-mile radius zone to 10 miles S. of the RBN; and within 2 miles either side of the Pensacola ILS localizer NW. course extending from the 5-mile radius zone to 15 miles NW. of the localizer.

2. Section 601.1037 (14 CFR 601.1037) is amended to read:

§ 601.1037 Control area extension (Pensacola, Fla.).

That airspace within 8 miles E. and 5 miles W. of the 345° and 165° bearings from the Pensacola, Fla., RBN extending from the RBN to 25 miles N. and 12 miles S.

These amendments shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 15, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–1717; Filed, Feb. 20, 1962; 8:46 a.m.]

[Airspace Docket No. 61–WA–135]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Advisory Area

On October 28, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 10138) stating that the Federal Aviation Agency proposed to designate a terminal radar jet advisory area at Nashville, Tenn.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 602.300 *Terminal jet advisory areas* (26 F.R. 7083) is amended by adding the following:

Nashville, Tenn., jet advisory area—Radar:

a. Nashville, Tenn., via INT of Nashville 044° and London, Ky., 260° radials; thence via London 260° radial to INT with Jet Route No. 42.

b. Nashville, Tenn., via INT of Nashville 079° and London, Ky., 230° radials; London; thence via London 040° radial to INT with Jet Route No. 42.

c. Nashville, Tenn., via INT of Nashville 284° and Jacks Creek, Tenn., 044° radials; Jacks Creek; thence via Jacks Creek 224° radial to INT with Jet Route No. 42.

d. Nashville, Tenn., via INT of Nashville 223° and Memphis, Tenn., 081° radials; to Memphis.

This amendment shall become effective 0001 e.s.t., May 3, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 15, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–1722; Filed, Feb. 20, 1962; 8:46 a.m.]

[Airspace Docket No. 62–WA–13]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Advisory Area

The purpose of this amendment to § 602.200 of the regulations of the Administrator is to alter the en route jet advisory area associated with the segment of Jet Route No. 38 between Duluth, Minn., and the United States/Canadian Border.

Normally, radar jet advisory service is provided on the segment of J–38 from Duluth to the United States/Canadian Border by a Federal Aviation Agency (FAA) employee assigned to the Wadena, Minn., Air Defense Command radar site.

An analysis of air traffic shows a maximum of only two civil air carrier turbojet flights per week utilizing this segment of J–38. Additionally, the FAA has determined that radar advisory service on this segment of J–38 can be provided to 45 nautical miles northwest of Duluth by use of the Minneapolis, Minn., air route surveillance radar. Therefore, it appears that the assignment of an FAA employee to the Wadena radar site is an unjustified expense. Consequently, the FAA will provide radar jet advisory

service to 45 nautical miles northwest of Duluth and establish a non-radar jet advisory area at flight level 310 and flight level 370 only, from that point to the United States/Canadian Border. The agencies of primary interest in this airspace, the Department of the Air Force and the Air Transport Association of America, have concurred in this action.

Since the change effected by this amendment is less restrictive in nature than the present requirement, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 602.200 (26 F.R. 7083) *Enroute jet advisory areas*, Jet Route No. 38 jet advisory area is amended to read:

Jet Route No. 38 jet advisory area:
Radar—From 45 nmi NW. of Duluth, Minn., to Peck, Mich. Nonradar—from the United States/Canadian Border to 45 nmi NW. of Duluth, Minn., at FL 310 and FL 370 only.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 14, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1723; Filed, Feb. 20, 1962; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55568]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Importations of Alcoholic Beverages

Importers of alcoholic beverages have requested that they be permitted on an optional basis to pay semimonthly the import taxes estimated to be payable on entries, or withdrawals from warehouse, for consumption during a semimonthly period.

Such a method of payment is hereby prescribed. However, importers who prefer to do so may continue to deposit the taxes estimated to be due on imported alcoholic beverages at the time of entry, or withdrawal from warehouse, for consumption in accordance with existing regulations. The procedure prescribed affects only the method by which importers may obtain release of imported alcoholic beverages before payment of estimated import taxes and the timely payment of such taxes thereafter. As this would be an optional method, notice of proposed rule making is considered unnecessary.

To provide for such optional method, Part 24 is amended by adding a new § 24.4 to read as follows:

§ 24.4 Optional method for payment of estimated import taxes on alcoholic beverages upon entry, or withdrawal from warehouse, for consumption.

(a) *Application to defer.* An importer, including a transferee of alcoholic beverages in a customs bonded warehouse, who wishes to pay on a semimonthly basis the estimated import taxes on alcoholic beverages entered, or withdrawn from warehouse, for consumption by him during such a period may apply by letter to the collector of customs of each district in which he wishes to defer payment. The application must identify the ports at which the importer wishes to use the tax deferral procedure. An importer who receives approval from a collector of customs to defer such payments may, however, continue to pay the estimated import taxes due at the time of entry, or withdrawal from warehouse, for consumption.

(b) *Deferred payment periods.* The periods shall be the 9th day of a month through the 23d day of the same month and from the 24th day of that month through the 8th day of the next month. An importer may begin the deferral of payments of estimated tax in a customs collection district in the first deferral period beginning after the date of the written approval by the collector of customs of such district. An importer may in such district use the deferred payment system until the collector of customs advises such importer that he is no longer eligible to defer the payment of such taxes.

(c) *Content of application and supporting documents.* (1) An importer must state his estimate of the largest amount of taxes to be deferred in any semimonthly period based on the largest amount of import taxes on alcoholic beverages deposited in that district in such a period during the year preceding his application. He must also identify any existing bond or bonds that he has on file in the district and the port or ports for which filed and shall submit in support of his application the approval of the surety on his bond or bonds to the use of the procedure and to the increase of such bond or bonds to such larger amount or amounts as may be found necessary by the collector of customs. He must identify in his application all ports in the district where he intends to file entries or withdrawals from warehouse for consumption for which taxes are to be deferred.

(2) Each application must include a declaration in substantially the following language:

I declare that I am not presently barred by a collector of customs in any other district from using the deferred payment procedure for payment of estimated taxes upon imports of alcoholic beverages, and that if I am notified by a collector of customs to such effect I shall advise the collectors of customs of all other districts where approval has been given to me to use such procedure.

(d) *Use of deferred payment method.* (1) The collector of customs will notify the importer, or his authorized agent if requested, of approval and will at the same time notify all ports in his district at which the procedure will be used according to the importer's application.

(2) An importer who has received approval to make deferred payments retains the option of deferring or declaring the estimated tax on [illegible] alcoholic beverages until the entry or withdrawal is presented to the cashier for payment of estimated duties. At such time the importer must either pay the estimated tax or present with the withdrawal a set of deferred tax payment forms, together with the estimated duty.

(e) *Deferred payment documents; preparation and use.* (1) In the case of a withdrawal from warehouse or an entry for consumption, the deferred tax payment forms are required in sets of three. Each set must be yellow except the customs Form 7505, Warehouse Withdrawal for Consumption, or of customs Form 7501, Consumption Entry. The procedure is not available on informal entry for consumption. Each set must have one copy lettered "A", one copy lettered "B", and one copy lettered "C" at the lower right corner of the form. Such letters must be capitalized and may be printed, stamped, or written in ink or indelible pencil in black or dark blue in print no smaller than that used in the title of the form.

(2) The importer or his agent shall, if deferment is elected, stamp "Tax Deferred" or "Tax Payment Deferred" adjacent to the amount shown on the entry or withdrawal form as the estimated taxes before presentation to the cashier. This must be stamped on each copy of the entry or withdrawal form, including the permit and release copy, but need not be on the deferred payment forms. The entry or withdrawal must be presented to the cashier with the set of deferred tax payment forms. The importer or his agent must also insert the entry and withdrawal number, if any, on each copy of the deferred tax payment forms before presenting them unless the number will be assigned and inserted by the cashier.

(3) After receipt of the entry or the withdrawal and deferred payment forms properly executed together with the estimated duty, the cashier shall number all deferred payment forms in a separate series and return to the importer or his agent the B and C copies of the deferred payment forms. The A copy is retained by customs. If B and C copies are lost by an importer, he must prepare new B and C copies for timely filing with the tax payments when due.

(f) *Deposit of deferred tax payment.* (1) On or before the last day of the deferred payment period (8th and 23d day of each month), the importer must present in numerical sequence the B and C copies for each deferral of tax on an entry or withdrawal made during the period to the cashier along with payment covering all estimated taxes due on such entries and withdrawals. When the last day of the deferred payment period falls on a day other than one specified in § 1.8(a) of this chapter as a day for the transaction of general customs business, payment must be made on the next such business day. The cashier will receive and return as soon as possible such

[illegible] to the importer for his record of [illegible]. However, if an importer advises the collector of customs in writing that he does not want a receipt, this and other provisions for the use of a C copy shall not be applicable.

(2) If a shipment is released under the immediate delivery procedure in § 142.9 of this chapter in one deferral period and the time for filing entry, including any authorized extension of such time, falls into another such period, all estimated taxes must be paid on or before the due date of the latter period.

(g) *Restrictions on deferring tax deposits.* (1) An importer may not on one entry, or withdrawal from warehouse, for consumption deposit part of the estimated tax and present deferred tax payment forms for the balance of the tax. The estimated tax on each entry or withdrawal must be either fully paid or be fully covered by a deferred tax payment form.

(2) The estimated tax shown on the deferred tax payment form and the estimated tax shown on the entry, or withdrawal from warehouse, for consumption must be the same. At the time of presenting the payment covering deferments of estimated taxes for a period, the deposit must be in the exact amount of the total of all such deferments.

(3) On the last day of a deferment period, all entries or withdrawals from warehouse for consumption on such day must be accompanied by the deposit of the estimated tax. No deferral of estimated tax is permitted on the last day of the deferment period.

(h) *Termination of deferred payment privilege.* (1) When any tax shown on an A copy of the deferred tax payment form is unpaid after the due date, the importer shall be immediately notified and a notice of monies due shall be sent to the importer and a copy to the surety on his bond. If in the opinion of the collector, such failure to make timely payment of estimated taxes deferred warrants the withdrawal of the tax deferral privilege, he will advise the importer of the withdrawal of such privilege. In all instances of failure, in part or in full, to pay timely the deferred taxes on alcoholic beverages withdrawn from warehouse for consumption, further withdrawals from the warehouse entry on which the tax is delinquent will be refused until payment is made of the amount delinquent. Any delinquent payment must be accompanied by B and C copies of the deferred tax payment form.

(2) The termination in any district of the tax deferral privileges for failure to pay timely any deferred estimated tax, or for failure to support such payments with B and C copies of the deferred tax payment form, shall be at the discretion of the collector of customs. Termination of the privileges for any other reason shall be subject to the approval of the Commissioner of Customs.

(3) Renewal of the tax deferral privilege after it has been withdrawn in any district may be made only upon approval by the Commissioner of Customs.

(i) *Renewal of importer's bond.* At the time of each renewal of a customs bond to which has been added a stipulation as to deferred tax payment, concurred in by the surety, the parties shall indicate in writing their agreement to the continuation of the stipulation for the term of the renewal.

(j) *Entries for consumption or warehouse after an importer is delinquent.* An importer who is delinquent in paying deferred taxes may make entries for consumption or for warehousing, or withdrawals for consumption from warehouse entries on which no delinquency exists, upon deposit of all estimated duties or taxes.

(k) *Rate of tax.* The estimated taxes must be paid on the basis of the rates in effect upon entry, or withdrawal from warehouse, for consumption, unless in accordance with section 315 of the Tariff Act of 1930, as amended, another date is applicable and not on the basis of the rates of tax in effect on the date deferred payment is made.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759, sec. 201, 72 Stat. 1322, 1334, 1335, 68A Stat. 917; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 26 U.S.C. 5007, 5054, 5061, 7805)

In order to permit interested importers and collectors of customs time to make preparations for using the deferred payment method, this amendment of the Customs Regulations shall be effective on the first day of the first month beginning not less than 30 days after the publication of the amendment in the FEDERAL REGISTER.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.
MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: February 14, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-1746; Filed, Feb. 20, 1962; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTIONS

PART 1001—GENERAL PROVISIONS

Miscellaneous Amendments

The following miscellaneous amendments and revisions are issued to this subchapter:

Subpart A—Introduction

Subpart A is revised to read as follows:

Sec.
1001.100 Scope of subpart.
1001.101 Purpose of subchapter.
1001.102 Applicability of subchapter.
1001.104 Content of instruction.
1001.105 Amendments.
1001.107 Effective date.
1001.108 Air Force Procurement Circulars.
1001.109 Deviations from Armed Services Procurement Regulation or a Department of Defense Directive.
1001.109-1 Applicability.
1001.109-2 Deviations affecting one contract or transaction.
1001.109-3 Deviations affecting more than one contract or contractor.
1001.109-4 Conflicts between Government-to-Government agreements.
1001.109-50 Deviations from AFPI or AFPC.
1001.109-51 Deviations, contract clauses.
1001.110 Reports of purchases and contracts.
1001.111 Reports of suspected criminal conduct and non-competitive practices.
1001.111-1 Suspected criminal conduct.
1001.111-2 Non-competitive practices.
1001.112 Federal procurement regulations and General Services Administration regulations relating to procurement of supplies and services.
1001.113 Code of conduct.

AUTHORITY: §§ 1001.100 to 1001.113 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

§ 1001.100 Scope of subpart.

This subpart describes the purpose, applicability, effective date, and arrangements of the Air Force Procurement Instruction (AFPI) and the procedures for amending, implementing, and deviating from it.

§ 1001.101 Purpose of subchapter.

The Air Force Procurement Instruction (AFPI) is issued by the Commander, Air Materiel Command, by authority of the Secretary of the Air Force, delegated through the Deputy Chief of Staff, Materiel, Hq USAF. It implements the Armed Services Procurement Regulation (ASPR), Subchapter A, Chapter I of this title, and establishes for the Air Force uniform policies and procedures for the procurement of supplies and services under the authority of Chapter 137, Title 10 of the United States Code or other laws.

§ 1001.102 Applicability of subchapter.

The Air Force Procurement Instruction applies to all procurements of supplies or services which obligate appropriated funds (including contract authorizations). If a particular part, subpart, or section has a limited application, it will so state.

§ 1001.104 Content of instruction.

The Air Force Procurement Instruction will contain all policies, procedures, and instructions relating to procurement of supplies and services within the Air Force, except those contained in ASPR, and those contained in AFR 70-1 (Procurement Publications). It will include all policies and procedures prescribed by the Secretary, Chief of Staff, USAF, Deputy Chief of Staff, Materiel, USAF, as well as all operating policies, procedures, and instructions prescribed by the Commander, Air Materiel Command, within the scope of his authority as sole head of a procuring activity.

§ 1001.105 Amendments.

The Air Force Procurement Instruction will be amended from time to time by publication of revised or additional pages, subparts, or parts. Each revised or additional page will bear, at the top,

the date of the change. The Air Force Procurement Instruction will also be amended from time to time by Air Force Procurement Circulars (AFPC) pending issuance of revised pages.

§ 1001.107 Effective date.

Compliance with an amendment to Air Force Procurement Instruction will be permissible with the date of issuance thereof and will be mandatory effective 30 days thereafter, except:

(a) As otherwise prescribed in such amendment.

(b) Use of new or revised AFPI contract clauses, whether issued by page revisions or by an AFPC, shall, unless otherwise specified, be mandatory 90 days after date of issuance. However, procurements initiated after receipt of the new or revised clauses by the purchasing activity should, to the maximum practicable extent include such clauses prior to the mandatory date. If, in the following situations, compliance with the mandatory date is impracticable, procurements may be completed on the basis initiated: When, prior to the mandatory date for use of the new or revised clause: (1) DD Forms 746 and 746–1 have been issued, and the award is to be made by means of DD Form 746–2, (2) Invitations for Bids have been issued, or (3) bilateral contractual documents have been submitted to contractors and introduction of the new or revised clause may delay the procurement.

§ 1001.108 Air Force Procurement Circulars.

Air Force Procurement Circulars will be issued from time to time for the purpose of announcing changes, additions, and deletions to the Armed Services Procurement Regulations and Air Force Procurement Instruction pending publication of revised pages. Air Force Procurement Circulars will be numbered consecutively for the calendar year, beginning with No. 1.

§ 1001.109 Deviations from Armed Services Procurement Regulation or a Department of Defense Directive.

§ 1001.109–1 Applicability.

See § 1.109–1 of this title.

§ 1001.109–2 Deviations affecting one contract or transaction.

Deviations from the Armed Services Procurement Regulations or Department of Defense directives which affect only one contract or procurement, will be made by: (a) Director of Procurement and Production, DCS/S&L, Hq USAF, (b) Deputy Director of Procurement and Production, DCS/S&L, Hq USAF, or (c) Chief, Procurement Policy Division, Directorate of Procurement and Production, DCS/S&L, Hq USAF, after coordination as to form and legality by the General Counsel. Requests for authority to make such deviations will include complete justification and will be sent through channels, including AFLC (MCPC). Written notice to the Assistant Secretary of Defense (Installations and Logistics) and the other military departments will be made by the Director of Procurement and Production; Hq USAF.

§ 1001.109–3 Deviations affecting more than one contract or contractor.

Deviations from ASPR or a DOD directive which affect more than one contract or contractor will be made by the Director of Procurement and Production, DCS/S&L, Hq USAF, after coordination as to form and legality by the General Counsel, consultation with the Office of the Assistant Secretary of the Air Force (Materiel), and approved by the Assistant Secretary of Defense (Installations and Logistics). Requests for such deviations will include complete justification and will be sent through channels, including AFLC (MCPC).

§ 1001.109–4 Deviations required by Government-to-Government agreements.

Requests for deviation requiring consideration of ASPR Committee under § 1.109–4 of this title will be forwarded directly to Hq USAF (AFMPP–PR–1), with information copy to AFLC (MCPC).

§ 1001.109–50 Deviations from AFPI or AFPC.

(a) Deviations from AFPI or AFPC may be made only by the Procurement Committee (MCPC), Hq AFLC, or the Procurement Committee (SCMK–3), Hq AFSC. Deviations which would involve major policy questions will be made only after coordination with the Directorate of Procurement Management, Hq USAF. Deviations from Subpart F, Part 1003 of this chapter which affect funding or payment will be made only after coordination with the Directorate of Accounting and Finance, Hq USAF.

(b) Requests for authority to deviate from AFPI will include complete justification and will be forwarded (in triplicate) through channels as follows: Air Force Systems Command (AFSC) and Office of Aerospace Research (OAR) activities to AFSC (SCMK–3); all other activities to AFLC (MCPC).

(c) A record of each deviation from AFPI or AFPC will be maintained by the respective offices which approved the deviation, including the reasons why a deviation was necessary. One copy of each deviation granted by one command will be furnished to the other command as information.

§ 1001.109–51 Deviations, contract clauses.

(a) Deviations from clauses prescribed in Subchapter A, Chapter I of this title and this subchapter will be held to a minimum and will not be made unless approved as required by §§ 1001.109–2, 1001.109–3, or 1001.109–50(a).

(b) Deviations include:

(1) Use of a prescribed clause which does not follow the rules for use of the clause.

(2) Omission of prescribed clause.

(3) Additions to, deletions from, and modifications of a prescribed clause.

(4) Use of a collateral provision which has the effect of altering a prescribed clause or changing its application.

(5) Use of a provision which has not been authorized for use, except as provided in paragraph (c) of this section.

(c) Use of provisions as described below are not deviations:

(1) Provisions which describe the supplies or services being procured, or supplies or material being furnished by a contractor.

(2) Provisions establishing the time, place, or method of furnishing or inspecting for supplies and services unless their use has the effect described in paragraph (b)(4) of this section.

(3) Provisions that enumerate specific allowable items of cost, pursuant to Subpart E, Part 15 of this title, so long as the items are consistent with Subchapter A, Chapter I of this title and this subchapter.

§ 1001.110 Reports of purchases and contracts.

See Part 1057 of this chapter.

§ 1001.111 Reports of suspected criminal conduct and non-competitive practices.

§ 1001.111–1 Suspected criminal conduct.

Policies and procedures with respect to the debarment, ineligibility, and suspension of bidders are set forth in Subpart F of this part, and Subpart F, Part 1, of this title.

§ 1001.111–2 Non-competitive practices.

(a) See § 1.111–2(a) of this title.

(b) Reports of non-competitive practices will be forwarded through channels, including AMC (MCPP), to the Director of Procurement and Production, DCS/Materiel, Hq USAF, for submission to the Secretary.

(c) See § 1.111–2(c) of this title.

§ 1001.112 Federal procurement regulations and General Services Administration regulations relating to procurement of supplies and services.

See § 1.112 of this title.

§ 1001.113 Code of conduct.

See Subpart T of this part.

Subpart B—Definition of Terms

Subpart B is revised to read as follows:

Sec.

1001.201 Definitions.
1001.201–1 Change orders.
1001.201–2 Contract modification.
1001.201–3 Contracting officer.
1001.201–4 Contracts.
1001.201–5 Department and Military Department.
1001.201–6 Department of Defense.
1001.201–7 Head of a procuring activity.
1001.201–8 Includes.
1001.201–9 Labor surplus area concerns.
1001.201–10 May.
1001.201–11 Negotiate and negotiation.
1001.201–12 Possessions.
1001.201–13 Procurement.
1001.201–14 Procuring activity.
1001.201–15 Secretary.
1001.201–16 Shall.
1001.201–17 Small business concerns.
1001.201–18 Sources of supplies.
1001.201–19 Amendment and supplemental agreement.
1001.201–20 Supplies.
1001.201–21 United States.
1001.201–50 Contract change notification.
1001.201–51 Contractor.
1001.201–52 Chief officer responsible for procurement.
1001.201–53 Appropriated funds.
1001.201–54 Base procurement.
1001.201–55 Central procurement.
1001.201–56 Base procurement activity.
1001.201–57 Foreign base procurement activity.
1001.201–58 AMC field procurement activities.
1001.201–59 Foreign central procurement activity.
1001.201–60 Oversea commands.
1001.201–61 Continental United States (ConUS).
1001.201–62 Contract management regions (CMR's).
1001.201–71 Title I and Title II Architect-engineer Services.

AUTHORITY: §§ 1001.201 to 1001.201–71 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1001.201 Definitions.

See § 1.201 of this title.

§ 1001.201–1 Change orders.

AMC field procurement activities, AMFEA, and Air Defense Command will not use Change Orders (AFPI Forms of 21 series) when the criteria of § 1001.201–50 and Part 1054, Subpart C of this chapter, concerning Contract Change Notifications (AFPI Forms 35) are applicable. This restriction applies only to central procurement activities.

§ 1001.201–2 Contract modification.

See § 1.201–2 of this title.

§ 1001.201–3 Contracting officer.

In addition to the personnel set forth in § 1.201–3 of this title, the term "officer" is defined to include senior non-commissioned officers who: (a) Hold AMSC 65170 or 65190, (b) are in supervisory positions prior to appointment, and (c) have the requisite procurement experience and other qualifications (see § 1001.452); provided the authority of individuals so appointed is limited to executing purchase and delivery orders (and amendments) within the monetary limitation of $2,500 and under.

§ 1001.201–4 Contracts.

See § 1.201–4 of this title.

§ 1001.201–5 Department and Military Department.

See § 1.201–5 of this title.

§ 1001.201–6 Department of Defense.

See § 1.201–6 of this title.

§ 1001.201–7 Head of a procuring activity.

See § 1.201–7 of this title.

§ 1001.201–8 Includes.

See § 1.201–8 of this title.

§ 1001.201–9 Labor surplus area concerns.

See § 1.201–9 of this title.

§ 1001.201–10 May.

See § 1.201–10 of this title.

§ 1001.201–11 Negotiate and negotiation.

See § 1.201–11 of this title.

§ 1001.201–12 Possessions.

See § 1.201–12 of this title.

§ 1001.201–13 Procurement.

See § 1.201–13 of this title.

§ 1001.201–14 Procuring activities.

See § 1.201–14 of this title.

§ 1001.201–15 Secretary.

See § 1.201–15 of this title.

§ 1001.201–16 Shall.

See § 1.201–16 of this title.

§ 1001.201–17 Small business concerns.

See § 1.201–17 of this title.

§ 1001.201–18 Sources of supplies.

(a) The following definition applies to contracts for supplies which will be manufactured and furnished outside the United States, its Territories, Puerto Rico, or the Virgin Islands. The term "sources of supplies" includes:

(1) Manufacturers,

(2) Construction contractors,

(3) Regular dealers in the supplies to be procured, as defined in § 1.201–18 (b)(2) of this title.

(4) Intermediaries, provided such sources are not prohibited by local foreign law. An intermediary will be deemed to be any one of the following:

(i) A person (or firm) who owns, operates, or maintains a place of business, regularly engaged in performing certain services which directly or indirectly increase the value of the materials, supplies, articles, or equipment being procured (services to consist of such functions as the recovery from consignees and redistribution to manufacturers and producers of containers and packing materials; the receiving, storing, repacking, and reshipping of items being procured; the collection, consolidation, assembling, packing, and shipping of items being procured, etc.; and not the functions of mere soliciting of business, taking of orders, rendering assistance to manufacturers or producers by the preparation of receiving payment documents, arranging for transportation facilities, etc.).

(ii) A person (or firm) who owns, operates, or maintains a place of business, regularly engaged in the importing and exporting business, provided the items being procured are not to be imported from within the United States, its Territories, Puerto Rico, or the Virgin Islands.

(iii) Agencies or instrumentalities of a foreign government.

§ 1001.201–19 Amendment and supplemental agreement.

See § 1.201–19 of this title.

§ 1001.201–20 Supplies.

See § 1.201–20 of this title.

§ 1001.201–21 United States.

See § 1.201–21 of this title.

§ 1001.201–50 Contract change notification.

Contract Change Notification is a written order signed by the contracting officer directing the making of changes of the kind authorized by the provisions of the contract in the supplies or services called for thereunder, and usually containing an estimated price or cost for such changes. Following such a written order, the necessary revisions in other provisions of the contract which are brought about by such order will be made by a supplemental agreement which will establish the firm price or cost. CCN's will be used according to Subpart C, Part 1054 of this chapter.

§ 1001.201–51 Contractor.

The term "contractor" means any person, partnership, company, or corporation (or any combination of these) which is a party to a contract with the United States.

§ 1001.201–52 Chief officer responsible for procurement.

The term "chief officer responsible for procurement" means the Commander, Air Materiel Command as sole head of a procuring activity within the Air Force.

§ 1001.201–53 Appropriated funds.

The term "appropriated funds" comprises all such funds, including funds allocated to, as distinguished from appropriated to, the Department (including available contract authorizations); but does not include organization, unit, or similar funds.

§ 1001.201–54 Base procurement.

The term "base procurement" means the authorized purchase with appropriated funds, of materials, supplies, and services by an AF installation (normally a base) for its own use or the use of a logistically supported activity. Base procurement is not limited to the immediate geographical area in which the base is located. Pending revision of the Air Force Procurement Instructions, wherever the term "local purchase" is used, it will be deemed to refer to "base procurement."

§ 1001.201–55 Central procurement.

The term "central procurement" means the procurement of consolidated Air Force requirements of materials, supplies or services effected by designated agencies, namely the Air Materiel Command, the Department of the Army, Department of the Navy, Armed Services Medical Procurement Agency, and Military Petroleum Supply Agency.

§ 1001.201–56 Base procurement activity.

The term "base procurement activity" means any AF installation that is engaged in base procurement and is located within the United States, its Territories or possessions. Pending revision of the Air Force Procurement Instructions, wherever the term "local purchase activity" is used it will be deemed to refer to "base procurement activity."

§ 1001.201–57 Foreign base procurement activity.

The term "foreign base procurement activity" means any AF installation that is engaged in base procurement and is located outside the United States, its Territories and possessions and the

Commonwealth of Puerto Rico. The term includes air attaches and AF foreign missions.

§ 1001.201–58 AMC field procurement activities.

"AMC field procurement activities" means the purchasing activities (excluding base procurement) of AMC centers, air materiel areas located in the ConUS, Dayton AF Depot, and 2709th Vehicle Control Group.

§ 1001.201–59 Foreign central procurement activity.

"Foreign Central Procurement Activity" means any AMC installation that is engaged in central procurement and is located outside the United States, its Territories or possessions and the Commonwealth of Puerto Rico.

§ 1001.201–60 Oversea commands.

"Oversea commands" includes major air commands located in territories and possessions of the United States, as well as those in foreign countries, and major commands located in Alaska and Hawaii.

§ 1001.201–61 Continental United States (ConUS).

"Continental United States (ConUS)" means the forty-eight states contiguous to each other and the District of Columbia but does not include Alaska and Hawaii.

§ 1001.201–62 Contract management regions (CMR's).

"Contract management regions (CMR's)" means the activity exercising command responsibility over AFPRO's, APD's, and Test Site Offices.

§ 1001.201–71 Title I and Title II Architect-Engineer services.

(a) Title I Architect-Engineer Services means any services required to be furnished by an architect-engineer in connection with the preparation, coordination, and approval of preliminary and final designs, drawings, specifications, estimates of cost, and other technical documents and data essential to the development of advance and master plans, military construction projects (including family housing projects) and the maintenance, alteration and repair of constructed facilities. Title I may include reviewing, checking, coordinating and recommending approval of shop drawings and material samples submitted by construction contractors to assure that they conform to the requirements and intent of the approved construction contract drawings and specifications when no Title II contract is to be let.

(b) Title II Architect-Engineer Services means any services required to be furnished by an architect-engineer in connection with the general supervision and detailed field inspection of the construction of a project to ensure that all phases of the construction work are performed in strict compliance with the intent and requirements of the approved construction contract documents, and the furnishing of such other technical services during the construction period as may be required and specified. Title II includes post construction architect-engineers services, such as: assisting in final inspection, preparing "as built" drawings, supervising operating and other tests, and preparing operating and maintenance instructions.

Subpart C—General Policies

Subpart C is revised to read as follows:

Sec.

1001.300 Methods of procurement.
1001.300–1 Competition.
1001.300–2 Formal advertising.
1001.300–3 Negotiation.
1001.301 Interdepartmental and coordinated procurement.
1001.302 Sources of supplies.
1001.302–1 Government agencies.
1001.302–2 Sources outside the Government.
1001.302–3 Production and research and development pools.
1001.302–4 Foreign purchases.
1001.302–5 Planned emergency producer.
1001.302–50 Contracts between the Government and its employees, proposed subcontracts between Government prime contractors and Government employees.
1001.303 Exchange of purchase information.
1001.304 Selection of items involving proprietary data or other restrictive factors.
1001.305 Time of delivery or performance.
1001.305–1 Scope.
1001.305–2 General.
1001.305–3 Terms.
1001.305–4 Time of delivery clauses.
1001.305–50 Maximum delivery schedules.
1001.305–51 Establishment of delivery schedules on open contracts.
1001.305–52 Amendment of delivery schedules in supply or research and development contracts.
1001.306 Approval signatures.
1001.307 Priorities, allocations, and allotments.
1001.309 Solicitations for informational or planning purposes.
1001.310 Liquidated damages.
1001.311 Construction contracts; disclosure of Government estimate.
1001.312 Voluntary refunds.
1001.312–50 Other than voluntary refunds.
1001.313 Procurement of parts.
1001.313–50 Initial procurement.
1001.313–51 Replenishment procurement.
1001.313–52 Priorities.
1001.314 Contracting officer's decision under the disputes clause.
1001.314–50 Appeals.
1001.314–51 Processing.
1001.314–52 Contractor's compliance and withdrawal after appeal if filed.
1001.314–53 Assistance in connection with pretrial conference and hearings.
1001.314–54 Suggested format; decision in accordance with disputes clause.
1001.314–55 Alternative suggested format; to be used when a termination for convenience dispute is involved.
1001.314–56 Delegation of authority to process contract appeals.
1001.314–57 Staff Judge Advocate, Hq AMC.
1001.350 Forward purchasing policy.
1001.351 Policy on establishment of secondary sources of aircraft production.
1001.352 Individuals authorized to initiate purchase requests.
1001.353 Utilization of funds.
1001.354 Discount-expedite.
1001.355 Relations between GAO and Air Force personnel.
1001.356 Tests of contractor manufactured equipment.
1001.357 Use of new contracts [illegible] on procurements.
1001.358 Policy regarding the [illegible] tion of loyalty of [illegible] searchers on [illegible] search contracts.
1001.359 Contracting with [illegible] neer firms for [illegible] work.
1001.360 Requests from foreign [illegible] for information as [illegible] tion of production [illegible] rights to United [illegible] tary end items.
1001.361 Hospitalization and [illegible] for contractor's [illegible] oversea installations.
1001.362 Industrial type music.

AUTHORITY: §§ 1001.300 to 1001.[illegible] under sec. 8012, 70A Stat. 488; 10 [illegible] Interpret or apply secs. 2301–2314, [illegible] 127–133; 10 U.S.C. 2301–2314.

§ 1001.300 Methods of procurement.

See § 1.300 of this title.

§ 1001.300–1 Competition.

See § 1.300–1 of this title.

§ 1001.300–2 Formal advertising.

See § 1.300–2 of this title.

§ 1001.300–3 Negotiation.

See § 1.300–3 of this title.

§ 1001.301 Interdepartmental and [illegible] dinated procurement.

See § 1.301 of this title.

§ 1001.302 Sources of supplies.

§ 1001.302–1 Government agencies.

See § 1.302–1 of this title.

§ 1001.302–2 Sources outside the [illegible] ernment.

See § 1.302–2 of this title.

§ 1001.302–3 Production and [illegible] and development pools.

(a) Description: See § 1.302-3(a) of this title.

(b) General rule: A pool [illegible] by the administrator of the SBA [illegible] "small business pool" is subject to [illegible] policies and procedures set forth in [illegible] part G, Part 1 of this title and [illegible] of this part.

(c) Ascertainment of status: In [illegible] case where the award of a [illegible] a group reporting itself as a [illegible] or research and development pool [illegible] templated, the contracting officer [illegible] request the small business [illegible] the APD within whose [illegible] boundaries the pool is located to [illegible] from the SBA for forwarding to the [illegible] tracting officer the following:

(1) A copy of the SBA or OCDM [illegible] fication of approval of the pool.

(2) A list of the member [illegible] of the pool and a statement [illegible] the type of organization and plan of [illegible] eration of the pool.

(d) and (e) See § 1.302–3 (d) and (e) of this title.

§ 1001.302–4 Foreign purchases.

See Part 6 of this title and Part [illegible] of this chapter.

§ 1001.302–5 Planned emergency producer.

See § 1.302–5 of this title.

§ 1001.302–50 Contracts between the Government and its employees, proposed subcontracts between Government prime contractors and Government employees.

(a) Procurement contracts: Procurement contracts between the Government and its employees or business organizations substantially owned or controlled by Government employees will not be entered into in except for the most compelling reasons. Proposed subcontracts or purchase orders between prime contractors and Government employees will not be approved except for the most compelling reasons.

(b) Sales contracts: Surplus property may not be sold to military personnel on active duty, to civilian employees of the Armed Forces, including the Department of Defense, or to the immediate families, dependents, or agents of the foregoing except as provided for in AFM 67–1, volume 6, chapter 11, paragraph 3a(2).

(c) In certain instances contracts between the Government and its employees may be subject to the limitations of the penal compensation statutes. Questions with regard to these laws should be referred to the local staff judge advocate.

(d) Administrative approval of AF contracts: Even though a contracting officer has reason to believe that the award of a contract would not violate the policy expressed in paragraph (a) of this section, an administrative approval of such contract will be obtained prior to award from one of the following, as appropriate:

(1) By AMC, by the Deputy for Procurement: The request for approval will be forwarded through the Procurement Division (MCPP), to the Deputy for Procurement.

(2) AMC field procurement activities as required by their commanders.

(3) Base procurement activities, foreign procurement activities, and major command central procurement activities, as required by the commander of the major command.

(4) Air Research and Development Command, as required by the Commander, ARDC.

(5) AMC base procurement activities not under the jurisdiction of an AMA or AF depot, as required by the commander of the activity concerned.

(e) Administrative approval of subcontracts: When an administrative contracting officer has reason to believe that the approval of a proposed subcontract or purchase order would violate the policy, approval will be obtained from the head of the activity responsible for the administration of the contract prior to any other required approval of such subcontract or purchase order.

§ 1001.303 Exchange of purchase information.

See § 1.303 of this title.

§ 1001.304 Selection of items involving proprietary data or other restrictive factors.

See § 1.304 of this title.

§ 1001.305 Time of delivery or performance.

§ 1001.305–1 Scope.

See § 1.305–1 of this title.

§ 1001.305–2 General.

(a) See § 1.305(a) of this title.

(b) See § 1.305–2(b) of this title and § 1001.310.

(c) See § 1.305–2(c) of this title.

§ 1001.305–3 Terms.

(a) See § 1.305–3(a) of this title.

(1) See § 1.305–3(a)(1) of this title.

(2) It is AF policy to avoid the use of this paragraph whenever practical.

(3) See § 1.305–3(a)(3) of this title.

(b) to (d) See § 1.305–3 (b) to (d) of this title.

(e)(1) All contractual documents with the exception of DD Form 1155 and those with "required" delivery forwarded to AF contractors, will be accompanied by AFPI Form 29, "Contractual Document Transmittal—Receipt Card." This procedure will establish a specific date for the delivery of supplies or services as set forth in § 1.305–3 of this title and this section.

(2) When the "required" delivery provision is inserted in an IFB or RFP, the resulting written notice of award or fully executed and binding contract, except for orders placed on DD Form 1155, will be forwarded to the contractor by certified mail, return receipt requested. In such cases, the buyer will attach to the contract file appropriate notification to that effect.

(3) Use of AFPI Form 29. The purchasing activity will:

(i) Prepare AFPI Form 29 for transmittal to the contractor with the written notice of award or other contractual document, as follows:

(*a*) One copy will be addressed for return to the activity responsible for the distribution of the contract.

(*b*) One copy will be addressed for return to the APD, AFPRO, or other office responsible for administration of the contract, if the contract is to be administered by some office other than the contracting office making the award or contract.

(c) Both copies will contain the contractor's name and address as well as a listing of documents transmitted.

(ii) File AFPI Form 29 in the official contract file upon receipt of the form from the contractor.

(f) See § 1.305–3(f) of this title.

§ 1001.305–4 Time of delivery clauses.

(a) See paragraphs (d) and (e) of this section.

(b) and (c) See § 1.305–4 (b) and (c) of this title.

(d)(1) If the buyers desire to specify a rate of delivery as well as a date for completion of delivery, they may specify the delivery schedule in a delivery provision similar to the following.

At the rate of ------ per month to be completed ------ days after the receipt of (insert "written notice of award" or "written notice of award or a fully executed and binding contract," as appropriate).

(2) In negotiated procurements where definitively delivery schedules can be set forth for supplies such as aircraft, engines, etc., the buyers may specify a delivery provision similar to the following:

(i) The contractor shall deliver the supplies called for hereunder to the Government in accordance with the following schedules:

Item	1959			1960			
	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.
1	2	7	4	------	------	------	------
2	------	------	3	5	6	6	9

(ii) Buyers will specify in the delivery provision whether or not an accelerated delivery rate will be acceptable to the Government.

(e) In contracts (including contracts on DD Forms 1155) covering MIPR requirements, buyers will include each claimant's portion of like items as a separate contract line item; and buyers will include a separate delivery schedule for each claimant. Where an allocation system is utilized for GFAE items, an allocation schedule will be established for each Requiring Department in lieu of the separate delivery schedule required in paragraph (d) of this section. The delivery schedule will normally be that set forth in the MIPR, if realistic, or as agreed to between the buying activity and the originator of the MIPR. (Existing contracts will not be amended for this purpose.) An example of the delivery schedule contemplated by this paragraph follows:

Item	Department	Total quantity	30 days [1]	60 days [1]	90 days [1]	120 days [1]	150 days [1]
1-A	USAF	850	200	200	150	150	150
1-B	Navy	500	100	100	100	100	100
1-C	Army	300	100	50	50	50	50

[1] After receipt of written notice of award or of a fully executed and binding contract.

NOTE: The preceding example does not apply to delivery schedules specified in DD Forms 1155. The delivery schedule for each claimant's portion on a DD Form 1155 contract will be stated in terms of specific dates on or before which delivery is to be made (see § 1016.303–2(b)(4) of this chapter).

§ 1001.305–50 Maximum delivery schedules.

Appropriations carrying a fiscal year designation as the final year of availability are available for obligation up to and including June 30 of that fiscal year and are available for expenditure for 2 additional years unless otherwise advised. For example, 1959 annual appropriations are available for obligation through June 30, 1959, and for expenditure through June 30, 1961. Accordingly, maximum delivery schedules will be controlled by the foregoing legal requirement for expenditure of appropriated

funds. Contracting officers will assure that delivery requirements are in strict accordance with the foregoing and all contract reviewing authorities will assure that strict conformance with the requirements of this section have been met.

§ 1001.305–51 Establishment of delivery schedules on open contracts.

(a) The following procedures will be followed when the contractor cannot meet the desired delivery schedule set forth in the Production List (§ 1007.2606 of this chapter), and it becomes necessary to establish a new delivery schedule. At such time, according to § 1007.2606 of this chapter, the contractor will set forth its best delivery schedule on two copies of the Approved Production List and forward them to the administrative contracting officer (ACO).

(b) The ACO will:

(1) Review the contractor's schedule with production personnel at the APD or AFPRO, as appropriate.

(2) If the contractor's proposed delivery schedule is within 60 days of the original desired schedule, not coordinate further with supply personnel at the end article prime depot, the initiating contracting officer, or buyer.

(3) If the contractor's proposed delivery schedule is more than 60 days later than the original desired schedule, coordinate with supply personnel at the end article prime depot to assure that the revised delivery schedule is consistent with AF needs and requirements. When necessary, negotiate with the contractor to establish a delivery schedule which is acceptable to both the Government and the contractor. No coordination need be effected with the initiating contracting officer or buyer.

(4) When the contractor's proposed delivery schedule is approved and accepted by the ACO, according to the procedures set forth in subparagraphs (1), (2), and (3) of this paragraph, or when the contractor takes no exception to the desired schedule originally set forth in the Production List, inform the contractor relative to including the delivery schedule in the Proposed Price Exhibit or SPCR, pursuant to § 1007.2606–3 of this chapter. Also, inform, in writing, supply personnel at the end article prime depot of the definitive delivery schedule approved and accepted under either subparagraph (2) or (3) of this paragraph; this notification will be prior and in addition to any notification that may be brought about by the prescribed distribution.

(5) Restrict coordination time with supply personnel at the end article prime depot to minimum periods with appropriate followup by the ACO in each particular case.

§ 1001.305–52 Amendment of delivery schedules in supply or research and development contracts.

(Not applicable to base procurement contracts.)

(a) Contracts having unrealistic delivery schedules may be changed if the best interests of the Government will be furthered by such action, and contracts having delinquent delivery schedules may be amended if the best interests of the Government will not be jeopardized by such action. Delinquent delivery schedules will be held to a minimum at all times consistent with the preceding sentence. If the facts surrounding an individual contract warrant such action, the ACO or the procuring contracting officer (PCO), if the contract is administered by the procuring activity, will, immediately upon determination or notification that a contractor will not be able to complete deliveries on schedule, take affirmative steps to initiate an amendment of the delivery schedule according to instructions in subparagraphs (1) to (4) of this paragraph. If the contractor is delinquent, the ACO or the PCO, if the contract is being administered by the procuring activity, may initiate an amendment of the delivery schedule according to instructions in subparagraphs (1) to (4) of this paragraph, or the ACO or PCO may recommend termination of the contract according to Part 1008 of this chapter. Extensions of delivery schedules may be effected without approval from higher Headquarters in the following instances: (For the division of responsibilities between the ACO and PCO see paragraphs (c) and (d) of this section.)

(1) *When the amendment is supported by legal consideration:* This occurs when the contractor offers a price reduction or other benefits in consideration for an extension of delivery schedule and the Air Force's or other Armed Services interest will not be prejudiced by such extension.

(2) *Pursuant to changed Government requirements:* Such a case would be where extension of the delivery schedule is dictated by an authenticated revised delivery requirement of the Air Force or the other armed services. Every effort will be made to obtain from the contractor an agreement whereby the Government will obtain the benefits of any savings to the contractor on account of the revised delivery schedule.

(3) *Pursuant to specific, standard ASPR or AFPI contractual clauses:* Such clauses include the Changes Clause, the Default Clause, particularly the excusable delay portion, the Government-Furnished Property Clause, the Government Property Clause, and the Excusable Delays Clause.

(4) *Pursuant to special contract provisions:* These are provisions, other than standard ASPR or AFPI clauses, made a part of a contract and agreed to by the parties thereto.

(b) Prior to issuing a contractual modification, the ACO or PCO, whoever makes the determination to amend the delivery schedule, will effect coordination with his staff judge advocate for legality. In all cases the staff judge advocate will determine whether or not legal consideration exists. The staff judge advocate's determination will be final concerning the existence of legal consideration. The adequacy or amount of consideration will be the responsibility for determination by the ACO and PCO together or by either the ACO or PCO alone.

(c) Responsibilities of the ACO: (1) The ACO, according to the conditions contained herein but without [illegible] tion with the PCO or buyer [illegible] where investigation indicates [illegible] may be a basis for default [illegible] will accomplish and issue [illegible] modifications to amend [illegible] schedules that pertain to:

(i) Approved price spare parts [illegible] requests (SPCRs) and approved [illegible] exhibits (§ 1007.2603–3 of this [illegible] to open contracts covered by [illegible] Part 1007 of this chapter.

(ii) Spare parts exhibits [illegible] 673, MCP 71–666, MCP 71–666A, [illegible] 71–669, and MCP 71–670), [illegible] port equipment exhibits (MCP [illegible] training parts exhibits (MCP [illegible] and ground support equipment [illegible] (MCP 71–650) whenever the [illegible] made a part of a contract by [illegible] a supplemental agreement signed [illegible] ACO. See Subparts C and D, Part [illegible] of this chapter.

(2) When a contractor alleges [illegible] quent performance due to causes [illegible] his control and without his [illegible] negligence, the ACO, if he is [illegible] ing the contract, will investigate [illegible] legations and make a finding of [illegible] as to the conditions found to exist.

(3) Upon determination or [illegible] tion that a contract under his [illegible] tration is delinquent or almost [illegible] quent and if he believes that a [illegible] to the delivery schedule is warranted, [illegible] ACO will:

(i) When authorized to amend the [illegible] livery schedule, forward his [illegible] recommendations, and other [illegible] tion deemed pertinent to his staff [illegible] advocate for a determination of [illegible] legality of the proposed revision. [illegible] nish the staff judge advocate with [illegible] address, including code, of the [illegible] tion activity at the APD or AFPRO [illegible] cerned with the contract. The [illegible] copy of the staff judge advocate's [illegible] ion, either affirmative or negative, [illegible] be returned directly to the ACO [illegible] copy to the aforementioned production activity.

(ii) In all other instances, forward findings, recommendations, and other information deemed pertinent to the [illegible] If he is recommending a new, [illegible] delivery schedule, furnish the PCO [illegible] the address, including code, of the production activity at the APD or AFPRO concerned with the contract.

(iii) Regardless of whether the preceding subdivision (i) or (ii) of this paragraph is involved, furnish the appropriate production activity with a [illegible] of the foregoing findings, recommendations, and other pertinent information.

(4) Upon receipt of a DD Form [illegible] "Monthly Production Progress [illegible] marked "Action Document," the [illegible] will indorse thereon his approval or [illegible] approval. If approved and if circumstances indicate that the contractor will not meet the contract schedule within a reasonable period, the action described in subparagraph (3) of this paragraph will be immediately taken by the ACO. What constitutes a reasonable period requires sound judgment by the ACO and due diligence must be exercised so as not to waive the existing contract delivery schedule (see Part 1008 of this chapter). If disapproval of any proposed [illegible]

[illegible] is indicated by the ACO, reasons [illegible] position will be stated on the [illegible] Form 375. The ACO will then sign [illegible] recommendable DD Form 375 and forward to the production activity for disposition. Contracts containing liquidated damages clause require extra [illegible] clause. When the ACO has reason to believe that a contract containing a liquidated damages clause will become delinquent as to deliveries, he will promptly notify the production activity for initiation of a DD Form 375. The ACO will process inadequate DD Form [illegible] reports to the production activity for information and clarification.

(5) After complying with the requirements specified in this section, the ACO, when authorized, will accomplish and issue, within 30 work days after receiving [illegible] (prime AMA or depot) and/or AMC Aeronautical Systems Center (LMES) (in the case of GFAE) coordination, a contractual modification revising the delivery schedule.

(6) Where investigation shows that grounds for a default termination may exist, the ACO will proceed according to the appropriate instructions set forth below and in paragraph (d) of this section and Subpart F, Part 1008 of this chapter.

(d) Responsibilities of the PCO: (1) Upon determination or notification that a contract under the administration of the PCO is delinquent or almost delinquent and if the PCO believes that a revision to the delivery schedule is warranted, the PCO will try to amend the delivery schedule by obtaining the necessary staff judge advocate and supply [illegible] AMA or depot) and/or LMES, AMCASC (in the case of GFAE) coordination.

(2) Within 5 days after receipt of a DD Form 375 marked "Action Document," the PCO will review the forecast, narrative and recommendations to determine impact on the affected program and will reply to the ACO and the production activity. The reply will indicate concurrence or nonconcurrence of the action recommended on the DD Form [illegible]

(3) After complying with the requirements specified in this section, the PCO will accomplish and issue, within 30 work days after receiving prime depot and/or LMES, AMCASC, coordination, a contractual modification revising the delivery schedule.

(4) End article prime AMA or depot and/or LMES, AMCASC, coordination: With the exception of the revision of an unrealistic delivery schedule on a contract, where the originator of the PR–MIPR requirement initiates the request for an extension of delivery schedule, the concurrence of the end article prime depot or in the case of GFAE, LMES, AMCASC, will be obtained in all cases. When other service MIPRs are involved, coordination will be effected with originator of the other service MIPR.

(5) In all other cases, neither the PCO nor the ACO is authorized to amend the delivery schedule without approval from higher headquarters. If the contractor elects, he may file a claim under Public Law 85–804, as implemented by Executive Order No. 10789. The contractor's claim will be processed according to Part 17 of this title.

(g) Any amendment of contract delivery schedules will conform strictly with the requirements of § 1001.305–50.

(h) When concurrence is indicated and the administrative offices (production and ACO) have recommended delivery schedule changes, the PCO will, within 10 work days, forward the findings, etc., to the AMA staff judge advocate for an opinion as to the legality of the proposed amendment. The original of the staff judge advocate's opinion will be returned directly to the PCO with copies to the ACO and to the production activity. When the ACO has recommended default termination, signed copies of the PCO's proposed action will also be forwarded to the cognizant local readjustment activity and to AMC (MCPK). When the ACO has not concurred in proposed action, justification for proposed action by the PCO will be included in notification to the administrative offices and will cover the reasons advanced by the ACO.

(i) When the PCO does not agree with the action proposed on the DD Form 375 marked "Action Document," he will furnish the administrative offices, local readjustment offices and AMC (MCPK), when default termination has been recommended, a statement of reasons for rejecting the recommended action.

§ 1001.306 Approval signatures.

See § 1.306 of this title.

§ 1001.307 Priorities, allocations, and allotments.

See § 1.307 of this title and § 1001.460.

§ 1001.309 Solicitations for informational or planning purposes.

Requests for quotations (including letter requests) for informational or planning purposes relating to weapon systems, subsystems, components, or support equipment, or developments leading to such items, and price and availability studies applicable to Military Assistance Program (Grant Aid only) may be issued only when completely justified to and with the prior approval of the Commander, or his designee, of the cognizant AMC procuring activity, i.e., AMC centers, AMAs and depot. All other requests will be submitted to AMC (MCPP) for prior approval of the Director of Procurement and Production, Hq AMC.

§ 1001.310 Liquidated damages.

(a) (1) Liquidated damages provisions may be used only after prior approval of the following officials (as applicable) and the respective staff judge advocates: (i) The commanders, AMC centers, (ii) the directors of procurement and production of AMC field procurement activities, (iii) the Director of Procurement, Hq ARDC, and (iv) within the other major air commands, at not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the major air command. Requests for approval will be made in writing (electrically transmitted messages, or letters). Oral requests (either in person or telephone) will not be accepted. The following information will be furnished: (*a*) Identification number of the contemplated procurement (PR No., IFB No., and/or contract number); (*b*) data which will adequately substantiate the need for strict compliance with the delivery schedule and reflect the estimated damage that will result if the delivery schedule is not met; (*c*) the dollar amount of the contemplated procurement, the amount of competition available, the amount of estimated damages to be assessed, and the formula used to arrive at such estimate; (*d*) type and form of contract contemplated and the required delivery schedule to be met; (*e*) the AF technical personnel's written comment relative to the estimate of damages.

(2) The clause set forth below will be placed in the schedule when the clause in § 7.105–5 of this title is used and may be placed in the schedule when the clause in § 8.709 of this title is used:

Liquidated damages will be assessed at the rate of (dollar amount) per day in accordance with the provisions of paragraph f. of the Default Clause.

NOTE: In construction contracts insert the phrase "the Termination for Default-Damages for Delay-Time Extension Clause" in lieu of, "paragraph f. of the Default Clause."

(3) The liquidated damages provision will not be used where the desired delivery is specified. (See § 1001.305.)

(4) Foreign procurement activities will not use liquidated damages provisions.

(b) To assure that the rate of assessment of liquidated damages is reasonable it is incumbent upon the procuring contracting officer to obtain the advice of the AF technical personnel concerned with the requirement; e.g., in construction contracts, the civil engineering officer.

(c) If the supplies or services being procured can be reprocured readily from other sources in case of default, and the difference in price would represent the full measure of damages to the Government, liquidated damages provisions will not be used.

(d) Recommendations concerning remissions will be forwarded by the procuring contracting officer with appropriate documentation through AMC (MCPP) to Hq USAF (AFMPP–PR) for submission to the Secretary.

§ 1001.311 Construction contracts; disclosure of Government estimate.

See § 1.311 of this title.

§ 1001.312 Voluntary refunds.

Voluntary refunds and other refunds made by contractors by check will be made payable to the Treasurer of the United States. It is preferred that such checks be submitted to the cognizant contracting officer. In any event, the check will immediately be forwarded by its recipient to the nearest accounting and finance office. The accounting and finance office will furnish the recipient of the check a copy of the collection voucher. If the appropriate account to

be credited cannot be readily determined, the check will be placed temporarily in a suspense account, and immediate steps will be taken to determine the account to be credited. When the appropriate account has been determined the cognizant PCO will be so notified, and the necessary supplementary contractual action will be taken to permit collection as an appropriation refund. Where the appropriate account cannot be identified, the refund will be transferred to the appropriate miscellaneous receipt account according to current accounting and financial procedures.

§ 1001.312–50 Other than voluntary refunds.

The following are examples of refunds and receipts of funds excluded from the definition of voluntary refunds as set forth in § 1.312 of this title and § 1001.312:

(a) Interim refunds made under fixed-price redeterminable and fixed-price incentive contracts (Subpart Z, Part 1054 of this chapter).

(b) Debts owed by contractors and deferred payments (Subpart V, Part 1054 of this chapter).

(c) Adjustment of funds under active AF contracts (Subpart C, Part 1053 of this chapter).

(d) Refund of overpayments disclosed by voluntarily reopened repricing negotiations (Comp. Gen. Dec. B–130534, April 30, 1957).

(e) Other contractual provisions or agreements between the contracting parties requiring such refunds (tax refunds, rebates, etc.).

§ 1001.313 Procurement of parts.

See § 1.313 of this title.

§ 1001.313–50 Initial procurement.

Initial quantities of spare parts, with the exception of military, industry, and contractor standard items, will normally be procured from the end item manufacturer. These parts may be procured through provisioning procedures, when appropriate, utilizing authorized spare parts provisioning documents (Part 1055 of this chapter). Any deviations to established contractual provisioning documents must be coordinated with the Management Concept Branch (MCSRO), Hq AMC, prior to obtaining approval of Hq AMC, MCPC, according to § 1001.109–50.

§ 1001.313–51 Replenishment procurement.

Spare parts required for stock replenishment purposes will normally be procured from the commodity industry. Competition will be secured to the maximum extent practicable. It is very important that parts which can be procured on an open competitive basis without compromising the requisite safety, dependability, and effective operation of equipment, be so procured.

§ 1001.313–52 Priorities.

Spare parts will be procured using the DO or DX rating (§ 1001.460) assigned to the end item being supported.

§ 1001.314 Contracting officer's decision under the disputes clause.

This section deals with preparing decisions and processing appeals under the Disputes clause by contracting officers. The application of the following instructions are limited to cases where the Disputes clause contained in § 7.103–12 of this title is used. Where the Disputes clause of § 1007.4205–8 of this chapter is used, the oversea command staff judge advocate rather than the Staff Judge Advocate, Hq AMC, will be the source of advice regarding proposed decisions and will be the channel for forwarding data relating to appeals (also see the instructions preceding the clause in § 1007.4205–8 of this chapter).

(a) *Preparation of decision.* Where mutual agreement on a question of fact proves impossible, a findings and decision must be prepared by the contracting officer. This single document in the format set forth in §§ 1001.314–54 and 1001.314–55 should contain a simple and concise statement of: (1) The claim, (2) the decision, (3) the findings of fact which support the decision, and (4) the reference to the Disputes clause contained in the format. The factual determination must be relevant to the issues and supported by documents or oral statements.

(b) *Legal advice by Staff Judge Advocate, Hq AMC.* All written findings and decisions, except termination for defaults and assessment of excess costs, will, prior to transmittal to the contractor, be referred for comment to the Staff Judge Advocate, Hq AMC, together with pertinent documents and summaries of anticipated testimony of all Government witnesses. Default and excess costs findings and decisions will be submitted to the appropriate field staff judge advocate. When referrals to the staff judge advocate are made, the accompanying file will be complete in all respects. The file should contain: (1) Copy of the contract, and all applicable amendments, specifications and drawings; (2) communications relative to the subject matter of the dispute; and (3) any additional information.

(c) *Transmittal to contractor.* After the referral described in paragraph (b) of this section has been accomplished, the findings and decisions will be re-examined by the contracting officer in the light of the advice and comments proffered by the appropriate staff judge advocate. If, in the judgment of the contracting officer, re-examination reveals the propriety of modifications or additions, he will make the appropriate changes. After such re-examination, and changes if appropriate, he will transmit the findings and decision to the contractor in person, obtaining a receipt therefor, or by certified mail, return receipt requested.

(d) *Amendment after transmittal to contractor.* After a timely appeal has been taken to the Armed Services Board of Contract Appeals, the contracting officer who has rendered findings and a decision, or his successor, may for good cause recommend that the findings and decision be corrected or amended. [illegible] recommendation will be forwarded to the Staff Judge Advocate, Hq AMC, [illegible] with the file required by paragraph [illegible] of this section as supplemented to report the recommended correction or amendment.

§ 1001.314–50 Appeals.

See Appendix A, § 30.1 of this title, Rules of the Armed Services Board of Contract Appeals.

§ 1001.314–51 Processing.

(a) When a notice of appeal in any form has been received by the contracting officer from whose findings and decision the appeal is taken, he will comply with Rule 4, Part II, Appendix, § 30.1 of this title. The envelope in which the notice of appeal was mailed will be promptly forwarded with the original copy of the notice, to the Board. As soon as practical thereafter he will send the Staff Judge Advocate, Hq AMC, a copy of the notice and of the pertinent documents (in duplicate) required by Rule 4. The Staff Judge Advocate should in all cases be advised of the postmark on the envelope or date of receipt of the notice of appeal if otherwise transmitted.

(b) If AF personnel other than the contracting officer involved receive the notice of appeal, they will:

(1) Note on all copies of the notice of appeal the date of mailing or the date of receipt if otherwise transmitted.

(2) Promptly forward to the Board the original notice of appeal together with the envelope in which the notice of appeal was received or any other documentary evidence of mailing or receipt of such notice.

(3) Notify the Staff Judge Advocate (MCJ), Hq AMC, or oversea command staff judge advocate if applicable, that the notice of appeal has been forwarded to the Board. If two or more copies of the notice of appeal are furnished, the copies other than the original will be forwarded to MCJ. Otherwise, a copy of the notice of appeal should be sent for MCJ, if practical. If no copies are available or legible copies cannot be made, the number of the contract and the name of the contractor should be furnished MCJ.

(c) Attention is invited to the notice in ASBCA Rule 4 which reads as follows:

> Attention is invited to Rule 31, providing an Optional Accelerated Procedure for cases involving $5,000 in amount or less. It is the duty of the contracting officer to advise the contractor of the Optional Accelerated Procedure in connection with any appeal involving $5,000 in amount or less. The contracting officer will so advise the contractor when it appears that the monetary amount in issue is less than $5,000.

(d) Upon receipt of information that a notice of appeal has been filed, the Staff Judge Advocate, Hq AMC, will request the contracting officer to furnish the information required in paragraph (a) of this section. Two copies of the requested documents will be furnished MCJ.

§ 1001.314–52 Contractor's compliance and withdrawal after appeal is filed.

Whenever the contractor, subsequent to filing an appeal with the Armed Services Board of Contract Appeals, elects nevertheless to accept fully the findings and decision from which appeal was taken or any amendment thereof, and gives written notification of such acceptance to the contracting officer concerned, the contracting officer will be responsible for promptly sending the contractor's notice of acceptance to the Staff Judge Advocate, Hq AMC. Upon receipt of the notice the Staff Judge Advocate in collaboration with the contractor will prepare and submit a joint motion of withdrawal to the Board. Similar action will be taken by the contracting officer in instances where the contractor, after filing an appeal with the Armed Services Board of Contract Appeals, in writing signifies partial acceptance with the findings and decision of the contracting officer.

§ 1001.314–53 Assistance in connection with pretrial conference and hearings.

At all times after the filing of an appeal, the contracting officer will render all assistance requested by the Staff Judge Advocate, Hq AMC. Whenever an appeal is set for hearing, the contracting officer concerned, acting under the guidance of the Staff Judge Advocate, Hq AMC, will be responsible for arranging for the presence of Government witnesses and specified physical and documentary evidence at both the pretrial conference and the hearing.

§ 1001.314–54 Suggested format; decision in accordance with disputes clause.

_____
(Date of findings and decision)

Subject: Decision Disallowing Request of _____
(Name of contractor)

Under Contract No. _____ Date _____

To: _____
(Name and address of contractor)

1. In accordance with the provisions of the above-numbered contract, the undersigned contracting officer has duly considered your request for (insert factual description of the request to identify clearly its nature and scope.)

2. The undersigned contracting officer has decided that your request as set forth above, is disallowed (in whole or in part, according to the fact) for the following reasons:

(Insert the findings of fact upon which the disallowance is based.)

3. The "Disputes" clause of the contract provides that within 30 days from the date of receipt hereof the contractor may appeal from this decision by mailing or otherwise furnishing to the contracting officer a written appeal addressed to the Secretary of the Air Force. Two copies should accompany the original notice of appeal. The notice of appeal should identify the contract (by number), the decision from which the appeal is taken and be signed by appellant or an officer of appellant organization or by a duly authorized representative or attorney. Within 30 days after receipt of notice of docketing of the appeal by the Board, the appellant shall file with the Board a complaint setting forth simple, concise and direct statements of each claim showing entitlement to relief.

§ 1001.314–55 Alternative suggested format; to be used when a termination for convenience dispute is involved.

Subject: Findings Pertaining to Termination Claim _____
(Name of contractor)

Under Contract No. _____ Date_____

To: _____
(Name and address of contractor)

1. Your claim for (insert factual description of the claim to identify clearly its nature and scope) in connection with the above cited contract has been duly considered by the undersigned contracting officer.

2. In accordance with the provisions of Clause _____ (insert the title of the pertinent termination clause) of the contract, the undersigned contracting officer finds as follows: (Insert all pertinent factual data, such as, date of termination of contract, date of submission of settlement proposal, items and amounts allowed and disallowed, together with reasons therefor.)

3. The "Disputes" clause of the contract provides that within 30 days from the date of receipt hereof, the contractor may appeal from this decision by mailing or otherwise furnishing to the contracting officer a written appeal addressed to the Secretary of the Air Force. Two copies should accompany the original notice of appeal. The notice of appeal should identify the contract (by number), the decision from which the appeal is taken and be signed by appellant or an officer of appellant organization or by a duly authorized representative or attorney. Within 30 days after receipt of notice of docketing of the appeal by the Board, the appellant shall file with the Board a complaint setting forth simple, concise and direct statements of each claim showing entitlement to relief.

§ 1001.314–56 Delegation of authority to process contract appeals.

The Commander, AMC, has been delegated authority to process all contract appeals directly to the Armed Services Board of Contract Appeals and the Appeal Board, Office of Contract Settlement. The Commander, AMC, has further delegated this authority to the Staff Judge Advocate, Hq AMC, with power of redelegation.

§ 1001.314–57 Staff Judge Advocate, Hq AMC.

The Staff Judge Advocate, Hq AMC, is the duly designated trial attorney to represent the Government in the defense of appeals before the Armed Services Board of Contract Appeals or the Appeal Board, Office of Contract Settlement. Decisions of the Armed Services Board of Contract Appeals by the Staff Judge Advocate, Hq AMC, will be transmitted to the appropriate contracting officer for action according to the Board's decision. When the Chief Trial Attorney determines that the best interest of the Air Force will be served, a motion for reconsideration of an adverse decision will be filed.

§ 1001.350 Forward purchasing policy.

The primary objective of the forward purchasing policy is to attain and maintain on a continuing basis an Air Force in a maximum state of readiness to perform its combat mission within approved force structures, with a minimum cost impact on the United States economy. The control of expenditures through employment of efficient inventory control procedures and purchasing methods, are indispensable prerequisites to the achievement of this objective. The Air Force must demonstrate continually increased efficiency in its current operations in addition to developing sound programs directed towards greater efficiencies in the future. Consistent with this objective, the following requirements are established:

(a) Procurements will not be placed earlier than necessary to meet requirements and/or maintain continuity of production.

(b) All procurement will be according to the latest production reserve policy. This applies to both prime contractor and subcontractor complexes of aircraft and to all manufacturers of related equipment.

(c) No new contract is to be placed until the price, delivery, and quality elements of the purchase have been carefully reviewed and analyzed.

(d) Where contractors have delayed without justifiable cause or failed to negotiate in good faith prompt contract formalization, price redetermination, and target reset or final price revision under incentive contracts, and it is determined, after suitable review, that such delinquencies exist, no new contracts are to be placed with the contractors involved until the delinquencies have been corrected.

(e) Careful consideration is to be given to tightening the terms and conditions of new contracts and to insure that obligations undertaken by contractors are clearly stated and enforced. Increasing emphasis is to be placed on fixed-price contracts, and wider use of incentive type contracts where it can be anticipated that lower overall cost will result.

(f) Reasonable administrative controls or other assurances will be used to insure that AF contractors maintain minimum inventories required for production consistent with sound business practices.

§ 1001.351 Policy on establishment of secondary sources of aircraft production.

As an integral part of the policy of broadening the industrial base during a period of national emergency, it is necessary for the Air Force to create supplementary sources for the production of aircraft and related equipment normally obtained from the original designer-manufacturer and to provide the supplementary sources with engineering help and technical assistance from such original sources. The Air Force recognizes the contributions made by the primary suppliers of aircraft and related equipment to the advanced state of the art and the importance of maintaining the industry in strong financial condition. To that end, it is essential that the aircraft industry be adequately compensated for its creative efforts and its overall contributions to the national defense. The policies set forth herein are designed to recognize the respective contributions and responsibilities of industry and Government toward the maintenance of an aviation industry of sufficient strength to provide the air power needed for national security.

(a) *Determination of need for supplementary sources.* It will be the prerogative of the Air Force to determine whether one or more supplementary sources are needed, and to make the final selection of secondary suppliers. Nevertheless, it will be AF policy to consult with the primary source prior to the selection and establishment of each supplementary source to obtain the benefit of the experienced advice and judgment of the primary source and also with a view toward obtaining a competent supplementary supplier, who will operate in harmony with the primary source. It is expected that, after the establishment of each supplementary source, the primary source will cooperate in furnishing technical assistance to the supplementary source and in entering into licensor-licensee agreements. When establishing a supplementary source, consideration will be given to the cost of the production facilities that the Government may have to provide such supplementary source.

(b) *Proration of procurement between primary and supplementary sources.* In determining the extent to which procurement will be prorated between the primary source and the supplementary source or sources, it will be AF policy to give prior consideration to the primary source, subject always to the Government being assured of deliveries of the needed equipment within the time required and at a reasonable price. In determining the amount of procurement to be placed with the supplementary source or sources, consideration will be given to amortizing the cost of any facilities the Government may have provided or will provide the supplementary source, as well as maintaining an expansible base in event of mobilization, but there also will be taken into account the investment in production facilities made by the primary source. Due recognition will be given to the available capacity of the primary source, and in scheduling production programs it will be AF policy to maintain such production with the primary source as is consistent with the foregoing. It will be the prerogative of the Air Force to determine the proration of business between the primary and supplementary sources.

(c) *Reimbursement of primary source for technical assistance.* For technical assistance the primary contractor will be reimbursed by the Government on a basis which will fairly reflect the contractors' "out-of-pocket" cost plus a fair profit.

(d) *Compensation of primary source for helping establish supplementary sources.* The establishment of a supplementary source generally involves some proprietary rights of the original designer-manufacturer other than patent rights which are not considered as being within the purview of this policy statement. These proprietary rights will be given appropriate recognition on a case by case basis. The supplying of engineering know-how and technical and other assistance by the primary source is materially beneficial to the supplementary source and to the Government, in reduced costs and effort in furnishing supplies. The amount and nature of the engineering assistance and know-how supplied by the primary contractor will be an important consideration in the negotiation of profit allowances for supplies procured by the Government from the primary contractors as well as in the negotiation of profit allowances for the supplies procured by the Government from the supplementary sources with the engineering and technical assistance furnished by the primary contractor.

§ 1001.352 Individuals authorized to initiate purchase requests.

(Not applicable to base procurement activities supporting oversea bases according to AMCR 23-6, e.g., USAF logistic control groups and SMAMA.) A list of all individuals authorized to initiate Purchase Requests will be obtained and maintained by each base procurement office. In addition, a specimen signature on DD Form 577 "Signature Card," will be filed for each individual on the list.

§ 1001.353 Utilization of funds.

By law, funds are required to be used only for the purpose for which they were appropriated and no other. Moreover, obligations must not be incurred unless funds are available. Where essentially similar items are procured, whether on one or more contracts, the same funds must be cited. Similarly, where contracts are amended, as, for example, to make changes or additions to work called for under a construction contract, which changes are essentially the same character of work, only construction funds should be used. This is not intended to preclude the citation of different, but appropriate, funds for different supplies or services in the same contract where such supplies or services are properly being procured under one contract.

§ 1001.354 Discount-expedite.

The words "Discount-Expedite" may be locally overprinted diagonally on a representative portion of reproducible masters of DD Form 1155 and other contractual forms. The lettering will be 1 inch opaque block type so as not to obliterate any typed words or figures. When a time discount applies, the typist will use one of the overprinted forms and no additional manual marking is required. If cut sheets are used, they may also be overprinted if practical. When not practical, a rubber stamp with ½ inch letters will be used and the discount terms underscored or circled in red.

§ 1001.355 Relations between GAO and Air Force personnel.

It is the policy of the Air Force to require full cooperation between its personnel and the General Accounting Office in their relationship with contractors concerning that agency's examination of contractor's records and supporting data, pursuant to the contractual clause of each contract emanating from the statutory right provided by the Congress. Where adequate cooperation cannot be obtained from the contractor by the GAO and the local AF representative, the matter will be referred to AMC (MCGL) for advice, assistance, and resolution.

§ 1001.356 Tests of contractor manufactured equipment.

Only personnel designated by the Government and the contractor whose products are being tested should be permitted to witness such tests. Each contractor may designate others not in his organization to attend provided such request is in writing and approved by the Government.

§ 1001.357 Use of new contracts for follow-on procurements.

(a) All follow-on procurements (adding articles in the prosecution of subsequent fiscal year programs) will be accomplished on a separate and distinct contractual instrument as opposed to a supplement to an existing contract.

(b) Commanders or deputy commanders of AMA's AF Depots, AMC centers, AMFPA, AMFEA, with power of redelegation, may authorize exceptions to the policy in the case of individual procurements when the best interests of the Government will be served. This authority will be exercised only when compliance with policy is not practicable. The procurement file will include a statement by the contracting officer of approval and justification.

(c) Exceptions not requiring authorization:

(1) Contractual coverage for preproduction expenses, e.g., engineering changes, facility expansions, and/or tools relating to initial release of production quantities.

(2) Follow-on procurements for pilotless aircraft when requirement is released on a partial basis, such as purchases of materials, fabrication of materials, and assembly.

(3) Supplemental agreements for additional quantities within the same fiscal year.

(4) CPFF contracts; but see subparagraph (6) of this paragraph.

(5) Indefinite delivery, open and cost procurement contracts.

(6) Research and development contracts where the period of performance will not exceed 3 years from the date of the initial contract.

(7) Instances where the Government exercises its rights under the option clause of a contract.

§ 1001.358 Policy regarding the consideration of loyalty of scientific researchers on unclassified research contracts.

(a) The problems of security and possible unauthorized release of classified information do not arise under unclassified scientific research contracts. The major consideration regarding the individuals involved should be their scientific integrity and ability. The only consideration relating to the loyalty of individual scientists engaged in work under Government contracts is the possibility that it would appear to be against the national interest to give aid and comfort to a person disloyal to the United States. In conformance with this principle, the following policy has been adopted:

(1) The policy of the Air Force in considering proposals for contracts in support of unclassified research not involving security considerations is to assure that, in appraising the merit of a proposal submitted by or on behalf of a scientist, his experience, competence and integrity are always taken carefully into account. Purchasing activities will not knowingly award or continue a contract in support of research for one who is:

(i) An acknowledged Communist or anyone established as being a Communist by a judicial proceeding, or anyone who advocates change in the United States Government by other than constitutional means.

(ii) An individual who has been convicted of sabotage, espionage, sedition, subversive activity under the Smith Act, or a similar crime involving the Nation's security.

(b) Whenever any purchasing activity has reason to believe that the policies described in paragraph (a)(1) of this section applies to a scientific researcher whose services will be utilized in a proposed contract, or whose services are being used in an existing contract, all pertinent information will be forwarded through the Commander, AMC, attn: MCFP, to the Deputy Chief of Staff, Material, Hq USAF, attn: AFMPP, for resolution.

(c) Where a purchasing activity receives information indicating that a potential or an actual scientific researcher may have violated a Federal statute, an immediate report will be made in the manner prescribed for reporting the commission of suspected crimes.

§ 1001.359 Contracting with architect-engineer firms for construction work.

(a) Air Force policy prohibits the award of a contract for professional architect-engineer services for a particular facility, and the award of a contract for the related construction work to the same firm, its subsidiaries or affiliates. Professional architect-engineer services, as referred to herein, means: (1) Those architectural and engineering services furnished in connection with developing designs, drawings, specifications and other documents prerequisite and essential to the construction of a facility, and (2) those technical and other services furnished by an architect-engineer, on behalf of the Government, in connection with the supervision and inspection of the work performed and materials supplied by the construction contractor. This policy, adopted in an effort to prevent the development of conflicts of interest which might tend to prevent architect-engineer contractors from furnishing the best professional services of which they are capable and from rendering unbiased decisions during the design and construction periods, is in keeping with similar policies followed by other major governmental construction agencies.

(b) Certain firms possess both architectural-engineering and construction capabilities, either within their own organizations or through subsidiaries or affiliates. In the event such firms, their subsidiaries or affiliates, are selected as prospective contractors for professional architect-engineer services, they will be clearly informed of the above policy prior to the initiation of architect-engineer contract negotiations. At that time such firms will have the option of either: (1) Withdrawing from further architect-engineer contract negotiation to compete for the construction contract, or (2) continuing with contract negotiations for the architect-engineer contract under the condition that if such negotiations are successful, that firm, its subsidiaries or affiliates, will be ineligible to compete for the related construction contract. Accordingly, bids for the construction of a facility will not be solicited from the firm, its subsidiaries or affiliates, which furnished, or will furnish professional architect-engineer services for that facility.

(c) Exceptions: The above policy is not applicable: (1) In those few cases where the Secretary of the Air Force specifically authorizes the use of cost-plus-fixed-fee contracting with a firm or group of firms for both the design and construction of a specialized facility, nor (2) in those cases where contracts are awarded based on requirements specifications, for the production, delivery and/or erection of multiple units of pre-engineered structures and such contracts require the successful contractors to furnish construction drawings, specifications, or site adaption drawings of the structures. In neither of the above excepted cases will the firm that prepared the drawings and specification be engaged to supervise, on behalf of the Government, the construction of the facility involved.

§ 1001.360 Requests from foreign entities for information as to acquisition of production and sales rights to United States military end items.

(a) This section provides instructions for processing a request of a foreign entity for information concerning acquisition of production and sales rights to United States military end items.

(b) This section applies to AMC field procurement activities assigned prime class procurement, all major oversea commands, AMFPA, and AMFEA.

(c) It is AF policy to assist potential foreign producers of AF military end items to identify the United States qualified production sources. Whenever a foreign production source (either a friendly foreign government or a private entity of a friendly foreign government) requests information on the appropriate procedure to be followed in acquiring production or patent rights to an AF military end item, it is deemed essential that AF personnel provide a complete list of United States military department sources, together with addresses, as expeditiously as possible.

(d) AF personnel initially contacted by the foreign entity will assist the inquirer in identifying each AF item by stock number and nomenclature designation. In addition, the offshore unit will determine the AF activity which has procurement responsibility of each item and advise the inquirer to write directly to the director of procurement and production of that activity.

(e) Upon receiving such requests, the appropriate AF activity within the continental United States will:

(1) Secure a complete list of United States Military sources together with addresses presently on record at that activity for the item involved.

(2) Send this list directly to the foreign entity and advise the foreign potential producer to contact the United States source(s) direct. This letter will be substantially as follows:

> Forwarded herewith according to your request is a list of United States military sources presently on record at this activity as United States manufacturer of _____ (Item)
>
> Inasmuch as the ultimate decision insofar as patent rights and technical assistance arrangements are concerned, rests with the owner of the patents which may be involved and the United States producers of the items, no commitment is made on behalf of the United States Government.
>
> If further information is desired, it is requested that the attached list be utilized for contacting the United States manufacturers direct.

(3) No other information will be released to a foreign entity without the approval and coordination of the local office of the staff judge advocate.

(f) At the same time the list is forwarded, each United States producer whose name has been included on the list will be advised of the inquiry. Since the ultimate decision, insofar as patent rights and technical assistance are concerned, rests with the owner of the patents which may be involved and the United States producers(s) of the item, no position will be taken in this respect and no commitments made on behalf of the United States Government. This letter will be substantially as follows:

> It is the policy of the Department of the Air Force to assist potential foreign producers of Air Force military end items to identify the United States qualified production sources.
>
> Pursuant to this policy your company's name has been forwarded to _____ according (Foreign entity's name and address) to their request as a producer of _____ (Item description)
>
> Inasmuch as the ultimate decision, insofar as patent rights and technical assistance arrangements are concerned, rests with the owner of the patents which may be involved and the United States producers of the items, no commitments can be or were made on behalf of the United States Government.
>
> No further action on this matter will be taken by this activity. However, it is hoped that the Air Force has been of some assistance to you in establishing contact between your own concern and a potential foreign source of _____ (Item)

(g) If a request is received from a foreign entity which contemplates production in other than a friendly country or if the AF item is classified, the request will be referred with recommendations to Hq USAF (AFMPP).

(h) The AF policy is to lend every assistance in identifying the interested parties and to aid United States private entities in processing an application to the United States Department of State or Commerce for export license or approval of a contemplated production and

sales program abroad. The procedures outlined in this section afford the Department of the Air Force ample opportunity at Hq USAF to make recommendations to the Department of Defense which, after review, forwards the Department of Defense recommendations to the Department of State. The Department of State is the established and solely authorized United States Government instrumentality for final determination in respect to release of United States military end items for production and sale outside the continental United States by foreign entities.

§ 1001.361 Hospitalization and medical care for contractor's employees at oversea installations.

The following policy contained in DOD Directive 6310.4, will be followed by all procurement activities.

(a) Under existing statutes and procurement regulations, the Military Departments have the authority, under certain circumstances, to contract for the hospitalization and medical care of employees of contractors with the United States at oversea locations, as a part of the consideration for such contracts.

(b) During the present shortage of medical personnel, all practical means should be employed to reduce the workload of the medical departments of the services and to make the most efficient use of available personnel. Accordingly, in negotiating such contracts, it is requested that all procurement authorities in the military departments be instructed to avoid conditions which would place upon the services the responsibility of providing medical and dental care and hospitalization for contractor's employees; except when isolation and lack of civilian facilities for hospitalization or economic advantage to the Government become overriding factors of importance.

(c) This policy does not apply to preventive medical functions overseas, which remains the responsibility of the military departments.

§ 1001.362 Industrial type music.

Contracts for industrial (incentive) type music are unauthorized since there exists no general authority for expenditures of this type in the absence of more specific legislative authorization therefor (MS Comp. Gen. B86148, Nov. 8, 1950). Contracting officers will return purchase requests for industrial type music to the initiator with the advice that contracts for such music are unauthorized.

Subpart D—Procurement Responsibility and Authority

1. Section 1001.400 is added as follows:

§ 1001.400 Scope of subpart.

This subpart deals with (a) procurement responsibility and authority of the Commander, AMC, (b) designation and authority of contracting officers and their representatives, and (c) delegations of procurement authority.

2. In § 1001.401, a new paragraph (c) is added as follows:

§ 1001.401 Responsibility of each procuring activity.

* * * * *

(c) See § 1001.454 on designation of contracting officers.

3. Sections 1001.403 and 1001.404 are added as follows:

§ 1001.403 Requirements to be met before entering into contracts.

See Parts 1002, 1003, 1052, 1053, and § 1030.5 of this chapter.

§ 1001.404 Special requirements to be met before entering into negotiated contracts.

See Parts 1001, 1002, 1052, 1053, and § 1030.5 of this chapter.

4. Section 1001.453 is revised to read as follows:

§ 1001.453 Delegations of authority.

(a) The exercise of the delegated authorities will be subject to the applicable provisions of Chapter I of this title, this chapter, and other directives issued by proper authority, except that emergency procurements in combat areas will be accomplished in the manner prescribed by the commander of the combat theatre. The provisions of Chapter I of this title and this chapter apply to procurement in oversea areas for Government and Relief in Occupied Areas (GARIOA) chargeable to annual appropriations for such purposes.

(b) All redelegations of authority as well as withdrawals or rescissions thereof will be made in writing over the personal signature and title of the person vested with the authority. Delegations and redelegations will be made to official positions and not to individuals by name, except in the case of designations of contracting officers and representatives of contracting officers.

(c) Delegations of authority do not affect the authority of the delegator to exercise any of the authority delegated or to issue instructions concerning the exercise of such authority.

(d) Authorities delegated by the Director of Procurement and Production, Hq AMC, may not be redelegated except as expressly provided in individual authorizations.

(e) Delegations of authority to air attaches may be exercised only by air attaches on duty in foreign countries. Delegations of authority to chiefs of AF foreign missions or chiefs of AF sections of joint military missions may be exercised only when the missions are not operating under the jurisdiction of an oversea command.

(f) Procurement authorities vested in commanders, major air commands, are likewise vested in the Commander, Military Air Transport Service. Procurement authorities vested in commanders, oversea commands are likewise vested in the Commander, Military Air Transport Service, and the Commander-in-Chief, Strategic Air Command, with respect to areas outside the continental United States and not within the jurisdiction of a major air command.

(g) [Reserved]

(h) In the absence of a person occupying a position to which authority has been delegated, the authority may be exercised by the person who is occupying the position in an "acting" capacity. "Absence" refers to absence from the installation on leave or temporary duty travel. In cases of extreme emergency, "absence" may be construed to mean absence from the office regardless of whereabouts, except redelegations of authority which must be accompanied by the person occupying the position to which authority has been delegated.

(i) Approval of awards and approval of contracts authorized by delegations of authority will be made in person by the individual occupying the position to which the authority has been delegated. Execution of such approval by one individual for, or over the signature of, another is unauthorized. Persons serving in an acting capacity will execute authority, as delegated, over their own name as acting chief, deputy chief, etc. Awards and contractual instruments in excess of the contracting officer's authority which require approval by higher authority will be reviewed by competent persons prior to manual approval.

(j) In the event that a person acts without the requisite authority, his actions may, under certain circumstances, be later ratified. When such ratification is proposed, review and approval of the proposed ratification should be obtained from the appropriate Staff Judge Advocate.

(k) Authority to make awards and to execute or approve contracts applies only when such documents include all prescribed clauses approved for use by Director of Procurement and Production, Hq AMC, or higher authority.

(l) When contracting authority is limited as to dollar amount, the limitation includes:

(1) Any contractual instrument initially involving a sum in excess of the dollar limitation considering the aggregate of obligated and committed funds and any potential "connecting charges" or "termination liability" established therein.

(2) Contracts firmly negotiated for the total cost of the program, as stated therein, but which are funded for less than the total cost of the program as firmly negotiated.

(3) Requirements and indefinite quantity contracts as defined in § 3.405-4 of this title and § 1003.405–5 of this chapter and call procurement arrangements as defined in § 1003.405–51 of this chapter when maximum requirements are set forth (in such cases the maximum requirements will be contained in the call procurement arrangements as the estimated dollar amount of supplies or services to be procured during the contract period), even though no funds are committed or obligated thereby.

(4) Any contractual instrument in excess of the dollar limitation that increases the allotment of funds for reimbursement under a cost-reimbursement or time-and-materials type of contract,

(5) Any contractual instrument, regardless of total contract consideration, which accomplishes a change that would increase the cost to the Government by more than the dollar limitation were there not offsetting credits provided in the same contractual instrument.

(6) Except as otherwise authorized, any supplemental agreement defining contract change notifications when the contract change notifications being definitized accomplished a change which increased the cost to the Government by more than the dollar limitation regardless of whether there are offsetting credits provided in the same supplemental agreement.

(7) Utility contracts—the estimated annual service charge plus the connection or termination charge, if any.

(m) When contracting authority is limited as to dollar amount, the limitation does not include:

(1) Contractual instruments which do not more than commit funds for engineering changes or provisioning items, whether or not there was any previous commitment for such items.

(2) Contractual instruments increasing fund obligations under partially funded contracts (see paragraph (b) (1) and (2) of this section) when not exceeding the firmly negotiated total cost of the program as stated in the prime contract.

(3) Contractual instruments obligating funds covering calls issued under terms of requirements contracts (§ 1003.405-5(b) of this chapter), indefinite quantity contracts (§ 103.45–5(c) of this chapter), or call procurement arrangements (§ 1003.405–51 of this chapter).

(4) Contract change notifications issued according to Subpart C, Part 1054 of this chapter.

(5) Contractual instruments which obligate funds for provisioning items where the approved contract contained an item for provisioning spares, ground handling and support equipment, etc.

(n) Authorities vested in chiefs of AF foreign missions are likewise vested in AF sections of joint military missions.

(o) Requirements aggregating more than the dollar amount of the contracting authority delegated will not be broken down into more than one purchase transaction for the purpose of avoiding authority limitations.

(p) Authorities vested in Deputy Directors of Procurement and Production are likewise vested in Technical Associates performing procurement and production functions at comparable level.

5. In § 1001.457, a Note is added following paragraph (a)(1), as follows:

§ 1001.457 Authority to enter into, execute and approve contracts.

(a) * * *

(1) * * *

NOTE: Reference is made to paragraph 14, AFR 91-5 (Utility Services), concerning review of rate schedules, technical sufficiency, and contract content of utility contracts. The regulation pertains to responsibilities for review of rate schedules, technical sufficiency and contract only and does not pertain to or restrict contract approval authorities.

6. In § 1001.460, former paragraph (b) is deleted and a new paragraph (b) and (c) are inserted therein. Section 1001.460 now reads as follows:

§ 1001.460 Priorities authority; DO and DX ratings; allotments, and rescheduling deliveries.

(a) The Commander, AMC has been delegated authority as described below with respect to: (1) DO rating program, (2) DX rating program for contracts and orders identifiable to programs of the highest national priority, and (3) allotting and rescheduling deliveries. These authorities are to be exercised within the limits of such allocation determinations or other quantitative restrictions as may be established from time to time by proper authority (see § 1.307 of this title). Each person who redelegates the authority will maintain a record of such redelegation and limits placed thereon.

(i) Authority to apply or assign the right to apply DO and DX ratings to contracts and delivery orders to meet DOD programs authorized for priorities support by the Office of Civil and Defense Mobilization or designated by OCDM as eligible for priorities support through the Department of Defense.

(ii) Authority to apply or assign the right to apply DO and DX ratings to certain prime or subcontractors on orders for delivery of production equipment specifically required to support authorized programs of the Department of Defense or of such other specifically designated programs.

(iii) Authority to apply or assign the right to apply DO and DX ratings to certain contractors on orders for delivery of construction equipment for use on construction in Alaska, Hawaii, or outside the United States.

(iv) Authority to make allotments of controlled materials and to apply or assign to others the right to apply allotment numbers to ratable contracts and delivery orders within the allotment jurisdiction of the Department of Defense.

(v) Reschedule deliveries of materials which are required in support of the Aircraft (A1) program and the AF portion of the Missiles (A2) program. Such authority is limited to rescheduling deliveries on rated orders or authorized controlled materials orders which: (a) Bear the designated program identifications, and (b) were issued by or pursuant to the authority of the delegate, or, if not, that the rescheduling is requested or concurred in by the department or associated agency under whose authority they were issued. Rescheduling of delivery may be directed only if it requires no change in the production schedule of the person making the delivery.

(vi) Administer the DMS Audit Program of Selected Airframe and Aircraft Component Plants assigned to DOD under the Department of Defense—Department of Commerce Interagency Compliance Agreement.

(b) The Commander, AFLC and the Commander, AFSC have redelegated through their respective procurement (and production) directors the authority described in paragraph (a) (1) through (3) of this section to and through successive echelons of command to all contracting officers of the Air Force, including procuring and administrative contracting officers.

(c) The authorities to the Commander, AFSC, in paragraph (a) (4) through (6) of this section have been redelegated to the AFSC, Director of Procurement, and in turn to the Commander, AFSC Aeronautical Systems Division, with power of redelegation.

7. Sections 1001.461 and 1001.462 are revised to read as follows:

§ 1001.461 Contracts for public utility services extending beyond current fiscal year.

(a) *Contracts for power, gas, and water.* (1) The Commander, AFLC, has been authorized to enter into contracts for public utility services (power, gas, water) for periods extending beyond the current fiscal year but not exceeding 10 years, under one or more of the following circumstances:

(i) Where there are obtained lower rates, larger discounts, or more favorable conditions of service than those available under contracts the firm term of which would not extend beyond a current fiscal year.

(ii) Where connection or special facility charges payable under contracts the firm term of which would not extend beyond a current fiscal year are eliminated or reduced.

(iii) The utility refuses to render the desired service except under a contract the firm term of which extends beyond a current fiscal year.

(2) The authority described above has been delegated by the Commander, AFLC, to the Director and Deputy Directors of Procurement and Production, Hq AFLC.

(3) The statute authorizing definite term utility service contracts for periods not exceeding 10 years is 40 U.S.C. 481(a)(3). The statute as well as 10 U.S.C. 2304(a)(10) will be cited on all definite term utility service contracts extending beyond the current fiscal year.

NOTE: Indefinite term utility service contracts as contemplated in Subpart KK, Part 1007 of this chapter (which are in effect until terminated) do not impose any obligation on the Government except as the service is actually used and therefore, do not come within the purview of this section. Such contracts will be approved pursuant to §§ 1001.457 and 1007.3706 of this chapter and will cite only 10 U.S.C. 2304(a)(10) as statutory authority.

(b) *Contracts for communication services.* (1) The Commander, AFLC, has been authorized to enter into contracts for communication services for periods extending beyond the current fiscal year but not to exceed 10 years, under one or more of the following circumstances.

(i) When services are obtained from communication common carrier whose rates are regulated by a Federal, State, or other public regulatory body;

(ii) Where the services are obtained by competitive means from other than communication carriers and;

(a) Where there are obtained lower rates, larger discounts, or more favorable conditions of service than those available under contracts the firm term of which would not extend beyond a current fiscal year.

(b) Where nonrecurring or termination charges payable under contracts the firm term of which would not extend beyond a current fiscal year are eliminated or reduced.

(iii) The termination liability incurred by the contract, when added to the cumulative termination liabilities of existing contracts does not exceed the termination liability ceilings imposed by public law or departmental administrative procedures.

(2) The authority of the Commander, AFLC, as described in paragraph (b)(1) of this section has been delegated to the Director and Deputy Directors of Procurement and Production, Hq AFLC, with power of redelegation.

(3) The authority referred to in paragraph (b)(2) has been redelegated by the Director of Procurement and Production to the persons listed below:

(i) Commander, Air Force Communication Service, with respect to leased private line services and leased tactical on-base communication services, with power of redelegation to a major command staff officer responsible for procurement (not below the director of procurement within the major command headquarters).

(ii) Commander, ROAMA, with respect to initial installations and major modification of base support leased facilities, with power of redelegation to Commander, GEEIA, with further power of redelegation to the Commanders of the GEEIA regions.

(iii) Commanders of major air commands and commanders of air materiel areas, with respect to miscellaneous base services and facilities, commanders of major air commands and commanders of air materiel areas may redelegate to contracting officers of subordinate functions that portion of the above authority involving the procurement of miscellaneous base services and facilities under indefinite delivery contracts issued by AFLC (ROAMA) or GSA.

§ 1001.462 Approval of certain PRs and MIPRs.

(Applicable to AFLC only.)

(a) Commanders, AMAs, Dayton AF Depot, and 2709th AF Vehicle Control Group have been authorized by the Director of Procurement and Production, Hq AFLC, to sign PRs and MIPRs that are initiated within their procurement activity and are supported by production program funds administered by the procurement activity. The authority has been granted without limitation as to dollar amount involved. Further redelegation may be made as shown:

(1) Deputy commanders, during absences of the commander, without limitation as to dollar amount.

(2) Directors of procurement and production—PRs and MIPRs involving $1,000,000 or less.

(3) Contracting officers in the procurement activity—PRs and MIPRs involving $100,000 or less.

(b) Authority to sign PRs and MIPRs initiated within the Directorate of Procurement and Production, Hq AFLC, has been delegated to division chiefs without limitation as to dollar amount.

(c) Commander and deputy commander, air materiel forces have been authorized by the Director of Procurement and Production, Hq AFLC, with power of redelegation, to sign PRs and MIPRs without limitation as to dollar amount.

8. Section 1001.464 is revised to read as follows:

§ 1001.464 Delegation to Commander, Air Training Command.

In addition to the authorities delegated to him as a commander of a major air command, the Commander, ATC, has been authorized by the Director of Procurement and Production, Hq AFLC, to exercise the authorities described below. The authorities may be exercised only with respect to negotiated contracts for procurement of services described in AFR 50–9, administration of resulting contracts will be assigned to the appropriate APD/AFPRO of the AFSC CMR, and procurement of services for primary pilot training, resulting contracts will be administered according to § 1053.404–10(c).

(a) Authority to execute findings and determinations in support of cost or cost-plus-a-fixed-fee type contracts, provided facts have been obtained which established that:

(1) Such method of contracting is likely to be less costly than other methods.

(2) It is impracticable to secure services of the kind or quality required without the use of such type contract.

(i) The authority may be redelegated only to the staff officer responsible for procurement within Hq ATC, provided further that the authority may not be exercised by any person who is or will be the contracting officer for the procurements involved.

(b) Authority to authorize ATC contracting officers to enter into contracts containing any of the price redetermination clauses set forth in § 1003.403–3 of this chapter, provided facts have been obtained which establish that:

(1) It is impractical to secure services of the kind or quality required without the use of such a price redetermination clause.

(2) The conditions for use of the price redetermination clauses which are set forth in pertinent paragraphs of § 1003.403–3 of this chapter, have been satisfied. The authority may be redelegated only to the staff officer responsible for procurement within Hq ATC.

(c) Authority to authorize ATC contracting officers to enter into master bailment agreements, bailment agreement, and amendments thereto for loaning Government property to AF contractors for some specific purpose in connection with AF contracts when it has been determined that:

(1) The bailment is necessary in the interest of the national defense.

(2) It will not adversely affect the competitive aspect of procurement.

(3) The property is not available to the contractor in the open market within the time requirements of the Force.

(i) The authority may be redelegated not below the level of a staff officer responsible for procurement in the echelon of command immediately subordinate to Hq ATC.

§§ 1001.480 to 1001.480–2 [Deleted]

9. Sections 1001.480 to 1001.480–2 deleted.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

Subpart F—Debarred, Ineligible, Suspended Bidders

1. Section 1001.604 is revised to read as follows:

§ 1001.604 Causes and conditions under which departments may debar contractors.

Fully substantiated recommendations for debarment of firms or individuals should be submitted to AMC (MCPP) for review and appropriate action. AMC will recommend to DCS/M, Hq USAF, action to be taken. Consideration will be given to provisions of § 1.606 of this title.

2. Sections 1001.605–1 and 1001.605–2 are added as follows:

§ 1001.605–1 Causes and conditions under which departments may suspend contractors.

See § 1.605–1 of this title.

§ 1001.605–2 Period of suspension.

See § 1.605–2 of this title.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

Subpart G—Small Business Concerns

1. Section 1001.704–3 is revised to read as follows:

§ 1001.704–3 Small business specialists.

Small business specialists are assigned to AMC field procurement activities, AMC contract management regions, AF procurement districts or AFPRO's, AF procurement offices, ARDC centers and divisions, AF development field offices designated by Hq ARDC, and base procurement activities of all major commands in the United States. The chiefs of the small business offices at these field procurement activities will be appointed in writing by the head of the purchasing activity. The chiefs of small business offices at AMC contract management regions will be appointed in writing by the commander of the region. The chiefs of small business offices at APD's will be appointed in writing by the chief of the APD. The chief of the air procurement office will designate an individual as the small business specialist to carry out small business functions assigned to the office. The chiefs of small business offices that may be established in AFPRO's will be appointed in writing by the AFPR. Small business specialists assigned to ARDC centers and divisions will be appointed in writing by the center or division director of procurement. Small business specialists assigned to AF development field offices will be appointed in writing by the Director of Procurement, Hq ARDC. Small business specialists will be appointed by the head of the purchasing office of each base procurement activity of all major commands within the scope of this subpart, other than AMC and ARDC. Small business specialists will be responsible directly to the appointing authority, serve as advisors to the appointing authority on matters pertaining to small business, and be the focal point within the installations to which they are assigned on matters pertaining to small business. In addition to performing functions as indicated in paragraphs (a) through (f) of this section, small business specialists assigned to purchasing offices will review any reports, including DD Form 350, "Individual Procurement Action Report," concerning small business which originate in the purchasing office prior to submission of the reports to Hq AMC.

(a) *AFLC procurement activities and AFSC systems divisions.* PR–MIPR control offices will furnish a copy of all purchase requests (PRs) to the small business specialist simultaneously with the release of the PR to the buyer (See AFLCM 170–1). The small business specialist will assure that the following procedures are applied to individual procurement actions when the procurement is to be negotiated and is expected to involve an expenditure of $2,500 or more or the procurement is to be formally advertised and is expected to involve an expenditure of $10,000 or more.

(1) Procurement personnel will notify the small business specialists if, prior to the initiation of purchase requests, planning conferences are held for the purpose of considering potential sources for future procurements. At such discussions, potential sources suggested by the small business specialist will be given the same consideration as other potential sources that may be considered.

(2) Buyers will coordinate with the small business specialist prior to the preparation of IFBs or RFPs. The buyer will furnish the small business specialist with a copy of the appropriate bidders mailing list. To assure that small concerns will be given adequate consideration (see § 1.702 of this title), the small business specialist may make recommendations concerning the procurement plan and will add names of small concerns to be solicited if he considers it is necessary. If an SBA representative has been assigned to the installation and has notified the small business specialist that he may wish to make recommendations in connection with the particular procurement under consideration, he may participate if available at the time of the coordination conference and will be furnished all available information upon which to base recommendations.

(3) AFPI Form 46, "Small Business Office Procurement Record," will be completed and signed by the buyer and the small business specialist as evidence that coordination has been accomplished. The description of the supplies or services being procured will be entered in item 3, AFPI Form 46, when the procurement is to be synopsized (see § 1.1003 of this title). On such procurements a copy of AFPI Form 46 will be furnished to the unit responsible for transmittal of such information to the Department of Commerce. A signed copy of AFPI Form 46 will be furnished to the buyer and will become a permanent part of the procurement file for the information of authorities responsible for review and approval of contracts. Small business office records are filed by PR number rather than IFB/RFP number or contract number and AFPI Form 46C, "Small Business Cross Reference Card," will be used as a cross reference file.

(4) If circumstances develop following this coordination meeting, but prior to the award of the contract, which make it necessary to deviate from the coordinated procurement plan the buyer will notify the small business specialist. If the small business specialist and the buyer do not reach agreement as to the method of handling the procurement at the coordination meeting, or if they can not agree to a deviation subsequently proposed by the buyer, a decision by the Director of Contract Support, AMCASC, or by the director of procurement/production at other AMC field procurement activities will be final.

(5) A copy of the abstract of bids or proposals will be furnished to the small business specialist and will serve as a guide in handling future procurements for the same supplies or services.

(6) When award is to be made based on an engineering or laboratory evaluation such evaluation will be made available for the information of the small business specialist.

(b) *AMC contract management regions.* Small business specialists assigned to AMC contract management regions will:

(1) Exercise staff supervision over small business functions assigned to APD's and AFPRO's under the jurisdiction of the region.

(2) Keep the commander of the CMR advised as to the effectiveness of the APD's and AFPRO's in their conduct of assigned small business functions.

(3) Advise the commander of the CMR as to the impact of small business policies formulated by higher authority within DOD. He will also advise the commander of the effect on the over-all mission of the CMR of small business policies and procedures established by other Government agencies.

(4) Provide guidance and assistance to contractors and contractor's representatives on problems relative to doing business with the Air Force.

(5) Represent the commander in relations with other Government agencies and civic organizations concerned with small business.

(6) Carry out assigned responsibilities and monifor, for the Commander, DOD Industrial Assistance Events Program insofar as requests for exhibits or conferences are received from organizations within the boundaries of the region.

(c) *Air procurement districts and AF plant representatives offices.* Small business specialists assigned to APD's and AFPRO's will perform functions which will include the following:

(1) Advising the chief of the APD or the AFPR directly on all small business matters, and reporting directly to the chief or the AFPR any instances in which it appears a small concern is not receiving equitable treatment.

(2) Maintaining liaison with other Federal, State, and local agencies and civic organizations with respect to small business matters.

(3) Surveillance of Defense Subcontracting Small Business Programs which have been established by contractors within the geographical boundaries of the APD or the AFPRO (see §§ 1001.707–3 and 1001.707–4). The small business specialist will assist contractors in establishing as a part of their purchasing system as Air Force-Industry Small Business Program as described in § 1001.707–50.

(4) Keeping current data on the existance and capabilities of small business concerns and on the subcontracting requirements of large defense prime contractors and major subcontractors within the boundaries of the APD or AFPRO. Such data will be made available to PCO's when advice and assistance is requested in connection with a contractor's "make or buy" program. See § 1003.902, AFPI Form 84, "Facilities Data Record" (marginal punched card), is authorized for use in maintaining the necessary data.

(5) Assisting small concerns to participate either as prime contractors or subcontractors in AF procurement. In this connection the small business specialist will process applications for bidders mailing list according to § 1016.810–50 of this chapter, and maintain information on current procurements (IFBs and RFPs).

(6) Coordination on requests for facilities expansion. (See § 1013.2402(n) of this chapter.)

(7) Participate in FCR review board meetings when an FCR on a small business concern is under consideration.

(8) Carry out assigned responsibilities in connection with DOD Industrial Assistance Events Program.

(d) *Air procurement offices.* Small business specialists assigned to APO's will carry out the small business functions that are assigned to the office.

(e) *ARDC.* Small business specialists assigned to ARDC divisions, centers and AF development field offices will carry out procedures established by HQ ARDC in implementation of AF small business policy.

(f) *Base procurement offices.* Small business specialists assigned to base procurement activities will carry out procedures established by their command headquarters in implementation of AF small business policy and will be the focal point within the installation for matters pertaining to small business.

2. In § 1001.706–5, paragraph (a)(1) is amended, on line 14, to change "two" to "one." Paragraph (a)(1) now reads as follows:

§ 1001.706–5 Total set-asides.

(a)(1) *Central procurement.* As to central procurement (distinguished from base procurement) which is accom-

plished at AMC field procurement activities, every procurement will be set aside either totally or partially for competition solely among small business concerns if records of previous procurements for the same item or the same service disclose that three or more small business concerns submitted responsive bids that were considered fair and reasonable. However, a partial set-aside may be appropriate where only one small business concern appears to have the technical competence and productive capacity to furnish a portion of the procurement (see § 1.706–6(a) of this title). Deviations from this policy may be approved in specific cases at AMC centers by the chief of the division responsible for the procurement or his designee. At other AMC field procurement activities, deviations may be approved in specific cases by the director of procurement and production or his designee. The procurement file will contain a record of the approval of such deviation.

3. Section 1001.707 is revised to read as follows:

§ 1001.707 Subcontracting with small business and labor surplus area concerns.

4. The heading of § 1001.707–3 is amended, and paragraphs (a) through (f) are deleted. Section 1001.707–3 now reads as follows:

§ 1001.707–3 Defense subcontracting in small business and labor surplus area programs.

Small business specialists at APDs and AFPROs will maintain current information as to contractors within the geographical boundaries of the APD/AFPRO whose contracts contain the clause set forth in § 7.104–22 of this title.

5. Section 1001.707–5 is added as follows:

§ 1001.707–5 Reports on DD Form 1140.

When a contractor has established a "Defense Subcontracting Small Business and Labor Surplus Area Program" according to § 1.707–3 of this title, and it has been determined according to § 1.707–4 of this title and § 1001.707–4 that the Air Force has responsibility for reviewing the contractor's program, the small business specialist in the appropriate APD or AFPRO will make reporting arrangements with the contractor, i.e., for the submission of semiannual reports on DD Form 1140, "Semiannual Report of Participating Companies" (Budget Bureau No. 22–R163.3, expires December 31, 1964) through the ACO to the small business specialist. The small business specialist will enter in the space between the form number and the general instructions on the face of all DD Forms 1140, the three digit Department of Defense procurement (claimant) code (see § 1016.901–50 of this chapter) of the principal kind of military items or services being supplied by the reporting unit. After assuring the completeness of the reports, three copies of the completed DD Form 1140 received from each reporting unit will be forwarded by the APD or AFPRO to AFSC (SCMK–2). The July through December 6-month report will be forwarded to reach Hq AFSC no later than March 5th and the January through June 6-month report will be forwarded to reach Hq AFSC no later than September 5th. AFSC (SCMK–2) will assign each reporting contractor a permanent reporting unit identification number to be entered in item 6a, DD Form 1140 prior to the submission of the report to Hq AFSC.

6. Section 1001.708 is added as follows:

§ 1001.708 Mobilization planning.

See § 1.708 of this title.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

Subpart H—Labor Surplus Area Concerns

Subpart H is revised to read as follows:

Sec.
1001.800 Scope of subpart.
1001.801 Definitions.
1001.801–1 Labor surplus area concern.
1001.801–2 Labor surplus area.
1001.801–3 Small business concern.
1001.802 General policy.
1001.803 Application of policy.
1001.804 Partial set-asides for labor surplus area concerns.
1001.804–1 General.
1001.804–2 Set-aside procedures.
1001.804–3 Withdrawal of set-asides.
1001.804–4 Contract authority.
1001.805 Subcontracting.
1001.805–1 General policy.
1001.805–2 Required clause.
1001.806 Depressed industries.
1001.806–1 General.
1001.806–2 Apparel industry (notification No. 53).
1001.806–3 Petroleum and petroleum products industry (notification No. 58).
1001.806–4 Shipbuilding industry (notification No. 57).
1001.806–5 Textile industry (notification No. 38).

AUTHORITY: §§ 1001.800 to 1001.806–5 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1001.800 Scope of subpart.

See § 1.800 of this title.

§ 1001.801 Definitions.

§ 1001.801–1 Labor surplus area concern.

See § 1.801–1 of this title.

§ 1001.801–2 Labor surplus area.

See § 1.801–2 of this title.

§ 1001.801–3 Small business concern.

See § 1.801–3 of this title.

§ 1001.802 General policy.

The Executive for Small Business (MCP–6), Directorate of Procurement and Production, Hq AMC, will monitor the placement of contracts in areas of substantial labor surplus by maintaining staff surveillance of the functions of purchasing activities within the scope of this subpart. The AF small business specialist at the procuring [illegible] be responsible for determining the applicability of DMP No. 4 to a [illegible] ment.

§ 1001.803 Application of policy.

(a) (1) and (2). See § 1.803(a) (1) (2) of this title.

(3) "Area Labor Market" which establishes the boundaries of labor market area and lists [illegible] included in each area are [illegible] the Department of Labor.

(4) See § 1.803(a)(4) of this title.

(5) Prior to the solicitation for or proposals, the contracting [illegible] furnish the AF small specialist [illegible] to the purchasing activity a copy of appropriate bidders mailing list. AF small business specialist [illegible] the purchasing activity is responsible maintaining current labor market formation. The small business specialist will indicate on the bidders mailing list, for use in solicitation and documentation of the contract file, the concerns listed that are labor area concerns.

(6) See § 1.803(a)(6) of this title.

(b) See § 1.803(b) of this title.

§ 1001.804 Partial set-asides for labor surplus area concerns.

§ 1001.804–1 General.

Notwithstanding the determination the small business specialist [illegible] the applicability of DMP No. 4 to a procurement, the contracting officer is responsible for determining whether application of a set-aside is appropriate and, if appropriate, determining quantities to be set aside.

§ 1001.804–2 Set-aside procedures.

See § 1.804–2 of this title.

§ 1101.804–3 Withdrawal of set-asides.

See § 1.804–3 of this title.

§ 1001.804–4 Contract authority.

See § 1.804–4 of this title.

§ 1001.805 Subcontracting.

See § 1.805 of this title.

§ 1001.805–1 General policy.

See § 1.805–1 of this title.

§ 1001.805–2 Required clause.

See § 1.805–2 of this title.

§ 1001.806 Depressed industries.

§ 1001.806–1 General.

See § 1.806–1 of this title.

§ 1001.806–2 Apparel industry (notification No. 53).

See § 1.806–2 of this title.

§ 1001.806–3 Petroleum and petroleum products industry (notification No. 58).

See § 1.806–3 of this title.

§ 1001.806–4 Shipbuilding industry (notification No. 57).

See § 1.806–4 of this title.

§ 1001.806–5 Textile industry (notification No. 38).

See § 1.806–5 of this title.

Subpart I—Responsible Prospective Contractors

A new Subpart I is added as follows:

Sec.
1001.900 Scope of subpart.
1001.901 Applicability.
1001.902 General policy.
1001.902–1 General requirements for obtaining FCR.
1001.902–2 Exemptions.
1001.902–3 Financial clearance.
1001.903 Minimum standards for responsible prospective contractors.
1001.903–1 General standards.
1001.903–2 Additional standards for production, construction, and research and development contracts.
1001.903–3 Ability to meet certain minimum standards.
1001.903–4 Affiliated concerns.
1001.904 Determinations of responsibility and nonresponsibility.
1001.904–1 Requirement.
1001.904–2 Exceptions.
1001.905 Procedures for determining responsibility of prospective contractors.
1001.905–1 General.
1001.905–3 When information will be obtained.
1001.905–3 Sources of information.
1001.905–4 Pre-award surveys.
1001.906 Subcontractor responsibility.
1001.907 Disclosure of pre-award data.
1001.909 Small business procedures.
1001.951 Procedures for special source surveys.
1001.952 Optional special source survey procedures.

AUTHORITY: §§ 1001.900 to 1001.952 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1001.900 Scope of subpart.

See § 1.900 of this title.

§ 1001.901 Applicability.

See § 1.901 of this title.

§ 1001.902 General policy.

See § 1.902 of this title.

(a) AFR 80–3 (System Source Selection Procedures) describes the workings of the Systems Source Selection Board (SSSB).

(b) A Special Source Survey (SSS) is a preaward survey used to check the production potential of a prospective contractor under circumstances not fully covered by a Facility Capability Report (FCR) where the Systems Source Selection Board procedures are not appropriate. A SSS may be requested by staff elements of Hq AFSC, AFSC field and base procurement activities, divisions and regional offices, major air commands or separate activities, and Hq USAF. A survey may be requested if:

(1) The size of the proposed procurement is substantially greater than the current or past production level of a potential source and unusual build-up in contractor organization may be required.

(2) The complexity of the proposed procurement indicates the need for a detailed survey of subcontracting, required skills, production capability, quality, manufacturing methods, etc.

(3) The record of the company in production, cost, finances, or management indicates the need for extensive examination by specialists.

(4) Abnormal circumstances prevail and the PCO will be materially assisted by an appraisal of bids or proposals.

(5) A survey is needed to verify the adequacy of a bid or proposal.

(6) Information is needed to compare the production capability of two or more facilities or the capacity and capability of an industry to meet a specific program.

(7) The potential source will be required to produce items substantially different from those it has produced in the past.

(8) Existing information indicates the need for a survey. (See § 1001.951 for procedures.)

(c) Experience Data Report (EDR) is a report of the history of recent experience with a particular prospective contractor. If a complete FCR is not required by § 1001.902–1, a contracting officer may request an EDR for a procurement within the United States. Experience data supplied to a contracting officer by means of an EDR is for his use in making a determination regarding a prospective contractor's responsibility. It does not constitute a recommendation by the supplying activity. (See § 1001.905–1(b).)

(d) A Facility Capability Report (FCR) is an instrument for reporting information to a contracting officer regarding the responsibility of a prospective contractor. See § 1001.905 for procedures. An FCR may be based upon a search of available records or upon a preaward survey. (See § 1.905–4 of this title.) The FCR activity will determine whether information available in its files is adequate or whether a preaward survey is necessary. "FCR activity" referred to in this subpart includes the air procurement district, air procurement office, Air Force plant officer in charge, and Air Force plant representative, as applicable.

(e) Each foreign central procurement activity will establish an internal system for gathering information regarding a prospective contractor's responsibility when the procurement is to be made outside the United States. The system should be patterned after the FCR system as closely as practicable.

(f) The Industrial Resources Division (ASXR) AFSC WPAFB, Ohio, has staff surveillance over compliance with this subpart. A "Directory of Facility Capability Reports Contacts" showing the geographical area of FCR activities will be sent to buying activities upon request to ASXR. AFPI Forms referred to in this subpart are described in Subpart I, Part 1016 of this chapter. RCS: AFSC–N32 authorizes all reports required by this subpart.

§ 1001.902–1 General requirements for obtaining FCR.

(a) Unless exempt under § 1001.902–2 a complete FCR is required when award of a new contract or supplement to an existing contract for an initial or additional quantity of supplies or services will exceed $20,000 or if the contract or order to be issued by the Air Force is for maintenance, repair, or overhaul of aircraft or airborne equipment (excluding missile equipment) including aircraft instruments; or to be placed by airframe contractors with commercial facilities under the provisions of paragraph 5a(1)(a), AFLCR 65–19, for the maintenance, repair, or overhaul of GFAE airborne equipment. (See § 1001.902–3.)

(b) The exemptions in § 1001.902–2 do not apply and a complete FCR is required if:

(1) The prospective contractor is on the Financial Control List (§ 1060.5, paragraph E–212(c) of this chapter).

(2) A price-redeterminable or cost-reimbursement type contract is contemplated.

(3) There is doubt as to the prospective contractor's ability to perform.

(c) In the case of a small business concern, a complete FCR is required prior to forwarding a finding of nonresponsibility to SBA with respect to a proposed award of $10,000 or more. (See §§ 1001.904–1(a)(4) and 1001.950.)

(d) A contracting officer may request an FCR to determine the responsibility of any proposed contractor on a procurement of any size. However, when requesting a complete FCR on a procurement estimated to be less than $20,000 and one of the conditions stated in paragraph (b)(1), (b)(2) or (c) of this section is not present, the following factors should be considered: (1) Cost of an FCR (estimated average of $50), (2) dollar value of procurement, and (3) critical nature of the item being procured. If a contracting officer requests an FCR on a procurement of less than $20,000 or on any procurement for which an FCR is not otherwise required, he will indicate the need therefor in Item 21 of AFPI Form 63, "Request for Facility Capability Report." A copy of the request will be placed in the contract file as documentation. If the request is made because one of the conditions outlined in paragraph (b) or (c) of this section is present, a brief description of the condition will suffice. If the FCR is required by command procedures as authorized by paragraph (e) of this section, an appropriate statement will be made.

(e) Regardless of the dollar amount of the procurement or exceptions outlined in § 1001.902–2, an FCR may be required by purchasing activities, if deemed necessary because of the critical nature of the item or service, peculiar nature of the procurement, or past experience of the command. Such requirements will be issued in the form of AFPI Supplements. (See § 1001.108.)

(f) A contracting officer may request a complete FCR only when an award is contemplated to a firm from which a bid or proposal has been received or to which an award of a letter contract is contemplated. Concurrent requests for complete FCRs on the same procurement will not be made. An FCR will first be requested on the lowest responsive bidder. Successive requests will be made only after a negative reply to the last request is received. A negative FCR on a small business firm requires special handling and compliance with §§ 1001.–904–1(a)(4) and 1001.950.

(g) Before awarding a contract on the basis of an FCR more than 60 days old, a contracting officer must confirm its validity with the preparing office and

record the confirmation in the contract file.

§ 1001.902–2 Exemptions.

(See § 1001.902–3.) Subject to § 1001.902–1(b), an FCR is not required for the following:

(a) Definitive contracts which supersede letter contracts or notices of award previously covered by an FCR.

(b) Contracts placed pursuant to a Hq USAF approved production program contained in the "W" series program directives (WA, WM, WTD, and WE).

(c) Contracts placed pursuant to recommendations made by a SSS not older than 60 days.

(d) Procurement outside United States and contracts with Canadian Commercial Corporation.

(e) Base procurements up to $500,000 within United States if not to be supported by Government financing. (See Part 163, Subchapter E of this title.)

(f) A facilities contract supporting one or more supply or service contracts containing a facilities clause.

(g) The following contracts or purchases, except as required by § 1001.902–1(b).

(1) Purchases from Schedule of Blind-Made Products, Federal Supply Schedules, Government departments, and Federal prisons.

(2) Purchases of standard commercial articles or basic materials, such as sheet aluminum, bar steel, etc., from manufacturers of, or regular dealers in, the articles to be purchased.

(3) Purchases of books, periodicals, and subscriptions to magazines, except class 30 procurements.

(4) Personal services or professional services contracts negotiated under authority of Public Law 79–600.

(5) Contracts written under authority of Public Law 85–804 which make formal informal commitments, amend without consideration, or correct mistakes.

(6) Open contracts and call procurement arrangements (§§ 1003.405–50 and 1003.405–51). (Financial clearance required—see § 1001.902–3.)

(7) Procurements from the surplus market where the vendor has authority to dispose of the merchandise.

(8) Construction contracts up to $500,000.

§ 1001.902–3 Financial clearance.

Financial clearance is required prior to award of a contract described in § 1001.902–2(g)(6). If a complete FCR is not obtained for any reason, financial clearance is required prior to award of any contract if the prospective contractor requests advance payments or unusual progress payments. (See Part 163, Subchapter E of this title.) Financial clearance may be given by the FCR activity for any contractor on the approved "Prior Financial Clearance List," within the limits outlined in the list, unless (a) The prospective contractor has requested advanced payments or unusual progress payments or, (b) if, in the opinion of the FCR activity, or the contracting officer, as indicated in his request for an FCR, the proposed contract might impose a serious burden on the contractor's ability to perform. (See paragraph E–212.52, § 1030.5 of this chapter.) Contracting officers may request financial clearance from the FCR activity having contract administration jurisdiction or from AFSC (ASXKMF), WPAFB, Ohio, whichever is nearer. To obtain financial clearance, indicate on the request for FCR "Financial Clearance Only" and include answers to items 6 through 13 of AFPI Form 63. Items 14 through 20 will be marked "N/A" (not applicable) if such is the case. If the clearance is granted by other than ASXKMF, the activity granting the clearance will furnish a completed AFPI Form 63C, "FCR Financial Action Summary," to ASXKMF. AFPI Form 63C is required for every FCR except when financial clearance is given pursuant to the authority of the "Prior Financial Clearance List." See question two under § 1001.905–1(a).

§ 1001.903 Minimum standards for responsible prospective contractors.

§ 1001.903–1 General standards.

See § 1.903–1 of this title.

§ 1001.903–2 Additional standards for production, construction, and research and development contracts.

See § 1.903–2 of this title.

§ 1001.903–3 Ability to meet certain minimum standards.

See § 1.903–3 of this title.

§ 1001.903–4 Affiliated concerns.

See § 1.903–4 of this title.

§ 1001.904 Determinations of responsibility and nonresponsibility.

§ 1001.904–1 Requirement.

See § 1.904–1 of this title.

(a) *Financial and technical ability clauses.* (1) Include the following clause in all invitations for bid or requests for proposal estimated to involve a procurement of $10,000 or more:

(Nov. 1961)

If a bid or proposal submitted in response to this invitation is favorably considered, a survey team may contact your facility to determine your ability to perform. Current financial statements and other pertinent data should be available at that time if not already on file with the Air Force Systems Command. The team may also evaluate your system for determining the financial and technical ability of your proposed subcontract or procurement sources to perform. Examples of the type of matters the survey team may examine and evaluate are:

1. Past experience with firm (if any).
2. Financial condition.
3. Accounting system.
4. Facilities.
5. Plant loading.
6. Production control system.
7. Materiel control system.
8. Ability to meet required delivery schedule.
9. Receiving and inspection system.
10. Purchasing and subcontracting systems.
11. Quality control system.
12. Apparent understanding of specification requirements.
13. Realism of lead time estimates.
14. Scrap and rework control procedures.
15. Packing and shipping procedures.
16. Facilities and procedures for [illegible] and handling Government-[illegible] erty.
17. General housekeeping.
18. Manpower availability and [illegible] tions.
19. Engineering capability.
20. Management controls.
21. Any other areas pertinent to [illegible] performance of the prospective contract.

(2) Include the following clause [illegible] invitations for bids or request for [illegible] posals estimated to involve a [illegible] ment of less than $10,000:

(Nov. 1961)

If a bid or proposal submitted in [illegible] to this invitation is favorably [illegible] survey team may contact your [illegible] determine your ability to perform. [illegible] financial statements and other [illegible] should be available at that time if not [illegible] on file with the Air Force Systems [illegible] mand. The team may also evaluate [illegible] system for determining the [illegible] technical ability of your proposed [illegible] tract or procurement sources to [illegible]

(3) The PCO shall make, sign [illegible] place in the contract file the [illegible] determination required by § 1.904–1 [illegible] this title. Except as provided in [illegible] paragraph (4) of this paragraph, [illegible] FCR, SSS or SSSB recommendation [illegible] constitute sufficient basis for either [illegible] affirmative or negative finding by a [illegible] tracting officer. See also § 1001.[illegible] (c). The FCR, SSS or SSSB report [illegible] supporting data made will be attached [illegible] the determination. If additional [illegible] planation of an FCR is required, the [illegible] will request the FCR activity to furnish [illegible] any data he requires before making [illegible] determination. If the PCO is aware [illegible] factors that may not have been [illegible] sidered by the FCR activity, he may [illegible] quest a review of the FCR in the light [illegible] such information before making a [illegible] termination. The FCR serial number [illegible] furnished by the FCR activity will be [illegible] shown on the contract file cover sheet. [illegible] If an FCR was not required "FCR not [illegible] required" with the specific supporting [illegible] AFPI paragraph relied upon will be [illegible] shown on the contract file cover sheet.

(4) Negative FCR, SSS, or SSSB [illegible] ommendation with respect to "[illegible]" or "credit" of a small business concern [illegible] (§ 1.701 of this title) require special [illegible] dling. See § 1.705–6 of this title. [illegible] also §§ 1001.705–6, 1001.902–1(c), and 1001.950.) The fact that the SBA has issued a Certificate of Competency as to the capacity or credit of a small business concern does not relieve the contracting officer from the responsibility for ascertaining that the prospective contractor is responsible as to the other factors of responsibility, i.e. questions Three, Five and Six of the FCR as applicable. (See § 1001.905–1(a).) Certificates of Competency will be placed in the contract file.

(b) *Requesting the FCR.* (1) [illegible] AFPI Form 63 "Request for Facilities Capability Report." Identify each [illegible] information and answer questions [illegible] through 13. If items 14 through 20 are not applicable mark N/A thereon. Use the mails to the greatest extent possible. Original and five copies of AFPI Form [illegible] will be forwarded when the mails are used. Urgent requests may be [illegible]

[illegible] or by other rapid means. If [illegible] proposed contract for aircraft or engine [illegible] maintenance or modification is involved, [illegible] an information copy to the appropriate logistic support manager (LSM), [illegible] manager (IM), or special repair activity (SRA). Make requests directly to the FCR activity that has contract administrative responsibility over the plant in which the work will be done. (See § 1001.902(e).)

(c) The contracting officer will airmail a complete IFB/RFP set to the FCR activity prior to or concurrently with the FCR request if the IFB/RFP has not been synopsized. If the FCR activity requires a bid set to perform an FCR, and one is not available pursuant to this paragraph, the activity must request it from the contracting officer within 1 work day after receipt of the request for FCR. Requests for bid sets will be made by telephone or other rapid means. When bid sets are requested by an FCR activity, the contracting officer will furnish the material required by air mail and will identify in the covering letter or on the top sheet of the bid set, the FCR request and the PR number to which the material relates and, in addition, will stamp "PRIORITY-FCR" in prominent letters thereon.

(d) *Replying to requests for FCR.* Every FCR will have a serial number assigned by the FCR activity. See description of AFPI Form 63A, "Facility Capability Report Register," in § 1016.-[illegible](a)(2) of this chapter. An FCR will be forwarded within 5 work days after receipt of a request or within 5 work days after receipt of the bid set if it was necessary to request a set pursuant to paragraph (b)(2) of this section. In exceptional cases, if more time is required, an interim reply will be sent giving the date of final reply and the reason for the delay. An FCR will be sent by telephone or other rapid means. Telephone replies will be confirmed in writing immediately. If the information required is lengthy, a short form response may be sent by rapid means and the details furnished immediately in a confirming letter. "PRIORITY-FCR" will be stamped on all confirmations, FCRs, covering letters, and outside envelopes.

§ 1001.904–2 Exceptions.

See § 1.904–2 of this title.

§ 1001.905 Procedures for determining responsibility of prospective contractors.

§ 1001.905–1 General.

(a) See § 1.902(d) of this title and § 1001.902(d) of this chapter. A complete FCR consists of answers to the following questions, as applicable. Replies will be either "affirmative," "negative," or "qualified." A "qualified" reply is an "affirmative" subject to certain conditions being met. "Qualified" replies must indicate clearly the action necessary, and the activity responsible, to satisfy the conditions. If the conditions are not met, the reply will be considered negative. Negative or qualified answers must explain the negation or qualification. Replies will be arranged in the same order as the questions and will be identified by the question number.

(1) One: Is the prospective contractor considered capable of performing the proposed contract taking into consideration:

(i) Facilities: The required quality and quantity of machine tools, production and test equipment, manufacturing and warehouse areas, and material handling devices necessary to complete the work or ability to obtain them. (See § 1.903–3 of this title.) When the IFB/RFP states that Government facility support will be available, the extent of such support must be determined. A dollar estimate of facility support required should be indicated when applicable.

(ii) Production and engineering capabilities: The necessary experience and organization to perform present and projected production and engineering load. An understanding of the production and engineering specifications. Proper alignment of available facilities.

(iii) The delivery schedule: The backlog and anticipated workload measured against the planned maximum capacity required during the performance period. Past and current record of meeting delivery schedules insofar as related to any factor under questions One or Two of the FCR. On advertised procurements see § 1.305–4 of this title. If the bid is responsive to the IFB delivery requirements, and the bidder is deemed capable of meeting the delivery terms offered in his bid, the answer should be affirmative. If a bidder cannot meet his proposed schedule but can deliver within the required schedule, a qualified answer should be given and the contracting officer notified of that fact. If it is determined that a bidder cannot meet the required schedule, the answer should be negative.

(iv) Availability of material: Ability to obtain and maintain the necessary inventory of supplies and component parts. Planned sources for purchase of materials, component parts, and services, including subcontracting, required to support the proposed contract. Adequacy of system for determining technical and financial ability of subcontractor's procurement sources to perform. (See § 1.906 of this title.)

(v) Availability of manpower: The quantity and quality of labor requirements. The necessary organization and management controls.

(vi) Quality control capabilities: The necessary experience, organization and technical qualifications to provide and maintain an adequate system for control of quality for manufacturing, supplying, or overhauling the items called for. Thoroughly understanding the specifications and contract requirements for inspection, test, and control of quantity throughout purchasing, subcontracting, production, storage, shipment, and maintenance. The contractor must demonstrate a sound management approach to the control of quality and experiences sufficient to indicate a capability to perform satisfactorily on the proposed contract. This includes the contractor's responsibility for GFAE and GFP.

(2) Two: Does the prospective contractor have sufficient financial stability to perform the contract?

(i) See Part 163, Subchapter E of this title and § 1001.902–3.

(ii) If Government financial assistance in the form of a loan guarantee, unusual progress payments, or advance payment will enable the contractor to perform state: "Yes, if (guaranteed loan) (progress payments * * * percent of incurred costs) (advance payments) are provided by the Government," and route to AFSC (ASXKM) WPAFB, Ohio for obtaining of necessary approvals. If the name of the prospective contractor is on the Financial Control List (see paragraph E–216, § 1030.5 of this chapter) and if, in the opinion of the activity performing the FCR, the contractor is able to perform under the proposed contract, issue a qualified clearance as follows: "Yes, subject to approval by AFSC (ASXKM) WPAFB, Ohio."

(iii) If the prospective contractor requests customary progress payments (see Part 163, Subchapter E of this title) and is otherwise entitled to a financial clearance, the answer to question "Two" will be "Yes."

(iv) Send a copy of the completed AFPI Form 63C with case history if necessary to explain the answer regarding financial stability to AFSC (ASXKM) WPAFB, Ohio, at time of reply. If the answer to question Two is negative or qualified, send an information copy of the complete FCR to ASXKM with an air mail letter of explanation with supporting data and facility advisory board findings and recommendations. Send a copy of the letter without attachments to the contracting officer.

(3) Three: Are the business practices of the prospective contractor considered satisfactory?

(i) Cooperation with FCR team (see Comptroller General Decision 145350—May 5, 1961).

(ii) Attitude toward commitments.

(iii) Actual performance as to quality and delivery on previous or current Government contracts to the extent that such performance reflects factors other than "capacity" or "credit." (See note below.)

(iv) An apparent ability to conform to the requirements of the standard nondiscrimination clause (§ 12.802 of this title).

(v) If the proposed contract is for manufacture, supplies, or construction, indicate whether the bidder is a manufacturer, regular dealer, or construction contractor. (§§ 1.201–9 and 1.903–1 of this title.)

(vi) Is otherwise qualified and eligible for award under applicable laws and regulations not considered under the other five questions of the FCR.

(vii) See § 1.903–1(e) of this title.

NOTE: If the reply to question Three is negative, identify the deficiencies and furnish a complete explanation. Performance as to quality or delivery on previous or current Government contracts related to "capacity" or "credit" as defined in § 1.705–6 of this title is considered under questions One and Two of the FCR and is subject to certification of

competency by the SBA in the case of a small business concern.

(4) Four: What percentage of subcontracting is contemplated for production of, or work upon, each item, component, or assembly called for by the IFB/RFP? Show the percentage of subcontracting contemplated as a percent of the contract price. In the case of a letter contract furnish an estimate. If the percentage differs substantially from that indicated in the request for FCR, submit the facts to support the findings or estimate. Show separately the percentage of subcontracting to be performed by a parent, subsidiary or other affiliate of the prospective contractor.

(5) Five: Is the prospective contractor's accounting system adequate for administration of the type of contract proposed or if progress or advance payments are requested? See Subpart D, Part 3 and Part 163, Subchapter E of this title. An answer to question Five is required only when the request for FCR or the IFB/RFP indicates the question is applicable or when reply to question Two indicates that approval of progress or advance payments will be necessary. If no reply is necessary indicate "N/A" (not applicable). An affirmative reply is appropriate if either of the following conditions prevail:

(i) The prospective contractor is being paid under any similar type of Government contract or Government financing is being provided, and there is no evidence in the Air Force Contract Administration files of serious deficiencies, or major administrative irregularities insofar as the accounting system is concerned.

(ii) The appropriate military audit agency has determined within the preceding 6 months that the prospective contractor's accounting system is adequate (with changes, if any, to which he has agreed in a signed statement) for the type of contract or for administration of the type of Government financing being proposed.

A negative answer is required if the contractor does not agree to make changes deemed necessary by the audit agency to make the system adequate. In such case, identify the change to which the prospective contractor will not agree.

(6) Six: Is the prospective contractor's purchasing system adequate to assure efficiency and economy in subcontracting and purchasing under the proposed contract? An answer to question Six is required when the request for FCR indicates one of the following types of contracts is contemplated: Fixed-price redeterminable or incentive, time and material, or cost-reimbursement. If no reply is necessary indicate "N/A" (not applicable). See AFLCM 70–3 "Manual for Analysis of Contractor Procurement" and § 1.906 of this title. An affirmative reply is appropriate only if it has been determined that the prospective contractor's purchasing system is adequate, or if the prospective contractor presents a satisfactory plan and has adequate capability to make required changes and states in writing that he will make necessary changes if awarded the proposed contract, to assure efficiency and economy in subcontracting and purchasing activities in support of the proposed contract. The plan and the signed statement will become a part of the contract file with a copy retained for the FCR file. Among the factors which must be considered are the following:

(i) Company policy with respect to assuring efficiency and economy in subcontracting and purchasing vendor items and services.

(ii) Procedures for determining financial and technical ability of subcontractors.

(iii) Pricing policies with respect to subcontracts.

(iv) Controls to assure compliance with subdivisions (i), (ii), and (iii) of this subparagraph.

(b) See § 1.902(c) of this title and § 1001.902(c).

(1) AFSC (ASXKM) WPAFB, Ohio will advise Army and Navy of locations where data concerning AF contractors may be obtained and will secure similar information from them concerning Army and Navy contractors for AF purchasing activities.

(2) A contracting officer may request an EDR on a prospective contractor either from an FCR activity, if a contract on which information is desired is administered by that activity, or from a DOD purchasing activity that had recent experience under a contract not assigned to an FCR activity for administration. Requests may be made directly to Army or Navy purchasing activities if known or according to information furnished by ASXKM. See subparagraph (1) of this paragraph.

(3) If the PCO doubts that the prospective contractor is responsible after receipt of an EDR, he may request an FCR. If an EDR is requested from an FCR activity, the FCR can be expedited by adding "Request a Complete FCR if recent experience history is unsatisfactory" in the request for EDR and supplying the information necessary to request an FCR. (See § 1001.904–1(b).) If the request for an FCR is subsequently made to an activity other than the one that supplied the EDR, a summary thereof (or a copy) will be included under "remarks" in the request for FCR.

(4) A request for an EDR will be sent by the same means as an FCR (§ 1001.904–1(b)) and should refer to this section and contain the following information:

(i) Name and address of the prospective contractor.

(ii) Type of experience data required e.g., "general experience" or "engineering and production delivery history in manufacture of remote compass transmitters."

(5) If urgency demands, the EDR may be sent by telephone or other rapid means unless classified information is involved. (See AFR 205 (Security) series.) When possible the data will be sent by air mail before the time limit which is the same as for an FCR. (See § 1001.904–1(c).) The scope of the reply will be governed by the request and will be restricted to the following:

(i) Name, address, and telephone number of DOD activity having [illegible] experience.

(ii) Name and address of the prospective contractor.

(iii) Extent of experience (dollar value and volumes) and period of time covered.

(iv) Statement of experience as "satisfactory" or "unsatisfactory because of—(brief narrative of facts)."

(c) See § 1.905–1(c) of this title. [illegible] files, contract files, case histories, quality control and acceptance, production, finance, contract performance, and other records normally kept by AF purchasing and contract administration activities will serve as the experience and performance history records; see Subpart F, Part 1 of this title, Debarred, Ineligible and Suspended Bidders.

(d) See § 1.905–1(d) of this title.

§ 1001.905–2 When information will be obtained.

See § 1.905–2 of this title.

§ 1001.905–3 Sources of information.

See § 1.905–3 of this title.

§ 1001.905–4 Pre-award surveys.

See § 1.905–4 of this title and § 1001.902(d).

(a) to (d) See § 1.905–4 (a) to (d) of this title.

(e) When a preaward survey is required to support an FCR on a [illegible] assigned to another military department, the FCR activity will request the local office of that department to perform the survey or to supply information necessary to complete the FCR.

§ 1001.906 Subcontractor responsibility.

See § 1.906 of this title and question Six under § 1001.905–1(a).

§ 1001.907 Disclosure of pre-award data.

See § 1.907 of this title. Information in or intended for, FCR, EDR, SSB, or SSSB files, including AFPI 68 series forms, when completed, will be marked "For Official Use Only" (see AFR 11–6 (Custody, Use and Preservation of DOD Official Information which Requires Protection in the Public Interest)) unless security classification is warranted (see AFR 205 series). No indication will be given to a prospective contractor as to which on FCR or an SSS is being conducted that he will or will not be awarded the contract. However, this does not preclude the FCR team chairman from discussing apparent deficiencies with the bidder during the conduct of the FCR survey, if the FCR Chairman determines that it is in the best interests of the Air Force. Information may be released to the Small Business Administration as provided in § 1.705–6(b) and in § 1.705–950. When the low bidder is advised by the buying activity that contract award has been denied, as a result of a negative FCR, he will be informed that reasons for such negative finding can be obtained only from the activity which performed the FCR survey. In the event the contractor requests information relative to the FCR findings, this data will only be furnished or discussed with him by the chief of the activity or the FCR member involved.

…1.952 Small business procedures.

…(a) Negative FCR on Small Business concern or on Authorized Defense Production Pools that have been designated Small Business:

…(1) See § 1.705–6 of this title and …1.705–6, Certificate of Competency, …§ 1001.902–1(c). The procedure outlined in subparagraph (2) of this paragraph will be followed when negative replies are submitted on a Small Business concern and the replies to question One, Five or Six, as applicable, are affirmative on all proposed awards of … and over, or at the request of the … on proposed awards of over $2,500 … less than $10,000. SBA has 15 work … from the date it is notified in which … issue a Certificate of Competency (COC). Before selecting another source, the PCO will wait 5 work days from the date SBA was notified, unless notified sooner, for advice from the AF small business specialist in the purchasing activity as to whether or not a COC is being processed by SBA. If the PCO is notified that a COC is being processed he will take no further action pending receipt of the COC or notification that one will not be issued. The 15 day period may be extended at the option of the PCO. If a COC is issued, the PCO will accept it as conclusive as to questions One and Two unless he has substantial doubts as to the prospective contractor's ability to perform in which case he will follow the procedures in § 1001.705–6. (See also § 1001.904–1(a)(4) regarding required PCO Certification.) All actions between the PCO and SBA or local AF small business specialists will be channeled through the small business specialist at the purchasing activity, if one is established. The procedures in subparagraph (2) of this paragraph are mandatory except where the award must be made without delay in which case the PCO will make, sign and place in the contract file a certification setting forth the justification for awarding the contract without delay. The PCO must furnish the small business specialist at the purchasing activity a copy of his decision which will be transmitted to the cognizant SBA regional office through the small business specialist at the FCR activity.

(2) A copy of the FCR and the information in § 1.705–6(b) of this title will be sent to the AF small business specialist in the appropriate FCR activity at the same time that the FCR is sent to the PCO. The small business specialist will:

(i) Immediately advise the SBA regional office having jurisdiction over the area in which the small business or authorized pool is located, of the negative FCR and furnish SBA the information in § 1.705–6(b) of this title.

(ii) Request notification from SBA within 5 work days as to whether a COC is being processed and advise the PCO of the date on which SBA was notified. When notified by SBA that a COC is being processed, the PCO will be notified immediately.

(iii) If notification is not received from SBA at the end of 5 work days, it will be assumed that SBA is not processing a COC and the small business specialist in the FCR activity will notify the small business specialist in the purchasing office promptly by telephone and confirm it in writing. The latter will notify the PCO promptly by telephone and confirm it in writing.

(b) Qualified FCR on Small Business concern or on authorized Defense Production Pools that have been designated Small Business concerns:

(1) Messages which transmit qualified replies to question One or Two of the FCR (when replies to questions Three, Five, and Six are affirmative or not applicable) will state "request this activity be advised if award is denied for lack of capacity or credit to allow referral to SBA."

(2) If the conditions of a qualified reply to question One or Two of the FCR are not met and denial of the award is contemplated for lack of capacity or credit, the PCO so advise the FCR activity which will follow the procedures outlined in paragraph (a)(2) of this section.

§ 1001.951 Procedures for special source surveys.

(a) Except as provided in § 1001.952, surveys must be requested in writing from AFSC (ASXKM) WPAFB, Ohio, giving the following information:

(1) Organization requesting the survey.

(2) Name and address of each company to be surveyed.

(3) Description of proposed procurement.

(4) Proposed date of survey.

(5) Justification for survey. (See § 1001.902(b).)

(6) State whether or not the survey report will be used in lieu of an FCR.

(7) Recommended team chairman.

(b) ASXKM will designate the team chairman, team members and advisors, invite participation by personnel from other AF activities when necessary for the survey, and give team guidance to assure adequacy of objective, results, and followup.

(c) The team chairman will make necessary arrangements with the prospective contractor to be surveyed and will direct and coordinate the activities of the survey team. If it is anticipated that the survey report will be used in lieu of an FCR, the report must answer the six FCR questions (§ 1001.905–1) and the team chairman must establish liaison prior to and during the survey with the FCR activity that would normally perform an FCR on the contractor. The chairman will send a copy of the survey report to the FCR activity. The team chairman will prepare a written report as soon as practicable after completion of the survey. Each team member must participate in the entire survey and will sign the report unless he dissents in which case he will write a minority report for attachment to the chairman's report. The report, with attachments, if any, will be submitted to ASXKM for approval. When approved, the report will be distributed by the team chairman as required.

(d) AF activities will, upon request, furnish team members or advisors and, within the scope of their missions, contribute survey requirements, evaluation, advice, and information on details to be covered in the survey.

(e) If the prospective contractor being surveyed is a small business concern compliance with §§ 1001.904–1(a)(4) and 1001.950 is required.

§ 1001.952 Optional special source survey procedures.

The following procedures are authorized for use by Military Air Transport Service when it is anticipated that a SSS will be used in lieu of an FCR for airlift or CRAF contracts:

(a) Approve survey requests originating in DCS/M, Hq MATS. This approval authority may not be delegated below the chief or the deputy chief, procurement division.

(b) Designate survey team chairman and members.

(c) Approve and distribute reports.

(d) Whenever the above procedures are used and the prospective contractor is a small business concern, compliance with §§ 1001.904–1(a)(4) and 1001.950 is required.

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of the Judge Advocate General.

[F.R. Doc. 62–1750; Filed, Feb. 20, 1962; 8:50 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In § 3.802, paragraph (b) is amended to read as follows:

§ 3.802 Medal of Honor.

* * * * *

(b) An award of special pension of $100 monthly (prior to September 1, 1961, $10 monthly) will be made as of the date of filing of the application with the Secretary concerned. The special pension will be paid in addition to all other payments under laws of the United States. However, a person awarded more than one Medal of Honor may not receive more than one special pension. (38 U.S.C. 562; Public Law 87–138)

2. Section 3.807 is revised to read as follows:

§ 3.807 War orphans' educational assistance; certification.

For the purposes of war orphans' educational assistance, the child of a deceased veteran will have basic eligibility if the following conditions are met.

(a) *General.* The veteran's death was the result of disease or injury incurred in or aggravated by active service

as set forth in paragraphs (b) and (c) of this section (cases where the veteran's death resulted from Veterans Administration hospitalization, treatment, examination or training are not included); and

(1) The veteran died in service or after separation from service provided such separation was under conditions other than dishonorable; and

(2) The child meets the definitions of relationship contained in § 3.57 except as to the requirement of age and marital status.

(b) *Service.* Active service is required during:

(1) Spanish-American War between April 21, 1898, and July 4, 1902, or, if the veteran served with the United States military forces engaged in hostilities in the Moro Province, between April 21, 1898, and July 15, 1903 (effective September 8, 1959);

(2) World War I between April 6, 1917, and November 11, 1918 (effective October 1, 1956), or, if the veteran served with the United States military forces in Russia, between April 6, 1917, and April 1, 1920 (effective January 1, 1959);

(3) World War II between December 7, 1941, and December 31, 1946 (effective October 1, 1956);

(4) Korean conflict between June 27, 1950, and January 31, 1955 (effective October 1, 1956); or

(5) An induction period (effective September 14, 1960). "Induction period" means the following periods: September 16, 1940, through December 6, 1941; January 1, 1947, through June 26, 1950; February 1, 1955, through the day before the first date on which the individual was no longer liable for induction. Service during the induction period which is deemed to be active service under 38 U.S.C. 106 is not included.

(c) *Service connection.* (1) In claims based on service during a war period as limited by paragraph (b) of this section, the standards and criteria for determining service connection, either direct or presumptive, based on wartime service are applicable.

(2) In claims based on service during an induction period, the standards and criteria for determining service connection based on peacetime service are applicable where the disease or injury directly resulted from armed conflict or was directly incurred while engaged in extra-hazardous service (including such service under conditions simulating war).

(3) Except as provided in subparagraph (2) of this paragraph, in claims based on service during an induction period, the cause of death, either primary or contributory, must have resulted directly from, and the causative factor must have been, the performance of such service while on duty status. It must be shown that it is reasonable to expect that the disease or injury would not have been incurred if the individual had not been performing active service. (38 U.S.C. 1701)

3. In § 3.809, paragraph (b) is amended and paragraph (d) is added to read as follows:

§ 3.809 Specially adapted housing.

* * * * *

(b) *Disability.* The disability must have been incurred or aggravated as the result of service as indicated in paragraph (a) of this section and the veteran must be entitled to compensation for permanent and total disability due to:

(1) Effective September 8, 1959, the loss, or loss of use, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, or

(2) Effective September 8, 1959, blindness in both eyes, having only light perception, plus the anatomical loss or loss of use of one lower extremity, such as to preclude locomotion without the aid of a wheelchair.

* * * * *

(d) *"Preclude locomotion."* This term means the necessity for regular and constant use of a wheelchair or other mechanical aid or contrivance as a normal mode of locomotion although occasional locomotion by other methods may be possible. (38 U.S.C. 801, 804)

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective February 21, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-1747; Filed, Feb. 20, 1962; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2612]

[1330209]

NEW MEXICO

Revoking Executive Order No. 5120 of May 17, 1929

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 5120 of May 17, 1929, withdrawing the following described lands for use by the Smithsonian Institue, is hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 26 S., R. 2 W.,
Sec. 4, SW¼SW¼;
Sec. 5, SE¼SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, NW¼NW¼.

The areas described aggregate [illegible] acres.

2. The lands, which are approximately 25 miles southwest of Las Cruces, New Mexico, are located in an isolated, rugged area occupied by an extinct volcano. Vegetation is scattered and limited to yucca, mesquite, and creosote brush.

3. The State of New Mexico has waived the preference right granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. The public lands released from withdrawal by this order shall at 10 a.m., on March 22, 1962, be restored to operation of the public land laws, including location for nonmetallic minerals under the United States mining laws, subject to valid existing rights, equitable claims, the requirements of applicable law, rules and regulations, the provisions of any existing withdrawals. They have been open to applications and offers under the mineral leasing laws and to location for metalliferous minerals.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

FEBRUARY 14, 1962.

[F.R. Doc. 62-1736; Filed, Feb. 20, 1962; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

Computation of Time; Corrections

The Commission's Order of February 13, 1962, FCC 62-122, (F.R. Doc. 62-1772; 27 F.R. 1359), is corrected as follows:

1. Section 1.18(g) is corrected to read as follows:

(g) Where a document is required to be served and is served by mail, and the filing period for a response thereto is 5 days or less, an additional three days, excluding holidays, will be allowed for filing the response. This paragraph shall not apply to § 1.193(c).

Released: February 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1772; Filed, Feb. 20, 1962; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1038]

[Docket No. AO-194-A6]

MILK IN ROCKFORD-FREEPORT, ILLINOIS, MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Rockford, Illinois, on June 6-8, 1961, pursuant to notice thereof which was issued May 9, 1961 (26 F.R. 4023).

The material issues on the record of the hearing relate to:

1. Expanding the marketing area;
2. Qualifications for attaining pool plant status;
3. Payments on unpriced milk disposed of in the marketing area from nonpool plants;
4. Class I price;
5. Class II price;
6. Butterfat differentials;
7. Application of location differentials on class prices and in paying producers;
8. Using a base and excess plan in paying producers;
9. Application of various classification provisions;
10. Allowing a cooperative association to be a handler on bulk tank milk of its members;
11. Equivalent prices; and
12. Miscellaneous administrative and conforming changes.

1. The Rockford-Freeport marketing area, presently the cities of Rockford, Loves Park, and Freeport, and specified townships in Stephenson and Winnebago Counties, should be extended to include Rock County, Wisconsin; Boone, Carroll, De Kalb, Jo Daviess (except the city of East Dubuque), Lee, Ogle, Stephenson, and Winnebago Counties, Illinois; and the townships of Caloma, Hahnaman, Hopkins, Hume, Jordan, Montmorency, Sterling, and Tampico in Whiteside County, Illinois. The Rockford-Freeport marketing area should be redesignated the Rock River Valley marketing area to more adequately describe the expanded marketing area.

The 1960 census population of the recommended marketing area, a contiguous territory in 10 counties, was approximately 600,000. The population of Rockford, the largest city in the proposed marketing area, was 127,000. The population of the next largest cities, Freeport, Dixon, De Kalb, Sterling, Belvidere, and Rock Falls ranged from 27,000 to 10,000. Because a substantial part of the fluid milk sales of handlers are in rural communities and because much of the population immediately surrounds the cities and towns, the marketing area should be defined insofar as practicable, on the basis of county rather than town or city boundaries.

The Midwest Dairymen's Company and Pure Milk Association, the major producer cooperatives in the market, represent substantially more than two-thirds of the producers supplying plants who would be regulated by the amended order. About 75 percent of the dairy farmers who would become producers under the order by the recommended expansion of the marketing area are members of these associations.

The expanded marketing area will conform more closely to the sales territory of handlers regulated by this and other orders. Handlers under this order and nearby orders have route distribution throughout the territory recommended for addition to the marketing area and compete therein with unregulated handlers. It is more practicable to include this additional territory in the Rockford-Freeport marketing area than in that of any other order. This will provide a contiguous geographical marketing area in which handlers who would be regulated by the proposed order are the principal distributors.

Most of the 23 presently unregulated handlers purchase milk at a flat price which is closely related to the Chicago uniform price. These unregulated handlers have a high proportion of fluid milk sales to receipts not uncommonly ranging from 80 to 100 percent Class I utilization. Rockford and Freeport handlers are at a price disadvantage in competing with unregulated handlers for sales in the proposed marketing area because they must pay the higher Class I price of the order to which their competitors are not subject. The buying practices of the unregulated handlers have led to instability in the market and have resulted in lower prices being paid to farmers than the classified use value of their milk would warrant.

The marketing area expansion herein recommended would promote orderly marketing by assuring Rock River Valley order handlers that their competitors in the marketing area would be required to pay for milk at prices based on the minimums prescribed by the order.

Rockford-Freeport order handlers have distribution in all counties in the ten-county recommended marketing area except Lee and Whiteside Counties. They compete in the recommended marketing area with the unregulated handlers whose sales are geographically more limited. Of the 23 presently unregulated handlers operating in the proposed marketing area, 20 would be regulated by this order and 3 by the order proposed for the Madison area. Handlers regulated by the Chicago, Milwaukee, Quad Cities-Dubuque, Cedar Rapids-Iowa City and Indianapolis orders also serve the ten-county area.

Winnebago and Stephenson Counties, which contain the present Rockford-Freeport marketing area, are served primarily by handlers from Rockford and Freeport. They compete with three unregulated distributors who would become regulated because of their distribution in these two counties and in adjacent portions of the recommended marketing area. They also compete for sales in these counties with handlers regulated by the Chicago and Milwaukee orders.

Rock County, Wisconsin, which adjoins the northern boundaries of Winnebago and Boone Counties, is served by 17 distributors. One Chicago order handler operates a local distributing plant which has 38 percent of its sales in this county. This handler, because of sales in this county and in five other counties of the proposed marketing area, would be regulated by the recommended order. In total, approximately nine handlers who would be regulated by this order serve Rock County in competition with two Chicago order handlers, three Milwaukee order handlers and three handlers who would be regulated by the proposed order for the Madison area.

The city of East Dubuque in Jo Daviess County is in the Quad Cities-Dubuque marketing area. Distribution in the remainder of this county is by eight handlers, four of whom would be regulated under this order, and two each under the Chicago and Quad Cities-Dubuque orders. One handler who would be regulated under the proposed Madison order has some distribution in this county.

Carroll and Ogle Counties, which adjoin the present marketing area on its southern boundaries, are served by about 15 handlers who would be regulated under the expanded Rock River Valley

order. Handlers under other nearby orders also have some distribution in these counties.

In Lee County, which is adjacent to the southern boundaries of Carroll and Ogle Counties, three handlers have substantial sales in competition with Chicago, Quad Cities-Dubuque, and Indianapolis order handlers. The three now unregulated handlers would be under this order because of their distribution in Ogle County.

That part of Whiteside County proposed to be added to the marketing area is served by eight handlers who would become regulated under this order because of sales in adjoining counties of the proposed area, primarily Lee and Carroll. Five Chicago handlers also distribute there. Five of the eight handlers who would be regulated under this order have sales in Carroll and other counties of the proposed area. The remaining three would be regulated primarily because of sales in Lee County.

Failure to include Lee County and the specified townships in Whiteside County in the marketing area could result in a competitive disadvantage for handlers who would be regulated under the order because some handlers serving the area would be regulated while their principal competitors would not.

Boone County and DeKalb County are primarily served by presently regulated handlers. In Boone County, three Rockford-Freeport order handlers have distribution in competition with Chicago and Milwaukee order handlers. If DeKalb County were not included in the recommended area, the several local distributors would remain unregulated and have an advantage in competition with regulated handlers for sales in the county.

The area herein recommended as the Rock River Valley marketing area represents an area of uniform minimum health standards for Grade A milk products sold for fluid consumption. Fluid milk products sold under a Grade A label must be approved by local and State health authorities who are governed by health ordinances, practices and procedure patterned after the United States Public Health Ordinance and Code. Movements of Grade A milk, both in bulk and packaged form, between various localities in the marketing area are through reciprocal approval of the responsible health authorities.

Territory within the boundaries of the designated marketing area which is occupied by Government (Municipal, State, or Federal) reservations, installations, institutions, or other establishments should be considered as within the marketing area. Exemption of sales by a handler in any such territory could place regulated handlers at a disadvantage. So there will be no doubt as to the intent of the application of the marketing area definition, the order should clearly specify that all premises within the marketing area, as described above, will be included as part of the marketing area.

2. The pool plant qualifications under the order should be revised.

Two general categories of plants should be defined under the order. A "distributing plant" would be a plant in which any Grade A fluid milk product is processed or packaged and disposed of during the month on routes in the marketing area. "Supply plant" would be a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

Presently, a plant may participate in the marketwide pool if any fluid milk products are distributed on routes in the marketing area. Because of the difference in marketing practices and functions between distributing and supply plants which may serve the expanded area, separate performance standards should be provided which will apply uniformly to all plants wherever located. Performance standards should be such that any plant which supplies a substantial portion of its Grade A receipts to the Rock River Valley market would pool its sales and share in the marketwide pool.

In order to qualify as a pool plant, a distributing plant should be required to dispose of 10 percent or more of its Grade A receipts as Class I milk on routes in the marketing area during the month. A distributing plant having more than 90 percent of its business outside the marketing area should not be considered to be associated with this market. Full regulation of such distributing plants is neither advisable nor necessary to accomplish the purposes of the order and might well place such plants at a competitive disadvantage in supplying the unregulated market. Such minimum standards are necessary also to avoid the possibility that a plant otherwise not associated with the market might qualify itself for equalization payments to its own advantage, and to the disadvantage of the market by means of minor sales in the marketing area.

In order that only plants primarily engaged in route distribution of fluid milk products be qualified as pool plants under this definition, a further condition should be placed on a distributing plant. That is that its route distribution of Class I milk (both inside and outside the marketing area) be not less than 50 percent of its total receipts of Grade A milk. Any plant which does not qualify on this basis should have its pool status determined by the standards applied to supply plants.

A plant from which milk for Class I uses is distributed regularly in the marketing area under normal circumstances may be expected to dispose of its milk in such a way as to exceed by a reasonable margin the minimum performance standards necessary to qualify as a pool plant. There may be from time to time plants supplying milk to the marketing area which would not qualify for pool status. Such plants should be required to file reports, make available their records for audit by the market administrator, and be subject to payment hereinafter discussed if they are not fully subject to regulation.

The performance standards for supply plants to qualify for pool plant status should reflect the fact that the quantity of milk available to regulated distributing plants may not be adequate for [illegible] needs.

At times, particularly during [illegible] of seasonally low production, some [illegible] tributors in the market have relied [illegible] tensively on supplemental [illegible] keep their Class I outlets fully [illegible] In 1959 and 1960 supplemental [illegible] from Chicago regulated plants and [illegible] sources were 12.5 and 9.3 percent, [illegible] spectively, of producer receipts [illegible] the order. During months of [illegible] high production, producer milk in excess of fluid use is manufactured. To assure that all producer milk pooled will be available for Class I use in the marketing area, supply plant standards should be set at levels which will assure that such milk will be available.

To qualify as a pool plant a supply plant should ship to distributing plants which are pool plants at least 50 percent of its receipts of milk from dairy farmers in any month. A supply plant from which a proportionately lesser quantity is shipped should not under present conditions in the market be considered as primarily associated with the Rock River Valley order market.

The demand for supply plant milk will be greatest during the season of high production. During the months of flush production local supplies will generally be more than adequate for the market's Class I needs. In these circumstances, the performance standards should not force milk to be transferred to distributing plants in the market for seasonally high production in order to maintain the eligibility of supply plants to pool.

Provisions should be made whereby a supply plant previously qualified may elect to receive pool plant status during the months of seasonally high production. Such election would be effective to a plant when it had supplied 50 percent of its producer milk receipts during the month of September through February to distributing plants which were pool plants. As herein recommended, pool plant status would automatically continue to such supply plant for the subsequent months of March through June unless the operator of such plant notified the market administrator that he elected to have nonpool status for such plant beginning with any month during such period.

Some handlers received milk from both Grade A and ungraded sources. Generally, such handlers maintain the ungraded operation physically apart from the Grade A operation. Proper safeguard should be provided in the order to insure that the ungraded and Grade A portions of a plant operated by the same handler are maintained as separate entities. If a portion of a plant physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it should not be considered a part of a pool plant. However, if the graded and ungraded operations of a plant are not maintained separately, the entire operation of such plant would be considered as that of a pool plant and all ungraded milk received at such

...be considered as other source milk ...ed at a fluid milk plant.

...The order should provide for pay... ...to the producer-settlement fund ...ssified milk which is allocated to ...s I milk in a pool plant.

...ving milk in excess of Class I dis... ...is necessary to operate a fluid ...business. Because of seasonal fluc... ...in production without corre... ...changes in demand, this excess ...reserve milk must be marketed in ...factured form in competition with ...made from ungraded milk. ...reserve Grade A milk must be mar... ...at a lower price and is the pri... ...cause of the instability which may ...fluid milk markets.

Considerable volumes of surplus Grade ...milk must be disposed of by unregu... ...plants in the Chicago milkshed. ...handlers could obtain such milk ...substantial volumes from these non... ...sources at prices reflecting its value ...surplus milk, which approximates the ...II price under the order. The com... ...payment on other source milk ...to Class I milk should be the ...between the minimum price ...producer milk used for surplus (Class ...) and the Class I price, adjusted to the ...of the plant from which such ...source milk was received from ...rs. This rate will reflect generally ...difference in value between unregu... ...and regulated milk for Class I use.

The rates herein found to be appro... ...give recognition to general com... ...conditions in the purchase and ...of fluid milk products. However, ...such conditions do not prevail ...uniformly in all instances and all trans... ...are not made under the same ...circumstances, it would not be adminis... ...feasible to adjust prices to pay... ...in individual transactions.

It is therefore necessary to have defi... ...and specified rates applicable to all ...handlers similarly situated. The rates ...herein provided will best effectuate the ...intent of the Act under current market... ...conditions in the area.

Other source milk used in the form of ...dried dry milk or condensed milk ...should be considered to be from a source ...at the location of the pool plant where it ...is used. It would not be administratively ...feasible to do otherwise because concen... ...milk products may be obtained ...from numerous sources and it would not ...always be possible to ascertain at which ...plant location it originated.

A handler whose distributing plant ...fails to qualify as a pool plant should ...make payment to the producer-settle... ...fund of either (1) the amount of ...Class I milk sold in the marketing area ...multiplied by the difference between the ...Class I and Class II price, or (2) the ...amount by which total payments to dairy ...farmers are less than the total amount ...of the plant's obligation to producers, ...computed as if such plant were a pool ...plant. Under the first option the ...amount of milk on which a handler ...would make payment should be reduced ...by the receipts of Class I milk from pool ...plants. Because such milk would be ...priced as Class I milk at the regulated ...plant where it was received from pro... ...ducers, the pool would not be disadvantaged and the integrity of regulation would be preserved.

If the handler elects to make payments under the first option, the regulatory plan will be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk. If the handler chooses to pay the full utilization value of his milk either directly to his own farmers or by combination of payments to his farmers and the producer-settlement fund, he will obviously not have an advantage in terms of the minimum order class prices on his sales of Class I milk in the marketing area, for his total minimum obligation for milk will be determined exactly the same as if he were a fully regulated handler.

Affording this last option to nonpool plants which distribute some Class I milk in the marketing area of the order will adequately protect the regulatory plan in this market. It is expected that handlers who would use this option are relatively small and the prices they would be required to pay under the option and the uniform price payable by wholly regulated handlers would not differ greatly. Consequently, the exercise of this option could not have a disruptive influence on the handling of milk in this area. For these reasons it is not necessary, in order to maintain the integrity of the regulatory plan, to require these partially regulated plants to make payments into the producer-settlement fund if it is ascertained that they have paid their producers at least the total amount of money which they would be required to pay if fully regulated.

No compensation payment should be required on milk classified and priced as Class I under another Federal order on fluid milk products distributed in the marketing area. The minimum prices for Class I milk under other Federal orders where Rock River Valley handlers might obtain supplemental supplies approximate the recommended Class I price as adjusted for location of the supplying plants. Since handlers operating plants under other Federal orders must pay for producer milk on a utilization basis, they would not be in a position to dispose of their surplus producer milk in the Rock River Valley area for Class I use at less than Class I prices.

4. The level of the Class I price should not be changed.

Although various proposals were made to increase the Class I price, there is no indication that the supply of producer milk is becoming inadequate for the market's requirements. During the years 1959 and 1960, producer milk classified in Class II under the Rockford-Freeport order was 14 and 13 percent, respectively.

The proposed Rock River Valley marketing area is wholly contained in the milkshed of the Chicago market. These markets are so interrelated that a close correlation of Class I prices is essential for orderly marketing conditions and to minimize uneconomic shifts of producers and plants between the markets.

The Class I price for the expanded marketing area would be calculated by adding a differential to a basic formula price. The annual average Class I differential would be $0.92 over the basic formula price. This differential together with the Chicago order supply-demand adjustment (as now reflected in the Rockford-Freeport Class I price) and the location differential adjustments recommended herein would maintain the present level of pricing under the order and provide alignment with Chicago order prices.

Rockford, Illinois is a principal point at which producer milk is received and from which fluid milk products are distributed throughout the marketing area. All pool plants in the city of Rockford are within Zones 3 and 4 (85–115 miles) of the Chicago order. The announced Class I price should, therefore, be applicable at plants within 115 miles of the City Hall in Chicago with appropriate location adjustments to be applied at other plants.

The basic formula price would be the average of the prices paid for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota and would be the same as that recommended for the Chicago order basic formula price. Official notice is here taken of the Chicago order recommended decision issued by the Assistant Secretary on February 7, 1962 (27 F.R. 1272). Alignment of Class I prices between the proposed Rock River Valley and nearby Chicago order can best be achieved by providing the same basic formula prices.

5. The Class II milk price should be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture.

The recommended pricing of reserve milk recognizes that prices for manufacturing grade milk tend to be reasonably uniform regardless of the use made of the milk utilized for manufacturing purposes.

Elsewhere in this decision, the need for maintaining an alignment with the Chicago Class I price is emphasized. Alignment of reserve milk prices between the two orders is no less necessary. Large quantities of reserve milk in this market are disposed of for manufacturing purposes to plants regulated by the Chicago order. The Class II price herein recommended is the same as the price for reserve milk under the Chicago order.

The present order prescribes three alternative methods to determine Class II prices: the Midwest condensery price, a butter-cheese formula and a butter-powder formula.

There are certain shortcomings in the use of a butter-powder or butter-cheese formula for the pricing of reserve milk. The fact that all milk received by a handler is not used exclusively in butter, powder or cheese production necessarily means that some allocation of costs must be made to various operations. Such joint costs are not always subject to precise measurement or analysis. In addition, formula pricing tends to lag behind changes in costs and technology which would not be reflected in the formula

price until appropriate order amendment action could be made.

Because formula prices are directly tied to specific products, they are not consistently aligned with prices for manufacturing grade milk. During the four months of September through December 1960 the Midwest condensery price, in response to increased competition for manufacturing supplies, exceeded the butter-powder price by 24, 35, 41, and 50 cents and the butter-cheese price by 23, 34, 40, and 48 cents, respectively. In the same months of 1959 the butter-powder formula exceeded the Midwest condensery price by 2 cents in September, and during October through December the Midwest condensery price exceeded the butter-powder price by only 8, 7, and 16 cents, respectively. The Midwest condensery price exceeded the butter-cheese price during each month of September through December 1959 by 7, 17, 14, and 20 cents, respectively.

The only competitive pay price series now used in the order is the Midwest condensery price series. Currently prices are received from only eight plants, two in Michigan and six in Wisconsin. (Official notice is taken of the closing in November 1961 of the Borden Company, Orfordville, Wisconsin plant, reducing the number of plants in this price series to eight.) Originally, there were 18 plants or places reporting prices, but the number has gradually dwindled over the years to the point where consideration of another measure of manufacturing prices is advisable.

Information on the prices paid at manufacturing plants in Wisconsin is assembled by the State-Federal Crop Reporting Service. A large number of manufacturing plants are included in the monthly sample on which average prices and butterfat content information is based. Plant operators report the total pounds of manufacturing grade milk received from farmers, the total butterfat content and total dollars paid to dairy farmers for such milk, f.o.b. plant. Similar information is assembled for Minnesota manufacturing plants. These prices are available on a current month basis and can be announced on or before the fifth day of the following month.

The Minnesota-Wisconsin series for manufacturing grade milk reflects price information in each of the two states weighted by the proportionate amount of manufacturing milk produced in each state. This series is based upon a large sample of plants located in the remaining large production area of manufacturing grade milk in the country. Approximately 50 percent of the total manufacturing grade milk sold off farms in the United States is produced in these two states. In Minnesota, about 75 percent of the milk sold off farms is manufacturing grade milk, and in Wisconsin 65 percent is manufacturing grade. Competition for this milk is strong in both states. Consequently, no individual company, or group of companies, can have a significant influence upon the level of prices.

Official notice is taken of the Minnesota-Wisconsin prices for manufacturing grade milk as released by the United States Department of Agriculture through November 1961 and of the prices through November 1961 for other manufacturing milk price series as released by the Rockford-Freeport market administrator.

From December 1957 through November 1961, the Rockford-Freeport Class II price (Midwest condensery price in all months except one when the butter-powder formula price was the effective Class II price) averaged $3.10. The butter-powder price during this period averaged $2.92 and the butter-cheese price $2.85. The price for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, adjusted to a 3.5 percent butterfat basis by the Order 91 producer butterfat differential, averaged $3.10 for the four-year period.

The prices paid farmers in the various states for manufacturing grade milk, as reported by the United States Department of Agriculture, is at the weighted average butterfat test of milk received at these plants. Since the order class prices are announced on a 3.5 percent butterfat basis, it is appropriate that the announced Minnesota-Wisconsin prices for manufacturing grade milk be adjusted to this basis by a differential equal to the average quotation for the month for Grade A (92-score) butter at Chicago times 0.120. This differential is used for this purpose under the Chicago order.

6. The butterfat differentials used to adjust the Class I and Class II prices should be revised to more appropriately reflect the relative value of butterfat under current marketing conditions. The value resulting from multiplying the Chicago butter price by 0.120 for Class I and by 0.115 for Class II milk will provide appropriate means for adjusting the prices in the expanded marketing area for each one-tenth percent variation in the butterfat content of milk used in various products.

The several proposals for higher Class I butterfat differentials than herein recommended would allocate more value to the butterfat in Class I milk. A number of fluid milk products on the market are made up of a proportionately high percentage of solids not fat (e.g. fortified or modified skim milk). Sales of modified skim milk by handlers under the order increased from 170,000 pounds in 1957 to 335,000 pounds in 1960, an increase of 97 percent. With too high a butterfat differential, producers would not receive their appropriate share of the Class I sales value represented by the solids not fat portion of fluid milk products. A high butterfat differential would have the effect of pricing cream for Class I uses at a high level. On the other hand, the butterfat differential recommended will give encouragement to increasing the disposition of butterfat in Class I outlets.

The Class II butterfat differential herein proposed will facilitate the movement of butterfat in the reserve supply of milk to manufacturing outlets and thereby eliminate the potential for unstable marketing conditions which milk without a market tends to create.

The butterfat differential to producers should be calculated at the average of the Class I and Class II butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class during the month. The returns to producers will reflect the actual value of their butterfat at the class prices provided by the order.

7. Class I and uniform prices should be adjusted according to the location at which producer milk is received. As stated elsewhere, the Class I price should be announced at Rockford, which is within 115 miles of the City Hall in Chicago. The Class I price for milk received at plants 115 miles or more from the Chicago City Hall should be decreased two cents for each 15 miles or fraction thereof that such plant is beyond 115 miles from Chicago.

The location adjustment applicable at any plant under this order should not be more than 12 cents. The several handlers operating plants in the western portion of the Rock River Valley marketing area compete with handlers regulated by other nearby Federal orders. Limiting the location differential adjustment under this order to 12 cents will contribute toward attaining appropriate alignment of Class I prices to handlers under this and nearby orders who compete for fluid milk sales in the western portion of the recommended marketing area.

The Class I price herein recommended is related to the Class I price under the Chicago order. A number of plants under the Chicago order are potential and alternative sources of supply for handlers under the proposed Rock River Valley order.

The location differential herein recommended is applicable under the Chicago order and is representative of the cost of hauling milk to the market by the efficient means. Such differential will recognize the geographical location of the expanded marketing area in relation to the Chicago market and maintain appropriate Class I price relationships under the two orders.

The uniform price (including the uniform price for base milk) paid producers supplying plants at which location differentials apply should likewise be adjusted to reflect the value of milk at the point to which delivered.

No location adjustment should be made in the Class II price because of the location of the plant receiving reserve milk. Because of the low cost per hundredweight for transporting manufactured products to market, the price paid for milk used in manufactured products at various points in the marketshed should not vary with location.

To insure that milk will not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. For the purpose of calculating such location differential credit, the skim milk and butterfat in fluid milk products transferred in bulk form should be assigned to the available skim milk and butterfat classified in Class II in the transferee plant before being allocated to Class I milk at such plant.

8. A "base and excess" plan of distributing returns for milk among pro-

…should be incorporated in the

…and excess plans are commonly …throughout the production area and …wide support among producers. …plans in the area are pat…after the base-excess provisions of …order.

…operative associations serving the …have been using base and excess …for a number of years to encourage …even production among dairy …. Such a plan applicable to all …under the order would tend to …a better relation of production to …needs of the market throughout the …

…base and excess plan herein rec…ended would establish for each pro…a base according to his deliveries …pool plants during September, Octo…and November. For these months, as …as all other months in the period …July through February, producers …receive the marketwide blend or …price for all milk which they de…to pool plants.

…each month of March through …separate uniform prices for "base …" and "excess milk" would be com…ed so that Class I sales would first …to base milk. Base milk would …milk received at pool plants from a …March through June which is …in excess of an amount equal to the …of such producer multiplied by the …of days' production received at …plants in the month. Class II dis…in the market would first be …to excess milk. If the ag…Class I disposition is more …the base milk received from pro…in any month, such additional …I milk would be allocated to excess …and the excess blend price increased …ingly.

…producer location adjustments …recommended should be applied …prices paid producers for base milk. …excess milk will represent princi…producer milk classified in Class II …which no location adjustment is ap…, to the producer price for excess …should not be subject to location …ments. The producer butterfat …ential applicable to the uniform …should be used to adjust the uni…prices for base and excess milk.

…September, October and November, the …ended base-forming period, are …of seasonally low production in …ished and are the base-forming …under the Chicago order. It was …that August and December be …in the base-forming period. In …of the extensive overlapping of the …River Valley and Chicago milk…, however, it would be inappropriate …vide for a base-forming period dif…from that in the Chicago order. …milk should not include milk …from a farm from which milk …ered in the same month to a plant …it is subject to the classification …pricing provisions of another order …pursuant to the Act. This pro…will reduce the opportunity for a …with plants in other pools to …his excess producer milk to the Rock River Valley pool during the high production months.

New producers coming on the market during or after the base-forming period should be allotted bases even though they did not establish any during the preceding September through November period. In addition, a producer who delivered milk during the base-forming period but desires to change his level of production should not be required to receive payment for the higher production at the excess price. Such a producer should be permitted to relinquish his base and establish the base of a new producer if he so desires. This would add greater flexibility to the plan and would accommodate cases of abnormally low production during the base-forming period due to unusual circumstances.

For a producer who does not deliver milk during the base-forming period or who delivers less than 60 days production during the base-forming period or who desires to relinquish an established base, a base for each month of March through June would be calculated by multiplying his average daily deliveries in such month to pool plants by 60 percent for March, 55 percent for April and 50 percent for May and June. The above percentages are identical to those in the Chicago order and will allow new producers to share in the Class I market during the base-operating period. At the same time the percentages will not be such as to invite substantial numbers of old producers to relinquish their earned bases.

On or before February 15 of each year the market administrator should notify each producer and handler receiving milk from such producer of the base established by such producer. This will provide adequate time for the market administrator to complete the extensive work of computing and announcing bases. Also, by being notified a half-month before the beginning of the base-paying period, a producer will have reasonable advance notice of what his base shall be. The same half-month period should be allowed a producer for deciding whether to relinquish his established base for the equivalent of that accorded a new producer.

If a plant were a nonpool plant during the preceding September through November period and became a pool plant during any of the months of March through June of the following year, provision should be made for assigning bases to the dairy farmers regularly supplying such plant. This would be effectuated most equitably by according such dairy farmers the same treatment as other producers in establishing bases. For the purpose of computing the base of a producer, deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June would be considered producer milk received at a pool plant.

Certain rules regulating the transfer of established bases were proposed and are adopted herein. These are patterned after the base rules in the Chicago order and will tend to promote better understanding of the base and excess plan among producers in the areas where the Rock River Valley and Chicago milksheds overlap.

A producer should be able to transfer his base if he sells his farm. In this case, if the producer disposes of his base, it should go with the farm on which it was earned. In the event of a producer's death, provision should be made for the possible transfer of the base upon written notice to the market administrator from any member of the producer's immediate family.

If more than one producer ships from a farm, one base should be computed for the farm to be allocated to each producer according to his share in the sale of milk from the farm unless one of the producers has a base earned while he was on another farm and requests that he be allowed to retain such base. Provisions should also be made for division of a jointly held base and to allow a producer to transfer credit towards establishment of a base in the same manner as he may transfer a base.

9. (a) The nonfat milk solids added to a fluid milk product should be converted to their fluid skim milk equivalent weight for purposes of accounting for the skim milk required to produce such product. However, the Class I classification should apply only to the weight of skim milk and butterfat contained in an equivalent volume of an unmodified fluid milk product. The remaining portion of the fluid milk product would represent added skim milk solids and should be classified as Class II milk on a skim milk equivalent basis. Nonfat milk solids added to fluid milk products do not displace producer milk for Class I use in this marketing area.

(b) Inventory accounting procedure would be facilitated by providing that month-end inventories of fluid milk products be classified in Class II milk. Such month-end inventories would be subtracted from any available Class II milk in the following month. The higher use value of any fluid milk products in inventory allocated to Class I milk in the following month should be reflected in returns to producers. This will preserve the priority of assignment of current producer receipts to current Class I use.

(c) Class II classification should be provided for skim milk and butterfat in eggnog. Eggnog made from ungraded milk is sold in the marketing area in competition with such product made from Grade A supplies.

(d) The skim milk portion of fluid milk products which is dumped or sold for livestock feed should be Class II if the market administrator is notified in advance and afforded the opportunity to verify such disposition. The order now provides Class II classification for skim milk and butterfat dumped or sold for livestock feed. Butterfat in fluid milk products is generally salvageable, can be accumulated in the form of cream and adequate outlets are available for utilizing such butterfat in manufactured dairy products. No provision should be made for classifying in Class II the but-

terfat in fluid milk products dumped or sold for livestock feed.

(e) The shrinkage allowance should be revised to reflect loss experience encountered under current methods of handling milk in the market and to provide equitable division of shrinkage among handlers.

The maximum shrinkage allowance in Class II at each plant should be 2.0 percent of producer milk (except producer milk from a cooperative association as a handler and milk diverted to a nonpool plant) plus 1.5 percent of bulk fluid milk products from other pool plants and less 1.5 percent of such bulk products transferred to other plants.

On producer milk for which a cooperative association has elected to be the handler, the receiving plant should be allowed 1.5 percent of such milk in shrinkage. However, if the handler notifies the market administrator that he is purchasing such milk on the basis of farm weights the applicable percentage on such milk should be 2.0 percent.

Plants operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant losses in excess of the maximums herein provided.

(f) The method for classifying transfers and diversions to nonpool plants should be more specifically set forth.

Fluid milk products transferred or diverted to a nonpool plant should be allocated to Class I to the extent that the fluid milk products disposed of from the nonpool plant exceed the receipts of skim milk and butterfat in Grade A milk from dairy farmers regularly supplying such plant. Any remainder transferred or diverted from the regulated plant would be Class II milk. If the transfers and diversions to the nonpool plant during the month are from two or more plants subject to the provisions of different orders issued pursuant to the Act, the skim milk and butterfat assigned to Class I milk at each such regulated plant under this order should not be less than that obtained by prorating the assignable Class I milk at the nonpool plant over the receipts from all plants subject to the provisions of this and other orders issued pursuant to the Act .

The method herein recommended for classifying transfers and diversions to nonpool plants accords equitable treatment to order handlers and gives appropriate recognition to handlers in other regulated markets in the classification of milk transferred to a common nonpool plant. Giving priority to dairy farmers directly supplying a nonpool plant recognizes that they are the regular and dependable sources of milk for fluid use at such plant.

The "surplus disposal area" beyond which milk, skim milk and cream transferred or diverted to nonpool plants would be classified as Class I should be limited to not more than 150 miles by the shortest highway distance from the nearer of the main Post Offices of Janesville, Wisconsin and Sterling, Illinois. The area thus described is adequate to dispose of milk, skim milk and cream not needed by order handlers for Class I purposes in the marketing area. Milk skim milk and cream moving greater distances are normally for Class I use.

Limiting the area in this manner will protect the diversion provisions of the order. A larger area than that provided could encourage handlers to associate by diversion additional producers with the market, permitting them to share in the marketwide pool while most of the milk of such producers could be withheld from fluid uses and be used for Class II purposes at unregulated plants not a part of this market.

When milk, skim milk and cream in bulk has been transferred or diverted to a nonpool plant located not more than 150 miles from the points herein recommended, the market administrator is required to verify the utilization claimed by such nonpool plant. It may reasonably be expected that the market administrator will be able to make such verification within the "surplus disposal area" without incurring undue expense.

(g) The allocation procedure of the order should specify that packaged fluid milk products subject to pricing under another order be assigned to Class I milk. This will allow a handler operating plants regulated under more than one order to achieve economies associated with centralized processing and packaging of certain fluid milk products and is consistent with present treatment of such milk under this order during certain months.

The provision allowing direct allocation to Class I of bulk milk, skim milk or cream received during September through December from a plant at which such milk was priced under another order should be deleted. Such Federal order bulk shipments should be allocated in sequence starting with Class II milk. This will assure local producer milk the priority of Class I use and will assist in associating with this market additional supplies of producer milk needed in the expanded marketing area.

10. The handler definition should be expanded to include a cooperative association which elects to be the handler on milk of its member producers which is delivered from the farm to the fluid milk plant of another handler in a tank truck owned and operated by or under contract to such association. The major cooperative association in this market is now supplying the principal handlers with their milk in tank trucks.

Allowing a cooperative association to be the responsible handler on bulk tank milk received at farms would promote more efficient marketing by providing greater flexibility in assignment and movement of such milk. As a handler for such milk, a cooperative would be required to report the quantities of such milk received at each pool plant. This information would be readily available to the cooperative and its reports in conjunction with the reports from pool plant operators would enable the market administrator to establish the quantities of producer milk to be accounted for at each pool plant.

Handlers operating pool plants would pay the cooperative as a handler the applicable uniform prices for milk received. This would facilitate the operation of the order in that any ments in classification resulting audit of a handler's pool plant would be made directly with such dler.

All milk for which the coop elects to be the handler would be to have been received at the which it was delivered. Member diverted to a nonpool plant deemed to have been received pool plant from which diverted ducers would receive the uniform on such milk. Member milk by the association as a handler to pool distributing plant or excess of the limits herein would not be considered producer

11. If for any reason a price required by this order for class prices or for other purposes available in the manner market administrator should use determined by the Secretary to be alent to the price which is Including such a provision in the will leave no uncertainty with the procedure which shall be the absence of any price which are customarily used and prevent any unnecessary in the operation of the order. This vision is incidental to, and not sistent with, other provisions of order and is necessary to effectuate provisions.

12. The entire order should be drafted to incorporate conforming clarifying changes and to facilitate plication of its various provisions.

In designating which persons be subject to regulation and the cation of order provisions to new or revised definitions are in the attached order, including for "producer", "fluid milk "fluid milk plant", "producer "other source milk". The definitions "pool plant", "distributing plant" "supply plant" are discussed in this decision.

"Producer" should mean any except a producer-handler, who duces milk in compliance with inspection requirements of a duly stituted health authority, which received at a pool plant.

"Fluid milk product" should milk, skim milk, buttermilk, milk, flavored milk drinks, sweet cream disposed of as such, or any ture in fluid form of cream and skim milk (except eggnog, ice mix, frozen dessert mix, aerated products, evaporated and milk or skim milk, and sterilized ucts in hermetically sealed metal tainers). The items designated as milk products pursuant to this would be those products which posed of by handlers are Class I milk.

"Fluid milk plant" should be as a pool plant or a distributing which is not a pool plant. Such tion will enable the market tor to use the same report forms distributing plants, both pool and pool. In addition, it will facilitate ulating the language in the

...provisions as they apply to such ...especially with respect to those ...plants which are not pool ...

...milk" should be defined as ...milk and butterfat contained ...received at a pool plant directly ...Grade A dairy farmers or a coop... association as a handler. Pro... would also include milk di... from a pool plant to a nonpool ...by a cooperative association or a ...handler under certain con...

...order now provides for unlimited ...of producer milk to nonpool ...in any month. Producers pro... that diversion be limited to 14 days ...any month of August through ...

...for unlimited diversion dur... months when reserve supplies ...are heaviest will facilitate the ...of such milk to nonpool plants ...facturing. Unlimited diversion ...necessary nor desirable under ...marketing conditions in the ex... area during those months when ...needed for Class I use in the ...

...producer milk status for diverted milk ...be limited during each month of ...through January to a quantity ...greater than the quantity of pro... milk that was delivered to pool ...in such months. Diverted milk ...be deemed to have been received ...plant from which diverted.

"Other source milk" should be defined ...skim milk and butterfat contained ...represented by fluid milk products ...by the handler in his operations ...producer milk, fluid milk prod... received from pool plants and in... at the beginning of the month. ...other source milk represents skim ...and butterfat which is not subject ...pricing provisions of this order ...the month. It would include all ...products from plants other than ...plants, milk received from producer-... and all manufactured dairy ...from any source which are re... or converted into another ...during the month. It would in... those manufactured products from ...own production which are made ...are reprocessed or converted into ...product during the same or later ...

...on proposed findings and con... Briefs and proposed findings ...conclusions were filed on behalf of ...interested parties. These briefs, ...findings and conclusions, and ...evidence in the record were consid... in making the findings and con... set forth above. To the extent ...the suggested findings and conclu... filed by interested parties are in... with the findings and con... set forth herein, the requests to ...such findings or to reach such con... are denied for the reasons previ... stated in this decision.

General findings. (a) The proposed ...agreement and order and all ...terms and conditions thereof, will ...to effectuate the declared policy ...Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following order regulating the handling of milk in the Rockford-Freeport, Illinois marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carrried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed order.

DEFINITIONS

§ 1038.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Market Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1038.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

§ 1038.3 Department.

"Department" means the United States Department of Agriculture.

§ 1038.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1038.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members.

§ 1038.6 Rock River Valley marketing area.

"Rock River Valley marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of Rock County, Wisconsin; the Illinois counties of Boone, Carroll, De Kalb, Jo Daviess (except the city of East Dubuque), Lee, Ogle, Stephenson, Winnebago and the townships of Caloma, Hahnaman, Hopkins, Hume, Jordan, Montmorency, Sterling and Tampico in Whiteside County; including territory within such boundaries occupied by government (Municipal, State or Federal) reservations, installations, institutions or other similar establishments.

§ 1038.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sweet or sour cream disposed of as such or any mixture in fluid form of cream and milk or skim milk (except eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated and condensed milk or skim milk, and sterilized products in hermetically sealed metal containers).

§ 1038.8 Route.

"Route" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I pursuant to § 1038.41(a)(1) to a retail or wholesale outlet other than a milk plant or a distribution point.

§ 1038.9 Distributing plant.

"Distributing plant" means a plant in which any Grade A fluid milk product is processed or packaged and disposed of during the month on routes in the marketing area.

§ 1038.10 Supply plant.

"Supply plant" means a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

§ 1038.11 Pool plant.

"Pool plant" means a plant specified in paragraph (a) or (b) of this section except that of a producer-handler or a nonpool plant pursuant to § 1038.65: *Provided,* That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant from which not less than 50 percent of the total Grade A milk receipts is disposed of during the month on routes and not less than 10 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants qualified pursuant to paragraph (a) of this section: *Provided,* That a supply plant which qualified pursuant to this paragraph in each of the immediately preceding months of September through November shall be a pool plant for the months of March through June unless written application is filed with the market administrator on or before the first day of any such month to be designated

a nonpool plant for such month and for each subsequent month through June during which it would not otherwise qualify as a pool plant.

§ 1038.12 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant or that of a producer-handler) which receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant.

§ 1038.13 Fluid milk plant.

"Fluid milk plant" means:

(a) A pool plant; or

(b) A distributing plant which is a nonpool plant.

§ 1038.14 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more fluid milk plants;

(b) Any cooperative association with respect to milk from producers which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association; or

(c) Any cooperative association with respect to the milk of its producers which is delivered from the farm to the fluid milk plant of another handler in a tank truck owned and operated by or under contract to such cooperative association: *Provided*, That such cooperative association shall not be a handler pursuant to this paragraph unless the market administrator is notified in writing prior to the first day of the month in which such milk is delivered that it elects to be the handler for such milk: *And provided further*, That such milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the fluid milk plant to which such milk is delivered.

§ 1038.15 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who receives no fluid milk products from other dairy farmers or from sources other than pool plants: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts from pool plants) and the operation of the processing and distributing business are the personal enterprise and risk of such person.

§ 1038.16 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

§ 1038.17 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer or a handler pursuant to § 1038.14(c): *Provided*, That milk diverted from pool plants to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act shall be deemed to have been received by the diverting handler at the pool plant from which diverted: *And provided further*, That in any of the months of August through January, the quantity of milk of any producer diverted from pool plants to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act that is greater than the quantity delivered to pool plants shall not be deemed to have been received by the diverting handler at the plant from which diverted and shall not be producer milk.

§ 1038.18 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Fluid milk products from any source except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month.

§ 1038.19 Base milk.

"Base milk" means producer milk during each month of March through June which is not in excess of such producer's base multiplied by the number of days of production that such milk was received at pool plants in such month: *Provided*, That base milk shall not include milk received from a farm from which milk is delivered in the same month to a plant at which it is subject to the classification and pricing provisions of another order issued pursuant to the Act.

§ 1038.20 Excess milk.

"Excess milk" means milk received at pool plants from a producer during each month of March through June which is in excess of the base milk received from such producer during such month.

§ 1038.21 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1038.30 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1038.31 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1038.32 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period, as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1038.78, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1038.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1038.35 and 1038.36, nor payments pursuant to §§ 1038.64, 1038.70, 1038.71, 1038.76, 1038.77 and 1038.78;

(g) Submit his books and records for examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month the minimum price for Class I milk pursuant to § 1038.51(a) and the Class I butterfat differential pursuant to § 1038.52(a), both for the current month, and the minimum price for Class II milk pursuant to § 1038.51(b) and the Class II butterfat differential pursuant to § 1038.52(b), both for the preceding month;

(2) The 11th day after the end of each month of July through February the uniform price pursuant to § 1038.62 and the butterfat differential pursuant to § 1038.71; and

(3) The 11th day after the end of each month of March through June, the uniform prices for base milk and excess milk pursuant to § 1038.63 and the butterfat differential pursuant to § 1038.71;

(k) On or before the 10th day after the end of each month report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association or its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month; and

(l) On or before February 15 of each year, notify each producer and the handler receiving milk from such producer of the base established by such producer.

REPORTS, RECORDS AND FACILITIES

§ 1038.35 Reports of receipts and utilization.

On or before the 8th day after the end of each month, each handler, except a producer-handler and a handler pursuant to § 1038.14(c), shall report to the market administrator for such month, reporting separately for each fluid milk plant, in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Grade A milk received from dairy farmers (including for each month of March through June the quantity of producer milk that is base milk and excess milk) and from handlers pursuant to § 1038.14(c);

(2) Fluid milk products received from pool plants;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1038.17; and

(5) Inventories of fluid milk products on hand at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area; and

(c) Such other information with respect to the utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1038.36 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler pursuant to § 1038.14(c) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 8th day after the end of each month the quantities of skim milk and butterfat in producer milk (including for each month of March through June the quantity of producer milk that is base milk and excess milk) delivered to each pool plant in such month.

(c) Each handler except a producer-handler shall report to the market administrator in detail and on forms prescribed by the market administrator, on or before the 25th day after the end of the month his producer payroll for such month which shall show for each producer:

(1) His identity;

(2) The quantity of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

§ 1038.37 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1038.38 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1038.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 1038.35 shall be classified each month by the market administrator pursuant to the provisions of §§ 1038.41 through 1038.46.

§ 1038.41 Classes of utilization.

Subject to the conditions set forth in § 1038.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2), (3) and (4) of this section); and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk in fluid milk products disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(3) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk products prior to such addition;

(4) Skim milk and butterfat in fluid milk products delivered in bulk to and used at commercial food establishments devoted exclusively to the manufacture of bakery products, candy, or processed foods in hermetically sealed containers;

(5) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(6) Skim milk and butterfat, respectively (except in milk diverted to a nonpool plant pursuant to § 1038.17) in shrinkage allocated pursuant to § 1038.42(b)(1) but not in excess of:

(i) 2.0 percent of producer milk except that received from a handler pursuant to § 1038.14(c);

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1038.14(c): *Provided*, That if the handler receiving such producer milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2.0 percent;

(iii) Plus 1.5 percent of bulk fluid milk products from pool plants; and

(iv) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(7) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1038.42(b)(2).

§ 1038.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each pool plant, and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in:

(1) Producer milk (except milk diverted to a nonpool plant pursuant to § 1038.17), plus fluid milk products in bulk from other pool plants and less transfers of fluid milk products in bulk to other plants; and

(2) Other source milk.

§ 1038.43 Responsibility of handlers and reclassification of milk.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market adminstrator that such skim milk or butterfat should be classified otherwise.

§ 1038.44 Transfers.

Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of a fluid milk product to a pool plant unless utilization as Class II milk is claimed for both plants in the reports submitted for the month to the market adminstrator pursuant to § 1038.35: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction of other source milk pursuant to § 1038.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *Provided further*, That if the transferor plant is a nonpool plant the skim milk or butterfat transferred shall be classified as Class I milk and as Class II milk in the same ratio as other source milk at the transferee plant is allocated to each class pursuant to § 1038.46(a)(4) and the corresponding step of § 1038.46(b): *And provided further*, That if other source milk was received at either or both plants, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product and if the transferor plant is a pool plant;

(c) As Class I milk, if transferred or diverted to a nonpool plant in the form of a fluid milk product except as provided in paragraph (d) of this section; and

(d) As Class II milk, if transferred or diverted in bulk in the form of a fluid milk product to a nonpool plant not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls of Jamesville, Wisconsin and Sterling, Illinois: *Provided*, That:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted pursuant to § 1038.35;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in Grade A milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to such transfers or diversions from the fluid milk plant and shall be classified as Class I milk: *And: provided further*, That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this part and any other orders issued pursuant to the Act are more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at a fluid milk plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the Act.

§ 1038.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 1038.35 for each fluid milk plant and shall compute the pounds of skim milk and butterfat in each class at each such plant: *Provided*, That if any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1038.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1038.45, the market administrator shall determine the classification of Grade A milk received from dairy farmers and from handlers pursuant to § 1038.14(c) at each fluid milk plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified as Class II milk pursuant to § 1038.41(b)(6);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk received in the form of fluid milk products in containers not larger than a gallon subject to the pricing and pooling provisions of another order issued pursuant to the Act and disposed of as Class I in the same package received;

(3) Subtract from the remaining pounds of skim milk in each class, series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in each class, series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products not subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(5) Subtract from the remaining pounds of skim milk in each class, series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products subject to the pricing and pooling provisions of another order issued pursuant to the Act and not subtracted pursuant to subparagraph (2) of this paragraph;

(6) Subtract from the remaining pounds of skim milk in each class, series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from pool plants according to the classification of such products pursuant to § 1038.44(a); and

(9) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in Grade A milk received from dairy farmers and handlers pursuant to § 1038.14(c), subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class in series beginning with Class II milk.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of milk in each class computed pursuant to paragraphs (a) and (b) of this section.

§ 1038.47 Inventory reclassification.

From any skim milk or butterfat assigned to Class I milk pursuant to § 1038.46(a)(6) and the corresponding step in § 1038.46(b), subtract in the following order the skim milk and butterfat, respectively, assigned during the preceding month to Class II milk pursuant to § 1038.46 in:

(a) The remainder after the subtracting pursuant to § 1038.46(a)(6) and the corresponding step in § 1038.46(b);

(b) Other source milk classified and priced as Class I milk pursuant to another Federal order; and

(c) Other source milk not classified and priced as Class I milk pursuant to another Federal order.

MINIMUM PRICES

§ 1038.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month: *Provided*, That such reported price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the butter price times 0.120 and rounded to the nearest cent.

§ 1038.51 Class prices.

Subject to the provisions of §§ 1038.52 and 1038.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.12 April through November; $0.72 March through June and $0.92 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio.

(b) *Class II milk price.* The Class II milk price shall be the basic formula price.

§ 1038.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1038.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the butter price for the month by 0.115.

§ 1038.53 Location differentials to handlers.

The Class I price for Grade A milk received from dairy farmers or handlers pursuant to § 1038.14(c) at a fluid milk plant 115 miles or more from the Chicago City Hall shall be decreased 2 cents for each 15 miles or fraction thereof that such plant is more than 100 miles from the Chicago City Hall, as determined by the market administrator: *Provided*, That the differential pursuant to this section shall not be more than 12 cents: *And provided further*, That for the purpose of calculating such location differential, fluid milk products transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculation prescribed in § 1038.46(a)(6) and the corresponding step of § 1038.46(b) for such plant, such assignment to the transferor plant to be made in sequence according to the location differential applicable at each plant, beginning with the plant farthest from the City Hall in Chicago, Illinois.

§ 1038.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 1038.55 Rate of payment on unpriced milk.

The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount obtained by subtracting the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk.

APPLICATION OF PRICES

§ 1038.60 Computation of value of milk at each pool plant.

The value of producer milk received by a handler during each month at each pool plant shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantities of milk in each class by the applicable class price and add the resulting amounts;

(b) Add the amounts obtained by multiplying the overage deducted from each class pursuant to § 1038.46(a)(9) and the corresponding step of § 1038.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the quantities of skim milk and butterfat subtracted from Class I milk pursuant to § 1038.46(a) (3) and (4) and the corresponding steps of § 1038.46 (b) by the rate of payment on unpriced milk pursuant to § 1038.55 at the nearest nonpool plants from which an equivalent amount of such other source skim milk or butterfat was received: *Provided*, That if the source of any such fluid milk product received at a pool plant is not clearly established, or if such skim milk and butterfat is received or used in a form other than a fluid milk product, such product shall be considered to have been received from a source at the location of the pool plant where it is classified; and

(d) Add the amounts obtained by multiplying (1) the quantities of skim milk and butterfat subtracted pursuant to § 1038.47(a) by the difference between the Class II price for the preceding month and the Class I price for the current month, and (2) the quantities of skim milk and butterfat subtracted pursuant to § 1038.47(c) by the rate of payment on unpriced milk pursuant to § 1038.55.

§ 1038.61 Computation of aggregate value used to determine uniform prices.

For each month the market administrator shall compute an aggregate value from which to determine the uniform prices as follows:

(a) Combine into one total the values obtained pursuant to § 1038.60 for all handlers who received producer milk at pool plants during the month and who reported pursuant to § 1038.35 for such month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent the amount obtained by multiplying such difference by the butterfat differential to producers and multiplying the result by the hundredweight of such producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1038.72; and

(d) Add an amount equal to one-half the unobligated cash balance in the producer-settlement fund.

§ 1038.62 Computation of uniform price.

For each month of July through February, the market administrator shall compute a uniform price as follows:

(a) Divide the aggregate value computed pursuant to § 1038.61 by the total hundredweight of producer milk included in such computation; and

(b) Subtract not less than four nor more than five cents from the price computed pursuant to paragraph (a) of this section.

§ 1038.63 Computation of uniform prices for base milk and excess milk.

For each month of March through June, the market administrator shall compute the uniform prices for base milk and excess milk as follows:

(a) Determine the aggregate classification of producer milk included in the computation of value pursuant to § 1038.61 and the total hundredweight of such milk that is base milk and that is excess milk;

(b) Determine the value of excess milk by assigning such milk in series, beginning with Class II milk, to the hundredweight of milk classified pursuant to paragraph (a) of this section, multiplying the quantity so assigned by the respective class prices for milk containing 3.5 percent butterfat, and adding together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk. The quotient, rounded to the nearest cent, shall be the uniform price for excess milk;

(d) Subtract the value of excess milk pursuant to paragraph (c) of this section from the aggregate value of all milk obtained in § 1038.61; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section, and subtract not less than four cents nor

more than five cents from the price thus computed. The resulting figure rounded to the nearest cent shall be the uniform price for base milk.

§ 1038.64 Handlers operating nonpool plants.

Each handler in his capacity as the operator of a nonpool plant (except a nonpool plant pursuant to § 1038.65) shall pay to the market administrator for deposit into the producer-settlement fund the amount computed pursuant to paragraph (b) of this section unless the handler elects at the time his report pursuant to § 1038.35 is due, to pay the amount computed pursuant to paragraph (a) of this section. The amounts payable pursuant to this section shall be made on or before the 18th day after the end of each month.

(a) An amount obtained by multiplying the rate determined pursuant to § 1038.55 by the hundredweight of skim milk and butterfat disposed of as Class I milk from such plant on routes in the marketing area during the month which is in excess of the hundredweight of skim milk and butterfat, respectively, received from pool plants during the month and classified as Class I milk at such pool plants.

(b) Any plus amount remaining after deducting from the obligation pursuant to § 1038.60 computed as if such plant were a pool plant:

(1) The total payment made on or before the 18th day after the end of the month to dairy farmers or handlers pursuant to § 1038.14(c) for Grade A milk received at such plant during the month; and

(2) Any payments to the producer-settlement fund under other orders issued pursuant to the Act applicable to milk at such plant during the month.

§ 1038.65 Plants subject to other Federal orders.

A distributing plant or a supply plant shall be a nonpool plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1038.11 and a greater volume of fluid milk products is disposed of from such plant on routes in this marketing area and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order. The operator of a distributing plant or a supply plant which is a nonpool plant pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1038.35) and allow verification of such reports by the market administrator.

PAYMENTS FOR MILK

§ 1038.70 Time and method of payment.

(a) Each handler who operates a pool plant shall pay each producer on or before the 18th day after the end of each month, at not less than the applicable uniform prices pursuant to § 1038.62 or § 1038.63 adjusted pursuant to §§ 1038.71, 1038.72 and 1038.77, for each hundredweight of producer milk received during such month for which payment is not made to a cooperative association pursuant to paragraph (b) of this section;

(b) Each handler shall make payment to a cooperative association for producer milk, on or before the 15th day after the end of each month, which it caused to be delivered to such handler if such cooperative is authorized to collect such payment for its members and exercises such authority: *Provided*, That such payment shall be an amount equal to the sum of the individual payments pursuant to paragraph (a) of this section;

(c) In making the payments for producer milk pursuant to this section, each handler who operates a pool plant shall furnish each producer or cooperative association from whom he has received such milk a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds (including for the months of March through June, the pounds of base milk and excess milk) and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1038.71 Butterfat differential to producers.

The uniform prices pursuant to §§ 1038.62 and 1038.63 shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1038.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1038.72 Location differentials to producers.

The uniform price pursuant to § 1038.62 and the uniform price for base milk pursuant to § 1038.63 for producer milk received at a pool plant 115 miles or more from the Chicago City Hall shall be decreased two cents for each 15 miles or fraction thereof that such plant is more than 100 miles from the Chicago City Hall, as determined by the market administrator: *Provided*, That the differential pursuant to this section shall not be more than 12 cents.

§ 1038.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to him and out of which he shall make payments from such fund pursuant to §§ 1038.64, 1038.74, 1038.75 and [illegible]: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1038.74 Payments to the producer-settlement fund.

On or before the 15th day after the end of each month each handler shall pay to the market administrator the amount by which the obligation pursuant to § 1038.70 of such handler for producer milk received during the month is less than the value of such producer milk pursuant to § 1038.60.

§ 1038.75 Payments from the producer-settlement fund.

On or before the 16th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 1038.70, of such handler for producer milk received during the month exceeds the value of such producer milk pursuant to § 1038.60: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1038.76 Adjustment of accounts.

(a) Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payments following such disclosure.

(b) Any unpaid obligations of a handler shall be increased one-half percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 1038.77 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1038.70 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such deductions shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed

...or in part by the market administrator or by an agent engaged by ...responsible to him.

...the case of producers for whom ...cooperative association is performing, ...determined by the Secretary, the service ...set forth in paragraph (a) of this ...each handler shall make, in lieu ...deductions specified in paragraph ...of this section, such deductions as ...authorized by such producers and, on ...before the 15th day after the end of ...month, pay over such deductions to ...association rendering such services.

...78 Expense of administration.

...his pro rata share of the expense ...administration of the order, each ...shall pay to the market administrator on or before the 15th day ...the end of each month 4 cents per ...hundredweight or such lesser amount ...the Secretary may prescribe with respect to skim milk and butterfat contained in (a) producer milk (including ...handler's own farm production), (b) ...source milk at a pool plant which ...allocated to Class I milk pursuant to ...(a) (3) and (4) and the corresponding steps in § 1038.46(b), and ...receipts at a fluid milk plant which ...nonpool plant of Grade A milk from ...farmers on which no administrative ...expense assessment is being paid ...to another order issued pursuant to the Act: *Provided*, That if the ...of such nonpool plant elects ...payment to the producer-settlement fund pursuant to § 1038.64(a), the ...of administration pursuant to ...section shall be applicable only to ...hundredweight of skim milk and butterfat on which payment to the producer-settlement fund is due pursuant to that paragraph.

...79 Termination of obligations.

...provisions of this section shall ...apply to any obligation under this part ...for the payment of money.

...The obligation of any handler to ...pay money required to be paid under the ...of this part shall, except as provided in paragraphs (b) and (c) of this ..., terminate two years after the ...last day of the calendar month during ...which the market administrator receives ...the handler's utilization report on the ...milk involved in such obligation unless ...within such two-year period the market ...administrator notifies the handler in ...writing that such money is due and payable. Service of such notice shall be ...complete upon mailing to the handler's ...last known address, and it shall contain, ...but need not be limited to, the following:

...The amount of the obligation:

...The months during which the ...milk, with respect to which the obligation exists, was received or handled; and

...If the obligation is payable to one ...or more producers or to an association ...of producers, the name of such producers ...or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

...If a handler fails or refuses, with ...respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market adimnistrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period, with respect to such obligation, shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(b) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15) (A) of the Act, a petition claiming such money.

DETERMINATION OF BASE

§ 1038.80 Base.

"Base" for each producer shall be determined by the market administrator and shall be the amount obtained by dividing the total pounds of producer milk received from such producer at all pool plants during the months of September through November immediately preceding by the number of days on which such milk is received from such producer: *Provided*, That for the purpose of computing the base of a producer pursuant to this section, the number of days included in his producer milk deliveries shall be the number of days of production of producer milk and the deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June shall be considered producer milk received at a pool plant: *Provided further*, That if no milk is received from a producer at a pool plant during the months of September through November or if milk is received on less than 60 days during such months, the base of such producer shall be his average daily deliveries of producer milk for each of the months of March through June multiplied by 60 percent in March, 55 percent in April and 50 percent in May and June: *And provided further*, That any producer for whom a base has been established pursuant to this section based on deliveries of 60 or more days during the preceding months of September through November may, in lieu thereof, by notifying the market administrator prior to March 1, be accorded a base computed pursuant to the immediately preceding proviso of this section.

§ 1038.81 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall be held in the name of the producer and may be transferred only at his option;

(b) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned and the transferee must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family;

(c) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be held jointly in the names of the producers, and during March through June, each producer having an interest in a jointly held base shall share the base during each delivery period in the same proportion as he shares in the milk deliveries in such delivery period: *Provided*, That if the producers have earned bases separately, one or more of which was earned on another farm, each producer may retain his individual base if application is made in writing to the market administrator postmarked not later than the last day of the first month during which the base is to apply;

(d) When two or more producers holding a joint base cease delivering milk from the same farm, the base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signature of all interested producers: *Provided*, That in the event producers do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers; and

(e) Subject to the provisions set forth in paragraphs (a) and (b) of this section, a producer who discontinues shipping milk to a pool plant during September through November may transfer to another producer credit for milk deliveries for base-making purposes.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1038.90 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1038.91 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1038.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and

(3) If so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1038.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1038.100 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1038.101 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Signed at Washington, D.C., on February 15, 1962.

FRANK J. WELCH,
Assistant Secretary.

[F.R. Doc. 62-1752; Filed, Feb. 20, 1962; 8:50 a.m.]

[7 CFR Parts 1044, 1045]

[Docket Nos. AO-299-A2 and AO-334-A3]

MILK IN MICHIGAN UPPER PENINSULA AND NORTHEASTERN WISCONSIN MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Michigan Upper Peninsula and Northeastern Wisconsin marketing areas which was issued February 7, 1962 (27 F.R. 1280), is hereby extended to March 15, 1962.

Signed at Washington, D.C., on February 16, 1962.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-1751; Filed, Feb. 20, 1962; 8:50 a.m.]

[7 CFR Parts 1046, 1095]

[Docket Nos. AO-123-A24, AO-308-A2]

MILK IN LOUISVILLE-LEXINGTON, KENTUCKY, AND OHIO VALLEY MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Louisville, Kentucky, on September 18-27, 1961, pursuant to notice thereof issued on August 25, 1961 (26 F.R. 8105).

Upon the basis of the evidence [illegible] duced at the hearing and the [illegible] thereof, the Assistant Secretary, [illegible] States Department of Agriculture, [illegible] January 31, 1962 (27 F.R. 1013; F[illegible] 62-1170) filed with the Hearing [illegible] United States Department of Agriculture, his recommended decision [illegible] ing notice of the opportunity to file [illegible] ten exceptions thereto.

The material issues on the record of the hearing relate to:

1. Consolidation of the Louisville-Lexington order and the Ohio Valley order into one order.
2. Marketing area.
3. Provisions of the consolidated order with respect to:
(a) Milk to be pooled and priced;
(b) Classification and allocation of milk;
(c) Class prices;
(d) Payments on unpriced milk disposed of in the marketing area from other pool plants;
(e) Payments to producers; and
(f) Administrative and miscellaneous provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Consolidation of orders.* Order No. 95 (new number) which regulates the handling of milk in the Louisville-Lexington marketing area and Order No. [illegible] (new number) which regulates the handling of milk in the Ohio Valley marketing area should be consolidated into one order to be designated as Order No. [illegible].

Kyana Milk Producers, Inc., a cooperative association representing approximately 3,300 member producers, proposed that the handling of milk in the present Louisville-Lexington and Ohio Valley marketing areas be regulated under one consolidated order. The association represents nearly all of the producers who supply the regular distributing plants and dealers in both markets with the exception of producers recently shifted from other Federal order markets to the Louisville-Lexington market. Of the approximately 3,300 members, about 2,300 are associated with the Louisville-Lexington market while the remaining members are associated with the Ohio Valley market.

The merger on May 1, 1961, of [illegible] operative associations in the Louisville-Lexington and Ohio Valley markets into one association under the name of Kyana Milk Producers has made this association the responsible marketing agent for but a small portion of the total producer milk supplies in the two markets. The association directs the movement of producer milk from farms to plants, assumes the responsibility for supplying handlers with their day-to-day milk requirements. The association also arranges for the disposition of the surplus milk of both markets. The performance of these marketing functions is facilitated by the operation of a plant owned at Louisville which serves as an assembly and balancing plant. Milk accumulated at this plant is either moved to handlers' plants in response to their varying milk needs or is moved to manufacturing plants

The cooperative association desires that the two orders be consolidated so that it may perform its marketing functions in a manner which is efficient in response to the needs of the markets it serves and which is equitable to its entire membership. The achievement of these objectives would be facilitated if the markets served are under a single order regulation. In order to gain efficiency in the handling of milk flexibility in movements of milk among plants served by the cooperative association would be desirable.

Movement of milk between plants under the separate orders presents classification and allocation problems which would not be present with regard to transfers of milk between plants under the same order. For example, priority is given to producer milk in the allocation of Class I milk under each order. Hence, milk received at a pool plant from a plant regulated under another order is given a secondary status with respect to assignment to Class I milk. Moreover, separate regulation may inhibit to some degree the shifting of producers between plants under the different orders. A base and excess plan is used in the Ohio Valley order and a take-out and payback seasonal incentive plan is used in the Louisville-Lexington order. These separate seasonal plans between the two orders also tend to hinder shifts of producers between the markets. All these distinctions would be eliminated in a combined order and they would facilitate the marketing problems of the cooperative association.

The distribution systems of the handlers under the two orders overlap both within the two marketing areas and in unregulated areas. Milk distribution routes originating from Louisville-Lexington order plants extend over a large part of the Ohio Valley marketing area. Under these circumstances it is desirable that all of the handlers under the two orders be under a single regulation which will provide one pricing arrangement. Under the separate orders different classification systems, different class prices and different utilizations of milk have resulted in price disparities between the two markets. A single pricing system under one order is therefore desirable for pricing milk throughout the entire consolidated area.

To accomplish the merger effectively and most equitably, the assets in the custody of the market administrator in administrative and producer-settlement funds under the Ohio Valley order should be merged with assets in similar funds under the Louisville-Lexington order. Any liabilities of such funds of the individual orders should be paid from the new funds so created. To distribute such funds under one order to producers and handlers under that order would unduly burden the producers and handlers now regulated by the other order. To distribute the funds under both orders and again accumulate the necessary reserves would entail considerable administrative detail for no good purpose.

2. *Marketing area.* The marketing area of the consolidated order should include all of the territory within the marketing areas of the present Louisville-Lexington and Ohio Valley orders plus the additional counties of Knox, Daviess, Martin, Orange and Washington in the State of Indiana and the counties of Mercer, Boyle and Garrard in the State of Kentucky. This territory may appropriately be designated as the "Louisville-Lexington-Evansville marketing area."

The marketing area of the Louisville-Lexington order now includes three counties in Indiana and twenty counties in the north central part of Kentucky. The marketing area of the present Ohio Valley order adjoins the western boundary of the Louisville-Lexington marketing area and includes nine Indiana counties and eleven Kentucky counties.

In conformity with the conclusion of this decision that the Louisville-Lexington and Ohio Valley orders should be consolidated, all of the territory now included in the marketing areas of these two orders should be included in the marketing area of the consolidated order.

Besides the proposal by Kyana Milk Producers to combine the marketing areas of the two orders, various proposals were made to add certain other areas either to the individual marketing areas or to the combined area. In Indiana, Sullivan, Greene, Knox, Daviess, Martin, Lawrence, Orange, and Washington Counties were proposed as part of the consolidated marketing area. Of these counties, Knox and Daviess were also proposed as a part of the Ohio Valley marketing area. In Kentucky, Todd and Logan Counties were proposed to be added to the Ohio Valley marketing area and Mercer, Boyle, and Garrard Counties were proposed to be added to the Louisville-Lexington marketing area. Deletion of Montgomery County, Kentucky, from the Louisville-Lexington marketing area was also proposed.

Of the eight Indiana counties proposed to be included in the consolidated marketing area, Orange and Washington were proposed by a handler operating a pool plant under the Ohio Valley order. These two counties, and the other six previously named, were also proposed by the operator of a nonpool plant at Vincennes, Indiana. This plant ordinarily disposes of more than 20 percent of its fluid disposition on routes in the Ohio Valley marketing area. It also has disposition in the marketing areas regulated by the Louisville-Lexington and the Suburban St. Louis orders. Under the pool plant standards recommended herein this plant would be fully regulated as a pool plant.

Extension of regulation to the five Indiana counties of Knox, Daviess, Martin, Orange, and Washington would bring under full regulation as pool plants two other plants at Vincennes in Knox County, a plant at Loogootee in Martin County, and a plant at Salem in Washington County. By including these five counties in the area, most of the sales made by each of these plants would be inside the marketing area. Nearly one-half of the sales from the Vincennes plant operated by the proponent would be in the marketing area herein proposed.

There is only a small quantity of milk sold in this 5-county area by a plant which may not qualify as a pool plant. That plant, located at Robinson, Illinois, accounts for minor percentages of sales in these five counties.

The proposed extension of regulation is necessary to provide for orderly marketing of milk in such areas through application of class prices to be paid by handlers disposing of milk in such areas and a uniform system of accounting for milk, including pooling with other fully regulated handlers.

Handlers not subject to regulation who distribute milk in these counties pay farmers prices approximating order blend prices irrespective of actual use of milk. Proponents complained that because of unregulated competitors' ability to purchase milk for Class I use at a price equal to order blend prices, proponents are at a disadvantage in supplying fluid outlets in these counties. Unregulated plants in these areas do not carry a full year-round supply of milk, but depend on supplemental receipts from other plants, and thus are able to maintain a high level of Class I utilization while nevertheless paying farmers a price equal only to blend prices under nearby orders.

Handlers presently regulated by the Ohio Valley or Louisville-Lexington orders and the Vincennes plant which would be regulated under the pooling requirements of this proposed order have the following percentages of total fluid milk product sales in each of these counties: Knox 43, Daviess 56, Martin 50, Orange 69, and Washington, more than 60. In Knox County another 5 percent of total sales are made by a handler regulated under the Indianapolis order.

Lawrence, Greene, and Sullivan Counties in Indiana should not be included in the marketing area.

A handler located at Seymour in Jackson County has about 18 percent of its sales in Lawrence County through a distribution outlet at Bedford and has minor sales in Washington and Orange Counties. This plant's distribution in Lawrence County accounts for about 40 percent of the sales in the county. A plant at Bloomington, Indiana, has distribution in Lawrence County estimated to be about 30 percent of the total, and has distribution in Greene County estimated to be 40 percent of the total. Distribution in Greene and Lawrence Counties by the plant at Bloomington represents about 22 percent of its fluid sales. While these plants at Seymour and Bloomington would be fully regulated if Greene and Lawrence Counties were included in the marketing area, the major part of their fluid disposition would be outside of territory now regulated or proposed to be regulated. Such disposition would be substantially in competition with plants which would not be regulated under the proposed order. It is concluded that these two counties should not be included in the marketing area.

With respect to Sullivan County, the data provided by proponent reveal some inconsistencies which prevent a definite conclusion as to the merits of the pro-

posal. It is clear, however, that some of the fluid distribution in Sullivan County is by plants not now regulated under any Federal order, nor is it expected that they would qualify as pool plants if Sullivan County were included in the proposed marketing area.

Boyle, Mercer, and Garrard Counties in Kentucky should be included in the marketing area to be regulated by the order. The fluid distribution in these counties by five plants which maintain a high Class I utilization while nevertheless paying farmers a price equal only to an order blend price constitutes a competitive advantage which is disruptive to the orderly marketing of milk in these areas. The extension of the regulation in these three Kentucky counties is expected to include as fully regulated plants all plants now disposing of milk in these counties. Distribution outside of the territory here adopted for the marketing area by plants which would be brought under regulation by this extension is very largely in competition only with plants which would be subject to Federal order regulation. The application of class pricing and uniform accounting for milk under a system of market pooling will establish orderly marketing conditions in these three counties.

In Boyle County, Kentucky, about half of the fluid sales are by regulated handlers. A small percentage of this distribution is regulated under the Cincinnati Federal order, and most of it under the Louisville-Lexington order. Another 25 percent of the sales are by a plant at Somerset partially regulated under the Louisville-Lexington order by virtue of sales in presently regulated territory. These sales, and disposition by a presently unregulated plant located in the county at Danville, account for most of the fluid disposition in the county.

In Mercer County, Kentucky, more than 70 percent of the fluid milk disposition is by plants now regulated under the Louisville-Lexington order. About 7 percent of the sales are by a plant at Campbellsville, Kentucky, which is partially regulated under the order by virtue of sales in presently regulated territory. The remainder of the milk distribution in the county is by an unregulated plant located in the county at Harrodsburg.

In Garrard County, Kentucky, about 65 percent of the fluid milk distribution is by handlers presently regulated under the Louisville-Lexington order. About 10 percent of the distribution in the county is by the plant at Somerset partially regulated by virtue of its sales in the area presently regulated by the order. The remainder of the sales are by an unregulated plant located in the county at Lancaster.

This three-county area thus is served preponderantly by handlers presently regulated. Effectiveness of the regulation in fulfilling the purpose of establishing orderly marketing conditions will be improved by inclusion of this territory in the marketing area.

A proposal made to delete Montgomery County, Kentucky, from the marketing area should not be adopted. This proposal was made by a handler whose pool plant is located at Morehead, Kentucky, and whose sales in the area represent about 10–12 percent of his Grade A receipts. Approximately 45 percent of the fluid sales in the county are from this plant. About 14 percent of the distribution in the county is out of a plant regulated under the Cincinnati order and the remainder is by plants regulated under the Louisville-Lexington order.

The proposed deletion was requested to enable the proponent to pay a higher price to his own dairy farmer suppliers rather than make payments into the producer-settlement fund. However, if Montgomery County were deleted from the marketing area the handler would become unregulated and would not be required to pay the minimum prices established by the order. Nevertheless, all of the other handlers selling in the county would continue to be regulated by virtue of their sales in other counties within the marketing area. Although such handlers account for more than one-half of the total distribution in the county, they would then be in competition there with a plant not required to pay minimum prices for milk.

Todd and Logan Counties, Kentucky, should not be included in the marketing area of the proposed order. In Logan County, all fluid distribution is by federally regulated plants, but more of the disposition is by Nashville order plants than by plants under the Louisville-Lexington and Ohio Valley orders. The evidence with respect to Todd County shows considerable disparity in the testimony of witnesses as to the share of the fluid disposition regulated under the Louisville-Lexington, Ohio Valley, Nashville and Paducah orders. None of the sales in Todd County are by unregulated plants. The evidence is not sufficient to conclude whether these counties should be included in the marketing area of the proposed order. Inasmuch as all milk sold in these counties is sold by regulated plants, the problem of orderly marketing is not acute.

3. *Provisions of the consolidated order.* Many of the provisions of the Louisville-Lexington and Ohio Valley orders which have been found to be appropriate for regulating the handling of milk in these markets are similar and therefore appropriate for regulating the handling of milk in the proposed marketing area. The provisions in which there are substantive differences in the two orders or those for which changes are considered are discussed below.

(a) *Milk to be pooled and priced.* The determination of the milk to be pooled and priced under the consolidated order may be facilitated by defining the several types of milk and milk products and those persons and facilities associated with the handling of such milk and milk products. For purposes of the consolidated order, definitions similar to those contained in the Louisville-Lexington order will be suitable in most cases.

A producer should be defined as a person who produces milk on a dairy farm which is approved by a duly constituted health authority for the production of milk for fluid disposition, which milk is received at a pool plant, or by a cooperative association, or is diverted as described in subsequent findings. Health authority approval would include approval of milk by the authority to administer the regulations governing the quality of milk acceptable to agencies of the United States Government for fluid consumption in its institutions or facilities located in the marketing area. The proposed exclusion of dairy farmers whose permit is temporary or on an emergency basis is not adopted. It was not shown that such approvals constitute a problem in this market. A producer's connection with the market should be established by receipt of his milk at a pool plant, or in the instance of bulk tank milk for which a cooperative association is a handler, the cooperative is the first handler receiving such milk. Accordingly, the term "producer" is intended to include such dairy farmers whose milk is delivered by a cooperative association as a handler to other handlers' pool plants.

Marketing conditions necessitate the handling of reserve milk by diversion from producers' farms to nonpool plants. This is often the more economical method of moving the milk rather than assembling it first at a pool plant which has no need for the milk and then shipping it to a nonpool manufacturing plant. In the interest of assuring an adequate, stable supply for the fluid market, and a stable market for producers, a dairy farmer should retain his producer status during reasonable periods while his milk is diverted to a nonpool plant.

The Louisville-Lexington order allows unlimited diversion of producer milk by a cooperative association. Diversion by other handlers is allowed, but with a limitation with respect to each producer that his milk shall not be diverted for more than one-half of the number of days in any of the months of October, November, January, and February. It is concluded that the same type of diversion allowance should apply in the case of all handlers including cooperative associations.

Producers argued in their exception that no restriction apply to diversion of producer milk by a cooperative association operating a pool plant since such association assumes the burden of handling reserve milk for the market. The record does not substantiate the need for such a provision, but a more liberal diversion provision would tend to alleviate the problem of handling reserve milk. Accordingly, the number of days of diversion allowed in each of the months of October, November, January, and February should be increased to 22 days (13 days in the case of every-other-day delivery).

In view of the provision that a cooperative association may be the handler on bulk tank milk and the fact that the supply for the market is largely from members of the cooperative association which requested such provision, diversion between pool plants, now permitted for in both orders, will no longer be necessary.

So as to provide proper location pricing and accountability for milk diverted to nonpool plants, such milk shall be deemed to be received at the pool plant as part of the plant receipts if designated by the operator of the plant. In case of diversions to nonpool plants by a cooperative association, the location of receipt shall be deemed to be the location of the plant from which diverted.

A handler should be defined as a person who operates a city plant or a country plant. Also, a cooperative association should be a handler with respect to producer milk diverted by it to nonpool plants. A cooperative association should be allowed to act as the handler also with respect to milk of its producer members which is picked up in bulk at the farm by tank trucks owned by, operated by, or under contract to such association and delivered in such trucks (or in trucks similarly under the control of the association into which the milk may be reloaded) to pool plants of other handlers. With respect to the Ohio Valley market, findings and conclusions have already been made on this record to adopt such a provision in a decision issued November 21, 1961 (26 F.R. 11079). Because of the similarity of considerations with respect to the proposed new marketing area, repetition of such findings and conclusions is unnecessary in this instance. The same provision should be adopted in the consolidated order.

The term "producer-handler" should be defined as presently in the Ohio Valley order. This is a more specific definition than that contained in the Louisville-Lexington order in that it requires the producer-handler to provide proof to the market administrator that the operation is his personal enterprise and risk.

The terms "city plant" and "country plant" in the Louisville-Lexington order closely correspond to the two types of "fluid milk plant" in the Ohio Valley order. The first type of fluid milk plant in the Ohio Valley order disposes of "Grade A" fluid milk products on routes in the marketing area, and the second type is a plant which supplies the first type of plant, or is approved to do so. The terms "city plant" and "country plant" in the consolidated order will serve to define plants performing such functions, but these definitions are not indicative of whether the plants meet order requirements which would subject them to full regulation.

Pool plant provisions similar to those of the Louisville-Lexington order should be adopted for the consolidated order, subject to some modifications. With the expanded marketing area adopted herein, the smaller percentage requirement (10 percent of receipts from dairy farmers, cooperative associations and country plants rather than the 25 percent required in the Ohio Valley order) of distribution in the marketing area for pool plant qualification is suitable for all plants likely to be associated with the market. Another basis for qualification should be added, however, whereby a plant distributing an average of 13,500 pounds or more of Class I milk per day in the marketing area would become fully regulated, even though this amount represents less than 10 percent of the receipts previously mentioned. Under the provisions of the present orders, a plant with a large volume of Class I business could acquire a large percentage of the total Class I distribution in the marketing area without becoming subject to full regulation. Any plant which distributes within the marketing area a volume of Class I milk equal to one percent or more of the total Class I milk in the market is an important competitive factor, however, and should be subject to full regulation, even though this volume represents less than 10 percent of its total Class I business.

The total Class I disposition in the two marketing areas by all pool plants regulated by the Louisville-Lexington and Ohio Valley orders plus the sales of nonpool plants in these areas averages approximately 1,350,000 pounds per day. The order, therefore, should provide for full regulation of any plant whose distribution of Class I milk in the marketing area amounts to an average of 13,500 pounds or more per day. Use of the fixed figure rather than 1 percent of the total Class I sales will afford plants an opportunity to know beforehand whether they will be subject to regulation and will permit them to adjust their business accordingly. A constant figure will also tend to avoid the shifting in and out of the pool of plants whose distribution in the area might be fairly constant but might become more or less than one percent as total Class I milk in the pool varies.

The requirements for country plants should be increased for the months of October through March to require that 50 percent of the receipts in the month from approved dairy farmers and from cooperative associations are delivered to city plants. No country plants now qualify as pool plants for the Louisville-Lexington market on the basis of the present 10 percent shipping requirements, nor are there any pool country plants qualified under the Ohio Valley order where a 50 percent requirement is contained in the present order. The 50 percent requirement will guarantee a fuller association of a country plant with the market if it is to be pooled, and is appropriate in view of the adequacy of supply represented by present producer sources of milk. In the months of April through September, a country plant should qualify on the basis of either its prior qualification in all of the preceding months of October through March or on the basis of shipment of 40 percent of its receipts to city plants.

Provision should be made for pool status of a country plant operated by a cooperative association if two-thirds of the milk of its members approved by health authorities to supply milk which may be disposed of as Grade A milk is delivered from farms to pool plants of other handlers or is transferred from the association's plant to such pool plants.

A similar provision is now contained in the Louisville-Lexington order, requiring, however, that 75 percent of member milk be supplied to other pool plants. The current provision also qualifies the cooperative association plant in any month of March through September if it had qualified as a pool plant on the percentage basis in each of the preceding months of October through February.

The plant of the cooperative association has served as an equalization supply plant for the entire Louisville-Lexington market. In view of the extension of membership of the association to the Ohio Valley market, the association stated that the plant would perform the same function in the consolidated marketing area.

With the prevalence of bulk milk tanks on farms in these markets, much of the milk supply of processing plants moves in bulk form directly from farms to such plants. Changes in daily requirements of processing plants may be met by the cooperative association through rearrangement of the bulk tank movement of milk from farms to plants. Under these circumstances the most efficient movement of milk by the association, in its role of supplying milk processing plants, does not require that more than a small part of the milk move through the association's plant. For this reason it is not practical for the association plant to qualify for pool status on the basis of shipments from the plant to other pool plants. Nevertheless, the plant is essential to the service provided by the association in meeting daily requirements of the handlers. Besides serving as a standby plant from which milk may be transferred to pool plants, it also serves as an assembly plant for milk in excess of other handlers' needs. Such milk constitutes part of the reserve supply of the market which must be disposed of primarily for use in manufactured dairy products which may involve shipment to nonpool plants. Other reserve milk has been disposed of by the cooperative association by diversion from producers' farm to nonpool plants for manufacturing.

As the authorized agent to market the milk of its members, who constitute 90 percent or more of the producers in the combined market, Kyana Milk Producers bears the burden of disposing of the reserve milk in the manner described. Because of the essential part this plant plays in such reserve handling operations, it is necessary that producers maintain their producer status when their milk must be moved to this plant. It is desirable, however, that a standard of performance be provided to assure that such a plant is substantially associated with the market. The requirement with respect to deliveries of member milk to pool plants provides such a standard. In view of the volume of reserve milk to be handled, the requirement that two-thirds of the member milk be delivered to other pool plants should be substituted for the present 75 percent requirement in the Louisville-Lexington order. The plant may qualify for pool status on this basis in any month. In the months of March through September pool status should continue to be allowed on the basis of prior pool status in each of the months of October through February.

Because of the closeness of other marketing areas and overlapping of distribution of handlers under these and other orders, provision should be made for a method to determine under which order a plant should be regulated if it qualifies under more than one order. The Louisville-Lexington order now provides that such a plant shall not be a pool plant if it qualifies under another order unless the plant has disposed of a

greater quantity of milk in the Louisville-Lexington marketing area and to pool plants under this order than in the marketing area under the other order during each of the preceding three months and does also in the current month. A similar provision is contained in the Ohio Valley order. This provision should be adopted in the consolidated order.

Plants so determined to be subject to another order while disposing of milk in this market should be required to file such reports as the market administrator may require and to allow verification of such reports. Any exception to the described rule of determination should be based on a special determination by the Secretary for the particular plant.

"Producer milk" is a term defined as milk received by handlers from producers in the manner described in the preceding findings with respect to "producer". In the case of any tank truck loads of milk which are split between plants and for which a cooperative association is not the handler, the entire load shall be deemed to have been received at the first pool plant at which milk is withdrawn from the tank truck unless a different arrangement is agreed upon by the operators of the plants.

The definition of the term "fluid milk product" is convenient for establishing the definition of Class I milk and other terms in the order. Because of the relationship of this term to the Class I milk definition, discussion of the fluid milk product definition is covered under the findings and conclusions with respect to classification.

A definition of "other source milk" may be adopted similar to that in the Ohio Valley order, which differs from that in the Louisville-Lexington order only in that it specifically excludes beginning inventory. Bulk tank milk received from a cooperative association for which it is the handler should also be excluded. This term serves to describe a type of milk receipt other than producer milk, milk from pool plants or a cooperative association in its capacity as a pool handler, and beginning inventory of "fluid milk products". It should include receipts of products other than "fluid milk products", including those produced at the plant, which are reprocessed, or converted to another product in the plant during the month.

The definitions of "Chicago butter price" and "nonfat dry milk price" are adopted from the Ohio Valley order.

(b) *Classification and allocation of milk.* Class I milk should be defined as all skim milk and butterfat disposed of as any fluid milk product or which is not accounted for as Class II milk. For this purpose the definition of "fluid milk product" should mean milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), reconstituted milk or skim milk, fortified milk or skim milk (including "diet" foods), cream (sweet or sour), half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mix, evaporated milk, condensed milk, aerated cream products, eggnog, and cultured sour mixtures not labeled as Grade A) which are neither sterilized nor packaged in hermetically sealed containers.

Class I milk thus defined includes all fluid products which health authorities in the marketing area generally require to be made from milk from locally inspected sources.

Reconstituted milk and skim milk disposition should be considered as Class I milk utilization. The state of Kentucky requires that nonfat dry milk used in fluid products be of "Grade A" quality. These products compete for the same Class I milk sales as do fresh whole milk or skim milk, and if made from other source milk, could displace producer milk which is available for the same purpose. It is necessary, therefore, that such products be accounted for as Class I milk and in a quantity which includes the normal quantity of water originally associated with the nonfat milk solids. This type of accounting is necessary to return to producers a value commensurate with the Class I utilization of the handler.

Fortified fluid milk drinks, similarly, should be Class I milk to the extent of the weight of an equal volume of milk, skim milk or cream of the same butterfat content. To this extent, such fortified products compete with whole fluid milk, skim milk and cream in the fluid market and tend to displace producer milk from Class I uses if not properly accounted for as Class I milk.

To maintain proper accounting for such items, the nonfat milk solids added to such fortified items should be converted to their fluid skim milk equivalent. The total quantity of product so calculated, which would include the normal quantity of water originally associated with the nonfat milk solids, less the quantity classified as Class I milk, would be accounted for as Class II milk. Proper accounting for all uses of skim milk and butterfat similarly requires that if any of the water contained in the milk from which a product is made is removed, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids.

Several handler proposals would call for the lowest classification to apply to milkshake mixes containing 15 percent or more of total milk solids and dietary fluid milk products.

Milk shake mixes, as described, are similar in nature and use to frozen dessert mixes, and thus would take the lower classification.

Fluid "diet" milk products are a form of a low-fat milk drink fortified with added nonfat milk solids. Sweetening and flavoring ingredients are also added. The product is prepared by adding the nonfat milk solids and flavoring ingredients to fresh fluid milk or skim milk. Such fluid diet milk products thus are essentially fortified milk drinks which compete with other fluid milk product disposition. Although standards of identity have not been established by health authorities with respect to "diet" milk products, Grade A milk is used in the preparation of the diet products. It is to be presumed under the circumstances of preparation of the product as described by proponents that they do use and depend on the supply of fresh milk of Grade A quality to provide the fluid part of the product.

It was proposed by Kyana Milk Producers that the consolidated order have only two classes of utilization. The kinds of utilization now included in Class II and Class III in the Louisville-Lexington order would be combined into one class resulting in a Class II milk definition similar to that which applies in the Ohio Valley order. A single price, accordingly, would be established for all reserve milk under the consolidated order. Handler proposals with respect to classification of certain specialty items under a three-class system are interpreted as not being opposed to a two-class system.

It is concluded that a two-class system should be adopted for the consolidated order. This system will tend to provide better marketing opportunities for reserve milk. The single price for all reserve milk will tend to encourage handlers to use the reserve producer milk in the higher-valued uses. It may induce handlers to use greater quantities of producer milk for cottage cheese and ice cream, now priced at the higher Class II price under the Louisville-Lexington order. With respect to ice cream disposition in the marketing area, handlers to a large degree now depend on nonpool sources for their supply of this product. A health requirement of Grade A milk for the manufacture of cottage cheese applies only in Louisville, and, accordingly, cottage cheese from other sources may be distributed in all other parts of the marketing area.

Class II milk should be defined to include all skim milk and butterfat used to produce products not included in Class I milk. Products specifically exempted from the Class I definition such as ice cream mix, frozen dessert mix, evaporated milk, and condensed milk would be Class II milk. Other manufactured dairy products which would be Class II milk include cottage cheese, any other type of cheese, butter, dry milk and nonfat dry milk. Frozen cream is generally a storage item intended for use in ice cream, butter, or other nonfluid use, and is properly a Class II disposition. The proposed two-class system would place eggnog and aerated cream products in Class II. Cultured sour mixtures which include cheese and nondairy food materials are commonly referred to as a "dip" specialty and are not distributed as a Grade A product. Skim milk and butterfat used in these products should be Class II milk if not distributed under a Grade A label.

Class II milk would include fluid product disposition for livestock feed and skim milk dumped upon prior notice as prescribed by the market administrator. This is merely a continuance of the lowest classification under both orders which now applies to such disposition. also included would be fluid milk products disposed of in bulk to bakeries, candy or soup manufacturers, and other commercial establishments which do not dispose of any of such bulk receipts in the form of fluid milk products. These are ordinarily uses for which manufactured milk products may be used, although disposition from pool plants to such establishments may be most conveniently made in fluid milk product form. Such a classification provision is now contained in the Louisville-Lexington order. Ending inventories of fluid milk products should also be classified as Class II milk for accounting purposes. Inventories of fluid milk products would be subject to reclassification in the subsequent month in the manner now provided in the Ohio Valley order.

Butterfat and skim milk used to produce Class II products should be considered to be classified when so used. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator. Class II products from any source used in the production of any product, including products in Class I milk, should be considered to be a receipt of other source milk. This will maintain priority of assignment of current receipts of producer milk to Class I utilization.

Loss of skim milk and butterfat in plant operations is commonly referred to as "plant shrinkage". It is also ordinary experience in the case of farm bulk tank milk that there is some handling loss between the aggregate of amounts of milk measured at the farms from which a tank truckload is obtained and the quantity of milk delivered to a plant. Since there must be complete accounting for all milk received from producers, it is necessary that all shrinkage be accounted for as a classified use. Shrinkage should be classified in the lowest class as is presently done under the Louisville-Lexington and Ohio Valley orders. Such classification, in conjunction with reasonable limits, provides an equitable accounting procedure for handlers.

A maximum total shrinkage allowance in Class II of 2 percent will be reasonable in relation to ordinary operating efficiency. This total allowance would be made up of 0.5 percent with respect to milk received from producers and transferred to other handlers, plus 1.5 percent with respect to milk so received but not transferred. The 1.5 percent would also apply to bulk receipts which are transfers from other pool plants or bulk tank milk received from a cooperative association. No shrinkage allowance would apply to milk diverted to nonpool plants. Any shrinkage in excess of these allowances should be classified as Class I milk. These limitations on shrinkage and the attendant method of classification are necessary to protect the classification system from the effects of inadequate records and inefficient handling of milk. These considerations do not require that similar limitations apply to receipts of other source milk.

The shrinkage allowances as described would provide a 0.5 percent allowance to a cooperative association with respect to bulk tank milk for which it is the handler making delivery of such milk to pool plants. This allowance would apply in the absence of notification by the pool plant operator to the market administrator that he is purchasing such bulk tank milk from the cooperative association on the basis of farm weights and tests. If the pool plant operator elects to pay on farm weights and tests, the entire 2 percent shrinkage allowance would be available to him with respect to such milk.

Proration of total shrinkage between pool milk and other source milk received at a pool plant should reflect the varying shrinkage limits just described which may apply to pool milk. Otherwise, a disproportionate share of the total shrinkage could be assigned to pool milk. This situation may be accommodated by prorating the total shrinkage between the maximum pounds of pool milk shrinkage allowable divided by 0.02 and the total pounds of other source milk.

Each handler must be held responsible for a full accounting of all his receipts of skim milk or butterfat in any form. A handler who first receives milk from dairy farmers should be responsible for establishing the classification of, and making payment for, such milk. Fixing responsibilities in this manner is necessary to effectively administer the provisions of the order.

Except for the limited quantities of shrinkage that may be classified in Class II, all skim milk and butterfat for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage that might accrue to handlers who fail to keep complete and accurate records and to assure that dairy farmers receive payment for their milk on the basis of its use. Accordingly, the burden of proof should be on the handler to establish the utilization of any milk as other than Class I.

The two present orders apply special classification provisions to fluid milk products transferred and diverted in bulk form from pool plants to other plants. The transfer provisions of the two orders are in many respects similar, allowing for the three-class system in the Louisville-Lexington order as opposed to the two-class system in the Ohio Valley order. The provisions of the Ohio Valley order with respect to classification of such movements of milk to other pool plants or to nonpool plants are adopted as modified by the amendment effective December 1, 1961 (26 F.R. 11284), based on the record of this hearing, and with exceptions as noted herein. These provisions establish rules for assignment of transferred fluid milk products to utilization in the transferee plant. The amendment referred to provides specific rules for milk for which a cooperative association is the handler and which milk is delivered from producers' farms to a handler's pool plant in tank trucks.

Under the order proposed herein, the reference points with respect to distance of shipments to nonpool plants should be Louisville, Kentucky, and Evansville, Indiana. Nonpool plants located within 250 miles of these two cities will provide sufficient outlets for reserve milk not needed by pool plants, and such distance will appropriately limit imposition of expense upon the market administrator for travel and verification of use of milk at such nonpool plants. Transfers of milk, skim milk, or cream in bulk from pool plants to nonpool plants within such distance would be Class I or Class II according to rules set forth in the attached proposed order which are very similar to the transfer provisions in the present Ohio Valley order. Transfers beyond this distance would be Class I milk. Exception is made, however, with respect to the classification of certain skim milk and butterfat which is transferred from a pool plant to a nonpool plant which disposed of cream for Class II use to a second nonpool plant. Since this involves disposition by the first nonpool plant rather than use in the nonpool plant, a special provision for classification was requested. The second transfer described by proponent would be to a point beyond 250 miles from any of the reference points previously named. Bulk cream transferred from the nonpool plant should be classified as Class II milk in the amount so claimed by the operator of the pool plant if he established that such cream was moved from the nonpool plant without Grade A certification in containers labeled to show that the contents were for manufacturing use only and that such shipment was invoiced accordingly. The pool handler should also afford the market administrator sufficient opportunity to verify such shipments.

Milk transferred from a pool plant to a producer-handler should be Class I milk. To maintain a distinction between producer-handlers and pool plant operators, the definition of producer-handler does not contemplate receipt of milk from farms other than those of the producer-handler. Accordingly, the transfer provisions of the consolidated order should not provide for diversion of milk from producers' farms to producer-handlers.

The procedure for allocating producer milk to Class I and Class II adopted for the order proposed herein is similar to that presently used in the Louisville-Lexington order. However, certain modifications of this procedure are desirable. The proposed order should provide that sour cream and liquid dietary products be assigned to Class I milk (in the amount allowable pursuant to the classification provisions) if they have been classified and priced as Class II milk under the Chicago order and Class I milk under the Cincinnati order, respectively, and are received by pool plants in consumer packages and disposed of in the same packages. A plant which is expected to become fully regulated under the consolidated order presently receives packaged sour cream which has been priced as Class II milk under the Chicago order and distributes it on routes in the same packages. Similarly, a plant regulated under the Louisville-Lexington order receives packaged liquid dietary products which have been priced as Class I milk under the Cincinnati order and distributes these products on routes in the same packages. Neither of these types of products is produced or packaged in the respective transferee plants. Under the Chicago order, Class II milk is priced at a level generally as high as

Class I milk. This method of allocation will accommodate the procurement of specialized products in the manner described by proponents.

A further modification should provide that shrinkage which was "set aside" in the first step of the allocation procedure be "added back" after the assignment of other source milk and beginning inventory but prior to the assignment of inter-handler transfers. This will allow such shrinkage to be allocated to the kinds of receipts for which this shrinkage has been computed.

(c) *Class prices.* In the following findings and conclusions on Class I and Class II prices, reference is made to prices which have prevailed in a number of Federal order markets. For this purpose official notice is taken of price announcements published during the period of March 1960 through October 1961 for each of the months when the order was effective by market administrators for the following markets: Chicago, Cincinnati, Indianapolis, Nashville, Paducah, Suburban St. Louis, and Tri-State. Official notice is also taken of price announcements for the Louisville-Lexington and Ohio Valley markets published by the market administrator for the months of September through December 1961.

Class I price. The Class I price under the new order for milk testing 3.5 percent butterfat should be the sum of a basic formula price plus $1.25, subject to an adjustment reflecting supply-demand conditions in the market. The Class I price during the period beginning with the effective date of the proposed order through May 1962, however, should not be less than $4.43. The basic formula price should be the higher of the "Midwest condenseries" price or a butter-powder (spray-roller) formula price. The basic formula prices and the Class I prices should be expressed in terms of milk of 3.5 percent butterfat content. These conclusions are subject to qualifications as described in the following discussion with respect to action based on a later hearing record.

Kyana Milk Producers proposed that the Class I price for the consolidated order be the sum of a basic formula price plus $1.40. The basic formula price would be the average price paid for manufacturing grade milk at plants in Minnesota and Wisconsin (hereinafter referred to as the Minnesota-Wisconsin price), as reported by the United States Department of Agriculture, adjusted to a 3.8 percent butterfat basis. A proprietary handler proposed at the hearing that the basic formula price be based on a butter-powder formula.

Most of the Federal milk orders in surrounding markets have basic formula prices which use the higher of the Midwest condenseries price or a butter-powder formula price. Some orders also include the average price at local manufacturing plants as an alternative, but such prices have not been high enough to be the effective basic formula price. Alignment of Class I prices among the several markets in the region may be more easily maintained by using similar basic formula price alternatives. It is, therefore, desirable to continue the use of the same type of basic formula price as is generally effective in the region unless the Minnesota-Wisconsin manufacturing milk price is adopted as the basic formula price on a regional basis.

While the findings and conclusions herein relate specifically to the record of the September 1961 hearing, they are not intended to preclude further modifications based on a subsequent hearing. Official notice is taken of a notice of hearing issued January 8, 1962 (27 F.R. 314), for 36 markets, including the Louisville-Lexington and Ohio Valley marketing areas, on a proposal to use the average price of manufacturing grade milk in Minnesota and Wisconsin, adjusted to 3.5 percent butterfat, as the basic formula price in each of the markets. A recommended decision on this matter was issued February 7, 1962 (27 F.R. 1272; F.R. Doc. 62-1406), recommending the adoption of the Minnesota-Wisconsin price. Unless the order here proposed for the Louisville-Lexington-Evansville marketing area is modified prior to issuance by a further order following from the recommended decision issued February 7, 1962, it is intended that the order will be made effective in the form as contained herein.

The Midwest condenseries price and the butter-powder formula price adopted herein as the basic formula price alternative are the same as those now included in the Louisville-Lexington and Ohio Valley orders. The Louisville-Lexington order also includes as an alternative the average price of seven local manufacturing plants. In view of the continued ineffectiveness of the local manufacturing plant price in the basic formula price, it is not included as part of the basic formula price in the consolidated order.

The present stated differential of $1.25 should be continued. A Class I price differential is only part of the Class I pricing mechanism, and its proper amount should be judged on the basis of its influence upon the resulting level of price. In view of the increasing volume of milk supplied as compared to Class I sales of handlers in the two markets, it is unnecessary that any increase in the price level be provided through raising the Class I price differential. The present $1.25 differential provides a good basis for maintaining price alignment with nearby markets. The annual levels of Class I price differentials in nearby markets are as follows: Cincinnati, $1.30; Indianapolis, $1.25; Paducah, $1.30; and Nashville, $1.35.[1] Though the Suburban St. Louis order does not use a Class I price differential, its Class I price does reflect (for base zone) a differential over the Chicago order basic formula price of $1.30, subject, however, to the supply-demand adjustments in the Chicago and St. Louis orders.

A supply-demand adjuster similar to that now used in the Louisville-Lexington order should be adopted. This adjuster should be modified in that the standard utilization percentage should be raised from 137 to 144. It should also be limited in its operation so that the adjustment from one month to the next would not exceed four cents.

The provisions of the Agricultural Marketing Agreement Act require that prices established by milk orders reflect supply and demand conditions for milk in the market. While many of the elements of supply and demand on a national scale are reflected in the basic formula price, this pricing mechanism does not assure that all local factors will be reflected in the Class I price. In the Louisville-Lexington market the substantial changes in recent years in the ratio of producer milk supplies to Class I disposition show that this relationship is significant and should be considered in the establishment of the Class I price. In the Ohio Valley market it is clear that the similarity of marketing conditions and the inter-relationships which have led to the consideration of consolidating the two markets argue that the relationship of producer milk supplies to Class I disposition is similarly significant for the proposed combined market.

For a recent 12-month period (November 1960 through October 1961), the average of the monthly ratios of producer receipts to gross Class I utilization for the Louisville-Lexington market was 150, such ratios ranging from a low of 121 in November 1960 to a high of 178 in June 1961. A review of preceding years shows that for the same monthly periods the average production-Class I disposition ratios were 142 for the 1955-1956 period, 147 for the 1956-1957 period, 141 for the 1957-1958 period, 135 for the 1958-1959 period, and 134 for the 1959-1960 period.

For the Ohio Valley market, data for similar 12-month periods are not available, because the order first became effective March 1, 1960. The longest comparable periods for purposes of comparison are March through October of each of the years of 1960 and 1961. The average of the monthly ratios of producer receipts to gross Class I utilization for the periods of March through October of 1960 and 1961 for the Ohio Valley market were 125 and 136, respectively.

The increases shown in the production-sales ratios in the Louisville-Lexington market since 1960 have been due to the substantial increases in production. Although production figures reflect the increase resulting from the expansion of the marketing area on March 1, 1960, it is clear that production has increased considerably more in this market than have the corresponding Class I sales. Also the average daily production per farm has increased from an average of 577 pounds to an average of 624 pounds between these periods. In the Ohio Valley market, the increase in the production-sales ratio was a result of both a decrease in Class I sales and an increase in production. During the March–October period of 1961, Class I sales were 4 percent less while production was 4.3 percent more as compared to the same period in 1960. The average daily production per farm for this market increased from an average of 502 pounds to an average of 556 pounds between these periods. (Official notice is taken of market statistics published monthly for the Louisville-Lexington and Ohio Valley Federal milk orders by the market administrator for the months of August through November 1961.)

With the prices which have prevailed the supply of milk has increased relative to sales. Therefore no increase in price is warranted at this time. In order to properly reflect future changes in the local supply and demand conditions a supply-demand adjustor of the type contained in the Louisville-Lexington order is adopted with some modifications as explained in subsequent findings and conclusions.

A new standard annual level of utilization should be adopted for the supply-demand adjustment computation. The standard annual utilization percentage (137 percent) which was adopted in the Louisville-Lexington order by amendment effective March 1, 1960, has not appropriately reflected recent market conditions and thus has not provided a suitable basis on which to make supply-demand price adjustments. Suspension and amendment actions have been taken which have limited the full effect of the supply-demand adjustor in all but the initial month of its operation, May 1961.[2] A new standard for the consolidated order should be established at a level such that the average Class I price currently effective in the two markets would result from the application of such a new standard in relation to the current level of utilization.

A standard utilization percentage of 144 will maintain an average price for the combined area equal to the price ($4.431) which has prevailed in the two markets during the six-month period of July through December 1961. For this period the average Class I price on a 3.5 percent butterfat basis under the Ohio Valley order, using a differential of $1.253 over the basic formula price, would have been $4.558. The average Louisville-Lexington order Class I price for the same six-month period, on a 3.5 percent butterfat basis, was $4.376. A weighted average of these prices, using the average proportionate volumes of Class I milk in the respective markets in the period June through November 1961, results in an average of $4.431. Prices in each market were very stable in this period, and the average for the six months is very close to the average of the two markets in each of the six months.

Such an application of the supply-demand adjustor will allow continuation of the same average level of price of the two markets as has existed in recent months, subject to further adjustments based on future changes in the market situation. The price level herein proposed will result in a lower price for farmers who have been producers under the Ohio Valley order, as a result of the averaging of the prices of the two markets. Evidence with respect to changing supply conditions in the Ohio Valley market shows that the reduction in the applicable Class I price is in accord with the changes in market conditions. Such changing market conditions would need to be recognized in the price for that marketing area regardless of whether the two markets are combined.

To assure additional stability in price changes produced by the supply-demand adjustor, it is provided that the price adjustment for any one month shall not differ from that of the previous month by more than 4 cents per hundredweight. The total amount of adjustment should not at any time exceed 50 cents.

Producer and handler groups both asked that no supply-demand provision be included in the new order, and further asked that if such a price adjustor is included, that it be moderate and limited in its effect. Two handlers asked that the effective date of a supply-demand adjustor be delayed until after 18 months of experience under the new order. Producers proposed specifically (1) that any negative price adjustment be limited to 6 percent of the average basic formula price for the previous year; (2) that the measure of the relationship of supplies to Class I disposition be based on two twelve-month moving averages such as in the St. Louis order; (3) that the Class I disposition used in the calculation include sales by nonpool plants in the marketing area; and (4) that any supply-demand adjustor not result in a price change as long as Class I disposition is 67 percent or more of producer milk or less than 71 percent.

The proposals that no supply-demand adjustor apply under the new order are denied on the basis of preceding findings and conclusions. The effective date of a supply-demand adjustor should not be delayed for an 18-month period as requested by producers and handlers. The substantial changes in the supply-demand situation in recent years require that these conditions be reflected in the Class I price under the new order as soon as possible.

The type of supply-demand adjuster used in the Louisville-Lexington order is preferable to that proposed by producers based on two twelve-month moving averages, since it will react more promptly to recent conditions in the market. The method of calculation of the supply-demand adjustment under the Louisville-Lexington order is explained in the decisions issued February 8, 1960, and July 18, 1961. Essentially, it provides for calculation of the percentages that producer milk is of gross Class I utilization of pool plants in the three most recent two-month periods for which data are available. Comparison of these two-month percentages with seasonally adjusted standards provides the basis for Class I price adjustments. Seasonal adjustment of the annual standard is based on supply and utilization data for the 37-month period ending with the second month preceding the month for which the price adjustment is computed. Price stability is achieved by eliminating indicated adjustments if they are in a direction opposite from that indicated by the most recent two-month percentage and eliminating indicated adjustments in excess of the most recent percentage.

Inasmuch as the Ohio Valley order was issued effective March 1, 1960, data on a 37-month basis for plants regulated under that order would not be available until after March 1963. Since, however, the calculations depend entirely upon ratios (in some cases expressed as percentages) of quantities of producer milk to Class I utilization, the changes in marketing area do not prevent use of currently available data for calculation of a supply-demand adjustor. The month of June 1962, would be the first month for which a price adjustment could be computed if two full years of data for the Ohio Valley market are included. The effect of the supply-demand adjustor adopted herein is accordingly limited prior to June 1962 by establishing a minimum Class I price of $4.43.

The proposal to retain all Class I sales in the marketing area in the supply-demand computation, regardless of whether such sales are by pool plants or nonpool plants is denied. Such a provision would be insensitive to the competition of handlers regulated under other orders who may secure sales outlets in this market. The levels of the Class I price in this market should reflect loss of sales by pool plants in such circumstances as a part of the supply-demand situation affecting the marketing of producer milk.

Class prices under the proposed order are expressed in terms of milk testing 3.5 percent butterfat. This is done for the purpose of achieving uniformity among markets so that prices will be readily comparable to all interested parties. This need not affect the butterfat content of milk received or disposed of under the order. This change in the method of quoting the Class I price has been accomplished by changing the butterfat value included in the basic formula prices to reflect the 3.5 percent butterfat test.

Class II price. Class II milk under the consolidated order should be priced for the months of September through March at the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the United States Department of Agriculture, adjusted to a 3.5 percent butterfat basis, and for the months of April through August at such price less 10 cents.

The Louisville-Lexington order presently provides two separate prices for milk going into manufacturing uses. The Class II price, applicable primarily to cottage cheese and ice cream, is the highest of four alternative prices. These are the Midwest condenseries price, a butter-powder (spray-roller) formula price, a butter-powder (spray) formula price, or a butter-cheese formula price. The Class III price applies primarily to American cheese, butter, dry milk powder, and condensed milk. For the months of September through March

[1] A location differential deduction of 10 cents applies at plants in Kentucky 50 miles or more, but less than 70 miles from Nashville.

[2] See suspension orders issued May 25, 1961 (26 F.R. 4734) and December 18, 1961 (26 F.R. 12110), and final decision issued July 18, 1961 (26 F.R. 6547).

this price is the higher of a butter-powder (spray-roller) formula price or the average announced price at seven local manufacturing plants. For the remaining five months of the year the Class III price is the higher of a butter-powder (roller) formula price or the average local manufacturing plants price.

The Ohio Valley order presently provides one classification (Class II) for all milk going into manufacturing uses. For the months of September through February Class II milk is priced at the higher of the Midwest condenseries price or a butter-powder (spray-roller) formula price. For the months of March through August such milk is priced at the average announced price at five local manufacturing plants plus 20 cents.

Previous reference has been made in this decision to the cooperative association's proposal that the consolidated order use a two-class system under which all milk going into manufacturing uses would be Class II milk. In conjunction with this arrangement they proposed that the price for Class II milk be the Minnesota-Wisconsin manufacturing milk price, adjusted to a 3.8 percent butterfat basis by the butterfat differential resulting from multiplying the Chicago butter price by 0.12. A representative of a dairy firm which operates unregulated manufacturing plants located in and around the Louisville-Lexington and Ohio Valley marketing areas proposed at the hearing that if the Minnesota-Wisconsin price were used as a basis for pricing milk going into manufacturing uses the order price should be 15 cents less than the Minnesota-Wisconsin price adjusted to a 3.8 percent butterfat test. A group of proprietary handlers regulated under the Louisville-Lexington order proposed that the Class II price under that order be amended to delete the butter-cheese formula price from the list of Class II price alternatives.

The price for manufacturing grade milk in the two-State area of Minnesota and Wisconsin is issued by the State-Federal Crop Reporting Service on about the 5th day of each month for milk received at manufacturing plants in these States in the previous month. Plant operators report the total pounds of manufacturing grade milk received from farmers, the butterfat content, and total money paid to farmers for the milk delivered at their plants. The two-State area is one in which there is a heavy concentration of manufacturing grade milk and where many plants are competing for such a supply. In Minnesota about 80 percent of the milk sold off of farms is manufacturing grade and in Wisconsin, about 65 percent. About 50 percent of the total manufacturing grade milk sold off farms in the United States is produced in these two States.

Comparisons made herein between the proposed Class II price formulas and the formula prices under the two orders exclude the effect of the butter-cheese formula price under the Louisville-Lexington order. In a decision issued by the Secretary on July 18, 1961 (26 F.R. 6547), based on a public hearing held May 22, 1961, it was concluded that the butter-cheese formula price should be removed from the list of price alternatives in the basic formula price of the Louisville-Lexington order. It was concluded that the butter-cheese formula price had increased to levels representing improper relationships to other measures of the value of manufacturing milk used in this and nearby order markets for basic formula prices. In view of this it is appropriate that comparisons of proposed formulas for pricing reserve milk with current formulas in effect in the two orders not reflect the butter-cheese formula price. When the order was amended August 1, 1961, this formula price was retained as part of the Class II pricing mechanism, however, because the Class II price was not an issue at the hearing.

For the 12-month period of November 1960 through October 1961 the Class II price in the Louisville-Lexington order, without the effect of the butter-cheese formula price, averaged $3.37 for milk testing 3.5 percent butterfat. The Class III price for the same period averaged $3.14 for milk of 3.5 percent butterfat content. The comparable Ohio Valley Class II price averaged $3.19. The Minnesota-Wisconsin manufacturing milk series adjusted to a 3.5 percent butterfat basis using the butterfat differential as proposed by producers would have averaged $3.26. The proposal made by the operator of nonpool manufacturing plants that the Class II price be 15 cents less than the Minnesota-Wisconsin series would have resulted in an average Class II price for this period three cents lower than the average Louisville-Lexington Class III price. A representative of this firm testified, however, that these plants paid ungraded shippers premiums which resulted in prices 10 to 15 cents over the Class III price.

For the period since the Ohio Valley order has been in effect (March 1960 through October 1961) the combined returns to producers under both orders for milk other than Class I, excluding the effect of the butter-cheese formula price, averaged $3.13 for milk at 3.5 percent butterfat test. The Minnesota-Wisconsin manufacturing milk price during this period averaged $3.19 for milk of the same test.

The pricing formulas for reserve milk under the two orders provide seasonal variation by using different price factors for Class III milk under the Louisville-Lexington order (April through August) and Class II milk under the Ohio Valley order (March through August) for the months of heavier milk production. These seasonal changes in the formulas for reserve milk prices would normally produce greater seasonal variation than there might be in the Minnesota-Wisconsin manufacturing milk prices. For milk of 3.5 percent butterfat test during the periods of April through August 1960 and 1961, the Minnesota-Wisconsin price averaged 21 cents over the Louisville-Lexington Class III price and 17 cents over the Ohio Valley Class II price. In the intervening period of September 1960 through March 1961 the Minnesota-Wisconsin price averaged 10 cents over the Louisville-Lexington Class III price and 2 cents under the Ohio Valley Class II price. In the period September 1960 through March 1960 the Minnesota-Wisconsin price averaged one cent under the Louisville-Lexington Class III price.

It is concluded that some seasonal adjustment of the Minnesota-Wisconsin manufacturing milk price would be necessary to properly reflect the seasonal marketing conditions affecting reserve milk in this market. The evidence does not establish, however, that the general level of price for reserve milk should be substantially different from average levels which have prevailed for the combined area. Experience in recent years has been that reserve milk readily moved to manufacturing outlets without evidence of distressed sales. On the other hand, the price levels have not induced pool plants to accumulate unneeded supplies intended primarily for manufacturing. In order to promote the orderly handling of reserve milk for the proposed consolidated marketing area, including adjustment for the seasonal changes in quantities of reserve milk and prices at which it can be disposed of, it is concluded that a formula (including seasonal adjustments) which would have yielded in the March 1960 through October 1961 period about the same average return as prevailed in the two-market area (excluding the effect of the butter-cheese formula price) should be adopted. Of the various formulas proposed, the Minnesota-Wisconsin series represents the best index of changing values of manufacturing milk based on prices which competing manufacturing plants offer for milk of manufacturing grade. Such paying prices reflect the supply and demand of manufactured dairy products within a highly co-ordinated marketing system which is national in scale. It is concluded that a price for reserve milk within the purposes expressed in the preceding discussion will be provided by use of the Minnesota-Wisconsin price subject to a seasonal deduction of 19 cents for the months of April through August.

During the 20-month period of March 1960 through October 1961 this price formula for milk testing 3.5 percent butterfat would have averaged $3.14 per hundredweight. For the same period the average of prices under the two orders for milk other than Class I milk (excluding the effect of the butter-cheese formula) was $3.13 for milk of the same test. This average reflects in each month the relative quantities of milk in each class under each order.

The announced average price paid by the Minnesota and Wisconsin plants is at the weighted average butterfat test of the milk received at these plants. Since it is concluded in this decision that the consolidated order prices should be announced on a 3.5 percent butterfat basis, it is necessary that the announced Minnesota-Wisconsin prices be adjusted to this basis. The cooperative association proposed that adjustment of these prices be made by using a differential equal to the average quotation for the month for Grade A (92-score) butter at Chicago times 0.12. This differential is presently used as butterfat differentials under both orders in pricing Class II and Class III milk and should likewise be used in the consolidated order for adjusting the announced Minnesota-Wisconsin price to a 3.5 percent butterfat basis.

Butterfat differentials. The prices paid by handlers for Class I milk should be subject to a butterfat differential for each one-tenth of one percent of butterfat content equal to 0.125 times the Chicago butter price of the preceding month. This is the same differential which now applies under the Louisville-Lexington order and which closely approximates the average of differentials which apply under the Ohio Valley order. The Class II price should be adjusted by a butterfat differential equal to 0.120 times the Chicago butter price of the month in which the milk was received. This differential is the same as currently applies in the Ohio Valley order and is slightly higher than the differentials which apply to Class II and Class III milk under the Louisville-Lexington order. It is concluded that these differentials will properly reflect the value of butterfat as used by handlers in the respective classes.

Location differentials. A system of location differentials similar to those which apply to the Class I prices under the present two orders should be adopted but should be modified in relation to the extent of the enlarged marketing area for the proposed consolidated order. Location differentials should apply to Class I milk at plants which are located more than 85 miles from the nearest of the following points: The City Halls in Lexington, Louisville, Madisonville, Elizabethtown and Danville, in Kentucky, and Evansville in Indiana.

In the Louisville-Lexington order, the basing points for location differentials are the City Halls in Louisville and Lexington, whichever is nearer to the plant at which the milk is received from producers. No location differential applies at plants located less than 85 miles from such points. For plants 85 miles or more but less than 95 miles from such points, a location differential of 15 cents per hundredweight is provided, and for greater distances an additional adjustment of 1.5 cents for each additional 10 miles. In the Ohio Valley order the County Courthouses in Evansville, Indiana, and Owensboro, Kentucky, are used as points of reference. For plants located 80 miles but less than 90 miles from such points, an adjustment of 13 cents per hundredweight is deducted, and for distances beyond this, 1.5 cents is deducted for each additional 10 miles.

The evidence with respect to cost of transporting milk does not justify any significant departure from the rates of location differentials used presently in the Louisville-Lexington order. The initial distance of 85 miles from the selected points of reference, which now applies in the Louisville-Lexington order, is adopted herein to apply to the several points of reference in the enlarged marketing area. Additional basing points should be designated at the following locations in the marketing area: Madisonville, Elizabethtown and Danville, Kentucky. These new basing points will provide a better system of location differentials with respect to plants in Southern Kentucky located close to the marketing area and will result in better alignment of prices with prices in nearby Federal order markets. The basing point at Owensboro, Kentucky, will then be unnecessary, and is eliminated.

For plants located beyond 85 miles but less than 95 miles from the reference points named, a location adjustment of 15 cents should apply, and for distances beyond this an additional adjustment of 1.5 cents for each 10 miles should apply. These rates are the same as now apply in the Louisville-Lexington order.

(d) *Payments with respect to unpriced milk.* For effective regulation it is necessary that the order provide for payments to the producer-settlement fund with respect to other source milk allocated to Class I milk at pool plants. Payments should also be made by operators of nonpool plants which dispose of Class I milk on routes in the marketing area.

For purposes of the proposed order, provisions for such payments similar to those of the Louisville-Lexington order are adopted. Under that order, compensatory payments into the producer-settlement fund are required to be made by nonpool plants disposing of Class I milk in the marketing area, such payments to be made, however, under one of two options. Under one option, the payment is based on the quantity of Class I milk disposed of in the marketing area by the nonpool plant, allowing credit, however, for milk which is received by the nonpool plant from pool plants and which is classified as Class I milk. The per hundredweight rates of payment required for the months of January through September are the difference between the Class I price and the Class III price, and for other months, the difference between the Class I price and the uniform price. The prices used in the calculation are subject to appropriate location and butterfat differentials. These rates of payment are deemed necessary to offset the advantage nonpool handlers would otherwise have in using unregulated milk for Class I disposition in the marketing area.

Under the second option, the operator of the nonpool plant may elect that his obligation to the producer-settlement fund be computed as the difference between what his obligation for all milk handled would be if his plant were a pool plant (subject to specified rules with respect to interplant transfers) and the amount of his payments to farmers whose milk production is qualified for the fluid market. In this computation allowance is made for any obligations incurred by the same plant under other orders.

The compensatory payment provisions of the Ohio Valley order are quite similar. The Ohio Valley order differs in that the rate of payment under the first option is the difference between the Class I price and the uniform price in the months of August through March rather than October through December. Another difference is that the Ohio Valley order does not allow credit for Class I milk received at the nonpool plant from a pool plant.

Parties at the hearing requested certain modifications of the system used in the Louisville-Lexington order. One handler asked that under the new order the rate be the difference between the Class I price and the Class II price in all months. Two handlers asked that credit not be allowed for receipt of Class I milk at a nonpool plant from a pool plant. A nonpool plant operator proposed that credit be allowed to a pool plant operator for compensatory payments under another order on milk disposed of in the marketing area under that order from a nonpool plant also operated by the same handler and to which the pool plant supplied milk. Proponent of the latter proposal did not testify at the hearing and information in the record does not provide a basis for judging the merits of the proposal. A further proposal would have required that crediting of receipts of pool Class I milk, in computing the compensatory payment obligation of a nonpool plant, be allowed only if the nonpool plant paid a price for such milk equal to the Class I price plus 45 cents. This was intended to offset an advantage proponent claimed that nonpool plants have in paying their farmers in the months when order blend prices are reduced by the seasonal incentive plan.

The rates of payment needed to offset the advantage in use of unpriced milk are those now applicable under the Louisville-Lexington order. The seasonal changes in these rates represent the seasonally changing values of other source milk which might be obtained for Class I use in the proposed marketing area. The additional option presently provided in the two orders should be continued. This optional computation is that based on the obligation which would apply if such plant were a pool plant, less payments by the plant operator to dairy farmers who constitute the plant's supply for fluid market disposition. The basis for the several compensatory payment provisions discussed herein have been set forth in prior decisions on these orders. It is concluded here that the findings and conclusions of such decisions apply appropriately to the proposed order.

The provisions of the proposed order do not require compensatory payments on milk classified and priced as Class I milk under another Federal order. Under the requirements of the Act, prices in every order must be established according to the supply and demand conditions of the market which necessarily include price relationships with other markets. Accordingly, prices in this market should be in alignment with prices of other Federal order markets, thus preventing any price advantage that needs to be offset with respect to use of other source milk priced as Class I milk under another order.

The application of regulation to an enlarged marketing area, and adoption of pool plant provisions providing for more inclusive regulation than under the Ohio Valley order, are expected to reduce the quantity of other source milk disposed of in the marketing area. In view of these changes, the more stringent requirements proposed by handlers are considered unnecessary. Production areas of plants which would be fully regulated and of those which might be partially regulated by virtue of disposi-

tion in the marketing area do not overlap to a degree such that nonpool plants could obtain a competitive procurement advantage under the system of compensatory payments adopted herein.

All funds collected from such compensatory payments should be added to the producer-settlement fund. The handler receiving other source milk on which a payment accrues should be obligated to make the compensatory payments to the producer-settlement fund. There will be no difference in actual amount so paid for milk whether the payment is required of the handler or of the operator of the unregulated plant from which the other source milk was obtained. Because the handler makes the actual distribution of the milk in the marketing area, and because he reports the utilization to the market administrator, he is, from an administrative view, the logical person to make the payment.

(e) *Payments to producers.* The payment provisions contained in the proposed order are in the same form as such provisions of the Louisville-Lexington order except for minor changes. The butterfat differential applicable to the uniform price should be an average of the Class I and Class II butterfat differentials weighted by the quantities of butterfat in producer milk classified in each class. These butterfat differentials were proposed by the producer association. It has been concluded in the foregoing considerations that the proposed Class I and Class II butterfat differentials will provide proper pricing of butterfat in relation to its value in the respective classes. The proposed producer butterfat differential will serve to distribute to producers a return for the butterfat content of their milk in line with average classified utilization by handlers.

Location differentials should apply to uniform prices to producers according to the location of plants at which producer milk is received (or delivered in the case of bulk tank milk for which a cooperative association is the handler). This differential should be at the same rate as the Class I location differentials so as to properly reflect the value of producer milk for the fluid market.

Producers requested that the fall production incentive program now operating in the Louisville-Lexington market be continued under the proposed order for the enlarged area. This seasonal pricing plan is preferred by producers over the base-excess plan in the Ohio Valley order. The fall production incentive plan is retained in the proposed order as a means of stabilizing the seasonal variations of production. Testimony on behalf of producers held that the change in the plan applicable to the present Ohio Valley producers would have little, if any, effect on the annual income of such producers.

Producer representatives maintained, however, that participation of producers in the fall premium payments in the months of September through December should be limited to producers who have made a proportionate contribution in the preceding spring and summer months of April through July. Concern was expressed with respect to the possibility of large groups of producers being shifted from nearby markets to this market in the fall period.

This proposal conflicts with the purpose of the fall premium plan as part of a Federal milk order. The plan is a method of inducing farmers to produce milk for the market in a more even pattern throughout the year. The money collected in the months of April through July is an accumulation of payments from handlers and does not represent contributions by producers. The money is held in the producer-settlement fund until it is distributed to producers in the fall months. This fund of money must necessarily be paid out on all milk of dairy farmers who have been determined to qualify as producers in the fall months. To do otherwise would require discrimination among qualified producers with respect to pricing. The record does not present a basis which could justify such discrimination.

The order provisions should be clarified with respect to computation of the uniform price. Payments on unpriced milk for the same month are not due until after the uniform price is computed. Such monies will enter the uniform price computation through the use of the reserve of the producer-settlement fund.

(f) *Administrative and miscellaneous provisions.* The Class I price and butterfat differential should be announced on the 8th day of the month. This is the date of announcement presently used under the Ohio Valley order and will provide earlier information to the market than the Louisville-Lexington order provision. On the same date the Class II price and butterfat differential of the preceding month should be announced. The uniform price to producers for milk received in the previous month should be announced on or before the 12th day of the month.

Reports on receipts and utilization of milk handled during the month should be due at the office of the market administrator on the 8th day after the end of such month. Handlers should be notified of their obligations on the 13th day after the end of the month. Payments to producers should be made on or before the last day of the month for milk received during the first 15 days of the month at a rate not less than the Class II price for 3.5 percent milk of the preceding month and without adjustment for butterfat content and hauling. Final payment should be made to producers on or before the 17th day following the month in which the milk was received. Payments to a cooperative association for member milk would be required two days earlier.

Payroll reports should be submitted by handlers on or before the 20th day following the end of the month. The proposed order continues the provision now contained in both orders requiring the market administrator on or before the 15th day after the end of the month to report, upon request, to a cooperative association the percentage of milk used in each class by each handler to which the association or member delivered milk.

Any unpaid obligation to or from the producer-settlement fund should be increased one-half of one percent on the first day of each month after the month in which such obligation was due until the obligation has been paid.

Both orders now provide for deductions from payments to producers of money to be used by the market administrator for certain marketing services. These include providing market information to producers, verification of weights, and sampling and testing of milk received from producers for whom such services are not being rendered by a qualified cooperative association. The rate of deduction is five cents per hundredweight under the Louisville-Lexington order and six cents under the Ohio Valley order. Under the proposed order the rate now applied in the Louisville-Lexington order should be sufficient to cover such expense. In lieu of these deductions, the order would require payments to a qualified cooperative association determined to be providing such services for producers. The rate of such payments would be according to the authorization given by the producer.

For expense of administration, the Louisville-Lexington order requires payments at the rate of 3 cents per hundredweight while the rate under the Ohio Valley order is 4 cents. The three-cent rate should apply under the new order. Handlers operating pool plants would be obligated to pay such rate with respect to milk received there from producers or from a cooperative association acting as a handler on bulk tank milk it causes to be delivered from the farm to such plant. Milk diverted by a handler (including a cooperative association) would also be subject to such a payment. Payment would be required on other source milk received by a pool plant and assigned to Class I milk. Nonpool plant operators would be required to pay an administrative assessment in amounts depending on their choice of option with respect to meeting their obligations to the producer-settlement fund. If the nonpool plant operator elects to make payment to the producer-settlement fund on the amount of Class I milk disposed of in the marketing area, his payment for expense of administration would be on such amount, allowing credit, however, for milk received from pool plants which is classified as Class I milk. If the nonpool plant operator elects to have his obligation computed at the difference between his payments to his qualified dairy farmers who constitute his Grade A milk supply and the amount which would be his obligation as a pool plant operator, then his obligation for administrative expense would be based on his entire receipts of Grade A milk from dairy farmers and any other receipts allocated to Class I milk, with allowance, however, for similar payments under another Federal order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the proposed Louisville-Lexington-Evansville order, which is a consolidation of and an amendment to the Louisville-Lexington, Kentucky, and Ohio Valley orders, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the proposed Louisville-Lexington-Evansville marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the proposed Louisville-Lexington-Evansville order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Louisville-Lexington-Evansville Marketing Area", and "Order Regulating the Handling of Milk in the Louisville-Lexington-Evansville Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order, which is a consolidation of and an amendment to the orders regulating the handling of milk in the Louisville-Lexington, Kentucky, and Ohio Valley marketing areas, is approved or favored by the producers, as defined under the terms of the attached order, and who, during the representative period, were engaged in the production of milk for sale within the marketing area defined in the attached order.

The month of December 1961 is hereby determined to be the representative period for the conduct of such referendum.

Joseph E. Bobo is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on February 15, 1962.

CHARLES S. MURPHY,
Under Secretary.

Order [1] Regulating the Handling of Milk in the Louisville-Lexington-Evansville Marketing Area

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AUTHORITY: §§ 1046.0 through 1046.101 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1046.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the Louisville-Lexington, Kentucky, and Ohio Valley orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

milk in the Louisville-Lexington, Kentucky, and Ohio Valley marketing areas. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The Louisville-Lexington-Evansville order, which is a consolidation of and an amendment to the Louisville-Lexington, Kentucky, and Ohio Valley orders, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the Louisville-Lexington-Evansville marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The Louisville-Lexington-Evansville order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the Louisville-Lexington-Evansville order are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, excluding a cooperative association in its capacity as a handler pursuant to § 1046.8(e), as his pro rata share of such expense, 3 cents per hundredweight or such amount not to exceed 3 cents per hundredweight, as the Secretary may prescribe, with respect to (i) producer milk, (ii) milk received from a cooperative association in its capacity as a handler pursuant to § 1046.8(e), (iii) other source milk allocated to Class I at a pool plant, and (iv) milk at a city plant which is a nonpool plant in accordance with § 1046.61.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the orders regulating the handling of milk in the Louisville-Lexington, Kentucky, and Ohio Valley marketing areas (Parts 1095 and 1046, respectively) shall be amended and consolidated into one order which shall be designated as Order No. 46 and which shall regulate the handling of milk in the Louisville-Lexington-Evansville marketing area, and the handling of milk in the Louisville-Lexington-Evansville marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 1046.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1046.2 Secretary.

"Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties pursuant to the Act of the said Secretary of Agriculture.

§ 1046.3 Department.

"Department" means the United States Department of Agriculture or other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1046.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1046.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1046.6 Louisville-Lexington-Evansville marketing area.

"Louisville-Lexington-Evansville marketing area", hereinafter called the "marketing area", means all territory geographically located within the perimeter boundaries of Anderson, Bourbon, Boyle, Breckinridge, Bullit, Clark, Daviess, Fayette, Franklin, Garrard, Grayson, Hancock, Hardin, Henderson, Henry, Hopkins, Jefferson, Jessamine, Larue, Madison, McLean, Meade, Mercer, Montgomery, Muhlenberg, Nelson, Ohio, Oldham, Scott, Shelby, Spencer, Union, Webster, and Woodford Counties in the State of Kentucky, and Clark, Crawford, Daviess, Dubois, Floyd, Gibson, Harrison, Knox, Martin, Orange, Perry, Pike, Posey, Spencer, Vanderburgh, Warrick, and Washington Counties in the State of Indiana, including all municipal corporations and institutions owned or operated by the Federal, State or local governments lying wholly or partially within such territory.

§ 1046.7 Producer.

"Producer" means any person, except a producer-handler:

(a) Who produces milk on a dairy farm which is approved by a duly constituted health authority for the production of milk for fluid disposition (this definition shall include approval of milk by the authority to administer the regulations governing the quality of milk acceptable to agencies of the U.S. Government for fluid consumption in its institutions or bases located in the marketing area during any month in which such milk is disposed of to such institutions or bases); and

(b) Whose milk so produced pursuant to paragraph (a) of this section is received at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1046.8(c) or diverted in accordance with the conditions set forth in § 1046.14.

§ 1046.8 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a city plant or a country plant;

(b) Any cooperative association with respect to milk diverted by it in accordance with the conditions set forth in § 1046.14; and

(c) Any cooperative association with respect to the milk of its producer members which is delivered for the account of the cooperative association from the farm to the pool plant(s) of another handler in a tank truck owned by, operated by, or under contract to such cooperative association if the cooperative association has notified in writing prior to delivery both the market administrator and the handler to whom the milk is delivered that it wishes to be the handler for such milk. Such milk shall be considered as having been received by the cooperative association at the location of the plant to which it was delivered.

§ 1046.9 Producer-handler.

"Producer-handler" means any person who processes and packages milk from his own farm production, distributes any portion of such milk in the marketing area on a route and receives no fluid milk products from other dairy farmers or nonpool plants: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the care and management of all of the dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) is the personal enterprise of and at the personal risk of such person, and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

§ 1046.10 City plant.

"City plant" means a plant where milk is processed or packaged and from which fluid milk products permitted to be labeled as "Grade A" by a duly constituted health authority are disposed of on a route(s) in the marketing area.

§ 1046.11 Country plant.

"Country plant" means a milk plant, other than a city plant, which is approved by a duly constituted health authority to supply milk, skim milk or cream to a city plant(s) for disposition as "Grade A" milk and at which milk is received during the month from persons described in § 1046.7(a) or from a cooperative association in its capacity as a handler pursuant to § 1046.8(c).

§ 1046.12 Pool plant.

"Pool plant" means:

(a) A city plant, other than a plant operated by a producer-handler, which meets the following requirements:

(1) For each of the months of May through October not less than 30 percent and for each of the months of November through April not less than 50 percent of the fluid milk products received during the two months immediately preceding from persons described in § 1046.7(a), from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), from country plants and from pool plants in containers not larger than a gallon are disposed of as Class I milk from such plant during such two-month period to all outlets except such disposition to pool plants in containers larger than a gallon: *Provided*, That, if such utilization percentage for the two preceding months cannot be ascertained by the market administrator, the respective percentages shall apply to receipts and sales during the current month; and

(2) An amount of Class I milk equal to not less than an average of 13,500 pounds per day or not less than 10 percent of the fluid milk products received during the current month from persons described in § 1046.7(a), from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), and from country plants is distributed on routes in the marketing area;

(b) A country plant during any of the months of October through March from which not less than 50 percent, and during other months not less than 40 percent, of the receipts of milk at such plant from persons described in § 1046.7(a) and from a cooperative association in its capacity as a handler pursuant to § 1046.8(c) are moved to and received at a city plant in the form of milk, skim milk or cream;

(c) A country plant during the months of April through September from which not less than 50 percent of the combined receipts of milk from persons described in § 1046.7(a) and from a cooperative association in its capacity as a handler pursuant to § 1046.8(c) during the preceding period of October through March were moved to and received at a city plant(s) in the form of milk, skim milk, or cream, unless the operator of such plant notifies the market administrator in writing on or before March 15 of withdrawal of the plant from the pool for the months of April through September next following; and

(d) A country plant which is operated by a cooperative association if (1) two-thirds or more of the milk from persons described in § 1046.7(a) who are members of such association is delivered during the month from farms to the pool plant(s) of other handlers or transferred by such association from its plant to the pool plant(s) of other handlers or (2) such plant qualified as a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding consecutive months of October through February.

§ 1046.13 Nonpool plant.

"Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 1046.14 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk from producers which is:

(a) Received from producers at a pool plant for the account of the person operating such plant: *Provided*, That, in the case of milk other than that delivered by a cooperative association pursuant to § 1046.8(c), when withdrawals of milk are made at more than one pool plant from the same load delivered by farm tank pickup truck and in the absence of agreement between the operators of such pool plants as to the reporting of and payment for such milk, the entire load shall be deemed to have been received at the first pool plant at which any of such milk was withdrawn;

(b) Diverted from a pool plant to a nonpool plant for the account of the operator of the pool plant or for the account of a cooperative association: *Provided*, That such milk so diverted shall be deemed to have been received at the pool plant from which it is diverted if diverted for the account of the handler operating such plant or at the location of the pool plant from which diverted if diverted for the account of a cooperative association: *And provided further*, That producer milk pursuant to this paragraph shall not include the milk of any person during any of the months of October, November, January and February on days on which it is diverted by a handler to a nonpool plant in excess of 22 days (11 days in the case of every-other-day delivery) during the month; or

(c) Received by a cooperative association in its capacity as a handler pursuant to § 1046.8(c).

§ 1046.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), reconstituted milk or skim milk, fortified milk or skim milk (including "diet" foods), cream (sweet or sour), half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mix, evaporated milk, condensed milk, aerated cream products, eggnog, and cultured sour mixtures not labeled as Grade A) which are neither sterilized nor packaged in hermetically sealed containers.

§ 1046.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk and milk received from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), or (3) opening inventory; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1046.17 Route.

"Route" means delivery (including disposition from a plant store or from a distribution point and distribution by a vendor) of a fluid milk product(s) to a wholesale or retail outlet(s) other than to a:

(a) Milk plant(s);

(b) Distribution point(s); or

(c) Food processing plant(s) for use other than for fluid consumption.

§ 1046.18 Chicago butter price.

"Chicago butter price" means the arithmetical average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported for the month by the Department.

§ 1046.19 Nonfat dry milk price.

"Nonfat dry milk price" means the arithmetical average of the weighted averages of the carlot prices per pounds of spray and roller process nonfat dry milk for human consumption, f.o.b. Chicago area manufacturing plants, as published for the month by the Department.

MARKET ADMINISTRATOR

§ 1046.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1046.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1046.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1046.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1046.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions pro-

vided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(h) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(i) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 5 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1046.30 through 1046.32, or payments pursuant to §§ 1046.61, 1046.62, 1046.80, 1046.84, and 1046.86 through 1046.88;

(j) On or before the 15th day after the end of each month, report to each cooperative association, which so requests, with respect to milk delivered by such association or by its members to each handler during the month: (1) The percentage of such receipts classified in each class; and (2) the percentage relationship of such receipts to the total pounds of Class I milk available to assign to such receipts exclusive of the Class I milk disposed of by such handler to the pool plant(s) of other handlers and to nonpool plants. For the purpose of these reports, the milk received from such association shall be treated on a pro rata basis of the total producer milk received by such handler during the month;

(k) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing the prices and butterfat differentials determined for each month as follows:

(1) On or before the 8th day of each month, the Class I price and butterfat differential for the month and the Class II price and butterfat differential for the preceding month computed pursuant to §§ 1046.51 and 1046.52; and

(2) On or before the 12th day after the end of each month, the uniform price computed pursuant to § 1046.71, and the butterfat differential computed pursuant to § 1046.81;

(l) On or before the 13th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(1) The net obligation computed for such handler pursuant to § 1046.70; and

(2) The amounts to be paid by such handler pursuant to §§ 1046.61, 1046.62, 1046.84, 1046.87, and 1046.88.

REPORTS, RECORDS AND FACILITIES

§ 1046.30 Reports of receipts and utilization.

(a) Each cooperative association in its capacity as a handler and each handler with respect to each of his pool plants shall report for the month to the market administrator in the detail and on forms prescribed by the market administrator, such reports to be due at the office of the market administrator not later than the 8th day after the end of such month:

(1) The quantities of skim milk and butterfat contained in receipts of producer milk (including such handler's own farm production);

(2) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants and in milk received from a cooperative association in its capacity as a handler pursuant to § 1046.8(c);

(3) The quantities of skim milk and butterfat contained in other source milk;

(4) Inventories of fluid milk products on hand at the beginning and end of the month;

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement, if required by the market administrator, of the disposition of Class I milk other than on routes operated wholly or partially within the marketing area; and

(6) Such other information with respect to his receipts and utilization of butterfat and skim milk as the market administrator may prescribe;

(b) Each handler operating a city plant which is a nonpool plant shall report on or before the applicable date specified in paragraph (a) of this section his receipts of milk from dairy farmers and all other sources and the utilization of such receipts in accordance with § 1046.40 as prescribed by the market administrator.

§ 1046.31 Payroll reports.

On or before the 20th day after the end of each month, each handler who received milk from producers or from a cooperative association of producers, and each handler operating a nonpool plant subject to § 1046.62(c) shall submit to the market administrator for each of his pool plants, or nonpool plants subject to § 1046.62(c), his producer or dairy farmer payroll for deliveries during the month which shall show (a) the total pounds of milk received from each producer, producer cooperative association or dairy farmer, and the average butterfat content of such milk, (b) the prices paid and the amount of payment to each producer, producer cooperative association, or dairy farmer, and (c) the nature and amount of any credits, deductions, or charges involved in such payments.

§ 1046.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler shall report to the market administrator, as soon as possible after first receiving milk from any producer, the name and address of such producer, the date upon which such milk was first received, and the plant at which such milk was received.

(c) On or before the 10th day after the request of the market administrator, each handler shall submit a schedule of rates which are charged and paid for the transportation of milk from the farm of each producer to such handler's plant. Changes in such schedule of rates and the effective dates thereof shall be reported to the market administrator within 10 days.

§ 1046.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts, records, and reports of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled;

(c) Payments to producers, including supporting records of all deductions and written authorization from each producer of the rate per hundredweight or other method for computing hauling charges on such producer milk; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and other milk products on hand at the beginning and end of each month.

§ 1046.34 Retention of records.

All books and records required under this part to be available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified records and books until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1046.40 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported pursuant to §§ 1046.30 and 1046.62 shall be classified by the market administrator pursuant to the provisions of §§ 1046.41 through 1046.46.

§ 1046.41 Classes of utilization.

Subject to the conditions set forth in §§ 1046.42 through 1046.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except skim milk and butterfat disposed of in fluid form pursuant to paragraph (b) (4) and (5) of this section: *Provided*, That fluid milk products which have been fortified with nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of unfortified milk, skim milk, and cream of the same butterfat content; and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Used to produce frozen cream;

(3) In fluid milk products which have been fortified with nonfat milk solids which is not accounted for as Class I milk pursuant to the proviso in paragraph (a)(1) of this section;

(4) Disposed of for livestock feed or, in the case of skim milk only, dumped, upon prior notice as prescribed by the market administrator;

(5) Disposed of in bulk to bakeries, candy or soup manufacturers and other commercial food manufacturing establishments which do not dispose of any such receipts in the form of fluid milk products;

(6) In inventories of fluid milk products;

(7) In shrinkage, excluding shrinkage of other source milk, not to exceed the following:

(i) Two percent of skim milk and butterfat, respectively, in producer milk physically received at a pool plant; plus

(ii) One and one-half percent of skim milk and butterfat, respectively, in milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), except that if the handler operating such pool plant files notice with the market administrator on or before the date he submits his monthly report applicable to such milk pursuant to § 1046.30 that he is purchasing such milk on the basis of weights determined at the farm from farm bulk tank measurements the applicable percentage shall be two percent; plus

(iii) One and one-half percent of skim milk and butterfat, respectively, in fluid milk products received at a pool plant in bulk as a transfer from other pool plants; less

(iv) One and one-half percent of skim milk and butterfat, respectively, in fluid milk products transferred in bulk from a pool plant to other plants; and plus

(v) One-half of one percent of skim milk and butterfat, respectively, in producer milk received by a cooperative association in its capacity as a handler pursuant to § 1046.8(c), unless the exception provided in subdivision (ii) of this subparagraph applies; and

(8) In shrinkage of other source milk.

§ 1046.42 Shrinkage.

In computing shrinkage for the purposes of § 1046.41(b) (7) and (8) the market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in the following manner:

(a) Compute the total shrinkage for each handler, or for each pool plant in the case of those handlers operating pool plants, by subtracting the skim milk and butterfat, respectively, classified as Class I milk pursuant to § 1046.41(a)(1) and as Class II milk pursuant to § 1046.41(b) (1) through (6) (subject to the provisions of §§ 1046.43 through 1046.45) from the receipts of the skim milk and butterfat, respectively, required to be reported pursuant to § 1046.30; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section between:

(1) The maximum pounds of skim milk and butterfat shrinkage allowable pursuant to § 1046.41(b)(7) divided by 0.02, and

(2) The total pounds of other source milk received in bulk in the form of fluid milk products.

§ 1046.43 Responsibility for classification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1046.44 Transfers.

Skim milk or butterfat disposed of by a handler from a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1046.8 (b) or (c) shall be classified as follows:

(a) As Class I milk if transferred in the form of a fluid milk product to a pool plant of the same handler or of another handler unless utilization in Class II is claimed by the handler (or handlers) in their reports submitted pursuant to § 1046.30 or such milk is classified pursuant to paragraph (b) of this section: *Provided*, That the skim milk or butterfat so classified as Class II milk shall be limited to the amount of skim milk or butterfat, respectively, remaining in Class II milk in the transferee plant after making the assignments pursuant to § 1046.46(a) (1) through (8) and the corresponding steps of § 1046.46 (b), and any additional amount of skim milk or butterfat so transferred shall be classified as Class I milk: *And provided further*, That if the transferor plant has other source milk during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the highest priced available class utilization to the producer milk at both plants: *And provided also*, That in no case shall the assignment of transferred skim milk or butterfat to Class I in the transferee plant exceed the difference between the transferee plant's total receipts of milk and milk products and utilization by the transferee plant in Class II;

(b) If a specified utilization of skim milk and butterfat transferred to a pool plant of another handler by a cooperative association in its capacity as a handler pursuant to § 1046.8(c) is not claimed by both handlers pursuant to paragraph (a) of this section, such skim milk and butterfat shall be classified pro rata to the respective amounts remaining in each class at the pool plant of the receiving handler after making the assignments pursuant to § 1046.46(a)(8) and the corresponding step of § 1046.46 (b) and after assignment of milk for which specified classification has been claimed by handlers pursuant to paragraph (a) of this section;

(c) As Class I milk if transferred to a producer-handler in the form of a fluid milk product;

(d) As Class I milk if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonpool plant located less than 250 airline miles from the City Hall in either Louisville, Kentucky, or Evansville, Indiana, unless:

(1) The handler claims classification in Class II in his report submitted to the market administrator pursuant to § 1046.30;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for verification;

(3) An amount of skim milk and butterfat, respectively, of not less than that so claimed by the handler was used in the nonpool plant in products included in Class II milk or was disposed of by the nonpool plant in the form of cream in bulk if the handler meets the requirements specified in subdivisions (i), (ii), and (iii) of this subparagraph:

(i) Claims classification of such cream as Class II;

(ii) Establishes that such cream was transferred without Grade A certification, each shipping container was tagged or labeled to show that the contents were for manufacturing use only, and the shipment of such cream was invoiced accordingly; and

(iii) Affords the market administrator at least 24 hours notice prior to shipment of such cream so that he may verify such shipment;

(4) The classification reported by the handler results in an amount of skim milk and butterfat in Class I milk claimed by all handlers transferring or diverting milk to such nonpool plant of not less than the amount of assignable Class I milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant and classified as Class I milk pursuant to the classification provisions of this order applied to such nonpool plant, subtract the skim milk and butterfat, respectively, received at such plant directly from dairy farmers who hold permits to supply "Grade A" milk and who the market administrator determines constitute the regular source of supply for such nonpool plant; and

(ii) From the remaining amount of Class I milk, subtract the skim milk and butterfat, respectively, in fluid milk products received from another market and which is classified and priced as Class I milk pursuant to another order issued pursuant to the Act: *Provided*, That the amount subtracted pursuant to this subdivision shall be limited to such markets' pro rata share of such remainder based on the total receipts of skim milk and butterfat, respectively, at such nonpool plant which are subject to the pricing provisions of an order issued pursuant to the Act; and

(5) If the skim milk and butterfat, respectively, transferred or diverted by all handlers to such a nonpool plant and reported as Class I milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class I milk pursuant to subparagraph (4) of this paragraph, an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the claimed Class II classification reported by each of such handlers; and

(e) As Class I milk if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonpool plant located 250 airline miles or more from the City Hall in either Louisville, Kentucky, or Evansville, Indiana.

§ 1046.45 Computation of the skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted pursuant to § 1046.30 by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before such product is disposed of by a handler, the hundredweight of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids.

§ 1046.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1046.45 the market administrator shall determine for each pool plant the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified pursuant to § 1046.41(b)(7) (i) through (iv);

(2) Subtract from the total pounds of skim milk in Class I milk (i) the pounds of skim milk received in the form of sour cream in consumer packages and disposed of in the same packages as Class I milk if such sour cream is classified and priced as Class II milk under the Chicago Federal milk order (Order No. 30) and (ii) the pounds of skim milk received in the form of liquid dietary products in consumer packages and disposed of in the same packages as Class I milk to the extent of the amount allowable pursuant to § 1046.41(a)(1) if such products are classified and priced as Class I milk under the Cincinnati Federal milk order (Order No. 33);

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which are not subject to the Class I pricing provisions of an order issued pursuant to the Act and which have not been subtracted pursuant to subparagraph (2)(i) of this paragraph;

(4) Subtract from the remaining pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less:

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which are subject to the Class I pricing provisions of another order issued pursuant to the Act and which have not been subtracted pursuant to subparagraph (2)(ii) of this paragraph;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(9) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers and from a cooperative association in its capacity as a handler pursuant to § 1046.8(c) according to its classification determined pursuant to § 1046.44 (a) or (b); and

(10) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 1046.50 Basic formula price.

The basic formula price shall be the higher of the prices as computed to the nearest one-tenth of a cent by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Company and Location
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.2, and

(2) From the nonfat dry milk price, subtract 5.5 cents and multiply the difference by 8.2.

§ 1046.51 Class prices.

Subject to the provisions of §§ 1046.52 and 1046.53 the minimum class prices for milk per hundredweight for the month shall be determined by the market administrator as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.25, plus or minus a supply-demand adjustment of not more than 50 cents computed pursuant to subparagraphs (1) through (6) of this paragraph: *Provided*, That the Class I price during the period beginning with the effective date of this amendment through May 1962 shall not be less than $4.43:

(1) Calculate the percentage that total receipts of producer milk were of the total Class I milk at all pool plants for each of the following periods (using for those months included in this computation which are prior to the effective date of this order the quantities of receipts and utilization which have been established for such months under the Louisville-Lexington order and the Ohio Valley order):

(i) The 24-month period ending with the third preceding month, and

(ii) The two-month period ending with the second preceding month and the corresponding two-month period of each of the two preceding years:

(2) Determine the simple average of the percentages for the three two-month periods computed pursuant to subparagraph (1)(ii) of this paragraph and divide by the percentage for the 24-month period determined pursuant to subparagraph (1)(i) of this paragraph;

(3) Add to the quotient obtained pursuant to subparagraph (2) of this paragraph the corresponding ratios for each of the 11 months immediately preceding and divide by 12;

(4) Multiply 144 percent by the result obtained by dividing the ratio computed pursuant to subparagraph (2) of this paragraph by the ratio computed pursuant to subparagraph (3) of this paragraph;

(5) Determine the net deviation percentage by subtracting the percentage determined pursuant to subparagraph (4) of this paragraph from the percentage determined pursuant to subparagraph (1)(ii) of this paragraph for the second and third preceding months; and

(6) If the net deviation percentage computed pursuant to subparagraph (5) of this paragraph is a minus value, add to the Class I price, or if such net deviation percentage is a plus value, subtract from the Class I price an amount which is two-thirds of the total number of cents (rounding any fraction to the nearest tenth of a cent) computed pursuant to subdivisions (i), (ii), and (iii) of this subparagraph: *Provided*, That any such supply-demand adjustment shall not result in a change from the adjustment effective for the preceding month of more than 4 cents:

(i) One cent times each such percentage point of net deviation; plus

(ii) One cent times the lesser of:

(a) Each such percentage point of net deviation, or

(b) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (5) of this paragraph for the month immediately preceding; plus

(iii) One cent times the least of:

(a) Each such percentage point of net deviation,

(b) Each percentage point of net deviation of like direction computed pursuant to subparagraph (5) of this paragraph for the month immediately preceding, or

(c) Each percentage point of net deviation of like direction computed pursuant to subparagraph (5) of this paragraph for the second preceding month.

(b) *Class II milk.* The price for Class II milk for the months of September through March shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the delivery period, and for the months of April through August such price less 10 cents: *Provided*, That such reported price shall be adjusted to a 3.5 percent butterfat basis by the butterfat differential computed pursuant to § 1046.52(b) and rounded to the nearest one-tenth of a cent.

§ 1046.52 Butterfat differentials to handlers.

For each one-tenth of one percent that the weighted average butterfat test of milk which is classified as Class I or Class II is more or less than 3.5 percent, there shall be added to or subtracted from, as the case may be, the price for such class a butterfat differential (computed to the nearest one-tenth of a cent) determined as follows:

(a) *Class I milk.* Multiply the Chicago butter price for the preceding month by 0.125.

(b) *Class II milk.* Multiply the Chicago butter price for the month by 0.120.

§ 1046.53 Location differentials to handlers.

For that milk received from producers or from a cooperative association in its capacity as a handler pursuant to § 1046.8(c) at a pool plant located at any point which is 85 miles or more from the City Hall in Evansville, Indiana, or Louisville, Lexington, Danville, Elizabethtown, or Madisonville, Kentucky, whichever is nearer, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1046.51(a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received:

	Rate per hundredweight (cents)
Distance from City Hall:	
85 miles but less than 95 miles	15.0
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 1046.46(a)(8) and the comparable steps in § 1046.46(b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1046.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1046.60 Producer-handlers.

Sections 1046.50 through 1046.53, 1046.61, 1046.62, 1046.70, 1046.71, and 1046.80 through 1046.89 shall not apply to a producer-handler.

§ 1046.61 Payments on other source milk by handlers operating pool plants.

(a) Each handler operating a pool plant who received other source milk during the month shall pay to the market administrator on or before the 15th day after the end of the month an amount for deposit in the producer-settlement fund equal to the rate of payment resulting from the computations in subparagraphs (1) and (2) of this paragraph multiplied by the hundredweight of skim milk and butterfat allocated to Class I pursuant to § 1046.46(a)(3) and the corresponding step of § 1046.46(b):

(1) For the months of January through September, subtract from the Class I price adjusted by the Class I butterfat and location differentials at the nearest plant(s) from which an equivalent amount of other source milk was received the Class II price adjusted by the Class II butterfat differential; and

(2) For the months of October through December, subtract from the Class I price adjusted by the Class I butterfat differential the uniform price computed pursuant to § 1046.71 adjusted by the producer butterfat differential.

(b) Each handler operating a pool plant shall pay to the market administrator on or before the 15th day after the end of the month an amount for deposit in the producer-settlement fund equal to the rate of payment resulting from the computations in subparagraphs (1) and (2) of paragraph (a) of this section multiplied by the hundredweight of skim milk and butterfat allocated to Class I pursuant to § 1046.46(a)(7) and the corresponding step of § 1046.46(b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (c) of § 1046.70 and the skim milk and butterfat allocated to Class II pursuant to § 1046.46(a)(5) and the corresponding step of § 1046.46(b) in the preceding month.

§ 1046.62 Obligation of handlers operating a nonpool plant which is a city plant.

Each handler, except a producer-handler, in his capacity as the operator of a nonpool plant which is a city plant shall:

(a) On or before the 8th day after the end of the month make reports to the market administrator with respect to the disposition of Class I milk in the marketing area and such other information on the total receipts and utilization of skim milk and butterfat at each of such plants as the market administrator may require, except that a handler selecting the option provided in paragraph (c) of this section at the time his report is filed shall report in accordance with §§ 1046.30 and 1046.31 as though such plant(s) were a pool plant; and

(b) On or before the 15th day after the end of the month pay to the market administrator, unless such handler elects at the time of reporting pursuant to paragraph (a) of this section the option provided pursuant to paragraph (c) of this section, the amounts specified in subparagraphs (1) and (2) of this paragraph:

(1) An amount for deposit in the producer-settlement fund equal to the rate of payment resulting from the computations in subparagraphs (1) and (2) of § 1046.61(a) multiplied by the hundredweight of skim milk and butterfat disposed of from such plant as Class I milk (computed in accordance with § 1046.45) on routes in the marketing area during such month less the skim milk and butterfat, respectively, received from a pool plant during the month and classified as Class I milk under this part; and

(2) An amount for administrative assessment equal to the rate specified in § 1046.88 with respect to skim milk and butterfat disposed of from such plant as Class I milk (computed in accordance with § 1046.45) on routes in the marketing area during such month less the skim milk and butterfat, respectively, received from a pool plant during the month and classified as Class I milk under this part; or

(c) On or before the 18th day after the end of the month pay to the market administrator the amounts specified in subparagraphs (1) and (2) of this paragraph:

(1) An amount for deposit in the producer-settlement fund equal to any plus amount remaining after deducting from the obligation that would have been computed pursuant to § 1046.70 for such nonpool plant, and for any country plant

(meeting the requirements equivalent to § 1046.12 (b) or (c)) which serves as a source of milk for such nonpool plant, if such plant(s) were a pool plant(s), the amounts specified in subdivisions (i) and (ii) of this subparagraph: *Provided*, That in the application of § 1046.44 for the purpose of this subparagraph, milk transferred or diverted from such nonpool plant(s) to a pool plant shall be classified as Class I and Class II milk in the same ratio as other source milk is allocated to each class in such pool plant pursuant to § 1046.46(a)(3) and the corresponding step of § 1046.46(b): *And provided further*, That in the application of § 1046.46(a)(9) and the corresponding step of § 1046.46(b), receipts of fluid milk products at such nonpool plant from a pool plant(s) shall be allocated to the class in which such products are classified at the pool plant(s) pursuant to § 1046.44 (d) or (e):

(i) The gross payments made on or before the 17th day after the end of the month for milk received at such plant(s) during the month from dairy farmers meeting the conditions in § 1046.7(a); and

(ii) Any payments to the producer-settlement funds under other orders issued pursuant to the Act applicable to milk handled at such plant during the month as a partially regulated plant under such other orders; and

(2) An amount for administrative assessment equal to the amount which would have been computed pursuant to § 1046.88 if such nonpool plant had been a pool plant during the month: *Provided*, That such amount shall be reduced by any amounts paid for the month as an administrative expense assessment determined on the basis of Class I milk disposed of on routes in other marketing areas pursuant to the terms under such other orders issued pursuant to the Act: *And provided further*, That if less Class I milk is disposed of from such plant on routes in the Louisville-Lexington-Evansville marketing area than is disposed of during the month on routes in another marketing area(s) as defined in an order(s) issued pursuant to the Act, and if an administrative expense assessment is applied at such plant as if a fully regulated (pool) plant under such order pursuant to the order for the marketing area where the volume of Class I milk disposed of from such plant is greatest, no administrative expense assessment shall be applied under this order.

§ 1046.63 Plants subject to other Federal orders.

Unless determined otherwise by the Secretary, the provisions of this part shall not apply to a milk plant during any month in which the milk at such plant would be subject to the pricing and pooling provisions of another order issued pursuant to the Act unless such plant meets the requirements for a pool plant pursuant to § 1046.12 and a greater volume of fluid milk products is disposed of from such plant to pool plants and to retail or wholesale outlets located in the Louisville-Lexington-Evansville marketing area than in the marketing area regulated pursuant to such other order during the current month and each of the three months immediately preceding: *Provided*, That the operator of a plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 1046.70 Net obligation of each handler.

The net obligation of each handler for milk received during each month from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to §§ 1046.40 through 1046.46 by the applicable class prices and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1046.46 by the applicable class prices; and

(c) Add the amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified as Class II milk during the preceding month or the hundredweight of milk subtracted from Class I milk pursuant to § 1046.46(a)(7) and the corresponding step of § 1046.46(b), whichever is less; and

§ 1046.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the net obligations computed pursuant to § 1046.70 for all handlers who made the reports prescribed in § 1046.30 for the month and who are not in default of payments pursuant to § 1046.84 for the preceding month;

(b) Subtract, if the average butterfat content of the producer milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1046.81 and multiplying the resulting figure by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 1046.82;

(d) Subtract for each of the months of April, May, June and July an amount computed by multiplying the total hundredweight of producer milk included in these computations by 12 percent of the simple average of the basic formula prices, computed to the nearest cent, for the 12 months of the preceding calendar year (using prices computed according to the basic formula provisions of this order for any periods prior to the effective date of this order);

(e) Add an amount representing one-half of the cash balance on hand in the producer-settlement fund after deducting the total amount of contingent obligations to handlers pursuant to § 1046.85(a) and the balance held pursuant to paragraph (d) of this section for payment pursuant to § 1046.85(b);

(f) Divide the resulting total by the total hundredweight of producer milk included in these computations; and

(g) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (f) of this section. The resulting figure shall be the uniform price.

PAYMENTS

§ 1046.80 Time and method of payment for producer milk.

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the last day of each month for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler, an amount computed at not less than the Class II price for 3.5 percent milk for the preceding month without deduction for hauling;

(b) On or before the 17th day after the end of each month for milk received from such producer during such month, an amount computed at not less than the uniform price per hundredweight plus the per hundredweight payment provided by § 1046.85(b) for the month, subject to the butterfat differential computed pursuant to § 1046.81, and plus or minus adjustments for errors made in previous payments to such producer and less (1) the payment made pursuant to paragraph (a) of this section, (2) the location differential pursuant to § 1046.82, (3) marketing service deductions pursuant to § 1046.87 and (4) proper deductions authorized by such producer which, in the case of a deduction for hauling, shall be in writing and signed by such producer or, in the case of members of a cooperative association which is marketing the producer's milk, by such association;

(c)(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association in lieu of payments pursuant to paragraphs (a) and (b) of this section, each handler shall pay to the cooperative association on or before the second day prior to the dates specified in paragraphs (a) and (b), respectively, of this section, an amount equal to the sum of the individual payments otherwise payable to such producers without the deductions provided by paragraphs (b) (3) and (4) of this section: *Provided*, That deductions for supplies authorized by such producer may be made. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making the payments to producers pursuant to paragraph (b) of this section, each handler shall furnish each producer a supporting statement which shall show for each month the following:

(1) The identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(e) In making payments to a cooperative association pursuant to paragraph (c) of this section, each handler shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

(1) On or before the 20th day of the month, the total pounds of milk received during the first 15 days of such month, and

(2) On or before the 7th day of the following month, the total pounds of milk received each month, together with the butterfat content of such milk and the amount of deductions claimed by such handler.

(f) Each handler shall pay to the cooperative association on or before the 19th day of the following month for milk received from a cooperative association for which it is a handler pursuant to § 1046.8(c) an amount computed at not less than the value of such milk at the minimum prices for milk in each class subject to the applicable location and butterfat differentials.

§ 1046.81 Butterfat differentials to producers.

In making payment to producers pursuant to § 1046.80(b) each handler shall add to the uniform price not less than, or subtract from the uniform price not more than, as the case may be, for each one-tenth of one percent that the butterfat content of the milk received from the producer is above or below 3.5 percent, a butterfat differential computed by the market administrator by multiplying the total pounds of butterfat in producer milk classified in Class I and Class II milk during the month pursuant to §§ 1046.40 through 1046.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resulting figure to the nearest one-tenth of a cent.

§ 1046.82 Location differentials to producers.

In making payments to producers pursuant to § 1046.80(b) a handler shall deduct from the uniform price, with respect to all milk received from producers, not more than the appropriate zone differential provided in § 1046.53.

§ 1046.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1046.61, 1046.62, 1046.84 and 1046.86 and out of which he shall make all payments pursuant to §§ 1046.85 and 1046.86: *Provided*, That payments due any handler shall be offset by payments due from such handler.

§ 1046.84 Payments to the producer-settlement fund.

On or before the 15th day after the end of each month, each handler shall pay to the market administrator any amount by which the net obligation of such handler for the month is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted by the producer butterfat and location differentials.

§ 1046.85 Payments out of the producer-settlement fund.

(a) On or before the 16th day after the end of each month, the market administrator shall pay to each handler for payment to producers any amount by which the net obligation of such handler for the month is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted by the producer butterfat and location differentials: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(b) On or before the 16th day after the end of each of the months of September, October, November, and December, the market administrator shall pay out of the producer-settlement fund to each handler for all milk for which payment is to be made to producers pursuant to § 1046.80(b) for such month and to each cooperative association for all producer milk for which such association is receiving payments pursuant to § 1046.80 (c) for such month at the following rate per hundredweight: For the months of September through November, divide one-fourth of the aggregate amount set aside in the producer-settlement fund pursuant to § 1046.71(d) during the immediately preceding period of April through July, and for the month of December, divide the balance remaining in such fund by the hundredweight of producer milk received by all handlers during the month (computed to the nearest cent per hundredweight).

§ 1046.86 Adjustment of accounts.

(a) Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever such verification discloses that payment is due from the market administrator to any handler, pursuant to § 1046.85, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by § 1046.80, the handler shall pay any amount so due not later than the time of making payment to producers next following such disclosure.

(b) Overdue accounts: Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1046.61, 1046.62, 1046.80, 1046.84, 1046.85, 1046.86 (a), 1046.87, or 1046.88 shall be increased one-half of one percent on the first of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 1046.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 1046.80(b), shall deduct 5 cents per hundredweight, or such amount not in excess thereof as the Secretary may prescribe, with respect to all milk received by such handler from producers (other than such handler's own farm production) during the month and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) Each cooperative association which is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such han-

dler. Such claim shall contain a list of the producers for whom such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unterminated membership contract with each producer. In making payments to producers for milk received during the month, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, deductions in accordance with the association's claim and shall pay the amount deducted to the association within 15 days after the end of the month.

§ 1046.88 Expense of administration.

As his pro rata share of the expense of the administration of this part, each handler, excluding a cooperative association in its capacity as a handler pursuant to § 1046.8(c), shall pay to the market administrator on or before the 15th day after the end of each month 3 cents per hundredweight, or such lesser amount as the Secretary may prescribe, for each hundredweight of skim milk and butterfat contained in his receipts during the month of (a) producer milk (including such handler's own farm production), (b) milk received from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), and (c) other source milk allocated to Class I milk pursuant to § 1046.46(a)(3) and the corresponding step of § 1046.46(b). A handler operating a city plant which is a nonpool plant shall pay administrative assessments in accordance with § 1046.62.

§ 1046.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled, and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deductions of set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1046.90 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 1046.91.

§ 1046.91 Suspension or termination.

Any or all provisions of this part, or any amendment to this part, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give and shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1046.92 Continuing power and duty.

(a) If upon the suspension or termination of any or all provisions of this part there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged, (2) from time to time account for all receipts and disbursements and, if so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

§ 1046.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, except §§ 1046.34, 1046.89, and 1046.91 through 1046.93, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1046.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1046.101 Separability of provisions.

If any provision of this part, or its application to any person, or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 62-1740; Filed, Feb. 20, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 1 [New]]

[Draft Release No. 62-7]

DEFINITIONS AND ABBREVIATIONS

Notice is hereby given that there is under consideration a proposal to amend Chapter I of Title 14 of the Code of Federal Regulations to add a Part 1 "Definitions and Abbreviations [New]," as hereinafter set forth.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Director of Rules Codification, Federal Aviation Agency, Room B-714, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before March 21, 1962, will be considered before taking action on the proposed rules. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the office of the Director of Rules Codification for examination by interested persons.

This proposal is a part of the program of the Federal Aviation Agency to recodify its regulatory material. It conforms to the "Outline and Analysis" for the proposed recodification contained in Draft Release 61-25 and published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698).

It should be noted that during the life of the codification project, Chapter I of Title 14 may contain more than one part bearing the same number. To differentiate between the two, the recodified parts, such as the one herein proposed, will be labeled "[New]." This label will, of course, be dropped at the completion of the project as all the regulations will be "new".

It must be emphasized that the proposed Part 1 [New] will apply only to new parts and subchapters of Chapter I of Title 14 that are published as a part of the recodification program. It will not apply to current "Civil Air Regulations" or to "Regulations of the Administrator." The definitions currently in each regulation will continue to apply to that regulation until it is recodified.

Definitions are presently found in the individual part to which they apply. The number of terms defined exceeds 450. The number of definitions exceeds 1,200 due to the duplication required in having definitions applicable only to individual parts. In addition, some definitions add little to an understanding of the defined term (e.g., the definition of "certificated repairman" in § 24.1). Certain definitions are actually substantive rules (e.g., the definition of "continental control area" in § 60.60). The same term may be defined differently in different parts (e.g., "maintenance" in §§ 13.1 and 25.1). In order to prevent these difficulties from re-occurring, we propose to place all needed definitions in one part and make them apply across-the-board to all regulations. Part 1 [New] is intended to provided needed definitions of terms that will be used in enough different parts to warrant standardization and consolidation. This approach has permitted us to reduce the number of definitions to 102.

Definitions, now contained in FAA Regulations, that do not appear in this part, have been omitted as surplusage or will be executed in revising the parts to which they apply. The fact that they do not appear in Part 1 [New] does not mean, in each case, that they have been dropped. Many of the terms previously defined will be used without definition since none is necessary (e.g., "calendar month"). In other cases, the term will be used but spelled out so as to make definition unnecessary. Definitions which are actually rules will be positively stated as such in the appropriate part.

While it might seem preferable to include general definitions of wide applicability in each of the parts to which they apply to make it unnecessary to refer to more than one part when dealing with a particular problem, it would be difficult, if not impossible, to maintain uniformity of terminology under such an approach, because changes in a definition in one part would not be likely to change the corresponding definitions in other parts. In addition, the extra definitions this would engender would significantly increase the bulk and length of the final product at a time when concerted effort is being made to reduce them.

It is not a significant burden to have to refer occasionally to another part. If the definitions are standardized to reflect accepted usage and if substantive rules are removed from definition areas and consolidate it should be necessary to refer to the definitions only to clear up occasional, marginal doubts.

Part 1 [New] has been drafted to make the definitions describe as simply and clearly as possible how the defined terms are actually used and understood by FAA and the aviation industry and how, therefore, it is proposed to use them in the recodification. In this process, an attempt has been made to eliminate ambiguity and undesirable vagueness. An attempt has also been made to dovetail related definitions and to make these relationships apparent by treating similar matters similarly and by using, where appropriate, other relevant terms that have been defined, rather than to repeat the substance of those other definitions.

In a few cases, this approach has produced a significantly different definition from any now appearing in the regulations. The new definitions, therefore, are no mere attempts to paraphrase the existing definitions. It should be pointed out in this connection that since a properly drafted definition is only a tool and a description of how words are actually being used in the document in question, a substantial change from an earlier definition does not necessarily involve a change in the substance of the regulation. Even when a change in the substance of a definition is involved, the substance of the regulations can be preserved by making compensatory language changes in the rules to which the definitions respectively apply.

Throughout, the two principal criteria have been accuracy and clarity, determined so far as possible by existing usage and understanding.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 14 by adding a Part 1 [New] reading as set forth below.

This amendment is proposed under the authority of section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)).

Issued in Washington, D.C., on February 14, 1962.

N. E. HALABY,
Administrator.

SUBCHAPTER A—DEFINITIONS [NEW]

PART 1—DEFINITIONS AND ABBREVIATIONS [NEW]

Sec.
1.1 General definitions.
1.2 Abbreviations and symbols.
1.3 Rules of construction.

§ 1.1 General definitions.

As used in this chapter:

"Administrator" means the Administrator of the Federal Aviation Agency or any person to whom he has delegated his authority in the matter concerned.

"Aerodynamic coefficients" means nondimensional coefficients for aerodynamic forces and moments.

"Aircraft" means a device that is used or intended to be used for flight in the air.

"Aircraft engine" means an engine that is used or intended to be used in propelling aircraft. It includes engine appurtenances and accessories but does not include propellers.

"Airframe" means the fuselage, booms, nacelles, cowlings, fairings, fixed airfoil surfaces (including wings and empennage), and landing gear of an aircraft and their accessories and controls.

"Airplane" means an engine-driven fixed-wing aircraft, heavier than air, that is supported in flight by the dynamic reaction of the air against its wings.

"Airport" means an area of land or water that is used or intended to be used for the landing and takeoff of aircraft, and includes its buildings and facilities, if any.

"Airship" means an engine-driven lighter-than-air aircraft that can be steered.

"Air traffic" means aircraft operating in the air or on an airport surface exclusive of loading ramps and parking areas.

"Air traffic control" means a service operated to promote the safe, orderly, and expeditious flow of air traffic.

"Air traffic control clearance" means an air traffic control authorization for an aircraft to operate under specified conditions within controlled airspace.

"Air transportation" means interstate, overseas, or foreign air transportation or the transportation of mail by aircraft.

"Alternate airport" means an airport at which an aircraft may land if a landing at the first intended airport becomes inadvisable.

"Appliance" means any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, engine, or propeller.

"Approved", unless used with reference to another person, means approved by the Administrator.

"Autorotation" means a rotorcraft flight condition in which the lifting rotor is driven entirely by action of the air when the rotorcraft is in motion.

"Auxiliary rotor" means a rotor that serves either to counteract the effect of the main rotor torque on a rotorcraft or

to maneuver the rotorcraft about one or more of its three principal axes.

"Balloon" means a lighter-than-air aircraft that is not engine driven.

"Brake horsepower" means the power delivered at the propeller shaft of an aircraft engine.

"Calibrated airspeed" means the indicated airspeed of an aircraft, corrected for position and instrument error. Calibrated airspeed is equal to true airspeed in standard atmosphere at sea level.

"Ceiling" means the height above the earth's surface of the lowest layer of clouds or other obscuring phenomena that is reported as "broken", "overcast", or "obscuration", and not as "thin" or "partial".

"Civil aircraft" means aircraft other than public aircraft.

"Controlled airspace" means airspace within which some or all aircraft may be subject to air traffic control.

"Crewmember" means a person assigned to perform duty in an aircraft during flight time.

"Critical altitude" means the maximum altitude in standard atmosphere at which it is possible to maintain, at the maximum continuous rotational speed, either:

(1) The maximum continuous power, for an engine for which this power rating is the same at sea level and at the rated altitude; or

(2) The maximum continuous rated manifold pressure, for an engine whose maximum continous power is governed by a constant manifold pressure.

"Critical engine" means the engine whose failure would most adversely affect the performance or handling qualities of an aircraft.

"Cruising altitude" means an altitude determined by vertical measurement from mean sea level.

"Dual instruction" means flight instruction received during flight time from a person authorized by this chapter to give flight instruction.

"Equivalent airspeed" means the airspeed of an aircraft corrected for adiabatic compressible flow for the particular altitude. Equivalent airspeed is equal to calibrated airspeed in standard atmosphere at sea level.

"Extended over-water operation" means an operation over water at a horizontal distance of more than 50 miles from the nearest shore line.

"Fireproof":

(1) With respect to materials and parts used to confine fire in a designated fire zone, means the capacity to withstand heat at least as well as steel, in dimensions appropriate for the purpose for which they are used, under the most severe conditions of fire and duration likely to occur in that zone; and

(2) With respect to other materials and parts, means the capacity to withstand heat at least as well as steel in dimensions appropriate for the purpose for which they are used.

"Fire resistant":

(1) With respect to sheet or structural members, means the capacity to withstand heat at least as well as aluminum alloy in dimensions appropriate for the purpose for which they are used; and

(2) With respect to fluid-carrying lines, other flammable fluid system parts, wiring, air ducts, fittings, and powerplant control, means the capacity to withstand heat at least as well as aluminum alloy, in dimensions appropriate for the purpose for which they are used, under the heat and other conditions likely to occur at the place concerned.

"Flame resistant" means not susceptible to combustion to the point of propagating a flame, beyond safe limits, after the ignition source is removed.

"Flammable", with respect to a fluid or gas, means susceptible to igniting readily or to exploding.

"Flap extended speed" means the highest speed permissible with wing flaps in a prescribed extended position.

"Flash resistant" means not susceptible to burning violently when ignited.

"Flight crewmember" means a pilot, flight engineer, or flight navigator assigned to duty in an aircraft during flight time.

"Flight level" means a level of constant atmospheric pressure related to a reference datum of 29.92 inches of mercury. Each is stated in three digits that represent hundreds of feet. They are used in 500 foot increments. For example, flight level 250 represents a barometric altimeter indication of 25,000 feet; flight level 255, an indication of 25,500 feet.

"Flight plan" means specified information, relating to the intended flight of an aircraft, that is filed orally or in writing with air traffic control.

"Flight time" means the time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the next point of landing. ("Block-to-block" time.)

"Flight visibility" means the average forward horizontal distance, from the cockpit of an aircraft in flight, at which prominent unlighted objects may be seen and identified by day and prominent lighted objects may be seen and identified by night.

"Foreign air carrier" means any person other than a citizen of the United States, who undertakes directly, by lease or other arrangement, to engage in air transportation.

"Foreign air transportation" means the carriage by aircraft of persons or property as a common carrier for compensation or hire, or the carriage of mail by aircraft, in commerce between a place in the United States and any place outside of the United States, whether that commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

"Glider" means a heavier-than-air aircraft, that is supported in flight by the dynamic reaction of the air against its lifting surfaces and whose free flight does not depend principally on an engine.

"Ground visibility" means prevailing horizontal visibility near the earth's surface as reported by the United States Weather Bureau or an accredited observer.

"Gyrodyne" means a rotorcraft whose rotors are normally engine-driven for takeoff, hovering, and landing; and for forward flight through part of its speed range, and whose means of propulsion, consisting usually of conventional propellers, is independent of the rotor system.

"Gyroplane" means a rotorcraft whose rotors are not engine-driven, except for initial starting, but are made to rotate by action of the air when the rotorcraft is moving; and whose means of propulsion, consisting usually of conventional propellers, is independent of the rotor system.

"Helicopter" means a rotorcraft that depends principally for its horizontal motion on its engine-driven rotors.

"Heliport" means an area of land, water, or structure used or intended to be used for the landing and takeoff of helicopters.

"IFR conditions" means weather conditions below the minimum for flight under visual flight rules.

"Indicated airspeed" means the speed of an aircraft as shown on its pitot static airspeed indicator calibrated to reflect standard atmosphere adiabatic compressible flow at sea level uncorrected for airspeed system errors.

"Instrument" means a device using an internal mechanism to show visually or aurally the attitude, altitude, or operation of an aircraft or aircraft part. It includes electronic devices for automatically controlling an aircraft in flight.

"Interstate air transportation" means the carriage by aircraft of persons or property as a common carrier for compensation or hire or the carriage of mail by aircraft, in commerce:

(1) Between a place in a State or the District of Columbia and another place in another State or the District of Columbia;

(2) Between places in the same State through the airspace of any place outside that State; or

(3) Between places in the same possession of the United States; whether that commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

"Landing gear extended speed" means the maximum speed at which an aircraft can be safely flown with the landing gear extended.

"Landing gear operating speed" means the maximum speed at which the landing gear can be safely extended or retracted.

"Large aircraft" means aircraft of more than 12,500 pounds, maximum certificated takeoff weight.

"Lighter-than-air aircraft" means aircraft that can rise and remain suspended by using contained gas weighing less than the air that is displaced by the gas.

"Mach number" means the ratio of true airspeed to the speed of sound.

"Main rotor" means the rotor that supplies the principal lift to a rotorcraft.

"Maintenance" includes inspection, overhaul, repair, preservation, and the replacement of parts.

"Major alteration" means an alteration:

(1) That might appreciably affect weight, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness; or

(2) That is not done according to accepted practices or cannot be done by elementary operations.

"Major repair" means a repair:

(1) That, if improperly done, might appreciably affect weight, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness; or

(2) That is not done according to accepted practices or cannot be done by elementary operations.

"Manifold pressure" means absolute pressure as measured at the appropriate point in the induction system and usually expressed in inches of mercury.

"Maximum continuous power":

(1) With respect to reciprocating engines, means the brake horsepower that is developed in standard atmosphere at a specified altitude under the maximum conditions of crankshaft rotational speed and engine manifold pressure, and approved for use of unrestricted duration; and

(2) With respect to turbine engines, means the brake horsepower that is developed at a specified altitude, atmospheric temperature, and flight speed under the maximum conditions of rotor shaft rotational speed and gas temperature, and approved for use of unrestricted duration.

"Maximum continuous thrust", with respect to turbine engines, means the jet thrust that is developed at a specified altitude, atmospheric temperature, and flight speed under the maximum conditions of rotor shaft rotational speed and gas temperature, and approved for use of unrestricted duration.

"Medical certificate" means acceptable evidence of physical fitness on a form prescribed by the Administrator.

"Minor alteration" means an alteration other than a major alteration.

"Minor repair" means a repair other than a major repair.

"Navigable airspace" means airspace at and above the minimum flight altitudes prescribed by or under this chapter, including airspace needed for safe takeoff and landing.

"Night" means the time between the end of evening civil twilight and the beginning of morning civil twilight, as published in the American Air Almanac, converted to local time.

"Operate", with respect to aircraft, means use, cause to use, or authorize to use aircraft for the purpose of air navigation, including the piloting of aircraft, with or without the right of legal control (as owner, lessee, or otherwise).

"Operational control", with respect to a flight, means the exercise of authority over initiating, conducting, or terminating a flight.

"Overseas air transportation" means the carriage by aircraft of persons or property as a common carrier for compensation or hire, or the carriage of mail by aircraft, in commerce:

(1) Between a place in a State or the District of Columbia and a place in a possession of the United States; or

(2) Between a place in a possession of the United States and a place in another possession of the United States; whether that commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

"Parachute" means a device used or intended to be used to retard the fall of a body or object through the air.

"Passenger" means an occupant of an aircraft in flight other than a crewmember.

"Person" means an individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.

"Pilot" means a person who holds a pilot certificate.

"Pilotage" means navigation by visual reference to landmarks.

"Pilot in command" means the pilot responsible for the operation and safety of an aircraft during flight time.

"Pitch setting" means the propeller blade setting as determined by the blade angle when measured in a manner, and at a radius, specified by the instruction manual for the propeller.

"Positive control" means control of all air traffic, within designated airspace, by air traffic control.

"Preventive maintenance" means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations.

"Prohibited area" means designated airspace within which the flight of aircraft is prohibited.

"Propeller" means a device for propelling an aircraft that has blades on an engine-driven shaft and that, when rotated, produces by its action on the air, a thrust approximately perpendicular to its place of rotation. It includes control components normally supplied by the manufacturer.

"Public aircraft" means aircraft used only in the service of a government, or a political subdivision. It does not include such an aircraft engaged in carrying persons or property for commercial purposes.

"Rating" means a statement that, as a part of a certificate, sets forth special conditions, privileges, or limitations.

"Reporting point" means a geographical location in relation to which the position of an aircraft is reported.

"Restricted area" means airspace designated under Part ____ [608] of this chapter within which the flight of aircraft, while not wholly prohibited, is subject to restriction.

"Rotorcraft" means a heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors.

"Route segment" means a part of a route. Each end of that part is identified by:

(1) A continental or insular geographical location;

(2) A point at which a special aid to air navigation is located; or

(3) A point at which a definite radio fix can be established.

"Second in command" means a pilot who is designated to be second in command of an aircraft during flight time.

"Small aircraft" means aircraft of 12,500 pounds or less, maximum certificated takeoff weight.

"Solo flight time" means flight time during which a pilot is the only occupant of the aircraft.

"Standard atmosphere" means atmosphere in which:

(1) The air is a dry perfect gas;

(2) The temperature at sea level is 59 degrees Fahrenheit;

(3) The pressure at sea level is 29.92 inches Hg.;

(4) The temperature gradient from sea level to the altitude at which the temperature is −69.7 degrees Fahrenheit is −0.003566 degrees Fahrenheit per foot and zero above that altitude; and

(5) The density ρ_0 at sea level under the conditions described in clauses (1)–(4) is 0.002377 lb. sec. 2/ft. 4.

"Takeoff power":

(1) With respect to reciprocating engines, means the brake horsepower that is developed under standard sea level conditions, and under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for the normal takeoff, and limited in use to the maximum continuous period shown in the approved engine specification; and

(2) With respect to turbine engines, means the brake horsepower that is developed under static conditions at a specified altitude and atmospheric temperature, and under the maximum conditions of rotor shaft rotational speed and gas temperature approved for the normal takeoff, and limited in use to the maximum continuous period shown in the approved engine specification.

"Takeoff thrust", with respect to turbine engines, means the jet thrust that is developed under static conditions at a specific altitude and atmospheric temperature under the maximum conditions of rotor shaft rotational speed and gas temperature approved for the normal takeoff, and limited in use to the maximum continuous period shown in the approved engine specification.

"Time in service", with respect to maintenance time records, means the time from the moment an aircraft leaves the surface of the earth until it touches it at the next point of landing.

"True airspeed" means the airspeed of an aircraft relative to undisturbed air. True airspeed is equal to estimated airspeed $(\rho_0/\rho)^{1/2}$.

"Traffic pattern" means the prescribed path for the operation of an aircraft landing at, taxiing on, or taking off from, an airport.

"United States", in a geographical sense, means (1) the States, the District of Columbia, Puerto Rico, and the possessions, including the territorial waters, and (2) the airspace of these areas.

"United States air carrier" means a citizen of the United States who undertakes directly by lease or other arrangement, to engage in air transportation.

§ 1.2 Abbreviations and symbols.

In this chapter:

"ATC" means air traffic control.

"CAS" means calibrated airspeed.

"CONSOL" or "CONSOLAN" means a kind of low or medium frequency long range navigational aid.

"DME" means distance measuring equipment compatible with TACAN.
"FAA" means Federal Aviation Agency..
"FM" means fan marker.
"ICAO" means International Civil Aviation Organization.
"IFR" means instrument flight rules.
"ILS" means instrument landing system.
"INT" means intersection.
"LMM" means compass locator at middle marker.
"LOM" means compass locator at outer marker.
"MAA" means maximum authorized IFR altitude.
"MEA" means minimum en route IFR altitude.
"MM" means ILS middle marker.
"MSL" means mean sea level.
"OM" means ILS outer marker.
"RBN" means radio beacon.
"RR" means low or medium frequency radio range station.
"TACAN" means ultra-high frequency tactical air navigational aid.
"TVOR" means very high frequency terminal omnirange station.
"VFR" means visual flight rules.
"VHF" means very high frequency.
"VOR" means very high frequency omnirange station.
"VORTAC" means collocated VOR and TACAN.

§ 1.3 Rules of construction.

(a) In this chapter, unless the context requires otherwise:
(1) Words importing the singular include the plural;
(2) Words importing the plural include the singular;
(3) Words importing the masculine gender include the feminine; and
(4) The present tense includes the future tense.
(b) In this chapter the word:
(1) "Shall" is used in an imperative sense;
(2) "May" is used in a permissive sense to state authority or permission to do the act prescribed, and the words "no person may * * *" or "a person may not * * *" mean that no person is required, authorized, or permitted to do the act prescribed; and
(3) "Includes" means "includes but is not limited to".

[F.R. Doc. 62-1711; Filed, Feb. 20, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-FW-96]

FEDERAL AIRWAY AND ASSOCIATED CONTROL AREAS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6194 and 601.6194 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 194 extends in part from Homer, Ga., to Fort Mill, S.C., via Royston, Ga. The Federal Aviation Agency has under consideration the alteration of this segment of Victor 194, and its associated control areas, to extend from the Norcross, Ga., VORTAC via the intersection of the Norcross VORTAC 054° and the Royston VOR 278° True radials; Royston VOR; Greenwood, S.C., VOR; intersection of the Greenwood VOR 060° and the Fort Mill VOR 227° True radials; to the Fort Mill VOR.

This segment of Victor 194 was originally used as an inbound route to the Atlanta, Ga., terminal area. Revised traffic control procedures have changed the utilization of this segment of Victor 194 from an inbound route to a transition route between the low altitude airways northeast of Atlanta. The proposed alteration of this segment of Victor 194, and its alignment via the Greenwood VOR, would facilitate air traffic management by providing a more desirable transition route and by providing better navigational guidance along the airway.

The control area associated with this proposed airway segment would extend upward from 700 feet above the surface to the base of the continental control area. Separate action will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street NW., Atlanta 3, Ga. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 15, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1714; Filed, Feb. 20, 1962; 8:46 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 62-KC-7]

RESTRICTED AREAS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.34 of the regulations of the Administrator, the substance of which is stated below.

On Nov. 29, 1961, an amendment to § 608.34 was published in the FEDERAL REGISTER (26 F.R. 11237) designating a new restricted area, R-3403 Jefferson Proving Ground, Ind. This restricted area is designated from "0700 to 1900 c.s.t., Monday through Saturday" for the purpose of testing new and experimental ammunition by the Department of the Army.

Subsequent to the designation of this restricted area, the Department of the Army determined that the assigned time of designation does not allow sufficient time to complete the required testing nor sufficient hours of darkness to accomplish tracer test firing. Therefore, the Department of Army has requested an extension in the time of designation for R-3403.

If this action is taken, the time of designation for the Jefferson Proving Ground, Ind., Restricted Area R-3403 would be increased from "0700-1900 c.s.t., Monday through Saturday" to "0800-2400 c.s.t., daily.".

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 15, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1712; Filed, Feb. 20, 1962; 8:45 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 61-NY-104]

SPECIAL USE AIRSPACE

Proposed Alteration of Restricted Area/Military Climb Corridor

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.40 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal for the alteration of the Camp Springs, Md. (Andrews AFB), Restricted Area/Military Climb Corridor, R-4003. The present climb corridor extends along the 053° True radial of the Andrews AFB VOR. It is proposed to increase the lateral dimensions of the climb corridor to provide for a scramble procedure via the 051° True radial of the Andrews AFB TACAN. This alteration would provide protection for TACAN or VOR equipped air defense aircraft while operating within this Restricted Area/Military Climb Corridor. The boundaries of the Camp Springs, Md. (Andrews AFB), Restricted Area/Military Climb Corridor would be described as follows:

The area based on the 053° True radial of the Andrews AFB VOR extending from five miles NE. of the airbase (latitude 38°48'40" N., longitude 76°52'05" W.) to 32 miles NE. of the airbase, having a width of 2 miles SE. and 2.3 miles NW. of the 053° True radial at the beginning and a width of 2.3 miles either side of the 053° True radial at the outer extremity.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 15, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1713; Filed, Feb. 20, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 9]

[Docket No. 14524; FCC 62-172]

AVIATION SERVICES

Proposed Discontinuance of Use of High Frequencies for Aeronautical Mobile (R) Communications in Domestic Service Within Continental United States

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. Resolution No. 13 of the Administrative Radio Conference (Geneva, 1959) of the International Telecommunication Union (ITU) calls for a review of frequency allotment plans for the aeronautical mobile service prior to the convening of the next Ordinary Administrative Radio Conference. Accordingly, the Department of State brought to the attention of the Commission, the Office of Emergency Planning (OEP), and other appropriate government agencies, the question of what position the United States should take with respect to the future use of aeronautical mobile (R) frequencies currently available for domestic operations within the United States.

3. The Commission, after consultation with the above agencies, has concluded the following:

a. There are several unsatisfied requirements for high frequencies to be used for international aeronautical mobile (R) communication purposes.

b. One possible way of satisfying some of these requirements is to divert to international routes, some or all of the high frequencies presently allotted for domestic aeronautical mobile (R) purposes within the 48 contiguous United States.

c. There are 52 discrete Regional and Domestic Air Route Area (RDARA) high frequencies allotted by Appendix 26 to the ITU Radio Regulations for aeronautical mobile (R) purposes within the 48 contiguous United States. All of these frequencies are also allotted to other "areas" of the world.

d. Most of the aeronautical mobile (R) domestic operations within the continental United States are presently being conducted in the VHF bands.

e. With minor exceptions, all aeronautical mobile (R) domestic requirements within the continental United States could be satisfied in the VHF bands.

f. If the United States eliminated or reduced its domestic use of high frequencies for aeronautical mobile (R) purposes, the frequencies so released could be used to fill some of the outstanding Major World Air Route Area (MWARA) requirements.

4. In light of the above conclusions, it is proposed to amend Part 9—Aviation Services of the Commission's rules to preclude the use of high frequencies for domestic aeronautical mobile (R) communications within the continental United States (excluding Alaska) after January 1, 1965.

5. The proposed amendment to Part 9 of the rules, as set forth below is issued pursuant to the authority contained in section 4(i), 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before March 26, 1962, and reply comments on or before April 5, 1962. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it in addition to the specific comments invited by this notice.

7. In accordance with the provision of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: February 14, 1962.

Released: February 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 9.432 is amended by adding new paragraph (f), as follows:

§ 9.432 Frequencies available.

* * * * *

(f) Use of high frequencies for aeronautical mobile (R) communications in the Domestic Service within the continental U.S. (excluding Alaska), will not be permitted after January 1, 1965.

[F.R. Doc. 62-1770; Filed, Feb. 20, 1962; 8:51 a.m.]

[47 CFR Part 11]

[Docket No. 14525; FCC 62-173]

MANUFACTURERS RADIO SERVICE

Proposed Eligibility for Certain Specialized Subsidiary Corporations

1. Notice is hereby given of proposed rule-making in the above-entitled matter.

2. A letter from the Carbide Power Company of Sault Ste. Marie, Michigan, dated October 31st, 1961, requesting a waiver or amendment of the eligibility provisions of our Manufacturers Radio Service rules, has given rise to this proceeding.

3. The Carbide Power Company is a wholly owned subsidiary of the Union Carbide Corporation. Carbide Power Company's sole function and reason for existence is to provide hydroelectric power for its parent's calcium carbide manufacturing operations in Sault Ste. Marie.

4. Power production does not constitute a manufacturing activity as that term is defined in our Manufacturers Radio Service rules. Thus, Carbide Power Company is not eligible to hold a radio authorization within the Manufacturers Radio Service. It desires nonetheless an authorization in that Service, and to this end has requested the amendment or waiver of the eligibility provisions contained in § 11.727 of our rules.

5. In requesting the relief noted, Carbide Power Company has pointed out that were it a simple division or unit within the corporate structure of its parent, no eligibility problem would be presented because of the prime eligibility of the Union Carbide Corporation. As presently constituted however, the Carbide Power Company is legally distinct from its parent. It is a Michigan corporation organized pursuant to the laws of that state. Union Carbide Corporation on the other hand is a New York corporation. The reason for this dichotomy has been alleged as a peculiarity in the laws of the state of Michigan which requires that only domestic corporations be allowed to produce hydroelectric power. Thus, in order for Union Carbide, a New York corporation, to be able to produce its own power for its manufacturing activities in Michigan, it was necessary that it create a Michigan corporation. This it did, in the form of the Carbide Power Company.

6. The Commission, in view of the allegations of the Carbide Power Company, is disposed to consider an amendment to its rules which would afford certain relief to the Carbide Power Company and others similarly situated. Our proposal, which is set out below, would allow a subsidiary corporation which is devoted exclusively to providing services or materials for the exclusive use of its parent or another subsidiary, in connection with a manufacturing activity as that term has been defined in § 11.726, to obtain a radio authorization in the Manufacturers Radio Service. We have attached a proviso or condition however which requires that the subsidiary's use of radio be confined to the transmission of communications essential to the provision of services or materials required by the parent or another subsidiary. If eventually adopted, this new rule provision would allow manufacturers to obtain essentially integrated communications facilities between various facets of their manufacturing operations. We view this as a desirable result.

7. Pending the resolution of this proceeding, Carbide Power Company's application, File No. 24169–IX–61, will not be acted upon; and because this proceeding looks toward an amendment of our Rules to afford the relief requested, Carbide Power Company's request for a waiver of our rules is specifically denied.

8. The proposed amendment to Part 11 of the rules, as set forth below, is issued pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before March 26, 1962, and reply comments on or before April 5, 1962. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it in addition to the specific comments invited by this notice.

10. In accordance with the provision of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: February 14, 1962.

Released: February 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

In Part 11, Industrial Radio Services, § 11.727 of the Manufacturers Radio Service rules is amended by adding a new paragraph (c) as follows:

§ 11.727 Eligibility.

* * * * *

(c) A subsidiary corporation, devoted exclusively to providing services or materials for the exclusive use of its parent or another subsidiary corporation, in connection with any manufacturing activity defined in § 11.726, is eligible in the Manufacturers Radio Service: *Provided, however,* That such subsidiary's use of radio shall be confined solely to the transmission of communications essential to the provision of services or materials required by the parent or another subsidiary.

[F.R. Doc. 62–1771; Filed, Feb. 20, 1962; 8:51 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA OUTER CONTINENTAL SHELF LEASING MAP

San Francisco Area

FEBRUARY 15, 1962.

Notice is given that Outer Continental Shelf leasing map "California Map No. 3 San Francisco Area", approved November 21, 1961, which was listed in the FEDERAL REGISTER, Document 62–958 on page 867 of the issue of Tuesday, January 30, 1962 has been superseded by a revised map dated February 7, 1962.

The revised map becomes the official California Outer Continental Shelf leasing Map, "California Map No. 3 San Francisco area." Submissions of nominated areas shown on this map submitted in response to F.R. Document 62–959, "Call for Nominations" appearing at page 867 of the issue for Tuesday, January 30, 1962, must state that the blocks or subdivisions of blocks nominated are described according to "California Map No. 3, San Francisco area, revised February 7, 1962."

KARL S. LANDSTROM,
Director,
Bureau of Land Management.

[F.R. Doc. 62–1732; Filed, Feb. 20, 1962; 8:47 a.m.]

OUTER CONTINENTAL SHELF OFF LOUISIANA AND TEXAS

Oil and Gas Lease Offer; Correction

FEBRUARY 15, 1962.

In F.R. Document 62–247, appearing at page 348 of the issue for Friday, January 12, 1962, the following changes should be made on page 350 under "Official Leasing Map, Louisiana Map No. 8:" The acreage entries for "La.–1229" now reading "1170" should read "1330" and for "La.–1242" now reading "2790" should read "2210."

KARL S. LANDSTROM,
Director,
Bureau of Land Management.

[F.R. Doc. 62–1733; Filed, Feb. 20, 1962; 8:47 a.m.]

OUTER CONTINENTAL SHELF OFF LOUISIANA AND TEXAS

Oil and Gas Lease Offer; Correction

FEBRUARY 15, 1962.

In F.R. Document 62–248, appearing at page 350 of the issue for Friday, January 12, 1962, the following changes should be made on page 352, under "Official Leasing Map, Louisiana Map No. 6": For "La.–1493" the description entry now reading "E½" should read "E½, that portion in Zone 3, as that zone is defined in the agreement between the United States and the State of Louisiana, October 12, 1956"; and the acreage entry now reading "2,500" should read "2,428."

KARL S. LANDSTROM,
Director,
Bureau of Land Management.

[F.R. Doc. 62–1734; Filed, Feb. 20, 1962; 8:47 a.m.]

[Group 330]

ARIZONA

Notice of Filing of Plat of Survey

FEBRUARY 12, 1962.

1. Plat of Survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m. on March 20, 1962:

GILA AND SALT RIVER MERIDIAN

T. 38 N., R. 4 W.,
Sec. 1, lots 1, 2, 3, 4, 5, 6, 7, S½NW¼, SW¼NE¼, SW¼, W½SE¼;
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, lots 1, 2, 3, 4, S½N½, S½;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, S½NE¼, E½SW¼, SE¼;
Sec. 7, lots 1, 2, 3, 4, E½NW¼, E½SW¼, E½;
Sec. 8, All;
Sec. 9, All;
Sec. 10, All;
Sec. 11, All;
Sec. 12, lots 1, 2, 3, 4, W½E½, W½;
Sec. 13, lots 1, 2, 3, 4, W½E½, W½;
Sec. 14, All;
Sec. 15, All;
Sec. 16, All;
Sec. 17, All;
Sec. 18, lots 1, 2, 3, 4, E½W½, E½;
Sec. 19, lots 1, 2, 3, 4, E½W½, E½;
Sec. 20, All;
Sec. 21, All;
Sec. 22, All;
Sec. 23, All;
Sec. 24, lots 1, 2, 3, 4, W½E½, W½;
Sec. 25, lots 1, 2, 3, 4, W½E½, W½;
Sec. 26, All;
Sec. 27, All;
Sec. 28, All;
Sec. 29, All;
Sec. 30, lots 1, 2, 3, 4, E½W½, E½;
Sec. 31, lots 1, 2, 3, 4, E½W½, E½;
Sec. 33, All;
Sec. 34, All;
Sec. 35, All;
Sec. 36, lots 1, 2, 3, 4, W½E½, W½.

Within the above described areas are 22,432.76 acres.

2. Available data indicates that the lands in T. 38 N., R. 4 W., are, for the most part, rolling hills with a sandy loam soil. There is no timber, undergrowth, or desert grasses.

3. The lands described in paragraph 1 are opened to application, selection and petition as outlined in paragraph 4 below. No application for these lands will be allowed under the Homestead, Desert Land, Small Tract, or any other nonmineral public land law, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any existing valid rights and the requirements of applicable law, rules and regulations, the lands described in paragraph 1 hereof, are hereby opened to filing applications and selections in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m., on March 20, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

ELLEN W. KIRSCH,
Acting Manager.

[F.R. Doc. 62–1735; Filed, Feb. 20, 1962; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14506]

BRANDON TIRE & BATTERY CO.

Amended Order To Show Cause

In the matter of T. E. Brandon, d/b as Brandon Tire & Battery Co., Chickasaw, Alabama, Docket No. 14506; order to show cause why there should not be revoked the license for business radio station KIR–938.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain al-

leged violations of the Commission's rules in connection with the operation of Business radio station KIR–938;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows.

Official Notice of Violation mailed on June 19, 1961, alleging that on May 24, 1961, Business Radio Station KIR–938 was observed in violation of the Commission's rules, viz:

Section 11.160(a). No record of transmitter measurements made within the last year;

Section 11.52(a). Station was not being identified after each transmission or once each 15 minutes;

Section 11.702. No provision made for receipt of CONELRAD alerts;

Section 11.156(b). The current station license not posted at the principal control point of the station;

Section 11.156(a). Executed transmitter identification card (FCC Form 452–C) was not affixed to each mobile transmitter;

Section 11.160(c). Names of radio operators with the period of their duty each day was not included in station records;

Non-compliance with the terms of the station license. Base transmitter was authorized at 11 North Broad Street, Mobile, Alabama; it had been installed at 307 North Craft Highway, Chickasaw, Alabama.

It further appearing, that, the above-named licensee received the Official Notice of Violation, but did not make satisfactory reply thereto; whereupon the Commission by letter of October 19, 1961, and sent by Certified Mail—return receipt requested (Certified No. 814847) again brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt, stating the measures which had been taken or were being taken in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the station license; and

It further appearing, that, receipt of the Commission's letter was acknowledged by the signature of the licensee on October 20, 1961, to a Post Office Department return receipt card; and

It further appearing, that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 8th day of February 1962, pursuant to section 312(a)(4) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by Certified Mail—return receipt requested—to the said licensee at 306 North Craft Highway, Chickasaw, Alabama.

Released: February 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–1755; Filed, Feb. 20, 1962; 8:51 a.m.]

[Docket No. 14518; FCC 62M–237]

DOLPH-PETTEY BROADCASTING CO. (KUDE)

Order Scheduling Hearing

In re application of Dolph-Pettey Broadcasting Company (KUDE), Oceanside, California, Docket No. 14518, File No. BP–14324; for construction permit.

It is ordered, This 14th day of February,1962, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 13, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, March 16, 1962.

Released: February 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–1756; Filed, Feb. 20, 1962; 8:51 a.m.]

[Docket Nos. 14516, 14517; FCC 62M–236]

JOHN E. GRANT AND ALLEN C. BIGHAM, JR.

Order Scheduling Hearing

In re applications of John E. Grant, Salinas, California, Docket No. 14516, File No. BP–13911; Allen C. Bigham, Jr., Salinas, California, Docket No. 14517, File No. BP–14891; For construction permits.

It is ordered, This 14th day of February 1962, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 18, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9.00 a.m., Thursday, March 22, 1962.

Released: February 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–1757; Filed, Feb. 20, 1962; 8:51 a.m.]

[Docket No. 14523; FCC 62M–240]

HIAWATHA VALLEY BROADCASTING CO., INC., AND NORTHLAND RADIO CORP.

Order Scheduling Hearing

In re application of Hiawatha Valley Broadcasting Co., Inc. (Assignor) and Northland Radio Corporation (Assignee), Docket No. 14523, File No. BAL–4172; for assignment of license of station KCUE, Red Wing, Minnesota.

It is ordered, This 14th day of February 1962, that Chester F. Naumowicz, Jr. will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 23, 1962, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, March 22, 1962.

Released: February 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–1758; Filed, Feb. 20, 1962; 8:51 a.m.]

[Docket No. 13313 etc.; FCC 62M–230]

IOWA CITY BROADCASTERS, INC., ET AL.

Order Scheduling Hearing

In re applications of Iowa City Broadcasters, Inc., Iowa City, Iowa, Docket No. 13313, File No. BP–13877; WKAI Broadcasting Company (WKAI), Macomb, Illinois, Docket No. 14508, File No. BP–13902; Iowa Falls Broadcasting Corporation, Iowa Falls, Iowa, Docket No. 14509, File No. BP–14618; for construction permits.

It is ordered, This 14th day of February 1962, that Chester F. Naumowicz, Jr. will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 17, 1962, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, March 19, 1962.

Released: February 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–1759; Filed, Feb. 20, 1962; 8:51 a.m.]

[Docket Nos. 14519–14521; FCC 62M–238]

K & H TELEVISION STATION (KFUR–TV) ET AL.

Order Scheduling Hearing

In re applications of Raymond F. Hayes and Milford Kay, d/b as K & H Television Station (KFUR–TV), Santa Fe, New Mexico, Docket No. 14519, File No. BMPCT–5601, for modification of construction permit (Channel 2 lieu Channel 11); Thunderbird Entertainment Enterprises, Incorporated, Santa Fe, New Mexico, Docket No. 14520, File No. BPCT–2898; New Mexico Broadcasting Company, Inc., Santa Fe, New Mexico, Docket No. 14521, File No. BPCT–2927; for construction permits for new Television Broadcast Stations (Channel 2).

It is ordered, This 14th day of February 1962, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 18, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, March 19, 1962.

Released: February 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–1760; Filed, Feb. 20, 1962; 8:51 a.m.]

[Docket No. 14522; FCC 62M–239]

MERCHANTS BROADCASTING SYSTEM OF DALLAS, INC.

Order Scheduling Hearing

In the matter of revocation of license and subsidiary communications authorization of Merchants Broadcasting System of Dallas, Inc., Docket No. 14522; for FM Broadcast Station, KCPA, Dallas, Texas.

It is ordered, This 14th day of February 1962, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 28, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, March 21, 1962.

Released: February 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–1761; Filed, Feb. 20, 1962; 8:51 a.m.]

[Docket No. 14504; FCC 62M–232]

PIONEER STATES BROADCASTERS, INC.

Order Scheduling Hearing

In re application of Pioneer States Broadcasters, Inc., West Hartford, Connecticut, Docket No. 14504, File No. BP–14060; for construction permit.

It is ordered, This 14th day of February 1962, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 17, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, March 19, 1962.

Released: February 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–1762; Filed, Feb. 20, 1962; 8:51 a.m.]

[Docket No. 14255; FCC 62M–242]

RADIO-ACTIVE BROADCASTING, INC. (WATO)

Order Continuing Hearing Conference

In re application of Radio-Active Broadcasting, Inc. (WATO), Oak Ridge, Tennessee, Docket No. 14255, File No. BP–13833; for construction permit.

The Hearing Examiner having under consideration a Motion to Continue Prehearing Conference, filed by Radio-Active Broadcasting, Inc. (Radio-Active) on February 14, 1962, wherein it is requested that the prehearing conference presently scheduled for February 20, 1962, be postponed to March 12 or 13, 1962, whichever date is most convenient for the Examiner;

It appearing that it is alleged by Radio-Active that its consulting. radio engineer who was preparing certain proposed amendments which were to have been filed by February 14, 1962, has had an extended and serious illness which prevented him from meeting his commitments in this respect;

It further appearing that Radio-Active alleges that its consulting engineer has assured it that the amendments referred to would be completed no later than February 28, 1962, and that in the event such consulting engineer does not have the engineering amendments completed on or about that date to permit the filing of a motion to amend shortly thereafter, Radio-Active will dismiss its application;

It further appearing that counsel for the other parties to the proceedings have consented to a grant of the above-described Motion and have agreed to a waiver of the Commission's rules (47 CFR 1.43) relating to the withholding of action on motions for a four-day period; and

It further appearing that good cause has been shown for a prompt grant of the motion herein;

It is ordered, This 14th day of February 1962, that the Motion to. Continue Prehearing Conference is granted, and that the prehearing conference now scheduled for February 20, 1962, is postponed to March 12, 1962, at 9:30 a.m., at the Offices of the Commission in Washington, D.C.

Released: February 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–1763; Filed, Feb. 20, 1962; 8:51 a.m.]

[Docket Nos. 14510–14514; FCC 62M–234]

ROCKLAND BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of Sidney Fox, George Dacre, Harry Edelstein d/b as Rockland Broadcasting Company, Blauvelt, New York, Docket No. 14510, File No. BP–13477; Delaware Valley Broadcasting Co. (WAAT), Trenton, New Jersey, Docket No. 14511, File No. BP–14054; Rockland Radio Corporation, Spring Valley, New York, Docket No. 14512, File No. BP–14461; Rockland Broadcasters, Inc., Spring Valley, New York, Docket No. 14513, File No. BP–14462; Asbury Park Press, Inc. (WJLK), Asbury Park, New Jersey, Docket No. 14514, File No. BP–14469; for construction permits.

It is ordered, This 14th day of February 1962, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 18, 1962, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, March 19, 1962.

Released: February 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–1764; Filed, Feb. 20, 1962; 8:51 a.m.]

[Docket No. 12949; FCC 62M–229]

SOUTH MINNEAPOLIS BROADCASTERS

Order Scheduling Hearing

In re application of Charles Niles and Marie Niles, d/b as South Minneapolis Broadcasters, Bloomington, Minnesota, Docket No. 12949, File No. BP–14046; for construction permit.

It is ordered, This 14th day of February 1962, that Chester F. Naumowicz, Jr. will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 19, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, March 20, 1962.

Released: February 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–1765; Filed, Feb. 20, 1962; 8:51 a.m.]

[Docket No. 14367 etc.; FCC 62M–231]

VETERANS BROADCASTING CO., INC., ET AL.

Order Continuing Hearing

In re applications of: Veterans Broadcasting Company, Inc., Syracuse, New York, Docket No. 14367, File No. BPCT–2912; Syracuse Television, Inc., Syracuse, New York, Docket No. 14368, File No. BPCT–2924; W. R. G. Baker Radio and Television Corporation, Syracuse, New York, Docket No. 14369, File No. BPCT–2930; Onondaga Broadcasting, Inc., Syracuse, New York, Docket No. 14370, File No. BPCT–2931; WAGE, Inc., Syracuse, New York, Docket No. 14371, File No. BPCT–2932; Syracuse Civic

Television Association, Inc., Syracuse, New York, Docket No. 14372, File No. BPCT-2933; Ivy Broadcasting Company, Inc., Syracuse, New York, Docket No. 14443, File No. BPCT-2949; Six Nations Television Corporation, Syracuse, New York, Docket No. 14444, File No. BPCT-2957; Salt City Broadcasting Corporation, Syracuse, New York, Docket No. 14445, File No. BPCT-2958; George P. Hollingbery, Syracuse, New York, Docket No. 14446, File No. BPCT-2968; for construction permits for new television broadcast stations.

The Hearing Examiner having before him a "Motion for Extension of Time" filed February 13, 1962 in the above-entitled proceeding by Syracuse Civic Television Association, Inc. requesting that the deadline for the exchange of written direct cases be extended from March 1 to March 8 and the date for commencement of the hearing from March 19 to March 26, 1962;

It appearing that petitioner asserts as the reason for its request that the clients and attorneys have devoted substantial time during the past few weeks to negotiations for an interim operation on Channel 9 at Syracuse and that the time counsel alone have devoted thereto, as well as the demands upon them of other business before the Commission and the courts, has made it burdensome for counsel to meet the deadlines previously set and that the one week extension requested "will help to alleviate this burden";

It appearing further that petitioner asserts that counsel for all the applicants and the Commission's own Broadcast Bureau have authorized petitioner to state their consent to grant of the relief requested;

It appearing further that the one week extension of deadlines requested herein is justifiable only if no further extensions are requested by any of the other parties; that such extension of one week will not of itself discommode the Hearing Examiner, be disruptive of the hearing process, or delay materially the orderly progress of the hearing; that, therefore, the relief requested may be granted subject to the admonition to all parties that their consent to the grant of the instant motion will be unavailing to them as the basis for any further delay motions any of them may consider it necessary to file in the future; and that the parties are to understand that the Hearing Examiner is granting the present motion reluctantly and will not give favorable consideration to any future requests for changes in any established deadlines absent really cogent showings of "good cause" in support thereof;

It is ordered, This 14th day of February 1962, that the above-referenced motion for extension of deadline dates herein filed by Syracuse Civic Television Association, Inc. is hereby granted and that written direct cases may be exchanged by March 8, 1962 and that the hearing itself is rescheduled to commence March 26, 1962, at 10 a.m., at the Commission's offices, Washington, D.C.

Released: February 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1766; Filed, Feb. 20, 1962; 8:51 a.m.]

[Docket No. 14505; FCC 62M-233]

VICTORIA BROADCASTING SYSTEM

Order Scheduling Hearing

In re application of George H. Pruder, tr/as Victoria Broadcasting System, Redfield, South Dakota, Docket No. 14505, File No. BP-14366; for construction permit.

It is ordered, This 14th day of February 1962, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 18, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, March 20, 1962.

Released: February 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1767; Filed, Feb. 20, 1962; 8:51 a.m.]

[Docket No. 14515; FCC 62M-235]

WDSU BROADCASTING CORP. (WDSU)

Order Scheduling Hearing

In re application of WDSU Broadcasting Corporation (WDSU), New Orleans, Louisiana, Docket No. 14515, File No. BMP-9055; for modification of construction permit.

It is ordered, This 14th day of February 1962, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 19, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, March 22, 1962.

Released: February 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1768; Filed, Feb. 20, 1962; 8:51 a.m.]

[FCC 62-194]

L. B. WILSON, INC. (WLBW-TV)

Application for Renewal of License

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 14th day of February 1962;

The Commission having under consideration (1) its decision in WKAT, Inc., 17 R.R. 997, 998b, in which it awarded a construction permit for a new television broadcast station to operate on Channel 10, Miami, Florida, to L. B. Wilson, Inc., but stated that "• • • the license period contemplated herein will be for four months subsequent to construction • • •", and (2) the temporary authorization issued to L. B. Wilson, Inc. on October 19, 1961, to begin operation November 20, 1961; and

It appearing that, the Commission in its decision of July 14, 1960, proposed to grant to L. B. Wilson, Inc. a four months license upon completion of construction for a television station on Channel 10; that L. B. Wilson constructed a station pursuant to a temporary authorization for construction dated November 22, 1960; that L. B. Wilson has been operating since November 20, 1961, and will have operated pursuant to temporary license authorizations for a period of four months on March 20, 1962; and that the Commission stated its intent to permit the filing of new, competing applications for Channel 10 at the expiration of four months of licensed operation by L. B. Wilson; and

It further appearing that since L. B. Wilson, Inc., has not operated for a full year it can not use the Commission's composite week in furnishing information on program performance; and

It further appearing that since L. B. Wilson, Inc., is presently operating from interim facilities, a description of which might not adequately describe its contemplated permanent facility, it would be appropriate for L. B. Wilson, Inc. to incorporate by reference any desired features of its outstanding construction permit (BMPCT-5525).

It is ordered, That pursuant to § 1.328 (c) of the Commission's rules,[1] L. B. Wilson, Inc., shall file its application for renewal of license on Channel 10, Miami, Florida, by March 20, 1962; and

It is further ordered, That in the preparation of Section IV of its application L. B. Wilson, Inc., shall use the following composite week: Monday, January 29, 1962; Tuesday, January 23, 1962; Wednesday, January 17, 1962; Thursday, January 11, 1962; Friday, January 5, 1962; Saturday, December 23, 1961; and Sunday, December 10, 1961; and

It is further ordered, That Channel 10, Miami, Florida, be available for the filing of applications for construction permits for new television broadcast stations beginning March 20, 1962 and ending May 21, 1962, Commission rules to the contrary, if any, notwithstanding.

Released: February 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1769; Filed, Feb. 20, 1962; 8:51 a.m.]

[1] Section 1.328(c) of the rules provides that: "Whenever the Commission regards an application for renewal of license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received."

FEDERAL MARITIME COMMISSION

[Docket Nos. 954, 954 (Sub-1)]

ATLANTIC/PUERTO RICO TRADE

Investigation of Rates and Practices; Notice of Supplemental Orders

On February 7, 1962, the Federal Maritime Commission entered the following Eleventh Supplemental Order to the original order in Docket No. 954 dated July 17, 1961, and following Fourth Supplemental Order to original order in Docket No. 954 (Sub-1) dated November 13, 1961.

It appearing that there is currently pending in these proceedings an investigation into and a hearing concerning certain rates and practices from, to and/or between Atlantic and Gulf Coast ports of the United States on the one hand and ports in the Commonwealth of Puerto Rico on the other which became effective on July 6, 1961, and on various dates thereafter; and

It further appearing that A. H. Bull Steamship Co. has been named a respondent in these proceedings; and

It further appearing that there has been filed with the Federal Maritime Commission by A. H. Bull Steamship Co., certain revised pages, hereinafter designated, to its Outward Freight Tariff No. 1, FMC-F No. 1, to become effective February 9, 1962, which said pages publish increased rates on commodities prefixed with the increase symbol:

	Revised page No.		Revised page No.
Second	33	Second	59
First	34	Second	61
Fourth	35	Second	62
Fourth	36	Second	63
Third	37	Second	64
Fourth	38	Second	65
Fifth	38	Fourth	66
Second	39	Third	67
Second	40	Fourth	68
Second	41	First	69
Second	42	First	70
Third	43	Second	71
Third	44	Third	72
First	45	Fourth	72
Second	48	First	73
Second	49	Second	74
Third	50	First	75
Fourth	51	Third	76
Fifth	51	First	77
First	52	Second	78
Second	53	Fourth	79
Second	54	Third	80
Second	55	Eighth	81
Second	56	Third	82
Second	57	Third	83
Second	58	Fifth	84

and

It further appearing that protests have been received petitioning the Commission to suspend said increases; and

It further appearing that upon consideration of the said schedules, statements in support thereof, and protests made thereto, there is reason to believe that the increased rates named thereon, if permitted to become effective, would result in rates which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended; and

It further appearing that the Commission is of the opinion that the new increased rates should be made the subject of a public investigation and hearing to determine whether they are just, reasonable, and otherwise lawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing that the effective date of the said increases should be suspended pending such investigation;

Now therefore it is ordered, That the proceeding in Docket No. 954 be, and it is hereby, expanded to include, in addition to the matters now under investigation, an investigation into and concerning the lawfulness of the increased rates contained in the said tariff schedules; and

It is further ordered, That the proceeding in Docket No. 954 be, and it is hereby, consolidated with the proceeding in Docket No. 954 (Sub-1), with a view to making such findings and orders in the consolidated proceedings as the facts and circumstances shall warrant; and

It is further ordered, That said increased rates be, and they are hereby, suspended and that the use of the said rates be, and it is hereby, deferred to and including June 8, 1962, unless otherwise authorized by the Commission, and that the rates heretofore in effect, and which were to be changed by the suspended rates, shall remain in effect during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That there shall be filed immediately with the Commission by A. H. Bull Steamship Co., a consecutively numbered supplement to the aforesaid tariff schedule which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid rates are suspended and may not be used until June 9, 1962, unless otherwise authorized by the Commission, and that the rates heretofore in effect, and which were to be changed by the suspended rates, shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered in Docket No. 954 be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be determined and announced, to receive evidence which, together with the evidence heretofore received in Docket No. 954 and the evidence to be received in Docket No. 954 (Sub-1), will provide an adequate record for proper disposition of the issues in the consolidated proceedings, and that an initial decision be issued; (II) a copy of this order shall forthwith be served upon the protestants, A. H. Bull Steamship Co., and all others heretofore named respondents hereto; (III) the said respondents and protestants be duly notified of the time and place of the hearing ordered; and (IV) this order and notice of the said hearing be published in the FEDERAL REGISTER.

Dated: February 15, 1962.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-1748; Filed, Feb. 20, 1962; 8:49 a.m.]

[Docket No. 954 (Sub-2)]

ATLANTIC/GULF PUERTO RICO TRADE

Investigation of Increased Rates on Sugar, Refined or Turbinated, in Bags; Notice of Supplemental Order

On February 7, 1962, the Federal Maritime Commission entered the following Fourth Supplemental Order to the original order in this proceeding dated December 7, 1961.

It appearing that by order dated January 8, 1962, the Commission entered into an investigation concerning the lawfulness of increased rates on sugar contained in tariff schedule designated therein, and suspended the operation of said schedules to and including June 4, 1962; and

It further appearing that the Commission having found good cause therefor has on January 22, 1962, granted the Sea-Land Service, Inc., Puerto Rican Division special permission authority to cancel such suspended matter on statutory notice under Special Permission No. 3971 and pursuant thereto, such matter has been properly cancelled;

Now therefore, it is ordered, That the investigation of Sea-Land's rates on "Sugar, refined or turbinated in bags" instituted under Second Supplemental

Order, Docket No. 954 (Sub-2) be, and it is hereby discontinued; and

It is further ordered, That copies of this order shall be filed with said tariff schedule in the Bureau of Domestic Regulation, Federal Maritime Commission; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents and protestants herein; and that this order be published in the FEDERAL REGISTER.

Dated February 15, 1962.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-1749; Filed, Feb. 20, 1962; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61-143, etc.]

COLORADO INTERSTATE GAS CO. ET AL.

Notice of Applications

FEBRUARY 14, 1962.

Colorado Interstate Gas Company, Docket Nos. CP61-143 and CP61-157; Natural Gas Pipeline Company of America, Docket No. CP61-149; Arkansas Louisiana Gas Company, Docket No. CP61-163.

Take notice that on November 7, 1960, as amended on October 4, 1961, and November 9, 1961, in Docket No. CP61-143, and on December 5, 1960, as amended on December 16, 1960, in Docket No. CP61-157, Colorado Interstate Gas Company (Colorado), Post Office Box 1087, Colorado Springs, Colorado, filed applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing short-term field sales of natural gas to Arkansas Louisiana Gas Company (Arkansas Louisiana) in Docket No. CP61-143 and to Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) in Docket No. CP61-157, all as more fully set forth in the applications, as amended, on file with the Commission and open to public inspection.

In Docket No. CP61-143, Colorado proposes to sell up to 25,000 Mcf of natural gas per day, through April 30, 1963, to Arkansas Louisiana. Said sale will be effected by an exchange arrangement with Natural Gas Pipeline Company of America (Natural) through existing interconnections of the facilities of Colorado and Natural in the Mocane field, Oklahoma. Colorado would deliver gas directly to Natural and the latter would deliver equivalent volumes to Arkansas Louisiana at a proposed new interconnection between Natural and Arkansas Louisiana in Beckham County, Oklahoma.

Take further notice that Natural, 122 South Michigan Avenue, Chicago 3, Illinois, filed on November 13, 1960, as amended on October 9, 1961, and November 14, 1961, in Docket No. CP61-149, and Arkansas Louisiana, Slattery Building, Shreveport 94, Louisiana, filed on December 8, 1960, as amended on September 28, 1961, and November 6, 1961, in Docket No. CP61-163, applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the above described interconnection and exchange of natural gas.[1]

In Docket No. CP61-157, Colorado proposes to sell up to 50,000 Mcf of natural gas per day, through December 31, 1962, to Kansas-Nebraska. Said sale will be made through existing interconnections of the two systems in Kearny and Finney Counties in the Kansas Hugoton field.

Colorado states that the proposed sales are to relieve a short-term excess gas supply situation. Said excess gas is the result of a take-or-pay situation caused by the fact that Colorado's Provo project (Docket Nos. G-16235, et al.) is not in operation.

The sales of natural gas to Arkansas Louisiana and Kansas-Nebraska will be made at a rate of 14.5 cents per Mcf.

The estimated cost of facilities for the interconnection between Natural and Arkansas Louisiana in Grady County, Oklahoma, is $2,800. Natural will construct the necessary facilities and will be reimbursed by Arkansas Louisiana for the cost incurred.

The sale of gas to Arkansas Louisiana proposed by Colorado in Docket No. CP61-143 will be made pursuant to an agreement, dated October 20, 1960. The proposed exchange of natural gas will be made pursuant to an agreement, dated October 20, 1960, as amended, between Colorado, Arkansas Louisiana and Natural.

The sale of gas to Kansas-Nebraska proposed by Colorado in Docket No. CP61-157 will be made pursuant to an agreement, dated November 16, 1960.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 8, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1728; Filed, Feb. 20, 1962; 8:47 a.m.]

[Docket No. G-10096 etc.]

HANLEY CO. ET AL.

Notice of Applications and Date of Hearing

FEBRUARY 14, 1962.

Hanley Company, Docket No. G-10096; Northern Pump Company, Docket No. G-11225; Continental Oil Company, Docket No. G-11612; Harrell Drilling Company, Docket No. G-11645; Ashland Oil & Refining Company, Docket No. G-13243; H. M. Gillespie, Docket No. G-13960; Clyde Beymer, Jr., Docket No. G-13969; John H. Summerville, Docket No. G-14580; Rodman, Late & Noel, Docket No. G-14752; Harrell Drilling Company, et al., Docket No. G-14952; B. E. Talkington, et al., Docket No. G-15024; George K. Taggart, Jr., (Operator), et al., Docket No. G-15522; Roy Furr (Operator), et al., Docket No. G-16293; K. S. Adams, Jr., Docket No. G-16305; Graham-Michaelis Drilling Company, Docket No. G-16435; Petroleum, Inc., Docket No. G-16572; Phillips Petroleum Company, Docket No. G-16610; Harrell Drilling Company, Coastal States Gas Producing Company and John M. Robinson, Docket No. G-16738; Oil Development Company of Texas, Docket No. G-16739; Skelly Oil Company, Docket No. G-16744; Magna Oil Corporation, Docket No. G-16748; Horace F. McKay, Jr., et al., Operators, Docket No. G-16777; Harry D. Bush, et al., Docket No. G-16833; Phillips Petroleum Company, Docket No. G-16915; Tex-Star Oil & Gas Corporation (Operator) et al., Docket No. G-17049; Jake L. Hamon, Docket No. G-17617; United Producing Company, Inc., Docket No. G-17911; Paul Brisbin (Operator), et al. d.b.a. Sunview Oil & Gas Company, Docket No. G-18264; Powell Briscoe (Operator), et al., Docket No. G-18333; Bobby M. Burns, Docket No. G-18366; MWJ Producing Company (Operator), et al, Docket No. G-18391; Lee, R. E., Docket No. G-18525; T. P. Voiles, et al., Docket No. G-18575; Skelly Oil Company, Docket No. G-18880; Tal Evans Gas Company, Docket No. G-18895; Henry S. Inger, Docket No. G-19148; Gulf Oil Corporation, Docket No. G-19162; Petroleum Inc., Docket No. G-19199; J. H. Wagner, et al., Docket No. G-19204; J. H. Wagner, et al., Docket No. G-19205; J. H. Wagner, et al., Docket No. G-10206; L. W. Prunty, Docket No. G-19237; Olympic Oil Company, Docket No. G-10347; Olympic Oil Company, Docket No. G-19348; Olympic Oil Company, Docket No. G-19349; Olympic Oil Company, Docket No. G-19350; Olympic Oil Company, Docket No. G-19351; Wrico Production Company, et al.,[1] Docket No. G-19363; Wrico Production Company, et al.,[1] Docket No. G-19366; Wrico Production Company, et al.,[1] Docket No. G-19367; Wrico Production Company, et al.,[1] Docket No. G-19368; Wrico Production Company, et al.,[1] Docket No. G-19369; National Cooperative Refinery Association, et al, Docket No. G-19370; Wrico Production Company, et al.,[1] Docket No. G-19371; Wrico Production Company, et al.,[1] Docket No. G-19377; Wrico Production Company, et al.,[1] Docket No. G-19378; Stonestreet Lands Company, Docket No. CI61-951; W. Leslie Rogers, Docket No. CI61-1328; Gainer Gas Company, Docket No. CI61-1517; Olin B. Wetzel, Docket No. CI61-1686; E. A. Robertson d.b.a. Jaye Gas Company, Docket No. CI61-1769; Shell Oil Company, Docket No. CI62-58; John G. McMillian, Jr., et al, Docket No. CI62-59; Sun Oil Company, Docket No. CI62-125; Consolidated Oil & Gas, Inc., Operator, et al., Docket No. CI62-201; Ridgmorr Oil Company, (Operator), et al., Docket No. CI62-212; Roscoe Dingess, Jr., et al. d.b.a. Meadows Gas Company, Docket No. CI62-221; Roy G. Hildreth, et al., Docket No. CI62-222; Paul Heaster, Docket No. CI62-226; M. J. Moran, Agent, Docket No. CI62-227; Martin Oil & Gas Company, Docket No. CI62-234; B. E. Talkington, et al., Docket No. CI62-235; Humble Oil & Refining Company, Docket No. CI62-243; Peake Petroleum Company, Docket No. CI62-249; W. C. Blewster & Joe F. Rushton, Docket No. CI62-262; The Hefner Company, Operator, et al., Docket No. CI62-269; Paul H. Ash, et al. d.b.a. A. & C. Oil and Gas Company, Docket No. CI62-272; Kincaid Oil & Gas Company, Docket No. CI62-286; I. C. Houck, et al. d.b.a. ADDCO, Docket No. CI62-299; Willard E. Ferrell, et al. d.b.a. Hickory Knob Development Company, Docket No. CI62-301; Robert L. Wolff, et al., Docket No. CI62-323; Katz Oil Company, Operator, et al., Docket No. CI62-334; Edward M. Smith d.b.a. Fred Robinson Well No. 1 Partnership, Docket No. CI62-338; M. J. Moran, et al., Docket No. CI62-341; D. L. Gainer, Agent d.b.a. Raymond Jarvis Gas Company, Docket No. CI62-345; W. H. Busch, et al. d.b.a. Hardman Oil and Gas Company, Docket No. CI62-359; McDowell & Murvin, Docket No. CI62-361; C. L. McMahon, Inc., Operator, et al., Docket No. CI62-375; Wolfson Oil Company, Docket No. CI62-376; Paul H. Ash, et al. d.b.a. A. & C. Oil & Gas Company, Docket No. CI62-377; Coline Oil Corporation, Docket No. CI62-379; Paul H. Ash, et al., d.b.a. A. & C. Oil & Gas Company, Docket No. CI62-380; E. J. Elkins, Docket No. CI62-383; Dorn & Miller Company, Docket No. CI62-385; C. A. Stricklin, et al., Docket No. CI62-386; Sun Oil Company, Docket No. CI62-387; William H. Allen, et al., Docket No. CI62-390; John Franks, et al., Docket No. CI62-394; Francis E. Cain, et al., Docket No. CI62-429; James R. Duncan, et al., Docket No. CI62-437; William E. McCommons d.b.a. McCommons Exploration Company, et al., Docket No. CI62-496.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the sale of natural gas in interstate commerce, as hereinafter described, all as more fully represented in the respective applications, amendments and supplements thereto which are on file with the Commission and open to public inspection.

The Applicants herein produce and proposes to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.; Field and Location;	*Purchaser; Price per Mcf*
G-10096; Spraberry Trend, Glasscock County, Tex.;	El Paso Natural Gas Co.; 10.0 cents at 14.65 psia.
G-11225; Hugoton Field, Finney County, Kans.;	Northern Natural Gas Co.; 12.0 cents at 14.65 psia.
G-11612; Rhodes Field, Barber County, Kans.;	Cities Service Gas Co.; 12.0 cents at 14.65 psia.
G-11645; Hidalgo Field, Hidalgo County, Tex.;	Coastal States Gas Producing Co.; 11.0106 cents at 14.65 psia.
G-13243; Cotton Valley Field, Webster Parish, La.;	United Gas Pipe Line Co.; 9.76876 cents at 15.025 psia.
G-13960; Hugoton Field, Finney County, Kans.;	Kansas-Nebraska Natural Gas Co., Inc.; 9.5 cents at 16.4 psia.
G-13969; Hugoton Field, Kearny County, Kans.;	Cities Service Gas Co.; 11.0 cents at 14.65 psia.
G-14580; Appalachian Field, Clarion County, Pa.;	United Natural Gas Co.; 24.0 cents at 15.325 psia.
G-14752; Sprayberry Trend Area, Reagan County, Tex.;	El Paso Natural Gas Co.; 10.0 cents at 14.65 psia.
G-14952; North Donna Field, Hidalgo County, Tex.;	Coastal States Gas Producing Co.; 10.0 cents at 14.65 psia.
G-15024; Union District, Ritchie County, W. Va.;	Hope Natural Gas Co.; 20.0 cents at 15.325 psia.
G-15522; Woodsboro West, North La Rosa, Bonnie View Fields, Refugio County, Tex.;	United Gas Pipe Line Co.; 13.0 cents at 14.65 psia.
G-16293; Acreage in Hansford County, Tex.;	Northern Natural Gas Co.; 16.5 cents at 14.65 psia.
G-16305; Panhandle Field, Gray County, Tex.;	Phillips Petroleum Co.; 10.0 cents at 14.65 psia.
G-16435; Acreage in Texas County, Okla.;	Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
G-16572; Denning Unit, Texas County, Okla.;	Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 psia.
G-16610; Wyrick Field Refugio County, Tex.;	United Gas Pipe Line Co.; 12.1536 cents at 14.65 psia.
G-16738; Hidalgo Field, Hidalgo County, Tex.;	Coastal States Gas Producing Co.; 11.0106 cents at 14.65 psia.
G-16739; Hansford Field, Hansford County, Tex.;	Northern Natural Gas Co.; 16.5 cents at 14.65 psia.
G-16744; Cedar Creek Field, Logan County, Colo.;	Kansas-Nebraska Natural Gas Co., Inc.; 14.0 cents at 14.65 psia.
G-16748; E. C. Green Unit, Hansford County, Tex.;	Northern Natural Gas Co.; 16.5 cents at 14.65 psia.
G-16777; San Juan Basin, San Juan County, N. Mex.;	El Paso Natural Gas Co.; 10.0 cents at 15.025 psia.
G-16833; Dekalb District, Gilmer County, W. Va.;	Hope Natural Gas Co.; 20.0 cents at 15.325 psia.
G-16915; S. E. Autwine Field, Kay County, Okla.;	Wunderlich Development Co.; 5.2 cents at 14.65 psia.
G-17049; Donna Field, Hidalgo County, Tex.;	Coastal States Gas Producing Co.; 9.0 cents at 14.65 psia.
G-17617 (as Supp.);	Block 1, University Lands, Andrews County, Tex.; El Paso Natural Gas Co.; 7.0945 cents at 14.65 psia.
G-17911 (as Supp.);	Carlton and Calhoun Areas, Ouachita Parish, La.; Texas Gas Transmission Corp.; 18.25 cents at 15.025 psia.
G-18001; Murphy District, Ritchie County, W. Va.;	Penova Interests; 19.0 cents at 15.325 psia.
G-18333; Acreage in Lincoln County, Okla.;	Cities Service Gas Co.; 11.0 cents at 14.65 psia.
G-18366; Hansford (Upper Morrow) Field, Ochiltree County, Tex.;	Northern Natural Gas Co.; 15.5 cents at 14.65 psia.
G-18491; Spraberry Trend Area, Reagan County, Tex.;	El Paso Natural Gas Co.; 11.0 cents at 14.65 psia.
G-18525 (as Supp.);	Hansford (Morrow) Field, Hansford County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.
G-18575; Guymon-Hugoton Field, Texas County, Okla.;	Panhandle Eastern Pipe Line Co.; 16.4 cents at 14.65 psia.
G-18880; Camrick Southeast Field, Beaver County, Okla.;	Natural Gas Pipeline Co. of America; 16.6 cents at 14.65 psia.
G-18895; Lee District, Calhoun County, W. Va.;	Hope Natural Gas Co.; 20.0 cents at 15.325 psia.
G-19148; Hobaugh Lease, Kay County, Okla.;	Wunderlich Development Co.; 5.2 cents at 14.65 psia.
G-19162; Camrick Pool, Texas County, Okla.;	Panhandle Eastern Pipe Line Co.; 16.4 cents at 14.65 psia.
G-19199; Bijou Field, Morgan County, Colo.;	Kansas-Nebraska Natural Gas Co.; 13.5 cents at 15.025 psia.
G-19204; Booton "A" Lease, Cowley County, Kans.;	Wunderlich Development Co.; 6.2 cents at 16.4 psia.
G-19205; Biard Lease, Cowley County, Kans.;	Wunderlich Development Co.; 6.2 cents at 16.4 psia.
G-19206; Booton "A" Leabe, Cowley County, Kans.;	Wunderlich Development Co.; 6.2 cents at 16.4 psia.
G-19237; Grant District, Ritchie County, W. Va.;	Penova Interests; 19.0 cents at 15.325 psia.
G-19347; Harris Lease, Kay County, Okla.;	Wunderlich Development Co.; 5.2 cents at 14.65 psia.
G-19348; Leathers Lease, Kay County, Okla.;	Wunderlich Development Co.; 5.2 cents at 14.65 psia.
G-19349; Harris Estate Lease, Kay County, Okla.;	Wunderlich Development Co.; 5.2 cents at 14.65 psia.
G-19350; Bellinghausen Lease, Kay County, Okla.;	Wunderlich Development Co.; 5.2 cents at 14.65 psia.
G-19351; Steichen Lease, Kay County, Okla.;	Wunderlich Development Co.; 5.2 cents at 14.65 psia.
G-19363; Kukuk Lease, Cowley County, Kans.;	Wunderlich Development Co.; 5.2 cents at 16.4 psia.
G-19366; C. Whitson Lease, Cowley County, Kans.;	Wunderlich Development Co.; 5.2 cents at 16.4 psia.
G-19367; Shane Lease, Cowley County, Kans.;	Wunderlich Development Co.; 5.2 cents at 16.4 psia.
G-19368; Trega Lease, Cowley County, Kans.;	Wunderlich Development Co.; 5.2 cents at 16.4 psia.
G-19369; Kroth Lease, Cowley County, Kans.;	Wunderlich Development Co.; 5.2 cents at 16.4 psia.
G-19370; Trenary Lease, Kay County, Okla.;	Wunderlich Development Co.; 5.2 cents at 14.65 psia.
G-19371; Miller Lease, Cowley County, Kans.;	Wunderlich Development Co.; 5.2 cents at 16.4 psia.
G-19377; Wright "A" Lease, Cowley County, Kans.;	Wunderlich Development Co.; 5.2 cents at 16.4 psia.
G-19378; Whitson Lease, Cowley County, Kans.;	Wunderlich Development Co.; 5.2 cents at 16.4 psia.
CI61-951; Smithfield District, Roane County, W. Va.;	Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61-1328; Central District, Doddridge County, W. Va.;	Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61-1517; Dekalb District, Gilmer County, W. Va.;	Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62-1686; West Union District, Doddridge County, W. Va.;	Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61-1769; Union District, Clay County, W. Va.;	Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

[1] The amendments filed October 4, 1961, October 9, 1961, and September 28, 1961, by Colorado, Natural and Arkansas Louisiana, respectively, propose to change the interconnection and delivery and receipt of natural gas between Natural and Arkansas from the originally proposed point in Beckham County to a point in Grady County, Oklahoma.

[1] Crest Petroleum, Inc. filed as Agent for Wrico Production Company, et al.

CI62–56; Crawar Field, Crane and Ward County, Kans.; Northern Natural Gas Co.; 16.0 cents at 14.65 psia.
CI62–59; Amalea Field, Midland County, Tex.; Phillips Petroleum Co.; 12.5 cents at 14.65 psia.
CI62–125; North Harper Ranch Field, Clark County, Kan.; Northern Natural Gas Co.; 16.0 cents at 14.65 psia.
CI62–201; Northwest Blanco Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.
CI62–212; Harbaugh Field, Ochiltree County, Tex.; Northern Natural Gas Co.; 17.0 cents at 14.65 psia.
CI62–221; Baileysville District, Wyoming County W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–222; Dekalb District, Gilmer County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–226; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–227; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–234; Dekalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–235; McClellan District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–243; Beaver NW Pool, Grady Company, Okla.; Arkansas Louisiana Gas Co.; 12.0 cents at 14.65 psia.
CI62–249; Stafford District, Mingo County, W. Va.; United Fuel Gas Co.; 26.0 cents at 15.325 psia.
CI62–262; Collins Settlement District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–268; Fox-Graham, Cruce and Nellie Fields, Carter and Stephens Counties, Okla.; Lone Star Gas Co.; 15.0 cents at 14.65 psia.
CI62–272; Skin Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–286; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–299; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–301; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–323; Court House District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–334; Acreage in Live Oak County, Tex.; Natural Gas Pipeline Co. of America; 17.0 cents at 14.65 psia.
CI62–338; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–341; Court House District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–345; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–359; Dekalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–361; Dekalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–378; North Hoover Field, Garvin County, Okla.; Lone Star Gas Co.; 15.0 cents at 14.65 psia.
CI62–376; Jalmat Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 15.5599 cents at 15.025 psia.
CI62–377; Skin Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–379; Hansford and Lips Field, Hansford County, Tex.; Northern Natural Gas Co.; 17.0 cents at 14.65 psia.
CI62–380; Skin Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–383; Washington District, Boone County, W. Va.; South Penn Oil Co.; 15.0 cents at 15.325 psia.
CI62–385; Patrick Draw Area, Sweetwater County, Wyo.; Colorado Interstate Gas Co.; 15.0 cents at 14.65 psia.
CI62–386; Union District, Ritchie County, W. Va.; South Penn Oil Co.; 15.0 cents at 15.325 psia.
CI62–387 (as Supp.); Vixen Field, Caldwell Parish, La.; Arkansas Louisiana Gas Co.; 18.50 cents at 15.025 psia.
CI62–390; RHF Morrow Field, Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.
CI62–394; Cotton Valley Field, Webster Parish, La.; United Gas Pipe Line Co.; 11.26876 cents at 15.025 psia.
CI62–429; Lee District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–429; Lee District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–496; Barterville Field, Lamar County, Miss.; United Gas Pipe Line Co.; 11.2502 cents at 15.025 psia.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 20, 1962, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 9, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest, petition to intervene, or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20(m)(2) of the rules of practice and procedure.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1729; Filed, Feb. 20, 1962; 8:47 a.m.]

[Docket Nos. G-17296, G-19067, G-20689]

NEW YORK STATE NATURAL GAS CORP.

Notice of Further Extension of Time and Postponement of Hearing

FEBRUARY 13, 1962.

Upon consideration of the request filed February 12, 1962, by Counsel for New York State Natural Gas Corporation (New York Natural) for a further extension of time within which New York Natural shall serve its prepared testimony and exhibits for its case-in-chief upon all parties as required by the Commission's order issued November 21, 1961, and further postponement of the hearing now scheduled for March 19, 1962, in the above-designated matter;

A further extension is hereby granted to and including March 1, 1962, within which New York Natural shall serve its prepared testimony and exhibits for its case-in-chief upon all parties and the hearing now scheduled to commence on March 19, 1962, is hereby postponed to April 2, 1962, at 10:00 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. Paragraphs (C) and (D) of said order issued November 21, 1961 are amended accordingly.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1730; Filed, Feb. 20, 1962; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

FIRST SECURITY CORP.

Order Denying Application

In the matter of the application of First Security Corporation for prior approval of acquisition of all the voting stock of Carbon Emery Bank, Price, Utah.

Whereas, there has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and section 4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application on behalf of First Security Corporation, Salt Lake City, Utah, for the Board's prior approval of the acquisition of all the voting stock of Carbon Emery Bank, Price, Utah; a Notice of Receipt of Application has been published in the FEDERAL REGISTER on September 27, 1961 (26 F.R. 9098), which provided an opportunity for submission of comments and views regarding the proposed acquisition; and the time for filing such comments and views has expired and no such comments or views have been filed;

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is denied.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of San Francisco.

Dated at Washington, D.C., this 15th day of February 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-1731; Filed, Feb. 20, 1962; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1453]

ANDERSON NEW ENGLAND CAPITAL CORP. AND ANDERSON-NICHOLS & CO., INC.

Notice of Filing of Application Regarding Joint Participation by Registered Company and Affiliated Persons

FEBRUARY 14, 1962.

Notice is hereby given that Anderson New England Capital Corporation ("ANECC"), a Massachusetts corporation, and a closed-end, non-diversified investment company registered under the Investment Company Act of 1940 ("Act"), which company is also a small business investment company licensed as such under the Small Business Investment Act of 1958, and Anderson-Nichols & Company, Inc. ("Consultant") (150 Causeway St., Boston, Mass.), have filed a joint application pursuant to sections 6(c) and 17(d) of the Act and Rule 17d–1 of the general rules and regulations thereunder for an order granting said application in respect of a proposed continuing arrangement whereby Consultant will render consulting and advisory services, as agent of Anderson New England Services Corporation ("Subsidiary"), a wholly-owned subsidiary of ANECC, to small business concerns in which ANECC intends to invest or has invested capital, or as an alternative, declaring that such arrangement is not subject to section 17(d) of the Act and Rule 17d–1 thereunder.

The application states that ANECC and Consultant have entered into an advisory agreement pursuant to which the Consultant will furnish ANECC with investment advisory services for a fee of ½ of 1 percent of ANECC's total assets for the first year and thereafter at the rate of ¾ of 1 percent of total assets per year. Said agreement also provides that Consultant receive separate compensation for consulting services rendered to clients and prospective clients of ANECC upon request of ANECC and upon terms agreed upon by ANECC, Consultant and the small business concern for which such services are to be rendered. ANECC proposes that such services shall be provided pursuant to contractual arrangements between the Subsidiary and the small business concern and that Consultant will be engaged to render such services as agent of the Subsidiary. Fees charged by consultant for such services will be at reasonable going rates. The utilization of such services of Consultant will be optional with any such small business concern. ANECC, however, on its part agrees to make known to such concerns the availability of such services of Consultant and, where considered appropriate, indicate the need or desirability of services of this nature for the success of the operation of the business of such concerns. The Consultant agrees to make full disclosure to all interested parties whenever it performs services for small business concerns doing business with the Corporation.

It is estimated that when ANECC's assets are fully invested, the Consultant's fees from this arrangement would not exceed $40,000 per year, or about 1.8 percent of the Consultant's estimated gross revenues from all sources. The Consultant has made an undertaking that such fees will not exceed $40,000 in any one year without prior approval of the Commission.

ANECC does not concede that any transactions pursuant to the above described arrangement constitute a joint or joint and several participation within the meaning of section 17(d) of the Act but requests the relief sought herein in order to avoid any question of the legality of the proposed arrangement.

ANECC was organized on June 26, 1961 and has assets of about $2,600,000, obtained principally through a recent public offering of 200,000 shares of its common stock. Three of ANECC's eleven directors (including the chairman of the Board, its vice-president, and its secretary) are also officers or directors of Consultant. The latter, a Massachusetts corporation, has its principal office in Boston, where with 200 employees, it carries on the business of engineering and management services formerly conducted for over thirty years by Anderson-Nichols partnerships. ANECC caused the Subsidiary to be incorporated in Massachusetts on January 30, 1962, for the purpose of making available to small business concerns for which ANECC provides financing the consulting and advisory services of Consultant.

In support of its position, ANECC states it does not consider it feasible at this time to create a division in its organization or in that of the Subsidiary which could duplicate the consulting services available through the Consultant and that it does not believe there would be a large source of revenue available to it from the activities of such a division if it were feasible to create one therein. ANECC believes that the Consultant, because of its experience in many fields, is in an excellent position to supply the solution to the problems of small business concerns and usually more economically than others might. It points out that the problems of one small business concern may call for experts in several fields and that the Consultant will, in most cases, be able to supply such experts' services from its own organization. The arrangement is stated to be ANECC's means of assuring it full knowledge of the progress of a small business borrower and of providing it with prompt information regarding weaknesses in the situation of the borrower and with advice as to recommended remedial steps.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together provide, among other things, that it shall be unlawful, with certain exceptions not applicable here, for an affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered company or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 6, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

It is ordered, That the Secretary of the Commission shall give notice of the filing of this application by mailing a copy of this notice by registered mail to the Applicants, and to the Director, Office of Investment, Small Business Administration, Washington 25, D.C., that notice to all persons shall be given by publication of this notice in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice be dis-

tributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1737; Filed, Feb. 20, 1962; 8:48 a.m.]

[File No. 812-1465]

AVIATION GROWTH INVESTMENTS, INC.

Notice of Filing of Application for Order Exempting Proposed Transaction

FEBRUARY 14, 1962.

Notice is hereby given that Aviation Growth Investments, Inc. ("Applicant"), (8645 Colesville Road, Silver Spring, Maryland), a closed-end non-diversified investment company, registered under the Investment Company Act of 1940 ("Act") and a licensee under the Small Business Investment Act of 1958, has filed an application for an order of the Commission exempting from the prohibitions of section 17(a) of the Act the proposed purchase from Applicant by Avemco Finance Corporation ("Avemco") of eleven notes, at a price equal to their unamortized cost, i.e., the unpaid balances less unearned discounts or financing charges at the date of closing.

Applicant and Avemco were sponsored and organized by Aviation Employees Corporation ("Aviation"), a Delaware corporation organized in November 1959. Aviation owns all of the outstanding common stock issued by Applicant and it owned all of Avemco's outstanding common stock prior to December 6, 1961, at which time Avemco offered 300,000 shares of common stock to the public. Aviation now owns approximately 20 percent of Avemco's outstanding stock. Avemco is engaged in the retail financing of time sales and in the financing at wholesale for dealers of business and pleasure aircraft and related equipment. Avemco's prospectus stated that approximately $189,000 of the cash proceeds from its common stock offering would be used to purchase notes from Applicant.

As of October 31, 1961, the eleven notes to be sold had unpaid balances in the aggregate amount of $237,138.88, including aggregate unearned discounts of $47,869.61. Ten of these loans are each secured by a particular type aircraft and one loan is secured by a hanger. The total approximate value of the security for the loans is $255,000. The notes mature at varying dates from March through December 1966. Each note is amortized in equal monthly installments until paid, which includes principal and an effective annual rate of interest of 11.42 percent on ten notes and 8.54 percent on one note. Pursuant to the terms of each note, the face amount thereof shall become due and immediately payable at the option of the holder in the event of a default in the payment of a monthly installment. The notes also provide for a late charge of 10 cents for each dollar of an installment in arrears for more than five days provided that such charge shall not exceed $10.00 for any one delinquent installment. The application states that one note in the original face amount of $15,322.30 is delinquent with respect to one payment totaling $255.40. Applicant, however, has not elected to accelerate the due date thereof.

Section 2(a)(3) of the Act defines an "affiliated person" of another person as, among other things, any person five percent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person, or any person directly or indirectly controlling, controlled by or under common control, with, such other person. Section 17(a) of the Act, in relevant part, prohibits an affiliated person of a registered investment company or any affiliated person of such a person, from purchasing from such registered investment company any securities or property. The proposed transaction is prohibited under section 17(a) unless exempted pursuant to section 17(b) because Avemco is an affiliated person of Aviation which in turn is an affiliated person of Applicant.

The Commission upon application pursuant to section 17(b) shall grant an exemption from the provisions of section 17(a) if it finds that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Applicant's investment policy, as recited in its registration statement insofar as here relevant, is as follows: "Registrant will not make any straight loans as all loans will have warrants or options for later conversion or purchase of equity securities at a price determined at the time of the original transaction." The notes to be sold are not accompanied by warrants or options permitting the subsequent purchase or conversion into equity securities. Applicant states that when it made the loans which are the subject of the applications, the opportunities for equity investments were limited; subsequently, numerous opportunities to make equity type investments have presented themselves which Applicant believes are advantageous and consistent with the type of investments contemplated by its investment policy.

There is no public market for the notes. Applicant asserts that no material, if any, changes have occurred in the interest rates applicable to the type of borrowings involved, or to the credit standing of the borrowers since the notes were issued. It contends, therefore, that it is reasonable and fair to sell the notes at their unamortized cost.

Notice is further given that any interested person may, not later than March 7, 1962 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

It is ordered, That the Secretary of the Commission shall give notice of the filing of this application by mailing a copy of this notice by registered mail to the Applicant and to the Director, Office of Investment, Small Business Administration, Washington 25, D.C.; that notice (to all other persons) shall also be given by publication of this Notice in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1738; Filed, Feb. 20, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 16, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37560: *Glassware from points in Arkansas and Oklahoma.* Filed by Southwestern Freight Bureau, agent (No. B-8154), for interested rail carriers. Rates on glassware and related articles, loaded in trailers or demountable trailer bodies, and transported on railroad flat or open-top equipment, from Ft. Smith, Ark., Ada, Henryetta, Muskogee, Okmulgee, Sand Springs, and Sapulpa, Okla., to specified points in Illinois, Kansas and Missouri.

Grounds for relief: Motor-truck competition.

Tariffs: Supplements 74, 137 and 24 to Southwestern Freight Bureau tariffs I.C.C. 4345, 4312 and 4362, respectively.

FSA No. 37561: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 429), for interested rail carriers. Rates on groceries, paint, dry goods, paper articles, and crude petroleum treating compounds, in carloads, tank-car loads and less-than-carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition.

Tariff: Supplement 26 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37562: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 430), for interested rail carriers. Rates on groceries, paint, dry goods, paper articles, crude petroleum treating compounds, sulphuric acid and lead, in carloads, tank-car loads and less-than-carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-1741; Filed, Feb. 20, 1962; 8:48 a.m.]

[Sec. 5a Application 34]

MIDDLEWEST MOTOR FREIGHT BUREAU

Approval of Amendments to Agreement

FEBRUARY 16, 1962.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed February 9, 1962, by: J. D. Lawson, P.O. Drawer 647, Kansas City 46, Mo.

Amendments involved: Change the bylaws of the bureau so as to (1) add Alaska and Canada as areas to and from which rates will be published and provide that carriers serving those areas may become members, (2) provide for an executive vice-president in lieu of the present general manager, (3) realign State groupings for selection of members of the board of directors, (4) establish provisions covering the eligibility and selection of such directors and the members of rate committees, (5) clarify certain existing provisions, including those which provide for the calling and conduct of membership and board meetings, as well as the filing of requests for appeals from the standing rate committee to the general rate committee, (6) include additional provisions with respect to intermodal rates, especially those covering so-called Plan V piggyback traffic, (7) eliminate requirement as to publication of notices of meetings, dockets of proposals, recommendations thereon, and appealed subjects in a national transportation publication, but continuing to give such notices in the bureau's own publication, (8) include new provisions governing proposals adopted by the standing rate committee without modification, (9) reduce the waiting period for publication of independently announced matters from 15 to 5 days, (10) require that members making publication of charges in tariffs of a nonmember carrier furnish the bureau copies of such tariffs, (11) permit only members in good standing and the executive vice-president to make requests for emergency action, (12) establish procedures governing divisions of interline revenue, and (13) retitle and rearrange various articles, with appropriate changes in article numbers.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-1742; Filed, Feb. 20, 1962; 8:48 a.m.]

[Notice 198]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 16, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2962 (Deviation No. 1), A. & H. TRUCK LINE, INC., 1277 Maxwell Avenue, Evansville, Ind., filed February 5, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Vincennes, Ind., over U.S. Highway 50 to junction Illinois Highway 33, thence over Illinois Highway 33 to junction Illinois Highway 1, thence over Illinois Highway 1 to Chicago, Ill., and (B) from Terre Haute, Ind. over U.S. Highway 150 to junction Illinois Highway 1, thence over Illinois Highway 1 to Chicago, Ill., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Evansville, Ind. over U.S. Highway 41 to Chicago; and from Hammond, Ind. over Indiana Highway 152 to the junction of U.S. Highways 41 and 6, and return over the same routes.

No. MC 10761 (Deviation No. 17), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., filed February 2, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Springfield, Mass. and Hartford, Conn., over Interstate Highway 91, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Springfield over U.S. Highway 5 to Hartford, and return over the same route.

No. MC 10928 (Deviation No. 8), SOUTHERN-PLAZA EXPRESS, INC., P.O. Box 10572, Dallas 7, Tex., filed February 8, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between St. Louis, Mo., and Chicago, Ill., over Interstate Highway 55, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From St. Louis over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to Chicago; and from St. Louis over U.S. Highway 66 to junction Illinois Highway 48, thence over Illinois Highway 48 to Fullerton, Ill., thence over U.S. Highway 54 to Onarga, Ill., thence over U.S. Highway 45 to Kankakee, Ill., thence over Illinois Highway 49 to Chicago, and return over the same routes.

No. MC 52629 (Deviation No. 7), HUBER & HUBER MOTOR EXPRESS, INC., 970 South Eighth Street, Louisville 3, Ky., filed February 5, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Speedway, Ind., over Interstate Highway 74 to junction U.S. Highway 136, at

Lizton, Ind., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 136 to junction U.S. Highway 150, thence over U.S. Highway 150 to Morton, Ill., and return over the same route.

No. MC 52629 (Deviation No. 8), HUBER & HUBER MOTOR EXPRESS, INC., 970 South Eighth Street, Louisville 3, Ky., filed February 5, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 136 and Interstate Highway 74, approximately 1½ miles east of Danville, Ill., over Interstate Highway 74 to junction U.S. Highway 136, west of Veedersburg, Ind., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 136 to junction U.S. Highway 150, thence over U.S. Highway 150, to Morton, Ill., and return over the same route.

No. MC 52629 (Deviation No. 9), HUBER & HUBER MOTOR EXPRESS, INC., 970 South Eighth Street, Louisville 3, Ky., filed February 5, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 21 and Interstate Highway 77, southwest of Sissonville, W. Va., over Interstate Highway 77 to junction U.S. Highway 21, at Fairplain, W. Va., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Charleston, W. Va. over U.S. Highway 21, via Mineral Wells, W. Va., to Parkersburg, W. Va., and return over the same route.

No. MC 52629 (Deviation No. 10), HUBER & HUBER MOTOR EXPRESS, INC., 970 South Eighth Street, Louisville 3, Ky., filed February 5, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 64 and U.S. Highway 60, west of Winchester, Ky., over Interstate Highway 64 to junction U.S. Highway 60, east of Mount Sterling, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Louisville, Ky. over U.S. Highway 60, via Frankfort, Ky., to Ashland, Ky., and return over the same route.

No. MC 52629 (Deviation No. 11), HUBER & HUBER MOTOR EXPRESS, INC., 970 South Eighth Street, Louisville 3, Ky., filed February 5, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From a point approximately two miles north of Pelham, Tenn. over unnumbered county highway to junction Interstate Highway 24, thence over Interstate Highway 24 to junction U.S. Highway 64, west of U.S. Highway 41, at Monteagle, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Louisville, Ky., over U.S. Highway 31W to Nashville, Tenn., thence over U.S. Highway 41 to Chattanooga, Tenn.; from Louisville, Ky. over Kentucky Turnpike to junction U.S. Highway 31W, thence over U.S. Highway 31W to Nashville, Tenn., thence over U.S. Highway 41 to Dalton, Ga.; and from Earl Park, Ind., over U.S. Highway 41 to Hopkinsville, Ky., thence over U.S. Highway 41A to Nashville, Tenn., thence over U.S. Highway 41 to Dalton, Ga., and return over the same routes.

No. MC 59681 (Deviation No. 2), DAKOTA TRANSFER AND STORAGE COMPANY, 11 Oak Street Southeast, Minneapolis 41, Minn., filed February 2, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highways 90 and 94 to Eau Claire, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago over U.S. Highway 12, via Tomah, Wis., to Minneapolis, Minn.; from Chicago over U.S. Highway 14 to junction U.S. Highway 61, at La-Crosse, Wis., thence over U.S. Highway 61 to Minneapolis, Minn.; and from the junction of U.S. Highways 12 and 16 over U.S. Highway 16 to junction U.S. Highway 51, thence over U.S. Highway 51 to junction Wisconsin Highway 30, thence over Wisconsin Highway 30 to junction Wisconsin Highway 73, thence over Wisconsin Highway 73 to junction U.S. Highway 12, and return over the same routes.

No. MC 66562 (Deviation No. 9), RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y., filed February 5, 1962. Attorney William H. Marx, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, moving in express service over a deviation route as follows: From Fairmont, W. Va., over U.S. Highway 250 to junction West Virginia Highway 73, thence over West Virginia Highway 73 to junction U.S. Highway 50, thence over U.S. Highway 50 to Clarksburg, W. Va., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Connellsville, Pa., over U.S. Highway 119 to Morgantown, W. Va., thence over U.S. Highway 19 to Fairmont, W. Va., to Clarksburg; from Connellsville, Pa., as specified above to Fairmont, W. Va., thence over U.S. Highway 250 to Grafton, W. Va.; and from Smithfield, Pa., over Pennsylvania Highway 266 to junction Pennsylvania Highway 166, thence over Pennsylvania Highway 166 to junction U.S. Highway 119, and return over the same routes.

No. MC 78632 (Deviation No. 6), HOOVER MOTOR EXPRESS COMPANY, INC., P.O. Box 450, Polk Avenue, Nashville, Tenn., filed February 2, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill. over Interstate Highway 65 to Birmingham, Ala., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Indianapolis, Ind.; from Chicago over U.S. Highway 41 to junction U.S. Highway 136 (formerly Indiana Highway 34), thence over U.S. Highway 136 to Indianapolis, Ind.; from Chicago over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Lafayette, Ind., thence over U.S. Highway 231 (formerly Indiana Highway 43) to Crawfordsville, Ind., thence over U.S. Highway 136 to Indianapolis, Ind.; from Chicago to Indianapolis, Ind., as specified above, thence over Indiana Highway 431 to junction U.S. Highway 31 (about 1 mile below Greenwood, Ind.), thence over U.S. Highway 31 to junction Indiana Highway 252, thence over Indiana Highway 252 to Edinburg, Ind., thence over Indiana Highway 252 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction Alternate U.S. Highway 31 (formerly U.S. Highway 31), thence over Alternate U.S. Highway 31 via Columbus, Ind., to Seymour, Ind., thence east over U.S. Highway 50 to junction U.S. Highway 31, thence over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31W to Louisville, Ky.; and from Louisville, Ky. over U.S. Highway 31W to Elizabethtown, Ky., thence over Kentucky Highway 61 to Hodgenville, Ky., thence over U.S. Highway 31E to Glasgow, Ky., thence over Kentucky Highway 63 to the Kentucky-Tennessee State line, thence over Tennessee Highway 56 to Red Boiling Springs, Tenn., thence over Tennessee Highway 52 to Westmoreland, Tenn., thence over U.S. Highway 31E to Nashville, Tenn., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 74), THE GREYHOUND CORPORATION, 1400 Main Street, Kansas City 8, Mo., filed February 5, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From the junction of U.S. Highway 66 and Interstate Highway 40, west of Calumet, Okla., over Interstate Highway 40 to junction U.S. Highway 66, east of Hydro, Okla., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From St. Louis, Mo. over U.S. Highway 66 to Albuquerque, N. Mex., and return over the same route.

No. MC 2890 (Deviation No. 12), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha 2, Nebr., filed February 7, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From St. Louis, Mo., over Interstate Highway 70 to junction Bypass U.S. Highway 40, west of St. Charles, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From St. Louis over Alternate U.S. Highway 40 and Bypass U.S. Highway 40 to Wentzville, Mo., thence over U.S. Highway 61, via Taylor, Iowa to Keokuk, Iowa, and return over the same route.

No. MC 2890 (Deviation No. 13), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha 2, Nebr., filed February 7, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route between St. Joseph and Kansas City, Mo., over Interstate Highway 29, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From St. Joseph over U.S. Highway 59 to junction Missouri Highway 45, thence over Missouri Highway 45 to Kansas City, and return over the same route.

No. MC 109780 (Deviation No. 9), TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex., filed February 8, 1962, Attorney C. Zimmerman, 300 South-Broadway, P.O. Box 730, Wichita, Kans. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From the Kansas-Oklahoma State line, near South Haven, Kans., over Interstate Highway 35 to Oklahoma City, Okla., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Kansas City, Kans. over U.S. Highway 66 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction U.S. Highway 77, thence over U.S. Highway 77 to Oklahoma City; also from Kansas City, Kans. over the Kansas Turnpike to the Kansas-Oklahoma State line, near South Haven, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-1743; Filed, Feb. 20, 1962; 8:49 a.m.]

[Notice 422]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 16, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 a.m., local daylight saving time (if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub-No. 385), filed February 7, 1962. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semitrailers* and *trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements, in truckaway and driveaway service, (a) from Dallas, Oreg., to points in the United States, including Alaska but excluding Hawaii, and (b) *tractors*, in secondary driveaway service, only when drawing trailers moving in initial driveway service, from Dallas, Oreg., to points in Alaska, Arizona, Nevada, Oregon and Vermont.

NOTE: Applicant states W. F. Carey and Bert B. Beveridge, who control applicant, also control Automobile Carriers, Inc., and C. & J. Commercial Driveaway Company, Inc.

HEARING: April 17, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 4405 (Sub-No. 386), filed February 7, 1962. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements, in truckaway and driveaway service, from the site of the Talbert Trailer Company plant at Hayward, Calif., to points in the United States, including Alaska, but (excluding Hawaii), and (2) *tractors*, in secondary driveaway service, only when drawing trailers moving in initial driveaway service, from the site of the Talbert Trailer Company plant at Hayward, Calif., to points in Alaska, Arizona, Nevada, Oregon, and Vermont.

NOTE: Common control may be involved.

HEARING: April 16, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 36313 (Sub-No. 2) (CORRECTION), filed January 18, 1962, published in the FEDERAL REGISTER, issue of February 7, 1962, republished as corrected, this issue. Applicant: CHARLES A. MASTRONARDI, INC., 166 Montague Street, Brooklyn, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated cartons*, from Gloucester, N.J., to Seaford, Del.

NOTE: (1) Applicant states the proposed operation will be under continuing contract with Hinde and Dauch Division of The West Virginia Pulp and Paper Company. (2) Applicant's president is also president of Essex Warehouse Company, MC 76062, a common carrier; dual operations, or common control, may be involved. (3) This republication corrects the name of the firm in note (1) above, erroneously shown as Hinde and Auch in previous publication.

HEARING: Remains as assigned, March 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 52709 (Sub-No. 151), filed December 4, 1961. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, from La Junta, Colo., and points within five (5) miles of La Junta to points in Arizona, Arkansas, California, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Louisiana, Oregon, Texas, Washington, and Wyoming.

NOTE: Applicant states "it controls United Freight, Inc., and Inter State Express, Inc., both of which are wholly-owned by applicant."

HEARING: March 30, 1962, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Lawrence Van Dyke, Jr.

No. MC 90373 (Sub-No. 14), filed January 12, 1962. Applicant: C. & R. TRUCKING CO., a corporation, Inman Avenue, Avenel, N.J. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* and *antifreeze*, in containers, from Petty's Island, N.J., to Stamford and Portland, Conn., and *empty containers* or other such incidental facilities used in transporting the above-described commodities, and *returned and rejected commodities*, on return.

NOTE: Applicant states that through its president, C. Raymond Covino, it presently owns and controls the contract carrier authority held by W. Hunter Atkinson in MC 109352 and Sub 3.

HEARING: March 28, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C. before Examiner James Anton.

No. MC 90373 (Sub-No. 15), filed January 12, 1962. Applicant: C. & R. TRUCKING CO., a corporation, Inman Avenue, Avenel, N.J. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Linden, N.J., to Minquidale, Del., and *returned and rejected shipments*, on return.

NOTE: Applicant states that through its president, C. Raymond Covino, it presently owns and controls the contract carrier authority held by W. Hunter Atkinson in MC 109352 and Sub 3.

HEARING: March 28, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James Anton.

No. MC 95540 (Sub-No. 400), filed February 8, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wilmington, Del., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant states that it is affiliated with Arctic Express, Inc., through stock ownership in Bill Watkins, and Watkins Motor Lines, Inc.

HEARING: February 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 95627 (Sub-No. 40), filed January 29, 1962. Applicant: NELMS MOTOR LINE, INC., P.O. Box 912, Suffolk, Va. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and dairy products*, as described in Appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when moving under refrigeration, in vehicles equipped with mechanical refrigeration, (1) between Smithfield, Va., and Wilmington, Del., (2) from Smithfield, to points in Delaware and Maryland east of Chesapeake Bay and south of U.S. Highway 40.

HEARING: March 30, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 278.

No. MC 105461 (Sub-No. 39), filed January 31, 1962. Applicant: HERR'S MOTOR EXPRESS, INC., Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum furniture, wooden furniture, wooden toys*, and *wooden gates, ironing tables*, and *clothes dryers*, from Wellsville, N.Y., to New York, N.Y., and points on Long Island, N.Y., points in Pennsylvania (except points in Chester, Delaware, Montgomery, Philadelphia, and Bucks Counties), points in Delaware (except points in New Castle County), points in New Jersey (except points on and south of U.S. Highway 30 and points within 45 miles of Kennett Square, Pa.), and points in Maryland (except points located within the Washington, D.C., Commercial Zone, as defined by the Commission, and Baltimore, Md., and points within eight (8) miles thereof), and (2) *aluminum furniture*, from Whitesville, N.Y., to New York, N.Y., and points on Long Island, N.Y., points in Pennsylvania (except points in Chester, Delaware, Montgomery, Philadelphia, and Bucks Counties), points in Delaware (except points in New Castle County), points in New Jersey (except points on and south of U.S. Highway 30 and points within 45 miles of Kennett Square, Pa.), and points in Maryland (except points located within the Washington, D.C., Commercial Zone, as defined by the Commission, and Baltimore, Md., and points within eight (8) miles thereof).

HEARING: March 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

No. MC 106644 (Sub-No. 43), filed January 31, 1962. Applicant: SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place NE., Atlanta, Ga. Applicant's attorney: Reuben G. Crimm, 1375 Peachtree Street NE., Suite 693, Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete and wood fibre building slabs*, and *accessories incidental thereto and moving along therewith*, on flatbed equipment, from the plant site of Concrete Products, Inc., Brunswick, Ga., to points in Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Texas, Arkansas, New Mexico, Arizona, Oklahoma, Missouri, Kansas, Iowa, Wisconsin, Minnesota, Illinois, Indiana, Michigan, Ohio, West Virginia, and the District of Columbia.

HEARING: March 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 107107 (Sub-No. 195), filed February 12, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Charleston, S.C., and Savannah, Ga., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin.

HEARING: February 27, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 108053 (Sub-No. 33), filed February 7, 1962. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 310, Fremont, Nebr. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feeds and foodstuffs*, from points in Maine, Massachusetts, New Hampshire, New Jersey, New York, N.Y., including the Commercial Zone, as defined by the Commission, and Pennsylvania to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: Common control may be involved.

HEARING: February 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William K. Royall.

No. MC 108053 (Sub-No. 34), filed February 12, 1962. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 310, Fremont, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, meats, packinghouse products, and commodities, used by packinghouses*, as described in Appendix I of *Descriptions in Motor Carrier Certificates*, Ex Parte MC-45, from Denver, Greeley, and Pueblo, Colo., to points in Utah, Arizona, New Mexico, Texas, California, Nevada, Idaho, Wyoming, Montana, Washington, Oregon, and points in Cimarron, Beaver, and Texas Counties, Okla.

NOTE: Common control may be involved.

HEARING: March 13, 1962, at the Albany Hotel, Denver, Colo., before Examiner Charles B. Hehemann.

No. MC 110193 (Sub-No. 45), filed February 12, 1962. Applicant: SAFE-WAY TRUCK LINES, INC., 4625 West 55th Street, Chicago, Ill. Applicant's attorney: Howell Ellis, Suite 1210-12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile and refractory products*, from points in Lawrence and Beaver Counties, Pa., and Stark, Carroll, and Tuscarawas Counties, Ohio, to points in Illinois.

HEARING: March 5, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Gordon M. Callow.

No. MC 110698 (Sub-No. 200), filed February 12, 1962. Applicant: RYDER TANK LINE, INC., Winston Salem Road, Greensboro, N.C. Applicant's attorney: Dale Woodall, 9020 LaPorte Expressway, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Varnishes and resins*, in bulk, in tank vehicles, from Valley Park, Mo., to points in Texas.

NOTE: Applicant states that the capital stock of Ryder Tank Line, Inc., is held by Ryder System, Inc.

HEARING: March 30, 1962, at the Federal Office Building, Franklin and Fann Streets, Houston, Tex., before Examiner Isadore Freidson.

No. MC 111812 (Sub-No. 152), filed February 9, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 147, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and foodstuffs*, from points in Adams and Franklin Counties, Pa., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wisconsin.

NOTE: Common control may be involved.

HEARING: March 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 111851 (Sub-No. 4) (CORRECTION), filed December 7, 1961, published issue of February 7, 1962, and republished as corrected this issue. Applicant: CHARLES H. McCREARY, INC., 666 Garfield Avenue, Newark, Ohio. Applicant's representative: Earl J. Thomas, Thomas Building, 5844–5850 North High Street, Worthington, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bulk, in dump trucks and in vehicles especially designed and manufactured for the transportation of dry bulk commodities from Barberton, Ohio, to points in Maryland.

NOTE: The purpose of this republication is to add the word commodities which was inadvertently omitted from the above especially designed equipment.

HEARING: Remains as assigned March 12, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Charles J. Murphy.

No. MC 112020 (Sub-No. 150), filed February 7, 1962. Applicant: COMMERICAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Varnish and resins*, in bulk, in tank vehicles, from Valley Park, Mo., to points in Texas.

NOTE: Applicant states it is owned and controlled by the same stockholders who own and control Commercial Oil Transport of Oklahoma, Inc.

HEARING: March 30, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Isadore Freidson.

No. MC 113106 (Sub-No. 10), filed January 31, 1962. Applicant: KENNETH K. ZECHMAN AND HARRY E. ZECHMAN, a partnership, doing business as, BLUE DIAMOND COMPANY, 4401 East Fairmont Avenue, Baltimore 24, Md. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt common in bulk* and *rock salt in bulk treated* (anticaking or other ingredients which are added to rock salt for furthering the usage of rock salt for ice or snow melting), (1) between points in Delaware, Maryland, and Washington, D.C., and (2) from points in Delaware, Maryland, and Washington, D.C., to points in Adams, Chester, Delaware, Franklin, Lancaster, and York Counties, Pa., points in Arlington, Clarke, Culpeper, Fairfax, Fauquier, Frederick, Greene, King George, Loudoun, Madison, Orange, Page, Prince William, Rappahannock, Rockingham, Shenandoah, Spotsylvania, Stafford, and Warren Counties, Va., and Berkeley and Jefferson Counties, W. Va.

NOTE: Applicant states the proposed operation will be restricted to shipments having had a prior movement by motor carrier, rail or water carrier.

HEARING: March 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 113267 (Sub-No. 56) (AMENDED), filed December 11, 1961, published in the FEDERAL REGISTER issue of February 7, 1962, republished as amended February 14, this issue. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses, such commodities as are used by meat packers in the conduct of their business, when destined to and for use by meat packers*, and *foodstuffs*, moving in mechanically refrigerated vehicles, between points in Mississippi.

NOTE: This republication is for the purpose of removing the restriction which would limit operations to traffic originating outside of Mississippi, as shown in original publication.

HEARING: Remains as assigned March 16, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 97, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 114019 (Sub-No. 82), filed February 9, 1962. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs* from Peach Glen, Biglerville, and Orrtanna, Pa., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming.

NOTE: Applicant states that it controls Little Audrey's Transportation, Inc., Chamberland's Express, Inc. and Independent Truckers, Inc.

HEARING: March 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 115841 (Sub-No. 99), filed February 7, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food* (when shipped in the same vehicle with shipments of meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses), from Memphis, Tenn., to points in that part of Alabama north and west of Jackson, DeKalb, Etowah, St. Clair, Shelby, Bibb, Hale, Marengo, and Choctaw Counties, Ala., points in that part of Mississippi north of Clarke, Jasper, Smith, Simpson, Copiah, and Clairborne Counties, Miss., points in that part of Arkansas east of Columbia, Nevada, Pike, Montgomery, Scott, Logan, Johnson, Madison, and Carroll Counties, Ark., and points in that part of Tennessee west of Sumner, Wilson, Rutherford, Bedford, and Lincoln Counties, Tenn.

HEARING: March 2, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Francis A. Welch.

No. MC 115841 (Sub-No. 101), filed February 7, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products*, and *commodities used by packing houses* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Memphis, Tenn., to points in Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina.

HEARING: March 6, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Francis A. Welch.

No. MC 116077 (Sub-No. 121), filed February 12, 1962. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, Esperson Building, Suite 1535, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, between points in Nueces County, Tex. (except from Bishop, Tex.), on the one hand, and, on the other, points in California.

HEARING: March 29, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Isadore Freidson.

No. MC 118130 (Sub-No. 5), filed February 5, 1962. Applicant: BENJAMIN M. HAMRICK, doing business as BEN HAMRICK, 1208 Jones Street, Fort

Worth, Tex. Applicant's attorney: M. Ward Bailey, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, on stalks, in bags, and in boxes, from Houston, Tex., to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, California, Ohio, Tennessee, West Virginia, Wisconsin, Alabama, Georgia, Illinois, Indiana, Kentucky, Michigan, and Mississippi, and *exempt commodities*, and *rejected shipments*, on return.

HEARING: March 26, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Isadore Freidson.

No. MC 118168 (Sub-No. 4) (AMENDMENT), filed November 20, 1961, published issue of December 20, 1961, amended December 22, 1961, and republished as amended January 4, 1962, and republished as further amended this issue. Applicant: MARQUIS REFRIGERATED LINES, INC., Findley and Beltline Road, Irving, Tex. Applicant's attorney: M. Ward Bailey, 807 Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potato products not frozen* and *frozen foods*, from points in Oregon, Idaho, Utah, and Washington, to points in New Mexico, Texas, Louisiana, Arkansas, and Oklahoma, and *exempt commodities*, on return.

NOTE: The purpose of this further republication is to add the state of Washington as an origin state.

CONTINUED HEARING: February 22, 1962, at the Continental Denver Hotel, Valley Highway at Speer Exit, Denver, Colo., before Examiner Donald R. Sutherland.

No. MC 118898 (Sub-No. 6), CORRECTION), filed October 23, 1961, published FEDERAL REGISTER issue of February 7, 1962, corrected February 12, 1962, and republished as corrected this issue. Applicant: T. P. TRUCKING COMPANY, INC., 1489 Grady Avenue, Yazoo City, Miss. Applicant's attorney: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiber roof deck*, from the plant site of Fireproof Products of Mississippi, Inc., near Terry, Miss., to points in Alabama, Louisiana, Arkansas, points in Tennessee West of the Tennessee River, and points in Texas East of U.S. Highway 69. RESTRICTION: The applicant states that "the above transportation is to be limited to a service performed under a continuing contract with Fireproof Products of Mississippi, Inc., Terry, Miss."

NOTE: The purpose of this republication is to correct the "error" in the commodity description as well as the destination territory as published previously, to read as shown above.

HEARING: Remains as assigned March 14, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 119507 (Sub-No. 9) (CORRECTION), filed December 14, 1961, published in the FEDERAL REGISTER issue of February 7, 1962, republished as corrected this issue. Applicant: CRAUN TRANSPORTATION, INC., Emma Street, Bettsville, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refractory products* from Maple Grove, Ohio, and points within two miles thereof, to points in Michigan (except points in the southeastern part of Michigan which are on or east of U.S. Highway 23 and on or south of Michigan Highway 59), points in Indiana (except Fort Wayne, Kokomo, and points in the Chicago, Ill. Commercial Zone as defined by the Commission), points in Wisconsin, and points in Mercer, Lawrence, Butler, Beaver, and Allegheny Counties, Pa.; and (2) *pallets, skids*, and *shipping containers* used in the transportation of refractory products, from points in the above-specified destination territory to Maple Grove, Ohio, and points within two miles thereof.

NOTE: The purpose of this republication is to delete "(near Garrettsville)" following "Maple Grove", shown in error as originally published.

HEARING: Remains as assigned, March 15, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner Charles J. Murphy.

No. MC 119577 (Sub-No. 4), filed February 5, 1962. Applicant: TERRY TRUCKING SERVICE, INC., P.O. Box 502, R.R. No. 3, Ottawa, Ill. Applicant's representative: William J. Monheim (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from La Salle and Chicago, Ill., to points in Wisconsin.

HEARING: March 14, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 17.

No. MC 119702 (Sub-No. 5), filed September 22, 1961. Applicant: STAHLY CARTAGE CO., a corporation, 130a Hillsboro Avenue, Edwardsville, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, fertilizer and fertilizer solutions including, but not limited to anhydrous ammonia*, in bulk, in tank vehicles, from Pekin, Ill., and points within 5 miles thereof, to points in Missouri, Iowa, Wisconsin, and Indiana.

HEARING: March 14, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Armin G. Clement.

No. MC 119934 (Sub-No. 40), filed February 12, 1962. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. Applicant's attorney: Robert C. Smith, 618 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur*, molten, in bulk, in tank vehicles, from Marseilles, Ill., and points within five (5) miles thereof, to points in Indiana.

HEARING: March 15, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 123988 (CORRECTION), filed October 17, 1961, published January 31, 1962, and republished as corrected this issue. Applicant: HAROLD LEE SHERMAN, WILLIAM WILLIS BODDIE, THOMAS G. POWELL, AND E. H. EVANS, a partnership, doing business as SHERMAN AND BODDIE, 1001 College Street, Oxford, N.C. Applicant's attorney: John R. Jordan, Jr., Suite 611 First Citizens Bank Building, Raleigh, N.C. In previous publication in Item 1 Dalvan, Wis., was misspelled. The correct spelling is Delavan, Wis.

HEARING: Remains as assigned March 5, 1962, at the U.S. Court Room Uptown P.O. Building, Raleigh, N.C., before Examiner A. Lane Cricher.

No. MC 124181, filed January 29, 1962. Applicant: JOSEPH GENOVA, Clayton Road, Williamstown, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* from Williamstown, N.J., to New York, Buffalo, Albany, Schenectady, Rochester, and Canandaigua, N.Y., Philadelphia, Wilkes Barre, and Scranton, Pa., Baltimore, Md., and Washington, D.C.

NOTE: Applicant states the proposed operation will be under a continuing contract with Violet Packing Company of Williamsburg, N.J.

HEARING: March 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 56082 (Sub-No. 41), filed February 8, 1962. Applicant: DAVIS & RANDALL, INC., Chautauqua Road, Fredonia, N.Y. Applicant's attorney: Albert J. Tener, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising materials*, from Cumberland, Md., to points in Michigan, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

No. MC 72444 (Sub-No. 14), filed February 7, 1962. Applicant: THE AKRON-CHICAGO TRANSPORTATION COMPANY, INC., 1016 Triplett Boulevard, Akron 6, Ohio. Applicant's attorney: R. W. Duff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cincinnati, Ohio, and junction U.S. Highways 41 and 30 at Schererville, Ind.; from Cincinnati over U.S. Highway 52 to intersection Indiana Highway 100 near Indianapolis, Ind., thence northwesterly over Indiana Highway 100 around Indianapolis to junction U.S. Highway 52, thence north over U.S. Highway 52 to junction Interstate Highway 65, thence northerly over Interstate Highway 65 to junction U.S. Highway 52 near Lebanon, Ind., thence north over U.S. Highway 52 to junction U.S. Highway 41 at Kentland, Ind., thence north over U.S. Highway 41 to junction U.S. Highway 30 at Schererville, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only in connection with applicant's presently authorized regular-route operations.

No. MC 109478 (Sub-No. 48), filed February 9, 1962. Applicant: WORSTER MOTOR LINES, INC., East Main Road, R.D. No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby supplies*, from the site of Gerber Products Company plant at Rochester, N.Y., to Boston, Fall River, New Bedford, and Taunton, Mass., Providence, R.I., and points in Maine, New Hampshire, Vermont, Pennsylvania, Ohio, New Jersey, West Virginia, and points in the New York, N.Y., Commercial Zone, as defined by the Commission.

No. MC 112020 (Sub-No. 151), filed February 9, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1600 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oils and fats and blends thereof, including hydrolyzed fats*, in bulk, in tank vehicles, from St. Louis, Mo., to points in Alabama.

NOTE: Applicant states that it is owned and controlled by the same stockholders that own and control Commercial Oil Transport of Oklahoma, Inc.

No. MC 124067 (Sub-No. 2), filed February 8, 1962. Applicant: CAPITAL CITY EXPRESS, INC., 1947 Gorgas Street, Montgomery, Ala. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, commodities of unusual value, household goods as defined by the Commission, and commodities requiring special equipment), from points in Florida, Georgia, Mississippi, South Carolina, North Carolina, Tennessee, West Virginia, Kentucky, Pennsylvania, and the District of Columbia, to Attalla, Gadsden, and Mobile, Ala.

NOTE: Applicant states that the commodities specified above are those declared surplus by the U.S. Government.

No. MC 124212, filed February 12, 1962. Applicant: MITCHELL TRANSPORT, INC., 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorney: Roland Rice, Suite 618, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plant site of the Lehigh Portland Cement Company at or near Mitchell (Lawrence County), Ind., to points in Ohio, Kentucky, and Illinois within 200 miles of the plant site of Lehigh Portland Cement Company at or near Mitchell, Ind., and *rejected and returned shipments* of the above-specified commodities, on return.

NOTE: Applicant states it holds contract authority under MC 114036 to transport cement, therefore, dual operations may be involved. Applicant also states common control may be involved.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 264), filed February 5, 1962. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago, Ill. Applicant's attorney: Robert J. Bernard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) from the interchange of U.S. Highway 41 and Interstate Highway 94 near the Wisconsin-Illinois State line over Interstate Highway 94 to the interchange of Interstate Highways 94 and 294, thence over Interstate Highway 294 to its interchange with Illinois Highway 1–A, and return over the same route, serving no intermediate points, (2) from the junction of Interstate Highway 94 and Illinois Highway 22, over Illinois Highway 22 to its junction with Illinois Highway 83, thence over Illinois Highway 83 to its junction with Illinois Highway 53, thence over Illinois Highway 53 to its junction with U.S. Highway 14, thence over U.S. Highway 14 to Wilke Road, thence over Wilke Road to Arlington Park Race Track, and return over the same route, serving no intermediate points, and (3) from the interchange of Interstate Highways 294 and 90, over Interstate Highway 90 to and over city streets to Hawthorne Race Track in Cicero, Ill., and return over the same route, serving the intermediate point of Sportsman's Park, Cicero, Ill.

No. MC 59238 (Sub-No. 49), filed February 6, 1962. Applicant: VIRGINIA STAGE LINES, INCORPORATED, 114 Fourth Street SE., Charlottesville, Va. Applicant's attorney: Raymond H. Warns, Court Square Building, Charlottesville, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail and newspapers* in the same vehicle with passengers, between junction U.S. Highway 29 and U.S. Highway 50, and Washington, D.C.; from junction U.S. Highway 29 and U.S. Highway 50, over U.S. Highway 50 to junction Washington Boulevard, thence over Washington Boulevard to junction U.S. Highway 1, thence over U.S. Highway 1 to Washington, D.C., and return over the same route, serving all intermediate points.

NOTE: Applicant states the proposed operation is subject to the restriction that no passengers will be transported whose entire journey is between intermediate points on the proposed route or between such points and Washington, D.C. Applicant further states it now holds alternate route authority over the proposed route which authority applicant will seek to revoke should the instant application be granted.

NOTICE OF FILING OF PETITIONS

No. MC 14786 (Sub-No. 9) (PETITION), dated February 1, 1962. Petitioner: GREYHOUND VAN LINES, INC., 57 West Grand Avenue, Chicago, Ill. Petitioner's attorney: D. W. Marikham, 2001 Massachusetts Avenue NW., Washington 6, D.C. By application (BMC–78) filed August 14, 1961, applicant sought authority as follows: "To operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Interstate Commerce Commission in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467; between points in California, New Mexico, Oklahoma, and Texas, with the right to tack said authority to applicant's other operating authority and with the right to traverse, for operating purposes only, the States of Arizona, Nevada, and Wyoming in connection with applicant's other authorized operations." By petition dated February 1, 1962, it seeks leave to amend the above description so as to read as follows: "Between points and places in the 38 States and the District of Columbia (between which applicant presently has such authority), California, Idaho, Montana, New Mexico, Oregon, Utah, and Washington." Petitioner states that the purpose of the amendment is to clarify the scope and intent of the application. The petition also includes a request for postponement of the hearing assigned February 27, 1962. Any person or persons desiring to participate in this proceeding, may file an appropriate pleading within 30 days from the date of this publication in the FEDERAL REGISTER.

No. MC 115873 (PETITION TO MODIFY OPERATING AUTHORITY), dated November 29, 1961. Petitioner: HAROLD WAGGONER & COMPANY, 103 Westminster Drive, Collinsville, Ind. By petition dated November 29, 1961, petitioner states that it presently transports liquid chemicals, in bulk, in tank vehicles, pursuant to authority in the above-numbered permit authorizing the transportation of commodities designated as follows: "Liquid Chemicals, in bulk, in tank vehicles, as described in Maxwell Company, Extension—Addyston, 63 MCC 677, etc.", as a contract carrier. Petitioner requests the authority be modified so as to read: "liquid chemicals, in bulk, in tank vehicles" and that the transportation of liquid chemicals be the same as that in MC 109637 Sub. 74, Southern Tank Lines, Inc., Extension, St. Bernard, Ohio." Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this republication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereof (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–7945 (GREYHOUND VAN LINES, INC. — PURCHASE (PORTION)—CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, LOUIS J. JOHNSON AND RAYMOND W. JOHNSON AND IDA B. COUEY AND JAMES R. COUEY), (PETITION), dated February 1, 1962. See notice of filing of Petition published under Docket No. MC 14786 (Sub-No. 9), this issue.

No. MC–F–8077. Authority sought for purchase by TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Avenue, Chicago 20, Ill., of the operating rights of E. J. COLLINS, an individual, doing business as A & B MOVING AND STORAGE, 8918 Winner Road, Independence, Mo., and for acquisition by JOHN J. RAPP, also of Chicago, Ill., of control of such rights through the purchase. Applicants' attorneys: Kretsinger & Kretsinger, Suite 510 Professional Building, Kansas City 6, Mo. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes between Kansas City, Mo., and points within 25 miles thereof, on the one hand, and, on the other, points in Missouri, Iowa, Nebraska, and Kansas, between Panora, Iowa, and points within 20 miles thereof, on the one hand, and, on the other, points in Illinois and Missouri, between Des Moines, Iowa, and points within 80 miles thereof, on the one hand, and, on the other, points in Illinois, Kansas, Minnesota, Nebraska, Oklahoma, South Dakota, and Wisconsin, between Tulsa, Okla., and points within 35 miles of the center of said city, on the one hand, and, on the other, points in Oklahoma, Kansas, Arkansas, Missouri, and Texas, and between points in Nebraska, Kansas, and certain points in Iowa, on the one hand, and, on the other, points in Nebraska, Kansas, Iowa, Missouri, Colorado, Arkansas, Oklahoma, Texas, Minnesota, Wisconsin, Illinois, Kentucky, Georgia, Virginia, North Carolina, Ohio, Pennsylvania, New Jersey, Maryland, Massachusetts, New York, Tennessee, and the District of Columbia, *household goods* and *emigrant movables*, between points in Iowa, on the one hand, and, on the other, certain points in Missouri, and points in Minnesota, Nebraska, Indiana, and Illinois, *canned goods*, from Sleepy Eye, Minn., and Rochelle, Ill., to Omaha, Nebr., *radiators*, steam, and *steam radiator parts*, from Edwardsville, Ill., to Omaha, Nebr., and *oil* and *grease* in containers, from Cleveland, Ohio, to Omaha, Nebr. Vendee is authorized to operate as a *common carrier* in all states and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8078. Authority sought for purchase by F. P. NIELSON, IVAN R. NIELSON, WILLIS F. NIELSON, and LARS P. NIELSON, a partnership, doing business as ARIZONA SALES COMPANY, 116 West Fourth Avenue, Mesa, Ariz., of a portion of the operating rights of KENISON TRUCKING, INC., 1975 South 1045 West, Salt Lake City, Utah. Applicants' attorney: Lynn S. Richards, Richards, Bird, and Hart, 716 Newhouse Building, Salt Lake City, Utah. Operating rights sought to be transferred: *Dry fertilizer*, in bags and in bulk, as a *contract carrier* over irregular routes from Garfield, Utah, to points in Arizona on and south of U.S. Highway 70. RESTRICTION: The service authorized above is limited to a transportation service to be performed under a continuing contract or contracts, with Western Phosphates, Inc., of Garfield, Utah, and from Geneva, Utah, to points in Arizona on and south of U.S. Highway 70. RESTRICTION: The service authorized immediately above is limited to a transportation service to be performed under a continuing contract, or contracts, with Columbia-Geneva Steel Division, United States Steel Corporation, of Geneva, Utah. Vendee is authorized to operate as a *common carrier* in California and Arizona. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8079. Authority sought for purchase by MARTIN TRANSFER AND STORAGE COMPANY, 1138 North Caldwell Street, Charlotte, N.C., of a portion of the operating rights of W. M. LASSITER and C. C. LASSITER, a partnership, doing business as CITY TRANSFER AND STORAGE COMPANY, 145 West High Street, High Point, N.C., and for acquisition by ELMER V. MARTIN, 1138 N. Caldwell Street, Charlotte, N.C., BILLIE N. MARTIN, 3020 Simpson Drive, Charlotte, N.C., and GEORGE H. MARTIN, 1001 Dolley Drive, Charlotte, N.C., of control of such rights through the purchase. Applicants' attorneys: Henderson & Henderson, 521 Law Building, Charlotte, N.C. Operating rights sought to be transferred: *Meats*, as a *common carrier* over regular routes from Greensboro, N.C., to Albermarle, N.C., serving the intermediate point of Lexington, N.C., and to all others, restricted to delivery only, *household goods*, as defined by the Commission, over irregular routes between points in North Carolina, on the one hand, and, on the other, points in South Carolina and Virginia, and between points in Virginia, on the one hand, and, on the other, points in South Carolina, *new furniture*, between Lexington, N.C., on the one hand, and, on the other, Martinsville, Bassetts, and Galax, Va., and from Lexington, N.C., to points in South Carolina, and *panels* and *plywood*, between Lexington, N.C., on the one hand, and, on the other, Martinsville, Bassetts, and Galax, Va. Vendee holds no authority from this Commission. However, it is affiliated with UNITED VAN LINES, INC., 7808 Maplewood Industrial Court, P.O. Box 3430, Maplewood 17, Mo., which is authorized to operate as a *common carrier* in 48 States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8080. Authority sought for purchase by MARTIN TRANSFER AND STORAGE COMPANY, 1138 North Caldwell Street, Charlotte, N.C., of the operating rights of SHAW MOVING AND STORAGE, INCORPORATED, P.O. Box 84, Salisbury, N.C., and for acquisition by ELMER V. MARTIN, 1138 North Caldwell Street, Charlotte, N.C., BILLIE N. MARTIN, 3020 Simpson Drive, Charlotte, N.C., and GEORGE H. MARTIN, 1001 Dooley Drive, Charlotte, N.C., of control of such rights through the purchase. Applicants attorneys: Henderson & Henderson, 521 Law Building, Charlotte, N.C. Operating rights sought to be transferred: *Household goods* as defined by the Commission as a *common carrier* over irregular routes between points in North Carolina, on the one hand, and, on the other, points in Florida, Georgia, South Carolina, Tennessee, Virginia, West Virginia, Maryland, Pennsylvania, Ohio, New Jersey, New York, and the District of Columbia. Vendee holds no authority from this Commission. However, it is affiliated with UNITED VAN LINES, INC., 7808 Maplewood Industrial Court, P.O. Box 3430, Maplewood 17, Mo., which is authorized to operate as a *common carrier* in 48 states and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8081. Authority sought for control by ARTHUR DeBEVOISE, DeBevoise Building, Bayside, N.Y., of CROSS COURIERS, INC., 601 Broadway, Cincinnati, Ohio. Applicant's attorneys: Joseph K. Knudson, 1821 Jefferson Place NW., Washington 6, D.C., and J. K. Murphy, DeBevoise Building, Bayside, N.Y. Operating rights sought to be controlled: Authority applied for in application filed December 29, 1961, in Docket No. MC–124088 Sub-1, to transport as a *contract carrier* over irregular routes, *exposed and processed film and prints*, *complimentary replacement film*, incidental dealer handling supplies and advertising literature moving therewith (excluding motion picture film used primarily for commercial theatre and television exhibition) between Cleveland, Ohio, on the one hand, and, on the other, points in Ohio. ARTHUR DeBEVOISE holds no authority from this Commission. However, he is affiliated with ARMORED CARRIER CORPORATION, DeBevoise Building, 222–17 Northern Boulevard, Bayside, Long Island, N.Y., which is authorized to operate as a *contract carrier* in New York, New Jersey, Connecticut, Pennsylvania, Ohio, West Virginia, Massachusetts, Delaware, Maryland, Virginia, Rhode Island, Illinois, Iowa, Missouri, Indiana, Kentucky, Minnesota, Wisconsin, Maine, New Hampshire, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8082. Authority sought for purchase by APPLEYARD'S BUS, INC., 7 Lowell St., Methuen, Mass., of the operating rights of FRANCIS J. TROMBLY (WILFRED H. SMART, TRUSTEE), doing business as TROMBLY MOTOR COACH SERVICE, CO., 46 School Street, Boston, Mass., and for acquisition by JOHN W. APPLEYARD, 7 Lowell Street, Methuen, Mass., of control of such rights through the purchase. Applicants' representatives: Wilfred H. Smart, 44 School Street, Boston, Mass., and John W. Appleyard, 7 Lowell Street, Methuen, Mass. Operating rights sought to be transferred: *Passengers* and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, as a *common carrier* over regular routes, between Lawrence, Mass., and Manchester, N.H., serving all intermediate points, and between junction New Hampshire Highway 28 and Harvey Road (in the Town of Manchester, Hillsboro County, N.H.), and junction New Hampshire Highway 28 and Goffs Falls Road (in the Town of Londonderry, Rockingham County, N.H.), serving the intermediate point of the U.S. Army Air Base, in the Town of Manchester, Hillsboro County, N.H. Vendee holds no authority from this Commission. However, its controlling stockholder, JOHN W. APPLEYARD is affiliated with APPLEYARD'S MOTOR TRANSPORTATION COMPANY, INC., 7 Lowell Street, Methuen, Mass., which is authorized to operate as a *common carrier* in Maine, New Hampshire, Massachusetts, and Vermont. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8083. Authority sought for purchase by HELPHREY MOTOR FREIGHT, INC., 407 North Perry (Box 4366), Spokane 31, Wash., of the operating rights and property of MANNING FREIGHT LINES, INC., South First Street and Washington Avenue, Yakima, Wash., and for acquisition by HAROLD MORSE, West 235 Franklin Court, Spokane, Wash., and HENRY J. HOLIEN, 405 St. Claire Avenue, Sandpoint, Idaho, of control of such rights and property through the purchase. Applicants' attorneys: Joseph L. Thomas, 711 Old National Bank Building, Spokane, Wash., and Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Operating rights sought to be transferred. *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Yakima, Wash., and Portland, Oreg., serving the intermediate point of Toppenish, Wash., and the off-route point of Wapato, Wash., between Tacoma, Wash., and Yakima, Wash., serving certain intermediate and off-route points; *general commodities*, excepting, among others, commodities in bulk, but not excepting household goods, over irregular routes from Portland, Oreg., to points in Yakima County, Wash., except Yakima, Wapato, and Toppenish, Wash., *farm products*, from points in Yakima County Wash., to Portland, Oreg., and Seattle, Wash., except from Yakima, Wapato, and Toppenish, Wash., to Portland, Oreg., *paper*, from Oregon City, Oreg., to Hanford, Wash., and points in Yakima County, Wash., *spray and spray materials*, from Portland, Oreg., to Wenatchee, Wash., and from Yakima, Wash., to Hood River, Oreg., and *powdered milk*, from Sunnyside, Wash., to Portland, Oreg. Vendee is authorized to operate as a *common carrier* in Washington, Montana, and Idaho. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 62–1744, Filed, Feb. 20, 1962; 8:49 a.m.]

[Notice 599]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 16, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63560. By order of February 12, 1962, the Transfer Board approved the transfer to Barnes Freightlines, Inc., Pipestone, Minn., of a portion of Certificate No. MC 105058, issued October 12, 1954, to Barnes Truck Service, Inc., Pipestone, Minn., authorizing the transportation of: General commodities, excluding household goods, emigrant movables, commodities in bulk, and other specified commodities, between Worthington, Minn., and points within 25 miles of Worthington, on the one hand, and, on the other, Sioux Falls, S. Dak., and points in Iowa and Minnesota. Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., attorney for applicants.

No. MC–FC 64653. By order of February 13, 1962, the Transfer Board approved the transfer to Collins Trucking Co., a corporation, Orange, N.J., of the operating rights in Certificates Nos. MC 95926 and MC 95926 Sub 3, issued July 31, 1941, and July 1, 1949, to Thomas S. San Giacomo, Inc., Orange, N.J., authorizing the transportation, over irregular routes, of waste paper, from New York, N.Y., to Whippany, Garwood, Somerville, and Clifton, N.J., finished paper, from Garwood and Clifton, N.J., to New York, N.Y., and scrap iron, between New York, N.Y., and Trenton, N.J., waste paper, in bales, from Orange, N.J., to Moodna (Cornwall) Town of New Windsor, N.Y., and paper on rolls, from Moodna (Cornwall) Town of New Windsor, N.Y., to points in Bergen, Passaic, Hudson, Essex, Union, Morris, Middlesex, Monmouth, Mercer, Somerset and Camden Counties, N.J., and to New York, N.Y. Bert Collins, 140 Cedar Street, New York 6, N.Y., applicants' representative.

No. MC–FC 64788. By order of February 13, 1962, the Transfer Board approved the transfer to Guy and Epperly Transfer Co., Inc., Pittsburgh, Pa., of Certificate No. MC 9136 issued April 22, 1949 to B. B. Kitterman, doing business as Guy & Epperly Transfer Company, Pittsburgh, Pa., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between Pittsburgh, Pa., on the one hand, and, on the other, points within 15 miles of Pittsburgh. Christian V. Graf, 407 North Front Street, Harrisburg, Pa., attorney for applicants.

No. MC–FC 64797. By order of February 13, 1962, the Transfer Board approved the transfer to Eastern Motor Dispatch, Inc., a Delaware corporation, Columbus, Ohio, of Certificates Nos. MC 18253, MC 18253 Sub 9, MC 18253 Sub 12, MC 18253 Sub 13, MC 18253 Sub 14, and MC 18253 Sub 15, to Eastern Motor Dispatch, Inc., Columbus, Ohio, authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities between Cincinnati, Ohio, and Boston, Mass., and return over the same routes; between Cincinnati, Ohio, and New York, N.Y., with service authorized to some off-route points and return over the same routes; between Cincinnati, Ohio, and Washington, D.C., between Columbus, Ohio, and Boston, Mass., with service authorized to Sunbury, Pa., between New York, N.Y., and Springfield, Mass., between Lewistown, Pa., and Northumberland, Pa., between various points in Ohio; from Cincinnati over U.S. Highway 42 to Lafayette; from Columbus over various highways to Canton; from Upper Sandusky over U.S. Highway 23 to Waldo; from Lima over U.S. Highway 25 to Dayton; from Kenton to Bellefontaine, via Marysville to Columbus; from Newconerstown over U.S. Highway 36 to Cadiz; from Piqua over various highways to West Jefferson and return over these routes; service is authorized to and from Wilkes-Barre, Pa., in connection with regular route operations over U.S. Highway 11 between Kingston and Scranton, Pa., to and from Byesville, Ohio and all points within 2 miles of Cambridge, Ohio to and from Lockland, Ohio, in connection with regular route operations to and from Cincinnati, Ohio, to and from Merchantville, N.J., Jenkintown, Morton, Sharon Hill, Chester, Marcus Hook, and Clifton Heights, Pa., in connection with regular route operations to and from Philadelphia, Pa.; to and from Mount Vernon and Pelham Manor, N.Y., in connection with regular route operations to and from New York, N.Y.; to and from all points within 5 miles of Columbus, Ohio, in connection with regular route operations to and from Columbus; service is authorized to and from the site of the Kaiser Aluminum and Chemical Corporation's plant (near Newark, Ohio); to and from points in the Cincinnati, Ohio, commercial zone; between points in Ohio; service is authorized to and from the site of the U.S. Atomic Energy Proj-

ect near Venice, Ohio, 3 miles west of U.S. Highway 127, in the Fernald Area, Ohio, in connection with regular route operations to and from Cincinnati, Ohio; service is authorized to and from Miamisburg, Ohio, and Vandalia, Ohio, in connection with regular route operations to and from Dayton, Ohio; between Sligo, Ohio, and junction new Ohio Highway 3 and old Ohio Highway 3 west of Clarksville, Ohio; between Clarksville, Ohio, and junction Ohio Highway 350 and Ohio Highway 3 west of Clarksville, and all intermediate points and between Columbus, Ohio, and Cambridge, Ohio, and all intermediate points.

William E. Rance, 1200 West Fifth Avenue, Columbus 12, Ohio., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-1745; Filed, Feb. 20, 1962; 8:49 a.m.]

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THE UNIVERSITY OF MICHIGAN
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Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to the authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202, and have the concurrence of the military departments.

PART 1—GENERAL PROVISIONS

1. Add new sections 1.315 and 1.316, to read as follows:

§ 1.315 Procurement of jewel bearings.

(a) In the interest of maintaining the existing mobilization base for the production of jewel bearings, it is national policy to require contractors to use jewel bearings manufactured at the Turtle Mountain Ordnance Plant at Rolla, North Dakota, except:

(1) When quantity requirements, quality standards, or delivery requirements cannot be satisfied by bearings manufactured at the Rolla plant;

(2) For bearings incorporated in standard commercial items not required specifically for Government contracts; and

(3) For bearings used in items that are to be procured and used outside the United States, its possessions, and Puerto Rico.

(b) Except for procurements covered by paragraph (a)(3) of this section, invitations for bids (see § 2.201(a)(26) of this chapter) and request for proposals for supplies which may contain jewel bearings shall either state that jewel bearings will be furnished by the Government or shall call attention to the Required Source for Jewel Bearings clause. In the latter case, the contract shall include the following clause:

REQUIRED SOURCE FOR JEWEL BEARINGS
(Nov. 1961)

It has been determined that an adequate facility for the manufacture of jewel bearings is essential to meet the mobilization requirements. Except for bearings incorporated in standard commercial items not acquired specifically for Government contracts, jewel bearings required in the performance of this contract shall be procured from the Turtle Mountain Ordnance Plant, Rolla, North Dakota, provided, the requirements of the contract can be met. The purchase of jewel bearings from any other source shall be made only with the approval of the Contracting Officer and with such adjustment in price or fee as may be equitable.

(c) Where practical, existing contracts shall be amended to comply with the policy of this section. Any increase in the cost of jewel bearings which is reasonably necessary for compliance with the national policy will be recognized as a reasonable element of cost or price.

§ 1.316 Disclosure of contractor performance data to other Government agencies and foreign governments.

Subject to any applicable security requirements, the military departments shall honor the requests of other Government agencies for readily available information relating to the performance of their prime contractors. The agency requesting the information shall be advised that it will be responsible for any further release of such information. A request from a foreign government for such information should similarly be honored. However, if there is any question as to propriety of divulging the information for any reason, including the security aspect, the reply should be forwarded through appropriate Departmental channels.

2. Revise §§ 1.700, 1.701, 1.701–1 (a) and (b), 1.701–4, and 1.702, to read as follows:

§ 1.700 Scope of subpart.

To implement the Small Business Act, P.L. 85–536, and the Armed Services Procurement Act, as amended, this subpart sets forth (a) policy with reference to small business concerns, (b) policy governing relationships with the Small Business Administration, (c) small business set-aside precedures, and (d) small business subcontracting policies. This subpart applies only in the United States, its possessions, and Puerto Rico.

§ 1.701 Definitions.

The definitions of small business concerns are promulgated by the Small Business Administration. As used throughout this subpart, the following terms shall have the meanings set forth below:

§ 1.701–1 Small business concern.

(a)(1) *General definition.* Except as provided in subparagraphs (2) and (3) of this paragraph, a small business concern is a concern that is (i) independently owned and operated, is not dominant in the field of operation is which it is bidding on Government contracts, and with its affiliates, employs not more than 500 employees, or (ii) is certified as a small business concern by SBA. ("Concern" means any business entity organized for profit with a place of business located in the United States, its possessions and Puerto Rico, including, but not limited to an individual, partnership, corporation, joint venture, association or cooperative.)

(2) *Special industry definitions.* Unless certified as a small business concern by SBA, in addition to being independently owned and operated, and not dominant in the field of operation in which it is bidding on Government contracts, a small business concern in order to qualify as such must meet special criteria in the following industries:

(i) *Construction industry.* In the construction industry, the average annual receipts of the concern and its affiliates for the preceding three fiscal years must not exceed $5,000,000; except that if the concern is located in Alaska, such receipts must not exceed $6,250,000. ("Annual receipts" means the annual receipts less returns and allowances of a concern and its affiliates.)

(ii) *Aircraft equipment and parts industry.* In the aircraft equipment and parts industry, the number of employees of the concern and its affiliates must not exceed 1,000 employees. This special definition for the aircraft equipment and parts industry applies only in the procurement of the following items:

Airframes and structural components.
Aircraft propellers and hubs.
Wheel and brake systems.
Jet engines.
Fuel tanks.
Aircraft hydraulic systems.
Aircraft vacuum systems.
Aircraft air-conditioning.
Heating and pressurizing equipment.
Fire control systems.
Flight instruments.
Flight simulators (except small cockpit trainers).
Aircraft de-icing systems.

(iii) *Petroleum refining industry.* In the petroleum industry, excepting procurement of lubricants and miscellaneous petroleum products, the concern and its affiliates must employ not more than 1,000 employees and not have more than 30,000 barrels per day crude oil capacity from owned or leased facilities. ("Crude oil capacity" means the maximum daily average crude throughput of a refinery in complete operation, with allowance for necessary shutdown time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.)

(iv) *Food, canning, and preserving industry.* In the food, canning, and preserving industry, the concern and its affiliates must employ not more than 500 employees exclusive of "agricultural labor" as defined in 26 U.S.C. 3306(k).

(v) *Air transportation industry.* In the air transportation industry, the number of employees of the concern and its affiliates must not exceed 1,000 employees.

(vi) *Trucking, warehousing, packing and crating industry.* In the trucking, warehousing, packing and crating industry, the annual receipts of the concern and its affiliates must be $3,000,000 or less; except that if the concern is located in Alaska, such receipts must be $3,750,000 or less. No such concern,

however, will be denied small business status for the purpose of Government procurement solely because of its relationship with an interstate van line, if (a) the concern's annual receipts have not exceeded $3,000,000 during its most recently completed fiscal year ($3,750,000 if located in Alaska), and (b) no more than 50 percent of such annual receipts are directly attributable to the concern's relationship with an interstate van line.

(3) *Labor surplus area small business concerns.* If a concern qualifies as a labor surplus area concern (see § 1.801–1), the pertinent size standard (i.e., number of employees or annual receipts) shall be deemed to be increased by 25 percent.

(b) *Dominance in field of operations.* A concern "is not dominant in its field of operations" when it does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration is given to all appropriate factors including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents and license agreements, facilities, sales territory, and nature of business activity.

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§ 1.701–4 Regular dealer (nonmanufacturer) as small business concern.

One who submits bids or offers in his own name, but who proposes to furnish a product not manufactured by himself, shall be deemed to be a small business concern only if (a) he is a small business concern within the meaning of § 1.701–1; (b) he is a regular dealer (nonmanufacturer) (see § 1.201–18(a)); and (c) in the case of a procurement set aside for small business (see § 1.706) or involving equal low bids (see § 2.407–6 of this chapter) or otherwise involving the preferential treatment of small business, he agrees to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns; provided, that this section does not apply to construction or service contracts. However, if the goods to be furnished are wool, worsted, knitwear, duck, webbing and thread (spinning and finishing), nonmanufacturers (dealers and converters) shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear) and, if finishing is required, by a small finisher.

§ 1.702 General policy.

(a) It is the policy of the Department of Defense to place a fair proportion of its total purchases and contracts for supplies, research and development, and services (including but not limited to contracts for maintenance, repair, and construction) with small business concerns.

(b) Each military department shall implement this policy by affording small business concerns an equitable opportunity to compete for prime contracts in accordance with the following:

(1) Bidders mailing lists (see § 2.205 of this chapter) shall be maintained and shall include all established and potential small business suppliers who have made acceptable application for inclusion or who appear from other information (including recommendation by the SBA representative), to be qualified for inclusion therein;

(2) Even though less than a complete bidders list is to be used pursuant to § 2.205–4 of this chapter, all small business concerns shall be solicited, except that only a pro rata number of small business concerns need to be solicited when the bidders list is composed predominantly of small business concerns and the estimated award is not expected to be more than $25,000;

(3) Procurement of supplies and services shall be divided into reasonably small lots (not less than economic production runs) in order to permit bidding on quantities less than the total requirements; the maximum amount of time practicable shall be allowed for preparation and submission of bids and proposals; and delivery schedules shall be established on a realistic basis which will encourage small business participation to the extent consistent with the actual requirements of the Government; and

(4) For specification requirements, see § 1.1203.

As to subcontracting, see § 1.707.

(c) Records of the total value of all contracts placed with small business concerns during each fiscal year, and reports based thereon, are maintained by each military department through the Department of Defense Procurement Reporting System described in § 1.10 and Subpart I, part 16 of this chapter. Accordingly, each military department shall, in soliciting bids or proposals, request from any bidder or offeror, or other source, any information needed to determine whether the bidder or offeror is a small business concern.

3. Revise §§ 1.703, 1.704–3, 1.705–3, 1.705–4, and 1.705–6 (a) and (b), to read as follows:

§ 1.703 Determination of status as small business concern.

(a) Except as provided in paragraph (b) of this section, the contracting officer shall accept at face value (1) a small business certificate (see § 1.701–1(e)) that a bidder or offeror is a small business concern or (2) a statement by the bidder or offeror that it is a small business concern (see §§ 1.701–1 and 1.701–4).

(b) Small business certificates and statements that a bidder or offeror is a small business concern shall be effective, even though questioned in accordance with the terms of this paragraph, unless the SBA, in response to such question and pursuant to the procedures in subparagraph (3) of this paragraph, determines that the bidder or offeror in question is not a small business concern. The controlling point in time for a determination concerning the size status of a questioned bidder or offeror shall be the date of award, except that no bidder or offeror shall be eligible for award as a small business concern unless he has in good faith represented himself as small business prior to the opening of bids or closing date for submission of offers (see § 2.405(b) of this chapter with respect to minor informalities and irregularities in bids).

(1) Any bidder or offeror may, prior to award, question the small business status of the apparently successful bidder or offeror by sending a written protest to the contracting officer and to the SBA Regional Office for the region in which the questioned bidder or offeror has its principal place of business. SBA will promptly notify the contracting officer of the date of its receipt of any such protest and will advise the questioned bidder or offeror that his small business status is under review.

(2) A contracting officer may, prior to award, question the small business status of the apparently successful bidder or offeror by sending a written notice to the SBA Regional Office for the region in which the bidder or offeror has its principal place of business. Such notice shall contain a statement of the basis for questioning and of available supporting facts. SBA will promptly notify the contracting officer of the date such notice was received and will advise the bidder or offeror in question that his small business status is under review.

(3) SBA will determine the small business status of the questioned bidder or offeror and notify the contracting officer and the bidder or offeror of its decision. If the SBA determination is not received by the contracting officer within ten working days after SBA's receipt of the protest or notice questioning small business status, it shall be presumed that the questioned bidder or offeror is a small business concern. This presumption will not be used as a basis for making an award to the questioned bidder or offeror without first ascertaining when a SBA determination can be expected from SBA and, where practicable, waiting for such determination, unless further delay in award would be disadvantageous to the Government. Pending SBA determination or expiration of the ten-day period, whichever is earlier, procurement action shall be suspended; provided that such ten-day suspension period shall not apply to any urgent procurement action which, as determined by the contracting officer, must, in order to protect the public interest, be awarded without delay and as to which he inserts in the contract file a statement signed by him justifying this determination.

§ 1.704–3 Small business specialists.

Small business specialists shall be appointed in each principal procurement office and such other offices as the military departments may consider appropriate. They will perform such functions as are prescribed for them in furtherance of the Small Business Program, including but not limited to the screening of proposed procurement to assure that all small business objectives are given consideration.

§ 1.705–3 Screening of procurements.

(a) *Individual set-asides.* SBA representatives, when properly authorized and cleared for security, shall, upon request, promptly be afforded an opportunity at the purchasing activity to review all proposed classified and unclassified procurements if it is anticipated that the resulting contract or contracts will exceed $2,500 unless in the case of procurements which are not expected to exceed $10,000, the head of the purchasing activity determines that such review would unduly delay the procurement process. A copy of the determination and the justification therefore shall be furnished to the SBA representative. Where it is anticipated that the resulting contract or contracts will exceed $2,500, such SBA representatives shall, upon request, promptly be afforded an opportunity to make recommendations concerning proposed procurements, including that they be exclusively or partially set aside for small business concerns.

The contracting officer shall afford the SBA representative an opportunity to recommend appropriate names of small business concerns for inclusion in lists of bidders for firms to be solicited in connection with current and future procurements.

(b) *Class set-asides.* SBA representatives shall be afforded an opportunity to make recommendations that current and future procurements, or portions thereof, of selected items or services or groups of like items or services shall be set aside as provided in § 1.706, for exclusive small business participation. Such set-asides, when approved by the contracting officer, shall be known as class set-asides. Concurrence in a class set-aside shall not be dependent upon the existence of a current procurement if future procurements can be clearly foreseen.

§ 1.705–4 Access to procurement information.

Upon request, and subject to applicable security regulations, SBA representatives shall be given access to available or reasonably obtainable information, including technical data (including drawings and specifications), procurement history, and bidders lists, and planned requirements immediately upon receipt by the purchasing activity. The SBA representative will be furnished such other available or reasonably obtainable information as may be required for the SBA referral program.

§ 1.705–6 Certificates of competency.

(a) SBA has statutory authority to certify the competency of any small business concern as to capacity and credit. "Capacity" means the overall ability of a prospective small business contractor to meet quality, quantity, and time requirements of a proposed contract and includes ability to perform, organization, experience, technical knowledge, skills, "know-how", technical equipment, and facilities. Contracting officers shall accept SBA certificates of competency as conclusive of a prospective contractor's responsibility as to capacity (see §§ 1.9037–1(c) and 1.903–2) and credit (see § 1.903–1(b)), unless the contracting officer has substantial doubts as to the firm's ability to perform, in which case he shall, prior to award, promptly refer the matter to higher authority in accordance with procedures of the Department concerned. In cases referred to higher authority, SBA may be requested to consider the withdrawal of the certificate and, in any event, the contracting officer will be informed of the final decision.

(b) If a small business concern has submitted an otherwise acceptable bid or proposal but has been found by the contracting officer to be nonresponsible as to capacity or credit, and if the bid or proposal is to be rejected for this reason alone, SBA shall be notified of the circumstances so as to permit it to issue a certificate of competency, and award shall be withheld pending either SBA action concerning issuance of a certificate of competency or the expiration of fifteen working days after SBA is so notified, whichever is earlier, subject to the following:

(1) This procedure is not mandatory where the contracting officer certifies in writing that award must be made without delay, and promptly advises the SBA representative thereof, and includes in the contract file a statement signed by him which justifies the certificate. A copy of the statement shall be furnished the SBA representative.

(2) This procedure does not apply to proposed awards of not more than $2,500.

(3) This procedure is optional, within the discretion of the contracting officer, as to proposed awards of more than $2,500, but less than $10,000.

(4) This procedure does not apply where the contracting officer has found a small business concern nonresponsible for a reason other than lack of capacity or credit. Thus, it does not apply where a concern does not satisfy the criteria of responsibility in § 1.903–1 (a), (e), (f), and (g). Where the contracting officer determines that a concern does not meet the requirements of § 1.903–1(d) as to a satisfactory record of performance, the procedure is mandatory only if the unsatisfactory record of performance was due solely to inadequate capacity or credit. However, if the contracting officer has any doubt as to whether the unsatisfactory record of performance can reasonably be attributed solely to lack of capacity or credit, the matter shall be discussed with the local SBA representative. If the local SBA representative is of the opinion that the unsatisfactory record of performance is attributable solely to a lack of capacity or credit, and the contracting officer disagrees, the contracting officer shall, in accordance with Departmental procedures, forward the matter to higher authority within his Department for resolution. The decision of such higher authority shall be final. To assist SBA in determining the capacity and credit of small business concerns involved in a particular procurement, the purchasing activity shall make available to SBA all pertinent technical and financial information with respect to the small business concern involved, including but not limited to copies of the IFB or RFP, drawings, specifications, pre-award surveys and abstracts of bids.

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4. Revise subparagraph (1) in § 1.706–1 (a); in § 1.706–2, revise last sentence in paragraph (a)(2), revise paragraph (b)(6) and (7), and add paragraph (b)(8); in § 1.706–3, revise the first sentence of paragraph (b)(1); revise § 1.706–5; and in § 1.706–6, revise paragraphs (c) and (d), to read as follows:

§ 1.706–1 General.

(a) • • •

(1) Jointly determined by an SBA representative and the contracting officer upon the initiation of either agency, or • • •

§ 1.706–2 Review of SBA set-aside proposals.

(a)(1) • • •

(2) • • • The contracting officer shall promptly notify the SBA representative of any procurement action initiated pursuant to the proviso of the preceding sentence by supplying him with the copy of the justification.

(b) • • •

(6) Small business concerns are receiving a fair portion of the total contracts for supplies and services;

(7) A class set-aside of the item or service concerned has been made at some other purchasing activity; or

(8) The item will be described by "brand name or equal."

• • • • •

§ 1.706–3 Withdrawal or modification of set-asides.

• • • • •

(b)(1) If, prior to the award of a contract involving an individual or class set-aside for small business, the contracting officer considers that procurement of the set-aside from a small business concern would be detrimental to the public interest (e.g., because of unreasonable price), the contracting officer may withdraw a unilateral set-aside determination or initiate the withdrawal of a point set-aside determination by giving to the SBA representative written notice containing the reasons for withdrawing a joint determination. • • •

§ 1.706–5 Total set-asides.

(a) Subject to any applicable preference for labor surplus area set-asides as provided in § 1.803(a)(2), the entire amount of an individual procurement or class of procurements (including but not limited to contracts for maintenance, repair, and construction) shall be set aside for exclusive small business participation (see § 1.706–1) where there is a reasonable expectation that bids or proposals will be obtained from a sufficient number of responsible small business concerns so that awards will be made at reasonable prices. Total set-asides shall not be made unless such a reasonable expectation exists; however, see § 1.706–6 as to partial set-asides. Although past procurement history of the item or similar items is always important, it is not the only controlling factor which should be considered in determining whether a reasonable expectation exists.

(b) Contracts for total small business set-asides may be entered into by conventional negotiation or by a special

method of procurement known as "Small Business Restricted Advertising." The latter method shall be used wherever possible. Invitations for Bids and Requests for Proposals shall be restricted to small business concerns. Small Business Restricted Advertising, including awards thereunder, shall be conducted in the same way as prescribed for formal advertising in Part 2 of this chapter, except that bids and awards shall be restricted to small business concerns. Bids received from firms which do not qualify as small business concerns shall be considered as nonresponsive and shall be rejected.

(c) In procurements involving total set-asides for small business, each Invitation for Bids or Request for Proposals shall contain substantially the following notice:

NOTICE OF TOTAL SMALL BUSINESS SET-ASIDE
(NOV. 1961)

(a) *Restriction.* Bids or proposals under this procurement are solicited from small business concerns only and this procurement is to be awarded only to one or more small business concerns. This action is based on a determination by the contracting officer, alone or in conjunction with a representative of the Small Business Administration, that it is in the interest of maintaining or mobilizing the Nation's full productive capacity, in the interest of war or national defense programs, or in the interest of assuring that a fair proportion of Government procurement is placed with small business concerns. Bids or proposals received from firms which are not small business concerns shall be considered nonresponsive and shall be rejected.

(b) *Definitions.* (1) A "small business concern" is a concern that (i) is certified as a small business concern by the Small Business Administration, or (ii) is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts and, with its affiliates, employs either not more than 500 employees or, if the concern qualifies as a labor surplus area concern, not more than 625 employees. In addition to meeting these criteria, a manufacturer or regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns; provided, that this additional requirement does not apply in connection with construction or service contracts.

(2) A "labor surplus area" is a geographical area which is:

(i) Classified by the Department of Labor as an "Area of Substantial Labor Surplus" or as an "Area of Substantial and Persistent Labor Surplus" (also called "Area of Substantial and Persistent Unemployment") and listed as such by that Department in conjunction with its publication "Area Labor Market Trends"; or

(ii) Not classified as in (i) above, but which is individually certified as an area of persistent or substantial labor surplus by the Department of Labor at the request of any prospective contractor.

(3) Labor surplus area concern includes:

(i) Persistent labor surplus area concerns which agree to perform or cause to be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Substantial and Persistent Labor Surplus" (also called "Areas of Substantial and Persistent Unemployment"); and

(ii) Substantial labor surplus area concerns which agree to perform or cause to be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Substantial Labor Surplus."

A concern shall be deemed to perform a contract substantially in "Areas of Substantial and Persistent Labor Surplus" (also called "Areas of Substantial and Persistent Unemployment") if the costs that it incurs on account of manufacturing or production (by itself or its first-tier subcontractors) in such areas amount to more than 50 percent of the contract price. A concern shall be deemed to perform a contract substantially in "Areas of Substantial Labor Surplus" if the costs that it incurs on account of manufacturing or production (by itself or its first-tier subcontractors) in such areas or in "Areas of Substantial or Persistent Labor Surplus" (also called "Areas of Substantial and Persistent Unemployment") amount to more than 50 percent of the contract price.

(c) *Identification of areas of performance.* Each bidder that qualifies as a small business concern only because he is also a labor surplus area concern shall identify in his bid the geographical areas in which he proposes to perform or cause to be performed a substantial proportion of the production of the contract. If the Department of Labor classification of any such areas changes after the bidder has submitted his bid, the bidder may change the areas in which he proposes to perform: *Provided*, That he so notifies the Contracting Officer before contract award.

(d) *Agreement.* The bidder agrees that, if awarded a contract as a small business concern for which he would not have qualified had he not also been a labor surplus area concern, he will perform, or cause to be performed, a substantial proportion of the production in areas classified, at the time of award or at the time of performance of the contract, as persistent or substantial labor surplus areas, as defined in (b) above.

Where the definition of a small business concern for a given industry, as prescribed by the Small Business Administration and promulgated within the Department of Defense, differs from that set forth in the notice in this paragraph, the notice shall be appropriately modified to reflect such definition. For construction contracts, paragraph (b)(1) of the foregoing notice should be deleted and the following substituted therefor:

A "small business concern" is a concern that:

(i) Is independently owned and operated;

(ii) Is not dominant in the field of operation in which it is bidding on Government contracts; and

(iii) The average annual receipts of the concern and its affiliates for the preceding three fiscal years do not exceed $5,000,000, or if the concern is located in Alaska or qualifies as a labor surplus area concern, do not exceed $6,250,000.

§ 1.706–6 Partial set-asides.

* * * * *

(c) In advertised procurements involving partial set-asides for small business, Invitations for Bids shall contain either substantially the following notice or the notice set forth in paragraph (d) of this section. In negotiated procurements, whichever notice is used will be appropriately modified for use with requests for proposals.

NOTICE OF PARTIAL SMALL BUSINESS SET-ASIDE
(NOV. 1961)

(a) *General.* A portion of this procurement, as identified elsewhere in the Schedule, has been set aside for award only to one or more small business concerns. Negotiations for award of this set-aside portion will be conducted only with responsible small business concerns who have submitted responsive bids on the non-set-aside portion at a unit price within 120 percent of the highest award made on the non-set-aside portion. Negotiations shall be conducted with such small business concerns in the following order of priority:

Group 1. Small business concerns which are also persistent labor surplus area concerns.

Group 2. Small business concerns which are also substantial labor surplus area concerns.

Group 3. Small business concerns which are not labor surplus area concerns.

Within each of the above groups, negotiations with such concerns will be in the order of their bids on the non-set-aside portion, beginning with the lowest responsive bid. The set-aside shall be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which were considered in evaluating bids on the non-set-aside portion. However, the Government reserves the right not to consider token bids or other devices designed to secure an unfair advantage over other bidders eligible for the set-aside portion. The partial set-aside of this procurement for small business concerns is based on a determination by the Contracting Officer, alone or in conjunction with a representative of the Small Business Administration, that it is in the interest of maintaining or mobilizing the Nation's full productive capacity, or in the interest of war or national defense programs, or in the interest of assuring that a fair portion of Government procurement is placed with small business concerns.

(b) *Definition.* (1) A "small business concern" is a concern that (i) is certified as a small business concern by the Small Business Administration, or (ii) is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and with its affiliates, employs either not more than 500 employees or, if the concern qualifies as a labor surplus area concern, not more than 625 employees. In addition to meeting these criteria, a manufacturer or regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns; provided, that this additional requirement does not apply in connection with construction or service contracts.

(2) A "labor surplus area" is a geographical area which is:

(i) Classified by the Department of Labor as an "Area of Substantial Labor Surplus" or as an "Area of Substantial and Persistent Labor Surplus" (also called "Area of Substantial and Persistent Unemployment") and listed as such by that Department in conjunction with its publication "Area Labor Market Trends"; or

(ii) Not classified as in (i) above, but which is individually certified as an area of persistent or substantial labor surplus by the Department of Labor at the request of any prospective contractor.

(3) Labor surplus area concern includes:

(i) Persistent labor surplus area concerns which agree to perform or cause to be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Substantial and Persistent Labor Surplus" (also called "Areas of Substantial and Persistent Unemployment"); and

(ii) Substantial labor surplus area concerns which agree to perform or cause to be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Substantial Labor Surplus".

A concern shall be deemed to perform a contract substantially in "Areas of Substantial and Persistent Labor Surplus" (also called "Areas of Substantial and Persistent Unemployment") if the cost that it incurs on account of manufacturing or production (by itself or its first-tier subcontractors) in such areas amount to more than 50 percent of the contract price. A concern shall be deemed to perform a contract substantially in "Areas of Substantial Labor Surplus" if the costs that it incurs on account of manufacturing or production (by itself or its first-tier subcontractors) in such areas or in "Areas of Substantial or Persistent Labor Surplus" (also called "Areas of Substantial and Persistent Unemployment") amount to more than 50 percent of the contract price.

(c) *Identification of areas of performance.* Each bidder desiring to be considered for award as a small business labor surplus area concern on the set-aside portion of this procurement shall identify in his bid the geographical areas in which he proposes to perform, or cause to be performed, a substantial proportion of the production of the contract. If the Department of Labor classification of any such area changes after the bidder has submitted his bid, the bidder may change the areas in which he proposes to perform, provided, that he so notifies the Contracting Officer before award of the set-aside portion. Priority for negotiation will be based upon the labor surplus classification of the designated production areas as of the time of the proposed award.

(d) *Agreement.* The bidder agrees that, if awarded a contract as a small business persistent labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial portion of the production in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus areas; and that if awarded a contract as a small business substantial labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as substantial or persistent labor surplus areas.

Where the definition of a small business concern for a given industry, as prescribed by the Small Business Administration and promulgated within the Department of Defense differs from that set forth in the notice in this paragraph, the notice shall be appropriately modified to reflect such definition.

(d) Where it is anticipated that bids may be received which appear designed to take unfair advantage of bona fide bidders, by devices such as unrealistically low bids on mere token quantities, the notice set forth below may be used instead of that in paragraph (c) of this section.

NOTICE OF PARTIAL SMALL BUSINESS SET-ASIDE
(NOV. 1961)

(a) *General.* This procurement has been divided into two parts. All concerns, whether small business or not, may participate in accordance with customary procedures in that portion of this procurement herein called the "non-set-aside" portion. The quantities of the non-set-aside portion are set forth elsewhere in this Schedule. The other portion of the items to be procured has been set aside for participation by small business concerns. This is called the "set-aside portion" and awards therefor are made in accordance with special procedures set forth in paragraph (c) of this Notice. This apportionment is based on a determination by the Contracting Officer, alone or in conjunction with a representative of the Small Business Administration, that it is in the interest of maintaining or mobilizing the Nation's full production capacity, or in the interest of war or national defense programs, or in the interest of assuring that a fair proportion of Government procurement is placed with small business concerns. "Small business concerns" is defined in paragraph (d) of this Notice.

(b) *Non-set-aside portion and award procedure.* (1) A bidder which is not a small business concern shall submit a bid only for the non-set-aside portion of the procurement. Award thereof will be made in accordance with customary procedures.

(2) A bidder which is a small business concern and is interested in receiving an award for a quantity of an Item not exceeding the quantity set forth in the non-set-aside portion of the procurement, should submit a bid in the same manner as other concerns bidding only on the non-set-aside portion. If such a bidder is interested in receiving an award for a quantity of an Item in addition to the quantity set forth in the non-set-aside portion, he must bid the entire quantity of the non-set-aside portion of the Item; and indicate such additional quantity of the Item as he desires by so specifying on the Bidder's Statement of Set-Aside Quantity Desired. Thus, the Bidder's Statement of Set-Aside Quantity Desired is not to be used unless the bidder has bid the entire quantity of an Item under the non-set-aside portion.

However, a small business concern which receives no award, or receives an award for less than the total quantity of an Item for which it submitted a bid under the non-set-aside portion, may be eligible for an award of the quantity it bid, or the unawarded quantity thereof, under the following procedure governing the set-aside portion.

(c) *Set-aside portion and award procedure.* Award of the set-aside portion of this procurement will be made after award has been completed on the non-set-aside portion. It will be made only to small business concerns which are found to be eligible in accordance with (1) below; on the basis of priorities for award set forth in (2) below; for quantities as provided in (3) below; and at prices determined in accordance with (4) below.

(1) *Eligibility.* To be eligible for consideration for the set-aside portion of an item, the small business concern must have submitted a responsive bid on such Item in accordance with the requirements of (b)(2) above at a unit price no greater than 120 percent of the highest unit price for such Item awarded under the non-set-aside portion. However, see (5) below when separate quantities are offered at different prices, (6) below when separate quantities are offered at tie-in prices, and (7) below when all-or-none bids are offered for more than one item.

(2) *Priorities.* Negotiations for the set-aside portion will be conducted with eligible concerns in the following order of priority:

Group 1. Small business concerns which are also persistent labor surplus area concerns.

Group 2. Small business concerns which are also substantial labor surplus area concerns.

Group 3. Small business concerns which are not labor surplus area concerns.

Within each of the above groups, negotiation for each Item will be conducted with eligible concerns in the order of their bids on the non-set-aside portion, beginning with the lowest responsive bid. However, see (5) below for the method of determining the bid when separate quantities are offered at different prices, (6) below when separate quantities are offered at tie-in prices, and (7) below when all-or-none bids are offered for more than one item.

(3) *Quantity.* The quantity of the set-aside portion of an Item which may be awarded to an eligible concern shall be as follows:

(i) Where a concern has not specified a quantity of the Item on the Bidder's Statement of Set-Aside Quantity Desired, the quantity shall be no greater than the quantity of such concern's bid on the non-set-aside portion of that Item, less the quantity, if any, of that Item awarded to that concern under the non-set-aside portion.

(ii) Where a concern has specified a quantity of the Item on the Bidder's Statement of Set-Aside Quantity Desired, the quantity shall be no greater than the total of the entire non-set-aside portion of the Item and the quantity thereof specified on the Bidder's Statement of Set-Aside Quantity Desired, less the quantity, if any, of that Item awarded to that concern under the non-set-aside portion.

(4) *Price.* The set-aside portion shall be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which were considered in evaluating bids on the non-set-aside portion. However, see (6) and (7) below for the highest unit price when the highest award is made as a result of tie-in bids or all-or-none type of qualification.

(5) *Separate quantities at different prices.* Where a concern has submitted a bid for separate quantities of the non-set-aside portion of an Item at different prices, without conditioning the Government's right to accept one or more such quantities upon its concurrent acceptance of another quantity of the Item, each separate quantity shall be considered as a separate bid for the purpose of determining the eligibility of the concern with respect to the 120 percent limit prescribed in (c)(1) above, and for the purpose of determining under (c)(2) above the standing of that bid in the order of negotiations for the set-aside portion of that Item.

(6) *Separate quantities at tie-in prices.* Where a concern has submitted a bid for separate quantities of the non-set-aside portion of an Item at different prices, and has conditioned the Government's right to accept any one or more of such quantities upon its concurrent acceptance of another quantity of the Item, the weighted average of the prices for such conditioned quantities shall be considered the unit price for the purpose of determining, with respect to such conditioned quantities, (i) the eligibility of the firm with respect to the 120 percent limit of (c)(1) above, (ii) the priority status of the firm under (c)(2) above, and (iii) the highest unit price for awards under (c)(4) above if the highest award on the non-set-aside portion was made on such conditioned bid.

(7) *All-or-none bids.* Where a concern has submited an "all-or-none" bid for more than one item and thereby has conditioned the Government's right to award any item upon its concurrent award of another item, the unit prices for each Item on an "all-or-none" basis shall be considered independent unit prices for the purpose of determining the eligibility and priority status of the concern for the set-aside portion of each item. In no event will a set-aside award be made for an Item to such bidder at a higher unit price than his "all-or-none" unit price for the Item on the non-set-aside portion.

(d) *Definitions.* (1) A "small business concern" is a concern that (i) is certified as a small business concern by the Small Business Administration, or (ii) is independently owned and operated, is not dominant in its field of operation and with its affiliates, employs either not more than 500 employees or, if the concern qualifies as a labor surplus area concern, not more than 625 employees. In addition to meeting these criteria, a manufacturer or regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns; provided, that

this additional requirement does not apply in connection with construction or service contracts.

(2) The term "labor surplus area" means a geographical area which is a persistent labor surplus area or a substantial labor surplus area, or both, as defined below:

(i) "Persistent Labor Surplus Area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial and Persistent Labor Surplus" (also called "Area of Substantial and Persistent Unemployment") and is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial and persistent labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(ii) "Substantial Labor Surplus Area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial Labor Surplus" (also called "Area of Substantial Unemployment") and which is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(3) The term "labor surplus area concern" includes persistent labor surplus area concerns and substantial labor surplus area concerns as defined below:

(i) "Persistent labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in persistent labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in persistent labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in such areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(ii) "Substantial labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in substantial labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in substantial labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in substantial labor surplus areas or in substantial and persistent labor surplus areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(e) *Identification of areas of performance.* Each bidder desiring to be considered for award as a small business labor surplus area concern on the set-aside portion of this procurement shall identify in his bid the geographical areas in which he proposes to perform, or cause to be performed, a substantial proportion of the production of the contract. If the Department of Labor classification of any such area changes after the bidder has submitted his bid, the bidder may change the areas in which he proposes to perform, provided, that he so notifies the Contracting Officer before award of the set-aside portion. Priority for negotiation will be based upon the labor surplus classification of the designated production areas as of the time of the proposed award.

(f) *Agreement.* The bidder agrees that, if awarded a contract as a small business persistent labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus areas; and that if awarded a contract as a small business substantial labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of performance of the contract, as substantial or persistent labor surplus areas.

(g) *Token bids.* Notwithstanding the provisions of this notice, the Government reserves the right, in determining eligibility or priority for set-aside negotiations, not to consider token bids or other devices designed to secure an unfair advantage over other bidders eligible for the set-aside portion.

(h) *Instruction for indicating portion of set-aside quantity desired.* The quantity of each item which has been set aside is set forth on the attached Bidder's Statement of Set-Aside Quantity Desired, which is to be filled in only by small business concerns, as provided in (b)(2) above. Furthermore, it is to be used by such a bidder only when (1) he has submitted a bid for the entire non-set-aside quantity of an Item, and (2) he desires a total quantity in excess of the non-set-aside quantity thereof. Whether or not a small business concern may participate in the set-aside portion is dependent on its eligibility in accordance with (c) above. It should be noted, however, that to be eligible for the set-aside portion the bidder need not have filled in the Bidder's Statement of Set-Aside Quantity Desired. The latter should only be filled in where the bidder desires a quantity in excess of the non-set-aside quantity.

BIDDER'S STATEMENT OF SET-ASIDE QUANTITY DESIRED

1	2
Item No.	Quantity set-aside
3	
Portion of set-aside quantity desired	

(The issuing office will identify by line item number the supplies being procured as to which a portion is set aside and will designate the quantity set aside for each such item. The portion of set-aside quantity desired column will be left blank for the bidder or offeror to fill in. Where the definition of a small business concern for a given industry, as prescribed by the Small Business Administration and promulgated within the Department of Defense, differs from that set forth in the notice above, the notice shall be appropriately modified to reflect such definition.)

• • • • •

5. Revise § 1.801–2 and in § 1.804–2, revise paragraphs (b) and (c), to read as follows:

§ 1.801–2 Labor surplus area.

Labor surplus area means a geographical area which at the time of award is:

(a) Classified by the Department of Labor as an "Area of Substantial Labor Surplus" or as an "Area of Substantial and Persistent Labor Surplus" (also called "Area of Substantial and Persistent Unemployment") (herein referred to as an area of persistent labor surplus) and listed as such by that Department in conjunction with its publication "Area Labor Market Trends"; or

(b) Not classified as in paragraph (a) of this section, but which is individually certified as an area of persistent or substantial labor surplus by the Department of Labor at the request of any prospective contractor.

§ 1.804–2 Set-aside procedures.

• • • • •

(b) In advertised procurements involving set-asides pursuant to this Part, each invitation for bids shall contain either substantially the following notice or the notice set forth in paragraph (b) of this section. In negotiated procurements, whichever notice is used will be appropriately modified for use with requests for proposals. The appropriate notice shall be made a part of each contract under the set-aside portion of the procurement.

NOTICE OF LABOR SURPLUS AREA SET-ASIDE (NOV. 1961)

(a) *General.* A portion of this procurement, as identified elsewhere in the Schedule, has been set-aside for award only to one or more labor surplus area concerns, and to a limited extent, to small business concerns which do not qualify as labor surplus area concerns. Negotiations for award of the set-aside portion will be conducted only with responsible labor surplus area concerns (and small business concerns to the extent indicated below) who have submitted responsive bids or proposals on the non-set-aside portion at a unit price no greater than 120 percent of the highest award made on the non-set-aside portion. Negotiations for the set-aside portion will be conducted with such bidders in the following order of priority:

Group 1. Persistent labor surplus area concerns which are also small business concerns.

Group 2. Other persistent labor surplus area concerns.

Group 3. Substantial labor surplus area concerns which are also small business concerns.

Group 4. Other substantial labor surplus area concerns.

Group 5. Small business concerns which are not labor surplus area concerns.

Within each of the above groups, negotiations with such concerns will be in the order of their bids on the non-set-aside portion, beginning with the lowest responsive bid. The set-aside portion shall be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which were considered in evaluating bids on the non-set-aside portion. However, the Government reserves the right not to consider token bids or other devices designed to secure an unfair advantage over other bidders eligible for the set-aside portion.

(b) *Definitions.* (1) The terms "labor surplus area" means a geographical area which is a persistent labor surplus area or a substantial labor surplus area, or both, as defined below:

(i) "Persistent labor surplus area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial and Persistent Labor Surplus" (also called "Area of Substantial and Persistent Unemployment") and is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial and persistent labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(ii) "Substantial labor surplus area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial Labor Surplus" (also called "Area of Substantial Unemployment") and which is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(2) The term "labor surplus area concern" includes persistent labor surplus area concerns and substantial labor surplus area concerns as defined below:

(i) "Persistent labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial portion of a contract in persistent labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in persistent labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in such areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(ii) "Substantial labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in substantial labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in substantial labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in substantial and persistent labor surplus areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(3) A "small business concern" is a concern that (i) is certified as a small business concern by the Small Business Administration, or (ii) is independently owned and operated, is not dominant in its field of operation and, with its affiliates, employs either not more than 500 employees or, if the concern qualifies as a labor surplus area concern, not more than 625 employees. In addition to meeting these criteria, a manufacturer or regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns; provided, that this additional requirement does not apply in connection with construction or service contracts.

(c) *Identification of areas of performance.* Each bidder desiring to be considered for award as a labor surplus area concern on the set-aside portion of this procurement shall identify in his bid the geographical area in which he proposes to perform, or cause to be performed, a substantial proportion of the production of the contract. If the Department of Labor classification of any such area changes after the bidder has submitted his bid, the bidder may change the areas in which he proposes to perform, provided, that he so notifies the Contracting Officer before award of the set-aside portion. Priority for negotiation will be based upon the labor surplus classification of the designated production areas as of the time of the proposed award.

(d) *Agreement.* The bidder agrees that, if awarded a contract as a persistent labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award or at the time of performance of the contract, as persistent labor surplus areas; and that if awarded a contract as a substantial labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award or at the time of performance of the contract, as substantial or persistent labor surplus areas.

Where the definition of a small business concern for a given industry, as prescribed by the Small Business Administration and promulgated within the Department of Defense, differs from that set forth in the notice above, the notice shall be appropriately modified to reflect such definition.

(c) Where it is anticipated that bids may be received which appear designed to take unfair advantage of bona fide bidders, by devices such as unrealistically low bids or mere token quantities, the notice set forth below may be used instead of that in paragraph (b) of this section.

NOTICE OF LABOR SURPLUS AREA SET-ASIDE (NOV. 1961)

(a) *General.* This procurement has been divided into two parts. All concerns whether labor surplus area concerns or not, may participate in accordance with customary procedures in that portion of this procurement herein called the "non-set-aside" portion. The quantities of the non-set-aside portion are set forth elsewhere in this Schedule. The other portion of the items to be procured has been set aside for participation (i) by labor surplus area concerns, and (ii) to a limited extent, by small business concerns which do not qualify as labor surplus area concerns. This is called the "set-aside portion" and awards therefor are made in accordance with special procedures set forth in paragraph (c) of this notice. Definitions of the following terms are set forth in paragraph (d) of this notice:

(1) Labor Surplus Area.
(2) Labor Surplus Area Concern.
(3) Small Business Concern.

(b) *Non-set-aside portion and award procedure.* (1) A bidder which is not a labor surplus area concern or a small business concern shall submit a bid only for the non-set-aside portion of the procurement. Award thereof will be made in accordance with customary procedures.

(2) A bidder which is a labor surplus area concern or a small business concern and is interested in receiving an award for a quantity of an Item not exceeding the quantity set forth in the non-set-aside portion of procurement, should submit a bid in the same manner as other concerns bidding only on the non-set-aside portion. If such a bidder is interested in receiving an award for a quantity of an Item in addition to the quantity set forth in the non-set-aside portion, he must bid the entire quantity on the non-set-aside portion of the Item, and indicate such additional quantity of the Item as he desires by so specifying on the Bidder's Statement of Set-Aside Quantity Desired. Thus, the Bidder's Statement of Set-Aside Quantity Desired is not to be used unless the bidder has bid the entire quantity of an Item under the non-set-aside portion.

However, a labor surplus area or small business concern which receives no award, or receives an award for less than the total quantity of an Item for which it submitted a bid under the non-set-aside portion, may be eligible for an award of the quantity it bid, or the unawarded quantity thereof, under the following procedure governing the set-aside portion.

(c) *Set-aside portion and award procedure.* Award of the set-aside portion of this procurement will be made after award has been completed on the non-set-aside portion. It will be made only to labor surplus area or small business concerns which are found to be eligible in accordance with (1) below; on the basis of priorities for award set forth in (2) below; for quantities as provided in (3) below; and at prices determined in accordance with (4) below.

(1) *Eligibility.* To be eligible for consideration for the set-aside portion of an Item, the labor surplus area or small business concern must have submitted a responsive bid on such Item in accordance with the requirements of (b)(2) above at a unit price no greater than 120 percent of the highest unit price for such Item awarded under the non-set-aside portion. However, see (5) below when separate quantities are offered at different prices, (6) below when separate quantities are offered at tie-in prices, and (7) below when all-or-none bids are offered for more than one item.

(2) *Priorities.* Negotiations for the set-aside portion will be conducted with such bidders in the following order of priority:

Group 1. Persistent labor surplus area concerns which are also small business concerns.

Group 2. Other persistent labor surplus area concerns.

Group 3. Substantial labor surplus area concerns which are also small business concerns.

Group 4. Other substantial labor surplus area concerns.

Group 5. Small business concerns which are not labor surplus area concerns.

Within each of the above groups, negotiations for each Item will be conducted with eligible concerns in the order of their bids on the non-set-aside portion, beginning with the lowest responsive bids. However, see (5) below for the method of determining the bid when separate quantities are offered at different prices and see (6) below when separate quantities are offered at tie-in prices.

(3) *Quantity.* The quantity of the set-aside portion of an item which may be awarded to an eligible concern shall be as follows:

(i) Where a concern has not specified a quantity of the Item on the Bidder's Statement of Set-Aside Quantity Desired, the quantity shall be no greater than the quantity of such concern's bid on the non-set-aside portion of that Item, less the quantity, if any, of that Item awarded to that concern under the non-set-aside portion.

(ii) Where a concern has specified a quantity of the Item on the Bidder's Statement of Set-Aside Quantity Desired, the quantity shall be no greater than the total of the entire non-set-aside portion of the Item and the quantity thereof specified on the Bidder's Statement of Set-Aside Quantity Desired, less the quantity, if any, of that Item awarded to that concern under the non-set-aside portion.

(4) *Price.* The set-aside portion shall be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which were considered in evaluating bids on the non-set-aside portion. However, see (6) and (7) below for the highest unit price when the highest award is made as a result of tie-in bids or all-or-none type of qualification.

(5) *Separate quantities at different prices.* Where a concern has submitted a bid for separate quantities of the non-set-aside portion of an Item at different prices, without conditioning the Government's right to accept one or more such quantities upon its concurrent acceptance of another quantity of the Item each separate quantity shall be considered as a separate bid for the purpose of determining the eligibility of the concern with respect to the 120 percent limit prescribed in (c)(1) above, and for the purpose of determining under (c)(2) above the standing of that bid in the order of negotiations for the set-aside portion of that Item.

(6) *Separate quantities at tie-in prices.* Where a concern has submitted a bid for separate quantities of the non-set-aside portion of an Item at different prices, and has conditioned the Government's right to accept any one or more of such quantities upon its concurrent acceptance of another quantity of the Item, the weighted average of the prices for such conditioned quantities shall be considered the unit price for the purpose of determining, with respect to such conditioned quantities, (1) the eligibility of the firm with respect to the 120 percent limit of

(c) (1) above, (ii) the priority status of the firm under (c) (2) above, and (iii) the highest unit price for awards under (c) (4) above if the highest award on the non-set-aside portion was made on such conditioned bid.

(7) ***All-or-None bids.*** Where a concern has submitted an "all-or-none" bid for more than one Item and thereby has conditioned the Government's right to award any Item upon its concurrent award of another Item, the unit prices bid for each Item on an "all-or-none" basis shall be considered independent unit prices for the purpose of determining the eligibility and priority status of the concern for the set-aside portion of each Item. In no event will a set-aside award be made for an Item to such bidder at a higher unit price than his "all-or-none" unit price bid for the Item on the non-set-aside portion.

(d) ***Definitions.*** (1) The term "labor surplus area" means a geographical area which is a persistent labor surplus area or a substantial labor surplus area, or both, as defined below:

(i) "Persistent Labor Surplus Area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial and Persistent Labor Surplus" (also called "Area of Substantial and Persistent Unemployment") and is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial and persistent labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(ii) "Substantial Labor Surplus Area" means an Area which (A) is classified by the Department of Labor as an "Area of Substantial Labor Surplus" (also called "Area of Substantial Unemployment") and which is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(2) The term "labor surplus area concern" includes persistent labor surplus area concerns and substantial labor surplus area concerns as defined below:

(i) "Persistent labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in persistent labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in persistent labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in such areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(ii) "Substantial labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in substantial labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in substantial labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in substantial labor surplus areas or in substantial and persistent labor surplus areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(3) A "small business concern" is a concern that (i) is certified as a small business concern by the Small Business Administration, or (ii) is independently owned and operated, is not dominant in its field of operation and, with its affiliates, employees either not more than 500 employees or, if the concern qualifies as a labor surplus area concern, not more than 625 employees. In addition to meeting these criteria, a manufacturer or regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns; provided, that this additional requirement does not apply in connection with construction or service contracts.

(e) *Identification of areas of performance.* Each bidder desiring to be considered for award as a labor surplus area concern on the set-aside portion of this procurement shall identify in his bid the geographical areas in which he proposes to perform, or cause to be performed, a substantial proportion of the production of the contract. If the Department of Labor classification of any such area changes after the bidder has submitted his bid, the bidder may change the areas in which he proposes to perform, provided, that he so notifies the Contracting Officer before award of the set-aside portion. Priority for negotiation will be based upon the labor surplus classification of the designated production areas as of the time of the proposed award.

(f) *Agreement.* The bidder agrees that, if awarded a contract as a persistent labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus areas; and that if awarded a contract as a substantial labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as substantial or persistent labor surplus areas.

(g) *Token bids.* Notwithstanding the provisions of this Notice, the Government reserves the right, in determining eligibility or priority for set-aside negotiations, not to consider token bids or other devices designed to secure an unfair advantage over other bidders eligible for the set-aside portion.

(h) *Instruction for indicating portion of set-aside quantity desired.* The quantity of each Item which has been set-aside is set forth on the attached Bidder's Statement of Set-Aside Quantity Desired, which is to be filled in only by labor surplus area concerns and small business concerns, as provided in (b) (2) above. Furthermore, it is to be used by such a bidder only when (1) he has submitted a bid for the entire non-set-aside quantity of an Item, and (2) he desires a total quantity in excess of the non-set-aside quantity thereof. Whether or not a labor surplus concern or small business concern may participate in the set-aside portion is dependent on its eligibility in accordance with (c) above. It should be noted, however, that to be eligible for the set-aside portion the bidder need not have filled in the Bidder's Statement of Set-Aside Quantity Desired. The latter should only be filled in where the bidder desires a quantity in excess of the non-set-aside quantity.

BIDDER'S STATEMENT OF SET-ASIDE QUANTITY DESIRED

1	2	3
Item No.	Set-aside quantity	Portion of set-aside quantity desired

(The issuing office will identify by line item the supplies being procured as to which a portion is set aside and will designate the quantity set aside for each such Item. The quantity desired column will be left blank for the bidder or offeror to fill in.)

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6. Section 1.1003–3 is revised and in § 1.1003–9, paragraphs (e) and (f) are revised, to read as follows:

§ 1.1003–3 Synopses of subcontract opportunities.

(a) *By contracting officers.* In order to broaden the opportunity in negotiated procurement for subcontracting by small business concerns and others, contracting officers shall, unless not in the Government's interest or subcontracting opportunities do not exist, publish in the Department of Commerce Synopsis the names and addresses of firms to whom requests for proposals are to be issued. This procedure will offer opportunity to small business concerns and others interested in subcontracting to make direct contact with prospective prime contractors at an early stage in the procurement. An addition to the regular synopsis prepared in accordance with § 1.1003–9 shall be made as set forth in § 1.1003–9(f).

(b) *By prime contractors and subcontractors.* Prime contractors and subcontractors should be encouraged to use the Department of Commerce Synopsis to publicize opportunities in the field of subcontracting stemming from their defense business. Prime contractors and their subcontractors will be advised to mail subcontract information directly to the U.S. Department of Commerce, Room 1300, 433 West Van Buren Street, Chicago 7, Ill., under the heading "Subcontracting Assistance Wanted" and in the form of the following example:

XYZ Co., Attn. John Z. Smith, Tele. Mr. Randolph 6–1111, 102 First Avenue, Chicago 7, Ill., seeks Subcontractor on items to be used in connection with Contract No. ------ awarded 5–1–60. Coils, Induction, Dwg. No. 10–742 ------ 10,000 ea.

(Name, description, and quantity of other items or services may be included as long as contract assistance is desired under the same contract number)—If interested, make inquiry before 5–16–60 to above Contractor.

§ 1.1003–9 Preparation and transmittal.

• • • • •

(e) Certain procurements involve demands on the contractor which may make it virtually impossible for concerns not having special capabilities or qualifications to compete realistically for the contract. So as to alert such concerns to the need for special capabilities or qualifications and thus permit them to avoid improvident expenditures for bid preparation and the like, procurements for which (1) it is impracticable to distribute plans, drawings or specifications, (2) adequate plans, drawings or specifications to describe requirements are not available, (3) security clearance is required, or (4) other circumstances exist which should be brought to the attention of prospective sources for consideration in order to clearly indicate those qualifying factors affecting the procurement, should be so identified in the synopsis. Appropriate notations for inclusion in the synopsis, such as set forth below, should be devised to meet the needs of specific situations.

(i) Availability of specifications, plans or drawings.

It will be impracticable to distribute the applicable

(Insert "specifications," "plans," "drawings" or other appropriate words)

with the solicitation. This data may be examined or obtained at ----------

(Be specific)

(ii) Complete data not available.

Available specifications, plans, or drawings, relating to the procurement described below do not fully provide all necessary manufacturing and construction details.

(iii) Security requirements.

Security clearance will be required of successful bidder or offeror.

(iv) Availability of background research report.

This procurement of basic research is a continuation of an effort conducted for the past ---------- A research report con-

(Insert period)

taining findings to date is not available to the Government.

(v) Production requirements.

The production of the supplies listed requires a substantial initial investment or an extended period of preparation for manufacture.

(f) Where the contracting officer determines in accordance with § 1.1003–3(a) that the names of firms to whom requests for proposals have been issued should be included in the synopsis, such synopsis shall contain substantially the following statement:

Requests for Proposals have been issued to the following firms:

---------- ----------

(Name of firm) (Address)

It is suggested that small business firms or others interested in subcontracting opportunities in connection with this procurement make direct contact with the above firms.

• • • • •

7. Revise § 1.1206 and add new §§ 1.1206–1, 1.1206–2, 1.1206–3, 1.1206–4, and 1.1206–5, to read as follows:

§ 1.1206 Purchase descriptions.

§ 1.1206–1 General.

(a) A purchase description may be used in lieu of a specification when authorized by § 1.1202(b) and, subject to the restriction on repetitive use in § 1.1202(b)(7), where no applicable specification exists. A purchase description should set forth the essential characteristics and functions of the items or materials required. Purchase descriptions shall not be written so as to specify a product, or a particular feature of a product, peculiar to one manufacturer and thereby preclude consideration of a product manufactured by another company, unless it is determined that the particular feature is essential to the Government's requirements, and that similar products of other companies lacking the particular feature would not meet the minimum requirements for the item. Generally, the minimum acceptable purchase description is the identification of a requirement by use of brand name followed by the words "or equal." This technique should be used only as a last resort when an adequate specification or more detailed description cannot feasibly be made available in time for the procurement under consideration. Purchase descriptions of services to be procured should outline to the greatest degree practicable the specific services the contractor is expected to perform.

(b) The words "or equal" should not be added when it has been determined in accordance with paragraph (a) of this section that only a particular product meets the essential requirements of the Government, as, for example, (1) where the required supplies can be obtained only from one source; (2) procurements negotiated under § 3.207 of this chapter for specified medicines or medical supplies where it has been determined that only a particular brand name will meet the essential requirements of the Government; or (3) procurements negotiated under § 3.208 of this chapter for supplies for resale where it has been determined by a selling activity that only a particular brand name will meet the desires or preferences of its patrons.

§ 1.1206–2 Brand name or equal purchase description.

(a) Purchase descriptions which contain references to one or more brand name products followed by the words "or equal" may be used only when authorized by § 1.1202(b) and in accordance with §§ 1.1206–3 and 1.1206–4. The term "brand name product" means a commercial product described by brand name and make or model number or other appropriate nomenclature by which such product is offered for sale to the public by the particular manufacturer, producer, or distributor. Where feasible, all known acceptable brand name products should be referenced. Where a "brand name or equal" purchase description is used, prospective contractors must be given the opportunity to offer products other than those specifically referenced by brand name if such other products will meet the needs of the Government in essentially the same manner as those referenced.

(b) "Brand name or equal" purchase descriptions should set forth those salient physical, functional, or other characteristics of the referenced products which are essential to the needs of the Government. For example, where interchangeability of parts is required, such requirements should be specified. Purchase descriptions should contain the following information to the extent available, and include such other information as is necessary to describe the item required.

(1) Complete common generic identification of the item required;

(2) Applicable model, make, or catalog number for each brand name product referenced, and identity of the commercial catalog in which it appears; and

(3) Name of manufacturer, producer, or distributor of each brand name product referenced (and address if company is not well known).

(c) When necessary to describe adequately the item required, an applicable commercial catalog description, or pertinent extracts therefrom, may be used if such description is identified in the invitation for bids or request for proposals as being that of the particular named manufacturer, producer, or distributor. The contracting officer will insure that a copy of any catalogs referenced (except parts catalogs) is available on request for review by bidders at the purchasing office.

§ 1.1206–3 Invitation for bids—"Brand Name or Equal" Purchase Descriptions.

(a) Except as provided in paragraph (c) of this section, when a "brand name or equal" purchase description is included in an invitation for bids, the following shall be inserted after each item so described in the invitation, for completion by the bidder:

Bidding on:
Manufacturer's name ----------
Brand ---------- No. ------

(b) In addition, the following clause shall be included in the invitation:

BRAND NAME OR EQUAL (NOV. 1961)

(As used in this clause, the term "brand name" includes identification of products by make and model.)

(a) If items called for by this Invitation for Bids have been identified in the Schedule by a "brand name or equal" description, such identification is intended to be descriptive, but not restrictive, and is to indicate the quality and characteristics of products that will be satisfactory. Bids offering "equal" products will be considered for award if such products are clearly identified in the bids and are determined by the Government to be equal in all material respects to the brand name products referenced in the Invitation for Bids.

(b) Unless the bidder clearly indicates in his bid that he is offering an "equal" product, his bid shall be considered as offering a brand name product referenced in the Invitation for Bids.

(c) (1) If the bidder proposes to furnish an "equal" product, the brand name, if any, of the product to be furnished shall be inserted in the space provided in the Invitation for Bids, or such product shall be otherwise clearly identified in the bid. The evaluation of bids and the determination as to equality of the product offered shall be the responsibility of the Government and will be based on information furnished by the bidder or identified in his bid, as well as other information reasonably available to the purchasing activity. CAUTION TO BIDDERS. The purchasing activity is not responsible for locating or securing any information which is not identified in the bid and reasonably available to the purchasing activity. Accordingly, to insure that sufficient information is available, the bidder must furnish as a part of his bid all descriptive material (such as cuts, illustrations, drawings, or other information) necessary for the purchasing activity to (i) determine whether the product offered meets the requirements of the Invitation for Bids and (ii) establish exactly what the bidder proposes to furnish and what the Government would be binding itself to purchase by making an award. The information furnished may include specific references to information previously furnished or to information otherwise available to the purchasing activity.

(2) If the bidder proposes to modify a product so as to make it conform to the requirements of the Invitation for Bids, he shall (i) include in his bid a clear description of such proposed modifications and (ii) clearly mark any descriptive material to show the proposed modifications.

(3) Modifications proposed after bid opening to make a product conform to a brand name product referenced in the Invitation for Bids will not be considered.

(c) (1) Where component parts of an end item are described in the invitation for bids by a "brand name or equal" purchase description and the contracting officer determines that application

of the clause in paragraph (b) of this section to such component parts would be impracticable, the requirements of paragraph (a) of this section shall not apply with respect to such component parts. In such cases, if the clause is included in the Invitation for Bids for other reasons, a statement substantially as follows also shall be included:

The clause entitled "Brand Name or Equal" does not apply to the following component parts:
(List the component parts as to which the clause does not apply.)

(2) In the alternative, if the contracting officer determines that the clause in paragraph (b) of this section should apply to only certain such component parts, the requirements of paragraph (a) of this section shall apply to such component parts and a statement substantially as follows also shall be included:

The clause entitled "Brand Name or Equal" applies to the following component parts:
(List the component parts to which the clause applies.)

(d) When an invitation for bids contains "brand name or equal" purchase descriptions, bidders who offer brand name products referenced in such descriptions shall not be required to furnish bid samples of the referenced brand name products; however, invitations for bids may require the submission of bid samples in the case of bidders offering "or equal" products.

§ 1.1206–4 Bid evaluation and award—"brand name or equal" purchase descriptions.

(a) Bids offering products which differ from brand name products referenced in a "brand name or equal" purchase description shall be considered for award where the contracting officer determines in accordance with the terms of the clause in § 1.1206–3(b) that the offered products are equal in all material respects to the products referenced. Bids shall not be rejected because of minor differences in design, construction, or features which do not affect the suitability of the products for their intended use.

(b) Award documents shall identify, or incorporate by reference an identification of the specific products which the contractor is to furnish. Such identification shall include any brand name and make or model number, descriptive material, and any modifications of brand name products specified in the bid. Included in this requirement are those instances where (1) the description of the end item contains "brand name or equal" purchase descriptions of component parts or of accessories related to the end item and (2) the clause in § 1.1206–3(b) was applicable to such component parts or accessories (see § 1.1206–3(c)).

§ 1.1206–5 Procedure for negotiated procurements.

(a) The policies and procedures prescribed in §§ 1.1206–2 through 1.1206–4 for formally advertised procurements shall be generally applicable to negotiated procurements.

(b) The clause in § 1.1206–3(b) may be adapted for use in negotiated procurements. If use of the clause is not practicable (as may be the case in exigency purchases), suppliers shall be suitably informed that proposals offering products different from the products referenced by brand name will be considered if the contracting officer determines that such offered products are equal in all significant and material respects to the products referenced.

PART 2—PROCUREMENT BY FORMAL ADVERTISING

8. In § 2.201, add subparagraph (26) to paragraph (a), and in § 2.407–3, revise paragraph (b), to read as follows:

§ 2.201 Preparation of invitation for bids.

• • • • •

(a) • • •

(26) A provision covering the required source for jeweled bearings (see § 1.315 of this chapter).

• • • • •

§ 2.407–3 Discounts.

• • • • •

(b) In determining which of several bids received is the lowest, any discount offered shall be deducted from the bid price on the assumption that the discount will be taken, unless discount offered is for a lesser period than the minimum number of days specified in the invitation for bids (see paragraph (a) of this section). In evaluating equal bids offering discounts meeting the minimum discount period required by the invitation, a bid offering a longer discount period shall not be considered as being more advantageous to the Government. If a bid offers a prompt payment discount, but fails to specify the period in which the discount may be taken, the discount may be considered since award to the bidder gives the Government the right to deduct the discount from any payments made with reasonable promptness.

PART 3—PROCUREMENT BY NEGOTIATION

9. Add paragraph (c) to § 3.102, and revise § 3.210–3, to read as follows:

§ 3.102 General requirements for negotiation.

• • • • •

(c) Negotiated procurements shall be on a competitive basis to the maximum practical extent. Where a proposed procurement appears to be necessarily noncompetitive, the purchasing activity is responsible not only for assuring that competitive procurement is not feasible, but also for acting whenever possible to avoid the need for subsequent noncompetitive procurements. This action should include both examination of the reasons for the procurement being noncompetitive and steps to foster competitive conditions for subsequent procurements, particularly as to the availability of complete and accurate data, reasonableness of delivery requirements (§ 1.305–2(a) of this chapter), and possible breakout of components for competitive procurement. Except for procurement of electric power or energy, gas (natural or manufactured), water, or other utility services, contracts in excess of $10,000 shall not be negotiated on a noncompetitive basis without prior review at a level higher than the contracting officer to assure compliance with this subparagraph.

§ 3.210–3 Limitation.

The authority of §§ 3.210 through 3.210–3 shall not be used when negotiation is authorized by any other authority set forth in §§ 3.201 through 3.217, except that this authority shall be used in preference to § 3.212. The authority contained in § 3.210–2 (m) and (o) shall not be used in procurements in excess of $10,000 unless its use is approved in advance at a level higher than the contracting officer. Every contract that is negotiated under the authority of §§ 3.210 through 3.210–3 shall be accompanied by a determination and finding justifying its use, signed by the contracting officer and prepared in accordance with the requirements of Subpart C of this part.

10. Add new Subpart E to Part 3, to read as follows:

Subpart E—Solicitations of Proposals and Quotations

§ 3.500 Scope of subpart.

This subpart applies only to negotiated procurements in excess of $2,500 (see Subpart F of this part for small purchases).

§ 3.501 Preparation of request for proposals or request for quotations.

(a) Forms used for requesting proposals or quotations on negotiated procurements shall be as required by Part 16 of this chapter, or if not required by such Section, as prescribed by Departmental regulations.

(b) When written proposals or quotations for contemplated negotiated procurements for supplies or services, including research and development, and construction, are solicited, the request for proposals or the request for quotations normally should contain the following information if applicable to the procurement involved:

(1) Request for proposals or request for quotations number;

(2) Name and address of issuing activity, channels for submission of offer, and identification of the Government office or individual responsible for supplying additional information and answering inquiries.

(3) Date of issuance;

(4) Closing date;

(5) Number of pages and list of enclosures;

(6) Requisition or other purchase authority and appropriation and accounting data, if considered appropriate by the purchasing activity;

(7) A description (complying with Subpart L, Part 1 of this chapter) of the supplies or services to be furnished;

(8) Type of contract contemplated, together with type of repricing;

(9) The time of delivery or performance (see § 1.305 of this chapter);

(10) Requirements for performance and payment bonds;

(11) A list of any Government-furnished property, including Government-owned tooling, which will be furnished for the performance of the contract, and any special provisions relating thereto;

(12) A requirement that information be furnished with respect to any Government-owned facilities, industrial equipment, or special tooling intended to be used in the performance of the contract, the value thereof, identification of the Government contract under which acquired, rental provisions, and other relevant information;

(13) A requirement for stipulation of a time within which the Government may accept the proposal;

(14) Consistent with § 3.805–1(a)(5), notice to all offerors of the possibility that award may be made without discussion of proposals (in the case of construction contracts, see § 4.103–1 of this chapter);

(15) Special provisions necessary for the particular procurement, relating to such matters as progress payments (see Defense Contract Financing Regulations, § 163.73 of this chapter), patent licenses, liquidated damages, Buy American Act (see §§ 6.104–3 and 6.204–4 of this chapter);

(16) Any applicable wage determination of the Secretary of Labor (for construction contracts, see Subpart D, Part 12 of this chapter);

(17) Identification of special factors, such as Government costs or other expenditures, which must be considered in the evaluation of proposals or quotations;

(18) Factors other than price which will be given paramount consideration in the awarding of the contract;

(19) Information as to requirements for Certificate of Current Pricing Data (see § 3.807–3);

(20) Adequate statement of information required to enable evaluation of technical and financial capabilities, and a statement covering special technical capabilities which the offeror must possess;

(21) Instructions regarding the marking of information which is not to be disclosed to the public or used by the Government for any purpose other than the evaluation of the proposals (see § 3.109);

(22) Directions for obtaining copies of any documents, such as plans, drawings, and specifications, which have been incorporated by reference (see § 1.1203 of this chapter);

(23) A provision for late proposals or quotations substantially as set forth in § 3.804–2;

(24) Discount provisions (see § 2.407–3 of this chapter);

(25) Provisions for quantity variations;

(26) A requirement that the proposal state the intended place of performance, including the street address, and the names and addresses of owner and operator of producing facilities, if other than offeror, when it is reasonably anticipated that such facilities will be used in the performance of the contract;

(27) Place and method of delivery (see Subpart M, Part 1 of this chapter);

(28) Preservation, packaging, packing, and marking requirements;

(29) Place, method, and condition of inspection;

(30) A clear statement of option provisions (see Subpart O, Part 1 of this chapter);

(31) Any applicable requirements for samples or descriptive literature;

(32) Instructions with respect to disposition of drawings and specifications supplied with the request for proposals or request for quotations;

(33) Description of information required to support proposed prices (subcontract, structure, make-or-buy program, purchasing system, royalty, and cost and price information);

(34) A statement of disaster area, labor surplus area, or small business setasides;

(35) Required representations regarding small business status;

(36) Statutory cost limitations (for construction, see § 4.101–4 of this chapter);

(37) For construction, provisions for performance of work by contractor, see §§ 4.104–2 and 2.201(c)(2) of this chapter; and

(38) Estimated value of construction, see § 4.101–3 of this chapter.

11. Revise second sentence in § 3.805–1 (b) and add new § 3.813, to read as follows:

§ 3.805–1 General.

• • • • •

(b) • • • After receipt of proposals, no information regarding the number or identity of the offerors participating in the negotiations shall be made available to the public or to any one whose official duties do not require such knowledge. • • •

§ 3.813 Preproduction and startup costs.

(a) Estimates of preproduction and startup costs include such costs as preproduction engineering, special tooling, special plant rearrangement, training programs, and such nonrecurring costs as initial rework, initial spoilage, and pilot runs.

(b) Since an offeror may propose a price which does not include all preproduction and startup costs for the purpose of obtaining the first production contract and of gaining an advantage over competitors in negotiations for future procurements, it is important to know whether the offeror intends to absorb any portion of these costs or whether he plans to recover them in connection with subsequent pricing actions under the proposed or future contracts. This information is needed in evaluating competing proposals to determine which proposal is most likely to result in the lowest overall cost to the Government, particularly where the successful offeror is likely to become, in effect, a sole source for follow on procurements (including spare parts or other support items).

(c) Where it is anticipated that preproduction and startup costs will be a significant factor in the evaluation of proposals for the procurement of an item, the request for proposals shall require the offeror to provide the following information:

(1) An estimate of the total preproduction and startup costs;

(2) The extent to which these costs are included in the proposed price; and

(3) The intent to absorb, or plan for recovery of, any remaining costs. When entering into a contract with an offeror who has indicated that he intends to absorb any portion of these costs, the contract shall expressly provide that such portion will not be charged to the Government in any future procurement.

12. Divide present § 3.902 into two sections, §§ 3.902 and 3.902–1, the material thereunder to remain unchanged, and add new § 3.902–2, as follows:

§ 3.902 "Make-or-buy" program.

§ 3.902–1 General.

• • • • •

§ 3.902–2 Price adjustments.

(a) There may be cases where it is proper to agree that an item of significant value will be "bought" even though it would usually be more economical to have it "made", or vice versa. For instance, the contractor may have a unique capability for low-cost manufacture of a substantial component but his capacity may already be full during the period necessary for contract performance, so the component must be subcontracted. Therefore, the agreed "make-or-buy" program may specifically call for what would usually be the costly treatment of the item and the consequent higher costs may be explicitly recognized in establishing the best obtainable contract price. Unforeseen changes in the circumstances, however, may arise during contract performance and may induce the contractor to propose changing the item from "buy" to "make" (or vice versa). If such a change is made the element of the contract price which was intended to compensate the contractor for the higher costs flowing from the initial make-or-buy decision will instead constitute windfall profits to the contractor and unwarranted costs to the Government.

(b) In procurements where the prospective contractor's "make-or-buy" program is reviewed pursuant to § 3.902–1, if a situation of the kind described in paragraph (a) of this section obtains, the clause set forth below shall be included in the contract (unless it is a cost-reimbursement type contract) and any "make-or-buy" items of the kind described in paragraph (a) of this section shall be specifically designated in the Schedule (or elsewhere in the contract) both as being either a "make" item or a "buy" item and as being subject to this clause.

PRICE ADJUSTMENT FOR MAKE-OR-BUY CHANGES (NOV. 1961)

This clause applies only to items that are designated elsewhere in this contract as being "make" items or "buy" items subject to this clause. If the Contractor desires to

"make" any designated "buy" item, he will give written notice to the Contracting Officer of the proposed change reasonably in advance and will include significant and reasonably available cost and pricing data in sufficient detail to permit evaluation of the proposed change. Promptly thereafter, if the Contractor proceeds with the change, the Contractor and the Contracting Officer will negotiate an equitable reduction in the contract price to reflect any decrease in costs which should reasonably result from the change, and the contract will be modified in writing accordingly. Failure to agree on an equitable reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

13. In § 3.903–1, as to the clause in paragraph (a) revise clause heading and clause paragraph (c)(iii); revise paragraph (d); and in § 3.903–3, add new paragraph (f), as follows:

§ 3.903–1 Contract clauses.

(a) • • •

SUBCONTRACTS (NOV. 1961)

• • • • • •

(c) The advance notification required by paragraph (b) above shall include:

• • • • •

(iii) The proposed subcontract price, together with the Contractor's cost or price analysis thereof, including current, complete, and correct cost or pricing data accompanied, except when the requirement is specifically waived by the Contracting Officer, by a certificate from the subcontractor to the effect that all cost or pricing data has been considered by the subcontractor in preparing his proposal and that such data is current, and has been provided the Contractor; and

• • • • •

(d) The requirement for the certificate prescribed by paragraph (c)(iii) of the clause in paragraph (a) of this section may be waived in the discretion of the contracting officer if he is satisfied that the price has been based on effective competition, established catalog or market prices, or prices set by law or regulation. When required, the certificate shall be in the form set forth in § 3.807–7, appropriately modified to reflect that it is a certificate to a prime contractor, rather than to the Government.

§ 3.903–3 Approval of purchasing system.

• • • • •

(f) In reviewing the contractor's purchasing system, particular attention should be paid to whether subcontracting is done competitively to the extent practical. This involves not only the question whether a sufficient number of sources is solicited, but also whether the contractor's subcontracting procedures provide all other elements of free and open competition. For example, contractors should be urged to notify unsuccessful bidders of awards of subcontracts on which they bid and of the names of the successful bidders.

PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT

14. Add new § 4.107 to read as follows:

§ 4.107 Expediting, construction contracts.

No expediting action involving additional costs under a construction contract shall be taken without the prior approval of the Assistant Secretary of Defense (Installations and Logistics), pursuant to Public Law 87–302 or any substantially identical law. For the purposes of requesting such approval, expediting action shall be construed to include only an action which advances a completion date established in the contract.

PART 5—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

15. Revise §§ 5.1100–1 and 5.1100–2 to read as follows:

§ 5.1100–1 Coordinated procurement.

Coordinated procurement refers to procurement (a) of supplies under single procurement as defined in § 5.1100–2, and (b) of supplies and services pursuant to procurement agreements (see § 5.1118).

§ 5.1100–2 Single procurement.

Single procurement refers to procurement of supplies pursuant to assignments of procurement responsibility made by the Secretary of Defense. The following are approved types of single procurement:

(a) Single department procurement whereby one Military Department procures certain supplies to satisfy the requirements of all the Military Departments (including the procurement responsibility of Single Managers); and

(b) Plant cognizance procurement whereby one Military Department procures certain supplies from a particular plant to satisfy the requirements of all Military Departments, which is presently limited to airframes, aircraft engines and propellers.

16. Revise the introductory portion of § 5.1102–1; revise § 5.1102–2; and revoke § 5.1102–3, as follows:

§ 5.1102–1 Single department procurement.

The procuring department is generally responsible for the following under single department procurement:

• • • • •

§ 5.1102–2 Plant cognizance procurement.

(a) The procuring department assigned responsibility for plant cognizance procurement is responsible for the following functions related to procurement and mobilization planning for airframes, aircraft engines, and propellers produced in the plants assigned:

(1) Procurement responsibility:

(i) Purchasing all items produced in the plant, except:

(*a*) Research and development projects;

(*b*) Items or services which the Requiring Department and the Procuring Department agree may be purchased direct from the manufacturer by the Requiring Department;

(c) Overhaul contracts; and

(*d*) Industry preparedness measures covering items for which an allocation of manufacturing capability has been made under the DOD Industrial Readiness Planning Program, or such other industry preparedness measures as the procuring department may indicate or determine to be appropriate.

(ii) Contract administration of all contracts for items procured in accordance with subdivision (i) of this subparagraph;

(iii) Arrangement for inspection:

(*a*) Items produced in the plant which are procured in accordance with subdivision (i) of this subparagraph; but

(*b*) In cases where items are procured by other than the procuring department, the requiring department will perform the inspection services required or arrange with the procuring department for inspection of such items.

(iv) Arrangement for shipment of all items for which it has inspection responsibility;

(v) Auditing and cost accounting services for all items produced in the plant; and

(vi) Coordination of production capacity:

(*a*) By notifying other departments that production is reaching a saturation point or that excess production capacity is available; and

(*b*) By coordinating expansion of production capacity.

(2) Mobilization planning responsibility:

(i) Coordination of all phases of mobilization planning with the assigned plant by any branch of the Armed Services; and

(ii) Assignment of Armed Services Procurement Planning Officer (ASPPO) responsibility to an appropriate office within the Procuring Department for the conduct of the DOD Industrial Readiness Planning Program and preparation of a Request for Planning Action (DD Form 403). (The Remarks block of this form will contain an explanation that the plant has been assigned under the DOD Plant Cognizance Program and that Industrial Readiness Planning Program records should be corrected accordingly. This pertains to changes of ASPPO assignments within or between Procuring Departments. Changes of mobilization planning responsibility between Departments will be accomplished as part of changes in overall DOD plant cognizance.)

(b) The Requiring Department, in dealing through the Procuring Departments, is responsible for:

(1) Providing funds necessary to effect the purchase of required items and stating limitations on use of such funds;

(2) Stipulating quantity, quality, delivery requirements, and shipping instructions;

(3) Taking delivery of all items as specified in the contract delivery schedule;

(4) Keeping the procuring department advised of direct dealings with the plant on procurement of exempted items; and

(5) Keeping the procuring department advised of planned or contemplated procurements of items produced in the plant.

(c) Specific plant assignments are set forth in § 5.1203.

§ 5.1102–3 Plant cognizance procurement. [Revoked]

17. Revise § 5.1103–1; revise the opening portion of § 5.1103–3; and revise § 5.1103–6, to read as follows:

§ 5.1103–1 Standard format-development and promulgation of implementing procedures.

Implementation of commodity procurement assignments shall be in accordance with Attachment 2 of Enclosure (1) of Department of Defense Instruction 4115.1, dated April 12, 1961, Subject: Department of Defense Coordinated Procurement Programs—Commodity Assignments. Assignments of Department of Defense Plant Cognizance shall be carried out in accordance with Department of Defense approved Implementing Procedures, dated March 21, 1952.

§ 5.1103–3 Small dollar value purchases.

Requirements of small dollar value will be procured in accordance with the provisions of the approved implementing procedures covering the particular assignment. Such implementing procedures will normally provide a small dollar limitation of $2,500; however, in special situations the limit may vary depending upon the commodity area and may be expressed either in a higher or lower dollar value, by tonnage, less-than-carload lot quantities, or other units, as appropriate.

• • • • •

§ 5.1103–6 Purchase of decentralized items.

For items which have been decentralized by requiring departments, the procuring department will establish, in collaboration with the requiring departments, an economical central buying point. The economical central buy point will be $2,500 or higher as determined by the inventory control point of the procuring department. When requiring departments intend to procure decentralized items in amounts exceeding the economical central buy point, such procurement will be accomplished by the procuring department.

18. Revise Subpart L, Part 5, to read as follows:

Subpart L—Commodity Assignments

§ 5.1201 Commodity assignments to military departments.

The commodity assignments set forth in §§ 5.1201–1 through 5.1201–4 have been made by the Assistant Secretary of Defense (Installations and Logistics) to the military departments based upon studies made by the Armed Forces Supply Support Center. General exclusions are:

(a) Emergency procurements;

(b) Procurements not in excess of $2,500;

(c) Authorized local purchase items in amounts not exceeding the economical central buy point;

(d) Research and development items;

(e) Items which require continuous redesign or modification during the production phase; and

(f) Items excluded from coordinated procurement in accordance with classification action under the DOD item management coding criteria.

Specific exclusions are set forth in the lists.

§ 5.1201–1 Department of the Army.

Federal supply class code	Commodity	Content
	ANTI-FREEZE	
6850P	Miscellaneous chemical specialties	Includes: Anti-freeze compounds which contain ethylene glycol, only.
	BATTERIES, DRY CELL	
6135P	Batteries, primary	Includes: JAN Type, dry cell batteries, only.
	MILITARY CHEMICAL WARFARE EQUIPMENT AND SUPPLIES [1]	
4230P	Decontaminating and impregnating equipment.	Includes: Items peculiar to chemical warfare only.
4240P	Safety and rescue equipment	Includes: Military respiratory protective equipment for chemical warfare only.
6630P	Chemical analysis instruments	Includes: Instruments peculiar to chemical warfare only.
6640P	Laboratory equipment and supplies	Includes: Chemical laboratories (assembled outfits) only.
6665P	Hazard-detecting instruments and apparatus.	Includes: Items peculiar to chemical warfare only.
6810P	Chemicals	Includes: Calcium hypochlorite only.
6820P	Dyes	Includes: Items peculiar to chemical warfare only.
6850P	Miscellaneous chemical specialties	Includes: Agents decontaminating; and impregnites for military protective clothing for chemical warfare only.
6910	Training aids	Includes: Items peculiar to chemical warfare only.
	CONSTRUCTION AND AGRICULTURAL EQUIPMENT AND TRACTORS	
2410	Tractors, full track, low speed	
2420	Tractors, wheeled	
2520P	Vehicular power transmission components.[2]	Includes: Components peculiar to construction, excavating, highway maintenance, agricultural machinery and equipment, and tractors only.
2530P	Vehicular brake, steering, axle, wheel and track components.[3]	Do.
2540P	Vehicular furniture and accessories [2]	Includes: Furniture and accessories peculiar to construction, excavating, highway maintenance, agricultural machinery and equipment, and tractors only.
2590P	Miscellaneous vehicular components [2]	Includes: Miscellaneous components peculiar to construction, excavating, highway maintenance, agricultural machinery and equipment only.
3210	Sawmill and planing machinery	
3695P	Miscellaneous special industry machinery.	Includes: Specialized logging equipment only.
3710	Soil preparation equipment	
3720	Harvesting equipment	
3740	Pest, disease, and frost control equipment.[3]	
3750P	Gardening implements and tools [2]	Includes: Garden tractors, walking type only.
3805	Earth moving and excavating equipment.	
3810	Cranes and crane-shovels	
3815	Crane and crane-shovel attachments [2]	
3820	Mining, rock drilling, earth boring, and related equipment.[3]	
3825	Road clearing and cleaning equipment	
3830	Truck and tractor attachments [2]	
3895	Miscellaneous construction equipment	
5420	Bridges, fixed and floating	
5440P	Scaffolding equipment and concrete forms.[3]	Includes: Concrete forms only.
5680P	Miscellaneous construction materials [2]	Includes: Landing mats, landing mat sets, and parts peculiar.
	ELECTRONIC EQUIPMENT [4]	
	FIRE FIGHTING, WATER PURIFICATION AND SEWAGE TREATMENT EQUIPMENT	
4210P	Fire fighting equipment [2]	Excludes: Airport crash fire fighting vehicles under DOD procurement assignment to the Air Force.
4610	Water purification equipment [2]	Excludes: Kits, desalter; and stills, water, solar heated, lifesaving, which are under DOD procurement assignment to the Navy.
4620P	Water distillation equipment, marine and industrial.	Excludes: Distilling Plants when purchased for use aboard those vessels under DOD procurement assignment to the Navy.
4630	Sewage treatment equipment [2]	
	LUMBER, MILLWORK, PLYWOOD, AND VENEER	
5430P	Storage tanks	Includes: Tanks, wood, storage, only.
5450P	Miscellaneous prefabricated structures [2]	Includes: Cooling towers, wood; and silos, wood; only.
5630P	Pipe and conduit, nonmetallic [2]	Includes: Pipe, wood only.
5650P	Roofing and siding materials [2]	Includes: Shingles, wood only.
5660P	Fencing, fences, and gates [2]	Includes: Fence sections and gates, wood only.
	MORTUARY EQUIPMENT AND SUPPLIES	
5340P	Miscellaneous hardware [2]	Includes: Casket hardware only.
	MOTOR VEHICLES, TRAILERS, AND CYCLES	
2310	Passenger motor vehicles	
2320P	Truck and truck tractors	Excludes: Tracked landing vehicles, which are not under DOD procurement assignment; and airport crash rescue vehicles, which are under DOD procurement assignment to the Department of the Air Force.
2330P	Trailers	Excludes: Two wheel lubrication trailers, two wheel steam cleaning trailers, and troop transport semi-trailers, which are not under DOD procurement assignment; and airport crash rescue trailer units, which are under DOD procurement assignment to the Department of the Air Force.

See footnotes at end of § 5.1201–4.

Federal supply class code	Commodity	Content
	MOTOR VEHICLES, TRAILERS, AND CYCLES—continued	
2340P	Motorcycles, motor scooters, and bicycles.	Excludes: Bicycles and tricycles.
2430	Tractors, track laying high speed.	
2510P	Vehicular cab, body, and frame structural components.[3]	Includes: Components peculiar to military motor vehicles only.
2520P	Vehicular power transmission components.[3]	Do.
2530P	Vehicular brake, steering, axle, wheel, and track components.[3]	Do.
2540P	Vehicular furniture and accessories [3]	Includes: Furniture and accessories peculiar to military motor vehicles only.
2590P	Miscellaneous vehicular components [3]	Includes: Components peculiar to military motor vehicles only.
2910P	Engine fuel system components, nonaircraft.[3]	Do.
2930P	Engine cooling system components, nonaircraft.[3]	Do.
2940P	Engine air and oil filters, strainers, and cleaners, nonaircraft.[3]	Includes: Filters, strainers, and cleaners peculiar to military motor vehicles only.
2990P	Miscellaneous engine accessories, nonaircraft.[3]	Includes: Accessories peculiar to military motor vehicles only.
	PAPER AND PAPER PRODUCTS	
5970P	Electrical insulators and insulating materials.	Includes: Insulating paper, electrical only.
8130P	Reels and spools	Includes: Reels, paperboard; and spools, paperboard only.
	RAILWAY EQUIPMENT	
2110	Locomotives	
2220	Rail cars	
2330P	Right-of-way construction and maintenance equipment.	Excludes: Locomotive cranes which are under DOD procurement assignment to the Department of the Navy, and specialized types of locomotive cranes used in overseas areas with other than U.S. standard gauges and standard clearances which are not under DOD procurement assignment.
2240	Locomotive and rail car accessories and components.	
2250	Track materials, railroad	
	TELEPHONE AND TELEGRAPH EQUIPMENT AND COMPONENTS, MILITARY	
5805P	Telephone and telegraph equipment	Includes: Military (wire) equipment, field type, only.
5815P	Teletype and facsimile equipment	Do.
5830P	Intercommunication and public address systems, except airborne.	Do.
5915P	Filters and networks	Includes: Components of military (wire) equipment, field type, only.
5950P	Coils and transformers	Do.
5965P	Headsets, handsets, microphones, and speakers.	Do.
5985P	Antennae, waveguides, and related equipment.	Includes: Cases, wire dispenser for military (wire) equipment, field type, only.
5995P	Cable, cord, and wire assemblies; communication equipment.	Includes: Components of military (wire) equipment, field type, only.
6145P	Wire and cable, electrical	Includes: Wire and cable for military (wire) equipment, field type, only.
6625P	Electrical and electronic properties measuring and testing instruments.	Includes: Instruments for testing military (wire) equipment, field type, only.
6940	Communication training devices	Includes: Code training sets, code practice equipment, and other telephone and telegraph training devices, only.
8130P	Reels and spools	Includes: Reels and spools for military (wire) equipment, field type, only.

See footnotes at end of § 5.1201-4.

Federal supply class code	Commodity	Content
	TIME MEASURING INSTRUMENTS	
6645P	Time measuring instruments	Includes: All watches; aircraft instrument panel clocks; and spare parts thereof, as follows: aircraft clocks; aircraft panel clocks; athletic timers; cases, carrying, navigation watch; cases, master navigational watch; cases, watch, pocket; clocks, aircraft, mechanical; holders, watch; navigation watches, master; pocket watches; stop watches; watches, wrist, second, setting; watch case assemblies; watch movements; wrist watches.
6995P	Combination and miscellaneous instruments.	Includes: Jewel bearings, only.
	TIRES AND TUBES [3]	
2610	Tires and tubes, pneumatic, except aircraft.	
2630	Tires, solid and cushion	
	WEAPONS, FIRE CONTROL EQUIPMENT, AMMUNITION, AND EXPLOSIVES [7]	
1005P	Guns, through 30-mm [8]	Includes: Guns, through 30-mm, and parts and equipment therefor, as listed in Army Supply Manuals SM 9-5-1005, 10, 15; SM 9-1005, 10, 15. Excludes: Naval Ordnance type; MK-12, 20-mm gun; aircraft gun mounts; and all other types not included above.
1010P	Guns, over 30-mm up to 75-mm [8]	Includes: Guns, over 30-mm up to 75-mm, and parts and equipment therefor; as listed in Army Supply Manuals SM 9-5-1005, 10, 15; SM 9-1-1055, 10, 15. Excludes: Naval Ordnance type; aircraft gun mounts, and all other types not included above.
1015P	Guns, 75-mm through 125-mm [8]	Includes: Guns, 75-mm through 125-mm, and parts and equipment therefor; as listed in Army Supply Manuals SM 9-5-1005, 10, 15; SM 9-1-1055, 10, 15. Excludes: Naval Ordnance type; aircraft gun mounts; and all other types not included above.
1020P 1025P 1030P 1035P	Guns, over 125-mm [8]	Includes: Guns, over 125-mm, and parts and equipment therefor; as listed in Army Supply Manuals SM 9-5-1025, 30; SM 9-1-1025, 30. Excludes: Naval Ordnance type and all other types not included above.
1040	Chemical weapons and equipment [8]	
1055P	Launchers, rocket and pyrotechnic [8]	Includes: Launchers, rocket and pyrotechnic as listed in Army Supply Manuals SM 9-5-1055; SM 9-1-1050, 55. Excludes: Naval Ordnance type; airborne type; and all others not included above.
1095P	Misc. weapons [8]	Includes: Miscellaneous weapons, and parts and equipment therefor, as listed in Army Supply Manuals SM 9-5-1090, 95; SM 9-1-1090, 95. Excludes: Naval Ordnance type; guns, line throwing (which are under DOD procurement assignment to the Navy); aircraft type misc. weapons; and all others not included above.
1210P	Fire control directors [8]	Includes: Fire Control equipment, as listed in Army Supply Manuals SM 9-5-1210, 20, 30, 40; SM 9-5-1290; SM 9-1-1210, 20, 30, 40, 50, 60, 90. Excludes: Naval Ordnance type and aircraft type.
1220P	Fire control computing sights and devices.[8]	
1230P	Fire control systems, complete [8]	
1240P	Optical sighting and ranging equipment.[8]	
1265P	Fire control stabilizing mechanisms [8]	Includes: Fire Control Equipment, as listed in Army Supply Manuals SM 9-5-1210, 20, 30, 40; SM 9-5-1290; SM 9-1-1210, 20, 30, 40, 50, 60, 90. Excludes: Naval Ordnance type and aircraft type.
1260P	Fire control designating and indicating equipment.[8]	
1265P	Fire control transmitting and receiving equipment, except airborne.[8]	
1285P	Fire control radar equipment, except airborne.[8]	
1290P	Miscellaneous fire control equipment	

Federal supply class code	Commodity	Content
	WEAPONS, FIRE CONTROL EQUIPMENT, AMMUNITION, AND EXPLOSIVES [7]—continued	
1305P	Ammunition, through 30-mm [8]	Includes: Ammunition, through 30-mm, as listed in Army Supply Manuals SM 9-5-1305. Excludes: Naval Ordnance type; ammunition for the Mk-12, 20-mm gun; and all other types not included above.
1310P	Ammunition, over 30-mm up to 75-mm.[8 10]	Includes: Ammunition over 30-mm up to 75-mm, as listed in Army Supply Manual SM 9-5-1310. Excludes: Naval Ordnance type; 40-mm ammunition (which is under DOD procurement assignment to the Navy); and all other types not included above.
1315P	Ammunition, 75-mm through 125-mm.[8 10]	Includes: Ammunition, 75-mm through 125-mm, as listed in Army Supply Manual SM 9-5-1315; Army Supply Catalog CML 5-1-1. Excludes: Naval Ordnance type; and all other types not included above.
1320P	Ammunition, over 125-mm. [8 10]	Includes: Ammunition, over 125-mm, as listed in Army Supply Manual SM 9-5-1320; Army Supply Catalog CML 5-1-1. Excludes: Naval Ordnance type; and all other types not included above.
1325P	Bombs	Includes: Bombs as listed in Army Supply Manuals SM 9-5-1325; SM 3-5-1325, 30, 40, 45, 65, 70, 75. Excludes: Those bombs herein assigned to the Navy; and all others not included above.
1330	Grenades	
1340P	Rockets and rocket ammunition	Includes: HE, AT, 3.5 in., M35; Practice, 3.5 in., M36; Smoke, WP, 3.5 in., M30; Drill, 4.5 in., M24; HE, 4.5 in., M32; Practice, 4.5 in., M33; incendiary and toxicological rockets, as listed in Army Supply Bulletin SB 3-33. Excludes: Rockets herein assigned to the Navy; and all others not included above.
1345	Land mines	
1365	Military chemical agents	Excludes: Shipboard and aircraft pyrotechnics.
1370P	Pyrotechnics	
1375P	Explosives, bulk propellants and explosive devices.	
	Blasting agents and supplies	Includes: Blasting agents, and supplies such as: Blocks, demolition; caps, blasting, electric and nonelectric; charge, cratering; charges, shaped and demolition; cord, detonating; detonators, all types; dynamite; firing devices; fuse, safety; Bangalore torpedo; kit demolition; lighter, fuse; primer, percussion cap; demolition equipment sets with ancillary items; chests, demolition platoon and squad; machine, blasting. Excludes: Navy underwater demolition requirements.
	Explosives	Includes: The following items only: Ammonium picrate (explosive D) JAN-A-166A; trinitrotoluene (TNT) JAN-T-248; tetryl JAN-T-339; pantaerythrite tetranitrate (PETN) JAN-P-387; RDX; composition B; Composition B-3; pentolite, 50/50 JAN-P-408; composition C-3; composition A-3; composition A-4; nitroguanidine (picrite). Excludes: Production capacity for any of the above listed explosives at the U.S. Naval Propellant Plant, Indian Head, Maryland; and all other explosives not included above.
	Propellants	Includes: Propellants for small arms ammunition, calibers .30- to 30-mm, inclusive, except blank and cal. .45; propellant for small arms ammunition, caliber .45 MIL-P-3207; propellant, increment, M8 MIL-P-10557; propellant, M9; powder, rocket propellant, type N-4 MIL-P-16401; propellant cannon, M1, M6, M14, JAN-P-309; propellant cannon, M2, M5, JAN-P-323; propellant, 4.2 in. chemical mortar; propellant, M7; propellant, M15 and M17 MIL-P-268A; propellant, M10; rocket propellant powder NAVORD OS 53-3. Excludes: Production capacity for any of the above listed propellants at the U.S. Naval Propellant Plant, Indian Head, Maryland; and all other propellants not included above.

See footnotes at end of § 5.1201-4.

§ 5.1201-2 Department of the Navy.

Federal supply class code	Commodity	Content
	ECCLESIASTICAL EQUIPMENT, FURNISHINGS AND SUPPLIES	
6910P	Training aids	Includes: Visual aids, chaplain, nonprojected; only.
	ELECTRONIC EQUIPMENT [4]	
	FIBERS, FIBER ROPE CORDAGE, AND TWINE	
9420	Fibers, vegetable, animal, and synthetic.	
	FUELS, SOLID	
9110P	Fuels, solid	Includes: Coal or coal products, only.
	HAND TOOLS	
3439P	Miscellaneous welding, soldering, and brazing supplies and accessories.	Includes: Only soldering irons, and soldering guns, and related parts and accessories only.
3750	Gardening implements and tools [4]	Excludes: All powered or wheeled gardening implements and tools.
	LIFE SAVING EQUIPMENT, MARINE [11]	
2040P	Marine hardware and hull items	Includes: Anchor, sea; oars, sectional, aluminum; paddles; and paddles, telescoping, hand; only.
4220P	Marine lifesaving and diving equipment.	Includes: The following items only: Basket, search, and rescue. Buoy, breeches. Cases, carrying, deflated raft. Cases, pararaft kit. Containers, emergency equipment life raft. Containers, pararaft kit. CO_2 cylinders for inflatable life preservers and life rafts. Cushions, buoyant. Equipment, containers, coated nylon. Harness, for lifting personnel aboard ship. Inflation gear, complete and parts therefor (life raft). Kits, accessory, life raft. Kits, canvas repairing, for lifeboats, rafts and jackets. Life buoys, ring.

Federal supply class code	Commodity	Content
	LIFE SAVING EQUIPMENT, MARINE [11]—continued	
4220P	Marine lifesaving and diving equipment—Continued	Includes: The following items only: Life floats (platform net rigging). Life preservers. Life preservers, pneumatic. Life rafts, pneumatic, airborne and shipborne. Life suits, waterproof. Life vest, shark chaser. Reflectors, corner, life raft. Water lifesaving nets and ladders.
4320P	Power and hand pumps [1]	Includes: Pump, hand, only.
4610P	Water purification equipment [1]	Includes: Kits, desalter; and water stills, solar heated, lifesaving, only.
6230P	Electric portable and hand lighting equipment.[1]	Includes: Lantern, electric, automatic, floating; and lights, life preserver, only.
6350P	Miscellaneous alarm and signal systems.	Includes: Mirrors, signalling, only.
6605P	Navigational instruments	Includes: Compasses, lifeboat, and raft, only.
6850P	Miscellaneous chemical specialties	Includes: Dye, sea marker, only.
	MATERIALS HANDLING EQUIPMENT	
2330P	Right-of-way construction and maintenance equipment, railroad.	Includes: Diesel, electric; diesel, mechanical; gasoline, mechanical; and steam locomotive cranes; together with their peculiar parts, attachments, and accessories; only. Excludes: Specialized types of locomotive cranes used in overseas areas with other than U.S. standard gauges and standard clearances which are not under DOD procurement assignment, and all other right-of-way construction and maintenance equipment, railroad, which is under DOD procurement assignment to the Department of the Army.
2620P	Vehicular power transmission components.	Includes: Peculiar parts, attachments, and accessories for the materials handling equipment herein assigned to the Navy, only.
2630P	Vehicular brake, steering, axle, wheel, and track components.[1]	Do.
2540P	Vehicular furniture and accessories [1]	Do.
2590P	Miscellaneous vehicular components [1]	Do.
3910P	Conveyors [1]	Includes: Portable conveyor units (commercial warehouse type), only.
6140P	Batteries, secondary	Includes: Industrial batteries for electrically operated materials handling equipment, only.
	PEST CONTROL AGENTS	
6840	Pest control agents and disinfectants	
	PREFABRICATED AND PORTABLE BUILDINGS	
5410P	Prefabricated and portable buildings [1]	Includes: The following prefabricated buildings covered by the designated military specifications, only: building, arch rib 20' x 48', MIL-B-12568; building, arch rib 40' x 100', MIL-B-10606; building, (CAS) complete assembly structure, MIL-B-17579 (DOCKS); buildings, rigid frame 40' x 100', MIL-B-16071A; magazine, MIL-B-15949H; magazine, MIL-B-16041A.
	SEXTANTS, AIRCRAFT	
6605P	Navigational instruments	Includes: Sextants, aircraft, only.
	SHIPS, SMALL CRAFT, AND RELATED MARINE EQUIPMENT	
1905P	Combat ships and landing vessels	Includes: Landing vessels, only.
1910P	Transport vessels, passenger and troop.	Includes: Ferryboats, only.
1920	Fishing vessels	
1926	Special service vessels	
1930	Barges and lighters, cargo	
1935P	Barges and lighters, special purpose	Excludes: Derrick, pile driver, rock cutter, concrete mixing plant, mechanical bank grader barges, other bank revetment barges; and power plant, barges, only.

Federal supply class code	Commodity	Content
	SHIPS, SMALL CRAFT, AND RELATED MARINE EQUIPMENT—con.	
1940	Small craft [11]	
1945P	Pontoons and floating docks	Incl des: BuDocks type pontoons, only.
1950	Floating dry docks	
1960P	Miscellaneous vessels	Includes: Commercial sailing vessels, only.
2010	Ship and boat propulsion components	
2020	Rigging and rigging gear	
2030	Deck machinery	
2040P	Marine hardware and hull items	Excludes: Anchor, sea; oars, sectional, aluminum; paddles; and paddles, telescoping, hand only.
2060	Commercial fishing equipment	
2090	Miscellaneous ship and marine equipment.	
2805P	Gasoline reciprocating engines, except aircraft, and components.	Includes: Gasoline engines for use aboard ships herein assigned, only. Excludes: Outboard, motors, gasoline.
2815P	Diesel engines and components	Includes: Engines and components for use aboard ships herein assigned, only.
2820P	Steam engines, reciprocating, and components.	Includes: Marine main propulsion steam engines, only.
2825P	Steam turbines and components	Includes: Marine steam turbines, only.
3950P	Winches, hoists, cranes, and derricks [1]	Includes: Equipment for use aboard ships herein assigned, only.
4120P	Self-contained air conditioning units and accessories	Includes: Units and accessories for use aboard ships herein assigned, only.
4130P	Refrigeration and air conditioning plants and components.	Includes: Plants and components for use aboard ships herein assigned, only.
4220P	Marine lifesaving and diving equipment.	Includes: Diving equipment, only.
4310P	Compressors and vacuum pumps [1]	Includes: Reciprocating air compressors; and rotary air compressors for use aboard ships herein assigned, only.
4320P	Power and hand pumps [1]	Includes: Power driven pumps; and air ejector assemblies for use aboard ships herein assigned, only.
4330P	Centrifugals, separators, and pressure and vacuum filters.[1]	Includes: Oil purifiers; and oil filters, for use aboard ships herein assigned only.
4410P	Industrial boilers	Includes: Boilers for use aboard ships herein assigned, only.
4420P	Heat exchanges and steam condensers	Includes: Heat exchangers for use aboard ships herein assigned, only.
4450P	Industrial fan and blower equipment	Includes: Equipment for use aboard ships herein assigned, only.
4510P	Plumbing fixtures and accessories [1]	Includes: Troughs, wash (personnel); troughs, water closet; and troughs, urinal; for use aboard ships herein assigned, only.
4620P	Water distillation equipment, marine and industrial.[1]	Includes: Distilling plants for use aboard ships herein assigned, only.
5430P	Storage tanks	Includes: Tanks, metal (enclosure only, not part of ship's structure), for use aboard ships herein assigned, only.
5670P	Architectural and related metal products.[1]	Includes: Gratings and floors, metal (does not include deck structure) for use aboard ships herein assigned, only.
5985P	Antennae, waveguides, and related equipment.	Includes: Antenna poles; and masts, antenna for use aboard ships herein assigned, only.
6105P	Motors, electrical	Includes: Motors for use aboard ships herein assigned, only.
6115P	Generators and generator sets	Includes: Gasoline, diesel and steam engine—generator sets; generators, electric and steam turbine-generator sets for use aboard ships herein assigned, only.
6125P	Converters, electrical	Includes: Motor-generator sets for use abroad ships herein assigned, only.
6220P	Electrical vehicular lights and fixtures.	Includes: Fixed lights for use abroad ships herein assigned, only.
6320P	Shipboard alarm and signal systems	Includes: Alarm systems; fire alarm systems; indicating systems; telegraph systems (signals and signaling) (less electronic type); for use aboard ships herein assigned, only.
6605P	Navigational instruments	Includes: Hand leads (soundings); lead reels; sounding machines; stands, pelorus, for use aboard ships herein assigned, only.
6650P	Optical instruments	Includes: Stands, telescope, for use aboard ships herein assigned, only.
6665P	Hazard-detecting instruments and apparatus.	Includes: Hazard-determining safety devices, for use aboard ships herein assigned, only.
8140P	Ammunition boxes, packages, and special containers.	Includes: Boxes, ammunition, for use aboard ships herein assigned, only.

See footnotes at end of § 5.1201–4.

Federal supply class code	Commodity	Content
	TIME MEASURING INSTRUMENTS	
6645P	Time measuring instruments	Includes: All clocks, chronometers, and spare parts thereof, as follows: alarm clocks; boat clocks; cans, chronometer shipping and storage; carrying cases, chronometer; carrying cases, make-break circuit, chronometer; cases, chronometer; cases, chronometer, gimbal; cases, chronometer, padded; chronometers; chronometers, make-break circuit; clocks, direct reading; clocks, electric; clocks, floor; clocks, interval timer; clocks, marine, mechanical, clocks, master control; clocks, master program; clocks, master regulating; clocks, mechanical; clocks, message center; clocks, nurses'; clocks, program; clocks, shelf; clocks, wall; clocks, watchmen's; clock motors; clock movements; clock, movements, electric; deck clocks; dials, clock; hourmeters; interval timers; keys, clock; marine clocks; meters, engine running time; meters, hour recording; meters, time totalizing, electric; program control instruments, program timers; stop clocks; time period counters; timers, bombing; timers, engine hour; timers, sequential; timers, stop.
	WEAPONS, FIRE CONTROL EQUIPMENT, AMMUNITION AND EXPLOSIVES [7]	
1095P	Miscellaneous weapons	Includes: Guns, line throwing, only.
1310P	Ammunition, over 30-mm up to 75-mm	Includes: 40-mm ammunition, only.
1325P	Bombs [13]	Includes: Armor-piercing; depth bombs, externally suspended low drag bombs; and components and practice bombs therefor, as listed in Ord Pamphlet 1280 and OP 1ves.
1340P	Rockets and rocket ammunition [14]	Includes: 2.25 in. Rocket SCAR, Practice; Heads Mk 3 and Mods; Motors Mk 15 and Mods, MK 16 and Mods. 2.75 in. Rocket FFAR, service and practice; Heads Mk and Mods (General Purpose); Mk 5 and Mods (HEAT); Motors Mk 1 and Mods, Mk 2 and Mods, Mk 3 and Mods. 5 in. Rocket HVAR, service and practice; Head Mk 2 and Mods (common) Mk 6 and Mods (GP), Mk 4 and Mods (smoke) Mk 25 and Mods (ATAR); Motors Mk 10 and Mods. 5 in. Rocket FFAR service and practice; Heads Mk 24 and Mods (General Purpose), Mk 32 and Mods (Shaped charged), Mk 26 and Mods (Illum); Motor Mk 16 and Mods. Excludes: Rockets included under above assignment to the Army.
1390P	Fuzes and primers	Includes: Fuzes and Primers for Navy assigned ammunition and V.T. fuses, rotating type, only.
4926P	Ammunition maintenance and repair shops specialized equipment.	Includes: Sets, kits, and outfits of explosive Ordnance tools and equipment as defined in OPNAV 8027.1B, AR 755–1300–6; AFR 136–8 and further, as described in Ord Pamphlet 1851(C) and other similar documents of other services.
8140P	Ammunition boxes, packages, and special containers.	Excludes: All others not included above. Includes: Boxes, packages and containers for 40-mm ammunition, only.

§ 5.1201–3 Department of the Air Force.

Federal supply class code	Commodity	Content
	ELECTRICAL AND ELECTRONIC COMPONENTS	
5960P	Electron tubes, transistors, and rectifying crystals.	Includes: Only gas filled or evacuated electronic tubes which have a common coordinated specification as set forth in MIL-E/1D and which are common to two or more Military Departments.
	ELECTRONIC EQUIPMENT [4]	
	FIRE FIGHTING, RESCUE, AND SAFETY EQUIPMENT (AIRPORT)	
2320P	Trucks and truck-tractors	Includes: Airport crash rescue vehicles, only.
2330P	Trailers	Includes: Airport crash rescue trailer units, only.
4210P	Fire fighting equipment [8]	Includes: Airport crash fire fighting vehicles, only.

See footnotes at end of § 5.1201–4.

Federal supply class code	Commodity	Content
	LIGHTING FIXTURES, AIRPORT	
6210P	Indoor and outdoor electric lighting fixtures.	Includes: Fixtures for airport lighting, alarm and signal systems, only.
	PHOTOGRAPHIC EQUIPMENT [15]	
6710P	Cameras, motion picture	Excludes: Submarine periscope and underwater cameras.
6720P	Cameras, still picture	Do.
6730P	Photographic projection equipment	Excludes: 35-mm theatre projectors.
6740	Photographic developing and finishing equipment.	
6750P	Photographic supplies [16]	Excludes: Photoflash lamps, which are mandatory for purchase under the provisions of Federal Supply Schedule Class 62, Part II, Electric Lamps.
6760	Photographic equipment and accessories.	
6780	Photographic sets, kits, and outfits.	

§ 5.1201–4 General Services Administration.[17]

Federal supply class code	Commodity	Content
	OFFICE FURNITURE	
7105P	Household furniture [16]	Includes: Chairs, easy; davenports; settees; stands, smoking; wardrobes.
7110P	Office furniture [17] [18]	Includes: Address plate filing cabinets; address plate filing cabinet bases; address plate filing cabinet tops; bases, filing cabinet; bases, sectional bookcase; bookcases; sectional; cabinets, visible file; chairs, straight, office type; chairs; swivel, office type; chairs, flat top, office type; desks, typists'; typist; desks, dictionary holders; drawers, filing cabinet; filing cabinets-including insulated fire resistant and combination lock types; filing trays, cabinet; stands, adding machine; stands, dictionary; stands, typewriter; stools, straight, office type; stools, revolving, office type; tables, conference; tables, office; tops, filing cabinet; tops, sectional bookcase.
7125P	Cabinets, lockers, bins and shelving. [18]	
7195P	Miscellaneous furniture and fixtures. [18]	
	OFFICE MACHINES	Excludes: Machines and equipment controlled by the Congressional Joint Committee on Printing.
7410	Punched card system machines	
7420	Billing and computing machines [18]	
7430P	Typewriters and office type composing machines.[18]	
7450	Office-type sound recording and reproducing machines.	
7490	Miscellaneous office machines [18]	Do.
	OFFICE SUPPLIES [18]	
7510P	Office supplies	Excludes: Albums, scrapbook; and those office supplies which are procured through Government Printing Office channels.
7520P	Office devices and accessories	Excludes: Seals, hand impression, and those items procured through Government Printing Office channels.
7530P	Stationary and record forms	Excludes: Items procured through Government Office channels.

[1] The implementing procedures for this DOD procurement assignment also covers selected mechanical smoke generators, which are classified under FSC 1040 Chemical Weapons and Equipment. The entire FSC 1040 is under DOD procurement assignment to the Department of the Army.
[2] Effective until procurement responsibility is assumed by the Single Manager for Military Automotive Supplies.
[3] Effective until procurement responsibility is assumed by the Single Manager for Military Construction Supplies.
[4] Each Department is assigned procurement responsibility for those items which the Department either designed or for which it sponsored development, as listed in JANAP 140 and Supplemental Departmental Listings.
[5] Effective until procurement responsibility is assumed by the Single Manager for Military Industrial Supplies.
[6] Requirements of commercial tires and tubes, when the item to be procured is less than $10,000 per line item (for tires costing less than $1,000 per tire) or when the item to be procured is less than $25,000 per line item (for tires costing

$1,000 or more per tire), shall be purchased in accordance with the mandatory provisions of Federal Supply Class 26—Part II, Tires and Tubes, Pneumatic (except aircraft). These mandatory provisions do not apply to Military tires and tubes, which shall be procured together with those quantities of commercial tires and tubes over the above specified dollar amounts in accordance with the procedures implementing this DOD procurement assignment. This DOD procurement assignment does not include FSC Class 2620, Tires and Tubes, Pneumatic, Aircraft. These items are mandatory for purchase in accordance with the provisions of Federal Supply Group 26—Part I, Tires and Tubes, Pneumatic, Aircraft. This assignment is effective until procurement responsibility is assumed by the Single Manager for Military Automotive Supplies.

[7] The Department of the Army portion of this DOD procurement assignment is covered by two sets of implementing procedures. One set covers items under the cognizance of the Army Ordnance Corps and the other covers items under the cognizance of the Army Chemical Corps.

[8] For purposes of procurement, Naval Ordnance comprises all arms, armor, and armament for the Department of the Navy and includes all offensive and defensive weapons, together with their components, controlling devices and ammunition used in executing the Navy's mission in National Defense (except small arms and those items of aviation ordnance procured from the Army).

[9] Mechanical smoke generators included in this FSC Class are covered in the implementing procedures for Chemical Warfare Equipment and Supplies.

[10] Army responsible for loading, assembling and packing toxicological, smoke and incendiary shells.

[11] The implementing procedures for this DOD procurement assignment also covers airborne and shipborne pneumatic lifeboats, which are classified under FSC 1940—Small Craft. The entire FSC 1940 is under DOD procurement assignment to the Department of the Navy.

[12] Airborne and shipborne pneumatic lifeboats included in this FSC Class are covered in the implementing procedures for Lifesaving Equipment, Marine.

[13] Army responsible for loading, assembling and packing toxicological, smoke and incendiary shells. Loading, assembling and packing in excess of Navy owned capacity to be done by Army.

[14] Filler and filling of all smoke and toxicological rockets are assigned to the Army.

[15] Excludes photographic equipment controlled by the Congressional Joint Committee on Printing and Micro-Film Equipment and Supplies.

[16] Effective until procurement responsibility is assumed by the Single Manager for Military General Supplies.

[17] In addition to the Classes listed herein, the General Services Administration is the procurement source for items in all Classes assigned to Single Managers when so designated by the executive directors thereof. This assignment is not applicable to items carried in the GSA Stores Stock Catalog.

[18] Excludes only those items approved by DOD for military management.

[19] This assignment—Includes: General use and executive type office items only. Excludes: Built-in-furniture, shipboard furniture; special items for military field use; modified designs for special technical or clerical work.

[20] Excludes paper stocks, paper products, inks and supplies controlled by the Congressional Joint Committee on Printing and those items which are contained in the Government Printing Office Term Contracts for Tabulating Cards and Marginally Punched Continuous Forms. Also excludes those items approved by DOD for military management.

§ 5.1202 Commodity assignments to single managers.

Under the Single Manager Program the Secretary of Defense designates the Secretary of one Military Department as Single Manager of specified categories of common use items for all Military Departments. The Single Manager is responsible for all supply management functions (including purchasing). The commodities listed in §§ 5.1202–1 and 5.1202–2 have been assigned to the single manager operating agencies indicated. Generally, the assignments include all items designated by the executive directors of the agencies for integrated military management and/or centralized procurement pursuant to the Defense Materiel Management Program. All items designated by the executive director for local procurement or procurement from the General Services Administration are excluded from the assignments.

§ 5.1202–1 Department of the Army.

MILITARY CLOTHING AND TEXTILE SUPPLY AGENCY (PHILADELPHIA, PA.)

Federal supply class code	Commodity	Content
	CLOTHING AND TEXTILES	
6532	Hospital and surgical clothing and textile special purpose items.[1]	
7210	Household furnishings	
8305P	Textile fabrics	Excludes: Only items of laminated cloth used exclusively in repair of lighter-than-air envelopes.
8310	Yarn and thread	
8315P	Notions and apparel findings	Excludes: Only items of coated cloth tape used exclusively in repair of lighter-than-air envelopes.
8320	Padding and stuffing materials	
8330	Fur materials	
8340	Leather	
8345	Shoe findings and soling materials	
8360	Tents and canvas	

MILITARY CLOTHING AND TEXTILE SUPPLY AGENCY (PHILADELPHIA, PA.)—Continued

Federal supply class code	Commodity	Content
	CLOTHING AND TEXTILES—con.	
8345	Flags and pennants	
8405	Outwear, men's	
8410	Outwear, women's	
8415	Clothing, special purpose	Includes: All submarine clothing.
8420	Underwear and nightwear, men's	
8425	Underwear and nightwear, women's	
8430	Footwear, men's	
8435	Footwear, women's	
8440	Hosiery, handwear, and clothing accessories, men's.	
8445	Hosiery, handwear, and clothing accessories, women's.	
8450	Children's and infants' apparel and accessories.	
8455	Badges and insignia	
8460	Luggage	
8465	Individual equipment	
8475	Specialized flight clothing [1]	

MILITARY SUBSISTENCE SUPPLY AGENCY (CHICAGO, ILL.)

	SUBSISTENCE ITEMS	
8905	Meat, poultry and fish	
8910	Dairy foods and eggs	
8915	Fruits and vegetables	
8920	Bakery and cereal products	
8925	Sugar, confectionery, and nuts	
8930	Jams, jellies, and preserves	
8935	Soups and bouillons	
8940	Special dietary foods and food specialty preparations.	
8945	Food oils and fats	
8950	Condiments and related products	
8955	Coffee, tea, and cocoa	
8960	Beverages, nonalcoholic	
8970	Composite food packages	
8975	Tobacco products	
	CONSTRUCTION SUPPLIES	
2815	Diesel engines and components	
3740	Pest, disease, and frost control equipment.	
3750	Gardening implements and tools	
3815	Crane and crane-shovel attachments	
3820	Mining, rock drilling, earth boring, and related equipment.	
3830	Truck and tractor attachments	
3910	Conveyors	
3950	Winches, hoists, cranes, and derricks	
4210	Fire fighting equipment	
4310	Compressors and vacuum pumps	
4320	Power and hand pumps	
4330	Centrifugals, separators, and pressure and vacuum filters.	
4510	Plumbing fixtures and accessories	
4520	Space heating equipment and domestic water heaters.	
4530	Fuel burning equipment units	
4540	Miscellaneous plumbing, heating, and sanitation equipment.	
4610	Water purification equipment	
4620	Water distillation equipment, marine and industrial.	
4630	Sewage treatment equipment	
4710	Pipe and tube	
4720	Hose and tubing, flexible	
4730	Fittings and specialties: hose, pipe and tube.	
4810	Valves, powered	
4820	Valves, nonpowered	
4410	Prefabricated and portable buildings	

MILITARY SUBSISTENCE SUPPLY AGENCY (CHICAGO, ILL.)—Continued

Federal supply class code	Commodity	Content
	CONSTRUCTION SUPPLIES—con.	
5440	Scaffolding equipment and concrete forms.	
5450	Miscellaneous prefabricated structures.	
5510	Lumber and related basic wood materials.	
5520	Millwork	
5530	Plywood and veneer	
5610	Mineral construction materials, bulk	
5620	Building glass, tile, brick, and block	
5630	Pipe and conduit, nonmetallic	
5640	Wallboard, building paper, and thermal insulation materials.	
5650	Roofing and siding materials	
5660	Fencing, fences and gates	
5670	Architectural and related metal products.	
8680	Miscellaneous construction materials	

MILITARY AUTOMOTIVE SUPPLY AGENCY

2510	Vehicular cab, body, and frame structural components.	
2520	Vehicular power transmission components.	
2530	Vehicular brake, steering, axle, wheel, and track components.	
2540	Vehicular furniture and accessories	
2590	Miscellaneous vehicular components	
2610	Tires and tubes, pneumatic, except aircraft.	
2630	Tires, solid and cushion	
2640	Tires rebuilding and tire and tube repair materials.	
2805	Gasoline reciprocating engines, except aircraft; and components.	
2010	Engine fuel system components, nonaircraft.	
2920	Engine electrical system components, nonaircraft.	
2930	Engine cooling system components, nonaircraft.	
2940	Engine air and oil filters, strainers, and cleaners, nonaircraft.	
2090	Miscellaneous engine accessories, nonaircraft.	

MILITARY GENERAL SUPPLY AGENCY (RICHMOND, VA.)

	GENERAL SUPPLIES	
35	Service and trade equipment	
51	Hand tools	
71	Furniture	
73	Food preparation and serving equipment.	
75	Office supplies	
77	Musical instruments, phonographs, and hometype radios.	
78	Recreational and athletic equipment	
79	Cleaning equipment and supplies	
85	Toiletries	
99	Miscellaneous	
3020	Materials handling equipment, nonself-propelled.	
3930	Warehouse trucks and tractors, self-propelled.	
3990	Miscellaneous materials handling equipment.	

See footnotes at end of § 5.1202–2.

MILITARY GENERAL SUPPLY AGENCY (RICHMOND, VA.)—Continued

Federal supply class code	Commodity	Content
	GENERAL SUPPLIES—continued	
4110	Self-contained refrigeration units and accessories.	
4140	Fans and air circulators, nonindustrial.	
5210	Measuring tools, craftsman's	
5280	Sets, kits, and outfits of measuring tools.	
6750	Photographic supplies	
7220	Floor coverings	
7230	Drapes, awnings and shades	
7240	Household and commercial utility containers.	
7290	Miscellaneous household and commercial furnishings and appliances.	
7420	Billing and computing machines	
7430	Typewriters and office-type composing machines.	
7490	Miscellaneous office machines	
8105	Bags and sacks	
8110	Drums and cans	
8115	Boxes, cartons and crates	
8125	Bottles and jars	
8135	Packaging and packing bulk materials	
9310	Paper and paper board	
9320	Rubber fabricated materials	
9330	Plastics fabricated materials	
9340	Glass fabricated materials	
9350	Refractories and fire surfacing materials.	
9390	Miscellaneous fabricated nonmetalic materials.	

§ 5.1202–2 Department of the Navy.

MILITARY INDUSTRIAL SUPPLY AGENCY (PHILADELPHIA, PA.)

Federal supply class code	Commodity	Content
	INDUSTRIAL SUPPLIES	
53	Hardware and abrasives	
80	Brushes, paints, sealers and adhesives	
95	Metal bars, sheets and shapes	
3110	Bearings, antifriction, unmounted	
3120	Bearings, plain, unmounted	
3130	Bearings, mounted	
3940	Blocks, tackle, riggings, and slings	
4010	Chain and wire rope	
4020	Fiber rope, cordage and twine	
4030	Fittings for rope, cable and chain	
	MEDICAL, DENTAL, VETERINARY AND RELATED EQUIPMENT AND SUPPLIES [2]	
6505	Drugs, biologicals, and official reagents.	
6510	Surgical dressings materials	
6515	Medical and surgical instruments, equipment and supplies.	
6520	Dental instruments, equipment and supplies.	
6525	X-ray equipment and supplies, medical, dental and veterinary.	
6530	Hospital furniture, equipment, utensils, and supplies.	
6532	Hospital and surgical clothing and tartile special purpose items.[4]	
6540	Opticians' instruments, equipment and supplies.	
6545	Medical sets, kits and outfits	

items are listed herein as the procurement responsibility of another activity, they shall be procured in accordance with the implementing procedures of that activity.

² Supply management responsibility only. Military Clothing and Textile Supply Agency is assigned procurement responsibility.

³ Military Petroleum Supply Agency is assigned procurement responsibility only. Supply management responsibility is assigned to the Military Industrial Supply Agency.

§ 5.1203 Plant cognizance procurement assignments.

Plant Index No.	Manufacturer	Location	Current procurement and mobilization planning assigned to—
	AIRCRAFT PLANTS		
103064	Beech Aircraft Corp., 9709 East Central Avenue	Wichita, Kans	Air Force.
105440	Bell Aerosystems Co., Division of Bell Aerospace Corp., Wheatfield Township	Niagara Falls, N.Y	Do.
105450	Bell Helicopter Co., Division of Bell Aerospace Corp	Hurst, Tex	Navy.
905256	Bell Aerosystems Co., Division of Bell Aerospace Corp., Air Force Plant No. 18 (DOD 256), 2221 Kenmore Avenue.	Tonawanda, N.Y	Air Force.
905416	Boeing Airplane Co., Air Force Plant No. 20 (DOD 416).	Renton, Wash	Do.
122376	Boeing Airplane Co., 7755 East Marginal Way	Seattle, Wash	Do.
905130	Boeing Airplane Co., Air Force Plant No. 13 (DOD 130), 3800 South Oliver.	Wichita, Kans	Do.
180008	Cessna Aircraft Co., 5800 East Pawnee Road	do	Do.
905357	Chance Vought Aircraft, Inc., Plant B, Naval Weapons Industrial Reserve Plant (DOD 387).	Dallas, Tex	Navy.
284656	Douglas Aircraft Co., Inc., Naval Weapons Industrial Reserve Plant (DOD 26).	El Segundo, Calif	Do.
284668	Douglas Aircraft Co., Inc., 3000 Ocean Park Boulevard.	Santa Monica, Calif	Air Force.
905326	Douglas Aircraft Co., Inc., Air Force Plant No. 3 (DOD 326), 2000 Memorial Drive.	Tulsa, Okla	Do.
284685	Douglas Aircraft Co., Inc., 3855 Lakewood Boulevard	Long Beach, Calif	Do.
305224	Ecko Corp	College Point, N.Y	Navy.
335212	Fairchild Engine and Airplane Corp., Fairchild Aviation and Missile Division.	Hagerstown, Md	Air Force.
231302	General Dynamics Corp., Convair Division Plant	San Diego, Calif	Navy.
231303	General Dynamics Corp., Convair (San Diego) Division Plant No. 2, Air Force Plant No. 19, 4297 Pacific Highway, P.O. Box 1950.	do	Air Force.
905390	General Dynamics Corp., Convair (Fort Worth) Division, Air Force Plant No. 4 (DOD 390), Grants Lane, P.O. 371.	Fort Worth, Tex	Do.
412765	Goodyear Tire and Rubber Co., Goodyear Aircraft Goodyear Navy Weapons Industrial Reserve Plant (DOD 324).	Akron, Ohio	Navy.
905464	Grumman Aircraft Engineering Corp., Naval Weapons Industrial Reserve Plant (DOD 464).	Bethpage, Long Island, N.Y	Do.
905001	Hayes Aircraft Corp., Air Force Modification Center (DOD 1), Hayes P.O. Box.	Birmingham, Ala	Air Force.
936644	Hiller Aircraft Corp	Palo Alto, Calif	Navy.
490213	Hughes Tool Co., Aircraft Division, Florence Avenue and Teale Street.	Culver City, Calif	Air Force.
905463	Kaman Aircraft Corp., Naval Weapons Industrial Reserve Plant (DOD 463).	Bloomfield, Conn	Navy.
604812	Lockheed Aircraft Corp., Plant A	Burbank, Calif	Do.
604814	Lockheed Aircraft Corp., Plant B, Air Force Plant No. 14, P.O. Box 551.	do	Air Force.
905070	Lockheed Aircraft Corp., Air Force Plant No. 6 (DOD 70).	Marietta, Ga	Do.
604825	Lockheed Aircraft Corp., 7701 Woodley Avenue	Van Nuys, Calif	Do.
905148	The Martin Co., Plant No. 1 (DOD 148)	Middle River, Md	Do.
649016	McDonnel Aircraft Corp., Naval Weapons Industrial Reserve Plant (DOD 265).	St. Louis, Mo	Navy.
905303	North American Aviation, Inc., Naval Weapons Industrial Reserve Plant (DOD 303).	Columbus, Ohio	Do.
746110	North American Aviation, Inc., 12214 Lakewood Boulevard, Air Force Plant No. 16.	Downey, Calif	Air Force.
746134	North American Aviation, Inc., Los Angeles International Airport.	Los Angeles, Calif	Do.
782666	Northrop Corp., 1001 East Broadway	Hawthorne, Calif	Do.
813684	Northrop Corp., Radioplane Co., 8200 Woodley Avenue.	Van Nuys, Calif	Do.
771815	Republic Progressing and Testing Center, Route 2, Box 2, Air Force Plant No. 44.	Palmdale, Calif	Do.
222373	Sperry Gyroscope Co.,	Great Neck, N.Y	Navy.

Federal supply class code	Commodity	Content
	PETROLEUM AND PETROLEUM PRODUCTS	
6810P	Chemicals	Includes: The following items only. •Acetone, technical. •n-Amyl acetate, technical. •Benzene, technical. •Benzene (Benzo). •n-Butyl acetate, technical. •Butyl alcohol, technical. Distillate, petroleum. •Ethyl acetate, technical. Ethylene glycol, monobutyl ether, technical. •Isopropyl acetate, technical. •Methyl ethyl ketone, technical. •Methyl isobutyl ketone, technical. Naphtha, aliphatic. Naphtha, aromatic. Naphtha, coal tar. Petroleum ether, technical. Rubber solvent. •Solvent, methyl isobutyl ketone. Stoddard's solvent. Tetraethyl lead (TEL). •Toluene, technical. •Trichloroethylene, technical. Tricresyl phosphate (TCP) technical (for use as a fuel additive). •Xylene, technical. •Assigned to the extent that such items are procured for use as solvents or thinners in paints, dopes, lacquers, enamels, etc.
6850P	Miscellaneous chemical specialties	Includes: Corrosion preventive, aircraft engine; and the following items when they are of a petroleum base; anti-static and cleaner compound; calibrating fluid; carburetor and choke cleaning compound; fuel injector cleaner; cleaning compounds, scale removing; cleaning compounds, solvent; cleaning solutions, instrument cleaning solution, watch; and watch; dry cleaning solvent; fluid reference, rubber swell; fluid, reference shear stability; heat transfer fluids; hydrocarbon fluid, standard test; magnetic inspection oils; metal cleaners; spot remover.
8010P	Paints, dopes, varnishes and related products.¹	Includes: Dope thinners; enamel thinners; lacquer thinners; paint thinners (except turpentine and dipentene); thinners, dope and lacquer; thinners, paint, mineral spirits; thinners, synthetic resin enamel (all other items classified in FSG Group 8010 are under assignment to the Military Industrial Supply Agency).
8030P	Preservative and sealing components.¹	Includes: Only the following items when they are of a petroleum base; antisete compound, coating compound, petrolatum; rust preventive compounds; soluble oil emulsifiables; corrosion preventive compounds; corrosion preventive, flotation type; corrosion preventives, solvent cut-back; fingerprint remover compounds; metal conditioning compounds; pastes, thread sealing; rust preventive compounds; thread compounds.
9120P	Fuel gases	Excludes: Artificial gas; illuminating gas; gas, manufactured illuminating; gas, natural, dry; and natural gas.
9130	Gasoline and jet fuel	
9140	Fuel oils	
9150P	Oils and greases; cutting, lubricating and hydraulic.	Excludes: Caster oil, technical, lard oil; lubricant stopcock; soap; lubricating, and sperm oil.
9160P	Miscellaneous waxes, oils, and fats	Includes: Insulating Oil, electrical; and the following items when they are of a petroleum base only: wax, desensitizing floor oil; wax, microcrystalline; wax, paraffin.
9020P	Minerals, natural and synthetic	Includes: Crude petroleum; and crude shale oil only.

¹ Procurement responsibility only. Military Medical Supply Agency is responsible for supply management.

² Procurement responsibility only. Military Clothing and Textile Supply Agency is responsible for supply management.

³ Procurement responsibility only. Military Industrial Supply Agency is responsible for supply management for all items in FSG Group 45, and for all equipment in FSG Group 46.

Plant Index No.	Manufacturer	Location	Current procurement and mobilization planning assigned to—
	AIRCRAFT PLANTS—continued		
905474	TEMCO Electronics and Missile Corp., Plant A (NWIRP).	Dallas, Tex	Do.
607071	United Aircraft Corp., Sikorsky Aircraft Division	Stratford, Conn	Do.
782765	Vertol Aircraft Corp	Morton, Pa	Do.
	ENGINE PLANTS		
905576	AVCO Corp., Lycoming Division, 652 Oliver Street	Williamsport, Pa	Air Force.
607070	United Aircraft Corp., Sikorsky Aircraft Division	Bridgeport, Conn	Navy.
905043	AVCO Corp., Bridgeport Lycoming Division, Air Force Plant No. 43 (DOD 62), Main Street.	Stratford, Conn	Do.
905615	Continental Motors Corp., Continental Aviation and Engineering Corp., 12700 Kercheval Avenue.	Detroit, Mich	Do.
905508	Curtiss-Wright Corp., Wright Aeronautical Division, 304 Valley Boulevard.	Woodridge, N.J	Do.
604823	General Electric Co., Flight Propulsion Division, AF Plant No. 36, Lockland Road.	Evendale, Ohio	Do.
604484	General Electric Co., Aircraft Gas Turbine Division, Small Aircraft Engine Department.	West Lynn, Mass	Do.
907508	General Motors Corp., Allison Division	Indianapolis, Ind	Air Force.
905457	General Tire and Rubber Co., Aerojet General Corp., P. O. Box 2048, Air Force Plant No. 70.	Sacramento, Calif	Do.
905458	General Tire and Rubber Co., Aerojet General Corp	Azusa, Calif	Navy.
905467	General Tire and Rubber Co., Aerojet General Corp., Naval Weapons Industrial Reserve Plant (DOD 467).	Sacramento, Calif	Do.
905478	Thiokol Chemical Corp., Reaction Motors Division, Naval Weapons Industrial Reserve Plant (DOD 478).	Denville, N.J	Do.
907060	United Aircraft Corp., Pratt and Whitney Aircraft Division, Departmental Reserve Plant (DOD 57).	East Hartford, Conn	Do.
907066	United Aircraft Corp., Pratt and Whitney Aircraft Division.	North Haven, Conn	Do.
905061	United Aircraft Corp., Pratt and Whitney Aircraft Division, Naval Weapons Industrial Reserve Plant (DOD 61).	Southington, Conn	Do.
	PROPELLER PLANTS		
905330	Curtiss-Wright Corp., Propeller Division	Caldwell, N.J	Air Force.
907060	General Motors Corp., Allison Division, Aero Products Operations.	Vandalia, Ohio	Do.
907060	United Aircraft Corp., Hamilton Standard Division	Windsor Locks, Conn	Navy.
	OTHER PLANTS		
907626	Continental Motors Corp., Continental Aviation and Engineering Corp., 1331 Laskey Road.	Toledo, Ohio	Air Force.

PART 6—FOREIGN PURCHASES

Subpart F—Duty and Customs

10. Revise Subpart F, Part 6, to read as follows:

§ 6.601 Scope of subpart.

(a) This subpart sets forth policies and procedures for excepting from import duty certain supplies that are imported into the United States in connection with Defense contracts. Ordinarily, duty is payable for the importation of supplies obtained outside the United States. Two exceptions to this rule are available to the Department of Defense; "emergency purchases of war materials abroad" by a Military Department may be imported duty-free pursuant to 10 U.S.C. 2383; and certain supplies (not including equipment) for vessels or aircraft operated by the United States may be imported duty-free pursuant to 19 U.S.C. 1309. This subpart prescribes the uses and limits of these two exceptions.

(b) This subpart does not deal with or affect the evaluation of bids or proposals offering foreign supplies. Rules for such evaluation are in Subparts A through C of this part. Although the procedures of this subpart may require or permit duty-free entry to be accorded foreign supplies in a given case, this in itself neither precludes nor requires the inclusion of duty in evaluating a bid offering such supplies.

§ 6.602 Policy.

The issuance of duty-free entry certificates in appropriate situations will result in important savings to military appropriations. Such certificates must be limited to carefully selected situations lest they result in unanticipated profits to contractors, especially under fixed-price type contracts, and involve the Government in administrative expenses outweighing any possible savings to military appropriations. It is Defense policy to use duty-free entry certificates wherever there is reasonable assurance that advantages in the form of savings to military appropriations will outweigh the administrative and other costs of processing duty-free entry certificates and of maintaining controls to verify that the full benefit of the certificates inures to the Government.

§ 6.603 Emergency purchases of war materials abroad.

§ 6.603–1 Definition.

Any procurement of foreign supplies constitutes "an emergency purchase of war material" if:

(a) The supplies comprise:

(1) Weapons, munitions, aircraft, vessels, or boats;

(2) Agricultural, industrial, or other supplies used in the prosecution of war or for the national defense; or

(3) Supplies, including components or equipment, necessary for the manufacture, production, processing, repair, servicing, or operation of supplies within subparagraphs (1) or (2) of this paragraph;

(b) The procurement:

(1) Is made in time of war or during a national emergency;

(2) Is made because of a shortage of domestic supply, pursuant to a decision that the supplies are necessary for the adequate maintenance of the Armed Services;

(3) Is made for the use of United States forces abroad or United States vessels in foreign waters; or

(4) Consists of captured enemy war material, materials requisitioned by United States forces abroad, or materials rebuilt from other materials owned by, captured by, or turned over to United States forces.

§ 6.603–2 Requirements.

(a) To assure that the policy of § 6.602 is carried out for emergency purchases of war materials abroad, one or both of the clauses in § 6.603–3 shall be included in each negotiated contract in excess of $100,000 unless the minimum dollar limits in § 6.603–3 (a) and (b), respectively, apply. Notwithstanding these dollar limits, either or both of the clauses in § 6.603–3 may be inserted in any other negotiated contract where the contracting officer determines that to do so would further the policy in § 6.602 and would be consistent with the limitations in paragraph (c) of this section, and in any such case the dollar figures in paragraph (a) and (b) of the clause in § 6.603–3(b) may be reduced appropriately.

(b) The requirements in paragraph (a) of this section are in addition to and independent of the requirements in § 6.605 concerning duty-free entry clauses for Canadian supplies.

(c) Duty-free entry certificates shall be issued as required by contracts containing any of the contract clauses described in §§ 6.603–3 and 6.605. Consistent with § 6.602, duty-free entry certificates may be issued in connection with any other contract for an "emergency purchase of war material" that falls within one of the following categories:

(1) Direct purchases abroad regardless of whether title passes at point of origin or at destination in the United States, providing the contract states that the final price is exclusive of duty;

(2) Purchases abroad by a Government prime contractor under a cost-reimbursement type contract or by a cost-reimbursement type subcontractor (where no fixed-price prime or fixed-price subcontract intervenes between the purchaser and the Government), regardless of whether title passes at point of origin or at destination in the United States. If a fixed-price prime or fixed-price subcontract intervenes, the criteria stated in subparagraph (3) of this paragraph should be followed; and

(3) Purchases abroad by a fixed-price contractor, fixed-price subcontractor, or cost-type subcontractor where a fixed-price prime, or fixed-price subcontract

intervenes, provided (i) the fixed-price prime and, where applicable, fixed-price subcontract prices are, or are amended to be, exclusive of duty; (ii) the prime contractor and, where applicable, the subcontractors concerned certify that the supplies so purchased are to be delivered to the Government or incorporated in Government-owned property or in an end product to be furnished to the Government, and that the duty will be paid if such supplies or any portion thereof are utilized for other than the performance of the Government contract or disposed of other than for the benefit of the Government in accordance with the contract terms; and (iii) such procurement abroad is authorized by the terms of the prime contract, the applicable subcontract, or by the contracting officer.

In any such case the procedures required by the clauses in § 6.603–3 and by § 6.603–4 shall be followed to the extent practicable.

§ 6.603–3 Contract clauses.

(a) *Duty-free entry for designated items.* Within the limits of § 6.603–2(a) the following clause shall be used where the contracting officer definitely knows at the time of execution of the contract that foreign supplies (other than those for which duty-free entry is to be accorded pursuant to a clause authorized by § 6.605), on which the estimated aggregate duty exceeds $1,000, are to be imported into the United States, its possessions, or Puerto Rico, in connection with performance of the contract.

DUTY-FREE ENTRY FOR CERTAIN SPECIFIED ITEMS (NOV. 1961)

(a) Except as otherwise approved by the Contracting Officer, no amount is or will be included in the contract price on account of duty with respect to those supplies that are specifically identified in the schedule as supplies to be accorded duty-free entry.

(b) The Contractor warrants that all such supplies for which duty-free entry is to be claimed are intended to be delivered to the Government or incorporated in the end items to be delivered under this contract, and that duty shall be paid by the Contractor to the extent that such supplies, or any portion thereof (if not scrap or salvage), are diverted to nongovernmental use other than as a result of a competitive sale made, directed or authorized by the Contracting Officer.

(c) The Government agrees to execute duty-free entry certificates and to afford such assistance as appropriate in order to obtain the duty-free entry of supplies as to which the shipping documents bear the notation specified in paragraph (d) below, except as the Contractor may otherwise agree.

(d) All shipping documents submitted to Customs, covering those supplies that are specifically identified in the Schedule as supplies to be accorded duty-free entry, shall bear the following information:

(i) Government prime contract number;

(ii) Identification of carrier;

(iii) The notation: "UNITED STATES (insert name of Military Department)—DUTY-FREE ENTRY TO BE CLAIMED pursuant to Act of August 10, 1956 (10 U.S.C. 2383)." Upon arrival of shipment at port of entry, Collector of Customs, kindly notify the (insert title and address of Government representative), who will execute Customs Forms 7501 and 7501A and the Duty-Free Entry Certificate;

(iv) Gross weight in pounds (if freight is based on space tonnage, state cubic feet in addition to gross shipping weight); and

(v) Estimated value in United States dollars.

(e) The Contractor agrees to instruct the foreign supplier to prepare a sufficient number of copies of the bill of lading (or other shipping document) so that at least two of the copies accompanying the shipment will be available for use by the Collector of Customs at the port of entry. The foreign supplier shall also be instructed to forward, at the time of shipment, a memorandum copy of the bill of lading (or other shipping document) to the designated Government representative.

(f) The Contractor will make appropriate provisions in subcontracts hereunder to assure that the entire substance of this clause is agreed to by each first- or lower-tier subcontractor, if any, who will import into the United States, its possessions, or Puerto Rico, supplies identified in the Schedule as supplies to be accorded duty-free entry.

(b) *Duty-free entry for items not identified in the contract.* Within the limits of § 6.603–2(a), the following clause shall be used unless the contracting officer anticipates that, in connection with the performance of the contract, neither the prime contractor nor any first-tier subcontractor will make any purchase of foreign supplies in excess of $10,000 that would not be covered either by the clause in paragraph (a) of this section or by a clause authorized by § 6.605.

NOTICE OF IMPORTS—POSSIBLE DUTY-FREE ENTRY (NOV. 1961)

(a) Except as provided in paragraph (c) below, the Contractor shall notify the Contracting Officer in writing of any purchase in excess of $10,000 by the Contractor of foreign supplies (including without limitation raw materials, components, and intermediate assemblies) that are to be imported into the United States, its possessions, or Puerto Rico, for delivery to the Government, or for incorporation in end items to be delivered to the Government, under this contract; *Provided*, That if this contract contains any other clause providing for duty-free entry, such notice is not required for any supplies that are to be accorded duty-free entry under any other such clause. Any such notice shall be furnished to the Contracting Officer at least twenty (20) days before the importation of any supplies pursuant to any such purchase. The notice shall identify (i) the foreign supplies, (ii) the estimated amount of duty payable thereon, and (iii) the country of origin.

(b) If, within ten (10) days of receipt of any notice under (a) above, the Contracting Officer notifies the Contractor in writing that the Government will issue duty-free entry certificates for such foreign supplies, or if the Government otherwise tenders and the Contractor agrees to the issuance of such a duty-free entry certificate, the following subparagraphs shall apply:

(1) Except as otherwise approved by the Contracting Officer, the contract price shall be reduced by (or the allowable cost shall not include) the amount of duty which would be payable if duty-free entry certificates were not issued pursuant to the provisions of this clause.

(2) The Contractor warrants that all such foreign supplies for which duty-free entry certificates are to be issued in accordance with this clause are intended to be delivered to the Government or incorporated in end items to be delivered under this contract, and that duty shall be paid by the Contractor to the extent that such supplies, or any portion thereof (if not scrap or salvage), are diverted to non-governmental use other than as a result of a competitive sale made, directed or authorized by the Contracting Officer.

(3) The Government agrees to execute duty-free entry certificates and to afford appropriate assistance in order to obtain the duty-free entry of such foreign supplies as to which, pursuant to subparagraph (4) below, the shipping documents bear the notation specified therein, except as the Contractor may otherwise agree.

(4) All shipping documents submitted to Customs, covering foreign supplies for which duty-free entry certificates are to be issued in accordance with this clause, shall bear the following information:

(i) Government prime contract number;

(ii) Identification of carrier;

(iii) The notation: "UNITED STATES (insert name of Military Department)—DUTY-FREE ENTRY TO BE CLAIMED pursuant to Act of August 10, 1956 (10 U.S.C. 2383)." Upon arrival of shipment at port of entry, Collector of Customs, kindly notify the (insert title and address of Government representative), who will execute Customs Forms 7501 and 7501A and the Duty-Free Entry Certificate;

(iv) Gross weight in pounds (if freight is based on space tonnage, state cubic feet in addition to gross shipping weight); and

(v) Estimated value in United States dollars.

(5) The Contractor agrees to instruct the foreign supplier to prepare a sufficient number of copies of the bill of lading (or other shipping document) so that at least two of the copies accompanying the shipment will be available for use by the Collector of Customs at the port of entry. The foreign supplier shall also be instructed to forward, at the time of shipment, a memorandum copy of the bill of lading (or other shipping document) to the designated Government representative.

(c) This clause shall not apply to purchases of foreign supplies in connection with this contract if (i) such foreign supplies are identical in nature with supplies purchased by the Contractor or any subcontractor hereunder in connection with his commercial business, and (ii) segregation of such supplies to insure use only on Government contracts containing duty-free entry provisions is not economical or feasible.

(d) The Contractor agrees to insert the substance of this clause in any first-tier subcontract hereunder in connection with which foreign supplies in excess of $10,000 may be imported by the subcontractor into the United States, its possessions, or Puerto Rico.

§ 6.603–4 Customs entries and duty-free certificates.

(a) When the clause set forth in § 6.603–3 (a) or (b) is used, the title and address of the Government representative responsible for preparing the Consumption Entry (Customs Form 7501) and Consumption Entry Permit (Customs Form 7501A) and executing the duty-free certificate shall be included in such clause.

(b) When the Government agrees to execute duty-free entry certificates for supplies, in accordance with the clauses set forth in § 6.603–3 or authorized by § 6.605, the contractor shall be notified that the foreign supplier is to include on the bill of lading (or other shipping document) the information required to be inserted on such documents as provided in the clause. Failure to include such information on the bill of lading (or other shipping document) will result in the shipment being treated as a shipment without benefit of free entry under 10 U.S.C. 2383.

(c) The designated Government representative shall, except as provided in paragraph (e) of this section, retain the importation copy of the bill of lading (or other shipping document) pending notification by the Collector of Customs that the shipment has been released. The notification will contain a request for Customs Form 7501, Customs Form 7501A, and the duty-free entry certificate.

(d) Upon receipt of a request for duty-free entry, the designated Government representative shall promptly prepare the required customs forms and execute the duty-free entry certificate in accordance with paragraph (f) of this section and forward two copies of Customs Form 7501 and one copy of Customs Form 7501A to the Collector of Customs submitting the request.

(e) When the designated Government representative is located in a Canadian supplier's plant, he shall be authorized to prepare Customs Form 7501, and Customs Form 7501A and to execute the duty-free entry certificate thereon. These Customs Forms shall be placed in a sealed envelope addressed to the "Collector of Customs, Port of Entry" and shall be securely attached to the two copies of the bill of lading (or other shipping document) for the Collector of Customs, which accompany the shipment.

(f) The duty-free entry certificate referred to in this section shall be printed, stamped, or typed on the face of Customs Form 7501 or attached thereto in the following form:

(Nov. 1961)

I certify that the procurement of this material constituted an emergency purchase of war material abroad by the Department of the (indicate Army, Navy, or Air Force) and it is accordingly requested that such material be admitted free of duty pursuant to the Act of August 10, 1956 (10 U.S.C. 2383).

(Name)

(Title), who has been designated to execute free entry certificates for the above-named Department

(Organization)

§ 6.603–5 Immediate release permits.

Immediate release permits, executed on Customs Form 3461 (Application for Special Permit for Delivery of Perishable and other Articles, Immediate Delivery of Which is Necessary), entitle all shipments qualifying as "emergency purchase of war material abroad" to be released immediately by the Collectors of Customs at the various ports of entry, prior to and pending the filing of Customs Forms 7501 and 7501A and a duty-free entry certificate. The existence of an immediate release permit on file at a port of entry does not dispense with the necessity of filing Customs Forms 7501 and 7501A and such duty-free entry certificates as are appropriate. Each Department shall designate the individuals responsible for issuance of Immediate Release Permits.

§ 6.604 Supplies for vessels or aircraft operated by the United States.

(a) Subject to the considerations set forth in § 6.602, a duty-free entry certificate may be issued when "certain supplies (not including equipment)" are purchased for vessels or aircraft operated by the United States. As used in this paragraph, the term "certain supplies (not including equipment)" includes articles known as "stores", such as food, medicines and toiletries, and, in addition, all consumable articles necessary and appropriate for the propulsion, operation and maintenance of the vessel or aircraft, such as fuel, oil, gasoline, grease, paint, cleaning compounds, solvents, wiping rags and polishes. It does not include portable articles necessary and appropriate for the navigation, operation or maintenance of the vessel or aircraft, and for the comfort and safety of the persons on board, such as rope, bolts and nuts, bedding, china and cutlery, which are included in the term "equipment." The procedures to be followed in the issuance of such certificates shall be as prescribed by the respective Departments.

(b) The duty-free entry certificate referred to in this section shall be printed, stamped, or typed on the face of Customs Form 7501, or attached thereto, and shall be executed by a duly designated officer or civilian official of the appropriate Department in the following form:

(JAN. 1959)

I certify that the procurement of this material constituted a purchase of supplies by the United States for vessels or aircraft operated by the United States, and is admissible free of duty pursuant to 19 U.S.C. 1309.

(Name)

(Title)

(Organization)

§ 6.605 Duty-free entry of listed Canadian supplies.

§ 6.605–1 Policy.

(a) In keeping with the policy to enhance economic cooperation with Canada in the interests of continental defense (§ 6.504), duty-free entry should generally be accorded Canadian supplies that constitute, or that are directly or indirectly incorporated in, end items included in the Departmental lists of supplies maintained pursuant to § 6.103–5 (a). (These Departmental lists include supplies of a military character or which are involved in programs of mutual interest to the United States and Canada. Parts and equipment for listed supplies, even though not separately listed, are considered to be included in the lists when they are procured under a contract that also calls for listed supplies.) Duty-free entry should be accorded such supplies by the issuance of duty-free entry certificates in accordance with §§ 6.605 through 6.605–5 and, in particular, as provided in the contract clause prescribed in § 6.605–2.

(b) In connection with contracts with United States prime contractors for the procurement of end items that are not included in the Departmental lists maintained pursuant to § 6.103–5(a), Canadian supplies that are themselves listed and are specifically identified in the contract as supplies that will be directly or indirectly incorporated in such unlisted end items should be accorded duty-free entry as provided in § 6.605–3.

§ 6.605–2 Contract clause.

Every contract in excess of $10,000, except construction contracts, that includes the procurement of end items contained in the list maintained by the Department concerned pursuant to § 6.103–5(a) shall include the following clause unless it is reasonably certain that no supplies will be imported from Canada by the contractor or any first- or lower-tier subcontractor in connection with the performance of the contract. The clause shall be included in invitations for bids or requests for proposals that are expected to lead to such a contract.

DUTY-FREE ENTRY—CANADIAN SUPPLIES (NOV. 1961)

(a) Except as otherwise approved by the Contracting Officer, no amount is or will be included in the contract price on account of duty with respect to:

(i) All end items which constitute "Canadian end products" (as defined in paragraph 6–101 of the Armed Services Procurement Regulation) to be delivered under this contract; and

(ii) All supplies (including, without limitation, raw materials, components and intermediate assemblies) produced or made in Canada which are to be incorporated in the end items to be delivered under this contract; provided, that such end items are made in the United States or Canada; except supplies imported into the United States prior to the date of this contract, or, in the case of supplies imported by a first- or lower-tier subcontractor hereunder, prior to the date of his subcontract.

(b) The Contractor warrants that all such Canadian supplies, for which such duty-free entry is to be claimed, are intended to be delivered to the Government or incorporated in the end items to be delivered under this contract, and that duty shall be paid by the Contractor to the extent that such supplies, or any portion thereof, (if not scrap or salvage), are diverted to nongovernmental use other than as a result of a competitive sale made, directed or authorized by the Contracting Officer.

(c) The Government agrees to execute duty-free entry certificates and to afford such assistance as appropriate in order to obtain the duty-free entry of Canadian end products or supplies as to which the shipping documents bear the notation specified in paragraph (d) below, except as the Contractor may otherwise agree.

(d) All shipping documents submitted to Customs, covering such Canadian end products or supplies for which duty-free entry is to be claimed, shall bear the following information.

(i) Government prime contract number;

(ii) Identification of carrier;

(iii) The notation: "UNITED STATES (insert name of Military Department)—DUTY-FREE ENTRY TO BE CLAIMED pursuant to Act of August 10, 1956 (10 U.S.C. 2383)." Upon arrival of shipment at port of entry, Collector of Customs, kindly notify the (insert title and address of Government representative), who will execute Customs Forms 7501 and 7501A and the Duty-Free Entry Certificate;

(iv) Gross weight in pounds (if freight is based on space tonnage, state cubic feet in addition to gross shipping weight); and

(v) Estimated value in United States dollars.

(e) The Contractor agrees to instruct the foreign supplier to prepare a sufficient number of copies of the bill of lading (or other

shipping document) so that at least two of the copies accompanying the shipment will be available for use by the Collector of Customs at the port of entry. The foreign supplier shall also be instructed to forward, at the time of shipment, a memorandum copy of the bill of lading (or other shipping document) to the designated Government representative.

(f) This clause shall not apply to purchases of Canadian supplies in connection with this contract if (i) such Canadian supplies are identical in nature with supplies purchased by the Contractor or any subcontractor hereunder in connection with his commercial business, and (ii) it is not economical or feasible to account for such supplies so as to assure that the amount of such supplies for which duty-free entry is claimed pursuant to this clause does not exceed the amount thereof purchased in connection with this contract.

(g) The Contractor agrees to insert the substance of this clause, including this paragraph (g), in all subcontracts for supplies hereunder that exceed $5,000. Each such subcontract shall require the subcontractor to identify this contract by its contract number on any shipping documents submitted to Customs covering supplies for which duty-free entry is to be claimed pursuant to this clause.

If the procurement covers both listed and unlisted end items, the foregoing clause should be modified so as to limit its application to the listed end items.

§ 6.605–3 Listed supplies for unlisted end items.

In connection with negotiated contracts in excess of $10,000 with United States prime contractors for the procurement of end items that are not included in the Departmental lists maintained pursuant to § 6.103–5(a), if the prospective contractor specifically identifies listed Canadian supplies that will be directly or indirectly incorporated in such unlisted end items and if the contract price does not include any amount on account of duty with respect to such supplies, the contract should provide for the duty-free entry of such supplies by including provisions substantially as follows. The Schedule should identify the particular listed Canadian supplies that are to be accorded duty-free entry. The contract should include a clause like that in § 6.605–2, but modified so as to cover only the particular Canadian supplies that are specifically identified in the Schedule. Thus, the clause may be modified by:

(a) In paragraph (a), deleting (i) and (ii) and substituting the words "those supplies that are specifically identified in the Schedule as Canadian supplies to be accorded duty-free entry";

(b) In paragraph (c) of the clause, deleting the words "end products or";

(c) In paragraph (d) of the clause, deleting the words "Canadian end products or supplies" and substituting a reference to the particular Canadian listed supplies, as in paragraph (a) of this section; and

(d) As to paragraph (g) of this clause, limiting the "flow-down" provision to subcontracts for supplies specifically identified in the Schedule, or, if appropriate, deleting the provision.

§ 6.605–4 Issuance of duty-free entry certificates.

Duty-free entry certificates shall be issued in accordance with the procedures set out in § 6.603–4.

§ 6.605–5 Amending existing contracts.

Any existing contract may be amended so as to be made consistent with § 6.605–2 or 6.605–3; provided that, in the case of a fixed-price type contract, the contract price is reduced by the amount of the applicable duty. Under any cost-reimbursement type contract that has not been so amended, duty-free entry shall be accorded Canadian supplies to the extent permitted by § 6.602.

PART 7—CONTRACT CLAUSES

20. Add new §§ 7.104–37, 7.204–27, 7.303–24, 7.403–22, to read as follows:

§ 7.104–37 Required source for jewel bearings.

In accordance with the requirements of § 1.315 of this chapter, insert the clause set forth therein.

§ 7.204–27 Required source for jewel bearings.

In accordance with the requirements of § 1.315 of this chapter, insert the clause set forth therein.

§ 7.303–24 Required source for jewel bearings.

In accordance with the requirements of § 1.315 of this chapter, insert the clause set forth therein.

§ 7.403–22 Required source for jewel bearings.

In accordance with the requirements of § 1.315 of this chapter, insert the clause set forth therein.

21. Add new Subpart F to Part 7, as follows:

Subpart F—Clauses for Fixed-Price Construction Contracts

§ 7.601 Applicability.

As used throughout this subpart, the term "fixed-price construction contract" means any contract (other than a short form construction contract (see § 16.401–3 (a) and (b) of this chapter), a letter contract, a notice of award, or a modification not effecting new procurement) which (a) is entered into at a fixed price (with or without any provision for price redetermination, escalation, or other form of price revision as covered in § 3.403, and (b) is for construction as defined in § 1.201–22 of this chapter.

§ 7.602 Required clauses.

The following clauses shall be inserted, as required, in all fixed-price construction contracts, except as otherwise provided in this subpart.

§ 7.602–1 Definitions.

DEFINITIONS (NOV. 1961)

(a) The term "head of the agency" or "Secretary" as used herein means the Secretary, the Under Secretary, any Assistant Secretary, or any other head or assistant head of the executive or military department or other Federal agency; and the term "duly authorized representative" means any person or persons or board (other than the Contracting Officer) authorized to act for the head of the agency or the Secretary.

(b) The term "Contracting Officer" as used herein means the person executing this contract on behalf of the Government and includes a duly appointed successor or authorized representative.

§ 7.602–2 Specifications and drawings.

SPECIFICATIONS AND DRAWINGS (NOV. 1961)

The Contractor shall keep on the work a copy of the drawings and specifications and shall at all times give the Contracting Officer access thereto. Anything mentioned in the specifications and not shown on the drawings, or shown on the drawings and not mentioned in the specifications, shall be of like effect as if shown or mentioned in both. In case of difference between drawings and specifications, the specifications shall govern. In case of discrepancy either in the figures, in the drawings, or in the specifications, the matter shall be promptly submitted to the Contracting Officer, who shall promptly make a determination in writing. Any adjustment by the Contractor without such a determination shall be at his own risk and expense. The Contracting Officer shall furnish from time to time such detail drawings and other information as he may consider necessary, unless otherwise provided.

§ 7.602–3 Changes.

CHANGES (NOV. 1961)

The Contracting Officer may, at any time, by written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract if within its general scope. If such changes cause an increase or decrease in the Contractor's cost of, or time required for, performance of the contract, an equitable adjustment shall be made and the contract modified in writing accordingly. Any claim of the Contractor for adjustment under this clause must be asserted in writing within 30 days from the date of receipt by the Contractor of the notification of change unless the Contracting Officer grants a further period of time before the date of final payment under the contract. If the parties fail to agree upon the adjustment to be made, the dispute shall be determined as provided in the "Disputes" clause of this contract; but nothing provided in this clause shall excuse the Contractor from proceeding with the prosecution of the work as changed. Except as otherwise provided in this contract, no charge for any extra work or material will be allowed.

In the foregoing clause, the period of "30 days" within which any claim for adjustment must be asserted may be varied in accordance with Departmental procedures.

§ 7.602–4 Changed conditions.

CHANGED CONDITIONS (NOV. 1961)

The Contractor shall promptly, and before such conditions are disturbed, notify the Contracting Officer in writing of: (a) Subsurface or latent physical conditions at the site differing materially from those indicated in this contract, or (b) unknown physical conditions at the site, of an unusual nature, differing materially from those ordinarily encountered and generally recognized as inhering in work of the character provided for in this contract. The Contracting Officer shall promptly investigate the conditions, and if he finds that such conditions do so materially differ and cause an increase or decrease in the Contractor's cost of, or the

time required for, performance of this contract, an equitable adjustment shall be made and the contract modified in writing accordingly. Any claim of the Contractor for adjustment hereunder shall not be allowed unless he has given notice as above required; or unless the Contracting Officer grants a further period of time before the date of final payment under the contract. If the parties fail to agree upon the adjustment to be made, the dispute shall be determined as provided in the "Disputes" clause of this contract.

§ 7.602–5 Termination for default—damage for delay—time extensions.

Insert the clause set forth in § 8.709 of this chapter.

§ 7.602–6 Disputes.

(a) Except as provided in paragraph (b) of this section, insert the following clause:

DISPUTES (NOV. 1961)

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the head of the agency involved. The decision of the head of the agency or his duly authorized representative for the determination of such appeals shall be final and conclusive. This provision shall not be pleaded in any suit involving a question of fact arising under this contract as limiting judicial review of any such decision to cases where fraud by such official or his representative or board is alleged: Provided, however, that any such decision shall be final and conclusive unless the same is fraudulent or capricious or arbitrary or so grossly erroneous as necessarily to imply bad faith or is not supported by substantial evidence. In connection with any appeal proceedings under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This Disputes clause does not preclude consideration of questions of law in connection with decisions provided for in paragraph (a) above. Nothing in this contract, however, shall be construed as making final the decision of any administrative official, representative, or board on a question of law. In accordance with Departmental procedures, the foregoing clause may be modified to provide for intermediate appeal to the Head of the Procuring Activity concerned. The decision of the contracting officer referred to in the above clause shall, if mailed, be sent by certified mail, return receipt requested.

(b) In procurements to be performed outside the United States, its possessions and Puerto Rico, where it is anticipated that the contractor will be a foreign firm, one of the clauses provided for in § 7.103–12(b) will be inserted in accordance with the instruction therein.

(c) The form in which the contracting officer shall notify the contractor of his decision under the Disputes clause is set forth in § 1.314 of this chapter.

§ 7.602–7 Payments to contractor.

PAYMENTS TO CONTRACTOR (NOV. 1961)

(a) The Government will pay the contract price as hereinafter provided.

(b) The Government will make progress payments monthly as the work proceeds, or at more frequent intervals as determined by the Contracting Officer, on estimates approved by the Contracting Officer. If requested by the Contracting Officer, the Contractor shall furnish a breakdown of the total contract price showing the amount included therein for each principal category of the work, in such detail as requested, to provide a basis for determining progress payments. In the preparation of estimates the Contracting Officer, at his discretion, may authorize material delivered on the site and preparatory work done to be taken into consideration. Material delivered to the Contractor at locations other than the site may also be taken into consideration (1) if such consideration is specifically authorized by the contract and (2) if the Contractor furnishes satisfactory evidence that he has acquired title to such material and that it will be utilized on the work covered by this contract.

(c) In making such progress payments, there shall be retained 10 percent of the estimated amount until final completion and acceptance of the contract work. However, if the Contracting Officer, at any time after 50 percent of the work has been completed, finds that satisfactory progress is being made, he may authorize any of the remaining progress payments to be made in full. Also, whenever the work is substantially complete, the Contracting Officer, if he considers the amount retained to be in excess of the amount adequate for the protection of the Government, at his discretion, may release to the Contractor all or a portion of such excess amount. Furthermore, on completion and acceptance of each separate building, public work, or other division of the contract, on which the price is stated separately in the contract, payment may be made therefor without retention of a percentage.

(d) All material and work covered by progress payments made shall thereupon become the sole property of the Government, but this provision shall not be construed as relieving the Contractor from the sole responsibility for all material and work upon which payments have been made or the restoration of any damaged work, or as waiving the right of the Government to require the fulfillment of all of the terms of the contract.

(e) Upon completion and acceptance of all work, the amount due the Contractor under this contract shall be paid upon the presentation of a properly executed voucher and after the Contractor shall have furnished the Government with a release, if required, of all claims against the Government arising by virtue of this contract, other than claims in stated amounts as may be specifically excepted by the Contractor from the operation of the release. If the Contractor's claim to amounts payable under the contract has been assigned under the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), a release may also be required of the assignee.

§ 7.602–8 Assignment of claims.

ASSIGNMENT OF CLAIMS (NOV. 1961)

(a) Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payments aggregating $1,000 or more, claims for moneys due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Unless otherwise provided in this contract, payments to assignee of any moneys due or to become due under this contract shall not, to the extent provided in said Act, as amended, be subject to reduction or setoff. (The preceding sentence applies only if this contract is made in time of war or national emergency as defined in said Act and is with the Department of Defense, the General Services Administration, the Atomic Energy Commission, the National Aeronautics and Space Administration, the Federal Aviation Agency, or any other department or agency of the United States designated by the President pursuant to Clause 4 of the proviso of section 1 of the Assignment of Claims Act of 1940, as amended by the Act of May 15, 1951, 65 Stat. 41.)

(b) In no event shall copies of this contract of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret," "Secret," or "Confidential," be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same. However, a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the Contracting Officer.

The last two sentences of paragraph (a) of the foregoing clause shall be deleted from contracts entered into with foreign contractors.

§ 7.602–9 Material and workmanship.

MATERIAL AND WORKMANSHIP (NOV. 1961)

(a) Unless otherwise specifically provided in this contract, all equipment, material and articles incorporated in the work covered by this contract are to be new and of the most suitable grade for the purpose intended. Unless otherwise specifically provided in this contract, reference to any equipment, material, article, or patented process, by trade name, make, or catalog number, shall be regarded as establishing a standard of quality and shall not be construed as limiting competition, and the Contractor may, at his option, use any equipment, material, article, or process which, in the judgment of the Contracting Officer, is equal to that named. The Contractor shall furnish to the Contracting Officer for his approval the name of the manufacturer, the model number and other identifying data and information respecting the performance, capacity, nature, and rating of the machinery and mechanical and other equipment which the Contractor contemplates incorporating in the work. When required by this contract or when called for by the Contracting Officer, the Contractor shall furnish the Contracting Officer for approval full information concerning the material or articles which he contemplates incorporating in the work. When so directed, samples shall be submitted for approval at the Contractor's expense, with all shipping charges prepaid. Machinery, equipment, material, and articles installed or used without required approval shall be at the risk of subsequent rejection.

(b) All work under this contract shall be performed in a skillful and workmanlike manner. The Contracting Officer may, in writing, require the Contractor to remove from the work any employee the Contracting Officer deems incompetent, careless, or otherwise objectionable.

§ 7.602–10 Contractor inspection system.

Insert the following clause in all contracts in excess of $10,000.

CONTRACTOR INSPECTION SYSTEM (NOV. 1961)

The Contractor shall (i) maintain an adequate inspection system and perform such inspections as will assure that the work performed under the contract conforms to contract requirements, and (ii) maintain and make available to the Government adequate records of such inspections.

§ 7.602–11 Inspection and acceptance.

INSPECTION AND ACCEPTANCE (NOV. 1961)

(a) Except as otherwise provided in this contract, inspection and test by the Government of material and workmanship required by this Contract shall be made at reasonable times and at the site of the work, unless the Contracting Officer determines that such inspection or test of material which is to be incorporated in the work shall be made at the place of production, manufacture, or shipment of such material. To the extent specified by the Contracting Officer at the time of determining to make off-site inspection or test, such inspection or test shall be conclusive as to whether the material involved conforms to the contract requirements. Such off-site inspection or test shall not relieve the Contractor of responsibility for damage to or loss of the material prior to acceptance, nor in any way affect the continuing rights of the Government after acceptance of the completed work under the terms of paragraph (f) of this clause, except as hereinabove provided.

(b) The Contractor shall, without charge, replace any material, or correct any workmanship found by the Government not to conform to the contract requirements, unless in the public interest the Government consents to accept such material or workmanship with an appropriate adjustment in contract price. The Contractor shall promptly segregate and remove rejected material from the premises.

(c) If the Contractor does not promptly replace rejected material or correct rejected workmanship, the Government (1) may, by contract or otherwise, replace such material or correct such workmanship and charge the cost thereof to the Contractor, or (2) may terminate the Contractor's right to proceed in accordance with Clause 5 of these General Provisions.

(d) The Contractor shall furnish promptly, without additional charge, all facilities, labor, and material reasonably needed for performing such safe and convenient inspection and test as may be required by the Contracting Officer. All inspection and test by the Government shall be performed in such manner as not unnecessarily to delay the work. Special, full size, and performance tests shall be performed as described in this contract. The Contractor shall be charged with any additional cost of inspection when material and workmanship are not ready at the time specified by the Contractor for its inspection.

(e) Should it be considered necessary or advisable by the Government at any time before acceptance of the entire work to make an examination of work already completed, by removing or tearing out same, the Contractor shall, on request, promptly furnish all necessary facilities, labor, and material. If such work is found to be defective or nonconforming in any material respect, due to the fault of the Contractor or his subcontractors, he shall defray all the expenses of such examination and of satisfactory reconstruction. If, however, such work is found to meet the requirements of the contract, an equitable adjustment shall be made in the contract price to compensate the Contractor for the additional services involved in such examination and reconstruction and, if completion of the work has been delayed thereby, he shall, in addition, be granted a suitable extension of time.

(f) Unless otherwise provided in this contract, acceptance by the Government shall be made as promptly as practicable after completion and inspection of all work required by this contract. Acceptance shall be final and conclusive except as regards latent defects, fraud, or such gross mistakes as may amount to fraud or as regards the Government's rights under any warranty or gurantee.

§ 7.602–12 Superintendence by contractor.

SUPERINTENDENCE BY CONTRACTOR (NOV. 1961)

The Contractor shall give his personal superintendence to the work or have a competent foreman or superintendent, satisfactory to the Contracting Officer, on the work at all times during progress, with authority to act for him.

§ 7.602–13 Permits and responsibilities.

PERMITS AND RESPONSIBILITIES (NOV. 1961)

The Contractor shall, without additional expense to the Government, be responsible for obtaining any necessary licenses and permits, and for complying with any applicable Federal, State, and municipal laws, codes, and regulations, in connection with the prosecution of the work. He shall be similarly responsible for all damages to persons or property that occur as a result of his fault or negligence. He shall take proper safety and health precautions to protect the work, the workers, the public, and the property of others. He shall also be responsible for all materials delivered and work performed until completion and acceptance of the entire construction work, except for any completed unit of construction thereof which theretofore may have been accepted.

§ 7.602–14 Conditions affecting the work.

CONDITIONS AFFECTING THE WORK (NOV. 1961)

The Contractor shall be responsible for having taken steps reasonably necessary to ascertain the nature and location of the work, and the general and local conditions which can affect the work or the cost thereof. Any failure by the Contractor to do so will not relieve him from responsibility for successfully performing the work without additional expense to the Government. The Government assumes no responsibility for any understanding or representations concerning conditions made by any of its officers or agents prior to the execution of this contract, unless such understanding or representations by the Government are expressly stated in the contract.

§ 7.602–15 Other contracts.

OTHER CONTRACTS (NOV. 1961)

The Government may undertake or award other contracts for additional work, and the Contractor shall fully cooperate with such other contractors and Government employees and carefully fit his own work to such additional work as may be directed by the Contracting Officer. The Contractor shall not commit or permit any act which will interfere with the performance of work by any other contractor or by Government employees.

§ 7.602–16 Patent indemnity.

PATENT INDEMNITY (NOV. 1961)

Except as otherwise provided, the Contractor agrees to indemnify the Government and its officers, agents, and employees against liability, including costs and expenses, for infringement upon any Letters Patent of the United States (except Letters Patent issued upon an application which is now or may hereafter be, for reasons of national security, ordered by the Government to be kept secret or otherwise withheld from issue) arising out of the performance of this contract or out of the use or disposal by or for the account of the Government of supplies furnished or construction work performed hereunder.

§ 7.602–17 Additional bond security.

Insert the clause set forth in § 7.103-6.

§ 7.602–18 Covenant against contingent fees.

COVENANT AGAINST CONTINGENT FEES (NOV. 1961)

The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warrant the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

§ 7.602–19 Officials not to benefit.

OFFICIALS NOT TO BENEFIT (NOV. 1961)

No member of Congress or resident Commissioner shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

§ 7.602–20 Buy American.

In accordance with the requirements of § 6.204 of this chapter, insert the contract clause set forth therein.

§ 7.602–21 Convict labor.

Insert the contract clause set forth in § 12.203 of this chapter.

§ 7.602–22 Nondiscrimination in employment.

In accordance with the requirement of § 12.802 of this chapter, insert the contract clause set forth therein.

§ 7.602–23 Labor standards provisions.

In accordance with the requirements of § 12.403 of this chapter, insert the clauses entitled:

Davis-Bacon Act.
Eight-Hour Laws—Overtime Compensation.
Apprentices.
Payroll Records and Payrolls.
Copeland ("Anti-Kickback") Act.
Withholding of Funds To Assure Wage Payment.
Subcontracts—Termination.

§ 7.602–24 Nondomestic construction materials.

In accordance with the requirements of § 6.204–4 of this chapter, include the clause set forth therein.

§ 7.602–25 Gratuities.

In accordance with the requirements of § 7.104–16, insert the contract clause set forth therein.

§ 7.602–26 Utilization of small business concerns.

In accordance with the requirements of § 7.104–14, insert the contract clause set forth therein.

§ 7.602–27 Federal, State and local taxes.

In accordance with the requirements of § 11.401 of this chapter, insert the contract clause set forth in § 11.401–1 or § 11.401–2 of this chapter as appropriate.

§ 7.602–28 Renegotiation.

In accordance with the requirements of § 7.103–13, insert the appropriate contract clause set forth therein.

§ 7.602–29 Termination for convenience of the Government.

In accordance with the requirements of §§ 8.703 and 8.705–2 of this chapter, insert the appropriate contract clause.

§ 7.602–30 Notice and assistance regarding patent infringement.

In accordance with the requirements of § 9.104 of this chapter, insert the contract clause set forth therein.

§ 7.602–31 Authorization and consent.

In accordance with the requirements of § 9.102–1 of this chapter, include the clause set forth therein.

§ 7.603 Clauses to be used when applicable.

§ 7.603–1 Notice to Government of labor disputes.

In accordance with the requirements of § 7.104–4, insert the contract clause set forth therein.

§ 7.603–2 Soviet-controlled areas.

In accordance with the requirements of § 6.403 of this chapter, insert the contract clause set forth therein.

§ 7.603–3 Filing of patent applications.

In accordance with the requirements of § 9.106 of this chapter, insert the contract clause set forth in § 9.106 or § 9.106–1, as appropriate.

§ 7.603–4 Reporting of royalties.

In accordance with the requirements of § 9.110 of this chapter, insert the appropriate contract clause set forth therein.

§ 7.603–5 Rights in data.

In accordance with the requirements of Subpart B, Part 9 of this chapter, insert one of the contract clauses set forth in § 9.203–1, 9.204–2, or 9.206 of this chapter, as appropriate. When the contract clause in § 9.203–1 is used, the appropriate additional provisions shall be added in accordance with the requirements in § 9.203, 9.203–2, 9.203–3, or 9.203–4; and the additional provision in § 9.204–1 may be added under the circumstances set forth in § 9.204–1.

§ 7.603–6 Military security requirements.

In accordance with the instructions of § 7.104–12, insert the contract clause set forth therein.

§ 7.603–7 Examination of records.

In accordance with the requirements of § 7.104–15, insert the contract clause set forth therein.

§ 7.603–8 Priorities, allocations, and allotments.

In accordance with the requirements of § 1.307–2 of this chapter, insert the contract clause set forth in § 7.104–18.

§ 7.603–9 Subcontracts.

In accordance with the requirements of § 3.903–1 of this chapter, insert an appropriate Subcontracts clause.

§ 7.603–10 Payment for overtime and shift premiums.

In accordance with the requirements of § 12.102 of this chapter, insert the contract clause set forth in § 12.102–3(c).

§ 7.603–11 Price reduction for defective cost data.

In accordance with the instruction in § 7.104–29, insert the contract clause set forth therein.

§ 7.603–12 Workmen's compensation insurance overseas.

In accordance with the requirements of § 10.403 of this chapter, insert the clause entitled "Workmen's Compensation Insurance (Defense Base Act)".

§ 7.603–13 Taxes.

In accordance with the requirements of § 11.403–2 of this chapter, in contracts to be performed outside the United States, its possessions and Puerto Rico, insert one of the clauses set forth in paragraphs (a) and (b) thereof.

§ 7.603–14 Advance payments.

When advance payments are to be made in accordance with Subpart D, Part 163 of this chapter, insert the appropriate clause as set forth in § 163.64–2 of this chapter.

§ 7.603–15 Performance of work by contractor.

In accordance with the requirement of § 4.104–2 of this chapter, insert the contract clause set forth therein.

§ 7.603–16 Patent rights.

In accordance with the requirements of § 9.107 of this chapter in contracts involving experimental, developmental or research work, insert the appropriate contract clauses set forth therein.

§ 7.604 Additional clauses.

The following clauses shall be inserted in accordance with Departmental procedures where it is desired to cover the subject matter thereof in such contracts.

§ 7.604–1 Alterations in contract.

The contract clause set forth in § 7.105–1 may be inserted.

§ 7.604–2 Approval of contract.

The contract clause set forth in § 7.105–2 may be inserted.

§ 7.604–3 Price adjustment for suspension, delays, or interruption of work.

The following clause may be included in fixed-price construction contracts.

PRICE ADJUSTMENT FOR SUSPENSION, DELAYS, OR INTERRUPTION OF WORK (NOV. 1961)

(a) The Contracting Officer may order the contractor in writing to suspend all or any part of the work for such period of time as he may determine to be appropriate for the convenience of the Government.

(b) If, without the fault or negligence of the Contractor, the performance of all or any part of the work is for an unreasonable period of time, suspended, delayed, or interrupted by an act of the Contracting Officer in the administration of the contract, or by his failure to act within the time specified in the contract (or if no time is specified, within a reasonable time), an adjustment shall be made by the Contracting Officer for any increase in the cost of performance of the contract (excluding profit) necessarily caused by the unreasonable period of such suspension, delay, or interruption, and the contract shall be modified in writing accordingly. No adjustment shall be made to the extent that performance by the Contractor would have been prevented by other causes even if the work had not been so suspended, delayed, or interrupted. No claim under this clause shall be allowed (i) for any costs incurred more than twenty days before the Contractor shall have notified the Contracting Officer in writing of the act or failure to act involved (but this requirement shall not apply where a suspension order has been issued), and (ii) unless the claim, in an amount stated, is asserted in writing as soon as practicable after the termination of such suspension, delay, or interruption but not later than the date of final payment under the contract. Any dispute concerning a question of fact arising under this clause shall be subject to the Disputes clause.

§ 7.604–4 Taxes where foreign agreements do not apply.

In accordance with the instructions of § 11.404 of this chapter, in contracts to be performed outside the United States, its possessions and Puerto Rico, the clause set forth therein may be inserted.

PART 8—TERMINATION OF CONTRACTS

22. Revise § 8.602–2 and in § 8.707, revise the clause heading and clause paragraph (d), to read as follows:

§ 8.602–2 Effect of termination for default.

(a) Under a termination for default the Government is not liable for the contractor's costs on undelivered work, and is entitled to the repayment of advance payments and progress payments, if any, applicable to such work. The Government may elect, pursuant to paragraph (d) of the Default clause (see § 8.707), to require the contractor to transfer title and deliver to the Government completed supplies and manufacturing materials, in the manner and to the extent directed by the contracting officer. The contracting officer shall not use the Default clause as authority to acquire any completed supplies or manufacturing materials unless he has made certain that the Government does not already have title thereto under some other provision of the contract. In the event manufacturing materials are to be acquired by the Government under the authority of the Default clause for the purpose of furnishing the materials to any other con-

tractor, the contracting officer shall take such action only after giving due consideration to the difficulties that such contractor may encounter in making use of the materials.

(b) Subject to the provisions of paragraph (c) of this section, the Government shall pay to the contractor the contract price for any completed supplies, and the amount agreed upon by the contracting officer and the contractor for any manufacturing materials, acquired by the Government pursuant to the Default clause.

(c) In order to protect the Government from overpayment for any completed supplies or manufacturing materials, that might result from failure to make provision for the Government's potential liability to laborers and materialmen for lien rights outstanding against such supplies or materials after the Government has paid the contractor therefor, the contracting officer shall take one or more of the following measures before making the payment referred to in paragraph (b) of this section:

(1) Ascertain whether the payment bonds, if any, furnished by the contractor are adequate to satisfy all lienors' claims; or whether it is feasible to obtain similar bonds to cover outstanding liens;

(2) Require the contractor to furnish appropriate statements from laborers and materialmen disclaiming any lien rights they may have to the supplies and materials;

(3) Obtain appropriate agreement by the Government, the contractor and lienors assuring release of the Government from any potential liability to the contractor or lienors;

(4) Withhold from the amount otherwise due for the supplies or materials such amount as the contracting officer determines to be necessary to protect the Government's interest, but only if the measures set forth in subparagraphs (1), (2), and (3) of this paragraph cannot be accomplished or are otherwise deemed inadequate;

(5) Take any other action the contracting officer deems appropriate, considering the particular circumstances and the degree of the contractor's solvency.

(d) The contractor is liable to the Government for any excess costs incurred in procuring supplies and services similar to those terminated for default (see § 8.602–6), and for any other damages, whether or not repurchase is effected (see § 8.602–7).

§ 8.707 Default clause for fixed-price supply contracts.

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DEFAULT (NOV. 1961)

• • • • •

(d) If this contract is terminated as provided in paragraph (a) of this clause, the Government, in addition to any other rights provided in this clause, may require the Contractor to transfer title and deliver to the Government, in the manner and to the extent directed by the Contracting Officer (i) any completed supplies, and (ii) such partially completed supplies and materials parts, tools, dies, jigs, fixtures, plans, drawings, information, and contract rights (hereinafter called "manufacturing materials") as the Contractor has specifically produced or specifically acquired for the performance of such part of this contract as has been terminated; and the Contractor shall, upon direction of the Contracting Officer, protect and preserve property in possession of the Contractor in which the Government has an interest. Payment for completed supplies delivered to and accepted by the Government shall be at the contract price. Payment for manufacturing materials delivered to and accepted by the Government and for the protection and preservation of property shall be in an amount agreed upon by the Contractor and Contracting Officer; failure to agree to such amount shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." The Government may withhold from amounts otherwise due the Contractor for such completed supplies or manufacturing materials such sum as the Contracting Officer determines to be necessary to protect the Government against loss because of outstanding liens or claims of former lien holders.

• • • • •

23. Revise § 8.709 and in § 8.710, revise the clause heading and clause paragraph (d), as follows:

§ 8.709 Default clause for fixed-price construction contracts.

(a) The following clause shall be used in all fixed-price construction contracts.

TERMINATION FOR DEFAULT—DAMAGES FOR DELAY—TIME EXTENSIONS (NOV. 1961)

(a) If the Contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in this contract, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the Contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. In such event the Government may take over the work and prosecute the same to completion, by contract or otherwise, and may take possession of and utilize in completing the work such materials, appliances, and plant as may be on the site of the work and necessary therefor. Whether or not the Contractor's right to proceed with the work is terminated, he and his sureties shall be liable for any damage to the Government resulting from his refusal or failure to complete the work within the specified time.

(b) If fixed and agreed liquidated damages are provided in the contract and if the Government so terminates the Contractor's right to proceed, the resulting damage will consist of such liquidated damages until such reasonable time as may be required for final completion of the work together with any increased costs occasioned the Government in completing the work.

(c) If fixed and agreed liquidated damages are provided in the contract and if the Government does not so terminate the Contractor's right to proceed, the resulting damage will consist of such liquidated damages until the work is completed or accepted.

(d) The Contractor's right to proceed shall not be so terminated nor the Contractor charged with resulting damage if:

(1) The delay in the completion of the work arises from unforeseeable causes beyond the control and without the fault or negligence of the Contractor, including but not restricted to, acts of God, acts of the public enemy, acts of the Government in either its sovereign or contractual capacity, act of another contractor in the performance of a contract with the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather, or delays of subcontractors or suppliers arising from unforeseeable causes beyond the control and without the fault or negligence of both the Contractor and such subcontractors or suppliers; and

(2) The Contractor, within 10 days from the beginning of any such delay (unless the Contracting Officer grants a further period of time before the date of final payment under the contract), notifies the Contracting Officer in writing of the causes of delay. The Contracting Officer shall ascertain the facts and the extent of the delay and extend the time for completing the work when, in his judgment, the findings of fact justify such an extension, and his findings of fact shall be final and conclusive on the parties, subject only to appeal as provided in the "Disputes" clause of this contract.

(e) If, after notice of termination of the Contractor's right to proceed under the provisions of paragraph (a) of this clause, it is determined that the delay is excusable under the provisions of paragraph (d) of this clause, such notice of termination shall be deemed to have been issued pursuant to the clause of this contract entitled "Termination for Convenience of the Government," and the rights and obligations of the parties hereto shall in such event be governed by such clause. (This paragraph (e) applies only if this contract contains such termination clause.)

(f) The rights and remedies of the Government provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

(b) During a period of national emergency, paragraph (d) of the above clause may be changed by deleting the word "unforeseeable" and inserting the phrase "other than normal weather," after the word "causes" wherever it appears.

§ 8.710 Default clause for fixed-price research and development contracts.

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DEFAULT (NOV. 1961)

(d) If this contract is terminated as provided in paragraph (a) of this clause, the Government, in addition to any other rights provided in this clause, may require the Contractor to transfer title and deliver to the Government, in the manner and to the extent directed by the Contracting Officer any (i) completed or partially completed items not theretofore delivered to, and accepted by, the Government and any other property, including contract rights, specifically produced or specifically acquired for the performance of such part of this contract as has been terminated; and the Contractor shall, upon the direction of the Contracting Officer, protect and preserve property in the possession of the Contractor in which the Government has an interest. The Government shall pay to the Contractor the contract price, if separately stated, for completed work accepted by the Government and the amount agreed upon by the Contractor and the Contracting Officer for (i) completed work for which no separate price is stated, (ii) partially completed work, (iii) other property described above which is accepted by the Government, and, (iv) the protection and preservation of property. Failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." The Government may withhold from amounts otherwise due the Contractor for such completed supplies or manufacturing materials such sums as the Contracting Officer determines to be necessary to protect the Government against loss because of outstanding liens or claims of former lien holders.

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PART 10—BONDS AND INSURANCE

24. Revise paragraph (b)(2) in § 10.404–1; revoke § 10.404–2; and add new § 10.404, to read as follows:

§ 10.404–1 Negotiated fixed-price type contracts.

• • • • •

(b) • • •

(2) The Government need not assume the risk of damage to, or loss or destruction of, aircraft, as provided by the foregoing clause, if the best estimate of premium costs to be included in the contract price for insurance coverage for such damage, loss, or destruction at any plant or facility is less than $500. If it is determined not to assume such risks, the foregoing clause shall not be made a part of the contract. In such cases, however, if performance of the contract is expected to involve the flight of Government-furnished aircraft, the substance of the Flight Risks clause in § 10.404, suitably adapted for use in a fixed-price type contract, shall be used.

• • • • •

§ 10.404–2 Cost-reimbursement type contracts. [Revoked]

§ 10.404 Aircraft-flight risk.

(a) Cost-reimbursement type contracts for the development, production, modification, maintenance, or overhaul of aircraft, or otherwise involving the furnishing of aircraft to the contractor by the Government, shall, except as provided in paragraph (b) of this section, include the following clause.

FLIGHT RISKS (NOV. 1961)

(a) Notwithstanding any other provision of this contract, and particularly subparagraph (f)(1) of the Government Property clause and paragraph (c) of the Insurance—Liability to Third Persons clause, the Contractor shall not (i) be relieved of liability for damage to, or loss or destruction of, aircraft sustained during flight, or (ii) be reimbursed for liabilities to third persons for loss or of damage to property, or for bodily injury, which are caused by aircraft during flight, unless the flight crew members have previously been approved in writing by ----------[1]

(b) For the purpose of this clause:

(i) Unless otherwise specifically provided in the Schedule, the term "aircraft" means any aircraft, whether furnished by the Contractor under this contract (either before or after acceptance by the Government) or furnished by the Government to the Contractor under this contract, including all Government Property placed or installed thereon or attached thereto; provided, however, that such aircraft and property are not covered by a separate bailment agreement.

(ii) The term "flight" means any flight demonstration, flight test, taxi test, or other flight made in the performance of this contract, or for the purpose of safeguarding the aircraft, or previously approved in writing by the ----------[2] As to land based aircraft, "flight" shall commence with the taxi roll from a flight line and continue until the aircraft has completed the taxi roll to a flight line; as to sea planes, "flight" shall commence with the launching from a ramp and continue until the aircraft has completed its landing run and is beached at a ramp; as to helicopters, "flight" shall commence upon engagement of the rotors for the purpose of take-off and continue until the aircraft has returned to the ground and rotors are disengaged; and for vertical take-off aircraft, "flight" shall commence upon disengagement from any launching platform or device and continue until the aircraft has been re-engaged to any launching platform or device.

(iii) The term "flight crew members" means the pilot, the co-pilot and, unless otherwise specifically provided in the Schedule, the flight engineer, navigator, bombardier-navigator, and defensive systems operator, when required, or assigned to their respective crew positions, to conduct any flight on behalf of the Contractor.

(c) If any aircraft is damaged, lost, or destroyed during flight, and if the amount of such damage, loss, or destruction exceeds one hundred thousand dollars ($100,000) or twenty percent (20%) of the estimated cost (exclusive of any fee) of this contract, whichever is less, and if the Contractor is not liable for the damage, loss, or destruction pursuant to the "Government Property" clause of this contract together with paragraph (a) above, than an equitable adjustment for any resulting repair, restoration, or replacement that is required under this contract shall be made (i) in the estimated cost, delivery schedule, or both, and (ii) in the amount of any fee to be paid to the Contractor, and the contract shall be modified in writing accordingly; provided, in determining the amount of adjustment in the fee is equitable, any fault of the Contractor, his employees, or any subcontractor, which materially contributed to the damage, loss, or destruction shall be taken into consideration. Failure to agree on any adjustment shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(b) In the foregoing clause, the definition of "aircraft" may be appropriately modified in the Schedule if the contract covers helicopters, verticle take-off aircraft, lighter-than-air airships, or other nonconventional types of aircraft. If the contract includes the Government Property clause in § 13.506 of this chapter, the reference in subparagraph (a) of the foregoing clause to subparagraph (f)(1) of the Government Property clause should be changed to (i)(1).

[1] Insert in contracts of the Department of the Army, the words "the Contracting Officer," and insert, in contracts of the Department of the Navy or the Department of the Air Force, the activity designated in accordance with Departmental procedures.

[2] Insert, in contracts of the Department of the Army or the Department of the Air Force, the words "the Contracting Officer," and insert, in contracts of the Department of the Navy, the activity designated in accordance with Departmental procedures.

PART 12—LABOR

25. Revise §§ 12.102–6 and 12.503 to read as follows:

§ 12.102–6 Construction contracts.

See § 4.107 of this chapter regarding expediting actions involving additional costs.

§ 12.503 Contract clause.

The Master Contract for the Repair and Alteration of Vessels (DD ASPR Form 731) includes a clause entitled "U.S. Department of Labor Safety and Health Regulations for Ship Repairing" directing the attention of the contractor to the applicability of these regulations.

PART 13—GOVERNMENT PROPERTY

26. Add new § 13.101–18 and in § 13.502, revise the clause heading and as to clause paragraph (f), revise the explanatory statement and subparagraph (7), as follows:

§ 13.101–18 Non-Defense Use.

Non-Defense Use means employment of industrial facilities for production other than for items produced for the United States Government or for foreign governments pursuant to authorization under § 13.701 which are either (a) military end items or (b) components to be physically incorporated into military end items.

§ 13.502 Government-furnished property clause for fixed-price contracts.

• • • • •

GOVERNMENT-FURNISHED PROPERTY (NOV. 1961)

• • • • •

The following provision (f) is for use in negotiated fixed-price contracts except those contracts involving Government-furnished Property relating to labor surplus area or small business setasides for which the provision (f) for advertised contracts shall be used:

(f)(1) • • •

•(7) If this contract is for the development, production, modification, maintenance or overhaul of aircraft, or otherwise involves the furnishing of aircraft by the Government, the "Ground and Flight Risk" clause of this contract shall control, to the extent it is applicable, in the case of loss or destruction of, or damage to, aircraft.

•This subparagraph may be omitted where it is clearly inapplicable and shall be deleted when the Ground and Flight Risk clause is omitted pursuant to § 10.404–1(b)(2) of this chapter.

27. In § 13.504, revise clause heading and clause paragraph (c); and in § 13.505, revise clause heading, revise the explanatory statement for alternative clause paragraph (c), and revise clause paragraph (h)(7), as follows:

§ 13.504 Special tooling clause for fixed-price contracts.

• • • • •

SPECIAL TOOLING (NOV. 1961)

• • • • •

(c) Within 60 days after delivery of the first production end items under this contract, or such later date as may be prescribed by the Contracting Officer, the Contractor shall if the Contracting Officer so requests, furnish the Contracting Officer a list of all special tooling acquired or manufactured by the Contractor for use in the performance of this contract. The list shall specify the nomenclature, tool number and related product part number or service, and unit or group cost of the special tooling. Upon completion or termination of all or a substantial part of the work under this contract the Contractor shall furnish a final list in the same form covering all items not previously reported under this paragraph; provided, however, that the Contracting Officer may by written notice waive this requirement or extend it until the completion of this contract and other contracts and subcontracts as to which approval has been obtained under paragraph (b) above. Special tooling which has become obsolete as a result of changes in design or specification need not be reported, except as provided for in paragraph (d).

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§ 13.505 Government-furnished property clause for fixed-price type contracts with nonprofit institutions.

• • • • • •

GOVERNMENT-FURNISHED PROPERTY (NOV. 1961)

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In accordance with § 13.803, the following alternative paragraph (c) may be used:

• • • • • •

(b) (1) • • •

*(7) If this contract is for the development, production, modification, maintenance or overhaul of aircraft, or otherwise involves the furnishing of aircraft by the Government, the "Ground and Flight Risk" clause of this contract shall control, to the extent it is applicable, in the case of loss or destruction of, or damage to, aircraft.

*This subparagraph may be omitted where it is clearly inapplicable and shall be deleted when the Ground and Flight Risk clause is omitted pursuant to § 10.404–1(b)(2) of this chapter.

28. In § 13.506, revise clause heading, revise the explanatory statement in clause paragraph (c), and revise clause paragraph (i) (5); and revise §§ 13.600 and 13.601–1, to read as follows:

§ 13.506 Government property clause for cost-reimbursement type research and development contracts with nonprofit institutions.

• • • • • •

GOVERNMENT PROPERTY (NOV. 1961)

• • • • • •

In accordance with § 13.803, the following additional language may be added to paragraph (c):

• • • • • •

(i) (1) • • •

*(5) If this contract is for the development, production, modification, maintenance or overhaul of aircraft, or otherwise involves the furnishing of aircraft by the Government, the "Ground and Flight Risk" clause of this contract shall control, to the extent it is applicable, in the case of loss or destruction of, or damage to, aircraft.

*This subparagraph may be omitted where it is clearly inapplicable and shall be deleted when the Ground and Flight Risk clause is omitted pursuant to § 10.404–1(b)(2) of this chapter.

§ 13.600 Scope of subpart.

The preceding subparts of this part are intended to be applicable only to those situations in which Government property is provided to contractors or subcontractors of any tier, for use in connection with procurement by the military departments. This subpart relates to making available to contractors, former contractors, or other parties Government-owned industrial facilities under the control of a military department solely or principally for non-defense use. (As to making industrial facilities available principally for use in connection with procurement by military departments and incidentally for non-defense use, see § 13.407.) The question of making industrial facilities available for non-defense use may arise with respect to such property in the possession of the Government (e.g., machine tools in reserve storage) or in the possession of the potential user (e.g., where a contractor has completed the contract under which the property was originally provided.) Basic authority to permit the use of Government property on work other than for a military department is found in statutes authorizing the Secretaries to lease property under their control (see 10 U.S.C. 2667).

§ 13.601–1 General.

Whenever industrial facilities are made available for nondefense use, the user shall be charged a fair and reasonable rental; provided, that under Departmental procedures consistent with § 13.407(a) rental may be waived with regard to such property furnished solely for use in performing work for Government agencies. Such rental unless otherwise specified herein shall be established on the basis of sound commercial practice, including any prevailing commercial rates. Except as otherwise provided in § 13.601–2, such rental may, where permitted by the law under which the contract or agreement is executed, take into consideration obligations assumed by the user to protect and maintain the property as well as to perform other services as all or part of the consideration for the contract or agreement. The rental shall, in any event, be such as to prevent the user from obtaining an unfair competitive advantage by reason thereof over competitors who own their facilities or obtain them from private sources. The rental shall be charged on the basis of the time during which the property is available for use rather than on the basis of the time during which the property is actually used, except in the case of facilities, other than those covered by § 13.601–2, where it is determined by the Secretary concerned, or his representative duly authorized to approve the contract or agreement by which the property is made available, to be impracticable or contrary to the best interest of the Government. The Government shall make no warranty, express or implied, regarding the condition or fitness for use of any item of property.

29. In § 13.701, revise paragraphs (a) and (e); and revise §§ 13.802 and 13.803, as follows:

§ 13.701 Use without charge.

• • • • • •

(a) Such as approved by a Secretary or his designee;

• • • • • •

(e) It appears that the foreign government will place the contract with the contractor whether or not such use is authorized, or that no competitive pricing advantage will accrue to the contractor by virtue of such use; and

• • • • • •

§ 13.802 Transfer of title.

(a) Contracts with nonprofit institutions of higher education or nonprofit organizations whose primary purpose is the conduct of scientific research may provide, or may be amended to provide, that the contracting officer may transfer title to equipment to the contractor. Such transfer of title may be effected at the beginning, during the course of, or at the end of a contract provided:

(1) The equipment was purchased with grant or contract funds allocated for basic or applied scientific research;

(2) (i) Either the retention of [illegible] the Government would create an [illegible] istrative burden not warranted by the value of the equipment, or the keeping of inventory and records by the contractor would become prohibitively costly or expensive; or

(ii) It would be impractical or uneconomical to remove the equipment from the contractor's plant;

(3) The transfer of title will further the scientific research objectives of the Department concerned; and

(4) The transfer of title is not precluded by controls governing the equipment involved.

(b) The contracting officer may, where provision is made therefor by contract, vest in the contractor title to any item of equipment having an acquisition cost of $3,000 or less, following his written determination that the criteria in paragraph (a) of this section have been met. When the acquisition cost of an item of equipment is in excess of $3,000, the contracting officer may transfer title to the contractor upon the written approval of the head of the procuring activity or his designee. Such approval shall be given on the basis of the criteria in paragraph (a) of this section and only after considering whether transfer of title is consistent with any known need of the Department concerned. (No formal screening is required). In addition, for items of equipment having an acquisition cost in excess of $25,000, the approval of designated representatives of the three military departments must be secured. Such approval shall be given within sixty (60) days, but only after a reasonable check, commensurate with the value of the item involved, has established that there is no known requirement for the item within the respective Departments.

(c) Where title to equipment is vested pursuant to paragraph (a) of this section, the contractor shall be without further obligation to the Government with respect to such equipment, except that the contractor must agree, as a condition to taking title, that no charge will be made to the Government for depreciation, amortization, or use of, with respect to such equipment under any existing or future Government contract.

§ 13.803 Contract clauses.

Where it is anticipated that in connection with a contract, title to equipment may be vested in the contractor in accordance with this subpart, the alternate paragraph (c) of the clause in § 13.505 shall be included in fixed-price type contracts, and the addition to paragraph (c) of the clause in § 13.506 shall be included in cost-reimbursement contracts.

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*In the case of the Department of the Army, the designee is Army Research Office, Office Chief of Research and Development, Washington 25, D.C.

In the case of the Department of the Navy, the designee is Chief of Naval Research, Office of Naval Research, Washington 25, D.C.

In the case of the Department of the Air Force, the designee is Air Force Systems Command (SCMKP), Andrews AFB, Maryland.

[illegible] 15—CONTRACT COSTS PRINCIPLES AND PROCEDURES

[illegible] revise §§ 15.205–1 and 15.205–33, as follows:

§ 15.205–1 Advertising costs.

(a) Advertising costs mean the costs of advertising media and corollary administrative costs. Advertising media include magazines, newspapers, radio and television programs, direct mail, trade papers, outdoor advertising, dealer cards and window displays, conventions, exhibits, free goods and samples, and the like.

(b) The only advertising costs allowable are those which are solely for (1) the recruitment of personnel required for the performance by the contractor of obligations arising under the contract when considered in conjunction with all other recruitment costs, as set forth in § 15.205–33, (2) the procurement of scarce items for the performance of the contract, or (3) the disposal of scrap or surplus materials acquired in the performance of the contract. Costs of this nature, if incurred for more than one defense contract or for both defense and other work of the contractor, are allowable to the extent that the principles in §§ 15.201–3, 15.201–4, and 15.203 are observed.

§ 15.205–33 Recruitment costs.

(a) Subject to paragraphs (b) and (c) of this section, and provided that the size of the staff recruited and maintained is in keeping with workload requirements, costs of help-wanted advertising, operating costs of an employment office necessary to secure and maintain an adequate labor force, costs of operating an aptitude and educational testing program, travel costs of employees while engaged in recruiting personnel, and travel costs of applicants for interviews for prospective employment, are allowable to the extent that such costs are incurred pursuant to a well managed recruitment program. Where the contractor uses employment agencies, costs not in excess of standard commercial rates for such services are allowable.

(b) In publications, costs of help-wanted advertising that (1) includes color, (2) includes advertising material for other than recruitment purposes, or (3) is excessive in size (taking into consideration recruitment purposes for which intended and normal business practices in this respect) are unallowable.

(c) Cost of (1) help-wanted advertising and (2) excessive salaries, fringe benefits and special emoluments that have been offered to prospective employees, designed to "pirate" personnel from another defense contractor, or in excess of the standard practices in the industry, are unallowable.

PART 16—PROCUREMENT FORMS

1. Revise paragraph (b)(7) in § 16.303–2; revise paragraph (e) in § 16.401–4; and revise paragraph (b) in § 16.803–1, to read as follows:

§ 16.303–2 Conditions for use.

• • • • • •

(b) *Use as a purchase order of not more than $2,500.* • • •

(7) Where inspection and acceptance are at origin, where contract administration is performed at origin, where delivery at multiple destinations is required, or where otherwise appropriate, the Material Inspection and Receiving Report clause (§ 7.105–7 of this chapter) may be inserted in the schedule, when authorized by Departmental procedures.

• • • • • •

§ 16.401–4 Terms, conditions and provisions.

• • • • • •

(e) During a period of national emergency, clause 5(d)(1) of Standard Form 23A may be changed by deleting the words "unforeseeable causes" in the two places where they appear in the first sentence and substituting therefore the words "causes, other than normal weather".

• • • • • •

§ 16.803–1 Construction contracts.

• • • • • •

(b) Standard Form 1093 (Schedule of Deductions from Payments to Contractors) shall be used, in accordance with the provisions of § 12.404–9 of this chapter, to report deductions against payment vouchers of contractors on account of failure to comply with labor laws, regulations and clauses. To facilitate the work of contracting agencies in computing underpayments (and, where applicable, Eight Hour Laws penalties) in investigation reports involving apparent violations of the Davis-Bacon and related Acts, the Department of Labor has developed and will furnish, on request, Form SOL–164 "Wage Computation and Transcription Sheet." Use of this form is optional; its use will also facilitate review of investigation reports.

• • • • • •

[ASPR, Rev. 6, November 15, 1961] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62–1676; Filed, Feb. 21, 1962; 8:45 a.m.]

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 581—PERSONNEL REVIEW BOARDS

Army Board for Correction of Military Records

Section 581.3 is amended by revising paragraphs (c) (2) and (5), (d) (1) and (3), and (g) (1) (i), (2) (ii), (3) (i) and (4), as follows:

§ 581.3 Army Board for Correction of Military Records.

• • • • • •

(c) *Application for correction.* • • •

(2) *Time limit for filing application.* A claimant, his heir, or legal representative must file the application for correction of a record with the Secretary of the Army within 3 years after discovery of the alleged error or injustice. Failure to file within the time prescribed may be excused by the Board if it finds it would be in the interest of justice to do so. If the claimant, his heir, or legal representative files an application more than 3 years after he discovers the error or injustice, he must include in his application his reasons why the Board should find it is in the interest of justice to excuse the failure to file application within the time prescribed in this subparagraph.

• • • • • •

(5) *Review of application.* Each application and the available military or naval records pertinent to the corrective action requested will be reviewed to determine whether to authorize a hearing or to deny the application without a hearing. The Board will make this determination in all cases except those in which the application has been denied administratively for the reason that the applicant has not exhausted all other effective administrative remedies available to him or for the reason that the applicant did not file application within 3 years after he discovered the alleged error or injustice and did not submit any reason why the Board should find it to be in the interest of justice to excuse his failure to file the application within the prescribed 3 years. In connection with any application which it considers, the Board may recommend to the Secretary that the records be corrected, as requested by the applicant, without a hearing. The Board may deny an application if it determines that insufficient evidence has been presented to indicate probable material error or injustice, that the applicant has not exhausted other effective administrative or legal remedies available to him, that effective relief cannot be granted, or that the applicant did not file his application within 3 years after he discovered the alleged error or injustice and that insufficient evidence has been presented to warrant a finding that it would be in the interest of justice to excuse the failure to file within the prescribed 3 years. The Board will not deny an application on the sole ground that the record or records involved were made by or by direction of the President or the Secretary in connection with proceedings other than proceedings of a board for correction of military or naval records. If the application is denied, the applicant will be advised of the denial and that he is privileged to submit new and material evidence for consideration.

(d) *Entitlement to hearing*—(1) *General.* In each case in which a hearing is authorized, the applicant will be entitled to appear before the Board either in person or by counsel of his own selection or in person with counsel.

• • • • • •

(3) *Counsel.* As used in this section, the term "counsel" will be construed to include members in good standing of the Federal bar or the bar of any State, accredited representatives of Veterans' organizations recognized by the Administrator of Veterans' Affairs under section

3402 of Title 38, United States Code, and such other persons who, in the opinion of the Board, are considered to be competent to present equitably and comprehensively the request of the applicant for correction, unless barred by law.

• • • • •

(g) *Settlement of claims*—(1) *Authority.* (i) The Department of the Army is authorized to pay claims in accordance with section 1552, Title 10, United States Code.

• • • • •

(2) *Application for settlement.* • • •

(ii) In case the person whose record has been corrected is deceased, and where no demand is presented by a duly appointed legal representative of the estate, payments otherwise due shall be made to the surviving spouse, heir, or beneficiaries, in the order prescribed by the law applicable to that kind of payment; or if there is no such law covering order of payment, in the order set forth in section 2771 of Title 10, United States Code; or as otherwise prescribed by the law applicable to that kind of payment.

• • • • •

(3) *Settlement.* (i) Settlement of claims shall be based on the decision of the Secretary of the Army. Computation of the amounts due shall be made by the Finance Center, United States Army, Indianapolis, Ind. In no case will the amount found due exceed the amount which would otherwise have been paid or have become due under applicable laws had no error or injustice occurred. To the extent authorized by law and regulations, amounts found due may be reduced by the amount of any existing indebtedness to the Government, arising from military service.

• • • • •

(4) *Report of settlement.* In every case where payment is made, the amount of such payment and the names of the payee or payees will be reported to the Chairman of the Board.

• • • • •

[AR 15–185, 8 January 1962] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply sec. 1552, 70A Stat. 116; 10 U.S.C. 1552)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-1773; Filed, Feb. 21, 1962; 8:45 a.m.]

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 719—NONJUDICIAL PUNISHMENT, NAVAL COURTS AND CERTAIN FACT-FINDING BODIES

Liquidation of Forfeiture of Pay, and Procedures Concerning Clemency

Scope and purpose. Part 719 is amended by updating of § 719.204 in regard to liquidation of forfeiture of pay imposed by court-martial sentence and by revision of § 719.205 dealing with clemency relative to courts-martial.

1. The reproduction of paragraph 044270–5 of the Navy Comptroller Manual in § 719.204 is revised to read as follows:

§ 719.204 Appendix IV—Navy Comptroller Manual, Volume 4, Chapter 4, Part B, Section VII, dealing with effect on pay of sentences of courts-martial (referred to in § 719.113).

• • • • •

044270 *Forfeiture of Pay Courtmartial*

• • • • •

5 *Liquidation* Beginning with the effective date of the sentence, the forfeiture of pay will be checked against the member's account until the entire amount adjudged and approved has been checked except as otherwise provided in subpar 7 or until further execution of the sentence is stopped by action of proper authority In making a checkage for a fractional part of a month, one-thirtieth of the monthly rate of forfeiture will be checked for each day, treating each month as if it had 30 days. The periods during which a member is in a nonpay status will be excluded in computing the period during which the member's pay is forfeited pursuant to a court-martial sentence and will not reduce the period of forfeiture. When two courtmartial sentences decree forfeitures of pay for periods which run concurrently, the amount stated in each sentence will be forfeited only for the specified period mentioned in each and if the total amount of forfeitures during any period the sentences run concurrently exceeds the two-thirds limitation provided in the Manual for Courts-Martial, United States, 1951, par 126h(2), only two-thirds of the member's pay will be forfeited during such period. After the concurrent period has expired, pay is forfeited under the one remaining sentence only at the rate and for the time remaining in that sentence. Whenever it is determined that a forfeiture has been awarded by a court-martial in excess of the legal maximum authorized by the Manual for Court-Martial, the disbursing officer will report the facts to the commanding officer as required by Navy regulations, Art. 1921.

Example A

SPCM 12 10/60 TFP $90 (30 x 3), Member is AOL 3–12 Jan. (10 das). Check member's pay $21 for Dec., $20 for Jan., $30 for Feb., and remaining $19 for Mar: Total SPCM forfeiture $90.

Example B

SPCM 12 10 60 TFP $300 (50 x 6) and SCM 3/1/61 TFP $60 (60 x 1). Member is E–2(2) with S&FD ($108 plus $8 is $116). Check member's pay for SPCM $50 per month for the period 12/10/60 through 6/9/61, total checkage for SPCM $300. Since two-thirds of $116 is $77.33 and $50 of that is already forfeited, check member's pay only $27.33 (during March) for SCM. (Notify the commanding officer, by letter, of the reduced forfeiture action.)

Example C

SPCM 12 10 60 TFP $280 (70 x 4). Member is E–1(2), marries on 1/17/61, and is assigned to sea duty 2/16/61. The member's pay would be checked as follows: $49 for Dec., $70 for Jan., $46 for Feb. (HP $105 plus S&FD $4 less contribution to Q allot $40 leaves $69, maximum forfeitable is two-thirds of $69, thus $46), $48.67 for Mar. (same computation as Feb. except S&FD is $8 this month), and $14.60 for Apr. (9 das @ $48.67); total pay forfeited $228.27. (Notify the commanding officer, by letter, of the reduced forfeiture action.)

2. Section 719.205 is revised to read as set forth below.

(R.S. 161, secs. 801–940, 5031, 70A Stat. 36–78, 278, E.O. 10214 (3 CFR 1949–1953 Comp. p. 408), as amended, 5 U.S.C. 22, 10 U.S.C. 801–940, 5031)

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, Jr.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

FEBRUARY 15, 1962.

§ 719.205 Appendix V—Secretary of the Navy Instruction 5813.3A on policies and procedures concerning clemency relative to certain court-martial cases (referred to in §§ 719.122 and 719.127).

SECNAV 5815.3A
Pers–P31–swb
MarCorps–DK
NCPB
19 January 1962

DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON 25, D.C.

SECNAV INSTRUCTION 5815.3A

From Secretary of the Navy
To All Ships and Stations
Subj Clemency relative to certain court-martial cases; policy and procedures concerning
Encl (1) Retention on active duty by extension of enlistment for purpose of serving probation

1 *Purpose.* To set forth the policy and procedures to be followed in submitting to the Secretary of the Navy requests for clemency from persons undergoing certain court-martial sentences.

2 *Cancellation.* This Instruction cancels SECNAV Instruction 5815.3.

3. *Definitions.* a. "Clemency," as used herein, is the residual clemency exercised by the Secretary of the Navy or his designee and is defined as that action, other than correction of a legal error, which results in the mitigation, remission, or suspension of the whole, or any part, of the unexecuted portion of a sentence, restoration to duty, and when applicable, the full or partial restoration of grade.

b. The term "unsuspended punitive discharge," as used herein, does not apply to a punitive discharge which is to be executed as a result of vacation of suspension proceedings.

4. *Applicability.* a. This Instruction applies to all persons, other than commissioned officers and warrant officers, convicted by naval courts-martial, whose sentences include confinement for 8 months or more, and those whose sentences include an unsuspended punitive discharge, with or without confinement. It applies to former commissioned officers and warrant officers who have confinement remaining to be served following execution of dismissal or punitive discharge.

b. In especially deserving cases, when deemed appropriate by the commanding officer, this Instruction is applicable to any Navy or Marine Corps enlisted person serving confinement by virtue of the sentence of any court-martial.

c. When Coast Guard personnel serving sentences of courts-martial in a naval confinement facility meet the above criteria, progress reports prepared in accordance with this Instruction shall be submitted to the Naval Clemency Board via the Commandant, U.S. Coast Guard.

5. *Policy.* It is the policy of the Secretary of the Navy that persons within the purview of paragraph 4 of this Instruction, who are suitable, and evince a desire therefor (including such persons whose normal dates of expiration of enlistment might otherwise act as a bar to probation), be restored to duty upon completion of confinement, or a

portion thereof, to the end that they may show by their conduct and performance of duty during a probationary period, that they are entitled to have the suspended portion of their sentences remitted; and that those persons not suited for, or not desiring retention in the naval service, may be accorded such clemency as may be in the best interests of the naval service and the individual concerned.

6. *Naval Clemency Board.* To implement this policy, the Naval Clemency Board was established by the Secretary of the Navy to make appropriate recommendations in the cases of Navy and Marine Corps personnel eligible for clemency consideration. The Board is composed of representatives of the Commandant of the Marine Corps, the Chief of Naval Personnel, the Judge Advocate General, the Chief, Bureau of Medicine and Surgery, and the Navy Council of Personnel Boards. The Senior Officer presides. The Board bases its recommendations on the background of the individual concerned, his civil and military history, his adjustment in confinement or while awaiting completion of appellate review if not confined, motivation for future service, the nature and circumstances of the current offense(s), the recommendation of the commanding officer, and the recommendation of the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate.

7. *Periods of review.* Court-martial sentences will be reviewed by the Naval Clemency Board as follows:

a. Requests for restoration or waiver of restoration from persons sentenced to an unsuspended punitive discharge without confinement shall be submitted not earlier than receipt of the action of the officer exercising general court-martial jurisdiction nor later than the day following receipt of Board of Review decision.

b. Requests from personnel, whose sentences include a period of confinement, shall be submitted in accordance with the following schedule:

Sentence	Initial clemency requests to be submitted	Subsequent clemency requests to be submitted
Less than 8 months' confinement and punitive discharge.	30 days prior to release date, assuming full credit for good conduct time.	Not applicable.
8 months' to (but not including) 2 years' confinement.	Not earlier than 4 nor later than 6 months of confinement.	Every 8 months thereafter
2 years' or more confinement	Not earlier than 6 nor later than 8 months of confinement.	Annually thereafter

c. When deemed appropriate by the commanding officer, a special request may be submitted at any time prior to execution of discharge, or prior to completion of confinement when a punitive discharge is not included in the sentence. This type of request normally should be reserved for cases where bona fide information is received relative to humanitarian or hardship problems which can be alleviated only through clemency, in cases where information not previously considered becomes known that would alter a previous recommendation, or in those cases where it is obvious that further confinement would serve no useful purpose either to the naval service or the individual.

d. In the event of any emergency wherein the requirement for clemency action is considered by the commanding officer to be of an immediate nature, commanding officers may submit recommendations by message or speedletter to the Naval Clemency Board, copy to the Commandant of the Marine Corps, or the Chief of Naval Personnel, as appropriate. Such recommendations shall contain substantiating information.

e. When directed by the Senior Member, Naval Clemency Board, by the Chief of Naval Personnel, or by the Commandant of the Marine Corps.

8. *Procedure for submission of requests for clemency, progress reports, and promulgating orders.* a. Notwithstanding the status of appellate review or status of person's enlistment, requests and recommendations will be forwarded by the commanding officer to the Secretary of the Navy (Naval Clemency Board) via the Chief of Naval Personnel (Attn: Pers F31) or the Commandant of the Marine Corps (Attn: Code DK), as appropriate.

b. In cases referred for review to the Secretary of the Navy (Naval Clemency Board), an original and five copies of the Court-Martial Progress Report will be forwarded with the individual's clemency request or waiver of restoration. Progress reports forwarded from the U.S. Naval Disciplinary Command will be prepared using appropriate DD forms. Progress reports on individuals confined elsewhere or on individuals not sentenced to confinement may be prepared using the Court-Martial Progress Report (form NavPers 3047). However, use of the more complete DD form of report by all reporting activities possible is desirable.

(1) The original and five copies of a neuropsychiatric evaluation of the individual, by a military psychiatrist, shall be included unless the services of a psychiatrist are not available. In the event a psychiatrist is not available, a psychiatric summary by a medical officer shall be forwarded. However, in cases in which the individual requests restoration to duty, or in which any form of clemency is recommended by the command preparing the progress report, neuropsychiatric evaluations by a military psychiatrist should be provided if it is at all possible to do so.

(a) The neuropsychiatric evaluation should include particular reference to background, behavior patterns, tendencies to act out characterological patterns during active duty status, motivation, and potential for honorable service.

(2) The Court-Martial Progress Report shall, in all cases, contain the commanding officer's recommendation, with adequate substantiating information.

(3) Generally, the commanding officer referred to in the Court-Martial Progress Report, and the officer considered responsible for submission of the report, is the commanding officer on whose rolls the individual is carried. However, in the case of personnel serving sentence in Marine brigs, the commanding officer referred to in NavPers 3047, and the officer considered responsible for submission of the report, is the commanding officer of the brig, who will forward the report via the commanding officer on whose rolls the individual is carried.

c. In the event an individual executes a request or waiver which is a change from one previously forwarded, or when new information is obtained which would result in a change in a recommendation previously forwarded, and, in either situation, the Secretary's final action has not been received, notificaton shall be made immediately to the Secretary of the Navy (Naval Clemency Board). Appropriate forms and information supporting the new request or recommendation will then be forwarded (original and five copies) as soon as practicable.

d. Section 0118 of the JAG Manual requires the transmittal of a copy of each court-martial order to the Naval Clemency Board in every case wherein the sentence as approved includes a punitive discharge or confinement for 8 months or more. Additionally, in cases referred to the Secretary of the Navy (Naval Clemency Board) for clemency review wherein the sentence does not include a punitive discharge or confinement for 8 months or more (see subparagraph 4b above), the command submitting the progress report will forward with the progress report one copy of applicable court-martial orders. All court-martial orders shall promulgate the complete action of the convening authority, including the synopsis of the circumstances of the offense, when required by section 0117f, JAG Manual.

9. *Execution of punitive discharge without referral to the Secretary of the Navy for clemency review.* Unsuspended punitive discharges may be executed, upon completion of confinement, without referring cases to the Secretary of the Navy for clemency review, under the following circumstances:

a. When the provisions of JAG Manual section 0128 have been complied with, or

b. In cases where the individual executes a Waiver of Restoration (NavPers 3049) and the following additional requirements are satisfied (no exceptions to be made):

(1) Less than 2 months' confinement remain to be served on the date of execution of such waiver.

(2) A dishonorable discharge is not pending.

(3) No form of clemency is requested by the individual or recommended by the local clemency board or commanding officer.

(4) The individual has been served with the Board of Review decision.

(5) The right of appeal to the United States Court of Military Appeals has expired, or at the time of discharge will have expired, by termination of the prescribed 30-day period.

(6) The Notification of Intention to Execute Bad Conduct Discharge appearing on the waiver form is properly completed. (No alterations in language permitted.)

c. When a punitive discharge is to be executed under these provisions, the original and two copies of the Waiver of Restoration will be forwarded via the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate. Progress reports are not required in these cases.

10. *Clemency recommendations.* a. When considered appropriate, the commanding officer may recommend (but is not limited to) one or more of the following:

(1) Restoration to duty on probation.

(2) Remission of the punitive discharge.

(3) Reduction in confinement and/or forfeitures.

(4) Mitigation of the discharge to one less severe.

(5) Full or partial restoration of grade in especially deserving cases.

(6) No clemency.

b. In connection with clemency recommendations, the following factors have general or specific applicability:

(1) Nature of offense.

(2) Previous record of service.

(3) Adjustment in confinement.

(4) Sincerity of motivation.

(5) Potential value to the service.

(6) Extreme hardship.

c. Ordinarily, an individual is considered to be not restorable who:

(1) Was convicted of an offense involving moral turpitude, including larceny.

(2) Was convicted of a vicious, violent, or other felonious offense.

(3) Has a record of criminal acts or incorrigibility.

(4) Has a record of numerous military offenses.

(5) Is mentally or physically unfit for duty.

(6) Is a probation violator.

11. *Probation.* a. An individual may be considered for restoration to duty on probation even though he does not have sufficient time remaining in his current enlistment

(as extended for the purpose of making good lost time) to serve a reasonable period of probation. To become eligible for consideration in such a case, the individual concerned must consent to an extension of his enlistment for the required period (procedure described in enclosure(1)).

b. The probationary period will normally be a period of 6 months.

12. *Notification of the Secretary of the Navy's action.* The individual shall be notified as soon as practicable after receipt of any action by the Secretary of the Navy that affects his sentence. A copy of the letter promulgating the action, or a certified true extract therefrom, shall be filed in the individual's service record. In addition, an entry of the Secretary's action shall be made in the service record, clearly stating the date and conditions of the action and the authority therefor. In cases of restoration to duty, such entry shall include the specified date thereof, the period of probation, and the total unexecuted portion of the sentence(s) remaining to be executed in the event of vacation of suspension. In cases where the person has completed the period of confinement and is placed on probation relative only to the discharge, the fact should be clearly stated (i.e., "• • • no confinement remains to be served on this sentence.").

13. *Authority to withhold action.* a. Unsatisfactory conduct on the part of an individual or adverse information which becomes known to the commanding officer after submission of the progress report, may be cause to withhold any clemency action directed by the Secretary of the Navy.

b. The commanding officer shall normally withhold the clemency if the person's offense is sufficiently serious to be made a matter of official record, and shall take such action in every case where the offense involves escape or attempted escape or results in the forfeiture of good conduct time in confinement. Once the action of the Secretary has been withheld, the commanding officer may not thereafter execute any part of the clemency, nor may he execute a punitive discharge until final determination has been made by the Secretary.

c. Where the action of the Secretary of the Navy is withheld by the commanding officer as provided above, an immediate report to that effect, with the commanding officer's recommendation as to final determination, shall be forwarded direct to the Secretary of the Navy (Naval Clemency Board). A service-record entry shall be made stating the reasons the clemency was withheld.

14. *Liaison.* Coordination with Naval Clemency Board in exercise of clemency authority delegated by JAG Manual section 0122.

a. Officers who take action to remit or suspend any part or amount of the unexecuted portion of any sentence which includes a punitive discharge or 8 months or more of confinement pursuant to authority delegated by JAG Manual section 0122, will insure that one copy of the official action is forwarded, without delay, to the Senior Member, Naval Clemency Board, with one copy to BuPers or MarCorps, as appropriate.

b. In order that inconsistent or conflicting clemency actions may be avoided, prior to taking clemency action as described in subparagraph a above, the officer contemplating such action will determine whether or not the progress report of the individual concerned has been forwarded to the Secretary of the Navy (Naval Clemency Board) for clemency review.

(1) In the event the progress report has not been forwarded to the Secretary of the Navy (Naval Clemency Board) for review, the officer may exercise such clemency as he deems appropriate.

(2) In the event the progress report has been forwarded to the Secretary of the Navy (Naval Clemency Board) for review, the officer will inform the Naval Clemency Board of his contemplated clemency action. The Naval Clemency Board will then inform the officer:

(a) He may take clemency action; and/or

(b) What clemency action, if any, has been taken by the Secretary of the Navy. (The fact that the Secretary of the Navy has taken no clemency action does not prohibit the officer from taking clemency action. Also, the fact that the Secretary of the Navy has taken clemency action does not prohibit the officer from taking further clemency action if circumstances in a particular case so indicate.)

15. *Discharge.* a. Persons sentenced to an unsuspended punitive discharge will not be discharged until receipt of the Secretary of the Navy's action regarding clemency, except those who have requested immediate release and in whose cases the provisions of paragraph 9 of this Instruction have been complied with. When transfer for discharge has been effected, service-record entries will clearly indicate the status of clemency requests, the Secretary of the Navy's action thereon, and appellate review action.

b. Notwithstanding any provision herein, no person shall be discharged with a punitive discharge until such time as he has been served with the decision of the Board of Review and his right to appeal to the United States Court of Military Appeals has been foreclosed.

16. *Other uses of progress reports.* Copies of progress reports, requests of individuals concerned, recommendations thereon, and other relevant correspondence and information are included in a permanent file in each case. These data may become especially significant in the event of a subsequent petition by the individual to the Navy Discharge Review Board or the Board for Correction of Naval Records.

PAUL B. FAY, Jr.,
Under Secretary of the Navy.

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RETENTION ON ACTIVE DUTY BY EXTENSION OF ENLISTMENT FOR PURPOSE OF SERVING PROBATION

1 *Procedure.* a In the case of an individual falling within the purview of subparagraph 11a of this Instruction, he shall be informed that in order to become eligible for probation he must have sufficient obligated active service remaining in his enlistment as will enable him to serve a reasonable period of probation. Otherwise, if he desires to obligate himself for the requisite period of active service, he is privileged to submit for consideration an agreement in the following form:

"I understand that in order that the unexecuted portion of my sentence may be suspended for the purpose of enabling me to be restored to active duty on probation, I must be obligated to serve on active duty for sufficient time in which to serve a reasonable period of probation. I further understand that, pursuant to Title 10, U.S. Code, section 972, and implementing directives, I shall be required to make up the period of _____ days I lost from my enlistment, unless I am sooner discharged. [Omit preceding sentence if the individual has not lost time which must be made good under that law.] Accordingly, I hereby agree to being retained on active duty for the period of my probation, such period not to exceed 1 year. I understand that the time remaining in my enlistment, as involuntarily extended for the purpose of making good time lost, will be included in this period. [Omit preceding sentence if not applicable.] I further understand that this suspension may be vacated for cause, in accordance with paragraph 97b, Manual for Courts-Martial, 1951, in which event the unexecuted portion of my sentence shall be executed."

b. The request shall be signed in duplicate by the individual. The original shall be retained in the individual's service record and the duplicate original, together with one copy, shall be forwarded with the Request for Restoration (Nav. Pers 3048).

c. Upon receipt of notification that the Secretary of the Navy has suspended the unexecuted portion of the sentence for purposes of probation, the service-record entry shall include the following:

"____(Name)____ is being retained in the public interest for convenience of the Government in an active-duty status under an extension of enlistment prescribed by the Secretary of the Navy for the period of probation, unless sooner discharged. ____(Name)____ has agreed to such retention."

[F.R. Doc. 62-1795; Filed, Feb. 21, 1962; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

U.S. Arms Control and Disarmament Agency

Effective upon publication in the FEDERAL REGISTER, paragraph (d) is added to § 6.372 as set out below.

§ 6.372 U.S. Arms Control and Disarmament Agency.

• • • • • •

(d) One Public Affairs Adviser.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-1836; Filed, Feb. 21, 1962; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 70]

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

Order Amending Order

§ 1070.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective immediately. Any delay in its effective date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued January 3, 1962, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued February 2, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective immediately, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Cedar Rapids-Iowa City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete paragraph (d) of § 1070.10 and substitute therefor the following:

(d) A plant (1) which is approved by a duly constituted health authority for the handling of Grade A milk; (2) which is operated by a cooperative association; and (3) from which the quantity of milk transferred by the association to plants of other handlers specified in paragraph (a) of this section plus that delivered by such association pursuant to paragraph (c) of this section and that delivered directly from the farms of members of such association to such plants is at least the following percentages, in the months indicated, of the total quantity of Grade A milk delivered by all producers who are members of the association:

Month:	*Minimum percentage*
September, October and November	50
May, June, and July	30
All other months	40

If written application is filed with the market administrator on or before the 5th day of any month, such plant may be designated a nonpool plant for such month and for any subsequent months, except such plant shall be a nonpool plant during any month in which it would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and pool plants in the Cedar Rapids-Iowa City marketing area than in the marketing area regulated pursuant to such other order.

2. Delete § 1070.14 and substitute therefor the following:

§ 1070.14 Producer milk.

"Producer milk" means all skim milk and butterfat produced by producers which is:

(a) Received at a pool plant directly from producers; or

(b) Diverted from a pool plant to a nonpool plant for the account of the operator of a pool plant or a cooperative association, subject to the following:

(1) Such diversions may be without limit during the months of April through August, but not be for more than 25 days' production of any producer during any other month and milk diverted in excess of this limit shall not be producer milk;

(2) Milk so diverted for the account of the operator of a pool plant shall be deemed to have been received at the plant from which diverted; and

(3) Milk so diverted from the plant of another handler for the account of a cooperative association shall be priced at the location of the plant from which diverted.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: As issued.

Signed at Washington, D.C., on February 16, 1962.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-1830; Filed, Feb. 21, 1962; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. N]

PART 214—RELATIONS WITH FOREIGN BANKS AND BANKERS

Accounts With Foreign Banks

1. Effective February 13, 1962, Part 214 is amended by changing the designation of § 214.5 to § 214.6, and by inserting immediately prior thereto a new § 214.5 to read as follows:

§ 214.5 Accounts with foreign banks.

(a) Any Federal Reserve Bank, with the consent of the Board, may open and maintain accounts payable in foreign currencies with such foreign banks as may be designated by the Board.

(b) Notwithstanding other provisions of this part, any officer or other representatives of a Federal Reserve Bank which maintains an account with a foreign bank may conduct such negotiations and enter into such agreements, contracts, or understandings with such foreign bank as may be authorized or directed by the Federal Open Market Committee in order to effectuate the conduct of open market transactions of the Federal Reserve Banks incident to the opening, maintenance, operation, increase, reduction, or discontinuance of such account; and, in any such case, such negotiations, agreements, contracts, or understandings shall be subject to such authorizations, directions, regulations, and limitations as may be prescribed by, or pursuant to authority of, the Federal Open Market Committee.

(c) Any Federal Reserve Bank may, when authorized or directed so to do by, or under the authority of, the Federal Open Market Committee, carry on or conduct, through any other Federal Reserve Bank which maintains an account with a foreign bank, any open market transactions authorized by section 14 of the Federal Reserve Act. Transactions authorized by section 14 which are not open market transactions may be carried on or conducted through such other

Federal Reserve Bank only with the approval of the Board.

(d) Notwithstanding other provisions of this part, reports with respect to any accounts opened and maintained, and negotiations, agreements, contracts, and understandings entered into, pursuant to this section shall be made to the Board at least quarterly, and more frequently if so requested by the Board, by a duly authorized officer of the Federal Reserve Bank involved.

2a. The purposes of this amendment are (1) to regulate, as contemplated by statute, the opening and maintenance by Federal Reserve Banks of accounts with foreign banks, and (2) to provide that negotiations and agreements, contracts, or understandings entered into by a Federal Reserve Bank with foreign banks shall be subject to such authorizations, directions, regulations, and limitations as may be prescribed by the Federal Open Market Committee to the extent necessary to effectuate the conduct of open market transactions by the Federal Reserve Banks through such foreign accounts.

b. The notice and public procedure described in section 4(a) and section 4(b) of the Administrative Procedure Act and the prior publication described in section 4(c) of said Act are not followed in connection with this amendment for the reasons and good cause found as stated in paragraph (e) of § 262.1 of the Board's rules of procedure (Part 262), and especially because such notice and prior publication are unnecessary since they would not aid the persons affected and would serve no other useful purpose.

(Secs. 14 (e) and (g); 12 U.S.C. 358, 348a)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-1783; Filed, Feb. 21, 1962; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 3]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Miscellaneous Amendments

There was published in the FEDERAL REGISTER on January 19, 1962 (27 F.R. 589) a notice of intention to amend §§ 107.102, 107.201, and 107.202 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations as revised in 26 F.R. 8232-8242 and amended (27 F.R. 167 and 27 F.R. 851).

Interested persons were given an opportunity to present their comments or suggestions pertaining thereto to the Investment Division, Small Business Administration, Washington 25, D.C., within a period of twenty-one days of the date of publication of the notice in the FEDERAL REGISTER. No comments or suggestions having been received within the said time period the amendments of the regulations as so proposed are hereby adopted as set forth below.

Because of the necessity for promptly applying the proposed amendments to the program authorized under the Small Business Investment Act of 1958, as amended, the subject amendments of the regulations shall become effective upon publication thereof in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies (26 F.R. 8232-8242) is hereby amended by:

1. Deleting the following language from § 107.102(g)(1): "and SBA shall be committed by said approval to issue a license if the terms and conditions of the approved proposal are completed;". As amended, § 107.102(g)(1) reads as follows:

§ 107.102 Proposal.

* * * * *

(g) After consideration of a Proposal SBA shall notify the Proponents, either:

(1) That the Proponents may proceed with all action necessary to qualify the Proposed Operator for execution and submission of a License Application; which action shall be completed and a License Application submitted by the Proposed Operator within 90 days from the date of said notice from SBA, unless such period is extended by SBA; or

2. Deleting paragraphs (a) and (b) of § 107.201 and substituting in lieu thereof the following:

§ 107.201 License application.

(a) A License Application may be submitted upon SBA Form No. 415[1] by the Proposed Operator only after issuance by SBA of the notice referred to under § 107.102(g)(1) and in accordance with instructions issued by SBA, including instructions contained in such notice. Such License Application shall be submitted within 90 days after issuance of said notice.

(b) Within 180 days after submission of a License Application, SBA will give due regard, among other things, to the need for financing of small business concerns in the area in which the Proposed Operator intends to commence business, the general character of the proposed management of the Proposed Operator, and the number of existing Licensees and the volume of their operations, and after consideration of all relevant factors, will in its discretion either issue a License to the Proposed Operator or notify the Proposed Operator that after consideration of all relevant factors the SBA will not issue a License to the Proposed Operator.

[1] Copies of SBA Form 415, License Application, together with instructions, are available at the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

3. Deleting § 107.202(a) and substituting in lieu thereof the following:

§ 107.202 Prerequisites for issuance of License.

Prior to the issuance of a License, each Proposed Operator shall have:

(a) Executed and submitted a License Application, including such additional information, statements and representations as may be otherwise required by SBA.

Dated: February 13, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-1800; Filed, Feb. 21, 1962; 8:47 a.m.]

[Amdt. 4 (Rev. 1)]

PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Section 501 Loans

The Loans to State and Local Development Companies Regulation (Revision 1, 26 F.R. 1822) as amended (26 F.R. 3063, 26 F.R. 8831 and 27 F.R. 732) is hereby further amended by:

1. Adding a new paragraph (i) to § 108.501-1 as follows:

§ 108.501-1 Section 501 loans.

* * * * *

(i) *Disposal of obligations.* SBA may, in its discretion and upon such terms and conditions and for such consideration as shall be deemed to be reasonable, sell, assign, transfer or otherwise dispose of the note, and all other evidence of debt or security held in connection with the payment of any loan made under section 501 of the Small Business Investment Act of 1958, as amended.

The foregoing amendment is effective upon publication in the FEDERAL REGISTER.

Dated: February 16, 1962.

JOHN HORNE,
Administrator.

[F.R. Doc. 62-1812; Filed, Feb. 21, 1962; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 771; Amdt. 54]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

Subpart A—General

Correction

In F.R. Doc. 62-1080, appearing at page 974 of the issue for Friday, February 2, 1962, the second occurrence of the word "and" in § 514.2(a) should be deleted.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-7]

PART 13—PROHIBITED TRADE PRACTICES

The Sample, Inc.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1045 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900-40 *Fur Products Labeling Act:* § 13.1900-40 (a) *Maker or seller;* § 13.1900-40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, The Sample, Inc., Buffalo, N.Y., Docket C-7, Oct. 23, 1961]

In the Matter of The Sample, Inc., a Corporation

Consent order requiring Buffalo, N.Y., furriers to cease violating the Fur Products Labeling Act by failing to disclose on fur products labels when fur was dyed, the manufacturer or seller, and the country of origin of imported furs; failing to disclose in newspaper advertising the names of animals producing the fur in fur products, or when fur was artificially colored; and failing in other respects to comply with labeling and invoicing requirements.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That The Sample, Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth on labels affixed to fur products:

1. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information.

2. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

C. Affixing to fur products labels that do not comply with the minimum size requirements of one and three-quarters inches by two and three-quarter inches.

D. Failing to set forth on labels all the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on one side of such labels.

E. Failing to set forth on labels the item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by: Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of sections 5(b)(1) of the Fur Products Labeling Act.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which: Fails to disclose:

A. The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

B. That the fur product contains or is composed of bleached, dyed or otherwise artifically colored fur when such is the fact.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: October 23, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-1785; Filed, Feb. 21, 1962; 8:46 a.m.]

[Docket 8310 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Colognes, Inc., et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055-50 *Preticketing merchandise misleadingly.* Subpart—Misbranding or mislabeling: § 13.1280 *Price;* § 13.1325 *Source or origin:* § 13.1325-60 *Maker or seller.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1655 *Identity;* [Misrepresenting oneself and goods]—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1810 *Fictitious marking.* Subpart—Passing off: § 13.2105 *Passing off products as competitor's.* Subpart—Simulating another or product thereof: § 13.2220 *Name, containers or dress of products.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Colognes, Inc., et al., Rockville, Md., Docket 8310, Oct. 23, 1961]

In the Matter of Colognes, Inc., a Corporation, D'Henri, Inc., a Corporation, and Herman I. Porten and Henry W. Porten, Individually and as Officers of Said Corporations

Consent order requiring Rockville, Md., distributors of rebottled colognes, toilet waters, and perfumed sprays, to cease enclosing some of said products in cardboard boxes on the end of which was printed the fictitious price of $10.00 represented thereby as the usual retail price; and to cease representing falsely that their said products were perfumes through offering them for sale in the one dram bottles historically used in the sale of perfumes and in pasteboard cartons bearing brand names of well-known perfumes, for the price of one dollar per bottle.

The order to cease and desist is as follows:

It is ordered, That respondents, Colognes, Inc., and D'Henri, Inc., corporations, and their officers, and Herman I. Porten and Henry W. Porten, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale or sale of colognes or toilet waters, or any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist, directly or indirectly from:

1. Representing that any amount is the retail price of a product in a trade area or areas, when such price is in excess of the price at which the product has been usually and customarily sold at retail in the trade area or areas where the representation is made.

2. Representing that cologne or toilet water is perfume.

3. Offering for sale or selling cologne or toilet water in bottles having the size and appearance of bottles commonly used for perfume, without clearly and conspicuously stating on said bottles or in immediate connection and conjunction therewith that such products are cologne or toilet water.

4. Using the name of any brand of perfume to describe cologne or toilet water, without clearly and conspicuously stating in immediate connection and conjunction therewith that such products are cologne or toilet water.

5. Furnishing means or instrumentalities to others by and through which they may mislead the public as to any of the matters and things prohibited in paragraphs 1 through 4 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting

forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 17, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-1784; Filed, Feb. 21, 1962; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Discontinuance of Free Distribution of the News Digest

The Securities and Exchange Commission will discontinue the weekly, free distribution of its "News Digest" after the issue of February 28, 1962. The work of printing and distributing the "News Digest" not only has outgrown the Commission's limited printing facilities, but has seriously interfered with other necessary printing required in day-to-day operations of the Commission. Moreover, the Congressional Joint Committee on Printing has recommended that offset reproduction operations of this magnitude should be performed by the Government Printing Office.

The "News Digest" will continue to be printed by G.P.O. and distributed on a daily basis by the Superintendent of Documents, at an annual subscription price of $15.00 for regular mail copies, or $31.80 for airmail copies. Orders or inquiries should be addressed to the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

Accordingly, the Commission amends § 200.80 of Title 17 of the Code of Federal Regulations as follows, effective March 1, 1962:

I. Appendix A of § 200.80 is amended by the deletion of paragraph 1 describing the News Digest, and by redesignating the remain'ng paragraphs as paragraphs 1 to 17.

II. Appendix C, *Statutes, Rules and Miscellaneous Publications*, of § 200.80 is amended by adding a paragraph at the end thereof to read as follows:

News Digest. A daily summary of orders decisions, rules and rule proposals issued by the Commission under the various laws it administers, together with a resume of financing proposals contained in Securities Act registration statements and of other Commission announcements.

(Secs. 19, 23, 48 Stat. 85, 901, as amended; sec. 20, 49 Stat. 833, 53 Stat. 1173; secs. 38, 211, 54 Stat. 841, 855; 15 U.S.C. 77s, 77sss, 78w, 79t, 80a-37, 80b-11)

Since these amendments relate only to matters of agency procedure and practice, the Commission deems that the public notice and other rule-making procedures provided in section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) are unnecessary.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 14, 1962.

[F.R. Doc. 62-1798; Filed, Feb. 21, 1962; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55569]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Informal Entries

The Customs Regulations now provide that serially numbered informal entries, customs Forms 5119 and 5119A which are prescribed for use in clearing merchandise when a customs cashier or acting cashier is not available, must be prepared by a customs officer. This requirement has been found to be unnecessarily restrictive and a cause of delay in clearing such merchandise. To permit such forms to be prepared by the importer or his agent under the control of a customs officer when the forms are for immediate use in making an informal entry, the third sentence of § 8.51 (a) is amended to read as follows: "Where there is no customs cashier or acting cashier serially numbered forms must be used, and they will be prepared by a customs officer unless such forms can be prepared under his control by the importers or their agents for immediate use in clearing merchandise under the informal entry procedure."

(R.S. 161, as amended, 251, secs. 498(a), 624, 46 Stat. 728, as amended, 759; 5 U.S.C. 22, 19 U.S.C. 66, 1498(a), 1624)

[SEAL] PHILIP NICHOLS, Jr., *Commissioner of Customs.*

Approved: February 14, 1962.

JAMES A. REED, *Assistant Secretary of the Treasury.*

[F.R. Doc. 62-1819; Filed, Feb. 21, 1962; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter III—Public Housing Administration, Housing and Home Finance Agency

PART 1500—GENERAL PROCEDURAL PROVISIONS

PHA Records

Chapter III, Public Housing Administration, is amended as follows:

Section 1500.1 (a)(2) and (b) is amended by changing, in each instance where it appears, the title "Director of the Production Control Branch" to read "Chief of the Records Administration Section, Office Services Branch." As so amended § 1500.1 (a)(2) and (b) reads as follows:

§ 1500.1 PHA records.

(a) • • •

(2) The responsibility for compliance with this provision is vested in the Chief of the Records Administration Section, Office Services Branch. Persons desiring to consult such records should apply, in writing, to the Chief of the Records Administration Section, Office Services Branch, Public Housing Administration, Washington 25, D.C. Such applications shall identify as precisely as possible the official records which the applicant desires to consult, and shall set forth the facts bearing on the extent to which the applicant is a person properly and directly concerned with the matter involved. The Chief of the Records Administration Section, Office Services Branch shall advise the applicant in writing either (i) of the time and place at which the records will be available to him; or (ii) that the records are not available to the applicant, in which case the reasons shall be briefly stated.

(b) *Definition of official records.* The term "official records" as used in this part means documents which embody the official acts of the PHA and the documents which are filed with the PHA pursuant to statute, PHA regulations, or contract with the PHA, as determined by the Chief of the Records Administration Section, Office Services Branch. It does not include memoranda and other reports which reflect research and analysis preliminary to official action or which are otherwise merely part of the background upon which official action is predicated.

Approved: February 15, 1962.

MARIE C. MCGUIRE, *Commissioner.*

[F.R. Doc. 62-1786; Filed, Feb. 21, 1962; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 46—RURAL SERVICE

Specifications for Contemporary Rural Mailboxes

The regulations of the Post Office Department in § 46.5 are amended by revising subparagraph (1) of paragraph (a) to include the requirements and limitations covering the manufacture of rural mailboxes of a contemporary design. As so amended, subparagraph (1) reads as follows:

§ 46.5 Rural boxes.

(a) *Specifications.*—(1) *Style.*—(i) *Standard.* There are three approved standard sizes of mail boxes for use on rural routes. Size 1 is approximately 19 inches long, 6½ inches wide, and 8¾ inches high. Size 1-A is approximately 21 inches long, 8 inches wide and 10½ inches high, with a letter slot in the door. Size 2 is approximately 23½ inches long, 11½ inches wide and 13½ inches high. Specifications and drawings which may be used for guidance in the manufacture of standard rural mail boxes may be obtained by writing to the Assistant Postmaster General, Bureau of Operations, Washington 25, D.C.

(ii) *Contemporary.* The engineering, manufacturing, and design control features of contemporary style rural mailboxes consist of, but are not necessarily limited to, the following:

(a) *Materials.* Approved metals are aluminum, aluminized steel, stainless steel and galvanized iron. Drawings mentioned in subdivision (i) of this subparagraph may be used for guidance in the manufacture of contemporary rural boxes.

(b) *Dimensions.* The general proportions should be the same as the standard rural box of similar size. Inside net length shall not be less than inside length of standard boxes. Inside height and width measurements of the box shall not be less than the comparable models of approved boxes. Height and width measurements may be interchanged. Rigid templates of the inside cross section of standard rural boxes and proposed boxes should be used to accurately compare the relative holding capacities.

(c) *Finishes.* All colors and color combinations must be approved in advance. Color chips must accompany sample boxes, together with detailed information on the system used for painting.

(d) *Workmanship.* Standards for workmanship shown on the drawings must be equaled or exceeded.

(e) *Miscellaneous.* Means for fastening contemporary boxes to a board for horizontal mounting on top of a box post shall be by direct screw fastening to side edges of the board through holes provided in exterior of box at sides and back. Where the design features of the bottom of the box do not permit the mounting board to fit snugly on all four sides, metal flanges must be permanently affixed to the box, against which the side edges of the mounting board can abut. The red signal flag must be positioned as near the front of the box as possible as a convenience to the carrier. Door handle, and corners of the hinge plate where it is fastened to the door, must be free of sharp burrs. Where a spring door catch is used, it must be flexible and must provide a uniform door opening and closing operation. Use of ornamental trim shall be subject to Departmental approval. Provision for optional use of a padlock shall be made. Where the actual holes to accommodate a lock are not pre-drilled, a template and instruction sheet must be furnished with each box. Prototype models of boxes submitted for approval should be accompanied by manufacturer's detailed drawings and material specifications.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6005, 6009)

LOUIS J. DOYLE, *General Counsel.*

[F.R. Doc. 62-1818; Filed, Feb. 21, 1962; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14185; FCC 62-198]

PART 1—PRACTICE AND PROCEDURE

Processing of FM and Noncommercial Educational FM Broadcast Applications

In the matter of revision of FM broadcast rules, particularly as to allocation and technical standards, Docket No. 14185; Petition of FM Unlimited, Inc., RM-94, for changes in FM station assignment rules.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 14th day of February, 1962;

The Commission having under consideration the proceedings in the above-captioned matter; and

It appearing, that, on December 6, 1961, the Commission adopted an Order (FCC 61-1447) establishing interim procedures for processing applications for FM broadcast facilities; that, on December 26, 1961, the Association of Federal Communications Consulting Engineers (the Association) submitted a request seeking to expand the F(50,50) curves issued for use with the interim procedures; and that the Commission deems it appropriate to enlarge and clarify its interim procedures in other respects; and

It further appearing, that the Association asks that the F(50,50) curves be expanded to permit applicants to make a more accurate determination of interference on the second and third adjacent channels for distances less than five miles from the transmitter site, alleging that such information would be most useful in preparing and evaluating FM proposals during the time the interim procedures are in effect; and

It further appearing, that the Commission is favorably disposed to grant this request, since it will assist interested persons in the preparation of such applications, but believes the objective of the Association can be accomplished by utilization of the F(50,90) curves for Television Channels 2-6, previously issued as part of the further notice of proposed rule making of July 1, 1960, in Docket No. 13340 (FCC 60-766), because the values obtained from the F(50,90) curves for distances below five miles are, for all practical purposes, the same as would be obtained from expanded F(50,50) curves; and that, for these reasons, the request of the Association is being granted to the extend indicated above; and

It further appearing, that, in adopting the interim procedures, it was decided to process only such applications as involved no interference with any existing or proposed station; that the Commission has now determined, on its own motion, that it will be feasible to relax this restriction to a limited degree to permit consideration of applications involving mutually prohibitive interference; and that adoption of a procedure, modified in this respect, would not prejudice the Commission in reaching a final determination in this matter; and

It further appearing, that, under the modified procedure, only applications clearly involving mutually prohibitive interference would be designated for hearing; that mutually prohibitive interference between the applications is the only interference involved; and that all of the applications so in conflict meet the interim criteria in all other respects; and

It further appearing, that, in addition to the foregoing, the modified procedure would be applied only where it is apparent that interference conflicts between the applications are such that a hearing will be necessary in any event, regardless of what rules or technical standards may be adopted by the Commission in this proceeding; that (unlike situations where mutual interference is less than prohibitive and it may be possible to grant several applications so in conflict, either prior to or after hearing under the new rules, notwithstanding mutual interference caused and received between such proposals) the ends of justice will be promoted by permitting at this time the limited class of applications described herein to proceed to hearing, subject to such rules as the Commission may adopt at the close of this proceeding; and that, to accomplish these purposes, the interim procedures are being modified herein in accordance with these considerations; and

It further appearing, that the amendment to the interim procedure set forth in the appendix hereto relates to practice and procedure before the Commission and, therefore, proposed rule making in accordance with the provisions of section 4 of the Administrative Procedure Act is not required; and

It further appearing, that authority for adoption of the subject amendment is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 1.16 of the Commission rules.

It is ordered, That, effective February 14, 1962, § 1.356 of the Commission rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: February 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Acting Secretary.*

The note to § 1.356 is amended by revising paragraph (a)(1) and by adding a new provision; as amended, paragraphs (a)(1), (d), (e), and (f) of the note read:

§ 1.356 Processing of FM and noncommercial educational FM broadcast applications.

• • • • • •

NOTE: • • •

(a) • • •

(1) The station, operating as proposed, will not receive interference from any existing or proposed station within its predicted 1 mv/m (60 db/u) contour and will not cause interference to any existing or pro-

posed station within the existing or proposed station's 1 mv/m (60 db/u) contour: *Provided, however,* The Commission may designate applications for hearing which involve mutually prohibitive interference but otherwise comply with the interim criteria. (For example, applications for the same channel in the same community, specifying power and antenna height permitted by the interim criteria, may be designated for hearing; but applications for the same channel in the same community will be returned where any one of the applications involves a slight degree of interference with another proposal or any interference with an existing stations.)

• • • • •

(d) For field strength distances below five miles, use shall be made of the F(50,90) curves for Television Channels 2–6, dated June 20, 1960, set forth in the Further Notice of Proposed Rule Making of July 1, 1960, in Docket No. 13340 (FCC 60–766).

(e) The ratio of desired to undesired signals set out in paragraph (b) of § 3.313 of this chapter shall be used in determining interference. However, the desired and undesired signals shall be taken from the F(50,50) and F(50,10) curves in accordance with the provisions of paragraph (c) of this note.

(f) The interim criteria and procedures provided in this note shall not apply to construction permits or other FM broadcast station authorizations heretofore issued by the Commission or to applications for noncommercial education FM broadcast stations: *Provided, however,* In determining service and interference for such educational facilities, the provisions of paragraph (c) of this note shall apply.

[F.R. Doc. 62–1849; Filed, Feb. 21, 1962; 8:52 a.m.]

[Docket No. 14227; FCC 62–200]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

In the matter of amendment of Parts 2 and 4 of the Commission rules to combine AM, FM, and TV (aural) STL and intercity relay stations into single categories and permit multiplex operation to provide program circuits for more than one class of broadcast station operated by the same licensee.

1. On July 26, 1961, the Commission adopted a notice of rule making (FCC 61–987) proposing to amend its broadcast auxiliary rules to combine all aural STL stations (AM, FM & TV) into a single category called aural broadcast STL stations and to permit a single STL station to transmit more than one aural channel by means of multiplexing, to serve any or all of the classes of broadcast stations operated by a single licensee where the STL circuit runs between a common studio location and a common transmitter site. It was also proposed to permit the multiplexing of one or more aural channels on TV visual STL stations for the same purpose. Additional provisions dealt with the transmission of cues, orders, telemetry signals and other operational communications over both STL and intercity relay systems. Companion changes relating to control of the transmitter, bandwidths, equipment changes, and station identification were also included.

2. Comments were filed by the National Association of Broadcasters (NAB), Frontier Broadcasting Company, Travelers Broadcasting Service Corporation, Radio Service Corporation of Utah (KSL), and American Broadcasting Company (ABC). All of the comments supported the proposed amendments in general, but some requested either clarification or extension, as discussed below.

3. NAB endorsed the principle of the proposal which would conserve spectrum space and reduce costs of operation, but suggested that this would apply likewise to intercity relay systems. It requested that the language in § 4.631(c) be amended to make clear that a licensee could employ a single intercity relay system to provide more than one program circuit from one city to another city in which it operated more than one class of broadcasting station. Frontier also made this suggestion and further requested that the rules be made flexible enough so that it could terminate the television intercity relay system at the television transmitter site and then secure an additional circuit from the TV site to its AM broadcast station site serving the same city, either from a common carrier or by means of its own privately operated aural STL circuit. Travelers read into the proposal a meaning that would permit television intercity relay systems to carry aural programs destined for AM and FM stations operated by the licensees of TV stations and serving the same community and, with this understanding, endorsed the entire proposal. KSL proposed that the provisions of the rules be expanded to permit television intercity relay stations to carry aural programs to a network of AM stations in Idaho and Montana operated by various licensees. ABC, in reply comments, supported the proposal of KSL and endorsed the recommendations of the NAB and others.

4. The basic purpose of the proposed amendment was to improve the efficiency of frequency usage of the broadcast auxiliary services by permitting several program circuits to be transmitted over a single radio frequency channel. Such a provision would also reduce the cost to individual broadcasters of program relaying equipment. Thus a licensee operating an AM, FM, and TV station at a common transmitter site and producing programs at a common studio location could use a single radio frequency channel to deliver different program material to each station simultaneously. Similarly, a licensee utilizing a radio frequency channel to bring in program material from another station in another city could add program circuits to serve more than one class of broadcasting station. Such use would be consistent with the basic allocation of these frequencies for private program relay circuits, and we have no difficulty in adjusting the original proposal to include both STL circuits and intercity relay circuits. The relay system and rebroadcast station or stations using the system must be under common ownership, but the licensing of STL or intercity relay systems, or individual stations within such systems, to more than one broadcast licensee is not prohibited. Other broadcast stations may simultaneously utilize program material delivered over such systems with permission of the licensee or licensees.

5. Authority for the amendments adopted herein is contained in sections 4(i) and 303 (b) and (e) of the Communications Act of 1934, as amended.

6. *Accordingly, it is hereby ordered,* That effective March 26, 1962, Parts 2 and 4 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: February 14, 1962.

Released: February 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Parts 2 and 4 of the Commission rules are amended in the following respects:

1. Section 2.1 is amended by deleting the definitions "FM broadcast STL station" and "FM intercity relay stations", and inserting the following new definitions in the appropriate alphabetical order:

§ 2.1 Definitions.

• • • • •

Aural broadcast STL station. A fixed station utilizing telephony for the transmission of aural program material between a studio and the transmitter of a broadcasting station other than an international broadcasting station, for simultaneous or delayed broadcast.

Aural broadcast intercity relay station. A fixed station utilizing telephony for the transmission of aural program material between broadcasting stations other than international broadcasting stations, for simultaneous or delayed broadcast.

2. In § 2.106, the table of frequency allocations is amended by changing the entries in Column 9 for the band 942–952 Mc/s and footnote NG 9 is amended to read as follows:

§ 2.106 Table of Frequency Allocations.

Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of {SERVICES stations
7	8	9	10	11
•	•	•	•	•
942–952 (NG8) (NG9)	Fixed (NG40)	Aural broadcast STL.	-------	
		International aeronautical fixed (Alaska, Hawaii and U.S. possessions only).	-------	
		International fixed public (Alaska, Hawaii and U.S. possessions only).	-------	
•	•	•	•	•

NG9 Aural broadcast intercity relay stations may be authorized to use the band 942–952 Mc/s on the condition that harmful interference will not be caused to other classes of stations operating in accordance with the Table of Frequency Allocations.

3. The title of Subpart E of Part 4, is changed to read as follows:

Subpart E—Aural Broadcast STL and Intercity Relay Stations

4. Section 4.501 is amended to read as follows:

§ 4.501 Classes of stations.

(a) *Aural broadcast STL station.* A fixed station utilizing telephony for the transmission of aural program material between a studio and the transmitter of a broadcasting station other than an international broadcasting station, for simultaneous or delayed broadcast.

(b) *Aural broadcast intercity relay station.* A fixed station utilizing telephony for the transmission of aural program material between broadcasting stations other than international broadcasting stations, for simultaneous or delayed broadcast.

5. Section 4.502 is amended to read as follows:

§ 4.502 Frequency assignment.

(a) An aural broadcast STL or intercity relay station may be assigned one of the following frequencies:

Mc/s	Mc/s	Mc/s	Mc/s
944.5	945.0	947.5	950.0
944.0	945.5	948.0	950.5
943.5	946.0	948.5	951.0
944.0	946.5	949.0	951.5
944.5	947.0	949.5	

(b) The use of the frequencies listed in paragraph (a) of this section by aural broadcast intercity relay stations, is subject to the condition that no harmful interference is caused to other classes of stations operating in accordance with the Table of Frequency Allocations contained in § 2.106 of this chapter.

(c) Any aural broadcast STL or intercity relay station for which there was outstanding a valid construction permit or license on April 16, 1958, specifying operation on any frequency between 890 Mc/s and 942 Mc/s, may continue to be operated on such frequencies for the remainder of the term specified in such authorization and may upon appropriate application therefor, be granted a renewal of such license, subject to the condition that no harmful interference shall be caused to the radiolocation service operating in the band 890–942 Mc/s and subject to the further condition that the licensee must accept any interference which may be caused by the operation of radiolocation stations in the band 890–942 Mc/s and industrial, scientific, and medical (ISM) equipment in the band 890–940 Mc/s.

6. Section 4.531 is amended to read as follows:

§ 4.531 Permissible service.

(a) An aural broadcast STL station is authorized to transmit aural program material between the studio and transmitter location of a broadcasting station, except an international broadcasting station, for simultaneous or delayed broadcast.

(b) An aural broadcast intercity relay station is authorized to transmit aural program material between broadcasting stations except international broadcasting stations, for simultaneous or delayed broadcast.

(c) Multiplexing of the STL or intercity relay transmitter may be employed to provide additional communication channels for the transmission of aural program material, operational communications, or material authorized to be transmitted over an FM broadcast station under a valid Subsidiary Communications Authorization (SCA). An aural broadcast STL or intercity relay station may not, however, be operated solely for the transmission of operational or subsidiary communications. Operational communications include cues, orders, and other communications directly related to the operation of the broadcast station as well as special signals used for telemetry or the control of apparatus used in conjunction with the broadcasting operation.

(d) All program material, including subsidiary communications, transmitted over an aural broadcast STL or intercity relay station shall be intended for use by broadcast stations owned or under common control of the licensee or licensees of the STL or intercity relay station. Other broadcast stations may simultaneously utilize such program material with permission of the STL or intercity relay station licensee.

(e) In any case where multiplexing is employed on an aural broadcast STL station for the simultaneous transmission of more than one aural channel, the STL transmitter must be capable of transmitting the multiple channels within the channel on which the STL station is authorized to operate and with adequate technical quality so that each broadcast station utilizing the circuit can meet the technical performance standards stipulated in the rules governing that class of broadcasting station. If multiplex operation is employed during the regular operation of the STL station, the additional circuits shall be in operation at the time that the required periodic performance measurements are made of the overall broadcasting system from the studio microphone input circuit to the broadcast transmitter output circuit.

7. Section 4.532 is amended to read as follows:

§ 4.532 Licensing requirements.

(a) An aural broadcast STL or intercity relay station will be licensed only to the licensee or licensees of broadcasting stations other than an international broadcasting station and for use with broadcast stations owned entirely by, or under common control of the licensee or licensees.

(b) More than one aural broadcast STL or intercity relay station may be licensed to a single licensee upon a satisfactory showing that the additional stations are needed to provide different program circuits to more than one broadcast station, to provide program circuits from other studios, or to provide one or more intermediate relay stations over a path which cannot be covered with a single station due to terrain or distance.

(c) If more than one broadcast station or class of broadcast station is proposed to be served by a single STL or intercity relay station, this information shall be clearly set forth in the application for construction permit or license.

(d) Each aural broadcast STL or intercity relay station will be licensed at a specified transmitter location to communicate with a specified receiving location and the direction of the main radiation lobe of the transmitting antenna will be one of the terms of the license.

8. Section 4.533(b) is amended to read as follows:

§ 4.533 Remote control and unattended operation.

• • • • •

(b) In cases where intermediate relay stations are employed in aural broadcast STL or intercity relay systems, such intermediate relay stations may be operated unattended if the following requirements are met:

(1) The transmitter shall be equipped with automatic circuits that will cause it to cease radiating at times when no signal is being received from the station which it is relaying.

(2) The transmitter shall be provided with adequate safeguards to prevent improper operation of the equipment.

(3) The transmitter installation shall be adequately protected against tampering by unauthorized persons.

(4) Whenever an intermediate relay station is in operation, appropriate observations shall be made at the receiving end of the STL or intercity relay circuits at intervals not exceeding one hour by a person holding a valid first or second class radiotelephone operator license, who shall take immedate steps to correct any condition of improper operation that may be observed.

(5) It shall be the responsibility of the licensee to insure that any repairs or adjustments that may be necessary are made by a person technically qualified to do so.

9. Section 4.535 is amended to read as follows:

§ 4.535 Emission and bandwidth.

(a) Aural broadcast STL and intercity relay stations normally will be authorized to employ frequency modulation only. The maximum frequency excursion of the carrier resulting from modulation, shall not exceed 200 kc/s above or below the assigned frequency.

(b) If multiplexing by means of one or more sub-carriers is employed, the maximum sub-carrier frequency used shall be such that 2M+2D does not exceed 500 kc/s, where M is the maximum modulating frequency in cycles per second and 2D equals the total carrier frequency excursion as the result of modulation, expressed in cycles per second.

(c) The channels assigned to aural broadcast STL and intercity relay stations are 500 kc/s in width, the assigned frequency being at the center of the channel. Emissions appearing outside the assigned channel shall be attenuated as follows:

(1) Any emission appearing on a frequency removed from the assigned frequency by between 250 and 500 kc/s shall be attenuated at least 25 decibels below the level of the unmodulated carrier. Compliance with this specification will be deemed to show the occupied bandwidth to be 500 kc/s or less.

(2) Any emission appearing on a frequency removed from the assigned frequency by more than 500 kc/s and up to and including 750 kc/s shall be attenuated at least 35 decibels below the level of the unmodulated carrier.

(3) Any emission appearing on a frequency removed from the assigned frequency by more than 750 kc/s shall be attenuated at least $43+10 \log_{10}$ (Power, in watts) decibels below the level of the unmodulated carrier.

10. Section 4.551 is amended to read as follows:

§ 4.551 Equipment changes.

(a) Prior Commission approval, upon appropriate application (FCC Form 313) therefor, is required for any of the following changes:

(1) A change in the transmitter as a whole (except replacement with an identical transmitter), or a change in power output.

(2) A change of frequency assignment.

(3) A change in the location of the STL transmitter (except relocation of the equipment within the same building).

(4) Any change in the antenna system which will increase the height of the antenna above the natural formation or man-made structure upon which it is mounted, by more than 20 feet or will result in an overall height above ground of more than 170 feet (except where the antenna is mounted below the top of an existing structure which is more than 170 feet high).

(5) Any change in the direction of the main radiation lobe of the transmitting antenna.

(b) Other equipment changes not specifically referred to above may be made at the discretion of the licensee, provided that the Engineer-in-charge of the radio district in which the station is located and the Commission in Washington, D.C., are promptly notified in writing upon the completion of such changes, and provided that the changes are set forth in the next application for renewal of license. Where such changes include the installation of multiplex equipment to provide additional aural channels, the purpose for which these added channels will be used shall be stated.

§§ 4.533, 4.534, 4.536, 4.561, 4.562, 4.563, 4.581 [Amendment]

11. The expression "Broadcast STL or FM intercity relay station" is changed to "Aural broadcast STL and intercity relay stations" in §§ 4.533(a), 4.536, 4.561, 4.562, 4.563 and 4.581.

12. Section 4.582 is amended to read as follows:

§ 4.582 Station identification.

(a) Each aural broadcast STL or intercity relay station shall transmit its call sign at the beginning and end of each period of operation, and during operation, at least once every hour, it shall either transmit its call sign or the call sign of the broadcast station with which it is associated. In cases when an unattended intercity relay system is operated as an "off-the-air" pickup and relay, the transmission of the call sign of the broadcast station which it is relaying will satisfy the hourly identification requirement.

(b) Station identification transmissions during operation need not be made when to make such transmission would interrupt a single consecutive speech, play, religious service, symphony concert, or other such productions. In such cases, the identification transmission shall be made at the first interruption of the entertainment continuity and at the conclusion thereof.

(c) Where more than one aural broadcast STL or intercity relay station is employed in an integrated relay system, the station at the point of origination may originate the transmission of the call signs of all of the stations in the relay system.

(d) Voice transmissions shall normally be employed for station identification. However, other methods of station identification may be permitted or required by the Commission.

13. Section 4.603(b) is amended to read as follows:

§ 4.603 Sound channels.

. . . . . .

(b) The aural portion of television broadcast program material may be transmitted over an aural broadcast STL or intercity relay station licensed under the provisions of Subpart E of this part.

14. In § 4.631 the title and paragraphs (b) and (c) are amended and new paragraphs (d) and (e) are added to read as follows:

§ 4.631 Permissible service.

. . . . . .

(b) A television broadcast STL station is authorized to transmit visual program material between the studio and the transmitter of a television broadcast station for simultaneous or delayed broadcast.

(c) A television intercity relay station is authorized to transmit visual program material between television broadcast stations for simultaneous or delayed broadcast.

(d) Multiplexing of an STL or intercity relay transmitter may be employed to provide additional communication channels for the transmission of aural program material and operational communications. A television broadcast STL or intercity relay station may not, however, be operated solely for the transmission of aural programs or operational communications. Operational communications include cues, orders, and other communications directly related to the operation of the television broadcast station as well as special signals used for telemetry or the control of apparatus used in conjunction with the broadcasting operation. Aural program material may include the sound accompanying the visual program material transmitted and aural program material for broadcast by AM and FM broadcast stations.

(e) All program material transmitted over a television broadcast STL or intercity relay station shall be intended for use by broadcast stations owned by or under common control of the licensee or licensees of the STL or intercity relay station. Other broadcast stations may simultaneously utilize such program material with permission of the STL or intercity relay station licensee.

15. Section 4.637 is amended to read as follows:

§ 4.637 Emission and bandwidth.

(a) Television broadcast auxiliary stations operating on frequencies above 1000 Mc/s may be authorized to employ any type of emission suitable for the transmission of the visual and such accompanying aural signals as may be permitted under the rules of this subpart.

(b) The channels assigned to television broadcast auxiliary stations are designated by upper and lower frequency limits. Emissions outside of these frequency limits shall be attenuated as follows:

(1) Any emission appearing on a frequency above the upper channel limit or below the lower channel limit by between zero and 50 percent of the assigned channel width, shall be attenuated at least 25 decibels below the level of the unmodulated carrier. Compliance with this specification will be deemed to show that the occupied bandwidth is no greater than the assigned channel width.

(2) Any emission appearing on a frequency above the upper channel limit or below the lower channel limit by between 50 percent and 150 percent of the assigned channel width, shall be attenuated at least 35 decibels below the level of the unmodulated carrier.

(3) Any emission appearing on a frequency above the upper channel limit or below the lower channel limit by more than 150 percent of the assigned channel width, shall be attenuated at least $43+10 \log_{10}$ (Power, in watts) decibels below the level of the unmodulated carrier.

16. Section 4.651 is amended by adding a new paragraph (c) to read as follows:

§ 4.651 Equipment changes.

. . . . . .

(c) Multiplexing equipment may be installed on any licensed television broadcast STL or intercity relay station without further authority of the Commission, provided that the Engineer-in-charge of the radio district in which the station is located and the Commission in Washington, D.C., are promptly notified in writing of such addition and the use which will be made of the additional aural circuits, and that the changes are shown in the next application for renewal of license for the station.

[F.R. Doc. 62-1850; Filed, Feb. 21, 1962; 8:52 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Mingo National Wildlife Refuge, Missouri

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MISSOURI

MINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Mingo National Wildlife Refuge, Missouri, is permitted only on the area designated by signs as open to fishing. This open area, comprising 4,300 acres or 99 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Crappies, black bass, (smallmouth, largemouth, spotted), buffalo, shad, and other minor species as permitted by State regulations.

(b) Open season: March 15, 1962, through September 30, 1962. Fishing is permitted from 5:30 a.m. to 7:30 p.m. daily.

(c) Daily creel limits: Crappies—30; black bass—10; buffalo and shad—no limit except 25 pounds plus one fish; creel limits for other minor species as prescribed by State regulations.

(d) Methods of fishing. (1) Pole and line, trotline, throwline, limb line, bank lines, jig or block line, artificial lures, hooks and bait are permitted; game fish may not be used for bait. No more than three unlabeled poles or more than thirty-three (33) hooks in the aggregate, may be used by any person at one time. Hooks may not be left unattended for more than 24 hours while in use. Hooks attached to throwlines or trotlines shall be staged not less than 2 feet apart. Trotlines and throwlines may not be attached together.

(2) No person shall use any electrical device, explosive, poison or chemical to kill, or stupefy fish, or take or attempt to take fish by rock or hand fishing, with or without hook.

(3) Boats and other floating craft are prohibited.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 1, 1962.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 15, 1962.

[F.R. Doc. 62-1787; Filed, Feb. 21, 1962; 8:46 a.m.]

PART 33—SPORT FISHING

Valentine National Wildlife Refuge, Nebraska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE.

Sport fishing on the Valentine National Wildlife Refuge, Nebraska, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 3,680 acres or 38 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, largemouth bass, yellow perch, black bullhead; and other minor species permitted by State regulations.

(b) Open season: March 16, 1962, through December 14, 1962; daylight hours only.

(c) Daily creel limits: Northern pike—6; largemouth bass—10; yellow perch—no limit; black bullhead—50; other minor species limits as prescribed by State regulations.

(d) Methods of fishing. (1) No more than two lines with two hooks on each line may be used.

(2) Boats, without motors, may be used for fishing purposes. Boats may be launched only at such areas as are designated by posting.

(3) Spearing and bow fishing are not permitted.

(4) No person shall use minnows, fish, or parts thereof, for bait, nor have in possession any seine or net for capturing minnows.

(5) See applicable State regulations for additional details.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to December 15, 1962.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 15, 1962.

[F.R. Doc. 62-1788; Filed, Feb. 21, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 496) has been filed by Atlas Chemical Industries, Inc., Wilmington 99, Delaware, proposing the issuance of a regulation to provide for the safe use of sorbitol in foods, as follows:

(1) Up to 65 percent on a dry-weight basis as a carrier in vitamin and dietary-supplement preparations.

(2) Up to 10 percent on a dry-weight basis as a humectant in shredded coconut an dried fruit products.

(3) Up to 3 percent as a humectant in fruit-flavored cereal confections.

Dated: February 16, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-1824; Filed, Feb. 21, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 696) has been filed by The B. F. Goodrich Company, 500 South Main Street, Akron 18, Ohio, proposing the issuance of a regulation to provide for the safe use of diphenylmethane diisocyanate, adipic acid, and 1,4-butanediol in the manufacture of polyurethane resins intended for use as a food-contact surface for packaging, transporting, processing, handling, and holding dry bulk foods.

Dated: February 16, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-1825; Filed, Feb. 21, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 680) has been filed by R. P. Scherer Corporation, 9425 Grinnell Avenue, Detroit 13, Michigan, proposing the issuance of a regulation to provide for the safe use of nicotinamide-ascorbate in vitamin-mineral preparations as a source of vitamin C and nicotinamide.

Dated: February 16, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-1826; Filed, Feb. 21, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

Air Traffic Service

[14 CFR Part 600]

[Airspace Docket No. 62-NY-2]

FEDERAL AIRWAYS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.1683 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1683 extends in part from the Baltimore, Md., VOR to Harrisburg, Pa., VOR. The Federal Aviation Agency has under consideration the designation of a segment of Victor 1683 from the Tappahannock, Va., Intersection (intersection of Hopewell, Va., VOR 019° and the Cape Charles, Va., VOR 313° True radials) as a 16-mile wide airway via the Hopewell VOR to the Rocky Mount, N.C., VOR at which point it would terminate. This proposed segment of Victor 1683 would provide a by-pass route east of the Richmond, Va., terminal area for traffic overflying Rocky Mount destined for the Washington, D.C., Philadelphia, Pa., and New York, N.Y., terminal areas.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 15, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1776; Filed, Feb. 21, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-KC-37]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration of Proposed Designation

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 61-KC-37 on August 23, 1961 (26 F.R. 7838), it was stated, in part, that the Federal Aviation Agency proposed to designate low altitude VOR Federal airway No. 465, and its associated control areas, from Miles City, Mont., to Williston, N. Dak.

The Air Transport Association of America in commenting on the notice, requested the designation of an east alternate airway to Victor 465, between Miles City and Williston. This would provide controlled airspace in which air traffic service could be afforded to scheduled air carrier operations at Glendive, Mont., and Sidney, Mont., which are intermediate stops between Miles City and Williston. Accordingly, action is taken herein to alter the original notice to include a proposal to designate a standard east alternate airway to Victor 465 between Miles City and Williston.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to May 3, 1962.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61-KC-37 is extended to May 3, 1962. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 15, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1777; Filed, Feb. 21, 1962; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1108]

[Docket No. AO-243-A-6]

MILK IN CENTRAL ARKANSAS MARKETING AREA

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Arkansas marketing area, which was issued February 7, 1962 (27 F.R. 1287), is hereby extended to provide that exceptions may be delivered to the Department of Agriculture by the close of the business day on February 20, 1962.

Dated: February 16, 1962.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62-1829; Filed, Feb. 21, 1962; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 14507; FCC 62-168]

ESTABLISHMENT OF FEES FOR THE COMMISSION'S LICENSING AND REGULATORY ACTIVITIES

Notice of Proposed Rule Making

Notice is hereby given of rule-making in the above-entitled matter.

In the provisions of the Independent Offices Appropriation Act of 1952, (5 U.S.C., sec. 140), set out in Appendix A hereto,[1] Congress has stated, "that any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished provided, granted, prepared or issued by any Federal agency * * * to or for any person * * *, except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible". In order to bring about the accomplishment of this objective, Section 140 of Title 5 authorizes the head of each agency to prescribe by regulation such fees and charges as he shall determine to be fair and equitable "taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts."

The enabling legislation referred to above also provides that the fees and charges shall be as uniform as practicable and subject to such policies as the President may prescribe. The Bureau of the Budget operating in behalf of the President has issued Circular No. A-25, September of 23, 1959, which sets forth general policies for developing an equitable and uniform system of charges for certain Government services and property so as to implement the provisions of the Independent Offices Appropriation Act of 1952.

The Federal Communications Commission, in conducting its regulatory activities, conveys special benefits to identifiable recipients above and beyond those which accrue to the public at large. In fairness to the general taxpayer—who bears the major burden of supporting Federal agencies—the Government has adopted the policy that the recipient of special benefits conveyed by a Federal agency should pay a reasonable charge for the benefits received. In accordance with this policy, the Commission has determined that the public interest would be served by the establishment of a fair and equitable schedule of fees for its licensing and regulatory activities, thereby recouping for the Government a portion of the Commission's costs of regulating the communications industry. The authority for proceeding in this area is clearly outlined in the provisions set forth in Appendix A.

In arriving at the proposed schedule of fees, considerable effort has been directed towards selecting those services provided by the Commission which are readily identifiable and assigning to each a fair and equitable assessment, taking into consideration cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts.

The fees as scheduled below do not differentiate between commercial and noncommercial services. It has been suggested alternatively that noncommercial services such as noncommercial educational FM and TV, the public safety radio services, and the experimental services should be charged either a token fee or should be free of any fee obligation. Comments on this point are specifically requested.

The contemplated fees relate generally to the filing of applications. All filing fees would be payable at the time of filing and would be charged regardless of whether the application is granted, designated for hearing or otherwise handled. The proposed fee schedules follow:

PROPOSED SCHEDULE OF FEES FOR BROADCAST SERVICES

For Filing Application	Fees		
	AM	FM	TV
For new station or major change	$150	$180	$300
For renewal or assignment of license or transfer of control [1]	150	150	200
For special call sign for broadcast station	5	----	----
All other applications in broadcast service (including all TV translator applications)	[2] 30	[2] 30	[2] 30

[1] Excluding pro-forma transactions, on which $30 would be paid under "other applications."
[2] For each application.

PROPOSED SCHEDULE OF FEES FOR SAFETY AND SPECIAL RADIO SERVICES

For Filing Application	*Fees*
For Amateur, RACES, and Disaster Radio Services	$5
For Citizens Radio Service	10
For all other safety and special radio services	20
For special amateur call sign pursuant to § 12.81	5

PROPOSED SCHEDULE OF FEES FOR COMMON CARRIER SERVICES

For Filing Application	*Fees*
Applications for initial construction permit (no additional charge for license to cover):	
Domestic public land mobile radio service (includes base station and associated mobile units)	$150
Point-to-point microwave radio service	100
Local television transmission service	50
Rural radio service and domestic public land mobile radio service individual user units	10
International fixed public radiocommunication services:	
Additional transmitter	150
Replacement of transmitter	50
Other common carrier services	10
Applications for renewal of license:	
Domestic public land mobile radio service (includes base station and associated mobile units)	75
Point-to-point microwave radio service	50
Local television transmission service	25
Rural radio service and domestic public land mobile radio service individual user units	5
International fixed public radiocommunication services	75
Other common carrier services	5
All other common carrier radio applications	10
Section 214 applications by telephone companies	100
Section 214 applications by telegraph companies	25

[1] Filed as part of original document.

PROPOSED SCHEDULE OF FEES FOR COMMON CARRIER SERVICES—Continued

For Filing Application	*Fees*
Cable landing license applications	250
Section 221 applications	50
Interlocking directorate applications	10
All other common carrier nonradio applications	10

PROPOSED SCHEDULE OF FEES FOR SHIP INSPECTION AND CERTIFICATION

Vessel Inspected	*Fees*
Based on certification under the Communications Act:	
Title III, Part II (Passenger)	$50
Title III, Part II (Cargo)	40
Title III, Part II (500–1600 gross tons)	20
Title III, Part III	10
Based on certification under Great Lakes agreement	20

PROPOSED SCHEDULE OF FEES FOR EXPERIMENTAL SERVICES

For Filing Application	*Fees*
All experimental services	$20

PROPOSED SCHEDULE OF FEES FOR COMMERCIAL OPERATOR EXAMINATIONS AND LICENSING

Function	*Fees*
Commercial operator examinations:	
First class	$5
Second class	4
Third class	3
Commercial operator license applications (includes renewals, endorsements, duplicates, etc.)	2
Restricted radiotelephone permits	2

Authority for the adoption of the amendments herein proposed is contained in section 4(i) of the Communications Act, section 140 of Title 5 of the United States Code, and Budget Bureau Circular A–25 (September 23, 1959).

Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before April 16, 1962, and reply comments on or before May 16, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision on the rules of general applicability which are proposed herein, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: February 14, 1962.

Released: February 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–1847; Filed, Feb. 21, 1962; 8:51 a.m.]

[1] Commissioners Bartley, Ford and Cross dissenting.

[47 CFR Part 1]

[Docket No. 10869; FCC 62–169]

ESTABLISHMENT OF FEES FOR THE COMMISSION'S LICENSING AND SIMILAR ACTIVITIES

Withdrawal of Notice of Proposed Rule Making

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 14th day of February 1962:

The Commission having under consideration the proceedings in Docket No. 10869 concerning the establishment of a schedule of fees for the Commission's licensing and similar activities;

It appearing that on January 27, 1954, the Commission issued a Notice of Proposed Rule Making, FCC 54–76, published in the FEDERAL REGISTER, February 3, 1954 (19 F.R. 622), establishing a schedule of fees for the Commission's licensing and similar activity; and

It further appearing that on March 24, 1954, the Senate Interstate and Foreign Commerce Committee adopted a resolution (100 Cong. Rec. 3783) calling for suspension of action until July 1, 1955, in Docket No. 10869, and, in light of this resolution and discussion with the Budget Bureau, the Commission suspended further action in this proceeding; and

It further appearing that the record in Docket No. 10869 has since become obsolete and a reconsideration of the question of user charges has resulted in the Commission adopting, on February 14, 1962, a new notice of proposed rule making looking towards the establishment of fees for Commission licensing and regulatory activities;

It is ordered, That, effective February 28, 1962, the notice of proposed rule making, FCC 54–76, is withdrawn and proceedings in Docket No. 10869 are hereby terminated.

Released: February 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–1848; Filed, Feb. 21, 1962; 8:51 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 2]

SMALL BUSINESS SIZE STANDARDS

Notice of Proposal to Amend the Definition of Small Business for the Purpose of Government Procurement

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend the Small Business Size Standards Regulation (Revision 2) so that it will be applicable to subcontractors of Government contracts as well as Government prime contractors. In addition, it is proposed to eliminate the phrase, "In the case of Government procurement reserved for or involving the preferential treatment of small businesses," contained in § 121.3–8(b)(2) of the aforementioned regulation. Further, said amendment will add to § 121.3–8(b)(2) the requirement that when cotton and synthetics are purchased by the Government, such textiles, together with others now set forth in § 121.3–8(b)(2) of the Regulation, must be manufactured or produced by a small weaver and if finishing is required, by a small finisher.

The sections to be amended presently read as follows:

§ 121.3–8 Definition of small business for Government procurement.

(a) *Small business definitions.* A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the following criteria:

* * * * *

(b) *Definition of small business non-manufacturer.* Any concern which submits a bid or offer in its own name, other than a construction or service contract, but which proposes to furnish a product not manufactured by said bidder or offerer, is deemed to be a small business concern when:

(1) It is a small business concern within the meaning of paragraph (a) of this section, and

(2) In the case of Government procurement reserved for or involving the preferential treatment of small businesses, such non-manufacturer shall furnish in the performance of the contract the products of a small business manufacturer or producer which products are manufactured or produced in the United States: *Provided, however*, If the goods to be furnished are wool, worsted, knitwear, duck, webbing and thread (spinning and finishing), non-manufacturers (dealers and converters) shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear) and, if finishing is required, by a small finisher.

Interested persons may file with the Small Business Administration within thirty (30) days after publication in the FEDERAL REGISTER, written statements of facts, opinions, or arguments concerning the new definition.

All correspondence on this matter shall be addressed to:

Samuel S. Solomon, Director, Office of Small Business Size Standards, Small Business Administration, Washington 25, D.C.

It is proposed to change § 121.3–8 of the Small Business Size Standards Regulation (Revision 2) as follows:

The Small Business Size Standards Regulation (Revision 2) (26 F.R. 812), as amended, (26 F.R. 1441, 1983, 2778, 3064, 5708, 6642, 8592, 10633, 10634), is hereby further amended by deleting the first paragraph of § 121.3–8 and § 121.3–8(b) and substituting in lieu thereof a new first paragraph to § 121.3–8 and new § 121.3–8(b) as follows:

§ 121.3–8 Definition of small business for Government procurement.

(a) *Small business definitions.* A small business concern in connection with Government procurement matters, or in connection with subcontracts or purchase orders which relate to Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding and can further qualify under the following criteria:

* * * * *

(b) *Definition of small business non-manufacturer.* Any concern which submits a bid or offer in its own name, other than a construction or service contract, whether as a prime or subcontractor, but which proposes to furnish a product not manufactured by said bidder or offerer is deemed to be a small business concern when:

(1) It is a small business concern within the meaning of paragraph (a) of this section, and

(2) Shall furnish in the performance of the contract or subcontract the products of a small business manufacturer or producer which products are manufactured, or produced in the United States: *Provided, however*, If the goods to be furnished are cotton, synthetics, wool, worsted, knitwear, duck, webbing and thread (spinning and finishing), non-manufacturers (dealers and converters) shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear) and, if finishing is required, by a small finisher.

Dated: January 23, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62–1799; Filed, Feb. 21, 1962; 8:47 a.m.]

Notices

DEPARTMENT OF DEFENSE

Department of the Army

JOINT POLICIES OF THE DEPARTMENTS OF THE INTERIOR AND OF THE ARMY RELATIVE TO RESERVOIR PROJECT LANDS

CROSS REFERENCE: For a joint agreement between the Departments of the Interior and the Army concerning reservoir project lands, see F.R. Doc. 62–1907, Department of the Interior, Office of the Secretary, *infra*.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Small Tract Classification No. J–9: Correction

FEBRUARY 13, 1962.

1. By virtue of the authority contained in the Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended, and pursuant to the authority redelegated to me from Bureau Order No. 684, dated August 28, 1961 (26 F.R. 6215) as amended, by the Alaska State Director in section 2(c) of a memorandum dated December 1, 1961, I hereby correct Small Tract Classification No. J–9 (F.R. Doc. 61–3922) as follows: The reference to U.S.S. 2572 in the 5th line of the metes and bounds description is hereby corrected to designate U.S. Survey 2752.

2. This correction will take effect immediately.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62–1789; Filed, Feb. 21, 1962; 8:46 a.m.]

[Group 349]

ARIZONA

Notice of Filing of Plats of Survey

FEBRUARY 16, 1962.

1. Plats of survey of the lands described below will be officially filed in the Land Office, Phoenix, Ariz., effective at 10 a.m., on March 24, 1962:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 29 N., R. 20 W.,
Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, S½NE¼, E½SW¼, SE¼;
Sec. 7, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 18, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 19, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 30, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 31, Lots 1, 2, 3, 4, E½W½, E½.
T. 29 N., R. 21 W.,
Sec. 1, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 2, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 10, All;
Sec. 11, All;
Sec. 12, All;
Sec. 13, All;
Sec. 14, All;
Sec. 15, All;
Sec. 22, All;
Sec. 23, All;
Sec. 24, All;
Sec. 25, All;
Sec. 26, All;
Sec. 27, All;
Sec. 34, All;
Sec. 35, All;
Sec. 36, All.

Within the above-described areas are 15,346.03 acres.

2. Available data indicates that the lands in T. 29 N., R. 20 W. consist of a broad flood plain on the east side of Detrital Wash. The soils are gravelly to rocky clay loam. The lands in T. 29 N., R. 21 W. lie on the flood plain of the Detrital Wash. They are rolling and are cut by many small washes. The soils are sandy to gravelly clay loam.

3. All of the above lands in T. 29 N., R. 20 W. were withdrawn by Secretary's Order of May 8, 1919, for the Colorado River Project, Boulder Canyon Reservoir. All of the above lands in T. 29 N., R. 20 W. and T. 29 N., R. 21 W. were withdrawn by Executive Order 5339 of April 25, 1930 for a National Monument.

4. In view of the above, the lands described will not be subject to disposition under the general public land laws by reason of the official filing of the plats.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 62–1790; Filed, Feb. 21, 1962; 8:46 a.m.]

[Classification No. 209]

NEVADA

Small Tract Classification; Amendment

Effective February 13, 1962, paragraph 1 appearing on page 10980 of Federal Register Document 61–11138 of the issue for November 23, 1961, is hereby amended to read as follows:

1. Pursuant to authority delegated by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216) and the State Director August 30, 1961 (26 F.R. 8468), I hereby classify the following described lands, totaling 535 acres in Lyon County, Nevada, as suitable for sale for residence and/or business purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended:

MOUNT DIABLO MERIDIAN

T. 16 N., R. 21 E.,
Sec. 28, W½SW¼, W½W½E½SW¼;
Sec. 29, E½E½, SW¼NE¼, NW¼SE¼;
Sec. 32, N½NE¼, SE¼NE¼;
Sec. 33, NW¼NW¼, W½W½NE¼NW¼, N½SW¼NW¼, W½NW¼SE¼NW¼.

Containing 535 acres of which approximately 445 acres are covered by 93 applications from persons entitled to preference under 43 CFR 257.5(a).

DANIEL P. BAKER,
Chief, Division of Lands and Minerals Management.

FEBRUARY 13, 1962.

[F.R. Doc. 62–1791; Filed, Feb. 21, 1962; 8:46 a.m.]

[W–0150190]

WYOMING

Correction Notice of Proposed Withdrawal and Reservation of Lands

The Notice of Proposed Withdrawal and Reservation of Lands in behalf of the Forest Service, U.S. Department of Agriculture, serial number Wyoming 0150190, published as F.R. Document 61–11139 on page 10980 of the FEDERAL REGISTER issued November 23, 1961 contained certain errors in land descriptions.

Under Big Horn National Forest, U.S. Highway No. 16 Roadside Zone, T. 49 N., R. 84 W., Sec. 36, the SW¼NW¼ was shown, whereas the correct description is the SE¼NW¼. Under T. 48 N., R. 86 W., Sec. 7, Lots 5, 7, 8, 10, 12 were shown. The correct description under Sec. 7 is Lots 5, 6, 7, 8 and 10.

THOMAS H. FLOYD, JR.,
Acting State Director.

[F.R. Doc. 62–1792; Filed, Feb. 21, 1962; 8:46 a.m.]

[W–0150260]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, United States Department of the Interior, has filed an application, serial number Wyoming 0150260, for the withdrawal of lands described below, from all forms of appropriate under the first form of withdrawal as provided by section 3 of the Act of July 17, 1902 (32 Stat. 388). Grazing administration will remain under the jurisdiction of the Bureau of Land Management until such time as the lands are actually required for reclamation purposes.

The applicant desires the land for reclamation purposes in connection with the development of Owl Creek Unit, Bighorn Basin Division, Missouri River Basin Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the State Director, Bureau of Land Management, Department of the Interior, P.O. Box 928, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 44 N., R. 94 W.,
Sec. 17: W½SW¼.
T. 49 N., R. 96 W.,
Sec. 11: W½NE¼.
T. 49 N., R. 97 W.,
Sec. 2: NW¼SE¼.

The above area aggregates 200 acres.

THOMAS H. FLOYD, JR.,
Acting State Director.

[F.R. Doc. 62–1793; Filed, Feb. 21, 1962; 8:46 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 14, 1962.

The United States Forest Service of the Department of Agriculture has filed an application, Serial Number Colorado 017559, for the withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as campgrounds, picnic grounds, fisherman parking and geological area located in the Rio Grande National Forest.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, Gas and Electric Building, 910–15th Street, Denver 2, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

BUFFALO PASS CAMPGROUND

T. 6 N., R. 4 E.,
Sec. 3, Lots 2 and 3, SW¼NE¼, W½SE¼NE¼, E½SE¼NW¼, N½NW¼SE¼.
Total area 182.80 acres.

BEAVER CREEK CAMPGROUND

T. 39 N., R. 3 E.,
Sec. 20, Lots 1 and 6;
Sec. 21, W½NW¼.
Total area 140.83 acres more or less.

LOWER BEAVER CREEK PICNIC GROUND

T. 39 N., R. 3 E.,
Secs. 17 and 20, East 20 chains of Tract 52.
Total area 80 acres more or less.

STORM KING CAMPGROUND

T. 43 N., R. 5 E.,
Sec. 21, SE¼SW¼NW¼, S½SE¼NW¼, N½NE¼SW¼, NE¼NW¼SW¼.
Total area 60 acres.

TUCKER PONDS CAMP AND PICNIC GROUND

T. 38 N., R. 2 E.,
Sec. 34, SE¼NW¼, NE¼SW¼, E½NW¼SW¼.
Total area 100 acres.

MILK COW PASS CAMPGROUND

T. 42 N., R. 4 E.,
Sec. 29, NW¼SE¼.
Total area 40 acres.

POSO CAMP AND PICNIC GROUND

T. 42 N., R. 5 E.,
Sec. 4, SW¼SW¼SE¼, S½SE¼SW¼;
Sec. 9, N½NE¼NW¼, NW¼NW¼NE¼.
Total area 60 acres.

WANNAMAKER CAMPGROUND

T. 43 N., R. 3 E.,
Sec. 31, Lots 1 and 2, W½NE¼NW¼.
Total area 104.65 acres.

ROAD CANYON RESERVOIR FISHERMEN PARKING

T. 40 N., R. 3 W.,
Sec. 3, Lot 4;
Sec. 4, Lot 1.
T. 41 N., R. 3 W.,
Sec. 27, S½SE¼SE¼;
Sec. 34, NW¼NE¼NE¼, E½NW¼NE¼, SW¼NE¼, SE¼SE¼NW¼, NE¼SW¼, SW¼SW¼, NW¼SE¼SW¼, NW¼NW¼SE¼.
Total area 291.54 acres.

ROCK CREEK ARCHERY AND PICNIC GROUND

T. 37 N., R. 6 E.,
Sec. 10, S½SE¼NW¼, NE¼SW¼, W½NW¼SE¼.
Total area 80 acres.

WHEELER GEOLOGICAL AREA

T. 42 N., R. 2 E.,
Sec. 17, S½SW¼, S½SE¼;
Sec. 20, N½SW¼, N½, N½SE¼.
Total area 640 acres.

The above described areas aggregate approximately 1,779.82 acres.

HAROLD T. TYSK,
Chief, Lands and Minerals.

[F.R. Doc. 62–1816; Filed, Feb. 21, 1962; 8:48 a.m.]

Office of the Secretary

POLICIES OF THE DEPARTMENT RELATIVE TO RESERVOIR PROJECT LANDS

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual. Secretary Order 2744 (19 F.R. 381) is revoked.

PART 751—RESERVOIR PROJECT LANDS

CHAPTER 1—POLICIES

751.1.1 *General policy.* The Department of the Interior considers that public recreation and fish and wildlife should be purposes given full consideration equally with other purposes of reservoir projects undertaken by the Federal Government. To this end, in so far as permitted by law, the planning, development, and management of Federal reservoirs for which this Department has a responsibility shall provide for realization of optimum present and future outdoor recreation and fish and wildlife potentialities associated with each reservoir development.

751.1.2 *Reservoir projects proposed for authorization—A. Planning and development.*

(1) The project plan for each reservoir project for which authorization is sought will explicitly include recreation and fish and wildlife provisions generally in accord with the policy statement in Section 1 of this statement. Such provisions in project plans will be sufficiently specific so that when the project is authorized the Department of the Interior will have a clear basis for requesting appropriations and other action to effectuate the plan.

(2) The National Park Service and the Fish and Wildlife Service are responsible respectively for developing the recreation and the fish and wildlife portions of the project plan, and they shall collaborate with the reservoir construction agency to assure a mutually acceptable project plan.

b. *Review.* Authorization proposals pending in the Department, the Bureau of the Budget, or before the Congress will be reviewed to assure conformance with the policies set forth herein, and such general or specific legislation and such rules and regulations as may be needed to effectuate the policies and procedures set forth herein will be submitted for appropriate action.

751.1.3 *Reservoirs in operation, under construction, or authorized.* The status of reservoirs for which this Department has the responsibility including those reservoirs already authorized but not yet under construction, reservoirs currently under construction but not yet completed, and completed reservoirs now in operation will be reviewed to determine what measures are needed and appropriate in order to apply to such reservoirs the policies and procedures set forth herein, and to provide plans and cost estimates for such measures. Such general or specific legislation and such rules and regulations as may be needed to effectuate the policies and procedures set forth herein will be submitted for appropriate action.

751.1.4 *Acquisition of lands for reservoir projects.* It is the policy of the Department of the Interior to acquire as a part of reservoir project construction adequate interest in lands necessary for the realization of optimum values for all purposes including additional land areas to assure full realization of optimum present and future outdoor recreational and fish and wildlife potentials of each reservoir.

A. *Lands for reservoir construction and operation.* The fee title will be acquired to the following:

(1) Lands necessary for permanent structures.

(2) Lands below the maximum flowage line of the reservoir including lands below a selected freeboard where necessary to safeguard against the effects of saturation, wave action, and bank erosion and to permit induced surcharge operation.

(3) Lands needed to provide for public access to the maximum flowage line as described in paragraph 1b, or for operation and maintenance of the project.

B. *Additional lands for correlative purposes.* The fee title will be acquired for the following:

(1) Such lands as are needed to meet present and future requirements for fish and wildlife as determined pursuant to the Fish and Wildlife Coordination Act.

(2) Such lands as are needed to meet present and future requirements for outdoor recreation, as may be authorized by Congress.

C. *Easements* in lieu of fee title may be taken only for lands that meet *all* of the following conditions:

(1) Lands lying above the storage pool.
(2) Lands in remote portions of the project area.
(3) Lands determined by the Fish and Wildlife Service or the National Park Service respectively to be of no substantial value for protection or enhancement of fish and wildlife resources, or for public outdoor recreation.
(4) It is to the financial advantage of the Government to take easements in lieu of fee title.

D. *Blocking out.* Blocking out will be accomplished in accordance with sound real estate practices, for example, on minor sectional subdivision lines; and normally, land will not be acquired to avoid severance damage if the owner will waive such damage.

E. *Mineral rights.* Mineral, oil and gas rights will not be acquired except where the development thereof would interfere with project purposes, but mineral rights not acquired will be subordinated to the Government's right to regulate their development in a manner that will not interfere with the primary purposes of the project, including public access.

F. *Buildings.* Buildings for human occupancy as well as other structures which would interfere with the operation of the project for any project purpose will be prohibited on reservoir project lands.

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 16, 1962.

[F.R. Doc. 62-1906; Filed, Feb. 21, 1962; 10:48 a.m.]

JOINT POLICIES OF THE DEPARTMENTS OF THE INTERIOR AND OF THE ARMY RELATIVE TO RESERVOIR PROJECT LANDS

Acquisition of lands for reservoir projects. In so far as permitted by law, it is the policy of the Departments of the Interior and of the Army to acquire, as a part of reservoir project construction, adequate interest in lands necessary for the realization of optimum values for all purposes including additional land areas to assure full realization of optimum present and future outdoor recreational and fish and wildlife potentials of each reservoir.

1. *Lands for reservoir construction and operation.* The fee title will be acquired to the following:

a. Lands necessary for permanent structures.

b. Lands below the maximum flowage line of the reservoir including lands below a selected freeboard where necessary to safeguard against the effects of saturation, wave action, and bank erosion and to permit induced surcharge operation.

c. Lands needed to provide for public access to the maximum flowage line as described in paragraph 1b, or for operation and maintenance of the project.

2. *Additional lands for correlative purposes.* The fee title will be acquired for the following:

a. Such lands as are needed to meet present and future requirements for fish and wildlife as determined pursuant to the Fish and Wildlife Coordination Act.

b. Such lands as are needed to meet present and future public requirements for outdoor recreation, as may be authorized by Congress.

3. *Easements* in lieu of fee title may be taken only for lands that meet all of the following conditions:

a. Lands lying above the storage pool.

b. Lands in remote portions of the project area.

c. Lands determined to be of no substantial value for protection or enhancement of fish and wildlife resources, or for public outdoor recreation.

d. It is to the financial advantage of the Government to take easements in lieu of fee title.

4. *Blocking out.* Blocking out will be accomplished in accordance with sound real estate practices, for example, on minor sectional subdivision lines; and normally, land will not be acquired to avoid severance damage if the owner will waive such damage.

5. *Mineral rights.* Mineral, oil and gas rights will not be acquired except where the development thereof would interfere with project purposes, but mineral rights not acquired will be subordinated to the Government's right to regulate their development in a manner that will not interfere with the primary purposes of the project, including public access.

6. *Buildings.* Buildings for human occupancy as well as other structures which would interfere with the operation of the project for any project purpose will be prohibited on reservoir project lands.

This joint agreement will be published in the FEDERAL REGISTER.

Approved: February 16, 1962.

STEWART L. UDALL,
Secretary of the Interior.
STEPHEN AILES,
Acting Secretary of the Army.

FEBRUARY 19, 1962.

[F.R. Doc. 62-1907; Filed, Feb. 21, 1962; 10:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSISSIPPI

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Wayne County, Mississippi, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of February 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-1813; Filed, Feb. 21, 1962; 8:48 a.m.]

NORTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the State of North Carolina, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH CAROLINA	
Camden.	Pasquotank.
Chowan.	Perquimans.
Currituck.	Tyrrell.
Hyde.	Washington.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of February 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-1814; Filed, Feb. 21, 1962; 8:48 a.m.]

Rural Electrification Administration

ORGANIZATION AND FUNCTIONS

The organization of the Rural Electrification Administration is as follows:

Central Organization. The principal office of the Rural Electrification Administration is at Washington, D.C. The function of the Agency is the carrying out of a program of rural electrification and rural telephony, as provided for by the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-15, 921-924).

The Administrator. The Administrator is appointed by the President, with the advice and consent of the Senate, for a term of ten years. He functions as the chief administrative official of the Agency under the general supervision and direction of the Director, Agricultural Credit. He is aided directly by a Deputy Administrator, and Assistant Administrators for the Electric Program, for the Telephone Program, and for Operations. The work is carried on through the area offices and divisions described in succeeding paragraphs.

Electric Area Offices. The rural electrification program for electric distribution borrowers is administered through five area offices designated as Northeast, Southeast, North Central, Southwest and Western. Each office within its assigned geographic area: Appraises loan applications and prepares loan recommendations; reviews the financial and operating performance of borrowers; analyzes engineering plans, specifications and construction contracts; reviews and approves completed construction; provides advice and assistance to borrowers concerning loans and the design, construction, management, operation and maintenance of systems.

Power Supply Division. The rural electrification program for generation and transmission borrowers is administered through the Power Supply Division. The division appraises loan applications and prepares loan recommendations; reviews the financial and operating performance of borrowers; analyzes engineering plans, specifications and construction contracts; reviews and approves completed construction; approves advances of funds to borrowers; analyzes feasibility and benefits of generation and transmission systems; provides advice and assistance to borrowers concerning loans and the design, construction, management, operation and maintenance of systems; and conducts studies and negotiations related to procurement of purchased power for all electric borrowers.

Electric Distribution Division. The division administers staff activities concerned with the engineering, construction, management and operation of electric distribution systems including: Development of solutions to the engineering and operating problems of existing systems; review of borrowers' engineering proposals and cost estimates; retail rate studies; assistance to borrowers in the development of consumer loads and provides advice and assistance to the electric area offices and, as requested, to electric distribution borrowers concerning engineering and operations matters.

Electric Standards Division. The division administers staff engineering activities concerned with the development of standards, criteria, specifications, and technical data relating to rural electric systems and facilities; provides advice and assistance to agency officials and, as requested, to borrowers concerning electric standards; maintains liaison with Government and non-Government organizations on matters concerning the functions of the division.

Telephone Area Offices. The rural telephone program is administered through five area offices designated as Northeast, Southeast, North Central, Southwest, and Western. Each office within its assigned geographic area: Appraises loan applications and prepares loan recommendations; reviews the financial and operating performance of borrowers; analyzes engineering plans, specifications and construction contracts; reviews and approves completed construction; approves advance of funds to borrowers; provides advice and assistance to borrowers concerning loans and the design, construction, management, operation, and maintenance of systems.

Telephone Engineering and Operations Division. The division administers staff activities involving loans and the engineering and operations of rural telephone systems. This includes: Studies and analyses regarding rates, toll traffic agreements, and valuation and acquisition of facilities; solutions concerning the engineering problems of existing telephone systems; the review of telephone system cost estimates and the engineering requirements of loan applications; and advice and assistance to the area offices and, as requested, to borrowers concerning telephone engineering and operations matters.

Telephone Standards Division. The division administers staff engineering activities concerned with the development of standards, criteria, specifications, and technical data relating to rural telephone systems and facilities; provides advice and assistance to agency officials and, as requested, to borrowers concerning telephone standards; maintains liaison with Government and non-Government organizations on matters concerning the functions of the division.

Controller's Division. The division administers all agency activities relating to financial, budgetary, accounting, auditing, program analysis, and statistical service activities, except for internal audit; provides advice and assistance to agency officials and borrowers concerning these activities.

Information Services Division. The division administers the information services program of the agency to provide borrowers and the public with information concerning the operations, status, progress, and accomplishments of the rural electrification, rural telephone, and rural areas development programs.

Personnel Management Division. The division administers the personnel program of the agency involving classification and wage administration; conduct of organization studies and surveys; development of recommendations for organization changes required to administer agency problems; preparation of organization charts; employment and placement functions; employee relations; training; safety; and health activities.

Program Services Division. The division administers centralized staff activities concerned with rural electric, telephone, and areas development programs including insurance, power requirements, safety and labor relations. It is also responsible for overall administrative staff activities including management analysis, administrative issuances, production control, and general services. Advice and assistance is provided to agency offices and, as requested, to borrowers concerning the functions of the division.

Internal Audit Staff. This staff within the Office of the Administrator administers the internal audit program of the agency designed to assure operations within the broad framework of policies and regulations of the Department, General Accounting Office, and other Federal agencies.

Rural Areas Development Staff. This staff within the Office of the Administrator administers the rural areas development program designed to meet the responsibilities of the agency within the broad framework of Department policies and those of other Federal agencies.

Issued this sixteenth day of February 1962.

NORMAN M. CLAPP,
Administrator.

[F.R. Doc. 62-1831; Filed, Feb. 21, 1962; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-33]

TRACERLAB, INC., AND LABORATORY FOR ELECTRONICS, INC., TRACERLAB DIVISION

Notice of Transfer of Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission, pursuant to section 184 of the Atomic Energy Act of 1954, as amended, hereby grants an application dated November 6, 1961, as amended January 2, 1962, requesting the transfer of License No. 20-1382-14 from Tracerlab, Inc. to Laboratory for Electronics, Inc., Tracerlab Division.

All references in the license to "Tracerlab, Inc." are amended to read "Laboratory for Electronics, Inc., Tracerlab Division". All other conditions and limitations specified in the license remain the same.

In accordance with the Commission's, "Rules of Practice," Title 10, Code of Federal Regulations, Chapter 1, Part 2, a formal hearing will be held on the matter upon receipt of a request therefor from the licensee or an intervener within fifteen (15) days after the issuance of this notice.

Dated at Germantown, Md., February 16, 1962.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 62-1774; Filed, Feb. 21, 1962; 8:45 a.m.]

[Docket No. 50-5]

PENNSYLVANIA STATE UNIVERSITY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 8, set forth below, to Facility License No. R-2. The license authorizes The Pennsylvania State University to possess and operate the nuclear reactor located on the university's campus at University Park, Pennsylvania.

The amendment authorizes the modification of the reactor exclusion area and the relocation of a portion of the fence in the northeast corner of the reactor exclusion area.

The Commission has found that operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license as amended would not present any substantial change in the hazards to the health and safety of the public from those previously considered and

evaluated in connection with the previously approved operations.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the applications for license amendment dated August 30, 1961, October 10, 1961 and October 31, 1961 by The Pennsylvania State University and (2) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, all on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the hazards analysis may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 16th day of February 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-2; Amdt. 8]

License No. R-2, as amended, which authorizes the Pennsylvania State University to possess and operate the nuclear reactor located on the university's campus at University Park, Pennsylvania, is hereby further amended by amending paragraph 1 to read as follows:

1. This license applies to the pool-type nuclear reactor (hereinafter referred to as "the reactor") which is owned by the Pennsylvania State University and located at University Park, Pennsylvania and described in the university's application for license dated May 3, 1955, as amended, and amendments thereto dated January 14, 1960, January 18, 1961, January 25, 1961, April 4, 1961, August 30, 1961, October 10, 1961 and October 31, 1961 (hereinafter collectively referred to as "the application").

This amendment is effective as of the date of issuance.

Date of issuance: February 16, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-1775; Filed, Feb. 21, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 12193]

AIRFREIGHT FORWARDER AUTHORITY CASE

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on February 27 is postponed to March 1, 1962, 10 a.m., e.s.t., Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., February 15, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-1832; Filed, Feb. 21, 1962; 8:50 a.m.]

[Docket No. 13406; Order No. E-18037]

FLYING TIGER LINE, INC.

Proposed Reduction of Military Charter Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of February, 1962.

The Flying Tiger Line Inc. has filed tariff revisions to become effective February 22, 1962, proposing to reduce its live charter rate for the air transportation of military personnel for the military agencies in L-1049H aircraft between points in the continental United States from $2.75 to $2.50 per mile, the ferry rate of $2.25 per mile remaining unchanged.

The newly proposed rate of $2.50 per mile for L-1049H aircraft appears to be below the general pattern established for such aircraft, as was the case with the rate of $2.40 per mile by Flying Tiger for L-1049H aircraft having 95 seats or less which the Board recently suspended.[1] Moreover, the carrier's operating cost data for L-1049H aircraft reported on Form 41 raise a question whether a rate below the existing level would cover its costs, including a reasonable profit after taxes.

Upon consideration of this tariff and all relevant matters, the Board finds that such tariff proposals with respect to rates for L-1049H military passenger charter service may be unjust, or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. In view of the departure of this proposal from the existing level of rates, and in order to prevent unwarranted rate changes in this area, the Board has concluded to suspend the operation of such L-1049H tariff proposal and the use thereof pending investigation.

[1] Order E-17789, December 1, 1961 (Docket 13231).

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 404, and 1002 thereof,

It is ordered, That:

1. An investigation is hereby instituted to determine whether the rate per charter mile for L-1049H aircraft between points within the continental United States on 3d Revised Page 9 of The Flying Tiger Line Inc. Military Traffic Charter Tariff No. 2, C.A.B. No. 183, is, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful rate.

2. Pending investigation, hearing, and decision by the Board, the rate per charter mile for L-1049H aircraft between points within the continental United States on 3d Revised Page 9 of The Flying Tiger Line Inc. Military Traffic Charter Tariff No. 2, C.A.B. No. 152, is suspended and its use deferred to and including May 22, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order shall be filed with the aforesaid tariff and shall be served upon The Flying Tiger Line Inc. which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-1833; Filed, Feb. 21, 1962; 8:50 a.m.]

[Docket No. 11908 etc.]

TRANSATLANTIC CHARTER INVESTIGATION

Notice of Hearing

In the matter of the applications for certificates of public convenience and necessity to engage in transatlantic passenger charter air transportation.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on April 9, 1962, at 10 a.m., e.s.t., in Room 725, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

Without limiting the precise scope of the issues, particular attention will be directed to the following questions:

(1) Whether the public convenience and necessity require the certification of one or more air carriers to perform transatlantic charter flights and, if so, which carrier or carriers should be selected to perform such transportation and what terms, conditions, or limitations should be attached to such certification; and

(2) Whether the various applicants for transatlantic passenger charter authority are fit, willing and able to perform such air transportation properly, and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder.

For further details of the issues involved in this case, interested persons are referred to the prehearing conference report issued August 28, 1961, and the various orders entered in the docket of this proceeding, all of which are on file with the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person not a party of record desiring to be heard in support of or in opposition to the issues involved must file with the Board, on or before April 9, 1962, statements setting forth the matters of fact or law which he desires to advance. Any person filing such a statement may appear and participate in the hearing in accordance with Rule 14 of the Board's rules of practice.

Dated at Washington, D.C., February 19, 1962.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 62-1834; Filed, Feb. 21, 1962; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14341-14344; FCC 62-175]

COLLIER ELECTRIC CO.

Memorandum Opinion and Order Amending Issues

In re applications of Collier Electric Company for renewal of the license for station KAQ79, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fort Morgan, Colorado, Docket No. 14341, File No. 848-C1-R-61; for renewal of the license for station KAQ80, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Sterling, Colorado, Docket No. 14342, File No. 849-C1-R-61; for renewal of the license for station KAQ81, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Sidney, Nebraska, Docket No. 14343, File No. 2670-C1-R-61; for renewal of the license for station KAS41, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Bridgeport, Nebraska, Docket No. 14344, File No. 2710-C1-R-61.

1. The Commission has before it for consideration a petition, filed November 17, 1961, by Frontier Broadcasting Company, for enlargement of issues and clarification or reconsideration of hearing Order, 26 F.R. 10317, and pleadings properly filed in response thereto.

2. In reconsidering our designation Order herein, the Commission is of the view that the issues should be enlarged in the terms hereinafter set forth. This determination is consistent with our action in Carter Mountain Transmission Corporation, 25 F.R. 4606, May 25, 1960.

3. Frontier requests clarification of the hearing order with respect to its participation in this proceeding. We do so in the exact terms as used by petitioner in its request for relief, i.e., Frontier is entitled to participation with respect to the issues herein "insofar as those issues have any bearing on the ultimate question whether to renew the KAS-41 license."

Accordingly, it is ordered, This 14th day of February 1962, That the petition for enlargement of issues and clarification or reconsideration of hearing Order, is granted to the extent indicated herein, and is denied in all other respects; and

It is further ordered, That issue (e) in this proceeding is redesignated as issue (f) and the following issue is added:

(e) To determine what impact a grant of the application for KAS41 will have upon the operation of Station KSTF, Scottsbluff, Nebraska, and the resulting injury, if any, to the public now served thereby; and

It is further ordered, That Frontier Broadcasting Company shall have the burden of proof and the burden of proceeding with the introduction of evidence as to issue (e).

Released: February 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1837; Filed, Feb. 21, 1962; 8:50 a.m.]

[Docket No. 14085 etc.; FCC 62M-248]

COMMUNITY SERVICE BROADCASTERS, INC., ET AL.

Order Continuing Hearing

In re applications of Community Service Broadcasters, Incorporated, Ypsilanti, Michigan, Docket No. 14085, File No. BP-13846; Progressive Broadcasting Corporation, Highland, Illinois, Docket No. 14296, File No. BP-14329; et al. (Group III), Docket Nos. 14287, 14288, 14289, 14290, 14291, 14292, 14293, 14294, 14295, 14296, 14299, 14300, 14303, 14304, 14305, 14306; for construction permits.

The Hearing Examiner having under consideration a petition, filed by Progressive Broadcasting Corporation on February 13, 1962, requesting extension of time of various procedural dates in Group III;

It appearing that counsel for other parties in Group III have consented to immediate consideration and grant of the petition;

It is ordered, This 15th day of February, 1962, that the above petition for extension of time is granted; and presently scheduled dates for Group III are continued as follows:

[1] Commissioners Bartley and Cross dissenting.

	From—	To—
Final exchange of all exhibits.	Feb. 19, 1962	Feb. 28, 1962
Notification of witnesses desired.	Feb. 26, 1962	Mar. 7, 1962
Hearing date	Mar. 6, 1962	Mar. 14, 1962

Released: February 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary,

[F.R. Doc. 62-1838; Filed, Feb. 21, 1962; 8:50 a.m.]

[Docket Nos. 13525, 14478; FCC 62M-246]

SIMON GELLER AND RICHMOND BROTHERS, INC. (WMEX)

Order Continuing Hearing

In re applications of Simon Geller, Gloucester, Massachusetts, Docket No. 13525, File No. BP-14330; Richmond Brothers, Inc. (WMEX), Boston, Massachusetts, Docket No. 14478, File No. BP-13760; for construction permits.

Upon the Hearing Examiner's own motion: *It is ordered*, This 15th day of February 1962, that the hearing now scheduled for March 7, 1962, be and the same is hereby rescheduled for March 12, 1962, 10:00 a.m., in the Commission's offices, Washington, D.C.

Released: February 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1839; Filed, Feb. 21, 1962; 8:50 a.m.]

[Docket Nos. 14269, 14270; FCC 62M-177]

HERSHEY BROADCASTING CO., INC. AND READING RADIO, INC.

Order Scheduling Prehearing Conference

In re applications of Hershey Broadcasting Company, Inc., Hershey, Pennsylvania, Docket No. 14269, File No. BPH-3246; Reading Radio, Inc., Reading, Pennsylvania, Docket No. 14270, File No. BPH-3322; for construction permits.

As a result of agreements made on the record of a prehearing conference held this date in the above-entitled matter: *It is ordered*, This 6th day of February 1962:

1. That the exchange of engineering exhibits shall take place March 16, 1962;

2. That the notification of engineering witnesses will be made March 23, 1962;

3. That an engineering hearing will commence at 10:00 a.m., March 26, 1962, in the Commission's offices in Washington, D.C.;

4. That the exchange of 307(b) exhibits will occur April 30, 1962; and

5. That a prehearing conference on the 307(b) issue will commence at 10:00

a.m., May 7, 1962, at which conference a further hearing date will be established.

Released: February 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1840; Filed, Feb. 21, 1962; 8:51 a.m.]

[Docket No. 14425 etc.; FCC 62M-254]

SAUL M. MILLER ET AL.

Order Continuing Hearing

In re applications of Saul M. Miller, Kutztown, Pennsylvania, Docket No. 14425, File No. BP-13844; et al., docket Nos. 14426, 14427, 14428, 14429, 14430, 14431, 14433, 14434, 14435, 14436, 14438, 14439, 14440, 14441, 14442; for construction permits.

The Hearing Examiner having under consideration further proceedings in the above-entitled matter, and

It appearing from prehearing conferences held herein, that the most orderly and efficient disposition of these applications entailed their being divided into three groups, with separate hearings as to each group, and

It further appearing that the many engineering and other conflicts involved requires that the presently scheduled hearing date of February 20, 1962 be continued,

It is ordered, This 15th day of February 1962, that the hearing in the above-entitled matter presently scheduled for February 20, 1962 be, and the same is, hereby continued as follows:

Hearing in Group I shall commence May 14, 1962;

Hearing in Group II shall commence May 7, 1962; and the

Hearing in Group III shall be held on a date to be set by subsequent order.

Released: February 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1841; Filed, Feb. 21, 1962; 8:51 a.m.]

[Docket Nos. 14527, 14528; FCC 62-187]

PEOPLE'S BROADCASTING CO. (WPBC) AND GABRIEL BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of People's Broadcasting Company (WPBC), Minneapolis, Minn., Docket No. 14527, File No. BP-13692, Has: 980 kc, 1 kw, D, Class III (Minneapolis), Requests: 980 kc, 5 kw, DA-1, U, Class III-A (Richfield); Nicholas Tedesco and Victor J. Tedesco d/b as Gabriel Broadcasting Company, Chisholm, Minn., Docket No. 14528, File No. BP-14416, Requests: 980 kc, 5 kw, DA-1, U, Class III-A; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 14th day of February 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. Nighttime interference, which would be caused by the WPBC proposal to the Tedesco proposal, necessitates consolidation of the two subject applications. Such interference would raise the nighttime RSS limit of the proposed Tedesco operation to the extent that (a) the latter proposal would fail to provide coverage of the entire city of Chisholm, Minnesota, as required by §§ 3.188(a)(1) and 3.188(b)(2) of the Commission's rules; and (b) an already substantial question concerning Tedesco's compliance with § 3.24(b) of the rules would be greatly aggravated.

2. The licensee of WPBC has submitted no statement in support of its request to change station location from Minneapolis to Richfield, Minnesota. It is noted, however, that the WPBC nighttime proposal would receive interference causing population losses far in excess of 10 percent within its normally protected nighttime contour. As a Minneapolis station, the proposed nighttime operation would fail to comply with § 3.28(d)(3) of the Commission's rules. As a Richfield station, the proposal would fall within the "first nighttime service" exception to § 3.28(d)(3). Richfield is approximately six miles from Minneapolis and is part of the greater Minneapolis-St. Paul urbanized area. Upon these facts, a substantial question exists as to whether the subject proposal represents an attempt to circumvent § 3.28(d)(3) and whether, for purposes of that section, the proposal should be regarded as an application for Minneapolis. Factors relevant to this determination include the proposed areas and populations to be served by the proposal; the proposed programming of WPBC and its appropriateness for Richfield or for Minneapolis; the class of station and power of the operation proposed and its appropriateness for the community requested; the community which will provide the primary economic base from which the station's revenues will be derived; and such other factors as would tend to demonstrate, directly or indirectly, the applicant's intentions in filing the present application.

3. If it is determined that the WPBC application should be regarded as a proposal for Minneapolis, it will be necessary to determine whether waiver of § 3.28(d)(3) is warranted. If it is determined that the WPBC application should not be regarded as a proposal for Minneapolis, and, therefore, falls within an express exception to § 3.28(d)(3), it will be necessary to pursue a further [illegible] to determine whether the [illegible] nighttime service area would be [illegible] to an unsatisfactory degree, in [illegible] vention to § 3.24(b) of the rules. In [illegible] connection, it is noted that the [illegible] nighttime operation of WPBC would [illegible] limited to its 17.4 mv/m contour, [illegible] sulting in population and area losses [illegible] 55.6 percent and 86.7 percent, [illegible] tively, within the normally protected nighttime contour of 2.5 mv/m.

4. Since the Tedesco proposal [illegible] falls within an express exception [illegible] § 3.28(d)(3), only the question of [illegible] cient utilization of the requested [illegible] nel, (§ 3.24(b) of the rules), need be examined in connection with the application. If the WPBC proposal and the Tedesco proposal were to operate simultaneously, the nighttime RSS limitation of the latter would be 36.1 mv/m, resulting in population and area losses, respectively, of 70.5 percent and 93.5 percent. Should WPBC not be authorized to operate at night, the Tedesco nighttime RSS limitation would be 17.5 mv/m, with corresponding population and area losses of 58.4 percent and 86.3 percent.

5. It has not yet been determined whether the antenna system proposed in BP-14416 would constitute a menace to air navigation.

6. On July 26, 1961, the Commission adopted its Order, designating for hearing an application requesting approval of a proposed assignment of Station WMIN, St. Paul, Minn. to Tedesco, Inc. (The two largest stockholders in the latter Corporation were, and are, Nicholas and Victor J. Tedesco.) Stating that the assignor and the assignee, and/or their corporate officers, directors, stockholders and subsidiary corporations have acquired and disposed of interests in numerous broadcast licenses and permits," the Commission, designated the WMIN assignment application for hearing to determine whether in view of the past broadcast activities of assignor and assignee, a grant of the application would be "consistent with the Commission's policy against 'trafficking' in broadcast licenses and construction permits." Because the assignor in the WMIN proceeding exercised a contractual option to cancel the assignment agreement, the projected hearing was never held. Most recently, the Commission denied a request by Tedesco [illegible] that a declaratory ruling be issued which would state that the questions raised in the Commission's original Order of designation had been fully satisfied by materials submitted in Tedesco's Petition for Reconsideration of that hearing Order. (Franklin Broadcasting Company FCC 62-52, January 10, 1962.) Accordingly, the question with regard to "trafficking," raised in the WMIN proceeding, still obtains and must be examined in connection with the present Tedesco application.

7. On the basis of conductivity values set forth in the Canadian map of ground conductivity and Figure M-3 of the Commission's rules, the Tedesco proposal would cause interference to Station CJOB, Winnipeg, Manitoba, in contravention of the North American Regional Broad-

Agreement. In an attempt to problem, the applicant has field intensity measurement on Station WMFG, which is approximately 8 miles NW of transmitter site of the Tedesco pro- The measured radial indicates conductivity of the pertinent involved is less than indicated by 1A-3 and, on this basis, no interwould be caused to Canada. The data and details regardinstant proposals were referred to for comment by letter dated De- 11, 1961, but the requested com- have not yet been received.

appearing that the proposed system of People's Broadcasting would not constitute a menace navigation under Federal Aviation criteria (§ 626.12 FAA regula-), but such finding has not been with respect to the proposed an- system of the Gabriel Broadcasting Company.

appearing, that, in view of foregoing, the Commission is unable the statutory finding that a of the subject applications would the public interest, convenience necessity, and is of the opinion that applications must be designated for in a consolidated proceeding on issues set forth below:

It is ordered, That, pursuant to section of the Communications Act of 1934, as amended, the instant applica- are designated for hearing in a consolidated proceeding, at a time and to be specified in a subsequent order, upon the following issues:

1. To determine the areas and popula- which would receive service from proposed operation of Gabriel Broadcasting Company and the availability of primary service to such areas and populations.

2. To determine the areas and popula- which may be expected to gain primary service from the proposed operation of Station WPBC and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine the steps taken by the licensee of WPBC to determine the programming needs of Richfield, Minn., and whether the proposed programming of WPBC will meet these needs.

5. To determine whether the proposed facilities and programming of WPBC are intended to serve Minneapolis, rather than Richfield, Minn., and whether the latter station designation has been specified to circumvent § 3.28(d)(3) of the Commission's rules.

6. To determine, in the event it is concluded that the WPBC application is a Minneapolis proposal, whether circumstances exist which warrant a waiver of § 3.28(d)(3) of the Commission's rules.

7. To determine, in the event it is concluded that the WPBC proposal complies with an express exception to § 3.28 (d)(3) of the rules, whether, because of interference received, the proposed nighttime operation of WPBC would be consistent with § 3.24(b) of the Commission's rules.

8. To determine whether, because of interference received, the proposed nighttime operation of Gabriel Broadcasting Company would be consistent with § 3.24(b) of the Commission's rules.

9. To determine whether Nicholas and Victor J. Tedesco have "trafficked" or attempted to "traffick" in broadcast authorizations.

10. To determine whether there is a reasonable possibility that the tower height and location proposed by Gabriel Broadcasting Company would constitute a menace to air navigation.

11. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

12. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That in the event Canadian authorities object to the proposal of Gabriel Broadcasting Company, said application shall be dismissed.

It is further ordered, That, in the event of a grant of either of the applications in this proceeding, the construction permit issued shall contain the following condition: "This authorization is subject to compliance by permittee with any applicable procedures of the Federal Aviation Agency."

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually, or if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: February 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1842; Filed, Feb. 21, 1962; 8:51 a.m.]

[Docket No. 14526; FCC 62-185]

ROCKLAND BROADCASTERS

Order Designating Application for Hearing on Stated Issues

In re application of Keith Connes and Albert Spiro d/b as Rockland Broadcasters, New City, New York, Docket No. 14526, File No. BP-13953, Requests: 910kc, 1kw, DA-Day, Class III; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 14th day of February 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. By petitions to deny filed March 9, 1961 and July 13, 1961, the licensees of WPAT, Paterson, New Jersey and WHAY, New Britain, Connecticut have objected to a grant of the instant proposal. Each petitioner claims that the instant application would cause interference to petitioner's existing operation and, in addition, WPAT has alleged that 2 mv/m and 25 mv/m overlap would occur between the subject proposal and the existing operation of WPAT. The applicant, in its oppositions to the petitions above and in subsequent pleadings, does not deny that some degree of interference would be caused to WPAT and WHAY but submits measurement data to indicate that no 2 mv/m and 25 mv/m overlap would occur with WPAT. The licensee of WPAT challenges the validity of the applicant's measurement data.

2. The Commission has fully considered the engineering data submitted with the subject proposal, as amended, the various pleadings filed by the applicant and petitioners, and the engineering statements accompanying these pleadings. We have taken particular note of the WPAT objections to measurement data submitted by the applicants. The Commission's study indicates that: (a) The subject proposal would cause some degree of interference to the existing operations of WPAT and WHAY; but, (b) that no substantial question regarding the possibility of 2 mv/m and 25 mv/m overlap with WPAT appears to exist. Accordingly, the application

is herein designated for hearing on interference questions only and the licensees of WPAT and WHAY are made parties to the proceeding.

It further appearing, that in view of the outstanding rule making proceeding in Docket No. 14419 with respect to presunrise operation with daytime facilities, any grant of the instant proposal prior to a final decision in Docket 14419 should be appropriately conditioned.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant proposal and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable interference to Stations WPAT, Paterson, New Jersey, WHAY, New Britain, Connecticut or any other existing standard broadcast stations, and, if so the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That WPAT, Inc., and the Central Connecticut Broadcasting Company, licensees of Stations WPAT and WHAY, respectively, are made PARTIES to the proceeding.

It is further ordered, That any grant of the instant proposal, prior to a final decision in Docket No. 14419, will be conditioned as follows: "Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded."

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: February 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1843; Filed, Feb. 21, 1962; 8:51 a.m.]

[Docket No. 13748; FCC 62-176]

WILLAMETTE-LAND TELEVISION, INC.

Memorandum Opinion and Order Amending Issues

In re application of Willamette-Land Television, Inc., Salem, Oregon, Docket No. 13748, File No. BPCT-2651; for construction permit for new Television Broadcast Station (Channel 3).

1. The Commission has before it for consideration (1) a petition to enlarge the issues, filed October 2, 1961, by the Broadcast Bureau (Bureau); (2) opposition to the petition, filed November 1, 1961, by Willamette-Land Television, Inc. (Willamette); and (3) a reply to the opposition, filed November 8, 1961, by the Bureau. Subsequent to the filing of these pleadings, Hearing Examiner Charles J. Frederick released an Initial Decision (FCC 62D-12, January 25, 1962) proposing to grant Willamette's application.

2. By Order (FCC 60-957) released August 8, 1960, the Commission designated for hearing on various issues the applications of Oregon Television, Inc. (Docket No. 13747) and Willamette-Land Television, Inc., each requesting a construction permit for a new television station to operate on Channel 3 at Salem, Oregon. By Order (FCC 61M-262) released February 17, 1961, the Chief Hearing Examiner dismissed, on the applicant's own motion, the application of Oregon Television, Inc. The only issue remaining in the hearing is Willamette's financial qualifications.

3. The Bureau requests the enlargement of the issues as noted below and also requests an order changing the hearing situs herein to Salem, Oregon. The requested issues are as follows:

i. To determine whether the misrepresentations made by W. Gordon Allen and John H. Truhan incident to the sale of Station KBAM reflect adversely on their character qualifications.

ii. To determine the accuracy of the financial reports (FCC Form 324) submitted to the Commission by W. Gordon Allen and/or John Truhan for Station KBAM.

iii. To determine whether the editorials broadcast by W. Gordon Allen on controversial issues of public importance were in conformance with Commission policy (i.e., Commission's Report on Editorializing By Broadcast Licensees) with particular reference to whether the broadcasts of such editorials were presented in a fair and responsible manner and whether broadcast time was afforded for the presentation of opposing views.

iv. To determine, in light of the evidence adduced under the foregoing issues, whether W. Gordon Allen and John H. Truhan possess the necessary character qualifications to be broadcast licensees or to be principals of a Broadcast licensee.

4. In Wickre v. Allen, 364 P. 2d 911 (1961), the Supreme Court of the State of Washington affirmed a lower court judgment awarding damages to Wickre for misrepresentations made to him by Allen, a principal in Willamette, and Truhan, in the sale of standard broadcast Station KBAM, Longview, Washington. In view of this decision, the Bureau's request for the first and fourth of the proposed issues will, subject to modifications in phraseology, be granted.[1]

5. In support of its request for the second proposed issue, the Bureau alleges that the "transcript of the Wickre-Allen proceeding" contains testimony "which indicates that the information supplied in the KBAM FCC Form 324 does not accurately reflect the revenues obtained by the station from the sale of talent and it therefore appears that Allen and Truhan may have made misrepresentations of fact to the Commission and/or were lacking in candor." In its opposition to the Bureau's request for this issue, Willamette states that the mistake in the financial report to the Commission was due to a misunderstanding on the part of its bookkeeper as to the distinction between sale of time and sale of talent; that such mistake occurred only once; and that the mistake did not affect the total of the broadcast revenues shown in the financial report in question. In its reply, the Bureau dismisses Willamette's opposition as self-serving; it does not otherwise challenge the representations made in the opposition concerning the financial report, nor does it dispute Willamette's contention that KBAM had nothing to gain by the inaccuracy in the report. Under the circumstances, the Bureau's request for the second of its proposed issues will be denied. While the Commission does not condone inaccurate financial reporting, the single mistake in question does not, in view of Willamette's uncontradicted explanation thereof, provide a basis for launching an inquiry at an evidentiary hearing of the accuracy of other financial reports filed on behalf of Station KBAM.

6. In support of its third proposed issue, the Bureau makes the following allegations:

> Allen, in a series of editorials, reportedly indicated that General Maison, Superintendent of the Oregon State Police, was "double-shuffling" with funds appropriated for the enforcement of the State Game Laws. Allen accused Maison of using intimidation on high officials of the State of Oregon to make his job as "Gauleiter" of Oregon more secure. Allen characterized the Oregon State Police as the "Oregon Gestapo" and indicated that the Oregon State Police has never been and is not now a servant of the citizens of Oregon, but rather seems to operate to oppose the citizens. In addition, Allen charged

[1] Truhan is no longer associated with Willamette, and hence no reference is made to him in the second of the issues adopted herein.

> Maison with railroading officers of the Oregon State Police out of the force if they did not commit illicit acts in order to give Maison a hold over them. On the basis of this series of editorials three indictments were returned by the Grand Jury of Marion County, Oregon charging Allen with violation of ORS 164.410,[2] "Slander By Broadcasting Defamatory Matter". These indictments were dismissed upon Allen's signing of a statement to the effect that he (Allen) did not mean to imply that Maison performed or was guilty of any illegal, unlawful or immoral conduct or to impute bad character or improper motives to him. It appears that Allen's editorial broadcasts may not have been presented in a responsible, fair and impartial manner. Such broadcasts appear to constitute serious attacks of doubtful validity upon the Oregon State Police organization, and therefore not in conformity with the Commission's historic policy with respect to editorial broadcasting.

The Broadcast Bureau has been unable to determine that the broadcast of points of view dissimilar to Allen's were carried by his station. It therefore appears that Allen may not have satisfied his obligations under the policies stated in the Commission's Report on Editorializing By Broadcast Licensees, to afford reasonable opportunity for the discussion of opposing views on controversial issues of public importance.

7. In its opposition, Willamette states that factual matters contained in Allen's editorials were brought to his attention by "persons of responsibility"; an affidavit by a Mr. Robert H. Wampler, a former member of the State Police and a member of the Governor's investigation Commission, is submitted in support of this allegation. In his affidavit, Mr. Wampler states that with the approval of the Governor of the State he had made an investigation of the State Police; that he supplied Allen with much of the information used in the broadcasts in question; and that Allen was supplied with additional information by a Mr. George Utley, chief of police of nearby Independence and formerly a State Police officer. It is further alleged in the opposition that Allen invited the "other side" to answer his charges, and "when they refused to avail themselves of this opportunity", but instead sent letters of denial, Allen broadcast the contents of these letters five times per day at the same time that his editorials were carried. Willamette further alleges that Allen did not seek the dismissals of the indictments to which the Bureau refers. On the contrary, it is alleged that Allen was prepared to go to trial but that the State "backed away" from the prosecution of the case. In support of this latter allegation, Willamette again relies on Wampler's affidavit to the effect that the indictments were procured as a result of political pressure and that the indictments were dismissed for lack of evidence. Also cited by Willamette is an editorial from the Oregon *Statesman* stating that it is something of a "mystery . . . how a charge of criminal slander can be expunged by a declaration of defendants' that they intended or imputed no slander."

8. In its reply to Willamette's opposition, the Bureau states that: "* * * Allen made extremely serious charges against the honesty and moral character of General Maison and the Oregon State Police. Nothing advanced by the applicant resolves the Bureau's concern as to whether Allen made these charges in a fair and responsible manner."

9. Unfortunately, neither the Bureau as the moving party nor Willamette in its opposition submitted a copy of the statement signed by Allen at the time the indictments were dismissed. From both the Bureau's description of it and that appearing in the Oregon *Statesman*, the statement seems to have been framed with reference to the Oregon defamation statute, quoted in footnote 2 herein, which is applicable where the matter was broadcast with "intent to injure or defame." A statement disclaiming any such intention is not, of course, tantamount to a retraction of any of the matter which was broadcast nor is it an admission that any of the charges made were not supported by the facts. Under the circumstances, we cannot agree that either the indictments,[4] or the allegations concerning the statement signed by Allen at the time the indictments were dismissed, or both, provide any basis for the Bureau's conclusionary statement that the broadcasts "constituted attacks of doubtful validity." We are not here ruling upon the question of whether Allen's charges were in fact true or untrue, in whole or in part; our ruling is limited to the sufficiency of the Bureau's factual allegations.[5]

10. The Bureau also contends that Allen's broadcasts may not have been presented in a "responsible, fair and impartial manner." Here again, the Bureau is not specific in its allegations. If the Bureau's contention is based upon its judgment that Allen's broadcasts were in any respect without factual basis, it should have particularized those areas, with supporting factual allegations, in which Allen's broadcasts were not in accord with the facts. Absent a showing as to factual inaccuracy in the broadcasts, the question of whether Allen showed a wanton disregard of the facts is not presented. To be sure, Allen's appellations such as "Gauleiter" and "Oregon Gestapo" are extreme. It does not appear, however, that such appellations were intended to be understood in their literal sense.

11. The Bureau's request that there be explored at an evidentiary hearing the question of whether broadcast time was afforded for the presentation of opposing views is undermined by Willamette's allegation, which the Bureau did not contradict in its reply pleading, that Allen offered Maison time to answer Allen's charges and that when Maison did not avail himself of this offer his statements of denial of the charges were broadcast at the same time that the editorials were broadcast.

12. The Bureau's request that the evidentiary hearing be held in Salem, Oregon, will be granted.

Accordingly, it is ordered, This 14th day of February 1962, that the petition to enlarge issues, filed October 2, 1961, by the Broadcast Bureau is granted to the extent indicated herein and in all other respects is denied;

It is further ordered, That the Initial Decision (FCC 62D-12), released January 25, 1962, is set aside, and the proceeding remanded to the Hearing Examiner for further hearing;

It is further ordered, That Issue 6 in the above-captioned proceeding is renumbered as Issue 8, and that the issues are enlarged by the addition of the following issues:

6. To determine whether misrepresentations were made by W. Gordon Allen and John H. Truhan incident to the sale of Station KBAM;

7. To determine, in the light of the evidence adduced under the foregoing issue, whether W. Gordon Allen possesses the necessary character qualifications to be a broadcast licensee or to be a principal of a broadcast licensee.

It is further ordered, That the evidentiary hearing in this proceeding be held in Salem, Oregon.

Released: February 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary,

[F.R. Doc. 62-1844; Filed, Feb. 21, 1962; 8:51 a.m.]

[Docket No. 14165; FCC 62M-252]

WAEB BROADCASTERS, INC. (WAEB)

Order Scheduling Prehearing Conference

In re application of WAEB Broadcasters, Inc. (WAEB), Allentown, Pennsylvania, Docket No. 14165, File No. BP-12918; for construction permit.

Pursuant to request of counsel for WAEB Broadcasters, Inc., contained in letter dated February 15, 1962, and with agreement of other counsel: *It is ordered*, This 16th day of February 1962, that a further conference in the above-entitled proceeding will be held at 10 a.m., March

[2] Section 164.410 of the Oregon statutes reads as follows:

> Libel and slander; penalty for publishing or broadcasting defamatory matter: (1) Any person who wilfully, by any means other than words spoken, except as provided in this section, publishes or causes to be published false and scandalous matter concerning another, with intent to injure or defame such other person, or any person who wilfully uses or utters over, through or by means of radio, commonly called broadcasting, false and scandalous matter concerning another, with intent to injure or defame such other person, shall be punished upon conviction by imprisonment in the county jail for not less than three months nor more than one year, or by a fine of not less than $100 nor more than $500; (2) Any allusion to any person or family, with intent to injure, defame or maliciously annoy the person or family, comes within this section; (3) Any person who violates this section shall be prosecuted whether the party injured desires to prosecute or not.

[3] This editorial refers to these indictments as the "Allen-Utley" case; presumably both Allen and Utley signed the declaration.

[4] An indictment is not evidence of the matters charged in the indictment.

[5] Section 1.141 of our rules provides that petitions to enlarge issues shall contain "specific allegations of fact sufficient to support the action requested."

6, 1962, to consider effect of amendment to rules, relative to processing of applications, made in connection with clear channel proceeding.

Released: February 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1845; Filed, Feb. 21, 1962; 8:51 a.m.]

[Docket Nos. 14402, 14403; FCC 62M-249]

WNOW, INC. (WNOW) AND RADIO ASSOCIATES, INC. (WEER)

Order Continuing Hearing

In re applications of WNOW, Inc. (WNOW), York, Pennsylvania, Docket No. 14402, File No. BP-13793; Radio Associates, Inc. (WEER), Warrenton, Virginia, Docket No. 14403, File No. BP-14802; for construction permits.

Upon the Hearing Examiner's own motion: *It is ordered*, This 15th day of February 1962, that the hearing now scheduled for March 1, 1962, be and the same is hereby rescheduled for March 7, 1962, 10:00 a.m., in the Commission's offices, Washington, D.C.

Released: February 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1846; Filed, Feb. 21, 1962; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

TYRRHENIAN/LEVANT FREIGHT CONFERENCE ET AL.

Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8516, between the member lines of the Tyrrhenian/Levant Freight Conference (AMETILE) (a foreign conference serving the eastern Mediterranean area between Italian ports and the Levant) and Lykes Bros. Steamship Co., Inc., operating in the trade between U.S. South Atlantic and Gulf ports and the Levant, covers the establishment of terms and conditions for the carriage of cargoes in these trades, transhipped between Lykes and the conference at Italian ports.

Agreement 8690, between United States Lines Company and the carriers comprising the M.A.N.Z. Line joint service (operating under approved joint service Agreement 7814-1), covers the establishment and maintenance of a joint cargo service (with limited passenger accommodations) in the trade from Australia (including Tasmania) to east coast ports of the United States.

Agreement 8749, between United Philippine Lines and the carriers comprising the Pacific Orient Express Lines joint service (operating under approved joint service Agreement 8141), covers the establishment and maintenance of a joint sailing arrangement in the trade between U.S. Pacific Coast ports and ports in the Philippines, Hong Kong, Japan and/or other areas agreed upon from time to time subject to prior approval by the Federal Maritime Commission.

Agreement 8770, between Armement Deppe, S.A., The Cunard Steam-Ship Company, Ltd., Hamburg America Line, North German Lloyd and Lykes Bros. Steamship Co., Inc., covers an arrangement whereby the parties may confer with each other and discuss together from time to time the matter of rates, charges, classifications and related tariff matters appropriate and conformably with law and the interest of the foreign commerce of the United States to be charged or observed by them in the trade from United Kingdom (England, Scotland, Wales, Northern Ireland, and the Republic of Ireland) to U.S. Gulf ports (Key West to Brownsville, inclusive), and to agree on various rates, charges, classifications and related tariff matters, to be charged or observed by them respectively, but with reservation of the right by each of them to alter for itself any rate, charge, classification, or related tariff matter thus agreed upon or theretofore in force upon first giving the other parties at least forty-eight hours advance notice thereof.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 16, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-1827; Filed, Feb. 21, 1962; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CI61-1272, etc.]

TENNECO CORP. AND TENNESSEE GAS TRANSMISSION CO.

Notice of Amendment, Withdrawal, and Consolidation of Applications

FEBRUARY 16, 1962.

Take notice that on February 8, 1962, Tenneco Corporation (Tenneco), P.O. Box 2511, Houston 1, Texas, filed an amended application for a certificate of public convenience and necessity in Docket No. CI61-1272.[1] By its amended application, Tenneco seeks certificate authority pursuant to section 7(c) of the Natural Gas Act (Act), to sell natural gas to Tennessee Gas Transmission Company (Tennessee) from certain oil-casinghead gas leases. These leases, and others in this docket, aggregately known as the on-system leases, were transferred to Tenneco by Tennessee on February 28, 1961. In Tenneco's original application, authorization was sought to sell gas from all the leases. Now Tenneco proposes, upon receipt of section 7(b) abandonment permission applied for in a separate docket (infra), to make sale of natural gas solely from the oil-casinghead leases; and further, to reconvey the gas-only leases back to Tennessee at such time as the authorization sought in this docket is granted.

Also, take notice that Tenneco filed a companion application in Docket No. CP62-184 for permission, pursuant to section 7(b) of the Act, to abandon its on-system oil-casinghead gas leases. Tennessee does not propose any interruption in the deliveries of gas from these leases to interstate markets. The subject leases are particularized, and more fully described, in Exhibit A attached to Tenneco's amended application in Docket No. CI61-1272.

Take further notice of Tenneco's withdrawal, pursuant to § 1.11(d) of the Commission's rules of practice and procedure, of its application for a certificate of public convenience and necessity filed in Docket No. CI61-1475. In its application, Tenneco requested section 7(a)(a) certificate authority to sell gas from certain leases located in Offshore Cameron Parish, Louisiana. These leases were formerly owned by Tennessee and the notice of withdrawal states that they will be reconveyed back to Tennessee upon issuance of permanent certificates in the remaining consolidated dockets.

Take further notice that Tennessee's application in Docket No. CP62-184 should be consolidated for hearing with the above-entitled related applications previously noticed and will be heard with them on a date to be selected by the Presiding Examiner at a meeting of the parties on March 1, 1962, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

Protests, petitions to intervene, and notices of intervention previously filed in the above-entitled dockets will be deemed to apply to Tenneco's amended application in Docket No. CI61-1272 and also to Tennessee's application in Docket No. CP62-184.

Protests, petitions to intervene, and notices of intervention applying exclusively to Tenneco's amended application in Docket No. CI61-1272 and to Tennessee's application in Docket No. CP62-184 may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 26, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1760; Filed, Feb. 21, 1962; 8:45 a.m.]

[1] Notice of the filing of the above applications, consolidation thereof for hearing and the date of hearing was issued October 9, 1961 (26 F.R. 9693). The formal hearing commenced as scheduled on December 5, 1961, and is presently in recess.

[Docket No. CP61-263]

CITIES SERVICE GAS CO. ET AL.

Notice of Applications and Date of Hearing

FEBRUARY 15, 1962.

Cities Service Gas Company, Docket No. CP61-263; Oklahoma Natural Gas Gathering Corporation, Docket No. CI61-1408; Colorado Oil and Gas Corporation (Operator), et al., Docket No. CI61-1545; Forrest H. Lindsay d.b.a. National Associated Petroleum Company, Docket No. CI61-1553; Livingston Oil Company (Operator), Docket No. CI61-1557; D. H. Rowland, Docket No. CI61-1561; Bolsa Chica Oil Corporation, Docket No. CI61-1569; Roger H. Davis, Docket No. CI61-1587; Indeco Corporation, Docket No. CI61-1590; Tidewater Oil Company, Docket No. CI61-1599; Oklahoma Natural Gas Company (Operator), et al., Docket No. CI61-1639; Emby Kaye, et al., Docket No. CI61-1654; Union Texas Natural Gas Corporation, et al., Docket No. CI61-1655; Cities Service Petroleum Company, Docket No. CI61-1664; K. C. Hawkinson, et al., Docket No. CI61-1667; H. C. and Gertrude B. Andrewski, Docket No. CI61-1678; Great Western Drilling Company, Docket No. CI61-1693; Gulf Oil Corporation, Docket No. CI61-1711; Viersen & Cochran (Operator), et al., Docket No. CI61-1712; Herman Singer, Docket No. CI61-1738; Kidd Williams Production Corporation (Operator), et al., Docket No. CI61-1746; Kidd Williams Production Corporation (Operator), et al., Docket No. CI61-1747; John H. Burkhardt and Herman Burkhardt, Docket No. CI61-1785; L. B. Jackson Company (Operator), et al., Docket No. CI61-1792; Alma McCutchin, et al., Docket No. CI61-1813; Arkansas Louisiana Gas Company, Docket No. CP62-40; Texaco Inc., Docket No. CI62-569; Russell Maguire (Operator) et al, Docket No. CI62-570.

Take notice that on April 10, 1961, Cities Service Gas Company (Cities Service), P.O. Box 1995, Oklahoma City, Oklahoma, filed in Docket No. CP61-263 an application pursuant to section 7(c) of the Natural Gas Act (Act) for a certificate of public convenience and necessity authorizing the construction and operation of approximately 23 miles of 16-inch pipeline from a point on Cities Service's existing Oklahoma City 20-inch main transmission pipeline in Noble County, Oklahoma, westerly to a point in Garfield County, Oklahoma, where it will connect with the existing 12-inch pipeline of Oklahoma Natural Gas Gathering Corporation (Gathering) from whom Cities Service proposes to purchase and take delivery of not to exceed 40,000 Mcf of natural gas per day, all as more fully set forth in the aforesaid application in Docket No. CP61-263 which is on file with the Commission and open to public inspection.

Cities Service's estimated cost for the proposed project is $850,000, which will be financed from treasury cash.

On March 28, 1961, Oklahoma Natural Gas Gathering Corporation filed in Docket No. CI61-1408 an application pursuant to section 7(c) of the Act for a certificate of public convenience and necessity authorizing the afore-mentioned sale to Cities Service of natural gas which Gathering proposes to purchase in the Ringwood Field, Major County, Oklahoma, as hereinafter described and as more fully described in Gathering's application herein. The subject sale will be made pursuant to a gas sales contract between Gathering and Cities Service dated March 23, 1961, at an initial price of 18¢ per Mcf at 14.65 psia, the volume limited to a maximum of 40,000 Mcf per day.

Gathering proposes to purchase natural gas jointly with Warren Petroleum Corporation (Warren) from certain producers thereof in the Ringwood Field as set forth in the twenty-six producer applications enumerated hereinafter, pursuant to individual contracts, at 11.0 cents per Mcf at 14.65 psia. Warren will take liquid products only from the subject gas and will have no title to the residue gas after processing at a gasoline plant in the Ringwood Field. Gathering will gather the gas, transport it to the processing plant where Warren will extract the liquids, then deliver it to Cities Service in Garfield County as aforesaid.

The applications, all on file with the Commission and open to public inspection, under which producers in the Ringwood Field seek authorization to sell natural gas to Gathering and Warren pursuant to gas sales contracts filed concurrently as initial rate schedules for the respective proposed services are designated as follows:

CI61-1545, CI61-1553, CI61-1557, CI61-1561, CI61-1569, CI61-1587, CI61-1590, CI61-1599, CI61-1639, CI61-1654, CI61-1655, CI61-1664, CI61-1667, CI61-1678, CI61-1693, CI61-1711, CI61-1712, CI61-1738, CI61-1746, CI61-1747, CI61-1785, CI61-1792, CI61-1813, CP62-40, CI62-569, CI62-570.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 22, 1962, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 12, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1820; Filed, Feb. 21, 1962; 8:48 a.m.]

[Project No. 2305]

SABINE RIVER AUTHORITY OF LOUISIANA AND SABINE RIVER AUTHORITY OF TEXAS

Notice of Application for License

FEBRUARY 16, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Sabine River Authority of Louisiana at Baton Rouge, Louisiana, and Sabine River Authority of Texas at Orange, Texas, for license for proposed Project No. 2305, to be known as Toledo Bend project, to be located on Sabine River in Sabine and DeSoto Parishes, Louisiana, and in Newton, Sabine, and Shelby Counties, Texas, and affecting lands of the United States within Sabine National Forest.

The proposed project would consist of: a rolled earth-fill dam about 8,600 feet long with a maximum height of 110 feet; a reservoir with normal pool elevation of 172 feet, an area of 181,600 acres, and a total storage of 4,477,000 acre-feet of which 1,554,200 acre-feet will be active storage for power generation; a side-channel spillway comprised of a concrete, gravity type, gated weir with a concrete chute and stilling basin, and a discharge channel; a sluiceway; a powerhouse located in the right abutment adjacent to the spillway containing three 39,200-horsepower turbines each connected to a 32,000-kva generator (28,800 kw at 0.9 P.F.); step-up transformers; a switchyard; and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is April 6, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1822; Filed, Feb. 21, 1962; 8:48 a.m.]

[Docket No. CP62-156]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application and Date of Hearing

FEBRUARY 16, 1962.

Take notice that on January 4, 1962, as supplemented on January 29, 1962, Texas Eastern Transmission Corporation (Applicant), P.O. Box 1189, Houston, Texas, filed in Docket No. CP62-156 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity author-

izing the construction and operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof from time to time during the calendar year 1962, at a total cost not to exceed $4,000,000, with no single project to exceed a cost of $500,000, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its existing pipeline system new supplies of natural gas which will be purchased from producers thereof in various areas generally coextensive with said system.

The proposed facilities would be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 27, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 16, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1823; Filed, Feb. 21, 1962; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

BANK OF IDAHO

Order Approving Merger of Banks

In the matter of the application of Bank of Idaho for approval of merger with The First National Bank of Bonners Ferry.

There has come before the Board of Governors, pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), an application by Bank of Idaho, Boise, Idaho, a member bank of the Federal Reserve System, for the Board's prior approval of the merger of The First National Bank of Bonners Ferry, Bonners Ferry, Idaho, with and into Bank of Idaho, under the charter and title of the latter.

Pursuant to said section 18(c), notice of the proposed merger, in form approved by the Board of Governors, has been published, and reports on the competitive factors involved in the proposed transaction have been furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice and have been considered by the Board.

It is ordered, For the reasons set forth in the Board's Statement[1] of this date, that said merger be, and hereby is, approved: *Provided*, That said merger shall not be consummated (a) sooner than 7 calendar days after the date of this Order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 16th day of February 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-1781; Filed, Feb. 21, 1962; 8:45 a.m.]

UNITED CALIFORNIA BANK

Order Approving Merger of Banks

In the matter of the application of United California Bank for approval of merger with The Southwest Bank.

There has come before the Board of Governors, pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), an application by United California Bank, Los Angeles, California, a member bank of the Federal Reserve System, for the Board's prior approval of the merger of The Southwest Bank, Inglewood, California, with and into United California Bank, under the charter and title of the latter.

Pursuant to said section 18(c), notice of the proposed merger, in form approved by the Board of Governors, has been published, and reports on the competitive factors involved in the proposed transaction have been furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice and have been considered by the Board.

Upon reconsideration by the Board on the basis of additional information following its disapproval of the original application

It is ordered, For the reasons set forth in the Board's Statement[1] of this date, that said merger be, and hereby is, approved: *Provided*, That said merger shall not be consummated (a) sooner than 7 calendar days after the date of this Order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 16th day of February 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-1782; Filed, Feb. 21, 1962; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of San Francisco.

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION IV (CHICAGO)

Redelegation of Authority With Respect to Area Redevelopment Act

The Regional Director of Community Facilities Activities, Region IV (Chicago), is hereby authorized to carry out the provisions of sections 7 and 8 of the Area Redevelopment Act (Public Law 87-27, 42 U.S.C. 2506 and 2507) by performing the following functions within such region:

1. To execute offers for approved loans and/or grants and to execute approved amendments or modifications of contracts resulting from the acceptance of such offers.

2. To determine that loans made under section 7 of the act are in compliance with the requirements of sections 7(a)(2), 7(a)(3), 7(a)(4), 7(b), and 7(d).

3. To determine that grants made under section 8 of the act are in compliance with sections 8(a)(2) and 8(c) of the act; that there is little probability that such projects can be undertaken without the assistance of a grant under section 8; and that the amount of any grant under section 8 for a project does not exceed the difference between the funds which can be practicably obtained from other sources (including a loan under section 7 of the act) for such project and the amount which is necessary to insure the completion thereof.

4. To exercise the powers, duties, and functions vested in the Secretary of Commerce by sections 19 and 21 of the act in connection with any loans or grants proposed to be made under section 7 or 8 of the act.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's redelegation effective May 1, 1961 (26 F.R. 7992, Aug. 25, 1961))

Effective as of the 22d day of February 1962.

[SEAL] JOHN P. MCCOLLUM,
Regional Administrator, Region IV.

[F.R. Doc. 62-1851; Filed, Feb. 21, 1962; 8:52 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

FEBRUARY 16, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, February 18, 1962 to February 27, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-1796; Filed, Feb. 21, 1962; 8:47 a.m.]

[File No. 24S-1866]

CISCO-VALLEY CORP.

Notice and Order for Hearing

FEBRUARY 16, 1962.

I. Cisco-Valley Corporation (issuer), incorporated in the State of Washington on October 2, 1961, filed with the Commission, on November 29, 1961, a notification on Form 1-A relating to a proposed offering of 75,000 shares, no par common stock, at an offering price of $4 per share for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration provisions of Section 3(b) thereof and Regulation A promulgated thereunder. The amended offering circular, filed January 5, 1962, reduced the offering to 65,000 shares at a total offering price of $260,000.

II. The Commission, on January 25, 1962, issued an order pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, which temporarily suspended the issuer's exemption under Regulation A and afforded to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., P.s.t., on March 7, 1962, at the Seattle Regional Office of the Commission, 9th floor, Hoge Building, 705 Second Avenue, Seattle 4, Washington, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the issuer has complied with the terms and conditions of Regulation A in that:

1. The notification does not disclose the names of certain affiliates as required by Item 2(b) of Form 1-A.

2. The amended offering circular does not contain a statement of capital shares as required by Item 11(a)(1)(iii) of Schedule I to Form 1-A.

B. Whether the notification and the amended offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly, with respect to:

1. The failure to disclose, in the amended offering circular, that the issuer has no binding agreement to purchase the title and equipment of Valley Mining Company, and the failure to disclose the existence of a dispute between the issuer and Valley Mining Company as to whom Valley owes royalties on its Blue Lizard Mine project.

2. The failure to disclose accurately and adequately, in the amended offering circular, the unfavorable aspects of the mining and oil properties involved, including the unfavorable past operations, the exploratory status of the venture, the location of deposits and actual ore content, and the failure to present acceptable expert opinions, as well as misrepresentation with respect to the opinions submitted.

3. The failure to disclose accurately and adequately, in the amended offering circular, all direct and indirect interests of officers, directors and controlling persons, including a description of properties and services rendered, as well as their cost.

4. The failure to describe accurately and adequately, in the amended offering circular, the equity dilution of stock to be issued in the proposed offering.

5. The failure to disclose accurately and adequately in the notification, pursuant to the requirements of Item 9 of Form 1-A, the sale of unregistered securities issued by issuer within one year prior to the filing of the notification.

C. Whether the offering would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is further ordered*, That Sidney L. Feiler, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's Rules of Practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail to Cisco-Valley Corporation, that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before March 5, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-1797; Filed, Feb. 21, 1962; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Atwood Inc., Mooresville, N.C.; effective 2-6-62 to 2-4-63 (work pants and shirts).

Big-Dad Manufacturing Co., Inc., Starke, Fla.; effective 1-23-62 to 1-22-63 (work pants).

Blue Bell, Inc., 626 South Elm Street, West Lee and Fuller Streets, Greensboro, N.C., and Banks and Taylor Streets, Stokesdale, N.C.; effective 1-21-62 to 1-20-63; Learners may not be engaged at special minimum wage rates in the production of separate skirts (misses', girls' and kiddies' shorts, pedal pushers and slacks).

Blue Ridge Manufacturing, Inc., Second and Poplar Streets, Murray, Ky.; effective 1-21-62 to 1-20-63 (men's and boys' cotton work trousers).

C & J Manufacturing Co., Eastman, Ga.; effective 1-22-62 to 1-21-63 (boys' dress and sport shirts).

Cluett, Peabody and Co., Lewistown, Pa.; effective 2-1-62 to 1-31-63 (men's sport shirts and ladies' blouses).

Cowden Manufacturing Co., Stanford, Ky.; effective 1-19-62 to 1-18-63 (men's and boys' dungarees).

Donlin Sportswear, Inc., New Tazewell, Tenn.; effective 1-17-62 to 1-16-63, (sport shirts).

Eastwill Sportswear Co., Inc., Greenwood, S.C.; effective 2-2-62 to 2-1-63 (men's sport shirts).

Hebron Pants Factory, Hebron, Md.; effective 2-4-62 to 2-3-63 (men's work pants).

L. & H. Shirt Co., Cochran, Ga.; effective 1-22-62 to 1-21-63 (boys' dress and sport shirts).

Mid-South Manufacturing Co., Inc., Richton, Miss.; effective 1-19-61 to 1-18-63 (men's cotton work shirts and pants).

Niemor Contractors, 310 Sherman Avenue, Newark, N.J.; effective 1-12-62 to 1-11-63. Learners may not be employed at special minimum wage rates in the production of leather jackets (men's and boys' sport jackets).

Pascal Corp., 461 West Cherry Street, Jesup, Ga.; effective 1-19-62 to 1-18-63 (men's and boys' shirts).

Raleigh Corp., Raleigh, Miss.; effective 1-31-62 to 1-30-63 (ladies' slacks and men's slacks).

The S & S Clothing Co., 44-48 Lehigh Street, Wilkes-Barre, Pa.; effective 2-3-62 to 2-2-63 (boys' and men's pants).

Summerville Dress Co., Inc., Summerville, S.C.; effective 1-19-62 to 1-18-63 (children's dresses).

United Pants Co., Inc., 222-228 Beade Street, Plymouth, Pa.; effective 2-1-62 to 1-31-63 (boys' pants and men's and boys' jackets).

Vidalia Garment Co., Vidalia, Ga.; effective 1-30-62 to 1-29-63 (men's sport and dress shirts).

Willards Shirt Co., Willards, Md.; effective 1-29-62 to 1-28-63 (men's work shirts and pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

County Wide Sewing Co., Clinton, N.C.; effective 1-22-62 to 1-21-63; 10 learners (women's and children's car coats).

Mount Airy Pants Factory, Mount Airy, Md.; effective 1-23-62 to 1-22-63; 10 learners (men's work pants).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Barnwell Garment Co., Inc., Erin, Tenn.; effective 1-19-62 to 7-18-62; 100 learners (dusters).

County Wide Sewing Co., Clinton, N.C.; effective 1-22-62 to 7-21-62; 25 learners (women's and children's car coats).

The H. D. Lee Co., Inc., Boaz, Ala.; effective 1-19-62 to 7-18-62; 30 learners (bib and waistband overalls).

The Murray Corp., 109 North Chestnut Street, Mount Olive, N.C.; effective 1-18-62 to 7-17-62; 50 learners (men's all weather raincoats).

Southern Garment Co., Robbins, N.C.; effective 1-18-62 to 7-17-62; 50 learners (women's cotton wash dresses).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

Bayuk Cigars, Inc., Morgan Street, Selma, Ala.; effective 1-20-62 to 1-19-63; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Bayuk Cigars, Inc., 209 North Beaver Street, York, Pa.; effective 1-15-62 to 1-14-63; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Belmont Hosiery Mills, Inc., Belmont, N.C.; effective 2-1-62 to 1-31-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Belmont Knitting Co., Belmont, N.C.; effective 1-30-62 to 1-29-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Russell Hosiery Mills, Inc., Star, N.C.; effective 1-19-62 to 1-18-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Apex Manufacturing Co., Apex, N.C.; effective 1-19-62 to 1-18-63; 5 learners for normal labor turnover purposes (women's swim suits).

Huntley Knitting Mills, Inc., York, S.C.; effective 1-15-62 to 1-14-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and ladies' sweaters).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Noble Products Co., 306 West Street, Caldwell, Ohio; effective 1-22-62 to 7-21-62; five learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 320 hours at the rate of 81 an hour (life preserver vests and buogart cushions).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Andrea Shoe Corp., Antonio Luchetti Street, Villalba, Puerto Rico; effective 11-20-61 to 5-19-62; 100 learners for plant expansion purposes in any productive factory occupation, except: edge setting or trimming; Goodyear or McKay stitching; top stitching; lasting (except slip lasting); cement-process sole attaching; treeing; upper leather cutting (except lining or trim); vamping; hand-fitting of wood heels; insole or outsole bagger; outsole catcher; channel lipwetter; floorboy or floorgirl; insole presser; rack changer; shover or pusher; stock lining getter; or any non-productive factory occupations, each for a learning period of 480 hours at the rates of 63 cents an hour for the first 240 hours and 73 cents an hour for the remaining 240 hours (tennis shoes).

Andrea Shoe Corp., Antonio Luchetti Street, Villalba, Puerto Rico; effective 12-5-61 to 5-19-62; 100 learners for plant expansion purposes in any productive factory occupation, except: edge setting or trimming; Goodyear or McKay stitching; lasting (except slip lasting); cement-process sole attaching; treeing; upper leather cutting (except lining or trim); vamping; hand-fitting of wood heels; insole or outsole bagger; outsole catcher; channel lipwetter; floorboy or floorgirl; insole presser; rack changer; shover or pusher; stock lining getter; or any non-productive factory occupations, each for a learning period of 240 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (tennis shoes) (replacement certificate).

Aristocrat Corp., 316 Carpenter Road, Hato Rey, Puerto Rico; effective 1-2-62 to 7-1-62; 20 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres).

Andrew Hosiery Mills, Inc. (div. of Gordenshire Knitting Mills), Cayey, Puerto Rico; effective 11-3-61 to 11-2-62; 12 learners for normal labor turnover purposes, in the occupations of: (1) looper for a learning period of 960 hours at the rates of 64 cents an hour for the first 480 hours and 70 cents an hour for the remaining 480 hours; (2) mender for a learning period of 720 hours at the rates of 64 cents an hour for the first 360 hours and 70 cents an hour for the remaining 360 hours; (3) preboarding for a learning period of 360 hours at the rate of 64 cents an hour; and (4) examiners and knitters, each for a learning period of 240 hours at the rate of 64 cents an hour (seamless hosiery).

Bueno Manufacturing Corp., No. 2 Modesto Sola Street, Caguas, Puerto Rico; effective 12-18-61 to 6-17-62; 45 learners for plant expansion purposes, in the occupations of stringer, tipper, clasper, looper, and knotter, each for a learning period of 240 hours at the rate of 55 cents an hour (necklaces and earrings).

Bueno Manufacturing Corp., No. 2 Modesto Sola Street, Caguas, Puerto Rico; effective 12-18-61 to 12-17-62; five learners for normal labor turnover purposes, in the occupations of stringer, tipper, clasper, looper and knotter each for a learning period of 240 hours at the rate of 55 cents an hour (necklaces and earrings).

Caribe Sports Co., Inc., San German, Puerto Rico; effective 12-20-61 to 4-30-62; 27 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator and hand lacer, each for a learning period of 320 hours at the rates of 51 cents an hour for the first 160 hours and 59 cents an hour for the remaining 160 hours; (2) die clicker machine operator, leather stamper, eyeletter, shell lay-off, turning machine operator, final glove lay-off, leather regrader, final inspector, each for a learning period of 160 hours at the rate of 51 cents an hour (baseball gloves and mitts).

Cranbar Corp., Barrio El Tuque, Ponce West Ind. Dev., Ponce, Puerto Rico; effective 1-9-62 to 7-7-62; 210 learners for plant expansion purposes, in any productive factory occupations, except: edge setting or trimming; Goodyear or McKay stitching, top stitching; lasting (except slip lasting); cement-process sole attaching; treeing; upper leather cutting (except lining or trim), vamping; hand-fitting of wood heels, insole or outsole bagger; outsole catcher; channel lipwetter, floorboy or floorgirl; insole presser; rack changer; shover or pusher; sock lining getter; or any non-productive factory occupations, each for a learning period of 480 hours at the rates of 63 cents an hour for the first 240 hours and 73 cents an hour for the remaining 240 hours (rubber and canvas shoes).

Juana Diaz Co., Inc., Ponce, Puerto Rico; effective 1-2-62 to 3-31-62; 40 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres and girdles).

Keystone Fabrics, Inc., Bayamon, Puerto Rico; effective 11-3-61 to 4-23-62; 5 learners for normal labor turnover purposes, in the occupation of machine operator for a learning period of 240 hours at the rate of 59 cents an hour. (Knitted fabrics). (Replacement certificate).

Knitco (P.R.), Inc., Toa Alta, Puerto Rico; effective 1-2-62 to 7-1-62; 10 learners for plant expansion purposes, in the occupations of: (1) knitter, topper, and looper, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher, mender and presser, each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (sweaters).

Knitco (Puerto Rico), Inc., Toa Alta, Puerto Rico; effective 1-2-62 to 1-1-63; 15 learners for normal labor turnover purposes, in the occupations of: (1) knitter, topper and looper, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours, and 92 cents an hour for the remaining 240 hours; (2) machine stitcher, mender and presser, each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (sweaters).

Mariana Marie Shoe Corp., State Road No. 3, Humacao, Puerto Rico; effective 11-20-61 to 5-19-62; 100 learners for plant expansion purposes, in any productive factory occupation, except: edge setting or trimming; Goodyear or McKay stitching; top stitching; lasting (except slip lasting); cement-process sole attaching, treeing; upper leather cutting (except lining or trim); vamping; hand-fitting of wood heels; insole or outsole bagger; outsole catcher; channel lipwetter; floorboy or floorgirl; insole presser; rack changer; shover or pusher; sock lining getter; or any non-productive factory occupations, each for a learning period of 480 hours at the rates of 63 cents an hour for the first 240 hours and 73 cents an hour for the remaining 240 hours (rubber and canvas shoes).

Moda Shoe Corp., Aguadilla, Puerto Rico; effective 12-4-61 to 6-3-62; 10 learners for plant expansion purposes, in any productive factory occupation, except: edge setting or trimming; Goodyear or McKay stitching, top stitching; lasting (except slip lasting); cement-process sole attaching; treeing; upper leather cutting (except lining or trim); vamping; hand-fitting of wood heels; insole or outsole bagger; outsole catcher; channel lipwetter; floorboy or floorgirl, insole presser, rack changer; shover or pusher; sock lining getter; or any non-productive factory occupations, each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (casual footwear and slippers).

Moda Shoe Corp., Aguadilla, Puerto Rico; effective 12-4-61 to 12-3-62; 10 learners for normal labor turnover purposes, in any productive factory occupation, except: edge setting or trimming; Goodyear or McKay stitching; top stitching; lasting (except slip lasting); cement-process sole attaching; treeing; upper leather cutting (except lining or trim); vamping; hand-fitting of wood heels; insole or outsole bagger; outsole catcher; channel lipwetter; floorboy or floorgirl; insole presser; rack changer; shover or pusher; sock lining getter; or any non-productive factory occupations, each for a learning period of 480 hours at the rates of 63 cents an hour for the first 240 hours and 73 cents an hour for the remaining 240 hours (rubber and canvas shoes).

Juana Diaz Co., Inc., Ponce, Puerto Rico; effective 1-2-62 to 3-31-62; 40 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres and girdles).

Keystone Fabrics, Inc., Bayamon, Puerto Rico; effective 11-3-61 to 4-23-62; 5 learners for normal labor turnover purposes, in the occupation of machine operator for a learning period of 240 hours at the rate of 59 cents an hour. (Knitted fabrics). (Replacement certificate).

Knitco (P.R.), Inc., Toa Alta, Puerto Rico; effective 1-2-62 to 7-1-62; 10 learners for plant expansion purposes, in the occupations of: (1) knitter, topper, and looper, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher, mender and presser, each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (sweaters).

Knitco (Puerto Rico), Inc., Toa Alta, Puerto Rico; effective 1-2-62 to 1-1-63; 15 learners for normal labor turnover purposes, in the occupations of: (1) knitter, topper and looper, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours, and 92 cents an hour for the remaining 240 hours; (2) machine stitcher, mender and presser, each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (sweaters).

Mariana Marie Shoe Corp., State Road No. 3, Humacao, Puerto Rico; effective 11-20-61 to 5-19-62; 100 learners for plant expansion purposes, in any productive factory occupation, except: edge setting or trimming; Goodyear or McKay stitching; top stitching; lasting (except slip lasting); cement-process sole attaching, treeing; upper leather cutting (except lining or trim); vamping; hand-fitting of wood heels; insole or outsole bagger; outsole catcher; channel lipwetter, floorboy or floorgirl; insole presser; rack changer; shover or pusher; sock lining getter; or any non-productive factory occupations, each for a learning period of 480 hours at the rates of 63 cents an hour for the first 240 hours and 73 cents an hour for the remaining 240 hours (rubber and canvas shoes).

Juana Diaz Co., Inc., Ponce, Puerto Rico; effective 1-2-62 to 3-31-62; 40 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres and girdles).

Keystone Fabrics, Inc., Bayamon, Puerto Rico; effective 11-3-61 to 4-23-62; 5 learners for normal labor turnover purposes, in the occupation of machine operator for a learning period of 240 hours at the rate of 59 cents an hour. (Knitted fabrics). (Replacement certificate).

Knitco (P.R.), Inc., Toa Alta, Puerto Rico; effective 1-2-62 to 7-1-62; 10 learners for plant expansion purposes, in the occupations of: (1) knitter, topper, and looper, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher, mender and presser, each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (sweaters).

Knitco (Puerto Rico), Inc., Toa Alta, Puerto Rico; effective 1-2-62 to 1-1-63; 15 learners for normal labor turnover purposes, in the occupations of: (1) knitter, topper and looper, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours, and 92 cents an hour for the remaining 240 hours; (2) machine stitcher, mender and presser, each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (sweaters).

Mariana Marie Shoe Corp., State Road No. 3, Humacao, Puerto Rico; effective 11-20-61 to 5-19-62; 100 learners for plant expansion purposes, in any productive factory occupation, except: edge setting or trimming; Goodyear or McKay stitching; top stitching; lasting (except slip lasting); cement-process sole attaching, treeing; upper leather cutting (except lining or trim); vamping; hand-fitting of wood heels; insole or outsole bagger; outsole catcher; channel lipwetter, floorboy or floorgirl; insole presser; rackchanger, shover; or pusher; sock lining getter; or any non-productive factory occupations, each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (casual footwear and slippers).

Overseas Sports Co., Inc., Mayaguez, Puerto Rico; effective 12-20-61 to 12-19-62; 30 learners for normal labor turnover purposes, in the occupation of handsewing of baseballs and softballs for a learning period of 320 hours at the rates of 51 cents an hour for the first 160 hours and 59 cents an hour for the remaining 160 hours (baseballs and softballs).

Playmaster Co., Inc., Cayey, Puerto Rico; effective 1-8-62 to 1-7-63; 3 learners for normal labor turnover purposes, in the occupation of baseball hand sewer for a learning period of 320 hours at the rates of 51 cents an hour for the first 160 hours and 59 cents an hour for the remaining 160 hours (baseballs).

Porto Corp., Division "A", Utuado, Puerto Rico; effective 12-26-61 to 12-25-62; 17 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 65 cents an hour (men's and boys' T-shirts).

Risotex, Inc., Cayey, Puerto Rico; effective 11-3-61 to 4-17-62; 5 learners for normal labor turnover purposes, in the occupations of winding and crimping and twisting, each for a learning period of 240 hours at the rates of 65 cents an hour (yarn) (replacement certificate).

Willida, Inc., Km. 23.4 State Road No. 1, Ponce, Puerto Rico; effective 1-3-62 to 7-2-62; 35 learners for plant expansion purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rate of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 19th day of February 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-1794; Filed, Feb. 21, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 19, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37563: *Substituted service—central and southern territory.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 72), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between points in southern territory, on the one hand, and points in central territory and other points in the United States, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Central and Southern Motor Freight Tariff Association, Incorporated tariff MF-I.C.C. 258.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-1817; Filed, Feb. 21, 1962; 8:49 a.m.]

ORGANIZATION MINUTES

Rehearing and Further Proceedings

FEBRUARY 19, 1962.

The Interstate Commerce Commission has amended its Organization Minutes, being assignment of work, business and functions pursuant to section 17 of the Interstate Commerce Act, as amended, issue of March 7, 1961, revised to May 1, 1961 (26 F.R. 4773, 5167, 8434, and 10991 and 27 F.R. 1234), as follows:

Under the heading *Rehearing and Further Proceedings*, Item 8.3, has been amended effective February 22, 1962, to read as follows:

8.3 Petitions for rehearing, reconsideration or further hearing in respect of any order, decision, or requirement of a division shall be considered and disposed of by the division (acting as an appellate division) as constituted at the time the petition is circulated for action; provided, that in cases in respect of which it has been determined and announced by the Commission that issues of general transportation importance are involved, such petition shall be considered and disposed of by the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-1828; Filed, Feb. 21, 1962; 8:49 a.m.]

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 8, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Barley Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 5195, 5565, 7007, 7572, 8097, 8559, 8906, 11233, 12157, and 27 F.R. 557 and 1407, containing the specific requirements for the 1961-crop barley price support program are hereby amended as follows:

Section 421.187(b) is amended by increasing the following basic county support rates:

WYOMING

County:	Rate per bushel From—	To—
Lincoln	$0.70	$0.71
Sublette	.70	.72
Sweetwater	.70	.73
Uinta	.70	.73

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714, 7 U.S.C. 1421, 1441, 1442)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 20, 1962.

EMERY E. JACOBS,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-1884; Filed, Feb. 23, 1962; 8:49 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 8, Wheat]

PART 421—GRAIN AND RELATED COMMODITIES

Subpart—1961-Crop Wheat Loan and Purchase Agreement Program

SUPPORT RATES

Correction

In F.R. Doc. 62-1526, appearing at page 1408 of the issue for Thursday, February 15, 1962, the following correction is made in the tabular material for Eagle County, Colorado: In the "Rate per bushel: From—" column, the entry should read "1.53" instead of "1.52".

PART 464—TOBACCO

Subpart—Tobacco Loan Program

SCHEDULES OF ADVANCE RATES BY GRADE

Set forth below are schedules of advance rates, by grades, for the 1961 crop of types 32 and 46 tobacco under the tobacco loan program published July 6, 1960 (25 F.R. 6323).

§ 464.1351 1961 crop; Maryland tobacco, type 32, advance schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate	Grade	Advance rate
B1F	76.12	T4K	29.12	X5L	37.12
B2F	74.12	T5K	23.12	X1F	73.12
B3F	70.12	T4G	25.12	X2F	69.12
B4F	66.12	T5G	23.12	X3F	64.12
B5F	55.12	C1L	81.12	X4F	53.12
B1R	60.12	C2L	79.12	X5F	38.12
B2R	55.12	C3L	74.12	X3R	53.12
B3R	46.12	C4L	66.12	X4R	40.12
B4R	35.12	C5L	62.12	X5R	28.12
B5R	30.12	C1F	83.12	X3V	51.12
B3V	53.12	C2F	80.12	X4V	38.12
B4V	43.12	C3F	75.12	X5V	28.12
B5V	30.12	C4F	72.12	X3K	43.12
B3D	31.12	C5F	66.12	X4K	34.12
B4D	26.12	C3R	70.12	X5K	25.12
B5D	24.12	C4R	65.12	X4D	27.12
B3K	39.12	C5R	51.12	X5D	23.12
B4K	36.12	C3V	66.12	X4G	25.12
B5K	26.12	C4V	55.12	X5G	23.12
B3G	29.12	C5V	38.12	P3L	47.12
B4G	25.12	C4D	39.12	P4L	37.12
B5G	23.12	C5D	29.12	P5L	24.12
T3F	61.12	C3K	50.12	P3F	47.12
T4F	53.12	C4K	45.12	P4F	37.12
T5F	38.12	C5K	35.12	P5F	24.12
T3R	41.12	C4G	32.12	P4R	27.12
T4R	34.12	C5G	28.12	P5R	23.12
T5R	25.12	X1L	73.12	N1L	21.12
T4V	34.12	X2L	69.12	N1R	22.12
T5V	26.12	X3L	64.12	N1F	22.12
T4D	25.12	X4L	52.12	N1G	22.12
T5D	23.12				

§ 464.1352 1961 crop; Puerto Rican tobacco, type 46, advance schedule.[2]

[Dollars per hundred pounds, farm sales weight]

Grade	Price block	Advance rate
C1F, C1P, X1P, X1F, X1S, X2P, X2F, X2T, X2S, N	I	38
	II	26
	III	17
	IV	14

[1] The advance rate for each grade of any tobacco classified as type 32b will be 75 percent, rounded to the nearest dollar, of the rate designated for such grade of regular type 32 tobacco. Tobacco graded N2 (second quality nondescript), scrap, No-G (no grade), "W" (doubtful keeping order), or "U" (unsound) will not be accepted. Only the original producer is eligible to receive advances. The cooperative associations through which price support is made available are authorized to deduct from the amount paid to growers 12 cents per hundred pounds to apply against overhead costs.

[2] The cooperative associations through which price support is made available to growers are authorized to deduct $1.00 per hundred pounds from the advances to growers to apply against overhead and handling costs. Tobacco is eligible for advances only if consigned by the original producer. No advance is authorized for scrap or tobacco designated as "No-G".

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054; 74 Stat. 6; 15 U.S.C. 714c, 7 U.S.C. 1441, 1445, 1421, 1423; sec. 125, 70 Stat. 198, 7 U.S.C. 1813)

Effective date. Date of signature.

Signed at Washington, D.C., on February 20, 1962.

EMERY E. JACOBS,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-1885; Filed, Feb. 23, 1962; 8:49 a.m.]

SUBCHAPTER C—EXPORT PROGRAMS

[Rev. 1, Amdt. 8]

PART 483—WHEAT AND FLOUR

Subpart—Flour Export Program—Cash Payment (GR-346) Terms and Conditions

MISCELLANEOUS AMENDMENTS

The Terms and Conditions of the Flour Export Program—Cash Payment (GR-346) (25 F.R. 5816), as amended (25 F.R. 9939) and (25 F.R. 10758), are further amended in order to remove from eligibility for an export payment any flour which is milled from Durum wheat and to revise certain reporting requirements of the regulations.

§ 483.222 [Amendment]

Section 483.222 *Conversion factors*, paragraph (a) is amended to read as follows:

(a) The following conversion factors shall be applied to the announced rate to determine the rate applicable to each item not milled from Durum wheat:

	Rate factor
Wheat flour (including clears), derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 72-percent extraction operation	1.000
Farina and semolina milled from other than Durum wheat	1.000
Wheat flour, derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing an 80-percent extraction operation	.921
Bulgur (85-percent extraction operation)	.872
Wheat flour, derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 90-percent extraction operation	.823
Whole wheat flour	.726

§ 483.225 [Amendment]

Section 483.225 *Notice of Sale*, paragraph (b), subparagraph (3) is amended to read as follows:

(3) Contract quantity in net hundredweight. When the sale involves flour milled in part from Durum wheat, the exporter shall also furnish the quantity in net hundredweight of flour to be milled from Durum wheat.

Section 483.225 *Notice of Sale*, paragraph (b) is further amended by adding a new subparagraph (9) to read as follows:

(9) Coast of export; or coasts of export when prices covering exportation of flour from optional coasts is provided for in the contract between the exporter and the foreign buyer.

Present subparagraph (9) of paragraph (b) is amended only to the extent of renumbering it as subparagraph (10) as follows:

(10) Such additional information in individual cases as may be requested by the Director.

§ 483.227 [Amendment]

Section 483.227 *Declaration of Sale and evidence of sale*, paragraph (b), subparagraph (8) is amended to read as follows:

(8) Type and extraction of flour, the class of wheat from which the flour was milled and the approximate ash content must be shown. For example: "Hard Spring 0.48 Ash". For blended flours, the most predominant class of wheat contained in the blend should be shown and the quantity of flour if any, in net hundredweight to be milled from Durum wheat. For example: "blended (predominantly) Hard Winter 0.70 Ash".

Subparagraph (10) of this paragraph is also amended to read as follows:

(10) Coast of export; or coasts of export when prices covering exportation of flour from optional coasts in provided for in the contract between the exporter and the foreign buyer.

§ 483.228 [Amendment]

Section 483.228 *Notice of Export*, paragraph (b) is amended to read as follows:

(b) *Information required.* The Notice of Export shall contain the following information.

(1) Registration Number.
(2) Date of Preparation.
(3) Total quantity in net hundredweight actually loaded on all shipments made in connection with the applicable Declaration of Sale.
(4) Country of destination.
(5) Date of export of final shipments.
(6) The U.S. coastal area or areas from which the flour was exported. If more than one coastal area is involved, the quantity exported from each coast should be shown on the reverse side of the form.
(7) Name and address of the exporter.
(8) Signature and title of the person who prepared the form.
(9) If more than one class of wheat or extraction rate is involved, quantities milled from each class of wheat shall be shown separately on the reverse side of the form.
(10) Where blended flour was exported which in part was milled from Durum wheat, the exporter shall show on the reverse side of the form the percentage of flour exported (not eligible for export payment) which was milled from Durum wheat as well as the percentage of flour exported which was milled from other classes of wheat.

§ 483.246 [Amendment]

Section 483.246 *Documents required as evidence of export*, paragraph (a), subparagraph (4) is amended to read as follows:

(4) A certification by the exporter that the flour for which export payment is claimed is the same flour which is described in the Declaration of Sale and which is covered by the evidence of export referred to in subparagraph (1) or (2) of this paragraph, and a certification of the weight of any enrichments or other additives to the flour in excess of one-half of one percent of the combined net weight of the flour and additives. If the flour for which payment is claimed was milled in part from Durum wheat, exporter shall furnish a certification as to the percentage of flour milled from Durum wheat and the percentage of flour milled from other classes of wheat. If the flour has no Durum wheat content, the exporter shall so certify.

Section 483.291 *Flour*, is amended to read as follows:

§ 483.291 Flour.

"Flour" means wheat flour, except flour, semolina or any product milled from Durum wheat, processed in the United States or Puerto Rico from wheat as defined in the Official Grain Standards of the United States and grown in the United States and shall include whole wheat flour, malted wheat flour, self-rising flour, semolina milled from other than Durum wheat, farina and bulgur, but shall not include wheat products produced during a continuing process of manufacturing processed wheat products other than flour; nor flour mixes unless composed entirely of wheat flour, except for additives. The flour shall be such as not to be in conflict with the laws of the country to which it is intended for export. As used herein, the word bulgur means the food product prepared from wheat by scouring, tempering, cooking (steaming under pressure), drying, and removing the bran coat. The quantity of flour exported which is eligible for export payment shall be determined by deducting from the net weight of the shipment, the weight of any enrichment, or other additive (including Creta Praeperata), in excess of one-half of one percent of the combined net weight of the flour and additive. (See sec. 483.222 with regard to eligibility of particular types of flour for particular rates of payment.)

The effective date is the date on which this amendment is filed for public inspection by the Office of the Federal Register.

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Secs. 4, 5, 62 Stat. 1070, 1072, sec. 2, 63 Stat. 945, as amended, 15 U.S.C. 714b, 714c, 7 U.S.C. 1641)

Signed at Washington, D.C., on February 20, 1962.

EMERY E. JACOBS,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-1886; Filed, Feb. 23, 1962; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 8]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.308 Navel Orange Regulation 8.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 20, 1962.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 25, 1962, and ending at 12:01 a.m., P.s.t., March 4, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 400,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 21, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-1935; Filed, Feb. 23, 1962; 8:51 a.m.]

[Valencia Orange Reg. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.301 Valencia Orange Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 20, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 25, 1962, and ending at 12:01 P.s.t., March 4, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: Unlimited movement;
(iii) District 3: 65,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 21, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-1936; Filed, Feb. 23, 1962; 8:51 a.m.]

[Lemon Reg. 6, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1) of § 910.306 (Lemon Reg. 6, 27 F.R. 1007) are hereby amended to read as follows:

(1) During the period beginning at 12:01 a.m., P.s.t., February 25, 1962, and ending at 12:01 a.m., P.s.t., June 3, 1962, no handler shall handle any lemons, grown in District 1, District 2, or District 3, which are of a size smaller than 1.82 inches in diameter, which shall be the largest measurement at right angles to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the lemons in any type of container may measure less than 1.82 inches in diameter.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 21, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-1937; Filed, Feb. 23, 1962; 8:51 a.m.]

[Lemon Reg. 9]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.309 Lemon Regulation 9.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 20, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., February 25, 1962, and ending at 12:01 a.m., P.s.t., March 4, 1962, are hereby fixed as follows:

(i) District 1: 4,650 cartons;

(ii) District 2: 204,600 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 21, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–1938; Filed, Feb. 23, 1962; 8:51 a.m.]

[Grapefruit Reg. 3]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.303 Grapefruit Regulation 3.

(a) *Findings.* (1) Pursuant to the marketing agreement and order (7 CFR Part 912; 27 F.R. 87) regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 21, 1962.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., February 26, 1962, and ending at 12:01 a.m., e.s.t., March 5, 1962, is hereby fixed at 170,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 21, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–1939; Filed, Feb. 23, 1962; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–351]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS, AND MEMORANDA

Preservation of Records by Supplemental Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of February 1962.

The Board by publication in the FEDERAL REGISTER, 26 F.R. 9753, and by circulation of Economic Draft Release EDR–36, dated October 12, 1961, Docket 13106, gave notice that it was proposing an amendment to § 249.8 of Part 249, (14 CFR Part 249) of its Economic Regulations which would inter alia require supplemental air carriers to preserve ticket records at their principal office.

In response to the notice, the Board received comments from two supplemental carriers. One comment opposed the amendment on the ground that it would result in the carrier's maintaining duplicate records, which would substantially and unnecessarily increase its operating costs and administrative burden. This carrier contends that the Federal Aviation Agency requires carriers to preserve many of the records set forth in § 249.8, Item 1(a) at the carrier's "principal maintenance base," while the proposed amendment would require that they be maintained at the carrier's "principal office." Thus, where a carrier's "principal office" is different from its "principal maintenance base" duplicate records would have to be preserved.

The primary purpose of this amendment is to require carriers to preserve their ticket records at a central point in order to make inspection of such records less difficult by the Board's staff. Usually such records are preserved at the carrier's "principal office" and this was the reason the Board in the proposed amendment designated the principal offices as the point where such records would be preserved. However, air carriers who can demonstrate that unusual circumstances exist which warrant a departure from this rule may, pursuant to § 249.4, file a request with the Board for a waiver from this requirement.

A comment was received urging the Board to adopt a one-year retention period in lieu of the present three-year retention period for records, particularly ticket records, required to be preserved under Item 1(a) of § 249.8. It is alleged that such records require an inordinately large filing or storage space. The Board cannot accede to this contention. In the first instance, the records required to be preserved under Item 1(a) are not voluminous and require a relatively small storage area. Secondly, these records, particularly the ticket records, are used to check flight frequencies of supplemental carriers. The Board has found that sometimes, when an enforcement problem is involved, such checks must be made as late as three years after the date the tickets were used.

Interested persons have been afforded an opportunity to participate in this rule-making proceeding and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Board hereby amends § 249.8 of Part 249 of the Board's Economic Regulations (14 CFR Part 249), effective March 26, 1962, as follows:

1. By amending the last sentence of the introductory paragraph of § 249.8 to read: "All records of the categories set forth in this section shall be preserved, for the duration of the retention periods set forth below, at the carrier's principal office, which office shall be the same as that shown on the carrier's current CAB Form 242."

2. By amending § 249.8, Item 1(a) of the "Category of Records" to read: "As related to statistical reports (including copies of flight and auditor's coupons) • • • 3 years."

NOTE: The record-retention requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 407 of the Act, 72 Stat. 766; 49 U.S.C. 1377)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62–1883; Filed, Feb. 23, 1962; 8:49 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–FW–101]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration of Description

On December 5, 1961, Airspace Docket No. 61–FW–101 was published in the FEDERAL REGISTER (26 F.R. 11484) amending § 600.6280 of the regulations of the Administrator by altering VOR Federal airway No. 280 from the El Paso, Texas, VORTAC via the intersection of the El Paso VORTAC 093° and the Clint, Texas, VOR 037° radials; to the Pinon, N. Mex., VOR. This amendment was effective January 11, 1962.

It has been determined that the Clint VOR 037° radial is in error and that the correct radial should be the 038° radial from the Clint VOR. Therefore, action is taken herein to alter the description of Victor 280 accordingly.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following action is taken:

In the text of § 600.6280 (14 CFR 600.6280, 26 F.R. 11484) "From the INT of the El Paso, Texas, VORTAC, via the INT of the El Paso VORTAC 093° and the Clint, Texas, VOR 037° radials;" is deleted and "From the El Paso, Texas, VORTAC via the INT of the El Paso VORTAC 093° and the Clint, Texas, VOR 038° radials;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., April 5, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 19, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–1877; Filed, Feb. 23, 1962; 8:48 a.m.]

[Airspace Docket No. 62–NY–7]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2462 of the regulations of the Administrator is to alter the time of designation of the Ithaca, N.Y., control zone.

The Ithaca control zone is designated from 0500 to 2400 hours daily, local standard time. Due to a change in the hours during which weather reporting service is available at the Tompkins County Airport, the Federal Aviation Agency is changing the time of designation of this control zone. Therefore, action is taken herein to change the time of designation of the Ithaca control zone from 0500 to 2400 hours daily to 0600 to 2300 hours Monday through Friday, 0600 to 2100 hours Saturday and 0900 to 2300 hours Sunday, local time.

Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2462 (26 F.R. 1908, 3852, 4931) is amended to read:

§ 601.2462 Ithaca, N.Y., Control zone.

Within a 5-mile radius of the Tompkins County Airport latitude 42°29'25" N., longitude 76°27'30" W.), and within 2 miles either side of the 305° radial of the Ithaca VOR extending from the 5-mile radius zone to 12 miles NW of the VOR, excluding the area bounded by a line parallel to and 1,500 feet E of the Ithaca Municipal Airport runway and a line ½ mile N of the runway at 090° to the runway centerline extended. This control zone shall be effective from 0600 to 2300 hours Monday through Friday, 0600 to 2100 hours Saturday and 0900 to 2300 hours Sunday, local time.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 19, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–1876; Filed, Feb. 23, 1962; 8:48 a.m.]

[Airspace Docket No. 60–AN–19]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.22 of the regulations of the Administrator is to change the designated altitude of the Yukon, Alaska, Restricted Area R–2205.

The Department of the Army has advised that the designated altitude of R–2205 may be reduced from "80,000 feet MSL" to "36,000 feet MSL"; therefore, action is taken herein to reflect this change in the designated altitudes of R–2205.

Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 608.22 Alaska, R–2205 Yukon, Alaska (26 F.R. 12284), "Designated alti-

tudes. Surface to 80,000 feet MSL." is deleted and "Designated altitudes. Surface to 36,000 feet MSL." is substituted therefor.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 19, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-1878; Filed, Feb. 23, 1962; 8:48 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

SUBCHAPTER G—APPROVED FORMS, NATURAL GAS ACT

[Docket No. R-201; Order 239A]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Revising Schedule Pages of Annual Report Form for Natural Gas Companies; Correction

FEBRUARY 15, 1962.

Revision of Annual Report Form Prescribed for Class A and Class B Natural Gas Companies Subject to the Natural Gas Act, F.P.C. Form No. 2.

Order Revising Schedule Pages of Annual Report Form, F.P.C. Form No. 2, For Natural Gas Companies, issued January 26, 1962, and published in the FEDERAL REGISTER on February 2, 1962 (F.R. Doc. 62-1066; 27 F.R. 970): Under finding (1) of the January 26, 1962 order change the words "Federal Power Act" to read "Natural Gas Act".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1853; Filed, Feb. 23, 1962; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55570]

PART 16—LIQUIDATION OF DUTIES

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

Miscellaneous Amendments

To emphasize that the provision of § 16.3(d) providing for liquidation under the entry for rewarehousing of certain articles subject to import tax withdrawn from warehouse for bonded transportation to and entry for rewarehousing elsewhere requires that such articles be excluded from the liquidation of the warehouse entry from which such withdrawal was made, § 16.3(d) is amended by adding a new sentence to read: "Any such articles so withdrawn shall be excluded from the liquidation of the original warehouse entry."

(R.S. 161, as amended, 251, secs. 505, 624, 46 Stat. 732, 759; 5 U.S.C. 22, 19 U.S.C. 66, 1505, 1624)

The references in § 19.14(d) to premises covered by an internal revenue bond are no longer current. Accordingly, "the bonded premises of a distilled spirits plant" is substituted for "an internal revenue bonded warehouse" and "a bonded wine cellar" is substituted for "internal revenue bonded winery or bonded wine storeroom" so that paragraph (d) will read:

(d) For the transfer of domestic spirits from the bonded premises of a distilled spirits plant to a bonded manufacturing warehouse, or for the transfer of domestic wines from a bonded wine cellar to a bonded manufacturing warehouse, a bond on customs Form 7571 shall be required unless the warehouse is covered by a bond on customs Form 3583.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: February 14, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-1872; Filed, Feb. 23, 1962; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

TETRADIFON

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Phillips-Duphar, Weesp, The Netherlands, and other relevant material, has concluded that the following amendment to § 121.1038 of the food additive regulations should issue with respect to residues of tetradifon (2,4,5,4'-tetrachlorodiphenyl sulfone) in or on dried tea. Such residues have been shown to occur from application of the pesticide chemical to the growing crop under good agricultural practice where there is an interval of 7 days between the last application of the pesticide and plucking. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended by changing the section heading and the introduction to the section and by adding to § 121.1038 (21 CFR 121.1038; 26 F.R. 8971) a tolerance for residues of 2,4,5,4'-tetrachlorodiphenyl sulfone in or on dried tea. As amended, the affected portions of this section read as follows:

§ 121.1038 Tetradifon.

Tolerances are established for residues of tetradifon (2,4,5,4'-tetrachlorodiphenyl sulfone) when present as a result of its application as a pesticide chemical to growing agricultural crops, as follows:

* * * * *

8 parts per million in or on dried tea.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4))

Dated: February 16, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-1871; Filed, Feb. 23, 1962; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTI-OFFSET SUBSTANCES ON PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 592) filed by Mearingstar-Paisley, Inc., 630 West Fifty-first Street, New York 19, New York, and other relevant material, has concluded that the following regulation should issue with respect to the food additives methyl hydrogen polysiloxane and zinc-2-ethyl-hexoate as components of anti-offset substances used in the processing of paper and paperboard used in food packaging. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2537 Anti-offset substances.

Substances named in paragraphs (b) and (c) of this section may be safely used to prevent the transfer of inks employed in printing and decorating paper and paperboard used for food packaging in accordance with the provisions of this section:

(a) The substances are applied to the nonfood contact, printed side of the paper or paperboard in an amount not greater than that required to accomplish the technical effect nor greater than any specific limitations, where such are provided.

(b) Anti-offset powders are prepared from substances that are generally recognized as safe in food, substances for which prior sanctions or approvals were granted and which are used in accordance with the specific provisions of such sanction or approval, and substances named in paragraph (c) of this section.

(c) The substances permitted are as follows:

Substances	Limitations
Carbon tetrachloride	
Methyl hydrogen polysiloxanes	
Industrial starch—modified	Complying with § 121.2506.
Tin oleate	
Zinc-2-ethyl hexoate	

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 16, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-1870; Filed, Feb. 23, 1962; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN CONTAINING DRUGS

Bacitracin- (or Zinc Bacitracin-) Neomycin-Polymyxin Powder Topical; Change in Expiration Date

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for certification of bacitracin and bacitracin-containing drugs (21 CFR 146e.430; 26 F.R. 2596, 6198) are amended as set forth below:

In § 146e.430, paragraph (c)(1)(iv) is amended by changing the words "18 months after" to read "18 months, or 24 months after". As amended, paragraph (c)(1)(iv) reads as follows:

§ 146e.430 Bacitracin - neomycin - polymyxin powder topical; zinc bacitracin-neomycin-polymyxin powder topical.

* * * * *

(c) *Labeling.* * * *

(1) * * *

(iv) The statement "Expiration date _____," the blank being filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18 months, or 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: February 16, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-1869; Filed, Feb. 23, 1962; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2613]

[1825382]

NEVADA

Amending Certain Orders Which Withdrew Lands for Use of the War Department for Military Purposes (Nellis Bombing and Gunnery Range; Indian Springs Air Force Base)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Orders No. 8578 of October 29, 1940, as amended; No. 9019 of January 12, 1942; and No. 9086 of March 4, 1942; and Public Land Orders No. 58 of November 12, 1942; No. 89 of February 10, 1943; and No. 168 of September 17, 1943, which withdrew public lands in Nevada for use of the War Department for military purposes, are hereby amended to the extent necessary to delete therefrom the following paragraph, added by Executive Order No. 9526 of February 28, 1945, to the first five orders recited in this paragraph, and appearing in Public Land Order No. 168:

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

2. The orders of withdrawal referred to in Paragraph 1, above, are hereby further amended by substituting the words "Department of the Air Force" for the words "War Department" wherever they appear.

3. Use of the lands in the Desert Game Range by the Department of the Air Force shall be in accordance with the Memorandum of Understanding approved by the Secretary of the Air Force and the Acting Secretary of the Interior, on December 8, 1960, and January 20, 1961, respectively.

4. The Department of the Interior shall retain jurisdiction of the mineral and vegetative resources of the lands.

5. Authority to change the use specified in the orders of withdrawal, supra, or to grant rights to others to use the lands, including grants of leases, licenses, easements and rights-of-way but excluding permits revocable at will, is reserved to the Secretary of the Interior or his delegate.

6. The jurisdiction and use granted to the Department of the Air Force by the withdrawal orders referred to in Paragraph 1 hereof, shall be limited to those activities which are related directly to military purposes, and shall continue for a period of 10 years with an option to renew the withdrawal and reservation for a period of 5 years upon notice to the Secretary of the Interior, and subject to the condition that the reservation may be terminated at any time during either of such periods by the Secretary of the Interior upon notice from the Secretary of the Air Force that the reservation is no longer needed for military purposes.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

FEBRUARY 16, 1962.

[F.R. Doc. 62-1859; Filed, Feb. 23, 1962; 8:46 a.m.]

[Public Land Order 2614]

[Sacramento 063392]

CALIFORNIA

Order Opening Reclamation Lands to Location, Entry, and Patenting Under General Mining Laws

By virtue of the authority contained in the Act of April 23, 1932 (47 Stat. 136; 43 U.S.C. 154), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the public lands in the following-described area shall at 10:00 a.m., on March 24, 1962, be open to location, entry, and patenting under the United States mining laws, subject to the stipulations quoted below, to be executed and acknowledged in favor of the United States by the locators, for themselves, their heirs, successors and assigns, and recorded in the county records, and in the United States Land Office at Sacramento, California, before any rights attach by virtue of this order:

MOUNT DIABLO MERIDIAN

T. 33 N., R. 6 W.,
Sec. 24.

Containing approximately 301 acres of public land.

The following stipulations are made a part of this order:

1. Such physical facilities shall be constructed and such other action taken as may be found necessary by, and satisfactory to, the Secretary of the Interior, to prevent any sedimentary, deleterious or toxic materials resulting from mining operations from entering Spring Creek and Keswick Reservoirs. All plans for preventing such pollution of the stream and reservoir shall be submitted to the Secretary of the Interior for prior approval and any necessary pollution prevention structures shall be built before any removal of minerals.

2. All necessary and feasible steps shall be taken to preserve the existing vegetation on the lands and to replant in kind and/or replace any destroyed vegetation as soon as mining operations permit.

3. Erosion control measures satisfactory to the Secretary of the Interior shall be instituted and maintained during the existence of mining operations.

4. Before commencement of mining operations, evidence shall be filed with the Land Office of the Bureau of Land Management of approval by the California Water Pollution Control Board of the operator's plan of operations under its general rules.

5. Upon cessation of mining, the area of operations shall be left in such condition as shall be determined to be satisfactory by the Secretary of the Interior, so that no detrital materials or toxic substances can enter the creeks draining the area into Keswick Reservoir.

6. All provisions of the Act of July 23, 1955 (Public Law 167), shall be adhered to.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

FEBRUARY 16, 1962.

[F.R. Doc. 62-1860; Filed, Feb. 23, 1962; 8:46 a.m.]

[Public Land Order 2615]

[88120]

CALIFORNIA, WYOMING, AND NEW MEXICO

Excluding Lands From Certain National Forests; Adding Lands to the Tahoe National Forest

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, and upon recommendation of the Secretary of Agriculture, it is ordered as follows:

1. The following described lands are hereby excluded from the national forests hereafter named, and the boundaries of the said forests are adjusted accordingly:

CALIFORNIA

LOS PADRES NATIONAL FOREST

T. 21 S., R. 5 E.,
Sec. 13, lots 2, 3, and 4;
Sec. 14, lots 1, 2, 3, and 4;
Sec. 15, lots 1, 2, and 3, those portions, if any, which may lie east of the ridge between Santa Lucia Creek (also known as Sycamore Creek) and Rattlesnake Creek;
Sec. 35, S½SE¼ and SE¼SW¼.
T. 22 S., R. 5 E.,
Secs. 1 and 2;
Sec. 3, that part in the drainage area of Wizard Gulch;
Secs. 10 to 13, inclusive;
Secs. 14, 15, 23, and 24, those parts lying northerly of a line parallel with and distant 600 feet northerly of the road along the Nacimiento River;
Sec. 16, E½E½NE¼;
Sec. 36, SE¼SE¼.
T. 23 S., R. 5 E.,
Secs. 1 and 2;
Secs. 3, 4, 10, and 11, those parts lying in the drainage area of San Miguel Creek;
Sec. 12;
Secs. 13 and 14, those parts lying in the drainage area of San Miguel Creek;
Sec. 36, that part lying in the drainage of the Nacimiento River.
T. 21 S., R. 6 E.,
Secs. 31 and 32 (fractional).
T. 22 S., R. 6 E.,
Secs. 4 and 5 (fractional);
Secs. 6, 7, and 8;
Sec. 9 (fractional);
Secs. 17 and 18;
Sec. 19, that part lying north and east of a line parallel with and distant 600 feet northerly and easterly of the road along the Nacimiento River;
Sec. 20;
Secs. 21 and 28 (fractional);
Secs. 29 and 30, those parts lying northerly and easterly of a line parallel with and distant 600 feet northerly and easterly of the road along the Nacimiento River;
Sec. 31, that part lying south and east of Slick Rock Creek;
Secs. 32 and 33 (fractional).
Tps. 23 and 24 S., R. 6 E.,
Those parts lying in the drainage of Nacimiento River.
T. 23 S., R. 7 E.,
Secs. 31 and 32 (fractional).
T. 24 S., R. 7 E.,
Secs. 4 and 5 (fractional);
Secs. 6, 7, and 8;
Secs. 9, 10, 11, and 14 (fractional);
Secs. 15, 16, and 17;
Secs. 18, 19, and 20, those parts lying in the drainage of Nacimiento River;
Secs. 21, 22, and 23.

The areas described aggregate approximately 75,373 acres. They comprise former national forest lands transferred from the Department of Agriculture to the Department of the Army under the provisions of the act of July 25, 1956 (70 Stat. 656); and acquired lands of the Department of the Army. They are now a part of the Hunter-Liggett Military Reservation.

WYOMING

BRIDGER NATIONAL FOREST

Sixth Principal Meridian

T. 34 N., R. 108 W.,
Sec. 27, SE¼SW¼.

The area described, contains 40 acres. The lands are patented under the Stock Raising Homestead Act with a reservation of the minerals to the United States.

NEW MEXICO

GILA NATIONAL FOREST

T. 11 S., R. 8 W.,
Sec. 21, E½NE¼ and NW¼NE¼;
Sec. 22, NW¼.

The areas described aggregate 280 acres. The lands are patented without mineral reservation.

2. The boundaries of the Tahoe National Forest, California, are hereby extended to include the following described lands, as authorized by the act of February 20, 1925 (43 Stat. 952):

MOUNT DIABLO MERIDIAN

T. 14 N., R. 10 E.,
Sec. 25, lots 8 and 9.

Containing 16.81 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

FEBRUARY 16, 1962.

[F.R. Doc. 62-1861; Filed, Feb. 23, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 31, 41, 45, 46, 48, 49, 179, 194, 196, 197, 201, 245, 301]

REGULATIONS RELATING TO USE OF IDENTIFYING NUMBERS

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1), the Highway Motor Vehicle Use Tax Regulations (26 CFR Part 41), the Miscellaneous Stamp Tax Regulations (26 CFR Part 45), the Regulations Relating to Miscellaneous Excise Taxes Payable by Return (26 CFR Part 46), the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48), the Facilities and Services Excise Tax Regulations (26 CFR Part 49), the regulations relating to Machine Guns and Certain Other Firearms (26 CFR Part 179), the regulations relating to Liquor Dealers (26 CFR Part 194), the regulations relating to Stills (26 CFR Part 196), the regulations relating to Drawback on Distilled Spirits Used in Manufacturing Nonbeverage Products (26 CFR Part 197), the regulations relating to Distilled Spirits Plants (26 CFR Part 201), the regulations relating to Beer (26 CFR Part 245), and the Regulations on Procedure and Administration (26 CFR Part 301), to the amendments made to the Internal Revenue Code of 1954 by the Act of October 5, 1961 (Public Law 87-397, 75 Stat. 828), authorizing the requirement of identifying numbers, and in order to make changes relating to identifying numbers in the Employment Tax Regulations (26 CFR Part 31), the regulations are amended as follows:

Income Tax (26 CFR Part 1):

PARAGRAPH 1. Immediately after § 1.6102-1 there are inserted the following new sections:

§ 1.6109 Statutory provisions; identifying numbers.

SEC. 6109. *Identifying numbers*—(a) *Supplying of identifying numbers.* When required by regulations prescribed by the Secretary or his delegate:

(1) *Inclusion in returns.* Any person required under the authority of this title to make a return, statement, or other document shall include in such return, statement, or other document such identifying number as may be prescribed for securing proper identification of such person.

(2) *Furnishing number to other persons.* Any person with respect to whom a return, statement, or other document is required under the authority of this title to be made by another person shall furnish to such other person such identifying number as may be prescribed for securing his proper identification.

(3) *Furnishing number of another person.* Any person required under the authority of this title to make a return, statement, or other document with respect to another person shall request from such other person, and shall include in any such return, statement, or other document, such identifying number as may be prescribed for securing proper identification of such other person.

(b) *Limitation.* (1) Except as provided in paragraph (2), a return of any person with respect to his liability for tax, or any statement or other document in support thereof, shall not be considered for purposes of paragraphs (2) and (3) of subsection (a) as a return, statement, or other document with respect to another person.

(2) For purposes of paragraphs (2) and (3) of subsection (a), a return of an estate or trust with respect to its liability for tax, and any statement or other document in support thereof, shall be considered as a return, statement, or other document with respect to each beneficiary of such estate or trust.

(c) *Requirement of information.* For purposes of this section, the Secretary or his delegate is authorized to require such information as may be necessary to assign an identifying number to any person.

[Sec. 6109 as added by sec. 1(a), Act of Oct. 5, 1961 (Public Law 87-397, 75 Stat. 828)]

§ 1.6109-1 Identifying numbers.

(a) *In general*—(1) *Designations.* The identifying number prescribed by this section for use by an individual is termed an "account number". For definition of the term "account number", see § 301.7701-11 of this chapter (Regulations on Procedure and Administration). The identifying number prescribed for use by a person other than an individual, and for use by an individual engaged in a trade or business within the meaning of subparagraph (2) of this paragraph, is termed an "employer identification number". For definition of the term "employer identification number", see § 301.7701-12 of this chapter (Regulations on Procedure and Administration). For purposes of this section, an estate or trust is considered to be a person other than an individual.

(2) *Trade or business.* For purposes of this section, an individual shall be considered to be engaged in a trade or business if any return is required to be filed by him with respect to his liability for any tax imposed by subtitle C (other than section 3211), D, or E of the Code.

(b) *Use of numbers*—(1) *Number of maker of return*—(i) *Return with respect to tax liability.* Every person required to make a return, statement, or other document for any period commencing after December 31, 1961, with respect to his liability, or to matters relating to or dealing with his liability, for any tax imposed by subtitle A shall include his account number or his employer identification number, as the case may be, in any such return, statement, or other document filed after March 31, 1962. If such person is an individual engaged in a trade or business within the meaning of this section, he shall include his account number in the return, statement, or other document, and shall also include his employer identification number in any Schedule C (Profit (or Loss) from Business or Profession) or Schedule F (Schedule of Farm Income and Expenses) filed as part of his individual income tax return. A fiduciary or agent making a return, statement, or other document for another person shall include therein the identifying number of such other person but not the identifying number of the person acting as fiduciary or agent. An income tax return or a declaration of estimated income tax filed jointly by a husband and wife need include the identifying number of only the husband except that the identifying number of the wife shall also be shown if, for the taxable year covered by the return or declaration, the wife has—

(*a*) Separate gross income of $600 or more, or $1,200 or more if she has attained the age of 65 before the close of the taxable year,

(*b*) Self-employment income, as defined in section 1402(b), or

(*c*) Income (such as wages, dividends, or interest) paid to her otherwise than with her husband which the payer thereof is required to report on a return or statement of information.

(ii) The application of subdivision (i) of this subparagraph may be illustrated by the following examples:

Example (1). A, an individual, operates a store during the year 1962 in which he employs three assistants and from which he derives net earnings from self-employment of more than $400. In making his income tax return for the calendar year 1962, A includes his account number in the return form and in his report of self-employment

income on Schedule SE, and his employer identification number in Schedule C on which he computes the profit or loss from his business.

Example (2). D, an incompetent, receives in 1962, $800 of income from investments. D's guardian, E, is required to include in the income tax return filed for D on April 15, 1963, D's account number. E shall not include his own identifying number in such return.

Example (3). X, an organization exempt from taxation under section 501(a), is required to file an annual return of information on Form 990. In such return filed for the calendar year 1962, X is required to include its employer identification number.

Example (4). A, an individual engaged in a trade or business within the meaning of this section, dies on July 31, 1962. In his will, A provides that after the payment of certain specific bequests, the residue of his estate is to be held in trust for the benefit of his son, S. The administration of A's estate is completed on June 1, 1963, and the residue of the estate transferred to the trustee for S. The executor of A's estate is required to include the account number assigned to A in A's final income tax return (Form 1040) and in A's report of self-employment income on Schedule SE and is required to include A's employer identification number in Schedule C filed with the Form 1040. If the executor is required to file an income tax return (Form 1041) on behalf of the estate, he is required to obtain, and include therein, an employer identification number for the estate. If the trustee is required to file an income tax return (Form 1041) on behalf of the trust, he is required to obtain, and include therein, an employer identification number for the trust.

(iii) *Return with respect to another person.* Every person other than an individual not engaged in a trade or business within the meaning of this section, who is required to make a return, statement, or other document with respect to another person for any period commencing after December 31, 1961, shall include his employer identification number in any such return, statement, or other document filed after March 31, 1962. Every individual not engaged in a trade or business within the meaning of this section, who is required to make a return, statement, or other document with respect to another person for any period commencing after December 31, 1961, shall include his account number in any such return, statement, or other document filed after March 31, 1962. A fiduciary or agent making such a return, statement, or other document for another person shall include therein the identifying number of such other person and not his own identifying number.

(iv) The application of subdivision (iii) of this subparagraph may be illustrated by the following example:

Example. M, the estate of a decedent, paid during 1963, $700 for rental of a warehouse. The employer identification number of the estate is required to be included in the Form 1096 and Form 1099 required to be filed in 1964 with respect to such payment. However, the person acting as executor shall not include his own identifying number in such forms.

(v) *Exception.* Notwithstanding the provisions of subdivisions (i) and (iii) of this subparagraph, an individual who does not have an account number and who has not been requested by the Internal Revenue Service to obtain one is not required to include an acount number in any return, statement, or other document filed in 1962.

(2) *Number of person with respect to whom return is made by another*—(i) *General rule.* Except as otherwise provided in subdivision (ii) of this subparagraph, when a return, statement, or other document with respect to any person is required to be made by another person for any period commencing after December 31, 1962, the account number or the employer identification number, as the case may be, of the person with respect to whom the return, statement, or other document is required to be made shall be—

(*a*) Requested of such person by the person required to make such return, statement, or other document;

(*b*) Furnished by such person to the person required to make the return, statement, or other document; and

(*c*) Included in the return, statement, or other document by the person required to make it. An individual who receives amounts of income in respect of which a return, statement, or other document is required to be made by the payer thereof, and which is payable to the trade name of a sole proprietorship operated by him, shall furnish his employer identification number to the payer of such amounts. If such individual is not required to secure an employer identification number he shall furnish his account number to the payer. When an amount is made payable to a fiduciary or agent and a named or otherwise designated trust, estate, minor, incompetent, or other person, the identifiying number of such trust, estate, etc. (clearly linked with the name of such trust, estate, etc.), and not the identifying number of the person acting as fiduciary or agent, shall be included by the payer in the return or statement of information made by him with respect to such payment.

(ii) *Exception.* The identifying number of a payee is not required to be included in any return or statement with respect to payments made to such payee if the total amount shown on such return or statement was paid to such payee prior to October 1, 1963.

(iii) *Multiple payees.* When an information return or statement is required to be made by any person with respect to a payment made by him to more than one person, the identifying number of only one of such payees is required to be requested of such payees by the payer, furnished to the payer by such payees, and included by the payer (clearly linked with the name of the payee to whom it belongs when the surnames are different) in the return or statement of information made by him with respect to such payment. When the multiple payees are husband and wife, the account number of the husband shall be requested and furnished and shall be included by the payer in the return or statement of information made by him with respect to the payment.

(iv) *Meaning of terms.* (*a*) Except as provided in (*b*) of this subdivision, the return of any person with respect to his liability for any tax imposed by subtitle A, or any statement or document in support thereof, is not considered a return, statement, or other document with respect to another person for purposes of this section. If any such return or supporting statement or document contains information with respect to another person, the identifying number of such other person shall not be requested or furnished, and shall not be included in such return, statement, or other document. For example, the identifying number of the doctor to whom an individual taxpayer has made a payment for medical services shall not be requested or furnished, and shall not be included in the individual's income tax return even though the name of the doctor may be required to be furnished in support of the medical deduction. Similarly, the identifying number of a newspaper to which a manufacturing corporation has made a payment for advertising shall not be requested or furnished, and shall not be included in the corporation's income tax return.

(*b*) The return of an estate or trust with respect to its liability for any tax imposed by subtitle A, and any statement or other document in support thereof, shall be considered as a return, statement, or other document with respect to each beneficiary of such estate or trust. Accordingly, the identifying number of each beneficiary whose name is required to be included in any such return or supporting statement or document shall be requested and furnished and shall be included in such return or supporting document to identify such beneficiary. The term "beneficiary" includes heirs, devisees, and legatees.

(c) *Applications*—(1) *General.* An application for an identifying number shall be made in accordance with this paragraph by every person required under this section to include his identifying number in any return, statement, or other document required to be filed by him or to furnish his identifying number to another person for inclusion in any return, statement, or other document required to be filed by such other person. However, any person who has an identifying number, either an account number or an employer identification number, assigned to him under provisions other than the regulations in this section shall not make application for another number of the same kind under this section. A number so assigned is also prescribed for use in accordance with the requirements of this section.

(2) *Account number*—(i) *Time for filing application*—(*a*) *During 1962.* Application forms for use in obtaining account numbers under this section will as far as possible be furnished without request during 1962 to taxpayers needing numbers. Any individual so supplied with an application form shall complete and file it in accordance with the instructions for such form. A taxpayer is not required under this section to file an application for an account number during 1962 unless furnished with an application. A payer should not request a payee to furnish him with an account number before 1963 unless such payee already has a number.

(*b*) *After 1962.* An individual needing an account number after 1962 shall file an application form in accordance with subdivision (ii) of this subparagraph far enough in advance of the first required use of such account number to permit issuance of the number in time for compliance with such requirement.

(ii) *Filing requirements.* Application for an account number shall be made on either Form SS–5 or Form 3227. An application form may be obtained from any district director, or any district office of the Social Security Administration. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed in accordance with the instructions on the form. An account number will be assigned to the applicant in due course upon the basis of information reported on the application. A card showing the name and account number of the individual to whom a number has been assigned will be furnished to the individual.

(3) *Employer identification number.* Application for an employer identification number shall be made on Form SS–4. Form SS–4 will generally be furnished only on request and may be obtained from any district director, or any district office of the Social Security Administration. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. The application for an employer identification number should be filed approximately one month in advance of the first required use of the number to permit issuance of the number in time for compliance with such requirement. The application shall be filed with the district director with whom the applicant is required to file his income tax return or with whom the applicant would be required to file an income tax return if such a return were required of him. An employer identification number will be assigned to the applicant in due course upon the basis of information reported on the application.

(d) *Nonresident aliens.* This section shall not apply to nonresident aliens not engaged in trade or business within the United States or to foreign corporations not engaged in trade or business within the United States and not having an office or place of business or a fiscal or paying agent in the United States.

(e) *Penalty.* For penalty for failure to supply identifying number, see section 6676 and § 301.6676–1 of this chapter (Regulations on Procedure and Administration).

Employment Taxes (26 CFR Part 31):

PAR. 2. In Paragraph (a) of § 31.0–2, subparagraphs (10) and (11) are amended to read as follows:

§ 31.0–2 General definitions and use of terms.

(a) *In general.* • • •

(10) Account number means the identifying number of an employee assigned, as the case may be, under the Internal Revenue Code of 1954, under subchapter A of chapter 9 of the Internal Revenue Code of 1939, or under title VIII of the Social Security Act. See also § 301.7701–11 of this chapter (Regulations on Procedure and Administration).

(11) Identification number means the identifying number of an employer assigned, as the case may be, under the Internal Revenue Code of 1954, under subchapter A or D of chapter 9 of the Internal Revenue Code of 1939, or under title VIII of the Social Security Act. See also § 301.7701–12 of this chapter (Regulations on Procedure and Administration).

PAR. 3. In paragraph (a) of § 31.6001–5, subparagraph (1) is amended to read as follows:

§ 31.6001–5 Additional records in connection with collection of income tax at source on wages.

(a) • • •

(1) The name and address of the employee, and, after December 31, 1962, the account number of the employee.

PAR. 3a. In § 31.6011(a)–7 a new paragraph is added as follows:

§ 31.6011(a)–7 Execution of returns.

• • • • • •

(d) *Reporting of identifying numbers.* For provisions relating to the reporting of identifying numbers on returns required under the regulations in this part, see § 31.6109–1.

PAR. 4. In § 31.6011(b)–1, paragraphs (a), (b), and (d) are amended to read as follows:

§ 31.6011(b)–1 Employers' identification numbers.

(a) *Requirement of application*—(1) *In general*—(i) *Before May 1, 1962.* Except as provided in paragraph (b) of this section, every employer who on any day after December 31, 1954, and before May 1, 1962, has in his employ one or more individuals in employment for wages subject to the taxes imposed by the Federal Insurance Contributions Act, but who prior to such day neither has been assigned an identification number nor has applied therefor, shall make an application on Form SS–4 for an identification number.

(ii) *On or after May 1, 1962.* Except as provided in paragraph (b) of this section, every employer who on any day after April 30, 1962, has in his employ one or more individuals in employment for wages which are subject to the taxes imposed by the Federal Insurance Contributions Act or which are subject to the withholding of income tax from wages under section 3402, but who prior to such day neither has been assigned an identification number nor has applied therefor, shall make an application on Form SS–4 for an identification number.

(iii) *Method of application.* The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director, or any district office of the Social Security Administration. The application shall be filed with the district director with whom the employer will file returns pursuant to § 31.6091–1, or with the nearest district office of the Social Security Administration. The application shall be signed by (*a*) the individual, if the employer is an individual; (*b*) the president, vice president, or other principal officer, if the employer is a corporation; (*c*) a responsible and duly authorized member or officer having knowledge of its affairs, if the employer is a partnership or other unincorporated organization; or (*d*) the fiduciary, if the employer is a trust or estate. An identification number will be assigned to the employer in due course upon the basis of the information reported on the application required under this section.

(2) *Time for filing Form SS–4.* The application for an identification number shall be filed on or before the seventh day after the first payment of wages to which reference is made in subparagraph (1) of this paragraph. For provisions relating to the time when wages are paid, see § 31.3121(a)–2 and paragraph (b) of § 31.3402(a)–1.

(b) *Employers who are assigned identification numbers without application.* An identification number may be assigned, without application by the employer, in the case of an employer who has in his employ only employees who are engaged exclusively in the performance of domestic service in his private home not on a farm operated for profit (see § 31.3121(a)(7)–1). If an identification number is so assigned, the employer is not required to make an application on Form SS–4 for the number.

• • • • • •

(d) *Use of identification number.* The identification number assigned to an employer (other than a household employer referred to in paragraph (b) of this section) shall be shown in the employer's records, and shall be shown in his claims to the extent required by the applicable forms, regulations, and instructions. For provisions relating to the inclusion of identification numbers in returns, statements on Form W–2, and depositary receipts, see § 31.6109–1.

PAR. 5. In § 31.6011(b)–2, subparagraphs (1) and (2) of paragraph (a) are amended, and a new subparagraph is added to paragraph (b), as follows:

§ 31.6011(b)–2 Employees' account numbers.

(a) *Requirement of application*—(1) *In general*—(i) *Before November 1, 1962.* Every employee who on any day after December 31, 1954, and before November 1, 1962, is in employment for wages subject to the taxes imposed by the Fed-

eral Insurance Contributions Act, but who prior to such day has neither secured an account number nor made application therefor, shall make an application on Form SS–5 for an account number.

(ii) *On or after November 1, 1962.* Every employee who on any day after October 31, 1962, is in employment for wages which are subject to the taxes imposed by the Federal Insurance Contributions Act or which are subject to the withholding of income tax from wages under section 3402, but who prior to such day has neither secured an account number nor made application therefor, shall make an application on Form SS–5 for an account number.

(iii) *Method of application.* The application shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The employee shall file the application with any district office of the Social Security Administration or, if the employee is not working within the United States, with the district office of the Social Security Administration at Baltimore, Maryland. Form SS–5 may be obtained from any district office of the Social Security Administration or from any district director. An account number will be assigned to the employee by the Social Security Administration in due course upon the basis of information reported on the application required under this section. A card showing the name and account number of the employee to whom an account number has been assigned will be furnished to the employee by the Social Security Administration.

(2) *Time for filing Form SS–5.* The application shall be filed on or before the seventh day after the occurrence of the first day of employment to which reference is made in subparagraph (1) of this paragraph, unless the employee leaves the employ of his employer before such seventh day, in which case the application shall be filed on or before the date on which the employee leaves the employ of his employer.

* * * * *

(b) *Duties of employee with respect to his account number.* * * *

(3) *Furnishing of account number by employee to employer.* See § 31.6109–1 for additional provisions relating to the furnishing of an account number by the employee to his employer.

PAR. 6. In § 31.6051–1, subparagraph (1) (i) (*b*) of paragraph (a) is amended, subparagraph (3) of paragraph (d) is deleted, and a new paragraph is added, as follows:

§ 31.6051–1 Statements for employees.

(a) *Requirement if wages are subject to withholding of income tax*—(1) *General rule.* (i) * * *

(*b*) The name and address of the employee, and his social security account number if wages as defined in section 3121(a) have been paid or if the Form W–2 is required to be furnished to the employee for a period commencing after December 31, 1962,

* * * * *

(e) *Cross references.* For provisions relating to the penalties provided for the willful furnishing of a false or fraudulent statement, or for the willful failure to furnish a statement, see § 31.6674–1 and section 7204. For additional provisions relating to the inclusion of identification numbers and account numbers in statements on Form W–2, see § 31.6109–1. For provisions relating to the penalty for failure to report an identification number or an account number, as required by § 31.6109–1, see § 301.6676–1 of this chapter (Regulations on Procedure and Administration).

PAR. 6a. Immediately after § 31.6101–1 there is inserted the following:

§ 31.6109 Statutory provisions; identifying numbers.

SEC. 6109. *Identifying numbers*—(a) *Supplying of identifying numbers.* When required by regulations prescribed by the Secretary or his delegate:

(1) *Inclusion in returns.* Any person required under the authority of this title to make a return, statement, or other document shall include in such return, statement, or other document such identifying number as may be prescribed for securing proper identification of such person.

(2) *Furnishing number to other persons.* Any person with respect to whom a return, statement, or other document is required under the authority of this title to be made by another person shall furnish to such other person such identifying number as may be prescribed for securing his proper identification.

(3) *Furnishing number of another person.* Any person required under the authority of this title to make a return, statement, or other document with respect to another person shall request from such other person, and shall include in any such return, statement, or other document, such identifying number as may be prescribed for securing proper identification of such other person.

* * * * *

(c) *Requirement of information.* For purposes of this section, the Secretary or his delegate is authorized to require such information as may be necessary to assign an identifying number to any person.

[Sec. 6109 as added by sec. 1(a), Act of Oct. 5, 1961 (Public Law 87–397, 75 Stat. 828)]

§ 31.6109–1 Supplying of identifying numbers.

(a) *Identification number.* The identification number assigned to an employer (other than a household employer referred to in paragraph (b) of § 31.6011(b)–1) shall be shown in returns, statements on Form W–2, and depositary receipts made by the employer, pursuant to the regulations in this part, for any period ending after June 30, 1962.

(b) *Account number*—(1) *Employee to furnish to employer.* An employee to whom a statement on Form W–2 is required to be furnished for any period commencing after December 31, 1962, shall furnish his account number to each employer required to furnish such statement to him. For additional provisions relating to the furnishing of account numbers by employees to employers, see paragraph (b) of § 31.6011(b)–2.

(2) *Use of account number by employer.* Each statement required to be furnished to an employee on Form W–2 for any period commencing after December 31, 1962, shall show the account number of the employee. For additional provisions relating to requirements for furnishing a statement on Form W–2, see § 31.6051–1.

(3) *Use of account number by employee representative.* An employee representative shall include his account number on any return on Form CT–2 made by him, pursuant to paragraph (a)(2) of § 31.6011(a)–2, for any period commencing after June 30, 1962.

(c) *Procedure for applying for identifying number*—(1) *Identification number.* Every employer who has not been assigned an identification number, and who is not otherwise required by § 31.6011(b)–1 to make application therefor, shall make an application on Form SS–4 for an identification number. For provisions relating to the procedure to be followed in applying for an identification number, see paragraph (a) of § 31.6011(b)–1.

(2) *Account number.* An employee representative who has not been assigned an account number, and who is not otherwise required by § 31.6011(b)–2 to make application therefor, shall make an application on Form SS–5 for an account number. The application shall be filed on or before the last day of the first calendar quarter, beginning after June 30, 1962, for which the employee representative is required to make a return on Form CT–2. For provisions relating to the procedure to be followed in applying for an account number, see paragraph (a)(1) of § 31.6011(b)–2.

(d) *Penalty.* For provisions relating to the penalty for failure to supply an identification number or an account number, as required by this section, see § 301.6676–1 of this chapter (Regulations on Procedure and Administration).

Excise Tax on Use of Certain Highway Motor Vehicles (26 CFR Part 41):

PAR. 7. Immediately after § 41.6101–1 there is inserted the following:

§ 41.6109 Statutory provisions; identifying numbers.

SEC. 6109. *Identifying numbers*—(a) *Supplying of identifying numbers.* When required by regulations prescribed by the Secretary or his delegate:

(1) *Inclusion in returns.* Any person required under the authority of this title to make a return, statement, or other document shall include in such return, statement, or other document such identifying number as may be prescribed for securing proper identification of such person.

* * * * *

(c) *Requirement of information.* For purposes of this section, the Secretary or his delegate is authorized to require such information as may be necessary to assign an identifying number to any person.

[Sec. 6109 as added by sec. 1(a), Act of Oct. 5, 1961 (Public Law 87–397, 75 Stat. 828)]

§ 41.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person in whose name a highway motor vehicle is registered at a time, after April 30, 1962, when a taxable use of such vehicle occurs, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director. The application shall be filed with the district director with whom returns required pursuant to § 41.6011(a)–1 will be filed by the person who is required to make the application. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

(2) *Time for filing Form SS–4.* The application for an employer identification number shall be filed on or before the seventh day after the rate of the first taxable use, after April 30, 1962, of a highway motor vehicle which is registered in the name of the person who is required to make the application.

(b) *Use of employer identification number.* The employer identification number assigned to a person liable for the tax imposed by section 4481 shall be shown in any return, statement, or other document made by such person for any period commencing after June 30, 1962.

(c) *Cross references.* For the definition of the term "employer identification number", see § 301.7701–12 of this chapter (Regulations on Procedure and Administration). For provisions relating to the penalty for failure to include the employer identification number in a return, statement, or other document, see § 301.6676–1 of this chapter (Regulations on Procedure and Administration).

Miscellaneous Stamp Taxes (26 CFR Part 45):

PAR. 8. Immediately after § 45.6101–1 there is inserted the following:

§ 45.6109 Statutory provisions; identifying numbers.

SEC. 6109. *Identifying numbers*—(a) *Supplying of identifying numbers.* When required by regulations prescribed by the Secretary or his delegate:

(1) *Inclusion in returns.* Any person required under the authority of this title to make a return, statement, or other document shall include in such return, statement, or other document such identifying number as may be prescribed for securing proper identification of such person.

* * * * *

(c) *Requirement of information.* For purposes of this section, the Secretary or his delegate is authorized to require such information as may be necessary to assign an identifying number to any person.

[Sec. 6109 as added by sec. 1(a), Act of Oct. 5, 1961 (Public Law 87–397, 75 Stat. 828)]

§ 45.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person who, at any time after April 30, 1962, performs any act with respect to which a tax is imposed by section 4461, 4471, 4821, or 4841, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director. The application shall be filed with any district director with whom a return on Form 11 or Form 11–B will be filed by the person who is required to make the application. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

(2) *Time for filing Form SS–4.* The application for an employer identification number shall be filed on or before the seventh day after the date of performance, by the person who is required to make the application, of the first act after April 30, 1962, with respect to which tax is impsoed by sections 4461, 4471, 4821, or 4841.

(b) *Use of employer identification number.* The employer identification number assigned to a person liable for the tax imposed by sections 4461, 4471, 4821, or 4841 shall be shown in any return, statement, or other document made by such person for any period commencing after June 30, 1962.

(c) *One number per taxpayer.* Each taxpayer shall make application for, and shall be assigned, only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 11 or Form 11–B.

(d) *Cross references.* For the definition of the term "employer identification number", see § 301.7701–12 of this chapter (Regulations on Procedure and Administration). For provisions relating to the penalty for failure to include the employer identification number in a return, statement, or other document, see § 301.6676–1 of this chapter (Regulations on Procedure and Administration).

Regulations Relating to Miscellaneous Excise Taxes Payable by Return (26 CFR Part 46):

PAR. 9. Immediately after § 46.6101–1 there is inserted the following:

§ 46.6109 Statutory provisions; identifying numbers.

SEC. 6109. *Identifying numbers*—(a) *Supplying of identifying numbers.* When required by regulations prescribed by the Secretary or his delegate:

(1) *Inclusion in returns.* Any person required under the authority of this title to make a return, statement, or other document shall include in such return, statement, or other document such identifying number as may be prescribed for securing proper identification of such person.

* * * * *

(c) *Requirement of information.* For purposes of this section, the Secretary or his delegate is authorized to require such information as may be necessary to assign an identifying number to any person.

[Sec. 6109 as added by sec. 1(a), Act of Oct. 5, 1961 (Public Law 87–397, 75 Stat. 828)]

§ 46.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person who, at any time after April 30, 1962, performs any manufacturing or processing operation with respect to which a tax is imposed by section 4501(a) or 4511, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director. The application shall be filed with any district director with whom returns on Form 720 will be filed by the person who is required to make the application. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

(2) *Time for filing Form SS–4.* The application for an employer identification number shall be filed on or before the seventh day after the date of performance by the person who is required to make the application, of the first manufacturing or processing operation after April 30, 1962, with respect to which a tax is imposed by section 4501(a) or 4511.

(b) *Use of employer identification number.* The employer identification number assigned to a person liable for the tax imposed by section 4501(a) or 4511 shall be shown in any return, statement, or other document made by such person for any period commencing after December 31, 1961, and filed after June 30, 1962.

(c) *Cross references.* For the definition of the term "employer identification number", see § 301.7701–12 of this chapter (Regulations on Procedure and Administration). For provisions relating to the penalty for failure to include the employer identification number in a return, statement, or other document, see § 301.6676–1 of this chapter (Regulations on Procedure and Administration).

PAR. 10. In § 46.6302(c)–1, subparagraph (3) of paragraph (a) is deleted.

Manufacturers and Retailers Excise Taxes (26 CFR Part 48):

PAR. 11. Immediately after § 48.6011(c)–1 there is inserted the following:

§ 48.6109 Statutory provisions; identifying numbers.

SEC. 6109. *Identifying numbers*—(a) *Supplying of identifying numbers.* When required by regulations prescribed by the Secretary or his delegate:

(1) *Inclusion in returns.* Any person required under the authority of this title to make a return, statement, or other document shall include in such return, statement, or other document such identifying number as may be prescribed for securing proper identification of such person.

* * * * *

(c) *Requirement of information.* For purposes of this section, the Secretary or his delegate is authorized to require such information as may be necessary to assign an identifying number to any person.

[Sec. 6109 as added by sec. 1(a), Act of Oct. 5, 1961 (Public Law 87–397, 75 Stat. 828)]

§ 48.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person who, at any time after April 30, 1962, makes a sale of an article with respect to which a tax is imposed by chapter 31 or 32 of the Code, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director. The application shall be filed with the district director with whom returns on Form 720 will be filed by the person who is required to make the application. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

(2) *Time for filing Form SS–4.* The application for an employer identification number shall be filed on or before the seventh day after the date of the first sale of an article, after April 30, 1962, with respect to which a tax is imposed by chapter 31 or 32 of the Code.

(b) *Use of employer identification number.* The employer identification number assigned to a person liable for a tax imposed by chapter 31 or 32 of the Code shall be shown in any return, statement, or other document made by such person for any period commencing after December 31, 1961, and filed after June 30, 1962.

(c) *Cross references.* For the definition of the term "employer identification number", see § 301.7701–12 of this chapter (Regulations on Procedure and Administration). For provisions relating to the penalty for failure to include the employer identification number in a return, statement, or other document, see § 301.6676–1 of this chapter (Regulations on Procedure and Administration).

Facilities and Services Excise Taxes (26 CFR Part 49):

PAR. 12. Immediately after § 49.4287–1 there is inserted the following:

Subpart G—Refunds and Other Administrative Provisions of Special Application to Facilities and Services Taxes

§ 49.6109 Statutory provisions; identifying numbers.

SEC. 6109. *Identifying numbers*—(a) *Supplying of identifying numbers.* When required by regulations prescribed by the Secretary or his delegate:

(1) *Inclusion in returns.* Any person required under the authority of this title to make a return, statement, or other document shall include in such return, statement, or other document such identifying number as may be prescribed for securing proper identification of such person.

* * * * *

(c) *Requirement of information.* For purposes of this section, the Secretary or his delegate is authorized to require such information as may be necessary to assign an identifying number to any person.

[Sec. 6109 as added by sec. 1(a), Act of Oct. 5, 1961 (Public Law 87–397; 75 Stat. 828)]

§ 49.6109–1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS–4 for an employer identification number shall be made by every person who, at any time after April 30, 1962, receives a payment for a facility or service with respect to which a tax is imposed by chapter 33 of the Code, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director. The application shall be filed with the district director with whom returns on Form 11 will be filed by the person who is required to make the application. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

(2) *Time for filing Form SS–4.* The application for an employer identification number shall be filed on or before the seventh day after the date of the first receipt of a payment, after April 30, 1962, for a facility or service with respect to which a tax is imposed by chapter 33 of the Code.

(b) *Use of employer identification number.* The identification number assigned to a person liable for a tax imposed by chapter 33 of the Code shall be shown in any return, statement, or other document made by such person for any period commencing after December 31, 1961, and filed after June 30, 1962.

(c) *Cross references.* For the definition of the term "employer identification number", see § 301.7701–12 of this chapter (Regulations on Procedure and Administration). For provisions relating to the penalty for failure to include the employer identification number in a return, statement, or other document, see § 301.6676–1 of this chapter (Regulations on Procedure and Administration).

Machine Guns and Certain Other Firearms (26 CFR Part 179):

PAR. 13. 26 CFR Part 179, Machine Guns and Certain Other Firearms, is amended by inserting immediately after § 179.52 three new sections as follows:

§ 179.52a Employer identification number.

The employer identification number (defined at § 301.7701–12 of this chapter) of the taxpayer who has been assigned such a number shall be shown on each Form 11, including amended Form 11, filed pursuant to the provisions of this part for any period commencing after June 30, 1962. Failure of the taxpayer to include his employer identification number on Form 11 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 179.52b Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the district director with whom the Form 11 is required to be filed.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who filed a return on Form 11 before May 1, 1962, for the period ending June 30, 1962, and who has neither secured an employer identification number nor made application therefor prior to May 1, 1962. Such application on Form SS–4 shall be filed on or before May 7, 1962.

(c) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who filed a return on Form 11 is filed on or after May 1, 1962, but who prior to the filing of such first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(d) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 11.

(75 Stat. 828; 26 U.S.C. 6109)

§ 179.52c Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with any district director with whom a return on Form 11 will be filed by the person who is required to make the application. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

Liquor Dealers (26 CFR Part 194):

PAR. 14. 26 CFR Part 194, Liquor Dealers, is amended as follows:

§ 194.106 [Amendment]

(A) Section 194.106 is amended as follows:

(1) By renumbering paragraphs (d), (e), and (f) as (e), (f), and (g), respectively;

(2) By inserting, immediately after paragraph (c), the following new paragraph:

(d) The employer identification number (see §§ 194.106a–194.106c);

and

(3) By changing the citation at the end of the section to read "(68A Stat. 732, 846; 75 Stat. 828; 26 U.S.C. 6011, 7011, 6109)".

(B) By inserting, immediately after § 194.106, three new sections as follows:

§ 194.106a Employer identification number.

The employer identification number (defined at § 301.7701–12 of this chapter) of the taxpayer who has been assigned such a number shall be shown on each Form 11, including amended Form 11, filed pursuant to the provisions of this part for any period commencing after June 30, 1962. Failure of the taxpayer to include his employer identification number on Form 11 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 194.106b Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the district director with whom the Form 11 is required to be filed.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who filed a return on Form 11 before May 1, 1962, for the period ending June 30, 1962, and who has neither secured an employer identification number nor made application therefor prior to May 1, 1962. Such application on Form SS–4 shall be filed on or before May 7, 1962.

(c) An application on Form SS–4 for an employer identification number shall be made by every taxpayer whose first return on Form 11 is filed on or after May 1, 1962, but who prior to the filing of such first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(d) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 11.

(75 Stat. 828; 26 U.S.C. 6109)

§ 194.106c Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with any district director with whom a return on Form 11 will be filed by the person who is required to make the application. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

Stills (26 CFR Part 196):

PAR. 15. 26 CFR Part 196, Stills, is amended as follows:

§ 196.34 [Amendment]

(A) Section 196.34 is amended by striking the word "form" at the end of the section, and inserting in lieu thereof the words "headings on the form and the instructions thereon or issued in respect thereto"; and

(B) By inserting, immediately after § 196.34, three new sections as follows:

§ 196.34a Employer identification number.

The employer identification number (defined at § 301.7701–12 of this chapter) of the taxpayer who has been assigned such a number shall be shown on each Form 11, including amended Form 11, filed pursuant to the provisions of this part for any period commencing after June 30, 1962. Failure of the taxpayer to include his employer identification number on Form 11 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 196.34b Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the district director with whom the Form 11 is required to be filed.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who filed a return on Form 11 before May 1, 1962, for the period ending June 30, 1962, and who has neither secured an employer identification number nor made application therefor prior to May 1, 1962. Such application on Form SS–4 shall be filed on or before May 7, 1962.

(c) An application on Form SS–4 for an employer identification number shall be made by every taxpayer whose first return on Form 11 is filed on or after May 1, 1962, but who prior to the filing of such first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(d) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 11.

(75 Stat. 828; 26 U.S.C. 6109)

§ 196.34c Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with any district director with whom a return on Form 11 will be filed by the person who is required to make the application. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

Drawback on Distilled Spirits Used in Manufacturing Nonbeverage Products (26 CFR Part 197):

PAR. 16. 26 CFR Part 197, Drawback on Distilled Spirits Used in Manufacturing Nonbeverage Products, is amended as follows:

§ 197.29 [Amendment]

(A) Section 197.29 is amended as follows:

(1) By renumbering paragraphs (b), (c), and (d) as (c), (d), and (e), respectively; and

(2) By inserting, immediately after paragraph (a), the following new paragraph:

(b) The employer identification number (see §§ 197.29a–197.29c);

(B) By inserting, immediately after § 197.29, three new sections as follows:

§ 197.29a Employer identification number.

The employer identification number (defined at § 301.7701–12 of this chapter) of the taxpayer who has been assigned such a number shall be shown on each Form 11, including amended Form 11, filed pursuant to the provisions of this part for any period commencing after June 30, 1962. Failure of the taxpayer to include his employer identification number on Form 11 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 197.29b Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the district director with whom the Form 11 is required to be filed.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who filed a return on Form 11 before May 1, 1962, for the period ending June 30, 1962, and who has neither secured an employer identification number nor made application therefor prior to May 1, 1962. Such application on Form SS–4 shall be filed on or before May 7, 1962.

(c) An application on Form SS–4 for an employer identification number shall be made by every taxpayer whose first return on Form 11 is filed on or after May 1, 1962, but who prior to the filing of such first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(d) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 11.

(75 Stat. 828; 26 U.S.C. 6109)

§ 197.29c Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with any district director with whom a return on Form 11 will be filed by the person who is required to make the application. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

Distilled Spirits Plants (26 CFR Part 201):

PAR. 17. 26 CFR Part 201, Distilled Spirits Plants, is amended by inserting, immediately after § 210.32, five new sections as follows:

§ 201.32a Data required on Form 11.

Each return on Form 11 shall be prepared in accordance with the headings on the form and the instructions thereon or issued in respect thereto, and shall include the following:

(a) Where the rectifier is an individual or a corporation, the true name of such individual or corporation;

(b) In the case of a partnership, the true name of each and every person comprising the partnership;

(c) The employer identification number (see §§ 201.32c–201.32e);

(d) The exact location of the place of business, by name and number of building or street or, where these do not exist, by some particularization in addition to the post office address;

(e) The kind and class of tax (see § 201.31);

(f) All other information provided for on the form.

(68A Stat. 732, 846; 75 Stat. 828; 26 U.S.C. 6011, 7011, 6109)

§ 201.32b Execution of Form 11.

The return on Form 11 of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be signed by a member of the firm; and the return of a corporation shall be signed by a duly authorized officer thereof: *Provided*, That any individual, partnership, or corporation may appoint an agent to sign in his behalf. In each case, the person signing the return shall designate his capacity as "individual owner," "member of firm," "agent," "attorney-in-fact" or, in the case of a corporation, the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the business of a rectifier by reason of death, insolvency, or other circumstances, shall indicate the fiduciary capacity in which they act. Returns signed by persons, as agents or attorneys-in-fact, will not be accepted unless, in each instance, the principal named on the return has executed a power of attorney authorizing such person to sign the return, and such power of attorney is filed with the district director. Form 11 shall be verified by a written declaration that the return has been executed under the penalties of perjury.

(68A Stat. 748, 749; 75 Stat. 828; 26 U.S.C. 6061, 6065, 6109)

§ 201.32c Employer identification number.

The employer identification number (defined at § 301.7701–12 of this chapter) of the taxpayer who has been assigned such a number shall be shown on each Form 11, including amended Form 11, filed pursuant to the provisions of this part for any period commencing after June 30, 1962. Failure of the taxpayer to include his employer identification number on Form 11 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 201.32d Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the district director with whom the Form 11 is required to be filed.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who filed a return on Form 11 before May 1, 1962, for the period ending June 30, 1962, and who has neither secured an employer identification number nor made application therefor prior to May 1, 1962. Such application on Form SS–4 shall be filed on or before May 7, 1962.

(c) An application on Form SS–4 for an employer identification number shall be made by every taxpayer whose first return on Form 11 is filed on or after May 1, 1962, but who prior to the filing of such first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(d) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 11.

(75 Stat. 828; 26 U.S.C. 6109)

§ 201.32e Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with any district director with whom a return on Form 11 will be filed by the person who is required to make the application. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

Beer (26 CFR Part 245):

PAR. 18. 26 CFR Part 245, Beer, is amended by inserting, immediately after § 245.76, four new sections as follows:

§ 245.76a Data required on Form 11.

Each return on Form 11 shall be prepared in accordance with the headings on the form and the instructions thereon or issued in respect thereto, and shall include the following:

(a) Where the taxpayer is an individual or a corporation, the true name of such individual or corporation;

(b) In the case of a partnership, the true name of each and every person comprising the partnership;

(c) The employer identification number (see §§ 245.76b–245.76d);

(d) The exact location of the place of business, by name and number of building or street or, where these do not exist, by some particularization in addition to the post office address;

(e) The class of tax;

(f) All other information provided for on the form.

(68A Stat. 732, 846; 75 Stat. 828; 26 U.S.C. 6011, 7011, 6109)

§ 245.76b Employer identification number.

The employer identification number (defined at § 301.7701–12 of this chapter) of the taxpayer who has been assigned such a number shall be shown on each Form 11, including amended Form 11, filed pursuant to the provisions of this part for any period commencing after June 30, 1962. Failure of the taxpayer to include his employer identification number on Form 11 may result in assertion and collection of the penalty specified in § 301.6676–1 of this chapter.

(75 Stat. 828; 26 U.S.C. 6109, 6676)

§ 245.76c Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the district director with whom the Form 11 is required to be filed.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who filed a return on Form 11 before May 1, 1962, for the period ending June 30, 1962, and who has neither secured an employer identification number nor made application therefor prior to May 1, 1962. Such application on Form SS–4 shall be filed on or before May 7, 1962.

(c) An application on Form SS–4 for an employer identification number shall be made by every taxpayer whose first return on Form 11 is filed on or after May 1, 1962, but who prior to the filing of such first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(d) Each taxpayer shall make application for and shall be assigned only one employer identification number regardless of the number of places of business for which the taxpayer is required to file Form 11.

(75 Stat. 828; 26 U.S.C. 6109)

§ 245.76d Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with any district director with whom a return on Form 11 will be filed by the person who is required to make the application. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

Procedure and Administration (26 CFR Part 301):

PAR. 19. Section 301.6109 is renumbered, is amended to change the number of the statute set forth therein, and a historical note is added at the end thereof, as follows:

§ 301.6110 Statutory provisions; cross references.

SEC. 6110. *Cross references.* (1) For reports of Secretary of Agriculture concerning cotton futures, see section 4876.

(2) For inspection of returns, order forms, and prescriptions concerning narcotics, see section 4773.

(3) For inspection of returns, order forms, and prescriptions concerning marihuana, see section 4773.

(4) For authority of Secretary or his delegate to furnish list of special taxpayers, see section 4775.

(5) For inspection of records, returns, etc., concerning gasoline or lubricating oils, see section 4102.

[Sec. 6110 as renumbered by sec. 1(a), Act of Oct. 5, 1961 (Public Law 87–397, 75 Stat. 828)]

PAR. 20. Immediately after § 301.6108–1 there are inserted the following new sections:

§ 301.6109 Statutory provisions: identifying numbers.

SEC. 6109. *Identifying numbers*—(a) *Supplying of identifying numbers.* When required by regulations prescribed by the Secretary or his delegate:

(1) *Inclusion in returns.* Any person required under the authority of this title to make a return, statement, or other document shall include in such return, statement, or other document such identifying number as may be prescribed for securing proper identification of such person.

(2) *Furnishing number to other persons.* Any person with respect to whom a return, statement, or other document is required under the authority of this title to be made by another person shall furnish to such other person such identifying number as may be prescribed for securing his proper identification.

(3) *Furnishing number of another person.* Any person required under the authority of this title to make a return, statement, or other document with respect to another person shall request from such other person, and shall include in any such return, statement, or other document, such identifying number as may be prescribed for securing proper identification of such other person.

(b) *Limitation.* (1) Except as provided in paragraph (2), a return of any person with respect to his liability for tax, or any statement or other document in support thereof, shall not be considered for purposes of paragraphs (2) and (3) of subsection (a) as a return, statement, or other document with respect to another person.

(2) For purposes of paragraphs (2) and (3) of subsection (a), a return of an estate or trust with respect to its liability for tax, and any statement or other document in support thereof, shall be considered as a return, statement, or other document with respect to each beneficiary of such estate or trust.

(c) *Requirement of information.* For purposes of this section, the Secretary or his delegate is authorized to require such information as may be necessary to assign an identifying number to any person.

[Sec. 6109 as added by sec. 1(a), Act of Oct. 5, 1961 (Public Law 87–397, 75 Stat. 828)]

§ 301.6109–1 Identifying numbers.

For provisions concerning the requesting and furnishing of identifying numbers, and their inclusion in returns, statements, or other documents, see the regulations relating to the particular tax.

PAR. 21. Immediately after § 301.6675–1 there are inserted the following new sections:

§ 301.6676 Statutory provisions; failure to supply identifying numbers.

SEC. 6676. *Failure to supply identifying numbers*—(a) *Civil penalty.* If any person who is required by regulations prescribed under section 6109—

(1) To include his identifying number in any return, statement, or other document,

(2) To furnish his identifying number to another person, or

(3) To include in any return, statement, or other document made with respect to another person the identifying number of such other person,

fails to comply with such requirement at the time prescribed by such regulations, such person shall pay a penalty of $5 for each such failure, unless it is shown that such failure is due to reasonable cause.

(b) *Deficiency procedures not to apply.* Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, and gift taxes) shall not apply in respect of the assessment or collection of any penalty imposed by subsection (a).

[Sec. 6676 as added by sec. 1(b), Act of Oct. 5, 1961 (Public Law 87–397, 75 Stat. 828)]

§ 301.6676–1 Penalty for failure to supply identifying number.

(a) *In general.* Except as provided in paragraph (c) of this section, if any person who is required by the regulations under section 6109—

(1) To include his identifying number in any return, statement, or other document,

(2) To furnish his identifying number to another person, or

(3) To include in any return, statement, or other document made with respect to another person the identifying number of such other person,

fails to comply with such requirement at the time prescribed by such regulations, such person shall pay a penalty of $5 for each such failure. Such penalty shall be paid in the same manner as tax upon the issuance of a notice and demand therefor.

(b) *Deficiency procedures not to apply.* Subchapter B, chapter 63, of the Code (deficiency procedures) shall not apply in respect of the assessment or collection of the penalty set forth in paragraph (a) of this section.

(c) *Reasonable cause.* If any person who is required by the regulations under section 6109 to supply an identifying number fails to comply with such requirement at the time prescribed by such regulations, but establishes to the satisfaction of the district director or the director of the regional service center that such failure was due to reasonable cause, the penalty set forth in paragraph (a) of this section shall not apply.

(d) *Persons required to supply identifying numbers.* For regulations under section 6109 relating to persons required to supply an identifying number, see the regulations relating to the particular tax.

PAR. 22. Section 301.7701–11 is renumbered and amended to read as follows:

§ 301.7701–13 Other terms.

Any terms which are defined in section 7701 and which are not defined in §§ 301.7701–1 to 301.7701–12, inclusive, shall, when used in this chapter, have the meanings assigned to them in section 7701.

PAR. 23. Immediately after § 301.7701–10 there are inserted the following new sections:

§ 301.7701–11 Account number.

For purposes of this chapter, the term "account number" means the identifying number of an individual which is assigned pursuant to section 6011(b) or corresponding provisions of prior law, or pursuant to section 6109, and in which nine digits are separated by hyphens as follows: 000–00–0000. The terms "account number" and "social security account number" refer to the same number.

§ 301.7701–12 Employer identification number.

For purposes of this chapter, the term "employer identification number" means the identifying number of an individual or other person (whether or not an employer) which is assigned pursuant to section 6011(b) or corresponding provisions of prior law, or pursuant to section 6109, and in which nine digits are separated by a hyphen, as follows: 00–0000000. The terms "employer identification number" and "identification number" (defined in § 31.0–2(a)(11) of this chapter (Employment Tax Regulations)) refer to the same number.

[F.R. Doc. 62–1918; Filed, Feb. 23, 1962; 8:50 a.m.]

[26 CFR Parts 151, 152]

REGULATIONS RELATING TO THE USE OF IDENTIFYING NUMBERS

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed jointly by the Commissioner of Internal Revenue and the Commissioner of Narcotics, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of [illegible] days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order to conform the regulations relating to Regulatory Taxes on Narcotic Drugs (26 CFR Part 151) and the Regulations Under the Marihuana Tax Act of 1937, As Amended (26 CFR Part 152) to the amendments made to the Internal Revenue Code of 1954 by the Act of October 5, 1961 (Public Law 87–397, 75 Stat. 828), authorizing the requirement of identifying numbers, the regulations are amended as follows:

Regulatory Taxes on Narcotic Drugs (26 CFR Part 151):

PARAGRAPH 1. Immediately after § 151.29 there is inserted the following:

§ 151.30 Employer identification numbers.

(a) Except as provided in paragraph (b) of this section, an application on Form SS–4 for an employer identification number shall be made by every person who, at any time after April 30, 1962, performs any act with respect to which a tax is imposed by section 4721, but who prior to such time neither has been assigned an employer identification number nor has applied therefor.

(b) The provisions of this section shall not apply in respect of those employees and officials referred to in section 4772.

(c) The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director. The application on Form SS–4 shall be filed with any district director with whom a return on Form 678 will be filed by the person who is required to make the application. The application shall be filed on or before the seventh day after the first date, after April 30, 1962, on which occurs any act with respect to which a tax is imposed by section 4721. The application shall be signed by (1) the individual, if the person is an individual; (2) the president, vice president, or other principal officer if the person is a corporation; (3) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (4) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of the information reported on the application required under this section.

(d) The employer identification number assigned to a person liable for the tax imposed by section 4721 shall be shown in any return, statement, or other document made by such person for any period commencing after June 30, 1962.

(e) Each taxpayer shall make application for, and shall be assigned, only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 678.

(f) For the definition of the term "employer identification number", see § 301.7701–12 of this chapter (Regulations on Procedure and Administration). For provisions relating to the penalty for failure to include the employer identification number in a return, statement, or other document, see § 301.6676–1 of this chapter (Regulations on Procedure and Administration).

Regulations Under the Marihuana Tax Act of 1937, As Amended (26 CFR Part 152):

PAR. 2. Immediately after § 152.9 there is inserted the following:

§ 152.9a Employer identification numbers.

(a) Except as provided in paragraph (b) of this section, an application on Form SS–4 for an employer identification number shall be made by every person who, at any time after April 30, 1962, performs any act with respect to which a tax is imposed by section 4751, but who prior to such time neither has been assigned an employer identification number nor has applied therefor.

(b) The provisions of this section shall not apply in respect of those employees and officials referred to in section 4772.

(c) The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS–4 may be obtained from any district director. The application on Form SS–4 shall be filed with any district director with whom a return on Form 678 will be filed by the person who is required to make the application. The application shall be filed on or before the seventh day after the first date, after April 30, 1962, on which occurs any act with respect to which a tax is imposed by section 4751. The application shall be signed by (1) the individual, if the person is an individual; (2) the president, vice president, or other principal officer if the person is a corporation; (3) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (4) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of the information reported on the application required under this section.

(d) The employer identification number assigned to a person liable for the tax imposed by section 4751 shall be shown in any return, statement, or other document made by such person for any period commencing after June 30, 1962.

(e) Each taxpayer shall make application for, and shall be assigned, only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 678.

(f) For the definition of the term "employer identification number", see § 301.7701–12 of this chapter (Regulations on Procedure and Administration). For provisions relating to the penalty for failure to include the employer identification number in a return, statement, or other document, see § 301.6676–1 of this chapter (Regulations on Procedure and Administration).

[F.R. Doc. 62–1919; Filed, Feb. 23, 1962; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 260]

PROCESSED FISHERY PRODUCTS

Processor's Accountability for Department of the Interior Shields

Notice is hereby given that, pursuant to the authority vested in the Secretary of the Interior by section 6(a) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742e(a)), it is proposed to amend Title 50, Code of Federal Regulations by the addition of a new § 260.86(e) to Part 260. The purpose of the addition of the new provision is to require accountability by the processor for the removal or stripping of official United States Department of the Interior (USDI) shields on packages of mislabeled fishery products.

U.S. Standards for grades of many fishery products require that the final grading be conducted on the packaged frozen product. End product grading is performed by U.S. Department of the Interior inspectors when fishery products are produced under continuous inspection. When a processor elects to include an approved Federal shield or identification mark as part of the printed label, a calculated risk is taken that despite this labeling, the product will not meet the requirements of the standard upon final inspection. When this situation occurs the labels bearing the official identification marks must be stripped from the packages.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Director, Bureau of Commercial Fisheries, U.S. Fish and Wildlife Service, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

A new paragraph (e) is added to § 260.86 reading as follows:

§ 260.86 Approved identification.

* * * * *

(e) *Removal of labels bearing inspection marks.* At the time a lot of fishery products is found to be mislabeled and the labels on the packages are not removed immediately, the following procedure shall be applicable:

(1) The processor, under the supervision of the inspector, shall clearly and conspicuously mark all master cases in the lot by means of a "Rejected by USDI Inspector" stamp provided by the Department.

(2) The processor shall be held accountable to the Department for all mislabeled products until the products are properly labeled.

(3) Clearance for the release of the relabeled products shall be obtained by the processor from the inspector.

FRANK P. BRIGGS,
Assistant Secretary of the Interior.

FEBRUARY 19, 1962.

[F.R. Doc. 62–1855; Filed, Feb. 23, 1962; 8:45 a.m.]

National Park Service

[36 CFR Parts 1, 2, 3, 5]

NONDISCRIMINATION IN AREAS WITHIN THE NATIONAL PARK SYSTEM

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), it is proposed to amend 36 CFR 1.60, 2.28, 3.46, and 5.7 and to add four new §§ 1.60a, 2.28a, 3.46a, and 5.7a, respectively as set forth below:

The purpose of these amendments is to conform the existing regulations to the policy of the Federal Government that persons using public property shall not maintain discriminatory employment practices with respect to race, color, creed, ancestry, or national origin in connection with such use; to prohibit discriminatory practices with respect to the furnishing of transportation services in such areas; and to provide notice to the public of these regulations.

It is the policy of the Department of the Interior wherever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the National Park Service, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 16, 1962.

1. Section 1.60 heading and text are amended to read as follows:

§ 1.60 Discrimination in furnishing public accommodations and transportation services.

(a) The proprietor, owner, or operator and the employees of any hotel, inn, lodge, or other public facility or accommodation within an area administered by the National Park Service, and, while using such an area, any commercial passenger-carrying motor vehicle transportation service and its employees, are prohibited from (1) publicizing the facilities, accommodations or any activity conducted therein in any manner that would directly or inferentially reflect upon or question the acceptability of any person or persons because of race, creed, color, ancestry, or national origin; or (2) discriminating by segregation or otherwise against any person or persons because of race, creed, color, ancestry, or national origin in furnishing or refusing to furnish such person or persons any accommodation, facility, service, or privilege offered to or enjoyed by the general public.

(b) Each such proprietor, owner, or operator must post the following notice at such locations as will insure that the notice and its contents will be conspicuous to any person seeking accommodations, facilities, services or privileges:

NOTICE

This is a privately operated facility in an area under the jurisdiction of the United States Department of the Interior.

No discrimination by segregation or other means in the furnishing of accommodations, facilities, services, or privileges on the basis of race, creed, color, ancestry or national origin is permitted in the use of this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

2. A new § 1.60a reading as follows is added to Part 36:

§ 1.60a Discrimination in employment practices.

(a) The proprietor, owner, or operator of any hotel, inn, lodge, or other public facility or accommodation within an area administered by the National Park Service is prohibited from discriminating against any employee or applicant for employment or maintaining any employment practice which discriminates because of race, creed, color, ancestry, or national origin in connection with any activity provided for or permitted by contract with or permit from the Government or by derivative subcontract or sublease. As used in this section the

term "employment" shall include, but not be limited to, employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

(b) Each such proprietor, owner or operator must post either the following notice:

NOTICE

This is a privately operated facility in an area under the jurisdiction of the United States Department of the Interior.

No discrimination in employment practices on the basis of race, creed, color, ancestry, or national origin is permitted in this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

or notices supplied him in accordance with section 301 of Executive Order 10925, dated March 6, 1961 at such locations as will insure that the notice and its contents will be conspicuous to any persons seeking employment.

3. Section 2.28 heading and text are amended to read as follows:

§ 2.28 Discrimination in furnishing public accommodations and transportation services.

(a) The proprietor, owner, or operator and the employees of any hotel, inn, lodge, or other public facility or accommodation within any of the areas, and, while using any such area, any commercial passenger-carrying motor vehicle transportation service and its employees, are prohibited from (1) publicizing the facilities, accommodations or any activity conducted therein in any manner that would directly or inferentially reflect upon or question the acceptability of any person or persons because of race, creed, color, ancestry, or national origin; or (2) discriminating by segregation or otherwise against any person or persons because of race, creed, color, ancestry, or national origin in furnishing or refusing to furnish such person or persons any accommodation, facility, service, or privilege offered to or enjoyed by the general public.

(b) Each such proprietor, owner, or operator must post the following notice at such locations as will insure that the notice and its contents will be conspicuous to any person seeking accommodations, facilities, services or privileges:

NOTICE

This is a privately operated facility in an area under the jurisdiction of the United States Department of the Interior.

No discrimination by segregation or other means in the furnishing of accommodations, facilities, services, or privileges on the basis of race, creed, color, ancestry or national origin is permitted in the use of this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

4. A new § 2.28a reading as follows is added to Part 36:

§ 2.28a Discrimination in employment practices.

(a) The proprietor, owner, or operator of any hotel, inn, lodge or other public facility or accommodation within any of the areas is prohibited from discriminating against any employee or applicant for employment or maintaining any employment practice which discriminates because of race, creed, color, ancestry, or national origin in connection with any activity provided for or permitted by contract with or permit from the Government or by derivative subcontract or sublease. As used in this section the term "employment" shall include, but not be limited to, employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

(b) Each such proprietor, owner or operator must post either the following notice:

NOTICE

This is a privately operated facility in an area under the jurisdiction of the United States Department of the Interior.

No discrimination in employment practices on the basis of race, creed, color, ancestry, or national origin is permitted in this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

or notices supplied him in accordance with section 301 of Executive Order 10925, dated March 6, 1961, at such locations as will insure that the notice and its contents will be conspicuous to any person seeking employment.

5. Section 3.46 heading and text are amended to read as follows:

§ 3.46 Discrimination in furnishing public accommodations and transportation services.

(a) The proprietor, owner, or operator of any hotel, inn, lodge or other public facility or accommodation in a park area and its employees, including, but not limited to, the District of Columbia Recreation Board and its personnel, the District of Columbia Armory Board and its personnel, and any subcontractor or sublessee, and, while using such an area, any commercial passenger-carrying motor vehicle transportation service and its employees, are prohibited from (1) publicizing the facilities, accommodations or any activity conducted therein in any manner that would directly or inferentially reflect upon or question the acceptability of any person or persons because of race, creed, color, ancestry, or national origin; or (2) discriminating by segregation or otherwise against any person or persons because of race, creed, color, ancestry, or national origin in furnishing or refusing to furnish such person or persons any accommodation, facility, service, or privilege offered to or enjoyed by the general public.

(b) Each such proprietor, owner or operator must post either the following notice:

NOTICE

This is a privately operated facility in an area under the jurisdiction of the United States Department of the Interior.

No discrimination by segregation or other means in the furnishing of accommodations, facilities, services, or privileges on the basis of race, creed, color, ancestry or national origin is permitted in the use of this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

or notices supplied him in accordance with Section 301 of Executive Order 10925, dated March 6, 1961 at such locations as will insure that the notice and its contents will be conspicuous to any person seeking employment.

6. A new § 3.46a reading as follows is added to Part 36:

§ 3.46a Discrimination in employment practices.

(a) The proprietor, owner, or operator of any hotel, inn, lodge or other public facility or accommodation in a park area and its employees, as described in § 3.46, and any subcontractor or sublessee, in connection with the use of such an area, is prohibited from discriminating against any employee or applicant for employment or maintaining any employment practice which discriminates because of race, creed, color, ancestry, or national origin in connection with any activity provided for or permitted by contract with or permit from the Government or by subcontract or sublease. As used in this section the term "employment" shall include, but not be limited to, employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

(b) Each such proprietor, owner or operator must post either the following notice:

NOTICE

This is a privately operated facility in an area under the jurisdiction of the United States Department of the Interior.

No discrimination by segregation or other means in the furnishing of accommodations, facilities, services, or privileges on the basis of race, creed, color, ancestry or national origin is permitted in the use of this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

or notices supplied him in accordance with Section 301 of Executive Order 10925, dated March 6, 1961 at such locations as will insure that the notice and its contents will be conspicuous to any person seeking employment.

7. Section 5.7 heading and text are amended to read as follows:

§ 5.7 Discrimination in furnishing public accommodations and transportation services.

(a) The proprietor, owner, or operator and the employees of any hotel, inn, lodge, or other public facility or accommodation within any of the parks listed in § 5.1, and, while using such a park, any commercial passenger-carrying motor vehicle transportation service and its employees are prohibited from (1) publicizing the facilities, accommodations or any activity conducted therein in any manner that would directly or inferentially reflect upon or question the acceptability of any person or persons because of race, creed, color, ancestry, or national origin; or (2) discriminating by segregation or otherwise against any person or persons because of race, creed, color, ancestry, or national origin in furnishing or refusing to furnish such person or persons any accommodation, facility, service, or privilege offered to or enjoyed by the general public.

(b) Each such proprietor, owner, or operator must post the following notice at such locations as will insure that the notice and its contents will be conspicuous to any person seeking employment.

NOTICE

This is a privately operated facility in an area under the jurisdiction of the United States Department of the Interior.

No discrimination in employment practices on the basis of race, creed, color, ancestry, or national origin is permitted in this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

or notices supplied him in accordance with section 301 of Executive Order 10925, dated March 6, 1961 at such locations as will insure that the notice and its contents will be conspicuous to any person seeking employment.

[F.R. Doc. 62-1864; Filed, Feb. 23, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-LA-49]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Proposed Revocation of Federal Airway, Associated Control Areas, and Reporting Points; Proposed Alteration of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 and § 601.1106 of the regulations of the Administrator, the substance of which is stated below.

Green Federal airway No. 10 extends from the United States /Canadian border northwest of Bellingham, Wash., to Denver, Colo. The Federal Aviation Agency is considering the revocation of this airway. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that the route from the United States/Canadian border northwest of Bellingham to Denver is adequately served by a combination of VOR Federal airways No. 2, No. 4, No. 23 and No. 25. Therefore, it appears that the retention of this airway is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Green 10, its associated control areas and reporting points. Adoption of this proposal would not result in the discontinuance of the low frequency navigational aids presently supporting Green 10. Any proposal to discontinue one or more of these aids would be circularized separately and interested persons would be afforded an opportunity to comment.

The Whidbey Island, Wash., control area extension (§ 601.1106) is bounded in part by Green 10. With the revocation of Green 10, it is proposed to redescribe the boundaries of this control area extension without reference to Green 10 or other low altitude colored airways. This would not substantially alter the extent of presently designated controlled airspace in the vicinity of Whidbey Island.

The Whidbey Island, Wash., control area extension would be redesignated as the area bounded on the north by lines connecting points at latitude 48°42'48" N., longitude 123°11'57" W., and latitude 48°51'45" N., longitude 122°40'00" W.; bounded on the east by low altitude VOR Federal airway No. 23; bounded on the southwest by low altitude VOR Federal airway No. 4 and bounded on the west by lines connecting points at latitude 48°10'00" N., longitude 123°01'00" W.; latitude 48°38'30" N., longitude 123°13'00" W.; and latitude 48°42'48" N., longitude 123°11'57" W., excluding the portion outside the United States. The portion of this control area extension which lies within Restricted Areas R-6701, R-6807, and R-6713 would be used only after prior approval from the appropriate authority.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 16, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1873; Filed, Feb. 23, 1962; 8:48 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-LA-84]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Proposed Revocation of Federal Airway, Associated Control Areas, and Reporting Points; Proposed Alteration of Control Area Extensions

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 and §§ 601.1133 and 601.1445 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 79 is designated from Neah Bay, Wash., to Dungeness, Wash., and from Port Gamble, Wash., to Everett, Wash. The Federal Aviation Agency is considering revoking Red 79 in its entirety. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that the segment of this route from Neah Bay to Dungeness is adequately served by low altitude VOR Federal airway No. 4. The Federal Aviation Agency's latest IFR peak-day airway traffic survey shows only one aircraft movement on the segment of this airway between Port Gamble and Everett. Therefore, it appears that the retention of this airway is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Red 79 and its associated control areas from Neah Bay to Everett. Concurrently with this action, it is also proposed to revoke § 601.4279, reporting points associated with Red 79. Adoption of this proposal would not result in discontinuance of the low frequency navigational aids associated

with Red 79. Any proposals to discontinue one or more of these aids would be circularized separately and interested persons would be afforded an opportunity to comment. The Agency has under consideration the conversion of the Neah Bay radio range to a radio beacon. This non-rule-making proposal is included herein so that concurrent action could be accomplished on both proposals.

The Neah Bay control area extension is described in part by the northwest course of the Neah Bay radio range. The Seattle control area extension (§ 601.1133) is described in part by Red 79 and also low altitude Amber Federal airway No. 1. Concurrently with the revocation of Red 79 and the conversion of the Neah Bay raido range to a radio beacon, it is proposed to alter these control area extensions by substituting a bearing from the Neah Bay radio beacon for the radio range course in the description of the Neah Bay control area extension and by substituting low altitude VOR Federal airway No. 4 for the L/MF airways in the description of the Seattle control area extension. These alterations would be editorial in nature and would entail no additional assignment of airspace. The floors of these control area extensions would remain as designated pending review of the adjacent airspace. Separate actions will be initiated to implement on an area basis Amendment 60–21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 19, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62–1874; Filed, Feb. 23, 1962; 8:48 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61–NY–59]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Alteration of Federal Airways and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6091, 600.6487, 600.1693, 601.6091, and 601.6487 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 91 is designated in part from the Glens Falls, N.Y., VORTAC via the Benson, Vt., VOR; the Burlington, Vt., VOR; the Plattsburgh, N.Y., VOR; to the St. Eustache, Quebec, Canada, VOR, including an east alternate from the Burlington VOR via the St. Johns, Quebec, Canada, VOR to the St. Eustache VOR, excluding the portion outside the United States. The Federal Aviation Agency has under consideration the redesignation of this segment of Victor 91 from the Glens Falls VORTAC via the intersection of the Glens Falls VORTAC 032° and the Burlington VOR 187° True radials; Burlington VOR; Plattsburgh VOR; to the St. Eustache VOR, excluding the portion outside the United States.

Low altitude VOR Federal airway No. 487 is designated in part from Cambridge, N.Y., to Benson, Vt. It is proposed to extend this airway from the Cambridge VOR via the intersection of the Cambridge VOR 002° and the Glens Falls VORTAC 032° True radials; Burlington VOR; the intersection of the Burlington VOR 359° and the St. Johns, Quebec, Canada VOR 158° True radials; the St. Johns VOR; to the St. Eustache VOR, excluding the portion outside the United States.

Intermediate altitude VOR Federal airway No. 1693 extends from the Riverhead, N.Y., VOR via the intersection of the Riverhead VOR 293° and the Poughkeepsie, N.Y., VOR 169° True radials; Poughkeepsie VOR; thence 10-mile wide airway via the Cambridge, N.Y., VOR; Burlington, Vt., VOR to the St. Johns, Quebec, VOR excluding the portion outside the United States. It is proposed to realign Victor 1693 to extend from the Riverhead VOR as a 10-mile wide airway via the Poughkeepsie, N.Y., VOR; Cambridge, N.Y., VOR Burlington, Vt., VOR; intersection of the Burlington VOR 359° and the St. Johns, Quebec, VOR 158° True radials; to the St. Johns VOR, excluding the portion which lies over Canada.

The application of new holding pattern airspace with [illegible] 91 east alternate and Victor [illegible] realignment of these airway segments farther to the east would provide the required separation between the terminal and en route operations in the vicinity of Plattsburgh. The identical alignment of the two airway segments would permit transition between the low and intermediate altitude airway structure. The renumbering of Victor 91 east alternate as Victor 487, together with the extension of Victor 487 as proposed, would improve air traffic service by providing an additional single numbered airway between the New York and Montreal terminal areas. The proposed reduction in the width of Victor 1693 south of Poughkeepsie would provide lateral separation from intermediate altitude VOR Federal airway No. 1691, which is being considered for realignment via the Clermont, N.Y., VOR in separate airspace action. The deletion of the Benson VOR from the descriptions of Victor 91 and Victor 487 south of Burlington and the description of these airway segments via radials of other navigation facilities is proposed due to the destruction of the Benson VOR by fire. This action would result in no change in the present alignment of these airway segments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 16, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62–1875; Filed, Feb. 23, 1962; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 510]

[Docket No. 973]

[General Order 4, Amdt. 1]

PRACTICES OF LICENSED INDEPENDENT OCEAN FREIGHT FORWARDERS, OCEAN FREIGHT BROKERS, AND OCEANGOING COMMON CARRIERS

Notice of Proposed Rule Making

Pursuant to the provisions of section 4, Administrative Procedure Act (5 U.S.C. 1003), and sections 43 and 44 of the Shipping Act, 1916 (75 Stat. 522, 523, and 766); notice is hereby given that the Federal Maritime Commission is considering the promulgation of the regulations set forth hereinafter affecting the practices of licensed independent ocean freight forwarders, ocean freight brokers, and oceangoing common carriers.

Interested persons may submit such written data, views, or arguments as they desire. Communications should be submitted in original and fifteen copies to the Secretary, Federal Maritime Commission, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken by the Federal Maritime Commission. No public hearing is contemplated at this time.

Dated: February 19, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

Part 510 is hereby amended by the addition of a new subpart to Chapter IV of this title reading as follows:

Subpart B—Duties and Obligations

Sec.

510.20 Scope.
510.21 Definitions.
510.22 Oceangoing common carriers and persons shipping for own account.
510.23 Duties and obligations of licensees.
510.24 Compensation and freight forwarder certifications.
510.25 Special contracts.
510.26 Section 15 agreements.
510.27 Separability.

AUTHORITY: §§ 510.20 to 510.27 issued under secs. 43, 44, Shipping Act, 1916 (75 Stat. 522, 523, 766); sec. 204, Merchant Marine Act, 1936 (49 Stat. 1987, as amended; 46 U.S.C. 1114).

§ 510.20 Scope.

This subpart pertains to the practices of licensed independent ocean freight forwarders, ocean freight brokers and oceangoing common carriers pursuant to Public Law 87–254.

§ 510.21 Definitions.

(a) The term "licensee" means any person licensed by the Commission as an independent ocean freight forwarder, or any independent ocean freight forwarder who, on September 19, 1961, was carrying on the business of freight forwarding under a valid registration number issued by the Commission, or its predecessors, who filed an application for such a license (Form FMC–18) on or before January 17, 1962, and whose application has not been denied.

(b) The term "in commerce from the United States" means export commerce from the United States, its Territories, or possessions to foreign countries, or between the United States and its Territories or possessions or between such Territories and possessions.

(c) The term "oceangoing common carrier" means a common carrier engaged in transportation by water of property in commerce from the United States.

(d) The term "non-vessel operating common carrier by water" means a person who holds himself out by the establishment and maintenance of tariffs, by advertisement, solicitation, or otherwise, to provide transportation for hire by water in interstate commerce as defined in the Act, and in commerce from the United States as defined in paragraph (b) of this section; assumes responsibility or has liability imposed by law for safe transportation of shipments; and arranges in his own name with underlying water carriers for the performance of such transportation whether or not owning or controlling the means by which such transportation is effected.

(e) The term "principal" means the shipper, consignee, seller, purchaser, or agent of the holder of title to export merchandise, who employs the services of a licensee.

(f) The term "ocean freight broker" as used herein means a person not an oceangoing common carrier or employee thereof, serving as the intermediary between a shipper and an oceangoing common carrier when, and only when, such person performs the function of arranging rates, terms, and other conditions of carriage with respect to liquid or dry cargo in bulk loaded without mark or count.

(g) The term "freight forwarding fee" means payment by a shipper, consignee, seller, purchaser, or any agent thereof, to a licensee for the performance of a freight forwarding service as defined in § 510.2(c).

(h) The term "compensation" means payment by an oceangoing common carrier for the performance of services as specified in § 510.24(f).

(i) The term "brokerage" means payment by an oceangoing common carrier to an ocean freight broker for performing the function specified in paragraph (f) of this section.

(j) The term "special contract" means lump sum forwarding charges, monthly retainer fees, or similar financial arrangements that may exist between a principal and a licensee.

(k) The term "reduced forwarding fees" as used herein means charges to a principal for forwarding services that are below the licensee's usual charges.

(l) The term "Act" means the Shipping Act, 1916 (46 U.S.C. 801).

§ 510.22 Oceangoing common carriers and persons shipping for own account.

(a) No oceangoing common carrier, or agent thereof, may perform freight forwarder services without a license. Charges for such services shall be published in tariffs filed with the Commission.

(b) Nothing in this part shall be interpreted to prohibit a person from performing freight forwarding services on his own behalf, or on behalf of a wholly owning parent company or a wholly owned subsidiary, or to require such a person to be licensed.

(c) A non-vessel operating common carrier by water, for the purposes of this part, is deemed a shipper of cargo via the underlying oceangoing common carrier. Such non-vessel operating common carrier may perform forwarding services with respect to shipments moving on his own through export bill of lading.

§ 510.23 Duties and obligations of licensees.

(a) No licensee shall permit his license or name to be used by any person not employed by him for the performance of any freight forwarding service.

(b) No licensee shall, directly or indirectly, (1) accept employment to perform forwarding services on export shipments as an associate, correspondent, officer, employee, agent or subagent from any person whose license as an independent ocean freight forwarder shall have been revoked, or whose license is under suspension; (2) assist the furtherance of any forwarding business of such such person; (3) share forwarding fees or freight compensation with any such person; or (4) permit any such person directly or indirectly to participate, whether through ownership or otherwise, in the control or direction of the freight forwarding business of the licensee.

(c) A licensee who has reason to believe that a principal has not, with respect to a shipment to be handled by such licensee, complied with the law or has made any error or misrepresentation in, or omission from, any export declaration, bill of lading, affidavit, or other paper which the principal executes in connection with such shipment, shall advise his principal promptly of the suspected non-compliance, error, misrepresentation or omission, and shall decline to participate in such transaction involving such document until the matter is clarified.

(d) Every licensee shall exercise due diligence to ascertain the correctness of any information which he imparts to a principal with reference to any forwarding transaction; and no licensee shall knowingly impart to a principal or oceangoing common carrier false information relative to any such transaction.

(e) No licensee shall withhold information relative to a forwarding transaction from his principal.

(f) Each licensee shall promptly pay over to the oceangoing common carrier or other person when due all sums ad-

vanced by a principal for the payment of any and all charges, debts, or obligations in connection with the forwarding transaction, and shall promptly account to his principal for funds received in behalf of the principal for over payments, adjustment of charges, reductions in rates, insurance refunds, insurance money paid to the forwarder as the result of claims, proceeds of c.o.d. shipments, drafts, letters of credit and any other sums due to such principal.

(g) No licensee shall endorse or negotiate without the expressed authority of his principal any draft, check or warrant drawn to the order of such principal.

(h) No licensee shall file or assist in the filing of any claim, affidavit, letter of indemnity, or other paper or document, with respect to a shipment handled, or to be handled, by such licensee, which he has reason to believe is false or fraudulent.

(i) Any receipt issued for cargo by a licensee shall be clearly identified as a "Receipt for Cargo", and shall be in a form readily distinguishable from a bill of lading.

(j) Every licensee shall use invoices or other forms of billing which state separately as to each shipment: (1) The actual amount of ocean freight assessed by the oceangoing common carrier; (2) the actual amount of consular fees paid; (3) the premium cost of insurance arranged; (4) the charge for each accessorial service performed in connection with the shipment. All other charges or fees assessed by the licensee for arranging subparagraphs (1), (2), (3), and (4) of this paragraph shall be itemized. Licensees shall not be required to itemize the components of charges with respect to transactions made pursuant to § 510.25.

(k) Each licensee shall maintain correctly and in orderly, systematic, convenient and readily available manner, and keep current, all records and books of account in connection with carrying on the business of forwarding. Such records shall be retained for a period of five years and shall include a copy of each document prepared, processed or obtained by the licensee.

(l) Each licensee shall make available promptly all records and books of account in connection with carrying on the business of forwarding, for inspection or reproducing or other official use upon the request of any authorized representative of the Commission.

§ 510.24 Compensation and freight forwarder certifications.

(a) No oceangoing common carrier shall pay to a licensee, and no licensee shall charge or receive from any such carrier, either directly or indirectly, any compensation or payment of any kind whatsoever, whether called "brokerage", "commission", "fee", or by any other name, in connection with any cargo or shipment wherein the licensee's name appears on the ocean bill of lading as shipper or as agent for an undisclosed principal.

(b) No licensee shall render, or offer to render, any forwarding service free of charge or at a reduced freight forwarding fee in consideration of the licensee receiving compensation from oceangoing common carriers on the shipment; provided, however, that a licensee may perform freight forwarding services for recognized relief agencies or charitable organizations, designated as such in the tariff of the oceangoing common carrier, free of charge, or at reduced fees.

(c) No licensee shall share, directly or indirectly, any compensation or freight forwarding fee with a shipper, consignee, seller, purchaser, or their agents, affiliates or employees; nor with any person or persons advancing the purchase price of the merchandise or guaranteeing payment therefor; nor with any person or persons having a beneficial interest in the shipment.

(d) No oceangoing common carrier shall compensate a licensee when such carrier has reason to believe that receipt of such compensation by the licensee is prohibited by this part, or by the Act.

(e) Before any compensation is paid by an oceangoing common carrier, or received by a licensee, such licensee shall submit to the carrier a written bill or invoice requesting such compensation and incorporating a certification in respect to each shipment in the form shown below. The oceangoing common carrier shall be entitled to rely on such certification unless it has reason to believe that the certification is incorrect. The form of certification shall be as follows:

> The undersigned thereby certifies that it is operating under license No. ------ (or application No. ------, and registration No. ------, issued by the Federal Maritime Commission, or its predecessors) and has performed in addition to the solicitation and securing of the cargo for the ship or the booking of, or otherwise arranging for space for, such cargo, two or more of the following services: (Check services performed.)
>
> (1) The coordination of the movement of the cargo to shipside;
>
> (2) The preparation and processing of the ocean bill of lading;
>
> (3) The preparation and processing of dock receipts or delivery orders;
>
> (4) The preparation and processing of consular documents or export declarations;
>
> (5) The payment of the ocean freight charges on the cargo.

(f) An oceangoing common carrier may compensate a licensee to the extent of the value rendered such carrier in connection with any shipment forwarded on behalf of others when, and only when, such carrier is in possession of a certification in the form prescribed in paragraph (e) of this section.

(g) No oceangoing common carrier shall pay compensation to any person other than a licensee, except that such a carrier may pay brokerage, as defined in § 510.21(i) to an ocean freight broker, as defined in § 510.21(f).

(h) Where an oceangoing common carrier has paid, or has incurred an obligation to pay brokerage to an ocean freight broker, or compensation to a licensee, then such carrier shall not pay additional compensation for any other forwarding services rendered on the same cargo.

§ 510.25 Special contracts.

(a) A true copy of all existing special arrangements or contracts, including amendments, modifications and cancellations thereof, between a licensee and his principal shall be filed with the Commission within 30 days after the effective date of this subpart; and, if oral, shall be confirmed in writing and a true copy shall be filed with the Commission within such time. All such future arrangements, contracts, amendments, modifications, or cancellations shall be filed within ten days after they have been entered into.

(b) To the extent that special arrangements or contracts are entered into by a licensee, such licensee shall not deny equal terms to others similarly situated.

§ 510.26 Section 15 agreements.

(a) Copies of written agreements and true and complete memoranda of oral agreements between a licensee and another licensee or common carrier or other person subject to the Act, or modifications or cancellations thereof, which are subject to section 15 of the Act, must be filed with the Commission for approval. Copies of memoranda or agreements, modifications or cancellations thereof submitted for the Commission's approval under section 15 shall clearly show their nature, the parties, ports, and subject matter in detail, and shall refer to any previously filed agreements to which they may relate.

(b) All such agreements, or modifications or cancellations thereof, shall not be carried out until approved by the Commission.

§ 510.27 Separability.

The provisions of this part are not interdependent. If any portion hereof shall be enjoined, set aside, suspended, or held invalid, the validity and enforceability of all other parts shall be unaffected thereby, and shall to the full extent practicable, remain in full force and effect unless and until it is otherwise provided by the Commission or a court of competent jurisdiction.

[F.R. Doc. 62-1879; Filed, Feb. 23, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 148]

[Docket No. 33991]

POSTING OF FREIGHT TARIFFS AT STATIONS

Notice of Proposed Rule Making

FEBRUARY 20, 1962.

Notice is hereby given that the Railway Labor Executives Association through their counsel, Mulholland, Robie & Hickey, 620 Tower Building, Washington 5, D.C., has filed a petition (Docket No. 33991) with the Interstate Commerce Commission praying that

Rule 33 of the Commission's rules to govern the construction and filing of freight rate publications, including pipeline schedules and classifications, Tariff Circular No. 20, be amended in the following respects (49 CFR 148.0 to 148.8):

(1) Amend Rule 33 to provide that where a tariff is filed which abolishes or curtails a type of freight service at a station or stations, (a) there must be included in such tariff during the 30-day statutory period prior to the effective date a statement explaining the effect of the tariff and the rights of the public to seek suspension; (b) publication of the tariff and narrative statement on three different non-consecutive days during the first 10 days of the statutory period in a newspaper of general circulation in each county of each State where a station is located at which some type of freight service is to be abolished or curtailed, and (c) maintenance of a bulletin board at each station on which the tariff and accompanying narrative statement shall be displayed during the 30-day statutory notice.

(2) It is also proposed to amend Rule 33(e) to require each tariff posted to conform to the requirements of Rule 33 amended as above.

Petitioner's stated reasons for requesting modification are its concern with the policy of many of the nation's railroads to discontinue or severely reduce the services offered the public in connection with freight traffic; that less-than-carload freight service may be of vital importance to numerous manufacturers and businessmen but nevertheless such service may be abolished by the railroads after giving public notice of intention that is not certain to reach or be comprehended by such users; that the present form of notice to the public is inadequate and that the requested amendments to Rules 33 and 33(e) would fairly apprise the public to the effects of the tariff amendments proposed by the carriers and of the rights of timely protest to the Commission's Board of Suspension.

Any person or persons desiring to participate in this matter may file representations supporting or opposing the relief sought on or before April 2, 1962. An original and 14 copies of such representations must be filed for use of the Commission and must show service of two copies upon petitioner's attorneys at the above address.

Copies of the petition may be obtained upon request from Mulholland, Robie & Hickey, 620 Tower Building, Washington 5, D.C.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-1882; Filed, Feb. 23, 1962; 8:49 a.m.]

Notices

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-134]

AMERICAN EXPORT LINES, INC., AND ISBRANDTSEN STEAMSHIP CO., INC.

Notice of Application and of Hearing; Amendment

In F.R. Doc. 62-1605, appearing in the FEDERAL REGISTER issue of February 15, 1962 (27 F.R. 1427), notice was given of application and of hearing in the above-captioned matter.

Notice is hereby given of amendment to said application to include, in addition to the carriage of refined sugar in bulk, the carriage of said commodity in bags.

A hearing on the application has been set for March 5, 1962, at 10:00 a.m., in Room 3490, of the General Accounting Office Building before the Chief Hearing Examiner of the Maritime Administration. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on March 2, 1962, notify the Secretary, Maritime Administration, in writing, in triplicate, and file petition for leave to intervene which petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, petitions for leave to intervene received after the close of business on March 2, 1962, will not be granted in this proceeding.

Dated: February 21, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-1928; Filed, Feb. 23, 1962; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

FARRELL SHIPPING CO., INC., AND N. D. CUNNINGHAM & CO.

Notice of Agreement Filed for Approval

Notice is hereby given that Agreement No. 8728 has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Parties to the agreement are Farrell Shipping Co., Inc., New Orleans, Louisiana, and N. D. Cunningham & Company, Mobile, Alabama, freight forwarders who, pending issuance of licenses, are operating under their registration numbers during the 120-day period provided for in Public Law 87-254.

The agreement is a cooperative working arrangement under which each party will perform freight forwarding services for the other. The entire forwarding fee will be retained by the party performing the services. On shipments handled under the agreement, the ocean freight brokerage will be divided equally.

The agreement may be cancelled by either party giving written notice to the other of its desire to terminate the arrangement, cancellation to become effective 30 days after date of such notice.

This agreement enables each party to use the services of the other in connection with its shipments moving through New Orleans or Mobile, respectively.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: February 20, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-1880; Filed, Feb. 23, 1962; 8:49 a.m.]

MEMBER LINES OF TRANS PACIFIC FREIGHT CONFERENCE (HONG KONG) ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 14-18, between the member lines of the Trans Pacific Freight Conference (Hong Kong), modifies the basic agreement of that conference (Numbered 14-1, as amended), which presently covers the inbound Trans-Pacific trade from or via Hong Kong, Canton, Amoy, Foochow, and all other ports in China south of and including Foochow, and ports in Formosa, Indo-China and Siam to Vancouver, British Columbia, Seattle and Tacoma, Washington, Portland, Oregon, San Francisco, Alameda, Oakland, Long Beach, Los Angeles Harbor, and San Diego, California, and Honolulu, Hawaii, or via such Pacific Coast ports to overland points in the United States and Canada. The purpose of the modification is to (1) redescribe the trading area of the conference to include the entire range of ports on the Pacific Coast of North America (U.S. and Canada) as ports of discharge; (2) change the name of Formosa, Indo-China and Siam to Taiwan, Viet Nam and Thailand, respectively, the present day designation of those countries; (3) add Cambodia as a country of origin within the scope of the conference; (4) change procedure with respect to conference meetings, voting and entering into shippers contracts; (5) add new provisions governing member lines acting as agents for non-conference carriers; (6) modify admission and withdrawal provisions; and (7) and a new provision setting forth the understanding of the member lines as to what constitutes regular service for the purpose of voting and membership.

Agreement 8506-1, between Sea-Land Service, Inc. Puerto Rican Division and American President Lines, Ltd., modifies approved Agreement 8506, covering a through billing arrangement on cargo from France, Italy and North Africa to Puerto Rico, via New York. The purpose of the Modification is to (1) record Sea-Land Service, Inc. Puerto Rican Division, the new name of that company, as a party to the agreement, in place of Sea-Land of Puerto Rico, Division of Sea-Land Service, Inc.; and (2) eliminate the reference to the Association of West India Trans-Atlantic Steamship Lines as the governing conference with respect to the applicable rates to be observed by the parties under the agreement.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 19, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-1881; Filed, Feb. 23, 1962; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

C. B. INVESTMENT CORP.

Order Approving Application

In the matter of the application of C. B. Investment Corporation for prior approval of acquisition of additional shares of voting stock of The First National Bank of Port Arthur, Texas.

Whereas there has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and section 4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application on behalf of C. B. Investment Corporation, Houston, Texas, for the Board's prior approval of the acquisition of an additional 932 shares of the voting stock of The First National Bank of Port Arthur, Port Arthur, Texas; a Notice of Receipt of Application has been published in the FEDERAL REGISTER on February 2, 1962 (27 F.R. 994), which provided an opportunity for submission of comments and views regarding the proposed acquisition; and the time for filing such comments and views has expired and no such comments or views have been filed;

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved.

Dated at Washington, D.C., this 19th day of February 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-1854; Filed, Feb. 23, 1962; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Dallas.

OFFICE OF EMERGENCY PLANNING

PETROLEUM STUDY COMMITTEE

Policy Concerning Submission of Data and Views for Consideration

The President has directed that a Petroleum Study Committee under the chairmanship of the undersigned shall make a comprehensive study of petroleum requirements and supplies in relation to national security objectives. The very substantial quantity of information now in the possession of the Government pursuant to its data collection functions, material available from the publications of the industry and industry associations and earlier studies and congressional hearings in the area of petroleum requirements and supply, make it unnecessary to call for the systematic submission of views and data from the public. However, there is no intention to deny anyone the opportunity to submit material considered relevant in terms of the experience of individuals, companies or groups under current Government policies or programs.

If a statement is submitted it should be specific as to policies or programs considered desirable and should be submitted in 25 copies to the undersigned not later than April 2, 1962. A copy of each such submission will be available for public inspection at the Information Office of the Office of Emergency Planning.

Dated: February 21, 1962.

EDWARD A. MCDERMOTT,
Acting Director,
Office of Emergency Planning.

[F.R. Doc. 62-1921; Filed, Feb. 23, 1962; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 54, Rev. 2]

DIRECTOR, OFFICE OF INVESTMENT

Delegation Relating to Investment Program

I. Pursuant to the authority delegated to the Deputy Administrator of the Investment Division, by the Administrator by Delegation of Authority No. 50 (Revision 3), as amended, (25 F.R. 7418, 26 F.R. 4440 and 27 F.R. 1303), there is hereby redelegated to the Director, Office of Investment the authority:

A. *Investment.* 1. To approve Notices to Proceed.

2. To approve extensions of Notices to Proceed for a period of not more than 200 days from the date of the original Notice to Proceed.

3. To approve loans and their disbursement under sections 302 and 303 of the Small Business Investment Act of 1958, as amended, except that approval of self-dealing loans shall be restricted to those involving individuals, with less than an aggregate amount of 5 percent interest in an SBIC, and an aggregate amount of less than 10 percent of the small business concern.

4. To approve dates of change of annual meetings.

5. To approve changes in the number of members of Board of Directors of individual SBIC's.

6. To approve new officers and Directors of individual SBIC's.

7. To approve name changes and address changes of Licensees.

8. To approve overline loans (excess of 20 percent) where the excess amount does not exceed 2 percent of the Licensee's statutory capital.

9. To extend use of sections 302 and 303 loan proceeds not to exceed 30 days beyond the authorized period.

10. To approve voluntary withdrawals involved in termination of Notices to Proceed or letters of comment.

B. *Compliance.* To take any and all actions deemed necessary to assure compliance with the Small Business Investment Act of 1958, as amended, and regulations promulgated thereunder except those actions which involve policy determination or legal precedent.

C. *Development.* To approve loans and their disbursement under section 502 of the Small Business Investment Act of 1958, as amended, except that such approval shall not exceed $150,000.

D. *Administrative.* 1. To authorize or approve (a) his personal travel and (b) the travel of Washington Office employees under his supervision except travel when actual travel subsistence is requested.

2. To approve (a) sick and annual leave, (b) leave without pay not in excess of 30 days and (c) overtime work for employees under his supervision.

II. The authority delegated in I.A.I. and I.D.I. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Director, Office of Investment.

IV. All previous authority delegated to the Director, Office of Investment is hereby rescinded without prejudice to actions taken under such delegation prior to the date hereof.

Effective date: February 12, 1962.

PHIL DAVID FINE,
Deputy Administrator,
Investment Division.

[F.R. Doc. 62-1868; Filed, Feb. 23, 1962; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI62-329, etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates;[1] and Allowing Rate Changes To Become Effective Subject to Refund

FEBRUARY 16, 1962.

Pan American Petroleum Corporation, Docket No. RI62-329; Pioneer Production Corporation, Docket No. RI62-330; Pioneer Production Corporation (Operator) et al., Docket No. RI62-331; Ashland Oil & Refining Company, Docket No. RI62-332; Amerada Petroleum Corporation, Docket No. RI62-333; Amerada Petroleum Corporation (Operator) et al., Docket No. RI62-334; Harper Oil Company, Docket No. RI62-335; Harper Oil Company (Operator) et al., Docket No. RI62-336; Texas San Juan Oil Corporation, Docket No. RI62-337; Earl C. Brookover, Docket No. RI62-338; Sinclair Oil & Gas Company (Operator) et al., Docket No. RI62-339; Bell Oil & Gas Company, Docket No. RI62-340; Phillips Petroleum Company, Docket No. RI62-341.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules, for sales of natural gas subject to the jurisdiction of the Commission. With the exception of the sales by Bell Oil & Gas Company under Rate Schedule No. 2, and Supplement No. 4 thereto, at a pressure base of 15.325 psia, all of the sales are made at a pressure base of 14.65 psia. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents Per Mcf: Rate in effect	Cents Per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI62-329	Pan American Petroleum Corp., P.O. Box 591, Tulsa 3, Okla.	314	3	Northern Natural Gas Co. (Chunn and Farnsworth Fields, Hansford and Ochiltree Counties, Tex.) (R.R. District No. 10).	$10,515	1-22-62	2-22-62	7-22-62	15.5	[1] 16.5	
RI62-330	Pioneer Production Corp., P.O. Box 2542, Amarillo, Tex.	1	1	Natural Gas Pipeline Co. of America (Quinduno Field, Roberts County, Tex.) (R.R. District No. 10).	380	1-22-62	2-22-62	7-22-62	[1] 12.0	[1] 13.0	
RI162-331	Pioneer Production Corp. (Operator), et al., P.O. Box 2542, Amarillo, Tex.	4	3	Northern Natural Gas Co. (Ochiltree County, Tex.) (R.R. District No. 10).	7,184	1-22-62	2-22-62	7-22-62	15.5	[1] 16.5	
RI62-332	Ashland Oil & Refining Co., P.O. Box 9986, Oklahoma City 18, Okla.	76	3	Northern Natural Gas Co. Harper Ranch Field, Clark County, Kans.).	2,250	1-22-62	3-1-62	8-1-62	15.0	[1] 16.0	
RI62-333	Amerada Petroleum Corp., P.O. Box 2040, Tulsa 2, Okla.	1	23	El Paso Natural Gas Co. (Eumont, Jalmat, and other Fields, Lea County, N.Mex.).	539	1-22-62	2-22-62	2-23-62	[1] 15.5	[1] 15.55967	0-0000
	Amerada Petroleum Corp.	27	5	El Paso Natural Gas Co. (Bagley Field, Lea County, N.Mex.).	18	1-22-62	2-22-62	2-23-62	15.5	[1] 15.55967	0-0000
	do	31	8	El Paso Natural Gas Co. (Jalmat Field, Lea County, N.Mex.).	8	1-22-62	2-22-62	2-23-62	[1] 15.5	[1] 15.55967	0-0000
	do	55	5	El Paso Natural Gas Co. (Eumont Field, Lea County, N.Mex.).	15	1-22-62	2-22-62	2-23-62	[1] 15.5	[1] 15.55967	0-0000
	do	56	10	do	15	1-22-62	2-22-62	2-23-62	[1] 15.5	[1] 15.55967	0-0000
	do	62	6	El Paso Natural Gas Co. (Bagley Field, Lea County, N. Mex.).	703	1-22-62	2-22-62	2-23-62	15.5	[1] 15.55967	0-0000
	do	69	3	do	31	1-22-62	2-22-62	2-23-62	15.5	[1] 15.55967	0-0000
	do	72	4	do	57	1-22-62	2-22-62	2-23-62	15.5	[1] 15.55967	0-0000
RI62-334	Amerada Petroleum Corp. (Operator), et al.	57	7	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.).	240	1-22-62	2-22-62	2-23-62	[1] 15.5	[1] 15.55967	0-0000
RI62-335	Harper Oil Co., Hightower Building Oklahoma City 2, Okla.	6	1	Northern Natural Gas Co. (Beaver County, Okla.).	1,150	1-25-62	3-1-62	8-1-62	[4] 16.5	[4] 17.5	
RI62-336	Harper Oil Co., (Operator), et al., Hightower Building, Oklahoma City, 2, Okla.	3	1	Northern Natural Gas Co. (Southwest Camp Creek Field, Beaver County, Okla.).	8,279	1-29-62	3-1-62	8-1-62	[4] 16.5	[4] 17.5	
RI62-337	Texas San Juan Oil Corp., 1126 Mercantile Securities Building, Dallas 1, Tex.	2	2	Tennessee Gas Transmission Co. (Miller and Fox Fields, Jim Wells and Duval Counties, Tex.) (R.R. District No. 4).	1,499	1-22-62	2-22-62	2-23-62	14.0	[4] 14.1725	
RI62-338	Earl C. Brookover, c/o Daniel R. Hopkins, attorney, 118 West Pine St., Garden City, Kans.	1	1	Kansas-Colorado Utilities, Inc. (Hugoton and Panoma Council Grove Fields, Grant County, Kans.).	.....	1-29-62	3-1-62	8-1-62	8.9329	[1] 12.0	
	do	1	2	do	2,300	1-29-62	3-1-62	8-1-62	8.9329	[1] 12.0	
	do	1	3	do	(267)	1-29-62	3-1-62	8-1-62	8.9329	[1] 14.0	
RI62-339	Sinclair Oil & Gas Co. (Operator), et al., P.O. Box 521, Tulsa 2, Okla.	93	1	Natural Gas Pipeline Co. of America (North Spearman Field, Hansford County, Tex.) (R.R. District No. 10).	2,381	1-30-62	3-7-62	8-7-62	16.0	[4] 17.0	
RI62-340	Bell Oil & Gas Co., c/o A. T. Zinn, 410½ Market St., Parkersburg, W. Va.	2	4	Cabot Corp. (DeKalb Field, Gilmer County, W. Va.).	148	1-30-62	3-2-62	3-3-62	12.0	[4] 13.824	
RI62-341	Phillips Petroleum Co., Bartlesville, Okla.	277	5	Colorado Interstate Gas Co. (Hugoton Field, Haskell County, Kans.).	293	1-17-62	2-17-62	7-17-62	11.0	[4] 12.5	

[1] The stated effective date is the 1st day after expiration of the required statutory notice, or, if later, the date requested by respondent.
[2] Includes 0.5 cent per Mcf for downward Btu adjustment deducted by buyer.
[3] Includes 0.4467 cent per Mcf for compression deducted by buyer.
[4] Includes 1.5 cents for upward Btu adjustment.
[5] Periodic increase by contract.
[6] Tax reimbursement increase.
[7] Renegotiated increase per contract.
[8] Revenue-sharing increase by contract. Cabot Corp. related increase suspended in docket No. RI61-308 and is now in effect subject to refund.

With the exception of the proposed increase of Bell Oil & Gas Company resulting from a revenue-sharing rate increase for natural gas sold to Cabot Corporation in the De Kalb Field, Gilmer County, West Virginia (based upon a contract provision providing that Bell Oil should receive 60 percent of any increase in the resale price received by Cabot from Hope Natural Gas Company), the proposed rate increases exceed the applicable area price levels established by the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. 1, Part 2, § 2.56). The subject rate of Cabot was suspended by the Commission and is now in effect subject to refund (Docket No. RI61–308).

The proposed increased rates of Amerada Petroleum Corporation and Amerada Petroleum Corporation (Operator) et al., provide for tax reimbursements based on an increase in New Mexico's conservation tax effective July 1, 1955 plus the increase in severance tax effective June 10, 1949. Similarly the proposed increased rate of Texas San Juan Oil Corporation provides for tax reimbursement of the Texas dedicated reserve tax applicable to gas sold to Tennessee Gas Transmission Company in the Miller and Fox Fields, in Jim Wells and Duval Counties, Texas.

The suspension periods applicable to Amerada Petroleum Corporation, Amerada Petroleum Corporation (Operator) et al., Texas San Juan Oil Corporation, and Bell Oil & Gas Company may be shortened to one day.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. 1), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Amerada Petroleum Corporation, Amerada Petroleum Corporation (Operator) et al., Texas San Juan Oil Corporation, and Bell Oil & Gas Company as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before April 1, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–1821; Filed, Feb. 23, 1962; 8:45 a.m.]

Suspended Until" change "7–8–62" to read "8–2–62".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–1853; Filed, Feb. 23, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–4013]

AMERICAN NATURAL GAS CO.

Notice of Proposal To Adopt Stock Option Plan for Key Executive Employees; To Amend Certificate of Incorporation; To Solicit Proxies; and To Acquire and Sell, If Necessary, Certain Shares of Common Stock

FEBRUARY 19, 1962.

Notice is hereby given that American Natural Gas Company ("American Natural"), 3600 Penobscot Building, Detroit 26, Michigan, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12 of the Act and Rules 43 and 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

American Natural proposes to adopt a restricted stock option plan ("Plan"), in accordance with the provisions of section 421 of the Internal Revenue Code of 1954, as amended, for regular full-time key executive employees of American Natural and its subsidiary companies. A total of 147,112 shares of the authorized but unissued common stock of American Natural is to be reserved for issue upon the exercise of options granted under the Plan. This amounts to 1 percent of the 14,711,292 shares of American Natural's common stock presently issued and outstanding.

Among the provisions, terms, and conditions of the Plan are the following: (1) Not more than 25 percent of the shares reserved under the Plan may be optioned to employees who, at the time of adoption of the Plan, are officers of American Natural or its subsidiary companies; (2) subject to modifications and adjustments under certain conditions, the exercise price per share of the common stock covered by each option shall be the fair market value of such stock at the time of the granting of the option, which fair market value shall be not less than the highest price on the New York Stock Exchange on the day the option is granted; (3) the exercise price of the stock may be reduced to the fair market value of the stock on the day of reduction if the average fair market value thereof for the twelve consecutive calendar months preceding the month in which the reduction occurs is less than 80 percent of the fair market value of the stock on the date of the original grant of the option; (4) the aggregate exercise price of common stock optioned to any one optionee must be paid in cash upon the exercise of the option or options, and such exercise price is not to exceed 150 percent of the regular annual cash compensation being paid to him by American Natural or its subsidiary companies when the option or options are granted to him; (5) the term of any option shall not exceed seven years from the date it is granted; (6) no option may be exercised in whole or in part during the first twelve months after its grant; thereafter, each option shall be exercisable as to no more than one-fourth of the shares originally subject thereto for each twelve months which shall have elapsed after the date upon which it was granted; (7) the Plan shall terminate five years after the date of its approval by the common stockholders of American Natural; and (8) the Plan shall be administered by a committee selected from members of the board of directors of American Natural who are not eligible to receive options under the Plan.

American Natural also proposes to amend its Certificate of Incorporation to release pre-emptive rights as to shares of common stock issued pursuant to any stock option or stock purchase plan, approved by stockholders, for employees of American Natural and its subsidiaries. The company further proposes to solicit proxies, to be voted at the annual and special meeting to be held on April 25, 1962, from the holders of its outstanding shares of common stock for approval of the Plan and the amendment of the Certificate of Incorporation.

The declaration states that under the New Jersey General Corporation Act holders of common stock of the company issued before April 15, 1926, have the right, should they dissent from the adoption of the Plan, to have their shares appraised and to receive cash therefor. In the event that any such stockholders do dissent and obtain the appraised value of their stock, American Natural proposes to acquire their shares and, within 90 days, to sell said shares in ordinary brokerage transactions on the New York Stock Exchange.

Fees and expenses expected to be incurred in connection with the proposed transactions are estimated at $9,000, including counsel fees of $7,500. The declaration states that no State and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 6, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the

[Docket No. RI62–306 etc.]

SOCONY MOBIL OIL CO., INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

FEBRUARY 15, 1962.

Socony Mobil Oil Company, Inc., et al., Docket No. RI62–308, et al.; Sohio Petroleum Company, Docket No. RI62–320.

In the order providing for hearings on and suspension of proposed changes in rates, issued January 26, 1962, and published in the FEDERAL REGISTER on February 2, 1962 (F.R. Doc. 62–1082; 27 F.R. 904): In the chart, Docket No. RI62–320, Sohio Petroleum Company (Supplement No. 7 to Rate Schedule No. 42), under column headed "Effective Date Unless Suspended" change "2–8–62" to read "2–3–62". Under column headed "Date

person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1865; Filed, Feb. 23, 1962; 8:47 a.m.]

[File No. 2-16577]

RIDGEWAY CENTER ASSOCIATES

Notice of Application for Exemption

FEBRUARY 16, 1962.

Notice is hereby given that Ridgeway Center Associates, a New York partnership, has filed an application pursuant to Rule 15d-20 of the general rules and regulations under the Securities Exchange Act of 1934 (17 CFR Part 240; 15d-20) for an order exempting the issuer from the operation of section 15(d) of the Act with respect to the duty to file any reports required by that section and the rules and regulations thereunder.

Rule 15d-20 permits the Commission, upon application and subject to appropriate terms and conditions, to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all outstanding securities of the issuer are held of record, as therein defined, and the number of such record holders does not exceed 50 persons and that the filing of such reports is not necessary in the public interest or for the protection of investors. The application states that these conditions have been met.

The applicant states that all of the outstanding securities of such issuer are now held of record and the number of such record holders does not now exceed fifty persons. It states further that United Investors Corporation of Delaware, owns all of the limited partnership interests except to the extent of $25,000.00 of such interests which are owned by seven additional persons. The United Investors Corporation, a New York corporation, and wholly owned subsidiary of United Investors Corporation of Delaware, owns all of the general partnership interests of the applicant. The limited and general partnership interests are the only securities of the applicant outstanding. Under the limited partnership interests of the applicant, has the obligation of furnishing annual financial reports to the holders of the limited partnership interests.

Notice is further given that an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after March 12, 1962 unless prior thereto a hearing is ordered by the Commission.

Any interested person may, not later than March 9, 1962, at 5:30 p.m., submit to the Commission in writing his views on any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to convert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1866; Filed, Feb. 23, 1962; 8:47 a.m.]

[File No. 70-4017]

UNION ELECTRIC CO.

Notice of Proposed Employees' Stock Option Plan and Solicitation of Proxies

FEBRUARY 19, 1962.

Notice is hereby given that Union Electric Company ("Union"), 315 North Twelfth Boulevard, St. Louis 66, Mo., a registered holding company and a public-utility company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 12(e), and 12(f) of the Act and Rules 43 and 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Union proposes to adopt an "Employees' Savings and Stock Subscription Plan" ("Plan") offering to all regular full-time officers and employees of Union and of its participating subsidiary companies, Missouri Power & Light Company and Missouri Edison Company, nontransferable privileges to subscribe for up to 500,000 shares of Union's previously authorized but unissued common stock. This amounts to 4.38 percent of the 11,402,622 shares of the presently issued and outstanding common stock of Union.

The "effective date" of the Plan will be as soon as practicable after a registration statement filed under the Securities Act of 1933 in respect of the Plan has become effective. The Plan will terminate on a date ("termination date") 6 years after the close of the first subscription period referred to below.

The declaration states that under the Plan, as presently proposed: (1) 400,000 shares would be initially offered during a 30-day period immediately following the effective date of the Plan, and the remaining shares (including those not subscribed for during such initial period) would be offered in two successive periods of 10 days each commencing, respectively, one and two years after the effective date of the Plan; (2) the price during each offering period would be the mean of the high and low prices of Union's common stock on the New York Stock Exchange on the day preceding the commencement of the related offering period; (3) the number of shares offered to any one participant would be limited to an amount whose aggregate price would not exceed one year's salary in effect when he first became eligible to participate under the Plan; (4) subscriptions would be accompanied by a minimum initial cash payment of 10 percent of the total price, with succeeding payroll deductions to be made thereafter equal to at least 7½ percent per month of the total price and which would result in an accumulation of not less than 25 percent of the total price at the termination date; (5) interest at the rate of 4 percent per annum, compounded semiannually, would be paid by Union on each participant's cash accumulations, which interest to be applied toward the purchase price; (6) at the termination date Union will arrange bank loans for participants for the balance then due on the aggregate price of the shares but not exceeding 50 percent of the price, such loans to be repaid within a 6-year period thereafter in cash or through monthly payroll deductions; and (7) the proceeds from such bank loans would be used to complete the payment of the total price, whereupon the shares would be issued and registered in the name of the participant or his nominees, but such shares would be retained by Union or the lending bank until the loan has been repaid.

At any time prior to the termination date, the participant has the right to cancel his participation under the Plan and withdraw his cash accumulation with the accumulated interest thereon, or to receive the number of shares that would be fully paid for at that time by the cash accumulated for his account. Similar rights accrue in the event of cancellation resulting from the death of a participant or his retirement under company retirement plans then in effect. In no event, however, may shares be fully paid for within 12 months, and not more than 50 percent of such shares may be fully paid for within 24 months, after the close of the period in which the subscription was made.

Union also proposes to solicit proxies (for use at the regular annual meeting of stockholders of Union to be held on April 20, 1962, or at any adjournments thereof) from (1) the holders of all the outstanding preferred and common stocks of Union for approval of the Plan and (2) the holders of the outstanding shares of common stock of Union for approval of the offering of 500,000 shares of common stock to all regular full-time officers and employees of Union and its subsidiary companies.

The declaration states that the issuance and sale of the common stock under the Plan is subject to authorization by the Public Service Commission of Missouri and by the Illinois Commerce

Commission; that applications for such authorization are being filed with said Commissions; and that no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses incident to the proposed transactions, to be paid by Union, will be supplied by amendment.

It is further given that any interested persons may, not later than March 9, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1867; Filed, Feb. 23, 1962; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 355]

ARIZONA

Notice of Filing of Plats of Survey; Correction

FEBRUARY 13, 1962.

Effective February 13, 1962, paragraph 1, appearing on page 11687, Vol. 26 of the FEDERAL REGISTER dated December 6, 1961, is hereby corrected to read as follows:

1. Except for and subject to valid and existing rights, it is presumed that title to the following lands passed to the State of Arizona upon acceptance of the above-mentioned plat of survey on August 29, 1921:

2.1S., R. 2 W.,
Sec. 36, lots 6, 7, 8, 9, 10, 11, and W½SW¼.

D. F. WHITENTON, *Acting Manager.*

[F.R. Doc. 62-1856; Filed, Feb. 23, 1962; 8:46 a.m.]

No. 39——5

CALIFORNIA

Notice of Amendment of Proposed Withdrawal and Reservation of Lands

FEBRUARY 16, 1962.

Notice of an application Serial No. Sacramento 048741, for withdrawal and reservation of lands, was published as FEDERAL REGISTER Document No. 57-7665 on pages 7490 and 7491 of the issue for Thursday, September 19, 1957. The description of certain lands involved in the proposed withdrawal application is hereby amended to conform to the official survey plats to read as follows:

MOUNT DIABLO MERIDIAN
SIERRA NATIONAL FOREST
Huntington Lake Recreation Area

T. 8 S., R. 26 E.,
Sec. 6: Lots 6 and 7, W½SE¼, NE¼SE¼, E½SW¼.

The applicant agency has added the following lands to the application:

MOUNT DIABLO MERIDIAN
SIERRA NATIONAL FOREST
Neder Grove Recreation Area

T. 6 S., R. 22 E.,
Sec. 7: SE¼NE¼;
Sec. 8: W½SW¼, W½NW¼SE¼, NW¼SW¼SE¼, N½SE¼SW¼.

The above-described land added to the application aggregate approximately 170.00 acres of public land.

WALTER E. BECK, *Manager.*

[F.R. Doc. 62-1857; Filed, Feb. 28, 1962; 8:46 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands; and Partial Termination

FEBRUARY 16, 1962.

The Forest Service, United States Department of Agriculture, has filed an application, Serial No. Riverside 0126, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the Taylor Grazing Act, the mining and mineral leasing laws, and disposals of material under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, subject to valid existing rights.

The applicant desires the land for use by the Pacific Southwest Forest and Range Experiment Station to provide a field testing area to be used in conjunction with the Western Forest Fire Research Laboratory, a facility adjacent to the campus of the University of California at Riverside.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 Eighth Street, Box 723, Riverside, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 3 S., R. 1 E.,
Sec. 28, NW¼, E½, N½SW¼, SW¼SW¼;
Sec. 30, E½SW¼, SE¼, S½NE¼SE¼NE¼, NE¼SW¼SE¼NE¼, S½SW¼SE¼NE¼, SE¼SE¼SW¼NE¼, SE¼SE¼NE¼;
Sec. 32, All;
Sec. 34, S½NW¼NW¼;
Sec. 36, SW¼, W½SE¼.
T. 3 S., R. 1 W.,
Sec. 24, Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9;
Sec. 28, E½NE¼, SE¼;
Sec. 32, E½SE¼, SW¼SE¼.
T. 4 S., R. 1 E.,
Sec. 2, Lots 2, 3 and 4, E½SE¼;
Sec. 3, Lots 1, 2, 3 and 4, S½NW¼, SW¼, W½SE¼, SW¼NE¼, N½SE¼NE¼;
Sec. 4, All;
Sec. 5, All;
Sec. 6, Lots 1, 2, 3, 6 and 7, E½W½, S½NE¼, SE¼;
Sec. 7, All;
Sec. 8, All;
Sec. 9, All;
Sec. 10, Lots 3, 4, 5, 6, and 8;
Sec. 16, NE¼, S½S½;
Sec. 17, All;
Sec. 18, All;
Sec. 19, Lots 1, 2 and 3, E½NW¼, N½SW¼, NE¼, N½SE¼;
Sec. 20, N½N½, SE¼NE¼, SE¼SW¼;
Sec. 21, NW¼, NW¼SW¼;
Sec. 22, E½E½, W½SE¼, E½SW¼;
Sec. 26, NW¼, NE¼, W½SW¼, N½NW¼SE¼, N½N½NE¼SE¼;
Sec. 27, E½NE¼, NE¼SE¼;
Sec. 33, S½;
Sec. 34, W½, W½E½, SE¼SE¼;
Sec. 35, NE¼NE¼.
T. 4 S., R. 1 W.,
Sec. 12, All;
Sec. 24, Lots 1, 2, 3, 4, 9, 10, 11, 12 and 13.
T. 5 S., R. 1 E.,
Sec. 11, NW¼, NW¼, N½NW¼SW¼, SE¼NW¼SW¼, NE¼SW¼, N½N½SE¼SW¼, N½SE¼, SE¼SE¼, NE¼SW¼SE¼, N½NW¼SW¼SE¼, SE¼NW¼SW¼SE¼, N½SE¼SW¼SE¼, SE¼SE¼SW¼SE¼.

The above described area contains approximately 12,670.03 acres of Federal land. The lands are located in Riverside County, California.

The following Federal lands which were included in the application filed on January 2, 1962, have been cancelled by the applicant agency. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m., on March 20, 1962, relieved of the segregative effect of the above mentioned application.

The lands terminated are:

SAN BERNARDINO MERIDIAN

T. 3 S., R. 1 E.,
Sec. 30, N½NE¼NE¼NW¼, N½N½NE¼, N½S½NE¼NE¼.
T. 4 S., R. 1 W.,
Sec. 3, Lots 14, 15, 16, 17, 18, and 19;
Sec. 10, All.

The total area terminated contains approximately 915.32 acres.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 62-1858; Filed, Feb. 23, 1962; 8:46 a.m.]

Office of the Secretary

ROBERT R. REND

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) The Montana Power Co., American Telephone & Telegraph Co., Investors Mutual Inc., New York Life Insurance Co.
(3) None.
(4) None.

This statement is made as of January 1, 1962.

Dated: January 22, 1962.

ROBERT R. REND.

[F.R. Doc. 62-1862; Filed, Feb. 23, 1962; 8:46 a.m.]

RAYMOND V. SELANDER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of February 1, 1962.

Dated: February 5, 1962.

RAYMOND V. SELANDER.

[F.R. Doc. 62-1863; Filed, Feb. 23, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 20, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37564: *Class rates—Seatrain Lines, Inc.* Filed by Seatrain Lines, Inc. (No. 19), for itself and interested carriers. Rates on various commodities moving on class rates, loaded in containers, and transported over joint water-rail, motor-water-rail, rail-water and rail-water-motor routes of the applicant rail and motor carriers and Seatrain Lines, Inc.

Grounds for relief: Motor-water and water-rail competition.

FSA No. 37565: *Newsprint paper from Pine Bluff, Ark., and Herty, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8156), for interested rail carriers. Rates on newsprint paper, in carloads, from Pine Bluff, Ark., and Herty, Tex., to Norfolk, Newport News and Richmond, Va.

Grounds for relief: Market competition.

Tariff: Supplement 70 to Southwestern Freight Bureau tariff I.C.C. 4[illegible].

FSA No. 37566: *T.O.F.C.—Class rates from and to Elsinore and Stagg, Ky.* Filed by Western Trunk Line Committee, agent (No. A-2225), for interested rail carriers. Rates on various commodities moving on class rates loaded in trailers and transported on railroad flat cars between Elsinore and Stagg, Ky., on the one hand, and points in western trunk line territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 14 to Western Trunk Line Committee tariff I.C.C. A-4379.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-1778; Filed, Feb. 22, 1962; 8:45 a.m.]

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THE NATIONAL ARCHIVES OF THE UNITED STATES — 1934

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Washington, Tuesday, February 27, 1962

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11006

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN EASTERN AIR LINES, INC., AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Eastern Air Lines, Inc., a carrier, and certain of its employees represented by the Flight Engineers' International Association, EAL Chapter, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of airline employees or any carrier.

The board shall report its findings to the President with respect to the dispute within thirty days from the date of this order.

As provided by Section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by Eastern Air Lines, Inc., or by its employees, in the condition out of which the dispute arose.

JOHN F. KENNEDY

THE WHITE HOUSE,
February 22, 1962.

[F.R. Doc. 62-2018; Filed, Feb. 26, 1962; 10:59 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter IV—The President's Committee on Equal Employment Opportunity

PART 401—NONDISCRIMINATION IN GOVERNMENT EMPLOYMENT

Interpretation

Pursuant to Executive Order 10925 of March 6, 1961 (26 F.R. 1977), 5 C.F.R. 401.19a is amended to read as hereinbelow set out.

This amendment shall be effective upon publication in the FEDERAL REGISTER.

§ 401.19a Interpretation of § 401.19.

Section 401.19 shall be construed as providing the complainant, upon request, with the right to receive a concise and accurate summary of the facts pursuant to his complaint, and upon which the agency relied in reaching a decision, together with a statement of the reasons for the agency action in denying the claim of the complainant. The agency may, in lieu of a summary statement, make available to the complainant the entire report of the agency's investigation of the complaint. In cases in which the complainant or his agent is provided with such summary statement, the Executive Vice Chairman or his representative shall have the right, upon request, to examine all data in the record gathered by the agency pursuant to an investigation of the complaint.

Signed at Washington, D.C., this 20th day of February 1962.

JERRY R. HOLLEMAN,
Executive Vice Chairman.

[F.R. Doc. 62-1915; Filed, Feb. 26, 1962; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. No. 31]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

PEAS (CANNING AND FREEZING)

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1962 crop year for canning and freezing peas in the following respects:

1. The table following paragraph (a) of § 401.3 of this chapter is amended effective beginning with the 1962 crop year for peas by adding the following insertion immediately below that portion of the table showing a closing date for potatoes:

Canning and Freezing Peas	Mar. 1

2. The following section is added:

§ 401.38 The canning and freezing pea endorsement.

The provisions of the canning and freezing pea endorsement for the 1962 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, heat, lightning, fire, excessive rain, snow, hurricane, tornado and any other unavoidable causes of loss due to adverse weather conditions, subject, however, to any exceptions, exclusions or limitations with respect to such causes of loss that are set forth on the county actuarial table: *Provided, however,* That failure to harvest and market any acreage as green peas when such failure is not due to insurable causes shall not be a cause of loss insured against.

2. *Insured crop.* The insured crop shall be canning and freezing peas grown under a contract of, or for, sale between the insured and a processor executed by the time the acreage to be insured is reported. Insurance shall not be considered to have attached on any field of peas which is not a processor contract field of peas nor on any acreage not under such a contract or on any acreage excluded from such contract for the crop year pursuant to the terms thereof.

3. *Production guarantee and price per pound.* (a) The provisions of section 3 of the policy with respect to guaranteed production and amounts of insurance per acre shall not be applicable under this endorsement. For each crop year of the contract the production guarantee, and the price at which indemnities shall be computed shall be those established by the Corporation and shown on the county actuarial table.

(b) At the time the application for insurance is made the applicant shall elect a price at which indemnities shall be computed from among those shown on the county actuarial table. If any applicant fails to make an election or elects a price not shown on the actuarial table, the price which shall be in effect shall be the amount provided on the county actuarial table for such purposes. As to any succeeding crop year any insured may change the price which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election before contracts are terminated for indebtedness for the crop year for which the election is to become effective. If no such change is made the price at which indemnities shall be computed shall be the price most recently in force under the contract but for any crop year shall not exceed the maximum price as shown on the county actuarial table.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the insured crop is planted and shall cease upon the earlier of vining, combining (in the case of dry peas), removal from the field, final adjustment of loss, or September 30 of the crop year.

5. *Notice of loss, damage, or failure to harvest.* (a) If, during the growing season, the insured crop on any insurance unit is damaged to the extent that the insured does not expect to further care for the crop or he wants the consent of the Corporation to put the acreage to another use, including letting the acreage go to dry peas, the insured shall promptly give written notice of such damage to the Corporation at the county office.

(b) For any unit on which a loss is probable, written notice shall be given to the Corporation immediately, within 48 hours, if harvesting is discontinued on any acreage before the entire acreage on the unit is harvested for green peas or at the time harvest for green peas should normally be commenced on any unit if the insured does not expect to harvest or is unable to harvest the acreage for green peas.

(c) If an insured loss occurs on any insurance unit the insured shall give prompt written notice to the Corporation at the county office within 15 days after harvesting is completed on the insurance unit.

(d) The Corporation reserves the right to reject any claim for loss if any of the requirements of this section are not met if it determines that it has been prejudiced by such failure.

6. *Claims for loss.* (a) In lieu of section 11(c) of the policy, the following shall apply: Losses shall be determined separately for each insurance unit (hereinafter called "unit"). The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the insured interest, and (4) multiplying this result by the applicable price for computing indemnities: *Provided,* That, if for the insurance unit the insured fails to report all of his interest or insurable acreage, the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 2 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for an insurance unit shall be determined by the Corporation and shall include all vined or combined production and any appraisals made by the Corporation for unharvested or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided,* That the total production to be counted for any acreage not harvested nor considered as harvested within the meaning of the term "harvested" shall not be less than 25 percent of the production guarantee for such acreage: *Provided further,* That the production to be counted for any acreage of peas which is abandoned or put to another use without the consent of the Corporation shall be the production guarantee provided on the county actuarial table for such acreage: *Provided further,* That the production to be counted for any acreage of peas which is undamaged and not harvested as green peas shall not be less than the production guaranteed for such acreage.

(b) Notwithstanding the provisions of paragraph (a) of this section: All production to be counted shall be adjusted to the pound equivalent of the quality guarantee shown on the county actuarial table as follows:

Green peas—By relating the processor contract price for the quality of the actual or appraised production to the processor contract price for the production of the quality guaranteed.

Dry peas—By relating the value to the applicable green pea processor contract price for the production of the quality guaranteed, as determined by the Corporation.

7. *Meaning of terms.* For the purpose of insurance on canning and freezing peas the terms:

(a) "Processor contract field of peas" means a field of canning or freezing peas designated or described under a contract of, or for, sale between the insured and a processor for delivery in the current crop year, as determined by the Corporation from such contract.

(b) "Insurance unit," notwithstanding section 21(g) of the policy, means the insurable acreage on each processor contract field of peas in the county in which the insured has an interest.

(c) "Harvest" or "harvested" means the swathing or cutting of the vines for vining the green peas or combining the dry peas. For the purpose of determining any loss under the contract any acreage shall not be considered as harvested unless the Corporation determines that at the time of harvest the production equivalent harvested therefrom equals not less than 25 percent of the production guarantee for such acreage.

(d) "Vining" means separating the peas from the pods.

8. *Cancellation, termination for indebtedness, and discount dates.* (a) For each crop year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the March 1 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(b) For the 1962 crop year only the discount date shall be December 31, 1962.

9. *Annual premium.* For the 1962 crop year only, notwithstanding the provisions of section 4(e) of the policy to the contrary, the discount therein provided shall be inapplicable under this endorsement.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on February 16, 1962.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved on February 21, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-1931; Filed, Feb. 26, 1962; 8:50 a.m.]

[Amdt. No. 32]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

CORN

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1962 crop year in the following respects:

1. The corn endorsement shown in § 401.20 of this chapter is amended effective beginning with the 1962 crop year by adding a new section 9 to read as follows:

9. *Special provisions applicable only in McLean and Livingston Counties, Illinois, Fillmore County, Minnesota, Henry and Wood Counties, Ohio, and Walworth County, Wisconsin.* (a) For the 1962 or any succeeding crop year any insured in McLean and Livingston Counties, Illinois, Fillmore County, Minnesota, Henry and Wood Counties, Ohio, and Walworth County, Wisconsin, may elect that the provisions of this section 9 shall apply to his contract of insurance in lieu of the provisions of section 5 of this endorsement by notifying the county office in writing of such election prior to the termination date for indebtedness for such crop year or he may terminate any such election by notifying the county office in writing prior to such date. In the event of such election the reference in the third sentence of section 4 of this endorsement to section 5 shall be deemed to be a reference to subsection (c) of this section 9.

(b) The provisions of section 3 of the policy with respect to guaranteed production and amounts of insurance per acre shall not be applicable under this endorsement if the insured elects that the provisions of this section 9 shall apply to his contract of insurance. For each crop year of the contract the bushel guarantee, and the price at which indemnities shall be computed shall be those established by the Corporation and shown on the county actuarial table.

At the time the application for insurance is made, if the applicant elects that the provisions of this section 9 shall apply to his contract of insurance, he shall also elect a price per bushel at which indemnities shall be computed from among those shown on the county actuarial table. Any insured with a contract in force prior to the 1962 crop year or commencing with the 1962 crop year who elects that the provisions of this section 9 shall apply, shall also elect the price per bushel to be in effect beginning with the 1962 crop year. If any such applicant or such insured fails to make an election or elects a price per bushel not shown on the actuarial table, the price per bushel which shall be in effect shall be the amount provided on the county actuarial table for such purposes.

As to any succeeding crop year any such insured may change the price per bushel which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election before contracts are terminated for indebtedness for the crop year for which the election is to become effective. If no such change is made, the price per bushel at which indemnities shall be computed shall be the price most recently in force under the contract but for any crop year shall not exceed the maximum price per bushel as shown on the county actuarial table.

(c) In lieu of section 11(c) of the policy, the following shall apply: Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insured acreage of corn on the insurance unit by the applicable bushel guarantee per acre, which product shall be the bushel guarantee for the insurance unit, (2) subtracting therefrom the total production to be counted for the insurance unit, (3) multiplying the remainder by the insured interest, and (4) multiplying this result by the applicable price per bushel for computing indemnities: *Provided,* That if for the insurance unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 2 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for an insurance unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all harvested production and any appraisals made by the Corportion for unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided,* That the total production to be counted on any acreage of the insured crop which is appraised by the Corporation and planted to dry edible beans, flax, grain sorghum or soybeans in the current crop year with the consent of the Corporation shall be not less than one-half of the guaranteed production provided for such acreage: *Provided, further,* That the production to be counted for any acreage of corn which is harvested for silage or fodder, or for the purpose of wet storage, or which is abandoned or put to another use without the consent of the Corporation shall be the guaranteed production provided for such acreage, except that where the insured has complied with the provisions of section 4 of this endorsement, the total production to be counted from any acreage of corn which is appraised by the Corporation and harvested for silage or fodder, or for the purpose of wet storage, shall be the total of such appraisal but not to exceed the guaranteed production for that acreage.

(d) Notwithstanding the provisions of paragraph (c) of this section for determining production to be counted, the production of corn to be counted, excluding corn harvested for silage, fodder, wet storage or any appraisal of production made prior to normal harvesttime, which has a moisture content of 29 percent or more due to insurable causes occurring during the insurance period, shall be adjusted as hereinafter provided. The production of any such corn with a moisture content of: (1) 29 percent through 31.9 percent shall be adjusted by multiplying the number of bushels by 75 percent, (2) 32 percent through 34.9 percent shall be adjusted by multiplying the number of bushels by 50 percent, (3) 35 percent through 37.9 percent shall be adjusted by multiplying the number of bushels by 25 percent and (4) 38 percent or more shall not be counted.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on February 16, 1962.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved on February 21, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-1932; Filed, Feb. 26, 1962; 8:50 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—SPECIAL PROGRAMS

[1962 Wheat Stabilization Program, Supp. 1]

PART 776—WHEAT STABILIZATION PROGRAM

Subpart—1962 Wheat Stabilization Program Regulations

CORRECTION

In F.R. Doc. 61-11295, beginning on page 11407 of the issue for Saturday, December 2, 1961, the table to § 776.52 is corrected as follows:

§ 776.52 County average yields and county payment rates for wheat.

* * * * *

District	County	1959-60 adjusted average yield (bushels)	45% payment rate per acre (dollars)	80% payment rate per acre (dollars)
4	Lane	31.1	27.90	37.20
	Scott	34.5	30.70	41.00
	Wichita	33.0	29.30	39.00
7	Hamilton	30.5	27.00	36.10
	Stanton	30.5	26.90	35.90
8	Dickinson	25.1	23.10	30.80
	Marion	24.2	22.20	29.60
8	Harvey	25.6	23.50	31.40
3	Atchinson	28.2	26.90	35.90
	Doniphan	29.1	27.80	37.10
	Jackson	29.1	27.50	36.90
	Jefferson	27.5	26.30	35.00
	Leavenworth	27.0	25.90	34.30
	Marshall	26.5	24.80	33.10
	Pottawatomie	27.8	26.00	34.70
6	Wabaunsee	26.7	25.00	33.30
9	Greenwood	27.8	25.90	34.60
	Woodson	26.4	24.80	32.90

(Sec. 124(1), 75 Stat. 300)

Issued at Washington 25, D.C., this 20th day of February 1962.

Effective upon publication in the FEDERAL REGISTER.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-1933; Filed, Feb. 26, 1962; 8:50 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

[Sugar Determination 878.14]

SUBCHAPTER I—DETERMINATION OF PRICES

PART 878—SUGARCANE; VIRGIN ISLANDS

Prices; 1962 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on November 17, 1961, the following determination is hereby issued:

§ 878.14 Fair and reasonable prices for the 1962 crop of Virgin Islands sugarcane.

A producer of sugarcane in the Virgin Islands who is also a processor of sugarcane (herein referred to as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1962 crop grown by other producers and processed by him at rates not less than those determined in accordance with the following requirements, or at a combined rate of not less than the sum of the rates determined in accordance with the following requirements:

(a) *Definitions.* For the purpose of this section, the term:

(1) "Raw sugar" means raw sugar as made converted to a 96° basis.

(2) "Settlement period" means the two-week period in which sugarcane is delivered by the producer to the processor. The first such period shall start on Monday of the week grinding commences and successive periods shall start at two-week intervals thereafter. Odd days at the end of the grinding season shall be included in the preceding period if less than 7 days and if 7 days or more shall constitute a separate settlement period.

(3) "Price of raw sugar" means the simple average of the daily spot quotations for sugar deliverable under the New York Coffee and Sugar Exchange No. 7 domestic contract (bulk sugar) for the settlement period, except that, if the Director of the Sugar Division determines that any such price quotation does not reflect the true market value of raw sugar because of inadequate volume or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of raw sugar.

(4) "F.o.b. mill price" means the price of raw sugar minus selling and delivery expenses actually incurred by the processor in marketing raw sugar of the 1962 crop.

(5) "Yield of raw sugar" means the quantity of raw sugar recovered per 100 pounds of sugarcane determined for each settlement period in accordance with the following procedure:

(i) A representative sample shall be taken of each producer's daily deliveries of sugarcane during the settlement period and ground by a laboratory power mill. The juice extracted therefrom shall be analyzed for Brix and sucrose content by standard methods of analysis.

(ii) Application shall then be made of the formula, $R=(S-0.3B)F$, where:

R = Yield of raw sugar.
S = Sucrose content of the laboratory power mill juice obtained from the sugarcane of each producer.
B = Brix of the laboratory power mill juice obtained from the sugarcane of each producer.
F = Yield factor which is determined as follows:

(*a*) Determine the "tentative recovery of raw sugar" for each producer delivering sugarcane during the settlement period, from the product of the formula (S—0.3B), and the number of hundredweights of sugarcane; and

(*b*) Divide the pounds of raw sugar, 96° basis, produced and estimated from all sugarcane received and tested during the settlement period by the sum of the "tentative recoveries of raw sugar" for all producers to obtain the yield factor F.

(iii) In the event any sugarcane was not processed during the settlement period in which it was received and tested, the quantity of sugar produced during such period shall be increased by attributing to such sugarcane an estimated quantity determined by multiplying the number of tons of such unprocessed sugarcane by the average percentage of sugar, 96° basis, that was recovered from all sugarcane processed during such settlement period. The quantity of sugar so estimated shall be deducted from the sugar produced during the subsequent period.

(b) *Payment for sugarcane.*

(1) The payment for sugarcane delivered by the producer to the processor during a settlement period shall be calculated on the basis of the f.o.b. mill price for that portion of the raw sugar determined by applying not less than the following applicable percentage to the yield of raw sugar from the producer's sugarcane:

Pounds of raw sugar per 100 pounds of sugarcane:	Percentage
6.0	62.0
7.0	64.0
8.0	66.0
9.0	68.0
10.0	77.0
11.0	86.0
12.0	89.0

Intermediate points within the scale are to be interpolated to the nearest one-tenth point. Points below 6 pounds or above 12 pounds of raw sugar are to be in proportion to the immediately preceding interval.

(2) The processor shall pay to the producer for each 100 pounds of sugarcane delivered an amount for molasses computed by applying the following applicable percentage to the product of 10.50 cents per gallon and the average number of gallons of blackstrap molasses produced per 100 pounds of sugarcane of the 1962 crop:

Pounds of raw sugar per 100 pounds of sugarcane:	Percentage
6.0	62.0
7.0	68.0
8.0	74.0
9.0	68.0
10.0	62.0
11.0	56.0
12.0	50.0

Intermediate points within the scale are to be interpolated to the nearest one-tenth point. Points below 6 pounds or above 12 pounds of raw sugar are to be in proportion to the immediately preceding interval.

(c) *Delivery point and transportation allowances.* The price for sugarcane established by this section shall be applicable to sugarcane delivered to the mill. For each 100 pounds of sugarcane delivered to the mill the processor shall make an allowance to the producer for loading and transporting such sugarcane in an amount not less than one-half of the loading and transportation rate applicable to the 1961 crop. The rates and allowances shall be posted at the mill by the processor.

(d) *Reporting requirements.* The processor shall submit in duplicate to the Caribbean Area Agricultural Stabilization and Conservation Service Office, Santurce, Puerto Rico, for approval a certified statement itemizing the actual expenses deducted in determining the f.o.b. mill price of raw sugar.

(e) *Subterfuge.* The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this determination through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1962 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay, under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1962 price determination.* This determination continues the provisions of the 1961 determination except that the amount of the allowance by the processor to producers for transporting sugarcane from the farm to the mill is based on rates which are not less than those applicable to the 1961 crop and the molasses payment to producers is based on 10.5 cents per gallon instead of 10.75 cents per gallon.

A public hearing was held in Christiansted, St. Croix, Virgin Islands, on November 17, 1961, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable prices for the 1962 crop. The representative of the Virgin Islands Corporation recommended that the molasses payment to producers be based on the actual price received by the processor from the sale of molasses. The witness stated that the Corporation does not produce enough molasses to supply the needs of the local distiller; that during 1961 the Corporation negotiated a new contract with the distiller establishing a formula whereby the price for molasses produced by the Corporation would be 2 cents per gallon less than the price paid for the first 500,000 gallons of molasses imported by the distillers during the year; that if no molasses were imported and the parties were unable to reach an agreement the contract provides for arbitration of the price for molasses; that the quantity of 500,000 gallons was agreed upon as representing a reasonable volume of molasses on which to base a price; and that the deduction of 2 cents per gallon from the price of imported molasses was one-half of the estimated 4 cent cost if the Corporation shipped its molasses out of the Virgin Islands. The witness testified that the Corporation paid producers a higher percentage share of the sugar recovered from 1961 crop sugarcane than was required by the determination and proposed to pay such higher share for the sugar recovered from 1962 crop sugarcane; that the molasses payment to producers was based on the price for molasses specified in the 1961 determination which was higher than the actual price for molasses received by the Corporation; that the new dock facilities permit the loading of raw sugar on board ship by a conveyor system which is expected to reduce marketing expenses about $2.00 per ton of sugar; that the allowance paid to producers for loading and transporting sugarcane was increased 20 percent for the 1961 crop as compared with the 1960 crop and the Corporation had agreed with producers to review such rates with a view to a possible further increase for the 1962 crop; that on the basis of current estimates the Corporation made a profit of $166,000 on the production of 1961-crop sugarcane but sustained a loss of $213,000 on its milling operation, resulting in an overall loss of $47,000 even though a record crop was produced; and that the loss for the 1962 crop probably would be greater since a considerably smaller crop is in prospect.

Consideration has been given to the recommendations made at the hearing, to the returns, costs, and profits of producing and processing sugarcane obtained by field study, and to other pertinent factors. The returns, costs, and profits of independent producers and the processor, obtained by survey for prior years, have been recast to reflect prospective price and production conditions for the 1962 crop. This analysis indicates that the sharing relationship provided in this determination will be favorable to independent producers.

The Virgin Islands Corporation is the largest producer and only processor of sugarcane in the Virgin Islands. Since its formation in 1949 the Corporation's sugarcane growing operation has shown a profit in 1956, 1957, 1959, and 1961. However, the sugarcane processing operation has sustained losses ranging as high as $400,000 in 1960, when the crop was severely affected by drought. The profit on the sugarcane producing operation in 1957 was sufficient to offset the processing loss, and in that year only was a profit realized on the overall sugar operations.

As a result of an analysis of a study of returns, costs, and profits of the producing and processing operations of the Virgin Islands Corporation, the 1958 determination provided for a reduction of about 10 percent in the producers' share of sugar recovered from their sugarcane. A study of the returns, costs, and profits of independent producers' sugarcane operations confirmed that the reduced sharing relationship was equitable to producers and such relationship has been continued in subsequent determinations.

The provision of the prior determination which related the price of molasses, upon which the molasses payment to producers was based, to the most recent 5-year average net proceeds from sales of molasses by processors in Puerto Rico is continued. This method was first adopted in the 1958 determination inasmuch as contractual arrangements of the Corporation required that most of its annual production of molasses be marketed to Island distillers at negotiated prices, and since there were only one or two local buyers the establishment of a local market price was not practicable. Under the present pricing arrangement between the Corporation and the distiller the price of molasses is contingent upon importations from foreign countries, and if no molasses is imported the price must then be agreed upon or arbitrated. In these circumstances it is deemed desirable to continue a fixed price in the determination based upon the net proceeds realized in Puerto Rico where competitive marketing practices prevail.

With regard to any difference in the price for molasses actually realized and that specified in the determination, it is again pointed out that if the combined payments for sugarcane determined on the basis of the producers' share of raw sugar as authorized by the Board of Directors of the Corporation and on the actual sales price of molasses are equal to or in excess of the total payments computed in accordance with the formulae provided in the determination, the minimum requirements of the determination will have been met.

The 1961 determination provided that sugarcane loading and transportation allowances to producers be based on rates which were 20 percent higher than in 1960, and that the rates were to be posted at the mill. The Corporation agreed with producers to pay the higher rates in 1961 and indicated that it would review the rates with a view to a further increase for the 1962 crop. The arrangement for the 1962 crop has not yet been announced. This determination establishes a minimum requirement that loading and transportation allowances are to be based on rates not less than those applicable in 1961.

On the basis of an examination of all relevant factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended. (Sec. 403, 61 Stat. 932; 7 U.S.C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U.S.C. Supp. 1131.)

Signed at Washington, D.C., on February 20, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-1934; Filed, Feb. 26, 1962; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 3]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 909.303 Grapefruit Regulation 3.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on February 15, 1962, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended regulation is based was received by the Fruit Branch on February 20, 1962; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., February 25, 1962, and ending at 12:01 a.m., P.s.t., March 11, 1962, no handler shall handle:

(i) From the State of California or the State of Arizona to any point outside thereof any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of White Water, California, unless such grapefruit grade at least U.S. No. 2: *Provided*, That included in the tolerances for defects permitted by such grade not more than 5 percent, by count, shall be allowed for grapefruit having peel more than one inch in thickness at the stem end, measured from the flesh to the highest point of the peel; or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which measure less than $3^{11}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than $3^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{2}/_{16}$ inches in diameter and smaller.

(2) As used herein, "handler," "variety," "grapefruit," and "handle" shall have the same meaning as when used in said amended marketing agreement and order; the term "U.S. No. 2" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 20, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-1911; Filed, Feb. 26, 1962; 8:48 a.m.]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Approval of Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971; formerly Order No. 134, Part 1034) regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas, was published in the FEDERAL REGISTER November 17, 1961 (26 F.R. 10773). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the South Texas Lettuce Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 971.202 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the South Texas Lettuce Committee, established pursuant to Marketing Agreement No. 144, and this part, for its maintenance and functioning during the fiscal period November 1, 1961, through October 31, 1962 will amount to $30,000.00.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 144 and this part shall be two cents ($0.02) per carton of lettuce handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 144 and this part.

It is hereby found that good cause exists for not postponing the effective time of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the relevant provisions of said marketing agreement and this part require that rate of assessment fixed for a particular fiscal period shall be applicable to all assessable lettuce from the beginning of such period, and (2) the current fiscal period began on November 1, 1961, and the rate of assessment herein fixed will automatically apply to all assessable lettuce beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 21, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-1913; Filed, Feb. 26, 1962; 8:48 a.m.]

PART 990—HANDLING OF CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Expenses of the Grape Crush Administrative Committee and Rate of Assessment

Notice was published in the February 9, 1962, issue of the FEDERAL REGISTER (27 F.R. 1217) regarding a proposal to approve expenses of the Grape Crush Administrative Committee for the period beginning on August 26, 1961, and ending on June 30, 1962, and fix the rate of assessment for that period, pursuant to the provisions of Marketing Agreement No. 133 and Order No. 990 (7 CFR Part 990), regulating the handling of Central California grapes for crushing. This marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Interested persons were afforded opportunity to submit written data, views, or arguments with respect to the proposal. The prescribed time has elapsed and no such communications have been received.

After consideration of all relevant matters presented, including the information and recommendations submitted by the committee, and other available information, it is hereby found and determined that the authorized expenses of the Grape Crush Administrative Committee and the rate of assessment during the aforesaid period shall be as follows:

§ 990.201 Expenses of the Grape Crush Administrative Committee and rate of assessment.

(a) *Expenses.* Expenses[1] in the amount of $189,178 are reasonable and are likely to be incurred, pursuant to § 990.71, by the Grape Crush Administrative Committee during the period beginning on August 26, 1961 and ending on June 30, 1962 of the initial crop year, for the maintenance and functioning of the committee and the Grape Crush Advisory Board, and for such other purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for the period beginning on August 26, 1961, and ending on June 30, 1962, of the initial crop year, which each handler shall, pursuant to § 990.72, pay with respect to all free tonnage (including tonnage of those varieties exempted from volume regulation by § 990.202) grapes for crushing, including such grapes of his own production, received by him during such period is fixed at 33.5 cents per ton of fresh grapes and the equivalent amount of 34.5 cents per ton of raisin residual material.

It is hereby further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of said marketing agreement and order require that a rate of assessment fixed for a particular crop year shall be applicable to all free tonnage (including tonnage of those varieties exempted from volume regulation by § 990.202) grapes for crushing, including such grapes of his own production, received by him during such period; and (2) this period began on August 26, 1961, and the rate of assessment herein fixed will automatically apply to all such grapes for crushing beginning with that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 20, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 62-1912; Filed, Feb. 26, 1962; 8:48 a.m.]

[1] Other than expenses incurred in receiving, handling, holding, or disposing of set aside.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C–10]

PART 13—PROHIBITED TRADE PRACTICES

Smolowitz & Benkel, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–90 *Wool Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–80 *Wool Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Smolowitz & Benkel, Inc., et al., New York, N.Y., Docket C–10, Oct. 23, 1961]

In the Matter of Smolowitz & Benkel, Inc., a Corporation, and Nathan Smolowitz and Samuel Small, Individually and as Officers of Said Corporation

Consent order requiring New York City manufacturers to cease violating the Wool Products Labeling Act by labeling as "50 percent wool, 50 percent reprocessed wool", men's and boys' caps which contained a substantial quantity of nonwoolen fibers; by failing to disclose on labels the true generic names of fibers present in such caps, and the percentage thereof; by failing to disclose the fiber composition of knitted ear covers of different fiber composition from the caps themselves; and by failing in other respects to comply with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Smolowitz & Benkel, Inc., a corporation, Nathan Smolowitz and Samuel Small individually and as officers of the said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution, or delivery for shipment, in commerce, of wool products, as "commerce" and "wool products" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein.

2. Failing to securely affix to, or place on, each such product, a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to disclose by sections and to separately set forth on the required stamp, tag, label or other means of identification the character and amount of the constituent fibers contained in each section of such wool products as required by Rule 23(b) of the rules and regulations promulgated under the aforesaid Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 23, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-1898; Filed, Feb. 26, 1962; 8:46 a.m.]

[Docket No. C–8]

PART 13—PROHIBITED TRADE PRACTICES

Ludwig, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1645 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Ludwig, Inc., et al., Boston, Mass., Docket C–8, Oct. 23, 1961]

In the Matter of Ludwig, Inc., a Corporation, and Herbert Ludwig, and Alvin Ludwig, Individually and as Officers of the Said Corporation

Consent order requiring Boston furriers to cease violating the Fur Products Labeling Act by failing to disclose in labeling and invoicing fur products when the fur was dyed; failing to show on invoices the true animal name of the fur and the country of origin of imported furs; and failing in other respects to comply with labeling and invoicing requirements.

The order to cease and desist, together with order requiring report of compliance therewith, is as follows:

It is ordered, That Ludwig, Inc., a corporation and its officers, and Herbert Ludwig and Alvin Ludwig, individually and as officers of the said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur product," are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

- A. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Failing to set forth separately on labels affixed to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

C. Failing to set forth on labels the item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Failing to set forth on invoices the item number or mark assigned to a fur product.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 23, 1961.

By the Commission.

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-1896; Filed, Feb. 26, 1962; 8:46 a.m.]

[Docket No. C-9]

PART 13—PROHIBITED TRADE PRACTICES

Joe D. Riff and Riff's

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155-40 *Exaggerated as regular and customary;* § 13.155-45 *Fictitious marking.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900-40 *Fur Products Labeling Act:* § 13.1900-40(a) *Maker or seller.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Joe D. Riff trading as Riff's, Longview, Tex., Docket C-9, Oct. 23, 1961]

Consent order requiring a furrier in Longview, Tex., to cease violating the Fur Products Labeling Act by failing to identify on labels the manufacturer or seller of fur products; by advertising prices of fur products as reduced from usual prices which were, in fact, fictitious; by failing to keep adequate records as a basis for price and value claims; and by failing in other respects to comply with labeling and invoicing requirements.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That Joe D. Riff, an individual trading as Riff's or under any other trade name and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth on labels affixed to fur products information required under Section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information.

C. Failing to set forth on labels the item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Failing to set forth on invoices the item number or mark assigned to a fur product.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products and which:

A. Represents directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the prices at which respondent has usually and customarily sold such products in the recent regular course of business.

B. Misrepresents in any manner the savings available to purchasers of respondents fur products.

4. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: October 23, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-1897; Filed, Feb. 26, 1962; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-LA-13]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration

On February 2, 1962, Federal Register Document 62-1538 was published in the FEDERAL REGISTER (27 F.R. 1411) amending Part 600 and § 600.1613 or the regulations of the Administrator by designating VOR Federal airway No. 538 from Twentynine Palms, Calif., to Las Vegas, Nev., and by realigning VOR Federal airway No. 1613 from Mission Bay, Calif., to Las Vegas. These amendments are effective April 5, 1962.

Subsequent to the publication of this document, the name of the navigation facility serving San Diego has been changed from "Mission Bay" to "San Diego". In addition, action to designate control areas associated with Victor 538 was omitted from this document. Therefore, action is taken herein to alter § 600.1613 to reflect the name change and to add § 601.6538 to Part 601 of the regulations of the Administrator.

Since these alterations are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12980), effective immediately, Federal Register Document No. 62-1538 is altered as follows:

In Item No. 2, delete "Mission Bay" wherever it appears and substitute "San Diego" therefor.

Add Item No. 3 to read:

3. In Part 601 (14 CFR Part 601) the following section is added:

§ 601.6538 VOR Federal airway No. 538 control areas (Twentynine Palms, Calif., to Las Vegas, Nev.).

All of VOR Federal airway No. 538.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 21, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-1916; Filed, Feb. 28, 1962; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Change in Names of Organizational Units

Pursuant to section 701(a) of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625): *It is ordered*, That the new drug regulations (21 CFR 130; 25 F.R. 2506) be amended in the following respects:

1. The name "New Drug Branch" is changed to read "Division of New Drugs" wherever it occurs in Part 130 of this chapter.

2. The name "Veterinary Medical Branch" is changed to read "Division of Veterinary Medicine" wherever it occurs in Part 130 of this chapter.

Effective date. This order is effective on the date of signature.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: February 19, 1962.

WINTON B. RANKIN,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-1909; Filed, Feb. 26, 1962; 8:47 a.m.]

Chapter II—Bureau of Narcotics, Department of the Treasury

[T.D. 67]

PART 305—OPIATES

Termination of Ethyl 1-(2-carbamylethyl-4-phenyl-4-piperidinecarboxylate as an opiate

Notice is hereby given pursuant to the provisions of section 4731(g)(2) of the Internal Revenue Code, as amended, of the revocation of the finding heretofore made declaring the drug known as Ethyl 1-(2-carbamylethyl)-4-phenyl-4-piperidinecarboxylate (and its salts) as an opiate. This determination has been made after considering the technical advice of the delegate of the Secretary of Health, Education, and Welfare who has advised that this drug (and its salts) does not in fact have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine nor is it capable of conversion into a drug having such addiction-forming or addiction-sustaining liability with relative technical simplicity and degree of yield as to create a risk of improper use.

Accordingly, § 305.2 is amended by deleting therefrom the words "Ethyl 1-(2-carbamylethyl)-4-phenyl-4-piperidinecarboxylate".

Because this amendment of § 305.2 relieves restrictions and is within the exception of section 4(c) of the Administrative Procedure Act it is found unnecessary to issue this Treasury Decision with notice and public procedure thereon.

Effective date. This Treasury Decision shall become effective upon the date of its publication in the FEDERAL REGISTER.

(26 U.S.C. 4731(g)(2), sec. 4(b), Pub. Law 86-429 (74 Stat. 57); sec. 17, Pub. Law 86-429 (74 Stat. 67))

[SEAL] H. J. ANSLINGER,
Commissioner of Narcotics.

Approved: February 16, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-1923; Filed, Feb. 26, 1962; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55574]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Articles Returned After Exportation for Repairs, Alterations, or Processing

A certificate of registration (customs Form 4455) is required to be filed in connection with entries under paragraph 1615(g) of the Tariff Act of 1930, as amended, for articles exported from the United States for repairs, alterations, or processing and returned to the United States. To prescribe the procedure to be followed when articles exported and registered at time of exportation are returned in several shipments at a port or ports other than the port from which exported, § 10.8(j) of the Customs Regulations is hereby amended by adding at the end thereof the following: "When articles are exported and registered on a customs Form 4455, as provided for in this section, and the articles are reimported at a port other than the port from which exported, the duplicate Form 4455 may be used in making entry at such port of reimportation. Where entry at such port is to be made for only a portion of the merchandise covered by the duplicate Form 4455, the collector may make an extract for use at his port and transmit the duplicate Form 4455 with notation of the extract to the collector at the port of exportation. With respect to additional entries to be made at the same or other ports of reimportation, the collector at the port of exportation (where the original Form 4455 is filed) will, upon request by the importer or the collector at the port of reimportation, issue to the collector at the port of reimportation, an extract of Form 4455 for use in making entry at that port."

(Secs. 201 (par. 1615), 624, 46 Stat. 674, as amended, 759; 19 U.S.C. 1201 (par. 1615), 1624)

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: February 20, 1962.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 62-1922; Filed, Feb. 26, 1962; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6591]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PART 18—CERTAIN INCOME TAX MATTERS UNDER THE TECHNICAL AMENDMENTS ACT OF 1958

Prepaid Subscription Income

On December 14, 1960, a notice of proposed rule making regarding the regulations under section 455 of the Internal Revenue Code of 1954, relating to prepaid subscription income, effective for taxable years beginning after December 31, 1957, was published in the FEDERAL REGISTER (25 F.R. 12833). After consideration of all such relevant matter as was presented by interested parties regarding the rules proposed, the regulations as so published are hereby adopted, subject to the changes set forth below. Such regulations supersede § 18.1-6 of Treasury Decision 6335 (26 CFR Part 18), approved November 19, 1958 (23 F.R. 8981).

PARAGRAPH 1. Section 1.455-4 is revised.

PAR. 2. Paragraph (a) of § 1.455-5 is revised by deleting subparagraph (2) and renumbering subparagraph (3) as (2).

PAR. 3. Paragraph (b) of § 1.455-6 is revised.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: February 21, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

The following regulations relating to prepaid subscription income, effective for taxable years beginning after December 31, 1957, are hereby prescribed under section 455 of the Internal Revenue Code of 1954, as added by section 28 of the Technical Amendments Act of 1958 (72 Stat. 1625):

Sec.
1.455 Statutory provisions; prepaid subscription income.
1.455-1 Treatment of prepaid subscription income.
1.455-2 Scope of election under section 455.
1.455-3 Method of allocation.
1.455-4 Cessation of liability.
1.455-5 Definitions and other rules.
1.455-6 Time and manner of making election.

AUTHORITY: §§ 1.455 to 1.455–6 issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

§ 1.455 Statutory provisions; prepaid subscription income.

Sec. 455. *Prepaid subscription income*—(a) *Year in which included.* Prepaid subscription income to which this section applies shall be included in gross income for the taxable years during which the liability described in subsection (d)(2) exists.

(b) *Where taxpayer's liability ceases.* In the case of any prepaid subscription income to which this section applies—

(1) If the liability described in subsection (d)(2) ends, then so much of such income as was not includible in gross income under shall be included in gross income for the taxable year in which the liability ends.

(2) If the taxpayer dies or ceases to exist, then so much of such income as was not includible in gross income under subsection (a) for preceding taxable years shall be included in gross income for the taxable year in which such death, or such cessation of existence, occurs.

(c) *Prepaid subscription income to which this section applies*—(1) *Election of benefits.* This section shall apply to prepaid subscription income if and only if the taxpayer makes an election under this section with respect to the trade or business in connection with which such income is received. The election shall be made in such manner as the Secretary or his delegate may by regulations prescribe. No election may be made with respect to a trade or business if in computing taxable income the cash receipts and disbursements method of accounting is used with respect to such trade or business.

(2) *Scope of election.* An election made under this section shall apply to all prepaid subscription income received in connection with the trade or business with respect to which the taxpayer has made the election; except that the taxpayer may, to the extent permitted under regulations prescribed by the Secretary or his delegate, include in gross income for the taxable year of receipt the entire amount of any prepaid subscription income if the liability from which it arose is to end within 12 months after the date of receipt. An election made under this section shall not apply to any prepaid subscription income received before the first taxable year for which the election is made.

(3) *When election may be made*—(A) *With consent.* A taxpayer may, with the consent of the Secretary or his delegate, make an election under this section at any time.

(B) *Without consent.* A taxpayer may, without the consent of the Secretary or his delegate, make an election under this section for his first taxable year (i) which begins after December 31, 1957, and (ii) in which he receives prepaid subscription income in the trade or business. Such election shall be made not later than the time prescribed by law for filing the return for the taxable year (including extensions thereof) with respect to which such election is made.

(4) *Period to which election applies.* An election under this section shall be effective for the taxable year with respect to which it is first made and for all subsequent taxable years, unless the taxpayer secures the consent of the Secretary or his delegate to the revocation of such election. For purposes of this title, the computation of taxable income under an election made under this section shall be treated as a method of accounting.

(d) *Definitions.* For purposes of this section—

(1) *Prepaid subscription income.* The term "prepaid subscription income" means any amount (includible in gross income) which is received in connection with, and is directly attributable to, a liability which extends beyond the close of the taxable year in which such amount is received, and which is income from a subscription to a newspaper, magazine, or other periodical.

(2) *Liability.* The term "liability" means a liability to furnish or deliver a newspaper, magazine, or other periodical.

(3) *Receipt of prepaid subscription income.* Prepaid subscription income shall be treated as received during the taxable year for which it is includible in gross income under section 451 (without regard to this section).

(e) *Deferral of income under established accounting procedures.* Notwithstanding the provisions of this section, any taxpayer who has, for taxable years prior to the first taxable year to which this section applies, reported his income under an established and consistent method or practice of accounting for prepaid subscription income (to which this section would apply if an election were made) may continue to report his income for taxable years to which this title applies in accordance with such method or practice.

[Sec. 455 as added by sec. 28, Technical Amendments Act 1958 (72 Stat. 1625)]

§ 1.455–1 Treatment of prepaid subscription income.

Effective with respect to taxable years beginning after December 31, 1957, section 455 permits certain taxpayers to elect with respect to a trade or business in connection with which prepaid subscription income is received, to include such income in gross income for the taxable years during which a liability exists to furnish or deliver a newspaper, magazine, or other periodical. If a taxpayer does not elect to treat prepaid subscription income under the provisions of section 455, such income is includible in gross income for the taxable year in which received by the taxpayer, unless under the method or practice of accounting used in computing taxable income such amount is to be properly accounted for as of a different period.

§ 1.455–2 Scope of election under section 455.

(a) If a taxpayer makes an election under section 455 and § 1.455–6 with respect to a trade or business, all prepaid subscription income from such trade or business shall be included in gross income for the taxable years during which the liability exists to furnish or deliver a newspaper, magazine, or other periodical. Such election shall be applicable to all prepaid subscription income received in connection with the trade or business for which the election is made; except that the taxpayer may further elect to include in gross income for the taxable year of receipt (as described in section 455(d)(3) and paragraph (c) of § 1.455–5) the entire amount of any prepaid subscription income if the liability from which it arose is to end within 12 months after the date of receipt, hereinafter sometimes referred to as "within 12 months" election.

(b) If the taxpayer is engaged in more than one trade or business in which a liability is incurred to furnish or deliver a newspaper, magazine, or other periodical, a separate election may be made under section 455 with respect to each such trade or business. In addition, a taxpayer may make a separate "within 12 months" election for each separate trade or business for which it has made an election under section 455.

(c) An election made under section 455 shall be binding for the first taxable year for which the election is made and for all subsequent taxable years, unless the taxpayer secures the consent of the Commissioner to the revocation of such election. Thus, in any case where the taxpayer has elected a method prescribed by section 455 for the inclusion of prepaid subscription income in gross income, such method of reporting income may not be changed without the prior approval of the Commissioner. In order to secure the Commissioner's consent to the revocation of such election, an application must be filed with the Commissioner in accordance with section 446(e) and the regulations thereunder. For purposes of subtitle A of the Code, the computation of taxable income under an election made under section 455 shall be treated as a method of accounting. For adjustments required by changes in method of accounting, see section 481 and the regulations thereunder.

(d) An election made under section 455 shall not apply to any prepaid subscription income received before the first taxable year to which the election applies. For example, Corporation M, which computes its taxable income under an accrual method of accounting and files its income tax returns on the calendar year basis, publishes a monthly magazine and customarily sells subscriptions on a 3-year basis. In 1958 it received $135,000 of 3-year prepaid subscription income for subscriptions beginning during 1958, and in 1959 it received $142,000 of prepaid subscription income for subscriptions beginning after December 31, 1958. In February 1959 it elected, with the consent of the Commissioner, to report its prepaid subscription income under the provisions of section 455 for the year 1959 and subsequent taxable years. The $135,000 received in 1958 from prepaid subscriptions must be included in gross income in full in that year, and no part of such 1958 income shall be allocated to the years 1959, 1960, and 1961 during which M was under a liability to deliver its magazine. The $142,000 received in 1959 from prepaid subscriptions shall be allocated to the years 1959, 1960, 1961, and 1962.

(e) No election may be made under section 455 with respect to a trade or business if, in computing taxable income, the cash receipts and disbursements method of accounting is used with respect to such trade or business. However, if the taxpayer is on a "combination" method of accounting under section 446(c)(4) and the regulations thereunder, it may elect the benefits of section 455 if it uses an accrual method of accounting for subscription income.

§ 1.455–3 Method of allocation.

(a) Prepaid subscription income to which section 455 applies shall be included in gross income for the taxable years during which the liability to which the income relates is discharged or is deemed to be discharged on the basis of the taxpayer's experience.

(b) For purposes of determining the period or periods over which the liability

of the taxpayer extends, and for purposes of allocating prepaid subscription income to such periods, the taxpayer may aggregate similar transactions during the taxable year in any reasonable manner, provided the method of aggregation and allocation is consistently followed.

§ 1.455–4 Cessation of taxpayer's liability.

(a) If a taxpayer has elected to apply the provisions of section 455 to a trade or business in connection with which prepaid subscription income is received, and if its liability to furnish or deliver a newspaper, magazine, or other periodical ends for any reason, then so much of the prepaid subscription income attributable to such liability as was not includible in its gross income under section 455 for preceding taxable years shall be included in its gross income for the taxable year in which such liability ends. A taxpayer's liability may end, for example, because of the cancellation of a subscription. See section 381(c)(4) and the regulations thereunder for the treatment of prepaid subscription income in a transaction to which section 381(a) applies.

(b) If a taxpayer who has elected to apply the provisions of section 455 to a trade or business dies or ceases to exist, then so much of the prepaid subscription income attributable to such trade or business which was not includible in its gross income under section 455 for preceding taxable years shall be included in its gross income for the taxable year in which such death or cessation of existence occurs. See section 381(c)(4) and the regulations thereunder for the treatment of prepaid subscription income in a transaction to which section 381(a) applies.

§ 1.455–5 Definitions and other rules.

(a) *Prepaid subscription income.* (1) The term "prepaid subscription income" means any amount includible in gross income which is received in connection with, and is directly attributable to, a liability of the taxpayer which extends beyond the close of the taxable year in which such amount is received and which is income from a newspaper, magazine, or other periodical. For example where Corporation X, a publisher of newspapers, magazines, and other periodicals makes sales on a subscription basis and the purchaser pays the subscription price in advance, prepaid subscription income would include the amounts actually received by X in connection with its liability to furnish or deliver the newspaper, magazine, or other periodical.

(2) For purposes of section 455, prepaid subscription income does not include amounts received by a taxpayer in connection with sales of subscriptions on a prepaid basis where such taxpayer does not have the liability to furnish or deliver a newspaper, magazine, or other periodical. The provisions of this subparagraph may be illustrated by the following example. Corporation D has a contract with each of several large publishers which grants it the right to sell subscriptions to their periodicals. Corporation D collects the subscription price from the subscribers, retains a portion thereof as its commission and remits the balance to the publishers. The amount retained by Corporation D represents commissions on the sale of subscriptions, and is not prepaid subscription income for purposes of section 455 since the commissions represent compensation for services rendered and are not directly attributable to a liability of Corporation D to furnish or deliver a newspaper, magazine, or other periodical.

(b) *Liability.* The term "liability" means a liability of the taxpayer to furnish or deliver a newspaper, magazine, or other periodical.

(c) *Receipt of prepaid subscription income.* For purposes of section 455, prepaid subscription income shall be treated as received during the taxable year for which it is includible in gross income under section 451, relating to general rule for taxable year of inclusion, without regard to section 455.

(d) *Treatment of prepaid subscription income under an established accounting method.* Notwithstanding the provisions of section 455 and § 1.455–1, any taxpayer who, for taxable years beginning before January 1, 1958, has reported prepaid subscription income for income tax purposes under an established and consistent method or practice of deferring such income may continue to report such income in accordance with such method or practice for all subsequent taxable years to which section 455 applies without making an election under section 455.

§ 1.455–6 Time and manner of making election.

(a) *Election without consent.* (1) A taxpayer may, without consent, elect to treat prepaid subscription income of a trade or business under section 455 for the first taxable year—

(i) Which begins after December 31, 1957, and

(ii) In which there is received prepaid subscription income from the trade or business for which the election is made.

Such an election shall be made not later than the time prescribed by law for filing the income tax return for such year (including extensions thereof), and shall be made by means of a statement attached to such return.

(2) The statement shall indicate that the taxpayer is electing to apply the provisions of section 455 to his trade or business, and shall contain the following information:

(i) The name and a description of the taxpayer's trade or business to which the election is to apply;

(ii) The method of accounting used in such trade or business;

(iii) The total amount of prepaid subscription income from such trade or business for the taxable year;

(iv) The period or periods over which the liability of the taxpayer to furnish or deliver a newspaper, magazine, or other periodical extends;

(v) The amount of prepaid subscription income applicable to each such period; and

(vi) A description of the method used in allocating the prepaid subscription income to each such period.

In any case in which prepaid subscription income is received from more than one trade or business, the statement shall set forth the required information with respect to each trade or business subject to the election.

(3) See paragraph (c) of this section for additional information required to be submitted with the statement if the taxpayer also elects to include in gross income for the taxable year of receipt the entire amount of prepaid subscription income attributable to a liability which is to end within 12 months after the date of receipt.

(b) *Election with consent.* A taxpayer may, with the consent of the Commissioner, elect at any time to apply the provisions of section 455 to any trade or business in which it receives prepaid subscription income. The request for such consent shall be in writing, signed by the taxpayer or its authorized representative, and shall be addressed to the Commissioner of Internal Revenue, Attention: T:R:C, Washington 25, D.C. The request must be filed on or before the later of the following dates: (1) 90 days after the beginning of the first taxable year to which the election is to apply or (2) May 28, 1962, and must contain the information described in paragraph (a)(2) of this section. See paragraph (c) of this section for additional information required to be submitted with the request if the taxpayer also elects to include in gross income for the taxable year of receipt the entire amount of prepaid subscription income attributable to a liability which is to end within 12 months after the date of receipt.

(c) *"Within 12 months" election.* (1) A taxpayer who elects to apply the provisions of section 455 to any trade or business may also elect to include in gross income for the taxable year of receipt (as described in section 455(d)(3) and paragraph (c) of § 1.455–5) the entire amount of any prepaid subscription income from such trade or business if the liability from which it arose is to end within 12 months after the date of receipt. Any such election is binding for the first taxable year for which it is effective and for all subsequent taxable years, unless the taxpayer secures permission from the Commissioner to treat such income differently. Application to revoke or change a "within 12 months" election shall be made in accordance with the provisions of section 446(e) and the regulations thereunder.

(2) The "within 12 months" election shall be made by including in the statement required by paragraph (a) of this section or the request described in paragraph (b) of this section, whichever is applicable, a declaration that the taxpayer elects to include such income in gross income in the taxable year of receipt, and the amount of such income. If the taxpayer is engaged in more than one trade or business for which the election under section 455 is made, it must include, in such statement or request, a declaration for each trade or business for

which it makes the "within 12 months" election. See also paragraph (e) of § 1.455–2.

(3) If the taxpayer does not make the "within 12 months" election for its trade or business at the time prescribed for making the election to include prepaid subscription income in gross income for the taxable years during which its liability to furnish or deliver a newspaper, magazine, or other periodical exists for such trade or business, but later wishes to make such election, it must apply for permission from the Commissioner. Such application shall be made in accordance with the provisions of section 446(e) and the regulations thereunder.

[F.R. Doc. 62–1920; Filed, Feb. 26, 1962; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 12—AMATEUR RADIO SERVICE

International Telecommunication Convention (Geneva, 1959)

The Commission having under consideration the amendment of Part 12 of the rules governing the Amateur Radio Service to effect the editorial changes described below;

It appearing, that the Atlantic City Radio Regulations have been superseded by the Geneva (1959) Radio Regulations; and

It further appearing, that Appendix 2 to Part 12 refers to the Atlantic City Radio Regulations; and

It further appearing, that the amendment herein ordered makes no substantive change, and being editorial in nature, the prior Public Notice and effective date provisions of the Administrative Procedures Act are not applicable; and

It further appearing, that the amendment adopted herein is issued pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's statement of delegations of authority:

It is ordered, This 21st day of February 1962, that effective February 21, 1962, Appendix 2 to Part 12 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: February 21, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Appendix 2 to Part 12 is amended to read as follows:

APPENDIX 2—EXTRACTS FROM RADIO REGULATIONS ANNEXED TO THE INTERNATIONAL TELECOMMUNICATION CONVENTION (GENEVA, 1959)

ARTICLE 41—AMATEUR STATIONS

SECTION 1. Radiocommunications between amateur stations of different countries shall be forbidden if the administration of one of the countries concerned has notified that it objects to such radiocommunications.

SEC. 2. (1) When transmissions between amateur stations of different cquntries are permitted, they shall be made in plain language and shall be limited to messages of a technical nature relating to tests and to remarks of a personal character for which, by reasoh of their unimportance, recourse to the public telecommunications service is not justified. It is absolutely forbidden for amateur stations to be used for transmitting international communications on behalf of third parties.

(2) The preceding provisions may be modified by special arrangements between the administrations of the countries concerned.

SEC. 3. (1) Any person operating the apparatus of an amateur station shall have proved that he is able to send correctly by hand and to receive correctly by ear, texts in Morse code signals. Administrations concerned may, however, waive this requirement in the case of stations making use exclusively of frequencies above 144 Mc/s.

(2) Administrations shall take such measures as they judge necessary to verify the technical qualifications of any person operating the apparatus of an amateur station.

SEC. 4. The maximum power of amateur stations shall be fixed by the administrations concerned, having regard to the technical qualifications of the operators and to the conditions under which these stations are to work.

SEC. 5. (1) All the general rules of the Convention and of these Regulations shall apply to amateur stations. In particular, the emitted frequency shall be as stable and as free from spurious emissions as the state of technical development for such stations permits.

(2) During the course of their transmissions, amateur stations shall transmit their call sign at short intervals.

[F.R. Doc. 62–1944; Filed, Feb. 26, 1962; 8:51 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

Exemption of Common Carriers by Water

Section 1453.3(d)(2) *Fiscal years ending on or after December 31, 1953* is amended by deleting, in subdivision (i) thereof, the words "January 1, 1961", and inserting in lieu thereof the words "January 1, 1962".

(Sec. 109, 65 Stat. 22, 50 U.S.C. App. Sup. 1219)

Dated: February 21, 1962.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 62–1917; Filed, Feb. 26, 1962; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Coast Guard

[46 CFR Part 32]

[CGFR 62–3]

VENTING OF COFFERDAMS IN TANK VESSELS

Public Hearing on Proposed Changes

1. The Merchant Marine Council will hold a public hearing on Monday, March 12, 1962, commencing at 9:30 a.m., in the Departmental Auditorium, between 12th and 14th Streets on Constitution Avenue NW., Washington, D.C., for the purpose of receiving comments, views, and data on the proposed changes in the navigation and vessel inspection regulations, as set forth in Items I to IX, inclusive, in the Merchant Marine Council Public Hearing Agenda, CG–249, dated March 12, 1962, and another notice of proposed rule making published January 23, 1962 (27 F.R. 657–665). In Item V (page 182, CG–249) and paragraph 75 of the published notice of proposed rule making (27 F.R. 662) are the changes originally proposed to 46 CFR 32.55–45 regarding "Venting of Cofferdams." In a review of the printed Agenda (CG–249) it was found that necessary additional changes to 46 CFR 32.55–1 and 32.55–45 had been unintentionally omitted. Therefore, in addition to the changes to 46 CFR 32.55–45 previously published, the following proposals will be considered by the Merchant Marine Council as a part of the material on "Venting of Cofferdams" in Item V—Tank Vessels:

a. It is proposed to amend 46 CFR 32.55–1(a) by deleting the word "and" and inserting a comma in the phrase "water tanks and cofferdams," and by inserting a phrase "and voids" after the word "cofferdams" so it will read as follows:

§ 32.55–1 Ventilation of tank vessels constructed on or after July 1, 1951—TB/ALL.

(a) On all tank vessels, the construction or conversion of which is started on or after July 1, 1951, all enclosed parts of the vessel other than cargo, fuel and water tanks, cofferdams and voids shall be provided with efficient means of ventilation.

b. It is proposed to designate the proposed text in 46 CFR 32.55–45 as paragraph (a) and to add a new paragraph (b) to read as follows:

§ 32.55–45 Venting of cofferdams and voids of tank vessels constructed on or after November 10, 1936—TB/ALL.

* * * * *

(b) On unmanned barges not fitted with a fixed bilge system in the cofferdams and voids, vents for cofferdams and voids will not normally be required but may be required in unusual circumstances.

2. The changes proposed to 46 CFR 32.55–45 in Item V of the Agenda (page 182, CG–249) and in 46 CFR 32.55–1 in this document are intended to clarify requirements for flame screens in vents for spaces not literally defined as cofferdams, i.e., rake ends and void wing spaces. The Coast Guard follows the policy that, while rake compartments and voids are not literally defined as cofferdams, they serve the same purpose. In addition the proposed change designated 46 CFR 32.55–45(b) is to clarify the requirements for unmanned tank barges. It is the present consensus of Coast Guard personnel and industry that vents for certain voids on unmanned barges are not necessities for such spaces and therefore vents will be required for safety only in unusual circumstances.

3. The authority for prescribing regulations governing tank vessels is in R.S. 4405, as amended, 4417a, as amended, and 4462, as amended; 46 U.S.C. 375, 391a, 416. These regulations also interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; and E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

4. Comments on the proposed regulations described in this document are welcomed. However, acknowledgments of the comments are not normally furnished because personnel are not available to handle the necessary correspondence involved. Each person who desires to submit written comments, views or suggestions in connection with the proposed regulations should submit them so that they will be received prior to March 9, 1962, by the Commandant (CMC), United States Coast Guard Headquarters, Washington 25, D.C. Comments, views or suggestions may be presented orally or in writing at the hearing before the Merchant Marine Council on March 12, 1962.

Dated: February 21, 1962.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 62–1930; Filed, Feb. 26, 1962; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 33]

SPORT FISHING

Washita National Wildlife Refuge, Oklahoma

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), it is proposed to amend 50 CFR 33.4 by the addition of the Washita National Wildlife Refuge, Oklahoma, to the list of wildlife refuge areas open to public sport fishing as legislatively permitted.

It has been determined that regulated public sport fishing may be permitted on the Washita National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized.

§ 33.4 List of open areas; sport fishing.

* * * * *

OKLAHOMA

Washita National Wildlife Refuge.

FRANK P. BRIGGS,
Assistant Secretary of the Interior.

FEBRUARY 19, 1962.

[F.R. Doc. 62–1835; Filed, Feb. 26, 1962; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 959]

[959.302 Amdt. 1]

ONIONS GROWN IN SOUTH TEXAS

Miscellaneous Amendments

Notice is hereby given that the Secretary of Agriculture is considering approval of the amendment to the limitation of shipments hereinafter set forth, which was recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959).

This marketing agreement and order program regulates the handling of onions grown in designated counties in south Texas, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 10 days following publication of this notice in the FEDERAL REGISTER.

The proposed amendment is as follows:

In § 959.302 (27 F.R. 1451) delete paragraphs (a) and (h), and substitute in lieu thereof new paragraphs (a) and (h) as set forth below.

§ 959.302 Limitation of shipments.

• • • • •

(a) *Grades.* (1) From February 19, 1962, through March 20, 1962: U.S. No. 2, or better, grade.

(2) From March 21, 1962, through June 30, 1962: not to exceed 20 percent defects of U.S. No. 1 grade, or better quality.

• • • • •

(h) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" shall have the same meanings as set forth in the United States Standards for Bermuda-Granex Type Onions (§§ 51.3195–51.3209 of this title), or United States Standards for Grades of Onions (§§ 51.2830–51.2850 of this title), whichever is applicable to the particular variety, including the tolerances for decay and sizes set forth therein. In percentage grade lots, tolerances shall not exceed 2 percent decay. Double the lot tolerance shall be permitted in individual packages. All other terms used in this section shall have the same meaning as when used in Marketing Order No. 959 (Part 959 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 21, 1962.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 62–1940; Filed, Feb. 26, 1962; 8:50 a.m.]

[7 CFR Part 980]

ONION IMPORTS

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Agriculture is considering an amendment to § 980.100 *Onion Regulation No. 1* (formerly § 1070.1; 26 F.R. 10632, 11287), applicable to the importation of onions into the United States. This regulation is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674; Public Law 87–128).

Under Section 8e of the act, whenever two or more marketing orders for a commodity are in effect, the importation of such commodity shall be prohibited unless it complies with the grade, size, quality and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition.

It is hereby determined that imports of onions into the United States during the spring marketing season are in most direct competition with onions produced in the South Texas onion production area as defined in Marketing Order No. 959 (7 CFR Part 959), and that import regulations for onions during such period shall be based on regulations effective under said Order No. 959.

Consideration will be given to any data, views, or arguments, pertaining to the proposed amendment which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposed amendment is as follows:

In § 980.100, Onion Regulation No. 1 (formerly § 1070.1, 26 F.R. 10632, 11287), delete paragraphs (a), (b), and (h), and substitute in lieu thereof new paragraphs (a), (b), and (h) as set forth below.

§ 980.100 Onion Regulation No. 1.

(a) *Import restrictions.* During the period from March 21, 1962, to June 30, 1962, both dates inclusive, no person shall import dry onions, except red onions, unless such onions are inspected and meet the requirements of not to exceed 20 percent defects of U.S. No. 1 grade, or better quality. The minimum size for white onions shall be 1 inch in diameter, and for all others 1¾ inches in diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. For onions with transit time from country of origin to entry into the United States of ten or more days, onions otherwise meeting import quality and size requirements may be entered if they meet an average tolerance for decay of not more than 5 percent.

• • • • •

(h) *Definitions.* For the purpose of this part, "onions" means all varieties of Allium cepa marketed dry, except onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 1" shall have the same meaning as when used in the United States Standards for Onions (§§ 51.2830–51.2850 of this title), or United States Standards for Bermuda-Granex Type Onions (§§ 51.3195–51.3209 of this title), whichever is applicable to the particularly variety, including the tolerances set forth therein. Double the lot tolerance shall be permitted in individual packages. Onions meeting the requirements of Canada No. 1 grade shall be deemed to comply with the requirements of the U.S. No. 1 grade. "Importation" means release from custody of the United States Bureau of Customs.

Dated: February 21, 1962.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 62–1941; Filed, Feb. 26, 1962; 8:50 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1008, 1009, 1030–1032, 1061–1064, 1067–1070, 1078, 1079, 1095, 1097, 1099, 1108]

MILK IN CERTAIN MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part, Docket No., and Marketing Area

1008; AO–268–A6; Greater Wheeling.
1009; AO–268–A6; Clarksburg, W. Va.
1030; AO–101–A25; Chicago, Ill.
1031; AO–170–A13; South Bend-LaPorte-Elkhart, Ind.
1032; AO–313–A4; Suburban St. Louis.
1033; AO–166–A26; Greater Cincinnati.
1034; AO–175–A16; Dayton-Springfield, Ohio.
1035; AO–176–A14; Columbus, Ohio.
1036; AO–179–A22; Northeastern Ohio.
1037; AO–197–A7; North Central Ohio.
1038; AO–194–A7; Rockford-Freeport, Ill.
1039; AO–212–A13; Milwaukee, Wis.
1040; AO–225–A13; Southern Michigan.
1041; AO–72–A24; Toledo, Ohio.
1042; AO–240–A6; Muskegon, Mich.
1043; AO–247–A7; Upstate Michigan.
1044; AO–299–A3; Michigan Upper Peninsula.
1045; AO–334–A4; Northeastern Wisconsin.
1046; AO–308–A3; Ohio Valley.
1047; AO–33–A26; Fort Wayne, Ind.
1048; AO–325–A1; Greater Youngstown-Warren.
1049; AO–319–A2; Indianapolis, Ind.
1061; AO–327–A1; St. Joseph, Mo.
1062; AO–10–A27; St. Louis, Mo.
1063; AO–105–A15; Quad Cities-Dubuque.
1064; AO–23–A23; Greater Kansas City.
1067; AO–222–A11; Ozarks.
1068; AO–178–A13; Minneapolis-St. Paul, Minn.
1069; AO–153–A8; Duluth-Superior.
1070; AO–229–A7; Cedar Rapids-Iowa City.
1078; AO–272–A2; North Central Iowa.
1079; AO–295–A3; Des Moines, Iowa.
1095; AO–123–A25; Louisville-Lexington, Ky.
1097; AO–219–A10; Memphis, Tenn.
1099; AO–183–A7; Paducah, Ky.
1108; AO–243–A7; Central Arkansas.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Chicago, Illinois, on January 17, 18, and 19, 1962, pursuant to notice thereof issued on January 8, 1962 (27 F.R. 314).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary on February 7, 1962 (27 F.R. 1272; F.R. Doc. 62–1406) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Basic formula prices used to compute Class I prices (and Class II prices in the Chicago order),

2. Basic butterfat test in certain markets, and

3. Conforming changes in order language.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The monthly average price received by farmers for manufacturing grade milk in Minnesota and Wisconsin as published by the Department on about the 5th day following the month (adjusted to 3.5 percent butterfat) should be the basic formula price from which the Class I milk price is computed in each of the Federal orders named herein. This basic formula price should also be used in the computation of the Class II milk price under the Chicago order.

Class I prices in Federal order markets are established under the authority of the Agricultural Marketing Agreement Act. The standards for milk order prices described in the Act require that such prices reflect economic conditions which affect market supply and demand for milk in the marketing area. In accordance with these standards, Class I milk pricing formulas have been developed for use in the several Federal orders.

Class I milk price formulas, in markets here considered, employ a basic formula price representing a manufacturing milk value. To this is added a price differential, and in most of these markets a further adjustment is made to reflect the changing relationship of milk supplies to Class I milk disposition. The latter adjustment is commonly referred to as a supply-demand adjustment. Six of the orders considered here do not have basic formula prices, since the Class I prices thereunder are established at differentials from the Class I prices of other orders. Six additional orders contain basic formula prices but do not use them to compute prices for Class I milk. Prices under these orders are likewise maintained in fixed relationship to those of other orders.

Among the several markets, there is a considerable diversity of basic formulas employed. All of the basic formulas include alternative computations of which the highest is the effective formula. In each of these formulas the average Midwest condensery paying price is one of the alternatives. Also, each basic formula (except in the Chicago order for a few recent months) uses a butter-powder formula computation. Eight different butter-powder formulas are employed in the several orders. Five of the orders use computations based on butter and cheese prices, of which there are three variations. In five orders, paying prices reported by local manufacturing plants is an alternative computation.

Producer groups and handlers generally supported the adoption of a uniform basic formula for all the orders. The average price for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota as reported by the Department was supported by many of the producer groups as a basis for achieving such uniformity. Some producer groups and handlers favored use of a butter-powder formula either as the basic formula price or as an alternative computation.

Proponents of the Wisconsin-Minnesota manufacturing grade milk price as a basic formula price supported its adoption for the following reasons: (1) Current basic formulas are subject to certain defects or weaknesses; (2) the proposed price is a better measure of manufacturing milk values; and (3) a single basic formula price in all the orders would provide a desirable basis for price alignment among the several orders.

The lack of uniformity among the various basic formulas and the consequent diversity of results produced in Class I prices constitutes a serious problem with respect to coordination of prices among these markets. The extent to which the Midwest condensery price, common to all orders, has been the effective price, has mitigated this problem in the past.

The Midwest condensery price was originally based on reports by 18 plants. From time to time individual plants have ceased operations. Recently, eight plants (6 in Wisconsin and 2 in Michigan) have been reporting prices. Four of these are operated by a single firm and two others by another firm. A further reduction in number of plants included is anticipated. The plant at New Glarus, Wisconsin, is reported to be ceasing operations. In addition to the effect that reductions in the number of plants have had in impairing this average price as a representative value of manufacturing milk, there is substantial evidence that the posted pay prices reported for the two Michigan plants in the series do not currently reflect the total cost of milk to such plants. As a consequence of these developments the Midwest condensery price can no longer be considered fully reliable as an accurate measure of manufacturing milk values.

The formula computations based on butter and nonfat dry milk prices are intended to reflect a manufacturing milk value based on prices of these products. Among the eight butter-powder formulas used, yield factors representing the amount of nonfat dry milk obtained from 100 pounds of milk vary from 7.0 pounds to 8.2 pounds. Also the amount deducted to give recognition to cost of processing varies among the formulas. Such cost factors are rigid elements in these formulas which do not respond to changes in efficiency.

The formulas based on prices of butter and cheese are affected by considerations similar to those in connection with butter-powder formulas.

Local plant paying prices have tended to play a lesser role in establishing basic formula prices. Generally they have been lower than other alternative formula computations. Since different groups of plants are used in each order, uniformity of pricing among orders cannot be attained by use of such prices.

Uniformity of basic formulas is desirable for the purposes of aligning prices among related markets and promoting understanding of order pricing methods among parties in the industry. Further, in view of the disadvantages inherent in the existing formulas based on product prices and the lessening representation provided by the Midwest condensery prices, it is imperative that a sounder basis for determining basic formulas be provided.

The price for manufacturing grade milk in the two-state area of Wisconsin and Minnesota is issued by the State-Federal Crop Reporting Service on about the 5th day of each month for milk received at manufacturing plants in these states in the previous month. Plant operators report the total pounds of manufacturing grade milk received from farmers, the butterfat content, and total money paid to farmers for the milk. The two-state area is one in which there is a heavy concentration of manufacturing grade milk and where many plants are competing for such supply. In Minnesota about 80 percent of the milk sold off farms is manufacturing grade and in Wisconsin, about 65 percent. About 50 percent of the manufacturing grade milk sold off farms in the United States is produced in these two states.

The average price for manufacturing grade milk in Minnesota and Wisconsin, as available on the 5th day following the month, better meets the requirements for a basic formula price than other formulas now used. It is representative of prices paid to farmers for about half of the manufacturing grade milk produced in the country. It is a price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products. The system of reporting has been developed so that a reliable average price is available promptly and thus it provides just as current a basis for pricing milk as existing basic formulas.

It is concluded that the average price for manufacturing grade milk in Wisconsin and Minnesota, as reported by the Department on about the 5th day of the following month should be adopted as the basic formula price in these orders, excepting those whese prices are determined on the basis of differentials from other markets.

Inasmuch as the manufacturing milk price for the two-state area is reported by the Department as the price at actual butterfat test, a method for adjustment to the butterfat test (3.5 percent) used in these orders must be adopted. For this purpose a generally recognised value of butterfat, 0.12 times the average wholesale price for 92-score butter at Chicago, should be used. Such a method of adjustment was favored by producer groups at the hearing. A handler representative suggested that adjustment by direct ratio method would be more representative of the practice among plants purchasing manufacturing milk. It was shown, however, that at 116 manufacturing plants in Wisconsin, payment for manufacturing grade milk was made on the direct ratio basis by only 21 of the plants. Ninety-one of the plants adjusted from 3.5 percent prices by use of butterfat differentials which, if used for conversion of the Minnesota-Wisconsin price to a 3.5 percent basis, would result in a price no less than that resulting from the differential proposed herein.

The proposal to use a butter-powder formula as an alternative basic formula computation is not adopted. To be effective, such a butter-powder formula would need to be constructed so that it represents about the same level of price as the Minnesota-Wisconsin manufacturing milk price. To the extent that it did become effective, it would tend to represent milk values in these particular uses rather than the general value in all major uses represented by the Minnesota-Wisconsin manufacturing milk price. Thus, it would tend to be less truly representative of manufacturing milk prices. Accordingly, such an alternative computation is unnecessary and undesirable.

Representatives of producer interests in these markets asked that certain adjustments be made in the Class I price differentials which are added to the basic formula price if the Minnesota-Wisconsin manufacturing milk price were used as the basic formula. Based upon average relationships in a seven year period (1955–1961) they asked that Class I differentials in individual markets be increased by amounts ranging from 2–3 cents in most markets to 10–13 cents in markets for which basic formula prices of the orders now include or have included particularly favorable butter-powder or butter-cheese alternative formulas. A number of handlers argued that the conversion should be based strictly upon current relationships prevailing for either the last five months of 1961 or for some portion of that period, and that action be such as to provide no current increase of price from the conversion. On this basis a suggestion was offered that the Class I differentials of most orders be reduced 10 cents, and that no change be made in the differentials of those few orders in which the butter-powder formula price currently exceeds the Minnesota-Wisconsin price.

Because of the variety of basic formulas among the various markets, a uniform basis for considering a need for such adjustments is not possible. Further, the existing basic formulas have not maintained precise relationships with the Minnesota-Wisconsin series during the years 1955 through 1961. In view of the variations in such relationships it is not possible to establish with any precision relationships which might be expected to obtain in the future.

In the Chicago order, effective beginning with September 1961, the price for manufacturing grade milk in Wisconsin and Minnesota became an alternative, along with the Midwest condensery price, for the basic formula price. This formula is accordingly reflected in eight markets whose prices are based on Chicago. These markets included Cedar Rapids-Iowa City, Des Moines, North Central Iowa, Ozarks, Quad Cities-Dubuque, Rockford-Freeport, St. Louis and Suburban St. Louis.

The transition to pricing Class I milk on the basis of the Minnesota-Wisconsin manufacturing milk price has already been accomplished without change in Class I differentials with respect to the Chicago market and the eight markets previously named in which the Class I price is established at a differential above or below the Chicago price. Because the Midwest condensery price has been lower than the Minnesota-Wisconsin price, the latter has established the level of Class I price. The price data for both series (condensery and Minnesota-Wisconsin) do not provide any basis for adjusting the Class I level in the Chicago order from that currently established on the basis of the Minnesota-Wisconsin price and existing Class I price differentials. For the three most recent years, 1959, 1960, and 1961, the Midwest condensery price has averaged 1 cent less than the Minnesota-Wisconsin price. Except for the latter part of 1961, the Midwest condensery price and the Minnesota-Wisconsin price represented virtually the same level of price. During recent months the Midwest condensery price has been below its former relationship with paying prices in the area, and has not reflected its usual relationship to values of manufactured dairy products. This relative weakness of the condensery price is a symptom of its progressive failure to represent accurately manufacturing milk values. In view of this situation it would not be appropriate to decrease Class I differentials in these markets to reflect recent levels in the condensery price.

For those orders which use the same basic formula price as contained in the Chicago order prior to the September 1, 1961, amendment, the same method of transition should be used. This will provide the best method of maintaining price alignment among markets. These markets include Milwaukee, Michigan Upper Peninsula, Northeast Wisconsin, Duluth-Superior and South Bend-LaPorte-Elkhart.

The Paducah order basic formula differs from those of the orders in this group only in the use of local plant prices. Since the local plant prices have been lower than the alternative computations they have not been effective as a basic formula. Accordingly, the same method of transition to the new basic formula would apply for the Paducah order as other markets with basic formulas which differ only in not including local plant prices.

The transition for 13 other markets considered at this hearing represents a problem similar to that in markets just discussed which have basic formulas of the type in the Chicago market prior to the September 1, 1961, amendment. These markets include:

Northeastern Ohio.	Muskegon.
Toledo.	Upstate Michigan.
Fort Wayne.	Kansas City.
Wheeling.	St. Joseph.
Clarksburg.	Minneapolis-St. Paul.
North Central Ohio.	Youngstown-Warren.
Southern Michigan.	

Among these, St. Joseph has a Class I price based on the price under the Kansas City order. Although the order contains a basic formula price this is not used to establish Class I prices. The Youngstown-Warren order similarly contains a basic formula price which is not used, since the price is established by relationship to the price under the Northeastern Ohio order. The North Central Ohio order contains no basic formula price, and the Class I price is based on the Class I price under the Northeastern Ohio order.

For all of these 13 markets, the effective basic formula prices in recent months have been only slightly different from the basic formula prices in markets with the type used in the Chicago order prior to September 1, 1961. The average difference of the basic formulas from the Wisconsin-Minnesota manufacturing milk price in the years 1959, 1960, and 1961 has been less than one cent. It is concluded that the transition to the new basic formula should be made without change in the Class I price differentials. Proposed reductions in the Class I differentials for some of these markets are denied because (1) such reductions would result in distortion of present price alignments among markets, and (2) the differentials should not be reduced to reflect the current weakness in condensery prices cited elsewhere in this decision.

In some markets basic formula prices in recent months have exceeded the Minnesota-Wisconsin manufacturing milk price. These markets include Dayton-Springfield, Cincinnati, Columbus, Indianapolis, Louisville-Lexington, and Ohio Valley. In the Memphis and Central Arkansas markets, also, this relationship has existed, but a recommended decision has been issued (October 20, 1961; 26 F.R. 9860) which would change the basic formula price to conform to that under the Paducah order. With respect to Dayton-Springfield and other markets of this group (excluding Memphis and Central Arkansas) an adjustment of the Class I price differentials should be made such that substitution of the Minnesota-Wisconsin manufacturing milk price as a basic formula would not have resulted in lower Class I prices in recent months. (These months would include those beginning with August 1961, which was the first month for which the Minnesota-Wisconsin manufacturing milk price was published on current basis, and through December.) For the Dayton-Springfield, Indianapolis, Ohio Valley, Louisville-Lexington and Cincinnati markets this would be accomplished by an upward adjustment of 4 cents per hundredweight in the stated differentials. For the Columbus market this would be accomplished with an upward adjustment of 1 cent per hundredweight.

The suggested adjustment of Class I price differentials based on a comparison of order basic formula prices with the Minnesota - Wisconsin manufacturing milk price in earlier years does not provide a valid basis for transition from current levels of the existing basic formula prices. The suggested comparison does not allow for recognized changes in the industry. The butter-powder formulas contained in these orders do not reflect the increasing efficiency of manufacturing plants. The margin of such butter-powder price formulas over the Minnesota-Wisconsin series during the 1955–61 period has shown a trend towards convergence. During the year 1960 the relationship was reversed and

for several months the Minnesota-Wisconsin manufacturing price was the higher of the two.

No amendment will be required to carry out the conclusions of this decision with respect to eleven of the orders affected. There are no basic formulas included in the orders for the Cedar Rapids-Iowa City, Des Moines, North Central Iowa, Quad Cities-Dubuque, Rockford-Freeport, or North Central Ohio markets. The North Central Ohio Class I price is in fixed relation to that of the Northeastern Ohio order and Class I prices of the other orders named are in fixed relation to the Chicago price. Basic formulas in the St. Louis, Ozarks, Suburban St. Louis, St. Joseph, and Youngstown-Warren orders are not used in the computation of prices for Class I milk, as Class I prices in these markets are also maintained, either directly or indirectly in fixed relationship to other markets for which amendments are herein provided.

Amendments to carry out the conclusions of this decision with respect to this issue and issue number two with respect to orders for the Memphis, Tennessee, and Central Arkansas orders (Parts 1097 and 1100) are being combined with those resulting from decisions relative to issues of other hearings for which recommended decisions were issued October 17, 1961 (26 F.R. 9860) and February 7, 1962 (27 F.R. 1287). Accordingly, no amendments with respect to these orders are attached hereto.

Amendments to carry out the conclusions of this decision with respect to the Ohio Valley and Louisville-Lexington, Kentucky, orders (Parts 1046 and 1095) are in the form of amendments to the "order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area" attached to the decision issued with respect to proposed consolidation of such orders.

Amendment provisions included in the recommended decision with respect to the Milwaukee, Wisconsin, order (Part 1030), and the Northeastern Wisconsin order (Part 1045) represented further modifications of provisions included in recommended decisions issued with respect to issues of prior hearings in these markets, and the omission of an amendment to the Michigan Upper Peninsula order (Part 1044) was in conformity with provisions included in such a recommended decision. It is now unlikely that mandatory action with respect to such proceedings will be completed by the time that action must be taken in these markets with respect to the conclusions of this decision. Accordingly, the amendatory provisions included herein are stated as modifications of presently existing regulations.

Conforming changes are required in a substantial number of the remaining orders to continue without change the pricing provisions for milk classified in classes other than Class I (or Class II under the Chicago order). In a few orders conforming changes have been adopted to avoid duplication of language. For uniformity, the basic formula price has been defined as the manufacturing milk pay price for the current month. All orders in which one month's basic price is now used to compute the Class I price for the succeeding month will continue that practice.

2. Prices under the Central Arkansas and Memphis orders should be stated on a 3.5 percent butterfat basis.

Class prices and producer prices under these orders are presently stated on a four percent butterfat basis. In order that the uniformity of basic formula prices provided herein may be maintained prices in these markets should be stated at the same butterfat content, 3.5 percent, as for other markets involved in this hearing. The Class I price in these orders is presently adjusted from 4.0 percent to other butterfat tests by a butterfat differential identical with that herein proposed for conversion of the Minnesota-Wisconsin pay price from the price reported at test to a 3.5 percent basis.

In order that change in the basic fat test will not affect the level of the Class II price at any given test it is provided that the price presently computed at 4.0 percent butterfat be converted to a 3.5 percent price by use of the Class II butterfat differential of the order. Producer prices under the order should also be announced at a 3.5 percent test to avoid confusion. Cooperative associations will not thereby be prevented from using the 4.0 percent basis in distributing returns to their members producers. The producer price at any given test will remain the same whether computed on a 3.5 percent or a 4.0 percent basis.

Evidence was also received concerning use of a 3.5 percent pricing basis in the orders for the Louisville-Lexington and Ohio Valley marketing areas. Subsequent to this hearing a recommended decision was issued on the basis of evidence received at a public hearing held September 17–21, 1961, in which merger of these orders into a single regulation with prices stated on a 3.5 percent basis was recommended. This record corroborates the findings of that decision with respect to the basic butterfat test to be used.

Rulings on special appearance and on proposed findings and conclusions. In a special appearance entered on behalf of certain handlers in a single market (Cincinnati), objection was raised that the location and duration of the hearing did not afford "reasonable opportunity to be heard" and that the notice of hearing was not sufficiently specific. Such objections are hereby overruled. The location of the hearing was central for the 36 markets at issue. All witnesses who desired to testify were heard. There was no request for extension of time or change in location of the hearing. No evidence was received with respect to changes in those provisions concerning which the objector claimed that additional preparation and testimony would be required.

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such respective prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreements and orders. Annexed hereto and made a part hereof are forty-four documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Greater Wheeling Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Greater Wheeling Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Clarksburg, W. Va., Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Clarksburg, W. Va., Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the South Bend-La Porte-Elkhart, Indiana, Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the

South Bend-La Porte-Elkhart, Indiana, Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Greater Cincinnati Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Greater Cincinnati Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Dayton-Springfield, Ohio, Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Dayton-Springfield, Ohio, Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Northeastern Ohio Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Northeastern Ohio Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area", "Order Amending the Order Regulating the Handling in the Milwaukee, Wisconsin, Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Southern Michigan Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Southern Michigan Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Muskegon, Michigan, Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Muskegon, Michigan, Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Upstate Michigan Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Upstate Michigan Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Michigan Upper Peninsula Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Michigan Upper Peninsula Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Northeastern Wisconsin Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Northeastern Wisconsin Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Louisville-Lexington-Evansville Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Louisville-Lexington-Evansville Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Indianapolis, Indiana, Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Indianapolis, Indiana, Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Greater Kansas City Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Greater Kansas City Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Minneapolis-St. Paul, Minnesota, Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Minneapolis-St. Paul, Minnesota, Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Duluth-Superior Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Duluth-Superior Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Paducah, Kentucky, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Paducah, Kentucky, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the respective orders as hereby proposed to be amended by the attached orders which will be published with this decision.

Determination of representative period. The month of December 1961 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders amending the orders regulating the handling of milk in the Greater Wheeling; Clarksburg, W. Va.; Chicago, Illinois; South Bend-LaPorte-Elkhart, Indiana; Greater Cincinnati; Dayton-Springfield, Ohio; Columbus, Ohio; Northeastern Ohio; Milwaukee, Wisconsin; Southern Michigan; Toledo, Ohio; Muskegon, Michigan; Upstate Michigan; Michigan Upper Peninsula; Northeastern Wisconsin; Louisville-Lexington-Evansville; Fort Wayne, Indiana; Indianapolis, Indiana; Greater Kansas City; Minneapolis-St. Paul, Minnesota; Duluth-Superior; and Paducah, Kentucky, marketing areas, respectively, are approved or favored by producers, as defined under the terms of the respective orders as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid respective marketing areas.

Signed at Washington, D.C., on February 21, 1962.

CHARLES S. MURPHY,
Under Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Greater Wheeling Marketing Area

§ 1008.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Wheeling marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Wheeling marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1008.50 and substitute therefor the following:

§ 1008.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1008.51 [Amendment]

2. Delete § 1008.51(b) and substitute therefor the following:

(b) *Class II milk price.* The Class II milk price shall be the highest of the prices computed pursuant to subparagraphs (1), (2), and (3) of this paragraph, rounded to the nearest whole cent.

(1) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Company and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price resulting from the following computation:

(i) Multiply by 6 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month for which prices are being computed;

(ii) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange for the trading days that fall within the month; and

(iii) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5;

(3) The price per hundredweight computed by adding together the plus values of subdivisions (i) and (ii) of this subparagraph:

(i) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(ii) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

Order[1] Amending the Order Regulating the Handling of Milk in the Clarksburg, W. Va., Marketing Area

§ 1009.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Clarksburg, W. Va., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Clarksburg, W. Va., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1009.50 and substitute therefor the following:

§ 1009.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1009.51 [Amendment]

2. Delete § 1009.51(b) and substitute therefor the following:

(b) *Class II milk price.* The Class II milk price shall be the highest of the prices computed pursuant to subparagraphs (1), (2), and (3) of this paragraph, rounded to the nearest whole cent.

(1) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Company and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price resulting from the following computation:

(i) Multiply by 6 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month for which prices are being computed;

(ii) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange, for the trading days that fall within the month; and

(iii) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5.

(3) The price per hundredweight computed by adding together the plus values of subdivisions (i) and (ii) of this subparagraph:

(i) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.5; and

(ii) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

Order[1] Amending the Order Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area

§ 1030.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1030.50 and substitute therefor the following:

§ 1030.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by the butterfat differential pursuant to § 1030.82. The basic formula price shall be rounded to the nearest full cent.

§ 1030.52 [Amendment]

2. In § 1030.52 (a) and (b) change the phrase "the basic formula price plus" to "the basic formula price for the preceding delivery period plus".

3. Replace § 1030.52(c) with the following:

(c) *Class III milk.* The price per hundredweight for Class III milk shall be the basic formula price.

Order[1] Amending the Order Regulating the Handling of Milk in the South Bend-La Porte-Elkhart, Indiana, Marketing Area

§ 1031.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the South Bend-La Porte-Elkhart, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the South Bend-La Porte-Elkhart, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1031.51 and substitute therefor the following:

§ 1031.51 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1031.53 [Amendment]

2. In § 1031.53 immediately after the words "basic formula price" insert "for the preceding month".

§ 1031.54 [Amendment]

3. Delete § 1031.54(a) and substitute therefor the following:

(a) The average of the basic or field prices reported to have been paid, or to be paid, per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

§ 1031.55 [Amendment]

4. In § 1031.55 change "§ 1031.51(a)" to "§ 1031.54(a)."

Order[1] Amending the Order Regulating the Handling of Milk in the Greater Cincinnati Marketing Area

§ 1033.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Cincinnati marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Cincinnati marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1033.50 and substitute therefor the following:

§ 1033.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1033.51 [Amendment]

2. In § 1033.51(a) change "$1.30" to "$1.34".

3. Delete § 1033.51(b)(2) and substitute therefor the following:

(2) From the average of carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents and multiply the result by 8.2.

4. Delete § 1033.52(c) and substitute therefor the following:

(c) *Class III milk.* (1) Multiply the Chicago butter price less 5.0 cents by 120;

(2) Subtract the amount computed by deducting 6.4 cents from the average price for nonfat dry milk, spray process, described in § 1033.51(b)(2) and multiply the result by 8.2; and

(3) Divide the result by 1000: *Provided,* That for each of the months of September through February, the butterfat differential for Class III milk other than that used to produce butter shall be the same as the butterfat differential for Class II milk for such month.

Order[1] Amending the Order Regulating the Handling of Milk in the Dayton-Springfield, Ohio Marketing Area

§ 1034.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Dayton-Springfield, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1034.50 and substitute therefor the following:

§ 1034.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1034.51 [Amendment]

2. In § 1034.51(a) change "$1.20" to "$1.24".

Order[1] Amending the Order Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area

§ 1035.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Columbus, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Columbus, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1035.50 and substitute therefor the following:

§ 1035.50 Basic formula prices.

(a) The basic formula price for Class I milk shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

(b) The basic formula price for Class II and Class III milk shall be the higher of the prices as computed to the nearest one-tenth of a cent by the market administrator pursuant to subparagraphs (1) and (2) of this paragraph:

(1) The arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices are reported to the market administrator or to the Department by the companies listed below:

Company and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed by adding together the plus amounts calculated pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the Chicago butter price, subtract 3.5 cents, and multiply the difference by 4.2; and

(ii) From the nonfat dry milk price, subtract 4 cents and multiply the difference by 8.2.

§ 1035.51 [Amendment]

2. In § 1035.51(a) change the phrase "basic formula price for the preceding month, plus $1.10" to "basic formula price computed pursuant to § 1035.50(a) for the preceding month, plus $1.11".

3. In § 1035.51 (b) and (c) change the phrase "basic formula price" to "basic formula price determined pursuant to § 1035.50(b)".

4. In § 1035.51(d) change the reference "§ 1035.50(b) '(1) and (2)" to "§ 1035.50 (b)(2) (i) and (ii)".

Order[1] Amending the Order Regulating the Handling of Milk in the Northeastern Ohio Marketing Area

§ 1036.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northeastern Ohio marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Northeastern Ohio marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1036.50 and substitute therefor the following:

§ 1036.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

2. Delete § 1036.52 and § 1036.53 and substitute therefor the following:

§ 1036.52 Class II milk prices.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class II utilization, shall be the higher of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a) and (b) of this section, plus 30 cents.

(a) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator by the Department of Agriculture or by the companies indicated below:

Company and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the month as reported by the Department of Agriculture for the Chicago market, subtract 8 cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 8.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 1036.53 Class III milk prices.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class III utilization, shall be the basic formula price, as computed pursuant to § 1036.50, but in no event shall the Class III price exceed the price computed pursuant to § 1036.52(b) plus 10 cents.

Order[1] Amending the Order Regulating the handling of Milk in the Milwaukee, Wisconsin, Marketing Area

§ 1039.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1039.50 and substitute therefor the following:

§ 1039.50 Basic formula price.

The basic formula price shall be the average price for hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by the butterfat differential pursuant to § 1039.81 and rounded to the nearest full cent.

2. In § 1039.51 (a) and (b) change the phrase "basic formula price" to "basic formula price for the preceding month".

3. Delete § 1039.51(c) and substitute therefor the following:

(c) *Class III milk.* The price for Class III milk shall be the average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the U.S.D.A. or to the market administrator.

Present Operator and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Co., Manitowoc, Wis.
White House Co., West Bend, Wis.

Provided, That when the price for Class IV milk for the month is higher than the price computed pursuant to this paragraph, the price for Class III(a) milk shall be the latter price and the price for all other Class III milk shall be the price for Class IV milk.

4. Delete § 1039.51(d) and substitute therefor the following:

(d) *Class IV milk.* The price for Class IV milk shall be the price per hundredweight computed from the following formula:

(1) Multiply by 4.24 the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) for Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the U.S.D.A. during the month: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk solids, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U.S.D.A.; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents.

Order[1] Amending the Order Regulating the Handling of Milk in the Southern Michigan Marketing Area

§ 1040.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southern Michigan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southern Michigan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1040.50 and substitute therefor the following:

§ 1040.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

2. Delete § 1040.52 and substitute therefor the following:

§ 1040.52 Class II milk price.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month which is classified as Class II utilization shall be as follows:

(a) In the months of February through September the higher of:

(1) The average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants, except any which meet the qualification of § 1040.16, for which prices have been reported to the market administrator:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedures governing proceedings to formulate marketing agreements and marketing orders have been met.

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Carnation Co., Sheridan, Mich.
Carnation Co., Sparta, Mich.
Fairmont Foods Co., Bad Axe, Mich.
Kraft Foods, Clare, Mich.
Kraft Foods, Pinconning, Mich.
Nestle Co., Ubly, Mich.

or

(2) The price per hundredweight computed by subtracting 18.3 cents from the sum of the plus amounts computed pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the month as reported by the Department of Agriculture for the Chicago market, subtract three cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(ii) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.2; and

(b) In the months of October, November, December and January, add 20 cents per hundredweight to the price determined pursuant to paragraph (a) of this section.

Order[1] Amending the Order Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area

§ 1041.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Toledo, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified, in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Toledo, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 1041.50 [Amendment]

1. Delete § 1041.50(b) and substitute therefor the following:

(b) *Class II milk price.* The Class II milk price shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content computed pursuant to subparagraphs (1) and (2) of this section.

(1) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department on or before the 5th day after the end of the month by the companies indicated below:

Companies and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the Chicago butter price subtract three cents, and multiply by 4.2; and

(ii) From the arithmetical average of the carlot prices per pound for nonfat dry milk (not including that specifically designated animal feed), spray and roller process, f.o.b. manufacturing plants in the Chicago area, as published by the Department during the month, deduct 5.5 cents, and multiply by 8.2, except that if such agency does not publish such prices f.o.b. manufacturing plants, there shall be used for the purpose of this computation the arithmetical average of the carlot prices thereof delivered at Chicago, Illinois, as published weekly by such agency during the month; and in the latter event the figure "7.5" shall be substituted for "5.5" in the above formula.

2. Delete § 1041.51 and substitute therefor the following:

§ 1041.51 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

Order[1] Amending the Order Regulating the Handling of Milk in the Muskegon, Michigan, Marketing Area

§ 1042.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Muskegon, Michigan, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified, in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Muskegon, Michigan, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1042.50 and substitute therefor the following:

§ 1042.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

Order[1] Amending the Order Regulating the Handling of Milk in the Upstate Michigan Marketing Area

§ 1043.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upstate Michigan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Upstate Michigan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1043.50 and substitute therefor the following:

§ 1043.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1043.51 [Amendment]

2. Delete § 1043.51 (b) and (c), and substitute therefor the following:

(b) *Class II milk.* The Class II milk price shall be the highest of the prices computed pursuant to subparagraphs (1), (2), and (3) of this section.

(1) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the USDA:

Present Operator and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed by adding together the plus values computed pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the USDA during the month; subtract 3 cents, add 20 percent thereof and multiply by 3.5.

(ii) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U.S.D.A., deduct 5.5 cents and then multiply by 8.2.

(3) The average of the basic or field prices per hundredweight reported to have been paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants:

Kraft Foods Co., Cadillac, Mich.
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Kraft Foods Co., Clare, Mich.

(c) *Class III milk.* The Class III milk price shall be the Class II milk price less 20 cents.

§ 1043.62 [Amendment]

3. In § 1043.62 change "§ 1043.50(b) (1)" to "§ 1043.51(b) (2) (i)".

Order[1] Amending the Order Regulating the Handling of Milk in the Michigan Upper Peninsula Marketing Area

§ 1044.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Michigan Upper Peninsula marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Michigan Upper Peninsula marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1044.50 and substitute therefor the following:

§ 1044.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

2. Delete § 1044.52 and substitute the following:

§ 1044.52 Class II milk price.

Subject to the provisons of § 1044.54, the minimum price to be paid by each handler for milk received at his fluid milk plant from producers or from the fluid milk plant of a cooperative association, during the month and utilized as Class II milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the USDA:

Present Operator and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the USDA, during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the USDA; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents and adjust to the nearest full cent.

3. In § 1044.53 delete "§ 1044.50(b)" and substitute therefor "§ 1044.52(b)".

Order[1] Amending the Order Regulating the Handling of Milk in the Northeastern Wisconsin Marketing Area

§ 1045.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northeastern Wisconsin marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Northeastern Wisconsin marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1045.50 and substitute therefor the following:

§ 1045.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

2. Delete § 1045.52 and substitute therefor the following:

§ 1045.52 Class II milk price.

Subject to the provisions of § 1045.54, the minimum price per hundredweight to be paid by each handler for milk received at his pool plant from producers or the pool plant of a cooperative association during the month and utilized in Class II milk shall be the higher of the prices computed as follows:

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the USDA:

Present Operator and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the USDA, during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the USDA; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents and adjust to the nearest cent.

2. In § 1045.53 delete "§ 1045.50(b)" and substitute therefor "§ 1045.52(b)".

Order[1] Amending the Order Regulating the Handling of Milk in the Louisville-Lexington-Evansville Marketing Area

§ 1046.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the orders regulating the handling of milk in the Louisville-Lexington, Kentucky and Ohio Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Louisville-Lexington-Evansville marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as attached to the decision of the Under Secretary of Agriculture issued February 15, 1962, and as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1046.50 and substitute therefor the following:

§ 1046.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1046.51 [Amendment]

2. In § 1046.51(a), in the language preceding subparagraph (1), delete "$1.25" and substitute "$1.29".

Order[1] Amending the Order Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area

§ 1047.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Fort Wayne, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1047.50 and substitute therefor the following:

§ 1047.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1047.51 [Amendment]

2. Replace § 1047.51(b) with the following:

(b) *Class II milk price.* The price for Class II milk of 3.5 percent butterfat content shall be the higher of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to subparagraphs (1) and (2) of this paragraph rounded to the nearest cent:

(1) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator by the Department or by the companies indicated as follows:

Present Operator and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed by adding together the plus amounts pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the Chicago butter price, subtract three cents, and then multiply by 4.2; and

(ii) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Department, deduct 5.5 cents and multiply by 8.2.

Order[1] Amending the Order Regulating the Handling of Milk in the Indianapolis, Indiana, Marketing Area

§ 1049.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Indianapolis, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Indianapolis, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1049.50 and substitute therefor the following:

§ 1049.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1049.51 [Amendment]

2. Delete § 1049.51(a) and substitute therefor the following:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month, plus $1.29.

3. Delete § 1049.51(b) and substitute therefor the following:

(b) *Class II milk price.* The price for Class II milk shall be the higher of the prices, rounded to the nearest cent, computed as follows:

(1) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The sum of the amounts computed pursuant to subdivision (i) and (ii) of this subparagraph.

(i) Multiply the butter price by 4.2.

(ii) From the arithmetical averages of the weighted average of carlot prices per pound of spray and roller process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

Order[1] Amending the Order Regulating the Handling of Milk in the Greater Kansas City Marketing Area

§ 1064.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1064.50 and substitute therefor the following:

§ 1064.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1064.52 [Amendment]

2. In § 1064.52 (a) and (b), and in § 1064.82, delete "§ 1064.50(b)(1)" and substitute therefor "§ 1064.50".

Order[1] Amending the Order Regulating the Handling of Milk in the Minneapolis-St. Paul, Minnesota, Marketing Area

§ 1068.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1068.51 and substitute therefor the following:

§ 1068.51 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1068.53 [Amendment]

2. In § 1068.53 change the phrase "basic formula price" to "basic formula price for the preceding month".

3. Delete § 1068.54 and substitute therefor the following:

§ 1068.54 Class II price.

The price per hundredweight for Class II milk shall be the basic formula price.

Order[1] Amending the Order Regulating the Handling of Milk in the Duluth-Superior Marketing Area

§ 1069.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Duluth-Superior marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Duluth-Superior marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1069.50 and substitute therefor the following:

§ 1069.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1069.51 [Amendment]

2. Replace § 1069.51(b) with the following:

(b) *Class II milk.* The Class II price per hundredweight of milk of 3.5 percent butterfat content shall be determined each month as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department, during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents and adjust to the nearest full cent.

Order[1] Amending the Order Regulating the Handling of Milk in the Paducah, Kentucky, Marketing Area

§ 1099.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Paducah, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Paducah, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1099.50 and substitute therefor the following:

§ 1099.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1099.51 [Amendment]

2. Delete § 1099.51(b) and substitute therefor the following:

(b) *Class II milk price.* The highest of the prices computed pursuant to subparagraphs (1), (2), and (3) of this paragraph shall be the Class II price during the months of August through March, and such price shall be reduced ten cents during the months of April through July: *Provided,* That in no case shall such price be less than the price determined in subparagraph (3) of this paragraph.

(1) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The sum of the amounts determined pursuant to subdivision (i) and (ii) of this subparagraph less 75 cents.

(i) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of 93 score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture, during the month: *Provided,* That if no price is reported for 93 score butter, the highest of the prices reported for 92 score butter for the day shall be used in lieu of the price for 93 score butter.

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture.

(3) Or the price shall be the average of the basic (or field) prices reported to or ascertained by the market administrator to have been paid, or to be paid, without deductions for hauling or other charges to be paid by the farm shipper, for milk of 4.0 percent butterfat content received during the month by the Pet Milk Company at its manufacturing plant located at Mayfield, Kentucky, less 5 times the butterfat differential calculated pursuant to § 1099.52(b).

[F.R. Doc. 62-1942; Filed, Feb. 26, 1962; 8:50 a.m.]

[7 CFR Part 1097]

[Docket No. AO-219-A9-A10]

MILK IN MEMPHIS, TENN., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held at Memphis, Tennessee, and Little Rock, Arkansas, on July 18-20, 1961, pursuant to notice thereof issued on June 23, 1961 (26 F.R. 5803), and at Chicago, Illinois, on January 17-19, 1962, pursuant to notice thereof which was issued January 8, 1962 (27 F.R. 314).

Upon the basis of the evidence introduced at the July hearing and the record thereof, the Assistant Secretary of Agriculture, on October 17, 1961 (26 F.R. 9860; F.R. Doc. 61-10032) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. On February 7, 1962, the Assistant Secretary filed with the Hearing Clerk his recommended decision containing notice of opportunity to file written exceptions thereto with respect to the issues heard and the evidence introduced at the Chicago, Illinois hearing, January 17-19, 1962 (27 F.R. 1272; F.R. Doc. 62-1406).

The material issues on the records of the hearings relate to:

1. Class I price;
2. Basic butterfat test;
3. Handler location differentials;
4. Plants subject to another order; and
5. Class I price for milk distributed in another marketing area.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I price.* The Class I price should be revised to (1) change the basic formula price, (2) provide some seasonal adjustment to the Class I price differential, and (3) revise application of the supply-demand adjuster.

The present Class I price is determined by adding to the basic formula price for the preceding month a Class I differential of $1.74. Such price is further adjusted by a supply-demand adjuster. The basic formula price is the higher of the following alternative price formulas: (1) The Midwest condensary prices, (2) a butter-powder formula, and (3) a butter-cheese formula.

The handlers regulated by the order proposed that the Memphis Class I price be closely aligned to the Paducah, Kentucky, Class I price. It was proposed that the Memphis Class I price be 16 cents over the Paducah Class I price at 4.0 percent butterfat content. They contended that a Paducah handler had a substantial increase in his sales within the marketing area during the past 18 months because of the disparity between the Paducah and Memphis Class I prices. The producer associations supplying the market proposed that no changes be made in the present Class I pricing structure.

The supply of producer milk presently is adequate in relation to the Class I disposition. During the past 30 months producer receipts ranged from a high of 129 percent to a low of 105 percent of Class I disposition. For the years 1959 and 1960 the relationship of producer receipts to Class I sales averaged 118.6 and 112.6 percent, respectively. For the most recent 12-month period of July 1960 to June 1961, it averaged 118.9 percent. When the receipts and Class I sales which the cooperative association marketed outside the order are added to

the producer receipts and Class I sales, the average relationship of receipts to Class I sales was 117.6 percent in 1959, 118.9 percent in 1960 and 115.5 percent in the most recent 12-month period.

Producer milk used in Class I has increased proportionately to increased total deliveries of producers largely because handlers have increased sales outside the Memphis marketing area. Out-of-area sales rose 18 percent from 1959 to 1960 compared to a 5 percent increase in in-area sales. During the first six months of 1961 out-of-area sales rose 31 percent compared to a 3 percent increase in in-area sales.

Despite the relatively constant ratio of producer milk to Class I sales in recent years producers supplying the Memphis market have lost sales through the increased sales within the Memphis marketing area by handlers from other markets. Class I disposition in the Memphis marketing area by handlers regulated under other Federal orders increased 27 percent from 1959 to 1960 and another 15 percent during the first six months of 1961. The sales for the most part were made by handlers regulated under the Central Arkansas and Paducah orders. Lower returns to Memphis producers would result from this continuing loss of Class I sales. This situation should be rectified by price alignment with nearby markets.

The Class I prices in Memphis and Little Rock have been identical during this period but the Memphis Class I price has exceeded the Paducah price for milk of the same butterfat content by more than the cost of transporting milk from Paducah to Memphis. The difference in price has been accentuated in 1960 and 1961 because the basic formulas used in computing the Class I prices in the two markets differ.

The disparity between Memphis Class I prices and prices in Paducah, St. Louis and Suburban St. Louis (alternative milk supply areas for the Memphis market) which has resulted from the varying basic formulas used in these markets, if allowed to continue, could result in a significant reduction in Class I sales in Memphis for Memphis producers. This price disparity in the long run would tend to reduce returns to Memphis producers.

The issue of an appropriate basic formula for determining Class I prices in Memphis, Tennessee, and 35 other central United States markets was the subject of a hearing held at Chicago, Illinois, January 17-19, 1962. On the basis of that hearing record a recommended decision that the basic formula to be used in these markets should be the monthly average price (adjusted to 3.5 percent butterfat) received by farmers for manufacturing grade milk in Minnesota and Wisconsin as published by the Department on about the 5th day following the month was issued February 7, 1962 (27 F.R. 1272; F.R. Doc. 62-1406). The material issues, findings and conclusions, rulings, and general findings of the final decision in that proceeding issued concurrently herewith, insofar as they pertain to the basic formula to be used in the Memphis, Tennessee, Federal milk order, are hereby approved and adopted as if set forth in full herein.

In view of the present relationship of producer receipts to Class I sales and the increase in Class I sales by Memphis handlers, the level of the Class I differential should not be reduced.

However, the Class I differential should be adjusted seasonally to reduce seasonal differences in the Memphis Class I price compared to markets to the north from which milk is available to the Memphis market. The Class I differential in the Paducah, Kentucky, order is $1.50 during the months of August through February, $1.20 in March and July and $0.90 in April, May and June. The Class I prices in St. Louis and Suburban St. Louis are tied directly or indirectly to the Chicago, Illinois, Class I price. The St. Louis Class I price is 50 cents more than the Chicago Class I price while the Suburban St. Louis Class I price is 10 cents less than the St. Louis price and the Ozarks price varies seasonally from 20 to 27 cents less than the St. Louis Class I price. The Chicago Class I differential is 70 cents in March through June, 90 cents in July and December through February, and $1.10 in August through November.

The Class I differential in the Memphis order should be changed to $1.84 in August through February and $1.60 in March through July. Although the annual average of these Class I differentials will remain at $1.74, the prices will be somewhat more closely aligned with the pattern of prices in these other markets.

Changes in the production and Class I sales of milk for the market should be reflected in the current supply-demand computations. The present supply-demand adjustor must have a deviation from the base utilization range in the same direction for three consecutive months before any monetary adjustment is made in the Class I price. This limitation should be deleted so that any increase or decrease in receipts or sales may be reflected immediately. However, the adjustment should be limited to six cents in any given month more or less than the adjustment for the previous month. This would allow the supply-demand mover to move only two percentage points per month outside the base utilization range. This curb on the adjustment will eliminate any erratic movement yet will reflect the trend of the supply-sales relationship. Such a provision would have been effective only during the months of July, August and September 1960, in which it would have reduced the Class I price 6, 12, and 6 cents, respectively.

2. *Basic butterfat test.* Prices should be computed and announced for milk of 3.5 percent basic butterfat content.

Class prices and uniform prices to producers are presently stated on a four percent butterfat basis. In order to accomplish the uniformity of basic formulas found to be necessary and desirable, prices for all markets within a region should be stated at the same butterfat content. In order that all prices are announced on a comparable basis, Class II prices and uniform prices to producers, as well as Class I prices should be computed and reported for milk of 3.5 percent butterfat content.

3. *Location differentials.* No change should be made in the location differential provisions.

The cooperative association proposed that the location differential credit to handlers be limited to 20 cents per hundredweight. Handlers proposed the elimination of the location differential at Jackson, Tennessee.

The proposal by the cooperative association would inhibit the movement of milk into the market from distant points when the milk might actually be needed in the market. The location differentials are designed to reflect the cost of moving milk to the market regardless of the distance. The Memphis market at times has had to import milk from other markets to the north. Such a proposal would arbitrarily establish a price for milk at distant plants greater than the Memphis price adjusted by transportation costs. Therefore, the proposed amendment is denied.

The proposal by the handlers to eliminate the location differential at Jackson, Tennessee, should also be denied. The present location differential at Jackson, Tennessee, is 13.5 cents per hundredweight. The rate of 13.5 cents per hundredweight reflects experience relative to the additional cost of moving milk to Memphis area plants rather than to Jackson, Tennessee, plants from farms located in and afound Jackson.

4. *Milk subject to pricing under other Federal orders.* The proposal to change the current Memphis, Tennessee, order language with respect to plants subject to another order is denied. Under the present provision, a plant that has sales in the Memphis marketing area and in the marketing area of another Federal order will not become a handler regulated under the Memphis order unless a volume of Class I milk was disposed of from such plant during the six-month period immediately preceding to retail and wholesale outlets (except fluid milk plants) in the Memphis, Tennessee, marketing area greater than the volume disposed of in the marketing area regulated pursuant to such other order. The Mid-South Milk Producers Association advocated the deletion of the words "during the six-month period immediately preceding" thus putting the pool status of a handler of another market selling in the Memphis marketing area on a month-to-month basis.

The present order language was designed to prevent a shift back and forth between the Central Arkansas and Memphis orders on a month-to-month basis. A pool plant shifting between order regulations creates uncertainty and undue hardships for the producers concerned.

The proposal to use only the current month performance was designed to regulate the Paducah handler under the Memphis order if, in a single month, his sales in the Memphis area exceeded those in the Paducah area. Such a change in regulation would relieve the handler from regulation under the Paducah order which operates on a market-wide pool and make him subject to the Memphis regulation which is an individual handler pool. Since the Mem-

phis market operates on an individual handler pool basis the blend prices received by producers who regularly supply the Memphis market would not be affected by such a shift in regulation. The shift would affect the blend prices received by producers in the Paducah market. Therefore, the shift in regulation from one market to the other should be made only when it is established that a handler has maintained greater sales in the Memphis marketing area for a six-month period.

5. *Class I price for milk distributed in another marketing area.* A proposed amendment by the cooperative association to add a new section to the Memphis, Tennessee, order whereby the price of Class I milk distributed in another Federal order marketing area be the higher of the Memphis Class I price or the price determined pursuant to the other Federal order is denied.

The Class I prices in each Federal order market are established at levels which will obtain an adequate supply of milk for the respective market. These prices reflect prices of alternative supplies of milk and local supply and demand conditions. The prices are established at the plant where such milk is received from producers. Even though some of the milk received for the Memphis market is actually disposed of in another Federal order marketing area its value remains the same as if it were disposed of in Memphis. Therefore, the Memphis Class I price should apply to all Class I milk received from producers regardless of the area in which it is sold.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Memphis, Tennessee Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Memphis, Tennessee Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of November 1961 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Memphis, Tennessee, marketing area, is approved or favored by producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on February 21, 1962.

CHARLES S. MURPHY,
Under Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Memphis, Tennessee, Marketing Area

§ 1097.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Memphis, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearings and the records thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Memphis, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1097.50 and substitute therefor the following:

§ 1097.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plant in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. Delete § 1097.51(a) (1) and (2) and substitute therefor the following:

(1) Add $1.60 in each of the months of March through July and $1.84 in all other months.

(2) Add if the net utilization percentage calculated pursuant to subparagraph (1) of this paragraph is less than, or equal to, if it is more than the base utilization range, an amount determined by multiplying such net utilization percentage by three cents: *Provided*, That the amount added or subtracted shall not vary more than six cents from the amount added or subtracted during the immediately preceding month.

3. In § 1097.51(b) delete the period at the end of the paragraph and add: "and from which shall be subtracted 5 times the butterfat differential for the respective month computed pursuant to § 1097.52(b)".

4. In §§ 1097.52, 1097.71, and 1097.92, delete "4.0" wherever it appears and substitute therefor "3.5".

[F.R. Doc. 62-1943; Filed, Feb. 26, 1962; 8:51 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[9 CFR Part 301]

[Docket Nos. AO-336 and AO-337]

TURKEYS AND TURKEY HATCHING EGGS

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to a Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, United States Department of Agriculture, a recommended decision with respect to a proposed marketing agreement and order regulating the handling of turkeys produced in all States of the United States except Alaska and Hawaii, to become effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.) hereinafter called the "Act."

Interested persons may file exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than the close of business on the fifth day after publication of this recommended decision in the FEDERAL REGISTER. Six copies of exceptions should be filed.

Preliminary statement. A public hearing on the record of which the proposed marketing order is formulated was held at the several locations and on the days enumerated below, pursuant to notice thereof which was published in the FEDERAL REGISTER on November 2, 1961 (26 F.R. 10286), the supplemental notice of the hearing published in the FEDERAL REGISTER on November 8, 1961 (26 F.R. 10516), the second supplemental notice of hearing published in the FEDERAL REGISTER on November 17, 1961 (26 F.R. 10772), the notice reopening the hearing published in the FEDERAL REGISTER on January 18, 1962 (27 F.R. 518), and the notice amending the notice of reopening published January 27, 1962 (27 F.R. 834). The public hearing was held at Richmond, Virginia, November 20 to 22; Des Moines, Iowa, November 24, 25, 26, 27; Las Vegas, Nevada, November 29, 30, and December 1; Oklahoma City, Oklahoma, December 4, 5, and 6; Chicago, Illinois, December 8 and 9; Albany, New York, December 12 and 13, 1961, and Kansas City, Missouri, January 29 through February 1, 1962. Such notices set forth proposed marketing agreements and orders relating to the provisions of a proposed marketing agreement and order regulating the handling of turkey hatching eggs and a proposed marketing agreement and order regulating the handling of turkeys under the terms of the Agricultural Marketing Act of 1937, as amended. The National Turkey Federation, and the National Turkey Advisory Committee, after several meetings, had proposed that a public hearing be held upon such proposed marketing agreements and orders.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act and whether such purposes would be effectuated by a Turkey or Turkey Hatching Egg program or both;

(3) The definitions of the commodity and determination of the production area to be affected by the marketing agreement and order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the proposed marketing agreement and order including:

(a) Definitions of terms used therein which are necessary and incidental to attain the declared objectives of the act, among which are those applicable to the provisions of the proposed program;

(b) The establishment, maintenance, composition, powers, duties, term of office, and operation of a turkey advisory board;

(c) The establishment, maintenance, composition, powers, duties, and operation of a turkey administrative committee, which shall be the administrative agency for assisting the Secretary in administration of the turkey marketing program;

(d) The selection of the membership of the board and committee;

(e) The authority for the committees to incur expenses and to levy assessments on handlers of turkeys;

(f) The need for establishment of marketing research and development programs for turkeys;

(g) The authority of the board and committee to recommend marketing policy and regulations implementing such policy;

(h) The methods for limiting of the quantities of turkeys which may be handled;

(i) The application of the provisions to persons under the order and exemptions of certain such persons;

(j) The procedure for establishing reporting requirements applicable to handlers and the requirements for recordkeeping;

(k) The requirements of compliance with all provisons of the marketing agreement and order and with regulations issued thereto;

(l) Additional terms and conditions as set forth in sections E 70 through E 80 and T 75 through T 85 and published in the FEDERAL REGISTER on November 2, 1961 (26 F.R. 10286) and further set forth in §§ 301.80 through 301.101 published in the FEDERAL REGISTER on January 18, 1962 (27 F.R. 518), which are common to marketing agreements and orders.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) Turkey hatching eggs are marketing extensively in interstate commerce. Turkey hatching eggs produced in the State of California, for example, are marketed in almost half of the states of the United States as well as in foreign commerce. Hatching eggs produced in Texas experience similar marketings though perhaps not quite as extensive. California and Texas are two of the major hatching egg production states accounting for approximately one-third of the U.S. production. Almost all States produce some hatching eggs of which varying proportions move in interstate commerce and hatching eggs produced and marketed within the same State are disposed of in direct competition with eggs coming from other States and the prices received for such locally produced eggs are often determined by the price and availability of such out-of-State eggs. The average price received by producers for hatching eggs in December 1961 was 74 percent of the parity price.

From the evidence presented for the record it is concluded that all marketings of turkey hatching eggs are in the current of interstate or foreign commerce or directly burdens, obstructs, or effects such commerce and that there exists the right or power to exercise Federal jurisdiction over a regulatory program for turkey hatching eggs. Further analysis of the record reveals, however, that there was considerable apprehension among producers concerning the provisions of a regulatory program for hatching eggs. The prime concern, although there were others, appeared to be that such a program might have the effect of restricting the supply of eggs, and the poults resulting therefrom, with the result that a condition may be created which could result in inequities turkey producers. In view of this substantial concern the Department is continuing an exhaustive analysis of the evidence of record and the complex administrative problems raised by witnesses concerning a hatching egg order and a recommended decision thereon will be issued at a later date. Accordingly, the recommended decision and proposed order herein will relate to turkeys only.

Turkeys are an important agricultural product which are produced and mar-

keted in all States of the United States. More than $375 million are received annually by U.S. turkey producers from sales of turkeys. Consumption of turkey meat in the United States is estimated at 7.4 pounds per capita in 1961, indicating an increase over the 6.3 pounds in 1960, and 4.4 pounds per capita in 1951, only a decade ago.

Turkeys are produced and marketed each month of the year. They are processed for marketing in three forms, frozen, fresh chilled but not frozen, and as turkey products and parts, such as legs, wings, breasts, canned turkey, turkey rolls, etc. In relation to the frozen and fresh marketings, the marketings of turkey products and parts is relatively minor. The marketing of frozen turkeys far exceeds the fresh. In 1960, 79 percent of all turkeys produced were slaughtered in plants operating under the Federal inspection program and 84 percent of the turkeys processed in such plants were marketed in frozen form. It follows that approximately two-thirds of all processed turkeys are marketed in the frozen state.

The appearance and quality of the frozen bird is similar to that of the fresh unfrozen bird and frozen turkeys compete directly with the fresh commodity for the preference of the consumer. Because unfrozen birds are highly perishable they are generally locally marketed on the wholesale or retail level (often directly by the producer himself) or marketed within a few hundred miles of where they are produced. The evidence of record indicates that fresh unfrozen turkeys move in interstate commerce, as for example, into New York and New England from Virginia, Maryland, Ohio, and Pennsylvania. Frozen birds on the other hand, can maintain their appearance and quality for a considerable period of time, sometimes in excess of a year, without appreciable deterioration. Shippers of frozen turkeys, therefore, have the ability to move such turkeys great distances in interstate and foreign commerce from the areas where they are produced to markets throughout the country. The exportations of frozen turkeys, although still relatively small, have been increasing. The interstate movement of turkeys is dramatically illustrated by market reports indicating the origin of turkeys received in major terminal markets. Turkeys for the New York market in 1960, for example, originated in thirty-four States. The Chicago market received turkeys from thirty States during the same year, and even the Los Angeles market, located in a State which produces a substantial surplus, received turkeys from four other States in that year.

Turkeys are shipped to, sold in, and distributed in all important markets in the U.S. and they are an established commodity in those markets. There is also futures trading in turkeys on the Chicago Mercantile Exchange.

Communications between buyers and sellers, both in terminal markets and at shipping points, are modern and rapid so that the effect of immediate and future supplies are quickly reflected in the price of turkeys in such markets. Shippers follow terminal markets closely and buy from or settle with producers on the basis of market prices reflecting terminal market conditions.

The price and availability of turkeys produced and marketed intrastate have a direct effect on the marketing of all turkeys wherever produced, and the price and availability of turkeys being marketed from other sources of supply have a direct effect upon the marketing conditions of intrastate turkeys.

Some producers who produce, process and sell, either at wholesale or retail levels, generally receive a premium price for their product commensurate with their marketing or merchandising efforts. The premium received, however, is directly affected by the price and availability of fresh or frozen birds produced locally and in other states and thus varies with supply-demand conditions throughout the entire industry.

In the light of the foregoing conclusions, it is necessary to regulate all marketings of turkeys in the production area in order to obtain the objectives of the act.

The record reveals that the production of turkeys increased over 70 percent during the ten years ending in 1961. The average yearly producer prices for turkeys for these years ranged from 60 to 87 percent of the parity price. In 1961 the prices producers received were the lowest since 1941, averaging 60 percent of the parity price.

From these findings on the record evidence it is concluded that all marketing of turkeys is in the current of interstate or foreign commerce, or directly burdens, obstructs, or effects such commerce. In addition, it is concluded that prices to producers have been such that parity limitations of the Act do not preclude promulgation of a marketing order for turkeys. Therefore, the right to exercise Federal jurisdiction in promulgating and administering a marketing order for turkeys is founded in fact and should be exercised.

(2) The conditions existing in the turkey industry clearly indicate a need for a marketing order for turkeys.

The national average annual production of turkeys for the ten-year period beginning in 1952 and ending in 1961 ranged from 59.8 to 106.9 million head of turkeys, the low point in production being in 1953 and the high point in 1961. The production in 1959 was 84.5 million turkeys and they were produced on 86,717 farms.

Production during the ten-year period increased from a low of 59.8 million head in 1953 to a high of 106.9 million head in 1961, or an increase of 79 percent. The annual average producer prices during the same period declined from the high of 33.7 cents per pound in 1953 to a low of about 20.7 cents per pound in 1961, or a decrease of 38 percent. In addition to a decline in average annual prices over the period the range of monthly producer prices within the years have tended to widen. These trends are illustrated in the table below:

Year	Number of turkeys raised (million head)	U.S. average producer price (cents per pound)	
		Annual	Range within the year
1952	62.3	33.6	41.1
1953	59.8	33.7	42.5
1954	67.7	28.8	40.0
1955	65.6	30.2	42.3
1956	76.8	27.2	38.3
1957	81.4	23.4	34.0
1958	79.6	23.0	34.0
1959	84.5	23.9	37.1
1960	84.7	25.4	40.0
1961	106.9	[1] 20.7	34.0

[1] Estimated.

Annual average farm prices for turkeys were less than the parity prices in each of the ten years. The annual average farmer price to parity price relationships ranged from 60 to 87 percent, with the low point in 1961 and the high point in 1953.

During the major marketing months of 1961, i.e., October through December, U.S. average producer prices ranged from 17.4 to 18.6 cents per pound. These prices were the lowest since 1941 and were 50 to 54 percent of the equivalent parity price. The average prices prevailing in 1961 were below the costs of production, not considering returns to labor and management, and resulted in losses of 5 to 6 cents per pound or approximately a dollar per bird.

During the ten year period 1952-61, the turkey industry showed its possibility to adopt scientific and technological advancements and thereby increase the volume of its production to the extent that the volume of turkeys the industry can now produce exceeds a consumer demand for the product which will result in a reasonable price to producers. In 1961 the turkey industry dramatically demonstrated its ability to produce substantially more product than the market would absorb at a profit to even the most efficient producers. Turkey production in 1961 exceeded 1960, the last highest production year, by 26 percent. This volume so exceeded the demand that it resulted in producer prices well below producer costs reported by producers to be about 21 to 23 cents per pound. Substantial losses were sustained by efficient as well as inefficient producers, by small and large producers, and by producers who had held their production at the 1960 level as well as those who had increased their production.

Turkey growers, as individuals, are not in a position to cope with the industry-wide problem of keeping supplies in line with the estimated demand to achieve reasonable profit levels. Cut backs in one area, or by individual producers, are annulled by increases in other producing areas or by other producers.

Statistical reports issued by the Department late in 1960 and early in 1961 clearly demonstrated that the 1961 crop of turkeys would be significantly larger than the 1960 crop. The October 1960 survey of producers' intentions to hold breeder hens for 1961 production, for example, indicated an increase in breeder hens of 23 percent. The number of breeder hens on farms January 1, 1961, which information was available to the industry in mid-February, showed numbers were up 27 percent from a year earlier. A survey of producer intentions to raise turkeys in 1961, issued in mid-January 1961, indicated an increase in production of 20 percent. With this knowledge in hand the industry organizations tried to get producers, on a voluntary basis, to cut back the indicated high level of production. The effort was completely unsuccessful.

The inability of the industry to make adjustments resulting in a stable and orderly marketing condition is occasioned in great part by the development and changes in the pattern of production. The turkey industry has, over a period of years, made continuous progress toward greater efficiency of production and marketing. Better strains of birds, improved feeds, new management and disease control techniques, labor-saving equipment, and larger production units have helped growers produce and market turkeys at a declining per unit cost. Technological gains have thus permitted a continued expansion in turkey output despite a long range downward trend in prices.

The technological developments, and resulting gains in efficiency in the turkey industry have made possible and encouraged a marked trend toward fewer, larger, and more specialized production units. Substantial investments have been made in these units, and there are few, if any alternative uses to which these resources may be directed. These large specialized units operate on a low cost per unit basis and are dependent on large volume production. This condition provides incentive to maintain or increase volume production and a marked tendency to avoid reducing production on the theory that because of their high volume they can survive on a low per unit profit.

Concurrent with the development of large specialized production units has been the development of large hatcheries, feed mills, and slaughterers. Because of the heavy investment in such facilities, every effort is made to keep them operating at capacity. Several methods are being used by such firms to accomplish this objective; the contracting for production, in some cases at a specific price as with a nonloss provision to the producer; the advancing of credit for feed, poults, and other requisites of production, and the integration of the growing operation with the hatchery, feed manufacturing, and processing operations. In many cases these interests, through their contract and credit operations, have had the effect of encouraging production without regard to the need therefore. An assured outlet for poults and feed is an advantage to the producers and purveyors of these products but has not been a corresponding advantage to the grower of turkeys since the increase in turkey production which has resulted therefrom has caused the returns to turkey producers to decline.

Because of the development of the large specialized production units, and the other influences on production discussed above, voluntary production adjustments to obtain a favorable supply-demand relationship cannot now occur as rapidly or to the same degree as in the past. Prior to the development of the large specialized production units made possible by technological developments, the production units were of necessity, usually small and were usually only one of several enterprises on the farm. In this situation voluntary restriction of production by the producer could be and was made without harsh economic effects since another enterprise of the farm would help soften the impact of such adjustment. There are of course, a good many of such small production units presently in operation which could make such an adjustment but so great a percentage of the total volume of annual production is presently produced by the large specialized production units that any voluntary restriction of production by such a small producer would not be sufficient to offset the production of the large volume units. Evidence of this fact is the testimony of many such small producers that they restricted their production for 1961 without noticeable effect on the total volume produced for the year.

Many witnesses at the hearing testified that although overproduction had caused them to lose money on their turkey production, they still felt that the industry could make production adjustments on a voluntary basis to bring production of supply in line with demand. They testified further that such an adjustment is currently taking place in that producer intentions to raise turkeys in 1962, as reported by the Department in January 1962, indicated a 12-percent drop in production from that of 1961. However, if such an adjustment is made, it is further evidence of the fluctuating production and marketing conditions prevailing in the industry which tend to cause disorderly marketing. The evidence of record also reveals that such production adjustments, under the current situation, would in part be accomplished by the small independent producer being forced out of turkey production. The evidence reveals that the small independent producer does not have sufficient financial resources to withstand continuing periods of loss. Such losses can be handled only by the larger segments of the industry who have or can obtain the necessary resources.

It is the declared policy and objective of the Agricultural Marketing Agreement Act of 1937, as amended, to establish and maintain such orderly marketing conditions for turkeys as will provide parity prices to farmers with due regard to the interest of the consumer and provide an orderly flow of turkeys throughout the normal marketing seasons so as to avoid unreasonable fluctuations in supplies and prices. On the facts found, it is concluded, therefore, that need exists for a turkey marketing order as hereinafter set forth and such order will tend to effectuate such declared policy of the act.

(3) The commodity to be regulated by this order is the domesticated fowl commonly known as turkey and technically known as Meleagris gallopavo. Such turkeys are produced in varying quantities in all States of the United States and are commercially marketed throughout the United States. Such term is defined for the purposes of the order to include all varieties or types where grown and marketed within the production area.

"Production area" should be defined to include the 48 contiguous States of the United States and the District of Columbia. Production and marketing methods are similar in all parts of the production area although, primarily because of climatic conditions, and location relative to markets, there are some variations in husbandry and marketing practices. The commercial practices in processing turkeys do not differ to any significant extent throughout the production area. In fact the processing and packaging of frozen birds is so similar that turkeys produced and processed in one State are indistinguishable from those which are produced and processed in another State. As indicated previously a significant proportion of the turkey crop is frozen, a condition which has allowed turkeys wherever produced in the production area to move freely between States and to compete in price and for markets with a locally produced product whether fresh or frozen. An example of such freedom of movement is the marketing in New York of turkeys produced in the states of California and Minnesota.

The proposals contained in the hearing notice dated November 2, 1961 (26 F.R. 10286), included the States of Alaska and Hawaii in the proposed production area. The proposed order herein excludes such States. The Agricultural Census for 1959 reports 4 producers of turkeys with 12 birds produced in Alaska and 122 producers with a total production of 3,891 birds in Hawaii. The contiguous States and the District of Columbia form a natural production area with turkeys moving freely between them to supply the markets in the production area. The States of Alaska and Hawaii are divorced from this natural boundary by their geographic locations. They are further distinguished from the proposed production area in that they, historically, have not been, and are not now, a source of supply for the turkey markets within the production area.

For the foregoing reason there is no reasonable method for dividing the production area into smaller units for purposes of marketing orders. The territory included within the production area constitutes the smallest regional production area that is practicable and consistent with carrying out the policy of the act.

On the facts above found on record evidence, it is concluded the production area should be defined as including all the area in the 48 contiguous States of the United States and the District of Columbia.

(4) "Handle and handler." The handling of turkeys should be defined as the slaughtering of turkeys in the production area for the production of meat. A "handler" is a person who "handles", i.e. slaughters, turkeys. The handler is the person who, under the applicable terms and conditions of the marketing

order, is responsible for slaughtering and processing the turkeys. The "handler" is the person upon whom rests the obligation of complying with the terms and conditions of the marketing order. Before a turkey can be marketed to the consumer it must be slaughtered. Slaughtering is done by persons operating plants for that express purpose, and by persons operating processing plants where turkey is processed for the consumer market and into many types of products including turkey rolls, parts, soups, prepared frozen dinners and a host of other products utilizing turkey meat. Turkeys are also slaughtered and marketed directly by producers themselves. In all instances, however, the turkeys are slaughtered before they are marketed to the consumer.

There are producers who have their turkeys slaughtered and processed by a handler on a fee basis. In such instances the producer retains title to the processed turkeys and markets them himself. This has been referred to as custom processing. Since the actual slaughtering was done by a person other than the producer, the person who did the slaughtering, and not the producer, should be the handler.

Although many persons may be involved in the actual marketing of turkeys in the channels of commerce they must all get their supplies from, or have the supplies processed by, a handler. Accordingly, the point of regulation of the order should be at the handler level.

Handlers, in acquiring turkeys for handling, should be permitted to do so only as prescribed by the order or by regulations issued by the committee pursuant to the order. It is contemplated that the committee will prescribe means, by certificates or otherwise, by which the source of the handlers acquisitions may be identified.

(5) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the marketing order. Such terms should be defined and explained for the purpose of designating specifically their applicability in establishing the limitations of their respective meaning whenever they are used.

(a) *Definitions.* "Secretary" should be defined to include not only the Secretary of Agriculture of the United States, but also, in recognition of the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter, be authorized to act in his stead.

"Act" should be defined within the order to provide a ready and correct legal citation for the statute pursuant to which the marketing order is promulgated and administered. Repetition of the citation, therefore, is unnecessary when used thereafter in the marketing order.

The definition of "person" follows the definition of that term as set forth in the act, thereby insuring that it will have the same meaning as when used in the act.

"Quantity" is defined in the order as meaning the weight of live turkeys at the time of receipt by a handler or other person.

Under the volume regulation provisions of the order producers are equitably apportioned their share of the desirable quantities of turkeys. There are many types or varieties of turkeys produced in the production area. Some, commonly called fryer-roasters, are generally of the Beltsville variety having a live weight of about 8 to 12 pounds. Others, such as Bronze toms, are generally in excess of 18 pounds. The "quantity" definition allows the committee to make apportionment to producers in live weight pounds, rather than by type of turkey. This has the advantage of allowing the producer freedom to change the type of turkey he is producing to meet changes in consumer preferences. Live weights can be readily converted to a very close approximation of the number of head of turkeys involved if the age, sex, and type of birds are known and the committee is authorized to develop and, by regulation, issue conversion ratio figures so that all such conversions can be made on a common standard. Statistics relating to the volume of turkeys produced generally indicate the volume in both head count and live weight.

The quantity definition sets the weight of live turkeys at the time of receipt by a handler or other person. Inclusion of "other person" in the definition recognizes a practice wherein producers sell live turkeys to other producers and to other persons who then arrange for the handling of the turkeys. "Other person" is intended to include other producers. Turkeys so marketed by a producer will be included as part of their historical production for computation of base purposes.

It had been proposed that the quantity definition include "weight at the time of shipment to a handler" as well as weight at time of receipt by a handler. However, receipt of the turkeys by a handler or other person is accomplished when the weight of the turkeys have been established whether at the farm, the plant, or at some public scale in between. Accordingly, the words "at the time of shipment" are redundant and unnecessary and have been omitted.

It had also been proposed that the definition of quantity includes the live weight equivalent of processed turkey. Processed turkey is defined separately and is not necessary in order to determine the quantity of turkeys a handler may acquire. It, therefore, is not included in the proposed definition of quantity.

"Processed Turkey" is defined in the order as eviscerated turkey (ready to cook) or the equivalent thereof of New York dressed or Kosher processed turkey. This definition recognizes that turkeys are processed in different forms to fill consumer preferences and the same turkey will have a different weight depending on the form in which it is processed. Since handlers will be assessed the costs of administering the order and since each handler's pro rata share of such costs must be determined equitably, irrespective of the way the turkeys are processed, the definition of processed turkeys provides for a method of determining and pro rating such costs. The committee by regulation would establish a schedule of conversion factors for the different forms of processed turkeys for this purpose.

"Exempt handler" is a handler who handles (slaughters) less than a quantity of 7,000 pounds or approximately 600 turkeys per year. Handlers in this category are exempt from all except the reporting provisions of the order. This provision recognizes that small quantities of turkeys are handled on the producer's farm, in wholesale establishments, or in some cases, by retail meat outlets. The handlings by these handlers are sporadic and the volume handled will have little noticeable effect on the purposes of volume regulation of the order. Further, the application of the set-aside provisions to these handlers would be a substantial burden upon their operations without noticeably contributing to the volume regulating effect of the set aside.

Such handlers are also exempt from assessments because the amount of their contribution would usually be so little as to be offset, and in some cases exceeded, by the committee's costs in collecting the assessment. Such handlers, however, may be required to file such reports and keep such records as the committee may require to verify the handler's exempt status and furnish information to the committee necessary for the efficient administration of the order.

By being exempt from the volume regulations of the order, the exempt handler may acquire for handling up to 7,000 pounds of turkeys from any source without regard to the volume limitations of turkeys under methods numbers I and II of the order.

"Production facilities" should mean the land, buildings and equipment utilized in the production of turkeys. This definition is necessary to describe the facilities utilized in producing turkeys by a producer-grower and is one of the factors which distinguishes a producer-grower from a contract-producer.

"Market" should mean the disposition by a producer of a quantity of turkeys to handlers, producers or other persons. The word "market" should be used in various provisions of the order and this definition is necessary to prescribe the limitations of the word. In order for turkeys to be marketed such marketing must be done by a producer to a handler, to another producer, or to other persons not qualifying as handlers or producers under the order.

A "producer" under the order is a person, other than a producer-handler, who falls within either of two categories or classes. The first is the producer-grower and the second is the contract-producer.

A "producer-grower" is a person who (1) operates production facilities in a proprietary capacity, (2) produces in excess of a quantity of 3,600 pounds of turkey on such facilities in a year, and (3) markets turkeys to a handler.

A "contract-producer" is a person who has a proprietary interest in turkeys produced by a producer-grower.

In order to qualify as a producer under the order a person must meet each of the applicable conditions set forth in the definition. A person who produces and handles his own production is not a producer since it is considered that the predominant part of such an operation is the handling of the turkeys.

With regard to a producer-grower the first conditions to be met is that a person must operate, in a proprietary capacity, production facilities on which turkeys are produced. Proprietary capacity is used in the defintion to distinguish between the grower and persons merely employed to supervise or manage the production operation. If the farmer or grower has a contract for the production of turkeys where the risk of loss is shared, or is even solely on the other person, the grower would still be a producer since his business, i.e. his proprietary capacity is the farm on which the turkeys are grown. There are many types of financing contracts in use by the industry and some such contracts purport to give control over the production facilities of the grower to the other person, who is usually a contract-producer as defined. However, a test to be applied for the purposes of the order is whether the contract is such that the control of the real estate and facilities is its primary purpose and the turkeys secondary as contrasted with the primary purpose or intent of the contract being to provide financing of turkey production and control over the real estate in production facilities are provided in order to insure participation in the control over the production of turkeys. In the latter case the grower would be the producer-grower under the order.

The second condition which should be met in order to be a producer-grower is that a quantity in excess of 3,600 pounds of turkey is produced on the production facilities of the grower in a year. Any person who produced less than a quantity of 3,600 pounds of turkey would not be a producer; 3,600 pounds amounts to about 200 turkeys using the national average of about 18 pounds per turkey. The total production of such persons is rather small. Using the information supplied by the agricultural census of 1959, and taking the midpoint of production on farms producing under 50 and between 50 and 399 birds, the farm which produced under 200 turkeys would account for less than 4 percent of the national turkey production. In addition the production of such turkeys is sporadic and dispersed widely throughout the production area, and their marketings are usually limited to markets within a few miles of where produced. In view of these conditions marketings of these turkeys are not of such significance as to be included within the realm of the order. The fact that persons producing less than a quantity of 3,600 pounds of turkeys would not be producers under the order would in no way preclude handlers from acquiring their turkeys since such acquisitions by handlers are allowed under regulations of the Committee.

The third condition which should be met to be a producer-grower is that production of such persons must be handled by handlers other than exempt-handlers or producer handlers. Such handling of turkeys by the handler is intended to include all the means by which a handler acquires the production of a producer including the handlers custom processing of turkeys for the account of the grower.

The impact of regulation under the order is upon the handler and volume regulation is effectuated by limiting the quantity of turkeys a handler may acquire or dispose of. Live turkeys are the subject of many transactions between producers and other persons not handlers. Since the order does not regulate producers in their capacity as producers, it does not regulate their transactions. Accordingly, the turkeys produced by producers and such other persons come under the regulation only as they are acquired by handlers. Since the total quantity of turkeys which all handlers may acquire are apportioned equitably among all producers, it is logical to define a producer as one whose production of turkeys is handled by a handler.

To qualify as a contract-producer under the order a person should have a proprietary interest in turkeys from the production of a producer-grower. Accordingly two conditions should be met. The first is that the turkeys in which a contract-producer is involved must be produced by a person who qualifies as a producer-grower under the order. The second condition is that the person must have a proprietary interest in the turkeys produced by a producer-grower. "Proprietary interest" has been defined as sharing in the risk of loss in the production of turkeys. The sharing of such risk is usually occasioned by a contract between a producer-grower and one who furnishes the financing of the production operation. Such financing usually takes the form of an extension of credit for the supplies necessary in the production of turkeys and/or furnishing such supplies. However, in order that such person have a proprietary interest in such turkeys it should be shown that the contract provided that the financing persons shared or bore the risk of loss of the operation. There are a substantial variety of contracts being utilized in the industry and they contain varying provisions on the rights and liabilities of the parties.

Certain of such contracts are the chattel mortgage or security type which result in obligating the turkeys and/or other property as collateral to secure the credit or financing advanced to the producer-grower. In some instances the balance of the debt resulting from the financing may be cancelled by the financier at the completion of marketing of the turkeys if the returns from the turkeys are insufficient to cover the producer-growers costs of supplies. Although this type of situation can be considered as sharing in the risk of loss of the production of turkeys it is not the type of risk which is contemplated under proprietary interest. A test which might be applied to determine proprietary interest risk of loss might be as follows: Under the terms of the contract, is the producer-grower obligated to the financing party for the full amount of financing regardless of the returns from the disposition of the turkeys or does the contract provide that if the returns from the turkeys are less than the financing then the difference shall be shared by the financing party and the producer-grower or borne entirely by the financier.

In the first instance there would be no proprietary risk since the party advancing the financing, by way of credit for feed, poults, supplies, or otherwise, has an enforceable right under the contract to be paid back by the producer-grower the amount which was advanced. In the latter instance the financing party's advances would be legally satisfied by the returns of the sale of the turkeys regardless of whether such returns were more or less than the amount advanced. Title to the turkeys is not necessarily a determining factor since in almost every financing type of contract, whether risk sharing or not, a security title is held by the financing party.

The assumption of sharing of the risk of loss, i.e., having a proprietary interest, in the turkeys is the basis upon which such a person is eligible for producer status under the order. Historically, the entire risk of loss of producing turkeys has been borne by the producer-grower. However, in the last ten years there has been an increasing tendency by the producer-grower to share that risk with others with the result that the producion operation has been divided into two parts. On one hand the producer-grower contributes his time, labor, facilities, and management know how, and the other party contributes the financing. Both are integral parts of the production process. The definition of producer recognizes this fact by including as a producer, a person who has a proprietary interest in the turkeys.

In determining the relative shares of interest of a producer-grower and a contract-producer in a quantity of turkeys for base computation purposes, the order provides that each shall be deemed to be a producer of one-half the turkeys produced under such a contractual arrangement. It is recognized that the proportionate share of risk is a matter of negotiation between parties. However, in determining the actual or real risk of each party would require an analysis of the actual costs of supplies to the contract-producer and a determination of the costs of the producer-grower's labor, management know-how, depreciation of production facilities and other factors. These factors were apparently considered by the proponents of the proposal and by witnesses at the hearing and the one-half split was supported as logical and proper. There was virtually no opposition to this proposal at the hearing. The division of the production between the contract-producer and producer-grower for base computation pur-

poses appears to be equitable under the circumstances.

While the vast majority of the contracts between producer-growers and contract-producers are in writing, there may be some similar arrangements on an oral contract. In such cases the burden of proving the contract should logically be on the party asserting it.

An "exempt producer" should be a person who operates production facilities on which a quantity of not more than 3,600 pounds of turkey are produced in a year. As indicated in the discussion of the definition of "producer", the volume of turkeys produced by an exempt producer does not have a significant impact upon the purposes of the order and handlers, therefore, they may freely acquire for handling such turkeys under procedures issued by the committee.

The order should contain a definition of a producer-handler. This definition recognizes a rather common type of production and marketing in the turkey industry. There are many turkey producers in the production area, notably in the northeast and in areas which are proximate to large urban populations, who slaughter birds of their own production and then retail such birds in such urban areas, usually in fresh unfrozen form. Such producers usually produce for a specific market which they have developed by dint of their merchandizing efforts and their production is relatively minor in relation to the total production of turkeys. Producer-handlers of the size prescribed in the order usually operate handling facilities which are not federally inspected and consequently, their turkeys do not move in interstate commerce but are marketed in areas proximate to where they were produced. Although these turkeys are sold in areas where turkeys from other states, fresh or frozen, are marketed, the producer-handler has, through his merchandizing efforts, and in providing special preferences or services to his customers, developed a special market for his product in which he usually receives a premium price for his product which is in excess of the prices of non producer-handler turkeys being sold in the area. Since the handling and marketing are the key or focal points of a producer-handler operation, a person who produces and handles turkeys in this fashion is considered a handler and not a producer under the order. The application of the assessment, set aside, and handling restriction provisions of the order might tend to force these persons to discontinue their operations. In view of the specialized nature of the operation and markets of a producer-handler, it is desirable to allow such persons to continue providing their services to the consumer. A producer-handler, therefore, is exempted from these provisions of the order. They are, however, subject to the reporting requirements of the order.

The order prescribes definite limitations on a producer-handler in that such a person is defined as one who (1) in his own handling facilities (2) handles a quantity of not more than 100,000 pounds of turkey per year (3) of which not more than 5,000 pounds are other than his own production and (4) must not dispose to other persons a quantity in excess of 5,000 pounds. Each of these conditions should be satisfied before a person can become a producer-handler.

The first requirement is that a person must operate his own handling facilities. A person who has turkeys custom processed would not be a producer-handler. A person with this type of operation would not be a handler under the order and, therefore, would not be regulated.

The next requirement is that such person may not handle a quantity of more than 100,000 pounds of turkeys per year. This is approximately 5,000 head of turkey. The record reveals that the vast majority of persons having a producer-handler type operation fall within this quantity of handling. The total quantity of turkeys so handled is relatively small compared with the total volume handled by handlers and the markets of a producer-handler are usually seasonal and scattered in area so that producer-handler operations of this size will not significantly affect the purposes of the order.

The next two requirements of a producer-handler are that he must not handle more than a quantity of 5,000 pounds of turkey which are not of his own production and must handle all but 5,000 pounds of his own production. This recognizes that disease, weather conditions, and other factors make it difficult, if not impossible, to produce an exact number of pounds of turkeys. The definition allows, therefore, a producer-handler to either buy or sell 5,000 pounds of live birds in order to maintain a stable handling operation. The evidence reveals that a producer can produce within 5,000 pounds of a specific quantity of turkeys.

Some witnesses testified that a producer-handler should be frozen to the quantity of turkeys handled during a given base period, otherwise all producer-handlers would produce and handle the 100,000 pound maximum quantity and that if all did this the effectiveness of the volume regulation provisions would be impaired. The evidence of record, however, reveals that there is little likelihood this situation will occur. The production and handling of producer-handlers has not shown a tendency to increase over the years. In fact their tendency is in the opposite direction in that their production and marketing either has not varied appreciably from year to year or, notably on the eastern seaboard, has shown a marked tendency to decline over the years, their highest quantities being handled during and immediately after the war years. The per unit costs of a producer-handler, both in producing and handling, is higher than individual handler and producer operations so that it is necessary for them to obtain premium prices in order to continue their operations. These factors plus the continued trend of consumer preference to the convenience of handling and storage of frozen turkeys will effectively hamper the growth in size of a producer-handler.

The order, under the section Application of Provisions, requires that starting February 1, 1963 any person not then a producer-handler must make application to the committee for that status. The committee, in determining whether to approve such application may determine the effect of producer-handlers on the volume regulation provisions of the order and may refuse to approve applications for such status if they determine that additional producer-handlers may adversely affect the effectiveness of such volume regulations.

One of the purposes of exempting persons in the producer-handler category is such persons having usually been operating such a business for a number of years and that the impact of assessments, set aside, and restrictions on quantities which they may acquire for handling, would be such as to force them out of business. Such considerations are not applicable to persons not presently a producer-handler and the committee, after a period of operation under the order has the authority to determine whether the purposes of the order would be best served by approving or disapproving such status. February 1, 1963 is the start of a new marketing year. The time between the effective date of the order and February 1, 1963, therefore, gives persons with the producer-handler type of operation who may be outside the prescribed producer-handler limitations a reasonable opportunity to adjust their production and handling to comply with the limitations.

"Year and marketing year" are synonymous and mean the 12 month period beginning February 1 of each year and ending January 31 of the following year. The marketing year has been set up to conform with the recognized marketing year of the industry. The record reveals that producer marketings are at their seasonal low in February. Also that cold storage holdings on February 1 are relatively high and from February through July are generally on the decline. It is during this period that the new crop is being produced for marketing in major volume during the fall and winter. "Year" has been included as part of the definition so as to make it clear that years prior to the effective date of the order would be "marketing year" periods and not calendar year periods in computing allocation basis and for applying the definitions of the order. This will allow for consistency in applying the provisions of the order.

(b) *Turkey Advisory Board.* There should be established a Turkey Advisory Board to provide a broad representation within the industry, with the opportunity of drawing on the advice and knowledge of many persons, to advise the administrative committee on marketing policy and other matters and to provide a means to nominate to the Secretary the members and alternates of such committee. The board should be composed of 57 members and alternates nominated by the industry from the states set forth in the order, and 3 representatives-at-large and their alternates, to be selected at the discretion of the Secretary.

Each of the fifty-seven members of the board selected by nomination should be a producer or handler or an officer or

employee of a corporate producer or handler. A person with such qualifications should be intimately acquainted with the problems of producing or marketing of turkeys, and each may be expected to present accurately the problems incident to production or marketing of turkeys produced in the area or part of the industry which he represents. The qualifications for each alternate should be similar to those for the respective member for whom he may act. Such qualifications should help to assure that the interest of the group from which he is selected will be adequately represented in board and committee deliberations.

The States or groups of States for which the fifty-seven of the board members would be representative were initially proposed by the National Turkey Advisory Committee and it is concluded such grouping is an appropriate basis for providing a fair, adequate, and equitable representation on the board.

The three members of the board who would be representatives-at-large would be selected at the discretion of the Secretary. The Secretary's three selections could very well round out the membership of the board if it is found that the nominees are unbalanced as to producer or handler representation. For instance, the nominees from the Northeast area may turn out to be all handlers (or producers). In such event one of the Secretary's selections could be a producer (or handler) from that area to insure that the board has the benefit of the knowledge and experience of both segments of the industry in that area. Similarly, the board may be further rounded out by a consumer representative appointee.

It is practical and equitable that selection of the fifty-seven board members and alternates should be on the basis of the States and groups of States provided for in the proposed marketing agreement and order. This would provide a geographical basis for selection of such members. Such geographical basis should be, and for purpose of initial membership has been, related to the relative production of turkeys within the United States so that a practical basis for establishing equity has been reached. The proposed distribution of members on the board also would equitably represent producers and handlers in the various producing areas, and would adequately represent the interests of the groups from which each member and alternate would be selected.

Terms of office should be for three-year periods, the term ending on the last day of January. A three-year period recognizes the need for continuity of membership on the board. This continuity is further recognized by having one-third of the board nominated each year. During the three-year period, the board and committee should have full opportunity to determine, test and correct working policies. This could be adversely affected by periodic appointments of inexperienced persons to the board. At the same time the industry by nominating one-third of the membership of the board each year has an opportunity to express their views on the board's policy without resorting to the referendum procedure.

To permit a full complement of members and alternates, each person should serve until his successor has been elected and has qualified by accepting his appointment. At the initial nominations, in order to effect the staggered terms of office, one-third of the board should be nominated for a term of 1 year, one-third for 2 years, and one-third for 3 years. Since the nominations will be made from each of the States of the United States and there may be difficulties in getting all interested persons together to decide on such staggered terms, it is appropriate that such staggered terms be determined by the Secretary or under techniques determined by him.

Nomination meetings for the purpose of selecting nominees for members and alternates on the board should be called and supervised by the committee. The committee functions as the administrative agency of the board and the Secretary for administering the order and its staff and organization make it the logical body to organize and supervise the nomination meetings. However, for the initial nomination meetings, which should be held as soon as practicable, the Secretary should perform the functions of the committee. This is necessary because the committee will not be in existence at the time such initial meetings are held.

The meetings, of course, should be held in the States or group of States listed in the order and reasonable publicity should be provided for such meetings. The meeting should be held at such time as will allow the committee sufficient time to certify the nominations to the Secretary by January 4.

Only producers and handlers as defined in the order should be eligible to vote. The prime purpose of the board is to develop and recommend policies to the Secretary which will directly affect producers and handlers and, therefore, these persons should be the ones to elect nominees for membership on the board. For this reason, also, only producers or handlers should be nominees for membership on the board.

Three nominations should be made for each member position which would also be deemed to be the nominations for such member's alternate. Under this situation the Secretary would have a choice in making selections of the member and the alternate. In addition, if a nominee declines to serve, the Secretary would also have the name of another prospective member or alternate from which to make a selection. Each producer and handler participating in the industry meetings should be limited to one vote for each nominee position. If a person qualifies as both a handler and a producer, such person should have the same number of votes as a person who operates in a single capacity. Otherwise, persons with such dual capacity would have an advantage over persons who operate in a single capacity in determining membership on the board, and, therefore, defeat the purpose of having fair and equitable representation of each segment of the industry on the board.

The committee should certify the election of the nominees to the Secretary and such certification should contain a summary of the nominees' experience and association with the turkey industry. This information is necessary to acquaint the Secretary with the nominees' qualifications so that in making the appointments to the board he can, in so far as possible, assure fair and adequate representation of the various segments of the industry. The certifications should be filed with the Secretary no later than January 4 of each year. This would allow the Secretary a fair and reasonable time to select the membership of the board whose terms of office would begin on February 1.

The duties of the board shall consist of selecting from among its members a chairman and other officers and establishing procedures for performing its functions. This is necessary to allow the board to carry out its functions in an orderly and business like manner.

The board shall also make nominations for membership on the committee and certify those nominations to the Secretary. The major duty of the board also is to make recommendations with respect to marketing policy. This facet of the board's duty is discussed in more detail elsewhere in this decision. In order to avoid a failure to anticipate all the matters which may be placed before the board, there should be a general provision in the order which states that the board may give consideration to such other matters as it deems proper or as the committee or the Secretary may request.

(c) *Turkey Administrative Committee.* There should be established a turkey administrative committee to administer the terms and provisions of the marketing order. Establishment of this administrative committee is desirable and necessary to aid the board and the Secretary in carrying out the declared policy of the Act. Such committee would be the agency which would implement the policy decisions of the board and Secretary and to carry out the day to day administration of the provisions of the order. The committee would consist of 19 members and for each member there should be an alternate member. Only members or alternate members of the board can be eligible for membership on the committee and such member or alternate may continue to serve on a committee only so long as he is serving as a member or alternate member of the board. A committee of 19 is appropriate in that it is approximately one-third of the membership of the board and that number would provide a reasonable representation of the makeup of the board. A committee of 19 is also such that it can operate efficiently. Any larger number would tend to be cumbersome and inadequate to make rapid decisions which the committee may be called upon to make. Of the 19 members of the committee, one of such members shall be the chairman of the board. This individual shall also be chairman of the committee. By having the same individ-

ual as chairman of the board and the committee, effective liaison between the board and committee is accomplished as well as insuring that the board's policies as annunciated are properly interpreted and implemented by the committee.

Nominations for committee membership shall be made by the board from among its members and alternate members. This means that alternate members of the board may also be eligible for membership on the committee. This is reasonable as the board might find that certain of its alternate members may be so qualified that their services as members of the committee may be advantageous to the carrying out of the board's and the committee's functions. All nominations for committee membership should be certified to the Secretary as soon as practicable following nomination so that the Secretary may be appraised of the board's selections. The board should nominate 38 nominees to be certified to the Secretary and the Secretary shall then appoint 19 of the such nominees as members of the committee and 19 to serve as alternate members.

Members and alternate members of the committee shall serve for terms of one year ending on January 31. This period conforms to the marketing period proposed in the order. The terms of office of the committee are such that newly elected members of the board who may be elected to the committee can adequately reflect producer sentiment of the board's policy.

To assure continuity of the committee each such member and alternate member should continue to serve until his successor is elected and has qualified. Such qualification would amount to the nominee for committee membership notifying the Secretary that he is willing to serve in such capacity.

The enabling Act provides in section 608c(7)(C) for the selection by the Secretary of an agency to administer the order and also specifies such agency's powers. These powers should be enumerated in the order and thus would serve to notify the committee and other interested persons, as to extent of its powers. There should also be set forth in the order the several duties which the committee shall have in administering the program. The proposed duties are similar to those specified for other administrative agencies under federal marketing order programs and are essential to enable the committee to function efficiently and discharge its responsibilities. The listing of duties are not all inclusive and other additional duties which may be essential to the full administration of the program may be assigned the committee, by the board or Secretary.

(d) *Selection of board and committee membership.* In making selections for board and committee membership the Secretary shall give major recognition to turkey producers including consideration of the size, nature, and location of their production operations. This will assure that the board and committee in their policy considerations and implementation of such policies will adequately represent the views of all the producing segments of the industry. The Secretary in his selection shall also give consideration to reasonable handler representation on the board and committee so as to insure that the board and committee can have the views of all segments of the industry.

In order to assure the existence at all times of a board and administrative agency to administer the program, the Secretary should be authorized to select members of the board or committee without regard to nominations if for any reason they are not submitted to him in conformance with the procedure prescribed in the marketing order. Such selections should, of course, be on the basis of the representation provided in the marketing order.

Each person selected by the Secretary as a board or committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such a capacity. This requirement is necessary so the Secretary will have definite knowledge that the person appointed is willing to serve and that the position has been filled.

Also to insure that all portions of the production area are adequately represented in the conduct of the board and committee's business and that continuity of operation is not interrupted the marketing order should provide for alternate members to be authorized to act in the place and stead of the member during the member's temporary absence or in the case of death, removal, resignation, or disqualification of the member.

It is also desirable and necessary that the Secretary be authorized to fill committee vacancies without regard to nominations if nominees to fill such vacancies are not made available to the Secretary within 40 calendar days after such vacancies occur. This requirement is necessary to maintain continuity of board and committee operations and to insure that both producers and handlers are adequately represented in the conduct of board and committee business.

A quorum of the board should consist of not less than 30 members and a quorum of the administrative committee should consist of at least 10 members. This would not only insure that a majority of the members must be in attendance at the meeting, but also help assure that representation by present and reflect an accurate and representative cross section of industry thought and attitudes. After the board and committee have been operative for a period of time they may conclude that the effectiveness of the administration of the order program may be improved by changing the quorum requirements. In such case authorization is provided to allow a change in such quorum requirements by the Secretary upon recommendation of the board or committee. Proxy voting is not intended. Therefore all votes other than those cast by mail or telegram should be cast in person in order that all members may participate in the discussions and present the views of their constituents. If for reason a member is unable to attend the meeting he should arrange for his alternate to attend and vote in his stead.

The committee should be authorized to vote by mail or telegram as it may be necessary at times for the committee to act more promptly than a meeting in person would allow. Since the membership of the committee may be from all parts of the United States, these methods are intended to expedite committee action better to meet time necessity. When such vote methods are used, however, the proposition to be voted upon must first be explained accurately, fully, and identically by mail or telegram so that all members will have the same facts upon which to base their decision. However, since this method of voting will not have the advantages of the discussion which would prevail at a personally attended meeting, the quorum to carry such a vote should be set at 14 members in order for the proposition to be carried. Because marketing conditions often change rapidly, it is essential that the committee should be permitted to take prompt action necessary to properly protect the industry's interest.

Board and committee members and alternates while on board or committee business will necessarily incur some expenses. These expenses, which may include travel and living expenses, should be reimbursed so as to avoid personal financial loss to members which might otherwise occur because of his service to the board or committee. Also, compensation at rates to be determined by the committee, with the Secretary's approval, is authorized since committee members may incur additional expense with respect to their own affairs when attending to board or committee affairs. These provisions should also extend to alternate members when performing official duties.

(e) *Expenses and assessments.* The committee should be authorized to incur such expenses as the Secretary finds reasonable and likely to be incurred by it during each marketing year for the maintenance and functioning of such committee, and for such other purposes as the Secretary, pursuant to the provisions in the marketing order, determines to be appropriate. The committee should also be required to prepare a budget and a rate of assessment to be applied to all handlers. Such budget and rate of assessment should be submitted to the Secretary as soon as practicable after the beginning of the marketing year and as often as may be necessary showing estimates of income and expenditures necessary for the administration of the marketing order for such marketing year. Each budget should be presented to the Secretary with an analysis of its components and an explanation thereof. The committee should recommend a rate of assessment to the Secretary designed to return sufficient income each marketing year to cover expenses incurred by the committee. No increase in the total budget should be made without prior committee recommendation and approval of the Secretary. The funds to cover committee expenses should be obtained by levying assessments on handlers. The act authorizes the Secretary to approve the

ing of such expenses by agencies such as the board and Turkey Administrative Committee. The Act also authorizes each marketing order to contain terms and provisions requiring handlers to pay their pro rata shares of the administrative agency's necessary expenses. Each handler should pay the committee, upon demand his pro rata share of such expenses. Such assessments should be based upon the hundredweight of processed turkey which each handler handles in the marketing year. The rate of assessment shall be determined by the Secretary upon the recommendation of the committee but in no event should such assessment exceed 20 cents per hundredweight. The committee should be authorized at any time during a given marketing period to recommend the approval of decreases in the rate of assessment if income exceeds the amount of funds anticipated or increasing the rate to cover unanticipated expenses or a deficit in the anticipated quantity of turkeys handled. Since assessments are a cost to the handler's operation, such cost must be taken into consideration by him in planning the operation of his business and to apply retroactive assessment to a handler may cause undue hardships to handlers in this situation.

Authorization is provided in the order for the Secretary to accept advance payments of assessments from any handler. He does since it is possible that the board in its policy decision may decide not to apply any volume regulation during the marketing year or periods within the marketing year authorization is also provided to allow assessments to continue during such periods. If the committee could not have such authorization it might be forced to discharge certain of its personnel and to give up office space, which trained personnel and office facilities may be difficult to replace when full operation of the committee is again required.

Any excess of assessments collected which remain at the end of such period should, to the extent practicable, be refunded proportionately to the person from whom it was collected. Such refunds may be credited to contributing handlers respectively against the operations of the following fiscal period, unless payment should be demanded, in which event proportionate refunds should be paid.

The committee should also establish a reserve. Such a reserve is necessary in order for the committee to operate on a businesslike basis. It might be appropriate, therefore, that funds remaining at the end of a marketing period, which are in excess of those necessary for payment of expenditures during such period, to be applied to the reserve. The reserve could be effectively utilized by the committee in several ways.

If and when the committee should be required to liquidate its affairs, expenses will necessarily be incurred in the liquidation process. The reserve can be utilized to cover these expenses.

It is generally considered to be good business practice to provide for unforeseen contingencies. For example, it is possible that adverse weather conditions or disease might result in a substantial deficit in the estimated desirable quantity of turkeys for the marketing period. Also, the anticipated quantity of turkeys for any season might conceivably be reduced by other factors. The net effect of such a reduction would be to greatly reduce the quantity of turkeys for marketing and could cause the discontinuance of regulation and the collection of assessments or a reduction in total committee revenue. In order to continue and maintain the nucleus of a committee organization and to assure the performance of a minimum of basic services, the committee should have authority to secure needed extra funds to cover the expense of operation during such a marketing period. Such funds might reasonably be drawn from reserves.

Reserves might also properly serve additional purposes. At the beginning of each marketing period, needs arise for operating monies at a time when there will usually be little, if any, revenue from assessments. It is a customary and sensible budgetary practice, and the committee should be so authorized, to borrow operating funds from the above reserve until such time as assessment collections provide adequate revenue to meet current expenses.

It is contemplated that any such reserve will have a quadruple use; namely, (i) to defray expenses during any marketing year, prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any marketing year when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or inoperative, (iv) to cover necessary expenses of liquidation in the event of termination of the order. Proponents testified reserves should be limited to an amount roughly equivalent to the average budget of expenses for one marketing year. Any funds remaining after reasonable provision for liquidation, including any balance remaining in reserve funds, should be refunded to handlers on a pro rata basis. In some cases, however, an individual handler's account will be such a small amount as to make the return thereof impracticable or unduly expensive. Funds of such insignificant nature should be used by the committee for purposes of liquidation or put to such other use as the Secretary considers appropriate in the circumstances.

The committee should provide periodic reports on its fiscal operations. It is expected that audit reports will be requested by the Secretary at appropriate times, such as at the end of each marketing season, or at such other times as might be necessary to maintain appropriate supervision and control of the committee's affairs. Also, monthly financial statements which reflect the current fiscal position of the committee should be furnished members, alternates, and the Secretary. Annual audit reports and monthly financial statements should also be made available on request to persons, such as producers, and handlers, having a valid interest in the committee's affairs. In no case should data of a nature which could be detrimental to the interests of an individual handler or producer be disclosed in releases of fiscal or other reports. If the committee should recommend that the operations of the marketing order should be suspended, or if no regulation should be in effect for a part or all of a marketing season, the committee should be authorized to recommend, as a practical measure, that one or more of its members, or any other person, should be designated by the Secretary to act as a trustee or trustees during such period. This would provide a practical method whereby the committee's business affairs could be taken care of during periods of relative inactivity with a minimum of difficulty and expense.

(f) *Research and development.* The establishment or provision for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of turkeys is authorized by the act. Such authorization on record evidence found, should be included in the marketing agreement and order.

Through the medium of research investigations, the committee can obtain information which would enable it and the Secretary to determine with a greater degree of accuracy the effects of specific regulations on the market and thereby promote more orderly marketing. As the industry and the committee become more aware of the value of and need for marketing research and development, projects will undoubtedly be initiated, the need for which will not have been foreseen early in committee operations. Therefore, the committee should have the authority to recommend and the Secretary should have the authority to approve the establishment of such projects which are in the best interests of turkey marketing and which would assist, improve, and promote the marketing, distribution, and consumption of turkeys. After approval, the committee should be empowered to engage in or contract for such projects, to spend funds for that purpose, and to consult and cooperate with other agencies with regard to their establishment. All such projects should receive the prior approval of the Secretary.

(g) *Marketing policy.* A marketing order program is necessary, as hereinbefore found, to promote orderly marketing of turkeys as a means of increasing producers' returns toward parity. To this end it is necessary that the Turkey Advisory Board prepare and submit to the Secretary for his approval, at least once each marketing year, a detailed report setting forth its policy which will tend to effectuate the purposes of the order. Members and alternates of the board will bring to board deliberations direct, intimate knowledge, and expert judgment concerning the quantity of available supplies in the production area and the state or condition of the turkey market, not only in its general but also in its unique supply and demand features. Board members and alternates are in a position of direct interest, advantageously situated to determine if and

when quantity or quality limitations on the handling of turkeys would tend to promote orderly marketing and increase producer returns toward parity.

Marketing policy statements should indicate to producers and handlers the general marketing outlook and plans the board and committee intend to follow. Both handlers and producers would benefit by marketing policy statements so adequate preparations may be made for handling within and complying with the regulations which the board indicates may be recommended. Since the marketing of turkeys is of necessity preceded by a period of as long as twelve months for the planning of production for such marketing and since producers cannot plan their production intelligently without a knowledge of the marketing policy required to effectuate the orderly marketing of turkeys, the Turkey Advisory Board should prepare and enunciate its marketing policy in the Fall for the following marketing year.

Although the growing period for turkeys usually does not exceed 6 months, considerable planning must precede the growing period in order that breeder hens will be available at the proper time to produce the eggs to supply the necessary poults for the production of meat birds. Since the planning for production begins with the selection of breeder hens mostly in the Fall and early Winter of the preceding year, the marketing policy for the succeeding year should be prepared and released at that time. Literally thousands of persons are involved in planning for the production of turkeys; breeder hen producers, hatcheries, producers of turkeys, feed manufacturers, processors, and others. Such persons plan independently and together. It is necessary, therefore, that the marketing policy developed by the board be made widely known to persons involved in the production and marketing of turkeys.

Marketing policy relating to volume regulation would be based on long term or marketing year considerations and outlook and considerations relating to quality regulation may be short term considerations to be applied in periods within the marketing year. Orderly marketing is dependent on many factors which are variable in nature. The demand for turkeys, for example, is not static but varies with the seasons and with the supply of competing foods. Although the number of turkeys produced is related to the number of breeder hens, eggs, and poults available, the relationship is only general and can and does change due to such factors as changing weather conditions, variations in the rate of lay of breeders, variations in the fertility of eggs, variations in the mortality rate, etc. For these reasons the board should have the authority to amend its marketing policy from time to time if the conditions change sufficiently to substantially affect the original marketing policy.

The facts and considerations set forth in the marketing order outline appropriate standards for the board's consideration in developing a marketing policy. To the extent that each of the factors set forth therein is applicable to particular problems confronting the board, they should be adequately dealt with in the marketing policy statements.

The committee is charged with authority to develop and recommend to the Secretary specific regulations which would implement the board's marketing policy. It is logical that the committee should have this authority since it is the agency of the board and the Secretary for administering the order and since it is made up of members and alternates of the board it follows that it will reflect the industry's views. In turn, the Secretary, in administration of the marketing program, looks to the committee as the administrative agency offering a reasonable, accurate reflection of the board and industry considerations and judgments on matters pertaining to the marketing order. The board's marketing policy recommendations should be in sufficient detail, supported by facts pertinent thereto, so that the committee would have an adequate standard in its formulation of regulations thereunder. In turn the committee's recommendations of regulations to the Secretary should also be supported by data and information so that the Secretary will be advised as to the considerations of the committee resulting in the recommendations.

Both the board's marketing policy and the committee's regulations should be made available to the industry as soon as practicable using such media as committee bulletins, press releases, newspapers, radio, television and other media available to the committee. The broad and early dissemination of such information to the industry will allow the industry to make its plans accordingly and, therefore, tend to make the marketing policy and implementing regulations more effective.

It has been indicated previously that the board's marketing policy should be issued in the Fall preceding the marketing year in order to allow all segments of the industry to make their plans. It is anticipated that the committee's regulations implementing that policy would also be issued shortly thereafter. However, in developing such marketing policy and regulations certain of the board and committee considerations will have been based on educated estimates such as the quantity of carryover of turkeys into January and other such factors. Accordingly, it would be advantageous for the board and committee to review its policy and regulation when the actual figures are available. Such a review would also serve to acquaint new members of the board and committee, whose terms start February 1, with the actions of the board and committee.

The act under which authority marketing orders are developed and issued gives the Secretary the ultimate responsibility for the administration and enforcement of a marketing order program. As indicated heretofore, the act authorizes the Secretary to be assisted in the administration of the order by a board and committee composed of industry representatives who may make recommendations concerning the type and methods of regulation available under the order which the Secretary may consider, together with other information, in effectuating the purposes of the order and the act.

The evidence of record submitted by producers, handlers, and related segments of the turkey industry indicates that the volume regulation provisions of the order will contribute to the establishment of stable and orderly turkey marketing conditions as a means of accomplishing the objectives of increasing producer returns to parity.

The proposed marketing order for turkeys as contained in the original Notice of Hearing (26 F.R. 10286) provided for only one method of volume regulation. That was the desirable free quantity with set aside percentages method (Method No. II herein). At the various sessions of the hearing held during the period between Nov. 20 and Dec. 13, 1961, modifications to said proposed order were suggested by all segments of the industry. The modification most universally suggested was that a second type of volume regulation be provided which would equitably apportion the desirable quantity of turkeys to producers. Modifications were also suggested which would give special consideration to producer-handlers, small handlers, small producers, primary or foundation breeders, and educational and other institutions producing turkeys for their own use or for research and educational purposes. Subsequently, the hearing was reopened by a notice of reopening of hearing on January 18, 1962 (27 F.R. 518). Attached to said notice was a draft of a turkey marketing order which incorporated the suggested modifications of the industry. Additional evidence on the original proposals and the modifications were submitted at the reopened hearing held January 29, 30, 31, and February 1, 1962.

Witnesses who testified on the allocation base and allotment method (Method No. I herein) were in essential agreement that the quantity of turkeys which handlers may acquire be apportioned equitably among producers. The evidence supported the concept of making such apportionment to producers by establishing historical bases for each producer and apportioning out the amount of turkeys which handlers may acquire for handling on the basis of such bases. This would result in producers being able to plan their production to meet the desirable quantity of turkeys established by the board and committee, and thereby cut down on any excess production on which they might have difficulty in marketing or which might have to be put in set-aside and bring a lower return than on turkeys produced within the desirable quantity. By use of this system the supply of turkeys handled by handlers can be controlled so as to bring the economic factors of supply and consumer demand into an alignment which would increase producer returns. Such alignment of supply and demand would also obviate the quantity of turkeys in excess of the reasonable demand therefore which in the past has resulted in disorderly marketing and a lowering of net returns to producers.

The orderly marketing of turkeys, with the objective of increasing producer returns toward parity also requires that the board and the Secretary have the flexibility and authority for meeting different marketing conditions as they arise. The marketing of turkeys has many facets relating to type or variety of turkeys, sex, size, grade, season of the year, and other factors. The effect of such factors on orderly marketing are not exclusive but frequently relate to each other. Accordingly, authority should be provided in the order for the board and committee, with the approval of the Secretary, to adopt programs which recognize the various and changing conditions in the industry. What the variations are and what the changes may be are not always known in advance hence the necessity for providing for such variations and changes in the regulations and for different handling in a different period or periods. The record indicates that the demand for different types, grades, sizes, etc. of turkeys may vary by season, for instance, institutional size turkeys may be in demand in one period and not another. These situations result in fluctuations of the supply-demand cycles of particular types, qualities, sizes, etc. of turkeys within the established desirable quantity which could result in disorderly or disruptive marketing conditions within such desirable quantity. Accordingly, the order provides authority for limiting the handling of turkeys by particular grades, sizes, or qualities of any and all types of turkeys during a specified period of periods and is an essential factor contributing to orderly marketing and increasing producer returns.

A second method of accomplishing equitable volume regulation is provided in the order. This is the establishing of a desirable free quantity of turkeys and providing that turkeys in excess of this quantity be placed in a set aside. The evidence of record indicates that this would also be an effective method to promote orderly marketing and better producer returns. Under this system a desirable free quantity of turkeys will be established by the Secretary and this quantity will be aligned with the estimated demand for the product expected to provide a reasonable return to the producer. If the board or committee ascertains that turkeys are being produced in excess of this quantity they could divide the total production which handlers may dispose of into a percentage free quantity and the balance percentage representing the excess would be placed in the set aside. The excess or set aside would be removed from normal marketing channels. Since the quantity which is in excess of the demand is one of the prime disruptors of orderly marketing, such removal of the excess from normal marketing channels would promote orderly marketing with a consequent increase of producer return.

It has been shown that under the allocation base and allotment system there may be varying demand and other factors which relate to the handling of particular grades, types, sizes, etc., of turkeys which could be a disruptive influence on the orderly marketing of the desirable quantity of turkeys. These same influences could also affect the orderly marketing of turkeys under the desirable free quantity set aside system. Accordingly, provision is made to authorize limiting the handling of turkeys in a manner similar to that provided under the base and allotment system.

Although both systems discussed above could be used exclusive of each other they could also be utilized advantageously in combination. The desirable quantity under the allocation base system and the desirable free quantity under the set aside system can be set at the same level for the marketing year or period(s) within such year. In the event there are fluctuations, seasonal or otherwise, in the supply and demand the set aside features could be utilized to smooth out the fluctuations. In such situations it might be possible in times of excess supply to move such excess into set aside and feed back such excess during periods of short supply. Since it is not possible to anticipate all the ramifications of supply and demand the board and committee may, after a period of operation, be able to utilize the combination of the two systems to cover a variety of marketing situations.

(h) *Methods of volume regulation.* The order provides that the Secretary may establish, upon the recommendation of the board or other available information, volume regulations on turkeys by any one or both of two methods specified if he determines that regulation by such method or methods may tend to effectuate the declared policy of the act. The order further provides that the method or methods so employed may relate to the marketing year or such other period as he may prescribe and may be based on different desirable quantities or desirable free quantities for different types or sizes of turkeys. In order to provide equity among producers, whatever method or methods used must be applied on the same basis in the establishment of allocation bases and allotments, or percentages. However, since the order may become effective after the beginning of the 1962 marketing year, the method of volume regulation in 1962 is restricted to Method II, as defined in the order, and if such volume regulation is saved the board shall give due consideration to regional differences in production. This provision recognizes the impracticability of establishing bases and allotments, as provided in Method No. 1, for application in the 1962 marketing year due to fact that by the time the order is made effective and the necessary information concerning allocation basis is compiled and allotments computed, a substantial part if not the bulk, of production will already be in the process of production. Such time could be more advantageously utilized by the board and committee in 1962 in preparing for making Method No. 1 operative in 1963. Method No. II, however, would not require such extensive preparation on the part of the board and committee and such method could, therefore, be utilized in 1962 if the board so recommends. It is recognized that the marketing of turkeys varies by season and area where produced and, therefore, that at the time Method No. II is initiated, some areas and some producers may not have started marketing, or may have finished marketing. The board is required to give due consideration to these factors when initiating the regulation so as to provide, insofar as possible under the situation, equity among producers and handlers.

Volume regulation of turkeys by Method No. I requires that the committee, on the recommendation of the board and with the approval of the Secretary, establish the desirable quantity of turkeys which all handlers may acquire for handling from producers in a marketing year. The act provides that such desirable quantity to be handled by handlers may be equitably apportioned among producers based upon amounts sold by such producers in such prior period as the Secretary determines to be representative.

It is determined that the years 1959, 1960, and 1961, are representative of the production of producers. These are the three most recent years of production and they adequately reflect the current pattern of production in the turkey industry. The production from any individual production facility may vary from year to year because of weather, the availability of credit, disease, and economic factors such as the price outlook at the time of marketing. However, by using an average of the production and marketings of three years, as provided in the order, a production and marketing figure is obtained which is a fair representation of such production and marketing during the historical base period.

It had been proposed that the years 1957 and 1958 be included as part of the base period. However, it was not shown that such years would actually be representative of the current patterns of production. In fact, to the extent that they do not reflect the full national pattern of increase in contract production they are not representative. A further factor is that credible records of production and marketing may be difficult if not impossible to obtain for those years. Accordingly, the years 1957 and 1958 are not included in the base period.

It has been proposed that allocation bases for the years 1963 and 1964 be established on the basis of each producer's highest production in the years 1959, 1960, or 85 percent of 1961. The 85 percent of 1961 production recognized that the rate of growth in the turkey industry in 1961 exceeded the previous 10-year annual average rate of growth by 15 percent. Testimony on this method of establishing allocation basis clearly demonstrated that this procedure would cause the total of all allocation basis to greatly exceed the actual level of production in 1961, the industry's highest production year. It was pointed out that this would result in serious inequities among producers especially as between producers who had maintained a relatively steady level of production in the base years as compared to those producers who had either increased their

production sharply or decreased their production sharply during the base years. By having a very large total of allocation basis the allotments resulting therefrom would have to be reduced very sharply to the detriment of the producer with a relatively steady level of production. One witness who testified to this possible situation demonstrated that the bases of producers he serviced in the base years would, if this system of determining allocation bases were to apply, result in the sum of such bases exceeding their actual 1961 production by 36 percent, if 1961 production were adjusted to 85 percent, or by 45 percent if 100 percent of 1961 production were used. Averaging the production and marketing for the three-year period reconciles this problem and also tends to provide equitable treatment to all producers.

It has been shown that there are two types or classes of producers involved in the production of turkeys, the producer-grower and the contract-producer. The allocation of bases and allotments recognizes the distinctive contributions to the production process of the two classes of producers and tends to treat producers within each class equitably as to each other and to treat each class equitably in relation to the other.

With regard to producer-growers, in order to be eligible for an allocation base such producer-grower must have produced turkeys in 1961 or in any two of the three years of the base period. It would be inequitable to exclude a new producer who commenced production in 1961, the last year of the base period, from acquiring a base since, by starting production in that year it was necessary to establish production facilities. Without a base such a producer would encounter considerable difficulty in marketing his turkeys. The provision requiring a producer-grower to have produced and marketed turkeys in any two years of the base period is necessary to exclude any person who produced in only one of those years (not including 1961) and is no longer producing turkeys. It would be inequitable to existing producers to apportion a part of the desirable quantity of turkeys to a person who is no longer producing turkeys.

The turkeys to be included in the base computation must be those which are from the production of a producer-grower. This is necessary to preclude a producer from buying turkeys not produced on his production facilities as a means of expanding his base. Otherwise, the total volume of bases would be increased and such increase would not be representative of the producers' pattern of production and marketing which is the purpose of the base system. It would also result in inequitable treatment to other producers since such an increase in the total base, would result in a decrease in their portion of turkeys apportioned from the desirable quantity. Accordingly, only turkeys produced by a producer and marketed to a handler, other producers, or other persons would be included in the computation of such producers' base.

As indicated heretofore, each producer-grower eligible for an allocation base shall have his base determined by dividing the total quantities of turkeys produced and marketed by him in the base period by three (3). Producer-growers whose production of turkeys were marketed in 1961 only or in 1961 and one other of the base years 1959 or 1960, would have their allocation bases determined similarly except that in such cases their production in 1961 would first be adjusted by multiplying such production by 90 percent. This adjustment is necessary in order to treat producers who produced turkeys in all three base years equitably with those who produced turkeys in 1961, and one other base year or in 1961 only.

Turkey production in the United States in 1959 and 1960 was nearly the same but in 1961 increased by 26 percent. This increase is spread over three years when the total production for three years is averaged. However, when the production of only two years is averaged, one of such years being 1961, the 1961 increase is spread over only two years with the result that two year producers would have a proportionately larger base than three year producers. Equating the results of averaging by two years with averaging by three years has the effect of reducing the 1961 production by approximately 10 percent. Requiring, therefore, that producers whose allocation bases were computed on a one or two year period, with 1961 as the year or one of the years, to use 90 percent of their 1961 production in the computation of bases has the effect of bringing into approximate alignment the allocation bases of the one- and two-year producers with the three year producers with the result that all producers receive equitable treatment regardless of the number of years used in the computation of their bases.

Producer-growers who produced and marketed turkeys in which contract-producers had a proprietary interest in two or more years would first determine the quantity of turkeys produced under such an arrangement. One-half of this quantity would be added to turkeys not produced in conjunction with a contract-producer, if any. This sum would then be divided by two or three, whichever is applicable. This provision again recognizes that the purpose of the base system is to provide a means of ascertaining a representative pattern of production and marketing. It recognizes further that a producer-grower who contracted with a contract-producer for only one year out of the base period is not representative of such producers' operations. Accordingly, such provision is applicable only if a producer-grower contracts for two or more years. In the event that more than two producers have a proprietary interest in the production of turkeys, such quantity of turkeys will be divided by the number of producers involved and such quantity, instead of the one-half, should be utilized in the base computation.

With regard to allocation bases to contract-producers in 1963 and 1964, each such contract-producer to be eligible for an allocation base must have had a proprietary interest in the production of turkeys in 1961 or in two or more years of the base period. As in the case of a producer-grower, it would be inequitable to exclude a contract-producer who commenced his contract operations in 1961. However, requiring at least a two-year participation in the proprietary risk of turkey production again recognizes that more than one year's operation is necessary to provide a pattern of operation for allocation base purposes as such a period would evidence his historical association with turkey production.

The contract-producer's allocation base is computed in the same fashion as that of a producer-grower except that the total production in which the contract-producer is involved is divided by two or by the actual number of producers involved, whichever is applicable. This conforms with the definition of producer whereby each of the two classes of producers share in the turkeys so produced and marketed.

Contract-producers are apportioned an allocation base under the order if they had a proprietary interest in the production of turkeys in 1961 or in two of the three base years 1959, 1960, or 1961. The order thus recognizes the historical relationship between the contract-producer and the producer-grower. This historical relationship can only be assured under the order if contract-producers are limited in the way in which their allocation bases can be utilized. Without some limitation, contract-growers could utilize their allocation bases on production facilities then owned or controlled directly or indirectly by them or obtained by them for this purpose. If this should occur, it would result in serious inequities to the producer-grower in that it would cut in half the quantities of turkeys which could be acquired by handlers from such a producer-grower's production and might result in such producer-grower's production facilities producing only one half of its historical production. Such actions would change the historical relationship existing between contract-producers and producer-growers and would be inequitable as to the producer-growers. For these reasons the order provides that handlers may acquire turkeys produced under a contract-producer's base only if such contract-producer utilized a producer-grower's production facilities in producing such turkeys. This requirement would continue the historical relationship between the two classes of producers.

Considerable testimony is in the record favoring a method of establishing allocation bases which would not tend to freeze the current geographic pattern of production. This could be done by providing for a continuing reallocation of bases in the marketing year 1965 and in each marketing year thereafter. In the marketing year 1965 and thereafter whenever a desirable quantity of turkeys which all handlers may acquire from producers has been established each producer's allocation base shall be determined by taking the average of the highest quantity of turkeys produced and marketed by him in any three of the four years immediately preceding the marketing year for which the allocation base is being determined. In the event that a producer or producers cannot or do not produce up to the allotment which handlers may acquire due to being less efficient or because economic forces in his producing area result in higher cost of production than in other areas, production, over a period of time, will be able to shift from such producers and areas to other producers and areas. This shift will be gradual and the reasons for it will be economic in nature and will be no more than what has occurred over past years. However, by providing for the continuing reallocation of bases, the economic factors which cause shifts in production would be recognized and be provided for.

The order provides that the year 1962 shall not be used in the computation of bases. The testimony at the hearing indicated that for 1962 many producers intended to maintain or even increase their production above the abnormally high production of 1961 in anticipation that 1962 would be used in computing bases under an order and that such level would be maintained even though the experience in 1961 shows that returns to the producer would be the same as 1961 or less. To the extent that 1962 production could be influenced, in part, by producers attempting to make bases, such production would be caused by factors entirely unrelated to the normal economic considerations utilized in planning production. Accordingly, it is concluded that 1962 is not a representative production year and should not be used in the computation of bases.

In addition to not using 1962 as a base year in the computation of allocation bases in 1965 and thereafter it has been determined as advisable to use the allocation base determined for use in 1963 and 1964 as the quantity of turkeys each producer marketed from his production in 1960 and 1961 rather than such producers' actual marketings in these years. The allocation base for each producer in 1965 would be determined by adding together the highest quantity of turkeys in which he had a proprietary interest in any of the three years out of the four years, 1960, 1961, 1963, and 1964. Since two of these years would be prior to the effective date of an order, and hence not affected by the order, and two years would be influenced by the order, it has been determined that equitable treatment of all producers can only be assured by requiring that the actual production and marketing of turkeys in 1960 and 1961 be disregarded and replaced thereby by the established allocation base for 1963 and 1964 when computing allocation bases for 1965 and thereafter. By so doing producers who either had unusually high or unusually low marketings in such years would be treated equitably with all other producers.

It had been proposed that a producer-grower who produced turkeys in conjunction with a contract-producer, and thus had his production split in the apportionment of allocation bases, could, upon application to the committee, have his allocation base adjusted up to the total quantity of turkeys marketed from his facilities in the base years. The purpose of this provision was to allow a producer-grower who contracted to have his allocation base restored to a level comparable to other producer-growers who acquired their allocation bases as independent growers. However, testimony at the final session of the hearing indicated that: (1) The incidence of risk sharing contracting was much greater than had been supposed, (2) the incidence of risk sharing contracting had increased sharply in 1961 relative to a year earlier and, (3) the incidence of risk sharing contracting varied widely as between areas of the country, ranging from almost 100 percent to almost zero. It is clear that the option would result in a gross pyramiding of allocation bases which would be to the detriment of independent producer-growers and would also result in a disproportionate inflation of allocation bases as between one area and another. For these reasons the proposal was not included in the order.

Circumstances may exist which cause a producer's production in one year to be substantially reduced for reasons beyond his control. Such conditions could exist in the case of fire, flood, or other natural damage or when the producer voluntarily ceases production in order to break a disease cycle on his farm or for other sound reasons. Under such circumstances the producer's production is not representative and it would be inequitable to such producers to consider the marketing from such production or lack of production in the calculation of his allocation base. For this reason provision is made for the committee, to revise such producer's allocation base to what the committee determines to be representative of his production and marketing.

A producer-handler is not a producer under the order and therefore is not allocated a base. It is possible, however, that a producer-handler may desire to relinquish his status and become a producer. Provision is made to allow, upon application to the committee, such a producer-handler to be apportioned a base computed upon his past marketing from such production. Allowing the issuance of such bases will not materially affect the allotments to existing producers since the producer-handlers production was considered by the board in setting the desirable quantity.

Persons who do not have a production base history may also acquire bases. However, the quantity of turkeys from which these bases may be apportioned to such persons is limited to that quantity which is the difference between the total of the allotments of the preceding year and the desirable quantity of the succeeding year. This is necessary to prevent new persons from draining away portions of existing producers' allotments. Thus, new producers may enter the industry without causing the marketings of existing producers to be restricted by their entrance.

In submitting an application for an allocation base the new producer must establish an ability to produce. Ability as used in the order contemplates having resources of production. Such resources include not only the land and facilities, but also the finances which are necessary to produce turkeys. The committee, being composed of individuals from the industry are ideally situated to evaluate such new producers' ability.

Computation of allocation bases will be made by the committee based on information supplied by the producer and, in order to allow the committee sufficient time to make the computations before the marketing year starts, such information as is requested for this purpose must be supplied to the committee at least 6 weeks, or earlier if the committee should require, prior to the succeeding marketing year. Since the allocation bases for marketing years 1963 and 1964 will be the same, such information need be supplied only once to cover those years. The committee, or any agency it may select, should have the authority to verify the accuracy of the information submitted by producers for this purpose. If errors are found in the applications the committee should have the authority to correct such errors but should give the applicant reasonable opportunity to discuss with the committee the factors considered in making the correction. The burden of supplying and supporting all information supplied to the committee should rest upon the producers. If errors in application are found and corrections made thereto, such corrections should be reflected in the allotment apportioned to the producer.

Each producer who has an allocation base shall be apportioned an allotment of turkeys which handlers may purchase or otherwise acquire or receive for handling from producers for their account or the account of such producer. In this fashion the total desirable quantity of turkeys established by the Secretary may be apportioned equitably among producers as provided by the Act. Such allotment shall be computed by dividing the desirable quantity of turkeys by the sum of the allocation bases of all producers and then multiplying each producer's allocation base by the resulting percentage figure. In this way each producer will receive his equitable portion of the desirable quantity. The order provides that some means of certification of allotments will be set up by the committee. Under such procedures handlers will be in a position to know whether the turkeys acquired from producers are from the desirable quantity. Such quantities include turkeys produced by a handler in his capacity as a producer. In order to effectuate the purposes of volume regulations, handlers may acquire only that quantity of turkeys so apportioned to the producers and such other quantities of turkeys as specified in the order.

It is recognized that the production and the demand for turkeys may vary within any particular period in a year. The committee should be authorized by the order to take any steps necessary to bring the allotment system in line with such varying production and demand. Accordingly, provision is made in the order to allow the committee to make changes in the quantities of turkeys which handlers may acquire for handling during any period or periods within a marketing year.

In determining the quantities of turkeys which handlers may acquire in such period or periods, consideration shall be given of the seasonal patterns of production of the various regions of the production area. Such consideration is necessary so that the benefits of such regulation may, insofar as possible, be applied to all producers. The committee, because of its make-up and knowledge of the industry, is ideally suited to establish the regions to be affected by this type of regulation.

It will be difficult if not impossible for any producer to produce just the exact quantity of his apportioned allotment. Production is affected by many things including weather, the mortality rate occasioned by the incidence of disease, and other factors. Accordingly, provision is made to allow handlers to acquire for handling from producers an additional quantity of turkeys not exceeding 5 percent of the producer's allotment. In the event such a quantity in excess of the allotment is acquired by handlers from such a producer, however, a volume equal to such excess quantity shall be deducted from the producer's allotment for the next marketing year or period within a marketing year if allotments are apportioned by the committee by period. Conversely, if handlers do not acquire from producers a producer's full allotment for the marketing year or period within a marketing year then a volume equal to such quantity may be acquired from such producer in excess of such producer's allotment for the next marketing year or period within a marketing year. The evidence of record establishes that producers can produce within 5 percent of any set quantity of turkeys. Accordingly, the quantities referred to above which may be carried into the next marketing year or period or deducted therefrom should be limited to 5 percent.

A handler may acquire for handling the 5 percent quantity in excess of the allotment upon certification by the producer that such excess consisted of turkeys from his own production. Turkeys which a producer may have acquired and marketed from sources outside his own production are not included so as to forestall the possibility of handlers acquiring the 5 percent excess from a substantial number of producers within a period which situation could have an adverse affect on the volume regulation purposes of the order. In order that the committee will be aware of the carry-overs the producer and handlers should be required to notify the committee of such carryovers.

Within the industry there are certain specialized functions being performed which are essential to the production of turkeys. One of these functions is that of the foundation or primary breeder. Such a breeder supplies the eggs from which come the poults which are purchased by producers of hatching eggs. Many such foundation breeders have breeding programs tending to establish and develop strains of turkeys which are particularly suitable to satisfy the different institutional uses or consumer preferences. Such programs have resulted in the development of different strains of the so-called bronze and broad white turkey which are heavy type turkeys and also in development of various strains of the smaller Beltsville type turkey. These programs are essential in order to allow the turkey industry to continue to improve the efficiency of production and to compete with other meats and meat products. Accordingly, such programs should not be unduly restricted by the operation of a marketing order and improvement of the strains or breeds of turkeys should be allowed to continue. The general method used in establishing or developing particular strains of turkeys is that of selecting turkeys which exhibit the best of those qualities which are sought to be developed are encouraged and fostered. The birds remaining in the flock after selection and the selected birds after they have performed their function are marketed in the same channels as are other turkeys. Therefore, a foundation breeder, under the terms of the order, would also be a producer and as such would have an allocation base and an allotment computed therefrom. However, in any breeding program the quantity of turkeys which are produced to effectuate such a program may vary from year to year with the particular type of development program conducted by the foundation breeder with the result that a particular quantity of the allotment of a foundation breeder may be such that it will restrict or affect adversely the development program. Accordingly, provision is made to allow the committee to set up procedures by which a producer who is a foundation breeder may market turkeys in excess of his normal allotment which may be acquired by handlers.

The turkey breeding program is such that often there is a fine line of distinction between a foundation breeder who is doing basic research and development on turkeys and a multiplier breeder whose prime function is to take such strains which are developed and produce them in volume to supply the quantity of poults necessary for the needs of the turkey producing industry. Accordingly, the committee is authorized to define by regulation a foundation breeder who will be eligible to take advantage of the provision allowing excess marketings of an allotment to be acquired by handlers.

Witnesses testified that the multiplier breeder may also encounter difficulty in his operations if handlers are restricted in the quantity of turkeys which may be acquired from such multiplier. Multipliers would be producers under the order since they market the breeder hens to handlers after such hens have completed their egg laying function. Multipliers would be allocated a base computed on such marketings. However, it is possible that disease or other calamity may strike a multiplier breeder flock which destroys their ability to lay quality eggs. In such instances the turkeys are suitable for meat purposes but not for egg laying and they are marketed to a handler under the producer's allotment. In order to continue the multiplying function, which is an essential function to the industry, the multiplier would be required to replace the flocks of turkeys disposed of. These birds, after performing their function, would also be marketed to handlers under the multiplier's allotment. In the event such a situation as described resulted in the multiplier having turkeys in excess of the amount handlers may acquire under the allotment, the multiplier may request relief from the committee under the emergency or hardship provision of the order. The committee may grant such relief if it determines such relief is warranted under the circumstances and is convinced that the situation of the multiplier was not brought about as a means of increasing the equitable quantity of turkeys apportioned to such producer which handlers may acquire. Under the order producers marketing replacement flocks to multipliers would have such quantities of turkeys included in base computations.

The transfers of allocation bases are not allowed except under special circumstances. Under the order program the quantity of turkeys which handlers may acquire is related to the quantity of turkeys represented in the allocation bases. New bases can be created only under the conditions set forth in the order. Since the supply of turkeys which handlers may acquire is thereby limited, allocation bases will have some value to producers who may wish to increase the quantity of their production which may be acquired by handlers. Because the capital outlay for turkey production may be relatively small, certainly as regards to the outlay required by most other agricultural commodities, if bases were allowed to be transferred without restriction, it is conceivable that these producers with sufficient resources could, over a period of time, gradually accumulate bases to the extent that such accumulations may have monopolistic tendencies. The order should not foster monopoly, accordingly, transfers of bases are restricted to the situations enumerated in the order.

One of the conditions which would allow the transfer of a base is in the event a producer desires to get out of the turkey producing business and sell his production facilities. The base may be transferred to the person acquiring the facilities. In such instance it is reasonable to allow the producer to dispose of his operation in the same fashion as other going businesses are sold. In this type of transfer the person who acquires the facilities would become the producer and the person disposing of the facilities would lose his status as a producer. Since the transfer of the base in these circumstances would be in conjunction with the transfer of the production facilities, the undesirable accumulation of bases discussed above would not be a serious factor here.

It is also reasonable to allow the allocation base to be transferred to a member of the producer's immediate family in the event of such producers death, retirement, or entry into the military service.

There are also situations where the operation of the facilities is under a partnership or point venture, not including the risk contracting relationship discussed earlier. It is also reasonable to allow one of the partners who desires to have the business to transfer his base interest to the remaining partner(s) or to be divided between them if they desire to establish separate production facilities.

In each of these situations where transfers of bases are allowed, the probability of concentration of bases is not significant.

Allotments resulting from bases are allowed to be transferred under procedures set up by the committee. The reasons discussed with regard to bases are not pertinent here because allotments may be transferred only for a marketing year or lesser period. Transfer of allotments could also take care of situations where a producer's facility may be put out of operation by fire, flood, weather, disease, or other calamity, natural or otherwise. This producer should be allowed to make disposition of his allotment until he is again able to produce. It is not to such producer's advantage, however, to transfer his allotment for too great a time since under the reallocation base system in effect in 1963 and thereafter such producer's base would decrease until, if transferred consistently for four years, he would have no base left.

A second means of accomplishing volume regulation which the board and committee may use is that of establishing a desirable free quantity of turkeys which all handlers may freely handle during any period or periods established by the Secretary upon recommendation by the Board. This regulation may be applied alone or in combination with Method No. I, the desirable quantity regulation.

Under the desirable free quantity regulation, designated as Method No. II in the order, all handlers may handle any quantity of turkeys which are acquired from producers subject, however to the set-aside requirement established by the Secretary.

The board and the Secretary will take into consideration the anticipated total volume of turkeys which will be available in the period. If such quantity is greater than the desirable free quantity, then surplus percentage factors may be applied which will have the effect of diverting into a set-aside the turkeys which are in excess of the desirable free quantity. The order provides that each handler will then apply a uniform percentage, established by the committee, to the quantity of turkeys he handles and this percentage of turkeys will be put into the set-aside to be disposed of by the committee.

During the course of any desirable free quantity period, the quantity of turkeys being marketed may be other than was anticipated when the desirable free quantity was established. The difference may be more or less than was anticipated and may be caused by any number of factors including weather and the incidence of mortality. When this happens, the Secretary may determine what change is necessary in the surplus percentage figure in order to effectuate the purpose of volume regulation.

However, the new percentages are applicable only to the remainder of the desirable free quantity period and may not be made retroactive. This restriction is necessary in order to prevent inequitable treatment to handlers, otherwise a handler who has finished his turkey handling for the period would be in the position of not having any turkeys to put in set-aside. Also, a handler of large volume might be required to divert several days' or weeks' production solely into set-aside. Such situations would be too harsh economically on such handlers. During the period when a set-aside is in effect, handlers may only dispose of those turkeys which are of the free percentage.

For the reason indicated in the discussion of Method No. I, the committee may find it necessary to prescribe regulation of the handling of free percentage turkeys by grade, size, type, etc., in order to maintain and promote orderly marketing. Provision is made in the order to allow them to accomplish this objective under Method No. II also.

Since the net proceeds from the set-aside turkeys are to be returned to said producers, or their successors in interest, it is necessary that the handler maintain records of each producer's contribution to the set-aside including the grade, size, type, weight, and other information required by the committee for this purpose.

All set-aside turkeys should be held by the handler for the account of the committee or be disposed of in accordance with the committee's instructions. The handler should be responsible for maintaining such turkeys in good condition, using the minimum of sound handling and storage methods until relieved of such responsibility by the committee. In short, the handler should handle and store such turkeys using sound acceptable commercial methods. The committee should be further authorized by the order to prescribe methods by which set-aside turkeys may be identifiable from other turkeys of the handler. This is necessary for administrative purposes and as a means of ascertaining that the handler is complying with the regulations.

It is anticipated that the committee will establish procedures for storing and disposing of the set-aside so that such turkeys will not have to be held by the handler for any unreasonable length of time. Therefore, upon reasonable notice the handler should commence delivery of the turkeys to the committee at such time, in such manner, and at such rate as may be requested by the committee.

Recognizing that the operations of handlers vary and that each may have varying problems in satisfying the set-aside requirements, the committee may authorize several methods which will allow the handler to apply the set-aside with the minimum disruption of his operations. Some such methods might include allowing the handler to acquire his set-aside turkeys from free percentage turkeys already processed and in storage. This would allow the handler to utilize his entire volume of turkeys handled and still accomplish the purpose of the regulation by withdrawing turkeys from the market which may be freely disposed of. The handler might, under another method, authorize the committee to acquire such turkeys for his account to the same effect.

Because the facilities for storing turkeys by handlers on their premises are very limited and frequently nonexistent, the committee may designate a point of points to which handlers may ship set-aside turkeys. Likewise occasions arise where storage facilities in one location are filled and product must move elsewhere for storage.

Another method which might be utilized to the advantage of the handler would be to allow the handler to process all his set-aside requirements over a period of time at one time, perhaps at the end of a week. This would minimize the disruption of his handling facilities.

The committee, with its handler representation, may develop other such methods for the handling of set-asides by the handler and the order provides the authority for them to do so.

In effecting disposition of the set-aside the committee may find that it is necessary to have the turkeys set-aside by grade, size, or type. This should not encumber handlers to any great extent since such separation is presently being done under their own merchandising program. Separate pools may also be established on such different grades, sizes or types in order to provide equity among producers whose turkeys make up the pools.

Pooling of turkeys may be accomplished by period. This would establish equity among producers of varying marketing periods. This method would tend to encourage producers to key their production to meet the prevailing seasonal demand for their product and prevent production which is out of line with such demand. However, such pooling periods should not be less than a month because this would be insufficient time to accomplish the above objectives. By the same token, the pooling period should not be more than one year in duration since this would result in a carryover into the next marketing year and would tend to affect the effectiveness of such years' volume regulation.

The order recognizes that the continued existence of a quantity of set-aside turkeys would tend to subvert the purposes of the Act. The order requires, therefore, that the committee dispose of set-aside turkeys as expeditiously as practical consistent with such purposes but in any event not later than August 1 of the following marketing year:

The obligation to set turkeys aside rests with the handler. However, the turkeys set aside are for the account of the producer or his successor in interest. The set aside turkeys, therefore, may be the property of either the producer or the handler. In setting aside the handler could incur costs on turkeys not belonging to him. It is fair and equitable in such circumstances to compensate the handler for such costs. Accordingly, the order provides that the producer whose turkeys are set aside shall bear the costs of the handling and processing. The committee is authorized to establish charges for such services which charges

may be deducted by the handler from any monies owed to the producer.

Distribution of the net proceeds resulting from the disposition of set aside turkeys shall be made by the committee. It had been proposed that such set aside proceeds by apportioned to the handlers according to their pro rata contributions and the handlers were to distribute such funds to the producers according to their contributions to the set aside. Testimony on the subject indicated possible administrative difficulties in such a procedure as, for example, the distribution of proceeds to producers where a handler has gone out of business. Since the committee would likely use electronic tabulating equipment to help maintain records on assessments, allocation basis, etc., it is ideally equipped to make effective distribution of such proceeds directly to producers. The order, however, requires the handler to keep such records, and file such reports with the committee, as are necessary for the committee to make a proper distribution of proceeds.

The committee is charged under the order with the responsibility of disposing of the set-aside. Under the order provisions the committee takes unencumbered title to such turkeys and may dispose of them in the outlets specified. Unencumbered title in the committee is necessary so that disposition of the turkeys by the committee will not be hampered. Any liens which were outstanding at the time the turkeys were set aside do not follow them when they come under the committee's jurisdiction. However, it is equitable that such liens do attach to the net proceeds returned on the set-aside on a pro rata basis.

The turkeys in set-aside may be disposed of by the committee only in a manner which is consistent with the provisions and objectives of the order and regulations issued thereunder. The outlets specified in the order are substantially outside the scope of the usual and normal marketing channels of the industry and disposition in these outlets should not unduly compete with handlers' disposition. In disposing of the set-aside turkeys the committee must always take into consideration the effect of their disposition on the operation of the order. They should take care that their disposition does not unduly compete with the marketing of handlers' free precentage turkeys otherwise the effectiveness of the program will be thwarted. These considerations must apply with regard to disposition in each of the outlets specified in the order but especially as concerns disposition in normal market outlets. Disposition through normal market outlets could be used effectively to even out and adjust supplies moving to market so as to promote orderly marketing. Such operations, however, would be carried out only to the extent feasible and consistent with the purposes of the order.

The order provides that whenever volume regulation Method I is in effect, the committee may allow any producer who voluntarily reduces his allotment a credit against a possible set-aside for all or a portion of the quantity so reduced. The evidence of record indicates some concern on the part of producers that just the possibility of a set-aside on turkeys would make the obtaining of credit more difficult and the credit terms themselves less favorable. The thought was expressed that this possibility could be overcome if producers who voluntarily reduced their production below their allotments could be relieved of having birds subject to set-aside if such a program were initiated. In order to be administratively feasible a producer who elected to reduce his production below his allotment would have to declare his intent prior to the issuance of allotments by the committee in order that the committee could evaluate the total impact of all such elections on the operation of the order. The committee should have the authority to accept such elections in whole or in part, depending on the circumstances. If credits against set-asides are made, handlers would not be required to set aside the quantity represented by the credit and producers would not participate in the distribution of net proceeds from the disposition of set-asides. The producer who made a voluntary reduction and received a credit thereby should not be penalized for so doing by a subsequent reduction, for this reason, in his allocation base. This provision in the order is desirable as it will tend to decrease the quantities of turkey required to be set aside to accomplish the purposes of the order. It will also treat equitably those producers who reduce their production below their allotment with those who do not.

Authorization is provided in the order to allow the committee to require certification of turkeys by grade by any agency or agencies which they may designate. Such authorization is necessary to effectuate any grade, size, or type regulation which may be issued under the order. For instance the board may require under volume regulation that only turkeys of a specified grade, size or type may be marketed in a specified manner. The provision in the order allows the board to accept grade or quality designations made by the Federal Inspection Service, a State inspection agency, a private inspection agency, or any other agency acceptable to the committee.

(i) *Application of provisions.* As indicated heretofore, persons not producer-handlers prior to February 1, 1963, or those who cease to be producer-handlers thereafter, must make application to the committee if they desire to acquire such status. Such producer-handlers and exempt-handlers are exempt from the assessment and volume regulation requirements but are subject to the other applicable provisions including the reporting provisions of the order.

The order recognizes that in some instances there are marketings of turkeys produced for purposes other than commercial marketing. Such instances might be where a Federal, State, or other governmental or private institution produces turkeys for their own consumption. An example of this would be turkeys produced on a State or Federal prison farm or on a farm of a charitable institution. Since such turkeys are usually consumed by the inmates of such institutions and are not usually commercially marketed they would have little or no affect on the purposes of the order. In view of the circumstances under which such turkeys are produced it is, therefore, desirable to exempt them from the volume regulation provisions of the order.

There are also instances where turkeys are produced by organizations and educational institutions primarily for research and educational purposes.

Research and education are beneficial to the industry and since volume regulation might have a tendency to restrict such operations they are exempted from such provisions of the order.

In each of the research, educational and institutional exemptions, however, application for such exemption should be made to the committee. This is necessary so that the committee may make a determination that the turkeys sought to be exempted are reasonable for the purpose stated and, further, that such exemption is not being utilized in an attempt to circumvent regulation of the order. The committee may also find it desirable to have reports filed for much the same reasons discussed under producer-handler and exempt-handler reporting.

Provision is made in the order to allow the committee to grant relief to producers and handlers from certain stated provisions of the order in the event of an emergency, hardship, or inequity to such producer or handler. Such a situation might be the difficulty of a producer who performs the multiplying function discussed heretofore. It is conceivable that a handler could also be the victim of circumstances warranting relief by the committee. It is impossible to anticipate all the situations in the order and the committee, composed of persons having an intimate knowledge of the industry, is in a position to apply the provisions of the order so that all receive the fairest treatment possible.

(j) *Reports and records.* The committee should have authority to require that handlers submit to it such reports and information as are needed to perform its functions. Such reports are necessary in order that the board and committee may have at all times the volume of production and marketing of turkeys. Reports from handlers are also needed so that it can establish the apportions of turkeys which handlers may acquire from producers. In the course of its operation the committee may find that other information is required to enable it to acomplish its functions. Accordingly, it is provided that the committee may require the handler to file other reports containing that information. Under the order designated handlers are exempt from the assessment and volume regulation requirements. However reports relating to the production and marketing of such handlers are necessary so that the board and committee may utilize such information in determining the desirable quantities and also in order to be aware of the effect of such exempt operations on the operation of the order. Such reports are also necessary to determine whether the

operations of such handlers are within the prescribed limitations.

Since it is possible that a question may arise with respect to compliance with the marketing order, each handler should maintain complete records of his handling and disposition of turkeys for a period of not less than 5 years subsequent to the termination of each marketing year. This 5-year requirement is necessary in order to allow effectuation and verification of the procedures by which allocation bases are computed. In the event, however, the committee gives written notice to the handler that the retention of his books and records is necessary in connection with a proceeding under section 608c(15)(A) of the act or a court action specified in the notice, the handler should be required to retain specified books and records for a longer period and until further written notification from the committee.

In order to acomplish verification of reports and to assure compliance, it is further necessary that the agents of the Secretary and the committee have access to the premises and records of the handlers and all handlers are required to make available their records and premises to any such agents during any normal business hours.

Any and all reports and records submitted to the committee, or information which was obtained therefrom, shall remain under appropriate protective classification and be disclosed to none other than persons authorized by the Secretary. The provision in the order relating to confidential information would restrict the members of the committee and board from access to such information since such members are part of the industry and it would be unfair to allow them access to information which could result in such members acquiring a competitive advantage over other handlers and producers. Accordingly, access to such information is restricted to authorized employees of the committee or to the Secretary.

(k) *Compliance with provisions.* Except as provided in the order no handler should be permitted to handle and market turkeys, the handling and marketing of which is prohibited by rules or regulations issued under the marketing order. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one handler, although possibly of small impact on the industry as measured by the proportion of turkeys handled by him would, in any appreciable aggregate, tend to impair operation of the program and otherwise render it ineffective.

(l) *Miscellaneous provisions—Supervisory authority.* The Secretary is charged by law with the responsibility for the general supervision of marketing order program. In order to meet such responsibilities it is necessary that the Secretary have knowledge of and approve all regulations of the committee implementing the order. The duty of the Secretary also requires him to exercise supervisory authority over the actions of the board and committee to insure that actions taken are in the public interest, tend to effectuate the act, and are within legal authority. It is conceivable that in assuring the public interest it may be necessary to remove or suspend a person having responsibility in connection with the administration of the order. These provisions are in line with the general principle that the right and responsibility of the Secretary to exercise the powers and duties conferred upon him by law are paramount. It is essential that he preserve such right and responsibility, and the indicated provisions make it clear that he has the right to prevent the board or committee from taking any actions which are not in the public interest, which would be inconsistent with the program, or have the effect of superseding or overriding applicable laws which have been enacted by Congress.

Personal liability. This provision would exempt from personal liability either individually or jointly with others any member or alternate member of the board or committee or any employee or agent of the committee for errors in judgment, mistakes or other acts either of commission or omission, in connection with performance of official duties except for acts of possible dishonesty.

It is essential in programs of this kind which generally involve substantial sums of money and property of considerable value that the members and alternate members of the committee and its employees and agents be protected from personal liability when they are performing their duties. If such provisions as these were not included in the regulation, it might be difficult to obtain competent personnel to operate the proposed program.

Separability. This provision is generally included as a matter of course in marketing agreements and orders, and also appears in most Acts of Congress, particularly those which have been enacted during the last few years. Its purpose is simply to make it clear that in case of any provisions of the marketing order and agreement should be held by a court to be invalid, or if it should hold that the applicability of any such program to any person, circumstance or thing should be invalid, the validity of the remainder of such provisions or applicability thereof to any person, circumstance or thing shall remain unaffected by the holding. These provisions show that in the intent of the proposed regulatory program, in case any of the above things develop, the program will still continue to operate insofar as practicable under the remaining provisions of the program. It is a provision to permit the program to continue to function even though some of it might be declared invalid, either in general or as regards its applicability to a particular person, circumstance, or thing.

Derogation. This provision merely makes it clear that none of the provisions of the proposed regulatory program are, or are intended to be, against or in modification of the rights of either the Secretary of Agriculture or of the United States to exercise any powers or to act in the premises in connection with the powers granted them under the Act or otherwise.

It is essential that the Secretary and the United States retain and preserve all of the rights and powers which are conferred upon them by law. Beyond any question the regulatory program should not, if adopted, be considered as a law which supersedes or overrides any laws which have been enacted by Congress.

These are precautionary provisions to specify the intent of the Secretary of Agriculture and of the United States to retain for themselves all of the rights and powers which are given them by law, not withstanding inauguration of this program.

Duration of immunities. The provision simply provides that the benefits, privileges, and immunities conferred by virtue of this regulatory program shall cease upon the termination thereof except with respect to acts done under it and during the existence thereof. There would, of course, be included any necessary and appropriate acts done during any liquidation period. A typical illustration of the benefits, privileges and immunities which are referred to is provided in Section 608(b) of the Act which specifically exempts appropriate acts taken under a regulatory program of this nature from coverage under the Anti-Trust Laws of the United States.

One of the basic purposes of a program of this nature is to regulate the commodity so as to increase the prices paid for it to the producers to as near the parity level as is reasonably practicable. This is done by the members of the industry acting in concert and through the United States Department of Agriculture pursuant to the authority of the Act. However, in the absence of such a regulatory program, the taking of the same action by members of the industry would presumably raise a serious question with respect to whether they are violating the Anti-Trust Laws in that connection.

Agents. This provision would authorize the Secretary of Agriculture to designate in writing any officer or employee of the United States, or to name any agency or division in the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions of this program.

It is also conceivable that the Secretary may deem it desirable to make special delegations in writing to other officers, employees, agencies, or division of the Department of Agriculture in this regard. As indicated in connection with the definition of Secretary, it would be physically impossible for him to supervise or administer personally all of the programs and other functions assigned to him by this order if passed. The proposed delegatees in this instance are, however, subject to his control and direction, and he would be in particularly good position to correct promptly any abuses of the delegated powers which might arise.

Effective time. This provision merely specifies that the provisions of this regulatory program shall become effective at such time as the Secretary may declare above his signature, and shall continue in effect until terminated.

It is, of course, necessary that the effective date for this regulatory program, as well as for each amendment of such program, be fixed, and it is believed to be reasonable and proper that this action be taken by the Secretary of Agriculture.

Termination or suspension. The provisions of section 608c(16)(A) of the Act require the Secretary of Agriculture, whenever he finds that any regulatory program of this nature, or any provision thereof, obstructs or no longer tends to effectively effectuate the declared policy of the Act, to terminate or suspend this particular action.

Subparagraph (a), therefore, would adopt the same requirement as is set forth in section 608c(16)(A) of the Act. It is not contemplated that suspension or terminating action would be taken by the Secretary except pursuant to said paragraph, or pursuant to paragraph (b) which is discussed below.

Subparagraph (b) would require the Secretary of Agriculture to terminate the provisions of this regulatory program at the end of any marketing year, whenever he finds that such action is favored by a majority of the producers. The Secretary must hold a referendum of producers between October 1 and October 31, 1964, and on even numbered years thereafter if he receives a recommendation from the board requesting such a referendum. The board, being made up in good part by producers, is logically suited to reflect producer sentiment in this regard.

Subparagraph (c) would automatically terminate provisions of the order in the event the applicable provisions of the Agricultural Marketing Act of 1937, as amended, should cease to be in effect. It is obvious that such a program cannot exist after the authority therefor has ceased to be in effect.

Procedure upon termination. If the order should be terminated subsequent to its being put into effect, it is probable that future action will be necessary to collect money which is due, settle any unpaid indebtedness, and dispose of surplus funds or other property, such as office equipment or other production equipment, and in that connection there must be some persons who will have authority to take and complete these actions until there has been a complete liquidation and straightening out of all of the matters in connection with the program. This is a reasonable requirement and it is generally followed as good business practice. The designation of the members of the committee who are functioning as such at this time of termination for the performance of these duties is believed to be logical and a good way of handling this matter. It would be usual in programs of this nature.

Effect of termination or amendment. Unless otherwise expressly provided by the Secretary, any termination or amendment of the regulatory program or any regulation issued pursuant thereto shall not affect or waive any right, duty, obligation, or liability which shall have arisen or which might arise thereafter. Also, that any such action shall not release or extinguish any violation of such regulatory provisions or supplemental regulations, nor affect or impair any rights or remedies of the Secretary of Agriculture, or any other person, with respect to such violation. These provisions will tend to insure that vested rights, duties, obligations, and other liabilities which occurred under the previous regulatory provisions, which were in effect at the particular times, shall operate normally, and that violations which occurred under such previous regulatory provisions can thereafter be prosecuted, much the same as was done before. These provisions of the section are reasonable and necessary to assure that any such termination will not have the effect of precluding or taking the requisite action under the Act.

Amendments. This section provides that amendments to this regulatory program may be proposed from time to time by the committee or by the Secretary of Agriculture. Such a privilege is also bestowed by the provisions of section 900.3 of the rules of practice relating to marketing orders (7 CFR 900.3). However, the proposing of such amendments is not confined to these two but such action may be taken by any other person, such as a producer or handler.

Counterparts. This section would be incorporated in the marketing agreement only. It simply provides that such agreements may be executed in as many counterparts as necessary, and when one counterpart is signed by the Secretary, all parts shall constitute, when taken together, one and the same instrument as if all signatures are contained in the one original.

It is anticipated that each signatory handler will sign a separate counterpart and these provisions are intended to facilitate the signing of the agreement by several handlers. They will avoid the delay of having the same copy signed by all signatory handlers and eliminate the need for the Secretary to sign each copy. This section would also apply to amendments for the same reasons.

Additional parties. This section would also be incorporated in the agreement only and would permit any handler who did not become a party to the agreement originally to become a party by executing a counterpart and delivering it to the Secretary.

The provisions of this section should also permit persons who become handlers after this program is put into effect to join in the agreement, as well as make it possible for all handlers who fail to sign the agreement at the beginning to do so later in case they should so desire.

Even though a handler should fail or refuse to sign the agreement, he would still be subject to regulation under the order, if one is issued by the Secretary of Agriculture. Any person who so becomes a party to the marketing agreement should, of course, be afforded the benefits, privileges and immunities thereof. However, it is reasonable that the latter should be available to a handler before he becomes a party to the agreement by delivery of a signed copy to the Secretary.

Order with marketing agreements. This section which would likewise be applicable to the marketing agreement only is a formal request to the Secretary by handlers who sign the agreement that an order be issued regulating the handling of turkeys as is provided for in the marketing agreement. It is a routine provision which is incorporated in such agreements and expresses the desire of the handlers.

General findings. Upon the basis of the evidence introduced in the hearing and the record thereof, it is found that:

(1) The order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order authorizes regulation of the handling of turkeys produced in the production area in the same manner as, and is applicable only to the persons in the respective classes of industrial or commercial activity specified in, a proposed marketing agreement and order upon which the hearing has been held;

(3) The said order is limited in its application to the smallest regional production area which is practicable and consistent with carrying out the declared policy of the act and the issuance of several marketing orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of turkeys produced in the production area; and

(5) All marketings of turkeys produced in the production area and of the products thereof are in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Recommended order. The following order is recommended as the detailed means by which the foregoing conclusions may be carried out.

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DEFINITIONS

§ 301.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 301.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 301.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 301.4 Production area.

"Production area" means the 48 contiguous States of the continental United States and the District of Columbia.

§ 301.5 Turkey.

"Turkey" means that fowl belonging to the family Meleagridae, the genus Meleagris and the species Gallopavo.

§ 301.6 Type or Variety.

"Type" or "Variety" are synonymous and mean such classification of turkeys as the Committee may recommend and the Secretary shall approve.

§ 301.7 Quantity.

"Quantity" means the weight of live turkeys at the time of receipt by a handler or other person determined in accordance with regulations issued by the Committee.

§ 301.8 Processed turkey.

"Processed turkey" means the eviscerated turkey (ready to cook) or the equivalent thereof of New York Dressed or Kosher processed turkey as determined in accordance with regulations issued by the Committee.

§ 301.9 Handle.

"Handle" means the slaughtering or the receiving for slaughter of turkeys in the production area for the production of meat or the acquisition for slaughter or disposition of processed turkey by the slaughterer thereof.

§ 301.10 Handler.

"Handler" means a person who handles turkeys.

§ 301.11 Exempt Handler.

"Exempt handler" means a handler who handles less than a quantity of 7,000 pounds of turkey per marketing year.

§ 301.12 Production facilities.

"Production facilities" means the land, buildings and equipment utilized in the production of turkeys.

§ 301.13 Market.

"Market" means the disposition by a producer of a quantity of turkeys to handlers, producers or other persons.

§ 301.14 Producer.

"Producer" means a person, other than a producer-handler, who (a) operates in a proprietary capacity the production facilities on which a quantity of turkeys in excess of 3,600 pounds are produced in a year, which turkeys are handled by handlers other than exempt-handlers or producer-handlers (such producer may be hereinafter referred to as a producer-grower); or (b) is interested in the production of turkeys by having a proprietary interest in the turkeys produced by a producer-grower (such a producer may be hereinafter referred to as a contract-producer): *Provided*, That for the purposes of this part, if two or more persons are producers with respect to a quantity of turkeys, their respective shares in such quantity of turkeys shall be deemed to be a quantity of turkeys equal to the total quantity of such turkeys divided by the number of persons who are producers thereof.

§ 301.15 Exempt producer.

"Exempt Producer" means a person who operates the production facilities on which a quantity of not more than 3,600 pounds of turkey are produced in a year.

§ 301.16 Proprietary interest.

"Proprietary Interest" means sharing in the risk of loss in the production of turkeys.

§ 301.17 Producer-Handler.

"Producer-Handler" means a person who in his own handling facilities (1) handles a quantity of not more than 100,000 pounds of turkey per marketing year, of which not more than 5,000 pounds of such turkeys are other than his own production, and (2) except for a quantity not in excess of 5,000 pounds does not deliver any turkeys from his own production to others during the marketing year.

§ 301.18 Board.

"Board" means the Turkey Advisory Board established pursuant to this part.

§ 301.19 Committee.

"Committee" means the Turkey Administrative Committee established pursuant to this part.

§ 301.20 Year and marketing year.

"Year" and "Marketing Year" are synonymous and mean the 12-month period beginning February 1 of each year and ending January 31 of the following year, or such other period as may be recommended by the Committee and approved by the Secretary.

TURKEY ADVISORY BOARD

§ 301.25 Establishment and membership.

A Turkey Advisory Board is hereby established, consisting of 60 members, of whom 57 shall be nominated to represent various States and regions, as listed below:

California-Nevada	6
Minnesota	6
Iowa	4
Wisconsin	3
Virginia, West Virginia	3
Missouri	3
Texas	3
Indiana	2
Utah, Arizona	2
Ohio	2
Arkansas	2

North Carolina	2
Colorado, New Mexico	1
Georgia, Florida	1
Washington	1
Oregon	1
New England States	1
Pennsylvania	1
Oklahoma	1
Michigan	1
Nebraska	1
North Dakota	1
Illinois	1
Kansas	1
South Dakota	1
Kentucky, Tennessee	1
New York	1
Delaware, Maryland, New Jersey, District of Columbia	1
Montana, Idaho, Wyoming	1
Alabama, Mississippi, Louisiana	1
South Carolina	1

The remaining three members shall be representative-at-large and shall be selected at the discretion of the Secretary. Each member of the Board shall have an alternate member nominated in the same manner as members.

§ 301.26 Term of office.

Members and alternate members of the Board shall serve for terms of three years ending on the last day of January, and each such member and his alternate shall serve until his successor is selected and qualified; *Provided*, That the term of office of the initial Board shall be three years for one-third of the members and their alternates, two years for one-third of the members and their alternates, and for the remaining one-third of the members and their alternates shall be from the effective date of this part to the last day of January 1963, such staggered terms of office to be determined by the Secretary.

§ 301.27 Nominations.

Nominees for membership on the Board shall be made at one or more nomination meetings called and supervised by the Committee under rules and regulations promulgated by the Committee. Such meetings shall be held in and for each of the states or groups of states specified in § 301.25 and reasonable publicity shall be provided for such nomination meetings by the Committee. Only producers and handlers shall be eligible to vote and each such person shall have but one vote. Voting shall be by secret ballot and may be cast in person or by mail. Three nominations shall be made for each member position, which shall also be deemed nominations for such member's alternate. All nominations should be certified by the Committee to the Secretary as soon as practicable and, after the initial appointment of the Board, no later than January 4 immediately preceding the commencement of the term of office for the position for which a nomination is certified. Such certification shall include for each nominee a brief summary of his experience and association with the turkey industry. For the purpose of obtaining nominations for the initial Board, the Secretary shall perform the functions of the Committee.

§ 301.28 Duties.

The duties of the Board shall consist of selecting from among its members a chairman and other officers, establishing procedures for performing its functions, the making of nominations for membership on the Committee, the certifying of such nominations to the Secretary, the making of recommendations with respect to marketing policy, and the consideration of such other matters as it deems proper or as the Committee or the Secretary may request.

TURKEY ADMINISTRATIVE COMMITTEE

§ 301.30 Establishment and membership.

A Turkey Administrative Committee is hereby established to administer the terms and provisions of this part. Such Committee shall consist of 19 members which shall include the chairman of the Board who shall also be chairman of the Committee. For each member there shall be an alternate member. No person shall be selected or continue to serve as a member or alternate member of the Committee unless he is serving as a member or alternate member of the Board.

§ 301.31 Nomination.

The Board shall nominate from among its members and alternate members 38 nominees for appointment as members and alternate members of the Committee. All such nominations for the Committee shall be certified by the Board to the Secretary as soon as practicable following their nomination.

§ 301.32 Term of office.

Members and alternate members of the Committee shall serve for terms of one year ending on January 31, the initial term beginning with the effective date of this part and ending on January 31, 1963, but each such member and alternate member shall continue to serve until his successor is selected and has qualified.

§ 301.33 Powers.

The Committee shall have the following powers:

(a) To administer the terms and provisions of this part;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary, complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 301.34 Duties.

The Committee shall have among others the following duties:

(a) To act as intermediary between the Secertary and any producer or handler;

(b) To keep minutes, books, and other records which shall clearly reflect all of its acts and transactions and these shall be subject to examination by the Secretary at any time;

(c) To investigate and assemble data on the production, handling, and marketing of turkeys and to make recommendations concerning the issuance of regulations pursuant to this part;

(d) To submit to the Secretary or the Board such available information with respect to turkey hatching eggs and turkeys as may be requested and such other information as the Committee may deem desirable and pertinent;

(e) To select from among its members officers other than the chairman and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(f) To appoint or employ such other persons as it may deem necessary and to determine the salaries and define the duties of each such person;

(g) To cause the books of the Committee to be audited by a certified public accountant at least once each marketing year and at such other times as the Committee may deem necessary or as the Secretary may request, to submit two copies of each such audit report to the Secretary and to make available a copy which does not contain confidential data for inspection at the offices of the Committee by producers and handlers;

(h) To prepare and submit to the Secretary monthly statements of the financial operations of the Committee and to make such statements, together with the minutes of the meetings of said Committee and the Board, available for inspection at the offices of the Committee by producers and handlers;

(i) To give the Secretary the same notice of meetings of the Committee and the Board as is given to members;

(j) To investigate compliance with and to use means available to the Committee to prevent violation of the provisions of this part; and

(k) To establish such rules and regulations as are necessary or incidental to administration of this subpart, as are consistent with its provisions, and as would tend to accomplish the purposes of this subpart and the act.

BOARD AND COMMITTEE

§ 301.36 Selection.

The Secretary shall select and appoint members and alternate members of the Board and the Committee in the numbers and with the qualifications specified in this subpart. Such selections shall, to the extent feasible in the light of the following considerations, be made from the nominations certified by the Committee and the Board: *Provided*, That in making such selections and appointments the Secretary shall give major recognition to turkey producers, including consideration of the size, nature, and location of their production operations, and reasonable handler representation with a view to the extent possible and practicable to have representation from all segments of the industry.

§ 301.37 Failure to nominate.

In the event a nominee for any member or alternate member position is not certified purusant to and within the time specified in this subpart, the Secretary may select an eligible person to fill such position without regard to nomination.

§ 301.38 Qualify by acceptance.

Each person selected as a member or as an alternate member shall, prior to serving, qualify by filing with the Secretary a written acceptance as soon as

practicable after being notified of such selection.

§ 301.39 Alternate members.

An alternate for a member shall act in the place and stead of such member (a) during his absence, or (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

§ 301.40 Vacancies.

Any vacancy occasioned by the removal, resignation, disqualification, or death of any member, or any need to select a successor through failure of any person selected as a member or alternate member to qualify, shall be recognized by the Committee certifying to the Secretary a new nominee within 40 calendar days.

§ 301.41 Procedure.

All decisions of the Board and the Committee reached at an assembled meeting shall be by majority vote of the members present. All votes in an assembled meeting shall be cast in person and a quorum must be present for a valid decision. A quorum for the Board shall consist of not less than thirty (30) members and for the Committee not less than ten (10) members. Such quorum requirements may be changed by the Secretary, upon recommendation of the Board or Committee. The Committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram, to all such members. When any proposition is submitted to be voted on by such method, it must be favored by not less than fourteen (14) members of the Committee to constitute action by the Committee.

§ 301.42 Expenses and compensation.

The members of the Committee and the Board, and the alternate members, shall be allowed their necessary expenses, actual or per diem, as approved by the Committee, If the Secretary upon recommendation of the Board determines that it is necessary for the efficient and effective operation of the Board or Committee and that the members thereof receive reasonable compensation for their services, such members may receive such compensation at a rate recommended by the Committee and approved by the Secretary.

EXPENSES AND ASSESSMENTS

§ 301.45 Expenses and budget.

The Committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each marketing year for the maintenance and functioning of the Board and Committee and for other such purposes, as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate. The Committee shall file a proposed budget of expenses and rate of assessment with the Secretary as soon as practicable after the beginning of the marketing year.

§ 301.46 Assessments.

Each handler shall pay to the Committee, upon demand, with respect to turkeys handled by him, his pro rata share of all expenses which the Secretary finds are reasonable and likely to be incurred by the Committee during each marketing year. Each handler's pro rata share shall be at a rate of assessment per hundred pounds of processed turkey, fixed by the Secretary, but in no event shall such assessment exceed $.20 per 100 pounds of processed turkey. At any time during the marketing year the Secretary may decrease the rate of assessment or may increase the rate of assessment to cover unanticipated expenses or a deficit in the anticipated quantity of turkeys handled: *Provided*, That no such change in assessment shall be retroactive. In order to provide funds to carry out the functions of Board and Committee, the Committee may accept advance payments from any handler and such shall be credited towards assessments levied pursuant to this section against such handler. The payment of expenses for the maintenance and functioning of the Board and Committee may be required throughout the period during which this part is in effect and irrespective of whether particular provisions thereof are suspended or become inoperative, or whether volume regulation is in effect.

§ 301.47 Accounting.

(a) If, at the end of a marketing year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, it shall be refunded proportionately and to the extent practicable to the persons from whom it was collected.

(2) The Committee, with the approval of the Secretary, may carry over such excess into subsequent marketing years as a reserve: *Provided*, That funds already in the reserve do not equal approximately one marketing year's expenses. Such reserve funds may be used (i) to defray expenses, during any marketing years, prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any marketing year when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate.

(b) All funds received by the Committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided for in this part. The Secretary may at any time require the Committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the Committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the Committee, and shall execute such assignments and other instruments as may be necessary and appropriate to vest in the Committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

(d) The Committee may make recommendations to the Secretary for one or more of the members, thereof, or any other person, to act as a trustee for holding records, funds, or any other Committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the Committee.

RESEARCH DEVELOPMENT

§ 301.50 Research and development.

The Committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, and distribution of turkeys. The expenses of such projects shall be paid from funds collected pursuant to § 301.46.

REGULATIONS

§ 301.55 Marketing policy.

At least once each marketing year the Board shall prepare and submit to the Secretary through the Committee a report setting forth its general marketing policy for such ensuing period or periods as it may deem appropriate. Notice of the Board's marketing policy shall be given promptly by reasonable publicity to producers and handlers. The report shall include any recommendation it may make for regulatory action in such period or periods including the need for any regulations and recommendations with respect thereto dealing in any manner with any of the foregoing or with the authorities for regulation provided by this subpart, as well as data and information used by the Board in formulating the marketing policy. In developing the marketing policy, the Board shall give consideration to the following factors:

(a) The estimated quantity of processed turkeys on hand in the production area at the beginning of such period or periods.

(b) The probable availability of additional turkeys during such period or periods.

(c) The estimated quantity of processed turkeys which should be carried over as a desirable inventory into any succeeding period or periods.

(d) The number of turkey hatching eggs set for hatching or the number of poults placed in such period or periods as will reflect probable availability of

turkeys in the period or periods for which regulation is proposed.

(e) The estimated market requirements for processed turkeys for the period or periods for which regulation may be proposed, including in such estimates as separate items probable trade demands for such turkeys in the various available outlets for such turkeys.

(f) Current prices being received for turkeys and the probable general level of prices to be received for turkeys by producers and handlers.

(g) The trend and level of consumer income and any other factors which may affect consumer demand for processed turkeys.

(h) Any other pertinent factors bearing on the marketing of such turkeys, including the estimated supply or demand for particular types or sizes of turkeys or special problems relating thereto.

Recommendations with respect to specific implementation of the general marketing policy recommended by the Board shall be made to the Secretary by the Committee from time to time, as circumstances warrant, and the Committee's recommendation shall contain the data and information upon which it is based, together with the specific regulatory action recommended.

§ 301.56 Issuance of regulations.

The Secretary shall regulate the handling of turkeys as authorized by this subpart whenever he finds from the recommendations and information submitted by the Board or Committee, or from other available information, that such regulation may tend to effectuate the declared policy of the act. Such regulation may:

(a) Limit the quantity of turkeys all handlers may receive for handling pursuant to § 301.61.

(b) Limit the handling of particular grades, sizes, or qualities of any or all types of turkeys during a specified period or periods.

(c) Fix, or provide methods for fixing, pursuant to sections 301.60, 301.62, and 301.65, free and surplus percentages applicable to the handling of all turkeys handled by handlers and for the pooling of set aside turkeys and the distribution of the proceeds of such pool.

(d) Limit the handling of turkeys differently for different period or periods, for different types, sizes, or any combination of the foregoing for any period.

VOLUME REGULATION

§ 301.60 Volume regulation.

The Secretary may establish, upon the recommendation of the Board or Committee or on other available information, regulation of turkeys for the marketing year or for such period or periods as he may prescribe, by any one or both of the methods hereinafter specified, if he determines that regulation by the method or methods employed may tend to effectuate the declared policy of the act. Such regulation may be based upon different desirable quantities or desirable free quantities for different types or sizes of turkeys; and when such quantities are established for such turkeys, the allocation bases, allotments, or percentages under such regulation shall be equitably apportioned among producers: *Provided*, That if the Board recommends volume regulation for the balance of the year 1962, remaining after this part becomes effective, such volume regulation shall be restricted to Method No. II provided in sections 301.62 and 301.65 and in such event the Board shall give due consideration to the regional differences in production of turkeys.

METHOD NO. I

§ 301.61 Desirable quantity.

Whenever a desirable quantity of turkeys which all handlers may acquire from producers in the marketing year has been established the Secretary shall equitably apportion such quantity among producers by establishing allocation bases and allotments for the marketing year as follows:

(a) *Allocation bases.* Producer-growers and contract-producers shall respectively be apportioned allocation bases for the periods and in the manner set forth below:

(1) Allocation bases of producer-growers applicable for the years 1963 and 1964:

(i) To be eligible for an allocation base each producer-grower must have been a producer-grower in 1961 or in any two of the three years 1959, 1960, or 1961.

(ii) Each producer-grower eligible for an allocation base shall have his base determined by dividing the total quantities of turkeys of his production marketed in 1959, 1960, and 1961 by three (3).

(iii) In the event a producer-grower marketed turkeys in only two of the years 1959, 1960, or 1961 his base shall be computed by dividing the quantities of his production marketed in such years by two (2): *Provided*, That if one of the two years is 1961 then 90 percent of his production marketed in 1961 shall be used in the base computation and

(iv) In the event 1961 was the only year in which a producer-grower marketed turkeys, such producer-grower's allocation base shall be 90 percent of the total quantity of turkeys of his production marketed in 1961.

(v) In the event a producer-grower produced turkeys in conjunction with any contract-producer(s) in two or more of the years 1959, 1960, or 1961 than in computing such producer-grower's base in subparagraphs (ii), (iii) his proportionate share (computed as provided in the proviso in 301.14) of the quantities marketed each year in conjunction with contract-producers shall be added to quantities of turkeys of his independent production marketed, if any, and the resulting sum shall be the producer-growers production and marketing for that year.

(2) Allocation bases of contract-producers applicable for the years 1963 and 1964.

(i) Each contract-producer in order to be eligible for an allocation base must have operated as a contract-producer in 1961 or in two or more of the years 1959, 1960, or 1961.

(ii) Each contract-producer eligible for an allocation base shall have his base determined by dividing one half of the total quantities of turkeys in which he had a proprietary interest which were marketed in 1959, 1960, and 1961 by three (3).

(iii) In the event that a contract-producer had proprietary interest in turkeys marketed in only two of the years 1959, 1960, or 1961 his base shall be computed by dividing one half of the total quantities of turkeys in the two years in which he did have a proprietary interest in such turkeys by two (2): *Provided*, That if one of the two years is 1961 then 90 percent of the quantity of turkeys in which he had a proprietary interest marketed in 1961 shall be used in the base computation.

(iv) In the event more than one contract-producers had a proprietary interest in the quantity of turkeys produced on a producer-grower's production facilities then, for the purpose of computing such contract-producers allocation bases for 1963 and 1964, the quantity of turkeys so produced and marketed shall be divided by the number of producers having a proprietary interest therein.

(3) Producer-grower's allocation bases for the marketing years 1965 and thereafter:

(i) Each producer-grower's allocation base shall be determined by dividing one third (3) the total of the highest quantities of turkeys produced by him which were marketed in any three of the four years immediately preceding the marketing year for which the allocation base is being determined: *Provided*, That in the event a producer-grower produced a quantity of turkeys in conjunction with a contract-grower(s) such quantity shall first be divided by the number of producers having a proprietary interest therein.

(4) Contract-producers allocation bases for the marketing years 1965 and thereafter:

(i) Each contract-producer's allocation base shall be determined by dividing one half of the total of the highest quantities of turkeys in which he had a proprietary interest in any three of the four years immediately preceding the marketing year for which the allocation base is being determined by three (3).

(ii) In the event more than one contract-producer has a proprietary interest in the quantity of turkeys produced on a producer-grower's production facilities then, for the purpose of computing allocation bases for 1965 and thereafter the quantity of turkeys so produced and marketed shall be divided by the number of producers having a proprietary interest therein.

(5) In computing the bases for producer-growers and contract-growers for the marketing years 1965 and thereafter the year 1962 shall not be used for any purposes and, if the years 1960 and 1961 are utilized, the producer's base computed pursuant to subparagraph (a)(1) or (a)(2) shall be deemed to be the producer's quantity of marketings for each of the years 1960 and 1961.

(6) The Committee may provide for adjustment of a producer's allocation base upon a showing that such producer's production and marketings in the

base periods provided in subparagraphs (1), (2), (3), and (4) was not representative.

(3) (i) Handlers may acquire turkeys delivered under a contract-producer's base only if such turkeys were produced on a producer-grower's production facilities other than those owned or controlled directly or indirectly by the contract-producer.

(ii) A producer-handler who desires to relinquish his status as a producer-handler, may be apportioned an allocation base by the Committee based upon his past production and marketing in accordance with regulations of the Committee.

(iii) If the sum of the desirable quantity in any marketing year exceeds the sum of the allotments of the proceeding year the Committee may determine a portion of the difference between such sums which may be apportioned to persons who are not producers of turkeys and who can establish that they have the ability to produce.

(c) *Application.* Each producer desiring an allocation base for the marketing year shall, not later than 6 weeks preceding such marketing year, or prior to such date as the Committee may otherwise prescribe, file with the Committee or other agency specified by the Committee an application therefore on forms prescribed by the Committee, which shall supply all pertinent information required by the Committee. The burden of supplying and supporting all such information shall rest upon the producer.

(d) *Committee verification.* The Committee or agency shall check and determine the accuracy of the information submitted pursuant to this section and shall be authorized to make a thorough investigation of any application. Whenever the Committee finds an error, omission, false statement or inaccuracy in any such application, it shall correct the same and shall give the person who submitted the application a reasonable opportunity to discuss with the Committee or agency the factors considered in making the corrections. In the event of correction of a base, the allotment apportioned to the producer pursuant to paragraph (d) of this section shall likewise be corrected.

(d) *Allotments.* Each producer who has an allocation base shall be apportioned an allotment of turkeys which handlers may purchase or otherwise acquire or receive directly or indirectly from the production of such producer for their account or the account of such producer during the marketing year which allotment shall be computed by dividing the desirable quantity of turkeys established pursuant to this section by the sum of the allocation bases of all producers, and multiplying such producer's allocation base by the resulting percentage figure. The result shall be the producer's allotment of the established desirable quantity of turkeys and no handler shall acquire directly or indirectly a quantity of turkeys from the production of any producer (including such handler in his capacity as a producer) which would result in handlers having acquired or received a greater quantity of turkeys from such producer's production than the total quantity so apportioned to such producer, plus such additional amounts as may be specifically provided in this part.

(e) *Certification of allotments.* The Committee may establish by regulation such means of certification or identification with respect to allotments apportioned to producers as may be required to effectuate the purposes of any regulation issued under this part.

(f) *Allotments by period.* Whenever the Board recommends and the Secretary finds that such recommendation may tend to effectuate the declared policy of the Act, he may establish within the marketing year a period or periods within which handlers may acquire a producer's allotment or specified portion thereof. In determining the quantities of turkeys which handlers may acquire in such period or periods, the Board shall take into consideration the seasonal patterns of production by region, such regions to be established by the Committee, and shall apportion such quantities to be acquired by handlers so as to provide equity among producers.

(g) *Allotment adjustment.* (1) In any marketing year or period or periods within such marketing year when allotments are in effect any handler may acquire from a producer's production a quantity of turkeys which will result in the total quantity of turkeys acquired from such producer's production by handlers exceeding such producer's allotment by not in excess of 5 percent thereof: *Provided,* That such producer furnishes the handler with a certification that his total marketings of turkeys during the period, including the excess quantity, consisted of turkeys of his own production only and upon such certification, the producer's allotment for the period shall be deemed adjusted accordingly: *Provided further,* That any handler receiving excess turkeys under these conditions shall make the producer's certification available to the Committee and file such reports relating thereto as the Committee may require and the Committee shall reduce the allotment to be acquired from the producer's production for the ensuing period by the quantity by which is current allotment was adjusted.

(2) If handlers do not acquire from a producer's production such producer's full allotment for the marketing year, or period within a marketing year, then such quantity which was not acquired may, pursuant to regulations issued by the Committee, be added to the quantity which may be acquired from such producer's production during the next marketing year, or period, but in no event shall such quantity exceed 5 percent of the quantity which may be acquired from a producer's production during the marketing year, or in a period within a marketing year.

(h) *Foundation Breeders.* The Committee may establish, by regulation, a definition of a foundation breeder and, notwithstanding the provisions of paragraphs (d) and (f) of this section, if the Committee finds, upon substantial information submitted by a producer who is a foundation breeder, that such producer's apportionment of the established desirable quantity of turkeys is having a substantial adverse affect upon the operation of a sound breeding program, the Committee may adjust such producer's allotment which may be acquired by handlers to the extent necessary to avoid or mitigate such adverse affect. A determination as to whether a producer is a foundation breeder shall be made by the Committee and shall be based upon an application for foundation breeder status, filed with the Committee by the producer, containing such information as the Committee may prescribe, and upon such other information as the Committee may find necessary in order to arrive at its determination.

(i) *Transfers of bases and allotments.* Allocation bases and allotments shall not be transferred except as authorized by regulations issued by the Committee and then only in the following circumstances:

(1) *Allocation bases.* (i) In the event of a transfer of the producer's entire production facilities, the base may be transferred to the person acquiring and continuing the use of such facilities.

(ii) In the event of the death, retirement, or entry into military service of a producer, the entire allocation base may be transferred to a member of such producer's immediate family who carries on the turkey production operation.

(iii) If an allocation base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders or may be divided among them.

(2) *Allotment transfers.* An allotment applicable to a producer or any portion thereof may be transferable to another producer for a marketing year.

METHOD NO. II

§ 301.62 Desirable free quantity.

Whenever a desirable free quantity of turkeys has been established for any period or periods as may be prescribed, all handlers shall handle such turkeys in such period or periods in accordance with the following:

(a) *Free and surplus percentages.* Whenever the Committee concludes that the volume of turkeys which will be available for handling, in a period or periods for which there has been established a desirable free quantity of turkeys, will exceed such desirable free quantity it may recommend to the Secretary that the handling of turkeys in such period or periods be limited by establishing free and surplus percentages applicable to the handling of all turkeys, or the handling of turkeys of any grade, size or quality, or any combination thereof. If the Secretary finds that such recommendation may tend to effectuate the declared policy of the Act he may establish free and surplus percentages applicable to such total handling or of any grade, size, or quality thereof, within such period or periods, which shall total 100 percent of the turkeys to which the percentages apply. If the Secretary determines that such percentages should be modified within any such period or periods, appropriate new percentages may be established: *Provided,* That any

change in the applicable percentages may be applicable only to the remainder of the period and may not be retroctive.

(b) *Set aside.* Whenever free and surplus percentages have been established for a period or periods, each handler shall set aside at such times as the Committee may prescribe, a quantity of processed turkeys computed by multiplying the quantity of all turkeys handled by him in such period by the applicable surplus percentage.

(c) *Set aside by grade, size or type.* The Committee may prescribe by regulation the grade, size, quality, or type of turkeys which shall be set aside to meet the surplus percentage and may require that such surplus percentage be set aside from each lot handled and separate pools may be established for the disposition thereof and the distribution of proceeds: *Provided*, That for purposes of this provision each day's slaughter of each producer's turkeys or of the handler's own turkeys shall be deemed a separate lot. The turkeys handled by a handler which are free quantity turkeys may be disposed of by him in any marketing outlet, subject, however, to any grade, size or quality restrictions otherwise provided by this part.

(d) *Set aside turkeys.* (1) All turkeys set aside to meet the handler's set aside obligation shall be held by the handler for the account of the Committee in compliance with regulations of the Committee until the handler has been relieved of such responsibility by the Committee. Such set aside turkeys shall be free and clear of all liens: *Provided*, That any liens which were outstanding at the time turkeys were set aside shall be subject in every way to this order and the regulations thereunder, and any lienholder with respect to such lien shall, to the extent of such lien, be deemed an assignee of a pro rata interest in the net proceeds of the applicable pool of set aside turkeys.

(2) The handler shall hold such turkeys in storage, in such facilities and under such storage conditions as the Committee may prescribe.

(3) Set aside turkeys shall be labeled or otherwise marked in such manner as the Committee may prescribe so as to be identifiable at all times and shall be subject to inspection by the Committee or its representatives at all times.

(4) Upon reasonable notice by the Committee, a handler shall commence delivery to the Committee or its designee of any or all set aside turkeys held for the account of the Committee and at such rate as may be prescribed.

(5) Handlers shall use good commercial practices in caring for set aside turkeys and be liable to the Committee for losses of set aside resulting from lack of due care.

(6) The Committee may, by regulation, authorize methods, other than processing and storage by which a handler may comply with his set aside requirements. Some such other methods might include, but are not limited to the following:

(i) The Committee may allow the handler to purchase other handlers free percentage turkeys to fulfill his set aside requirement.

(ii) The Committee may, upon authorization and payment from the handler, purchase free percentage turkeys to fulfill the handlers set aside.

(iii) The Committee may designate in advance a point or points of delivery to which the handler may ship set aside turkeys whenever he has set aside commitments.

(iv) The Committee may allow the handler to satisfy his set aside requirements for a period or periods by setting aside at a time or times specified by the Committee, the aggregate of his set aside requirements rather than meeting such requirements out of each day's processing.

(e) *Title.* The Committee, with respect to turkeys set aside for the account of the Committee, shall be deemed to have title thereto as trustees and is authorized to negotiate loans on such set aside surplus turkeys for the purpose of paying the expenses relating thereto, or for making advance payments, or both.

(f) *Pooling period.* A pool of set aside turkeys shall consist of surplus percentage turkeys set aside by handlers during any period or periods as may be prescribed, but any such period shall be not less than one month nor more than one year in duration: *Provided*, That a pool may include surplus turkeys from one or more set aside periods within a marketing year.

(g) *Handler compensation.* Each handler shall be compensated for processing and other costs relating to the surplus percentage set aside of turkeys as the Committee may deem to be appropriate, in accordance with charges established at the beginning of the marketing year by the Committee with the approval of the Secretary. Such costs shall be borne by the producers, or their successors in interest, and may be deducted from any monies owed by handlers to such persons.

(h) *Committee disposition of set aside.* The Committee shall have the power and authority to sell and dispose of, or use any agency approved by the Secretary to dispose of any and all set aside turkeys upon the best terms and at the highest prices attainable consistent with the provisions and objectives of this part, but only in the outlets specified in subparagraph (1) of this paragraph.

(1) *Outlets.* The Committee may sell or dispose of set aside turkeys in the following outlets:

(i) By sales for disposition in export,

(ii) By direct sale to any agency of the United States Government,

(iii) In other outlets which the Committee may specify by regulation to be substantially noncompetitive with those for normal outlets for turkeys, or

(iv) To the extent feasible and consistent with the purposes of this part, the Committee with the approval of the Secretary may, through handlers or handlers' sales agency or otherwise, sell or dispose of set aside surplus turkeys in any other outlets, including any normal outlets for turkeys.

(2) The Committee shall make disposition of surplus turkeys in each pool as expeditiously as practicable consistent with the provisions and objectives of this part, and in any event not later than August 1 of the following marketing year.

(i) *Distribution of net proceeds.* The Committee shall distribute the net proceeds from the disposition of any pool of set aside surplus turkeys, after deduction of any expenses incurred by the Committee for the receiving, handling, holding, or disposition thereof, to the producers or their successors in interest, pro rata on the basis of the quantities of their respective contributions to the set aside contained in such pool.

(j) *Equity holders.* So that the Committee may determine each producer's or his successor's or assignee's interest or equity in the turkeys in the set aside, each handler who sets aside turkeys to meet his surplus percentage shall, as required by the Committee, determine, or cause to be determined, the size, grade, quality, type and quantity of turkeys so set aside which were received from each producer thereof, together with the name and address of such producer, or his successor in interest, and any other information which the Committee may require to identify all producers of the turkeys so set aside and transmit such information to the Committee.

(k) *Prohibition against disposition.* Except as provided herein, set aside turkeys shall not be used or disposed of by any handler.

(l) *Set aside, credit.* Whenever Method No. I is in effect the Committee may allow, by regulation, to any producer who voluntarily, prior to the beginning of a marketing year, agrees to market less than his allotment, a credit for all or a portion of the quantity of the reduction and the allotment apportioned to him shall be reduced in a like amount in such marketing year. In such event (a) the handler shall not be required to set aside such quantity of the producers' turkeys as is represented by the credit, (b) such producer shall participate in the distribution of set aside net proceeds only to the extent of his actual contribution to the set aside and (c) the Committee shall include such credit in computing such producer's future allocation base.

CERTIFICATION FOR GRADE OR QUALITY

§ 301.65 Certification for grade or quality.

Whenever, for any period or periods, regulations are in effect which require the determination of grade or quality of turkeys, the Committee may, by regulation, require each handler to provide certification of the grade or quality of such turkeys by such agency or agencies and on such forms or certificates as are prescribed by the Committee.

APPLICATION OF PROVISIONS

§ 301.68 Application of provisions.

(a) *New producer-handlers.* Starting February 1, 1963, any person not then a producer-handler or who ceases to be a producer-handler thereafter must make application to the Committee if he desires such status. In determining whether to approve such applications, the Committee may determine the effect of producer-handlers on the volume regulation provisions of the order and may refuse to approve applications for such status if they determine that additional producer-handlers may effectively affect the operation of such volume regulation.

(b) *Exemptions*—(1) *Producer-handlers.* Sections 301.46, 301.56, 301.60, 301.61, except 301.61(a)(7)(ii), and §§ 301.62 and 301.65 shall not apply to producer-handlers.

(2) *Exempt-handlers.* Sections 301.46, 301.56, and 301.60 through 301.65 shall not apply to exempt-handlers.

(3) *Research, educational and institutional exemptions.* The Committee may, by regulation, exempt from the applications of §§ 301.46, 301.56, 301.60 through 301.65 turkeys produced by Federal, State, or other governmental or private institutions for their own consumption, and also turkeys produced by persons, other than foundation breeders, for research and educational purposes, upon application to the Committee and a determination by the Committee that the quantity of turkeys sought to be exempted are reasonable for the purposes stated.

(c) *Emergency or hardship relief*—(1) *Producer relief.* Notwithstanding the provisions of paragraphs (d), (f), and (g) of § 301.61, the Committee may grant relief from such provisions by way of adjustment of allocation base or allotment to a producer applying for such relief if the Committee determines that an emergency condition exists or that unless such relief is granted the provisions will create extreme hardship or inequity to such producers. One of the factors the Committee shall consider in making its determination is whether the condition causing such emergency, hardship or inequity was caused by circumstances beyond the applicant's control or beyond his reasonable expectation.

(2) *Handler relief.* Notwithstanding the provisions of § 301.56, paragraphs (e), (f), and (g) of § 301.61 and paragraphs (a), (b), (c), (d), and (l) of § 301.62, and § 301.65, the Committee may grant relief from or adjustments under such provisions if the Committee determines that an emergency condition exists or that unless such relief is granted the provisions will create extreme hardship or inequity to such handler. One of the factors the Committee shall consider in making its determination is whether the condition causing such emergency, hardship or inequity was caused by circumstances beyond the handler's control or beyond his reasonable expectation.

REPORTS AND RECORDS

§ 301.70 Reports.

(a) *Regular monthly reports.* At a time and in a manner prescribed by the Committee, each handler shall file reports with the Committee on forms prescribed by the Committee and approved by the Secretary, relating to his handling of turkeys for the preceding month, and providing such information with respect thereto as the Committee may prescribe.

(b) *Other reports.* Upon the request of the Committee, each handler shall furnish to the Committee reports containing such other information as the Committee may determine to be necessary to enable it to exercise its powers and perform its duties under this part.

(c) *Exempt-handler and producer-handler reports.* Each handler exempted under § 301.68(b) shall make reports at such times and in such manner and containing such information as the Committee may request.

§ 301.71 Records and facilities.

Each handler shall maintain and make available to the Committee or to its representative during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the Committee to verify or establish the correct data which are required to be reported pursuant to this part and the payments required pursuant to this part.

§ 301.72 Retention of records.

All books and records required under this part to be made available to the Committee shall be retained by the handler for a period of five years to begin at the end of the year to which such books and records pertain: *Provided*, That if, within such five-year period, the Committee notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the Committee. In either case, the Committee shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 301.73 Confidential information.

All reports and records furnished or submitted to the Committee, or obtained by the employees of the Committee, which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from records shall at all times be kept in the custody and under the control of one or more employees of the Committee, who shall disclose such information to no person other than the Secretary.

COMPLIANCE

§ 301.75 Compliance.

Except as provided in this subpart, no handler shall handle turkeys, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle turkeys except in conformity to the provisions of this subpart or the rules and regulations thereunder.

MISCELLANEOUS PROVISIONS

§ 301.80 Supervisory authority.

Regulations implementing this order shall be approved by the Secretary prior to being made effective. Nothing in this order shall impair the Secretary's right to take such action as necessary to carry out his responsibility to insure that actions taken are in the public interest, tend to effectuate the purpose of the act, and are within legal authority. Any person having responsibilities in connection with the administration of this order may be removed or suspended by the Secretary at his discretion if he concludes such action to be in the public interest.

§ 301.81 Personal liability.

No member or alternate member of the Committee or Board, nor any employee, representative, or agent of the Committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person, for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, employee, representative, or agent, except for acts of dishonesty.

§ 301.82 Separability.

If any provision of this subpart, is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 301.83 Derogation.

Nothing contained in this subpart, is or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 301.84 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart, shall because upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 301.85 Agents.

The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any service, division or branch in the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions of this subpart.

§ 301.86 Effective time.

The provisions of this subpart, or any amendments thereto, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways specified in this subpart.

§ 301.87 Termination or suspension.

(a) *Failure to effectuate policy of act.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart.

on or before the 30th day of January of any marketing year whenever he is required to do so by the provisions of section 8c(16)(B) of the Act. The Secretary may, at any time he deems it desirable, hold a referendum of producers to determine whether they favor termination of this subpart. However, the Secretary shall hold a referendum of producers between October 1 and October 31, 1964, to determine whether they favor termination of this subpart and thereafter shall hold a referendum for the same purpose between October 1 and October 31 of each subsequent even numbered year if the Secretary receives recommendation from the Board requesting the holding of such a referendum. The results of such a referendum shall be announced by the Secretary by November 30 of any marketing year in which held.

(c) *Termination of act.* The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 301.88 Procedure upon termination.

Upon termination of this subpart, the members of the Committee then functioning shall continue as joint trustees, for the purposes of liquidating the affairs of the Committee. Action by such trustees shall require the concurrence of a majority of said trustees. Such trustees shall continue in such capacity until discharged by the Secretary, and shall account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all the funds, properties, and claims vested in the Committee or the joint trustees, pursuant to this subpart. Any person to whom funds, property, or claims have been transferred or delivered by the Committee or the joint trustees, pursuant to this section, shall be subject to the same obligations imposed upon the members of said Committee and upon said joint trustees.

§ 301.89 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this subpart or any regulation issued under this subpart, or (b) release any set aside held for the account of the Committee nor permit its disposition contrary to the provisions of this subpart, or (c) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (d) affect or impair any rights or remedies of the Secretary, or any other person, with respect to such violation.

§ 301.90 Amendments.

Amendments to this subpart may be proposed, from time to time, by any person or by the Committee.

PROVISIONS APPLICABLE ONLY TO PROPOSED MARKETING AGREEMENT

§ 301.100 Counterparts.

This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 301.101 Additional parties.

After the effective date of this agreement, any handler may become a party hereto if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 301.102 Order with marketing agreement.

Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of turkeys in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the Act, such order.

Dated: February 23, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-1951; Filed, Feb. 26, 1962; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that petitions (FAP 687 and 688) have been filed by Continental Can Company, Inc., 633 Third Avenue, New York, New York, proposing the issuance of amendments to § 121.2514(b)(3)(xv) and § 121.2526(b) of the food additive regulations to add the item "Vinyl chloride-acetate, hydroxyl-modified copolymer, reacted with trimellitic anhydride".

Dated: February 19, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-1908; Filed, Feb. 26, 1962; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-FW-35]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Designation of Federal Airway and Associated Control Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The FAA has under consideration the designation of low altitude VOR Federal airway No. 525 from the Fayetteville, N.C., VOR to the New Bern, N.C., VOR via the Fayetteville VOR 098° and the New Bern VOR 256° True radials. This intersection would coincide with the Kenansville Intersection (INT of the Kinston, N.C., VOR 215° and the Fayetteville VOR 098° True radials).

A direct off airway route had been approved between Fayetteville and New Bern and many suggestions for an airway to serve this route have been considered in the recent past. This proposed action would provide an airway between two cities which are certified as permanent air carrier stops. Designating the airway via the Kenansville Intersection would add but two miles of airway routing between the terminals, would provide a common intersection with low altitude VOR Federal airways Nos. 213 and 1 west, and would preclude conflict with Air Force operations at Seymour-Johnson AFB.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Area Adminstrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street, Atlanta 3, Georgia. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons in the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 19, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1890; Filed, Feb. 26, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Dockets Nos. 14475, 14476, 14477]

ALLOCATION OF FREQUENCY BANDS FOR RADIO ASTRONOMY

Order Extending Time for Filing Comments and Reply Comments

In the matters of amendment of Part 2 of the rules and regulations to modify the existing frequency allocation provisions for the radio astronomy service; amendment of Part 2 of the Commission's rules and regulations to insert provisions for the notification of the International Telecommunication Union relative to radio astronomy observatories and frequencies involved.

The Commission has before it for consideration a petition filed by Mann-Russell Electronics, Inc., requesting an extension of time for filing comments in the above-entitled proceedings from February 16 until March 13, 1962; and a petition filed by Forest Industries Radio Communications requesting an extension of at least 30 (but preferably 60) days for filing comments in Docket 14475.

It appearing that Mann-Russell is accumulating information concerning the present and prospective use of 13.56 and 40.68 Mc/s by ISM equipment, and that additional time is required to accumulate and evaluate this information; and

It further appearing that Forest Industries requires additional time in which to coordinate the position of the forest industry with regard to the use of 13.56 and 40.68 Mc/s; and

It further appearing that information to be furnished by Mann-Russell and Forest Industries will be useful to the Commission in resolving the issues in these proceedings and that the public interest will be served by granting an extension of 25 days for the purpose of obtaining such information; and

It further appearing that comments filed under any further extension would be too late for consideration in formulating a national position on this subject;

It is ordered, This 20th day of February, 1962, pursuant to section 0.322(b) of the Commission's Statement of Organization, Delegations of Authority, and Other Information, That the time for filing comments in these proceedings concerning use of the frequencies 13.56 and 40.68 Mc/s is extended to March 13, 1962, and that the time for filing comments in reply thereto is extended to March 23, 1962.

Released: February 21, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1945; Filed, Feb. 26, 1962; 8:51 a.m.]

[47 CFR Part 3]

[Docket No. 14495; RM-295]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS (ELMIRA, NEW YORK)

Order Extending Time for Filing Comments

1. The Commission has before it a request from Gannett Co., Inc., filed February 15, 1962, for a 30-day extension of time for filing comments and reply comments in the above-entitled proceeding. The time for filing comments now expires on February 19, 1962, and for reply comments, on March 5, 1962.

2. Petitioner states that it is making a study of the Elmira area to determine the feasibility of establishing a UHF commercial station there at this time. As grounds for the extension of time requested, it asserts that its study is not yet complete and that it cannot file meaningful comments on the proposal we are considering herein—to shift Channel 30 from Elmira to Corning-Elmira for noncommercial educational use—until its conclusion.

3. In light of the considerations advanced by petitioner, the Commission believes that extending the closing date for the submission of comments will contribute to the filing of more complete and helpful comments on the proposal under consideration herein and is warranted in the public interest.

4. *Accordingly, it is ordered*, This 9th day of February 1962, That the request of Gannett Co., Inc., for extension of time is granted, and that the time for filing comments in this preceeding is extended from February 19, 1962, to March 22, 1962, and the time for filing reply comments is extended from March 5, 1962, to April 5, 1962.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.241(d)(8) of the Commission's rules.

Adopted: February 19, 1962.

Released: February 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1946; Filed, Feb. 26, 1962; 8:51 a.m.]

[47 CFR Part 3]

[Docket No. 13458; RM-92; FCC 62-197]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS, (SYRACUSE, NEW YORK)

Report and Further Notice of Proposed Rule Making

1. The Commission has before it for consideration a proposal set forth in its Notice of Proposed Rule Making (FCC 60-358) adopted on April 8, 1960, and published in the FEDERAL REGISTER on April 14, 1960, (25 F.R. 3216). This proposal was made in a petition filed by the Springfield Television Broadcasting Corporation (RM-92) suggesting that Channel 37 be deleted from Clymer, New York, and assigned to Syracuse, New York, as follows:

City	Channel No.	
	Present	Proposed
Syracuse, N.Y.	3-, 8, *43+	3-, 8, 37-, *43+
Clymer, N.Y.	37	----------

PARTIES FILING COMMENTS AND REPLY COMMENTS

2. Comments filed herein fall into two categories: (1) those filed by organizations primarily interested in broadcasting, and (2) those filed by parties interested mainly in the science of radio astronomy.

3. Organizations in the broadcasting industry which filed comments were American Broadcasting Company (ABC); W. R. G. Baker Radio and Television Corporation, successor to "the Syracuse Group" mentioned in the Notice of Proposed Rule Making herein (Baker); Meredith Syracuse Television Corporation, licensee of Station WHEN-TV in Syracuse (Meredith); and the Springfield Television Broadcasting Corporation (Springfield). Reply comments were submitted by Springfield and by the Association of Maximum Service Telecasters, Inc. (AMST).

4. Comments were also filed by the following groups concerned primarily with the science of radio astronomy: the American Astronomical Society; Associated Universities, Inc.; the Department of Terrestrial Magnetism, Carnegie Institution of Washington; Cornell University; the University of Florida; the University of Illinois; the National Academy of Science; the Observatory of Rensselaer Polytechnic Institute; and Yale University.

PRESENT STATUS OF THE CHANNELS INVOLVED

5. In Syracuse, Channel 3 is presently used by Station WSYR-TV, and Channel 8 is used by Station WHEN-TV. A construction permit has been issued for educational Channel 43, but the station has never been on the air. Channel 37 was shifted from Auburn, New York, to

Clymer (1950 population, 1421) in 1956 upon the representation that it would be used as a satellite station, but no application for the channel has been made. In the Report and Order of the rule making proceeding in Docket No. 13858 adopted on July 27, 1961, Channel 5 was substituted for Channel 8, the licensee of Station WHEN–TV having consented to the change (although the station is not yet operating on Channel 5), and Channel 9 was "dropped into" Syracuse as a third VHF channel.

PRELIMINARY DECISION OF THE COMMISSION

6. The Commission has carefully considered the comments in this proceeding and is of the opinion that, inasmuch as a third VHF channel has now been assigned to Syracuse, the situation in which the previous comments were submitted has changed and that further comments pertaining to the desirability of adding a UHF channel to Syracuse should be invited. In addition, in the event that a decision should be made to assign a UHF channel to Syracuse, we wish to explore the possibility of effecting such an assignment by means of the following substitute proposal:

City	Channel No.	
	Present	Proposed
Syracuse, N.Y.	3–, 5–, 9–, 33–, *43+	3–, 5–, 9–, *43+
Batavia, N.Y.	33–	----------
Watertown, N.Y.	48	----------

These reassignments would meet the mileage separation requirements of the rules. Unless an active interest is manifested, we find it desirable in the public interest to defer action on making available substitute UHF channels for Batavia and Watertown, New York, until decisions are reached in Docket No. 14229 concerning the future methods of assigning stations on UHF channels.

7. It should be noted that Syracuse is located less than 250 miles from the Canada-USA border and assignments to that community fall within the purview of the Canada-USA television agreement. Appropriate steps thereunder will be undertaken by the Commission.

REASONS FOR THE DECISION: ASSIGNMENT OF A UHF CHANNEL TO SYRACUSE

8. The Comments set forth by broadcasting interests in paragraphs 9 through 12 below were submitted at a time when there were only two VHF channels assigned to Syracuse.

9. Springfield indicated an intention to apply for a construction permit and operate on Channel 37 if it were assigned to Syracuse. Comments from the broadcasting industry pointed out that experience has repeatedly shown that a UHF station cannot successfully compete with two VHF stations in the same market and that therefore the introduction of a UHF station to Syracuse would not satisfy the need for a third competitive service. Baker therefore urged that the Springfield proposal be denied, and urged consideration of the VHF proposal for Syracuse submitted by "the Syracuse Group" (RM–22). ABC urged that, regardless of the disposition of the Springfield proposal, the Commission press forward as promptly as possible to the allocation of a third VHF channel to Syracuse by means of the plans set forth in RM–16 (proposal of ABC), RM–22 (proposal of "the Syracuse Group"), or some other appropriate plan.

10. Springfield admitted the difficulties involved, but asserted its willingness to assume the risk of the competitive situation stating that its failure would injure only its stockholders. It further asserted that addition of Channel 37 to Syracuse offered the quickest solution to the problem of providing a third commercial service to Syracuse, and that adoption of the proposal would facilitate construction and operation of the educational television channel now assigned to Syracuse.

11. Meredith asserted that a UHF permittee would attempt to obtain a VHF authorization or would attempt to have Syracuse deintermixed.

12. "The Syracuse Group" stated that the nearest UHF stations were in Elmira and Binghamton, over 60 miles from Syracuse. Baker asserted that a diligent search by its officers had revealed no UHF receivers in Syracuse. Meredith further asserted that it would not be in the public interest to encourage purchase of UHF receivers and antennas for what at best would be a highly temporary operation.

13. Syracuse, generally ranked as about the 50th market in the country, has a population of 216,038, and Onandaga county in which it is located has a population of 423,028 (1960 U.S. Census). That there was a need for a third competitive VHF channel in that market we made clear in the aforementioned Report and Order in Docket No. 13858 which assigned such a channel to Syracuse. In the light of this assignment, the views expressed in the immediately aforementioned comments of the broadcasting interests, including Springfield, may have changed. If so, the Commission would like the benefit of any modification of thinking before arriving at a final decision in this proceeding. It is for this reason that further comments on the desirability of adding a UHF channel to Syracuse are invited.

REASONS FOR THE DECISION: THE INTEREST OF RADIO ASTRONOMY AND THE SUBSTITUTE PROPOSED AMENDMENT

THE INTEREST OF RADIO ASTRONOMY

14. The comments of organizations concerned with the science of radio astronomy, which are here treated together, state that:

(1) Radio astronomy is an important new science and is the source of data concerning the universe which cannot otherwise be obtained.

(2) It is important, for the purpose of radio astronomy, to study the varying characteristics of radiation throughout the radio spectrum, including that portion of the spectrum in the neighborhood of 600 Mc.

(3) Only a clear band of frequencies can provide the needed protection. Modern radio telescopes are designed to receive extremely weak signals from outer space. A powerful, continuous man-made signal, as provided by a single television broadcasting station, and augmented by the scatter effect of large communications satellites and other airborne objects, would seriously interfere with radio astronomy observations on the same frequency band anywhere in the United States.

(4) The clear band of frequencies in this portion of the spectrum is required on a world-wide basis. It is important for the purposes of radio astronomy to compare observations made on the same frequency in different parts of the world.

(5) The 606–614 Mc band is the only band of frequencies between 410 and 1400 Mc for which there is any hope of obtaining international cooperation in maintaining low interference levels for radio astronomy.

15. In addition to the above, Carnegie, Cornell, Illinois, Rensselaer, and Yale indicated to the Commission certain specific research projects, present or planned, which would suffer interference from operations on Channel 37 in Syracuse.

16. Groups concerned with radio astronomy urge that the Springfield petition be denied. Some of these urge that a UHF channel other than 37 be assigned to Syracuse. Several of the organizations request that, in the alternative, action upon it be held in abeyance until it can be considered in conjunction with the request for proposed rule making submitted by the University of Illinois on May 6, 1960, to delete from the Table of Assignments Television Channel 37 (608–614 Mc) and allocate this channel to Radio Astronomy (RM–180). The Association of Maximum Service Telecasters which opposes reservation of Channel 37 for Radio Astronomy maintains that the proposal of the University of Illinois is not in issue in the instant proceeding and requests that those portions of the Illinois comments which propose that Channel 37 be removed from television broadcasting and allocated to Radio Astronomy be rejected. Springfield sets forth reasons against deletion of Channel 37 from television broadcasting.

THE SUBSTITUTE PROPOSED AMENDMENT

17. In a Memorandum Opinion and Order released on March 13, 1961 (RM-180, FCC 61–327), we denied the aforementioned petition of the University of Illinois to allocate Channel 37 to Radio Astronomy. Subsequently, the University filed a Petition for Reconsideration which is being held in abeyance by the Commission until it is considered in conjunction with action on Docket No. 11997. In the light of this situation, we believe it best to inquire whether it is feasible to assign a UHF channel other than 37 to Syracuse. To this end, we propose to examine the possibility of assigning Channel 33 to Syracuse as indicated in the substitute proposed amendment set forth in paragraph 6 above. Decision on whether to assign Channel 37 to Syracuse in accordance with the proposal of Springfield, or to assign Channel 33 in accordance with the substitute proposed amendment, or to take other action such as, for example, assigning no UHF channel to Syracuse, will be deferred until further comments have been received.

18. Comments are invited on the desirability of assigning a UHF channel to Syracuse and on the substituted proposal amendment set forth in paragraph 6 above.

PROCEDURE FOR FILING COMMENTS

19. Authority for the adoption of the amendments proposed herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

20. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before March 20, 1962, and reply comments on or before April 2, 1962. In reaching its decision on the rules and standards of general applicability which are proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

21. In accordance with the provisions of section 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished the Commission.

Adopted: February 14, 1962.

Released: February 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–1947; Filed, Feb. 26, 1962; 8:51 a.m.]

Notices

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL ADMINISTRATORS

Delegation of Authority With Respect to Loans for Housing for the Elderly

Each Regional Administrator of the Housing and Home Finance Agency, in carrying out the program of loans for housing for the elderly on behalf of the Housing and Home Finance Administrator through the Community Facilities Administration, is hereby authorized under section 202 of the Housing Act of 1959, as amended (73 Stat. 667, as amended, 12 U.S.C. 1701q):

1. To execute loan agreements and regulatory agreements;

2. To execute amendments or modifications of any such loan agreements or regulatory agreements;

3. To redelegate to the Regional Director of Community Facilities Activities the authority delegated herein; and

4. In the case of the Regional Administrator, Region VI (San Francisco), to redelegate to the Director for Northwest Operations, Region VI, at Seattle, Washington, any of the authority delegated herein.

This delegation supersedes the delegation effective December 22, 1961 (26 F.R. 12787, 12/30/61).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 27th day of February 1962.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 62-1929; Filed, Feb. 26, 1962; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 59; Offer No. 18]

NEW MEXICO

Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), I hereby offer the small tracts described below for public sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended.

2. The subject parcels are located approximately 11 miles east of Los Alamos, New Mexico, via State Highway 4 and 1½ miles of unimproved road. Also, the lands are located 24 miles northwest of Santa Fe, New Mexico, via U.S. Highway 285 and State Highway 4 and 1½ miles of unimproved dirt road. The climate is moderate with a mean annual temperature of 50 degrees; the annual precipitation is 10 inches; the average frost-free season is 152 days; and the elevation varies from 5,800 to 6,200 feet above sea level. These parcels afford excellent scenic views of the Sangre de Cristo and Jemez Mountain ranges and the Rio Grande Valley. The topography is rolling and gully erosion is moderate. Culinary water is untested in the area, however, there are two Artesian wells on the lands immediately west of the subject land. Electric power and natural gas are available from nearby installations.

3. The tracts vary in size as shown below. The land will be sold subject to existing rights-of-way for roads, electric transmission line and natural gas pipeline, and other rights-of-way for streets, roads, and public utilities will be reserved on the side, or sides as shown below. All minerals are reserved to the United States. Sites for schools have been reserved.

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

RIGHTS-OF-WAY RESERVATIONS

[T. 19 N., R. 8 E., Sec. 29]

Unit	Legal description; Lot—	Acres	33' R/W	10' R/W	Value
1	9	4.03			
2	10	3.99	South and West		
3	11	3.95	East		
4	12	3.91	West		
5	13	3.87	East		
6	14	3.84			
7	15	3.79			
8	16	3.75	Existing Road [1]		
9	17	2.50	South and Existing Road [1]		
10	18	2.50	South		
11	19	2.49	South and East		
12	20	2.50	South and West		
13	21	2.50	South and East		
14	22	2.50	South and West		
15	23	2.50	South		
16	24	2.50	South and East		
17	25	2.49	South and West		
18	26	2.49		South and East	
19	27	2.49		South and West	
20	28	2.49	East	South	
21	29	2.49	North and West	do	
22	30	2.49	North and East	do	
23	31	2.50	South and West		
24	32	2.49	South and East		
25	33	2.49	North and East		
26	34	2.49	North		
27	35	4.99		35-North	
	36		36-West	36-North	
28	37	2.50	West and East	North	
29	38	2.49	East and South	North	
30	39	2.49	South and West		
31	40	2.50	North and East		
32	41	2.49	North and West		
33	42	2.49	North and East		
34	43	2.49	North and West		
35	44	2.49	North and East		
36	45	2.49	North and West		
37	46	2.49	North and East		
38	47	2.49	North and West		
39	48	2.50	North and East		
40	49	2.49	East		
41	50	2.49	West		
42	51	2.49	East		
43	52	2.49	West		
44	53	2.49	East		
45	54	2.49	West		
46	55	2.49	East		
47	56	4.98	56-West		
	57		57-East		
48	58	2.49	North and West	South	
49	59	2.49	North and East	South	
50	60	2.49	South, West, East		
51	61	2.49	South and West		
52	62	2.49	South		
53	63	2.50	do		
54	64	2.49	East	South	
55	65	2.49	do	North	
56	66	2.49	North and South		
57	67	2.49	do		
58	68	2.50	North, South, West		
59	69	2.50	North and East		
60	70	2.50		North	
61	71	2.49	West	North	
62	72	4.98	72-East		
	73		73-West		
63	74	2.49	East		
64	75	2.49	West		
65	76	2.49	East		
66	77	2.49	West		
67	78	2.49	East		
68	79	2.49	West		
69	80	2.49	East		
70	81	2.49	do		

See footnotes at end of table.

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO—Continued

RIGHTS-OF-WAY RESERVATIONS—Continued

[T. 19 N., R. 8 E.; Sec. 29]

Unit	Legal description; Lot—	Acres	33' R/W	10' R/W	Value
141	154	2.50	West	South	$450
142	155	2.50	North and East	do	500
143	156	2.50	North, South, West	do	400
144	157	2.50	South	do	350
145	158	2.50		South	400
146	159	5.00		do	550
147	160		160-East	North	600
	161		161-East	do	
148	162	5.00	162-North and East		350
149	163	2.50	North and East		400
150	164	2.50	North and West		450
151	165	2.50	East and South		400
152	166	2.50	South, West		450
153	167	2.50	East		400
154	168	2.49	North and East		400
155	169	4.98	North and West		550
156	170				450
157	171	4.98	(6)		450
158	172		(6)		450
159	173	2.49	West and [7]		400
160	174	2.49	South and East		450
161	175	2.49	South and West		450
162	176	2.49	East and South		400
163	177	2.49	North		400
164	178	2.49	do		400
165	179	2.49	do		400
166	180	2.49	do		400
167	181	2.49	do		400
168	182	2.49	do		400
169	183	2.49	do		400
170	184	2.49	do		400
171	185	2.49	do		400
172	186	2.49	do		400
173	187	2.49	do		400
174	188	2.49	do		400
175	189	4.98	do		400
176	190		190-North		400
177	191	4.97	191-North		400
178	192	4.98	192-East and North		400
179	193	4.98	193-East and North		400
180	194	4.99	194-North		400
181	195	4.99	195-North		400
182	196		196-East	South	400
183	197	2.50	South and West		400
184	198	2.50	West		400
185	199	5.00	199-East and North		500
186	200		200-West and North		550
187	201	4.98	201-East and South		
188	202		202-West and South		300
189	203	2.49	West and South		350
190	204	2.49	East and South		450
191	205	2.49	South		400
192	206	2.48	do		350
193	207	2.49	do		400
194	208	2.49	do		350
195	209	4.98	209-North		500
196	210	4.97	210-North		500
197	211	4.97	211-North		500
198	212	4.98	212-North		550
199	213		213-East and North		550
200	214	4.98	214-East and North		550
201	215	4.98	215-North		550
202	216	4.99	216-North		550
203	217	4.99	217-East	South	550
204	218		218-East	South	550
205	219	2.50	South and West		350
206	220	2.50	South and East		400
207	221	2.00	West	South	350
208	222	2.50	East		400
209	223	2.50	West		350
210	224	2.50	East		400
211	225	2.50	West		350
212	226	2.50	East		400
213	227	2.50	West		350
214	228	2.50	East		400
215	229	2.50	West		350
216	230	2.50	East		400
217	231	2.50	West		350
218	232	2.50	East		400
219	233	2.50	West		350
220	234	2.50	East		400
221	235	2.50	West		350
222	236	2.50	East		400
223	237	2.50	West		350
224	238	2.50	East		400
225	239	2.50	West		350
226	240	2.50	East		400
227	241	2.50	West		350
228	242	2.50	East		400
229	243	2.50	West		350
230	244	2.50	East		400
231	245	2.50	West		350
232	246	2.50	East		400
233	247	2.50	West		350
234	248	2.50	East		400
235	249	2.50	West		350
236	250	2.50	East		400
237	251	2.50	West		350
238	252	2.50	East		400
239	253	2.50	West		350
240	254	2.50	East		400
241	255	2.50	West		350
242	256	2.50	East		400
243	257	2.50	West		350
244	258	2.50	East		400
245	259	2.50	West		350
246	260	2.50	East		400
247	261	2.49	West		350
248	262	2.49	East		400
249	263	2.49	West		350
250	264	2.49	East		400
251	265	2.49	West		350
252	266	2.49	East		400

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO—Continued

RIGHTS-OF-WAY RESERVATIONS—continued

[T. 19 N., R. 8 E.; Sec. 29]

Unit	Legal description; Lot—	Acres	33' R/W	10' R/W	Value
199	222	2.50	East	South	$400
200	223	2.50	South and West		350
201	224	2.50	East	South	450
202	225	2.50	do	North	350
203	226	2.50	North		350
204	227	2.50		North	400
205	228	2.50	West	do	350
206	229	2.49	North and East		400
207	230	2.50	North		300
208	231	5.00		North and South	550
	232			North, South, West	
209	234	4.98		South	500
	235		235-West	do	

[T. 19 N., R. 8 E., Sec. 30]

210	12	3.74	Existing Road [1]		500
211	16	2.49	South	East	450
212	17	2.50	South and Existing Road [1]	West	500
213	18	2.50	North, West, Existing Road [1]		450
214	19	2.49	Existing Road [1]	North and East	400
215	20	2.49	do	North	450
216	21	2.49			400
217	22	2.49		South	500
218	23	2.50	Existing Road [1]	do	450
219	24	2.49	East	do	400
220	25	2.50	West		450
221	26	2.50		West	350
222	27	2.49		North, East	450
223	28	2.49	West and Existing Road [1]	North	450
224	29	2.49	East and Existing Road [1]	do	500
225	30	2.49	do [1]	South	450
226	31	2.50	South and West		400
227	32	4.99		South and East	600
	33			West	
228	34	4.99		do	600
	45			do	
229	35	4.99		North and East	550
	44			East	
230	36	2.49	North and West		500
231	37	2.49	East and Existing Road [1]	North	500
232	41	2.50	Existing Road	South	400
233	42	2.50	East	do	450
234	43	2.50	West	do	450
234-A	66	2.49	do		400
235	47	2.50	East	North	450
236	48	2.49		do	450
237	49	2.50		do	400
238	50	2.49	Existing Road [1]	do	450
239	54	5.00			600
	55				
240	56	2.50	South and Existing Road [1]		500
241	57	2.50	do [1]		450
242	58	2.50	South		400
243	59	2.50	do		400
244	60	2.50	South and East		400
245	61	2.49	West		450
246	62	2.49	West and South		500
247	63	2.50	North and East		400
248	64	2.49	North		450
249	65	2.50	do		450
250	66	2.50	do		400
251	67	2.49	North and Existing Road [1]		450
252	68	4.99			600
	69				
253	70	5.00			600
	71		71-South and Existing Road [1]		
254	72	2.50	South and Existing Road		400
255	73	2.50	South		400

See footnotes at end of table.

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO—Continued

RIGHTS-OF-WAY RESERVATIONS—continued

[T. 19 N., R. 8 E., Sec. 30]

Unit	Legal description; Lot—	Acres	33' R/W	10' R/W	Value
256	74	2.50	South		$400
257	75	2.49	do		350
258	76	2.50	South and East		400
259	77	2.49	West and North		400
260	78	2.49	South and West		400
261	79	2.50	North and East		400
262	80	2.49	North		400
263	81	2.50	do		400
264	82	2.49	do		400
265	83	2.50	do		400
266	84	2.50	North and Existing Road [1]		450
267	85	2.49	North		400
268	86	2.50	South and Existing Road [1]		400
269	87	2.50	do [1]		450
270	88	2.50	South		500
271	89	2.50	do		450
272	90	2.50	do		450
273	91	2.49	do		400
274	92	2.49		South, East	450
275	93	2.49	North	West	400
276	94	4.98		South	600
	95			North	
277	96	2.49	North		400
278	97	2.49	do		400
279	98	2.49	do		400
280	99	2.49	do		450
281	100	2.49	do	West	450
282	101	2.49	North and Existing Road [1]	East	450

[T. 19 N., R. 8 E., Sec. 31]

283	5	2.50	South	North, West	350
284	6	2.49	do	East	450
285	7	2.49	do		450
286	8	2.50	do		450
287	9	2.50	do		400
288	10	2.49	do		450
289	11	2.49	do		400
290	12	2.50	do		400
291	13	2.50	North, South and Existing Road [1]		400
292	14	2.50	North	South	400
293	15	2.50	do	do	350
294	16	5.00	16-North		550
	25			East	
295	26	2.50	South	North, West	450
296	27	2.50	South and Existing Road [1]	North, East	450
297	28	2.50	North and Existing Road [1]	West	450
298	29	2.50	North and East		400
299	30	2.49	North and West		450
300	31	2.49	North		400
301	32	2.50	do		450
302	33	2.50	do		500
303	34	2.49	do		350
304	35	2.49	do	East	350
305	36	2.50	do	West	500
306	37	2.50		South, West	400
307	38	2.50	South	East	500
308	39	2.50	do		350
309	40	2.50	do		400
310	41	2.50	do		450
311	42	2.49	do		450
312	43	2.49	South and West		350
313	44	2.50	East		350
314	45	2.50			450
315	46	2.50	North, Existing Road [1]		350
316	47	2.50	North		350
317	48	2.50			350
318	49	2.50			350
319	50	2.51	South	West	350
320	51	4.47		East	350

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO—Continued

RIGHTS-OF-WAY RESERVATIONS—continued

[T. 19 N., R. 8 E., Sec. 31]

Unit	Legal description; Lot—	Acres	33' R/W	10' R/W	Value
321	53	4.47			$550
	54			East	
322	55	2.50	North, South, East	West	500
323	56	2.50	South and West	East	450
324	57	2.50	South	West	450
325	58	2.50	do		300
326	59	2.50	South and Existing Road [1]		300
327	60	2.50		South	350
328	61	2.50		South, East	350
329	62	2.49	North	West	350
330	63	2.49	do	East	350
331	64	2.50	do	West	400
332	65	2.50	do	East	450
333	66	2.50	do	West	400
334	67	2.49	East and North		400
335	68	2.49	West	North	400
336	69	2.50	do		300
337	70	2.49	East		400
338	71	2.50		West	450
339	72	2.49		East	400
340	73	2.50		West	450
341	74	2.49		East	450
342	75	4.99		West	
	94			do	600
343	76	4.99		East	600
	93			do	
344	77	2.50		North	550
345	78	2.50	North and Existing Road [1]		400
346	79	2.50	North		350
347	80	2.51	do		450
348	81	2.50	do		400
349	82	2.51	do		450
350	83	4.48			550
	84				
351	85	1.98	South		350
352	86	2.50	do		400
353	87	2.50	do		450
354	88	2.50	do		400
355	89	2.50	do		450
356	90	2.50	South and Existing Road [1]		400
357	91	2.50	South	South	400
358	92	2.50			400
359	95	2.49	East		400
360	96	2.50	South and West		400
361	97	2.49	South and East		350
362	98	2.50	South and West		400
363	99	2.49	South and East		500
364	100	2.50	West		350
365	101	2.50	do		500
366	102	2.49	North and East		400
367	103	2.50	North and West		350
368	104	2.49	North and East		300
369	105	2.50	North and West		300
370	106	2.49	South and East		350
371	107	2.50	South and West		500
372	108	2.49	East	North	450
373	112	2.50	North		450
374	113	2.50	do		300
375	114	2.51	do		450
376	115	2.50	do		350
377	116	1.98	do		300
378	117	1.98		South	450
379	118	2.50	South		400
380	119	2.50	do		350
381	120	2.50	do		350
382	121	2.50	South and Existing Road [1]		450
383	125	2.49	South and East		450
384	126	2.50	North and West		450
385	127	2.49	North	East	500
386	128	2.50		West	500
387	129	2.49		East	

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO—Continued

RIGHTS-OF-WAY RESERVATIONS—continued

[T. 19 N., R. 8 E., Sec. 31]

Unit	Legal description; Lot—	Acres	33' R/W	10' R/W	Value
388	130	2.50		West	$500
389	131	2.49		East	450
390	132	2.50		West	500
391	133	2.50	South	do	500
392	134	2.50	do	East	500
393	135	2.50	do	West	450
394	136	2.49	do	East	350
395	137	2.50	do		350
396	138	2.49	do		350
397	139	2.49	South and West		400
398	140	2.49	North and East		350
399	141	2.49	North and West		400
400	142	2.50	North and East		350
401	143	2.49	North		400
402	144	2.50	North and Existing Road [1]		450
403	145	2.50	do [1]		350
404	146	2.50	North		450
405	147	2.50	do		300
406	148	1.97		North	350
407	149	1.97		South	450
408	150	2.50	South		450
409	151	2.50	do		450
410	152	2.50	South and Existing Road [1]		450
411	153	2.50		South	450
412	154	2.50		do	450
413	155	2.50	South and East		350
414	156	2.50	South and West		350
415	157	2.49		South, East	450
416	158	2.50	North	West	400
417	159	2.49	do	East	400
418	160	2.49	do	West	450
419	161	2.49	do	East	400
420	162	2.49	do	West	450
421	163	2.49	do	East	500
422	164	2.49	do	West	450
423	165	2.49	South	do	500
424	166	2.49	do	East	400
425	167	2.49	do	West	400
426	168	2.49	do	East	400
427	169	2.49	do	West	350
428	170	2.49	do	East	450
429	171	2.49	do	West	450
430	172	2.49	South and West	North, East	500
431	173	2.50	North and East		350
432	174	2.50	North	North	500
433	175	2.50		do	500
434	176	2.50			450
435	177	2.50	North and Existing Road [1]		500
436	178	2.50	South, North, and Existing Road [1]		450
437	179	2.50	North		300
438	180	1.97		North	350
439	181	1.97		South	450
440	182	2.50	South		450
441	183	2.50	North and Existing Road [1]		450
442	184	2.50		do	500
443	185	2.50		do	450
444	186	2.50		do	450
445	187	2.50		do	450
446	188	2.49		do	500
447	189	2.50	East and North		500
448	190	2.50	West and North		450
449	191	2.50	East and North		400
450	192	2.50	West and North		500
451	193	2.50	North	East	400
452	194	2.50	North, South, and East	West	400
453	195	2.50	North, West	East	350
454	196	2.50	North, East	West	450
455	197	2.49		do	450
456	198	2.50		East	450
457	199	2.49	North and West		450
458	200	2.50	East		450
459	201	2.50	West		500
460	202	2.49	East		

See footnotes at end of table.

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO—Continued

RIGHTS-OF-WAY RESERVATIONS—continued

[T. 19 N., R. 8 E., Sec. 31]

Unit	Legal description; Lot—	Acres	33' R/W	10' R/W	Value
461	203	2.50	West		$400
462	204	2.50	East	North	450
463	205	2.50	West	do	450
464	206	2.50	South and East	do	350
465	207	2.50	South and West	do	350
466	208	2.50	South and East	do	300
467	209	2.50	South	do	450
468	210	2.50	South and Existing Road [1]	do	450
469	211	2.50	North, South and Existing Road [1]		300
470	212	1.97		North	300
471	213	1.97	Existing Road [1]	South	400
472	214	2.50	North, East, and Existing Road [1]	do	450
473	215	2.50	North, South, and West		450
474	216	2.50	North and South		450
475	217	2.50	do		450
476	218	2.49	do		500
477	219	2.50	North, South, and East		450
478	220	2.49	South and West		450
479	221	2.49	South and East		300
480	222	2.49	South and West		350
481	223	2.49	South and East		450
482	224	2.50	South and West		400
483	225	2.50	South and East		400
484	226	2.50	South and West		400
485	227	2.50	South	East	450
486	228	2.50		West	450
487	229	2.50		do	350
488	230	2.49	North	South, East	450
489	231	2.49	do	South, West	450
490	232	2.49	do	South, East	500
491	233	2.50	do	South, West	450
492	234	2.50	North and West	South, East	450
493	235	2.50	North and East		450
494	236	4.98	236–North		600
	253		253–South		
495	237	4.99	237–North		600
	252		252–South		
496	238	5.00	238–North		600
	251		251–South		
497	239	5.00	239–North		600
	250		250–South		
498	240	5.00	240–North		600
	249		249–South		
499	241	5.00	241–North		600
	248		248–South		
500	242	5.00	242–North and West		500
	247		247–West and South		
501	243	5.00	243–East	North	400
	246		246–East and South		
502	244	3.94	244–Existing Road [1]	North	400
	245		245–South		
503	254	2.50	East and South		450
504	255	2.49	South and West	North, East	450
505	256	2.49	South	North, West	400
506	257	2.50	do	North, East	400
507	258	2.50	do	North, West	400
508	259	2.49	do	North	400
509	260	2.50	do	do	400

[1] The centerline of the existing road is located at the following points:
Point 1: S. 89°57.5' W., 9.15 chains from the N ¼ corner common to Sections 29 and 30. (2 chains east of the pipeline.)
Point 2: N. 0° 10.5' W., 1.22 chains from the C–E ¼ corner, Section 30. (1.48 chains south of the pipeline.)
Point 3: N. 0°11' W., 3.20 chains from ¼ corner common to Sections 30 and 31.
Point 4: N. 89°59.5' W., 8.69 chains from C–N ¼ corner, Section 31. (1.307 chains east of C–E–NW ¼ or 0.40 chains west of the pipeline.)
Point 5: S. 89°59.5' W., 18.215 chains from C–¼ corner, Section 31. (1.78 chains east of C–W ¼ or 0.93 chains east of the pipeline.)
Point 6: N. 0°03.0' W., 7.698 chains from C–N–SW ¼ corner, Section 31. (2.30 chains south of C–W ¼ corner.)
Point 7: S. 89°55.5' W., 29.98 chains from C–S ¼ corner, Section 31. (.005 chains east of C–W–SW ¼ corner or 0.90 chains east of the pipeline.)
Point 8: N. 0°04.5' W., 11.76 chains from section corner common to Sections 36, 31, 1, and 6. (0.759 chains north of S–S ¼ corner.)
[2] Along south side of tract for a distance of 165 feet from the southwest corner of Lot 149, 33 feet in width.
[3] Along the north side of Lot 172 for a distance of 165 feet from the northwest corner of said lot, 33 feet in width, thence in a southeasterly direction with a centerline to the southeast corner of said lot with a width of 33 feet on each side of centerline for a total width of 66 feet.

4. The above-described tracts will be sold at public auction at a public sale to be held at St. Francis Auditorium, Museum of New Mexico, 107 West Palace Avenue, Santa Fe, New Mexico, beginning at 10:00 a.m. on March 27, 1962, Units 1 to 146, inclusive; at 10:00 a.m. on March 28, 1962, Units 147 to 335, inclusive; and at 10:00 a.m. on March 29, 1962, Units 336 to 509, inclusive. Bids may be made personally by the bidder or his agent at the sale or may be mailed. Bids sent by mail will be considered only if received at the New Mexico Bureau of Land Management Office prior to 10:00 a.m. on March 26, 1962. See mailing address below. Sealed bids will be opened in the presence of the sale. No sealed bid will be accepted if it is less than the appraised value of the tract. Oral bidding will be in increments to be announced at the sale. See Paragraph 3 above for appraised values.

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to purchase a tract at the sale unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. Each bid sent by mail must clearly show (a) the name and post office address of the bidder, (b) Offer No. 18, and (c) the land description of the tract for which the bid is made, described in accordance with Paragraph 3 of this order. Each bid must be accompanied by the full amount bid in the form of a certified or cashier's check, post office money order, or bank draft made payable to the Bureau of Land Management. Each bid must be enclosed in a separate envelope but payment need accompany only the highest bid, providing all other bids designate the envelope containing the payment. Each envelope must carry on its reverse the following information and nothing else: (a) Offer No. 18, March 27, 1962, (b) the description of the tract for which the bid is made, described in accordance with Paragraph 3 of this order.

7. Each tract will be awarded to the highest qualified bidder. If the highest bid is oral, the bidder will be required to make payment for the tract at the close of bidding and a personal check will be acceptable for that purpose. Any person who is declared high bidder for any tract will automatically be disqualified from consideration for other tracts at the sale.

8. All lots not sold on March 27, 28, and 29, 1962, will be reoffered for public sale at 10:30 a.m., on March 30, 1962, at the Bureau of Land Management, Greer Building, 113 Washington Avenue, Santa Fe, New Mexico; then, the sale will be adjourned at 3:00 p.m., until 10:30 a.m. on the following Wednesday for a one-hour period; and thereafter, on succeeding Wednesdays for additional one-hour periods (10:30 a.m. to 11:30 a.m.) until all lots are sold or until the termination date of the sale, August 29, 1962. Bids may be made personally by an individual or his agent at the sale or by mail. Bids sent by mail will be considered at a sale session only if received at the Santa Fe Land Office prior to 10:00 a.m. of the day on which the session is held. At each sale session, those lots will be offered for which timely filed sealed bids have been received or for which nominations are made by oral bidders present at the sale, to the extent that time permits their offer. Late filed sealed bids and sealed bids not reached for consideration at one session will be held for consideration at succeeding scheduled sessions.

9. Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, Post Office Box 1251, Santa Fe, New Mexico.

CHESLEY P. SEELY,
State Director.

FEBRUARY 14, 1962.

[F.R. Doc. 62-1815; Filed, Feb. 26, 1962; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular Public Debt Series—No. 4–62]

4 PERCENT TREASURY BONDS OF 1971

Offering of Bonds

FEBRUARY 19, 1962.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for bonds of the United States, designated 4 percent Treasury Bonds of 1971:

(1) At par in exchange for 3 percent Treasury Bonds of 1964, dated February 14, 1958, due February 15, 1964; or

(2) At 102 percent of their face value in exchange for 2⅝ percent Treasury Bonds of 1965, dated June 15, 1958, due February 15, 1965. The cash payment due from the subscriber on account of the issue price of the new bonds ($20.00 per $1,000) will be payable by the subscriber as set forth in section IV hereof.

Interest will be adjusted as of March 1, 1962, as set forth in section IV hereof. Delivery of the new bonds will be made on March 9, 1962. The amount of the offering under this circular will be limited to the amount of the eligible securities tendered in exchange and accepted. The books will be open for the receipt of subscriptions for this issue from all classes of subscribers from February 19 through February 21, 1962, and, in addition, subscriptions may be submitted by individuals through February 23, 1962. For this purpose individuals are defined as natural persons in their own right.

2. In addition to the offering under this circular, holders of the 2⅝ percent Treasury Bonds of 1965 are offered the privilege of exchanging all or any part of such bonds for 4 percent Treasury Bonds of 1980, which offering is set forth in Department Circular, Public Debt Series—No. 5–62, issued simultaneously with this circular.

3. Nonrecognition of gain or loss for Federal income tax purposes: Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 as added by Public Law 86–346 (approved September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the eligible bonds enumerated in paragraph one of this section solely for the 4 percent Treasury Bonds of 1971. Gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. *Description of bonds.* 1. The bonds will be dated March 1, 1962, and will bear interest from that date at the rate of 4 percent per annum, payable on a semiannual basis on August 15, 1962, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1971, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington 25, D.C. Banking institutions generally may submit subscriptions for account of customers, provided the names of the customers are set forth in such subscriptions, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full: Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder must be made on or before March 9, 1962, or on later allotment, and may be made only in a like face amount of the two series of bonds enumerated in paragraph one of Section I hereof, which should accompany the subscription.

2. Three percent bonds of 1964: Coupons dated August 15, 1962, and all subsequent coupons, must be attached to the 3 percent Treasury Bonds of 1964, in bearer form, when surrendered. Accrued interest from February 15 to March 1, 1962 ($1.16022 per $1,000) will be paid to subscribers, in the case of bearer bonds following their acceptance and in the case of registered bonds following discharge of registration. In the case of registered bonds, the payment will be made by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

3. 2⅝ percent bonds of 1965: Coupons dated August 15, 1962, and all subsequent coupons, must be attached to the 2⅝ percent Treasury Bonds of 1965, in bearer form, when surrendered. Accrued interest from February 15 to March 1, 1962 ($1.01519 per $1,000) on the 2⅝ percent bonds will be credited, the payment ($20.00 per $1,000) due the United States on account of the issue price of the new bonds will be charged, and the difference ($18.98481 per $1,000) must be paid by subscribers and should accompany the subscription.

V. *Assignment of registered bonds.* 1. Treasury Bonds of the two eligible series in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington 25, D.C. If the new bonds are desired registered in the same name as the bonds surrendered in exchange, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Bonds of 1971"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Bonds of 1971 in the name of _____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Bonds of 1971 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds alloted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62–1924; Filed, Feb. 26, 1962; 8:49 a.m.]

[Dept. Circular, Public Debt Series—No. 5–62]

4 PERCENT TREASURY BONDS OF 1980

Offering of Bonds

FEBRUARY 19, 1962.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at 100.25 percent of their face value and accrued interest, from the people of the United

States for bonds of the United States, designated 4 percent Treasury Bonds of 1980, in exchange for 2⅝ percent Treasury Bonds of 1965, dated June 15, 1958, due February 15, 1965. Interest adjustments as of March 1, 1962, and the cash payment ($2.50 per $1,000) due from the subscriber on account of the issue price of the new bonds will be made as set forth in section IV hereof. Delivery of the new bonds will be made on March 9, 1962. The amount of the offering under this circular will be limited to the amount of the 2⅝ percent Treasury Bonds of 1965 tendered in exchange and accepted. The books will be open for the receipt of subscriptions for this issue from all classes of subscribers from February 19 through February 21, 1962, and, in addition, subscriptions may be submitted by individuals through February 28, 1962. For this purpose individuals are defined as natural persons in their own right.

2. In addition to the offering under this circular, holders of the 2⅝ percent Treasury Bonds of 1965 are offered the privilege of exchanging all or any part of such bonds for 4 percent Treasury Bonds of 1971, which offering is set forth in Department Circular, Public Debt Series—No. 4–62, issued simultaneously with this circular.

3. Nonrecognition of gain or loss for Federal income tax purposes: Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 as added by Public Law 86–346 (approved September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the 2⅝ percent Treasury Bonds of 1965 solely for the 4 percent Treasury Bonds of 1980. Gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. *Description of bonds.* 1. The bonds now offered will be an addition to and will form a part of the series of 4 percent Treasury Bonds of 1980 issued pursuant to Department Circular No. 1020, dated January 12, 1959, will be freely interchangeable therewith, and are identical in all respects therewith except that interest on the bonds to be issued under this circular will accrue from March 1, 1962. Subject to the provision for the accrual of interest from March 1, 1962, on the bonds now offered, the bonds are described in the following quotation from Department Circular No. 1020:

1. The bonds will be dated January 23, 1959, and will bear interest from that date at the rate of 4-percent per annum, payable on a semiannual basis on August 15, 1959, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature February 15, 1980, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. Any bonds issued hereunder which upon the death of the owner constitute part of his estate, will be redeemed at the option of the duly constituted representatives of the deceased owner's estate, at par and accrued interest to date of payment: [1] *Provided:*

(a) That the bonds were actually owned by the decedent at the time of his death; and

(b) That the Secretary of the Treasury be authorized to apply the entire proceeds of redemption to the payment of Federal estate taxes.

Registered bonds submitted for redemption hereunder must be duly assigned to "The Secretary of the Treasury for redemption, the proceeds to be paid to the District Director of Internal Revenue at ---------- for credit on Federal estate taxes due from estate of ----------". Owing to the periodic closing of the transfer books and the impossibility of stopping payment of interest to the registered owner during the closed period, registered bonds received after the closing of the books for payment during such closed period will be paid only at par with a deduction of interest from the date of payment to the next interest payment date; [2] bonds received during the closed period for payment at a date after the books reopen will be paid at par plus accrued interest from the reopening of the books to the date of payment. In either case checks for the full six months' interest due on the last day of the closed period will be forwarded to the owner in due course. All bonds submitted must be accompanied by Form PD 1782,[3] properly completed, signed and certified, and by proof of the representatives' authority in the form of a court certificate or a certified copy of the representatives' letters of appointment issued by the court. The certificate, or the certification to the letters, must be under the seal of the court, and except in the case of a corporate representative, must contain a statement that the appointment is in full force and be dated within six months prior to the submission of the bonds, unless the certificate or letters show that the appointment was made within one year immediately prior to such submission. Upon payment of the bonds appropriate memorandum receipt will be forwarded to the representatives, which will be followed in due course by formal receipt from the District Director of Internal Revenue.

6. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

[1] An exact half-year's interest is computed for each full half-year period irrespective of the actual number of days in the half year. For a fractional part of any half year, computation is on the basis of the actual number of days in such half year.

[2] The transfer books are closed from January 16 to February 15, and from July 16 to August 15 (both dates inclusive) in each year.

[3] Copies of Form PD 1782 may be obtained from any Federal Reserve Bank or from the Treasury Department, Washington 25, D.C.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington 25, D.C. Banking institutions generally may submit subscriptions for account of customers, provided the names of the customers are set forth in such subscriptions, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder must be made on or before March 9, 1962, or on later allotment, and may be made only in a like face amount of 2⅝ percent Treasury Bonds of 1965, which should accompany the subscription. Coupons dated August 15, 1962, and all subsequent coupons, must be attached to the 2⅝ percent bonds of 1965 in bearer form when surrendered. Accrued interest from February 15 to March 1, 1962 ($1.01519 per $1,000) on the 2⅝ percent bonds will be credited, accrued interest from February 15 to March 1, 1962 ($1.54696 per $1,000) plus the payment ($2.50 per $1,000) due the United States on account of the issue price of the new bonds will be charged, and the difference ($3.03177 per $1,000) must be paid by subscribers and should accompany the subscription.

V. *Assignment of registered bonds.* 1. Treasury Bonds of 1965 in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington 25, D.C. If the new bonds are desired registered in the same name as the bonds surrendered in exchange, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Bonds of 1980"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Bonds of 1980 in the name of ----------"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Bonds of 1980 in coupon form to be delivered to ----------".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62-1925; Filed, Feb. 26, 1962; 8:49 a.m.]

[Dept. Circular, Public Debt Series—No. 6–62]

3½ PERCENT TREASURY BONDS OF 1990

Offering of Bonds

FEBRUARY 19, 1962.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for bonds of the United States, designated 3½ percent Treasury Bonds of 1990:

(1) At 101.50 percent of their face value in exchange for 2½ percent Treasury Bonds of 1967–72, dated October 20, 1941, due September 15, 1972, in amounts of $500 or multiples thereof;

(2) At 101.25 percent of their face value in exchange for 2½ percent Treasury Bonds of 1967–72, dated June 1, 1945, due June 15, 1972; or

(3) At 101.75 percent of their face value in exchange for 2½ percent Treasury Bonds of 1967–72, dated November 15, 1945, due December 15, 1972.

The cash payments due from the subscriber on account of the issue prices of the new bonds issued in exchange for the 2½ percent Treasury Bonds, (a) dated October 20, 1941, due September 15, 1972 ($15.00 per $1,000), (b) dated June 1, 1945, due June 15, 1972 ($12.50 per $1,000), and (c) dated November 15, 1945, due December 15, 1972 ($17.50 per $1,000) will be payable by the subscriber as set forth in Section IV hereof. Interest will be adjusted as of March 1, 1962, as set forth in Section IV hereof. Delivery of the new bonds will be made on March 16, 1962. The amount of the offering under this circular will be limited to the amount of the eligible bonds tendered in exchange and accepted. The books will be open for the receipt of subscriptions for this issue from all classes of subscribers from February 19 through February 21, 1962, and, in addition, subscriptions may be submitted by individuals through February 28, 1962. For this purpose individuals are defined as natural persons in their own right.

2. In addition to the offering under this circular, holders of the eligible bonds are offered the privilege of exchanging all or any part of such bonds for 3½ percent Treasury Bonds of 1998, which offering is set forth in Department Circular, Public Debt Series—No. 7–62, issued simultaneously with this circular.

3. Nonrecognition of gain or loss for Federal income tax purposes: Pursuant to the provisions of section 1037 (a) of the Internal Revenue Code of 1954 as added by Public Law 86–346 (approved September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the eligible bonds enumerated in paragraph one of this section solely for the 3½ percent Treasury Bonds of 1990. Gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. *Description of bonds.* 1. The bonds now offered will be an addition to and will form a part of the series of 3½ percent Treasury Bonds of 1990 issued pursuant to Department Circulars Nos. 1005, 1051, and 1066, dated February 3, 1958, September 12, 1960, and September 11, 1961, respectively, will be freely interchangeable therewith, and are identical in all respects therewith except that interest on the bonds to be issued under this circular will accrue from March 1, 1962. Subject to the provision for the accrual of interest from March 1, 1962, on the bonds now offered, the bonds are described in the following quotation from Department Circular No. 1005:

1. The bonds will be dated February 14, 1958, and will bear interest from that date at the rate of 3½ percent per annum, payable on a semiannual basis on August 15, 1958, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature February 15, 1990, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provisions will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. Any bonds issued hereunder which upon the death of the owner constitute part of his estate, will be redeemed at the option of the duly constituted representatives of the deceased owner's estate, at par and accrued interest to date of payment: [1] *Provided:*

(a) That the bonds were actually owned by the decedent at the time of his death; and

(b) That the Secretary of the Treasury be authorized to apply the entire proceeds of redemption to the payment of Federal estate taxes.

Registered bonds submitted for redemption hereunder must be duly assigned to "The Secretary of the Treasury for redemption, the proceeds to be paid to the District Director of Internal Revenue at ---------- for credit on Federal estate taxes due from estate of ----------." Owing to the periodic closing of the transfer books and the impossibility of stopping payment of interest to the registered owner during the closed period, registered bonds received after the closing of the books for payment during such closed period will be paid only at par with a deduction of interest from the date of payment to the next interest payment date; [2] bonds received during the closed period for payment at a date after the books reopen will be paid at par plus accrued interest from the reopening of the books to the date of payment. In either case checks for the full six months' interest due on the last day of the closed period will be forwarded to the owner in due course. All bonds submitted must be accompanied by Form PD 1782,[3] properly completed, signed and certified, and by proof of the representatives' authority in the form of a court certificate or a certified copy of the representatives' letters of appointment issued by the court. The certificate, or the certification to the letters, must be under the seal of the court, and except in the case of a corporate representative, must contain a statement that the appointment is in full force and be dated within six months prior to the submission of the bonds, unless the certificate or letters show that the appointment was made within one year immediately prior to such submission. Upon payment of the bonds appropriate memorandum receipt will be forwarded to the representatives, which will be followed in due course by formal receipt from the District Director of Internal Revenue.

6. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington 25, D.C. Banking institutions generally may submit subscriptions for account of customers, provided the names of the customers are set forth in such subscriptions, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder must be made on or before March 16, 1962, or on later allotment, and may be made only in a like face amount of the three series of bonds enumerated in paragraph one of Section I hereof, which should accompany the subscription.

2. 2½ percent bonds of September 15, 1972: Coupons dated March 15, 1962, and all subsequent coupons, must be attached to the 2½ percent bonds due September

[1] An exact half-year's interest is computed for each full half-year period irrespective of the actual number of days in the half year. For a fractional part of any half year, computation is on the basis of the actual number of days in such half year.

[2] The transfer books are closed from January 16 to February 15, and from July 16 to August 15 (both dates inclusive), in each year.

[3] Copies of Form PD 1782 may be obtained from any Federal Reserve Bank or from the Treasury Department, Washington 25, D.C.

15, 1972, in bearer form, when surrendered. Accrued interest from September 15, 1961, to March 1, 1962 ($11.53315 per $1,000) on the 2½ percent bonds will be credited, accrued interest from February 15 to March 1, 1962 ($1.35359 per $1,000) plus the payment ($15.00 per $1,000) due the United States on account of the issue price of the new bonds will be charged, and the difference ($4.82044 per $1,000) must be paid by subscribers and should accompany the subscription.

3. 2½ percent bonds of June 15, 1972: Coupons dated June 15, 1962, and all subsequent coupons, must be attached to the 2½ percent bonds due June 15, 1972, in bearer form, when surrendered. Accrued interest from December 15, 1961, to March 1, 1962 ($5.21978 per $1,000) on the 2½ percent bonds will be credited, accrued interest from February 15 to March 1, 1962 ($1.35359 per $1,000) plus the payment ($12.50 per $1,000) due the United States on account of the issue price of the new bonds will be charged, and the difference ($8.63381 per $1,000) must be paid by subscribers and should accompany the subscription.

4. 2½ percent bonds of December 15, 1972: Coupons dated June 15, 1962, and all subsequent coupons, must be attached to the 2½ percent bonds due December 15, 1972, in bearer form, when surrendered. Accrued interest from December 15, 1961, to March 1, 1962 ($5.21978 per $1,000) on the 2½ percent bonds will be credited, accrued interest from February 15 to March 1, 1962 ($1.35359 per $1,000) plus the payment ($17.50 per $1,000) due the United States on account of the issue price of the new bonds will be charged, and the difference ($13.63381 per $1,000) must be paid by subscribers and should accompany the subscription.

V. *Assignment of registered bonds.* 1. Treasury Bonds of the three eligible series in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington 25, D.C. If the new bonds are desired registered in the same name as the bonds surrendered in exchange, the assignment should be to "The Secretary of the Treasury for exchange for 3½ percent Treasury Bonds of 1990"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3½ percent Treasury Bonds of 1990 in the name of _____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3½ percent Treasury Bonds of 1990 in coupon form to be delivered to _____".

VI. *General provisons.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62-1926; Filed, Feb. 26, 1962; 8:49 a.m.]

[Dept. Circular Public Debt Series—No. 7-62]

3½ PERCENT TREASURY BONDS OF 1998

Offering of Bonds

FEBRUARY 19, 1962.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for bonds of the United States, designated 3½ percent Treasury Bonds of 1998:

(1) At 100.25 percent of their face value in exchange for 2½ percent Treasury Bonds of 1967–72, dated October 20, 1941, due September 15, 1972, in amounts of $500 or multiples thereof;

(2) At par in exchange for 2½ percent Treasury Bonds of 1967–72, dated June 1, 1945, due June 15, 1972; or

(3) At 100.50 percent of their face value in exchange for 2½ percent Treasury Bonds of 1967–72, dated November 15, 1945, due December 15, 1972.

The cash payments due from the subscriber on account of the issue prices of the new bonds issued in exchange for the 2½ percent Treasury Bonds, (a) dated October 20, 1941, due September 15, 1972 ($2.50 per $1,000) and (b) dated November 15, 1945, due December 15, 1972 ($5.00 per $1,000) will be payable by the subscriber as set forth in Section IV hereof. Interest will be adjusted as of March 1, 1962, as set forth in Section IV hereof. Delivery of the new bonds will be made on March 16, 1962. The amount of the offering under this circular will be limited to the amount of the eligible bonds tendered in exchange and accepted. The books will be open for the receipt of subscriptions for this issue from all classes of subscribers from February 19 through February 21, 1962, and, in addition subscriptions may be submitted by individuals through February 28, 1962. For this purpose individuals are defined as natural persons in their own right.

2. In addition to the offering under this circular, holders of the eligible bonds are offered the privilege of exchanging all or any part of such bonds for 3½ percent Treasury Bonds of 1990, which offering is set forth in Department Circular, Public Debt Series—No. 6-62, issued simultaneously with this circular.

3. Nonrecognition of gain or loss for Federal income tax purposes: Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 as added by Public Law 86-346 (approved September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the eligible bonds enumerated in paragraph one of this section solely for the 3½ percent Treasury Bonds of 1998. Gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. *Description of bonds.* 1. The bonds now offered will be an addition to and will form a part of the series of 3½ percent Treasury Bonds of 1998 issued pursuant to Department Circulars Nos. 1052 and 1067, dated September 12, 1960, and September 11, 1961, respectively, will be freely interchangeable therewith, and are identical in all respects therewith except that interest on the bonds to be issued under this circular will accrue from March 1, 1962. Subject to the provision for the accrual of interest from March 1, 1962, on the bonds now offered, the bonds are described in the following quotation from Department Circular No. 1052:

1. The bonds will be dated October 3, 1960, and will bear interest from that date at the rate of 3½ percent per annum, payable on a semiannual basis on May 15 and November 15, 1961, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1998, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. Any bonds issued hereunder which upon the death of the owner constitute part of his estate, will be redeemed at the option of the duly constituted representatives of the deceased owner's estate, at par and accrued interest to date of payment:[1] *Provided:*

(a) That the bonds were actually owned by the decedent at the time of his death; and

(b) That the Secretary of the Treasury be authorized to apply the entire proceeds of redemption to the payment of Federal estate taxes.

Registered bonds submitted for redemption hereunder must be duly assigned to "The Secretary of the Treasury for redemption, the proceeds to be paid to the District Director of Internal Revenue at _____ for credit on Federal estate taxes due from estate of _____." Owing to the periodic closing of the transfer books and the impossibility of stopping payment of interest to the registered owner during the closed period, registered bonds received after the closing of the books for payment during such closed period will be paid only at par with a deduction of interest from the date of payment to the next interest payment date;[2] bonds received during the closed period for payment at a date after the books reopen will be paid at par plus accrued interest from the reopening of the books to the date of payment. In either case checks for the full six months' interest due on the last day of the closed period will be forwarded to the owner in due course. All bonds submitted must be accompanied by Form PD 1782,[3] properly completed, signed and certified, and by proof of the representatives' authority in the form of a court certificate or a certified copy of the representatives' letters of appointment issued by the court. The certificate, or the certification to the letters, must be under the seal of the court, and except in the case of a corporate representative, must contain a statement that the appointment is in full force and be dated within six months prior to the submission of the bonds, unless the certificate or letters show that the appointment was made within one year immediately prior to such submission. Upon payment of the bonds appropriate memorandum receipt will be forwarded to the representatives, which will be followed in due course by formal receipt from the District Director of Internal Revenue.

6. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington 25, D.C. Banking institutions generally may submit subscriptions for account of customers, provided the names of the customers are set forth in such subscriptions, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder must be made on or before March 16, 1962, or on later allotment, and may be made only in a like face amount of the three series of bonds enumerated in paragraph one of Section I hereof, which should accompany the subscription.

2. 2½ percent bonds of September 15, 1972: Coupons dated March 15, 1962, and all subsequent coupons, must be attached to the 2½ percent bonds due September 15, 1972, in bearer form, when surrendered. Accrued interest from September 15, 1961, to March 1, 1962 ($11.53315 per $1,000) on the 2½ percent bonds will be credited, accrued interest from November 15, 1961, to March 1, 1962 ($10.24862 per $1,000) plus the payment ($2.50 per $1,000) due the United States on account of the issue price of the new bonds will be charged, and the difference ($1.21547 per $1,000) must be paid by subscribers and should accompany the subscription.

3. 2½ percent bonds of June 15, 1972: Coupons dated June 15, 1962, and all subsequent coupons must be attached to the 2½ percent bonds due June 15, 1972, in bearer form, when surrendered. Accrued interest from December 15, 1961, to March 1, 1962 ($5.21978 per $1,000) on the 2½ percent bonds will be credited, accrued interest from November 15, 1961, to March 1, 1962 ($10.24862 per $1,000) plus the payment ($2.50 per $1,000) due the United States on the new bonds will be charged, and the difference ($5.02884 per $1,000) must be paid by subscribers and should accompany the subscription.

4. 2½ percent bonds of December 15, 1972: Coupons dated June 15, 1962, and all subsequent coupons, must be attached to the 2½ percent bonds due December 15, 1972, in bearer form, when surrendered. Accrued interest from December 15, 1961, to March 1, 1962 ($5.21978 per $1,000) on the 2½ percent bonds will be credited, accrued interest from November 15, 1961, to March 1, 1962 ($10.24862 per $1,000) plus the payment ($5.00 per $1,000) due the United States on account of the issue price of the new bonds will be charged, and the difference ($10.02884 per $1,000) must be paid by subscribers and should accompany the subscription.

V. *Assignment of registered bonds.* 1. Treasury Bonds of the three eligible series in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered to a Federal Reserve Bank or Branch or to the Office of Treasurer of the United States, Washington 25, D.C. If the new bonds are desired registered in the same name as the bonds surrendered in exchange, the assignment should be to "The Secretary of the Treasury for exchange for 3½ percent Treasury Bonds of 1998"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3½ percent Treasury Bonds of 1998 in the name of _____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3½ percent Treasury Bonds of 1998 in coupon form to be delivered to _____".

VI. *General provisons.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62-1927; Filed, Feb. 26, 1962; 8:49 a.m.]

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[1] An exact half-year's interest is computed for each full half-year period irrespective of the actual number of days in the half year. For a fractional part of any half year, computation is on the basis of the actual number of days in such half year.

[2] The transfer books are closed from April 16 to May 15, and October 16 to November 15 (both dates inclusive) in each year.

[3] Copies of Form PD 1782 may be obtained from any Federal Reserve Bank or from the Treasury Department, Washington 25, D.C.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14529; FCC 62-201]

PALMS BROADCASTING CORP.

Order To Show Cause

In the matter of revocation of license of Palms Broadcasting Corporation for AM Station WGRC, Green Cove Springs, Florida; Docket No. 14529.

The Commission having under consideration (1) the outstanding license issued to Palms Broadcasting Corporation to operate AM Broadcast Station WGRC, Green Cove Springs, Florida, and (2) information that Station WGRC was operated by an unauthorized person for a period from on or about February 1, 1961, to December 18, 1961, in contravention of section 310(b) of the Communications Act of 1934, as amended; and

It appearing, that on June 15, 1960, the Commission approved the assignment of license of Station WGRC, Green Cove Springs, Florida (File No. BAL-3886) from Frank Van Hobbs to Palms Broadcasting Corporation; and

It further appearing, that the Commission was notified by the parties to said assignment that same became effective on July 17, 1960; and

It further appearing, that the application for assignment of license (File No. BAL-3886), section II, page 3 shows Robert A. Oliver to be president and a 50 percent stockholder and David R. Millan to be secretary-treasurer and a 50 percent stockholder of the assignee corporation; and

It further appearing, that Robert A. Oliver and David R. Millan abandoned Station WGRC, Green Cove Springs, Florida, on or about February 1, 1961, with no intention of returning, leaving the operation and control to Frank Van Hobbs, a preferred creditor of the licensee corporation; and

It further appearing, that on February 6, 1961, the licensee, Palms Broadcasting Corporation and Frank Van Hobbs filed an application for assignment of

license (File No. BAL-4150) requesting the assignment of license for Station WGRC to Frank Van Hobbs, which application was dismissed on June 21, 1961, under authority of § 1.312(b) of the Commission's rules for lack of prosecution; and

It further appearing, that Frank Van Hobbs, without any authority from the Commission so to do, has operated and controlled the operation of Station WGRC for the period from on or about February 1, 1961, to December 18, 1961, as of which date, the Commission has been advised, the station ceased operation for financial reasons; and

It further appearing, that an unauthorized assignment of license for Station WGRC to Frank Van Hobbs has been made in violation of section 310(b) of the Communications Act of 1934, as amended, and that such violation was willful;

It is ordered, This 14th day of February 1962, that pursuant to the provisions of Section 312(a)(2), 312(a)(4), and 312(c) of the Communications Act of 1934, as amended, Palms Broadcasting Corporation is directed to show cause why an order revoking its license for AM Station WGRC, Green Cove Springs, Florida, should not be issued, and to appear and give evidence with respect thereto at a hearing [1] to be held in the Commission's offices at Washington, D.C., at a time to be designated by subsequent order, said time in no event to be less than thirty days after receipt of this order; and

It is further ordered, That the Acting Secretary of the Commission send copies of this order by certified mail—return receipt requested, to Palms Broadcasting Corporation, Robert A. Oliver, David R. Millan, and Frank Van Hobbs, at their last known addresses.

Released: February 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1948; Filed, Feb. 26, 1962; 8:51 a.m.]

[1] Section 1.77(c) of the Commission's rules provides that a licensee in order to avail itself of the opportunity to be heard shall, in person or by its attorney, file with the Commission within thirty days of the receipt of the order to show cause, a written statement stating that it will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. See § 1.78(a) of the Commission's rules as amended December 12, 1960. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. See § 1.78(b) of the Commission's rules as amended December 12, 1960. In the event the right to a hearing is waived, the Chief Hearing Examiner will terminate the hearing proceeding and certify the case to the Commission. Thereupon the matter will be determined by the Commission in the regular course of business and an appropriate order will be entered. See § 1.78 (c), (d), and (e) of the Commission's rules as amended December 12, 1960.

[Docket No. 14530; FCC 62-202]

FRANK VAN HOBBS

Order To Show Cause

In the matter of a cease and desist order to be directed against Frank Van Hobbs, St. Augustine, Florida; Docket No. 14530.

The Commission having under consideration the information as to the unauthorized and illegal operation and control of Station WGRC, Green Cove Springs, Florida by Frank Van Hobbs; and

It appearing, that on June 15, 1960, the Commission granted an assignment of license of Station WGRC, Green Cove Springs, Florida (File No. BAL-3886) from Frank Van Hobbs to the Palms Broadcasting Corporation; and

It further appearing, that the Commission was notified by the parties to said assignment that same became effective on July 17, 1960; and

It further appearing, that on or about February 1, 1961, the two stockholders of the Palms Broadcasting Corporation (Robert A. Oliver and David R. Millan) each owning 50 percent of the issued and outstanding stock, abandoned Station WGRC, Green Cove Springs, Florida, with no intention of returning, leaving the management, operation and control to Frank Van Hobbs, a preferred creditor of the licensee corporation; and

It further appearing, that without any authority from the Commission so to do, Frank Van Hobbs assumed complete operation and control of said station on or about February 1, 1961; and

It further appearing, that even though Frank Van Hobbs was notified, in person, by a staff member of the Commission on October 16, October 27, and November 28, 1961, of such unauthorized operation, he still persisted in same until December 18, 1961, as of which date, the Commission has been advised, the station ceased operation for financial reasons; and

It further appearing, that said unauthorized operation and control of Station WGRC by Frank Van Hobbs was a willful and repeated violation of section 310(b) of the Communications Act of 1934, as amended;

It is ordered, This 14th day of February 1962, that pursuant to sections 312(b) and 312(c) of the Communications Act of 1934, as amended, Frank Van Hobbs is directed to show cause why an order to cease and desist from further violating the provisions of section 310(b) of the Communications Act of 1934, as amended, should not be issued, and to appear and give evidence with respect thereto at a hearing [2] to be held in the Commission's offices at Washington, D.C., at a time to be specified by a subsequent order, said time in no event to be less than 30 days after receipt of this order; and

It is further ordered, That the hearing ordered herein shall be consolidated for hearing with the hearing ordered in the Matter of Revocation of License of Palms Broadcasting Corporation for AM Station WGRC, Docket No. 14529; and

It is further ordered, That the Acting Secretary of the Commission send a copy of this order by certified mail—return receipt requested, to Mr. Frank Van Hobbs at his last known address.

Released: February 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1949; Filed, Feb. 26, 1962; 8:51 a.m.]

[2] Section 312(c) of the Communications Act of 1934, as amended, and § 1.77(c) of the Commission's rules provide that a licensee, permittee or person in order to avail itself of the opportunity to be heard shall, in person or by its attorney, file with the Commission within thirty days of the receipt of the order to show cause, a written statement stating that it will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee, permittee or person fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. See § 1.78(a) of the Commission's rules as amended December 12, 1960. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. See § 1.78(b) of the Commission's rules as amended December 12, 1960. In the event the right to a hearing is waived, the Chief Hearing Examiner will terminate the hearing proceeding and certify the case to the Commission. Thereupon the matter will be determined by the Commission in the regular course of business and an appropriate order will be entered. See § 1.78 (c), (d), and (e) of the Commission's rules as amended December 12, 1960.

[Docket No. 14533]

EUGENE R. PLUMMER

Order To Show Cause

In the matter of Eugene R. Plummer, Neptune New Jersey, Docket No. 14533; order to show cause why there should not be revoked the license for Radio Station 2W4888 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of Title 18, United States Code, section 1464, and the Commission's rules, in the operation of the captioned radio station;

It appearing, that, at various times during April 1961, the licensee participated in a scheme to conceal from detection by the Commission the identity of certain persons engaged in the operation of Citizens radio stations in the general vicinity of Asbury Park, New Jersey, by the use of call signs not assigned by the Commission to the stations being operated by such persons; and

It further appearing, that by the licensee's participation in the above-mentioned scheme, and in the operation of his radio station, he has evidenced a predisposition to disregard the rules and regulations of the Commission and to cooperate with others in violation thereof; and

It further appearing, that, had the Commission, at the time of the grant of the license for Citizens Radio Station 2W4888, been aware of the licensee's above-mentioned predisposition, it would have been warranted in refusing the grant of a license to such licensee and would have refused to grant a license to such licensee; and

It further appearing, that, at various times during April 1961, the licensee used a call sign or signal which had not been assigned by proper authority to the station being operated, in violation of § 19.83 of the Commission's rules; and

It further appearing, that, on or about April 21, 1961, the above-mentioned Citizens radio station was used for the utterance of indecent language in violation of Title 18, United States Code, section 1464; and

It further appearing, that, at various times between April 15, 1961, and July 15, 1961, and particularly on April 21, 1961, and July 14, 1961, the licensee failed to restrict communications between Citizens Radio Station 2W4888 and units of other Citizens radio stations to five consecutive minutes, in violation of § 19.61(f) of the Commission's rules; and

It further appearing, that, at various times between April 15, 1961, and July 15, 1961, and particularly on April 21, 1961 and May 13, 1961, the transmissions of Citizens Radio Station 2W4888 were not addressed to specific persons or stations within the direct groundwave coverage range of such station and were designed to elicit responses from random or unknown stations, in violation of § 19.61(g) of the Commission's rules; and

It further appearing, that, at various times between April 15, 1961, and July 15, 1961, and particularly on April 21, 1961, May 13, 1961, and July 14, 1961, the call sign of Citizens Radio Station 2W4888 was not transmitted at the beginning and termination of communications, in violation of § 19.62 of the Commission's rules; and

It further appearing, that, at various times between April 15, 1961, and July 15, 1961, and particularly on May 13, 1961, the above-named licensee transferred, assigned or disposed of the operating authority under his station license, in violation of section 310(b) of the Communications Act of 1934, as amended, and § 19.92 of the Commission's rules; and

It further appearing, that the licensee has sought to conceal such transfer, assignment or disposition from the Commission and has denied that it took place; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated §§ 19.83, 19.61(f), 19.61(g), and 19.62 of the Commission's rules; and

It further appearing, that in view of the foregoing, the licensee has wilfully violated § 19.92 of the Commission's rules and Title 18, United States Code, section 1464;

It is ordered, This 19th day of February 1962, pursuant to section 312(a)(2), (4), and (6), and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority that the said licensee show cause why the license for the captioned radio station should not be revoked and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at 325 Highland Avenue, Neptune, New Jersey.

Released: February 21, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-1950; Filed, Feb. 26, 1962; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

COMMONWEALTH STEAMSHIP, INC., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the agreement described below has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement numbered 8745 is an arrangement between Commonwealth Steamship, Inc., A. H. Bull Steamship Co., Bull Lines, Inc., A. H. Bull & Co., Waterman Steamship Corporation of Puerto Rico, and Sea-Land Equipment, Inc. covering the purchase by Waterman Steamship Corporation of Puerto Rico from Commonwealth Steamship Inc., a subsidiary of A. H. Bull Steamship Co., of the "Alicia" and the "Dorothy" both partially containerized C4-3-B2 type vessel, and the assumption by Waterman Steamship Corporation of Puerto Rico of a lease agreement covering containers to be used on said vessels.

Agreement numbered 8745 also stipulates that A. H. Bull Steamship Co., Inc., will:

(1) Take all steps and acts necessary or advisable for dismissal with prejudice of all and any suits pending in which McLean Industries, Inc., Sea-Land Service, Inc., or Waterman Steamship Corporation of Puerto Rico is a defendant;

(2) Not prevent or delay consummation of a plan of rearrangement heretofore filed by Waterman Steamship Corporation with the Maritime Subsidy Board or any other plan for the separation of Waterman Steamship Corporation from McLean Industries, Inc., and Sea-Land Service, Inc.;

(3) Not prevent or delay the entering into by Waterman Steamship Corporation of the operating differential subsidy contract or the payment to Waterman Steamship Corporation by the United States of an operation differential subsidy;

(4) Not recover damages from McLean Industries, Inc., or any of its subsidiaries, associates or affiliates by reason of any alleged violation of the Anti-trust Laws; or

(5) Not prevent the payment, transfer or delivery to, or restrict the use of, any money or property of whatsoever kind or character received by McLean Industries, Inc., or any of its subsidiaries under any such plan for the separation of Waterman Steamship Corporation from McLean Industries, Inc., and Sea-Land Service, Inc.

The Commission will consider whether this agreement or any part thereof is subject to section 15, Shipping Act, 1916, as amended, and if so whether it should be approved under the Standards of that section.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should a hearing be desired.

Dated: February 23, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-1989; Filed, Feb. 26, 1962; 9:31 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-43]

ATLANTIC SEABOARD CORP.

Notice of Date of Hearing

FEBRUARY 19, 1962.

Take notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 12, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the application in Docket No. CP62-43: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Notice of filing of the subject application was published in the FEDERAL REGISTER on January 5, 1962 (27 F.R. 132).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1891; Filed, Feb. 26, 1962; 8:45 a.m.]

[Docket No. CP61-263 etc.]

CITIES SERVICE GAS CO. ET AL.

Notice of Application, Consolidation, and Date of Hearing

FEBRUARY 20, 1962.

Cities Service Gas Company et al., Docket No. CP61-263 etc.; and Sondau Oil & Gas Company, Inc., et al., Docket No. CI62-938.

Take notice that on February 13, 1962, Sondau Oil and Gas Company, Inc., et al. (Applicant), 303 South Main, Wichita, Kansas, filed in Docket No. CI62-938 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas produced in the Ringwood Field, Major County, Oklahoma, to Oklahoma Natural Gas Gathering Corporation (Oklahoma Natural) and Warren Petroleum Corporation (Warren) pursuant to a gas purchase contract dated May 29, 1961, between Applicant as seller and Oklahoma Natural and Warren as joint buyers, which contract was filed concurrently with the subject application. The proposed price under this contract is 11.0 cents at 14.65 psia. The application is on file with the Commission and open to public inspection.

This related matter should be heard on a consolidated record with the proceeding designated as Docket Nos. CP61-263, et al. now set for hearing on March 22, 1962, and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 22, 1962, at 9:30 a.m. e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the application in Docket No. CI62-938 together with the matters involved in and the issues presented by the applications in Docket Nos. CP61-263, et al. already set for hearing at the time and place aforesaid: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 12, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1892; Filed, Feb. 26, 1962; 8:45 a.m.]

[Docket No. CP62-154]

EL PASO NATURAL GAS CO.

Notice of Application and Date of Hearing

FEBRUARY 19, 1962.

Take notice that on December 29, 1961, El Paso Natural Gas Company (El Paso), a Delaware corporation with mailing address at P.O. Box 1492, El Paso, Texas, filed an application for a certificate of public convenience and necessity in the above-captioned proceeding, pursuant to section 7(c) of the Natural Gas Act, authorizing El Paso to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

El Paso seeks authority, during the limited term extending from January 1, 1962, and continuing through December 31, 1962, to sell and deliver up to an additional 25,700,000 Mcf of natural gas at 14.9 psia to Southern California Gas Company and Southern Counties Gas Company of California (Southern) on an interruptible, best efforts basis, at the existing points of delivery to that customer located near Blythe, California, and Topock, Arizona. The proposal contemplates interim deliveries of gas to Southern during the foregoing period so long as the proceedings at Docket Nos. G-16235, et al. are not terminated by reason other than issuance of certificates in form and substance satisfactory to Southern and to the applicants therein. If such proceedings are terminated for any reason other than issuance of satisfactory certificates, the performance contemplated by the application during the limited term would terminate upon notice given by either El Paso or Southern to the other. Said quantities of gas to be provided are in addition to the volumes of gas which El Paso is certificated to deliver to Southern and are to be provided from El Paso's existing sources of gas supply by use of its certificated pipeline facilities only after meeting the priority requirements of its customers served throughout its pipeline system. No additional pipeline facilities are proposed or required to be constructed by El Paso to enable it to render the proposed natural gas service. The sale and delivery of such gas is to be performed by El Paso in accordance with a Service Agreement dated December 12, 1961, between El Paso and Southern and at rates contained in El Paso's proposed Rate Schedule G-X-2 of its FPC Gas Tariff, Original Volume No. 1.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 3, 1962, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 15, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1893; Filed, Feb. 26, 1962; 8:45 a.m.]

[Docket No. CP61-30]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Motion for Amendment of Certificate Authorization

FEBRUARY 19, 1962.

Take notice that on November 20, 1961, Natural Gas Pipeline Company of America (Natural) filed a motion to amend the Commission's order of July 11, 1961, in Docket No. CP61-30, issuing a certificate of public convenience and necessity authorizing Movant to construct and operate facilities to increase the daily design sales capacity of its pipeline by 105,000 Mcf (on a billing basis of 1,000 Btu per cubic foot of gas).

The requested amendment would authorize the sale and delivery by Natural of an additional daily contract quantity of 5,400 Mcf of natural gas to Iowa Electric Light and Power Company (Iowa Electric) and an additional daily contract quantity of 19,000 Mcf of natural gas to Northern Indiana Public Service Company (Northern Indiana). These volumes would be in lieu of those authorized, i.e., zero volumes to Iowa Electric and 15,000 Mcf to Northern Indiana. The additional volumes of gas are to be made available, in part, from the expanded system capacity authorized in the above-entitled docket; and, in minor part (270 Mcf), from facilities authorized in Docket No. CP61-128. Both Iowa Electric and Northern Indiana are existing customers of Natural.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 14, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1894; Filed, Feb. 26, 1962; 8:45 a.m.]

[Docket No. CP62-135]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application and Date of Hearing

FEBRUARY 19, 1962.

Take notice that on November 29, 1961, as supplemented on January 15, 1962, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois, filed in Docket No. CP62-135 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities in Will County, Illinois, to deliver and sell natural gas to Northern Illinois Gas Company (Northern Illinois) for resale and distribution in the Village of Minooka, Illinois, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Natural seeks authorization to construct and operate a side tap connection on its authorized and existing main transmission pipeline, approximately 150 feet of 3-inch lateral pipeline extending from said tap to the facilities of Northern Illinois, and a meter station located at the terminus of the proposed lateral line, all within Will County, Illinois. Northern Illinois estimates the cost of the proposed facilities to be $11,710, which would be financed from funds on hand.

The application states that Northern Illinois has received a 50-year franchise from the Village of Minooka and a certificate of public convenience and necessity from the Illinois Commerce Commission to render the proposed distribution service. The proposed service by Natural to Northern Illinois would be rendered from presently authorized volumes available to Northern Illinois.

The estimated market requirements for the Village of Minooka for the first and third years of service are as follows:

[In thousand cubic feet]

	First year	Third year
Annual	20,200	27,800
Peak day	198	287

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 27, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 16, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-1895; Filed, Feb. 26, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 600]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 21, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64598. By order of February 16, 1962, the Transfer Board approved the transfer to Lyall E. Gage, Villisca, Iowa, of Certificate No. MC 71777, issued July 11, 1951, to Claude Spring, doing business as Claude Spring Trucking, Corning, Iowa, authorizing the transportation, over regular routes, between Corning, Iowa, and Omaha, Nebr., and St. Joseph, Mo., of livestock and feed, building materials, and farm products, from and to specified points, varying with the commodities transported.

No. MC-FC 64681. By order of February 19, 1962, the Transfer Board approved the transfer to Citizens Transportation Co., of Riverside, a corporation, Riverside, Calif., of Certificates Nos. MC 8758 and MC 8758 Sub-1, issued April 12, 1949, and February 11, 1954, respectively, to John E. Cote, doing business as Citizen's Transportation Company, Riverside, Calif., of citrus fruits, from Riverside, Calif., to Anaheim, Calif., and points and places within 15 miles of Anaheim, from Riverside, Calif., and points within 20 miles of Riverside, and Anaheim, Calif., and points within 15 miles of Anaheim, to Los Angeles, Calif., from Riverside, Calif., and points within 10 miles of Riverside, to Long Beach, Calif., fertilizer, from Los Angeles Harbor and Long Beach, Calif., to specified points in California, coke, cast iron pipe, and newsprint, from Los Angeles Harbor and Long Beach, Calif., to Riverside, Calif., citrus fruits, nails and car stripe, between Riverside, Calif., and points within 50 miles of Riverside, and cement, over irregular routes, from Crestmore and Colton, Calif., to points in the Los Angeles Harbor, Calif., Commercial Zone as defined by the Commission, restricted to traffic moving to the territories or possessions of the United States. Theodore W. Russell, 1010 Wilshire Boulevard, Los Angeles 17, Calif., attorney for applicants.

No. MC-FC 64729. By order of February 16, 1962, the Transfer Board approved the transfer to Edward C. Eichler, doing business as Eichler Transfer, Sturgis, Mich., of Certificates in Nos. MC 60082 and MC 60082 Sub-4, issued June 13, 1955, and July 18, 1955, respectively, to Edward C. Eichler and Pearl E. Eichler, a partnership, doing business as Eichler Transfer, Sturgis, Mich., authorizing the transportation of: Fresh meats, eggs, poultry, products of food-processing and meatpacking houses, packinghouse products, and byproducts, advertising matter incidental to the sale and distribution of such commodities, refused or unclaimed shipments of such commodities, household goods, and general commodities, with the usual exceptions including household goods and commodities in bulk, from, to, or between specified points in Michigan, Ohio, Illinois, Indiana, Missouri, New Jersey, New York, West Virginia and Pennsylvania. J. C. Schriner, 5275 Ridge Road, Cleveland 29, Ohio, representative for applicants.

No. MC-FC 64738. By order of February 16, 1962, the Transfer Board approved the transfer to Sam Lowenstein and Stanley Lowenstein, a partnership, doing business as Super M Foods Delivery, New York, N.Y., of Permit No. MC 7832, issued August 18, 1958, to Super M Foods Delivery, Inc., New York, N.Y., authorizing the transportation of: Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith equipment, materials, and supplies used in the conduct of such business, between points within a specified territory in New York, Connecticut, and New Jersey. Charles H. Trayford, 220 East 42d Street, New York, N.Y., representative for applicants.

No. MC-FC 64755. By order of February 16, 1962, the Transfer Board approved the transfer to Robert M. Sullivan, Springfield, Mass., of Certificate No. MC 2066, issued September 13, 1949, to Clark's Express Company, a corporation, Spencer, Mass., authorizing the transportation of: general commodities, with the usual exceptions including household goods and commodities in bulk, between specified points in Massachusetts, and between specified points in Massachusetts, on the one hand, and, on the other, points in New Hampshire, Rhode Island, and Connecticut. Arthur M. Marshall, 145 State

Street, Springfield 3, Mass., attorney for applicants.

No. MC-FC 64758. By order of February 16, 1962, the Transfer Board approved the transfer to James O. Schueman, Gerald L. Schueman, and John H. Schueman, a partnership, doing business as Schueman Brothers, Avoca, Iowa, of Certificate No. MC 47085, issued November 21, 1955, to James O. Schueman, Gerald L. Schueman, and Grace Schueman, a partnership, doing business as Schueman Brothers, Avoca, Iowa, authorizing the transportation of: Livestock, from Avoca, Iowa, and points within 10 miles thereof, to South Omaha, Nebr.; from Walnut, Iowa, and points within 15 miles thereof, to Omaha, Nebr.; feeder stock and livestock feed, from Omaha and South Omaha, Nebr., to Avoca, Iowa, and points within 10 miles thereof; coal, feed, livestock, furniture, and building materials, from Omaha, Nebr., to Walnut, Iowa, and points within 15 miles thereof; petroleum products, in containers, between Avoca, Iowa, and points within 10 miles thereof, on the one hand, and, on the other, Omaha, Nebr.; livestock, feed, grain, seeds, agricultural implements and parts, and lumber, between Avoca, Iowa, and points within 15 miles thereof, on the one hand, and, on the other, Omaha, Nebr.; household goods and emigrant movables, between Avoca, Iowa, and points in Iowa within 15 miles of Avoca, on the one hand, and, on the other, points in Nebraska.

No. MC-FC 64778. By order of February 16, 1962, the Transfer Board approved the transfer to Thomas Avino, Frank Avino, Joseph Avino, and Patrick Avino, a partnership, doing business as Avino Bros., New York, N.Y., of a portion of Certificate No. MC 11685, issued December 6, 1951, to Crest Haulage, Inc., New York, N.Y., authorizing the transportation of: Printed matter (not including newspapers and periodicals), printers' materials and supplies, and stationery, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J. William D. Traub, 350 Fifth Avenue, New York 1, N.Y., registered practitioner for applicants.

No. MC-FC 64794. By order of February 15, 1962, the Transfer Board approved the transfer to Charles Ihrig & Son, Inc., Buffalo, N.Y., of Certificate No. MC 21416, issued October 26, 1954, to Norman Ihrig and Melvin Ihrig, a partnership, doing business as Chas. Ihrig & Son, authorizing the transportation of household goods over irregular routes, between Buffalo, N.Y., and points within 10 miles of Buffalo, on the one hand, and, on the other, points in Connecticut, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and the District of Columbia. Floyd B. Piper, 604 Crosby Building, Buffalo 2, N.Y., representative for applicants.

No. MC-FC 64796. By order of February 15, 1962, the Transfer Board approved the transfer to Sherry and Medeiros Corporation, Fall River, Mass., of Certificate No. MC 100381, issued July 14, 1950, to Manuel Angelo and Peter Angelo, a partnership, doing business as M. Angelo & Son, Fall River, Mass., authorizing the transportation over irregular routes of granite, for building purposes, from Providence, R.I., to points in Connecticut on and east of Connecticut Highway 10 and those in Massachusetts on and east of Massachusetts Highway 10, with no transportation for compensation on return, except as otherwise authorized herein; and sand, gravel, stone, roadbuilding machinery, between points in Rhode Island and those in Massachusetts within 20 miles of the Rhode Island-Massachusetts State line. William F. Long, Jr., 225 Academy Building, Fall River, Mass., attorney for applicants.

No. MC-FC 64803. By order of February 16, 1962, the Transfer Board approved the transfer to Paul E. Wilhelmy, Omaha, Nebr., of Certificate No. MC 11592, issued April 13, 1944, to E. E. Haugarth, Omaha, Nebr., authorizing the transportation of: Fresh meat, packinghouse products, dairy products, canned goods, and supplies incidental to, or used in, the operation and maintenance of meat packing plants between Chicago, Ill., and Omaha, Nebr.; and farm machinery and parts, and binder twine, from Chicago, Ill., to Omaha and Lincoln, Nebr. Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-1910; Filed, Feb. 26, 1962; 8:47 a.m.]

OFFICE OF EMERGENCY PLANNING

DIRECTOR OF TELECOMMUNICATIONS MANAGEMENT

Delegation of Authority

1. The Director of Telecommunications Management is hereby delegated the functions and authorities vested in me by Executive Order 10995 of February 16, 1962.

2. This delgation shall be effective on and after the date of the Executive order hereinabove referred to.

EDWARD A. McDERMOTT, *Acting Director.*

Approved: February 16, 1962.

JOHN F. KENNEDY, *The White House.*

[F.R. Doc. 62-1887; Filed, Feb. 26, 1962; 8:45 a.m.]

DIRECTOR OF TELECOMMUNICATIONS MANAGEMENT

Delegation of Authority

1. By authority of Executive Order 10995 of February 16, 1962, the Director of Telecommunications Management is hereby delegated the functions and authorities vested in me by Executive Order 10705 of April 17, 1957.

2. This delegation shall be effective on and after the date of Executive Order 10995.

EDWARD A. McDERMOTT, *Acting Director.*

[F.R. Doc. 62-1888; Filed, Feb. 26, 1962; 8:45 a.m.]

INTERDEPARTMENT RADIO ADVISORY COMMITTEE

Delegation of Authority

1. By authority of Executive Order 10995 of February 16, 1962, pending the appointment and qualification of the Director of Telecommunications Management and action by him in the premises, the Interdepartment Radio Advisory Committee will report to the Director of Telecommunications, Office of Emergency Planning, and is hereby authorized, subject to his approval, to assign frequencies to Government radio stations and classes of stations on an interim basis.

2. This order and delegation shall take effect as of February 16, 1962.

EDWARD A. McDERMOTT, *Acting Director.*

[F.R. Doc. 62-1889; Filed, Feb. 26, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2534]

ALLIED METALS CO.

Notice and Order for Hearing

FEBRUARY 20, 1962.

I. Allied Metals Company (issuer), 3520 Broadway SE., Albuquerque, New Mexico, a New Mexico corporation, filed with this Commission on September 11, 1961, a notification on Form 1-A and an offering circular relating to an offering of 100,000 shares of its $1 par value nonassessable Class A common stock at an offering price of $1 per share, which was amended down to 50,000 shares for an aggregate of $50,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder; and

II. The Commission on February 1, 1962, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, which temporarily suspended the issuer's exemption under Regulation A and afforded to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., m.s.t., on March 12, 1962, at the Denver Regional Office of the Commission, 802 Midland Savings Building, 444 17th Street, Denver 2, Colorado, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the issuer has complied with the terms and conditions of Regulation A in that:

1. The notification fails to disclose the affiliates and predecessors of the issuer as required by Item 2 of Form 1-A.

2. The issuer falsely states in its notification, in responding to Item 6 of Form 1-A, that none of its directors, officers or others were subject to any order, judgment, or decree specified in subparagraph 2, paragraph (d) of Rule 252;

B. Whether the Regulation A exemption is available to the issuer in that Clifford G. Taylor, an officer and director of the issuer, is subject to a decree of permanent injunction of the character specified in subparagraph (2) of paragraph (d) of Rule 252.

C. Whether the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose accurately and adequately the speculative and adverse features of the offering and risks attendant to the proposed business enterprise.

2. The failure to disclose whether there has been adequately controlled laboratory testing of the product Ber-Al and the process by which it is formed to determine the practicalities of the product's uses, the failure to disclose accurately and adequately the stage of research and development, and the failure to define the principal market for the product.

3. The failure to disclose whether the process of metallurgy proposed to be exploited has been subject to patent search.

4. The failure to disclose accurately and adequately the proposed use of proceeds, particularly in connection with the remuneration of officers and directors.

5. The failure to disclose that the shareholders' right to transfer stock of the corporation is subject to the corporation's option to purchase at par value such stock from the record owners within 30 days after written notice of transfer is filed with the company.

6. The failure to disclose accurately and adequately the background of officers and directors.

7. The failure to disclose the percentage of outstanding securities of the issuer to be held by directors, officers and promoters as a group and the percentage of such securities which will be held by the public if all securities to be offered are sold and the respective amounts of cash paid therefor by such group and by the public.

8. The failure to file appropriate financial statements.

D. Whether the offering if made would be in violation of Section 17(a) of the Securities Act of 1933, as amended.

III. *It is further ordered*, That Sidney L. Feiler, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail to Allied Metals Company, that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before March 9, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1899; Filed, Feb. 26, 1962; 8:46 a.m.]

[File No. 24FW-1271]

HE.LEUM CO., INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 20, 1962.

I. He.Leum Co., Inc. (issuer), 8900 North Central Avenue, Phoenix, Arizona, organized in Arizona on October 11, 1961, filed with the Commission on November 9, 1961, a notification on Form 1-A and an offering circular relating to a proposed public offering of 2,400,000 shares of its $0.10 par value common voting stock in units of 100 shares at $12.50 per unit for an aggregate of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The notification filed does not name certain affiliates as required by Item 2(b) of Form 1-A.

2. In response to Item 9(a) of the notification, issuer has set forth an arbitrary valuation of $240,000 which is based upon an appraised valuation, assigned to certain properties and services received by it in exchange for shares of its stock.

3. The issuer has failed to furnish appropriate responses and attach pertinent exhibits to the notification as required by Item 11 of Form 1-A and the subsections thereof.

4. Issuer has failed to include in its offering circular a statement of financial condition meeting the requirements prescribed by Item 11(a) of Schedule I relating to the form and content of financial statements.

B. Regulation A is unavailable to the issuer in that the aggregate amount of the securities proposed to be offered to the public, computed in accordance with Rules 253 and 254, exceeds $300,000.

C. The offering circular contains untrue statements of material facts and omits to state facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to describe clearly and adequately the plan of distribution and the manner in which the shares will be offered and sold.

2. The failure to disclose clearly and adequately the expenses of the offering.

3. The failure to include a map drawn to scale showing location of issuer's acreage and nearby acreage, together with the location and present status of all holes drilled for oil and gas within the area and the respective dates they were drilled and the respective depths thereof.

4. The failure to include the past production history of all wells which ever produced oil on the acreage owned by issuer.

5. The failure to include a reliable estimation of profitably recoverable reserves from the properties involved.

6. The failure to include any discussion of the hazards involved in the issuer's proposed operation.

7. The failure to include any discussion of the effect on the prospective new investors if materially less than the total amount of stock offered is sold.

8. The representation with respect to core analyses showing gross oil in place as "estimated future reserves net to the company's interest in the properties."

9. The representation that the core analyses were for three rather than two wells.

10. The extension of dollar amounts in the financial statements, for other than cash transactions, on the basis of an estimated or appraised valuation for assets in excess of identifiable cash cost of such assets to promoters.

D. The offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining

whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1900; Filed, Feb. 26, 1962; 8:46 a.m.]

[File Nos. 59-105, 54-228]

PENNSYLVANIA GAS CO. AND NATIONAL FUEL GAS CO.

Order Directing Elimination of Publicly Held Minority Stock Interest and Order Approving Plan

FEBRUARY 19, 1962.

In the Matter of Pennsylvania Gas Company and National Fuel Gas Company, File No 59-105; and National Fuel Gas Company, File No. 54-228.

The Commission having by notice and order dated July 22, 1960, instituted proceedings under section 11(b)(2) of the Public Utility Holding Company Act of 1935 ("Act") with respect to National Fuel Gas Company ("National"), a registered holding company, and its subsidiary company, Pennsylvania Gas Company ("Penn"), and having consolidated with such proceedings a proceeding with respect to a plan, as amended, ("plan") filed by National pursuant to section 11(e) of the Act for the purpose of eliminating the publicly held common stock interest in Penn;

National having requested that, if the Commission approves the section 11(e) plan, the Commission's order contain the findings and recitals necessary to meet the requirements of sections 1081 and 4382 of the Internal Revenue Code of 1954, as amended, and any other sections thereof providing exemptions or benefits with respect to transactions proposed in the plan.

National having requested the Commission, pursuant to section 11(e) of the Act, to apply to an appropriate United States District Court to enforce and carry out the terms and provisions of the plan;

A public hearing having been held, after appropriate notice, at which all interested persons were afforded an opportunity to be heard; and

The Commission having considered the entire record and having this day filed its findings and opinion, on the basis of such findings and opinion

It is ordered, That, pursuant to section 11(b)(2) of the Act, National and Penn be, and each hereby is, directed to take appropriate action to effect the elimination of the publicly held stock interest in Penn.

It is further ordered, Pursuant to section 11(e) of the Act, that the plan filed by National be, and it hereby is, approved, subject to the terms and conditions contained in Rule 24 promulgated under the Act and to the following additional terms and conditions:

(1) This order shall not be operative to authorize any transaction proposed in the plan until an appropriate United States District Court shall, upon application thereto, enter an order approving and enforcing the plan;

(2) Only such fees and expenses in connection with the plan, and the proceedings incidental thereto, as the Commission may approve on appropriate application made to it, shall be paid by National and Penn; jurisdiction being reserved to determine the reasonableness of all such fees and expenses and all other remunerations incurred or to be incurred by National and Penn in connection with the Plan, the transactions incident thereto and all proceedings on or related thereto; and

(3) Jurisdiction is reserved with respect to the entering of such further orders and the taking of such further action as the Commission may deem necessary or appropriate to effectuate the requirements of section 11(b) of the Act.

It is further ordered, That all steps and transactions involved in the consummation of the plan, including particularly the issuances, transfers, exchanges, distributions, and expenditures hereinafter described and hereinafter set forth are necessary or appropriate to effect a simplification of the National holding company system and are necessary or appropriate to effectuate the provisions of section 11(b) of the Act and are hereby authorized, approved and directed; the shares of stock which are ordered to be issued, exchanged, acquired, transferred and received are specified and itemized as follows:

National will issue and deliver 53,651 common shares of National to Penn stockholders at the rate of 1.45 common shares of National for 1 common share of Penn and in exchange therefor such Penn stockholders will transfer and deliver to National their certificates for Penn common stock aggregating 37,001 shares.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1901; Filed, Feb. 26, 1962; 8:46 a.m.]

[File No. 812-1478]

TOWNSEND CORPORATION OF AMERICA

Notice of Filing of Application

FEBRUARY 15, 1962.

Notice is hereby given that Townsend Corporation of America ("TCA"), 38 Chatham Road, Short Hills, New Jersey, a registered closed end, nondiversified investment company, has filed an application for an order under section 17(b) and section 23(c)(3) of the Investment Company Act of 1940 ("Act") with respect to a proposed transaction whereby it will, pursuant to an agreement, exchange all of its interests in Princeville Research Park Corporation ("Park") and Princeton Pike Corporation ("Pike") for 68,316 shares of TCA common stock held by two individuals ("sellers") who had previously sold TCA its interests in Park and Pike. All interested persons are referred to the application on file with the Commission and summarized below for a complete statement thereof.

TCA owns 80 percent of Park and 100 percent of Pike. The assets of both corporations consist almost solely of unimproved real estate. The stock of Park and Pike was acquired pursuant to an agreement dated May 9, 1960 ("Purchase Agreement"), which provided that the purchase price for the Park and Pike stock would be paid in TCA stock and would be based on the net value of the assets of Park and Pike, the real property being valued at $3,500 per acre and the number of acres being determined by a survey. The TCA stock was valued for this purpose at $12 per share, although the market value was substantially lower. The net value of Park and Pike determined as provided in the Purchase Agreement was tentatively computed at $900,869.08 and, on the basis of the $12 per share valuation set by the Purchase Agreement, the number of shares of common stock of TCA issuable aggregated 75,072 shares. 68,316 shares were delivered by TCA in 1960 and the balance of 6,756 shares was to be delivered in 1961.

The Purchase Agreement further provided that if the highest of—

(i) The net asset value per share of common stock of TCA on the date of the Purchase Agreement (May 9, 1960);

(ii) The net asset value per share of common stock of TCA on the date one year from the date of the closing (June 6, 1961); or

(iii) The market value per share of common stock of TCA on the date of the closing (June 6, 1961)—were less than $12, the number of shares of common stock of TCA deliverable under the Purchase Agreement would be recomputed using the highest of such three values in place of the $12 value assigned to such stock by the Purchase Agreement. The net asset values on May 9, 1960 and June 6, 1961, are not presently ascertainable, but based on the market quotation of $3.00 per share for common stock of TCA on June 30, 1961, the number of additional shares which might have been deliverable pursuant to this term of the Purchase Agreement would be 226,431 shares. TCA's financial statements as of June 30, 1961, reflect a net asset value per TCA share as of June 30, 1961, of $1.19 after giving effect to certain contingent liabilities among them the possible issuance of said 226,431 shares, and TCA's financial statements as of June 30, 1960, included in its semiannual report to stockholders reflect a net asset value per TCA share of $1.75, after contingencies.

A letter agreement entered into subsequent to the execution of the Purchase Agreement provided that under no circumstances should the Purchase Agreement be construed to require TCA to issue shares at less than their net asset value.

TCA registered as an investment company pursuant to the Act on June 19, 1960. On April 24, 1961, this Commission commenced an action against TCA in the United States District Court for the District of New Jersey ("Court") seeking injunctive relief with respect to alleged violations of, and seeking to enforce compliance with, certain sections of the Act. TCA consented to the entry of a final decree enjoining certain violations of the Act, specifying the procedure required for compliance with the Act, and appointing an interim board of directors ("Interim Board").

The application states that at the request of the Interim Board of Directors an appraisal was made in August 1961 of the real property held by Park and Pike which indicated an average per acre value substantially less than the $3,500 per acre value employed in the Purchase Agreement in the determination of the purchase price.

The application further states that after extensive negotiations, the representative of the sellers of the Park and Pike stock agreed to rescind the transaction. The Interim Board, after careful consideration, decided that the interests of TCA and its stockholders would best be served by rescinding the contract and recovering for TCA the stock it had issued for the Park and Pike stock and its subsequent investment in Park of approximately $91,000. TCA and such sellers entered into an agreement dated December 18, 1961 ("the Rescission Agreement"), rescinding the purchase of Park and Pike stock and returning the parties to their original positions. The Rescission Agreement also provides for the eventual repayment to TCA of $91,000 advanced to Park, such repayment to be secured by a pledge of the stock of Park and Pike and a mortgage on the real property held by Park and Pike.

Pursuant to the definition contained in section 2(a)(3) of the Act the sellers are affiliated persons of either or both Park or TCA, and Park and Pike are affiliated persons of TCA. Generally speaking, section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person from purchasing from such registered investment company any security of which the seller is not the issuer unless the Commission by order upon application pursuant to section 17(b) of the Act grants an exemption from section 17(a) of the Act, upon a finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; and that the proposed transaction is consistent with the policy of the investment company concerned, and consistent with the general purposes of the Act.

Section 23(c)(3) of the Act prohibits a registered investment company from purchasing its own securities other than on a securities exchange or pursuant to tenders, except under such circumstances as the Commission may permit by order to insure that such purchases are made in a manner or on a basis which does not unfairly discriminate against any holders of the class of securities to be purchased. Since the proposed acquisition by TCA from sellers of the TCA Common Stock does not involve purchase on a securities exchange or pursuant to tenders, such acquisition would be prohibited unless the Commission issues its order permitting it.

The application states that the performance of the Rescission Agreement will benefit all of the holders of shares of common stock of TCA by preventing the possible substantial dilution of their interest in TCA and will eliminate the probability of costly litigation concerning the claim under the Purchase Agreement for additional TCA shares.

Notice is further given that any interested person may, not later than March 5, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities, and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon TCA. Proof of such service (by affidavit or in case of any attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1902; Filed, Feb. 26, 1962; 8:46 a.m.]

[File No. 812-1471]

TOWNSEND MANAGEMENT CO.

Notice of Filing of Application

FEBRUARY 15, 1962.

Notice is hereby given that Townsend Management Company ("TMC"), 38 Chatham Road, Short Hills, New Jersey, a registered closed end, nondiversified investment company, has filed an application for an order under section 17(b) and section 23(c)(3) of the Investment Company Act of 1940 ("Act") with respect to a proposed transaction whereby it will exchange all its interest in Fiduciary Counsel, Inc. ("Fiduciary"), a wholly owned subsidiary, for cash of $79,750 and 31,000 shares of its own stock held by a group of individuals ("Buyers"), some of whom are affiliated persons of TMC. All interested persons are referred to the application on file with the Commission and summarized below for a complete statement thereof.

Fiduciary is engaged in the business of acting as an investment adviser for a number of individual clients and is registered as an investment adviser with the Commission. Fiduciary has outstanding 296 shares of capital stock, without par value, all of which 296 shares are owned by TMC. TMC acquired the 296 shares from May 1958 through February 1959, from various individuals, most of whom were officers or executives of Fiduciary.

TMC registered as an investment company pursuant to the Act on June 19, 1960. On April 24, 1961, this Commission commenced an action against TMC in the United States District Court for the District of New Jersey ("Court") seeking injunctive relief with respect to alleged violations of, and seeking to enforce compliance with, certain sections of the Act. TMC consented to the entry of a final decree enjoining certain violations of the Act, specifying the procedure required for compliance with the Act, and appointing an interim board of directors ("Interim Board").

The application states that the Interim Board concluded, after investigation, that it would be in the best interests of TMC and its stockholders for TMC to sell Fiduciary if a fair price could be obtained therefor. The Interim Board was informed by Fiduciary's management that some of Fiduciary's important clients had been disturbed by unfavorable publicity that had attended the Commission's action against Fiduciary's parent, TMC, referred to above, and that the further association of Fiduciary with TMC, notwithstanding the appointment of the Interim Board, might result in the loss of some of Fiduciary's important clients.

Pursuant to the definition contained in section 2(a)(3) of the Act, certain of the Buyers are affiliated persons of either or both Fiduciary or TMC, and Fiduciary is an affiliated person of TMC. Generally speaking, section 17(a) of the Act prohibits an affiliated person (Fiduciary, and some of Buyers) of a registered investment company (TMC), or an affiliated person of such a person (Buyers), from purchasing from such registered company any security (Fiduciary stock) of which the seller (TMC) is not the issuer, unless the Commission by order upon application pursuant to section 17(b) of the Act grants an exemption from section 17(a) of the Act, upon a finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; and that the proposed transaction is consistent with the policy of the investment company concerned, and consistent with the general purposes of the Act.

Section 23(c)(3) of the Act prohibits a registered investment company from purchasing its own securities other than on a securities exchange or pursuant to tenders, except under such circumstances as the Commission may permit by order to insure that such purchases are made

in a manner or on a basis which does not unfairly discriminate against any holders of the class of securities to be purchased. Since the proposed purchase by TMC from Buyers of the 31,000 shares of TMC Common Stock does not involve purchase on a securities exchange or pursuant to tenders, such purchase is prohibited unless the Commission issues its order permitting it.

The application states that the terms of the proposed transaction resulted from arms' length negotiations, and that, for the reasons previously cited, it would not have been possible to sell Fiduciary to other interests on terms as favorable as those reached with Buyers. The application also states that the proposed transaction will realize for TMC's stockholders property that might otherwise not be realized, and will assist and expedite the reorganization of TMC and its affiliated companies in compliance with the consent decree entered by the Court.

Substantially all of the TMC stock to be included in the purchase price of Fiduciary was issued by TMC to acquire Fiduciary, at an assigned value in excess of the value used in computing the number of shares of TMC stock required to effect the present purchase. A value of $7.75 per share was used in computing the 31,000 shares of TMC stock to be included in the purchase price for Fiduciary. This per-share figure was thought to be substantially identical with TMC's net asset value as of June 30, 1961, on the basis of unaudited figures, so that the total purchase price to be paid by Buyers, including the cash portion, was deemed to be $320,000. Subsequent adjustments in the valuation of certain investments resulted in a decrease in TMC's net asset value per share to $7.39. The application states that the difference in the purchase price, or $11,160, is not material to TMC's stockholders in view of the demonstrated difficulty of selling the Fiduciary stock on terms considered favorable by the Interim Board.

Notice is further given that any interested person may, not later than March 5, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon TMC. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62–1903; Filed, Feb. 26, 1962; 8:46 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

DOROTHEA JAHN

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dorothea Jahn, Spiegelslustweg 6, Marburg (Lahn), Germany; Claim No. 43031, Vesting Order No. 8704; $330.83 in the Treasury of the United States. One-fifth of all right, title and interest of the issue of Lily Schluechterer Jahn, deceased, in and to the trust created under the will of Sigfried Schluechterer, deceased; The Chase National Bank of New York and Harry H. Neuberger, Co-Trustees, acting under the judicial supervision of the Surrogate's Court, New York County, New York.

Executed at Washington, D.C., on February 19, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 62–1914; Filed, Feb. 26, 1962; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 362]

WYOMING

Declaration of Disaster Area

Whereas, it has been reported that during the month of February, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Fremont, Big Horn, and Washakie Counties in the State of Wyoming;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about February 9, 1962.

Office: Small Business Administration Regional Office, Ohrbach Building, Room 1101, 312 East Fifth Street, Los Angeles 13, Calif.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1962.

Dated: February 14, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62–1905; Filed, Feb. 26, 1962; 8:47 a.m.]

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about February 11, 1962.

Office: Small Business Administration Regional Office, Railway Exchange Building, 909 17th Street, Denver 2, Colo.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1962.

Dated: February 14, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62–1904; Filed, Feb. 26, 1962; 8:47 a.m.]

[Declaration of Disaster Area 363]

CALIFORNIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of February, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Los Angeles and Ventura Counties in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about February 9, 1962.

Office: Small Business Administration Regional Office, Railway Exchange Building, 909 17th Street, Denver 2, Colo.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1962.

Dated: February 14, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62–1906; Filed, Feb. 26, 1962; 8:47 a.m.]

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Title 3—THE PRESIDENT

Executive Order 11007

PRESCRIBING REGULATIONS FOR THE FORMATION AND USE OF ADVISORY COMMITTEES

WHEREAS the departments and agencies of the Government frequently make use of advisory committees; and

WHEREAS the information, advice and recommendations obtained through advisory committees are beneficial to the operations of the Government; and

WHEREAS it is desirable to impose uniform standards for the departments and agencies of the Government to follow in forming and using advisory committees in order that such committees shall function at all times in consonance with the antitrust and conflict of interest laws:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The regulations prescribed in this order for the formation and use of advisory committees shall govern the departments and agencies of the Government to the extent not inconsistent with specific law.

SEC. 2. As used herein,

(a) The term "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, that is formed by a department or agency of the Government in the interest of obtaining advice or recommendations, or for any other purpose, and that is not composed wholly of officers or employees of the Government. The term also includes any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee of other subgroup thereof, that is not formed by a department or agency, but only during any period when it is being utilized by a department or agency in the same manner as a Government-formed advisory committee.

(b) The term "industry advisory committee" means an advisory committee composed predominantly of members or representatives of a single industry or group of related industries, or of any subdivision of a single industry made on a geographic, service or product basis.

SEC. 3. No advisory committee shall be formed or utilized by any department or agency unless

(a) specifically authorized by law or

(b) specifically determined as a matter of formal record by the head of the department or agency to be in the public interest in connection with the performance of duties imposed on that department or agency by law.

SEC. 4. Unless specifically authorized by law to the contrary, no committee shall be utilized for functions not solely advisory, and determinations of action to be taken with respect to matters upon which an advisory committee advises or recommends shall be made solely by officers or employees of the Government.

SEC. 5. Each industry committee shall be reasonably representative of the group of industries, the single industry, or the geographical, service, or product segment thereof to which it relates, taking into account the size and function of business enterprises in the industry or industries, and their location, affiliation, and competitive status, among other factors. Selection of industry members shall, unless otherwise provided by statute, be limited to individuals actively engaged in operations in the particular industry, industries, or segments concerned, except where the department or agency head deems such limitations would interfere with effective committee operation.

SEC. 6. The meetings of an advisory committee formed or used by a department or agency shall be subject to the following rules:

(a) No meeting shall be held except at the call of, or with the advance approval of, a full-time salaried officer or employee of the department or agency, and with an agenda formulated or approved by such officer or employee.

(b) All meetings shall be under the chairmanship, or conducted in the presence of, a full-time salaried officer or employee of the Government who shall have the authority and be required to adjourn any meeting whenever he considers adjournment to be in the public interest.

(c) For advisory committees other than industry advisory committees, minutes of each meeting shall be kept which shall, as a minimum, contain a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the committee. The accuracy of all minutes shall be certified to by a full-time salaried officer or employee of the Government present during the proceedings recorded.

(d) A verbatim transcript shall be kept of all proceedings at each meeting of an industry advisory committee, including the names of all persons present, their affiliation, and the capacity in which they attend: *Provided*, that where the head of a department or agency formally determines that a verbatim transcript would interfere with the proper functioning of such a committee or would be impracticable, and that waiver of the requirement of a verbatim transcript is in the public interest, he may authorize in lieu thereof the keeping of minutes which shall, as a minimum, contain a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the committee. The accuracy of all minutes shall be certified to by a full-time salaried officer or employee of the Government present during the proceedings recorded.

(e) Industry advisory committees shall not be permitted to receive, compile, or discuss data or reports showing the current or projected commercial operations of identified business enterprises.

(f) In the case of advisory committees other than industry advisory committees, the department or agency head may waive compliance with any requirement contained in subsection (a), (b) or (c) of this section when he formally determines that compliance therewith would interfere with the proper functioning of such a committee or would be impracticable, that adequate provisions are otherwise made to insure that committee operation is subject to Government control and purpose, and that waiver of the requirement is in the public interest.

SEC. 7. The head of each department or agency sponsoring an advisory committee may prescribe additional regulations, consistent with the provisions and purposes of this order, to govern the formation or use of such committees, or the appointment of members thereof.

SEC. 8. An advisory committee whose duration is not otherwise fixed by law shall terminate not later than two years from the date of its formation unless the head of the department or agency by which it is utilized determines in writing not more than sixty days prior to the expiration of such two-year period that its continued existence is in the public interest. A like determination by the department or agency head shall be required not more than sixty days prior to the end of each subsequent two-year period to continue the existence of such committee thereafter. For the purpose of this section, the date of formation of an advisory committee in existence on the date of publication of this order shall be deemed to be July 1, 1960, or the actual date of its formation, whichever is later.

SEC. 9. The requirements of this order shall not apply:

(a) to any advisory committee for which Congress by statute has specified the purpose, composition and conduct unless and to the extent such statute authorizes the President to prescribe regulations for the formation or use of such committee;

(b) to any advisory committee composed wholly of representatives of State or local agencies or charitable, religious, educational, civic, social welfare, or other similar nonprofit organizations;

(c) to any local, regional, or national committee whose sole function is the dissemination of information for public agencies, or to any local civic committee whose primary function is that of rendering a public service other than giving advice or making recommendations to the Government.

SEC. 10. (a) Each department and agency utilizing advisory committees shall publish in its annual report, or otherwise publish annually, a list of such committees, including the names and affiliations of their members, a description of the function of each committee and a statement of the dates of its meetings: *Provided*, that the head of the department or agency concerned may waive this requirement where he determines that such annual publication would be unduly costly or impracticable, but shall make such information available, upon request, to the Congress, the President, or the Attorney General.

(b) A copy of each such report shall be furnished to the Attorney General, and all records and files of advisory committees, including agenda, transcripts or notes of meetings, studies, analyses, reports or other data compilations or working papers, made available to or prepared by or for any such advisory committee, shall be made available, upon request by the Attorney General, to his duly authorized representatives, subject to such security restrictions as may be properly imposed on the materials involved.

SEC. 11. This order supersedes the directive of February 2, 1959, entitled "Standards and Procedures for the Utilization of Public Advisory Committees by Government Departments and Agencies," and all provisions of prior Executive orders to the extent they are inconsistent herewith.

JOHN F. KENNEDY

THE WHITE HOUSE,
February 26, 1962.

[F.R. Doc. 62-2073, Filed, Feb. 27, 1962; 11:34 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Labor

Effective upon publication in the FEDERAL REGISTER subparagraph (15) is added to paragraph (a) of § 6.313 as set out below.

§ 6.313 Department of Labor.

(a) *Office of the Secretary.* * * *

(15) One Assistant to the Special Assistant to the Secretary, Office of Legislative Liaison.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-1954; Filed, Feb. 27, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[Interpretation 23]

PART 362—REGULATIONS FOR ENFORCEMENT OF FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Interpretation With Respect to Liquid, Powdered and Pressurized Household Insecticides Acceptable for Depositing Insecticidal Chemical Residues

Residual insecticides of many different types have been extensively used in homes where children, as well as adults, may be exposed by direct contact with treated surfaces and by breathing the fumes, or where food and food handling surfaces could be contaminated. It is essential that the labeling of these products be as complete and carefully prepared as possible so as to obtain the desired pest control without harmful results to persons or property. The variety of the new pesticides which have been introduced for household use and the extent and variety of the requirements as to their use have raised a number of complex labeling problems. Recognizing the scope of these problems the Department of Agriculture published a proposed interpretation on this subject in the FEDERAL REGISTER for May 18, 1961. No objections to the issuance of such an interpretation were submitted. Therefore pursuant to the authority vested in me by § 362.3 of the regulations (7 CFR 362.3) under the Federal Insecticide, Fungicide and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k), Interpretation 23 with respect to liquid, powdered and pressurized household insecticides acceptable for depositing insecticidal chemical residues is hereby issued as § 362.121 of Part 362, Title 7, Code of Federal Regulations, to read as follows:

§ 362.121 Interpretation with respect to liquid, powdered and pressurized household insecticides acceptable for depositing insecticidal and chemical residues.

(a) *Composition.* These products are ordinarily marketed as oil solutions, emulsions, suspensions, powers or pressurized products, some of which are designed for use in undiluted form by the consumer. In some cases concentrated products requiring various degrees of dilution are marketed. These products usually have a petroleum distillate base, together with such auxiliary solvents as may be necessary to keep the formulation as a solution under conditions of relatively low temperature. Water is sometimes used in the liquid formulations. Auxiliary solvents, such as methylated naphthalenes, methylated aromatic petroleum solvents, methylene chloride and methyl chloroform are frequently used, although the last two named are more common in pressurized products than in liquid formulations. The propellants commonly encountered are known as propellant 11 (trichloromonofluoromethane), propellant 12 (dichlorodifluoromethane), nitrogen, carbon dioxide, nitrous oxide, and certain hydrocarbons, such as propane. Propellant 12 is used alone or in various proportions with propellant 11, methylene chloride or methyl chloroform, together with small amounts of propane. Pressurized products of this class usually contain lower levels of propellants than are commonly encountered in the products discussed in Interpretation 15, as revised (§ 362.113). The present interpretation is not intended to cover products designed primarily as space sprays which are used in such a manner as not to deposit substantial chemical residues on treated surfaces. Moreover, mothproofing treatments of woolens and fabrics for the purpose of impregnating them with a protective chemical residue are excluded from this Interpretation.

(b) *Acceptable ingredients.* The following is a list of chemicals frequently encountered in household type insecticides of this class. The percentage figure given in each case is the maximum that can be accepted for this purpose. An asterisk in connection with the percentage figure indicated that the usage is currently restricted to professional applications by a pest control operator or a public health official. All percentage figures are expressed in terms of weight alone.

Pesticidal chemical and scope of treatment	Maximum allowable concentration (percent)	
	Liquid and pressurized	Powder
"Butonate" O,O-dimethyl 2,2,2, trichloro-1-n-butyryloxyethyl phosphonate—%	2.0	
Dichlore diphenyl trichloroethane—% (DDT) (general treatment)	5.0	*10.0
Dichloro diphenyl dichloroethane—% (TDE) (general treatment)	5.0	10.0
Malathion—%[1] (general treatment)	2.0	5.0
Malathion—%[1] (spot application)	5.0	5.0
"Diazinon" O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate—% (spot application)	0.5	1.0
(Pest control operators only) (spot application)	*1.0	*1.0
"Perthane" diethyl diphenyl dichloroethane [or 1,2-dichloro-2,2-bis(4-ethylphenyl) ethane]—% (95% of the total amount of technical ingredient present). Related compounds—% (5% of the total amount of technical ingredient present) (spot application)	5.0	10.0
Ronnel—%[2] (general treatment)	2.0	
(spot application)	5.0	
Technical chlordane—%[3] (spot application)	2.0	4.0
Dicapthon—%[4] (spot application)	*1.0	
Dieldrin—%[5] (spot application)	0.5	1.0
"Dilan"[6] (A mixture of 2-nitro-1,1-bis ((4 chlorophenyl)) butane and 2-nitro-1,1-bis ((4 chlorophenyl)) propane)—% (general application)	2.0	
Heptachlor—% (spot application)	0.5	
(Lindane) (gamma isomer of benzene hexachloride from lindane—%) spot application	0.5	1.0
Pyrethrum powder (pyrethrins—%)		1.0
Methoxychlor—%[7] (general application)	5.0	10.0
Sodium fluoride—%		95.0
Toxaphene—% (technical chlorinated camphene) (67–69% chlorine) (spot application)	5.0	10.0
Ryania—% (spot application)		10.0
Silica aerogels (spot application)		
Silica gel—%		99.0
Repellent additives		
"MGK R-11" 2,3,4,5 bis (2butylene) tetrahydrofurfural—% (spot application) (repellent)	5.0	
"MGK R-326" Di-n-propyl isocinchomeronate—% (spot application)	2.0	
"Tabatrex" Dibutyl succinate—% (spot application) (repellent)	5.0	

** An additional specialized usage includes a concentration of 50% of DDT which is restricted to the control of roaches and ants by pest control operators or public health officials only. The dust should be placed only in areas inaccessible to children and pets. Any portion visible after application is completed should be carefully brushed into cracks and crevices or else removed. Such dusts may be applied on surfaces behind shields, panels, operators, stoves and cabinets that are not accessible to animal pets and children. No generalized use in the household would be acceptable. Powders of this type may also be used as a rodenticide against mice.

[1] Malathion (*O,O*-dimethyl dithlophosphate of diethyl mercaptosuccinate).

[2] Ronnel (*O,O*-dimethfyl O-2,4,5 trichlorophenyl phosphorothioate).

[3] Technical chlordane —% with explanatory statement: Equivalent to —% (60% of first percentage) octochloro-4,7-methanotetrahydro indane and —% (40% of first percentage) related compounds.

[4] Dicapthon (*O-O*-dimethyl *O*-(2-chloro-4-nitrophenyl) phosphorothioate).

[5] An explanatory statement is required, reading —% hexachloroepoxyoctahydro-endo, exo-dimethanonaphthalene —% related compounds.

[6] 2-nitro-1,1-bis (p-chlorophenyl)propane —%; 2-nitro-1,1-bis (p-chlorophelyl)butane —% (both active ingredients always present).

[7] Technical methoxychlor —% an explanatory statement is required: Equivalent to —% (90% of the first (percentage) 2,2-bis (p-methoxyphenyl) 1,1,1-trichloroethane and —% (12)% of the first percentage) other isomers and reaction products.

Products covered by this interpretation frequently contain a combination of pesticidal ingredients together with synergized pyrethrins and thiocyanates. These ingredients may be used in the necessary combinations, except that when combinations of phosphates and/or chlorinated hydrocarbons are produced, concentrations of these ingredients should be proportionately reduced. The information set forth in paragraph (c) of Interpretation 15, as revised (§ 362.113(b)) is also applicable to the products covered by this interpretation.

(c) *Ingredient statement.* The information set forth in paragraph (c) of Interpretation 15, as revised (§ 362.113(c)) is equally applicable to the products covered by this interpretation.

(d) *Manner of application.* When general application is specified the residual treatment may be applied to as many areas of the infested premises and to as large a proportion of the available surface as may be considered necessary for effective pest control. When the usage is limited to "spot application" much greater attention should be given to limiting the treatment to those surfaces where the pests have been seen or where they are suspected of hiding. Such treatments would normally be limited to a maximum of 20 percent of the floor and lower wall surfaces including shelving and cabinets.

(e) *Basic insecticidal value.* These products are required to contain enough of the residual insecticidal ingredient so that when they are applied substantial residues of the insecticidal chemical will be deposited on all treated surfaces. The biological evaluation of the effectiveness of these treatments will be considered separately in all cases on the basis of the existing experimental information on the insecticidal value of the chemical or upon such data and practical evidence as can be furnished by the applicant. If new or unusual formulations or claims and directions for use are submitted, it will be necessary to request the submission of sufficient experimental evidence to justify the proposed claims. In any case, it will be necessary for the applicant to submit data to establish the safety of any new or unusual chemical or pesticidal treatment that is proposed. It is the usual practice to consult with the Public Health Service of the Department of Health, Education, and Welfare on such matters.

(f) *Directions for use*—(1) *General.* In all cases the labeling should bear adequate directions for use against all of the pests named in the labeling. These products are commonly recommended for the control of such pests as roaches (water bugs), house flies, mosquitoes, silverfish, spiders, bed bugs, ants, carpet beetles, scorpions, fleas, and brown dog ticks. Many of these formulations are not acceptable for mist spray application in the air and care should be taken to apply the products as relatively coarse wet sprays which will adhere to treated surfaces. This is especially important in the case of pressurized products. Since the habits and life cycles of different pests vary considerably, the directions must, in each case, be adapted to the particular kind of insect or other pest which is causing annoyance and to the type of structure or building in which the product is used. Claims that residual insecticidal value will last for any particular period of time are usually undesirable, due to the variable conditions under which the products are used. It may be stated that the product is a residual insecticide but the labeling should emphasize the need for repeated applications as often as necessary since it is not possible to anticipate all of the conditions of use, types of surfaces to be treated and cleaning operations of treated surfaces.

(2) *Particular insects*—(i) *Flies and mosquitoes.* Directions for use against these pests should provide for thorough treatment of all surfaces where these insects are known to alight or congregate. Emphasis should be placed on spraying or applying powders around doors, windows and porches. In all cases, repeated applications should be specified as often as necessary.

Acceptable chemicals: DDT, dichlorodiphenyl dichloroethane, "Butonate," heptachlor, malathion, "Diazinon," ronnel, chlordane, dicapthon, dieldrin, "Perthane," "Dilan," a mixture of 2-nitro-1,1-bis (4 chlorophenyl) butane and 2-nitro-1,1-bis (4 chlorophenyl) propane, lindane, methoxychlor, "MGK R–326" (repellent), "tabatrex" (repellent), and "MGK R–11" (repellent).

(ii) *Household ants, roaches and silverfish.* The directions for use against these pests should provide for thorough spraying or distribution of the powder into all parts of the room suspected of harboring them. Special attention should be paid to cracks and hidden surfaces around sinks or food storage areas where these insects may be hiding. Thorough treatment around doors and windows is desirable in connection with directions for use against ants. Spraying around baseboards, windows, door frames, bookcases and storage areas is usually desirable in connection with directions for use against silverfish. Repeated applications should be specified in all cases. Silica gels are usually applied at the rate of 2 ounces of the powder per 100 sq. ft. of treated floor area. Liberal applications are needed. Special care should be taken to use all of these products in such a manner that food and food utensils will not be contaminated. If any spray or powder should contaminate cooking utensils, silverware or dishes, they should be thoroughly cleaned.

Acceptable chemicals: DDT, dichlorodiphenyl dichloroethane, "Butonate" (roaches and silverfish only), malathion, sodium fluoride, pyrethrum powder, "Diazinon," ronnel, chlordane, dicapthon, dieldrin, heptachlor, methoxychlor, toxaphene, ryania, Silica gels, "Tabatrex" (repellent), and "MGK R–11" (repellent).

(iii) *Bed bugs.* The directions for use against this pest should provide for thorough spraying of the bed, the springs and the mattress, as well as the baseboards and wall cracks about the bedroom. Repeated applications are usually necessary for good results against this pest. In the case of malathion, the maximum acceptable concentration for this use is a 1 percent spray which in any case is to be applied lightly to the mattress. Chlordane, dicapthon and "Diazinon" are not acceptable for use against this pest. Lindane is not acceptable as a residual insecticide for treatment of beds and mattresses, even though a concentration of 0.1 percent has been accepted as a non-residual insecticide for use against this pest.

Acceptable chemicals: DDT, pyrethrum powder, dichlorodiphenyl dichloroethane, malathion and ronnel 1 percent.

(iv) *Carpet beetles.* The directions for use against these pests should provide for thorough spraying of suitable formulations along baseboards, edges of carpeting, under furniture, under carpeting and rugs and in closets and shelving wherever these insects are seen or suspected. Pressurized products and powders may also be used for this purpose. In all cases, the treatment should be repeated as often as necessary.

Acceptable chemicals: DDT, dichlorodiphenyl dichloroethane, malathion, "Diazinon," chlordane, dieldrin, heptachlor, ronnel, lindane, methoxychlor and "Perthane."

(v) *Fleas and brown dog ticks in buildings.* Directions for use against these pests should provide for liberal applications to floor areas, cracks and crevices, sleeping quarters of animals, behind pictures and wherever presence of these insects may be suspected. Liberal and repeated applications to the infested areas are desirable in all cases. Spot applications are not suitable for the control of fleas. Consequently, such insecticides as lindane and chlordane are not acceptable for use against this pest.

Acceptable chemicals: DDT, dichlorodiphenyl dichloroethane, "Diazinon," ronnel, methoxychlor, malathion 2 percent and Silica gel (fleas only), and chlordane (for brown dog ticks).

(vi) *Spiders and scorpions.* Directions for the control of these pests should provide for thorough wet spraying or dusting around windows, doors and other areas over which these pests may crawl. Pressurized sprays may be used on the same general terms as liquid and powdered products. In all cases, the applications should be repeated as often as necessary.

Acceptable chemicals: DDT, dichlorodiphenyl dichloroethane, malathion, "Diazinon," ronnel (spiders only), chlordane, dieldrin, lindane, methoxychlor, heptachlor (spiders only), and "Butonate" (spiders only).

(vii) *Pantry pests.* Saw-toothed grain beetle, flour beetle, rice weevil, cigarette beetle, drug-store beetle and Indian-meal moth are pests included in this category. While cleanliness and good housekeeping are basic to the prevention of losses by reason of these pests, insecticides may sometimes be carefully used to advantage. Directions to aid in the control of these pests should pro-

vide for the removal of all packages of food and for the treatment of the interior surfaces of the shelves and cupboards with a residual spray. The spray must be allowed to dry before the packages are put back on the shelf. Shelf paper or foil should be used to prevent contact of food or utensils with sprayed surfaces. It should be emphasized that treatment of this kind is of only supplemental value since it does not affect the insects breeding inside the packages. Infested food packages should be destroyed or fumigated.

Acceptable chemicals: DDT, chlordane, lindane, methoxychlor, malathion, ronnel, "Perthane," and "Diazinon."

(g) *Caution and warning statements*—(1) *General.* All economic poisons are required to bear warning or caution statements which are necessary to protect the public from injury and acceptable directions for use must be consistent with these requirements. These cautions and directions are quite variable, depending on the composition of the product and the manner of use which is intended. The detailed precautions especially for operator protection, during use of most of the pesticidal ingredients, are given in Interpretation 18 (§ 362.116). Cautions to protect food and food handling utensils from contamination are often specified and are appropriate in any case. These products should be kept out of the reach of children and pets. Many of these products will stain or discolor wallpaper, textiles, and other finished surfaces or articles. Appropriate label cautions or warnings should be included in all such cases.

(2) *Liquid and powdered insecticides.* In all cases where petroleum distillate or other combustible formulations are involved, warnings against use in the presence of open flame and sparks are required.

(3) *Pressurized products.* Since many of these products contain significant amounts of petroleum distillate, or other combustible substances in the presence of open flames or heated surfaces and since bursting or leakage of contents may occur at high temperatures, all pressurized products (except as specified hereafter) should bear the following warning or its practical equivalent:

WARNING: Contents under pressure. Do not puncture. Do not use or store near heat or open flame. Exposure to temperatures above 130° F. may cause bursting. Never throw container into fire or incinerator.

Pressurized products which have extreme flammability or explosive hazards will be considered separately and additional precautionary labeling prescribed. Methods for determining the need for such additional precautionary labeling may be obtained from the Director, Pesticides Regulation Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C. It is the responsibility of the registrant to provide precautionary labeling which will be adequate to prevent injury to persons using or handling his product.

(h) *Deterioration.* Some of these formulations deteriorate quite rapidly in storage. Also, certain types of packaging tend to accelerate this deterioration. It is the responsibility of the registrant and marketer of the particular pesticide to so formulate, package and market his products that they will always contain the amounts of active ingredients which were represented in the information furnished at the time of registration. If products are known to deteriorate, a date may be placed on the label advising against use after a stipulated period of time. Products which have deteriorated are adulterated and should be withdrawn from the market.

(i) *Unwarranted claims.* These products are not effective against all household insects and claims for effectiveness against insects generally or all insects are unwarranted and should not be made. While these products may have considerable residual insecticidal value when properly applied, it is usually desirable to avoid any specific claim that residual protection will last for any particular length of time. The conditions of use and types of surfaces that may be treated are so diversified that directions for repeated applications as necessary are desirable in all cases. Claims for exterminations are not warranted and should not be made. Products of this type are frequently injurious under some conditions to both man and animal and may contaminate food when improperly used. Therefore, their labels must ordinarily not include any unqualified claim such as "Non-toxic," "Non-poisonous," "Non-injurious" or "Harmless to man and animals." Such products are of no value in disinfecting and will not prevent disease and claims to that effect should not be made.

(j) *Registration.* All applications for registration should include duplicate copies of all labels, circulars or other literature which may be associated with or accompany the product at any time. Complete information concerning the composition of the product should also be furnished with the application. If the product does not conform to a conventional pattern of pesticidal usage against household pests, data should be furnished to demonstrate the practical value of the product for the various pests named in the labeling. Consultation with applicants is solicited at all times in order to eliminate possible misunderstanding.

(k) *Other interpretations.* This interpretation supplements interpretations 7, 15, and 18 as revised (7 CFR 362.105, 362.106, and 362.116).

Effective date. The foregoing interpretation shall be effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of February 1962.

JUSTUS C. WARD,
Director,
Pesticides Regulation Division.

[F.R. Doc. 62-1992; Filed, Feb. 27, 1962; 8:49 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813.2]

PART 813—ALLOTMENT OF SUGAR QUOTA

Domestic Sugar Beet Area; for the Six-Month Period Ending June 30, 1962

Correction

In F.R. Doc. 61-12369, appearing at page 12678 of the issue for Friday, December 29, 1961, the words "and the sugar or liquid sugar processor" in § 813.2(b) should be deleted, so that paragraph (b) begins as follows:

(b) *Marketing of sugar beets and molasses.* If sugar beets or molasses derived from sugar beets are sold by a processor but retained and processed by such processor * * *.

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 868.14]

PART 868—SUGARCANE; VIRGIN ISLANDS

Wage Rates; Calendar Year 1962

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on November 17, 1961, the following determination is hereby issued.

§ 868.14 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1962.

(a) *Requirements.* A producer of sugarcane in the Virgin Islands shall be deemed to have complied with the wage provisions of the act during the calendar year 1962 if all persons employed on the farm in the production, cultivation, or harvesting of sugarcane shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, but after the date of publication of this section in the FEDERAL REGISTER not less than the following:

(i) *Basic time rates.* The basic rate per hour for the first 8 hours of work performed in any 24-hour period shall be as follows:

Class of worker	Basic rate per hour
A—Operators of mechanical loaders	$0.[illegible]
B—Operators of tractors and trucks	.[illegible]
C—Chemical sprayers	.[illegible]
D—All others	.[illegible]

(ii) *Apprentice operators of mechanical loaders and tractors.* For a learner or apprentice the hourly wage rate for Class A work in subdivision (i) of this subparagraph may be reduced by not more than 15 cents per hour, and the hourly rate for tractor operators in Class B of subdivision (i) of this subparagraph may be reduced by not more than 10 cents per hour: *Provided,* That the training period for such workers shall not exceed six work-weeks and: *Provided further,* That the producer shall file with the Caribbean Area Agricultural Stabilization and Conservation Service Office, Santurce, Puerto Rico (herein referred to as Area Office), a certified statement containing the names of all such workers, the hourly wage rate paid to each, and the period each was employed as a learner or as an apprentice.

(iii) *Handicapped workers.* For an individual whose productive capacity is impaired by age or physical or mental deficiency, the hourly wage rates provided under subdivision (i) of this subparagraph may be decreased by not more than one-third: *Provided,* That the producer shall file with the Area Office, a certified statement containing the names of all such workers, the hourly wage rates paid to each, and the nature of the handicap of each such worker.

(iv) *Overtime.* Persons employed in excess of 8 hours in any 24-hour period or in excess of 40 hours in any one week shall be paid for the overtime work at a rate not less than one and one-half times the applicable hourly rate provided in subdivisions (i), (ii), and (iii) of this subparagraph: *Provided,* That this provision shall be inapplicable to workers who are employed under extraordinary emergencies as defined in applicable Municipal or Territorial laws or regulations.

(v) *Piecework rates.* If work is performed on a piecework basis, the rate shall be as agreed upon between the producer and the worker: *Provided,* That the hourly rate of earnings for each worker employed on piecework during each pay period (such pay period not to be in excess of two weeks) shall average for the time involved not less than the applicable hourly rate provided under subdivisions (i), (ii), (iii), and (iv) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point, stable, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(b) *Proof of compliance.* The producer shall, upon request, furnish the Area Office acceptable and adequate proof which satisfies such office that all workers have been paid in accordance with the requirements of this section.

(c) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

(d) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the Area Office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms may be obtained by writing to the Caribbean Area Agricultural Stabilization and Conservation Service Office, Santurce, Puerto Rico. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the Area Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The Area Office shall make such investigation as it deems necessary and shall notify the producer and worker in writing of its recommendations for settlement of the claim. If the recommendation of the Area Office is not acceptable, either party may file an appeal with the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the Area Office, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payment under the act is concerned.

Statement of bases and considerations—(a) *General.* The foregoing determination establishes the minimum wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane during the calendar year 1962, as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among the various producing areas.

(c) *1962 Wage determination.* This determination continues the provisions of the 1961 determination.

A public hearing was held in Christiansted, St. Croix, Virgin Islands, on November 17, 1961, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable wage rates for the calendar year 1962. A representative of the Virgin Islands Corporation, which is owned by the Federal Government and is the largest producer of sugarcane in the Virgin Islands, recommended that the provisions of the 1961 determination be continued unchanged in 1962. The witness stated that 1961 crop sugarcane production was the highest on record as a result of extremely favorable growing conditions throughout the calendar year 1960; that in spite of heavy yields of sugarcane it was impossible to keep the mill adequately supplied with sugarcane for grinding because field harvesting operations were put on a 40-hour week basis; that labor from the British West Indies again was used for harvesting and cultivation work; and that the shortage of local agricultural labor is becoming an ever increasing problem. The witness further testified that the Corporation paid minimum wages of 50 cents an hour in accordance with the requirements of minimum wage legislation enacted by the Virgin Islands Legislature and had paid overtime for hours worked in excess of 40 per week; and that a very high percentage of workers earned considerably more than the minimum rate inasmuch as most production operations, particularly harvesting of sugarcane, were performed on a piecework basis. No other testimony was offered at the hearing.

Consideration has been given to the testimony presented at the hearing, to the economic position of sugarcane producers, and to other pertinent factors. The returns, costs and profits for the sugarcane producing operations of the Corporation and independent producers, obtained by field study in recent years, have been recast on terms of prospective price and production conditions for the 1962 crop. Analysis of these data indicate that when weather and growing conditions are favorable the production of sugarcane is profitable. Present prospects for the crop to be harvested in 1962 indicate yields will be substantially below the favorable yields of the 1961 crop because of inadequate rainfall during the recent growing season.

This determination continues the requirements of the 1961 determination which adopted the minimum wage and hour provisions of Act No. 627 of the Third Legislature of the Virgin Islands. The wage rates for semi-skilled and skilled workers are the same as the rates reported generally paid for these classes of workers in the Virgin Islands.

The wage provisions of the Sugar Act require, as a condition for payment, that producers shall have paid workers in full for all work performed at rates not less than those established by the Secretary. This requirement of the Sugar Act for payment in full is interpreted to mean that where local laws require the producer to pay wages at rates higher than the minimums established by the Secretary, the producer must pay such higher rates to comply with the wage provisions of the act.

After consideration of the pertinent factors involved, the rates established in this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended; 7 U.S.C. sup. 1131)

Signed at Washington, D.C., on February 23, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-1997; Filed, Feb. 27, 1962; 8:49 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 44]

PART 1044—MILK IN THE MICHIGAN UPPER PENINSULA MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Michigan Upper Peninsula marketing area (7 CFR Part 1044), it is hereby found and determined that:

(a) The following provision of the order, no longer tends to effectuate the declared policy of the Act: In § 1044.51, the phrase "Through November 1961".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension action is based on evidence presented at a public hearing held in Marinette, Wisconsin on November 7–9, 1961. A request for suspension was made at the hearing by producer associations representing the majority of producers supplying the market and was not opposed by any interested party.

(4) The suspension will maintain the Class I pricing provisions which otherwise would expire February 28, 1962. A recommended decision containing proposed amendments to the present Class I price provisions was issued by the Assistant Secretary on February 7, 1962 (27 F.R. 1280). There is not sufficient time prior to the expiration date of the Class I pricing provisions to permit consideration of exceptions to the recommended decision, preparation and issuance of a final decision and an amending order.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended through April 30, 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. on February 23, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-1995; Filed, Feb. 27, 1962; 8:49 a.m.]

[Milk Order No. 45]

PART 1045—MILK IN NORTHEASTERN WISCONSIN MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Northeastern Wisconsin marketing area (7 CFR Part 1045), it is hereby found and determined that:

(a) The following provision of the order, no longer tends to effectuate the declared policy of the Act: In § 1045.51 the phrase "during the period through November 1961."

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension action is based on evidence presented at a public hearing held in Marinette, Wisconsin on November 7–9, 1961. A request for suspension was made at the hearing by producer associations representing the majority of producers supplying the market and was not opposed by any interested party.

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It is therfore ordered, That the aforesaid provision of the order is hereby suspended through April 30, 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. on February 23, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-1996; Filed, Feb. 27, 1962; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Revision 1]

PART 123—DISASTER LOANS

The Small Business Administration Disaster Loan Regulation (23 F.R. 1000) is hereby revised by deleting Part 123 in its entirety and substituting the following in lieu thereof:

Sec.
123.7 Statutory provisions.
123.7–1 General.
123.7–2 Eligibility.
123.7–3 Types of disaster loans.
123.7–4 Disaster Participation Agreement Program.
123.7–5 Purposes of loans.
123.7–6 How to apply.
123.7–7 Where to apply.
123.7–8 Amount of loan.
123.7–9 Collateral.
123.7–10 Interest rate.
123.7–11 Repayment.
123.7–12 Step-by-step procedure for disaster loan applicant.
123.7–13 Cooperation with American Red Cross.
123.7–14 Obtaining loan funds.
123.7–15 Administration of loans.
123.7–16 Extension of RFC loans.

AUTHORITY: §§ 123.7 to 123.7–16 issued under sec. 5, Public Law 85–536.

§ 123.7 Statutory provisions.

SEC. 7. (a) • • •

(b) The Administration also is empowered—

(1) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate because of floods or other catastrophes; and

(2) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to any small-business concern located in an area affected by a drought or excessive rainfall, if the Administration determines that the small-business concern has suffered a substantial economic injury as a result of such drought or excessive rainfall and the President has determined under the Act entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes," approved September 30, 1950, as amended (42 U.S.C., secs. 1855–1855g), that such drought or excessive rainfall is a major disaster, or the Secretary of Agriculture has found under the Act entitled "An Act to abolish the Regional Agricultural Credit Corporation of Washington, District of Columbia, and transfer its functions to the Secretary of Agriculture, to authorize the Secretary of Agriculture to make disaster loans, and for other purposes", approved April 6, 1949, as amended (12 U.S.C., Secs. 1148a–1—1148a–3), that such drought or excessive rainfall constitutes a production or economic disaster in such area; and

(3) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small-business concern in reestablishing its business, if the Administration determines that such concern has suffered substantial economic injury as a result of its displacement by a federally aided urban renewal or highway construction program or by any other construction conducted by or with funds provided by the Federal Government.

No loan under this subsection, including renewals and extensions thereof, may be made for a period or periods exceeding twenty years. The interest rate on the Administration's share of any loan made under this subsection shall not exceed 3 per centum per annum. In agreements to participate in loans on a deferred basis under this subsection, such participation by the Administration shall not be in excess of 90 per centum of the balance of the loan outstanding at the time of disbursement, except that in the case of a loan made pursuant to paragraph (3), the rate of interest on the Administration's share of such loan shall not be more than the higher of (A) 2¾ per centum per annum; or (B) the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eighth of 1 per centum, plus one-quarter of 1 per centum per annum.

(c) The Administration may further extend the maturity of or renew any loan made pursuant to this section, or any loan transferred to the Administration pursuant to Reorganization Plan Numbered 2 of 1954, or Reorganization Plan Numbered 1 of 1957, for additional periods not to exceed ten years beyond the period stated therein, if such extension or renewal will aid in the orderly liquidation of such loan.

§ 123.7–1 General.

(a) SBA is authorized to make loans to assist victims of floods and other catastrophes in rehabilitating or replacing damaged or lost physical property.

(b) SBA is authorized also to make loans to alleviate substantial economic injury suffered by small-businesses located in drought or execessive rainfall areas and those displaced as a result of federally-aided construction programs.

§ 123.7–2 Eligibility.

(a) Under the physical damage disaster loan, individuals, business concerns (including corporations, partnerships, cooperatives or other business enterprises), churches, charitable institutions, and other non-profit organizations are eligible to be considered for SBA disaster loans: *Provided*, (1) They have suffered tangible property loss as a result of flood or other catastrophe, (2) SBA has declared the affected area a disaster area for purpose of financial assistance, and (3) a formal Declaration of Disaster has been published in the FEDERAL REGISTER.

(b) Loans will not be made to repair or replace damaged or destroyed summer or winter cottages, camps, lodges or other residential property occupied by the owner principally for recreation or relaxation. Where property is rental property constituting an important source of income for the owner, a rehabilitation loan will be considered.

(c) Under the economic injury disaster loan program, any small-business (see § 121.3–5 of this chapter for size determination of small-business) concern is eligible for consideration: *Provided*, (1) It is located in an area which the President or Secretary of Agriculture has declared a major disaster area because of drought or excessive rainfall, or has been displaced by a construction program conducted by or with funds provided by the Federal Government, and (2) It can show substantial economic injury resulting from the drought, excessive rainfall or physical displacement.

(d) Farmers, stockmen and others engaged primarily in an agricultural activity are not eligible for disaster loans.

§ 123.7–3 Types of disaster loans.

(a) Disaster loans may be jointly made by SBA and banks or other private lending institutions on a participation basis, or may be direct loans made by SBA alone.

(b) The participating institution may participate on either a deferred or immediate basis.

(1) In a deferred participation, the bank or private lending institution makes the entire loan and SBA agrees to purchase a fixed percentage, not exceeding 90 percent, of the outstanding balance of the loan at any time within a stated period.

(2) In an immediate participation loan either SBA or the lending institution makes the loan and the other party purchases an agreed percentage of the loan at the time of disbursement.

(c) Where SBA's participation in a loan is on a deferred basis, SBA charges the bank a fee of ¼ of 1 percent per annum on the outstanding balance of SBA's share of the loan. However, where the bank's share of the loan is at an interest rate not in excess of 3 percent per annum, SBA will charge no fee for its participation.

§ 123.7–4 Disaster Participation Agreement Program.

(a) When a disaster (physical damage) of a widespread nature occurs and where considerable destruction is involved, all banks in the affected area are given the opportunity to enter into the Small Business Disaster Participation Agreement Program.

(b) Under this program, the banks, using SBA form applications (filed in triplicate) process and disburse the loans without clearance through SBA except as to clearance for SBA statutory and policy requirements. These loans are all on a deferred participation basis.

(c) In the case of loans of $20,000 and under, the share of the loan which SBA may be required to purchase shall not exceed 90 percent of the balance outstanding at the time of purchase. In the case of loans in excess of $20,000 but not more than $100,000, the share of the loan which SBA may be required to purchase shall not exceed 75 percent. Loans in excess of $100,000 are not subject to this Disaster Participation Agreement Program.

(d) The general requirements with regard to these loans are the same as if they were made by SBA as direct disaster loans.

§ 123.7–5 Purposes of loans.

(a) The purpose of the physical damage disaster loan is to restore a victim's home or business property as nearly as possible to predisaster condition. If it is necessary or desirable to construct a new home or new business facilities on a different site—for example, on higher ground because of possible future flood damage—the loan may be used for that purpose. However, the loan is limited to the estimated cost of restoring or replacing the damaged or destroyed property. Funds may also be used to replace destroyed inventory.

(b) A loan to an individual may be used to repair or replace damaged furniture and other household belongings or personal effects.

(c) The purpose of the economic injury disaster loan to small businesses is solely to provide relief from substantial economic injury sustained as a result of drought, excessive rainfall, or displacement by a federally-aided project.

(1) Loans occasioned by economic injury due to drought or excessive rainful may be used for working capital, to replenish inventories, and to pay financial obligations (except bank loans) which the borrower would have been able to pay had it not been for a loss of revenue resulting from the drought or excessive rainfall in the area.

(2) Displaced business disaster loans may be used to provide: (i) Working capital necessary to carry the concern until resumption of normal operations or if relocation is in the same general area, sufficient working capital to carry the business during a reasonable period of the adjustment; (ii) replacement costs to owners of realty or improvements thereon less amounts received for indemnification of property previously located in the project area; (iii) purchase of machinery and equipment to upgrade the business in a new location where such upgrading is necessary; (iv) increases in the costs of fixed charges, such as rents, insurance, utility bills, for a reasonable period of time, and (v) for such other purposes deemed necessary and appropriate by SBA.

(3) Funds may not be provided to purchase realty or improvements thereon by displaced businesses which were lessees prior to their displacement, unless as lessees they substantially had obligations and rights of ownership.

(4) There is no dollar limitation to the amount of loan which may be authorized, but the loan shall not exceed

SBA's estimate of the cost necessary to reestablish the displaced business in its new area.

§ 123.7–6 How to apply.

(a) Applications for physical-damage disaster loans are made on SBA Form 5B for loans up to $2,000. SBA Form 5C is used for loans over $2,000 for homes. SBA Form 5 is used for loans between $2,000 and $100,000 for businesses. SBA Form 4 with instruction sheet SBA Form 4A is used for loans over $100,000 for businesses.

(b) Applications for economic injury disaster loans are made on SBA Form 6B for loans up to $12,000, and on SBA Form 4 with instruction sheet SBA Form 4A for loans over $12,000.

§ 123.7–7 Where to apply.

Applications (in duplicate) may be filed with the Regional, Branch, or Disaster Field Office if one has been established, in the area serving the disaster area. If a bank is participating, three copies of the application should be filed with the bank, the bank to send two copies to the SBA office. If a Disaster Field Office has been established, applications generally will be filed and processed there.

§ 123.7–8 Amount of loan.

(a) There is no statutory limitation on the amount of a disaster loan. However, no loan may be authorized for more than the actual physical or economic loss suffered as a result of the disaster.

(b) In physical damage disaster loans, all direct and indirect costs attributable to restoring, rehabilitating, or replacing damaged or destroyed property will be considered by SBA in determining the amount of loan. The amount of money recovered from insurance or obtained from other relief sources, such as the American Red Cross, shall be deducted from the amount of the loss for which an SBA loan may be made. Sums paid to a disaster victim subsequent to his filing an application by insurance companies representing the indemnification of loss in whole or in part for which the disaster victim is requesting SBA financial assistance shall be paid by the borrower to the SBA for the reduction of his loan.

§ 123.7–9 Collateral.

(a) The Small Business Act, as amended, contains no specific requirements with respect to collateral as security for a disaster loan, nor has SBA established any firm rule in regard to collateral. However, SBA may require applicants to pledge whatever collateral they can furnish. SBA will give consideration to the moral risk involved and to evidence showing a reasonable prospect that the loan will be repaid.

(b) Evaluation of collateral. In disaster loan cases, the same procedure will be used in evaluation of collateral for such loans as used for business loans, keeping in mind the urgency and emergency incident to a disaster loan.

§ 123.7–10 Interest rate.

(a) The rate of interest on the Administration's share of disaster loans (except loans made to displaced small businesses) shall be at the rate of 3 per centum per annum. A participating institution's interest rate on its share of a disaster loan shall be at the rate of 3 per centum per annum where the loan is for the principal purpose of repairing or constructing residential property. Where the loan proceeds will be used principally for other purposes, the interest rate on the participating institution's share of a loan shall be at a rate determined by the SBA and the participating institution to be reasonable.

(b) The rate of interest on the Administration's share of loans made to displaced small businesses shall not be more than the higher of (1) 2¾ per centum per annum; or (2) the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eighth of 1 per centum, plus one-quarter of 1 per centum per annum.

§ 123.7–11 Repayment.

(a) Generally, disaster loans shall be repaid in monthly installments beginning not later than five months from the date of the note. The final maturity of the loan will be geared to the borrower's ability to pay but may not exceed the statutory limitation of twenty years.

(b) Except in connection with loans to borrowers whose income is received on an annual or seasonal basis, all loans shall be payable in equal monthly installments which will include principal and interest.

(c) Displaced business disaster loans may have more liberal repayment terms if circumstances indicate the need, including (1) a moratorium on principal payments (not interest) not exceeding the twelve months which immediately follow disbursement; (2) smaller amortization payments during the first few years, increasing in later years; or (3) any other reasonable terms to fit the applicant's individual circumstances.

§ 123.7–12 Step-by-step procedure for disaster loan applicant.

(a) A prospective applicant for an SBA physical type disaster loan shall:

(1) Make a list of his damaged, destroyed or lost property showing in as much detail as possible the extent of damage or loss, and, if possible, original cost of the property.

(2) Obtain from a reliable contractor, supplier or repairman, as appropriate, a signed estimate (in duplicate) of the cost of repairing damaged property or of replacing property which has been lost or damaged beyond repair.

(3) Make an overall estimate of his losses.

(4) Prepare a list of both his debts and assets and a financial statement.

(5) If the proposed loan is to rehabilitate his business, prepare a record of his business earnings and expenditures for the three years preceding and make a profit and loss statement.

(6) Obtain a disaster loan application form from a local bank or the nearest SBA office.

(b) A prospective applicant for a drought or excessive rainfall disaster loan shall:

(1) Furnish a statement of the extent to which his business has been injured by the drought or excessive rainfall conditions.

(2) For purposes of comparison, furnish financial and operating statements covering the current period and a 12-month period of normal operations prior to the drought or excessive rainfall.

(3) List any accounts and notes receivable which are delinquent due to drought or excessive rainfall conditions.

(4) Explain fully the reasons for any abnormally large and burdensome inventories.

(5) List all trade and other payables which are delinquent due to the drought or excessive rainfall, as well as current accruals.

(6) Point out any adopted or planned economies in operation designed to reduce costs of doing a lessened volume of business during the period of drought or excessive rainfall.

(7) Discuss with his bank, after he has completed his loan application and prepared the supporting material, the possibility of obtaining a bank loan or a bank-SBA participation loan. If the bank will join with SBA in a participation loan, the bank will accept and process the loan application and forward it to SBA with a request for a participation agreement. If the bank will not join in a loan, and the applicant then wishes to apply to SBA for a direct loan, the bank usually will accept the loan application on behalf of SBA. Or, if he wishes, the applicant may file his application for a direct loan with the nearest SBA office.

(c) A prospective applicant for a displaced business disaster loan shall:

(1) Furnish financial and operating statements for the current year to date and for the past two previous fiscal or calendar years.

(2) Furnish figures on actual or contemplated reduction or loss of income and profits and estimate of period of time income and profits will be reduced.

(3) List all trade and other payables which are delinquent.

(4) List any additional or replacement equipment that will be required to reasonably upgrade operations in new location, with allowances or any other recoveries from disposal or trade-in of existing equipment.

(5) Advise if additional inventories will be required or if different grades of items must be carried to meet demands of new location and effect on working capital position.

(6) Furnish projection of sales, normal percentage of profits, and fixed expenses, for period of approximately 2 years following relocation in order to establish reasonable ability to repay loan.

(7) Make a list of collateral to be offered as security for repayment of the loan, showing in detail any existing obligations or liens against same.

(8) Discuss with his bank, after he has prepared the application and supporting material, the possibility of obtaining a bank loan satisfactory for

...or a bank-SBA participation ... If the bank will not participate, ... application should be filed for a ... loan with the nearest SBA field ...

§ 123.7–13 Cooperation with American Red Cross.

In its physical damage program of ...sistance to disaster victims, SBA ...intains close coordination with the ...erican Red Cross. In many cases, ...abilitation assistance is given jointly ...y the Red Cross and SBA with part of ...e applicant's losses being covered by ...grant from the Red Cross and part by ...loan from SBA.

§ 123.7–14 Obtaining loan funds.

(a) Once a disaster loan has been approved by SBA, the borrower may obtain the loan funds upon compliance with the conditions of SBA's loan authorization.

(b) If the approved loan is of the bank-SBA participation type, the participating bank will notify the borrower of the loan approval, terms and conditions, and arrange with him for actual closing of the loan.

(c) If the loan is a direct loan involving no bank participation, the borrower will be notified by SBA of the loan approval, terms and conditions.

§ 123.7–15 Administration of loans.

Participation loans which are closed by the bank will be administered by the bank, and participation loans or direct loans closed by SBA will be administered by SBA.

§ 123.7–16 Extension of RFC loans.

Actions taken by SBA pursuant to the authority of section 7(c) of the Small Business Act, as amended, are limited to such periods of time as appear necessary to avoid the forced liquidation of loans. Generally, a sequence of short extensions will be granted rather than one lengthy one. Extensions are only granted under this section when it appears that no other course of liquidation will result in a greater and earlier recovery of the indebtedness.

Dated: February 7, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62–1971; Filed, Feb. 27, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1062; Amdt. 402]

PART 507—AIRWORTHINESS DIRECTIVES

Brantly Model B–2 Helicopters

Investigation of reported fuel leakage around the engine driven fuel pumps of Brantly B–2 helicopters revealed failure of the seals due to excessively high temperatures in the engine compartment. Therefore, an airworthiness directive is considered necessary to require replacement of the present seals with high temperature seals.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BRANTLY. Applies to all Model B–2 helicopters with serial numbers prior to 180.

Compliance required within the next 25 hours' time in service after the effective date of this directive.

To preclude failure of the seals in the engine driven fuel pump due to excessively high temperature conditions in the engine compartment, modify the engine driven fuel pump, Lear-Romec Model RD7790D3, to incorporate high temperature seals in accordance with Brantly Service Bulletin No. 16 and Lear-Romec Service Bulletin No. 3.

Reidentify modified units by revising the pump nameplate as follows:

(a) Add suffix "–3" to the pump serial number.

(b) Change pump model number to "RG7790G".

(Brantly Service Bulletin No. 16 and Lear-Romec Service Bulletin No. 3 both cover this same subject.)

This directive shall become effective February 28, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 21, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–1957; Filed, Feb. 27, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–WA–207]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone; Modification of Amendment

On January 23, 1962, there was published in the FEDERAL REGISTER (27 F.R. 653) an amendment to Part 601 of the regulations of the Administrator which altered the Fort Myers, Fla., control zone.

Subsequent to publication of the amendment, it has been brought to the attention of the Administrator that the geographical coordinates for Page Field were incorrectly stated in the description of the Fort Myers control zone. Therefore, action is taken herein to reflect the correct geographical location of Page Field.

Since this amendment imposes no additional burden on any person, the effective date of the rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12562), effective immediately, Airspace Docket No. 61–WA–207 (27 F.R. 653) is hereby modified as follows:

In the description of the Fort Myers, Fla., control zone "Page Field (latitude 26°35'19" N., longitude 81°52'01" W.)," is deleted and "Page Field (latitude 26°35'10" N., longitude 81°51'50" W.)," is substituted therefor:

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 20, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–1958; Filed, Feb. 27, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8301 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

E. Gottschalk & Co., Inc., and Joseph W. Levy

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices;* § 13.285 *Value.* Subpart—Invoicing products falsely: § 13.1106 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act;* § 13.1255 *Manufacture or preparation:* § 13.1255–30 *Fur Products Labeling Act.* Subpart—Misrepresenting oneself and goods—GOODS: § 13.1745 *Source or origin:* § 13.1745–70 *Place.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, E. Gottschalk & Co., Inc., et al., Fresno, Calif., Docket 8301, Oct. 24, 1961]

In the Matter of E. Gottschalk & Co., Inc., a Corporation, and Joseph W. Levy, Individually and as an Officer of Said Corporation

Consent order requiring a Fresno, Calif., furrier to cease violating the Fur Products Labeling Act by using the word "blended" improperly on labels on fur products; by representing falsely on invoices that certain mink was from the Aleutian Islands; by advertising in newspapers which failed to disclose the names of animals producing the fur in fur products, falsely represented the volume of merchandise offered for sale to be $200,000 worth of precious furs when it was substantially less, and represented falsely that savings could be effected in its "January Fur Sale"; by failing to

keep adequate records as a basis for price and value claims; and by failing in other respects to comply with labeling and invoicing requirements.

The order to cease and desist is as follows:

It is ordered, That E. Gottschalk & Co., Inc., a corporation and its officers, and Joseph W. Levy, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur products," are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Setting forth on labels affixed to fur products:

(a) The term "blended" as part of the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing, or tip-dyeing of furs.

(b) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with nonrequired information.

2. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices a false geographic origin of the animal that produced the fur.

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products and which:

1. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations.

2. Represents directly or by implication that the volume of merchandise to be offered for sale is higher than is the fact.

3. Offers fur products at a purported reduction in price when such purported reduction is in fact fictitious.

4. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

D. Making claims and representations respecting prices and values of fur products unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 24, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-1961; Filed, Feb. 27, 1962; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55576]

PART 2—ADMEASUREMENT OF VESSELS

Recognition of Admeasurement Rules of Greece

The Bureau of Customs has been advised through the Department of State of the United States of an exchange of notes between the Government of Greece and the Government of the United States which establishes that the system of vessel tonnage measurements followed by the Government of Greece is substantially similar to that of the United States and that United States standards of measurements of vessels are accepted in Greece. Therefore, in accordance with Article XXI of the Treaty of Friendship, Commerce, and Navigation between the United States of America and the Kingdom of Greece (5 UST 1829) and pursuant to the authority contained in section 4154 of the Revised Statutes, as amended (46 U.S.C. 81), vessels flying the flag of the Kingdom of Greece shall hereafter be taken in ports of the United States to be of the tonnages denoted in their certificates of registry or other national papers.

Accordingly, the first sentence of section 2.63 of the Customs Regulations is amended by the insertion of "Greece" immediately after "Great Britain."

(R.S. 161, 4154, as amended, sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 22, 46 U.S.C. 3, 81)

[SEAL] PHILIP NICHOLS, Jr., *Commissioner of Customs.*

Approved: February 20, 1962.

JAMES POMEROY HENDRICK, *Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 62-1986; Filed, Feb. 27, 1962; 8:48 a.m.]

[T.D. 55575]

PART 3—DOCUMENTATION OF VESSELS

Redocumentation of Vessel Sold or Transferred in Whole or in Part to Citizen of U.S. While Outside a Customs Collection District

The Act of August 17, 1961 (Public Law 87-157; 75 Stat. 392, T.D. 55407), amended section 4166 of the Revised Statutes (46 U.S.C. 35). The section as amended provides that when a vessel of the United States is sold or transferred in whole or in part to a citizen of the United States while outside the limits of a customs collection district of the United States and not in any port designated as a port of documentation, it may be documented anew as a vessel of the United States, or it may retain the privileges and benefits of a vessel of the United States until it arrives at a port in the United States. In order to give effect to the enactment, the following changes are made in the Customs Regulations:

§ 3.30 [Amendment]

Section 3.3(g) is amended to read as follows:

(g) No provisional certificate shall be issued to any vessel abroad which at the time of its transfer to a citizen of the United States was documented as a vessel of the United States. Such a vessel may be redocumented at a port in the United States upon compliance with the requirements outlined in § 3.35 or if not so redocumented while abroad, it shall nevertheless be entitled to all the privileges and benefits of a vessel of the United States up to and for the purpose of its first arrival thereafter within a customs collection district or in a port of documentation outside any such customs collection district. (Section 1, 38 Stat. 1193, as amended, R.S. 4166, as amended; 46 U.S.C. 12, 35.)

Section 3.35 is amended to read as follows:

§ 3.35 Sale abroad.

(a) A documented vessel which, while outside the limits of a customs collection district of the United States and not in any port designated as a port of documentation outside any such district, is sold or transferred in whole or in part to a citizen of the United States may be documented anew as a vessel of the United States at the port designated as the vessel's home port by the new owner or owners in accordance with the requirements of § 3.17 of this part. Such a document shall be issued upon compliance with all the applicable requirements contained in this part, and upon surrender of the previous document at the new home port except that (1) any document so issued shall be a permanent document and (2) the document may be issued without first requiring surrender of the outstanding document to the collector in a case in which the vessel is at sea at the time. In such latter case, the new document shall be forwarded to the United States foreign service officer at the vessel's foreign port of call or the

collector of customs at a domestic port of call upon request of the owner or his agent. The foreign service officer or the collector of customs to whom the new document is forwarded shall deliver that document to the vessel upon the vessel's arrival in port and upon surrender of the previous document, which shall be forwarded by that officer to the collector at the vessel's home port.

(b) A documented vessel which has been sold or transferred in whole or in part to a citizen while abroad and which is not redocumented under paragraph (a) of this section shall nevertheless be entitled on her first arrival thereafter to all the privileges of a vessel of the United States. (R.S. 4166, as amended; 46 U.S.C. 35.)

(R.S. 161, section 2, 23 Stat. 118, as amended; 5 U.S.C. 22, 46 U.S.C. 2)

Notice of the proposed issuance of the foregoing amendments was published in the FEDERAL REGISTER on November 16, 1961 (26 F.R. 10731). Careful consideration was accorded to all data, views, and arguments received pertaining to the proposed amendment. As a result thereof, certain changes have been incorporated in this final draft. In this respect, particular attention is invited to § 3.35 (a) of the regulations.

This order, which is deemed to be one granting or recognizing exemption or relieving restriction within the meaning of section 4 of the Act of June 11, 1946 (5 U.S.C. 1003), shall be effective upon publication in the FEDERAL REGISTER.

[SEAL] PHILIP NICHOLS, Jr., *Commissioner of Customs.*

Approved: February 20, 1962.

JAMES POMEROY HENDRICK, *Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 62-1985; Filed, Feb. 27, 1962; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of 2,4-Dichloro-6-o-Chloroanilino-s-Triazine

A petition was filed with the Food and Drug Administration by Chemagro Corporation, P.O. Box 4913, Kansas City 20, Missouri, requesting the establishment of tolerances for residues of 2,4-dichloro-6-o-chloroanilino-s-triazine in or on blackberries, cantaloups, cucumbers, dewberries, honeydew melons, loganberries, muskmelons, pumpkins, raspberries, squash, and watermelons.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.158 (21 CFR 120.158) tolerances for the subject pesticide chemical in or on blackberries, cucumbers, dewberries, loganberries, melons, pumpkins, raspberries, and squash. Paragraph designations are deleted to facilitate insertion of new tolerances. As amended, § 120.158 reads as follows:

§ 120.158 Tolerances for residues of 2,4-dichloro-6-o-chloroanilino-s-triazine.

Tolerances for residues of 2,4-dichloro-6-o-chloroanilino-s-triazine in or on raw agricultural commodities are established as follows:

10 parts per million in or on blackberries, celery, cucumbers, dewberries, green onions, loganberries, melons, pumpkins, raspberries, shallots, summer squash, strawberries, tomatoes, winter squash.

1 part per million in or on garlic, onions (dry bulb), potatoes.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: February 20, 1962.

WINTON B. RANKIN, *Assistant Commissioner of Food and Drugs.*

[F.R. Doc. 62-1973; Filed, Feb. 27, 1962; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

STYRENE COPOLYMER COATINGS

The Commissioner of Food and Drugs having evaluated the data submitted in petitions (FAP 261, 292) filed by Monsanto Chemical Company, 812 Monsanto Avenue, Springfield 2, Massachusetts, and other relevant material, has concluded that the food additive regulations should be amended to permit the safe use of styrene-methyl acrylate and styrene-maleic anhydride polymers as food-contact surfaces. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Part 121, Subpart F, is amended by adding thereto the following new section:

§ 121.2532 Styrene copolymer coatings.

The styrene copolymer coatings identified in this section may be safely used as food-contact surfaces of paper and paperboard articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the requirements of this section.

(a) For the purpose of this section, styrene copolymers are those formed by the copolymerization of styrene with maleic acid anhydride, or methacrylic acid, or methyl acrylate, or combinations of these, which are reacted with optional adjuvant substances required to effect and control polymerization or which may be added to impart desired physical and technical properties.

(b) Styrene copolymer coatings are prepared as emulsions of polymarized styrene copolymers that are applied with optional adjuvant substances and heated to form a resin coating.

(c) Optional adjuvant substances employed as prescribed in paragraphs (a) and (b) of this section include the following, subject to any limitation provided in the tabulation and further subject to the provision that any substance that is the subject of a regulation in Subpart F which prescribes specifications for that substance as a component of polymeric resins used as food-contact surfaces meets those specifications, and that any substance not subject to such a regulation meets the specifications, if any, provided by an order extending the effective date of the statute for such substance.

List of substances	*Limitations*
Ammonium hydroxide	
sec-Butyl alcohol (Butanol-sec).	
Diatomaceous earth	
Di-*tert*-butyl peroxide	
Methyl alcohol	
Monoglycerides of fat-forming fatty acids.	

List of substances—Con.	*Limitations*
β-Nitro styrene	----------
Potassium persulfate	----------
Sodium, potassium, calcium and magnesium soaps of fat-forming acids.	----------
Surface-active agents	As provided in § 121.2514 (b) (3).

(d) The coating in the finished form in which it is to contact food, when extracted with a solvent or solvents characterizing the type of food and the conditions of time and temperature characterizing the conditions of its intended use as determined from Tables 1 and 2 of § 121.2526(c), shall yield net chloroform-soluble extractives not to exceed 0.5 milligram per square inch.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW, Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 21, 1962.

WINTON B. RANKIN,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-1972; Filed, Feb. 27, 1962; 8:47 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER E—EDUCATION

PART 34—ADMINISTRATION OF A PROGRAM OF VOCATIONAL TRAINING FOR ADULT INDIANS

Financial Assistance for Trainees

On page 10640 of the FEDERAL REGISTER of November 14, 1961, there was published a notice and text of a proposed amendment of § 34.8 of Title 25, Code of Federal Regulations. The purpose of this amendment is to further clarify the regulations and bring it specifically in line with present interpretations and practices.

Interested persons were given thirty days in which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 21, 1962.

Section 34.8 is amended to read as follows:

§ 34.8 Financial assistance for trainees.

Individuals or family units where the head of the family is entering training under this part may be granted financial assistance to provide for transportation to the place of training, and subsistence during the course of training. For purposes of this part, subsistence may be construed to provide for all or any part of the following items: Medical examinations; subsistence en route; subsistence during the course of training until the first full pay check from employment has been received; personal appearance; housewares; furniture; health care; payment for required books; supplies and tools for training; and payment of tuition and related cost and other required expenses, in accordance with the schedule and amounts as established by the Secretary or his authorized representative.

[F.R. Doc. 62-1963; Filed, Feb. 27, 1962; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6592]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Miscellaneous Amendments

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 1441 of the Internal Revenue Code of 1954 to section 110(d) of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256, 75 Stat. 536), such regulations are amended as follows:

PARAGRAPH 1. Section 1.1441 is amended by inserting a phrase before the period at the end of section 1441(a), by adding a sentence at the end of section 1441(b), by revising section 1441(c)(4), and by revising the historical note. These amended and added provisions read as follows:

§ 1.1441 Statutory provisions; withholding of tax on nonresident aliens.

SEC. 1441. *Withholding of tax on nonresident aliens*—(a) *General rule.* Except as otherwise provided in subsection (c), all persons, in whatever capacity acting (including lessees or mortgagors of real or personal property, fiduciaries, employers, and all officers and employees of the United States) having the control, receipt, custody, [illegible] or payment of any of the items of [illegible] specified in subsection (b) (to the [illegible] any of such items constitutes gross [illegible] from sources within the United [illegible] any nonresident alien individual, or [illegible] partnership not engaged in trade or [illegible] within the United States and [illegible] whole or in part of nonresident aliens, [illegible] (except in the cases provided for in [illegible] 1451 and except as otherwise provided [illegible] regulations prescribed by the Secretary [illegible] his delegate under section 874) deduct [illegible] withhold from such items a tax equal to [illegible] percent thereof, except that in the case [illegible] any item of income specified in the [illegible] sentence of subsection (b), the tax shall [illegible] equal to 18 percent of such item.

(b) *Income items.* The items of [illegible] referred to in subsection (a) are [illegible] (except interest on deposits with [illegible] carrying on the banking business [illegible] persons not engaged in business in the United States), dividends, rent, [illegible] wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income, and amounts described in section 402(a)(2), section [illegible] (2), section 631 (b) and (c), and section 1235, which are considered to be gains from the sale or exchange of capital assets. The items of income referred to in subsection (a) from which tax shall be deducted and withheld at the rate of 18 percent are—

(1) That portion of any scholarship or fellowship grant which is received by a nonresident alien individual who is temporarily present in the United States as a nonimmigrant grant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended, and which is not excluded from gross income under section 117(a)(1) solely by reason of section 117(b)(2)(B); and

(2) Amounts described in subparagraphs (A), (B), (C), and (D) of section 117(a)(2) which are received by any such nonresident alien individual and which are incident to a scholarship or fellowship grant to which section 117(a)(1) applies, but only to the extent such amounts are includible in gross income.

(c) *Exceptions.* • • •

(4) *Compensation of certain aliens.* Under regulations prescribed by the Secretary or his delegate, there may be exempted from deduction and withholding under subsection (a) the compensation for personal services of—

(A) Nonresident alien individuals who enter and leave the United States at frequent intervals, and

(B) A nonresident alien individual for the period he is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended.

• • • • •

[Sec. 1441 as amended by sec. 544(f), Mutual Security Act 1954 (added by sec. 11(a), Mutual Security Act 1956 (70 Stat. 555); sec. 40(b), Technical Amendments Act 1958 (72 Stat. 1638); sec. 110(d), Mutual Educational and Cultural Exchange Act 1961 (Pub. Law 87-256, 75 Stat. 536). (Sec. 544(f), Mutual Security Act 1954, was repealed by sec. 11(b)(1), Mutual Security Act 1956 (71 Stat. 365), with the proviso that sec. 1441 was not affected by the repeal.)]

PAR. 2. Section 1.1441-1 is amended to read as follows:

§ 1.1441-1 Requirement for withholding of tax on nonresident aliens and foreign corporations.

Except as otherwise provided in §§ 1.1441-3 and 1.1441-4, to the extent

...items specified in § 1.1441–2 con... income from sources within ... States, withholding of a tax ... percent is required in the case of ... of income specified in paragraphs ... and (b) of § 1.1441–2 when such in... is paid to a nonresident alien indi..., a nonresident partnership com... in whole or in part of nonresident ... individuals, or a nonresident for... corporation, except that with re... to payments made after December ..., withholding of a tax of 18 per... is required in the case of items of ... specified in paragraph (c) of § 1.1441–2. The rate of 30 percent or 18 ... shall be reduced as may be pro... by treaty with any country. See ... 894, relating to income exempt ... treaty. For purposes of this sec..., the term "nonresident alien indi..." includes an alien resident of Puerto Rico.

PAR. 3. Section 1.1441–2 is amended by adding a paragraph (c) at the end thereof. The added provision reads as follows:

§ 1.1441–2 Income subject to withholding.

* * * * *

(c) *Amounts received by participants in certain exchange or training programs.* (1) Withholding of tax shall be at the rate of 18 percent (rather than 30 percent) on that portion of a scholarship or fellowship grant received by a nonresident alien individual who is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended, which is not excludable from such nonresident alien's gross income under section 117(a)(1) and paragraph (a) of § 1.117–1 because it exceeds the limitations set forth by section 117 (b)(2)(B) and paragraph (b)(2) of § 1.117–2. Thus, if a nonresident alien scientist who was admitted to the United States under subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended, to engage in post-doctoral scientific studies received a fellowship grant from a grantor specified in section 117(b)(2)(A) which exceeded the $300-per-month-for-36-months limitation determined under paragraph (b)(2) and (3) of § 1.117–2, a tax at the rate of 18 percent rather than 30 percent should be withheld from the amount of the grant includible in the scientist's income.

(2) Withholding shall also be at the rate of 18 percent on amounts received by nonresident alien individuals described in subparagraph (1) of this paragraph to cover expenses for travel, research, clerical help, or equipment which are incident to a scholarship or fellowship grant to which section 117(a)(1) applies, but only to the extent that such amounts are not excludable from gross income under paragraph (b)(1) of § 1.117–1 because they pertain to a portion of a scholarship or fellowship grant which is not excludable, or because the amount received is not specifically designated to cover such expenses under paragraph (b)(2)(i) of § 1.117–1.

(3) A nonresident alien individual who is temporarily present in the United States as a nonimmigrant under subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended, includes a nonresident alien individual admitted to the United States as an "exchange visitor" under section 201 of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1446), which section was repealed by section 111 of the Mutual Educational and Cultural Exchange Act of 1961 (Pub. Law 87–256, 75 Stat. 538).

PAR. 4. Section 1.1441–3 is amended by revising subparagraph (2) of paragraph (e). This amended provision reads as follows:

§ 1.1441–3 Exceptions and rules of special application.

* * * * *

(e) *Personal exemption.* * * *

(2) In the determination of the tax to be withheld at the source under § 1.1441–1 from remuneration paid for labor or personal services performed within the United States by a nonresident alien, the benefit of the deduction for one personal exemption provided in section 151 shall be allowed, prorated upon a daily basis for the period of employment during any portion of which labor or personal services are performed within the United States by the alien. The benefit of the deduction for one personal exemption provided in section 151 shall also be allowed in the determination of the tax of 18 percent to be withheld at the source under § 1.1441–1 and paragraph (c) of § 1.1441–2 from amounts paid after December 31, 1961, to nonresident alien individuals who are temporarily present in the United States as nonimmigrants under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended, and such personal exemption shall be prorated upon a daily basis for the period during which the described nonresident alien student or scholar receives the payments. The proration is on the basis of $1.70 per day. Thus, if A, a nonresident alien seaman employed by X Shipping Corporation, is paid in 1955 upon the termination of a voyage covering 100 days and A performs personal services within the United States during, or incident to, the voyage, the amount of $170 will be allocated as the portion of the deduction to be allowed against the remuneration for personal services performed within the United States during that voyage; and withholding at 30 percent shall be applied against the balance, if any, of the remuneration. If, for example, the total remuneration paid to A for that voyage is $2,000, of which the amount of $800 is allocable to sources within the United States, a tax in the amount of $189 is required to be withheld under § 1.1441–1. As to what constitutes remuneration for labor or personal services performed within the United States, see section 861 (a)(3) and the regulations thereunder.

PAR. 5. Paragraph (b) of § 1.1441–4 is amended to read as follows:

§ 1.1441–4 Exemptions from withholding.

* * * * *

(b) *Compensation for personal services*—(1) *Residents of contiguous countries.* The salary or other compensation for personal services of a nonresident alien individual who enters and leaves the United States at frequent intervals shall not be subject to withholding of tax under § 1.1441–1 if—

(i) The nonresident alien is a resident of Canada or Mexico, or

(ii) The nonresident alien is engaged in agricultural labor as defined in section 3121(g) and the regulations thereunder.

(2) *Participants in certain exchange or training programs.* (i) The salary or other compensation for personal services performed by a nonresident alien individual as an employee within the meaning of section 3401 for the period he is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended, shall not be subject to withholding of tax under § 1.1441–1. This subparagraph shall be effective with respect to compensation paid after December 31, 1961.

(ii) If United States tax at a rate greater than 18 percent has been withheld under § 1.1441–1 after December 31, 1961, from compensation for personal services entitled to the exemption provided for by subdivision (i) of this subparagraph, the withholding agent is authorized to release and pay over to the nonresident alien individual from whom the tax was withheld an amount which is equal to the difference between the tax so withheld and the tax required to be withheld from such compensation pursuant to section 3402 and the regulations thereunder. The provisions of this subdivision do not apply to excess tax withheld from compensation for personal services which has been paid by the withholding agent to the Director of International Operations, Internal Revenue Service.

(iii) See paragraph (c)(3) of § 1.1441–2 for the treatment of nonresident alien individuals admitted to the United States as "exchange visitors."

(3) *Withholding of tax under section 3402.* For collection of the income tax at source under section 3402 upon remuneration paid for services performed by a nonresident alien individual who is a resident of Canada or Mexico and who enters and leaves the United States at frequent intervals, see section 3401(a)(7) and the regulations thereunder. For collection of the income tax at source under section 3402 upon remuneration paid for services performed by a nonresident alien individual who is a nonimmigrant under subparagrah (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended, see sections 3401(a)(6) and 3402(f)(6) and the regulations under such sections.

(4) *Proration of personal exemption.* For provisions allowing the benefit of the deduction for the personal exemption on a prorated basis, see paragraph (e) of § 1.1441–3.

Because it is necessary to bring into effect at the earliest practicable date the rules of this Treasury decision respecting exemption from withholding of tax and release of excess tax withheld, it is hereby found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: February 23, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-1968; Filed, Feb. 27, 1962; 8:48 a.m.]

Title 29—LABOR

Chapter IV—Bureau of Labor-Management Reports, Department of Labor

SUBCHAPTER A—REGULATIONS

PART 406—REPORTING BY LABOR RELATIONS CONSULTANTS AND OTHER PERSONS, CERTAIN AGREEMENTS WITH EMPLOYERS

Revision

On August 9, 1961, notice was published in the FEDERAL REGISTER (26 F.R. 7141) that the Secretary of Labor proposed to revise 29 CFR Part 406 in order to provide for specific forms for reporting pursuant to section 203(b) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 433(b)) and to otherwise implement this provision of the statute.

The notice provided an opportunity for interested persons to submit data, views, or arguments pertaining to the proposed revision.

After consideration of all the relevant matter presented, I conclude that with the following amendments, the revision as proposed may be adopted: (1) Editorial and clarifying modifications of text in Form LM-20 and in the instructions accompanying such form; (2) the deletion of the proposed § 406.4 and the renumbering of the subsequent sections in order that there be no requirement to file a "status report", and the necessary changes in the Instructions in Forms LM-20 and 21 relating thereto. Consideration of the administrative problems involved in the enforcement of the reporting requirements of section 203(b) of the Act now convince me that filing of a status report should not be required. Accordingly, the references to the status report have also been deleted from other sections of the proposed amendements to Part 406; (3) the deletion of references to Form LM-21A and necessary changes in Form LM-21 and the instructions relating thereto, to reflect the fact that the reporting of disbursements with regard to general labor relations services and advice has been simplified to the extent that a separate schedule of Receipts and Disbursements is not necessary; and (4) the inclusion in the Form LM-21 of a Statement of Disbursements in which general categories of expenses with regard to those disbursements of a "consultant" or other person which involve any labor relations services and advice are reported, and a schedule of specific expenses with regard to a "consultant's" or other person's activities of the type referred to in section 203(b).

Therefore, pursuant to section 208 of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 529, 29 U.S.C. 438) and for the purpose of implementing section 203(b) of the aforesaid Act, the proposed revision and forms are hereby adopted subject to the changes indicated above and shall become effective 30 days from publication in the FEDERAL REGISTER.

Part 406 is hereby revised to read as follows:

Sec.
406.1 Definitions.
406.2 Agreements and activities report.
406.3 Receipts and disbursements report.
406.4 Terminal report.
406.5 Persons excepted from filing reports.
406.6 Relation of section 8(c) of the National Labor Relations Act to this part.
406.7 Personal responsibility of signatories of reports.
406.8 Maintenance and retention of records.
406.9 Publication of reports required by this part.

AUTHORITY: §§ 406.1 through 406.9 issued under sec. 208, 73 Stat. 529 U.S.C. 438; Interpret or apply sec. 203(b), 73 Stat. 527; 29 U.S.C. 433, and sec. 207(b), 73 Stat. 529; 29 U.S.C. 437.

§ 406.1 Definitions.

As used in this part, the term:

(a) "Corresponding principal officers" means any person or persons performing or authorized to perform, principal executive functions corresponding to those of president and treasurer of any entity engaged in whole or in part in the performance of the activities described in section 203(b) of the Labor-Management Reporting and Disclosure Act of 1959.

(b)(1) "Fiscal year" means the calendar year or other period of 12 consecutive calendar months, on the basis of which financial accounts are kept by a person. Where a person designated a new fiscal year prior to the expiration of a previously established fiscal year period, the resultant period of less than 12 consecutive calendar months, and thereafter the newly established fiscal year, shall in that order constitute the fiscal years.

(2) A person who is subject to section 203(b) of the Act for only a portion of his fiscal year because the date of enactment of the Act (September 14, 1959) occurred during such fiscal year or because such person otherwise first becomes subject to the Act during such fiscal year, may consider such portion as the entire fiscal year in making his report under this part.

(c) "Undertake" means not only performing of activities, but also agreeing to perform them or to have them performed.

(d) "A direct or indirect party to any agreement or arrangement" includes persons who have secured the making of another or of others in connection with an agreement or arrangement of the type referred to in § 406.2 and persons who have undertaken such activities at the behest of another or of others with knowledge or reason to believe that they are undertaken as a result of such agreement or arrangement between the employer and any other person, such as bona fide regular officers, supervisors, or employees of their employer to the extent to which they undertook to perform services as such bona fide regular officers, supervisors or employees of their employer.

§ 406.2 Agreements and activities report.

(a) Every person who as a direct or indirect party to any agreement or arrangement with an employer undertakes pursuant to such agreement or arrangement, any activities where an object thereof is, directly or indirectly, (1) to persuade employees to exercise or not to exercise, or persuade employees as to the manner of exercising, the right to organize and bargain collectively through representatives of their own choosing; or, (2) to supply an employer with information concerning the activities of employees of a labor organization in connection with a labor dispute involving such employer, except information for use solely in conjunction with an administrative or arbitral proceeding or a criminal or civil judicial proceeding; shall, as prescribed by the instructions in this part, file a report with the Commissioner, Bureau of Labor-Management Reports, United States Department of Labor, Washington 25, D.C., one copy thereof, on Form LM-21, titled "Agreements and Activities Report (required of persons, including labor relations consultants and other individuals and organizations)" in the detail required by such form and the instructions accompanying such form and constituting a part thereof. The report shall be filed within 30 days after entering into an agreement or arrangement of the type described herein. If there is any change in the information reported (other than that required by Item C, 10, (c) of the Form), it must be filed in a report clearly marked "Amended Report" within 30 days of the change.

(b) The report shall be signed by the president and treasurer or corresponding principal officers of the reporting person. If the report is filed by an individual in his own behalf, it need only bear his signature.

§ 406.3 Receipts and disbursements report.

(a) Every person who, as a direct or indirect party to any agreement or arrangement, undertakes any activities of the type described in § 406.2 pursuant to such agreement or arrangement and who, as a result of such agreement or

[1] Filed as part of the original document.

arrangement made or received any payment during his fiscal year, shall, as prescribed by the regulations in this part, file a report and one copy thereof, with the said Commissioner, Bureau of Labor-Management Reports, on Form LM-21 entitled "Receipts and Disbursements Report (required of persons, including labor relations consultants, other individuals and organizations)", in the detail required by such form and the instructions accompanying such form and constituting a part thereof. The report shall be filed within 90 days after the end of each person's fiscal year during which payments were made or received as a result of such an agreement or arrangement.

(b) The report shall be signed by the president and treasurer or corresponding principal officers of the reporting person. If the report is filed by an individual in his own behalf, it need only bear his signature.

§ 406.4 Terminal report.

(a) Every person required to file a report pursuant to the provisions of this part who during his fiscal year loses his identity as a reporting entity through merger, consolidation, dissolution, or otherwise shall within 30 days of the effective date thereof or of the effective date of this section, whichever is later, file a terminal report, and one copy thereof, with the said Commissioner, Bureau of Labor-Management Reports, on Form LM-21 signed by the President and Treasurer or corresponding principal officers immediately prior to the time of the person's loss of reporting identity (or by the person himself if he is an individual), together with a statement of the effective date of termination or loss of reporting identity, and if the latter, the name and mailing address of the entity into which the person reporting has been merged, consolidated or otherwise absorbed.

(b) For purposes of the report referred to in paragraph (a) of this section, the period covered thereby shall be the portion of the reporting person's final year ending on the effective date of the termination or loss of identity.

§ 406.5 Persons excepted from filing reports.

Nothing contained in this part shall be construed to require:

(a) Any person to file a report under this part unless he was a direct or indirect party to an agreement or arrangement of the kind described in § 406.2;

(b) Any person to file a report covering the services of such person by reason of his (1) giving or agreeing to give advice to an employer; or (2) representing or agreeing to represent an employer before any court, administrative agency, or tribunal of arbitration; or (3) engaging or agreeing to engage in collective bargaining on behalf of an employer with respect to wages, hours, or other terms or conditions of employment or the negotiation of an agreement or any question arising thereunder;

(c) Any regular officer, or employee of an employer to file a report in connection with services rendered as such regular officer, supervisor or employee to such employer;

(d) An attorney who is a member in good standing of the bar of any State, to include in any report required to be filed pursuant to the provisions of this part any information which was lawfully communicated to such attorney by any of his clients in the course of a legitimate attorney-client relationship.

§ 406.6 Relation of section 8(c) of the National Labor Relations Act to this part.

While nothing contained in section 203 of the Act shall be construed as an amendment to, or modification of the rights protected by, section 8(c) of the National Labor Relations Act, as amended (61 Stat. 142; 29 U.S.C. 158 (c)), activities protected by such section of the said Act are not for that reason exempted from the reporting requirements of this Part and, if otherwise subject to such reporting requirements, are required to be reported. Consequently, information required to be included in Forms LM-20 and 21 must be reported regardless of whether that information relates to activities which are protected by section 8(c) of the National Labor Relations Act, as amended.

§ 406.7 Personal responsibility of signatories of reports.

Each individual required to file a report under this part shall be personally responsible for the filing of such report and for any statement contained therein which he knows to be false.

§ 406.8 Maintenance and retention of records.

Every person required to file any report under this part shall maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Bureau may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts and applicable resolutions, and shall keep such records available for examination for a period of not less than five years after the filing of the documents based on the information which they contain.

§ 406.9 Publication of reports required by this part.

Inspection and examination of any report or other document filed as required by this part, and the furnishing by the Bureau of copies thereof to any person requesting them shall be governed by § 2.4 of this title.

Signed at Washington, D.C., this 19th day of January 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-1990; Filed, Feb. 27, 1962; 8:49 a.m.]

[1] Filed as part of the original document.

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

PART 781—THE FAIR LABOR STANDARDS ACT AS APPLIED TO ESTABLISHMENTS ENGAGED IN LAUNDERING, CLEANING OR REPAIRING CLOTHING OR FABRICS UNDER SECTION 13(a)(3) OF THE ACT

Pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201-219), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, Title 29 of the Code of Federal Regulations is hereby amended by the addition thereto of a new Part 781, which is set forth below.

The amendment shall become effective immediately upon publication in the FEDERAL REGISTER since it is interpretative and neither public procedure nor delay in effective date are required under section 4 of the Administrative Procedure Act.

The new Part 781 reads as follows:

INTRODUCTORY

Sec.
781.0 Purpose of this part.
781.1 General scope of the Act.
781.2 Matters discussed in this part and other parts.
781.3 Reliance upon interpretations.

THE 13(a)(3) EXEMPTION

781.4 The statutory provision.
781.5 Legislative history of exemption.

TYPES OF ESTABLISHMENTS INTENDED TO BE EXEMPT

781.6 Exemption applied to certain types of establishments.

REQUIREMENTS FOR EXEMPTION OF AN ESTABLISHMENT ENGAGED IN LAUNDERING, CLEANING OR REPAIRING CLOTHING OR FABRICS

781.7 Requirements summarized.
781.8 More than 50 percent intrastate sales required.
781.9 Out-of-State customers.
781.10 Sales "made within the State" and "interstate" sales distinguished.
781.11 Determining percentage of out-of-State sales.

LIMITATIONS ON SALES TO CERTAIN CUSTOMERS

781.12 Sales to certain customers limited to 25 percent.
781.13 Sale made to a named business.
781.14 Sales not made to a named business.

COMPUTING THE ANNUAL VOLUME

781.15 The annual period.
781.16 Calculation on a calendar year basis.
781.17 Computation on a fiscal year basis.
781.18 Computation for new business.

EMPLOYMENT "BY" AN EXEMPT ESTABLISHMENT

781.19 Employment "by" establishment required for exemption.
781.20 Employed within scope of exempt business.
781.21 Employed "in" but not "by".
781.22 Central offices and warehouses.

WORKWEEK APPLICATION OF EXEMPTION

781.23 Workweek is used in applying the exemption.
781.24 Exempt and noncovered work during the same workweek.

Sec.
781.25 Exempt and nonexempt work during the same workweek.
781.26 Work exempt under another section of the Act.

AUTHORITY: §§ 781.0 to 781.26 issued under secs. 1–19, 52 Stat. 1060, as amended; 29 U.S.C. 201–219.

INTRODUCTORY

§ 781.0 Purpose of this part.

This Part 781 constitutes the official interpretative bulletin of the Department of Labor with respect to the meaning and scope of section 13(a)(3) of the Fair Labor Standards Act of 1938, as amended. Section 13(a)(3) provides an exemption from the minimum wage and overtime pay requirements of the Act for employees employed by an establishment engaged in laundering, cleaning or repairing clothing or fabrics which meets certain specified conditions. It is the purpose of this part to make available in one place the interpretations of the provisions in section 13(a)(3) which will guide the Secretary of Labor and the Administrator in the performance of their duties under the Act unless and until they are otherwise directed by authoritative decisions of the courts or conclude, upon reexamination of an interpretation, that it is incorrect.

§ 781.1 General scope of the Act.

The Fair Labor Standards Act is a Federal statute of general application which establishes minimum wage, overtime pay, and child labor requirements that apply as provided in the Act. These requirements are applicable, except where exemptions are provided, to employees in those workweeks when they are engaged in interstate or foreign commerce or in the production of goods for such commerce or are employed in enterprises so engaged within the meaning of definitions set forth in the Act. Employers having such employees are required to comply with the Act's provisions in this regard unless relieved therefrom by some exemption in the Act, and with specified recordkeeping requirements contained in Part 516 of this chapter. The law authorizes the Department of Labor to investigate for compliance and, in the event of violations, to supervise the payment of unpaid minimum wages or unpaid overtime compensation owing to any employee. The law also provides for enforcement in the courts.

§ 781.2 Matters discussed in this part and other parts.

This Part 781 discusses only the scope of the exemption provided by section 13(a)(3) for "any employee employed by any establishment engaged in laundering, cleaning or repairing clothing or fabrics • • •" Interpretations having general application to other subjects of the law, as well as to laundry and dry cleaning establishments and their employees, will be found in other parts of this chapter. Reference should be made to them for guidance on matters which they discuss in detail and which this part does not undertake to do. They include Part 776 of this chapter, discussing the coverage provisions of the Act; Part 777 of this chapter discussing methods of payment of wages; Part 778 of this chapter discussing computation and payment of overtime compensation; Part 785 of this chapter discussing the calculation of hours worked; the recordkeeping requirements which are set forth Part 516 of this chapter, and the child labor provisions of the Act which are discussed in Part 4 of this title.

§ 781.3 Reliance upon interpretations.

The interpretations of the law contained in this part are official interpretations which may be relied upon as provided in section 10 of the Portal-to-Portal Act of 1947. All prior opinions, rulings and interpretations which are inconsistent with the interpretations in this part are rescinded and withdrawn.

THE 13(a)(3) EXEMPTION

§ 781.4 The statutory provision.

Section 13(a)(3) provides an exemption from both the minimum wage and overtime requirements of the Act and applies to:

> Any employee employed by any establishment engaged in laundering, cleaning, or repairing clothing or fabrics, more than 50 per centum of which establishment's annual dollar volume of sales of such services is made within the State in which the establishment is located: *Provided*, That 75 per centum of such establishment's annual dollar volume of sales of such services is made to customers who are not engaged in a mining, manufacturing, transportation, or communications business.

§ 781.5 Legislative history of exemption.

Before the 1949 Amendments the exemption for retail or service establishments, under section 13(a)(2) of the Act, included laundry and dry cleaning establishments. The 1949 Amendments separated these exemptions. Section 13(a)(2) was made applicable only to retail or service establishments whose sales or services "are recognized as retail • • • in the particular industry." It was the Congressional view at that time there is not a clear concept of "retail services" in the laundry and dry cleaning industry and, for that reason, a separate exemption as contained in section 13(a)(3) was provided (95 Cong. Rec., p. 12503). No change in the 13(a)(3) exemption provisions was made by the 1961 Amendments. Section 13(a)(3) is complete, setting forth the terms and limitations of the exemption. The exemption is exclusive; employees employed by an establishment engaged in laundering, cleaning or repairing clothing or fabrics, if intended to be exempt, are exempt under section 13(a)(3). A laundry or dry cleaning establishment which fails to qualify for the section 13(a)(3) exemption may not claim exemption under section 13(a)(2).

TYPES OF ESTABLISHMENTS INTENDED TO BE EXEMPT

§ 781.6 Exemption applied to certain types of establishments.

(a) *General.* The exemption in section 13(a)(3) depends on the character of the establishment by which the employee is employed. This exemption, by its terms, applies only to any employee employed by any "establishment engaged in laundering, cleaning or repairing clothing or fabrics" which meets the tests. Therefore, if the establishment is of the type described in section 13(a)(3), all employees "employed by" that establishment are exempt from sections 6 and 7 of the Act. The meaning and application of this exemption, in this respect, instance, depends on what is meant by "an establishment engaged in laundering, cleaning or repairing clothing or fabrics." Although the Act does not define these terms their meaning has been established by statements of Congressional intent, decisions of the courts, and interpretations of the Administrator. The meaning of these terms is discussed in the following paragraphs of this section.

(b) *Meaning of establishment.* As used in the Act, the term "establishment", which is not specifically defined therein, refers to a "distinct physical place of business" rather than to an entire business or enterprise which may include several separate establishments, some of which may qualify for an exemption and some of which may not. This is consistent with the meaning of the term as it is normally used in business and government and is judicially recognized. It has been recognized in the Congress in the course of enactment of remedial legislation (Phillips v. Walling, 324 U.S. 490; Mitchell v. Bekins Van & Storage Co., 352 U.S. 1027; 95 Cong. Rec. 12579, 14877; H. Rept. 1453, 81st Cong., 1st Sess., p. 25). For example, a bakery or manufacturing company which operates several places of business for the sale of its manufactured products may also operate a number of separate dry cleaning establishments within the meaning of the exemption. The hat manufacturing establishment would not qualify for exemption under section 13(a)(3), whereas, the establishments engaged in cleaning hats may qualify for the exemption provided that they meet the other tests specified in section 13(a)(3).

(c) *Laundries and dry cleaning establishments within the exemption.* As pointed out in § 781.5, the section 13(a)(3) exemption was proposed and enacted into law in order to deal specifically with laundry and dry cleaning establishments as a class in contrast with other types of establishments intended to be exempt as retail or service establishments under section 13(a)(2) of the Act. The legislative history of the exemption, enacted in 1949, indicates that the establishments "engaged in laundering, cleaning or repairing clothing or fabrics" to which section 13(a)(3) refers are laundry and dry cleaning establishments exclusively—those establishments in the laundry and dry cleaning industries which are devoted to the performance for customers of the services described. Thus, the establishments which will qualify for exemption if they meet the two statutory tests include not only (1) those laundry and dry cleaning establishments which perform on the same premises all the operations of receiving clothing or fabrics from customers; laundering, cleaning and repairing the articles, and redelivering the articles to their customers, but

(2) central laundry or dry cleaning establishments, and (3) those laundry or dry cleaning establishments (generally known in the trade as "press shops", "finish-mill" or "pick-up and delivery" plants) which receive from their customers clothing or fabrics for laundering, cleaning, or repairing at a central laundry or dry cleaning establishment, and then return them to these customers.

(d) *Repair services.* The "repairing" service which is included in the statutory purposes of the exemption refers only to such "repairing" services as are incidental to the performance of laundry or dry cleaning work. It has no reference to "repairing" establishments as such. "Repairing" establishments are not within the section 13(a)(3) exemption. To be exempt such establishments must qualify under the section 13(a)(2) retail or service exemption. The legislative history of the section 13(a)(3) exemption shows quite clearly that the exemption was intended to deal with the laundry and dry cleaning establishment problem only. Throughout the debates in Congress the amendment was always referred to as the laundry and dry cleaning establishment exemption. This same approach was also followed in the analysis of the exemption in the Statement of the Managers on the Part of the House (H. Rept. 1453, 81st Cong., 1st Sess., pp. 26–27). The references in the analysis were consistently made to the "laundry" or "dry cleaning" establishment. Nowhere in the legislative history is any reference made to a "repairing establishment." However, a laundry or dry cleaning establishment is exempt if it meets the two requirements of the exemption even if it performs repair services on items laundered or cleaned whether such items are shirts, towels, bed sheets, aprons, uniforms, suits, or the fabrics on upholstered furniture, or rugs, or slip covers or draperies or any other clothing or fabrics.

(e) *Dyeing operations.* An establishment engaged in dyeing operations is not exempt under section 13(a)(3) since such services do not constitute "laundering, cleaning or repairing clothing or fabrics."

(f) *Linen supply services.* An establishment which provides linen supply service will be regarded as an establishment engaged in the business of laundering, cleaning or repairing of clothing or fabrics which will qualify for the section 13(a)(3) exemption, if it otherwise meets the statutory tests, even if the clothing or fabrics which it supplies to its customers are not owned by them, and even though it may not, itself, perform the laundering, cleaning or repairing operations.

(g) *Rug and carpet cleaning establishments.* An establishment engaged in the business of laundering, cleaning or repairing of rugs and carpets will be regarded as an establishment engaged in "laundering, cleaning or repairing clothing or fabrics" within the meaning of section 13(a)(3). Such an establishment will be exempt, if it otherwise meets the requirements of section 13(a)(3), even if it repairs, binds, weaves, sews, stores and lays the carpets and rugs it cleans, as an incident to the cleaning work.

(h) *Laundering and sale of industrial wiping cloths.* The laundering and cleaning of industrial wiping cloths constitutes the laundering and cleaning of fabrics within the meaning of section 13(a)(3). The sale of such a service to a mining, manufacturing, transportation or communications business would, of course, be subject to the 25% limitation imposed by the exemption. The sale of industrial wiping cloths, however, is not within the scope of the section 13(a)(3) exemption. Further, employees who cut, trim, or otherwise manufacture industrial wiping cloths are not exempt under section 13(a)(3). Such activity would also not be exempt under section 13(a)(2), or section 13(a)(4) because the sale of these goods for use by industrial enterprises in their production operations are not retail sales nor is an establishment engaged in the manufacture and sale of this type of goods recognized as a retail establishment (see Part 779 of this chapter, §§ 779.321 et seq., and 779.346 et seq.). However, if the establishment is otherwise engaged in the laundering, cleaning or repairing of clothing or fabrics under section 13(a)(3), the manufacturing activities may be disregarded in determining whether the establishment meets the tests of the 13(a)(3) exemption. If the establishment does meet the tests of section 13(a)(3) on the basis of its receipts from its laundry and linen supply services, only those employees exclusively engaged in these activities would qualify for exemption under this section of the Act.

REQUIREMENTS FOR EXEMPTION OF AN ESTABLISHMENT ENGAGED IN LAUNDERING, CLEANING OR REPAIRING CLOTHING OR FABRICS

§ 781.7 Requirements summarized.

To qualify for exemption, an establishment "engaged in laundering, cleaning, or repairing clothing or fabrics" as described in § 781.6, must meet the following two tests:

(a) More than 50 percent of the establishment's annual dollar volume of sales of such services must be made within the State in which the establishment is located, and

(b) At least 75 percent of the establishment's annual dollar volume of sales of such services must be to customers who are not engaged in a mining, manufacturing, transportation, or communications business.

§ 781.8 More than 50 percent intrastate sales required.

The first test for exemption specified in section 13(a)(3) is that more than 50 percent of the establishment's sales (measured by annual dollar volume) of "such services", that is laundry or dry cleaning services, must be made "within the State in which the establishment is located." This means that the establishment must be primarily engaged (more than 50 percent) in selling its services to customers within the State in which it is located. If the establishment is engaged to the extent of 50 percent or more in selling its laundry or dry cleaning services to customers outside the State of its location, the requirement is not met and the establishment cannot qualify for exemption.

§ 781.9 Out-of-State customers.

Whether the sale of laundry or dry cleaning service is made to an out-of-State customer is a question of fact. In order for a customer to be considered an out-of-State customer, some specific relationship between him and the seller has to exist to indicate his out-of-State character. On the one hand, sales made to customers in States other than the one in which the establishment is located, clearly, are not sales made within the State. This would be the case where the establishment's drivers pick up or deliver the laundry or dry cleaning to the customers in the other States, or where the establishment operates outlets in the other States, at which the customers deliver and pick up their own laundry or dry cleaning, or in other situations where the relationship with the customer is such as to indicate his out-of-State character. This would be the case, for example, where an out-of-State linen supply company in the regular course of dealing brings its linen into the State to be laundered by a laundry. The fact that in such a case the linen supply company delivers and picks up the linen in the State in which the laundry is located, would not alter the conclusion that the laundry service is sold to an out-of-State customer. On the other hand, sales made to the casual cash-and-carry customer of a laundry or dry cleaning establishment, who, for all practical purposes, is indistinguishable among the mass of customers who visit the establishment, are sales made within the State even if the seller knows or has reason to believe, because of his proximity to the State line or because he is frequented by tourists, that some of the customers who visit his establishment may reside outside the State. If the customer is of that type, sales made to him are sales made within the State even if the seller knows in the particular instance that the customer resides outside the State.

§ 781.10 Sales "made within the State" and "interstate" sales distinguished.

Sales to customers located in the same State as the establishment are sales made "within the State" even though such sales may constitute engagement in interstate commerce. For example, a sale to a customer in the same State as the establishment will be considered a sale made within the State even if the customer is engaged in interstate commerce or in the production of goods for interstate commerce.

§ 781.11 Determining percentage of out-of-State sales.

As explained in § 781.15, below, for the purposes of computing the "annual dollar volume" in section 13(a)(3) only sales of laundering and cleaning services are counted.

LIMITATIONS ON SALES TO CERTAIN CUSTOMERS

§ 781.12 Sales to certain customers limited to 25 percent.

The second test specified in section 13(a)(3) is that at least 75 percent of the sales of laundry or dry cleaning services (measured by annual dollar volume) must be made to customers who are not engaged in a "mining, manufacturing, transportation or communications business." No laundry or cleaning establishment will be exempt if more than 25 percent of its laundry or cleaning business is with such customers as those specified in the exemption. This is true whether the services performed are made directly to such businesses or through an intermediary. For example, the laundering of linens by a laundry establishment for a linen supply company which supplies these linens to customers engaged in a mining, manufacturing, transportation, or communications business, will be considered as services performed by the laundry establishment to customers engaged in such businesses. Whether a sale is made to a customer who is engaged in a mining, manufacturing, transportation or communications business is a question which must be determined on the basis of all the facts. It should be noted, however, that it is the "customer", and not his establishment or facility, to whom sales are limited under this provision. Thus, if the sale is made to a customer "engaged in a mining, manufacturing, transportation or communications business", it must be included in the 25 percent limitation regardless of whether it is made to him at his factory, his executive offices, or at any other of his establishments. The following paragraphs of this section contain some examples of sales which are regarded as made to customers in the named businesses and which must be included in the 25 percent limitation imposed by section 13(a)(3):

(a) *Mining.* The following are regarded as customers engaged in a mining business: Customers engaged in the extractive industries. This includes all customers engaged in the business of extraction of minerals, including solids, such as coal and ores; liquids, such as crude pretroleum; and gases, such as natural gas. The "mining" industry also includes quarrying, well operation, exploration and development of mineral properties, and other preparations required to render the materials marketable.

(b) *Manufacturing.* The exclusion of sales made to a "manufacturing" business is not limited to factories or other manufacturing plants. This exclusion applies to laundry services performed for a sales office of a manufacturing plant, whether the office is located at the plant or in a different city and regardless of whether the sales office has a direct connection with the management of the plant, since it is a part of the "manufacturing business" whose products it sells. Laundry services sold to a power distributor which produces the power which it distributes must be included in the 25 percent tolerance because the distributor is engaged in a "manufacturing" business. However, if the power distributor purchases the power from a producer or from other power distributors, it is engaged only in distribution and not in a "manufacturing" business.

(c) *Communications.* The limitation of sales to a "communications" business includes sales to customers such as newspapers, broadcasting companies, telephone and telegraph companies.

(d) *Transportation.* Customers engaged in a transportation business do not include those engaged only in that transportation which is incidental to the sale of goods or services. The customers referred to are those in the transportation industry itself, who engaged in transportation as a business, such as railroads, airlines, bus companies, steamship lines, trucking lines, or other motor carriers. Thus, the laundering of uniforms for a bus company would be included in the 25 percent limitation, whereas laundering of uniforms for drivers of a retail store would not be a sale to a customer in the "transportation business."

§ 781.13 Sale made to a named business.

Where clothing or fabrics are collected at or delivered to the employer's premises, and where the use of the particular types of clothing or fabrics is primarily for the benefit or convenience of the employer, the laundering, cleaning, or repairing is a service to the business. This is true whether or not the laundry or dry cleaner receives the clothing or fabrics for laundering, cleaning, or repairing from the employer directly or indirectly, and whether or not the clothing or fabrics are owned by the employees, and whether or not the laundering, cleaning, or repairing service is paid for by the employer or by the employees either directly or through deductions from their pay. Where the clothing is not of the type which is used primarily for the benefit or convenience of the employer "engaged in a mining, manufacturing, transportation, or communications business," but the employer nevertheless arranges and pays for the laundering, cleaning, or repairing of the clothing, the sales of these services are made directly to the employer and they are regarded as performed for the employer.

§ 781.14 Sales not made to a named business.

The section 13(a)(3) exemption applies to a laundry or dry cleaning establishment which meets the two requirements contained in the exemption, whether it launders towels or other linen for barber or beauty shops, doctors' or dentists' offices, or schools, hospitals, restaurants, or hotels, or for the housewife. Generally, also the laundering, cleaning or repairing of personal clothing, including work clothing, picked up from the employee's home, in the ordinary course of dealing, is not a sale of the service to one of the named businesses even if the employee is employed in a mining, manufacturing, communications or transportation business. Thus, if work clothes are picked up from an employee's home as a part of his home laundry in the ordinary course of dealing with the employee, the laundry service would not be included in the 25 percent limitation whether or not the clothing is used primarily for the benefit and convenience of his employer engaged in one of the businesses listed in section 13(a)(3).

COMPUTING THE ANNUAL VOLUME

§ 781.15 The annual period.

Both of the tests for exemption of a laundry or dry cleaning establishment under section 13(a)(3), are specified in terms of percentages of the "annual dollar volume of sales" of "such services." The term "such services" has reference to laundering, cleaning, or repairing clothing or fabrics. Therefore, in computing the annual dollar volume of sales only the sales of laundry and cleaning services are counted. The annual dollar volume of sales of a laundry or dry cleaning establishment thus consists of the gross receipts from all laundry and dry cleaning services during a 12-month period. Where there may be doubt as to whether the establishment qualifies under the percentage tests for the exemption, analysis of its gross receipts for such annual period must be made before the employer can know whether or not he is required, when he pays his employees, to observe the minimum wage and overtime pay standards of the Act with respect to employees covered by the Act.

§ 781.16 Calculation on a calendar year basis.

For purposes of determining the applicability of the exemption to an establishment during any calendar quarter (Jan. 1–Mar. 31; Apr. 1–Jun. 30; July 1–Sept. 30; Oct. 1–Dec. 31), analysis of the gross receipts from the various types of sales of laundry and dry cleaning services will be made on the basis of the annual (12 calendar months') period which immediately precedes the current calendar quarter. In this manner, the employer by analyzing the sales of the establishment for the twelve months immediately preceding any current quarter will know whether or not to comply with the requirements of the Act in the workweeks ending in such quarter-year period. Of course, in applying this rule, the gross receipts of an establishment for such 12-month period will constitute its annual dollar volume for that period even though the establishment did not operate throughout the entire year.

§ 781.17 Computation on a fiscal year basis.

Some establishments operate on a fiscal year, consisting of an annual period different from the calendar year, for income tax or sales or other accounting purposes. Such establishments, in applying the method of computation in § 781.16 may use the four quarters of the fiscal year period, instead of the four quarters of the calendar year, to determine whether the requirements of the exemption have been met in the workweeks ending in the current fiscal year quarter. Once adopted, the same basis must be used in subsequent computations.

§ 781.18 Computation for new business.

When a new business is commenced in an establishment, the employer will necessarily be unable for a time to determine its annual dollar volume on the basis of the preceding annual period described in § 781.16 or 781.17, because the establishment will have no gross receipts during such period. In such cases, for purposes of determining the applicability of the exemption in workweeks falling within the calendar quarter in which the establishment commenced operations, the gross receipts of such new business during the period in which it has been in operation will be taken as representative of the establishment's annual dollar volume in applying the statutory percentage tests. Similarly, for purposes of determining whether or not it has met the requirements for exemption under section 13(a)(3) in workweeks falling within the ensuing quarter year periods, the sales of laundry and dry cleaning services for the completed quarter year periods will be taken as representative of its annual dollar volume. After the establishment has been in operation a full year, the analysis can be made as described in § 781.16 or 781.17.

EMPLOYMENT "BY" AN EXEMPT ESTABLISHMENT

§ 781.19 Employment "by" establishment required for exemption.

Section 13(a)(3) exempts any employee "employed by" any establishment described in this exemption. Thus, where it is found that the laundry or dry cleaning establishment meets the tests for exemption, all employees "employed by" that establishment will be exempt from the minimum wage and overtime provisions of the Act, whether such employees perform their activities inside or outside the establishment. Thus, such employees as repair and service men and delivery men actually employed by an exempt laundry or dry cleaning establishment are exempt from the minimum wage and overtime provisions of the Act even if they perform the work of the establishment away from the premises.

§ 781.20 Employed within scope of exempt business.

In order to meet the requirement of actual employment "by" the establishment, an employee, whether performing his duties inside or outside the establishment, must be employed in the work of the exempt establishment itself in activities within the scope of its business (see Davis v. Goodman Lumber Co., 133 F. 2d 52; Northwest Airlines v. Jackson, 185 F. 2d 74; Walling v. Connecticut Co., 154 F. 2d 522, certiorari denied, 329 U.S. 667; and Wabash Radio Corp. v. Walling, 162 F. 2d 391).

§ 781.21 Employed "in" but not "by".

Since the exemption by its terms applies to employees "employed by" the exempt establishment, it follows that the exemption will not extend to other employees who although actually working in the establishment are not "employed by" the exempt establishment. Thus, traveling auditors, repairmen and others who are not "employed by" the exempt establishment in which they work will not be exempt merely because they happen to be working in such an exempt establishment (Mitchell v. Kroger Co., 248 F. 2d 945).

§ 781.22 Central offices and warehouses.

Employees in offices, warehouses, garages, etc., which service a single exempt laundry or dry cleaning establishment are regarded as "employed by" such exempt establishment and are within the section 13(a)(3) exemption. They will be exempt whether the office, warehouse or garage in which they work is part of the premises of such exempt establishment or is a separate establishment, and whether the exempt laundry or dry cleaning establishment by which they are employed performs on its premises all the operations (of receiving clothing or fabrics from customers, laundering, cleaning and repairing the articles, and redelivering the articles to the customers), or is served through separate establishments which receive and return the clothing or fabrics laundered, cleaned, or repaired to the customers. On the other hand, where a business organization operates a chain of laundry or dry cleaning establishments in which laundering, cleaning or repairing operations are performed on clothing or fabrics for the customers of such establishments, the employees working for the central offices and warehouses of such a chain of laundries or dry cleaning establishments will not qualify for the section 13(a)(3) exemption. Such central offices and warehouses, as separate and distinct establishments within the meaning of the exemption, perform no laundering, cleaning or repairing services and have no customers. Under such circumstances, the two tests of the section 13(a)(2) exemption cannot be applied to them. Moreover, employees of such central offices and warehouses are not "employed by" any laundry or dry cleaning establishment but rather "by" the chain itself.

WORKWEEK APPLICATION OF EXEMPTION

§ 781.23 Workweek is used in applying the exemption.

The unit of time to be used in determining the application of the exemption to an employee is the workweek (see Overnight Motor Transportation Co. v. Missel, 316 U.S. 572; McComb v. Puerto Rico Tobacco Marketing Co-op. Ass'n, 80 F. Supp. 953, affirmed 181 F. 2d 697). A workweek is a fixed and regularly recurring period of 168 hours—7 consecutive 24-hour periods. It may begin at any hour of any day and need not coincide with the calendar week. Once the workweek has been set it commences each succeeding week on the same day and at the same hour. Changing the workweek for the purpose of escaping the requirements of the Act is not permitted. If in any workweek an employee engages exclusively in work which is exempt under section 13(a)(3), he is exempt from the wage and hour provisions of the Act during that workweek, irrespective of the nature of his work in any other workweek or workweeks. Employees may thus be exempt in one workweek and not in the next.

§ 781.24 Exempt and noncovered work during the same workweek.

The wage and hour requirements of the Act do not apply to an employee during any workweek in which a portion of his activities fall within the exemption in section 13(a)(3) if all the remainder of his activities during that week are not covered by the Act.

§ 781.25 Exempt and nonexempt work during the same workweek.

Where an employee in the same workweek performs work which is exempt under section 13(a)(3) and also engages in work to which the Act applies, and which is not exempt under this or any other section of the Act, he is not exempt during that workweek, and the wage and hour requirements of the Act are applicable (see Mitchell v. Hunt, 263 F. 2d 913; Mitchell v. Maxfield, 12 WH Cases 792 (S.D. Ohio), 29 Labor Cases 69,781; Jordan v. Stark Bros. Nurseries, 45 F. Supp. 769; McComb v. Puerto Rico Tobacco Marketing Co-op. Ass'n, 80 F. Supp. 953, affirmed 181 F. 2d 697; Walling v Peacock Corp., 58 F. Supp.880–883).

§ 781.26 Work exempt under another section of the Act.

The combination ("tacking") of exempt work under section 13(a)(3) with exempt work under another section of the Act is permitted. The wage and hour requirements are not considered applicable to an employee who does work within section 13(a)(3) for only part of a workweek if all of the covered work done by him during the remainder of the workweek is within one or more equivalent exemptions under other provisions of the Act. If the scope of such exemptions is not the same, however, the exemption applicable to the employee is equivalent to that provided by whichever exemption provision is more limited in scope. In such a case, each activity is tested separately under the applicable exemption as if it were the sole activity of the employee for the whole workweek in question. The availability of a combination exemption depends on whether the employee meets all the requirements of each exemption which is sought to be combined.

Signed at Washington, D.C., this 20th day of February 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-1965; Filed, Feb. 27, 1962; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER F—RESERVE FORCES

PART 861—OFFICERS' RESERVE USAF Officer Training School (OTS)

The following amendments are issued to this part:

1. Section 861.6 is revised to read as follows:

§ 861.6 Eligibility requirements.

This section outlines the basic eligibility requirements and requisite qualifications which must be met when applying. Waivers of the provisions of this section normally will not be granted. However, major air command headquarters may send requests that merit special consideration of Hq USAF (AFPTR), Washington 25, D.C.

(a) *Age and citizenship.* (1) Applicants for nonrated duty must be:

(i) United States male or female citizens who are at least 20½ years of age when applying.

(ii) Commissioned before reaching their 30th birthday.

(2) Applicants who desire flying training must be:

(i) United States male citizens between the ages of 20½ and 26½ when applying.

(ii) Enrolled into flying training before reaching their 27th birthday.

(b) *Marital restrictions*—(1) *Males.* No restrictions.

(2) *Females.* Must be unmarried and have no dependents when applying and must agree in writing to remain unmarried during the training program.

(c) *Air Force base or place of residence.* When applying, civilian applicants must be residing in the United States, Puerto Rico, or the Panama Canal Zone.

(d) *Educational qualifications.* (1) Applicants must be college graduates with a baccalaureate or higher degree from an accredited college or university. The school from which the degree is granted must be listed in the latest issue of part 3, "Higher Education," Education Directory, published by the Office of Health, Education, and Welfare, and must bear a level-of-training classification of II, III, or IV and a type-of-program classification of b, c, d, e, f, h, i, j, or k. In addition, the school must be accredited by a regional association for accrediting professional curricula. Graduates of schools bearing a type-of-program classification of g may be accepted, dependent upon the needs of the Air Force for the professional skill of the individual applicant.

(2) Applications from students enrolled in their senior year of college may be submitted 210 days before the applicant's scheduled graduation date. These persons will be processed as college graduates. Applicants will not be enlisted until documentary evidence has been submitted showing they have been awarded their degree. This document will be returned to the individual and will not be part of his enlistment file.

(3) If otherwise qualified, an applicant who is a graduate of a non-accredited American college or university, or who is a graduate of a foreign college or university, may meet the educational requirements by submitting a statement signed by the appropriate official of an accredited college or university offering graduate degrees certifying that the applicant meets the educational requirements for entrance into the graduate school or graduate division of that college or university.

(e) *Moral character.* Applicants must be of the highest moral character.

(f) *Medical standards.* (1) Male applicants applying for:

(i) Training in the administrative or technical career areas will be given a commissioning-type physical examination only.

(ii) Flying training will be examined for flying Class I or IA, whichever is applicable.

(2) Female applicants will be given a commissioning-type physical examination. When facilities are available, the medical examination may be accomplished at any Air Force installation, or it may be accomplished by a duly licensed doctor of medicine without expense to the Government.

(3) Applicants must meet the medical standards for the training they desire and for which they are selected.

2. In § 861.11(a), a new subdivision (v) is added to subparagraph (1), as follows:

§ 861.11 Preliminary processing.

(a) • • •

(1) • • •

(v) Recruiting Service detachment commanders or their authorized test control officers may administer booklet I of the AFOQT on the college campuses or in the field. Booklet I will be scored by AFAAEC's, and if successful, applicants will receive balance of testing at AFAAEC.

3. Section 861.12 is revised to read as follows:

§ 861.12 Air Force Academy and Aircrew Examining Centers (AFAAEC).

Each tentatively qualified applicant referred to an AFAAEC for final processing will be given the applicable booklets of the AFOQT, a complete medical examination as prescribed in § 861.6(f), and such other examinations as may be directed by Headquarters USAF. Waivers for failure to meet commissioning standards will not be granted. Applicants who have previously qualified on AFOQT will not be retested provided official record scores are available. The written examination will be given and scored before scheduling the medical examination. An applicant who fails to attain the minimum qualifying score on the officer quality portion of the AFOQT will not be processed further. A person will not be retested under any circumstances on the AFOQT before 1 year from the date he was last tested.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 10 U.S.C. 9411) [AFR 53-27A, January 26, 1962]

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62-1952; Filed, Feb. 27, 1962; 8:45 a.m.]

SUBCHAPTER G—PERSONNEL

PART 881—PERSONNEL BOARDS

Air Force Board for Correction of Military Records

Sections 881.1 to 881.11 are rescinded and the following substituted therefor:

Sec.
881.1 Purpose.
881.2 Establishment, function, and jurisdiction of the Board.
881.3 Application for correction.
881.4 Time limit for filing application.
881.5 Exhaustion of other remedies.
881.6 Other proceedings not stayed.
881.7 Review of application.
881.8 Entitlement to hearing, notice, counsel, witnesses, and access to records.
881.9 Convening the Board.
881.10 Conduct of hearing.
881.11 Continuance.
881.12 Action by the Board.
881.13 Action by the Secretary of the Air Force.
881.14 Staff action.
881.15 Further hearing before the Board.
881.16 Settlement of claims.
881.17 Staff assistance.
881.18 Expenses.
881.19 Changes in procedures.

AUTHORITY: §§ 881.1 to 881.19 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply sec. 1552, 70A Stat. 116; 10 U.S.C. 1552.

SOURCE: AFR 31-3, January 2, 1962.

§ 881.1 Purpose.

Sections 881.1 to 881.19 establish procedures for making application, and the consideration of applications, for the correction of military records by the Secretary of the Air Force acting through the Air Force Board for the Correction of Military Records (hereinafter referred to as the "Board").

§ 881.2 Establishment, function, and jurisdiction of the Board.

(a) *Establishment and composition.* Pursuant to 10 U.S.C. 1552, the Air Force Board for the Correction of Military Records has been established in the Office of the Secretary of the Air Force. The Board consists of civilians of the executive part of the Department of the Air Force in such number, not less than three, as may be appointed by the Secretary of the Air Force. Three members present shall constitute a quorum of the Board. The Secretary designates one member as chairman. In the absence or incapacity of the chairman an acting chairman chosen by the Board shall act as chairman for all purposes.

(b) *Function.* The function of the Board is to consider all applications properly before it for the purpose of determining the existence of an error or an injustice and to make appropriate recommendations to the Secretary of the Air Force.

(c) *Jurisdiction.* The Board shall have jurisdiction to review and determine all matters properly brought before it, consistent with existing law.

§ 881.3 Application for correction.

(a) *General requirements*—(1) *Submission.* The application for correction should be submitted on DD Form 149, "Application for Correction of Military or Naval Record," or exact facsimile thereof, and should be addressed to: Hq USAF (AFCAS-64-C), Washington 25, D.C. Forms and explanatory matter may be obtained from Hq USAF (AFCAS-64-C), Washington 25, D.C.

(2) *By whom signed.* Except as provided in subparagraph (3) of this paragraph, the application shall be signed by the person requesting corrective action with respect to his record and will either be sworn to or will contain a provision to the effect that the statements submitted in the application are made with full knowledge of the penalty provided by law for making a false statement or claim (18 U.S.C. 287, 1001).

(3) *When person is unable to submit application himself.* When the record in question is that of a person who is incapable of making application himself, or whose whereabouts are unknown, or when such person is deceased, for the purpose of bringing the matter before the Board, the application may be made (except where compliance with the provisions of the law with respect to time limitations for filing an application may require otherwise) by such person as the Board shall determine to be competent and suitable and to have a proper interest therein, including but not limited to, a spouse, a parent, or relative. Such proof of suitability and proper interest shall be submitted as may be required by the Board.

§ 881.4 Time limit for filing application.

A claimant, his heir, or legal representative, must file the application for correction of a record with the Secretary of the Air Force within three years after discovery of the alleged error or injustice. Failure to file within the time prescribed may be excused by the Board if it finds it would be in the interest of justice to do so. If the claimant, his heir, or legal representative files an application more than three years after he discovers the error or injustice, he must include in his application his reasons why the Board should find it is in the interest of justice to excuse his failure to file the application within the time prescribed in this section.

§ 881.5 Exhaustion of other remedies.

No application will be considered until the applicant has exhausted all effective administrative remedies afforded him by existing law or regulations, and such legal remedies as the Board shall determine are practical and appropriately available to the applicant.

§ 881.6 Other proceedings not stayed.

The application to the Board for correction of a record shall not operate as a stay of any proceedings being taken with respect to the person involved.

§ 881.7 Review of application.

Each application and the available military or naval records pertinent to the corrective action requested will be reviewed to determine whether to authorize a hearing or to deny the application without a hearing. The Board will make this determination in all cases except those in which the application has been denied administratively for the reason that the applicant has not exhausted all other effective administrative remedies available to him, or for the reason that the applicant did not file his application within three years after he discovered the alleged error or injustice and did not submit any reason why the Board should find it to be in the interest of justice to excuse his failure to file within the prescribed three years. In connection with any application which it considers, the Board may recommend to the Secretary that the records be corrected, as requested by the applicant, without a hearing. The Board may deny an application if it determines that insufficient evidence has been presented to indicate probable material error or injustice, that the applicant has not exhausted other effective administrative or legal remedies available to him, that effective relief cannot be granted, or that the applicant did not file his application within three years after he discovered the alleged error or injustice and insufficient evidence has been presented to warrant a finding that it would be in the interest of justice to excuse the failure to file within the prescribed three years. The Board will not deny an application on the sole ground that the record or records involved were made by or by direction of the President or the Secretary in connection with proceedings other than proceedings of a Board for correction of military or naval records. If the application is denied, the applicant will be advised of the denial and that he is privileged to submit new and material evidence for consideration.

§ 881.8 Entitlement to hearing, notice, counsel, witnesses, and access to records.

(a) *General.* In each case in which a hearing is authorized, the applicant will be entitled to appear before the Board either in person or by counsel of his own selection or in person with counsel.

(b) *Notice*—(1) *To applicant and counsel.* In each case in which a hearing is authorized, the Board will transmit to the applicant and counsel, if any, a written notice stating the time and place of hearing. The notice will be mailed to the applicant and counsel, if any, at least 30 days prior to the date of hearing, except that an earlier date may be set where the applicant waives his right to such notice in writing.

(2) *Notifying Board.* Upon receipt of notice of hearing, the applicant will notify the Board in writing at least 15 days prior to the date set for hearing as to whether he will be present at the hearing and will indicate to the Board the name of counsel, if represented by counsel, and the names of such witnesses as he may intend to call in his behalf. Cases in which the applicant notifies the Board that he does not desire to be present at the hearing will be considered in accordance with § 881.10(b).

(c) *Definition of counsel.* The term "counsel" will be construed to include members in good standing of the Federal bar or the bar of any State, accredited representatives of veterans' organizations recognized by the Administrator of Veterans' Affairs under Title 38, United States Code, section 3402, and such other persons who, in the opinion of the Board, are considered to be competent to present equitably and comprehensively the request of the applicant for correction, unless barred by law.

(d) *Witnesses.* The applicant will be permitted to present witnesses in his behalf at hearings before the Board. It will be the responsibility of the applicant to notify his witnesses and to arrange for their appearance at the time and place set for hearing.

(e) *Access to records*—(1) *Official records.* The applicant shall have access to such official records as are deemed necessary to an adequate presentation of his case. It will be the responsibility of the applicant to procure such evidence not contained in the official records of the Department of the Air Force as he desires to present in support of his case.

(2) *Classified or privileged matter.* Classified or privileged matter shall not be disclosed or made available without express finding of the chairman that such disclosure is required in the case and is not detrimental to the public interest. Such disclosure shall not be contrary to existing law and departmental regulations concerning the security of classified material. When appropriate, the applicant may be supplied only with a summary or extract of classified matter.

§ 881.9 Convening the Board.

The Board will be convened at the call of the chairman and will recess or adjourn at his order.

§ 881.10 Conduct of hearing.

(a) *By chairman.* The hearing shall be conducted by the chairman, and shall be subject to his rulings so as to insure a full and fair hearing. The Board shall not be limited by legal rules of evidence but shall maintain reasonable bounds of competency, relevancy, and materiality.

(b) *When applicant is not present or represented at hearing.* If the applicant, after being duly notified, has indicated to the Board that he does not desire to be present or to be represented by counsel at the hearing, the Board will consider the case on the basis of all the material before it, including, but not limited to, the application for correction filed by the applicant, any documentary evidence filed in support of such application, any brief submitted by or in behalf of the applicant, and all available pertinent records.

(c) *When applicant fails to appear at time and place set for hearing.* If the applicant, after being duly notified, has indicated to the Board that he will be present or be represented by counsel at the hearing, and without good cause and timely notice to the Board, he or his representative fails to appear at the time and place set for the hearing, the Board may consider the case in accordance with the provisions of paragraph (b) of this section, or will make such other disposition of the case as is indicated under the circumstances.

(d) *Testimony.* All testimony before the Board shall be given under oath or affirmation. The proceedings of the Board and the testimony given before it will be recorded verbatim.

§ 881.11 Continuance.

The Board may continue a hearing on its own motion. A request for continuance by or in behalf of the applicant may be granted by the Board if a continuance appears necessary to insure a full and fair hearing.

§ 881.12 Action by the Board.

(a) *Deliberations, findings, decisions, and recommendations*—(1) *Deliberations.* Only members of the Board and its staff shall be present during the deliberations of the Board.

(2) *Further information.* During the course of review of the case, when it appears to the Board's satisfaction that the facts have not been fully and fairly disclosed by the records or by the testimony and other evidence before the Board, the Board may require the applicant to obtain, or the Board may obtain, such further information as it may consider essential to a complete and impartial determination of the facts and issues.

(3) *Findings, decisions, and recommendations.* Following a hearing, the Board will make written findings, decisions, and recommendations. A majority vote of the members present on any matter before the Board will constitute the action of the Board and shall be so recorded.

(4) *Separate communication.* Where the Board considers it necessary to submit comments or recommendations to the Secretary of the Air Force as to matters arising from but not directly related to the issues of any case, such comments and recommendations shall be the subject of separate communication.

(b) *Minority report.* In case of a disagreement between members of the Board, a minority report may be submitted, either as to the findings, decision, or the recommendations or to all, including the reasons therefor.

(c) *Record of proceedings.* When the Board has completed its proceedings, a record thereof shall be prepared. Such record shall indicate whether or not a quorum was present at the hearing and at the Board's deliberations. The record shall include the application for relief, a transcript of any testimony, affidavits, papers, and documents considered by the Board, briefs and written arguments filed in the case, the findings, decision and recommendations of the Board and all other papers, documents, and reports necessary to reflect a true and complete history of the proceedings. The record so prepared will be certified by the chairman or his designee as being true and complete.

(d) *Withdrawal.* The Board may permit an applicant to withdraw his application without prejudice at any time before its proceedings are forwarded to the Secretary of the Air Force.

§ 881.13 Action by the Secretary of the Air Force.

The record of proceedings of the Board will be forwarded to the Secretary of the Air Force who will direct such action in each case as he determines to be appropriate, which may include the return of the record to the Board for further consideration when deemed necessary.

§ 881.14 Staff action.

(a) *Returning case to Board.* Upon final action by the Secretary of the Air Force, the complete record in each case will be returned to the Board. The Board will transmit the decision of the Secretary of the Air Force to the Chief of Staff, USAF, for appropriate action.

(b) *Communicating decision to applicant and counsel.* Upon receipt of the record of proceedings after final action by the Secretary of the Air Force, the Board will communicate the decision to the applicant and counsel, if any.

(c) *Informing applicant when administrative action has been completed.* When all necessary administrative action has been completed by the Air Staff, the applicant will be informed of such action by the Air Staff office designated by the Chief of Staff, USAF.

(d) *Written notice to chairman of Board.* Written notice specifying the action taken and the date thereof will be transmitted to the chairman of the Board.

(e) *Filing record of decision of the Secretary of the Air Force.* The record of the decision of the Secretary of the Air Force will not be filed in the military records of the subject of the application where the effect of such action would be to nullify the relief granted or in those cases wherein the application is denied.

(f) *Inspection of record of proceedings.* After the Secretary of the Air Force has taken action on the record, the applicant or his counsel is entitled upon request to inspect the Record of Proceedings and to receive a copy of the Board's findings, decisions, and recommendations, unless the Chairman considers that granting the request would be detrimental to the public interest.

§ 881.15 Further hearing before the Board.

After final adjudication, further hearing before the Board will be granted only upon presentation by the applicant of newly discovered relevant evidence not previously considered by the Board and then only upon recommendation of the Board and approval by the Secretary of the Air Force.

§ 881.16 Settlement of claims.

(a) *Authority*—(1) *Claims authorized to be settled and paid.* The Department of the Air Force is authorized to pay claims in accordance with Title 10, United States Code, section 1552.

(2) *Claims not authorized to be paid.* The Department of the Air Force is not authorized to pay any claim heretofore compensated by Congress through enactment of a private law, or to pay any amount as compensation for any benefit to which the claimant might subsequently become entitled under the laws and regulations administered by the Administrator of Veterans' Affairs.

(b) *Application for settlement*—(1) *Filing claims.* Settlement and payment of claims shall be made only upon a claim of the person whose [illegible] been corrected or of his legal [illegible] tive, his heirs at law, or his [illegible] Such claim for settlement and [illegible] may be filed as a separate part [illegible] application for correction of the [illegible]

(2) *To whom payments will be [illegible] if person is deceased.* In case [illegible] whose record has been corrected [illegible] ceased, and where no demand [illegible] sented by a duly appointed legal [illegible] sentative of the estate, [illegible] otherwise due shall be made to [illegible] cedent's spouse, heir or beneficiary [illegible] order of precedence as prescribed [illegible] Title 10, United States Code, section [illegible]

(3) *Determining status as [illegible] parties to claim.* Upon request, [illegible] plicant or applicants shall be required [illegible] to furnish requisite information to [illegible] termine their status as proper parties [illegible] the claim for purposes of payment under [illegible] applicable provisions of law.

(c) *Settlement*—(1) *Basis for settlement.* Settlement of claims shall be based on the decision of the Secretary of the Air Force. Computation of the amounts due shall be made by the Comptroller of the Air Force, Headquarters USAF, or his representative. In no case will the amount found due exceed the amount which would otherwise have been paid or have become due under applicable laws had no error or injustice occurred. To the extent authorized by law and regulations, amounts found due may be reduced by the amount of any existing indebtedness to the Government arising from military service.

(2) *Advising as to nature and amount of various benefits.* Prior to or at the time of payment, the person to whom payments are to be made shall be advised by the Comptroller of the Air Force, Headquarters USAF, or his representative, as to the nature and amount of the various benefits represented by the [illegible] settlement, and shall be advised further that acceptance of such settlement will constitute a complete release by the claimants involved of any claim against the United States on account of the correction of records.

(d) *Report of settlement.* In any case where payment is made, the amount of such payment and the name of the payee or payees, shall be reported to the chairman of the Board.

§ 881.17 Staff assistance.

(a) *Assembling and transmitting available military records.* At the request of the Board, the appropriate staff office will assemble the original or certified copies of all available military records pertinent to the corrective action requested. Such records together with the application and all supporting papers will be transmitted to the Board with certification from the staff office designated by the Chief of Staff, USAF, that the corrective action requested cannot be granted through administrative action by any staff office.

(b) *Facilities of staff offices.* The facilities of all staff offices will be made available as required to assist the Board in accomplishing its function. Upon request of the Board, personnel of the Air Staff will be made available for presentation before the Board of matters [illegible]

...functional areas and which relate ... issues under consideration.

...38 Expenses.

... expense of any nature whatsoever, ...arily incurred by the applicant, ... counsel, his witnesses, or by any ... person in his behalf, will be paid by ... Government.

...39 Changes in procedures.

... Board may initiate recommendations for such changes in procedures as ...ished herein as may be considered ...ary for the proper functioning of ...ard. Such changes will be subject ... approval of the Secretary of the ... Force and the Secretary of Defense.

... order of the Secretary of the Air ...

CARROLL W. KELLEY,
Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62-1953; Filed, Feb. 27, 1962; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In § 3.207, the headnote, introductory paragraph, and paragraph (c) are amended so that § 3.207 reads as follows:

§ 3.207 Void remarriages of widows.

Where a remarriage was void without recourse to court action, a determination may be made by the Veterans Administration without a court decree of annulment. Where the remarriage of a widow who seeks benefits as an unremarried person has been annulled by court decree, there should be furnished certified copies of:

(a) The petition to the court for annulment;

(b) The answer, if any;

(c) A transcript of the testimony, or the court's findings of fact and conclusions of law, if available; and

(d) The court decree of annulment.

2. In § 3.209, the introductory paragraph and paragraphs (d) and (f) are amended to read as follows:

§ 3.209 Birth.

Age or relationship should be established by one of the following types of evidence: *Provided*, That, if the name of the person appearing on the copy of a record is not the same as that appearing in the records of the Veterans Administration, an affidavit or a certified statement will be required identifying the person having the changed name as the person whose name appears in the record:

* * * * *

(d) Affidavit or a certified statement of the physician or midwife in attendance at birth.

* * * * *

(f) Affidavits or certified statements of two or more persons, preferably disinterested, who will state their ages, showing the name, date, and place of birth of the person whose age or relationship is being established, and that to their own knowledge such person is the child of such parents (naming the parents) and stating the source of their knowledge.

* * * * *

3. In § 3.210, paragraph (c) is amended to read as follows:

§ 3.210 Child's relationship.

* * * * *

(c) *Adopted child.* Except as provided in subparagraph (1) of this paragraph evidence of relationship will include a certified copy of the final decree of adoption and such other evidence as may be necessary.

(1) In jurisdictions where petition must be made to the court for release of adoption documents or information, or where release of such documents or information is prohibited, the following may be accepted to establish the fact of adoption:

(i) As to a child adopted into the veteran's family, a certified copy of the child's revised birth certificate.

(ii) As to a child adopted out of the veteran's family, a statement over the signature of the judge or the clerk of the court setting forth the child's former name and the date of adoption, or a certified statement by the veteran, his widow, apportionee, or their fiduciaries setting forth the child's former name, date of birth, and the date and fact of adoption together with evidence indicating that the child's original public record of birth has been removed from such records. Where application is made for an apportionment under § 3.458(d) on behalf of a child adopted out of the veteran's family, the evidence must be sufficient to establish the veteran as the natural parent of the child.

(2) As to a child adopted by the veteran's spouse after his death, the statement of the adoptive mother or custodian of the child will be accepted in the absence of information to the contrary, to show that the child was a member of the veteran's household at the date of his death and that recurring contributions were not being received for the child's maintenance sufficient to provide for the major portion of the child's support, from any person other than the veteran or his spouse or from any public or private welfare organization which furnished services or assistance to children. (38 U.S.C. 101)

* * * * *

4. In § 3.211, paragraph (g) is added to read as follows:

§ 3.211 Death.

* * * * *

(g) In the absence of evidence to the contrary, a finding of fact of death made by another Federal agency will be accepted for the purposes of paragraph (f) of this section.

5. In § 3.212, paragraph (c) is added to read as follows:

§ 3.212 Unexplained absence for 7 years.

* * * * *

(c) In the absence of evidence to the contrary, a finding of death made by another Federal agency will be accepted if the finding meets the requirements of paragraph (a) of this section.

6. In § 3.213, the introductory portion of paragraph (a) which precedes subparagraph (1) is amended and subparagraph (4) is added and in addition paragraph (c) is amended to read as follows:

§ 3.213 Change of status affecting entitlement.

(a) *General.* The best proof available will be required to establish a change of status which would result in payment of a higher rate of pension, compensation or dependency and indemnity compensation. For the purpose of reducing or discontinuing such benefits, a statement by a claimant or payee of a specific date of change of status which would result in a reduction or discontinuance of benefits to that person will be accepted, in the absence of contradictory information. This includes:

* * * * *

(4) *Parent.* A statement by a parent setting forth: (i) The fact and date of marriage or remarriage;

(ii) The date two parents or a parent and spouse ceased living together;

(iii) The date two parents or a parent and spouse resumed living together following a period of separation;

(iv) Divorce or death of a spouse.

* * * * *

(c) *Contradictory information.* Where there is reason to believe that the event reported may have occurred at an earlier date, formal proof will be required.

7. The cross reference immediately following § 3.213, is changed to read as follows:

CROSS REFERENCE: Material change in income, net worth or change in status. See § 3.660.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective February 28, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-1984; Filed, Feb. 27, 1962; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Docket No. 33687]

PART 122—MONTHLY AND QUARTERLY OPERATING REPORTS

Subpart A—Railroads

REVENUE AND EXPENSES; SELECT INCOME AND BALANCE-SHEET ITEMS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 12th day of July A.D., 1961.

On February 27, 1961, the Commission, Division 2, issued its notice of rule making, advising that it had under consideration the revision of 49 CFR 122.1, *Revenues and expenses*, and 49 CFR 122.2, *Selected income and balance-sheet items*, so as to require that all Class I railroads, except switching and terminal companies, subject to the provisions of Part I of the Interstate Commerce Act, be required to file quarterly reports in lieu of monthly reports in accordance with quarterly report forms to be designated Form R&E—Quarterly Report of Revenues and Expenses and Form IBS—Quarterly Report of Selected Income and Balance Sheet Items.[1] The notice stated that any party desiring to make representations in favor of or against the proposed changes might submit written data, views or arguments to the Commission within 30 days of the publication thereof in the FEDERAL REGISTER; the notice was served on all Class I railroads, except switching and terminal companies, subject to Part I of the Interstate Commerce Act; and it was published in the FEDERAL REGISTER on March 11, 1961, 26 F.R. 2132. Representations have been filed in favor of and in opposition to the proposed revisions.

Upon further consideration of the matters and things involved in the Commission's notice of rule making, as described above, and in consideration of representations for and against the proposed revisions, as submitted in response to such notice:

It is ordered, That, with respect to reports for the three months beginning January 1, 1962, and thereafter until further order, the ordering paragraph of the order of October 16, 1952, in the matter of Steam Railways—Monthly Reports, be, and it is hereby, modified and amended to read as shown in § 122.1 below, and that the ordering paragraph of the order of November 27, 1957, in the matter of Form IBS—Income and Balance Sheet Items, be, and it is hereby, modified and amended to read as shown in § 122.2 below.

It is further ordered, That 49 CFR 122.1 and 49 CFR 122.2 be, and they are hereby, modified and amended to read as follows:

§ 122.1 Revenues and expenses.

Commencing with reports for the three months beginning January 1, 1962, and thereafter until further order, all Class I railroads, except switching and terminal companies, subject to the provisions of Part I of the Interstate Commerce Act, be, and they are hereby, required to file quarterly reports of revenues and expenses in accordance with quarterly report Form R&E, and notes of instruction thereon, which is attached to and made a part of this section. Such quarterly reports shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., within 26 days after the end of the quarter to which they relate.

§ 122.2 Selected income and balance-sheet items.

Commencing with reports for the three months beginning January 1, 1962, and thereafter until further order, all Class I railroads, except switching and terminal companies, subject to the provisions of Part I of the Interstate Commerce Act, be, and they are hereby, required to file quarterly reports of selected income and balance sheet items in accordance with quarterly report Form IBS, and notes of instruction thereon, which is attached to and made a part of this section. Such quarterly reports shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., within 45 days after the end of the quarter to which they relate.

(Secs. 122.1 and 122.2 issued under sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

And it is further ordered, That copies of this order, and of quarterly report Forms R&E and IBS, shall be served upon all Class I railroads, except switching and terminal companies, subject to the provisions of Part I of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator, or assignee of any such railroad, and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary*.

[F.R. Doc. 62-1983; Filed, Feb. 27, 1962; 8:48 a.m.]

[1] Forms filed as part of original document.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Kentucky Woodlands National Wildlife Refuge, Kentucky

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing for individual wildlife refuge areas.

KENTUCKY

KENTUCKY WOODLANDS NATIONAL WILDLIFE REFUGE

Sport fishing on the Kentucky Woodlands National Wildlife Refuge, Kentucky, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 7,100 acres or 11 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass, rock bass, saugar, rockfish, crappie, and bream; and other minor species permitted by State regulations.

(b) Open season: Duncan Bay and interior lakes Hematite, Honker, Empire, and Esselstyne—April 1, 1962, to October 31, 1962. Daylight hours only in interior lakes.

(c) Daily creel limits: Black bass, 10; rock bass, 15; sauger, 10; rockfish, 4; white bass, 60; crappie, 60; bream, no limit. Other minor species as permitted by State regulations.

(d) Methods of fishing:

(1) Pole and line, rod and reel, artificial and live baits permitted.

(2) Row boats, canoes and other floating devices with motors permitted in Duncan Bay. Gasoline powered boats prohibited on interior lakes. Electric motors permitted.

(3) Bow and arrows may be used for taking non-game fish as prescribed by Kentucky Regulation KFWR-F-36.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to November 1, 1962.

SOUTH CAROLINA

SANTEE NATIONAL WILDLIFE REFUGE

The special regulation permitting sport fishing on the Santee National Wildlife Refuge, South Carolina, 33.5, published January 31, 1962 in the FEDERAL REGISTER, Volume 27, Number 21, Page 987, is amended as follows:

(a) Species permitted to be taken: Largemouth black bass, striped bass, rockfish, white bass, crappie, bream, jackfish, and other minor species as permitted by State regulations. No size or weight limitations.

The provisions of this amended special regulation are effective to December 31, 1962.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 62-1962; Filed, Feb. 27, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) relating to section 170 of the Internal Revenue Code of 1954 to the Act of August 7, 1956 (Public Law 1022, 84th Cong., 70 Stat. 1117), and to sections 10, 11, and 12 of the Technical Amendments Act of 1958 (Public Law 85–866, 72 Stat. 1609–1610), and in order to make certain clarifying changes, such regulations are amended as follows:

PARAGRAPH 1. Section 1.170 is amended by revising section 170(b) and the historical note. As amended, § 1.170 reads as follows:

§ 1.170 Statutory provisions; charitable, etc., contributions and gifts.

SEC. 170. *Charitable, etc., contributions and gifts*—• • •

(b) *Limitations*—(1) Individuals. In the case of an individual the deduction provided in subsection (a) shall be limited as provided in subparagraphs (A), (B), (C), and (D).

(A) *Special rule.* Any charitable contribution to—

(i) A church or a convention or association of churches,

(ii) An educational organization referred to in section 503(b)(2), or

(iii) A hospital referred to in section 503(b)(5), or to a medical research organization (referred to in section 503(b)(5)) directly engaged in the continuous active conduct of medical research in conjunction with a hospital, if during the calendar year in which the contribution is made such organization is committed to spend such contributions for such research before January 1 of the fifth calendar year which begins after the date such contribution is made,

shall be allowed to the extent that the aggregate of such contributions does not exceed 10 percent of the taxpayer's adjusted gross income computed without regard to any net operating loss carryback to the taxable year under section 172.

(B) *General limitation.* The total deductions under subsection (a) for any taxable year shall not exceed 20 percent of the taxpayer's adjusted gross income computed without regard to any net operating loss carryback to the taxable year under section 172. For purposes of this subparagraph, the deduction under subsection (a) shall be computed without regard to any deduction allowed under subparagraph (A) but shall take into account any charitable contributions to the organizations described in clauses (i), (ii), and (iii) which are in excess of the amount allowable as a deduction under subparagraph (A).

(C) *Unlimited deduction for certain individuals.* The limitation in subparagraph (B) shall not apply in the case of an individual if, in the taxable year and in 8 of the 10 preceding taxable years, the amount of the charitable contributions, plus the amount of income tax (determined without regard to chapter 2, relating to tax on self-employment income) paid during such year in respect of such year or preceding taxable years, exceeds 90 percent of the taxpayer's taxable income for such year, computed without regard to—

(i) This section,

(ii) Section 151 (allowance of deductions for personal exemptions), and

(iii) Any net operating loss carryback to the taxable year under section 172.

In lieu of the amount of income tax paid during any such year, there may be substituted for that year the amount of income tax paid in respect of such year, provided that any amount so included in the year in respect of which payment was made shall not be included in any other year.

(D) *Denial of deduction in case of certain transfers in trust.* No deduction shall be allowed under this section for the value of any interest in property transferred after March 9, 1954, to a trust if—

(i) The grantor has a reversionary interest in the corpus or income of that portion of the trust with respect to which a deduction would (but for this subparagraph) be allowable under this section; and

(ii) At the time of the transfer the value of such reversionary interest exceeds 5 percent of the value of the property constituting such portion of the trust.

For purposes of this subparagraph, a power exercisable by the grantor or a nonadverse party (within the meaning of section 672(b)), or both, to revest in the grantor property or income therefrom shall be treated as a reversionary interest.

(2) *Corporations.* In the case of a corporation, the total deductions under subsection (a) for any taxable year shall not exceed 5 percent of the taxpayer's taxable income computed without regard to—

(A) This section,

(B) Part VIII (except section 248),

(C) Any net operating loss carryback to the taxable year under section 172, and

(D) Section 922 (special deduction for Western Hemisphere trade corporations).

Any contribution made by a corporation in a taxable year to which this section applies in excess of the amount deductible in such year under the foregoing limitation shall be deductible in each of the two succeeding taxable years in order of time, but only to the extent of the lesser of the two following amounts: (i) the excess of the maximum amount deductible for such succeeding taxable year under the foregoing limitation over the contributions made in such year; and (ii) in the case of the first succeeding taxable year the amount of such excess contribution, and in the case of the second succeeding taxable year the portion of such excess contribution not deductible in the first succeeding taxable year.

(3) *Special rule for corporations having net operating loss carryovers.* In applying the second sentence of paragraph (2) of this subsection, the excess of—

(A) The contributions made by a corporation in a taxable year to which this section applies, over

(B) The amount deductible in such year under the limitation in the first sentence of such paragraph (2), shall be reduced to the extent that such excess reduces taxable income (as computed for purposes of the second sentence of section 172(b)(2)) and increases a net operating loss carryover under section 172 to a succeeding taxable year.

(4) *Reduction for certain interest.* If, in connection with any charitable contribution, a liability is assumed by the recipient or by any other person, or if a charitable contribution is of property which is subject to a liability, then, to the extent necessary to avoid the duplication of amounts, the amount taken into account for purposes of this section as the amount of the charitable contribution—

(A) Shall be reduced for interest (i) which has been paid (or is to be paid) by the taxpayer, (ii) which is attributable to the liability, and (iii) which is attributable to any period after the making of the contribution, and

(B) In the case of a bond, shall be further reduced for interest (i) which has been paid (or is to be paid) by the taxpayer on indebtedness incurred or continued to purchase or carry such bond, and (ii) which is attributable to any period before the making of the contribution.

The reduction pursuant to subparagraph (B) shall not exceed the interest (including interest equivalent) on the bond which is attributable to any period before the making of the contribution and which is not (under the taxpayer's method of accounting) includible in the gross income of the taxpayer for any taxable year. For purposes of this paragraph, the term "bond" means any bond, debenture, note, or certificate or other evidence of indebtedness.

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[Sec. 170 as amended by sec. 1, Act of Aug. 7, 1956 (Public Law 1022, 84th Cong., 70 Stat. 1117) and sec. 10, 11, and 12, Technical

Amendments Act 1958 (Public Law 85-866, 72 Stat. 1606-1610)]

PAR. 2. Section 1.170-1 is amended by revising paragraphs (b) and (c) thereof to read as follows:

§ 1.170-1 Charitable, etc., contributions and gifts; allowance of deduction.

* * * * *

(b) *Time of making contribution.* Ordinarily a contribution is made at the time delivery is effected. In the case of a check, the unconditional delivery (or mailing) of a check which subsequently clears in due course will constitute an effective contribution on the date of delivery (or mailing). If a taxpayer unconditionally delivers (or mails) a properly endorsed stock certificate to a charitable donee or the donee's agent, the gift is completed on the date of delivery (or mailing, provided that such certificate is received in the ordinary course of the mails). If the donor delivers the certificate to his bank or broker as the donor's agent, or to the issuing corporation or its agent, for transfer into the name of the donee, the gift is completed on the date the stock is transferred on the books of the corporation.

(c) *Contribution in property*—(1) *General rules.* If a contribution is made in property other than money, the amount of the deduction is determined by the fair market value of the property at the time of the contribution. The fair market value is the price at which the property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of relevant facts. If the contribution is made in property of a type which the taxpayer sells in the course of his business, the fair market value is the price which the taxpayer would have received if he had sold the contributed property in the lowest usual market in which he customarily sells, at the time and place of the contribution (and in the case of a contribution of goods in quantity, in the quantity contributed). The usual market of a manufacturer or other producer consists of the wholesalers or other distributors to or through whom he customarily sells, unless he sells only at retail in which event it is his retail customers. If a donor makes a charitable contribution of, for example, stock in trade at a time when he could not reasonably have been expected to realize its usual selling price, the value of the gift is not the usual selling price but is the amount for which the quantity of merchandise contributed would have been sold by the donor at the time of the contribution. Costs and expenses incurred in the year of contribution in producing or acquiring the contributed property are not deductible and are not a part of the cost of goods sold. Similarly, to the extent that costs and expenses incurred in a prior taxable year in producing or acquiring the contributed property are reflected in the cost of goods sold in the year of contribution, cost of goods sold must be reduced by such costs and expenses. Transfers of property to an organization described in section 170(c) which bear a direct relationship to the taxpayer's business and which are made with a reasonable expectation of financial return commensurate with the amount of the transfer may constitute allowable deductions as trade or business expenses rather than as charitable contributions. See section 162 and the regulations thereunder.

(2) *Reduction for certain interest.* (i) With respect to charitable contributions made after December 31, 1957, section 170(b)(4) requires that the amount of the charitable deduction be reduced for certain interest to the extent necessary to avoid the deduction of the same amount both as an interest deduction under section 163 and as a deduction for charitable contributions under section 170. The reduction is to be determined in accordance with subdivisions (ii) and (iii) of this subparagraph.

(ii) With respect to charitable contributions made after December 31, 1957, in determining the amount to be taken into account as a charitable contribution for purposes of section 170, the amount determined without regard to section 170(b)(4) or this subparagraph shall be reduced by the amount of interest which has been paid (or is to be paid) by the taxpayer, which is attributable to any liability connected with the contribution, and which is attributable to any period of time after the making of the contribution. The deduction otherwise allowable for charitable contributions under section 170 is required to be reduced pursuant to section 170(b)(4) only if, in connection with a charitable contribution, a liability is assumed by the recipient of the contribution or by any other person, or if the charitable contribution is of property which is subject to a liability. Thus, if the contribution is made in property and the transfer is conditioned upon the assumption of a liability by the donee or by some other person, any interest paid (or to be paid) by the taxpayer, attributable to the liability, and with respect to a period after the making of the contribution, will serve to reduce the amount that may be taken into account as a charitable contribution for purposes of section 170. The adjustment referred to in this subdivision must also be made where the contributed property is subject to a liability and the value of the property reflects the payment by the donor of interest with respect to a period of time after the making of the contribution.

(iii) If, in connection with the charitable contribution, after December 31, 1957, of a bond, a liability is assumed by the recipient or by any other person, or if the bond is subject to a liability, then, in determining the amount to be taken into account as a charitable contribution under section 170, the amount determined without regard to section 170(b)(4) or this subparagraph shall, without regard to whether any reduction may be required by subdivision (ii) of this subparagraph, also be reduced for interest which has been paid (or is to be paid) by the taxpayer on indebtedness incurred or continued to purchase or carry such bond, and which is attributable to any period before the making of the contribution. However, the reduction referred to in this subdivision shall be made only to the extent that such reduction does not exceed the interest (including bond discount and other interest equivalent) receivable on the bond, which is attributable to any period before the making of the contribution which is, by reason of the taxpayer's method of accounting, includible in the taxpayer's gross income for any taxable year. For purposes of section 170(b)(4) and this subdivision the term "bond" means any bond, debenture, note, or certificate or other evidence of indebtedness.

(iv) The provisions of this subparagraph may be illustrated by the following examples:

Example 1. A, an individual using the cash receipts and disbursements method of accounting, on January 1, 1960, contributed to a charitable organization real estate having a fair market value of $10,000. In connection with the contribution the charitable organization assumed an indebtedness of $8,000 which A had incurred. A has paid two years' interest on that indebtedness (in 1960 and 1961) amounting to $960, and has taken an interest deduction of $960 for such amount. The amount of the gift, determined without regard to this subparagraph, is $2,960 ($10,000 less $8,000, the outstanding indebtedness, plus $960, the amount of prepaid interest). In determining the amount of the deduction for charitable contributions, the value of the gift ($2,960) must be reduced by $960 to eliminate from the computation of such deduction that portion thereof for which A has been allowed an interest deduction.

Example (2). On January 1, 1960, B, an individual using the cash receipts and disbursements method of accounting, purchased for $9,600 a 5½ percent $10,000, 20-year M Corporation bond, the interest on which was payable semiannually on June 30 and December 31. The M Corporation had issued the bond on January 1, 1960, at a discount of $720 from the principal amount. On December 1, 1960, B donated the bond to a charitable organization, and, in connection with the contribution, the charitable organization assumed an indebtedness of $7,000 which B had incurred to purchase and carry the bond. During the calendar year 1960 B paid accrued interest of $330 on the indebtedness for the period from January 1 to December 1, 1960, and has taken an interest deduction of $330 for such amount. No portion of the bond discount of $36 a year ($720 divided by 20 years) has been included in B's income, and of the $550 of annual interest receivable on the bond, he included in income only the June 30 payment of $275. The market value of the bond on the date of the contribution was $9,902. Such value reflects a proportionate part of the original bond discount ($9,280 plus $393, or $9,673) and of interest receivable of $229 which had accrued from July 1 to December 1, 1960. The amount of the charitable contribution determined without regard to this subparagraph is $2,902 ($9,902, the value of the property on the date of gift, less $7,000, the amount of the liability assumed by the charitable organization). In determining the amount of the allowable deduction for charitable contributions, the value of the gift ($2,902) must be reduced to eliminate from the deduction that portion thereof for which B has been allowed an interest deduction. Although the amount of such interest deduction was $330, the reduction required by this subparagraph is limited to $302, since the reduction is not in excess of the amount of interest income on the bond ($550) or accrued interest plus $33, the amount of bond discount attributable to the eleven-month period B held the bond).

... Section 1.170–2 is amended by ... subparagraph (1) of paragraph ... by revising subparagraphs (1) and ... of paragraph (b), and by revising ...graph (1) and subdivisions (i) ... (ii) of subparagraph (2) of para... (b). As amended, § 1.170–2 reads ... follows:

§ 1.170–2 Charitable deductions by individuals; limitations.

(a) *In general.* (1) A deduction is allowable to an individual under section ... only for charitable contributions actually paid during the taxable year, regardless of when pledged and regardless of the method of accounting employed by the taxpayer in keeping his books and ... A contribution to an organization described in section 170(c) is deductible even though some portion of the ... of the organization may be used ... foreign countries for charitable or ...tional purposes. The deduction by ...individual for charitable contributions under section 170 is limited generally to 20 percent of the taxpayer's ...ted gross income (computed without ...rd to any net operating loss carryback to the taxable year under section ... If a husband and wife make a ... return, the deduction for contributions is the aggregate of the contributions made by the spouses, and the limitation in section 170(b) is based on the ...regate adjusted gross income of the ...uses. The 20-percent limitation applies to amounts contributed during the ...able year "to or for the use of" ... recipients described in section 170 (c). The limitation is computed without ...rd to contributions qualifying for the ...tional 10-percent deduction. For ...mples of the application of the 10 ... 20-percent limitation, see paragraph (b)(5) of this section. For special rules ...ising amount of certain charitable ...butions, see paragraph (c)(2) of § 1.170–1.

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(b) *Additional 10 percent deduction—*(1) *In general.* In addition to the deduction which may be allowed for contributions subject to the general 20-percent limitation, an individual may deduct charitable contributions made during the taxable year to the organizations specified in section 170(b)(1)(A) to the extent that such contributions in the aggregate do not exceed 10 percent of his ...sted gross income (computed without regard to any net operating loss carryback to the taxable year under section 172). The additional 10-percent deduction may be allowed with respect to contributions to—

(i) A church or a convention or association of churches,

(ii) An educational organization referred to in section 503(b)(2) and defined in subparagraph (3) of this paragraph,

(iii) A hospital defined in subparagraph (4)(i) of this paragraph, and

(iv) Subject to certain conditions and limitations set forth in subparagraph (4)(ii) of this paragraph, and for taxable years beginning after December 31, 1955, a medical research organization referred to in section 503(b)(5).

To qualify for the additional 10-percent deduction the contribution must be made "to", and not merely "for the use of", one of the specified organizations. A contribution made to a trust, community chest, or other organization referred to in section 170(c), which in turn makes the contribution available to a church, school, hospital, or medical research organization, will not qualify under the 10-percent limitation unless such trust, community chest, or other organization acts merely as an agent of the taxpayer in delivering the contribution. The computation of this additional deduction is not necessary unless the total contributions paid during the taxable year are in excess of the general 20-percent limitation. Where the total contributions exceed the 20-percent limitation, the taxpayer should first ascertain the amount of charitable contributions subject to the 10-percent limitation, and any excess over the 10-percent limitation should then be added to all other contributions and limited by the 20-percent limitation.

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(4) *Hospital and medical research organization*—(i) *Hospital.* The term "hospital", as used in section 170(b)(1)(A), means an organization the principal purposes or functions of which are the providing of hospital or medical care. The term includes Federal and State hospitals otherwise coming within the definition but does not include medical education organizations, or medical research organizations. See, however, subdivision (ii) of this subparagraph, relating to contributions to certain medical research organizations for taxable years beginning after December 31, 1955. A rehabilitation institution or an outpatient clinic may qualify as a hospital if its principal purposes or functions are the providing of hospital or medical care. The term "hospital" does not include convalescent homes or homes for children or the aged, nor does the term include institutions whose principal purposes or functions are to train handicapped individuals to pursue some vocation.

(ii) *Certain medical research organizations.* (a) For taxable years beginning after December 31, 1955, certain charitable contributions made to certain medical research organizations may be taken into account in computing the additional 10-percent limitation. To be so taken into account the charitable contribution must be made to a medical research organization that is directly engaged in the continuous active conduct of medical research in conjunction with a hospital (as defined in subdivision (i) of this subparagraph), and, during the calendar year in which the contribution is made, the organization must be committed to spend the contribution for such active conduct of medical research before January 1 of the fifth calendar year beginning after the date the contribution is made.

(*b*) As used in section 170(b)(1)(A) and this subparagraph, the term "medical research organization" means an organization the principal purpose or function of which is to engage in medical research. Medical research may be defined as the conduct of investigations, experiments, and studies to discover, develop, or verify knowledge relating to the causes, diagnosis, treatment, prevention, or control of physical or mental diseases and impairments of man. To qualify as a medical research organization, the organization must have the appropriate equipment and professional personnel necessary to carry out its principal function.

(c) The organization must, at the time of the contribution, be directly engaged in the continuous active conduct of medical research in conjunction with a hospital described in subdivision (i) of this subparagraph. The organization need not be formally affiliated with a hospital to be considered engaged in the active conduct of medical research in conjunction with a hospital, but it must be physically connected, or closely associated, with a hospital. In any case, there must be a joint effort on the part of the research organization and the hospital pursuant to an understanding that the two organizations shall maintain continuing close cooperation in the active conduct of medical research. For example, the necessary joint effort will normally be found to exist if the activities of the medical research organization are carried on in space located within or adjacent to a hospital provided that the organization is permitted to utilize the facilities (including equipment, case studies, etc.) of the hospital on a continuing basis in the active conduct of medical research. A medical research organization which is closely associated, in the manner described above, with a particular hospital or particular hospitals, may be considered to be pursuing research in conjunction with a hospital if the necessary joint effort is supported by substantial evidence of the close cooperation of the members of the research organization and the staff of the particular hospital or hospitals. The active participation in medical research by the staff of the particular hospital or hospitals will be considered as evidence of the requisite joint effort. If the organization's primary purpose is to disburse funds to other organizations for the conduct of research by them, or, if the organization's primary purpose is to extend research grants or scholarships to others, it is not directly engaged in the active conduct of medical research, and contributions to such an organization may not be taken into account for purposes of the additional 10-percent limitation.

(*d*) A charitable contribution to a medical research organization may be taken into account in computing the additional 10-percent limitation only if the organization is committed to spend such contribution for medical research in conjunction with a hospital on or before the first day of the fifth calendar year which begins after the date the contribution is made. The organization's commitment that the contribution will be spent within the prescribed time only for the prescribed purposes must be legally enforceable. A promise in writing to the donor in consideration of his making a contribution that such contribution will be so

spent within the prescribed time will constitute a commitment. The expenditure of contributions received for plant, facilities, or equipment, used solely for medical research purposes shall ordinarily be considered to be an expenditure for medical research for purposes of section 170(b) and this section. If a contribution is made in other than money, it shall be considered spent for medical research if the funds from the proceeds of a disposition thereof are spent by the organization within the five-year period for medical research; or, if such property is of such a kind that it is used on a continuing basis directly in connection with such research, it shall be considered spent for medical research in the year in which it is first so used.

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(c) *Unlimited deduction for individuals.*—(1) *In general.* (i) The deduction for charitable contributions made by an individual is not subject to the 10- and 20-percent limitations of section 170(b) if in the taxable year and each of 8 of the 10 preceding taxable years the sum of his charitable contributions paid during the year, plus his payments during the year on account of Federal income taxes, is more than 90 percent of his taxable income for the year (or net income, in years governed by the Internal Revenue Code of 1939). In determining the applicability of the 10- and 20-percent limitations of section 170(b) for taxable years beginning after December 31, 1957, there may be substituted, in lieu of the amount of income tax paid during any year, the amount of income tax paid in respect of such year, provided that any amount so included for the year in respect of which payment was made shall not be included for any other year. For the purpose of the first sentence of this paragraph, taxable income under the 1954 Code is determined without regard to the deductions for charitable contributions under section 170, for personal exemptions under section 151, or for a net operating loss carryback under section 172. On the other hand, for this purpose net income under the 1939 Code is computed without the benefit only of the deduction for charitable contributions. See section 120 of the Internal Revenue Code of 1939. The term "income tax" as used in section 170(b)(1)(C) means only Federal income taxes, and does not include the taxes imposed on self-employment income, on employees under the Federal Insurance Contributions Act (chapter 21 of the Code) or on railroad employees and their representatives under the Railroad Retirement Tax Act (chapter 22 of the Code) by chapters 2, 21, and 22, respectively, or corresponding provisions of the Internal Revenue Code of 1939. For purposes of section 170(b)(1)(C) and this paragraph, the amount of income tax paid during a taxable year shall be determined (except as provided in subdivision (ii) of this subparagraph) by including all payments made by the taxpayer during such taxable year on account of his Federal income taxes (whether for the taxable year or for preceding taxable years). Such payments would include any amount paid during the taxable year as estimated tax for that year, payment of the final installment of estimated tax for the preceding taxable year, final payment for the preceding taxable year, and any payment of a deficiency for an earlier taxable year, to the extent that such payments do not exceed the tax for the taxable year for which payment is made. Any payment of income tax with respect to which the taxpayer receives a refund or credit shall be reduced by the amount of such refund or credit. Any such refund or credit shall be applied against the most recent payments for the taxable year in respect of which the refund or credit arose.

(ii) For any taxable year beginning after December 31, 1957, the applicability of the 10- and 20-percent limitations of section 170(b) may be determined either with reference to the income tax paid during the year or any prior year, or with reference to the income tax paid in respect of any such year or prior years. The 90-percent test of section 170(b)(1)(C) may be applied for the taxable year, or for any one or more of the preceding 10 taxable years, by taking into account the income taxes paid in respect of that year or years, and for the balance of the 10 years by taking into account the income tax payments made during those years. Thus, a taxable year which qualifies under either of the two permissible methods shall be considered as a qualifying year irrespective of whether the taxable year begins before or after December 31, 1957. However, a particular income tax payment may only be taken into account once, either with respect to the year of liability or for the year of payment.

(2) *Joint returns.*—(i) *Joint return for current taxable year.* If a husband and wife make a joint return for any taxable year, their deduction for charitable contributions is not subject to the 10- and 20-percent limitations of section 170(b), if, under the rules of subparagraph (1) of this paragraph, in the taxable year and in each of 8 of the 10 preceding taxable years (regardless of whether separate or joint returns were filed), the aggregate charitable contributions of both spouses paid during the year, plus their aggregate payments during the year on account of Federal income taxes (or, if the taxable year begins after December 31, 1957, the aggregate tax paid in respect of such taxable year or any preceding taxable year) exceed 90 percent of their aggregate taxable incomes for the year.

(ii) *Separate return by spouse or by unremarried widow or widower.* If a spouse, or the unremarried widow or widower of a deceased spouse, makes a separate return for any taxable year, his deduction for charitable contributions is not subject to the 10- and 20-percent limitations of section 170(b), if, under the rules of subparagraph (1) of this paragraph, in the taxable year and each of 8 of the 10 preceding taxable years—

(*a*) For which the taxpayer filed a joint return with his spouse, either their aggregate charitable contributions and payments of Federal income taxes made during the taxable year (or if the taxable year begins after December 31, [illegible] made in respect of such [illegible] or any preceding taxable year) [illegible] percent of their aggregate [illegible] come for that year, or the [illegible] separate charitable contributions [illegible] payments of Federal income [illegible] locable to his separate income [illegible] during the taxable year (or if the [illegible] able year begins after December [illegible] 1957, made in respect of such [illegible] year or any preceding taxable year) [illegible] ceeds 90 percent of his separate [illegible] income for that year, and

(*b*) For which the taxpayer did [illegible] file a joint return with his spouse, [illegible] gregate of his charitable contributions [illegible] and payments of Federal income [illegible] made during the taxable year (or, if [illegible] taxable year begins after December [illegible] 1957, the payments of income taxes [illegible] in respect of such taxable year or [illegible] preceding taxable year) exceeds 90 [illegible] cent of his taxable income for that year.

For the purpose of the preceding sentence, the word "spouse" does not include a spouse from whom the taxpayer has been divorced.

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PAR. 4. Section 1.170–3 is amended by revising paragraph (a), and paragraph (c) of § 1.170–3 is amended by adding subparagraphs (3) and (4) thereto. As amended, § 1.170–3 reads as follows:

§ 1.170–3 Contributions or gifts by corporations.

(a) *In general.* The deduction by a corporation in any taxable year for charitable contributions, as defined in section 170(c), is limited to 5 percent of its taxable income for the year, computed without regard to:

(1) The deduction for charitable contributions,

(2) The special deductions for corporations allowed under part VIII (commencing with section 248), subchapter B, chapter 1 of the Code,

(3) Any net operating loss carryback to the taxable year under section 172, and

(4) The special deduction for Western Hemisphere trade corporations under section 922.

A contribution by a corporation to a trust, chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes or for the prevention of cruelty to children or animals is deductible only if the contribution is to be used in the United States or its possessions for those purposes. See section 170(c)(2). For the purposes of section 170, amounts excluded from the gross income of a corporation under section 115 (relating to sports programs conducted for the American National Red Cross) are not to be considered contributions. For certain charitable, etc., deductions, see paragraphs (c)(2), (e) and (f) of § 1.170–1.

• • • • •

(c) *Charitable contributions carryover of corporations.* • • •

(3) A corporation having a net operating loss carryover (or carryovers) must apply the special rule of section 170(b)

... subparagraph before com... subparagraph (1) of this ... the charitable contributions ... for any taxable year subject to ... Revenue Code of 1954. In ... the amount of charitable ... that may be deducted in ... taxable years succeeding the ... the contribution, the excess of ... made by a corporation in ... of contribution over the amount ... in such year must be re... by the amount by which such ex... taxable income (for pur... determining the net operating ... under the second sentence ... 172(b)(2)) and increases a ... loss carryover to a succeed... year. Thus, if the excess of ... contributions made in a taxable year ... amount deductible in the ... year is utilized to reduce tax... for such year for purposes ... the net operating loss de... for such year, thereby serving ... the amount of the net oper... loss carryover to a succeeding year ... years, no charitable contributions ... will be allowed. If only a ... of the excess charitable contribu... is so used, the charitable contri... carryover will be reduced only ... that extent.

(3) The application of the rule of ... paragraph (3) of this paragraph may ... illustrated by the following example:

Example. A corporation which reports its ... on the calendar year method makes ... contribution of $10,000 during ... year 1960. Its taxable income for ... is $80,000 (computed without regard to ... net operating loss deduction and com... in accordance with section 170(b)(2) ... regard to any deduction for chari... contributions). The corporation has ... operating loss carryover from 1959 of ... In the absence of the net operating ... deduction the corporation would have ... allowed a deduction for charitable con... of $4,000 (5 percent of $80,000). ... the application of the net operating ... deduction the corporation is allowed no ... for charitable contributions, and ... is a tentative charitable contribution ... of $10,000. For purposes of deter... the net operating loss carryover to ... the corporation computes its taxable ... for its prior taxable year 1960 under ... 172(b)(2) by deducting the $4,000 ... contribution. Thus, after the ... net operating loss carryover is applied ... the $76,000 of taxable income for ... (computed in accordance with section ...(3)), there remains a $4,000 net ... loss carryover to 1961. Since the ... of the net operating loss carry... of $80,000 from 1959 reduces the taxable ... for 1960 to zero, no part of the ... of charitable contributions in that ... is deductible under section 170(b)(2). ..., in determining the amount of the ... charitable contributions carryover ... taxable years 1961 and 1962, the ... must be reduced by the portion ... ($4,000) which was used to reduce ... income for 1960 (as computed for ... of the second sentence of section ...(b)(2)) and which thereby served to in... the net operating loss carryover to ... from zero to $4,000.

PAR. 5. Paragraph (a) of § 1.673(b)–1 is revised to read as follows:

§ 1.673(b)–1 Income payable to charitable beneficiaries.

(a) Pursuant to section 673(b) a grantor is not treated as an owner of any portion of a trust under section 673, even though he has a reversionary interest which will take effect within 10 years, to the extent that, under the terms of the trust, the income of the portion is irrevocably payable for a period of at least 2 years (commencing with the date of the transfer) to a designated beneficiary of the type described in section 170(b)(1)(A).

PAR. 6. Paragraph (c) of § 1.681(a)–2 is revised to read as follows:

§ 1.681(a)–2 Limitation on charitable contributions deduction of trusts with trade or business income.

* * * * *

(c) *Examples.* (1) The application of this section may be illustrated by the following examples, in which it is assumed that the Y charity is not a charitable organization qualifying under section 170(b)(1)(A) (see subparagraph (2) of this paragraph):

* * * * *

(2) If, in the examples in subparagraph (1) of this paragraph, the Y charity were a charitable organization qualifying under section 170(b)(1)(A), then the deduction allowable under section 512(b)(11) would be computed at a rate of 30 percent.

PAR. 7. Subparagraph (1) of paragraph (a) of § 1.681(b)–1 is revised to read as follows:

§ 1.681(b)–1 Limitation on charitable contributions deduction of trusts engaged in prohibited transactions.

(a) *In general.* (1) If a trust has engaged in a "prohibited transaction," the charitable contributions deduction which would otherwise be allowable to the trust under section 642(c) is limited by section 681(b)(1) to 20 percent of the taxable income of the trust (computed without any charitable contributions deduction), except that an additional deduction of up to 10 percent of such taxable income is allowed for amounts actually paid to organizations qualifying under section 170(b)(1)(A). There is no requirement that amounts subject to the 20-percent limitation be actually paid, if they are set aside or are to be used exclusively for charitable or other purposes so that they would be deductible under section 642(c).

PAR. 8. Paragraph (b) of § 1.681(c)–1 is revised read as follows:

§ 1.681(c)–1 Limitation on charitable contributions deduction of trusts accumulating income.

* * * * *

(b) *Extent of limitation.* If a trust is subject to the limitations of section 681(c) for any taxable year, the charitable deduction which would otherwise be allowable to the trust under section 642(c) is limited to amounts actually paid out during the taxable year, and is limited to 20 percent of the taxable income of the trust (computed without any charitable deduction), except that an additional deduction of up to 10 percent of such taxable income is allowed for amounts actually paid to organizations qualifying under section 170(b)(1)(A).

PAR. 9. Paragraph (b) of § 1.702–1 is revised to read as follows:

§ 1.702–1 Income and credits of partner.

* * * * *

(b) *Character of items constituting distributive share.* The character in the hands of a partner of any item of income, gain, loss, deduction, or credit described in section 702(a)(1) through (8) shall be determined as if such item were realized directly from the source from which realized by the partnership or incurred in the same manner as incurred by the partnership. For example, a partner's distributive share of gain from the sale of depreciable property used in the trade or business of the partnership shall be considered as gain from the sale of such depreciable property in the hands of the partner. Similarly, a partner's distributive share of partnership "hobby losses" (section 270) or his distributive share of partnership charitable contributions to organizations qualifying under section 170(b)(1)(A) retains such character in the hands of the partner.

[F.R. Doc. 62–1987; Filed, Feb. 27, 1962; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

DINOSAUR NATIONAL MONUMENT, UTAH-COLORADO

Boats

Notice is hereby given that pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), Departmental Order 2640 (16 F.R. 5846), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Region Two, Order No. 3 (21 F.R. 1494), as amended, it is proposed to amend 36 CFR Part 7 as set forth below. The purpose of this amendment is to establish reasonable regulations which will provide adequate control over water-borne craft and insure a maximum of safety in their use.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Dinosaur National Monument, 91 West Main, Room 12, Cooper Building, Vernal, Utah, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

EARL M. SEMINGSEN,
Superintendent,
Dinosaur National Monument.

Paragraph (a) is added to § 7.63 of Part 7 to read as follows:

§ 7.63 Dinosaur National Monument.

(a) *Boats—(1) Permit.* No privately owned boat, canoe, raft, or other waterborne or floating craft shall be placed or operated upon the waters of Dinosaur National Monument without a permit from the Superintendent, who shall have authority to revoke the permit and require the immediate removal of such craft upon the failure of the permittee to comply with the terms and conditions of this permit.

[F.R. Doc. 62-1974; Filed, Feb. 27, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

PEANUTS

Notice of Proposed Determinations To Be Made With Respect to Supply of Valencia Type Peanuts for 1962–63 Marketing Year

Pursuant to section 358(c) of the Agriculture Adjustment Act of 1938, as amended (7 U.S.C. 1358(c)), the Secretary of Agriculture is preparing to determine whether the supply of Valencia type peanuts for the 1962–63 marketing year will be insufficient to meet the estimated demand for cleaning and shelling purposes. Section 358(c) of the Act, as amended, reads in part as follows:

Notwithstanding any other provision of law, if the Secretary og Agriculture determines, on the basis of the average yield per acre of peanuts by types during the preceding five years, adjusted for trends in yields and abnormal conditions of production affecting yields in such five years, that the supply of any type or types of peanuts for any marketing year, beginning with the 1951–52 marketing year, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it, the State allotments for those States producing such type or types of peanuts shall be increased to the extent determined by the Secretary to be required to meet such demand but the allotment for any State may not be increased under this provision above the 1947 harvested acreage of peanuts for such State. The total increase so determined shall be apportioned among such States for distribution among farms producing peanuts of such type or types on the basis of the average acreage of peanuts of such type or types in the three years immediately preceding the year for which the allotments are being determined. The additional acreage so required shall be in addition to the national acreage allotment, the production from such acreage shall be in addition to the national marketing quota, and the increase in acreage allotted under this provision shall not be considered in establishing future State, county, or farm acreage allotments.

Prior to determining whether the supply of Valencia type peanuts for the 1962–63 marketing year will be insufficient to meet the estimated demand for cleaning and shelling, consideration will be given to any data, views and recommendations relating thereto which are submitted in writing to the Director, Oils and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C. All written submissions must be postmarked not later than March 9, 1962.

Signed at Washington, D.C., on February 23, 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

FEBRUARY 23, 1962.

[F.R. Doc. 62-1994; Filed, Feb. 27, 1962; 8:49 a.m.]

[7 CFR Parts 1001, 1014, 1006, 1007]

[Docket Nos. AO-14 A-32, AO-302 A-6, AO-203 A-14, and AO-204 A-14]

MILK IN GREATER BOSTON, SOUTHEASTERN NEW ENGLAND, SPRINGFIELD AND WORCESTER MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreements, and orders regulating the handling of milk in the Greater Boston, Southeastern New England, Springfield, and Worcester marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, were formulated, was conducted at Boston, Massachusetts on December 20, 1961, pursuant to notice thereof which was issued December 12, 1961 (26 F.R. 12037).

The material issue on the record of hearing relates to providing an exemption from pooling on all or a portion of any milk received by a pool handler from public and private institutions.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The provisions of the Greater Boston, Southeastern New England, Springfield and Worcester milk orders should be amended to provide in the alternative (a) an exemption from pooling on milk received by a pool handler from state and local governments which operate dairy farms, or (b) the pooling of all milk produced and received by a handler from any such governing body as "producer" milk." The exemption should apply only if the eligible governing body utilizes such milk on its premises and distributes no milk through commercial outlets.

A private, nonprofit institution operating a dairy farm should continue in its present status as a producer with respect to milk from such farm received at a fully regulated plant.

A small number of nonprofit institutions which operate dairy farms, and are "producers" under the respective orders, use facilities of pool handlers for the purpose of processing and packaging their milk in quantities required to fulfill their fluid needs. There are five such institutions, public and private, under the Greater Boston order, four under the Southeastern New England order and one each under the Worcester and Springfield orders. Of such 11 institutions, four are operated by governmental agencies.

The normal practice of these institutions is to deliver all milk produced on their farms to regulated handlers' plants. All or part of such milk is processed, packaged and returned to the institutions thereof. The milk not needed by the institutions is retained for disposition by the handlers.

The proportion of the milk so returned to these institutions individually varies from minor quantities of the milk produced to all of it. Institutions using facilities of Boston, Springfield and Worcester order pool plants require for their own use, on the average, about 40 percent of their aggregate production. Institutions in the Southeastern New England market utilize on the average about 12 percent of their total production.

Under the present provisions of the orders, a handler receiving such milk from an institution is required to pay the institution at least the applicable blended price for all deliveries. The milk returned to the institution is accounted for by the handler at the applicable order's Class I price. Thus, the handler incurs an obligation under the order of the difference between the Class I and blended price on the milk so returned. This order obligation customarily is passed on to the institution as part of the cost of processing the milk.

The proposal as presented would provide an exemption from order pricing on that portion of the milk produced by the institution, processed by a pool

...e, and returned for consumption ... the institution. The milk retained ... the processing handler would con... to be treated as "producer milk" ... would be priced accordingly.

Prior to September 1, 1960, an exemption from pooling was provided under the Boston, Worcester and Springfield orders on milk returned to all "dairy farmer-distributors." The Southeastern New England order has not provided such an exemption. Official notice is now taken of the Secretary's decision of August 10, 1960 (25 F.R. 7819), to amend the several New England orders, in which appears a discussion of the need for amending the "exempt milk" definition to exclude thereform milk returned to dairy farmer-distributors."

An important factor in such decision to amend the orders was that the exempt milk provision allowed dairy farmer-distributors to avoid the pooling and pricing provisions on fluid milk while at the same time receiving the blended price on any surplus milk associated with their fluid operations to the disadvantage of other producers. The decision found that in May, 1959, there were 68 such dairy farmer-distributors using the exempt milk provisions in this manner.

To adopt the provision proposed likewise would be disadvantageous to producers furnishing milk for commercial outlets since the institution would not be required to share its fluid consumption with other producers through market pooling, but nevertheless would be entitled to share in the fluid (Class I) sales of the other producers. While other producers share the full burden of the lower value of the market supply of milk not needed for fluid use, the institution would be required to share only a portion of such burden, since its own Class I consumption would not be pooled.

Several of the private institutions in question produce substantially more milk on a year-round basis than is required to meet their respective needs. In addition, several of such institutions use the production of their herds to supply self-operated private schools. The fluid milk needs of these schools vary widely, depending on whether classes are in session. During vacation periods the entire production is delivered to pool plants and is paid for at the applicable blended price. The institution thereby derives an additional significant benefit from pooling since it receives the blended price on milk which normally would be used for fluid purposes during the school year but has no fluid outlet in other months.

Most of the private institutions operate in a manner not substantially different from other producers in the market. The institution's production is not necessarily geared to its own fluid milk needs. In some of the cases, at least, the successful operation of the farm enterprise depends on receipt of the blended price on the substantial proportion of the milk production which is retained by the processing handler.

Although in each instance any effect on blended prices which would result from granting the proposed exemption would be small in terms of the entire market, an exemption would not be consonant with the marketing principles which make marketwide pooling an important stabilizing factor in the market. The successful application of pooling requires that all participants share proportionately in the higher value of all fluid milk sales and in the lower value of the surplus associated with such sales. Effective marketwide equalization could not persist if special consideration were given under the order in each case where it could be shown that the particular farm enterprise was in some respect different from that of the typical milk producer.

In the case of an institution operated under public authority, the opportunity should be provided for complete exemption from the "producer" definition and pooling provisions of the order for milk produced. As a matter of public policy, the operation of a dairy farm by a state-operated facility for the purpose of carrying out a sovereign, public function of the state need not meet interference from this Federal regulation designed to regularize commercial transactions. It is proposed, therefore, that state or local governmental bodies which operate dairy farms be provided a choice as to whether or not their entire deliveries of dairy farm production to a handler are to be pooled and priced as producer milk under the order.

The alternative of complete exemption will provide appropriate procedures for eliminating any order pricing requirement as to such operations. Complete exemption would provide that any milk produced in excess of such institution's requirements and retained by a pool handler would be paid for by negotiation between the institution and the handler. The receiving handler would not be required to pay the institution the minimum blended price for such milk as announced under the order. If an exemption were taken by the governmental body the effect would be to eliminate the pooling of the milk retained by the handler as well as that returned to the institution for consumption. The surplus over the fluid needs of the market thus would not be increased by any excess of milk produced by the institution over its own fluid requirements, with a consequent reduction in the blended price to other producers. Milk returned by the regulated handler to the institution would be covered by the definition of "exempt milk" and any milk retained by the regulated handler would be accounted for under the order in accordance with the order's definition of "outside milk" ("other source milk" in the Southeastern New England order), without payment obligation under the order unless utilized in Class I.

Because of the seasonal aspects of milk production and for administrative convenience the alternative of complete exemption should apply for not less than 12 consecutive months. If a governmental body elects the exemption, written notification to that effect should be given to the market administrator, and to the handler to which it delivers, on or before the last day of the first month for which the exemption would be applicable.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The following orders amending the orders regulating the handling of milk in the Greater Boston, Southeastern New England, Springfield, and Worcester marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

Greater Boston order amendments:

1. In § 1001.2(e) delete the word "nor," change the period at the end of the sentence to a comma, and add the following: "or a local or state government not engaged in the resale of any packaged fluid milk products on routes, if such governing body so elects by

written notification to the market administrator and the handler to which it delivers, in which event such election shall be effective for the 12 months beginning with the month in which the election is made, and for each subsequent month until cancelled in writing."

2. In § 1001.4(j), delete the word "or" at the end of subparagraphs (1) and (2), change the period at the end of subparagraph (3) to a semicolon (;), add the word "and" thereafter, and add a new subparagraph (4) to read as follows:

(4) Milk received at a regulated plant in bulk from the dairy farmer who produced it, in the amount of any packaged fluid milk products returned to such dairy farmer, if the dairy farmer is a state or local government which is not engaged in the resale on routes of any of the returned packaged fluid milk products and which has elected nonproducer status for the month pursuant to § 1001.2(e).

Southeastern New England order amendments:

1. Add the following immediately after the word *"Provided"* in § 1014.2(e): "That this definition shall not include a local or state government not engaged in the resale of any packaged fluid milk products on routes, if such governing body so elects by written notification to the market administrator and the handler to which it delivers, in which event such election shall be effective for the 12 months beginning with the month in which the election is made, and for each subsequent month until cancelled in writing: *And provided further,*".

2. In § 1014.4(g) delete the word "or" at the end of subparagraph (3), change the period at the end of subparagraph (3) to a semicolon (;) add the word "and" thereafter, and add a new subparagraph (4) to read as follows:

(4) Milk received at a regulated plant in bulk from the dairy farmer who produced it, in the amount of any packaged fluid milk products returned to such dairy farmer, if the dairy farmer is a state or local government which is not engaged in the resale on routes of any of the returned packaged fluid milk products and which has elected nonproducer status for the month pursuant to § 1014.2(e).

Springfield, Massachusetts order amendments:

1. In § 1006.2(e) delete the word "nor," change the period at the end of the sentence to a comma, and add the following: "or a local or state government not engaged in the resale of any packaged fluid milk products on routes, if such governing body so elects by written notification to the market administrator and the handler to which it delivers, in which event such election shall be effective for the 12 months beginning with the month in which the election is made, and for each subsequent month until cancelled in writing."

2. In § 1006.4(j) delete the word "or" at the end of subparagraphs (1) and (2), change the period at the end of subparagraph (3) to a semicolon (;), add the word "and" thereafter, and add a new subparagraph (4) to read as follows:

(4) Milk received at a regulated plant in bulk from the dairy farmer who produced it, in the amount of any packaged fluid milk products returned to such dairy farmer, if the dairy farmer is a state or local government which is not engaged in the resale on routes of any of the returned packaged fluid milk products and which has elected nonproducer status for the month pursuant to § 1006.2(e).

Worcester, Massachusetts order amendments:

1. In § 1007.2(e) delete the word "nor," change the period at the end of the sentence to a comma, and add the following: "or a local or state government not engaged in the resale of any packaged fluid milk products on routes, if such governing body so elects by written notification to the market administrator and the handler to which it delivers, in which event such election shall be effective for the 12 months beginning with the month in which the election is made, and for each subsequent month until cancelled in writing."

2. In § 1007.4(j), delete the word "or" at the end of subparagraphs (1) and (2), change the period at the end of subparagraph (3) to a semicolon (;), add the word "and" thereafter, and add a new subparagraph (4) to read as follows:

(4) Milk received at a regulated plant in bulk from the dairy farmer who produced it, in the amount of any packaged fluid milk product returned to such dairy farmer, if the dairy farmer is a state or local government which is not engaged in the resale on routes of any of the returned packaged fluid milk products and which has elected nonproducer status for the month pursuant to § 1007.2(e).

Signed at Washington, D.C., on February 23, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-1998; Filed, Feb. 27, 1962; 8:49 a.m.]

[7 CFR Part 1126]

[Docket Nos. AO 231-A15, AO 231-A18]

MILK IN NORTH TEXAS MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held at Dallas, Texas, on April 24, 25 and 26, and August 29, 1961, pursuant to notices thereof issued on March 28, 1961 (26 F.R. 2750), and August 18, 1961 (26 F.R. 7837), respectively.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on January 9, 1962 (27 F.R. 412; F.R. Doc. 62-404) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearings relate to:

1. Classification and accounting for dietary products and other fortified fluid milk products.
2. Modification of the conditions for pooling plants also meeting the pooling requirements of another Federal order.
3. "Individual-handler" pooling in lieu of the present marketwide pooling.
4. Classification of fluid milk products disposed of for animal feed.
5. Application of handler location adjustments.

The notice of hearing contained a proposal (No. 6) relating to the establishment of more definite handler, location and cooperative responsibilities, under the order, for individual producer's weights and tests of milk. No testimony was offered either in support of or in opposition to Proposal No. 6, therefore, no further mention is made of this proposal.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence at the hearing and the record thereof:

1. *Classification and accounting for dietary products and other fortified fluid milk products.* Fortified fluid milk products should be classified as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content, excluding the dry weight of nonmilk ingredients such as flavoring, sugar, etc. The skim milk equivalent of the nonfat milk solids not classified as Class I should be considered a Class II disposition.

The present order provisions provide for full skim milk equivalent accounting so that when nonfat milk solids in the form of nonfat dry milk or condensed skim milk are added to a fluid milk product to increase the nonfat milk solids content, the skim milk equivalent of the total nonfat milk solids in the product is classified as Class I. Producer milk is given priority of assignment in Class I and to the extent that producer receipts are available in the plant, producers receive credit for a Class I utilization on the full skim milk equivalent of other source nonfat milk solids received in concentrated form and used in fortification or reconstitution. When Class I utilization exceeds available producer receipts and "other source milk" is assigned to Class I a compensatory charge is applicable on such other source milk as assigned unless such milk has been classified and priced as Class I by another Federal order. Where nonmilk products such as sugar, flavoring, etc., are used in making any product, the weight of such additives is deducted before reconciliation of the pounds of skim and butterfat to be classified.

Proprietary handlers proposed that fluid milk dietary foods be classified as Class II in lieu of the present Class I classification and that the skim milk equivalent accounting for nonfat milk solids used in fortification be discontinued. It was their position that the product cost resulting from the present

...classification of dietary fluid milk ... placed them at a competitive ...tage with similar products in ...rm or in hermetically sealed con... made from non-Grade A milk ...milk products and distributed ...h grocery stores, drug stores, food ...ments and similar outlets. ...suggested that a Class II classifica... and pricing would permit more com... resale pricing and hence create a ...demand for their product. Their ...changes, they suggested, would ...to facilitate the economic disposi... of reserve supplies of milk of the ...f. They further contended that a ...I classification and pricing on the ...milk equivalent of nonfat milk ...used in the fortification of Class I ...is unrealistic and unduly in... handlers' costs.

...ers, on the other hand, opposed ...change in the present accounting ...re. It was their position that ...skim milk equivalent accounting is ...to protect the integrity of the ...tion scheme under the order and ...unless nonfat milk solids used in ...tion are accounted for on a skim ...equivalent basis in Class I, handlers ...opportunity to displace producer ...in Class I with lower priced other ...milk.

A great deal of the testimony on the ...was offered to substantiate that ...y milk products were, or were not, ...ed to be made from locally ap... milk under the various health ...ances in effect in the marketing ... Regardless of the intent of the ...ances it is apparent that the local ...authorities are not interpreting ...in a manner so as to require that ...products be made from locally ap... milk. However, this is of little ...quence since handlers are not per...d to bring fluid non-Grade A milk ...skim milk into their plants. Under ...circumstances it is clear that, be... of the perishability of the finished ...y product, handlers use only milk ...highest quality and hence they ...and rely on their regular Grade ...producers to furnish their full fluid ...requirements. Therefore, it is ap...ate and necessary that the Class I ...tion be retained.

Fortification of fluid milk products ...arily is accomplished by the addi... of concentrated nonfat milk solids ...fluid milk or skim milk to yield a ...d product of higher nonfat milk ...content than that of an equivalent ...nt of whole (producer) milk. Re...tituted products, on the other hand, ...ve the process of "floating" concen...d milk solids in water to yield a ...t of product approximately equal ...the weight of milk from which the ...ntrated product was first made by ...removal of water.

Nonfat dry milk and condensed skim ...milk are ordinarily derived from un...ced milk or milk which has been priced ...surplus under a Federal order. These ...ducts are not necessarily processed ...producer milk and may be made ...ungraded milk. An economic in...tive exists for handlers to substitute, ...where possible, reconstituted fluid milk products for fluid milk products processed from current receipts of producer milk. Since such substitution would displace an equivalent amount of producer milk in Class I, the application of skim milk equivalent accounting in this circumstance is economically sound and is necessary to maintain orderly marketing.

The same economic incentive does not exist, however, with respect to the use of nonfat dry milk or condensed skim milk to fortify a fluid milk product. If such solids are to be derived from producer milk, the skim milk must first be processed into usable form; i.e., nonfat dry milk or condensed skim milk. Such products processed from producer milk have no greater value for fortification purposes than similar products purchased on the open market. Concentrated products are used in fortification to increase the palatability of, and hence the salability of, the finished product. Fortification only slightly increases the volume of the product and under no circumstances can it be concluded that the added solids displace producer milk in Class I beyond the minor increase in volume which results.

When the skim milk equivalent provision is applied to fortified milk products, it inflates significantly the utilization and disposition of Class I milk. The inflation in the case of dietary food products results in a Class I classification of about two and one-half times the actual volume.

For reasons previously stated it is neither necessary nor appropriate that handlers continue to be required to account and pay for this inflated volume in Class I. Nevertheless, it is practical and administratively necessary to maintain full skim milk equivalent accounting. These conclusions can be reconciled by providing that fortified fluid milk products shall be classified as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content, excluding the dry weight of any nonmilk additive such as flavoring, sugar, etc. The skim milk equivalent of the nonfat milk solids not classified in Class I should be considered as Class II disposition.

No change was proposed in the accounting procedure followed in cases where flavoring and other nonmilk additives are used in processing unfortified products. The dry weight of such additives should be deducted in determining the amount of skim milk and butterfat to be accounted for. This is generally consistent with the procedure now employed and the conclusions hereinbefore set forth relative to the accounting procedure to be employed for fortified products.

2. *Modification of the conditions for pooling plants also meeting the pooling requirements of another Federal order.* The pooling provisions of the order should be modified to permit a distribution plant meeting the requirements for full regulation under this order and another Federal order and with a greater proportion of its Class I disposition in the other market, but which was pooled under this order in the most recent month, to retain pooling status under this order until the third consecutive month in which a greater volume of Class I sales is made in such other marketing area. However, it must be recognized that the provisions of the other order may require such plant to be pooled under such other order. In such circumstances, the plant should be exempted from regulation under this order except for a requirement to file reports and permit verification. Provision should also be made to exempt a distributing plant doing a greater proportion of its total Class I business in this marketing area, but which, nevertheless, retains pooling status for the month under another order. Federal orders generally provide that a distributing plant meeting the pooling requirements for more than one order shall be regulated under that order covering the area in which the greater volume of Class I sales are made. Nevertheless, it should be recognized that other orders may contain similar provisions to those herein proposed to deter plants from changing back and forth between two orders on a month-to-month basis.

Under the present order provisions, any distributing plant which disposes of Class I milk in the marketing area is subject to full regulation under this order, unless, a greater volume of Class I disposition is made in another Federal order marketing area.

A handler operating pool distributing plants in both Dallas and Fort Worth and also distributing milk in the Central West Texas, Austin-Waco, and San Antonio Federal order markets, proposed that the order be amended to permit his plants to retain pooling status under this order unless Class I sales in another market exceeding Class I sales in this market over an extended period of time. He indicated that his sales in the Central West Texas market were of such nature that a small increase in sales in that market or decrease of sales in this market could result in regulation of the Fort Worth plant under the Central West Texas order. He foresaw the possibility that audit adjustments could result in removal of this plant from regulation under this order, in favor of the Central West Texas order, retroactively. It was this handler's position that a shift in regulation of either of his plants would tend to create disorder in the two markets because of the effect on the respective market blend prices and because of the different procedures prescribed under the two regulations for distributing returns to producers (North Texas has a base rating plan).

While it seems likely that proponent's initial proposal (an identical proposal was also made to amend each of the other Texas Federal orders) was made with the view that its adoption would permit him to bid in military and other government contracts in other Federal order markets without the possibility of losing pooling status under this order, it is apparent that the distribution from his plants is such that a relatively inconsequential change in the proportion of distribution as between the Central West Texas market and the North Texas mar-

ket could result in regulation under the Central West Texas order. It is also possible that the plant might later shift back to North Texas on a similar basis.

A plant doing business in several Federal order markets generally should be regulated under that order under which it does the greatest proportion of its Class I business. This is the principle under which the existing provisions were effected and this record provides no basis for changing this conclusion. Nevertheless, it must be recognized that with recent technological changes in the processing and distribution fields, milk is moved great distances and distribution routes have been greatly extended. It is apparent that while proponent has greatly increased his Central West Texas sales in recent years he does not contemplate or intend that his plant should become subject to regulation under that order. Such a change would have greater adverse affects on producers than on handlers since class prices as between the two orders are aligned. Nevertheless, it is possible, due to a management error or errors on the part of a plant employee or a route salesman that an inadvertent sale might result in an unintended change in pooling. It is also possible, as proponent suggests, that a change in classification during audit might produce the same result.

The situation can be substantially alleviated by adoption of the changes herein recommended. Under this procedure a handler would have two months warning that his plant was changing from one regulation to another, thus providing a reasonable time to permit adjustment of his business in cases where such change was not contemplated. At the same time, this change retains the principle of regulating a plant under that order where the greatest proportion of its Class I business is done. Since government contracts normally are made for longer periods than two months there is no reason to expect that the changes recommended will have any significant effect on the length of time in which a plant is pooled in a particular order where the change in the proportion of business is the result of gaining or losing a government contract.

While the situation prompting the proposal existed only between the Central West Texas and North Texas markets, and involved only one plant, nevertheless, because of the location of the North Texas, market in relation to other Federal order markets, it is possible that a similar situation could develop with a plant now regulated under another order or with some other plant now regulated under this order. The treatment herein prescribed would be equally appropriate in such instances.

While there is no indication that the existing pooling requirements for supply plants have presented any particular problem it cannot be presumed that this will be true in the future. Under the existing order provisions a supply plant which during any month ships 50 percent of its Grade A milk receipts to a pool distributing plant and which is assigned to reserve supply credit is eligible for pooling during such month. Under prescribed circumstances the plant may be pooled on the basis of 15 percent shipments if average shipments in the most recent four or less months equal 50 percent of Grade A milk receipts. A plant which is pooled in each of the months of September through December is eligible for automatic pooling status during the January–July period (and also August if a 15 percent shipping requirement is met) on application by the operator to the market administrator prior to January 31. During the September–December period any plant also meeting the pooling requirements of another order and which otherwise would be pooled under another order is exempted from regulation under this order.

During the short production months when milk is most needed to meet the fluid milk requirements of a market, it is desirable that supply plants meeting the pooling requirements of more than one order be pooled on a month-to-month basis under that order under which the greater qualifying shipments are made. This also is an appropriate standard for pooling plants during the flush production months except in the situation where a plant retains automatic pooling status under this order by virtue of performance during the short production months. During the flush production months when milk of supply plants is least likely to be needed for fluid uses this order (as well as many other Federal orders) provides automatic pooling status for supply plants which have been closely associated with the market in the previous short production months by virtue of substantial and regular shipments to the market. Requiring a supply plant with automatic pooling status under this order to be regulated under another order on the basis of casual shipments during any flush production month would normally adversely affect returns to established producers in the market to which shipments were made. It would therefore be more appropriate to permit such a plant to retain pooling status during the flush production months in the North Texas market with which it has had an established association and automatic pooling status. Any plant which might be qualified for automatic pooling status during the flush production months in another Federal order market would be required to make substantial shipments to the North Texas market (normally 50 percent) to qualify for pooling under this order during such months. Shipments of this magnitude could not be considered as casual shipments and under the circumstances it is appropriate to require that a plant shipping 50 percent or more of its supply and having it assigned to reserve supply be pooled under the order.

The recommended order revisions hereinafter set forth will implement the foregoing conclusions and in conjunction with changes recently recommended in the language of other Texas Federal orders will facilitate the determination of where a plant meeting the pooling requirements of more than one order should be regulated.

As was pointed out by proponent one of the major problems involved in the shifting of plants from one regulation to another, is the impact on producer returns where a base-excess plan is involved. Under the present order provisions, if a plant is removed from regulation under this order in favor of regulation under another order during any part of the base-forming period and subsequently again becomes regulated under this order during all or any part of the base-operating period, the returns to dairy farmers associated with such plant are adversely affected by the fact that such dairy farmers did not acquire a full base. Similarly, dairy farmers delivering to any plant acquiring pooling status for the first time during the base-operating period would be paid only the excess price during the base-operating period. This situation cannot be concluded to be equitable as among producers nor can it be considered to be in the interest of orderly marketing. Dairy farmers delivering milk to a fully regulated plant should share in returns from the market's Class I sales on the same basis as other producers.

The sole purpose of a base-excess plan is to encourage more even production throughout the year. This purpose will be implemented by providing opportunity for the operator of a newly regulated plant to establish his seasonality of receipts and hence, bases for each of the producers. However, the operator of the plant must assume the responsibility of providing the market administrator the necessary records to verify his receipts from each producer during the base-forming months. The recommended amendment to the computation of bases hereinafter set forth is necessary to implement these conclusions.

3. *Provision for individual-handler pooling in lieu of marketwide pooling.* The present provisions providing for a marketwide pooling should not be changed. The order has provided for marketwide pooling since its inception. Under this arrangement all handlers are required to account to the pool for all of their milk receipts on a classified use basis at specified minimum class prices. Each month the total value of the pool is distributed among all producers on the basis of a blended or uniform price, except that during the months of March through June one blended price is applicable to deliveries of milk not in excess of each producer's established base and another blended price is applicable to deliveries in excess of established bases.

A handler who generally receives little or no milk from members of the market's cooperative association, which represents approximately eighty-five percent of all producers on the market, proposed that individual-handler pooling be substituted for the present marketwide pooling. It is contended that marketwide pooling has deterred handlers' efforts to maintain self-imposed quality controls and management of producer milk supplies in line with Class I fluid milk requirements. It is also said that marketwide pooling has encouraged an oversupply of milk in the market and suggested that under individual-handler pooling distant producers would be encouraged to seek other outlets for their milk.

Another handler distributing a "breed" milk as well as regular Grade A milk supported the proposal for individual-handler pooling. He pointed out that he should not depend on the reserve market needed to supplement his requirements for "breed" milk and that he had no need for a proportionate share of the reserve supply in his regular Grade A operations. He contrasted with proponent, that marketwide pooling has attracted an excessive reserve supply which is adversely affecting producer returns. This he suggested would result in the interest of orderly marketing.

The proposal for individual-handler pooling was further supported by a number of producer witnesses most of whom deliver their milk to proponent's plant. The principal cooperative association opposed the proposal.

The pooling standards as set forth under the order establish what milk shall be subject to regulation. The prices established by the order are those prices which are deemed necessary to maintain adequate but not excessive supply of milk for the market. The Class I pricing formula includes a supply-demand adjustment mechanism which serves to raise the Class I price as supplies tend to become excessive and increases the price when supplies shorten. It is through this means that supply adjustments are intended under the Act to be accomplished and it is not intended that the market supply will be adjusted by reason of the type of pooling procedure.

The milk priced under the Federal order is that milk which the appropriate health authority deems acceptable for fluid disposition as Grade A milk in the marketing area and which is marketed in a way that meets prescribed performance requirements. While handlers may demand higher quality standards than those generally applicable in the market, it is not an appropriate function of the Federal order to re-enforce handlers' efforts in this respect.

When the order was promulgated the Acting Secretary in his decision of July 17, 1961, concluded as follows:

"The alternative to the marketwide pool is the individual-handler pool. Under this latter system producers delivering to each handler receive a uniform price based on each handler's utilization of milk. Because different handlers utilize different proportions of their milk as Class I and Class II, the uniform prices of individual handlers would vary one from the other. The order has been written to permit a cooperative association to become a handler when necessary to market the surplus milk of its members. Under these circumstances an individual-handler pool would result in an unequal sharing of the market among producers and would not be conducive to orderly marketing. It is concluded, therefore, that marketwide pools are necessary to distribute the returns from the sale of milk equally among producers and to create orderly marketing of producer milk."

It must be concluded that the marketwide pooling arrangement has tended to maintain equality among producers and to assure the orderly disposition of the market's reserve supply. Handlers in the market have very limited manufacturing facilities, other than for ice cream and cottage cheese. Except for proponent, they generally rely on the major cooperative association for balancing supplies and disposition of milk in excess of fluid requirements. The cooperative operates two manufacturing plants, one at Muenster and the other at Sulphur Springs, Texas. In 1960 these plants handled over 50 percent of the total Class II milk (239 million pounds) in the market. Under such circumstances, marketwide pooling is essential to assure that each producer will receive an equitable share of the proceeds from milk utilized in fluid form and that all producers share equally in the cost of handling the market's reserve supply. Clearly also, individual-handler pools would not result in the equitable sharing of the costs of handling market reserves and hence its adoption would engender disorderly marketing conditions in this market. Accordingly, the request for individual-handler pooling is denied.

4. *Classification of fluid milk products disposed of for animal feed.* The provisions specifying the conditions under which fluid milk products disposed of for animal feed may be classified as Class II should be modified and the present limitation on disposition as animal feed under a Class II classification should be eliminated.

Under the present order, skim milk and butterfat disposed of in the form of fluid milk products for use as animal feed may be classified as Class II milk up to one-half of one percent of the volume of skim milk and butterfat in fluid milk products disposed of in fluid form, provided certain conditions are met. A handler is required to keep detailed records of the amount and butterfat test of all products disposed of for animal feed, to notify the market administrator prior to such disposition so that he can physically verify disposition, and to furnish a receipt signed by the purchaser of such products setting forth the details of the transaction.

In September 1957, a provision which provided a Class II classification for milk disposed of for livestock feed was deleted from the order on the basis that normal shrinkage plus disposition for animal feed did not exceed the two percent shrinkage allowance in the order. Subsequently, in June 1959, the existing provisions were adopted because it was found that the two percent shrinkage allowance was inadequate to cover both normal loss incurred in plant operations and route returns of fluid milk products sold for livestock feed.

One handler proposed the elimination of the requirements for record keeping and prior notification when fluid milk products are disposed of for livestock feed. He claimed that these conditions were working a hardship on all handlers and on the members of the market administrator's staff. It was his position that it required virtually the full time of one of his employees to maintain the necessary records and meet other requirements necessary to permit a Class II classification for milk which he necessarily disposed of as livestock feed.

Another handler had no objection to the record keeping and reporting requirements, but proposed that the one-half of one percent maximum allowance in Class II for milk disposed of for livestock feed be deleted. He contended that disposition for livestock feed was costly at any price and handlers used this outlet only when there was no means of salvaging the milk for other uses. Hence, there was no need for limiting the volume which might be disposed of in this manner under a Class II classification.

The order does not set forth the specific records which must be kept or the form of reports which must be made to accommodate classification of milk disposed of for other than animal feed. It provides that the handler shall report to the market administrator in the detail and on forms prescribed by the market administrator. In the case of records the handler is required to maintain and make available to the market administrator—such accounts and records of his operations—as are necessary for the market administrator to verify or establish the correct data with respect to receipts and utilization, the weights and tests for butterfat, and other content of all milk and milk products handled. This authority is wholly adequate to permit the market administrator to prescribe the type of report and detail of information which he deems necessary to verify disposition for livestock feed and, accordingly, there is no need to set forth the detailed requirements now contained in the order. However, since the existing order provides that reports relative to receipts and utilization of milk shall be filed on or before the 7th day after the end of each month, it is desirable that the order be amended to provide for the filing of reports relating to disposition for animal feed in the manner and at such times as the market administrator may require. Elimination of the present specified requirements, from the order, will permit the market administrator flexibility to meet varied situations and may relieve handlers of some reporting or record keeping if all of the information now specifically required is not needed by the market administrator for satisfactory verification.

The Assistant Secretary concluded in his recommended decision that the record provided no basis for deletion of the present provision restricting classification of disposition for animal feed in Class II only up to one-half of one percent of Class I disposition. In support of this position he pointed out that the market administrator's statistics over the period since June 1959 indicated that in no month had the volume of disposition as animal feed in Class II for the market as a whole equaled the one-half of one percent provided. While some quantities of animal feed disposition were classified as Class I in each month, the record did not disclose whether this was the result of inadequate records or disposition in excess of the one-half of one percent limitation on the part of certain handlers.

Exceptors contend that there is no basis for limiting disposition for animal feed as Class II where such disposition can be verified to the satisfaction of

the market administrator. They, therefore, requested a Class II classification for all verified animal feed disposition.

It is concluded that there is no necessity for limiting the amount of Class II disposition as animal feed. However, the basic problem associated with animal feed disposition is verification. Hence, elimination of the limitation on Class II classification may not increase the amount of animal feed disposition allowed under a Class II classification. The burden of proof for such disposition is incumbent on the handler and he must maintain the records and make the reports required by the market administrator to verify to the administrator's satisfaction, disposition as animal feed.

5. *Modification of the procedure for computing handler location adjustment credits.* The procedure for computing location differential credits to handlers should be modified to the extent of providing that the computation shall be made on the basis of the volume of milk remaining after producer shrinkage (deducted in step (1) of the allocation provisions) has been added back (step (9)), less 5 percent of direct producer receipts at the plant.

Under the existing procedure location differential credits are computed on the basis of the volume of milk remaining after the assignment of opening inventories (step (8) in the allocation procedure), less 5 percent of direct producer receipts at the plant.

A proprietary handler who regularly obtains a substantial part of his milk supply from a Missouri plant submitted a proposal (included in the hearing notice) which, under certain circumstances would have substantially increased the volume of his Missouri supply which would be eligible for location differential credits. However, no testimony was offered in support of the proposal.

A witness for the North Texas Milk Producers Association proposed a modification of the proposal contained in the hearing notice. His proposal would decrease the amount of country plant milk receipts on which a location differential credit would be claimed. It was his position that the assignment of any direct receipts from producers to Class II as a step in computing the volume of receipts from country plants eligible for location differential credits was no longer appropriate. He suggested that the existing provision was placed in the order under conditions of short supply in recognition of the fact that additional country plant supplies were needed to assure handlers an adequate supply. Because the supply situation has substantially changed he contended the Missouri milk was no longer needed and local producers should not be called upon to subsidize the shipments of milk from distant sources.

Under the order a handler has freedom of choice as to his source of milk supply. However, if his direct producer receipts exceed 105 percent of the available Class I utilization plus shrinkage on producer milk no location adjustment credits are allowed on receipts from supply plants. Milk in excess of the market's fluid requirements and which is received at country plants need not be transported to the city for Class II disposition. Accordingly, no location adjustment credits are applicable to Class II milk.

The allocation of 5 percent of direct producer receipts to Class II prior to the allocation of receipts from country plants is intended to permit a handler to recover transportation on that milk which is lost in shrinkage and on that milk which is packaged and distributed but is returned and necessarily used in other than Class I uses. This procedure is concluded to be appropriate and should be continued. However, the existing provision permits location differential credits on a greater volume of milk. Since allowable shrinkage on producer receipts is two percent, the existing procedure has the effect of assigning seven percent of direct producer receipts to Class II rather than five percent, as was intended. This deficiency may be corrected by providing that location differential credits shall be considered on the basis of the volume of milk available after step (9) in the allocation procedure, rather than after step (8).

The original proponent of a modification of the procedure for computing location differentials excepted to the conclusions set forth in the recommended decision and suggested that the change in the classification of fortified fluid milk products would decrease the amount of location differential credits which he could claim. He further suggested that the classification of inventory as Class II under the existing order (not an issue at the hearing) also tendered to decrease the amount of his location differential credits and requested that inventory be excluded from Class II utilization for purposes of computing such location differential credits.

While the change in the classification of fortified fluid milk products will increase the volume of Class II disposition, this cannot be concluded to have an inappropriate affect on the application of location differential credits since other source milk in the form of nonfluid milk products is the source of nonfat milk solids used in fortification and producer milk is not moved to the market for use in fortifying fluid milk products. It is not clear why the classification of inventory should affect the amount of location differential credits since country plant milk allocated to inventory in the preceding month and reclassified in the current month would be subject to a reclassification charge of the difference between the Class II price for the preceding month and the Class I price for the current month applicable at the location of the shipping plant. Accordingly, the proposal to exclude inventory from Class II utilization in the application of location differentials is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the records were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the North Texas Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the North Texas Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of November 1961 is hereby determined to be the representative period for the purpose of ascer-

...whether the issuance of the aforesaid order amending the order regulating the handling of milk in the North Texas marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on February 23, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

Order Amending the Order Regulating the Handling of Milk in the North Texas Marketing Area

§ 1126.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 1126.32 [Amendment]

1. Add a new paragraph (c) to § 1126.32 to read as follows:

(c) Each handler, with respect to fluid milk products disposed of for animal feed, shall report to the market administrator such information and at such time as the market administrator may prescribe.

§ 1126.41 [Amendment]

2. Delete paragraph (a) (1) of § 1126.41 and substitute therefor the following:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream (except cultured sour cream), and any mixture (except eggnog and bulk ice cream and frozen dairy product mixes) of cream and milk or skim milk: *Provided*, That when any fluid milk product is fortified with nonfat milk solids the amount of skim milk to be classified as Class I shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content;

3. Delete subparagraph (4) of § 1126.41 (b) and substitute therefor the following:

(4) Disposed of in the form of fluid milk products and used for livestock feed subject to inspection (at his discretion) by the market administrator;

4. Delete the period at the end of subparagraph (6) of § 1126.41(b) and insert a semicolon and add a new subparagraph (7) as follows:

(7) That portion of fortified products excluded from a Class I skim milk classification pursuant to paragraph (a) of this section.

§ 1126.53 [Amendment]

5. In the proviso of § 1126.53, delete the reference "§ 1126.46(a) (1) through (8)" and substitute therefor the reference "§ 1126.46(a) (1) through (9)".

6. Delete § 1126.61 and substitute therefor the following:

§ 1126.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b) or (c) of this section except that the operator shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A plant meeting the requirements of § 1126.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order.

(b) A plant meeting the requirements of § 1126.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A plant meeting the requirements of § 1126.10(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of January through August if such plant retains automatic pooling status under this part.

§ 1126.80 [Amendment]

7. Delete the period at the end of paragraph (a) of § 1126.80 and insert a semicolon and add a new paragraph (b) as follows:

(b) In the case of producers delivering milk to a plant which was not a pool plant during the entire base forming period, a daily average base for each such producer shall be calculated pursuant to paragraph (a) of this section on the basis of his deliveries of milk to such plant during August through January: *Provided*, That records of such deliveries to the plant are made available to the market administrator.

[F.R. Doc. 62-1993; Filed, Feb. 27, 1962; 8:49 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50-202]

MOTORS AND GENERATORS INDUSTRY

Tentative Decision in Determination of Prevailing Minimum Wages

A complete record of proceedings held under sections 1 and 10 of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 and 43a) to determine the prevailing minimum wages for persons employed in the motors and generators industry has been certified by the hearing examiner. A tentative decision, including a statement of findings and conclusions, as well as the reasons and basis therefor, on all

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

material issues of fact, law, and discretion presented on the record, and any proposed wage determination, is now appropriate under the applicable rules of practice (41 CFR Part 50–203.21(b)) and the Administrative Procedure Act (5 U.S.C. 1007(b)).

Definition. The notice of hearing (26 F.R. 7970) defined the motors and generators industry as follows:

"The motors and generators industry is defined tentatively as that industry which manufactures electric motors and generators; prime mover generator sets (except complete steam, gas or hydraulic turbo-generators), such as gasoline or diesel-engine driven or wind driven generator sets; motor generator sets and other rotating equipment (except automotive) such as dynamotors, converters, inverters, rotating regulators, servomotors, synchro-motors, and gear motors; and motors, generators, and control apparatus for such land transportation equipment as gasoline-electric and diesel-electric locomotives, rail cars, trolleys, busses, and trucks. The manufacture of parts (including spare and renewal) specifically designed for the foregoing products is also included. The industry does not include the manufacture of the following products: Electric starting motors; automotive generators; complete steam, gas, or hydraulic turbo-generators; arc welding generators; battery-charging generators for internal combustion engines; control apparatus for storage-battery powered transportation equipment; and parts commonly recognized as products of industries other than the motors and generators industry, such as bearings; brushes; brush holders; built-in overload protecting devices; capacitors; filters; insulating materials; lead terminals, markers, and connectors; permanent magnets; recording and indicating instruments and devices; rectifiers; relays; and resistors."

The representatives of organized labor raised no objection to this definition. However, the National Electrical Manufacturers Association (NEMA) asserts that in interpreting this definition some manufacturers may erroneously conclude that motors and generators for storage-battery powered transportation equipment are excluded from the definition, and that the exclusion for "turbo-generators," means that the generator segment of turbine-generator sets is excluded. Therefore, in order to make it abundantly clear that motors and generators for storage-battery powered transportation equipment are included in the definition, whereas only the control apparatus for them is excluded, and that the generator segment of turbine generator sets is included whereas complete steam, gas or hydraulic turbine-generator sets are excluded from the definition, I have decided to:

(1) Amend the part of the definition concerning products included within the industry by changing the phrase in parentheses following the words "prime mover generator sets," to read "(except complete steam, gas or hydraulic turbine-generator sets)."

(2) Add a phrase following the words "• • • and motors, generators and control apparatus for such land transportation equipment as gasoline-electric and diesel-electric locomotives, rail cars, trolleys, busses, and trucks," to read "(except control apparatus for storage-battery powered transportation equipment.)"

(3) Delete the phrase "complete steam, gas, or hydraulic turbo-generators" from the items excluded from the definition.

(4) Delete the phrase "control apparatus for storage-battery powered transportation equipment" from the items excluded from the definition.

NEMA proposed that fractional and non-fractional motors and generators be considered separately for wage determination purposes. This was supported by uncontradicted evidence that fractional and nonfractional motors and generators were generally manufactured in different establishments. The economist representing the American Federation of Labor and Congress of Industrial Organizations (AFL–CIO) opposed separate determinations on the ground that subdividing narrowly defined industries may encourage a shopping about for differentiations between products which may result in administrative mischief and further complication of already excessively protracted Walsh-Healey procedures.

In view of the fact that there appears to be an appropriate basis for making the requested branch determinations for this industry and additional time will not be required for such division, I have decided to make the separate branch determinations requested by NEMA in the proposed wage determination for this industry.

Locality. The record contains extensive data prepared by the Wage and Hour and Public Contracts Divisions of the Department of Labor concerning the competition in this industry for contracts subject to the Walsh-Healey Act. These data indicate that the competition for Government contracts for both fractional and nonfractional motors and generators is not limited by the places where it is intended to use those products when bids are invited, so that there is no way to predict at that time the geographic area in which the successful bidder's plant will be located. Furthermore, it was stipulated at the hearing that "competition in the sale of motors and generators to the United States Government under contracts subject to the Walsh-Healey Act is nationwide and industrywide."

Accordingly, it is my finding that the locality in which products of the motors and generators industry are to be manufactured or furnished for any Government contract subject to the Walsh-Healey Public Contracts Act cannot be defined more narrowly than the entire area in which the industry operates. Under these circumstances, an industry-wide wage determination is essential to achieve the purposes of the statute. (See the tentative decision in the Textile Industry, 17 F.R. 11197; Mitchell v. Covington Mills, Inc., 229 F. 2d 506, certiorari denied, 350 U.S. 1002, rehearing denied, 351 U.S. 934.)

Prevailing minimum wages. The Bureau of Labor Statistics (BLS) prepared for use in these proceedings a comprehensive survey of the minimum wages paid by every establishment with ten or more employees in which the manufacture of motors and generators constituted 50 percent or more of the total value of sales in 1959. The data based on this survey show widely scattered plant minimum wage rates ranging from $1 an hour to over $2.70 an hour which were paid in October, 1960 by 315 establishments employing 51,540 persons who were engaged in work of a type covered by the Act when performing under a contract subject to it (to be referred to hereafter as "covered workers"). The survey presents separate data showing the wage rates paid to employees engaged in the manufacture of fractional horsepower items, to employees engaged in the manufacture of non-fractional horsepower items, and to both groups combined.

Four of the establishments within the scope of the survey refused to report their minimum wage rates to the BLS. Thus, the survey was, in fact, based upon direct information concerning the minimum wages paid in 211 establishments, and minimum wage rates were assigned to the other four upon the basis of their known characteristics. NEMA produced evidence indicating that eight establishments in the industry had made mistakes in filling out their copies of the questionnaires on which the BLS survey was based. As a result of this, appropriate corrections in the survey tables were made during the course of the hearing.

At the commencement of the hearing, counsel for NEMA made application for a subpoena duces tecum requiring production for its inspection of the answers of the individual plants to the BLS questionnaires which contain the underlying data which the survey presents in statistical and anonymous form. NEMA contended in effect that this material would help in providing it with a further basis for challenging the adequacy of the survey or for recommending additional adjustments in it. Counsel for the Government opposed the issuance of such a subpoena. The hearing examiner declined to issue the subpoena after taking evidence on the balance of convenience. Nevertheless, NEMA did not object to the admission in evidence of the tables in the survey on which this decision relies for its determination of prevailing minimum wages. NEMA did move to strike the whole survey at a later stage of the hearing. Though the motion recited an alternative ground that the survey was "based on a perusal of records which have not been made available," the only ground argued was the refusal of the hearing examiner to admit certain affidavits. These affidavits were amended and received by agreement at a later stage of the hearing. Accordingly, I have some doubt concerning whether the refusal to grant the subpoena was stated sufficiently to warrant its further consideration at this time. Nevertheless, I shall consider the propriety of the hearing examiner's rulings.

The objection to the issuance of the subpoena was occasioned by a pledge

... to members of this industry by the ... of Labor Statistics on the face ... questionnaires, that the answers ... be held confidential. Evidence ... received to the effect that to perform ... functions well, the Bureau must obtain much information from industrial establishments which would not be released to competitors and other industrial groups. In accordance with the evidence, I find that the nearly universal response the Bureau was able to obtain in this survey, the high ratio of response it obtains in its other surveys, and the excellent quality of such work, depends on giving and honoring assurances of confidential treatment—such as those received here. A representative from the Bureau of Labor Statistics testified that if the pledge of confidentiality were violated in these proceedings, "the Bureau could no longer guarantee its pledge of confidentiality and would in all likelihood go out of business." The apparent need for such a pledge is further evidenced by the fact that survey questionnaires sent out by NEMA to members of the industry also contained a pledge of confidence, which it also was scrupulous to honor at the hearing.

NEMA was afforded opportunity at a preliminary panel conference to participate in the formulation of the wage survey. At that time NEMA did not object to the pledge of confidence which was contained in the draft questionnaire received by the entire panel. In addition, upon examination at the hearing of the professional knowledge of the witness who prepared the survey was thrown open and availed of by NEMA without limitation. It included the conduct, methods, and evaluation of the Bureau's wage survey investigation, and its compilation and tabulation of the basic wage data received from the industry.

In determining whether the subpoena duces tecum should have been issued and enforced, the hearing examiner was called upon to balance NEMA's need for the material sought against the burden that would be imposed upon the BLS by requiring the production of such material. NEMA agrees that this is the issue presented. NEMA points out that the burden of proof is on the Government to justify the suppression of the subpoena and concludes that the Government has not shown the balance to tip in favor of such suppression.

It clearly appears, however, that what is being balanced is the possibility that NEMA may be able to find some reporting or tabulating mistakes in this survey on the one hand, and an end to all of the useful work of the BLS (See: United States Government Organization Manual, 1961–62, pp. 334–338), on the other hand. In such circumstances, I find that the Government has clearly established more than adequate justification for quashing the subpoena duces tecum and, therefore, I approve of the Hearing Examiner's rulings in regard to this matter.

NEMA contends that the BLS survey could not be relied upon for the purpose of determining the prevailing minimum wages in this industry. Its major argument is that the responses to the wage questionnaire are incorrect because the definition of covered workers, which it alleges is ambiguous, led many respondents to eliminate some covered workers, and thus produce an upward bias in the survey results. The limitations which were placed on the scope of the survey, i.e., the ten employee cutoff and 50 percent sales test were also criticized, as was the assignment of minimum wage rates to the four establishments which refused to report such information to the BLS.

In connection with these criticisms, NEMA conducted its own independent wage survey of the industry, using the following sources of information: (1) Alleged "copies" of the information provided the BLS by 72 establishments which were forwarded to NEMA; (2) Responses to NEMA's questionnaire, which was more detailed than the BLS questionnaire, that had been sent to about 350 companies; and (3) personal visits to ten large manufacturing plants.

Although NEMA received 90 usable responses to its own questionnaire, only 61 were from companies which also forwarded copies of the material sent to BLS. These 61 cases provided the basis for a comparative analysis by NEMA. According to NEMA, discrepancies in the reporting of total employment were disclosed in 30 cases, covered worker employment in 45 cases, lowest wage actually paid in 21 cases, and product classification in two cases.

Prior to the hearing, NEMA counsel offered the NEMA data to the BLS for examination. The results of such examination show that some of the data received were identical to that received by NEMA, but that in a considerable number of cases the material received by the BLS differed from the "copy" which the company forwarded to NEMA. There were also discrepancies between what was reported in the BLS and in the NEMA questionnaires. Finally, there were three establishments which had furnished NEMA with "copies" of their BLS questionnaires although they had not reported to BLS at all. In the crucial area of lowest rates actually paid, it appeared that of 21 cases where NEMA found discrepancies, two had not filed responses with the BLS. Of the remaining 19, ten reported higher rates to BLS than to NEMA; one reported the same rate; and eight reported lower rates. However, only one of the 18 establishments with wage data differences reported a minimum rate to NEMA which could alter the position of the prevailing minimum wage under principles which have been used and are used in this tentative decision to determine them. BLS contacted this establishment and found that the rate reported originally, rather than the rate reported to NEMA, was the correct one. With regard to the two errors in reporting principal product, the BLS found on further checking that NEMA had correctly classified these plants as producing nonfractional horsepower equipment. This resulted in two of the eight corrections made in the survey.

The NEMA survey was not offered in evidence because NEMA did not consider it sufficiently valid. Conflicts with BLS findings, the erroneous "copies" of the BLS questionnaire, as well as the small number of responses contributed to this decision, according to NEMA. NEMA asserted that the survey was not offered in evidence for the same reason the BLS survey was attacked, because both questionnaires were "misunderstood in crucial particulars."

To support its contentions and to provide a basis for correcting the BLS survey, NEMA presented affidavits from five establishments and direct testimony by an official of one large plant to the effect that the information originally submitted to the BLS was incorrect. Four of the six discrepancies could have stemmed from misconceptions of the meaning of covered workers. The fifth case involved a misunderstanding of the definition of "establishment" which led the company to report excessively high figures for total and covered employment; no changes in minimum rates were involved. In the sixth case, the company erroneously reported its motors and generators sales as 61 percent of total shipments when in fact it had been about 40 percent, and therefore outside the scope of the survey coverage. This evidence resulted in the other six corrections in the survey.

NEMA claimed that the Department had ostensibly conceded the existence of deficiencies in the covered worker definition by revising this definition in subsequent questionnaires, as, for example, that for the engines and turbines industry. Nevertheless, NEMA emphatically disclaimed that these revelations of errors carried the implication that BLS was wrong and NEMA was right. Rather, NEMA took the position that there is no way of knowing which of the three sets of data, if any, are correct. The only conclusion to be drawn, NEMA asserted, is that if the proven errors and discrepancies appearing in the eight cases presented could result in shifts in the wage data, the total survey results can be assumed to contain errors of similar magnitude. Thus, it is claimed that the reliability of the entire survey is destroyed. In the absence of an ideal solution, a new survey, NEMA contends that the only way to determine whether the current BLS survey is accurate is to permit NEMA to examine all the questionnaires received by BLS.

Since all of the errors in the BLS survey which were established at the hearing were corrected, the principal remaining issue is whether the evidence warrants the assumption that they are indicative of the existence of others, or whether these eight changes only constituted a basis for making minor improvements in a survey which was substantially accurate to begin with. The latter assumption appears to be warranted. The member companies in the Motors and Generators section of NEMA who were represented at the hearing included the leading manufacturers of motors and generators and their attempt to obtain information critical of the BLS survey appears to have been both diligent and extensive. NEMA has repeatedly asserted that it does not question the technical competence with which the survey was executed. It claims instead that the difficulties arose through the respondents' errors in comprehending the mean-

ing of the questions in the wage survey, particularly with respect to the definition of covered workers. However, a comparison of the definition in the survey, the revised definition used in the engines and turbines industry wage questionnaire, and the NEMA definition indicates that all three versions are readily comprehensible. The definition of covered employees used in the motors and generators questionnaire has been successfully used in recent years in wage surveys of many other industries, including several divisions of the electrical industry, which, like motors and generators, were being covered for the first time by special wage determinations. The occupational composition of these industries is similar in complexity and the management is of comparable legal sophistication. The major motor and generator manufacturers, including those whose representatives submitted affidavits or testified at the hearing, have had long experience in supplying the Government with vast quantities of materials, and must have had a general awareness of Walsh-Healey regulations, even though no wage determination applied specifically to motors and generators. Moreover, some of these same companies took an active part in other wage determination proceedings.

Nevertheless, it is widely recognized that some degree of reporting error is inherent in any statistical survey. The risk is, however, reduced to a minimum by the standard practice of BLS to review carefully and evaluate each response for internal consistency and subsequently to contact the company either through additional correspondence, telephone calls, or personal visits, on all doubtful matters. Furthermore, it is not clear that any alterations in the BLS survey questionnaire would have resulted in a more accurate survey of the industry than the one presented in the record. In fact, NEMA in effect admits that the responses which it obtained from the survey questionnaire which it composed were of no greater accuracy than it believed the BLS responses to be.

In regard to the criticism concerning the scope of the survey and the charge that the assignment of wage rates to the four non-respondents was improper, it is clear that by all accepted statistical standards the number of responses actually studied was more than adequate to provide reliable wage tabulations for the industry; that the inclusion in the survey of non-respondents was based on a well accepted standard statistical techniques; and that the survey was designed to provide the best possible assurance that the determination for the motors and generators industry would not reflect wages paid by establishments whose production was principally directed in other industry channels.

Based upon a careful evaluation of all the evidence of record I find that the BLS survey constitutes a sound basis for determining the minimum wages that prevail in this industry.

NEMA has requested that in determining prevailing minimum wages I should reconsider the adoption of the previously rejected interquartile theory. See the tentative decision in the metal business furniture and storage equipment industry, 25 F.R. 12363. This theory involves finding the prevailing minimum wage at a rate which is less than the minimum wages paid by 75 percent of the industry. On the basis of its application NEMA proposes a wage determination of $1.30 an hour for the fractional horsepower branch of this industry and $1.435 an hour for the nonfractional horsepower branch of this industry. I believe that these rates are less than the prevailing minimum wages in this industry and that their adoption would not achieve the purposes of the Act, "to obviate the possibility that any part of our tremendous national expenditures would go to forces tending to depress wages and purchasing power" (Perkins v. Lukens Steel Company, 310 U.S. 113, 128) and, "to use the leverage of the Government's immense purchasing power to raise labor standards" (Endicott Johnson Corp. v. Perkins, 317 U.S. 501, 507). Accordingly, this theory is again rejected.

The economist representing the AFL–CIO interprets the BLS survey to warrant a wage determination of $1.65 an hour for the fractional branch of the industry and $1.85 an hour for the nonfractional branch. He urges that the prevailing minimum wage attributed to a large establishment should not be based on a minimum wage paid to only one person whose wages may not be representative of the lower end of the plant's wage structure. He therefore contends that the prevailing minimum wage determination should be made at least in part on the basis of the first significant concentration of workers in each establishment. Since the survey provides data to the effect that establishments in the fractional branch of this industry employing 50.4 percent of the covered workers have no covered workers or fewer than one percent of their covered workers who are paid less than $1.65 an hour, and that establishments in the non-fractional branch of this industry employing 57.6 percent of the covered workers have no covered workers or fewer than one percent of their covered workers who are paid less than $1.85 an hour, he concludes that these wage rates are most representative of the minimum wages paid in this industry as of the survey date (October 1960). I reject this method of determining prevailing minimum wages because I cannot arbitrarily exclude the wages paid to any covered worker from consideration in viewing the minimum wages paid by an establishment when I am seeking to determine prevailing minimum wages which will be enforced with respect to all employees in an establishment when performing on a contract subject to the Act.

This economist also contends that the prevailing minimum wages should in no event be found to have been less than $1.56 an hour for the fractional branch of the industry and $1.76 an hour for the non-fractional branch on the survey date. This conclusion is based upon the fact that establishments employing a majority of the covered workers in each of these branches of the industry paid no covered worker less than these rates. These rates were, however, paid by establishments representing only a slight majority of the covered workers (i.e. 55.5 percent in the fractional branch and 54.7 percent in the non-fractional branch) employed in substantially less than a majority of the establishments (i.e. 33.6 percent in the fractional branch and 38.7 percent in the non-fractional branch) in the industry. I have concluded, therefore, that a prevailing minimum wage determination established at these levels would not give adequate consideration to the minimum wages paid in the several establishments of which the industry is composed.

Upon examination of the entire record, I find that the prevailing minimum wage in the fractional branch of this industry was $1.45 per hour and that the prevailing minimum wage in the non-fractional branch of this industry was $1.70 an hour on the survey date. These wage rates appear to be truly representative of the minimum wages paid in the industry as a whole, for 45.9 percent of the establishments employing 64.7 percent of the covered workers in the fractional branch paid no covered employee less than $1.45 an hour, and 49.5 percent of the establishments employing 61.5 percent of the covered workers in the nonfractional branch paid no covered worker less than $1.70 per hour.

On the basis of the evidence presented at the hearing concerning the changes in the prevailing minimum wages paid in this industry between the survey date (October 1960) and the hearing date (October 1961), the representatives of labor and management agreed that under the principles generally followed by the Secretary of Labor in wage determination proceedings a postsurvey increase of three cents an hour is warranted for both branches of the industry. This agreement accords with available information and is hereby adopted.

Delay in effective date. NEMA has taken exception to the proposal to reduce the delay in effective date of the final decision from 30 to 7 days. It argues that to make any determination effective 7 days after publication in the FEDERAL REGISTER would not allow adequate time for preparing and filing papers necessary for a stay by the courts of any determination. It must be pointed out, however, that an additional delay in the application of any wage determination made under the Walsh-Healey Public Contracts Act is now provided for in subpart A of Part 50–202 of Title 41 of the Code of Federal Regulations (26 F.R. 9043).

In view of this and for the reasons fully stated in the final decision for the paper and pulp and manifold business forms industries (26 F.R. 7698, 7699), this tentative decision finds good cause to provide a 7-day delay in the effective date of the final decision.

Proposed determination. Accordingly, upon the findings and conclusions stated herein, pursuant to authority under the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35 et seq.), and in accordance with the Administrative Procedure Act (60 Stat. 237; 5 U.S.C. 1001 et seq.), notice is hereby given that I

...to amend Title 41 of the Code of ... Regulations, Part 50–202, by the ... of § 50–202.29 to read as follows:

...50–202.29 Motors and generators in...dustry.

...(a) *Definition.* (1) The motors and ...erators industry is defined as that ...dustry which manufactures or fur...nishes electric motors and generators; ...prime mover generator sets (except com...bustion steam, gas or hydraulic turbine-...generator sets), such as gasoline or ...diesel-engine driven or wind driven gen...erator sets; motor generator sets and ...other rotating equipment (except auto...motive) such as dynamotors, converters, ...inverters, rotating regulators, servo...mechanisms, synchro-motors, and gear mo...tors; and motors, generators and control ...apparatus for such land transportation ...equipment as gasoline-electric and die...sel-electric locomotives, rail cars, trol...leys, buses, and trucks (except control ...apparatus for storage-battery powered ...transportation equipment). The manu...facture of parts (including spare and re...pair) specifically designed for the fore...going products is also included.

(2) The industry does not include the ...manufacture of the following products: ...Electric starting motors; automotive ...generators; arc welding generators; bat...tery-charging generators for internal ...combustion engines; and parts commonly ...recognized as products of industries other ...than the motors and generators indus...try, such as bearings; brushes; brush ...holders; built-in overload protecting de...vices; capacitors; filters; insulating ma...terials; lead terminals, markers, and ...connectors; permanent magnets; record...ing and indicating instruments and de...vices; rectifiers; relays; and resistors.

(b) *Minimum wages.* (1) The mini...mum wage for persons employed in the ...manufacture or furnishing of fractional ...horsepower motors and generators shall ...be not less than $1.48 an hour. Frac...tional horsepower motors and generators ...are deemed to include all motors built ...in frames smaller than that frame hav...ing a continuous rating of one horse...power, open construction, at 1700 to 1800 ...r.p.m. and all generators in the corre...sponding frame sizes.

(2) The minimum wage for persons ...employed in the manufacture or furnish...ing of non-fractional horsepower motors ...and generators shall be not less than ...$1.73 an hour. Non-fractional horse...power motors and generators shall be ...deemed to include all products within the ...scope of the motors and generators in...dustry that are not included in the defi...nition of fractional horsepower motors ...and generators provided in subparagraph ...(1) of this paragraph.

Within twenty-one days from the date of publication of this tentative decision in the FEDERAL REGISTER, interested persons may submit written exceptions to the proposed action described therein, together with supporting views. Exceptions shall be addressed to the Secretary of Labor, United States Department of Labor, Washington 25, D.C.

Signed at Washington, D.C., this 21st day of February 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62–1991; Filed, Feb. 27, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 61–NY–121]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Proposed Designation and Alteration of Federal Airways and Associated Control Areas, and Revocation of Reporting Point

Pursuant to the authority delegated to me by the Administrator (14 CFR 400.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 and §§ 600.6040, 600.6042, 600.6058, 600.6119, 600.6210, 600.6250, 600.6297, 601.6250, 601.6297, and 601.7001 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the following actions:

1. Low altitude VOR Federal airway No. 40 is designated in part from the Navarre, Ohio, VORTAC via the intersection of the Imperial, Pa., VORTAC 295° and the Ellwood City, Pa., VORTAC 241° True radials; to the Imperial VORTAC. It is proposed to realign this segment of Victor 40 and its associated control areas from the Navarre VORTAC direct to the Imperial VORTAC.

2. Low altitude VOR Federal airway No. 42 is designated in part from the Imperial VORTAC via the intersection of the Imperial VORTAC 074° and the Ellwood City VORTAC 122° True radials; to the Johnstown, Pa., VOR. It is proposed to realign this segment of Victor 42 and its associated control areas from the Imperial VORTAC via the intersection of the Imperial VORTAC 074° and the Johnstown VOR 296° True radials; to the Johnstown VOR.

3. Low altitude VOR Federal airways No. 58 and No. 210 are designated in part from the Imperial VORTAC via the intersection of the Imperial VORTAC 074° and the Carrolltown, Pa., VOR 274° True radials; to the Carrolltown VOR. It is proposed to realign these segments of Victor 58 and Victor 210 and their associated control areas from the Imperial VORTAC via the intersection of the Imperial VORTAC 074° and the Carrolltown VOR 276° True radials; to the Carrolltown VOR.

4. Low altitude VOR Federal airway No. 119 is designated in part from the Imperial VORTAC direct to the Clarion, Pa., VOR. It is proposed to realign this segment of Victor 119 and its associated control areas from the Imperial VORTAC via the intersection of the Imperial VORTAC 045° and the Clarion VOR 214° True radials; to the Clarion VOR.

5. Low altitude VOR Federal airway No. 250 is designated in part from the Imperial VORTAC direct to the Ellwood City VORTAC. It is proposed to extend Victor 250 and its associated control areas southward from the Imperial VORTAC to the intersection of the Imperial VORTAC 193° and the Pittsburgh, Pa., VORTAC 223° True radials.

6. Low altitude VOR Federal airway No. 297 is designated from Mansfield, Ohio, to Carleton, Mich. It is proposed to designate a segment of Victor 297 and its associated control areas from the Akron, Ohio, VOR via the intersection of the Akron VOR 130° and the Ellwood City VORTAC 282° True radials; Ellwood City VORTAC; to the Johnstown VOR.

7. It is proposed to designate low altitude VOR Federal airway No. 468 and its associated control areas from the Newcomerstown, Pa., VOR via the intersection of the Newcomerstown VOR 058° and the Wheeling, W. Va., VOR 306° True radials; to the Ellwood City, Pa., VORTAC.

8. It is proposed to revoke the East Liverpool Intersection (intersection of the Imperial VORTAC 295° and the Ellwood City VORTAC 241° True radials).

The Pittsburgh air traffic control procedures have been revised effective December 14, 1961, to increase the traffic flow capability and improve air traffic service in the Pittsburgh Metropolitan area. Alteration of the airway structure as proposed herein would provide the routes required by the revised traffic control procedures. The control areas associated with the segments of Victors 40, 42, 58, 119, and 210 are so designated that they would automatically conform to the altered airways. The vertical extent of these control areas would remain as designated pending review of the adjacent airspace. The control areas associated with Victors 250, 297, and 468 would extend from 700 feet above the surface to the base of the continental control area. Separate actions would be initiated to implement on an area basis Amendment 60–21 to Part 60 of the Civil Air Regulations. The revised traffic control procedures in the Pittsburgh terminal area have obviated the requirement for the East Liverpool Intersection. Accordingly, it is proposed to revoke this intersection as a reporting point.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C.

Any data, views or arguments presented during such conferences must also be submitted in writing in acordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 20, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-1955; Filed, Feb. 27, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-HO-4]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Proposed Revocation of Segment of Federal Airway, Associated Control Areas and Reporting Point

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.287 and 601.4287 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 87 (Hawaiian Islands) extends, in part, from the intersection of the 288° bearing from the Port Allen, Hawaii, radiobeacon and longitude 161°15'00" W.; to the Port Allen radiobeacon. The Federal Aviation Agency has under consideration the revocation of this segment of Red 87 and its associated control areas. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that the route west of Port Allen would be adequately served by Hawaiian VOR Federal airway No. 15 which was designated in Airspace Docket No. 60-HO-4 (26 F.R. 2549) to become effective November 16, 1961. The effective date of Hawaiian Victor 15 was subsequently amended to February 8, 1962 (26 F.R. 9207). Therefore, it appears that the retention of this segment of Red 87 is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency purposes to revoke the segment of Red 87, its associated control areas and reporting point west of Port Allen.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Pacific Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 4009, Honolulu 12, Hawaii. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 20, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

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FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. R-207]

RATE SCHEDULES AND TARIFFS

Changes in a Tariff, Executed Service Agreement or Part Thereof; Notice of Proposed Rulemaking

FEBRUARY 20, 1962.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend Part 154, Rate Schedules and Tariffs, Subchapter E, Regulations Under the Natural Gas Act, Chapter I of Title 18 of the Code of Federal Regulations, by revising § 154.63 thereof to read as set forth below. The section prescribes the basic data which is to be submitted by pipelines in support of proposed changes in rate schedules filed with the Commission pursuant to section 4(d) of the Natural Gas Act.

3. The basic purpose of the proposed revision is to expedite the processing of rate-increase filings. This section, substantially in its present form, was prescribed May 21, 1953, by Order No. 165, and has since been revised to reflect experience gained in the interim. The existing regulations provide for the submission of certain detailed data in support of filings for rate increases but such data do not contain the detailed explanations, computations, and analyses now considered necessary for expeditious processing of the proposed rate filings. This lack has required extensive work on the part of the staff in the natural gas companies' offices, has slowed [illegible] and, sometimes, has resulted in [illegible] venience to the company itself.

The Natural Gas Act and the public interest require that these cases be expedited. Accordingly, the proposed provisions of our regulations provide for the filing of more detailed data, of such composition, scope, and format that they could serve as the company's case-in-chief in the event the rates should be suspended. The availability of such information should permit our staff to perform in the Commission's own offices much of the work currently being performed by the staff in the companies' offices. It is anticipated (a) that it will facilitate a determination as to whether a rate should be suspended and (b) that it will serve, in instances when a rate is suspended, in shortening the period required to conclude the proceeding.

4. Most of the substantive changes proposed relate to the material to be submitted pursuant to the directions in Statements A through P, now set out following § 154.63(b)(3)(i)(*f*). Although there are three entirely new provisions (§ 154.63(e) (4), (5), and (6)), the changes proposed in the other subsections, paragraphs, and subdivisions of the present section amount only to a rearrangement of those provisions to simplify their use. The changes are indicated in the Analysis contained in the Attachment hereto.

5. The amendments to the Commission's regulations set forth in the Attachment hereto are proposed to be issued under the authority granted by the Natural Gas Act, as amended, particularly sections 4 and 16 thereof (15 U.S.C. 717c, 717o).

6. Any interested person may submit to the Federal Power Commission, Washington 25, D.C., on or before March 31, 1962, data, views, and comments in writing concerning the amendments proposed herein. The Commission will consider these written submittals before acting upon the proposed amendments. An original and nine (9) copies of any such submittals should be filed.

JOSEPH H. GUTRIDE,
Secretary.

Analysis of proposed revision of § 154.63, *Changes in a tariff, executed service agreement or part thereof.*

(a) *Definitions.*

(1) Changes other than in rate level (new).

(2) Major rate increase (formerly § 154.63(b)(3)(i)(*a*); divided into two parts, editorial revision).

(3) Minor rate increase (formerly § 154.63(b)(3)(i)(*b*); divided into two parts, editorial revision).

(4) Rate decrease (new).

(b) *Material to be submitted.*

(1) All filings (formerly § 154.63 (a) and (b)(1), editorial revision).

(2) Changes other than in rate level (formerly § 154.63(b)(2); editorial revision and amplified to require more specific data).

(3) Major rate increase (formerly § 154.63(b)(3)(i)(*a*); divided into two parts, editorial revision).

(4) Minor rate increase or rate decrease (formerly § 154.63(b)(3)(i)(*b*);

...into two parts, editorial re-...).

(b) *Submission and rejection.*

(1) Submission of material by refer-... (formerly § 154.63(b)(4); editorial ... includes part of § 154.63(b)(1) ... requires copies to be made available ... request).

(2) Reliance on other data (formerly § 154.63(b)(3)(i)(c); divided into two parts).

(3) Rejection for non-compliance (formerly § 154.63(b)(3)(i)(d); minor editorial revision).

(4) *Form and number of copies.*

(i) Changes other than in rate level ...).

(ii) Change in executed service agree-... (formerly § 154.63(b)(5) revised).

(iii) Rate changes (formerly part of § 154.63(b)(3)(i)(c)).

(c) Format of statements and sched-... (new).

(c) *Scope and composition of material for major increase.*

(1) Preparation for hearing (formerly § 154.63(b)(3)(ii), amplified to reflect that hearing will be held upon filing as company's case-in-chief).

(2) Test Period (formerly §154.63(b)(3)(i)(e); minor editorial revision).

(3) Joint facilities (formerly § 154.63(b)(3)(i)(f); minor editorial revision).

(4) Working papers and supporting data (new).

(5) Representation of chief account-...ing officer (new).

(6) Opinion of independent public ac-...countants (new).

(f) *Description of Statements A through N* (Statements A through N require more detailed data; Statement O (new) is a description of system operations; Statement P (new) relates to prepared testimony).

§ 154.63 Changes in a tariff, executed service agreement or part thereof.[1]

(a) *Definitions*—(1) *Changes other than in rate level.* Rate filings for changes other than in rate level include inter alia changes in service agreements (changed contract demand, new delivery points, etc.), tariff provisions (changed penalty provisions, changed delivery pressures, etc.), rate form (where no change in revenue is contemplated).

(2) *Major rate increase.* (i) Rate changes that will result in a general increase in revenues for the stated purpose of obtaining a fair rate of return on jurisdictional sales.

(ii) Rate changes that extend to all, or substantially all, of the jurisdictional sales, or

(iii) Rate changes associated with the delivery of substantially changed volumes of gas to existing customers.

(3) *Minor rate increase.* Minor rate increases usually relate to a few schedules and are designed to bring such schedules into harmony with general tariff policy, to eliminate inequities and to achieve other formal adjustments, in cases where any increase in revenue is subordinate to some other purpose. They include changes that are not designed to provide general revenue increases such as to offset increased cost or otherwise achieve a fair return on the overall jurisdictional business. For the purpose of compliance with the regulations of this part, proposed increases in rates or charges which, for the test period, do not exceed the smaller of $100,000 or 5 percent, of the revenues under the jurisdiction of the Commission shall be considered minor.

(4) *Rate decrease.* Changes in rate level no part of which directly or indirectly result in any increased charge to a customer or class of customers will be considered as a rate decrease.

(b) *Material to be submitted*—(1) *All filings.* With the filing of any tariff, executed service agreement or part thereof which changes or supersedes any tariff, contract or part thereof on file with the Commission, there shall be included the following:

(i) A letter of transmittal containing a list of the material enclosed, the date on which such filing is proposed to become effective, the docket number, if any, of the proceeding in which the change was authorized and a list of the names and addresses of the purchasers and State Commissions to whom it has been mailed.

(ii) A statement of the nature, the reasons, and the basis for the proposed change.

(2) *Changes other than in rate level.* In addition to the material required by subparagraph (1) of this paragraph there shall be submitted a comparative statement of sales made, or transportation, exchange, etc., performed, and revenues therefrom, by months and in total, under the present and proposed tariff, contract, or part thereof, setting forth in each instance the transactions for the twelve months immediately preceding and for the twelve months immediately succeeding the proposed effective date of the change in tariff, contract, or part thereof. Actual data shall be used as far as possible, and any estimated data shall be designated as such. The statements shall be subdivided by rate schedules, classes of service, customers, and delivery point when more than one is involved. Such data shall include billing quantities that are used to compute the charges including contract demands, billing demands, metered demands and volumes, heat content, rates and other determinants, in sufficient detail to permit complete verification of the revenues.

(3) *Major rate increase.* Class A companies (as defined in subchapter F, Uniform System of Accounts for Natural Gas Companies, of this chapter) shall submit, in addition to the material required by subparagraph (1) of this paragraph, Statements A to M inclusive and O and P described in paragraph (f) of this section. Class B, C, and D companies, defined as above, shall file only Statements L, M, N, O, and P. A natural gas company filing another major increase in rates or charges within a period of twelve months after the date of filing of Statements A through M and O and P or after the end of the test period used therein including the period of adjustments shown on Statements A through M, may submit for such other increase Statements L, M, and N in lieu of Statements A through M if the proposed new rate increase is filed to compensate only for an increase in the cost of purchased gas and there has been no material change in the company's facilities, sales volumes, and cost of service other than cost of purchased gas since such prior rate increase was filed.

(4) *Minor rate increase or rate decrease.* Only Statements L through P need be filed in addition to the material required by subparagraph (1) of this paragraph.

(c) *Submission and rejection*—(1) *Submission of material by reference.* If all or any portion of the information called for by this section has already been submitted to the Commission or is included among the data filed pursuant to this section, specified reference thereto may be made in lieu of resubmission in response to these requirements. Copies of material submitted by reference shall be made available to staff and parties on request.

(2) *Reliance on other data.* If the natural gas company has relied on data other than those in Statements A through P in support of its rate increase, such other data, appropriately identified and designated as such and separately stated, shall be submitted with the data required by Statements A to P but limited to the test period prescribed in paragraph (e)(2) of this section.

(3) *Rejection for non-compliance.* Where the data submitted in Statements A through P do not comply with the requirements of the rules and regulations, the rate filing is subject to rejection: *Provided, however,* That if the proposed rate increase is filed at least 45 days before the effective date proposed therefor and such filing does not comply with the requirements of this section, the natural gas company will be notified of the deficiencies, and if such deficiencies are properly cured within 10 days from the date of such notice, the requisite supplementary material will be deemed to have been filed as of the same date as the initial submittal of the proposed rate increase.

(d) *Form and number of copies*—(1) *Changes other than in rate level.* Filings for changes other than in rate level shall comply with § 154.26 of this chapter.

(2) *Change in executed service agreement.* Agreements intended to effect a change or revision of an executed service agreement shall be in the form of a superseding executed service agreement only. Service agreements shall not contain any supplements, but may contain exhibits (stating contract demand, delivery points, delivery pressures, names of industrial customers of the distributor-customer, names of distributors with one named as agent where delivery to several distributors is effected at the same delivery point and well names) which may be separately superseded.

(3) *Rate changes.* Ten sets of the statements and of the additional information, if any, shall be submitted, each set securely bound in a cover.

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[1] The provisions of this section shall not be applicable to filings made pursuant to §§ 154.61 through 154.86, unless such filing results in a change in rate, charge, classification or service.

(4) *Format of statements and schedules.* Amounts purporting to represent book data included in statements and schedules required to be prepared or submitted as part of the filing shall be reported in a separate column or columns. All adjustments applied to book amounts and amounts which give effect to such adjustments ("as adjusted" amounts) shall also be reported in separate columns so that book amounts, adjustments thereto, and adjusted amounts will be clearly disclosed separately.

(e) *Scope and composition of material for major increase*—(1) *Preparation for hearing.* (i) A natural gas company filing for an increase in rates or charges shall be prepared to go forward at a hearing on reasonable notice on the data which have been submitted and sustain the burden of proof imposed by the Natural Gas Act of establishing that its proposed changes are just and reasonable and not unduly discriminatory or preferential.

(ii) The Commission is desirous of avoiding delays in processing rate filings. To this end, the material required to be included in the filing and supporting working papers should be of such composition, scope, and format that it could serve as the company's complete case-in-chief in the event the matter be set for hearing and the rates suspended.

(iii) The material shall be presented in full accord with prior decisions of the Commission applicable to the company. The company making the filing may include in the filing additional material in support of any other position it desires, subject to the requirements for submitting complete supporting work papers. However, a filing which would have the effect of requiring no more than a retrial of issues previously decided by the Commission may be rejected.

(2) *Test period.* (i) If the natural gas company has been in operation for 12 months at the time of the filing, the Statements A to M, inclusive, and O and P or, L through P, inclusive, as appropriate, and supporting schedules, shall be based upon a test period consisting of 12 consecutive months of most recently available actual experience, adjusted for changes in revenues and costs which are known and are measureable with reasonable accuracy at the time of the filing, and which will become effective within eight months after the last month of available actual experience utilized in the filing: *Provided, however,* That, for good cause shown, upon application of the natural gas company made to the Commission 30 days in advance of the rate filing, the Commission may allow reasonable deviation from the prescribed test period: *Provided further,* That the last day of the 12 months of actual experience shall not be more than three months prior to the date of filing the proposed change in rates and charges. The 12 months of experience shall be adjusted to eliminate nonrecurring items (except minor amounts), but this shall not preclude the filing company from including items which, on the basis of existing facts, it can show will be experienced or from including an appropriate normalizing adjustment, e.g., rate case expenses, in lieu of a nonrecurring item. If the natural gas company has had less than 12 months' experience, the test period may consist of 12 consecutive months ending not more than one year from filing date, provided, however, adjustments are not included for occurrences anticipated after the one year period.

(ii) Adjustments to experience, or estimates where 12 months' experience is not available, may include the amounts for facilities for which a permanent or temporary certificate has been granted, provided such facilities will be in service within the test period, but such adjustments or estimates shall not include any amounts for facilities in respect to which a certificate of public convenience and necessity must be obtained but which has not been issued at the date of filing, nor shall adjustments or estimates include any amounts for other facilities associated therewith. The bases and procedures, including the docket number of each such outstanding certificate and other significant data, used in the derivation of adjustments or estimates shall be submitted in sufficient detail on supporting schedules as to permit ready analysis of such adjustments or estimates.

(3) *Joint facilities.* If the natural gas company operates other departments in addition to the natural gas operations involved in the subject rate increase and has allocated to such natural gas operations any of its investment in joint or other department facilities and the operation, maintenance, depreciation costs or taxes associated therewith, it shall be shown on the statements required to be filed by this section, or the schedules in support thereof, the amounts so allocated together with the methods used in making such allocations: *Provided,* That if such allocations are recorded in the natural gas company's books on the basis of current accounting procedures the submittal may be confined to a brief description of the methods followed.

(4) *Working papers and supporting data.* (i) The data in support of the proposed increased rates shall include the required particulars of book data, adjustments and other computations and information on which the company relies to justify the increased rates sought.

(ii) Any data or summaries included in the filing purporting to reflect the books of account shall be supported by accounting working papers, which papers shall set forth all necessary particulars from which an auditor may readily identify the book data included in the filing in separate columns and verify that such data are in agreement with the company's books of account. All statements, schedules, and working papers shall be prepared in accordance with the classifications provided in the Uniform System of Accounts. Working papers prepared in accordance with similar standards and disclosing full particulars properly cross-referenced to the filing and within themselves and indexed shall be available for staff examination in support of all adjustments, computations and other information included in the filing. A copy of such working papers shall be supplied to the staff upon request.

(iii) Any company filing for a rate increase shall be responsible for preparing prior to filing and maintaining complete working papers to support the filing. Any failure to produce promptly such working papers on request by an authorized representative of the Commission prior to Commission action on the filing shall be cause for rejection of the tendered filing in its entirety.

(iv) In addition to the working papers supporting the following specific material related to the test period shall be available for staff verification and analysis, and a copy shall be furnished on request:

(*a*) Copies of monthly financial reports prepared for management purposes.

(*b*) Copies of accounting analyses of balance sheet accounts prepared by the company.

(c) Complete trial balances of all the balance sheet accounts at the beginning and end of the 12 months of actual experience, and revenue and expense accounts for the 12 months of actual experience used for the filing.

(*d*) Analyses of the various miscellaneous revenues and related expenses included in the submitted cost of service.

(*e*) Analyses of surplus and capital surplus accounts during the twelve months.

(5) *Representation of chief accounting officer.* The filing shall include a narrative statement executed by the chief accounting officer of the filing company representing that the cost statements and supporting data submitted or required to be prepared as a part of the filing and which purport to reflect the books of the company do, in fact, set forth the results shown by such books.

(6) *Opinion of independent public accountants.* The filing shall include an opinion obtained from independent public accountants showing that an independent examination of the book amounts and accounting adjustments thereto has been made for the test period.

(f) *Description of statements.* Description of Statements A through P and supporting schedules required to be filed pursuant to the directions set out in subparagraphs (3) and (4) of paragraph (b) of this section.

Statement A—Overall cost of service. This statement shall summarize the overall gas utility cost of service (operation and maintenance expenses, depreciation, taxes, credits to cost of service and return) developed from the supporting statements described below.

Statement B—Rate base and return. This statement shall summarize the overall gas utility rate base from the figures contained in Statements C, D, and E, with an appropriate deduction for Contributions in Aid of Construction, if any. The statement shall also include the claimed rate of return and shall show the application of the claimed rate of return to the overall rate base.

Statement C—Cost of plant. This statement shall show in summary form the amounts of gas utility plant classified by Accounts 101, 102, 103, 104, 105, 106, 107, and 117 as of the beginning of the 12 months of actual experience, the book additions and reductions (in separate columns) during the 12 months, together with the book balances at the end of the 12-month period. In adjoining columns there shall be shown the

...adjustments, if any, to the book ... and the total cost of plant. All ... shall be fully and clearly ... in the supporting material ...

...following schedules and additional ... shall be submitted as part of State...

...C:

...*Schedule C–1* in columnar form similar ... Statement C showing for each of the above ... the amounts by detailed plant ac... ... prescribed by the Commission's Uni... ... System of Accounts for Natural Gas ... (Part 201 of this chapter) with ... thereof by functional classifica... ...i.e., Intangible Plant, Manufactured ... Production Plant, Natural Gas Produc... ... Plant, Products Extraction Plant, Un... ... Storage Plant, Local Storage Plant, ... Transmission Plant, City Gate and Main Line ... Measuring and Regulating Station ... General Distribution System Plant, ... General Plant: *Provided, however,* That ... the extent plant costs are not available ... detailed plant accounts they may be ... by functional classifications.

Accounts 101 and 105 shall be adjusted to ... the cost of major items of plant, ... retirement of which is expected by the ... of the test period. Accounts 106 and ... shall be adjusted to exclude plant in ... of construction which is not expected ... be in service by the end of the test ...

Schedule C–2 showing major plant addi... ... and retirement projects for the test ..., brief descriptions, approximate dates ... commercial operation or retirement from ..., and cost.

Schedule C–3 showing thirteen monthly ... balances during the 12 months of actual ..., for each detailed plant account, ... subtotal representing functional classi... ... and total plant; the averages of ... 13 monthly balances; and the effect of ... adjustments on each monthly bal... ... and the average.

Schedule C–4 summarizing the following ... years with respect to the book changes ... plant in service (Account 101) for the ... five years of the operations of the Com... ... or its predecessors and proposed adjust... ... to such account:

(a) Starting balance.

(b) Major additions and retirements by ... orders (small items grouped) includ... ... the following:

(i) Major completed work orders including ..., description, and amount.

(ii) Month of completion.

(iii) Period of construction.

(iv) Cross reference to FPC certification ... docket number and the dates the ... was issued and accepted.

(c) Principal other transactions recorded ... as corrections, clearings, etc. Show ... detail so that the nature of the ... changes will be clearly disclosed.

(d) Closing balance.

Schedule C–5 showing in respect of Ac... 106 and 107, at the beginning and ..., respectively, of the 12 months of actual ... a list of uncompleted work orders, ... the work order number, description ... amount of each, and the amounts of ... type of undistributed construction ...heads. Include: a main-line map show... ... major projects completed for the last ... calendar years, ending during the twelve ... of actual experience, with a key ... indicating major work orders in... ... each project and reference to FPC ...ificate numbers; a list of principal proj... ... certificated by FPC (including tempo... ...y certificates for the last five calendar ..., ending during the twelve months of ...ual experience), setting forth the actual ... estimated cost of the facility and indicat... ... the total increase in contract demand ... annual volumes associated with each ...jor certificate.

Schedule C–6 giving details of each storage project owned, showing cost by major functions, and base top gas storage volumes upon full use of the storage project as estimated and for the 12 months of actual experience also making reference to any special rate schedules relating thereto, with monthly volumes and associated dollars for the inputs and outputs for the 12 months of actual experience.

Schedule C–7. If company produces gas and owns non-operated acreage, a map, showing counties in the United States for both producing and non-operated acreage, each designated in separate colors.

Schedule C–8. A summary by producing areas of gas reserves owned and a complete explanation of methods and procedures used in amortizing capitalized well costs.

Schedule C–9 summarizing at end of period the cost of gathering facilities by producing areas, by type of plant, including a small-scale map of each gathering system.

Schedule C–10 giving full details including docket number of any acquisitions of gas in-place for the last five calendar years, ending during the twelve months of actual experience.

Schedule C–11. A summary cost of service for each gasoline extraction and major purification (CO_2) plant owned or operated by the company.

Schedule C–12. A complete statement of methods and procedures followed in capitalizing interest during construction and other construction overheads, including any policy changes, effective dates and reasons therefor for the last five calendar years, ending during the twelve months of actual experience.

Schedule C–13 showing any significant changes in intangible plant for the last five calendar years, ending during the twelve months of actual experience.

Schedule C–14 setting forth the cost and description of any plant carried on the company's books as gas utility plant which was not being used in rendering gas service.

Schedule C–15. A description of the continuing property records maintained by the company, including methods and procedures used to price retirements, and a list of retirement units used by the company in pricing retirements.

Schedule C–16 setting forth any operating units or systems acquired for the last five calendar years, ending during the twelve months of actual experience.

State original cost and method of recording, including reference to any Commission action. If final accounting has not been approved by the Commission, submit summary analysis of property acquired, proposed entries to record the acquisition and proposed disposition of any difference between cost and net original cost.

Statement D—Accumulated provisions for depreciation, depletion, amortization and abandonment. This statement shall show the accumulated provisions for depreciation, amortization, depletion, and abandonment (Accounts 108, 109, 110, 111.1, 111.2, 111.3, 112, 113.1, 113.2), as of the beginning of the 12 months of actual experience, the book additions and reductions during the 12 months, together with the balances at the end of the 12-month period. In adjoining columns there should be shown the adjustments, if any, to the book amounts and the total. All adjustments shall be clearly and fully explained in the supporting material submitted.

The following schedules and additional material shall be submitted as part of Statement D:

Schedule D–1 showing thirteen monthly book balances during the 12 months of actual experience for each account and functional plant classification, the averages of such 13 monthly balances, and the effect of proposed adjustments on each monthly balance and the average.

Schedule D–2 summarizing the following by years with respect to the book changes in each account set forth in Statement D since the date of the last prior staff review, and proposed adjustments to such accounts.

(a) Starting balance.

(b) Annual provision.

(c) Retirements (with cross-reference to plant schedule).

(d) Salvage.

(e) Removal costs.

(f) Adjustments (including particulars of any significant items).

(g) Ending balance.

Schedule D–3. A description of the methods and procedures followed in depreciating, depleting, or amortizing plant and recording abandonments followed by the company and any policy changes effective dates and reasons therefor for the last five calendar years, ending during the twelve months of actual experience.

Schedule D–4. With respect to each allocation of an overall account to obtain the amounts applicable to various functional groups of plant, a complete explanation of the method, procedures and significant data used in making the allocation.

Schedule E—Working Capital. This statement shall show the computation of the working capital claimed as a part of the gas utility rate base. The statement shall show the respective components of the claimed working capital and be in such detail as to show how the amount of each component was computed.

The components of working capital may include (a) an amount equivalent to 45 days of operating expenses, less: The cost of purchased gas; the cost of gas placed in underground storage (credit) and withdrawn from underground storage (debit); non-cash operating expenses, such as depreciation transferred through clearing accounts to operating expenses; and gas used in utility operations; and (b) an allowance for the average of 13 monthly balances of materials and supplies, prepayments and gas for current delivery from underground storage. Also, as a component of working capital, there shall be reflected a credit deducted from the gross working capital requirement in an amount equal to 50 percent of the computed portion of the claimed federal income tax allowance in the cost of service. Any working capital item claimed which is different from or in addition to those specified herein shall be specifically and completely explained and reasons for inclusion shall be given.

The following schedules and additional material shall be submitted as part of Statement E:

Schedule E–1 setting forth the balances for materials and supplies and prepayments in such detail as to disclose, either by subaccounts regularly maintained on the books or by analysis of the principal items included in the main account, the nature of the charges included therein.

Schedule E–2 setting forth monthly balances of material and supplies and prepayments on purchased gas for two years immediately preceding the 12 months of actual experience used in the filing.

Schedule E–3 showing the quantities and the respective costs of natural gas stored at the beginning of the test period, the input, output and balance remaining in Mcf and associated costs by months, method of pricing input, output and balance, and the claimed adjustments shall be disclosed and clearly and fully explained.

Schedule E–4 showing the computations, cross-references and sources from which the data used in computing claimed working capital are derived.

Statement F(1)—Rate of return claimed. This statement shall show the percentage rate of return claimed and the general reasons therefor.[2]

Statement F(2)—Rate of return computed. This statement shall show the computation of the rate of return claimed based upon the company's capitalization, the cost of debt capital and preferred stock capital and the return claimed on the stockholder's equity.

Statement F(3)—Debt capital. This statement shall show the weighted average cost of debt capital based upon the following data for each class and series of long-term debt outstanding according to the balance sheet as of the 12-months' actual experience:

(a) Title.
(b) Date of issuance and date of maturity.
(c) Interest rate.
(d) Principal amount of issue:
  Gross proceeds.
  Underwriters discount or commission:
    Amount.
    Percent gross proceeds.
  Issuance expense:
    Amount.
    Percent gross proceeds.
  Net proceeds.
  Net proceeds per unit.
(e) Cost of money:
  Yield to maturity based on the interest rate and net proceeds per unit outstanding determined by reference to any generally accepted table of bond yields.
(f) If issue is owned by an affiliate, state name and relationship of owner.

Statement F(4)—Preferred stock capital. This statement shall show the weighted average cost of preferred stocks capital based upon the following data for each class and series of preferred stock outstanding according to the balance sheet as of the end of the 12-months' actual experience:

(a) Title.
(b) Date of issuance.
(c) If callable, call price.
(d) If convertible, terms of conversion.
(e) Dividend rate.
(f) Par or stated amount of issue:
  Gross proceeds.
  Underwriters' discount or commission:
    Amount.
    Percent gross proceeds.
  Issuance expenses:
    Amount.
    Percent gross proceeds.
  Net proceeds.
  Net proceeds per unit.
(g) Cost of money:
  Dividend rate divided by net proceeds per unit.
(h) Whether issue was offered to stockholders through subscription rights or to the public.
(i) If issue is owned by an affiliate, state name and relationship of owner.

Statement F(5)—Common stock capital. This statement shall show for each sale of common stock during the five-year period preceding the balance sheet as of the end of the 12-months' actual experience:

(a) Number of shares sold.
(b)(1) Gross proceeds at offering price.
(2) Underwriters' discount or commission:
  Amount.
  Percent gross proceeds.
(3) Proceeds to applicant.
(4) Issuance expenses:
  Amount.
  Percent gross proceeds.
(5) Net proceeds:
  Offering price per share.
  Net proceeds per share.
(c) Book value per share at date immediately prior to issuance:
  Closing market price at latest trading date prior to date of issuance.
  Latest published earnings per share available at date of issuance.
  Dividend rate at date of issuance.
(d) Whether issue was offered to stockholders through subscription rights or to the public; whether common stock was issued for property or for capital stock of affiliate.

The following schedules and additional material shall be submitted as part of Statement F(5):

Schedule F(5)–1. Submit information respecting any stock dividends, stock splits or changes in par or stated value during the 5-year period preceding date of the balance sheet and by months for the twelve-month period ended that date.

Schedule F(5)–2. Submit following information on outstanding common stock for the five calendar years preceding the date of balance sheet and by months for the twelve-month period ended that date:

	Average number of shares outstanding [1]	Book value (per share) [1]	Annual earnings (per share) [2]	Annual dividend (rate per share)	Dividends (percent earnings)	Average market price (based on monthly high-low)	Earnings price ratio [3]	Dividend price ratio [4]
Years:								
1								
2								
3								
4								
Months:								
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								

[1] This information need not be submitted by months.
[2] For monthly figures, show latest reported 12-month average.
[3] Relationship of annual earnings per share to average of the 12 monthly high-low market values of stock. In the case of monthly data use latest reported earnings in computing ratio of earnings to average high-low market value for month.
[4] Relationship of dividend per share to average high-low market value of stock.

Schedule F(5)–3. If the applicant relied upon ratios or other data concerning the common stocks of other specific companies in reaching its conclusion as to a fair allowance for earnings on common equity, submit the following information to the extent available from published sources respecting the common stock of such other companies:

(a) With respect to recent issuances, the same information as submitted under Statement F(5).

(b) With respect to outstanding issues, the same information as submitted under Schedule F(5)–2.

Schedule F(5)–4. Show the earnings per share of common stock which the claimed rate of return would yield.

Statement G—Gas operating revenues and sales volumes. This statement shall show the operating revenues from sales of gas and other sources classified in accordance with the operating revenue accounts prescribed by the Commission's Uniform System of Accounts, and the related volumes of gas and products. Sales and services and related volumes shall be classified as between jurisdictional and nonjurisdictional; items which are reflected as credits to cost of service in preparing Statement A, Overall Cost of Service, shall be identified. Statement G shall disclose the following, using supporting schedules as necessary:

(a) Revenues by months and the totals thereof for the 12 months of actual experience from jurisdictional sales as computed under the presently effective and proposed rates together with the differences in the annual revenues, and the actual annual revenues from the nonjurisdictional sales.

(b) Revenues by months and the totals thereof for 12 months of actual experience as adjusted for changes which are known and measureable and which are expected to be realized within 8 months of the last month of available actual experience from jurisdictional sales as computed under the presently effective and proposed rates together with the differences in the annual revenues for the test period, and the annual revenues from the nonjurisdictional sales under the rates effective during the test period.

Each jurisdictional sale for resale, and each jurisdictional transportation service, shall be shown separately but the multiple nonjurisdictional sales and nonjurisdictional field sales may be separately grouped and the other sales may also be grouped by the classifications prescribed by the Commission's Uniform System of Accounts for Natural Gas Companies. For each revenue item shown separately, there shall be shown the points of delivery, the billing quantities for each month and their determinants or adjustments (demands, volumes, Btu content, Btu adjustment, etc.), and the maximum single day's delivery in each month if available. In the event any sale shown separately is made through more than one delivery point, and conjunctive billing is provided by the tariff, the above data may be combined for all delivery points.

Adjustments to actual period sales volumes, jurisdictional and nonjurisdictional, shall be fully and clearly explained including reference to any certificate docket authorizing changes in sales.

All penalties paid by jurisdictional customers shall be stated separately from sales revenues.

The total jurisdictional revenues under the proposed increased rates shall be broken down to show demand revenues, commodity revenues, Btu adjustment, etc. The revenues and other data shall be grouped and totaled by rate schedules and by zones.

Credits to cost of service shall set forth the principal components comprising each

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[2] If the natural gas company is controlled by or controls another company, or companies, as defined in the Uniform System of Accounts, then the information required by these statements in respect to debt capital, preferred stock capital and common stock capital shall be submitted and, in addition, the data described shall be submitted with respect to the debt and stock issues of all superimposed holding companies including the top holding company and subsidiary companies in the form of a consolidating statement. Furnish a copy of the latest prospectus issued by the natural gas company, any superimposed holding company or subsidiary companies.

...the various items which are reflected as ...to cost of service in preparing State... A. The amounts per books, adjust... and as adjusted shall be clearly set ...

...Statement G shall be included, in ...in the submittal to the Commission and ...all State commissions having jurisdiction ...the affected customers of the natural ...company. The submittal to each of the ...customers may be limited to ex... the above details by months except ...with respect to the gas sales to, or transpor... service for, that particular customer, ...a copy of Statement G, in full, is ...promptly submitted to any affected customer ...such customer's request.

Statement H(1)—Operation and maintenance expenses. This statement shall show the gas operation and maintenance expenses ...to each account of the Uniform ...of Accounts for Natural Gas Com... The expenses shall be shown under ...columnar-headings, as follows, ...subtotals for each functional classifi...: (a) Operation and maintenance ex... by months, as booked, for the 12 ...of actual experience, and the total ..., (b) adjustments, if any, to ex... as booked, and (c) total adjusted ...and maintenance expenses claimed. ...explanations of the adjustments, ...and the manner of their determina... shall be supplied, specifying the month ...during which the adjustments ...be applicable.

The following schedules and additional material shall be submitted as part of Statement H(1):

Schedule H(1)–1 showing the 12 months of actual experience and the adjustments thereto by functional classifications, the separate amounts for labor, materials and other charges included in each operation and maintenance expense account of the Uniform System of Accounts for Natural Gas Companies, per books and as adjusted. In the event monthly operation and maintenance expenses as presented per books reflect any special accrual or equalization accounting entries for internal purposes the effect thereof shall be fully disclosed and explained. Any amounts not currently payable, except depreciation charged through clearing accounts, included in operation and maintenance expenses shall be fully explained.

Schedule H(1)–2 in respect of those companies having production plant or which are conducting exploration activities showing for the 12 months of actual experience, by month, and for each of the previous four fiscal years the annual cost of:

(a) Delay rentals.
(b) Unproductive well drilling.
(c) Abandoned leases.
(d) Other exploration expenses.
(e) Overriding royalties including amount per Mcf and payee.
(f) Net profit payments to others with full particulars of computations and supporting data.

Schedule H(1)–3 showing the total annual cost of gas purchased for the 12 months of actual experience, the adjustments thereto and the total adjusted cost for the test period with data grouped and subtotaled by states and counties and detailed by vendor, rate schedule designation, field, volumes in Mcf at a common pressure base and price in total and in detail as to base price, tax reimbursement, Btu provision, gathering and compression charges, etc., for the rate schedules under which actual or adjusted volumes exceed 100,000 Mcf annually. If any of such prices are effective subject to refund, there shall be shown a comparable breakdown of all prior prices under the rate schedule which were suspended with Commission docket numbers and including the most recent price not suspended. Field purchases under rate schedules where the actual or adjusted volumes are less than 100,000 Mcf annually may be grouped by field or producing area, but with a statement of the extent to which prices effective subject to refund are included. Purchases from pipelines in any volume shall be shown in full detail by rate schedule including splits between demand and commodity costs.

In the event adjustments are made to the volumes of gas taken from any source during the 12 months of actual experience, a detailed explanation and data in support of the adjusted volumes shall be furnished. No adjustments are to be made to reflect the attachment of new gas supplies unless both the filing company and the supplier have each obtained the required certificates of public convenience and necessity and the necessary facilities by both are or will have been in operation during the test period.

In the event the adjustments to volume aggregate more than 10 percent of the total volume of gas purchased during the 12 months of actual experience, and are due to change in gas purchase pattern or additional gas supply, the minimum take-or-pay-for quantities for each source of supply, applicable at the end of the test-year period, and the reasons for making such adjustments shall be submitted.

If the company purchases and sells gas under exchange agreements, the method of recording on books, total gross volumes exchanged, net dollar amounts involved and details of each major exchange shall be submitted.

If the company records any amounts on its books in a given month during the 12 months of actual experience which apply to gas purchases for a previous month or other period, a schedule indicating month and amount of payment made and distribution of payment and volumes to months to which applicable shall be submitted.

Schedule H(1)–4. With respect to the following listed expense accounts, there shall be furnished in supporting schedules as designated, for the 12 months of actual experience and claimed adjustments, analytical details which will clearly disclose for each account: a classification of principal charges and credits (all minor items may be grouped); particulars of supporting computations and accounting bases; a description of services and related dollar amounts for which liability is incurred or accrued and name of the firm or individual rendering such services:

Schedule H(1)–4a. Account 913—Advertising expenses (analysis need only disclose principal types of advertising such as TV, newspaper, etc.).

Schedule H(1)–4b. Account 922—Administrative expenses transferred Credit.

Schedule H(1)–4c. Account 923—Outside services employed.

Schedule H(1)–4d. Account 926—Employee pensions and benefits (insofar as this account includes items other than pensions).

Schedule H(1)–4e. Account 928—Regulatory commission expenses.

Schedule H(1)–4f. Account 929—Duplicate charges—Credit.

Schedule H(1)–4g. Account 930—Miscellaneous general expenses.

Schedule H(1)–4h. Intercompany and interdepartmental transactions. If the expense accounts contain charges or credits from associated companies or nonutility departments of the company submit a schedule, or schedules, as to each such associated company or nonutility department showing:

(a) The amount of the charges, or credits, during each month and in total for the test year.

(b) The FPC account classification or classifications charged (or credited).

(c) Descriptions of the specific services performed for, or by, the associated company or nonutility department.

(d) Complete particulars as to the bases used in determining the amounts of the charges (credits).

Statement H(2)—Depreciation, depletion, and amortization expense. This statement shall show separately the gas plant depreciation, depletion, and amortization expense by functional classifications. These expenses shall be shown in separate columns, as follows: (a) Expenses for the 12 months of actual experience, (b) adjustments, if any, to such expense, and (c) the total adjusted expense claimed. The bases, methods, essential computations and derivation of unit costs for the calculation of depreciation, depletion and amortization expense for the 12 months of actual experience and for the adjustments thereto, if any, shall be fully and clearly explained. The amounts of depreciable plant shall be shown by the functions specified in Paragraph C of Account 108, Accumulated Provisions for Depreciation of Gas Plant in Service, of the Commission's Uniform System of Accounts for Natural Gas Companies, and, if available, for each detailed plant account (300 Series), together with the rates used in computing such expenses. Any deviation from the rates used in disposing of the applicant's last previous rate filing or determination by the Commission shall be explained, showing the rate or rates previously used together with supporting data for the new rate or rates used for this filing.

The following schedules and additional material shall be submitted as a part of Statement H (2):

Schedule H(2)–1. There shall be included in support of Statement H(2) a reconciliation of the depreciable plant shown therein with the aggregate investment in gas plant shown in Statement C, and the expense thereon charged in the first instance, to other than prescribed depreciation, depletion and amortization expense accounts.

Schedule H(2)–2 shall be submitted to show computations applicable to Statement H(2) and sources from which data used therein are derived.

Statement H(3)—Income taxes. This statement shall show the computation of allowances for federal and state income taxes for the test period based on the claimed return applied to the overall gas utility rate base. To indicate the accounting classification applicable to the amount claimed, the computation of the federal income tax allowance shall show separately the amounts designated as current tax and deferred tax, the latter representing 52 percent of the excess of liberalized depreciation and accelerated amortization of emergency facilities, in any, claimed under sections 167 and 168 of the Internal Revenue Code, respectively, over straight-line depreciation allowable for tax purposes.

The following schedules and additional material shall be submitted as a part of Statement H(3):

Schedule H(3)–1. In support of federal income taxes the company shall submit a complete reconciliation of the book net income with taxable net income as reported to the Federal Internal Revenue. Service for the most recent year for which a tax return was filed and the three previous years. A complete explanation of all items in the reconciliations shall be submitted. In the event the tax allowances claimed give effect to omission of items appearing in the reconciliation for the most recent tax return or inclusion of items not appearing therein, the reasons for such omissions or inclusions shall be submitted.

Schedule H(3)–2. Where tax depreciation differs from book depreciation, the company shall file a schedule showing the computation of the tax depreciation which will indicate (a) differences between book and tax depreciation on a straightline basis; and (b) the excess of liberalized depreciation and amortization of emergency facilities over straightline depreciation for tax purposes for the taxable year or years.

Schedule H(3)–3. If the company joins in the filing of a consolidated federal income tax return there shall be submitted a schedule showing the net taxable income or loss for each company in the consolidation, including an adjustment to effect the exclusion of the excess of liberalized depreciation and amortization of emergency facilities over straight-line depreciation for each company involved. There shall also be submitted with the statement of taxable net income or tax loss of each individual company participating in the consolidated returns, the details of consolidating adjustments, and a computation of the system tax liability based on the consolidated net income for the last tax year ending within the test period, or immediately prior thereto, for which a tax return was filed. In addition, there shall be included a computation showing the percentage of tax savings arising from consolidation for the taxable year or years covered by the test period.

Schedule H(3)–4. If the company claims an allowance for current tax in its cost of service which would be greater than the federal income tax which would actually be payable on the basis of the return allowed in cost of service, full disclosure thereof shall be made, including the allocation among utility and nonutility departments of the tax payable.

Schedule H(3)–5. In support of the claimed allowances for income taxes paid state governments, the company shall submit a schedule showing the income tax paid each state in the current or previous year covered by the test period including the effect of liberalized depreciation on such taxes paid.

Statement H(4)—Other taxes. This statement shall show the gas utility taxes, other than federal or state income taxes in separate columns, as follows: (a) Tax expense per books for the 12 months of actual experience, (b) adjustments, if any, to amounts booked, and (c) the total adjusted taxes claimed. The taxes shall be shown by states and by kind of taxes.

The following schedules and additional material shall be submitted as a part of Statement H(4):

Schedule H(4)–1 shall be furnished showing for each kind and amount of gas utility tax the rate at which such tax is assessed and paid, and explaining the basis for such assessment in the 12 months of actual experience and as adjusted. All adjustments shall be fully and clearly explained.

Schedule H(4)–2 shall be submitted showing computations and sources from which the data in Statement H(4) are derived.

Statement I—Allocation of overall cost of service. This statement shall show with respect to overall cost of service (Statement A): (a) Grouping and allocation of various items of cost and credits to cost of service into functional totals; (b) Classification of items of cost and credits into demand, commodity, customer or other appropriate categories; and (c) Allocation among jurisdictional and nonjurisdictional sales and service, including allocation factors used and data used in computing such allocation factors.

The following schedules and additional material shall be submitted as part of Statement I:

Schedule I–1. Particulars of allocating general or common (joint) costs to various functions.

Schedule I–2. Sufficient detailed breakdown of operation and maintenance expense accounts and taxes to disclose how component items (e.g., compressor station fuel, purchased gas, taxes other than income taxes) have been classified among demand, commodity, customer or other category of cost.

Schedule I–3. Separation of costs applicable to field or gathering system sales from costs applicable to sales from the transmission system.

Schedule I–4. Details on the cost of compression and transportation of gas by others setting forth the name of the transporter and the basis of payment for such service.

Schedule I–5. With respect to the various classes of service, the total number of metering points and the number of metering units grouped on the basis of the occurence of meter reading (such as 24-hour, 7-day, 30-day, etc.)

Schedule I–6. Deliveries to the jurisdictional and nonjurisdictional customers on three continuous days of maximum transmission system deliveries during the winter heating season within the 12 months of actual experience, classified as between firm, interruptible, exchange, transportation, gasoline plants, emergency, etc. If the 12 months of actual experience represent a calendar year these data shall be submitted for the winter heating seasons beginning immediately prior to such year and at the end of such year to the extent practicable. The deliveries made from field or gathering systems shall be reported for the same three continuous days as maximum transmission system deliveries. Full particulars and justification shall be furnished of any claimed adjustment to the actual experience of the peak periods used. The deliveries on each of the three days should be submitted together with withdrawals from storage, line-pack fluctuations and temperature. If abnormal amount is supplied from line-pack, the company shall supply the second and third highest three-day peaks, giving the same information on line-pack.

Schedule I–7 showing by months, and total thereof, for the twelve months of actual experience, the company's Gas Account, in the form required by the Commission's Annual Report Form No. 2, page 117. In addition, there shall be shown corresponding estimated data, if claimed to be different from actual experience.

Statement J—Allocation of cost of service by zones. If the rates on file are zoned, or if it is proposed to establish zone rates, the cost of service for the test period shall be further allocated to the existing or proposed rate zones. A detailed description of methods and procedures used to allocate cost to zones shall be given. Where zones are sought to be established for the first time, the reasons for this establishment and for the zone boundaries selected shall be set forth.

The following schedules and additional material shall be submitted as a part of Statement J:

Schedule J–1. If the system rates are zoned or are to be zoned the company shall furnish an allocation of system tranamission costs based upon a study and the classification of costs provided in prior Commission opinions applicable to the company.

Schedule J–2. If the company's zone costs are determined as provided in Schedule J–1 but the zone rate differentials depart from those resulting from the allocated unit zone costs, the company shall furnish in this schedule the development of the zone rate differentials proposed.

Schedule J–3. The company shall, where it has also furnished a cost allocation which has departed from the "Seaboard Formula", show the development of zone differentials predicated on that formula.

Statement K—Comparison of estimated revenues with cost of service. This statement shall consist of a comparison of the total jurisdictional revenues with the allocated cost of service for the test period. Where zone rates are in existence or are proposed, this statement shall also include a comparison of revenues and costs by zones.

The following schedules and additional materials shall be submitted as a part of Statement K:

Schedule K–1 showing the derivation of each of the increased rates shall be submitted. If the increased rates are predicated on costs as classified and allocated, all calculations involved in derivation of the rates shall be shown. If in computing the increased rates, weight is given in whole or in part to value of service, competition, historical revenue pattern, etc., a full and complete explanation and justification therefor shall be included.

Schedule K–2. In the event the demand and commodity charges of the proposed increased rates depart from the unit demand and commodity costs under the "Seaboard Formula" the deviation in the demand charge shall be shown in dollars and as a percentage of the total demand costs, together with an explanation of the necessity for such departure.

Statement L—Balance sheet. A balance sheet in the form prescribed by the Commission's Uniform System of Accounts for Natural Gas Companies as of the beginning and end of the 12 consecutive months of the actual experience utilized for the test period, including therein the notes, if any, applicable to the balance sheet; similarly, a balance sheet on a consolidating basis if the natural gas company is a member of a system group of companies.

Statement M—Income statement. An income statement in the form prescribed by the Commission's Uniform System of Accounts for Natural Gas Companies for the 12 consecutive months of actual experience utilized for the test period, including therein the notes, if any, applicable to the income statement; similarly, an income statement on a consolidating basis if the natural gas company is a member of a system group of companies.

Statement N—Cost determinants for minor changes in rate level. This group of schedules shall contain the principal determinants essential to test the reasonableness of the proposed rate or charge. Any adjustments to book figures shall be separately stated and the basis for the adjustment shall be explained. The following shall be submitted for the test period:

Schedule N–1. Cost of plant by functional classification as of the beginning and as of the end of the test period.

Schedule N–2. Accumulated provisions for depreciation, depletion, amortization, and abandonment by functional classifications as of the beginning and as of the end of the test period.

Schedule N–3. Working capital, setting forth the various components provided for in Statement E. Instead of 13 monthly balances, however, the average may be based on beginning and ending balances for the test period.

Schedule N–4. Rate of return claimed with a brief statement of the basis therefor.

Schedule N–5. Operation and maintenance expenses by functional classifications.

Schedule N–6. Depreciation, depletion, and amortization expense by functional classifications.

Schedule N–7. Income tax allowances computed on the basis of the rate of return claimed.

Schedule N–8. Other taxes.

Schedule N–9. Cost of service allocated to the sales or services for which the increase in rate, or charge is proposed, including the principal determinants used for allocation purposes.

Schedule N–10. Comparison of cost of service with revenues under proposed rates for the test period.

When this group of schedules is filed by a Class A company pursuant to Section 154.63 (b)(3) and the beginning of the 12 consecu-

...months of the most recently available ... experience is more than one month ... the 12 months of actual data used in ... rate increase filing, the natural ... company shall also report separately for ... intervening period actual data compar... to that required by Schedules N-1, N-2, ... N-4, and N-8, above, and total sales ... and revenues for such period broken ... between jurisdictional and nonjuris... sales.

Statement O—Description of company operations. A description of the company's ... and diversity of operations including ... of pipe and compressor stations oper... and breakdown of sales as among field ... transmission and jurisdictional and non... sales.

Statement P—Explanatory text and prepared testimony. This statement shall con... copies of explanatory text, preferably in ... form of proposed testimony, indicating ... line of proof which the company would ... for its case-in-chief in the event the ... should be suspended and the matter ... for hearing.

[F.R. Doc. 62-1960; Filed, Feb. 27, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 176]

[Ex Parte No. MC-51]

POOLING BY MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Extension of Period for Compliance With Orders

There being under consideration (1) a petition filed November 30, 1961, by United Van Lines, Inc., seeking reconsideration and relief from the provisions of the separate orders of the Commission, Division 3, dated October 5, 1961, and reply thereto, (2) a petition filed December 30, 1961, by Anderson and Benson Corporation, et al., for clarification and expansion of the scope of questionnaire, filing of which, in completed form, as well as compliance with other provisions, is required by said orders on or before February 28, 1962, and (3) a request filed February 13, 1962, by Movers' & Warehousemen's Association of America, Inc., et al., for an extension of time to comply with the provisions of said orders of October 5, 1961, and good cause therefor appearing:

It is ordered, That the period provided for compliance by interested persons and parties of record with the provisions and requirements of said orders of October 5, 1961, (26 F.R. 9786, I0240) be, and it is hereby, extended to April 30, 1962.

Dated at Washington, D.C., this 15th day of February, A.D. 1962.

By the Commission, Commissioner Tuggle.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-1982; Filed, Feb. 27, 1962; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 12]

ASSISTANT ADMINISTRATOR FOR NEAR EAST-SOUTH ASIA, ASSISTANT ADMINISTRATOR FOR LATIN AMERICA, ASSISTANT ADMINISTRATOR FOR AFRICA AND EUROPE, AND ASSISTANT ADMINISTRATOR FOR FAR EAST

Delegation of Authority

FEBRUARY 17, 1962.

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State in accordance with Executive Orders 10900 and 10973, as amended, I hereby delegate the following function to each of the Assistant Administrators listed above for the countries or areas within their responsibility, with authority to redelegate, retaining for myself concurrent authority to exercise any of the functions herein delegated:

Authority to negotiate, authorize, execute, and implement loan agreements pursuant to that portion of section 104(e) of the Agricultural Trade Development and Assistance Act of 1954, as amended, added by the Act of August 13, 1957, 71 Stat. 343, including authority to amend or make ancillary agreements relating to such loans and loans entered into heretofore by the Export-Import Bank of Washington.

This Delegation of Authority shall be effective immediately and shall continue in full force and effect until such time as it is rescinded by me.

FRANK M. COFFIN,
Acting Administrator.

FEBRUARY 17, 1962.

[F.R. Doc. 62-1975; Filed, Feb. 27, 1962; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The United States Army Corps of Engineers has filed an application, Serial Number AR-031299 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining and mineral leasing laws, subject to existing valid claims. The applicant desires the land for the establishment of a permanent sanitary fill area. The intended use will have a negligible effect on the surface or underground water under the jurisdiction of the State.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix 25, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER BASE MERIDIAN, ARIZONA

T. 2 N., R. 1 W.,
Sec. 1, SE¼SE¼.

The area described above contains 40.00 acres.

Dated: February 16, 1962.

FRED J. WEILER,
State Director.

[F.R. Doc. 62-1964; Filed, Feb. 27, 1962; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13415; Order No. E-18043]

WEST COAST AIRLINES, INC.

"Use It Or Lose It" Investigation and Route Realignment; Order Instituting Investigation, and Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of February 1962.

In the Seven States Area Investigation (Order E-13254, December 8, 1958), the Board made extensive route awards and subjected them to the "use it or lose it" policy, which was simultaneously adopted. This policy contemplated an early reassessment of the traffic response to the newly authorized services in order to determine whether sufficient use was being made of them to warrant their continuation. The Board specifically set a minimum standard of use which required that each city, whether certificated on a temporary or an indefinite basis, originate an average of five passengers daily for the twelve months following the initial six months of service, and indicated that it would, in the absence of unusual or compelling circumstances, institute a formal investigation to determine whether a city should lose its air service for lack of use in the event it does not meet the standard. Further, the Board stated that it would similarly reassess the traffic results on each route segment for the same twelve months period. The minimum standard in this regard required an average passenger load of five passengers per flight during the trial period, and provided that an inadequate traffic response on any segment would result in the institution of appropriate proceedings to determine whether the subject segment should be suspended or deleted. In addition, with respect to those segments experiencing average passenger loads ranging between five and seven passengers per flight, it was provided that formal proceedings looking toward the termination of service would be instituted, except in those situations in which unusual circumstances such as extreme isolation or national defense needs may dictate the contrary.

Subsequent to the Seven States case, and in order to properly and adequately implement the "use it or lose it" policy, the Board adopted a regulation which required local service carriers to report to the Board on a monthly basis the passenger loads on all flights on each route segment of their respective systems.[1]

In Order E-14388, July 30, 1960, effective October 23, 1959, the Board decided the Pacific Northwest Area Local Service Case, and in Orders E-14386, July 31, 1959, effective October 23, 1959, and E-14460, September 15, 1959, effective September 15, 1959, the Board decided the Montana Area Local Service Case, and the certificates of the carriers who received awards therein were subject to the "use it or lose it" policy enunciated in the Seven States case. Pertinent traffic data for the full trial period is now available, or will become so in the near future. Consequently, we are in a position to proceed pursuant to our announced policy.

We have carefully examined the traffic data filed by West Coast Airlines, Inc. (West Coast) with respect to that portion of its system subsequent to the Pacific Northwest and Montana cases and involved in current proceedings. These materials are reflected in part in Appendices A, B, and C[2] and we find that an investigation should be instituted with respect to the points and segments set forth below, to determine whether they should be deleted from West Coast's certificate in the light of the use made of the various services.

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[1] Part 241, Amendment 13, effective November 1, 1959, and Amendment No. 1 to Part 241, effective August 1, 1961. Passenger origination data were previously required to be filed as part of the carrier Form 41 reports.

[2] Filed as part of the original document.

...points averaging less than five originated passengers daily:

...ingham, Wash.	Oakland, Calif.
...-Redmond, Oreg.	Ogden, Utah.
..., Oreg.	Olympia, Wash.
...-Shelby, Mont.	Omak, Wash.
... Falls, Mont.	Pendleton, Oreg.
...view, Oreg.	Salem, Oreg.
..., Utah.	Whidbey Island, Wash.
...port-Toledo, Oreg.	

...segments experiencing average passenger loads between five and seven passengers per flight:

That portion of segment 1 between Klamath Falls, Oreg. and Boise, Idaho, via Lakeview and Burns, Oreg.; Segment 8 between ..., Wash./Coeur d'Alene, Idaho and ... Falls, Mont., via Kalispell and Cut ...-Shelby, Mont.;

Segment 9 between Seattle, Wash. and ...ingham, Wash., via Whidbey Island, ...

In the West Coast Temporary Points ...oval Case (Order E–16520, March ..., 1961), the Board concluded that Ontario-Payette and Baker should be ...ained, notwithstanding their low ...ffic generation. In reaching that de...sion the Board stated that West Coast's ...rvice to the two points had been unsatisfactory in meeting the needs of the ...blic and that this was accountable ...r the limited traffic generation. Following the Board's decision, West Coast ...ntinued to provide substantially the ...me service that it offered at the time ...f the hearing in the Temporary Points ...se and traffic statistics indicate that ...ker and Ontario-Payette continued to ...iginate far less than five passengers ...day.

...By Order E–17758, November 24, 1961, ...e Board issued an exemption to West ...ast that would permit it to offer an ...proved service between Baker and ...ntario-Payette, on the one hand, and ...rtland, on the other. However, the ...w service pattern has required the ...eration of an additional schedule by ...est Coast and, depending upon traffic ...sponse to the improved service, may ...aterially affect the cost picture that ...as before the Board in the Temporary ...ints Case. In view of the foregoing, ...e find it appropriate to reexamine West ...ast's authority at these points despite ...e relatively recent review in the Tem...rary Points Case. This will make it ...ssible after hearing to resolve the long ...isting service problem, either by re...iring West Coast, through imposition ...f an appropriate certificate condition or ...herwise, to provide a specified pattern ...f service to either or both of the points ...f this is found necessary, or by deleting ...ne or both of the points in the event ...he evidence dictates a result different ...om that reached in the Temporary ...ints Case.

As to the other points and segments ...aced in issue here, we find that there ...o not appear to exist such unusual cir...umstances as should preclude the in...itution of this investigation at this ...me under the "use it or lose it" policy.

In addition to the issues already out...ned above, and since Kalispell which ...as originated over five passengers per day, may lose air service through the deletion of segment 8, we will also consider in this proceeding the possibility of certificating Kalispell on Route 77F.[1] Also, as previously indicated, we will consider herein the elimination or suspension or air service at Olympia on segment 2 and Pendleton on segment 5, on the basis of the substandard traffic generation at these points during the past twelve months, even though West Coast's authority at Olympia and Pendleton was not affected in the Pacific Northwest or Montana cases. Further, although Whidbey Island, an intermediate point on segment 9 between Seattle and Bellingham, has not received air service, we are placing this point in issue in this case. West Coast has been unable to secure permission to use the Naval Air Station's facility on Whidbey Island, the only airfield suitable for commercial operations, and Order E–14566, October 20, 1959, granted West Coast authority to suspend service at Whidbey Island.

Because of the many points and segments which may be deleted as a result of this "use it or lose it" investigation, and in order to permit greater flexibility in scheduling flights and more operational efficiency and economy, we tentatively find and conclude that realignment of West Coast's route structure as indicated in Appendix I [2a] is required by the public convenience and necessity and we will direct interested parties to show cause why such action should not be taken.[2b] This realignment will not affect West Coast's basic authority, either as it now exists, or as it may exist subsequent to decision on the "use it or lose it" issues, and no new competitive issues are introduced by the suggested realignment.

We have reviewed those situations where points or pairs of points at issue for deletion in this case are also served by a trunkline carrier, and where there appears to be a possibility that by deletion of the trunkline's authority, the city would be adequately served and could generate sufficient traffic to justify retention on the local service carrier's system. We have considered the characteristics of the traffic generated at the city; which carrier provides service to the major communities of interest; and whether the local service carrier could provide appropriate replacement services. On these bases, we have concluded that the matter of suspension or deletion of United's authority over segment 2 of its Route 1, between Spokane, Washington, and Pendleton, Oregon, and on segment 7, at Salem, Oregon, should be placed in issue in this proceeding.

United Air Lines, Inc. (United) will, therefore, be made a party to this proceeding, as will Northwest Airlines, Inc. (Northwest).

In the investigation portion of this proceeding, we will be concerned solely with the possible elimination or reduction of unwarranted competitive services. Since this does not involve proposals as to additional route authorizations, we will not consider new or previously filed route applications nor possible certificate modifications, except as contemplated above, and we intend that this investigation be conducted so that it may proceed promptly and be disposed of in the shortest possible time allowing a decision upon an adequate record.

Accordingly, it is ordered:

1. That an investigation be and it hereby is instituted pursuant to section 401(g) of the Act to determine (a) whether the public convenience and necessity require continuation, and if so for what period, or suspension or elimination of the authority of West Coast Airlines, Inc. to serve:

Baker, Oreg.	Olympia, Wash.
Bellingham, Wash.	Omak, Wash.
Bend-Redmond, Oreg.	Ontario, Oreg.-Payette, Idaho.
Burns, Oreg.	Pendleton, Oreg.
Cut Bank-Shelby, Mont.	Salem, Oreg.
Great Falls, Mont.	Whidbey Island, Wash.
Lakeview, Oreg.	Segment 1 between Klamath Falls, Oreg. and Boise, Idaho.
Logan, Utah.	Segment 8.
Newport-Toledo, Oreg.	Segment 9.
Oakland, Calif.	
Ogden, Utah.	

(b) in the event the termination of any point results in nonstop service between points which some other carrier is already authorized to serve on a nonstop basis, whether the public convenience and necessity require the suspension or elimination of the entire segment or portion thereof, or change in the limitations contained in West Coast's certificate; (c) whether the public convenience and necessity require the certification of Kalispell, Montana, on Route 77F in the event segment 8 is deleted; and (d) whether, in the event Baker and Ontario-Payette are continued, the Board should by certificate amendment or otherwise specify the pattern of service to be provided these points.

2. That the investigation instituted herein include the question of whether United's certificate authority, over segment 2 of its Route 1, between Spokane, Washington, and Pendleton, Oregon, and, on segment 7, at Salem, Oregon, should be continued, and if so for what period, or suspended or deleted;

3. That West Coast submit as part of its direct exhibits in this case appropriate data reflecting the quality, quantity and other characteristics of service it has provided over the segments and at the points here in issue;

4. That all interested persons be and they hereby are directed to show cause why the Board should not issue an order modifying the certificate of West Coast by redesignating the various segments of

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[1] In order to keep separate the issues subject to presidental approval and those concerning purely domestic issues, the Examiner should deal with the issue of possible inclusion of Kalispell on the foreign route in a separate recommended decision.

[2a] Filed as part of the original document.

[2b] Appendix I assumes the deletion of no points or segments placed in issue herein. However, the redesignation of West Coast's routes will of course, be modified to reflect deletion of any and all points and segments found to be required, and certificate condition will be appropriately deleted, amended, or added if such action is required to preserve the basic operating authority.

its route structure as indicated in Appendix I [a];

5. That any interested person having objection to the issuance of an order making final the findings and conclusions stated herein with respect to the redesignation of the route structure of West Coast as indicated in Appendix I [a] shall, within 14 days from the service date of this order, file with the Board and serve upon all persons hereafter made parties to this proceeding, written notice of objections;

6. That after expiration of the above period allowed for filing of objections the matter shall be heard before an Examiner of the Board, together with the "use it or lose it" matters;

7. That in the event there are no objections with respect to the redesignation issues all further procedural steps will be deemed to have been waived as to these issues, and that matter will be submitted to the Board for final action at the same time the "use it or lose it" issues are submitted;

8. That a copy of this order shall be served on West Coast Airlines, Inc., United Air Lines, Inc., Northwest Airlines, Inc., the cities of Oakland, Sacramento, and San Francisco, California; Boise, Burley, Coeur d'Alene, Haley, Idaho Falls, Ketchum, Lewistown, Moscow, Payette, Pocatello, Rupert, Sun Valley, and Twin Falls, Idaho; Cut Bank, Great Falls, Kalispell, and Shelby, Montana; Albany, Astoria, Baker, Bend, Burns, Coos Bay, Corvallis, Eugene, Klamath Falls, Lakeview, Medford, Newport, North Bend, Ontario, Pendleton, Portland, Redmond, Roseburg, Salem, and Toledo, Oregon; Logan, Ogden, and Salt Lake City, Utah; Aberdeen, Bellingham, Clarkston, Ephrata, Hoquiam, Kennewick, Moses Lake, Olympia, Omak, Pasco, Port Angeles, Pullman, Richland, Seattle, Spokane, Walla Walla, Wenatchee, Whidbey Island, and Yakima, Washington; and the Aeronautical Departments of the States of California, Idaho, Montana, Oregon, Utah, and Washington, who are hereby made parties to this proceeding;

9. That a copy of this order shall be served on Pacific Air Lines, Inc., Western Air Lines, Inc., and Frontier Airlines, Inc.; and

10. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-1999; Filed, Feb. 27, 1962; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14535]

RALPH DE SENO

Corrected Order To Show Cause

In the matter of Ralph De Seno, Neptune, New Jersey, Docket No. 14535, order to show cause why there should not be revoked the license for Radio Station 2A5739 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Citizens Radio Station 2A5739;

It appearing, that, at various times during April, 1961, the licensee participated in a scheme to conceal from detection by the Commission the identity of certain persons engaged in the operation of Citizens radio stations in the general vicinity of Asbury Park, New Jersey, by the use of call signs not assigned by the Commission to the stations being operated by such persons; and

It furthe appearing, that, by the licensee's participation in the above-mentioned scheme, and in the operation of his radio station, he has evidenced a predisposition to disregard the rules and regulations of the Commission and to cooperate with others in the violation thereof; and

It further appearing, that, had the Commission, at the time of the grant of the license for Citizens Radio Station 2A5739, been aware of the licensee's above-mentioned predisposition, it would have been warranted in refusing the grant of a license to such licensee and would have refused to grant a license to such licensee; and

It further appearing, that, at various times during April, 1961, the licensee used a call sign or signal which had not been assigned by proper authority to such station, in violation of § 19.83 of the Commission's rules; and

It further appearing, that, on November 1, 1961, the Commission, pursuant to section 308(b) of the Communications Act of 1934, as amended, requested that the licensee respond to certain interrogatories in order that it might have information upon which to base a determination as to whether or not the license for Citizens Radio Station 2A5739 should be revoked; and

It further appearing, that, on November 14, 1961, the licensee furnished information in reply to the above-mentioned interrogatories concerning the use of a call sign not assigned by the Commission to a station being operated by another person; which information was false; and

It further appearing, that, at various times between April 15, 1961, and July 15, 1961, and particularly on April 21, 1961, May 13, 1961, and July 14, 1961, the call sign of Citizens Radio Station 2A5739 was not transmitted at the beginning and termination of all communications, in violation of Section 19.62 of the Commission's rules; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated §§ 19.62 and 19.83 of the Commission's rules; and

It further appearing, that, in view of the foregoing, the licensee has wilfully violated section 308(b) of the Communications Act of 1934, as amended;

It is ordered, This 20th day of February, 1962, pursuant to section 312(a) (1) (2) and (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the licensee show cause why his license for Citizens Radio Station [illegible] should not be revoked and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this order to Ralph DeSeno, d.b.a. Ralph's Oil Burner Service, 203 Poplar Place, Neptune, New Jersey, by Certified Mail—Return Receipt Requested.

Released: February 21, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2000; Filed, Feb. 27, 1962; 8:50 a.m.]

[Docket No. 14315; FCC 62M-269]

DAKOTA MICROWAVE CO.

Order Continuing Hearing

In re application of Dakota Microwave Company, Turkey Ridge, South Dakota, Docket No. 14315, File No. 1046-C1-R-61; for renewal of the license for station KAQ71, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

The Hearing Examiner having under consideration a Motion for Continuance of Hearing Date, filed February 21, 1962, by the Chief Common Carrier Bureau (Bureau), on behalf of Allen C. Harmes, d/b as Dakota Microwave Company (Mr. Harmes); wherein it is requested that the hearing presently scheduled to begin on February 26, 1962, be continued for a period of 90 days;

It appearing, according to the Bureau, that Mr. Harmes, who intends to represent himself in the proceeding herein, had a serious heart attack just prior to Thanksgiving and is under doctor's orders to remain close to his home and to refrain from any business activity for at least a period of six months; that upon informal inquiry by the Bureau, Mr. Harmes advised that he could attend the hearing presently scheduled for February 26; and further, that he has been unable to gather any data or other materials for presentation at the hearing in this matter;

It further appearing, that upon learning the foregoing the Bureau asked Mr. Harmes that, in view of his personal physical condition and in order to avoid a default, it would file the aforementioned Motion for Continuance of Hearing Date on his behalf;

It further appearing, that the Bureau has stated that it has no objection to the grant of a 90-day continuance of the hearing and also requests a waiver of those provisions of the Commission's rules (47 CFR 1.43) relating to the withholding of action on motions for a full day period; and

It further appearing, that good cause has been shown for a prompt grant of the motion;

It is ordered, This 21st day of February 1962, that the Motion for Continuance of Hearing Date is granted to the parties hereinbelow specified, and the hearing presently scheduled to commence on February 26, 1962, is rescheduled to commence on May 21, 1962, at 10:00 a.m., at the Offices of the Commission in Washington, D.C.

Released: February 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2001; Filed, Feb. 27, 1962; 8:50 a.m.]

[Docket No. 14530; FCC 62M-274]

FRANK VAN HOBBS

Order Scheduling Hearing

In the matter of cease and desist order to be directed against Frank Van Hobbs, St. Augustine, Florida, Docket No. 14530.

It is ordered, This 21st day of February 1962, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 8, 1962, in Washington, D.C.; and: *It is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, April 2, 1962.

Released: February 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2002; Filed, Feb. 27, 1962; 8:50 a.m.]

[Docket No. 14261; FCC 62M-276]

CLAY SERVICE CORP.

Order Continuing Hearing

In re application of Clay Service Corporation, Ashland, Alabama, Docket No. 14261, File No. BP-13795; for construction permit.

The Hearing Examiner having under consideration motion filed February 21, 1962, on behalf of Clay Service Corporation requesting that the hearing herein now scheduled for March 5, 1962, be rescheduled for April 2, 1962;

It appearing that good cause exists why said motion should be granted; there is no opposition thereto and Chief, Broadcast Bureau, the other party to the proceeding, has consented to a waiver of § 1.43 of the Commission's rules to permit immediate consideration of said pleading;

Accordingly, it is ordered, This 21st day of February 1962, that the motion is granted and that the hearing herein now scheduled for March 5, 1962, be and the same is hereby rescheduled for April 2, 1962, 10:00 a.m., in the Commission's offices, Washington, D.C.

Released: February 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Docket 62-2003; Filed, Feb. 27, 1962; 8:50 a.m.]

[Docket No. 14534]

FRANCIS J. WORTHINGTON

Order To Show Cause

In the matter of Francis J. Worthington, 543 Edgemont Avenue, Lansdale, Pennsylvania, Docket No. 14534; order to show cause why there should not be revoked the license for Radio Station 3W3303 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation mailed on October 23, 1961, alleging that on October 15, 1961, subject radio station was operated with a frequency deviation greater than a tolerance of 0.005 percent, type A-3 emission, QSA-3, on 27110.38 kc/s in non-compliance with § 19.33 of the Commission's rules.

It further appearing that the above-named licensee, received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated December 12, 1961, and sent by Certified Mail—Return Receipt Requested (Cert. No. 125257), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing, that receipt of the Commission's letter was acknowledged by the signature of the licensee, Francis J. Worthington, on December 20, 1961, to a Post Office Department return receipt; and

It further appearing, that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 21st day of February 1962, pursuant to section 312(a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: February 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-2004; Filed, Feb. 27, 1962; 8:50 a.m.]

[Docket No. 14546; FCC 62-224]

LOCAL TELEVISION PROGRAMMING IN CHICAGO, ILLINOIS

Notice of Inquiry

1. In our En Banc Programming Inquiry Report (20 Pike & Fischer RR 1902) we stated that:

> In the fulfillment of his obligation the broadcaster should consider the tastes, needs and desires of the public he is licensed to serve in developing his programming and should exercise conscientious efforts not only to ascertain them but also to carry them out as well as he reasonably can. He should reasonably attempt to meet all such needs and interests on an equitable basis. Particular areas of interest and types of appropriate service may, of course, differ from community to community, and from time to time. *However, the Commission does expect its broadcast licensees to take the necessary steps to inform themselves of the real needs and interests of the areas they serve, and to provide programming which in fact constitutes a diligent effort, in good faith, to provide for those needs and interests.* [Emphasis supplied.]

2. In the past, with the exception of individual hearing cases, we have relied in the most part on information contained in individual broadcast applications to assess whether the needs and interests of the public are being met. We believe it would be most helpful at this time to broaden the base of our knowledge on this question by holding a public inquiry in a specific community. Accordingly, we have decided to institute an inquiry addressed to this question in the City of Chicago. This inquiry will provide a forum where civic leaders and responsible and knowledgeable organizations and residents may have the opportunity to submit information and data on community needs and to submit their views on whether these needs and interests are being met by broadcast licensees. Obviously, participation in such a forum by community broadcast licensees is both necessary and appropriate.

3. We have selected the City of Chicago as the subject for this inquiry for two reasons: First, a large city presents an extremely complex challenge to a broadcast licensee. We believe it is of great importance to obtain the views of community leaders and organizations on how this challenge is being met in a large city. With the increasing urbanization of our country this question is of high importance. Chicago, as one of the largest cities in our country, as an important center for Agriculture, Industry, Education and the Arts, is a most appropriate place for such an inquiry. Second,

[a] Filed as part of the original document.

we have had a number of requests for such a hearing in the Chicago area.[1]

4. Because radio and television present somewhat differing problems, we have decided to confine ourselves in this inquiry to television. We will consider the appropriateness of a similar inquiry in the radio field at a later time. Further, since we have recently concluded hearings on the network program selection process, our main area of inquiry in this proceeding will be addressed to the local television programs offered by the Chicago stations.

5. In scheduling this informal inquiry, we emphasize the fact that this is a new and novel procedure; indeed, the first of its kind in recent Commission history. For this reason, we propose to hold just this one hearing until such time as we are able to determine its desirability and efficacy for use in selected future situations.

6. In light of the above, and on the Commission's own motion pursuant to the authority provided in section 403 of the Communications Act of 1934, as amended: *It is ordered*, That, a hearing be held before Commissioner Robert E. Lee on March 19, 1962, in Chicago, Illinois, at a place to be designated by further order, for the purpose of inquiring into, and obtaining full information concerning:

(a) The efforts made by Chicago television stations to determine the needs and interests of the residents of Chicago in the area of local live programming.

(b) The effectiveness with which television stations in Chicago have met the needs and interests of Chicago residents by broadcasting local live programs.

(c) The extent of public demand, if any, for additional or different types, of local live television programs, than those now broadcast by Chicago television stations.

7. *It is further ordered*, That interested parties and organizations desiring to appear and testify at the above hearing shall notify the Commission in writing of such intentions not later than March 12, 1962, and shall set forth in their notifications identifying information concerning the proposed witnesses, including home and business addresses and telephone numbers.

8. *It is further ordered*, That the licensees of Television Stations WNBQ, WTTW, WBBM–TV, WBKB and WGN–TV are made parties to this hearing for the purpose of presenting testimony relating to the subject of the inquiry.

Adopted: February 21, 1962.

Released: February 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–2005; Filed, Feb. 27, 1962; 8:50 a.m.]

[1] Such requests have been submitted by a local organization representing various religious groups; a local educational organization; local labor organizations; and individual members of said labor organizations.

FEDERAL POWER COMMISSION

[Docket No. G–2306 etc.]

AMERICAN LOUISIANA PIPE LINE CO. ET AL.

Notice of Amendment to Applications

FEBRUARY 21, 1962.

American Louisiana Pipe Line Company, Docket No. G–2306; Michigan Wisconsin Pipe Line Company, Docket No. G–2327; American Louisiana Pipe Line Company, Docket No. G–10396; Panhandle Eastern Pipe Line Company, Docket No. G–11061; Trunkline Gas Company, Docket No. CP60–22 (Phase Two); Panhandle Eastern Pipe Line Company, Docket No. CP60–40; Panhandle Eastern Pipe Line Company, Docket No. CP60–60; Panhandle Eastern Pipe Line Company, Docket No. CP61–36; Citizens Gas Company, Docket No. CP61–54; City of LaCygne, Kansas, Docket No. CP61–68; Central Illinois Light Company, Docket No. CP61–114; Central Illinois Light Company, Docket No. CP61–115; Panhandle Eastern Pipe Line Company, Docket No. CP61–136; Illinois Power Company, Docket No. CP61–160; Citizens Gas Company, Docket No. CP61–191; Citizens Gas Company, Docket No. CP61–192.

By orders issued December 1, 1960 (25 F.R. 12489), January 6, 1961 (26 F.R. 267) and February 9, 1961 (26 F.R. 1372), the above entitled matters were consolidated and fixed for hearing. Hearings were commenced on January 31, 1961, and have not yet been concluded.

Take notice that on February 19, 1962, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1348, Kansas City, Missouri filed in Docket Nos. CP60–40, CP60–60, CP61–36, and CP61–136) its Fourth Amendment to Applications pursuant to section 7 of the Natural Gas Act, by which it requests certificates of public convenience and necessity authorizing the construction and operation of certain facilities for the transportation and sale of additional volumes of natural gas in interstate commerce, all as more fully set forth in the Fourth Amendment to the Applications which is on file with the Commission and open to public inspection.

By the Fourth Amendment to its application in Docket Nos. CP60–60, et al., Panhandle seeks authorization to increase its winter contract demand by 391,032 Mcf per day rather than the 325,632 Mcf per day increase it had previously sought. Included in the instant amendment is a new proposal to sell 65,000 Mcf per day in addition to the 120,000 Mcf per day it now sells to the East Ohio Gas Company (East Ohio) under Panhandle's LS–1 Rate Schedule. Panhandle would terminate its existing sales of 12,500,000 Mcf per year to East Ohio now made under Panhandle's S–1 Rate Schedule. In addition, Panhandle requests authorization to initiate a new service to Michigan Consolidated Gas Company (Michigan Consolidated) under a proposed SS–1 Rate Schedule at an annual contracted volume of 46,438,000 Mcf, to be delivered during the months of April through October. Pri... to the construction of facilities as here... proposed, Panhandle would deliver ... sell to Michigan Consolidated a volu... of 100,000 Mcf per day, to be deliver... during the months of April throu... October, 1962. Panhandle is continui... in its requests for authorization to pro... vide related increases in contract de... mands to its general service custome... during the non-winter months. Pan... handle further renews its requests f... authorization to deliver volumes of g... for sale to the B. F. Goodrich Compa... (as previously proposed in Docket N... CP61–36) and General Portland Cem... Company (as previously proposed ... Docket No. CP60–40). Panhandle's pr... posed sale to the Ford Motor Compa... proposed in its second amended fili... will now be handled separately.

In addition to the mainline facili... for which Panhandle had previou... sought certificate authorization, Pa... handle now seeks authorization to co... struct and operate 95.82 miles of 30-i... pipeline and 22.84 miles of 26-inch pi... line between its existing Tuscola co... pressor station and the eastern end ... its main line, and an additional 22,... horsepower of compression units to b... compression for which prior authori... tion has been sought.

By this amended application, Pa... handle seeks authorization to utilize ... Waverly Storage Field, for wh... authorization to test has already b... granted by the Commission in Doc... No. G–19461. Panhandle now propo... to utilize Waverly Storage Field ... 25,000 Mcf of peak day capacity.

The proposed expansion is estima... to cost approximately $68,777,000. ... is anticipated that the expansion wo... be financed through the issuance ... debentures.

Panhandle alleges that it has adequ... gas supplies to support the expan... program reflected in the amen... application.

Those parties who have been p... mitted to intervene in the above-enti... consolidated proceedings shall be c... sidered interveners in the amen... applications.

Further protests, petitions to in... vene or notices of intervention in ... Dockets in which the herein-not... amendment has been filed may be ... with the Federal Power Commis... Washington 25, D.C. in accordance ... the rules of practice and procedure ... CFR 1.8 or 1.10) on or before March ... 1962.

The above-entitled consolidated ... ceedings have been recessed until M... 1, 1962. At such time as the pres... examiner may deem proper, but in ... event prior to March 13, 1962, the pr... ing examiner shall set a date on w... the matters involved in and the i... presented by the above-noted amen... applications may be heard.

JOSEPH H. GUTRID...
Secreta...

[F.R. Doc. 62–1959; Filed, Feb. 27, ... 8:45 a.m.]

...RITIES AND EXCHANGE COMMISSION

[File No. 70-4011]

...RAL PUBLIC UTILITIES CORP.

...of Proposal to Issue Notes to ...ks Secured by Drafts to be ...wn Under Letters of Credit

FEBRUARY 20, 1962.

Notice is hereby given that General ... Utilities Corporation ("GPU"), 80 ... Street, New York 5, New York, a ...ered holding company, has filed a ...ration and an amendment thereto ... this Commission pursuant to the ... Utility Holding Company Act of ... ("Act"), designating sections 6(a) ... 7 thereof as applicable to the pro... transactions. All interested per... are referred to the declaration, on ... at the office of the Commission, for ...tement of the transactions therein ...osed which are summarized below.

GPU proposes, pursuant to a credit ...ement with a group of seven banks, ... promissory notes ("Notes") not ...ding an aggregate of $50,000,000 ...tanding at any one time, to evidence ...osed aggregate borrowings in that ...ment. The Notes, which will be issued ... time to time not later than De... 31, 1962, will be secured by drafts ...osed to be drawn by GPU under ...ers of credit opened by a syndicate ... Philippine banks through a U.S. ... and acquired by GPU by reason of ... sale of its entire investment in Ma... Electric Company ("Manila") to ...ippine interests. (See Holding ... Act Release No. 14556 (Jan... 3, 1962).) The borrowings will be ...id in nine equal annual installments ...encing on January 10, 1963, the ... of the last such installment being ...ary 10, 1971. The payments are ...ed to the dates when installments ... payable under the letters of credit, ... that the drafts proposed to be drawn ... the letters of credit can be auto...ically applied in payment of the ...es.

The aggregate face amount of the let... of credit now held by GPU is $54,-..., of which $31,762,500 has been ...firmed by a syndicate of 10 U.S. ... Although the balance of the let... of credit now held by GPU has not ... similarly confirmed, the purchaser ... GPU's investment in Manila has un...taken to use its best efforts to obtain ... confirmation. In addition, GPU ...ects to acquire supplemental letters ... credit in the approximate amount of ...,000,000, representing an adjustment ... the Manila sales price in respect of ...ila's undistributed earnings to the ... of sale. These supplemental letters ... credit will mature in nine equal annual ...tallments, and GPU expects that the ...unts payable thereunder during at ... the first 5 years will be confirmed ... U.S. banks.

The annual interest rate for Notes ...turing on or before January 10, 1967 ...d secured by drafts proposed to be ...awn under the letters of credit con...firmed by U.S. banks) will be the prime rate (at present 4½ percent) for commercial borrowings at The First National City Bank of New York and will fluctuate (with a 30-day interval) with fluctuations in that rate, except that said interest rate will not be less than 4 percent nor more than 5 percent per annum. The annual interest rate on Notes maturing after January 10, 1967 (and secured by drafts proposed to be drawn under the letters of credit not confirmed by U.S. banks) will be ½ of 1 percent in excess of said prime rate and will similarly fluctuate, except that said interest rate will not be less than 4½ percent nor more than 5½ percent per annum.

A commitment fee of ¼ of 1 percent per annum is to be payable with respect to the unused portion of the banks' commitments under the credit agreement, commencing on the day following the entry of an order by this Commission permitting this declaration to become effective. GPU may, at any time, reduce or terminate the banks' commitments and may prepay any or all borrowings under the credit agreement. No prepayment premium will be payable by GPU in connection with any such prepayment unless such prepayment is made from, or in anticipation of, other bank borrowings, in which event a prepayment premium of ½ of 1 percent will be payable.

The names of the seven banks and the amounts of the commitment of each under the credit agreement are as follows:

The First National City Bank of New York, New York, N.Y.	$15,000,000
Manufacturers Hanover Trust Co., New York, N.Y.	10,000,000
Morgan Guaranty Trust Co., New York, N.Y.	5,000,000
Mellon National Bank and Trust Co., Pittsburgh, Pa.	5,000,000
The Marine Midland Trust Co. of New York, New York, N.Y.	5,000,000
Chemical Bank New York Trust Co., New York, N.Y.	5,000,000
Bankers Trust Co., New York, N.Y	5,000,000
Total	50,000,000

The proceeds of the borrowings will be used by GPU (1) to pay the tax liability arising from the sale by GPU of its investment in Manila, (2) for investment from time to time in its subsidiary companies, and/or (3) to reimburse its treasury for such investments theretofore made.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses in connection with the proposed transactions are estimated at $7,000, including counsel fee of $5,000.

Notice is further given that any interested person may, not later than March 8, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as amended or as further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-1966; Filed, Feb. 27, 1962; 8:46 a.m.]

[File No. 24D-1917]

URAN MINING CORP.

Notice and Order for Hearing

FEBRUARY 21, 1962.

I. Uran Mining Corporation (issuer), 443 Powers Building, Rochester 14, New York, a New York corporation, filed with the Commission on September 6, 1955, a notification and offering circular and subsequently filed amendments thereto relating to a proposed public offering of 58,400 shares of its 10 cents par value Class A voting common stock and 233,600 shares of its 10 cents par Class B nonvoting common stock to be offered in units consisting of one share of Class A stock and four shares of Class B stock at $5 per unit for an aggregate of $292,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on February 12, 1959, issued an order pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption under Regulation A and affording any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 9:45 a.m., MST, on March 12, 1962, at the Denver Regional Office of the Commission, 802 Midland Savings Building, 444 17th Street, Denver 2, Colorado, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

Whether a device, scheme, or artifice to defraud has been employed in connection with the sale of the issuer's securities and the offering has been made in such manner as to operate as a fraud or deceit upon the purchaser, particularly with respect to statements that:

1. A mineralized tree root had been discovered on the issuer's mining claims which held a uranium content of .12 percent;

2. It had been established beyond a doubt that ore above commercial grade had been uncovered in several different locations on the issuer's claims;

3. There were at least 4,000,000 tons of uranium ore in a bed just below the surface of a ridge on the issuer's properties;

4. The estimate of 4,000,000 tons of uranium had been corroborated by core drillings;

5. The issuer had 740 acres of land, showing uranium oxide from .10 percent to 1.72 percent;

6. A representative of a large name mining company had visited the issuer's properties and was interested in the properties;

7. 100 tons of commercial grade ore had been stockpiled and were ready for shipment.

III. *It is further ordered*, That Sidney L. Feiler, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's Rules of Practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Uran Mining Corporation; that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Commission on or before March 9, 1962, a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered, That Uran Mining Corporation, pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in Section II hereinabove. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Uran Mining Corporation does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in Section II hereinabove.

Notice is hereby given that if Uran Mining Corporation fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceedings may be determined against Uran Mining Corporation by the Commission upon consideration of this notice and order for hearing and said allegations in Section II above may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 62-1967; Filed, Feb. 27, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 199]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 23, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 40858 (Deviation No. 8), THE SILVER FLEET MOTOR EXPRESS, INC., Eastman Road, Kingsport, Tenn., filed February 12, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From the junction of U.S. Highway 64 and Interstate Highway 24, west of U.S. Highway 41, at Monteagle, Tenn., over Interstate Highway 24 to junction U.S. Highway 41, approximately two miles north of Pelham, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chattanooga, Tenn., over U.S. Highway 41, via Monteagle, Pelham, Manchester and Murfreesboro, Tenn., to Nashville, Tenn., and return over the same route.

No. MC 40858 (Deviation No. 9), THE SILVER FLEET MOTOR EXPRESS, INC., Eastman Road, Kingsport, Tenn., filed February 14, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Cincinnati, [illegible] over Interstate Highway 75 to [illegible] U.S. Highway 25, south of Williamstown, Ky., thence over U.S. Highway 25 to junction Interstate Highway 75, [illegible] of Eagle Spring, Ky., thence over Interstate Highway 75 to junction U.S. Highways 62 and 460, east of Georgetown, Ky., thence over U.S. Highways 62 and 460 to Georgetown, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati over U.S. Highway 25 to Mt. Vernon, Ky., and return over the same route.

No. MC 42487 (Deviation No. 12), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 715 South 25th Avenue, Bellwood, Ill., filed February 14, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* with certain exceptions over a deviation route as follows: From the junction of U.S. Highway 18 and Interstate Highway 90, near Madison, Wis., over Interstate Highway 90 to junction U.S. Highway 12, northwest of Wisconsin Dells, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Fairchild, Wis., over U.S. Highway 12 to Madison, and return over the same route.

No. MC 76266 (Deviation No. 6), MIDCHANTS MOTOR FREIGHT, INC., 2[illegible] Territorial Road, St. Paul 14, Minn., filed February 14, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Toledo, Ohio, over Interstate Highway 75 to Detroit, Mich., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Toledo over U.S. Highway 25, via Flat Rock, Mich., to Detroit, also over U.S. Highway 24 to Flat Rock, Mich., thence over U.S. Highway 25 to Detroit, and return over the same route.

No. MC 109538 (Deviation No. 1), CHIPPEWA MOTOR FREIGHT, INC., 2645 Harlem Street, Eau Claire, Wis., filed February 16, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Minneapolis, Minn., and Chicago, Ill., over Interstate Highways 90 and 94, for operating convenience only serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Minneapolis, Minn., over U.S. Highway 12, via St. Paul, Minn., to Chicago, and return over the same route.

MC 111231 (Deviation No. 19), ... TRUCK LINES, INC., 610 East ... Avenue, Springdale, Ark., filed ... 12, 1962. Carrier's represent... B. J. Wiseman, same address. ... proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: ... the junction of U.S. Highways 66 and 71, and Missouri Highway 96, near ...ge, Mo., over Missouri Highway ... to junction Missouri Highway 171, ... over Missouri Highway 171 to ...tion Missouri Highway 43, thence ... Missouri Highway 43 to Joplin, Mo., ... return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service route as follows: ... Kansas City, Mo., over U.S. Highway 71 to Carthage, Mo., thence over ... Highway 66 to Springfield, Mo., and return over the same route.

No. MC 112713 (Deviation No. 5), YELLOW TRANSIT FREIGHT LINES, INC., P.O. Box 8462, Kansas City 14, Mo., filed February 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between St. Louis, Mo. and Chicago, Ill., over Interstate Highway 55, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Champaign, Ill., over U.S. Highway 45 to junction Illinois Highway 115 (formerly U.S. Highway 66), thence over Illinois Highway 115 to junction U.S. Highway 45, thence over U.S. Highway 45 to Kankakee, Ill., thence over U.S. Highway 54 to Chicago; from St. Louis over U.S. Highway 66 to junction Alternate U.S. Highway 67 (formerly U.S. Highway 66), thence over Alternate U.S. Highway 67 to junction Edwardsville Road (formerly U.S. Highway 66), thence over Edwardsville Road to junction Nameoki Avenue (formerly U.S. Highway 66), thence over Nameoki Avenue to junction Illinois Highway 3, (formerly U.S. Highway 66), thence over Illinois Highway 3 to junction By-Pass U.S. Highway 66 (formerly U.S. Highway 66), thence over By-Pass U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66), near Mount Olive, Ill., thence over unnumbered highway, via Mount Olive to junction U.S. Highway 66, thence over U.S. Highway 66 to Litchfield, Ill., thence over Illinois Highway 16 to Mattoon, Ill., thence over U.S. Highway 45 to junction unnumbered highway (formerly U.S. Highway 45), thence over unnumbered highway, via Humboldt, Ill., to junction U.S. Highway 45, thence over U.S. Highway 45 to Champaign, Ill.; and from St. Louis over U.S. Highway 40 to junction Alternate U.S. Highway 40 (formerly U.S. Highway 40), thence over Alternate U.S. Highway 40, via Hagerstown and Vandalia, Ill., to junction U.S. Highway 40, thence over U.S. Highway 40 to Effingham, Ill., thence over Illinois Highway 16 to Paris, Ill., thence over Illinois Highway 1 to junction Illinois Highway 1A (formerly Illinois Highway 1), thence over Illinois Highway 1A to Chicago, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 2890 (Deviation No. 14), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha 2, Nebr., filed February 9, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From the junction of U.S. Highway 40 and U.S. Highway 70, north of Montrose, Ill., over U.S. Highway 70 (relocated U.S. Highway 40) to junction unnumbered county road, south of Altamont, Ill., thence over unnumbered county road to junction U.S. Highway 40, at Altamont, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Columbus, Ohio, over U.S. Highway 40 to St. Louis, Mo., and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 62-1977; Filed, Feb. 27, 1962; 8:48 a.m.]

[Notice 423]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 23, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 a.m., local daylight saving time (if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicants' company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicants' company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicants' company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in the written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Implementing oral evidence to correct errors or to supply inadvertent omissions in the written statements is permissible.

No. MC 18121 (Sub-No. 9), filed October 6, 1961. Applicant: ADVANCE TRANSPORTATION COMPANY, a corporation, 2115 South First Street, Milwaukee, Wis. Applicant's attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); serving the plant site of Armour & Company at or near Bradley, Ill., as an off-route point in connection with applicant's otherwise authorized regular-route operations between Chicago, Ill., and Milwaukee, Wis.

NOTE: Applicant states the principal shareholders and directors of applicant are the officers and principal shareholders of Lindner Bros. Trucking, Inc., operating under Permit MC 17227 and Subs thereunder.

HEARING: April 11, 1962, at the Palmer House, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate before Examiner Lyle C. Farmer.

No. MC 80388 (Sub-No. 8), filed December 27, 1961. Applicant: CHICAGO-INDIANA FREIGHT LINES, INC, 3803 South Western Avenue, Chicago 9, Ill. Applicant's representative: Anthony T. Thomas, 3554 South Archer Avenue, Chicago 9, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, vegetable oils* (including products and blends thereof, with or without emulsified preservatives, coloring or additives), and *oleomargarine*, in packages, from Bradley, Ill., to Louisville, Ky., and points in Indiana, and *rejected shipments* of the above-specified commodities, on return.

HEARING: April 11, 1962, at the Palmer House, Chicago, Ill., before Joint Board No. 1, or, if the Joint Board waives its right to participate before Examiner Lyle C. Farmer.

No. MC 108912 (Sub-No. 4), filed October 18, 1961. Applicant: CHICAGO PITTSBURGH EXPRESS, INC., West Fourth Street, East Liverpool, Ohio. Ap-

plicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils and vegetable oils (including products and blends thereof, with or without emulsifiers, preservatives, coloring or additives)*, and *oleomargarine*, in packages, from Bradley, Ill., to Pittsburgh, McKees Rocks, Oakdale, Bellevue, Baden, Avalon, and Carnegie, Pa., and Youngstown, Akron and Cuyahoga Falls, Ohio.

HEARING: April 11, 1962, at the Palmer House, Chicago, Ill., before Examiner Lyle C. Farmer.

No. MC 110193 (Sub-No. 41), filed October 13, 1961. Applicant: SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago, Ill. Applicant's attorney: Howell Ellis, Suite 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, vegetable oils, including products and blends thereof, with or without emulsifiers, preservatives, coloring or additives*, in packages, and *oleomargarine*, in packages, from Bradley, Ill., to points in New York, New Jersey, points in the New York, N.Y., Commercial Zone, as defined by the Commission, points in Maine, Connecticut, Massachusetts, New Hampshire, and Rhode Island, and *refused and rejected shipments*, on return.

HEARING: April 11, 1962, at the Palmer House, Chicago, Ill., before Examiner Lyle C. Farmer.

No. MC 113843 (Sub-No. 43), filed October 12, 1961. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. Applicant's attorney: William J. Boyd, 30 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, including products and blends thereof* with or without emulsifiers, preservatives, coloring or additives; and *oleomargarine*, in packages; from Bradley, Ill., to points in Connecticut, Rhode Island, Massachusetts, Maine, and New Hampshire, and *returned, rejected, and refused shipments*, on return.

HEARING: April 11, 1962, at the Palmer House, Chicago, Ill., before Examiner Lyle C. Farmer.

No. MC 114457 (Sub-No. 4), filed August 23, 1961. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul 4, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal fats, animal oils, and vegetable oils, including products and blends of said commodities*, in bulk, in tank vehicles, from Bradley, Ill., to points in Illinois, Minnesota, and Wisconsin, and (2) *animal fats, animal oils, and vegetable oils*, in bulk, in tank vehicles, from points in Illinois, Minnesota, and Wisconsin, to Bradley, Ill.

HEARING: April 11, 1962, at the Palmer House, Chicago, Ill., before Joint Board No. 141, or, if the Joint Board waives its right to participate before Examiner Lyle C. Farmer.

No. MC 114457 (Sub-No. 6), filed October 9, 1961. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul 4, Minn. Applicant's attorney: Charles W. Singer, 33 North LaSalle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal fats, animal oils, and vegetable oils* (including products and blends thereof, with or without emulsifiers, preservatives, coloring or additives), and *oleomargarine*, in packages from Bradley, Ill., to St. Paul-Minnesota, Hopkins, Duluth, and Winona, Minn., and Fargo, N. Dak., and (2) *materials, equipment, and supplies* used in the manufacture of the above-described commodities, and *animal fats* from St. Paul, Minn., to Bradley, Ill.

HEARING: April 11, 1962, at the Palmer House, Chicago, Ill., before Examiner Lyle C. Farmer.

No. MC 115180 (Sub-No. 3), filed October 5, 1961. Applicant: ONLEY REFRIGERATED TRANSPORTATION INC., 345 West 14th Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue., Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils* (including products and blends thereof, with or without emulsifiers preservatives, coloring or additions), and *oleomargarine*, in packages, from Bradley, Ill., to Pennsylvania.

HEARING: April 11, 1962, at the Palmer House, Chicago, Ill., before Examiner Lyle C. Farmer.

No. MC 118272 (Sub-No. 5), filed October 9, 1961. Applicant: ZUZICH TRUCK LINE, INC., 120 Kansas Avenue, Kansas City, Kans. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal fats, animal oils, and vegetable oils* (including products and blends thereof, with or without emulsifiers, preservatives, coloring or additions), *oleomargarine*, in packages, from Bradley, Ill., to Springfield, Joplin, Trenton, St. Joseph, and St. Louis, Mo., and Wichita, Kans., and (2) *animal fats* from St. Joseph, Mo., to Bradley, Ill.

NOTE: Applicant presently holds contract carrier authority under No. MC 69752 and subs thereunder.

HEARING: April 11, 1962, at the Palmer House, Chicago, Ill., before Joint Board No. 195, or, if the Joint Board waives its right to participate before Examiner Lyle C. Farmer.

No. MC 119741 (Sub-No. 1), filed September 26, 1961. Applicant: KIM FREIGHT LINES, INC., 4234 South Emerald Avenue, Chicago, Ill. Applicant's attorney: William J. Boyd, 30 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal fats, animal oils, vegetable oils, including products and blends thereof*, with and without emulsifiers, preservatives, coloring and additives and (2) *oleomargarine*, in packages, from Bradley, Ill., to Akron, Springfield, and Columbus, Ohio, and *rejected shipments* of the above-described commodities, on return.

HEARING: April 11, 1962, at the Palmer House, Chicago, Ill., before Joint Board No. 58, or, if the Joint Board waives its right to participate before Examiner Lyle C. Farmer.

No. MC 124041, filed November 13, 1961. Applicant: JOSEPH F. BUCARIA, E. I. KOONS AND H. E. JOHNSON, doing business as J & K TRUCKING CO., 1710 West 47th Street, Chicago 9, Ill. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils* including products and blends thereof, in tank vehicles, and *empty containers or other such facilities* used in transporting the above described commodities, between Bradley, Ill., and Chicago, Ill.

HEARING: April 11, 1962, at the Palmer House, Chicago, Ill., before Joint Board No. 21, or, if the Joint Board waives its right to participate before Examiner Lyle C. Farmer.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-1978; Filed, Feb. 27, 1962; 8:48 a.m.]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

[Notice 424]

FEBRUARY 23, 1962.

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All hearings and pre-hearing conferences will be called at 9:30 a.m., local daylight savings time, if that time is observed, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicants' company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicants' company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicants' company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in the written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Implementing oral evidence to correct errors or to supply inadvertent omissions in the written statements is permissible.

No. MC 55236 (Sub-No. 55), filed December 15, 1961. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Applicant's representative: George R. Bailey, P.O. Box 1187, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizers, fertilizer compounds, fertilizer ingredients, urea, and urea feed mixtures* between Fort Madison, Iowa, and Meredosia, Ill., on the one hand, and on the other, points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

HEARING: April 18, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Frank J. Mahoney.

No. MC 64932 (Sub-No. 303), filed November 20, 1961. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill., Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Meredosia, Ill., to points in Indiana, Iowa, Kentucky, Illinois, Missouri, Minnesota, Michigan, Ohio, and Wisconsin.

HEARING: April 18, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Frank J. Mahoney.

No. MC 64932 (Sub-No. 305), filed January 15, 1962. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Fort Madison, Iowa, to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Kentucky, Indiana, Michigan, Ohio, and Wisconsin.

HEARING: April 18, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Frank J. Mahoney.

No. MC 103880 (Sub-No. 245), filed January 25, 1962. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and manufactured fertilizer compounds*, in bulk, and in bags, from the plant site of the California Chemical Company, at or near Fort Madison, Iowa, to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Kentucky, Indiana, Michigan, and Ohio.

HEARING: April 18, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Frank J. Mahoney.

No. MC 105375 (Sub-No. 11), filed January 18, 1962. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 875 North Prior Avenue, St. Paul 4, Minn. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizer, fertilizer compounds, urea, ammonium nitrate, and nitrogen solutions*, from Fort Madison, Iowa, and Meredosia, Ill., and points within five (5) miles of each, to points in Nebraska, Missouri, Iowa, North Dakota, Minnesota, Wisconsin, Illinois, Kansas, Michigan, Ohio, Indiana, and Kentucky; and *rejected shipments* on return.

NOTE: Applicant states that joint control of applicant and Dahlen Transport, Inc. by John W. Dahlen and Edna A. Dahlen has been approved by the Commission. (MC-F-6554)

HEARING: April 18, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Frank J. Mahoney.

No. MC 107496 (Sub-No. 220), filed December 22, 1961. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizers, fertilizer compounds, urea, ammonium nitrate, and nitrogen solutions*, from Fort Madison, Iowa, and Meredosia, Ill., and points within five miles of each to points in Nebraska, Missouri, Iowa, North Dakota, South Dakota, Minnesota, Wisconsin, Illinois, Kansas, Michigan, Ohio, Indiana, and Kentucky.

NOTE: Applicant states it "is wholly owned by John Ruan. Applicant controls and owns all of the outstanding capital stock of Illinois-Ruan Transport Corporation, an Illinois corporation, which also operates as a common carrier by motor vehicle in interstate commerce for the transportation of petroleum and other products, in bulk, by authority of certificates issued by the I.C.C. and by various state regulatory commissions." Applicant holds contract carrier authority under MC 119136 and subs thereunder, therefore dual operations may be involved.

HEARING: April 18, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Frank J. Mahoney.

No. MC 108449 (Sub-No. 136), filed December 11, 1961. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C," St. Paul 13, Minn.

Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizers, fertilizer compounds, fertilizer ingredients, urea, urea feed mixtures, ammonium nitrate, and nitrogen solutions*, from Fort Madison, Iowa, and Meredosia, Ill., and points within five (5) miles of each to points in Nebraska, Missouri, Iowa, North Dakota, South Dakota, Minnesota, Wisconsin, Illinois, Kansas, Michigan, Ohio, Indiana, and Kentucky, *rejected and returned shipments* of commodities specified above, on return.

NOTE: Applicant states "Moore Motor Freight Lines, Inc., is a wholly owned subsidiary."

HEARING: April 18, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Frank J. Mahoney.

No. MC 115331 (Sub-No. 25), filed January 19, 1962. Applicant: TRUCK TRANSPORT, INC., Highway 61, Crystal City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizers, fertilizer compounds, fertilizer ingredients, urea, urea feed mixtures, ammonium nitrate, and nitrogen solutions*, from Fort Madison, Iowa, and Meredosia, Ill., and points within five (5) miles of each, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin; and *rejected or returned shipments* and *exempt commodities* on return.

HEARING: April 18, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Frank J. Mahoney.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-1979; Filed, Feb. 27, 1962; 8:48 a.m.]

[Notice 425]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 23, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 a.m., local daylight saving time (if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 107) (AS AMENDED AND CLARIFIED), filed July 29, 1960, published FEDERAL REGISTER, issue of November 9, 1960, republished as amended and clarified this issue. Applicant: YOUNGER BROTHERS, INC., P.O. Box 14287, Houston, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, dry in bulk (except flour, catalyst, sugar, starch, barites, potash, carbon black cement, and fly ash), in tank vehicles, hopper vehicles, hydraulic unloading dump vehicles, cable unloading dump vehicles, or tank type gravity unloading dump vehicles; (a) between points in Texas and Louisiana, on the one hand, and, on the other, points in Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Tennessee, Wisconsin, Nebraska, Michigan, Oregon, Washington, Delaware, Alabama, Mississippi, Oklahoma, New Mexico, West Virginia, Virginia, Pennsylvania, New York, New Jersey, Maryland, and Utah; (b) between points in Texas, Oklahoma, Kansas, Nebraska, Iowa, Missouri, Arkansas, Louisiana, Colorado, New Mexico, Arizona, Mississippi, Tennessee, and Illinois.

HEARING INFORMATION: Referred to Examiner James O'D. Moran for hearing on the 26th day of February A.D. 1962, at 9:30 o'clock a.m., United States standard time, at the Baker Hotel, Dallas, Tex.; and on the 5th day of March A.D. 1962, at 9:30 o'clock a.m., United States standard time, at the Texas State Hotel, Houston, Tex., and for the recommendation of an appropriate order thereon, accompanied by the reasons therefor. This assignment is for the sole purpose of applicants' initial presentation and the time and place or places, if any, for hearing the remainder of applicants' case in chief, will be at the discretion of the presiding examiner to be fixed at the conclusion of the Houston hearing indicated above. If applicants complete their presentation at the Houston hearing, consideration will also be given to the time and place for protestants' presentation by the examiner.

No. MC 531 (Sub-No. 120), filed Feburary 2, 1962. Applicant: YOUNGER BROTHERS, INC., P.O. Box 14287, 4904 Griggs Road, Houston, Tex. Applicant's attorney: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur*, in bulk, (1) between points in New Mexico, Utah, and those in Texas located on and west of U.S. Highway 81; and (2) between points in New Mexico, Utah, and those in Texas on and west of U.S. Highway 81, on the one hand, and, on the other, points in Arizona, Colorado, Kansas, and Oklahoma.

NOTE: Applicant requests that the above be restricted against transporting liquid Sulphur, in bulk, in tank vehicles (1) from points in Gaines, Dawson, Andrews, Martin, Winkler, Ector, Midland, Ward, Crane, Hockley, Moore, and Upton Counties, Tex., to the site of the sulphuric acid plant of Kermac Nuclear Fuels Corporation located approximately 23 miles northwest of Grants, N. Mex., and (2) between the plant sites of the Pan American Petroleum Corporation and the Phillips Petroleum Company (Phillips Chemical Company) approximately 13 miles southeast of Artesia, N. Mex., on the one hand, and, on the other, points in Arizona, Oklahoma, and Texas. Applicant states that Younger Bros.-J. M. English Truck Lines, Inc., is an affiliated motor carrier engaged in transporting oil field commodities under the Mercer Case commodity description, as authorized in Docket No. MC 106809 and subs thereunder.

HEARING: April 2, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 21866 (Sub-No. 46), filed January 2, 1961. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, Pa. Applicant's attorney: Jacob Polin, 428 Barclay Building, City Line at Belmont Avenue, Bala-Cynwyd, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, (1) from the plant site of Keller's Creamery, Inc., in Franconia Township, Montgomery County, Pa., to Anderson, Columbia, Greenville, and Spartanburg, S.C., and points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Rhode Island, Virginia, West Virginia, and the District of Columbia, and (2) from New York, N.Y., Philadelphia, Pa., and points in New Jersey to the plant site above-described.

HEARING: April 12, 1962, in Room 300, U.S. Customs Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner James Anton.

No. MC 22195 (Sub-No. 83), filed February 19, 1962. Applicant: DAN S. DUGAN, doing business as DUGAN OIL & TRANSPORT CO., P.O. Box 946, 41st Street and Grange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Richland and Roosevelt Counties, Mont., to points in North Dakota, and *rejected shipments* of the above-specified commodities, on return.

HEARING: March 15, 1962, at the Yellowstone County Court House, Billings, Mont., before Joint Board No. 84, or, if the Joint Board waives its right to participate, before Examiner Richard White.

No. MC 22304 (Sub-No. 2), filed November 7, 1961. Applicant: G. E. OTTO LEEDS, doing business as W. D. LEEDS STORAGE WAREHOUSE, 330 Laurel Street, Williamsport, Pa. Applicant's attorney: John M. Musselman, 400 North Third Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors and millwork*, between Williamsport, Pa., on the one hand, and on the other, points in Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, Indiana, North Carolina, West Virginia, Ohio, and the District of Columbia.

HEARING: April 13, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner John

York.

MC 25798 (Sub-No. 65), filed 22, 1962. Applicant: CLAY TRUCKING LINES, INC., P.O. 1975, Dade City, Fla. Applicant's Thomas F. Kilroy, 1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Frozen foods products*, from Easton, Maine, to points in Alabama, Louisiana, Arkansas, Tennessee, Mississippi, and Texas, and to points in Georgia.

NOTE: Applicant advises, the proposed service will be restricted to partial unloading of shipments with service at Georgia points, points in Alabama, Mississippi, and Louisiana.

HEARING: April 18, 1962, at 346 Broadway, New York, N.Y., before Examiner James Anton.

No. MC 28478 (Sub-No. 15), filed December 26, 1961. Applicant: GREAT LAKES EXPRESS CO., a corporation, 111 Davenport Street, Saginaw, Mich. Applicant's attorney: Carl H. Smith, Sr., 510-514 Phoenix Building, Bay City, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Scrap metal*, in bulk; serving all points applicant is presently authorized to serve, over its regular routes, or in connection with its regular routes, located in Michigan, Illinois, Indiana, and Ohio, as authorized in Certificates MC 38478, and Sub-No. 10 thereunder.

NOTE: Applicant's regular-route operations in the above-named certificates cover the transportation of general commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in the states named above. A portion of applicant's regular-route authority in MC 28478 (Sub-No. 24) also authorizes the transportation of wire, seals, cable, and paper, in truckload lots, between Toledo, Ohio, and Tiffin, Ohio.

HEARING: April 25, 1962, at the Federal Building, Lansing, Mich., before Examiner Frank J. Mahoney.

No. MC 28956 (Sub-No. 5) (CORRECTION), filed December 14, 1961, published FEDERAL REGISTER, issue of February 14, 1962, and republished as corrected, this issue. Applicant: G. P. RYALS, doing business as RYALS TRUCK SERVICE, P.O. Box 234, Albany, Oreg. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg.

HEARING INFORMATION: Notice of the filing of the subject application, published in the FEDERAL REGISTER, issue of February 14, 1962, was in error. The application is correctly assigned for hearing March 27, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Richard White.

No. MC 29761 (Sub-No. 10), filed December 19, 1960. Applicant: DE ROSA TRANSPORTATION, INC., 2276 South Union Street, Chicago, Ill. Applicant's attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, livestock, Classes A and B explosives, and household goods as defined by the Commission), between points in Cook County, Ill., on the one hand, and, on the other, points in Lake and Porter Counties, Ind., on and north of U.S. Highway 30 and between points in Cook County, Ill., on and south of U.S. Highway 34, and those in Lake County, Ind., on and north of U.S. Highway 30, on the one hand, and, on the other, points in Michigan, on and south of U.S. Highway 12. (2) *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Chicago, Ill.; and between Chicago, Ill., on the one hand, and, on the other, points in Illinois within 25 miles of Chicago.

HEARING: April 26, 1962, at the Palmer House, Chicago, Ill., before Examiner Lyle C. Farmer.

No. MC 35628 (Sub-No. 242), filed November 13, 1961. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk (except scrap metal in bulk), serving Stanley, Ky., as an off-route point in connection with applicant's regular-route operations to and from Owensboro, Ky.

HEARING: April 21, 1962, at the U.S. Court Rooms, Louisville, Ky., before Joint Board No. 105, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 38320 (Sub-No. 8), filed December 26, 1961. Applicant: CENTRAL MOTOR EXPRESS, INC., P.O. Box 216, Campbellsville, Ky. Applicant's attorney: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment). (1) Between Campbellsville, Ky., and Lebanon, Ky., serving all intermediate points more than one (1) mile south of Lebanon, Ky., and off-route points within three (3) miles of that part of the route one (1) mile south of Lebanon, Ky.: From Campbellsville over Kentucky Highway 70 through Elk Horn to Mannsville; thence over Kentucky Highway 337 to junction with Kentucky Highway 49; thence over Kentucky Highway 49 to Lebanon, Ky., and return over the same route. RESTRICTIONS: No service shall be rendered between Louisville, Ky., and its commercial zone and the Louisville, Ky., gateway on the one hand, and on the other, Lebanon, Ky., commercial zone. (2) Between Elk Horn, Ky., and Columbia, Ky., serving all intermediate points and off-route points within three (3) miles of the described route: From Elk Horn over Kentucky Highway 76 through Knifley and Neatsville to Eunice; thence over Kentucky Highway 206 to Columbia and return over the same route. (3) Between Neatsville, Ky., and Mannsville, Ky., serving all intermediate points and off-route points within three (3) miles of the described route: From Neatsville over Kentucky Highway 206 to its junction with Kentucky Highway 70; thence over Kentucky Highway 70 through Clementsville to Mannsville and return over the same route. (4) Between Knifley, Ky., and junction of Kentucky Highway 551 with Kentucky Highway 70 (near Clementsville, Ky.), serving all intermediate points and off-route points within three (3) miles of the described route: From Knifley over Kentucky Highway 551 to junction of Kentucky Highway 551 with Kentucky Highway 70 and return over the same route. (5) Between Campbellsville, Ky., and Hodgenville, Ky., serving all intermediate points and off-route points within three (3) miles of the described route and serving Hodgenville for purposes of joinder only: From Campbellsville over Kentucky Highway 210 to Hodgenville and return over the same route. (6) Serving as off-route points in connection with carrier's authorized routes to and from Campbellsville and Columbia, Ky., all points in Adair and Taylor Counties, Ky. (7) Between Springfield, Ky., and High Grove, Ky., serving no intermediate points and serving Springfield and High Grove for purposes of joinder only, as an alternate route for operating convenience: From Springfield over U.S. Highway 150 to Bardstown; thence over U.S. Highway 31E to High Grove, and return over the same route. (8) Between Bardstown, Ky., and Buffalo, Ky., serving no intermediate points and serving Bardstown and Buffalo for purposes of joinder only, as an alternate route for operating convenience: From Bardstown over U.S. Highway 31E through Hodgenville to junction with Kentucky Highway 61 (approximately three (3) miles south of Hodgenville); thence over Kentucky Highway 61 to Buffalo, and return over the same route.

HEARING: April 11, 1962, at the U.S. Court Rooms, Louisville, Ky., before Joint Board No. 105, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 39871 (Sub-No. 1), filed January 9, 1962. Applicant: EDWARD M. HOWEY, doing business as HOWEY'S EXPRESS, 666 Tatum Street, Woodbury, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Philadelphia, Pa., to points in Salem County, N.J.

HEARING: April 13, 1962, in Room 300, U.S. Custom Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner James Anton.

No. MC 42261 (Sub-No. 63), filed February 13, 1962. Applicant: LANGER TRANSPORT CORP., Route 1, Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: Daniel J. Sweeney, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, in tank vehicles, from the plant site of B. F. Goodrich Company, approximately 13 miles east of Fort Wayne, Ind., in Milan Township, Allen County, Ind., to points in Illinois, Michigan, Ohio, West Virginia, and Wisconsin; and (2) *Returned and rejected shipments* of the above-specified commodities, from points in Illinois, Michigan, Ohio, West Virginia and Wisconsin, to the plant site of B. F. Goodrich Company, approximately 13 miles east of Fort Wayne, Ind., in Milan Township, Allen County, Ind.

HEARING: March 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 52458 (Sub-No. 162), filed December 20, 1961. Applicant: T. I. McCORMACK TRUCKING COMPANY, INC., U.S. Route 9, Woodbridge, N.J. Applicant's attorney: Chester A. Zyblut, 1700 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and washing compounds*, in bulk, in tank vehicles, from the site of the Stepan Chemical Company plant located at or near Millsdale, Ill., to points in Connecticut, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, West Virginia, and Wisconsin, and *rejected shipments* of the above-specified commodities, on return. RESTRICTION: Applicant states the proposed operation shall not be joined or tacked to any existing authority.

HEARING: April 24, 1962, at the Palmer House, Chicago, Ill., before Examiner Lyle C. Farmer.

No. MC 52669 (Sub-No. 6) (CORRECTION), filed October 25, 1961, published FEDERAL REGISTER, issue of January 31, 1962, and republished as corrected, this issue. Applicant: CARGOCARE TRANSPORTATION COMPANY, INCORPORATED, 522 Nance Street, Rocky Mount, N.C. Applicant's attorney: Milton P. Fields, P.O. Box 725, Rocky Mount, N.C. The purpose of this republication is to show that the materials, supplies and equipment are those used in the handling, marketing, packing, prizing, redrying, shipping and storing of UNMANUFACTURED tobacco.

HEARING: Remains as assigned March 7, 1962, in the Conference Room, Heart of Raleigh Motel, 227 East Edenton Street, Raleigh, N.C., before Examiner A. Lane Cricher.

No. MC 57239 (Sub-No. 7), filed December 18, 1961. Applicant: RENNER'S EXPRESS, INC., 1350 South West Street, P.O. Box 613, Indianapolis, Ind. Applicant's attorney: Louis E. Smith, 511 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk*, and *those requiring special equipment*, between Muncie, Ind., and New Castle, Ind., over Indiana Highway 3, serving no intermediate points, restricted to shipments having either an immediately prior or an immediately subsequent movement by rail.

HEARING: March 16, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 61825 (Sub-No. 24), filed February 5, 1962. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. Applicant's attorney: Spencer T. Money, Mills Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Glass containers* and *closures for glass containers, fibreboard boxes and parts* when shipped with glass containers, not to exceed ten percent (10%) of total weight of shipment, from Kane (McKean County), Knox (Clarion County), Marienville (Forest County), Parkers Landing (Armstrong County), and Sheffield (Warren County), Pa., and Gas City (Grant County), Ind., to points in North Carolina, Virginia, and the District of Columbia; (b) *cartons, equipment, machinery, materials, including packaging materials and raw materials entering into manufacture or packaging of glass containers*, from points in North Carolina, Virginia and the District of Columbia to origin points named in (a) above, traversing Maryland, Ohio, and West Virginia for operating convenience only; and (c) *empty containers or other such incidental facilities* (not specified), used in transporting the above-described commodities, on return.

NOTE: Applicant states that Mr. Roy Stone, its president, is a minority stockholder in R. P. Thomas Trucking Company, Martinsville, Va.

HEARING: April 2, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 66562 (Sub-No. 1866) (CORRECTION), filed December 15, 1961, published FEDERAL REGISTER, issue of January 4, 1962, corrected February 13, 1962, republished as corrected this issue. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same as above). The purpose of this republication is to correct paragraph (2) of the subject application, which was incorrectly shown in previous publication. The authority sought correctly reads: "Also from junction U.S. Highway 2 and Maine Highway 157, over Maine Highway 157, to Millinocket, Maine, and return over the same route."

NOTE: Notice of filing of the application was originally published as a matter in which handling without oral hearing was requested. The proceeding has been assigned for hearing at a time and place to be later fixed.

No. MC 75317 (Sub-No. 12), filed January 29, 1962. Applicant: CENTRAL DISPATCH, INC., New Market Avenue, South Plainfield, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mineral wool* (rock, *slag and glass*), *Mineral wool products*, and *building and industrial insulation*, from South Plainfield, (Middlesex County), N.J., to points in McKean, Cameron, Clearfield, Cambria, Somerset, Warren, Forest, Elk, Jefferson, Indiana, Westmoreland, Fayette, Greene, Washington, Allegheny, Armstrong, Clarion, Venango, Erie, Crawford, Mercer, Lawrence, Butler and Beaver Counties, Pa., points in Allegany and Garrett Counties, Md., and points in Virginia, West Virginia, and Maine; (2) *materials and supplies used in the manufacture, distribution and packaging of the above commodities*, except liquid commodities, in bulk, in tank vehicles, from the above-described destination territories to South Plainfield, N.J.; and (3) *returned, rejected or damaged shipments* from the above-described destination territories to South Plainfield, N.J.

NOTE: Applicant states that the operation will be limited to transportation service performed under a continuing contract or contracts with the United States Gypsum Company of Chicago, Ill. Applicant further states that it presently holds contract authority in Delaware, District of Columbia, Baltimore, Md., 21 Maryland counties, and 43 Pennsylvania counties.

HEARING: April 20, 1962, at 346 Broadway, New York, N.Y., before Examiner James Anton.

No. MC 82492 (Sub-No. 12), filed October 23, 1961. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 200 Monroe Avenue NW., Grand Rapids, Mich. Applicant's attorney: L. P. Richardson, Michigan National Tower, Lansing 8, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cereal food preparations, bakery goods*, and *baby pants*, from Fremont, Mich., to points in Iowa and Nebraska, and *rejected and returned shipments* of the above-specified commodities, on return.

NOTE: Applicant states the proposed service will be restricted to transportation of these commodities when moving in mixed shipments with an incidental to transportation of commodities authorized in applicant's presently held certificates authorizing service from Fremont, Mich., to points in Iowa and Nebraska.

HEARING: April 25, 1962, at the Federal Building, Lansing, Mich., before Examiner Frank J. Mahoney.

No. MC 87231 (Sub-No. 15) (REPUBLICATION), filed November 24, 1961, published FEDERAL REGISTER, issue of December 20, 1961, and republished this

Applicant: BAY AND BAY TRANSFER CO., INC., 315 Ninth Avenue North, Minneapolis, Minn. Applicant's attorney: Earl Hacking, 1121 Seventh Street, Minneapolis, Minn. The instant application was the subject of a consolidated hearing involving similar applications, heard February 1, 1962, at Minneapolis, Minn., Hearing Examiner Henry C. Darmstadter, presiding. Notice of the filing of the application was previously published in the FEDERAL REGISTER. At the hearing, the scope of the authority sought was amended. As amended, the proposed operations are as follows: Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds* (manufactured fertilizers), *urea, ammonium nitrate fertilizer*, and *superphosphate*, from Port Cargill, Minn., and points within one mile thereof, to points in Iowa, Minnesota, North Dakota, South Dakota, Wisconsin, and Nebraska, and *returned and rejected shipments* of the above-specified commodities, on return.

NOTE: The amendment removes the restrictions on the commodities as previously published and adds the State of Nebraska as a destination State. Any person or persons who might have been prejudiced by the publication of the amendment, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 94704 (Sub-No. 2), filed January 17, 1962. Applicant: WALTER NEUROTH, doing business as NEUROTH TRUCK LINE, Conrad, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock and poultry waterers, yard hydrants*, and *pig warmers*, from Conrad, Iowa, to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

HEARING: April 17, 1962, in Room 411, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Lyle C. Farmer.

No. MC 95540 (Sub-No. 401), filed February 14, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Duane W. Acklie, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses* as described in Appendix I to descriptions in *Motor Carriers Certificates* 61 M.C.C. 209, from Lexington, Nebr., to points in the United States (except Hawaii).

HEARING: March 29, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Armin G. Clement.

No. MC 95540 (Sub-No. 402), filed February 15, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from points in Connecticut to points in Florida.

HEARING: April 2, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 96448 (Sub-No. 7), filed January 16, 1962. Applicant: BROOKLEDGE, INC., 943 Amboy Avenue, Fords, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses* (other than ordinary livestock), and *equipment and paraphernalia* incidental to the transportation, care, and display of such horses, (a) Between points in Florida, Georgia, Illinois, North Carolina, South Carolina, Michigan, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Kentucky, Ohio, Indiana, and the District of Columbia, on the one hand, and, on the other, points in Missouri, Kansas, Oklahoma, Texas, New Mexico, and Arizona, and (b) Between points in Missouri, Kansas, Oklahoma, Texas, New Mexico, and Arizona.

NOTE: Applicant states it is presently operating between points in the States of Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: April 16, 1962, at 346 Broadway, New York, N.Y., before Examiner James Anton.

No. MC 100598 (Sub-No. 3), filed February 1, 1962. Applicant: CHARLES KOTZE, 2428 Merrick Road, Bellmore, N.Y. Applicant's attorney: Martin Werner, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber tires and tubes*, from the warehouse site of The Kelly-Springfield Tire Co., in Lodi, N.J., to New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., and *returned, refused and rejected shipments of rubber tires and tubes*, on return.

NOTE: Applicant states the proposed operation will be under a continuing contract or contracts, with The Kelly-Springfield Tire Co., Lodi, N.J.

HEARING: March 30, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 103880 (Sub-No. 242), filed December 28, 1961. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* and *washing compounds*, in bulk, in tank vehicles, from the plant site of Stepan Chemical Company, located at or near Milladale, Ill., to points in Connecticut, Kentucky, Michigan, New York, Rhode Island, West Virginia, Indiana, Maryland, Missouri, Ohio, South Carolinia, Wisconsin, Kansas, Massachusetts, New Jersey, and Pennsylvania.

NOTE: Applicant states that it is not seeking to join or tack the authority requested herein with any of its existing authority.

HEARING: April 24, 1962, at the Palmer House, Chicago, Ill., before Examiner Lyle C. Farmer.

No. MC 104960 (Sub-No. 28), filed December 18, 1961. Applicant: MOTOR FUEL CARRIERS, INC., 404 Elm Avenue (P.O. Box 2288), Panama City, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products* and *petroleum by-products*, in bulk, in tank vehicles, from the terminal site of the Tenneco Oil Company (formerly Bay Petroleum Corporation), Bay County, Fla., to points in South Carolina and points in Georgia more than 175 miles from Panama City, Fla.; and *rejected shipments* on return.

HEARING: March 13, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 354, or, if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 106456 (Sub-No. 37), filed January 3, 1962, published FEDERAL REGISTER, issue of January 17, 1962, and republished, this issue. Applicant: SUPER SERVICE MOTOR FREIGHT COMPANY, INC., Box 180, Fessler Lane, Nashville, Tenn. Applicant's attorney: James R. Browder, Box 180, Nashville, Tenn.

HEARING INFORMATION: The subject application previously scheduled for hearing April 19, 1962, has been advanced to March 16, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149.

No. MC 107012 (Sub-No. 41), filed December 11, 1961. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos*, uncrated, from Bluffton, Ind., to points in the United States.

HEARING: April 13, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Frank J. Mahoney.

No. MC 107323 (Sub-No. 37), filed January 29, 1962. Applicant: GILLILAND TRANSFER COMPANY, a corporation, 21 West Sheridan, Fremont, Mich. Applicant's attorney: J. M. Neath, Jr., Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal, fish and poultry feed, insecticides, fungicides and animal medicines* from Bloomington, Ill., and Davenport, Iowa, to points in Michigan, and (2) *animal, fish and poultry feed and damaged and rejected shipments*, on return.

HEARING: April 23, 1962, at the Federal Building, Lansing Mich., before Examiner Frank J. Mahoney.

No. MC 107403 (Sub-No. 381), filed February 14, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the plant site of the Century Refining Company, at or near New Baltimore, Mich., to points in Indiana and Ohio.

NOTE: Applicant has contract carrier authority under MC-117657 and Subs thereunder, therefore, dual operations may be involved. It is further noted that common control may be involved.

HEARING: April 18, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 9.

No. MC 107496 (Sub-No. 223), filed December 28, 1961. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain fumigant* (agricultural insecticide), in bulk, in tank vehicles, from Des Moines, Iowa, to points in Minnesota, Missouri, and North Dakota.

NOTE: Common control may be involved. It is further noted that applicant has contract authority under MC 119136 and Subs thereunder, therefore, dual operations may be involved.

HEARING: April 16, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Lyle C. Farmer.

No. MC 109435 (Sub-No. 23), filed January 29, 1962. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., Drawer J, Stroud, Okla. Applicant's attorneys, Lybrand and Morgan, 443 American National Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Conway, Ark., to missile sites at or near Albion, Antioch, Blackwell, Center Hill, Greenbrier, Holland, Mount Vernon, Pearson, Plainview, Plumerville, Quitman, East Rose Bud, St. Vincent, Springfield, Velvet Ridge, Spring Hill, Southside, and Junction of Highways 65 and 25, Ark.

NOTE: Applicant states that Pryor, Okla., is the originating point for the shipments and they will move by rail to Conway, Ark., where they will be transferred to motor vehicles and moved to the destination points in Arkansas, the movements being continuous from Pryor to the missile sites, with no in-transit storage.

HEARING: April 20, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 215, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 109478 (Sub-No. 47), filed December 26, 1961. Applicant: WORSTER MOTOR LINES, INC., East Main Road, R.D. No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned or frozen fruit and vegetable concentrates and essences* and *fruit juice and vegetable juice concentrates and essences* from North East, Pa., and points in that portion of Chautauqua County, N.Y., within five (5) miles of the shore of Lake Erie, to points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, and the District of Columbia. (2) *Grape juice concentrate and essences, tomato juice concentrate and essences, frozen fruit juice concentrates and essences* and *frozen tomato juice concentrate and essences* from North East, Pa., and Westfield, Brocton, and Silver Creek, N.Y., to points in Indiana and Illinois. (3) *Fruit juice concentrates and essences* and *vegetable juice concentrates and essences* (a) from points in Erie County, Pa., to points in New York and Ohio and (b) from points in Chautauqua and Erie Counties, N.Y., to points in Pennsylvania and Ohio. (4) *Frozen fruit juice concentrates and essences* between Erie and North East, Pa., and Brocton, Silver Creek, and Westfield, N.Y., on the one hand, and on the other, points in the lower peninsula of Michigan. (5) *Fruit juice concentrates and essences* and *frozen fruit juice concentrates and essences* from Geneva, Ohio, to points in New York (except New York City), Pennsylvania, New Jersey, Maryland, Illinois, Indiana, Delaware, the lower peninsula of Michigan, and the District of Columbia. (6) *Frozen foods* from Geneva, Ohio, to points in New York (except Auburn, Binghamton, Cortland, Elmira, Geneva, Ithaca, Endicott, Johnson City, Oneonta, Oswega, Rochester, Rome, Schenectady, Syracuse, Utica, and points on and south of a line from Glenn Falls, N.Y., to the Vermont-New York State line, due east of Glenn Falls, and on and east of a line from Glenn Falls along U.S. Highway 9 to Albany, and thence along U.S. Highway 9–W to New York City, and points in the New York, N.Y., commercial zone), points in Pennsylvania (except points in the Philadelphia, Pa., commercial zone), in New Jersey (except points in the New York, N.Y., commercial zone), in Maryland, Illinois, Indiana, Delaware, the lower peninsula of Michigan, and the District of Columbia.

NOTE: Applicant states that its president, David B. Worster, with others, has been authorized by I.C.C. to assume control of McKay and MacLeod Corp. (MC-80413) and F.D. McKay, Inc. (MC-97496).

HEARING: April 19, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner John L. York.

No. MC 109370 (Sub-No. 1), filed January 26, 1962. Applicant: PAUL L. HUNTER AND FRANCIS C. HUNTER, doing business as HUNTER MOVING AND STORAGE, a partnership, 95 South Main Street, Union City, Pa. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* uncrated and *turned wood stock* uncrated and crated, from Union City, Pa., to points in Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, and Delaware, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: April 20, 1962, at the Hotel Buffalo, Washington and Swann Streets, Buffalo, N.Y., before Examiner John L. York.

No. MC 109767 (Sub-No. 2), filed November 29, 1961. Applicant: CARL CULP AND ROY CULP, a partnership, doing business as CULP BROS., R.R. No. 1, Remington, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from Remington, Ind., and points within a ten mile radius of Remington, Ind., to points within a 250 mile radius of Remington, Ind., located in Illinois, Ohio, and Michigan, and *rejected shipments*, on return.

HEARING: April 12, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Frank J. Mahoney.

No. MC 110393 (Sub-No. 6), filed December 18, 1961. Applicant: FRIED FOOD EXPRESS, INC., 2754 Seventh Street Road, Louisville, Ky. Applicant's attorney: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodity, between Springfield, Ky., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Indiana, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Washington, D.C.

HEARING: April 9, 1962, at 11:00 o'clock a.m. United States standard time, at the U.S. Court Rooms, Louisville, Ky., before Examiner Henry A. Cockrum.

No. MC 111812 (Sub-No. 145), filed January 11, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in packages and containers other than bulk, (1) from Buffalo, N.Y., and Emlenton and Farmers Valley, Pa., to Denver, Colo., and points in Kansas, Minnesota, Iowa, Nebraska, North Dakota, South Dakota, and Wisconsin, and (2) from Emlenton, Pa., and St. Marys, W. Va., to points in Arkansas.

NOTE: Applicant indicates that the authority sought in (1) above will be restricted to transportation of shipments originating at Buffalo, N.Y., with stops to complete

loading at Emlenton or Farmers Valley, Pa. Applicant also states that the wife of its president holds a 50 percent interest in Garden Express, Inc.

HEARING: April 16, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner John L. York.

No. MC 111812 (Sub-No. 153), filed February 15, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hillsboro, Marshall, Macon, Moberly, and Shelbina, Mo., to points in Minnesota, North Dakota, Montana, Idaho, Oregon, and Washington.

NOTE: Common control may be involved.

HEARING: March 21, 1962, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Garland E. Taylor.

No. MC 113267 (Sub-No. 60), filed January 11, 1962. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Fryer, 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, dairy products* and *articles distributed by meat packing houses;* (2) *frozen and prepared foods*, when shipped in mixed shipments with commodities named in (1) above, when transported in vehicles equipped with mechanical refrigeration, from Shreveport, La., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas.

NOTE: Applicant states that its officers are officers and stockholders in Industrial Bus Lines, Inc. (MC 114168), Vandalia Bus Lines, Inc. (MC 2698), and that Oliver and Kathryn Anderson are officers and stockholders in Caseyville Bus Lines, Inc. (MC 110645). Dual operations may be involved.

HEARING: April 19, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Henry A. Cockrum.

No. MC 113617 (Sub-No. 11), filed January 24, 1962. Applicant: L. D. EASTER, E. M. EASTER, M. E. EASTER, L. W. EASTER, L. B. EASTER, AND M. M. MORSE, a partnership, doing business as HIGHWAY TRANSPORT COMPANY, 643 East 43d Street, Des Moines 17, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, and *parts*, in initial movements, in truckaway service, from Kenosha, Wis., to points in Iowa.

NOTE: Applicant presently holds authority to perform the proposed service to approximately two-thirds of the State of Iowa. No duplicating or conflicting rights are sought.

HEARING: April 18, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Lyle C. Farmer.

No. MC 114019 (Sub-No. 75), filed December 27, 1961. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral mixtures*, in containers, (1) from Rittman, Ohio, to points in Illinois, Indiana, Michigan, New York, Pennsylvania, West Virginia, and points in New Jersey within the New York, N.Y., Commercial Zone, as defined by the Commission, and points in New Jersey within the Philadelphia, Pa., Commercial Zone, as defined by the Commission, St. Louis, Mo., Covington, Newport, and Louisville, Ky., (2) from Akron, Ohio, to points in Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, points in Pennsylvania on and east of U.S. Highway 219, points in New York on and east of New York Highway 14, and points in New Jersey within the New York, N.Y., Commercial Zone, as defined by the Commission and points in New Jersey within the Philadelphia, Pa., Commercial Zone, as defined by the Commission, (3) from Silver Springs, N.Y., to points in Pennsylvania, West Virginia, and points in New York on and south of U.S. Highway 6, and points in New Jersey within the New York, N.Y., Commercial Zone, as defined by the Commission, and points in New Jersey within the Philadelphia, Pa., Commercial Zone, as defined by the Commission, and (4) from Akron, Ohio, Manistee and St. Clair and Marysville, Mich., and points within five (5) miles of each, to points in Illinois, Indiana, Ohio, Michigan, Wisconsin, points in that part of Pennsylvania on and west of U.S. Highway 219, points in that part of New York on and west of New York Highway 14, Covington, Newport, and Louisville, Ky., and St. Louis, Mo.

NOTE: Applicant states it presently holds authority to transport salt, and pepper, in packages, in mixed shipments with salt, from the origins and to the destination territory described in (1) (2) (3) and (4) above. Applicant proposes to transport the described commodity in straight or in mixed loads with salt. Applicant also states it and Midwest Transfer Company of Illinois are commonly controlled and managed.

HEARING: April 25, 1962, at the Palmer House, Chicago, Ill., before Examiner Lyle C. Farmer.

No. MC 114608 (Sub-No. 13), filed January 29, 1962. Applicant: CAPITAL EXPRESS, INC., 1621 Century Avenue SW., Grand Rapids, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dehumidifiers*, from Grand Rapids, Mich., to points in Ohio, Indiana, and Illinois, when moving in mixed loads with other appliances applicant is authorized to transport.

NOTE: Applicant states the proposed operation will be performed under a continuing contract, or contracts, with Kelvinator Division of American Motors Corporation.

HEARING: April 23, 1962, at the Federal Building, Lansing, Mich., before Examiner Frank J. Mahoney.

No. MC 115841 (Sub-No. 169), filed February 7, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* from New Orleans, La., to Springdale, Ark.

HEARING: April 18, 1962 at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 218, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 116254 (Sub-No. 7), filed February 20, 1962. Applicant: CHEMHAULERS, INC., Sheffield, Ala. Applicant's attorney: Walter Harwood, 515 Nashville Trust Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, as defined in Appendix XV, *Descriptions in Motor Carrier Certificates;* Ex Parte No. MC-45, 61 M.C.C. 209, in bulk, in tank vehicles, from Memphis, Tenn., to points in Alabama, Georgia, Florida, Illinois, Indiana, Kentucky, Louisiana, Arkansas, Missouri, Ohio, Oklahoma, Mississippi, Virginia, West Virginia, North Carolina, South Carolina, and Texas.

HEARING: March 12, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Lawrence A. Van Dyke, Jr.

No MC 117109 (Sub-No. 11), filed December 18, 1961. Applicant: SYKES TRANSPORT COMPANY, a corporation, P.O. Box 297, Ironton, Mo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete and wood fibre building slabs*, from Brunswich, Ga., to points in Mississippi, Louisiana, Arizona, Indiana, Illinois, Missouri, Arkansas, Texas, New Mexico, and those in Kentucky and Tennessee on and west of U.S. Highway 31.

HEARING: April 23, 1962, at the Palmer House, Chicago, Ill., before Examiner Lyle C. Farmer.

No. MC 117339 (Sub-No. 4), filed December 29, 1961. Applicant: WILLARD SHEWMAKER, 5412 Nylon Court, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, 140 South Fifth Street, Louisville 2, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile* and *cinder blocks* from Coral Ridge, Ky., to points in Tennessee.

HEARING: April 12, 1962, at the U.S. Court Rooms, Louisville, Ky., before Joint Board No. 25, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 117686 (Sub-No. 9), filed February 15, 1962. Applicant: RAYMOND C. HIRSCHBACH, doing business as HIRSCHBACH MOTOR LINES, 3324 U.S. Highway 75 North Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2041, Lincoln, Nebr. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat by-products, dairy products*, and *articles distributed by meat packinghouses*, as described in Appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Lexington, Nebr., to points in Alabama, Arkansas, Arizona, California, Louisiana, Mississippi, Oklahoma, Oregon, Texas, Washington, and to Albuquerque, N. Mex.

HEARING: March 29, 1962, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Armin G. Clement.

No. MC 117686 (Sub-No. 10), filed February 15, 1962. Applicant: RAYMOND C. HIRSCHBACH, doing business as HIRSCHBACH MOTOR LINES, 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* from Galveston and Houston, Tex., to points in Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, and to Rock Island and Peoria, Ill.

HEARING: March 26, 1962, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Isadore Freidson.

No. MC 117883 (Sub-No. 13), filed February 8, 1962. Applicant: SUBLER TRANSFER, INC., East Main Street, Box 5, Versailles, Ohio. Applicant's attorney: Taylor C. Burneson 3430 Le Veque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Imported meats and meat products*, from Wilmington, Del., to Louisville, Ky., and points in Pennsylvania, West Virginia, Ohio, Michigan, Indiana, and Illinois.

HEARING: April 3, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel C. Shoup.

No. MC 119226 (Sub-No. 42), filed January 25, 1962. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis 27, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain neutral spirits*, in bulk, in tank vehicles, from Lawrenceburg, Ind., to Chicago, Ill., and Detroit, Mich.

HEARING: April 11, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Frank J. Mahoney.

No. MC 119837 (Sub-No. 2), filed January 4, 1962. Applicant: M. M. HIGGINBOTHAM, doing business as OZARK MOTOR LINES, 806 Michigan Street, Memphis, Tenn. Applicant's attorney: Edward G. Grogan, Commerce Title Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Hardy, Ark., and Mammoth Springs, Ark.; from Hardy over U.S. Highway 62 to Salem, Ark., thence over Arkansas Highway 9 to Mammoth Springs, and return over the same route, serving all intermediate points.

HEARING: April 17, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 91, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 112223 (Sub-No. 57) (REPUBLICATION), filed November 24, 1961, published FEDERAL REGISTER, issue of December 20, 1961, and republished this issue. Applicant: QUICKIE TRANSPORT COMPANY, a corporation, 1121 South Seventh Street, Minneapolis, Minn. Applicant's attorney: Earl Hacking (same address as applicant). The instant application was the subject of a consolidated hearing involving similar applications, heard February 5, 1962, at Minneapolis, Minn., Hearing Examiner Henry C. Darmstadter, presiding. Notice of the filing of the application was previously published in the FEDERAL REGISTER. At the hearing, the scope of the authority sought was amended. As amended, the proposed operations are as follows: Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds* (manufactured fertilizer), *urea, ammonium nitrate fertilizer*, and *superphosphate*, from Port Cargill, Minn., and points within one mile thereof, to points in Iowa, Minnesota, North Dakota, South Dakota, Wisconsin, and Nebraska, and *return and rejected shipments* of the above-specified commodities, on return.

NOTE: The amendment removes the restrictions on the commodities as previously published and adds the State of Nebraska as a destination State. Any person or persons who might have been prejudiced by the allowance of the amendment, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 123304 (Sub-No. 4) (AMENDED), filed November 13, 1961, published in FEDERAL REGISTER issue of January 31, 1962, republished February 7, 1962, and republished this issue as amended February 16, 1962. Applicant: SOUTHERN COURIERS, INC., 1316 North Carroll, Dallas, Tex. Applicant's attorney: Ewell M. Muse, Jr., Perry Brooks Building, Suite 415, Austin 1, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commercial papers, documents and written instruments such as are used in the businesses of banks and banking institutions* (excluding coin, currency bullion and negotiable securities), between Wichita Falls, Dallas, and Fort Worth, Tex., points in Oklahoma and points in Montgomery County, Kans., and McDonald County, Mo.; and (2) *sales audit media consisting of cash register tapes, charge sales and cash tickets, applications for credit and other documents involved in processing a day's business for sales audit media, punch cards, payroll time sheets, employee personnel records, payroll checks, including recaps of time sheets and payroll records, data processing papers, magnetic tape, punch paper tape, and other business records and documents used in processing audit media* (not including ordinary office supplies and stationery), between Dallas, Tex., on the one hand, and, on the other, points in Oklahoma.

NOTE: This republication is for the purpose (a) of indicating that the commodities proposed to be transported as set forth in the original publication, will be transported between Wichita Falls, Dallas, and Fort Worth, Tex., points in Oklahoma and points in Montgomery County, Kans., and McDonald County, Mo., instead of merely between Dallas, Tex., and points in Montgomery County, Kans., and McDonald County, Mo.; and (b) to add the commodities and the point of origin and points of destination as set forth in (2) above.

HEARING: Remains as assigned March 20, 1962, at the Federal Building, Oklahoma City, Okla., before Examiner Walter R. Lee.

No MC 123614 (Sub-No. 1), filed October 11, 1961. Applicant: JAMES TROWBRIDGE, 99 Ridge Street, Shavertown, Pa. Applicant's attorney: Charles L. Casper, Miners National Bank Building, Wilkes-Barre, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, in bags, from Binghamton, N.Y., to Noxen, Tunkhannock, and Dushore, Pa.

HEARING: April 27, 1962, at the U.S. Court Rooms, Binghamton, N.Y., before Examiner John L. York.

No. MC 123856 (Sub-No. 1), filed January 31, 1962. Applicant: WIECK'S FEED AND LIVESTOCK, INCORPORATED, Dysart, Iowa. Applicant's attorney: Stephen Robinson, 412 Equitable Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ingredients and pre-mixed ingredients used in the manufacture of livestock feed*, (1) from Ladora, Iowa, to Freemont and Grand Island, Nebr., and (2) (a) between Ladora, Iowa, and Hutchinson, Kans., and (b) between Ladora, Iowa, and Rittman, Ohio.

HEARING: April 20, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Lyle C. Farmer.

No. MC 123948 (Sub-No. 2), filed January 30, 1962. Applicant: ABNER TERRY, JR., 470 South Second Avenue, Mt. Vernon, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron*, loose, in bulk, from Bronx, N.Y., to Burlington, Camden, and Florence, N.J.

NOTE: Applicant states the proposed operation is restricted to a continuing contract with Pascap Co., Inc. of Bronx, N.Y.

HEARING: April 19, 1962, at 346 Broadway, New York, N.Y., before Examiner James Anton.

No. MC 124042, filed November 13, 1961. Applicant: B. B. MOTOR CARRIERS, INC., 111 Walton Avenue, Newville, Pa. Applicant's attorney: [illegible] V. Graf, 407 North Front [illegible], Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radio-active materials, including* [illegible] *90*, between Philipsburg, [illegible] County, Pa., on the one hand, and, [illegible] other, Quehanna, Clearfield [illegible], Pa.

HEARING: April 12, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner John L. York.

No. MC 124063 (CORRECTION), filed November 24, 1961, published FEDERAL REGISTER issue of January 24, 1962, and republished as corrected this issue. Applicant: L. T. McCULLOUGH, doing business as MIDWAY TRAILER SALES, [illegible] West Cummings Highway. Applicant's attorney: Raymond A. Graham, [illegible] Guaranty & Trust Co. Building, 615 Walnut Street, Chattanooga, Tenn. Notice of the filing and assignment for hearing of the subject application was published in the FEDERAL REGISTER, issue of January 24, 1962. The hearing information was incomplete in that the city at which the hearing was scheduled was not designated. Correctly set forth, the application is assigned for hearing March 19, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Francis A. Welch.

No. MC 124083 (Sub-No. 2), filed December 22, 1961. Applicant: SKINNER RENTAL EQUIPMENT, INC., 6341 West Minnesota Street, Indianapolis, Ind. Applicant's attorney: Walter F. Jones, Jr., 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig Iron*, in dump trucks, (1) from Kokomo, Ind., to points in Illinois, Wisconsin, Ohio, Iowa, Michigan, and (2) from Joliet and Peoria, Ill., to points in Indiana, Ohio, Wisconsin, Iowa, and Michigan.

HEARING: April 11, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Frank J. Mahoney.

No. MC 124083 (Sub-No. 3), filed December 22, 1961. Applicant: SKINNER RENTAL EQUIPMENT, INC., 6341 West Minnesota Street, Indianapolis, Ind. Applicant's attorney: Walter F. Jones, Jr., 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in dump trucks, from Indianapolis, Ind., to points in Ohio, Kentucky, Illinois, and Michigan.

HEARING: April 13, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Frank J. Mahoney.

No. MC 124086, filed December 6, 1961. Applicant: LEO S. AUMON, R.R. No. 2, Newville, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm silo construction materials*, from Plainfield, and Shiller Park, Ill., to Newville, Pa.

HEARING: April 12, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner John L. York.

No. MC 124093, filed December 13, 1961. Applicant: MARY L. MURPHY, doing business as MURPHY TRUCKING CO., Mabry Sub-Division, Morehead, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone and bulk fire clay*, from points in Greenup, Boyd, Carter, Elliott, Rowan, Lewis, and Morgan Counties, Ky., to Kenova, W. Va., and Portsmouth, Ironton, Oak Hill, and South Webster, Ohio.

HEARING: April 13, 1962, at the U.S. Court Rooms, Louisville, Ky., before Joint Board No. 62, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 124095, filed January 2, 1962. Applicant: JOSEPH BALAZS, SR., doing business as J. BALAZS TRANSPORT, R.F. 2, Brantford, Ontario, Canada. Applicant's attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire brick, face brick, resotherm, mortar, mortar color and tile*, from points in Ohio and Maryland to points on the International Boundary Line between the United States and Canada located at or on the Niagara River, St. Clair River, and the Detroit River, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: April 18, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner John L. York.

No. MC 124130, filed December 26, 1961. Applicant: FLOYD DUNFORD LIMITED, Harper Road, Box 381, Peterborough, Ontario, Canada. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coal, and returned and rejected merchandise*, between points in Pennsylvania and points on the International Boundary Line between the United States and Canada, located at or on the Niagara River, at Niagara Falls, and Buffalo, N.Y., (2) *Sand, gravel, rubble, slag, earth, turf, and crushed and uncut stone, and returned and rejected merchandise*, between points in New York and Pennsylvania and points on the International Boundary Line between the United States and Canada located at or on the St. Lawrence and Niagara Rivers.

HEARING: April 17, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner John L. York.

No. MC-124141, filed January 10, 1962. Applicant: ROY A. PRINCE, Amagon, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between Harrisburg, Ark., and Memphis, Tenn.

HEARING: April 18, 1962, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 229, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 124153, filed January 16, 1962. Applicant: ROBERT E. WITTENBRADER, R.D. No. 3, Lake Ariel, Pa. Applicant's attorney: Thomas J. Jones, 502 Brooks Building, Scranton, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed*, in bags, from Bordentown, N.J., and points within five (5) miles thereof, and Binghamton, N.Y., to points in Wayne County, Pa.; (2) *Limestone* and *lime*, in bags, from Newton, N.J., and points within twenty (20) miles thereof, and Lime Crest, N.J., to points in Wayne County, Pa.; (3) *Fertilizer*, in bags, from Englishtown, and South Kearny, N.J., to points in Wayne County, Pa.; and (4) *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, from the above-specified destination points to their respective origin points.

HEARING: April 13, 1962, in Room 300, U.S. Custom Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner James Anton.

No. MC 124161, filed January 22, 1962. Applicant: ISIDORE RAPPAPORT & SONS, INC., 379 Suydam Street, Brooklyn, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty cans*, loose and in packages, from Passaic, N.J., to points in Fairfield, Litchfield, Hartford, New Haven, and Middlesex Counties, Conn., New York and Poughkeepsie, N.Y., and points in Westchester County, N.Y., Philadelphia, Pa., and Baltimore, Md.

NOTE: (1) Applicant states the proposed operation will be under continuing contract with Eastern Can Co., Inc., of Passaic, N.J., (2) Applicant also states its predecessor holds Certificate No. MC 22657 permitting service, for Eastern Can Co., Inc., from New York, N.Y. Eastern Can Co., Inc., is moving their factory to Passaic, N.J., from New York, N.Y. Applicant's predecessor is agreeable to revocation of Certificate No. MC 22657 upon issuance of a Permit covering the operation proposed above.

HEARING: April 19, 1962, at 346 Broadway, New York, N.Y., before Examiner James Anton.

No. MC 124175, filed January 30, 1962. Applicant: JOHN PETERSON AND ALBERT DE LOTTO, doing business as PLAZA TRUCKING CO., 97 Charles Street, New York 13, N.Y. Applicant's representative: William D. Traub, 350 Fifth Avenue, New York 1, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fishing Tackle, (Rods, reels, lines, lures, hooks)*, between Teaneck, N.J., on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone, as defined by the Commission.

HEARING: April 20, 1962, at 346 Broadway, New York, N.Y., before Examiner James Anton.

No. MC 124189, filed February 5, 1962. Applicant: LEFKOWITZ TRUCKING, INC., 220-26 138th Road, Laurelton 13, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and steel articles*; (1) From New York, N.Y., to points in Hudson, Bergen, Essex, Passaic, Union, Morris, Middlesex, and Somerset Counties, N.J., Rockland and Orange Counties, N.Y., and Fairfield and New Haven Counties, Conn.; and (2) From New Brunswick, Union, Elizabeth, Carlstadt, and Rutherford, N.J., and Milford, Conn., to New York, N.Y.

NOTE: Applicant states the proposed operations will be under continuing contract with Strahs Aluminum Company, Inc.

HEARING: March 30, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

MOTOR CARRIERS OF PASSENGERS

No. MC 61335 (Sub-No. 6), filed December 7, 1961. Applicant: TRANS-BRIDGE LINES, INC., P.O. Box 146, Phillipsburg, N.J. Applicant's attorney: William C. Mitchell, Jr., 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, (1) in special operations, in round trip sightseeing and pleasure tours, and (2) in charter operations; Beginning and ending at points in Hunterdon, Sussex, and Warren Countries, N.J., and Bucks, Lehigh, Monroe, and Northhampton Counties, Pa., and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE: Applicant states it is commonly controlled and managed with Delaware River Coach Lines, Inc., Phillipsburg, N.J., No. MC 55846.

HEARING: April 9, 1962, in Room 300, U.S. Custom Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner James Anton.

No. MC 62296 (Sub-No. 3) (AMENDMENT), filed November 24, 1961, published FEDERAL REGISTER issue of February 7, 1962, amended February 19, 1962, and republished as amended this issue. Applicant: HOMER V. WERNER, doing business as WERNER BUS LINES, Paradise and Chester Avenues, Phoenixville, Pa. Applicant's attorney: Robert H. Shertz, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operation, from Reading, Pa., and Conshohocken, Pa., and points in Pennsylvania on U.S. Highway 422 between Reading and Pottstown, Pa., to Atlantic City, N.J., and the Garden State Race Track in Camden County, N.J., and return.

NOTE: The purpose of this republication is to substitute the word "special" in lieu of "charter" operation.

HEARING: Remains as assigned March 12, 1962, in Room 300, U.S. Custom Building, Second and Chestnut Streets, Philadelphia, Pa., before Joint Board No. 67, or, if the Joint Board waives its right to participate, before Examiner Parks M. Low.

No. MC 70494 (Sub-No. 3), filed October 30, 1961. Applicant: GRAY LINE MOTOR TOURS, INC., 1405 Locust Street, Philadelphia 3, Pa. Applicant's attorneys: V. Baker Smith and Robert H. Shertz, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, (1) between Philadelphia, Pa., and points in Delaware Township, N.J.; and (2) between Philadelphia and Kennett Square, Pa., and Wilmington, Del.

NOTE: Applicant states the points proposed to be served in Wilmington, Del., are the Winterhur and Hagley Museums, and in Kennett Square, Pa., the Longwood Gardens.

HEARING: April 9, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 255, or if the Joint Board waives its right to participate, before Examiner John L. York.

No. MC 85028 (Sub-No. 8), filed February 2, 1962. Applicant: BERKSHIRE STREET RAILWAY COMPANY, a corporation, 1277 East Street, Pittsfield, Mass. Applicant's attorney: Edward N. Gadsby, 200 Maryland Avenue N.E., Washington 2, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail and newspapers* in the same vehicle with passengers, between the Berkshires (Berkshire County), Mass., and New York City, N.Y.: (A) From Williamstown, Mass., at junction Massachusetts Highway 2 and U.S. Highway 7, over Massachusetts Highway 2 to North Adams, Mass., thence over Massachusetts Highway 8 to junction with Massachusetts Highway 9, thence over Massachusetts Highway 9, to Pittsfield, Mass., thence over combined U.S. Highways 20 and 7 to Lenox, Mass., thence over U.S. Highway 7 to Great Barrington, Mass., thence from Great Barrington over Massachusetts Highway 23 through South Egremont, Mass. to the Massachusetts-New York State line, thence over New York Highway 23 through Hillsdale, Craryville, and Claverack, N.Y., to Hudson, N.Y., continue on New York Highway 23 across the Hudson River to Catskill, N.Y., thence over New York Thruway, entering at Exit 21 and continuing to Exit 15 at Suffern, N.Y., thence over New Jersey Highway 17 from the New York-New Jersey State line to its intersection with New Jersey Highway 3 at Rutherford, N.J., thence over New Jersey Highway 3 to and through the Lincoln Tunnel and thence over ramp leading in to the Port of New York Authority Midtown Bus Terminal at 41st Street and Eighth Avenue (also leaving New York Thruway at Exit 14A, thence over Garden State Parkway Extension to the New York-New Jersey State line, thence over Garden State Parkway to Exit 153, thence over New Jersey Highway 3 to and through the Lincoln Tunnel and thence over ramp leading in to the Port of New York Authority Midtown Bus Terminal at 41st Street and Eighth Avenue (also leaving New York Thruway at Exit 14A, thence over Garden State Parkway Extension to the New York-New Jersey State line, thence over Garden State Parkway to Exit 153, thence over New Jersey Highway 3 to and through the Lincoln Tunnel and thence over ramp leading in to the Port of New York Authority Midtown Bus Terminal at 41st Street and Eighth Avenue (also leaving New York Thruway at Exit 14A, thence over Garden State Parkway Extension to the New York-New Jersey State line, thence over Garden State Parkway to Exit 153, thence over New Jersey Highway 3 to and through the Lincoln Tunnel and thence over ramp leading in to the Port of New York Authority Midtown Bus Terminal at 41st Street and Eighth Avenue), and return over the same routes, serving the intermediate points of North Adams, Adams, Cheshire, Lanesboro, Pittsfield, Lenox, Stockbridge, Great Barrington, and South Egremont, Mass., and Hillsdale, Craryville, Claverack, and Hudson, N.Y.: and (B) From Williamstown, Mass., over the route described in (A) above to Great Barrington, Mass., thence from Great Barrington over U.S. Highway 7 through Sheffield and Ashley Falls, Mass., to the Massachusetts-Connecticut State line, thence over U.S. Highway 7 through Canaan, West Cornwall, Cornwall Bridge, Kent, Gaylordsville, New Milford, Brookfield, Danbury, Branchville, and Wilton, Conn., to Norwalk, Conn., and thence over the Connecticut Turnpike (Interstate Highway 95) to the Connecticut-New York State line, thence over New York's New England Thruway to Exit 8 at Borough of the Bronx, New York City, from Exit 5 thence over Connors Street, New York City to East 233d Street (Route 22), thence over East 233d Street to Major Deegan Highway, thence over Major Deegan Highway to Bronx Exit at West 155th Street to Seventh Avenue, thence over Seventh Avenue to Cathedral Parkway, thence over Cathedral Parkway to Columbus Avenue, continuing over Columbus Avenue to Ninth Avenue, thence over Ninth Avenue to 40th Street, thence over 40th Street in to the Port of New York Authority Midtown Bus Terminal at Eighth Avenue, and return from the Port of New York Authority Midtown Bus Terminal on 41st Street, thence over 41st Street to 10th Avenue, continuing over 10th Avenue to Amsterdam Avenue, thence over Amsterdam Avenue to Cathedral Parkway, thence over Cathedral Parkway to Seventh Avenue, and at West 155th Street over the Bronx Exit to Major Deegan Highway, thence balance of return trip over same route as above, serving the intermediate points of North Adams, Adams, Cheshire, Lanesboro, Pittsfield, Lenox, Stockbridge, Great Barrington, Sheffield, and Ashley Falls, Mass., and Canaan, West Cornwall, Cornwall Bridge, Kent, Gaylordsville, New Milford, and Brookfield, Conn. Also Danbury, Conn. to discharge southbound passengers and to board northbound passengers only.

HEARING: April 26, 1962, at the Federal Building, Albany, N.Y., before Examiner John L. York.

No. MC 95603 (Sub-No. 3), filed December 8, 1961. Applicant: ERNEST T. VOCELL, JR., AND JOSEPH VOCELL,

...ship doing business as VOCELL ...COMPANY, 751 Boston Road Bil... Mass. Applicant's attorney: ... Daniels, 11 Beacon Street, Boston, ... Authority sought to operate as a ... *carrier*, by motor vehicle, over ... routes, transporting: *Passen...* ... special round-trip transporta... operations, traveling for the purpose ...ipating in games commonly re... to as beano or bingo games, be... and ending at Winchester, ..., Burlington, Billerica, Chelms..., Lowell, Dracut, Wilmington, and ..., Mass., and extending to ... and Manchester, N.H.

HEARING: April 24, 1962, at the New ... Office and Court House Building, ..., Mass., before Joint Board No. 20, ... the Joint Board waives its right ... participate, before Examiner James ...

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12772, filed October 23, 1961. ...plicant: ROSARY PILGRIMAGES, ..., 2115 West Wisconsin Avenue, Apt. ..., Milwaukee 3, Wis. Applicant's attor...: John C. McBride, 759 North Mil... Street, Milwaukee 2, Wis. For ... (BMC 5) to engage in opera... as a *broker* at Milwaukee, Wis., in ...ing for the transportation by mo... vehicle in interstate or foreign com... of *passengers and their baggage*, ... the same vehicle with passengers, in ...pense tours, between points in the ... States including Ports of Entry ... International Boundaries between ... United States and Canada and the ... States and Mexico.

HEARING: April 26, 1962, at the Wis... Public Service Commission, Mad..., Wis., before Joint Board No. 96.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 31600 (Sub-No. 523), filed ...ruary 15, 1962. Applicant: P. B. ...TRIE MOTOR TRANSPORTATION, ..., Calvary Street, Waltham 54, Mass. ...icant's attorney: H. C. Ames, Jr., ...portation Building, Washington ..., D.C. Authority sought to operate as ... *common carrier*, by motor vehicle, over ... routes, transporting: *Sodium ...*, in bulk, in tank vehicles, from ..., N.Y., to Wilmington, Mass.

...: Applicant states that the purpose of ... application is to eliminate the necessity ... observing the Bergen County, N.J., gate... in serving the above points under its ... authority.

No. MC 103378 (Sub-No. 228), filed ...ruary 15, 1962. Applicant: PETRO... CARRIER CORPORATION, 369 ...garet Street, Jacksonville, Fla. Ap...icant's attorney: Martin Sack, At...tic National Bank Building, Jackson... 2, Fla. Authority sought to ...erate as a *common carrier*, by motor ...icle, over irregular routes, transport...: *Liquid alum*, in bulk, in tank ve...s, from East Point, Ga., to Coosa ..., Ala.

No. MC 124078 (Sub-No. 2) (AMEND...ENT), filed February 5, 1962, published February 14, 1962, amended February 19, 1962 and republished as amended this issue. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plant site of the Penn-Dixie Cement Corporation in or near Kingsport, Tenn., to points in Casey, Russell, Cumberland, Boyle and Clinton Counties, Ky.

NOTE: Applicant presently holds contract carrier authority in MC 113832 and subs thereto, therefore, dual operations may be involved.

The purpose of this republication is to add the County of Boyle to the destination territory.

No. MC 124105 (Sub-No. 2), filed February 14, 1962. Applicant: BAGGETT BULK TRANSPORT, INC., 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye Street, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bags, moving in mixed shipments of *cement and mortar cement* from the plant site of the National Cement Company at Ragland (St. Clair County), Ala., to points in Alabama, Georgia, North Carolina, South Carolina, Florida, Mississippi, and Tennessee.

NOTE: Applicant states that it is controlled by Baggett Transportation Company who in turn also controls Alabama Highway Express, Inc. The common control of applicant by Baggett and its majority stockholder, W. D. Sellers, Jr., was approved by order of the Commission Division 1, in MC 119223 embracing MC-F 7589, decided December 4, 1961. Applicant also conducts operations in Permit MC 119223 and subs thereunder, therefore, dual operations may be involved.

MOTOR CARRIERS OF PASSENGERS

No. MC 102538 (Sub-No. 13), filed February 19, 1962. Applicant: YELLOW COACH LINES, INCORPORATED, P.O. Box 287, 415 Sycamore Street, Bristol, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail,* and *newspapers*, in the same vehicle with passengers, between Bristol, Va.-Tenn. and Tri-City Airport, Tenn.; from Bristol over U.S. Highway 11-W to junction of Tennessee unnumbered highway, thence over Tennessee unnumbered to Blountville, Tenn., thence over Tennessee Highway 37 to junction of Tennessee unnumbered highway, thence over Tennessee unnumbered highway to Tri-City Airport, and return over the same route, serving all intermediate points.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 117642 (Sub-No. 4), filed February 19, 1962. Applicant: F. P. NIELSON, WILLIS F. NIELSON, IVAN R. NIELSON, and LARS P. NIELSON, a partnership, doing business as ARIZONA SALES COMPANY, 116 West Fourth Avenue, Mesa, Ariz. Applicant's attorney: Lynn S. Richards, 716 Newhouse Building, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags and in bulk, from Garfield and Geneva, Utah, to points in Arizona on and south of U.S. Highway 70.

NOTE: This application is directly related to MC-F 8078, published FEDERAL REGISTER, issue February 21, 1962.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereof. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC-F-8084. Authority sought for lease by HENNIS FREIGHT LINES, INC., P.O. Box 612, Winston-Salem, N.C., of the operating rights of HANCOCK-TRUCKING, INCORPORATED, 1917 West Maryland Street, Evansville, Ind., and for acquisition by S. H. MITCHELL, also of Winston-Salem, N.C., of control of such rights through the transaction. Applicants' attorneys and representative respectively: James E. Wilson, 1111 E Street NW., Washington 4, D.C., A. W. Flynn, P.O. Box 127, Greensboro, N.C., and Frank C. Philips, Box 612, Winston-Salem, N.C. Operating rights sought to be leased: *General commodities*, except dangerous explosives, and except petroleum products in tank trucks, livestock, sand, gravel, and coal in bulk, as a *common carrier* over regular routes between Evansville, Ind., on the one hand, and, on the other, Chicago, Ill., Henderson and Louisville, Ky., St. Louis, Mo., Indianapolis, Ind., and Detroit, Mich., serving certain intermediate and off-route points, between Hayesville, Ind., and junction Indiana Highway 45 and U.S. Highway 50, serving no intermediate points, between Indianapolis, Ind., and junction Indiana Highway 67 and U.S. Highway 41, between junction Indiana Highways 67 and 57 and junction Indiana Highway 57 and U.S. Highway 41, serving no intermediate or off-route points, and over several alternate routes for operating convenience only: *general commodities*, excepting, among others, household goods and commodities in bulk, between Vincennes, Ind., and junction U.S. Highway 150 and Indiana Highway 56 serving all intermediate points, between St. Louis, Mo., and Cincinnati, Ohio, serving certain intermediate and off-route points, between Indianapolis, Ind., and Columbus, Ohio, serving the intermediate point of Springfield, Ohio, between Chicago, Ill., and St. Louis, Mo., serving certain intermediate and off-route points, between Detroit, Mich., and Chicago, Ill., serving all intermediate points, between Detroit, Mich., and Pittsburgh, Pa., between

Chicago, Ill., and Cleveland, Ohio, between Detroit, Mich., and Fort Wayne and Indianapolis, Ind., between Detroit, Mich., and Covington, Ky., between Detroit, Mich., and Columbus, Ohio, serving certain intermediate points, between Cleveland, Ohio, and Pittsburgh, Pa., between Cleveland, Ohio, and Columbiana, Ohio, between Cleveland, Ohio, and Rochester, Pa., serving all intermediate points, between Chicago, Ill., and Pittsburgh, Pa., between Covington, Ky., and Cleveland, Ohio, between Columbus, Ohio, and Dunreith, Ind., between Indianapolis, Ind., and Cincinnati, Ohio, serving certain intermediate and off-route points, between Chicago, Ill., and Indianapolis, Ind., serving certain intermediate and off-route points restricted against the transportation of livestock between termini, between junction U.S. Highway 112 and unnumbered highways, and any entrance to Ford Willow Run Plant, between junction Michigan Highway 17 and unnumbered highways and any entrance to Ford Willow Run Plant, serving no intermediate points, between Detroit, Mich., and junction U.S. Highway 112 and Michigan Highway 17, serving the intermediate point of Ford Willow Run Plant, near Ypsilanti, Mich., and over several alternate routes for operating convenience only; *general commodities*, except commodities in bulk, and those of unusual length, height or weight, which are at the time moving, on bills of lading of freight forwarders, (1) between Chicago, Ill., and St. Louis, Mo., (2) between St. Louis, Mo., and Cincinnati, Ohio, (3) between Louisville, Ky., and Cincinnati, Ohio, (4) between Indianapolis, Ind., and Cincinnati, Ohio, (5) between Indianapolis, Ind., and Cleveland, Ohio, (6) between St. Louis, Mo., and Dayton, Ohio, (7) between Louisville, Ky., and Indianapolis, Ind., (8) between St. Louis, Mo., and Louisville, Ky., (9) between St. Louis, Mo., and Cleveland, Ohio, (10) between St. Louis, Mo., and Pittsburgh, Pa., (11) between Indianapolis, Ind., and St. Louis, Mo., (12) from Akron, Ohio, to St. Louis, Mo., (13) from Indianapolis, Ind., to Detroit, Mich., (14) from Indianapolis, Ind., to Pittsburgh, Pa., (15) between Louisville, Ky., and Pittsburgh, Pa., (16) between Louisville, Ky., and Chicago, Ill., (17) between Indianapolis, Ind., and Chicago, Ill., (18) between Cincinnati, Ohio, and Chicago, Ill., (19) from Chicago, Ill., to Pittsburgh, Pa., (20) between Detroit, Mich., and Louisville, Ky., (21) from Cleveland, Ohio, to Pittsburgh, Pa., (22) between Buffalo, N.Y., and Indianapolis, Ind., serving the intermediate points of East St. Louis, Ill., and Middletown and Hamilton, Ohio; *automobile parts* and *automobile accessories*, serving certain off-route points in connection with carrier's regular-route operations to and from St. Louis, Mo., restricted to the delivery of shipments originating at Vincennes, Ind., Fort Wayne, Ind., and Detroit, Mich.; *general commodities*, except household goods, between St. Louis, Mo., and Princeton and Evansville, Ind., serving all intermediate points, *general commodities*, except those of unusual value, dangerous explosives, charcoal, live animals and poultry, unwrapped hemp, uncrated furniture, household goods, commodities requiring special equipment, and those injurious or contaminating to other lading, between Chicago, Ill., and Milwaukee, Wis., serving all intermediate points; *general commodities*, except household goods, over irregular routes, between points on the above-specified routes, between St. Louis, Mo., and Princeton and Evansville, Ind., on the one hand, and, on the other, Paducah, Ky., and certain points in Illinois, *general commodities*, except dangerous explosives, petroleum products in tank trucks, livestock, sand, gravel, and coal in bulk, between Chicago, Ill., on the one hand, and, on the other, certain points in Illinois. HENNIS FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Georgia, South Carolina, North Carolina, Virginia, Michigan, Ohio, Indiana, Illinois, Maryland, New York, Pennsylvania, and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8085. Authority sought for purchase by HOLT TRUCK LINE, INC., Conway, Ark., of the operating rights and property of HERMAN B. LITTLE, an individual, doing business as HOLT TRUCK LINE, Front and Deer Streets, Conway, Ark., and for acquisition by JACK F. POWELL, 800 South Main Street, Searcy, Ark., C. K. POWELL, 1511 East Fourth Street, Little Rock, Ark., and DON E. POWELL, 620 Pryor Street, West Memphis, Ark., of control of such rights and property through the purchase. Applicants' attorneys: S. Harrison Kahn, 1110–1114 Investment Building, Washington 5, D.C., and Louis Tarlowski, 601 Rector Building, Little Rock, Ark. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods, but not excepting commodities in bulk, as a *common carrier* over regular routes between Little Rock, Ark., and Conway, Ark., serving the intermediate point of North Little Rock, Ark., between North Little Rock, Ark., and Camp Joseph T. Robinson, Ark., serving no intermediate points, between Little Rock, Ark., and junction U.S. Highway 64 and Arkansas Highway 5, serving no intermediate points, between Conway, Ark., and junction U.S. Highway 64 and unnumbered county road near El Paso, Ark., serving all intermediate points, and points within five miles of the described portion of U.S. Highway 64, between Hamlet, Ark., and Center Hill, Ark., serving all intermediate points and points within five miles of the described portion of Arkansas Highway 36, and between Center Hill, Ark., and junction unnumbered county road and U.S. Highway 64 near El Paso, Ark., serving all intermediate points and points within five miles of the described portion of unnumbered county road. Vendee holds no authority from this Commission. However, C. K. POWELL, JACK F. POWELL, and DON E. POWELL, stockholders controlling vendee, are stockholders in, and control, POWELL TRUCK LINE, INC., 800 South Main, Searcy, Ark., which is authorized to operate as a *common carrier* in Tennessee, Missouri, and Arkansas. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8086. Authority sought for purchase by H & W MOTOR EXPRESS COMPANY, 3000 Elm Street, Dubuque, Iowa, of the operating rights and property of WHITE'S MOTOR TRANSPORT, INC., Francis & River, Decorah, Iowa, and for acquisition by CYRIL H. WISSEL and MARIE C. HAAS, both of Dubuque, Iowa, of control of such rights and property through the purchase. Applicants' representative: Cyril H. Wissel, 3000 Elm Street, Dubuque, Iowa. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Williamstown, Iowa, and New Hampton, Iowa, serving certain intermediate and off-route points, *general commodities*, excepting, among others, household goods, but not excepting commodities in bulk, between Waterloo, Iowa, and Decorah, Iowa, serving certain intermediate and off-route points, and operations under the Second Proviso of Section 206(a)(1) of the Interstate Commerce Act in the State of Iowa as more specifically described in No. MC-13420 Sub-9. Vendee is authorized to operate as a *common carrier* in Iowa, Minnesota, and Illinois. Application has not been filed for temporary authority under section 210a(b).

NOTE: An application will be filed at a later date as a matter directly related.

No. MC-F-8087. Authority sought for control and merger by GREGORY HEAVY HAULERS, INC., 2 Main Street, Nashville, Tenn., of the operating rights and property of CHARLOTTESVILLE HAULING COMPANY, INCORPORATED, 635 Third National Bank Building, Nashville, Tenn., and for acquisition by E. T. GREGORY, C. O. GREGORY, and MRS. E. T. GREGORY, all of 2 Main Street, Nashville, Tenn., of control of such rights and property through the transaction. Applicants' attorneys: Wilmer B. Hill, 529 Transportation Building, Washington 6, D.C., and Charles H. Hudson, Jr., 206 Broadway Bank Building, Nashville, Tenn. Operating rights sought to be controlled and merged: *Road-construction machinery, equipment, and supplies*, except coal, as a *common carrier* over irregular routes between points in Virginia, on the one hand, and, on the other, points in West Virginia, and from points in Ohio to points in Virginia. GREGORY HEAVY HAULERS, INC., is authorized to operate as a *common carrier* in Virginia, Illinois, Wisconsin, Michigan, Iowa, Minnesota, Indiana, Tennessee, Kentucky, and North Carolina. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 62-1980; Filed, Feb. 27, 1962; 8:48 a.m.]

[Notice 601]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 23, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64763. By order of February 19, 1962, the Transfer Board approved the transfer to Elmer G. Filomeo and Bruno Nardi, a partnership, doing business as Diablo Transportation Co., Concord, Calif., of Certificates Nos. MC 105682 Sub 9 and MC 105682 Sub 14, issued May 12, 1958 and May 13, 1958, respectively, to Elmer G. Filomeo, Joseph Martinelli, and Bruno Nardi, a partnership, doing business as Diablo Transportation Co., Concord, Calif., authorizing the transportation of: General commodities, except Class A and B explosives, and household goods, between the site of Fairfield-Suisun, Calif., Army Air Base, on the one hand, and, on the other, the sites of Sacramento Municipal Airport, McClellan Field, Mather Field, Sacramento Signal Corps Depot at Folk, San Francisco Municipal Airport (Mills Field), Oakland Municipal Airport, Sacramento, San Francisco, Oakland, Alameda, and Emeryville, Calif.; and automobile parts, chemicals, small arms ammunition, and turpentine, from Sierra Ordnance Depot, Herlong, Calif., to Oakland, Calif. Pete H. Dawson, 1261 Drake Avenue, Burlingame, Calif., Representative for applicants.

No. MC—FC 64767. By order of February 19, 1962, the Transfer Board approved the transfer to E & R Lines, Inc., Brockport, N.Y., of Certificate No. MC 1236, issued June 10, 1949, to Norman J. Redman, doing business as E. & R. Lines, Brockport, N.Y., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities between Rochester, N.Y., on the one hand, and, on the other, points in Monroe and Orleans Counties, N.Y., within 30 miles of Rochester, N.Y. Robert V. Glanaimy, 25 Exchange Street, Rochester 14, N.Y., Attorney for applicants.

No. MC-FC 64814. By order of February 19, 1962, the Transfer Board approved the transfer to Arledge Transfer, Inc., 2131 Summer Street, Burlington, Iowa, of Certificates Nos. MC 101186, MC 101186 Sub 8, and MC 101186 Sub 9, issued October 22, 1945, January 24, 1957, and March 16, 1960, issued to James G. Arledge, doing business as Arledge Transfer Company, 2131 Summer Street, Burlington, Iowa, authorizing the transportation of general commodities, excluding commodities in bulk, but including household goods, between Burlington, Iowa and Quincy, Ill., serving the intermediate points of Fort Madison and Keokuk, Iowa; between Fort Madison, Iowa, and Dallas City, Ill., serving the intermediate point of Niota, Ill., and off-route point of Nauvoo, Ill.; between Burlington, Iowa, and Quincy, Ill., serving all intermediate points and off-route points of Fort Madison and Keokuk, Iowa, and Nauvoo, Niota, La Harpe, Colusa, Adrian, Burnside, and Ferris, Ill.; between Burlington, Iowa, and Milwaukee, Wis., serving no intermediate points; between Burlington, Iowa, and specified junctions in Illinois; general commodities, excluding household goods and commodities in bulk, between Burlington, Iowa, and Oskaloosa, Iowa, serving all intermediate points; between Burlington, Iowa, and Cedar Rapids, Iowa, serving all intermediate points, and the off-route points of Washington, Riverside, Muscatine, Grandview, Wapello, Wever, Fort Madison, Montrose, and Keokuk, Iowa; between Burlington, Iowa, and Chicago, Ill., serving the intermediate point of Monmouth, Ill., and points between Monmouth and Chicago, Ill., and between points in Iowa City, Iowa; such merchandise as is dealt in by manufacturing, wholesale, retail, and chain drug companies, and in connection therewith materials and supplies used in the conduct of such business, between Burlington, Iowa, and Peoria, Ill., serving all intermediate points and off-route points of Stronghurst, Raritan, and Camden, Ill.; and from Keokuk, Iowa, to Rushville, Ill., serving all intermediate points and the off-route points of Stronghurst, Raritan, and Camden, Ill.; household goods and emigrant movables, between Wever, Iowa, and points within 10 miles of Wever, on the one hand, and, on the other, points in Illinois; household goods between Burlington, Iowa, and points within 50 miles thereof, on the one hand, and, on the other, points in Missouri, Minnesota, Wisconsin, Michigan, and Indiana; malt beverages and empty containers, between Fort Madison and Keokuk, Iowa, and Galesburg, Ill., on the one hand, and, on the other, Milwaukee, Wis., and between Burlington, Fort Madison, and Keokuk, Iowa, on the one hand, and, on the other, La Crosse, Wis., Peoria, Ill., St. Paul and Mankato, Minn., St. Louis, Mo., and Fort Wayne, Ind.; soap, soap powder and flakes, and scouring compounds, between Burlington, Iowa, on the one hand, and, on the other, specified points in Illinois, Indiana, Wisconsin, and Minnesota; soap, in truckloads, from Burlington, Iowa, to Wausau, Wis., specified area in Wisconsin, and Winona, Minn.; canned fruit and vegetables, from points in Wisconsin, with certain exceptions, to Burlington; canned goods, from Columbus Junction, Iowa, and Lomax, Ill., to points in Illinois, Iowa, Missouri, and Minnesota; insecticides and agricultural chemicals (not including feeds or fertilizers), agricultural chemical equipment for the spreading or application of such insecticides and agricultural chemicals (not including general farm machinery or equipment), anti-freeze, and dog food, from Lockridge, Iowa, and specified points in Illinois (except Chicago), Indiana, Minnesota (except 72 specified points) and specified points in Missouri and Wisconsin; fresh meat and packinghouse products, cheese, canned goods, animal food, soap, advertising matter, and butchers' supplies, from Des Moines, Iowa, to 32 specified towns in Ill.; and from Burlington, Iowa, to 67 specified towns in Illinois and 23 towns in Iowa, from Ottumwa, Iowa, to 14 specified towns in Illinois, soap and soap powders, from Burlington, Iowa, to 27 towns in Illinois; bakery goods and macaroni products, from Burlington, Iowa, to points in Illinois (except Chicago, Ill.), Indiana, Nebraska, North Dakota, South Dakota, Minnesota, Wisconsin, and Michigan, and rejected shipments on return; dressed poultry, dairy products, and eggs, from a specified area of Iowa to specified points and area in Iowa.

No. MC-FC 64818. By order of February 19, 1962, the Transfer Board approved the transfer to James D. John, Thayer, Kans., of Certificate No. MC 5116, issued May 5, 1950, to Glen Solomon, Chanute, Kans., authorizing the transportation of livestock, over regular routes, between Petrolia, Kans., and Kansas City, Mo., feed, seed, farm machinery, grease and oil in containers and groceries, from Kansas City over the above specified route to Petrolia with service authorized to intermediate and off-route points within 26 miles of Petrolia for delivery only; and livestock and agricultural commodities, over irregular routes, from points in Webster, Clifton, Colfax, Prairie, Guilford, Pleasant Valley, and Benedict Townships, Wilson County, Kans., to Kansas City, Mo.; and general commodities, excluding household goods, from Kansas City to the above-specified Kansas points. Neil L. Toedman, P.O. Box 216, Yates Center, Kans., representative for applicants.

No. MC-FC 64822. By order of February 19, 1962, the Transfer Board approved the transfer to Otto Larson, 408 North Lewis Street, Ludington, Mich., of Certificate No. MC 98354, issued March 1, 1940, to Emil Larson, 510 North Robert Street, Ludington, Mich., authorizing the transportation of household goods, furniture, and store fixtures, between points in Mason, Lake, Manistee, and Oceana Counties, Mich., on the one hand, and, points in Ohio, Indiana, Illinois, and Wisconsin, on the other.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-1981; Filed, Feb. 27, 1962; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 23, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37567: *Petroleum residual fuel oil to Minnesota and Wisconsin.* Filed by Southwestern Freight Bureau, agent (No. B–8159), for interested rail carriers. Rates on petroleum residual fuel oil, in tank-car loads, from producing points in Arkansas, Kansas, Louisiana, New Mexico, Oklahoma and Texas, to specified points in Minnesota and Wisconsin.

Grounds for relief: Market competition.

Tariff: Supplement 252 to Southwestern Freight Bureau tariff I.C.C. 4279.

FSA No. 37568: *Methanol from Texas City, Tex., to Joliet, Ill.* Filed by Southwestern Freight Bureau, agent (No. B–8157), for interested rail carriers. Rates on methanol (methyl alcohol), in tank-car loads, from Texas City, Tex., to Joliet, Ill. (applicable only for deliveries on railroad tracks serving the Amoco Chemical Company at Joliet, Ill.).

Grounds for relief: Unregulated water and market competition.

Tariff: Supplement 223 to Southwestern Freight Bureau tariff I.C.C. 4064.

FSA No. 37569: *Lime from Eden, Wis., to Newell, Ark.* Filed by Southwestern Freight Bureau, agent (No. B–8158), for interested rail carriers. Rates on lime, common, lump, crushed, pulverized or hydrated, in carloads, from Eden, Wis., to Newell, Ark.

Grounds for relief: Market competition.

Tariff: Supplement 89 to Southwestern Freight Bureau tariff I.C.C. 4021.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–1976; Filed, Feb. 27, 1962; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30–II–3 (Rev. 1)]

ADMINISTRATIVE OFFICER

Delegation Relating to Administrative Functions

1. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 6), as amended (25 F.R. 1706, 7418, 26 F.R. 177, 1456, 27 F.R. 372), there is hereby delegated to the Administrative Officer the authority:

1. To administer oaths of office.

2. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay not to exceed 30 days for employees in the region.

3. To (a) make emergency purchases chargeable to the Administrative expense fund, not in excess of $50 in any one object class in any one instance but not more than $100 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

4. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

5. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or service rendered.

6. To (a) authorize or approve official travel; and (b) administratively approve travel reimbursement claims.

7. To procure from General Services Administration all standard forms and all supply items listed in Part I of the SBA Index of Standard Supply Items.

8. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

9. To establish and classify all non-technical positions subject to the Classification Act of 1949, as amended, in Grades GS–1 through GS–7.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by an SBA employee designated as Acting Administrative Officer.

IV. All previous authority delegated to the Administrative Officer is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: January 25, 1962.

CHARLES H. KRIGER,
Regional Director,
New York Regional Office.

[F.R. Doc. 62–1968; Filed, Feb. 27, 1962; 8:46 a.m.]

[Delegation of Authority 30–XI–10 (Rev. 1) Amdt. 1]

BRANCH MANAGER, SALT LAKE CITY BRANCH OFFICE

Delegation Relating to Financial Assistance, Procurement and Technical Assistance, and Administrative Functions

Delegation of Authority No. 30–XI–10 (Revision 1), 26 F.R. 10462, is hereby amended by:

1. Adding subsection I. A. 7, as follows:

7. To disburse approved loans.

2. Deleting Section II in its entirety and substituting the following in lieu thereof:

II. The specific authorities delegated in subsections I. A. 1 through 6 may not be redelegated.

Effective date: January 17, 1962.

HAROLD R. SMITHELLS,
Regional Director,
Denver Regional Office.

[F.R. Doc. 62–1969; Filed, Feb. 27, 1962; 8:46 a.m.]

[Declaration of Disaster Area 361]

IDAHO

Declaration of Disaster Area

Whereas, it has been reported that during the month of February 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Bonneville, Bingham, Caribou, Bannock, Madison, Fremont, and Gooding Counties in the State of Idaho;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about February 11, 1962.

Offices—

Small Business Administration Regional Office, Smith Tower, Room 1206, 506 Second Avenue, Seattle 4, Wash.

Small Business Administration Branch Office, 214 Sonna Building, 910 Main Street, P.O. Box 933, Boise, Idaho.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1962.

Dated: February 14, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62–1970; Filed, Feb. 27, 1962; 8:46 a.m.]

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